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PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
FIRST SESSION

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United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Thursday, December 2, 1971*

(Legislative day of Monday, November 29, 1971)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, without whose help we do nothing aright, help us to commit ourselves and the destiny of this Nation to Thy keeping. Consecrate us in body, soul, and spirit to Thy service. Make us mindful that we are trustees and not owners of this planet. Give us both the wisdom and the will to be good caretakers of the earth and to be faithful stewards of the Nation's welfare. May peace come on earth, beginning with each of us.

We pray in the name of the Prince of Peace. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 2, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, December 1, 1971, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of items on the calendar, beginning with Calendar No. 503 and ending with Calendar No. 508.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL ADVISORY COMMISSION ON HEALTH SCIENCE AND SOCIETY

The Senate proceeded to consider the joint resolution (S.J. Res. 75) to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That this joint resolution may be cited as the "National Advisory Commission on Health Science and Society Resolution".

ESTABLISHMENT OF COMMISSION

SEC. 2. There is hereby established a National Advisory Commission on Health Science and Society (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of fifteen members to be appointed by the President from the general public and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanities, health administration, government, and public affairs.

(b) Any vacancy in the Commission shall not affect its powers.

(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall undertake a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology, which shall include, without being limited to—

(1) analysis and evaluation of scientific and technological advances in the biomedical sciences, past, current and projected;

(2) analysis and evaluation of the implications of such advances, both for individuals and for society;

(3) analysis and evaluation of laws, codes, and principles governing the use of technology in medical practice;

(4) analysis and evaluation through the use of seminars and public hearings and other appropriate means, of public understanding of and attitudes toward such implications; and

(5) analysis and evaluation of implications for public policy of recommendations which are made by the Commission with respect to biomedical advances and public attitudes toward such advances.

(b) The Commission shall make maximum feasible use of related investigations and studies conducted by public and private agencies.

(c) The Commission shall transmit to the President and to the Congress not later than one year after the first meeting of the Commission, an interim report, and not later than two years after the first meeting of the Commission, a final report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations, including such recommendations for action by public and private bodies and individuals as it deems advisable.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or members thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at daily rates for individuals not in excess of the maximum daily rate for GS–18 of the General Schedule under section 5332 of such title.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

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COMPENSATION OF MEMBERS

SEC. 4. Members of the Commission (other than members who are officers or employees of the Federal Government) shall receive compensation for each day they are engaged in the performance of their duties as members of the Commission at the rate prescribed for positions at level II of the executive pay schedule in section 5313 of title 5, United States Code. Members of the Commission who are officers or employees of the Federal Government shall receive no additional pay on account of their services on the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

APPROPRIATIONS AUTHORIZED

SEC. 7. For the purpose of carrying out this joint resolution, there are authorized to be appropriated such sums as may be necessary, but not to exceed $1,000,000 for each of the two years during which the Commission shall serve.

TERMINATION

SEC. 8. On the ninetieth day after the date of submission of its final report to the President and the Congress, the Commission shall cease to exist.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-517), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COMMITTEE AMENDMENT

The amendment is as follows:

That this joint resolution may be cited as the "National Advisory Commission on Health Science and Society Resolution".

ESTABLISHMENT OF COMMISSION

SEC. 2. There is hereby established a National Advisory Commission on Health Science and Society (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of fifteen members to be appointed by the President from the general public and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanities, health administration, government, and public affairs.

(b) Any vacancy in the Commission shall not affect its powers.

(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall undertake a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology, which shall include, without being limited to—

(1) analysis and evaluation of scientific and technological advances in the biomedical sciences, past, current and projected;

(2) analysis and evaluation of the implications of such advances, both for individuals and for society;

(3) analysis and evaluation of laws, codes, and principles governing the use of technology in medical practice;

(4) analysis and evaluation through the use of seminars and public hearings and other appropriate means, of public understanding of attitudes toward such implications; and

(5) analysis and evaluation of implications for public policy of such findings as are made by the Commission with respect to biomedical advances and public attitudes toward such advances.

(b) The Commission shall make maximum feasible use of related investigations and studies conducted by public and private agencies.

(c) The Commission shall transmit to the President and to the Congress one or more interim reports and, not later than two years after the first meeting of the Commission, one final report, containing detailed statements of the findings and conclusions of the Commission, together with its recommendations, including such recommendations for action by public and private bodies and individuals as it deems advisable.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this joint resolution hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at daily rates for individuals not in excess of the maximum daily rate for GS-18 of the General Schedule under Section 5332 of such title.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

COMPENSATION OF MEMBERS

SEC. 6. Members of the Commission (other than members who are officers or employees of the Federal Government) shall receive compensation for each day they are engaged in the performance of their duties as members of the Commission at the rate prescribed for positions at level II of the executive pay schedule in Section 5313 of Title 5, United States Code. Members of the Commission who are officers or employees of the Federal Government shall receive no additional pay on account of their services on the Commission. All members of the Commission are entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

APPROPRIATIONS AUTHORIZED

SEC. 7. For the purpose of carrying out this joint resolution, there are authorized to be appropriated such sums as may be necessary, but not to exceed $1,000,000 for each of the two years during which the Commission shall serve.

TERMINATION

SEC. 8. On the ninetieth day after the date of submission of its final report to the President and the Congress, the Commission shall cease to exist.

SUMMARY

The resolution establishes a National Advisory Commission on Health Science and Society, to consist of 15 members appointed by the President. The members would be drawn from the general public and from a variety of disciplines relevant to biomedical research and technology and to the implications thereof.

The commission would make a two-year investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology. After submitting to the President and to the Congress one or more interim reports and a final report, not later than two years after its first meeting, the commission would cease to exist.

EXPLANATION OF NEED

Advances in biology and medicine have been occurring at a rate which is sometimes startling. The tremendous benefits to mankind resulting from such advances are well known. But they are accompanied by a wide range of serious, indeed awesome, implications for man and society. We are acquiring the capacity to modify, perhaps even control, the behavior of human beings. Techniques already exist, and others are being developed, to intervene directly into and manipulate the bodies and minds of individuals.

Developments in the field of genetics have profound implications. The fertilization of human egg cells in the laboratory has already been accomplished. The probable success of efforts to implant such eggs in human beings, and have the fetus carried to full term, has already been suggested. The potential for developing so-called duplicate people has already been forecast by successful experiments in laboratory animals.

In the field of organ transplants and the use of artificial organs, significant new questions have been posed for which our laws and customs do not provide adequate answers. The opportunity to predict that parents may produce defective children, and prenatal diagnosis of genetic defects, present options to parents and potential parents which have not previously existed. Their interests, the interests of the child-to-be, and the role of the health professions and of society need to be reinterpreted in the light of these new possibilities.

Questions of the prolongation of life and the definition of death have long been with us. But the advent of new technologies has greatly increased the complexity of these issues and expanded the occasions when such difficult decisions need to be made.

It is clear that the issues that need to be resolved greatly transcend the area of expertise of health science professionals. We can no longer ask them to grapple with these issues alone. Scientists and laymen, ethicists and lawyers, philosophers and administrators, medical practitioners and humanists all have something to contribute to and learn from each other. We need to develop new institutions, procedures and mechanisms which will permit all of the relevant points of view to be brought to bear on these most important issues. Not the least, the general public must be brought into the debate and must contribute to the development of approaches to solving these pressing problems. Only in this way, can the necessary societal consensus be achieved.

BACKGROUND

Substantially similar legislation was first proposed on Feb. 8, 1968 as S.J. Res. 145 in the 90th Congress. The Subcommittee on Government Research of the Government Operations Committee held seven days of hearings on that proposal during the months of March and April, 1968. Oral testimony was received from two dozen leading spokesmen, including physicians, teachers, biomedical researchers, theologists, lawyers, ethicists, economists, government officials and others. Prepared statements and letters were submitted by nearly 150 individuals.

A slightly revised resolution was introduced as S.J. Res. 47 on February 17 1969 in the 91st Congress. The bill was referred to the Committee on Labor and Public Welfare but no action was taken on it.

The present resolution was introduced on March 24, 1971, by Senator Mondale and 17 co-sponsors. Since then, four additional co-sponsors have joined in support of the bill. The Subcommittee on Health and the Special Subcommittee on the National Science Foundation held a full day of joint hearings on this resolution on November 9, 1971. Testimony was heard from the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs and from five other witnesses representing medical education, law, medicine, ethics, and philosophy. The subcommittee also received supporting statements from research scientists who were unable to appear.

With some perfecting amendments, the committee reported the bill on November 16, 1971.

HEARINGS, AGENCY REPORTS, AND COMMITTEE AMENDMENTS

All of the witnesses presented testimony which strongly supported the need for intensive work on the subjects which the proposed commission would study. For example, Assistant Secretary of HEW DuVal said:

This century, beyond question, has witnessed a revolution in the biological and medical sciences—a revolution that raises a whole spectrum of critical problems, which at least in some instances appear to transcend the inherent capabilities of science and scientists alone to deal with them, and present acute challenges to both existing law and conventional wisdom.

He then mentioned, among the problems which need further study, population growth, prenatal diagnosis, genetic engineering, production of "duplicate" individuals, the general question of human experimentation, organ transplantation, the prolongation of life, artificial organs and behavior modification.

Dr. Henry Beecher of Harvard Medical School commented on the significant advances which can be achieved by experimentation in man. But he observed that:

These purposes thus become deeper and more complex than ever before and so also do the ethical problems surrounding them.

Professor Abram Chayes, of Harvard Law School, is co-chairman of the Commission on Law, Biology and Ethics, established by the Council on Biology and Human Affairs of the Salk Institute. This commission has been concerned principally with problems arising in the field of genetics but has recently turned to behavior modification. After two years of experience with this commission, Professor Chayes said that this field is more baffling and difficult and, at the same time, is as portentious as any that I have dealt with.

Commenting on the limited resources which have caused this commission to make "very little concrete progress", he said that a National Advisory Commission was needed because it would have the time, staff and resources and the concentration of energy and effort sustained over a long time to make an impact on the problems in this area.

Professor John Najarian, from the University of Minnesota, stressed the contribution which such a commission could make to the development of guidelines which would be helpful to those engaged in medical research. He commented on ethical questions which had arisen, and been inadequately handled, in transplantation and "which may occur in genetic engineering and human research."

Professor Najarian also commented on he problem of definition of death which has long been discussed as something such a commission could work on. He said, concerning this issue:

What has happened is that a variety of people and a variety of groups have looked at this, and they all have definitions of death . . . they are all different, they are all relative, and in each institution, perhaps as standard has been established.

What I am saying is that there ought to be, here again, some specific guidelines on what we consider a definition of death in the modern sense, with the advent of the machinery we have and the capability we have of extending life and continuing heartbeat and breathing in a patient who is "brain dead."

Dr. Daniel Callahan, of the Institute of Society, Ethics and the Life Sciences, spoke about a number of the problems presented by new medical technologies. For example, he said that electrical stimulation of the brain poses many unsolved scientific questions. But as an ethical and social problem, the questions are far more difficult:

Who would control such a power should it come to pass on a massive scale? What kind of society would it produce, and would it be the kind of society we would want to live in?

Dr. Callahan went on to say that there are many issues that arise even in the everyday practice of medicine for which ethical standards are lacking. In deciding how long to prolong life, for example, physicians are in need of "some minimum consensus . . . some public mechanisms for wise decisionmaking, some means of bringing out into full public view the private dilemmas of physicians, of families, and of patients."

He also saw the need for public examination and discussion in order to bring—

some common wisdom to decisions which are too often unnecessarily private and isolated; to establish ethical and social norms for assessing technical developments; and, finally, to enable the public to understand the exact nature of the issues at stake.

The committee felt that some of these important issues that were referred to by Dr. Callahan and other witnesses might not explicitly be covered by the charge to the commission to study "advances in biomedical research and technology." Accordingly, it added, as section 4(a)(3), to the duties of the commission, the responsibility to make an "analysis and evaluation of laws, codes, and principles governing the use of technology in medical practice."

Professor Hans Jonas, of the New School for Social Research, stressed the value of the proposed commission as a case of "foresight versus hindsight" and commented on the "supreme seriousness of the issues." He observed that—

The depth of interventions that are becoming feasible is such that they put the destiny of man at issue. A timely assessment of potential gains and losses, of promises and dangers, becomes imperative.

The testimony by Assistant Secretary of Health, Education, and Welfare DuVal and the reports received from other government agencies did not support enactment of S.J. Res. 75. No other statements or letters opposing the resolution were received by the subcommittee.

Basically, the agencies' views were that sufficient progress was being made through a variety of mechanisms and studies, both public and private, so that a new national advisory commission would be unnecessary. In addition, Assistant Secretary DuVal observed that:

The issues are so complex and the underlying currents of change moving so swiftly that in our view no attempt to describe this particular healthscape, at what would have to be a given moment of time, could be definitive for long.

The Committee, however, was impressed by the observations of Professor Najarian who had testified on a similar proposal in 1968. He said that "I feel the need for such a commission even more urgently today than I did at that time." Both Professor Chayes and Dr. Callahan, who are actively engaged in the kinds of studies referred to by Assistant Secretary DuVal, believe that a public commission is necessary in order to bring the issues to the necessary level of public participation and to provide the resources which would be needed to have an impact. In order to assure even greater public involvement, the committee revised section 3 to provide expressly for appointment of commission members from the general public, as well as from the fields of special competence already listed.

The committee has no fear that the commission would merely produce a "one-shot" contribution to policies which would soon be obsolete. Rather, the committee feels that the commission would most likely make recommendations for new procedures and mechanisms to grapple with these important problems on a continuing basis. Where feasible, specific policy recommendations by the commission would, of course, be valuable for the consideration of public and private groups.

As Professor Chayes said, the commission could be concerned (among other things) with the composition of review panels. The testimony revealed that such panels may have a sufficiently broad base of specialties at the NIH level, but did not necessarily have such composition at all of the institutions where the research was being monitored. And many of the problems which the commission would be concerned with, including those involving the application of technology in medical practice, are not now, necessarily, subject to any peer-review mechanism at all.

Furthermore, while the HEW witness expressed great confidence in the established mechanisms for review of experiments on humans, Professor Henry Beecher, one of the leading experts in the nation on the ethics of human experimentation, expressed serious doubts as to the adequacy of existing controls. He cited numerous examples of persons being used in experiments without their knowledge, let alone consent. Dr. Beecher has written about and referred to examples of hundreds of cases in this country where the patient's knowledge and consent was lacking.

The National Science Foundation, in a report dated Nov. 5, 1971, expressed concern as to whether the phrase "biomedical sciences" adequately covered research on organisms

other than human beings. The committee intends that phrase to include such research in biology as is relevant to understanding the life processes of human beings. In addition, the committee believes that the word "advances," itself, should be interpreted broadly and has modified section 4(a) (1) make this clear.

NO ROLLCALL VOTES CAST

As the only vote cast on the bill was the unanimous voice vote to report it out of committee, there is no application of Section 133(b) of the Legislative Reorganization Act of 1946 as amended.

COST ESTIMATES

In accordance with Section 252(a) of the Legislative Reorganization Act of 1970 (P.L. 91-510) the committee estimates that the cost which would be incurred in carrying out this resolution in fiscal years 1972, 1973, and 1974 would be $250 thousand, $1 million, and $750 thousand, respectively.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the resolution may be cited as the National Advisory Commission on Health Science and Society resolution.

Section 2 establishes the commission.

Section 3 provides that the commission shall consist of 15 members appointed by the President from the general public and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanities, health administration, government, and public affairs. It also provides that the President shall designate the chairman and that a majority of members shall constitute a quorum.

Section 4 directs the commission to make a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology. This is to include analysis of scientific and technical advances; evaluation of their implications; a study of laws, codes, and principles governing the use of medical technology; analysis of public understanding and attitudes, through seminars and public hearings; and evaluation of implications for public policy of the findings of the commission. The commission is directed to make maximum feasible use of all other relevant studies, whether public or private, and to make its final report, including conclusions and recommendations, to the President and to the Congress not later than two years after its first meeting.

Section 5 confers the necessary administrative powers upon the commission and directs other agencies of the government to cooperate with it.

Section 6 provides that members of the commission (other than those who are officers of the government) shall be compensated at the rate for executive level II and shall be entitled to expenses for travel and subsistence.

Section 7 authorizes appropriations, not to exceed $1 million for each of the 2 years during which the commission shall serve.

Section 8 provides for termination of the commission 90 days after the submission of its final report.

CHANGES IN EXISTING LAW

Since S.J. Res. 75 makes no changes in existing law it is unnecessary for this report to include material in compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate.

Mr. KENNEDY. Mr. President, advances in modern medical science have lengthened the span, and changed the quality and very meaning of human life. At the same time, these advances have opened a Pandora's box of ethical, social, and legal issues in areas such as heart transplants, artificial kidneys, test tube babies, genetic intervention, behavior modification, and experiments on humans.

For example, the family of a deceased recently sued a hospital in Virginia for allegedly allowing a black laborer to die so that his heart could be used in a transplant operation. It would not be proper to comment on the merits of the particular case, but it illustrates the range of difficult questions which must be faced: When heart beat and other vital signs can be maintained by artificial means, how is death to be defined? Under what circumstances may the organs of the deceased be used for transplants? Who should give permission for such transplants? Did racial considerations affect the decision to use this heart, as is alleged in the suit?

Another example is the human radiation project at the University of Cincinnati. This project, which receives a substantial portion of its funds from the Defense Department, utilizes whole body radiation on incurable cancer patients. The results are analyzed for what light they can shed on combat conditions in a nuclear war. The news story which reported this project alleged that the patients, who were charity cases with little education and low IQ's, had not been adequately informed of the military purposes of the project.

Although the case is still under investigation, it illustrates the dangers and dilemmas involved in human experimentation. Does the whole body radiation used in this project shorten the patients' life span? Does it increase their suffering or discomfort? How should answers to such questions be determined? And by whom? What information and guidance should be provided to the potential subjects of the experiment? How should their consent be obtained? And how should their rights be safeguarded?

Scientific advances pose many other difficult ethical and social questions:

Should they be so counseled against having or be prohibited from having children? Should they be counseled against having them?

Should retarded persons be segregated from members of the opposite sex? Should they be sterilized?

What are the ethical implications of test tube babies? What will happen to our population when men and women are free to determine the sex of their children? Or to fabricate babies with preestablished characteristics?

How should society regulate the use of behavior modification drugs and other techniques to control human behavior? How can we control the controllers?

How should the Nation allocate scarce medical resources between organ transplants for a few individuals versus research and services which can help many?

Which individuals should receive the life and death benefit of artificial kidney facilities? How should we choose among those who need this help?

How long will the Nation tolerate a situation in which 50,000 need kidney services, and only 2,000 can receive them because of financial limitations?

The solutions to these sorts of problems cannot be found within science alone. As Dr. Jerome Wiesner said, "Science is no substitute for thought." These issues cannot be resolved by complex mathematical formulas or high speed computers.

They fundamentally involve questions of ethics and social responsibility. To come to grips with them, we must focus the full range of human talent and imagination—from the natural and social sciences, the arts and humanities, religion and philosophy, and the professions of law, medicine, and public service.

We must draw on all the resources mankind has to offer; for after all, it is the quality of man's life which is at stake.

Last month the Joseph P. Kennedy, Jr., Foundation sponsored an international symposium on these questions in Washington. The symposium drew together 1,200 outstanding scientists, physicians, theologians, lawyers, and others from all disciplines and professions, from all over the world, to explore these problems and stimulate needed research and action.

In a public statement following the symposium, 21 of the leading participants urged the establishment of programs that "improve the quality of our thinking and acting in matters so laden with potential for human welfare or woe, for human decency or human callousness." While the symposium was not designed to provide specific answers, one conclusion was clear: there is a great need for the kind of study called for in Senate Joint Resolution 75.

This resolution establishes a National Advisory Commission on Health Science and Society, consisting of 15 Presidentially appointed members from the general public and from a variety of disciplines and professions. The Commission would be authorized $1 million a year for 2 years to study the legal, ethical, and social issues arising from advances in biomedical technology. The Commission would present its findings and recommendations to the President and the Congress for appropriate action.

On November 9, as chairman of the Senate Subcommittee on Health, I held a hearing on this resolution. The administration testimony was presented by the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs, and the Director of the National Institutes of Health. Five distinguished public witnesses included the Director of the Institute of Society, Ethics, and the Life Sciences; the cochairman of the Salk Institute's Commission on Law, Biology, and Ethics; the chairman of the Department of Surgery at the University of Minnesota Medical School; a professor of philosophy from the New School for Social Research; and a professor emeritus from Harvard Medical School.

The testimony received was overwhelmingly in favor of the purposes of the resolution. Several improvements which were suggested, have been incorporated in the amended resolution which the Committee on Labor and Public Welfare unanimously voted to report favorably on November 16.

We are entering a new age in which medical science has the power to manipulate individual lives and alter the very character of the human species. What was science fiction a decade ago, is performed in the laboratory today. And what can be done in the laboratory today, may become accepted medical practice in the years ahead.

Our doctors, our scientists, and all of us need help in confronting the profound ethical and social issues at stake. We cannot afford to ignore these problems or defer them until it is too late. Now is the time to tackle these issues, when there is still time to bend these new medical powers to man's purposes. I urge each Senator to vote for this important resolution.

Mr. JAVITS. Mr. President, I strongly support Senate Joint Resolution 75, a bill that would create a "National Advisory Commission on Health Science and Society" to conduct a study of the ethical, social, and legal implications of advances in biomedical research and technology.

Our rapid advances in the fields of biology and medicine have left us with some serious questions. While these advances serve to benefit mankind, their subsequent implications, for man and society, must be carefully studied. There are many efforts taking place in the medical field that leave open the question of how far we can or should go. We are acquiring the capacity to modify and perhaps even control human behavior. In the field of genetics, there have been many advances but also many questions. What are the implications when we fertilize an egg in the laboratory—and possibly implant that egg into a human being?

In the field of organ transplants and the use of artificial organs, new questions have been posed which our laws—and even ethics—are not equipped to deal with. Significant questions have been raised regarding the prolongation of life and the definition of death and with the advent of new technologies we have further increased the complexity and have expanded instances in which these decisions have to be made. I ask by whom and under what circumstances.

We are now at a point where we need to look toward new solutions if we are ever to be able to cope with the problems that present and future advances in our technology will bring.

It is significant that the members of this Commission would be drawn from many different fields. This would insure a final study that would be the result of various and divergent thoughts and beliefs, and no one interest would be represented. The membership of the Commission would be drawn from the general public, and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanity, health administration, government, and public affairs.

As our society and world progress, we must ask ourselves more and more questions about the nature of human life. The study provided by the Commission authorized under this bill should help us to deal with these increasingly difficult and complex questions, for which we must find answers if civilization is truly to progress on all fronts.

Mr. MONDALE. Mr. President, I am very pleased at the prompt action taken by the chairman of the Senate Health Subcommittee (Mr. KENNEDY) on Senate Joint Resolution 75, which would create a National Advisory Commission on Health Science and Society. I first introduced a similar measure in 1968, and I believe that developments since then have demonstrated that it is time to take this step.

Extensive hearings were conducted on the proposal in the 90th Congress. In the hearings this year, and in statements received by the subcommittee, it was suggested that the need for action was even more urgent. As I said in the Senate upon introducing this proposal last March:

> We can ill afford to wait until the crush of events forces us to make hasty and often ill-considered decisions.

This thought was echoed by Prof. Robert L. Sinsheimer, a prominent biological scientist at the California Institute of Technology, in a statement he sent in support of the resolution. He referred to "the potential for change in and control of the living world" and pointed out that—

> Such potentials to influence man's biological nature must affect our entire perception of the nature of humanity and the meaning and purpose of human life.

He went on to say:

> Profound thought and reflection is thus warranted and indeed demanded before such potentials are unleashed and their consequences cast casually into the social vortex. The proposed commission could consider such issues—and all possible means for the effective deployment of social conscience in this field—before it is too late and the irreversible steps have been taken.

Another prominent scientist who was unable to appear at the hearings, Prof. John T. Edsall, of the biological laboratories of Harvard University, observed that the Commission proposed by Senate Joint Resolution 75 "could perform a great service for the American community and indeed for other communities throughout the world." Referring to such developments as prenatal diagnosis, prolongation of life, definition of death, organ transplantation, cloning of human beings, and experimentation on humans, Professor Edsall said that these topics "illustrate the need for an authoritative commission of inquiry" such as that proposed.

I am glad that the resolution has such wide, bipartisan cosponsorship, including that of the subcommittee chairman and the ranking minority members of the Labor and Public Welfare Committee and of the Health Subcommittee. A companion measure in the House, H.R. 10301, introduced by Congressman TOM FOLEY, of Washington, has similar bipartisan cosponsorship. I think this reflects the growing concern in the public and in the professional community with such matters as were mentioned by Professor Edsall and with other troubling areas such as the modification of behavior.

I do not believe it is reasonable or fair to expect health science professionals, alone, to cope with these complex issues affecting the very future of our society. We must arrange for ethicists, lawyers, philosophers, administrators, and humanists, all to work with scientists and medical practitioners.

Not the least, the public must also be involved. For we cannot depend entirely on studies by academics, health professionals, and learned societies. We need public participation if we are to develop consensus as to how society should deal with these profound problems. The proposed commission would provide a vehicle for such broadly based discussions.

I welcome the greatly increased attention to these problems by a number of new organizations. The Kennedy Foundation has made possible the establishment of such an institute at Georgetown University and other leading study groups have been established at the Salk Institute and in Hastings-on-Hudson in New York. I think it is significant that the proposed resolution calls on the commission to make maximum use of studies conducted by other institutions, both public and private.

The time has certainly come when we need to develop new ways in which society can organize itself to cope with these unprecedented problems. I urge my colleagues to approve the establishment of the commission, under Senate Joint Resolution 75, which could provide substantial impetus to such a development.

Mr. President, I ask unanimous consent that the statements I have referred to be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT CONCERNING SENATE JOINT RESOLUTION 75

I would like to record my strong support for the resolution introduced by Senator Mondale and others to create a National Advisory Commission on Health Science and Society. The great advances in the sciences of physics and chemistry in the earlier part of this century have paved the way for equally great progress in the biological sciences and in our understanding of the nature of life—including human life. This progress has created the potential for change in and control of the living world comparable to the mastery we have already achieved over our physical environment.

Since the living world includes man, such potentials to influence man's biological nature must affect our entire perception of the nature of humanity and the meaning and purpose of human life. They thus affect our most profound philosophies and our most basic institutions.

Profound thought and reflection is thus warranted and indeed demanded *before* such potentials are unleashed and their consequences cast casually, in the social vortex. The proposed commission could consider such issues—and all possible means for the effective deployment of social conscience in this field—before it is too late and the ir-

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reversible steps have been taken. There is a clear and present need for the establishment of ethical guidelines in this complex area.

I would hope that thia commission could consider these problems not only in a national framework but also with regard to their international extensions—for science, like humanity, is international—and a world viewpoint must be developed (and soon) lest these great potentials be disastrously coupled to the virulent nationalism of our time.

I believe the questions as presented in Senator Mondale's introduction are urgent, and thus so is the need for this commission

ROBERT L. SINSHEIMER,
Chairman, Division of Biology, California Institute of Technology.

HARVARD UNIVERSITY,
Cambridge, Mass., November 23, 1971.

Hon. WALTER F. MONDALE,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: I am glad to support your proposal (S.J. Res. 75) to establish a National Advisory Commission on Health Science and Society. The phenomenal progress of biology and medical science in our time raises difficult ethical issues of the utmost importance. It is, for instance, now possible to diagnose many genetic diseases by examining cells from a human fetus in its early stages, and to abort the fetus if a serious condition, such as Tay-Sachs disease, is discovered. (See for instance, "Prenatal Diagnosis of Genetic Disease" by Theodore Friedmann, *Scientific American*, Nov. 1971, page 34). The technique requires a highly skilled operator, in order to avoid damage to the fetus. It also raises the question: how serious must the genetic or other abnormality be, to justify abortion? Indeed the whole question of abortion, and its justification, requires careful examination. Certainly I for one would consider it justifiable for a large variety of reasons, but our community standards in this matter are in a state of flux, and we must search for guiding principles of policy that would command wide assent.

At the other end of our lives, modern medicine has learned to prolong the life of vast numbers of people who would have died earlier. Often this prolongation brings only grief and misery to many old people, and their families, during their last years. Many would rather die far sooner than they do. Our ethical standards forbid mercy killings, yet the effort to prolong the patient's life is often an act of cruelty. We must face the very difficult ethical dilemmas involved; these involve the problem of insuring, if possible, that the patient dies with dignity and in association with his family and friends, not in an impersonal hospital surrounded by medical machines and without people who care. There is also the difficult related problem of criteria of death, and the use of the dead person's organs for transplantation into other patients.

The cloning of human beings, which would permit the production of multiple copies of the same person, in unlimited numbers, is not yet technically feasible, although it may become so in the not very distant future. It would clearly raise extremely serious ethical issues, and it will be important to face these issues *before* such experiments on man become technically possible. Are we to ban certain type of experimentation, as my colleague James D. Watson has suggested might be desirable? Certainly experiments involving actual cruelty to the subject should probably be banned, although some people will and should undergo danger and suffering in experiments for sufficiently important ends. But here we must have the informed consent of the subject. What, indeed, is "informed consent"? How does it apply to the feeble minded or the mentally ill, or terminal cancer patients? Is it right that parents should give "informed consent" for experiments on their infant children? To state these problems is to reveal their complexity.

These topics do not exhaust the subject by any means, but they do illustrate the need for an authoritative commission of inquiry, such as your proposal calls for. I think it would probably be best, as the text proposes, that the commission should produce a report with recommendations, at the end of a specified interval, and then go out of existence. Such a report should clarify many important issues, for medical scientists and practitioners and for the public at large, and in doing so it could perform an immense service. However it will certainly not give what could be considered a final answer to many of the questions with which it would have to deal. These would have to remain the subject of continuing inquiry, but the level of the inquiry could be lifted to a higher plane by the analysis furnished by the Commission. It might be able to come up with what would be generally accepted as definitive answers on at least some matters. I believe that, if the commission could do this, for even a few of the questions, it would confront, it could perform a great service for the American community and indeed for other communities throughout the world.

Yours sincerely,

JOHN T. EDSALL.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ENVIRONMENTAL CENTER ACT OF 1971—BILL PASSED OVER

The bill (S. 1113) to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be passed over.

LIBERALIZATION OF DISABILITY AND DEATH PENSION

The bill (S. 2866) to amend title 38, of the United States Code, to liberalize the provisions relating to payment of disability and death pension, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $130. For each $1 of annual income in excess of $300 up to and including $1,000, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,000 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,800, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,800 up to and including $2,200, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,200 up to and including $2,600, the monthly rate shall be reduced 7 cents. No pension shall be paid if annual income exceeds $2,600."

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $140 for a veteran and one dependent, $145 for a veteran and two dependents, and $150 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $900, the particular monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $900 up to and including $3,200, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,200 up to and including $3,800, the monthly rate shall be reduced 5 cents. No pension shall be paid if annual income exceeds $3,800."

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $87. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $600 up to and including $1,900, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,900 up to and including $2,600, the monthly rate shall be reduced 4 cents. No pension shall be paid if annual income exceeds $2,600."

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $600 or less, the monthly rate of pension shall be $104. For each $1 of annual income in excess of $600 up to and including $1,400, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,400 up to and including $2,700, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,700 up to and including $3,800, the monthly rate shall be reduced 3 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $3,800."

(e) Subsection (d) of such section 541 is amended by striking out "$16" and inserting in lieu thereof "$17".

(f) Subsection (a) of section 542 of title 38, United States Code, is amended by striking out "$40" and "$16" and inserting in lieu thereof "$42" and "$17", respectively.

SEC. 2. Section 503 of title 38, United States Code, is amended by (a) inserting "(a)" immediately preceding "In" at the beginning of such section, and (b) adding at the end thereof the following new subsections:

"(b) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

"(c) The Administrator may provide by regulation for the exclusion from income under this chapter of amounts paid by a veteran, widow, or child for unusual medical expenses."

SEC. 3. Paragraph (2) of section 3012(b) of title 38, United States Code, is amended by striking out "month" and inserting in lieu thereof "calendar year".

SEC. 4. Section 4 of Public Law 90–275 (82 Stat. 68) is amended to read as follows:

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $2,200 and $3,500, instead of $1,900 and $3,200 respectively."

SEC. 5. (a) Paragraph (30) of section 101 of title 38, United States Code, is amended by striking the phrase "for ninety days or more".

(b) Paragraph (3) of subsection 521(g) of such title 38 is amended by inserting immediately before "World War I" the phrase "the Mexican border period or".

SEC. 6. This Act shall take effect on January 1, 1972.

Mr. HARTKE. Mr. President, I am most gratified that the Senate passed this morning and sent to the President for signature legislation increasing the benefits for those receiving non-service-connected pension as well as those entitled to dependency and indemnity compensation.

S. 2866—passed in the House as H.R. 11651—which I introduced together with each member of the Committee on Veterans' Affairs provides for an average 6.5 percent increase in the rate schedule to needy veterans. This has been coupled with a $300 increase in the permissible maximum income limitation for a veteran so as to accommodate recent social security increases. Because of this increase, no veteran will suffer a reduction in his pension by virtue of the recent increases in social security. Had this legislation not been passed over 1.1 million pensioners were scheduled for pension reductions effective January 1, 1972. In addition, this legislation establishes a new formula for the payment of pensions which will prevent disporportionate loss of pension by virtue of small increases in outside income. Previously a veteran could receive a small increase in outside income and suffer a larger decrease in the amount of pension which he received.

The second bill, S. 2867—passed in the House as H.R. 11652—I also had the privilege of introducing together with each member of the Committee on Veterans' Affairs. This bill will provide cost-of-living increases to widows, orphans, and needy parents of those veterans who have died of service-connected causes. These increases in dependency and indemnity compensation will effect 176,000 widows, 46,000 orphaned children, and some 68,500 dependent parents.

The total first-year cost of these bills is $195 million. I am gratified that Congress has recognized its responsibility to acknowledge to the veteran and his family our gratitude for his sacrifices. Of course, no amount of financial return can possibly compensate for their losses in time and life, but I am pleased even in this small way that we can tangibly demonstrate our pride and thanks for those who have served their country in uniform. I urge the President to sign these bills into law immediately.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–519), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. BACKGROUND OF LEGISLATION

A. DEVELOPMENT OF CURRENT PENSION SYSTEM AND ITS RELATION TO SOCIAL SECURITY

Pensions based on non-service-connected disability or death of a veteran date back to the Revolutionary War era. Prior to 1960, pensions were provided on the basis of a flat award if the veteran's income did not exceed a specific figure. Public Law 86–211 abandoned this concept and instead established a three-level system of pension payments based on need as principally determined by the veteran's income. Under the new law, most of the veterans then receiving pensions were entitled to higher benefits. Those who had been receiving pensions prior to the change, however, were allowed if they wished to continue receiving benefits under the "old law." Presently, some 303,000 or about 13.6 percent of all pensioners continue to receive benefits under the "old law."

In 1964, faced with a prospective increase in social security benefits, Congress amended the recently revised pension law by choosing to exclude 10 percent of all payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs in determining the "annual income" of the veteran. "Annual income" determines the amount of pension, if any, to which the veteran is entitled. Thus in addition to a general rate increase, the 10 percent exclusion provided for in PL 88–664 assured that no individual pensioner would be adversely affected because of the contemplated increased social security benefits.

In 1967, Congress provided for an average overall cost-of-living increase of 5.4 percent in Public Law 90–77. The following year in 1968, Congress in PL 90–275 again increased pension rates and also provided for a $200 increase in the income limitations which assured that there would be no pension loss because of the 13 percent increase in social security benefits that year. The same act also replaced the three-level system of pension rates with a multi-level increment system. Under the previous three-level system, a slight increase in outside income could result in a disproportionate decrease in a veteran's pension. The enactment of a twenty-plus increment system of $100 gradations permitted a more orderly and gradual reduction in monthly benefits because of slight increases in outside income.

Finally, last year in enacting Public Law 91–588, Congress prpvided that there would be no loss or reduction of pension because of a 15 percent increase in social security benefits. It raised the current maximum annual income limitation $300 and increased virtually all current law pensions through a raise in the rates payable.

D. CURRENT PENSION BENEFITS AND CHARACTERISTICS OF PENSIONERS

Pension law applies to veterans of World War I, World War II, the Korean Conflict, and the Vietnam Era. Under the current law, a veteran may be eligible for pension benefits if:

He served in the Armed Forces at least 90 days, including at least one day of service during wartime;

His income does not exceed the limits specified in the law (currently $2,300 if the veteran is single, $3,500 if he has a dependent);

He is permanently and totally disabled (for the purposes of pension law all veterans age 65 or older are defined as permanently and totally disabled);

His net worth is not excessive as determined by the Veterans' Administration. Widows and children of deceased wartime veterans are also eligible for pension benefits if they are needed.

Currently there are 2.2 million pensioners of whom 1.1 million are veterans and the remainder their survivors. About 60 percent of all those who receive pension benefits are veterans of World War I or their survivors. The present cost of non-service-connected pensions is approximately $2.4 billion a year. A significant number of pensioners under the current law have virtually no source of income other than their pension. The annual income of pensioners (other than their pensions and excludable income) is shown in the following table:

PENSIONERS UNDER CURRENT LAW BY INCOME OTHER THAN PENSIONS

Income range	Veteran alone		Veteran with dependents		Widow alone		Widow with children	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than $100	78,200	26	59,000	10	100,400	17	9,100	6
$100 to $500	10,400	3	10,900	2	26,400	4	11,100	8
$500 to $1,000	78,500	26	73,900	13	178,000	29	32,700	22
$1,000 to $1,500	76,300	25	128,200	22	207,600	35	46,200	32
$1,500 to $2,000	52,000	17	150,200	28	80,900	13	18,400	13
$2,000 to $2,500	9,300	3	66,900	12	11,200	2	11,900	8
$2,500 to $3,000			47,600	8			10,300	7
$3,000 to $3,500			30,000	5			6,700	4
Total	304,700	100	565,700	100	604,500	100	146,400	100

C. EFFECT OF RECENT INCREASES IN SOCIAL SECURITY BENEFITS

Currently 1,517,000 people or nearly 76.4 percent of all pensioners also receive social security benefits. As such, they were recipients of the approximately 10 percent increase in social security benefits enacted in March of this year (PL 92–5). Section 3012(b)(4) of title 38 provides that the effective date for reduction or discontinuance of disability or death pensions occasioned by change of income shall be the last day of the calendar year in which the change occurred. Under the present law, then, 1,146,000 pensioners are scheduled for pension reductions effec-

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tive January 1, 1972. An additional 16,196 will go off the rolls entirely. Below are some typical examples of reductions scheduled to go into effect in January:

(1) A veteran with no dependents who received $98.80 in social security before the most recent increase was eligible for pension of $96 for a monthly income of $194.80. Under current law, his pension will be reduced $4 monthly beginning in January due to the social security increase.

(2) A married veteran receiving $110 pension would have it reduced by $6 each month beginning in January, 1972, if action is not taken.

(3) A widow with one child who is entitled to an $88 widow's pension would find her pension cut by $2 as a result of these increases.

D. REASONS FOR THE BILL

For those living on fixed incomes in an economy which has been consistently inflationary, the reductions which are scheduled will have a considerable adverse impact. Furthermore, as the considerable mail of most Senators will attest, the average pensioner does not understand why a small pension should be reduced because of cost-of-living increases in payments under a federal retirement program.

The Committee, which considered several alternatives, has concluded that the most equitable approach would be to follow the past practice of a cost-of-living boost together with an increase in the income limits to an amount which would accommodate recent social security increases.

II. EXPLANATION OF THE BILL

A. INCREASES IN RATES AND INCOME LIMITS

The maximum annual income limitations have been increased by $300. This would provide an income limitation of $2,600 for single pensioners and $3,800 for those pensioners with dependents. If these limits are adopted, no individual will go off the rolls or have his pension reduced in January because of the recent social security increase. The bill also provides an average 6.5 percent cost-of-living increase in the pension rates schedule.

Under the present rate schedule, an eligible veteran without dependent receives a monthly pension ranging from $29 to $121. This bill would provide for a new range of payments from $22 to $130. For a veteran with a dependent the rate would change from a current $34–$132 to a $33–$140 range. A widow alone is presently entitled to a minimum rate of $17 and a maximum rate of $81. Under the bill, the maximum is increased to $87. The new rates for a widow with a child would range from $42 to $104, an increase above the present maximum rate of $99. The current $16 rate for each additional child is increased to $17 under the bill as well.

Rates for children entitled to pensions under 38 U.S.C. 542, are also correspondingly increased.

B. FORMULA APPROACH FOR BENEFIT RATES

Perhaps the most important provision of this bill is the adoption of a new formula approach for the payment of pensions which replaces the present 20-plus-tier system of $100 increments. The formulae will preclude the loss of aggregate income in the future where there is an increase in income from other sources. It specifies a maximum monthly rate for each group within designated income categories, and each individual's monthly benefit rate is to be computed by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded. For example, for a single veteran receiving a pension under 38 U.S.C. 521, the maximum monthly pension would be $130 based on annual income of $300 or less. This monthly amount would be reduced by 3 cents for each dollar of annual income which exceeds $300 up to and including $1,000; by 4 cents for each dollar of income in excess of $1,000 up to and including $1,500; by 5 cents for each dollar of income exceeding $1,500 up to and including $1,800; by 6 cents for each dollar of income up to and including $2,200; and by 7 cents for each dollar of income up to and including $2,600. The minimum monthly rate would be $22. No pension will be paid if annual income exceeds $2,600.

The Veterans' Administration in recommending the adoption of formulae to the Committee said:

"It seems to us that those programs, based on need, should be so structured as to better allocate benefits according to relative need. They should also be sensitive enough to avoid a disproportionate reduction of benefits when outside income increases. The current rate in income limitation structures are deficient in those respects.

"In our judgment, a formula approach would better meet the aforementioned criteria, and remedy existing deficiencies. Adoption of a formula could permit those of little or no income to keep more of each dollar of outside income than those with greater income. Also, aggregate income could be protected for those remaining on the rolls regardless of the source of that income."

The following tables illustrate the current rates payable to veterans and widows together with typical examples of pensions payable under the proposed bill which incorporates both the increased rates and the new formula system:

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Income not more than—	Veteran alone	Veteran and dependents			
		No loss formula			
	Current	No loss formula	Current	1 dependent	2 dependents	3 or more
$100	$121	$130	$132	$140	$145	$150
$200	121	130	132	140	145	150
$300	121	130	132	140	145	150
$400	119	127	132	140	145	150
$500	117	124	132	140	145	150
$600	115	121	130	130		
$700	112	118	128	136		
$800	108	115	126	134		
$900	104	112	124	132		
$1,000	100	109	122	129		
$1,100	96	105	119	126		
$1,200	92	101	116	123		
$1,300	88	97	113	120		
$1,400	84	93	110	117		
$1,500	79	89	107	114		
$1,600	75	84	104	111		
$1,700	69	79	101	108		
$1,800	63	74	99	105		
$1,900	57	68	96	102		
$2,000	51	62	93	99		
$2,100	45	56	90	96		
$2,200	37	50	87	93		
$2,300	29	43	84	90		
$2,400		36	81	87		
$2,500		29	78	84		
$2,600		22	75	81		
$2,700			72	78		
$2,800			69	75		
$2,900			66	72		
$3,000			62	69		
$3,100			58	66		
$3,200			54	63		
$3,300			50	58		
$3,400			42	53		
$3,500			34	48		
$3,600				43		
$3,700				38		
$3,800				33		

[1] With higher income, lesser rates are paid according to formula.

Income not more than—	Widow alone		Widow and 1 child	
	Current	No loss formula	Current	No loss formula
$100	$81	$87	$99	$104
$200	81	87	99	104
$300	81	87	99	104
$400	80	86	99	104
$500	79	85	99	104
$600	78	84	99	104
$700	76	81	98	103
$800	73	78	97	102
$900	70	75	96	101
$1,000	67	72	95	100
$1,100	64	69	94	99
$1,200	61	66	92	98
$1,300	58	63	90	97
$1,400	55	60	88	96
$1,500	51	57	86	94
$1,600	48	54	84	92
$1,700	45	51	82	90
$1,800	41	48	80	88
$1,900	37	45	78	86
$2,000	33	41	76	84
$2,100	29	37	74	82
$2,200	23	33	72	80
$2,300	17	29	70	78
$2,400		25	68	76
$2,500		21	66	74
$2,600		17	64	72
$2,700			62	70
$2,800			59	67
$2,900			56	64
$3,000			53	61
$3,100			51	58
$3,200			48	55
$3,300			45	52
$3,400			43	49
$3,500			41	46
$3,600				43
$3,700				42
$3,800				42

C. "OLD LAW" PENSIONS

Individuals receiving "old law" pensions, under section 9(b) of the Veterans Pension Act of 1959, will be protected against loss or reduction of pension because of the recent social security increase by increasing the annual income limitation $300 to $2,200 for the single veteran or widow and $3,500 for the veteran with dependents or a widow with children. Because no more veterans or widows may come on the "old law" rolls, the income limitation change will not result in any additions to this group of non-service-connected pensioners. The Veterans Administration estimated that 5,038 old law pensioners would be affected by the proposed amendment in this Bill at a first year cost of $1.7 million.

D. OTHER PROVISIONS

The bill would also authorize the Administrator to provide by regulation for the exclusion of amounts payable by a veteran, widow, or child for unusual medical expenses in the annual income determined for pension eligibility. Such authority presently exists in 38 U.S.C. 415(g)2 in determination of income of parents eligible for dependency and indemnity compensation. The Veterans Administration has advised that, should Congress adopt this provision, it would issue similar regulations to those now in force for DIC purposes.

The bill would also amend paragraph 2 of section 3012(b) of title 38 so as to provide that where there is a loss of dependent by reason of marriage, divorce, or death, pension compensation and DIC benefits would continue until the end of the calendar year rather than be reduced or terminated at the end of the month prior to the date of such event as the law presently requires.

Finally, the bill would liberalize the law with regard to the number of days a veteran of the Mexican border period must have served on the Mexican border. While the 90-day service period is retained, one day of service on the Mexican border itself would now qualify the veteran for benefits. The Veterans Administration advises that the cost impact of this liberalization would be "minimal".

E. EFFECTIVE DATE

The new income limits and monthly benefit levels would become effective January 1, 1972, assuring that no pensioner would drop from the rolls or suffer benefit reduction because of this year's social security increase.

F. VETERANS ORGANIZATIONS' POSITION

All major service organizations have testified or advised the Committee of their full support for S. 2866.

III. COST

A. RELATIONSHIP OF THIS BILL TO THE ADMINISTRATION'S ECONOMIC PROGRAM

In an appearance on November 8, 1971, before the Senate Subcommittee on Compensation and Pensions, a Veterans Administration spokesman testified that:

"The Cost-of-Living Council has exempted income maintenance programs, like pensions and compensations, from coverage during the current freeze period. Based on this ruling, and recognizing our obligations to both the Nation's economic goals and to the veteran and his family in this critical time, the Veterans Administration feels justified in supporting an adjustment in these benefit payments to compensate for price increases since the time when benefits were last increased. We feel that price changes constitute a reasonable and appropriate benchmark for the subcommittee to use in determining the magnitude of adjustment needed."

The average 6.5 percent increase in pension rates provided for in this bill is consistent with the criteria set out above.

B. FIVE-YEAR COST ESTIMATES

The fiscal year '72 budget estimate is approximately $63.6 million. The first full-year cost is $127.2 million increasing to $136.9 million for the fifth year.

The following is an itemized breakdown of cost of S. 2866 for the first five years:

Cost

There follows an itemized breakdown of the cost of S.2866 by years, by categories of beneficiaries, and in toto for the first 5 years:

S. 2866

SEC. 1

Year	Caseload	Costs
The first 5 year costs and caseloads for paragraphs (a) through (d)—Increased pension rates for veterans and survivors are:		
1	1,637,246	$110,700,000
2	1,647,773	112,500,000
3	1,661,103	114,200,000
4	1,672,332	115,900,000
5	1,692,684	118,100,000
5 year costs and caseloads for paragraph (e)—Increase in rate for children from $16 to $17 are:		
1	147,211	2,100,000
2	151,524	2,200,000
3	156,070	2,200,000
4	159,800	2,300,000
5	164,346	2,400,000
Paragraph (f)—Increases in children's rate to $42 and $17 are:		
1	594,100	9,000,000
2	643,100	9,800,000
3	688,400	10,400,000
4	722,300	11,000,000
5	746,900	11,300,000
Total costs of sec. 1 [1]:		
1st year		121,800,000
2d year		124,500,000
3d year		126,800,000
4th year		129,200,000
5th year		131,800,000
Fiscal year 1972 cost		60,900,000

SEC. 2

Year	Number affected	Costs
Paragraph (b)—Minimal. Paragraph (c)—Exclusion of unusual medical expenses are:		
1	26,750	$1,900,000
2	27,200	2,000,000
3	27,650	2,100,000
4	28,150	2,100,000
5	28,600	2,100,000
Fiscal year 1972 costs		950,000

SEC. 3

Year	Number affected	Costs
End-of-year rule for changes of dependency are:		
1	10,300	$1,800,000
2	10,300	1,800,000
3	10,300	1,800,000
4	10,300	1,800,000
5	10,300	1,800,000
Fiscal year 1972 costs		950,000

SEC. 4

Year	Number affected	Costs
Increases in limitations for old law cases are:		
1	5,038	$1,700,000
2	4,831	1,600,000
3	4,481	1,500,000
4	4,129	1,400,000
5	3,776	1,200,000

SEC. 5

Year	Number affected	Costs
Paragraph (a)—Minimal. Paragraph (b)—No cost:		
Total cost of S. 2866 [1]		
1st year		$127,200,000
2d year		129,900,000
3d year		132,200,000
4th year		134,500,000
5th year		136,900,000
Costs by fiscal year:		
1972		63,600,000
1973		128,600,000
1974		131,100,000
1975		133,400,000
1976		135,700,000
1977		138,200,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the bill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

LIBERALIZATION OF DISABILITY AND DEATH PENSION

The bill (H.R. 11651) to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

LIBERALIZATION OF PROVISIONS RELATING TO PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION

The bill (S. 2867) to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband at monthly rates set forth in the following table:

"Pay grade:	Monthly rate
E–1	$184
E–2	189
E–3	195
E–4	206
E–5	212
E–6	217
E–7	227
E–8	240
E–9	[1] 251
W–1	232
W–2	241
W–3	249
W–4	262
O–1	232
O–2	240
O–3	257
O–4	272
O–5	299
O–6	337
O–7	365
O–8	399
O–9	429
O–10	[2] 469

"[1] If the veteran served as sergeant major of the Army, senior enlisted adviser of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, at the applicable time designated by section 402 of this title, the widow's rate shall be $270.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the widow's rate shall be $503.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $22 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $55 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

XUM

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $92.

"(2) Two children, $133.

"(3) Three children, $172.

"(4) More than three children, $172, plus $34 for each child in excess of three."

SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$32" and inserting in lieu thereof "$55".

(b) Subsection (b) of section 414 of such title is amended by striking out "$88" and inserting in lieu thereof "$92".

(c) Subsection (c) of section 414 of such title is amended by striking out "$45" and inserting in lieu thereof "$47".

SEC. 4. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less the monthly rate of dependency and indemnity compensation shall be $100. For each $1 of annual income in excess of $800 up to and including $1,200, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,200 up to and including $1,600, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,600 up to and including $1,900, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,900 up to and including $2,100, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,100 up to and including $2,600, the monthly rate shall be reduced 7 cents. No dependency and indemnity compensation shall be paid if annual income exceeds $2,600.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula."

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $70. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,700, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,700 up to and including $2,600, the monthly rate shall be reduced 4 cents. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $2,600."

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $67. For each $1 of annual income in excess of $1,000 up to and including $1,300, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,300 up to and including $3,400, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $3,400 up to and including $3,800, the monthly rate shall be reduced 3 cents. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $3,800."

(d) Subsection (g) of such section 415 is amended by redesignating paragraph (2) as (3), and by inserting immediately after subparagraph (1)(M) the following new paragraph:

"(2) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar."

(e) Such section 415 of title 38, United States Code, is further amended by adding the following new subsection at the end thereof:

"(h) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by $55 if such parent is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 5. Section 417 of title 38, United States Code, is amended by striking out subsection (a) thereof, and by striking out "(b)."

SEC. 6. Sections 321 and 341 of title 38, United States Code, are each amended by striking out "(or after April 30, 1957, under the circumstances described in section 417(a) of this title)".

SEC. 7. Section 724 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) In any case in which insurance continued in force under this section matures on or after January 1, 1972, an amount equal to the amount of premiums, less dividends, waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the proceeds. In such case, the liability of the Government under subsection (b) of this section shall be reduced by the amount so deducted from the proceeds."

SEC. 8. Any person who before January 1, 1972, was not eligible for dependency and indemnity compensation under such title by reason of the provisions of the prior section 417(a) of title 38, United States Code, may elect, in such manner as the Administrator of Veterans' Affairs shall prescribe, to receive dependency and indemnity compensation, and an election so made shall be final. A person receiving, or entitled to receive, death compensation on December 31, 1971, shall continue to receive death compensation, if otherwise eligible, in the absence of an election to receive dependency and indemnity compensation.

SEC. 9. Subsection (b) of section 322 of title 38, United States Code, is amended to read as follows:

"(b) The monthly rate of death compensation payable to a widow or dependent parent under subsection (a) of this section shall be increased by $55 if the payee is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 10. This Act shall take effect on January 1, 1972.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-520), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

This bill provides cost-of-living increases in dependency and indemnity compensation benefits to widows, children, and needy parents of veterans who died as a result of service-incurred disabilities. Our present system of dependency and indemnity compensation dates from the passage in 1965 of the Servicemen and Veterans Survivors Benefits Act (Public Law 84-881). Since that time, periodic cost-of-living increases in the rate schedules have been authorized. This bill would continue that procedure.

A 10-percent increase is granted to 176,000 widows presently receiving benefits which covers the general rise in the cost of living since December 1, 1969, the effective date of the last statutory increase. Existing law authorizes monthly payments of DIC to widows of a sum based upon the pay grade of her deceased husband. Currently the monthly rates range from a minimum of $167 to a maximum of $457. The rates are increased by $20 for each dependent child of the widow. The following table sets forth the current rates of dependency and indemnity compensation payable to the widow and shows the new rates which would be authorized under the bill:

S. 2867 DIC—WIDOWS

Pay grade	Current rate	Proposed 10-percent increase
E-1	$167	$184
E-2	172	189
E-3	177	195
E-4	187	206
E-5	193	212
E-6	197	217
E-7	206	227
E-8	218	240
E-9	228	251
W-1	211	232
W-2	219	241
W-3	226	249
W-4	238	262
O-1	211	232
O-2	218	240
O-3	234	257
O-4	247	272
O-5	272	299
O-6	306	337
O-7	332	365
O-8	363	399
O-9	390	429
O-10	426	469
E-9—Senior NCO of Service	245	270
O-10—Chairman Joint Chiefs or Chief of Staff	447	500

There are presently 46,000 orphaned children of service-connected deceased veterans. They are paid a flat statutory rate which is unrelated to the military rank of their deceased fathers. This bill would provide for a 5 percent increase which covers cost-of-living increases since July 1, 1970, the effective date of the statutory increase for children provided for by Public Law 91-262. The rate would be increased from $88 to $92 for one child; from $127 to $133 for two children; from $164 to $172 for three children; and from $32 to $34 for each child in excess of three.

This bill would also provide for an average 6.5 percent increase in the rates payable under section 415 of title 38 to the approximately 68,500 dependent parents who qualify for DIC by reason of their low income. The maximum income limitation for parents has also been increased by $300 which will prevent a reduction in aggregate income which would otherwise occur because of recent increases in social security benefits this year. The present monthly DIC benefits range for an only parent from $10 to $98. Under this bill the maximum would be raised to $100. If there are two parents—but they are not living together—the maximum would increase from $66 to $70. In both of the instances above, no compensation would be paid if a parent's annual income exceeded $2,600. If there are two parents who are living together, or if a parent has remarried and is living with a spouse, the maximum rate would be $67 based upon a combined annual income of $1,000 or less, which represents an increase above the present rate of $64.

The bill would also authorize an aid and attendance allowance of $55 per month for dependent parents if they are in a nursing home or so disabled as to require the regular aid and attendance of another person. It would also authorize an increase from $32 to $55 in the amount of aid and attendance allowance payable to a helpless child.

Perhaps the most important provision of the bill relating to DIC payments for dependent parents is the adoption of the new formula approach for the payment of compensation which replaces the present multilevel system of $100 increments. In Public Law 89-730, Congress established a five-level system of income levels and payments. Under that system it was possible for a small increase in the parents outside income to result in a disproportionate reduction in compensation payments. Public Law 90-275 amended the law to restructive benefits on rates adapted to each $100 of income. This new system made the rates more sensitive to outside income but disproportionate losses were still possible. In the proposed formula, there is specified a maximum monthly rate for each group within designated income categories and each individual's monthly benefit rate is to be computed by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded. For example, for a parent alone, the maximum monthly DIC payable would be $100 based upon an annual income of $800 or less. This monthly amount would be reduced by 3 cents for each dollar of annual income by which the income exceeds $800 up to and including $1,200; by 4 cents for each dollar of income in excess of $1,200 up to and including $1,600; by 5 cents for each dollar of income exceeding $1,600 up to and including $1,900; by 6 cents for each dollar of income exceeding $1,900 up to and including $2,100; and by 7 cents for each dollar of income up to and including $2,600. The minimum monthly rate for a single parent would be $10 if the annual income did not exceed $2,600. The following table sets forth the current rate of dependency and indemnity compensation payable to parents and shows certain typical new rates which would be authorized under the bill:

S. 2867 DIC—PARENTS

	Only 1 parent		2 parents not together		2 parents together or remarried with spouse	
	Current	Formula	Current	Formula	Current	Formula
Income not more than—						
$100	$96	$100	$66	$70	$64	$67
$200	96	100	66	70	64	67
$300	96	100	66	70	64	67
$400	96	100	66	70	64	67
$500	96	100	66	70	64	57
$600	96	100	66	70	64	67
$700	96	100	66	70	64	67
$800	96	100	66	70	64	67
$900	94	97	64	68	64	67
$1,000	91	94	61	66	64	67
$1,100	87	91	58	64	62	66
$1,200	81	88	54	61	60	65
$1,300	75	84	50	58	58	64
$1,400	69	80	46	55	56	62
$1,500	62	76	41	52	54	60
$1,600	54	72	35	49	52	58
$1,700	46	67	29	46	49	56
$1,800	38	62	23	42	46	54
$1,900	31	57	20	38	44	52

	Only 1 parent		2 parents not together		2 parents—together or remarried with spouse	
	Current	Formula	Current	Formula	Current	Formula
Income not more than—Con.						
$2,000	$25	$51	$16	$34	$42	$50
$2,100	18	45	14	30	40	48
$2,200	12	38	12	26	38	46
$2,300	10	31	10	22	35	44
$2,400		24		18	33	42
$2,500		17		14	31	40
$2,500		10		10	29	38
$2,700					27	36
$2,800					25	34
$2,900					23	32
$3,000					21	30
$3,100					19	28
$3,200					17	26
$3,300					14	24
$3,400					12	22
$3,500					10	19
$3,600						16
$3,700						13
$3,800						10

Finally, the bill would further amend the law by liberalizing provisions dealing with in-service waiver of premiums so that widows may now receive higher DIC rates. At present there are certain restrictions contained in 38 U.S.C. 417(a) which prohibit the payment of DIC in certain cases where a veteran's death occurs while his United States Government Life Insurance or National Service Life Insurance is in force under an in-service waiver of premium. The in-service waiver of premium provisions was originally designed to equalize benefits for those individuals who had purchased government insurance prior to the adoption of the Servicemen's Indemnity and Insurance Act of 1951 which provided indemnity protection in the maximum amount of $10,000 for a death occurring while on active duty.

In 1956, however, Congress in Public Law 84-881 extensively revised and consolidated the law into the present system of service-connected death benefits, dependency and indemnity compensation. Because this law continuation of in-service waiver of premium often became a liability. As a consequence, certain widows were relegated to drawing death compensation rather than the higher DIC rates because their husbands had unfortunately died with an inservice waiver of premiums on a government insurance policy. Although Congress acted to alleviate this situation last year in Public Law 91-291, certain inequities still exist. With the support of the Veterans' Administration this bill would further liberalize the law so that all widows may now receive the higher DIC rates.

COST

In an appearance on November 8, 1971, before the Senate Subcommittee on Compensation and Pensions, a Veterans' Administration spokesman testified that:

"The Cost of Living Council has exempted income maintenance programs like pensions and compensation from coverage during the current freeze period. Based on this ruling, and recognizing our obligations to both the nation's economic goals and to the veteran and his family in this critical time, the Veterans' Administration feels justified in supporting an adjustment in these benefit payments to compensate for price increases since the time when benefits were last increased. We feel that price changes constitute a reasonable and appropriate benchmark for the subcommittee to use in determining the magnitude of the adjustment needed."

The Committee believes that the increase in DIC rates provided for in this bill is consistent with the criteria set out above.

The fiscal year 1972 budget estimate is approximately $33.9 million. The first full-year cost is $67.8 million increasing to $70.9 million for the fifth year.

The following is an itemized breakdown of the cost of S. 2867 for the first five years:

S. 2867

SEC. 1

The estimated 5-year costs for sec. 1 are as follows:[1]

Year:	Cost
1	$45,500,000
2	47,100,000
3	48,200,000
4	49,500,000
5	50,700,000
Fiscal year 1972 costs (6 months)	22,700,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the bill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

The costs and caseloads detailed by paragraph are:

PAR. (a)—DIC RATE INCREASE TO WIDOWS

Year	Widows	Annual cost
1	183,000	$43,600,000
2	190,000	45,200,000
3	194,000	46,200,000
4	199,000	47,400,000
5	204,000	48,600,000

PAR. (b)—DIC WIDOWS WITH 1 OR MORE CHILDREN; EACH CHILD FROM $20 TO $22

Year	Children	Annual cost
1	75,400	$1,800,000
2	79,900	1,900,000
3	82,490	2,000,000
4	85,900	2,100,000
5	89,300	2,100,000

PAR. (c)—DIC WIDOWS A. & A. AT $55

No change to present law.

SEC. 2

The estimated 5-year costs and caseloads for sec. 2 are:

INCREASED RATES TO DIC CHILDREN ALONE

Year	Children	Annual cost
1	46,600	$1,800,000
2	46,100	1,800,000
3	45,600	1,700,000
4	45,100	1,700,000
5	44,700	1,700,000

SEC. 3

The estimated 5-year costs and caseloads for sec. 3 are:

PARS. (a), (b), AND (c)—HELPLESS DIC CHILD, 1 CHILD FROM $32 TO $55, CHILD FROM $88 TO $92 AND (c) $45 TO $47

Year	Children	Annual cost
1	6,700	$700,000
2	7,700	700,000
3	8,700	800,000
4	9,600	900,000
5	10,500	1,000,000

SEC. 4

The 5-year estimated costs for sec. 4 are:

Year	Costs
1	$15,500,000
2	15,000,000
3	14,300,000
4	13,700,000
5	13,100,000
Fiscal year 1972 costs (6 months)	7,750,000

The costs and caseloads for sec. 4 detailed by paragraphs are:

PARS. (a) THROUGH (d)

Year	Caseload	Costs
1	50,427	$2,900,000
2	48,551	2,900,000
3	46,440	2,700,000
4	44,329	2,600,000
5	42,218	2,500,000

PAR. (e)—DIC TO PARENTS $55 A & A AND SEC. 9. DEATH COMPENSATION TO PARENTS $55 A & A

Year	DIC parents		Compensation parents		Total parents	
	Number	Annual cost	Number	Annual cost	Number	Annual cost (million)
1	3,200	$2,112,000	15,900	$10,494,000	19,100	$12.6
2	3,300	2,178,000	15,100	9,966,000	18,400	12.1
3	3,400	2,244,000	14,200	9,372,000	17,600	11.6
4	3,500	2,310,000	12,300	8,778,000	16,800	11.1
5	3,600	2,376,000	12,400	8,184,000	16,000	10.6

SEC. 5 THROUGH 8

The 5-year estimated costs and caseload for secs. 5-8 are:

Year	Caseload	Costs
1	3,400	$4,400,000
2	3,400	4,400,000
3	3,400	4,400,000
4	3,400	4,400,000
5	3,400	4,400,000

Note: Though there would be some savings to the insurance fund(s) as a result of implementation of sec. 7, the amount would be insignificant. The amounts shown above, thus, would be attributable to the "Compensation and pensions" appropriation.

Total cost of S. 2867 [1]	
1st year	$67,800,000
2d year	69,000,000
3d year	69,400,000
4th year	70,200,000
5th year	70,900,000
Costs by fiscal year:	
1972	33,900,000
1973	68,400,000
1974	69,200,000
1975	69,800,000
1976	70,600,000
1977	71,200,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the bill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

LIBERALIZATION OF PROVISIONS RELATING TO PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION

The bill (H.R. 11652) to amend title 38 of the United State Code to liberalize the provisions relating to payment of dependency and indemnity compensation was considered, ordered to a third reading, read the third time, and passed.

Mr. TALMADGE. Mr. President, today the Senate passed, without a dissenting vote, two bills, H.R. 11651 and H.R. 11652, which will insure that veterans and their survivors will not suffer a reduction in their VA benefits as a result of recent increases in social security and other retirement benefits.

As chairman of the Subcommittee on Compensation and Pensions of the Senate Committee on Veterans Affairs, I was pleased that the Senate acted promptly and favorably on this badly needed legislation.

I ask unanimous consent that there be inserted, at this point in the RECORD, a letter from the Veterans of Foreign Wars and a telegram from the American Legion expressing those organizations' support for these bills.

There being no objection, the letter and telegram were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., Nov. 29, 1971.

The Honorable HERMAN E. TALMADGE,
Chairman, Subcommittee on Compensation and Pensions, Veterans Affairs Committee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR TALMADGE: This is in reference to S. 2866 and S. 2867 which have been introduced by Senator Hartke, Chairman of the Veterans Affairs Committee, and co-sponsored by all members of the Committee.

These bills were introduced following hearings held by your Subcommittee with respect to pension and dependency and indemnity compensation bills. Since these bills were not before your Subcommittee at that time, the following are the comments and recommendations of the Veterans of Foreign Wars as reflected in the mandates approved by the 12,000 delegates representing 1.7 million members at our Dallas Convention which was held August 13–20, 1971.

Both of these bills carry out V.F.W. national mandates. Both of these bills also carry out a Priority Legislative Goal of the Veterans of Foreign Wars as approved by our Commander-in-Chief, Joseph L. Vicites.

S. 2866 would provide an average increase of approximately 6.5% in the rates of non-service connected pension payable to about two million veterans and widows. In addition, the maximum income limitation would be increased by $300. A relatively few World War I veterans who are still under the so-called "old" pension law a similar increase of $300 in the maximum income limitation is provided.

A new formula is also proposed in this bill, so that a VA pension check would change if a veteran's annual income were increased or decreased, even if only by one dollar. The new formula is a further refinement of the veterans pension program which was enacted by Congress and went into effect on July 1, 1960. The Veterans of Foreign Wars has supported this program, with its emphasis on the larger pension payment beng provided for veterans in the greatest need. The new pension formula, as proposed in S. 2866, does not change this philosophy but further refines the method of computing the pension check paid to veterans and their dependents.

Lastly, and most important to the Veterans of Foreign Wars, is that S. 2866 will carry out our top Priority Goal that no veteran or his dependent will suffer a reduction in his VA pension payment of the 10% increase in social security which went into effect in 1971 or an equivalent increase in retirement income.

For these reasons the Veterans of Foreign Wars strongly supports S. 2866, the veterans pension bill, which was developed by your Subcommittee on Compensation and Pensions and is expected to be considered by the full Veterans Affairs Committee in the near future.

The dependency and indemnity compensation bill, S. 2867, has the full support of the Veterans of Foreign Wars. There are approximately 200,000 widows and children of servicemen who were killed on the battlefield or who have died from service connected causes. This relatively small group of dependents is entitled to dependency and indemnity compensation payments from the Veterans Administration.

S. 2867 will provide a cost of living increase in the DIC rates for these dependents. This increase represents approximately the increase in the cost of living which has occurred since the last increase in the DIC rates for this group, which was in 1969 for widows, and on July 1, 1970 for children receiving DIC payments.

In addition, Mr. Chairman, there are about 70,000 dependent parents who receive DIC payments from the Veterans Administration. To qualify the dependent parent must meet strict income limitations which are almost identical to the requirements for a veteran to receive a VA pension. These dependent parents will suffer a decrease in their VA payments, unless there is an increase in the DIC payments and the maximum income limitation is increased. It is noted that S. 2867 provides both an average increase in the DIC rates for dependent parents and an increase in the maximum limitation by $300 a year. This will assure that no dependent parent will have his VA pension cut because of the 1971 social security increase or equivalent increase in retirement income.

The Veterans of Foreign Wars also strongly supports, pursuant to a long-standing national mandate, the provision in S. 2867 which will permit all widows to receive the higher DIC rates. Under present law certain widows have no choice but to take the lower death compensation rates paid by the VA rather than the higher DIC rates because at the time their husband died he was under what is called an in-service waiver of their National Service Life Insurance premium.

In summary, Mr. Chairman, the Veterans of Foreign Wars strongly recommends approval of S. 2866 and S. 2867 by your full Veterans Affairs Committee and the Senate at the earliest practicable date. Approval of these two bills will not only provide a much-needed cost of living increase to a large group of veterans who are subsisting in whole or in part on a fixed income but will assure that no veteran or his dependent will suffer a cut in his VA check because of the 1971 social security increase.

Your favorable consideration of these views and recommendations will be deeply appreciated.

With kind personal regards, I am
Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

THE AMERICAN LEGION,
November 30, 1971.

Hon. HERMAN E. TALMADGE,
U.S. Senate,
Washington, D.C.:

The American Legion is grateful to you, your Subcommittee on Compensation and Pensions, and the full Committee on Veterans Affairs for favorably reporting S. 2866 and S. 2867, to liberalize and improve the VA pension and DIC programs.

The Legion strongly supports these measures which are identical to H.R. 11651 and H.R. 11652 that passed the House November 15 and urge their enactment before January 1, 1972. Action prior to adjournment will assure that no beneficiary suffers a loss in net income as a result of the 1971 increase in social security benefits.

HERALD E. STRINGER,
Director, National Legislative Commission.

INDEFINITE POSTPONEMENT OF S. 2866 AND S. 2867

Mr. MOSS subsequently said: Mr. President, while we are still proceeding as in legislative session, I ask unanimous consent that the action taken earlier during the call of the calendar on bills S. 2866 and S. 2867 be vacated, and that they be indefinitely postponed, as they are identical to the companion House bills, H.R. 11651 and H.R. 11652, which have been passed.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from New Hampshire desire recognition at this time, in behalf of the minority leader, under the standing order?

Mr. COTTON. No, Mr. President.

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the distinguished junior Senator from Delaware (Mr. ROTH) is recognized for a period not to extend beyond 9 o'clock.

(The remarks of Mr. ROTH when he introduced S.J. Res. 180 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

EXECUTIVE SESSION

Mr. HARRIS. Mr. President, in accordance with the previous order, I move that the Senate go into executive session to consider the nomination of Earl Lour Butz Secretary of Agriculture.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The question is on the confirmation of the nomination of Earl L. Butz to be the Secretary of Agriculture. Time is equally divided between now and 1 o'clock this afternoon.

Mr. HARRIS. Mr. President, out of my time, I ask unanimous consent that I may yield 5 minutes to the distinguished Senator from Utah (Mr. Moss) on a nongermane matter.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, the Senate will proceed for 10 minutes as in legislative session.

HIGHWAYS VERSUS THE ENVIRONMENT

Mr. MOSS. Mr. President, in his recently published book "The Pavers and the Paved," Ben Kelley challenges, in hard-hitting prose, the wisdom of the prohighway decisions of Congress and foretells unhappy economic, social, and environmental consequences if we extend the present highway construction programs beyond 1977.

Mr. Kelley's views are particularly explosive because he has about-faced, and now attacks the policies he once upheld as Director of Public Affairs for the Federal Highway Administration.

He zeroes in primarily on the highway trust fund, which takes a percentage of every dollar spent on gasoline and sets it aside for the exclusive use of constructing the 42,000 mile Interstate Highway System.

According to Kelley, each year Americans spend upwards of $19 billion to maintain old roads and pour more than 20,000 miles of new highways that consume at least 200,000 acres of land, disperse more than 56,000 people and accommodate about 4 million newly registered motor vehicles worth another $19 billion.

The book is divided into two major sections.

The first, entitled "The Pavers," offers an explanation of the "whys" of the current highway program. Kelley says misleading claims made by road supporters have bolstered public acceptance of the interstate highway construction program, and he holds that the Federal highway trust fund is a self-perpetuating and a constantly growing source of tax dollars for highway builders and their allies. He charges that the fund has become an insurmountable obstacle to public funding or other transportation systems.

The second section, entitled "The Paved," is dedicated to those who are opposed to increased highway construction and includes a manual for freeway fighters. Kelley talks of a growing "national disenchantment" with the highway program and concludes with proposals for overhauling national spending priorities in the field of transportation. He advocates an end to the "highways only" philosophy which he feels has reigned since the Eisenhower days, and favors the establishment of a "transportation trust fund" similar to that enacted by Gov. Marvin Mandel, of Maryland.

There is no doubt, Mr. President, that it is time to take another close look at our highway programs. We have been building highways at a greatly stepped up rate—especially interstate highways—for some years now. Perhaps in some areas we will have built the major links when the present system is completed, and should concentrate on other types of transportation.

But certainly this is not true in Western States like Utah. We have only begun to build the highways and roads that we need—interstate, primary, or secondary. As of December 1970, more than half of the roadways and streets in Utah were still unpaved or surfaced with only soil or stone. We have years of construction work ahead of us. Furthermore, Mr. Kelley's suggestion that people be taken out of private cars and put into public conveyances as a way of reducing traffic on highways, or reducing the need for more roads and highways, would be met with considerable skepticism in my area of the country.

It is important also that we look at our highway program in terms of its ecological impact—just as it is important that we examine all construction in this light. All too many projects debase the quality of our air and water to an intolerable degree. But that does not mean that we should stop them all. It simply means that we must develop protective technologies and methods to protect and preserve our environment. The major challenge in the West so far as highways are concerned is how to construct those we need with a minimum impact on our air and water and the quality of our lives generally.

So, I must question some of the conclusions which Mr. Kelley draws. But I do feel that his insight into the transportation crisis facing America in the seventies can be of value to the Congress and the Nation as we attempt to reconcile our overall transportations needs with our agonizing need to protect our environment.

I therefore ask unanimous consent, Mr. President, to have printed in the RECORD four reviews of "The Pavers and the Paved." The first, from Business Week of May 15, 1971, sees in the book the beginning of an attack on the highway trust fund. The second, from American Road Builder (vol. 48, No. 5, May 1971), is critical of the book contending that it does not offer much in the way of new thinking. The third, by Susan P. Baker and appearing in the Baltimore Sun of June 6, 1971, analyzes the Kelley

recommendations for creating alternatives to our dependence on highways. The fourth, written by Jesse Merrell, and published in Transport Topics of May 17, 1971, is highly critical of Kelley, attacking his credibility because he is antihighway in his book but was prohighway in his speeches made while serving with the Federal Highway Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Business Week, May 15, 1971]

A NEW PUSH FOR PUBLIC TRANSPORTATION

Highway critics are ready to buck the highway lobby or go around it to get people out of private cars and into public conveyances.

Ben Kelley is not exactly a neophyte in transportation matters—particularly when they pertain to highways. Once director of public affairs for the Federal Highway Administration, and now a high official in the Insurance Institute for Highway Safety, Kelley speaks with authority.

Next week his first book, *The Pavers and the Paved*, will be published, and it is going to stir up an unholy row. The reason: Kelley comes out strongly against that most sacred of cows, the Highway Trust Fund.

He could hardly have picked more powerful enemies. The companies involved in the building and use of highways are led by the automotive and oil industries. And it has been estimated that the so-called highway lobby accounts for more than half of all political contributions.

But it is just possible that Kelley's book is the beginning of the first successful attack on the fund and of serious attention to public transportation.

"Each time a new expressway is opened," writes Kelley, "it produces an increase in highway use, which, in turn, adds a new increment to gasoline and tire sales, which . . . generates an increase in money available for building yet more highways."

On June 1 and 2, a lot of people who think the same way will gather for a Washington conference on public transportation. Participants range from the Center for Urban Ethnic Affairs and the National Welfare Rights Organization, through the Sierra Club, to consumer organizations and several large unions, including the United Auto Workers. Says Hazel Henderson, a director of the Council on Economic Priorities, "We certainly are collecting a lot of very strange bedfellows."

The point, according to conference organizers, is to see whether enough public support can be marshaled to generate meaningful federal investment in public transportation. Such a "positive" goal avoids an early confrontation with the highway lobby.

But no amount of prudence or goodwill is likely to get around the key reality that the annual $5-billion in earmarked highway funds drains off most of the government's transportation spending resources. And while Kelley cries for the abolition of the Highway Trust Fund as a necessary first step toward reordering public transportation priorities, realists agree that the fund has too much pork-barrel appeal to be seriously altered. That is why public transportation champions are avoiding a direct attack on the trust fund.

The varying alternative approaches—in bewildering variety—employ either the "stick" or the "carrot" to induce people to leave their cars and board buses and trains. Naturally, the stick has been the most popular, since most of the schemes involve penalizing motorists as well as raising cash.

The Transportation Dept. once thought up a plan to tax urban area autos driven regularly into congested center cities. The tax would have raised $11-million annually for a proposed Urban Mass Transit Trust Fund. The Administration killed it.

Now both Transportation and various cities are toying with similar ideas. These include sliding scale taxes on parking garages to discourage all-day parking downtown, imposts to penalize the motorist driving alone, and, in New York City, big jumps in tolls on bridges and tunnels leading to Manhattan. New York, of course, has special problems. With the nation's biggest—and broke est—mass transit system, it must find some way to avoid major fare increases, which fall most heavily on the poor.

Even if such money-raising plans pay off, the money must indeed improve public transportation before commuters will abandon their cars. Merely making it more costly to get to work without providing good public transportation alternatives will simply drive business out of the cities.

That's where the "carrot" comes in. Exclusive bus lanes between Washington, D.C. and Virginia, and between the New Jersey Turnpike and the Lincoln Tunnel have saved commuters as much as 20 minutes each trip and are good, though primitive, examples of the "carrot." In higher density areas, new rail rapid transit systems, free of costly union work rule provisions, are thought more attractive. Besides being more comfortable, all-new systems can be more automated and thus cheaper to run.

In the long run, though, a different approach may be needed, Paul W. Cherington, professor of transportation at Harvard, and a trustee of the Boston & Maine RR, is currently exploring the possibility of paving over one of the B&M's commuter branches. He wants to run new, speedy buses along the right of way. In addition, a certain number of slots per hour could be sold to motorists. The fee would include all-day parking at Boston's cavernous North Station and free transfer to city transportation. This, says Cherington, "is the direction our thinking should be taking."

[From the American Road Builder, May 1971]

THE PAVERS AND THE PAVED

(By Ben Kelley and Donald W. Brown)

The argument runs something like this: We depend too much on highway transportation. We need something more efficient, less expensive, less damaging to the environment. Unfortunately, the people in charge of transportation development are so sold on highways that they don't really want to try anything else. The industrial complex which has a vested interest in highway development supports its interests so powerfully that the alternative solutions don't emerge, and can't emerge until we abolish the Highway Trust Fund and cut way back on the highway construction program.

But what are the alternatives? Ben Kelley, in *The Pavers and The Paved*, mentions "hovercraft; intercity high-speed trains and subways, TV-monitored traffic flow, crash-proof experimental cars, short-takeoff-and-landing aircraft, computer-run mass transit services." He doesn't bother with the details. Stop building freeways, he suggests, and somebody will work out the alternative solution.

The big disappointment in Kelley's book is that he doesn't offer much in the way of new thinking.

Two years ago, the anti-freeway book of the year was Alan Mowbray's *Road to Ruin*. A professional writer who had done well previously with a book attacking the grocery business. Mowbray creamed the highway program with the same stylish skill.

Last year, it was Helen Leavitt and *Superhighway: Super Hoax*. Mrs. Leavitt got mad when it seemed to her that she was going to be pushed out of house and home to make for a freeway she didn't want and couldn't use.

Now comes Kelley, plowing much the same journalistic ground. Mrs. Leavitt writes with more passion; Mowbray writes with more skill. Kelley's advantage is that he has better credentials as an authority on the federal-aid highway program. He was director of public affairs for the Federal Highway Administration in the days when Lowell Bridwell was in charge.

So Kelley was on the inside during the frenetic period when the Department of Transportation was brand new and Alan Boyd was putting it all together, using what sometimes appeared to be the trial-and-error method. Kelley, to his credit, refrains from hadling out the backstairs gossip. Practically all of his source material is public record.

One exception, significantly, is his account of his personal effort, while he was a federal official, to have federal funds applied to the improvement of a local road serving 15 rural families in Kentucky. Billions for freeways, but not one dime for Nelson Branch Road! Kelley got nowhere with his mini-crusade in behalf of the 15 families, and he was outraged.

Since neither hover craft nor subways will do much for Nelson Branch Road, it has to be assumed that Kelley would opt for a certain amount of local road construction. He might see Special Transportation Revenue Sharing as a partial answer to the transportation problem, but he doesn't say so.

His book says nothing about revenue sharing, and nothing about the 1970 Federal-Aid Highway Act, though it says quite a bit about the 1968 Act and prior legislation. One of the book's flaws is that it seems a little bit out of date.

When it comes to knocking the freeway program, Kelley does a workmanlike job of trotting out all the standard arguments and adding a couple new ones. His rebuttal to the claim that the Interstate System is saving lives is ingenious, if not convincing. A chapter comprising a "manual" for citizens to use when they want to stop a freeway should prove useful for anyone interested in that kind of activity.

[From the Baltimore Sun, June 6, 1971]

FREEWAYS ARE NOT ALWAYS WORTH MORE

(By Susan P. Baker)

Six sidewalks to the moon could be built with the concrete needed for our 42,500-mile interstate highway system. Americans may not want to walk to the moon, but many of them would like attractive alternatives to our dependence upon highways.

Ben Kelley makes it clear that it will be an uphill battle. The $70-billion interstate system has the backing of oil, concrete and tire companies, trucking and roadbuilding interests, the automobile and steel industries. Small wonder that the highway lobby has been able to ensure a self-perpetuating cycle: more superhighways, more highway usage, more gasoline and tire sales, more taxes into the Federal Highway Trust Fund, more superhighways.

Mr. Kelley was the first director of the Federal Highway Administration's office of public affairs. His hard-hitting book describes the Highway Trust Fund and its unfortunate effect upon our transportation system.

Each year, roughly $5 billion goes into the fund from gas and tire taxes, heavy vehicle use taxes and sales taxes on trucks, buses and trailers. Earmarked for superhighways (about 80 per cent is spent on the interstates) and other federal-aid highway projects, the fund is autonomous and immune from meaningful congressional review.

LIMPING URBAN TRANSIT

The result is what one would expect. Preoccupation with superhighways has meant starvation for other transportation needs. Limping urban transit systems and archaic local roads attest to the success of the Trust Fund.

Claim of highway proponents notwithstanding, public opinion polls indicate a desire for a more balanced program that will upgrade existing roads and improve public transportation. The highway user has found that highways intended to provide freedom of movement are not necessarily characterized by either freedom or movement.

"The Pavers and the Paved" is peppered with case-histories illustrating local opposition to federal interstate highways projects.

San Francisco renounced almost $300 million in federal funds that had been earmarked for freeways and voted approval of a rapid transit project, although virtually no federal funds were available for this type of facility.

IN NASHVILLE

Highway resistance was less successful in Nashville. Reassuring the about-to-be-injured black community that the proposed routing was only preliminary, state highway officials quickly and quietly acquired a right-of-way. Bulldozers began to cut a swath that ultimately would destroy or adversely affect an estimated 80 per cent of all Negro-owned business in greater Nashville.

Appeals were fruitless. Pledges to soften the effect of the freeway eased the tension, but were not all implemented.

Forceful in style, sobering in its implications, the book attacks the presumption that a freeway is always worth more than the countryside it supplants or the community it ruptures.

Mr. Kelley, is not content merely to describe a dismal state of affairs. He adds a "how to" chapter: "How to Halt a Highway." Acting quickly and avoiding actions that only waste time, groups familiar with their rights and knowledgeable about the regulations may have a chance.

"The Pavers and the Paved" concludes with recommendations for loosening the stranglehold of the highway lobby on our national transportation policy.

[From the Transport Topics, May 17, 1971]

KELLEY AT THE CROSSROADS: HIGHWAY PITCH SKIDS FULL CIRCLE

(By Jesse H. Merrell)

Will the real Ben Kelley please stand up? It's hard to tell who he is when comparing his new anti-highway book, *The Pavers and the Paved*, to the pro-highway speeches he made while serving as the first director of the Federal Highway Administration's office of public affairs.

In his maiden speech at FHWA, he referred to the Interstate highways as a "fantastic road system" which was the "most awe-inspiring transportation undertaking since the beginning of mankind."

In his book, however, the beautiful "awe-inspiring" princess is suddenly transformed into an ugly toad called "land-gulping superhighway construction projects."

In that same speech before the Marketing Division of the American Petroleum Institute in New Orleans on May 18, 1967, Mr. Kelly saw no "land-gulping," but said procedures for acquiring highway-use acreage "are constantly being refined and improved to insure their responsiveness to contemporary needs of affected communities."

He is wearing a different hat in his book, of course, and devotes a 23-page chapter to "How to Halt a Highway," mobilizing people against the monster that was so beautiful a few years ago.

In the introduction of his book, Mr. Kelly condemns the "alarmingly expensive" highways which will be built in the next six years because the Federal-Aid Highway Act of 1970 extends the "multi-billion dollar federal expressway construction program" through the fall of 1977.

Only three years ago, however, wearing his FHWA hat, he wrung his hands in bemoaning dismay at the bleak disappointment that: "We cannot complete the 41,000-mile Interstate system by its target date of 1972—and completion may be delayed until as late as 1975!!"

Donning still a third hat—with visions of dollars lining the band—Mr. Kelley, comments in the introduction of his book that the lengthening of the highway construction program will be to his "good fortune" as an author since, hopefully, his book will sell and he can make some money out of the situation.

Space permitting, one could almost write a book from the inexhaustible fountainhead of contradictions between Mr. Kelley's utterances while at FHWA and that in his new book.

For example, his book belittled a reference by one congressman to "a magnificent highway system for America, the like of which no other nation has ever dreamed."

He apparently forgot the words he spoke in a June 20, 1967, Chicago speech, which now come back to haunt him:

"A substantial contribution is being made to national road capacity needs by the Interstate Highway System. When this magnificent network of safe, swift and efficient highways is completed, it will carry over 20% of the nation's motor vehicle traffic—even though it will constitute only slightly more than 1% of the nation's 3.6 million miles of roads and streets—and it will do so more safely and swiftly than any road network every built."

Now he is twisting figures and statistics around to try and prove that is not so in his 183-page book, and facts are not exactly falling on his mind like pristine seed on virgin soil.

He might not "tell lies that could walk a barbed wire fence," as the old country saying goes, but he is apparently not above stretching the truth until it can be slithered through a silk handkerchief.

For example, he claims the Interstate program is consuming about 130,000 acres of land, or about 43 acres per mile, annually. If you accept his figure, of 43 acres per mile, it would mean about 3,000 miles of Interstate roads are being built per year—and 45,000 miles would have been built already.

The entire system, which won't be finished before 1977, will only be 42,500 miles.

But Mr. Kelley is even off base in his figures. Design standards by the American Association of State Highway Officials allow only 30.3 acres per mile for four-lane divided highways—and only 36.3 acres per mile for eight-lane divided roads, which most aren't. But even if they were, they would still take nowhere near the 43 acres per mile claimed by Mr. Kelley on Interstate roads.

In his book, he referred to the Highway Trust Fund as a "new and untested devil." The truth is that when the Trust Fund was established by Congress in 1956, four other federal trust funds already existed, and there are now a total of eight.

The seven besides the Highway Trust Fund are federal old-age and survivors insurance, federal disability insurance, health insurance, unemployment insurance, railroad retirement, federal employes retirement and veterans life insurance.

There are other contradictions in his book. In his introduction, he says the federal-aid expressway program is "accountable not to Congress or the public but to a handful of road builders and administrators. . . ."

Yet on page 19 he does a complete flip-flop and says: "What keeps the mammoth highway program going are not road engineers, but the Federal Highway Trust Fund (and) the Interstate expressway construction program. . . ."

To complete the cycle, on page 21 he calls the Interstate expressway construction program and the Highway Trust Fund the "twin pillars" of the federal-aid highway programs and says "each was enacted by Congress."

First Congress has no control over road-building; it is all done by a "handful of road-builders." Then he turns around and says it's not the roadbuilders but Congress—which suddenly has control—that keeps it going.

As noted, it's hard to tell the real Ben Kelley, whose speeches at FHWA are affixed with the more sedate name of Albert B. Kelley. While at FHWA, Mr. Kelley also usually sported dignity-seeking horn-rim glasses, with which he was known to gesture authoritatively to punctuate his ceremoniously delivered speeches.

In his book, he wants to tie granny knots in the federal highway purse. In his speeches at FHWA, he said highway building "must be continued at a high level of investment" and "even taking the most optimistic view of continued programs of new construction, we have to accept that they will not be enough."

Now, however, he says what was not nearly enough is too much, and the paved must halt the pavers to save the country from utter destruction by a concrete and asphalt jungle.

He now aims Gatlin-gun bursts at the highway program with the same fervor which, while at FHWA, he aimed it at the "allegation and speculation that blames all of the nation's ills on highways, forgetting the unique and immense good which the federal-aid highway system has done and will continue to do for the United States."

In his FHWA speeches, Mr. Kelley looked forward to a "new era of highway progress" and said the highway 'has long been' recognized as the backbone of surface transportation."

His book, however, laments "limping urban transit services and archaic local streets and roads that have been starved of public funds by the Federal Highway Trust Fund's policy."

In his book, Mr. Kelley bemoans that the Highway Trust Fund is "securely tucked into (the) hip pocket" of the Bureau of Public Roads and "is in many instances the tail that wags the departmental dog (DOT)." This was one of several suggestions to bust up the fund and channel it into other transportation modes.

While at FHWA, however, Mr. Kelley complained that the Highway Trust Fund "still is inadequate to provide the financing required" for work on the Interstate system and said "we are simply not doing enough today to meet our national need for highways tomorrow," even though the government has a "deep commitment" to "the establishment and maintenance of the world's finest highway system for this country."

Mr. Kelley now wants to raid the Highway Trust Fund to use for non-highway purposes. But while with FHWA, he assured the Asphalt Institute in 1967: "Neither Congress nor this Administration is about to weaken the integrity of the Trust Funds."

Will the real Ben Kelley please stand up?

(The remarks of Mr. Moss when he introduced sundry bills are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. AIKEN. Mr. President, as in legislative session, I yield 5 minutes to the Senator from Kansas (Mr. DOLE).

(The remarks of Mr. DOLE when he

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submitted Senate Resolution 205 are printed in the RECORD under Submission of a Resolution.)

Mr. DOLE. Mr. President, I yield the remainder of my time to the distinguished Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I thank the Senator from Kansas.

DEPARTMENT OF AGRICULTURE

The ACTING PRESIDENT pro tempore. The Senate, in executive session, will continue with the consideration of the nomination of Earl L. Butz, to be Secretary of Agriculture.

Who yields time?

Mr. HARRIS. Mr. President, I yield myself 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 30 minutes.

Mr. HARRIS. Mr. President, since World War II, sweeping changes have taken place in American agricultural productivity, and much more is at stake than efficient food production.

In fact, the very shape and substance of the American countryside has been radically altered—there has been nothing short of a revolution in rural America. Consider these facts:

More than 70 percent of our people are now packed onto less than 2 percent of the land.

In 1970, for the first time since the Nation was settled coast to coast, our farm population fell below 10 million.

There were more than 6 million farms in 1940—there are less than 3 million today, and USDA benignly predicts that at least another million farms will shut down during the next 9 years.

Over the last three decades, 30 million rural Americans have had no economic alternatives but to leave their land and their rural homes and to move into the alien environment of our urban concentrations—this forced migration continues today at the rate of 800,000 people a year.

About 14 million rural Americans are left behind in rural poverty, with millions more existing just on the edge of poverty.

About 47.1 percent of the farm families in this country have annual incomes that fall below the poverty level of $3,000.

Some 1.5 million farmworkers averaged an income of $1,083 in 1970, another 1 million farmworkers raised their average income to $2,461 in 1970 by also doing some nonfarm work.

Why cannot independent family farmers, farmworkers and small town businessmen make a living in rural America?

There are two basic reasons. First, there has been a corporate invasion of American agriculture. Second, Government has sided with agribusinessmen, turning its back on the little man who traditionally has been the strength of this country.

Food has become big business. In 1970, America's food tab came to $114 billion. It is not the independent farmer and the farmworkers who are bringing that food to market and pocketing those billions. It is agribusiness—corporations such as Tenneco, Del Monte, Bud Antle, Ralston-Purina, Green Giant, Safeway, Swift, Heinz, U.S. Sugar, and General Foods. Also, a number of "brave new farmers" are trying to harvest those profits—these are major industrial giants such as Boeing Aircraft, Dow Chemical, Prudential Insurance, Coca-Cola, Standard Oil, Goodyear Tire & Rubber, American Brands, and Purex.

If the tractor was the symbol of American agriculture 30 years ago, the corporate board room is its symbol today.

Increasingly, agribusinessmen are in control of the land, of agricultural production and of farm markets. As they have moved into rural America, the little man has been moved out:

While the number of farms has declined by half over the last 30 years, the average size of farms has doubled;

Small farms still constitute more than half of the number of farms, but they account for only 7.8 percent of farm sales;

During the past three decades, an average of almost 2,000 farms a week have folded;

For every six farms that fold, one small town businessman shuts his doors.

Yet why, if the corporate giants are so efficient, do they need the support of the American taxpayer in the form of billion dollar subsidies and other benefits? An investigation of tax returns of large scale corporate farmers would show many losing money. Of course, some intend to show a loss in order to get a tax break. For others, losses in production can be easily covered by huge profits in processing or marketing. The individual farmer does not have these options.

What is particularly galling to the independent farmer is that numerous USDA and university studies show that he possesses the needed acreage to farm efficiently. For example, maximum cost-saving production efficiency is reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches.

Mr. President, the corporatization of American agriculture is not the inevitable result of any economic process. The decisions to create and administer a farm policy aiding the giant agribusinesses are conscious ones; they are no more inevitable than a Communist nation's decision to create massive State farms. And the result for the independent farmer and farm worker is the same whether State or corporate interests control rural America: they have no power over their own lives.

We are at a crossroads in the Nation today. We can decide that rural America should be a place in which people can live and work in dignity or that it will simply be a giant food factory to produce more corporate profits. This is a fundamental issue, and America has not faced up to it. We have no national rural policy. Instead, we have allowed vested economic interests, guided by nothing nobler than profit, to determine what will exist in the countryside and what will be the fate of millions of rural people.

President Nixon has let us know what kind of rural America he wants to see. I do not share his vision. Dr. Earl Butz, the President's nominee as Secretary of Agriculture, is clearly an agent of the giant agribusiness corporations that are driving the small farmers of America off the land. What we need is an Agriculture Secretary dedicated to stopping the tragic outmigration from rural America. We need a man who will speak for the small farmer, not the corporate executive. Dr. Earl Butz is not that man.

Dr. Butz at the time of his nomination served on the board of directors of Ralston-Purina, International Minerals and Chemical Corp., and Stokeley-Van Camp—all major agribusiness giants. In addition, he served on the board of J. I. Case, a leading farm machinery company, until that company was acquired by Tenneco. As Dr. Butz has readily acknowledged, he was paid $12,000 a year by Ralston-Purina; $10,000 by International Minerals and Chemicals; $4,800 by Stokeley-Van Camp; and $3,000 by J. I. Case. He owns stock in all of these corporations, except, to my knowledge, J. I. Case.

Mr. President, I have with me a report by the Agribusiness Accountability Project on the agribusiness corporations served by Dr. Butz. This report offers a valuable insight into the major agribusiness ties of Dr. Butz, and I should like to read parts of it.

The report is entitled "Report of the Agribusiness Accountability Project." It was prepared under the direction of Mr. Jim Hightower, and dated November 17, 1971.

It states in part:

> Dr. Butz states forthrightly that rural America is a place to do business, not a place to live. And for him, doing business is big business. It means that large, agribusiness enterprises will be in charge, "with more highly concentrated capital, higher levels of management, more specialization of labor, and, if you choose, with a higher degree of integration."
>
> Dr. Butz' vision of rural America is of an assembly line running from the field to the table. As corporations become vertically integrated and food production becomes otherwise concentrated, fewer independent farmers will be needed, and those that are left will be brought more and more under corporate control. Farm workers will not be a problem, for mechanization will eliminate the need for them. Purchase of farm machinery, seeds and feeds and other agricultural inputs will be either from a corporate subsidiary or will be coordinated at corporate headquarters, so the small-town supplier will be expendable. Rural communities themselves will fold as people move to larger urban centers.

Mr. President, I ask unanimous consent that the report be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. HARRIS. Mr. President, I also ask unanimous consent that there be printed at the conclusion of my remarks a report on the activities of the Standard Life Insurance Co., of Indiana, prepared by the agribusiness accountability project.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. HARRIS. Dr. Butz has recently announced his intentions to disassociate himself from these corporations. This action will not solve the problem of Dr. Butz' corporate ties, because he cannot so easily give up lifelong attitudes.

The incestuous relationship between regulatory agencies in our country and those being regulated has increasingly become a point of public concern. The relationship between the U.S. Department of Agriculture and the giant agribusinesses should similarly be of great concern. It is curious indeed that the outgoing Secretary should accept a high salaried job with Ralston-Purina while the new Secretary arrives from the board of directors of the same corporation.

Mr. President, I believe the nomination of Dr. Butz raises very serious conflict-of-interest questions. Dr. Butz has been and is now an agribusinessman. Moreover, his record gives no indication that this situation will change should he become Secretary of Agriculture.

At Purdue, a national symposium was held this past April 14–16 on the subject "Vertical Coordination In The Pork Industry." The symposium was sponsored by Purdue and USDA with industry cooperation. The symposium was attended by representatives of feed companies, food chains, economists, and by USDA officials. At least nine major executives of the Ralston-Purina Co., of which Dr. Butz was then a director, were on hand. A part of the program at the symposium included the showing of a Ralston-Purina film depicting the history of the hog industry—an industry fast being taken over by Ralston-Purina. Twenty-four USDA officials, including two Deputy Administrators, were also on hand; and on one of those days, Dr. Butz was the luncheon speaker.

I do not know whether Dr. Butz in his position as dean of continuing education, arranged this symposium bringing together academics, Government officials, and corporate farm interests. But it is a fact that the company paying Dr. Butz $12,000 a year was able to present its position very forcefully at the symposium. I wonder if small hog farmers were as well represented at the conference?

Mr. President, a symposium of this kind involves the use of tax dollars—State and Federal.

The agribusiness accountability project in May 1971 issued a report called Land-Grant Colleges—Power and Poverty, which called attention to the problem of too much service of agribusiness rather than the small independent farmer by land-grant colleges. I ask unanimous consent that the report be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 3.)

Mr. HARRIS. Mr. President, rural Americans have too much at stake for us to take only a cursory glance at who this man Dr. Butz is. Gov. David Hall, of my State of Oklahoma, is evidence of the concern in rural America over this nomination. On November 18 I received from him a 6-page telegram stating his objections to Dr. Butz. Among other things Governor Hall said:

> Mr. Butz' strong connections with farm conglomerates . . . would cast serious doubt as to his acceptability as Secretary of Agriculture.

Further, he said:

> While President Nixon is to be commended for changing his mind about abolishing the Department of Agriculture, the confirmation of Mr. Butz as Secretary could have the same impact on Oklahoma Ranchers and Farms if his views have been correctly reported.

Mr. President, I ask unanimous consent that the complete text of the telegram be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 4.)

Mr. HARRIS. Mr. President, the nomination of Dr. Earl L. Butz as Secretary of Agriculture involves more than the selection of a new Secretary of Agriculture. The vote on his nomination involves the ordering of national priorities.

The first priority we must determine is the future of rural America. We can decide that rural America should be a place where people can live and work in dignity or that it should exist as a food factory for corporate profits alone. We can decide to halt, if not reverse, the outmigration from rural America or we can support the tragic exodus of almost one million rural Americans a year to our already overcrowded cities—we can allow farming to continue as "a way of life" as well as "a way of making a living," or we can replace the independent family farmer with agribusiness concerns motivated solely by profit.

Dr. Earl L. Butz is not the man to make these choices. His professional record is one of consistent and enthusiastic support for the giant agribusinesses that are driving the independent farmer off the land. As a former Assistant Secretary of Agriculture under Ezra Taft Benson, as the dean of a land-grant university, and as a director and shareholder of several of the largest agribusiness firms in America, Dr. Butz has put himself clearly on record as an advocate of corporate farming interests. My opposition to his nomination is based primarily on these grounds.

The questions raised by Dr. Butz' nomination, however, go beyond traditional farm issues. Other fundamental national priorities are also at stake.

The vote on his nomination will determine the depth of our commitment to feed the hungry and assist the needy in America. Dr. Butz has shown a callous disregard for this commitment. In an April 26, 1971 speech, Dr. Butz said:

> What were we marching for then? Then the big clamor was hunger and malnutrition. . . . And what came out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts of this country. Out of it came a welfare program that President Nixon is recommending to the Congress that is so far out that even the Democrats in Congress won't buy it.

The National Council on Hunger and Malnutrition in the United States has issued a statement through its executive director, John R. Kramer, in opposition to the nomination. I ask unanimous consent that that statement be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 5.)

Mr. HARRIS. Mr. President, Friends of the Earth are very disturbed about this nomination because of Dr. Butz' rather cavalier attitude toward environmental concerns as a passing fad. Their president, David Brower, on November 29, issued a statement in opposition to the nomination. I ask unanimous consent that his statement be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 6.)

Mr. HARRIS. Mr. President, I have received similar communications from other organizations that oppose Dr. Earl Butz.

Mr. President, I ask unanimous consent that a news release and a letter issued by eight national antipoverty groups, and a statement by Mrs. Johnnie Tillmon of the National Welfare Rights Organization be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibits 7 and 8.)

Mr. HARRIS. Mr. President, Dr. Butz is certainly not the kind of man we need to administer a food stamp program that feeds 10.5 million people and still does not help all those in need or a school balanced meal for millions of children.

Nor is Dr. Butz the kind of man we need to fulfill the very important environmental duties of a Secretary of Agriculture. His past remarks have shown a rigidity and hostility toward environmental issues and the environmental movement itself that would be very alarming in a man who is responsible for administering our 187 million acres of public forest lands and who has a great deal to say about the use of chemicals, fertilizer, and insecticides for agricultural use.

Farm organizations have already been heard from concerning the nomination of Dr. Butz, and those that truly represent the farmer have issued a resounding no to his nomination. Others, including those in the front ranks fighting against hunger and poverty and for a better environment, are also opposed to this nomination.

Mr. President, on Monday of this week I held a press conference at which the following nonfarm groups stated their opposition to Dr. Butz' nomination: The Sierra Club, the Friends of the Earth, Environmental Action, the UAW, the National Welfare Rights Organization, Southern Christian Leadership Conference, National Sharecroppers Fund, Washington Research Project Action Council, Crusade Against Hunger, National Association of Social Workers, Na-

tional Council on Hunger and Malnutrition, and the Americans for Indian Opportunity Action Council.

Mr. President, in 1968 President Nixon's campaign pledge was "to bring us together" in this country. Unfortunately, the nomination of Dr. Earl Butz as Secretary of Agriculture has succeeded only in bringing together almost every major farm organization, labor group, environmentalists, poverty groups and others in opposition to the nomination. I say "unfortunately," Mr. President, because this is not a partisan issue.

I have heard the charge made by some that the Democrats want to gather just enough votes to make Dr. Butz look bad, but not enough to defeat him; in that way we could use him as a whipping boy in 1972. Mr. President, that kind of cynicism is a dangerous thing. Too many farmers do not have until 1972 to wait for things to start getting better, and no responsible Member of the Senate would use the Nation's farmers as a pawn. If this were a partisan issue, I ask why it is that the ranking Republican member of the Committee on Agriculture, the Senator from Iowa (Mr. MILLER), and the Senator from North Dakota (Mr. YOUNG) also on the Committee on Agriculture, are ready to cast their votes against this nominee. The farm vote in this country, as many Senators well know, is neither Republican nor Democratic; it is profarm. The farmers in this country do not think Dr. Butz is the man to represent them in Washington.

Mr. President, another argument I have heard in the last few days in support of Dr. Butz is that the President has the right to select his own Cabinet members, and that because these men serve only during a President's tenure, and not for a lifetime, such as Supreme Court Justices, the Senate ought to confirm their nominations. I share the opinion that the President ought to be able to nominate his own Cabinet members. But I am not about to abdicate my constitutional obligation as a Senator to advise and consent to the President's nomination, and I trust that none of my colleagues are ready to do so either. I called upon the President to withdraw the nomination of Dr. Butz, as did some members of the President's own party, and I would hope that he still might see fit to withdraw the nomination and nominate someone who could really stand up for the independent farmer in this country. I would be glad to vote for that man. But instead the President has chosen the wrong man.

Dr. Butz, if his nomination is confirmed, will not serve simply as an adviser to the President. He will head a Government agency that affects every single farm in the Nation. He will head a Department that has a great regulatory responsibility.

Mr. President, this century has witnessed a great erosion of congressional power and a concomitant increase in the power of the executive. We have already reached the point where many consider the setting of farm policy to be the prerogative of the administration and the Department of Agriculture. I do not share that view, and I am sure that some of my colleagues on the Agriculture Committee do not subscribe to that philosophy. But now, for some to insist that the President has the right to choose a man to head his farm policy, without the advice and consent of the Senate, is farther than I am willing to go.

Mr. President, I have also heard from some during this debate on Dr. Butz that the Democratic criticism is rather shallow because we have no alternatives to offer in the way of a farm policy. That is not true. There have been a number of good farm proposals made in this Congress which would insure the future of the independent farmer. I should like to talk about a few of those proposals to point out that there are alternatives to Dr. Butz' vision of huge corporate farms.

The first thing we have got to do is to put some reality behind the rhetoric of our support for the family farm. A bill introduced by the distinguished Senator from Wisconsin (Mr. NELSON), of which I am a cosponsor, does just that by finding that it is "desirable to preserve free, private enterprise, to protect small business and prevent monopoly, and to protect opportunity for family farmers in interstate commerce." The bill, known as the Family Farm Act of 1972, would prohibit giant corporations with large nonfarm holdings from farming. It would stop the tax-loss farmers, the conglomerates, and the vertically integrated giants from destroying the independent farmers in America.

Mr. President, another thing that Congress must do is to give the independent farmer bargaining power. I have tried to do that by cosponsoring two bills introduced by the Senator from Minnesota (Mr. MONDALE): S. 726 and S. 727, the National Agricultural Bargaining Act of 1971 and the National Agricultural Marketing Act of 1971. The Bargaining Act would enable farmer-elected marketing committees to bargain and negotiate with processors and buyers to obtain decent and adequate prices on a commodity-by-commodity basis. The Marketing Act would enable the producers of any commodity to form a market order, and would provide a broad range of new powers for farmers under the order—including collective bargaining for minimum prices and other terms of sale. These programs, in some form, are essential to the independent farmer. Everyone in the chain of our food production system is making money—except the farmer. That has got to end.

Another thing we can do to help the independent farmer is something I talked about earlier; and that is to direct the research of the land-grant colleges towards helping the independent farmer. We have got AID research projects to help small farmers in India, Mr. President, and we do not even help the small farmer here in America.

We have also got to end the labor subsidy which gives the giant agribusinesses an unfair advantage over independent farmers. These corporations do not have to pay the same minimum wage as in other comparable industries; nor do they have to pay unemployment or workmen's compensation. In addition, our immigration policies always provide them with a constant flow of cheap labor from foreign countries—thus pitting the working man of this Nation against the poor in other nations. It is no wonder that the agribusinesses enjoy such a cheap cost of labor. The individual farmer is rather hard pressed in the face of these odds.

I ask unanimous consent that a statement of the agribusiness accountability project dated September 16, 1971, entitled "Minimum Wage for Farm Workers," together with a report on Stokeley-Van Camp, Inc., and migrant farmworkers in Illinois be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 9).

Mr. HARRIS. Mr. President, when a giant conglomerate like Tenneco or a company like Standard Oil can go into agriculture and not be faced with the same labor laws that they are faced with in other operations, that is a direct incentive for these huge corporations and conglomerates to go into farming and compete with the small, independent farmer.

The same is true of tax-loss farming and hobby farming. They come into competition with the independent farmer many times to take a tax loss so they can charge that loss against profits made in other operations. A small farmer like my father has no such incentive. Farming is the only business in which he tries to make a living. It is not a question of efficiency. My father is efficient enough. The trouble is that the Government subsidizes the big farmers and corporate farmers. If they are so efficient, why do we have to give them so many billions of dollars of the taxpayers' money? We are subsidizing the competition of the huge conglomerates and rich farmers against the independent farmers who really make their living on the farm.

Mr. President, there is much we can do to give the independent farmer a fair chance.

We can end the scandalous situation wherein the top 5 percent of U.S. farms—the giant agribusiness—received almost half of our billion dollar subsidy program to farmers. This program was intended to aid small farmers but through various strategems the corporate giants have been the beneficiaries of our generosity. An effective limitation of $20,000 on the subsidy payments could put an end to this.

The Federal Government purchases $4 billion of food annually. We ought to make sure that the bulk of that food is purchased from the independent operator.

Last, Mr. President, there is the illegal billion dollar water subsidy with which we favor giant corporations in the West while independent farmers cannot get access to irrigated land. I introduced a bill to remedy this situation, and I should like to discuss it here today and show how this country has consciously chosen to aid giant corporations at the expense of small farmers.

I ask unanimous consent that the bill and the statement I made at the time I introduced it be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 10.)

Mr. HARRIS. Mr. President, the law

says that if a farmer is to get the benefit of federally financed irrigation water projects, he should not own more than 160 acres. That law has never been enforced. In California now, the giant corporations and conglomerates are coming into farming, gobbling up thousands and thousands and thousands of acres which are irrigated, because the taxpayers paid for the irrigation projects, and they are doing that in violation of the law. For that law to be enforced, they would have to divest themselves of the extra acreage. The bill I have introduced would require them to do so.

All the measures I have spoken about here today and last night are ways by which we subsidize bigness in agriculture. It is unnatural for corporations to take over agriculture, for the rich to get richer while the poor get poorer. That is unnatural. The reason why it is happening despite the fact that it is unnatural is that we subsidize that bigness. We ought to stop it. It has been going on under Democrats and under Republicans. We have got to turn it around.

We have driven the people off the small farms and out of small towns into the big cities where their problems have been infinitely greater. We can stop that outmigration. We can have an independent farm population in this country fully efficient, but we are not going to do it if we put a man like Dr. Butz in as Secretary of Agriculture, who believes that that is the way agriculture ought to go, as he so often has said.

I, therefore, oppose this nomination, and I hope its confirmation may be defeated.

EXHIBIT 1

REPORT OF THE AGRIBUSINESS ACCOUNTABILITY PROJECT

Agribusiness corporations served by the U.S. Agriculture nominee, Dr. Earl Butz.

Contacts: Jim Hightower, Martha Hamilton.

Agribusiness Accountability Project, 1000 Wisconsin Avenue, N.W., Washington, D.C. 20007. (202) 338-5365.

The nomination of Dr. Earl L. Butz to be Secretary of Agriculture poses a crucial and fundamental question: "What do we want in rural America?"

Dr. Butz states forthrightly that rural America is a place to do business, not a place to live. And for him, doing business is big business. It means that large, agribusiness enterprises will be in charge, "with more highly concentrated capital, higher levels of management, more specialization of labor, and, if you choose, with a higher degree of integration."

Dr. Butz' vision of rural America is of an assembly line running from the field to the table. As corporations become vertically integrated and food production becomes otherwise concentrated, fewer independent farmers will be needed, and those that are left will be brought more and more under corporate control. Farm workers will not be a problem, for mechanization will eliminate the need for them. Purchase of farm machinery, seeds and feeds and other agricultural inputs will be either from a corporate subsidiary or will be coordinated at corporate headquarters, so the small-town supplier will be expendable. Rural communities themselves will fold as people move to larger urban centers.

Dr. Butz has spent a lifetime working for this vision. In every phase of his career, he has been close by the side of agribusiness, serving its needs as an academician at Purdue University, as a politician during the Ezra Taft Benson era, as an author and lecturer, and as a stockholder and board member of agribusiness corporations. From his background and with his perspective, Earl Butz is better suited to be Secretary of Commerce.

It is possible to ask more from rural America than corporate profits. Earl Butz is not the only one with visions of what should exist. Millions of people—independent family farmers, farm workers, small town businessmen and other rural citizens—still would like to think of it as home. They want to live and to work there with dignity. They want more alternatives than merging into the corporate structure or moving into the cities. Of course, Dr. Butz puts it to them more bluntly: "Adapt or die," he said. As Secretary of Agriculture, he will be in a position to enforce that admonition.

EARL LAUER BUTZ

Birth: Albion, Indiana—July 3, 1909.

Education: B.A., B.S.A. Purdue, 1932; Ph.D., Purdue, 1937; and Student, University of Chicago, Summer, 1936.

Married: December 22, 1937, Mary Emma Powell. Two children: William Powell, Thomas Earl.

Professional Career: Farmer, Noble County, Indiana; Grad. Research Assist. in Agricultural Economics, Purdue U., 1934–35; Research Economist, Federal Land Bank, Louisville, Ky., 1935–36; Instructor, Agricultural Economics, Purdue U., 1937–39; Assistant Professor, 1939–43; Associated Professor, 1943–46; Professor, Head—Agricultural Economics Dept. Purdue U., 1946–1954; Assistant Secretary, Department of Agriculture (USDA) 1954–57; Director, CCC; Dean of Agriculture, Purdue U., 1957–1967; Dean of Continuing Education, Purdue U., 1968–1971 (Present). Research Economist—Brookings Institute, 1944, 1951; Research Staff—National Bureau of Economic Research, 1944–45; Lecturer, School of Banking, Univ. of Wisconsin, 1946–1965; and Lecturer, Rutgers Univ., 1950–1958.

Affiliations: Director, Standard Life Insurance Company of Indiana; Ralston-Purina Company; International Minerals and Chemical Corp.; Stokely-Van Camp, Inc. (Ex.) J. I. Case Company; Farm Foundation (Chicago, Ill.); and Foundation for American Agriculture (Washington, D.C.).

Chairman, U.S. Delegation FAO, Rome, 1955, 1957; Member, American Farm Economic Association: Vice-President, 1948, and Sec.-Treas., 1953–54; Member, American Society of Farm Managers and Rural Appraisers; Member, Indiana Academy of Social Science, Vice President, 1948; Member, Canadian-American Committee; Member, International Conference of Agricultural Economists; and Member, American Association of University Professors.

Publications (Books): *The Production Credit System for Farmers* (1944).

Office: Purdue University, Lafayette, Indiana.

Home: 312 Jefferson Drive, West Lafayette, Indiana.

Also served on a 16-member committee appointed by President Nixon to study American foreign aid in 1969–1970.

Currently Vice-President of the Purdue Research Foundation.

RALSTON PURINA

Earl Butz was elected to the board of directors of Ralston Purina in 1960. As a member of the board, he received $12,000 annually in compensation and held 2,000 shares of stock. During his tenure, the company expanded from sales of $646,753,000 and net earnings of $22,859,000 during fiscal year 1961, to sales of $1,567,009,000 and net earnings of $56,770,000 during fiscal year 1970.

The first half of fiscal 1971 has been good to Ralston Purina, with the firm reporting record high sales of $859,170,000 and its second highest earnings ($28,948,000) for that six month period. Fortune magazine ranks Ralston Purina 71st in sales among the 500 largest industrial corporations in the U.S.

Ralston Purina describes itself in its annual report as "diversified in . . . operations, multinational in organization, and global in outlook." Its diverse operations are primarily agricultural, including:

Soybean processing for feed production and sale; commercially sold by-products.

Grain merchandising.

Manufacture of sanitation and biological products for animal disease prevention and control.

Animal and poultry feed formulation from grain and grain products, soybean meal, alfalfa meal, cottonseed meal, fishery products, molasses and vitamin concentrates.

Manufacture and distribution of breakfast cereals, hot and cold, and crackers.

Canning and marketing of tuna fish.

Production and processing of catfish.

Pet food manufacture.

Industrial cleansers and waxes manufacture.

Production and leasing of swine.

Production of mink and pathogen-free laboratory animals for medical research.

Frozen convenience food product on.

Restaurant operation and restaurant supply (including warehousing and processing).

Protein products production.

Operation of a ski resort.

Research in feeds, pet foods, beverages, and protein products.

In some categories, Ralstan Purina leads the industry, *Feedstuffs*, and agribusiness weekly, calls Ralston Purina "the largest single factor in the total poultry industry."

In its annual report for 1969, Ralston Purina dubs itself the number one pet food manufacturer.

The following table shows the amount and percentage of consolidated net sales and consolidated earnings contributed by each lines of business:

[Amount in millions of dollars]

	Net sales					Earnings				
	1966	1967	1968	1969	1970	1966	1967	1968	1969	1970
Agricultural products: Animal and poultry feeds, poultry products, soybean processing, and other related operations—										
Amount	709.0	775.1	734.8	790.5	878.9	61.3	32.5	42.8	53.6	70.3
Percent	60	60	57	57	56	58	39	43	44	49
Consumer products: Pet foods, sealoads, cereals, and other products—										
Amount	210.5	220.0	258.3	293.2	325.6	24.5	30.4	36.8	42.8	43.4
Percent	18	17	20	21	21	23	37	37	35	30
Restaurant: Jack-in-the-Box fast service restaurants and other restaurant operations of Foodmaker, Inc.—										
Amount	20.7	26.0	33.1	46.1	69.2	3.4	4.5	6.4	10.0	12.2
Percent	2	2	3	3	4	3	5	6	8	8

[Amount in millions of dollars]

	Net sales					Earnings				
	1966	1967	1968	1969	1970	1966	1967	1968	1969	1970
International (including Canada): Animal and poultry feeds, poultry products, pet foods, and other related operations—										
Amount	234.5	280.1	255.3	256.5	293.3	16.8	15.1	13.6	14.9	18.0
Percent	20	21	20	19	19	16	19	14	12	13
Total (dollars)	1,174.7	1,301.2	1,281.5	1,386.3	1,567.0	106.0	82.5	99.6	121.3	143.9
Unallocated corporate expenses						10.2	11.9	12.4	9.1	12.1
Interest expense						6.3	10.0	13.2	13.5	15.6
Earnings before income taxes						89.5	60.6	74.0	98.7	116.2

Ralston's "multinational organization" includes activities in 23 foreign countries with markets in Europe, Japan, and Australia accounting for the major sales. Ralston Purina was one of 12 founding companies of a U.S. investment concern, the Latin American Agribusiness Development Corporation.

* * * * * *

Several aspects of Ralston Purina's business are subject to regulation by USDA:

Commodity and Exchange Authority—Ralston "protects part of its inventory position . . . by trading in futures markets." Abuses of future trading are subject to regulation.

Consumer and Marketing Service—C & MS conducts meat, poultry and egg inspection marketing regulatory programs and a plant variety protection program.

Packers and Stockyards Administration—P & S uses its regulatory powers to insure free competitive practices in the meat and poultry marketing and meat and poultry packing.

Agricultural Research Service—ARS inspects certain exported products and through its veterinary service provides for the humane treatment of animals used in research facilities.

In addition, USDA's activities affect Ralston Purina states:

"A very large portion of the cost of producing feeds is represented by the cost of raw materials . . . The government's price support programs have a significant effect on the prices of certain of the Company's raw materials."

Ralston Purina sells to USDA. For example, in fiscal year 1971, approximately 9% of the funds expended for the purchase of frozen turkeys through Section 32 funds went to Ralston Purina. (The Company also manufactures cereals for government usage.)

* * * * * *

Two private antitrust suits have recently been brought by and on behalf of persons who were leasees of Jack-in-the-Box restaurants. The suits seek substantial damages "for alleged illegal resale price maintenance and alleged illegal requirements that leasees lease property and purchase restaurant items from Foodmaker or Foodmaker designated sources at higher than competitive rates."

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Four members of the board of directors of Ralston Purina have close ties with other agribusinesses. Donald B. Smiley, is a director of the RCA Corporation which produces Banquet Foods. Erwin A. Stuebner is a former director of Rohm and Haas Company. Leif J. Sverdrup, Jr., is on the board of the St. Louis National Baseball Club, Inc., a subsidiary of Anheuser-Busch. Albert J. O'Brien is a director of General American Life Insurance Company which owns stock in the following agribusinesses: Tenneco, Anheuser-Busch, Dow, Pet, Ralston Purina and Transamerica.

INTERNATIONAL MINERAL AND CHEMICAL CORP.

Earl Butz was elected to the board of directors of International Minerals and Chemical Corporation in 1961. As a member of the board, he received $10,000 in remuneration and owned 2,000 shares of stock. During his tenure at International Minerals, net sales increased from $133,786,000 in 1961 to $505,932,000 in 1970. Net earnings changed from $9,039,000 in 1961 to $4,503,000 in 1970. *Fortune* magazine listed IMC as 218th in sales among the top 500 corporations.

IMC is an international corporation with 109 subsidiaries throughout the world. The Company engages in four major lines of business:

Industrial products—including feldspathic materials and sand binders, highly formulated resins, oils and esters, bentonite clays.

Food Products, including monosodium glutamate sold under the brand name ACCENT. Other food products include rices, pepper, spice and vegetable products.

Business losses ascribed to 1970 publicity questioning the safety of monosodium glutamate led to a decision to sell that line of business.

Trading operations, among them Continental Ore Corporation, a wholly owned subsidiary that engages in the purchase and sale of ores, minerals, ferroalloys metals, carbon products and industrial products and materials.

Agricultural, as a world supplier of fertilizer materials, mixed fertilizers, plant growth regulators, and microbiological insecticide.

Contributions of the four divisions to net sales and income are:

[In thousands of dollars]

	Fiscal year—				
	1967	1968	1969	1970	1971
Rules:					
Agricultural products:					
Phosphate products	82,100	73,400	72,000	76,200	74,300
Potash products	50,400	49,000	42,400	46,300	51,000
All other agricultural products	101,500	106,700	96,700	70,000	77,100
Total	234,000	229,100	211,100	192,500	202,400
Industrial products	75,600	102,500	99,200	86,400	68,100
Food products	21,500	26,400	25,600	22,800	23,300
Trading operations	130,600	143,800	168,700	204,200	223,800
Net sales	461,700	501,800	504,600	505,900	517,600

	Fiscal year—				
	1967	1968	1969	1970	1971
Operating income:					
Agricultural products	26,900	16,500	5,800	11,900	25,800
Industrial products	5,200	4,500	4,600	3,200	100
Food products	2,600	3,000	(100)	(2,300)	(2,900)
Trading operations	4,900	5,600	3,300	6,500	7,000
Operating income	39,600	29,600	13,600	19,300	30,000

IMC is the largest domestic producer of monosodium glutamate and the fifth largest producer of agricultural fertilizers in the U.S. IMC mines raw phosphate and potash for its own fertilizer products and for shipment to other producers. "Virtually all of the phosphate mined by IMC goes to agriculture . . . almost none to industry." Phosphate is mined by open pit method in Florida where IMC controls or owns 49,300 acres of land. Of the phosphate recovered in 1970, 50% went to foreign markets and 4% was used by IMC within its own plants. In 1971, IMC formed an association to assist in export shipments of phosphate.

In its potash operation, IMC has federal cooperation. IMC leases land from the U.S. government through the Bureau of Interior to mine potash. Two tracts of land, one consisting of 1,342.37 acres and the other of 2,550 acres, are leased for $1.00 an acre under contracts that have been modified on several occasions.

Among IMC's potash mines are high grade deposits near Esterhazy, Saskatchewan, Canada. IMC's income for agricultural products has increased significantly because of higher prices for potash resulting from production controls and a "floor price" higher than prevailing prices set on January 1, 1971 by the Canadian government. IMC's Canadian operations in 1967 netted them an investigation. The United States government "initiated an investigation into the alleged 'dumping' of potash into the U.S. by the Canadian producers thereof, including IMC (Canada) . . ." The investigation determined that Canadian producers sold potash in the U.S. market at lower prices than the prices

charged by such producers in the Canadian market and that such sales had injured the domestic industry. Although IMC will be required to pay increased duties, the Treasury Department as late as June 30, 1971 had not determined the extent of the liability.

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IMC's operations involve the corporation with USDA in one area. Continental Ore Corporation engages in "barter transactions with the U.S. government under which COC receives surplus agricultural commodities for export in return for supplying materials to the U.S. government agencies or for providing funds for operations of government agencies abroad."

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During 1969 IMC reached agreement with the Internal Revenue Service on a substantial number of issues raised by the service units examination of the Corporation's federal income tax returns for the years 1960 through 1963. Accordingly, IMC provided $5,500,000 by a charge to retained earnings for additional income taxes relating to all issues through June 30, 1969, including interest (no income tax effect).

In November 1963, the federal government filed an indictment charging violations of the Sherman Act with respect to export prices of phosphate rock from 1956 to 1962. (United States vs. International Minerals and Chemical Corporation.)

On December 1964, an indictment was filed claiming that sales by Concentrated Phosphate Corporation Association (IMC is a member) to the Republic of Korea which were financed by the U.S. government through AID are beyond exemption under the Webb-Pomerene Act and in violation of the Sherman Act. (U.S. vs. Concentrated Phosphate Export Association, Incorporated, et. al.)

In 1970, the U.S. government filed a complaint regarding pollution caused by a chlor-alkali plant in Maine.

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In addition to Butz, at least three members of the 12-man board of International Minerals and Chemical Corporation served on the boards of other agribusiness corporations (they continue as directors). Robert W. Purcell is a director of the International Economy Corporation and the Agricultural Insurance Company. John T. Ryan is a member of the board of H. J. Heinz, and Thomas H. Roberts is a director of DeKalb AgResearch, Inc.

STOKELY VAN-CAMP, INC.

Earl Butz was elected to the board of directors (Class II) of Stokely Van-Camp, Incorporated on October 7, 1970. His remuneration is reported at $4,800. Upon election he held no stock in the company, but has publicly stated that at the present he does now own stock.

For the year ending May 31, 1971, Stokely's net sales and operating revenues were $280,863,388, an advance of $6.2 million from 1970. Net earnings were $6,602,058, up $2.3 million from 1970.

The company is listed 362d in sales according to *Fortune* magazine's top 500, number 420 in net earnings with a year's growth rate of 0.69%.

Stokely Van-Camp, Incorporated is a processor of foods for human consumption. In addition to its executive headquarters in Indianapolis, Indiana, its canned foods division (Van Camps, Stokely's Finest, Gatorade) operates in California, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, New Jersey, Ohio, Tennessee, Texas and Wisconsin. Its frozen foods division (Stokely's Finest, Picsweet) operates in California, Florida, Indiana, Minnesota, Oregon and Washington. In the latter operation, Stokely Van-Camp, Inc. leases land from Indian reservations (tax free) to grow crops, according to one report.

The Capital City Products Division, a processor of food oils to produce highly specialized products utilized by other processors as ingredients, has its general offices and operations in Columbus, Ohio. Pomona Products Division's general office and operations are in Griffin, Georgia. It distributes and processes a line of southern vegetables (Sunshine). It is the major marketer of pimientos in the United States.

The Kuner Empson Company Division, with headquarters and operations in Brighton, Colorado, distributes a line of canned fruits and vegetables (Kuners) in the Rocky Mountain and Plains areas. Purity Mills Division, with headquarters in Dixon, Illinois, and operations in Illinois, Indiana, and Ohio is a processor of unpopped popcorn (Popeye, Betty Zane) and puffed wheat and rice (Popeye).

Stokely's Can Manufacturing Division, with a general office in Indianapolis, Indiana, and operations in California, Indiana, Tennessee, and Illinois, is a manufacturer of cans from tin plate. The cans are supplied to other divisions for use in canning.

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Subsidiaries include:

M. W. Graves and Company, Ltd., and Canada Foods, Ltd., Berwick, Nova Scotia:

Distributors and processors of canned and frozen vegetables and fruits sold in Maritime Provinces of Canada under their own labels.

Hawaiian Fruit Packers, Ltd., Kapaa, Kauai, Hawaii:

Packer of pineapple products for sale and use of Stokely Van-Camp, Inc.

Stokely Van-Camp of Puerto Rico, Manati, Puerto Rico:

Sales corporation.

Stokely Van-Camp of Canada, Ltd., Essex, Ontario, Canada:

Processor and distributor of canned vegetables distributed in Prairie Provinces of Canada under its own label.

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The U.S. Department of Justice filed suit August 11, 1971, against Stokely Van-Camp, Incorporated, seeking to recover all the "substantial profits" made by the company on sales of the drink, Gatorade. The complaint stated that the formula for the drink had been developed at the University of Florida under grants from the Department of Health, Education and Welfare. All such inventions arising out of such grants are the property of the government, the Justice Department contends. In 1968, Dr. James Robert Cade, the developer of the drink, along with a few assistants formed a trust and sold the marketing rights for Gatorade to Stokely Van-Camp. A 1969 company report states the company pays the trust an annual royalty of $25,000 plus 3¢ per gallon sold. Three weeks prior to the government suit the Board of Regents at the University of Florida filed a similar suit against its employee, Dr. Cade, asserting that it had property rights to the drink.

The U.S. Department of Agriculture has twice suspended (in 1969 and 1970) its meat inspection operations at Capital City Products Company because of below-standard operations.

On November 1, 1971 the Food and Drug Administration rescinded a previous botulism warning on a 15,000 can batch of Stokely Van-Camp green beans.

Stokely Van-Camp has large exemptions for its workers from overtime provisions of the National Labor Relations Act. Agricultural workers are exempt from almost all provisions (except the $1.30 hour minimum wage and some child labor provisions) of the Fair Labor Standards Act. The company makes almost full use of interstate recruiting system for seasonal agricultural employees under the Wagner-Peyser Act.

On July 31, 1967, the Securities and Exchange Commission, alarmed by two weeks of heavy speculation on Stokely Van-Camp, Inc. stock due to the announced marketing of Gatorade, imposed a ban against margin buying of the stock, i.e. margin was set at 100%.

The U.S. Government (Defense Personnel Support Center and Veterans Administration Marketing Center) was a major 1970 purchaser of Stokely Van-Camp, Incorporated, products ($1,398,757).

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In addition to Butz, at least five other members of the 9-man Stokely Van-Camp, Inc. board of directors serve in agribusiness-related organizations. J. W. Fisher is president of the Ball Corporation, a glass and bottle-maker, which is a supplier to Stokely Van-Camp and serves on the board of Calvert Exploration Company, a chemical manufacturer. H. R. Warren is on the board of directors for K–B Farms, Incorporated. W. B. Stokely III is president of the Indiana Canners Association and D. H. McVey (who served with General Mills from 1930–1960) is on the board of directors of the Rockford Can Company, which is owned jointly by Stokely Van-Camp, Inc. and Quaker Oats Company and is a major supplier to Stokely Van-Camp, Inc.

EXHIBIT 2

A REPORT ON THE ACTIVITIES OF STANDARD LIFE INSURANCE CO. OF INDIANA

CORPORATE PROFILE

Standard Life Insurance Company of Indiana, with its home office in Indianapolis, Indiana, lists its "products" as individual life insurance, joint life, emlpoyee benefit counseling, pension and profit sharing plans, deposit administration contracts, I.R.S. approved Keogh prototypes, actuarial plan design, servicemen's group life insurance, group ordinary, group term, group permament, salary savings, estate planning, retirement annuities, tax-lavored annuities, college education plans, mortgage protection, credit life, reinsurance, mutual fund affiliate and broker dealer affiliate.

The company's field force is located throughout 45 states, the District of Columbia and Europe.

SALES AND ASSETS

Sales for Standard Life Insurance Company of Indiana in 1970 were a record high of $52,614,948, while premium income totaled $8,358,735. The company's net gain from operations amounted to over $592,000. Insurance in force increased by 8.2% and assets increased in 1970 to $68,928,331.

The yield on new investments in 1970 by the company was a record high figure in excess of 8.25%. Gross investment income for the year was also a record, amounting to $3,419,487. The net return on the entire portfolio amounted to 4.65%, also a record high.

The distribution of assets were:

[In percent]

Bonds	65
First Mortgages	13
Investment Real Estate	8
Policy Loans	5
Home Office Real Estate	4
Stocks	2
Cash	1
Due from Policyowners	1
Other	1
Total—$68,928,331	100

In the first six months of 1971 company sales of ordinary life insurance totaled over

$28.2 million, a record increase of 76% over the same period in 1970. The company's investment income increased 12.8%, a 5% increase over the first six months of the previous year.

Assets for the first half of 1971 also showed a record increase of $1.75 million to $70,818,000.

The company has also reported that in the first nine months of 1971 the direct sales of ordinary life insurance was over $40 million, an increase of 71% over 1970.

Approximately four percent of the company's bond investments, 25% of its preferred stock and 20% of its commonstock investments are in agribusiness or agribusiness-related industries.

PORTFOLIO OF INVESTMENTS

The following is a general summary of the securities which were owned by Standard Life Insurance Company of Indiana as of December 31, 1970. Also included are total amounts of mortgages and real estate owned by the Company as of that date.

Bonds:	Par value
U.S. Government	$2,389,000.00
Canadian Government and subdivisions	130,000.00
Government other countries	528,000.00
States—United States	754,000.00
Territories—Canada	2,687,000.00
U.S. political subdivisions	898,000.00
Canadian political subdivisions	803,000.00
Special revenue obligations—United States	50,000.00
Special revenue obligations—Canada	983,000.00
Railroads—United States	840,500.00
Railroads—Canada	100,000.00
Public utilities—United States	26,013,500.00
Industrial and miscellaneous	9,159,100.00
Total all bonds	45,335,100.00
Preferred stocks:	*Asset value*
Public utilities	$301,077.06
Industrial and miscellaneous	218,441.08
Total preferred stocks	519,518.14
Common stocks:	*Market value*
Railroads—United States	$40,621.25
Public utilities	416,895.00
Industrial and miscellaneous	667,680.70
Total common stocks	1,125,216.95
First mortgage loans	$8,832,745.41
Investment real estate	5,310,962.14
Home office buildings and properties	2,458,292.73

SELECTED LIST OF BONDS

Description	Interest rate	Maturity date	Par value
Tri-Purdue University—			
Dorm. fac	3½	1990	$50,000
Do	3½	1992	84,000
Do	3¾	1995	100,000
Do	3¾	1998	50,000
Do	3½	2003	100,000
Norfolk-Western Railway	6	1581	200,000
Penn Central Co	8¾	1989	237,500
Western Pacific Railway Co.	4.55	1980	300,000
American Can	4¾	1990	60,000
American Tobacco Co.	3¼	1977	15,000
Anheuser-Busch, Inc	3¼	1977	23,000
Do	4½	1989	65,000
Burlington Industries	4¾	1990	50,000
J. I. Case Co (Tenneco)	3½	1978	48,000
Caterpillar Tractor Co	5½	1986	50,000
Chase Manhattan Bank	4½	1993	20,000
Consolidated Cigar Co	4¼	1975	25,000
Container Corp. of America	3.30	1980	90,000
Continental Can Co., Inc.	5½	1985	44,000
Dan River Mills	4¾	1990	100,000
Deere & Co.	3½	1977	30,000
Do	4½	1986	50,000
Deere & Co. Credit Co	4¼	1985	$50,000
Del Monte Corp	5¼	1994	15,000
Dow Chemical Co	4.35	1988	50,000
F.M.C. Corp	4¼	1992	25,000
Food Fair Stores, Inc	3⅜	1974	25,000
Fruehauf Trailer Co	3¾	1974	50,000
Fruehauf Corp	6	1987	200,000
General Motors Corp	3¼	1979	120,000
Georgia Pacific Corp	5¾	1994	20,000
Greyhound Corp	6½	1990	100,000
Gulf Oil Corp	8¼	1995	50,000
Household Finance Corp	4⅝	1977	50,000
Do	7¼	1990	25,000
Libby McNeil & Libby	5	1989	30,000
Liggett & Myers Tobacco Co	6	1992	50,000
P. Lorillard Co	3	1976	10,000
Do	4⅞	1986	50,000
National Tea Co	5	1977	29,000
Packaging Corp. of America (Tenneco)	4⅝	1987	75,000
Do	6.85	1993	50,000
Pepsi-Cola General Bottlers Inc	5½	1988	30,000
Pillsbury Co	4¾	1989	15,000
Purex Corp	4¾	1994	40,000
Jos. E. Seagram & Sons, Inc	4¼	1983	50,000
Tenneco Co	7	1988	50,000
Times Mirror	4½	1990	100,000
White Motor Co	5¼	1993	25,000
Witco Chemical Co	5	1980	34,000

SELECTED LIST OF STOCKS

Description	Yield (percent)	Number of shares	Asset value (cost)
Household Finance Corp. (supermarkets)	2⅜	[1]400	$24,630.46
Ingersoll Rand		[1]300	9,569.25
Occidental Petroleum	4	[1]800	61,861.09
American Metal Climax	4	[1]700	64,357.00
Norfolk & Western Railway Co		610	[2]40,641.25
American Standard Corp		1,800	[2]54,900.00
E. I. DuPont DeNemours & Co		400	[2]53,350.00
General Motors		1,300	[2]104,650.00
Seneca Grape Juice Corp		175	[2]853.12
Union Carbide Corp		2,200	[2]87,725.00
Westinghouse Electric Corp		800	[2]53,400.00

[1] Preferred.
[2] Market.

PERSONNEL

Among the 19-member Board of Directors for Standard Life Insurance of Indiana is Dr. Earl L. Butz, Vice President, Purdue Research Foundation; Dean of Continuing Education, Purdue University, Lafayette, Indiana; Director, Ralston Purina, Stokely-Van Camp, Inc, and International Minerals and Chemical Corp.

Dr. Butz was first elected in 1951 to the Standard Life Insurance of Indiana board of directors and was elected to a new three-year term on the board on April 30, 1971.

As of December 31, 1970 he owned 2,310 shares of the company (November 24, 1971 market value—$21,367).

In addition to Dr. Butz two other members of the Standard Life Insurance of Indiana board have served in agribusiness-related organizations.

John L. Richardson, Vice President of Agricultural Relations for the company is the retired director of advertising and public relations for Allied Mills, Inc., Chicago Illinois, and Robert B. Stewart, Vice Chairman of the board and Senior Vice President of the company is retired Vice President of the Purdue Research Foundation, Lafayette, Indiana.

EXHIBIT 3

LAND GRANT COLLEGES: POWER AND POVERTY

(By Jim Hightower)

There is a troubling paradox in rural America. On the one hand, the mechanization and incorporation of the farm has led to an industrialized agriculture that has produced an enormous bounty of food products and that has created great agri-business wealth for the few. On the other hand, those same forces of industrialization have produced enormous poverty for the many—some 2.5 million farm workers receive exploitative treatment from their agri-business employers and live in misery and degradation; over half of the farmers in the country make sales of under $5,000 a year and steadily are being forced out of the markets and off the land; entire rural communities are folding up and becoming ghost towns, and their residents are trying to squeeze into cities that do not want them and cannot accommodate them.

The sixty-nine land-grant colleges in this country have been a major force in the creation of this paradox. On the one hand, they have lent their considerable resources to the development of an agricultural industry and to the service of agri-businessmen; on the other hand, they have withheld their considerable resources from the development of a total rural community and the crying needs of all rural Americans.

Land-grant colleges are the result of a deliberate national policy to foster the agricultural arts and to put science to work for the well-being of rural America. This was a policy developed at a time when the overwhelming majority of all Americans lived in rural areas, and when all rural Americans either were farmers or were economically dependent on farmers.

The colleges were created through the Morrill Act of 1862, which offered a grant of Federal land to each state that would agree to establish an agricultural college. Then, in the Hatch Act of 1887, the Federal government established an agricultural experiment station on each of these campuses. As the research and teaching staffs grew, there developed a need to disseminate the practical knowledge throughout the countryside; Congress met that need in 1913 by passing the Smith-Lever Act, which created the Agricultural Extension Service. These three acts are the legislative basis for today's land-grant colleges, and the contemporary history of the acts makes clear that the institution they created was to serve the most inclusive rural constituency and was to be concerned with the broad needs of rural America.

That they have failed to honor this broad mandate is obvious. Instead, they have narrowed their focus almost to the exclusive service of agri-business, leading a *Wall Street Journal* writer to describe the land-grant college as "a tax-paid clinic for a major industry." After World War II, the land-grant college scientist and economist became a partner to agri-business much in the same sense that other academicians entered into unquestioning partnerships with the defense establishment. Farm machinery, pesticides, hybrid plants, new feeds, processing systems, management techniques, packaging materials, marketing schemes, and literally every other agri-business need has been developed on these campuses, often at the specific request of the industry. The expertise has been on call to those who had the power to call it; those without power—farm workers, small farmers, the rural poor and aged, and the small rural businessmen—have not been invited to help make research decisions, though they have had to suffer the enormous social and economic consequences of those decisions. To their discredit, land-grant college academicians have failed to look hard at the total impact of their work or to question seriously their research priorities.

There recently came to light a graphic demonstration of land-grant college insensitivity to the needs of its broader rural constituency. In this case, Cornell University is the offending institution.

The New York State College of Agriculture at Cornell University is considered generally to be one of the very top land-grant colleges in the country. Including its carry-over from the previous year, the College operated in 1970 with a $41 million budget, and its annual report literally is stuffed with beaming references to the good it was able to do agri-business. In his 1969 report, Dean Charles E. Palm noted this achievement of his College: "Apple growers, faced with a diminishing supply of seasonal labor, were assisted in exploring various ways to mechanize operations to eliminate labor."

That passage takes on a poignant dimension when it is realized that the Cornell College of Agriculture itself is the owner-operator of an apple farm that until very recently employed migrant farm labor.

The College owns or has use of about 13,500 acres of land in New York. Two hundred acres of that can be found far upstate, outside the town of Sodus. This is apple country. The Cornell fruit farm spreads off US 104 right to the water's edge of Lake Ontario. Far back from the highway, discreetly set out of sight behind the well-kept trees, was Cornell University's very own migrant labor camp. Over the years, about 50 farm workers—mostly Blacks and Puerto Ricans—have been coming up from their homes in Florida to work the Cornell apples during the June-November growing season.

Cornell did not provide much in the way of a summer home—as a doctor in a county-wide health clinic observed: "It is ironic that a humanitarian institution [he means Cornell] should run one of the worst camps in New York. The conditions at Sodus were what migrants have come to expect wherever they go: a family of eight lived all season in 1½ rooms; there were outdoor toilets only, with no heat or light; walls were cracked and leaking; and there was no heating system, so workers were forced to keep their gas burners on their cooking stoves going 24 hours a day. It's the same old stuff, only this time there is the bitter irony of knowing that it's coming from a tax-supported institution with a legislative mandate to serve all rural residents."

This is no innocent oversight. The College of Agriculture has held the deed to this farm for ten years, and they were using the farm (and the workers) long before they acquired the deed. It can be stated bluntly: the New York State College of Agriculture knowingly exploited these workers.

Worse yet, this powerful and rich institution has reacted either with hostility or with benign neglect whenever it has been suggested that the College is accountable for the plight of those workers. In 1969, an organizer for the United Farm Workers Organizing Committee telegraphed the president of Cornell, requesting recognition of UFWOC as the bargaining representative of the 52 workers then living in the College's camp. The College disvowed everything but actual ownership of the farm, claiming that their resident manager was "solely responsible for the entire operation of the farm. Cornell University has no employees, I repeat, no employees of any kind at the . . . farm."

That is a ludicrous bit of wriggling on the hook. Of course Cornell has workers there—who does the farm manager and the crew leader and the migrants themselves work for if not the institution that owns and profits from the farm and that directly or indirectly pays their salaries? The final word on unionization was handed down through the farm manager, who told the UFWOC organizer that if "any of my workers start talking about that union, I'll put them on a bus and send them back home."

In 1968, Cornell had an opportunity to respond to the obvious needs of its own farm workers and to offer an exemplary labor policy that could benefit others. A professor in Cornell's school of Industrial and Labor Relations came forward with a research proposal to study the conditions of migrant workers in New York and to demonstrate means of self-help, using the Cornell farm, camp and workers as a demonstration unit. His plan—which would have cost just over $10,000—was scuttled: "I can only conclude that the decision to abort the project stems from the traditional concerns that the College of Agriculture has with its traditional clientele, the growers of New York State."

In August of 1970, Cornell took still another step backward of this issue. During his campaign for the attorney generalship of New York, Adam Walinsky made a highly publicized tour of upstate migrant labor camps. Just before Walinsky made his rounds—perhaps the very day before—a sign that designated the Sodus farm as a Cornell Demonstration Orchard prudently was taken down. People in the area report that the sign had been in good repair and, in fact, had been freshly painted. It has not been put up again.

By late 1970 and early 1971, the Cornell camp was becoming an increasingly visible embarrassment to university officials. Outside interests, including the Migratory Labor Subcommittee of the U.S. Senate, were making inquiries. On campus, students had learned about the camp—the university senate was investigating and reporters from the *Cornell Daily Sun* began to come around with questions. Finally, the story broke to a national audience in the *New York Times*.

Here was the chance to admit past error and to announce a positive program of response. This influential rural institution could have chosen to apply its resources and its experience to the development of a model labor community and to the pursuit of answers to the difficult questions of farm labor relations. It could have begun here to meet its obligation to seek solutions for the really crucial problems facing rural New York. Instead, the College simply tried to wash its hands of the whole affair—"We're going to beat the hell out of the thing," blurted Dean Charles Palm. And they were.

On March 18, Cornell President Dale Corson met with two students who had come to ask him to intervene in behalf of the farm workers. Not only did he refuse their plea, but he also revealed that the College of Agriculture already had dealt with the issue—just hours before the meeting with the students, a bulldozer had razed the camp and covered the site with dirt. It had been decided to mechanize the farm; ironically, mechanization would be possible because of the apple shaker developed at the College.

The workers in Florida have been notified that Cornell will not be needing them any more—never mind that they have depended on that income (half a year's worth) for more than a decade. Not only was there no consultation with the workers on this decision, but those workers will get no severance pay, and they are excluded nationally from the unemployment compensation program. At least, they no longer will be Cornell's problem. Because of the public exposé and because of continuing student pressures, the College of Agriculture has offered a token proposal that will do nothing for the farm workers they have displaced, but that will provide 1¼ additional county agents to work in the Sodus area during the next year.

Obviously, more than that is required. Just as Cornell could not avoid its accountability by turning its back, neither can it meet its responsibility simply by posturing toward reform. A fundamental shake-up is required—a shake-up that will re-orient the College of Agriculture and cause it to respond to the needs of farm workers, small farmers, and rural communities.

Despite its failures, Cornell cannot be singled out as the sole villain. The narrow agri-business focus that is found at the New York State College of Agriculture pervades land-grant colleges throughout the country.

The entire land-grant system—the 69 colleges, the experiment stations, the extension service, and the research offices of the U.S. Department of Agriculture—must bear the burden of accountability, and that system must be made to respond to all elements of its rural constituency.

A drive through rural America today, or a glance at the statistics on rural poverty and rural out-migration, is clear evidence that what has been good for agri-business has not proven good for all, or even for most. Those most in need have received the least attention. No one proposes that the land-grant system should abandon its traditional concern with farm productivity, nor is it even suggested that agri-businessmen no longer should be consulted about research. Rather, the point simply is that agri-businessmen are but one element in rural America, and the tax-paid land-grant system must be forced to consider agri-business research demands within the broader context of total rural need.

I am concerned in examining Dr. Butz's affiliations and background if he, as Oren Lee Staley, president of the National Farmers Organization has asked, "is a symbol of the betrayal of agriculture by some of its educational institutions to giant corporate interests?"

Dr. Butz is a product of the land grant college of Indiana—Purdue University. He has a B.A., a B.S.A. and a Ph.D from Purdue. He has been on and off the Purdue payroll since 1934, serving as a graduate research assistant, a professor of the Department of Agricultural Economics, Dean of Agriculture, Dean of Continuing Education and Vice-President and Director of the Purdue Research Foundation.

Land grant colleges were authorized and endowed under the Morrill Act of 1862, the same year that the Department of Agriculture was created. In 1887, the Hatch Act created a system of Agricultural Experiment Stations, attached directly to these campuses.

In 1914, the Smith-Lever Act created the Extension Service to carry the benefits of the land grant college research to the people of rural America. In each of these acts, the intention was that the benefits of this land grant college system would flow to all rural Americans.

There are 69 land grant colleges today, located in every state. In fiscal year 1969, federal and state taxpayers put $223 million into research alone at these colleges. Add in tax money for Extension, and the figure approaches half a billion a year.

That is the largest research and development focus there is in rural America. But, in spite of its congressional mandate to serve all rural Americans, the land grant college system has focused the overwhelming share of its resources on agricultural efficiency and on the peculiar needs of agribusiness.

Purdue University has been no exception. In 1969, for example, the Agricultural Experiment Station at Purdue received a total of $8,101,673 for research on projects involving 172.9 scientific-man-years (SMY). Very few of these resources were expended on what the U.S. Department of Agriculture calls "people oriented research."

	SMY	Amount
People as individuals	0.07	$38,819
Family members	2.30	31,885
Food	3.20	127,423
Total	5.57	188,127
As compared to—		
Corn	16.3	575,577
Poultry	5.7	331,520
Swine	9.9	506,811
Total	31.9	1,413,908

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Of the Station's research bulletins (July, 1969–June, 1970) not one was aimed at the general rural community.

There was, however, a bulletin titled "An Examination of Furniture Casters."

In a list of over 350 scientific papers (July, 1969–June, 1970) not one paper was on a topic of value to the general rural community.

Yet, there was a paper titled "Evaluating Sands for Athletic Turf."

In 1969–70, Purdue received over $330,000 in research money from private industry. Many of the contributions were from chemical and oil companies. Names appear such as Chemagro, Chevron, Niagara, Gulf, Monsanto, Uniroyal Chemical, Union Carbide, and Eli Lilly. Other well known names associated with food processing appear such as Swift, Armour, Beech-Nut, General Foods and Quaker Oats.

Other industries that have a more intimate relationship with Dr. Butz also sponsored research.

They include International Minerals and Chemical Corporation (from which Dr. Butz received a $10,000 remuneration as a member of the board of directors and in which he owned 2000 shares of stock) and the Indiana Canners Association. IMC Corp. contributed $15,495 for use in developing growth regulators in field crop production and $550 for an evaluation of Thurdide-Pyrethrin mixture in pressurized spray. The Indiana Canners Association (whose president is W. B. Stokely, who is on the Stokely Van-Camp board of directors with Dr. Butz) contributed $12,500 for improvements in productivity and handling of raw products for the canning industry.

One question that arises here when discussing industry supported research is whether the grant for the project covers the real cost of the research for it is a fact that any improvements made by the experiment station while testing goes to the company gratis.

EXHIBIT 4

[Telegram]

OKLAHOMA CITY, OKLA.
November 15, 1971.

Hon. FRED HARRIS,
U.S. Senate,
Washington, D.C.:

Press reports about the philosophies of Secretary-designate Earl L. Butz appear to place him in direct opposition to the best interest of Oklahoma Farmers and our State's economy.

Mr. Butz's strong connections with corporate conglomerates who are making major inroads into farming-ranching enterprises would cast serious doubt as to his acceptability as Secretary of Agriculture.

Mr. Butz's endorsement of consolidated farming and fewer farm families, as quoted by Nick Kotz of the Washington Post and reported in the Oklahoma Journal, ignores two factors:

First—the family farm is a way of life. By forcing families from the farms the rural people are moving into congested urban areas and adding to the problems of our cities.

Second, the experience and tradition of the family farm has produced food for Americans at historically low price. Americans now pay about 16% of their income for food. There is no guarantee that agribusiness combines will continue this trend. Indeed, evidence points sharply toward the fact that the opposite is inevitable with conditions moving closer to monopolies.

While President Nixon is to be commended for changing his mind about abolishing the Department of Agriculture, the confirmation of Mr. Butz as Secretary could have the same impact on Oklahoma Ranches and Farms if his views have been correctly reported.

Your courageous opposition to Mr. Butz appears sound and in the best interest of Oklahoma Agriculture.

Mr. Butz should answer many questions including the following:

1. Should farmers be given collective bargaining power to deal with agribusiness?

2. With fewer food processors, would not opportunities for monopolistic control and subsequent consumer price increases be inevitable?

3. With competition reduced would not the food and fiber industry be tempted to less innovative and reduced productive thinking?

4. Were not the great advancements in agriculture made in a highly competitive, family farm environment?

5. Does not your past close relations with corporate conglomerates place you into a position that would detract from your understanding of the needs of a farmer who desires to serve his nation and make a living on his own free enterprise farm?

6. As farm families are displaced and move to urban areas, how do you propose to utilize workers with farm training in city settings?

Having recently returned from the Soviet Union, I toured the collective farms and saw the listless inefficient and high-cost production of state farms, that was the result of a far-leftwing swing.

In studying Mr. Butz' promonopolistic point of view, especially in light of agribusiness' declaration to control food from the "seedling to the supermarket", I foresee uninspired peonage for farmers and higher prices for consumers, that could be the result of a far-right-wing swing.

Oklahoma farmers want a voluntary farm program that will provide fair and equitable prices for their work and products. They want a responsive Secretary of Agriculture who believes that a viable farm program can preserve family farms which produce quality food at reasonable prices.

Your support of these positions would be deeply appreciated, you have my warmest best wishes.

DAVID HALL,
Governor of Oklahoma.

EXHIBIT 5

NATIONAL COUNCIL ON HUNGER CONDEMNS BUTZ APPOINTMENT

To approve Earl Butz's ascension to the post of Secretary of Agriculture—entrusting him with the task of safeguarding the Federal programs designed to feed our hungry and malnourished poor—is to welcome the laughing hyena as the shepherd's watchdog. The shepherd may want the hyena confirmed as his sentinel, but that will not be doing the flock any favor.

The hyena laughs, but the joke is upon those he destroys. He prays upon the weak and disabled, attacking only those who have not the strength to fight back. So Dr. Butz courageously makes sport of the starving migrants and Eskimos whose nutritional well-being he may be charged with guaranteeing. So Dr. Butz ridicules as too "generous" a food stamp program that has stagnated in reaching only 41% of its target population (10.6 million of 25.5 million poor) with the cornucopian sum of 30 cents a meal. What a comfort to those twenty-five million to realize that he may soon become the guardian of their survival.

The metaphor is appropriate. The appointment is not. The shepherd must not be permitted to have his way.

For nearly two years, the Office of Management and Budget (OMB), disguised in sheep's clothing labelled "End Hunger in America Itself for All Time," has been gnawing away at each of the food programs in turn. The Department of Agriculture (USDA), never noted for its clout, ineffectually protests, and, bit by bit, the programs dwindle, until Congress and the public intervene to fend off the wolf. In 1970, USDA did manage to keep the food stamp budget intact and even salvage funds to finance congressionally-dictated expansion of school lunch. But 1971 has not been a very good year at USDA:

In April, OMB sliced 1.7 million welfare recipients from the food stamp rolls (restored later under pressure).

In June, it was one million ghetto children who watched OMB wolf down their summer meals (restored later under pressure).

In July, it was the upper-level poor who had a large bite taken out of their food stamp benefits (no restoration).

In August, it was the school children's turn to have their lunches devoured because of curtailed funds to the states (restored later under pressure).

In September, it was commodity recipients who learned that an irregular diet of rotten food was to continue to be their lot (no change).

In October, it was 1.5 million pupils whose lunches were in jeopardy from the jaws of OMB (restored later under pressure).

In November, the threat is to breakfasts in schools and meals in day-care centers.

By now OMB has almost run out of programs to consume. What better ally could it have by its side as it confronts the challenge of 1972—denying more food aid to more needy people—than Dr. Butz. No longer need it put up with objections from USDA as it guts the pledged efforts to terminate hunger. At least someone after its own heart (or, rather, lack of it) will be in command. The wolf and the watchdog can lie down together. May the flock rest in peace.

EXHIBIT 6

FRIENDS OF THE EARTH OPPOSES THE NOMINATION OF DR. BUTZ AS SECRETARY OF AGRICULTURE

Friends of the Earth is opposed to the nomination of Dr. Earl L. Butz as Secretary of Agriculture because of his close identification with socially and environmentally farm policies. It would be hard to find a person more closely associated with agribusiness and the big corporate farm than Dr. Butz. Agribusiness has not only been a major polluter of the environment but has also been one of the forces responsible for driving the family farmer off the land.

Statements made by Dr. Butz indicate that he is openly antagonistic toward the environmental movement and completely unsympathetic to the environmental problems facing the country and the world. In a speech last April 26, 1971, Dr. Butz asserted:

"This fadism that we follow as a nation and currently its ecology and pollution and it hits us in agriculture right in the solar plexus. But, we are now completely dependent on a scientific agriculture, upon the use of these things which are dangerous."

". . . then I see these environmentalists on the other side trying to hold us back and trying to impede—not trying, but the net effect is to impede—the progress we're making in scientific agriculture."

Dr. Butz is completely oblivious to the significant environmental dangers resulting from the excessive use of pesticides and inorganic fertilizer, the clear-cutting of our National Forests, and the channelization of our rivers and streams. Yet as Secretary of Agriculture he will administer many programs which have far reaching environmental consequences for our land, our forests and our rivers and streams.

Friends of the Earth urges the Senate not to approve the nomination of Dr. Butz.

EXHIBIT 7

ANTIPOVERTY GROUPS OPPOSE BUTZ

Eight national anti-poverty groups today urged the United States Senate to vote against the nomination of Earl L. Butz to be Secretary of Agriculture. In a letter to all Senators, the groups stated that "a vote for Earl Butz is a vote against poor and hungry people."

The letter placed particular emphasis on Butz' public statements against food assistance programs which come under UDSA jurisdiction:

"One third of the total budget of the Department of Agriculture ($2.8 billion) is authorized for food assistance programs. 25.5 million Americans living on incomes below the poverty line are meant to benefit from these programs. Yet these are the programs that Dr. Butz has judged so harshly in public."

Noting Butz' "ties" to large agribusiness interests" and "his philosophy that the small farmer must 'adapt or die,'" the groups assert that Butz "speaks for the forces and policies that cause rather than curtail forced migration" from "rural areas to urban ghettos and slums." 30 million people have migrated "in the last few decades . . ."

"Some Senators are already prepared to vote against Earl Butz because farm income is too low," the letter continues. "The Senate must also consider the price the poor will have to pay. We submit it is too great a price."

Groups signing the letter were: Americans for Indian Opportunity Action Council, Crusade Against Hunger of the National Council of Churches, National Association of Social Workers, National Council on Hunger and Malnutrition, National Sharecroppers Fund, National Welfare Rights Organization, Southern Christian Leadership Conference, and the Washington Research Project Action Council.

NOVEMBER 29, 1971.

DEAR SENATOR: We urge the United States Senate to refuse to confirm Dr. Earl L. Butz as Secretary of Agriculture. We are convinced that a vote for Earl Butz is a vote against poor and hungry people.

As more information about Dr. Butz has become public—his ties to large agribusiness interests, his philosophy that the small farmer must "adapt or die," his belief that the Nixon proposed Family Assistance Plan is "too generous," his opposition to an adequate food assistance program—it has become abundantly clear that this man, a spokesman for a small, powerful, and often destructive minority in rural America, can only exacerbate the crisis which confronts the majority of poor people in America and weighs most heavily against the rural poor.

One third of the total budget of the Department of Agriculture ($2.8 billion) is authorized for food assistance programs. 25.5 million Americans living on incomes below the poverty line are meant to benefit from these programs. Yet these are the programs that Dr. Butz has judged so harshly in public.

We point out that the Department of Agriculture has a mandate to serve poor people. Poor people in America have President Nixon's promise to "end hunger in America for all time." That includes rural Americans: the small farmers, sharecroppers, tenant farmers, farmworkers, Indians, and men, women and children dependent upon agriculture. A large percentage of this constituency is poor or near poor. Look at the facts 12 million people in rural America live in poverty; 2/3rds of the bad housing in this country is in rural America; 10,000 rural schools do not have lunch programs; 30,000 rural communities have no water or sewer systems.

And that mandate applies to urban America as well: the poor who qualify for school lunch and food stamps and commodities, and the continuing tide of people being forced to migrate from rural areas to urban ghettos and slums (30,000,000 in the last few decades) because of corporate farming, mechanization, and the failure of the government to find alternatives to the decline of small-scale farming. Does Dr. Butz's dictum "adapt or die" apply to these people?

If Dr. Butz is appointed, will he speak and act progressively for these interests and concerns? We think not. He speaks for the forces and policies that cause rather than curtail forced migration. He speaks against the programs that help the poor. A vote for Dr. Butz is a vote against the poor, who are dependent upon a range of USDA programs from food stamp and food distribution programs to rural housing and farmer cooperative assistance.

Some Senators are already prepared to vote against Earl Butz because farm income is too low. The Senate must also consider the price the poor will have to pay. We submit it is too great a price. If hunger and malnutrition are to end in America and if rural America is to become something other than an "underdeveloped country" in our midst, the nomination of Earl Butz must be defeated.

Americans for Indian Opportunity Action Council; Crusade Against Hunger (National Council of Churches); National Association of Social Workers; National Council on Hunger and Malnutrition; National Sharecroppers Fund; National Welfare Rights Organization; Southern Christian Leadership Conference, and the Washington Research Project Action Council.

EXHIBIT 8

STATEMENT OF NATIONAL WELFARE RIGHTS ORGANIZATION

Gentlemen: I am Mrs. Johnnie Tillmon and I represent the National Welfare Rights Organization which represents 100,000 welfare recipients and other poor people in this country.

We understand the appointment of Dr. Earl Butz to head the Department of Agriculture—the message comes through to us loud and clear.—Mr. Nixon is out to get the poor.

President Nixon fathered the Family Assistance Plan, welfare 'reform' which forgets the humanity and destroys the dignity of millions of Americans who can't "make it" in his sagging economy.

Mr. Nixon made a "deal" with Congressman Mills and with Senator Long, Senator Percy and Senator Ribicoff so that the States won't get hurt by losing money under the Family Assistance Plan. But Nixon and his dealers have not even considered making a program that will keep the people from getting hurt . . . 90% of all welfare recipients will have their total grant cut under FAP. And in 21 states plans to cut the pittance to the poor are already going into effect.

Mr. Nixon authorized the enslavement of the welfare recipients in New York.

A man with that philosophy is a man who lives in the past, in the days of the English Poor Laws, a man who has already written off any personal concern for the reality of American poverty and American hunger. Our concern is that if such a man were to head the Department of Agriculture he would "write off" the food stamp program the commodities program the child nutrition programs, and take the $2.8 billion that USDA gets for those programs and spend it on chemical pest control research and Senator Eastland's welfare check.

Dr. Earl Butz would like to ignore the poor. The poor would like to "forget" Dr. Earl Butz.

Dr. Earl Butz refuses to recognize the poor. The poor would like to refuse to recognize Dr. Butz.

EXHIBIT 9

(Statement of the Agri-Business Accountability Project, Presented by Jim Hightower before the Senate Subcommittee on Labor, September 16, 1971)

Mr. Chairman, my name is Jim Hightower, and I am testifying for the Agri-Business Accountability Project. Our Project is a public interest research effort that has been working since last October on an examination of the role of big business in agriculture and in rural America. The Project is sponsored by three Washington, D.C. organizations—the Center for Community Change, the Project on Corporate Responsibility, and the Washington Research Project. The Project is based in Washington, D.C. and is funded by the Field Foundation.

This Project is here to tell you flatly that there simply is no excuse to deny farmworkers *exactly the same* minimum wage coverage enjoyed by all other industrial workers. Anything short of equal coverage now is to steal from the pockets of thousands of America's most deprived workers and to put that little savings into the corporate bank accounts of American agri-business.

The condition of America's farm workers and their families is no secret. Since the early New Deal, a year has not passed without a congressional hearing, a presidential report, a White House conference, a major book, a television documentary, or some other high-intensity exposure of farm worker misery. That misery need not be detailed again here. Suffice it to report that nothing has changed—farm worker families today live in stifling shelters that are without heat, plumbing, privacy, or hope for human happiness; their health continues to make a mockery of this nation's enormous wealth; their exploitive wages and inhuman working conditions persist in a day when all other laborers are ensconced in powerful, protective unions; and their economic and political powerlessness put the lie to this country's pretensions about freedom of opportunity.

John Steinbeck said all that needs to be said in this passage from The Grapes of Wrath:

"There is a crime here that goes beyond denunciation. There is a sorrow here that weeping cannot symbolize. There is a failure here that topples all our success."

It might be expected that the government of a civilized society would respond to such obvious need. The American government has not. Because of the opposition of agri-business, farm workers deliberately were excluded from practically every piece of New Deal labor legislation. Still today, they are denied the right of collective bargaining, which was assured other workingmen by the Wagner Act of 1935. Whether a man is a government bureaucrat, a university professor, a carpenter, an aircraft engineer, or even a grower, he is entitled to unemployment compensation when he is out of work; the farm worker is not, even though his employment is among the most insecure. Farm work is the third most hazardous industry in this country, but only 21 states allow workmen's compensation for farm

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workers, and only 14 of those give him the same protection afforded others. Farm workers did not get minimum wage protection until 1963, and even then the coverage was made dramatically less than that enjoyed by other workers. The child labor standards are lower for farm workers, allowing an estimated 375,000 children of 10 to 13 years old to do farm work in 1969. Coverage of farm workers under the Social Security Act did not come until 1951, and today it remains less comprehensive than coverage for all other workers.

Mr. Chairman, the U.S. Department of Agriculture reports that "about 2.5 million different persons did some work on farms for cash wages or salary in 1970." About one and a half million of those did farm work only; on the average, they were able to find work for only 102 days of the year and were able to earn a pitiful $1,083. The remaining million workers combined an average 114 days of other jobs with 49 days of farm work in an effort to make ends meet; they came away with $2,461 for their year's labor. Less than 12 percent of this country's farm workers were employed year-round; they were the highest paid, pulling down a whopping $3,487 for 1970.

These wages are a scandal. These are the miserable earnings of families who are engaged in some of the very hardest work of our society and who are employed in one of our most dangerous industries. These are not people unwilling to work; on the contrary, they are so eager to work that many of them travel thousands of miles a year looking for jobs. They work for some of the biggest corporate names on Wall Street, yet they have been denied full coverage of our minimum wage laws.

This Subcommittee, previous congresses and a succession of presidents must bear the shame for that and be held accountable, for all of you have had the power to make the difference and you have refused to exercise it. Again and again, farm worker needs have been traded off in order to gain something for someone else. The Agri-Business Accountability Project looks directly to the members of this Subcommittee finally to demand and to hold firm for this small bit of simple justice for laborers in our agricultural industry.

Just as we have seen today, there has been a constant parade of agri-business spokesmen coming before committees to oppose any legislation that would provide amelioration of the farmworker's plight. They have come in the name of the small family farmer, seeking to pit his misery against that of the farm workers. In fact, these organizations do not speak for small family farmers at all and are not concerned with his needs, any more than they are concerned with the needs of farm workers. By accepting the agri-business line, Congress has been sold a bill of goods, while small family farmers have been badly used and farm workers have been kept in bondage.

Mr. Chairman, food is an industry in this country, just as automobiles, electronics, and defense hardware are industries. In fact, food is the largest industry in America. The country's grocery bill ran to $91 billion in 1970. Restaurant food tabs ran that total to $114 billion. But it is not the small family farmer who has brought that bounty to us—it is a massive, industrialized system called agri-business.

In the last published census of agriculture, the farm wage bill totalled $2.8 billion. More than $1 billion of that (37 percent) was paid by these farmers classified as "large" by the U.S. Department of Agriculture. Another $1.1 billion (41 percent) was paid by the .9 percent of growers in USDA's "largest" category. *In short, the "large" and "largest" growers were accountable for 78 percent of the total farm labor wage bill.*

The 1.8 million "small" farmers, who are the focus of so much agri-business concern here in congress, laid out only $144 million for wages—only 5.2 percent of the total. In fact, 92.7 percent of the farms in this country employed no laborers, or what amounts to one hired hand for less than a full year.

Without question, Mr. Chairman, farm workers are the responsibility of agri-business—the "large" and "largest" growers who comprise less than 13 percent of all farms, but who hire the overwhelming majority of farm workers. These are industrial giants. The "largest" growers—a mere nine-tenths of one percent of the farms (about 26,000 in number)—averaged $272,000 in sales. In addition, they accounted for:

29 percent of all feed bought.
39 percent of all livestock and poultry bought.
24 percent of all machinery hired.
11 percent of all fuel bought.
17 percent of all seed bought.
16 percent of all fertilizer bought.
41 percent of all labor hired.

These massive operations are growing more dominant every year. Who are they? Who are some of these "farmers" in whose names and through whose lobbies farm workers are denied something so minimal as the minimum wage paid in all other industries?

One of them is Del Monte Corporation, the largest producer and distributor of canned fruits and vegetables in the world. This agri-business giant owns 32,000 acres of farm land and leases an additional 77,600 acres throughout the United States. It directly hired up to 39,000 seasonal laborers in 1969. It was accountable for many more farm workers through crew leaders and other contractual arrangements. This farmer had 1970 sales of $681,492,000 and profits of more than $14 million. Considering their salaries alone, Del Monte directors and officers were paid $1,336,575 in 1970. Mr. Eames, the President of the corporation, received a salary of $110,000 and additional benefits amounting to more than $77,000.

Another big time fruit and vegetable processor is Green Giant. This corporation, with annual sales in the vicinity of $200 million, has some 285,000 acres under cultivation and hires some 18,000 seasonal workers. In the 1960–1967 period, Green Giant's profits more than tripled. It is interesting to note that this corporation plows 10 percent of its sales into marketing, including advertising with little cartoon farm workers who assure us that all is happy in the valley of Green Giant. While their real life farm workers try to make it on a minimum wage of $1.30 an hour, the officers and directors of the company are pulling down well over $600,000 in salaries and retirement benefits. Mr. Cosgrove, Chairman of the Board of Green Giant, made off with $100,000 of that.

Stokely van Camp is another giant canner. It had $274 million in sales and revenues in 1970. The company employed 19,000 seasonal workers in its plants and fields that year. The Agri-Business Accountability Project found last spring that Stokely van Camp farm workers in Illinois were averaging $57.78 a week take-home pay for an average of 41 hours work snapping asparagus. Asparagus may be tender on our plates, but it is tough to harvest, and with $57.78 a week coming in you cannot afford to enjoy much Stokely van Camp asparagus anyway. Stokely's top officers and directors could enjoy life a bit more, pulling down a total of $318,000 in 1969. Mr. Stokely himself received more than $82,000 in salary, profit sharing and retirement benefits.

Mr. Chairman, these are only three of the "farmers" who we are asking to pay a fair minimum wage. We could as easily have selected some of their farming colleagues—such familiar names as Tenneco, Bank of America, General Foods, Dow Chemical Company, Royal Crown Cola, Purex, McNeil & Libby, Prudential Insurance Company, Union Carbide, Coca Cola, American Brands, United Brands, Allico, and Goodyear Tire and Rubber Company. Or we could have chosen some of the agribusiness family corporations—Duda and Sons or Wedgeworth in Florida; Senator Bentsen or Griffin and Brand in Texas; DiGiorgio or Bud Antle in California.

These are the enterprises hiring farm workers, not small family farmers. In Illinois, for example, 80 percent of the farm workers are hired by only four giant companies. These firms have the money and the managerial apparatus to pay minimum wage without any burden whatsoever. It is ludicrous to deny farm workers any benefits on the basis that their employers will be hurt.

We do recognize that small farmers and medium-size farmers employ some farm workers, and we can see that a fair minimum wage for their farm workers can be an unfair burden. But the answer is not to deny that minimum wage. The answer is to subsidize the small farmer's wage bill. Even if the public were to pay the entire wage bill of the small farmers, it would amount to under $200 million a year. Mr. Chairman, that is less than this Congress and the Nixon Administration gave away to Lockheed. It is a sum that is insignificant in the light of the $3.7 billion that is allocated to growers through the farm subsidy payment program. It is a proposal that has been suggested by no less a radical than Chairman Bob Poage of the House Agriculture Committee. It is a proposal that this Subcommittee should consider seriously.

The Agri-Business Accountability Project looks directly to this Subcommittee to call a halt, finally, to the tactic of playing the small farmer against the farm worker. Call the hand of those agri-business spokesmen. It is time that farm workers had their minimum wage, equal to that paid in other industries.

AGRIBUSINESS ACCOUNTABILITY PROJECT

(A report on Stokely-Van Camp, Inc., and migrant farmworkers in Illinois)

CORPORATE PROFILE

Stokely-Van Camp, Inc., according to a 1970 report, ranks 42nd among all food processing firms and sixth among canning firms in the nation.

It is engaged in purchasing, processing, and packaging a complete line of canned and frozen fruits and vegetables under several labels, including "Van Camps," "Stokely's Finest," "Fame," "Exquisite," "Stokely's Jellies and Preserves," "Honor Brand," "Sunshine," and "Picsweet."

Its stock is listed on both the New York and American Stock Exchanges.

For the year ending May 31, 1971, Stokely's net sales and operating revenues were $280,863,388, an advance of $6.2 million from 1970. Net earnings were $6,602,058 up $2.3 million from 1970.

The company is listed 362nd in sales according to *Fortune* magazine's top 500, number 420 in net earnings with a year's growth rate of 0.69%.

As of May 31, 1971, Stokely-Van Camp had outstanding 156,098 shares of Second Preferred Stock and 3,360,015 shares of common stock, both entitled to vote, collectively. (It also had no-voting Preferred Stock). An aggregate of nearly 13% of the outstanding voting stock is controlled by the Stokely family and high officials of the company.

The company at the end of Fiscal 1970 was owned by 14,364 individuals, partnerships, estates, trusts, investment companies and other institutions who were holders of record as well as by many other whose stocks were held for them in the names of others.

It has 6000 permanent employees and a large number of seasonal or temporary employees during the packing season (See Workers).

Of the nearly 12,000 acres producing vegetables for processing by Stokely-Van Camp, 9000 acres are under contract. It owns 2350 acres of farm land in Tennessee and leases smaller amounts in other states, including 373 acres in Vermilion County for part of its Hoopeston, Illinois operations.

Incorporated in Indiana in 1936, Stokely-Van Camp has its executive headquarters in Indianapolis.

In addition to its four subsidiaries (see below) its canned foods division (Van Camps, Stokely's Finest, Gatorade) operates in California, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, New Jersey, Ohio, Tennessee, Texas and Wisconsin. Its frozen foods division (Stokely's Finest, Picsweet) operates in California, Florida, Indiana, Minnesota, Oregon and Washington. In the latter operation, Stokely-Van Camp Inc. leases land from Indian reservations (tax free) to grow crops, according to one report.

The Capital City Products Division, a processor of food oils to produce highly specialized products utilized by other processors as ingredients, has its general offices and operations in Columbus, Ohio. Pomona Products Division's general office and operations are in Griffin, Georgia. It distributes and processes a line of southern vegetables (Sunshine). It is the major marketer of pimientos in the United States.

The Kuner Empson Company Division, with headquarters and operations in Brighton, Colorado, distributes a line of canned fruits and vegetables (Kuners) in the Rocky Mountain and Plains areas. Purity Mills Division, with headquarters in Dixon, Illinois, and operations in Illinois, Indiana and Ohio is a processor of unpopped popcorn (Popeye, Betty Zane) and puffed wheat and rice (Popeye).

Stokely's Can Manufacturing Division, with a general office in Indianapolis, Indiana, and operations in California, Indiana, Tennessee, and Illinois, is a manufacturer of cans from tin plate. The cans are supplied to other divisons.

Subsidiaries of Stokely-Van Camp include: M. W. Graves and Company, Ltd., and Canada Foods, Ltd., Berwick, Nova Scotia are distributors and processors of canned and frozen vegetables and fruits sold in Maritime Provinces of Canada under their own labels.

Hawaiian Fruit Packers, Ltd., Kapaa, Kauai, Hawaii are packers of pineapple products for sale and use of Stokely-Van Camp, Inc.

Stokely-Van Camp of Puerto Rico, Manati, Puerto Rico is a sales corporation.

Stokely-Van Camp of Canada, Ltd., Essex, Ontario, Canada, are processors and distributors of canned vegetables distributed in Prairie Provinces of Canada under its own label.

In addition to Dr. Earl L. Butz (who serves on the board of directors of Ralston Purina, International Minerals and Chemical, and Standard Life Insurance Company of Indiana), at least four other members of the nine-man Stokely-Van Camp, Inc. board serve in agribusiness-related organizations.

J. W. Fisher is president of the Ball Corp., a glass and bottle-maker, which is a supplier to Stokely-Van Camp, and serves on the board of Calvert Exploration Company, a chemical manufacturer.

H. R. Warren is on the board of directors for K-B Farms, Inc.

W. B. Stokely III is president of the Indiana Canners Association.

D. H. McVey (who served with General Mills from 1930–1960) is on the board of directors of the Rockford Can Company, which is owned jointly by Stokely-Van Camp, Inc. and Quaker Oats Company and is a major supplier to Stokely-Van Camp, Inc.

Stokely-Van Camp, Inc. is also the largest packer of institutional canned goods in the United States. It offers a full line of 168 canned fruits and vegetables and 80 specialty items, including some soups that it does not market for non-institutional purposes.

About 20% of its total sales in frozen foods and 12–15% of its sales in canned foods are to institutions.

The U.S. Government is a major purchaser from Stokely-Van Camp, Inc. through the Defense Personnel Support Center, Philadelphia, Pa., and the Veterans Administration Marketing Center, Hines, Illinois.

Because of its large reliance on seasonal pack items as a mainstay of its total production, Stokely-Van Camp is well suited to the use of temporary seasonal workers in its processing operations.

According to *Standard and Poor*, Stokely-Van Camp employs 15,000 seasonal workers. According to *Moody's Industrial Manual*, it employs 19,000 seasonal employees.

These figures, however, do not take into account the number of non-migrant local people who work for Stokely at the height of the seasonal pack. Also it is unclear whether these figures are merely the sums of all seasonal employees working for Stokely at various periods between April 1 and November 15, in which case some employees are counted more than once.

Figures based on the clearance orders sent through the U.S. Department of Labor, Farm Labor and Rural Manpower Service and Manpower Administration Regional Office in Chicago on August 15, 1970 (the time when Stokely employs the greatest number of migrants in its midwest operations) in its operations in Illinois, Indiana, Minnesota, Michigan, Wisconsin and Ohio, Stokely hoped to employ 2154 migrant workers.

This region contains 23 of the Stokely-Van Camp plant operations in the United States.

These figures do not include the number of minors working illegally or any over-recruiting.

The migrants recruited by Stokely for its midwest operations come from Arkansas and Missouri, but principally from Texas (moreover, in Texas they come mainly from the southern tip—the Lower Rio Grande Valley counties of Hidalgo, Cameron, Starr and Willacy).

These counties, plus Webb (from which Stokely recruits migrants) accounted for 49,000 migrants to all firms, in all parts of the country in 1969, the largest concentration of migrant workers in Texas.

The three worst pockets of poverty in the United States are in these counties. Families-with-Spanish-Surname percentages are: (incomes less than $3,000 per year)

	Percent
Webb County	59.8
Hidalgo County	72.0
Cameron County	66.7
Starr County	76.8
Willacy County	71.1

The migrant workers recruited by Stokely (primarily Mexican Americans in family groups and individuals) work at its midwest operations in Norwalk, Paulding and Curtis, Ohio; Scottsville and Croswell, Michigan; Columbus, Horicon, Plymouth and Appleton, Wisconsin, where they perform mostly in-plant canning work; Rochelle, Illinois and Tipton, Indiana, where they work as hand harvesters; Hoopeston and Gibson City, Illinois, where they hand harvest snap asparagus and work on other in-plant operations.

Stokely-Van Camp, Inc. recruits all of the migrant workers for its Illinois operations via the United States Employment Service.

CREW LEADERS

The crew leaders recruit and transport migrants from Texas to their place of employment in addition to performing supervisory functions.

At Hoopeston, Illinois, they are compensated by receiving .7¢ for every pound of asparagus picked by a member of their crew though they do no picking themselves. According to the Labor Transportation Agreement they are also paid $20.00 for each crew member they bring to the company plant.

Many of them also have trucks in which they transport the workers to and from the fields and are paid by Stokely at the rate of 20¢ per mile against a minimum of $8.00 per day.

In addition they are also allowed to operate grocery stores within the Hoopeston camp. A sample of the prices include 15¢ for a lemon, 10¢ for a banana, 17¢ for an ice cream cone, and $7.00 for five pounds of uninspected goat meat. It has been alleged that these groceries are not registered with the State of Illinois Tax Division.

It has also been reported that crew leaders arrange work thereby being the only person who knows what the farmer is offering as the working wage, *e.g.*, the going rate is $1.80 but the worker only receives $1.30.

Crew leaders also often appoint certain people to better paying jobs. Also all advances and loans made by Stokely to the workers for transportation, medical, hospital, doctor and funeral expenses has to be repaid by the crew leader.

This often encourages the crew leader to get as much work as possible out of his crew members, often forcing them to work picking asparagus while it is raining, etc.

The control the crew leaders maintain over the workers has been described as "bossism." The primary fault, however, for this lies with Stokely for they use members of the workers' own ethnic group to make the control over the workers more subtle.

The company, in giving money to the crew leaders to lend to the workers, yet holding the crew leaders responsible for this money creates control over the crew leaders by the company and control over the migrants by the crew leaders.

WAGES

Many migrants working for Stokely-Van Camp in the Midwest perform field work, primarily hand-harvesting, including the snapping as asparagus and beans and the picking of tomatoes. They are also involved in hoeing, and in setting of asparagus roots.

The migrants working on asparagus and beans are paid a minimum of $1.30 per hour (the minimum payable in 1970 according to the Fair Labor Standards Act of 1966, or in the case of asparagus snapping, a price rate, 4½–5½¢ per pound depending on the age and yields of the Hoopeston fields, and 5–6¢ per pound, including orienting in the box, in the Rochelle area.

They receive the higher of the piece rate or minimum hourly wage. However, at the Hoopeston operation, each crew leader receives .7¢ for every pound or asparagus picked by a member of his crew, or 15.5% of what each picker in his crew is paid for a *good* field, or 12.7% of what each picker in his crew is paid for a *bad* field.

In most cases in asparagus picking around Hoopeston the picking is done entirely by Mexican-Americans. The only times that "Anglos" or crew leaders are present in the fields is to supervise and to operate tractors or other machinery, for which they are paid a higher wage.

In the fruit and vegetable processing industry nationally, in the usual peak week (at the height of the seasonal pack), 39% of all nonsupervisory employees work fewer than eight hours per day, every day; and this is during the peak week; during the 20th highest week, 59% of the nonsupervisory employees work fewer than 8 hours a day.

According to Arturo Lopez of the Illinois Migrant Council, "the migrant family's income is $2,000 to $2,500 for 12 months and that includes work at Hoopeston and for

many of them other trips to Michigan for cherries and into Florida later for citrus."

DEDUCTIONS

Deductions usually average about 18% of gross income per person per week. Of the deductions the largest single item generally is "other" or "manpower." This item includes deductions made for advances to workers made in Texas (after they had signed a work agreement); deductions made for hospital, medical and other expenses paid by Stokely-Van Camp. According to the clearance orders for Hoopeston, Stokely-Van Camp stated that "advances deducted at rate of $10.00 per week from workers pay." Pay stubs, however, show in many instances more than $10.00 was deducted and on one case $35.00 was deducted.

In some instances interest has been charged although at no point is the worker ever informed of this interest charge.

In addition, Stokely-Van Camp often acts as a collection agency for local merchants, doctors, and hospitals, deducting amounts these people *claim* are owed them by the migrant workers, without ever informing the migrants of these deductions until after they are made, and then only in a summary fashion, noted on a pay stub.

INSURANCE

Stokley-Van Camp has arranged for health, accident and life group insurance policies for its migrant workers. The company claims it is voluntary although there is some evidence that it is compulsory.

The life insurance policy on each migrant is $1,000; accident pays up to $240 in daily hospital benefits and up to a maximum of $200 for surgical expenses. Lesser benefits are also paid to a non-working spouse and children of the principal beneficiary.

The principal beneficiary pays $2.70 per week for coverage of both himself and non-working members of his immediate family. Each member of the worker's family pays 98 cents per week for his own coverage.

These policies do not cover the most recurrent medical expense of migrants—maternity and miscarriage expenses.

Stokely-Van Camp contributes nothing to the health and accident insurance policies (except administrative expenses) although the company does claim to contribute to the life insurance policy.

The company does not give each worker a copy of the policy, but only a small slip of paper summarizing the benefits.

In 1970 the company insuring the workers was Liberty Life Mutual Insurance Company, owned entirely by Liberty Mutual Insurance Co. (Boston, Mass.), the company being established for the purpose of providing private Workmen's Compensation to workers not otherwise covered by it.

Until 1970 Herbert F. Krimendahl served on the board of directors of both Liberty Mutual and Stokely Van Camp. After he retired he was replaced by Dr. Earl Butz (Director, Ralston Purina; Director, International Minerals and Chemical Co.; Director, Standard Life Insurance Co. of Indiana) on Stokely-Van Camp's board.

DISCRIMINATION

There is some evidence that "Anglos" are paid a higher hourly wage for work in the warehouse where migrants are paid a $1.75 per hour. If true, this would violate the Wagner-Peyser Act Regulations prescribing that wage scales for jobs performed by migrant workers must be the same as those for similar jobs performed by local workers.

The company would also be in violation, if this charge of discrimination were true, of Executive Order No. 11246 informing all government purchasing agents that they are to do business only with equal opportunity employers. In 1970 Stokely-Van Camp did over $1.3 million worth of business with the Federal Government.

HOUSING

Chester Sheard, a reporter, has described the Hoopeston, Illinois camp as follows:

"Less than a block from downtown Hoopeston, situated on land which once housed a concentration camp, stands the $10 million a year Stokely-Van Camp plant. . . . The cannery compound consists of factories for processing field crops picked by migrant workers and buildings for housing the migrants during the harvesting months . . .

"The quonset-hut type warehouses have been converted to living quarters . . .

"Rows of one room plywood cubicles have been built on each side of the building. The rooms are approximately 12'x15' and house as many as ten people. Regardless of the size of the family, there is only one cubicle per family . . .

"The floors are bare concrete and until recently, when forced to put in windows in each room, the only type of ventilation furnished by Stokely-Van Camp, came from the six inch space at the bottom of the door leading to the room . . .

"The dark dreary halls must also serve as a play area for the children. The filth and make-shift appearance of the whole building is appalling."

Another report from Herb Stevens reads:

"There are a few older wooden barracks but mostly the Mexican Americans are housed inside a warehouse-like building in which one-room plywood cubicles have been fashioned . . . Stokely-Van Camp, too, provides a single bed, a stove and refrigerator and the toilet and shower facilities."

In 1970 the following violations of the Wagner-Peyser Act Regulations (regarding migrant housing) were observed:

The housing borders on the railroad tracks and is well within smelling distance of the lagoon into which Stokely-Van Camp drains its processing wastes.

There is poor traffic safety in the camp.

There were insufficient recreation facilities.

The housing was not in good repair.

The floors were coarse concrete.

There was no partition between the sleeping area of the husband and wife and the children.

Storing arrangements for the clothes were inadequate.

Unscreened spaces at the top and bottom of each door

There was inadequate heat in the room as there were two blowers in each building which blew the air across the opened ceilings of each room.

Stoves were not vented.

No toilet paper roll holders and an inadequate supply of toilet paper.

Toilet facilities did not look sanitary.

There was no dry dressing area near the showers.

Laundry facilities were inadequate.

Food storage shelves were inadequate.

Many garbage cans were not fly tight.

Barracks contained flies, mice and cockroaches.

Mattresses were dirty (workers also reported that some mattresses had been stored during the off-season in a pesticide storage room).

Space between top and bottom bunks was inadequate.

HOOPESTON'S FORGOTTEN FAMILIES: OR LIFE IN A SLUM

(By Herb N. Stevens)

Their ads in deep southern Texas newspapers might well be worded: Spend the Summer in Sunny Illinois; Plenty of Open Air Work and Free Housing—In Your Own Ghetto . . . Except that the 1,000 migrant Mexican-Americans who come to Hoopeston early each April to work for the 2 large $10-million-a-year-volume field crop canners and who stay until as late as November 1st mostly cannot read.

The question, and the problem, finally focalizes on just what responsibility do the employers, Joan of Arc and Stokely-Van Camp, have for these Mexican-Americans, most of them illiterate even in their native Spanish . . . That these migrants are at the lowest economic level of all of America's ethnic groups is clearly evident in a tour of their free housing compounds, Joan of Arc's bordering Route 9 East and Stokely-Van Camp's less than a block from downtown Hoopeston.

The workers' only hope of escaping the poverty and misery of their Texas-to-Hoopeston-and back life cycle is to settle out of the migrant stream . . . It could happen, but more probably it won't.

Joan of Arc, which is especially big in red kidney beans, employs 179 year-round workers, 2 of whom are Mexican-Americans . . . At Stokley-Van Camp there are 100 full-time employees, and none of them are from the migrant camp.

"We have tried to keep some of our better Mexican-Americans year-around," insists Rich Tosi, the personnel manager at Joan of Arc, "but most of them want to go back to Texas, where it is warmer, for the winter. Even when there is field work here in the fall, we have trouble keeping them from leaving and going back."

He says that "nearly 85 percent of our 385 workers come back with us year after year—which speaks well for the way Joan of Arc treats them."

At Stokely-Van Camp, 5-plant Illinois Manager Maurice Schellhardt leaned back in the chair in his office and offered a little different view of why the Mexican-Americans don't want year-round work in Hoopeston: "You see when they are here in the summer to pick our crops and work in the cannery we give them free housing, but if they worked for us full-time they would have to get their own homes. Not only would they lose from a financial standpoint, they wouldn't be happy living away from their own kind."

Asked what is the biggest improvement in the migrants' way of life in the 20 years he has been associated with Stokely-Van Camp, Schellhardt said: "It would have to be in their transportation to-and-from Texas. Now 85 percent of them come in cars—back in 1950 they all come up jammed in the back of trucks." . . . The canning companies have nothing to do with the cost or mode of transportation, however.

At Joan of Arc the housing is inside a compound and you need special permission to get inside . . . "This is at the migrants' own request," explains Tosi, who says they have been chronically bothered by salesmen.

The Joan of Arc migrant workers, who currently are picking asparagus by hand, most of it grown on company-leased land along Route 1 near Hoopeston, live in barracks-style wooden buildings although there is a newer barracks constructed of concrete block . . . The row-type housing is separated into 12-by-12-foot apartments with a partition separating a single bedroom from the kitchen-living room . . . Each unit is equipped with a single bed, a gas stove and an electric refrigerator.

With an average of 6 people to a family, the housing is crowded and uncomfortable. Each family cooks its own food and at Joan of Arc some families raise their own chickens or have goats . . . There are smaller wooden buildings where there are men's and women's latrines and showers.

Stokely-Van Camp's housing is clearly more forbidding . . . There are a few older wooden barracks but mostly the Mexican-Americans are housed inside a warehouse-like building in which one-room plyboard cubicles have been fashioned . . . It is dark and poorly ventilated although Schellhardt pointed out that blower-type heaters were installed just last year to provide warmth in colder weather.

Stokely-Van Camp, too, provides a single bed, a stove and a refrigerator and the toilet and shower facilities are in separate buildings in the middle of the camp.

Schellhardt said that company policy forbids the workers bringing any live animals, such as chickens or goats, into the compound.

Migrant families are covered by a basic hospitalization insurance plan for which Joan of Arc charges $3.92 a week per family and Stokely's $2.45 . . . The plan provides hospital room and board up to 31 days, plus surgical benefits to $240 and pays $3 for in-hospital visits.

Pregnancies, which are commonplace among the Mexican-American women, are not covered by insurance and pose a serious problem . . . "We try to identify the women who are pregnant early and encourage the families to get money ahead to pay for the hospital-doctor costs—but somebody usually gets stuck," says Stokely's Schellhardt . . . He added: "When we are hiring in Texas in the winter we try not to employ any families where the woman is pregnant."

He said that miscarriages "are the biggest health problem. Women keep working when they are 2 or 3 months pregnant—and there are a lot of miscarriages, which are expensive and which aren't covered by insurance."

He said that Stokely's "will give a free bus ticket to get 'em back where they belong when a worker gets ill—I mean like with cancer or something like that."

There is a 3-week lull in work at Hoopeston after the asparagus pack ends late in June, and the migrant families have trouble getting enough to eat . . . Both Tosi of Joan of Arc and Schellhardt of Stokely's say "we don't let our workers starve." . . . Both canners allow their workers to draw grocery advances and Joan of Arc helps workers qualify for federal Food Stamps.

But Schellhardt opposes the Food Stamp plan . . . "We take care of our workers ourselves. When they get Food Stamps they get so they don't want to work when there is work available."

Tosi says that Joan of Arc's better migrant male workers "can make $3,300 in a season, and if they have a wife who is working she can add another $1,800 to their income." . . . Schellhardt said that Stokely's workers have a similar wage total.

"The basic wage is $1.30 an hour for field picking but many make as much as $2.60 an hour based on piece work in the asparagus," says Schellhardt . . . Other work, such as driving a tractor, is better paid, at $1.75 an hour.

Weather plays an important part in the raising of such crop as peas, beans and corn, and much of the time is idle for the migrants . . . When we were at the canning plants Wednesday workers came in from the asparagus at 11 a.m. because cool weather had closed the plants' sprouts and stopped the harvest . . . When it rains, there is no work and no pay and during the constant day-to-day wait for maturity of a crop, there are work lulls.

The Hoopeston Migrant Council is helping at the camps . . . They will provide a Day Care Center manned by college girls beginning early in June, and the Council also has a camp nurse, Mrs. Dan Kaufmann, who visits each compound daily . . . Her special concern is with pregnant women.

Hoopeston's Migrant Council is alienated from the Illinois Migrant Ministry which is a division of the Illinois Council of Churches . . . The biggest contributors to the local Migrant Council are the two canning companies which admittedly are sensitive to criticism they have been receiving from the Illinois Council of Churches.

Both Joan of Arc and Stokely's have playgrounds of a sort as each has a ball field . . . There is, however, no organized recreation or movies at the camps.

There are 48 children from the Stokely's camp who attend school in Hoopeston, and only 5 have dropped out, Schellhardt said . . . About half of these migrants can speak English, although most are in regular school classes, 4 in high school, 2 in Junior high and the rest in the elementary grades . . . Seventy youngsters from Joan of Arc are enrolled in Hoopeston schools.

When the Mexican-Americans leave Hoopeston in the fall to return to the Rio Grande Valley of Texas, few of them have winter jobs although many of the children attend migrant schools there . . . "Their interest in getting their children back to Texas for school in September often leaves us short-handed," says Tosi.

Canning field crops is big business in Hoopeston and the migrants are important because of the seasonal nature of the work . . . Joan of Arc raises 2,400 acres of asparagus, another 6,600 acres of corn which it cans both creamed and whole kernel, 600 acres of peas and 3,300 acres of kidney beans . . . Joan of Arc is a bigger year-round employer than Stokely because it cans kidney beans and dry beans through the winter . . . Stokely's canning operation mostly is shut down after November.

Joan of Arc was bursting with activity Wednesday, since it was announced that day that the firm has been bought by Princeville Canning Co., which is located north of Peoria and which specializes in the canning of yams and sweet potatoes which it sells under the Royal Prince label.

Joan of Arc has a smaller canning operation at Fowler, Ind., while Stokely's has other canning plants at nearby Milford and Gibson City . . . Some 275 migrants are housed by Stokely's at Hoopeston, with 125 at Milford and 100 at Gibson City.

Truly sensitive to the needs of the migrants is the Rev. Father Raymond J. Boyle, priest at Hopeston's Catholic Church . . . He has set up regular Masses in Spanish and even has Confession in Spanish.

Tosi said that "Father Boyle invites our workers to the Hoopeston church every Sunday for Mass." . . . Schellhardt wasn't sure just how many Stokely's migrants go to Mass in town but he said that "Father Boyle visits the camp occasionally and sometimes he has a special service at the camp on Sunday evening. I'm not around all the time and I don't know just how often that happens."

There are questions yet to be asked in Hoopeston . . . We have planned interviews with the school principals, with Father Boyle and with the administrator of Hoopeston hospital, as well as with the leaders of the Hoopeston Migrant Council.

We are still undecided about the extent of the exploitation of these migrants, and we told two other concerned people, Cayetano Santiago and Rev. Fay H. Smith, just that at a meeting Thursday afternoon in Springfield . . . Santiago is the director of the federal government-endowed Illinois Migrant Council with his office in Chicago while Smith is the director of the Illinois Migrant Ministry of the Illinois Council of Churches.

Both agreed that they had "lost comunication with Hoopeston." . . . A hearing has been planned on July 24 in Hoopeston . . . The topic is: "The Governor's Spanish Speaking Commission on the Problems of Migrants at Hoopeston."

How bad is the communication? . . . When we told them we were given a copy of the migrants' insurance policy by Stokely-Van Camp, Santiago said: "We have been trying to learn the details of that insurance for two years."

HUMAN DIGNITY—DESPITE IT ALL

(By Herb N. Stevens)

"I visited the Stokely-Van Camp migrant camp today and I just cried—I cried real tears for these people," said a Baptist minister who is a member of the Spanish Speaking People Study Commission which held a hearing all-day Friday in Hoopeston.

"We're not running rest camps for these workers," testified Maurice Schellhardt, the Illinois manager of canning companies at Hoopeston, Gibson City and Rochelle for Stokely-Van Camp in complaining to the Commission about "a lack of investigation by federal officials before allowing migrant workers to qualify for federal food stamps.'

Said 19-year-old Manuel Garcia, a Mexican-American migrant who works at Joan of Arc: "We have had 2—maybe 3 days of work during this entire month of July."

"I went to the Stokely-Van Camp compound this noon and I was appalled—and what's more it is illegal to house people in a quonset warehouse building with no windows," said another member of the Study Commission.

Garcia, asked if he had ever seen a state inspector at Joan of Arc during his 2 years in the Migrant Stream at Hoopeston, said: "No, never." . . . He was asked how many people live in the Joan of Arc barracks-style cubicles which are 14 by 15 feet: "It is by families—sometimes there are 8 to a room, other times 12—and sometimes 15 in a single room." . . . The canning company furnishes one bed for each family, "but when we came in here in the spring we found nothing was ready. We had to go find the beds and mattresses and put them inside," said Garcia.

Said State Representative Arthur A. Telcser, a Chicago Democrat and the chairman of the investigating committee midway through the hearing: "I find it disappointing that there are no public officials here from the Hoopeston community. It is beyond me how public officials can turn their backs on these people."

The hearing, which drew NBC television coverage during both the morning and afternoon sessions, had received no mention this past week in either the local Hoopeston daily newspaper or in the Danville Commercial-News, which is widely circulated in the Hoopeston community.

There was a decided lack of Anglo faces in the hearing room, and the only elected official present was State Senator Tom Merritt, a Hoopeston insurance agent, who sat at the rear of the room during a part of the morning's testimony . . . Joan of Arc had no officials in attendance, and Schellhardt left immediately after being the first witness at the hearing.

Said a Study Commission member to Schellhardt after an intensive questioning of the Stokely-Van Camp manager about company's compulsory hospital insuranse program: "I hear you tell that you are so nice and so good—and now I find that you are not so good and so nice. You make these migrants pay the entire cost of this insurance and your company pays nothing." . . . Answered Schellhardt: "My company pays the entire cost of administration of the insurance program."

Other testimony brought out that Anglos are paid a higher hourly wage for work in the warehouse where migrants are $1.75 an hour . . . It also was charged that Mexican-Americans have deductions taken from their pay without explanation by both Stokeley's and Joan of Arc. . . . "These deductions are for wage advances during times when there is no work or for things like unpaid hospital bills; we have a woman in charge of payroll who decides how much to deduct from the worker's pay—the amount taken out varies according to how large the worker's pay check is for that week," said Schellhardt.

XUM

Asked how young are children who work in the spring picking asparagus, Garcia said: "Oh, sometimes 10 years old, or 8 or 6." . . . He said that migrants are paid the same for picking a poor field of asparagus as for one which is rich and ripe with the vegetable, although often "a good field yields twice as much asparagus as a poor field in the same amount of picking time."

When the harvest is in full sway, migrants get up as early as 1 or 2 o'clock in the morning and work 7 days a week, even in the rain, it was testified. . . . Workers are paid $1.30 an hour for picking asparagus or 4½ cents per pound on a piecework basis . . . Because children pick with their parents, and their asparagus is taken to the weighing scales by the adults, the piece work rate prevails and with the children's help the income may be as high as $2.75 an hour.

A younger child can pick up to 150 pounds of asparagus in a day while an adult's yield may be 500 pounds.

Another topic during the hearing was the question of automation and a resulting decline in the need for migrant field work by the canning companies . . . It was testified that many of the Hoopeston migrants who formerly had gone to Michigan to pick cherries and then come back to Hoopeston on August 1st for the corn pack had to remain in Illinois this year because Michigan canners have new virating machines which automate the picking of cherries.

The Illinois Migrant Camp Law, which dictates the quality of housing provided by such companies as Joan of Arc and Stokely-Camp, was described as "a skeleton law which allows flagrant exploitation of Mexican-American workers." . . . Neither Hoopeston housing compound has water inside the buildings and only a single light bulb in each living cubicle . . . Toilet facilities are outhouse-style and there are central lavatories and showers.

Mrs. Jo Jordan, a field worker for the Illinois Migrant Council in the Hoopeston area, told the Commission: "Now is the time for action. These people are taken advantage of in so many ways. There must be new legislation requiring adequate schooling for the migrants." . . . A former Head-Start teacher, Mrs. Jordan said: "The Hoopeston schools have no remedial programs for these predominantly Spanish-Speaking children who are in the community 6 months of the year."

She said that a Day Care Center for children through the age of 5 is a must in Hoopeston . . . A federally-funded Day Care Center is operating now in Hoopeston, but it is for one summer only . . . Of 62 children enrolled, only 4 can speak English.

Arturo Lopez, director of the Illinois Migrant Council office in Hoopeston, read a list of recent pay checks received by migrants which varied from $18 to $38 for a week.

Dr. Eugene Kosyak, a physician and surgeon, said that ailments of migrants which are chronic in nature or which could be delayed for treatment "are let go. The policy seems to be to let them go back where they came from to get those things taken care of." . . . He said there is a prevalence of back ailments among the Mexican-Americans "because of the type of physical labor which they do."

Schellhardt had testified earlier that "migrants who are seriously ill are given bus fare to get back where they came from." . . . All of the migrants at Hoopeston come from the Rio Grande Valley of Texas where it was testified there is "no work almost all the time."

A teenage migrant girl told the Study Commission that crew leaders run the people. "They take what work there is for themselves and don't give the rest of us work." . . . Both Stokely-Van Camp and Joan of Arc operate their field work through Mexican-American crew leaders who are in charge of from 20 to 40 workers.

Ernesto Cordoba, a settled-out migrant in Hoopeston who is employed by American Can Co., said that the migrants are taken advantage of, testifying that he knew of 4 teenage boys who were arrested in Paxton recently for illegal possession of liquor and when Stokely-Van Camp officials were notified in Gibson City "they said, 'do what you want to with them; we don't want them back.'"

Testimony indicated that most of the migrants lead a hand-to-mouth existence and that a week with no work jeopardizes food for the family . . . Garcia, who at 19 pursues his high school degree at a migrant school in Texas, says:

"I must get an education. I want to leave this life and get a job away from the Migrant Stream. I don't think that in 10 years there will ever again be such a thing as migrant farm workers."

The Hoopeston Migrant Council, which in past years has been publicized as a model for other communities trying locally to help migrants, was criticized before the Study Commission as "a do-nothing organization." . . . It was charged that the council's most recent meeting was in February and that its only program for the migrants has been a part-time in-camp so-called Day Care where younger children are told stories and taught to play games by non-Spanish-speaking college girls from the Hoopeston community . . . The Day Care has been suspended the past 2 weeks while the college girls were on vacation.

It also was pointed out that the Hoopeston community's general attitude toward migrants is reflected in its schools where officials refused to provide classrooms for the federal Day Care Center from January, when the request was made, until late in May "when for some reason they changed their minds and agreed to let us use space during the summer in the John Greer school."

It was suggested to the Study Commission that legislation be enacted to force better housing for the migrants, that hospital insurance be required by law with the companies paying a part of the cost, that a Day Care Center be required at migrant camps, that a higher wage rate be enacted for farm workers and that the state employment service try to provide more work for the migrants who actually work less than 3 of the 6 months they are in Illinois.

It was charged that "because the companies make no voluntary improvements of any kind the only answer is legislation which will force a lessening of this inhumane treatment of more than 1,500 migrants living in the Hoopeston-Rossville-Milford-Gibson City communities."

State Representative Telcser, who will make a report of his findings at the 77th General Assembly in January of 1971, said: "We have the facts—and I think you will find that something will be done legislatively."

EXHIBIT 10

[From the CONGRESSIONAL RECORD, Nov. 16, 1971]

S. 2863—THE RECLAMATION LANDS AUTHORITY ACT

S. 2863. A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902. Referred to the Committee on Interior and Insular Affairs.

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference, for myself and Mr. BAYH, Mr. CRANSTON, and Mr. HART, a bill designed to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902.

Our predecessors in Congress, recognizing that irrigation is essential to American agriculture, wisely chose to make a public investment in irrigation when they passed this historic 1902 act. Just as wisely, they sought to assure that the benefits of Federal irrigation projects—which would literally transform desert wastelands in the West into the richest agricultural areas in the world—would accrue to small homesteaders rather than land speculators or monopolists. The Reclamation Act stated that landholders could receive federally subsidized water for farms of 160 acres or less, or 320 acres in the case of a man and wife, provided that they live on, or very near, their land. In 1926, Congress strengthened the 1902 act by providing that any federally irrigated holdings in excess of the 160-acre limitation had to be sold within 10 years at preirrigation prices.

Critics of the acreage limitation provision, both in 1902 and today, insist that huge farms are necessary for their efficiency. That is a myth. The giant agribusinesses are efficient only in stifling farm competition and in tapping the Federal Treasury for subsidies. One hundred and sixty acres of prime irrigated farmland, or 320 acres in the case of man and wife, are more than enough to support a prosperous family farm.

Mr. President, the men who championed the Federal Reclamation Act of 1902 were visionary Americans. They understood that land and water, America's greatest resources, were not boundless, and that they must be protected from the few who would monopolize their use.

Delegates to the irrigation Congress in the 1890's, which sought to enlist the Federal Government in irrigation projects, repeated a warning given to Americans by the English historian T. B. Macaulay:

"Your national safeguard lies in your boundless public domain . . . But the time will come when this heritage will have been consumed, this safeguard will have vanished. You will have your crowded Brminghams and Manchesters, and then will come the test of your institutions."

Congressman Oscar W. Underwood of Alabama, who was instrumental in the passage of the Reclamation Act, sounded this same theme when he pointed to the decline of free land and the beginnings of urbanization. In a statement supporting the Reclamation Act, which has a perculiarly modern ring, he said to the applause of the House of Representatives:

"The farm boys in the East want farms of their own. If (the Reclamation Act) gives them a place where they can go and build homes without being driven into the already overcrowded cities to seek employment.

"It will provide a place for the mechanic and wage-earner to go when the battle for their daily wages becomes too strenuous in the overcrowded portions of the East. . . . If this policy is not undertaken now, this great Western desert will ultimately be acquired by individuals and great corporations. . . .

"I believe the passage of this bill is in the interest of the man who earns his bread by his daily toil. It gives him a place where he can go and be free and independent; it gives him an opportunity to be an owner of the soil and to build a home. These are the class of men we must rely on for the safety of the nation. In times of peace they pay the taxes and maintain the Government; in times of peril and strife they are the bulwark of the nation, and it is justice to them that this legislation be enacted into law."

And President Theodore Roosevelt, who signed the Reclamation Act into law and insisted upon its 160-acre provision, said:

"We have a right to dispose of the land with a proviso as to the use of the water running over it, designed to secure that use for the people as a whole and to prevent it from ever being absorbed by a small monopoly."

Mr. President, those men were fighting to carry out the Jeffersonian vision of agrarian democracy. They wanted to see an America peopled by prosperous and independent men, free of the control of the baronial landed classes.

Today, nearly two centuries after Jefferson and 70 years after the passage of the Federal Reclamation Act, agrarian democracy exists only as a myth. America's land, once publicly owned, and the federally financed water used to irrigate much of it, are illegally in the control of large land interests.

Not surprisingly, Mr. President, the large land interests in this country have always opposed the Reclamation Act's antimonopoly provisions. The railroads, land speculators, and giant agribusinesses have employed various strategies to get around the 160-acre limitation. What is surprising is the Federal Government's acquiescence in what amounts to a giant land steal and a raid on the public treasury.

Federal reclamation has delivered water to 8 million acres with an annual crop value of $1.7 billion. Congress has appropirated or authorized spending $10 billion on reclamation projects. The amount of the subsidy to Western landowners for irrigation has been estimated to range from $600 to $2,000 per acre.

This money, supplied by the average taxpayer, is buying water for hundreds of thousands of acres of land owned by giant corporations while independent family farmers have not been able to get access to irrigated land. California—the home of the giant agribusinesses—provides a typical example of where the taxpayer's money is being spent. California's Imperial Valley produces about $250 million annually of cotton, sugar beets, lettuce, alfalfa, and other crops. What makes the Imperial Valley so fertile and productive is water brought from the Colorado River by a network of dams and canals built by the Federal Government at a cost of over $200 million.

Because of the Government's outrageous record of nonenforcement of the Reclamation Act, more than half of the irrigated acreage in the Imperial Valley is held by owners of more than 160 acres, and two-thirds of it by absentees. Agribusiness giants such as Purex, United Fruit, and the Irvine Land Co., which owns 10,000 acres in the valley, are reaping huge profits because of the water subsidy. Federally subsidized water is also being delivered to lands in California owned by Tenneco, Getty Oil, Standard Oil of California, and the Southern Pacific Railroad.

The record elsewhere is no better. In the Pacific Northwest, federally dammed water from the Columbia River will soon flow to the vast lands held by Boeing Aircraft, Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii.

Increasingly, the giant agribusinesses are taking control of American agriculture, and they leave no room on the land for the independent, family farmers who have been disappearing from rural America at the rate of 800,000 a year.

I do not think the Congress of the United States ever intended to subsidize Boeing Aircraft or Standard Oil in their farming ventures. I certainly hope not.

Mr. President, it is time to put an end to this outrage. At a time when 70 percent of our people are packed onto less than 2 percent of the land, when our cities are on the verge of collapse because of overcrowding, unemployment and welfare, it is essential that we give people a chance to make a living in rural America. But America has no national rural policy for people. Instead, we have allowed vested economic interests, guided by nothing nobler than profit, to determine the future shape of this Nation.

The bill I am introducing today, the Reclamation Lands Authority Act, could be the beginning of a national rural policy. The emphasis of that policy is to serve people and the public interest, not few large corporations.

The bill, which has been introduced in the House of Representatives by several California Congressmen, requires the Federal Government to buy "excess" land at a preproject market price and to lease or sell it at a postproject market price. This mechanism is greatly preferable to a simple enforcement of the 1902 law. For in that case those purchasing the land at the preirrigation prices called for in the law could receive the enormous windfall now in the hands of the giant corporations.

The American taxpayer has built and paid for the irrigation system that has made our land in the West so valuable. Therefore, he should reap at least part of the gains.

The profits from the sale, lease or use of these lands are to be placed in an education, conservation, and economic opportunity fund. Seventy percent of the revenues from the fund are to be earmarked as grants for public education, following our historic heritage of financing education with land grants. Ten percent of the funds will go into the already existing land and water conservation fund. The remaining 20 percent of the fund shall be made available upon specific appropriation by Congress for the development of public facilities servicing project areas, for promoting economic opportunities of veterans and persons living in substandard conditions and for such environmental and ecological benefits as Congress may authorize.

To administer this program, the bill creates a Reclamation Lands Authority as an independent agency under a board of three members appointed by and responsible to the President.

The Authority is empowered to determine the uses for which purchased excess lands may be sold, leased or made available for public purposes, and is charged with attaching such conditions to any use of the land "as will preserve open spaces and agricultural greenbelts and into her respects preserve an environment of beauty, health and attractive quality for now and for the future."

The Authority is also charged with encouraging "effective regional, State and local planning of land usage and environmental adjustment in the areas where excess lands are located."

Mr. President, the Reclamation Lands Act provides the chance for us to rekindle the spirit that made America the land of opportunity. This bill would give the independent family farmer, the veteran, and the economically disadvantaged from both our cities and rural areas a chance to start all over again. It would enable us to finance public education—the strength of any free society—with funds created by public water and land development. And it would mark the day when Americans realize that our limited land and water resources cannot be left in the hands of big business.

I would hope that each of my colleagues will give this proposal the serious consideration it merits, and I welcome their cosponsorship of it. Furthermore, I would hope that the Interior Committee will be able to hold hearings on this proposal in the near future.

Mr. President, I ask unanimous consent that at this point the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2863

A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess lands provisions of the Federal Reclamation Act of June 17, 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Reclamation Lands Authority Act".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress declares that it shall be the purpose of this Act to reaffirm the historic purpose of the Federal Reclamation Act, especially as it applies to the development and use of excess lands, and to make that intent and purpose operative in the national interest and the direct benefit of its citizens.

(b) The Congress further declares that it shall be the purpose of this Act to make such disposal and uses of those excess lands as will improve the environment of the Nation through the use of these natural resources to provide resident ownership and operation of family-sized farms, to open new opportunities for veterans and to create open spaces, protect the natural beauty and quality of the habitat of all living things within Federal reclamation project areas, and to provide by the application of the net revenues from the sale or lease of said excess irrigated or irrigable lands to the demonstrated needs of public education and community development, and for other purposes consistent with the historic purpose of the Federal reclamation law.

SEC. 3. To effect these expressed purposes and others which may become imperative as the Nation faces its responsibilities and opportunities to create a healthful environment consistent with the ecological needs of the land entrusted to our care, there is hereby created by a body corporate to administer the excess lands resulting from the enforcement of the provisions of the Federal Reclamation Act of June 17, 1902 (32 Stat. 388) as amended and supplemented, to be designated as the Reclamation Lands Authority (hereinafter referred to as the "Authority").

SEC. 4. To administer the purposes expressed in this Act and enforce the laws pertaining to excess land as prescribed in the Federal Reclamation Act of June 17, 1902 (32 Stat. 388), as amended and supplemented, the Authority shall be an independent agency responsible to the President, and subject to all laws pertaining to accountability and report. It shall be directed and its activities managed by a Board of three members, appointed by the President by and with the consent of the United States Senate. Their terms shall be staggered, in such a manner as to provide an eight-year term for the designated Chairman, a five-year term for one member, and a three-year term for the other member. They may be reappointed. Their salaries shall be fixed by the President in keeping with the accepted schedule of remuneration for heads of important Government agencies. The Board shall organize itself and its operation, shall select its officials, agents, and employees in keeping with Civil Service standards and practices and said employees shall be included in the Federal roster to share in all legal benefits of Federal Government employment and to be subject to such requirements as to ability and conduct as are thereby prescribed.

SEC. 5. The principal place of business of the Authority shall be located at a place of accessibility within the region of excess lands which it administers.

SEC. 6. Immediately upon the passage of this Act into law, the Authority shall be provided by the Department of the Interior a

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listing of all irrigated and irrigable lands administered under reclamation laws, denoting specific compliances and failure to comply, declaring noncompliance as excess lands to which all titles, claims, access, entry, and control shall transfer to the Authority forthwith, to be sold, leased, or managed according to the determination and within the purpose of the Act. Such a listing and transfer of lands subject to reclamation law shall be provided the Authority at six-month intervals.

SEC. 7. The Board of Directors of the Authority shall have power and it is hereby conferred upon it, to adopt and enforce all the necessary bylaws, orders, rules and regulations required to effectuate the will of Congress as expressed in this Act.

SEC. 8. The Authority shall have such powers as are conferred on Government corporations generally, and specifically shall have the power of eminent domain. Except as otherwise specifically provided in this Act, the Authority—

(a) shall have succession to its corporate name;

(b) may sue and be sued in its corporate name;

(c) may adopt and use a corporate seal, which shall be judicially noticed;

(d) may make contracts and enter into agreements as herein authorized;

(e) may adopt, amend, and repeal bylaws or provisions thereof; and

(f) may purchase, lease, or accept, hold and use such real and personal property as it deems necessary or convenient in the transaction of its duly authorized business, and may dispose of any property, real or personal, to which it has title according to its authority under this Act.

SEC. 9. In the development of its purpose and the exercise of its duties, the Board of Directors shall select a treasurer and as many assistant treasurers as it deems proper. Board members and treasurers shall be bonded, giving such bonds for the safekeeping of the securities and moneys entrusted as are required by law, and in the case of subordinate officials as the Board shall determine.

SEC. 10. Any member of the Board may be removed from office at any time by the passage of a concurrent resolution of the Senate and House of Representatives, said concurrent resolution stating in specific terms the reason for such action.

SEC. 11. The powers of eminent domain residing in the Board by this Act shall extend to the purchase of any real estate or acquisition of real estate by condemnation proceedings, the title to such real estate being taken in the name of the United States of America, and thereon all such real estate shall be entrusted to the Authority as the agent of the United States to accomplish the purposes of this Act.

SEC. 12. There is hereby conferred upon the Authority all of the powers now residing in the Secretary of the Interior to enforce all the provisions of section 5 of the Federal Reclamation Act of June 17, 1902, section 46 of the Act of May 25, 1926, and all Acts amendatory and supplementary thereto as these apply to the limitation of size of farms to be served by and under provisions of Federal reclamation projects.

SEC. 13. The Authority is hereby authorized and directed to acquire by purchase, eminent domain proceedings, or otherwise, all excess lands in projects governed by Federal reclamation laws at preproject prices as defined in section 46 of the Act of May 25, 1926, and to deposit the proceeds from the sale or lease or use of such lands in the Treasury of the United States in a specially designed "Education, Conservation and Economic Opportunity Fund" which is hereby created to be used exclusively for the purposes of this Act.

SEC. 14. The Authority shall purchase all excess lands at preproject prices which do not reflect the benefits of the Federal financing or construction. The proceeds from the sale, lease, or use of such lands shall be paid into the "Education, Conservation, and Economic Opportunity Fund," and are to be used for the purposes of this Act and administered for said purpose by the Board.

SEC. 15. The Education, Conservation, and Opportunity Fund shall be operated as a revolving fund for the purposes of this Act. Moneys in the fund equal to the cost of lands purchased by the Authority at preWater-project prices, together with such moneys as Congress may appropriate for deposit in the fund for the purchase and management of excess lands, shall be available to the Authority for further purchase of excess lands. Ten percent of the balance in the fund remaining thereafter shall be transferred to the Land and Water Conservation Fund already established by the Congress to be used for purposes consonant with those of this Act, and an annual accounting shall be made to the Authority by said fund and made a part of its annual report. Seventy percent of the balance in the fund available for use by designated agencies and purposes under this Act shall be made available for the benefit of public education and for such expenditures or allocations as the Congress may authorize. Such funds shall be transferred by the Authority to agencies specified by the Congress. The remaining allocable amount in the fund made available for public purposes under the Act shall be made available upon specific appropriation by the Congress for the development of public facilities serving project areas, for advancing economic opportunities of veterans and persons living in substandard conditions, for development of healthful environments and communities needing open spaces, and for such other environmental and ecological benefits as Congress may authorize to be made from the fund.

SEC. 16. The Authority shall determine the uses for which purchased excess land may be sold, leased, or made available for public purposes, and shall attach such conditions at time of sale, lease, or public use as will preserve open spaces and agricultural greenbelts and in other respects preserve an environment of beauty, health, and attractive quality for now and for the future. In determining as between sale, lease, or public use of excess lands purchased, the Authority shall give due weight to benefits to the revolving fund and the advancement of economic opportunity for persons who have served the Nation in the Armed Forces and disadvantaged citizens seeking such opportunity as ownership, lease, or use of irrigated or irrigable lands afford. In the pursuit of these purposes, the Authority shall encourage effective regional, State, and local planning of land usage and environmental adjustment in the areas where excess lands are located.

SEC. 17. In the exercise of its charter under this Act, the Authority is herewith authorized to obtain lands excess to the direct needs of other Federal agencies of the Government which may be declared available where such lands may become a unit of lands administered by this Authority. Such acquired lands shall be treated in the same manner as other excess lands of the Authority.

SEC. 18. The Authority may establish an Advisory Committee to which it shall appoint citizens who neither have nor represent vested interest in excess lands purchased or in the water brought to such lands. The Authority may service such an Advisory Committee and provide for the expenses thereof. Committee members shall serve without remuneration.

SEC. 19. There is hereby authorized for appropriation an amount as may be necessary from the general fund of the Treasury for deposit in the revolving fund designated as the "Education, Conservation and Economic Opportunity Fund" of this Authority, for the purposes of this Act, to be accounted for in the usual manner and to be subject to the same accounting practices as other Government agencies.

SEC. 20. There are hereby authorized to be appropriated for the purchase, lease, and use of excess lands such amounts out of the Education, Conservation and Economic Opportunity Fund as are available and needed by the Authority to carry out the intent and purposes of this Act.

Mr. AIKEN. Mr. President, I yield 10 minutes to the minority leader.

Mr. SCOTT. Mr. President, I hasten to speak early in order to allow ample time for our presidential candidates to postulate their rejoinders as we draw near the noon deadline for the afternoon paper. I would not want to deprive them of their daily headlines, and we must, of course, in all our deliberations, allow for the opportunity of the ambitious to arrange to be heard. After all, one of them has his eye on that $20 million—in fact, I think all of them have their eyes on that $20 million in the great lottery which we built into the tax bill. I notice that the attendance is smaller when we are talking about the loss to the farmers than when we are talking about personal opportunities for political enrichment at the expense of the American taxpayer.

My observation over the years, in both Houses of Congress, has been that there are a few farmers in Congress, but there are a lot more politicians who, instead of being farmers, are busy farming the farmers, which is still a relatively rich lode, and it is, I suppose, not too surprising.

Nevertheless, what a pity it is that this Chamber is nearly empty, and thereby deprived of the aural excitation which would come from listening to my mellifluous tones. This I regret, of course, but it has to be borne. We wait in patience for our presidential candidates to arrive and unload on us the accumulation of their acquired wisdom regarding sons of the soil, and a good bit of the soil will be distributed toward the fan, as usual.

And so we discuss something as important as the confirmation of the nomination of a Secretary of Agriculture while those who would be stimulated by thoughts of a checkoff are sedated in the face of the problem of those on the farm. Well, this is the way it goes in Congress. You get a bigger crowd at the sweet smell of green money than at almost any other reason for rallying around.

The confirmation of Earl Butz as Secretary of Agriculture is, in my judgment, something which will occur when we vote, and something which ought to occur, because the President of the United States is normally accorded the right to nominate his own members of the Cabinet, with the expectation that, assuming their good character and a record of integrity, he is entitled to the judgment of those upon whom he relies.

I suppose one of the rarest sights to be seen in America is a happy farmer. This is because the problem of scratching a living from the soil is such a chancy thing, such a tremendous risk and gamble against nature, or hopefully with nature,

that it is easily understandable that the farmer's fears of the results of his dealing with the middleman and with the distributor, his competition with others to reach the consumer through the market, and his concern for either famine or glut within the market.

It is understandable that farmers do not have quite the same opportunity to be joyful as those on more fixed incomes, whose dragons are the fears of inflation and such like.

The Secretary of Agriculture will need to reassure the farm population of this country. He will need to find ways by which they can receive adequate prices for their grain and for their food and fiber production. It is very important that this happen, and happen soon.

I think under the next Secretary of Agriculture there will be considerable good news. I think the fears that have been expressed will be allayed. I think the future will bring with it a considerable content of good news for the farmers. I believe there will be improvements in the prices of the things they grow and wish to sell.

In a very real sense, the farmer is the seed corn of the Nation, because obviously without him, and without the fact that he is willing to take the enormous risks that come with the production, growth, distribution, and sale of his products, this country would be thrown back upon the necessity of importing that with which we feed ourselves and those things which we wear.

And so, while the proportion of farmers has been decreasing constantly in America, the attendance of America upon the farmer has been increasing at the same time. I have had a number of talks with Dr. Butz. He is a formidable, able, and articulate man, fully prepared, he assures me, to implement the President's mandate that the farmers must be spoken for and not spoken at. He was born and raised on a family farm. He has been an operating farmer. He has close ties to rural life, and he is a man who is experienced in the agricultural economy; therefore, he has the characteristics to meet and to tackle head on these extremely difficult problems. I would expect him to speak for and continue to speak for the farmers, all of them, small as well as big, and to listen with compassion to the problems of the American farmer, and above all to make sure that a rural voice is heard in the highest councils of government, and heard loud and clear, because the farmer has a number of just causes for complaint.

My own experience, for example, with the milk producers in my own Commonwealth, indicates to me how important it is that in the Federal Government there be someone who is fully aware of the problems that go with the administration of the milksheds of the country, how important it is that someone understand the gambles they take, and the necessity for the assurance that they will have a fair price for that which they sell.

I believe that, in spite of the fact that even in my own Commonwealth there are those who have expressed misgivings, we must remember that misgivings are always expressed where a change is contemplated in the Department of Agriculture. I think it is a good thing that we are going to continue this Department, that the reorganization of the Government proposed will not remove from the farmers of this country their right to have a voice in the highest councils of the land, the President's Cabinet. That is why I believe he will be a good and strong Secretary. He has been made fully aware, through many consultations with Senators, of their concern and their problems. Senators have long felt that the problems of agriculture have not always been made apparent to the action level of this country; namely, to the President.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SCOTT. Will the Senator from Vermont yield me 5 additional minutes?

Mr. AIKEN. Yes.

Mr. SCOTT. I am glad to yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I fully share the views expressed by the distinguished minority leader, and I would say that if we could use the $46 million that will be in the slush fund if the checkoff prevails, we could do a lot for the American farmer, and a lot for others about whom we have heard great concern expressed here this morning.

I also share the view that it is a little early for presidential candidates to appear in the Chamber, but they will be here, some under the wrong impression that they have a right to choose the Cabinet before they are elected. Of course, if they are elected, then they can name to their Cabinets men and women of their choice. But it is the right, as the Senator from Pennsylvania knows much better than I, of the President.

I think it appropriate at this point to quote the distinguished junior Senator from Arkansas (Mr. FULBRIGHT), who said on the floor of the Senate on March 26, 1970:

> Mr. President, I wish to emphasize that I have great respect for the President's prerogative in the nomination of high officials in the judicial and especially the executive branches of our government.

The senior Senator from Idaho (Mr. CHURCH) said when talking about Executive appointments:

> It has long been recognized that the President is entitled to have in his Administration men and women of his own choice.

That is the issue, whether the Democrats—some Democrats—want to name the Secretary of Agriculture. This is a right reserved to the President, unless the nominee is unfit or incompetent, lacks integrity, or lacks honesty. None of these allegations has been made about Dr. Butz. He is an honorable man. He is an honest man. He is a man of great character and integrity.

So I would suggest, as the Senator from Pennsylvania has, that perhaps we missed the point in the debate so far.

Mr. SCOTT. I feel that the distinguished Senator from Kansas could not be more right. After all, one of these candidates for the Presidency may, in some 5 years or more from now, succeed to the Presidency himself, and want his own nominees to be confirmed.

I have stood on this floor and in the other body and supported the nominees of a number of Presidents—not of my party—for Cabinet officers. Some of the Senators who have expressed doubts here have supported unquestionably nominees of Presidents of their party. It would seem to me that they ought to be as generous here.

I agree, too, that this $46 million slush fund, this raid on the Treasury, this gross and greedy grabbing, recklessly attempted to be legislated onto the statute books, would do the farmer a lot of good. This $46 million would help in the purchase of feed grains and corn and wheat. This $46 million would help to strengthen our export program. This $46 million, which does not really belong to those who are seeking to slide it from the taxpayers' pocket into their own could do a lot more good if it were made available within the regular income of the Federal Government, for purposes of Government aid and assistance.

Mr. DOLE. The $46 million is not the total cost. When you add on the administrative costs and the other nightmares associated with such a scheme, I would guess it may reach $100 million. I have no way of knowing what the total cost will be.

Last week, during this debate, we had perfect attendance. Every potential and announced candidate was in the Chamber and voting, canceling speeches all across the country. In fact, I understand that the Senator from South Dakota left a meeting in the dark last night. He leaves most meetings in the dark. In this meeting, the lights went out, and he rushed back to vote against Dr. Butz. All those candidates will be back to express their great concern about the family farmer, but they are really concerned about, "How can I get $20 million for my campaign next November?"

Mr. SCOTT. I agree with the distinguished Senator from Kansas.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. AIKEN. I will yield more time.

I was interested in what the Senator from Kansas just said. I was hoping some of the candidates would show up and make their speeches even though the galleries are comparatively empty and the floor is in similar condition. I hope that all the candidates do not show up at half past 12, expecting to use the last half hour. There is a great tendency to want the last half hour of a debate such as this.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. AIKEN. I yield the Senator 10 additional minutes.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield for a question.

Mr. HARRIS. Does the Senator find it as laughable as I do to hear the Republican leader of the Senate, the former Republican chairman, and the present Republican chairman accusing the opposition of being partisan in this matter?

Mr. SCOTT. Oh, no, we are not accus-

ing you of being partisan. We are accusing you of being partisan beyond principle, and there is a great difference. We are accusing you of being partisan for the sake of grabbing Treasury money. We are partisan; you are partisan; they are partisan. I am saying that there is a difference between partisanship and principle.

I was about to point out that the distinguished Senator from Kansas and I both shared the privilege of being chairman of our political party, as has the distinguished Senator from Oklahoma. That is why I was referring to the loss of the $46 million to the farmers, because the presidential candidates wanted it more than they wanted to give it to the farmers. This iniquitous and pernicious provision, this checkoff, is not hermaphroditic by any means. It arises from only one side of the aisle. It is partheno-genetic or, one may say, springs straight from the forehead of Larry O'Brien, because out of the secret meeting with Larry O'Brien and the leaders of the other party in Congress arose this decision to cut and run with a slice of the Treasury. We suggested that before they grab the money, they pay their bills. That was our amendment. The Senate rejected other amendments which would at least have tinged the proposal with a touch of equity, because the Democrats wanted the clear, cold, ruthless, sharply cutting effect of being able to excise from the Treasury's funds a sufficient amount to finance themselves.

Make no mistake about it. If this tax bill has that iniquitous provision in it, it will be vetoed. The first move up here was to say that the President was bluffing. He is not bluffing, and he is not a man to bluff. The next move is going to be, "We won't give him a tax bill." Just try to get away with that. Just try it. Let me say what will happen.

During the present year, so far, 1,357,-652 automobiles have been sold. On these automobiles, a promise has been made, in some cases of refunds totaling approximately $200 per car. Some of these refunds, notably by American Motors, have been made.

Congress has just voted to repeal the excise tax on automobiles in order to provide a stimulus for the purchase of cars and also because of the jobs this is expected to create. Upon the enactment of the repeal consumers who purchased new automobiles beginning on August 16, 1971, will receive refunds of the excise tax paid on their cars. In fact, one manufacturer—American Motors—has already been providing purchasers with refunds in anticipation of the repeal. Generally, refunds will total approximately $200 per car.

Statistics released by the automobile manufacturers reveal that the promise of an excise tax refund to new-car purchasers has in fact resulted in increased automobile sales. For example, for the month of September, the first full month to which tax refunds on sales would apply, sales of domestic cars increased from 488,211 in the same period in 1970 to 755,233 in this year, or an increase of 54.69 percent. For October, sales of domestic cars totaled 629,152 in 1970 and 933,713 in 1971, or an increase of 48.41 percent. For the first 20 days of November, the increase in sales of domestic cars was even more dramatic: 296,593 for the like period in 1970 and 596,358 for this year, an increase of 101.06 percent.

While it is true that in part of the fall of 1970 domestic car sales were reduced by reason of a strike at General Motors, it should be noted that the recent increases in sales have been such that for the whole of the year January 1 to November 20, 1971, sales of domestic automobiles increased by 18.69 percent over a similar period in 1970. The actual cars sold total was 6,551,629 in 1970 and 7,-776,547 in 1971.

In addition, the major automobile manufacturers have pledged that, following repeal of the tax, they will pass the tax reduction on to consumers. This will mean continued benefit to the purchaser of a new car of approximately $200 per car.

INCREASE IN IMPORTS (CARS)

	1970	1971	Increase (percent)
August	112,400	158,528	41.03
September	91,784	128,392	39.77
October	124,000	116,000	—6.45
Total to Oct 31	1,064,515	1,357,652	27.53

Whether this tax bill or another, there will have to be a tax bill unless this Congress wishes to break faith with all those who purchased automobiles relying in good faith on the promised excise tax refund.

Stand up—stand up—and say to 1.3 million auto buyers, "We, the Democrats, are going to take your $200 away from you, because we are the party of the people. We are the party of the people, and we can do to the people anything we want, because we can always talk enough of you into voting for us. We will take your 200 bucks, and you will lose your 200 bucks; and all of you will join in this total and collective sacrifice on the altar of Democratic rapacity and avarice."

Try it. Try it and see what happens in the next election. Kill the tax reform bill. Say that we will not have a bill. We will be back in special session, and it will not be a turnip session, either. It will be a session to repeal the carrot which the Democratic Donkey has grabbed and run away with. That is what it will be. It will not be Truman's turnip session. It will be a carrot session; because this, to turn the word "carrot" a little, was a 22-carat grab on the U.S. Treasury.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. DOLE. I am pleased that the Senator from Pennsylvania has emphasized the $20.4 million grab, and it is that—and I say that with all respect to those who may have supported it.

I am also in accord with the Senator's view that this bill in this form will be vetoed. We should make no mistake about it.

I suggest—and I suggested before—that this is rather a high ransom to pay. Apparently, the Democrats who are running for President do not care what the ransom is, because they are not going to pay it. They are looking for $20.4 million from the Treasury. They are some $9 million in debt, and I sympathize with them for being in debt. Eighty percent of the contributions to the Republican National Committee average $15 or less. We are not the party of fat cats. I would point that out to the presidential candidates who are talking about being the party of the people who are now out raising hundreds of thousands of dollars for the primary campaigns to gain the nomination so that they can get the $20.4 million of Federal money for the presidential campaign. That is not reform—in no way is it reform. I think it is time that the American people understood it for what it is; namely, a raid on the Federal Treasury, as the distinguished Senator from Pennsylvania has said before.

Mr. SCOTT. Mr. President, will the Senator from Kansas yield me 1 minute?

Mr. DOLE. I yield 1 minute to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SCOTT. Mr. President, a married couple will contribute $2 to the Democratic Party. I suggest that we use the nice, shiny Eisenhower dollars because they make such good blinders—$1 for the husband, and $1 for the wife.

Let us take the Eisenhower dollars—the dollars that commemorate a singularly respected man for his honesty and integrity—and symbolically put one over the husband's eye and another over the wife's eye, thus blinding them, and then let the Democratic Party tell them that while it may be darkness for them, all is light and effulgence for the Democratic Party.

I thank the distinguished Senator from Kansas for yielding me this time.

Mr. HARRIS. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 5 minutes.

Mr. HARRIS. Mr. President, at first glance it might seem strange that the distinguished Senator from Pennsylvania (Mr. SCOTT) and the distinguished Senator from Kansas (Mr. DOLE), instead of talking about the Butz nomination, are talking about the campaign financing bill. But it is not strange because campaign financing is related to the big rich farmers and the big corporations in agriculture who have dictated the nomination of this man Butz. He comes from Ralston-Purina, and the outgoing Secretary of Agriculture is going to Ralston-Purina. The rich and the big corporations have come more and more to dominate American politics. My colleagues across the aisle are satisfied with that. I am not. Neither are the American people. What we are going to do is give them a chance voluntarily to give or not give $1 each to the party of his or her choice so that the big, rich farmers and the big corporations will not dominate agriculture, but the people themselves will have a chance to control politics and government a good deal more than they have been able to do for a period of years past.

We have heard the threat again today on this floor that the President will veto the tax bill if the campaign financing section is kept in it. Mr. President, if he does, there is not going to be any tax bill this year. I do not like that tax bill anyway. We seem to be dropping the people's portions of it and getting back to the Nixon program alone which means $74 billion worth of tax cuts will go to the big corporations over the next 10 years and crumbs for the average taxpayer.

What I like about that remaining package is the campaign financing section, which may allow the little people to get more of their people in office, particularly in the Presidency, to change this favoritism from the rich back to the average taxpayer.

That tax bill is a bad bill without the campaign financing section in it. It should be killed if the campaign financing bill is forced to be dropped.

Mr. President, I say as a member of the Finance Committee—and this is no bluff—that if the President vetoes that bill and it comes back here without the campaign financing section in it, I shall stand on the floor of the Senate and try to prevent it from being passed.

Mr. HUGHES. Mr. President, I yield myself such time as I may need.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, I yield 10 minutes to the distinguished Senator from Massachusetts (Mr. KENNEDY).

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I rise to express my opposition to the confirmation of the nomination of Dr. Earl L. Butz as Secretary of Agriculture.

At the outset, let me say that I do so with a belief that in most circumstances the President should have great leeway in deciding on his Cabinet choices.

But I believe that on many tests, the current nominee fails to demonstrate the concern for important and overriding humanitarian issues. There is ample justification to oppose this Presidential Cabinet nomination.

On November 17—in a letter to the distinguished chairman of the Committee on Agriculture and Forestry—I expressed my concern over some aspects of the record of Dr. Butz. As chairman of the Judiciary Subcommittee on Refugees my particular concern relates to Dr. Butz' views and attitudes toward the overseas distribution of American surplus food commodities and the role of the private voluntary agencies in this program.

As I indicated in my letter to Senator Talmadge, several representatives of the voluntary agencies expressed strong reservations to me regarding Dr. Butz' confirmation. They suggested that during his previous service with the Department of Agriculture he was "less than sensitive to the aims and objectives of voluntary agencies," and to national humanitarian concerns overseas. This situation is best illustrated, perhaps, by reference to issues of deep concern to the agencies at the time.

The primary issues were defined in a report of findings and recommendations on "The Continuing Challenge of American Abundance." The report was prepared by the American Council of Voluntary Agencies—ACVA—in November 1956, and transmitted to Secretary of Agriculture Ezra T. Benson by Mr. Charles P. Taft, chairman of the State Department's advisory committee on voluntary foreign aid. The report noted the vast abundance and surplus of American agriculture, and the continuing challenge to use this abundance effectively—"as the flood of refugees swells and more people become the victims of violence over which they have no control." The report specifically mentioned the needs of a million refugees who fled from North to South Vietnam, the Chinese refugees in Hong Kong, the Hungarian refugees in Europe, the Arab refugees in the Middle East, and others.

The report went on to express the agencies' concern over the fact that many commodities, "made available by the Department of Agriculture as a result of legislation," were being "withdrawn from availability." The report made a number of recommendations.

First, the report recommended that rice be kept on the availability list for overseas distribution by the agencies. Rice was one of several commodities which the Department of Agriculture had suddenly withdrawn from the list—contrary to the expressed wishes of Congress, and despite the fact that some of the hungriest peoples in the world, including the destitute refugees in Asia, were rice eaters.

Second, the report recommended that our vast wheat surpluses be processed into a form—called bulgur wheat—acceptable for consumption by the millions of people being served by the agencies overseas.

Third, the report recommended that agency feeding programs be approved on a yearly rather than a quarterly basis, for planning and efficiency reasons.

Fourth, the report recommended that the Department of Agriculture apply more flexibility in assessing the responsibility for payment of the ocean freight costs of food shipments. A pattern was developing in the Department's decisions to place this responsibility more and more on the recipient government—at a time when many governments could not really meet this responsibility and when Congress had set aside increased funds for the payment of freight charges on agency food shipments.

And finally, the report recommended that—in the interest of balanced feeding programs and with the absence of other food fats and oils—surplus corn be processed into oil, sirup, and similar byproducts.

The report said, in conclusion, that the recommendation represented "a realistic assessment" of what could be done, in the interest of strengthening an area of policy strongly supported by the American people.

The Department of Agriculture's response to the agencies' recommendations was contained in a letter to Mr. Taft from Dr. Butz. The letter—dated March 15, 1957—was a litany of negativism. Its contents were devoid of sensitivity to legitimate humanitarian concerns. They applied the "trickle down" theory for meeting the needs of the voluntary agency programs—but were full of strong concern for those commercial interests which had much to gain by limiting and cutting back on the volume and content of food donations to the disadvantaged in this country and overseas.

Four of the agencies' recommendations were rejected out of hand—and frequently, according to agency personnel involved at the time, for reasons contrary to the facts.

Dr. Butz refused to put rice—let alone some other commodities—back on the availability list. He called the recommendation on bulgur wheat "impracticable." He rationalized away the recommendation for an annual approval of agency feeding programs. And on the recommendation that the vast quantities of surplus corn be processed into more useful products, he suggested it would be a "costly departure" from established policy. And then he said:

> Donation of the corn products which could be used as food (oil, grits, flour, starch, and syrup) into foreign programs would require that they also be made available for domestic donation to schools, institutions, and needy persons. It is our belief that such distribution would tend to displace some normal commercial purchases of such products with harmful results to wholesalers and retailers engaged in such trade.

A fifth recommendation—on the flexible handling of ocean freight costs—was ignored in Dr. Butz' letter. But the record is clear on what happened at the time. Ocean freight regulations were substantially modified, requiring most foreign governments to pay 50 percent of the freight charges. In some countries, such as Yugoslavia and Greece, needed food and humanitarian programs for the disadvantaged and refugees were seriously crippled by the lack of resources in recipient countries. And the operation of such agencies as CARE, Catholic Relief Services, and Church World Service were badly hampered. Needless to say, the friction generated in our foreign relations by this situation was unnecessary, and subsided only when more reasonable arrangements were made with the countries and agencies involved.

The agencies' letter and Dr. Butz' response typifies the kind of relationship which existed between the Department of Agriculture and the private humanitarian sector during the time of Dr. Butz' previous service. Just a few days ago, his letter was labeled by one agency representative "as another instance of being stymied all over during the mid-fifties." The situation contributed a great deal to a deterioration in the humanitarian partnership developed between Government and the agencies following World War II—a situation which was remedied through legislation and administrative decision after Dr. Butz left the Department. I should add here that our able colleague, the junior Senator from South Dakota, contributed much toward repairing the partnership when he served as director of the food-for-peace program some 10 years ago.

And so all the recommendations in the agencies' 1956 report, and many more of their suggestions, were adopted. All them immeasurably strengthened a significant area of public policy and con-

cern. Bulgur wheat, for example, has become a mainstay in overseas feeding programs.

I fully appreciate that the institutional arrangements relating to food programs and the voluntary agencies have been modified and changed over the years and that the Department of Agriculture plays a lesser role than it did during Dr. Butz' previous service with the Department. But in view of his record of previous service with the Department of Agriculture, I strongly feel the agencies have a legitimate concern over his nomination and the kinds of attitudes and policies he may carry with him to the Cabinet.

Widespread citizen concern for disadvantaged people overseas is a longstanding tradition in our Nation's history. Despite this, however, the record is clear that this concern—as expresed so well in the program of the voluntary agencies—has often been lost in a tide of nativism and redtape toward humanitarian programs. The record toward today's tragedy in South Asia is no exception. Perhaps all of this is unavoidable, because in political terms humanitarian causes lack the powerful lobbies and constituencies backing other interests. But great-power creates and carries with it great responsibility. And in terms of the world leadership we claim is ours, what is too often missing is that dimension of compassion toward the weak and downtrodden, who have traditionally looked to America for comfort and hope.

It is important that we have strong national leadership in this area. Dr. Butz' record, however, leaves much to be desired. And for this reason, among others, I will vote against his confirmation.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of the American Council of Voluntary Agencies for Foreign Service, Inc., under date of November 15, 1956, and Dr. Butz' letter under date of March 15, 1957.

There being no objection, the report and letter were ordered to be printed in the RECORD, as follows:

THE CONTINUING CHALLENGE OF AMERICAN ABUNDANCE

Since the more than forty voluntary agencies united in the American Council of Voluntary Agencies for Foreign Service presented, in the spring of 1954, a paper entitled "The Moral Challenge of our Abundance," two changes have occurred. First, our American abundance has grown to such proportions that ordinary storage facilities have become insufficient—millions of bushels of wheat are stored in the holds of the ships of the Ghost Fleet, and in tents in the great expanses of the Southwest. Secondly, the challenge has become more intense as the flood of refugees swells, and more people have become the victims of violence over which they have no control.

Since the Spring of 1954, a million refugees from North Vietnam have moved southward as destitute exiles in their own land. A steady stream of Chinese, representing every walk of life from fisherman to professor, has flowed into the haven of Hong Kong. Hungarians, whose compatriots with their blood bought freedom for a day in their homeland, now put their foot on the threshold of the Western World, via the Austrian frontier, and ask for our help. And now, in addition to the continuing programs for the Arab refugees in the Near East, there are new groups of needy people among the Egyptians.

Due to the upheavals in Central Africa, certain very specific programs have been undertaken to meet special needs. The agencies have endeavored to reach the needy of every race, color and creed, thus creating bond of mercy which is a bond of peace.

American voluntary agencies, including those supported by the three great faiths, have been in Vietnam, Hong Kong, at the Hungarian frontier, and in seventy-five other countries and areas of the world giving not only first aid, but planful care to the most dispossessed of humanity.

The voluntary agencies, as visible expressions of great American traditions, work ceaselessly around the world so that those who escaped from one bondage at so great a cost to themselves, will not become victims of the bondage of starvation. Voluntary agencies also conduct continuous programs of aid for those who are victims of a starvation that is endemic in underdeveloped and over-populated areas of the world.

It is of the American tradition to nurture not only the free individual, free from all tyrannies, including the tyranny of hunger, but also the free society. There is no doubt that the struggle is becoming more intense for the mastery of the patterns of society—the free, open society being pitted against the totalitarian rigid society. This was never more evident than in Budapest when the offer of American surplus foods and gift medicines to a people fighting for its freedom, was instead blocked by the guns and tanks of a re-imposed totalitarian system. The dread pattern has now been re-established in which an all-powerful despotic State reduces to a lonely and powerless entity the individual within its borders.

The very existence of voluntary agencies, and their activity in every corner of the Free World, bears witness everywhere to the reality of a free society, a society which permits and nurtures free associations formed by free men.

The Congress heeded the recommendations of the combined voluntary overseas aid agencies expressed in "The Moral Challenge of our Abundance" and, as a result, the American voluntary agencies have been able to plan and gradually to expand the distribution of surplus commodities through their ongoing programs so that in the Fiscal Year of 1955, they distributed 403,046,224 pounds, in the Fiscal Year 1956, 1,205,679,566 pounds and in the first Quarter of the Fiscal Year 1957, 494,557,354 pounds, or a total of over two billion pounds since June 1954. If shipments continue at the rate established in the first Quarter of the current fiscal year, the commodities shipped in the three year period since the Spring of 1954 will have exceeded the value of one billion dollars estimated in the joint paper "The Challenge of American Abundance." These commodities were distributed in 73 countries and areas of the world.

These distribution plans could only have been carried out because of the great welfare and health channels that the agencies have long since established overseas—channels that could not be duplicated by government with any amount of money. These feeding projects are integrated into existing welfare, health and training programs which the agencies conducted before the availability of surplus foods, and which will continue, irrespective of the availability of such foods. This is not to underestimate the vital importance of surplus commodities as a supplement to the agencies' regular programs.

For the first time, in December 1955, surplus corn, wheat, beans and rice, were made available to American agencies serving the dispossessed and needy overseas. By August 1956, the supply of beans was exhausted, when the agencies had shipped 72,228,494 pounds of that commodity. Announcement has been received that rice will no longer be available after December 31st of this year. By that time the agencies will have shipped over 300,000,000 pounds of rice for overseas distribution.

In a three-year period, supplies of certain other commodities, made available by the Department of Agriculture as a result of legislation, were withdrawn from availability. Of these, the agencies used 81,675,255 pounds of shortening and cottonseed oil, withdrawn as of July 1, 1955, and 305,837,106 pounds of butter and butter oil, withdrawn as of July 1, 1956.

Milk has been on a "current" basis since the beginning of the calendar year, meaning in effect that there are no stocks from which to draw, and while there is sufficient milk for distribution during the flush season, in the months of January through March, very little is available for ongoing feeding programs.

This, then, is the statistical record of the agencies participating in the surplus commodity disposal program. On the matter of program performance, there seems to be agreement that the distribution has been on a non-discriminatory basis to those in greatest need. Machinery has been set up to avoid duplication, and the aid given through the agencies has not interfered with national or international economies. Every effort is made to assure that the American origin of the supplies is known to the recipient individuals and organizations overseas, and most important of all, lives have been saved and hope renewed among dispossessed and uprooted people.

To preserve the unquestioned gains achieved throughout the world by the ongoing feeding and welfare projects of American voluntary agencies, it would seem that it is time for a "new look" at certain aspects of the program. From such a "new look" arise the following specific recommendations:

1. Among the hungriest people in the world are the habitual rice eaters, and therefore it is recommended that rice remain on the availability list for the feeding programs of the voluntary agencies.

2. It is recommended that we utilize added millions of pounds of our wheat surpluses in a form acceptable for consumption by great groups of people served by the voluntary agencies—especially in Africa, the Near and Middle East and Asia. This form is known as parboiled or bulgur wheat.

3. Since voluntary feeding programs are planned in conjunction with our welfare programs of long-term effect, it is recommended that the agency programs be approved on a yearly basis and that sufficient surplus stocks be allocated to fulfill planned programs. Such a planful approach would prevent the periodic unavailability of such basic items as milk.

4. Since the surplus food stocks made available through the voluntary agencies derive from the productivity of some American people and the efforts of others who pay taxes, the resulting surplus distribution programs of the voluntary agencies are a direct people-to-people operation. We are in agreement that whenever the host government is in a position to contribute to ocean freight costs on voluntary agency surplus commodity shipments, this should be encouraged. Where, however, such contributions tend to negate the people-to-people aspect of such agency programs or to render it impossible for the agencies to meet existing needs adequately, it is is recommended that the United States Government absorb the ocean freight charges. This is especially true where the agencies are serving groups of refugees or enclaves of people in whose welfare the host government may have less than moderate interest.

Since Congress has set aside increased funds (under permissive legislation in the Agricultural Act of 1956) for freight on voluntary agency surplus commodity shipments, it is recommended that these funds be utilized to include additional areas of need at the earliest possible moment.

5. Balanced feeding programs are especially necessary in aiding the most threatened and poorest members of the world community whom we are able to reach with our aid. Fats are a vital requirement of diet. Even though other fats and oils are presently unavailable, the huge corn surplus permits the processing of that commodity into corn oil, corn syrup and other useful by-products.

The above recommendations are based on a realistic assessment of the part that overseas sales and domestic school lunch and other programs play in the disposal of surplus agricultural and dairy products. The agencies take into account the fact that as underdeveloped countries become stronger economically, they will become market areas for such items as are now held in surplus. They are keenly aware that the friendship which grows out of cooperation in meeting human needs is a long-term spiritual investment of immeasurable value for the people of our nation.

It is seldom that a happy circumstance prevails whereby an abundance of surplus stocks and burdensome storage costs are diminished with proportionate expansion of understanding and goodwill; whereby an exchange is effected which in a sense translates material gifts into spiritual realities among peoples.

Thus are expressed the abiding concerns of the voluntary associations of Americans for the building of true brotherhood among peoples by people-to-people efforts; for the strengthening of the sense of personal worth among those disinherited and cast off by the world; for the reassertion of eternal values among those for whom all values have failed; for the sowing of peace among those anguished by violence, insecurity and unending want.

DEPARTMENT OF AGRICULTURE,
March 15, 1957.

Hon. CHARLES P. TAFT,
Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, Washington, D.C.

DEAR MR. TAFT: In our letter of January 24, 1957, we acknowledged receipt of the paper "The Continuing Challenge of American Abundance" and advised you that we would carefully study the recommendations contained therein.

The contributions which have been made by the American Voluntary Welfare agencies in their distribution of surplus foods abroad have been very worthwhile and have materially assisted us in our care and management of CCC food stocks. I have discussed the proposals which have been made by the American Council of Voluntary Agencies for Foreign Service, Inc., with several of my staff members in the interest of giving every possible consideration to each proposal and would like to comment on them in the order in which they were mentioned.

Within the past year there has been a very active market demand for rice and sizeable sales have been transacted with India, Japan, Pakistan, Korea, and Indonesia under Title I, Public Law 480 and the ICA Section 402 authorities. Rice was taken from the list of commodities available for foreign donation effective December 31, 1956, because it became apparent in the fall of 1956 that the stocks remaining in CCC inventory would be required for sales which had been, or were anticipated to be made. We anticipate that the export market demand in 1957 will not only exceed the quantity exported in 1956 but will permit complete liquidation of stocks in CCC inventory from the 1954, 1955, and 1956 crops.

As you know, the donation authority in Section 416 of the Agricultural Act of 1949, as amended, provides that CCC give primary consideration in the disposition of its stocks to normal domestic and export channels of trade. In view of the anticipated volume of export sales in 1957 we have no recourse but to deny the proposal that rice be reestablished as available for foreign donation at this time. We shall continue to periodically appraise the export demand for rice as it relates to quantities in CCC inventory, and in the event that the export demand does not meet our anticipations, we shall be happy to give consideration to making rice available for foreign donation at such time.

The recommendation to have CCC process wheat into parboiled or bulgor wheat for foreign donation presents several problems. Representatives of the trade who are equipped to process wheat into bulgor have stated that the Soft White varieties of wheat are preferred in the manufacture of this product. There has been a very active export demand for these varieties of wheat and we anticipate that we will be able to liquidate the approximately 70 million bushels of Western Soft White wheat which we have in inventory.

We further expect to take over very little, if any, 1956 crop Western Soft White wheat and anticipate that we will have a market for any which may be taken over.

We would further question the advisability of engaging in such a program because the production output of the four plants which process bulgor could supply only a small percentage of the orders we could anticipate receiving from the voluntary agencies. We would consider it inappropriate for CCC to encourage the expansion of production facilities for this product by offering it for donation. We therefore consider it impracticable to adopt the recommendation to process CCC wheat into bulgur.

We can readily understand the desire of the Voluntary Welfare Agencies to have CCC commodities allocated to them on an annual basis rather than a calendar quarter basis in order that they can better plan their foreign distribution programs. This could be accomplished by reserving or setting aside specific quantities of commodities in CCC inventory for such use. Such action however would necessarily require that we be in a position to accurately forecast the quantities of price supported commodities to be produced in any program or crop year, the quantities to be taken into CCC inventory, the quantities to be disposed of through domestic and export sales, and the residual quantities to be made available for donation. The uncertainties of weather, prices in the open market and foreign demand as it is influenced by changing international conditions cannot be assessed accurately enough to make such a forecast.

It is because of these limitations that we request that the Voluntary Welfare Agencies continue to submit their Section 416 food requirements on a calendar quarter basis. In our conversations with their representatives we will endeavor to provide them with all possible information on the supply outlook for each commodity in order that they may plan their programs as far in advance as possible.

The inclusion of fats and oils in the foreign donation program by conversion of CCC corn into oil, starches, livestock feeds and other byproducts would be a costly departure from our basic concept of the purposes of the donation program and could generally impair the purposes of the price support program. The amount of oil obtained from corn is 1 percent under the dry milling process and 2.7 percent under the wet milling process. The quantities of oil which would be obtained would be relatively small in relation to the cost. CCC would however obtain sizable quantities of livestock feed products which could not be donated and would have to be sold in the open market in competition with commercial feeds either directly, or through the corn processing firm. Donation of the corn products which could be used as food (oil, grits, flour, starch and syrup) into foreign programs would require that they also be made available for domestic donation to schools, institutions and needy persons. It is our belief that such distribution would tend to displace some normal commercial purchases of such products with harmful results to wholesalers and retailers engaged in such trade.

I should like at this time to thank you, members of your Committee and all the members of the American Council of Voluntary Agencies For Foreign Service, Inc., for the excellent cooperation we have received in carrying out the Section 416 foreign donation program. We shall continue to give the most careful consideration to recommendations which are made to improve this program in the mutual interest of obtaining the maximum benefits to the United States.

Sincerely yours,

EARL L. BUTZ,
Assistant Secretary.

Mr. KENNEDY. There are other reasons as well. In speeches as recent as last April, Dr. Butz has displayed a callous disregard for the needs of the Nation's poor and hungry.

He implied that the concern of hunger and malnutrition was "a fad" and stated:

And what came out of that? Out of that came the food stamp plan—so generous, extensive—that it's just short of ridiculous in some parts of this country.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HUGHES. Mr. President, I yield 2 additional minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I find that to conflict with my view that there is a fundamental requirement that this Nation prevent any of its citizens from going hungry.

Also, through those speeches, his views of the importance of preserving our environment clearly demonstrates that he is out of step with the Nation.

Thus, he said a choice must be made between "a little thermal pollution in our waters" or "brownouts in our cities." I think we are committed to prevent both and I find it objectionable that the proposed nominee is willing to trade one against the other.

There is another reason as well, a reason that is directly related to the farm needs of the Nation.

For this nominee has openly acknowledged that he would like to see the continued disappearance of millions of farmers from rural America. He has urged the conglomeration of American agriculture as a board member of the giants of agribusiness in this Nation, and we can be sure that he will be endorsing policies to do exactly that as Secretary of Agriculture.

Already the farmers of this Nation have had to suffer under policies that have brought parity for the farmer down to 69 percent, the lowest level since the depression years.

In the past 2½ years, 100,000 farms have disappeared across the Nation, 595-000 men and women have left the fields, and farm machinery costs have climbed 13 percent while farm prices have barely edged up 3 percent.

And this nominee would speed up the process of consolidation, speed up the process that already has deeply endangered rural America.

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And so, for all of these reasons, I oppose confirmation of the pending nomination.

Mr. HUGHES. Mr. President, I yield 5 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 5 minutes.

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from Iowa for yielding to me.

Mr. President, I regret that I am going to have to vote against the nomination of Earl Butz to be Secretary of Agriculture. I say this because of my philosophy that the President should generally have the choice of selecting his own Cabinet, and the power of advice should be only sparingly utilized. However, this is one of those occasions where I feel that the Senate must act.

There are a number of important reasons why Earl Butz should not be confirmed as Secretary of Agriculture. First, he has received a general vote of no confidence from a great many farm groups, including the National Farmers Union, the National Farmers Organization, the Midwest Farmers Association, the National Corn Growers Association, as well as from individual farmers contacting my office. Just before coming here this morning, I took a look at my mail, and I find that I have had 185 letters in opposition to Dr. Butz and three in favor of him.

Second, Dr. Butz indicated a predisposition against congressional enactment of price supports and supply adjustment programs and for the return of the farmers to the marketplace.

Dr. Butz' earlier writings and speeches also indicate that in the past he has opposed price support and supply adjustment programs which, for the past 20 years have been important in stabilizing prices and income for cotton, wheat, feed grains, rice, peanuts and dairy producers. Producers of these products do not trust Dr. Butz, on the basis of his past record, to be a good administrator of these programs that are favorably inclined to maintain their income.

Third, in answer to the questions by members of the Senate Committee on Agriculture and Forestry, Dr. Butz expressed interest in, but would not take a position regarding legislation needed to strengthen the farmers' bargaining positions with agribusiness corporations.

Thus, Dr. Butz would apparently return the farmers to the marketplace without strengthening their bargaining power.

Fourth, Dr. Butz has a long association with agribusiness including membership on the board of directors of the Ralston Purina Corp.

During his period of service, Ralston Purina acquired a dominant position in the broiler industry and vigorously opposed legislation to strengthen the bargaining position of farmers. This makes Dr. Butz suspect as an adequate spokesman for the family farmers who are in support of strengthening the farmers' bargaining power in marketplace.

In view of his vigorous opposition in the recent past, farmers are unlikely to trust him in the very important areas of farm bargaining and farm support programs, even though he promises to support their interests.

Fifth, Dr. Butz has made statements in the past indicating his lack of support for the food stamp and the school lunch programs, which it would be his responsibility to administer if he were confirmed.

Sixth, I must also oppose Dr. Butz' appointment because, on the basis of his past statements and activities, he has shown a lack of concern for conservation and the abatement of pollution and the improvement of the environment.

He has always championed the private interests of agribusiness firms rather than the public interest. The position of Secretary of Agriculture, is a position of public trust with the responsibility for defending the public interest. Dr. Butz is a man who has been associated primarily with the larger corporate agribusinesses.

This appointment would be too much like putting the fox in the chicken coop.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. DOLE. The Senator is not questioning Dr. Butz' honesty or integrity, is he?

Mr. TUNNEY. I certainly am not questioning his honesty or his integrity. I think as far as his integrity is concerned as a person, he is a man of high ethics.

Mr. DOLE. The Senator does not question the President's right to name his Cabinet, I understand.

Mr. TUNNEY. I do not question the right of a President to name a person to the Cabinet that he thinks will support his own philosophical point of view. On the other hand I feel that the Senate and an individual Senator has the right to determine whether a Cabinet appointment is going to be detrimental to the interests of a significant portion of the society and citizenry. If it is, then a Senator in conscience has to vote against that nomination.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. TUNNEY. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. HUGHES. I yield 2 minutes to the Senator from California.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. TUNNEY. I yield to the Senator from Kansas.

Mr. DOLE. I commented earlier about the general right of the President to name men of competence and honesty to the Cabinet. Certainly we have a responsibility in the Senate. We suffered for 8 years under Orville Freeman, and I assume that upset many Senators in this Chamber, and that is part of the reason we are in great difficulty in this country now. But it was not all the fault of Orville Freeman. We pass the laws and we call upon the Secretary of Agriculture——

Mr. HARRIS. Mr. President, I object to the Senator from Kansas talking on our time.

Mr. DOLE. I want to know, if the Senator does not question his honesty and integrity, it is because the Senator does not want the President to name him or because the Senator wants to name him himself?

Mr. TUNNEY. It is not a question about wanting to name the man in the Senate.

Those of us who oppose Dr. Butz feel that to put a person in charge of the Department of Agriculture, who has been associated with the large corporations, who has identified more with an old-fashioned outmoded concept of supply and demand, not interested in seeing support prices maintained so that the small farmer will still have a chance to earn an income—that such a person should not be in a position of high responsibility and should not be in a position to administer the food stamp and school lunch programs.

We know that through administrative rulings it is possible and it is easy for a Secretary to cut back, curtail, and curb the programs beyond what Congress originally intended when they were passed.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator yield to us 2 additional minutes?

Mr. AIKEN. I yield to the Senator from Kansas.

Mr. TUNNEY. Inasmuch as the average family farmer feels that Dr. Butz is not going to protect his interest, and inasmuch as I agree with the average family farmer, I do not see how I can do anything other in conscience but vote against the nomination.

Mr. DOLE. I do not quarrel with the Senator's right to vote against Dr. Butz. We cannot reach the same conclusions based on the six or seven reasons the Senator mentioned. But Dr. Butz does support the 1970 Agriculture Act. He said that there were abuses in the food stamp program, and there are abuses in the food stamp program. We provide food stamps to some who do not need them and thereby deprive those who are needy. He has made speeches on the environment and the swine industry.

He has expressed his concern for the American farmer. He was born and reared on a farm, and he was a farmer himself. He has been an articulate spokesman for American agriculture. That would qualify him, in my mind, more than Orville Freeman, who was nominated by President Kennedy, and he was a big city lawyer from Minneapolis and never worked on a farm.

Mr. TUNNEY. I wish to ask the Senator how his mail is running on this question.

Mr. DOLE. I do not vote solely on the basis of my mail, because the mail is often not a clear indication of how the majority views a situation.

Mr. TUNNEY. I do not either, but how the average family farmer feels is extremely important.

Finally and perhaps most important for the future of agriculture, I must oppose Dr. Butz because family farmers are in a severe cost-price squeeze at the present time and deeply resent the competition of conglomerate corporations and agribusiness firms. They believe the Secretary of Agriculture should be a strong spokesman for family farmers. Dr. Butz's activities and statements in the past 30 years raise substantial doubts regarding his philosophical position on this sensitive issue.

Agriculture today is at a very serious crossroads. Decisions made by the Secretary of Agriculture in the next few years will have an enormous impact on type of agricultural economy this Nation will have in the future. I believe that rural America deserves a progressive rather than a regressive voice. I believe that all Americans deserve an agricultural voice that puts the public's interest first. I do not believe that Earl Butz is that voice.

I would like to conclude my statement by including in the RECORD excerpts of statements made by Dr. Butz on the various areas of concern to me.

As Assistant Secretary of Agriculture under Ezra Taft Benson, Dr. Butz is quoted as advising farmers to "adapt or die, resist and perish—too many people are trying to stay in agriculture that would be better off someplace else." This statement was made in a March 7, 1955, speech before the National Farm and Ranch Congress in Denver.

Charles Bailey of the Minneapolis Sunday Tribune quoted Dr. Butz in 1958 as follows:

> Farmers ultimately will lose their vocational identity as members of the community. At this point farming no longer will be a way of life.

At a Minneapolis Marketing Seminar sponsored by the General Motors Speakers Bureau on April 26, 1971, Dr. Butz said:

> I suppose in history we'll look back 5 or 6 years from now and we'll call this the year of the environment.
>
> • • • • •
>
> But look back 3 or 4 years before this . . . the big clamor with hunger and malnutrition.
>
> • • • • •
>
> Senator McGovern had his televised hearings in Florida to show the bad plight of migratory workers . . . Ted Kennedy took a planeload of cameramen to Alaska to see the starving Eskimos . . . Out of that came a Food Stamp Plan so generous that . . . it's just short of ridiculous . . . Out of it came a welfare program that President Nixon is recommending to the Congress that is so far out that even the Democrats in Congress won't buy it.
>
> • • • • •
>
> We always overreact to crisis.
>
> Lake Erie—How many of you have heard that Lake Erie is a dead Lake and the other lakes dying. Last year the commercial fish take in Lake Erie was a record. It can't be very dead. . . . Let's come down to earth on this propaganda and agitation that we're getting about environment and be sensible about it.

In the same speech Dr. Butz remarked:

> But I'm going to talk about something this morning that I think is a real threat to American agriculture. It involves our future. Something you can help with. And that's the threat that comes from the environmentalists, from the do-gooders or from consumerism, or from whatever you want to call it.

Dr. Butz continued to say:

> We need to extol the benefits that come from these chemicals and pesticides and antibiotics that we use.
>
> . . . then I see these environmentalists on the other side trying to hold us back and trying to impede—not trying, but the net effect is to impede—the progress we're making in scientific agriculture.
>
> This fadism that we follow as a nation and currently its ecology and pollution and it hits us in agriculture right in the solar plexus.

In an article in Successful Farming in 1949, Dr. Butz indicated his views toward the price support program:

> I am alarmed by the growing agitation for programs of one kind or another that will lead directly or indirectly, to controls on the individual farmer . . . If and when such a situation occurs, there can be no voluntary compliance.

In a speech at North Carolina State College on February 13, 1956, Dr. Butz once again spoke of the price support program:

> At the root of much of agriculture's price and income problem today lies the tremendous hoard of farm products . . . As a nation we have gotten ourselves into our current almost unbelievable surplus situation, primarily because many of our people believed . . . that an Act of Congress could brush aside fundamental demand and supply relationships . . . American farmers find themselves saddled with the most stringent set of production and marketing controls in their history . . . They are the inevitable aftermath of a price support system conceived in short run profits.

Mr. DOLE. Many family farmers have been told by Tony Desafo and the National Policy Committee, and Staley was on the policy council, to write to their Congressman and tell them to vote against Dr. Butz and they have done that. I have a lot of mail, probably 2 to 1, against Dr. Butz but most of it has been inspired by this.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. I yield myself 1 minute for a question.

Mr. HUGHES. Mr. President, I would like to ask the distinguished Senator from Kansas a question since he has mentioned the NFO. I have already referred to his questioning of Mr. Staley which appears on page 104 of the hearings. Does the Senator from Kansas refute the statement of the president of the National Farmers Organization?

Mr. DOLE. We checked on Tuesday of this week and he is still listed as a member of the council. He did not say take me off.

Mr. HUGHES. Mr. President, would the Senator respond to the question. Does the Senator from Kansas repudiate the words of the president of the National Farmers Organization, Oren Lee Staley, given in testimony before the committee when the Senator from Kansas was asking the questions?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. Mr. President, if the Senator will yield himself 1 minute I will answer the question.

Mr. AIKEN. I yield the Senator 1 minute and then I would like 1 minute.

The ACTING PRESIDENT pro tempore. How much time is yielded?

Mr. AIKEN. One minute.

Mr. DOLE. I am a friend of Staley. Do not misunderstand me. I know he is an active Democrat but the point I make is they are paraded before our committee as nonpartisan witnesses, and that is not a fact. He was listed on Tuesday, November 30 as a member of the Democratic Policy Council of the National Democratic Committee. He has not asked Larry O'Brien to take his name off that list. He has not done so. I asked him as recently as yesterday and he has not done so.

Mr. AIKEN. Mr. President, I yield myself 1 minute to make a comment with respect to the Senator from California protesting against the Food Stamp Act.

When the last food stamp bill was reported from the Committee on Agriculture. It did not include this national standard about which the opposition to Earl Butz now complains, that provision was inserted by amendment in the Senate.

So I hope we do not get blamed for something we did not do in our committee or in the Department of Agriculture.

Another thing I would like to point out is of all the witnesses against Mr. Butz in the committee we were unable to get any of them to suggest the name of the person they would like for Secretary of Agriculture. In other words, they wanted to beat him but they did not have any other proposal.

Further than that, much has been made of the position of Mr. Butz on the environment. I think that is very logically explained in a speech he made December 1, 1970, at a dinner in Chicago hosted by the Foundation for American Agriculture.

I think in view of the discussion I will ask unanimous consent to have the speech printed in the RECORD if it has not already been done, and I do not think it has been.

Mr. President, I ask unanimous consent to have printed in the RECORD the speech by Earl L. Butz entitled "Man and His Environment—Crisis or Challenge," given in Chicago on December 1, 1970.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

INTRODUCTION

"Who's Who in America" contains a prosaic account of the accomplishments of the Hon. Earl Lauer Butz. Inevitably it fails to indicate that in Dr. Butz America has one of the most brilliant and penetrating minds that has marched up the talent-filled Indiana turnpike in many a Wabash moon. It is a march that has brought to him national and international recognition. Unhappily, because of the single page assigned to this introduction, and the fact that rubber type is still not available, it is impossible to do justice here to this wise, humane and witty gentleman, so, in desperation we are forced to retreat to the colorless format of "WHO'S WHO" and present a condensed account of his career as recorded therein.

From Purdue University, Earl Butz received his B.S. Degree in 1932 and his Ph.D. in 1937. He has served as Research Economist for the Federal Reserve Bank of Louisville, as Professor and later Head of the Agricultural Economics Dept. of Purdue and

as Dean of its College of Agriculture. During the Eisenhower Administration, he was an Assistant Secretary of Agriculture, a member of the Board of Directors of the Commodity Credit Corporation and Chairman of the U.S. Delegation to FAO, 1955 and 1957. He has been an officer of the American Farm Economics Association and a member of the Canadian-American Committee, the International Conference of Agricultural Economists and the American Association of University Professors. He serves on the Boards of International Minerals and Chemical Co., Ralston-Purina Co., J. I. Case Co., Stokely-Van Camp Co. and Standard Life Insurance Co. of Indiana. Presently he is Vice Chairman of the Board of the Foundation for American Agriculture, Vice President of the Purdue Foundation and Dean of Continuing Education at his alma mater.

On December 1, 1907 at a dinner in Chicago hosted by the Foundation for American Agriculture and moderated by Vice Chairman J. W. Stuart, Board member Clifton B. Cox introduced Dr. Butz, who spoke to the Foundation's Board and their guests on "Man and His Environment—Crisis or Challenge?" The foundation is privileged to publish his talk herein, but it should be added most emphatically that the printed words only faintly indicate the dynamic impact of these remarks as delivered in person by their author.—C.D.B.

MAN AND HIS ENVIRONMENT—CRISIS OR CHALLENGE?

(By Earl L. Butz)

Man has been a polluter, of sorts, ever since he discovered fire. Indeed, he wasn't nearly as clean in his living patterns and as sanitary in his personal habits centuries ago as are his modern descendants. We know something about the way the caveman lived by examining his rubbish pile. He polluted the air, the water, and the soil. But he didn't live in dense urban concentrations, and he had such a vast array of space and natural resources available to him that any pollution was so diluted that it was inconsequential, if it was even noticeable. Indeed, his animal and human wastes were recycled into the soil, and became an asset in his plant culture.

From that early day until now, our population-resource ratio has narrowed markedly, our per capita demand for resources has risen sharply, our population curve has accelerated upward at an alarming rate, and the opportunity to move on to virgin and unspoiled areas is virtually nonexistent.

FEVER PITCH IS REACHED

Small wonder, then, that we are all concerned about environment, resource use, pollution, and quality of life. In the last half dozen years interest in these areas has built up to near fever pitch. We are probably right now at a peak in our national clamor to "do something" about pollution.

We have a certain amount of faddism in our support for public causes. Think back over the last half dozen years or so. A couple of years ago our great national concern dealt with malnutrition and hunger. A greatly expanded federal food stamp program resulted. A revolutionary new concept in welfare was placed before the Congress by this administration. Before that we were all steamed up over racial and ethnic discrimination, with a wide variety of organizations carrying that flag.

Today I think it can be said that 1970 will go down in history as *the year of the environment*. In another year or two the very same organizations and media that wave the environment flag so vigorously today will have still another torch in their hands—and wave it just as enthusiastically. It is difficult to keep public interest at fever pitch in any movement more than a year or two.

Perhaps it's better this way. It is a well demonstrated American trait to over-react to crisis. When any issue is at the crest of its "agitation curve," exaggerated statements are made, perils are overemphasized, emotions are stirred up, and some unwise things are done. But on the other hand, governments are moved to act, corporate managers are made aware of their public responsibilities, and Mr. John Q. Citizen also decides that he too may be called upon to share in the cost of improving the situation. When public clamor subsides a bit and we enter the sub-crisis stage of public discussion and concern, it is always possible to make sounder decisions, to formulate better programs, and to move forward on a rational basis. There is evidence that our nation is just now entering that phase of environmental awareness.

PEOPLE GENERATE POLLUTION

The current furor over environmental pollution is, in fact, merely an expression of *people-lution*. The classical "solution to pollution is dilution" is completely inadequate as the concentrating population generates pollutants faster than the available dilutants of air, water, and space can absorb them.

The astonishing fact is that the human race as a whole is currently doubling every 30 to 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If the population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, that rate of growth cannot persist indefinitely because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

Or to put it in still different terms, within 100 years from now at present rates of increase, the world population will aggregate nearly 50 billion humans, equivalent to 1,000 people per square mile, or more than the density of people in New Jersey, over the entire land mass of the planet, including all the mountains, all the deserts, and both polar icecaps.

We haven't been doing quite that well in the United States, but we have been growing pretty rapidly. We reached 50 million by about 1880, 100 million by 1917, and 200 million in 1968. It looks like we'll hit 300 million by 2000.

Obviously, this is a geometric increase. But alarming as it is, it falls short of describing our trouble in true proportion, for certain social and environmental conditions are changing even more rapidly than the population.

DISEASE POTENTIAL INCREASES

In the first place, we don't know a great deal about the effects of high density population on human beings. It is clear that concentrations of people commonly produce high rates of abnormal social and psychological behavior. We know that disease potential increases with high density population. We don't know enough about the relationship between high density population and the rapidly accelerating increase in competition and the complexity of relationships among individuals. The resulting higher sociological and psychological stress no doubt is a contributing factor to high drug usage, breakdown of law and order, and a threat to organized society itself.

In the United States in 1970, only about 25 per cent of the population lives in rural areas. Or putting it another way, three-fourths of all the people live on one per cent of all the land.

Another aspect of the environmental problem, in the western world anyway, involves the skyrocketing curve of human wants and needs. The production of electric power is doubling every decade, and with it the thermal pollution of water, increased pressure on clean air, and marked invasion into our limited supply of fossil fuels. In North America, automobiles are increasing twice as fast as people; draw your own conclusions relative to the impact on atmospheric pollution and the growth of unsightly junkyards. As per capita income levels have risen and dietary patterns have grown more sophisticated, our food supply is possible only through increased use of chemicals and pesticides with their attendant regulatory and residue problems, animal feeding in large concentrated units with concomitant waste disposal problems, and a higher solid waste production associated with modern food merchandising and processing. These simple illustrations are indicative of the manner in which a geometric growth curve of human desires imposed upon a geometric growth curve of population can, in time, stretch the population-resource ratio to the breaking point. We are not there yet, but we are on the way.

SOLID WASTE IS GROWING

Solid waste production is also growing. Even this is on a geometric curve. The per-capita production of solid waste in this country is now about five pounds per person per day. This has doubled in the last couple of decades. The figure is increasing at about 3 per cent each year, which when added to an increase of 2 per cent in population each year, means about a 5 per cent increase annually. If we were to include all industrial and agricultural wastes, the figure would rise to 8 pounds per person per day, or nearly 1½ tons per person annually. This aggregates to almost 300 million tons annually for the entire nation. What a load for incinerators, dumps, land-fills, garbage disposals, and sewage treatment plants!

Attempts to categorize and measure the various kinds of pollution have met with only limited success. We can pretty well quantify our solid wastes that move out of home, factory, and feedlot. Likewise, there are reasonable estimates about the quantity of emission of solids into the atmosphere, particularly from the automobile. The measurement of water pollution is different, as it occurs both from run-off from our farms and industrial discharge into our waters, and also thermal pollution, particularly from electrical generating plants. And in recent years we have heard a lot about noise pollution, especially near airports and busy highways.

We all point to the automobile as the major air pollutant. While one should not minimize the contribution automobiles make to air pollution, their share of the total pollution is often exaggerated.

In spite of all the talk about electric automobiles, steam-powered cars, and the like, it is reasonably clear that the internal combustion engine is here to stay as an essential part of surface transportation. We have taken the sensible approach as we make modifications, even though they cost a little money, that reduce the emission problem to acceptable levels. It has been estimated by the automotive industry that auto emissions climbed to their peak a couple of years ago and have been going down since then. They will continue to go down each year, even though car population and vehicle miles driven will go up, so that by the early 1980's total vehicle emissions will be nearly comparable to what we had in 1940. And no one worried much about them then.

TROUBLE SOURCES LISTED

We should not let our daily awareness of the automobile obscure other important sources of air pollution, such as industrial plants and municipal and private burning.

Most industries, whether they contribute by smokestacks or through exhaust systems, add several types of air pollution to the atmosphere. Open burning on municipal dumps adds smoke and particulate waste in addition to deadly fumes.

Municipal and private utility companies are also examples of secondary sources of pollution. Electrical companies, while producing a non-pollutant source of energy and heating use coal as a source of power. This coal consumption adds significantly to the smoke, particulate, and sulphur dioxide content in the atmosphere. Finally, the individual, farmer and city slicker alike, pollutes when he burns off his fields or burns his trash in the back yard.

We are making substantial progress in reduction of water pollution. It is estimated that in 1970 total expenditures in this country by government (federal, state, and municipal) will be $3,680,000,000 for water and sewage treatment facilities of one kind or another. In the federal budget that President Nixon recommended to Congress last January, he included $800 million for 1970 for water pollution control. This compares with only $214 million the year previously. He estimated that over the next five years, a total of $10 billion of federal funds should be appropriated for this purpose. However, we should recognize that solid waste disposal problems are compounded by the abatement of water and air pollution. Chemicals and sludge collected in waste water treatment plants and particulates washed from industrial smoke must be collected and disposed of in some manner.

Agriculture is one of our big solid waste producers. On top of that, agriculture contributes its share of water pollution in the nature of nitrates and nitrites, ammonia, and persistent pesticides such as DDT, Deildrin, Endrin, and Toxaphene. Yet we must hasten to point out that it would be impossible to produce our modern food supply without the use of such pesticides.

One of agriculture's "messiest" problems is manure disposal. And it is going to get worse in the future.

FARMERS CAUGHT IN MIDDLE

Farmers are caught right in the middle of consumers' demand for more red meat—with less pollution from its production. But we have not yet found a way to produce a tasty sirloin without some cow manure as a by-product.

Historically, manure disposal on the American farm was relatively simple, when most farmers were diversified with both livestock and crops. Manure that fell in the pasture was automatically recycled back into the land. Manure that fell in the barnyard or barn was spread on adjoining cropland where the nutrients were re-used by next-year's crops.

Today much of the two billion tons of manure produced by farm animals each year is dropped by animals concentrated in large units. Since we have developed methods to produce inorganic fertilizers cheaply, the value of manure as fertilizer today is often less than the cost of storing and spreading it. Thus, it is regarded as a costly disposal problem.

Animal wastes thus accumulated must be disposed of somehow. However, animal wastes pollute the environment in a number of ways. Odor is an obvious pollutant; it is one that livestock producers have learned to tolerate or even appreciate, depending on the price of livestock. But neighbors—especially if they are not farmers—don't have the same economic interest in that smell.

The run-off from barnyard manure, entering streams, ponds, or lakes, can pollute those waters in several ways.

It is little wonder that cities show increasing interest in concentrated livestock operations anywhere within or even near the watershed from which they draw their water supply.

Fortunately, there are safe and sanitary ways of disposing of barnyard manure besides spreading it back on the land, but try to convince an urban politician that his water supply is safe so long as one of those fully modern feeding installations is located anywhere within his watershed!

We now come to the $64 question. Can pollution be controlled? Can it be slowed down? Can it, hopefully, be reversed?

AGRICULTURE MAKES STRIDES

The answer to all of these questions is a resounding YES—if we want to pay the cost. We have already reduced substantially the pollution from the internal combustion engine. Industrial plants have spent and are spending tremendous sums to reduce both air and water pollution. Agriculture has made great strides in the safe use of chemicals, biologicals, and herbicides, and is making real progress in the disposal of animal wastes.

While of course we always need added research on any problem, and there are additional refinements that can be made in practically any process, we do know how to reverse our headlong plunge toward a complete fouling of the nest in which we live. We are making progress. While much remains yet to be done, let's not discount for a moment the advances we have made.

A study made earlier this year and reported in *U.S. News and World Report* indicated that it would take $71 billion to clean up polluted air, land, and water in this country in the next five years. The study estimates that $54 billion is required to clean up the waterways, $13 billion to combat dirty air, and $4 billion to improve methods for disposing of solid wastes.

Give or take $20 billion one way or the other, and you still have a pretty sizable price tag on our cleanup job. It is very likely more than the body politic will appropriate for that purpose. But all of it won't have to be appropriated. Part of it will come out of your pocket and mine in a higher cost for the automobile we buy, the electricity that lights our house, or the food that comes to our kitchen.

It is important that we as a nation recognize that solutions to these and similar problems rest not with some distant entities such as corporations or the government, but with each of us as individual citizens.

Some while back the comic strip character Pogo said about pollution, "We have met the enemy . . . and they are us!"

THERE IS NO SHORT CUT

The emission control systems on the automobile don't come for free—the purchaser pays for them. If ultimately we get lower compression engines, unleaded gasoline, with perhaps lower energy conversion ratios, we'll have to pay for it. There is no short cut.

If power generating plants install emission controlled devices and minimize thermal pollution, those of us who buy electric power will pay for it.

If the disposable soft drink can, the no-return beverage bottle, and the plastic detergent container give way to some other—and perhaps more costly—method of distribution, we'll pay for it. There is no short cut.

On the other hand, we should recognize that economic benefits also flow from pollution control. Therefore, the total cost of cleaning up our environment, estimated earlier at $71 billion over five years, is gross cost and not net.

Cleansing the environment actually will save vast sums, in addition to enhancing the quality of day-to-day living. It has been estimated that polluted air costs some $13 billion a year in property damage from soiling, corrosion, and abrasion of materials. It is difficult to estimate how many more billions should be added for health care bills and the loss of farm crops.

Similarly, polluted water costs the nation perhaps $12 billion a year. The five-year economic loss of $60 billion is more than the estimated tab for making waterways cleaner. Improving the disposal of solid wastes, authorities say, would contribute to better public health, save money on trash collection, incineration, and dumping.

Government and industry together are spending only millions annually to fight air pollution. The study cited above indicated the five-year bill for air pollution would be about $13 billion over five years, or about $2.6 billion annually. It has been estimated that damage caused by air pollution probably exceeds $13 billion a year.

MODEST FRACTION IS REQUIRED

The gross national product in the U.S. in 1970 was approximately $970 billion. The National Planning Association has projected that it will grow about $45 to $50 billion annually at constant 1970 prices. Only a modest fraction of his annual increment will be required to conserve our resources and enhance our environment. Ten billion dollars per year or more put into environmental improvement would be less than one per cent of our G.N.P. We can and will do at least that much. While this may mean a slight reduction in the growth rate of real personal disposable income, Americans have always made greater sacrifices in income in order to improve the quality of living. Look for example at the reduction in the workweek from the 60 or 70 hours of a century ago to some 35 hours today. It is clear, in this instance, that our society has elected to trade off several hundred billion dollars per year in personal income in order to work fewer hours and increase the quality of living through expanded leisure time. However, we are now at the point where the enjoyment of leisure time has been seriously impaired by the limitations on recreational opportunities through environmental pollution.

Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything *absolutely* safe.

This is a world in which we constantly offset risk against benefit. We never completely insure our car against all hazards, our dwelling against total loss, our life for what it is *really* worth, or our health against every hazard. In practically every phase of our activity we take some chance. We are constantly trying to evolve a risk-benefit ratio which satisfies each of us, and which each of us can afford. If we completely insure against every risk, we may end up with nothing left to enjoy our new-found safe position.

ILLUSTRATIONS ARE GIVEN

A few illustrations will suffice. We must shortly decide whether we want to build additional power generating plants, with perhaps a tolerable amount of thermal pollution and atmospheric pollution, or whether we want to experience electrical brown-outs on midsummer afternoons when everybody turns on his air conditioner. We must decide how much additional cost we want to add to our total transportation bill to reduce pollutants from that source to, or even below, tolerable levels. We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious, and economical food supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals or antibiotics. If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and overall quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the fabulous American standard of living.

We can go back to organic agriculture in this country if we must—we once farmed that way—75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed, even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

Our problem today is that two-thirds of living Americans never had the experience of biting into a wormy apple, seeing the wormhole, and wondering "Did I eat that worm or is he still in the apple?" They think that God and nature made all apples good.

ECOLOGY IS SEVERE ON MAN

The plain truth is that the ecology of nature is pretty severe on man, and man is constantly trying to modify it.

Let's be honest: God put the worm in the apple; man took it out.

God put the cockroach in the cracker barrel; man took it out.

God put the potato bug on the potato; man took it off.

God put the termite in the timber; man took it out.

God put the malaria-laden mosquito in the backyard; man took it out.

God put the mildew on the rose; man took it off.

God put the parasite in the pork; man took it out.

How far back to Nature do our ecologists want to go? Or, if they are honest with themselves, do they really want to go at all? Let's be honest about it.

By all odds the most serious pollution threat facing the world is the *people-lution* discussed earlier in these remarks. This is the real source of the other pollutions. We simply are getting too many people relative to the resource base to support them. Population is increasing on a geometric curve, while food production is increasing on an arithmetic curve. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the western world itself.

If our world population doubles in the next three decades, as it very likely will, this means that we must learn somehow in the next generation how to feed as many more people as we have learned to feed since the dawn of history. And we must do this on even less arable land resources than we now use in agricultural production.

About a billion people live in the industrialized western nations of the world. They have access to half of the available arable land, and are using much more than half of the earth's yield of material products. About 2.5 billion people live in the largely agrarian, underdeveloped nations, and more than half of them are undernourished and otherwise underprivileged.

It has been estimated that a child born in the United States requires in its lifetime at least 30 times the resources that will be used by a child born in India. This is a difference in living standards, and it measures the rate at which our natural assets are used up by an industrialized society. It implies that a great deal of the world is not likely to be industrialized if anything near the present population level is maintained.

POGO IS QUOTED

In closing, we come back to Pogo's observation about pollution, "We have met the enemy . . . and they are us!"

Therefore it is we, as individual citizens, who will have to decide how much we are willing to pay for a better quality of life beyond that which is truly necessary. And that includes population control. When we quit thinking of these problems as the concern of others and face the fact that they are ours—this nation can move forward with greater effectiveness toward the achievement of a better quality of life for all.

It is completely unacceptable to believe that there is no way out of the problems we have created. Unquestionably, there are risks involved, but none so great as the risk that we may quit risking, try vainly to set the clock back, abjectly surrender the goal of a better world in the mistaken belief that this one is as good as can be.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 6283) to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes.

The message also announced that the House had passed a bill (H.R. 11589) to authorize the foreign sale of certain passenger vessels, in which it requested the concurrence of the Senate.

The message informed the Senate that Mr. STUCKEY had been appointed as a conferee at the conference on the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes, vice Mr. ABERNETHY, excused.

NOMINATION OF EARL L. BUTZ

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. AIKEN. I yield back the time I did not use.

Mr. HUGHES. Mr. President, I yield myself such time as I may use.

On page 104 of the hearings I want to read a statement of my colleague from Iowa, the ranking Republican member of the Committee on Agriculture, in response to a question to Mr. Staley.

Senator MILLER. I would just like to say to my colleague from Kansas, I have known Mr. Staley a long time, and from my observation, Mr. Staley has been very bipartisan in his attitude, and I was somewhat shaken when I saw his name on the Democratic advisory committee, which the Senator from Kansas has now brought to this committee's attention.

I am relieved, may I say, to know that Mr. Staley is not a member of that committee, and that he is continuing to preserve his bipartisan approach.

Senator DOLE. Let me say the same thing. Oren knows, as well as anyone, that we have worked very closely on a number of things. In fact, I guess they decided, some wanted a speaker at their convention, and some did not want a speaker, so they asked me to come in December.

I want to get back to the matter of research policies of land-grant colleges, because it is a matter I think we need to focus attention on in the future in the Agriculture Department, and because it poses a question that may not be unique at all to a single land-grant college or university, or may not be unique at all to a single research foundation. In fact, this may be widespread in the United States, and I feel it is important to be investigated in the future.

Perhaps the agribusiness-government complex and its importance is best illustrated by the activities of the Purdue Research Foundation of which Mr. Butz serves as vice president and received $10,816.50 in 1970. The Purdue Research Foundation is a private, nonprofit foundation created as an arm of the university in 1930. It purchases land for the university, acts as a funnel for research grants from Federal, State, and private sources, and holds patents for the university. In 1970, it received over $12 million from public and private contributions and $3 million primarily from proceeds from the sale of property, and interest and dividends from its stock and bond investments.

About 80 percent of the money received by the Purdue Research Foundation comes from the Federal Government, primarily the Public Health Service, the Department of Defense, and the National Science Foundation. Approximately $2.7 million comes from industry. Most research funds from both public and private sources are channelled through the foundation.

Despite Dean Butz' statement, as reported in the Washington Post on November 14, 1971, that the industry-financed research projects of Purdue were taken on without any restrictions and with the results made public, it has been extremely difficult to obtain information about that industry-financed research. But enough is known to raise a series of questions that demand thorough review by the Department of Agriculture.

That is the reason why I am placing this in the RECORD this morning.

Let me stress again that these are not questions of anyone's honesty. They are questions of policy, important questions, but questions that Mr. Butz is particularly ill-suited to pursue because of his personal involvement in those policies.

Let me also point out that the agribusiness-Government triangle evidenced in the Purdue Research Foundation—PRF—is not confined to Purdue. Other land-grant colleges have similar foundations and similar policies. A review of these matters by USDA should not be confined to any one particular campus.

Of particular concern is whether or not public agriculture colleges are being turned into research labs for agribusiness, whether public resources are being used to subsidize essentially private research.

PRF, in addition to buying and holding land for the university, serves as a middleman between public and private finances and faculty research. In some cases, the research and development process is initiated by the agribusiness company, which may be interested in testing a particular product or developing a new product or process. In those cases, the agribusiness company sponsors the research, often channeling the money through PRF with the understanding that it will have first rights to license any patented process or product resulting from that research. In other cases, PRF searches for public or private resources to underwrite a research project conceived by an individual faculty member and perhaps already partially developed.

Let us examine one example of this relationship, an example that underscores some of the problems with it. International Minerals & Chemical Corp., on whose board of directors Mr. Butz has served since 1961 at an annual salary of $10,000, contributed at least $50,000 to Purdue research since 1963 for the development of new processes for regulating the growth of soybeans. That research was undertaken by a Purdue Agriculture School research team which in fact developed a new process for regulating soybean growth. That process was patented by the Purdue Research Foundation on August 5, 1969. Soon afterward, International Minerals & Chemical Corp. received an exclusive license from PRF to use that process for its own business purposes.

I think that it can be safely assumed that the funds given by IMC for this research were granted with the understanding that IMC would receive the benefits of that research.

There are many important but unanswered questions. Did the contributions of IMC fully pay for the research undertaken or was there a hidden public subsidy to this bit of private research? Is this a cheaper way for agribusiness companies to conduct their research and development than if they did it themselves?

When new products or processes are developed by faculty members and then patented by PRF, how are the licensees chosen? Of 12 known patents held by PRF, seven have been licensed to private agribusiness companies. At least four of those seven companies have directors who also serve on the board of the Purdue Research Foundation. In addition to the interlock between IMC and PRF through Dean Butz, two PRF patents are licensed to Commercial Solvents Corp. of Terre Haute, Ind. Dr. Maynard C. Wheeler is a director of Commercial Solvents and a director of PRF. Mr. Robert Wheeler is a director of Commercial Solvents and one of the 98 members of PRF. One PRF patent is licensed to Duncan Electric Co. Mr. Jack Bixler is a director of Duncan Electric and a director of PRF. Mr. Charles H. Lawshe is a director of Duncan Electric and a member of PRF.

How are these licensees chosen? Is there competitive bidding? Does that vary when the product or process involved has been developed partially or wholly with State or Federal funds?

I raise these questions, because what is at stake here is nearly half a billion dollars of State and Federal research money that is channeled through our 69 land-grant colleges and their affiliated extension services each year.

That is the largest research and development resource there is in rural America. Is that money benefiting all segments of agriculture and rural America evenly, or is it largely directed toward more efficiency and more bigness? Are the peculiar and immediate problems of small, independent farmers and farmworkers being sufficiently tackled, or are most of the direct benefits of this research money going to agribusiness, with the other segments of agriculture confined to a "trickle down" benefit?

I do not know the answers to these questions, but the example of the Purdue Research Foundation indicates that it is imperative that we inquire. For it is the half billion dollars a year of public research money that has, is, and will continue to set the direction of American agriculture and the path of rural America.

Mr. Butz is clearly not the man to direct USDA into a reexamination of those policies because he is the product of them himself. But if he is confirmed in his nomination, it certainly is imperative that he direct and set up a panel which is nonpartisan, bipartisan, or whatever, to do this investigation, and to do it properly.

Now is not the time, in my opinion, to approve a nominee for Agriculture Secretary whose career has largely focused on agribusiness and sorely neglected the immediate problems of small- and medium-sized commercial farmers and farmworkers.

The question is not the ability of Dr. Butz in the fields he has followed. He has distinguished himself in the fields of development that he has followed. I do not question these points.

In conclusion, I want to point out, in the points raised, specifically directed at the Purdue Research Foundation only, that there are many other research foundations and many other college and universities doing similar type of research for similar reasons. The question is that these things should be brought into focus, that they should be studied, and recommendations should be made to assure that all segments of our agriculture receive a fair benefit from the research dollar we are appropriating and expending for agriculture in America.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The Purina Sale."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PURINA SALE—DON DANFORTH'S AMAZING BID TO MAKE IT ON HIS OWN

Who ever thought that Don Danforth, Jr., would turn out to be an "Up the Organization" man? But that is precisely what history will record him to be if he and his associates, who include his father and a brother, are successful in bidding for the soon-to-be- divested poultry division of Ralston Purina Co., the Danforth-founded feed-food corporation that today does about $1.8 billion a year in business.

The popular "U-the-O" book was written by Robert Townsend, whose unorthodox management turned underdog Avis into the world's second largest rent-a-car business.

Don Danforth, who is 39, is a grandson of the founder of Ralston-Purina, William H. Danforth. Don, Jr.'s father is a former chairman of the board. A brother, William, is chancellor of Washington University in St. Louis. (It was from there that his grandfather was graduated in 1894.) Another brother, John, is attorney general in Missouri. (He lost a bid for a U.S. Senate seat to veteran Stuart Symington by less than a 2% margin in 1970).

It has been long suspected that young Don has always wanted to do his own thing. It isn't easy when you're part of a family who owns at least $40 million worth of common stock in Purina, the dividends on which last year alone amounted before taxes to about $2.7 million. Don was the only one of the three brothers who seemed to have the desire to remain in the feed-food business.

He is an executive vice-president of Purina, a member of the board, and president of the agricultural products group (in itself a $900 million segment of the company's total sales).

Danforth, his father and his brother, Bill, have temporarily disassociated themselves from discussions pertaining to the intended sale of the broiler and egg segments of the Checkerboard Farms division.

R. Hal Dean, chairman, as is known, has relieved Danforth of all operating duties in the interim, along with Tom M. Reese, a corporate vice-president and director of the CF division, and Max O. Bradshaw, vice-president for operations and processing in the CF division. Both intend to go with the new package if the "Danforth Group" is successful in its bid to buy the poultry division. The latter does not include frozen branded poultry products group.

What will it cost? Somewhere around $35 million, industry assumes, with about two-thirds of the assets current, in the form of feed and bird inventory.

Chairman Dean had stated earlier that he hoped Purina would be able to retain some of its Chow (feed) tonnage from the new buyer or buyers. Otherwise, the Chow division will have lost all 700,000 tons of feed in intracompany sales as a result of the divestiture.

It is probable that the possibility of continuing some business, at least, with the Chow division, on the part of the new purchaser(s), will be factored into the bids. This is because it would add income to Purina as a company.

The Chow division, incidentally, in late October laid off about 100 employees, both at headquarters and in the field. One of the casualties is the widely known and liked Dr. Richard Eaton (formerly a public relations representative in Washington for Purina).

Even without the captive tonnage, the Chow division sells about 6.4 million tons of feed a year, about one-third of which is to poultry customers, most of whom are in the table egg business.

To insure that Purina's stockholders get the highest benefit possible from the intended sale, the company already had been taking highly unusual precautions. (The three Danforth directors involved own about 4% of the company's common stock, and the nonprofit Danforth Foundation, another 9%.)

Purina, after the board's decision to sell on October 4, immediately asked for informal offers on its poultry properties. By the time young Danforth had sent his letter to the board on October 28, the company was in the process of supplying additional financial details to all prospects, including some which had not made offers.

Finally, Chairman Dean and a special executive committee employed Lehman Bros., the prestigious New York investment firm, to make a full appraisal of the properties and to analyze final bids.

The internal timetable is to terminate bidding on November 30, and to try to wrap up the sale by January 1, 1972. Meanwhile, like Caesar's wife, the three Danforths are remaining at arm's length with regard to this particular transaction. They want to insure that all stockholders are satisfied that the "color and the count of the green" are all that matters—not where it happens to come from.

Young Danforth's decision apparently is based on a long-felt desire to do something on his own, away from the stifling restric-

tions of a big business. Undoubtedly, he could have climbed to the 15th floor and the president's chair, given a little time. Why, then, is he possibly turning his back on this opportunity?

He will tell one that he had to make his disclosure for legal reasons, and that he is merely "considering" making a bid. He says he has a lot of fine-comb analyzing to do on what the size of the bid might be, or even if, indeed, he will bid. Still, to have made that disclosure of intention, was like crossing the Rubicon.

His emotions at even Stage One, of course, were very mixed. The idea is intriguing, challenging and exciting to him—the possibility of creating a new business, running one's own show. On the other side, how much deeper can one's roots go in such an organization, spanning three generations of Danforths?

Part of the answer must lie in a very deep mutual respect running between young Danforth and Tom Reese, the "can do" 42-year-old director of Checkerboard Farms. And both, in turn, have much regard for the back-up managerial capabilities of Max Bradshaw.

Then there is the warm support of a family who desires, above all, to give a cherished member a chance to do what he really most wants to do. After the sale, the Danforths' position will return to status quo, except that if the Danforth bid is successful, Don will leave Purina.

Finally, there is the very great challenge to Don, Reese *et als.* of turning a cyclical poultry business into a high profit winner—the goal they had within Purina, but which, by their own considered judgment, needed to be divorced from the "new" kind of company Purina had begun to establish for itself.

Wall Street applauds the divestiture, which should be assurance enough that the rate of return on assets, and the wobbly nature of contributions to dividends from non-frozen, nonbrand poultry, simply no longer suited the giant consumer market-oriented food company's future objectives.

As Chairman Dean noted last month to BROILER INDUSTRY, it was a very difficult decision, but October 4 the board backed up his recommendation to sell (earlier sustained by Reese, Danforth and others in the executive group).

At that time, the board said it expected to incur an after-tax loss on the sale of about 15 cents a share. Based on some 31 million shares, this would amount to about $4,675,000; pre-tax, about twice that. At that time, the Danforths had no intention of making a private bid for the poultry division.

Ralston's sales for the fiscal year ending September 30 were about $1.8 billion, and poultry sales were about 10%, or $180 million. However, the division represents only about 5% of total assets of $775 million, or about $40 million.

What kind of competition will the "Danforth Gorup" face in the bidding process? National and regional firms are interested in at least parts of everything that Purina is offering for sale. Among the spirited bidders will be regional managers themselves—who all along have had faith in their operations.

Should Danforth's bid win, one might speculate that the new company would retain most of the current cadre of key managers and able employees, and would provide for participation in ownership. Suppliers see every indication that the current sale is one of a going business. "Business as usual" orders are rolling in to insure continuity and integrity of the regional operations.

Should young Danforth be the purchaser, he'll be burning all bridges behind him so far as Purina is concerned. If he comes back into that company at all—which perhaps is too far away to speculate upon now—it certainly would be only as an individual who had proven—mostly to himself—that he could make it on the outside.

If this analysis of the reasons for his decision is correct, then the poultry division divestiture was merely a triggering device.

Mr. HUGHES. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOLE. Mr. President, I yield myself 3 minutes.

Mr. President, in connection with the discussion by the distinguished Senator from Iowa, I ask unanimous consent also to have printed in the RECORD at this point a letter from Dr. Butz to the chairman of the Committee on Agriculture and Forestry, the distinguished Senator from Georgia (Mr. TALMADGE), with reference to the Purdue Research Foundation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., November 23, 1971.

Hon. HERMAN E. TALMADGE,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: At the confirmation hearings last week, Senator McGovern raised a question relative to the Purdue Research Foundation in acceptance of grants for support of research.

The Purdue Research Foundation, a non profit corporation was established in 1930 to assist in the development of the University and its facilities. The foundation may accept gifts, administer trusts, acquire property, negotiate research contracts, and perform other services helpful to Purdue University. Practically the only restriction in the corporate charter is that no individual may profit from its operation.

The president of the University is presently the president of the foundation. Though the operation of the foundation is conducted by the board of directors, the day-by-day activities of the foundation are centered in the offices of the vice-president and general manager, the director of the division of sponsored programs, the treasurer, and the secretary.

Staff members will find a variety of ways in which the Purdue Research Foundation may be helpful. Some specific ways are:

1. Assistance in obtaining support for research programs.

2. Conducting contract negotiations in connection with research programs.

3. Through a special restricted fund, known as the XR Fund, providing support for a wide variety of research projects for graduate students and staff.

4. Through a second restricted fund, known as the XL Fund, helping carry out individual scholarly programs by staff members themselves, particularly during the summer months.

5. Providing funds for travel for scholarly purposes.

6. Providing special grants for research and other scholarly pursuits when funds cannot be obtained from other sources.

7. Conducting negotiations over patents resulting from research or investigations performed by staff members or students of the University on University time or with its facilities.

During the past three years, I have served as Vice President of the Purdue Research Foundation for special projects. One of my prime responsibilities was to direct a Centennial capital fund campaign to raise money for the University from alumni, faculty and friends of the University.

Much of this money was or will be channeled through the Purdue Research Foundation. Purdue Research Foundation, like all foundations of this character, accepts research grants from industrial companies only on the condition that the research be completely under the control of the University, that it be research of a character that the University does for its own benefit or the public good and that the results of the research be a part of the public domain and not accrue to the benefit of the organization that made the research grant in the first instance.

In some cases, the University does contract work with the U.S. Government or agencies of the U.S. Government on specific projects which are sometimes classified where national defense is involved. This is, of course, different from research from an industrial grant. In no case has the University taken money from an industrial company that has been done for the benefit of the grantor.

Sincerely,

EARL L. BUTZ.

Mr. DOLE. Mr. President, there has been some talk about Dr. Butz' attitude on food stamps. From what I can understand, he merely made a realistic statement that in some cases, the program has been so generous that there have been abuses, and I think that is true. We have seen a major expansion of the food stamp program in the past 2½ years, and now we are expending for food stamps more than $2 billion annually, with the total value of food stamps being used about $4 billion.

So that is a very generous program. It is a very large program. It will be expanded. It will be extended. But it is a program that has grown very quickly, and no doubt there are always those around who take advantage of any program, and there are those who are undeserving as well as those who are actually willing to violate the laws and regulations; and that is a fact of life, which Dr. Butz has recognized as a fact of life. The undeserving should not participate, nor should those who violate the law participate.

The U.S. Department of Agriculture is well aware of the large number of abuses of this program and has been vigorously taking steps to eliminate all of these. A few examples: The food stamp program is administered by local county welfare agencies. In many instances there has been considerable carelessness in certification of eligible and ineligible people. Last year the Department of Agriculture billed the District of Columbia for over $60,000 as a claim for improper certification and in a similar situation billed the State of Illinois for over $200,000 for improper certification procedures in Chicago.

Throughout the country there have been instances of theft of stamps from local offices. Responsibility for losses of this kind have been placed in the States and the States are held responsible for these losses. As a result much greater security measures have been taken and the volume of theft has gone down very sharply.

Of real concern to the Department is the illegal abuses of stamps. That is cashing of stamps for products for which they are not intended. Recently a grocer in the District of Columbia was indicted on the basis of illegal conversion of stamps. This has happened in many other areas of the country and a number of retail establishments have been denied the right to redeem stamps, because of improper procedures.

Last year the Congress passed amendments to the food stamp law which are now being implemented in new regulations by the Department of Agriculture. These go a long way toward eliminating abuses. Households of unrelated persons, "so-called hippie communes," are not eligible under the law and regulations for food stamps. There is a work registration requirement whereby recipients of food stamps who are physically able to work must register for work. It is now illegal for unauthorized persons to possess authority to purchase cards. This brings up a serious abuse. The new regulations call for quality control viewing procedures to make it possible to be sure that only legal people are receiving food stamps.

Mr. President, many people have expressed concern about strikers being eligible for food stamps. The Congress of the United States debated and voted on this issue and in every instance the vote has maintained in the law the right to strikers to receive food stamps. This is not a matter of discretion with the Department of Agriculture.

Mr. President, Dr. Butz has in many public statements made it absolutely clear that he will give every support to the President's pledge to eliminate poverty-caused hunger and malnutrition in this country and will enthusiastically administer these dynamic programs of the U.S. Department of Agriculture which are making such great progress in that direction.

Finally, Mr. President, there have been references made last evening, and again today, about Secretary Butz' philosophy, about his concern for the American farmer.

I served on the Agriculture Committee in the other body for 8 years and recognize the difficulties that Secretary Freeman had. I did not always agree with Secretary Freeman, but sometimes did.

The Under Secretary of Agriculture during most of that time was a fellow Kansan, John Schnittker. He was popular in some areas and unpopular in other areas, as most of us are who are engaged in politics or have some administrative job.

There has been a lot of concern expressed about the number of farmers, and now we are down to 3 million and are going lower and lower. I thought it might be well to quote the former Under Secretary of Agriculture, John Schnittker, who appeared before the Subcommittee on Feed Grains in the House of Representatives on December 3, 1969.

In his statement, he said in part:

> The principal objectives of agricultural price and income support and production adjustment policies and programs are to stabilize the agricultural economy, to benefit those who produce and market agricultural products, and to help insure an adequate and reasonably priced food supply. In the early years of modern farm policy, there was an element of truth to the rhetoric which said that farm programs were needed to help or even to save the small family farmer.

This meant most farmers in the 1930's. It is different today. The United States counts 3 million farms in the census but only 1 million of them are serious producers and major beneficiaries of farm programs.

This is increasingly obvious, but still not fully acceptable politically. Conventional farm programs can seldom help persons on small farms get the better life they want.

That was the former Under Secretary of Agriculture appointed by President Kennedy.

Then we had Secretary Freeman, under whose 8 years as Secretary we saw the disappearance of 30 percent of the American farmers from the scene, and I have not noticed that that has been discussed much in this debate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. I yield myself 1 additional minute.

In a speech by Secretary Freeman called "Drawing Nations to New Markets," in June 1967, Secretary Freeman was looking ahead toward the 21st century when he said:

> In the 21st century we may find that no more than 2 million of the 300 million people in America are farmers. Computer-controlled machines plant the crops, fertilize by prescription, determine when produce is ready for market, harvest on order, and grade and package the commodities for delivery by supersonic cargo planes to fully automated warehouses.

I think again that was a recognition of a fact of life, and I share the view expressed by the Senator from Iowa and the Senator from Oklahoma that we have got to turn it around. That is why, in our Committee on Agriculture and Forestry, we have been discussing rural development. That is why we have been looking for ways to keep people on the farm and in the country, to provide additional employment through rural development, and I see some success for that program, if not this year next year, and perhaps some hope, in a bipartisan way or a nonpartisan way.

I know of no one in this body who wants to see the American family farmer vanish from the scene, whether he is a Democrat or a Republican.

Farmers are very independent. Farmers vote their pocketbooks. I was not consulted about the appointment of Dr. Butz. Perhaps I should not have been but I am a Senator from a farm State, and also the chairman of the party. That obviously is not always the criterion for consultation in any administration.

But I would guess that all the controversy and all the heat generated over this appointment may be good for agriculture. I see some benefits coming from what may be a very close vote at 1 o'clock.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. Two additional minutes.

I think Dr. Butz has gotten the message. I think those in the White House and those in the USDA have gotten the mesage. I think they know agriculture is important, not just politically important, but important to our economy. So I should hope that my friends on the other side are sincere—and I assume most of them are—in their opposition to Dr. Butz, but I see that there are some benefits coming from this debate. For once the Senate has focused national attention on the American farmer, and for once, for 1 day, for 2 days, or perhaps 3 days, the American people—consumers and farmers alike—will know that the U.S. Senate is concerned about agriculture. I think that is important, as does the Senator from Oklahoma and the Senator from Iowa and the Senator from Vermont, not as partisans, but as those representing rural States. If Dr. Butz has not gotten the message, and if the message has not permeated the White House and those in the USDA, and some career employees—I do not know their politics—then perhaps at a later time the Senator from Kansas will join some of the opponents. However, if these segments have gotten the message, and if there are increases in prices, and if there are successes, then I would hope, in the same spirit, that some of the opponents would join some of us who now support Dr. Butz as a man of honesty, a man of integrity, and an articulate spokesman for American agriculture.

Mr. President, I yield 25 minutes to the distinguished Senator from South Carolina.

Mr. HARRIS. Mr. President, will the Senator first permit me to yield to the Senator from Virginia?

Mr. THURMOND. I am happy to permit the Senator from Oklahoma to speak on his own time.

Mr. HARRIS. Yes. Mr. President, first, on my time, may I say that the distinguished Senator from Virginia (Mr. SPONG) is not going to vote with us, but he dislikes this nomination as much as we do, so I am pleased to yield him 5 minutes.

Mr. SPONG. I thank the Senator from Oklahoma, and I thank the Senator from South Carolina for allowing me to make this brief statement.

Mr. President, along with many Virginians, I am concerned by statements made by Dr. Earl L. Butz prior to his nomination by the President to be Secretary of Agriculture. I have serious misgivings over the attitude of the nominee toward the family farm. His comments reflect a lack of sensitivity to the immense contribution made by family farmers to the Nation's well-being—farmers like those in Virginia's Southside and on our Eastern Shore.

At a time when farm prices are seriously depressed, one might question why the President has selected a person who does not have more support within the agricultural community. It would seem that a special effort would have been exerted to find someone whose background is more compatible with the views of the family farmer.

Nevertheless, while I am concerned over some of Dr. Butz' statements, and his background, I also am mindful of the established tradition that the Senate will accord the President great leeway in the selection of members of his Cabinet unless they are demonstrably unfit on grounds of personal character. To my knowledge, no one has challenged the integrity of the nominee. He is a man of character and ability.

The President is responsible for the official acts of his principal advisers, and he should be given wide latitude in their

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selection. The Senate and the American public cannot hold the President responsible for the administration of the executive branch of Government if we frustrate him in the selection of advisers to serve on his Cabinet. Only eight Cabinet nominees have been rejected by the Senate in our Nation's history.

There is a distinction between nominees for the judiciary and nominees for Cabinet positions. Federal judges, for all practical purposes, enjoy lifetime tenure. Members of the Cabinet are subject to the political process through our quadrennial presidential elections. Moreover, a member serves at the pleasure of the President.

Mr. President the Senate Agriculture Committee has chosen to report the nomination of Dr. Butz favorably to the Senate. A majority of the Committee concluded that Dr. Butz responded adequately to the questions raised about his nomination. I am prepared to concur with the Committee, although I do so with reservations.

The debate over the pending nomination involves some of the issues that arose during the controversy over the nomination of Walter J. Hickel to be Secretary of the Interior nearly 3 years ago. Mr. Hickel's business associations were questioned and he was criticized for comments that indicated he was not in sympathy with conservation efforts he would have the responsibility to lead. I supported with reluctance the nomination of Mr. Hickel. During his period of service as Secretary of the Interior I found nothing to justify the reservations I had expressed. The former Secretary demonstrated a concern for the public interest that belied the misgivings I had at the time of his nomination.

It is essential in my judgment that the Secretary of Agriculture be sensitive to the plight of our family farmers, and that he have some understanding of the potential environmental problems posed by some agricultural practices. He also should demonstrate concern that less fortunate citizens of a nation producing large agricultural surpluses should have an adequate supply of food.

The great opposition expressed to Dr. Butz' nomination should make him more mindful of these matters. I hope so. I shall, with reservations, vote for confirmation.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for not to exceed 25 minutes.

Mr. THURMOND. Mr. President, I shall vote to confirm Dr. Earl L. Butz as Secretary of Agriculture.

Due to the propaganda of those who have opposed Dr. Butz, I asked him to come to my office Monday afternoon, November 29, 1971. Since my first obligation is to my constituents, I desired to know where he stood with regard to our tobacco, cotton, soybean, and peanut programs, as well as his interest in dairying and livestock.

After conferring with Dr. Butz in detail, he assured me of his deep interest in the crop and livestock programs of our South Carolina and Southern farmers and that he stood solidly behind them. Dr. Butz stressed his interest in preserving the family farms and in programs to help the family-sized farms.

Mr. President, I talked with Mr. J. Phil Campbell, Under Secretary of Agriculture, who formerly served 14 years as Commissioner of Agriculture in the State of Georgia, and he assured me of Dr. Butz' genuine interest in the welfare of our Southern farmers and of his support of their crop and livestock programs and recommended him highly.

I also talked with Dr. R. C. Edwards, president of Clemson University, our State agricultural university, and he said that he had known Dr. Butz for a long number of years and was deeply impressed with his dedication and ability as an agriculture leader and he felt that a finer appointment could not have been made.

The Farm Bureau and the Grange have endorsed him, as well as many individual farmers.

At this point, I would like to read Dr. Butz' letter to me:

> I appreciate the opportunity of personally giving you my views regarding U.S. Department of Agriculture programs important to the farmers of your State and the southeastern United States.
>
> As I stated in my testimony before the Senate Committee on Agriculture and Forestry, I have a deep and abiding interest in the welfare of the peanut, cotton, tobacco, and soybean growers as well as the livestock and dairy farmers. I wholeheartedly endorse the one price system for cotton. I am especially pleased that farm prices for cotton are substantially above the loan levels and that farmers are getting these higher prices. Farmers' income for cotton is more than $200 a bale for cotton for only the third time in this century. I support the present program which permits U.S. mills to buy their cotton at the same price here as foreign mills. This is sound economics. The present tobacco, soybeans, cotton, and peanut programs are working well and if confirmed as Secretary of Agriculture I shall work to continue these programs in a manner which continues to be beneficial to producers.
>
> Having been reared on a family farm, I am earnestly interested in preserving these farms. Their preservation is absolutely essential to our economy and I shall do all within my power as Secretary to keep as many family farms in operation as possible. As an economist, I know the importance of continuing to expand exports of farm produce and livestock products so that the family farmer as well as others will benefit economically from expanded overseas markets.
>
> I believe my overall background and experience will enable me to assure that all segments of our agricultural economy work together for the benefit of every element of that economy rather than having any segment pitted against the other.

Mr. President, Dr. Butz has an outstanding background in agriculture, a personal background of having been born and brought up on a family farm, and a career as an able administrator and academic expert in agricultural matters.

He is dean of continuing education and vice president, Purdue Research Foundation, Purdue University, Lafayette, Ind. He served from 1937 to 1954 as a professor of agricultural economics at Purdue University. After 3 years as Assistant Secretary of Agriculture, from 1954 to 1957, he returned to serve for 10 years as dean of agriculture at Purdue.

Mr. President, I should also like to point out that it would be unfair to prevent confirmation of the nomination of this able man by holding him responsible for policies which were controversial in a previous administration in which he served, particularly when Dr. Butz was not head of the Department.

In view of the assurances which Dr. Butz gave to me orally and in writing, his strong backing by the Farm Bureau, the Grange, and many prominent farm leaders, and the fact that not one of his opponents has questioned his character, integrity, and ability, I shall support his nomination and urge my colleagues to do likewise.

Mr. AIKEN. Mr. President, I would now like to yield 3 minutes to the senior Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. EASTLAND. Mr. President, the nomination of Earl L. Butz as Secretary of Agriculture has proven very controversial. I am sorry that this situation has developed, because it will discourage men of competence and performance from considering such appointments offered to them in the future. We need men of proven ability to fill leadership posts in our Government.

Any man who has risen above the crowd in his profession, who has had to make decisions, to take a stand, has necessarily touched tender spots with those who have conflicting philosophies. Earl Butz is such a man. He has abilities beyond those required as a dean at Purdue University. This was stated clearly by its president in a letter to our committee chairman and his activities outside of the university were approved by the university. Had he not used these opportunities he would have denied and left unused his talents. They would have been wasted.

Earl Butz was head of the Agricultural Economics Department at Purdue for 8 years. He knows the economics of agriculture, and his record was such that he was promoted to dean of agriculture at Purdue. He has had a long and progressive tenure of service at this great institution where he was serving as dean of continuing education, which deals not only with agriculture but the total of our economy.

I was a Member of the Senate when Earl Butz served as Assistant Secretary of Agriculture from 1954 to 1957. I worked with him closely and personally throughout that period. We did not always agree, but I found him intelligent, dedicated, open-minded, and fair. He had to carry out administration policy, and I represented my constituents.

When he was forbidden to bend within administration policy, we tried and sometimes succeeded in amending the law. When this was done, he was equally diligent in carrying out the provisions.

Mr. President, Earl Butz is fully capable of being Secretary of Agriculture. He has all of the essential qualities. He is a man of unimpeachable integrity and great ability. He is tall in stature, broad in knowledge, dedicated and determined in the performance of his duty. He will make a great record for the farmers of America. I hope the Senate will confirm his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I yield 15 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 15 minutes.

Mr. McGOVERN. Mr. President, I thank the Senator from Oklahoma.

The nomination of Dr. Butz to be Secretary of Agriculture has met with unprecedented grassroots opposition.

I cannot recall any time in the years that I have been in public life, going back to 1953, when any Cabinet nomination has met with such instant and vigorous opposition from the constituency that that officer was especially appointed to serve, in this case the farmers of the United States. I regard this appointment as bad news for every farmer in America.

There is no question in my mind that Secretary-designate Butz is a man whose heart beats primarily for corporate agriculture, for the enormous concentrations of corporate power, many of them owned by absentee interests, and that there is where the interest of Earl Butz lies, rather than with the well-being of our traditional family-type farming operations.

There are ample reasons for the opposition that has been raised to Dr. Butz. Farmers I have talked to in a number of States, including my own, are convinced they will not have a sympathetic voice or sympathetic ear in the Department of Agriculture if this man's nomination is confirmed. They are alarmed that the nominee, the man who is supposed to be their advocate, has spent much of his career, especially in recent years, in close association with agribusiness concerns and large corporations that are now seeking to dominate the rural areas of our Nation.

Dr. Butz has also questioned the wisdom of food assistance programs, programs I regard as absolutely essential to the health and well-being of the American people; namely, the school feeding programs, the food stamp programs, and other forms of food assistance designed to eliminate hunger in the United States.

It seems to me to be a moral outrage that in this country over the last 15 years, at a time when we have been worried on the one hand about agricultural surpluses, we have moved so slowly to deal with another surplus, which is the surplus of hunger and underfed human beings.

They are also concerned about the philosophy of Dr. Butz as it relates to the total economy. This may be the most important consideration for us as we vote on the nomination because this gentleman has in no uncertain terms preached a survival-of-the-fittest doctrine for agriculture. In the late 1950's, he told American farmers it was time to "resist or die, adapt or perish."

The Government of the United States did not tell the Lockheed Corp. to resist or die when it got into trouble, in spite of the fact it has been treated lavishly by Federal contracts over a good many years.

Yet farmers, confronted with rising costs of operations and unfair low prices, are being offered a Secretary of Agriculture who tells them to "resist or die, adapt or perish."

Many of our farmers are perishing, not because they are inefficient. We have the most efficient food producers in the world in this country. They produce more food at less cost for this country than farmers anywhere else on the face of the earth. But they are in trouble. They are perishing because their prices are low; and the costs of operation are so high, including interest rates and operating costs, that many farmers, especially the younger ones, have been forced to leave the land.

It is a matter of some note that the average age of farmers in the United States is now 58. The one positive note about that advanced age for the average farmer is that they remember the philosophy of Ezra Taft Benson in the 1950's; they know that Dr. Butz was his closest associate; and they have alerted many of us in Congress that the confirmation of the appointment of Dr. Butz as Secretary of Agriculture will mean once again that the Department of Agriculture will be headed by a long-time advocate of the Benson philosophy, which came close to destroying our Federal farm programs 20 years ago.

No single segment of our economy receives a lower return for labor and investment than the American farmer. When I see how hard these farm families work, the risks they take with weather, pests, falling markets, the international situation that they cannot control or predict—when I see all that and the faithfulness they bring to their labor and investment, it almost breaks my heart to see the returns they receive. This is what the next Secretary of Agriculture should be concerned about, rather than giving lectures to farmers on how they should "adapt or perish."

The farmers who are protesting are the farmers we depend on for the bulk of our food and fiber. They are the farmers who provide us with the best food supply offered any country in the world. These farmers have not resisted change. They have modernized their farms. They have purchased equipment, they have taken advantage of technical assistance and changes in agriculture, and their efficiency is the marvel of the world.

But that very efficiency has created the kind of production that has sometimes driven down farm prices at a time when costs of operation were increasing. That is not my view alone. It is not the view alone of those who oppose the nomination of Dr. Butz.

On that score, let me say that I do not raise any questions about the character or personality of Dr. Butz. I have had congenial relations with him. But I think it would be a disaster to name this man as Secretary of the Department of Agriculture at this time, when farmers across the country are in trouble.

There is no question that Dr. Butz is entirely honest, but he is wrong in his economic philosophy and his view on what is needed to be done in rural America to save the family farm operation.

Last summer, Dr. Carroll G. Brunthaver, associate administrator of the U.S. Department of Agriculture's Agricultural Stabilization and Conservation Service said:

> Our most productive and efficient farms are extremely vulnerable to continued inflation or any significant downward adjustment in net income . . . Highly capitalized, many of these farms must carry a heavy debt load. Anything which cuts into their net returns threatens their economic survival. "If our commercial farmers are going to make the needed investments in our farming industry, if they are going to continue feeding the nation efficiently and continue to risk hail, drought, plant diseases and all of the other uncertainties in farming; if they are to continue feeding the nation efficiently and continue winning export market—they must have adequate returns."

Dr. Brunthaver's statement was made before this year's record yield and plummeting prices materialized. Our action today comes at a time of falling farm income, and, in too many instances below cost of production prices for basic farm products. Under the administration's set-aside program, a program strongly applauded by Dr. Butz during the Agriculture Committee hearings on his nomination, the carryover for wheat this year will approach nearly 2 billion bushels, with the selling price of wheat down roughly 10 percent from a year ago. The on-the-farm price for corn is at about 90 cents a bushel, and is below the actual cost of production to say nothing of a return to the farmer for his labor and his investment.

The blunt fact is that no farmer can survive 90 cent corn prices and comparable prices for wheat and other prices. Those prices are at just slightly above two-thirds of the parity level, which is another way of saying they are only two-thirds of the level at which they ought to be if they were in relation with other prices elsewhere in our economy.

So what it seems we need now desperately in the Department of Agriculture is a man who will fight to lift the level of farm price supports and farm prices rather than tell farmers who are trying to survive at 68 percent of parity that they ought to adapt or perish.

These surpluses were basically caused by additional crops planted as a hedge against the corn blight, excellent weather conditions as well as administration of the set-aside program which encouraged even more feed grain production on non-set-aside acres.

In my view, it was reasonable to increase corn production this year because there was a distinct possibility of the blight returning. Farmers cooperated and planted more corn. But it is the American farmer who is paying for this food supply insurance. The Administration has refused to accept any meaningful responsibility to assist our Nation's farmers if the blight failed to occur and consequent low prices followed, which many of us saw as a possibility.

Adoption of a measure I introduced last spring would have increased the price

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support level by 25 percent on wheat, corn, and other feed grains in the event of such an oversupply. It would have increased farm income by this year $1.75 billion at an additional cost of $39 million in cash and $241 million in loans. The administration opposed this measure. For 1972, the administration proposes to spend an extra $600 million to $800 million to reduce corn acreage to about 4.6 million bushels. This money would come, incidentally, just before the election. There is no commitment for a better program now or one after.

There are ample grounds for belief that the program announced October 18 by former Secretary Hardin may provide little, if any, real help for the farmer. While the administration hopes for a total set-aside of 38 million acres for 1972, if there is a normal feed grain crop production in 1972, the best the Department can hope for is total year stocks that would add only slightly to reserves. Corn stocks in particular would continue to be in surplus, possibly as high as 800 million bushels.

Aside from saying the price of corn was too low, Dr. Butz in appearing before the Senate Agriculture Committee, was disturbingly vague about what he would do to improve farm income. In general, he said he was satisfied with the present farm law and the program for 1972. In view of the fact that he did not announce that he would use his authority under the Farm Act of 1970 to put positive acreage limitations on next year's wheat and feed grain crops for 1972, there is little hope to improve farm income next year despite the expensive program. But his long-standing opposition to sound Federal farm programs are reason enough to oppose his opposition.

Dr. Butz assured us during the hearings on his confirmation that he would be an articulate spokesman on behalf of the family farmer in the Nixon administration. In response to questions about serving on the boards of agribusiness giants, he told us he served on these boards only to give agriculture a voice in these large firms. But the efforts Dr. Butz made on behalf of those firms were diametrically opposed to our family farm system of agriculture. He was not speaking on behalf of the family farmer when he gave a recent speech entitled, "Opportunities Unlimited" at a seminar on vertical integration of the pork industry held at Purdue University last April. Farmers are genuinely concerned about this attempted corporate takeover of American agriculture. Dr. Butz said in his testimony he was glad to see some of the corporations getting out of agriculture. But there is no evidence that as a director of Ralston-Purina, he did anything to reverse the growth of corporate agriculture.

A newspaper account of a speech Dr. Butz made in 1958 said:

Butz sees the possibility that ownership of some family farms will pass into the form of family shares of ownership, with professional farm-management outfits moving in between the owners and operators of a farm.

Commercial farms will come to look more and more like manufacturing establishments, with farm managers giving more attention to assembling custom-built packages of technology in the farming operation, with a bigger share of receipts going back to production costs, gross margins shrinking, and profits depending increasingly on growing sales volumes.

Farmers ultimately will lose their vocational identity as members of the community. At this point farming no longer will be a way of life, but will be a way of making a living, just the same as other business enterprises.

This statement and others Dr. Butz has made clearly indicates that he sees no social or humane value in preserving our family farm system of agriculture as both a way of life and a way of making a living. I also challenge his economic rationale, since the agricultural segment of our economy is twice as productive as the nonfarm sector. We have paid a tremendous price for this high degree of efficiency. Millions of persons have been forced to leave our farms and rural areas in a mass migration to our cities and we all know the result. The time has come to do what we can to reverse the flow of people from rural America to overcrowded cities. Dr. Butz is not the man to do it.

The family farm is vital to American society. If we fail to protect it now, farming will become the province of large corporations. Food prices will no longer be dictated by market considerations, but will be administered by those large corporations which have made clear their desire to control our food supply from the seedling to the supermarket. As a result, prices the consumer pays for food will rise rapidly. The consumer clearly has a vital stake in this nomination.

Mr. President, there is further cause for consumer concern.

Back at the time he was an Assistant Secretary of Agriculture, Dr. Butz testified on the bill offered by Senator James E. Murray of Montana to establish compulsory poultry inspection. He agreed that it was needed, but would not agree that inspection should be placed either in the Food and Drug Administration, or in the meat inspection division of the USDA.

There was fear that it would wind up in the marketing service, which is oriented toward getting things sold for agribusiness concerns rather than toward consumer protection. And, with Mr. Butz serving as Assistant Secretary, that is exactly where it did wind up, in the marketing agency.

What is the result?

Last week the GAO issued a report on its review of 68 poultry processing plants which recites the continued existence of "unacceptable conditions" in most of the plants they inspected including 17 that the GAO had previously reviewed and criticized.

I have just been given a copy of an article from the Des Moines Register of November 28, by James Risser, which tells of conditions in one of these plants that would turn the stomach of any normal person; absolute filth existing in spite of the fact that the plant is supposed to be under Federal inspection. The story reveals that the owner of the plant—who was associated with Mr. Butz' Ralston-Purina Co. a year or so ago in an injunction suit against growers—is also the vice president of the great National Poultry Council and that it was at his plant that a manager twice threatened the life of a poultry inspector. Yet this man still gets inspection so he can market his dirty birds to unsuspecting consumers.

Dr. Earl Butz is not directly responsible for the condition of this plant at the time of the recent report on it, except as he had responsibility 15 years ago for locating poultry inspection in the Department's Marketing Service where the trade wanted it, instead of in an agency that would have been entirely free of pressure from such big poultry integrating firms as Dr. Butz later joined when he became a director of the Ralston-Purina Co.

I think Senators should be fully aware of today's results of a bias in favor of agribusiness at the Department of Agriculture 15 years ago before it votes to put a man out of the agribusiness establishments which USDA regulates in complete charge of that Department.

Since the RECORD will not be printed before we vote on Dr. Butz' nomination, I shall read portions of the Des Moines Register article.

The headline says "Cite 'Filth' at Poultry Plant," by James Risser of the Register's Washington Bureau.

Mr. Risser's almost unbelievable report reads:

The GAO investigators found that in portions of the Jasper, Alabama, plant operated by Marshall Durbin Co., sanitation was "nonexistent."

Floors were described as "filthy," equipment was covered with feathers, dirt and fecal material, and birds being processed were contaminated by rusty drippings from pipes and machinery, the investigator's report said.

The GAO said "general housekeeping" at the plant was "poor." A scalder was "unacceptable due to dirty water covered with bloody foam."

Picking machines had been "improperly cleaned" and had "dirt, feathers, and old fat" on them. Coolers had "green algae" on their walls, an icemaking machine and a freezer were "totally unacceptable," the report said.

"Giblet preparation was unacceptable due to contamination and improper preparation," (improper drainage from the building created "a swampy area" of "foul greenish, brackish material,") and restrooms were "unfit for use" and had no soap for employees to wash their hands, the GAO said.

Plant management "objected strongly" to corrections required by inspectors, the GAO found.

There is one other area of concern which I have regarding Mr. Butz' record. That is the question I have about his commitment to the fight we have been waging in the past several years to put an end to hunger in all its forms in America.

What particularly concerns me is the timing of the nomination of this man. He has been nominated at a time when legitimate questions are being raised by our fellow citizens about the Federal commitment to end hunger and malnutrition, of following through on the President's pledge and the clearly expressed intent of Congress to finish our job of feeding the hungry.

As so many of my colleagues know, this past year has been as much a fight to keep from falling backward as it has been to move forward in the fight against hunger. Although the President and the Congress pledged to put an end to hunger several years ago, that pledge has not been fulfilled. In May of 1969, the President said:

The moment is at hand to put an end to hunger in America itself for all time.

Soon thereafter, the Congress passed a new food stamp law which was designed to provide a legislative seconding of that pledge. Yet, today, at least 11 million Americans still go hungry at home. And, again, just 6 months later in 1969 the President pledged that by Thanksgiving Day of 1970 every needy child in America's schools would be fed a daily free or reduced-price lunch. Again, Congress passed a law to back up this pledge. But as many as 4 million children go hungry in school.

There is just one reason for this failure to end hunger in America: Leadership. It has been lacking in the past year. Instead of the determined leadership which President Nixon demonstrated in 1969 on this issue, he has slipped into a leadership determined to end inflation by budget cutting in those programs most vital to America's health and well-being within, rather than in those programs which offer only superfluous health and safety against the "enemy" without. Chief among the victims of this misdirected economy drive have been the food programs which could end hunger in America—most notably, the food stamp and the school lunch and breakfast programs.

When we passed the new food stamp law, we fully expected it to reach more of the Nation's 25 million hungry, even though it had some serious defects in it. Soon, however, came the new regulations from the Department of Agriculture. As originally proposed these regulations would have summarily eliminated at least 350,000 aged, blind, and disabled citizens from the food stamp program simply because their public assistance benefits would have exceeded $160 per month for one person or $220 per month for two persons. In addition, another 1.75 million of the poor would have had their program benefits reduced for virtually the same reason. And, because the regulations were poorly written, about 1 million migrant workers would also have been eliminated from the program. Public and congressional opposition to the proposed regulations was minimally successful in preventing this money-saving elimination of participants from the program. The 350,000 aged, blind, and disabled were brought back into the program, though with very small benefits; the other 1.75 million poor were still cut back in their benefits, and the migrants were still cut out altogether.

The effect of this has been to level off the participation in the program, which had been expanding, to about 10.5 million for the past 5 months. There is only one explanation for this policy: To save money.

The second indication of our loss of leadership on the hunger issue came last June, on a different front in the hunger battle; namely, the small, but growing and vital, summer feeding program. All through the winter months the USDA had been encouraging the States and cities to plan bigger programs than they had in the previous year. Fully $32 million in requests came to the Department in response to their encouragement. Then, just days before the program was to begin operations in many cities, the Department announced that money for expanded programs was unavailable.

Again, the only explanation for this could be heartless, callous and misguided effort to save money. I, along with the other members of the Select Committee on Nutrition and Human Needs, introduced legislation which quickly passed the Congress, giving the Department special funds to spend for the summer program. It finally took not only this legislation, but a letter written by 46 Senators, to have the authorized funds spent to feed hungry children this summer.

Finally, and this matter comes last only chronologically, for it may be the most important battle to date, in August the Department of Agriculture issued proposed school lunch regulations for the present school year.

In response to the President's pledge to feed all of America's hungry children with this program and guided by the unequivocal language of Public Law 91–248, that every needy child shall be fed, school lunch administrators all over the country were gearing up to reach all of the Nation's 10 million needy children.

But, once again, the administration attempted to reduce costs by cutting participation. In August, the Department announced a new regulation which would reduce the amount of Federal reimbursement from a possible 60 cents per lunch to a mandatory statewide average of 35 cents per lunch. More emergency congressional hearings were held and more legislation was passed. When this effort to cut participation was defeated, the administration then attempted to ignore the clearly expressed congressional intent of Public Law 91–248, by declaring that henceforth the national eligibility level set by Congress would be a maximum level rather than a minimum. The effect of this move would have been to eliminate some 1.5 million poor children from the school lunch program. Fortunately, legislation which had passed the Senate was amended in the House to prohibit this final money-saving action.

These are the absurd lengths which the administration will go to under the use of fiscal responsibility. This is a bitter lesson in the fumbling processes of American Government for millions of our Nation's schoolchildren.

It is against this background that I must judge the appropriateness of the nomination of Earl Butz. This nomination comes at a time when there is clearly a vacuum of leadership in the administration on the hunger issue. A new Secretary of Agriculture should provide that leadership, particularly in light of the fact that nearly one-fourth of USDA's total budget involves these programs.

It is for this reason that I become concerned when Mr. Butz gives a speech which contains the following remarks:

Then, the big clamour was hunger and malnutrition. And we in Agriculture, were, of course, intensely interested in that, too. And we were quite concerned about hunger and malnutrition. You remember Senator McGovern had his televised hearings down in Florida to portray the bad plight of the migratory workers in Florida. Ted Kennedy, not to be outdone, took a planeload of cameramen to Alaska to see the starving Eskimoes, you know.

And that was portrayed in several TV features back here. And what came out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts in this country. Out of it came a welfare program that President Nixon is recommending to the Congress that's so far out that even the Democrats in Congress won't buy it [Laughter].

Then the secretary who took down the speech has, in parentheses, laughter, which this was designed to do. It was an effort on the part of Dr. Butz to ridicule the efforts of the Senate Select Committee on Hunger and Human Needs, to ridicule the efforts of the Senator from Massachusetts (Mr. KENNEDY) and others, to turn the spotlight of this Nation on hunger and malnutrition.

Dr. Butz went on to say:

My point is, we always overreact to crisis.

Mr. President, I do not think we overreacted at all to the fact that some 15 to 20 million Americans were suffering from hunger and malnutrition, and when we responded with the kind of school lunch program that we did. The truth of the matter is that we did not react strongly enough. We did not act with enough force and with enough generosity, and the fact is that, as we consider this nomination, there are still 11 million adult Americans suffering from hunger in their homes and another 4 million children suffering from malnutrition because of inadequate school lunch programs in various parts of the Nation. Yet Dr. Butz tells us we overreacted to the problems of hunger in America.

Mr. Butz seems to think that the existence of hunger in America did not demand a strong reaction. He feels we overreacted to hunger. Does this record demonstrate that Mr. Butz can provide the leadership so lacking in this area? I think not.

In response to the public disclosure of these remarks I just naturally had to overreact. So, I sent Mr. Butz a letter requesting all of his public speeches in the past year. Mr. Butz has responded to my letter in an envelope from the Secretary of Agriculture's office.

The inconsistency of his letter, in which he expressed full "support (of) President Nixon's pledge to eliminate poverty related hunger and malnutrition in this Nation" and the speech text which I have read baffles me.

Yesterday it became apparent that there would be very little time to look over these speeches before the crucial vote which we will be facing in several hours. So I instructed a member of my staff to pursue the matter further and request that the speeches be delivered by this morning. I offered to fly someone out to Indiana last night to pick up the speeches if necessary. However, Mr. Butz' secretary informed my staff member that she did not know anything about the speeches and would be unable to put

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them together in his office. Finally after a futile attempt at seeking out Mr. Butz personally yesterday afternoon the present Secretary's office called my staff member last evening and told him that the speeches would be delivered early this morning to his office. After several phone calls this morning several disturbing things became apparent.

My staff member was told that the only speeches available were those sent to the Department by Mr. Butz' secretary. It greatly disturbs me that Mr. Butz' office in Indiana was able to send his speeches to the Department and not to my office.

It has also become apparent to me that these speeches were in the hands of the Department of Agriculture in Washington, D.C. while I and my staff were sent on a wild goose chase by stories that the speeches were unavailable.

Finally at 10 this morning we received two articles and three speeches from the Department. We had expressed particular concern about receiving a speech by Mr. Butz on hunger given in 1965. This speech although specifically requested was not included in the material sent to us by the Department. After another angry phone call this speech was finally delivered at 10:40. I certainly hope that should Mr. Butz become the new Secretary of Agriculture we will see somewhat better form in the areas of congressional relations, cooperation, and courtesy.

Mr. President, because of this and other considerations, I urge that the nomination be rejected. I ask unanimous consent that a number of supporting documents, including correspondence I have had with Dr. Butz, be printed to the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., November 23, 1971.

Dr. EARL L. BUTZ,
Dean of Continuing Education,
Purdue University, Lafayette, Ind.

DEAR DR. BUTZ: As you know, during the past several years, I have been actively involved as Chairman of the Senate Select Committee on Nutrition and Human Needs in seeking to improve the nutritional status of the American people, particularly millions of poor Americans. During this time, the Select Committee has held numerous hearings and heard hundreds of witnesses documenting the widespread existence of malnutrition in America. The existence of malnutrition has been further verified by a National Nutrition Survey conducted by the Department of Health, Education, and Welfare. In response to these investigations of hunger in America, the President and the Congress have moved to expand and strengthen major Federal feeding programs under the jurisdiction of the Department of Agriculture. These programs include food stamps, surplus foods, school lunches, school breakfasts, out of school feeding programs and programs for the elderly.

I was, therefore, extremely distressed to read an account in a newspaper article recently that you had criticized in a speech the expansion of the food stamp program and proposals for a strengthened and expanded welfare program. I believe it is of the utmost importance that I and other members of the Senate have as full an account as possible of your opinions regarding the efforts to end hunger in America. For that reason, I respectfully request that you transmit to me as quickly as possible all public speeches that you have given within the last year. I believe that this would be of great assistance to myself and my colleagues in the Senate in passing on your fitness to become the next Secretary of the Department of Agriculture.

Sincerely yours,

GEORGE MCGOVERN.

NOVEMBER 30, 1971.

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGOVERN: Thank you for your recent letter requesting a copy of all public speeches that I have made within the past year.

I do not have these readily at hand here in Washington, however, I am assembling them and will forward them to you as soon as possible.

I know of the efforts that this Administration and the Senate Select Committee on Nutrition and Human Needs have made in combating hunger and malnutrition and I fully support President Nixon's pledge to eliminate poverty related hunger and malnutrition in this Nation.

Since the President's historic "Hunger Message" on May 6, 1969, the accomplishments comprise the largest and most successful nutritional undertaking in all history.

I will give high priority, as Secretary of Agriculture, to continued USDA efforts to reach the President's goal. I will energetically work toward improvements in the programs to feed needy families and to improve the nutritional health of this Nation's children.

Sincerely,

EARL L. BUTZ.

[From the Des Moines Register, Nov. 28, 1971]

CITE "FILTH" AT POULTRY PLANT

(By James Risser)

WASHINGTON, D.C.—An Alabama poultry plant, cited by the General Accounting Office (GAO) as a prime example of continuing unsanitary conditions in the poultry business, is the same firm whose plant manager twice threatened the life of a federal poultry inspector earlier this year.

Marshall Durbin, jr., who heads the firm, is vice-president of the National Broiler Council, the trade and lobbying organization of the poultry industry.

The GAO investigators found that in portions of the Jasper, Ala., plant operated by Marshall Durbin Co., sanitation was "nonexistent."

Floors were described as "filthy," equipment was covered with feathers, dirt and fecal material, and birds being processed were contaminated by rusty drippings from pipes and machinery, the investigators' report said.

A federal supervisory inspector who accompanied the GAO personnel reported that "the over-all picture of the plant and premises is certainly not one of a food processing establishment."

CLOSED, REOPENED

The GAO report also said that the plant was shut down briefly last January by federal inspectors of the U.S. Department of Agriculture but was reopened a few days later on advice of a USDA official in Washington.

Dr. Clayton Yeutter, administrator of USDA's Consumer and Marketing Service, said Friday that the Washington official involved did not intend to have the plant reopened if conditions were bad, and that the regional official at Atlanta, Ga., who ordered the reopening has been "thoroughly reprimanded."

The inspection personnel involved may have felt that the Durbin plant situation "was a particularly sensitive one because Marshall Durbin has been a big name in the poultry field for years and years," said Yeutter.

Yeutter, who has ben in charge of federal meat and poultry inspection for about a year, said he is working hard to eliminate past favoritism that may have existed toward certain plants and is trying to see that federal inspectors receive strong Washington backing when they move against violators.

The Register disclosed in September that the Durbin firm got off with only a warning letter from USDA after its plant manager threatened on two different occasions to kill a federal inspector. Such actions involve a potential federal criminal violation, with a fine of $5,000 and three years in prison.

TOUGH ENFORCEMENT

Yeutter said then that he was investigating the incident to determine whether USDA had backed up its inspector strongly enough. If not, "Some heads will roll," he said.

Yeutter said last week he has completed his investigation of the threats and of the incident involving the reopening of the plant. In addition to reprimanding one official, he said he has made it clear to all involved that he wants tough enforcement of the poultry inspection laws.

Marshall Durbin, jr., said in September that he had fired the plant manager who allegedly issued the threats, but he complained that the incident "may have been exaggerated" and contended that some federal inspectors "would like to have life and death economic control over plants."

The GAO report, released Nov. 16, says that the Durbin operation was one of 68 poultry plants studied because "it had been identified by inspectors for repeated violations of sanitation standards."

The report did not name the Durbin firm. Of the 68 plants studied, the conditions at four were described in detail in the report. They were identified as plants A, B, C and D.

RELEASED NAMES

However, Senator Abraham Ribicoff (Dem., Conn.), whose subcommittee on executive reorganization has been probing various government consumer protection programs, including meat and poultry inspection, released the names of the plants a few days later. "Plant A" was the Durbin plant.

The GAO said "general housekeeping" at the plant was "poor." A scalder was "unacceptable due to dirty water covered with bloody foam."

Picking machines had been "improperly cleaned" and had "dirt, feathers and old fat" on them. Coolers had "green algae" on their walls, an ice-making machine and a freezer were "totally unacceptable," the report said.

"Giblet preparation was unacceptable due to contamination and improper preparation," (improper drainage from the building created "a swampy area" of "foul greenish, brackish material,") and restrooms were "unfit for use" and had no soap for employes to wash their hands, the GAO said.

Plant management "objected strongly" to corrections required by inspectors, the GAO found.

"UNSATISFACTORY APPEARANCE"

A follow-up survey, made this month by USDA personnel, says that "the over-all condition of this plant has improved since the GAO visit. However crowded conditions result in maintenance problems and present an unsatisfactory appearance."

Corrections are underway, but if they are not carried out "failure to maintain acceptable standards will result in withdrawal of federal inspection," the USDA survey said.

The conclusion of the GAO report was that there still appear to be "widespread weaknesses" in the enforcement of the poultry inspection laws. "Unacceptable conditions" existed at most of the 68 plants, 17 of which were studied because of past problems and the other 51 chosen at random.

The GAO called for tougher action by the Consumer and Marketing Service, and also suggested that Congress consider transferring meat and poultry inspection out of the USDA because of a possible conflict may exist between the department's regulatory duties and its marketing promotion activities.

INDIANA FARMERS UNION,
Indianapolis, Ind., November 29, 1971.

Hon. GEORGE MCGOVERN,
Senator of South Dakota,
Washington, D.C.

DEAR SENATOR: Since I have known Mr. Earl L. Butz personally for over 35 years a number of my Indiana friends called recently and inquired if I would recommend Mr. Butz for our next Secretary of Agriculture.

Thirty years ago or prior thereto no doubt my answer would have been favorable. A few years later he signed in with various Manufactures of Agricultural Products and became a stockholder and in certain cases a member of the Board of Directors of several such organizations. I believe at that time Mr. Butz' attitude definitely changed in regard to our agricultural producers' interests.

He evidently at this time layed aside his interest in our farmer's income and devoted much of his efforts to solving the manufacturer's problems. He hoped that with increased returns to the manufacturers and handlers of such products no doubt a certain portion of such income would trickle down in our economy to the producers of our farm products.

Labor forces united, fought and retained their place and financial returns in our National Economy. During recent years our agricultural producers have not received their proportionate share of our National Income due largely to lack of ability to produce a united front in presenting their problems.

Mr. Butz as an Ass't. Secy. of Agriculture in 1953 joined with Ezra Taft Benson, Secy. of Agriculture in rewriting our Farmer's Parity Price Formula. This resulted in a reduction of our Price Support level on our basic farm crops approximately 7%.

The overall policy of the Administration at this time was to reduce the Price Support on feed grains so they could be shipped from the production points South and West for livestock feeding in range areas or areas adjacent thereto.

Legislation also was introduced at this time to provide authority for the Secy. of Agriculture to reduce price supports on the basic grain crops from the 90% Parity Price Level to somewhere within the 60% to 90% level of the Parity Price if it was determined that conditions justified the same. This reduction in price would permit a step up in our grain exports with the products taking care of much of the expense incident to the grains shipments.

This Bill was passed by the Republican House of Representatives majority in record time. However, when the same Bill was presented in the Senate it resulted in a tied vote. A Conference between Vice-President Nixon and Secy. Benson plus his helpers produced their desired vote and the Bill when duly signed became law. The provisions of this bill were carried out during next few years and materially reduced the price of feed grains and our Farmer's income.

The result was that Farmer's grain prices were all reduced to approximately the Price Support level which was established at about 53% of the original Parity Price Support levels that had been established for our major grain crops. This was the Legislation that started thousands of our farmers down the road to bankruptcy and Mr. Butz deserves credit along with other Administration leaders at that time of setting up this situation on our Farmer's prices that has had a serious affect on our Farmer's buying power and helped to drag down the entire National Economy since much of our Farmer's buying power was eliminated at this time. This condition has recently resulted in forcing over 50% of our farmers in the grain belt to file bankruptcy cases.

A number of Corporations who in recent years devoted some of their funds to Agricultural production have sold out or took similar steps to our Farmers after a couple years experience under the present level of Agricultural Prices.

The action taken by the Administration at that time was largely due to Campaign Time criticism of the estimated cost of our Farmers Price Support Programs which had been in effect for over 17 years under U.S.D.A. and C.C.C management The new Administration called for a detailed investigation and a cost report on all the Grain Price Support Program. This investigation was authorized in 1953 but no action was taken in the next two years.

After the 1954 election there was a Democratic majority in the House of Representatives. Representative John F. Kennedy who was elected as a Representative from Mass. was named as chairman of the Sub-Comm. that was to investigate the Record of C.C.C. in regard to Grain Handling as indicated above. In March 1955 a meeting of the Sub. Comm. was called by Rep. Kennedy with the U.S.D.A Grain Branch Director, Mr. McClain and myself who was the Deputy Director in Charge of Price Support Operations. The investigation then got underway and not only was the material, records and instructions issued by our Washington, D.C. Office reviewed but representatives of this committee rechecked the records of expenses, sales and disbursements in the C.C.C. Area Offices located at Chicago, Kansas City, Minneapolis and Portland, Oregon.

A Thirty-six page report then was completed and was filed by this committee showing a full and complete record of price support operations, expenses and transactions, during the 17½ years these Price Support operations had been in effect. The Committee's Report indicated that transactions had been handled in a business like manner. The report also indicated that during this period under the Original Grain Price Support Programs the grain received in liquidation of the loans had been disposed of and the expenses including Storage, Handling, Shipping plus Office Expenses incident thereto had resulted in an overall profit to C.C.C. during that period of $13,000,000, which had been returned to the U.S. Treasury. The final report may be reviewed by anyone interested and is filed under the following identification Report #1635 House of Representative's Comm. on Agriculture, 2nd session 86th Congress filed May 20th 1960.

Our Economic drag today is largely due to our farmers lack of buying power. Increased operational costs of production along with high taxes and high interest rates results in many of our farmers donate their time, labor plus financial support to carry on their operation at a loss in a few such years and they are forced out of operation.

In 1933 Farmers overall indebtness is shown as 8.2 billion dollars but it passed the 50 billion dollar mark in 1968 and in Sept. 1970 the records show over 60 billion dollars of Farmers indebtness outstanding. In regard to the farmer's indebtness the average interest during 1971 is indicated at approximately 8%. The above amount at this rate would require $480,000,000 of Farmer's income to pay interest charges alone. To this amount an amount at approximately the same level is required to meet the Farmer's Federal, State and Local Taxes along with their operational costs. I doubt very much if our Farmer's buying power can be restored by a Secy. of Agriculture who has catered to our food processors and manufactures during the last 30 years.

Isn't it about time for our Congressmen to do something about the economic mess our Politicians have developed for our agricultural producers and those who are dependent upon them as well as our rural areas in general?

Enough for the past and present let us look ahead in regard to the effect such conditions may have on our country's future. A couple of months ago we were told while our present United States' population was 205 million that by the year 2000 the U.S. population would equal or pass the 400 million population mark. With our population practically doubled in a 30 year period what about food and clothing needs for such a population?

Present conditions and lack of income has eliminated many of our skilled Farmers. Present farmers are required to operate power machinery for long hours, work out their crop rotations, handle and feed livestock, determine seed and fertilizer requirements as well as to fight their financial problems. I have been told that it requires today 10 times as much brains, knowledge, training and experience to successfully operate the average farm today as it does to drive a truck or operate a power machine in our modern factories. If we plan to adequately feed our future generations it will be necesary to establish and support fair values and adequate income for all agriculture products at an early date or our nation may be forced to suffer as many of the Nations in Africa and Asia are suffering today.

Respectfully Submitted for Your Consideration.

ALVAH F. TROYER,
Vice President, Indiana Farmers Union,
(also) President of the Soybean Growers of American Inc.

THE DEVELOPING WORLD CRISIS IN THE POPULATION-FOOD RATIO

My name is Earl L. Butz. For the past eight years I have been Dean of Agriculture at Purdue University. For three years prior to that, from 1954 to 1957, I served as Assistant Secretary of Agriculture in charge of Marketing and Foreign Agriculture. During this time, on two occasions I served as chairman of the U.S. Delegation to the Food and Agriculture Organization Conference in Rome. Among other things, I was in charge of the Foreign Agricultural Service, and traveled extensively in many parts of the world studying food and agriculture conditions. Prior to going to Washington as Assistant Secretary of Agriculture, I was eight years head of the Department of Agricultural Economics and Professor of Agricultural Economics at Purdue University. My entire professional life has placed me in close proximity with food-population problems, both in this country and abroad.

The North American food industry is now relaxed in the calm which precedes the greatest challenge it has ever faced. We must exercise every opportunity to keep our entire food machine in a healthy state of preparedness, if we expect to meet this challenge successfully.

The world is on a collision course. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the Western World itself.

The long-run outlook for international agriculture is essentially one of a race against time and capital in an effort to meet the onslaught of a tremendous upsurge in world population.

The man-food ratio around the world, never high enough to be very exciting to two-thirds of the world's population, has actually been in a decline the last half dozen

years. Total food output has increased during those years, to be sure, but at a slower rate than population increase. In many of the world's underdeveloped areas, the man-food ratio is in a serious decline.

Those of us in North America who wrestle with perennial surpluses of both food and feed grains too frequently view our problem in the short run. We are export conscious, particularly in relation to the current situation. While this may be important in a particular year, it is high time that we begin to fashion our domestic programs and policies with a view toward the political and economic realities of the developing world food crisis. It is high time that all of us begin to view the developing crisis in the world population-food ratio in its proper perspective.

Although I use the word "crisis," it need not develop in our lifetime if we can apply the intelligence we possess to the twin areas of food production and international trade.

FOOD IS THE FIRST LAW OF LIFE

The first claim of any society on its total production resources is to produce enough food to keep the population alive and reproducing itself. This is true in primitive societies as well as our own advanced American economy. Some Far Eastern nations require 80 to 90 per cent of their population on the land to get the job done. In the United States we do it with less than 6 per cent of our working population on our farms, and could do our commercial agriculture with about 4 per cent of our working population on our farms. There is room for substantial expansion of food production, both in the undeveloped and in the developed areas of the world, through continued application of science, infusion of capital, and nonrestrictive governmental programs.

When many of us in this room were students, perhaps a third of a century ago, we were concerned about the foreseeable leveling off and eventual decline of population, especially in the non-Asiatic world. It was popular then to explain why Malthus had been so wrong with his forecasts about the population-food ratio. It is now rather fashionable to dust off Malthus' volume and to quote from him occasionally.

THE POPULATION EXPLOSION

At the beginning of the Christian Era, world population was estimated to have numbered around 250 million. In the next 15 centuries it doubled, reaching 500 million by 1600. Three centuries later, by 1900, world population had tripled, and stood at about 1.5 billion. In the less than two-thirds of a century since 1900, world population has approximately doubled again, and now exceeds 3.0 billion. Reliable estimates indicate that in the little over one-third of a century remaining until the year 2000, it will double again, and will stand at about 6.3 billion people.

During the first 15 centuries after Christ, the rate of increase in world population ranged between 2.5 and 5 per cent *per century*. By 1900 the *annual* rate of increase was approximately 1 per cent, or 100 per cent per century. As of 1960, the *annual rate* was about 2 per cent, and it is expected to rise even above this figure for the remainder of this century. The astonishing fact is that the human race is currently doubling in numbers every 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If a population were to grow 3 per cent annually it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, the rate of growth cannot persist indefinitely, because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

While it is true that projected rates of population increase are greater in the underdeveloped nations than in North America, yet we too shall experience a substantial increase in Canada and the United States. A United Nations projection has forecasted that the combined population of our two countries will move from 197 million in 1960 to 312 million in the year 2000. This is an increase of 60 per cent just within our own boundaries. Projected rates of increase are approximately the same for Western Europe and Russia. However, population in Latin America is projected to increase 188 per cent, from 206 million to 592 million. Likewise, the African population increase is projected at 120 per cent, and Asia at 139 per cent. In the latter case, population is expected to increase from 1.6 billion in 1960 to 3.9 billion in the year 2000.

We are experiencing substantial population increases during the decade of the 1960's. A United Nations projection has predicted an increase during this decade of 35 million for the States, 61 million for Latin America, 72 million for Africa, 266 million for Asia excluding China, and about 750 million for Asia including China. This means an increase during the present decade of over 800 million. We are already halfway through this decade, and nearly halfway toward the projected increase.

The United States now has approximately 6 per cent of the world's population. It is projected that by 1975 the U.S. will have approximately 5 per cent of the world's population, and by 1985 only 4 per cent. These figures underscore the fact that the world areas of dense population and of bountiful food supplies do not coincide.

FOOD PRODUCTION TRENDS

From the beginning of history, man has always been in a struggle to feed himself, with the possible exception of the Western World in the last two or three decades. From the beginning of the human race until now, man gradually developed the food production capacity required to sustain 3 billion people on the earth, although many many persons have a very meager available food supply per capita. If the 6 billion plus people predicted by the year 2000 are to be sustained, with no improvement in diet whatever, man will need to develop the capacity to feed another 3 billion people—and this must be done in the short term of one-third of a century. This means that we must duplicate in the next generation the production record that man has achieved since the dawn of history. And we must do this at a time when nearly all of the virgin islands of the world have been brought into production and when we face increasing inroads on arable land by the urban sprawl, developing highways, parks, recreation sites, and the like.

The challenge is great, but the situation is far from hopeless. The world's land surface is currently estimated at 32.9 billion acres. Of this, 3.5 billion acres, or just under 11 per cent, is classified as arable land and land in three crops. We actually plant to crops considerably less in a given year, usually under 2.4 billion acres, or only about 7.6 per cent of the earth's land surface. We have another 6.4 billion acres, or 19 per cent of the earth's surface, in permanent meadows and pastures. Thus, if we include this with crop land and tree land, we account for about 30 per cent of the earth's land surface. It is possible that some of the remaining 70 per cent may someday be brought into agricultural production, as capital becomes more plentiful, as cheaper sources of energy are developed, and as more efficient means of converting sea water to usable water become available. It should be noted that until a generation ago, most of the increase in the world's food production came from opening up virgin lands. In the immediate future, however, we cannot count on a substantial addition to arable land from this source.

There are only two possible answers to the problem posed above: (1) increased agricultural production worldwide, with sufficient trade flexibility to permit effective geographical distribution, and (2) a widespread and rapid increase in birth control practices. In the long run, say by the close of this century, birth control is the only solution. But this is developing extremely slowly in the population pressure areas of the world, and probably will continue to develop slowly because of the low levels of education and living standards. In the heavy population areas of the world, the girl babies are here. They can be mounted. When they mature, just a few years hence, it is inevitable that births will increase markedly. The only thing that can alter this will be a marked increase in education, in economic levels, or a substantial change in religious attitudes and social mores. These factors have not changed markedly in the last decade. There is little reason to believe that there will be sufficient improvement in the next decade to provide the kind of environment in which birth control can become rapidly effective on a broad scale. Hence the immediate need before us is to increase agricultural production and to work out more effective means for distribution of our foodstuffs—just the converse of some of the agricultural and trade policies currently popular in the United States.

Individual countries vary markedly in the share of land suitable for cultivation. Moreover, population and arable land are not at all evenly distributed. This accentuates the need for realistic trade policies. Asia, for example, has about 56 per cent of the world's people but only 31 per cent of the arable land. Western Europe, likewise, runs behind in arable land. In most of the rest of the world the inverse is true.

Perhaps the greatest variation among the nations in agricultural productivity lies in capital inputs, particularly in the form of fertilizer, drainage, irrigation, and technology. In this respect North America leads the world. The record of increased efficiency of production by North American farmers since the decade of the 1930's is nothing short of phenomenal. It is meaningful to use the trend in per capita grain production as an indicator of both agricultural progress and the quality of diet. A majority of all calories consumed comes from grains, either directly or indirectly, after conversion into meat, milk or eggs. Thus a rising per capita output of grains in any population makes possible either a rise in calorie intake or the production of additional animal protein if this is needed or desired.

World grain output increased 47 per cent during the 25 years from 1934–38 to 1960–61. During this time total harvested area increased by 15 per cent, and average yield by 28 per cent. However, there was tremendous regional variation. During that quarter century, both North America and Oceania more than doubled total grain production. Eastern Europe and the USSR gained only 24 per cent, Western Europe 31 per cent, Asia 41 per cent, Latin America 42 per cent, and Africa, undisturbed by the war, 54 per cent. The latter increases did not keep up with population growth. North America expanded its share of world grain output from 16.7 per cent in the years 1934–38 to 22.8 per cent in 1961. During this same period the Soviet Bloc share of world output was steadily shrinking from 23.5 to 19.8 per cent. Or if we divide the world into the two dominant economic regions—developed and undeveloped—we discover that output in the developed regions increased 51 per cent during this period, while that in the underdeveloped regions increased only 42 per cent. This is significant when it is remembered that the rapid population growth is in the undeveloped region.

A generation ago the underdeveloped areas of the world (Asia, Africa, and Latin America) were food surplus regions. Before World War II, the underdeveloped areas were exporting annually about 11 million tons of grain to the developed countries, notably Europe. During the early post-war years this flow of net exports was reversed, with a modest 4 million tons going annually from the developed to the underdeveloped countries. The population explosion in the underdeveloped world in the last couple of decades, coupled with a much, much slower increase in food production, has pushed food needs so high that the estimated movement into those areas in 1964 was 25 million tons of grain.

The underdeveloped areas of the world, once able to feed themselves, now clearly are dependent for their very existence on sustained food shipments from the developed nations, largely from North America, with the U.S. Food For Peace program figuring prominently.

The output of grain per capita of farm population has shown a striking increase in North America, more than trebling in the 25 years from 1934–39 to 1961. During the same interval, grain output per capita of farm population actually declined in Latin America and increased only modestly in Africa and Asia.

The supply of new land that could be brought under cultivation has been negligible during the past quarter century. Rising yields per acre have been the source of increased food production during that period, just as they constitute the only real hope for the next quarter century. Here again, unfortunately, the evidence is that the advanced nations can generate a sustained trend of rising yields much better than can the underdeveloped areas. Over the past quarter century, per acre yield in North America increased 109 per cent, as contrasted with only 7 percent in Asia and only 8 per cent for the entire underdeveloped world.

The major factors associated with rising per acre yields (yield take-offs) are effectively outlined by Lester R. Brown in an excellent USDA publication, "Increasing World Food Output," published in April 1965. These factors, briefly stated, are:

1. Reasonably high level of literacy. A yield take-off calls for the effective movement of new ideas and techniques from the research plot to the farmer. This is difficult in an illiterate society.

2. Per capita income above mere subsistence. There must be sufficient income to permit the manufacture and purchase of yield-raising inputs, such as fertilizer, drainage, etc.

3. Development of a market oriented agriculture. A sufficient share of individual farm output must enter the market to provide cash for the purchase of commercial yield-raising inputs. This is particularly necessary in a country with no unexploited land in which to expand, and this includes all the underdeveloped regions.

4. "Favorable prices" for farm products. Food prices at the farm must be sufficiently high relative to the cost of purchased production inputs to induce the use of the added input. For example, a pound of rice in Japan buys roughly three times as much commercial fertilizer as a pound of rice in India. Japanese farmers are among the world's heaviest users of commercial fertilizers, while only a very small share of India's 60 million farmers have ever used commercial fertilizer, insecticides, or fungicides. It pays to use these inputs in Japan but not in India. Yields are high and rising in Japan, but low and relatively stable in India.

Brown concludes: "To describe what it takes to generate a yield-per-acre take-off is, in a sense, to describe the process of modernization and development. Stated otherwise, the more advanced an economy is, the easier it is to generate a yield take-off. The densely populated, less developed countries, which have virtually exhausted the supply of new land that can readily be brought under cultivation, must compress a lot of progress into a very short period of time if they are to generate the yield take-off needed to feed their rapidly growing populations."

The transposition of the advanced mid-20th century agricultural technology of North America into the underdeveloped areas of the world will be, at the best, a very slow and arduous process. Yet, we must not despair in our efforts to build up the agricultural economies of the underdeveloped nations. To the extent that this can be done it will both promote economic and political stability within those nations, and will in part alleviate the burden that must inevitably fall on North American agriculture in the latter part of this century to prevent mass starvation in large areas of the underdeveloped world.

HIGHER PRODUCTION NEEDED

We thus face the prospect a decade hence that the great bread baskets of North America will be called upon to supply food for large areas of the world until the population-food ratio can again be brought into approximate equilibrium. The latter cannot be accomplished quickly or painlessly. We therefore face the challenge, in North America, to keep our food machine in a healthy state, fueled for a massive effort in the years ahead. We can add only a limited supply of additional arable land. We can get some additional food from the sea—but here again we face practical limits.

The only practical alternative available to us is the accelerated application of capital and technology to our own agricultural and food systems in an effort substantially to increase output per acre and per man. This means accelerated application and use of fertilizers, irrigation, better seed varieties, more pesticides, and extensive research inputs. We must not be lulled into a position of retreat on the North American agricultural front, because of current selective surpluses within our boundaries, because of uncertainties over the agricultural policies of the European Common Market, because of our declining number of farms and farmers, or because of the temporary rise of agricultural nationalism in many of the newer and undeveloped nations of the world.

The public conscience of the United States has moved toward a commitment, neither written nor enacted into legislation, but nonetheless real, that we will not permit mass starvation any place in the world. The two decades since the close of World War II have been the longest famine-free period in the history of the world. This has been possible largely because of the strategic deployment of American surplus foodstuffs under the Food For Peace Program. Many of these have been given away. It is true that substantial quantities have been exchanged for foreign currency under PL–480, but many of these transactions really represent ultimate gifts. We just haven't completed the bookkeeping transaction.

Since the start of this year, both President Johnson and Vice President Humphrey, the latter more specifically than the former, have indicated that we should give consideration in our agricultural policy to producing specifically to meet the food needs of the underdeveloped nations. Increasing numbers of congressmen also speak along this vein. When the time comes that food needs abroad are more apparent than now, it is my prediction that the U.S. Congress will find some way to meet them, perhaps under some kind of arrangement that resembles a sale, just like many people in this country think that our massive "sales for foreign currency" of surplus commodities over the last decade represent a genuine sale, when many of these transfers really were in the nature of a gift.

We must, therefore, view the tremendously efficient food industry of North America as one of the most powerful tools in our kit of international diplomacy. And then, having viewed it this way, we must pursue more sensible internal price support and production control programs than have persisted in recent decades. We must build strength under our great food processing and distribution system. Likewise, we must follow trade policies which are fitted more nearly to the economic realities of our times.

If we can catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead, then we can only be optimistic concerning the position of our agriculture in the international scene.

The opportunity for increased food production on the North American continent is tremendous. Agriculture is essentially a process of converting radiant solar energy into a form usable by humans. We use the plant as a vehicle to accomplish this energy transformation. Sometimes we use the animal as a further vehicle.

We are extremely inefficient in making this energy conversion. In the temperate zone, on a warm summer day, the solar energy that hits an acre of land is roughly equivalent to the energy in 5 tons of coal. If this is averaged through the calendar year, to include the winter season, the daily solar energy impact per acre is equivalent to approximately 3 to 4 tons of coal. If we assume that, through our best agricultural techniques, we can produce 120 bushels of corn per acre per year, year in and year out, this has an energy equivalent to about 3 to 4 tons of coal. This means, therefore, that we have now learned in our advanced agriculture how to capture as much energy in our year as God pours on our acres every day.

We think we are pretty efficient, when as a matter of fact, we are extremely inefficient. We get only about 1/360 part of the energy available. If we should somehow learn how to double production per acre, we would still be getting only about 1/180 part of the energy available. This means, therefore, that the potential area for the application of science in our agriculture is almost without limit. It staggers the imagination. The energy is here, the opportunity is here, the need is here. All we need is a complete national dedication to be on with the job.

Our danger today is that too many Americans are "At Ease" in a world still struggling. Two-thirds of the world's people live in chronic poverty, illness, malnutrition, disease, and general wretchedness. Ghandi once remarked "Even God dare not approach a hungry man except in the form of bread."

It is futile to preach to hungry people about individual freedom, democracy, and the dignity of man. Their compelling desire is bread.

This is the first time in the history of the world that hungry peoples have been clothed with political power. The number of nations in the world has more than doubled in the last two decades. These people are aware, through modern communication, that not everybody in the world accepts starvation, privation, and premature death as his inevitable partner. It will be impossible, in the generation ahead, for the Western World to live as an island of affluence in a sea of misery.

The North American continent, and primarily the United States, will be called upon within the decade for a massive effort to meet the impending crisis in the world population-food ratio.

It must be a major responsibility of all of us to keep our national food producing ma-

chine healthy and efficient. We must catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead. We must strengthen public confidence in the capacity of our food industry to meet the great challenge ahead of it.

To prepare for less than this will be to condemn a large part of the world to widespread famine and political instability on a wide scale unprecedented in history. In modern times, our own nation cannot remain insulated from such a catastrophe on the other side of the globe, either east or south.

Hence there is no realistic alternative except for us to gear up to meet this challenge.

THE PENALTY OF LEADERSHIP

SUMMARY OF REMARKS BY EARL L. BUTZ, PURDUE UNIVERSITY, BEFORE THE ANNUAL MEETING, PARKE COUNTY REMC, ROCKVILLE, IND., SEPTEMBER 9, 1971

Tonight we pay tribute to leadership—the leadership of a great man whom we know as Reuben Dooley, and the leadership of a great organization we know as the REMC.

The Parke County REMC is thirty-five years old. No one knows for sure how old Reuben is! But we do know for sure that for over one-third of a century this man and this organization have teamed up with this community and this state and nation to provide the inspired and imaginative leadership so essential for a progressive and a prosperous community.

Leadership has its own inherent rewards, but it also has its penalties. The leader can't pause to look back, lest he finds himself in second or third place. If he chooses to rest on his laurels, someone surpasses him with a newer and more attractive set of laurels. If he slips, there is only one way to go.

As the leader presses on toward his dreams, he cannot be dissuaded by the criticisms and small remarks of doubting people. The standard of leadership is never held in trembling hands.

Let's take a quick look at some of the things that have happened in Parke County over the last third of a century.

Some skeptics said that the fledgling REMC in little old rural Parke County would not become one of the nation's greatest and strongest—but it is.

Many people doubted that electricity would be brought to every nook and cranny of Parke County—but it was.

There were doubts about making Parke County one of the state's leading recreational centers—but it is.

Skeptics said that you couldn't capitalize on the beautiful and historic covered bridges in your county—but you did.

There were those who doubted that a wide variety of industrial enterprises would locate in Parke County—but they did.

Skeptics scoffed at the idea of a public golf course, county park, swimming pool, and this very Community Center where we meet tonight—but here they are, enjoyed by thousands of people. County planning and area planning were bad words for some people two or three decades ago—but just look at what they have produced in Parke County.

Obviously, no one man or any one organization can lay claim to being *the* prime mover in community affairs, but when a dedicated community builder like Reuben Dooley teamed up with a great service organization like REMC, and enlisted the volunteer help of literally thousands of good citizens of your county, Parke County simply had to become one of the best places to live in Indiana.

LEADERS, LABORERS, AND LOAFERS

At any moment of time our population can be divided into three categories: Leaders, Laborers, and Loafers. At some time each of you has found yourself in all three of these classifications. A much larger than typical share of this audience will usually be found in the leadership category.

The critical elements of leadership are brainpower and heartpower. These two items represent the most powerful resources at our disposal in America. Yet we seldom regard these items as one of our main resources.

The resource of trained leadership and intelligent minds is not exhaustible. Indeed, it increases with use. It wastes from nonuse. The more you use it, the more you have of it. The more you share it, the more there is to share. In this respect it is truly a unique resource.

In this scientific and technological age in which we live, with far-reaching economic and sociological adjustments taxing our very imagination, brainpower and heartpower are the critical factors undergirding further growth of our economy. Indeed, strength in this department is essential for our national security and for our very existence as the *Land of the Free*.

Our challenge is to produce leaders among our people, who can grow with the changing times.

There are today two great areas of leadership need. The first one is professional leadership. This is in the vocation where you work. The second need is leadership in living together. This is in the field of government.

LEADERSHIP IN YOUR PROFESSION

The need for professional leadership is obvious to all of us. Modern America is growing and dynamic, undergirded with large amounts of research, science, technology, and managerial capacity. It constantly calls for more capable leadership and trained minds in every sector.

America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—a 50 per cent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 30 years, at current consumption and production rates, we must add each year about 325,000 beef cattle, 50,000 dairy cows, 800,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction, in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

America Doubled in Your Generation! Think of what that means in terms of the need for skilled workers, service trades, recreation, and opportunities in a wide variety of fields of activity.

In the decade of the 1970's, 50 per cent more people will reach age 21 than in the decade of the 1960's. We're going to have at least 40 per cent more net new households next decade than last.

Downtown is being rebuilt in every major city across the land—and the process is only nicely begun.

The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need a lot of people who understand that, like Alice in Wonderland, they'll have to run like the dickens just to stay where they are. If they want to advance, they'll have to run faster.

A program of continuous education throughout life will be necessary for leaders in every profession to keep up with the rapid advances we face.

Science and innovation are constantly inducing obsolescence all through our industries and our professions. This underscores the fact that education is your responsibility and mine. An obsolete machine can be melted down and recast into a modern, efficient machine. However, an obsolete person, whose skills are no longer needed, cannot be cast on the "scrap pile". He must be retooled for a useful place in modern society.

It has been estimated that today's graduate will change vocations two or three times before he retires. This means he must be trained for a constant program of re-education. This is equally true for workers in the skilled trades and professions.

Half of the technical information possessed by today's specialist will be obsolete in 10 years. Half of what you must know to be successful 10 years from now has yet been discovered.

The very process of education in our generation has accelerated the rate of obsolescence as it applies to techniques, to communities, and to people.

Let us teach our young people in the professions and in business to be proud of their profession. Let us look with confidence and optimism to the challenging opportunities that face us. Let us catch a vision of the great task that is right now upon us.

LEADERSHIP IN GOVERNMENT

The second area where we need to develop leadership—and this is just as important if not more so than the first—is in the field of living together. This we call government. It may be at the community level, at the county level, city level, state, national, or international level.

Let us make government an honorable profession. Democracy needs intelligent leadership. Let us stop cursing the darkness and light a candle.

One of the challenges we face is to interest capable young brains and competent young leadership with vision in the challenging job of governing ourselves. It matters not what political party you affiliate with. Get into one of the parties. We're never going to have good government until we do interest the young men and young women of our country in assuming responsible leadership in the field of government.

Plato once said, "The price that men pay for not being interested in politics is to be governed by men worse than themselves." So it is today.

We are engaged in a global struggle for power today, with one center in Washington and one in Moscow. These are days when foreign idealogies wash our shores, and alien philosophies circulate in our midst—sometimes on the very campus here our children go to school. This is more than a material struggle. This is a battle for the hearts and minds of men.

Those of us who call ourselves leaders and who have the opportunity to fashion others into positions of leadership have on our shoulders the mantle for the kind of America we want to develop.

One of the most critical things we face in America today is the growing disrespect among millions of our people for law and order. This situation must be corrected.

A generation ago, both Indiana and the nation were predominantly rural. Family life was home-centered, and communities were viable organizations. Our citizens, in the main, placed a pretty high value on such traits as work, production, integrity, dependability, self-reliance, self-help, and old-fashioned patriotism.

Living close to the soil as our people did, or being only one generation removed from those who did live close to the soil, they understood production. They knew that if they would have more, they must produce more. They didn't subscribe to the philosophy of slowdown and strife that characterizes some groups in America today. Being small entrepreneurs themselves, or being closely associated with someone who was, they believed in the free enterprise and profit system. They understood the incentives for excellence inherent in this system.

Today we are predominantly an urban nation, and members of many farm families are essentially urban oriented in activity and in thought. Family life as we knew it a generation ago is under stress. Communities are difficult to identify.

In this new environment some of the values to which we subscribed a generation ago are threatened. We have among us too many apologists for America. There are too many of us who are at ease; too many who seek the soft comforts of affluence; too many who seek leisure—not production; extravagance—not thrift; personal indulgence—not personal sacrifice; personal license—not economic discipline. There are too many of us who regard old-fashioned patriotism as out of date and "for the birds."

There are growing numbers of us who feel that the only Commandment which really should not be violated is the Eleventh Commandment, "Thou shalt not get caught". The others may be violated with impunity.

We need to spend less time selling America to people overseas, and spend more time selling America to Americans. We need to spend more time talking about the many good things that are right with us, and less time crying about the little things that are wrong with us. The things that are right about America so far outstrip the things that are wrong with her that any honest comparison is ridiculous.

We must make our people proud of the institutions which have served our democracy so well in decades past. We must convince the young men and women in our schools and in our colleges that the American system works. Then we must somehow instill in them the idea that they must become a leader in government, a leader in politics, and a tireless booster for perpetuation of the American philosophy of freedom and opportunity.

We need to instill in our youngsters some of the old-fashioned patriotism that you and I got in the little one-room country schools we used to attend. Nobody then thought it was sissy to really thrill deep down in your heart when you studied about George Washington, Nathan Hale, Thomas Jefferson, and Abraham Lincoln. These men believed in a great idea and were willing to put their lives on the line to achieve it.

It's not enough for our people nowadays to stand up and sing America the Beautiful or The Land of The Free. They must sing the whole song. When they sing The Land of The Free, they must also sing The Home of The Brave. The two go together. If we ever lose the spirit of the latter, the substance of the former will disappear.

The Future Belongs To Those Who Prepare For It!

WHEN WILL OUR PROFITS RETURN?

REMARKS BY EARL L. BUTZ, PURDUE UNIVERSITY, BEFORE SOUTHEASTERN POULTRY AND EGG ASSOCIATION, ATLANTA, JANUARY 26, 1971

Some years back when I taught a course in agricultural prices, my students used to ask, "What is a fair price for eggs?" The only quick answer I could give was, "Ten per cent more."

The next question was, "What is a fair cost for feed?" Again, the only quick answer I could give was "Ten per cent less."

The answers I gave are always correct, especially from an individual point of view. The entrepreneur, whether private or corporate, always tries to maximize price and to minimize cost—in the hope of increasing his profit.

Profit is a perfectly legitimate goal in our society. The desire for profit in a free enterprise society is one of the most powerful incentives in the mind of men ever devised to make men dream, work, risk, venture, invest, and grow. It's a principal reason why the free world continues so far to outstrip the Iron Curtain world in terms of the everyday goods and services that make life so pleasant for so many million Americans.

However, sometimes our price-cost structure gets out of kilter. Profit opportunities become uncomfortably adverse. That's where poultrymen find themselves today. If my students of 20 years ago were to ask me today about prices and costs. I would have to answer, "Prices are 10 per cent too low" and "costs are 10 per cent too high." That puts profits well below the equilibrium line—and in many cases below the zero line.

WHY DID OUR PROFITS VANISH?

As nearly always happens when prices maintain above the "equilibrium level" for any sustained period of time, resources are attracted into the industry, production expands, and prices suffer. The poultry industry is no exception. That's just the way producers respond to price incentive, in nearly any industry which has a large number of independent producers. Eggs enjoyed pretty good prices for some 18 months prior to the second quarter of 1970. During that same period feed costs were relatively low, making for comfortable profit margins. This was also a period of relatively high prices for red meats. It was a time when the economy was generally expanding, at least at a more rapid rate than it has in the past several months.

A year ago this month, fancy large shell eggs topped 62 cents on the New York wholesale market. That was nearly twice the 33 cents on the same market just two years earlier. It was too good to last—and it didn't.

Egg production in late 1970 averaged moderately above a year earlier. The laying flock, last October 1, was 2 per cent above a year earlier, and there were nearly 5 per cent (4 million) more pullets three months or older not yet laying. Although the egg-type replacement chick hatch last August was down nearly a fourth, September hatchings held their own, and increased 4 per cent in both October and November. The turnaround occurred in December, with hatchings down 10 per cent from a year earlier. In January, eggs in incubators were down 12 per cent from a year earlier. Hatchings will likely continue below year earlier levels until late summer, perhaps September or October, when they may start up again.

The rate of lay per hen in the months ahead will probably be above a year ago because of the larger number of pullets entering the laying flock and increased culling of old flocks. This means that the laying flock likely will increase still further, and average moderately above a year earlier, at least through mid-1971. If rate of lay increases slightly, eggs available will increase even more than the laying flock.

This expansion in production comes at a time when the general economy is soft, when unemployment is up, when overtime pay has been substantially reduced, when consumer spending is down and saving is up.

At the same time, pork prices are markedly lower than a year ago, reflecting increased supplies and heavy promotional programs in the meat counters. Chicken meat prices are down, and beef prices are off from a year ago.

This all adds up to lower egg prices. While it may be difficult to demonstrate a statistically significant relationship between high red meat supply, low pork prices, and lower egg prices, logic dictates that any effect, even though moderate, must be on the adverse side.

Couple this with the fact that the demand for eggs has apparently become less responsive to price than formerly, and you get aggravated price declines in the present situation. Economists used to figure that a 4 per cent change in price of eggs would call forth a 1 per cent change in quantity taken. Recently the swings have sometimes been as much as a 10 per cent change in price for a 1 per cent change in quantity. As a consequence, the difference between shortage and extreme oversupply really has a knife-edge impact on price.

THERE ARE HIGHER PRICES AHEAD

The egg price situation really isn't as bad at this point as it might be. Prices are holding fairly well (at 37–40 cents New York wholesale) compared with the disastrously low levels of three years ago that in some months broke through 30 cents. In recent months movement into processed egg products has been good. This does represent in part response to a relatively low stock build-up during the flush season last summer. People expected lower prices last fall and did not build the usual amount of stocks.

Further price declines are in prospect during the first quarter and into the second quarter of this year.

Egg prices this spring likely will show about the usual seasonal decline, which fortunately is much less than the sharp decline that occurred in the spring months of 1970. In addition to the larger expected production in the six months ahead, egg prices will be under pressure from larger supplies of other high protein foods. However, the demand for shell eggs for breakers will be higher than usual during the first half of 1971, and will tend to lessen the pressure on prices.

Prices may swing near the 30 cent wholesale New York level in May 1971. Following that they should increase, and should be back up slightly above the 40 cent level by fall of 1971.

While this isn't a too happy prospect, indications by the fall of 1971 are that supplies will be coming under control and that prices during the 1971–72 season will again be trending upward.

FEED WON'T ALWAYS BE THIS EXPENSIVE

The other side of the profit equation is feed costs. Laying ration ingredients will continue high priced at least through the first half of 1971. What happens after that depends on crop conditions in the summer of 1971. While it is impossible at this juncture to forecast the effect of the southern leaf blight on corn production in 1971, we always have a tendency to overestimate the long-range impact of any unusual situation, like the leaf blight in 1970.

While blight did seriously impair the 1970 corn crop, this writer stakes his reputation on the prediction that the Corn Belt is going to stay in the corn business—in a big way—and in the soybean business too. It may well be that 1971 production will be down moderately until we can shift more fully to blight-resistant varieties. However, at this juncture, knowing as we do the ability of both scientists and farmers to re-

spond to a threat to a major crop, a reasonable prediction is that total feed production in 1971 will be up, and by the end of the year ingredient prices may be somewhat lower, perhaps even more than the futures markets currently indicate.

The poultry industry is now sufficiently mature that it should be able to iron out violent fluctuations in supply, and consequent inverse fluctuations in price. Sixty-cent eggs (New York Wholesale prices) are pleasant while they last, but I don't know of anyone who believes them to be in the long-time interest of the poultry industry. They are always followed by disaster. A basis for rational decision making exists in the marketing guides issued by USDA. However, these guides have been something less than effective. Recent action of United Egg Producers and the National Broiler Marketing Association are steps in the right direction, and evidently claim some measure of success. A continuing educational program may keep rational producers from going overboard when prices are abnormally high. The resulting crash just isn't worth it!

LONGER RANGE PROSPECTS LOOK UPWARD

Total U.S. demand for food has been increasing about 2 per cent annually, based on a population increase of about 1½ per cent and an upgrading of our per capita eating by about ½ per cent. This trend will likely continue.

It appears that the government clearly got the message in last fall's election. Our people are more interested in an expanding economy, full employment, and rising wages, than they are in rigid inflation control. This means that by the latter part of 1971, and especially by the middle of 1972, the economy should be moving upward vigorously. This probably means increased consumer spending—perhaps at the expense of the rate of saving.

But be these short-time economic and political fluctuations as they may, the long-time trend is vigorously upward. America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—a 50 per cent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 30 years, at current consumption and production rates, we must add each year about 325,000 beef cattle, 50,000 dairy cows, 800,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

America Doubled in Your Generation! Think of what that means in terms of the need for skilled workers, service trades, recreation, and opportunities in a wide variety of fields of activity.

In the decade of the 1970's 50 per cent more people will reach age 21 than in the decade of the 1960's. We're going to have at least 40 per cent more net new households next decade than last.

Downtown is being rebuilt in every major city across the land—and the process is only nicely begun.

The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need to be provided with a growing supply of adequate, healthful, and nutritious food.

COWS AND CATALYSTS

SUMMARY OF REMARKS BY EARL L. BUTZ, PURDUE UNIVERSITY, BEFORE TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION, FORT WORTH, TEX., MARCH 16, 1971

A catalyst is defined as a substance which accelerates a reaction, but is itself unaffected by the reaction. Many kinds of catalysts are used in manufacturing processes to speed up desirable reactions.

If some catalyst could be compounded which would markedly increase the total effective demand for beef, and at the same time reduce production costs, the cattle industry would be in the "Promised Land."

Fortunately, some such catalysts are available, and are working in the interest of the beef industry. They're not spectacular, but they're nonetheless real. Two of these catalysts operate largely independent of beef producers, and two others are at least partly under the direction of beef producers.

TOTAL DEMAND FOR BEEF WILL RISE

The total effective demand for beef in the years ahead will depend on two factors: (1) Size of the population, and (2) changes in the amount of beef consumed per capita.

The latter factor in turn is dependent upon three things: (1) The amount of increase which may be expected in per capita real income (taking into account the relatively low income elasticity for food); (2) the impact on per capita consumption of an aggressive promotional and merchandising campaign; and (3) the impact on per capita consumption from lower relative selling prices and improved quality in the retail counter as a result of a stepped-up research program in the whole beef industry.

The first two "catalysts" listed above operate largely independent of anything the beef industry can do. The second two are largely under control of the leaders in the beef industry.

Each of these items will be discussed briefly.

Our exploding population means a substantial increase in our consumption potential, even assuming for the moment a static per capita consumption. Our population now surpasses 205 million. It's growing by about 3 million per year. It has been estimated that by 1980 our population will be around 235 million. By the year 2000, it will be skirting around the 300 million mark. That's an increase of some 95 million in less than three decades. That's nearly equal to our population growth over the past five decades—from 1920 to 1970. It's a fourth greater than our population growth during the entire nineteenth century—when Texas ranches were being developed to feed our "growing nation." A 95 million increase in population represents a 46 per cent increase from the present base. Therefore, assuming no change in per capita consumption of beef, we could expect a 46 per cent increase in total domestic outlet for beef in the next 29 years.

Let's look now at the second "catalyst"—the rising purchasing power of our people. In the last 25 years the per capita real income of our people (after taxes and inflation) has increased by some 50 per cent. Reliable predictions are that it will increase by another 50 per cent in the next 25 to 30 years. Many economists think it won't take that long to go up 50 per cent.

While we don't increase our food consumption proportionately as income increases, we do eat some better. We improve the quality of our diet.

We do this by shifting to a protein diet, and other more expensive protective foods.

It is common knowledge that beef is a relatively desirable item in our national diet. It has sometimes been called a "luxury meat."

If our per capita real incomes go up by 50 per cent in the next two or three decades, we can be almost certain that the demand for meats, including beef, will rise some, although not by a like amount. And it's probable that the effective demand for beef, as a result of this income rise, will go up a little more than that for other competing meats.

If we can assume that the income elasticity for beef is 0.20, and it's my feeling that this assumption is on the conservative side, then we conclude that a 50 per cent increase in per capita income would result in a 10 per cent increase in the relative amount that would be spent for beef and beef products. This of course is at the retail level. It is likely, however, that as incomes rise, consumers will purchase more services with their food. Therefore, not all of this increase in expenditures for beef would be reflected back to producers. Hence, just to be conservative, if we cut the estimated income elasticity from 0.20 back to 0.10, this would then give us an estimated 5 per cent increase in the amount of money spent for beef and beef products (at the farm level) resulting from a 50 per cent increase in real income per capita. Multiply this by a projected 146 per cent people base (46 per cent more by the year 2000) and you get an increased demand of 8 per cent. When you add this to the 46 per cent increase in people, you get a projected effective increase in demand of 53 per cent. Give or take 10 per cent one way or the other, that's a pretty sizable job ahead of us.

PROMOTIONAL POSSIBILITIES ARE OFTEN OVERRATED

We turn now to the third "catalyst"—promotion. Some enthusiastic supporters of a greatly stepped-up promotional campaign for beef expect results which it probably will be difficult to attain. We should be relentless in our efforts to acquaint the consuming public with the advantages of a high protein diet based upon a growing animal agriculture. Our efforts should be to expand the consumption of all meats. If we dissipate our resources in attempting to persuade consumers that they should eat more beef—perhaps at the expense of pork or lamb or poultry, about all we accomplish is to induce the pork, lamb, and poultry industries to spend an equivalent amount of money in "offset promotion," and the whole industry ends up about where it started except with a big promotional bill on its hands.

This is clearly an area that calls for a well-coordinated effort by all of animal agriculture.

THERE'S GREAT PROMISE IN RESEARCH

Research—the fourth "catalyst"—is under our control. It offers real promise on both the production and the marketing side. Research on the production side can be cost-reducing, and research on the marketing side can be consumption-expanding. Indeed, reduction in production costs themselves can be consumption-expanding, if such cost reductions are at least partly translated into relatively lower selling prices at retail.

We have stepped up our efficiency of beef production in recent years, but not enough. Over the past 30 years, cattle numbers in this country have grown only a little faster than our population. Cattle numbers increased about 64 per cent and population about 54 per cent from 1940 to 1970.

Thus, if beef marketings were geared to cattle numbers alone, consumers would be getting only 20 per cent more beef per capita now than they did 30 years ago. But the production of beef per head has also increased by some two-thirds, so that consumers now eat substantially more beef per capita than three decades ago. Our people in 1970 ate a record-shattering 113 pounds of beef per capita, contrasted with 55 pounds per capita in 1940. This is an increase of 106 per cent from 1940, and an increase of 38 per cent just from 1957–59.

This remarkable increase in beef output per animal results from (1) a change in the product mix including a relative decline in dairy cow numbers, (2) sharply increased supplies of fed beef, and (3) a substantial input of research in the beef industry.

However, before we reat on our research laurels in the beef industry, we must take a look at our cousins in the poultry industry. Per capita consumption of poultry meat in this country has nearly tripled since 1940, being 290 per cent of the earlier figure in 1970.

American consumers have not flocked to increased poultry and turkey consumption in such record proportions because they suddenly preferred drumsticks over T-bones. They did it because poultry and turkey meat have been placed in the retail counters of America at such attractive prices that Mrs. Housewife just couldn't resist picking up an extra package or two. And these attractive prices were made possible because the modern poultry industry is based almost entirely on research. Today's poultry industry would have been impossible 30 years ago, without the research applications that have gone into it since World War II. Research in the poultry industry has advanced on the multiple fronts of genetics, physiology, nutrition, and management. No sector of the industry has been left unexamined, from the feed bag to the retail counter. Costs have been cut everywhere. Efficiency has been stepped up wherever possible. Even the time-honored breeds yielded before the more efficient production records of hybrid strains. An aggreasive program of research enabled the poultry industry to build a great new market in this country where only a small one existed before.

We need to step up our total research program in the U.S. beef industry. If we are going to meet the anticipated more than 50 per cent increase in effective demand for beef in the next 30 years, we'll probably do about half of this with increased cattle numbers and about half with increased production per animal. The cattle cycle will continue in the foreseeable future, with ups and downs in numbers about as in the past. However, each peak will be higher than the previous peak, and each trough higher than the previous trough. In 30 years we'll need at least 140 million head of cattle in this country to feed our growing population, assuming that we can in the same time increase our beef output per animal by one-fourth.

A one-fourth increase in beef output per animal won't be easy. We can't reduce dairy numbers much more. Cattle feeding will grow some more, but it can't continue to increase at the same rate as in the last decade. By the late 1970's, growth in cattle slaughter will be closely tied to calf crop increases, because by that time cattle feeders will be feeding nearly every suitable animal.

This is the job cut out for research.

Research is the expandable term in the beef equation for tomorrow.

The people will be here by the millions, their incomes will be high, and their appetite for beef will be whetted.

What a fertile reactor into which to pour a generous quantity of our most effective catalyst—Research.

THE GROWTH FACTOR IN AMERICA WAS NEVER GREATER

An important catalyst affecting all of us is the rate of growth in the U.S. economy. It is headed sharply upward.

The government clearly got the message in last fall's election. Our people are more interested in an expanding economy, full employment, and rising wages, than they are in absolute inflation control. This means that by the latter part of 1971, and especially by the middle of 1972, the economy should be moving upward vigorously. This probably means increased consumer spending—perhaps at the expense of the rate of saving.

But be these short-time economic and political fluctuations as they may, the long-time trend is vogorously upward. America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—nearly a 50 percent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 30 years, at current consumption and production rates, we must add each year about 500,000 beef cattle, 50,000 dairy cows, 1,000,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction, in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

America Doubled in Your Generation! Think of what that means in terms of the need for skilled workers, service trades, recreation, and opportunities in a wide variety of fields of activity.

In the decade of the 1970's, 50 per cent more people will reach age 21 than in the decade of the 1960's. We're going to have at least 40 per cent more net new households next decade than last.

Downtown is being rebuilt in every major city across the land—and the process is only nicely begun.

The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need to be provided with a growing supply of adequate, healthful, and nutritious food.

MAN AND HIS ENVIRONMENT—CRISIS OR CHALLENGE?

(By Earl L. Butz, Ph. D.)

Man is the most versatile and adaptable of all the animals. He has learned, in varying degree, to tame the natural elements and to modify the physical environment in which he lives.

In the last 30 minutes on the 24-hour time clock of recorded human history, man has extended his habitat from the tropic (and friendly) Garden of Eden to the frigid (and hostile) tundra of the Arctic; from the high Alps of Switzerland to the below-sea levels of Death Valley, from the parched plains of the Gobi Desert to the rain-drenched isles of the South Pacific; from the 24-hour cycle of day and night where you and I live to the six-month-long days and nights of the sub-Arctic. In this short time, enlighted humans have found it possible to survive in habitats that formerly were marginal or even impossible.

In short, man has disturbed the balance of nature. He has altered his ecosystem. This has brought great rewards to him, but not without peril and cost. It is to a consideration of both the rewards and the costs that this paper is primarily addressed.

POLLUTION IS NOT NEW—JUST MORE INTENSE

Man has been a polluter, of sorts, ever since he discovered fire. Indeed, he wasn't nearly as clean in his living patterns and as sanitary in his personal habits centuries ago as are his modern descendants. We know something about the way the caveman lived by examining his rubbish pile. He polluted the air, the water, and the soil. But he didn't live in dense urban concentrations, and he had such a vast array of space and natural resources available to him that any pollution was so diluted that it was inconsequential, if it was even noticeable. Indeed, his animal and human wastes were recycled into the soil and became an asset in his plant culture.

From that early day until now, our population-resource ratio has narrowed markedly, our per capita demand for resources has risen sharply, our population curve has accelerated upward at an alarming rate, and the opportunity to move on to virgin and unspoiled areas is virtually nonexistent.

Small wonder, then, that we are all concerned about environment, resource use, pollution, and quality of life. In the last half dozen years interest in these areas has built up to near fever pitch. We are probably right now at a peak in our national clamor to "do something" about pollution.

We have a certain amount of faddism in our support for public causes. Think back over the last half dozen years or so. A couple of years ago our great national concern dealt with malnutrition and hunger. A greatly expanded federal food stamp program resulted. A revolutionary new concept in welfare was placed before the Congress by this administration. Before that we were all steamed up over racial and ethnic discrimination, with a wide variety of organizations carrying that flag.

Today I think it can be said that 1970 will go down in history as *the year of the environment*. In another year or two the very same organizations and media that wave the environment flag so vigorously today will have still another torch in their hands—and wave it just as enthusiastically. It is difficult to keep public interest at fever pitch in any movement more than a year or two.

Perhaps it's better this way. It is a well demonstrated American trait to over-react to crisis. When any issue is at the crest of its "agitation curve," exaggerated statements are made, perils are overemphasized, emotions are stirred up, and some unwise things are done. But on the other hand, governments are moved to act, corporate managers are made aware of their public responsibilities, and Mr. John Q. Citizen also decides that he too may be called upon to share in the cost of improving the situation. When public clamor subsides a bit and we enter the subcrisis stage of public discussion and concern, it is always possible to make sounder decisions, to formulate better programs, and to move forward on a rational basis. There is

evidence that our nation is just now entering that phase of environmental awareness.

THE POPULATION EXPLOSION

The current furor over environmental pollution is, in fact, merely an expression of *people-lution*. The classical "solution to pollution is dilution" is completely inadequate as the concentrating population generates pollutants faster than the available diluents of air, water, and space can absorb them.

At the beginning of the Christian Era, world population was estimated to have numbered around 250 million. In the next 15 centuries it doubled, reaching 500 million by the year 1600. Three centuries later, by 1900, world population had tripled, and stood at 1.5 billion. In a little more than two-thirds of a century since 1900, world population has doubled again, and now stands at about 3.5 billion. Reliable estimates indicate that in the little less than one-third of a century remaining until the year 2000, it will double again, and will stand somewhere between 6.5 and 7.0 billion people.

Let's put the same growth curve another way. The human population in the world reached its first billion about 1850, the second billion by 1930, and the third in 1961. The fourth billion is due in 1975, and the seventh is due by 2000. At that point the doubling time is likely to be about 23 years.

This means the population of the earth will increase within 30 years by as much as it has increased over the last 30,000 years.

The astonishing fact is that the human race as a whole is currently doubling every 30 to 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If the population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, that rate of growth cannot persist indefinitely because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

Or to put it in still different terms, within 100 years from now at present rates of increase, the world population will aggregate nearly 60 billion humans, equivalent to 1,000 people per square mile, or more than the density of people in New Jersey, over the entire land mass of the planet, including all the mountains, all the deserts, and both polar icecaps.

We haven't been doing quite that well in the United States, but we have been growing pretty rapidly. We reached 50 million by about 1880, 100 million by 1917, and 200 million in 1968. It looks like we'll hit 300 million by 2000.

Obviously, this is a geometric increase. But alarming as it is, it falls short of describing our trouble in true proportion, for certain social and environmental conditions are changing even more rapidly than the population.

In the first place, we don't know a great deal about the effects of high density population on human beings. It is clear that concentrations of people commonly produce high rates of abnormal social and psychological behavior. We know that disease potential increases with high density population. We don't know enough about the relationship between high density population and the rapidly accelerating increase in competition and the complexity of relationships among individuals. The resulting higher sociological and psychological stress no doubt is a contributing factor to high drug usage, breakdown of law and order, and a threat to organized society itself.

In the United States in 1970, only about 25 per cent of the population lives in rural areas. Or putting it another way, three-fourths of all the people live on one per cent of all the land.

HUMAN DEMANDS ALSO SKYROCKET

Another aspect of the environmental problem, in the western world anyway, involves the skyrocketing curve of human wants and needs. The production of electric power is doubling every decade, and with it the thermal pollution of water, increased pressure on clean air, and marked invasion into our limited supply of fossil fuels. In North America, automobiles are increasing twice as fast as people; draw your own conclusions relative to the impact on atmospheric pollution and the growth of unsightly junkyards. As per capita income levels have risen and dietary patterns have grown more sophisticated, our food supply is possible only through increased use of chemicals and pesticides with their attendant regulatory and residue problems, animal feeding in large concentrated units with concomitant waste disposal problems, and a higher solid waste production associated with modern food merchandising and processing. These simple illustrations are indicative of the manner in which a geometric growth curve of human desires imposed upon a geometric growth curve of population can, in time, stretch the population-resource ratio to the breaking point. We are not there yet, but we are on the way.

Solid waste production is also growing. Even this is on a geometric curve. The per capita production of solid waste in this country is now about five pounds per person per day. This has doubled in the last couple of decades. The figure is increasing at about 3 per cent each year, which when added to an increase of 2 per cent in population each year, means about a 5 per cent increase annually. If we were to include all industrial and agricultural wastes, the figure would rise to 8 pounds per person per day, or nearly 1½ tons per person annually. This aggregates to almost 300 million tons annually for the entire nation. What a load for incinerators, dumps, land-fills, garbage disposals, and sewage treatment plants!

Attempts to categorize and measure the various kinds of pollution have met with only limited success. We can pretty well quantify our solid wastes that move out of home, factory, and feedlot. Likewise, there are reasonable estimates about the quantity of emission of solids into the atmosphere, particularly from the automobile. The measurement of water pollution is difficult, as it occurs both from run-off from our farms and industrial discharge into our waters, and also thermal pollution, particularly from electrical generating plants. And in recent years we have heard a lot about noise pollution, especially near airports and busy highways.

We all point to the automobile as the major air pollutant. While one should not minimize the contribution automobiles make to air pollution, their share of the total pollution is often exaggerated.

The internal combustion engine that propels our automobiles emits 3 common pollutants:

1. Carbon monoxide (CO)
2. Hydrocarbons (HC)
3. Oxides of nitrogen (NOx)

Just a word about them and what is being done is in order.

It is estimated that motor vehicles produce 66 million tons per year of carbon monoxide—about 55 per cent of the total which is being emitted to the atmosphere. Other kinds of combustion produce about 23 per cent. The remaining 22 per cent comes from natural sources.

Automotive controls have removed about two-thirds of the carbon monoxide emissions from new cars with control systems which were installed on California cars starting with 1966 models, and nationwide on 1968 models. The greatest effect of this reduction probably is being felt in congested urban areas, where the number of vehicles during traffic peaks is increasing only slightly, if at all.

With respect to hydrocarbons, it is estimated that motor vehicles emit approximately 12 million tons per year—about 6 per cent of the total in the atmosphere. An estimated 85 percent of air-borne hydrocarbons are produced by natural biological processes.

Engineers in the automotive industry and in college laboratories have given high priority to control of hydrocarbons, largely because of the role which they play in the formation of photochemical smog. They have met with considerable success. Control mechanisms were placed on all cars in the California area in 1968, and in 1970 all new models were equipped with the latest control systems. Car manufacturers claims that it would take five 1970 models with the latest control systems to equal the hydrocarbon output of one uncontrolled car. As a consequence, the total emission of hydrocarbons from automobiles reached a peak in 1966 of about 16 million tons per year. Even with the increased number of automobiles in 1970, total hydrocarbon emission was estimated at 13 million tons, down nearly 20 per cent. As the older uncontrolled cars are retired from use, and replaced with newer cars equipped with full control systems, it is estimated that by 1975 total hydrocarbon emission from automobiles will be to 8 million tons, and by 1980 to 6 million tons. These estimates make allowance for the increased number of automobiles which will be in use by 1980.

It is estimated that motor vehicles emit 6 million tons of oxides of nitrogen (NOx)—only a small fraction (0.7%) of the total in the atmosphere. An estimated 95.3 per cent comes from natural sources. These oxides take part in the formation of photochemical smog, sometimes encouraging it and sometimes inhibiting it, depending upon atmospheric conditions. Automobile manufacturers claim substantial progress in reduction of this emission.

This is clearly a case where public concern over air pollution resulted in effective action, both on the part of governments and of the manufacturers themselves.

In spite of all the talk about electric automobiles, steam-powered cars, and the like, it is reasonably clear that the internal combustion engine is here to stay as an essential part of surface transportation. We have taken the sensible approach as we make modifications, even though they cost a little money, that reduce the emission problem to acceptable levels. It has been estimated by the automotive industry that auto emissions climbed to their peak a couple of years ago and have been going down since then. They will continue to go down each year, even though car population and vehicle miles driven will go up, so that by the early 1980's total vehicle emissions will be nearly comparable to what we had in 1940. And no one worried much about them.

We should not let our daily awareness of the automobile obscure other important sources of air pollution, such as industrial plants and municipal and private burning. Most industries, whether they contribute by smokestacks or through exhaust systems, add several types of air pollution to the atmosphere. Open burning on municipal dumps adds smoke and particulate waste in addition to deadly fumes.

Municipal and private utility companies are also examples of secondary sources of pollution. Electrical companies, while producing a non-pollutant source of energy and heating, use coal as a source of power. This coal consumption adds significantly to the smoke, particulate, and sulphur dioxide content in the atmosphere. Finally, the individual, farmer and city slicker alike, pollutes when he burns off his fields or burns his trash in the back yard.

We are making substantial progress in reduction of water pollution. It is estimated that in 1970 total expenditures in this country by government (federal, state, and municipal) will be $3,680,000,000 for water and sewage treatment facilities of one kind or another. In the federal budget that President Nixon recommended to Congress last January, he included $800 million for 1970 for water pollution control. This compares with only $214 million the year previously. He estimated that over the next five years, a total of $10 billion of federal funds should be appropriated for this purpose. However, we should recognize that solid waste disposal problems are compounded by the abatement of water and air pollution. Chemicals and sludge collected in waste water treatment plants and particulates washed from industrial smoke must be collected and disposed of in some manner.

Agriculture is one of our big solid waste producers. On top of that, agriculture contributes its share of water pollution in the nature of nitrates and nitrites, ammonia, and persistent pesticides such as DDT, Dieldrin, Endrin, and Toxaphene. Yet we must hasten to point out that it would be impossible to produce our modern food supply without the use of such pesticides.

One of agriculture's "messiest" problems is manure disposal. And it is going to get worse in the future.

Farmers are caught right in the middle of consumers' demand for more red meat—with less pollution from its production. But we have not yet found a way to produce a tasty sirloin without some cow manure as a byproduct.

Historically, manure disposal on the American farm was relatively simple, when most farms were diversified with both livestock and crops. Manure that fell in the pasture was automatically recycled back into the land. Manure that fell in the barnyard or barn was spread on adjoining cropland where the nutrients were re-used by next year's crops.

Today much of the two billion tons of manure produced by farm animals each year is dropped by animals concentrated in large units. Since we have developed methods to produce inorganic fertilizers cheaply, the value of manure as fertilizer today is often less than the cost of storing and spreading it. Thus, it is regarded as a costly disposal problem.

Animal wastes thus accumulated must be disposed of somehow. However, animal wastes pollute the environment in a number of ways. Odor is an obvious pollutant; it is one that livestock producers have learned to tolerate or even appreciate, depending on the price of livestock. But neighbors—especially if they are not farmers—don't have the same economic interest in that smell.

The run-off from barnyard manure, entering streams, ponds, or lakes, can pollute those waters in several ways.

It is little wonder that cities show increasing interest in concentrated livestock operations anywhere within or even near the watershed from which they draw their water supply.

Fortunately, there are safe and sanitary ways of disposing of barnyard manure besides spreading it back on the land, but try to convince an urban politician that his water supply is safe so long as one of those fully modern feeding installations is located anywhere within his watershed!

CAN POLLUTION BE CONTROLLED?

We now come to the $64 question. Can pollution be controlled? Can it be slowed down? Can it hopefully be reversed?

The answer to all of these questions is a resounding YES—if we want to pay the cost. We have already reduced substantially the pollution from the internal combustion engine. Industrial plants have spent and are spending tremendous sums to reduce both air and water pollution. Agriculture has made great strides in the safe use of chemicals, biologicals, and herbicides, and is making real progress in the disposal of animal wastes.

While of course we always need added research on any problem, and there are additional refinements that can be made in practically any process, we do know how to reverse our headlong plunge toward a complete fouling of the nest in which we live. We are making progress. While much remains yet to be done, let's not discount for a moment the advances we have made.

HOW MUCH WILL IT COST?

A study made earlier this year and reported in *U.S. News and World Report* indicated that it would take $71 billion to clean up polluted air, land, and water in this country in the next five years. The study estimates that $54 billion is required to clean up the waterways, $13 billion to combat dirty air, and $4 billion to improve methods for disposing of solid wastes.

Give or take $20 billion one way or the other, and you still have a pretty sizable price tag on our cleanup job. It is very likely more than the body politic will appropriate for that purpose. But all of it won't have to be appropriated. Part of it will come out of your pocket and mine in a higher cost for the automobile we buy, the electricity that lights our house, or the food that comes to our kitchen.

It is important that we as a nation recognize that solutions to these and similar problems rest not with some distant entities such as corporations or the government, but with each of us as individual citizens.

Some while back the comic strip character Pogo said about pollution, "We have met the enemy . . . and they are us!"

The emission control systems on the automobile don't come for free—the purchaser pays for them. If ultimately we get lower compression engines, unleaded gasoline, with perhaps lower energy conversion ratios, we'll have to pay for it. There is no short cut.

If power generating plants install emission controlled devices and minimize thermal pollution, those of us who buy electric power will pay for it.

If the disposable soft drink can, the no-return beverage bottle, and the plastic detergent container gave way to some other—and perhaps more costly—method of distribution, we'll pay for it. There is no short cut.

DON'T OVERLOOK THE BENEFITS

On the other hand, we should recognize that economic benefits also • • • the total cost of cleaning up our environment, estimated earlier at $71 billion over five years, is gross cost and not net.

Cleansing the environment actually will save vast sums, in addition to enhancing the quality of day-to-day living. It has been estimated that polluted air costs some $13 billion a year in property damage from soiling, corrosion, and abrasion of materials. It is difficult to estimate how many more billions should be added for health care bills and the loss of farm crops.

Similarly, polluted water costs the nation perhaps $12 billion a year. The five-year economic loss of $60 billion is more than the estimated tab for making waterways cleaner. Improving the disposal of solid wastes, authorities say, would contribute to better public health, save money on trash collection, incineration, and dumping.

Government and industry together are spending only millions annually to fight air pollution. The study cited above indicated the five-year bill for air pollution would be about $13 billion over five years, or about $2.6 billion annually. It has been estimated that damage caused by air pollution probably exceeds $13 billion a year.

John T. Middleton, Commissioner of the National Air Pollution Control Administration, recently said, "When we consider the priceless benefits of clean air to our health, adequate control of pollution is a bargain."

Air pollution corrodes steel 2 to 4 times faster in urban industrial areas than in the countryside. Farm losses caused directly by air pollution are estimated at over $500 million annually. Property values are depressed in residential areas where air is dirty.

Costs of this magnitude are easily within the range of reason. Our society will ultimately come to the conclusion that it can afford to spend whatever sums will be necessary to halt the degradation of our natural resources. In addition, it may decide one day to find substantial additional funds for restoration and enhancement of environmental quality. Increasingly we will come to regard the *quality of life* in this country worth putting real money into.

The gross national product in the U.S. in 1970 will be approximately $970 billion. The National Planning Association has projected that it will grow about $45 to $50 billion annually at constant 1970 prices. Only a modest fraction of this annual increment will be required to conserve our resources and enhance our environment one billion dollars per year or more put into environmental improvement would be less than one per cent of our G.N.P. We can and will do at least that much. While this may mean a slight reduction in the growth rate of real personal disposable income, Americans have always made greater sacrifices in income in order to improve the quality of living. Look for example at the reduction in the workweek from the 60 or 70 hours of a century ago to some 35 hours today. It is clear, in this instance, that our society has elected to trade off several hundred billion dollars per year in personal income in order to work fewer hours and increase the quality of living through expanded leisure time. However, we are now at the point where the enjoyment of leisure time has been seriously impaired by the limitations on recreational opportunities through environmental pollution.

We'll decide one of these days, as a body politic, to put more of our total resources into pollution control and environmental improvement to restore an ecosystem in which opportunities for meaningful living will be enhanced, with something like optimal balance that a rational ecological system would suggest.

RISK-BENEFIT RATIOS

Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything *absolutely* safe.

This is a world in which we constantly offset risk against benefit. We never completely insure our car against all hazards, our dwelling against total loss, our life for what it is *really* worth, or our health against every hazard. In practically every phase of our activity we take some chance. We are constantly trying to evolve a risk-benefit ratio which satisfies each of us, and which each of us can afford. If we completely insure against every risk, we may end up with nothing left to enjoy our new-found safe position.

A few illustrations will suffice. We must shortly decide whether we want to build additional power generating plants, with perhaps a tolerable amount of thermal pollution and atmospheric pollution, or whether we want to experience electrical brownouts on mid-summer afternoons when everybody turns on his air conditioner. We must decide how much additional cost we want to add to our total transportation bill to re-

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duce pollutants from that source to or even below tolerable levels. We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious, and economical food supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals or antibiotics. If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and overall quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the fabulous American standard of living.

We can go back to organic agriculture in this country if we must—we once farmed that way—75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed, even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

THE WORLD IS ON A COLLISION COURSE

By all odds the most serious pollution threat facing the world is the *people-lution* discussed earlier in this manuscript. This is the real source of the other pollutions. We simply are getting too many people relative to the resource base to support them. Population is increasing on a geometric curve, while food production is increasing on an arithmetic curve. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the western world itself.

If our world population doubles in the next three decades, as it very likely will, this means that we must learn somehow in the next generation how to feed as many more people as we have learned to feed since the dawn of history. And we must do this on even less arable land resources than we now use in agricultural production.

About a billion people live in the industrialized western nations of the world. They have about 10 percent of the available arable land, and are using much more than half of the earth's yield of material products. About 2.5 billion people live in the largely agrarian, underdeveloped nations, and more than half of them are undernourished and otherwise underprivileged.

It has been estimated that a child born in the United States requires in its lifetime at least 20 times the resources that will be used by a child born in India. This is a difference in living standards, and it measures the rate at which our natural assets are used up by an industralized society. It implies that a great deal of the world is not likely to be industrialized if anything near the present population level is maintained.

The U. S. has spent tremendous sums since the inauguration of the Marshall Plan in 1947 for rehabilitation of developing nations around the world. However, our outlook for the have-not nations should keep in sight some basic trends. This year the gain in world population will be 72 million. Next year it will be more, and the year after that still higher. If today half the world is underfed, underclothed, and undersheltered, what chance is there of catching up with that kind of population growth?

If we find it difficult to feed these pepole, what hope is there for the more costly aspects of our culture like education, medical care, recreation, and the like?

THE PROBLEM IS OURS

In closing, we come back to Pogo's observation about pollution, "We have met the enemy . . . and they are us!"

Therefore it is we, as individual citizens, who will have to decide how much we are willing to pay for a better quality of life beyond that which is truly necessary. And that includes population control. When we quit thinking of these problems as the concern of *others* and face the fact that they are ours—this nation can move forward with greater effectiveness toward the achievement of a better quality of life for all.

It is completely unacceptable to believe that there is no way out of the problems we have created. Unquestionably, there are risks involved, but none so great as the risk that we may quit risking, try vainly to set the clock back, abjectly surrender the goal of a better world in the mistaken belief that this one is as good as can be.

AMERICAN FREEDOM FROM HUNGER FOUNDATION, INC.,
Washington, D.C., November 18, 1971.

Dr. EARL BUTZ,
Secretary-Designate, Department of Agriculture, Mayflower Hotel, Washington, D.C.

DEAR DR. BUTZ: The enclosed resolution was unanimously passed at the annual meeting of the American Freedom from Hunger Foundation.

Not only was this an expression of the good will of the group in your new and difficult assignment, but it also was a warm word of gratitude for the many tangible contributions you have made as a member of the board. Though we understand you had to tender your resignation from our board, it is our hope that we may continue in a supportive relationship.

Sincerely,

L. DAVID BROWN,
Executive Director.

RESOLUTION

Motion made by Mr. Herbert Waters, seconded by Mr. Aled Davies:

Resolved, by the Board of Trustees of the American Freedom from Hunger Foundation, assembled in its annual meeting November 15, 1971, that we extend our congratulations and good wishes to the Honorable Earl Butz upon his selection by President Nixon to be Secretary of Agriculture; and

Express our sincere appreciation for his effective support of the work and objectives of our Foundation during his years of service as a member of our board; and

Look forward to continuing cooperation with Secretary-designate Butz in his new role, knowing his dedication to combatting hunger, poverty, and malnutrition at home and abroad.

Minutes, AFFHF Annual Meeting, Nov. 15, 1971.

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

The distinguished Senator from South Dakota has called attention to a statement by Dr. Butz about the small farmer having to adapt or perish. I want to say just two things about that. First of all, Mr. President, the farmer did not perish. He left the farm. I can say, as one who served on the National Advisory Commission on Civil Disorders that many of them went into the cities.

Mr. President, where do you think all those people came from who are poor, who occupy most of the central cities of America? They are people who did not perish and did not adapt, but were forced off the farms into the big cities, where their problems are infinitely greater and America's problems are infinitely greater. They did not perish. They continue to be with us, and they continue to have lives which are not the kind of decent lives Americans are entitled to.

The other thing I wanted to say about it is this: Dr. Butz would have us believe that corporate agriculture and big agriculture are with us and are going to increase because they are more efficient. I say, hogwash. If big agriculture and agribusiness and corporate agriculture are so efficient, why do they have to get so many billions of dollars out of the American taxpayers' pockets in subsidies?

The truth is that, under Democrats and under Republicans, we have subsidized the corporate and bigness takeover of American agriculture, first of all with big subsidies, half of which go to the big, rich farmers and corporations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRIS. I yield myself 1 additional minute.

We ought to say, "You cannot get more than $20,000 a year in farm subsidies," and then we would quit subsidizing bigness in agriculture with American taxpayers' dollars.

Second, with respect to land-grant colleges, as we have seen in Dr. Butz' background. While earning fees from large agribusiness corporations with which he was identified, he was also dean of a land-grant college which did research and had programs that directly served, not the small farmer, for which the land-grant colleges were established, but those huge agribusiness with which he was himself financially connected, I say that is a serious conflict of interest, as I said before the Committee on Agriculture and Forestry.

Third, we have subsidized bigness in agriculture by not enforcing the laws with regard to irrigation water. The taxpayers paid for the irrigation water projects and now we see huge conglomerates and huge corporations, particularly in California and other parts of the West, coming in and taking the taxpayers' irrigation project waters and violating the law which provides that a person receiving the benefits of those waters cannot have more than 160 acres. We ought to stop that. We are subsidizing bigness.

Fourth, we are subsidizing bigness by the tax laws that allow hobby farmers, doctors and lawyers and big corporations, like Tenneco, to get into farming, using losses under the tax laws so that they can compete unfairly with independent farmers like my father, who has no other way to make a living other than by farming.

Fifth, we subsidize bigness by not making Tenneco, Standard Oil, and other corporations like that subject to the same labor laws in farming that they must adhere to in their nonfarming operations. They are not subject to unemployment compensation and workmen's compensation and National Labor Relations laws in their farm operations, as they are in their nonfarm operations, and that gives them a special incentive to get into agriculture and into competition with those who make their living in agriculture.

Bigness is not natural. It is unnatural in agriculture, but we subsidize it. We have to stop it. We are not going to do so if when we put in as Secretary of Agriculture a man who has been in favor of it all along and who is still in favor of it.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the Senator from Vermont for yielding a few moments to me to comment on this nomination, and on the prospects that it holds for the country.

Whatever may be said of Dr. Butz, I think we all have to agree that he has made himself entirely available, in recent weeks, to discuss the national agricultural problems and his views on them, and I have taken advantage of that availability. Let me say I hope that he is as available in the future as he has been in the past to Members of the Senate to discuss these problems, and I think he will be. But I have taken advantage of that availability to discuss with him such questions as school lunches and food stamps, and I am satisfied that he does have an understanding of the necessity for these programs to the Nation, to the people of the country, and that his influence will not be cast in the direction of diminishing the beneficial effects of programs of this sort, but, on the other hand, will be toward promoting the useful progress and growth of the programs where they are necessary.

But more than that, I discussed with Dr. Butz what, I think, has been an outstanding failure of most Secretaries of Agriculture during my term of service in Congress. Since I first came here in 1960, I have seen a good many Secretaries of Agriculture come and go, and I must say, Mr. President, I have not found one of them who was aware that any farming at all was carried on between the eastern slope of the Appalachian Mountains and the Atlantic beaches. As far as I can see, the whole Agriculture Department has been conducting its operations with a view to what happens west of the Appalachians.

So I asked him the question. I said, "Dr. Butz, do you know that there are some farmers east of the Appalachian Mountains, and do you know that they have got other and different problems than farmers in other parts of the country, and do you know that they are a significant part, not only of the economy and of the society of the States where they live and work, but a significant part of the whole national agricultural economy and the entire national economy?"

I am sick and tired of having to witness the construction of farm programs that really aggravate the problems of east coast farming, rather than mitigating them—aggravate them in the most injurious possible way, when the east coast farmers have to contribute to the taxes to support programs that are actually damaging their own interests. I think it has been an inexcusable part of the national agricultural tragedy.

I am glad to say that I think Dr. Butz does have some understanding of this particular part of the problem, and I am going to vote for him. I am going to vote for him on the basis of these conversations. They are conversations that I am not going to forget, and conversations that I am expecting him not to forget.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. HARRIS. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. SPARKMAN. Mr. President, during the 25 years that I have been in the Senate there have been very few instances in which I have opposed a person nominated by the President to serve as a member of his official family. I have given much thought to the present nominee, Dr. Earl L. Butz. I have adhered in my reasoning to my long time philosophy that doubts should be resolved insofar as reasonable in behalf of the nominee. I have studied the present situation as best I can and I have come to the conclusion that I cannot support the nomination of Dr. Butz. I regard him as a man of ability, good character, and unimpeachable integrity. From the hearings, however, and from discussions with people whom I regard as among the best agricultural experts in this country, Senators and others, in whom I have great confidence, I have been driven to the conclusion that Dr. Butz is not the man who should head the Department that is supposed to have at heart, the interests of the farmers of this country. The farm situation is not good. It needs someone who will actively lead the country back to a degree of prosperity for the farmers that can compare favorably with others in our economy.

Like others of my colleagues who have already spoken, I am greatly concerned about the future of the small farmer, the independent farmer, and indeed the so-called marginal farmer. I do not believe that we should tolerate a system of agriculture that allows them to be pushed off the farms and, yet, I feel that the background of Dr. Butz is not such as to make one confident that these small, independent, family farmers will be protected.

Back in the days that Ezra Taft Benson was the Secretary of Agriculture, when Dr. Butz served with him, there seemed to develop a rather strong feeling, in official circles, that the small farmer was headed for elimination and particularly was this to be the case with the so-called marginal farms.

I know something about marginal farming and about the small family farms. My State is essentially a small farm area. There are many families whose farm operations could be called marginal, but who actually enjoy perhaps a better living than many of their higher paid urban neighbors working in manufacturing.

I grew up on a farm which I suppose would be termed by Dr. Butz as a marginal farm. Certainly, in that day when we had no farm programs it was difficult to make a living out of such a farming operation. However, in thinking back, I remember that we always had plenty of food, practically all of which we produced ourselves, and actually we had a good living.

I own a small farm today, a family-sized farm of 160 acres. I do not try to run it myself, but I rent it to a tenant. I am sure that his operation would be called marginal. However, I know that he and his family, a rather large family, by the way, have a good living. They grow practically all of the food that they require, they own an automobile, a truck, a tractor, good farm machinery, radio, TV, telephone—just about everything that any family could expect or want to have in order to enjoy a good life, even with a modest cash income.

I believe there is a place in agriculture and in our economy for the so-called marginal farms and for the small, independent family farms. I want them preserved. I want them protected.

I recall that when I first came to Congress, in the House of Representatives, lacking exactly 1 month of being 35 years ago, the first speech I made was in behalf of the Bankhead-Jones Farm Tenant Purchase Act. I had grown up on a tenant farm, and I knew what it was for a tenant farmer to desire, to have a craving, to be a farmowner himself.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. I yield the Senator 1 additional minute.

Mr. SPARKMAN. I was proud to be able to make that first speech in Congress on that program, and I am glad to know of the great success that it has been throughout the years.

At the present time the Senate Agriculture Committee is working on legislation for rural community development in the hope that the rural areas will be made a better place for people to live and that farming conditions may be such that the small farmer can make a living. The philosophy of fewer farm families runs contrary to this proposal and could spell, I believe, the doom of rural America and could mean a further glutting of our cities with frustrated men, women, and children of all ages.

I close simply with a quotation from Goldsmith:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.

I cannot feel that Dr. Butz has the feeling or the philosophy to provide protection and to assist in the preservation of the small, independent, marginal farms.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield myself 2 minutes.

Mr. President, President Nixon's nomination of Earl Butz for Secretary of Agriculture is a blow to our farmers not only because of Mr. Butz' devotion to agribusiness, but also because of his obsession with agribusiness.

Mr. Butz' record on this is clear and consistent: the steady decline in the number of farms in America is inevitable, it will continue, it is not bad, there is nothing government can do about it.

Mr. Butz predicts that we will lose another 1 million farms in this country by

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1980. And he predicts that of the Nation's 1 million "commercial" farms, 400,000 will be out of business by the end of this decade.

Who are those 400,000 commercial farms over whose economic demise Mr. Butz will willingly preside? The top 1 million farms in this country, according to the last reported U.S. Census of Agriculture, sold nearly $10,000 a year of farm products or more. These are not inefficient operators, tilling the soil with horse-drawn plows. These are highly capitalized, large-scale operations with over 200 acres of farmland each. And yet Mr. Butz predicts that 40 percent of these farmers will be out of business by the end of the decade.

The psychology of bigness, of which Mr. Butz is a leading apostle, is largely responsible for the mess that farmers are already in. Over the past 20 years, the land-grant colleges, the Extension Service, and some farm organizations have been preaching bigness and growth for growth's sake. But lack of efficiency is no longer the crucial farm problem. Most agricultural economists agree that operations the size of those for which Mr. Butz predicts failure are efficient production units. The basic agricultural problem is not insufficient production, but surplus production.

The record of the past two decades is clear: the decline in the number of farms has not meant a decline in total farm production. In fact, farm production has steadily increased each year while 70,000 farmers annually were driven from their farms. For as the number of farms has decreased sharply, the average size of each farm has grown dramatically.

The overriding trend in agriculture over the past two decades has been the concentration of farm production into fewer and fewer hands. Today, less than 1 percent of the Nation's farms generate about one-third of all farm sales. The smallest 56 percent of our farms produce only about 8 percent of all farm sales.

Those of us who deplore this creeping concentration are not simply romantics who long for a return to the 18th century. We are pragmatists who realize that the backbone of a rural economy must be in its agriculture, and that unless we can preserve the small, independent, and already efficient farm operations, we cannot reverse the flow of population to our already overcrowded cities.

Too many farmers have already been trapped by the growth syndrome. They are told to get bigger so they buy more acreage. In order to work the increased acres, they are forced to buy more farm machinery and go more deeply in debt to pay for it. To amortize their debt they are pressured to produce even more, to expand even further, to go more deeply in debt.

It is like running on a treadmill where the treadmill is moving faster than the runner.

The farmers who are being squeezed out of business by the larger operators do not want to leave farming. I have never seen a smiling farmer boarding up his barns. This is an essential fact that Mr. Butz does not seem to recognize. The drive of the Department of Agriculture, Mr. Butz told his confirmation hearings in the Senate Agriculture Committee, must be to find rural alternatives to farming for farmers forced to leave. "The trends are going to continue."

He told the Washington Post in a recent interview:

> No matter what government does . . . This trend toward less farms is not bad . . . (it) releases people to do something else useful in our society.

With about 5 million Americans presently unemployed, and welfare rolls bulging in our cities, where does Mr. Butz suggest these "released" farmers go?

Bigness and concentration in farming are neither accidental nor inevitable. They are in large part the product of farm policies, tax laws, and Department of Agriculture practices over many years. The farm subsidy program, as it is presently designed, disproportionately favors the large operator. The bulk of farm-price-support payments go to the largest farm operators. Our tax laws encourage bigness. The Federal Extension Service, part of the Department of Agriculture, has from its beginnings had a strong bias toward the larger farmers in the Nation. The research policies of the Department of Agriculture and the land-grant colleges have shortchanged the problems of the small operators in their rush to serve agribusiness and large farm operations.

There is much that a willing Secretary of Agriculture could do to reverse the trend toward concentration and bigness. But Earl Butz shows no disposition to marshal the resources of that Department to save the small operator.

"Adapt or die, resist and perish," summarizes Mr. Butz' agricultural philosophy. It is not a conclusion he has recently arrived at, but an essential tenet of his agricultural thinking.

On March 10, 1955, he told the Record-Stockman:

> Too many people are trying to stay in agriculture that would do better some place else.

On November 29, 1957, he told the U.S. News & World Report that what is wrong with the Nation's farm economy is "too many farms."—"There are some people who just weren't cut out to be farmers," he went on, explaining that many of these will leave the farms for other jobs "if the politicians will stay out of their hair."

Perhaps the most comprehensive statement of Mr. Butz' vision, at least at the time, was a statement he made to the Cincinnati Post on May 6, 1958.

> This is not a new trend toward larger and fewer commercial farms. It has been going on for decades. It has only been accelerated in the present decade. It will accelerate still more in the decade ahead. All the power of government can't stop it. Nor should it. It can only confuse the issue. The big growth will be in enterprise managers. After all, integration generally involves single enterprises, not whole farms.
>
> These changes may alter the traditional entrepreneurial, risk-taking function of the individual farmer. It may even move him in the direction of a quasi-riskless, semi-guaranteed wage earner. But this is not necessarily bad, per se. He may be, and frequently is, better off this way than he was before.
>
> The commercial farm will increasingly assume the characteristics of a manufacturing establishment. The gross margin per dollar of receipts will become narrower, and profits will depend increasingly on growing volume. This will place still more pressure on the smaller and less productive farm units.
>
> Our country-side will become "rurbanized." Our modern science and technology have made it possible for farm and city folk to live alongside each other in our newly "rurbanized" communities. The effect of the resulting intermingling has been that there is no longer a clearly defined farm population and industrial population, especially within forty or fifty miles driving distance of our big industrial centers.
>
> Ultimately farmers will lose their vocational identity. At this point farming will no longer be a "way of life," but will be a "way of making a living," just the same as other business enterprises.
>
> Political leaders will resist the trend toward large, well-capitalized units in agriculture, in their oratory, in their congressional hearings, and in their legislation. The philosophy of the small-owner-operated family farm is deeply ingrained in our social and political pores. The controversy over this issue is often more emotional than economic.
>
> Political pressure will continue to be on the side of maintaining small, family farms, even though modern technology dictates strongly that family farms become larger.
>
> There is no prospect that ambitious politicians in Congress will stop demagoging the emotionally explosive family farm issue, any time in the foreseeable future.

I do not share Mr. Butz' vision. The efficient, but small independent operator who has spent his life building his farm business should have a right to stay in farming. We must break our obsession with business and growth for its own sake. As Edward Albee once wrote:

> Growth for the sake of growth is the ideology of the cancer cell.

Mr. HUGHES. Mr. President, I ask unanimous consent to have printed in the RECORD various excerpts from a speech of Dr. Butz.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Dr. Butz attitude and views regarding food and hunger programs, as well as his opinions on environment and consumer matters, must be judged on the basis of his public statements. As you know, there were no real food programs for the needy administered at the federal level during the period he served as Assistant Secretary of Agriculture (1954–1957). In fact, the Department of Agriculture under Ezra Taft Bensen consistently opposed proposals for a federally financed food lunch program.

Mr. Butz delivers a fairly standard speech around the country, under the sponsorship of the General Motors Company.

The following are quotes from that speech, in this case delivered on April 26, 1971:

"But I'm going to talk about something this morning that I think is a real threat to American agriculture. It involves our future and something that you can help with. And that's the threat that comes from the environmentalists, or from the do-gooders, or from consumerism, or from whatever you want to call it. . . ."

"You know, we follow fadism in America in the public causes we espouse. In recent times, I guess the last fifteen or twenty years, we're always marching for something and we have a great tendency to follow fadism in the causes we espouse. I suppose in history we'll look back five or six years from now, we'll look back on 1970–1971 and we'll call this the year of the environment, I suppose, if we have to characterize it for anything. But look back three or four years before this. What were we marching for then. Then, the big clamour was hunger and malnutrition. And we in Agriculture, were, of course, intensely interested in that, too. And we were quite concerned about hunger and malnutrition. You remember Senator McGovern had his televised hearings down in Florida to portray the bad plight of the migratory workers in Florida. Ted Kennedy, not to be outdone, took a planeload of cameramen to Alaska to see the starving Eskimoes, you know. And that was portrayed in several TV features back here. And what come out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts of this country. Out of it came a welfare program that President Nixon is recommending to the Congress that's so far out that even the Democrats in Congress won't buy it (laughter).

But my point is that we always over-react to crisis. It's a typical American characteristic to over-react to crisis. Before the hunger and malnutrition binge we were on, it was integration and segregation and we were all hepped up about that, you recall. And the people who are really suffering from this environmental binge we are on now are the integrationists. Their money's dried up, the support is dried up. These fellows are really hurting because we've forgotten about that. Well right now, I think that we're at the crest of what I would call the agitation curve in this environmental binge we're on. I think that there is some evidence that we may be headed downward in this agitation curve a little bit.

Last week, we had Earth Week. And I am informed that attendance at the various meetings and seminars we had at Earth Week was down substantially from what it was a year ago. You can only run this stuff through the press and through the news media once and the edge is off of it, you know. So our real problem then is to get through this next year—1971—without doing some very, very silly things—in legislatures, in the Federal Congress, the regulatory bureaus of the government, in the Environmental Protection Agency, which is now headed by a very capable fellow-Hoosier of mine, Bill Ruckelshaus. But he's got a whole battery of bureaucrats there that have been put together various sources and it's in their very nature to regulate, you know. That's the way they survive . . ."

"And when I figure the large amount of scientific and technological inputs that will have to be put into agriculture to get that job done, then I see these environmentalists on the other side trying to hold us back and trying to impede—not trying, but the net effect is to impede—the progress we're making in scientific agriculture . . ."

". . . we're going to have to have twice as much electric power production capacity ten years from now as we have today. And we're talking now about thermal pollution of water, and pollution of our air and so forth . . ."

"We don't hear much about the benefits of DDT. You don't hear much about malaria having been wiped from the face of the earth. You don't hear much about human health having been improved. You hear about DDT being found in the fish taken out of Lake Michigan over here running off the Wisconsin hillsides and the like of that to which I argue that, something like this: That Lake Michigan has DDT in it. The Cohoe salmon thrives in Lake Michigan. Lake Superior has no DDT. There are no Cohoe salmon in Lake Superior. Moral: Let's put DDT in Lake Superior so Cohoe salmon can grow there (laughter). Absurd! Of course, it's absurb. But no more so than the argument on the other side. Lake Erie—how many of you have heard that Lake Erie is a dead Lake and the other Lakes dying? Last year the commercial fish take in Lake Erie was a record. It can't be very dead. Now the character of the fish change some I know. But they were commercially important fish. And it was a record that came out of Lake Erie. My only point is, let's come down to earth on this propaganda and agitation that we're getting about environment and be sensible about it . . ."

"Well—absurd, but not so absurd. That's the direction in which we push ourselves in this country with all these big scares, these agitations, the height of the agitation curve I'm talking about, the fadism that we follow as a nation and currently it's ecology and pollution that hits us in agriculture right in the solar plexis because we are now completely dependent on, a scientific agriculture, upon the use of these things that are dangerous. And I don't want to underemphasize that. Our chemicals, our pesticides, our herbicides, our anti-biotics are dangerous—they're poison. But so is aspirin dangerous if you take enough. The doctor prescribes poisons to you when you go to him . . ."

"We've got to decide shortly, for example—I said a while ago electric power production demands are doubling every ten years in this country—we've got to decide shortly whether we're going to have a little thermal pollution in our waters or have brownouts in our cities at 3 o'clock in the afternoon when you turn the air conditioners on. You take one or the other . . ."

"Consumers would quickly experience a rise in the food cost, a deterioration in the quality of food, in the variety of food, and they'd have much less to spend for everything else that goes into this fabulous American standard of living, if somehow we curtail the use of these things in American agriculture. And they won't necessarily be curtailed or the use be impaired by legislation. That can be by regulation too. Because as you well know, the most powerful branches of government often are those who interpret the laws and who put words around the laws of Congress and write the regulations . . ."

"And yet now comes this new movement, this environmentalist movement, to move us backward—to stop risking—giving up the idea of balancing risks against benefits. And that can be done I'm quite sure . . ."

It seems to me, that these statements reflect a clear insensitivity on the part of Mr. Butz, not only toward the food stamp program that he would be charged with administering as Secretary of Agriculture, but also toward the legitimate objectives of the environmental and consumer movement.

The Secretary of Agriculture has tremendous power in this area: administration of food stamp programs, administration of food distribution programs to the needy, pesticide control, meat inspection programs, among others. If Mr. Butz is now expressing his unqualified endorsement of all these programs then that is in conflict with his statements as recently as a few months ago.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. I yield 7 minutes to the distinguished Senator from Wisconsin.

Mr. NELSON. Mr. President, this debate over whether the Senate should consent to the appointment of Dr. Earl Butz as Secretary of Agriculture has, I think, provided a valuable forum for the dramatization of a national issue related to agriculture.

This is the methodical destruction of rural America—the uprooting of millions of farm families and decimination of thousands of small-town businesses to be replaced by giant corporations and conglomerates.

The debate has been valuable. But if we are to learn anything from all the discussion that has followed the nomination of Dr. Butz it is that America can ill-afford an Agriculture Secretary who is insensitive to the plight of rural America and who is a strong proponent of the domination of crop production by agribusiness corporations.

At this point in time, an advocate for corporation farming is the last person we should place in the high position of Agriculture Secretary. What is needed is a person who will meet head on the challenge of preserving the family farmer, of preserving the small towns—a person who is willing to face up to the need for revitalizing rural America.

The family farm is today, and always has been, the most productive agricultural unit in the world. In addition to being the most efficient producer of food and fiber, the family farmer has provided the basis for a viable rural economy that today is being destroyed by the corporations and conglomerates who are gaining control of land production and in the process displacing the independent farmer and contributing to the decline of the smalitown businessman.

Agriculture is America's basic industry. What happens to it is felt in every social and economic sector in the country. The expansion of corporation farming has become a paramount national issue, but all we hear from Dr. Butz is that this insidious trend toward bigness in agriculture neither can be stopped nor should it be stopped.

Mr. President, Dr. Butz and others would have us believe that there is something holistic in the dictum of free enterprise that big business has the right to get bigger. But lest the corporate giants dominate every economic and social aspect of this country, we must recognize, too, that free enterprise implies the right to begin and the right to compete fairly.

Dr. Butz accepts as inevitable the continued decline of farm populations. Rural America has lost 1 million people per year for the last 40 years, and every time six farm families have left the land one smalltown business has had to close its doors. Today, there are 2.9 million independent farmers in rural America with predictions that there will be 1 million less by 1980 unless the current trend is reversed.

Dr. Butz offers little solace for this modern tragedy. He was quoted recently in the Washington Post as saying:

> This trend toward less farms is not bad. From a national point of view it is good that we have been able to produce an increasing amount of food with the work of a smaller percentage of our population. This releases people to do something else useful in our society.

There is no doubt in my mind that the total demise of the family farmer will finally come if the corporate giants of agribusiness are permitted to continue to expand their land holdings, control production and ultimately control the agricultural market.

There is little encouragement from Dr. Butz. His remark, "adapt or die: resist and perish," is ringing through rural America today, not as a warning but as a death knell.

A family farmer does not adapt to corporations—he dies in their wake.

A family farmer cannot resist the dominance of corporations. He simply perishes without a choice.

Dr. Butz offers the integration of agricultural production into the corporate scheme as an event that is inevitable, no matter what the Government does about it. And that I disagree with entirely.

Let me quote from an article by Dr. Butz published by the Farmer's Digest in 1959:

> Agriculture is changing from a way of living to a way of making a living. . . From a business of arts and crafts to a business of science and technology.

In the same article:

> There is much good in integration. With proper direction, it will result in increased production and distribution efficiency, added control of quality, a more even flow of products seasonally and geographically, less risk of price and income variation to the producer, more rapid adaptation to scientific and technological innovations, and increased incomes to many producers.

In other words, what we need in agriculture today is a giant factory that grows the crops and moves the produce from field to supermarket with all the click, click rythym of an assembly line.

If there is much good in integration of agriculture, we should ask for whom?

Certainly not for the family farmer who either is forced off the land or who becomes a peon in the corporate factory. Certainly not for the small town businessman who is bypassed by the corporate managers who prefer to buy wholesale or directly from the manufacturer. Certainly not for the consumer whose influence on prices is severely diminished as the market system is controlled by fewer and fewer corporate entities. Certainly not for the public treasury which receives all the loss statements from farm production subsidiaries of corporate giants who use the losses as tax writeoffs against nonfarm gains.

If there are efficiencies in corporate farming, then we should ask what they are.

The evidence suggests that the large corporation farm is not the panacea for efficiency that the corporate managers, and Dr. Butz, claim it is. In fact, the U.S. Department of Agriculture has said—in Economic Research and Survey Report No. 107—that the one- and two-man crop farms are just as efficient as any other farming operation. And Purdue Mimeograph—EC-255—suggests that costs actually increase as the size of the farming operation is increased beyond the optimum family farm size.

There is little to suggest that the quality of crops is increased with corporation farming, as was suggested by Dr. Butz. Indeed, we hear more and more about new, tough strawberries and tomatoes developed to withstand handling by automatic harvesters. Or is quality increased by the use of more pesticides and herbicides on field crops, more growth hormones in livestock, and more antibiotics in poultry? Dr. Butz has said he believes this is true, but the evidence strongly suggests the contrary.

Mr. President, the destruction of rural America is occurring because we have done nothing to stop it. The corporation production factories are expanding in rural America because the Federal Government has made it possible.

The corporations and conglomerates are assisted by the Government through subsidized water, substantial capital gains advantages, favorable rates of depreciation, and the advantage of tax-writeoff losses against nonfarm income. These privileges for the most part are unavailable to independent farmers.

The production of food and fiber is this country's basic industry. What happens to this industry—who controls what, for what purpose, and at what social cost—is the legitimate concern of everyone. The consumer, the small businessman, the managers of our metropolitan areas, the mayors and councilmen of our small communities, the investor, the small farmer, and the environmental advocates all have a stake in the agricultural industry.

Obviously, the area that is hardest hit by the invasion of the corporate giants is the rural area. Probably the best existing study on the social and economic impact of corporation farms was published in 1946 by the Senate Committee on Small Business.

Although 25 years old, this study probably reflects, better than anything published before or since, the kind of problem that is involved.

The study, by Walter Goldschmidt, involved the social organization of two towns in California in land areas of equal productivity. The only difference in the two communities was in the type of agriculture in the areas they served.

Arvin, Calif., served a corporate farming area worked predominately by hired labor. It was a town of honky-tonks, poor housing, a few weak service clubs, shaky businesses, a single elementary school, and one playground loaned by a local industry.

Dinuba, Calif., served an area of family farms. It was a town of attractive residential streets, permanent churches, three parks, three elementary schools, and a high school, strong service clubs, lodges, and veterans organizations, furniture and household furnishings stores, implement dealers, and hardware and clothing stores.

The town serving the family farm area had twice as many business establishments, nearly twice as much annual trade—$4.4 million versus $2.5 million for Arvin—and three times the volume of trade in household supplies and building materials and equipment.

Goldschmidt's summary of findings added:

> The investigation disclosed other vast differences in the economic and social life of the two communities and affords strong support for the belief that small farms provide the basis for a richer community life and greater sum of those values for which America stands, than do industrialized farms of the usual type.

The social and cultural consequences of the trend to big corporate farms is easily recognized. The rural towns suffer a population loss that is an almost direct proportion to the loss of farm families from the community.

Churches, schools, and other social service groups wither and disappear for lack of people to use their services and for inability to hold the type of community leaders needed to make them effective.

The Goldschmidt study of the California towns provides some data in the people-oriented aspect, too, of differences between communities in trade areas with family farms and those with corporate farms.

More than one-half of the breadwinners in the small farm community are independent businessmen, persons in white-collar employment, or farmers: In the corporate farm community the proportion is less than one-fifth.

Less than one-third of the breadwinners in the small farm community are agricultural wage laborers—characteristically landless and with low and insecure income—while the proportion of persons in this position in the corporation farm community is about two-thirds.

Schools are more plentiful and offer broader services in the small farm community.

The small farm community has more than twice the number of organizations for civic improvement and social recreation than its corporation farm counterpart.

Provision for public recreation centers, Boy Scout troops, and similar facilities for enrichment of people is much greater in the small farm community.

The small town community supports two newspapers, each with many times the news space carried in the single paper of the corporate farm community.

Facilities for making decisions on community welfare through local popular elections are available to people in the small farm community while the corporate farm community's decisions are made through a county government setup.

Goldschmidt's study sums up the relationships and what they mean in this way:

> The small farm community is a population of middle-class persons with a high degree of stability in income and tenure, and a strong economic and social interest in their community. Differences in wealth among them are not great and the people generally associate together in those organizations which serve the community.
>
> Where farms are large, on the other hand, the population consists of relatively few persons with economic stability, and of large numbers whose only tie to the community is their uncertain and relatively low-income job. Differences in wealth are great among members of this community and social contacts between them are rare.
>
> Indeed, even the operators of large scale farms are frequently absentees: and if they do live in Arvin, they as often seek their recreation in the nearby city. Their interest in the social life of the community is hardly greater than that of the laborer whose tenure is transitory.
>
> Even the businessmen of the large farm community frequently express their own feelings of impermanence; and their financial investment in the community, kept usually at a minimum, reflects the same views.
>
> Attitudes such as these are not conductive to stability and the rich kind of rural community life which is properly associated with the traditional family farm.

All that was 25 years ago. Yet the invasion of agriculture by large, absentee corporate interests continues, unabated. All of which is aided by the U.S. Department of Agriculture which often financed research with taxpayer dollars that is aimed at ways to make farms bigger, rather than ways to make small farms sustain families who can compete economically in dignity and reasonable living standards.

So, what are the real economies of the corporation farm? Few, if any. What are the social consequences of corporation farming? Obviously, they are many.

There are two other issues that have been raised in the discussion on this nomination, Mr. President, that I would like to address.

One is the insensitive remarks made by Dr. Butz on the food stamp program, which is administered by the U.S. Department of Agriculture.

In his April 26, 1971, speech before an agricultural advertising and marketing seminar in Minneapolis, Dr. Butz said that a few years ago—

> The big clamour was hunger and malnutrition. And what came out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts of this country. Out of it came a welfare program that President Nixon is recommending to the Congress that is so far out that even the Democrats in Congress won't buy it.

These kinds of remarks are directed at such programs as the food stamp plan that feeds more than 10.5 million hungry people, against the school lunch program that feeds millions of needy children throughout the country.

I consider the remarks by Dr. Butz to be inexcusably callous.

The other issue that I would like to address is the insistence by Dr. Butz that agriculture needs pesticides to assure an adequate supply of food and fiber.

Writing in the January 1971 issue of the Communique, published by the Environmental Health Institute at Purdue University, Dr. Butz said:

> We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious and economical good supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals, or antibiotics If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and over-all quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the . . . American standard of living.
>
> We can go back to organic agriculture in this country if we must—we once farmed that way 75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed, even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

Mr. President, it is a myth that the massive application of pesticides on agricultural crops stand between us and starvation. Dr. Butz is not alone in perpetuating the myth. But, quite frankly, we should expect much more from a man who is nominated to be the top administrator of America's food supply system.

What Dr. Butz, and others, are saying is that the only alternative to the massive use of pesticides is that we use none at all. I have spent a lot of time on the issue of pesticides, and I know of no responsible critic of pesticides who has suggested that we should do away with these chemicals altogether.

The evidence is substantial that the environmental damage and potential human health danger posed by pesticides is very great. It is a fact that our present pesticide laws are not adequate to protect the environment and people from the dangers of pesticides, and it is amply documented that the U.S. Department of Agriculture has been inexcusably lax in enforcing the existing pesticide laws.

There is an urgent need for reform in our thinking that pesticides are a panacea. We must learn that pesticides are of value when, and only when, they are applied in a carefully controlled manner under special circumstances and under the direction of experts who have the special skills to know when those circumstances exist.

Dr. Butz' philosophy on pesticides is precisely what is not needed in the person who heads the U.S. Department of Agriculture. We're having enough trouble getting that Department to recognize that chemical pesticides are failing to control agricultural and forest pests.

This failure is dramatically evident in the high plains of Texas and surrounding States where producers of cotton, grain sorghum, and other crops have become alarmed over the invasion of pests—in this case a new strain of the greenbug — despite massive chemical treatments. In California, many cotton farmers have seen their cost of chemical control double in the last 20 years. In northeastern Mexico, more than 700,000 acres of fields have been abandoned in the face of massive tobacco budworm infestations—a direct result of massive chemical pest control programs. In regions where citrus, soybean, alfalfa, stonefruit, and forest crops are produced pests are increasing in number and pesticides are decreasing in effectiveness.

The fact of the matter is that the single strategy of chemical pest control has been an agricultural, economic, and environmental failure. This is true because the use of broad-spectrum chemicals ignored the phenomenon of genetic diversity—that remarkable ability of insects to continually evolve and develop resistance strains capable of withstanding even heavy dosages of toxic chemicals.

Insect resistance to chemicals is the primary reason why farmers are seeing their cost of chemical control rise to the point where, in the case of some, the break-even threshhold is perilously close.

Still, Dr. Butz and others would have us believe that either we use pesticides or starve. The evidence, however, suggests the contrary: If we continue to rely on broad-spectrum chemicals we may very well imperil our abilities to continue to produce an adequate supply of food and fiber.

Mr. President, there is an alternative to our rigid reliance on pesticides. It is integrated pest control, which utilizes the best-suited combination of alternate pest control methods to suppress pest insects in given crop situation below the economically disruptive threshold. There has been much research in this method, but more is needed. There are underway several field programs in integrated pest control, and they are successful programs. Several farmers in the Coachella Valley of California who have been practicing integrated control for the past 11 years have told me that their crops are of equal or better quantity and of better quality than nearby fields growing the same crops with the aid of massive amounts of pesticides. Moreover, the cost of pest control in an integrated control program is less, the farmers told me, because they escape the exceedingly high price tag attached to chemicals.

I have introduced legislation to accelerate research in this area and to establish several demonstration projects throughout the country to demonstrate this alternative to heavy reliance on pesticides. The legislation was taken up in hearings 2 months ago before the Senate Agriculture Committee's Subcommittee on Agricultural Research and General Legislation.

At that hearing there was unanimous support from every public witness. They included representatives from the National Farmers Union, the National Farm Organization, the Associated Milk Producers, Inc., Mid-America Dairymen, Inc., the National Cotton Council, the Delta Council of Mississippi, the National Council of Farmer Cooperatives, the Garden Club of America, the National Forest Products Association, the Sierra Club, and the environmental defense fund. I might add that the Plains Agricultural Council of Texas and surrounding States have endorsed the legislation.

Also at the hearings, expert witnesses from 11 universities throughout the country were strongly in support of the legislation.

Their messages were the same: we must get on with the job of assuring a stable and productive farm economy by getting off pesticides. The present course, advocated by Dr. Butz, is a course to disaster.

Mr. President, I oppose the nomination of Dr. Butz to serve as Secretary of Agriculture. I do not believe he would represent the best interests of American farmers, nor the best interests of this country.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. I yield 1 minute to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, on November 24, 1971, I announced my opposition to the nomination of Dr. Earl L. Butz as Secretary of Agriculture. I rise

today to reiterate my opposition to this nomination.

The most basic reason for my opposition is that Dr. Butz does not enjoy the confidence of the majority of farmers. Indeed, several major farmer organizations—the National Farmers Organization and the National Farmers Union—are actively opposed to this nomination. It is not hard to understand why. Small farmers have good reason to be concerned about the prospects of a new Secretary who has devoted his entire professional life to serving the very segment of agriculture which is driving them out of business.

As an agricultural economist, department head, Assistant Secretary of Agriculture under Ezra Taft Benson, dean of the School of Agriculture at Purdue University, and members of the boards of directors of several major corporations which have moved into the production phases of agriculture, Dr. Butz has clearly aligned himself with corporate agriculture.

His longstanding ties with "industro-agriculture," his tendency to equate bigness with efficiency, and his philosophy on farmer bargaining and cooperatives, supply management and price supports, indicate that the rural America favored by Dr. Butz would amount to little more than a giant food factory.

Dr. Butz has extolled the virtues of vertical integration, a phenomenon which brings giant agribusiness corporations into the production phases of agriculture and drives out small farmers.

Dr. Butz believes in a free market agriculture which sees current economic trends in agriculture—such as vertical integration and corporate diversification—as inevitable, and which falsely equates bigness with efficiency. Small farmers are not inefficient. They are being put out of business because they cannot compete with giant conglomerates with multibusiness revenues which can operate on small margins of profit or which can even operate at a loss while relying other their other diverse resources.

Dr. Butz views the environmental issue as too emotional and as a "fad" and suggests that environmentalists and "consumerism" are a threat to agriculture. Yet, if confirmed, he will be heading a department with important environmental and consumer responsibilities—the Forest Service alone administers 187 million acres of public forest land in 42 States.

Dr. Butz has denigrated the value of our Federal food programs, suggesting that the food stamp program, "which is just short of ridiculous in some parts of this country," is the result of an emotional overreaction to a previous fad in America—that of the protests 4 and 5 years ago over the existence of hunger and malnutrition in our affluent Nation. I find this attitude appalling. As Secretary of Agriculture, Dr. Butz would administer all of our Federal food assistance programs. Indeed, 40 percent of the total USDA budget this year is allocated to these food assistance programs.

As the Senator from a State which is both the most populous and the richest agricultural State, I stand in a somewhat unique position on this nomination. My urban constituents have expressed concern about the positions of Dr. Butz on the environment and on welfare and consumer matters. My friends in rural areas are deeply concerned about his agribusiness connections and his agricultural philosophy. I have received more than 300 letters and telegrams over the past week urging me to oppose the nomination of Dr. Butz.

Clearly, the State of California has a tremendous involvement in the programs and policies of the U.S. Department of Agriculture. The philosophy and leadership positions of the next Secretary of Agriculture are thus of critical importance.

But California's specific involvement in USDA programs is not my sole concern in considering the merits of this nomination. Of crucial importance is the health and vitality of rural America.

The single most pervasive phenomenon in rural America today is the corporate invasion of the production phases of agriculture. Giant corporations like Tenneco are buying up acres of prime farmland and producing a tremendous volume and variety of farm products. Tenneco, which is engaged in such diverse industries as shipbuilding, oil and gas production, farm machinery and chemicals, also produces an enormous variety of crops in Kern County, Calif. These include corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears, and plums. Tenneco officials frankly admit that their aim is "to accomplish integration from the seedling to the supermarket."

If Tenneco and other corporations engaged in farming, achieve their aim of total integration of the food production process, there will be no small family farms in America. At best, small farmers will become little more than serfs in a modern feudal system that demands the production of cheap raw commodities for the benefit of these giant conglomerates.

I believe that this corporate invasion of agriculture must be stopped. But it can be stopped only by specific congressional policy and action—by the development of a farm program that makes some sense and which can provide a measure of security to the small farmer. While these goals are the primary responsibility of the U.S. Congress, they cannot be accomplished without the cooperation and involvement of the administration, and particularly the Secretary of Agriculture. If Dr. Butz is confirmed today, I have serious doubts about whether such essential cooperation will be forthcoming from the Department of Agriculture.

I will vote against the confirmation of Dr. Butz because I do not feel that he is committed to the needed reshaping of rural America.

He does not seem to understand the magnitude and urgency of our environmental and human problems.

He seems willing to allow current economic forces in agriculture to continue, regardless of their impact on human beings.

It is just too easy to speak about a "scientific agriculture"—and all the chemical and industrial inputs it requires—and to forget about all the people who want to stay in their hometowns and on their farms, but who are being forced out by the industro-agricultural giants of America. It is high time we remembered these millions of rural Americans who operate efficient, family-sized farms and who participate in the social life of their communities and who have contributed so much to the well-being of America.

I oppose the nomination of Dr. Butz because he has failed to indicate any real concern about the declining quality of life in rural America which is the direct result of the kind of agriculture he has endorsed and promoted.

I will vote against Dr. Butz for a great many reasons.

I know that many other Senators feel just as strongly on this issue as I do.

But if Dr. Butz is confirmed today, I want the record clear that my opposition to his nomination is not personal, but is based on my convictions about the urgency of reversing what is happening in rural America.

If he is confirmed and if, upon reflection, Dr. Butz decides to support legislation and policies to aid the small farmer, I hope he will not hesitate to call on me for any assistance that I may be able to provide.

But let us today—by our votes on this nomination—indicate that we know what is at stake. Let us indicate that we in the U.S. Senate will do our part to revitalize rural America.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. I yield 15 minutes to the Senator from Oklahoma (Mr. BELLMON).

Mr. BELLMON. Mr. President, I have listened with great interest to the debate and the controversy surrounding the nomination of Dr. Earl Butz to be Secretary of Agriculture. Until he was nominated, I had never heard of Earl Butz. I have listened to these discussions without any preconceived ideas and with a completely open mind.

As Members of the Senate will know, I have spent my life in agriculture and I feel perhaps more than some other Members the great importance of this appointment. I know from firsthand experience the great influence which the Secretary of Agriculture and the USDA have over the agricultural enterprise of this Nation. I know how much effect decisions made by the Secretary of Agriculture have upon the prosperity of a majority of this Nation's farmers and rural people. Therefore, I have taken an intense, personal interest in this appointment.

Mr. President, the charges made against Dr. Butz may be broken down into five categories:

First. His connection with agri-business.

Second. His statements relating to the reduction in the number of farmers, which has been interpreted to mean that he favors corporate farms as compared to family farms.

Third. The fact that he is an educator not an active farmer.

Fourth. His prior service in the Eisenhower administration.

Fifth. The present price of feed grains and criticism of the farm program created by the Agriculture Act of 1970.

Mr. President, let me take these issues in reverse order. First, prices of farm products. During the hearings on Dr. Butz, the question of present farm prices was brought up repeatedly. As a result the staff of the Agriculture Committee was requested to provide information on seasonal average prices and prices for selected months to farm program participants for corn, grain sorghum, soybeans, barley, and wheat for the years 1968–69–70–71.

Mr. President, I have that information which the Agriculture Committee staff developed and I ask unanimous consent that the tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—SEASON AVERAGE PRICES RECEIVED BY FARMERS, UNITED STATES

	Corn (dollars per bushel)	Sorghum grain (dollars per hundredweight)	Barley (dollars per bushel)	Soybeans (dollars per bushel)	Wheat (dollars per bushel)
Crop year:					
1968	1.08	1.70	0.911	2.43	1.24
1969	1.16	1.91	.872	2.35	1.24
1970	1.35	2.04	.956	2.84	1.34
1971 [1]	1.00	1.75	.90	3.00	1.30

[1] Preliminary estimates.

TABLE 2.—SEASON AVERAGE PRICES RECEIVED BY PARTICIPANTS IN THE FEED GRAIN AND WHEAT PROGRAMS, UNITED STATES

	Corn [1] (dollar per bushel)	Sorghum grain [1] (dollar per hundredweight)	Barley [1] (dollar per bushel)	Wheat [2] (dollar per bushel)
Crop year:				
1968	1.32	2.13	0.911	1.79
1969	1.60	2.36	1.02	1.89
1970	1.62	2.54	1.09	2.09
1971 [4]	1.25	2.20	.90	1.85

[1] The season average price of a feed grain to participants is computed as follows: The total estimated production of participants is divided into the total value of price support payments to obtain an average payment per bushel produced. This payment per bushel is then added to the season average price received by farmers to get the estimated participants price.

[2] The estimated season average price of wheat to participants in 1971, for example, has been calculated as follows:

Total wheat production (million bushels)	1,628
Producer participation in 1971 program (percent)	×95
Production of participating farmers (million bushels)	1,547
Season average price (per bushel)	$1.28
—Continued	
Market value of participants production (million)	$1,980
Market certificates (million)	877
Gross income to participating farmers (million)	$2,857
Production of participants (million bushels)	÷1,549
Average price received by participants (per bushel)	$1.847

[3] No program.

[4] Preliminary estimates.

TABLE 3.—SEASON AVERAGE PRICES RECEIVED BY FARMERS, UNITED STATES, SELECTED MONTHS

Date	Corn (dollars per bushel)	Sorghum grain (dollars per hundredweight)	Barley (dollars per bushel)	Soybeans (dollars per bushel)	wheat (dollars per bushel)
1968:					
August	0.99	1.63	0.99	2.51	1.19
September	1.01	1.62	.98	2.40	1.22
October	.96	1.60	.93	2.32	1.26
November	1.04	1.68	.81	2.40	1.29
1968:					
August	1.18	1.92	.98	2.51	1.19
September	1.15	1.97	1.04	2.28	1.24
October	1.12	1.91	.95	2.23	1.28
November	1.07	1.94	.82	2.30	1.29

Date	Corn (dollars per bushel)	Sorghum grain (dollars per hundredweight)	Barley (dollars per bushel)	Soybeans (dollars per bushel)	wheat (dollars per bushel)
1970:					
August	1.27	1.91	0.90	2.65	1.31
September	1.38	2.07	.94	2.66	1.41
October	1.34	2.02	.90	2.77	1.43
November	1.29	2.02	.85	2.86	1.45
1971:					
August	1.19	2.27	.87	3.09	1.28
September	1.11	2.01	.90	2.95	1.26
October	1.00	1.76	.94	2.96	1.30

TABLE 4.—CORN: MONTHLY PRICES RECEIVED BY FARMERS IN SELECTED COUNTIES OF ILLINOIS, IOWA, MINNESOTA

State and county	1968 August	1968 September	1968 October	1968 November	1969 August	1969 September	1969 October	1969 November
Illinois: McDonough	0.96	0.96	0.93	1.05	1.22	1.16	1.08	1.04
Iowa: Pocahontas	.93	1.02	1.07	1.08	1.11	1.03	1.05	1.03
Minnesota: Kandiyohi	.98	1.00	.90	1.04	1.10	1.06	1.04	1.00

State and county	1970 August	1970 September	1970 October	1970 November	1971 August	1971 September	1971 October	1971 November
Illinois: McDonough	1.31	1.29	1.31	1.32	1.16	1.02	0.92	
Iowa: Pocahontas	1.21	1.18	1.21	1.38	1.06	.95	.88	
Minnesota: Kandiyohi	1.15	1.10	1.23	1.19	1.10	1.03	.93	

Mr. BELLMON. Mr. President, I would like to call attention of Members of the Senate to certain of these facts.

In the case of sorghum grain, barley, and wheat, the prices for 1971 are higher in every case than they were in 1968 before the present farm bill was written. The one exception to the rule is in the case of corn, where the average price of $1 is 8 cents per bushel less than the 1968 price of $1.08. When Government payments to participants of the feed grain and other programs are included, we find the average price in 1968 was $1.32. In 1971 the average price figures out to be $1.25 per bushel to program participants.

Mr. President, certainly no one who understands the high costs of farm production will take the position that these prices are high enough to properly compensate farmers. At the same time the charges that the 1970 program has brought about a disastrous decline are certainly not well founded. Therefore, the statements that the confirmation of Dr. Butz who in his testimony has gener-

ally supported the 1970 farm bill will mean lower farm prices are absolutely not true. Dr. Butz has repeatedly stated his conviction that farmers must have a better break in the marketplace and has expressed his determination to work with them to achieve better prices.

To refuse to confirm Dr. Butz because of his prior association would, in my mind, be totally unfair. This would be guilt by association in its very worst form. The fact is that Congress, and not the administration, writes the farm bills. It is true that there is always a degree of Executive influence. Dr. Butz' role was to administer the law that was on the books.

Mr. President, as an active farmer, I must confess disappointment that President Nixon did not nominate a practicing farmer to be Secretary of Agriculture. I feel there are large numbers of practicing farmers in this country who could handle the duties of Secretary of Agriculture. The appointment of an active farmer to the secretaryship would, in my opinion, bring new life to the Department of Agriculture. That agency badly needs an infusion of practical farm knowledge which would be healthy for all concerned.

The fact is that the President in his wisdom has decided otherwise. He chose an educator in Secretary Hardin, and the Senate confirmed that nomination without a single objection being raised. To now oppose the nomination of Dr. Butz because he is an educator seems to me to show a totally unfair and unfounded bias on the part of the Senate. I doubt the objections on this basis to be serious.

I am confident that President Nixon shares the view that a practicing farmer should be Secretary of Agriculture. The problem is that 1972 is a political year. To bring in a practicing farmer who is unacquainted with the world of politics or the way of Washington would likely be like sending a sheep to guard the wolves. I feel that President Nixon felt that to be effective during this period, the new Secretary of Agriculture would need some familiarity with the Washington scene and some prior experience in Government. Dr. Butz qualifies.

The charge that Dr. Butz favors corporate farming over family farming is one that has troubled me considerably. During my service as Governor, I was called upon to defend the Oklahoma law which prohibits the corporate ownership of farm land. I strongly feel that the Oklahoma law is a good law. I will do everything in my power to oppose any changes which will turn American farmers into peasants who owe their livelihood to a cold-blooded corporate entity. To me, farming is and must continue to be a way of life. The individuals who run this Nation's highly efficient farms must always have the opportunity and the hope of becoming the owners of the lands they till. If this Nation ever allows the ownership of the farms and ranches to pass forever into the hands of corporations, we will have set the stage for our own destruction.

Because of my strong belief in the wisdom and efficiency of the farm family approach I have questioned Dr. Butz closely on this question. In his replies Dr. Butz clearly stated his firm belief in family farming as opposed to corporate farming. I am convinced that in spite of the charges made against him Dr. Butz is a strong defender of the family farm as the foundation of American agriculture and that as Secretary of Agriculture he will use the full powers of his office to defend and strengthen the family farm concept. His connection with agribusiness has been with companies that provide a valuable and vital service to agriculture and not with companies that have used their corporate muscle to buy up land and dispossess farm families.

Mr. President, during his appearance before our committee I questioned Dr. Butz on several of the points that have been raised concerning his nomination. I ask unanimous consent that that portion of his testimony be printed in the RECORD. The testimony appears on pages 67 to 70 of the committee report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The CHAIRMAN. Senator Bellmon?

Senator BELLMON. Thank you, Mr. Chairman.

Mr. Butz, in your statement yesterday you made a statement or took a position that as a member of the board of the various corporations that you had been associated with, that in many cases you were the sole spokesman for agriculture. Now, one thing that troubles me as a farmer and a representative of a farm State, is that agriculture has not had a highly visible, articulate, dedicated spokesman at the national level. I remember some Secretaries who seemed to be happiest when food prices went down and I have never seen a Secretary who can really tell the agricultural story.

Could you enlarge a little bit on your ideas of what the Secretary could do and should do in the role of being the agricultural voice here in Washington and to the consumers of this Nation?

Mr. BUTZ. Well, yes, I think the entire Department has to be vigorous in telling agriculture's story. It is a marvelous story to tell. It is a story of a food supply that is adequate, nutritious, healthy, and economical in terms of the share of your income you spend for food; I think that story has been undertold. It is a story of sacrifice of the farmers to get this job done. I think that story has been undertold both in Washington and in the country. With a shrinking agricultural-political muscle in our State legislatures and in the Congress, it is a story that gets more difficult to tell. With producers being a shrinking share of the population it is more difficult to tell.

All I can do is say that I have spent my life trying to tell this story and I am going to spend the rest of it telling it.

Senator BELLMON. How did you propose to go about doing it?

Mr. BUTZ. Publications in the Department, telling it right here in the councils of Washington, making sure the rest of Government understands this, using every channel of communication we can.

Senator BELLMON. I wish you well.

One other point, not on that subject but there has been some comment about the Agricultural Act of 1970 and the fact it isn't working well. I want to say to you one reason it isn't working well is because the Office of Management and Budget won't let it work well. I don't know the inside of what happened but I am almost certain that the Secretary of Agriculture went to the Office of Management and Budget last year and tried to get permission to get a larger set-aside and was turned down because the people of the Office of Management and Budget said, "We are going to save some money this way; we are going to hold down the set-aside and hold back on Federal outlays." So what happens? The price of corn has gone down and now they are going to be faced with a much larger outlay.

Are you going to have better luck? There is no use in our passing a law and then let a bunch of pencilpushers in the Office of Management and Budget shoot it down.

Mr. BUTZ. Senator, that remains to be seen. You ask whether I will have any luck.

Senator BELLMON. You have been in the office before.

Mr. BUTZ. I think the Office of Management and Budget recognizes the problem we are in now and they are charged with some degree of maintaining fiscal sanity with the total decision.

Senator BELLMON. Do you think their decision last year was a good decision?

Mr. BUTZ. No, it was not a good decision. It is going to cost more for the 1972 adjustment than if they had spent a little more money on the 1971 adjustment. In retrospect it was not a good decision but my hindsight is 20/20 without glasses and I suppose theirs is, too; and it may well be had I been on the scene at that time I might have made the same decision as Secretary Hardin made. I don't know what pressures he had from OMB; he undoubtedly had some.

I simply want to say I have known Dr. George Shultz for a good many years. I have a lot of respect for him and I feel confident I can work with him.

Senator BELLMON. What do you think he knows about agriculture?

Mr. BUTZ. Well, I am going to see that he knows more than he does now. [Laughter.]

Senator BELLMON. One other thing about this whole procedure that kind of troubles me: I am a member of the Committee on Interior where we are continually faced with the problem of conflict of interest because of the management of the mineral estate of the Nation by the Department of the Interior and we have an absolute ironclad rule in the Interior Committee that individuals, officials who come up for confirmation who own stock in oil companies, will absolutely have to divest themselves of those stocks. You perhaps have been in this fish-bowl of public life before, but I guarantee you haven't been into it as you will be as a member of the Cabinet; and one thing I will tell you a public official has to protect most vigorously is the appearance of integrity, not only the fact of integrity.

Mr. BUTZ. I agree.

Senator BELLMON. So it looks like he is not making any decisions that in any way are to his personal advantage.

You mentioned you are going to put the corporate stocks in a blind trust. I am a country boy and I don't know what a blind trust is and I will venture to say 90 percent of the people in the country don't know what it is.

Mr. BUTZ. It means the person who owns it doesn't know either. I couldn't even talk to the trustee.

Senator BELLMON. You mean you couldn't call the trustee and say, "We are going to buy 100 million bushels worth of wheat and let's get busy"?

Mr. BUTZ. I can't even talk to him. He could even convert these stocks I have into higher paying securities. These stocks I have don't pay very well, frankly.

Senator BELLMON. Why do you own them?

Mr. BUTZ. I was on the board.

Senator BELLMON. You had to own the stocks in order to serve on the board?

Mr. BUTZ. Yes, sir; and for your information, when the J. I. Case board was dissolved I sold my stocks because it hadn't paid any dividend for years.

Senator BELLMON. Mr. Butz, I don't want to speak for the committee but it is my honest opinion that a blind trust isn't good enough to answer a lot of the questions that have been raised, either fairly or unfairly, about the involvement of the Secretary of Agriculture with agribusiness.

Mr. BUTZ. If the committee feels strongly about it, I will dispose of them before I put them in the trust, although, as you know, the market right now is not a favorable one.

Senator BELLMON. I am not in the market but I understand it is not favorable to the farmers.

Mr. BUTZ. It is not only farm prices that are low.

Senator BELLMON. I have one other area. You mentioned as an Assistant Secretary of Agriculture one of the responsibilities you had was with the Foreign Agricultural Service. I feel one thing that hurts the farmers worse than anything is the absolutely detestable job we do about marketing; it isn't that the farmer can't produce; he does it with admirable ability and great results, but the problem comes when we try to move farm products into the channels of trade where it is needed. And one of the great problems is that we don't have in agriculture very many IBM's or Standard Oil's or even Ralston-Purina's handling a lot of our commodities and to me there is a role here, an absolute necessity for the USDA to do a better job of helping the farmers to do their marketing. I think as time passes there will be some pickup in this area.

For instance, in the marketing of meat or more realistically the marketing of live feeder cattle, if you try to sell them in Japan you have $135 input tariff at present exchange rates on a very light calf (300 pounds and below).

Can you tell the committee what you think you can do as Secretary of Agriculture to help us get past some of these barriers and also tell a little bit about what you think the role of the Foreign Agricultural Service ought to be?

Mr. BUTZ. Well, the role of the Foreign Agricultural Service is to pursue vigorously for the elimination of barriers, whether tariff or nontariff. This must be in consultation with the State Department since it involves foreign policy; to assist our domestic exporters, as the Department of Agriculture did assist in the 3-million-ton sale of feed grain to Russia. Our Foreign Agricultural people under Clarence Palmby had a very vigorous part to play in working with Continental Grain and Cargill, the two principal exporters, and I think that is the role, to be vigorous in this thing.

Now we have got a problem in grading. In some of our grains that go for export there is a range within a grade, and foreign buyers will buy on a grade here and then will commingle just before shipment. These are areas that need attention.

Senator BELLMON. I have attended meetings of the agricultural attaches in Canberra and also only last week in London, and while I have respect for these individuals personally, it is my opinion that most of them consider their role to be primarily that of a reporter and they frequently sit on their hands and tell us what's happening but so far as taking the bull by the horns and changing anything, it seems to be totally foreign to their concept.

Mr. BUTZ. Senator, this is the historic role of the agricultural attache and to the extent I am able we are going to change emphasis in that respect.

Senator BELLMON. You are going to change emphasis?

Mr. BUTZ. Yes.

Senator BELLMON. In what way?

Mr. BUTZ. I want them to be a salesman for American agriculture. There is a reporting job to do and they have done it well, but we need more than that. We need a salesman on the spot to assist our private salesman, the Continental Grain people, the Cargill people, the Farmers Union National Grain Terminal people, or whoever it is that is involved in export, we need a man on the scene to sit beside them to help.

Mr. BELLMON. Mr. President, as a former Governor, I strongly support the prerogative of a Chief Executive to select persons of his own choosing as members of his official family. The Senate has a constitutional responsibility to advise and consent to appointments and certainly should exercise this responsibility to make sure Presidential appointees have the necessary competence and qualifications for the job. It would be folly, however, to believe that Members of the Senate would be in total agreement with a man's philosophical views, and that should not be our role.

On the basis of my examination of Dr. Butz' past record and his statements in the committee hearings, I am convinced that he is competent and qualified to hold this most difficult job. What is more, it has been said that he is a "scrapper" and American agriculture certainly needs a "scrapper" to fight the battles that must be fought to give farmers and other citizens of rural America their rightful place in our society.

Therefore I support the nomination of Dr. Earl Butz to be Secretary of Agriculture.

The PRESIDING OFFICER (Mr. HOLLINGS). Who yields time?

Mr. HARRIS. Mr. President, I would rather the other side use up some of its time. They have so much and we have so little.

Mr. AIKEN. Mr. President, I have some requests for time from Senators on this side of the aisle but, unfortunately, they are now in attendance at very important conferences in committees at this time.

Mr. President, I do not regard this issue as a party political issue, although it is apparent that there are those who would make it such. It never ought to be an issue between political parties. There is always a competitive spirit going on. There is always a yen for power on the part of various groups and various organizations on one side or the other. The thing that bothers me most about the debate which has taken place so far has been the attack on agribusiness.

Were it not for agribusiness, we would not be able to handle the processing and marketing of agricultural products from the farmer to the consumer.

Let me point out that about one-third of agribusiness in this country is done by farm cooperatives. They keep the proprietary interests in line.

An agribusiness like Land O' Lakes handles a tremendous amount of dairy products. In fact, 70 percent of all dairy production in this country is processed and handled by farm cooperatives which act as an agribusiness.

We have got the Agway Cooperative up in the Northeast which started some 40 years ago and has now developed into a $700 million-a-year business on behalf of the farmers. I do not want to see attacks on these people. On the other side we have companies like Ralston-Purina. They probably have not done as much agribusiness work for the farmers of Missouri as the Missouri Farmers Association have, but I am glad we have these.

In Minnesota, besides certain large cooperatives, we have private interests like Archer Daniels Mid-Land, whom we all know, and others. But I do not like to see this attack upon those industries that make it possible for us to market the products of our farms.

We will export to other countries this year approximately $8 billion of farm products, or the production of one acre out of four, and we just could not do it otherwise. We have to have cooperation between individuals. Without the farm cooperative, the small farmer would be in a very precarious situation, and without the other processing plants, we would also find it difficult to make the progress that we have.

I have received, I think, 67 telegrams, and later a couple more, all of which were inspired by the National Farmers Organization. Those are the ones I have received in opposition to Mr. Butz.

I have received other equally urgent wires and letters in his behalf in the last 4 or 5 days. But I will say this—and I am sorry I have to say it—I think virtually 99.9 percent of the letters and telegrams and communications I have received for and against Mr. Butz as Secretary have been inspired by organizations, and inspired by organizations which employ people to do this work. Some of them I call panic promoters, which we have had some experience with in the field of atomic energy.

It is very unfortunate that the interest in agriculture in this country has dropped as low as it has today. Twenty years ago if this issue had been before us, the galleries would have been packed and half of the Senators would have been on the floor. That does not happen today. Agriculture is represented by these organizations, and sometimes misrepresented by them, and that is not my idea of progress entirely.

I have long advocated support for farm cooperatives. I do not know what we would have done without them. More farmers would have had to leave the land. But as I pointed out yesterday, when a small farm goes out of business in Vermont, it is usually taken up by two or three families instead of one.

Much has been said about the decline in farm population. I do not know how I can stop it. One cannot tell a farmer he has got to stay on the land and leave his family without education, without adequate supplies, clothes, and other things, just because his vote is useful at election time.

There has been a very large decline in farm population. During the 7 years that Secretary Freeman was in office there was a 30-percent drop in farm population. That was not his fault. He could not help it. I believe that the drop in the last 3 years has been 10 percent, almost the

same proportion because there are fewer farms each year. However, I do not know how we can stop that. I do not know how we can tell a farmer who perhaps paid $15,000 for his farm and who has been offered $250,000 for it that he should not go out of business; yet those things are happening.

Dr. Butz has been attacked on unfair grounds as being unfriendly to the voluntary agencies. I have to say here that under Dr. Butz as Assistant Secretary of Agriculture, the voluntary agencies first took part in the food for peace program, as it is called now. Foreigners still call it the Public Law 480 act. We did not have any contributions like this until Earl Butz became Assistant Secretary of Agriculture, and then in 1955, $135 million was contributed in the way of food to voluntary agencies. That went up to $184 million, the next year to $165 million, and to $180 million finally in 1966, and then it began to drop. It dropped to $152 million.

We cannot say that he has not been friendly to the voluntary agencies, and I do not think that these attacks on him have been fair. I agree that the farmers are not very good campaign contributors. I agree that what is going on here today probably will affect them somewhat in that respect, at least those who work as cooperatives and as agribusinesses. But I am very sorry that politics has been injected in this. Anyone who is not blind and deaf would realize that fact.

I also apprehend that many of the speakers on both sides of this matter have not brought party politics into the issue.

Mr. President, how much time do I have remaining I have promised some, and I cannot use any more.

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. AIKEN. How much time does the opposition have?

The PRESIDING OFFICER. Fifteen minutes.

Mr. AIKEN. I will yield at this time. As I say, I have other speakers coming in at 12:30. I realize there is a lot of competition to get this 12:30 to 1 o'clock spot. I have said what I said prematurely because I did not want to use that time if somebody else really felt they wanted to have it—somebody with high-level ambitions maybe. However, we still do not have the galleries as full as they used to be, and we still do not have the Senators on the floor. I yield 2 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, much has been said about Dr. Butz' view of the environment, his concern for the American farmer and his concern for hunger. Rather than to speculate about what he may think, since he has been pictured in effect as a cruel, heartless man who would let people starve and let the corporate giants stamp out the small farmer, I think it might be better, rather than to speculate or to second guess Dr. Butz, if the RECORD might have in it copies of speeches made by Dr. Butz. I think we can all conclude from what a man says from time to time what he may mean.

Mr. President, first of all, I ask unanimous consent to have printed in the RECORD testimony given by Dr. Butz November 19, 1965, before the National Commission on Food Marketing in Washington, D.C., entitled "The Developing World Crisis in the Population-Food Ratio."

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

THE DEVELOPING WORLD CRISIS IN THE POPULATION-FOOD RATIO

My name is Earl L. Butz. For the past eight years I have been Dean of Agriculture at Purdue University. For three years prior to that, from 1954 to 1957, I served as Assistant Secretary of Agriculture in charge of Marketing and Foreign Agriculture. During this time, on two occasions I served as chairman of the U.S. Delegation to the Food and Agriculture Organization Conference in Rome. Among other things, I was in charge of the Foreign Agricultural Service, and traveled extensively in many parts of the world studying food and agriculture conditions. Prior to going to Washington as Assistant Secretary of Agriculture, I was eight years head of the Department of Agricultural Economics and Professor of Agricultural Economics at Purdue University. My entire professional life has placed me in close proximity with food-population problems, both in this country and abroad.

The North American food industry is now relaxed in the calm which precedes the greatest challenge it has ever faced. We must exercise every opportunity to keep our entire food machine in a healthy state of preparedness, if we expect to meet this challenge successfully.

The world is on a collision course. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the Western World itself.

The long-run outlook for international agriculture is essentially one of a race against time and capital in an effort to meet the onslaught of a tremendous upsurge in world population.

The man-food ratio around the world, never high enough to be very exciting to two-thirds of the world's population, has actually been in a decline the last half dozen years. Total food output has increased during those years, to be sure, but at a slower rate than population increase. In many of the world's underdeveloped areas, the man-food ratio is in a serious decline.

Those of us in North America who wrestle with perennial surpluses of both food and feed grains too frequently view our problem in the short run. We are export conscious, particularly in relation to the current situation. While this may be important in a particular year, it is high time that we begin to fashion our domestic programs and policies with a view toward the political and economic realities of the developing world food crisis. It is high time that all of us begin to view the developing crisis in the world population-food ratio in its proper perspective.

Although I use the word "crisis," it need not develop in our lifetime if we can apply the intelligence we possess to the twin areas of food production and international trade.

FOOD IS THE FIRST LAW OF LIFE

The first claim of any society on its total production resources is to produce enough food to keep the population alive and reproducing itself. This is true in primitive societies as well as our own advanced American economy. Some Far Eastern nations require 80 to 90 per cent of their population on the land to get the job done. In the United States we do it with less than 6 percent of our working population on our farms, and could do our commercial agriculture with about 3 per cent of our working population on our farms. There is room for substantial expansion of food production, both in the undeveloped and in the developed areas of the world, through continued application of science, infusion of capital, and nonrestrictive governmental programs.

When many of us in this room were students, perhaps a third of a century ago, we were concerned about the foreseeable leveling off and eventual decline of population, especially in the non-Asiatic world. It was popular then to explain why Malthus had been so wrong with his forecasts about the population-food ratio. It is now rather fashionable to dust off Malthus' volume and to quote from him occasionally.

THE POPULATION EXPLOSION

At the beginning of the Christian Era, world population was estimated to have numbered around 250 million. In the next 15 centuries it doubled, reaching 500 million by 1600. Three centuries later, by 1900, world population had tripled, and stood at about 1.5 billion. In the less than two-thirds of a century since 1900, world population has approximately doubled again, and now exceeds 3.0 billion. Reliable estimates indicate that in the little over one-third of a century remaining until the year 2000, it will double again, and will stand at about 6.3 billion people.

During the first 15 centuries after Christ, the rate of increase in world population ranged between 2.5 and 5 per cent *per century*. By 1900 the *annual* rate of increase was approximately 1 per cent, or 100 per cent per century. As of 1960, the *annual rate* was about 2 per cent, and it is expected to rise even above this figure for the remainder of this century. The astonishing fact is that the human race is currently doubling in numbers every 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If a population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, the rate of growth cannot persist indefinitely, because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

While it is true that projected rates of population increase are greater in the underdeveloped nations than in North America, yet we too shall experience a substantial increase in Canada and the United States. A United Nations projection has forecasted that the combined population of our two countries will move from 197 million in 1960 to 312 million in the year 2000. This is an increase of 60 per cent just within our own boundaries. Projected rates of increase are approximately the same for Western Europe and Russia. However, population in Latin America is projected to increase 188 per cent, from 206 million to 592 million. Likewise, the African population increase is projected at 120 per cent, and Asia at 139 per cent. In the latter case, population is expected to increase from 1.6 billion in 1960 to 3.9 billion in the year 2000.

We are experiencing substantial population increases during the decade of the 1960's. A United Nations projection has predicted an increase during this decade of 35 million for the United States, 61 million for Latin America, 72 million for Africa, 266 million for Asia excluding China, and about 750 million for Asia including China. This means an increase during the present decade of over 800 million. We are already halfway through this decade, and nearly halfway toward the projected increase.

The United States now has approximately 6 per cent of the world's population. It is projected that by 1975 the U.S. will have approximately 5 per cent of the world's population, and by 1985 only 4 per cent. These figures underscore the fact that the world areas of dense population and of bountiful food supplies do not coincide.

FOOD PRODUCTION TRENDS

From the beginning of history, man has always been in a struggle to feed himself, with the possible exception of the Western World in the last two or three decades. From the beginning of the human race until now, man gradually developed the food production capacity required to sustain 3 billion people on the earth, although many, many persons have a very meager available food supply per capita. If the 6 billion plus people predicted by the year 2000 are to be sustained, with no improvement in diet whatever, man will need to develop the capacity to feed another 3 billion people—and this must be done in the short term of one-third of a century. This means that we must duplicate in the next generation the production record that man has achieved since the dawn of history. And we must do this at a time when nearly all of the virgin lands of the world have been brought into production and when we face increasing inroads on arable land by the urban sprawl, developing highways, parks, recreation sites, and the like.

The challenge is great, but the situation is far from hopeless. The world's land surface is currently estimated at 32.9 billion acres. Of this, 3.6 billion acres, or just under 11 per cent, is classified as arable land and land in tree crops. We actually plant to crops considerably less in a given year, usually under 2.4 billion acres, or only about 7.6 per cent of the earth's land surface. We have another 6.4 billion acres, or 19 per cent of the earth's surface, in permanent meadows and pastures. Thus, if we include this with crop land and tree land, we account for about 30 per cent of the earth's land surface. It is possible that some of the remaining 70 per cent may someday be brought into agricultural production, as capital becomes more plentiful, as cheaper sources of energy are developed, and as more efficient means of converting sea water to usable water become available. It should be noted that until a generation ago, most of the increase in the world's food production came from opening up virgin lands. In the immediate future, however, we cannot count on a substantial addition to arable land from this source.

There are only two possible answers to the problem posed above: (1) increased agricultural production worldwide, with sufficient trade flexibility to permit effective geographical distribution, and (2) a widespread and rapid increase in birth control practices. In the long run, say by the close of this century, birth control is the only solution. But it is developing extremely slowly in the population pressure areas of the world, and probably will continue to develop slowly because of the low levels of education and living standards. In the heavy population areas of the world, the girl babies are here. They can be counted. When they mature, just a few years hence, it is inevitable that births will increase markedly. The only thing that can alter this will be a marked increase in education, in economic levels, or a substantial change in religious attitudes and social mores. These factors have not changed markedly in the last decade. There is little reason to believe that there will be sufficient improvement in the next decade to provide the kind of environment in which birth control can become rapidly effective on a broad scale. Hence the immediate need before us is to increase agricultural production and to work out more effective means for distribution of our foodstuffs—just the converse of some of the agricultural and trade policies currently popular in the United States.

Individual countries vary markedly in the share of land suitable for cultivation. Moreover, population and arable land are not at all evenly distributed. This accentuates the need for realistic trade policies. Asia, for example, has about 56 per cent of the world's people but only 31 per cent of the arable land. Western Europe, likewise, runs behind in arable land. In most of the rest of the world the inverse is true.

Perhaps the greatest variation among the nations in agricultural productivity lies in capital inputs, particularly in the form of fertilizer, drainage, irrigation, and technology. In this respect North America leads the world. The record of increased efficiency of production by North American farmers since the decade of the 1930's is nothing short of phenomenal. It is meaningful to use the trend in per capita grain production as an indicator of both agricultural progress and the quality of diet. A majority of all calories consumed comes from grains, either directly or indirectly, after conversion into meat, milk or eggs. Thus a rising per capita output of grains in any population makes possible either a rise in calorie intake or the production of additional animal protein if this is needed or desired.

World grain output increased 47 per cent during the 25 years from 1934–38 to 1960–61. During this time total harvested area increased by 15 per cent, and average yield by 28 per cent. However, there was tremendous regional variation. During that quarter century, both North America and Oceania more than doubled total grain production. Eastern Europe and the USSR gained only 24 per cent, Western Europe 31 per cent, Asia 41 per cent, Latin America 42 per cent, and Africa, undisturbed by the war, 54 per cent. The latter increases did not keep up with population growth. North Africa expanded its share of world grain output from 16.7 per cent in the years 1934–38 to 22.8 per cent in 1961. During this same period the Soviet Bloc share of world output was steadily shrinking from 23.5 to 19.8 per cent. Or if we divide the world into the two dominant economic regions—developed and undeveloped—we discover that output in the developed regions increased 51 per cent during this period, while that in the underdeveloped regions increased only 42 per cent. This is significant when it is remembered that the rapid population growth is in the undeveloped region.

A generation ago the underdeveloped areas of the world (Asia, Africa, and Latin America) were food surplus regions. Before World War II, the underdeveloped areas were exporting annually about 11 million tons of grain to the developed countries, notably Europe. During the early post-war years this flow of net exports was reversed, with a modest 4 million tons going annually from the developed to the underdeveloped countries. The population explosion in the underdeveloped world in the last couple of decades, coupled with a much, much slower increase in food production, has pushed food needs so high that the estimated movement into those areas in 1964 was 25 million tons of grain.

The underdeveloped areas of the world, once able to feed themselves, now clearly are dependent for their very existence on sustained food shipments from the developed nations, largely from North America, with the U.S. Food For Peace program figuring prominently.

The output of grain per capita of farm population has shown a striking increase in North America, more than trebling in the 25 years from 1934–39 to 1961. During the same interval, grain output per capita of farm population actually declined in Latin America and increased only modestly in Africa and Asia.

The supply of new land that could be brought under cultivation has been negligible during the past quarter century. Rising yields per acre have been the source of increased food production during that period, just as they constitute the only real hope for the next quarter century. Here again, unfortunately, the evidence is that the advanced nations can generate a sustained trend of rising yields much better than can the underdeveloped areas. Over the past quarter century, per acre yield in North America increased 100 per cent, as contrasted with only 7 per cent in Asia and only 8 per cent for the entire underdeveloped world.

The major factors associated with rising per acre yields (yield take-offs) are effectively outlined by Lester R. Brown in an excellent USDA publication, "Increasing World Food Output," published in April 1965. These factors, briefly stated, are:

1. *Reasonably high level of literacy.* A yield take-off calls for the effective movement of new ideas and techniques from the research plot to the farmer. This is difficult in an illiterate society.

2. *Per capita income above mere subsistence.* There must be sufficient income to permit the manufacture and purchase of yield-raising inputs, such as fertilizer, drainage, etc.

3. *Development of a market oriented agriculture.* A sufficient share of individual farm output must enter the market to provide cash for the purchase of commercial yield-raising inputs. This is particularly necessary in a country with no unexploited land in which to expand, and this includes all the underdeveloped regions.

4. *"Favorable prices" for farm products.* Food prices at the farm must be sufficiently high relative to the cost of purchased production inputs to induce the use of the added input. For example, a pound of rice in Japan buys roughly three times as much commercial fertilizer as a pound of rice in India. Japanese farmers are among the world's heaviest users of commercial fertilizers, while only a very small share of India's 60 million farmers have ever used commercial fertilizer, insecticides, or fungicides. It *pays* to use these inputs in Japan but not in India. Yields are high and rising in Japan, but low and relatively stable in India.

Brown concludes: "To describe what it takes to generate a yield-per-acre take-off is, in a sense, to describe the process of modernization and development. Stated otherwise, the more advanced an economy is, the easier it is to generate a yield take-off. The densely populated, less developed countries, which have virtually exhausted the supply of new land that can readily be brought under cultivation, must compress a lot of progress into a very short period of time if they are to generate the yield take-off needed to feed their rapidly growing populations."

The transportation of the advanced mid-20th century agricultural technology of North America into the underdeveloped areas of the world will be, at the best, a very slow and arduous process. Yet, we must not despair in our efforts to build up the agricultural economies of the underdeveloped nations. To the extent that this can be done it will both promote economic and political stability within those nations, and will in part alleviate the burden that must inevitably fall on North American agriculture in the latter part of this century to prevent mass starvation in large areas of the underdeveloped world.

HIGHER PRODUCTION NEEDED

We thus face the prospect a decade hence that the great bread baskets of North America will be called upon to supply food for large areas of the world until the population-food ratio can again be brought into approximate equilibrium. The latter cannot be accomplished quickly or painlessly. We therefore face the challenge, in North America, to keep our food machine in a healthy state, fueled for a massive effort in the years ahead. We can add only a limited supply of additional arable land. We can get some additional food from the sea—but here again we face practical limits.

The only practical alternative available to us is the accelerated application of capital and technology to our own agricultural and food systems in an effort substantially to increase output per acre and per man. This means accelerated application and use of fertilizers, irrigation, better seed varieties, more pesticides, and extensive research inputs. We must not be lulled into a position of retreat on the North American agricultural front, because of current selective surpluses within our boundaries, because of uncertainties over the agricultural policies of the European Common Market, because of our declining numbers of farms and farmers, or because of the temporary rise of agricultural nationalism in many of the newer and undeveloped nations of the world.

The public conscience of the United States has moved toward a commitment, neither written nor enacted into legislation, but nonetheless real, that we will not permit mass starvation any place in the world. The two decades since the close of World War II have been the longest famine-free period in the history of the world. This has been possible largely because of the strategic deployment of American surplus foodstuffs under the Food For Peace Program. Many of these have been given away. It is true that substantial quantities have been exchanged for foreign currency under PL-480, but many of these transactions really represent ultimate gifts. We just haven't completed the bookkeeping transaction.

When the time comes that food needs abroad are more apparent than now, it is my prediction that the U.S. Congress will find some way to meet them, perhaps under some kind of arrangement that resembles a sale, just like many people in this country think that our massive "sales for foreign currency" of surplus commodities over the last decade represent a genuine sale, when many of these transfers really were in the nature of a gift.

We must, therefore, view the tremendously efficient food industry of North America as one of the most powerful tools in our kit of international diplomacy. And then, having viewed it this way, we must pursue more sensible internal price support and production control programs than have persisted in recent decades. We must build strength under our great food processing and distribution system. Likewise, we must follow trade policies which are fitted more nearly to the economic realities of our times.

If we can catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead, then we can only be optimistic concerning the position of our agriculture in the international scene.

The opportunity for increased food production on the North American continent is tremendous. Agriculture is essentially a process of converting radiant solar energy into a form usable by humans. We use the plant as a vehicle to accomplish this energy transformation. Sometimes we use the animal as a further vehicle.

We are extremely inefficient in making this energy conversion. In the temperate zone, on a warm summer day, the solar energy that hits an acre of land is roughly equivalent to the energy in 5 tons of coal. If this is averaged through the calendar year, to include the winter season, the daily solar energy impact per acre is equivalent to approximately 3 to 4 tons of coal. If we assume that, through our best agricultural techniques, we can produce 120 bushels of corn per acre per year, year in and year out, this has an energy equivalent to about 3 to 4 tons of coal. This means, therefore, that we have now learned in our advanced agriculture how to capture as much energy in our year as God pours on our acres every day.

We think we are pretty efficient, when as a matter of fact, we are extremely inefficient. We get only about 1/360 part of the energy available. If we should somehow learn how to double production per acre, we would still be getting only about 1/180 part of the energy available. This means, therefore, that the potential area for the application of science in our agriculture is almost without limit. It staggers the imagination. The energy is here, the opportunity is here, the need is here. All we need is a complete national dedication to be on with the job.

Our danger today is that too many Americans are "At Ease" in a world still struggling. Two-thirds of the world's people live in chronic poverty, illness, malnutrition, disease, and general wretchedness. Gandhi once remarked "Even God dare not approach a hungry man except in the form of bread."

It is futile to preach to hungry people about individual freedom, democracy, and the dignity of man. Their compelling desire is bread.

This is the first time in the history of the world that hungry peoples have been clothed with political power. The number of nations in the world has more than doubled in the last two decades. These people are aware, through modern communication, that not everybody in the world accepts starvation, privation, and premature death as his inevitable partner.

The North American continent, and primarily the United States, will be called upon within the decade for a massive effort to meet the impending crisis in the world population-food ratio.

It must be a major responsibility of all of us to keep our national food producing machine healthy and efficient. We must catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead. We must strengthen public confidence in the capacity of our food industry to meet the great challenge ahead of it.

To prepare for less than this will be to condemn a large part of the world to widespread famine and political instability on a scale unprecedented in history. In modern times, our own nation cannot remain insulated from such a catastrophe on the other side of the globe, either east or south.

Hence there is no realistic alternative except for us to gear up to meet this challenge.

Mr. DOLE. Mr. President, I wish to call attention specifically to several sentences in that testimony.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator from Vermont yield to me for 2 additional minutes?

Mr. AIKEN. I yield 2 additional minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, Dr. Butz said at that time:

The public conscience of the United States has moved toward a commitment, neither written nor enacted into legislation, but nonetheless real, that we will not permit mass starvation any place in the world.

Later in the same speech Dr. Butz said:

It will be impossible, in the generation ahead, for the western world to live as an island of affluence in a sea of misery.

That is an indication as far back as 1965 of his recognition and concern for hunger in the world and in America.

Other opponents have indicated that he has an improper attitude on the environment. I ask unanimous consent to have printed in the RECORD a speech by Dr. Butz given on April 26, 1971, entitled "Man and His Environment—Crisis or Challenge?"

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MAN AND HIS ENVIRONMENT—CRISIS OR CHALLENGE?

Man is the most versatile and adaptable of all the animals. He has learned, in varying degree, to tame the natural elements and to modify the physical environment in which he lives. Enlightened humans have found it possible to survive in habitats that formerly were marginal or even impossible.

In short, man has disturbed the balance of nature. He has altered his ecosystem. This has brought great rewards to him, but not without perils and cost.

In recent decades our population-resource ratio has narrowed markedly, our per capita demand for resources has risen sharply, our population curve has accelerated upward at an alarming rate, and the opportunity to move on to virgin and unspoiled areas is virtually nonexistent.

Small wonder, then, that we are all concerned about environment, resource use, pollution, and quality of life. In the last half dozen years interest in these areas has built up to near fever pitch. We are probably right now at a peak in our national clamor to "do something" about pollution.

We have a certain amount of faddism in our support for public causes. Think back over the last half dozen years or so. A couple of years ago our great national concern dealt with malnutrition and hunger. A greatly expanded federal food stamp program resulted. A revolutionary new concept in welfare was placed before the Congress by this administration. Before that we were all steamed up over racial and ethnic discrimination, with a wide variety of organizations carrying that flag.

Today I think it can be said that 1970–71 will go down in history as *the year of the environment*. In another year or two the very same organizations and media that wave the environment flag so vigorously today will have still another torch in their hands—and wave it just as enthusiastically. It is difficult to keep public interest at fever pitch in any movement more than a year or two.

Perhaps it's better this way. It is a well demonstrated American trait to over-react to crisis. When any issue is at the crest of its "agitation curve," exaggerated statements are made, perils are overemphasized, emotions are stirred up, and some unwise things are done. But on the other hand, governments are moved to act, corporate managers are made aware of their public responsibilities, and Mr. John Q. Citizen also decides that he too may be called upon to share in the cost of improving the situation. When public clamor subsides a bit and we enter the sub-crisis stage of public discussion and concern, it is always possible to make sounder decisions, to formulate better programs, and to move forward on a rational basis. There is evidence that our nation is just now entering that phase of environmental awareness.

RISK-BENEFIT RATIOS

Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything *absolutely* safe.

This is a world in which we constantly offset risk against benefit. We never completely insure our car against all hazards, our dwelling against total loss, our life for what it is *really* worth, or our health against every hazard. In practically every phase of our activity we take some chance. We are constantly trying to evolve a risk-benefit ratio which satisfies each of us, and which each of us can afford. If we completely insure against every risk, we may end up with nothing left to enjoy our new-found safe position.

A few illustrations will suffice. We must shortly decide whether we want to build additional power generating plants, with perhaps a tolerable amount of thermal pollution and atmospheric pollution, or whether we want to experience electrical brown-outs on midsummer afternoons when everybody turns on his air conditioner. We must decide how much additional cost we want to add to our total transportation bill to reduce pollutants from that source to, or even below, tolerable levels. We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious, and economical food supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals or antibiotics. If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and overall quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the fabulous American standard of living.

We can go back to organic agriculture in this country if we must—we once farmed that way—75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

When we talk about restoring the ecological balance of nature, we must seriously ask ourselves just how far we want to go in "returning to nature."

Part of the trouble with us is that two-thirds of all living Americans never bit into a wormy apple, looked at the worm hole, and wondered whether the worm was still in the apple or in their mouth. They think that the God of Nature automatically produces nice, plump, red, juicy apples free from parasites and blight. Let's be rational about this whole matter.

God put the worm in the apple—man took it out,
God put the parasite in the pig—man took it out,
God put the termite in the timber—man took it out,
God put the webworm in the lawn—man took it out,
God put the blight on the rose—man took it out,
God put the blight on the corn—man took it out,
God put the mosquito in the back yard—man took it out,
God put the potato bug on the potato—man took it off,
God put the tick on the dog—man took it off.

Just how far do we want to go back to the balance of nature anyway? That balance was pretty harsh on man.

THE PROBLEM IS OURS

As we approach the problem of pollution and environmental control, we should come to one of Pogo's recent observations in the comic strip, "We have met the enemy—and they are us."

Therefore it is we, as individual citizens, who will have to decide how much we are willing to pay for a better quality of life beyond that which is truly necessary. And that includes population control. When we quit thinking of these problems as the concern of others and face the fact that they are ours—this nation can move forward with greater effectiveness toward the achievement of a better quality of life for all.

It is completely unacceptable to believe that there is no way out of the problems we have created. Unquestionably, there are risks involved, but none so great as the risk that we may quit risking, try vainly to set the clock back, abjectly surrender the goal of a better world in the mistaken belief that this one is as good as can be.

Mr. DOLE. Mr. President, reference has been made to a speech given on April 15, 1971, at the National Symposium on Vertical Coordination in the Pork Industry at Purdue University. Reference has been made to the speech but no one has stated what Dr. Butz said at that time. He did indicate concern for the farmer and said that the farmer could meet the challenge.

Mr. President, I ask unanimous consent that that speech which was given on April 15, 1971, may be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN OPTIMIST LOOKS AT THE SWINE INDUSTRY

The dictionary defines an optimist as "one who looks on the bright side of things." This implies that there must also be a dark side. Hence, an optimist must be one who feels the bright side outweighs the dark side. This definition fits me.

After what has happened to hog prices in the past fifteen months, it is not too easy for hog producers to wear a very broad smile. However, the look we take at the swine industry today must be longer than half a hog cycle, or even an entire cycle. It must be secular. It must be independent of normal seasonal or cyclical price and production variation.

OPTIMISM MUST BE BASED ON PROFIT PROSPECTS

Profit is the key word for economic optimism, for both producers, processors, and distributive agencies. Therefore, if one desires to be characterized as an optimist in the swine industry, or in any industry for that matter, he ought to see some profit prospects lurking around the corner somewhere.

Profit in any industry is determined largely by the relationship between selling price and production cost. This is also true for the individual operator, except that his profits depend on a third factor—volume. It may therefore be stated that profit to the individual producer is determined by three factors: 1) selling price, 2) production cost, and 3) volume of output.

Now for a bit of price and production theory. In the long run, selling price must equal marginal production cost, including normal entrepreneurial profit. If perchance total demand is rising while production costs are falling, profit margins will be wider than equilibrium, and volume will rise, even though selling prices may trend downward.

This is the prospect for the swine industry over the next decade or two.

TOTAL DEMAND FOR PORK WILL RISE

The total effective demand for pork in the years ahead will depend on two factors: 1) Size of the population, and 2) changes in the amount of pork consumed per capita.

The latter factor in turn is dependent upon three things: 1) the amount of increase which may be expected in per capita real income (taking into account the relatively low income elasticity for food); 2) the impact on per capita consumption of an aggressive educational and promotional campaign; and 3) the impact on per capita consumption of lower relative selling prices and improved quality in the retail counter as a result of a stepped-up research program in the whole pork industry.

The first two factors listed above operate largely independent of anything the swine industry can do. The second two are largely under control of the leaders in the swine industry.

Each of these items will be discussed briefly.

Our exploding population means a substantial increase in our consumption potential, even assuming for the moment a static per capita consumption. Our population now surpasses 205 million. It's growing by about 3 million per year. It has been estimated that by 1980 our population will be around 235 million. By the year 2000, it will be skirting around the 300 million mark. That's an increase of some 95 million in less than three decades. That's nearly equal to our population growth over the past five decades—from 1920 to 1970. It's a fourth greater than our population growth during the entire nineteenth century. A 95 million increase in population represents a 46 per cent increase from the present base. Therefore, assuming no change in per capita consumption of pork, we could expect a 46 per cent increase in total domestic outlet for pork in the next 29 years.

Let's look now at the second factor—the rising purchasing power of our people. In the last 25 years the per capita real income of our people (after taxes and inflation) has increased by some 50 per cent. Reliable predictions are that it will increase by another 50 per cent in the next 25 to 30 years. Many economists think it won't take that long to go up 50 per cent.

While we don't increase our food consumption proportionately as income increases, we do eat some better. We improve the quality of our diet. We do this by shifting to a protein diet, and other more expensive protective foods. We eat higher up on the hog. Or perhaps it would be more accurate to say that we eat "higher up on the steer." In the last couple of decades we've been eating much more beef—not pork.

If our per capita real incomes go up by 50 per cent in the next two or three decades, we can be almost certain that the demand for meats will rise some, although not by a like amount. If recent consumption patterns have any predictive value, it's probable that the effective demand for beef will rise a bit more than for the average of all red meats, and effective demand for pork a bit less. Therein lies part of the problem we face—and out of that springs one of the challenges we must meet.

If we can assume that the normal income elasticity for red meat is 0.20, and it's my feeling that this assumption is on the conservative side, then we conclude that a 50 per cent increase in per capita income would result in a 10 per cent increase in the relative amount that would be spent for meat, and hopefully for pork and pork products. This of course is at the retail level. It is likely, however, that as incomes rise, consumers will purchase more services with their food. Therefore, not all of this increase in expenditures for pork would be reflected

back to the producers. Hence, just to be conservative, if we cut the estimated income elasticity from 0.20 back to 0.10, this would then give us an estimated 5 per cent increase in the amount of money spent for pork (at the farm level) resulting from a 50 per cent increase in real income per capita. Multiply this by a projected 146 per cent people base (46 per cent more by the year 2000) and you get an increased demand of 8 per cent. When you add this to the 46 per cent increase in people, you get a projected effective increase in demand of 54 per cent. Give or take 10 per cent one way or the other, that's a pretty sizable job ahead of us.

PROMOTIONAL POSSIBILITIES ARE OFTEN OVERRATED

We now turn to the third factor—education and promotion. Some enthusiastic supporters of a greatly stepped-up promotional campaign for pork expect results which it probably will be difficult to attain. We should be relentless in our efforts to acquaint the consuming public with the advantages of a high protein diet based upon a growing animal agriculture. We should use every fact and every valid technique to zero in on the adverse propaganda which diet and health faddists have heaped upon pork. At the same time, our efforts should be to expand the consumption of all meats. If we dissipate our resources in attempting to persuade consumers that they should eat more pork—perhaps at the expense of beef or lamb or poultry—about all we accomplish is to induce the beef, lamb, and poultry industries to spend an equivalent amount of money in "offset promotion," and the whole industry ends up about where it started except with a big promotional bill on its hands. Madison Avenue will be the chief gainer.

This is clearly an area that calls for a well-coordinated effort by all of animal agriculture.

THERE'S GREAT PROMISE IN RESEARCH

Research—the fourth factor—is under our control.

We have stepped up our efficiency of pork production in recent years, but not enough. Swine production, as practiced in this country, is essentially a means of converting corn into meat. This is recognized by the importance we attach to the corn-hog ratio as an economic indicator in the swine industry. When the ratio is wide, we expand hog production. When it is low, we contract. In a sense, therefore, any long-time change in the average corn-hog ratio in this country may be interpreted as a change in the over-all efficiency of our total swine industry.

From this point of view, we must conclude that, at least until recent years, there has been little change in the over-all efficiency with which we have converted corn into hogs, as measured by this single index. When you take out the wide cyclical swing (from an all-time high of 24.0 in February 1970, to a fifteen-year low of 11.1 in December 1970), the long-time average ratio hasn't changed much over many decades. It is true that efficient individual producers have operated on a much narrower ratio, and have therefore made greater-than-average profits. However, large numbers of less efficient producers persisted, and even got back into the business a year ago under the lucentive of high hog prices and wide profit margins. Fortunately, there is substantial evidence that the impact of science in the hog lot is bringing narrower feed conversion ratios.

We need to pursue this phase of hog production relentlessly. Our goal must be increased production efficiency, combined with a superior product and aggressive merchandising, and increased per capita consumption of pork without the kind of price disruption that has occurred in the past year when supplies did increase.

Our work is cut out for us in the swine industry. Take a look at beef. Our people in 1970 ate a record-shattering 113 pounds of beef per capita, contrasted with 63 pounds in 1950. By way of comparison, we ate 66 pounds of pork in 1970, contrasted with 69 pounds per capita in 1950. As a matter of fact, practically all of our gain in the domestic pork market in recent decades has come from population growth—not from increased per capita consumption. Indeed, in the four decades since 1930, with minor and short-time exceptions, per capita pork consumption has fluctuated between 60 and 70 pounds annually. Per capita beef consumption had a slow growth from 1930 to 1950, and has really taken off in the last two decades. The same is true of poultry.

It won't be easy for the per capita supply of beef to keep up a rate of growth anything like it has the last two decades, without some increase in beef imports. Our range lands in the West now carry about as many cow-calf units as available rainfall permits. We can't reduce dairy cow numbers much more. Cattle feeding will grow some more, but it can't continue to increase at the same rate as in the last decade. By the late 1970's, growth in cattle slaughter will be closely tied to calf crop increases, because by that time cattle feeders will be feeding nearly every suitable animal.

The supply situation facing beef, combined with growing population and rising real incomes, should create fertile soil in which research in the swine industry can flourish.

Just for inspiration, let's take a look at our cousins in the poultry industry. Per capita consumption of poultry meat in this country has nearly tripled since 1940, being 290 per cent of the earlier figure in 1970.

American consumers have not flocked to increased poultry and turkey consumption in such record proportions because they suddenly preferred drumsticks over pork chops or T-bones. They did it because poultry and turkey meat have been placed in the retail counters of America at such attractive prices that Mrs. Housewife just couldn't resist picking up an extra package or two. And those attractive prices were made possible because the modern poultry industry is based almost entirely on research. Today's poultry industry would have been impossible 25 years ago, without the research applications that have gone into it since World War II. Research in the poultry industry has advanced on the multiple fronts of genetics, physiology, nutrition, and management. No sector of the industry has been left unexamined, from the feed bag to the retail counter. Costs have been cut everywhere. Efficiency has been stepped up wherever possible. Even the time-honored breeds yielded before the more efficient production records of hybrid strains. An aggressive program of research enabled the poultry industry to build a great new market in this country where only a small one existed before.

A 50 per cent increase in total pork production the next three decades won't be easy—but it can be done. We'll have the feed to do the job, too. Let's don't panic because of what happened to corn production in 1970. The Corn Belt is going to stay in the corn business—and in a big way. Memory takes me back to the scare we had in the late 1920's from the invasion of the European corn borer, and a decade later from the chinch bug. In each case there were those who began to look around for an effective substitute for corn. In each case our scientists and our farmers pooled their imagination and their talent to do a better job in succeeding years. It is easy to forget that as recently as 1930 the U.S. average yield of corn was still below 30 bushels per acre. In 1969 (before the blight year of 1970) the average national yield was 81 bushels per acre. It is easy to forget that as recently as a decade ago the U.S. average yield of grain sorghum was around 35 bushels. In ten years sorghum yields have gone up some 20 bushels.

The above paragraphs summarize the job cut out for research.

Research is the expandable term in the pork equation for tomorrow.

People will be here by the millions, their incomes will be high, and their appetite for pork will be whetted.

What a fertile reactor into which to pour a generous quantity of our most effective catalyst—Research.

THE GROWTH FACTOR IN AMERICA WAS NEVER GREATER

An important economic factor affecting all of us is the rate of growth in the U.S. economy. It is headed sharply upward.

The government clearly got the message in last fall's election. Our people are more interested in an expanding economy, full employment, and rising wages, than they are in absolute inflation control. This means that by the latter part of 1971, and especially by the middle of 1972, the economy should be moving upward vigorously. This probably means increased consumer spending—perhaps at the expense of the rate of saving.

But be these short-time economic and political fluctuations as they may, the long-time growth trend is vigorously upward. America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—nearly a 50 per cent increase in 30 years. Real ~~income~~ per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 3 years, at current consumption and production rates, we must add each year about 500,000 beef cattle, 50,000 dairy cows, 1,000,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction, in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

America Doubled in Your Generation! Think of what that means in terms of the need for skilled workers, service trades, recreation, and opportunities in a wide variety of fields of activity.

In the decade of the 1970's, 50 per cent more people will reach age 21 than in the decade of the 1960's. We're going to have at least 40 percent more net new households next decade than last.

Downtown is being rebuilt in every major city across the land—and the process is only nicely begun.

The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need to be provided with a growing supply of adequate, healthful, and nutritious food.

THESE CHANGES WILL NOT BE EASY OR PAINLESS

Changes of the character we envision here always benefit some and hurt others. These changes do not mean the end of the small producer. They only mean difficulty for the inefficient producer. Some small producers who are efficient will survive, and make money. They may have to engage in other lines of activity to make a satisfactory total income, but that's often done.

Change is the law of progress. Ours is a dynamic economy. This is especially true of American agriculture.

The challenge we face is to direct the change along constructive and beneficial channels.

None of us would want to live under the same economic institutions which prevailed just a short 20 years ago. Yet I am confident that some of us in this room, 20 years ago, vigorously resisted changes which were then occurring in patterns of production, processing, and distribution. As we look back now, we wonder why.

Likewise, 20 years from now, we'll look back on 1971 and be a little amused that we were so fearful of change, rather than directing our energy toward channeling change down beneficial pathways.

At the start of this paper I defined an optimist as one who feels the bright side outweighs the dark side. This definition still fits me. It will also fit you if you decide to give intelligent direction to the changes ahead, so that our great food industry will function even better than now.

Mr. DOLE. Mr. President, I yield back any time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I find it rather amazing that no one wants to speak for Dr. Butz after all we have heard about this nomination. Where are they? Where are those who are for Dr. Butz?

Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I take these 5 minutes in the full knowledge that the galleries are not full and I doubt that they will be full.

Mr. President, I rise to oppose the Senate's confirmation of Dr. Earl L. Butz as Secretary of Agriculture. I do so, not on the basis of questioning his personal integrity, honesty or his professional ability, but on the basis of his previous record and his basic philosophy concerning national farm policy and our Nation's family farm system.

As I stated in the Committee on Agriculture and Forestry's nomination report, I more specifically oppose Dr. Butz' confirmation:

Because of the past and recent statements and speeches he has made regarding agricultural policy;

Because of his belief that Government should play only a minimum and ineffective role in trying to help farmers to stabilize and strengthen their prices and income;

Because of testimony and statements made during his confirmation hearings regarding what he considered to be an adequate price for feed grains;

Because of his failure to commit himself—or the administration—to changes in current farm policy needed to immediately strengthen prices for wheat and feed grains and to adjust programs for these commodities in 1972 to insure that production is brought in line with utilization demands;

Because of his lifelong orientation and belief that economic efficiency alone should be the sole measurement or yardstick in determining how and by whom agricultural commodities are produced;

Because of his long association with the nonfarm, agribusiness elements of American agriculture which more often than not support and promote an increase in the integration of the production, marketing, and distribution functions of agricultural commodities. Such integration permits complete control over the product from seed to sale by usually only a very few people; and

Because of his entire record which shows weaknesses with respect to:

Sustaining adequate levels of farm income;

A lack of concern for the economic survival and viability of family-farm agriculture;

Vigorously combating hunger and malnutrition both in this country and in other parts of the world;

Protection for consumers against food product contamination;

Revitalization and development of our rural countryside and smaller communities.

There are Members of this body, as well as others, who believe that the Senate should almost automatically confirm any nominee whose name is submitted to it by a President—the theory being that a President should always have the right to appoint the people he wants to work in his administration. While I do not believe the Senate should be capriciously obstructionistic regarding such matters, I do believe that the "advice and consent of the Senate" language in the Constitution, is there for the purpose of requiring the Senate to fully exercise a responsibility of review and judgment regarding such nominations or executive branch recommendations. In other words, it is the duty of the Senate to exercise its independent judgment regarding these matters and not permit itself to become a "rubber stamp" for the President or any administration.

The nomination of Dr. Earl Butz as Secretary of Agriculture illustrates the importance of the Senate meeting its "advise and consent" responsibilities. If Dr. Butz' nomination is confirmed by the Senate, I believe that the interests of the people of this country, especially the farm families of this Nation, will suffer as a result of such action.

The Department of Agriculture was once referred to by President Lincoln as "the people's Department." And that statement is more applicable today than it was when President Lincoln made it during the early 1860's. Today the U.S. Department of Agriculture serves more people than probably any other Department of the Federal Government. It provides programs and services to farmers, landowners, businessmen, poor people, consumers, sportsmen, communities, and to citizens living in all parts of the Nation—both in urban and rural places. Its services include income and price stabilization programs for farmers; food programs for children and low-income families; housing for rural residents; water and sewer programs for rural communities; recreational opportunities for all Americans in National Forests; fire and natural resource protection on national forests and private rural lands; economic and other basic research for both farm and nonfarm interests—including biological and medical research; planning assistance for communities; flood control and water resource development; food inspection and grading services to protect consumers; crop insurance; commodity trading control; financial credit for farming; electric and telephone systems; and other community utilities; foreign food assistance; and technical assistance for cooperatives, conservation and resource development, and for a host of other purposes.

I cite these many and varied responsibilities of the Department of Agriculture to illustrate the broad range of powers and influence that Department and the man who heads it, has on the welfare of the people of this Nation. As I indicated earlier, Dr. Butz, based both upon early and recent statements he has made, has convinced me that he is not the man the American people want as their Secretary of Agriculture.

While I join with others who have raised concern about Dr. Butz' previous affiliations with large agribusiness firms, I am more concerned about Dr. Butz' basic dedication to further achievements in so-called economic efficiency in agriculture no matter what the cost in human adjustment. While nonfarm corporations produce about 8 to 10 percent of all farm marketings and control about 7 percent of our Nation's farmland today, about 98 percent of our Nation's farms are owned or controlled by individuals or families, most of whom operate those farms. And it is within this sector of our farming system that we should direct most of our attention.

The cheap food policy promoted and sustained by our National Government continues to force small farmers off the land and encourages big farmers to get bigger. This is exemplified by reliance upon Government farm programs that promote overproduction, low-farm prices, and reluctance to give farmers the bargaining power they rightfully deserve to insure a fair return on their investments and labor.

And it is in this regard, that I find most fault with Dr. Butz. As I indicated in the committee report on Dr. Butz' nomination, I believe he has been dedicated to these concepts and philosophy too long to suddenly expect him to change now. While we need a Secretary who will be concerned about commercial agriculture, we also need a man in this post who has some understanding and empathy for the "people left behind"—the small farmers, the rural poor, and the young people who want to remain in Rural America but who will have to leave because few or no job opportunities are there for them to take advantage of.

And we also need a Secretary who will fight to help farmers secure some bargaining power in the marketplace, who

will fight to get their prices up to where they should be, who will fight to get funds that are so urgently needed for rural electric and telephone loans, community facilities and conservation work released from the grips of the Office of Management and Budget. And of course we also need a man who can command the respect and support of farmers, rural citizens, consumers, and other people who are interested in protecting our environment and in working aggressively to alleviate hunger in the United States.

I think possibly the most thoughtful statement made here today is that much of our interest in the Nation is no longer with agriculture. I think the greatest contribution that has been made to agriculture was possibly the President's nomination of Mr. Butz in the sense that at least we got some attention for agriculture. The President's nomination of Dr. Butz has caused us to realize what has happened and what could happen to American agriculture if Dr. Butz is confirmed.

I have said in this Chamber before that the press of this country, prior to this nomination, was almost devoid of any reference to the family farm, unless one is in the Midwest or in some small country town. I do not blame the press for this because there has been little talk and concern about agriculture.

I serve on the Joint Committee on Economic Opportunity and I have heard our most eminent economists talk about the economy. Without exception they ignore agriculture, as if we could have an improvement in gross national product with a depressed agriculture. It is utterly ridiculous and nonsensical.

The American economy is like a three-legged stool: capital, labor, and agriculture. When one of those legs is cut short, our Nation's economy is in serious trouble. I suggest, Mr. President, that you cannot have any new prosperity in this country with a recession going on in agriculture, and that is what you have today.

I oppose the nomination of Dr. Butz, not because of his former agribusiness ties. We have large agribusiness firms in my State that are good firms; I am not trying to give them a hard time. I know we need them. But we do not want an integration of agriculture from seed to final product within a few companies, and that is what has happened already in some areas of agriculture.

I oppose Dr. Butz because I do not believe he will fight for the farmer. I think he is a good speaker, is brilliant, and a man of integrity. I do not question his professional competence.

But I believe he will not battle for family farmers and we need somebody in that Department who will fight for the farmer and talk up to the Bureau of the Budget; even when there is a friendly administration, you need a fighter.

I served in the executive branch and I do not think that we have done all we could do for American agriculture since the days of Harry Truman. We have had people trained at Harvard, Dartmouth, and Yale in economics, people who do not know the difference between a ukulele and a corncob when it comes to American agriculture. That is a fact. When they talk about economic policy they talk about labor, and industry but say nothing about crops, soybeans, and dairying. They have forgotten agriculture.

I want somebody in the Department of Agriculture to look out across this Nation and see a family farmer and say, "What share of our national income are you getting?" and then be heartsick when he finds what it is, and says, "I am going to fight to get you a greater share. I am going to talk to the President and the Bureau of the Budget."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, will the Senator yield to me an additional 2 minutes? I am just getting warmed up.

Mr. HARRIS. I yield 2 additional minutes to the Senator from Minnesota.

Mr. HUMPHREY. That kind of support is now lacking. We have people in the Department today who say, "Let us look at our textbook. What does it say?"

Well, it says that farmers are going broke. Farmers are going broke and losing their income. It says that Main Streets across America are being rubbed out.

In Nobles County, Minn., one of the richest farm producing areas in this Nation, 200 family farms have been lost in the last 9 years.

Do not give me this business about national averages on the price of corn, because I will take you to southern Minnesota, where corn is now selling for 90 cents a bushel and you cannot produce it for that; hogs are selling at $18 a hundredweight and you cannot produce them for that.

I say the American farmer is entitled to better, and I say Mr. Butz will not fight for them, because I have looked at his record. I do not think that he is a bad man, but I think he feels, "Well, agriculture needs to be very, very efficient and if you get big, big, big, you get more efficient." Yes, they get efficient and they get people out of business.

I oppose the confirmation of Dr. Butz after a thorough study of the record of this distinguished gentleman and I say he is not good for family-farm agriculture. I say he is not good for farm income. I say that a man who opposed the food stamp plan is not good for farmers or needy families. I say that the man who calls the President's welfare program far out is not good for this country. One who chides us as being on a "hunger and malnutrition binge" is not good for America.

I think the nomination should be defeated. I do not think farmers and rural America can take any more of this kind of neglect, which is so characteristic these days.

Again, as I cited in the committee report, I do not believe Dr. Butz's record regarding these matters is very convincing. In fact, it raises genuine doubts in my mind as to how he would approach or handle these important matters if confirmed as Secretary. And I believe there is more than enough evidence in his record to warrant the Senate turning down his confirmation. Therefore, I respectfully urge my Senate colleagues to vote against confirming his nomination as Secretary of Agriculture.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, if the other side will yield some of their time we will speak against the nomination of Dr. Butz.

Mr. AIKEN. Over here we are good conservationists—better than some who claim to be for conservation.

Mr. DOLE. Mr. President, will the Senator yield to me for 2 minutes?

Mr. AIKEN. I yield 2 minutes to the Senator from Kansas, begrudgingly because these minutes now are valuable and worth a lot.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I listened with great interest to the Senator from Minnesota, as I always do. I consider him to be one of the leading presidential candidates so I pay very careful attention to what he has to say. I know of his great concern for agriculture. We both serve on the Rural Development Subcommittee.

I want to be as nonpartisan as I can, as I know the distinguished Senator from Minnesota does. I am reminded of the Freeman years in agriculture and their record in American agriculture. Mr. Freeman came to be Secretary of Agriculture from a big law firm in Minneapolis.

He had no farm background, no experience on a farm. I compare that experience with the experience of Dr. Butz. I worked closely with Orville Freeman, sometimes in agreement, sometimes in disagreement.

As the Senator from Vermont emphasized—we pass the laws in Congress. It is easy for us to fault any Secretary of Agriculture, whether his name be Wallace, Benson, Freeman, Hardin, and now Butz, but we also have some responsibility in Congress. We pass the laws we ask them to administer. I think many of the faults of Secretary Freeman were really the fault of legislation passed by Congress.

What is the opposition to Dr. Butz? He is an honest man. He does not lack character, integrity, or ability. Nobody has charged him with being dishonest or with lacking character, integrity, or ability. On the contrary, they stand up and say he is a man of honor, a man of character, a man of integrity, but "I am against him." So the question is, Who has the right and who has the prerogative to name members to his Cabinet?

That right is reserved to the President. Had the Senator from Minnesota won—he lost a very close race, and I am plugging for him to run as the nominee in 1972, and I know he appreciates that—but had the Senator from Minnesota won, he would have named his Cabinet officers, and he would have expected the Senate to be objective, if he named men of honesty, integrity, and character to Cabinet positions.

That is the question today.

I agree with the junior Senator from Minnesota—that we have focused the attention of America on agriculture. The controversy and debate over this appointment have alerted America to the fact that there is still a rural America, that there are still farmers in America.

Mr. GOLDWATER. Mr. President, will the distinguished Senator from Vermont yield me 3 minutes so I may make a comment?

Mr. AIKEN. Yes, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I was very interested in the remarks of my distinguished friend from Minnesota, who sees nothing but chaos in the appointment of Mr. Butz. My memory may not be as sharp and retentive as my friend from Minnesota's, but I cannot recall a time in the last 35 years or more, since 30 percent of the agriculture of this country has been controlled by the Federal Government, when the American farmer has not been in trouble.

The Senator from Kansas is from a farm State, made up of small farms. Can he recall a time when the Federal Government, regardless of who the Secretary of Agriculture has been, could point with any pride at what it had been able to do for the American farmer?

Mr. DOLE. I cannot recall anything but decreasing numbers of farmers in my State each year, good men and good women leaving the farm because of the lack of opportunity. Perhaps it was because of Government interference 30 years ago. Perhaps it was because of too much interference by Secretaries like Orville Freeman, who wanted more and more controls, and who suggested fines and jail sentences for farmers if they did not keep proper records. Perhaps we are going more in the right direction by providing some flexibility for American farmers, but whether it has been in Kansas or Vermont or Arizona or Minnesota, rural America has taken a back seat.

Mr. GOLDWATER. I might say I see in Mr. Butz a man who certainly is not married to the big farmer or the small farmer, but an agricultural student who understands administering the ridiculous laws which the Congress has passed in the field of agriculture as almost an impossibility, and I would hope Mr. Butz' first actions as he comes down here before our committees will be to suggest ways in which we could amend those laws.

I am from a State that raises cotton. We raise the finest cotton in the world, alongside of Egypt. I think I can safely prophesy that if we continue the ridiculous controls over cotton in this country, America will not grow cotton in 5 years, except for the extremely long staple such as we have.

Under the laws over the last 35 years, there has been a great diminution in the effect of the American farm on American life. It is not the fault of the Secretary of Agriculture. It is the fault of Members of the American Congress seeking votes, who have promised a pie in the sky with 160 acres, which they knew, when they voted for that, could never be effective.

I agree that the Senator from Minnesota should be the candidate in the coming election. He has had wonderful experience. I had the pleasure of running against him. I thank him for so roundly defeating me, because it gave me a new perspective on life. If he were only a Republican, I would be inclined to support him. I do hope he becomes the nominee. He will not win, but at least we will have a man running who does have an understanding about a great many subjects.

Mr. DOLE. And he understands each of us.

Mr. HUMPHREY. Mr. President, I just want to express my appreciation to those who have given me this dubious honor and support. I will consult with them later.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. AIKEN. Mr. President, so much has been said about agriculture being on the downgrade the last 3 years that I think we should put a few figures in the RECORD.

In 1968 farm income was estimated at $50 billion. In 1969 it went up to $55.5 billion. In 1970 it was $56.6 billion. The estimate for this year is $2 billion more in gross farm income over last year.

This makes a lot of business, not only for farmers, but cooperatives and agribusinesses, and it looks awfully good to the consumer to know that in this country we have somewhat more than enough food to eat, and it looks awfully good around the world to know that the days of famine and picking up dead people on the streets, as they used to do, are well over—over forever, I hope. I think those authentic figures should go in the RECORD.

Mr. HARRIS. Mr. President, I yield 1 minute to the Senator from Washington (Mr. MAGNUSON).

Mr. MAGNUSON. Mr. President, I am opposed to the nomination of Dr. Earl C. Butz to be the next Secretary of Agriculture and I will vote against his confirmation.

Dr. Butz has not demonstrated the positive concern for the plight of the family farmer, hungry Americans, and our environment which the Secretary of Agriculture must have if the small farmer is to survive, if hungry people are to be fed, and if American agriculture is not to become just another corporation.

At a time when industrial unemployment is at a 10-year high we cannot casually accept Dr. Butz' conclusion that the family farmer should abandon rural America to corporate giants and go quietly to join the unemployment, food stamp, and welfare lines in our cities.

Nor can this Nation afford a Secretary of Agriculture who has shown so little understanding of the needs of hungry Americans. In a speech delivered in Minneapolis on April 26 of this year Dr. Butz characterized the food stamp program as being "so generous, so extensive, that it is just short of ridiculous in some parts of the country." And in that same speech Dr. Butz called efforts by Members of Congress to focus national attention on the problem of hunger a "hunger and malnutrition binge."

At a time when Seattle churches are feeding 8,000 people a week and turning away another 12,000 weekly because the Agriculture Department refuses to provide Government-owned surplus food to feed them, we cannot afford a Secretary of Agriculture who refers to congressional action for the hungry as a "malnutrition binge."

Mr. President, this morning's Washington Post carried an extremely timely editorial, entitled "The New Poor of Seattle," describing the tragedy of hunger in Seattle and the Agriculture Department's obstinate refusal to use funds which Congress has appropriated to feed hungry people. That editorial quotes an anonymous Agriculture Department official who, when asked what the Department intends to do about hunger in Seattle, would only say that there is "a chance we'll change."

Mr. President, it is long past the time for this administration to stop taking chances with hungry people and to start feeding them. But Dr. Butz' statements give us little reason to expect that he is prepared, if confirmed, to stop taking those chances and to start feeding those people.

The need for immediate action has most recently been made clear in a report entitled "Seattle: Unemployment, the New Poor and Hunger" which was prepared by the Select Committee on Nutrition and Human Needs. It describes in forceful detail the urgent plight of hungry people in my State and I hope that the next Secretary of Agriculture, whoever that may be, will study this report and then take immediate action to feed these hungry people.

Mr. President, I ask unanimous consent that excerpts from the aforementioned Senate report and editorial from this morning's Washington Post be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NEW POOR OF SEATTLE

It has been known for some time that hard days have come to Seattle and surrounding areas in Washington state. The unemployment rate for Seattle has reached over 13 per cent, now the highest in the nation. As is commonly known, this economic plunge has been largely caused by the declining activity of the aerospace industry over the past several years; it is said that from January 1970 through August 1971, unemployment went from 43,900 to 106,400.

A unique situation exists for many of the families who are now getting by on unemployment insurance, public assistance, food stamps, school lunches or neighborhood generosity: they are both poor and not poor. The newly unemployed are, in large part, well educated and highly skilled. They possess houses, cars, life insurance policies, belong to clubs, go on vacations and are generally accustomed to a comfortable life. Yet they are barely able to get by. A report of the Senate Select Committee on Nutrition and Human Needs, issued earlier this week, calls this group "the new poor." The irony of their situation, said the report, is that the accumulated assets of the family "have only bargain-sale value on the open market, and therefore, could only be sold at staggering losses." Yet, these assets render many of the new poor ineligible for the benefits of the state's public assistance program and for the federal food stamp program."

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An immediate and increasingly desperate problem for many of the newly unemployed is food. A well-run food stamp program has been operating, along with school lunches; both are federal programs and both have been rapidly expanded for the crisis. In addition, some 34 church-sponsored food banks have been helping out. But city, county and state officials have stated that these efforts—federal and private—are not enough. One serious problem, as Rep. Thomas Foley (D-Wash.) has noted, is that a family receiving unemployment insurance must use that money for such things as mortgage payments, utilities, medical expenses, transportation (to seek a new job); thus, little or no money is left over to buy food stamps.

Congress foresaw such emergencies and wrote provisions into the law in 1970 for the Department of Agriculture to run a direct food distribution program concurrently with a food stamp program. An advantage of the former is that although the food is less varied, it is free. In normal conditions, the law prohibits the two programs in one area, but an exception may be made when the state or local government believes it has an emergency and is willing to pay for the administrative costs. This willingness has been expressed. To date, however, the Department of Agriculture has refused to establish the second program of free food distribution. A department official says that the government has no "hard evidence" of a grave food problem in Seattle. This is odd; staff members of the Senate Nutrition Committee had no trouble finding hard evidence, nor have city and state officials. What are the 34 emergency food banks in business for?

Since no area has yet to have these two programs running concurrently, the Agriculture Department is apparently reluctant to set a precedent. If Seattle is allowed two programs, other places will soon be in line for the same request. But what does this argument—and the one of "no hard evidence"—mean to a community where many have little or no food. Regarding its current stance, an official in the Department of Agriculture said there is "a chance we'll change." If so, the department has little time to waste; the reasons for change are strong and growing.

Seattle: Unemployment, the New Poor, and Hunger

Introduction

During the past several years, a number of areas around the country have experienced severe economic setbacks resulting in high unemployment. In some areas, this economic setback is related to specific industries. The aerospace industry, in particular, has gone into a protracted slide from which it is only now beginning to recover. Seattle, Washington, and its surrounding area experienced an unprecedented boom during the middle-sixties because of the rapid and extraordinary growth of a leading aerospace firm, the Boeing Company. Seattle was thus especially vulnerable to the industry's reduced economic prospects.

Seattle's general unemployment rate is now the highest in the Nation, reaching over 13 percent. This rate of unemployment places an enormous burden on the social welfare agencies of Seattle, King County, and the State of Washington. This burden is magnified by the somewhat unique nature of the unemployed in Seattle—men and women who have worked all their lives, many of them highly paid professionals. These newly unemployed are now popularly called "The New Poor."

Unlike the old poor, they are for the most part well educated and highly skilled. During their working lives they have established a solid basis in the community, and have built up valuable assets—houses, cars, life insurance policies, even recreational luxuries like boats and campers. The Pacific Northwest is unparalleled in its opportunities for outdoor recreational and overall quality of life; a reality which, in great part, accounts for the unwillingness of unemployed families to try to relocate in some other part of the country.

The social welfare agencies of the area have, and continue to extend, every available assistance to the New Poor as well as the old poor. For the New Poor, unemployment compensation has been the first resort. Unemployment compensation, combined with careful planning and husbanding of other resources, has enabled most families to retain the assets of a lifetime's work. The irony of the assets of the New Poor is that they have only bargain-sale value on the open market; and, therefore, could only be sold at staggering losses. Yet these assets render many of the New Poor ineligible for the benefits of the State's Public Assistance Program and for the Federal Food Stamp Program. Furthermore, public assistance benefits have recently been sharply reduced because of rising numbers of persons on the rolls and the limited fiscal abilities of the State. One of the last resorts for the New Poor—and old poor alike—are food assistance programs.

The major federally funded food assistance programs, Food Stamps and National School Lunch Program, have responded to the area's economic difficulties by a rapid expansion of new participants. The Food Stamp Program, in particular, has grown from 93,035 participants in 1969 to 263,259 participants in 1971. The dollar value of bonus stamps went from $6.6 million to an estimated $44.2 million. Despite this response, however, only 50 percent of the States' public assistance cases are enrolled in the Food Stamp Program; and there is a significant lag between the number of New Poor losing unemployment benefits and enrolling in the Food Stamp Program. It is generally agreed that the cash cost of the food stamps discourages many needy persons from participating.

The apparent failure of the Food Stamp Program to fill all the hunger needs of Seattle's needy has resulted in a widespread community effort to provide stop-gap nutritional assistance. This has taken the form of church-sponsored Food Banks manned by volunteers handing out cartons of foodstuffs. There are about 34 such Food Banks operating in the Seattle area. Since they began operating, it is estimated that 300,000 persons have received food through their auspices. Lately it has become apparent that this volunteer effort is rapidly slowing down because of dwindling contributions. There is deep concern throughout the community about the possible adverse effects of a termination of the volunteer food effort.

City, county and State officials have responded to the uncertain future of the volunteer effort by seeking to institutionalize the direct food distribution effort. They have requested that the U.S. Department of Agriculture authorize the State to operate a federally-supported Direct Distribution Program concurrent with the Food Stamp Program. Such concurrent operation of the two major federally-supported family feeding programs is expressly authorized in the Food Stamp Act of January 1971.

The U.S. Department of Agriculture has taken the position that it is not required to implement this provision of the Act and has, therefore, rejected the State of Washington request to operate both food programs. The Department has further taken the position that the Food Stamp Program should be adequate to the nutritional needs of the poor in Washington State.

In the past several months, the hunger situation in Seattle has been increasingly brought to the attention of the U.S. Senate Select Committee on Nutrition and Human Needs. The Washington State congressional delegation has unanimously supported the application for concurrent Food Stamp and Direct Distribution Programs; and, leaders of the delegation have requested the Select Committee to investigate the situation.

Members of the committee have had brief opportunities during public hearings to query USDA officials regarding this situation. These queries have resulted in sympathetic responses, regarding the widespread unemployment and consequent nutrition problems affecting the Seattle area; but, also a reiteration that concurrent food programs are not the appropriate responses to those problems. It is clear that there is a wide divergence in understanding the nature of the Seattle situation and its possible resolution between Washington State officials, the Washington State congressional delegation, and the officials of the U.S. Department of Agriculture. For this reason, the Chairman and Ranking Minority Member of this Select Committee authorized a special study of the situation by the committee staff.

The study was conducted by the committee staff in Seattle the week of October 25—in cooperation with the staffs of Senators Warren Magnuson and Henry Jackson, Governor Dan Evans, King County Executive John D. Spellman, and Seattle Mayor Wesley Uhlman. In the conduct of the study, the committee staff interviewed representatives of the Seattle medical community, business community, State Northwest Regional Office, and the Seattle-King County Legal Aid and local social welfare agencies, U.S. Department of Agriculture Bureau, Inc. The committee staff also personally visited Food Banks and interviewed volunteers, a Food Stamp Center where the staff was interviewed, and warehouses where food supplies are being stored.

The Economic Situation

The economic situation in the State of Washington has shifted dramatically in a relatively short period of time. Two years ago the area was still enjoying a period of economic growth and prosperity. At the present time it could easily be considered an "economic disaster area."—*Hunger in Washington, July 1971, A publication of the Secretary of State, Ludlow Kramer.*

We have perhaps the finest environmental quality in the United States, and an active determination to preserve and enhance it. This increasingly is going to be a factor in attracting the types of employment opportunities which will diversify our industrial base. Our civic efforts are pointed in that direction. But the payroll will not be tomorrow nor even next year. Right now we need help and lots of it. This is an economic disaster area.—*Miner H. Baker, Vice-President and Economist, Seattle First National Bank.*

The Pacific Northwest region today contains 6.25 million Americans, almost 3 million more than lived there 30 years ago. Over half of this total live in Washington State, and half of those people live within 40 miles of downtown Seattle. The four counties surrounding Seattle have a population of 1.9 million. The population of that area exploded during the last decade, increasing by 421,000 persons—or 27 percent of the current number. Nearly 60 percent of this increase, or 259,000, occurred from 1965 to 1970. Most of these people were attracted to the area by about 50,000 new jobs in the growing aerospace industry of 1966–68. Employment rose by 43 percent during the decade, from 527,000 to 725,000 jobs.

In mid-1968, the aerospace industry in the greater Seattle area employed a peak of 106,000 workers. In 1969, the aerospace payroll was cut by 17,000 workers. Total employment in the area only dropped by 14,000, however, which meant that jobs were still being created in other sectors of the economy. In 1970, aerospace employment dropped another 34,000, twice the amount of the previous year.

This time—instead of being partially offset by other economic activity—it resulted in total employment plunging 60,000. Most of this secondary loss occurred in areas of trade, services, utilities and construction.

The plunge has continued during 1971. During the first 5 months of the year, 18,000 jobs were lost; 8,000 at the Boeing Company alone and 10,000 elsewhere. Estimated job losses for the entire year are around 40,000—equally divided between aerospace and other activities.

The magnitude of the Seattle area's rise and fall are, perhaps, best summed up in the following way:

From 1965 through 1968, employment increased by 170,000, a record unequalled since the early days of World War II—that was the rise.

From January 1970 through August of this year, unemployment went from 43,900 to 106,400—that was the fall.

Putting it another way, now there are as many people unemployed as were employed by the Boeing Company at its peak.

The unemployment rate from the State during these years mirrors the actual job losses. From 1965–68, the unemployment rate averaged 4.3 percent or less each year. In 1959, when the slide began, the rate rose to 4.8 percent. By January of 1970, the rate rose to 6.5 percent. By the end of 1970, unemployment was 10.1 percent. And, by the beginning of 1971, the rate was 11.8 percent and still climbing. During June—with the labor market swelled by summer job seekers—the unemployment rate stood at 12.4 percent, and the total number of unemployment was placed at 181,700 persons.

Sixty-eight percent of the June unemployment occurred in the State's three principal urban areas. The Seattle area was hardest hit—the rate reaching a high of 15.7 percent, a 156-percent increase from June 1970, and the most severe in the Nation for a metropolitan area.

The rate throughout the area this fall has hovered around 12.5 percent and is expected to rise to slightly over 12 percent by this winter. Slight improvement is expected during the remainder of next year—the rate is predicted to hover around 11 percent.

Despite this drain on the area's economy during the past 3 years, the area still has a net-job gain—96,000 at the end of last year—as compared to the pre-aerospace boom era. But most of this gain is in areas of secondary economic activity such as service stations, department stores, insurance companies, schools, hospitals, hotels, restaurants, and banks. One of the key questions facing the area now is: How long can these secondary jobs survive until the recession in primary jobs bottoms out and rights itself?

The stability of these secondary jobs is a tribute to the fundamental soundness of the economic base of Seattle and Washington State. This area is rich in natural resources, producing over $2 billion of forest products, and $800 million of farm products annually. Washington is one of the Nation's leading wheat producing and exporting States. The Washington Customs District is fast becoming a major trading center, doing $3 billion business last year, an increase of 21 percent, and 12 percent annually for the past decade. Tourism is a $400 million a year industry with a growth rate of 8 percent annually.

This fundamental soundness makes it difficult for the casual visitor to Seattle to see the depths of the area's economic decline. The freeways are still crowded with cars. The city's skyline is being enlarged by new high-rise office buildings and hotels. The view of Puget Sound and the Olympic Mountains from a room of a high-rise hotel, just completed, is still spectacular. Downtown stores seem busy and the figures indicate that, for the most part, retail sales are holding up. The best restaurants still do a respectable business at lunchtime.

The truth, of course, is that there are two Seattles. For the employed 85 percent of the work force and their families, life is still good and getting better. This is the Seattle that the casual visitor sees. For the 15-percent unemployed—the 100,000—life is hard and getting harder. This Seattle is hidden to the casual eye, but painfully visible beneath the city's surface. Or, as one of the city's leading business bulletins put it:

For the employed, Seattle still offers the good life; but, for a steadily increasing part of the community, the present situation is murky and the future looks dark.

Respond to the Economic Crisis

Unemployment Insurance, Public Assistance, Food Stamp, School Lunch, and Food Bank programs have all responded to Seattle's economic crisis. But, there is now widespread concern over the fact that these programs are no longer adequate to deal with the situation—without additional resources and other kinds of assistance.

Unemployment insurance

Unemployment Insurance has been the mainstay of the 100,000 men and women who have been laid off during the area's recession. In June of this year, a total of 103,354 persons were receiving benefits under Federal, State regular and extended programs. This figure represented an increase of 37 percent over the previous year. But the program is now beginning to be unequal to the burden placed upon it.

During the year prior to May 1971, almost 48,000 workers had periods of unemployment of sufficient length to exhaust regular unemployment compensation benefits. This represented about half of all new beneficiaries filing during the same period. In recent months, the number of workers exhausting extended benefits has been heavy. It is estimated that, in the year prior to last August, 11,000 workers in the Seattle area exhausted eligibility for extended benefits. The estimate for the State is nearly 93,000 workers losing their regular benefits, with 21,000 more terminating their extended benefits.

As of October 2, the situation took a decided turn for the worse, with another 10,000 workers exhausting their extended benefits. It is now estimated that the monthly rate of workers exhausting benefits has increased from 4,000 to 9,000 a month; and, that by next March, an additional 27,000 workers will lose their benefits.

A working paper drafted by the staff of the Health, Education and Welfare Policy Advisory Committee of the Puget Sound Governmental Conference described the Unemployment Insurance crisis this way:

. . . the gravity of the unemployment situation had been greatly ameliorated by unemployment compensation until recent months when the gap between total employment and benefit coverage began to widen dramatically. This trend will continue in the immediate future, as a consequence the number of unemployed not receiving benefits will exceed those covered. Thus even though the economic situation will in all likelihood improve and the number of unemployed decline steadily during the coming months, the problem as measured in human need will increase in gravity.

Saying it in somewhat simpler terms, the thread by which so many workers and their families have hung thus far is fast running out. And, as that thread breaks, the already heavy burden on the remaining support programs can only increase.

Public assistance

The growth of the Seattle and State welfare rolls is another indication of the area's economic need. By the end of last May, the number of persons receiving some form of assistance was 234,105—an increase of 45 percent from May of 1969. During the same period, the number of persons receiving Aid To Dependent Children benefits had risen from 77,959 to 145,051—a percentage increase of 86 percent. In Seattle and King County nearly 67,643 persons are receiving assistance. And, in Seattle's Model City Neighborhood, the number of welfare recipients has increased by about 250 percent in the past 2 years, to a point where nearly 20 percent of its residents are receiving some kind of assistance.

The State's total expenditures on public assistance will have increased from $123.3 million to $171.6 million during the period of Fiscal Year 1970–72. This increase and projected increases could not be borne by the State budget. This fact resulted in a 15 percent reduction in public assistance grants across the board last April. The effect of this cutback on recipients was immediate. Those who had been surviving suddenly found their income reduced while their basic costs of living remained the same or increased. The effect of the cutback was aggravated by the fact that the State's public assistance payments are pegged to the 1967 cost-of-living and, therefore, do not account for the inflation of the past 4 years.

While it is, as yet, difficult to estimate the increased burden facing the Public Assistance Program, because of the increasing loss of unemployment benefits to area workers, there is little doubt that the burden will grow.

The effect of the 15-percent cut on the ability of people to participate in the Food Stamp Programs, however, is already clear and, unfortunately, quite adverse.

Food stamps

The Food Stamp Program in Seattle and Washington State is generally considered among the most efficiently operated in the country. There is no question that State and local officials have made significant efforts to put the program within reach of those who are potentially eligible. Those eligible were estimated to be nearly 164,000 households—or 442,000 individuals—in 1969, when the unemployment rate was about 5 percent, or less than half the current figure.

The Food Stamp Program has responded remarkably well to the crisis. In May 1969, 93,035 persons were utilizing the program. Two years later, the number was 263,259—an increase of 182 percent. In fact, the increase was so striking that Seattle began to be called the country's "food stamp capital."

The adverse effect of the public assistance cutback on food stamp participation, however, showed itself by July of this year. The official report of the State's Department of Social and Health Services says:

"The first month of fiscal 1972 showed a decrease in the number of participating food stamp households of 4,638 or 5.1 percent from the 91,143 households in June to 86,505 households in July. The July figure represents the lowest number of participating households since October 1970. The greatest decrease was in assistance households which dropped from 51,604 households in June to 49,025 households in July—a decline of 2,579 or 5.0 percent; and nonassistance households decreased from 39,539 households in June to 37,480 households in July—a decline of 2,059 or 5.2 percent."

The latest estimate of participation in the Food Stamp Program stands at 255,388 persons—as few as 52 percent of the minimum number potentially eligible. The two key problems in qualifying for food stamps are delays in getting certified—a minimum of 8 days—and the requirement to get to a particular office and present complete documentation of all income, assets, and expenses including rent and utilities. The primary problem is that people can't afford food stamps

because it requires cash and they *won't* or *can't* sell their house or car or other vital family assets.

Food banks

Late in 1970, the Church Council of Greater Seattle, the Ecumenical Metropolitan Ministry, the Fellowship of Christian Urban Service, and the Churches of Greater Seattle joined in establishing an emergency food program called "Neighbors in Need." In the first 4 months of 1971, the 34 emergency Food Banks set up by Neighbors in Need distributed cartons of food to 75,000 persons. This demand prompted the following telegram to President Nixon from the Presbyterian United Synod of Washington-Alaska:

Dear Mr. President: Unemployment in Seattle now past 15 percent. In black Central District over 48 percent. State Welfare seriously reduced; church sponsored food banks serving emergency needs of 20,000 monthly. $750,000 in food has been given by churches. Religious community of Seattle unable to meet growing need unaided.

Since its inception, Neighbors in Need has filled 300,000 requests for food from its 34 Food Banks. As the year has gone by, the volume of requests has increased. During February and March of this year, requests went up 50 percent and, in April, an additional 33 percent. The increase in April coincided with the cut in public assistance payments. In March, 32.8 percent of those served by Food Banks were receiving some form of public assistance. After the April cuts, that figure rose to 52 percent. It is currently estimated that the Food Banks are serving 12,000 persons a week, 48,000 monthly.

While there may be some nonindigent persons using the Food Banks, and while a significant number may be repeaters, this is still an important indicator of the nutritional needs of the Seattle area.

THE HUNGER GAP

The failure of the Food Stamp Program to fill Seattle's hunger gap by itself is perhaps best described in the report "Hunger in Washington" compiled by the office of the Secretary of State:

"The best way to fully appreciate the dramatic efforts of the drop in real personal income . . . has on a family is to construct an average family budget. This process shows why the present Food Stamp Program and lack of commodities are causing such hardship for so many families in Washington State.

"For a family of four, the Washington Department of Labor and Industries cites the following monthly average costs in the Seattle metropolitan area. These costs are from the department's 'lower budget' which utilizes minimum expenditures below which elements of a family's health, security, and nutrition would be jeopardized:

Transportation	$ 40.50
Personal care and clothing	69.70
Medical care	47.00
Other family consumption costs	27.00
Housing	137.50
Food	161.25
Taxes	56.90
Other	56.90
Total	599.35

"To be eligible for food stamps the income of a family of four cannot exceed $355, which is only 60 percent of the above budget. In order to purchase food stamps the family must save $80 which leaves only $275 to pay for $438.10 of expenses (above total less food). As can be seen by the total below, even if the family paid no transportation costs, no 'other family consumption costs,' and no 'other' expenses, the $275 would not cover housing, medical care, clothing, and taxes:

Housing	$137.50
Personal care	69.70
Medical care	47.00
Taxes	56.90
Total	311.10

Clearly something must give. The family will fall behind in payments. Their medical expenditures will drop dangerously low. Perhaps clothing and personal care expenses will be sacrificed. This lack of income leads to garnishment, mortgage foreclosures, utility shut-offs, evictions, poor health, and loss of jobs through lack of transportation or improper clothing. The $80 Food Stamp requirement obviously impairs many familys' (sic) ability to meet their budgets by paying their other bills, foregoing food stamps, and getting (additional income) from the food bank—or else they go hungry.

In a survey of people waiting in food lines, 38 percent said they couldn't afford food stamps and 50 percent said they had once been on food stamps but could no longer afford them. The budget also indicates that many of those who are purchasing food stamps (the number has increased by 189 percent in 2 years) are doing so at the expense of other needs such as medical and dental care, housing, utilities, and clothing.

The adverse situations of a number of actual families is further detailed in a law suit filed recently against the U.S. Department of Agriculture by the Center on Social Welfare Policy and Law in New York City, and the Seattle-King County Legal Aid Bureau, Inc. The purpose of the suit is to require the USDA to approve concurrent programs. The plaintiffs in the suit were described as having the following resources to draw upon for food stamps:

Plaintiff Florence Sloan, aged 66, has a total monthly income of $151.66. Her monthly expenses, for rent ($98), past debts ($22), utilities ($13), telephone ($8.33), and laundry ($5) total $146.33. These expenditures do not even include such necessities as clothing, food, medical costs, transportation, household supplies, and hygienic items. As a result, she is unable to pay the $14 purchase price for food stamps. She barely survives on irregular donations from the Churches' Food Bank; her total monthly food expenditures for September were only $6.

Plaintiff Selma Waldman, together with her child aged 15, barely subsist on $200 of monthly income. Out of this meager income, she must monthly pay for rent ($110), oil heat ($35), electricity ($10), water and garbage ($5), telephone ($7), and transportation ($6), a total of $173. The $27 that remains must be utilized for such necessities as food, clothing, school supplies, medical costs, laundry, household supplies and hygienic items. Since plaintiff Waldman must pay $28 to obtain her monthly food stamp allotment, she has been unable to purchase a full month's worth of food stamps.

Plaintiff Josephine Evans, and her five children, receive a total monthly income of $272. Her total expenditures for rent, electricity, oil, telephone, school lunch fees, school transportation fees, and her transportation expenses total $192.25. This leaves her with $79.75 for such necessities as food, clothing, school supplies, medical costs, laundry, household supplies and hygienic items. She is unable to pay the $82 monthly purchase price required to buy food stamps for her family and has, therefore, failed to obtain food stamp relief for over a year.

Plaintiff Beatrice Smith's seven-person household has a total monthly income of $360. After paying her family's expenses of house payment, oil for heating, water, electricity, telephone, debts, household supplies, clothing, laundry, and medical expenses—such expenses totaling over $273—she has less than $87 left for food, house repairs, school expenses, transportation, and several other necessities. As a result, she cannot pay the $100 monthly purchase price to buy her way into the Food Stamp Program. Plaintiff Smith's household has, therefore, been unable to purchase the full monthly food stamp allotment for the past 4 months.

The office of King County Executive John Spellman has conducted a thorough study of the food availability and hunger problems in the area. The following findings are listed in that study:

1. There is an extensive group of county residents, which for reasons of geographical isolation and lack of adequate transportation facilities, is experiencing great difficulty in making use of the Food Stamp Program. Located in the unincorporated area of the county or on the fringes of incorporated jurisdictions, these people, often elderly, experience problems in reaching Food Stamp Certification Centers, Food Stamp Distribution Centers and food outlets . . .

2. A second problem area is indicated by the present situation in the housing market in King County. Homes reacquired and in inventory by FHA now exceed 2,700 units in this area. There are many thousand delinquencies and there is virtually no market for homes. The effect of this situation is to provide no alternative for persons whose income has been drastically reduced, other than to continue making substantial home payments, thereby reducing disposable income available for food purchase.

3. Associated is the problem of persons qualifying for the Food Stamp Program near the high end of the income standard. Fixed costs of living tend to reduce actual disposable income below the Food Stamp cost requirements thereby effectively eliminating such persons and families from the program. A variety of individual solutions to this problem have been attempted, but the problem has been compounded by other factors.

As an example: Many people, including many elderly persons, are seeking relocation in order to reduce rental costs and free additional dollars for food. During the first quarter of 1971, local requests were made for 2,200 additional rental units under the provisions of Section 23 of the Housing Act to provide rental assistance. At present, there are insufficient low cost or supplemental units for people threatened with dislocation as a means of remaining in the Food Stamp Program.

The final step in this tragic chain has been the increased cost of stamps under the new Food Stamp regulations. People who can't relocate to reduce their rent because of a lack of low cost units, whose welfare allotments have recently been cut, whose basic cost of living has increased since welfare standards were last updated, whose minimal resources are, in fact, not liquid under present economic conditions now must pay an increased cost for food stamps.

Clearly, there are many people who simply cannot avail themselves of the Food Stamp Program even though on paper they seem to qualify. Statistics from the Washington State Department of Social and Health Services show a continuing decline in the number of Food Stamp recipients in recent months even though unemployment continues to rise.

4. Current State Public Assistance Rules still preclude payments to single individuals between the ages of 18 and 50. Without the benefits of some assistance, many of these people just cannot afford to take part in the Food Stamp recipients in recent months to obviate potential State fiscal problems; but, it has a singularly bad effect in an economy like King County where unemployment exceeds 15 percent.

5. Single people, attempting to pool resources in order to survive in the present economic climate, find they are not eligible for food stamps due to restriction on communal living arrangements—even though such arrangements could make possible utilization of the combined resources of the people involved. In King County we are not talking about groups of idle, voluntarily unemployed persons. Voluntary unemployment is an invalid and untenable consideration when there are no jobs or when your age precludes you from active employment.

6. As Case No. 1 from the visiting nurses points out, individuals who attempt to gain employment are, in fact, penalized by rules of the Food Stamp Program. Casual workers with variable monthly incomes are required to obtain monthly recertification. As income rises, so does the cost of food stamps. Yet, other bills don't change with increased income—housing, utilities and medical bills remain constant. Only under the Food Stamp Program rules do we create a basic living cost increase with expanded income.

7. Still another problem area relates to seasonal variations vis-a-vis living costs. It is obvious that utility costs are higher during the winter months as more heat and light are required in the home. (In fact, the cold spring and early summer in the State probably kept utility costs high past their normal downturn point.) No consideration is given such factors in determining costs standards. Along the same line, families with children in school can avail themselves, in some cases, of hot breakfast and, in most cases, hot lunch programs during the school year. In the summer months, however, these programs drop leaving families with effectively increased food costs and no built-in adjustment to compensate for this very real seasonal change. If such adjustments are not possible, these other special food programs should be extended on a year-round basis.

8. Finally, we find the general emergency kinds of cases. This area includes persons awaiting qualification for Food Stamp and other assistance programs, persons experiencing unexpected costs such as medical bills, and those whose food stamps or cash are lost or stolen. Considered as a single problem type, it appears that State and Federal programs fail, at present, to consider these short-term problems which result in hunger for many households. A capability for immediate action to feed people for the duration of emergencies would be a major improvement in the Food Stamp and other assistance programs.

As a result of this study, King County Executive John Spellman requested the Department of Agriculture to authorize concurrent Food Stamp and Direct Distribution Programs, certification and distribution of food stamps through retail stores, revised standards of food stamp eligibility to recognize the difference between "real" and "apparent" assets; and, either a reduced cash contribution by an individual to his stamp purchase, or granting of the bonus stamps without requiring the cash contributions at all. The Agriculture Department responded by offering the following opportunities to the State and the county to improve the operation of the stamp program and otherwise alleviate the hunger problem. The Department offered to permit stamps to be distributed through post offices, to have permit certification for the program to take place at unemployment offices, to expand the special feeding program for infants and mothers from 750 to 1,500 slots and to permit nonprofit institutions to take advantage of Federal surplus commodities. Beginning on October 12, there were 33 post office branches dispersing food stamps in King County. This effort has been received with great enthusiasm and praise in the Seattle area and it may be propitious to now expand this experiment on a national basis.

The Department also conducted an on-site investigation of the Seattle Food Stamp Program to determine in what manner it might be better operated to serve potential recipients. The investigators determined, on the whole, that the program was among the best operated in the country but that hardship provisions—special deductions from gross income for unused expenses—would not be uniformly administered. State officials agree that better administration of hardship provisions might enable more persons to participate in the program. And the State was recently given permission by the Agriculture Department to calculate real utility expenses, rather than a previously fixed amount, in granting hardship allowances. This concession should be of some assistance to a number of the area's poor. But State officials, while pleased with this further flexibility on hardship allowances, fear that its impact will be necessarily limited by the ability of caseworkers to implement it. The granting of the allowances involves increased documentation and verification, further complicating an already burdensome application process for both the administrator and the applicant.

Even if this additional use of hardship provisions should prove helpful in a number of individual cases. State officials believe this help will be more than offset by the grossly adverse effects of the new Federal Food Stamp Regulations scheduled to be implemented in the State within the next month. The officials estimate that at least 26,000 families, and as many as 35,000 persons, may be rendered ineligible for food stamp benefits because of the new regulations.

The inherent limitations of the Food Stamp Program plus the inadequate and now increasingly unavailable benefits from Unemployment Insurance have made the volunteer Food Banks the last resort for many of Seattle's needy. A newspaper series by the Associated Press, published in the Seattle Times, described the New Poor who had come to depend on the Food Bank:

Society may be evolving ways to impoverish people faster than it is developing means to help them, a survey of the hungry in Washington indicates.

The chasm between new needs and old solutions widens so much daily that private efforts often reach back to the frontier spirit of neighbors helping neighbors.

Society is not prepared to think of a middle class suburban home owner with two cars in the garage as being in need of outside help to put food on his table.

But neither can that man bring himself to sell his property in order to fit the official definition of poor.

Advancing technology and shifting economic trends have combined to create a new class of poor.

They are too well-to-do to receive assistance meant for the poor but yet unable to provide for themselves.

In that same series, one of the Neighbors in Need organizers, the Reverend Alan Ward of the Metropolitan Ecumenical Ministry of Seattle, described the emotional state of many of the New Poor by the time they show up at one of the Food Banks:

The one thing that will drive proud people to seek charity when they wouldn't otherwise is the hunger of their kids.

We've had family after family which has gone without food for several days. Usually the father comes in and says "I wouldn't be here but I can't stand to have my kids hungry."

The Committee staff visited several Food Banks, one located in an old house in a neighborhood known as Capital Hill. Food was being handed out when the staff arrived. The process for giving out the food was courteous and quick. The people had all received numbers and were milling around in front of the house, or waiting in line at the door for their number to be called. Once a person's number was called, he would move into a front room of the house for an interview with one of the volunteers. The interview consisted mainly of questions regarding the person's participation in other programs such as Unemployment Insurance, Food Stamps or Public Assistance. Invariably the replies indicated that most people were either not in these programs, or that the programs still did not supply enough for adequate nutrition. After this interview, the person moved to a nearby table where he was handed a carton of groceries. The cartons clearly contained no more than several days worth of food, certainly no more than a week's supply. As the line of recipients began to dwindle, so did the food available.

One of the volunteer staff said that the recipients actually had to arrive at the house early in the morning—sometimes as early as 6 a.m.—to receive their numbers. If, on a particular day, the crowd was especially heavy, there would be an attempt to refer an overflow to other Food Banks that were less crowded. Food began to be distributed around 9 a.m. and distribution was usually completed by noon or 1 p.m. Sometimes, when food was in short supply and the needy were out in force, the atmosphere of the Food Bank could turn frightened and angry. The strain on the staff is terrible when that happens," said one of the volunteers. They have to start keeping track of how much food is left and how many people they still have to go. A couple of times, we have had to close the Bank down because we were running out. Once we had a near riot."

The increasing likelihood of this difficulty was evident during a visit to the Neighbors in Need warehouses at the Sand Point Naval Station. The warehouses, stocked full months ago, were practically bare—except for cartons of canned salmon which had been processed and donated by the State. Not only was the warehouse practically bare, but there was no assurance of a supply of food to restock it again.

The latest effort to raise money for Neighbors in Need was called Operation Hunger. According to its director, Mike McManus, Operation Hunger succeeded in raising between $30–$40,000 over the summer—and another $10,000 more recently. But now the well of volunteer donations is about dry. "The community has simply run out of the ability to give," said McManus. "People have no idea where it is going to end. Twenty to 25 percent of the givers in the past have been unemployed themselves."

McManus and others knowledgeable regarding the Food Banks said they are now existing day-to-day and may have to close down soon. "If that happens," said one volunteer, "I don't know what people will do this winter. They just might get themselves together and march down to the Federal food warehouse at Sand Point and take the food they need."

FEASIBILITY OF A FEDERAL SURPLUS FOODS PROGRAM

The warehouse mentioned by the Food Bank volunteer is the USDA storehouse for surplus commodities—now primarily used for the State's School Lunch Program. When the State operated a Direct Distribution Program, the warehouse served that purpose as well.

The existence of the Sand Point warehouse and its stock of food—so close to the Neighbors in Need warehouses, that are now practically bare—is a source of great discontent in the Seattle community. An editorial in the Seattle Times summed up this feeling:

Those involved in food-bank and hot-meal programs are becoming concerned that government agencies are deliberately ignoring their responsibilites and leaving things to the volunteer organizations.

Ironically, this Nation sends aid to the hungry of other nations, yet is failing to

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provide minimal basic relief of hunger for people walking Seattle streets.

It is difficult for people to understand, for instance, why the food that is so desperately needed cannot simply be transferred from one warehouse to the other. The difficulty with such a transfer, as the Agriculture Department has explained, is that the Neighbors in Need Food Banks do not use any eligibility or screening requirements when they distribute food. This is because of a deep conviction on the part of Neighbors in Need staff that only desperately hungry individuals come to the Food Banks, and that it would be an intrusion on their already invaded privacy to ask detailed personal questions. The USDA, on the other hand, must account for Federal food which is distributed and prove that it only goes to truly needy individuals.

It is for all these reasons—the dwindling unemployment benefits, the limitations of the Food Stamp Program and the crisis facing the volunteer food effort—that Washington State applied officially for permission to operate a Direct Distribution Program concurrent with the State's Food Stamp Program. The Direct Distribution is less satisfactory than the Food Stamp Program in almost every conceivable way except one. It does not provide most recipients with as much food or as good quality nutrition as food stamps. It is often more difficult for recipients to take advantage—because of the bulky nature of the food package. It offers less choice than food stamps used in the neighborhood market. It is less satisfactory in all of these ways, but it has one overwhelming advantage for those that do not have enough money to buy stamps. It is completely free. There is no purchase price requirement for surplus food as there is for stamps. A food stamp allotment of $28 to a person—when he needs $14 to buy the stamps and doesn't have that $14—is useless. That same person, however, would be entitled to $18 worth of surplus food for nothing.

There are clearly a significant number of persons in the Seattle area who are in exactly that kind of situation. It is for that reason that the State has applied for permission to operate a Direct Distribution Program.

THE STATE'S REQUEST FOR CONCURRENT PROGRAMS

The initial involvement of the State of Washington in requesting an expanded role for USDA feeding programs came in a joint letter from Senators Magnuson and Jackson, and Congressmen Foley, Adams, and Hansen on December 14, 1970. That letter requested that the pilot Food Certificate Program then in operation in Yakima, Washington, be extended to the whole State; or, that the Supplemental Food Program then in operation in Seattle be extended to the entire State. On December 15, 1970, Governor Evans wired Secretary Hardin in support of the congressional delegation's letter.

The response from Assistant Secretary Lyng came on January 4, 1971, and indicated that the U.S. Department of Agriculture was "firmly committed to the Food Stamp concept for supplying the family with its basic food needs" and that, nonetheless, "budgetary limitations" would not permit significant expansion of either program. On January 5, 1971, Senator Magnuson wrote again to Secretary Hardin about the inconsistencies in Assistant Secretary Lyng's statements concerning budgetary requirements.

The next significant request from the State came on May 1 when Governor Evans wrote to Secretary Hardin asking that any future pilot projects include areas in Washington State. On May 28, the Secretary wrote to the Governor indicating that the Department of Agriculture was evaluating its programs to determine if expansion was warranted.

On July 15, Assistant Secretary Lyng met with the Washington State Congressional delegation in Senator Magnuson's office. At that meeting, Lyng said that he could not possibly foresee circumstances under which a dual program would be operated in Washington State or anywhere in the Nation. Later that day the Governor received a call from Lyng denying any such dual operation. Upon the Governor's arrival at the Western Governors Conference at Jackson Hole, Wyoming, on the same day, he told reporters that he was "disappointed and angry" with USDA's decision.

On July 21, the dual operation request was formally submitted through USDA channels. Mary Lou Everson, Assistant Secretary for Economic Services in the State Department of Social Health Services, wrote to Charles Ernst, Western Regional USDA administrator, making the request. Miss Everson's letter was based on the authority contained in Public Law 91–671 and Public Law 92-32. Her letter made it clear that the State of Washington was fully committed to paying for the modest administrative expenses involved in a Direct Distribution Program.

The following day Governor Evans received a letter from Assistant Secretary Lyng which, in effect, reduced his telephone conversation of July 15 to writing. Lyng said, in effect, that the Food Stamp Program was doing an effective job and was being well administered. Governor Evans traveled to Washington, D.C. on July 28 to present a whole economic package to the Office of Management and Budget which included the dual operation of both feeding programs.

Finally, on August 5, Mr. Ernest of USDA responded to Miss Everson's official letter of request. He said that "while Public Law 91–671 does permit the dual operation, the Department has decided it will not approve any dual operation . . . it cannot be justified."

Subsequently, during the course of hearings by the U.S. Senate Select Committee on Nutrition and Human Needs on the Commodity Distribution Programs, Senator Percy questioned Assistant Secretary Lyng very closely on the Department's refusal to grant the State of Washington's request for dual program operation.

Lyng admitted that the Department would be "perfectly willing to permit simultaneous distribution of these commodities and food stamps where there seems to be . . . a practical, sensible reason for so doing. But we don't think that situation exists or a good cause has been made for it by Washington State." Furthermore, Lyng stressed that there is "no hard evidence" that the Food Stamp Program was not meeting the needs of the people of Washington.

On October 13, Governor Evans held another press conference in which he indicated that Assistant Secretary Lyng did not know the difficulties and problems that confronted the people of Washington. Then, later last month, Secretary Lyng came to Seattle to meet with the Governor and County Executive, and to visit the Food Banks run by Neighbors in Need. At this moment, the Agriculture Department maintains that there is simply no need for dual food program operation in Washington State.

CONGRESSIONAL INTENT: CONCURRENT PROGRAMS

The Food Stamp Act before 1970 clearly prohibited concurrent programs, except in unusual circumstances. The language of the Act before 1970 read:

In areas where a food stamp program is in effect, there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a national or other disaster as determined by the Secretary. (7 U.S.C. § 2013(b))

Under this language, the Agriculture Department only permitted direct distribution programs to operate in areas struck by a natural disaster—such as a hurricane or flood. The reasoning, in such a case, was that the normal channels of food distribution had been disrupted.

In the past several years, however, as the Food Stamp Program expanded dramatically—replacing Direct Distribution programs—the problem of people having enough money to purchase food stamps became more apparent. In many places, there were dramatic reductions in participation in Food Stamp Programs as opposed to previously-operating Direct Distribution Programs. This problem was communicated to the Congress and played a significant part in the changes that were made in the Food Stamp Act in 1970. Specifically, Section 4(b) of the Act was changed to read:

In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such periods of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) *on request of the State agency: Provided, That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods under this clause* (3). (7 U.S.C. § 2013(b)) (emphasis added)

It should be noted that—while there was considerable controversy and disagreement over the differing Food Stamp amendments passed by the Senate and the House of Representatives in 1970—there was unanimity between the Senate and the House conferees on this provision. It was clearly the purpose of the conferees to encourage States and local jurisdictions—where they are willing to pay the administrative cost—to operate a Direct Distribution Program concurrent with the Food Stamp Program.

The House Report to the 1970 Food Stamp Act amendments states: "If the State agency requests simultaneous operation for a period of time beyond that deemed necessary for an orderly transition to a stamp program, or if the State agency wishes to institute the Commodity Distribution Program in an existing food stamp area, the full cost of handling and issuing the commodities in the food stamp area would be at the expense of the State agency or the local government unit." (House Rep. No. 91–1402, 91st Cong., 2d Sess. (1970)).

The conferees further had reason to believe that the provision was fully supported by the Administration speaking through the Secretary of Agriculture. Testifying before the House Agriculture Committee, former Agriculture Secretary Clifford Hardin said:

"At present, State and local governments may not operate both food stamp and commodity programs in the same area except during a brief period of transition from one program to the other. We have proposed that *both programs should be allowed to operate simultaneously wherever the local government is willing to assume the additional administrative expenses.*" (Hearings on the Amendments to the Food Stamp Act before the House Agriculture Committee (1970), at 9) (emphasis added).

After Secretary Hardin's prepared statement was completed, he had the following exchange with Congresswoman Katherine May:

Mrs. MAY. Now, to go to the direct distribution program question again, you have requested that we be able to continue direct distribution of commodities along with food stamp programs, which in the original presentation of this bill to Congress, was not to be allowed if saying dollar-wise and more efficient distribution of nutritional food were to be accomplished. But I understand you propose now being able to have both programs. *Now, under what circumstances in a county would this be necessary?*

Secretary HARDIN. This would be, first, if the city or county was willing to carry the total cost of administering both programs.

Mrs. MAY. The total cost of administration, not the cost of the program?

Secretary HARDIN. No, administration. And of course any one family or individual would be on only one or the other of the programs, not both . . . (Hearings, *Ibid*, at 24–25) (emphasis added)

The Secretary was then pressed to explain the rationale for implementing both food relief programs, and under what circumstances such concurrent operations would be accomplished. The Secretary provided the following information to the committee:

Since the Food Stamp Program has been in operation there have been requests to operate both the Food Stamp Program and the Commodity Distribution Program in the same area. In most instances, these requests were made by groups or governmental agencies which felt that the Food Stamp Program was not reaching all of the needy people because some could not afford to purchase the stamps or that the lowest-income families were not receiving enough stamps to meet their minimum nutritional needs.

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We . . . believe that when a State or local government feels it has a special problem, and if they are willing to bear the additional administrative cost, we believe that such simultaneous operations should be permitted. (Hearing, *Ibid*, at 25) (emphasis added)

Congressman W. R. Poage, Chairman of the House Agriculture Committee, taking Secretary Hardin at his word, had the following to say on the floor of the House before the 1970 amendments were voted on:

The Department of Agriculture has endorsed the bill and calls attention to some of the provisions of the committee bill which are clearly intended to and do liberalize the existing law. Here are the provisions with which the Department is especially pleased: . . . Simultaneous distribution of food stamps and commodities in local areas requesting both programs. (Cong. Rec., 91st Cong., 2d Sess. (December 15, 1970), at H 1118)

Further congressional intent on concurrent programs, particularly in areas of high unemployment such as Seattle, was indicated in the passage of the 1972 Appropriations Act for the Departments of Labor, and Health, Education, and Welfare, and Related Agencies. The Act included an amendment—sponsored by Senator Warren Magnuson, Chairman of the Appropriations Subcommittee on Labor-HEW—providing:

That $20 million of this appropriation shall be used by the Office of Economic Opportunity to finance Emergency Food and Medical Services programs in eligible areas of exceedingly high unemployment, as defined in Section 6 of the Emergency Employment Assistance Act of 1971, to be reimbursed to the Manpower Training Services Appropriation by the Office of Economic Opportunity immediately upon enactment of an Appropriation Act for the Office of Economic Opportunity in fiscal 1972.

Senator Magnuson's purpose in sponsoring this amendment to the Appropriations Act was to provide funds—for Seattle, and similar areas—to finance the operation of concurrent food programs.

Following the passage of the Appropriations Act, Senator Magnuson wrote the Director of the Office of Management and Budget, George Shultz, requesting immediate implementation of the emergency food provision. The OMB replied that it did not believe the emergency funds were required to meet the nutritional needs created by Seattle's economic difficulties, since the area had an operating Food Stamp Program. If the Food Stamp Program proved inadequate to the crisis, the OMB said, then the emergency money would be released.

CONCLUSIONS

1. Seattle and its surrounding areas have suffered a severe economic setback in the past several years. There are now almost as many people unemployed as were employed by the aerospace industry at its peak. There are no immediate prospects for a rapid improvement in the area's economy. The unemployment rate is expected to remain at an extremely high level—probably around 11 percent—during the next year. Despite the generally sound economic base of the State as a whole, it is not unfair to call Seattle an area of "economic disaster."

2. As a consequence of the depressed economic conditions, there is widespread evidence that many families are suffering nutritional deprivation. This deprivation is likely to become more severe as the available social welfare support programs become more inadequate to meet visible needs. Unemployment Benefits are being exhausted at an increasing rate, now estimated at 9,000 a month. The Public Assistance Program—despite a dramatic growth in the past 2 years—is proving inadequate to fill all of the area's nutritional needs and has been cut back 15 percent by the State in order to balance its budget. It is probable that less than half of those eligible for the Food Stamp Program are participating in it. Clearly, many are not participating because they cannot afford to buy into the program to receive their bonus stamps.

3. The Seattle community has made a remarkable effort to fill the area's hunger gap by sponsoring a network of volunteer Food Banks. Since they began operating, it is estimated that the Food Banks have filled 300,000 requests for food. A large number of those persons going to the Food Banks report that they are unable to afford the cost of food stamps and that public assistance payments do not provide enough for them to eat adequately. This volunteer effort—a last resource for so many Seattle needy—is in danger of collapsing. As one official put it: "The community has simply run out of the ability to give." There is deep concern throughout the community about the possible adverse effects of an end to the Food Banks—particularly should it occur as winter approaches.

4. There is clearly a demonstrated need for further food assistance in the Seattle area. The Food Banks indicate the usefulness and feasibility of a Direct Food Distribution Program. The Federal Government's Direct Distribution Program could be of vital assistance in alleviating the area's nutritional needs. The Agriculture Department has ample foodstuffs available and has clear legislative authority to approve the State of Washington application to operate a Direct Distribution Program concurrent with the Food Stamp Program in the Seattle area. The Agriculture Department has taken the position that it does not intend to approve such an application for Seattle—or any other jurisdiction. This position is clearly contrary to the intent of Congress, as expressed in the Food Stamp Amendments of 1970. The U.S. Department of Agriculture should approve the application of Washington State for concurrent programs forthwith.

5. Many of the New Poor will still be ineligible for Federal food benefits because of other resources and assets. It is imperative that these families have someplace to turn in moments of crisis, so that they will not go hungry. The volunteer Food Banks have served this purpose in the past and, with additional support, can continue to do so in the future. These Food Banks represent an ideal opportunity for the Federal Government to experiment with a Food Assistance Program to serve those who are clearly needy but do not fall within the minimum eligibility requirements governing other programs. It would appear that funds made available in the 1972 HEW-Labor Appropriations Act for the Emergency Food and Medical Services Program of the Office of Economic Opportunity for emergency food programs in high unemployment areas are ideally suited for the crisis now facing the volunteer food assistance effort in Seattle. Efforts should be made immediately to provide those funds, on a flexible basis, to Neighbors in Need that they may continue operating their volunteer Food Banks.

Mr. HARRIS. Mr. President, will the Senator from Vermont yield me some time?

Mr. AIKEN. Mr. President, I have been momentarily expecting the Senator from Nebraska (Mr. CURTIS) to appear. He has asked for 15 minutes. I have only 15 minutes remaining.

Mr. HARRIS. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. Six minutes on the side of the opponents, and 15 minutes on the other side.

Mr. HARRIS. It only seems right that somebody ought to defend poor old Dr. Butz.

Mr. AIKEN. How many Presidential candidates do we have, anyway?

Mr. HARRIS. Mr. President, they have considerable time over there; it would seem to me somebody ought to speak for him.

Mr. AIKEN. As I say, how many candidates are there?

I yield 5 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, since we have a difference and to be completely fair to the other side, I would like to cite a few positive aspects of this administration in agriculture.

Mr. President, from 1961–68, American farmers posted a realized net farm income level that averaged $13.8 billion. From 1969–71, however, during the Nixon Hardin period, farm income averaged $16.1 billion, up 16 percent—for accumulative total increase of $6.6 billion.

Farmers need to get incomes commensurate to their work, as do most workers in other segments of the economy. Secretary Butz has told President Nixon he will do everything economically feasible to improve this record. I believe that realized net farm income in 1972 will improve measurably. This is President Nixon's goal. It is also Dr. Butz' objective.

The Republican Party knows that in 1972, it will have to run on its record. We will have a successful story to tell about this administration's work for American agriculture—much better than the low income Kennedy-Johnson years.

We attained a "triple" record for U.S. agriculture exports in the last fiscal year.

First. The value of farm exports was $7.8 billion—a new record by a wide range.

Second. Sales for dollars were a record $6.8 billion.

Third. The volume of these exports were about 8 percent above the volume of the previous record export years.

We are proud of this record—but not complacent. We know we must do more,

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and we have set a new export objective of $10 billion—by the end of this decade.

Our programs look to overseas markets. And these programs were initiated by both Democrats and Republicans, who recognized that the future of agriculture lies in expanding markets overseas. The programs look to overseas markets, and we intend to compete for maximum utilization for our products throughout the world.

If U.S. farm exports are to reach our $10 billion goal by the next decade—a necessary objective—they must move competitively in the world market. It will be our problem to do everything feasible in our discussions with foreign governments to stimulate export markets for U.S. farm families. We are not satisfied with the results of the Kennedy round of trade negotiations. In this round agriculture was treated as a poor relative.

It is the intent of this administration to obtain our fair share of the world markets. Producers deserve every consideration and we intend to see that they get it and exports improve prices paid to farmers.

I have listened in committee sessions to my colleagues' comments on the need to help grain producers—a worthwhile objective to which Dr. Butz committed himself from the moment of nomination. He stated cogently and clearly as possible as follows:

In a real sense, it is going to be a great experiment. I have had conversations with the President. He is going to back us all the way in efforts to give our farmers the income they are entitled to. Our President is fully understanding and deeply sympathetic with he economic position of some of our farmers, especially in the corn belt where the price of corn is too low for comfort and below the cost level.

I noted a great absence of oral activity when mention was made of the great harm the dock strike was causing farmers and the Nation. It is to be noted that since the President invoked the Taft-Hartley provision, corn prices have responded by going up about 10 cents per bushel to the farmer.

Those of us who are truly the friends of all farmers can demonstrate the effect by supporting S. 560, the Emergency Public Interest Protection Act. This bill will keep the transportation channels open all the time so that price firming export can continue all the time, and Dr. Butz has indicated his support of this legislation.

We intend to see that wheat and corn prices are higher than the October 15, 1969, prices of $1.26 and $0.96 per bushel respectively. We recognize that these prices were a handicap to the Democrat candidates in the 1968 election.

Many of you will recall the massive dumping of grains we saw in the 1961 to 1969 period of depressed prices. Many of you will recall the efforts made to raise the resale price to 115 percent of the loan rate, and the pressure of the Johnson administration that defeated those efforts. We now have the 115 percent of the loan rate minimum resale for grains. I assure you that Dr. Butz will see to it that this provision of the law is implemented with a plus factor so that farmers will not be competing with the Government for available markets with low levels.

As a member of the Senate Nutrition Committee, I have seen what hunger does to people. Under this administration, Government feeding programs have been improved and millions of needy people, heretofore outside this program will be reached.

The Nation is now committed to a drive to eliminate hunger and malnutrition. We now have programs to do the job of providing an adequate diet to every American. We also have the will to achieve this goal within the vitality of the system that makes abundance possible.

The revised food stamp program provided the means whereby even the poorest of the poor can obtain an adequate diet; we have a food donation program; we have an amended School-Lunch Act to improve the nutrition of needy school children; we have a food certification program for infants and expectant mothers; and we have a nutrition-education program to help low-income families get the most from their food dollar. We are on the right road.

Now, I feel confident that we will conquer hunger and malnutrition in this Nation. While we are improving the health and well-being of our neediest we are increasing the demand for food, especially animal proteins.

I want to assure this great body that Dr. Butz will be a great Secretary of Agriculture and will carry forward the President's program with great wisdom and energy.

In 1968, corn was 96 cents a bushel and wheat $1.26. That was too low. It did affect the Democrats that year.

We understand farm politics. We understand the need for increased farm prices, and this has been made very clear to Dr. Butz, not once or twice but a dozen times, by Senators of all persuasions.

We recognize that rural America is vital—vital to what we do in the world, and vital to what we do in our own country.

I come from a farm State. I am proud to come from rural America. We may have our faults and our shortcomings, but we also have made outstanding progress.

In States like Kansas, Montana, North Dakota, and South Dakota, we want solid farm programs. In Minnesota, Missouri, Oklahoma, and all those States where someone might be running, we want solid farm programs and improved farm income. And in Massachusetts. [Laughter.]

So, Mr. President, I urge the confirmation of Dr. Butz.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, will the Senator from Vermont yield me some of his time?

Mr. AIKEN. I believe the Senator from Oklahoma has 6 minutes remaining. Could he not put that to good use first?

Mr. HARRIS. How much time does the opposition have left?

The PRESIDING OFFICER. The opponents have 6 minutes, and the proponents 9. Who yields time? If time is not yielded, the Chair will order the clerk to call the roll.

Mr. HARRIS. Mr. President, I yield 4 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I ask the careful attention of the Members of this body, without regard to their vote, to the following considerations. These considerations, I think, tell why some of us are deeply concerned about this nomination.

We are called upon to advise and consent, but the consent is not automatic. It requires that we fulfill our responsibilities in examining the record.

In the President's state of the Union address of 1970, there was no mention of the family farmer or agriculture.

In the President's state of the Union message of 1971, there was but a scant mention of the plight of American agriculture.

Make no mistake about it, agriculture, as the Senator from Vermont and the Senator from Kansas have said, has been in trouble for a long time.

In the May 1970, economic message of the President, which was telecast, there was no mention of American agriculture. Agriculture has had attention, in this administration, in the form of a county fair on the White House lawn some months ago. And the first real information about the administration's agricultural program has come out only now as we discuss the nomination of Dr. Butz.

Mr. President, I think the facts are manifestly clear. Agriculture has been in trouble a long time, but it is in more trouble now—trouble with taxes, trouble with high interest rates, trouble with low prices, trouble with high transportation costs—and the parity ratio for farmers today is 70. It was bad enough in 1968, when it was 74; and the man who was then the winning candidate for President said it was intolerable, and he said, "I will do better."

I remember it well. He carried every Midwestern agricultural State, maybe not for that reason, but he carried those farm votes; and those farmers have been let down.

It is not a partisan matter; it is an economic matter. I happen to know that if we are going to have anything happen to the farmers of this country that is helpful, we have got to have a Secretary of Agriculture who will literally pour his heart out for them.

It has been said here that much of agriculture has been in trouble for a long time. Yes; that is why the Department of Agriculture is so important, and that is why that Secretary has got to be able to do battle with the Bureau of the Budget. It is not true that the laws we pass determines what happens to agriculture. Laws have flexibility, and it is a question of how the Secretary administers these laws. When funds are impounded, when the Commodity Credit Corporation is not used properly, when the food stamp plan is cut back, when the school lunch program is tinkered with, and when farmers are told that a dollar for corn is enough, I do not think that is what we want for an agricultural policy.

Mr. President, there are going to be a number of votes against Dr. Butz. I think it is most unfortunate that this nomination has been maintained before this body. We need a Secretary of Agriculture who can command the respect and confidence of the total American community.

The nomination of Dr. Butz will most likely be confirmed. If it is, I wish him well, and I predict that we will have accomplished something here. We have at least forced the hand of the administration. They are going to have to dip into the Treasury now, to help the American farmer.

And let this prediction be on the record: After Dr. Butz is confirmed, as I expect he will be, we will see from the Treasury of the United States, for the first time, money being released to help the farmer. Hopefully this Senate debate and argument has been worth a billion dollars in additional farm income. I think it has been well worth the effort. We, at long last, have won something for the farmer, because we have put up a fight, because we have laid it on the line to this administration: "Stand up, now, Mr. President, Mr. Secretary, and give our farm families a break. Release that money for REA. Release that money for ACP and for sewage plants. Release that money for the food stamps and housing. Get going."

I think we have done all right. Perhaps Dr. Butz may be able to do something as a result of this debate over his nomination and if he gets a little help out of the President.

Mr. HART. Mr. President, my concerns and reservations about Mr. Butz are the same as those voiced by colleagues who have opposed him. Most particularly, his recent statements which indicate a lack of sensitivity with respect to need to engage our fullest resource to eliminate hunger in this country, reflect an attitude with which I am in complete disagreement. So, too, is his suggestion that concern for the environment is a "fad." Mail from my constituents, including farmers, has been overwhelmingly in opposition. Respected friends and associates recommend that I vote "no."

But I hope, as was the case with former Secretary Hickel, that Mr. Butz' performance will show that our concerns are without foundation, or that he has learned from the criticisms. I think the responsibility we assign the President to operate the executive branch of the Government, with his accountability for its performance, entitles him to surround himself with those he nominates—absent overriding evidence of personal impropriety.

This is not, as we will debate tomorrow, the advising and consenting to members of the Supreme Court of the United States. Here there is a basic and significant difference which I respect, although I am deeply troubled.

A Cabinet secretary is not appointed for life. He is accountable to the President and so an elected official remains at all times responsible for his conduct.

Thus, for me, the overriding principle remains the right of the President to choose his Cabinet associates—employees if you will—provided that the candidate has not been guilty of serious misconduct.

Mr. CURTIS. Mr. President, the reason we have a farm program is for the purpose of raising farm prices. If it were not for the need to raise farm prices there would be no occasion to enact a farm program. Over the last 35 or 40 years both political parties have wrestled with that problem and have not been too successful. We must keep in mind, however, that what has been done for agriculture has been a very material help. The situation would have been much worse had there been no farm program.

Today the need for raising farm income is more acute than ever. This is particularly true in the light of high land taxes, high costs and inflation throughout our economy. While some farm prices are quite good, the total net farm income is not nearly what it ought to be and the great problem that agriculture faces this fall could well be termed a corn price crisis. In most of the towns in Nebraska the price of corn at the local elevator was around $1.35 in midsummer. In a very short period it dropped to the neighborhood of 90 cents. It need not be argued that such a price for corn is disastrous.

Early in 1971 I went to the White House along with Members of the Senate and the House to urge a greater set aside and a lesser planting of corn. Admittedly, the problem was complex. There were many who feared that the corn blight which was so disastrous in a number of States in 1970 might in 1971 spread throughout the corn belt. As it turned out this did not happen. We have too much corn and feed grains. It is not a question as to whether or not this error of the Government has an explanation or not. Certainly the individual farm families should not suffer because of this error. Our corn crop for 1970 was around 4.1 billion bushels and for 1971 it is going to be about 5½ billion bushels. This huge, almost unmanageable, surplus together with the ruthless and prolonged dock strike has dealt a body blow to agriculture.

I reiterate my statement that the basic purpose for a farm program is to raise prices. Over the years we have heard the virtues of a so-called flexible price support program. Now is the time for the Department of Agriculture to be flexible and use the power and authority granted in the farm program to meet a need in agriculture that is of crisis proportions.

In the late summer I began to urge that the support loan rate on corn be increased. I attended one meeting at the office of Senator MILLER, of Iowa.

The corn belt was well represented and officials of the Department of Agriculture were present. At that time I urged an increase in the support loan rate or other steps taken to raise the price of corn.

Later on, on October 15, 1917, I wrote a letter to the President of the United States urging an increase in the support loan rate on corn and also to the Secretary of Agriculture. That letter is found in the CONGRESSIONAL RECORD for that date on pages 16324 and 16325.

During this time I had asked for a conference with President Nixon. I was able to spend a half hour with him on November 10. It gave me an opportunity to give him a report from the grassroots. I told of the effect of this drop in the price of corn from in the neighborhood of $1.35 to 90 cents or below. I was able to report to the President the fact that practically all the corn is still owned by the farmers who produced it. I stressed the need for action soon with reference to the 1970 crop. I pointed out that it would not be satisfactory at all to limit the Government's actions to matters that would raise the price in 1972.

I left the President's office knowing that he realized the real situation that we are facing. As a result of our conversation I became hopeful that steps would be taken that would result in higher prices for our 1971 production of corn and feed grains. I was aware that President Nixon did step in some months ago in reference to dairy products and that the supports for dairy products were raised. I became convinced, and I am still convinced, that the President intends action in reference to the problem we face now. I have no reason to doubt the sincerity of President Nixon.

I had no advance knowledge of Secretary Hardin's resignation, nor who was under consideration to take his place. President Nixon has selected Mr. Earl Butz for Secretary of Agriculture in order to carry out Mr. Nixon's plans in reference to agriculture.

The fact that a storm of protest has arisen over the nomination of Mr. Butz is well known. Charges have been made, accusations hurled, and the news media has been filled with the comments of Mr. Butz' critics.

It is said that Mr. Butz cannot carry out a good program for agriculture, because he served under Secretary Benson. Mr. Butz points out that the Benson Farm Law was enacted before he joined the Department of Agriculture back in the Eisenhower days.

Another charge against Mr. Butz is that he served as a director of some agribusiness corporations. Mr. Butz' answer to that is that he did so serve, that he was asked to serve, because there was no one on those boards to speak up for agriculture, and he accepted the offer.

Mr. Butz has spent considerable of his time in recent days calling attention to statements attributed to him that he points out were either misquotations or taken out of their context.

One well-meaning Nebraska farmer advised me by telephone that Mr. Butz had made a statement that he wanted, and that he favored, the reduction of the number of family sized farms and that the number ought to be reduced by a million or so. This is a serious charge. I not only asked Mr. Butz about it but I asked him for a letter. He gave me one. I received it on November 30, 1971. In his letter he not only refutes that statement, but he declares his positive determination to fight for the family sized farm. This letter also carries some strong statements at to what Mr. Butz pledges to do as Secretary of Agriculture. I wish to read the letter. It is as follows:

XUM

HON. CARL T. CURTIS,
U.S. Senate.

DEAR SENATOR CURTIS: I appreciate the opportunity to provide you with information regarding my views on the need to retain family farms in America. Unfortunately, some persons have misconstrued my position on this important question due to the way my testimony was reported in the news media.

In my testimony I referred to a widely quoted, objective analysis on the number of farms in this Nation published by the Economic Research Service, U.S. Department of Agriculture, which stated there will be a decline of approximately 1,000,000 farms by 1980. (A copy of that report is attached for your information.) In quoting from this report, I was in no way agreeing with this projection nor advocating it. On the contrary, I believe it is very important for the Secretary of Agriculture, whoever he may be, to be aware of such trends so that he may bring all the Department's resources to bear on the problem in the form of corrective action. Having been reared on a family farm, I am earnestly interested in preserving these farms. Their preservation is absolutely essential to our economy and I shall do all within my power as Secretary to keep as many family farms in operation as possible.

In order to do the very best job possible of being the farmers' advocate in Washington to build, and in some cases, rebuild agricultural programs around a strong, family-based farm economy, I have severed all ties with agribusiness corporations. I do believe, however, that my experience in agribusiness, combined with my background in the Department of Agriculture and in agricultural education, will enable me to do a better job for the farmers. America's farmers are entitled to a fair return for their labor and their investment and their spokesman, in order to help them get this return, should be familiar with all facets of agriculture. I am dedicated to working in every way that I can and by every conceivable means of administrative, legislative, and personal persuasion to achieve these goals.

You will recall in my testimony I stated that prices for corn and feed grains, so important in Nebraska and the Midwest, are too low. Because so many facets of agriculture are tied to feed grain prices, it is imperative that the Secretary take immediate steps to improve these prices. Some of the alternatives open to us to accomplish this were discussed before the Committee. Upon confirmation I intend to take all appropriate actions authorized to me under the law to bolster these prices and strengthen family farms. And, where the authority is lacking for me to take the steps I believe are necessary, I will ask for that authority from Congress.

Please know that I intend to fight the battle of the farmer not only through the halls of Congress but also through the Office of Management and Budget to get released the funds appropriated by Congress for soil conservation, rural electrification, the Rural Environmental Assistance Program, and other functions so vital to your State. I look forward to working with you in this cause.

Sincerely,

EARL L. BUTZ.

Mr President, this letter is indeed a strong commitment in behalf of American agriculture. It confirms what I believe is the intention and the plan of President Nixon. It promises a program that is going to be beneficial to the farmers within the very near future.

My primary concern is raising the income of Nebraska farmers. I know that this is what the President plans to do. I am equally convinced that it will not serve the economic interest of the Nebraska farmers to either delay or defeat the confirmation of President Nixon's Secretary of Agriculture-designate, Mr. Butz.

I shall vote for Mr. Butz and I shall expect compliance in full faith of the commitments made.

Mr. McINTYRE. Mr. President, I will not vote for the confirmation of Dr. Earl Butz as Secretary of Agriculture. I have arrived at this decision after many hours of study of the record and reflection on the philosophy he would bring to the office.

I do not question Dr. Butz' competence, nor do I object in principle to the President's privilege of naming men to high office who share his philosophy and are personally loyal to him.

In all but a very few instances I have voted to honor that Presidential privilege. But in each case I have also tried to measure the nominee against a third criterion—his dedication to the intended goals and purposes of the office for which he has been nominated.

It is this third consideration that has determined my decision to oppose the Butz nomination.

I have always believed that a Secretary of Agriculture should be dedicated to enhancing the quality of all rural life, and to making sure that our harvest bounty benefits all Americans, however disadvantaged.

Dr. Butz' public record would indicate that he speaks for huge corporate farming—not for the family farmer, and that he speaks for the concentrated wealth and power of agribusiness conglomerates—not for the Main Street economy.

His devil-take-the-hindmost attitude would result in still more farmers being driven off the land and still more rural enterprises going out of business.

Right now some 2,000 farmers are leaving the land every week. This is tragic enough. But when we consider the fact that for every six families that leave farming one Main Street business closes down, then we can begin to see the full extent of the economic as well as the social costs.

I sincerely fear that Dr. Butz' farm philosophy would make it even more difficult to achieve proper rural-urban balance because it would drive more and more people out of the countryside and into the crowded, trouble-torn big cities of America.

I am also disturbed by Dr. Butz' seeming indifference to the plight of farmworkers, to the hungry of America, and to threats to the environment.

I agree with an editorial of last week which appeared in the Keene Sentinel, of Keene, N.H. As this editorial states, Dr. Butz hardly seems to be the kind of neutral spokesman we need today when rural America is torn between the corporate farm and the family farmer, between continued economic downturn and the need to revitalize the countryside.

Mr. President, I ask unanimous consent to have this editorial printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Keene Evening Sentinel, Nov. 26, 1971]

FARMERS' "FRIEND"

The number of farmers may be declining, but those remaining still vote.

President Nixon knows this. He knows, too, that midwestern voters who granted him an electoral bonanza in 1968 turned visibly toward the Democrats in 1970's congressional and gubernatorial elections.

The disaffection among farmers is tied largely to the level of government price support on grains and to the slumping corn market.

Midwestern farm interests want price supports raised and they want the government to purchase a significant portion of this year's excess corn harvest.

As with most economic problems, there are distinct political facets as well.

Rather conveniently, Secretary of Agriculture Clifford M. Hardin has resigned to accept "an unusual business opportunity" with the Ralston Purina Co.

Hardin appears not to have been as politically effective as the secretary's job evidently requires between now and next November. So the low-profile Hardin departs.

In his stead, the President has nominated a self-styled "political animal"—Dr. Earl L. Butz—to steward the agriculture department, but more specifically to convince the men and women of America's heartland that their salvation is the Republican Party.

Parenthetically, it is interesting to speculate upon the mechanics of changing secretaries.

What prompted the Ralston organization to approach an incumbent cabinet member whose attainments in office have been described by the President in haloed terms? And is it merely coincidental that Dr. Butz, until his nomination, was a director of the Ralston company?

However innocent the answers to these questions may be, there is an unmistakable suggestion of the "old boy" network that commonly shuffles men such as Hardin and Butz back and forth between government agencies and related positions in industry or academe.

Butz, for instance, served as an assistant secretary of agriculture under Ezra Taft Benson in the 1950s. He has since been dean of agriculture at Purdue University and amassed an impressive portfolio of stocks in three large agribusiness concerns. (He has resigned directorships in all three and agreed to sell his agricultural stocks if confirmed as secretary.)

Butz received a narrowly favorable reading Monday in the Senate Agriculture Committe. Among the six members who dissented were the committee's ranking Republican, Sen. Jack Miller of Iowa, and Democratic chairman, Herman Talmadge of Georgia.

Opposition to the Butz nomination has been fairly widespread. It centers on his alleged bias toward large-scale agriculture and agribusiness at the expense of the smaller farmers.

Oren Lee Staley, president of the National Farmers Organization, labeled Butz as "one of those land grant college educators who was supposed to assist all farmers in America, but who identified instead with giant agribusiness corporations . . . at the very time they were driving thousands of bonafide family farmers to the wall."

Butz defended himself in a Senate hearing last week, declaring that he would be a "vigorous spokesman" in behalf of efforts to preserve the family farm and to solve the economic and social problems of rural America.

Earlier, however, Butz told The Washington Post that the "trend toward less farms is not bad. From a national point of view it is good that we have been able to produce an increasing amount of food with the work of a smaller percentage of our population . . . Agriculture is making a transition from being a way of life to a way of making a living."

Butz does command support of the American Farm Bureau Federation. Oddly, though, he has been noncommittal on current legislation backed by the conservative Farm Bureau, to require agribusiness processors to bargain collectively with farmers.

Butz questioned the need of such legislation and suggests that farmers' cooperatives provide bargaining leverage with agribusiness firms.

It is worth noting that two agribusiness companies Butz served as a director have refused to enter collective bargaining arrangements with the Farm Bureau in one instance and with the NFO in the other.

Much of the criticism of Butz inside the Senate and within such farm groups as the NFO and the National Farmers Union rests on admittedly circumstantial evidence.

However, Butz has stated in his own words a philosophy that seems to say the small scale farmer is an anachronism, a romantic throwback to a simpler era of pioneers and sturdy families of the sod.

His appointment, while overtly political, ironically offers no sound assurance to many of the nation's surviving family farmers that they have much of a future.

As Butz said recently, the consolidation of farm units and reduction of farm families "releases these people to do something else useful in our society."

Perhaps this trend is inevitable. But we would expect the President would have discovered a more "neutral" spokesman to present such an unpalatable reality.

Mr. METCALF. Mr. President, I have received a letter from the Honorable C. R. Thiessen, State senator from District No. 3, including McCone and Richland Counties in eastern Montana. Senator Thiessen has served with distinction for many years a primarily agricultural community. He knows agriculture, is himself a rancher and he knows his constituents. He is one of those rare individuals who has labored without compensation throughout his life to organize cooperatives, to build the rural electric program and to contribute his share and much more to providing leadership to the movements which would make family farming a good and remunerative life. He strongly opposes the confirmation of Earl L. Butz as Secretary of Agriculture.

During the Eisenhower administration when Mr. Butz was an Assistant Secretary for Ezra Taft Benson, Senator Thiessen served on the Rural Telephone Advisory Committee to the REA Administrator Ancher Nelsen. Mr. Butz visited Montana to assist in the campaign of Wesley D'Ewart and while there, invited Senator Thiessen to bring to him in Washington the proposals of farmers in his area to improve farm programs. Mr. D'Ewart was defeated and Mr. Butz' subsequent reception of the Montana legislator is not reassuring to Montana farmers.

Senator Thiessen writes:

Mr. Butz personally invited me into see him on my next trip to Washington and for me to bring with me proposals from farmers to improve the farm program. In good faith I met with farmers in Eastern Montana as he requested. However, Mr. D'Ewart was not returned to Washington. Upon my visit to his office in Washington I found him very uncordial and insulting. I quote some of the nasty remarks he made to me. "You, you come from the most radical state in the union, a Farmers Union state. All you farmers want is another dollar in your pocket. Here we have a farm program heaped on our desks which we do not believe in and yet we have to administer the same."

Mr. President, here is further evidence of Mr. Butz' intransigence respecting laws written by Congress that he would be required to administer as Secretary of Agriculture, if the Senate confirms his nomination. The Senate has already seen that as an Assistant Secretary Mr. Butz met his enforcement responsibilities selectively and casually. He has long been a defender, even a promoter, of agribusiness and vertical integration of food production. There is no space, in his lexicon, for the family farmer, particularly if he is a Montana farmer.

Mr. President, I hope the Senate will vote to deny confirmation of Mr. Butz.

Mr. PEARSON. Mr. President, after lengthy discussions with Dr. Butz yesterday and upon receipt of a letter from Dr. Butz, setting out his views on a number of issues which were of particular concern to me, I have decided to vote for Dr. Butz' confirmation.

Dr. Butz has indicated to me that he will work vigorously to protect and preserve the family farm system. He has expressed a strong commitment to increasing all farm prices and specifically the prices for wheat, corn, and feed grains. He states that, within the authority of his office, he will seek to advance the cause of rural development and balanced national growth.

At the time I wrote President Nixon asking that he withdraw the nomination of Dr. Butz, I indicated that I had a deep respect for the prerogatives of the President to name his Cabinet. This is an additional reason why I have decided to vote for confirmation.

I also want to reaffirm at this time my own personal commitment, as a Member of the Senate, to working toward a strengthening of farm prices and the preservation of the family farm. We must slow the decline in the number of farms. We must discourage any growth in vertical integration and large scale corporate farming.

Mr. President, I ask unanimous consent that Dr. Butz' letter to me of December 2 be placed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 1, 1971.

HON. JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: I appreciate the opportunity of providing you information which may be helpful in resolving questions regarding my position on basic issues such as improving farm income, bettering the quality of life in rural America, and preserving family farms.

Having been reared on a family farm, I am earnestly interested in preserving these farms. Their preservation is absolutely essential to our economy and I shall do all within my power as Secretary to keep as many family farms in operation as possible. In my testimony before the Committee on Agriculture and Forestry, I quoted from a report of USDA's Economic Research Service which stated there may be a decline of approximately 1,000,000 in the number of farms by 1980. In quoting these figures, I was in no way approving of these projections nor advocating that this occur. On the contrary, it is my very firm belief that the Secretary of Agriculture, whoever he may be, should recognize such trends and bring all the resources of his Department to bear in the form of corrective action.

You will recall that during my testimony I stated my belief that corn and wheat and feed grain prices are too low. Because so many facets of agriculture are tied to feed grain prices, it is imperative that the Secretary take immediate steps to improve these prices. Some of these alternatives were discussed before the Committee. When confirmed, I shall take all steps authorized by law to bring these prices up and if other steps are required which are not authorized by existing statutes, I shall ask for that authority from Congress. Winter wheat planting estimates are made December 22. If this report should indicate that the ASCS estimated of wheat for harvest in 1972 is too low, we will consider authorizing additional wheat diversion for payment. As an economist, I know the importance of continuing to expand exports of farm produce and livestock products so that the family farmer as well as others will benefit economically from expanded overseas markets. I plant to actively apply myself toward reaching the goal of $10 billion in agricultural exports. America's farmers are entitled to a fair return for their labor and their investment and I want to be their spokesman in this cause.

I feel that it is a proper function of the federal government to strengthen our traditional family farm type of farm operation so that we will not move in the direction of large-scale corporate farming. Less than one percent of all farms are corporation farms and more than 4/5 of them are smaller family farm corporations. There is considerable evidence in the last couple of years that large corporations have been unsuccessful in their farming ventures, and many of them are backing away from this type of operation. We must bend every effort to preserve and strengthen the individual family farm.

It is my intention to be a vigorous and articulate spokesman for agriculture, both clear across the country as well as in the top councils of government in Washington. I feel that when Congress has appropriated funds, for example, for the Rural Electrification Administration or the Farmers Home Administration, and when there is a demonstrated need for these funds that the Secretary of Agriculture should use his influence to see that authorized funds are made available.

Our discussion yesterday also touched on the program of Farmers Home Administration.

I am firmly committed to support this important program for farmers in need of credit. President Nixon in his speech at San Clemente earlier in 1971 made it abundantly clear that we will provide sufficient resources for the Farmers Home Administration for its operational budget and for operating loans. You are aware, I am sure, that in this Administration, the Congress has authorized an insured program for operating loans. The Senate has enacted such a provision for ownership loans with House action pending. Under these restrictions which have limited them in past years. I hope that authorization will be forthcoming shortly for FHA to insure ownership loans as they now do with operating loans.

Rural development is one of the great challenges facing this Administration and I conscientiously believe the programs of the Department of Agriculture can contribute more significantly toward improving the quality of rural life. By providing rural com-

munities with the basic facilities needed to sustain electric power, we can also attract industries. This will provide jobs and take the pressure off our crowded cities where so many rural residents have been forced to move for lack of opportunity in the country-side because mechanization of agriculture has reduced available jobs.

I am dedicated to working in every way that I can and by every conceivable means of administrative, legislative, and personal persuasion to achieve these goals. Your assistance will be most appreciated as we work toward these ideas which are so vital to our Nation.

Sincerely,

EARL L. BUTZ,
Secretary-Designate.

Mr. MILLER. Mr. President, I regret that I cannot support the nomination of Earl Butz to be Secretary of Agriculture.

My views were made clear at the time of my vote against this nomination in the Senate Agriculture Committee.

As I stated then, the decisive point is the position of the nominee that no administration or Government can do anything about the trend which could lead to the loss of 1 million farms—out of the present 2,900,000 farms—by 1980. I feel very strongly that this administration and our Federal Government can do something about it and should do something about it. For over 2 months I have, along with other Senators and Congressmen from the Midwest tried to persuade this administration to do something about the depressed corn price situation—preferably through an increase in the loan price support for 1971 crop corn. Although the Department of Agriculture has taken some action to ease the problem—such as permitting farmers to obtain loans on corn stored on the ground—these actions have been inadequate. Unless more is done, the loss of family farms will continue—a loss which need never have occurred. Simultaneously the depressed economics of numerous small- and medium-sized cities and towns will prevent the economic recovery which is the number one domestic objective of most of us and certainly of this adminstration.

It is easy to oppose a presidential nomination for partisan political purposes. It is not easy to do so when partisanship is irrelevant. However, I deeply feel that when it comes to agriculture, my first duty, as a Senator from Iowa, is to stand up for the farmers of my State. And I am well persuaded that the great majority of my farmers share my belief that a national policy to assure the American consumer of an adequate supply of quality food and fiber should be matched by Federal Government action to see to it that the farmers do not bear an unfair share of the cost of that national policy.

A national policy resulted in serious overproduction in 1967 accompanied by disastrously low grain prices which carried through 1968. The Democratic administration took no meaningful action to prevent our farmers from bearing the cost of that policy. But that does not mean that this administration must or should follow that example. If my voice of opposition to this nomination contributes to an awareness that prompt action must be take by our Government, the cause of the Midwest farmers will have been well served.

Mr. BUCKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD two telegrams urging confirmation of the nominations of Dr. Earl Butz as Secretary of Agriculture: the first being addressed to me by the New York Farm Bureau, and the second being addressed to the chairman of the Committee on Agriculture and Forestry by the New York State Commissioner of Agriculture and Markets:

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ALBANY, N.Y., *December 1, 1971.*

Hon. JAMES L. BUCKLEY,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR BUCKLEY: This telegram will serve to confirm that New York Farm Bureau supports the nomination and confirmation of Dr. Earl Butz as Secretary of the U.S. Department of Agriculture to replace Clifford Hardin retired.

Because of his agriculture background and experience, we believe Dr. Butz to be uniquely qualified to assume the responsibilities of Secretary of the Department. We further believe that his eloquence and expertise as spokesmen for agriculture will be beneficial in public relations effort with all citizens. He is a defender of the competitive enterprises. Personal contacts with Dr. Butz indicate that in general he supports farm bureau policy relative to agriculture.

We request that you support confirmation of the appointment of Dr. Butz to serve as Secretary of the Department of Agriculture.

RICHARD MCGUIRE,
President, New York Farm Bureau.

NEW YORK, N.Y., *November 19, 1971.*

HON. HERMAN E. TALMADGE,
Committee on Agriculture and Forestry,
Senate Office Building, Washington, D.C.:

Sorry unable to remain to testify at committee hearing today re. confirmation of Earl Butz. My presence at committee session yesterday affirmed my belief your committee respects Dr. Butz ability, honesty, integrity and broad knowledge of agriculture. We are fortunate in having such a man willing to assume responsibility of Secretary of Agriculture. Respectfully request your approval of his appointment.

DON J. WICKHAM,
New York State Commissioner,
Agriculture and Markets.

Mr. ALLOTT. Mr. President, we have heard a plethora of oratory on the selection of Dr. Earl Butz as President Nixon's choice for Secretary of Agriculture, most of it politically inspired. While it may also be true that a few Senators of my own party are miffed because they were not consulted in this selection, and others are sincerely in doubt that Dr. Butz is the man for the job at this stage of the administration's efforts to improve the farm income situation, I have weighed the alternatives and have reached a conclusion that the Secretary-designate should be confirmed.

The Cabinet post which Dr. Butz has been willing to accept is perhaps the most difficult of all the positions in this or any administration. I am deeply troubled by the fact that down through the years no Secretary, no matter what weapons are provided by Congress, has been able to stem the exodus from our farms. Nor have any of them been able to provide means for farmer income that would average out comparably with their city counterparts.

In recent years, during the past Democratic administration, it became increasingly difficult to reach a point where the cash flow from agricultural profits would sustain a family's needs. Each year more of the cash for farm families has come from jobs outside of agriculture, until at the present time 48 percent of total farm population income is earned off the farm.

And each year more than 100,000 farms have been vacated and absorbed either by urban development or by sales to larger operators who needed to expand to remain in business. All of this has meant continued higher borrowing for those remaining on farms. Farm debt today is several times that of a generation ago when there were three times as many farmers.

Now, what does all this mean? It spells out the position in which any Secretary of Agriculture finds himself—an almost impossible condition for curtailing farm failures, but also one that is a constant challenge.

Today, we are directing every effort toward maintaining the small efficient farm family. These families are the hope of our opportunity to revitalize rural America. These families are the basis upon which we can rebuild a prosperous rural America. This is something we must do. Our cities are unmanageable, and almost unliveable. Without these farm families a new program would have to start from scratch—an unthinkable position for any administration.

After having talked with Dr. Butz at length just recently, I am convinced that he is fully aware of the need to not only retain our existing family farms but to increase their income. Every community in nearly 3,000 counties is dependent upon this premise, and in turn any plan to reverse the outmigration to the cities is interdependent upon making our rural areas a place where young people are going to find good jobs or can remain on the farm. Mr. President, I look forward to working with Dr. Butz to accomplish this goal—one which we can accomplish if we redirect our resources.

If we want to be politically cynical, and I note considerable evidence of this factor since nomination of Dr. Butz, I cannot conceive of a Secretary of Agriculture who would do anything other than use every tool available to him to increase farm income to the fullest extent possible under existing laws. I am convinced from conversation with Dr. Butz that his every considerable effort is going to be directed wholeheartedly and positively in this direction.

Since I have complete confidence that the President is thinking only in terms of striking down the inflationary trend that has doubly injured the agricultural producers of the Nation, and of making certain that farm prices are brought up to a profitable level for every possible commodity, I rise today in support of confirmation of Dr. Butz.

I sincerely believe that the best interests of agriculture at this time will be best served by getting a new Secretary

of Agriculture installed as rapidly as possible so he can demonstrate our faith in his ability and willingness to advance agriculture on every front in an accelerated series of actions so mandatory to the well-being of rural America.

Mr. BROOKE. Mr. President, I shall vote to confirm the nomination of Dr. Earl L. Butz to be Secretary of Agriculture. I do so in the belief that the President of the United States is entitled to select his own Cabinet and that the Senate of the United States should properly reject Cabinet nominees only if there are sufficient doubts as to the nominee's competence or integrity.

Unlike members of the Supreme Court, Cabinet members serve at the will and direction of the President. They carry out his policies and directions and do not chart their individual courses.

In the case of Dr. Butz, I find that his extensive background in and understanding of agricultural problems make him well qualified for the post of Secretary of Agriculture.

I find too that he is an honest man of unquestionable integrity.

While I support his nomination and will vote to confirm him, this should not be construed as an acceptance of all of his views or actions past, present, or future.

Representing as I do a significant number of small farmers in the commonwealth, I am concerned by charges that Dr. Butz may be unsympathetic toward the small farmers and inclined to view the future of farming in terms of large combines.

However strongly felt by some, these charges must be weighed with Dr. Butz' testimony before the committee. In discussing agricultural production by large firms with Senator MCGOVERN, Dr. Butz said:

> I think evidence is clear in recent times that the large corporations that attempted to get into agricultural production got its fingers burned, and is (sic) backing out. You simply can't produce that way.

Concern has also been raised about the nominee's positions on food stamps and the school lunch program. This concern stems from an April 26, 1971, speech by Dr. Butz in which he raised questions about President Nixon's welfare reform proposal and the school lunch program. A careful reading of the text reveals that Dr. Butz merely raised questions about, but did not express his opposition to welfare reform or the school lunch program. In his testimony before the committee he expressed strong support for a subsidized program of food distribution to the poor.

I find on balance that there is no evidence upon which to conclude that as Secretary of Agriculture, Dr. Butz would work against the interests of small farmers and disadvantaged Americans.

In considering the nomination of Dr. Butz I am reminded of the confirmation proceedings for Gov. Walter J. Hickel, who was subjected to the most intense scrutiny and questioning. In announcing my intention to vote for Mr. Hickel's confirmation, I said in part:

> He is fully aware that his every step in office will be watched, both by his critics and by those of us who feel, with absolutely no personal rancor, that he must prove himself by the way in which he executes his impending duties. To overcome the doubts which have been raised about his suitability for the position, the Secretary-designate will have to turn in an exemplary performance . . . he will in fact have to do a superior job if he is to win over the skeptics. For my part, I am willing to be convinced, and I wish the Secretary-designate every success in the demanding tasks he will now undertake.

Secretary Hickel proved himself to be an outstanding Secretary of the Interior. Those of us who had doubts, were pleased with his performance. If confirmed, it will similarly be necessary for Dr. Butz to perform excellently to please his critics and supporters alike. I believe he has the capacity to serve as an outstanding Secretary of Agriculture and will so serve. Thus, I shall vote to confirm his nomination.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the distinguished Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENNETT

It would indeed be unfortunate for American Agriculture if the nomination of Earl Butz to be Secretary of Agriculture were defeated by the Senate. Mr. Butz is a strong proponent of Agriculture at a time when agriculture needs a staunch defender.

Dr. Butz first came to my attention as the Assistant Secretary of Agriculture under the Eisenhower Administration. He served very effectively in that post, acting as the Chairman of the United Nations Delegation to the United Nations Food and Agriculture Organization in Rome and traveling extensively throughout America as an observer and advisor on Agricultural subjects, and he has gone on to compile a very impressive record.

Mr. Butz was born and raised on a farm. He was graduated from Purdue in 1932, and gained his doctrate there in 1939. He has been an instructor in Agricultural economics, Dean of the Agriculture Department and the Vice President of the Purdue Research Foundation. In addition, he has served as a research economist for the Brookings Institution, as an economist for the Federal Land Bank at Louisville, Kentucky, and as the director of a number of private businesses. This man has a balanced background in education, business, economics and administration and the depth of his experience is all related to agriculture.

The arguments of those who oppose Mr. Butz have centered on political considerations. I do not feel that the substance of these arguments is valid, and I am disappointed at the tactics which have been attempted to discredit the nominee. The opposition to the nominee has been directed at his business associations and what some have defined as conflicts of interest and at what has been interpreted in various way by various individuals to be his attitude toward farm programs.

In regard to the "supposed" conflicts of interest allegation with "agri-business" the nominee has made his point very clear. He served on the Board of Directors of three business firms. As he explained, "I went on these boards with a clear understanding that I would be a spokesman for agriculture . . . I was about the sole spokesman for agriculture and tried in every case to present agriculture's position as vigorously as possible." The nominee is a product of a family farm. He has expressed his understanding of and sympathy for the difficulties facing the small farmer.

I am impressed with the nominee's concept of the family farm. His opponents have suggested that because he will not completely outline his plans for agriculture that he is not sympathetic to the needs of the small farmer. Instead, I believe that he has envisioned a flexible role for agriculture. As he states:

"The family farm must be preserved, but I do not want to lock it into concrete. I want it to be able to grow too and to adjust . . . The family farm has to adjust, it has to produce more in the days ahead to survive. So I am strongly in favor of the family farm with the flexibility to adjust and to provide an adequate living for the farm family."

Mr. Butz has stated that the decline in the number of family farms will continue, but I believe this statement has been grossly misinterpreted. He is not suggesting that it would be the policy of a department under his direction to force small farmers off the land. Such a conclusion is ridiculous. He has pointed out that America lost 1,000,000 farmers during the Eisenhower years, and another million under the policies of Orville Freeman. These men did not work to eliminate family farms. America is not a nation of subsistance agriculture, and it will continue to move further away from that concept. This movement is the fault of no one—it is the product of our technological and rapidly progressing society.

The nominee has clarified his position in this regard, and I am impressed with this commitment to Agriculture. He has said, "I think I spent my life being a vigorous and articulate advocate for agriculture, for a progressive agriculture. I have tried to make farmers proud of their profession for I think agriculture is a proud profession. Food is the first law of life and those who produce it are top on the priority list in a country like this."

I am more than satisfied with the nominee's sincerity in this regard and I must be critical of those who have been so willing to attack him on the basis of surface appearances without regard for the actual facts of his beliefs and responsibilities.

The second major criticism of the nominee has been leveled at his "attitude" toward farm programs. The nominee has expressed his thoughts on farm programs, price supports and acreage controls. He has stated that, "I in some way favor the Agricultural Act of 1970, which I think is a good approach because it permits our farm prices to be at the export level so that we can export a maximum amount of farm products and yet get the income to our farmers."

The nominee has expressed his support for the program for diverted acres as a production control. He has said, "I subscribe to this and I like the idea of letting farmers have maximum flexibility within the acre they plant and what they plant."

In regard to farm income, Dr. Butz has stated that "the level is much too low for farm income. I want adequate income and I want good prices. We now export roughly one acre out of four in this country and I want to keep those exports high."

The nominee has asked that he not be required to commit himself to specific programs at this time, and for this reasonable request he has been heavily criticized. I personally would much rather see him make difficult program decisions after he has had time to make a thorough study and evaluation with adequate staff, than commit himself to specific programs now. He is willing to take flexible approach to the Department and its problems, and I believe his attitude should be commended.

Mr. President, the Committee has indicated its approval of the nominee. He is a man of

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integrity and he has expressed a desire to work diligently in behalf of American Agriculture. Dr. Butz has the balanced background to be Secretary of Agriculture and the desire to further its interests. Agriculture could not ask for a finer representative, and I am pleased to support him.

FROM THE PRESIDENT WHO BROUGHT YOU NO FARM MESSAGE

Mr. CHURCH. Mr. President, ever since President Nixon announced his selection of Earl L. Butz as Secretary of Agriculture, my office has been flooded with telegrams, letters, and phone calls in opposition to his confirmation by the Senate.

As a Senator from a major farm state, I do not take lightly the appointment of a new Secretary of Agriculture. Neither do I dismiss lightly the right of a President to be served by Cabinet officers of his own choice. I feel strongly that the Senate should not, except for the most clear and convincing reasons, deny confirmation of a presidential appointee to the Cabinet. Generally speaking, the nominee is entitled to the benefit of the doubt.

Because of my belief in the normal practice of confirming the President's Cabinet appointees, my decision to vote against Mr. Butz has been an especially difficult one. I reached my decision only after considerable deliberation, and I think that the farmers of Idaho deserve an explanation.

Mr. President, we are all aware that President Nixon has not devoted much time or energy to the solution of the farm problem. During his first year in office, he did not even send a farm message to Congress. He was the first President since Herbert Hoover not to deliver such a message.

It is also true, however, that rural America has been in decline for many years, under both Democratic and Republican administrations. I do not single out either party, or any particular President, or any one Secretary of Agriculture, for blame. I do not consider the problems of the farmer to be a subject of partisan politics. I look upon the problems facing the farmer as an urgent shortcoming we must remedy before the family farm disappears, and, along with it, the wholesome character of rural life in America.

Mr. President, Mr. Butz, if one may judge from his statements through the years, believes in a different hypothesis, that more and more farmers should leave the land. In a recent article in the Washington Post, Mr. Butz gave the impression that he felt the loss of another million farmers was inevitable between now and 1980. Apparently, Mr. Butz regards these million farmers as simply expendable. He feels they should no longer attempt to make a living from the soil. He is an advocate of "integrated" agriculture, a one-conveyer belt system, providing farm products "from the field to the grocer's shelf" which less kind observers have called the formation of huge vertical trusts.

It is argued that such a system would reduce retail prices for food, and assure steady, well-regulated supplies of farm products, that it would be more efficient and, therefore, better for the Nation as a whole.

The basic problem, in my judgment, with this thesis is that it looks only at the food conveyor belt which extends from farm to market. It fails to take into account the other economic consequences of vertical integration in the food and fiber industry. The attendant effects of the trend toward giantism upon the overall rural economy must also be considered.

I am alarmed at the steady migration from the countryside into the cities of America, brought about by the collapse of so many family farms. I think that it would be well for every Member of this body to study closely a report issued by the Senate Select Committee on Small Business, dated December 20, 1969, and entitled "Impact of Corporation Farming on Small Business." It is not a long report, but the questions it raises give strong validity to the assumption that while agribusiness could result in lower food prices—which is itself a questionable assumption—it is cutting the heart out of our rural economy.

In place of the family farmer, intimately involved in the life of his neighborhood, the corporate farm is run by managers who may live and transact business miles away.

The remote, impersonal corporate entity secures its financing through large central banks, as opposed to utilizing the local bank. The result is that rural credit systems suffer losses and cash flow and the rural economy becomes restricted.

The corporate farm buys its machinery from the factory or from large implement dealers, with the result that local dealers can no longer realize sufficient profit margins.

Large corporate farms bypass many of the dependent small community businesses and, as their number grows, small businesses are strangled for lack of trade.

The effect is thus compounded. The farmer is forced from the soil. The small businessman is forced from Main Street. And the people who depend upon them both are left without employment.

We all know where the vast bulk of these displaced people go, Mr. President. They flow in an endless tide into our already overcrowded cities. Many with little or no specialized training find themselves on the welfare rolls or in low-paying dead end jobs. The flood to the cities means higher taxes to our urban dwellers and mounting costs for already bankrupt cities.

For the sake of more "efficiency" on the farm, we create chaos in our cities. It is a strange paradox, Mr. President, to pour food and fiber into one end of the horn of plenty, and at the other reap a harvest of jobless malcontents.

In a rural State like Idaho, the movement away from the farms is startling. From 1961 to 1965, Idaho's total farm employment averaged 66,000 persons. By 1967, the total had dropped to 50,000. In 1968 it stood at 48,000. In 1969 it was 46,000 and the downward trend continues. It hardly needs to be pointed out what these losses have meant to our rural economy.

We need a Secretary of Agriculture who is determined to save the family farm, which is, in truth, indispensible to a prosperous countryside. If we fail to revitalize the economy in our rural areas, we will not have 70 percent of our people on 1 percent of the land—we will have 80 percent and then 90 percent. All that will remain of rural America, as we have known it, will be huge fiefdoms, plantations of a size to put the Old South to shame. Worse still, they will be operated by hired hands, on behalf of absentee stockholders interested only in maximizing their dividends. And as the small country towns shrink and disappear, the city slums will grow ever larger. What a price to pay, in the name of efficiency. I simply cannot vote to confirm, as the next Secretary of Agriculture, a man who considers the preservation of the family farm a waste of time.

I oppose Mr. Butz for no other reason than my utter disagreement with him on this fundamental issue. We can reverse the exodus to our cities only by profitable family-sized farms, not by supplanting them with gigantic corporate fiefdoms.

Mr. President, because its contents so clearly point out the problems caused by corporate farming in America, I ask that excerpts from the report of the Select Committee on Small Business, entitled "Impact of Corporation Farming on Small Business," together with the appendix to the report appear at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

IMPACT OF CORPORATION FARMING ON SMALL BUSINESS

I. INTRODUCTION

This is a preliminary report on the subcommittee's findings in a continuing investigation of the impact of corporation farming on small business and the economic and social structure of rural America.

The subcommittee is vitally interested in public policy implications of rapid movement of large corporations,[1] including conglomerates, and other nonfarm interests into farming. The evidence indicates direct business involvement in agriculture is relatively new, becoming important in the 1950's and a significant trend in the last 5 years or so.

Preliminary study shows increasing corporate control by companies, many in the food and feed fields, of poultry, egg, and livestock production. This normally involves some degree of vertical integration with little or no actual ownership of land or direct operation of the agricultural enterprises involved.

The investigation also has turned up a large number of corporations buying and operating large tracts of agricultural lands, particularly in the Great Plains States. These are farming companies that displace independent farmers and ranchers in a community.

A 1967 survey, completed with assistance from both county assessors and Federal officials, showed 452 corporations owned 1,633,529 acres of South Dakota farm land.[2] The number of corporations involved in farming in Nebraska was estimated at 500.[3] A preliminary study in Minnesota shows at least 230 corporations engaged in farming in that State.[4]

Footnotes at end of article.

An Internal Revenue Service report showed 17,578 farming companies filed Federal income tax returns in 1965.[5]

A. Scope of investigation

The investigation is designed to determine the effect of corporation farming on small business in rural communities, the impact on the sociological and moral environment of existing independent family farms and ranches, and likely patterns of use of water and other natural resources by corporate farm operators.

Incorporation by partners or families, usually done to take advantage of special tax provisions or facilitate transfer of farm and ranch units from generation to generation, is not at issue in the investigation. It is estimated these farming corporations make up 20 to 30 percent of the total.

Several other important areas, related to corporation farming and raised repeatedly in the testimony, also are not dealt with directly. One is the impact of corporation farming on consumer price levels. Another is the efficiency of different types of agricultural systems and the question of whether the family farm system deserves protection and support.

The subcommittee began the investigation after receiving reports, mainly from farm oriented organizations, of widespread concern over the growth of corporation farming. Farm rural spokesmen express concern that corporation farming is being accepted, and occasionally given Government support, without public discussion or questioning of its benefits or its consequences.

Several witnesses urged the subcommittee to push corporation farming controls to give policymakers time to consider its impact before it becomes an irreversable trend. To permit farm incorporation to proceed without control, one farm economist testified," appears to be an unjustified gamble. He said the evidence points to the need for a policy of cautious experimentation that includes explicit provisions for slowing farm incorporation until probable long run consequences have been fully analyzed.

The investigation deals with the important policy question of whether this nation wants an agriculture made up of independent farmers and ranchers or whether it is willing to shift to an industrialized agriculture.

There is considerable opposition to the latter course. One farm leader termed growth of corporation farming one of agriculture's most urgent problems. A sociologist said this trend, if allowed to continue, will erode the social and economic strength of rural communities. Still another witness predicted stepped-up farm-to-city migration, slowed economic activity in small towns and cities, more rural poverty, and monopoly control of food production if company farms become dominant.

The subcommittee, in opening the investigation, returned to a problem area last considered more than 20 years ago by the Senate Small Business Committee. That study, entitled "Small Business and the Community—A Study in Central Valley of California on Effects of Scale of Farm Operations," was completed in 1946.[7]

The committee carefully compared the economic and social life of the Central Valley communities of Arvin and Dinuba, one surrounded by independently owned and operated family farms and the other by large corporation farms. Except for the difference in size and makeup of farming enterprises, these agricultural communities were nearly identical.

Despite these basic similarities, the study disclosed some striking economic and social differences.[8] The family farm community supported 20 percent more people at a better standard of living than the corporation farm community. It had nearly twice as many individual establishments with 61 percent more retail trade. In addition the family farm community had more and better schools, churches, recreation facilities, civic organizations, and public services.

B. Field hearings held

The subcommittee has held public hearings in two cities thus far. At initial hearings May 20–21 in Omaha, testimony was taken from 15 witnesses from nine States in the Great Plains. The subcommittee heard 19 witnesses from three Upper Midwest States at the second hearing July 22 in Eau Claire, Wis.

Witnesses included representatives of Farmers Union, the Grange, Independent Bankers Association, National Farmers Organization, and National Catholic Rural Life Conference, Farm economists and sociologists, farm cooperative and poultry producer representatives, church leaders, and other experts also appeared.

Most of the testimony centered on (1) exploitation of underground water; (2) federal tax favoritism; (3) corporate buying patterns for farm production items; (4) inflationary land acquisition practices; (5) government sales of large-acreage surplus installations; (6) corporate production of poultry, eggs and livestock; (7) erosion of the public livestock marketing system; (8) breakdown of rural institutions; (9) migration of farm and rural people to the cities, and (10) threat to banks, dealers and retailers in towns and cities in agricultural trade areas.

All of these issues are dealt with in detail in succeeding sections of this report.

C. Lack of data

Preliminary subcommittee study indicated there has been no recent indepth, comprehensive investigation of either corporation farming or its implicatons. Questioning of witnesses about current research, whether by organizations or universities or individuals, clearly showed this to be the case. A few state or regional studies are underway but none deal on a national basis with the overall problem.[9]

This issue has not had the attention its importance would seem to indicate, either in or out of Government. Howard Bertsch, administrator of the Farmers Home Administration, expressed dismay in his testimony at lack of public discussion of social implications of this basic change in agriculture's structure.[10]

"The whole dialog of the social virtues and social values of family farming in this country had died. And I believe the most important product, perhaps of these hearings which this committee is conducting, will be the renewal of this dialog because if we ever get the American people talking about this issue and understanding this issue, I have the greatest faith in the ultimate outcome. But when we let dialogs like this subside, then we encourage evils like corporate farming to grow."

Although the economic and social ramifications of this issue are important to farm and city people alike, the subcommittee found that it has had little attention and consideration in agriculture and almost none elsewhere. The Department of Agriculture has recognized, through public statements, that the issue needs attention. But there is no evidence the agency has done more than conduct some cursory surveys through field offices.

The record indicates this policy area needs much more attention from university researchers, too. Even the publicly-supported land grant institutions, which traditionally are looked to for farm-rural policy direction, have done little to build public awareness or understanding of this issue. As one university witness put it: [11]

"We need some research, we need it now, not next year, we need it tomorrow. We don't really know what the social impact is of this change that is going on. We can talk all we want to today but I am embarrassed, we have very few answers."

II. IMPACT ON SOIL AND WATER RESOURCES

A good deal of testimony at the hearings dealt with the impact of corporaion farming on soil and water resources. The possibility that companies would "mine" both land and water to obtain rapid profits, then move on to new areas, was repeatedly suggested.

Heavy and unregulated pumping of underground water for irrigating large-scale company projects was singled out as a relatively new and critical problem area. The subcommittee concludes that fear of exploitation is based on sufficient experience with older corporate farming operations in California and elsewhere to be seriously considered.

Most of the water problems cited in the testimony dealt with the Ogallala Basin, a vast underground reservoir underlying parts of Nebraska, Colorado, Kansas, Oklahoma and Texas. This water resource has been built up over centuries.

Farm-rural witnesses emphasized that they oppose heavy withdrawal from the Ogallala because it is a closed basin that could be pumped dry in a generation or less. It is not fed by surface streams or lakes. Its recharge rate is severely limited, coming solely from rain water seeping through the soil.

It is obvious to the subcommittee that both Federal and State agencies know too little about this basin or what is happening to it. The U.S. Geological Survey has sufficient data to estimate the basin's capacity at 80 million acre-feet of water. It has calculated that about 30 million acre-feet is recoverable through surface pumping.

The serious and long-term consequences of heavy pumping from the basin were suggested in this exchange.[12]

"Question. (You say) the resource is replenished at the rate of less than one inch per year. How much is that in terms of this?

"Witness. Well, the average annual rate of recharge is estimated at 430,000 acre-feet. But the recharge rate is not a sufficient factor in the development of the reservoir for beneficial use since the recharge is balanced by outflow. This balance in the reservoir has been established over many centuries. Consequently any withdrawal from the reservoir is, in effect, "mining" of the water. It begins to throw that reservoir out of balance as it is tapped • • •"

There is considerable concern over public policy implications if, through heavy pumping for irrigation, an underground water resource is exhausted. The long-term outlook appears grim for dryland areas now drawing on Ogallala Basin water.

That specific problem was described this way by a witness who has studied soil and water conditions in northeast Colorado for many years: [13]

"Many wells have been developed on sagebrush covered sand dunes, generally considered to be unsuited to crop production. By the heavy application of fertilizer, high yields of feed grains are being obtained. However, these soils under row-crop production will sift during the winter months without fall cover crops. If the water resource is exhausted, these fields will have to be abandoned and they will become barren, blowing desert."

Another witness told the subcommittee that heavy pumping for a new 40,000-acre corporation farm in northwestern Florida already has stopped the flow of artesian wells in the area.[14]

The subcommittee concludes that the critical policy question revolves around whether the water use will be regulated, how rapidly it will be exhausted, and who will benefit. It is clear that the entire Nation—not merely the farmers, ranchers and businessmen in these areas—has a stake in proper use of water from the Ogallala and similar underground sources.

Footnotes at end of article.

It was suggested repeatedly in the testimony that farming companies and other absentee investors lack the permanence, and thus a strong commitment, to long-term soil and water conservation. There is evidence this concern is well founded.

One witness contended soil conservation is often ignored by corporate operators, who remove waterways, contour strips and terraces to accommodate big machinery. He described one specific example.[15]

"Soil stewardship is something that the average farmer is dedicated to, but is not held in very high esteem by corporation operations. I know of instances in my community where a large operator removed the fences, ignored the waterways, and planted the whole farm with one crop. A heavy rain struck and took enough topsoil from the field to fill the road culvert and then buried the road with so much mud that the road grader got stuck in an attempt to remove it. These things are serious, they affect generations to come."

A similar report came in testimony on developments in Central Wisconsin's sandy soil area, where a good supply of underground water is attracting investors. Specifically criticized was bulldozing of shelter belts, wide strips of trees up to 20-feet tall planted under government programs in the drought years of the 1930's. The belts, which have served for 30 years or more as permanent windbreaks, are uprooted to clear the way for irrigation equipment and longer rows for big machinery.

Wind erosion of the sandy soil involved was described this way by a witness who illustrated his critical remarks with photographs: [16]

"It has progressively built up a fence row until it is 6- to 15-feet high. When the old fence is built up in the sand you build another. In these two pictures overdrift is gradually sifting into the next field. It already has destroyed a large part of an alfalfa crop. It must be remembered that these drifting-like particles make up part of the area's topsoil.

"We can go through this area and we find where the shelter belt has been bulldozed out, we see pictures of what happens when winds come along. Some day that impersonal decisionmaking process will decide if it is no more economically feasible to produce on this land, and then the people left in that community will have to live with whatever is there, and our Government again perhaps will have to go on a planting program to preserve what is still left there."

One farm leader contended corporation managers are so pressed with demands for profits that they should not be trusted with either soil or water resources. His testimony was interrupted at that point by this exchange dealing with underground water exploitation, temporary status of the corporate farm operator, and public costs of restoring an exhausted water reource: [17]

"Question. Now, if a corporation gets into corporate farming and starts, for example, vast irrigation projects and is only concerned about the immediate profit for the next 5 or 10 years • • • may they not simply destroy the soil and deplete the water table and then walk off and leave it?

"Witness. I think that is true. It has already happened in many areas and this seems to be the pattern.

"Question. I conducted some hearings • • • on the Central Valley, Calif., project where we now have a Federal reclamation project costing $500 million. There were vast corporate landholders. One of the railroads is holding 55,000 acres, who have punched wells down 600 feet and drained the water table down to what's called the corcoran clay.

They soon were out of water, so they punched through the corcoran clay some 300 feet and drained the water table down there. It is down 1,200 feet and they're beginning to get brackish water in all parts of the Central Valley. So now we're engaged in a reclamation project, part of the objective of which is to spend some taxpayers' money to restore the water table and bring it above the corcoran clay again. Now, isn't this the kind of problem that we could run into with uncontrolled exploitation and use of the land by irrigation and otherwise?

"Witness. I certainly think so • • •"

It also was suggested that huge poultry and livestock feeding operations, which are concentrated in limited areas and produce odors and a high volume of manure, will create serious air and water pollution problems. Scientists calculate that a 10,000-head beef feedlot creates as much waste matter as a city of 160,000 persons.[18]

Public tension over waste disposal methods is sure to accompany development of these company operations, creating serious environmental quality problems for State and local governments.

The subcommittee concludes that serious resource policy questions have been raised regarding the likely impact of corporate farming on soil and water conservation. It is clear that too little is known about the problem. It also is clear that time is a critical factor in dealing with exploitation of resources that can be depleted in a generation or less. This policy area needs immediate attention.

III. IMPACT ON LOCAL SERVICES AND BUSINESS

Several months ago the daily newspaper in a small agricultural community in Kansas (pop. 8,483) published an editorial alerting its readers to the dangers of corporation farming. The Wellington Daily News, itself a small business with a farm-rural trade area readership, summed up its concern this way: [19]

"The thought of one giant corporation controlling all of the agricultural wealth of Sumner County would provide a lifetime of nightmares for our merchants. Small town insurance firms wouldn't have anyone to insure. Realtors wouldn't have anything to sell to anyone. Implement dealers could forget it. Petroleum dealers would go out of business or out of town, or like most of us, both."

There was considerable evidence submitted at the hearings to show that this is the likely impact of widespread company farming in the trade area of any small town or city directly tied to agriculture.

The large company farms, as a general practice, buy equipment and production supplies discounted and direct from either wholesalers or the factory, bypassing retail and dealer establishments in nearby towns and cities.

One example of direct buying was provided in the report of purchase of $250,000 in farm equipment by Shinrone Inc., which operates a large farm in Sac County, Iowa.[20] The equipment was purchased from manufacturing plants in Brantford, Canada, and in Detroit, Mich., and Algoma, Wis. The same witness reported corporation farming companies also play off local dealers against each other so low bids, if they are made locally, provide little or no profit.

Also obtained direct are credit, insurance, legal assistance, and other business services obtained locally by independent farm and ranch operators.

One witness [21] pointed out that many company farms are directly affiliated with large oil, tire and other makers of farm production supplies and thus find it doubly profitable to buy direct.

These company farm practices result in a competitive production cost advantage over independent operators and lost volume sufficient to drive small retailers, dealers and service establishments out of business. Especially hard hit are local implement dealers, farm supply stores, and feed and seed outlets.

Service establishments, highly important in small towns and cities, would be hit hard, too. A substantial drop in local demand will eventually force banks, law offices and similar service institutions to cut back or close entirely. The outlook was described this way by one rural banker witness: [22]

"The rural community lives from the gross income of the family farm or the small, closely held family farm corporation. Because towns and banks are in the business of serving people, the banker sees that the disappearance of these families would cause his town and his bank to disappear. • • • The fact remains that the small town can not exist without people on the land, no matter how productive a vast corporation farm may be."

Buying and financing practices of company farms also work against attempts by banks and other local institutions to keep money circulating in the community's trade area. A banker from Chippewa Falls, Wis., (pop. 11,708) told the subcommittee: [23]

"• • • it hurts our communities because they (company farms) have a tendency to purchase supplies, feed, fertilizer outside the service area of the community. They hurt us in our business of banking particularly in that financing automatically comes from the bank at their head office and, in turn, any excess deposits eventually will drift back into the home office and circulate in that monetary system rather than in the system in which its original origin was."

A study [24] of 190,000 farm families using supervised credit of the Farmers Home Administration in 1967 showed they grossed $3.2 billion and spent all of it locally. The breakdown showed $736 million spent for clothing, food and other consumer items; $1.7 billion for goods and services to produce crops and livestock, and $704 million to retire debts and buy new farm machinery.

Commenting on the close relationship the study showed between farm families and local business firms, the agency's administrator told the subcommittee:

"The managers of large-scale corporation farms deal directly with the wholesalers or even the manufacturers of the products they need • • • In an area where corporation farms dominate there is no place for the village farm supply dealer, the co-op grain elevator, the small banker. You simply can not have corporation farms and small business enterprises cheek and jowl. On the other hand, where family farms thrive, small businesses flourish, too."

The economic health of many small businesses in farm-rural communities already is substantially weakened by population attrition. Business volume provided by farm families has been dropping steadily in America's agricultural midsection, where roughly every third farmstead now is vacant.[25]

Although the subcommittee did not receive any testimony on the subject, it also is interested in the impact of corporation farming on franchise businesses, both independently-owned and otherwise. These small businesses are an important element in small towns and cities dependent on the agricultural economy. These include outlets of such companies as J. C. Penney, Western Auto, Gamble's, Woolworth's and Ben Franklin.

The long-term outlook for corporation farm purchase patterns was described recently by John A. Hopkin, finance at the University of Illinois.[26] He said corporate farms in the future will either be closely linked with certain suppliers or will set up their own supply subsidiaries.

A limited amount of research has been completed in an attempt to show the consequences to small business of sharp declines

Footnotes at end of article.

in the number of farm customers. It appears that a measurable farmer-customer relationship with businessmen exists.

The Department of Commerce, in a survey involving South Dakota,[27] showed the State had a net loss of 6,027 farm families in a five-year period ending in 1963. In the same period 1,101 businesses closed their doors in that State.

Farm-rural observers told the subcommittee this shows that one small business, on the average, is forced to close its doors every time six farm families leave a trading area. This rule of thumb, it was indicated, could be applied to most agricultural trade areas.

IV. IMPACT OF LAND PRICES AND AVAILABILITY

The land resource base has long been recognized as one of this country's most precious endowments. It has been developed through policy decisions designed both to conserve it and to accomplish social and economic objectives.

Congress since the 1850's has adopted policies to encourage families to settle on the land and to develop its agricultural potential. Family farming has been developed and protected since through such legislation as the Homestead Act, the Morrill Act, the Farm Credit Act and the Capper-Volstead Act.

Ownership and control of the land remain a most important consideration. The subcommittee, therefore, is attempting to determine the impact of corporation farming on both land prices and availability.

The issues involved include the effect of outside investment capital on land prices, the availability of land for expanding independent farm and ranch operations, and the question of whether the public interest is served when large land tracts are acquired by farming companies.

Evidence submitted at the hearings deals with land prices, corporate land acquisition practices, and the availability of good farm land. Little research has been done on land policy changes that appear to be taking shape. It is difficult, therefore, for the subcommittee to come to any significant conclusion.

Prices of good farmland have been going up steadily since World War II. But there is evidence that competition for good land in areas where large corporate farming operations have been started, or are being set up, is forcing prices up to unusually high levels.

Prices well above what appears justified by normal returns on investment are paid in assembling large holdings, some totaling 10,000 acres or more. Nonfarm investors appear able to pay $25 to $100 an acre more over the going price to acquire desired land parcels.

This makes it difficult for independent owners and operators to buy or rent additional land, either to get bigger or to put together economically viable units. This is especially true of younger operators with limited borrowing ability. It raises the possibility that high bids by outside interests are pricing land out of the market for most independent farmers and ranchers.

The former director of the Farmers Home Administration in Colorado testified that nonfarm capital has been a major factor in the "inflationary competition" for land. The competition for productive agricultural land, this farm-rural expert said, has driven present market values well above the present capacity to earn a reasonable return on investment.[28]

Recent data on this problem was submitted to the subcommittee by the chairman of a task force investigating corporation farming in Minnesota.[29] The task force found that more than half the acquisitions of farmland by business interests had taken place in the last 3 years. Purchases by 41 nonfarm investors during that period totaled more than 100,000 acres.

The researchers also found, in analyzing questionnaire returns, that 27 real estate dealers know of standing offers by outside companies or investors to buy large tracts of Minnesota farm land.

The standing offers are likely to result in purchases because they include a sizable premium over going market prices. Eleven real estate dealers reported a $25-an-acre premium offered for land in large tracts. Three reported a premium of $50 an acre. Five said the standing offer was $100 or more an acre over the going market price.

Land acquisition practices of one large corporation in northeast Colorado were described by one witness to show the likely impact on land prices.[30] Purchases involved were arranged by a real estate firm for Gates Farms Inc., a subsidiary of the Gates Rubber Co.

The unusual pattern, which involved water rights as well as cropland, was described this way:

"The expansion of underground water development by individual farmers and small corporations between 1960 and 1966, as a result of the introduction of new cash crops and mechanical irrigation methods, was very rapid.

"Then in 1967, a real estate broker began optioning land for an undisclosed principal. The option required the seller to establish the availability of ground water in a minimum amount of 1,000 gallons per minute under pumpage and to obtain a well permit from the State ground water commission.

"When the options were exercised, the undisclosed principal was identified as Gates Farms, a subsidiary of the Gates Rubber Co., a substantial conglomerate corporation. The already disordered development at this point began showing signs of panic. Some farmers obtained permits, drilled wells and capped them in order to protect their potential development rights.

"At the same time the Ground Water Commission, influenced to a considerable degree by local pressure, tightened its policies for granting permits. As a result a good many farmers can not now obtain permits, including some who had sold part of their land to the Gates Farms."

Studies by the Department of Agricultural Economics at the University of Minnesota show that 14 percent of land sales in that State in 1967 were to investor buyers, midway in the 11- to 17-percent range of the last 10 years. The possibility that this could sharply reduce the amount of land available to individual farm operators, however, is suggested in this comment from an expert witness.[31]

"Although still a relatively low figure, sales to investor buyers at the rate of 14 percent of all sales in each year could bring about a major change in the landownership pattern in the course of a relatively few years. If investors buy land but do not sell."

Concern over land availability in the future also involves the fact that farming companies are permanent entities, unbroken by death, retirement or other personal considerations. This comment by a witness makes the point.[32]

"• • • once the land is permitted to get into corporate hands it is going to be difficult to reverse the process and restore family ownership. A corporation is a "legal person" which may have a hundred year life or a perpetual life. In family farming there is a turnover in ownership, once in a lifetime. On the average there is a change of ownership at least once in each generation, either from the members of a family to a relative or from one private owner to another. But, since a corporation never dies, the land tends to remain in the corporate hands even though some of the stockholders may change from time to time. And I think this is a key point because how are the family farmers going to have access to land once that has gotten into corporate hands? Land which is swallowed up by the corporations is likely to be gone for good as far as family-type operators are concerned."

It seems clear, based on information submitted to the subcommittee, that corporation farming has considerable impact on land prices and availability.

The upward pressure on land prices, the insistence of acquiring the best land, and permanence of corporate ownership would seem to work against the traditional policy of supporting and protecting the independent farmer and rancher. There is no doubt that continuing this trend will erode, and eventually undermine, the position of the independent operator in the agricultural economy.

V. SOCIAL AND MORAL IMPLICATIONS

One of the most significant results of the study comparing Arvin and Dinuba was the conclusion that the family farm community had more and better schools, churches, recreational facilities, civic organizations and public services.

The hearings reflected a fear that these same things would be undermined in any community where company farming becomes dominant. The concern also involves prospects for a "company town" atmosphere in these communities with local government and public services eroded by the influence of absentee owners.

The problem deals, too, with such intangibles as community spirit and the need for good neighbors. One witness, a Kansas wheat farmer, put it this way: [33]

"In closing I wonder how many farm people realize what it would be like to have a 40,000-acre corporation farm for a neighbor. Do you think it would cast a vote for a school bond issue? Or support good roads down every section line? Or help you combine wheat if you were laid up and unable to work? Or support the church building fund drive?"

The threat of an eroded tax base was mentioned repeatedly. This drop in the amount of taxable property is expected to result from removal of family farm buildings from large tracts acquired by company farms and small business closeouts resulting when company farms take their business outside the community. One witness described the likely impact: [34]

"• • • declines in the tax base will make it more difficult to provide good education, police protection and other locally-controlled public services. If the towns industrialize, they may not feel these effects. But the open country residents will be especially vulnerable."

The same witness told the subcommittee that the change in the characteristics of the farm-rural population that would accompany corporation farming—hired managers and migrant workers becoming predominant—would erode the quality of local government. Here is his statement: [35]

"There could be strong tendencies toward local political apathy on the part of new farm population. Resident farm-owners have a sense of responsibility to hold offices and to participate in financing public services. The new farm employes may not see that they have much of a stake in local political participation. Moreover they will be few in number and are likely to be pressured by companies that employ them. Local political participation of the farm population may very likely decrease."

In addition to eroding the tax base, there are indications company farms also would be able, and anxious, to cut tax rates as well. The prospects for this reduction in support for locally-controlled public services are explored in this comment: [36]

Footnotes at end of article.

"With only a small population to contend with, many of whom will be employed by them, the farming companies will see little need to assume fiscal and other responsibilities for the local areas. This will be especially pronounced if nonfarm population does not increase. If it does, the townspeople might succeed in getting the companies to carry their share of the taxes. But even then, local politicians could be influenced by the farming companies."

The churches, which exert considerable influence in most farm-rural communities, also would be hard hit by the changes that company farming would bring. The same expert witness explores this possibility: [37]

"The local churches, especially those few that remain in small hamlets and in the open country, might close up. There will be fewer farm families to support them. Besides, many of these are tied to ethnic groups and extended families. Out-migrating members of the old ethnic groups of families may well be replaced with personnel with other (or perhaps no) ethnic ties and who will not be members of the local family groups. Churches depending on such groups are more apt to fail."

The evidence clearly shows that one of the social consequences of a shift to corporate farming is continued, and probably accelerated, farm-to-city migration. The cost of this upheaval has not been adequately measured. There is no doubt, however, that the price is substantial both in terms of human hardship and of public dollars to underwrite solutions to already critical urban problems.

Also involved are the human characteristics that many sociologists and religious leaders feel are most fully developed in a farm-rural setting. One witness, for example, said working on the land is desirable because it demands a capacity for orientation and adaptation, patient waiting, a sense of responsibility, and a spirit of perseverance and enterprise.[38]

These intangibles usually are dismissed, however, by social scientists and other researchers who contend they are difficult to quantify through empirical research. Admittedly it is difficult to reduce them to the statistics need for charts and graphs. These factors should be among those considered, however, in making policy judgments about corporation farming and other farm-rural policy choices.

The larger question of the kind of "citizen" a farming company becomes in a community is a critical consideration. One expert witness suggests that most corporations entering agriculture are likely to fail this important social test: [39]

"I see corporations appearing in agriculture that are not large enough to be socially responsible but are large enough to ignore the wishes of their communities. And I am afraid that we may emerge from this period of change having gotten the worst of both possible worlds, having traded effective and efficient small units of production which were not growing rapidly enough to keep pace with technological change for larger corporate units of production which were not large enough and well financed enough to be socially responsible and financially flexible."

It is clear to the subcommittee that these considerations are highly important in assessing the impact of corporation farming on the social and moral strength of farm-rural communities. Although much more research is needed, it appears a compelling case is made that the impact would be both considerable and highly undesirable from a public policy standpoint.

VI. IMPACT ON MARKET STRUCTURE

There is evidence that much of this country's corporation farming is a nearly invisible type operation aimed at control of farm commodities at the producer level and bypassing of traditional markets rather than direct operation of farms and ranches.

This is achieved through contracts with producers, plus some actual ownership and operation of feedlots and similar facilities. One common characteristic is that little or no corporation-owned land is involved.

The objective may be vertical integration of production and processing of a product within a single firm. It may be building a captive market for manufactured feed or some similar product. Or it may be having fat cattle or other meat animals directly available for slaughter when markets are strong.

Large nonfarm corporations using this approach can control sizeable volumes of farm products without acquiring large land tracts; investing in farm machinery, or establishing farming subsidiaries.

Most companies involved are either processors (packers, freezers, canners, etc.) or suppliers (mainly feed manufacturers). Heavy applications of technology also are usually programed in these operations (prepared feeds, growth stimulants, automatic feeders, etc.).

It is estimated that nonfarm corporations, including some of the largest feed companies, now control 98 percent of U.S. broiler production.[40] Companies also are involved in production of feed cattle, hogs, lambs, turkeys, eggs and vegetables.

This corporation-controlled production bypasses the regular market system, thus upsetting supply-demand factors that set prices. The result is a breakdown of markets for products where buyers and sellers no longer are numerous enough to impose competitive checks on each other. Markets in some instances are totally destroyed.

A witness with first hand experience as a contract grower explained to the subcommittee how nonfarm corporations destroyed the market by gaining control of virtually all broiler production: [41]

"Question. Are these mostly feed firms?

"Witness. There are quite a few * * * a producer or grower cannot grow broilers without first having a contract with a processor. There is no market at the grower level * * * it is reasonable to project that it will not be very many years when a half dozen firms will produce all of the broilers * * * through contracts with growers; these farmer producers are growers being no more than glorified hired men, deprived of management and financial risks.

"Question. How are they deprived of financial risks? A good percentage of them have gone bankrupt in my part of the country * * *

"Witness. Their feed company or the integrated firm furnishes the broiler to the farmer. All the farmer furnishes is the building and equipment. The firm furnishes the broilers and they furnish the feed and it's their chickens. When they want you to bring it in, you sell it.

"Question. But they set the price of the feed and they set the price they'll pay for the broiler?

"Witness. They set the price of the feed but I don't know where the market price of a broiler is set. It's their chicken and they just take it away. I can't sell it to anybody else.

"Question. They set the price that you're going to get for it; isn't that correct?

"Witness. Yes. These farmers will probably never receive the just wages and hours deserved, without becoming a labor union * * * the egg and turkey industries are fast following the route of broilers. I think you know that last year the turkey industry has really gone through the wringer, you might say, and the egg business the same. In the South they * * * call it a burnout. The firms that can stand the financial strain, will end up owning or controlling the egg and turkey industries."

One expert witness told the subcommittee that these attempts by corporations to control the product will, as they expand, gradually dry up open markets with prices set in these markets becoming less and less representative of supply-demand conditions. He also explained other expansion consequences: [42]

"Management will likely continue to gravitate from the hands of farmers to those of processors and suppliers and the farmer's role reduced further toward that of a laborer. Integrating companies may not completely take over the production of food and fiber by owning the land and capital and hiring the labor so long as they can earn more with their resources in other uses. Also, by using contract, integrating companies may be able to avoid some employee costs, such as social security, workmen's compensation, and possibly union wages, which would likely come with complete ownership of land and other production resources."

One farm leader [43] contended integrators and others contracting for production frequently are large enough to be a key factor in establishing local market prices. One of the most serious aspects of the entry of the corporation into farming, he stated, is its ability to "interfere with and manipulate" the market.

A critical statement also was submitted by a leading dairy economist [44] who contended there is more cause for concern as a result of contract farming than with outright corporate farmownership. He explained its market impact:

"When this approach is taken, the corporation offers a select group of farmers a modest income with reduced risk, but takes away from the farmer his managerial freedom and the possibility of a higher income in a competitive market. The production of those farms under contract to the corporation may be used in turn to force down prices to the remainder of agriculture."

It is clear from the testimony that contract farming and other approaches used by nonfarm corporations has an impact on the market system, ranging from total destruction in the broiler industry to lesser degrees in other areas. The extent to which it undermines the open market is not well documented. Much more public discussion and research is needed on this issue so obvious abuses can be curbed and the public interest proteoted.

VII. IMPACT OF FEDERAL TAX POLICIES

A number of witnesses criticized "tax loss farming" and other Federal tax advantages and contended they are the most important factor attracting corporation and other nonfarm investors into agriculture.

The subcommittee concludes from the limited evidence available that Federal tax policy is one of the main determining factors, if not the most important. It is clear that substantial capital gains, favorable depreciation rates on machinery and equipment, and tax losses written off against nonfarm income are returning sizable tax savings to absentee investors.

Independent operators earning a living entirely from farming or ranching make some use, of course, of capital gains and depreciation provisions. But they normally have little or no taxable nonfarm income against which to offset farming losses. The tax loss advantage, therefore, accrues almost entirely to outside investors.

The independent farmer normally is not as concerned with tax brackets as he is in managing his farm to maximize current income. The very wealthy operator, on the other hand, normally seeks to maximize capital gain in an attempt to cut his tax bite from 50 percent or more down to a maximum of 25 percent.

Widespread incidence of "tax loss farming" was clearly shown in the hearings, both for wealthy individuals using farm investments as a tax haven and for corporations whose principal business is farming.

Recent Internal Revenue Service figures [45] show a large proportion of the wealthy taxpayers involved in some phase of farming write off sizable losses against nonfarm income. They show, for example, that 119 individuals reporting incomes of $1 million or more in 1965 were involved in some phase of farming. Of this total, 103 wrote off farm losses against other income.

It is clear that this tax writeoff provision is widely used.[46] The IRS figures show that 680,000 of the 3 million farm income tax returns filed in 1965 had farm losses offsetting nonfarm income.

It was estimated this represented a loss of up to $400 million in Federal revenue. The subcommittee was told that much of this "loss" would appear later on returns as capital gains taxed at a much lower rate.

The Government also had data on the 17,578 corporations reporting farming as their principal business in 1965. The figures showed these corporations had $4.3 billion in gross receipts in the most recent tax year—roughly 10 percent of total farm gross income. Yet only 9,244 reported a profit for tax purposes. And the taxable income involved totaled a mere $199 million.

Favorable capital gains treatment also is a most important factor in the tax favoritism hit by farm-oriented witnesses. One expert witness,[47] singling out for criticism the 25-percent ceiling on the tax on long-term capital gains, called it a "graduated and progressive subsidy" to wealthy nonfarm investors moving into agriculture. He added these critical comments:

"There is nothing sacred about the 25-percent ceiling on the tax on long-term capital gains. As it stands now, this relatively low ceiling is an open invitation to speculation in land. It is difficult to avoid the conclusion that much of the recent interest in farm investments by nonfarm investors would fall away if the capital gains tax ceiling were raised, say, to 40 or 50 percent. This 25 percent limit on capital gains taxes is inconsistent with the principle of the progressive income tax and is distorting capital flows, with no clear benefit to the public interest."

One witness [48] submitted a copy of a magazine article that spells out how off-farm investors use Federal tax provisions to build tax-free wealth. A section of the article, carried under the subhead "How to 'Grow' Tax-Sheltered Fortunes in Cattle," spells out which tax provisions are used to write off investment expenses against personal income, "time" the income, and convert regular income to capital gains:

1. Depreciation on farm machinery and buildings, farm supply expenses, and all labor and management costs are deductible.

2. Expenditures for soil and water conservation and land clearing are deductible (in every other business costs of a similar character must be characterized).

3. Income from Commodity Credit Corporation loans is controllable, making it possible to choose the most convenient tax year in which to report the income.

4. Timber, farm buildings, livestock and unharvested crops sold with the land get capital gains treatment.

The article sums up ways investors write off expenses against personal income, use the investment credit, take profits taxable at capital gains rates, and accumulate a cattle operation sheltered indefinitely from the bite of Federal income taxes:

"* * * all expenses (except the cost of land) are deductible from ordinary income either as business expenses or by way of depreciation. So, while the herd is building up, you can use these deductions to offset other highly taxed income.

"* * * many of the expenses you will incur qualify for the 7-percent investment credit—producing an immediate dollar-for-dollar slash in your personal tax bill. These would include, for example, the cost of fences to contain the cattle, drain tiles to improve pasturage, paved barnyards and water wells, but not the cost of purchasing the cattle.

"* * * the herd builds up tax free * * * Simply trade off the calves produced by your herd for additional heifers, which will produce more calves * * * trade off for more heifers, and so on.

"* * * much of the income produced by the herd will be tax-sheltered, long-term capital gain. For example, you get long-term gain if you sell out the whole herd. Furthermore, if you've held them at least 12 months, you get a long-term gain on the sale of cattle culled from the breeding herd, even if they've been fully depreciated."

The beef cattle operation was called the classic illustration by one expert witness.[49] With most of the investment in land and a breeding herd, he pointed out, opportunities are maximized for appreciation in capital value and subsequent taxation of gain at not more than 25 percent. This advantage is progressively attractive to investors with annual incomes exceeding $25,000.

The same witness contended any attempt to help agriculture by income tax concessions contains an automatic bonus for bigness.[50] He added:

"Completely apart from any question of concessions to farmers, or favored tax treatment, the nature of the farm business creates certain attractions for the wealthy investor. To him, the primary advantage lies in the high ratio of durable assets to total assets in an agricultural investment. Assets that can be treated as capital, and taxed under capital gains provisions, are an invitation to the man of wealth to acquire them and seek ways to convert the largest possible amount of current income into an appreciation in his asset values."

Thus, the subcommittee finds, it is both capital gains and "tax loss farming" that attracts industrial corporations and other nonfarm interests into agriculture. Both must be dealt with if this trend is to be slowed or reversed.

VIII. SURPLUS LAND SALES AS A FACTOR

There is some evidence that Government surplus disposal policies have resulted in transfer of large-acreage surplus defense establishments to corporations and other nonfarm interests for farming, livestock feeding, and other agricultural purposes.

These abandoned installations are attractive to these nonfarm interests because they provide an easy way to obtain large land tracts, clear in most instances of farm buildings, hedgerows, terraces, and other deterrents to large-scale farming. They also have appeal because they no longer contain public roads or other right-of-way rights.

These military installations, usually dating from the 1940's, are normally sold as a unit after being declared surplus. It is impossible to sell this land to previous owners, who long ago obtained other farming units or moved to the city, or to find a way to break them up into units that could be purchased by individual farm operators.

Evidence was presented to the subcommittee on only one example.[51] It was the recent transaction involving the 27-year-old Hastings (Nebr.) Naval Ammunition Depot. A sizable portion was purchased by the city of Hastings under provisions of the State's Industrial Development Act. The city, according to the testimony, immediately entered into a lease-purchase agreement that turned it over to a corporation for a huge hog feeding operation.

Several members of the Nebraska Legislature tried unsuccessfully to amend the State's Development Act in time to stop revenue bond financing to the city that made the purchase possible. The amendment specifically would have barred issuance of bonds under the act for livestock production purposes.

Opponents of the Hastings transaction contended attempts by Government, both State and Federal, to provide new jobs by returning installations to the public fall short when corporations are allowed to take them over for agricultural purposes.

Although the Hastings situation involves the Defense Department, it is suggested that the Atomic Energy Commission and other Federal agencies also have been involved in transfers of large-acreage surplus installations to corporate interests. The subcommittee feels this is a policy area that should be explored further.

IX. SUMMARY OF REMEDIAL PROPOSALS

Many of the witnesses urged the subcommittee to consider specific proposals to meet the challenge posed by industrial corporations and other nonfarm interests moving into agriculture.

Several of the proposals have been before Congress in one form or another in recent years or considered by the Food and Fiber Commission, the Food Marketing Commission, or other studies authorized by Congress.

The changes proposed generally involve one of two approaches. One is strengthening the farmer and rancher, through such things as bargaining power and credit and better prices, so competition from nonfarm interests can be overcome. The other involves removing tax and other incentives encouraging nonfarm investors and adopting land use restrictions and other roadblocks to corporate entry into agriculture.

Also included are requests for various kinds of investigations into corporation farming and related issues.

Congress clearly has authority to act on many of the proposals (Federal tax policy, disposal of surplus military installations, etc.). Others involve policy decisions reserved to the States (land use regulations, irrigation well permits, etc.). Still others fall into undefined areas or those involving joint government action (soil conservation, air and water pollution, reporting procedures for publicly owned corporations, etc.).

These are the main proposals submitted:

1. Limit use of underground water for irrigation to quantities normally restored to these aquifers by natural recharge.

2. Control Government sales of large-acreage surplus defense establishments to prevent them from coming under control of corporations for farming, livestock feeding, or other agricultural purposes.

3. Tighten antitrust laws to assure competition, specifically making it illegal for a single corporation to produce, process, and retail farm products.

4. Enforce existing laws limiting use of public irrigation water to a specified number of acres per user and includes a similar limitation on all future Government water development projects.

5. Use the Government's subpena powers to determine (1) the names of stockholders of corporation farms; (2) whether company farms are involved in an effort to monopolize food processing, distribution and production, and (3) whether company farms violate antitrust laws in buying equipment, fertilizer, feed, and other production items direct and discounted.

6. Restrict farm size by limiting either the number of acres or volume of sales.

7. Increase the State homestead exemption on agricultural real estate where a farm family makes its home.

8. Require farm and ranch ownership registration (owner's name and address, property size and location; acquisition date and

Footnotes at end of article.

type of ownership) with farm companies required, in addition, to list stockholders with more than a 5-percent interest and report any ties to farm supply, processing or marketing firms.

9. Prohibit obstruction, boycott or intimidation of farmers organizing cooperatives or other collective efforts to increase bargaining power.

10. Provide authority and funds for continuing economic studies of the food and fiber industry structure by Government regulatory agencies, Federal economic research groups, and educational and private research institutions.

11. Enact legislation to assure parity prices and income protection, through Government payments and other assistance, to a family farm level of production with the Department of Agriculture defining family farm units on a county-by-county basis.

12. Enact Federal tax legislation to prohibit persons who are not bona fide farmers from using losses incurred in their farming operations as an offset to income from other sources.

13. Prohibit chain grocery stores and others engaged in food processing and distribution from operating feedlots and other agricultural facilities.

14. Enact a graduated land tax to discourage large land holdings by either individuals or corporations.

15. Enact a law prohibiting purchase of farm land by corporations with stockholders exceeding a certain number.

16. Empower county boards to set up farm land resources commissions directed to (1) regulate farm land transfers; (2) prohibit undesirable forms of agricultural enterprises that represent poor land use or are out of character with those existing in the county; (3) regulate public nuisances resulting from air and water pollution arising from feedlots, egg factories, and confinement types of dairy and livestock operations, and (4) licensing and regulating water use for irrigation.

17. Refine, expand, and adequately fund the farm credit system.

18. Extend and improve restraint of trade, monopoly and unfair trade practices laws that limit capacity and thrust of corporate growth and made at the expense of smaller independent enterprises.

APPENDIX

A. Summary of Arvin-Dinuba study[52]

Whether industrialization of farming is a threat not only to the family farm, but also to the rural society founded upon the family farm, is the specific subject of the present report. The purpose of this study is to test by contemporary field research the historic hypothesis that the institution of small independent farmers is indeed the agent which creates the homogeneous community, both socially and economically democratic.

The present inquiry consists of a detailed analysis and comparison of two communities, one where agricultural operations are on a modest scale, the other where large factory-like techniques are practiced. Both communities lie in the fertile southern San Joaquin Valley in the Great Central Valley of California, where highly developed and richly productive agriculture is characteristic. Limitations of time and resources dictated that no more than two communities be studied. Numerous other pairs might have been chosen which doubtless would have yielded comparable results.

The two communities studied naturally vary in some degree with respect to proportions of surrounding lands devoted to this or that crop, with respect to age, to depth of water lift for irrigation, etc., as well as with respect to the scale of the farm enterprises which surround them. Controls as perfect as are possible in the chemist's laboratory are not found in social organizations. Yet the approximation to complete control achieved by selection of the communities of Arvin and Dinuba, is surprisingly high. Other factors, besides the difference in scale of farming, which might have produced or contributed to the striking contrasts of Arvin and Dinuba have been carefully examined. On this basis the conclusion has been reached that the primary, and by all odds the factor of greatest weight in producing the essential differences in these two communities, was the characteristic difference in the scale of farming—large or small—upon which each was founded. There is every reason to believe that the results obtained by this study are generally applicable wherever like economic conditions prevail.

Summary of findings

Certain conclusions are particularly significant to an understanding of the importance of his place in a community. Not only does the small farm itself constitute small business, but it supports flourishing small commercial business.

Analysis of the business conditions in the communities of Arvin and Dinuba shows that—

(1) The small farm community supported 62 separate business establishments, to but 35 in the large-farm community; a ratio in favor of the small-farm community of nearly 2 to 1.

(2) The volume of retail trade in the small-farm community during the 12-month period analyzed was $4,383,000 as against only $2,535,000 in the large-farm community. Retail trade in the small-farm community was greater by 61 percent.

(3) The expenditure for household supplies and building equipment was over three times as great in the small-farm community as it was in the large-farm community.

The investigation disclosed other vast differences in the economic and social life of the two communities, and affords strong support for the belief that small farms provide the basis for a richer community life and a greater sum of those values for which America stands, than do industrialized farms of the usual type.

It was found that—

(4) The small farm supports in the local community a larger number of people per dollar volume of agricultural production than an area devoted to large-scale enterprises, a difference in its favor of about 20 percent.

(5) Notwithstanding their greater numbers, people in the small farm community have a better average standard of living than those living in the community of large-scale farms.

(6) Over one-half of the breadwinners in the small-farm community are independently employed businessmen, persons in white-collar employment, or farmers; in the large-farm community the proportion is less than one-fifth.

(7) Less than one-third of the breadwinners in the small-farm community are agricultural wage laborers (characteristically landless, and with low and insecure income) while the proportion of persons in this position reaches the astonishing figure of nearly two-thirds of all persons gainfully employed in the large-farm community.

(8) Physical facilities for community living—paved streets, sidewalks, garbage disposal, sewage disposal, and other public services—are far greater in the small-farm community; indeed, in the industrial-farm community some of these facilities are entirely wanting.

(9) Schools are more plentiful and offer broader services in the small-farm community, which is provided with four elementary schools and one high school; the large-farm community has but a single elementary school.

(10) The small-farm community is provided with three parks for recreation; the large-farm community has a single playground, loaned by a corporation.

(11) The small-farm town has more than twice the number of organizations for civic improvement and social recreation than its large-farm counterpart.

(12) Provision for public recreation centers, Boy Scout troops, and similar facilities for enriching the lives of the inhabitants is proportioned in the two communities in the same general way, favoring the small-farm community.

(13) The small-town community supports two newspapers, each with many times the news space carried in the single paper of the industrialized-farm community.

(14) Churches bear the ratio of 2 to 1 between the communities, with the greater number of churches and churchgoers in the small-farm community.

(15) Facilities for making decisions on community welfare through local popular elections are available to people in the small-town community; in the large-farm community such decisions are in the hands of officials of the county.

These differences are sufficiently great in number and degree to affirm the thesis that small farms bear a very important relation to the character of American rural society. It must be realized that the two communities of Arvin and Dinuba were carefully selected to reflect the difference in size of enterprise, and not extraneous factors. The agricultural production in the two communities was virtually the same in volume—$2½ million per annum in each—so that the resource base was strictly comparable. Both communities produce specialized crops of high value and high cost of production, utilizing irrigation and large bodies of special harvest labor. The two communities are in the same climate zone, about equidistant from small cities and major urban centers, similarly served by highways and railroads, and without any significant advantages from nonagricultural resources or from manufacturing or processing. The reported differences in the community may properly be assigned confidently and overwhelmingly to the scale-of-farming factor.

The reasons seem clear. The small-farm community is a population of middle-class persons with a high degree of stability in income and tenure, and a strong economic and social interest in their community. Differences in wealth among them are not great, and the people generally associate together in those organizations which serve the community. Where farms are large, on the other hand, the population consists of relatively few persons with economic stability, and of large numbers whose only tie to the community is their uncertain and relatively low-income job. Differences in wealth are great among members of this community, and social contacts between them are rare.

Indeed, even the operators of large-scale farms frequently are absentees; and if they do live in Arvin, they as often seek their recreation in the nearby city. Their interest in the social life of the community is hardly greater than that of the laborer whose tenure is transitory. Even the businessmen of the large-farm community frequently express their own feelings of impermanence; and their financial investment in the community, kept usually at a minimum reflects the same view. Attitudes such as these are not conducive to stability and the rich kind of rural community life which is properly associated with the traditional family farm.

FOOTNOTES

[1] These large corporations, including conglomerates, were cited by various witnesses (during the hearings or in material submitted for the record) as being engaged in farming: American Cyanamid, Bunge Inc., CBK Inc., Del Monte, Gates Rubber Co., Goodyear Rubber Co., Gulf & Western, H. J. Heinz Co., International Systems & Controls Co., Jewel Tea Co., Libby, McNeill & Libby, Massey-Ferguson, Minute Maid Groves, Oppenheimer Industries, Pacific-Gamble-Robinson Co., Pillsbury Co., Ralston Purina, Swift & Co., Tenneco, and Textron Inc.

[2] "Corporation Farming," hearings before Subcommittee on Monopoly, Select Committee on Small business, U.S. Senate, 90th Cong., second sess., Ben H. Radcliffe, p. 23.

[3] Hearings, Elton Berck, p. 44.

[4] Ibid., Arnold Onstad, p. 264.

[5] Ibid., Ben H. Radcliffe, p. 24.

[6] Ibid., Prof. Philip M. Raup, p. 249.

[7] Report, "Small Business and the Community—A Study in Central Valley of California on Effects of Scale of Farm Operations," prepared by the Special Committee to Congress, December 23, 1946.

[8] See Appendix A for a summary of the Arvin-Dinuba study.

[9] Examples are the Minnesota Task Force on Corporation Farming, a citizens study group, with work described on pp. 263–269 of the hearing record; and a legislative council study, South Dakota Legislature, p. 20 of the same period.

[10] Ibid., Howard Bertsch, p. 99.

[11] Ibid., Douglas G. Marshall, p. 228.

[12] Ibid., Amer Lehman, pp. 102–103.

[13] Ibid., Amer Lehman, p. 105.

[14] Ibid., Howard Bertsch, p. 98.

[15] Ibid., Edwin Sommers, p. 219.

[16] Ibid., Gilbert Rohde, p. 202.

[17] Ibid., Tony T. Dechant, p. 11.

[18] Ibid., Arnold Onstad, p. 263.

[19] Ibid., Tony T. Dechant, p. 69.

[20] Ibid., Tony T. Dechant, p. 68.

[21] Ibid., Edwin Sommers, p. 219.

[22] Ibid., Pat DuBois, p. 71.

[23] Ibid., William Pickerign, p. 277.

[24] Ibid., Howard Bertsch, p. 96.

[25] Ibid., Keith C. Davison, p. 192.

[26] Ibid., Tony T. Dechant, p. 68.

[27] Ibid., Ben H. Radcliffe, p. 23.

[28] Ibid., Amer. Lehman, p. 106.

[29] Ibid., Arnold Onstad, p. 263.

[30] Ibid., Amer Lehman, p. 105.

[31] Ibid., Philip M. Raupe, p. 243.

[32] Ibid., Edwin Christianson, p. 206.

[33] Ibid., Philip Doyle, p. 112.

[34] Ibid., Douglas G. Marshall, p. 232.

[35] Marshall, *op. cit.*

[36] Marshall, *op. cit.*

[37] Marshall, *op. cit.*

[38] Ibid., Msgr. John G. Weber, p. 113.

[39] Ibid., Philip M. Raup, p. 241.

[40] Ibid., Albert Ebers p. 165.

[41] Albert Ebers, *op. cit.*

[42] Ibid, Paul L. Farris, p. 177.

[43] Ibid, Tony T. Dechant, p. 66.

[44] Ibid, Arthur Miller, p. 273.

[45] Ibid, Ben H. Radcliffe, pp. 24–25.

[46] The Internal Revenue Service figures show this 1965 breakdown: Individuals with $1 million or more income—119 engaged in farming with 103 writing off farm losses; $500,000 to $1 million—202 in farming with 170 reporting farm losses; $100,000 to $500,000—3,914 in farming with 2,874 reporting farm losses: $50,000 to $100,000—12,398 in farming with 7,424 reporting farm losses; $20,000 to $50,000—69,132 in farming with 30,380 reporting farm losses; $15,000 to $20,000—66,003 in farming with 23,843 reporting farm losses.

[47] Ibid, Philip M. Raup, p. 249.

[48] Ibid, Elton Berck, p. 49.

[49] Ibid, Philip M. Raup, p. 246.

[50] Raup, *op cit.*

[51] Ibid, Elton Berck, pp. 46–47.

[52] This brief report is taken from pp. 4–6 of the hearing record of the Subcommittee on Monopoly.

Mr. PELL. Mr. President, after considerable deliberation I have decided that I shall not vote for confirmation of Dr. Earl L. Butz as Secretary of Agriculture.

I have reached this decision reluctantly, for I believe as a general rule the President of the United States should be given wide latitude in selecting the administrators who will serve as members of his Cabinet.

In this case, however, I find the nominee to be basically unsympathetic and insensitive to two of the major problems which confront our society today—environmental quality and the problem of providing food for the disadvantaged members of our society.

In both of these areas, the Department of Agriculture has direct, major responsibilities, and it is important, I believe, that the head of the Department be a man who believes positively in programs to protect our environment and in programs of food distribution.

We have just gone through an experience with the Department of Agriculture in which it took the full force of the Senate and the House of Representatives to rescue the school lunch program from crippling, pennypinching, regulatory actions designed to thwart the will of Congress and to deny school lunches to millions of children.

We need a Secretary of Agriculture who believes positively in these programs, and Dr. Butz apparently does not. He has, for example, expressed some doubts about the extent of the food stamp program.

He has summarily dismissed the concern of environmental organizations over wholesale use of pesticides and chemical fertilizers.

These are matters that are of deep and legitimate concern to a large and increasing number of Americans. I regret very much that the nominee has not demonstrated a sensitivity to these concerns.

Mr. President, until today I have opposed in the Senate the confirmation of only one Cabinet appointment submitted by President Nixon. I voted against the confirmation of Walter Hickel as Secretary of the Interior, because of his demonstrated lack of concern, at that time, for environmental problems. I came to admire Secretary Hickel for his ability to learn in his post. He became an extremely effective and articulate defender of the environment, and I like to think that the confirmation process in the Senate played an important part in preparing him for that role.

If Dr. Butz is confirmed, I would hope that the concerns that I and others have expressed will impress upon him the importance with which many Americans view our food distribution and environmental programs.

I would hope also that Dr. Butz would make strenuous efforts to place the farm economy on a sounder basis—both for the sake of our farmers and for our taxpayers—and would come forward with proposals to reduce the continuing taxpayer burden of supporting the large farm subsidy program.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont has 9 minutes remaining and the Senator from Oklahoma has 1 minute.

Mr. AIKEN. I might ask whether any Senators who are supporting the nomination of Dr. Butz would like time. If not, if the Senator from Oklahoma will yield back his 1 minute, I will yield back the remainder of our time.

Mr. HARRIS. Will the Senator yield me his time? There are others who would like to speak against Dr. Butz.

Mr. AIKEN. I could not do that. We are going to hear the candidates from now until next November. I do not think anything new can be added. Although I would like to accommodate the Senator, I am a conservationist first and an accommodater second.

I yield back the remainder of our time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The vote cannot occur until 1 o'clock, except by unanimous consent.

Mr. HUGHES. I object.

Mr. HARRIS. Mr. President, if no one will speak on behalf of Dr. Butz on their side, may we have about 6 minutes of silence on their time? [Laughter.]

Mr. DOLE. Mr. President, I suggest the absence of a quorum, on our time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HARRIS. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute to each side.

Mr. HARRIS. I yield myself 1 minute.

Mr. President, big, rich farmers and big corporations are taking over agriculture, not because they are more efficient, but because people like Dr. Butz have favored them over the years, and he will continue to favor them as Secretary of Agriculture, with the water irrigation laws, with our tax laws, our labor laws, the laws in regard to subsidies. All those laws subsidize the big, rich farmer and the corporate farmer, to the detriment of the little farmer. Let us cast a vote for the little farmer and against this nomination.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I can only repeat what I said yesterday. The President is responsible for carrying out the programs established by Congress. He appoints his Secretaries and the heads of his departments to carry out the programs. If they do not go right then the President is to blame.

I have heard on this floor Orville Freeman being criticized for some things that went on, such as loss of income, and so forth, while he was Secretary of Agriculture, when Orville Freeman was not to blame.

That is true of every Secretary of Agriculture.

The Department of Agriculture has been in existence for 108 years and during that time no President has ever been denied the right to select his own Secretary.

If we are to establish a precedent now,

we will not only be making it more difficult for the present administration to improve the lot of the farm people of this country, but we will also be embarrassing future Presidents of one party or the other who might take up residence in the White House.

I do not want to embarrass any future President.

The PRESIDING OFFICER (Mr. HOLLINGS). Will the Senator from Vermont ask for the yeas and nays?

Mr. AIKEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HOLLINGS). The hour of 1 o'clock having arrived, the question is, Will the Senate advise and consent to the nomination of Earl Lauer Butz to be Secretary of Agriculture?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Hawaii (Mr. INOUYE).

If present and voting, the Senator from Colorado would vote "yea" and the Senator from Hawaii would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "yea."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Hawaii (Mr. INOUYE). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Hawaii would vote "nay."

The yeas and nays resulted, yeas 51, nays 44, as follows:

[No. 428 Ex.]

YEAS—51

Aiken	Cotton	Mathias
Allen	Curtis	Packwood
Allott	Dole	Pearson
Anderson	Eastland	Percy
Baker	Ellender	Randolph
Bayh	Fannin	Roth
Beall	Fong	Schweiker
Bellmon	Goldwater	Scott
Bentsen	Griffin	Smith
Boggs	Gurney	Spong
Brock	Hansen	Stafford
Brooke	Hart	Stennis
Buckley	Hatfield	Stevens
Byrd, Va.	Hruska	Taft
Byrd, W. Va.	Javits	Thurmond
Case	Jordan, Idaho	Tower
Chiles	Long	Weicker

NAYS—44

Bible	Gravel	McClellan
Burdick	Harris	McGee
Cannon	Hartke	McGovern
Church	Hollings	McIntyre
Cook	Hughes	Metcalf
Cooper	Humphrey	Miller
Cranston	Jackson	Mondale
Eagleton	Jordan, N.C.	Montoya
Ervin	Kennedy	Moss
Fulbright	Magnuson	Muskie
Gambrell	Mansfield	Nelson
Pastore	Sparkman	Tunney
Pell	Stevenson	Williams
Proxmire	Symington	Young
Ribicoff	Talmadge	

NOT VOTING—5

Bennett	Inouye	Saxbe
Dominick	Mundt	

So the nomination was confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mr. STEVENSON). The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate a message from the President of the United States submitting the nomination of Robert Anderson, of the District of Columbia, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Dahomey, which was referred to the Committee on Foreign Relations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate and in the galleries?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and desist from conversations. There will be order in the galleries.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that S. 2097 is to be laid before the Senate automatically. However, before that is done, I ask unanimous consent that I may have the floor for the purpose of yielding it to the Senator from North Dakota briefly.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY VISITORS FROM MICRONESIA ATTENDING THE WHITE HOUSE CONFERENCE ON AGING

Mr. BURDICK. Mr. President, as chairman of the Subcommittee on Territories and Insular Affairs, I am delighted to advise the Senate of a number of visitors from the Trust Territory of the Pacific Islands who are representing the area, perhaps better known as Micronesia, at the White House Conference on Aging being conducted this week. It gives me particular pleasure to be able to welcome these distinguished delegates from Micronesia since I know many of them personally and have enjoyed their hospitality while visiting their respective districts and being a guest in their homes.

I know all of my colleagues join me in the hope that during this week the delegates from Micronesia, who represent traditional leadership, the elected leadership, and the administration of the territory, will come to have a better understanding of the United States and the operations of our Government.

The gentlemen who are here for the conference are:

Mr. Edward Capelle, Coordinator, Senior Opportunity Services, CAA, Marshall Islands District.

Chief Alper Domsin, Chief Magistrate, Kitti, Ponape District.

Mr. Dwight Heine, Special Consultant to the High Commissioner, Trust Territory Headquarters.

Mr. Kintoki Joseph, Coordinator, Community Action Agency, Truk District.

Chief Reklai Limisang, Paramount Chief, Palau District.

Chief Francisco Luktun, Civic Affairs Officer, Yap District.

Mr. Eskiel Moses, Student Nurse, Mariana Islands District.

Chief Ibedul Ngoriakl, Paramount Chief, Palau District.

Mr. Henry S. Pangelinan, Self-employed, Mariana Islands District.

Chief Andrew Roboman, President, Yap Islands Council, Yap District.

Mr. Ben Sablon, Self-employed, Mariana Islands District.

Representative Henry Samuel, Vice-Speaker, House of Representatives, Congress of Micronesia, Marshall Islands District.

Representative Joab Sigrah, Member, House of Representatives, Congress of Micronesia, Ponape District.

Mr. Norman Skilling, Chief Magistrate, Kusaie, Ponape District.

Mr. Kakwe Telinej, Retired, Marshall Islands.

Mr. Rosendo Tonga, Student, Community College of Micronesia, Ponape District.

Mr. Sabi William, Educator, Truk District.

Mr. William Allen, staff: Chief, Community Development Division, Trust Territory Headquarters.

Mr. Hilary Conrad, staff: Community Development Officer, Ponape District.

Mr. William Jackson, staff: Acting Program Development Officer, Community Development Division, Trust Territory Headquarters.

Mr. Isaac Ngiraeluolw, staff: Program Analyst, Office on Aging, Trust Territory Headquarters.

Mr. Luke Tman, staff: Chief, Civic Affairs Division, Trust Territory Headquarters.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senator from North Dakota on behalf of the joint leadership in welcoming our Micronesian friends to the Capital of the Nation.

Mr. SCOTT. Yes, indeed. We are delighted they are here.

THE PROGRAM

Mr. SCOTT. Mr. President, I would like to inquire of the distinguished majority leader as to the future business.

Mr. MANSFIELD. Mr. President, it has not been worked out as yet.

Mr. President, I yield to the distinguished Senator from Missouri.

DISTRICT OF COLUMBIA REVENUE ACT OF 1971

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11341.

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. STEVENSON) appointed Mr. EAGLETON, Mr. INOUYE, Mr. STEVENSON, Mr. MATHIAS, and Mr. WEICKER conferees on the part of the Senate.

ORDER FOR H.R. 11589 TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the House on H.R. 11589, to authorize the foreign sale of certain passenger vessels, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, the pending business is S. 2097, the so-called Drug Abuse Act.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? Will the Chair please clear the well?

The PRESIDING OFFICER. The Senate will be in order. The well will be cleared. Senators will cease conversations and the staff will please be quiet.

Mr. MANSFIELD. Mr. President, to repeat, on the drug abuse measure there is a time limitation. That measure is to be followed by the conference report on OEO, which likewise has a time limitation. Hopefully we will wind up the day's work with S. 2824, the so-called fish inspection bill.

Tomorrow we will have the District of Columbia appropriation bill, to be followed by the supplemental appropriations. Hopefully we will have a chance to take up the voter registration bill in which the distinguished Senator from Wyoming (Mr. MCGEE), the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished Senator from Hawaii (Mr. FONG), the distinguished Senator from North Carolina (Mr. ERVIN), and others have an interest.

With these matters out of the way it is anticipated we will turn to the Supreme Court nominations with the understanding, of course, that in the consideration of those nominations conference reports and the like will be given prior consideration.

As far as the foreign aid bill is concerned, it is still in conference. I do not know what the effects will be of the continuing meeting between the conferees of both houses. So at the moment I am unable to say anything except that a stalemate exists.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I would hope we could lay before the Senate and begin debate on the two Supreme Court nominations sometime tomorrow after these privileged and otherwise scheduled matters have been disposed of. I think we are both anxious to do that.

Mr. MANSFIELD. I would agree, yes.

I do not know if the distinguished Senator from Maryland will be in a position to advise us as to his wishes on amending the American Revolutionary Bicentennial Commission measure.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MATHIAS. I am prepared to go forward with that. The distinguished Senator from Massachusetts, who is the author of the bill, and the distinguished Senator from Nebraska, who is also interested in the matter, I think, are all agreed to go forward and that perhaps in 30 minutes it could be disposed of at any time the leadership can schedule it.

Mr. MANSFIELD. Would some time tomorrow be agreeable?

Mr. MATHIAS. I think the Senator from Massachusetts has some reservations about doing it tomorrow and had hoped it could be done today.

Mr. MANSFIELD. Maybe later today.

Mr. BROOKE. Yes.

Mr. MANSFIELD. Very well.

We are going into the Federal Aviation Act, in which the distinguished Senator from New Hampshire (Mr. COTTON) and the distinguished Senator from Washington (Mr. MAGNUSON) have an active interest, as well as the distinguished Senator from Nevada (Mr. CANNON) who likewise has a special interest.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. I apologize. I just entered the Chamber. Did the Senator say that the fish bill is likely to come up later this evening?

Mr. MANSFIELD. Later this evening, if it meets with the approval of the Senator, who is very much interested in the measure.

Mr. COTTON. Oh, certainly.

Mr. SCOTT. Mr. President, I wish to make further comment that if it should happen that the conference report comes in on the tax bill and the conferees have come in with something which is generally acceptable and which perhaps has resolved those major differences, I would assume we would, as a privilege matter, take up the tax bill at the earliest possible moment.

If we find ourselves in a state of less than harmony we can let the bells ring and go home to hear them.

Mr. MANSFIELD. The Senator is correct.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STEVENS. As I gather the time limitation, there is to be about 6½ hours before we would get to the fish inspection bill.

Mr. MANSFIELD. It depends on how much time is taken on the drug bill and the conference report on OEO. I understand the anticipated amendment to the drug bill will not be offered.

Mr. STEVENS. I did have other plans and I will be pleased to cancel them; but could some other bill come third today so we could start tomorrow on the fish inspection bill?

Mr. MANSFIELD. We are stuck and we have to do that.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wish to register a little concern.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so we can hear the leadership on both sides of the aisle?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. I know that the minority whip—and I am sure it is true in the case of the majority whip as well—has been trying to convey to the membership information concerning the schedule as it is announced.

On several occasions it was announced that the Supreme Court nominations would follow the disposition of the Butz nomination. More recently there have been some variations on this.

Now, the majority leader has mentioned that several bills as to which no time agreements have been reached will be called up after the Butz nomination and prior to the Supreme Court nominations. One of the matters is very controversial, to say the least. I am referring to the voter registration by mail.

If some of these bills are brought up I can conceive of debate going on for quite awhile on them. It bothers me because I thought it had been announced that the Supreme Court nominations would follow the disposition of the Butz nomination.

Mr. MANSFIELD. The Senator has a point. I can well understand it. But I am sure the Senator realizes also, being in the position of leadership that he is in, that a certain amount of flexibility has to be accorded, as a matter of course, to the joint leaders in the scheduling of legislation. I might add that time and time again I have announced that these nominees would likely be the very last order of business this session.

We will attempt, if possible, to get a time limitation on the voter registration bill, however. We do not intend to spend days and days on it this late in the session.

Mr. GRIFFIN. I am glad to have that assurance.

Mr. MANSFIELD. Maybe it could be worked out in a way that is not unsatisfactory.

Mr. SCOTT. I do not think it should be brought up in this session unless we get a time limitation. I would assume we could get one.

Mr. ERVIN. Mr. President, will the Senator yield

Mr. MANSFIELD. I yield.

Mr. ERVIN. Mr. President, for the information of the majority leader I would like to say that I would object to a time limitation on the Voter Registration Act. I think there will be quite a debate on the subject or on a motion to commit that to the committee which under the rules of the Senate has jurisdiction, and that would be either the Committee on Rules and Administration or the Committee on the Judiciary.

Furthermore, I have a number of amendments to that bill that I think I would have to discuss at some length.

Mr. MANSFIELD. That answers the question on the time limitation. Again I ask the Senate to understand the position of the leadership and I want to assure the Senate that this will not unduly delay the consideration of the nominations.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. PERCY. Mr. President, I wish to raise the question that I put yesterday to the assistant majority leader. Although he rendered a partial opinion he said he would defer until the majority leader was on the floor. Would it be possible to consider the two Supreme Court nominations en bloc so that either one of them could be discussed during the proceedings and then have a vote on both of them separately, but one following another?

I presume every Senator would want to be back for those votes, and some of us have commitments out of town, presuming we would have adjourned by December 4.

We will have to work out those commitments and be back here. But if a Senator is on the west coast or some distance from here, it might be easier to come back for one vote rather than two.

Mr. MANSFIELD. It is not unusual to consider nominations en bloc, but that is only the case when there is no trouble or concern.

In this matter, perforce, we will have to consider each separately and debate and vote on each separately and at an appropriate time I would assume the responsibility and make the decision as to which one will come up first.

Mr. PERCY. About how much advance notice will Senators have as to a time certain on the respective votes?

Mr. MANSFIELD. That is hard to say, because I daresay in one of these instances it will be impossible to begin arriving at an agreement covering a time certain to vote.

SHIFT IN WORLD MILITARY POWER BALANCE

Mr. THURMOND. Mr. President, today many people are worried, and properly so, about inflation, unemployment, drugs, and permissiveness in the lives and activities of our people. These are important, even critical issues, but their resolution will come to naught if we continue to permit our military power to dissipate.

Whether the American people want to hear it or not, those of us in public life have a responsibility to warn that the security of the United States is imperiled to a degree unparalleled in modern times. When people think about a threat to our security, they think of a nuclear attack.

The possibility of a nuclear holocaust engulfing the world rests mainly on two possibilities. First, the possibility that the Soviet leadership could fall into the hands of a paranoid or insane man who would push the buttons the Soviets control.

There is not a great deal we can do to prevent such an eventuality. The Soviets operate in a closed society, completely control their people and determine their leaders by intrigue and conspiracy. The best hope for insuring a more stable Soviet leadership is to involve them as much as possible in the real world and thereby force more responsibility into their political system.

The second possibility of a nuclear exchange turns on a confrontation between the major powers such as we witnessed during the Cuban missile crisis. At that time the U.S. missile superiority gave us a clear advantage.

If such a situation would arise today or in the next few years, the world would be in much greater danger. The reason is that the United States no longer has a clear strategic weapon advantage over the Soviets and a miscalculation is more likely to occur on the part of either side. Such a confrontation becomes more dangerous each day as the United States fails to respond to the fantastic Soviet buildup in the past few years.

This rapidly shifting balance of power and the dangers it brings must be understood by the American people. A conscious policy to allow the Soviets to catch up was undertaken during the McNamara years on the belief the Russians would never deal with us so long as they were in an inferior military position. The idea was to allow them to achieve parity, or equality, and then agreements could be reached which would slow the arms race. What has happened is that the Soviets have achieved parity and now are accelerating their military buildup seeking an advantage which they could use in the world arena.

A superiority, or even an impression of superiority, by the Soviets, would not only increase the possibility of a nuclear exchange, but could also wreck our free world alliances. The more probable result, assuming a nuclear exchange is less likely to occur, is that the Soviets will greatly expand their sphere of influence. This could be accomplished through economic and political means, backed by their new military power. Such an event could isolate the United States during the 1980's except for contacts in the Western Hemisphere.

The next question is when will such a power shift take place. The answer to that question may be soon forthcoming. Presently, many experts contend the Soviets have achieved a strategic parity with the United States based on their ICBM and submarine buildup.

This is clearly shown by contrasting the strategic, or long-range, offensive and defensive capability of the Soviets to that of the United States.

Consider this chart:

STRATEGIC OFFENSE

	Soviets	United States
1. Intercontinental ballistic missile launchers	1,500	1,054
2. Medium and intermediate range ballistic missile launchers	600	0
3. POLARIS-type submarine launched ballistic missile boats	20	41

Mr. President, I want to add here that the Soviets are building 22 Soviet subs in this type, which are now under construction, which will give them one more than we have:

	Soviets	United States
4. Heavy bombers	195	559
5. Medium bombers	1,150	0

STRATEGIC DEFENSE

1. Surface-to-air missile launchers	10,000	1,136
2. Anti-ballistic missile launchers	64	0
3. Fighter interceptors	3,300	599

These figures should sober anyone who can count. They result from the fact that, with the exception of Minuteman III and Poseidon missiles, the United States has the same strategic forces as in 1965.

Alarming signs that this situation may soon grow worse abound everywhere. For instance, the Soviets have more than 85 large holes at present ICBM sites and as yet have not filled these holes. The idea of digging large numbers of holes before filling them is new and poses the possibility of dramatic consequences. Any weapon placed in these holes could very well be newer and more powerful than its predecessors. The psychological impact of such additional missiles would be highly significant. One thing for certain is that it will give the Soviets a momentum which will be difficult to counter.

There is also the question of the psychological impact on this country and the world, should the Soviets clearly establish a missile superiority through some dramatic action. We can all remember the effect of sputnik passing over our soil regularly as it whizzed around the world each day.

That such a moment as I have described is approaching seems highly possible. If the Soviet missile breakthrough does not provide it, something else will. The Soviets are presently outspending us in the area of research and are greatly advanced in preparation of such strategic weapons as the orbiting bomb.

Hard evidence of the shifting military balance of power is becoming clearer each week. The latest edition of the authoritative "Jane's Weapon Systems" notes that the Soviets are outstripping the United States in development of sophisticated weapons to an extent which may tip the relative balance between the two nuclear powers.

The only response this Nation can give is to strengthen our strategic weapons systems—the ICBM's, the submarine launched missiles and our bomber force. These systems must be given priority.

We can improve our strategic posture by taking action in the following areas:

First. Convert all 1,000 of our Minuteman II ICBM's to the more advanced Minuteman III version.

Second. Increase the number of our submarine launched ballistic missile—SLBM's—boats and convert all of the present SLBM's to the advanced Poseidon-type missiles. Present plans call for conversion of only three-fourths of our 41 boats.

Third. Accelerate the underwater launched missile system known as ULMS because it offers an invulnerability not achievable in land-based missiles.

Fourth. Accelerate the B–1 advanced manned bomber program to replace our aging B–52 bomber force. The old B–52's simply cannot handle the sophisticated defense systems and new delivery systems of the present and future. Our bomber force is also vital, because of its use in nonnuclear combat roles and because, when committed in a nuclear role, it can be recalled if necessary.

Fifth. Step up our research and development programs in order to develop the important new technology before any would-be aggressor could do so.

It should also be realized that the strategic missile game does not rest on numbers alone. Although the Soviets have more missiles in hand or in production, we presently enjoy some advantage through better accuracy and more warheads per missile. However, the technological skill which gives us this edge is something the Soviets may achieve at any time.

Despite the need to increase our strategic forces, we must maintain a modern and viable conventional or general force capability. Whether we want to think about it or not, the chances of any future fighting by U.S. forces are more likely to be in a conventional role. This could develop as Communist expansionists test our will to resist on the land of some third nation. The Nixon doctrine argues against U.S. manpower commitments in such engagements, but whether we can adequately deal with Communist expansion only through aid remains to be seen.

The general purpose force ledger is also weighted toward the Soviets as the following chart shows:

	Soviet	United States
1. Ground force personnel	2,100,000	1,200,000
2. Tanks (heavy and medium)	35,000	9,000
3. Tactical aircraft	5,000	4,600
4. Cruise missile subs	60	0
5. Attack subs	220	85
6. Major naval surface combatants	215	240

While a strong conventional or general purpose capability remains essential, it appears we must establish a strategic defense posture stronger than McNamara's policy of "assured destruction" or the stance in the present administration's policy of "realistic deterrence."

If history has taught us anything, it ought to be clear that the Soviets are as dangerous, unpredictable, and expansionistic as always. Communist states do not build military power unless they intend to use it.

U.S. security and foreign policy objectives will suffer if we permit the present shift in military power away from the United States to continue. Defense budgets must be increased to whatever extent necessary to insure that the United States not become second best.

The Nixon administration has reduced defense spending in the past few years and the Congress has cut even deeper. I have opposed these reductions both within the administration and Congress. The accomplishments of President Nixon in the foreign policy arena have been possible only becasue of our military strength. The President realizes this fact. Therefore, I expect that the fiscal year 1973 defense budget will be higher than past budgets in recognition of the realities of the Soviet buildup. When Secretary of Defense Melvin Laird comes before Congress in January to present the fiscal year 1973 budget, I expect he will ask for one of the largest defense budgets in history, based on the gravest threat we have ever faced. It will then be up to the Congress to examine this budget carefully and fund it to the fullest extent possible.

While the United States possesses only 6 percent of the world's population, we are nevertheless the free world leader. The defense burden we bear is small when one weighs it against the safety of our land and families. Thomas Paine once said:

> Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it.

Those words are as true today as they were 200 years ago.

It is time to fully inform the people of our Nation that we are falling behind in our defense posture. It is time for the President to speak this warning as only he can do. The people will respond once they fully understand the peril which is rapidly overtaking us.

DRUG ABUSE OFFICE AND TREATMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. Pursuant to the previous order, the Chair now lays before the Senate S. 2097, which the clerk will read by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

The Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations and the Committee on Labor and Public Welfare with amendments, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Drug Abuse Office and Treatment Act of 1971".

TITLE I—FINDINGS AND DECLARATION OF POLICY

SEC. 101. (a) The Congress hereby finds—

(1) that drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation;

(2) that drug abuse seriously impairs individual, as well as societal, health and well-being;

(3) that drug abuse, especially heroin addiction, substantially contributes to crime;

(4) that the adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions;

(5) that too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse;

(6) that the success of Federal drug abuse programs and activities requires a recognition that education, training, treatment, rehabilitation, research, and law enforcement efforts are interrelated;

(7) that the effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, and between States and localities, and among the Federal Government, the States and localities, and throughout the Federal establishment;

(8) that control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse; and

(9) that the increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring immediate and effective Federal Government response.

(b) The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse in the United States within the shortest possible period of time consistent with a comprehensive coordinated long-term Federal strategy to combat drug abuse.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ESTABLISHMENT OF THE OFFICE

SEC. 201. (a) There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office").

(b) There shall be at the head of the Office a Director of the Office (hereinafter referred

to as the "Director"). He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313).

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed six Assistant Directors who shall be appointed by the Director and shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule (5 U.S.C. 5316).

CONCENTRATION OF FEDERAL EFFORT

SEC. 202. (a)(1) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse programs and activities relating to education, the preparation of any educational material, training, treatment, rehabilitation, and research, exclusive of diplomatic or international negotiations and the following law enforcement activities and proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; or

(D) the detection and suppression of illicit drug supplies.

(2) The authority of the Director under this section shall also extend to the programs and activities associated with education, training, treatment, rehabilitation, and research functions performed by or in connection with law enforcement and international aspects of Federal drug abuse programs and activities;

(3) Pursuant to his responsibilities under this section, the Director, in addition to exercising this authority under section 202(e), shall—

(A) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, and procedures in accordance with the policies, priorities, and objectives he establishes;

(B) recommend changes in organization, management, personnel, and standards which he deems advisable to implement the policies, priorities, and objectives he establishes;

(C) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that respective administering agencies construe drug abuse as a health problem eligible for funding, benefits, or services, where appropriate, within the purview of such laws;

(D) conduct and support evaluations and studies of (i) the performance and results achieved by Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, (ii) the performance and results of other Federal drug abuse programs and activities that relate to the effectiveness of Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, and (iii) of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered; and

(E) require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct such studies and surveys as the Director determines to be necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Director such information, reports, studies, and surveys.

(b) In connection with drug abuse programs and activities conducted by any Federal department or agency, relating to law enforcement, border control, negotiation of written or unwritten agreements or understandings with foreign governments, or with other foreign governmental or nongovernmental persons or organizations of any kind, or with any international organization of any kind, the Director may make recommendations to the President, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such programs and activities.

(c) If the Director determines in writing that any program or activity referred to in section 202(a) or section 202(b) substantially impairs the effective operation of any other program or activity referred to in section 202(a) or 202(b), he shall submit in writing his findings and determinations on the matter to the President, who may direct the Federal department or agency conducting such a program or activity to do so under such policy guidelines as the President shall specify in order to assure the effective operation of such other program or activity.

(d) The Director shall coordinate Federal drug abuse programs and activities among Federal departments and agencies and between Federal drug abuse programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal drug abuse effort.

(e) Pursuant to the responsibilities in this section, the Director shall—

(1) develop annually, and submit to the President of the United States and the Congress, prior to March 1 of each year, a written report on the activities of the Office, which report shall specify the objectives, activities, and accomplishments of the Office, and contain an accounting of funds expended pursuant to sections 205 and 207 of this title;

(2) in his discretion, support the development of new, and the expansion of effective drug abuse programs and activities by utilizing the sums available in the special fund established in section 205 of this title;

(3) whenever designated by the President, represent the Government of the United States in discussions and negotiations with foreign governments and before international organizations;

(4) convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for drug abuse programs and activities to promote the purposes of this Act;

(5) using the sums available under section 205(c) of this title, develop and demonstrate new approaches, techniques, and methods to combat drug abuse, especially with respect to short-term and multiagency activities; and

(6) perform such other functions as the President may assign.

FUNDING AUTHORITY

SEC. 203. (a) In addition to his authority under section 202, the Director is authorized to (1) review and, if he deems necessary, modify the budget requests of Federal departments and agencies, and (2) make funds available from appropriations for program implementation to Federal departments and agencies and review implementation plans for each program for all Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities (exclusive of diplomatic or international negotiations and those law enforcement activities and proceedings enumerated in section 202(a)(1) (A), (B), (C), and (D)), including but not limited to such programs and activities under the following provisions of law:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity;

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance Administration of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare;

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) titles IV and V of this Act.

(b) The Director, with the approval of the President, shall exercise the authority under section 203(a) with respect to such other Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities as he determines appropriate.

(c) The authority of the Director to provide overall planning and policies and establish objectives and priorities granted under section 202(a) shall extend to the funding authority under this section.

TECHNICAL ASSISTANCE TO STATE AND LOCAL AGENCIES

SEC. 204. (a) The Director shall—

(1) coordinate or assure coordination of Federal drug abuse programs and activities with such programs of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) Pursuant to his responsibility under this section, the Director may—

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officals, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses incurred in the participation of individuals in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms for grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In carrying out his duties under subsection (b)(1) of this section, the Director is authorized—

(1) to take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse programs and activities to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) to assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) to enter into contracts or other agreements with any persons or organizations to serve on or work with such task forces.

SPECIAL FUND

SEC. 205. (a) There is hereby established a special fund (hereinafter referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse programs and to give the Director the flexibility to encourage and respond quickly and effectively to the development of promising programs and approaches.

(b) The Director is authorized, subject to conditions which he shall impose, to transfer during any fiscal year sums appropriated to the fund to any Federal department or agency in order to—

(1) develop and demonstrate promising new drug abuse programs, activities, and approaches; and

(2) supplement and expand existing drug abuse programs and activities.

(c) Notwithstanding the transfer requirement in section 205(b), the Director may utilize not more than 10 per centum of such sums for research and demonstration purposes pursuant to section 202(e)(5).

ADDITIONAL AUTHORITIES

SEC. 206. (a) With respect to the drug abuse programs and activities referred to in section 203, when the President, after investigation by the Director, finds that such action is necessary to carry out the purposes of this Act, he shall prepare a reorganization plan in accord with the provisions of sections 902 to 913 of title 5, United States Code, or successor sections, for submission to the Congress pursuant to this subsection. Notwithstanding section 905(b) of title 5, United States Code, or successor sections, or the pendency of other reorganization plans, any plan submitted pursuant to this subsection may take effect as if it were the only plan pending before Congress in accord with sections 902 to 913 of title 5, United States Code, or successor sections if the plan is transmitted to the Congress before June 30, 1975.

(b) The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the authorities and responsibilities conferred by any of the statutory provisions identified in section 203, by an officer of any Federal department or agency other than the department or agency on whom such powers or functions are conferred by such provisions. Such officer shall submit a written report to the Director concerning his findings.

(c) The Director shall consult with and be consulted by the Attorney General of the United States with respect to classification of drugs within the schedules of controlled substances, consistent with the standards and criteria in part B of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(d) The Director shall consult with and be consulted by responsible officials with respect to the classification of drugs in connection with international agreements and schedules.

(e) The Director shall consult with and be consulted by the Secretary of the Department of Health, Education, and Welfare, or his designee, with respect to the investigational new drug (IND) or new drug authority (NDA) status of drugs which have a potential for abuse or which might be used therapeutically for the treatment or rehabilitation of drug abuse or drug dependence, consistent with standards and criteria described in the Federal Food, Drug, and Cosmetic Act.

(f) The Director shall—

(1) advise the Civil Service Commission and other Federal agencies with respect to appropriate policies and services for the control and treatment of drug abuse among Federal civilian employees, assuring optimal use of existing resources. (1) The Civil Service Commission, cooperating with the Director, shall establish policies and services for the control and treatment of drug abuse among Federal civilian employees including employees of the United States Postal Service. Such policies and services shall make optimal use of existing resources. Federal civilian employees, including employees of the United States Postal Service, who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not because of their drug dependence lose pension, retirement, medical, or other benefits. In lieu of sick leave status, a good faith attempt shall be made, during the employee's period of rehabilitation, to find appropriate work within the Federal Government which does not involve the national security or otherwise involve undue risk to the health or property of the employee or other persons; and persons.

(2) promote similar drug abuse control and treatment services in State and local governments and shall actively encourage labor and management to develop such services in private industry.

(g) The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies. Such services shall, pursuant to regulations promulgated by the Administrator of the Veterans' Administration, include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

(h) Except as expressly authorized, nothing in the foregoing provisions of this title shall be construed as authorizing or permitting the Director to waive or disregard any requirement, including standards, criteria, or cost-sharing formulas prescribed by law with respect to Federal drug abuse programs or activities.

(i) Where funds are made available by more than one Federal department or agency to be used by an agency, organization, or individual to carry out a Federal drug abuse program or activity, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established as in the regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

GRANTS AND CONTRACTS

SEC. 207. (a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual, except that the Director shall first secure the advice and counsel of non-government individuals qualified to review the topic and type of activity proposed to be undertaken under such grant or contract.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Notwithstanding any other provision of law, any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be avialable to such department or agency under such contract or grant for the performance by it of related functions.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 208. (a) The Director may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, select, appoint, and employ not to exceed (1) fifteen officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall no exceed the maximum rate now or hereafter prescribed for GS-13 of the General Schedule by section 5332 of the United States Code, and (2) ten officers and employees and pay them com-

pensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall not exceed the maximum rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(d) The Director is authorized to accept and employ, in furtherance of the purpose of this Act or any Federal drug abuse control or treatment program or activity, voluntary and uncompensated services nowithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

TRANSITIONAL PROVISIONS

SEC. 209. (a) The President may authorize any person who immediately prior to the date of enactment of this title held a position in the executive branch of the Government to act as the Director of the Special Action Office for Drug Abuse Prevention until the Office of Director is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an active capacity under the foregoing provisions of this section to receive the compensation attached to the Office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

(d) Except as otherwise provided by the Director, no Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency may have had on the date of enactment of this title.

APPROPRIATIONS AUTHORIZED

SEC. 210. (a) For the purposes of carrying out the provisions of this title, except for the provisions of section 205, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1972, the sum of $5,000,000; for the fiscal year ending June 30, 1973, the sum of $10,000,000; for the fiscal year ending June 30, 1974, the sum of $12,000,000; and for the fiscal year ending June 30, 1975, the sum of $15,000,000.

(b) For the purpose of carrying out the provisions of section 205, there is hereby authorized to be appropriated the sum of $40,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975.

(c) Any unexpected sums appropriated to the authority stated in subsection (a) or (b) of this section may be carried over without fiscal year limitation.

EFFECTIVE DATE; TERMINATION

SEC. 211. (a) The provisions of this title shall take effect thirty days after the Director or Acting Director first takes office or on such earlier date as the President may prescribe and publish in the Federal Register, except that any of the officers provided for in section 201 of this title may be nominated and appointed and any of the interim officers provided for by section 209 may be authorized to serve at any time after the date of enactment of this title.

(b) This title shall terminate on June 30, 1975, unless specifically extended by the Congress.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

COMPREHENSIVE, COORDINATED LONG-TERM STRATEGY

SEC. 301. (a)(1) There shall be developed a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

(2) The President shall direct the preparation of such strategy immediately upon enactment of this title.

(3) To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate, and the Director of the Special Action Office shall provide such services as are required to assure that the strategy is prepared.

(4) Such strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

(5) The strategy shall then be determined and promulgated by the President no later than nine months after enactment of this title.

(b) The strategy shall consist of—

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal drug abuse plan which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operations and coordination of the various Federal drug abuse programs and activities.

(c) To facilitate the preparation of such strategy, the Council shall—

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct studies and surveys as are necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Council and to the requesting member such information, reports, studies, and surveys;

(3) evaluate the performance and results achieved by Federal drug abuse programs and activities and the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered.

(d) The Federal strategy shall be reviewed and updated from time to time as the President deems appropriate, but the President shall determine and promulgate an updated strategy at least once in every calendar year following the initial promulgation of such strategy.

The amendments of the Committee on Labor and Public Welfare are as follows:

On page 30, line 4, after "(f)", strike out:

The Director shall—

(1) advise the Civil Service Commission and other Federal agencies with respect to appropriate policies and services for the control and treatment of drug abuse among Federal civilian employees, assuring optimal use of existing resources.

and insert:

(1) The Civil Service Commission, cooperating with the Director, shall establish policies and services for the control and treatment of drug abuse among Federal civilian employees including employees of the United States Postal Service. Such policies and services shall make optimal use of existing resources.

At the beginning of line 15, insert "including employees of the United States Postal Service,"; on page 31, line 1, after the word "other", strike out "persons; and" and insert "persons."; in line 3, after "(2)", insert "The Director shall"; in line 7, after "(g)", strike out "The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding" and insert "Notwithstanding"; in line 17, after the word "of", strike out "the Veterans' Administration" and insert "Veterans' Affairs"; at the top of page 40, insert a new title, as follows:

TITLE IV—NATIONAL INSTITUTE ON DRUG ABUSE

ESTABLISHMENT OF INSTITUTE

SEC. 401. (a) There is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by the remaining titles of this Act and by part D of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.

(b) The Institute shall be under the direction of an Administrator who shall be appointed by the Secretary and who shall conduct all the programs of the Institute hereinafter enumerated in accordance with the policies, priorities, objectives, guidelines, and, where appropriate, funding controls established by the Director of the Special Action Office.

(c) The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

REPORTS BY THE SECRETARY

SEC. 402. The Secretary shall—

(a) develop and submit to the Congress and the Director within ninety days after the effective date of this Act, a written plan for the administration and coordination of the various drug abuse programs and other programs (to the extent that such other programs provide for drug abuse education, prevention, treatment, rehabilitation, research or training services) within the Department. Such report shall list such programs and services, describe how they are to be administered so as to insure such coordination, and describe the steps taken or to be taken to insure that such programs will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. Action taken under this subsection shall be in accordance with the policies, priorities, objectives, and guidelines established by the Director; and

(b) submit to the Director for inclusion in the annual report required by section 202(e)(1) of this Act, a report describing the various existent model and experimental methods and programs for the treatment and rehabilitation of drug abusers and the advantages of each, describing their indications of success or failure or both; making recommendations for future development of these areas; making such recommendations for community implementation of the treatment and rehabilitation methods as may be appropriate; and making such recommendation for legislation and administrative action in these areas as may be appropriate.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

SEC. 403. The Secretary shall—

(a) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research and other pertinent data and information;

(b) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by an individual and effects which individuals are likely to experience from such use;

(c) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse;

(d) review and provide in writing an evaluation of the adequacy and appropriateness of any provisions relating to the prevention and treatment of drug abuse and drug dependence contained in the comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902(a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

On page 43, after line 8, insert a new title, as follows:

TITLE V—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 501. There are authorized to be appropriated $15 million for the fiscal year ending June 30, 1972, $30 million for the fiscal year ending June 30, 1973, $40 million for the fiscal year ending June 30, 1974, $45 million for the fiscal year ending June 30, 1975, and $50 million for the fiscal year ending June 30, 1976, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective education, training prevention, treatment, and rehabilitation programs to deal with drug abuse. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 502. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to section 501 for such year among the States on the basis of the relative population, financial need, and need for more effective education, training, prevention, treatment, and rehabilitation programs; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 503. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the preparation, and administration of the plan, or designate such agency as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to implement such plan in conformity with this part and with Federal policy established under this Act;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers, and require compliance with the plan and cooperation with other programs and activities as a condition for financial support under this title;

(6) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Act;

(7) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(8) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(9) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (7);

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) Funds authorized under section 501 of this part may be used to develop the State plan required by subsection (a) of this section;

(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a) of this section.

ALLOCATION OF RESOURCES

SEC. 504. Funds authorized under section 501 of this Act which are not expended in developing or modifying the State plan shall be available only to—

(a) provide direct education, prevention, treatment, and rehabilitation services to those drug abusers who are in the areas of greatest need within the State, as evidenced by the State plan, or provide training of persons who will provide such services; and

(b) evaluate direct education, prevention, treatment, and rehabilitation services and the training of persons who will provide such services.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

PROGRAM AND AUTHORIZATION

SEC. 511. (a) The Secretary shall—

(1) make grants to public and private nonprofit agencies, organizations, or institutions

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and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention, treatment, and rehabilitation programs within state and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and institutions, and individuals for research efforts to discover, develop, or improve substances or technique for using substances for use in the prevention and treatment of drug abuse, including but not limited to, (A) a long-lasting blocking or antagonist drug for treatment of drug dependence; (B) improved detoxification agents; and (C) improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention and treatment programs.

(b) There are authorized to be appropriated $65 million for the fiscal year ending June 30, 1972; $170 million for the fiscal year ending June 30, 1973; $260 million for the fiscal year ending June 30, 1974, and $400 million for the fiscal year ending June 30, 1975, and $450 million for the fiscal year ending June 30, 1976, to carry out the purposes of this part. Any appropriated funds shall remain available until expended.

ADMINISTRATION OF GRANTS AND CONTRACTS

SEC. 512. In administering section 511:

(a) The Secretary shall require coordination of all applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(b) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 503, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 503. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this section.

(c) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria that—

(1) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

PART C—ADMISSION OF DRUG ABUSERS TO HOSPITALS

EMERGENCY HOSPITAL TREATMENT

SEC. 521. (a) Drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency solely because of their drug abuse or drug dependence.

(b) The Secretary is authorized to promulgate regulations establishing procedures to be used in determining whether section 521 (a) of this Act has been violated. Such procedures shall include an opportunity for the hospital concerned to bring its policy into conformity with section 521(a) of this Act before any sanction is imposed against it. In the event that, after such opportunity, a hospital continues to violate section 521(a) of this Act, the Secretary is authorized to suspend or revoke all or part of any support of any kind received by such hospital from any program administered by the Secretary, and to consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

PART D—GENERAL

LEASING OF FACILITIES

SEC. 531. (a) Section 251(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, outpatient services, or" immediately before "posthospitalization facilities".

(b) Section 251(b) of the Community Mental Health Centers Act is amended by inserting "or leasing" after "construction".

RECORDS

SEC. 532. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

PAYMENTS

SEC. 533. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

On page 55, after line 17, insert a new title, as follows:

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

ESTABLISHMENT OF COUNCIL

SEC. 601. Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members who are appointed by the Secretary without regard to the civil service laws. These twelve appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

"The Council shall:

"(1) advise, consult with, serve as a sounding board for, and make recommendations to the Secretary—

"(a) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including but not limited to the development of new programs and priorities; the efficient administration of programs; and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

"(b) concerning policies and priorities relative to grants and contracts in the field of drug abuse which are made by the Secretary or by agencies and individuals responsible to him;

"(2) submit to the secretary and to the Director of the Special Action Office, for inclusion in the annual report required by section 202(e)(1) of this Act, a report which:

"(a) summarizes the activities of the Council,

"(b) summarizes their recommendations to the Secretary, their reasons therefor, and the extent to which their recommendations have been adopted, and

"(c) includes copies of resolutions and other appropriate official documents of the Council."

REVIEW BY COUNCIL OF CERTAIN GRANTS UNDER PART D OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 602. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "and part D" immediately after "(other than part C)", and (2) by adding immediately after the period in the second sentence the following: "Grants under part D of this title for such costs will undergo such review as is provided by section 217(e) of the Public Health Service Act."

On page 57, after line 18, insert a new title, as follows:

TITLE VII—CONFIDENTIALITY OF RECORDS

CONFIDENTIALITY

SEC. 701. (a) All patient records prepared or obtained under this section or in connection with any treatment authorized pursuant to this Act and all information contained therein, shall remain confidential and may be disclosed, with the patients consent only, to medical personnel and then only for the purpose of diagnosis and treatment of the patient, or to Government or other officials only for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence. Disclosure may be made for purposes unrelated to such treatment or benefits upon an order of a court only after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against possible harm of disclosure to the person to whom such information pertains, the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate any action or charges against a patient or a former patient under any program pursuant to this title under any circumstances.

(b) Nothing in this section shall be construed to limit the use of information by persons engaged in research provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics thereof.

And, on page 58, after line 19, insert a new title, as follows:

TITLE VIII—GENERAL

SAVING PROVISION

SEC. 801. If any section, provison, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

REGULATIONS

SEC. 802. The Secretary may promulgate regulations pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

SEC. 803. Part C, title VIII of the Economic Opportunity Act of 1964 is amended by adding the following new section:

"SEC. 836. OFFICERS OF ACTION.—

"(a) There shall be at the head of Action the Director of Action. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

"(b) There shall be in Action a Deputy Director of Action who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director of Action shall from time to time assign or delegate, and shall act as Director of Action during the absence or disability of the latter or in the event of vacancy in the office of Director of Action.

"(c) There shall be in Action, two Associate Directors of Action one of whom shall be designated as Associate Director for Domestic and Antipoverty Programs, and one of whom shall be designated as Associate Director for International Programs who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Associate Director will be primarily responsible for the program operations of Action within his respective jurisdictional area. In addition, they shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(d) There shall be in Action not to exceed four Assistant Directors who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(e) The provisions of section 1(d) of Reorganization Plan Numbered I of 1971 are hereby superseded by the provisions of this section."

So as to make the bill read:

S. 2097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Abuse Office and Treatment Act of 1971".

TITLE I—FINDINGS AND DECLARATION OF POLICY

SEC. 101. (a) The Congress hereby finds—

(1) that drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation;

(2) that drug abuse seriously impairs individual, as well as societal, health and well-being;

(3) that drug abuse, especially heroin addiction, substantially contributes to crime;

(4) that the adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions;

(5) that too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse;

(6) that the success of Federal drug abuse programs and activities requires a recognition that education, training, treatment, rehabilitation, research, and law enforcement efforts are interrelated;

(7) that the effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, and between States and localities, and among the Federal Government, the States and localities, and throughout the Federal establishment;

(8) that control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse; and

(9) that the increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring immediate and effective Federal Government response.

(b) The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse in the United States within the shortest possible period of time consistent with a comprehensive coordinated long-term Federal strategy to combat drug abuse.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ESTABLISHMENT OF THE OFFICE

SEC. 201. (a) There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office").

(b) There shall be at the head of the Office a Director of the Office (hereinafter referred to as the "Director"). He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313).

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed six Assistant Directors who shall be appointed by the Director and shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule (5 U.S.C. 5316).

CONCENTRATION OF FEDERAL EFFORT

SEC. 202. (a)(1) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse programs and activities relating to education, the preparation of any educational material, training, treatment, rehabilitation, and research, exclusive of diplomatic or international negotiations and the following law enforcement activities and proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; or

(D) the detection and suppression of illicit drug supplies.

(2) The authority of the Director under this section shall also extend to the programs and activities associated with education, training, treatment, rehabilitation, and research functions performed by or in connection with law enforcement and international aspects of Federal drug abuse programs and activities;

(3) Pursuant to his responsibilities under this section, the Director, in addition to exercising this authority under section 202(e), shall—

(A) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, and procedures in accordance with the policies, priorities, and objectives he establishes;

(B) recommend changes in organization, management, personnel, and standards which he deems advisable to implement the policies, priorities, and objectives he establishes;

(C) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that respective administering agencies construe drug abuse as a health problem eligible for funding, benefits, or services, where appropriate, within the purview of such laws;

(D) conduct and support evaluations and studies of (i) the performance and results achieved by Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, (ii) the performance and results of other Federal drug

abuse programs and activities that relate to the effectiveness of Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, and (iii) of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered; and

(E) require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct such studies and surveys as the Director determines to be necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Director such information, reports, studies, and surveys.

(b) In connection with drug abuse programs and activities conducted by any Federal department or agency, relating to law enforcement, border control, negotiation of written or unwritten agreements or understandings with foreign governments, or with other foreign governmental or nongovernmental persons or organizations of any kind, or with any international organization of any kind, the Director may make recommendations to the President, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such programs and activities.

(c) If the Director determines in writing that any program or activity referred to in section 202(a) or section 202(b) substantially impairs the effective operation of any other program or activity referred to in section 202(a) or 202(b), he shall submit in writing his findings and determinations on the matter to the President, who may direct the Federal department or agency conducting such a program or activity to do so under such policy guidelines as the President shall specify in order to assure the effective operation of such other program or activity.

(d) The Director shall coordinate Federal drug abuse programs and activities among Federal departments and agencies and between Federal drug abuse programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal drug abuse effort.

(e) Pursuant to the responsibilities in this section, the Director shall—

(1) develop annually, and submit to the President of the United States and the Congress, prior to March 1 of each year, a written report on the activities of the Office, which report shall specify the objectives, activities, and accomplishments of the Office, and contain an accounting of funds expended pursuant to sections 205 and 207 of this title;

(2) in his discretion, support the development of new, and the expansion of effective drug abuse programs and activities by utilizing the sums available in the special fund established in section 205 of this title;

(3) whenever designated by the President, represent the Government of the United States in discussions and negotiations with foreign governments and before international organizations;

(4) convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for drug abuse programs and activities to promote the purposes of this Act;

(5) using the sums available under section 205(c) of this title, develop and demonstrate new approaches, techniques, and methods to combat drug abuse, especially with respect to short-term and multiagency activities; and

(6) perform such other functions as the President may assign.

FUNDING AUTHORITY

SEC. 203. (a) In addition to his authority under section 202, the Director is authorized to (1) review and, if he deems necessary, modify the budget requests of Federal departments and agencies, and (2) make funds available from appropriations for program implementation to Federal departments and agencies and review implementation plans for each program for all Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities (exclusive of diplomatic or international negotiations and those law enforcement activities and proceedings enumerated in section 202(a)(1) (A), (B), (C), and (D)), including but not limited to such programs and activities under the following provisions of law:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity.

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare.

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) titles IV and V of this Act.

(b) The Director, with the approval of the President, shall exercise the authority under section 203(a) with respect to such other Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities as he determines appropriate.

(c) The authority of the Director to provide overall planning and policies and establish objectives and priorities granted under section 202(a) shall extend to the funding authority under this section.

TECHNICAL ASSISTANCE TO STATE AND LOCAL AGENCIES

SEC. 204. (a) The Director shall—

(1) coordinate or assure coordination of Federal drug abuse programs and activities with such programs of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) Pursuant to his responsibility under this section, the Director may—

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses incurred in the participation of individuals in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms for grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In carrying out his duties under subsection (b)(1) of this section, the Director is authorized—

(1) to take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse programs and activities to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) to assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) to enter into contracts or other agreements with any persons or organizations to serve on or work with such task forces.

SPECIAL FUND

SEC. 205. (a) There is hereby established a special fund (hereinafter referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse programs and to give the Director the flexibility to encourage and respond quickly and effectively to the development of promising programs and approaches.

(b) The Director is authorized, subject to conditions which he shall impose, to transfer during any fiscal year sums appropriated to the fund to any Federal department or agency in order to—

(1) develop and demonstrate promising new drug abuse programs, activities, and approaches; and

(2) supplement and expand existing drug abuse programs and activities.

(c) Notwithstanding the transfer requirement in section 205(b), the Director may utilize not more than 10 per centum of such sums for research and demonstration purposes pursuant to section 202(e)(5).

ADDITIONAL AUTHORITIES

SEC. 206. (a) With respect to the drug abuse programs and activities referred to in section 203, when the President, after investigation by the Director, finds that such action is necessary to carry out the purposes of this Act, he shall prepare a reorganization plan in accord with the provisions of sections 902 to 913 of title 5, United States Code, or successor sections, for submission to the Congress pursuant to this subsection. Notwithstanding section 905(b) of title 5, United States Code, or successor sections, or the pendency of other reorganization plans, any plan submitted pursuant to this subsection may take effect as if it were the only plan pending before Congress in accord with sections 902 to 913 of title 5, United States Code, or successor sections if the plan is transmitted to the Congress before June 30, 1975.

(b) The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the authorities and responsibilities conferred by any of the statutory provisions identified in section 203, by an officer of any Federal department or agency other than the department or agency on whom such powers or functions are conferred by such provisions. Such officer shall submit a written report to the Director concerning his findings.

(c) The Director shall consult with and be consulted by the Attorney General of the United States with respect to classification of drugs within the schedules of controlled substances, consistent with the standards and criteria in part B of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(d) The Director shall consult with and be consulted by responsible officials with respect to the classification of drugs in connection with international agreements and schedules.

(e) The Director shall consult with and be consulted by the Secretary of the Department of Health, Education, and Welfare, or his designee, with respect to the investigational new drug (IND) or new drug authority (NDA) status of drugs which have a potential for abuse or which might be used therapeutically for the treatment or rehabilitation of drug abuse or drug dependence, consistent with standards and criteria described in the Federal Food, Drug, and Cosmetic Act.

(f)(1) The Civil Service Commission, cooperating with the Director, shall establish policies and services for the control and treatment of drug abuse among Federal civilian employees including employees of the United States Postal Service. Such policies and services shall make optimal use of existing resources. Federal civilian employees, including employees of the United States Postal Service, who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not because of their drug dependence lose pension, retirement, medical, or other benefits. In lieu of sick leave status, a good faith attempt shall be made, during the employee's period of rehabilitation, to find appropriate work within the Federal Government which does not involve the national security or otherwise involve undue risk to the health or property of the employee or other persons.

(2) The Director shall promote similar drug abuse control and treatment services in State and local governments and shall actively encourage labor and management to develop such services in private industry.

(g) Notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies. Such services shall, pursuant to regulations promulgated by the Administrator of Veterans' Affairs, include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

(h) Except as expressly authorized, nothing in the foregoing provisions of this title shall be construed as authorizing or permitting the Director to waive or disregard any requirement, including standards, criteria, or cost-sharing formulas prescribed by law with respect to Federal drug abuse programs or activities.

(i) Where funds are made available by more than one Federal department or agency to be used by an agency, organization, or individual to carry out a Federal drug abuse program or activity, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established as in the regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

GRANTS AND CONTRACTS

SEC. 207. (a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual, except that the Director shall first secure the advice and counsel of non-government individuals qualified to review the topic and type of activity proposed to be undertaken under such grant or contract.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Notwithstanding any other provision of law, any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency under such contract or grant for the performance by it of related functions.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 208. (a) The Director may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, select, appoint, and employ not to exceed (1) fifteen officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall not exceed the maximum rate now or hereafter prescribed for GS-13 of the General Schedule by section 5332 of the United States Code, and (2) ten officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall not exceed the maximum rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

(d) The Director is authorized to accept and employ, in furtherance of the purpose of this Act or any Federal drug abuse control or treatment program or activity, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

TRANSITIONAL PROVISIONS

SEC. 209. (a) The President may authorize any person who immediately prior to the date of enactment of this title held a position in the executive branch of the Government to act as the Director of the Special Action Office for Drug Abuse Prevention until the Office of Director is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the Office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

(d) Except as otherwise provided by the Director, no Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency may have had on the date of enactment of this title.

APPROPRIATIONS AUTHORIZED

SEC. 210. (a) For the purposes of carrying out the provisions of this title, except for the provisions of section 205, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1972, the sum of $5,000,000; for the fiscal year ending June 30, 1973, the sum of $10,000,000; for the fiscal year ending June 30, 1974, the sum of $12,000,000; and for the fiscal year ending June 30, 1975, the sum of $15,000,000.

(b) For the purpose of carrying out the provisions of section 205, there is hereby authorized to be appropriated the sum of $40,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975.

(c) Any unexpended sums appropriated pursuant to the authority stated in subsection (a) or (b) of this section may be carried over without fiscal year limitation.

EFFECTIVE DATE; TERMINATION

SEC. 211. (a) The provisions of this title shall take effect thirty days after the Director or Acting Director first takes office or on such earlier date as the President may prescribe and publish in the Federal Register, except that any of the officers provided for in section 201 of this title may be nominated and appointed and any of the interim officers provided for by section 209 may be authorized to serve at any time after the date of enactment of this title.

(b) This title shall terminate on June 30, 1975, unless specifically extended by the Congress.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

COMPREHENSIVE, COORDINATED LONG-TERM STRATEGY

SEC. 301. (a)(1) There shall be developed a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

(2) The President shall direct the preparation of such strategy immediately upon enactment of this title.

(3) To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate, and the Director of the Special Action Office shall provide such services as are required to assure that the strategy is prepared.

(4) Such strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

(5) The strategy shall then be determined and promulgated by the President no later than nine months after enactment of this title.

(b) The strategy shall consist of—

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal drug abuse plan which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operations and coordination of the various Federal drug abuse programs and activities.

(c) To facilitate the preparation of such strategy, the Council shall—

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct studies and surveys as are necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Council and to the requesting member such information, reports, studies, and surveys;

(3) evaluate the performance and results achieved by Federal drug abuse programs and activities and the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered.

(d) The Federal strategy shall be reviewed and updated from time to time as the President deems appropriate, but the President shall determine and promulgate an updated strategy at least once in every calendar year following the initial promulgation of such strategy.

TITLE IV—NATIONAL INSTITUTE ON DRUG ABUSE

ESTABLISHMENT OF INSTITUTE

SEC. 401. (a) There is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by the remaining titles of this Act and by part D of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.

(b) The Institute shall be under the direction of an Administrator who shall be appointed by the Secretary and who shall conduct all the programs of the Institute hereinafter enumerated in accordance with the policies, priorities, objectives, guidelines, and, where appropriate, funding controls established by the Director of the Special Action Office.

(c) The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

REPORTS BY THE SECRETARY

SEC. 402. The Secretary shall—

(a) develop and submit to the Congress and the Director within ninety days after the effective date of this Act, a written plan for the administration and coordination of the various drug abuse programs and other programs (to the extent that such other programs provide for drug abuse education, prevention, treatment, rehabilitation, research or training services) within the Department. Such report shall list such programs and services, describe how they are to be administered so as to insure such coordination, and describe the steps taken or to be taken to insure that such programs will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. Action taken under this subsection shall be in accordance with the policies, priorities, objectives, and guidelines established by the Director; and

(b) submit to the Director for inclusion in the annual report required by section 202(e)(1) of this Act, a report describing the various existent model and experimental methods and programs for the treatment and rehabilitation of drug abusers and the advantages of each, describing their indications of success or failure or both; making recommendations for future development of these areas; making such recommendations for community implementation of the treatment and rehabilitation methods as may be appropriate; and making such recommendations for legislation and administrative action in these areas as may be appropriate.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

SEC. 403. The Secretary shall—

(a) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(b) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by an individual and effects which individuals are likely to experience from such use;

(c) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse;

(d) review and provide in writing an evaluation of the adequacy and appropriateness of any provisions relating to the prevention and treatment of drug abuse and drug dependence contained in the comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902 (a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

TITLE V—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 501. There are authorized to be appropriated $15 million for the fiscal year ending June 30, 1972, $30 million for the fiscal year ending June 30, 1973, $40 million for the fiscal year ending June 30, 1974, $45 million for the fiscal year ending June 30, 1975, and $50 million for the fiscal year ending June 30, 1976, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective education, training prevention, treatment, and rehabilitation programs to deal with drug abuse. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 502. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to section 501 for such year among the States on the basis of the relative population, financial need, and need for more effective education, training, prevention, treatment, and rehabilitation programs; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust territory of the Pacific Islands) shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments, of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 503. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the preparation, and administration of the plan, or designate such agency as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to implement such plan in conformity with this part and with Federal policy established under this Act;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers, and require compliance with the plan and cooperation with other programs and activities as a condition for financial support under this title;

(6) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Act;

(7) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(8) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(9) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (7);

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) Funds authorized under section 501 of this part may be used to develop the State plan required by subsection (a) of this section;

(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a) of this section.

ALLOCATION OF RESOURCES

SEC. 504. Funds authorized under section 501 of this Act which are not expended in developing or modifying the State plan shall be available only to—

(a) provide direct education, prevention, treatment, and rehabilitation services to those drug abusers who are in the areas of greatest need within the State, as evidenced by the State plan, or provide training of persons who will provide such services; and

(b) evaluate direct education, prevention, treatment, and rehabilitation services and the training of persons who will provide such services.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

PROGRAM AND AUTHORIZATION

SEC. 511. (a) The Secretary shall—

(1) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and individuals for research efforts to discover, develop, or improve substances or techniques for using substances for use in the prevention and treatment of drug abuse, including but not limited to, (A) a long-lasting blocking or antagonist drug for treatment of drug dependence; (B) improved detoxification agents; and (C) improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention and treatment programs.

(b) There are authorized to be appropriated $65 million for the fiscal year ending June 30, 1972; $170 million for the fiscal year ending June 30, 1973; $260 million for the fiscal year ending June 30, 1974; and $400 million for the fiscal year ending June 30, 1975; and $450 million for the fiscal year ending June 30, 1976, to carry out the purposes of this part. Any appropriated funds shall remain available until expended.

ADMINISTRATION OF GRANTS AND CONTRACTS

SEC. 512. In administering section 511:

(a) The Secretary shall require coordination of applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(b) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section shall submit a copy of its application for review by the State agency designated under section 503, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 503. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this section.

(c) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the applications substantially meets a set of criteria that—

(1) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

PART C—ADMISSION OF DRUG ABUSERS TO HOSPITALS

EMERGENCY HOSPITAL TREATMENT

SEC. 521. (a) Drug abusers who are suffering from emergency medical conditions shall

not be refused admission or treatment by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency solely because of their drug abuse or drug dependence.

(b) The Secretary is authorized to promulgate regulations establishing procedures to be used in determining whether section 521(a) of this Act has been violated. Such procedures shall include an opportunity for the hospital concerned to bring its policy into conformity with section 521(a) of this Act before any sanction is imposed against it. In the event that, after such opportunity, a hospital continues to violate section 521(a) of this Act, the Secretary is authorized to suspend or revoke all or part of any support of any kind received by such hospital from any program administered by the Secretary, and to consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

PART D—GENERAL

LEASING OF FACILITIES

SEC. 531. (a) Section 251(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, outpatient services, or" immediately before "posthospitalization treatment facilities".

(b) Section 251(b) of the Community Mental Health Centers Act is amended by inserting "or leasing" after "construction".

RECORDS

SEC. 532. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

PAYMENTS

SEC. 533. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

ESTABLISHMENT OF COUNCIL

SEC. 601. Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members who are appointed by the Secretary without regard to the civil service laws. These twelve appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the field of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

"The Council shall:

"(1) advise, consult with, serve as a sounding board for, and make recommendations to the Secretary—

"(a) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including but not limited to the development of new programs and priorities; the efficient administration of programs; and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

"(b) concerning policies and priorities relative to grants and contracts in the field of drug abuse which are made by the Secretary or by agencies and individuals responsible to him.

"(a) concerning matters relating to the Director of the Special Action Office, for inclusion in the annual report required by section 202(e)(1) of this Act, a report which:

"(a) summarizes the activities of the Council,

"(b) summarizes their recommendations to the Secretary, their reasons therefor, and the extent to which their recommendations have been adopted, and

"(c) includes copies of resolutions and other appropriate official documents of the Council."

REVIEW BY COUNCIL OF CERTAIN GRANTS UNDER PART D OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 602. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "and part D" immediately after "(other than part C)", and (2) by adding immediately after the period in the second sentence the following: "Grants under part D of this title for such costs will undergo such review as is provided by section 217(e) of the Public Health Service Act.

TITLE VII—CONFIDENTIALITY OF RECORDS

CONFIDENTIALITY

SEC. 701. (a) All patient records prepared or obtained under this section or in connection with any treatment authorized pursuant to this Act and all information contained therein, shall remain confidential and may be disclosed, with the patients consent only, to medical personnel and then only for the purpose of diagnosis and treatment of the patient, or to Government or other officials only for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence. Disclosure may be made for purposes unrelated to such treatment or benefits upon an order of a court only after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against possible harm of disclosure to the person to whom such information pertains, the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate any action or charges against a patient or a former patient under any program pursuant to this title under any circumstances.

(b) Nothing in this section shall be construed to limit the use of information by persons engaged in research provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics thereof.

TITLE VIII—GENERAL

SAVING PROVISION

SEC. 801. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act and the remaining sections, provisions, and terms shall be and remain in full force and effect.

REGULATIONS

SEC. 802. The Secretary may promulgate regulations pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

SEC. 803. Part C, title VIII of the Economic Opportunity Act of 1964 is amended by adding the following new section:

"SEC. 836 OFFICERS OF ACTION.—

"(a) There shall be at the head of Action the Director of Action. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

"(b) There shall be in Action a Deputy Director of Action who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director of Action shall from time to time assign or delegate, and shall act as Director of Action during the absence or disability of the latter or in the event of vacancy in the office of Director of Action.

"(c) There shall be in Action, two Associate Directors of Action one of whom shall be designated as Associate Director for Domestic and Antipoverty Programs, and one of whom shall be designated as Associate Director for International Programs who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Associate Director will be primarily responsible for the program operations of Action within his respective jurisdictional area. In addition, they shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(d) There shall be in Action not to exceed four Assistant Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(e) The provisions of section 1(d) of Reorganization Plan Numbered I of 1971 are hereby superseded by the provisions of this section."

The PRESIDING OFFICER. On this bill there is a time limitation of 2 hours, to be equally divided between the Senator from Iowa (Mr. HUGHES) and the Senator from Illinois (Mr. PERCY), with a limitation of 30 minutes on amendments in the first degree and 20 minutes on amendments in the second degree.

PRIVILEGE OF THE FLOOR

Mr. PERCY. The Senate is now taking up a bill of which I am a principal sponsor and floor manager for the minority, S. 2097, the Drug Abuse Office and Treatment Act of 1971. In connection with my floor responsibilities, I ask

unanimous consent that Mr. Stuart M. Statler, minority counsel to the Subcommittee on Executive Reorganization, be permitted to remain on the floor with me throughout the period allotted for debate, discussion and vote on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I ask unanimous consent that Mr. Wade Clarke and Mr. Julian Granger, of the staff of the Subcommittee on Alcohol and Narcotics, Mr. Hendrick Gideonse, Mr. Al From, and Mr. Tim McCarthy be given the privilege of the floor during the consideration of this bill.

Mr. RIBICOFF. And Mr. Robert Wager of the staff of the Government Operations Committee.

Mr. HUGHES. And Mr. Robert Wager.

Mr. McCLELLAN. And also Mr. James Calloway of the staff of the Government Operations Committee.

Mr. HUGHES. And Mr. Calloway.

Mr. President, I ask unanimous consent that the chief counsel of the Government Operations Committee be allowed access to the floor during the consideration of the bill also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. HUGHES. Mr. President, I yield myself such time as I may require.

The Labor and Public Welfare Committee has recommended that amendments be made adding titles IV through VIII to the titles reported by Government Operations. These titles would include provisions for the establishment of a National Institute on Drug Abuse, the development of State and local prevention and treatment programs and formation of a National Advisory Council on Drug Abuse to advise the Secretary of Health, Education, and Welfare.

That committee has also recommended several agreed-upon changes in the earlier titles of the bill. The Labor and Public Welfare Committee reported the bill favorably, with the recommended amendments, on November 23. I would like to ask the senior Senator from Connecticut if he would accept the amendments recommended by the Labor and Public Welfare Committee.

Mr. RIBICOFF. Mr. President, I have reviewed the amendments proposed by the Committee on Labor and Public Welfare, and find them acceptable. They further strengthen and improve the bill. I have discussed them with Chairman McCLELLAN, with the ranking minority member (Mr. JAVITS), and with the Senator from Illinois (Mr. PERCY). We find them acceptable, and, on behalf of the Committee on Government Operations, I accept the amendments en bloc.

Mr. HUGHES. I thank the Senator from Connecticut, and yield him whatever time he may require.

Mr. RIBICOFF. Mr. President, the bill we consider today is a piece of landmark legislation. It is a major bipartisan effort to combat one of our greatest national problems—drug abuse.

The Nation has been justly alarmed by the growing menace of drug abuse. The problem is not confined to one area of the country or a single segment of society. It is pervasive, affecting cities, suburbs and rural areas, civilians and military personnel. It particularly affects the Nation's youth.

I have long been concerned with the problem of drug abuse, and so when this bill was jointly assigned to my Subcommittee on Executive Reorganization and Government Research and Senator MUSKIE's Subcommittee on Intergovernmental Relations, I moved for immediate hearings.

The bill which we brought out of these hearings and the long, bipartisan negotiations which followed them, responds to the need for better organization and increased funds for drug abuse programs. We have added several innovative provisions, not included in the original bill and our final product is a great improvement over the bill as introduced.

We have provided that it attacks the drug problem on a broad spectrum—law enforcement, prevention, treatment, and rehabilitation. It is a constructive bill which I believe will lead to controlling the problem of drug abuse throughout the Nation.

Mr. President, S. 2097, as amended, has two sections. The first section, containing titles I, II, and III, was drafted and will be managed on the floor by the Government Operations Committee. The second section, containing titles IV, V, VI, VII, and VIII, was drafted by the Committee on Labor and Public Welfare and will be managed on the floor by that committee.

Despite this division of labor, the bill is a coordinated, bipartisan effort by two committees to deal with the problem of drug abuse.

Several Senators played major roles in constructing the bill in its present form. On the Government Operations Committee the Chairman (Senator McCLELLAN), Senator MUSKIE, Senator PERCY, Senator JAVITS, Senator GURNEY, and I worked together to shape the provisions of the bill. From the Committee on Labor and Public Welfare Senator HUGHES and Senator JAVITS, as ranking members of the Subcommittee on Alcoholism and Narcotics, made major contributions to the legislation.

The origins of this bill can be found in S. 1945, introduced by Senator MUSKIE on May 25 of this year; S. 2097, introduced for the administration on June 18, following the President's comprehensive drug message, by Senator PERCY and 15 bipartisan cosponsors; and S. 2217, introduced June 30 by Senator HUGHES with Senators JAVITS and MUSKIE as cosponsors.

The administration bill and Senator MUSKIE's bill were assigned jointly to the Subcommittees of the Committee on Government Operations which Senator Muskie and I chair. We began hearings quickly, taking 6 days of testimony, and directing inquiries to all the States, the District of Columbia, and 20 large cities.

Testimony was given by several Senators, including the Chairman of the Committee on Government Operations, a Congressman, the Governor of Georgia, representatives of State and local drug abuse programs, doctors and researchers, and former victims of drug abuse. We received 49 replies from States and the District of Columbia, and nine replies from cities in response to our letter of inquiry. One State response, that from Governor William A. Egan of Alaska, came in after the hearing record was printed and I ask unanimous consent that it be printed after my remarks so that it will be available along with the responses of the other States.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIBICOFF. Witness after witness testified to the tremendous expansion in the amount of drug abuse, the increase in the types of abuse, and the extent to which new population groups have become increasingly and heavily involved.

The availability of drugs on the virtually open illicit market was well described by some of the younger witnesses before us who themselves had been drug abusers. One young lady told us, for example, that it was easier to get heroin than liquor, and a returned GI from Vietnam told us heroin was easier to get than a clean glass of water. We were also told that in urban neighborhoods it was possible to get drugs from almost anyone, including police officers and, further, that the image of the older, gangster drug pusher needed to be replaced by a picture of a widely dispersed and fluid drug distribution network involving persons who are peers to the users themselves.

The range of drugs being abused is long and well known: marijuana, amphetamines, barbiturates, heroin, cocaine, LSD, mescaline. We have all become familiar in this country, some of us painfully familiar, with the names. Furthermore, we heard testimony which suggests that we are on the threshold of a new era of drug proliferation as the work now being done for legitimate scientific, medical, or pharmacological purposes discovers new psychoactive substances.

Testimony also made it very clear that the characteristics of those abusing drugs have changed radically in the last few years. Once largely confined to the inner city poverty areas where, like all other problems there, it could be conveniently ignored by the rest of society, drug abuse now substantially involves young, middle class residents of the suburbs, college students, and military personnel. In fact, it is quite clear that one of the most compelling forces behind the President's initiative was the disclosure of widespread use of heroin among GI's in Vietnam.

The problems addressed in S. 2097 are complicated. They do not stand by themselves, but are linked to the larger issues afflicting our society. We considered many proposals. We engaged in extensive deliberation. Before we were done the administration bill was substantially and significantly altered. As a result we believe this legislation is a major advance in the national effort to control and treat drug abuse.

The purpose of titles I, II and III of

S. 2097 is to establish a Special Action Office for Drug Abuse Prevention in the Executive Office of the President and to develop a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

The Special Action Office for Drug Abuse Prevention would have major responsibilities. For drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation, and research, the Office would provide overall planning and policy, establish objectives and priorities, review and, if necessary, modify budget requests, review implementation plans, and make appropriations available. With respect to these same programs and activities, the Director of the Office would be able to require the submission of information, evaluate their performance and results, assist in the development and review regulations, criteria, guidelines, requirements, standards, and procedures, and make recommendations regarding changes in management, organization, personnel, and standards.

These provisions represent significant changes in the powers requested in the original version of S. 2097.

In several respects the powers sought in the original bill were unprecedented. Authority was requested for the President to extend the life of legislation and to transfer appropriations from one program to another, transfer programs from one agency to another, and replace personnel. We felt there were insufficient reasons for conferring these kinds of powers on the President and Director. Furthermore, the requested powers would have infringed on powers reserved to Congess and conflicted with provisions of the Civil Service system.

On the other hand, the evidence presented convinced us that some powers not ordinarily exercised were called for if the existing confusing, uncoordinated situation in the executive branch was to be corrected and renewed vigor and direction imparted to the programs against drug abuse. The solution we finally decided upon was to define sharply the planning, policy, priority, and objective-setting responsibilities for the education and treatment approaches and then to extend additionally to the Director only those powers and responsibilities now exercised by the White House or the Office of Management and Budget.

A second major change we made in the original S. 2097 is to give the Director authority to make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs and activities as well as to consult with the Justice and Treasury Departments, intelligence agencies and all other Federal departments and agencies with respect to international control and law enforcement policies, priorities, and objectives relating to drug abuse. Further, when the Director determines that the operation of any Federal drug abuse program or activity impairs the effectiveness of any other Federal drug abuse program or activity, a mechanism is provided whereby the Director may formally notify the President of such a problem for his resolution. These important provisions were added to the bill by the committee.

It is no secret that there has been antagonism and competition between proponents of law enforcement and medical approaches to the control, prevention and treatment of drug abuse. With the notable exception of the Attorney General, who asserted that there were only a few points of cross-action between law enforcement and treatment, all the witnesses, in one fashion or another, pointed out the positive and negative effects which different approaches to law enforcement or treatment had upon one another.

Examples of the interrelationship between law enforcement and treatment approaches are numerous. Various ways of carrying out law enforcement, for example, appear to certain population groups to be expressions of the very shortcomings of our society which are among the larger social issues which underlie certain forms of drug abuse. Some approaches to treatment are considered by others to be questionable because of the potential risk of poor control over narcotic substances, increasing the availability of new drugs on the streets. The fact that possession of heroin is a felony in many States means that on conviction an addict is automatically denied access to nearly half the jobs in the Nation, a significant deterrent to effective rehabilitation. The confusion between medical approaches to treatment and criminal definitions of drug taking behavior is another problem.

The manner and order in which supplies of illicit drugs are controlled, may have direct effects on the types of drugs being used and the nature of the demand for places in drug treatment programs and facilities. We heard evidence, for example, that successful efforts to cut off marihuana supplies during Operation Intercept, led directly to an increase in heroin use, since that substance was still freely available, even though marihuana supplies had been effectively interdicted for a while. A recent report suggests much the same mechanism was at work in Vietnam and is a partial explanation of the rapid increase in heroin use there.

The consistency with which these views came up and the clear consensus that emerged led us to conclude that to deal with the problem of drug abuse in this country, the full range of approaches to its control and prevention had to be addressed.

These same concerns led us to make a second major addition to the bill. Title III creates a mechanism whereby a national strategy against drug abuse shall be developed. The President is directed to prepare such a strategy through the establishment of a Strategy Council composed of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of the Veterans' Administration and such other officials as the President may designate. The Director of the Special Action Office is authorized to provide whatever services are necessary to prepare the strategy.

The strategy will contain an analysis of the nature, character, and extent of the drug abuse problem including an examination of the interrelationships between various approaches to solving the problem and their potential for interacting positively and negatively with one another. It is to include a comprehensive Federal plan specifying the objectives of the strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used. Finally, the strategy shall contain an analysis and evaluation of the programs conducted, results achieved, and problems encountered by all Federal agencies.

The Council is authorized to engage in the planning necessary to achieve the objectives of the strategy. It shall require departments and agencies to submit such information as any member of the Council may request. Finally, it is required to evaluate the performance and results achieved by all Federal drug abuse programs and activities. The bill provides for review of the strategy by those participating in its development and for periodic updating at least once a year.

In addition to the responsibilities I have already outlined, the Director possesses other important powers that cut across all drug abuse programs and activities. He is empowered to coordinate all Federal drug abuse programs and activities with one another and with other Federal programs and activities which might have an important bearing on the success of the entire Federal drug abuse effort. He is authorized to perform coordination and technical assistance functions regarding State and local drug abuse programs and activities.

The Director would also be required to submit an annual report on the activities of the Office, particularly with respect to his use of grant and contract funds and transfers of moneys which he might effect. Using a special fund, provisions for which the committee added to the original bill, he would be authorized to develop or support new approaches, demonstrations, techniques, and methods for achieving the purposes of the act. He could also use the fund to increase the size of ongoing programs which have proven themselves effective. He is empowered at the President's discretion to represent the Government of the United States in discussions and negotiations with foreign governments and before international organizations. To carry out the purposes of the act he may convene a council of Federal officials representative of the departments and agencies responsible for Federal drug abuse programs and activities.

These additional provisions should substantially enhance his position as the focal point for the national program against drug abuse. They give promise of aiding the development and implementation of the national strategy. They provide incentives to develop new approaches and expand effective ones that are already ongoing. In addition to these provisions, we have also defined congressional policy respecting the manner in which the Veterans' Administration and the Civil Service treat drug abusers and provided a special reorganization authority to the President respecting the drug abuse programs over which the Special Action Office has budgetary authority. This authority, based directly on the provisions contained in the Executive Reorganization Act of 1949, as amended will assure that for the 4-year life of the Office, program transfers may be made promptly.

The appropriation figures were arrived at with a view to carrying out the Director's functions with the greatest effectiveness. For each of the 4 years of the life of the Office, we have authorized appropriations of $40 million for the special fund, an amount which is approximately 10 percent of the total currently budgeted for drug abuse programs and activities and approximately 2½ percent of the total that will be authorized when this bill is passed. For the activities of the Office itself we have authorized amounts of $5, $10, $12, and $15 million for the 4 successive years. We think these sums are adequate for the responsibilities of the Office, and the special fund authorization should make it a substantial lever in redirecting old programs and expanding effective ones.

Clearly we have made significant changes in the original bill. Committee action has improved the bill and made it a substantially different measure. We have increased the scope of the office, differentiated the powers according to the areas of responsibility, and confined them to those appropriate for a White House office. We have provided for the development of a national strategy against drug abuse. I ask unanimous consent to insert after my remarks a brief summary I have prepared of the diffferences between the original bill and the one the Committee has reported.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibits.)

Mr. RIBICOFF. We have given the Director of the Special Action Office responsibilities with a scope as broad as the problem and the full range of approaches to its solution. We expect the Director to range widely and with energy over all areas in which he has duties and responsibilities.

We have carefully defined the Director's powers. His responsibilities are differentiated, however. We expect him to respect the differences between prescription and recommendation, for example, that we have provided as between treatment programs and law enforcement. But we expect him to carry out his functions actively and fully as broadly as the bill itself is written.

One responsibility of great importance will be the activities he carries out in connection with the development of the comprehensive, coordinated Federal strategy against drug abuse. We believe that the Director, as the President's highest level adviser on drug policy, will play a key role in the discussions of the strategy council, but we also intend that his service role to the council should be as active as he believes necessary.

We expect the Director to play a major role in defining what kinds of studies and reports and what kinds of information and data are needed. We expect him to insure that responsibilities of this kind are carried out by the departments and agencies administering drug abuse programs and activities.

Having studied the drug problem in depth these past 6 months, it is obvious how little we know about it and how, when we examine it carefully, its characteristics are quite different from the presuppositions we started with. We know far too little about the reasons why drugs are abused. We know far too little about the patterns and mechanisms of abuse. We know very little about the ways in which illicit supplies are distributed internationally. We know a little more but still not enough about the physiological and psychological effects of single and multiple drug use and abuse.

An example of the kind of knowledge we need much more of is contained in a recent report prepared for the Drug Abuse Council by Dr. Norman Zinberg on the rehabilitation of heroin users in Vietnam.

In his paper Dr. Zinberg, who testified before the two subcommittees in July, describes the social and group-oriented culture of drug taking in Vietnam, a significant difference from the classic picture of the loner ghetto user. He raises as a consequence some provocative questions about the future effect of this form of drug abuse on the domestic scene when the GI's return.

The kind of rethinking Dr. Zinberg was forced to do as a result of his careful examination of the drug and rehabilitation cultures will be repeated as more intensive empirical studies of drug abuse are undertaken.

Finally, I came to the conclusion, as did, indeed, all of us who actively worked on the bill, that rhetoric which talks about epidemics and crusades is inappropriate and counterproductive. Fear and emotion are not going to resolve the issues here, nor lead to productive solutions. In different forms the drug problem has existed in this country for a very long time. It will not yield to effective prevention and control simply by a new burst of zealous energy. What we need is a major sober, rational effort, filled with compassion and committed to the long pull.

I believe we have before us a bill which is a major step forward in the effort against drug abuse and will do the kind of job I have just outlined.

It covers the ground which needs to be covered. It creates an Office with high visibility to express the full extent of our concern. The language we have used is reserved because we understand how serious the problem is, how deeply it is tied to other problems of our society, and how unlikely it is to yield to quick solutions or emotional terminology.

The Director's powers are substantial. They will enable him to give renewed direction to education, treatment, rehabilitation, and research programs and to eliminate overlap, and improve their coordination. He can play an important role in the development of law enforcement policies and has authority to identify conflicts between law enforcement programs and treatment programs if and when they occur.

Most important, the development of a national strategy will assure that at the highest levels of government issues which have undermined the effort against drug abuse will receive considered attention. For the first time the policy basis for controlling and preventing drug abuse will receive the kind of comprehensive treatment that it needs.

The bill before us is a good one. It provides the authority needed to begin the job that needs doing. I urge its passage.

EXHIBIT 1

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, Alaska, November 18, 1971.

HON. ABRAHAM RIBICOFF and HON. EDMUND S. MUSKIE,
Committee on Government Operations,
U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF AND SENATOR MUSKIE: This is in further reply to your letter of August 6, 1971, concerning joint hearings on S. 1945 and S. 2097 which would establish a new White House office to coordinate programs concerned with drug abuse. A response to your letter was deferred until this time because while our drug abuse programs have not reached the proportions felt in other states, recent experience has given rise to great concern. Recent planning and commencement of some programs have provided the answer to some of the questions posed in your letter.

The following answers are provided through coordination with the Alaska Department of Health and Social Services.

1. Describe your State's narcotic drug abuse treatment and rehabilitation programs(s). If possible, please include information on each of the following:

(a) organization;
(b) purposes;
(c) scope of activities;
(d) budget (1968–1971);
(e) Federal assistance (if any);
(f) number of persons treated and rehabilitated;
(g) results to date;
(h) planning and evaluation methods;
(i) relationship to local and private programs; and
(j) relationship to other State drug and nondrug programs.

Answer. Alaska faces a growing problem in drug abuse. I am vitally concerned with the problem and have designated drug abuse and drug abuse related problems as a primary issue for Fiscal Year 1973. At the present time, the Task Force is engaged in an in-depth study of the issue with a view towards developing budget and legislative proposals. Additionally, I have designated the Department of Heath and Social Services as the single drug authority for Alaska in order that the State might be responsive to Federal grant proposals as well as develop a united and coordinated State-wide program for treatment and prevention.

The Task Force is currently holding regular meetings, securing data, talking with and seeking the counsel of former users and abusers, and studying existing programs. State monies to date have been used in an educational approach to prevention, primarily through the Alaska Department of Education. A small Federally funded program has just gotten underway in Fairbanks and it is much too early to report any results from program activities.

The Greater Anchorage Area Borough Health Department and the Alaska Psychiatric Institute are cooperating in a joint program effort directed toward the treatment

and rehabilitation of persons suffering from the abusive use of drugs. Application is being made for $200,000 of Federal monies to assist in the financing of this program.

Present treatment resources for drug abusers consist primarily of a free open door clinic located in Anchorage and physicians throughout Alaska.

In addition to the planned demonstration project for the Greater Anchorage Area Borough, it is also planned to seek Federal monies for the establishment of drug abuse programs through the community mental health centers and our State-operated regional mental health clinics. It is hoped that those programs, facilities, methods, and techniques that have been helpful and successful in the demonstration project will be implemented in the community's program.

A research and evaluation component has been built into the demonstration project and should prove useful in screening out those program aspects that have little or no value in the restoration process of helping this high-risk group. The programs that are planned for Alaska would enlist, encourage, and utilize the help of all private treatment facilities and volunteer citizens and citizen groups.

2. What is your estimate of the number of heroin addicts in your State for each year from 1968 to 1971? (Please explain the method used in calculating the totals.)

Answer. Statistical data is incomplete for most of the State. Some statistics for the Anchorage area were furnished by the Anchorage Police Department. The figure given by the police for known addicts is 300 for the Anchorage area with another probable 300 who are at present unknown or unemerged.

3. What is the State program's major goals for 1971 and 1976?

Answer. Alaska's goals for 1971 include the completion and submission of the application for the demonstration project for the Anchorage area which involves 43 per cent of Alaska's entire population. Alaska recognizes the importance of the development of a data gathering system which is vital to meaningful planning and efforts will be made towards the establishment of such a system.

By 1976 Alaska hopes to have adequate treatment and rehabilitative services available to all persons who suffer from drug abuse and who desire to help. A meaningful public educational and informational program is essential, especially in the public school systems. It is felt that the best preventive approach must involve education and family life programs designed to promote good mental health.

Hopefully, Alaska will have made some good progress toward drying up the sources of supply, but the most effective method would involve greatly reducing the number of customers and potential customers.

4. How much assistance and what kinds of assistance will you need from the Federal Government to achieve these goals?

Answer. The Federal Government must make drug abuse program monies available to those states who endeavor to find solutions to the very complex and highly complicated social problem of drug addiction. The Federal Government is in the best position to gather, coordinate, interpret, and disseminate information and data and to conduct research and centralize bodies of training knowledge.

5. What are the most important areas—prevention, treatment and rehabilitation, research and training, or law enforcement—in which the Federal Government should be concentrating its efforts at this time?

Answer. Treatment and rehabilitation are essential for current victims and sufferers who desire and respond to help and continued efforts must be made to seek methods and techniques to reach and help those who presently have not responded. Demonstration projects must have the flexibility to be creative and innovative in their aproaches to reach the "unreachable" and treat the "untreatable."

Treatment and rehabilitation, which is primarily a case by case method, is in reality reading with the symptoms of an individual and a society who thus far have not adjusted to each other, for whatever the reason. Research should be aimed at solutions to that dilemma.

The task of law enforcement and the judicial system cannot merely concern itself with sources of supply and lawbreakers, but must become advocates of treatment and rehabilitation, and not punishment and lengthy sentences of imprisonment.

6. What do you consider the major problems today with Federal drug abuse programs, and what better mechanisms can you suggest for delivering Federal assistance to the States?

Answer. There appear to be some shortcomings with Federal treatment programs. Current literature seems to reveal the efficacy of the smaller, more intimate treatment facility. It seems that Federal assistance can better be utilized at a more local level. Some decentralization would be accomplished if more decision-making powers were granted at the regional level where a more intimate knowledge and a clearer picture of a state's problems, needs, and probable solutions exist.

7. By what means and by whom are drug abuse prevention, treatment, rehabilitation, research, training, and law enforcement programs coordinated in the State government?

Answer. The single state authority will have coordination responsibility for those functions that are not directly under its jurisdiction; law enforcement is an example of this kind of coordination function.

8. Describe some of the most innovative approaches to drug abuse treatment and rehabilitation which you are funding or operating.

Answer. At this point in time the State of Alaska has limited experience in, and is not directly funding, substantial drug abuse treatment or rehabilitation programs.

9. Have you funded, operated, or evaluated any methadone maintenance treatment projects, and if so, what have you discovered that might be useful to other States and to the Federal Government?

Answer. We do not have any direct experience with a methadone program, although this is a possible consideration for the demonstration project.

10. Do you support the bills S. 1945 and S. 2097, or the general idea of a White House Office to coordinate Federal drug abuse programs? Please include your suggestions on what should be such an office's

(a) functions;

(b) scope of authority;

(c) relationship to State and local programs.

Answer. The drug abuse problem exists in such proportion throughout the nation that the Federal Government must assume the leadership in seeking solutions to one of our gravest social problems. The establishment of an agency at the Federal level, such as outlined in bills S. 1945 and S. 2097, would appear consistent with the assumption of a leadership role.

a. The Federal Government should definitely serve as the focal point for data gathering and the dissemination of research and other information to the various states. The Federal Government is in the best position to be the forerunner in research.

b. The scope of authority of the Federal Government would hopefully fall into three main areas:

1. establishment of guidelines for use of Federal monies and a uniform reporting system;

2. advisory capacity to program formations, needed research, needed legislation, and training programs;

3. set precedent in establishing legislation that stresses rehabilitative and treatment rather than punishment which all too often is the approach of law enforcement and the judicial system.

c. The Federal Government must be the major source of monies if the problem is going to be attacked on a nationwide basis.

I hope that this information will be of help to you and your Subcommittee.

Thank you for the opportunity to state my thinking and to present something of the situation and needs in Alaska.

Sincerely,

WILLIAM A. EGAN,
Governor.

EXHIBIT 2

COMPARISON BETWEEN ORIGINAL AND AMENDED S. 2097

SCOPE

Original

Education, training, treatment, rehabilitation, research—"treatment side" only.

Amended

Education, training, treatment, rehabilitation, research—plus limited powers over law enforcement, international control.

Original

No provision.

Amended

Calls for a National Strategy integrating law enforcement and treatment.

POWERS

Original

President extends life of Act.

Amended

No provision.

Original

Replace personnel.

Amended

No provision.

Original

Transfer monies from program to program.

Amended

No provision.

Original

Direct operation of programs.

Amended

No provision.

Original

Provide overall planning and policies and establish objectives and priorities on treatment side.

Amended

Same.

Original

Prepare and make available appropriations for treatment side.

Amended

Review and modify budget requests and make appropriations available for treatment side.

Original

Transfer programs without Congressional approval.

Amended

Transfer programs only with Congressional approval.

Original

No provision.

Amended

Recommend and consult on law enforcement and international controls.

Original

No provision.

Amended

Consult on classification of drugs and IND and NDA drug status.

SPECIAL PROVISIONS

Original

No provision.

Amended

Special fund to provide additional support for successful programs and encourage innovation and demonstrations.

Original

No provision.

Amended

Technical assistance to State and local governments to assist them in assessing their drug problem and meeting these problems.

Original

No provision.

Amended

Policy defined for Civil Service and Veterans' Administration respecting drug abuse.

ADDED BY HUGHES' SUBCOMMITTEE

Original

No provision.

Amended

Drug abuse institute in NIMH.

Original

No provision.

Amended

Grant program for treatment and rehabilitation programs in States and localities.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the amendments of the Committee on Labor and Public Welfare to the substitute amendment of the Committee on Government Operations be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BYRD of West Virginia. I thank the distinguished Senator for yielding, and I ask unanimous consent that the time I utilize not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have discussed this matter with the distinguished assistant Republican leader; and, at the direction of the distinguished majority leader, I ask unanimous consent that upon the disposition of the OEO conference report this afternoon, the Senate proceed immediately to the consideration of S. 2824, the so-called fish inspection bill.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—Senator Nelson is not on the floor. Senator Nelson was very deeply troubled about the fact that we put the conference report on the poverty bill after the drug abuse bill. I happen to be a factor in both, and I speak only out of a sense of responsibility.

Does not the Senator feel that he had better talk to Senator NELSON first?

Mr. BYRD of West Virginia. No, because this bill would come after the conference report is disposed of.

Mr. JAVITS. I beg the Senator's pardon. I thought he had said "after." I am sorry.

Mr. BYRD of West Virginia. No. Following disposition of the conference report on the OEO, the Senate will proceed to the consideration of S. 2824.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a time limitation on the District of Columbia appropriation bill of 1 hour, to be equally divided between the distinguished manager of the bill, the Senator from Hawaii (Mr. INOUYE), and the distinguished ranking Republican member of the committee, the Senator from Illinois (Mr. PERCY); that time on any amendment thereto be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill; that time on any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 10 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. INOUYE).

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object—I want to invite the attention of the distinguished majority whip to the matter of the Bicentennial Commission. I think there was agreement that it could be disposed of in 30 minutes, and it was of interest to the Senator from Massachusetts (Mr. BROOKE) that, if possible, that could follow on the disposition of the fish inspection bill. I do not know whether the Senator may have forgotten that.

Mr. BYRD of West Virginia. Mr. President, I had forgotten it, and I appreciate its being recalled to my mind by the distinguished assistant Republican leader.

I ask unanimous consent that upon the disposition of S. 2824, the fish inspection bill, the Senate proceed to the consideration of S. 1857, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; that time on that bill be limited to 30 minutes, to be equally divided between the distinguished Senator from Massachusetts (Mr. BROOKE) and the distinguished majority leader or his designee; that time on any amendment thereto be limited to 30 minutes, to be equally divided between the mover of such and the distinguished Senator from Massachusetts (Mr. BROOKE); that time on any amendment come out of the 30 minutes allotted to the bill; and that action on the bill be completed today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that rule XII be considered to have been waived prior to the unanimous consent order that was entered regarding the Bicentennial Commission resolution.

The PRESIDING OFFICER (Mr. MATHIAS). Without objection, it is so ordered.

Mr. GRIFFIN. The other request is pending, but there is no objection to it. Has the Chair ruled on the District of Columbia appropriation bill?

Mr. BYRD of West Virginia. Mr. President, I repeat my request on the District of Columbia appropriation bill: That time thereon be limited to 1 hour, to be equally divided between the distinguished ranking Republican member, the Senator from Ohio (Mr. PERCY), and the distinguished manager of the bill, the Senator from Hawaii (Mr. INOUYE); that time on any amendment thereto be limited to 30 minutes, to be equally divided between the manager of the bill, Mr. INOUYE, and the mover of such amendment; that time on any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, the Senate proceed to the consideration of the District of Columbia appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG ABUSE OFFICE AND TREATMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

Mr. MCCLELLAN. Mr. President, S. 2097 represents America's foremost commitment to develop, through a White House Special Office for Drug Abuse Prevention, a comprehensive and coordinated long-term Federal strategy against illegal drug traffic as well as creating new and invigorating old health programs to rehabilitate the victims of drug abuse.

I commend those members of the Committee on Government Operations who have worked so diligently to have this measure reported. Six days of hearings were held by Senator ABRAHAM RIBICOFF'S Subcommittee on Executive Reorganization and Government Research and Senator EDMUND MUSKIE'S Subcommittee on Intergovernmental Relations. The fruits of their labor—along with those of our ranking minority members, Senators PERCY and JAVITS—augur a major breakthrough in curtailing those pernicious parasites who deal in the trafficking of harmful substances and in curing those innocent victims who have fallen prey to these instruments of destruction.

I also wish to pay the same compliments and express my appreciation to those members of the Labor and Public Welfare Committee who have made such valuable contributions to this measure and for expeditiously processing it in order that it might be brought to the floor.

The pending measure represents a truly bipartisan commitment to halt the scourge of drug abuse. And rightfully so, Mr. President, for this pestilence affects all Americans—rich or poor, black or white, residents of our inner cities, suburbs or rural communities. The ravages

of drug abuse have already taken an irreparable toll and succumbed countless victims. We cannot afford to continue a lackadaisical or haphazard approach to this immense national problem.

The cost of flagrant drug abuse is devastating to our Nation. Beyond the physical pain and miseries—which exact an incalculable human toll—there is an incalculable price being paid in dollars for the addict to cope with his insatiable appetite. The hard statistics of addiction are shocking, cruel, and pathetic. They sound their own clarion call for action and relief. They—more than any words or rhetorical utterances—speak for the cogent need to make S. 2097 a part of America's arsenal against drug abuse.

There are at least 330,000 addicts in this country, but some experts say that the true figure is more than likely as high as 1 million users and addicts.

In the past 2 years, 16,000 American servicemen have been discharged for drug-related reasons—as many as 30,000 American troops in Vietnam are reportedly heroin users.

Drug addiction is the greatest, single cause of death among young people between the ages of 15 and 35 in New York City—where over half of the Nation's drug addicts reside. This great metropolitan area has lost more lives from drug overdoses in the past 8 years than the entire State of New York has lost to the war in Vietnam.

Fifty percent of the property crimes committed in our major cities are drug related, according to expert reports.

The economic cost to this Nation is believed to run as high as $10 billion per year—and may, in fact, be much higher—from drug abuse.

The social impact of addiction cannot be quantified, but it is staggering and disheartening. The addict's frantic search to satisfy his craving affects everyone within his reach, spreading fright and violence—tearing apart the fabric of a free and law abiding society—pulling asunder the fibers of national progress and growth. The pusher penetrates his poisonous fangs not only into the addict's life blood, but into the very life blood of society itself.

The drug-user's habit is freedom's bane. The corrupt, subrosa and ugly elements in this land prey upon the drug victim—just as he preys upon innocent victims on the streets of his habitat. Organized crime has grown fat from its perpetuation of this disease—annually reaping, by some estimates, up to $5 billion from illegal drug enterprises. The underworld and its syndicated operations have spread their vicious tentacles into every facet of the narcotics scene.

Our courts and jails—our entire criminal justice system—are hard pressed to aedquately cope with the burgeoning demands and overloads this terrible twilight world of drugs has wrought. We are, indeed, Mr. President, faced with a national tragedy—which threatens to reach epidemic proportion unless we act now to crush the purveyors of this sickness.

S. 2097 offers an effective vehicle to reverse the corresponding proliferation and availability of drugs and the number of drug abusers. The bill changes our position as on-lookers and witnesses to such devastation—to fighters—and hopefully—conquerors of this major social ill.

It would, in title II, create a Special Action Office for Drug Abuse Prevention in the White House with authority to plan, develop and coordinate our Nation's war on narcotics addiction. The Director of this office is empowered to establish priorities—to set out the objectives of our national drug campaign—and to supervise their implementation. He would be entrusted with the vital task of utilizing and concentrating America's drug fighting resources to best advantage.

Equally important, the Director would be responsible for allocating moneys from a special fund to carry forward critically needed research for new approaches, cures and understandings of the drug problem.

Title III of this bill also fills a long standing void in our efforts to stop drug abuse. It would create a mechanism—a Strategy Council—by which the President would promulgate the strategy he feels is imperative to combat narcotic abuse. Such strategy would be developed by the Council, which would be comprised of various Cabinet members, the Director of the Special Action Office and other appropriate officials.

In addition, a National Institute on Drug Abuse would be created within the National Institute of Mental Health as a vehicle to administer its drug programs. And, further, a National Advisory Council on Drug Abuse would be set up to make the relationship between our scientific community and drug programs more effective.

S. 2097 seeks an authorization of $202 million—over the present and next 3 fiscal years—to accomplish the goals of the Special Action Office. An additional $1.5 billion authorization is provided through fiscal 1976 for grants to State and public and private organizations for their drug abuse programs and activities.

Mr. President, S. 2097 is urgently needed—and needed now. I am confident that it will help us meet—and overcome—the devastating effects of drug abuse and its grave threat to our people and our society.

Mr. President, after S. 2097 was reported to the Senate, it came to my attention that possibly there should be an exemption for the Federal Bureau of Investigation from the provisions of section 206(f)(1) of the bill. That section presents some problems for law enforcement agencies, and I believe that some form of exemption should be made for agencies such as the FBI. But rather than delay passage of the bill—and I had intended to offer an amendment—I am willing to let this bill be passed in its present form and I am hopeful that appropriate language can and will be worked out on the House side. This matter can then be properly resolved in the subsequent conference on the bill.

I do believe this to be a serious matter, and request my colleagues who will be on the conference committee to give the matter their earnest attention.

Mr. HUGHES. Mr. President, if the Senator will yield, the chairman has discussed this matter with me, and our staffs have discussed it. We have worked on possibilities of acceptable language and an effort at compromise, and I believe, as the chairman does, that if it is possible to pass this bill today and it goes to the House of Representatives, and they make a change, in conference we can work out acceptable language which will be agreeable to everyone, and I am willing to work toward that goal in that fashion.

Mr. McCLELLAN. I thank the Senator, and I appreciate his yielding so that I was able to make my remarks at this time.

I ask unanimous consent that my remarks follow the remarks of the distinguished Senator from Iowa, and also those of the distinguished Senator from Connecticut. I requested to be allowed to make my statement at this time, because I cannot be present during further debate or discussion of this matter; I must go to a meeting of the Appropriations Committee. However, I did want to express my strong approval of S. 2097, and commend those who have worked so diligently to bring this product to the floor for action today.

Mr. HRUSKA. Mr. President, as one with a longstanding and deeply rooted interest in the problems of drug abuse, I offer my sincere congratulations to the members of the Committees on Government Operations and Labor and Public Welfare for the important national service they have performed in reporting out S. 2097, the Drug Abuse Office, Control, and Treatment Act of 1971.

I take extreme personal satisfaction in the manner in which the Congress has responded in the last 2 years to the severe and growing drug abuse problem. Last year our labors produced the Comprehensive Drug Abuse Prevention and Control Act of 1970, broadly hailed as one of the most sweeping legislative reforms ever to take place in the field of law enforcement. While it also contains provisions for education and rehabilitation, this act is primarily devoted to the difficult task of controlling dangerous substances and elimination of the illicit traffic in drugs of abuse.

With the enactment of the bill now before us, an event which I am sure will occur shortly, we will have completed the legislative cycle—at least for the immediate future. HEW Secretary Richardson aptly pointed out before the Government Operations Committee that the drug abuse problem is imbedded in the larger social issues which confront the Nation. Only with the resolution of these issues will we truly put to rest difficulties such as the one we deal with today.

As legislators we are seldom totally satisfied with bills on which we are required to pass judgment. So it is with S. 2097 and the reaction of this Senator to its provisions. It is a good bill, basically, and titles I through III are generally responsive to the President's statement of June 17, 1971. As for the remaining titles, I would have no quarrel with the need to further refine, expand, and coordinate the contribution of the Department of HEW to drug abuse prevention, treatment, and rehabilitation.

Nevertheless, I do have some concerns. I do not intend to take the time to elaborate on every one of these, for the sum total of them is insufficient to make me

do other than support S. 2097. This is a highly necessary bill, and its enactment will stand as a principal accomplishment of the 92d Congress.

One of my concerns, as a member of the Judiciary Committee, is the effect of this bill on law enforcement. It would be a backward step if we were to inadvertently take away with this bill some of what we accomplished last year in the Comprehensive Drug Abuse Prevention and Control Act. I therefore had some initial reservations about sections 206 (c) and (d), which involve the Director of the Special Action Office in the drug classification process. A delicate equation was worked out last year for the classification and scheduling of dangerous substances, and an added ingredient could throw the system out of balance. Upon reflection, however, and with due regard for the overall role of the Director in the national drug abuse strategy, I am hopeful that the Director's participation by consultation will not prove objectionable.

I had a similar concern regarding subsection 202(a)(3)(D) of the bill, which gives the Director authority to evaluate the performance and results of "other Federal drug abuse programs" over which he has no policy control. The following subsection (E) requires the Director to ask all drug abuse agencies to report to him or make studies as necessary to the bill. These provisions could, on their face, permit a Director so inclined to substantially involve himself in law enforcement activities of the Bureaus of Customs and Narcotics and Dangerous Drugs, for example.

I am considerably reassured by the language of the report by the Government Operations Committee in this regard, which reiterates that this authority only extends to law enforcement or international efforts as they directly affect policy areas within the jurisdiction of the Special Action Office. I believe this clarification is most valuable.

Another provision about which I have serious misgivings is contained in subsection 701(a). I appreciate the need for confidentiality of records, and would not quarrel with the principle. However, the last sentence in this section is to my mind an unnecessary restriction on possible prosecutions. To say that a patient or former patient can under no circumstances ever have anything in his records used against him—even under court order—goes too far. I believe this section and the entire bill would be better off with this last sentence deleted.

Finally, I can appreciate the FBI's concern, as reported by Senator McCLELLAN, over the impact of subsection 206(F)(1) on the Bureau. They appear to have a valid point, and I am hopeful an exception can be worked out.

I hope my remarks do not appear to represent the voice of discord in an otherwise harmonious effort. This is not intended. As I indicated at the outset, I fully support this bill as an important step forward. I recognize the effort and expertise that went into its preparation, and I am mindful of the unanimous vote of support provided by the members of both reporting committees. Nevertheless, I am hopeful my remarks will serve a useful purpose in recording the legislative history of S. 2097.

Mr. PERCY. Mr. President, it is with genuine satisfaction that I speak today on behalf of legislation that I introduced for the administration just 5 months ago to overcome the progressively worsening situation in this country involving pervasive use of illicit drugs and the crushing dependency that so many of our citizens endure as a result.

While it would be premature to say we have, in this legislation before us—the Drug Abuse Office and Treatment Act of 1971 (S. 2097)—a cure-all for the problem, we most certainly have begun an auspicious undertaking which represents the best thinking of some of the most expert and enlightened people in the field.

The Federal Government, until recently, has not organized for a concerted drive against the factors which nurture the wholesale demand for drugs that gnaws at our society. Efforts to reduce drug demand have been appended, almost as an afterthought, to programs aimed at mental illness, poverty, and crime. Consequently, the focus of these efforts has been clouded. We have examined use factors within particularly subcultures or geographic areas, but have not addressed ourselves to the pervasive conditions in our society as a whole which give rise to what has become a nationwide demand—and for that reason a national tragedy.

For example, only residents of specific inner-city areas qualify for Model Cities-funded drug treatment programs; only individuals with poverty-level incomes are eligible for education and treatment programs conducted by the Office of Economic Opportunity. Middle class communities or communities which suffer from nonopiate drug problems frequently find themselves without any prospect of Federal assistance.

State and local authorities all to often are at a loss as to which Federal agency to turn to for needed help. Resources for drug control efforts are inefficiently channeled in the absence of central direction. How much of the duplicative projects of the Bureau of Narcotics and Dangerous Drugs and the National Institutes of Mental Health might have avoided? How much needed research has gone unexplored?

Finally, programs of training, rehabilitation, research, education, treatment and prevention are commonly subordinated to primary agency mandates in terms of management direction, placement of high caliber personnel, and funding.

Establishment of one single office at the highest level of government, responsible for coordinating the nightmare of Federal programs and approaches to the drug problem will assure that countless Federal agencies are no longer working at cross-purposes—that treatment, prevention, and law-enforcement efforts will be conducted in the proper balance under a comprehensive program. The genesis of this idea is to be found in President Nixon's June 17, 1971, comprehensive message on drug abuse, in which he said:

> Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. For this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us.

Accordingly, S. 2097, of which I am the principal sponsor, statutorily authorizes a Special Action Office for Drug Abuse Prevention, presently directed by Dr. Jerome H. Jaffe pursuant to an Executive order, to function through June 30, 1975, to coordinate the national effort against drug abuse and to concentrate the resources of the Nation toward that purpose. The legislation also provides for the development, for the first time, of a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. Finally, provision is made for a major commitment of new grant-in-aid funds—more than $1.5 billion over 5 years—to the States for program planning and to localities as special or emergency circumstances require.

I am particularly gratified that an issue as critical and potentially volatile as drug abuse—an issue which raises sensitive concerns involving the relationship of law enforcement to treatment for dependency—has not been sacrificed to narrow partisan interests in the face of the upcoming national elections. Principal supporters of the bill include Senator JOHN McCLELLAN, Senator ABRAHAM RIBICOFF, Senator EDMUND MUSKIE, Senator JACOB JAVITS, Senator HAROLD HUGHES, and Senator GURNEY.

Fifty-one additional Senators from both major parties and from each end of the political spectrum have joined as cosponsors. They are: Mr. MANSFIELD, Mr. SCOTT, Mr. BYRD of West Virginia, Mr. GRIFFIN, Mr. ALLEN, Mr. ALLOTT, Mr. BAYH, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BROOKE, Mr. BUCKLEY, Mr. CASE, Mr. CHILES, Mr. COTTON, Mr. CRANSTON, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. ERVIN, Mr. HANSEN, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. JACKSON, Mr. JORDAN of Idaho, Mr. KENNEDY, Mr. MATHIAS, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MUNDT, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. ROTH, Mr. SAXBE, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, Mr. WILLIAMS, and Mr. YOUNG.

The measure was worked out in close cooperation with the Nixon administration and has the enthusiastic backing of the President.

The Special Action Office will provide

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overall planning and policy, and establish objectives and priorities for Federal drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation and research, including such programs and activities in the Departments of Health, Education, and Welfare, Justice, Labor, Agriculture, Defense, and State, and in the Office of Economic Opportunity, the Veterans' Administration and the Civil Service Commission.

With respect to most of these same programs and activities, the Director may modify budget requests; review program plans and make appropriations available for their implementation; require the submission of information and reports; evaluate program performance and results; assist in the development of, and review regulations, criteria, guidelines, requirements, standards, and procedures; and make recommendations regarding changes in management, organization, personnel, and standards.

The Director may also make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs, and he shall consult with and be consulted by all responsible Federal departments and agencies with respect to their policies, priorities, and objectives. Upon determining that the operation of any federal drug abuse program or activity impairs the effectiveness of any other federal drug abuse program or activity, the Director may formally notify the President of such a problem for his resolution.

In addition, by the terms of the bill, the Director will:

Develop or support the development of promising new approaches, demonstration projects, techniques and methods for combating drug abuse through use of a special fund of $40 million yearly;

Conduct on-site management oversight reviews of agency programs and activities;

Consult with, and be consulted by the Attorney General on the scheduling of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970, other responsible officials on the classification of drugs in connection with international agreements and schedules; and the Secretary of Health, Education, and Welfare on the investigational new drug (IND) and approved new drug authority (NDA) status of drugs which may be beneficial in the treatment of drug abuse;

Advise the Civil Service Commission on policies and procedures for control and treatment of drug abuse among Federal employees, treating drug dependent persons the same as other persons with serious health problems; and promote employee programs in State and local governments and in private industry;

Advise the Veterans' Administration in carrying out the intent of Congress that all veterans receive treatment and rehabilitation services for drug abuse without regard for the nature of their discharge and without regard to whether their drug dependency was service-connected. Such services will include inpatient and out-patient care irrespective of any prior in-patient treatment, psychiatric care, counseling, vocational training, or other rehabilitation services, and the funding, setting up, or operation of residential halfway houses; and

Represent the U.S. Government, at the President's discretion, in drug abuse discussions and negotiations with foreign governments and before international organizations.

As noted, S. 2097 also provides for the development by a strategy council and promulgation by the President of an integrated, long-term national strategy for all drug abuse programs and activities of the Federal Government. Members of the Strategy Council will be the Director of the Special Action Office, the Attorney General, and the Secretaries of the Departments of Health, Education, and Welfare, State, and Defense, and the Administration for Veterans' Affairs.

The strategy is to contain an analysis of the nature, character, and extent of the drug abuse problem, including an examination of the interactions of various approaches and modalities in solving the problem. The strategy will include a comprehensive Federal plan specifying objectives, and how all available drug abuse resources, funds, programs, services and facilities authorized under relevant Federal law should be used. It will also involve an analysis of the programs conducted, results achieved, and problems encountered by all Federal agencies involved.

The Council should prove especially helpful in areas where treatment programs impact upon programs involving the investigation and prosecution of drug offenses and the detection and suppression of illicit drug supplies. Traditionally each of these areas has been separately dealt with and often considered the private domain of the officials responsible for carrying out congressionally mandated programs. But the time has come for the doctors to start talking to the cops. Issues of mutual interest must be mutually worked out, to the satisfaction of both, if the problem of drug abuse is to be resolved.

I anticipate, therefore, that the Council will concern itself with such critical issues as the use of agents on college campuses; the efficacy of controlled maintenance on addictive drugs in reducing crime, the importance of obtaining epidemiologic data, even at the risk of compromising arrests, relating to "user" and "pusher" patterns in copping areas; the relationship between law enforcement efforts aimed at cutting off marihuana supplies and the movement upward to hard drug usage; and whether, in the first instance, our society, through its laws, will continue to regard drug-dependent persons as criminals to be imprisoned, or as individuals suffering an illness who desperately need to be treated.

The Council is authorized to engage in the planning necessary to achieve the objectives of the strategy; to require departments and agencies to submit such information and reports as any member of the Council may request; and to evaluate the performance and results attained by all Federal drug abuse programs and activities.

The strategy will be reviewed, updated, and its implementation assessed by those participating in its development on an annual basis.

In sum, the accelerating rate of drug abuse signals an imminent threat to the Nation's health and welfare, necessitating an immediate and effective Federal response encompassing both effective law enforcement against illicit drug trafficking and effective programs to treat and rehabilitate those who become drug dependent. By providing for a comprehensive strategy and by establishing an office directly under and reporting to the President with direct responsibility for all Federal programs of drug abuse prevention and treatment, S. 2097 will go a long way toward correcting the organizational impediments to an effective approach.

Within that context, we can proceed to quarantine the parasitic dependency on hard drugs that is afflicting our cities and our suburban and rural areas, feeding upon crime, festering on individual and societal well-being, preying upon our youth, ravaging our educational and military institutions, and inflicting irreparable pain and hardship upon families and communities across the country.

Though I leave myself open to the charge of believing impossible things, I am mindful of an interchange in Lewis Carrolls' Alice's Adventures in Wonderland where Alice summarily dismisses such belief; to which the Queen replies:

> I daresay you haven't had much practice . . . When I was your age I always did it for half an hour a day. Why sometimes I've believed as many as six impossible things before breakfast.

Unless we consider the impossible as well as the possible as we draw from our collective experiences and failures in combatting drug abuse, we are left with the prospect of still greater failure. The approach the President and Congress have taken through this measure posits extraordinary authority and resources in a position to do the most good for the great number of our citizens urgently in need of it.

The alternative is simply to forecast more of the same—more personal despair and societal anguish from continuing drug abuse—bemoaning its occurrence as we retire to the sidelines, smug in the accuracy of our prediction.

I am confident that as a result of the priority attention the Congress and the President now place on the problem, we will be able to better comprehend the root causes of addiction and deal with them accordingly.

Mr. President, while the distinguished Senator from New York is in the Chamber, I should like to pay particular tribute to the principal cosponsors. I believe we have 57 cosponsors of the proposed legislation. The principal supporters of it have been the chairman of the Government Operations Committee, the Senator from Arkansas; the Senator from Connecticut (Mr. RIBICOFF); chairman of the subcommittee that handled the measure, who has a deep interest in this field and has done an outstanding job; and the Senator from New York (Mr. JAVITS), who had a dual role, both as ranking Republican member of the Committee on Labor and Public Welfare and the ranking Republican member on the Executive Reorganization Subcommittee of the Committee on Government Operations.

His own deep interest in the field of drug abuse and the great problems faced in his own State of New York, particularly the city of New York, and his knowledge and experience in that field, have added immeasurably to the work of our committee.

The distinguished Senator from Maine (Mr. MUSKIE) and the distinguished Senator from Iowa (Mr. HUGHES) whose expertise and devotion in the field, not only of alcoholic abuse but also drug control, have made possible this legislation. Without the coordinated cooperation bipartisanly offered by the cosponsors of this legislation—the principal cosponsors of this measure particularly—we simply would not be on the floor of the Senate with this legislation today. It has been handled in a most expeditious manner, with only one objective, and that was to arrive at the best possible legislation we could present to the Senate.

Also I should mention, on behalf of all of us, our deep appreciation to the members of the staffs of each of the Senators on the respective committees which have handled this work and worked closely with the White House, the Special Action Office for Drug Abuse Prevention, and the Justice Department. They have worked out some knotty problems which have enabled us to bring this legislation before the Senate, legislation which has virtually the unanimous support. I think it has the unanimous support of the Senate—as will be evidenced by the vote to be cast.

In particular, I would like to single out Stuart M. Statler, minority counsel to the Subcommittee on Executive Reorganization, who has ably assisted me throughout the deliberations on this bill, Brian Conboy and Jay Cutleo representing Senator JAVITS, Wade Clarke representing Senator HUGHES, Robert Wager and Henrik Gideanse representing Senator RIBICOFF, Alvin From representing Senator MUSKIE, Jim Calloway and Tom Gunn representing Senator MCCLELLAN, and Tim MacCarthy representing Senator GURNEY.

Mr. President, I ask unanimous consent to add as cosponsors of this legislation, in addition to those already listed, the names of Senators MANSFIELD, COOPER, YOUNG, HATFIELD, BAYH, and BENTSEN.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

Mr. PERCY. Mr. President, I also ask unanimous consent to have printed in the RECORD a summary outline of the background, provisions, and purposes of this legislation, and a statement on the highlights of Nixon administration activities in the drug field, together with a report on nonvictim crime in San Francisco, recently published by the San Francisco Committee on Crime. While I do not make any judgment as to the efficacy of the recommendations and conclusions set forth therein, I feel that this well-documented report should be widely circulated and read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2097

PURPOSE OF ACT

(I) To statutorily establish a Special Action Office for Drug Abuse Prevention with exceptional authority in the Executive Office of the President to function through June 30, 1975, for the purpose of coordinating the Nation's effort against drug abuse.

(II) To develop for the first time a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

FINDINGS

Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation;

Drug abuse seriously impairs individual, as well as societal, health and well-being;

Drug abuse, especially heroin addiction, substantially contributes to crime;

The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions;

Too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse;

The success of Federal drug abuse programs and activities requires a recognition that education, training, treatment, rehabilitation, research, and law enforcement efforts are interrelated;

The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, and between States and localities, and among the Federal Government, the State and localities, and throughout the Federal Establishment;

Control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse; and

The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring immediate and effective Federal Government response.

BACKGROUND

The genesis of S. 2097, as amended, is to be found in President Nixon's June 17, 1971 comprehensive message on drug abuse, his decision to establish a Special Action Office for Drug Abuse Prevention by Executive Order, and the announcement of his intention to seek statutory authority confirming and extending, his order and defining the powers and responsibilities of the Director of that Office.

Senator Charles H. Percy introduced S. 2097, cosponsored by a bipartisan group of fifteen Senators, on June 18, 1971. (Forty-two additional Senators subsequently cosponsored the bill.) Joining Senator Percy, who is acting ranking minority member of the Government Operations Committee, principal cosponsors of the bill are: Senator John McClellan, Chairman, Government Operations Committee; Senator Abraham Ribicoff, Chairman, Subcommittee on Executive Reorganizations; Senator Edmund Muskie, Chairman, Subcommittee on Intergovernmental Relations; Senator Jacob Javits, ranking minority member of the Subcommittee on Executive Reorganization, and of the Committee on Labor and Public Welfare to which S. 2097 will be referred; Senator Harold Hughes, Chairman, Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare; and Senator Edward Gurney, ranking minority member, Subcommittee on Intergovernmental Relations.

The Subcommittee on Executive Reorganization and Government Research, and the Subcommittee on Intergovernmental Relations jointly held six days of hearings on S. 2097 and S. 1945 (introduced by Senator Muskie) on July 7, 8, 9, 15, 16, and 30. Testimony was heard from Senators McClellan and Percy, Congressman Scheuer of New York, major Administration spokesman including Attorney General John Mitchell, HEW Secretary Elliot Richardson, and Deputy Defense Secretary David Packard, and Director-Designate Jerome Jaffe, as well as the Governor of Georgia, representatives of State and local drug abuse prevention and treatment programs, researchers and doctors who have studied the drug abuse problem, and persons who have in the past been victims of drug abuse.

S. 2097, as reported out of the Committee on Government Operations, constitutes a major bipartisan effort, was worked out in close cooperation with the Administration and has the enthusiastic support of the President.

SUMMARY OF DELIBERATIONS

The Government Operations Committee has added important new provisions, improved the balance between scope and powers of the Special Action Office, and adopted the best features of other proposals advanced by Members of the Senate.

The original bill was changed in three ways. The scope of the bill was expanded to include all the programs and activities dealing with drug abuse. For example, the Committee and the Administration have made it clear that the Department of Defense programs are covered along with other education, training, treatment, rehabilitation, and research programs and activities. Provision is also made for significant authority with respect to these same areas as they involve law enforcement and related activities. The bill, however, defines different powers with respect to these different areas.

A second major change was to modify the powers proposed for the Special Action Office to conform more closely to those properly held by an operation in the Executive Office of the President. The powers of the Special Action Office do not interfere with long-standing Congressional prerogatives and powers respecting program administration and funding.

Third, S. 2097, as amended, calls for the development of a national strategy against drug abuse. A mechanism is established to assure the linking together in harmonious fashion of all programs, activities and disciplines which need to be orchestrated to counter the drug crisis that besets the Nation. The strategy will provide a means by which narrower concerns can be left behind as the Nation moves to a comprehensive, coordinated, long-term approach to problems of drug abuse.

RESPONSIBILITIES OF SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Provide overall planning and policy, establish objectives and priorities for drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation and research, including such programs and activities in HEW, OEO, Justice, VA, Civil Service, Defense, and State.

With respect to most of these same programs and activities, modify budget requests; review program implementation plans and make appropriations available; require the submission of information and reports; eval-

uate program performance and results; assist in the development of, and review regulations, criteria, guidelines, requirements, standards, and procedures; and make recommendations regarding changes in management, organization, personnel, and standards.

Make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs and activities and consult with and be consulted by all responsible Federal departments and agencies with respect to their policies, priorities, and objectives. Upon determining that the operation of any Federal drug abuse program or activity impairs the effectiveness of any other Federal drug abuse program or activity, the Director may formally notify the President of such a problem for its resolution.

Additional responsibilities:

Coordinate all Federal drug abuse programs and activities with one another and with other Federal programs and activities which might have an important bearing on the success of the entire Federal drug abuse effort, and perform coordination and technical assistance functions relating to State and local drug abuse programs and activities.

Submit an annual report on the activities of the SAO, concentrating on the use of grant and contract fund.

Develop or support through use of a Special Fund of $40 million yearly, the development of promising new approaches, demonstration projects, technique and method for combatting drug abuse.

Conduct on-site management oversight review of agency program and activities in connection with SAO's funding authority responsibilities.

Consult with, and be consulted by the Attorney General in the scheduling of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Consult with, and be consulted by responsible officials on the classification of drugs in connection with international agreements and schedules.

Consult with, and be consulted by the Secretary of Health, Education, and Welfare on the investigational new drug (IND) and approved new drug authority (NDA) status of drugs which may be beneficial in the treatment of drug abuse.

Advise the Civil Service Commission on policies and procedures for control and treatment of drug abuse among federal employees, treating drug dependent persons the same as other persons with serious health problems; and promote employee programs in State and local governments and in private industry.

Advise the Veterans Administration in carrying out the intent of Congress that all veterans receive treatment and rehabilitation services for drug abuse without regard for the nature of their discharge and without regard to whether their drug dependency was service-connected. Such services will include in-patient and out-patient care irrespective of any prior in-patient treatment, psychiatric care, counselling, vocational training, or other rehabilitation services, and the funding, setting up, or operation of residential half-way houses.

At the President's discretion, represent the United States government in drug abuse discussions and negotiations with foreign governments and before international organizations.

Convene a council of Federal officials representative of departments and agencies responsible for Federal drug abuse programs and activities to carry out the purposes of this Act.

NATIONAL STRATEGY AGAINST DRUG ABUSE

The President is directed to prepare a national strategy through the establishment of a high-level Strategy Council, consisting of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense and such other officials as the President may designate. The Director of the Special Action Office is authorized to provide whatever services are required in the preparation of such strategy. Thus, in that capacity, the Director will have a key role in pulling together the information, reports, studies, and evaluations which will form the basis of the Council's deliberations.

The strategy is to contain an analysis of the nature, character, and extent of the drug abuse problem, including an examination of the interrelationships between various approaches to solving the problem and their potential for interacting positively and negatively with one another. The strategy will include (1) a comprehensive Federal plan specifying the objectives of the strategy and how all available drug abuse resources, funds, programs, services and facilities authorized under relevant Federal law should be used; and (ii) an analysis and evaluation of the programs conducted, results achieved, and problems encountered by all Federal agencies involved.

The Council is authorized to engage in the planning necessary to achieve the objectives of the strategy; to require departments and agencies to submit such information and reports as any member of the Council may request; and to evaluate the performance and results achieved by all Federal drug abuse programs and activities.

The strategy will be reviewed, updated, and its implementation assessed by those participating in its development at least once a year.

GRANT PROGRAM

S. 2097 provides for a large-scale commitment of *new* Federal funds totaling more than $1.5 billion over five years to be administered by a newly created National Institute on Drug Abuse (within the National Institute of Mental Health of HEW) in conjunction with the policy guidelines of the Director of the Special Action Office for Drug Abuse Prevention. The program has two facets:

(i) A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial need, and need for prevention and treatment programs. Amounts authorized to be appropriated are: $15 million for fiscal 1972; $30 million for fiscal 1973; $40 million for fiscal 1974; $45 million for fiscal 1975; and $50 million for fiscal 1976.

(ii) A Special Emphasis grant program authorizing grants to or contracts with public and private agencies, organizations, institutions and individuals for projects of special significance. Activities might include training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education, and services for persons in treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs. Amounts authorized to be appropriated are: $65 million for fiscal year 1972; $175 million for fiscal year 1973; $260 million for fiscal year 1974; $400 million for fiscal year 1975 and $500 million for fiscal year 1976.

HIGHLIGHTS OF NIXON ADMINISTRATION ACTIVITIES IN THE DRUG FIELD

July 14, 1969.—The President announced comprehensive Federal and model State narcotics legislation; directed the Secretary of State and the Attorney General to explore international narcotics control; directed the Bureau of Customs to guard the Nation's borders; directed the Attorney General to create special investigative units; directed the Secretary of Health, Education and Welfare and the Attorney General to initiate authoritative education programs; and directed the Secretary of HEW to expand research.

August 1969.—United States and Turkey Agricultural Development and Control Loan Agreement provided $3 million to Turkey to allow them to buy up Turkish poppy crops. The monies could also be used to fund a 700-man enforcement force in Turkey.

September 1969.—Operation Intercept at Mexican border designed to stop the flow of marihuana and dangerous drugs into the United States from Mexico was initiated.

October 10–11, 1969.—John Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, delivered Presidential letters to President Pompidou and Prime Minister Demirel expressing personal Presidential concern over the need to curtail international trafficking in drugs.

December 3, 1969.—White House Conference on Drug Abuse for Governors.

March 9, 1970.—Attorney General Mitchell met with the Attorney General of Mexico. The Attorney General indicated his concern and the concern of the President to the Attorney General of Mexico concerning the need to curtail international trafficking of dangerous drugs. This concern was re-emphasized in repeated meetings on August 20, 1970 and March 29, 1971.

March 11, 1970.—The President announced $3.5 million Office of Education National Drug Education Training Program (as of June 1, 1971, 150,000 teachers and 75,000 students and community leaders have trained); creation of the National Clearinghouse for Drug Abuse Information; publication of authoritative book on drugs; modification in Law Enforcement Assistance Administration to allow large cities to apply for funds for drug education; development by Advertising Council of expanded public service campaign on drug abuse; intensified professional training in prevention and treatment of drug abuse; and expanded by $1 million the marihuana research program.

April 9, 1970.—White House Conference on Drug Abuse for Television Producers.

August 1970.—Egil Krogh, Deputy Assistant to the President for Domestic Affairs made an inspection tour of Vietnam to determine the extent and severity of the drug problem there.

September 1970.—John Ehrlichman, Assistant to the President for Domestic Affairs made an inspection tour of Vietnam to determine the extent and sevreity of the drug problem there.

October 1970.—The United States submitted to the United Nations amendments to Single Convention on Narcotic Drugs of 1961. The amendments were designed to strengthen the treaty on international drug trafficking.

October 14, 1970.—White House Conference on Drug Abuse for Radio Executives.

October 27, 1970.—Comprehensive Drug Abuse Prevention and Control Act of 1970, was signed. This law consolidates and revises all of the various Federal narcotic, marihuana and dangerous drug laws and also incorporates a number of innovative approaches to the problem of effective drug control. The law contains a system of drug control whereby all controlled substances are classified. Streamlined procedures enable the Attorney General to alter the degree of regulatory control imposed over a drug and in some instances, to alter the severity of a penalty imposed for an offense involving a particular drug.

October 1970.—Convened an interagency committee to recommend national drug abuse program objectives.

November 1970.—Convened a private sector panel of scientists to recommend national drug abuse program objectives.

November 1970.—The Secretary of HEW established Federal Drug Abuse Prevention Coordination Committee. This Committee was designed to coordinate, as an intergovernmental agency, all current drug prevention programs.

November 25, 1970.—The Veterans Administration announced opening of five drug treatment centers in January—the first of thirty-two that were established by October 1971.

February 21, 1971.—The United States signed the Convention of Psychotropic Substances. This Convention must yet be approved by the Senate. It deals primarily with hallucinogenic drugs such as LSD.

February 26, 1971.—Protocol creating Franco-American Intergovernmental Committee on Drug Control was signed by Attorney General Mitchell and French Minister of Interior Marcellin.

March 26, 1971.—White House Conference on Drug Abuse for Religious Leaders.

May 1971.—John Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs made an inspection tour of Vietnam to determine the extent and severity of the drug problem there. As a result of this mission and the two missions listed above, the U.S. government is now consulting with the Vietnamese government in an effort to curtail drugs in that country.

May 3, 1971.—The Commissioner of Customs implemented 100% inspection of all military and civilian mail, passengers, baggage and cargo from South Vietnam and Thailand.

May 26, 1971.—Greater restrictions on availability of amphetamines were jointly announced by the Departments of Health, Education and Welfare, and Justice.

June 3, 1971.—The President met with Cabinet members whose departments have responsibility in drug control and the Joint Chiefs of Staff to emphasize the need for action.

June 14, 1971.—The President met with senior State Department officials, Cabinet members and U.S. Ambassadors to 5 countries to underline the importance of dealing decisively with international narcotics trafficking.

June 17, 1971.—The President sent an Omnibus Drug Control Package to Congress. This package included:

—a request for an additional $155 million in drug abuse prevention funds in addition to the FY 1972 request of $216 million.

—legislation to create a Special Action Office for Drug Abuse Prevention within the Executive Office of the President. (Executive Order 11599 was issued setting up this agency on an interim basis pending legislation.)

—a stepping up of existing worldwide efforts along with new steps to secure international cooperation to control narcotic traffic.

The President named Dr. Jerome H. Jaffe, Director of the State of Illinois Department of Mental Health Drug Abuse Program as a Special Consultant on Narcotics and Dangerous Drugs and Director of the Special Action Office for Drug Abuse Prevention.

June 18, 1971.—Urine screening of all servicemen departing Vietnam was instituted.

June 30, 1971.—The Turkish Government issued a decree banning the growth of opium poppy after June 30, 1972.

July 17, 1971.—Dr. Jerome H. Jaffe reported his findings to President Nixon after returning from a visit to Vietnam.

August 6, 1971.—Effective this date new controls were put on amphetamines and methamphetamines by moving them from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

August 26, 1971.—Dr. Jaffe announced plans for a series of fact finding visits to major urban areas of the nation.

September 7, 1971.—The President announced the establishment of a Cabinet Committee on International Narcotics Control.

September 12–29, 1971.—Six Civilian Treatment Specialists provide on site technical assistance to Vietnam drug treatment programs.

September 26, 1971.—Twenty Army treatment specialists arrive in Vietnam for one year tours after a special 10 day training course with the Illinois Drug Abuse Program. Information and advice given on arrival by the six civilian specialists.

October 3–9, 1971.—President Nixon proclaims this week as National Drug Abuse Prevention Week.

October 3–5, 1971.—Dr. Jaffe made the first of 10 State fact-finding tours to Dallas, Houston, and San Antonio, Texas.

October 4, 1971.—The first Drug Abuse Prevention Stamp issued in Dallas, Texas, in conjunction with Drug Abuse Prevention Week.

October 17–20, 1971—Dr. Jaffe visited California in the second of a series of State fact-finding tours.

October 31.—

November 1, 1971.—Drug Abuse Workshop for 165 military treatment specialists at Fort Sam Houston, Texas, conducted by joint Special Action Office for Drug Abuse Prevention—Department of Defense faculty.

THE SAN FRANCISCO COMMITTEE ON CRIME: A REPORT ON NONVICTIM CRIME IN SAN FRANCISCO—PART III, DANGEROUS DRUGS AND NARCOTICS

JULY 19, 1971.

Hon. JOSEPH L. ALIOTO,
Mayor of the City and County of San Francisco, City Hall, San Francisco, Calif.

DEAR MR. MAYOR: On behalf of the San Francisco Committee on Crime, we submit to you, as the Committee's Eleventh Report, a report on Dangerous Drugs and Narcotics. The Committee's term of existence, under the resolutions of the Board of Supervisors creating it, came to an end at the close of June 30, 1971, but this Eleventh Report was adopted before June 30th. The Committee's principal funding came from the Ford Foundation, and, as we informed you in our Tenth Report, Ford Foundation extended the period of its grant to July 31, 1971, to permit an orderly winding up and the publication and distribution of the Committee's reports. Because this Eleventh Report, although adopted before June 30th, has been released after that date, only funds received from Ford Foundation have been used for its publication and distribution; no funds from the City have been used for that purpose.

All the previous reports of the Committee have been unanimous or virtually so. This is not true of the Eleventh Report. That report consists of two sections, in addition to a preliminary discussion, one on *marijuana* and the other on *heroin*. The section on heroin has been adopted by the virtually unanimous action of all members of the Committee participating. The section on marijuana has been adopted by a vote of not quite ⅔ of the participants. A ⅔ vote on *any* of the important and difficult subjects with which this Committee has dealt would be a notable achievement; it is particularly notable with respect to a subject so charged with emotion and fears as dangerous drugs and narcotics.

Yet, *in a very real sense, there is unanimity, unanimity that the present marijuana laws are too rigorous and repressive.* Attached to the report are two minority reports which speak for themselves. One minority report states that "it is not necessarily in agreement with the existing laws and procedures which may be too punitive with respect to adults who use or possess small mounts of marijuana"; the other minority report believes that the present laws are "unreasonable" as respects the severity of punishment for such offenses as the possession of small amounts." And these suggestions for amelioration come on top of the fact that California law was amended to ameliorate the penalties in 1969.

The minority reports were received as the Committee Report was about to go to the printer, and therefore the Report itself does not respond. Some brief comment, however, is in order.

The present restrictive criminal laws on marijuana were adopted in the 1930's. It was then believed that marijuana made its users into dangerous criminals. No one who has looked into that subject even slightly any longer believes that. The present fears about marijuana are, largely, of two kinds: (1) That its use leads to the use of "harder" drugs, and (2) that it makes its users "amotivational", that is, that it reduces its users to a state of passive vegetation. The Report fully discusses these two questions. The consensus at the present time is that the deleteriousness of marijuana, or its extent, remains largely unestablished. Those who oppose change in the law do not appear to contend that if those laws were not already in effect it would now be appropriate to enact them in the present state of knowledge. The view of one minority report is that, as the laws are on the books, they should stay there in view of the uncertainty of knowledge. The majority of the Committee believes that these laws that would not have been adopted on the basis of present knowledge ought not be retained.

The further statement in one minority report, that the Committee has not gathered enough data on the subject, is completely unwarranted, and it is rejected out-of-hand by the Chairman, the staff, and the majority of the Committee. The present literature is abundant and fairly uniform in its conclusions, which, as the Report states, add up to a Scotch verdict. As late as Friday, July 2, 1971, at the Commonwealth Club, Dr. Leo Hollister of the Veterans Administration Hospital at Palo Alto reported the state of present knowledge about the pharmacological aspects of marijuana quite in accord with the majority report.

Another reason for dissent expressed in the minority reports is the belief that the repeal of present laws on marijuana may be regarded in some areas as an approval of the use of the drug and might lead to the spread of its use. The majority of the Committee does not dismiss that objection lightly; the Report discusses it with care and gives it the weight it deserves. One minority report speaks of the Committee report as recommending "legalization" of marijuana as respects adults; the recommendation, of course, is for regulating the sale, possession and use relative to adults by a system adapted from the control of alcoholic beverages.

We realize that previous portions of our report on non-victim crime, such as those dealing with prostitution and pornography, have been carelessly read by portions of the public, including those who should know better. The Committee thoroughly deplores prostitution and has the utmost detestation for pornography. Yet our reports have been carelessly interpreted as an endorsement of these vices. We resign ourselves to a like misinterpretation that the Committee approves the use of marijuana, despite our reiteration that we disapprove of the use of marijuana and encourage all non-criminal processes to prevent it.

In the last analysis, the basic question is exactly the same as this Committee emphasized with respect to every type of non-

victim crime. That question is simply this: Is the criminal process the correct and effective way by which society should seek to meet a problem; are the resources of society best spent on the criminal process? We have said that the law cannot successfully make criminal what a substantial portion of the public does not want made criminal, and we know that a vast number of the citizenry—perhaps an overwhelming number of the younger generation—cannot understand and will not accept the marijuana laws. We have said that not all the ills or aberrancies of society are the concern of government; that when the government acts, it is not inevitably necessary that it do so by means of criminal processes; that every person should be free of the coercion of criminal law unless his conduct injures others or damages society; that when criminal law seeks to express a sense of public outrage, it should be sure that its sense of outrage is that of substantially the public as a whole. We have said that there is a matter of priorities in the expenditures of the energies and resources of criminal law enforcement. If we are correct in all these statements—and we are convinced that we are—then we are convinced that the conclusions expressed in the majority report are also correct, and that only formless fears deter the minority members from following to its rational end their own belief that the present law needs some change.

Inasmuch as the reports and recommendations of this Committee on matters entirely within the hands of this City have yet to be put into effect, the Committee is not so sanguine as to believe that its recommendations on marijuana, the control of which lies in the State and National sphere, will be speedily adopted. We submit the Committee Report and the minority reports in the hope that they will, at least, encourage and focus thoughtful consideration.

The control of heroin lies even more largely in federal hands, and our report on that subject is confined to an analysis and delineation of the difficulties and to pointing out the matters to which serious attention should be given.

With this Eleventh Report, the work of the San Francisco Committee on Crime comes to an end.

Respectfully,

MOSES LASKY,
WILLIAM H. ORRICK, JR.,
Co-Chairmen.

SAN FRANCISCO COMMITTEE ON CRIME

INTRODUCTION

This is the third in a series of reports by the Committee on "non-victim crimes" in San Francisco. The first report on this subject dealt with basic principles and public drunkenness. The second report discussed gambling, sexual conduct and pornography. This report covers "drugs and narcotics," concentrating on laws concerning marijuana and heroin.

Throughout our examination of laws dealing with "non-victim crime," we have been guided by the seven "basic principles" set out and discussed in some detail in Part I of this Report. We list those principles again, for they are referred to in this Report. Readers interested in the origins of these guidelines can return to Part I of this Report, which is available in local bookstores and through the Public Library. Our principles are:

1. The law cannot successfully make criminal what the public does not want made criminal.

2. Not all the ills or aberrancies of society are the concern of the government. Government is not the only human institution to handle the problems, hopes, fears or ambitions of people.

3. Every person should be left free of coercion of criminal law unless his conduct impinges on others and injures others, or if it damages society.

4. When government acts it is not inevitably necessary that it do so by means of criminal processes.

5. Society has an obligation to protect the young.

6. Criminal law cannot lag far behind a strong sense of public outrage.

7. Even where conduct may properly be condemned as criminal under the first six principles, it may be that the energies and resources of criminal law enforcement are better spent by concentrating on more serious things. This is a matter of priorities.

The only aspect of drug and narcotic use that comes within the assigned task of this Committee or within the area of its competence is to determine the part to be played by criminal law. We cannot pass on morals.

In 1960 in California, 4,245 adults were arrested for violating laws on marijuana; in 1969 there were 38,670, an increase of over 800%. In 1960 there were 910 arrests of juveniles under the same laws; in 1969 there were about 16,000, an increase of more than 1650%. For dangerous drugs the increase was even greater, both for adults and juveniles.[1]

Other available data are equally startling. In January of this year, the Federal Department of Health, Education and Welfare (H.E.W.) reported that 31% of American college students had used marijuana by 1970, and that in that year, 42% of the students in the San Mateo County High School system asserted that they had used marijuana. H.E.W. summarized a study showing that 40% of college-age residents of San Francisco who were not in school had tried marijuana by 1969.[2]

Professor John Kaplan of the Standard Law School has estimated that in 1968 state and local government agencies in California spent $72 million enforcing the marijuana laws.[3]

In 1969, 14% of all felony arrests in San Francisco were for violating the marijuana laws,[4] but 38% of all so arrested were released without prosecution,[5] doubtless because the District Attorney's Office believed that it had insufficient legally admissible evidence. Since 1969, State Law has permitted District Attorneys to charge either a felony or a misdemeanor for possession of marijuana.[6] In San Francisco, a defendant is ordinarily charged with a misdemeanor if he has no prior record of drug or narcotic convictions and he has been arrested for possessing not more than a "lid" (about one ounce) of marijuana. About 15% of all Municipal Court cases in San Francisco[7] involve either possession of marijuana or "visiting a place" where marijuana is being used.

Someone has said that statistics are used the same way a drunk uses a light standard, for support and not for illumination. Advocates for the repeal of criminal laws on marijuana and other drugs point to statistics like the foregoing as demonstrating that criminal law does not deter the use of these drugs. Another explanation would be that the social and economic conditions of the 1960's produced an upsurge of use that might have been even greater but for criminal laws. All that is speculation. We cite the statistics for the neutral purpose of showing the gravity of the problem, the enormous drain on law enforcement money and manpower, and the lack of satisfactory effect of all this effort.

CLEARING THE UNDERBRUSH

This subject of drugs and narcotics is the most difficult to analyze and resolve of all those discussed in our Report on "Non-Victim Crime." A major difficulty is that the discussion in the literature is bedeviled with hyperbole, emotion, irrational argument and pedantic quibble.

On the threshold, we note that to categorize the subject as non-victim crime is itself to vault to a conclusion over thorny obstacles. "Drugs and narcotics" are placed in that category because the user acts voluntarily. But whatever may be said about using drugs, the act of *selling* is not non-victim conduct in the case of a drug like heroin which addicts the user; one deprived of either physiological or mental power to resist is no longer a "voluntary" participant. Thus whether the act of *selling* can be categorized as non-victim conduct depends upon the nature and effect of a particular drug. Nor is it all crystal clear that the act of use is non-victim conduct; society can be the victim in several ways. For example, we said in Part I of this Report on Non-Victim Crime that:

If it could be shown that the use of marijuana threatens to reduce the next generation to a state of passive vegetation, devoid of the drive that made this nation the haven of all peoples, no stranger reason would be needed for seeking to eradicate the use of the weed by almost any means.

This states a possibility. No evidence yet discovered by us shows it to be a probability, but the reported use of heroin among the troops in Vietnam could pose a worse threat to the future of the country. The use of drugs and narcotics could also be an injury to society in ways less sweeping than that of the destruction of a generation of youth. For example, it would be so if its use were frequently to induce violent or aggressive behavior toward others. It would also be so if drug use were to make ordinary and gainful employment by the user difficult or impossible, for society would then have loaded upon its back the costs of support and medical care.

Discussion is also handicapped by the extreme positions taken by partisans on the one side or the other. At the one extreme, users are assailed as immoral or indecent, as "freaks" or misfits or as a disgrace to society. This kind of reaction gets one nowhere; the law would have no business whatever trying to prohibit adults from using drugs to get "high" or to alter their perceptions unless injury to society were also present. At the other extreme, society is itself assailed as the very *cause* of the abuse of drugs. It is argued that, while people resort to drug abuse for a variety of reasons, psychological or psychotic illness, or to find new experiences, or to do what their peers do, the unifying explanation is that drug abuse represents an attempt to reconcile serious contradictions between self and society. It is no accident, we are told, that until recently heroin was a problem confined to the ghettos of this country, and that, when young people are asked why they turn to drugs, their reply is almost uniformly that modern urban mass society is becoming increasingly inhuman. The blame is laid on pollution, racism, poverty, "loss of identity," and so on and on. When so many young people are unable to "integrate with society," when they turn to drugs as only one of a number of means of escape, it is time to look hard at society: so the assertions go.

All this may be true, or it may be only the fashion of the moment to say so. Perhaps the causes are in the very structure of contemporary civilization. And if society could find the causes and root them out, it should do so. But that truism gets us nowhere in finding an answer to the only aspect of drug and narcotic use that comes within the assigned task of this Committee or within its area of competence, which, as already observed is to determine the part, if any, to be played by criminal law.

In the previous paragraphs we have sometimes spoken of "drug abuse" rather than "use," and of "dangerous" drugs instead of merely "drugs." We have done so to avoid the pedantry of being told that coffee, tea, nicotine and alcohol are drugs or narcotics, that there are legitimate drugs and legitimate uses for even dangerous drugs and narcotics, that "dangerous" drugs and narcotics can be administered and controlled in small

Footnotes at end of article.

doses without harm, and that even drugs like aspirin can be harmful if abused. All that is true; even LSD might have a legitimate use in the hands of expert researchers; marijuana was once prescribed by physicians for some purposes. But observations like these simply enmesh rational analyses in irrelevant distinctions. Suffice it to say, once and for all, that when this Report speaks of drugs, it means "dangerous drugs" within the meaning of current law, and when it speaks of use it means "abuse."

Another red herring frequently drawn across the path of rational consideration is the assertion that alcohol is far more injurious to the user and society than any other drug whether legal or illegal. The late Louis S. Goodman, Chief Judge of the United States District Court in San Francisco, used to comment impatiently on the habit of attorneys to defend a charge of wrongdoing with the riposte that someone else or some other conduct was equally as bad or worse. The use of alcohol is as old as mankind and is to be found in every civilization and culture; in a sense it is symbiotic with man himself. Whole ways of living and coping with it have arisen, and mankind evidently must endure it while enjoying it. Efforts to eradicate its use have failed. The fact that alcohol is abused to the injury of society is no reason whatever for permitting the introduction and spread of other abuses not yet so ingrained in our social structure, even though they may not be so harmful, providing it is *reasonably* possible to prevent them. Nor should the effort to prevent them be deterred by cries from the young that their elders are guilty of "hypocrisy." The history of the use of alcohol can, however, teach us one valuable lesson. The failure of the Volstead Act and the 18th Amendment does warn us that criminal sanctions do not work when a large segment of society is opposed to them and that, on the contrary, severe prohibition can produce evils such as organized crime. If, in what we have said above, we have expressed some impatience with certain arguments for change in drug laws, we have equal impatience with opponents of change when they speak of "legalizing (or illegalizing) marijuana or heroin." Any drug is a mere physical object. It can be neither legal or illegal. All that can be made illegal is human conduct. The appropriate question, therefore, is: What human conduct with respect to a given drug or narcotic should be illegal? With the question thus properly stated, one can begin to distinguish between types of conduct instead of making lump judgments.

Each type of drug or drug abuse must be examined on its own and handled on its own. To that end we now review the subjects of marijuana and of heroin. We shall not touch on other substances in this Report. We refrain from doing so for lack of time and study.

A. Marijuana[8]

This Committee does not condone or endorse the use of marijuana or any drug that may be mind-altering. On the contrary, we deplore that use and encourage searching for proper and successful ways to discourage it. But the assigned area of concern of this Committee is to determine what part criminal law should play in discouraging that use.

The starting point of that consideration ought to be a determination of what deleterious effects marijuana produces. No member of this Committee is persuaded that marijuana is not really injurious to the user or only mildly so. Rather, we simply find the whole voluminous literature unsatisfactory. Partisans on both sides are intemperate, untrustworthy and unreliable; the conclusions drawn by more temperate and sober writers from their data are unpersuasive.

On the one hand we know that the active ingredient in marijuana is the same as produces hashish, and that historically hashish has been considered an evil in the Oriental countries of its use. Despite the fact that defenders of marijuana often cite the findings of the Indian Hemp Commission of 1894, India today prohibits hashish. On the other hand, medical studies are cited, from the La Guardia Report of 1944 to a recent report of the United States Department of Health, Education and Welfare[9] and a more recent one by Dr. Lester Grinspoon.[10] The various reports becomes involved in quibbles about what constitutes "addiction;" the defenders of marijuana claim that it is not addictive because there are no physical withdrawal symptoms, their antagonists retorting that its use creates psychic dependence. One group asserts that the use of marijuana causes users to abandon motivation and to become socially indifferent; the rejoinder is that "present evidence does not permit the establishment of a causal relationship between marihuana and the amotivational syndrome."[11]

The antagonists of marijuana argue that its use leads to the use of harder drugs. The soberest reply is that it does not "necessarily" do so "directly," and that the fact that a high percentage of heroin addicts have used marijuana is a coincidence stemming from the character of the users.[12] While the evidence is that a large percentage of heroin users have used marijuana the evidence does not show that a large percentage of marijuana users have turned to heroin. Advocates of change in the marijuana laws sometimes do concede that denizens of the drug sub-culture use a variety of drugs and, starting with marijuana, move on to others. But they argue, quite persuasively, that what throws the marijuana user into the drug sub-culture is the fact that its sale and use are made illegal, forcing the user to procure it from drug pushers and to use it in drug-oriented surroundings.

Neutral observations concede that psychotic episodes have followed use in high dosages and even use at levels of social usage "in particularly susceptible individuals."[13] Dr. Grinspoon has written: [14]

"While there can be no question that the use of psychoactive drugs may be harmful to the social fabric, the harm resulting from the use of marihuana is of a far lower order of magnitude than the harm caused by abuse of narcotics, alcohol, and other drugs. Marihuana itself is not criminogenic; it does not lead to sexual debauchery; it is not addicting; there is no evidence that it leads to the use of narcotics. It does not, under ordinary circumstances, lead to psychoses, and there is no convicing evidence that it causes personality deterioration. Even with respect to automobile driving, although the use of any psychoactive drug must perforce be detrimental to this skill, there exists evidence that marihuana is less so than alcohol. Marihuana use, even over a considerable period of time, does not lead to malnutrition or to any known organic illness. There is no evidence that mortality rates are any higher among users than nonusers; in fact, relative to other psychoactive drugs, it is remarkably safe."

This hardly exonerates marijuana; comparison of marijuana with alcohol or other drugs is, as we have suggested, an irrelevance. But, on the other hand, Dr. Grinspoon's statement adds up to no severe condemnation.

The Crime Committee concludes that it cannot return a verdict about marijuana of either "guilty" or "not guilty." We return a "Scotch verdict" on the present evidence; that is, the evils of marijuana use are *not proved*. With that verdict, what is the question to be answered? It is *not* whether marijuana should be used. Every member of the Crime Committee opposes its use. The question is something entirely different. The critical question is this: How far is the *criminal law* justified in imposing its criminal sanctions on a not proved verdict?

Bearing in mind that the physical object—marijuana—can be neither legal nor illegal and that only human conduct can be, the question must be separately asked relative (1) to minors and (2) to adults. And as respects adults, it must be separately asked of (a) use, (b) possession, (c) sale, and (d) commercial exploitation.

1. *Sale of Marijuana to Minors and Possession by Minors:*

The fifth principle stated in Chapter I of Part I of this Report on Non-Victim Crime is this:

Fifth principle: "Society has an obligation to protect the young, and it may be appropriate for government to intervene by imposing criminal controls on adult relations with the young although controls on similar relations between adults would not accord with our other principles."

The doubts about the effect of marijuana compel us to recommend continued prohibition of sale to minors. An adult may be left free to take chances on his own condition, to play Russian roulette if he will with his own mind and character. By definition, a minor is not yet mature enough to reach sound judgments for himself, and doubt should be resolved for the minor's protection. With the trend toward reducing the age of majority to 18, the young will soon enough reach the age of choosing their own route. The law prohibits sale of alcoholic beverages to minors, although alcohol has long been with us; marijuana, a relative upstart, should fare no better. The prohibitions on use of marijuana by minors should parallel those with respect to alcohol.

2. *Use of Marijuana by Adults:*

The case as to adults is different. And it is different for several reasons.

First, as we have seen, the verdict on marijuana is a "Scotch verdict"—*not proved*. Certainly, on a not proved verdict, criminal law cannot impose its criminal sanctions on the user who is more a victim than he is a perpetrator of evil.

Opponents of change in the law argue that if the evidence is uncertain, the status quo should be maintained by leaving the law as it is. But those laws originated when legislators assumed that the dangers of marijuana were far worse than a dispassionate examination of the evidence now available warrants. If that evidence would not warrant enactment, now, of the highly restrictive laws presently on the books, it cannot justify their retention. In a free society there ought always to be a presumption against illegalizing conduct until evidence is produced to warrant criminalization.

In the second place, educators tell us that by casting the whole marijuana scene into a criminal underworld, minors are estranged from sound counselling. It is said that minors can more readily be deflected from use of marijuana if it is regulated and controlled as alcohol is.

Finally, our conclusions are fortified by the socially injurious consequences flowing from attempts to enforce the present statutes. We find, in the literature on the subject the following, which we are persuaded do exist:[15]

(1) Users of marijuana, mainly the young, perceive no rational distinction between the dangers of alcohol and cigarettes and those of marijuana. Consequently, "massive numbers of young people today regard the marijuana laws as one of the clearest examples of their elder's hypocrisy." And since numerous young persons have used marijuana, widespread disrespect for law and for law-making institutions has arisen. (The invalidity of the charge of hypocrisy would not alter the fact that young people believe it.)

(2) By exaggerating the dangers believed by the young to be possessed by marijuana,

Footnotes at end of article.

the law degrades its educational effect with more dangerous drugs.

(3) Because the enforcement of marijuana laws requires the police to conduct searches of persons, homes and cars for small quantities, feelings of hostility toward the police are created.

(4) Possession of marijuana has come to be associated with several identifiable segments of society—those with long hair, juveniles and ethnic minorities. Enforcement "... contributes to the hostility of three groups that one might most wish to bring into the mainstream of our society: the alienated middle-class drug-user, the high school youth, and the inhabitants of our urban Negro and Spanish-American ghettos."[15a]

To this list may be added the fact that use of marijuana has made its way to some extent into the San Francisco middle-class business and professional communities. As was said in Part I of this Report:

"The law cannot outrun the public conscience—not simply the public conscience as professed from its pulpits and by its public figures, but the public conscience as demonstrated by how the public lives."

The soundness of our recommendation that the law cease criminalizing the use of marijuana or a visit to a place where it is used is fortified by the fact that the courts by and large have come to look with distaste on enforcing these laws. A defendant who pleads guilty in San Francisco to a misdemeanor charge for one of these violations is likely to receive a suspended sentence with a year's probation; and some judges will impose a $50 fine. In 1969 the courts disposed of the cases of 328 defendants who were originally charged with felony possession but whose charges were reduced to the misdemeanor "visiting."[16] Consequently, of the 702 felony cases pending in Superior Court in San Francisco on May 1, 1971, only 43 involved isolated charges of possession or sale of marijuana.[17] During the same year only one person convicted of a marijuana offense in San Francisco was sent to state prison, and over 75% were given straight probation.[18] In the entire state during 1969 only 1.7% of those convicted of felony possession of marijuana were sent to prison, and 56% were placed on straight probation without any jail time at all.[19]

One of the principles stated in Part I of this Report was that even where conduct may properly be condemned as criminal under other principles, "it may be that the energies and resources of criminal law enforcement are better spent by concentrating on more serious things. There is a matter of priorities." That principle is particularly applicable to marijuana where it is dubious that use should be made criminal under any principle. Because possession of marijuana is still a crime, the police spend considerable time and energy on the matter. Then each case is handled by a Deputy District Attorney, and many cases are handled by the Public Defender's Office. As already noted, 15% of all cases in the Municipal Court deal with marijuana, and they consume the time of a judge, a court reporter and two bailiffs. Yet, in the end, most of those convicted are treated with more leniency than common drunks. The judicial system is recognizing that it has more important things to do than to spend time and resources on processing most defendants arrested for possessing marijuana.

Another perversion of priorities worked by the marijuana law is with respect to the work of the San Francisco Police Crime Laboratory. That agency is responsible for conducting various scientific tests—for the police and the District Attorney—ranging from blood types to tool mark identifications. Currently it employs a criminologist and three assistants.[20] According to charts prepared by the laboratory, each criminologist handled slightly more than 200 narcotic cases in 1960, but in 1969 this peaked at 1000 (nearly five times as many), declining slightly to about 900 in 1970. The total number of narcotic cases in the laboratory in 1960 was about 400; in 1970 it was over 3,900, an increase by a multiple of about 10. During the same period the number of criminologists increased from only two to four, and the laboratory estimates that 38% of its staff time is now devoted exclusively to marijuana analysis alone.

The number of many other scientific tests, normally associated with serious offenses, has decreased. A summary of crime laboratory cases for the years 1960, 1969 and 1970 is found in Appendix A to this Report, but we note the following here:

In 1960 the laboratory processed 106 casts (either plaster, moulage or silicone) but only eight casts in 1970. It performed 182 blood analyses in 1960 but only 85 in 1970. It made 170 tests for semen in 1960 and only 64 in 1970. It performed 19 microscopic examinations on hair and fibres in 1960 and only 5 in 1970.

The statistics for 1970 may be imprecise; an unknown number of tests may not be tabulated in the official report. Moreover, more criminal cases were disposed of on a plea bargain in 1970 than in 1960, and where a case is disposed of by a negotiated plea rather than trial, the crime laboratory may not have to perform tests. Nonetheless, the fact remains that the number of laboratory tests associated with serious offenses has declined during a period when offenses of the identical type reported to the police have more than doubled.[21] Criminologist Williams estimates that his staff would have to be doubled to do all that it should be doing. During the same period the "clearance rate" for serious crimes—murder, manslaughter, forcible rape, robbery, burglary, aggravated assault, larceny and auto theft—has declined by nearly a third to about 13% of all reported cases.[22]

The conclusion of the Crime Committee is that the *demonstrable* harm associated with marijuana does not justify the voracious demands on the resources of criminal justice made by the marijuana laws. The police, court system, and correctional resources are desperately needed to handle matters demonstrating greater harm to society. Add to these "economic" costs the social costs of the marijuana laws, and we have no doubt that the use of marijuana should be handled outside the criminal justice system.

Consequently, the Crime Committee recommends:

"Repeal the laws prohibiting the use by adults of marijuana and prohibiting adults from visiting a place where marijuana is used as now provided in the California Health & Safety Code Section 11556."

If and when medical evidence is developed that shifts the verdict from non-proved to guilty, this recommendation can be reconsidered.

3. *Possession of Marijuana by Adults:*

Thus far we have been speaking of use of marijuana and of visiting a place where it is used. We still must answer the question, what should be recommended about possession and sale.

The answer about possession is relatively easy. Possession of a "small" amount is probably for personal use and should be treated the same way as use, that is, it should not be made criminal. Possession of a "large" amount should be treated the same way as sale, since there is a reasonable inference that one who possessed a "large" amount will either sell it or give it away. A "large" amount is an amount more than sufficient for one person's use for several days, and, when and if it should be necessary to make the distinction, it may be left to testimony before a legislative committee to determine the dividing line.

4. *Sale of Marijuana to Adults:*

Curiously, writers who almost feverishly oppose the marijuana laws become uncertain of their ground when they turn to consider sale to adults. We encounter proposals for a system of government monopoly of sale or government licensing of a limited number of vendors. We are not impressed by the proposal. The sale of marijuana to adults can be regulated by laws on the general order of those regulating alcoholic beverages. We recommend simply that sale of marijuana to adults, within that kind of regulations, should not be subjected to criminal sanction unless and until medical evidence, by moving the verdict from "not proved" to "guilty," requires reconsideration.

We are impelled to this conclusion by two sets of considerations:

1. Government monopoly presupposes that the traffic is evil and therefore not to be left in private industry. But if the traffic be evil, organized society should not indulge in it.[23] Moreover, any system of licensing that is more selective or restrictive than our present system of alcoholic beverage control is fruitful for bribery and corruption.

2. The fourth principle set forth in Part I of this Report was:

When government acts, it is not inevitably necessary that it do so by means of criminal process. * * * The methods of the criminal law may be ill suited, or there may be better ways of achieving an end, better ways to deter or rehabilitate than to arrest, charge with crime, prosecute, convict and sentence.

By criminalizing manufacture or sale of various drugs and narcotics, what the law hopes to accomplish is: (1) To deter the manufacture, or (2) to deter those who might use or experiment with the drugs or narcotics by stamping them with a stigma of dangerousness, or (3) to rehabilitate the offender.

Criminal law has not been spectacularly successful in achieving any of these goals. Where the evil is great, even modest success will justify the effort. Where the evil is dubious, that is no longer true. The lack of success in achieving its goals as respects marijuana seems inherent in the nature of the things sought to be regulated. If the threat of criminal sanctions is to have any effect, there must be a real fear of arrest. But usable quantities of virtually every illegal drug or narcotic can be carried or secreted in a coat pocket, glove compartment, drawer or other hiding place, and ordinarily in a private residence. Police detection of the "crime" is extraordinarily difficult. The contrast with robbery, burglary, assault, rape, homicide or auto theft is striking, for in these offenses the offender must intrude upon others or accomplish his crime in a public place, with greater chances of identification, detection and arrest.

Of course, the deterrent effect of making conduct criminal depends only partly on the fear of arrest. Perhaps in greater degree it rests on the stigma of social disapproval or social warning of danger. By making the possession of certain drugs illegal, the law announces that their use will result in harm to the user. But this warning of dangerousness has not been taken seriously. To the extent that criminal laws declare that certain drugs are dangerous or harmful, they are widely disbelieved by a sizeable segment of young people simply because these laws are handed down by the "establishment." Moreover, young people in their twenties and even into their thirties, are the largest users of marijuana. Having used marijuana, innumerable young persons believe that they have discovered for themselves that the harms from the drug are not nearly so great as the law had claimed.

Whether their judgment in this respect is sound is irrelevant. The relevant fact is that they believe it. Some even carry this belief into distrust of warnings about the harms resulting from hard drugs.

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If the sale of marijuana were no longer criminal, the cost of acquiring it would decline, for it can grow almost anywhere. There would then be no incentive for purveyors to push it, unless it can be merchandised and exploited on a large scale just as cigarette manufacturers have exploited cigarettes and brewers have exploited beer with suggestions that the use of cigarettes or beer creates virility and allure.

5. *Commercial Exploitation:* Advertising of marijuana should be prohibited. The very doubts which call for legalizing use call for prohibiting mass enticement to use. While no longer criminalizing use, society should continue efforts to educate against use; and those efforts would be out-matched by multimillion-dollar advertising budgets spent by the equivalent of the large cigarette companies. Were advertising permitted, any change toward prohibiting marijuana, if and when new evidence developed, would encounter the entrenchment of vested interests. Nicotine and alcohol have become vested. There is no reason to permit this to happen with marijuana.

The sale of marijuana should not become "merchandising." To that end interstate and foreign commerce in marijuana should also be prohibited, as a way of keeping the sale of the drug from becoming a large-scale operation. On the other hand, if importation into the state is prohibited, it seems evident that production of marijuana within the state must be permitted to avoid restoring the business to black market operation. Production for sale should be subjected to regulations paralleling those governing production of alcoholic beverages. Included in this type of regulation could be provisions fixing standards of potency, particularly maximal limits. Also included in this type of regulation could be stiff taxation, as in the case of alcoholic beverages. The tax should not be so stiff, as in the case of "hard" narcotics, as to drive the business underground into the hands of pushers and racketeers, but stiff enough to dampen demand and discourage idle experimentation.

MORE ON WHETHER CRIMINALIZATION SHOULD BE RETAINED AS A DETERRENT

Some people who follow the chain of reasoning that has led us to our conclusions, admitting the truth of every link in the chain, balk at the end at the conclusion. They do so out of an uneasiness or tormenting fear that if criminalization is abandoned, many people will take to marijuana who do not use it now. Nobody knows the certain answer. Repealing prohibition of marijuana use might result in an increase of use for awhile by some people. Probably most of those who would turn to the weed would try it only once or twice as an experience but would soon drop it or use it only occasionally.

A few might go on to frequent use. But, in order to appraise what injury to society would follow, we must consider once more the physiological aspects of marijuana use. Unlike heroin, use of marijuana is easily ended. The hard narcotics produce an irresistible "craving"; lack of the drug produces the tortures of "withdrawal"; continued use produces increasing "tolerance," so that more and more is needed to obtain the desired effect. One thing about marijuana that seems clear is that its use does none of these things. There are no withdrawal symptoms; there is no increasing tolerance; craving is psychological, as with cigarettes, not physiological. In short, if some spread of use should follow repeal of prohibitions, it is likely to be a transistory phenomenon, subject to reversal by education without the counterproductive effect of the policeman's billy club and the filthy jail.

Moreover, the fear that repeal will lead to a spread of use is, we think, more a subconscious reaction than a rationally held belief. Many who oppose repeal favor reduction of the penalties. Indeed, California has already moved in that direction and if California fails to move even further, it may well be left behind the march of events throughout the nation. If continued criminalization is justified as a deterrent, reduction of penalties will diminish the deterrence and leave the laws largely dead letter, resting in the books for use by police or prosecutor whenever it suits their purposes.

If one favors reduction of penalties, if he believes that smoking a half "joint" is no basis for being imprisoned, then he does not really think that the use of marijuana is a serious injury to society. Continued prohibition of use then becomes nothing more than an expression of moral condemnation. And moral condemnation is no basis for criminal law.

Among the seven basic principles enumerated in Chapter I of Part I of our Report on Non-Victim Crime was this:

Sixth principle: "Criminal law cannot lag far behind a strong sense of public outrage. This is the other side of the coin from first principle. Although criminal law cannot outrun the public conscience in condemning conduct, neither can it hold aloof entirely from a public sense of outrage. If the law suffers when it tries to do too much, it also suffers when it does not do what most people feel strongly that it ought to do. Because the sixth principle acts as a counterbalance to some of the others, it must be applied with great circumspection. Before applying it one must be certain that his personal sense of outrage—his personal morals—or that of his group is that of the public as a whole."

It appears to us that the opposition to change of the marijuana laws expressed by many responsible people is explicable only under a variation of this sixth principle. It is not so much a sense of outrage but a fear or terror of something unknown. The majority of the Committee is unable to see in the evidence any valid basis for that fear; the majority does not believe that unsupported fear is enough basis for keeping and trying to enforce laws that divide the generations so sharply.

RECAPITULATION

The sum of our recommendations concerning marijuana is as follows:

1. Repeal the laws prohibiting the use by adults of marijuana or forbidding adults from visiting a place where marijuana is used.

2. Repeal the laws prohibiting possession by adults.

3. Repeal the laws prohibiting sale of marijuana to adults and regulate sale to them by laws on the general order of those regulating alcoholic beverages.

4. Continue to prohibit sale to minors and possession by minors.

5. Prohibit any advertising of marijuana.

6. Prohibit the importation of marijuana into California (probably would require federal action).

7. Regulate the production of marijuana in California for sale by laws similar to those regulating the commercial production of alcoholic beverages.

8. Devise and expand a vigorous educational campaign about marijuana.

We do not propose that society discontinue efforts to deter people from using marijuana. Its use is probably not as deleterious as its most earnest detractors say, but certainly people would be better off without it. In an age when human wits are most needed, they should not be subjected to manipulation or alteration by drugs. We simply conclude that the criminal process is not the way to go about achieving the goal given the present state of evidence. Indeed, removing the stigma of criminality may remove the attraction of the illicit and eliminate the impetus to use that comes from bravado.

Criminalization has failed; we suggest that society now try non-criminalization.

We have one more recommendation: Until such time as the laws on marijuana are changed, what should the authorities in San Francisco do about enforcing them? In the Chapter on basic principles we said:

"The following chapters of this Report will propose the repeal of certain laws. Obviously, the City of San Francisco has no power to repeal State or Federal statutes. But until such time as Congress or the State Legislature sees eye to eye with San Francisco, this City can choose what it will enforce, for its coffers pay the bills. It can choose its priorities. If it should decide that it is poor policy to 'bust' a small gambling game in the Fillmore, the police need not arrest and can preserve its manpower for more vital work. If an arrest is made, the District Attorney need not prosecute. However, lest there be misunderstanding, we emphasize two cautions. The first is that once a case reaches a court, no judge is free to ignore the law or make up his own rules. But matters need not reach the courts. Jurists have long recognized that a system of criminal law would break down were there no play in the hinges, points where the officers of justice can exercise discretion. Our second caution is that individual policemen cannot be let to decide what laws to enforce or when. What we say is that, pending repeal of legislation, all the agencies of justice, under strong central municipal leadership, can together lay down a policy to follow, open and above-board, and proudly declared to the State and Nation."

We recommend that course with respect to marijuana to the end of laying out a policy of action as close as is possible to what it would be under the kind of law we recommend.

At the risk of repetition but so that a hasty reader may not be mislead, we conclude by saying: No responsible reader of this Report should take the Crime Committee's recommendations regarding marijuana to mean an endorsement of marijuana's use. On the contrary, we oppose its use by anyone, but we believe that our present criminal laws on the subject do more harm than good in forwarding that opposition.

B. Heroin

When one turns from marijuana to the "hard" drug heroin, a wholly different set of considerations is apparent.

The use of heroin is unmitigatably bad. It is destructive to the user, and it is destructive to society. No one is more contemptible than the vendor or pusher who "hooks" another into use for the sake of profit. If society is ever justified in punishing anyone for the sake of revenge and detestation rather than for determent or rehabilitation, it would be justified in doing so to the vendor of heroin. And as already said, the sale of heroin simply is not properly in the category of non-victim conduct.

The problem with putting down the use of heroin is simply one of efficacy. What method will really work? Once again the question must be divided into user and supplier. And the first question is what to do with the supplier.

1. *Possession and Sale of Heroin:*

We recommend that present laws making the sale of heroin criminal be kept in effect and enforced. Possession by an addict of a "small" amount is probably for personal use and should be treated the same way as use, a subject discussed below. Possession by an addict of an amount greater than one's personal needs for several days should be prohibited as being possession for sale. Possession of any amount by a non-addict (other than a physician or researcher) should be treated as possession for sale.

But this is not enough. Little is accomplished by catching and punishing the local pusher who is himself likely to be an addict

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and in any event, as a retailer, is a relatively minor cog in the distribution machinery.

The addict pusher needs treatment. The non-addict pusher belongs in prison. But the local pusher is "small potatoes" in the problem.

Heroin is an opium derivative. Either it or the materials from which it is made come entirely from abroad. The major effort must be that of the federal government to stop importation, or, if possible, to cut off the source by inducing foreign countries to discontinue cultivation. What local police can do is minor. This Committee is primarily concerned with recommendations that can be carried out by the City Administration or by state law, and it is not for us to make recommendations to the federal government in the area of international relations on how more effectively to prevent the cultivation of the opium poppy or the importation of heroin.

The unvarnished fact is that the present system of illegalizing sale contributes to making the problem infinitely worse, unless something more is done. It makes the price of heroin enormously high. Thereby it makes the profits of the illicit business attractive it becomes profitable to "hook" an innocent and convert him into a permanent customer. It drives the customer to crime to support a habit that levies a crime tax on society of $100 per day per addict. An average habit costs the user conservatively $20 per day,[24] and it is estimated that in order to fence enough to support an average habit costing $20, an addict must obtain in some manner $100 worth of property each day. Estimates of the number of addicts in the City vary, but the lowest estimate given the Committee in a survey of drug-treatment facilities in the City[25] puts the figure at 5,000 addicts. This means that if only one-half of San Francisco's minimal addict population steals only one-half of what they need to support their habits (getting the rest by pushing, pimping, hustling, or working at an honest job) addicts are responsible for more than $45 million dollars worth of property crimes in San Francisco each year. That amount of property loss exceeds the annual budget of the Police Department.

The circle is vicious, so vicious and so serious as to justify some bold experimentation. That experimentation cannot be done at the local level because the field is controlled by the federal government with its prohibitions, although changes of federal law can be supplemented by local activity.

Experimentation should start by examining what other countries are doing to ascertain their successes and failures. In England, the control of narcotic drugs by physicians was first defined by the Dangerous Drugs Act of 1920.[26] In the several years following passage of this law, there was considerable confusion as to the circumstances under which the law allowed physicians to prescribe heroin and morphine to addicts.[27] Consequently, a committee of the Ministry of Health—the Rolleston Committee—was appointed to bring more certainty to the interpretation of the law, and in 1926 this committee issued a report recommending that physicians be allowed to prescribe narcotics to patients who, after serious attempts at rehabilitation, were unable to abstain from drugs.[28] Physicians were given wide discretion as to dosage and patients were not required to register as addicts with any public authority. These guidelines of the Rolleston Committee defined the parameters of narcotic control in the United Kingdom until 1968.

For awhile this method of treating the problem seemed exemplary. The number of British addicts was small—in the hundreds—as opposed to the thousands of addicts in New York City alone. They were mostly middle aged, employed, and not involved in crime. Like the 19th century addicts in the United States, most British addicts had become addicts through the administration of narcotic drugs by doctors in connection with medical treatment for disease.

In the late 1950's, health officials became alarmed at the rapid increase in the United Kingdom of non-therapeutic, non-middle aged, unemployed addicts. A new committee was appointed in 1958, the Brain Committee. In a second report in 1965 it found that there had been a disturbing rise in heroin addiction, especially among young people, and attributed the main source of supply to overprescribing of these drugs by a small number of doctors.[29] Upon the recommendation of the Brain Committee, Parliament in 1968 removed dispensing of narcotic drugs from the hands of private physicians. Special treatment centers were established, particularly in the London area, where any addict who registered could receive drugs. Only doctors on the staff of the centers were allowed to prescribe heroin.

During 1968, the first year in which addicts were required to register, the number of narcotic addicts known to the Home Office rose to 2,783 from 1,729 the year before, and from 753 in 1964.[30] The most striking increase was in the number using heroin—2,240 in 1968, as compared with 1,299 in the previous year. The number of known addicts under age 20, nearly all heroin users, increased between 1967 and 1968 by 93%. Seventy-nine percent of all heroin addicts were under 25 years old.

If these figures represent the number of addicts who began using narcotics during the period covered, they would throw grave doubt on the English system in effect before 1968 and raise question whether the change in 1968 was sufficient. However, it is likely that until 1968, when addicts were first required to register in order to obtain their narcotics, statistics were inadequate and grossly understated the facts.[31] And not all the addition to the ranks of addicts are British subjects. Many addicts have migrated to England in order to escape the sanctions of their own countries and to obtain narcotics easily.[32]

Even so, it is likely that addiction in the United Kingdom, as in the United States, has rapidly increased among the young. During the 1960's the "drug culture" among the young which originated in the United States has spread to many other nations. England, which had never before experienced widespread delinquency, dislike for the police, and violent crimes has begun to be "Americanized" in this respect. During this period it experienced an increase in use, not only of narcotics, but of all categories of drugs among the young, including LSD. No one can tell what increase in drug addiction would have occurred in the United Kingdom if the drugs had been outlawed as in the United States. Whereas the number of addicts in the United Kingdom still remains under 3,000, there are over 5,000 addicts in San Francisco alone. Moreover, there is no way to tell how much organized criminal activity has been prevented in England by the legal distribution of narcotics to addicts. We do know, however, that in 1970, the Home Office and the Ministry of Health were convinced that there was no evidence of criminally-organized control of narcotics distribution in the United Kingdom.[33]

It is impossible, as yet, to assess the success of the new English method of narcotics clinics. Addicts can no longer visit several doctors or grossly overstate their needs and thereby acquire narcotics for distribution. Each addict is registered at a clinic and may be observed and "tested" by clinic personnel before being given a narcotic.

To transplant the English system to the United States would require amendment of federal law so that the federal government, with the aid of state and local governments, would supply heroin free or inexpensively to all *addicts*. Were this to be done, we think that the system should be more rigorously applied than in England; the heroin should be administered to the addict at the clinic by government employed medical personnel and not allowed to be taken away on prescription.

The arguments in favor of this system run as follows:

No profit would be available to the private vendor, for it is inconceivable that anyone would buy or pay a high price when he could get his heroin free. With the profit gone, the whole vicious business would collapse. The government clinics would not supply heroin to non-addicts. The non-addict would not be able to obtain it privately because there would be no incentive to pushers to hook him or to risk the penalties of violating criminal law against importation and sale for the simple reason that, once a person became hooked, he would be eligible to obtain his heroin free from a clinic and would immediately cease to be a customer of any private vendor. The petty profit still available to private vendors from an occasional sale would no longer warrant the risk of violating the criminal laws. Furthermore, as all addicts would be placing themselves in trained medical hands, efforts at rehabilitation could be stepped up.

In response to the fear that supplying heroin would create crime, two facts are stated as fundamental:

1. Although heroin is a destructive drug to the addict, it is also a tranquilizer or depressant. Contrary to popular opinion, there is no evidence that heroin itself induces violent or aggressive behavior or that heroin increases sex drive. Indeed, the opposite is true. While under the influence, an addict is ordinarily extremely passive.

2. The numerous crimes perpetrated by addicts are almost all perpetrated in order to get money to obtain the drug. With the narcotic supplied free or cheaply, that drive to crime would vanish.

Such a system of government dispensing of heroin would have to be accomplished on a nation-wide level, first, because federal law pre-empts the field, and, second, because any state that attempted it alone would soon become a haven for the nation's addicts.

Objections to the English system, even as more rigorously applied, come readily to mind. There is something obnoxious about the government supplying dangerous drugs to its citizens. The use of heroin produces a "high," a kind of orgasm, and the user demands his dose four or five or six times a day. We have been told that the heroin cannot be handled safely even by doctors.

Even so, if the choice lay solely between the present American system of rigorous criminalization and the modified English system, the balance might tip in favor of the latter. Fortunately, the choice may not lie solely between these two. The use of *methadone* may be a better solution. Methadone is a synthetic narcotic chemically related to heroin. It is addictive, discontinuance produces withdrawal symptoms, its use must be continuous. But its advocates say that it produces little "high;" it ousts the craving for heroin. Its effect lasts for 36 hours, so that infrequent dosing is necessary. Above all, while the methadone user is addicted to it, his behavior is so different from that of the heroin user that he can live as a normal productive person in society. Since the methadone is inexpensive, it is claimed that administration of that drug has reduced crime enormously, for those who receive it no longer turn to crime to support the habit. It is claimed that in San Francisco it has worked a "cure" of 95% of the heroin addicts to whom it has been administered by converting them to methadone addiction. This is contrasted with other forms of treatment which have a cure rate of possibly 5%. Only about 395 people are under methadone treatment in San Francisco.[34]

The San Francisco Committee on Crime cannot assume to evaluate methadone. We

Footnotes at end of article.

are aware that there have always been fads and fashions in medicine and that the wonder chemicals of one decade often become the villains of another. The merits of methadone are for medical men to say. The problem of the law is not to prescribe treatment but to devise a legal system that makes it possible for medicine to bring its talents and expertise to bear.

Our recommendation: Our recommendation is simply to emphasize that the time has come for all the federal government to make a thorough and objective analysis of the benefits and harms of a system of government controlled clinics that dispense, free or at nominal cost, methadone, heroin, or whatever other drug or treatment experts should conclude is even better. We have been told that most addicts of heroin are wearied of being tied down to the heroin rack, would welcome being taken from it, and would choose methadone were it readily available.

On the other hand, we have been told that many addicts, particularly those who have not been hooked for a substantial period of time, will not voluntarily chose methadone over heroin. Moreover, we do not know whether heroin could be dispensed successfully in conjunction with other drugs like methadone. For example, if clinic physicians were able to dispense heroin in some cases, would that in itself diminish an addict's incentive to go on methadone? These questions we cannot answer. We need immediate study by the federal government, and we then need the courage and willingness to experiment.

We are mightily persuaded that one's chances of cure or rehabilitation are better as a frequenter of the clinics than as a denizen of the drug sub-culture where the influences brought to bear are those of the pusher.

2. *Use:*

Thus far we have been speaking of the sale and supply of heroin. We have recommended no change in the prohibitions on private sale and supply, but we have said that something more must be added because the present system is not effective.

What, then, about our laws making use of heroin a crime?

The user is more a victim than a wrongdoer. Certainly he is a victim once he has become an addict. The United States Supreme Court has held that the condition of being an addict cannot be punished as a crime.[35] Making use of heroin a crime is a singularly ineffective procedure. One cannot tell how many people have been deterred from use by the fact that use is criminal, but we do know that alarmingly large numbers have not been deterred. We suspect that most of those who do not use heroin are deterred by intelligence, knowledge and fear of the consequences other than criminal punishment.

If some system of dispensing narcotics at government clinics should be established, then the use of the narcotic outside the clinics should be made criminal, as a measure to force the addict to the clinic. But if there are no clinics, we are troubled by the use of criminal process to prevent a man from doing what the addiction deprives him of the power to resist.

Moreover, making use a crime seems in the current jargon, "counter-productive" to rehabilitation. Just as one can never know how many people have been deterred from experimenting with drugs because of the threat of criminal law, one cannot know how many drug users have been deterred from seeking treatment because of fear of arrest. The Committee's staff has surveyed many of the drug-treatment facilities in San Francisco and has found a uniform consensus that fear of arrest has been a major obstacle to successful drug treatment.

There are no rehabilitative or treatment resources for people sentenced to San Francisco's County Jail for drug abuse. For state prison, the Department of Corrections provides some psychiatric and psychological counseling (including encounter groups), but the Department's main drug treatment resource is the California Rehabilitation Center at Corona, commonly called "C.R.C." [36] Most commitments to C.R.C. occur after a defendant, in a criminal proceeding, has been convicted of a crime, often by entering a guilty plea.[37]

Unfortunately, most addicts who are sent to the California Rehabilitation Center for "treatment" have relapsed into drug use after leaving this institution, according to Dr. John Kramer, formerly Research Director at C.R.C., and Richard A. Bass: [38] "By spring 1968, 6½ years after the program's inception, between 6,000 and 9,000 individuals had been committed, and about 5,200 of them were still in the program. Of the 5,200 about 2,600 (50%) were in the institution, about 1,800 (35%) were on active parole, called OPS, and about 800 (15%) were on inactive OPS, that is, at large or in jail." Out of the nearly 9,000 individuals who had been committed to the program since its inception in 1961, only 300 had been discharged for having successfully completed the outpatient program by 1968. In a follow-up of the 1,209 people placed on OPS for the first time between June 1962 and June 1964, Dr. Kramer found that two-thirds returned to the institution at least once during the first three years of their release.

The heroin user should not be punished for use; he should be treated. The utilization of criminal process as a machinery for treatment and rehabilitation has not been successful. On superficial consideration, one might therefore slip into a recommendation that unless and until some system of clinics to dispense narcotics is established, the laws making *use* of heroin a crime should be repealed, and that the addict should be handled through a method of civil detention.

But a study of alternatives fails to unearth anything materially better than handling use through the criminal system or anything essentially different except in terminology.

TREATMENT AND REHABILITATION OF THE USER

To do more for the addict than keep him addicted, society must be willing to make a very large investment in facilities and personnel to provide the "treatment" everyone agrees is required—medical treatment, job counselling, education—a full range of costly services over a very long period of time. So far, there has been nothing like what would be required to have meaningful treatment programs on a scale to match the problem, and nothing indicates society is willing to devote a substantial portion of its resources to costly long term rehabilitation of drug addicts. To the extent that facilities and personnel are made available, clear priority should be given to addicts enrolled in *voluntary* programs in view of the history of failures in the involuntary programs.

That kind of program can be enormously costly, but in the end, if it conquers the drug problem by taking the addict off drugs, it will have conquered a substantial portion of the crime problem in the United States, and it will have cost society vastly less than the tax levied by the drug addicted criminal. We have estimated that heroin addicts cost San Francisco alone, by property crimes, a loss of at least $45 million per year. Multiply this figure for one city by the "crime tariff" in New York City and throughout the nation, and we can see that the public is being saddled with vast losses. Devoting even a portion of that amount to methods of cure and rehabilitation simply makes sound sense even without regard to dictates of humanity and concern for the future of the make-up of the Republic.

It must be emphasized, and it cannot be emphasized too much, that any person who voluntarily places himself in the way of cure and treatment should have complete immunity from prosecution or conviction.

What, then, is to be done for those who will not voluntarily place themselves in the way of cure if and when really adequate facilities are available.

If a system of government dispensing of narcotics to addicts should be adopted, then care and treatment of addicts could be handled largely on a voluntary bssis. But until such a system can be adopted, the situation continues that addicts must pay high prices for illegal narcotics and must, therefore, resort to crime, including hooking others to obtain money for their habits. The addict is therefore a constant threat to the peace and safety of society. The danger and threat are so serious that society is justified in pushing to the very limits of the Constitution in seeking ways of prevention. Prevention means detention. Detention should be coupled with efforts at cure and rehabilitation. Those efforts to date, at least until the advent of methadone, have not been singularly successful. Thus efforts at cure and rehabilitation became largely prolonged detention.

The problem is how the law can go about making it possible for the physicians, psychiatrists, and behavioral scientists to perform their task if abusers of dangerous drugs or narcotics do not voluntarily choose care or treatment.

It would be easy simply to change labels, continue to use the compulsory instruments of criminal law, and pretend that the various functions and agencies of criminal justice are now agencies of a medical model. For example, certain officials, called "Drug Abuse Diagnosticians" instead of police, would pick up possessors of dangerous drugs or narcotics, instead of "arresting" them, and hold them for review before a "Drug Abuse Civil Commitment Agency" instead of trying them before a court. Then if this agency should find that a person should be "committed" to an institution for "care and trestment" instead of convicting him, it could so commit him instead of "sentencing him to prison." This would be an easy course, but it would also be quackery. In the end, any system of civil detention for rehabilitation or cure against the will of the detained person is essentially the use of criminal process. We might as well call it what it is, thereby retaining constitutional protections, and concurrently shape the detention toward cure and rehabilitation and away from punishment.

During the past year, the San Francisco Committee on Crime compiled a Directory of Drug Treatment Facilities in San Francisco. This Directory, the only one of its kind in the city, has gone through two printings, and more than 10,000 copies have been distributed to schools, churches, youth groups, hospitals, etc. In the course of compiling that Directory, we encountered numerous different theories and models of drug abuse treatment. While we neither endorse nor disapprove any of the drug treatment schemes operating in the City, it is likely that *each abuser of drugs or narcotics is an individual with peculiar problems and needs and goals.* We believe that drug abuse treatment stands the best chance for success when medical, psychiatric and behavioral experts are permitted by law to prescribe and require care and treatment in their absolute discretion.

CONCLUSION ON HEROIN

At the outset of this section of our Non-Victim Crime Report on Dangerous Drugs and Narcotics, we said that it was the most difficult subject with which we had to deal. We can now sum up some of the difficulties and dilemmas presented by heroin.

We have adverted to a system of detention for purposes of cure and rehabilitation without conviction first of crime. But to detain a man against his will in order to cure or rehabilitate him, when he has violated no criminal statute, raises feelings of discom-

Footnotes at end of article.

fort, to say the least, in a free society, if not severe constitutional doubts. And, yet, an addict free of detention is likely to commit crimes of burglary and the like to obtain funds to serve his addiction. To prevent the commission of such crimes, society can arrest and incarcerate him for preventive detention. But, a free society cannot feel comfortable with arrest as a means of preventive detention. Of course, if the use and possession of heroin remain prohibited by criminal statute, the addict can be convicted and incarcerated constitutionally as punishment for a "crime." But to make a man a criminal and to punish him as such for committing acts which the use of drugs has made him incapable of avoiding is also repulsive. All these difficulties can be escaped by the proposed government administration to the addict of methadone and, if necessary, heroin. But that proposal is abhorrent to some people and uncomfortable to many more. No choice is a pleasant one. Society must grapple with the difficulties and select the one that combines the best promise of success with the least abhorrence.

As an aid to making the right choice, we enumerate a number of facts:

(1) Heroin is unquestionably destructive both to the user and to society.

(2) Efforts to date by criminal law to check heroin traffic have been singularly unsuccessful. Major arrests are few and do not visibly decrease the traffic.

(3) Long-range solutions to the heroin problem must be found in efforts by the federal government to stop opium cultivation, heroin refining, and importation, and in massive educational programs aimed at the drug.

(4) The cure rate of heroin addicts by conventional involuntary treatment is very low.

(5) Heroin addicts are desperate and will get the drug one way or another. They will steal, and if necessary kill, to obtain heroin.

(6) Under the present laws, the only way they can obtain heroin is by purchasing it from the underworld.

(7) Heroin users rarely commit major crimes while under the influence of the drug. They do commit crimes in order to obtain money to buy their next fix or to keep themselves supplied.

(8) A conservative estimate of the amount of property stolen by heroin addicts in San Francisco each year is 45 million dollars. (This sum exceeds the annual budget of the Police Department.)

(9) If we cannot effectively reduce the harm that an addict does to *himself*, we can substantially reduce the harm the addict inflicts on society. At this time, there appear to be only two ways of having a substantial effect on the heroin crime cycle. The *first* alternative is to place addicts permanently in institutions. This is punishment for illness. The *second* alternative is to establish government controlled medical clinics where, if nothing else succeeds, heroin could be administered, not handed out, to confirmed heroin addicts on the educated, experienced judgment of physicians. This would substantially reduce crime, the role of the commercial peddler, and the likelihood of peddlers attempting to hook our youth.

CONCLUSION

The reader will perceive that we make no cut-and-dried recommendation. We have pointed up the problem and delineated the choices. We have done all we can if this Report opens up thoughtful debate.

MINORITY REPORT

We do not agree with the Report or recommendations of the Committee majority on Dangerous Drugs and Narcotics. We regret that the Committee issued an opinion and recommendations on this subject—a subject we believe deserving of more careful study and evaluation than the Committee gave to it. Our brief comments concerning the recommendations on marihuana illustrate our disagreement. We deem fallacious the Committee's argument that because there is a conflict of opinion as to whether the use and possession of a "small" amount of marihuana by adults and the sale of it to them is harmful to society, therefore the existing laws should be repealed and such use, possession and sale should be legalized.

To the contrary, we believe that just because there is such a sharp conflict of opinions on such a serious subject, the total reversal of the present laws without further study would be misleading and do disservice to the community. Based upon the small amount of evidence presented to the Committee, it appeared that there were two completely conflicting views. One view was that marihuana is not one of the causes of crime and violence nor does it lead to the use of addicting drugs, particularly heroin. The other point of view was exactly to the contrary. The proponents of neither point of view could point to any evidence by way of scientific study, research, available statistics or opinion of so-called experts in the field which could in any way be deemed to be substantially in support of their particular point of view. We, the minority of the Committee, are not necessarily in agreement with the existing laws and procedures which may be too punitive with respect to adults who use or possess small amounts of marihuana. However, we cannot accept the principle that because present laws may be too harsh they should be repealed in their entirety as to the class of adults affected by the majority recommendation.

Such repeal at this time would suggest, despite any disclaimers, that the Committee after careful study recommends that society sanction the use of marihuana as medically and socially acceptable. We would then be making a positive educational statement about marihuana use which our study does not warrant. The minority believes that the entire problem deserves much more careful and considerable consideration than this Committee has given to the issues and that until more substantial evidence has been presented supporting the view that legalized use and possession of marihuana by adults will be relatively harmless, the recommendations of the Committee majority are misleading and should not be adopted.

That the conflict of views results in what the majority term a "Scotch (inconclusive) Verdict" does not necessarily justify the jump to the conclusion that existing laws should be repealed and use and possession by adults should be legalized. Legalization should only follow the positive verdict of the scientific community that the bases upon which the laws are founded are proven to be wrong. Short of that proof, consideration should be given to moderation of the laws and changes in the procedures of handling drug abuse victims so that those laws will be helpful rather than punitive with respect to users. All of the laws relating to Dangerous Drugs and Narcotics are presently under intensive study in many places.

The following members of the Committee concur with the above:

*Alessandro Baccari
*Gene N. Connell
*Dr. Leon J. Epstein
**Reverend Albert R. Jonsen, S. J.
Samuel Ladar
*Lawrence R. Lawson
*William Osterloh
*Mrs. Becky Schettler
*Zeppelin W. Wong

*Dissenting only on marijuana section of Report.
**Not participating on heroin section of Report.

SUPPLEMENTAL MINORITY REPORT

In addition to my agreement with the minority report concerning marijuana, I should like to add the following supplemental comments:

For most persons, for most varieties of the substance generally used in this country, and for most situations, the occasional use of marijuana has not proven injurious. One simply cannot deny the fact, however, that for certain people, in certain situations, and in certain dosages, marijuana is indeed a harmful substance. There are ample data which demonstrate that there can be behavioral toxicity with marijuana which may include impaired thinking and judgment, slowed motor responses, and with potent material, psychotic reactions. As with LSD, opiates, amphetamines, and cocaine, the important and meaningful hazards are in the area of behavioral, rather than tissue, toxicity.

Although the recommendation for legalization of marijuana is certainly not an endorsement of its use, and this was clearly not the intention of those who have endorsed the majority report, many would at least interpret this as an endorsement. In the current complex society, where individual citizens do not possess the technical information or the machinery to reach an informed opinion about the hazards, risks and dangers relative to the toxicity of chemical agents, they increasingly look to their government for protection, whether in canned tuna, sugar substitutes, or other substances. We must, therefore, beware of misleading many of the great majority of Americans who have not experimented with marijuana because they believe it to be unsafe in the light of current restrictions.

It is of importance, also, for one to be aware that experience in this country with marijuana is rather limited to about a five year period of its wide usage, and to relatively low dosages of weak material. We must not dismiss reports and studies from other countries because they are not consistent with our own data. More conclusive data should be obtained before recommending the changes suggested in the majority report, data which may need several more years to accumulate. This is important because should deleterious chronic effects appear after marijuana is legalized, it will be exceedingly difficult to reverse either the trend of wider usage or government policy. This would surely suggest caution in recommending the legalization of marijuana. Also suggestive of caution is the fact that there are data which suggest that the current extensive use of marijuana may be a fad which will ultimately go the way of other transient fads and premature legalization may interfere with this natural process.

There is frequently expressed conviction that marijuana restrictions tend to criminalize youth. It is a fact, however, that certain other laws such as parking, speeding, and other traffic laws, are very often violated and often both inconsistently and irrationally enforced. These traffic laws nevertheless serve a very useful social purpose. Marijuana restrictions probably act as a deterrant much as do the traffic laws, and both may well have desirable effects on the behavior of many individuals.

Certain aspects of the present marijuana laws do, however, appear unreasonable. This is particularly true for the severity of punishment for such offenses as the possession of small amounts of the substance. Among other questionable issues is that of the selective enforcement of laws concerning marijuana which results in far greater arrest frequency within certain age and socio economic groups. The net effect of such issues in the light of our present knowledge is not, however, sufficient at this time to recommend its legalization, as recommended in the majority report.

FOOTNOTES

[1] California Bureau of Criminal Statistics, *Drug Arrests and Dispositions, 1969*, p. 1.

[2] United States Department of Health, Education and Welfare, a Report to Congress: *Marihuana and Health*, Jan. 31, 1971, pp. 35–38.

[3] John Kaplan, *Marijuana, The New Prohibition*, World Publishing Co., 1970, p. 29.

[4] California Bureau of Criminal Statistics, *Crime and Arrests, Reference Tables, 1969*, Table II, p. 22; *Drug Arrests and Disposition In California*, Reference Tables 1969, Table IV, p. 9.

[5] This figure was computed by Mr. Bruce Johnson, a sociologist at the University of California at Berkeley, in connection with a study of felony release rates prepared for the Crime Committee in December, 1970. Mr. Johnson's source data consisted of Monthly Adult Felony Arrest Reports submitted by the San Francisco Police Department to the California Bureau of Criminal Statistics.

[6] See Sec. 17 Penal Code, as amended, Sec. 11530 H. & S. Code.

[7] Based on all cases filed in Municipal Court Departments 9 and 10, January 1, 1971–May 1, 1971.

[8] Because of correct pronunciation of this Mexican word, its spelling is sometimes anglicized as "marihuana," as in the Report of the U.S. Department of Health, Education and Welfare.

[9] U.S. Department of Health, Education and Welfare, *Marihuana and Health*, a Report from the Secretary to Congress, January 31, 1971.

[10] Lester Grinspoon, M.D., *Marijuana Reconsidered* (Harvard University Press, 1971).

[11] *H.E.W. Report*, p. 10.

[12] *Id.* at p. 16.

[13] *Id.* at p. 11.

[14] Grinspoon, pp. 25, 26.

[15] John Kaplan, "Marijuana" *supra*, note 3, contains a convenient portrayal of these consequences. While we do not agree with all of Professor Kaplan's book, there is much useful material in it.

[15a] Kaplan, *supra*, p. 42.

[16] San Francisco Police Department, *Annual Report, 1969*, p. 173. The common practice of reducing a charge of felony possession to "visiting a place," a misdemeanor, has since become infrequent, because state law was amended in 1969 to permit charging possession of marijuana as a misdemeanor. See Sec. 17 P.C.

[17] Source: List of Cases Pending, prepared by the San Francisco District Attorney's Office. In addition, there were 56 pending cases in which a marijuana charge was joined with other felonies.

[18] California Bureau of Criminal Statistics, *Felony Arrest Dispositions in San Francisco, 1969*, Table 2.

[19] California Bureau of Criminal Statistics, *Drug Arrests and Dispositions in California:* Reference Tables, 1969, Table 33, p. 33.

[20] Between 9 and 11 police officers are also assigned to the laboratory's "mobile units," which travel to the scene of crimes and collect evidence.

[21] From 30,919 actual Part I offenses in 1960 to 83,481 in 1970. San Francisco Police Department, *Annual Report*, for years indicated.

[22] *Id.* A case is "cleared" when the police believe that it is "solved," either by arrest, by the death of a known suspect, by a discovery that the reported crime did not, in fact, take place, etc.

[23] Addictive narcotic drugs pose a unique problem. Whether society should engage in the traffic of that peculiar evil is discussed later in this Report.

[24] A study of 435 patients at the Haight-Ashbury Free Clinic, surveyed between November, 1969, and May, 1970, revealed that 47% had a habit costing less than $50 per day, while 38.2% had habits costing between $50 and $100 per day. About 15% of these patients had habits in excess of $100. See: Gay, Bathurst, Matzger, and Smith, *Short Term Heroin Detoxification on an Outpatient Basis*, Haight-Ashbury Free Clinic, 1970.

[25] Conducted during May, 1971.

[26] 10 and 11 Geo. 5, c. 46 (1920).

[27] This history is found in Lindesmith, "The British System of Narcotics Control," 22 *Law and Contemporary Problems*, 140 (1957).

[28] Report of the Departmental Committee on Morphine and Heroin Addiction, Ministry of Health, United Kingdom, (1926).

[29] Second Report on the Interdepartmental Committee, Ministry of Health, United Kingdom, "Drug Addiction in the United Kingdom," in *Bulletin on Narcotics*, Vol. XVIII, April–June, 1966, p. 27.

[30] See: "Drug Addicts," in *Lancet*, Aug. 9, 1969, p. 332.

[31] See: "Drug Addicts," in *Lancet*, Dec. 28, 1968, p. 1398.

[32] One-fourth of all addicts recorded for the first time in Britain between 1960 and 1964 were *not* British citizens. See: Bewley, T., "Recent Changes in the Pattern of Drug Abuse in the United Kingdom," in *Bulletin on Narcotics*, Oct.–Dec., 1966, p. 4.

[33] Lieberman & Blain, "The British System of Drug Control," in *Drug Dependence*, March, 1970, p. 12.

[34] The City runs four methadone clinics, serving about 260 patients. Another clinic is sponsored by Fort Help, a private organization. The Fort Help methadone program currently serves about 135 patients.

[35] *Robinson v. California*, 370 U.S. 660 (1962).

[36] For an analysis of the C.R.C. commitment, see Appendix B.

[37] See Secs. 3050, 3051 W. & I. Code.

[38] See Kramer and Bass, *Institutionalization Patterns Among Civilly Committed Addicts*, 208 Jour. Am. Med. Assoc. 2297, 2300 (July 1969).

[39] We call attention to our discussion of this subject in the Fifth Report of this Committee on "Bail and O.R. Release."

crum on which all the efforts included in the bill crystallized, and that is Dr. Jerome Jaffe whom President Nixon appointed to be his special White House consultant on this subject, and who, I am confident, will be nominated as Director of the Special Action Office on Drug Abuse, provided for in this bill.

Mr. President, I strongly support the "Drug Abuse Office, Control and Treatment Act of 1971 (S. 2097). I am pleased to have played an active role—in both the Government Operations and the Labor and Public Welfare Committees, which developed this landmark legislation in cooperation with the administration.

Year after year, I have been concerned with the magnitude of a drug problem which has bled us of the resources and spirit of so many of our young people. It is really almost a cliché to continue to point to that cost—particularly in my own city of New York—in terms of broken lives, estranged parents and children and lost opportunities. The demonstrable relationship between narcotics addiction and the incidence of serious crime is beyond dispute. In toto, the problem constitutes one of the most pervasive tragedies of our time.

For years also, the emphasis and focus of the Federal effort in the drug abuse field has been wrong. The result has been a consistent pattern of inconclusive results, despite the good will and determination of many dedicated Federal, State and local officials.

Law enforcement, treatment, research, education, and prevention programs have been in disarray and have had an insubstantial total impact on the problem. The effort has been without a clear and precise focus, founded on attainable and coordinated objectives.

It has been without a strong and visible institutional mechanism for establishing national policies on drug abuse—and capable of influencing real change at the State and local level.

It has been without adequate research efforts in all aspects of the drug abuse field. In the critical areas of drug use and dissemination patterns, and trafficking, we know painfully little.

It has been without the substantial new Federal funding support which is absolutely essential to any serious effort to begin to have an impact on the problem.

It has been without an effective evaluation system, so that we might really know how effective the many different Federal and federally supported programs are, both in the area of treatment and law enforcement.

This comprehensive bill which calls for a long overdue Federal attack on the critical national drug problem represents a triumph of bipartisanship, incorporating the best provisions of the administration's drug bill, S. 2097, and similar bills introduced by other Senators.

Under the leadership of the distinguished chairman of the Government Operations Committee, Senator McCLELLAN, and Senators PERCY, GURNEY, RIBICOFF, and MUSKIE and the distinguished

Mr. PERCY. Mr. President, I am happy now to yield 5 minutes to the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. I thank the Senator from Illinois very much.

Mr. President, first, I wish to associate myself with the fine things said about all the members of both committees by the Senator from Illinois and the Senator from Connecticut.

Let me say that I like so much working with the chairman of the Alcoholism and Narcotics Subcommittee, the Senator from Iowa (Mr. HUGHES), who has dedicated himself in an unparalleled way to seeking solutions to the problem of drug abuse.

The Senator from Illinois is not only the acting ranking member of the Government Operations Committee but he threw himself into the struggle with great energy and characteristic skill. His State of Illinois has given us the individual who turned out to be the ful-

chairman of the Labor and Public Welfare Committee, Senator WILLIAMS, and its Alcoholism and Narcotics Subcommittee chairman, Senator HUGHES, many difficult issues were worked out, and an excellent bill was reported to the Senate.

The largest single obstacle to the achievement of an intelligent, coordinated, and consistent drug policy at the national level has been the fragmentation of effort in drug abuse control among so many Federal and local agencies, each of them jealously guarding its independent prerogative and authority. The bill addresses that problem forthrightly and directly.

The bill provides, first, that the President, acting through a strategy council composed of the Director of the Special Action Office, the Attorney General, the Secretary of HEW, the Secretary of Defense, and others, would develop a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted or supported by the Federal Government. The strategy would consist of a complete analysis of the present drug problem, a detailed comprehensive Federal plan for combating it, and an evaluation of programs carried out to date, and would be promulgated annually.

Second, a Special Action Office for Drug Abuse Prevention would be established in the Office of the President. The office would be headed by a Director—who will be Dr. Jerome Jaffe, an extremely well-qualified man—to provide overall planning and policy and establish objectives and priorities for all Federal education, training, treatment, rehabilitation, and research programs. Such programs in the Departments of Health, Education, and Welfare, Justice, OEO, Veterans' Administration, State Department, Civil Service Commission, and the Defense Department would thus come within this purview. It also allows the Special Action Office Director to make recommendations and consult with all departments concerning national and international control programs.

Third, the bill establishes a National Institute on Drug Abuse within the National Institute of Mental Health of HEW. The institute would administer ongoing drug programs, in accordance with the policies, priorities, and objectives of the Special Action Office Director, thus acting as his implementing arm, as well as two new grant programs created by the act:

A. A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial needs, and need for prevention and treatment programs.

B. A special emphasis grant program, which would authorize grants or contracts for projects and activities of special importance. Such activities would include training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs.

Fourth, require the Veterans' Administration to furnish treatment and rehabilitation services for drug dependence, and require the Civil Service Commission to establish drug abuse prevention and treatment programs for Federal civilian employees, thus assuring treatment as a health problem.

I would commend to the attention of my colleagues the careful examination which the committee gave to its determination of the authorization levels in the bill for the new formula and special emphasis grant programs. The committee was deeply concerned about the need for adequate funding of all types of drug abuse prevention, treatment, and rehabilitation programs and recognized that in one facet of the drug abuse problem, the treatment of heroin addiction, the range of costs vary with the treatment modality—whether methadone maintenance programs, methadone maintenance with ancillary services, drug-free programs, including therapeutic communities, ambulatory care, or correctional institution programs—and the possibility that, if any or all of these programs were more effectively organized and operated, their respective costs for treatment could be substantially reduced from the best estimates available to the committee.

The committee, in determining authorization levels, utilized computer technology in determining the cost factor for the treatment of heroin addicts. It first made certain assumptions regarding the total number of addicts in treatment over the life of the bill and the percentages of those addicts in voluntary care—with different modalities of treatment being provided at different reasonable estimated cost levels, for example, ambulatory care, residential care, and acute care. It then factored in the number of addicts in involuntary commitment, from civil commitment to incarceration, also providing different treatment programs at different cost levels. In addition, the authorization levels provided for in this legislation take into account existing Federal funding and are not limited to treatment programs for heroin addicts but include the [illegible] of services to other drug-dependent persons and the need for prevention and research programs in this field.

Mr. President, my own city of New York is, tragically, the best reason for saying "it is high time" for this new approach. New York City is literally being suffocated by crime which is induced by narcotics addiction. We are regrettably estimated to have about one-half of the narcotics addicts in the country—about 125,000. When we recognize that the total number of addicts enrolled in all New York treatment programs is approximately 25,000 to 30,000 out of this figure, and when we realize that the addict has to steal $50 to $80 a day in order to maintain his habit, we can begin to understand why the city is suffocating in the situation.

One thing that the Senate should note is that we are bereft of adequate research to find a suitable antagonist for heroin so that we can repel the drug and effect a cure.

Because of the bankruptcy of a cure at this time, it would appear that the most effective interim course would be to have some substitute for heroin itself, and they find that methadone maintenance has great merit, and is coming into wider focus.

We find in New York City that there are some 18,000 individuals in all forms of treatment under a citywide census which we have just taken. This is outside the voluntary organization treatment, and some treatment by the State of New York. Of these 18,000, over half are on methadone. The remainder are on drug-free programs. Yet we have an estimate of 15,000 addicts waiting for the methadone treatment, which is almost unforgivable considering the crime generated by their continuing addiction to heroin.

I think we are on the threshold, because of this landmark legislation, of a breakthrough in one of the most critical social and medical problems which our country has ever known.

Mr. President, I again want to pay special tribute to Dr. Jaffe, and also to the Senator from Iowa (Mr. HUGHES), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maine (Mr. MUSKIE) and others on both committees who worked on this legislation. We have actually computerized the authorization estimates, based on scientific criteria.

As I have indicated, these authorizations are not extrapolated from the hearings. They are not picked out of the air. They are the computerized product of a series of assumptions, soundly based on factual and scientific information.

These postulates I will introduce into the RECORD because every member should see them, especially members of the Appropriations Committee. Mr. President, we have a table showing exactly how many addicts we expect to treat, and what the costs would be for the treatment.

[Dollars in millions]

Year	Number of addicts in treatment	Total cost
1972	60,000	$156
1973	90,000	236
1974	120,000	315
1975	180,000	473
1976	250,000	657

In my judgment it is one of the finest and most scientific jobs ever done in presenting an authorization to the Congress. It shows a respect for the Senate which is very hard to duplicate. These authorizations are very soundly shaped. We will have a right to fight for every dollar of appropriation money because they are really based on criteria which deserve respect and deserve to be followed.

For all of these reasons, I consider this bill to be a landmark breakthrough, a triumph of bipartisanship, and a triumph of the scientific approach to the authorization process in legislation.

Financial resources while vital cannot alone solve the drug abuse problem. We need the coordinated Federal response, provided for by this bill, if we are to maximize the impact of the substantial resources we are investing in the solution to this problem. S. 2097, a bill of many authors, is a practical, basic blueprint to catalyze the existing fragmented proliferation of drug abuse programs. I urge its passage. To enact this legislation, is to insure that our Nation will have a more unified, better coordinated attack on the drug problem which so tragically afflicts so many of America's young people.

Mr. HUGHES. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

PRIVILEGE OF THE FLOOR

Mr. HUGHES. Mr. President, I ask unanimous consent that Mr. Steve Wexler of the staff of the Labor and Public Welfare Committee be granted the privilege of the floor during the debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, the bill we are considering at this time is of landmark significance to our national effort for the control of drug abuse and narcotic addiction in the United States.

The Drug Abuse Office and Treatment Act has had an interesting journey thus far in the Senate. It was introduced by Senator PERCY on June 18 of this year and then referred to the Government Operations Committee, chaired by Senator MCCLELLAN. There it was considered by two different subcommittees—Senator MUSKIE's Subcommittee on Intergovernmental Relations and Senator RIBICOFF's Subcommittee on Executive Reorganization.

On November 17, the bill was reported out of the Government Operations Committee with substitute amendments contained in titles I to III. These titles include provisions for the setting up of the special action office in the White House and for the development of a comprehensive, long term national drug abuse strategy.

The bill was then referred to the Labor and Public Welfare Committee, chaired by Senator WILLIAMS, in accordance with a previous unanimous consent agreement of the Senate. In that committee, it received consideration by the Subcommittee on Alcoholism and Narcotics, of which I am chairman, and of the full committee. As a result of those deliberations, the Labor and Public Welfare Committee has recommended that amendments be made adding titles IV through VIII to the titles reported by Government Operations Committee. The amendments have now been agreed to.

The preliminary work in developing this comprehensive, compromise drug legislation was marked by a bipartisan legislative and legislative-executive cooperation exceeding anything I have seen before in this field. The subcommittees maintained very close communications during every phase of the bill's consideration, and each subcommittee and committee had considerable impact on the titles reported by the other. I believe this has resulted in an unusually strong compromise bill in a sensitive and controversial problem area.

I shall be happy to direct myself particularly to titles IV–VIII of the bill in the event that there are questions regarding these titles. This is the section that our drug subcommittee and the Labor and Public Welfare Committee worked on the most closely. My colleagues will recall that provisions of these later titles are quite similar to provisions which already passed the Senate twice last year, but were not accepted by the House because that body had not yet had time to hold hearings on them.

This legislation really can be held up as an example of what can be done with committees of Congress and the White House and their staff working together. Much work has been done by each individual Senator and each individual committee and the staff as a whole, and we have brought to the floor the product of their long study, and deliberations.

My comments on the bill at this time will be brief and general in the interests of conserving the time of the Senate. For the benefit of those colleagues who would like more detailed information concerning the titles of the legislation with which the Labor and Public Welfare Committee was most specifically concerned, however, I would like to ask unanimous consent that a summary of the legislation and excerpts of the Labor and Public Welfare Committee's report on the bill be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. At the outset I want to give appropriate credit to the Senators responsible for this outstanding bipartisan effort that involved countless hours of patient and skillful negotiating between the various parties with special interests in the bill. That a constructive compromise of this caliber could be reached reflects credit on the White House and on a number of key Senators, including Senators PERCY, JAVITS, RIBICOFF, MUSKIE, PACKWOOD, GURNEY, and others. The chairmen of the Government Operations Committee and the Labor and Public Welfare Committee, Senators MCCLELLAN and WILLIAMS, were closely involved with the legislation, too, and were responsible for speeding its passage through their respective committees. As one who was immersed in the effort to develop comprehensive drug legislation over a period of 3 years, I have been greatly reassured that this level of bipartisan cooperation could be reached in such a sensitive and explosively controversial area.

Mr. President, I believe this legislation is most significant because of the commitment it embodies, on the part of the Congress and the executive branch together, to the national effort to prevent drug abuse and to treat and rehabilitate its victims, rather than just to punish them. Those most knowledgeable in the drug field have long pointed out that to make any real progress in drug abuse control, we must get at the problem at its source—the illness, the addiction itself.

This approach does not, in any sense, contradict the need for strict, enforceable laws and efficient law enforcement. But it has not always been understood how a health-oriented approach to the drug problem can diminish crime, as well as save human lives. The majority of drug dependent persons who resort to criminal acts do so to get money to feed their uncontrollable drug-craving, and not because they were criminally inclined to begin with. As we know, over 50 percent of the populations of our big city jails are drug dependents. But if all we do is to send the narcotic addict to jail, he will eventually be released, uncured, and in most instances will go back to a life of crime to support the costly addiction from which he cannot escape without help. It is estimated that from 70 to 90 percent of the addicts who are placed in our big city jails are back again within a year.

From a very practical standpoint, the old system of treating drug addicts as criminals, rather than sick people, has failed to curb the rising tide of crimes in which drugs are involved.

It is time to try a new approach—a massive, national effort to control the demand for illicit drugs, as well as to suppress the supply to the best of our ability.

I believe the passage of the legislation we are considering today will be a significant force in reducing crime as well as in redeeming human lives.

In the past 3 years, the Subcommittee on Alcoholism and Narcotics has found that one of the most critical needs was for a coordinated, long-term Federal drug policy—a need that is met by the proposed legislation we are considering.

The bill sets up mechanisms on two levels to deal with the present lack of coordination. First, it would establish a National Drug Strategy Council to develop a complete analysis of the present U.S. drug problem, to work out a detailed comprehensive Federal plan for combating it, and to appraise the various drug programs carried out to date.

The strategy must be promulgated by the President once a year. In the past, our law enforcement efforts in the drug field have too often been at cross pur-

poses with our health efforts. There have been cross currents between Justice and Health, Education, and Welfare, within the Department of Defense, and between other Government departments. It is little wonder that the general public has been so confused.

The strategy provisions in the proposed bill are designed to minimize these differences within the various governmental departments.

Second, the proposed bill would give the Director of the Special Action Office the authority to establish overall planning and policy, and set priorities for all Federal drug abuse programs and activities relating to training, treatment, education, rehabilitation, and research. This should bring a consistency of purpose in our overall national policy and eliminate much of the overlapping of jurisdictions and bureaucratic infighting that presently exist in connection with our Federal drug control efforts.

The legislation before us, Mr. President, also makes a commitment to assist in funding State and local prevention and treatment programs on a scale and scope never before embodied in Federal law. The bill elevates the National Institute of Mental Health drug program to Institute status and broadens its mandate from a narrow, psychiatric approach to a broad responsibility "to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines."

It establishes a formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. A total of $180 million is authorized for these programs over the 5-year authorization period.

The proposed legislation also establishes a special emphasis grant program which would authorize grants to or contracts with public or private agencies outside of the Government. Such activities would include training seminars and educational programs for public and private employees; vocational rehabilitation counseling; model programs within State and local criminal justice systems; and research grants to discover or improve substances and techniques for use in drug abuse control. Approximately $1.3 billion would be authorized for these programs over the 5-year authorization period.

Finally, the proposed legislation contains provisions which will assure prevention and treatment services to those persons to whom the Federal Government owes special obligations—veterans and Federal employees. The bill provides that veterans are entitled to receive treatment and rehabilitation services for drug dependency irrespective of the terms of their discharge. It also requires the Civil Service Commission to establish drug abuse and treatment programs for Federal civilian employees.

There can be no doubt, I am convinced, that there is overwhelming public support for providing our veterans with drug treatment services, especially since a significant percentage of those veterans who are on drugs became involved with the habit in the armed services, particularly Vietnam.

With regard to drug control programs among employees, it is worth noting that the Federal Government has for years been encouraging private businesses to install such programs. At the same time, the Federal Government has not taken action to establish such programs within its own vast employment establishment.

As I have been saying for years, it seems self-evident to me that the Federal Government has an obligation to lead the way—to create a Federal employee drug control program that will serve as a model for organizations in the private sector and for our various State governments.

The Drug Abuse Office and Treatment Act, Mr. President, meets this long-standing need, as well as the many others that have been cited. The proposed legislation represents the thinking of ranking authorities in the drug field; literally hundreds of hours of committee deliberations and hearings; and a reasonably worked out bipartisan meeting of minds.

For these reasons, I am pleased to speak in favor of the legislation before us and urge my colleagues on both sides of the aisle to vote for its passage.

Mr. President, I think it is imperative that at this hour, this late hour in this particular year, that this body support this bill—hopefully with a unanimous vote to show to the Nation that the cooperation in the Federal system, both in the legislative and executive branches of Government, is such that when we face a critical problem—as we are facing in drug abuse and drug dependence in America—that we have the ability to drop our partisanship, and, in spite of strong differences, to work out compromises that are reasonable. By doing this, by setting up agencies that can coordinate our efforts in the future, making sure that the funds are distributed to all levels of Government as well as to private agencies, we can reach into every small town community in rural America and in our major cities.

This measure is aimed at prevention as well as at treatment and rehabilitation. It is directed toward the veterans of our Armed Forces, and it is directed toward Federal Civil Service employees. With this comprehensive approach, Mr. President, I believe that the Federal Government is finally meeting a commitment that it should have made a long time ago. As we have been learning in America, so have we also been learning in Congress, that it is essential to recognize the value and the dignity of the drug dependent individual, that simple punitive actions do not stop the growth of drug dependence. Punitive actions in many instances may be necessary, but if we are ever to bring an end to this disease, that is ravaging America today, it is going to be by facing this particular problem as a health problem, as a disease, as an illness, that permeates our society and then getting to the reasons behind the disease, so that it can hopefully be eliminated in the majority.

This is a day in which I take great pride, because this legislation represents, I believe, a masterpiece of work by many different people who have been deeply involved for a long period of time. I think, as has been stated by all of the other distinguished Members of this body of today, that it holds out a ray of hope that we are finally beginning to face up to this malignancy that has been eating at the core of America.

Mr. President, I am pleased to have this opportunity to recommend to those colleagues who are not already cosponsors of the legislation—and I think it should be pointed out that the majority of the Senate are now included in the cosponsors—that they support this matter today.

EXHIBIT 1

SUMMARY OF COMPROMISE DRUG BILL

The compromise bill would

Require the President, acting through a Strategy Council composed of the Director of the Special Action Office, the Attorney General, the Secretary of HEW, the Secretary of Defense, the Administrator of the V.A., and others, to develop a comprehensive, coordinated long term Federal strategy for all drug abuse programs and activities conducted or supported by the Federal Government. The strategy would consist of a complete analysis of the present drug problem, a detailed comprehensive Federal plan for combatting it, and an evaluation of programs carried out to date, and would be promulgated annually.

Establish a Special Action Office for Drug Abuse Prevention in the Office of the President. The office would be headed by a Director, who will have authority to provide overall planning and policy and establish objectives and priorities for all Federal education, training, treatment, rehabilitation and research programs. Programs in the Department of HEW, OEO, Justice, Veterans' Administration, State Department, Civil Service and DoD would thus come within his purview. It also allows him to make recommendations and consult with all departments concerning national and international control programs.

Establish a National Institute on Drug Abuse within the National Institute of Mental Health of HEW. The Institute would administer drug programs now administered through NIMH as well as two new grant programs created by the act:

1. A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial need, and need for prevention and treatment programs. The following amounts would be authorized to be appropriated: $15 million for fiscal year 1972; $30 million for fiscal year 1973; $40 million for fiscal year 1974; $45 million for fiscal year 1975, and $50 million for fiscal year 1976.

2. A Special Emphasis grant program, which would authorize grants to or contracts with public and private agencies, organizations, institutions and individuals for projects and activities of special importance. Such activites would include training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs. The following amounts would be authorized to be appropriated: $65 million for fiscal year 1972; $170 million for fiscal year 1973; $260 million for fiscal year 1974; $400 million for fiscal year 1975 and $450 million for fiscal year 1976.

Require the Veterans' Administration to furnish treatment and rehabilitation services for drug dependence, without regard to the type of discharge a veteran has received.

Require the Civil Service Commission to establish drug abuse prevention and treatment programs for Federal civilian employees, treating drug dependent persons the same as other persons with serious health problems.

Provide for a Special Fund from which the Director of the Special Action Office could allocate money to any Federal department or agency to 1) develop and demonstrate promising new drug programs and activities or 2) supplement and expand existing drug abuse programs and activities. The director could use 10% of the fund himself to develop and demonstrate new approaches, techniques, and methods to combat drug abuse.

Provide that drug abusers who are suffering from emergency medical conditions should not be refused admission or treatment by any public or private general hospital which receives support from Federal funds. Hospitals violating such provision could lose Federal funds under a procedure set out in the Act.

Establish a 15-member council to advise, consult with, serve as a sounding board for and make recommendations to the Secretary of HEW concerning matters relating to the Secretary's functions in the field of drug abuse.

[In the 92d Cong., First Sess., excerpt from S. Rept. No. 92-509]

REPORT ON DRUG ABUSE OFFICE AND TREATMENT ACT OF 1971

INTRODUCTION

S. 2097 was introduced in the Senate on June 16, 1971. The bill was referred to the Committee on Government Operations with the understanding that, upon being reported from that committee, it would then be referred to the Committee on Labor and Public Welfare for this committee's additional consideration. Since that time, both committees have maintained extremely close communications concerning the legislation. Each committee has had considerable impact upon the titles reported by the other.

The Committee on Government Operations modified the original S. 2097 and reported it to the Senate on November 17, 1971 (Rept. No. 92-486) in a form nearly identical to titles I–III of the bill here being reported. Although this committee has jurisdiction over certain aspects of those titles, it felt that they were largely excellent in the form reported by the Committee on Government Operations and were not in need of substantial modification. Pursuant to its jurisdictional authority and communications with the Committee on Government Operations, however, the Labor and Public Welfare Committee does recommend the addition of titles IV through VIII to the bill which was referred to it as well as several changes, largely technical in nature, to the earlier titles of the bill. It should be mentioned, however, that the Committee understands that under title I and title II of this legislation, no authority is vested in the Director of the Special Action Office to transfer money from one program to another or to directly operate presently existing programs, or to replace the leadership of on-going programs, except to the extent that such authority is already legally vested in the Office of Management and Budget or provided for in the reorganization authority of Sec. 206(a) of the proposed legislation.

Because the provisons of titles I through III of the bill here reported are adequately discussed in the report of the Committee on Government Operations, this report will primarily discuss the subsequent titles added by the action of this committee.

SUMMARY

Titles IV through VIII of S. 2097 will strengthen and improve the administrative structure within the Department of Health, Education, and Welfare through which the Secretary is responsible for delivering a broad range of coordinated drug abuse prevention, treatment, and rehabilitation services. The titles establish a National Institute on Drug Abuse within the National Institute of Mental Health to administer certain authorities assigned to the Secretary of Health, Education, and Welfare under present law and under provisions of this act. They require the Secretary to establish a clear, written plan for coordinating all drug abuse prevention, treatment, and rehabilitation programs within his Department.

In addition, the titles provide for extensive new Federal assistance to promote and improve the development of State and local drug abuse prevention, treatment, and rehabilitation programs. They require that all existing Federal legislation in health education, rehabilitation, and other areas be utilized to reduce the incidence of drug abuse and drug dependence throughout the Nation. They establish a National Advisory Council on Drug Abuse to advise, consult with, serve as a sounding board for, and make recommendations to the Secretary of HEW concerning matters relating to the Secretary's functions in the drug abuse field.

THE NEED FOR COMPREHENSIVE FEDERAL LEGISLATION

No one can any longer question the deep and pervasive seriousness of the drug abuse problem in this country. It has progressed from a small matter of law enforcement to a massive problem that requires a concerted and coordinated national effort combining all of our resources for prevention, education, research, treatment, and rehabilitation.

The statistics on the abuse of and dependance on a variety of controlled drugs are appalling. And virtually everyone agrees that they understate the nature and extent of the problem.

The illicit use of heroin is causing the most damage to our society. There are no reliable figures on the actual number of narcotics addicts in the United States. The Department of Health, Education, and Welfare estimates that there are 250,000 addicts. Other authorities have estimated that the true number of addicts is closer to 600,000, however. In addition, a large number of persons use heroin periodically, either by itself or in combination with other illegal drugs, but have not yet become addicted. There is no reliable estimate of the total number of people who have tried heroin at least once, but it has been suggested that up to 7 percent of the schoolchildren in the New York public schools have experimented with it. Whereas formerly it was only a ghetto drug, it has been increasingly used in suburban areas and in our colleges and universities. Extensive use of the drug by numbers of our Armed Forces has served to further expand such use. There is a growing concern that this spread of the use of the drugs will continue.

It is impossible to estimate the social damage resulting from heroin. The full extent of its contribution to deterioration of individuals, families, our inner cities, and the fabric of society are not yet completely known. The primary public concern about the use of heroin is caused by fear of the crime caused by addiction. While use of heroin itself apparently does not cause criminal behavior in any physiological or psychological sense, the need to maintain an expensive habit often does. It has been estimated that between 50 and 60 percent of the inmates in our big city jails are narcotic addicts. Once they are released, there is a 70 to 90 percent chance that they will be back again within 1 year. There is evidence that up to 50 percent of property crimes in the major metropolitan areas with a serious heroin addiction problem are committed by addicts. Some experts put the amount of merchandise stolen each year by addicts to be between $1 and $2 billion. Estimates run as low as $0.25 billion and as high as $1.9 billion for such thefts in New York City alone. This represents a staggering load for our economic and social institutions to bear.

The cost in terms of crime is only the beginning of the costs society bears from the heroin problem, however. The quantifiable factors associated with narcotic abuse include costs for law enforcement, lost productivity, and welfare costs associated with broken families and unemployed abusers. Government authorities have estimated that the total of involuntary social costs of narcotic drug abuse alone amounts to $541 million per year. It is probable that the figure is far higher than that.

But the greatest price of all is the price we are paying in terms of human life—the lives of the many hundreds of thousands of narcotics addicts and other drug abusers who lead a terrified existence in the shadows of society, half alive and bereft of hope.

The abuse of depressant and stimulant drugs is more widespread than the abuse of heroin. On the basis of present information, however, the number of persons who have become dependent upon them is not known. One survey of 200 college campuses showed, however, that 18 percent of the college student bodies have tried amphetamines, and 15 percent have tried barbiturates. Information on the rest of the population is yet to be obtained.

The hallucinogens are undoubtedly the most widely used of the illegal drugs. The National Institute of Mental Health estimates that at least 15 million people have smoked marihuana at least once. A survey of college campuses showed that 47 percent of the college student body had used marihuana at least once. Another survey of a medical school showed that 44 percent of the student body smoked marihuana.

Another hallucinogen, LSD, is used far less widely. Whereas its use appeared to be disappearing a few years ago because of widespread reports of its dangers, there is now mixed evidence indicating that its use may again be increasing.

There is no evidence that the enormous amount of abuse of controlled drugs in this country is decreasing, or even leveling off. Authorities in the field indicate that it continues to increase. It has been pointed out that surveys show an even greater prevalence of drug abuse in many high schools than in our colleges. The problem, in short, is not only self-perpetuating, but because of peer-

group pressure within, our youth appears to be growing at an alarming rate.

INCREASING PUBLIC CONCERN

Until quite recently, both Federal and State efforts at controlling drug abuse and drug dependence concentrated on law enforcement techniques. Indeed, the law enforcement efforts aimed at drug abuse during the past 3 years have been the most concerted in our history. More man-hours and more trained personnel have been devoted to enforcing our laws against illegal drugs than ever before. Yet, as the statistics quoted above show, these efforts have not begun to contain the problem. In spite of the best law enforcement we can muster, illegal drugs are available in every city, in greater quantities than ever before, and at the same or even decreased prices. As the Director of the Bureau of Narcotics and Dangerous Drugs has pointed out, an effective program to control the abuse of heroin, depressants and stimulants, hallucinogens, and other controlled drugs in this country must rely strongly on methods of prevention and rehabilitation. Law enforcement, by itself, is inadequate to do the entire job.

Prevention and rehabilitation techniques, utilizing medical, social welfare, and other community resources, must therefore be mobilized to deal with these problems. In many communities, this job has not yet been started, or is in a most rudimentary stage.

Use of the same type of medical and rehabilitation techniques for drug abuse and drug dependence as are used for other public health problems has long been recognized as necessary to any effective control of drug abuse. Because drug abuse has represented a relatively insignificant problem in this country until the past few years, however, we have delayed in developing a public commitment to mount an effective program.

Throughout its history, the American Medical Association has characterized drug dependence as a disease that properly is handled through medical treatment. As early as 1925, in *Linder* v. *United States*, 268 U.S. 5 (1925), the Supreme Court recognized that narcotic addicts "are diseased and proper subjects for such treatment." In a 1950 report, the World Health Organization described the characteristics of this disease as "an overpowering desire or need (compulsion) to continue taking the drug and to obtain it by any means." In 1957, the American Medical Association issued a report describing dependence as "the development of an altered physiological state which is brought about by the repeated administration of the drug and which necessitates continued administration of the drug to prevent the appearance of the characteristic illness which is termed an abstinence syndrome," as well as a "psychological dependence" which is "related to the effects opiates create within the central nervous system," which "forces the addict to seek his drugs by any and all means. The first concern of many addicts becomes obtaining and maintaining an adequate supply of drugs."

In September, 1962, when the Supreme Court handed down its decision in *Robinson* v. *California*, 370 U.S. 660 (1962), which struck down as unconstitutional on its face a statute making narcotic addiction criminal, the Court at that time again recognized narcotic addiction as a disease, which cannot constitutionally be punished under the criminal law.

During the same month, the White House Conference on Narcotics and Drug Abuse considered the future of this country's drug abuse policy. As a result of this Conference, the President established an Advisory Commission on Narcotic and Drug Abuse, which issued its report in November 1963. The final report of the advisory commission concluded that there had never been a sustained, organized attack on drug abuse in this country. It made some 25 general recommendations, including the following: revision of the Federal narcotic laws, recognition that the legitimate medical use of narcotic drugs and medical treatment of drug dependents is primarily to be determined by the medical profession, Federal assistance to State and local governments for the establishment, maintenance, and expansion of broad treatment and rehabilitation programs, and enactment of Federal treatment legislation.

Some 3 years later, the District of Columbia and U.S. Crime Commissions also reviewed the problems of drug abuse and drug dependence, although not in as great detail as the Advisory Commission had. Both Commissions urged comprehensive treatment programs and facilities, on both a voluntary and involuntary basis, for drug dependent persons. The U.S. Crime Commission particularly recommended clarification of the status of medical treatment of addicts using narcotic drugs, and abolition of all obstacles in the way of medical and scientific research in this field.

More recently, the judiciary has again pressed for increased recognition that, as a disease, drug dependence is properly handled under medical and rehabilitation techniques. In *Powell* v. *Texas*, 392 U.S. 514 (1968), rehearing denied, 393 U.S. 898 (1968), five of the nine justices indicated that the earlier case of *Robinson* v. *California* must properly be interpreted to mean that an addict cannot be punished under the criminal law for possession and use of narcotics, since this necessarily results from the addiction itself. And in *Watson* v. *United States*, 408 F. 2d 1290 (D.C. Cir. 1968), rehearing granted en banc,—F. 2d—(D.C. Cir. 1970) (en banc), eight of nine judges indicated that, in future cases, narcotic addicts could not properly be punished under the criminal law for possession of the drugs they must necessarily use to satisfy their addiction

Congress has only recently begun to recognize the urgency of the unique health and rehabilitation problems created by drug abuse and drug dependence, and to address itself to providing appropriate legislative remedies for it.

Congressional dissatisfaction with the results of reliance primarily upon law enforcement in controlling drug abuse and drug dependence led to enactment of the Narcotic Addict Rehabilitation Act of 1966. Because that act relies primarily upon outmoded inpatient treatment, because only a limited number of persons can obtain treatment under the act, and because it has not been properly funded, the potential of this statute remains largely unrealized to date, as has most recently been pointed out in the General Accounting Office Report "Limited use of Federal Programs To Commit Narcotic Addicts For Treatment and Rehabilitation," which was issued on Sept. 20, 1971. In the recent past the rate of rehabilitation for this program has been among the lowest of any drug dependence treatment program in the country. It is hoped that recent program modifications will change that fact.

The Comprehensive Health Planning and Public Health Service Amendments of 1966, and the Partnership for Health Amendments of 1967, were intended to require the States to develop comprehensive health plans for purposes of Federal funding, but drug abuse and drug dependence were sadly neglected in these plans. Though the legislation authorizing the plans has been expanded so as to more specifically require planning and funding under those authorities, this legislation alone has proved to be inadequate as a means of combating a problem that now blankets our country.

Congress made an important initial response by enacting the Narcotic Addict Rehabilitation Amendments of 1968, which were subsequently expanded by the Community Mental Health Centers Amendments of 1970. That legislation recognized the necessity of treatment and rehabilitation for drug dependence. Although the legislation was a significant step forward, it was recognized at the time to represent only the beginning of a truly adequate legislative program which would insure comprehensive and effective community-based treatment programs at both State and local levels.

Also, in 1968 when criminal penalties were first added to the Drug Abuse Control Amendments of 1965 for possession of barbiturates, depressants, amphetamines, and hallucinogenic drugs, the Labor and Public Welfare Committee expressed strong concern about imposition of such penalties on casual distributors or youthful experimenters. In Senate Report No. 1609 (1969), for example, the committee emphasized the availability of alternatives to imprisonment, such as probation and juvenile handling, and pointed out that "indiscriminate enforcement of excessively severe drug laws increases disrespect for the law on the part of young people and tends to alienate them from society." The committee spelled out its intention that the criminal laws be used sparingly, and be reserved particularly for the large wholesalers who profit from the trafficking of dangerous drugs.

During 1969 and 1970 the administration's legislative efforts in the drug area were concentrated upon consolidating existing law enforcement legislation. When the administration's law enforcement bill, the Comprehensive Drug Abuse Prevention and Control Act, came up on the Senate floor, the substance of titles III through VIII of the legislation now being reported by this Committee, as well as certain additional provisions, were added as an amendment to that Act. That amendment was sponsored by the entire membership of the Labor and Public Welfare Committee. The provisions similar to those contained in the present titles III through VIII were rejected by the House conferees, however, because the House had not had the opportunity to hold hearings on the provisions and because the basic legislation was primarily law enforcement oriented. After the conference the Senate, determined to show its commitment to the concepts contained in the legislation, again passed the amendment, this time in the form of a separate bill, by a roll call vote of 86–0. No subsequent action was taken on the bill in the House.

During 1970, the Congress also enacted the Drug Abuse Education Act of 1970, and the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 over administration opposition. The Congress has since provided substantial funding for the programs established in those two legislative Acts.

Titles IV through VIII, together with the earlier titles of the bill being reported by this Committee, represent the type of comprehensive program which is necesary to begin to bring the Nation's drug abuse problems under control. Drug abuse is a problem of our entire society. It will take a total effort of the entire Nation, at all levels of Government, to make significant progress in controlling it. This legislation establishes, for the first time, a framework within which Federal, State, and local governments can begin to effectively utilize and strengthen their health and rehabilitation resources to bring the drug abuse problem under control. The remedy mandated by the bill is long overdue and urgently needed.

HEARINGS

The Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee has held a number of hearings dealing with the extent and character of the drug abuse problem and the steps which the Federal government might take to deal with it. General hearings were held by the Subcommittee on August 6, 7, and 8, 1969, and May 5, 6, and 7, 1971, and Oct. 1, 1971, in Washington, D.C.; on September 26, 1969, in Los Angeles, Calif.; on September 29, 1969, in Denver, Colo.; on October 2 and 4, 1969, and June 25, 1971, in New York, N.Y.; on February 14, 1970, in Des Moines, Iowa; and on January 18 and 19, 1971, in Pittsburgh, Pa., and on May 17, 1971, in Chicago, Ill.

Members of the Subcommittee also took extensive field trips on May 17, 1971, in Chicago and June 25, 1971, in New York City to see first-hand the extent of the problem in low income areas of our large cities.

Hearings on S. 1816 and S. 2608 were held in Washington, D.C. on September 18 and 19, 1969, and November 3, 1969; and in Cherry Hill, N.J., on January 26, 1970. Hearings on S. 3562 were held in Washington, D.C. on March 16, 17, 23, 24, 25, and 26, 1970, and on April 13, 14, and 15, 1970; in Winchester, Mass., on April 10, 1970; and in Lynn, Mass., on April 11, 1970. Hearings on S. 3015 and H.R. 14252 were held in Washington, D.C., on August 27, 1970. Hearings were held on S. 2217 and related bills on August 2, 4 and 5, 1971, in Washington, D.C.

Hearings on drug abuse in the military were held in Washington, D.C. on November 17 and 18, 1970, on December 2 and 3, 1970, and on June 9 and 22, 1971.

The Subcommittee has also held joint hearings with the Subcommittee on Health and Hospitals of the Senate Committee on Veterans' Affairs on June 15, 1971.

In the above mentioned hearings and field trips there has been unanimous support for the objectives and provisions contained in titles IV through VIII of the bill here being reported. The specific provisions of these titles, many of which were originally incorporated in the various bills that were the subjects of individual hearings, have been strongly endorsed by both national organizations and individual citizens interested in the prevention and treatment of drug abuse.

PROVISIONS OF THE BILL

General

Titles IV through VIII of the legislation here proposed have a number of major components which should be discussed. These titles establish a comprehensive range of administrative tools in a single, visible and broadly based Institute structure within the National Institute of Mental Health. Operating within the framework of the National strategy and the policy guidelines established by the initial titles of the proposed bill, this structure can provide a strong new vehicle for leadership and action by the Federal Government.

An effective program can be maintained only with the assistance of significant financial support from the Federal Government, however. Present Federal programs for the control and treatment of drug abuse have been assigned relatively low priority when compared to other illnesses and diseases and seen in the light of the overwhelming social impact which drug abuse has upon our society. These titles, together with the earlier provisions of the proposed legislation, provide sufficient funding authorizations to enable a program of necessary magnitude to begin immediately. It is anticipated that the program will serve as a base for an across-the-board attack upon the abuse of all controlled substances, including heroin, stimulant and depressant drugs, and hallucinogens.

Establishment of institute

The legislation establishes a National Institute on Drug Abuse within the National Institute of Mental Health of the Department of Health, Education, and Welfare. The Institute will be under the direction of an administrator who will be appointed by the Secretary of Health, Education, and Welfare and who will conduct all programs of the Institute in accordance with the policies, priorities, objectives, guidelines and, where appropriate, funding controls established by the Director of the Special Action Office. The administrator will conduct and develop comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers. The establishment of the Institute will provide for a stronger coordinating mechanism within the Department of Health, Education, and Welfare. It will not however, change the administrative structure of the Department.

An institute will have a stature commensurate with the magnitude of the health problem with which the new entity will deal. Consequently the likelihood of obtaining the funding necessary to effectively attack drug abuse and drug dependence problems will be immeasurably increased. An institute will also have the visibility necessary to provide a strong program of public education and to develop public attention to and concern about this important health area. In addition, it will have a permanent status which will assist the development of the most qualified staff possible in the Federal Government in this area. It will provide the structure necessary to administer broad formula and project grant programs and to attract a broad cross section of individuals who are able to assist in solving problems of drug abuse and drug dependence. It will also provide a strong implementing arm for the policies, priorities, objectives, guidelines and funding controls established by the Director of the Special Action Office.

An effective program must attempt to attract a broad cross section of individuals who are able to contribute to solving the drug abuse problem. Such a cross section would include members of the medical professions, individuals interested in the sociological, organic, and chemical causes and ramifications, persons interested in practical programs of training and delivery of services, and persons skilled in research. Such a program must be directed and staffed by individuals who have the creativity and initiative to develop the widest range of activities possible; to foster and encourage Federal, State, and local initiative; and to dramatize the extraordinarily serious nature of the problems in this country. Such actions can do much to insure the delivery of prevention and rehabilitation services to those who most need them and can, in addition, greatly assist in relieving the serious funding problems which have plagued this health field. Such a program must concentrate on the delivery of prevention and rehabilitation services to the millions of Americans who are most suffering or are most likely to suffer from drug abuse or drug dependence.

It is intended that prior drug related criminal arrests or convictions should not be a bar to employment by the Institute or the programs and services which it operates or funds. It is necessary to single out drug-related offenses in this connection because of information that drug abusers and drug dependent persons have, in the past, been excluded from such employment because of their record of offenses. This should not be interpreted to mean that a record of conviction for any other offense cannot properly be a bar to such employment, however.

The Institute will play a major coordinating role in the area of drug abuse and drug dependence as it will be expected to foster effective State and local programs through its review authority over State health, welfare, and rehabilitation plans submitted to the Federal Government and through the grants authorized by this bill.

Reports by the Secretary

The proposed legislation requires the Secretary to submit two reports to the Congress. The first, which is required within 90 days after the effective date of the legislation, must set out a written plan for the administration and coordination of the various drug abuse programs and projects within the Department of Health, Education, and Welfare. All such programs must comply with guidelines established by the Director of the Special Action Office. Present program guidelines must also be expanded to insure that the various programs will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

In spite of official testimony to the contrary, it is clear that there is no real coordination of drug programs within the Department. Bureaucratic jealousies often appear to be the rule, and cross fertilization among various groups of professionals and paraprofessionals has not been occurring. The report required will give the Secretary and the Director of the Special Action Office sufficient notice of Congressional concern about these facts—a concern often previously expressed in hearings—to insure that remedial actions are taken. The Committee has considered moving the institute created by this legislation to a sufficiently high status within HEW to coordinate and broaden all of the drug programs within the Department. Should lack of broad participation, coordination, and openmindedness to the participation and contributions of others continue to exist, it is likely that the committee will itself take remedial organizational action through legislative means.

The second report to be submitted by the Secretary must include a description of the various existent model and experimental treatment methods, their advantages and disadvantages, and make recommendations concerning community implementation of the various treatments and rehabilitation. This information is of critical importance to communities across the nation, which are seeking guidance from the Federal government about how to best deal with their drug abuse problems. To date many communities simply lack such information.

Additional responsibilities of the Secretary

The proposed legislation specifically mandates the Secretary to carry out certain specified responsibilities because of their special importance. He must operate an information center, which can serve as an exchange point for various kinds of information concerning the drug abuse problem. He must carry out and encourage research to find a quick and reliable method for more precise detection and determination of drug levels in urine, or in the blood, or by breath, or by other means, as quickly as possible. The results of this experimentation will be published regularly. He must gather and publish uniform statistics pertaining to drug abuse, and within the policy guidance of the Director, promulgate uniform regulations for the Federal government and other public and private departments, agencies, organizations and individuals for the gathering of such data. He must also review and provide in writing an evaluation of the adequacy and appropriateness of provisions relating to drug abuse in various specified plans and programs which presently exist under Federal law. The programs created under this act clearly are not meant to reduce obligations to carry out planning and programs in the drug abuse area under already existing but more general authority. Those programs should, however, be consistent with the policy requirements of the Director and the Secretary in the drug abuse area.

Federal assistance for State and local programs

Title V of the proposed legislation provides for extensive new Federal assistance to State and local drug abuse education training, treatment, and rehabilitation efforts.

Formula grants.—Drug abuse is a national problem which does not recognize regional boundaries. The formula grant program established in the proposed legislation will make it possible for all States to stimulate programs and share in Federal financial assistance. The program provides for allotments among the States of the funds appropriated on the basis of relative population, financial need, and need for programs of education, training, treatment and rehabilitation. The Committee considers that each of these factors should be weighed equally and that the last factor—the need for the various programs—is different from the first—population. While it recognizes that population may be the best measure of the need factor at the present time, it feels that over a period of time data received from the States under administrative guidelines established by the Secretary should yield a better and workable method for measuring the need factor in the formula.

Each State must develop a drug abuse prevention and treatment plan in order to be eligible for the funds available under the program. The State plans and programs must emphasize direct services in the areas of greatest need within the State or evaluate services already being delivered.

A single agency in each State will be assigned responsibility for the administration of the State drug abuse and drug dependence program. Nothing in the Act, however, is meant to prevent a number of health or education related agencies in a State from joining together to form the "State agency" required by the proposed legislation. This agency will work in conjunction with an advisory council which will serve as a consulting body for purposes of policy formulation. The money which is made available by formula grants will be used to supplement rather than replace funds which the States would otherwise have devoted to such programs. Applications for financial assistance will be approved whenever the other requirements have been satisfactorily complied with and funds remain available in the allotment determined for the applying State.

Special emphasis prevention and treatment programs

This program is meant to make it possible for the Institute to make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to carry out programs which appear to the Committee to be of special importance but often neglected because of the dearth of funds in the drug abuse area thus far. Because of the present lack of knowledge in the drug abuse area and the inadequate creative expansion of drug programs (including therapeutic communities, methadone maintenance programs, and other treatment modalities or combinations thereof) to date, these grants and contracts, largely developmental and experimental, may prove to be the most sound Federal investment thus far in the drug area.

The program will provide funds for such activities as training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to determine causes of drug abuse in specific areas and prescribe and implement methods for dealing with the drug problems in such areas; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs.

A mechanism is established for processing applications for financial assistance made by units of local government and private organizations. Applications will be channeled through the agency designated to administer the program within the State. The State agency will have an opportunity to comment upon the propriety of the particular plan under consideration, but may not prevent it from being sent to the Institute for review. The Institute will take the evaluation of the State agency into consideration, but may not discriminate in favor of a State over a local, or a public over a private applicant. Local organizations of both a public and a private character are recognized as vital for a successful rehabilitation effort. As with formula grants, the money which is made available through project grants will be used to supplement rather than replace funds which the States or localities would otherwise have devoted to such programs.

Authorizations

The Committee is deeply concerned about the need for adequate funding of all types of drug abuse prevention, treatment and rehabilitation programs. The authorization levels provided for in this legislation take into account existing Federal funding and are not limited in their scope. They are meant to include a full range of activities and services related to programs for the prevention and treatment of the abuse of any controlled substances including heroin, stimulants, depressant drugs, and hallucinogens.

The Committee in determining authorization levels utilized computer technology to determine a cost component for the treatment of heroin addicts. The factor was derived after first having made certain assumptions concerning the total number of addicts in treatment over the life of the bill and the percentages of those addicts which might then be in various kinds of care. (The various treatment modalities and types of treatment settings were projected at varying estimated participation and cost levels, e.g., ambulatory care, residential care, acute care, voluntary commitment, involuntary commitment such as civil commitment and incarceration, etc.) An additional cost factor was then added to allow for research, prevention and training activities and for treatment for the abuse of other kinds of controlled substances.

Because of its careful analysis of the cost factors and the resultant authorization levels in the bill, the Committee is deeply committed to seeing that the authorization levels in the legislation are fully funded as well as creatively utilized. It is anticipated that when the new Director of the Special Action Office for Drug Abuse Prevention appears before the Committee prior to the Senate's consideration of his confirmation, that he will be closely questioned by the Committee about his position on full funding of the legislation and the uses for which such funding will be made.

Emergency hospital treatment

The Committee continues to hear of cases in which individuals who are drug abusers are being refused emergency medical treatment by hospitals. The proposed legislation would provide that drug abusers who are suffering from emergency medical conditions shall not solely because of their drug abuse or drug dependence, be refused admission or treatment for their emergency medical condition by any public or private general hospital which receives support from Federal funds. Hospitals violating the provision may lose Federal funds.

General

Part D of title V of the bill contains a number of general provisions. Section 531 of Part D is worthy of special comment. It expands the provisions of the Community Mental Health Centers Act to specifically authorize grants for the leasing of facilities under certain provisions of that Act. At the present time, grants are authorized for construction, but not leasing. Because of fiscal constraints, however, no funding is presently being allocated by the Department of Health, Education and Welfare to construction projects. This authorization change will allow the leasing of facilities in lieu of their construction, should such action be considered necessary or preferable.

National Advisory Council on Drug Abuse

Title VI of the proposed legislation establishes a 15 member National Advisory Council on Drug Abuse. The Council will advise, consult with, serve as a sounding board for, and make recommendations to the Secretary concerning matters relating to the Secretary's functions in the field of drug abuse. The council will also have certain reporting functions and will review policies and priorities relative to grants and contracts in the drug abuse field.

Confidentiality of records

Provisions to assure confidentiality of patient information are crucial to the success of any prevention or treatment program which depends on voluntary subject participation. This is especially true, of course, in the drug abuse area. Consequently, the proposed legislation assures the confidentiality of patients in drug prevention, treatment, and rehabilitation programs. Nothing in the provision, however, may be construed to limit the use of information by persons engaged in research, provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics therein.

Amendment to the Economic Opportunity Act

Section 803 of the bill adds a new section 863 to Title VIII of the Economic Opportunity Act of 1964 providing in ACTION, the new agency to coordinate the Federal Governments volunteer programs, for a Director, Deputy Director, an Associate Director for Domestic and Anti-Poverty Programs, and an Associate Director for International Programs. The section provides that each shall be appointed by the President by and with the advice and consent of the Senate. The Director shall be compensated at the rate for Level III of the Executive Schedule Pay Rate, and the Deputy Director and two Associate Directors shall be compensated at the rate for Level IV of the Executive Pay Schedule Pay Rate.

The section provides that there shall be no more than four Assistant Directors in ACTION, each to be appointed by the President, by and with the advise and consent of the Senate, and compensated at the rate for Level V of the Executive Schedule Pay Rates.

The Committee agreed that the adoption of this section was necessary in order to strengthen and upgrade the VISTA and Peace Corps programs within ACTION. It is the intent of the Committee that the Director of VISTA will have line authority over the Regional VISTA offices, including their programs and personnel, and will be responsible for the recruitment, selection, training, and field operation of all volunteers and other persons serving in volunteer programs funded under title VIII of the Economic Opportunity Act.

SECTION-BY-SECTION ANALYSIS

TITLE I—FINDINGS AND DECLARATION OF POLICY

Sec. 101—Findings and declaration of policy

The principal findings are that anti-drug efforts in education, prevention, treatment, rehabilitation, research, training and law enforcement are interrelated and that the control of drug abuse requires the development of a comprehensive, coordinated, long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitated victims of drug abuse.

The section also declares it to be the policy of the United States and the purpose of the Act "to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse in the Nation within the shortest possible period of time, consistent with a comprehensive, coordinated, long-term Federal strategy to combat drug abuse."

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Sec. 201—Establishment of the office

Establishes a Special Action Office for Drug Abuse Prevention in the Executive Office of the President. That office shall be headed by a director appointed by the President with the advice and consent of the Senate. He shall have a deputy director, also appointed by the President with the advice and consent of the Senate, and not more than six assistant directors whom the director himself shall appoint.

Sec. 202—Concentration of Federal effort

Gives the director authority to provide overall planning and policy and establish objectives and priorities for all Federal drug abuse programs relating to education, training, treatment, rehabilitation and research. This is meant to include such drug activities in HEW, OEO, Justice, VA, State, Civil Service, and DOD. Investigation, prosecution and detection activities in the control area are specifically excluded, however, as are activities involving international narcotics control. In these latter areas, the director may make recommendations to the President and consult with and be consulted by appropriate departments and agencies.

The director shall conduct and support evaluation of education, training, treatment, rehabilitation, and research programs and programs related to those programs. He may obtain such information as is necessary from the various Federal departments and agencies. The director shall also coordinate Federal drug programs among each other and with other related Federal programs.

Pursuant to these responsibilities the director must submit an annual report to the Congress and the President discussing the objectives, activities and accomplishments of the office and use funds available to him through this Act to expand drug programs and develop new programs.

Sec. 203—Funding authority

Authorizes the director to: 1) review and modify budget requests of Federal departments and agencies and 2) allocate appropriated funds to Federal departments and agencies, for all Federal drug abuse education, training, rehabilitation, research, and treatment programs and activities. The section lists programs and activities specifically intended to be included within this authority, but does not limit the scope of the section to the listed programs. The authority of the director to provide overall planning and policies and establish objectives and priorities in Sec. 202, extends to the funding authority in this section.

Sec. 204—Technical assistance to State and local agencies

Authorizes the director to coordinate Federal, State and local drug programs and to provide for a central clearinghouse for State, local, and private agencies and individuals seeking drug abuse information and assistance from the Federal government. It authorizes the direotor to provide State and local officials with task forces of Federal personnel to assist them in developing the drug abuse programs. It also authorizes the director to draft model drug legislation for State and local governments and promulgate uniform criteria, procedures and forms for drug abuse grant applications.

In carrying out his responsibilities under this section, the director is authorized to request personnel from operating departments and agencies and to contract with organizations or persons to work on the described task forces.

Sec. 205—Special fund

Establishes a special fund from which the director can allocate money to any Federal department or agency to 1) develop and demonstrate promising new drug abuse programs, activities and approaches and 2) supplement and expand existing drug abuse programs and activities. The director may use 10% of the fund himself to develop and demonstrate new approaches, techniques, and methods to combat drug abuse, especially with respect to short term and multidisciplinary activities.

Sec. 206—Additional authorities

Provides for a number of powers on the part of the director, including: submission of reorganization plans to the Congress under specified provisions of the Reorganization Act; provision of management oversight review in connection with his funding authority responsibilities in Sec. 203; consultation on the classification of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in international classification agreements; and consultation on the investigational and opproved new drug status of drugs which may be beneficial in the treatment of drug abuse.

Also included are provisions requiring the Civil Service Commission to establish policies and procedures for control and treatment of drug abuse among Federal employees—treating such drug dependent persons the same as other persons with serious health problems; promoting employee programs in State and local governments and in private industry; and requiring the Veterans' Administration to see that all veterans receive treatment and rehabilitation services for drug dependence, without regard to the type of discharge they have received. Services intended to be included are listed. The section also provides that in specified instances the director has authority to directly operate Federal drug programs.

Sec. 207—Grants and contracts

Authorizes the director to make certain grants and contracts to carry out the purposes of this title.

Sec. 208—Personnel, special personnel, experts and consultants

Authorizes the director to employ personnel, special personnel, experts, consultants and volunteers in carrying out this Act.

Sec. 209—Transitional provisions

Authorizes the President to allow any person who immediately prior to the enactment of this Act held a position in the Executive Branch of government to act as director of the Special Action Office until the first full-time director is appointed.

Sec. 210—Appropriation authorized

Authorized appropriations for the administration of this Act and for the director's Special Fund.

Sec. 211—Effective date, termination

Provides that the provisions of this title shall take effect thirty days after the director or acting director takes office or at an earlier date prescribed by the President. The title shall terminate on June 30, 1975, unless extended by Congress.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

Sec. 301—Comprehensive, coordinated, long term strategy

Requires the establishment by the President of a Strategy Council, composed of the Director of the Special Action Office, the Attorney General, the Secretary of HEW, the Secretary of Defense, the Administrator of Veterans' affairs and such other persons as are appropriate. The Council shall develop a comprehensive, coordinated long term Federal strategy for all drug abuse programs and activities conducted or supported by the Federal Government. The director shall provide such services as are required to assure that such a strategy is prepared.

The strategy shall consist of a complete analysis of the present drug problem, a comprehensive Federal plan for combatting it, and an evaluation of programs carried out to date.

To facilitate preparation of the strategy, the council members shall 1) engage in planning necessary to achieve the objectives of the strategy, 2) individually be able to obtain from Federal departments and agencies such information as may be necessary to carry out the purposes of this title, and 3) evaluate the performance of present and alternative Federal drug programs.

The strategy shall be published at least once every calendar year.

TITLE IV—NATIONAL INSTITUTE ON DRUG ABUSE

Sec. 401—Establishment of institute

Establishes a National Institute on Drug Abuse within the National Institute of Mental Health to administer programs and authorities assigned to the Secretary of HEW by the remaining titles of this Act and by Part D of the Community Mental Health Centers Act. This Section provides that the Institute shall be under the direction of an Administrator, appointed by the Secretary of HEW, who shall conduct all drug abuse prevention, training, treatment, rehabilitation and research programs in accordance with the policies, priorities, objectives and guidelines, and, where appropriate, funding controls established by the Director of the Special Action Office.

The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and para-professionals in the fields of medicine, science, the social sciences and other related disciplines.

Sec. 402—Reports by the Secretary

Requires the Secretary to 1) submit to Congress within 90 days a written plan for the administration and coordination of the various drug abuse programs within the Department of HEW and 2) submit, as part of the director's annual report, a report describing various model and experimental methods for treating drug abuse; making recommendations for future development of treatment techniques; making appropriate recommendations for community implementation of treatment programs; and making such legislative recommendations as may be appropriate.

Sec. 403—Additional responsibility of the Secretary

Requires the Secretary to operate an information center for collection and dissemination of drug abuse information; investigate and publish information concerning uniform methodology and technology for determining extent and kind of drug use; gather and publish statistics; and review and evaluate drug program provisions in various state health plans required by Federal law.

TITLE V—DEVELOPMENT OF STATE AND LOCAL PREVENTION AND TREATMENT PROGRAMS

PART A—FORMULA GRANTS

Sec. 501—Authorization

Establishes a State assistance program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse and drug dependence prevention, treatment, and rehabilitation programs. The following amounts are authorized to be appropriated: $15 million for fiscal year 1972; $30 million for fiscal year 1973; $40 million for fiscal year

1974; $45 million for fiscal year 1975, and $50 million for fiscal year 1976.

Sec. 502—State allotment

Provides for allotments among the States of sums appropriated for formula grants, with the sums appropriated being allotted among the States on the basis of their relative population, financial need, and need for programs of prevention, treatment and rehabilitation.

Sec. 503—State plans

Requires States wishing to participate in the program established by this part to develop State plans meeting certain basic requirements. The plans must designate a single State agency to administer the plan; provide for a State advisory council to oversee the plan; specify the needs of the State and its existing health facilities; supplement, broaden, and complement State health plans; meet certain standards of administration; provide required reports and information; and assure that Federal funds will be used to supplement rather than supplant non-Federal funds. The Secretary must approve any State plan meeting the statutory requirements.

Sec. 504—Allocation of resources

Requires that funds authorized under sec. 501 which are not used in developing or modifying the State plan shall be available only to provide direct services to areas of greatest need within the State or to evaluate such direct services.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

Sec. 511—Program and authorization

Establishes a special emphasis grant program and authorizes $65 million for fiscal year 1972; $170 million for fiscal year 1973; $260 million for fiscal year 1974; and $400 million for fiscal year 1975; and $450 million for 1976, for that purpose.

Utilizing such funds, the Secretary may make grants for programs of special importance, including: training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to determine causes of drug abuse in specific areas and prescribe and implement methods for dealing with the drug problems in such areas; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs.

Sec. 512—Administration of grants and contracts

Requires the coordination of all grant applications for programs in a State and establishes administrative and budgetary criteria which must be met by those seeking funds under this subpart.

PART C—ADMISSION OF DRUG ABUSERS TO HOSPITALS

Sec. 521—Emergency hospital treatment

Provides that drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment by any public or private general hospital which receives support from Federal funds. Hospitals violating such provision may lose Federal funds under a procedure set out in the section.

PART D—GENERAL

Sec. 531—Leasing of facilities

Authorizes the leasing of facilities for drug abuse treatment and rehabilitation programs which may be funded under the Community Mental Health Centers Act.

Sec. 532—Records

Requires that recipients of assistance keep full financial records relating to the funds received under the act and requires that the GAO be permitted access for audit purposes to these and other records pertinent to grants or contracts under the act.

Sec. 533—Payments

Permits the Secretary to determine how payments shall be made.

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Sec. 601—Establisment of council

Provides for the establishment of a 15-member council to advise, consult with, serve as a sounding board for, and make recommendations to the Secretary concerning matters relating to the Secretary's functions in the field of drug abuse, including matters related to the development of new programs; the efficient administration of programs; the supplying of needed scientific and statistical data and program information to interested professionals and para-professionals and the general public; and policies and priorities relative to grants and contracts in the drug abuse field. The council must report on its activities.

Sec. 602—Review by council of certain grants under part D of the Community Mental Health Centers Act

Provides that instead of the National Advisory Mental Health Council's approving grants under Part D of the Community Mental Health Centers Act, policy for such grants shall be reviewed by the Council established in the previous section.

TITLE VII—CONFIDENTIALITY OF RECORDS

Sec. 701—Confidentiality

Assures the confidentiality of patients in drug prevention, treatment and rehabilitation programs. Nothing in the provision, however, may be construed to limit the use of information by persons engaged in research provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics therein:

TITLE VIII—GENERAL

Sec. 801—Saving provision

Provides that if any section of the Act is determined to be invalid that that fact shall not impair any other section.

Sec. 802—Regulations

Permits the Secretary to make necessary administrative regulations.

Sec. 803—Economic Opportunity Act Amendment

Adds a new section to Title VIII of the Economic Opportunity Act of 1964, to provide for a Director, a Deputy Director, an Associate Director for Domestic and Anti-Poverty Programs, and an Associate Director for International Programs. Other related provisions are also included in the section.

ESTIMATED COST OF LEGISLATION

Pursuant to section 252 of the Legislative Reorganization Act of 1970, the following are estimates of the costs to be incurred in carrying out this bill:

If the amounts authorized in section 210 (a) are fully appropriated the total cost of the activities referred to by that section would be $5 million in fiscal 1972, $10 million in fiscal 1973, $12 million in fiscal 1974, and $15 million in fiscal 1975.

If the amounts authorized in section 210 (b) are fully appropriated, the total cost of the activities referred to by that section would be $40 million in fiscal 1972, $40 million in fiscal 1973, $40 million in fiscal 1974, and $40 million in fiscal 1975.

If the amounts authorized in section 501 are fully appropriated, the total cost of the programs referred to by that section would be $15 million for fiscal 1972, $30 million for fiscal 1973, $40 million for fiscal 1974, $45 million for fiscal 1975, and $50 million for fiscal 1976.

If the amounts authorized in section 511 are fully appropriated, the total cost of the programs referred to by that section would be $65 million for fiscal 1972, $170 million for fiscal 1973, $260 million for fiscal 1974, $400 million for fiscal 1975, and $450 million for fiscal 1976.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes in Committee:

Motion by Mr. Williams to report the bill: Yeas—17:

Mr. Williams, Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Stevenson, Mr. Javits, Mr. Stafford, Mr. Dominick, Mr. Schweiker, Mr. Packwood, Mr. Taft, and Mr. Beall.

Nays—.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC HEALTH SERVICE ACT

Public Health Service Act, as amended

Title II—Administration

National Advisory Councils

SEC. 217. (a) The National Advisory Health Council, the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council shall each consist of the Surgeon General, who shall be chairman, the chief medical officer of the Veterans' Administration or his representative and a medical officer designated by the Secretary of Defense, who shall be ex officio members; and twelve members appointed without regard to the civil service laws by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare. The twelve appointed members of each such council shall be leaders in the fields of fundamental sciences medical sciences or public affairs, and six of such twelve shall be selected from among the leading medical or scientific authorities who, in the case of the National Advisory Health Council, are skilled in the sciences related to health, and in the case of the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Council on Alcoholic Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council, are outstanding in the study, diagnosis, or treatment of cancer, psychiatric disorders, alcohol abuse and alcoholism, heart diseases, and dental diseases and conditions, respectively. In the case of the National Advisory Dental Research Council, four of such six shall be dentists. Each appointed member of each such council shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the terms for which his predecessor was appointed shall be appointed for the remainder of such term; (2) the terms of the members (other than the members of the National Advisory Council on Alcohol Abuse and Alcoholism) first taking office after September 30, 1950, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Surgeon General at the time of appointment; and (3) the terms of the members of the National Council on Alcohol Abuse and Alcoholism first taking office after the date of enactment of this clause, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment. None of the appointed members shall be eligible for reappointment within one year after the end of his preceding term, but terms expiring prior to October 1, 1950, shall not be deemed "preceding terms" for the purposes of this sentence.

(b) The National Advisory Health Council shall advise, consult with, and make recommendations to, the Surgeon General on matters relating to health activities and functions of the Service. The Surgeon General is authorized to utilize the services of any member or members of the Council, and where appropriate, any member or members of the national advisory councils or committees established under this Act on cancer, mental health, alcohol abuse, and alcoholism, heart, dental, rheumatism, arthritis, and metabolic diseases, neurological diseases and blindness, and other diseases, in connection with matters related to the work of the Service, for such periods, in addition to conference periods, as he may determine.

(c) The National Advisory Mental Health Council shall advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of mental health. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of mental health and recommend to the Surgeon General, for prosecution under this Act, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of psychiatric disorders; and (2) to collect information as to studies being carried on in the field of mental health and, with the approval of the Surgeon General, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public and private), physicians, or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Surgeon General, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of mental health; and the Surgeon General shall recommend acceptance of any such gifts only after consultation with the Council.

(d) The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Secretary in the field of alcohol abuse and alcholism. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of alcohol abuse and alcoholism and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of alcohol abuse and alcoholism, and (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism and, with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations (public or private) or physicians or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of alcohol abuse and alcoholism; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council.

(e) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members who are appointed by the Secretary without regard to the civil service laws. These twelve appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

The Council shall:

(1) advise, consult with, serve as a sounding board for, and make recommendations to the Secretary—

(a) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including but not limited to the development of new programs and priorities; the efficient administration of programs, and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

(b) concerning policies and priorities relative to grants and contracts in the field of drug abuse which are made by the Secretary or by agencies and individuals responsible to him.

(2) submit to the Secretary and to the Director of the Special Action Office, for inclusion in the annual report required by section 202(a)(6) of this Act, a report which:

(a) summarizes the activities of the Council,

(b) summarizes their recommendations to the Secretary, their reasons therefor, and the extent to which their recommendations have been adopted, and

(c) includes copies of resolutions and other appropriate official documents of the Council.

COMMUNITY MENTAL HEALTH CENTERS ACT

TITLE II—COMMUNITY MENTAL HEALTH CENTERS

Part D—Narcotic addiction, drug abuse, and drug dependence prevention and rehabilitation

SEC. 251. (a) Grants from appropriations under section 261 may be made to public or nonprofit private agencies and organizations to assist them in meeting the costs of construction *or leasing* of treatment facilities (including *facilities for emergency medical services, intermediate care services, outpatient services or* posthospitalization treatment facilities) for narcotic addicts and other persons with drug abuse and drug dependence problems within the States, and to assist them in meeting the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation of such facilities constructed with grants made under part A or this part or of new services in existing treatment facilities for narcotic addicts, and other persons with drug abuse and drug dependence problems.

(b) The grant program for construction *or leasing* of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A except to the extent, in the judgment of the Secretary, special considerations make differences appropriate; but (1) before the Secretary may make a grant under such subsection for the construction of a treatment facility for narcotic addicts and other persons with drug abuse and drug dependence problems he must find that the application for such grant meets the requirement of section 205(a)(5) (relating to the payment of prevailing wages), and (2) the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum (or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area); as the Secretary may determine.

Part E—General provisions

Approval by National Advisory Mental Health Council

SEC. 266. Grants made under this title (other than part C *and part D* thereof) for the cost of construction and for the cost of compensation of professional and technical personnel may be made only upon recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act. Grants under part C of this title for such costs may be made only upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism established by such section. *Grants under part D of this title for such costs will undegro such review as is provided by section 217(e) of the Public Health Service Act.*

ECONOMY OPPORTUNITY ACT OF 1964

TITLE VIII—DOMESTIC VOLUNTEER SERVICE PROGRAMS

Part C—General provisions

Coordination With Other Programs

SEC 631. The Director shall take necessary steps to coordinate volunteer programs authorized under this title with one another, with community action programs, and with other related Federal, State, local, and national programs. These steps shall include, to the extent feasible, actions to promote service by volunteers or former volunteers in the full-time programs authorized under part A in providing necessary support to programs under part B, and actions to encourage persons serving as part-time or short-term volunteers to make commitments under part A as regular or associatted full-time volunteers. The Director shall also consult with the heads of other Federal, State, local, and national agencies responsible for programs related to the purpose of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation or training of part-time volunteers serving pursuant to this part.

Participation of older persons

SEC. 832. In carrying out this title, the Director shall take necessary steps, including the development of special projects where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under this title and, because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that they are served in proportion to their need.

Application of Federal law

SEC. 833. (a) Except as provided in section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section, volunteers under this title shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal employment.

(b) Individuals who receive either a living allowance or a stipend under part A

shall, with respect to such services or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1), (2), and (3) of this Act, except that for purposes of the computation described in 116(a)(2)(B) the monthly pay of a volunteer shall be deemed to be that received under the entrance salary for GS-7 under section 5332 of title 5, United States Code.

(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

Special Limitations

SEC. 834. (a) The Director shall prescribe regulations to assure that service under this title is limited to activities which would not otherwise be performed and which will not result in the displacement of employed workers or impair existing contracts for service.

(b) All support, including transportation provided to volunteers under this title, shall be furnished at the lowest possible cost consistent with the effective operations of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder shall request or receive any compensation for services of volunteers supervised by such agency or organization.

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(e) Persons serving as volunteers under this title shall provide such information concerning their qualifications, including their ability to perform their assigned tasks and their integrity, as the Director shall prescribe and shall be subject to such procedures, for selection and approval as the Director may require. The Director may fix such special procedures for the selection and approval of low-income residents of the area to be served by a program who wish to become volunteers as he determines will contribute to carrying out the purposes of this title.

Duration of Program

SEC. 835. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the five succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

Officers of Action

SEC. 836. (a) There shall be at the head of Action the Director of Action. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(b) There shall be in Action a Deputy Director of Action who shall be appointed by the President, by and with the advice and consent of the Senate and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director of Action shall from time to time assign or delegate, and shall act as Director of Action during the absence or disability of the latter or in the event of vacancy in the office of Director of Action.

(c) There shall be in Action, two Associate Directors of Action one of whom shall be designated as Associate Director for Domestic and Antipoverty Programs, and one of whom shall be designated as Associate Director for International Programs who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Associate Director will be primarily responsible for the program operations of Action within his respective jurisdictional area. In addition, they shall perform such functions as the Director of Action shall from time to time assign or delegate.

(d) There shall be in Action not to exceed four Assistant Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director of Action shall from time to time assign or delegate.

(e) The provisions of Sec. 1(d) of Reorganization Plan No. I of 1971 are hereby superseded by the provisions of this section.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. I am glad to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank the distinguished Senator from Iowa.

I would like to congratulate Senator HUGHES on bringing before the Senate this far-reaching legislation which will target present Federal programs pertaining to drug abuse.

The Office of Education presently has authority to conduct certain programs under the Drug Abuse Education Act of 1970. I am concerned about changes that may be made in this excellent program by the pending legislation.

I would like to ask the distinguished Senator from Iowa a number of questions regarding the administration of the Drug Abuse Education Act.

The committee report, on page 2, states the following:

> No authority is vested in the Director of the Special Action Office to transfer money from one program to another or to directly operate presently existing programs, or to replace the leadership of on-going programs, except to the extent that such authority is already vested in or exercised by the Office of Management and Budget or provided for in the reorganization authority granted to the new Office by this Act.

The language of the bill, in titles I and II, indicates that the special action office of the White House will have policy control of the Drug Abuse Education Act. Does the language in the committee report stating that the special office will not operate programs such as the drug abuse education program, except to the extent that such authority is already "exercised" by, but not "vested" by law in, the Office of Management and Budget, mean that the special White House office will have operational authority over the drug education program which has not in the past been legally exercised by the Office of Management and Budget?

Mr. HUGHES. I would reply to the distinguished Senator from Rhode Island that the Director, in the executive branch, has a general policymaking, planning, budget, and oversight role which will put some consistency and planning into our overall efforts in the drug abuse prevention and treatment area. This is a substantive authority but is something quite different from an authority to directly operate a particular agency's program or to simply pull up and move such a program without first receiving congressional consent.

The legislation vests no authority in the Director to transfer money from one program to another or to directly operate presently existing programs, or to replace leadership of ongoing programs that is not already legally vested in the Office of Management and Budget or provided for in the reorganization authority of section 206(a) of the proposed act. That latter subsection simply ties into the existing Government Reorganization Act, which requires reorganization plans to be submitted to the Congress, and so on.

So I do not think there should be a fear of the Director's taking over the daily operations and running of ongoing programs. He does not have the authority to do that—nor does he want it, as I understand it. That would be an impossible task. I should mention that the Director of the special action office has authority to use money from a special fund established by the bill to finance some experimental and research demonstration programs of his own in the drug area.

So, as a result, I believe that the legislation is such that the Director would not have the authority the Senator is concerned about.

Mr. RIBICOFF. Mr. President, if the Senator will yield, for the purposes of the record, I want to affirm the statement made by the distinguished Senator from Iowa. He has stated our intention correctly. I do not believe the distinguished Senator from Rhode Island need fear that the Director's authority would usurp operating functions of other agencies.

Mr. PELL. I appreciate these reassurances, and I would hope that this dialog which is automatically a part of the legislative history of the bill, will be noted, especially by the men in the White House who will have responsibility in this new office. They should read this dialog and be guided by the congressional intent, by the report, and by what we have said here on the floor.

I thank the Senator from Iowa.

Mr. HUGHES. I thank the Senator from Rhode Island for bringing this matter to our attention on the floor and incorporating it as a part of the legislative history in this debate today.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, the Senator from California has an amendment he is proposing under the agreed-to arrangement.

AMENDMENTS NO. 780

Mr. TUNNEY. Mr. President, I call up my amendments No. 780.

The PRESIDING OFFICER. The clerk will read the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. TUNNEY. Mr. President, I ask unanimous consent to dispense with further reading of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 780) are as follows:

On page 58, line 20, insert the following new title:

"TITLE VIII—REGIONAL CENTERS OF EXCELLENCE AND CAREER AWARDS IN DRUG ABUSE RESEARCH AND EDUCATION

"PART A—REGIONAL CENTERS OF EXCELLENCE

"ESTABLISHMENT OF CENTERS

"SEC. 801. The Secretary is authorized to make grants to and enter into contracts with universities and other public or nonprofit private institutions for the establishment of and for the development of proposals and plans for such establishment, up to a maximum of six regional centers for drug abuse research and education.

"SELECTION OF REGIONAL CENTERS

"SEC. 802. Selection of regional centers under this part shall be determined by an appropriate advisory committee to be established by the Secretary and located within the National Institute on Drug Abuse, including appropriate review procedures. Such procedures shall include provision for geographical distribution of such regional centers to the broadest extent feasible.

"FUNCTIONS

"SEC. 803. (a) Regional centers established pursuant to this title shall carry out a multidisciplinary program in drug abuse and drug dependence, including research, educaton of personnel, experimental therapeutics, model treatment projects, continuing professional education, and public education.

"(b) For purposes of this section:

"(1) 'research' shall include—

"(a) basic mechanisms of drug action including alcohol);

"(b) biology of the addicting process;

"(c) development of blocking agents;

"(d) development of substitute chemicals;

"(e) identification of biological, psychological, and social factors predisposing individual to alcohol or drug dependence or influencing the course of such dependence;

"(f) general research on other aspects including legal research and development of evaluation systems.

"(2) 'education' includes—

"(a) enhancement of existing professional education regarding alcohol and drug abuse and dependence in fields such as medicine, law, psychiatry, nursing, social work, psychology, pharmacology, and anthropology;

"(b) establishment of new educational programs including development of new categories of health and personnel to deal with alcohol and drug dependence and abuse;

"(c) development of teaching materials for alcohol and drug abuse related education programs at all levels of education.

"(3) 'model treatment projects' includes projects to carry out research and education and to permit testing of experimental therapeutics and new treatment methods, and the demonstration of existing treatment methods.

"FUNDING

"SEC. 804. (a) Grants or contracts entered into pursuant to this part shall be made upon a five-year renewable basis, subject to annual review and negotiation as provided in section 805 and shall include funds for staffing and operation of the centers, construction, and program evaluation.

"(b) Grants and contracts for staffing and operation may include funds for professional and staff salaries, leasing, and other rental expenses related to physical facilities, supplies and equipment, stipends for trainees and fellows, travel consultations, data processing, and institutional administrative costs and shall not require in-kind or cash contribution by the grantee. Grants and contracts pursuant to this section shall be made on a five-year basis: *Provided*, That payments under such grants and contracts shall not exceed $1,000,000 per year to any regional center during the first three years of such grant or contract.

"(c) Grants and contracts for construction may include (1) construction of new buildings and the expansion, remodeling, and alteration of existing buildings including architect fees, but not including the cost of acquisition of land or offsite improvements, and (2) equipping new buildings and existing buildings whether or not expanded, remodeled, or altered. Construction grants shall not exceed $7,000,000 for any one regional center.

"(d) Not less than 5 per centum of funds appropriated pursuant to section 805 shall be reserved for program evaluation costs. Such sum may be expended by the Secretary for the purpose of conducting periodic evaluations of administration of this title and the operation of regional centers pursuant to this title and may be expended in such amounts and under such terms and conditions as the Secretary deems appropriate.

"(e) Payment pursuant to grants or contracts may be made in advance or by way of reimbursement and in such installments as the Secretary shall prescribe.

"AUTHORIZATION

"SEC. 805. (a) For the purposes of section 804(b) and (d), there are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1973; $7,000,000 for the fiscal year ending June 30, 1974; $7,500,000 for the fiscal year ending June 30, 1975; $8,000,000 for the fiscal year ending June 30, 1976; and $8,000,000 for the fiscal year ending June 30, 1977.

"(b) For the purposes of section 804(c) of this part, there are authorized to be appropriated $21,000,000 for the fiscal year ending June 30, 1973, and $21,000,000 for the fiscal year ending June 30, 1974.

"(c) Such sums shall remain available until expended.

"PART B—CAREER AWARDS

"NUMBER OF AWARDS

"SEC. 831. (a) The Secretary is authorized to make not to exceed fifty career awards in the fields of alcohol and drug abuse research and education to be used for study and research at institutions of higher education or research.

"(b) Such awards shall be made for five calendar years' duration and shall be renewable.

"AMOUNT OF AWARD

"SEC. 832. Career awards under this title shall consist of a maximum award of $50,000 per year and may include payment for salaries and stipends, research support, administrative costs, travel, and data processing: *Provided*, That salary payments to the individual awardee shall be limited to a maximum amount established by Institute procedures dealing with similar career awards in other fields.

"SELECTION OF RECIPIENTS

"SEC. 833. (a) Recipients of career awards established pursuant to this part shall have manifested superior caliber or great promise in education and research in one or more academic fields relevant to alcohol or drug dependence and abuse and must be associated with a supporting institution approved by the Secretary.

"(b) The Secretary shall by regulation prescribe uniform procedures for the selection of such recipients, including review of applications for such selection by an appropriate committee to be selected by him.

"(c) No award may be made under this part except upon application made to the Secretary containing or accompanied by such information as the Secretary may reasonably require.

"APPROVAL OF SUPPORTING INSTITUTIONS

"SEC. 834. For purposes of this part, the Secretary shall approve any institution of higher education or other nonprofit research or educational institution as a supporting institution for purposes of this part upon a finding that—

"(1) the institution has in existence, or will establish, a research and education program in drug dependence and abuse appropriate for the support of the work of the award recipient, and

"(2) the institution has made satisfactory assurances that it will make reasonable continuing efforts to encourage and assist the award recipient in the development of his individual expertise and to promote further development of his field for the term of the award.

"ADMINISTRATION OF AWARDS

"SEC. 835. Payment of sums awarded under this part shall be made by the Secretary to the supporting institution, and shall be disbursed by such institutions, in such manner as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

"AWARD CONDITIONS

"SEC. 836. (a) A recipient of a career award under this part shall pursue a program of research and education in drug dependence appropriate to his individual qualifications in, and to promote further development of, the field in which such award was granted. Payments to any award recipient under this part shall continue only during such periods as the Secretary finds that he is devoting essentially full time to education and research in the field in which such award was granted at a supporting institution approved by the Secretary under section 834 of this Act.

"(b) The Secretary shall establish appropriate procedures to revoke a career award upon a showing of good cause.

"ANNUAL REVIEW AND TRANSFER OF CAREER AWARDS

"SEC. 837. (a) Career awards shall be subject to review by the Secretary on an annual basis for the purpose of assuring compliance with the purpose of this Act and the provisions of this part.

"(b) The Secretary shall establish appropriate procedures to permit the transfer of a career award by an award recipient from a supporting institution to a new supporting institution, where in the judgment of the Secretary such transfer will not conflict with the purposes of this part.

"AUTHORIZATION

"SEC. 838. For the purposes of carrying out the provisions of this part, there are authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1973; $2,500,000 for the fiscal year ending June 30, 1974; $2,750,000 for the fiscal year ending June 30, 1975;

$2,750,000 for the fiscal year ending June 30, 1976; and $3,000,000 for the fiscal year ending June 30, 1977."

On page 58, line 20, strike out "VIII" and insert in lieu there "IX" and renumber succeeding sections accordingly.

The PRESIDING OFFICER. It would take unanimous consent to consider the amendment since it applies to a part of the bill already amended.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the amendment of the Senator from California be considered at this time and be considered to be in order.

Mr. HUGHES. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. HUGHES. Will the Chair please explain to the Senator from Iowa what the last statement of the Chair was? The amendment of the Senator from California is not a part of this amended piece of legislation before the Senate at the present time.

The PRESIDING OFFICER. The Chair stated that the amendment proposes to amend a part of the legislation which has already been amended.

Mr. HUGHES. I thank the Chair for explaining it to the Senator from Iowa.

Mr. TUNNEY. Mr. President, I ask unanimous consent that my amendments No. 710 be considered.

The PRESIDING OFFICER. Without objection, the amendments will be considered.

Mr. TUNNEY. Mr. President, the bill we have before us is an excellent one and I support it fully. I joined with numerous other Senators of both parties in cosponsoring it. The provisions contained in S. 2097 are designed to bring to bear all of the resources of the Federal Government in a highly focused and coordinated manner on the terrible problem of drug abuse. The Special Action Office, the national drug abuse strategy, the National Institute on Drug Abuse, the State and local grant program, and the National Advisory Council—all of these provisions represent a fundamental and far-reaching commitment to use all of the resources available to us against drug abuse.

I want to commend in particular the dedicated and tireless efforts of Senator HUGHES, the distinguished chairman of the Alcoholism and Narcotics Subcommittee; Senator PERCY, the prime sponsor of S. 2097; and Senators MUSKIE, RIBICOFF, JAVITS, and DOMINICK—all of whom are responsible for bringing together a product which commands broad bipartisan support. I am encouraged tremendously that we are now moving very clearly toward a consensus against drug abuse.

There is an area, however, which I believe must be dealt with on a much more substantial basis and is therefore the subject of the amendment which I am offering. No matter how skillfully the legislation before us is drafted, and no matter how competent are those who implement it, the fact remains that they must operate with only the talent and the knowledge that we now have about drugs. Frankly, there is a tremendous shortage of that talent and research upon which to call.

S. 2097 will make a major step toward filling this shortage, but I believe we must make additional provision for long-term growth and development of talent and knowledge against drugs.

Moreover, I feel we must make a fundamental commitment to make resources available on a very direct and immediate basis to State and local programs and agencies which must deal with drug abuse. To put it bluntly, all of the mechanisms which we create will not be adequate if we do not bridge the continent-wide gap that exists between Washington and the local community. If there is one thing I have learned here in the Senate, it is that San Diego and Los Angeles and San Francisco and all of the other large cities of the West are a continent away from resources here in Washington. Proposals for national research centers or a national institute or any other national effort against drug abuse, laudable though they may be, simply cannot provide direct and continuing communication and expertise of the kind needed to combat drug abuse throughout the country.

Few communities can afford to make use of research and training facilities here in Washington on anything other than a limited basis. How many communities could expect to send more than one or two persons back to Washington for training or consultation. Unless research and training efforts are available in a much more immediate and accessible fashion, much of their value is dissipated.

It is essential to any proposal for nationwide action that we include mechanisms to make it effective in local communities.

In order to deal with both of these problems on a direct and immediate basis, I am proposing an amendment to create two basic and powerful mechanisms to a continuing and expanding fund of knowledge and talent in drug abuse.

The amendment provides for the establishment of, first, regional centers—up to a maximum of six—for research and education in drug abuse; and second, 5-year renewable awards to individual experts for increased research and education in drug abuse and drug dependence.

Part A of the amendment provides for the establishment of a maximum of six regional centers of excellence in drug abuse research and education. Each center would conduct a multidisciplinary program in drug abuse and drug dependence including research, education of drug abuse personnel at all levels, model treatment projects, experimental therapeutics, continuing education for professionals in drug abuse fields and public education. The centers would be located at universities or other public or nonprofit institutions and would be selected by the Secretary of Health, Education, and Welfare through the National Institute on Drug Abuse.

In order to maximize the practical benefits of these centers, the amendment provides that they be located on a regional basis. In this way, they would serve as an important resource to State and local communities. This, I believe, is a fundamental necessity.

Regional centers such as those envisioned by this amendment could offer substantial education and training programs for State and local officials, professional staff and treatment personnel, school personnel, and any other persons who must deal with drug abuse. At the same time the methods developed at such centers could be communicated to and implemented by local agencies on a continuing basis.

Part B of the amendment would establish a program of individual experts in fields related to drug abuse. Awards under this program would be designed to provide to individuals of proven ability or great promise the opportunity to make a major commitment of their time and effort in research and education related to drug abuse.

The career awards program is modeled after a very successful program of similar awards in the field of mental health. It is founded upon the idea that capable and dedicated individuals, given even a modest amount of support, can make a major contribution to research and education in a specific field if they are assured of some continuity in that support.

CONCLUSION

Mr. President, both of these proposals included in my amendment are the result of extensive discussions with medical and professional persons who deal with drug abuse on a daily basis in cities and towns throughout the country. I can say without hestitation that there is a widespread belief that mechanisms such as these are absolutely essential if we are to make lasting progress in the fight against drugs.

I have with me a large number of letters from academic and professional persons working in the drug abuse field. These letters indicate very strong support for my amendment. I ask unanimous consent that some of the letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF.,
November 23, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: As you requested, I have reviewed S. 2809 and consider it extremely exciting and pertinent legislation. It addresses itself to a most fundamental and pressing societal issue—drug abuse, and to your credit presents a viable solution to the problem.

While I am in sympathy with any legislation that attacks the drug problem, my chief concern is that we have the manpower to launch the attack. S. 2809 offers an effective answer to the manpower issue—the Regional Centers in Drug Abuse Research and Education. It is only through concerted, interdisciplinary efforts that we will be able to muster the manpower talent to deal effectively and emphatically with all the issues related to drug abuse. The Centers offer an unprecedented opportunity for research and education. While I am sympathetic to the proposed Special Action Office in the White House and an Institute for Drug Abuse and Drug Dependence, I am concerned about the success of such an effort unless research and education are essential components. The Regional Centers you propose give assurance that the programs envisage through the enactment of S. 2097 will be implemented.

However, for the Regional Centers to be a success I am convinced that the programs must be interdisciplinary. The drug abuse problem is so vast and interwoven that only interdisciplinary efforts can deal with it effectively. Therefore, a condition of funding the Regional Centers must be that they be interdisciplinary, testing and utilizing the talents of various skills and disciplines.

If properly administered and adequately funded, I am convinced that S. 2809 will take us a long way toward combating drug abuse.

If I can be of any further assistance please call on me.

Sincerely,

EDWIN F. ROSINSKI,
Executive Vice Chancellor.

INSTITUTE FOR PUBLIC POLICY ANALYSIS,
Stanford, Calif., November 23, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate
Washington, D.C.

DEAR SENATOR TUNNEY: I appreciate your letter of November 18th with the enclosed copy of Senate Bill 2809 and Amendment to Senate Bill 2097, along with your fine introductory remarks. I have found it a pleasure to read the proposed legislation and am in complete agreement, not only with its logic but with the excellent particulars which you detail. Certainly the funds which you request for the beginning years are modest and even the later full amounts are small in comparison with the hidden and direct costs which the variety of drug related problems visit upon our society. One of the strengths of your proposal is that the centers you envision would provide a place for interested undergraduates and graduates to enroll and work in, thereby providing assurance of a suitable training for what might very well be a large number of highly motivated and thoroughly competent young people who these days find their desires to be of assistance in the drug field frustrated, or find it necessary to apprentice themselves to clinics or store front programs where they do not receive adequate training for their fully effective development. Your attention to the need for a multi-disciplinary approach and long term funding is critical. Most important is your awareness that drug problems present a chronic threat to public health and safety and at the very least are symptoms or correlates of a wide variety of other disorders, which, in consequence, means that a long term program designed to meet drug abuse problems will also necessarily attend to some of the basic difficulties which our society faces in the field of public health, delinquency and family disorder.

I commend you on your continued interest in the role of the government in the treatment of drug problems and I wish to express my gratitude to you for introducing S. 2809. I hope it speedily becomes law. I am taking the liberty of sending carbons of this letter to Senators Harold Hughes and Jacob Javitts.

Sincerely,

RICHARD H. BLUM, Ph. D.,
Program Director.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., November 22, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I should like to congratulate you on your proposed bill, S. 2809, designed to encourage the development of knowledge in the field of drug abuse. I believe that you have hit on several key provisions, including the development of regional centers of research, support for career investigators and development of effective teaching techniques for the spread of new knowledge. As a psychopharmacologist long involved in the study of drugs affecting the brain, I am most encouraged by this proposal. I strongly support your bill not only as a scientist but also as a father of five growing children. Our society needs to develop more effective means of combatting drug abuse. I personally am convinced that new techniques will only come about through effective research.

If I can help in any way, please let me know for I would be more than happy to appear before any legislative committee to support the concepts outlined in your bill.

I am sending carbon copies of this letter to our honorable senators from the State of Michigan as well as Senators Hughes and Javits.

Sincerely,

E. F. DOMINO, M.D.,
Professor of Pharmacology.

LOS ANGELES, CALIF.,
November 26, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: My thanks for sending a copy of S. 2809. I can support the intent and content of the bill without reservation. During my tenure as Director of the Division of Narcotic Addiction and Drug Abuse at the National Institute of Mental Health, I hoped for funds which could support regional centers for the study of drug abuse. At U.C.L.A. we are about to initiate a Center for Studies of Drug Abuse which will coordinate our many activities in this area. When funds become available under your bill, we would apply for them and expand our Center.

I shall be testifying before the Senate Subcommittee on Juvenile Delinquency next month and will express my support of your measure at that time.

Sincerely,

SIDNEY COHEN, M.D

MENTAL HEALTH SERVICES,
Modesto, Calif., November 24, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senator from California,
Washington, D.C.

DEAR SENATOR TUNNEY: I am writing you at the request of Dr. Hewitt Ryan in regard to Senate Bill 2809 I am currently working with Dr. Ryan in the Department of Mental Health of Stanislaus County in developing a comprehensive drug abuse and alcoholism program with the eventual goal of establishing an Addictive Service as part of our overall health care capability. We have been working toward developing this program as a comprehensive service that would include elements appropriate for virtually every element of drug abuse, addiction, and alcohol abuse.

In attempting to develop a comprehensive program of this type, we have found that with current legislation we must approach the problem in a fragmented manner, applying for various grants to fund different elements of the program. This makes little sense either from a health care or a research standpoint. What we really need is a comprehensive program that could be funded on a regional basis to include all necessary services, training, and research elements so that the efficacy of such programs could be evaluated in a logical and coherent manner. Your bill seems to speak directly to this point. Furthermore, your legislation recognizes the difficulty we have faced in finding adequate financing for our program. Current legislation is totally inadequate, both from the standpoint of amount and continuation. I don't think most people understand that once a commitment is made for either treatment of research in an area such as drug abuse or addiction that this commitment is long term and indeed probably indefinite. Also, these programs are extremely expensive and probably will never be totally self-supporting. We thus really need adequate, long term financing with provisions for the development of real expertise and also a strong emphasis on evaluation of current and new techniques in the areas of drug abuse and addiction. S. 2809 would be an appropriate step in this direction. Your concept of training makes a great deal of sense. I feel that career awards would bring qualified people into this area of work on a long term basis, and with this kind of commitment people would be able to devote full time and their entire effort to drug abuse and addiction and would not have to make changes in their areas of interest dependent on "where the money is".

I would suggest that the regional centers considered under this legislation be located in areas of relative population stability and in areas where population size would allow for meaningful research and adequate long term follow-up. Another consideration would be the location of such centers in areas of greatest need. These programs should also emphasize utilizing existing community resources as much as possible to prevent dislocation of individuals from their "natural environment." This would prevent the introduction of extraneous variables into research.

In summation, I strongly support S. 2809 as a desperately needed measure. I would also encourage the passage of similar legislation to provide for the comprehensive programs, perhaps of a smaller nature, concerning the needs of individual communities. Perhaps this provision could be included as a part of S. 2809 so that each regional center could develop more comprehensive programs under their jurisdiction in nearby communities.

Thank you very much for this opportunity to review this legislation. I hope that my comments have been of some help.

Sincerely yours,

RONALD A. BORTMAN, M.D.,
Chief Physician,
Heroin Addiction Treatment

LOS ANGELES, CALIF.,
November 22, 1971

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have studied with care your bill S. 2809 and I hereby give it my wholehearted endorsement.

Certainly one reason we are faced with a mounting drug abuse problem today is our ignorance about possible causes, both biological and sociological, of drug addiction. As physicians, we are in the unfortunate position of attempting to prevent drug abuse and to treat patients with drug abuse problems without knowing the causes. This is similar to the problem physicians used to experience when attempting to treat a patient with "fever," without knowledge of the source of the fever. Although application of cold baths was beneficial in some patients, the real solution to the "fever" problem had to await the discovery of the specific causes of fever. Once this was learned, effective treatment and preventive measures quickly followed.

Although much good can be accomplished through application of existing knowledge, the real solution to the drug abuse problem will have to await better understanding of causes of drug abuse. Such knowledge will most certainly provide the basis for more effective means of prevention and treatment.

National legislation designed to solve the drug abuse problem in absence of a program aimed at looking for the basic underlying causes and toward developing better treat-

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ment methods is both nearsighted and unrealistic.

Your proposal, S. 2809, which is designed to provide for the development of desperately needed new knowledge in the drug abuse field, as well as training and education, is an important piece of legislation if we are to finally solve the drug abuse problem.

It is my sincere hope that the Senate will seriously consider the importance of the role of research in the solution of the drug abuse problem and will approve your bill S. 2809, or some other similar proposal.

Sincerely,

JAMES H. SATTERFIELD,
Director of Research, Andrew Norman Research Center.

WASHINGTON UNIVERSITY SCHOOL OF MEDICINE,
St. Louis, Mo., November 22, 1971.

Sen. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have carefully read your amendment to the comprehensive drug bill (S. 2809) and consider it admirable in every respect. As a career investigator in the area of alcohol and drug abuse I paid particular attention to the section on career awards and found it realistic and complete. I will urge our Missouri members of Congress to support the amendment.

Sincerely,

DONALD W. GOODWIN, M.D.,
Assistant Professor of Psychiatry.

EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE,
Philadelphia, Pa., November 22, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18 which contained the reprint of your bill. In my view, your bill is most enlightened and passage and implementation of it would contribute significantly to the future struggle against drug abuse. It lays the groundwork for a long-term effort and this is precisely what is needed.

I have not had time to think about any suggestions for change in the bill. I certainly hope that you will be able to see it through.

Yours sincerely,

CHARLES SHAGASS, M.D.,
Professor of Psychiatry, Temple University.

MONTEFIORE HOSPITAL AND MEDICAL CENTER,
Bronx, N.Y., November 22, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of the 18th of November 1971, and for the copy of the Congressional Record of the Senate dated the 3rd of November 1971. I deeply appreciate your allowing me to respond both to your letter and to your statement to the United States Senate.

I completely agree with you that there is a tremendous problem of drug abuse and that we are almost wholly ignorant of the causes of such abuse and the mechanisms by which drug dependency is established and maintained in its individual users. As with all other such matters, the approach to the treatment of drug abuse must be based on scientifically founded knowledge. Your proposed bill deals with just this problem with great foresight. Let me simply mention that the problem of drug abuse is probably a heterogeneous one. That is, the abuse of alcohol is quite different from the abuse of heroin and even of the hallucinogenic agents, such as Mescalline. We need all the information and talent to tackle each one of these separate problems. Your bill is certainly a major advance in this direction. It is particularly urgent that new information be gathered in order to avoid the social consequences of drug abuse. These consequences are not only in the form of crime, but in the terrible toll of disease and death which the abuse of alcohol particularly exacts.

Your proposal is certainly to be commended and your statements before the Senate are to be commended.

Sincerely yours,

HERBERT WEINER, M.D.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
November 19, 1971.

JOHN V. TUNNEY,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for the opportunity to comment on your bill concerning drug abuse, I especially commend it. The idea of providing fixed or gradually increasing research money to workers outside the federal government is particularly attractive. Providing this is done in a limited manner around existing high level institutions (California, by the way, has no dearth of these), a sufficient nucleus of personnel and ideas should be available to make the experiment work.

As I understand your bill, it provides for research and education but not for service. This is an important point since there is, at present, unfortunately little that can be done for persons abusing drugs and pressure is strong to attempt quick remedies. It may seem humane to place all our money and effort in service connected endeavors but until there is substantial evidence that these remedies in fact work it is important for some inventive minds to look beyond the wish for immediate relief of our drug problems.

I hope the bill is successful and look forward to your sponsorship of future enlightened legislation. If I can be of help in this manner, please let me know.

Sincerely,

RICHARD J. WYATT, M.D.

UNIVERSITY OF SOUTHERN CALIFORNIA SCHOOL OF MEDICINE,
Los Angeles, Calif.

Senator JOHN V. TUNNEY,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TUNNEY: I am writing you to express my appreciation and support for S. 2809, the bill recently introduced by you to encourage the development of knowledge and professional resources to meet the continuing problem of drug abuse in the future.

Current problems of drug abuse are simply a beginning, and it would be naive for anyone to believe other than that we will have a continuing and increasingly severe problem. We are on the threshold of great advances in psychopharmacology, but each advance in mind-altering or mood-altering drugs brings with it the potential for abuse. Our problems with hard narcotics will continue, and to this will be added future problems of great severity. Unfortunatley, we are already severely limited in our knowledge and manpower resources to deal even with the old problems.

Senate bill 2809 addresses itself to what I believe to be a core problem. That problem is the training of a large number of professionals to deal with future problems of drug abuse in both the research laboratories and within the health delivery system. As your bill indicates, these human resources must be multidisciplinary. Speaking for one interested discipline, I can assure you that very little is being done currently in the United States to train our future psychiatrists in this area. I speak as the director of one of the largest university based psychiatric residency training programs in the United States, and as chairman of the Southern California Association of Directors of Residency Training. As a group we train approximately 20% of the nation's psychiatric residents. From our discussions there is no doubt that the issue of drug abuse is insufficiently dealt with in the training programs. This is largely due to the lack of teaching and institutional resources which would be rectified by S. 2809.

Since the location of the regional centers would most likely be at the major universities, the teaching and research resources would be available not only to psychiatrists in training but to trainees from other related interested disciplines.

The Career Awards portion of the bill is of course essential, and addresses itself to the serious problems of funding and research support that have inhibited our progress thus far. The availability and stability of funding and support would make a considerable difference in terms of attracting our top talent to this most important area. In addition, I would like to see another specific form of funding added to S. 2809. Namely, I would like to see each regional center given a number of fellowship stipends of one to two year duration. I would like to see a psychiatrist, after completing his three years in general psychiatry, being able to spend one or two years in a postgraduate fellowship in drug abuse; and similarly, other postdoctoral or graduate students from other disciplines being able to spend one to two years in this field. This would encourage interested young professionals to involve themselves early in their careers in the sub-specialty of drug abuse, and in my mind there is no question but what a large percentage would remain in the field.

We live in an age of obsolescence. We build buildings which are too small by the time they are completed, we address ourselves to problems which are different by the time we reach them. Your bill, and your remarks in the Congressional Record of November 3, 1971, are refreshing in their farsightedness. It is my sincere hope that your colleagues in Congress will recognize that the adoption of S. 2809 is an absolute essential if this country is to successfully address itself to the problems of drug abuse. Accordingly, I have taken the liberty of sending copies of this letter to Senator Hughes and to Senator Javits.

Sincerely yours,

SHERWYN M. WOODS, M.D.,
Associate Professor in Psychiatry.

INSTITUTE OF LIVING,
Hartford, Conn., November 23, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18th and the copy of your bill S. 2809. I believe the bill is worded in a most appropriate fashion and that your concern for the development of adequate personnel and facilities for handling the drug abuse problem is most timely. While a number of treatment centers have been opening across the country, they tend to be staffed by people with minimal experience with either narcotic or alcohol addiction problems and are drawing very heavily on the ex-addict population for their "professional" personnel. While this technique works up to a point, as has been demonstrated in AA and some of the narcotic addict programs, my main objection to depending too heavily upon this group is their unreliability over long time spans and their lack of a real professional commitment to the work. They tend to remain involved largely because they recognize that unless they are one-hundred per cent involved in such programs that they stand a very high chance of returning to drug or alcohol abuse.

Of especial importance are the research aspects of the centers you are proposing, since a tremendous amount of basic research, as well as further clinical research, needs to be done in these areas. As I am sure you know, the restrictive aspects of the Harrison Act have for years prevented any investigation with compounds such as heroin and marijuana. Therefore, the necessary basic knowledge about the metabolic physiology of these substances is sadly lacking.

I will certainly communicate directly with Senators Hughes and Javits, supporting your proposals, and will also write to the Congressional members from the State of Connecticut. If I can be of any further assistance, please let me know, since I believe you are proposing a most important bill. In this regard, I hope you have contacted other key members of the group of physicians who fought so hard for appropriate drug legislation and who would be most interested in the proposals you are making in S. 2809.

Most sincerely,

BERNARD C. GLUECK, Jr., M.D.,
Director of Research.

THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator JOHN V. TUNNEY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18 and the copy of your bill S. 2809 "The Drug Abuse Research and Education Act of 1971." I heartily agree with the spirit as well as the specific details embodied in your proposed legislation. Indeed, even before hearing of your proposed bill, I had been thinking along the lines of developing regional drug abuse research centers and have since discussed such plans in detail with Dr. Arnold Mandell with whom I understand you have been in correspondence regarding this legislation.

Enclosed are copies of my letters to Senators Hughes and Javits explaining the reasons for my support of your legislation. If I can be of any further assistance feel free to call upon me (301)-955-3024.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator HAROLD HUGHES,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUGHES: I am writing to you to express my interest in and support for the comprehensive drug bill S. 2097 and to urge your support, in addition, of S. 2809, a bill introduced by Senator John Tunney as "the drug abuse research and education act of 1971."

Mr. Tunney's bill is designed to set up regional centers for research and education in drug abuse as well as to institute a system of career awards to scientific and clinical investigators who are making a major commitment to research and training in drug abuse. The rationale for S. 2809 is to provide a continuing resource of research knowledge and trained personnel with a view to preventing future "drug abuse epidemics" before they begin. Accordingly, the aims of S. 2809 fit in quite well with those of S. 2097 and would be workable whether administered through a White House office, the National Institute of Mental Health or a special drug abuse research institute. In fact, it is my understanding that S. 2809 will be introduced as an amendment to S. 2097.

I feel strongly that, while labeling the drug abuse epidemic a "national emergency" and designing emergency legislation to deal with it is good, this approach may be shortsighted unless combined with provisions for long-term, on-going research and education in drug abuse as proposed in S. 2809. Moreover, it is worth noting that compared to the total current federal expenditures related directly to drug abuse, about 390 million dollars in the current fiscal year, the annual cost of S. 2809, considerable less than 30 million dollars, is quite nominal.

Thank you for your thoughtful consideration.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.

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Thank you for your thoughtful consideration.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I am writing to clarify certain points made in my letter to you of yesterday regarding your Bill S. 2809 "The Drug Abuse Research and Education Act of 1971." Although I agree very much with all the provisions of your bill, after rethinking the situation, I have come to the view that it may not be wise to offer them as an amendment to the comprehensive drug bill S. 2097. This might only serve to muddle the flexibility of the latter bill and conceivably interfere with its passage. I would, however, be happy to testify in behalf of S. 2809 in committee. I have written both Senators Hughes and Javits about these reservations.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

NOVEMBER 24, 1971.

Sen. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I have had the opportunity to read Senator Tunney's proposed Drug Abuse Research and Education Act. This is an excellent plan, and I am particularly impressed with the idea of setting up "Career Awards in Drug Abuse Research and Education."

Patterned after the highly successful Career Development Award, such a program offers a uniquely economical approach to the pressing problems of drug abuse. The administrative overhead would be low, and the bulk of the support would go directly into the field. The idea of grants to establish "centers of excellence" in drug abuse teaching and research is appealing. However, a "center of excellence" depends primarily on an excellent man at the center. A large number of universities cannot find qualified men to fill well paid and prestigious chairs in psychiatry.

The first order of business is then to develop individuals of excellence. The heavy investment required to develop a center should be made with great caution.

Sincerely,

ENOCH CALLAWAY, M.D.

NOVEMBER 24, 1971.

Senator HAROLD HUGHES,
Chairman, Alcoholism and Narcotics Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: I have had the opportunity to read Senator Tunney's proposed Drug Abuse Research and Education Act. This is an excellent plan, and I am particularly impressed with the idea of setting up "Career Awards in Drug Abuse Research and Education."

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The first order of business is then to develop individuals of excellence. The heavy investment required to develop a center should be made with great caution.

Sincerely,

ENOCH CALLAWAY, M.D.

NOVEMBER 23, 1971.

Hon. JACOB JAVITS,
Senator from New York,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am writing to express my strong support for Senator Tunney's S. 2809 as an amendment to S. 2097. Drug abuse is an overwhelming problem in the South Bronx and Albert Einstein College of Medicine is responsible for the drug abuse problems in that area. The passage of S. 2809 would be tremendously useful in the recruitment of scientists to work on these crucial problems.

Very truly yours,

WAGNER H. BRIDGER,
Professor of Psychiatry.

UNIVERSITY OF CALIFORNIA,
November 24, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have read with great interest your bill S. 2809, an amendment to S. 2097, the Administration's drug bill. As a former awardee of the NIMH Career Development Program, a long time investigator in the field of alcoholism, and a current member of the Alcoholism and Alcohol Problems Review Committee of the NIMH, I find your bill extremely well-formulated and if enacted would deal a major blow to the ravages of alcoholism and drug abuse. I strongly support it and have written my views on this matter to Senator Hughes and Senator Javits. If I may be of further assistance in this matter, please contact me.

Yours sincerely,
ERNEST P. NOBLE' Ph. D., M.D.,
Professor of Psychiatry and Human Behavior, Psychobiology and Pharmacology.

RESOLUTION SUPPORTING DRUG ABUSE RESEARCH AND EDUCATION LEGISLATION

On motion of Supervisor Scheidle, seconded by Supervisor Craven, the following resolution is adopted:

Whereas, S. 2809, the Drug Abuse Research and Education Act of 1971, would authorize the establishment of regional centers of excellence in drug abuse research and education and for other purposes; and

Whereas, S. 2809 would provide for selection and establishment of regional centers; and specific drug abuse research and education programs and functions of such centers; and

Whereas, S. 2809 would provide grants for providing research and education services over a five-year period, renewable at the end of that period; and

Whereas, the County of San Diego was early in identifying and addressing itself to drug abuse problems and in developing a planned, coordinated method of working with these problems; and

Whereas, the County has been expedient in responding to the drug abuse problem, having a coordinated countywide drug control plan which incorporates such facilities as the University Hospital, Deer Park, a methadone maintenance facility and many street agencies located throughout the community; and

Whereas, the County of San Diego has shown its success in its multitude of programs and is a prime location for a regional center as proposed in S. 2809.

Now therefore, be it resolved by the Board of Supervisors of the County of San Diego that:

(1) This Board supports the "Drug Abuse Research and Education Act of 1971" (S. 2809); and

(2) The Congress of these United States are urged to cooperate in a bi-partisan effort to enact S. 2809 to meet the growing drug abuse problems that affect the health and welfare of the nation.

(3) The County, State and Federal Legislative Representatives be directed to take appropriate action to see that this Bill is enacted.

Mr. TUNNEY. Mr. President, I believe that my amendment can easily be combined with the legislation that we have before us. I think it would strengthen the legislation, good as that legislation is on its own. I have indicated that I strongly support S. 2097. But I think my amendment would increase the scope and the dimension of the legislation, and would make it more effective.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield to the Senator from Iowa.

Mr. HUGHES. I compliment the distinguished Senator from California for calling up this amendment today. I want to say that in principle, the amendment, to establish a system of centers, would have some value, as the Senator from California has indicated.

If the Senator from California will permit, I would like to ask a couple of questions relating to the amendment.

Does the Senator envision that we are going to appropriate capital resources for funding research centers in the six different regions of the United States?

Mr. TUNNEY. It is my view that we would use existing facilities at universities, hospitals, and existing research centers. I would not anticipate that we would have to start a capital construction program in order to make these centers available for the training of personnel engaged in research and education. A modest amount would be authorized to allow some changes in physical facilities to allow for multidisciplinary efforts.

Mr. HUGHES. As the Senator probably knows, there is a policy in effect now of closing or advocating the closing of Public Health Service hospitals in some regions of the country.

Mr. President, the Senator from California introduced a bill similar if not identical to this amendment earlier in the year.

Mr. TUNNEY. That is correct.

Mr. HUGHES. The bill was referred to the Committee on Labor and Public Welfare, and then later referred to the Subcommittee on Alcoholism and Narcotics, of which I am the chairman.

Because of the burden of work that the subcommittee and the committee had, we were unable to hold hearings on this particular piece of legislation. However, I wish to state to the Senator from California that as chairman of the subcommittee I would be more than willing, early next year, as soon as possible, to hold hearings on his proposal, to explore it, get the witnesses that the Senator from California has talked about, and to follow through on the measure. In all probability I might join as a cosponsor of the legislation if I were given time to consider it through the process of hearings.

At this point, I would be forced to oppose it as an amendment to the pending bill, because I feel there has been a lack of study into the need for it at this point, though it has a great deal of weight and merit, and probably could be supported and passed in this body at an early date next year.

I ask the Senator from California if he would consider the possibility of perhaps withdrawing his amendment and then, early in the year, going to hearings to explore the matter further. In all probability the matter could then be brought to the floor as a separate piece of legislation.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. TUNNEY. I yield.

Mr. JAVITS. I am the ranking member of the subcommittee the Senator from Iowa chairs so gracefully, and I should like to join with him in the assurances he has given the Senator from California, and to urge the Senator to consider his own deep feeling about this measure, and where we stand in the session.

I think he would be helping the country by letting the measure move along, and I believe also helping the proposal he has in mind, at one and the same time.

Mr. HUGHES. The Senator from Iowa would regret very much being placed in a position of opposing this amendment today, I might add. I do believe it has great merit and should probably become the law of the land. So I would repeat my request, and ask the Senator from California if he would consider withdrawing the amendment.

Mr. TUNNEY. Mr. President, I thank the Senator from Iowa and the Senator from New York for the remarks they have made. I recognize that the distinguished Senator from Iowa has been operating under a crushing schedule, and that there was not time to hold hearings on this amendment as separate legislation. I am also well aware of the very hard work which has gone to produce the bipartisan compromises we now have on this legislation. S. 2097 is a truly excellent bill and I do not wish to delay its passage or endanger its prospects in the House of Representatives or at the White House. We all believe very strongly that too much time has passed already in mounting a massive effort against drug abuse.

Considering the fact that the Senator from Iowa has been so kind to assure me today that he will hold hearings on this amendment as a separate bill in the early part of next year, I shall ask to withdraw the amendment. I do so with the understanding that there will be hearings in the early part of next year.

I feel personally that this proposal, as an amendment, is absolutely essential to provide the mechanism needed to create professional training and research centers around the country, and to do the investigative research that is necessary to fully combat the horrors of drug abuse. But I can certainly accept the compelling nature of the arguments which have been made to me by my distinguished colleagues and by members of the executive branch.

So, with that being said, Mr. President, I ask unanimous consent that my amendment No. 780 be withdrawn at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Who yields time?

Mr. PACKWOOD. Mr. President, we have before us today one of the most urgent pieces of legislation of this session. S. 2097, the Drug Abuse Office and Treatment Act of 1971, of which I am proud to be a cosponsor, is the product of long and careful study by the administration, two Senate committees, and numerous groups and individuals. It is a study of this Nation's critical drug problem and what it will take to reach or at least approach a solution.

This bill is designed to meet our organizational needs by establishing in the White House a Special Action Office for Drug Abuse Prevention, and in the National Institute of Mental Health, a new National Institute on Drug Abuse. S. 2097 will begin to meet our drug abuse education, prevention, treatment, rehabilitation, and training needs by establishing a formula and project grant program to assist State and local governments in their efforts to deal with drug abuse problems.

Although drug abuse in Oregon is not nearly as extensive as it is in many other States and urban areas, my State has been a pioneer in first, recognizing the drug problem and then, doing something about it. Oregon saw the critical nature of this devastating and unique problem and allocated significant resources at a time when budget funds were hard to come by.

Mr. President, drug abuse among our young people is now spreading like a cancer through our Nation. We here in Congress have the ability and the obligation to do something to stop it before further harm is done and before it is too late to rehabilitate those who have already been drawn into the vice-like grip of addictive drugs.

Let me, therefore, join with my distinguished colleagues on both sides of the aisle in urging speedy and favorable action today on this vital legislation. We can and we must approve these measures and move expeditiously on to the task of immediate implementation.

Mr. MATHIAS. Mr. President, I am very pleased to associate myself with S. 2097, a bill to create a new top level authority to combat drug abuse. This bill, as we know, would establish in the Executive office of the President a Special Action Office for Drug Abuse Prevention.

As one of the original cosponsors of this legislation and as a member of the Government Operations Committee, which reviewed and reported it, I have long become uncomfortably aware of the desperate need for this bill's enactment.

At present nine Federal agencies are involved with the problem of drug addiction, ranging all the way from vocational rehabilitation to highway safety. Because of this, Federal efforts have been fragmented and disorganized—through multiple authority, dispersed resources, competing priorities, and poor communications.

The magnitude and severity of the present threat no longer permit this piecemeal and bureaucratically dispersed effort. This absurdity, this tragedy we can no longer endure.

If we are to take effective steps against drug abuse, we must move to consolidate and coordinate our drug programs from the very highest level—from the Executive office of the President.

This bill creates the necessary authority to do this: It provides for unified White House coordination, with direct responsibility to command all major Federal drug abuse programs ranging from prevention and education to treatment, rehabilitation, and research.

The need for this legislation is compellingly clear. An estimate from the provost marshal's office in Saigon this past summer indicated, I understand, that between 30,000 and 40,000 American servicemen in Vietnam were using heroin. That stands close to 15 percent of our troops stationed there.

In New York City, as many of us know, the rate of deaths from narcotics jumped over 500 percent in the last decade. More New Yorkers between 15 and 35 die as a result of narcotics than from any other single cause. Each year in New York City 1,000 babies are born as addicts, as helpless and hapless heirs to their mothers' tragic weakness.

At the doorstep of the Capitol, in the model cities area of Washington, a scant 4 blocks away and just 6 blocks from the White House, I understand that 24 percent of boys between 15 and 19 and 36 percent between 20 and 24 are using heroin.

Heroin has no respect for age, sex or class. It is present in colleges, high schools, even in elementary schools. It can be found openly in any American city. For many youngsters, drugs are easier to find than a job. Almost three out of five addicts are under 30. In 1969 and 1970, new addicts under 18 increased at a rate three and a half times that of the preceding 3 years.

Like quicksand, drug addiction has slowly sucked thousands of youths into despair, crime, and often death.

Enactment of S. 2097 to create a Special Action Office for Drug Abuse Prevention is therefore essential. This legislation, I am confident, will give new force and direction not only to Federal, but to State and local efforts as well.

One of the most important provisions of S. 2097, in fact, is that which authorizes the Director of the Special Action Office to provide assistance to State and local governments. The bill would permit the use of Federal task forces and groups of experts to be called in to evaluate and make recommendations concerning State and local drug programs. In conjunction with this, the Director would establish an information clearinghouse at which State, local, and private agencies could study drug programs operating in all parts of the country, as well as on the Federal level. In addition, the Special Action Office would draft model drug abuse legislation for use by State and local governments. Another provision of the bill establishes guidelines for the organization of an overall drug abuse agency in each State. For a State to qualify for funds under the bill's formula grant program, a State plan would be required. This should promote a coordinated effort not only at the Federal level, but at the State and local levels as well.

Thus, with the Special Action Office acting as a coordinator of all Federal agencies dealing with drug abuse and as a liaison with the Congress and State and local governments, a comprehensive and well directed system of information and programs should be assured.

I am confident, Mr. President, that under the leadership of the Special Action Office, meaningful progress can and will be made in the short as well as the long run in our Nation's fight against drug abuse.

Mr. DOMINICK. Mr. President, as a member of the Alcoholism and Narcotics Subcommittee and as a cosponsor of S. 2097, I am gratified with the strong bipartisan effort to expeditiously move S. 2097 toward enactment.

Bipartisan effort has been the hallmark of this legislation which, after original compromises, emerged from both the Government Operations Committee and the Labor and Public Welfare Committee with rare unanimous support. All participants are to be congratulated for putting aside political differences for the sake of this most important legislation.

The unanimity is understandable when one considers the enormity of America's present drug abuse problems and the assistance in combating them, that S. 2097 contains. S. 2097 provides a comprehensive attack against drug abuse both within the Federal Government and among the Federal, State, and local governments. In giving legislative life and powers to the Special Action Office for Drug Abuse presently existing under President Nixon's Executive order, the bill coordinates all previous divergent and duplicative Federal drug abuse programs relating to the "demand" aspects of drug abuse, that is, education, training, treatment, rehabilitation, and research. This increased emphasis on the "demand" aspects of drug abuse is particularly important in view of the fact that in spite of the recent most concentrated drug abuse law enforcement efforts in our history, the incidence of drug abuse shows no signs of subsiding. It is now evident that law enforcement by itself is inadequate to do the entire job.

The realization that law enforcement individually is unable to curb drug abuse is not to discredit our law enforcement organizations, but rather, it is to acknowledge that the use of heroin, hallucinogens, amphetamines, barbiturates, and other controlled drugs is so pervasive and the causes so diverse that no single agency or organization can hope to control their abuses. It is exactly because of this fact that S. 2097 was drafted. This fact also caused the administration to recommend the creation of a long-term national drug abuse strategy developed by the director of the Special Action Office for Drug Abuse Prevention, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans Affairs, and other appropriate officials. Title III of S. 2097 contains such a plan. It requires a comprehensive, coordinated long-term Federal strategy for all drug abuse programs, while the special action office coordinates the day-to-day operations of all "demand" aspect Federal drug programs, and the newly created National Institute on Drug Abuse administers all programs assigned to the Secretary of Health, Education, and Welfare.

Mr. President, S. 2097 recognizes the importance of State and local involvement in drug programs by authorizing $180 million in formula grant money to the States over a 5-year period and providing technical assistance to State and local agencies through the special action office. The formula grant provisions require strong State drug abuse program organization through a State plan, a sin-

gle State agency to supervise the preparation and administration of the plan, and a State advisory council. I am proud to inform my colleagues that the progressive State of Colorado has already enacted comprehensive drug abuse legislation and is presently preparing a State plan under the direction of a new Division of Alcohol and Drug Abuse and in consultation with a new State advisory council.

Additionally, title V, part B of S. 2097, authorizes $1.345 billion in funds over a 5-year period for special emphasis prevention and treatment programs. Such grants and contracts to public and private nonprofit agencies are to be coordinated with and reviewed by the appropriate State agency.

Mr. President, this quick synopsis of the salient provisions of S. 2097 demonstrates the scope and organizational framework of our effort to control drug abuse. It represents a sustained, organized attack on one of our Nation's most compelling problems. I urge the quick passage of this most necessary piece of legislation.

Mr. BENTSEN. Mr. President, I am pleased to join as a cosponsor of S. 2097, the Drug Abuse Office and Treatment Act of 1971.

For too long drug abuse efforts of the Federal Government have been fragmented and underfunded. The measure we pass today, by setting up a Special Action Office on Drug Abuse in the Office of the President, introduces a measure of coordination into Federal efforts to combat this serious social problem.

There is one section of the bill, Mr. President, in which I am particularly interested. Section 206(g) would require the Veterans' Administration to furnish treatment and rehabilitation services for drug dependence, without regard to the type of discharge a veteran has received.

This is in substance the content of a bill I introduced earlier this year, S. 2124, the Servicemen's Veterans', and Ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971. I said at that time that recent stories out of Saigon offer compelling evidence that a drug epidemic is sweeping through our armed services personnel stationed there. Reports indicated that up to 15 percent of the G.I.'s in Vietnam or recently returned from Southeast Asia have used hard drugs.

As in the present legislation, my bill provided for a full range of treatment in Veterans' Administration facilities—including educational, social, psychological, corrective, and preventive counseling.

It is particularly significant that the present legislation incorporates the concept of offering aid to the ex-serviceman. In June of this year, I called for such a measure saying:

> Through these procedures, we direct our efforts, not only to those, who for a variety of reasons, find a release in narcotics after returning to civilian life. Many of these men, physicians tell us, have been profoundly affected by their military experience and are casualties of war, regardless of their civilian status.

I want to express my gratitude to the chairman of the Subcommittee on Alcoholism and Narcotics, Mr. HUGHES, for including the thrust of my legislation in the present comprehensive drug bill.

I am pleased to offer my strong support of this legislation.

Mr. STAFFORD. Mr. President, I would like to add my unconditional support to S. 2097, the drug abuse prevention bill which has just been reported out of the Labor and Public Welfare Committee. This bill represents a concentrated effort of the Congress by the Senate and by the administration to come to grips with a problem that is sapping the strength of our Nation.

The need for this legislation is apparent to every member of our society, and the cooperation and hard work both the Congress and the executive branch have contributed in writing this legislation demonstrates that we can work together when there is an imperative problem confronting us.

I need not explain the provisions of the bill nor my belief that it will provide an effective beginning toward a solution of our Nation's drug problems. It is my hope that this act will be fully funded and the intent carried out aggressively by those who will manage the program so that drug abuse will be eradicated during the lifetime of my children.

Mr. GRIFFIN. Mr. President, this Nation is in the midst of one of the worst epidemics it has ever known, an epidemic which hits hardest at our youth—destroying their minds, conquering their spirits and, in many cases, leaving them dead in our streets.

The epidemic I speak of is drug abuse.

The Congress has not been standing idly by while this disease has spread. Last year we passed two major pieces of legislation designed to deal with drug abuse: the Drug Abuse Education Act and the Comprehensive Drug Prevention and Control Act. In 1966, we passed the Narcotic Addict Rehabilitation Act. These are but a few of the many laws we have enacted designed to curb the spread of drug abuse and aid those individuals already addicted.

As a result of our efforts a wide range of legislative authority has been created and a number of Federal agencies are now charged with responsibility in the area of drug abuse. But an unfortunate consequence is that no one unit of Government has been given responsibility or authority to organize and direct this effort. For this reason there has been some duplication and overlapping of effort in some areas, while in others there has been no effort at all. It is time we saw to it that this intolerable situation is remedied.

This legislation to establish the Special Action Office for Drug Abuse Prevention is designed to produce this change.

The Director of this office will report directly to the President and the Congress. His office will be part of the Executive Office of the President, carrying all of the weight and authority of that position. He will have the ability to examine thoroughly all of the ongoing research and clinical programs. He will be able to evaluate them to maintain and expand those which are working and dispense with those which are failures. He will insure to the extent possible, that necessary efforts are begun and the wasteful overlap is diminished.

In short, he will act as the central nervous system for all the arms of the Federal Government involved in drug abuse programs—giving them strength and direction.

None of us would view this office as a cure-all for this Nation's drug epidemic. Its existence will not make our addicts well, it will not keep the pushers off the streets and it will not stop all of our youth from being lured into the unknown hell of drug dependence. It will, however, enable us to marshal the many resources already available, to make the best use of the knowledge and facilities we already have, and to add wisely to them.

Mr. President, I urge passage of S. 2097, and hope that it is the last major piece of drug abuse legislation ever needed in this country.

Mr. BEALL. Mr. President, as a cosponsor of S. 2097, the Drug Abuse Office and Treatment Act of 1971, I strongly urge prompt and favorable action by the Senate on this measure designed to coordinate and concentrate the Nation's resources in an accelerated attack against drug abuse.

On June 18 I joined Senator PERCY and a bipartisan group of 16 Senators in introducing S. 2097, a bill advanced by the President in response to the drug abuse problem which has reached epidemic proportions in areas of America. This legislation demonstrates the working of Government in its finest fashion. Not only does it illustrate the cooperation of the executive and legislative branch in shaping legislation to meet a grave national problem, but it also shows the putting aside of narrow committee jurisdiction in the Congress itself and cooperation by the committees to produce a measure in the public interest. The President is to be congratulated for his initiative in submitting S. 2097 and the Senate Government Operations and Labor and Public Welfare Committees for their joint effort in bringing to the full Senate this bipartisan bill improving on the bill as originally introduced.

S. 2097 was unanimously reported by the Government Operations Committee on November 17 and subsequently referred to the Labor and Public Welfare Committee, on which I serve. Our committee on November 24 reported S. 2097 to the full Senate after adding new sections to the bill, as reported by the Government Operations Committee, establishing a new Federal assistance program to encourage and improve State and local drug abuse prevention; treatment, and rehabilitation programs; and creating a National Advisory Council on Drug Abuse.

The bill before the Senate also provides for the creation of a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to coordinate all Federal narcotic and drug abuse programs, and calls for the development of a long term national strategy to fight drug abuse. Further, the pending proposal creates a special fund under which the director of the New Special Action Office may allocate funds to any

Federal agency to demonstrate new anti-drug programs or expand existing efforts. In total, this comprehensive drug bill authorizes $1.7 billion, 5-year, attack on drug abuse. Of the sum, $1.5 billion is for grants to States and agencies to help fund drug programs.

Mr. President, President Nixon in submitting his message accompanying S. 2097 noted:

> Drug addiction destroys lives, destroys families, and destroys communities.

The President further said:

> We must candidly recognize that the deliberate procedure embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency.

DRUG ABUSE—A NATIONAL EMERGENCY

No one can deny the seriousness of the drug abuse problem. The National Institutes of Mental Health has estimated there are 250,000 heroin addicts in the United States, one-half of which are located in New York City alone. A 1970 survey of the District of Columbia estimated the heroin addiction problem in the Nation's Capital at 10,400 persons. In 1971 this estimate has risen to 16,880, an increase of 60 percent.

Mr. President, another problem closely related to the narcotic problem is the crimes caused by addiction as the drug user is forced to steal to satisfy his craving for drugs. It is estimated that the cost of heroin the average addict requires daily varies from $30 to $100 per day. To support the habit, it has been estimated that the addict would have to steal goods worth four or five times the cost of his habit per year.

I have seen estimates indicating that addicts might be stealing as much as $2.6 billion a year in New York City alone to support their habit and nationwide estimates as high as $8 billion a year. We have all read stories about the Post Office having to pay overtime pay in an effort to provide adequate postmen for safety reasons in heavy drug areas. This is because the narcotic addicts have come to regard checks, such as those of welfare, as a potential source of money with which to buy heroin. Since September of 1968 when a postman was found murdered in Brooklyn, the Post Office Department has found it necessary to institute the "buddy system" in three cities. It is estimated that in the Bronx and Brooklyn $627,000 was spent in overtime pay for the additional carriers needed on days checks were delivered.

Narcotic and drug abuse was once a phenomenon associated with ghettos. We now know that no place is truly safe from this national danger. The scourge of drug abuse is found in suburbia, in rural areas, and in the military. It is a national crisis requiring a coordinated national effort involving the cooperation of all levels of government, both private, and public agencies and private citizens. Time as well as vigorous action is important, for the very health of our citizens is at stake.

Mr. President, heroin is not the only drug problem. We know that in 1969 over 8 billion amphetamine pills were consumed in the United States, enough to make 40 doses for every man, woman, and child in the country. We also know that in the same year over 4 billion barbiturate capsules were consumed, a figure far in excess of that which we need for legitimate medical use.

Encouraging, the use of hallucinogens, such as LSD, appears to be diminishing as the public seems to have received the message with respect to the dangerous potential of such drugs. Finally, it is estimated that approximately 10 to 12 million Americans have used marihuana at least once, and that one college student in seven has used marihuana weekly or even more often. Admittedly, we do not have all the information we need with respect to marihuana. I for one certainly await receiving next year's report on the National Commission on Marihuana and Drug Abuse. While some debate whether marihuana is harmful, I have not seen any information indicating that it is helpful, and, therefore, prudence demands that we do everything we can to educate and encourage young men and women to refrain from the use of such a drug until we are sure about its consequences.

Mr. President. this stepped-up effort against drug abuse domestically must be coupled with a vigorous international effort to stop the production of drugs and narcotics at their source. Our citizens are angry over the drug abuse problem and are demanding that we take action to stop the drug traffic and severely punish those who do not care how they make a buck. For those who have been victimized by drugs, we must offer help; but for those who are pushing and profiting from the drug traffic, punishment must be sure and swift.

I am hopeful that the increased domestic assistance and efforts authorized by S. 2097 and an increased effort to battle international drug traffic will reverse the alarming statistics with respect to the use and abuse of narcotics and drugs. This would be a trend that would be welcomed by parents everywhere.

TOWARD A MORE EFFECTIVE FEDERAL EFFORT IN DRUG ABUSE

Mr. BOGGS. Mr. President, I rise in support today of S. 2097, a bill to create a Special Action Office for Drug Abuse Prevention.

The creation of this office is one facet of a multifaceted campaign against drug abuse and drug addiction announced by President Nixon on June 17, 1971. While the President established the Special Action Office by Executive order on that date, it is our responsibility—and I accept it gladly—to give this office the tools it needs to do the job.

For some time now, we have grown increasingly concerned about the increase of drug use and abuse among our citizens. The public is alarmed, indeed frightened, by this menace to our society. The Federal Government has reacted in a number of ways to this concern. The Comprehensive Drug Abuse Prevention and Control Act of 1970 consolidated and revised the various Federal narcotic, marihuana, and dangerous drug laws. The President has convened four White House conferences on drug abuse. Major international initiatives have been undertaken to reduce the supply of drugs reaching our shores.

With the creation of the Special Action Office for Drug Abuse Prevention, the President has taken a major step in coordinating and rationalizing the treatment, rehabilitation, education, and research activities of the Federal Government in the field of drug abuse. Our concern for this problem has led to increased funding for several agencies, but these agencies have not always worked in concert or jointly according to a rational plan. What the President has proposed is the development of a national strategy to combat abuse and addiction. The concept of a national strategy implies that all the various elements of the national Government will work together according to a definite plan to curb the menace of drug addiction. The President has charged the Special Action Office with developing that strategy and insuring that it is carried out by the several separate agencies.

We will spend almost $400 million on drug abuse control programs this year. We must assure the taxpayers of this country that that money will be spent wisely and produce the greatest possible effect. The Special Action Office would be that coordinating and rationalizing agency. By placing SAODAP within the Executive Office of the President, we are clearly indicating our concern for a solution to the problem of drug abuse.

The treatment of drug addicted persons will no doubt be a major priority in the national strategy of the Special Action Office. While we do not know as much as we would like about the nature and causes of drug addiction, we do know enough to offer treatment to many addicts. It is our responsibility to insure that the treatment offered will wisely and effectively reintegrate former addicts into the mainstream of our society. I am confident that under the leadership of the Special Action Office we will help reclaim the lives of many former addicts.

The problem confronting our Nation is obvious, and a major step toward its solution is now before us. I urge my colleagues to join with me in supporting this historic legislation.

Mr. SCOTT. Mr. President, as one of the original cosponsors of this drug abuse prevention legislation, I am gratified that it has been reported for consideration by the full Senate.

One of the major efforts of this administration has been directed toward stamping out the disastrous scourge of drug abuse. Both within the United States and abroad, the President has taken a personal hand in initiating and guiding Federal action.

In the legislative area, these actions include his proposal of the Comprehensive Drug Abuse Prevention and Control Act of 1970, which the President signed into law in October of that year. I was gratified to take an active part in the passage of this vital consolidation and revision of our dangerous-drug laws.

Executive action by the President has resulted in the Bureau of Customs tightening our Nation's borders against the importation of narcotics, a nationwide program of drug abuse research and edu-

cation by the Department of Health, Education, and Welfare, and increased efforts by the Department of Justice to halt the sale and distribution of dangerous drugs within our borders.

This legislation now before the Senate includes President Nixon's major drug abuse prevention proposals, including additional needed authorities for the Special Action Office for Drug Abuse Prevention within the Executive Office of the President. I urge the Congress to pass this legislation so that the President will have these vital additional tools to fight drug abuse.

I wish to commend the distinguished Senator from Illinois (Mr. PERCY) and all other Senators on both sides of the aisle who have worked so diligently to bring this legislation to the Senate floor.

Mr. BAKER. Mr. President, I rise in support of S. 2097 which would create a Special Action Office for Drug Abuse Prevention. The Special Action Office is a unique experiment in governmental response to a national medical and social crisis. The office and its Director is given a range of responsibilities and authorities designed to meet the national drug abuse crisis in an effectively expeditious manner.

Unlike prior governmental responses to national problems, there will be no new massive bureaucrats and duplicative programs. Instead there will be a small staff composed of highly qualified technical and management individuals coordinating a fully orchestrated national drug abuse program.

Unlike the usual coordinating bodies, the office is given budgetary and management controls over the drug abuse prevention programs of the Federal Government. This is a coordinating mechanism with teeth! Not only will it recommend and advise, but it will have responsibility for the management of resources and financial allocations within the limits of congressional appropriations.

Along with these responsibilities and powers, the office will be accountable for the effective implementation of the national drug abuse effort.

The office and its Director will have a special fund to permit the channeling of resources into the development of new and more effective drug abuse programs. With this fund the Director has the necessary flexibility to encourage the development of innovative solutions to the drug abuse problem.

S. 2097 gives this Nation a comprehensive and responsive mechanism to assure that the current drug abuse crisis is eliminated with maximum rapidity and effectiveness.

Mr. MUSKIE. Mr. President, the pending legislation, Senate bill S. 2097, as amended, the Drug Abuse Office and Treatment Act of 1971, is truly landmark antidrug legislation. It will restructure the entire national effort to combat drug abuse. It represents a major commitment to focus the resources of our Federal Government in an effort to deal with one of the most serious problems facing our Nation today.

This legislation represents a constructive compromise between legislation introduced earlier this year by Senator HUGHES and myself, with Senators JAVITS and WILLIAMS, and the administration's drug bill. It was reported unanimously by both the Committee on Government Operations and the Committee on Labor and Public Welfare, and every member of those committees has joined in cosponsorship. In all, 52 Members of this body have cosponsored S. 2097, as amended.

The legislation before us today is a bipartisan compromise bill, worked out among Senators on both committees that reported it and the administration.

Mr. President, I must especially commend the outstanding work of the senior Senator from Connecticut (Mr. RIBICOFF) whose Subcommittee on Executive Reorganization and Government Research considered this bill jointly with my own Subcommittee on Intergovernmental Relations. Senator RIBICOFF's efforts were of valuable assistance on the development of the compromise bill.

I would also like to commend the efforts of Senator PERCY, the sponsor of the administration bill, Senator JAVITS and Senator GURNEY, for their effective work toward reaching this compromise. In particular, I would like to cite Senator HUGHES, who has long provided leadership in the Senate in this important area, for his efforts in helping to draft this compromise legislation.

In addition, Mr. President, I would like this body to take note of the antidrug efforts of a Member of the other House, Representative JAMES H. SCHEUER, of New York, whose counsel was invaluable to me as we in the Senate were working toward this compromise legislation. Earlier this year, Congressman SCHEUER joined with me in introducing important drug legislation, the substance of which is incorporated in the bill we are considering today.

It is not difficult to understand why so many Senators, on both sides of the political aisle, have put political considerations aside to join in cosponsoring this bipartisan compromise, comprehensive drug legislation.

I am talking about the epidemic of heroin addiction which is infesting cities and towns across our land. I am talking about people twisted into addicts and lawbreakers:

About 1,000 babies born each year in New York City as addicts, helpless heirs to the terrible pain of their mothers' habit.

About a section of New York City, where 18,000 men and women—out of a total population of 58,000—are helpless slaves to the heroin habit.

About the model cities area right here in Washington, a scant four blocks from this Chamber and just six blocks from the White House, where 24 percent of the boys between 15 and 19 years old, and 36 percent of the young men between 20 and 24, are addicted to heroin.

About the soldiers who do not go to jail or flee to Canada—and are now carrying a horrible curse home to their towns and their families.

About 250,000 or 300,000 Americans who attack countless fellow citizens and steal billions of dollars to feed an expensive, murderous, implacable addiction.

As the hearings Senator RIBICOFF's subcommittee and mine conducted during July revealed, heroin is still too easily available in too many places and Federal, State, and local programs together are reaching just a small percentage of America's addicts.

Mr. President, we were fortunate to have before us three significant pieces of legislation to deal with the drug problem:

The Muskie-Scheuer bill to create a White House level office to coordinate the Federal antidrug effort;

The administration bill, introduced by Senator PERCY, to bring together under a Special Action Office for Drug Abuse Prevention major treatment, education, and research programs of the Federal Government; and

The Hughes-Muskie-Javits-Williams bill to create a White House office to coordinate and set policy for the Federal antidrug effort and to devote significant resources to the treatment of heroin addiction.

The extensive hearings we conducted on those pieces of legislation convinced me that we needed a bill to restructure the Federal drug effort. As I said at the close of those hearings:

> We need new ideas and new approaches to combat the drug problem. But most of all, we need the willingness on the part of the Administration to devote the resources necessary to deal with the problem.
>
> For my part, I am more and more convinced that the legislation that finally emerges from the Congress should be of the order of the legislation that Senator Hughes and I, with Senators Javits and Williams, introduced to reform the entire Federal attack on dangerous drugs. For whatever bill emerges from the Congress must contain, as that bill does, hundreds of millions of new dollars to do the research and develop the programs that are needed to fight the war against narcotics.

The compromise legislation we are considering today embodies the principal elements of the Hughes-Muskie bill. I believe the compromise bill is significant in several respects.

First, it calls for the development of a comprehensive, coordinated long-term Federal strategy to combat drug abuse, providing, for the first time, a mechanism to develop a unified Federal policy against drug abuse, focusing all of our resources, including law enforcement, treatment, education, and research.

Second, the bill creates a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to pull together heretofore scattered Federal antidrug programs. The special action office will be broad in scope, responsible for determining the Federal policy toward treatment, education, and research programs, for recommending and consulting on law enforcement policy and for coordinating all Federal drug programs.

Third, it requires that the Veterans' Administration provide treatment and rehabilitation services for any former servicemen suffering from drug addiction, no matter the status of their discharge and it requires the Civil Service Commission to develop treatment and rehabilitation programs for drug addicts employed by the Federal Government.

Fourth, it establishes a National Institute on Drug Abuse within the National Institute of Mental Health to administer State drug abuse programs, currently in NIMH.

Fifth, it creates two much-needed programs to aid the States and localities in developing antidrug treatment and prevention programs of their own. The first of these provides funds, according to a formula, to the States to help them plan, establish, maintain, coordinate, and evaluate drug abuse programs. The need for this program was underscored by a survey Senator RIBICOFF and I took on behalf of our subcommittees, of State drug abuse programs, which indicated a great need among the States for learning more about the extent and nature of their drug problem and planning how to combat it.

The second of these provides funds for prevention and treatment programs in areas that we believe require special emphasis because they are of special importance. This program, for example, provides training seminars and educational programs for employees in the public and private sectors. It provides for vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs. It provides for model and experimental treatment and rehabilitation programs within State and local criminal justice systems. It provides programs under which multidisciplinary groups can determine causes of drug abuse in a specific area and then prescribe and implement methods for dealing with that problem. And it provides for research grants to develop new and better ways to prevent and treat drug abuse.

Mr. President, this legislation is no panacea for the drug problem that afflicts our Nation. But it will have a significant impact on the drug abuse problem.

This bill proves once again that outstanding legislation in the public interest is the result of a generally bipartisan effort. It is most significant that Senators on both sides of the political aisle have put partisan considerations aside in drafting this legislation to deal with one of the most serious problems facing our Nation today.

Mr. KENNEDY. Mr. President, I am pleased to offer my support for the passage of S. 2097, the Drug Abuse Office, Control and Treatment Act of 1971. This legislation is designed to bring about much needed assistance in our national drug crisis. It includes the ingredients that many of us have long sought as essential in the battle against narcotics abuse. I believe the chairman of the Committee on Alcoholism and Narcotics should be commended for his success in bringing to this Senate a bill that includes substantial Federal assistance for this critical social problem.

America in the 1970's is a drug society. To get to sleep we pop a pill. To wake up we take another pill. Headaches, colds, aches, and pains are compelling reasons for taking more drugs. We take drugs to control our birthrate and we take drugs to keep from eating too much. We even have rituals for taking certain drugs so that we do not realize or look upon them as drugs—during the coffee break we get our daily intake of caffein; cigarettes satisfy our passion for nicotine, and the cocktail party meets our demand for alcohol. Ordinarily most of these drugs are totally safe. Aspirin and coffee surely do not pose a health threat under normal use. While birth control pills may have side effects, they too are generally safe. Other drugs are perhaps safe in limited use, but some are easily subject to abuse, like alcohol. Some drugs, though inherently dangerous and destructive even in ordinary use, like nicotine, are still somewhat controllable and pose little threat to the stability of society.

But, the building crescendo about a drug epidemic concerns a singularly lethal and debilitating drug—heroin. And the widely broadcast concern about an epidemic is stimulated by the mounting toll of lives that heroin ruins.

Heroin addiction and abuse are everywhere. Parents in the comforting affluence of Beverly Hills complain as much as mothers whose children are forced to play in the squalor of South Chicago.

In Washington, D.C., one-fifth of all young men between 20 and 24 are estimated to be heroin addicts. Experts claim that New York City, the Nation's drug capital, has more than 100,000 addicts. Wesley Uhlman, the mayor of Seattle, believes that there may be as many as 2,000 addicts in his city. Medical authorities put the number of addicts at 5,000 in Phoenix.

Narcotics, that is, heroin, is a plague ravaging all of our citizens. People are filled with terror at home and in our streets because the victims of heroin stalk the urban byways for money and goods to sate their craving. Each of us is in danger of becoming a casualty of the frenzy of the addict stealing for his habit.

In a community with 2 million citizens, at least $200 million is "ripped off" each year to support heroin addiction. In 1970, more than 2,000 deaths were caused by drugs. And the average age of users keeps dropping each year.

What can we do about this epidemic? Can it be stopped before it gets out of hand? Or, is it out of hand already?

As I see it, there are two alternatives. We can panic. In our panic we will only produce cosmetic changes that are superficial and insincere.

Or, we can really seek to resolve the basic causes of the problem.

In a startlingly ironic way, the widespread abuse of heroin compares with the nationwide mystique for guns.

Today, fear, apprehension, mistrust, anguish and pain are the dreaded products of our Nation's history with firearms. In early times guns were a necessity. They were used to claim a new nation; to establish a new life. Thus, through the years America has nurtured and worshipped the "power of the barrel." Today, guns are still an integral part of our society. But they are so abused and misused that among the nations of the world, America stands in the bloodiest pool of deaths by gunfire.

We have somehow managed to weave into the fabric of our new world culture a similarly mystical dependence upon drugs. So that, the switch from caffein to codein or from nicotine to marihuana is really no switch at all.

But rather, it is quite a predictable outcome for a population that insists on making life seem like a perpetual happy holiday—where a pill cures all.

So far even the way we have tried to deal with the drug problem is not unlike our approach to the gun problem.

"Guns don't kill, people do" cry the critics of gun controls. Upon that kind of misguided philosophy we have enacted a plethora of laws to punish people who maim, intimidate or kill with guns. But we have devised no effective method to control the availability of these deadly devices that caused 19,200 murders in 1970.

Shamefully, and perhaps blindly, America has adopted a singularly unenlightened policy about the misuse and abuse of narcotics. Our national and indeed our local policies dealing with narcotics substances seem to be founded on the notion that heroin does not steal, people do. And so, we have acted to lock up the user, while the flow of heroin and other narcotics remains almost unabated. Let us cut off the supply at the source and pursue drug traffickers relentlessly.

In July 1969, the administration announced its commitment to combat the drug menace. That announcement included all the right words about a balance of law enforcement, education, rehabilitation, and research. But 2 days later when the Senate received the administration bill, it was one dimensional. That bill was all enforcement and no rehabilitation, no research, and no education. Moreover, the administration blocked attempts of those of us who sought to add these other three dimensions. And so it is, that we seem doomed to suffer from the full visions of the past when dealing with the modern threat of a narcotics epidemic.

We seem compelled to continue believing that it is proper to place anyone who has had anything to do with drugs in jail. But what good is it to arrest drug users if we do not have the facilities to deal with them. If they are going to end up back on the streets and back on drugs.

We do the same with those arrested for gun crimes. They too wind up back on the streets with a gun back in their pocket.

To those who take the position that guns will always be with us, I submit that we must sustain an unending campaign to redevelop the proper role of firearms in our lives. For the current place that guns have in American life is tragically and needlessly destroying the quietude of our family and community life.

At the same moment, if we are to accept the claim that narcotics will always be a part of our life, then we must also seek to develop its proper role in our society. Unless we do so, there may be a gruesome nationwide contest to eradicate ourselves with either a shot of heroin or a shot of lead.

Yet, it seems clear that we have a chance to halt the madness of drug abuse, even though the problem continues to grow at a staggering rate. Our most important task, however, is to recognize that the answer is as complex as the problem. It is not sufficient just to seek

the elimination of heroin or other narcotics from our society. We must devise a fundamentally rational and coordinated attack so that new people will be prevented from getting caught up in the heroin morass; those who are already part of it must be rescued and others whose greed contributes to the spread of the problem must be effectively deterred.

Drs. Dupont and Katon, in Washington, D.C.'s narcotics treatment program call for a national commitment to end the current spread of narcotics abuse. They warn that even with a well structured treatment program there is a particularly cruel problem to be faced.

When a program is functioning well, the heroin addicts will come and come and come. There won't be enough money to treat them all. The program must either establish a waiting list or dilute services to an unacceptable level. The involved physician will be forced into the role of program advocate and contender for inadequate public or private funds. He will begin to fight with national granting programs such as the National Institute of Mental Health and the Office of Economic Opportunity. He will do battle with his local and state government. He will compete for funds with other health programs. The reason for this is as obvious as it is tragic; nowhere in the country has the leadership fully grasped the seriousness of the problem of heroin addiction and nowhere is enough money available.

Obviously, the only sensible answer is to pursue the drug problem with the same persistence that plunged us into justifying blowing up the tiny island of Amchitka, or building gigantic aircraft that refuse to fly, like the C–5A. But, to do that will involve a commitment on the part of all of us to think with open minds and to act with sense and balance.

I am privileged to serve on two Senate subcommittees—the Judiciary Subcommittee To Investigate Juvenile Delinquency and the Labor and Public Welfare Subcommittee on Alcoholism and Narcotics—which are jointly responsible for the development of programs on drug dependence and drug abuse. On the basis of my experience on these subcommittees, and with information I have obtained as chairman of the Health Subcommittee, it is clear that we must and can develop a comprehensive approach to the drug problem.

In 1970 I joined with Senator HAROLD HUGHES and the other members of the Labor and Public Welfare Committee who introduced an amendment to the Controlled Dangerous Substances Act that would have established a new National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence in the Department of Health, Education, and Welfare. That amendment provided for the emplacement of a centralized system to control government drug problems. I am pleased to support the present bill, S. 2097, because it insures that prevention, education, training, treatment, rehabilitation will all be in one highly visible place. The system to control narcotics abuse would have a mandate to insure that the Federal drug effort is effectively utilized; it would make sure that all government programs are funded and it would coordinate the many existing projects with each other.

In committee we obtained testimony that the proper structure of a drug program must include the three dimensions of research, rehabilitation, and education. They are the essential components that must be available to complement any aspects of enforcement that are implemented to stem the appalling increase in drug abuse. I firmly support adequate enforcement procedures that will seek out and prosecute importers, illegal manufacturers, distributors and others who make big business and big profit from destroying lives with heroin. But at the same time, it is clear that enforcement is ineffective when it operates without the benefit of adequate treatment, education, or research.

For those who are users, but not pushers, the emphasis should be prevention and rehabilitation, not simply throwing them in jail.

Dr. Vincent P. Dole, the renowned pioneer in methadone treatment procedures recognizes two elements in resolving an addict's dependence on heroin:

First, the users craving for heroin must be eliminated at the same time that moves are taken to end the criminal activity required to finance his habit; and

Second, society demands that the individual replace his social defects with socially productive work, like returning to school, seeking job training or job placement and reestablishing a normal family life.

But, says Dr. Dole, to insist that success in social rehabilitation should be the measure of efficacy of methadone treatment is like basing the efficacy of insulin treatment on the diabetic's ability to get a job rather than basing it on the ability of insulin to control blood sugar.

Again, as with our attitude toward guns, we tend to be more concerned about affecting the behavior of users than with eliminating the source of the problem. Heroin should never enter this country. Since it does, let us offer help to those who become slaves to its power. It makes no sense to wait until a person has already become a drug abuser before trying to do anything about him. We must decide what it is we need to know about the causes, mechanisms, and potential cures of drug abuse. And then we must stimulate and finance the best and quickest research. Right now our research is haphazard and reactive. Dissemination and analysis of results are slow and slipshod. There is no real mechanism at all for translating the most sophisticated and technical studies into a form and language that lawmakers and lawyers and social scientists and educators can use.

We must have an education program which prepares parents and children to handle the challenges and temptations which drugs present. These efforts must be honest and straightforward. They must not deceive, or they will be ignored. They must not merely frighten, they must explain. They must admit lack of knowledge where there is a lack of knowledge and describe risks where there are risks. The bill under consideration by the Senate today strives to meet these goals.

Mr. President, I urge the Senate to pass this bill so that we can give to the Nation the resources that are so badly needed to combat this tremendous social problem.

Mr. CRANSTON. Mr. President, I rise to comment on a number of specific provisions in the pending matter, S. 2097, a bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse, as reported from the Committee on Labor and Public Welfare.

First, I wish to explain two amendments which I offered and which were adopted during committee consideration of the bill. First was an amendment to clarify section 206(g) in the reported bill with respect to the authority of the Veterans' Administration to provide treatment and rehabilitation to veteran addicts and drug abusers without regard to the nature of their discharge or to whether their illness is service connected. This provision, as reported from the Committee on Government Operations on November 17, 1971, included a provision along these lines which stated:

The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies.

Because of my concern about the effectiveness of this language to carry out the intent of the Government Operations Committee, as expressed in its Committee Report No. 92–486—to create substantive rights, as chairman of the Subcommittee on Health and Hospitals of the Committee on Veterans' Affairs, I wrote to the Administrator of Veterans' Affairs on November 17 requesting a legal opinion regarding the effectiveness of that language.

In a November 22, 1971 letter to me, the Administrator responded that in the opinion of the Veterans' Administration the language in question was needlessly confusing, and should be clarified with a precise authorization for Veterans' Administration treatment and rehabilitative services for drug dependence. He concluded:

With respect, however, to the question as to the effect of the language now in section 206(g) of S. 2097, it seems completely clear that it would *not* expand our existing authority under chapter 17 of title 38, United States Code, to provide treatment for veterans, and that, hence, current medical care appropriations for the Veterans' Administration would *not* be automatically available to treat or rehabilitate individuals not now eligible under veterans laws. This is particularly true in view of the language in our appropriation act (Public Law 92–78) which prohibits the use of any part of appropriations to the Veterans' Administration for hospitalization or examination of any person except a beneficiary entitled under the laws bestowing such benefits to veterans, absent a reimbursement to the fund. (Emphasis added.)

Mr. President, I ask unanimous consent that the full text of the November 17 and 22 correspondence referred to above be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NOVEMBER 17, 1971.

Hon. DONALD E. JOHNSON,
Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C.

DEAR MR. ADMINISTRATOR: Today, the Committee on Government Operations ordered reported to the Senate S. 2097, a bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation against the problem of drug abuse, with a committee amendment in the nature of a substitute. Under a prior order, that bill will be referred to the Committee on Labor and Public Welfare for a period not to exceed 30 days. It is presently contemplated that the Committee will consider the bill and amendments to it in executive session on November 23.

The committee-reported bill is not at this time printed. However, I am enclosing a copy of a committee print which is identical to the version ordered reported by the Government Operations Committee. Section 206(g) of the reported bill states:

"The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies. Such services shall, pursuant to regulations promulgated by the Administrator of the Veterans' Administration, include inpatient treatment and outpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses."

As a member of the Labor and Public Welfare Committee and as Chairman of the Health and Hospitals Subcommittee of the Senate Veterans Affairs Committee, I am concerned about the legal effect of the first sentence of this provision. The intent of the Government Operations Committee, as expressed in its report, is to provide the Veterans Administration with legal authority to expend funds to provide treatment and rehabilitation services to drug dependent veterans regardless of the nature of their discharges or determinations of service connection for their conditions. I would greatly appreciate receiving from your General Counsel a legal opinion as to the legal effect of section 206(g) in terms of the Veterans' Administration drug treatment program, particularly, the effectivenesa of the provision to achieve the above-intended purposes.

In view of the imminence of committee consideration of this measure and the urgency which all parties, including the administration, attach to its prompt consideration, I would appreciate receiving the report by Monday morning, November 22.

Thank you for your cooperation.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

VETERANS' ADMINISTRATION,
Washington, D.C., November 22, 1971.

HON. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans' Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of November 17, 1971, requested a legal opinion from the General Counsel of this agency as to the effect of section 206(g) of the Drug Abuse Office and Treatment Act of 1971 (S. 2097), as reported by the Senate Committee on Government Operations.

This subsection of the bill provides that the Director of the Special Action Office for Drug Abuse Prevention "shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies."

The terminology employed is most unusual, and it is exceedingly difficult to forecast the ultimate effect of this provision because of the absence of legal precedents. Moreover, the report of the Senate Government Operations Committee to accompany the bill (S. Rept. No. 92–486) does not afford much by way of assistance. On page 14 of that report, it is stated that the Director is authorized to advise the Veterans' Administration in carrying out the Congressional policy of treating former members of the Armed Forces without regard to their discharge, and then goes into state "We intend the language pertaining to the Civil Service and the Veterans' Administration to be operative and an expression of congressional policy creating substantive rights." This can be read as expressing a doubt upon the part of the Committee as to whether the language does, indeed, create a substantive right.

S. 2097, as introduced, and as recommended by the Administration, contemplated that it would be supplemented by a separate bill (introduced in the Senate as S. 2139) which would have affirmatively provided that former members of the Armed Forces who served on active duty or active duty for training would be entitled to treatment and rehabilitation services by the Veterans Administration, or other responsible agencies, for drug dependency. While the language in section 206(g) of S. 2097 resembles the obviously effective language in S. 2139, it merely provides that the Director of the Special Action Office shall advise the Veterans Administration of congressional policy that this agency and other responsible agencies afford the specified treatment and rehabilitation services. I can perceive no reason why this confusion should be continued and hope that the language in S. 2097 will be clarified and that a precise appropriations for the Veterans' Administration to provide the treatment and rehabilitative services for the drug dependence will be substituted for the current language in section 206(g). As an alternative, it would be equally acceptable if one of the bills now pending before the Senate Committees on Veterans' Affairs and Armed Services (H.R. 9265, S. 2108, or S. 2139), which would provide such authority in clear terms, would receive prompt consideration.

With respect, however, to the question as to the effect of the language now in section 206(g) of S. 2097, it seems completely clear that it would not expand our existing authority under chapter 17 of title 38, United States Code, to provide treatment for veterans, and that, hence, current medical care appropriations for the Veterans Administration would not be automatically available to treat or rehabilitate individuals not now eligible under veterans laws. This is particularly true in view of the language in our appropriation act (Public Law 92–78) which prohibits the use of any part of appropriations to the Veterans Administration for hospitalization or examination of any person except a beneficiary entitled under the laws bestowing such benefits to veterans, absent a reimbursement to the fund. On the other hand, we feel that the maximum possible significance should be given to a congressional enactment. It would appear reasonable that section 206(g) of S. 2097 would support a request for appropriations to provide treatment and rehabilitation services for those within the compass of that subsection, but who are not eligible under the basic provisions of veterans laws. If the Congress appropriated funds for the specific purpose of implementing this program for section 206(g) purposes, it would cure any deficiencies in the language of the bill. The Comptroller General, of course, would make the final determination as to the expenditure of any funds appropriated.

I hope that the foregoing will be of assistance to you in the consideration of this bill by the Senate Committee on Labor and Public Welfare.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Mr. CRANSTON. Mr. President, in response to this legal opinion from the Administrator of Veterans' Administration, I offered an amendment striking the first 15 words of section 206(g) as reported from the Government Operations Committee, thereby making clear that the provision was a substantive one providing clear authority for treatment and rehabilitation not presently authorized under title 38 of the United States Code and also thereby removing any question of the legality of the Veterans' Administration expending for such purposes funds appropriated to it for medical care.

Thus, the provision as amended in the bill reported from the Labor and Public Welfare Committee now reads "Notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies." As so amended, this provision is substantively identical to provisions in S. 2139, the administration bill, H.R. 9265, the House-passed VA drug bill, and S. 2108, my VA drug treatment bill, both of which are now under active consideration in my Veterans' Subcommittee on Health and Hospitals.

My second amendment was of a more substantive nature and dealt with the National Drug Abuse Strategy Council, which would be established under section 301(a) of the reported bill. This Council is specifically given the responsibility of developing a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted, sponsored or supported by Federal funds. Under section 301(a)(3), as reported by the Government Operations Committee, membership on the Strategy Council was expressly provided for the Director of the Special Action Office, the Attorney General, the Secretaries of HEW, State, and Defense, and such other officials as the President may deem appropriate. My amendment added the Administrator of Veterans' Affairs as a statutory member of this Strategy Council.

My purpose in offering this amendment was to try to allay some of the very substantial concerns which had been expressed to me about S. 2097 by the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans as well as other individuals con-

cerned with maintaining the integrity and independence of the Veterans' Administrations medical program. These individuals, so highly dedicated to insuring high-quality medical care for our Nation's disabled veterans, had expressed grave reservations and in certain instances strong opposition to those provisions of the reported bill which bestowed upon the Special Action Office—SAODAP—the authority to review and modify Veterans' Administration medical care budget requests insofar as they relate to drug abuse treatment and rehabilitation; to withhold funds appropriated thereunder when he finds that programs are not being run effectively; and generally to exercise overall policy supervision of Veterans' Administration drug treatment and rehabilitation planning and programing.

I fully understand the grave concerns of those who with real justification believe that it is the intention of many in the Office of Management and Budget eventually to phase out the Veterans' Administration hospital system. Such fears produce a strong reaction of resistance to any incursion into Veterans' Administration autonomy in carrying out its medical program. This resistance and these concerns were aptly stated in letters to me and my staff from the three Veterans organizations just mentioned. I ask unanimous consent that these three letters—of November 19 from the American Legion, November 22 from the Veterans of Foreign Wars, and November 18 from the Disabled American Veterans—be set forth in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, D.C., November 19, 1971.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: The American Legion is concerned about certain amendments to S. 2097, to establish a Special Action Office for Drug Abuse Prevention, as it affects the Veterans Administration participation in the program.

The Legion wholeheartedly supports the concept of coordination and cooperation among all Federal agencies involved in programs of treatment and rehabilitation of drug involved persons, including servicemen and veterans. However, consistent with its historical and philosophical position, the Legion opposes the transfer of control of any programs, or of the funding of any programs for veterans (including drug treatment and rehabilitation programs), from the Veterans Administration to any other agency. The American Legion is totally committed to the proposition that programs relating to veterans should be administered by the Veterans Administration—and by no other agency. Experience through the years has demonstrated that the involvement of other agencies in veterans programs operates to the disadvantage of the veteran.

The American Legion is agreeable to the proposal that veterans with other than honorable discharges shall not be denied treatment and rehabilitative services by the Veterans Administration, or by any federally operated or funded program, for drug related conditions. In assuming this position the Legion is motivated by the overriding need to accomplish the rehabilitation of all drug involved persons to the end that they shall be reclaimed as useful and functioning members of society. The single caveat we state in this regard is that the above described entitlement shall not automatically, or by specific legislative authorization, make available to other than honorably discharged veterans any of the benefits included in the total veterans benefits program. To do so would diminish the value of the discharge issued under honorable conditions to the overwhelming majority of servicemen who perform their service to the Nation honorably and faithfully.

While it does not at this point appear in the text of S. 2097, it seems advisable here to reiterate the opposition of The American Legion to any legislative mechanism that would change the character of discharge issued to a serviceman. All veterans are entitled to review of discharge under current provisions of law. The procedures for review and correction of discharge are in place and functioning in a satisfactory manner. We repeat the point made above, that nothing should be done legislatively to mitigate the premium value of an honorable discharge earned by the honest and faithful performance of duty to country.

With specific references to Title III, Section 301(a)(3) of S. 2097, providing for the establishment of a Drug Abuse Strategy Council. The American Legion suggests that the membership of the Council should include the Administrator of Veterans Affairs. The exclusion of the Administrator would, in our judgement, be inappropriate in view of the fact that the Veterans Administration is currently operating the largest single integrated drug treatment and rehabilitation program in the Nation. This being so, the Administrator is in a position to make a significant contribution to the work of the Strategy Council. In the judgment of the Legion the exclusion of the Administrator from membership on the Strategy Council would be a serious mistake that would hamper the efficiency of the Council.

I would appreciate your making our views known to your colleagues on the Committee on Labor and Public Welfare at the time this measure is considered in executive session next Tuesday.

Sincerely yours,

HERALD E. STRINGER,
Director,
National Legislative Commission.

VETERANS OF FOREIGN WARS,
Washington, D.C., November 22, 1971.

Hon. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Veterans' Affairs Committee, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to S. 2097 to establish a Special Action Office for Drug Abuse Prevention, which has been ordered reported by the Committee on Government Operations and is now pending before the Senate Labor and Public Welfare Committee for its consideration and recommendations before going to the floor of the Senate for further consideration and vote.

The Veterans of Foreign Wars has always adhered to the position that the Veterans Administration should be the Federal agency with the responsibility of administering veterans rights, benefits, and programs, and always opposed any and all attempts and recommendations to transfer this responsibility to other Government agencies.

The Veterans of Foreign Wars has noted with alarm that there is a proposal in S. 2097 which collides with this longstanding position of the Veterans of Foreign Wars. It is the provision that the new Director for Drug Abuse Prevention, as proposed in this bill, will be armed with sweeping powers over all "Federal drug abuse training, education, rehabilitation, research, prevention, and treatment programs and activities" now carried on pursuant to a number of Acts specified in the bill, including "Title 38 of the United States Code, to the extent it pertains to drug abuse."

Title 38 of the United States Code embodies all veterans laws administered by the Veterans Administration. It is the transferring of existing authority to provide care and treatment for veterans as authorized by Title 38 which is strongly opposed by the Veterans of Foreign Wars of the United States. The Veterans of Foreign Wars urges your Subcommittee to delete this provision transferring existing authority in Title 38 from the Veterans Administration to the new Drug Czar proposed in S. 2097.

The bill to provide care and treatment of veterans suffering from drug abuse and drug dependency is House-approved H.R. 9265, which has been before your Veterans Affairs Committee since July, 1971. Previously a Joint Committee of the Senate Veterans Affairs and Labor and Public Welfare Committees, headed by yourself and Senator Hughes, held comprehensive hearings on the drug abuse problem as it relates to veterans and servicemen on June 15, 1971. It was during these joint hearings that your Subcommittee on Health and Hospitals of the Committee on Veterans Affairs and the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare that evidence was obtained which demonstrated pressing and immediate need of legislation such as the proposal contained in H.R. 9265.

Subsequently, the newly-appointed Drug Czar, Dr. Jaffe, appeared before your Veterans Affairs Committee, but his testimony has not been printed.

Regardless of how one views this bill as it relates to veterans, one conclusion is inescapable. The Veterans Administration's responsibility as it relates to the care and treatment of veterans suffering from drug dependency will be taken over by a new agency, as proposed in this bill. This the Veterans of Foreign Wars strongly opposes.

In the affirmative, the House has approved a bill, H.R. 9265, which gives the Veterans Administration the necessary authority to go forward with its responsibility of caring for those who have become the victims of the Vietnam war as it relates to the use of drugs.

As an indication of how far down the ladder the Veterans Administrator would be placed—it is understood that there is proposed a Strategy Council comprised of certain high Government officials and Department heads. A glaring omission is that the Veterans Administrator would not even be on this Strategy Council.

The Veterans of Foreign Wars, therefore, is hopeful that you will agree with our position that this is not the time nor the program to start stripping away and reducing the capability of the Veterans Administration's Department of Medicine and Surgery to effectively carry out its mission of caring for veterans.

Hoping that you will agree with the position of the Veterans of Foreign Wars and work to delete the provisions of S. 2097 which relate to the Veterans Administration and with kind personal regards, I am

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

DISABLED AMERICAN VETERANS,
November 18, 1971.

JONATHAN R. STEINBERG, Esq.,
Room 4230, New Senate Office Building,
Washington, D.C.

DEAR JOHN: I enjoyed the opportunity of meeting with you yesterday morning, and I wish to express my sincere appreciation for your detailed briefing on pending legislation pertaining to the drug problem.

In reply to your question concerning our position in connection with S. 2097, I wish to advise you that it has long been the feeling of the DAV that all veterans' programs can best be administered by the Veterans Administration without interference from other government agencies.

For this reason, certain provisions of S. 2097 are objectionable to the Disabled American Veterans, and we could not support the bill as it is presently written.

If, however, the amendments discussed at the meeting yesterday are adopted and the Administrator of Veterans' Affairs is specifically named as a member of the Strategy Committee, we would not oppose S. 2097 in the Senate.

Thanking you in advance for any consideration that may be given to our views on this important subject, I am

Sincerely yours,

CHARLES L. HUBER,
National Director of Legislation.

Mr. CRANSTON. Mr. President, this very strong expression of concern was instrumental in my deciding that it would be very unwise not to include the Administrator of Veterans' Affairs as a statutory member of the strategy council. As the Federal office responsible for the largest single medical program in the United States with over 150,000 employees and a $2.1 billion budget, currently operating 32 separate drug treatment centers and scheduled to double that number in the next year, it seems to me beyond debate that the interests and confidence of the strategy council, as well as those of our Nation's veterans, would be better served by ensuring that the Administrator's voice would always be heard in the activities of this high-level policy-making body.

In closing, Mr. President, I wish to state with regard to the administrative structure established in S. 2097 as reported that I believe it can be a sound one despite the very serious considerations which I have just described. As a general matter, I believe that the autonomy and independence of the Veterans' Administration medical program must be maintained in order to make the maximum contribution to the health care of our disabled veterans and to overall health programs for the Nation. In this particular, instance, after the most serious and lengthy deliberations, I have concluded that an exception to this general rule is called for. The basic purpose of creating the Special Action Office is to provide for maximum coordination and central policymaking for a massive federally funded attack on the scourge of drug abuse afflicting our Nation.

Toward this end, the reported bill gives the Director of SAODAP overall programmatic and procedural responsibilities with respect to all Federal programs dealing with drug treatment and rehabilitation, including—although not specifically in the legislation—those of the Department of Defense.

Were a special exemption to this overall policy role introduced for the Veterans' Administration, I have every reason to believe that the whole fabric of this carefully constructed compromise would be torn apart. Next, the Department of Justice, then HEW, then the Department of Labor, and then the Office of Economic Opportunity, followed by every other bureaucratically zealous agency would beat a trail to congressional doors to achieve a similar exemption. This would undercut the whole concept contained in this bill which has been the subject of the most lengthy and high-level deliberations by leaders of the Government Operations Committee, the Labor and Public Welfare Committee, and the administration.

It should be clearly understood that the reported bill no longer includes the authority, originally contained in subsection 206(i) of the bill, to permit the Director of SAODAP to transfer appropriations from one agency to another and to assume direct operational responsibility for programs he funds are functioning ineffectively. Such authority would have gone far beyond that presently possessed by the Director of the Office of Management and Budget, whereas the present budgetary and policy-making functions given to the SAODAP Director are basically inherent in OMB to begin with. I would expect the exercise of these specific functions by the SAODAP Director with respect to VA or any other drug treatment programs with more informed compassionate and programmatically supportive than would such exercise by the Director of OMB.

Thus, Mr. President, I suggest to all those who are skeptical about this "SAODAP superstar" that we are creating with this legislation—and I must confess that I have shared some of these reservations when this concept was first introduced although my doubts have been allayed considerably by the excellent modifications in the reported bills—that we give the new office a change, withhold opposition and join with the sponsors of the legislation in critical oversight of this program which holds such great promise, in the words of the bill's title, "to coordinate the resources of the Nation in a crusade against drug abuse."

Mr. President, I wish to express to the leaders in the development of this legislation my gratitude for their courtesy, consideration, and outstanding cooperation in working out the amendments I have just described. I refer to the Senator from Connecticut (Mr. RIBICOFF), chairman of the Subcommittee on Executive Reorganization and Government Research, the Senator from Maine (Mr. MUSKIE), the chairman of the Subcommittee on Intergovernmental Relations of that committee, the Senator from Illinois (Mr. PERCY), the acting ranking minority member of that committee, and the Senator from New York (Mr. JAVITS), the ranking minority member of the Committee on Labor and Public Welfare. Finally, I want to pay special tribute and express my special thanks to my good friend, the Senator from Iowa (Mr. HUGHES), the chairman of the Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee to whose steadfastness of purpose, unflinching dedication to principle, and commitment and concern in this vital fight against drug abuse and dependence has been primarily responsible for bringing about the bipartisan agreement between the Senate and the executive branch, which brings this bill to the floor today.

Mr. President, I urge my colleagues to support S. 2097 as reported by the Labor and Public Welfare Committee on November 24, 1971.

CONGRESS CONTINUES ITS COMMITMENT TO DRUG CONTROL LEGISLATION

Mr. RANDOLPH. Mr. President, in every forward movement there is usually one event, or one single incident, which galvanizes responsible people into action. It is not always a disaster or an earth-shaking event in itself.

The crusade against drug abuse was already well underway when the Nation's news media flashed a picture of a 12-year-old boy testifying on his drug habit. The child was seated on the lap of a social worker before a microphone, telling in a matter-of-fact tone how he had developed a $36-a-day habit.

For me, and I am sure for many thousands of other persons, this single act brought into clear focus the catastrophic consequence of the growing drug problem in America. Over the past few years, we have received much expert information on drugs, going all the way back to the early part of this century when this Nation had a severe "dope addiction" problem.

But it was not until this invaded the classrooms and recreation rooms of America's affluent young that its cancerous process became fully recognized.

This legislation may have come too late. Perhaps it cannot rescue many thousands of young people who have experimented with a wide variety of drugs and have irrevocably damaged their future.

Too much time is generally required to generate the acute public awareness prerequisite to effectively attacking social ills in a democratic society. Regrettably, there is little constructive activity until the public's conscience has been shocked into realization of the effects of a particular problem or set of problems. Similar circumstances prevail in our attitudes toward the addict in society.

But this legislation is evidence that the Congress and the people of this country have now developed that "acute awareness." We are in the process of counter-attacking an epidemic.

I want especially to commend all the Senators who cooperated in developing this legislation in a way that was free of partisanship. This is truly a bipartisan measure and I am gratified to be a cosponsor of the measure.

Not only is S. 2097, on which Democrats and Republicans worked closely together, but it is also a written demonstration of the cooperation between Senate committees—the Committee on Government Operations, and the Committee on Labor and Public Welfare, the latter on which I am the senior majority member. Among those who worked diligently on this bill, and who deserve special recognition are Senators MCCLELLAN, RIBICOFF, MUSKIE and PERCY, particularly with respect to titles I, II, and III of the bill, the subject matter of which was under jurisdiction of the Government Operations Committee; and Senators HUGHES and JAVITS, who concentrated on titles IV through VIII of S. 2097, which deals with matters under the jurisdiction of the Labor and Public Welfare Com-

mittee. The Congress and the public should be aware of the intense interest, drive, and dedication of Senator HUGHES as chairman of the Alcoholism and Narcotics Subcommittee on which I also have the responsibility of serving.

Mr. CHURCH. Mr. President, I support S. 2097, a bill designed to do something about drug abuse.

This legislation, if enacted into law, provides new tools for the use of our Federal, State, and local governments in the fight against drug abuse. The purpose of the bill is simple and straightforward:

> To focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse within the United States in the shortest possible period of time.

The bill takes significant steps to implement that policy.

First. It establishes, within the Executive Office of the President, a Special Action Office for Drug Abuse Prevention. The new office would be responsible for the coordination of the Nation's drug abuse programs and provide assistance to State and local governments.

Second. It provides for the formulation of a national drug abuse strategy at the direction of the President. The information of such a strategy would include an analysis of drug abuse problems, determinations as to how best to make use of Federal funds and resources to combat the problems of drug abuse, and an evaluation of current programs and recommendations for action.

Third. The bill also provides significant financial aid to State and local units of government to help them formulate and implement drug abuse prevention and rehabilitation programs.

Fourth. It establishes a National Institute on Drug Abuse within the National Institute of Mental Health which will assist in the study as well as in the formulation of educational research to broaden understanding of, and battle against, the rising incidence of drug abuse in our Nation.

This is a brief summary, Mr. President, of an excellent piece of legislation. It is one of the steps which we can take to help stop the spiral of drug abuse. We cannot ignore the fact that this drug abuse is real. It extends from the slums to the suburbs across the land.

The support for this bill speaks for itself. It is cosponsored by Senators of both political parties whose views run from the very conservative to the very liberal. It is not a partisan issue. I shall cast my vote today in support of this legislation to help meet the need to create a coordinated Federal effort to curtail drug abuse in the United States.

Mr. CHILES. Mr. President, I think it is fair to say that there is no greater problem facing this Nation today than the already broad-based swelling growth of drug addiction. The problem has reached the emergency stage and it is with that emergency that we deal with today. We are all too familiar with the scope of the drug problem. There is an abundance of shocking evidence available showing the rapid increase in drug use in all sectors of society. The threat of drugs does not discriminate—all people are being affected either directly or indirectly. All are touched in some way by the effects of drug abuse and dependency. Crime ranging from petty theft to murder, disrespect for law and order, weakening of our moral and spiritual awareness, and a growing sense of despair and inability to cope with problems—all can be seen to be in some measure at least outgrowths of the drug problem.

It is true that the proportions of the drug situation have not been totally ignored. We could not possibly have avoided or disregarded them entirely. And as the problem grew, so too various programs grew to aid those who had become disciples of the drug habit. Medical, psychiatric, and legal aid was made available to many through a variety of offices, agencies at all levels of government.

But our current offering of programs is limited, uncoordinated, and disjointed and of doubtful effectiveness. In the July 16, 1971, RECORD, Congressman JAMES H. SCHEUER attempted to compile a list of all Federal agencies operating such programs. At the same time the administration officials were attempting to compile their own list. The Congressman's list was far from comprehensive by his own admission, but as Mr. SCHEUER stated:

> The very fact that each list describes programs that the other omits dramatically illustrates how difficult it is to even determine the scope of the Federal effort in this area.

In the words of the President:

> We must now candidly recognize that the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. . . . Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat.

There are at least nine Federal agencies involved with drug addiction. The efforts exerted through these agencies have been well intended, but ineffective because of lack of communication, limited and fragmented authorization as well as funding. If our dealing with this massive problem is to be at all effective the piecemeal approach must end. And S. 2097 would quickly draw it to an end. The bill would establish a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to develop a comprehensive, coordinated, long term national strategy for all drug abuse programs and activities supported by any part of the Federal Government.

Our objective through this office—to reduce the incidence of drug abuse and drug dependency in the shortest possible period of time—would no doubt, parallel the general goal of the present variety of programs dealing with the problem. But the approach this bill provides would, at last, reflect in some measure the magnitude of the problem. The emergency proportions of the drug situation demand an organized, all-out attack which this measure would provide. The bill would constitute a total Federal effort through an office directly answerable to the President.

Party lines obviously have no influence here—no effect on the merit of the bill. The only real consideration ought to be—what is the most effective way we can deal with a problem that is growing, that touches all of us in some way and that must be stopped? I believe S. 2097 shows us the way.

Mr. EAGLETON. Mr. President, we act today on one of the most important measures of this session, a bill providing for a comprehensive, coordinated attack on drug abuse in this country. The drug abuse problem has been among my major concerns since I came to the Senate, and I am pleased to be among the cosponsors of this landmark bill.

The major impact of this bill will be the creation of a focus on drug abuse within the Federal Government so it can more effectively carry out its part in the fight against drug abuse. We need a unified policy in this area, and we need a coordinating mechanism at the Federal level.

President Nixon recommended, and I endorsed, the concept of a Special Action Office for Drug Abuse Prevention—SAODAP—in the Office of the President. This bill creates that office, giving it responsibility for providing overall strategy in the areas of drug abuse education, treatment, rehabilitation, and research. That is no small task considering that these drug programs are scattered among the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the Veterans' Administration, the State Department, the Civil Service Commission, and the Department of Defense.

The second major step taken in this bill is the authorization of two grant programs designed to get more money into State and local drug abuse programs. Under the first program, Federal funds will go to the States on a formula basis, depending upon the State's population its financial need, and its need for prevention and treatment programs. The second program is for special emphasis grants for projects of special importance, including, for example, research grants and special training sessions.

One of the most important aspects of this legislation is the fact that it embodies a commitment to research in the area of drug abuse. Sadly, in this day of widespread drug abuse, we know remarkedly little about the precise nature of drug abuse and about effective treatment of drug dependence. There have been some promising breakthroughs—the possibility of developing safe blockage drugs for heroin addicts, for example. But until now we have lacked the funds and the commitment to follow through on these leads.

I have expressed to the members of the Labor Committee my concern that the Special Action Office be involved not only with the very critical problem of heroin addiction, but with the abuse of amphetamines, barbiturates, and other dangerous drugs as well. That is clearly the intention of the legislation before us.

No less significant is the provision of this bill which directs the Veterans' Administration to provide treatment and rehabilitation services for drug dependence to veterans regardless of the kind of discharge he has received. Surely if a person's introduction to these dangerous substances occurred as a result of his military service, the responsibility of the military and the VA should not end with his dishonorable discharge.

I do not claim that this legislation will cure the drug abuse ills of this country, but surely it is a significant step in the right direction with respect to treatment and research. No doubt other steps will follow.

Of course my interest in the treatment and research aspects of the drug abuse problem has not dulled my concern about the law enforcement and control areas. I have worked for tighter control over dangerous drugs in the past and have every intention of doing so in the future.

I take pride in the long overdue tightening of controls over amphetamines and other stimulant drugs, a change I worked for for over a year. The administration fought my proposed rescheduling of these drugs in October 1970 and, as a result, it failed to pass into law. When I reintroduced my proposal this year, they did an aboutface and published a rescheduling order. I welcomed their action but was disturbed by two serious deficiencies. First, the rulemaking procedure allowed Smith Kline & French to file a petition for hearing on the largest selling diet pill, Eskatrol, thereby exempting that pill from stricter controls until its case could be decided separately. Second, it failed to include two amphetamine-like drugs, Ritalin and Preludin, which also have a history of abuse. That is why we held hearings in the Senate last July. Only after those hearings did Smith Kline & French withdraw its petition, and the administration changed its mind once again and decided to reschedule Ritalin and Preludin, as well.

Now the time has come for the administration to set manufacturing quotas on these dangerous drugs. I have expressed my concern to the Justice Department that they reflect the vast, irresponsible overproduction of these drugs in past years. If they do not, we only kid ourselves if we think the "speed" problem is taken care of.

I have also introduced legislation (S. 2911) which would insure that only responsible, cautious companies are authorized to manufacture and distribute dangerous drugs. Under current law, these companies are subject to certain criteria before they can receive their registrations, but the law is weak when it comes to taking registrations away from companies who abuse them. My bill would allow the Justice Department to revoke or suspend registrations whenever registrants fail to "provide a standard of control consistent with the public health or safety." Surely where this privilege is abused at the expense of the public, it should be possible to take it away before further damage is done. I intend to solicit comments on this legislation very soon and hope to see it pass into law within the next few months.

Mr. WILLIAMS. Mr. President, for several years now the Congress of the United States has devoted much of its time talking about the need for a massive Federal attack on drug abuse in the United States. Today we have the opportunity to enact a program which can serve to get that job done.

There is no longer any dispute that drug abuse has become a problem which pervades our whole society. It is no longer enough to talk about enforcing the laws against illegal drug use. We must now undertake a concerted, coordinated and comprehensive national effort which will combine all of our resources in order to overcome what has in fact developed into a national crisis.

Statistics alone do not adequately tell the full story:

Official estimates placed a number of heroin addicts at 250,000. Other estimates indicate that the real number may be closer to 600,000 nationwide.

The abuse of depressant and stimulant drugs is even more widespread and although the true number of abusers is not known, one survey indicates that 18 percent of college students have tried amphetamines and 15 percent have tried barbiturates.

Hallucinogenic drugs have been tried by an equally large segment of our young people. But the real crisis arises from the destruction which this drug abuse reaps on the fabric of our society.

And it is impossible to quantify these costs in terms of crime, lost productivity, unemployment and the spirit of the American people.

The bill which we have before us today is a product of years of work on the part of the Labor and Public Welfare Committee and the Committee on Government Operations. It establishes for the first time a framework within which Federal, State, and local governments can begin to effectively utilize and strengthen their resources to bring the drug abuse problem under control. It creates a Special Action Office for Drug Abuse Prevention in the Executive Office of the President which will provide overall planning and policy to establish objectives and priorities for all Federal drug abuse programs relating to education, training, treatment, rehabilitation, research, and many aspects of our law enforcement programs. It authorizes the Director of his Special Action Office to review budget requests of the affected Federal Departments and to lend technical assistance to State and local drug abuse control efforts. It requires the establishment by the President of a Strategy Council which can develop a comprehensive long-term Federal strategy for all drug abuse programs and activities supported by the Federal Government. It establishes a National Institute on Drug Abuse within the National Institute of Mental Health to conduct treatment and rehabilitation programs consistent with the policies and objectives established by the Special Action Office.

It provides for formula grants to the States so that they may develop effective drug abuse prevention and treatment plans. And it provides for special-emphasis grants to be made by the Institute to public and private nonprofit agencies so that these groups may carry out programs deemed to be of special importance in the area of drug abuse prevention and control.

Mr. President, I could of course spend a great deal of time discussing the need for this comprehensive legislation, the increase in public concern about the problem, and the details of the bill we are now considering. Frankly, I feel that this is no longer necessary. We all know what must be done. We all know that through great bipartisan effort which went into the fashioning of this bill the Drug Abuse Office and Treatment Act of 1971 will prove to be a monumental initiative by the Congress of the United States, and we all fervently hope and pray that this program will work.

Senator MCCLELLAN, Senator MUSKIE, and Senator RIBICOFF have all performed valiantly in attempting to develop a practical and well-designed administrative structure for the Special Action Office. Senator HUGHES, as always, has demonstrated his unique talents in getting to the heart of the drug abuse problem and fashioning the kind of rehabilitation and treatment program which can and will prove successful. And a large share of the credit must also go to Senators JAVITS and PERCY.

Mr. President, this is more than a "national" crisis which we are faced with today. It is a human crisis. And we must not shrink from our responsibility to do everything within our power to help deal with it.

THE DEMAND FOR A TOTAL EFFORT TO CONTROL DRUG ABUSE

Mr. HUMPHREY. Mr. President, the menace of drug abuse, that reaches into every State and town in America, must be met head on by strong and comprehensive Federal programs of education, rehabilitation, and coordinated law enforcement. I have been gratified by the thorough and expeditious actions taken by the Senate Committees on Government Operations and on Labor and Public Welfare in reporting the historic legislation that will shortly be voted on by the Senate.

The Drug Abuse Office and Treatment Act of 1971, which I have been privileged to cosponsor, calls for a sustained and comprehensive attack, a coordinated Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective programs to treat and rehabilitate the victims of drug abuse. It recognizes the critical need for a high-level authority, directly responsible to the President, to accomplish the full implementation and total coordination of Federal agency programs which can effect the control of drug abuse.

The need for the substantial improvement and extensive reorganization of Federal programs addressed to the critical and pervasive problems of drug abuse and narcotic addiction was recognized months ago by the Senate Committee on Government Operations, of which I am a member. The evidence laid before our committee presented a picture, not only of totally inadequate efforts by the present administration to clamp down on the narcotics traffic, but also of piecemeal approaches—even working at cross pur-

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poses—to employing medical research and rehabilitation resources and to tying these in with law enforcement procedures.

The result has been that far too often, the youth who has been subjected to peer group pressures is not reached before he becomes a victim of the drug habit; and the discharged serviceman who had become addicted to heroin is not being helped. Meanwhile, the professional traffickers in narcotics have continued to make a profit at the expense of human lives, and the rate of crimes associated with the maintenance of the drug habit has not abated.

In the face of this profoundly disturbing evidence I introduced an original bill, S. 2155, the Drug Cure and Control Authority Act, designed to launch a nationwide effort to control the abuse of drugs. I am gratified that the major features of this bill have been incorporated in the legislation presently before the Senate. Greatly dissatisfied with the half-way proposal originally made by the administration, I had included in my bill a central provision for a coordinating agency at the highest level of Government to assure the full implementation of Federal programs on drug abuse treatment and rehabilitation. And this agency would also accomplish the effective interaction of law enforcement agency efforts to halt the narcotics traffic and to apprehend the dope pushers, with the new emphasis upon drug abuse prevention, education, research, and treatment. My bill called not only for the expansion of new frontiers on drug abuse research and treatment techniques, but also for far more sophisticated and coordinated enforcement programs at all levels of government to halt the narcotics traffic. Law enforcement, however, had been specifically omitted from the President's message in connection with the original administration bill on drug abuse control.

Moreover, the legislation presently before the Senate adopts a basic premise of my original bill: That those directly responsible for administering Federal drug abuse control programs and those having expertise in all areas to be combined in an offensive against drug abuse and narcotic addiction, must be brought together in advisory, strategy planning, and program-monitoring councils tied in with the Federal drug abuse control action authority. Only in this way can we pull together all governmental and private resources, set schedules for meeting specific goals, fix responsibility, and accomplish a decisive advance in the war against the rising drug epidemic.

The central truth is that effective control has suffered from fragmentation of authority. The Bureau of Narcotics and Dangerous Drugs; the Law Enforcement Assistance Administration; the Department of Health, Education, and Welfare; the National Institute of Mental Health; and the Department of Defense all have responsibilities in the narcotics field. But they have lacked coordination. They have not made adequate use of the extensive public and private resources already at hand to combat drug abuse. They have not taken sufficient advantage of new advances in the prevention, treatment, and control of addiction. And they have failed to work together and with State, local, and private agencies to get at the source of drug abuse and to provide the help that hundreds of thousands of victims across America need and want.

I urge the Senate to pass the Drug Abuse Office and Treatment Act of 1971. I firmly believe that the American people expect and demand that this Congress take this decisive action to launch a total, sustained offensive against the despair, the agony, the crimes of violence, and the loss of human life left behind in the spreading wake of drug abuse.

Mr. STEVENS. Mr. President, we must stop the encroachment on our national health and strength which the rise of drug abuse in our land threatens to bring about. I believe the bill we vote on today holds the potential for doing this and I am pleased to cast my vote for its passage. S. 2097, by establishing a Special Action Office for Drug Abuse Prevention in the highest elective office in our country, that of the President's, will have the coordinating authority and power it requires to effectively unify our national attack on this problem. Every agency; every Federal program; both national and international, both preventive or educational and those dealing with the enforcement of current laws, will work with this new office. And this is as it should be. We must make our Federal commitment and our programs on drug abuse into a well planned and defined effort that is operated with unification of purpose and a sense of urgency that propels the many Federal programs forward together far more effectively then could ever be accomplished with them each going their separate way.

I am pleased, too, that the legislation also authorizes new Federal funds for grants to States and public and private organizations for projects of special significance in their efforts to solve this national problem.

In Alaska our situation is a bit different than many other States.

At this particular time, dealing with narcotics and drug abuse in Alaska could be compared with decisions to be made on the development of our natural resources.

We are on a threshold with respect to both problems—standing on a sort of continental divide.

What we do in the next few years—the policies we adopt—could well set our course for decades to come.

All of us would agree with that statement when it comes to devising a sensible balance between resource development and preservation of our fabulous natural environment.

But why do I compare this to drug control?

First, people are our most precious resource. Just like our natural environment, they can be destroyed—in this case by drug abuse.

Second, consider these statistics compiled by the Federal Bureau of Narcotics and Dangerous Drugs:

In 1967 and 1968 Alaska had seven known drug addicts—those known to be habitual users of hard drugs.

In 1968, in terms of arrests for violation of narcotics and drug laws, Alaska ranked 17th among the 50 States, averaging 57.8 arrests per 100,000 people.

The total number of people is not enormous. It does not compare, for instance, with New York City, where every day of the year, a school-age boy or girl dies from an overdose of heroin.

Or, where there are an estimated 90,000 drug addicts.

Or, where, according to the New York Board of Education, 35,000 of these known addicts are of school age.

These are appalling statistics telling of humans—more young than old—devastated and corrupted by drugs.

Yet Alaskans cannot turn away, and say it will not happen in our State. It can and is happening anywhere and everywhere, and our ranking with respect to narcotic and drug arrests is not the most reassuring. Therefore, I stand strongly for this legislation; for Alaskans and for all Americans who, if they have not yet been damaged by this blight in our Nation, may well be, if we do not act decisively—and act now.

Mr. BYRD of West Virginia. Mr. President, I rise to express my support for S. 2097, the Drug Abuse and Treatment Act of 1971. This bill will establish a Special Action Office for Drug Abuse in the Executive Office of the President, with the authority to develop a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities which are conducted, sponsored, or supported by any agency of the Federal Government.

The Department of Health, Education, and Welfare estimates that there are 250,000 heroin addicts in the United States, and other authoritative sources claim the number is closer to 600,000. Additionally, no one has any accurate estimates regarding the number of people who have tried heroin once, or who have had limited experience with this deadly drug. Another shocking factor which has recently surfaced in connection with drug abuse is the large number of GI's who have become addicted to heroin in Vietnam, and who are being mustered out all over the country. This entire spectrum of drug abuse is one of the most serious crises this country has ever encountered, and it will require a coordinated national effort to promote prevention, education, research, treatment, and rehabilitation.

In September 1962, the White House Conference on Narcotics and Drug Abuse considered the future of this country's drug abuse policy. As a result of that conference, the President established an Advisory Commission on Narcotics and Drug Abuse, which issued its report in November 1963. The final report of the Commission concluded that there had never been a sustained, organized attack on drug abuse in this country. Some 3 years later, the U.S. Crime Commission again reviewed the problems of drug abuse and drug dependency, and it urged certain comprehensive programs on both a voluntary and involuntary basis.

The Congress itself has attempted to conquer this problem by the passage of the Narcotic Addict Rehabilitation Act of 1966, and subsequent amendments to that act passed in 1968. Apparently our prior efforts have not been entirely adequate, because in spite of these acts and other massive law enforcement activities mustered by this country, illegal drugs are available in every city in greater quantities than ever before, and in the majority of cases, at reduced prices.

S. 2097 establishes a comprehensive range of administrative tools in a single, broadly based institute structure within the National Institute of Mental Health, and in addition creates a mechanism whereby a national strategy against drug abuse can be developed. The President is directed to prepare such a strategy council. The national strategy factor is what has been lacking in previous efforts.

This Nation faces a serious problem, and there is no apparent easy solution. I sincerely hope that this new office of drug abuse will bring all of the available resources of the United States to bear on this problem in an effort to reduce the incidence of drug addiction and drug abuse within the shortest period of time practical.

Mr. HUGHES. Mr. President, I am prepared to yield back the remainder of my time on the bill, if the other side is prepared to do the same thing.

Mr. BROCK. Mr. President, if the Senator will yield, I have two further requests for time, and then we will do the same.

Mr. HUGHES. I withdraw the yielding back of time.

Mr. BROCK. I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I have followed the path of S. 2097 as it progressed through the Senate. I welcomed President Nixon's initiative in proposing the establishment of a Special Action Office for Drug Abuse Prevention. I wish to praise the Committee on Government Operations and the Committee on Labor and Public Welfare for their fine and diligent work in following through with the President's initiative.

I feel that the establishment of a special office is an important step forward. It is a necessary focal point for marshaling our Nation's resources in an effort to defeat the most recent threat to our personal security and welfare—the scourge of drug addiction and drug abuse.

This legislation marks the turning point in our efforts to effectively combat the drug problem. In the past, the majority of our energies have been spent in programs to eliminate the supply of drugs and to increase the effectiveness of our law enforcement efforts. In reality, we were fighting only half of the problem. We must now dedicate ourselves to the rehabilitation of those lives which have been destroyed by drugs. I am extremely pleased with the special emphasis this legislation places on treatment and rehabilitation programs.

Furthermore, the bill goes one step further, and provides for additional emphasis on our efforts to prevent the spread of drug abuse.

The problems associated with drug abuse are multifaceted and complex. There are no simple solutions. However, I have been extremely encouraged by the increased interest of the public. Such efforts as the decision of the medical society of Houston to request its members to voluntarily regulate their prescription of amphetamines have been remarkably successful. But the drug problem is too great—and our knowledge is too limited—for this Nation to rely solely on individual community efforts. To win this battle, we must be able to coordinate our efforts—to share our Nation's resources and to share our knowledge of drugs in order to remove this curse from our land. The Special Action Office of Drug Abuse Prevention will be a step in that direction.

Mr. BROCK. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Florida (Mr. GURNEY).

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

STATEMENT BY MR. GURNEY

Mr. President, as one of the principal cosponsors of S. 2097, I am here today to ask for unanimous support for this measure to establish a special action office for drug abuse prevention in the Executive Office of the President and to assist in concentrating the resources of the Nation against the problem of drug abuse.

We face today nothing less than an insidious menace which afflicts the body and soul of America. The peril of drug abuse has stealthily swept across our Nation, leaving behind its calling card of physical and psychological death and desolation. If we as a Nation do not act effectively to control this growing threat, it will increasingly cripple and eventually destroy the human and economic resources of America.

It is now obvious that efforts to control drug abuse have not been sufficiently effective. Drug abuse continues to wreck lives, destroy families, and seriously disrupt whole communities at an alarmingly increasing rate.

Statistics need no elaboration to bring emphasis to the frightening dimensions of the drug abuse problem. Truly, the following facts speak for themselves:

In 1969, there were estimated to be 330,000 narcotic addicts in the United States—95% of whom were addicted to heroin.

Of the 68,000 addicts on whom the Bureau of Narcotics and Dangerous Drugs has detailed information, almost 3 out of 5 are under the age of 30, and 8% are under 18. In the past two years (1969–1970), new addicts under the age of 18 have increased at a rate 3½ times the rate for the preceding three years.

The cost of maintaining a drug habit can range from $30 to $100 a day, or $11,000 to $35,000 a year. Nationally, the total cost of addiction *to the addicts* is estimated by the Bureau of Narcotics and Dangerous Drugs to be approximately $6 billion.

Narcotic addicts cannot usually hold jobs, and are forced to finance their habits through illegal activities—ranging from petty larceny and shoplifting through prostitution and armed robbery to murder. Nationally, the cost of crimes committed to sustain a habit is estimated to be in excess of $8 billion a year.

There are over 30,000 addicts in my home State of Florida—diverting 60% of all law enforcement efforts in Florida to drug related crimes.

In addition to the overwhelming cost of drug abuse reflected by the preceding statistics, the people of America pay an unmeasured daily toll in terms of personal and family suffering and misery. Not long ago, most Americans, including many Members of Congress, felt drug abuse to be primarily a class problem. Whether or not this was ever totally true is no longer relevant, in the face of unquestionable evidence that drug abuse now crosses all boundaries infecting every economic and social group in urban and rural America.

Despite the increasing dimensions of drug abuse, and despite our expanding awareness of the problem, we have not yet moved effectively to combat it. Our efforts to date have been strained, stymied and fragmented through competing priorities, lack of communication, multiple authority and limited and dispersed resources in the Federal bureaucracy.

I firmly believe that enlightened Government efforts to control and eventually eradicate the drug abuse epidemic can be successful only if channeled through a concerted program which coordinates and mobilizes national, State and local resources. We now have the opportunity to institute such efforts at the highest levels of Federal Government. We now have the opportunity to commit to the problem of drug abuse the focused efforts of State and local resources in the inter-related areas of education, treatment, rehabilitation, training, research and law enforcement.

The importance of legislation to provide formal structure and direction for these efforts is underscored by the strong bi-partisan support for S. 2097 in committee—both from fellow Senators from both sides of the aisle and from various administrative agencies. Over 50 Senators have joined to cosponsor this measure. It is supported by the administration. It is supported by State agencies. It deserves our support and immediate pasasge.

Failure to take decisive action now to provide the governmental mechanism needed for such a concentrated and coordinated attack on drug abuse and its related problems will inevitably result in additional human misery, social detericration, increased crime, and an ultimate potential for the destruction of our society.

As President Nixon said in his message to Congress:

"The final issue is not whether we will conquer drug abuse, but how soon?"

I believe the answer to this question must be here and now.

Mr. BROCK. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Ohio (Mr. SAXBE).

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

STATEMENT BY MR. SAXBE

Mr. President, last June President Nixon declared "war" on one of our most difficult and perplexing problems—drug abuse. In a major message to the Congress, he set the theme for the effort which he then proposed to deal with this problem when he said:

"We need a coordinated effort at the highest levels of the Federal Government . . . if we are to move effectively against drug abuse."

The legislation we consider today, S. 2097, is a direct and responsive answer to the President's call. It would establish a coordinated effort at the highest level of the Federal Government—in the form of the Special Action Office for Drug Abuse Prevention. It would also provide the mechanism for the development of a long term, comprehensive national strategy against drug abuse. These

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two features are critical elements in this legislation.

The need for a coordinated federal program to marshal the resources of the federal government in a coherent way is obvious. Presently, there are thirteen federal departments and agencies involved in the nonlaw enforcement aspects of drug abuse prevention. Seven are in treatment; nine in rehabilitation; four in training; seven in education; four in evaluation, and seven in research. While solid accomplishments have been made by all of these programs, there has been too much duplication and overlap and not enough cooperation and coordination. Many agencies were concerned with parts of the problem, but no one agency had either the scope of authority or the responsibility to deal with all of it. The Special Action Office which is authorized in law by this bill will have the responsibility and the authority to bring together all the nonlaw enforcement programs of the federal government and to insure that the policies and plans of those programs work in a united way against the drug abuse problems of our society.

The Special Action Office, lodged in the White House with the backing of the President and the able leadership of Dr. Jaffee, will have free authority and major responsibilities. For drug abuse programs and activities dealing with education, training, treatment, rehabilitation, and research, the Office would provide overall planning and policy, establish objectives and priorities, reviews and modify budget requests, review implementation plans, and make appropriations available. In addition, the Director of the Office would possess the authority to make recommendations to the President concerning law enforcement and international aspects of the federal drug abuse programs. The important point is that the Director of the Special Action Office would be in the position to make key judgements on the direction of all the federal drug abuse programs. This, in itself, is a major step forward.

A second major provision in this legislation is that which insures the development of a comprehensive national strategy against drug abuse. The bill would establish a Strategy Council composed of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education and Welfare, State, Defense and the Administrator of the Veterans Affairs and any other officials designated by the President. This Council would be responsible for the developing of a National Strategy which would include the law enforcement and international aspects of the drug problem as well as the treatment, rehabilitation, education and training, and research portions of it. The strategy will contain among other things a comprehensive federal plan specifying the objectives of the program and the uses of all available resources, funds, services, and facilities authorized under federal law. In short, it will be a total plan of action for the fight against the epidemic of drug abuse. The strategy is to be completed nine months after the enactment of the legislation, but is to be reviewed and updated at least once a year. This will insure a continuing analysis and evaluation of what has been done, what is being done, and what should be done in the future in the drug abuse field. Since unfortunately, the experts say this problem is not one to be solved quickly, the continuing review mandated by this legislation is most important.

Mr. President, drug abuse is a scourge which has attacked all segments of our society. It has touched too many families and has taken too many lives already. While S. 2097, authorizing the Special Action Office, may not be the total answer, it surely is what is needed today to move towards the effective control of drug abuse. I am happy to join my colleagues in complete support of this bill.

Mr. BROCK. I yield myself such time as I may require.

Mr. President, on June 17 of this year, President Nixon sent one of his most important messages to Congress. In that message he told Congress:

We must recognize that piecemeal efforts, even where individually successful, cannot have a major impact on the drug abuse problem unless and until they are forged together into a broader and more integrated program involving all levels of government and private effort.

This bill represents an effort to achieve that objective. It is brought before this body as a result of the efforts of the President, the executive branch, the Members of the Senate, and the respective committees. Others more eloquent than I have commended the efforts of the Senator from Connecticut, the Senator from Iowa, the Senator from New York, and the Senator from Illinois. Those efforts are legion, and their effect is represented in an excellent piece of legislation.

I think we do have some special problems to which I should like to draw attention.

At the present time the Federal Government is involved in a great many efforts designed to approach the drug abuse problem on a number of different fronts. Work is being done on the methodology of rehabilitating addicts, on the development of a workable detoxification agent which can ease the physical pain of withdrawal, on the development of a long-lasting antagonist drug to be used in the treatment of heroin addicts, and in a great many more areas vital to a comprehensive approach to this Nation's drug abuse problems.

All of these efforts are highly experimental in nature, and this is as it must be. We have no answers in the field of drug abuse. Few, if any, treatment programs have been able to claim any real success in the rehabilitation of drug addicts. We know that our education and prevention programs leave a good deal to be desired. In short, a great deal of work is yet to be done.

The Special Action Office for Drug Abuse Prevention, proposed in the President's message and in the legislation now before us, will perform a critical role in our efforts to provide solutions to the problems of drug abuse. It will coordinate and direct the entire Federal effort in this area. It will make certain that each component performs its assigned tasks, and that each serves to complement the functions and achievements of the other coordinates.

As I have indicated, much important work is now being done in the Federal Government, but I am also certain that the maze of legislative authorities and operating agencies involved in this work has led to much confusion and wasted effort. The Special Action Office will, amongst other things, eliminate this waste. It will assure that each agency of Government is aware of the related work being done in other agencies and will be able to build upon the knowledge gained in those agencies.

It is my view that a Special Action Office for Drug Abuse Prevention is critically needed if we are to make any real progress in eliminating the dilemma of drug abuse. The drug problem as we know it today began its enormous growth after the publicity arose in the early 1960's concerning the use of the hallucinogen, LSD. Soon illicit drug use became a type of weapon used to widen the so-called generation gap, a symbol of those who sought drastic changes in society against those who desired to preserve traditional values.

Since then, misunderstanding has clouded the horizon and the problem has been so outlandishly mismanaged that both the young and old have become deeply polarized. Not accepting that drug abuse was symptomatic of a wider problem, many adults reacted with panic and punitive action. In turn, many young people watching their parents use alcohol and become dependent on prescription drugs were forced to the conclusion that adults were either stupid, hypocritical, or both.

In that context, Mr. President, I ask unanimous consent to have printed at this point in the RECORD the additional views that I submitted to the committee report on S. 2097, relative to drug abuse prevention and control, specifically relating to what I consider to be inadequate national attention to the most pressing drug problem of all, the problem of alcohol.

There being no objection, the additional views were ordered to be printed in the RECORD as follows:

DRUG ABUSE PREVENTION AND CONTROL

All in all, I feel the bill reported by our committee is a fine piece of legislation worthy of passage by the full Senate. Nevertheless, one area where the Record remains undefined is whether the control of alcohol abuse falls within the aegis of the Special Drug Action Office. The stated purpose of S. 2097 is to establish a Special Action Office for Drug Abuse Prevention and to develop a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. There is no one who will debate that alcohol is a drug and indeed a highly addictive one. Yet, the Committee in reporting this bill has not addressed itself to a determination of this important point. I prefer to assume that the committee did not intend the use of illicit drugs to be the sole object of this legislation.

Alcohol is the nation's most used and abused drug. Alcoholism has been called the country's No. 1 public health problem—not heroin or amphetamine, nor marijuana usage. The failure to make a massive assault on alcohol addiction arises from the fact that the use of the causative agent is socially and legally acceptable. Such is not the case with the use of heroin, "speed", marijuana, or any equivalent drugs of the so-called "subculture."

Dr. Morris E. Chafetz, director of the National Institute on Alcohol Abuse and Alcoholism, estimates that there are 36 million problem drinkers in this country. Of that number, some 9 million are chronic alcoholics and this figure is rising by 100,000 a year. Further, he states the disease of alcoholism claimed 86,000 lives last year excluding traffic accidents and that at least 50 percent of the nation's annual 56,000 motor vehicle fatalities were caused by excessive drinking. Every two years, irresponsible drunk drivers account for more deaths than our total losses in Vietnam.

The costs of alcoholism are tremendous, far exceeding the benefits accrued to the public treasuries from taxes. Dr. Chafetz says alcohol costs $15 billion annually in injuries, property damage and welfare. A subcommittee of this Senate last year stated that an alcoholic costs his employee 25 percent of his salary due to poor performance, higher accidents rates and absenteeism. The estimated total cost to industry is between $4 billion and $7.5 billion each year.

On an average Americans spend close to $20 billion annually on alcoholic beverages. Of this amount the nation's 9 million alcoholics account for half the sales.

As is quickly becoming the case with the use of the drugs such as heroin, marijuana and their counterparts, the disease of alcoholism cuts across all social and economic lines. Individuals are susceptible to addiction to alcohol, regardless of one's educational, ethnic, cultural or economic background.

Reports indicate that of the country's 5.8 million arrests in 1969, a full third were related to the misuse of alcohol.

I need not continue this endless list of statistics to demonstrate the enormity of the problems related to overindulgence in alcohol. This problem in terms of its sheer size far outstrips the situation caused by the glamorous "escape drugs." This is not to say that attention should be paid to one situation over the other, but merely to point out that a crisis situation exists within the total definition of drug abuse, especially as it relates to alcoholism.

Staggering as present alcohol statistics are, the major effort to control drug abuse embodied in S. 2097 appears to exclude alcohol except in the limited areas of overlap on the general research and educational levels. In testimony received from Dr. Jerome Jaffee, Director of the Special Office, he indicates that it is his understanding that the authorities cited in this bill have by act of Congress delimited these authorities to drug abuse, excluding alcohol. To ignore the drug, alcohol, and alcoholism would be tragic. I pray we will not.

Mr. BROCK. Only after the problem was completely out of hand did both generations begin to look at the problem with a new insight. The problem of drug abuse is not limited to the young. It cuts across all social and economic lines. I am hopeful that the leadership provided by the Special Drug Action Office will serve to improve the atmosphere in which this society strives to combat misunderstanding and confusion that surrounds the misuse of drugs. For only in such an atmosphere can this society truly be effective in coping with this problem—a problem that has assumed all the proportions of a continuing national tragedy.

Mr. President, I yield back the remainder of my time.

Mr. HUGHES. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL) and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Ohio (Mr. SAXBE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 92, nays 0, as follows:

[No. 429 Leg.]

YEAS—92

Aiken	Fannin	Montoya
Allen	Fong	Moss
Allott	Fulbright	Muskie
Anderson	Gravel	Nelson
Baker	Griffin	Packwood
Bayh	Gurney	Pastore
Beall	Hansen	Pearson
Bellmon	Harris	Pell
Bentsen	Hart	Percy
Bible	Hatfield	Proxmire
Boggs	Hollings	Randolph
Brock	Hruska	Ribicoff
Brooke	Hughes	Roth
Buckley	Humphrey	Schweiker
Burdick	Inouye	Scott
Byrd, Va.	Jackson	Smith
Byrd, W. Va.	Javits	Sparkman
Cannon	Jordan, N.C.	Spong
Case	Jordan, Idaho	Stafford
Chiles	Kennedy	Stennis
Church	Long	Stevens
Cook	Magnuson	Stevenson
Cooper	Mansfield	Symington
Cotton	Mathias	Talmadge
Cranston	McClellan	Thurmond
Curtis	McGee	Tower
Dole	McGovern	Tunney
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Williams
Ellender	Miller	Young
Ervin	Mondale	

NAYS—0

NOT VOTING—8

Bennett	Goldwater	Saxbe
Dominick	Hartke	Taft
Gambrell	Mundt	

So the bill (S. 2097) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

Mr. MANSFIELD. Mr. President, the swift and expeditious action by the Senate today on S. 2097, demonstrates the Senate's deep commitment to the drug issue. This measure is designed to establish a Special Action Office for Drug Abuse Prevention. The misuse of drugs has become a dreadful blight upon this Nation. I am exceedingly pleased that the Senate has chosen to act effectively against the ravages of this problem. Because of the multiple jurisdiction involved on this bill, two committees worked very hard, and through a truly bipartisan effort, brought to the floor a comprehensive measure which will hopefully help stem the tide of the rising drug problem.

The Senator from Iowa (Mr. HUGHES) is to be particularly commended. His overall leadership in this area has won him praise from all quarters. It is justly deserved.

Our gratitude goes especially to the chairman of the Government Operations Committee, the distinguished Senator from Arkansas (Mr. MCCLELLAN). He and his committee worked diligently to report out this measure so that it could be be considered prior to adjournment. As always, his contributions are of the highest caliber and greatly appreciated.

The very able Senator from Illinois (Mr. PERCY) is to be commended as well for his efforts on the measure and the expertise and enthusiasm which he brings to the deliberations. For his articulate advocacy we are deeply indebted.

We are indebted equally to the Senator from Connecticut (Mr. RIBICOFF) and to the Senator from California (Mr. TUNNEY) for their thoughtful contributions.

THE ECONOMIC OPPORTUNITIES AMENDMENTS OF 1971—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the next order of business will be the conference report on the Economic Opportunity Amendments of 1971.

Mr. JAVITS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of November 29, 1971, at pp. 43117–43133.)

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that during the debate on the conference report, Mr. John K. Scales may be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Time is limited and controlled. The Senator from New York has 3 hours and the Senator from Wisconsin (Mr. NELSON) 15 minutes.

Who yields time?

Mr. JAVITS. Mr. President, I yield myself a minute.

The PRESIDING OFFICER. The Senator from New York is recognized for a minute.

Mr. JAVITS. Mr. President, apparently this matter broke a little earlier than those who wish to speak first had anticipated. I therefore ask the indulgence of the Senate and suggest the absence of a quorum, which I will not maintain for more than 5 minutes, and ask unanimous consent that the time not be charged to either side.

XUM

Mr. NELSON. Mr. President, I am disturbed about getting it through in time to go to the House. They will be waiting on the bill.

The time may be taken out of my time if the Senator wishes. I would rather do that than lose the time.

Mr. JAVITS. Mr. President, I yield 15 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 15 minutes.

Mr. BEALL. Mr. President, although I was one of the conferees on S. 2007, I did not sign the report that is now under consideration. I would like to explain my principal reasons for not signing the conference report on S. 2007, the Economic Opportunity Amendments of 1971.

S. 2007 was advanced as a 2-year extension of the Economic Opportunity Act. I support that extension because I know there are many citizens in the country who need help and a hand to get out of poverty.

I believe our difficulties began when the decision was made to couple the OEO extension with the Comprehensive Child Care Act. I am aware of the growing evidence with respect to the importance of the early learning years on a child's development. I also am aware that these early years may be particularly significant for disadvantaged youngsters.

I want to make it perfectly clear that early child development should receive the highest priority for attention from the National Government. But because we are dealing with early learning years and generally with disadvantaged children, I think we must be extremely careful as to the character and the quality of the programs that are offered. We must be absolutely sure that those sponsoring the programs have the professional competence to provide the quality that is so necessary for the success of these programs. We are dealing with preschool-age children whose whole learning process will be affected by the training received in the child development program. There is a real danger that more harm than good can be done for such a child through an improperly structured program.

It is because of the bill's importance that I felt it was a mistake to add the child development program to the OEO extension. I say this because I believe it is impossible to give the careful consideration that both bills deserve when they are considered as a single unit. As a result, I do not believe the committee did justice to either the child development program, or the OEO extension. That is why the many questions with respect to the child-development provisions are being raised by even strong supporters of the program. I just received a copy of a telegram that Governor Mandel sent to Representative PERKINS which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

HON. CARL D. PERKINS,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PERKINS: I have received your telegram concerning S. 2007 and, although I share your desire to continue Headstart, JOBS, the Job Corps, and the other worthwhile programs it includes, I cannot ask the Maryland delegation to support the bill. You contend that S. 2007 leaves the States with a meaningful role in early childhood development, I do not agree. We in Maryland have put together a workable and coordinated State program of day care and early childhood development, this statewide approach would be effectively sabotaged by the conference bill.

I would like to see the OEO programs continued, but I cannot support S. 2007 while it contains this feature so destructive of our comprehensive statewide program.

MARVIN MANDEL,
Governor of Maryland.

Mr. BEALL. Mr. President, my colleagues will note that in his telegram Governor Mandel felt that the child-care provisions would effectively sabotage the statewide effort that is going on in Maryland.

I believe that the prime sponsor should be that entity which is capable of producing the best, comprehensive program. That and that alone should be the test. The administration felt that in some instances the best qualified entity would be the States and reasoned where a State could operate higher quality care programs and have the greatest ability to provide the link with other child related services, which the bill itself deems essential, the State should be the prime sponsor. The administration's position is certainly sound and I support it.

Unfortunately, as Secretary Richardson said:

> The present language mandates in all cases priority be given to local prime sponsors, with the states left only as residual catch-all for geographical areas which have submitted either no applications or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a state application over a local application, even if the state application would better assure quality care for children.

Since the conference, Senator TAFT and myself and others have been trying to iron out some of the problems and indeed some improvements have been made. For example, I was concerned that school systems would not be eligible as a prime sponsor. This was particularly bothersome because I have observed that in Maryland some of the most successful headstart programs have been run by the school system. I also raised the issue whether Maryland's recently promulgated child care standards would govern programs funded under this child development program. I hope to have this point further clarified.

Thus, a very important part of S. 2007, the child development provisions, which will have a profound effect on our society and on youngsters decades hence, still leaves many questions unanswered. The only real test should be who best can provide the highest child development programs for children.

In addition to questions I have with respect to the child care provisions, I continue to object to the earmarking provisions. While I recognize Congress has a right to earmark programs, I believe that such earmarking in this instance was excessive and detrimental to the OEO role as an innovator for poverty programs. What program of the Office of Economic Opportunity will be harmed most by this excessive earmarking? Ironically the agency's research and development functions. One area which may be the hardest hit is the health programs funded under the research and development provisions. This particularly is undesirable in view of the national focus on health care problems and the need to have all the evidence that we can accumulate in making a decision on the directions and from that the Nation's health care programs should take in the coming years.

I also object to the prohibition against the transfer or delegation of programs. The Office of Economic Opportunity from its beginning, has had the role of giving birth to new programs, testing them, and after they have proven successful, the programs were transferred or delegated to another agency or department. This has been done both in the previous Johnson administration and in the Nixon administration. No other Director of the Office of Economic Opportunity has been denied the right to delegate or spin off programs and this policy has enabled the Office of Economic Opportunity to move in new directions in an effort to devise better ways of serving the poor. I ask unanimous consent that at the conclusion of my remarks a chart outlining programs that have been transferred or delegated since 1965 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, as a representative of one of the Appalachia States, I also am concerned with respect to the preservation of a role for the Appalachia Regional Commission in child development programs. The Senate had adopted an amendment offered by the Senator from West Virginia (Mr. RANDOLPH) along these lines, but the Randolph amendment was deleted in conference. I am pleased that important report language has been adopted to clarify the situation somewhat.

Mr. President, I am concerned about one other factor in this legislation, and that is the authorization itself. This bill provides a rather generous authorization for child development, as it should, but again we are deceiving those we are trying to help because in making this authorization we are leading people to believe that the money will be appropriated when we know that it will not be appropriated. We should tell the citizens, the boards of education, and the local governments throughout the country that although Congress in this particular conference report, and the bill itself, is authorizing $2 billion to be spent in fiscal year 1973 for child development, that we really do not have any hope at all that the Committee on Appropriations will appropriate that much money for expenditures. We should tell the people when they go into a program of this sort even though there is authorizing legislation there is no guarantee that the money will be available.

I have always felt that the Government at the Federal level has done somewhat of a disservice to itself and the

American people by not being perfectly candid and leading them to expect more than we can ever hope to deliver. I find fault with this legislation in that regard.

Mr. President, this is an important bill; as I have stated, it will have a profound effect on society and on the Nation's children for years to come. That is why I believe it was essential to shape the most workable bill possible and one that would assure the highest quality of programs possible. Like Governor Mandel, I question whether S. 2007 did that, and for the above reasons I declined to sign the conference report.

I hope that during the course of the debate this afternoon that we can during the colloquy make certain points clear that will give more guidance to the Secretary of Health, Education, and Welfare in the enforcement and carrying out of phases of this legislation, and that will bring some clarity to the problem, and place the interpretation of the legislation into such a condition that some of us will be able to support it.

[Exhibit 1]

OEO PROGRAMS WHICH HAVE BEEN TRANSFERRED OR DELEGATED

TRANSFERRED PROGRAMS

College Work Study, HEW, Higher Education Act of 1965.
Small Business Loan Program, SBA, EOA Amendments of 1966.
Adult Basic Education, HEW, Adult Education Act of 1966.
Upward Bound, HEW, Higher Education Act Amendments of 1968.
Foster Grandparents[1], HEW, Older Americans Act Amendments of 1969.
VISTA, Action, Reorganization Plan No. 1, of 1971.

DELEGATED PROGRAMS

Rural Loans, USDA, Delegation in 1964
Work Experience[2], HEW, Delegation in 1964:
Work and Training Programs for Youth and Adults (I–B), Labor, Original Delegation in 1964; revised delegation in 1968.
Follow Through, HEW, Delegation in June 1967.
Head Start, HEW, Delegation in June 1969.
Job Corps, Labor, Delegation in June 1969.
Special Work and Career Development Programs (I–E), Labor, Delegation in May 1970.
Opportunities Industrialization Centers, Labor, Delegation in June 1971.

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is the Senator from Maryland agreeable to having the time for the quorum call taken from his time?

Mr. BEALL. It is agreeable.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

[1] Operated by OEO under Title I–B authority prior to enactment of the Older Americans Amendments, which created it as a statutorily-authorized program for the first time.

[2] This program has since expired. It has been succeeded by the Work Incentive (WIN) program operated by the Department of Labor.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I urge adoption of the conference report on S. 2007, the Economic Opportunity Amendments of 1971.

As this has been a matter of considerable and lengthy consideration with deep speculation as to the administration's position on the legislation, I, as the ranking minority member of the committee and an author of many of these provisions and of the compromises worked out, consider it important that I indicate not only why the report should be adopted but specifically why the President should sign it into law.

EXTENSION

First, the conference bill would extend the various authorities for the poverty program for 2 additional years, through June 30, 1973. This meets the request for a 2-year extension made by the President early this year as embodied in S. 1290, which I introduced with broad bipartisan support.

This 2-year extension is vitally needed now as a reassurance to those who work in the essential poverty programs that—although changes are being contemplated and will be considered by the Congress—the basic structure of the poverty program, the continued existence of OEO on the national level and community action agencies on the local level will be preserved.

We cannot afford to delay—awaiting new action on legislation—giving this vital reassurance and a new charter to extend these programs. They continue to represent a unique means of closing the gap that still remains in our society between the various racial and economic groups and between such groups and the governmental "establishment" at all levels.

These efforts include such essential activities as manpower training programs for youth and others, emergency food and medical services to provide outreach to the poor, as well as the crucial "local initiative" activities conducted by the poor themselves.

CHILD DEVELOPMENT

Second, the conference bill would establish a comprehensive child development program as a new title under the Economic Opportunity Act, as proposed by Senators MONDALE, NELSON, SCHWEIKER and myself.

Mr. President, a principal purpose of this title is to redeem families from poverty, and the only way we can redeem families from poverty is through work and training opportunities and comprehensive programs for children. The biggest barriers for poor families—especially families where a father is not around—is dealing with children in the household so that children will not, as in my own city of New York, be left on the street with a key tied around their necks so they can go home when they need to and feed themselves and look after themselves.

Therefore, we drafted something which would fill that gap. Through the very gifted work of the Senator from Minnesota (Mr. MONDALE), a concept emerged which would make this a bill not only for the parents but a bill for the child, so that not only the parents would be able to be redeemed from poverty, but a child would have some chance to broaden and expand his or her life.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself another 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. JAVITS. Mr. President, the establishment of such programs—with emphasis on local decisionmaking, parental involvement and developmental, as opposed to custodial services—was identified as the top priority for the next decade by the White House Conference on Children, held almost exactly a year ago.

This aspect of the bill has been the most debated and has contributed most significantly to the delay in reaching agreement in conference.

While there has been general agreement on the need for a comprehensive system and for these programs, there have been wide gaps between the administration's desire on the one hand and those of the various conferees on the other.

However, I wish to state emphatically and document specifically the fact that these gaps have been substantially closed, with significant deference to the administration's viewpoint in each case. Specifically:

With respect to charges for services, the Conference bill meets the administration's request that free services be provided only to children in families having an income below the family assistance eligibility "cutoff" of $4,320 for a family of four, as provided in the House bill. The Senate bill provided for free services up to the so-called lower living budget standard, established by the Bureau of Labor Statistics at $6,960 for a family of four.

The Conference bill authorizes the Secretary to establish the fee schedule above the $4,320 level, subject only to the limitation that the charge may not exceed 10 percent of the incremental family income between $4,320 and 15 percent of the incremental income between $5,910 and $6,960. There are no limitations on fees which the Secretary may prescribe above the $6,960 point.

Although I cannot say so officially, I have every reason to believe that the limitations in the $4,320 to $6,960 range are compatible with what may be anticipated as the schedule to be established under the Family Assistance Act, with which the administration wishes this legislation to be consistent.

With respect to the administration's related objective of allocating the greater portion of resources under the bill to the most disadvantaged—essentially those below the $4,320 level—the conference bill provides substantial means of meeting that objective: Of the $2,000,000,000 that would be authorized in the first fully operative year, fiscal year 1973, $500 million is reserved for projects for low-income persons; that is, children in fam-

ilies below the poverty level of $3,900 for a family of four. Moreover, of the remaining amount allocated to the States, 65 percent must be used for children in families which are "economically disadvantaged." While that term includes families up to the $6,960 level, a number of provisions give the Secretary authority to direct funds to the most needy segments. Furthermore, the 65 percent is a minimum and the Secretary may insure that a substantial portion of the remaining funds are applied to children whose families are in the category of welfare eligibles.

With respect to prime sponsorship, the administration has requested latitude to designate States as prime sponsors where necessary to insure the high quality of programs.

The administration's position is set forth in a letter dated November 18, 1971, from Secretary of Health, Education, and Welfare Richardson to GAYLORD NELSON, chairman of the Senate conferees.

I ask unanimous consent that material portions of the letter be inserted at this point in the RECORD.

There being no objection the letter portions were ordered to be printed in the RECORD, as follows:

DEAR MR. CHAIRMAN: Throughout the consideration of the child care provisions of the Economic Opportunity Act Amendments of 1971, I have stressed the Administration's concern that at least some of the prime sponsors likely to be funded under the bill be States. It was our clear understanding that the language agreed to by the Conferees would permit this result.

Unfortunately, I now find upon analysis of the latest language that far too little flexibility is afforded to the Secretary of Health, Education, and Welfare to designate States as prime sponsors where such designation would assure higher quality care through greater access to child-related social services within the State. The present language instead mandates that in all cases priority be given to local prime sponsors, with the State left only as a residual catchall for geographical areas which have submitted either no application or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a State application over a local application, even if the State application would better assure quality care for children.

I have testified that we never have planned to choose only States as prime sponsors, but it is essential, in my view, that the delivery system provide flexibility to choose a State as a prime sponsor, when localities within that State have submitted applications which technically meet the criteria listed in the bill but do so less effectively than the particular State application.

With kind regards,

Sincerely,

ELLIOT LEE RICHARDSON,
Secretary.

Mr. JAVITS. Mr. President, in the course of the next few minutes, as soon as the manager of the Conference report, the Senator from Wisconsin (Mr. NELSON), arrives, I will have a colloquy with him which will make clear that the criteria, no matter which way you start—whether you start from the bottom or start from the top—will be the same, and that will be the capability to carry out, with the necessary resources and the necessary efficiency and the necessary expertise, a comprehensive child development program for a given viable area.

The colloquy will also bring out that if one sponsor—to wit, starting, as the conference report does, at the lowest level, the locality—is, in the judgment of the Secretary—which obviously cannot be arbitrary and capricious—not capable of doing a job, then he has a double track. He may go to the next sponsor, to wit, a combination of localities, or he may go to the State. At that point, in other words, the Secretary is left free to choose another sponsorship, which may be the State.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 3 additional minutes.

Mr. President, it just seems to me that with so great a reform in prospect, to allow this thing to break up on so narrow a difference would be highly regrettable, since the test—whether you start from the lowest level, or highest—is capability; and the discretion is in the hands of the Secretary of HEW in whom we must assume the President has confidence, or he would not keep him on the job; and he should likewise have a certain amount of confidence and trust even from conservatives.

LEGAL SERVICES

Mr. President, third, the Conference bill would add a new title under the Economic Opportunity Act, establishing a nonprofit corporation for the legal services program. This step, which was proposed first by the administration as a followup on the Asch Commission report and by a number of Senators in both Houses represents a general bipartisan consensus on the desirability of giving top priority to the program as an effective antipoverty effort, insuring its independence from political influence, and preserving the right of the legal services attorney to do what he considers to be in the best interest of his client. As President Nixon stated, in his message to the Congress of May 5, 1971:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Again, despite this shared objective, there existed substantial differences over the composition of the board of directors and the powers to be given the corporation.

These issues, too, have been resolved by the Conference with deference to the viewpoints of the administration:

With respect to the board, the administration's bill, S. 1769, introduced early this year, provided for an 11-member board appointed entirely by the President.

S. 1305, introduced by Senator MONDALE, provided for a 19-member board, only seven of whom were to be appointed by the President.

As passed by the Senate, S. 2007 provided for a 15-member board, with only nine members appointed by the President.

The House adopted a 17-member board, appointed entirely by the President.

The administration indicated during the conference its clear preference for the House board.

The Conference bill accepts the 17-member Presidentially appointed board contained in the House bill with the modification that in a number of cases the President's appointments are to be made from lists submitted by such respected organizations such as the American Bar Association, the Judicial Conference of the United States, and certain clients and project attorney's advisory groups. Each list is to contain from three to 10 names.

But, even in these cases the President has the clear right to turn down an entire list and request another one. This is made clear in section 904(a) of the Conference committee bill.

With respect to six positions on the Board, the President may appoint public members completely free of the list procedure, subject only to the consent of the Senate.

Mr. President, I submit therefore that the Conference bill strikes a very fair and appropriate balance between executive prerogative on the one hand and on the other hand the opportunity for input from these nationally recognized respected groups which have given such great support to the program.

Again, with respect to the other major element of contention—the question of criminal representation—the Conference bill completely sustains the position of the administration.

The administration bill contained a flat prohibition against representation in criminal cases.

The Senate bill prohibited such representation as a general matter but would have permitted the board of directors to make exceptions, generally along the lines of the current law.

The Conference bill adopts the House version which contains the flat prohibition which the administration requested.

COMMUNITY ECONOMIC DEVELOPMENT

Fourth, Mr. President, the Conference bill would establish a new title for community economic development.

This title, which is coauthored by Senator KENNEDY and myself, builds upon title I–D of the Economic Opportunity Act's "special impact" which was included in the law in 1967 by myself and the late Senator Robert Kennedy, on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, N.Y.

In a recent task force report, the 20th century fund of New York, concluded on the basis of a review of the experience of more than 75 urban and rural community development corporations throughout the country that—

> Such corporations have a unique capacity for pooling a community's talents and resources—for linking together a variety of businesses and projects—and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

This program clearly is in keeping with the administration's objective of encouraging minority enterprise efforts in combination with the private sector and provides additional tools to make that objective more attainable.

DRUG PROBLEMS

Fifth, the conference bill adopts a provision contained in the House bill to encourage the Director of the Office of Economic Opportunity to undertake special programs promoting employment opportunities for drug dependent individuals.

Importantly, through a modification which I offered in conference, the amendment would include addicts enrolled and actively participating in methadone maintenance treatment and other therapeutic programs and give priority to areas within States having the highest percentage of addicts.

The Office of Economic Opportunity has reported that approximately 1,000 drug addicts were enrolled in methadone maintenance treatment programs as of September 1, 1971; and that these efforts hold great promise.

It is well known that the drug problem has reached incredible proportions—with as many as 125,000 addicts in New York City alone—and that the combination of drugs, poverty, and joblessness have high costs for society in terms of crime, as well as for the individuals involved.

The conference bill would earmark $18 million for this purpose in each fiscal year; it's not much when one considers the scale of the problem, but it is a start and it is essential that the start be made.

MANPOWER PROGRAMS

Sixth, the Conference bill contains the very essential authorization for a major part of manpower training programs conducted by the Department of Labor for the current fiscal year.

Under section 3 of the Conference bill $900 million would be authorized for programs generally and an additional $500 million would be provided for the Neighborhood Youth Corps summer in-school, and out-of-school programs.

The current economic situation especially victimizes the young, the black, and the disadvantaged. While unemployment nationally is only slightly below the 6-percent point, unemployment among the disadvantaged young is in the range from five to six times that percentage.

The Emergency Employment Act of 1971—which the President signed into law in the clear national interest—has helped the overall unemployment situation but because it was charted to cover all socioeconomic groups it cannot be regarded as an adequate provision for the poor, especially the young.

Mr. President, for these and other reasons, I take this occasion to urge the President, as well as the Senate, to insure that this Conference bill is signed into law. Although it is not so named, it is by nature emergency legislation for the Nation's more than 24 million poor. Many of us have made concessions with great reluctance, but in the interest of the bill becoming law. Enactment will provide an important "insurance policy" against further costs under welfare, through jobs, child development, and other self-help efforts such as I have noted, and should aid rather than detract from the commitment to a minimum floor of benefits under the family assistance plan, which the President has asked us to make. I hope very much that it will be viewed in that way—in terms of the national interest—and that action by this body, by the House, and by the Executive will be favorable.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BEALL. Mr. President, I think the RECORD should show at this juncture that it is only through the very successful and conscientious efforts of the senior Senator from New York, as far as this Senator is concerned, that we have the bill, hopefully as a result of the colloquy that will take place later in the debate, in such shape that I find myself probably in the position of being able to support it. I think we all are indebted to the distinguished senior Senator from New York for his efforts in this regard.

As he understands, I am not so deeply concerned about the States' involvement—although I am concerned about the States' involvement. I am very concerned, though, that it be made perfectly clear that wherever possible the child development program be in the hands of those people who are charged at the local and State level with educating the young people of our country, because I think this is a vital part of the educational process, and that we ought to be very concerned that those people with professional capability of educating young people have this responsibility.

I think that the Senator probably agrees with me on that point, that this should be one of the objectives of the program.

Mr. JAVITS. I yield myself 2 minutes.

I agree with the Senator thoroughly, and I am so heartened about the fact that he feels—without in any way committing himself—that he may be able to support the report, because I really think that in the first place the whole thrust and embodiment of the bill is to educate the child rather than just to give him merely custodial care.

I would say to my colleague, and to every Senator who will support the conference report, that I personally, as the ranking member of this committee, have undertaken a moral obligation to ride herd on this, and to see that the words of the statute reflect this purpose. Title 5 of our findings and purpose, says, in section 501(a)(2):

> Comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children.

I assure the Senator that this will be the aim and objective of anything and everything that I do with respect to this particular matter.

Mr. BEALL. I thank the Senator for that assurance.

Mr. JAVITS. Mr. President, as the Senator from Wisconsin has not arrived in the Chamber, I again suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 5 minutes.

Mr. President, I wish to propound a number of questions to the manager of the conference report, the Senator from Wisconsin (Mr. NELSON), the chairman of our subcommittee which handled this bill. I think the questions and answers will be of great importance both to the Members who must decide how they will vote on the conference report and to the administration.

My questions concern the selection of prime sponsors for child development programs.

It is my understanding of the conference bill that a State, a locality, a combination of localities, Indian tribal organizations or public or private nonprofit agencies or organizations may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child development programs upon meeting the requirements spelled out in the bill.

Mr. NELSON. The Senator is correct. Section 513 so provides. In the case of localities and combinations of localities there is a requirement that the units of general local government cover an area having a population of 5,000 or more persons.

Mr. JAVITS. Am I also correct that in considering applications for prime sponsorship—which is called the "prime sponsorship plan"—the Secretary is required to act upon plans submitted by localities and combinations of localities, in that order; but he may designate a State as prime sponsor as to areas where localities or combinations thereof fail to meet the requirements contained in the bill?

Mr. NELSON. Yes. And that order of consideration applies also to prime sponsorship plans submitted by Indian tribal organizations, so that he must act first on its application, and can designate the State for the area if the Indian tribal organization fails to meet the requirements in the bill.

Mr. JAVITS. Would the Senator from Wisconsin (Mr. NELSON) please spell out the prime sponsorship requirements that any applicant must meet.

Mr. NELSON. Yes. In reviewing plans submitted by localities, combinations of localities, and Indian tribal organizations, or States, the Secretary must make the judgment in each case that:

The plan sets forth "satisfactory provisions" for establishing and maintaining a Child Development Council meeting the requirements of section 514, section 513(a)(2);

The plan provides that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan, section 513(a)(3);

The plan sets forth arrangements under which the Child Development Council will be responsible for planning, coordinating, monitoring, and evaluating child development programs, section 513(a)(4);

In the case of applicants which are units of government, the plan provides for the operation of programs through contracts with public or private agencies, section 513(a)(5);

The plan contains assurances that the Council has the administrative capacity to provide—itself or by contact or other arrangement—effective and comprehensive child related family, social and rehabilitative services, coordination with educational services, and health and other services, section 513(a)(6);

The plan also includes "adequate provisions for carrying out comprehensive child development programs in the area to be served."—section 513 (b), (c), (d).

Mr. JAVITS. With respect to the last requirement, in determining whether the plan includes "adequate provisions for carrying out comprehensive child development programs," it is anticipated by the conferees that, in addition to other appropriate factors, the Secretary may make a judgment as to the capability of the particular applicant to carry out effectively comprehensive child development programs?

Mr. NELSON. The Senator is correct.

Mr. JAVITS. And by the term "comprehensive child development programs" do not the conferees expressly contemplate programs of high quality providing the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential?

Mr. NELSON. The Senator is correct. Sections 501(a)(2), section 571(3) and other provisions of the title make the meaning of that phrase clear.

Mr. JAVITS. So there is a responsibility with the Secretary to satisfy himself that any applicant, whether a locality, a combination, or an Indian tribe or a State, has the administrative capability to marshal resources and to provide effectively or assure access to the educational, social, and other services needed to insure the comprehensiveness and high qualities and standards for programs conducted under the title.

Mr. NELSON. Yes, subject to the qualification that whatever standards he may apply under these provisions are objective and applied to each case with an even hand; it is not intended as a license to develop standards such as population criteria which would have the practical effect of excluding a particular class of eligible applicants.

The Secretary's determination of the particular facts on which he bases his decision is conclusive if supported by substantial evidence. The conference agreement is explicit on this point, in section 513(h)(2).

Mr. JAVITS. Therefore, if an applicant which is a locality, or a combination of localities, or an Indian tribe lacks the capability to carry out comprehensive programs or if the plan fails to meet the other requirements under the sections which the Senator has outlined, then the Secretary clearly has the authority to reject that application and to designate a State or other public or private nonprofit agency as prime sponsor, if it meets the requirements.

Mr. NELSON. Yes, and the requirements that would apply would be the same.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 5 additional minutes.

In summary, then, while the conference bill reflects the judgment that the Secretary should look first to locally run programs—in the interest of parental participation and other elements—the Secretary is not powerless to choose a State over a locality and he is granted ample flexibility and freedom to make reasonable judgments to insure the comprehensiveness and high quality of care for children as long as he is prepared to support them with findings of fact.

Mr. NELSON. The Senator is correct.

Mr. JAVITS. And is it also true that if none of the units of governments, whether they be localities or combinations of localities, Indian tribal organizations, or the State itself qualify as prime sponsors, or in certain other specified conditions that he still has authority under the so-called bypass provisions to fund programs directly, and a State, as well as any other public or private agency, could qualify as a grantee under that provision?

Mr. NELSON. Yes. Section 513 (j) and (k) so provide.

Mr. JAVITS. And am I correct that even in respect to areas where a locality or a combination of localities or an Indian tribe may be designated as prime sponsor, that the State is to have a significant role?

Mr. NELSON. Yes. The conference bill authorizes the Secretary to utilize up to 5 percent of the funds allocated for use in each State for activities by States, in the nature of technical assistance to localities, combinations thereof and Indian tribes including assisting in the establishment of child development councils, encouraging the cooperation and participation of State agencies and the full utilization of resources, and developing information useful in reviewing prime sponsorship plans and comprehensive child development plans submitted by localities, combinations thereof, and Indian tribes. Section 513(a) and section 515(b)(3) require that the Governor have the right to review prime sponsorship plans and comprehensive plans, respectively, with the right in each case, to submit comments to the Secretary.

Mr. JAVITS. Although the Secretary would not be bound by those comments, would they be among the factors he could consider in making the determinations relating to prime sponsorship which we discussed earlier?

Mr. NELSON. Yes.

Mr. JAVITS. So one may reasonably conclude that under the conference bill the Secretary has the authority to significantly involve the States, in order to assure high quality care.

Mr. NELSON. The Senator is correct. That is the intent.

Mr. JAVITS. I thank my colleague very much. If he will bear with me for one further point, the conference report authorizes $2 billion in appropriations for child development care for the first year in which it is fully spelled out—to wit, fiscal 1973; $100 million is provided for fiscal 1972 for startup activities. It has been my understanding that the $2 billion authorization is intended by the conferees as a goal which we have established, without knowing what the total picture may be at the time of appropriation; for example, we do not know what may be available from other sources such as the family assistance plan, H.R. 1, if that should become law.

Mr. NELSON. The Senator is correct. The authorization is, of course, subject to the appropriation process and to the influence of various factors, as the Senator suggests.

Mr. JAVITS. I thank my colleague very much. I think that this colloquy—which I am sure will be repeated in the other body when this matter is acted on there—makes it absolutely crystal clear that the Secretary has very powerful discretion, including the discretion to use the States in order to put it into effect the best possible performance in respect to child development. It seems to me that is the essential substance we seek.

It is for those reasons I urge the Senate to approve it.

Mr. NELSON. Mr. President, I hope the Senate will approve the conference report on S. 2007, the Economic Opportunity Amendments of 1971. The Senate passed S. 2007 on September 9, 1971, by a vote of 49 to 12. The Senate and the House conferees began meeting October 12 and after nine lengthy meetings over a period of 2 months reached agreement on the conference report.

The conference report extends the Economic Opportunity Act for an additional 2 years, establishes a Legal Services Corporation, and authorizes a landmark new Child Development program.

ISSUES IN THE CONFERENCE

By far the most difficult issue to resolve in the conference concerned the child development program. Both the Senate and the House and all the members of the conference favored a major expansion of child development programs based on the experience of Headstart; that is, programs which are aimed both at caring for children while their mothers work and providing an enriching experience for children so that they may have a chance to succeed in school and to break out of the cycle of poverty. Both bills provided also that federally supported Child Development Centers should be open to children from moderate income working families as well as to the children of the poor. Both bills provided that child development programs should be designed and operated wherever possible at the local level.

There was, however, sharp disagreement over the level of free services. The Senate bill provided that all children from families of four earning $6,960—the Bureau of Labor Statistics figure for a minimum adequate budget for an urban worker's family of four in the spring of 1970—be afforded free services. The House provision on the other hand left the setting of the level for free services to the Secretary directing him to make such level in accordance with provision of other laws. The Secretary of Health, Education, and Welfare made clear that free services could be provided only to

those eligible for benefits under H.R. 1, the administration's welfare reform measure. That level is $4,320 a year for a family of four.

This issue was discussed at great length. Agreement was finally reached among the conferees which is acceptable to the administration. The conference report provides for free services to $4,230, as the administration has requested. In addition, it provides for a modest fee schedule for families earning between $4,320 and the Bureau's minimum adequate budget, $6,960. That fee schedule is as follows: a family could be charged no more than 10 percent of its income above $4,320 to $5,916 and no more than an additional 15 percent of its income from $5,916 to $6,960. That means that a family earning $6,960 could be charged no more than $316.20 for federally assisted child development programs. Above the $6,960 level the Secretary of HEW would set a fee schedule as provided in both bills.

The second major issue in child development in conference concerned the "delivery system," that is to say, who will run the programs and what their relationship will be with the Secretary of HEW. The conferees very strongly believe that the child development programs, like local school systems, must be designed and operated at the local level. We believe it is desirable that government operate as close to the people as possible. When the bureaucrat who makes a decision which vitally affects your life is 500 or 1,000 or 3,000 miles away in Washington, or 200 or 300 miles away in the State Capital, citizens often feel a sense of hopeless frustration. This is true in all programs, but it is doubly true in the case of programs which affect the lives and education of our children.

The Senate bill provided that the design and operation of child development programs shall take place at the local community level, with the State government providing technical assistance and operating programs in areas and communities that are either not interested or do not have the capability, in the Secretary's judgment, to operate child development programs themselves. The Senate set no minimum population requirement for prime sponsorship of child development programs.

Although the principle of local control, of child development councils and project policy committees to assure ample local parental participation, was common to both bills, the child development provisions adopted by the other body contained two important differences.

The House-passed bill provided that any city of 10,000 or more population had the right to be designated as prime sponsor if it submitted an applicable plan. It also provided that when both a State and county apply to be a prime sponsor for the same area, the Secretary of HEW would choose whichever he felt could do a more effective job.

The first of these issues, the population minimum for applicants, was relatively easy to settle. The conference agreed to a minimum of 5,000 population, and that any city or county of such size or a combination thereof has the right to apply for prime sponsorship and be designated if its plan meets the requirements of the legislation.

The second of these issues was the role of State government. The conference report provides a significant role for States. It sets aside up to 5 percent of the funds to be allocated to the States for programs extending technical assistance to local prime sponsors. It provides that States shall run programs in areas either unwilling or lacking capability to run programs as prime sponsors themselves. But the conference agreement does clearly provide that where a community—a city or a county or a combination of such units—is willing to run the local program, and in the Secretary's judgment has the capacity to do so, then the local community is to be recognized as prime sponsor to run the local program.

Opponents of this agreement believe that the Secretary ought to have the power to deal exclusively with State governments. The Senate-passed child development legislation did not take that position. The majority of the conferees did not take that position, and the conference report now before the Senate retains the provisions for local design and control of child development programs.

THE LEGAL SERVICES CORPORATION

Over the question of the new Legal Services Corporation there was prolonged negotiation. Both bills and all conferees agreed on the wisdom of establishing the legal services program in a corporation which would remove the program insofar as possible from political controversy. However, there was disagreement over two questions: the structure of the Legal Services Corporation board of directors and the question of criminal representation.

Let me say first that as to the question of criminal representation the conference decided that in no case shall Corporation funds be expended to defend individuals in criminal actions. The Senate bill had provided that the Corporation set guidelines for criminal representation. The House amendment contained a flat prohibition against the use of funds or personnel provided by the Corporation to provide legal services in any criminal proceedings. The Senate receded on this issue, but the Joint Explanatory Statement of the Committee of Conference contains the following phrase:

> The conferees want to make clear that this prohibition does not in any way relieve any attorney from specific or general responsibilities posed on him as an officer of the court by the courts before which he practices.

Thus, although the Corporation could not expend funds for defending in criminal actions, legal services attorneys would not be prohibited from undertaking such actions when required by a judge to do so as an officer of the court.

On the question of the membership of the Legal Services Board a compromise was reached providing for a Board of 17 members, six of whom would be chosen by the President outright, the others to be nominated from lists submitted to the President, two by the U.S. Judicial Conference, five by the major bar groups, and two each by the National Legal Services Project Attorneys Advisory Council and the Clients Advisory Council.

OEO EXTENSIONS

Over the extension of the Economic Opportunity Act, there was little difference between the Senate and House versions of the legislation. Both the Senate and House bills provided for a 2-year extension, and for a level of authorization for the Office of Economic Opportunity close to the current spending level. Senate provisions prohibiting the further delegation or transfer of programs from OEO to other agencies without congressional approval were agreed to by the conference. The Senate bill this year, as in past years, earmarked funds authorized to the Office of Economic Opportunity. In addition, the Senate increased the flexibility as to transfer of funds between programs to 25 percent. The conference agreement accepted the Senate earmarks and the increased flexibility. By and large, these earmarks represent precisely the administration's request for funds. But in four areas the Senate earmarked more funds than the administration requested. For these four programs, the conference agreement like the Senate bill contains the earmarking levels passed by Congress in the last OEO extension bill. For example, the administration proposed only 3.5 million this year to phase out the emergency food and medical services program. Congress had earmarked $62.5 million for the program for 1971, and $45.2 million actually was made available. The testimony before our committee indicated that the emergency food and medical services program is one of the most vital programs operated by OEO with support from all areas. It was the opinion of the Committee on Labor and Public Welfare that it would be a tragedy to terminate this program. Therefore, the committee recommended, and the Senate adopted, earmarking of $62.5 million, the same level of funding it had earmarked for the last 2 years. The other three programs are alcoholic counseling and recovery, local initiative funds, and community economic development.

In the case of local initiative funds which provide the basic operating budgets for the 930 community action agencies around the country, the administration proposed a cutback from $328.9 million to $314.9. At a time of rising costs, and rising poverty the committee refused to go along with a reduction in local initiative funds below the level of present earmarking.

Alcoholic counseling and recovery programs, now earmarked at the $15 million level, would be cut by the administration to only $2 million. The conference agreed to the Senate figure of $18 million.

For community economic development programs, including the title I–D special impact program and the rural loan program, title III–A; the agency received $42 million in fiscal year 1971. The administration has sought to eliminate the rural loan program entirely this year and to cut back on special impact programs to $25 million. The Senate combined these two programs into a new

title VII, community economic development, and earmarked $58 million for them. The conferees agreed to this earmarking.

The Senate-passed bill also provided an additional $500 million authorization for the Neighborhood Youth Corps in order to provide funds for an additional 100,000 jobs and training opportunities for young men and women during this time of extraordinarily high unemployment. During the second quarter of 1971 teenage unemployment among blacks in inner city neighborhoods stood at an astonishing 39.1 percent. The conferees agreed to the Senate Neighborhood Youth Corps figure.

The conferees also agreed to the new programs voted by the Senate, that is, title VIII, the community economic development program, the recreation and sports program, and the community design center program, and in addition accepted two new programs authorized by the other body, an environmental action and a rural housing program.

SUMMARY

The conferees have met over a period of 2 months. They have discussed, debated, and resolved compromises on a number of very complex differences. While the Senate conferees were unable to prevail on certain points, in my judgment the compromises arrived at were the best that could be obtained under the circumstances. The resulting conference report deserves the support of the Members of this body.

The antipoverty programs authorized in this legislation have just begun to make headway toward the goal of reducing poverty in this Nation. With over 5 million unemployed, the number of people below the Federal Government's official poverty line has actually increased in the past year, and increased substantially.

However, the programs operated by the Office of Economic Opportunity, Headstart, and Operation Mainstream, the community health centers, and the emergency food and medical services program, have won wide acceptance in communities across the Nation. In our hearings on the extension of the Economic Opportunity Act, some 90 national organizations testified on the vital role played by economic opportunity programs in the lives of individuals and the health of American communities. At every level of government, America is today more responsive and offers more opportunity to its poor because of the efforts of these programs. It is crucial that the Congress give the program a new mandate to carry on for another 2 years. The new programs authorized by this legislation—especially the child development program and the Legal Services Corporation—represent important steps forward in the Nation's efforts to provide genuine equal opportunity to all its citizens. I ask the support of all the Members of the Senate for this conference report.

Mr. JAVITS. Mr. President, I yield 2 minutes to the distinguished Senator from Maryland (Mr. BEALL) for a colloquy with the distinguished Senator from Minnesota.

Mr. BEALL. I thank the Senator from New York.

Mr. President, I wish to ask the Senator from Minnesota to clarify the role of public school districts—local educational agencies—under the child development provisions of the conference report.

Priority to serve as prime sponsor of child development programs is placed on units of general local government with populations of 5,000 or more. It is my understanding, however, that where units of local government, or combinations of units of local government, do not qualify or submit unacceptable applications, a local school district might serve as prime sponsor.

Mr. MONDALE. The Senator is correct. First, under section 515(a)(18), a local school district may be designated as "delegate agency" to do the day-to-day work of administering child development programs where a unit of local government has been chosen as prime sponsor.

Second, under section 513(f)(1), a local school district or other public or private nonprofit agency may be designated prime sponsor where a locality has not applied for prime sponsorship or where its application has been denied.

Third, section 513(f)(1) provides that where an existing prime sponsor is not adequately serving a particular area of its jurisdiction, a local school district or other public or private nonprofit agency could be designated prime sponsor to serve that area.

Fourth, also under section 513(f)(1), a school district or other public or private nonprofit agency could be designated prime sponsor for the purpose of making special services—for example, special services for handicapped children—available to economically disadvantaged or preschoolchildren.

Fifth, under section 513(f)(3), local educational agencies and other public or private nonprofit agencies are eligible to serve as prime sponsors of model programs for economically disadvantaged minority group of bilingual preschoolchildren.

Finally, under section 513(k) the Secretary may directly fund a local school district or other public or private nonprofit agency—without going through the more complicated procedure to designate it a prime sponsor—to conduct a project where no unit, or combination of units, of local government—or Indian tribal organization—has submitted an acceptable child development plan, or where direct funding is needed to meet the needs of children of migrant workers, preschoolchildren, children of working mothers or single parents, minority group children, or children of economically disadvantaged parents.

Mr. BEALL. I wish to ask the Senator from Minnesota whether my understanding is correct, that standards for child development programs set by the States must continue to be met by programs receiving assistance under the pending bill.

Mr. MONDALE. The Senator is again correct. The measure reported by the conference in no way repeals or modifies provisions of State law establishing standards for child care. The bill does contain its own very high standards for quality, developmental child care, which must be met in addition to any standards imposed by the State.

Mr. BEALL. I thank the Senator from Minnesota for this colloquy with regard to the educational system.

Mr. MONDALE. I thank the Senator from Maryland very much. I think this colloquy will help to clarify the relationship of this program to local educational agencies.

Mr. JAVITS. Mr. President, I yield 20 minutes to the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 20 minutes.

Mr. THURMOND. Mr. President, the bill which is now before us was deadlocked in the conference for many weeks. As time passed, more opportunity was afforded for analysis of the proposed legislation, and recognition of the far-reaching import of its provisions, particularly the so-called "child development programs." If there were no other reasons to oppose this bill, the child development provisions alone are enough. The ultimate impact of this section can indeed be revolutionary; and since revolutions can be for the good or for the worse, it behooves us to study such proposals carefully and enter into them after a great national debate.

There has been no such great national debate. The public is generally unaware of the content of this bill. Even the informed press refers to it usually as a "day-care bill." Yet the proponents of such programs emphasize the need "to stress that the needs of children and families with which we are concerned are not restricted to daytime hours, and that child care must always be developmental, not simply custodial."

That quotation is from the recently published report of the White House Conference on Children. It emphasizes that the child development concept places great emphasis on the manipulation and formulation of a child's direction and character. As this report says further:

> A day care program that ministers to a child from six months to six years of age has over 8,000 hours to teach him values, fears, beliefs, and behaviors.

It is quite obvious, therefore, that a comprehensive child development program, touching all or the vast majority of children in the United States, will put the children at the tender mercy of the behaviorists and other social scientists, who have indeed been devising the program.

Mr. President, those of us who fear that the Child Development Act will result in an attempt by the Federal Government to mold the characters of our Nation's young are concerned because of the manner in which this program is to be set up and administered. In essence, a new department will be set up within HEW which will direct this program and which is authorized by this act to establish guidelines and standards to determine whether or not child development centers ruled by governmental or nongovernmental agencies are entitled

to funding. Although section 578 states that no department, agency, officer, or employer of the United States shall exercise any direction, supervision, or control over personnel, curriculum, or methods of instruction of these centers, this act is replete with authorizations for the establishment of standards and guidelines by the Department of Health, Education, and Welfare and provisions for granting or withholding funds on the basis of compliance with these standards or guidelines.

It is clear, from the knowledge that many of us have of the expertise the Department of Health, Education, and Welfare has gained in requiring total subjection of local educational institutions to federally imposed standards, that it is only a matter of time before the child development centers across this country will be forced to slavishly follow the pattern or patterns developed by the bureaucracy here in Washington. There are those who believe that Washington experts have a better knowledge and understanding of what is good for people than the people themselves. I do not share that view. In my judgment, this bill, if enacted, will result in a federalization of the education and training of our young, particularly our low income young.

Mr. President, the act provides that each approved child development center will be governed by a board consisting of not less than 10 members. At least half of the members must be parents of children in the center. The remainder of the board is to represent the public and must include "professionals in the field." It is provided that at least one-third of the board shall consist of parents of economically disadvantaged children.

In my judgment, this policy will greatly facilitate dictation of standards by Washington. Parents who are economically and educationally disadvantaged are unfortunately ill-equipped to dispute Washington policy directives. I am confident that their concern for their children's welfare will be as intense if not more so than any other persons; but I believe that it is fair to say, as a generalization which obviously has exceptions, that those who have not been fortunate enough to have the economic and educational advantages of the professional educators and HEW personnel will hardly be in a position to question effectively whether or not methods of instruction and methods of dealing with the emotional, educational, and social problems of children are actually for the best.

What is at issue is whether the parents shall continue to have the right to form the character of the children, or whether the State with all its power and magnitude should be given the decisive tools and techniques for forming the young. There is no question that such a partnership is always unequal. Not only the children, but also the parents would be the beneficiaries of high-powered persuasion. The White House Conference on Children described it this way:

> Parents can learn a great deal about meeting the needs of their children by remaining open to new knowledge about child development. One of the socially beneficial aspects of a day care program is that it provides a forum for parents and staff to pursue jointly new understandings to guide child-rearing endeavors.

Let us not pretend that such "child development programs" will be philosophically neutral and that all this so-called "new knowledge" merely represents progress over ignorance. I think it is fair to suppose that by far the majority of such programs, even with alleged participation of parents, would concentrate on the inculcation of collectivist attitudes in the helpless children. This attitude thoroughly permeates the report of the White House Conference, and, indeed, is summarized in the following quotation from a resolution adopted at the conference:

> Society has the ultimate responsibility for the well-being and optimum development of all children.

In this respect, I fully agree with the Vice President of the United States, who said in his recent speech before the Illinois Agriculture Association:

> Character that was once molded in the home is now more often the product of the classroom, and there are some who would like to take it a step further and indoctrinate or condition all pre-school age children from infants on up to kindergarten age. They admire the Soviet system in which the State takes over this function from the parent.

The Vice President then quoted Dr. Reginald Lourie, president of the Joint Commission on Mental Health of Children, who recently told a congressional committee:

> There is serious thinking among some of the future-oriented child development research people that maybe we cannot trust the family alone to prepare young children for this new kind of world which is emerging.

Nor should we assume that this program is intended only for the economically disadvantaged or for those who seek it of their own free will. Voluntarism is seriously compromised when, as the bill would provide, the Government is given the resources of persuasion and propaganda. Moreover, the bill is simply the first step in a long-range program to reach all children. In its statement of findings and purposes, the bill says its aim is "to establish the legislative framework for the future expansion of such programs to be universally available child development services." Even if the sponsors were not so candid, we know from past experience with social programs that such would be the case.

In summary, I believe this act creates a Federal bureaucracy extending nationwide which will place the educational, moral, psychological, and social character of our pre-school children under the strong influence, if not control, of the HEW bureaucrats.

Mr. President, I urge my colleagues to vote against the acceptance of this bill from conference. It is philosophically unsound and poses many dangers. In my judgment, the President would be justified in vetoing this bill, if it should be presented to him for signature. But I hope that this body will reject it now, in toto, and to that end I will vote not to accept the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, the Senator from South Carolina has some additional time. Will he yield it to me?

The PRESIDING OFFICER. The Senator from South Carolina has 3 minutes remaining.

Mr. DOMINICK. Mr. President, will the Senator yield his 3 minutes to me?

Mr. THURMOND. I would be pleased to yield to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, I call the Senate's attention not only to the importance of what the Senator from South Carolina has already said, but also to some of the other problems I see in the bill.

I wonder if the Senator has had an opportunity to evaluate whether his constituency, for example, prefers to have the OEO programs operate as they are now operated, through the OEO, or whether they prefer to have them operated through other agencies, such as through spinoffs as has been done in the case of the work study program and things of that kind.

Mr. THURMOND. Mr. President, as far as my constituents are concerned, they are somewhat divided on the subject, and I would not say it would predominant either way.

Mr. DOMINICK. As far as I can see we have in the bill dealing with OEO programs over $3 billion tied up in this bill in the way of authorizations. It seems to me that one of the problems we have had in this whole program is the problem where OEO itself is operating, as opposed to innovating new ideas. I know one of the things the White House was doing was trying to make this innovative program, and when good ideas matured, to shift them over. I understand this bill does not do that.

Has the Senator had a chance to analyze that?

Mr. THURMOND. I agree with the distinguished Senator on that particular point. The point he makes along that line is very valid. I hope the Senate considers that when they get ready to vote on the bill.

Mr. DOMINICK. I thank the Senator for his contribution. I think it is extremely helpful.

I yield 25 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I thank the distinguished Senator from Colorado for yielding.

Mr. President, I cannot in good conscience vote in favor of the Economic Opportunity Amendments of 1971 so long as they contain title V. The potential for harm contained in the child development proposal is so great that it far outweighs the good contained in other parts of the bill now before us.

The arguments that I shall present against the child development sections of the conference report are essentially four in number. The first of these, and to

my mind the most important, has to do with the substantive merits of the idea of so-called "comprehensive child development," an idea I believe to have been greatly oversold. The second argument, very simply, is that the need for institutionalized day care, whether custodial or comprehensive in nature, has been greatly overestimated and inadequately demonstrated. The third argument is that the cost now and for the foreseeable future will be prohibitive. The fourth and final argument is that the proposal threatens the very foundations of limited government and personal liberty.

I should like to deal with the four arguments in order.

First. Questionable merits of so-called comprehensive child development.

I cannot think of a better place to begin my remarks on this point than by quoting from the testimony of Dr. Edward Zigler before the Senate Finance Committee last September.

He remarked:

> Let me begin by saying that the area of early childhood intervention (*sic*) is still an art, an area filled with debate and controversy. You can find experts testifying to any position that one would like to see testified to. I have familiarized myself with this literature for about 15 years now, and I would certainly concur with the position that we do not know nearly as much as many experts say that we know.
>
> Another point that I would certainly like to concur with is that we have mounted many programs in this country for young children and have oversold them badly. . . . We have promised way more than we can deliver and we have advanced certain views of what it takes to change a child that are completely at odds with what we know about the difficulty in changing cognitive levels of children.

Dr. Zigler, I believe, is correct on all points. There are few men in the field as knowledgeable as he—and, I might add, few who are as candid. It is, if anything, an understatement to say that this is an area "filled with debate and controversy" and that experts can be found on all sides of the issue. Yet the surprising fact is that the debate and controversy so easily found in the professional literature are nowhere reflected in the testimony on the bill before us. Indeed, I am reliably informed by a staff aide, who troubled himself to read virtually all the testimony offered in the past 2 years on either side of the Hill, that there is hardly a hint of controversy to be found.

The general impression created by the testimony, and by the committee reports of both Houses, is that experts are in unanimous agreement as to the desirability of comprehensive child development. One can read the entire corpus of testimony and the committee reports without once discovering the wide range of divergent, even contradictory expert opinion. One would think that all experts on early childhood education had risen up as one man to proclaim the virtues of this bill. Yet the professional literature is, as Dr. Zigler notes, chockfull of controversy and debate. Notwithstanding the controversy, the committees of both Houses seized upon a single school of thought, highlighted it, advanced it, and without so much as a glance at opposing views, set it down as the foundation for what may turn out to be the most deeply radical social service program ever undertaken by our Government.

Just as one example of an opposing point of view, I would like to call to the attention of the Senate one paper, which seems to me to be both comprehensive in its scope and candid in its conclusions. It is a paper by Dr. Dale Meers entitled "International Day Care: A Selective Review and Psychoanalytic Critique," published in an official OEO document called "Day Care: Resources for Decisions" (1971). Dr. Meers is a highly qualified and widely recognized authority in the field of early childhood education who has spent a considerable amount of time studying the problem both at home and abroad. He is a psychoanalyst by training, affiliated with the department of psychiatry at Children's Hospital here in the District and with the Baltimore-District of Columbia Institute for Psychoanalysis. I cannot do justice in so short a space to the depth, thoughtfulness, and commonsense of Dr. Meers' findings, but I think it fair to say that they constitute the most fair- and sober-minded critique that anyone might wish to have of what is wrong with the present bill. For the sake of the record, Mr. President, I ask unanimous consent that Dr. Meers' paper be included in its entirety at the end of my remarks.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

(See exhibit 1).

Mr. BUCKLEY. For the moment, however, I would like to read a few paragraphs from the conclusion of this penetrating study. They convey the full flavor of Dr. Meers' position, and I can assure my colleagues that these findings are fully documented in the complete text. He writes:

> Child care by experts seems to have found a ready audience in both Congress and the general public. With Moynihan (1969) one may comfortably state that science is at its best as a critical tool, and that the scientist has lost his perspective when he commends modifications of such complex social-cultural-psycho-biological processes as child-rearing. Given the present state of our ignorance about psychiatric damage, massive Day Care programs appear all too much like Pandora's box. Those who would convey the idea that Day Care is unproblematic should review the programmatic, compensatory routines of Soviet texts (Tur, 1954; Schelovanova and Aksarina, 1960; Schelovanova, 1964) and the U.S. literature of child development research (e.g., Escalona and Leitch, 1952; Skeels, 1964; Mcv. Hunt, 1964; Bloom, Davis and Hess, 1965; A. Freud, 1965).
>
> In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.
>
> Some clinicians and child development researchers, such as this author, are presently in an anomalous position. They have long and fervently recommended and supported the establishment of Day Care centers for special cases for the very young; yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start. Group Day Care entails far greater risks and these should be taken only where the alternative are patently worse.

Mr. President, I do not want to belabor the point. I simply want the record to show that experts in the field are far from unanimous in their recommendations regarding day care, whether custodial or comprehensive; that there are those who are not only skeptical about the alleged virtues of day care, but who think it is positively deleterious. For the Federal Government to embark on a program of such magnitude, given the extent of controversy among experts themselves, seems to me dangerous in the extreme.

Second, need for day care exaggerated and inadequately demonstrated.

Mr. President, it has been stated on the floor of the Senate as a "basic statistic" that "6 million children need day-care slots." That is an impressive figure, indeed, and it has been used on more than one occasion to convey the clear impression that these children are either languishing uncared for, or receiving such inadequate care as to necessitate the establishment of tens of thousands new, federally funded day-care centers. That sentiment is not only conveyed for rhetorical purposes, but is actually contained in the bill itself, which states in section 501(a)(1) that—

> The Congress finds that millions of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years.

If one seeks to discover the evidence on which this congressional "finding" is supposedly based, he will find that the "6 million" figure rests on some highly dubious grounds indeed. For one thing, as the Westinghouse Learning Corp. study "Day Care 1970," stated, "need for day care cannot be quantified" as easily as can, for example, need for nutritional elements. Most surveys frankly acknowledge that they are offering up "guesstimates," because it is not yet known how many mothers would place their children in day-care centers if such were more or less universally available. Statistical caution, however, is hardly the hallmark of those who use the 6 million figure as an allegedly reliable number. In fact, the 6 million figure represents the entire universe of children under 6 years of age whose mothers work either full time or part time, or are currently unemployed but regarded as part of the labor force. Whether this gross, undiscriminating figure can be used as a basis for establishing "need" is a very questionable proposition, regardless of how one feels about the merits of child development.

In all candor, it must be acknowledged that such things are exceedingly difficult to measure. The most recent detailed information on actual need is found in a study entitled "Child Care Arrangements of Working Mothers in the United States," conducted by the Children's Bureau in 1965 and published in 1968. The study reveals that over 99 percent of children under 6 whose mothers work full time are receiving care while their mothers are away from the house. The great majority are cared for in their own home or in someone else's home by relatives; and this is, by the way, the predominant preference of working mothers. Only 0.3 percent of these children were for all intents and purposes left uncared for, which is a very tragic circumstance indeed and one that cries out for remedy. That figure, as I say, was based on 1965 data, but I am informed that it would be appropriate to apply a straight-line extrapolation to bring us up to date, and that places the total number of uncared-for children under 6 at something like 12,000. While that figure is nonetheless deplorable, and while I would readily concede that many times more are inadequately cared for, I can find no hard evidence for a "crisis" figure as to warrant a massive Federal program such as the one before us today.

The point I am getting at, however, is not only that those who are in truly desperate need are a miniscule percentage of the whole, but that those who talk of a need for 6 million day-care slots do so on the basis of a tacit premise. That premise is, as section 501 of the bill states, that all 99.7 percent of the children of working mothers now being cared for in some way are being cared for with grossly negligent inadequacy. Such inadequacy, indeed, as to require the establishment of a nationwide network of federally funded comprehensive child development centers. Those who, like myself, tend to question the validity, not to say arrogance, of this premise, may perhaps be forgiven. For the Westinghouse Report, Day Care 1970, found that fully 82 percent of working mothers were "pretty well" or "very well satisfied" with their present child-care arrangements, and that of these not fewer than 68 percent were "very well satisfied." Only 9 percent were reported as being "not very well satisfied" with present arrangements. That most or, indeed, all such arrangements could be improved, Mr. President, I have no doubt. But I am not prepared to accept on the basis of the available evidence that most or all such agreements are so inadequate as to require extensive governmental intervention. Let us seek to improve such arrangements as we have; let us assist mothers who desire betterment for their children; but let us not, on the basis of such flimsy evidence, put the Government on the line as saying that it knows better than mothers what is good for their child.

Thus the so-called need that is spoken of is, in fact, only possible need, and a need, moreover, arising not from demonstrated deprivation or necessity, but from convenience or preference. This possible need, which might be more accurately spoken of in terms of potential demand, can be accommodated, it seems to me, almost entirely through the use of an income tax deduction of the sort we just approved in the tax bill, or through welfare channels in the case of the poor. This would not only be cheaper by far than the proposal before us, but would have the added virtue of maximizing freedom of choice for parents, thereby lessening the danger that the Federal Government will become "Superparent" for all American children.

The potential demand alleged to exist by the proponents, however, could become actual demand by the simple device of artificial stimulation. And that is precisely what the bill before us would do. As the day care 1970 report noted:

> Presumably, demand for day-care slots could be greatly stimulated by increasing quality and subsidization.

In short, a significant increase in the number of free or subsidized day care centers will result in a significant increase in the need for such facilities. Passage of the bill before us would thus establish post facto the need that was alleged to exist in the first place; it would also serve to justify the continuation and expansion of the program in perpetuity. It is a classic case of supply creating its own demand.

Third. Prohibitive cost of comprehensive child development.

Touching this point, Mr. President, I do not think it is necessary for me to add to the abundant evidence already available in the RECORD and in testimony before the Finance Committee and the Committee on Labor and Public Welfare. It is universally recognized that comprehensive child development is an extraordinarily expensive proposition. And this for two reasons: First, because the range of services to be provided leaves nothing—or perhaps too much—to the imagination. For those who may still be in doubt as to what these services are, I would recommend that they turn to section 512 of the bill, which lists in dizzying detail what can only be described as the most comprehensive list of educational, social, and medical services ever assembled in one place. It is no wonder that many consider the estimate of $1,600 per child to be extremely conservative. Given the nature of the services proposed by the bill, there would be a constant race between those who invent new necessary services and those who run the presses at the Bureau of Printing and Engraving.

Second, the proposal will be enormously, even prohibitively expensive, because it is intended eventually to apply not just to the children of the poor but to all children without regard to family income.

Under the circumstances, I believe that Secretary Richardson's estimate of a possible cost of $20 billion within the next few years is remarkably conservative. At a moment when the current annual deficit threatens to reach $40 billion, at a moment when there are so many competing demands for a limited amount of funds, it is difficult to escape the conclusion that comprehensive child development is a luxury—and a dangerous one at that—we can ill afford.

Fourth. Comprehensive child development: A treat to limited government and personal liberty.

Mr. President, it cannot be emphasized strongly enough that this is not an anti-poverty measure as such. It intends eventually to be universal in its coverage, both with respect to the nature of the services to be provided and with respect to the eligibility of participants. It is nothing more nor less than the attempt to make the Federal Government, through the Office of Child Development, a significant—and ultimately, the most significant—arbiter of child-rearing practices in the United States. Men may differ on the merits of such a proposal, but they cannot differ on the overwhelming character of its implications. The bill grants to the Federal Government more authority, it seems to me, than has ever been granted by any measure which has ever come before Congress. I know of nothing in the entire history of the country which begins to match this proposal in potential scope or thrust; and I cannot imagine how any bill on any subject could conceivably attempt to do more than this one does. There are those, I know, who believe that such authority is both necessary and proper and that it will be put to the beneficial use of all children. But, in all candor, I cannot accept such optimism, however sincere, however well-intentioned, as anything other than the reflection of an extraordinary naivete.

I do not think it is humanly possible for the Federal Government, or for any government, to eradicate the infinite inadequacies of the human condition as they affect babies and small children, or to insulate the Nation's children from the vicissitudes imposed by nature, social condition, or chance. Yet that is, I believe, precisely what this bill is attempting to do. Its utopian language, its terminological plasticity, its exhaustive and exhausting attempt to list in minute detail the services to be provided—these are nothing short of an effort to cover any and every possible contingency that might be thought of as adversely affecting the development of children. I cannot escape the haunting fear that if this measure is enacted we shall be taking a final, fatal step down the road which leads to a completely controlled existence of the kind portrayed by Orwell's "1984" and Huxley's "Brave New World" and, most recently, by the work of B. F. Skinner. Rather than breeding that race of wise and just philosopher-kings dreamed of by Plato, however, we are more likely to end up producing a race of docile automatons. The proposal as it is now designed cannot possibly rise to the level of its utopian expectations; and that failure will, in time, produce widespread frustration and, in all likelihood, a yet more stringent program to remedy the deficiencies of this one. And that, in turn, will be a good deal less voluntary.

Mr. President, it seems to me that if the Federal Government has the authority to enact this type of bill, it has the authority to enact absolutely anything. What is the use of having the Bill of Rights as a safeguard against unwarranted governmental intervention when we establish a program that puts the Federal Government into the business of determining the nature and quality of child rearing in the United States? How

can we possibly deny the Government entrance at the front door, when we welcome it with open arms at the back? Why should we want to deny the Government the right to eavesdrop on our conversations when we admit it warmly into the nursery? Why raise the hue and cry about "thought control" in the public school classroom because of school prayer, only to embrace "cognitive developmental services" in the nursery school?

In this respect, Mr. President, I cannot resist quoting from a recent letter to Members of the House written by Dolores Mitchell, chairman of the executive committee of Americans for Democratic Action. Urging Congressmen to vote against the school prayer amendment, she argued that the "voluntary" character of the proposed prayer was "a hoax." She added:

> As a mother of young children, I know perfectly well that the school room situation, particularly at the elementary school level, leaves little room for youngsters to exercise their theoretical right to refuse to participate.

That argument applies with even greater force to the conditions that will prevail in nurseries and day-care centers under this bill. After all, it is not schoolchildren alone we are talking about, but infants and toddlers; and it is not a mere 2-minute school prayer that is in issue, but a full, comprehensive, indeed, all-inclusive curriculum designed to cover the totality of a child's existence. Under the circumstances, Mr. President, I believe that the constitutional objections to the idea of school prayer are but of little moment when compared to the objections that can and should be raised against this bill.

I cannot think of a better way to conclude my remarks, Mr. President, than by taking note of an exceptionally thoughtful address on this general subject by the Vice President 2 weeks ago. In his remarks, Mr. AGNEW warned against the dangers of granting what is, in effect, a carte blanche to those behaviorists who would, with the very best of intentions, undertake to remake mankind; and he warned especially against the danger of allowing our children to become perpetual wards of an allegedly benevolent state. The Vice President's speech, I am happy to say, has not gone unnoticed. "Behavior Today", a publication for social science professionals, suggested in its November 29 issue that the Vice President's address should be read not only as an attack against mind-managing behaviorists, but also as an attack against this bill. It called upon its professional leadership to put pressure on Congress to pass comprehensive child development and warned that time was of the essence, because Mr. AGNEW had "struck a responsive chord in a public far to the left" of his "normal constituency". A proponent of comprehensive child development is then quoted as saying:

> If we don't get a bill right now, we will never get a bill. It will become an issue no politician will touch.

No politician will touch it, Mr. President, because I firmly believe that once the public has had a chance to study this bill and reflect on the concepts behind it, they will not tolerate its being enacted into law.

Mr. President, I most earnestly recommend that the conference report be rejected.

I ask unanimous consent that the following documents be printed in the RECORD at the conclusion of my remarks:

First "A Review and Report of the Proposed Federal Program of Child Development" which was recently issued by the Emergency Committee for Children. This committee is composed of the following educators, editors and religious leaders: Dr. George Baird, president of the Educational Research Council of America; Dr. David Crane, a psychiatrist; Dr. George Crane, psychologist, columnist, and author; M. Stanton Evans, editor of the Indianapolis News; Robert Galm, director of the Indiana Youth Council; Dr. Jerzy Hauptmann, editor of the Lutheran Scholar; Dr. Will Herberg, a professor at Drew University; Dr. Russell Kirk, author, educator, and lecturer; Fulton Lewis III, columnist and author; Rev. Angus MacDonald, Editor of Religion and Society; Dr. William H. Marra, professor at Fordham University; Dr. William Oliver Martin, a professor at the University of Rhode Island and author of "Realism in Education"; Dr. Charles Moser, a professor at George Washington University; Dr. Gerhart Niemeyer, a professor at the University of Notre Dame; Dr. Charles E. Rice, a professor of law at the University of Notre Dame; Dr. George Roche III, president of Hillsdale College; H. Lyman Stebbins, president of Catholics United for the Faith; and, Dr. Ben Wood, director of collegiate research at Columbia University.

Second. The text of a speech delivered by Vice President AGNEW in Chicago on November 17, 1971.

Third. A page from "Behavior Today," November 29, 1971.

Fourth. A table from the report of the Westinghouse Learning Corp., Day Care, 1970.

Fifth. A table from a publication of the Senate Finance Committee, "Child Care Data and Materials" (1971).

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

A REVIEW AND REPORT OF THE PROPOSED FEDERAL PROGRAM OF "CHILD DEVELOPMENT"

THE BILL

This bill provides for the establishment of "Child Development Programs" (comprehensive childrearing centers), "Child Development Councils" (to govern the programs), and a "Model Federal Government Child Development Program" (to try out the idea on the children of civilian government employees). It also provides guidelines and money for "National Child Advocacy Projects" (to draw attention to the needs of children), "Neighborhood Offices of Child Advocacy", and "Neighborhood Councils on Child Development". A permanent HEW Office of Child Development would also be established.

The Bill would see, in a few years, that the Federal government will have assumed a major role in the mental, physical, and social examination, diagnosis, identification, and treatment for every child under 15 years of age in the nation. As a matter of the child's right shall the government exert this control over the family, because, as one proponent of the bill has said, "We have recognized that the child is a care of the State." It would seem that the supporters of this legislation are interested in a Federally-cared for and governmentally-nurtured child.

"CHILD DEVELOPMENT" ADVOCATES

"Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country."

Dr. Urie Bronfenbrenner, a leader at the White House Conference on Children, quotes such statements in his book *Two Worlds of Childhood: U.S. and U.S.S.R.*, one of the popular authorities cited in defense of the child development proposals presently in Joint Conference and shortly to go before the President for approval or veto. The public relations of this bill presented it as strictly a beneficient day care program, to facilitate the employment of poverty-level mothers. The provisions of the bill are somewhat more wide. And the supporters of the legislation indicate their support in such ways as to cause trepidation regarding the eventual course of some of their provisions.

Statements like one by Siv Thorsell, a Swedish child development expert: "It is unreasonable to demand that the parents should meet all the child's needs, still less that the mother should accept responsibility for the child's upbringing to the extent she does now" reflect a lack of proper respect for certain fundamental institutions of society. Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, is openly opposed to the family: "there is serious thinking," he says, "that maybe we can't trust the family . . . to prepare young children for this new kind of world which is emerging."

The child development bill is obviously more than another anti-poverty measure; it is blatantly a social experiment scheme to change the nature of American society by undermining the basic unit of that society: the family. It falls well beyond the range of necessary and proper legislation into the discolored realms of orwellianism and mind-control. It is more than a violation of the rights of citizens: it is an assault on the already weakened fortifications of Western civilization.

CONGRESSIONAL FINDINGS

In examining the legislation, the intent of its framers and supporters must be carefully scrutinized. We find the first section (501) of the Senate bill (S. 2007) particularly revealing in this regard. This section purports to reveal "Congressional findings", namely:

That "millions of children . . . are suffering unnecessary harm from the lack of adequate child development services";

But there is no evidence that anywhere near such numbers of children suffer such harm. Since the beginnings of the Republic, there have been laws governing mistreatment of children. Some children may, indeed, suffer deprivation or cruelty—but they do not suffer the lack of government services. And what are "child development services" anyway? "Comprehensive physical and mental health, social and cognitive development services necessary . . . to profit fully from . . . educational opportunities", says the bill elsewhere [§ 512(2)(A)]. That provides little clarification. What is meant by "mental health services"? Mandatory examination and treatment? Experimental therapy? The bill does not indicate.

That "comprehensive child development programs . . . should be available as a matter of right to all children."

The language of the legislation as it passed the House established in law that children have a "right" which they formerly did not possess. The nature of that right/rights is not explained other than by implication, e.g., the various programs and projects created by the Department of Health, Education, and Welfare and institutionalized through the HEW Office of Child Development will be available to children as a matter of "right".

Let us presume for a moment that a parent is against a program or unwilling to permit his child to be incorporated into it. The result will be that the parent was/is depriving the child of "rights" established by law, and could be potentially confronted by some remedial action to "restore" to that child his "rights" under the child development act. One could envision the future in which a "child advocate", in an attempt to restore a child's "rights", could obligate the parent to appear before some board or court for purposes of reviewing his qualifications for parenthood.

Even if such a formal mechanism is not established, the child development act, by its nature when operational, would establish a *de facto* situation in which those operating the program could cause significant turmoil between the program and the parent, and between the parent and the child.

That "it is essential that such programs be undertaken as a partnership of parents, community, and State and local government, with appropriate assistance from the Federal Government";

But it is not at all "essential" that every level of government become involved in the training of the children of private citizens. History invariably shows that "partnerships" with the government soon become greatly imbalanced. The Child Advocacy section of this bill might be a classic example of that "partnership". Child Advocacy Officers, positions established by this bill to find and satisfy otherwise undiscovered needs of children, will seek to defend the child's right against his parents' ignorance or reluctance to submit him to federal assistance. Professionally-trained, overzealous staffers will be no match for simple parents whose instincts are right, but who are not educated or prepared to argue with program operatives. A *de facto* situation of coercion will be created.

That "it is the purpose . . . to provide every child with a fair and full opportunity to reach his full potential";

It is good for children to have opportunities exist in multitude, probably more so than anywhere else in the world. The nation's children, from A. Lincoln on, have certainly reached great potential, and have done so without "child development services". The fact of the matter is that such extensive governmental intervention will probably accomplish precisely the opposite of the stated intent. Large institutions, as opposed to parental initiative, tend to stifle the child's imagination and expressiveness. Government intervention can make the deeply personal experience of growth and education a massive bore, and forget that it is trying to provide opportunities as it becomes preoccupied with standardizing results.

And "to establish the legislative framework of the future expansion of such programs to universally available child development services."

What is perhaps most alarming is the provision for these programs to be universal. Such a provision discloses that the framers implicitly contend that, whatever maladies may exist among the nation's children, they are not limited to the economically deprived. The premise is that practically every child is deprived in some way. But every child in America does not suffer otherwise irremediable wrongs; in fact, most children are well cared for and well provided for by their parents, with adequate amounts of love and generally sufficient amounts of discipline. The demand for universal application of any program to *all* American children leaves far too much room for irresponsible social experimentation with the nation's youth by excessively idealistic or ideologized executors.

LIMITED HEARINGS

The fallacious contentions and erroneous conceptions of this bill should have been revealed and publicized in the Committee hearings. But the investigative function of the Committee hearings was largely ignored with this bill. The House Committee on Education and Labor, Subcommittee on Education, held a total of three hearings on the bill, with only five main witnesses. Two of them. Congresswomen Chisholm and Abzug, aired some rhetoric on the sufferings of women in need of day care. Two Governors and one former Governor also testified, but their discussion focused almost exclusively on technicalities of administration. Many times before, Federal administration of Federal programs on local levels has created duplication of these efforts with State efforts, squandering considerable money in the process. Governor Moore of West Virginia cautioned in his testimony that ". . . the proposed system . . . would spawn so cumbersome and conflicting a bureaucracy that the needs of children—and of quality services for children—would be overshadowed by political and bureaucratic concerns."

RIGHT TO NOT PARTICIPATE

That the proposed legislation would spawn anything more than an inefficient bureaucracy was not considered in the Hearings. Discussion of the substance of the bill was carefully avoided. With one exception, the written testimony submitted to the Committee was invited and devoted itself to praising the legislation. The one exception was C. Ross Cunningham, of the Christian Science Committee on Publication, who stated that "specific language in the statute itself is necessary to protect those with religious scruples from over-zealous workers at the local level." A clause to exempt children from treatment on grounds of religious objection was later added to S. 207, perhaps in direct response to this testimony. Testimonies from other religious leaders were evidently not solicited.

Furthermore, there is reason to believe that the limiting provision to permit religious objections might be unconstitutional as a denial of equal protection of the law. Regardless, the provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow. The right to rear the child rests exclusively with the parent, and the law in the interests of family structure ought to reflect that relationship. While in the minds of many, religion may be the foundation of the parental right, it should be expressed in the law that as a matter of right the parent is not required to either participate in any "child development" program or even explain his reason.

PARENTAL RELATIONSHIP

Included in the report of the hearings was a recent report of the Education Commission of the States, Task Force on Early Childhood Education. This report supported the adoption of more extensive child development programs, but in one respect it differs significantly from Federal concepts. The first priority of the States regarding child development services was "strengthening of the role of the family as the first and most fundamental influence on child development."

To the Emergency Committee for Children this seems an entirely proper emphasis to maintain. The Bill adopted by the House, like that by the Senate, mentions scarcely anything to indicate respect for this basic institution. The Education Commission of the States was not preoccupied with promoting the "emotional and social adjustment" of children, as seems to be the case with legislative proposals from the Congress.

The potential of this piece of legislation is clearly and definitely the revolutionizing of the traditional family structure in America. The parental role in children's upbringing will be deemphasized and the role of government greatly expanded. As government assumes parents' responsibilities, parents' rights over their children will tend to be sacrificed, *de facto* or *de jure*. Such a development, in our opinion, is contrary to the best interests of our society and not in concert with the Western tradition. It is disastrous and tragic. The family is the cornerstone of emotional stability and strength, the first educator and strongest influence toward decent human natures and relationships. To replace the rich, loving family with depersonalized bureaucracy would be to destroy the most valuable social institution in America, and to weaken immeasurably the strength of the American nation.

COMMUNALITY FOR CHILDREN

Central to the arguments of certain advocates and sponsors of the child development bill is an implicit direction toward a total revamping of American society, beginning with the popularization of one or another form of collective child-rearing. Occasionally this direction becomes explicit, as in the writings of Dr. Urie Bronfenbrenner. Bronfenbrenner's contention is that Soviet society is worth more than American society because the concern of one generation for the next is so much greater there. This concern is exemplified for him in the "children's collectives," where infants from three months of age are brought for communal upbringing.

The most lauded advantage of communality is the facilitation of discipline. The greatest virtues of a Soviet child are obedience and self-discipline, both developed through skillful fostering of the earnest desire to conform to the group, which, in turn, accepts its values from adults or other authoritative figures, eventually the State. Conformity, thus, is the paramount virtue in collectivized children, and, of course, in collectivized adults.

Yet the Soviet Union seems more than satisfied with its crop of programmed citizens. Plans for the future are burgeoning to make a child's life a series of transitions from nursery to day and night kindergarten, to boarding school, to independent life, in the hopes that, in time, the family "will dissolve within the context of the future social commune."

Dr. Bronfenbrenner is, of course, entitled to his views. But what he advocates is, fortunately, so alien to our culture that any attempt to impose the Soviet system here would be doomed to disastrous failure. However, the proposals of this bill definitely encourage the attitudes necessary for such a system to ever be adopted. This country does not want Soviet childrearing. Conformity has never been regarded as a supreme virtue by the American people; in fact, individuality from diversity within and among families is much sounder and more reflective of American institutions. Parents love their children and are dedicated to their welfare. Privacy and personal intimacy are the keynotes of American family life. Congress may write lists of contrived complaints about American childrearing, but such complaints will not reconcile the American public or the traditions of American life to surrendering children to government agents.

CONCLUSION

We of the Emergency Committee for Children are grateful for the individualistic

streak in the American personality, believing that it is the greatest possible protection against the utopian schemes of misguided collectivists. We of the Committee, whose backgrounds are in the Academy and religious life, are united in our concern and opposition to what we see as a significant threat to Western civilization and American society as we presently know it.

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES, ILLINOIS AGRICULTURE ASSOCIATION DINNER, NOVEMBER 17, 1971

America as a society was founded on respect for the individual and an unshakable belief in his worth and dignity. We believe an individual should be able to assume whatever position in society his intelligence, character and ability can earn for him—regardless of his status at birth—and we guarantee that he shall have that opportunity. He has, we say, an "inalienable right" to life, liberty and the pursuit of happiness so long as he does not trample on the equal rights of others. Unlike many other societies, we ask only in time of national emergency that he subordinate his individual freedom in the interest of his country.

"Individuality is the aim of political liberty," wrote James Fenimore Cooper. "By leaving to the citizen as much freedom of action and being as comports with order and the rights of others, the institutions render him truly a free man. He is left to pursue his means of happiness in his own manner."

The spirit of American individualism opened a frontier and built a nation. It imbues our institutions of today and we guard it jealously. Nowhere have I seen the importance of individualism and the threat to it better expressed than in the philosophy of your own organization, the Farm Bureau.

Let me read these few excerpts which are very pertinent to what I want to discuss with you tonight. I quote from your brochure, "1971 Policy Resolutions of the Illinois Agricultural Association."

"Farm Bureau recognizes freedom, the dignity and worth of the individual, equal opportunity, initiative and compensation for accomplishment, as basic concepts in a large way responsible for our country's progress and stature among the nations of the world . . .

"Today there are those who with well-planned purpose or unwitting action would lead our country and our people into state socialism with its controls of our lives and our means to produce and distribute the products of our labor, capital and management, with little or no regard for the contribution of individuals. Such a course leads steadily and surely to the degeneration of moral and economic standards and to a leveled, disillusioned, government-directed people and a decadent economy.

"We reaffirm our faith in incentives, individual responsibility, initiative and freedom, rather than over-dependence on government. We believe that we should act as individuals and as an organization to keep the determination of our destiny in the hands of the people where it must remain, if our organization and our country are to continue to be free and strong."

That is a creed that the overwhelming majority of Americans can subscribe to, and I wish it could be read and repeated every day at every gathering of the "futuristic planners" who are so anxious to change our society by tinkering with the individual. For there is currently a body of thought which I believe presents serious threats to our individual liberties. These threats are often couched in the language of human benevolence. Such subtle encroachments on human freedom and dignity are for the most part proposed by social planners who believe that the individual is incapable of managing his own affairs or, indeed, of even *knowing* what is best for him.

Let me share with you a few excerpts from a recent report published in the NEA journal, Today's Education, on future trends in education.

"Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration and memory . . .

"The roles and responsibilities of teachers will alter. . . . The basic role of the teacher will change noticeably. Ten years hence it should be more accurate to term him a 'learning clinician.' This title is intended to convey the idea that schools are becoming 'clinics' whose purpose is to provide individualized psychosocial 'treatment' for the student, thus increasing his value both to himself and to society."

We don't have to wait 10 years for this to happen, ladies and gentlemen. It is already here in what some would term our more progressive public schools. Perhaps you have heard of the so-called "pyscho-dramas" that children of all ages are forced to act out in the classroom. Listen to this account that I read recently in a newspaper:

". . . teachers frequently ask them (the pupils) to act out such things as obtaining an abortion, inter-racial dating, smoking marijuana—and how their parents would react. Parents find even more objectionable 'psycho-dramas' in which children act out actual incidents from the home, something which parents consider a clear invasion of their privacy. There have also been 'talk-ins' where two or three children will go to the school counselor and answer highly personal questions, such as: 'What does your father wear when he shaves?' or 'Do you love your parents?' One child was assigned an essay on the subject, 'Why do I hate my mother more than my father?' "

Character that was once molded in the home is now more often the product of the classroom, and there are some who would like to take it a step further and indoctrinate or condition all pre-school age children from infants on up to kindergarten age. They admire the Soviet system in which the State takes over this function from the parent.

Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, recently told a Congressional Committee: "There is serious thinking among some of the future-oriented child development research people that maybe we can't trust the family alone to prepare young children for this new kind of world which is emerging."

The Soviets, Dr. Lourie said, have long recognized the shortcomings of the family. That, he added, is "one of the reasons why they felt they needed to have access to the babies."

Dr. Lourie said that in the first 18 months of life the brain is growing faster than it ever will again. "It is then also more plastic and most available for appropriate experience and corrective interventions," he said.

Another expert witness testified that child-rearing by the State produces more obedient adults because the individual child is conditioned to conform to the behavior and values of the group in which he is reared.

You can see here that our traditional concept of the individual would disappear completely if it were left up to the behaviorists; moreover, the family would become an anachronism in the new scheme of things.

Now, I believe there are occasions when a child needs to be taken out of the home, both for his own good and that of society. I have said this many times. It may be he is totally neglected by his parents in his upbringing, or it may be that they are faced with severe problems that prevent him from receiving the kind of care and attention that he needs. In such cases, he would be better off in a foster home or boarding school. And certainly this Administration favors federal support of day care centers where children left by working parents can receive care and educational opportunities so critical in the early years. We have also encouraged innovations in educational techniques.

But what has been suggested in the examples I have cited to you is radical surgery on the national psyche—and it is absolutely unjustified under the circumstances that exist. Our futuristic thinkers might render society a better service by devoting their thinking to some of the immediate problems that confront us.

For example, instead of psycho-drama in the classroom let's restore conditions that permit and encourage learning. I saw an article in a Baltimore newspaper a few days ago where city officials were calling for the installation of metal detectors at school entrances to prevent acts of violence by *gun-carrying youngsters!* Now when discipline and respect for authority deteriorate that far, conditions have gotten pretty bad. But I'm sure they're no worse at schools in Baltimore than they are in many other cities of the land. I would think restoration of discipline and order ought to be a first priority—even ahead of curriculum—in the schools of this country. Because it's a simple fact that unless order is maintained there can be very little learning accomplished, no matter how modern or innovative the teaching techniques may be.

Instead of having students write essays on why they hate their mother more than their father, or relate what their father wears while shaving, educators might use this time more productively by emphasizing basic skills and subjects that will enable these students to make the most of their lives and their talents and improve their worth as individuals.

The principal danger in all of this, in my opinion, is a steady erosion of our belief in the individual and the value of his role in society. The assault continues daily.

One of the hottest books on the current-best-seller list deals with "conditioning" people to conform to a bizarre view of what society should be like—a utopia to be achieved through what the author calls a "technology of behavior." The author is Harvard psychologist B. F. Skinner. The book is appropriately entitled "Beyond Freedom and Dignity."

Dr. Skinner holds, in effect, that man has neither soul nor intellect and is completely a creature of his environment. If you can control man's environment, he theorizes, you can control his actions and his thoughts.

The book can be expected to have a substantial impact. Dr. Skinner is generally regarded as the most influential of American psychologists and social thinkers. He is widely known and respected, even by some who disagree with him.

The magazine Psychology Today said of the Skinner book: "This new crusading manifesto . . . is an intellectually ruthless demand for the faithful to move ever onward—into domestic policy, business, education, the family and every other part of life. Their time, they believe, is now."

In a recent article, Time Magazine quoted Dr. Skinner as saying the concept of freedom once played a vital role in man's overthrow of tyrants but that it is now outmoded.

"My book," he said, "is an effort to demonstrate how things go bad when you make a fetish out of individual freedom and dignity. If you insist that individual rights are the *summum bonum*, then the whole structure of Society falls down."

In his book, Skinner attacks the very precepts on which our society is based saying that "Life, Liberty and the pursuit of happiness" were once valid goals but have no place in 20th Century America or in the creation of a new culture such as he proposes.

Another advocate of changing man's behavior through external means is Kenneth B. Clark, President of the American Psychological Association. Writing in the New York Times last week, he said the formerly useful appeals of religion, moral philosophy, law and education—in his words—"are, in themselves, no longer appropriate" in a nuclear age.

What is needed, suggested Dr. Clark, is to stimulate certain areas of the brain of national leaders or drug them in order to—in Dr. Clark's words—"assure their positive use of power and reduce or block the possibility of their using power destructively."

"This form of psychotechnological medication," he said, ". . . would assure that there would be no absurd or barbaric use of power. It would provide the masses of human beings with the security that their leaders would not or could not sacrifice them on the altars of their personal ego pathos, vulnerability and instability."

That sort of drivel doesn't need any further comment from me with this audience. It speaks eloquently for itself. But you cannot dismiss it as unimportant. That would be a big mistake.

Such "behavorial thinking," as it is called, has great impact in some of the intellectual circles of this country. For this reason, such thinking must be taken seriously and countered with logic and reason. It is potentially very dangerous, and it is completely at odds with our basic belief in the dignity and worth of the individual. To the behaviorist, man is not an individual; he is one of a herd, a particle in a mass of humanity who does not know what is good for him and who needs to be saved from himself by a superior elite using intellectual cattle prods. Note well Dr. Clark's use of the term—"provide the *masses of humanity* with the security that *their leaders* would not or could not sacrifice them on the altars of their personal ego . . ." What arrogance! What contempt for the individual!

-John Stuart Mill, in his famous essay, "On Liberty" said in 1859, "Whatever crushes individuality is despotism, by whatever name it may be called."

Applying Mr. Mill's standard to the behaviorists of today, I would say we are contending with a new kind of despotism.

For a number of years now our young people have been concerned about a possible loss of identity through computerization and other technological advances. They do not want to become a mere number, another face in the crowd. "Do not fold, spindle or mutilate," they say in derision.

I would say to them in all sincerity that they, and future generations of Americans, face a far bigger threat to the loss of their individualism from the sugar-coated theories of social scientists and behavioral psychologists than they do from the machines we have developed, manufactured and can control in making life easier and more abundant for mankind.

The important thing is that we use our technological knowledge for the good of *all* mankind, that we use it in *solving* the problems that are now attacked more with rhetoric than with our God-given ingenuity. In the end, individuals—not masses—will come up with the answers to these problems, just as the Edisons, the Wrights, the Salks and the Einsteins have done so often during the past decades.

Perhaps there will be a Herbert Hoover combining his talents of engineering and management to organize a gigantic program for feeding the starving of this world, and marshaling the resources of not only this country but of other rich, producing lands.

It was a half-century ago that Mr. Hoover, who was later to become our 31st President, returned from his enormously successful food mission in Europe and put down on paper the spiritual, economic and political characteristics that enabled the American people to produce the materials needed to bring peace to the world and at the same time give economic assistance to people ravaged by war.

He called his book *American Individualism* and he spoke to the behaviorists of his day who would sacrifice the individual for the group.

"Salvation will not come to us out of the wreckage of individualism," said Mr. Hoover.

"What we need today is steady devotion to a better, brighter, broader individualism—an individualism that carries increasing responsibility and service to our fellows.

"Our need is not for a way out but for a way forward. We found our way out three centuries ago when our forefathers left Europe for these shores, to set up here a commonwealth conceived in liberty and dedicated to the development of individuality . . .

"Humanity has a long road to perfection, but we of America can make sure progress if we will preserve our individualism, if we will preserve and stimulate the initiative of our people, if we will build up our insistence and safeguards to equality of opportunity, if we will glorify service as part of our national character.

"Progress will march if we hold an abiding faith in the intelligence, the initiative, the character, the courage, and the divine touch in the individual. We can safeguard these ends if we give to each individual that opportunity for which the spirit of America stands. We can make a social system as perfect as our generation merits and one that will be received in gratitude by our children."

Ladies and gentlemen, Mr. Hoover's words are as applicable to our problems of today as they were to those of 50 years ago.

We have not yet achieved that perfect social system that he spoke of, but we have probably come closer than anyone else on earth, and we continue to make progress to that end.

And when we do finally achieve it, it will be because we have kept an abiding faith in the individual—in his intelligence, initiative, character, courage and the divine touch that exists in every man.

[From Behavior Today, Nov. 29, 1971]

AGNEW'S ATTACK

Spiro T. Agnew is after the behaviorists. His alert to the anti-democratic danger their theories represent is a bit stale, but coming from a Vice President, the attack moves the debate over behavior control to a top political rostrum. In his speech Nov. 17 to the Illinois Agricultural Assn., Agnew raised the specter of mass psychological-biochemical control, singled out B. F. Skinner and Kenneth B. Clark as villains . . . "I don't care whether he's for my ideas or against them," Skinner responded. "His speech is a sign people in high places are beginning to think about behavioral control and policy." Behaviorists in general reacted in the same vein, but worried that the political vitriol would distort the issues they want to introduce to the public . . . The worry is real. Insiders report a mounting right-wing attack on behaviorally based day care as a Sovietization of child rearing. And, they warn, the Nov. 17 speech struck a responsive chord in a public far to the left of Agnew's normal constituency. For copies of the speech, write Jean Spencer, Office of the V.P., Rm. 291, Executive Office Bldg., 17th and Pennsylvania Ave., Wash., D.C., 20501.

DAY CARE BILL IN TROUBLE

Landmark $2-billion child development bill now before Congress is in trouble. Supporters read Agnew's alert to dangers of "child rearing by the State" as sign of White House opposition to day care program which provides more than simple custodial services. Further evidence of Administration opposition closely followed Agnew's speech when HEW secretary Elliot Richardson, who earlier appeared to favor bill, announced in a letter to Congress that he opposed it in its present form. Package, compromise version of bill by Sen. Walter Mondale (D.-Minn.), faces final Congressional action in early December. Passage is a good possibility, but so are chances for a Presidential veto. Following major issues are at stake:

Cost. Bill would authorize $100-million for planning in FY '72 and $2-billion for centers, services and training in FY '73. But debate over cost is largely a smokescreen, since Administration and Congress recognize day care is an expensive undertaking.

Eligibility. Bill offers free services to poor, but would also allow middle-class families to use centers on a paying basis. Administration flatly disapproves, favors bill only to extent it puts welfare mothers to work.

Prime sponsorship. Curiously, while Agnew attacked state take over of child-raising, the Administration has attacked provisions in the bill insuring strong local control and parent involvement. Present bill would allow community groups to operate programs. The Administration wants politicians at the state level to control the purse strings, parents to serve as advisors.

Supporters argue that bill in its present form will put Congress on record in favor of comprehensive child development services, as opposed to custodial care. "If we don't get a bill right now," they warn, "we'll never get a bill. It will become an issue no politician will touch."

Supporters urge activists to woo the White House and the following key Congressional opponents: Rep. Albert Quie (R.-Minn.), Rm. 2334, Rayburn House Office Bldg., tel: 202–225–2271; Rep. William Steiger (R.-Wis.), Rm. 1025, Longworth House Office Bldg., tel: 225–2476; Rep. John Erlenborn (R.-Ill.), Rm. 330, Cannon House Office Bldg., tel: 225–3515; Rep. John Dellenback (R.-Ore.), Rm. 1214, Longworth House Office Bldg., tel: 225–6416; zip for all the above 20515.

TABLE 4.37—ESTIMATED NUMBER[1] AND PERCENTAGE DISTRIBUTION OF LEVEL OF SATISFACTION FOR EACH DAY CARE ARRANGEMENT BY TYPE OF ARRANGEMENT

[Numbers in thousand]

Type of arrangement	Total		Very well satisfied		Pretty well satisfied		Not very well satisfied		No answer	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Mother watches at work	134	100	56	41.8	26	19.4	36	26.9	16	11.9
Child cares for self	260	100	99	38.1	101	38.8	31	11.9	29	11.2
In-home care	2,172	100	1,610	74.1	230	10.6	126	5.8	206	9.5
Father	751	100	598	79.6	27	3.6	48	6.4	78	10.4
Sibling	474	100	275	58.0	107	22.6	35	7.4	57	12.0
Other relative	637	100	513	80.5	65	10.2	10	1.6	49	7.7
Nonrelative	310	100	225	72.6	31	10.0	32	10.3	22	7.1

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TABLE 4.37—ESTIMATED NUMBER[1] AND PERCENTAGE DISTRIBUTION OF LEVEL OF SATISFACTION FOR EACH DAY CARE ARRANGEMENT BY TYPE OF ARRANGEMENT—Continued

[Numbers in thousand]

Type of arrangement	Total		Very well satisfied		Pretty well satisfied		Not very well satisfied		No answer	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Out-of-home care	1,384	100	927	67.0	182	13.2	165	11.9	110	7.9
Relative	584	100	391	67.0	72	12.3	76	13.0	45	7.7
Nonrelative	63	100	47	74.6	7	11.1	7	11.1	2	3.2
Day care home	500	100	304	60.8	79	15.8	73	14.6	44	8.8
Day care center	237	100	185	78.1	24	10.1	9	3.8	19	8.0
Before and after school programs	27	100	14	51.9	0	0	0	0	13	48.1
Total	3,977	100	2,707	68.1	539	13.5	358	9.0	373	9.4

[1] In-school arrangements were deleted from this table.

TABLE 4.—CHILD CARE ARRANGEMENTS FOR CHILDREN OF MOTHERS WORKING FULL TIME, 1965

	Total		Children under 6		Children 6 to 13	
	Number	Percent	Number	Percent	Number	Percent
1. Total number of children	8,315,000	100.0	2,561,000	100.0	5,753,000	100.0
2. Cared for in own home by—						
(a) Father	1,145,000	13.8	264,000	10.3	881,000	15.3
(b) Other relative	2,013,000	24.2	472,000	18.4	1,520,000	26.4
Under 16 years old	(397,000)	(4.7)	(25,000)	(1.0)	(372,000)	(6.5)
16 years and over	(1,615,000)	(19.5)	(446,000)	(17.4)	(1,149,000)	(20.0)
(c) Nonrelative who only looked after children	429,000	5.2	238,000	9.3	188,000	3.3
(d) Nonrelative who usually did additional household chores	513,000	6.2	236,000	9.2	281,000	4.9
(e) Subtotal, children cared for in own home	4,099,000	49.3	1,209,000	47.2	2,871,000	49.9
3. Cared for in someone else's home by—						
(a) Relative	801,000	9.6	452,000	17.6	354,000	6.2
(b) Nonrelative	836,000	10.1	502,000	19.6	341,000	5.9
(c) Subtotal, children cared for in someone else's home	1,637,000	19.7	954,000	37.3	695,000	12.1
4. Other arrangements:						
(a) Care in group care center	239,000	2.9	197,000	7.7	41,000	.7
(b) Child looked after self	800,000	9.6	7,000	.3	794,000	13.8
(c) Mother looked after child while working	575,000	6.9	171,000	6.7	407,000	7.1
(d) Mother worked only during child's school hours	917,000	11.0	12,000	.5	906,000	15.7
(e) Other	50,000	.6	10,000	.4	40,000	.7

Source: Seth Low and Pearl G. Spindler, "Child Care Arrangements of Working Mothers in the United States," Children's Bureau Publication 461-1968, tables A-2 and A-3, page 71.

EXHIBIT 1

INTERNATIONAL DAY CARE: A SELECTIVE REVIEW AND PSYCHOANALYTIC CRITIQUE

(By Dale R. Meers)

INTRODUCTION

Historically, social concern for the welfare of children is interrelated with the tenuous, often tortuous evolution of scientific knowledge of child development. The relationship is inevitably reciprocal. Social conscience has sometimes pushed the scientist where he has been hesitant to venture. Alternatively, scientific documentation has been the gadfly of social conscience, though society often has proven resistantly imperturbable where scientific clarity has presented a too discomforting mirror to social indifference.

Currently in the United States, social concern is reflected in legislative considerations of the special fate of children—often those of minority groups—whose home circumstances or natural parents have suffered so drastically that the young are not afforded optimal conditions for normal, healthy maturation of body and mind. The progression of social responsibility reflects, in some measure, advances in scientific comprehension of the fundamental importance of adequate nurture in the earliest years of childhood.

For example, just as the publicly maintained poorhouses once represented a significant advance in social commitments to child welfare, so the ensuing development of congregate child care institutions were a corrective response to limitations of the poorhouse. Once established, the congregate institution remained, for want of better solutions, and with it came the unforeseen consequences of hygienic institutionalization, particularly the continuous tragedy of marasmatic deaths of infants and the pseudo-defectiveness of older children—outcomes that become the subjects of extended international research.

Consequently, by the 1920's a quiet social revolution came to pass in the federal state support of family nurture via foster home and adoption services that emptied the congregate institutions of the U.S. As appears true in all modern, industrial nations, however, social values of "the family" appear to dissipate with increasing options for economic and geographic mobility. With smaller families for the upwardly mobile, and decreasing community support for the direction of child activities, the qualitative base for foster home care in the U.S. now appears less than adequate. The "racial" prejudices of the nation, moreover, have further taxed the program for foster care. Massive migrations of our Negro population into urban visibility have simultaneously brought a belated concern for fragmented lives, a situation that was earlier ignored.

The inequities of foster home care have hit the Black child hardest, and we have seen his disadvantage exacerbated by his grossly disproportionate placement in our returning congregate institutions. There are parallel concerns with the stigmata suffered by the welfare-mother, and current social policy considerations suggest a new synthesis in which child Day Care might simultaneously diminish the need for foster/institutional placements and also permit the training of mothers for employment outside the home. Nationally, the over-sell of the Head Start Day Care type programs has been accepted by the public with convictions that are not shared by the scientific community that sponsored Head Start. For those families where there is no question of the adequacy of home life, the matter has been complicated further by the positive statements of the American Educational Association on the presumed salutary qualities of ever-earlier education, and these appear to have escalated popular interests in Day Care.

Popularized reports of the reputed virtues of international child care programs, particularly those of the U.S.S.R. and the Kibbutzim of Israel, appear as major contributions to present U.S. legislative proposals for national support of Day Care. One may speculate that the anomic phenomenon of our urban depersonalization has added to the romantic aura that surrounds the reputed virtues of the Kibbutzim. The extraordinary advances of Soviet atomic and space technology appear popularly, if obscurely, linked to that nation's innovations in education—as though technological advances were ultimately derivative of the early child care programs. In the absence of extended documentation, which is essential to scientific assessment of the effects of programs, imagination has colluded with scant observations, and some western observers have concluded that the Day Care of other nations is a singular blessing.

With such preconceptions, this author began his research explorations in 1964.[2] Review of the scant available literature led, subsequently, to reports of the National Academy of Science and then to correspondence with a number of prominent research and administrative directors of child care programs in the U.S.S.R., Hungary, German Democratic Republic (East Germany), Czechoslovakia, Greece, Israel and France. The study of these particular countries was a function of available literature, the responsiveness of the countries' research communities, and the character of particular types of child care programs. Professional visits were made to selected child care centers in each of these countries, other than the U.S.S.R., by Dr. Allen Marans in 1963 and by this author in 1965. Both tours included personal observations of centers, extended discussions and consultation with policy makers, administrative directors and child care staff. Because of the apparent importance of the Soviet Union's programs, and increasing uncertainty of their scope and purpose, support was requested and provided by the U.S. Public Health Service, under the U.S.-U.S.S.R. scientific exchange program, for this author and a colleague[3] to study in Moscow, Leningrad and Reiga (1967).

No claim is made here that the observations in these several countries provide some representative sampling, nor is it suggested that programs and centers are necessarily similar. Indeed, as a first generalization, one may note that greater differences appear to exist between some child care centers in the same country than between the best of each country. Extreme dissimilarities in any one country, however, appear as historical accidents in which older facilities have been bypassed because budget priorities have been given to the development of new improved centers. In the effort to highlight the characteristics and directions that seem most relevant to U.S. concerns, many differences of quality care are ignored here. Since the U.S. has little to learn from inadequate foreign centers, such facilities are discussed only where it seems important to illustrate particular programmatic or policy problems. The worst of U.S. urban Day Care occasionally may be equaled, but not easily exceeded, by the worst of those observed abroad by this author; however, the intent here is to studiously avoid any implication of invidious comparisons of the U.S. with other nations' programs. The following discussion is predominantly concerned with the best of international centers and technical management such that the ensuing critical evaluation relates to those special problems inherent in even the best of Day Care programs. Particular types of institutional experience and research is directly relevant to Day Care for the very young. Accordingly, this paper also makes selective reference to problems of "institutionalization" and "hospitalism."

The subject of child care cannot be readily separated from the philosophical/ideological commitments of the several countries reviewed. The collectivistic orientation of Kibbutzim child care is dramatically different from that of Greece or France, and surprisingly different from official policies of the Soviet Union. Philosophic views are inherently reflected, purposefully or unwittingly, in the social/economic priorities that underpin funding for child care staff, physical facilities, resources for the children, etc. Emphasis here is given to the programs of communist countries because their extended experience covers both decades and millions of children in Day Care. Administratively, their programs are not unlike those seemingly envisioned by U.S. legislation, i.e., with policy funding and standards nationally established yet with considerable regional and local latitude for the administration of the individual centers. The sheer magnitude of existing communist child care programs, which entail a radical departure from the conventions of family nurture, constitutes an extraordinary social experiment (with a fascinating range of scientific implications).

THE SOVIET MODEL AND EAST EUROPEAN ADAPTATIONS

The geographic span that separates the U.S. and the U.S.S.R. is less formidable than the ideological and conceptual distance that must be bridged in scientific dialogue. For Pavolov is to Soviet education, child care and psychiatry as Lyschenko was to agronomy and genetics (e.g., see: Tur, 1954; Barkoczi, 1964; Tardos, 1964). Since Pavolovian conceptions do not entertain the possibility that mental illness can be a consequence of adverse infant and childhood nurture, psychiatric research on the relationship of early Day Care and psychopathological disorders is notable only for its non-existence. During Stalin's life, both social psychiatry and social psychology were politically interdicted, presumably on the rationalization that social is a synonym for class and that, in a classless society, there were no differences to study. Similarly, with the establishment of the Communist state in Czechoslovakia, foster care and adoptions were replaced by state sustained Day Care and residential care for children and research on the complexities of these Czech programs was forbidden at the university level,[4] but indirectly possible in psychiatric settings.

The difficulties in reviewing Soviet research, such as there is, are compounded by their limited internal budgets for journal publications in the behavioral sciences; literature proves far more available via the East Europeans. The literature review that preceded these field studies began with a series of documents obtained in the U.S.S.R. by members of the President's Panel on Mental Retardation (1964) and the Child Psychiatry Mission to the U.S.S.R. (Lourie, 1962; Report of the Medical Exchange Mission, 1962). Our study was enriched by the translation of Schelovanova and Aksarina's basic text (1960), which had been made available in Russian by Professor Zaporozhets who had consulted in Washington in 1964. Bronfenbrenner's several papers (1963a, 1963b, 1964) were fascinating and we were prepared to see, in East European adaptations of Soviet models of Day Care, a coherent effort in which the state used the Day Care nursery to produce the "new Communist man."

It was a considerable surprise, therefore, to find that East European programs, in 1965, appeared to be not only prosaic but also struggling with such a multitude of organization and administrative problems that it was difficult to perceive anything in the way of nursery centered, conditioning. Self-consciously as aware of their problems as they were proud of their achievements, East European administrators made continued recommendations that one should see the truly successful Day Care centers in the U.S.S.R., where extended experience is matched by optimal funding. In the two years that preceded personal study of the Soviet centers, this author contributed a number of conclusions, from inferential data, as to Soviet programs that have since proved to be singularly erroneous (Meers and Marans, 1968).

We wrote at that time: "In 1965, Khrushchev introduced a nationwide program aimed at the creation of a new Soviet man's (Bronfenbrenner, 1963). To accomplish this objective a major portion of the responsibility for child-rearing was deliberately shifted from the family to the children's collectives, the U.S.S.R. day nursery." (*Ibid*, p. 239). Inherent in this (erroneous) formulation was the conclusion that the contemporary generation of Soviet parents, having been deprived of a "proper" upbringing, could not be expected to rear this new Soviet man without help from appropriately educated, state-supervised staff. The state thereby purportedly recognized the role of the "upbringer" as the purveyor of the new culture, since mother substitutes were nominally selected and trained to induce the political ideas of the state.

Whatever the political goals of social planners in the East European countries, however, it was clear in 1965 that the extraordinary complexities of staffing and developing massive programs precluded any systematic induction of political-cultural values. Surprised by the absence of ideological implications in programming, this author raised the question repeatedly. As a typical response, Pikler (Budapest) advised that in three decades of close and cooperative working relationships with Soviet child care specialists, she was quite unaware of any such state policy.

During the author's three weeks of study in Moscow, Leningrad and Reiga, there were continuous occasions to discuss Soviet Day Care policy, from the ministerial level, through administrative and research staffs down to the various Day Care centers' personnel. It is clear that the Soviet Union would indeed like to provide the best-of-all-possible worlds for their children, so that their new Soviet man would have every advantage that a modern industrial nation might provide. The status of the Soviet child is considered unique and there is a presumption, not unlike that held in the U.S., that the best is being done for their children. It is humorously suggested that children are the new "upper class" of the classless society. And, indeed, part of the Soviet claim appears merited by the extraordinary priorities and investments that sustain the multiplicity of child care programs.

The Soviet Day Care programs, however, appear anything but revolutionary in their intent. They are designed to provide the type of comprehensive care that has been depicted in the U.S. as "Head Start." The term, in U.S. usage, is a misnomer since our programs, like those of the U.S.S.R., are intended to provide a *better* start and not an accelerated introduction to intellectual/academic matters. In the vast Soviet federal state, which encompasses disparate nationalities and ethnic peoples, the provision of basic, high-quality health and social services continues as a fundamental problem. The provision of early Day Care has the explicit intent of ensuring the best health and nurture that can be uniformly provided. If there is an unstated, implicit political intent in these programs, this author would conclude that it has to do less with the creation of the ideal communist than with the creation, in the younger generation, of a "national citizen" who is free from regional and ethnocentric biases.

Parenthetically, one should add that the Soviet Day Care centers are hardly oriented to the introduction of reading, writing, and arithmetic at ever younger years. On the contrary, only scant and incidental "educational" material is introduced in the last year of nursery school, and formal education is only started at age seven a year later than in the United States.

Day Care programs of the East European nations differ most in the intent and rationalizations of their separate cultural, economic and political status. The Hungarian programs evolved from an organic community need to provide for homeless, parentless children who were incidental victims of the Nazi siege of Budapest. Economic dislocation from western Europe and the attempt to industrialize provided powerful government incentives to adopt and implement Soviet models of Day Care and the frugal conditions of the post war economy provided substantial incentives for mothers to place their children in Day Care and secure work. From meager beginnings in Budapest, Day Care centers were established wherever possible, e.g., in unused factories, and these centers proliferated through the following decades with an express government intent to provide equal and adequate services in rural as well as urban centers.

While pleased with their continued upgrading of building design, staff ratios, etc., Hungarian Day Care of infants under the age of three has been viewed as a regrettable side-effect to the necessary employment of mothers and therefore has been considered a program that should be progressively limited and eventually terminated as economic conditions might permit. This conviction appeared to be based less on any question of possible damage or retardation of the children concerned, than on humanitarian responses to the manifest unhappiness that

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substitute care creates for the small child separated from home and mother (Laslow, 1965).

In East Germany[5] a different confluence of factors has affected the characteristics of Day Care. Under Communism, a "feminist" movement appears to present a powerful, government-sustained reaction to the residual patriarchal dominance of the old-time German family. Day Care provides not only for children, but also gives women an alternative to the domesticity that has carried a cultural aura of subservience.

East Germany suffered a massive loss of manpower in the war and was further plagued by the succession of Nazi extermination of "liberal" professionals, the postwar exclusion of established pro-Nazis from responsible positions, and the exodus to West Germany. Massive displacement of populations and extended war damage led the country into an austerity program from which it has yet to emerge. Extended efforts to industrialize a previously agrarian area only added to the chronic and severe manpower shortage, adding urgency to the need for the labor of women. The establishment of Day Care centers on a mass scale, however, placed the Day Care programs in direct competition for the already short supply of woman power. With the inception of the programs, it appeared that many of the older and least suitable women, who were unable to find better employment in industry, secured employment in child care. Recruitment, staffing and training continue as major problems.

Czechoslovakia was spared much of the war devastation suffered by Germany and Hungary. Its industrial base and professional population were left relatively intact. Economic reorientation to the East and severe planning/production limits on luxury goods contribute to a continuing austerity and provide strong economic motivations for families to secure a second income through the work of mothers. Government support and encouragement of the use of Day Care has appeared more doctrinaire than economically motivated. The best of Czech Day Care appeared hygienic, sterile and depressing; the worst seemed melancholically, fatalistically sorrowful, Czechoslovakia in transition may reflect severe anomic reactions to the enforced and extended readaptations of cultural values to the changed political and economic ways of communism.

THE SCOPE AND COSTS OF COMMUNIST DAY CARE

In 1964, some 10% of the Soviet Union's pre-school child population were cared for in various types of child care facilities; five of seven million children were in (non-residential) nurseries and Kindergartens. Consonant with Zaporozhets' (1964) projections, 1987 estimates (provided in the U.S.S.R.) indicated that 30% of the nation's pre-schoolers were then enrolled, and that the figure was as high as 60% in major Soviet cities. In 1964, Zaporozhets had anticipated that a goal of 100% would be achieved by the 1980s. East European estimates in 1965 approximated those of the U.S.S.R., i.e., some 30% of these nations' children were in Day Care. By 1970, East Germany had between 30% to 45% of under-threes in Day Care, and 61% of the older children in Kindergarten. Schmidt-Kolmer (1970) projected that by the 1980's nearly all of the four to six year olds, and some 50% of the under-threes, would be in Kindergarten/Day Care. Czechoslovakia, in surprising contrast, as a result of governmental policy responses to research evidence of emotional injury to the very young child, has systematically reduced its Day Care for children under three, and current estimates indicate an enrollment of only 12% of these children in 1970 (Langmeier and Matejcek, 1970; Matejcek, 1970).

In the Communist nations, financial support for both capital construction and operational expenses depends upon sponsorship, e.g., of factories, coops, urban micro-units, etc. The state is usually responsible for basic costs. The *capital* expenses for Day Care centers in East Germany approximate 11,000 Marks/per child, i.e., about $2,600 (as an under-estimate based on an official 4.2 rate of exchange). This represents a *quarter of a million dollars* in construction costs for each prefabricated unit that houses some 100 infants.

Operation budgets of both Czech and East German centers approximate one-quarter to one-third of the earned income of the average working parent, e.g., East German costs are 155 Marks per month per child (Schmidt-Kolmer, 1970) and Czech costs are 525 Crowns per month per child (Matejcek, 1970). Since the East German incomes, as a high estimate, are about 630 Marks per month and Czech incomes are about 1600 Crowns per month, the placement of three children from one family in Day Care would involve operating expenses equal to the income of a working mother. The costs to families remain low only because of state subsidization. Bronfenbrenner's estimate that Soviet expenditures equal the total cost of Soviet space exploration appears quite plausible.

In the continuing, philosophic commitments of the U.S.S.R., enormous expenses are involved in the construction of rural new-town communities and in the beginning ultra modernization of cities such as Moscow. Planners make use of the "micro-unit," an extended complex of modern, high-rise apartments (prefab) that are relatively self-contained as a neighborhood. These units include shopping, medical, and Day Care centers, plus related schools. Emphasizing the *family* as the core of the Soviet state, i.e., the child's first "collective" (Makarenko, 1954), Day Care is seen as but one of the adjunctive services provided by the state to sustain the uniqueness of each family.

QUALITATIVE DIFFICULTIES IN COMMUNIST DAY CARE

However philosophical their dedication to the new generation, Communist allocations of salaries and status to the child caregiver are marginal. Moreover, the vast extension of the programs appears to have made recruiting demands that do not permit the quality of staff selection aspired to by planners. Training, subsidized rather liberally by Western standards, aims at a continual upgrading in quality of service (Schmidt-Kolmer, 1970). Yet the self-selection of caregivers usually brings young, unmarried girls or women who cannot obtain better paying industrial employment. In 1965, the child caregiver population had a high mobility rate even after training. This experience is not peculiar to the Communist states, as is indicated by Israeli data showing that only 18% of Kibbutzim caregivers had worked for ten years or more, and that in a single year 28% had left their group of children (Gerson, 1970).

Communist literature tends to idealize the participation of parents, who purportedly participate actively with Day Care staff out of a sense of duty to child and country. Options for parents are clearly available for both conferences and staff lectures on child care and the desirability of continuing at home the routines established in the centers (Robinson, 1965). The realities of Communist life do not readily match the idealization of active parental participation. It is a long and arduous day for both working parents and one must question whether the educational options offered are in fact realistic. Informal Soviet humor suggests that Ivan's parents listen to free advice with closed ears.

One criterion of the adequacy of Day Care programs is the degree to which planning and administrative staff make use of them for their own children. While many senior staff appeared to be beyond child-rearing ages, it was notable that this author did not meet any such professionals who had their children in early Day Care nurseries. On the contrary, the few who did discuss this noted their preference to use their incomes to employ someone to care for their children at home.

MULTIPLE AND INTERMITTENT "MOTHERING"

The child caregiver is an employee, and there are prerogatives that derive from that status that are denied to most biological mothers, such as, coffee breaks, sick leave, holidays and the option to leave one's charges if the conditions of work are not sufficiently gratifying. Continuity of care, however, provides two major advantages for the child: (1) his mother will know him with sufficient intimacy so that, in his preverbal months of life, she can understand and alleviate his needs so he will not experience undue pain; and (2) the baby is afforded an option to accommodate to a consistency of care that evokes his continuing interest in and attachment to an emotionally responsive person. It has been this author's experience that nursing staff covertly resist continuity of care of any one or more babies. Indeed it was a common experience, internationally, that caregivers often could not readily identify their children by name and, with babies, did not know with certitude whether each one had been fed. Schmidt-Kolmer (1970), citing a study done in Leipzig, reaffirms experience elsewhere, namely, that the younger and less active the child in the day nursery, the smaller the amount of attention he received.

Education, as Schelovanova and Aksarina (1950) have commented, begins in the earliest of life experiences as the child grows in his mother's arms. Multiple mothering, all too frequently, provides an uncoordinated octopus. The multiplicity of caregivers, their overlapping of shifts, their replaceability for illness or holidays, their departures for other employment, all leave the very young child accommodating first to one and then to another. And infants and young children do adapt to all environments. Once they have exhausted the repertoire of genetic responses of crying and kicking, they are notoriously accommodating to adult wishes for untroubled, relatively passive responsiveness.

Zaporozhets (1964) has noted that consideration was given in the U.S.S.R. to providing each employed mother a full year's pay [6] following the birth of her child, a consideration that was raised because of the obviousness of babies' adverse response to deprivation. Few people question that the infant in group care suffers in some degree. Since accommodation is so rapid for most children, however, the controversy continues as to whether the consequences are ultimately significant to personality, intellectual capability, or psychopathology. In this author's experience in both Eastern Europe and the U.S.S.R., children seen in group Day Care were singularly lacking in verve and spontaneity; they consistently appeared depressed. The most quietly dramatic event of the tours of various Soviet centers occurred in Leningrad, in a Kindergarten.

While walking through empty play rooms, as children dressed elsewhere to await their parents' arrival, we heard laughter! Our hosts joked that we must be used to the dourness of the Moscovites. When we saw the children later, however, the explanation appeared more logically to relate to the older children's excitement upon greeting their own parents. Evidence of smiling is a poor criterion by which to question programs, yet it is not without interest that of the many photographs [7] taken in the course of the author's tours, there is only one picture of one smiling child—one whose mother proved to be the group's caregiver (taken in Prague in 1965).

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COMMUNIST RESEARCH CONCERNING THE DAY CARE CHILD

Social psychological and social psychiatric research, as noted, were interdicted in the Soviet Union until after Stalin's death. Both Tur (1954) and Schelovanova (1964) have conducted physiological research directed in part to circumvent the development of "hospitalization psychic disorders." Their programs for massage and exercise of babies appear widely used in the Communist Day Care nurseries. While Schelovanova and Aksarina (1960) refer to "hospitalism" in poorly organized nurseries, publications of research on this subject are either not available or are nonexistent.

Further, the limited Soviet research that concerns environmental influence on maturational processes has centered on residential care, only.[8] The findings are worth noting: (1) that institutionally reared children are "better" adapted to subsequent formal schooling, i.e., they are more responsive and obedient to teachers; and (2) a percentage of those children suffer from some type of minimal yet specific verbal retardation. In 1967 such studies had continued through the age of 11 and the verbal retardation was still manifest (Koltsova, 1967).

East German data (Schmidt-Kolmer, 1970) suggest that nursery reared children scored higher on developmental tests at the time of entry into kindergarten than those reared at home. This is a significant finding, though tests at such an early age are strikingly unstable and not good predictors of subsequent intellectual development. Like their Soviet institutionally reared counterparts, these nursery reared children also adjusted more easily to Kindergarten life. Pikler (1965) has indicated that data from her (exceptional) institution (Budapest) document that even residentially reared children can compare adequately with U.S. and U.S.S.R. developmental norms.

In the last few years, a number of conferences have been called by the communist nations to confer and plan collaborative, comparative research on the problems and consequences of their Day Care programs. Regrettably, theoretical orientations of the communist professional world continue to exclude psychiatric evaluations, except in the most global descriptive sense. Their research data have consistently reflected concern with relative maturational levels of motor and intellectual achievement (Schmidt-Kolmer and Hecht, 1964; Langmeier and Matejcek, 1965). It will be another decade or more before social psychiatric evidence will begin to become available, and by that time over 50% of their child populations will have been exposed to this social experiment.

As an incidental but unresearched clinical finding, some East Europeans have noted the tendency of the very young, group reared children to indiscriminately damage their playthings, without manifest anger, when not supervised closely. An abundance of toys and play material are usually conspicuous, but customarily neatly placed out of the children's reach. One Communist child care specialist reflected that they may need to reassess the chronology of "dialectic materialism" since, in the absence of private property (teddy bears), the toddlers have little respect for collective ownership.

Inhibition of aggression, however, in the early years of character formation may be clinically more significant. However meritorious the physical inhibition of aggression in the well-mannered older children, or adult, there is an extremely important question as to the age at which inhibition takes place and the degree to which aggression can thereafter be purposefully, consciously exploited (e.g., for proper, socially acceptable purposes.)

Whatever the reservations of those child care staff in Communist countries who do not use Day Care for their own children, it is clear that the respective governments, Czechoslovakia excepted, strongly support and encourage the use of Day Care. The preponderance of the Communist scientific publications consider this work a significant advance, and the general public responds with enthusiasm and preparedness to use facilities that are so readily available.

SELECTED INSTITUTIONS: LOCZI, METERA AND KIBBUTZIM

There are specific characteristics of "institutional" types of experiences that are directly relevant to Day Care programs, particularly to difficulties in staffing. Loczi, the National Methodological Institute for Infant Care (Budapest), has a distinguished professional staff and excellent options in staff selection and training. Pikler, the director, has noted that conventional staff recruiting was anything but satisfactory and that it took years of experience to intuitively arrive at criteria for staff selection. August Aichorn is reported to have observed that emphatic women could not stand the work of Loczi's caregivers and that Pikler's staff were "paternalistic" young women (Pikler, 1965).

The Metera Baby Center (Athens) was sustained by a socially powerful group that included the Greek Queen. Founded as an urban refuge for illegitimately pregnant girls who might find physical safety for themselves and their babies, Metera was intended as a neonatal, residential nursery that worked towards adoption of their charges. As a model institution with an extraordinary "well baby" nursing and training program (1963–65), unique staff selection opportunities were matched by staff ratios of one adult per child. Traditional academic training was extended for the nurses via courses in language, art, dancing, music, etc. Among Metera's selection criteria was the condition that nurses could not marry because marriage was a necessary impairment of the nurse's capacity for emotional investment in her babies. Yet, it is clear that the "objectivity" required of these nurses in evaluating adoptive parents demanded either a great deal of pain for the nurse, or an earlier disengagement from emotional mutuality with that baby. It is notable that almost all babies who remained at Metera beyond eight months demonstrated developmental lags.

The collective rearing of Kibbutzim children is discussed elsewhere [9] and is noted here only in reference to (1) the high turnover of care-givers (Gerson, 1970) and (2) the staffing peculiarities of semi-institutionalization. Twenty of 200 Kibbutzim now have private arrangements for children to sleep in their parent's apartments, so that child care in these settlements approximates the conventions of Day Care. However idealized the Kibbutz in popular imagination, aspects of the original Spartan philosophy persist. In a study limited to an intergenerational sample of grandmothers, mothers and present children, Marburg (1970) has recently provided a powerful psychiatric statement on the internal debates that continue to trouble Kibbutzim child care planners. As a particular example of current practices that have possible psychiatric consequences, Marburg notes that for all their dedication: "To this day, the progressive educationalists and psychologists have found no response to their claim that children should not be left alone at night, without an adult being present. The night watch is restricted to an hourly inspection and the operation of the intercom system."

FRANCE: THE PARISIAN CRÈCHE [10]

The economic stress of the majority of lower socioeconomic families of Paris has been a powerful inducement for full time employment of both parents. Day Care for babies from two months to three years of age has been provided as a social service to working mothers for over 50 years. In exceptional cases, babies from families with specific social problems are also accepted. Parents are required to meet part of the costs and a sliding scale is used to relate fees to family income. Government allowances for working mothers offset this expense, at 2.3% of her salary (Davidson, 1962).

As of 1963, the Paris Administration of Public Assistance has established, or supervised, a total of some 180 creches. Limited availability and extended public interest contributed to long waiting lists. In older neighborhoods, both indoor and outdoor space requirements of the creches were inadequate. In the newer, suburban areas, housing developers customarily build creches, but usually turn the management over to the Administration of Public Assistance (Administration Generale, 1956–60).

The Paris creches are open for a 12 hour day. They are somewhat smaller than the East European versions, and accommodate about 40 to 60 babies. The quality of care appears to vary considerably from one center to another, depending more on the attitudes of staff than on particular physical options or limitations. Some nursing staff cannot be induced to provide rudimentary types of care that are indispensable to the babies' well-being. (This is not a peculiarity of Parisian nurses, one must add, since the same problem is demonstrable with some staff in Washington, D.C.). In particular inadequate centers, babies were kept in bathinette cribs all day, except for feeding. With cribs placed close together, blankets were draped over the sides permitting the baby to observe little more than the ceiling and a few hanging toys.

Such nursing practices have extended to a rejection of handling babies, on the rationalization that they might be accidentally bruised. Some nurses have rejected instructions that they turn babies on their stomachs for part of the day, out of nominal fear the babies might suffocate. Despite strict regulations prohibiting premature toilet training, some caregivers have attempted to induce compliance of tying three month old infants on a pot. While such nursing attitudes are not general, their open continuation documents the difficulty a supervising agency faces in attempting to guarantee minimal standards. Even in the best of creches, there seemed relatively little attempt to provide infants with "stimulation" either by use of toys or visually attractive objects such as mobiles (Marans, 1963).

The director customarily has an apartment in the creche, and if she has children they are usually enrolled there. The director is responsible, usually without secretarial help, for a surprising range of activities: she must decide whether a child is too ill to stay and she must check health certification on return; she is responsible for contacts with welfare agencies and clinics to which babies may be referred; she is supposed to supervise her staff and be available to the mothers who wish and need to know how their children fare; she controls creche finances and receives payment of weekly fees; she is supposed to select and purchase food from local stores while bearing in mind nutritional needs of the children and the available budget; from the selection of equipment and play materials made available by the Administration of Public Assistance, she selects those appropriate, in her judgment, for her center; etc.

Directors appear quite overburdened. While allowed some measures of autonomy, the caregivers usually reflect attitudes of the director. As a general observation, the caregivers have appeared skilled in customary functions of child care, reasonably warm and gentle with babies, and within limits, responsive in some measures to individual differences. As in Leipzig, and elsewhere, the creche staffs prefer the active, aggressive,

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more independent child. Parisian staff ratios appear enviable by East European standards since there is one adult to six to ten children. Even so, nursing assistants find little time for relaxed involvement with individual children. Staff ratios may be misleading, with respect to free time, since it is unknown whether the creche caregivers, like those of the communist nations, have an extended back-up staff for housekeeping and maintenance.

Babies accommodate to the system very quickly. From the staff's point of view, a baby does not customarily overreact to his mother's departure, unless she appears hesitant and conveys to the child some of her uncertainty. Staff would prefer to have mothers leave quickly since the quiet child facilitates their work. Incongruously, there seems to be no recognition of the possibility that babies who are sufficiently sensitive to sense maternal uncertainty, might also respond to their caregivers relative indifference.

As would be expected, the Administration of Public Assistance was less than satisfied with the creches or the standards of training, yet the continuing demand for more placements appears to consume available finances such that budgets remain too limited to replace those centers that are demonstrably inadequate. Staff shortages undoubtedly reflect the demanding nature of the work, the low status, and the low salary scale. Research on the effects of early Day Care appeared notable only for its absence.

CONCLUSIONS: A CRITICAL OVERVIEW

This less than complete review of some international child care programs permits a number of conservative conclusions that are relevant to present U.S. interests in Day Care. As a first consideration, one may review assumptions about Day Care that are either irrelevant or demonstrably untrue; secondly, there are lessons that derive from organizational experiences abroad; and thirdly, there are highly significant questions relating to the psychiatric dangers of early Day Care.

It is easiest to start with those assumptions that are irrelevant or untrue. Analogies made between proposed Day Care in the U.S. and the systems of Kibbutzim child care are simply illogical since the Kibbutzim are typically a unique configuration of self-selected families who are deeply committed to an experiment in social living that is almost totally unlike anything in the U.S. (other than our few rural, religious settlements). The Kibbutz child programs are an organic part of life and not an ancillary service for distressed or underprivileged families.

It has been argued that U.S. federal funding of Day Care would eventually lead to a decrease in spending for welfare, via the training and subsequent employment of welfare mothers whose children would be placed in Day Care. That Day Care could lead to economies in government expenditures seems contradicted by the evidence of the Communist nations. The capital investments of these nations for adequate centers approximate a quarter of a million dollars per center, and the operating expenses have equaled one-quarter to one-third of the earnings of the mothers of each child, with the state typically funding 85% of operating expenses. Where government support and authority have been given, this has been understood as an assurance of the adequacy and desirability of Day Care. Under such circumstances, Day Care has become "socially acceptable" and the public has pressed for ever greater expansion and expenditure, even in Czechoslovakia at the very time that research evidence was leading to a reversal in national policy (for the under-threes).

We sometimes assume that recruitment, staffing and training of Day Care personnel should be elementary. The assumption is most questionable. The status of mothers, and their substitutes (whether babysitters or caregivers), is minimal in the hierarcy of U.S. social conventions. Since we lack the emotional zest of the Kibbutzim or the ideological thrust of the Communist world, it appears singularly unlikely that U.S. recruitment of caregivers could be maintained at a level much beyond that of France or East Germany. One might expect that the principle of lesser employability would determine the caregiver's self-selection and that, in lieu of high pay or high status, mobility of caregivers would be considerable.

Motives that were persuasive in the establishment of Day Care in Communist countries appear much less relevant in the U.S. The Communist nations have been hard pressed in their industrial development and have needed the labor skills that working mothers provide. The U.S. appears to have a diametrically opposite problem since our technological revolution has made many jobs obsolete and gives promise of an eventual reduction in the work week. Given the U.S. "generation gap," and ever increasing crime, drug and delinquency rates, a powerful argument can be offered in the opposite direction, that is, that there is a profound need for increasing direct maternal/parental involvement with children, particularly in the early years when social attitudes and conscience are formed.

The philosophical rationale that Day Care provides women with equal rights with men (to work) appears at first blush persuasive and reasonable. The psychoanalytic clinician would certainly be among the first to concur that some women would greatly relieve themselves and their children by the use of Day Care, when such mothers are miserable or distraught in the normal course of "mothering" and homemaking. This, however, does not solve the problem of the right of infants to proper nurture and care. The problems inherent in group care have profound developmental implications and it is anything but clear that men of intellect and determination can provide programs that nurture half so adequately as even the uneducated, unconflicted mother. Nor does the provision for equal rights to work take into account sufficiently the right of a mother to independently provide nurture and love to her own infant, in her own home, if she so chooses. There are many women who prefer to care for their own children at home, and yet find themselves unable to do so for economic reasons. The social planner must ask, therefore, if the psycho-biological process of gestation and maternity confer special rights on mothers, namely, for optimal social support in the nurture of our young—a right that has never been realized under existing welfare programs. Planners also need to ask whether such support ought not to extend to direct assistance to the family as well as to public programs such as Day Care.

It is argued that provision of state supported Day Care could be of immediate benefit to many disadvantaged mothers who are overburdened with large families and excessive responsibilities in the absence of a husband. If Congressional concern, however, is to extend programmatic supports to the stability of disadvantaged families, then one may question whether Day Care should be the solution of choice. Day Care may free a woman to work, but it does not follow that it enhances her authority or her availability to her children, or her acceptability in marriage. Income maintenance programs, when analyzed in terms of costs and benefits, might be a more logical alternative than Day Care.

There are a number of uncontroversial findings that seem clear in the assessment of organization, administrative and staffing experience of international programs. Medical regimes have appeared inappropriate, wanting, and often damaging. The traditional educational model is equally inappropriate to the nursery and the "pedagogical" label of the Communist departments proves somewhat of a misnomer. Although these programs are increasingly administered in educational departments, these administrative units appear to be a new and continuing synthesis of professional ideas and practices that derive from pediatrics, nursing, education, and psychology, and this synthesis is far from complete.

The ineffectiveness of French supervising authority in maintaining minimal standards clearly illustrates a major administrative problem. Bureaucracies are hardly well known for their intrepid enforcement of even important regulations, and their dilatory action presents critical hazards in child-rearing programs that are less consequential elsewhere. Those who are familiar with the plight of other populations who suffer state care and supervision, such as the mentally ill, would urge that every Day Care center should have its Ombudsman.

If Day Care is to be used widely and beneficially, the "recognition" of the value of the caregiver must be extended in clear terms of status and income. Otherwise, the child in care remains the helpless victim of the lesser-employables. Physical characteristics of the Day Care centers are particular staff ratios, moreover, are as important to the staff as to the children. Empathic, sensitively tuned-in women do not continue in employment when the conditions of care leave children chronically upset or passively miserable.

In its selection of caregivers, Metera opted for the empathic-intuitive, (nominally) materialistic woman. Pikler's benevolently paternalistic "professionals" appear as the polar opposite of a continuum on which caregiving qualities may be described. Metera may have erred in its screening policy that demanded a choice between marriage, with the prospects of biological motherhood, and the substitute of nursing care. Women who can opt for a profession to the exclusion of marital intimacy, may prove unprepared for the emotional intimacy and intuitive spontaneity that provide a communication bridge for the infant and preverbal child. Moreover, if economics dictate staff ratios of ten babies per adult, as occurs commonly elsewhere, it is doubtful that empathic staff can endure the consequent depersonalization of babies and the pain the babies will manifest. Under these circumstances, staff may seek a solution in the alternative emphasis on professionalization and technical management of routines.

The most consequential and controversial question of early Day Care is that of potential danger and damage to the very children for whom the centers are designed. From a psychoanalytic viewpoint, the dangers of psychiatric damage are inversely related to chronological age: the younger the child, the more vulnerable he is to genetically determined, involuntary, automated adaptations.

Marasamus is a rarity today in the U.S., the U.S.S.R. and other modern states. Hospitalism, a childhood debility first described and defined by Brenneman (1932) however, can usually be found in the lesser of contemporary institutions of any nation. The phenomenon merits further comment since it is too often assumed that, in the absence of gross symptomatology, children are not otherwise effected. Hospitalism is an omnibus descriptive label that has had a varied professional usage, one more recently used as a synonym for *anaclitic depression* (e.g., Hinsie and Campbell, 1970). The latter term, however, has a regressive clinical history that is relatively explicit as to age of onset. The range of developmental failures and arrests of early childhood that are subsumed under the term *hospitalism* are not well

studied and psychiatric nomenclature lacks appropriate diagnostic labels for them (Sachs, 1970).

Irrespective of whether the dysfunction is a developmental failure or a regressive process, some measures of retardation and depression are typical (see Joffee and Sandler, 1965). The term *hospitalism* is a professional invention, a misnomer in its semantic, guilt reducing implications. The physical structure of hospitals or residential institutions have, in fact, little bearing on the pathology. Children who live with their families within the physical structure of an institution simply do not suffer from this malady. The significant causal variable appears to be the depersonalization of human relationships that are vital to the child's healthy maturation.

Other professions have seen psychiatry as the *bete noire* of the hospital and institution since its clinicians, of necessity, challenge the anonymity and professional detachment that proves so necessary, for example, to medical staff who individually and collectively (via routines) defend their own psychological equilibria from empathic responsiveness to the pains so constantly in evidence in their patients.

Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. The typical concatenation of variables include (1) a multiplicity of caregivers who (2) are interchangeable, a problem that becomes greater where the dispersion of caregiving interests is to groups (rather than individual babies) who are (3) so young that they make spontaneous psychological adaptations that may not be totally reversible. Maturational adaptations that may be pathological, it should be noted, are not necessarily evidenced as developmental failures, e.g., Kanner (1949) and James (1960) have described exceptionally precocious skills that reflect such severe pathological illnesses as autism.

The early years from birth through three appear developmentally as the time of maximum psychiatric risk, and failures of psycho-biological adaptation are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies, e.g., impulse disorders, non-congential retardation, psychopathic and schizoid personality disorders, etc. Since these severe pathologies are not directly evident in present Day Care populations of the Communist world, or in the experimental nurseries of the U.S., many academically oriented child development researchers presume that mental change is an all or nothing phenomenon. Yet one may confidently, dogmatically assert that no one knows enough about childhood developmental deficits to be completely certain of their presence or their remediation.

However, clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure, such as flattened feelings (schizoid personality), a-social attitudes (psychopathic tendencies), defense against emotional intimacy (fear of marriage), etc.

Anaclitic depression is a universal phenomenon that toddlers suffer when separated from mothers for any appreciable length of time (Spitz, 1946). The Soviets have recognized the greater difficulties of accommodation after seven months of age and place many babies earlier. The adaptational, psychiatric consequences of early placement can prove extreme, though the process is subtle. Where a baby's aggressive hurt and anger in response to separation is not mitigated, and his anger is afforded little option for external expression, such recriminations may be internalized and "turned back on the self" and thus provide a base for clinical depression in later years. In time, the Communist nations will inevitably provide epidemiological evidence of the behavorial and emotional effects of group care.

In emphasizing the potential damage of early Day Care, there is a danger of implying that there is little risk for the three to five year olds. From the psychoanalytic viewpoint, the maturational vulnerabilities of that age span include (only) the risk of phobic, hysteric and obsessional neuroses and these risks certainly should be taken into account. Nevertheless, the child who is emotionally secure in his third year exudes intellectual curiosity and evidences a hunger for experience with his contemporaries and, in this instance, part-time Day Care offers delight and a momentous learning experience, i.e., so long as the option for daily attendance remains, more or less, with the child.

Child care by experts seems to have found a ready audience in both Congress and the general public. With Moynihan (1969) one may comfortably state that science is at its best as a critical tool, and that the scientist has lost his perspective when he commends modifications of such complex social-cultural-psycho-biological processes as child-rearing. Given the present state of our ignorance about psychiatric damage, massive Day Care programs appear all too much like Pandora's box. Those who would convey the idea that Day Care is unproblematic should review the programmatic, compensatory routines of Soviet texts (Tur. 1954; Schelovanova and Aksarina, 1960; Schelovanova, 1964) and the U.S. literature of child development research (e.g., Escalona and Leitch, 1952; Skeels, 1964; Mcv. Hunt, 1964; Bloom, Davis and Hess, 1965; A. Freud, 1965).

In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.

Some clinicians and child development researchers, such as this author, are presently in an anomolous position. They have long and fervently recommended and supported the establishment of Day Care centers for special cases for the very young, yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start. Group Day Care entails far greater risks and these should be taken only where the alternatives are patently worse.

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FOOTNOTES

[1] *Marasmus*, from the Greek "to waste away." Ribble (1944, p. 634) noted that five decades ago, marasmus/infantile debility was responsible for nearly half of the infant mortality rate. While marasmatic deaths are rare today, other psycho-biological failures of infancy include developmental dwarfism (Silver and Finkelstein, 1967) and the "failure to thrive" babies. Current research is suggestive that deficiencies in growth hormone and ACTH may be significantly modified by correction of emotionally disturbed environments (Powell, *et al.* 1967).

[2] The Committee on Day Care for the Maternal and Child Health Section of the American Public Health Association and the National Institute of Mental Health provided initial encouragement and sustenance for this research.

[3] Halbert B. Robinson, then Chairman, Department of Psychology, the University of North Carolina.

[4] The Czech national psychological association, which might have provided research evaluations, was also disbanded.

[5] The German Democratic Republic is not well known in the U.S. by its proper title, and hence is referred to, for purposes of clarity, as East Germany.

[6] In its retreat from infant Day Care, the Czech government provides paid leave for maternal absence for one year and a reemployment guarantee of 18 months (Matejcek, 1970).

[7] Taken with a minature camera, with super-sensitive film to avoid "flash."

[8] It should be noted, however, that Soviet researchers apparently concur that the subjective experience of the under-threes in Day Care, who necessarily spend the predominance of their waking hours in group care with multiplicity of mothers, approximates that which occurs in the regime of a residential institution. Day Care infants, of course, experience more continuity of care at night and on week-ends.

[9] See Section III in this chapter.

[10] These observations are dated (1936–65) and hopefully only portray problems of the past. This section is included to illustrate the problems of a central administration in limiting or modifying child care practices that are indisputably inappropriate.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. DOMINICK. I just want to say what a powerful attack he has made on a subject which should be, and unfortunately is not yet, but will be, undoubtedly, of enormous interest to the American public, and I think he has done a good service.

Mr. BUCKLEY. I thank the Senator from Colorado.

Mr. KENNEDY. Mr. President, will the Senator yield for an announcement?

Mr. DOMINICK. I yield, of course.

DEATH OF HARRIET McCORMACK, WIFE OF FORMER SPEAKER JOHN McCORMACK

Mr. KENNEDY. Mr. President, I have just been notified that former Speaker McCormack's wife Harriet has just passed away in a hospital here in Washington, D.C. The Speaker, at this very moment, is at her side.

I express the sentiments, I know, of all the people of Massachusetts and I believe of all the people of the Nation, in expressing our very deep sense of regret to Speaker McCormack. I am sure that both Houses of Congress will want to extend their sincere condolences to the Speaker on his great loss. I would like to add my personal condolences and those of my family as well.

The McCormack family and mine have been close for many years, both in Massachusetts and here in the Congress. I have benefited countless times from Speaker McCormack's wisdom and his counsel, as my brothers did before me. And I came to know as well his kind and lovely wife. She was a gracious and charming woman. I have seen firsthand over the years and deep devotion the Speaker held for his wife, and the love and strength that she returned to him.

I know that nothing we can say can relieve Speaker McCormack of the grief and loss he feels. But, I want him to know that he is in the thoughts and the prayers of his colleagues in this time of sadness for him.

We offer a prayer for Mrs. McCormack, and our hopes that she will be speeded to her heavenly reward.

Mr. MANSFIELD. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. I wish to join the distinguished senior Senator from Massachusetts in expressing my deep regret at the passing of this great lady.

The Senator from Massachusetts mentioned the fact that former Speaker McCormack was at the side of his wife Harriet at the time of her passing.

It appears to me that during all their lives together, except when the Speaker was up on the Hill engaging in his legislative business, he was at her side day and night. I believe they had the unique reputation, which is quite something these days, of never having missed a dinner together.

So I join the Senator from Massachusetts in expresing the hope that Mrs. McCormack's soul will rest in peace.

Mr. MAGNUSON. If the distinguished Senator from Massachusetts will yield, I want to associate myself with the comments of the Senator from Massachusetts and the Senator from Montana.

I knew Harriet quite well, since my early days here, and I can testify to what the distinguished majority leader just said, that Speaker McCormack and his wife Harriet never missed a dinner together, even though the Speaker later on had to make another engagement. They were that devoted to each other.

I join in my condolences to Speaker McCormack. I know it must be a great shock to him to know that she has passed away.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. MATHIAS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. DOMINICK. Mr. President, I yield 20 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Colorado for yielding to me.

Mr. President, the parliamentary situation is that the conference report on S. 2007 is before the Senate for consideration. Those of us who oppose the comprehensive child development program are not able, in view of the parliamentary situation, to obtain a vote up or down on the comprehensive child development program without first defeating the conference report.

Mr. President, the defeat of the report does not kill the bill. All it does is defeat the report. The bill itself would be before the Senate, so that those of us who would like to approve the bill with the comprehensive child development program eliminated from the bill would have that opportunity. The Senate has many options, once the conference report is defeated. It can send the bill back to a new conference with instructions, send it back without instructions, concur in the bill, or concur with an amendment, and that would be the effort that would be made by those who oppose the comprehensive child development program, in the event we can first defeat the conference report.

So by a vote against the report, one is in no sense voting against the bill itself, because the bill will be very much alive in all of its aspects and before the Senate for consideration. This child development program actually was not a part of S. 2007 at the time that bill was introduced in the Senate, because at that time there was pending in the Senate S. 1512, by the distinguished Senator from Minnesota (Mr. MONDALE), and a number of other Senators. It is added as an appendage to S. 2007. So if we could eliminate the comprehensive child development program from S. 2007, we would leave that bill exactly as it was introduced. It would certainly do no violence to the OEO program. But first we must defeat the conference report, which would leave the bill before the Senate for its further consideration.

Mr. President, in the beginning let me make it clear that I do not oppose a realistic program of Federal assistance to State and local governments to help establish and maintain child day-care centers for working mothers. It seems to me that if we intend to require work of a parent or parents as a condition of eligibility for welfare assistance, then it would be appropriate to make provisions for the care of dependent children.

On the other hand, there is a world of difference between day-care centers for working mothers and the comprehensive child development program such as contemplated by the conference report.

Day-care centers for care of children of working mothers is neither a new idea nor is it a radical approach to a long-standing problem. Day-care facilities have been operating successfully throughout the United States, either on a private enterprise basis or by nonprofit organizations such as churches and labor unions, for a long time. Such facilities have proven their value, and I would be pleased to support legislation to expand the number of and improve the quality of day-care centers of the type with which we are all familiar.

On the other hand, I cannot support the type of program envisioned by the provisions of this bill. The proposed program is radical and socialistic. In my judgment, some of the services are totally incompatible with a free society. Neither is this radical type of program new nor is it untried, except in the United States. Communist Russia and Socialist nations have long had such programs. So long, in fact, that experience with such programs in Communist Russia has occasioned serious second thoughts on the ultimate value of such programs because of their admitted tendency to undermine the family as the basic unit of society. That is the pernicious thrust of this bill, Mr. President—that it would undermine the family as the basic unit of society.

Mr. President, the committee report on S. 2007 recognizes the risk involved in separating children from their parents but claims that the provisions of the proposal minimize and overcome that danger. I doubt it. This proposal would create a gigantic bureaucratic monstrosity with near-complete control over the lives of children.

Here is a program to authorize among other things, the creation of thousands of laboratories, in effect, with children as subjects. What parent wants his child conditioned to perform like an animal in a circus? The techniques for human conditioning have been mastered. Given a doctrine that denies the existence of a human spirit, children become merely another form of animal life and, as such, the social experimenters have no inhibition against training the human animal to respond by the same techniques as wild animals are trained to suppress their

natural inclinations and to perform their unnatural routines.

In short, the program offers a sort of hog heaven for those whose faith is rooted in the man-made order. By the same token, the program offers only nightmares for those who believe in a divinity ordained order in all forms and manifestations of life. The idea that the taxpayers of this Nation should be made to bear the cost of conditioning our children to respond like robots to programed behavior patterns is intolerable to think about. Such programs, however, in the opinion of the junior Senator from Alabama, are implicit in the term "comprehensive child development."

Mr. President, I do not exaggerate. Here is a program that contemplates prenatal and infant care; a wide variety of social and cognitive developmental services including those designed to develop physical and mental health which can be carried on in after school, summer, weekend, and overnight programs.

The estimated cost of day care services for a single group of children within the 3 to 5 years of age bracket is $2,372 per child. It is estimated that 6 million children of working mothers need comprehensive developmental day care services.

The distinguished Senator from New York (Mr. BUCKLEY) disputed the fact that there are actually 6 million children who are in need of day-care services.

The last figure does not include the additional number of children who would fall into the category of need when and if work is made a condition of eligibility for public welfare. The ultimate cost of prenatal and infant care services including the cost of training to be offered in the homes is anybody's guess.

Mr. President, from the standpoint of cost, we should bear in mind that the comprehensive child development program is not intended to be limited to children of working mothers, nor is it limited to children from 3 to 5 years of age. It is intended to be comprehensive both from the standpoint of developmental services offered and from the quantitative standpoint of numbers of children served. The program anticipates the eventual mixing of socioeconomic classes which can be accomplished only by expanding the programs and services to reach children from upper and middle income families.

Mr. President, an initial authorization in the amount of $100 million is requested for fiscal year 1972 and $2 billion—jumping from $100 million to $2 billion—for fiscal year 1973. These sums are sufficient to get the program firmly embedded in the already vast and rapidly expanding permanent welfare state apparatus.

Mr. President, it is not only the initial cost of the program that disturbs me. Given the current condition of the economy, this is not the time to take on vast new welfare programs. The initial cost is merely the tip of an iceberg.

It is generally conceded that the authorizations requested at this time are merely to get a foot in the Treasury door. Thereafter, the sky's the limit. For example, an aide to one distinguished Senator described the tactic behind the conference committee compromise on family income eligibility for free participation in the child development program. The November 20, 1971, issue of National Journal quotes this person as follows:

> The key thing is that the Democrats want a bill. They don't want a veto. The Democrats feel like they've got most of what they wanted. The spirit now is let's get this on the books and we'll improve it in two years.

Mr. President, who can realistically estimate the ultimate cost of this far-reaching and revolutionary proposal?

Mr. President, putting aside all considerations of cost, there is another and more compelling reason for opposing the idea that the Federal Government has the primary responsibility for comprehensive, mental, physical, and social development of children as contemplated by this program. Child training and development is a primary function of and the responsibility of parents, churches, schools, and other autonomous institutions of authority in our society. Already too many heretofore independent institutions of authority in our society have been harnessed to the oxcart of the State and subjected to collective domination and control. If this trend is not halted—and soon—we will be caught up in an irreversible revolutionary trend. This conclusion is supported by the prediction by the French author, Jean-Francois Revel, who said:

> The revolution of the twentieth century will take place in the United States. It is only there it can happen. And it has already begun.

The revolution conceived by Mr. Revel is currently manifested in what is referred to as a transition from political democracy of economic democracy. It is also manifested in the erosion of separate institutions of authority in our society among which the family is most important.

Mr. President, let me elaborate on this point. I take it that all Senators will agree that the word "government" in its fullest meaning is the aggregate of all the institutions of authority in a society. Civil government is but one institution of authority to which we, as a free people, turn for direction and guidance in making everyday decisions. The home is the institution of parental authority and the first with which children become acquainted. At an early age children are introduced to religious institutions of authority represented by our churches and to the institution of authority represented by our schools. As adults we become acquainted with the institutions of authority in scientific, cultural and economic aspects of our lives. Day after day we turn to similar institutions of authority represented by the innumerable professions. Each of these institutions speaks with authority which is inherent in knowledge and expertise in separate areas of specialty.

Mr. President, our Constitution and the principles upon which it is founded are designed to protect these separate institutions of authority from domination and control by the Central Government.

The opposite theory of the relationship of people to their government prevails in nations characterized by dictatorial, authoritarian, and totalitarian governments. In such nations no institution of authority can be permitted to survive if it perpetuates values and ends which are inconsistent with those chosen by the heads of state.

Mr. President, we are rapidly shaping up as a socialist, collectivist society under an authoritarian central government. The proposed comprehensive child development program is but another step in that direction.

The home, family, religion, schools, the economy and most of the professions are already dominated by the Federal Government. Where do we draw the line? Shall we permit the Federal Government to assume responsibility for comprehensive development of our children?

Mr. President, in order that we may clearly understand the Socialist antecedents of this program, let me refer to the CONGRESSIONAL RECORD of October 7, 1971—page 35547. Here, the distinguished Representative from Ohio (Mr. STOKES) had printed in the CONGRESSIONAL RECORD a study of day care facilities in the Soviet Union by Urie Bronfenbrenner.

The author quotes from a renowned Soviet academician, economic planner, and "old Bolshevik," Stanislav Gustovovich Strumilin, whose traditional Communist conceptions of state responsibility for child care are contained in the following excerpts:

> Under Soviet conditions it is especially noticeable how the lot of the woman worker is being lightened. She can work in one factory, her husband in another, both can eat in a communal dining facility while sending their children to nurseries, kindergartens and boarding schools. . . . Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country.

Just as they are expanding in the Soviet Union so they would expand in this country:

> Every Soviet citizen, upon leaving the maternity home, will be sent to a nursery; from there to a kindergarten maintained day and night; then to a boarding school from which he will enter independent life. . . .
>
> The question arises: will not this kind of early separation of the child from his family be too painful an experience both for parents and for infants who are so dependent on maternal affection?
>
> This question may be answered as follows: the communal organization of upbringing in no sense requires full separation of the child from the parents . . . and surely no one will keep a mother from visiting her children when she is not working, from looking into the children's area, located in the same building in which she works, as often as it is permitted by the established schedule.
>
> The "vitamins of love" are necessary for all children in equal measure . . . but the easiest way to satisfy this need is through the system of communal institutions of upbringing.
>
> The former family is reduced to the married couple . . . and when these contracted families recognize that it is not sensible to expend so much work on maintaining an independent household just for two people, the family as an *economic* unit, having fused with other families and become incorporated into a larger economic collective, will dissolve within the context of the future social commune.

Mr. President, from the same article by Mr. Bronfenbrenner, the following responses are recorded to Mr. Strumilin's views:

> An example is provided by an article in *Pravda* written by a woman reporter. She described a visit to a boarding school in Moscow. Under a window she saw a young mother who, having missed the regular visiting hours, was hoping to catch a glimpse of her son or hear his voice. The correspondent found this incident disturbing:
>
> "Once again my thoughts returned to that mother standing beneath the window of the boarding school. I cannot get her out of my mind. This is not a bad boarding school. But just the same, a mother's heart begins to yearn. Can we really reproach that heart for sentimentality? Of course not. A human being—especially a mother—is so constructed that she longs to warm her own child with her love and to be warmed herself by its side."
>
> Nor was the reaction particular to mothers. Solovev in his *The Family in Soviet Society* quoted a factory worker as saying:
>
> "We have a great need for boarding nurseries, but the fact that my son is becoming alienated from me is so painful that I can't even talk about it. I call him, 'Sasha, my son.' But he just runs away. No! I have to spend at least an hour or two each day with my son. Otherwise, it's impossible; otherwise, I can't stand it."
>
> But in Soviet society (as in our own) neither the pronouncements of professional experts nor the complaints of parents can be viewed as major determinants of social change. Such change is more likely to be affected by objective factors of the type mentioned earlier: the equalizing of the sex ratio in the population, the increase in leisure time made possible by shorter working hours, and, above all, the easing of the housing shortage.

Mr. President, are we to follow in the footsteps of Communist Russia in shifting major responsibility for the care and training of children to the state itself? That is the fundamental question which will be answered by our votes on the conference report on this bill.

Mr. President, the highly respected nationally syndicated columnist, James J. Kilpatrick, has written persuasively on this subject in his column, "A Conservative View," released October 23, 1971. I ask unanimous consent that the column and a copy of Mr. Kilpatrick's commentary on this subject on radio station WTOP, November 4, 1971, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTARY—CHILD DEVELOPMENT

A House and Senate conference committee is struggling to come up with a child development compromise bill that will satisfy liberals without provoking a White House veto. A better idea would be simply to bury the bill for good, and try to forget it ever happened. In either its House or its Senate form, the bill is monstrous.

The House version, adopted through a parliamentary railroad job on September 30, runs to 23 columns of fine print in the Congressional Record. The general idea is to create a vast new bureaucracy charged with the "comprehensive" development of American children, starting at infancy and carrying on to age 14. This is no mere "day care" bill for working mothers. Forget that misconception.

On the contrary, this is a bill to provide, Soviet-style, for making children virtual wards of the state. The proposed development programs would include "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential." Does anyone have any idea what that mush conceals? The bill covers medical, psychological, and nutritive services. It provides for utilization of "child advocates," whoever they are. The programs would go on all day long, year in and year out, and they would cost billions.

This nightmare proposition grew out of Mr. Nixon's modest little dream of day care centers where welfare mothers could dump their children while they went to work. That idea may have merit—but the comprehensive child development act has none.

A CONSERVATIVE VIEW

When the House met on the afternoon of September 30, not more than 40 or 50 members had any very clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.

Before the afternoon had ended, after a legislative coup led by John Brademas of Indiana, the House incredibly had voted 203–181 to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committee.

The Brademas bill runs to 11,000 words. It occupies 22 columns of fine type in the Congressional Record. No measure of greater importance has cleared the floor of the 92nd Congress, and few have had less attention from the press.

The bill is a monstrosity. No other word suffices. Many observers had expected, as a part of plans for welfare reform, to see some bill enacted that would provide modest Federal subsidies for a few day care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went off to work. Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for Sovietization of American youth.

The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this harm, the bill directs the Secretary of Health, Education, and Welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."

Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance plays no part.

Applications for Federal financing would be funneled through various Child Development Councils. These in turn would supervise Local Policy Councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the Secretary."

Local proposals would float up to a new Office of Child Development. This office would create a special committee to develop Federal Standards for Child Development Services. Another committee would prepare a Uniform Minimum Code for Child Development Facilities. The facilities would be financed through a new Child Development Facility Insurance Fund. Meanwhile, a National Center for Child Development would foster "research." A Child Development Research Council would smile upon it all.

The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee. Mr. Brademas could not really say what the program might cost—maybe $350 million in fiscal '73—but the House authorization is open-ended. The bill contemplates, ultimately, Federal support of "the entire range of services that have to do with the development of a child."

Doubtless the contrivers of this nightmare had good intentions. In the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes, the scheme would make beautiful sense. But it is monstrous to concoct any such plan for a society that still cherishes the values (however they may be abused) of home, family, church, and parental control. This bill contains the seeds for destruction of Middle America; and if Richard Nixon signs it, he will have forfeited his last frail claim on Middle America's support.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I yield 15 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 15 minutes.

Mr. CURTIS. Mr. President, I am opposing this conference report. My specific reasons are several, but they all are related to my belief that the establishment of these programs into the law and the culture of American society will do nothing but harm to our Nation. I refer particularly to that subtle combination of a sociological view of human nature and radical politics, known as "child development."

The sociological view of human nature dictates that if all children are given equal physical environments and the same childhood experiences, they will grow into well-socialized, cooperative adults. The radical politics contribution to "child development" is the contention that the right to pursue happiness really means the right to have happiness, and, therefore, since the Constitution guarantees the former, the Government is responsible for making everyone happy.

But the sociologists neglect to notice that their "product" tends to be highly standardized, very much like all the others, and just plain dull. They, along with too many others in our world today, make the mistake of thinking that all

man's happiness is material. They ignore the entire dimension of spiritual or psychological existence.

And most people who like the idea of "child development" make the same kind of mistakes and oversights. That should not surprise us—for a long time this Nation has been teaching itself to be satisfied with impersonal relationships and depersonalized lifestyles. For a long time, too, we have been allowing ourselves to be influenced to dislike family life in general. The so-called Women's Liberation Movement is just the latest instance of this kind of thinking. One of their main points is that by being housewives women's talents are wasted, that raising children is a degrading occupation, an inhuman persecution. The problem is that people start believing this. If you are told you are being persecuted, sooner or later you will start feeling persecuted. And that is what is happening to the American family. We are persuading our women that family life is unworthy of their energies. We are indicating to our men that fatherliness is corny and old-fashioned. And we are letting our children think they are better off with similarly institutionalized peers than at home.

For a few generations now, Americans have been growing lax in their familial duties. We have neglected to teach our sons and daughters to love their families and to honor their responsibilities toward them. We have let the schools educate our children, let other children amuse them, let their little friends be the most important influence on their lives.

In 1968 the average 11-year-old spent 4 to 6 hours with his parents during an average weekend. Something is wrong that a statistic like that can exist. Even allowing for the weaknesses of the statistical method, that indicates nothing good. It is not as if children could raise each other into mature, responsible, decent citizens—that is something only adults can do. Let me read from a recent Family Circle magazine:

> Psychologists suspect that many of the major adolescent problems we confront today—drugs, sexual promiscuity, violence, lack of self-discipline—are due to lack of parental involvement. Feeding, housing and clothing children are only part of a parent's responsibility. Civilizing them is the major part. And "civilizing" means imparting the traditions and proven values of society—something that can't be done by their peers or at second hand.

Have American parents forgotten their primary responsibility? Dogs spend time with their puppies, lionesses teach their cubs how to survive. The maternal instincts of hens have entered our language as practically a word itself. Yet, there are some who are only too willing to send our young away from us before they know what it is to be human. To those women who feel they are being "wasted" by raising their children, let me repeat that old saying "The hand that rocks the cradle is the hand that rules the world." Is ruling the world wasteful of talent? If mothers will not do it, who do we think will? After all, another old saying goes "Nature will not tolerate a vacuum."

We have all heard the theory that the best way to raise children is communally. That is simply not so: children learn the qualities of decent civilized life by watching them practiced, by participating in them. They learn the traditions of their culture from the bearers of it: the older generation. William Golding, the English novelist, demonstrated the truth of that in his distinguished book, "Lord of the Flies." Most high school students today could tell you what happened to those children accidentally cast into a situation of communalized living without parents or adults: they reverted very rapidly to savagery.

"Child development" advocates do not seem to think that children learn from their families. Over and over they have indicated their low regard for the role of parents. They have asked such questions as "Is the family obsolete?" and have given magazine articles such titles as "Families May Be Harmful to Children and Other Living Things." In England, "child development" advocates have gone so far as to draft a charter of "children's rights."

Now I will be the first to say that a child has rights. He has a right to life, certainly. He also has a right to maternal love, to adequate subsistence and care. But, being by definition immature and incapable of serious judgment, a child does not have rights stemming from judgmental responsibilities.

Let me read a few of the "rights" in the "Charter of Children's Rights" of the British Advisory Center of Education and the National Council for Civil Liberties:

> (1) All children have the right to protection from, and compensation for, the consequences of any inadequacies in their homes and backgrounds.
>
> (2) Children have the right to protection from any excessive claims made on them by their parents or others in authority.
>
> (3) Children have the right to freedom from religious or political indoctrination.
>
> (7) Children shall have the freedom to make complaints about teachers, parents and others, without fear of reprisal.

What kind of "rights" are these? These are no rights—these are sentimental statements of radical beliefs, intended to remove from parents any responsibility for their children, any rights over their children—specifically, the right to raise them.

But, speaking legalistically for a few minutes, let me ponder this question: Who can enforce these so-called rights, if, indeed, it is to be decided somehow that they exist? Who is to decide, for example, what is an inadequacy in home and background? At one point in history to be of Jewish faith was regarded as a fault of one's background. Do we need to be reminded how one government sought to remedy that "fault"? Who will will define "religious indoctrination"? Is a parent to be forbidden to take his child to the church of his choice on Sunday, or to explain why he votes on election day? That, after all, is telling the child a point of view. Who would be the one to say that a parent's "claim" on a child was "excessive"? Is it too much to ask that a child take out the garbage for his mother? What about the child's claim on the parents? He claims food, clothing, shelter, you know. Or maybe, for all things to be fair, in the thinking of "child development" mentalities, parents should no longer be victimized by their children. Child care centers, nurseries—child warehouses, as Edward Zigler, director of the Office of Child Development of the Department of Health, Education, and Welfare, has called them—should provide for a child's needs. Forget about the parents.

This is shocking to hear, and worse to contemplate. But it is the logical extension of that kind of rhetoric. Parents must assert their parental rights or they will be defenseless against such eventualities.

Human nature is such that we often do not appreciate something fully until its removal is threatened. And family life in America is most definitely threatened. It is threatened by the secularism and selfishness of our society, by the popularization of immorality. And now it is threatened by law.

It is threatened by the structure that would follow such assertions of children's rights as I read just a minute ago. A similar "charter" forms the statement of purpose of this part of the OEO Extension Act. If a child is to have the right to be free from parental discipline, who should hear his complaints and enforce his rights? Ideally, the one to hear and act upon such supposed violations would be a child advocacy officer. And just such a position was initially prescribed in the original version—S. 2007—of this bill. Nor has it been entirely eliminated in the conference version we are being asked to approve today.

I call attention to Section 512(2)(M) which states that child development programs may include:

> Use of child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children.

In S. 2007, part E was the national child advocacy projects provision. Part E in the new version is called research and demonstration. Subsection (b) of section 552 of part E reads:

> In order to carry out the program provided for in subsection (a)—which is research and demonstration projects—the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

Now, this could be as innocuous an arrangement as paying a student to write a term paper on the eating habits of 2-year-old girls. It could be. But it could also be anything else. And, since section 512 states that child advocates are to be used, it just could mean the hiring of people to act as child advocates—to go and talk to children, and ask them what they do not like about home, or how they would like "Mommy" or "Daddy" to be different. That would be a violation of the privacy of the home; that sort of activity would breed hostility between parents and children. And this bill would permit it.

There are words in the text which are supposed to guarantee that parental rights will not be violated, that children will not participate in any programs under this title without the knowledge and consent of their parents. But do those words really carry any weight? I tend to think not. It is an exceptional parent who examines his child's schooling with a fine-tooth comb. Most parents, when advised that such-and-such a program will do thus and so and will help their child learn to read faster, or get along better with other children, will trustingly assume that it is a good thing, and, uninformed or partially informed, will agree for their children to experience it. Most parents do not have suspicious minds; they have not been trained to argue extensively. Nor, heretofore, has there been very much need for such qualities. We are fast approaching the day, however, when deep and abiding suspicion will be the prerequisite to parenthood if one intends to insulate one's child from overzealous "child developers."

Mr. President, I am interested in protecting the children of this country. They need to be protected from social planners and self-righteous ideologues who would disrupt the normal course of life and tear them from their families, and mothers, to make them pawns in a universal scheme designed to produce infinite happiness in 20 years.

The parents of this country are interested in protecting their children, too. They have asserted their interest and their rights in thousands upon thousands of letters and telegrams since S. 2007 and its companion, H.R. 6748, were passed. Senatorial and congressional, Presidential, and Cabinet offices have been deluged with mail from private citizens who are alarmed at what they have heard about plans to minimize their role in raising their children. Their sincerity and their frantic concern are very obvious to anyone who has read some of their letters. And their distress, if something like this should become law, could bring no good to this Nation.

Children should grow up with their mothers—not with a series of caretakers and nurse's aides. Anyone who knows anything about psychology knows that there is no substitution for a mother's love, that without a constant loving mother-figure a child cannot but grow up insecure and incapable of loving himself or anyone else. Psychology has demonstrated this long ago. I do not want to subject American children to a constantly changing stream of nurseries, forcing them to turn for love and edification to other children, equally insecure and seeking. And I will do everything I can to keep American children where nature intends them to be, with their mothers and fathers in their private homes.

This august body bears great responsibility for the future of this country. It should be supremely concerned that any legislation it approves serves only to strengthen the foundations of our society, not further disintegrate them. In conscience, I know this measure will bring but destruction, and I cannot and will not support it.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. COTTON. I thank the Senator for yielding me some time, and I hope I shall not have to use all of the 10 minutes, because the full Appropriations Committee is in session downstairs and I must return to it, but I asked for this time to call the Senate's attention and have in the RECORD a somewhat important point that appears in this authorization bill.

It might be said by many to be a rather technical point, but, on the contrary, if it serves as a precedent for future authorization bills, it will change the whole system of appropriations in the Congress.

At the top of page 3 will be found the following language:

> If the amounts appropriated pursuant to paragraph (1) of this subsection for any fiscal year are not sufficient to assure that the full amount specified for each of the purposes set forth in clauses (A) through (E) of this paragraph will be provided for each such fiscal year, then the amount specified for each such purpose in each such clause (after deducting from any amount so specified any amount otherwise specifically provided for such purpose by an appropriation Act for that fiscal year) shall be prorated to determine the allocation required for each such purpose.

Mr. President, in plain language that means, and I am not trying to be unduly critical of this legislative committee's authorizing appropriation, but this legislative committee has very skillfully and carefully written into the law that there is one lump sum to be appropriated to cover the Office of Economic Opportunity, and there are no line items. There is just this lump sum, the authorization being $950 million.

If the appropriating committees of the House or the Senate should attempt to fully fund one of the many programs set forth in the justifications and recommend to the House or the Senate that other programs should not be fully funded, this provision would automatically mean that their recommendations would be of no avail if a point of order were raised.

The only power that the Appropriations Committee would have under this authorization would be to limit the total sum, which well nigh approaches $1 billion. If they do not appropriate the fully authorized figure, then the sums shall be deducted and prorated through all of the programs. In other words, the Appropriations Committee cannot look at one program and decide it is meritorious and essential and necessary, and look at another program and decide it is not as necessary and not as vital and use its judgment in making its recommendations to the House and the Senate respectively. The Appropriations Committee could not use its judgment in those recommendations in any way, shape, or form on the various programs, because they are carefully put into this authorization bill. There will no longer be line items, but simply details in the justifications furnished to the committee.

Mr. President, $950 million is the total authorization. The Bureau of the Budget, I believe, recommended some $780.4 million. That means that the Appropriations Committee has no jurisdiction whatsoever, if this kind of language is sustained. You might just as well, in a sense, abolish your Appropriations Committee.

The point is, if this is to set a precedent and other legislative committees should follow, you have taken away from the Appropriations Committee any authority, any power, to make a recommendation on any appropriation bill sent to the Senate. No longer would it be possible to exercise judgment as between the merits of the various programs covered in such bill simply because this provision abolishes the system of line items and putting it all en masse; and then, if the appropriation is less than the full authorization, providing further that any deduction or reduction under the total figure must be prorated for every program. Then there is added, if you please, of course, a transfer of funds by the department downtown, a 25-percent leeway to transfer funds as it pleases, not as the Congress pleases.

Mr. President, it is not just a matter of two committees jealous of their jurisdiction; it is a matter of losing control completely of the appropriations, should this procedure be followed and should it spread to other authorization bills. It means we have to full fund all of the authorizations of all of the legislative committees. When that day comes, there would not be enough money in the Treasury, and there would not be enough money coming into the Treasury for the next 10 years, to bear the cost of Government for the next year. If you reduce it, you have to cut some of the vital programs that are most essential to the welfare of the country, to its national security, to dealing with the evils of drugs—all of these vital issues—and just simply cut the total, and then it will be prorated, with a great deal of leeway for those administering the programs.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. COTTON. Yes, I yield.

Mr. DOMINICK. I just want to say to the Senator that we have had really heated discussions and heated debate on this matter, both in the Senate, where our provision was even looser than this one, and when we got into conference, where the House conferees went along with this type of proration.

Really, what this amounts to is the fact that, once having earmarked specific programs with specific amounts in them, those programs are deemed by the legislative authority to be equal in terms of the need for funding, and the Appropriations Committee is not given any leeway.

I brought this question up a number of times in committee, pointing out that I thought it was desperately unfair to the Appropriations Committee and bypassed our committee system, but I was unable to get anywhere with it. I hope the Sen-

ator from New Hampshire will alert other members of the Appropriations Committee about the issue.

Mr. COTTON. I thank the Senator for his observation. He is to be commended for the fight he made on this point in the committee.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. COTTON. I yield myself 2 minutes more.

Mr. President, I am not suggesting, knowing how many sacred cows there are in this bill, that the Appropriations Committee would throw it all out of adjustment, because I doubt if the Senate and the House of Representatives would go along with any radical changes. But nevertheless, the purpose of the Appropriations Committee is to render its best judgment to the Senate on the priorities that should be followed. What is the use of the Appropriations Committee, upon which I have served for many years, sitting day after day listening to the evidence, listening to the weighing of the various claims and the various priorities of the multitude of programs in this Government, and then having no power whatsoever to give its judgment to the Senate for the Senate's consideration on what programs should be emphasized and what programs should not be emphasized?

Mr. President, I call attention to the fact that the Office of Economic Opportunity has in its direct employ 2,525 positions. It is estimated that the OEO, through its grants to States, to communities, public corporations, and associations to carry out its programs, is paying the salaries, including those I have just mentioned, of 108,000 people in this Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. One more minute. About 108,000 people, to carry these services to those whom they are supposed to benefit.

Mr. President, it rather reminds me of a story I heard a long time ago—and the longer I stay in the Senate, the more real it becomes to me—of the minister who appealed to his richest parishioner for a contribution to foreign missions, and the wealthy parishioner——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. One more minute, and I will be through.

The wealthy parishioner handed the minister a one dollar bill. Shocked by this event, the minister said:

Well, I don't want to be critical; we appreciate any sum, but knowing your financial standing, I had hoped for a larger contribution than this.

Said his parishioner:

Well, I will write you a check for $100 to get the one dollar to the foreign mission.

Thus, more and more, the money we take from the taxpayers is used up along the line in bringing these services. I am not suggesting that the Appropriations Committee has any greater wisdom or ability than any other committee, nor am I in any way speaking derogatorily of the legislative committees, but if you deprive your Appropriations Committee of any opportunity to work its will in its recommendations to the Senate, our appropriating process will be practically destroyed, and our control of expenditures, of the budget, and of the solvency of this Nation will disappear.

Mr. President, because the grave damage of this particular provision I must vote against adoption of the conference report, even though I have much sympathy for many of the programs contained in the bill.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 10 minutes to the Senator from Arizona.

Before the Senator starts, how much time do we have left?

The PRESIDING OFFICER. The Senator has 27 minutes remaining?

Mr. DOMINICK. I yield 15 minutes to the Senator from Arizona.

Mr. FANNIN. Mr. President, I shall vote against this conference report. Almost 3 months ago this body approved Senate bill 2007, which included among other things a proposal entitled a "comprehensive child development" program which according to section 501(a)(1) of the bill is required, because millions of children are suffering from the lack of "child development" services. Furthermore, the language of the bill notes that Congress has determined that "child development programs" are "essential to the achievement of the full potential of the Nation's children." To begin with Mr. President, I am not at all sure that the Congress, or anyone else, for that matter, has determined beyond doubt any such thing.

On the contrary, recent sociological and psychological studies are confirming what man seems to have intuitively known all along: that a child, out of the natural environment of the parent-child relationship, suffers. In the formative years, major inroads on time and allegiance into the singular relationship of the parent to his child can cause severe harm. We are now learning that institutional care is less effective than the natural relationship the child has with his parent, even if the latter is not blessed with a Ph. D. In considering this so-called child development program we ought not be sidetracked by overly optimistic rhetoric which, when employed by the sponsors and proponents, would lead us to the conclusion that comprehensive services of the nature indicated in this bill are essential to the development of a child's full potential and are inherently superior to the individual relationship of parent and child.

There are many problems with this so-called child development program, not the least of which is the fundamental premise upon which the program is drafted. Many who oppose this program have been rightly concerned over the apparent open-ended financial commitment we will be making should we adopt "child development." The conference report, No. 92-682, authorizes a $2 billion, 1 hundred million expenditure by the fiscal year ending June 30, 1972. The original legislative sponsors have promised us that an annual doubling of amounts will be needed to deliver in basic forms these allegedly desirable services to children who just do not know how bad off they really are. Secretary Richardson and the Department of Health, Education, and Welfare have been quoted to the effect that we are talking in terms of about $20 billion at initial program operational levels.

In addition, the administration of this program is another factor which has troubled more than a few. The provision for prime sponsorship and cultural units whose numbers exceed 5,000, will engender a bureaucratic monstrosity heretofore unknown to this city—and as the Members know, this is not a city in which bureaucracy is unknown.

As important as these considerations may be, they presume the acceptability of the program itself. Simply because a program might have been made less expensive or provision made for more efficient administration does not mean that we should sanction the program. Mr. President, this call for child development, a misnomer which more properly should be designated child control and reform, is not a good program. Its premises are very wrong and most dangerous, for apart from the beautiful words, is the notion that the parent is a failed experiment. To be sure, the conference report has tightened up considerably on the language dealing with parental permission, but Mr. President, when we get down to basics we must determine how this program will be realized. When instituted, the parent-child relationship will be significantly altered, and done so on the suppressed premise that so-called professionals are allegedly better equipped to fashion the personalities and destinies of our youth.

Some have contended that all this business about parent and child is a phony issue. However, we have only to look to the words of key child development sponsors to conclude that not only is the value of the individualized parent-child relationship a real issue, it is the fundamental issue; not just to me and those who are unalterably opposed to this experiment, but to those advocating massive governmental intervention into the lives of those as young as 18 months.

As strange as it might seem to most Americans, there are many who feel that the parent ought not be trusted with the responsibility of bringing up his child, although it should be pointed out that the advocates always talk in terms of "shared responsibility" and "partnership." A key advocate of institutional intervention into child upbringing is Dr. Reginald Lourie, president of the Joint Commission on Mental Health of Children. Dr. Lourie testified before a congressional committee, saying that—

There is serious thinking among some of the future-oriented child development research people [himself no doubt included] that maybe we can't trust the family alone to prepare young children for this new kind of world which is emerging.

He indicated that the shortcomings of the family is one of the reasons why they felt they needed to have access to the babies.

I might add parenthetically that any real concern for this new kind of world ought to be directed toward holding in check the enthusiasm of those Orwellian planners who, using government as the agency of their selected reform, feel that they can bring up America's children better than one's own parents.

Dr. Lourie views the current relationship that a child is exclusively within the authority of his parents as depriving the child of much needed and desirable professional and institutional child development. It is Lourie's thesis that a new order of child is mandated for his brave new world—and it is because the child has been cloistered within the family relationship that he is destined to lead the imperfect life. To insure against that, Dr. Lourie contends that access to children must be had during the first 2 years of life because it is then that the brain will be growing faster and absorbing its impressions and establishing its subsequent habits which will be with the child throughout his days. Lourie said:

[The brain] is then . . . most plastic and most available for appropriate experience and corrective interventions.

Mr. President if we have anything to fear it ought to be those who suggest that what this sorry world needs is corrective interventions into the forming personalities of our young.

Another who has endorsed these child development techniques is Arlene Skolnick, who, in the August 1971, issue of Psychology Today, went to the brink with her rhetoric when she titled her little piece "Families Can Be Unhealthy for Children and Other Living Things." In this article Miss Skolnick contends that comprehensive child development programs are "a means of rescuing children" from the isolation that is family life whether it be from families of affluence or poverty. She further contends that the "family—read: parent—is not a psychological necessity" and that it is "the myth of the family" which "blinds us to the dangers" of our present child development arrangements—which is to say that families can be unhealthy for the children and other living things.

One congressional sponsor said in support of this bill that with the adoption of comprehensive child development we will have finally recognized that the "child is a care of the State." Mr. President, the child is not the care of the State, he is a care of his parents and the parents are a care of themselves and their adulthood. To suggest otherwise is subversive of the true and proper ordering of life.

Now one might respond that such is not the proposition of the bill before this body. But the language of the bill and the intent of the framers requires one to conclude that a basic lack of faith in the parent as properly responsible for the children's development is the essence of the bill. The language of the bill indicates that rich and poor alike just do not have what it takes to be good parents. Some however, restrict their condemnation to poor parents. Well, Mr. President, the amount of money one has has nothing to do with the true quality of a father or mother. To suggest that one is going to be a lousy parent, because he is poor is snobbish and dangerous.

We are told in this bill that all children should have comprehensive child development services and that universality should be the program's ultimate objective. No other conclusion is possible: The parent is a failed experiment.

Here I should like to return to the point that not only is this view outrageous, it is, pure and simply, wrong. Recent studies by Dr. Konrad Lorenz among others have yielded results just the opposite to what the Louries and Skolnicks would have us believe. Lorenz contends that institutional child care in which parental responsibilities are assumed even in part by an agency can cause what psychiatrists call "the disease of nonattachment." Among the manifestations most often connected with "nonattachment" is the inability to cope with or discipline ones' own aggressive impulses and the tendency toward emotional mutation where the lack of a consistent and dominant family atmosphere in the formative years find children later who are unable to feel joy, grief or remorse.

Mr. President, only sketchily have I been able to express my thoughts and concerns over what I see as the fundamental issue involved in title V of this bill—Economic Opportunity Amendments of 1971. There is no doubt in my mind that the firmness of our national mental health is directly related to the vitality and integrity of our family life traditions. I am also convinced that this experiment whether we choose to call it child development or child control is an adventure which will prove progressively destructive to the institutions and traditions of family. I am especially sure that if the American people knew and understood what we may very well be on the verge of approving that there would be loud and convincing objection to this radical departure from our sound family arrangements. In fact, although this bill has been largely ignored by the popular media, there has still been growing alarm over what we might be about to do.

And that brings us to a final question, what are we about to do if we approve comprehensive child intervention? About the only thing we know is that child development centers will be established to recreate our kids in a textbook image. But absent from the legislation is just exactly what that means. During the House debate on September 30, 1971, an inquiry was made as to the nature of "child development services" and no answer was given.

Listen to what child development proponent Alice M. Rivlin, writing in the December 1 Washington Post, said:

While there is some vagueness about what "child development" actually is . . .

Let us stop right there. "Vagueness?" That means no one has bothered to spell out what we are about to do. What this bill in fact does is grant the authority over to the Department of Health, Education, and Welfare to determine what it ought to do to make children good and pure. What that means is that the Louries and Skolnicks will be drafting the programs. That I am not sure is really something I want seen done—with my children or anybody else's children.

But Miss Rivlin told us more when she wrote, that while the program is vague as to its tools:

It is very clear what this program is *not*. (Her emphasis). First it is *not* just a baby-sitting operation to provide custodial care for children while their mothers work.

At least Miss Rivlin is honest about the whole thing. Many have heard and accepted the idea that all we are about to do is establish day-care centers for working mothers. Nothing could be further from the truth, what we are about to do is sanction massive psychological and sociological interventions—corrective interventions—as Dr. Lourie tells us—to produce what Dr. Lourie thinks would be a better child.

Mr. President, what we have before us is a serious challenge to the family. What we have is another step toward the Orwellian vision of 1984. It is said that these fears are "pretty farfetched," because this program is going to be voluntary. The response is overly legalistic and avoids how the program will and necessarily operate. Even language in the conference report provides for funds to solicit recruits for the child reformation centers. Further, when the program is being operated by those training in its advancement, does anyone seriously believe that the parent will have anything other than a de facto obligatory arrangement. I am not impressed with the protection provided by the bill, because it is clear what the sponsors and proponents have in mind, whether they know it or not it is 1984. It is communalization of what should be personal and private. It is a disaster. It should be defeated.

Mr. DOMINICK. Mr. President, how much time do we have left on our side?

The PRESIDING OFFICER. Twelve minutes.

Mr. DOMINICK. Does the Senator from New York want to use some time?

Mr. JAVITS. I thought we would wait until the Senator had used some of his.

Mr. DOMINICK. I do not see how we can use all on our side and then have the good side come in at the end. I would like to be a debater, too.

Mr. JAVITS. Why not have a quorum for a short time.

Mr. DOMINICK. All right.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Moss). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator from Wisconsin (Mr. NELSON) yield me 3 minutes out of his time?

Mr. NELSON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. NELSON. I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I wish to answer some of the points relating to the idea that children would, somehow or other, be taken either temperamentally or actually away from the control and jurisdiction of the father and motherhood of their parents. I point out that upon the express suggestion of my colleague from New York (Mr. BUCKLEY) who voiced these ideas, as well as others, that we have in the conference bill the following provisions:

Section 501 (a) (2), the Statement of Findings and Purposes clause, states the finding that comprehensive child development programs should be available to children "whose parents or legal guardians shall request them."

Section 580 provides:

The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this title other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

Section 581(a) expressly provides that:

Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children.

There is also a fourth provision, which the House added into the conference bill:

Section 515 (a) (24) dealing with comprehensive Child Development Plans, requires that the plan provide that program or services under the title "shall be provided only for children whose parents or legal guardians have requested them."

These provisions can be used as a basis for a suit, alleging that the Secretary has proceeded in an arbitrary or capricious manner if he disregards those injunctions in the law. And the courts will read them and give them effect. They can be used to great effect here in terms of legislative oversight. I do not believe that that particular fear which has been featured so prominently in this debate against the bill is warranted, when one takes into account these provisions, legislative oversight, the courts, the executive department, and the press.

So I hope very much that Members will not be dissuaded from support of the conference report on that account but in some way motherhood and fatherhood and jurisdiction of children in a spiritual, not just a legal sense, will not be jeopardized.

Mr. MONDALE. Mr. President, I commend the distinguished junior Senator from Wisconsin (Mr. NELSON) for his outstanding leadership throughout the consideration of the pending measure.

S. 2007, the conference report before us, extends the Economic Opportunity Act for 2 years. I am delighted to support its provisions strengthening and improving OEO programs—including neighborhood health centers, emergency food and medical services, community action programs, alcoholic and drug treatment, family planning, older workers programs, migrant assistance, neighborhood youth corps and community economic development.

I am particularly proud that this report incorporates the basic provisions of two bills I had the privilege to sponsor, with bipartisan support—S. 1512, the Comprehensive Child Development Act of 1971, and S. 1305, the National Legal Services Corporation Act.

CHILD DEVELOPMENT

In February 1969, President Nixon called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

The comprehensive child development provisions in this bill are designed to give substance to that commitment. They seek to expand and build upon the highly successful experience of Head Start. They will provide—on a voluntary basis—sensitive day care programs, prenatal services and other comprehensive child-oriented projects. They recognize the essential nature of parental participation in program planning and operation and are designed specifically to strengthen the role of the family in child development efforts.

The child development provisions in this measure were developed in large part through exhaustive efforts of a board coalition of organizations interested in child development including:

AFL–CIO; Amalgamated Clothing Workers; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America, Inc.; Friends Committee on National Legislation; Interstate Research Associates; International Ladies Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization of Women, President and Vice President for Legislation; National Welfare Rights Organization; United Auto Workers; U.S. Catholic Conference, Family Life Division; and Washington Research Project Action Council.

They have received the enthusiastic support of the American Academy of Pediatrics, the National Association for the Education of Young Children and a large number of individuals experienced in the field of child health, child welfare, and education. I ask unanimous consent that a copy of the letter I received from Jay M. Arena, M.D., president of the American Academy of Pediatrics, a copy of the resolution adopted by the recent convention of the NAEYC, a memorandum to the President and the Congress from a group of leaders concerned with children and a sample of the letters and telegrams I have received from Minnesotans, including a telegram from Governor Anderson appear at the end of my remarks, and I ask unanimous consent that an excellent analysis by Alice Rubin that appeared in yesterday's issue of the Washington Post, appear at the close of my remarks.

Mr. President, the need for expanded and improved developmental day care programs has been clearly documented:

Half of all the mothers with children under 14 and one-third of all mothers with preschool children are working today.

Yet fewer than 700,000 licensed day care operations are available to serve the nearly 6 million preschool children whose mothers are working.

And an additional 1.5 million mothers will enter the work force during the remainder of this decade.

The White House Conference on Children understood well the implications of these findings. Its report to the President said:

To discuss at length whether day care is an economic luxury, a political right, or a social tool ignores the tremendous need for supplementary care which exists today, a need which parents will continue to meet the best they can with whatever resources are available. The question is not whether America "should" have day care, but rather whether the day care which we do have, and will have, will be good—good for the child, good for the family, and good for the nation."

The delegates to that conference voted as their top priority the provision of "comprehensive family-oriented child development programs, including health services, day care and early childhood education."

Enactment of this conference report, and full and adequate funding for it, will enable us to begin fulfilling the national commitment announced by the President almost 2 years ago, and urgently supported by the White House Conference on Children.

CONFERENCE ACTION

Mr. President, the conference committee devoted lengthy and deep consideration to two child development issues in particular.

The first issue concerned eligibility for child development programs. In order to assure that these programs would meet the needs of both poor children and children of working parents, the Senate bill provided that services would be free to families with incomes below the Bureau of Labor Statistics lower living standard budget—which is $6,960 for a family of four in an urban area, with adjustments for family size, regional and urban-rural differences.

The Senate bill also provided that the Secretary of HEW would establish a graduated fee schedule, according to ability to pay, for families with incomes in excess of this lower living budget—and reserved up to one-third of the funds to support these partially subsidized services.

These provisions were designed to assure that child development programs under this act would be more than simply welfare programs—that as preschool education efforts they would approach the free public education philosophy of this country—that participation would be extended to working families of moderate means as well as the very poor—and that the programs would

derive the educational benefits of socio-economic diversity.

As Dr. Edward Zigler, now Director of the Office of Child Development testified in 1969:

Another important reason for guaranteeing a good socio-economic mix in Head Start centers is a growing body of evidence that children learn a great deal from one another. The middle-class child does have a number of attributes that the poor child can profitably model. By the same token we often find in poor children particular strengths and characteristics worthy of emulation by the middle-class child. We must see to it that Head Start centers are institutions, where our Nation's children, regardless of economic status, can enrich one another.

Under the House bill, the Secretary of HEW would establish the income level below which services would be free and establish a fee schedule above that level. Secretary Richardson indicated the free services level would be $4,320.

Following extensive discussions among the conferees and negotiations with administration representatives including Secretary Richardson, the Senate conferees agreed to a compromise on the eligibility issue.

We agreed that free services would be available to families with incomes up to $4,320—as in the House bill—and established limitations on the size of fees which can be charged to families with incomes between $4,320 and the BLS lower living budget figure. Specifically, the conference report provides that a family with an income between $4,320 and 85 percent of the BLS lower living standard budget—$5,916—shall be charged no more than 10 percent of its income above $4,320. A family with income between $5,916 and 100 percent of the BLS lower living standard budget—$6,960—shall pay no more than 10 percent of its income between $4,320 to $5,916 plus 15 percent of any income above $5,916.

Thus, a family with an income of $5,916, with up to two children participating would be charged no more than $158; a similar family with an income of $6,960 would be charged no more than $317. A modest additional fee could be charged where three or more children are served.

The conference report further provides that the Secretary shall establish graduated fee schedules, according to ability to pay, for families with incomes in excess of the BLS lower living standard budget.

This compromise involved major concessions on the part of the Senate conferees. Under the Senate bill, a family earning $6,960 would receive free services. Under the compromise that family would pay over $300. And fees for families earning more than $6,960 will be correspondingly higher.

These concessions were the result of a long period of negotiations with the House conferees and the administration. The initial compromise discussed was threatened with veto, and additional concessions were made in order to gain Secretary Richardson's commitment to urge the President to support this legislation and sign it into law.

While I regret that we were forced to make such major concessions on this issue I am pleased that Secretary Richardson agreed to support this compromise and I believe that it still offers protections for families with incomes below $6,960. I am hopeful that the fees set by the Secretary of HEW for families with incomes above $7,000 will not be so high as to drive families with incomes in the $10,000 range to inferior and purely custodial day care.

The second child development issue to which the conference devoted a substantial amount of effort involved the delivery system for this program.

Both the House and the Senate bills placed priority and preference on the designation of local governments as prime sponsors for these programs.

The Senate bill provided that a locality of any size—if it applied for sponsorship; had the capacity to provide necessary linkages with health, education, nutrition and other services; and demonstrated ability to meet the bill's high standards for quality of service—would be designated prime sponsor.

Both of these approaches reflect the belief that child development programs must be administered in a way that encourages accessibility, responsiveness to local needs, parental involvement and sensitivity. And they reflect the judgment of both Houses of Congress that—consistent with the experiences of Headstart and our public school system—locally administered programs, where localities have the capacity to provide comprehensive services, are essential to insure this kind of accessibility and responsiveness.

Despite belated objections by the administration to the preference on locally administered programs, the conference report reflects the local priority in both bills. It places priority for prime sponsorship upon localities or combinations of localities with populations of 5,000 or more which demonstrate capacity to provide developmental services of high quality.

In our judgment, locally accessible administration is essential to retain parental and family involvement in the programs.

The conference did adopt the Senate provisions reserving up to 5 percent of the funds allocated to each State for special grants to the States for the purpose of identifying child development goals and needs within the State, assisting in the development of child development councils, encouraging the participation of State agencies, encouraging the full utilization of resources in the State, reviewing prime sponsorship plans and other purposes.

In addition to the special grants to States, the conference report requires that the Governor of each State have an opportunity to comment on all prime sponsorship applications from his State—and provides that States may become prime sponsors of child development programs for areas in which a locality has not qualified to serve as a prime sponsor, or has not applied to become a prime sponsor.

The conference report thus attempts to assure balanced and cooperative participation of State and local governments—with primary responsibility for training and program coordination resting with the States and priority for program operation resting with units of local government.

The ways in which States are involved in all aspects of these programs are carefully spelled out in a letter from Jule M. Sugarman, administrator of the Human Resources Administration, City of New York, and former chief of the Children's Bureau and Director of Headstart to Secretary Richardson. While I believe Mr. Sugarman has underestimated the funding needed under this measure, I ask unanimous consent that his letter appear at this point in my remarks.

Mr. President, in addition to the two issues I have discussed, there were a number of other significant differences between the House and Senate bills, which the conference committee resolved.

In order to assure that programs under this measure are sensitive to the needs of children, and serve to strengthen the role of the family in child development efforts, the conference report provides that parents have integral roles in planning and operating the child development programs in which their children participate. The conference report requires each prime sponsor of a child development program and each child development project to establish a committee composed of parents to approve the basic policy decisions and actions. By basically accepting the provisions in the House bill with respect to child development councils and the provisions in the Senate bill with respect to project policy committees, this measure includes parental participation elements which closely parallel those in the existing Headstart guidelines.

With respect to authorizations, the conference accepted the Senate provisions authorizing $100 million in fiscal year 1972 for planning, training and technical assistance, and $2 billion for fiscal year 1973—including a $500 million reservation for Headstart. The conference also accepted the Senate provisions reserving 10 percent of the funds for child development services for the handicapped.

Due to the adamant opposition of the House conferees, Senator RIBICOFF's amendment, which would have established a modest experimental and demonstration program in child advocacy was dropped. Reflecting the major recommendations of the Joint Commission for the Mental Health of Children, this amendment was designed to assist families in obtaining the services their children need, with primary emphasis on locating and stimulating the development of additional services and facilities for children with mental disabilities and mental illness.

The conference also adopted the House provisions for mortgage insurance and construction grants and loans, and the Senate provisions containing research and demonstration and those requiring that the standards for child development programs under this measure be no less comprehensive than the Federal interagency day care requirements issued in 1968.

Mr. President, the issues I have discussed represent perhaps the most sig-

nificant issues in child development on which the House and Senate disagreed.

There are a number of other issues on which the two Houses disagreed and that are described in the conference report.

But one area in which there was no disagreement was the voluntary nature of these programs and the intent of this legislation to strengthen the family unit. There has been some misunderstanding on this point and I want to emphasize that this measure is deliberately and carefully drafted to assure the maximum involvement and responsibility of parents in the operation of these programs. In addition to the parent participation provisions I have already described, and the measure's emphasis on locally administered programs—as opposed to federally administered or State administered programs—the conference report contains the following provisions:

In order to underscore the voluntary nature of the program, section 501(a)(2) states that:

These programs "should be available to children whose parents and guardians shall request them.

Section 515(a)(24) states that:

Programs or services under this title shall be provided only for children whose parents or legal guardians have requested them.

In order to prohibit the possibility of Federal control of these educational contents of these programs, section 578 provides:

No department, agency, officer or employee of the United States shall, under authority of this Title, exercise any direction, supervision or control over, or impose any requirements or conditions with respect to the personnel, curriculum, methods of instruction, or administration of any educational institution.

Finally, in order to emphasize the intent of the act to strengthen the role of the family and the parents, Section 581 (a) provides:

Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children. Nor shall any section of this title be construed or applied in such a manner to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

Mr. President, the child development section of this conference report contains the framework for meeting the increasing need for quality day care. Its preschool education emphasis offers real hope toward equalizing educational opportunities and truly giving every child a chance to reach his full potential. It reflects the best judgment of the 1970 White House Conference on Children, the advice of over 20 national organizations interested and experienced in child welfare, and the national commitment to early childhood years announced by the President in 1969. It has received extensive and thoughtful consideration by Congress—including 12 days of hearings and countless executive sessions in the Senate, and over 20 days of hearings and numerous executive sessions in the House of Representatives.

I urge Senators to support the conference report, encourage the President to sign this measure into law, and fight for adequate funding.

NATIONAL LEGAL SERVICES CORPORATION

Title IX of the bill reported by the conference establishes a private, nonprofit National Legal Services Corporation to carry out the activities of the present legal services program now administered by OEO. Funded by Congress, the corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low income persons.

In this basic respect, the bills which passed both the House and Senate were consistent. But there were several key differences between the two versions, and I believe that the conference resolved these differences in a fair and equitable manner—reflecting the concerns of each body.

The major issue involved the composition and method of selection of the corporation's board of directors. The conference measure creates a 17-member board, all appointed by the President—with the advice and consent of the Senate—in the following manner:

Six directors shall be appointed as representatives of the general public, and three of these appointments must be attorneys;

Two directors shall be appointed solely from lists of persons submitted by the clients advisory council—established by the legislation—and the list shall consist of persons eligible for assistance under the act;

Two directors who are former legal services attorneys shall be appointed solely from lists of persons submitted by the project attorneys advisory council—established by the legislation;

Two directors shall be appointed solely from lists submitted by the Judicial Conference of the United States;

Five directors shall be appointed solely from lists submitted by five professional bar organizations—one director from lists submitted by the American Bar Association, one director from lists submitted by the National Bar Association, one director from lists submitted by the American Trial Lawyers Association, one director from lists submitted by the Association of American Law Schools, and one director from lists submitted by the National Legal Aid and Defender Association.

This type of board retains the feature which the House conferees regarded as very important—an all-presidentially appointed board. At the same time, however, this provision insures that in naming 11 of the 17 members, the President must choose from lists submitted by groups representing clients, legal services lawyers, and the professional legal establishment. If the President does not want to nominate any of the names contained in these lists, he can ask a given group to submit a new list; but he cannot select individuals for these 11 positions whose names are not included in a particular list.

This method of selection is designed to accomplish the primary purpose underlying the drive to create an independent legal services corporation: insulation of this vital program from political pressures.

The conference bill also satisfactorily resolved two other controversial issues—the extent to which legal services attorneys could engage in criminal representation and the extent to which these attorneys could engage in political activities on their own time.

Under the conference bill, the corporation will not be permitted to provide for the representation of persons accused of crimes. However, the conference report makes it clear that this prohibition is in no way intended to interfere with the professional responsibility of legal services attorneys to handle criminal cases on an individual basis. Thus, if a court appoints a legal services attorney to represent an individual in a criminal action, this attorney will be expected to accept such an appointment—just as any other member of the bar is expected to do so.

The conferees also agreed to permit full-time employees of the corporation or its grantees to engage in political activities on their own time under appropriate guidelines formulated by the corporation. However, while pursuing such private activities, these employees must refrain from identifying the corporation with any candidate for political or party office.

The bill emerging from this conference thus resolves the basic issues in conflict between the House and the Senate. Even more important, it creates a permanent structure designed to insure free and open access to the legal system for all Americans.

Despite the strong support legal services has enjoyed in the past—not only in Congress, but also from the organized bar and client groups—the time has come to insulate this program from harmful political pressures. For as a result of these pressures, the provision of legal services has become an issue to be considered politically at every level of government. The poor are beginning to surmise that this program—in which they have developed such great confidence—will be subjected to a political litmus test.

Most of the opposition to the program has arisen because of the so-called law reform cases which these attorneys have won. The program's critics somehow consider these cases a form of legal agitation.

But the landmark cases won by legal services lawyers were based on real problems experienced by individual clients seeking legal assistance. When a California court prevented the Governor of California from drastically reducing payments under the State's medicaid program, it did so because a legal services lawyer was pressing the legitimate claim of his client—a man unable to obtain a badly needed operation without medicaid.

In all of these cases, legal services attorneys were merely fulfilling the clear mandates of their profession. Canon 7 of the Code of Professional Responsibility states that:

A lawyer should represent a client zealously within the bounds of the law.

Ethical consideration 7-1 elaborates on this canon in the following manner:

The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense.

In light of these ethical requirements, a legal services attorney—like any other lawyer—cannot stop and weigh the political consequences of contemplated legal action. But those who have attempted to curtail this program are not overly concerned with the ethics of the legal profession.

Despite the impressive accomplishments of legal services, there can be no doubt that constant political interference has taken its toll. For once political pressure is apparent, legal services attorneys inevitably begin to consider the consequences of bringing certain types of legal actions.

There are many kinds of reprisals against a program whose attorneys are considered too aggressive in representing their clients. The next grant can be vetoed by the Governor; debilitating restrictions can be placed on the grant; and the program's funds can be reduced by cautious officials unwilling to offend powerful local interests.

These are serious and substantial fears—which many attorneys in the field have experienced at one time or another. And even if these fears do not materialize, the perception of pressure and reprisals can hamper an attorney's ability to fully and effectively represent his client.

While the legal services program has survived past attacks on its independence, its integrity, and its capacity to provide full legal representation to the poor, each challenge has drained the program's energy and diverted its resources. As long as the program remains vulnerable to political attack or manipulation, the damage will grow worse until it could be fatal.

That is why the House, the Senate, and its conferees concluded that a new structure for legal services was necessary—a structure which would ensure the program's independence and which would ensure that its attorneys would be able to represent their clients as required by the mandates of the legal profession.

These mandates reflect the fact that our system of justice is based on the adversary process—which in turn depends upon effective advocacy. A dilution of the lawyer's independence threatens this adversary process. As former Chief Justice Warren has stated:

A right without an advocate is as useless as a blueprint without a builder or materials.

No attorney can meet his professional responsibilities to a client if there are outside restraints on the types of cases in which he can participate or the kind of issues he can raise. No large corporation would tolerate outside interference with their retained attorneys. Certainly the poor should not be expected to tolerate such interference.

The National Legal Services Corporation will do far more, however, than protect the professional integrity of legal services attorneys. It will help protect the integrity of our entire system of government.

Under our system, the courts are the forum of last redress. We understand as a people that we must respect the supremacy of law—and the inviolability of recourse to the courts for those who are disenfranchised and for those who have been dealt with unfairly and arbitrarily.

In this decade, it is a singularly small but visible effort which has come to symbolize the possibility of a new period of maturity, of conscience, of self-assurance, for our Nation—the legal services program.

I believe that our Government has reached the point where it can admit that it is capable of error, that it no longer need claim infallibility or hide behind sovereign immunity. We are ready to set up mechanisms whereby the people can hold the Government accountable—not only every 2 or 4 years—but can challenge individual acts and specific policies as contrary to law.

This is the genius and historic significance of the legal services program—that a Government can offer to the powerless the opportunity and the resources needed to challenge improper acts by both private and public bodies.

If the poor and the powerless do not have free access to our legal system, government by law is a failure.

The creation of a National Legal Services Corporation is designed to ensure that access. In this basic respect, it represents a traditional and time-honored means of achieving orderly change.

I ask unanimous consent that several items on this subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: The President of the United States and the Congress

Subject: The Comprehensive Child Development Act

FACTS

On February 19, 1969, President Nixon called for a "national commitment to providing all American children an opportunity for a healthful and stimulating development during the first five years of life."

On April 9, 1969, the President said, "I again pledge myself to that commitment."

This year, House and Senate action, with bipartisan leadership and support, passed Comprehensive Child Development Bills (S. 2007 and H.R. 10351) and they are now in Conference Committee.

The differences between the two versions can be quickly reconciled.

The Comprehensive Child Development Act will result in one of the best investments the nation can make in its future.

It will provide a comprehensive program of educational, nutritional, and health care to those preschool children whose parents believe they need it.

It will allow a child's participation to be completely voluntary on the part of the parents.

It will give parents a real voice in the planning and operation of the programs.

It will offer quality day care service to the working women of America so that their families may have an adequate standard of living.

It will extend the enormous experience and success of the Head Start program.

It will deal with the problems of America's latch-key children.

It will reduce school failures.

It will build healthier children.

ACTION NEEDED

The Conference Committee must resolve the differences at today's meeting.

Both Houses must repass the bill.

The President must sign that bill.

We urge that the Comprehensive Child Development Act be passed to fulfill the President's pledge and the commitment by the Congress:

Robert Aldrich, M.D., Vice Pres., Health Affairs, University of Colorado.

Joyce Black, Pres., New York City Day Care Council.

Arnita Boswell, Prof., Social Work, University of Chicago.

Urie Bronfenbrenner, Prof., Human Development and Family Studies, Cornell University.

Jerome Bruner, M.D., Director, Center for Cognitive Studies, Harvard University.

Ricardo Callejo, Attorney, Spanish Speaking Sur-Named Political Assn., San Francisco.

Eli E. Cohen, Exec. Sec., Natl. Committee on Employment of Youth.

Raymond Cohen, M.D., Past President, Texas Pediatric Society.

Manuel Diaz, Jr., Vice Pres., New York City Urban Coalition.

James Dumpson, Dean, School of Social Work, Fordham University.

Marion Edelman, Washington Research Project Action Council.

Donald Fink, M.D., Former, Dir., American Academy of Pediatrics Consultation Service.

Marcus Foster, Ph. D., Superintendent, Oakland Public Schools.

Glenn Gibson, M.D., Pediatrician, Baton Rouge.

Elinor C. Guggenheimer, Policy Council, National Political Women's Caucus.

Dorothy I. Height, Pres., Natl. Council of Negro Women.

Francis Keppel.

Reginald Lourie, M.D., Pres. Joint Commission on Mental Health of Children.

Sanford Matthews, M.D., Regional Pediatric Medical Coordinator, Atlanta.

Joseph Monserrat, Member, Board of Education, New York City.

John Niemeyer, Chairman, Day Care and Child Development Council of America.

Josephine Nieves, Dir., Puerto Rican Studies, Brooklyn College.

Julius Richmond, M.D., Dir., Judge Baker Guidance Center, Harvard University.

Mrs. Alexander Ripley, Vice Pres., California Children's Lobby.

HUMAN RESOURCES ADMINISTRATION,
New York, N.Y., November 29, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: This week the Congress will act upon the Conference Committee's report on the child development bill. I must urge you to fully support that bill in the Congress and to recommend to the President in the strongest possible terms that he approve it.

This bill follows nearly three years of bipartisan effort involving extensive hearings and committee work. The vital need for child development services has been thoroughly documented. Studies financed by your Department, and soon to be released, make it clear that child development programs can

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have substantial long-term impact. The programs authorized in this bill are wholly consistent with the specific research findings and recommendations of those studies. There is great public understanding and support for the legislation involving a wide spectrum of American society. Now, as soon as the Congress completes its action, the President must act favorably.

Recent newspaper reports have speculated that the bill might be vetoed by the President. However, no White House or Department spokesman has confirmed or denied those reports and the public record is one of a firm Presidential commitment to "providing all American children an opportunity for a healthy and stimulating development during the first five years of life."

Now is the time for the President to make clear that his Administration intends to honor that promise. Unfortunately, reports of lobbying by White House staff indicate that the President may not intend to honor his commitment.

Among the reasons suggested for White House opposition is the cost of the bill. I think that the record needs to be much clearer on that point. The requirement that a child development council be created and a comprehensive child development plan prepared for each community means that it will certainly be 12 to 18 months before any significant number of communities can qualify for operating funds. Thus, neither the current nor the fiscal year 1973 budget is likely to be heavily affected. The first substantial effect will not take place until fiscal year 1974. Even then, I doubt that communities will be prepared to spend more than $2 to $3 hundred million above present levels. Surely that level of funding, or even twice that level, is not a great problem when compared to the amounts spent on other public programs.

Another reason advanced for possible opposition is a political response by the White House to mail from conservative and right wing leaders arguing that this is part of a Communist plot. That is not only poppycock, but a slander upon the Members of Congress who have worked so hard to bring the bill to fruition. It is an attack on the very thing that the President and you have argued in connection with H.R. 1; namely, the provision of quality child care. This kind of attack should be promptly answered by the White House and HEW.

Finally, there are those who say that the bill is being opposed because it does not provide a significant role for the states. No one who has read the bill thoroughly can make that charge. The language is specific in requiring state involvement at every stage; creation of prime sponsors, formation of comprehensive child development plans and project operation. Up to 5% of operating funds will be available to states to carry out their functions. HEW may use states to provide technical assistance and program coordination. In other words, there is every opportunity for the states to identify problems, to help in solving them, and to point out to HEW that programs are not meeting the requirements of the Act or HEW standards. The state which fails to influence programs positively in this situation will do so because of its own ineptitude rather than any deficiency in the law.

Mr. Secretary, there is nothing in this bill which should stand in the way of approval. The choice for the President and yourself is whether to yield to reactionary and unsupportable arguments against the bill, or to make a monumental contribution to the real needs of children which were so eloquently recognized by the President in the past.

Sincerely,

JULE M. SUGARMAN,
Administrator.

FACTS ON THE COMPREHENSIVE CHILD DEVELOPMENT BILL*

A. RIGHTS OF PARENTS

Parental authority in relation to the child as well as the child development program in which he or she participates is assured in the compromise bill.

The Statement of Findings and Purpose states that comprehensive child development programs should be available to children whose parents or legal guardians shall request them regardless of economic, social and family backgrounds (Sec. 501(a)(2) page 5). To ensure that services are voluntary, each Comprehensive Child Development Plan submitted must include a proviso that services shall be provided only for children whose parents or legal guardians have requested them (Sec. 515(a)(24) page 16).

Section 581(a) (page 33) requires that no part of the bill shall be applied or construed to infringe upon or usurp the moral or legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children. Nor can invasion of privacy or abridgment of legal remedies for such legally protected invasion be accomplished.

Specific protection provided against testing without informing the parent and giving him an opportunity to except his child. (Sec. 580 page 33). And if a parent objects in writing on religious grounds to medical or psychological exams or immunization (except to protect public from epidemics) or treatment, his child is excepted from such treatment. (Sec. 574(f) page 31.)

A child development plan must provide for regular and frequent dissemination of relevant information to parents and the community in their functional language. (Sec. 515(a)(15) page 16). The plan must also coordinate, insofar as possible, its programs with other social programs so as to keep family units intact or in close proximity during the day. (Sec. 515(a)(10) page 15.)

The bill's Statement of Findings and Purpose concludes that decisions on the nature and funding of child development programs are to be made at the community level with the full involvement of parents and others in the community interested in child development. (Sec. 501(b) page 6.)

Parent involvement in their children's programs is required at various decision making levels such as:

1. In the project: At least one half of the project policy committee must be parents and the other members, except for the specialist, must be representative of the community and approved by the parent members, (Sec. 516(a)(2) pages 17–18). The committee must directly participate in the development and preparation of the project application. Training, administrative expenses and necessary out-of-pocket for low-income members are required. Members of committees are appointed by the project applicant but existing Head Start agencies can continue their method of election, presumably.

Functions of the project committee include approving goals, policies, actions and procedures for the project applicant.

The project application must also provide for the regular and frequent dissemination of information about the project to parents and interested persons in the functional language. Projects must also employ paraprofessional aides and volunteers, especially parents and others (Sec. 516(a)(10) page 19). Staff must be adequate to meet specialized needs of each child. (Sec. 516(a)(12) page 19.)

2. In the Prime Sponsor through its Child Development Council: The Prime Sponsor's Plan must provide for direct parent participation in the conduct, overall direction and evaluation of programs (Sec. 515(a)(11) page 15). The membership of the Child Development Council must be at least ⅓ parents of children in programs selected by Head Start and project policy committees. At least one-third of the total membership must be parents who are economically disadvantaged. (Sec. 514 (a and b) pages 13–14). The Council's functions are similar to policy committees but it may also conduct public hearings. (Sec. 514(b)(3) page 14.)

3. At the national level:

Not less than one-half of the membership of the Special Committee on Federal Standards for Child Development Services to develop program standards and of the Special Committee to develop Uniform Minimum Code For Facilities must be parents of children in child development programs, Head Start, and day care under Title IV programs. Both committee memberships are to be appointed by the Secretary and report to him. (Sec. 534, 535, pages 23–24.)

B. RIGHTS AND ROLE OF THE STATES

The Statement of Findings and Purpose states that it is essential that the planning and operation of child development programs be a partnership of parents, community and state and local governments with appropriate assistance from the Federal Government. (Section 501(a)(6), page 6.)

The participation of the states is encouraged by Section 517 that provides for special grants to states to carry out activities such as identifying the state's goals and needs, assisting child development councils, encouraging the participation of related state agencies, etc. (see pages 19 and 20). Up to 5% of the funds allocated for use in a state are reserved for the state upon its application. (Sec. 503(c), page 8.)

The Governor must have 30 to 60 days to review applications for designation, to offer recommendations to applicants and to submit comments to the Secretary (Sec. 513(g), page 12). In addition, no plan or modification of a prime sponsor shall be approved unless the Secretary determines that the Governor of the State has had an opportunity to submit comments to the prime sponsor and the Secretary. (Sec. 515(b)(3), page 17.)

No locality or state may reduce its expenditure for day care or child development because of assistance under the bill. (Sec. 520(e), page 22.)

AMERICAN ACADEMY OF PEDIATRICS,
Evanston, Ill., November 22, 1971.

Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The American Academy of Pediatrics, the national organization of board certified physicians providing care to children, heartily supports the adoption of the conference report on the Economic Opportunity Amendments, S. 2007. We are particularly enthusiastic about the comprehensive child development title of this legislation which provides for the establishment of a national, federally assisted child development program. The Academy supports the concept of child care as a composite of comprehensive and coordinated services designed to offer a sound basis for growth and development of the child while supporting and encouraging the parents in their effort to care for their children. We are of the opinion S. 2007 would provide a sound legislative basis for the establishment of such a program.

The Academy endorses the section of the child development title which provides for local administration of child care programs. We recommended in testimony before Senate and House committees that the major responsibility for planning and delivery of child development programs is most appropriately placed at the community level. We believe the conference report is equitable, and will allow for possible funding of most jurisdictions which apply for prime sponsorship responsibility. Jurisdictions which are able to plan and operate a quality child care program should be given this opportunity.

We are in complete agreement with the concept of funding priority to ongoing Headstart programs. The provision further assuring local review of Headstart programs is an additional strength of the conference report. The extension of the excellent programs like Headstart to all low income families desirous of child development services will be facilitated by the enactment of this legislation.

The level for eligibility for free child care services decided upon by the conferees is reasonable, and will not place an undue financial hardship on poor and near poor families who wish to utilize the child care programs.

In summary, we believe the child development title of the Economic Opportunity Amendments provides a realistic framework in which child development programs can operate that are responsive to the needs of individual children and communities. We sincerely urge your support for the adoption of the conference report on the Economic Opportunity Amendments of 1971.

Sincerely yours,

JAY M. ARENA, M.D.,
President.

NATIONAL ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN

RESOLUTION NO. 2

Whereas the President of the United States of America has voiced his commitment to meeting the needs of all young children in this country and

Whereas President Nixon has admirably placed in the Office of Child Development the position of Child Advocacy and the responsibility for implementing the recommendations of the 1970 White House Conferences on Children and Youth and

Whereas the nationwide need for comprehensive child development services for many young children can be provided only through bold Federal legislation and appropriations.

Therefore, be it resolved by the National Association for the Education of Young Children in convention in Minneapolis, Minnesota this fifth day of November, 1971, That the President of the United States put aside the differences between his administrative proposals and the Comprehensive Child Development amendments to the Economic Opportunity bills. Specifically

(1) that programs be established to serve children from all income levels based on ability to pay

(2) that the protection of Head Start and Follow Through be assured

(3) that communities of 5000 or more be assured of having the opportunity to go directly to the Federal government for funds

(4) comprehensive standards at least equal to those provided by the 1968 Federal Interagency Standards for Day Care be upheld.

That President Nixon take a vigorously supportive posture toward the passage of this bill with the above listed components *and* the allocation of appropriation.

That he advise Secretary Richardson of his determination to immediately serve the needs of young children by this most constructive action.

TELEGRAM

NOVEMBER 30, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

The conference report on S. 2007, a bill which extends the Economic Opportunity Act for 2 years, will be brought up for consideration shortly in the House and Senate. I support this bill. The Office of Economic Opportunity has many worthy programs which assist many less fortunate citizens of our State to become productive members of our society. I urge you to vote for continuing such worthwhile programs as Headstart, mainstream, and emergency food and medical services. Thank you.

Sincerely,

WENDELL R. ANDERSON,
Governor of Minnesota.

THE LEAGUE OF WOMEN VOTERS,
St. Peter, Minn., November 22, 1971.

Hon. WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: It is the position of the League of Women Voters that comprehensive child care provisions in the OEO bill are absolutely essential. We urge you to vote "Yes" on the Conference Committee Report on S. 2007, scheduled to be voted on just after the Thanksgiving recess. We know that this is a busy time, but we trust that you share our concern and will be present for the vote.

Also, we do support the child care financing compromise worked out by the Conference Committee.

Sincerely,

KATHRYN CHRISTENSON,
National Resource Chairman.

MAYO CLINIC,
Rochester, Minn., November 26, 1971.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This letter concerns the conference report on economic opportunity amendments, S. 2007. It is written to ask your support for passage of these amendments.

I am particularly concerned about the child development title of this legislation. Although I realize that this has been modified in conference, the compromise reached in conference regarding this title appears to be a reasonable one.

I would, therefore, urge that you support this measure when it comes to the Floor this next week.

Sincerely yours,

GEORGE B. LOGAN, M.D.,
Past President of the American Academy of Pediatrics.

WINONA, MINN,
November 27, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

Urge yes vote for conference report S2007 the OEO Child Care Authorization bill.

MARJ JACOBSEN,
League of Women Voters.

CLOQUET, MINN.
November 23, 1971.

Hon. WALTER F. MONDALE.
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: We hope you can be present at the voting for bill—S. 2007 on Child Care and Legal Services. We feel that this bill is necessary to Welfare Reform. The league supports the compromises that have been worked out in the committee.

We hope you will favor voting for this bill.

Respectfully,

Mrs. SILAS GLADEN,
Action Chairman, League of Women Voters.

MANKATO, MINN.,
November 21, 1971.

DEAR SENATOR MONDALE: Please vote in favor of the anti-poverty bill—S. 2007. Thank you.

Mrs. ROY N. WILSON.

NOVEMBER 21, 1971.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

League of Women Voters urge you to vote yes on the essential OEO bill (S2007).

Mrs. BRUCE THOMAS.

MANKATO, MINN.,
November 25, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I can't stress enough the importance of your vote on November 30th. The Welfare Bill now going through is so necessary—Bill S. 2007. It is a fact that the House looks to the Senate to find out just how strong the Senate has made a bill. Correct me if I am wrong. Nov. 22nd 1971 I sent you and Senator Humphrey telegrams for the Mankato, Minn. League of Women Voters asking for your votes on bill S. 2007 I certainly wish it possible to check to see if this telegram was received.

Thank you for your help.

Sincerely,

MARIE C. ROBBINS.

ROCHESTER, MINN.,
November 25, 1971.

Hon. WALTER MONDALE,
433 Old Senate Building,
Washington, D.C.

SIR: I have been a lay member of the Olmsted County Welfare Board for 7 years. It has become increasingly more apparent to me that our duty as concerned citizens is no longer that of curtailing welfare costs, we must seek innovative methods to effectively create an environment of self-reliance rather than dependency. Since we can no longer change the life-styles of generations of welfare-supported families, we must look to the stimulation that exciting programs of adequately staffed Day Care Centers will promise.

It should be the birthright of *every* child born in the United States of America, wanted or unwanted, to have the best child care available—we are too rich to overlook our responsibility to the children of the Third World.

I urge you to support the Child Development Amendment to the *S–2007* Conference Report of the OEO. Pass it now and make the necessary changes in the delivery system as they arise. Our children can't wait!

Thank you.

Sincerely,

ELEANOR T. BACH.

EXCELSIOR, MINN.,
November 26, 1971.

Hon. WALTER MONDALE,
Senate Building,
Washington, D.C.

DEAR SENATOR MONDALE: The Excelsior Area League of Women Voters urges you to be present for the vote on the OEO bill (S. 2007) and registers their support of the child development and legal services legislation in that bill.

Humane welfare reform is not possible unless some realistic provisions are made for child care for families that need to be on welfare or in addition, for children of the working poor. We do support the child care financing compromise from the compromise produced by the Conference Committee as well as the Legal Services compromise.

I believe, Senator Mondale, if I read the newspapers correctly, that we can look to you for support of this legislation, since you have expressed concern for the welfare and

* Analysis prepared by the Human Resources Administration, City of New York.

future of underprivileged children in our nation. We do thank you for legislation introduced and supported by you designed to upgrade the quality of life for many who have been denied it for so long.

Sincerely,

MRS. HOWARD A. RICE,
SHIRLEY J. RICE
Human Resources Chairman, Excelsior Area League of Women Voters.

ROCHESTER, MINN.,
November 29, 1971.

Senator WALTER MONDALE,
433 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: Please excuse the paper but time is of the most importance.

As a Licensed Day Care Home operator, member of a United Fund Day Care Committee and organizer of an association of Day Care Homes in cooperation with our Dept. of Social Services I am writing to urge your support of S. 2007 which is soon coming to vote.

Sincerely,

Mrs. MARVIN ROSS.

[From the Washington Post, Dec. 1, 1971]

A NEW PUBLIC ATTENTION TO PRESCHOOL CHILD DEVELOPMENT

(By Alice M. Rivlin)

In the United States, public concern for a child's welfare generally does not become evident until he reaches age 5 and is eligible for kindergarten. Even then the public responsibility usually ceases at 3 o'clock in the afternoon.

But these attitudes are already changing. The next few years are likely to see a burst of public attention to the vital years between birth and 5, rapid growth of all-day programs for pre-school children with working mothers, and recognition that the day does not end for a school-age child when the 3 o'clock buzzer signals that classes are over.

The big questions will be: what character will these new programs have? Who will run them? And who will pay for them? When the Congress votes this week on the OEO bill, it may begin to provide the answers.

The bill extending the life of the Office of Economic Opportunity, just reported out of the House-Senate conference committee, contains a new Title V, for "Child Development Programs," meaning a wide variety of services to children such as all-day care for preschoolers, after-school and vacation programs, nutrition, medical, dental and psychological services, and education for parents in child-care and development. The bill authorizes $2 billion for such programs in fiscal year 1973, including $500 million earmarked for continuation of Headstart. The money would be allocated among the states in accordance with a formula, but administered primarily at the local level. Communities with 5,000 or more people could be "prime sponsors," applying directly to the federal government for money. The prime sponsor would be required to have a Child Development Council, half of whose members would be elected by parents, and individual projects would be run by Project Policy Committees composed of parents and local community members. The bill would make child development services available free to those with incomes of less than $4,320 a year (for a family of four) and would establish a fee schedule related to income for families with more resources.

While there is some vagueness about what "child development" actually is—partly because the framers of the bill were eager to preserve flexibility and choice at the local level—it is very clear what this program is *not*. First, it is *not* just a babysitting operation to provide custodial care for children while their mothers work. The bill emphasizes the well-being of children and the comprehensive services they need for full development, whether their mothers work or not. Second, it is *not* just another program for the poor. Priority is to be given to "preschool children with the greatest economic and social need," but the intention is to make services available to families at all income levels with those above the poverty line paying part of the cost. Third, it is not just another welfare program. The "prime sponsor" mechanism and the parent councils are specifically designed to by-pass the state welfare bureaucracies and give the beneficiaries of the program a real voice in its operation.

Several different groups are pressing for federal programs for children, for different and not entirely compatible reasons. Some are primarily motivated by a desire to reduce the welfare rolls. They believe day care should meet minimum standards of health and safety so the children do not come to harm, but that its main objective ought to be to keep children out of the way so that their mothers can earn wages rather than welfare. A second group is primarily concerned with overcoming the damaging early handicaps of children from poor families. Headstart, which reaches many 4- and 5-year-olds, but usually for less than a year, has proved too little and too late. There is accumulating evidence that children develop rapidly in the first three years of life, that good nutrition and mental stimulation at this age make a difference—at least if they are sustained. A third group, the voice of women's liberation, sees attractive stimulating day care centers as a way of giving *all* women, not just the poor, a genuine choice between childcare and work outside the home. And finally, there are those whose primary motivation is to mobilize community action in the ghetto, the rural South or on Indian reservations, who believe parent involvement in decision making about Headstart programs did as much for parents as for children, and who see community controlled child development programs as a good vehicle for the poor to use in acquiring political experience and challenging the "power structure."

The focus on reducing welfare rolls is reflected in H.R. 1, the Nixon-Mills welfare reform bill that has passed the House, but not the Senate. Under H.R. 1, a mother on welfare could be required to take work (unless she had a child under 3) provided day care was available. Senator Long, no enthusiast of the administration's welfare reform proposals, has held hearings on his own bill to provide custodial day care to the poor through a public corporation.

But while welfare reform was bogged down in the Senate, bills for more comprehensive but entirely voluntary child development programs were making their way through the legislative obstacle course on both sides of the Hill. Senator Mondale's Child Development Bill, incorporated into the OEO amendments, stressed comprehensive services and community control and would have provided services free to families with income under $6,920 with a sliding scale of payments for families with higher incomes. On the House side, a similar bill, sponsored by Representatives, Reid, Brademas and Mink, but giving more role to states and less to localities and parents, was added to the OEO extension as a floor amendment. When both bills passed and went to conference, the administration voiced concern about their cost and threatened a veto. To avoid a veto, the conferees lowered to $4,320 the income level below which services would be free and adopted a moderate scale of payments for families with incomes between that level and $6,920 (above that level the Secretary of HEW would set fees). The language of the Senate bill was modified to give a little more role to the states and rule out communities with less than 5,000 people as prime sponsors.

The bill now moves back to the two floors where it may encounter Republican opposition especially in the House. Republican unease is related not to cost, but to the by-passing of the states. If the bill passes, there is still the possibility of a veto, although it would surely be politically costly for the President, who has put such personal stress on the dignity of work, to veto a bill which promises to make work possible for millions of women and better the lives of children into the bargain.

Strident right-wing opposition to the bill has developed on the grounds that "child development" sounds like a 1984 attempt of the state to take over the role of the family. This criticism is pretty far fetched since participation would be entirely voluntary and the bill gives parents much more control over the new programs than they have over present public schools.

Criticism of the administrative mechanism has more substance—having all those "prime sponsors" deal directly with Washington hardly seems like an ideal administrative set-up. Unfortunately, however, state administration, especially in the Deep South, has so often proved insensitive to the needs of poor and minority children that direct funding may be necessary—at least for a few years.

To the criticism that these programs will be costly in the long-run there is no answer, except "yes." The bill to be voted on authorizes spending $2 billion a year for two years on the assumption that participation in the programs will be far from universal, a reasonable assumption in view of difficulty of organizing and staffing good programs quickly. In the longer run, however, it just has to be recognized that providing first-rate services to preschool children and adding after-school activities for older children is going to be expensive—$10 billion a year could be spent easily. The cost to the taxpayer can be reduced if middle and upper-income people pay fees, but these fees cannot rise too steeply as income rises without reducing incentives to earn more income. (The effect is the same as a high income tax rate.) In the long run, there will be no cheap way to do a good job. If the Child Development Bill becomes law there will at least be a hope that federal funds for day care will be spent primarily to meet the needs of children, not just to keep them busy while their mothers work.

Mr. MONDALE. Mr. President, the whole purpose behind the child development provisions in the bill is to improve and strengthen the family relationship. The program is entirely voluntary. It builds upon parentally controlled committees. The whole purpose is to strengthen the family and to run it at the local level. Our opponents, on the contrary, want to run it out of State welfare departments, without parental involvement, forcing the mother to work, and putting the children into a cold custodial day care center which creates some of the very problems they suggest would obtain.

Mr. JAVITS. Having been a slum child myself, I know that the closest parental relationship results from a child who is well educated and has the comfort and companionship of services in the absence of his parents who are working, which this title is designed to provide. This I know from personal experience. I agree with the Senator from Minnesota that that kind of atmosphere and those services will make the child a better child and a better parent.

Mr. NELSON. Mr. President, we have only a total of about 10 minutes left and I am wondering whether the other side would not consider using some of their time so that the Senator from Minnesota (Mr. MONDALE) could make the summary comments.

The PRESIDING OFFICER (Mr. CHILES). If no one uses time, the time will be equally charged.

Mr. DOMINICK. Mr. President, we have only 12 minutes left on this side.

Mr. NELSON. The Senator knows that on this side we only have a total of 15 minutes while there is 3 hours for the other side.

Mr. DOMINICK. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 8 minutes.

Mr. DOMINICK. Is that satisfactory to the Senator from New York?

Mr. JAVITS. Yes.

Mr. DOMINICK. Mr. President, I was a Senate conferee on S. 2007. It seems opportune for me to explain my position for not signing the conference report. I think it should be noted in this connection that the Senator from Ohio (Mr. TAFT) did not sign it, the Senator from Maryland (Mr. BEALL) did not sign it, and I did not sign it. No Republican signed it on the House side with the exception of Representative OGDEN REID. This indicates that there is substantial disagreement between the conferees concerning the conference solution to the problems we faced between the House and Senate bill versions.

As a Senate conferee to S. 2007, the Economic Opportunity Amendments of 1971, I feel obligated to explain to my constituents and colleagues my reasons for not signing the conference report. Earlier, as a cosigner of supplemental views to the Labor and Public Welfare Committee report on S. 2007, I indicated my general support for the legislation while maintaining strong reservations about some of the specific provisions contained therein. Subsequent floor and conference proceedings failed to remedy some of the bill's substantial defects so I am compelled to register my objections to the conference report.

Although I appreciate the importance of extending valuable OEO programs for an additional 2 years, I cannot in good conscience recommend such an extension while it is tied to an untenable Child Development Act. The issue no longer is whether the country needs a comprehensive child care system.

It is almost universally acknowledged that a comprehensive child care system is needed to break the proverty cycles existing in certain areas of this country. A properly administered child care program may well free welfare mothers for wage earning responsibilities while investing their children with health, educational, and nutritional care equivalent to that received by the nonpoverty child. The question becomes one of how child care should be delivered. The Child Development Act attached to S. 2007 is untenable because it places in concrete a $2.1 billion child care program of empty promises—empty promises which will neither fill the participating children's needs nor reach their parent's exceptions. It creates an unmanageable prime sponsorship mechanism emphasizing small, divergent, neighborhood units rather than utilizing the general administrative strengths of State governments; State governments which because of their size and organization can effectively coordinate child care programs with other necessary programs including, among others, maternal and child health programs, institutional care and foster care programs, State child care programs, and medicaid programs. Conversely, S. 2007 encourages a neighborhood-based system which would compete for, rather than coordinate with the above service systems. It encourages the creation of not hundreds or thousands of prime sponsors, but of tens of thousands of prime sponsors.

Program quality must necessarily suffer because it will be impossible for the Department of Health, Education, and Welfare effectively to monitor or provide technical assistance for this many prime sponsors.

In the process of the hearings, Mr. Jules Sugarman, a supporter of this bill and a man who was a Director of Project Headstart and now is head of the Human Resources Administration in New York—said to the committee on pages 166 and 167 of the hearings record that in his opinion the prime sponsorship should be limited to representatives of not less than 100,000 people. In this bill we only require prime sponsors to represent 5,000 or more people.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. DOMINICK. I would be happy to yield on the Senator's time.

Mr. MONDALE. The Senator would be pleased to know that Mr. Sugarman strongly supports the bill as passed.

Mr. DOMINICK. I am sure he does, because he has traditionally advocated comprehensive early child care. However, he does emphasize the fact that the bill in its present form is administratively suspect as OCD has neither the personnel nor the ability to train the personnel to administer the programs provided for under a bill involving so large a number of prime sponsors.

It is indeed unfortunate that Congress, in its headlong rush to create law, threatens the concept of child care with an unmanageable administrative rathole when it presently has before it H.R. 1 and S. 2003, legislation which, when finally drafted, promise a circumscribed but fully coordinated child care program. Rather than considering the merits and ramifications of the above legislation, Congress determined that a $2.1 billion program should be tacked onto a standard OEO extension bill regardless of the fact that OEO will not even administer the Child Development Act if enacted.

This discussion indicates once again that on matters as critical and sensitive as the care and development of our children more extensive and coordinated legislative consideration is required than in the present bill.

In addition to the defects I have noted above concerning prime sponsors, section 10 of S. 2007 contains an important restriction contrary to the very purpose and existence of the Office of Economic Opportunity.

The primary mission of OEO is to serve as the research and demonstration arm of the Federal Government to develop new programs and new approaches to the war on poverty. When the program matures to a point when it ceases to become developmental and commences to be operational the program is to be spun off to other agencies in the executive branch through the exercise of the delegation authority contained in section 602(d) of the Economic Opportunity Act. Section 10 of S. 2007 however prohibits the delegation or transfer of programs administered by the Director of OEO to the head of any agency through fiscal year 1973 unless a conforming provision of law is subsequently enacted. Section 10 frustrates the whole research and development concept of OEO and effectively relegates it to the status of any other executive operating agency. For the first time, the President and the Director of OEO are effectively prohibited from delegating matured individual projects.

This creates cnofusion and chaos as to the real role and mission of OEO. It is not going to continue to be an operative or innovative agency.

In the final analysis, the unnecessarily hurried efforts to create a comprehensive child care program and the unnecessarily restrictive delegation language of section 10 jeopardize what otherwise would be a simple OEO extension bill.

Unfortunately, these two defects are so substantial that they threaten the overall effectiveness of the bill and prevent me from approving the conference report.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, I have listened to the debate of the opponents with a great deal of curiosity and even with some amusement. I have often wondered whether what was being criticized here was the same bill which I had introduced in April, which passed the Senate overwhelmingly, and has now been recommended by the conference committee. We have heard talk of Bolshevik proposals. We have heard discussion about sociologists and scientists manipulating children and destroying the family.

In all candor, I can only say that such statements are utterly void of any factual basis with respect to this proposal. In fact, the whole thrust of this proposal is to strengthen the family unit.

The bill will hopefully open for the family and for the children what the

President said we should do in 1969 when he called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

This is what this proposal is all about. Do we intend to continue to be a wealthy and powerful nation and yet permit hundreds of thousands of American children never to have a chance? That is the issue.

Mr. NELSON. Mr. President, will the Senator yield for a brief question?

Mr. MONDALE. I would be glad to yield to the Senator from Wisconsin.

Mr. NELSON. I ask the one who drafted this legislation and is familiar with the background and history of it if it is not correct that the 1970 White House Conference on Children recommended a comprehensive child development program as the highest priority for children in this country?

Mr. MONDALE. The Senator is correct. The White House Conference on Children, the President's own conference, recommended that.

Mr. NELSON. And that was under this administration.

Mr. MONDALE. The Senator is correct. By a weighted vote, the conference voted overwhelmingly as their first priority a comprehensive child development program, including health services and day care.

Virtually all the leaders of that conference and the associations they represented have joined in supporting this proposal.

In addition, the Joint Commission on the Mental Health of Children came out strongly for the development of this kind of proposal in its recent report.

The conflicting theory is whether we should have this kind of program, based on strengthening the family, giving the child a fair chance, or a remote program dominated by State welfare agencies. That is the issue.

Mr. NELSON. Mr. President, will the Senator yield further for a question?

Mr. MONDALE. I yield.

Mr. NELSON. Is it not correct that under the provisions of the child development program, as it is in this bill, the parental participation in the programs with the children is greater than the parental participation in the present school system?

Mr. MONDALE. There is no question about it. As a matter of fact, the parents control the two operative councils. Each community has a child development council in which the parents, whose children are in the program, must comprise at least one-half.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield 1 additional minute to the Senator.

Mr. MONDALE. And each project must be governed by a project policy committee which, again, is one-half composed of parents.

In addition to that, the program is totally voluntary. No parent needs to put a child in this program unless he wants to do so.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. MONDALE. I reserve the remainder of my time.

Mr. DOMINICK. Mr. President, I understand I have 4 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I want to make it clear that throughout my participation in this debate I never indicated I thought that S. 2007 created an involuntary child care program. I think child development programs, as such, can be effectively created without the unreasonable administrative hurdles of S. 2007. I think one can be worked out at the local level in a large city or under a State plan.

I do want to point out that Secretary Richardson, following the conference report on November 18, 1971, specifically talks about the defects of this prime sponsorship program. As a very instrumental person in this entire HEW child development program, I think he speaks with considerable expertise.

He said:

Unfortunately, I now find upon analysis of the latest language that far too little flexibility is afforded to the Secretary of Health, Education, and Welfare to designate States as prime sponsors where such designation would assure higher quality care through greater access to child-related social services within the State. The present language instead mandates that in all cases priority be given to local prime sponsors, with the State left only as a residual catch-all for geographical areas which have submitted either no application or a wholly inadequate application for prime sponsorship.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter of November 18, 1971, from Secretary Richardson. I presume it is already in the RECORD but I want to have it printed in the RECORD again at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., November 18, 1971.

Hon. PETER DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: Throughout the consideration of the child care provisions of the Economic Opportunity Act Amendments of 1971, I have stressed the Administration's concern that at least some of the prime sponsors likely to be funded under the bill be States. It was our clear understanding that the language agreed to by the Conferees would permit this result.

Unfortunately, I now find upon analysis of the latest language that far too little flexibility is afforded to the Secretary of Health, Education, and Welfare to designate States as prime sponsors where such designation would assure higher quality care through greater access to child-related social services within the State. The present language instead mandates that in all cases priority be given to local prime sponsors, with the State left only as a residual catchall for geographical areas which have submitted either no application or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a State application over a local application, even if the State application would better assure quality care for children.

I have testified that we never have planned to choose *only* States as prime sponsors, but it is essential, in my view, that the delivery system provide flexibility to choose a State as a prime sponsor, when localities within that State have submitted applications which technically meet the criteria listed in the bill but do so less effectively than the particular State application.

With kind regard,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. DOMINICK. Mr. President, I think this is the key point involved here. S. 2007 language says that localities of 5,000 or more can get and shall be designated and funded as prime sponsors. Additionally, the Secretary may approve a State, as a prime sponsor, but what happens where we have two or three localities applying and fighting for control of the designated area before HEW and through the court systems, which they would be entitled to do. The State cannot be designated as prime sponsor of any program until the local applicants have exhausted all their rights?

Mr. President, how do you possibly administer and monitor the countless thousands of prime sponsors in communities of 5,000 or more who will be so designated under this bill all over the country, to say nothing of the Indian tribes which can be designated regardless of their size? They could come in in any number. That may be all right, but it is one more unit they will have to wrestle with. It is an administrative nightmare or, as I said in my original speech, an administrative rathole. It does not seem to me that we should create a bill with as many administrative shortcomings as this and then say we have done anything meaningful in the child development area.

The second point I wish to strongly object to is the strong prohibition against the OEO being able to delegate matured programs. Does that mean we are going to change the whole format of OEO, and we are not going to permit it to be an innovative agency which can transfer operational programs to another agency?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I urge my colleagues to vote against the conference report.

Mr. NELSON. Mr. President, I would like to make one comment on the observation of the Senator from Colorado in his statement that the bill prohibits the transfer or delegation of any of the programs under OEO. All we did in this bill was to write into law the statement made by spokesmen for the administration that they have no intention of transferring or delegating any program from OEO without congressional approval. That is all. They said they would come to Congress if they wanted to transfer or delegate programs from OEO, and ask for special legislation.

I yield the remainder of my time to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I have spent most of my time since coming into the Senate on the question of why it is so many thousands and thousands of American children somehow never make it into the mainstream of American life. My impression is that the number of such tragically disadvantaged children is increasing. We are creating a society which for most of us involves great hope, great opportunity, great prosperity, and security; but for hundreds and thousands of American children, because of a cheated background, we are creating a life of hopelessness, despair, and failure.

What we are trying to do in this bill is to respond to the almost unanimous plea of the White House Conference on Children, the almost unanimous recommendation of the Joint Commission on Mental Health of Children, to give these children a chance. That is all we are trying to do.

Mr. ROTH. Mr. President, the time has arrived when no one can any longer doubt that we are facing a full-fledged national crisis—the crisis of drug abuse. There can be no doubt that in recent years we have witnessed a major increase in the abuse of drugs. What was once considered a ghetto problem has now become a serious problem of national scope, affecting not only the inner city, but the suburbs and the military as well. The statistics on the abuse of a wide variety of drugs are appalling. Heroin is the drug causing the most damage to our society. For years the official estimate of the number of heroin addicts was in the range of 68,000. But in the past 2 years the estimate of the scope of heroin addiction alone—not counting any other drug—has risen to 200,000, then 250,000, and finally to 300,000 or more Americans. The abuse of depressant and stimulant drugs is even more widespread, and the hallucinogens—including such drugs as marihuana and LSD—are the most widely used of all the illicit drugs.

America cannot afford to underestimate the urgency of this drug crisis and its resulting costs to society—costs which include losses from crime, law enforcement expenditures, lost productivity, welfare expenses, and most importantly, the devastating waste of human life.

Mr. President, the bill which we are now considering, the Drug Abuse Office, Control, and Treatment Act of 1971 (S. 2097), represents a major bipartisan effort to meet the challenge of the drug abuse crisis now facing us. This measure takes major strides forward in our Nation's attempt to combat this problem. It would establish for the first time a comprehensive, coordinated and consistent strategy against drug abuse at the Federal level—a strategy which recognizes that education, law enforcement, treatment and research are not independent approaches to the problem.

This legislation is significant in several respects. It creates a Special Action Office for Drug Abuse Prevention in the executive office of the President, to coordinate the antidrug programs now scattered throughout the Federal agencies. It establishes a National Institute on Drug Abuse within the National Institute of Mental Health to plan and coordinate all activities of the Department of Health, Education, and Welfare relating to the rehabilitation and treatment of drug abuse. It requires that the Veterans' Administration provide for the treatment and rehabilitation of former servicemen suffering from drug addiction. It provides for extensive new Federal assistance to State and local education, training, treatment and rehabilitation efforts.

And it establishes a 15 member National Advisory Council on Drug Abuse to serve as a sounding board for, and make recommendations to, the Secretary of Health, Education, and Welfare concerning matters related to the problem of drug abuse.

Mr. President, I am a member of the Government Operations Committee, which held hearings on this legislation. I was a cosponsor of the original bill, and I am a representative of people who are gravely concerned about the problem of drug abuse which continue to confront us. We must put an end to this menace which is crippling our Nation socially and economically. The measures mandated by this bill are urgently needed. We have already waited for too long.

Mr. TAFT. Mr. President, I would like to take this opportunity to explain my position on the conference report on S. 2007, the Economic Opportunity Amendments of 1971.

S. 2007 was introduced in the Senate as a bill to extend the Economic Opportunity Act for 2 years. I have supported that objective because I think it important to continue the viability of the agency which plays the important role of developing programs to eliminate poverty.

I believe, however, that the grafting of the Comprehensive Child Development Act onto S. 2007 was a serious injustice to both bills. Certainly, two such significant yet unrelated measures deserved careful and separate congressional consideration. In contrast, H.R. 1 would have been an appropriate and relevant vehicle for the Child development amendment. OEO would play no role in the implementation of the child development legislation which was designed to serve middle and upper income families as well as the most needy.

Following the defeat of my amendment to separate the child development title from S. 2007, I was hopeful that the House of Representatives would consider the OEO extension, including the provision for a Legal Services Corporation on its own merit without the child development part of the bill. I therefore supported sending the bill to the House. Unfortunately, the amendment to add the child care provisions to H.R. 10351 passed the House by the slight margin of four votes. Although the question of excluding the comprehensive child development title from S. 2007 was not considered by the conferees, I think it is important to recall this very basic objection which I have raised both in committee and on the floor of the Senate.

The conference report on S. 2007 contains four major provisions to which I object. They are as follows:

First, the earmarking provisions;

Second, the prohibition against the transfer or delegation of programs from OEO to other operating agencies;

Third, the prime sponsor and delivery system for child development services; and

Fourth, the fee schedule for child development services.

The earmarking provisions in S. 2007 would seriously damage OEO's role as an innovator of new poverty programs because they so severely restrict the agency's research and demonstration functions. I do not feel that raising the percentage of funds that may be transferred from one program to another from 15 to 25 percent can offset the damaging effects of these earmarks. It is a matter of programing, not of financing. Seven years ago, the Headstart did not exist. Now this activity serves nearly half a million children of preschool age. Headstart would probably not be in existence were it not for OEO's role as an innovator. Legal services is another example of a program which began in OEO. If OEO's research and demonstration powers are so severely limited by earmarks, where will we look for tomorrow's Headstarts and legal services?

A major effect of the earmarking would be to add approximately $60 million to OEO's request in certain specified program areas. These increases will necessarily have to be funded by offsetting reductions in other programs which exceed their minimum allocations under the earmarking formula. The areas hardest hit by the requisite reductions include the developmental health programs such as comprehensive health, family planning and narcotics rehabilitation, and the research and demonstration programs of OEO—all areas of high priority for the Agency. The scope of reductions necessary in these areas is such that many, if not all, new program initiatives would be eliminated and many ongoing activities would be abandoned.

The prohibition against the transfer or delegation of programs from OEO to other operating agencies is objectionable because it is contrary to the principle on which OEO functions—that is—to create and nurture programs for the poor until they reach sufficient maturity to function along with other programs requiring similar expertise in the appropriate operating agency.

It should also be pointed out that the requirement for affirmative action by the Congress to delegate such programs from OEO to the proper operating agency negates the principle of the Reorganization Act and the Hoover Commission report. This agency would be unique in its exemption from the reorganization powers.

I believe that there is no area of more critical importance today than the care and education of our children. The concept on which the comprehensive child development bill is based is a sound one. I question, however, whether this bill has

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provided an effective framework to achieve the goals set forth. The prime sponsor and delivery system for child development services as outlined in the conference report may well prove to be both unworkable and unfair.

The provision that a mandatory priority be given to local applicants for prime sponsorship may be unfair to States which have or would develop a superior plan. I am certainly not opposed to units of local government becoming prime sponsors and conducting community-based programs if they are capable of providing comprehensive services. In many cases, this type of program administration would be preferable. However, I feel that plans for child development programs submitted by State and local governments should be judged and accepted on the basis of program quality rather than a mandatory preference for one over the other.

I am also concerned that the child development programs may serve to fragment the public school system in the areas served. The only role which school boards are given in this bill is the opportunity to offer comments on the program plan. Though many of the same facilities, supplies, and personnel could be advantageously utilized, there is no provision for a meaningful coordination between public school systems and child development councils.

The child development councils, as set forth in the conference report, would be composed of one-half parents, one-fourth specialists in the area of child development, and one-fourth nonparents who must have the approval of the parent group. I am concerned that this council will not be workable and efficient in the planning and administration of the very extensive and comprehensive services outlined in this bill. While I feel that the advice and experience of parents is invaluable in these programs, I question whether they would even want to assume the responsibility of the detailed planning and actual operation of these programs. Moreover, there is no assurance that local educators and others experienced in the operation of social and educational programs would be allowed to participate.

The fee schedule and provision of free child development services was a point of major disagreement in the conference on S. 2007. The Senate bill provided free services for a family with an income below the lower living standard budget—currently $6,960 for a family of four. I preferred the House provision which allowed the Secretary to set the fee schedule in coordination with H.R. 1 and other federally assisted child development programs. Because this would be a new program with limited funding, I believe that it is important to provide services first to those who need them most and the Secretary should be given the discretion to do so.

The provision for a Legal Services Corporation in this bill is, in my opinion, generally good. I believe the conference reached a workable and effective compromise on the composition of the Legal Services Board. With regard to the political activities of the employees of the Corporation, I would have preferred the House language which applied the restrictions of the Hatch Act to all full-time employees. The compromise reached by the conference provides that full-time employees while engaged in activities of the Corporation refrain from partisan or nonpartisan political activities.

I would also have preferred the Senate language which would have prohibited criminal representation except where the Board determined it to be necessary. The Senate receded to the House language which flatly prohibits any criminal representation.

I believe that the Legal Services Corporation as envisioned in this legislation would provide effective legal representation for the poor. The support it has received from the legal profession substantiates the soundness of this approach.

In balance, the conference report has many objectionable features in the child development portions. It holds out false hopes unlikely to be achieved by the plan proposed. Since the objections overreach the meritorious provisions, I declined to support the conference report.

REVITALIZATION OF THE WAR ON POVERTY

Mr. CRANSTON. Mr. President, I urge the adoption of the conference report on S. 2007, the bill to extend and expand authorities under the Economic Opportunity Act of 1964, as amended. I have been privileged to be involved with this important legislation throughout Senate consideration of it—in the Subcommittee on Employment, Manpower, and Poverty, the full Labor and Public Welfare Committee, in floor debate, and in conference committee.

Before commenting on the provisions of the conference report, I wish to pay particular tribute to the outstanding contributions of a number of my fellow Senators to the bill which we Senate conferees have brought from the conference. First, we are all indebted to the vision, evenhandedness and persuasiveness displayed by the chairman of the Senate conferees, the Senator from Wisconsin (Mr. NELSON), who is managing the bill on the floor today. His noteworthy leadership was complemented by the dedicated ranking minority member of the committee, the Senator from New York (Mr. JAVITS), and the ranking minority member of the subcommittee, the Senator from Ohio (Mr. TAFT).

Mr. President, I would be greatly remiss if I did not at this time also pay a very special tribute to the Senator from Minnesota (Mr. MONDALE), the chairman of the Subcommittee on Children and Youth, who so vigorously presented and, on nearly every major issue, sustained, the Senate position in the conference on the two major titles of the bill. I am referring to the provisions to establish a national legal services corporation and a comprehensive child development program. Throughout the conference, the Senator from Minnesota was a tower of strength and logic, and I feel privileged to have fought by his side to carry out the will of the Senate and to insure that we do not break faith with the many millions unable to afford legal services and child development programs. We all owe a great debt of gratitude to Senator MONDALE for his forceful and highly effective efforts on behalf of those persons who would be served by these two vitally important programs.

COMPROMISES WITH THE ADMINISTRATION

Turning now to some of the specifics of the conference report, Mr. President, there is talk now about the possibility of another Presidential veto. Such a veto would be a disaster. It would be a final insult to those burdened with poverty who have witnessed a steady erosion of OEO programs during the last 3 years under this administration.

Not only that, but such a misbegotten veto would be a retreat by the administration from principles which it says it supports: the establishment of an independent, private, nonprofit legal services corporation and a comprehensive child development program.

True, there have been disagreements over the details of these programs, just as there were differences between the House and Senate versions of the bill. But, we have tried to reach an accommodation between these differing views and, in my judgment, have struck a very fair compromise on the particulars of the legislation between the two Houses of Congress and between the Congress and the executive branch. That is the basic purpose of a conference committee—compromise; all sides have to be willing to give something.

Let me give some specifics illustrating the accommodations which were worked out.

First, regarding the Legal Services Corporation, the administration proposal called for appointment by the President of all the members of the Board of Directors of the Corporation. That was the structure in the House version, whereas in the Senate version one-third of the members of the board were not appointed by the President. The Senate receded to the administration's position on this important question.

Second, regarding criminal representation by legal services attorneys while working in programs funded by the Corporation, the Senate provision would have permitted certain criminal representation activities. The House bill adopted the administration position to preclude the expenditure of Corporation funds or the time of its personnel for criminal representation. The Senate receded to the House position with an understanding expressed in the conference report which I will touch upon later.

Third, regarding solicitation of clients by legal services attorneys, the Senate bill was silent on this particular prohibition. The House bill contained language, which was strongly supported by the administration, prohibiting such solicitation of clients by attorneys or other persons engaged in programs funded by the Corporation. The Senate substantially receded to the House and administration position on this issue.

Fourth, regarding political activities by employees of the Corporaton and its grantees during nonworking hours, the Senate bill contained no restriction. The House bill generally applied the provisions of the Hatch Act to all full-time employees of the Corporation or its grantees, provisions supported by the administration. The Senate conferees agreed to incorporate restrictions on any activity of Corporation or grantee employees which might identify the Corporation with a political candidate and to direct the Corporation to establish appropriate guidelines governing the off-time political activities of the Corporation's or its grantees' full-tme employees.

Fifth, regarding the comprehensive child development program, the Senate version provided for free services to families of four with incomes of $6,960 or less; whereas the House version placed the cutoff at $4,320. The administration was particularly adamant in its support of the House provision, which the Senate conferees ultimately accepted.

Sixth, regarding the ability of the Secretary of HEW to exercise some discretion in designation of local governmental units as prime sponsors, there seems to be a widespread misunderstanding of the basic provisions in the Senate bill even prior to conference. Under the original provisions in the Senate bill and specifically now in section 513(b) in the new title V which the bill adds to the Economic Opportunity Act, the Secretary's approval of a prime sponsorship plan for a particular locality—in the conference report those with populations of 5,000 or more—is conditioned on his determining that the plan meets the requirements of the act and also "includes adequate provisions for carrying out comprehensive child development programs in the area of such locality." Similarly, section 515(a) in the new title specifies that financial assistance to prime sponsors shall be provided "only pursuant to a comprehensive child development plan—approved by the Secretary." Again, the Secretary has some discretion with respect to determining that a plan makes adequate provision for providing comprehensive child development services in the prime sponsorship area. It is true that this does not permit the Secretary to establish by regulation or as a matter of practice that certain localities of certain population size over 5,000 persons will not as a matter of course be designated as prime sponsors, but it clearly does permit him discretion to disapprove a particular prime sponsorship application from a locality which qualifies on population size if he finds that that locality's plan does not contain adequate provisions for carrying out a comprehensive child development program in the area to be served. In such instances, the Secretary would then negotiate with units or combinations of units of local governments with larger populations, and if he determined that none of their plans were sufficiently comprehensive, he could designate the State government as the prime sponsor for programs covering such areas.

In addition to these six compromise areas, as I outlined during floor consideration of S. 2007 on September 8, there were a number of other areas where the Senate-passed bill already made significant concessions to administration positions.

Mr. President there were a number of matters resolved by the conferees that require some further elaboration beyond what I have already stated.

CHILD ADVOCACY

I wish to point out that although the separate child advocacy provisions in the Senate bill were not acceptable to the House conferees, it was clearly understood that the Office of Child Development was given more than ample authority to engage in child advocacy experiments along the lines of those envisioned by the Senate bill. Particularly, I refer to clause (M) of section 512(2) which provides that child development program funds may be used for "child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children . . . ."

YOUTH RECREATION AND SPORTS PROGRAM

With regard to the youth recreation and sports program added as a section 227 in part B of title II of the Economic Opportunity Act by section 18 of the conference report, I wish to reiterate certain points made during Senate floor debate on September 9 by the Senator from Pennsylvania (Mr. SCHWEIKER). On that occasion, Senator SCHWEIKER was offering an amendment, which I cosponsored, to these provisions which I was the author of in committee and which the House conferees accepted without change. Senator SCHWEIKER's and my floor amendment somewhat broadened the scope of those qualified as recipients of grants under the youth recreation and sports provisions in the bill as reported from committee.

However, as Senator SCHWEIKER stressed on that occasion and as I wish to emphasize now, that amendment would not in any way alter the basic purposes of the provisions in the committee bill or therefore the provisions now in the conference report. That amendment was intended only to permit grants to nonprofit organizations, with access to appropriate recreational facilities, which organizations the Director of OEO—or his designee—deemed to be qualified to carry out the purposes of the youth recreation and sports program provisions. In order to have such qualifications, such a grant applicant would have to demonstrate competency in all of the training, education, nutrition, drug abuse education, and counseling activities required in the statutory provisions governing the program in all of the dimensions contemplated in the specific legislative language and in the committee report and thus to provide such services at least equal in quality and quantity to the services presently provided by the National Collegiate Athletic Association—NCAA—in carrying out the present youth sports program.

If private nonprofit organizations, such as the Amateur Athletic Union—AAU—and its affiliated organizations are unable to offer such a diversity and caliber of services, it would be beyond the contemplation of the authors of this provision for them to receive a grant under this revised language. Moreover, it is also our intention that those administering this program require of any new grantee other than the NCAA that they continue to require the same conditions with respect to administrative overhead as has existed under the NCAA program; namely, that there be no reimbursement of administrative costs either to the program manager at the national level or individual program operators in the field.

Finally, I wish to stress again, as Senator SCHWEIKER did previously, that it is not our intention that the NCAA should receive a grant of any less than $3 million under this program. Indeed, we would expect that, as long as the NCAA continues to qualify to carry out a sufficiently comprehensive, high-quality program, consistent with the new statutory provisions, grants would be made to other applicants only from funds appropriated and made available under this program well in excess of $3 million. In the same way, I also wish to make abundantly clear that the amendment adopted on the floor on September 9 was not intended to have the effect in any way of making it possible for Federal funds to be substituted for State or local expenditures that would otherwise be made for recreation and physical fitness programs for disadvantaged youth.

NATIONAL LEGAL SERVICES CORPORATION

Earlier in my statement I made reference to the conference report language with respect to criminal representation by legal services attorneys. Specifically, this language, in section 906(i) in the new title IX in the conference report, states:

> No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

In explaining the Senate recession on this matter, the explanation of the conferees states:

> The conferees want to make clear that this prohibition does not in any way relieve any attorney from specific or general responsibilities imposed on him as an officer of the court by the courts before which he practices.

Thus, it was our understanding in conference that the provision in the conference report would permit legal services attorneys to respond to calls from the courts in a particular jurisdiction for legal assistance during extraordinary circumstances, as well as to accept individual court appointments to represent indigent persons, particularly in criminal matters arising out of a fact situation which had given rise to civil litigation in which a legal services attorney was representing that particular indigent client-turned criminal defendant. It is left to the Board of Directors of the Corporation to issue guidelines governing such activities by legal services attorneys as officers of the court beyond and during business hours.

It should also be understood clearly by virtue of the very clear language in section 913 in the new title IX in the conference report:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision, or control over the corporation. . . .

That the Director of OEO has only a ministerial function in transmitting to the Office of Management and Budget the annual budget request prepared by

the Board of Directors of the Corporation. It would thus be improper for the OEO Director to attempt in any way to alter or interfere with the orderly consideration of such budget request by the Office of Management and Budget.

Finally, I hope that OEO in providing for temporary funding of the activities of the incorporating trusteeship and the Board of Directors during the first 6 months after enactment of the bill, pursuant to section 1001(b)(3) of the conference report, will utilize appropriations generally available to the Office of Economic Opportunity for such Corporation organizational expenses rather than funds specifically appropriated for the legal services program.

CONCLUSION

Mr. President, although I firmly believe that the Senate conferees performed their obligations faithfully as representatives of the Senate position in the conference, I also think it is abundantly clear that we have operated in a spirit of conciliation with a view toward making accommodations with the administration and with the House where those accommodations were consistent with the basic principles underlying the Senate bill. I, for one, believe that we have gone far enough regarding the points I have just raised. Indeed, in certain respects, I think we may well have gone too far toward the administration position; but all of us felt very strongly the imperative of attempting to arrive at a bill that all sides could live with.

I hope it is not the President's position that the role of Congress is to acquiesce in all of his preferences in the legislative process. After all, it is Congress which, under the Constitution, has the responsibility for legislating as the collective elected representatives of the people.

It is not the function of Congress merely to rubberstamp the President's proposals, but rather to work with him and his representatives to achieve reasoned compromises. That is what I believe the Senate conferees have done in this instance.

I have heard commentaries that there is something anti-American about this bill. With all due respect to the commentators, that is absolutely preposterous.

The bill is as American as apple pie.

What is more in the American tradition than public responsibility for education?

What is more in the American tradition than vesting educational responsibilities at the local level and ensuring strong parental involvement. It seems to me that that is a fundamental precept of our local school boards and local educational systems in this country.

What is more American than to provide that families will pay for services above a certain income level in accordance with their ability to pay for such services? Since when is such a progressive fee system out of line with our basic heritage?

What is more democratic, in short, than investing now in the future by providing learning opportunities for our children and seeing that they receive the health, nutrition, and related services to take the fullest advantage of all the opportunities with which our people are blessed?

And what is more intrinsic to the American concept of ordered liberty than to provide a permanent framework whereby individuals who feel themselves oppressed or aggrieved by society may seek legal redress within the system through the judicial process?

Mr. President, I am astonished at any implication that these time-tested American purposes, principles, and ideals should be somehow not acceptable in our Nation today. I do not believe that for a minute.

I urge the adoption of the conference report and stanch resistance against any effort to recommit it or alter it in any significant way.

WHAT CHILD CARE LEGISLATION IS ALL ABOUT

Mr. CHURCH. Mr. President, in the last few weeks I have received many letters, both for and against pending child care legislation. In the December 1, 1971, Washington Post an excellent article written by Alice M. Rivlin discusses the legislation and what it does and does not do. I commend this informative article to my fellow Senators and ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROGRAMS BEFORE CONGRESS THIS WEEK: A NEW PUBLIC ATTENTION TO PRESCHOOL CHILD DEVELOPMENT

(By Alice M. Rivlin)

In the United States, public concern for a child's welfare generally does not become evident until he reaches age 5 and is eligible for kindergarten. Even then the public responsibility usually ceases at 3 o'clock in the afternoon.

But these attitudes are already changing. The next few years are likely to see a burst of public attention to the vital years between birth and 5, rapid growth of all-day programs for pre-school children with working mothers, and recognition that the day does not end for a school-age child when the 3 o'clock buzzer signals that classes are over.

The big questions will be: what character will these new programs have? Who will run them? And who will pay for them? When the Congress votes this week on the OEO bill, it may begin to provide the answers.

The bill extending the life of the Office of Economic Opportunity, just reported out of the House-Senate conference committee, contains a new Title V, for "Child Development Programs," meaning a wide variety of services to children such as all-day care for preschoolers, after-school and vacation programs nutrition, medical, dental and psychological services, and education for parents in child-care and development. The bill authorizes $2 billion for such programs in fiscal year 1973, including $500 million earmarked for continuation of Headstart. The money would be allocated among the states in accordance with a formula, but administered primarily at the local level. Communities with 5,000 or more people could be "prime sponsors," applying directly to the federal government for money. The prime sponsor would be required to have a Child Development Council, half of whose members would be elected by parents, and individual projects would be run by Project Policy Committees composed of parents and local community members. The bill would make child development services available free to those with incomes of less than $4,320 a year (for a family of four) and would establish a fee schedule related to income for families with more resources.

While there is some vagueness about what "child development" actually is—partly because the framers of the bill were eager to preserve flexibility and choice at the local level—it is very clear what this program is *not*. First, it is *not* just a babysitting operation to provide custodial care for children while their mothers work. The bill emphasizes the well-being of children and the comprehensive services they need for full development, whether their mothers work or not. Second, it is *not* just another program for the poor. Priority is to be given to "preschool children with the greatest economic and social need," but the intention is to make services available to families at all income levels with those above the poverty line paying part of the cost. Third, it is not just another welfare program. The "prime sponsor" mechanism and the parent councils are specifically designed to by-pass the state welfare bureaucracies and give the beneficiaries of the program a real voice in its operation.

Several different groups are pressing for federal programs for children, for different and not entirely compatible reasons. Some are primarily motivated by a desire to reduce the welfare rolls. They believe day care should meet minimum standards of health and safety so the children do not come to harm, but that its main objective ought to be to keep children out of the way so that their mothers can earn wages rather than welfare. A second group is primarily concerned with overcoming the damaging early handicaps of children from poor families. Headstart, which reaches many 4- and 5-year-olds, but usually for less than a year, has proved too little and too late. There is accumulating evidence that children develop rapidly in the first three years of their life, that good nutrition and mental stimulation at this age make a difference—at least if they are sustained. A third group, the voice of women's liberation, sees attractive stimulating day care centers as a way of giving *all* women, not just the poor, a genuine choice between childcare and work outside the home. And finally, there are those whose primary motivation is to mobilize community action in the ghetto, the rural South or on Indian reservations, who believe parent involvement in decision making about Headstart programs did as much for parents as for children, and who see community controlled child development programs as a good vehicle for the poor to use in acquiring political experience and challenging the "power structure."

The focus on reducing welfare rolls is reflected in H.R. 1, the Nixon-Mills welfare reform bill that has passed the House, but not the Senate. Under H.R. 1, a mother on welfare could be required to take work (unless she had a child under 3) provided day care was available. Senator Long, no enthusiast of the administration's welfare reform proposals, has held hearings on his own bill to provide custodial day care to the poor through a public corporation.

But while welfare reform was bogged down in the Senate, bills for more comprehensive but entirely voluntary child development programs were making their way through the legislative obstacle course on both sides of the Hill. Senate Mondale's Child Development Bill, incorporated into the OEO amendments, stressed comprehensive services and community control and would have provided services free to families with income under $6,920 with a sliding scale of payments for families with higher incomes. On the House side, a similar bill, sponsored by Representatives, Reid, Brademas and Mink, but giving more role to states and less to localities and parents, was added to the OEO extension as a floor amendment. When both bills passed and went to conference, the administration voiced concern about their cost and threatened a veto. To avoid a veto, the conferees lowered to $4,320 the income level below which services would be free and adopted a moderate scale of payments for families with incomes between the level and $6,920 (above that level the Secretary of HEW would set fees). The language of the Senate bill was modified to give a little more role to the states and rule out communities with less than 5,000 people as prime sponsors.

The bill now moves back to the two floors where it may encounter Republican opposition especially in the House. Republican unease is related not to cost, but to the bypassing of the states. If the bill passes, there is still the possibility of a veto, although it would surely be politically costly for the President, who has put such personal stress on the dignity of work, to veto a bill which promises to make work possible for millions of women and better the lives of children into the bargain.

Strident right-wing oppositions to the bill has developed on the grounds that "child development" sounds like a 1984 attempt of the state to take over the role of the family. This criticism is pretty farfetched since partipation would be entirely voluntary and the bill gives parents much more control over the new programs than they have over present public schools.

Criticism of the administrative mechanism has more substance—having all those "prime sponsors" deal directly with Washington hardly seems like an ideal administrative set-up. Unfortunately, however, state administration, especially in the Deep South, has so often proved insensitive to the needs of poor and minority children that direct funding may be necessary—at least for a few years.

To the criticism that these programs will be costly in the long-run there is no answer, except "yes." The bill to be voted on authorizes spending $2 billion a year for two years on the assumption that participation in the programs will be far from universal, a reasonable assumption in view of difficulty of organizing and staffing good programs quickly. In the longer run, however, it just has to be recognized that providing first-rate services to preschool children and adding after-school activities for older children is going to be expensive—$10 billion a year could be spent easily. The cost to the taxpayer can be reduced if middle and upper-income people pay fees, but these fees cannot rise too steeply as income rises without reducing incentives to earn more income. (The effect is the same as a high income tax rate.) In the long run, there will be no cheap way to do a good job. If the Child Development Bill becomes law there will at least be a hope that federal funds for day care will be spent primarily to meet the needs of children, not just to keep them busy while their mothers work.

Mr. TOWER. Mr. President, I am strongly opposed to the conference report on S. 2007. This bill seeks to extend the authority of the Office of Economic Opportunity for 2 more years and, in addition, establish a comprehensive child development program and a National Legal Services Corporation. While the conference committee did accomplish some minor improvements in the measure, particularly under the Legal Services title, I remain opposed to this bill.

My major objections revolve around the following sections in the conference report: The earmarking provisions for current OEO programs, the provision which would prohibit the Director of OEO from delegating programs and projects to other agencies within the Federal Government without prior approval of Congress, and the title authorizing the comprehensive child development program.

These are basically the same objections I stated in opposing S. 2007 when it passed the Senate on September 9.

The earmarking provisions and the prohibition placed on the Director of OEO negate both the true purpose of the Office of Economic Opportunity and President Nixon's positive steps to reform the war on poverty agency. In my remarks during consideration of the Senate version of this bill I made the following statement concerning these restrictive provisions:

This bill, S. 2007, intends to eliminate the research and development functions of the Office of Economic Opportunity and give that agency direct program responsibility. There is no rationale for expanding the role of a governmental agency that will work in direct competition with other branches of the Federal bureaucracy.

The taxpayer's money, spent for whatever purpose and for whomever's benefit, is wasted if it is not spent and administered in a logical manner. If the purposes of the Office of Economic Opportunity are to be primarily of a policymaking nature, the agency should be abolished and its resources should be transferred to the Department of Health, Education, and Welfare, and other agencies that have major responsibility in this area of service. This bill dramatically reduces the unique characteristics of OEO and for that reason alone should be defeated.

Furthermore, Mr. President, I am extremely concerned about the title V of the bill establishing a comprehensive child development program. I do not believe the proponents of this bill have proven beyond a reasonable doubt the essential need of adopting this far-reaching proposal.

I do not believe that the Senate has had ample opportunity to consider the purposes and ramifications of the child development program. The objectives and limits of the program have not been conclusively defined. Besides the simple fact that the child development program will not be administered by the Office of Economic Opportunity, and therefore us, should be considered on its own merit and not as part of the pending bill before us, I have some very real objections to both the announced and inferred purposes of the program.

Mr. President, this Nation has embarked upon a concrete program to stimulate the economy and deter the inflationary pattern that has plagued all Americans over the past few years. Now the Congress is seriously considering a proposal to authorize $2 billion for fiscal year 1973 to establish a program that seeks to enlarge the Federal Government's role in a dramatic manner in the field of child rearing. It must be understood that this bill is not intended to simply provide services to children of welfare recipients so that the recipient can be free to seek employment. There are really no limits to this proposal. Conceivably, any American child can be enrolled in the program.

Therefore, we must ask ourselves what really is the purpose of this proposal. It is obviously not intended to provide employment opportunities for welfare recipients or it would be restricted to those individuals. It must be presumed, therefore, that the major objective of the proposal is to drastically alter the manner in which American children have traditionally been raised. I firmly believe that the traditional American approach to child rearing is the best and for this reason I feel that the passage of this proposal should be rejected. Furthermore, the conference committee on the Revenue Act of 1971 has agreed to the Senate amendment granting tax credits for family income spent on day care services. I supported this amendment and believe it alone will go a long way toward providing those types of services needed by a great number of American families.

In considering this proposal, I believe that the nature of American Government must be closely analyzed. Are we as a people ready to allow the Federal Government to assume a primary role in influencing the thoughts and habits of our children? This question should be answered in the negative.

I am well aware of the provisions in the bill to assure voluntary participation in the child development program as well as the acknowledgement that parents will have some role in developing policies. I supported amendments offered by the distinguished Senator from New York (Mr. BUCKLEY) to insure that the program would be completely voluntary. Yet, I remain firmly convinced that the potential harm of the proposal is limitless. Oftentimes, as we only too well know, well-intentioned programs can get out of control and the result can be chaos.

I am ready to support a well constructed proposal to assist welfare recipients in availing themselves of day care services for their children so that the recipients can seek employment and better their entire family. I am not, however, ready to support a proposal which has as its objectives a set of ill-defined principles that seem totally allen to traditional American values. The child development program is a complete waste of public funds. Perhaps even more important, however, is the fact that this proposal would provide a means for Federal Government intervention in an area that is possibly the fundamental keystone of the American way of life.

Mr. President, the entire OEO bill should be defeated, and sent back to both Houses of Congress for further consideration. Should the bill be passed in its current form I will urge the President to veto it. There is little doubt in my mind that the President himself recognizes the flaws in the bill I have herein outlined and will exercise his constitutional privilege and send the bill back to the Congress for further consideration.

CHILD DEVELOPMENT PROGRAM MUST BE ENACTED

Mr. HUMPHREY. Mr. President, after several weeks of work, the Senate and House conferees have reached agreement on S. 2007, providing for a 2-year exten-

sion of economic opportunity programs, and establishing a comprehensive child development and day care services program and a new Legal Services Corporation.

I urge my colleagues to give this conference report their complete and vigorous support.

I am aware that controversy has centered on the child development provisions in this bill.

No one can effectively dispute the need for such a program. But the administration has taken, as usual, a short-sighted view and has wanted to concern itself only with the needs of welfare mothers.

Certainly quality day care services are critically needed for the children of the poor. But they are also desperately needed for millions of other children in middle-income families where both parents work or where the mother is the head of the household and provides for the family's complete support.

And these families would be able to participate in the child development program through the payment of a modest fee on a sliding scale.

In days gone by, grandmothers, aunts and cousins could be called upon for this type of care. But the pattern of living in our country has radically changed. Our people are more mobile and seldom live their entire lives near their families.

And along with this increasing mobility has come a radical change in family working patterns.

Growing numbers of women no longer want to choose between a career and marriage. They are prepared for both—and they want both. But they need day care services which will permit them to do so without sacrificing the needs of their children.

Just how many mothers are working today? The figure now exceeds 12 million, an increase of 800 percent in the last 30 years.

And one-third of all mothers with children under the age of 6, some 4½ million, are part of this labor force.

This means that there are 6 million preschool children in need of developmental day-care services while their mothers are out of the home.

Yet there are less than 700,000 licensed day-care opportunities available.

And, in the public debate on the child care provisions in this measure, we must not lose sight of the inestimable value of preschool training and early developmental experiences in the lives of our Nation's children.

Such opportunity for early stimulation and help can eliminate many of the later problems which cripple and hamper the progress of untold numbers of children when they enter the public school system at age 6.

Disadvantaged and handicapped children would especially benefit from this early attention.

I realize that many of my colleagues have been bombarded with mail from extremist groups in this country who are trying to stir opposition through scare tactics which have no basis in fact.

Some have insisted that a child care program will destroy parental authority—that "child care" will become "child control."

This argument is made despite the fact that the legislation provides for parents themselves to serve on the local bodies which will establish developmental day-care programs in the various communities.

In desperation they have even labeled the program anti-American and communistic.

This disgraceful effort to mislead the Nation is discussed at length in an article in yesterday's Washington Daily News, which I shall request be included at the conclusion of my remarks.

However, I have faith in the good sense of the Congress and the American people. I do not think that these scare tactics will result in defeating a program which will offer our Nation's children the opportunity for development and training that a prosperous and deeply concerned Nation is able to provide.

I believe it is well for our President also to reflect on this great national need. I remind him once again that in his campaign for the presidency, he promised our citizens that every child would have the best education that our wisdom and schools could provide and an equal chance to go just as high as his talents would take him.

Let him now live up to that promise by stating without reservation his support for this historic legislation that can inaugurate a major program to provide our children with the comprehensive development opportunities and quality day care services they need and deserve.

Mr. President, I ask unanimous consent that the article, entitled "Child-Care Aid in a Squeeze," by William Steif, and appearing in the November 29, 1971, issue of the Washington Daily News, be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILD-CARE AID IN A SQUEEZE

(By William Steif)

A growing right-wing uproar is threatening to kill proposed child-care legislation aimed at aiding low-income families and at preparing the way for President Nixon's welfare reform program.

This assault seeks to brand the proposed child-care program as a "child control" plan. It has come in the form of attacks in right-ist publications, letters to congressmen and government officials and formation of a new organization to fight the bill.

The attack has coincided with strong administration opposition to one feature of the bill, which might lead to a presidential veto.

Elliot Richardson, secretary of Health, Education and Welfare, has written to Democratic sponsors complaining that the bill, by requiring local rather than state control of health-care centers and giving HEW no "flexibility" to administer the program, would result in chaos.

The $1.5 billion child-care measure is one section of a routine bill to authorize extension of the Office of Economic Opportunity. In the Senate, it was drafted primarily by Sen. Walter Mondale, D-Minn. In the House, Rep. John Brademas, D-Ind., was the main sponsor.

CONFERENCE ACCORD

After Senate passage of the OEO bill Sept. 9 and House passage of its OEO version Sept. 30, a conference committee ironed out their differences and came up with child care legislation that would authorize:

A new system of child development centers that would be named by locally elected officials and half would be picked from among the parents served.

$100 million in the current fiscal year for planning the new system and $1.4 billion in fiscal 1973 to put it into effect.

Free child care to children of families with incomes of $4,320 or less a year.

Relatively small fees for child care for families with annual incomes between $4,320 and $6,960 (at $5,916 income, for example, the fee would be $159.60).

Fees set by the HEW secretary for parents with incomes above $6,960 yearly.

A fund distribution formula under which half the money would be allocated for poor children up to age 14, a quarter for preschool children, and a quarter for children of single-parent families.

HILL ACTION THIS WEEK

The conference committee's report is to be filed today with the Senate scheduled to act tomorrow or Wednesday, and the House on Thursday.

Senate approval seems assured. But Democratic supporters of the proposed compromise said they need up to 50 Republican votes in the House for passage. They doubt they can produce them because:

The chief GOP conferees in the House, Reps. Albert Quie, Minn., William Steiger, Wis., and John Dellenback, Ore., have refused to sign the conference report, thus advising other Republicans to oppose the compromise.

HEW Secretary Richardson wrote Sen. Gaylord Nelson, D-Wis., chairman of the subcommittee which drafted the Senate measure, that "too little flexibility" is permitted HEW in the bill, with the result that the States are virtually shut out of child-care programs.

White House lobbyists on Capitol Hill are telling congressmen they'd rather have the House kill the bill than have Mr. Nixon bear the onus of vetoing it.

Overhanging all this is the right-wing attack, first signaled in mid-September by "Human Events," a weekly published here.

CALLED "ORWELLIAN"

As soon as the Senate passed its OEO bill, the right-wing weekly headlined, "Big Brother Wants Your Children," and called the Senate bill "a sweeping new social engineering scheme . . . potentially as revolutionary as (Mr. Nixon's) Family Assistance Plan." It assailed the measure as "Orwellian"—a reference to George Orwell's novel, "1984."

Other right-wing publications took up the cry. After the House passed its OEO bill, "Human Events" headlined on page one:

"Nixon Must Veto Child Control Law."

A two-page blast followed. Readers were "urged to write the President to kill this extremely radical proposal." A boxscore reported how every House member voted on the key vote. And a separate table reported that 81 "renegade Republicans . . . went along with the final liberal-backed OEO measure."

The "Human Events" story said "the measure threatens to destroy parental authority," raises "the specter of compulsion," and would "remove the education and training of children from the home and the church and turn it over to an agency of the federal government."

OTHERS JOIN ATTACK

Alan Stang, a John Birch society speaker, began assailing the bill.

James J. Kilpatrick, a conservative columnist, said the bill would have to be considered "in the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes."

Rep. John Rarick, D-La., picked up the attack in the House, calling the bill "a government threat to the right of parents to rear their children."

An "Emergency Committee for Children" was formed here to oppose the bill, with its letterhead address "Suite 206, 422 First-st. se, Washington."

The committee's address is the office of the American Conservative Union, a floor below the "Human Events" office in a Capitol Hill building owned by "Human Events." The committee is run by Dan Joy, a former worker for Young Americans for Freedom, another rightwing group.

The committee letterhead includes broadcaster Fulton Lewis III, Author Russell Kirk, Indianapolis newspaper editor Stanton Evans, Indiana Youth Council Director Robert Galm, and columnist George Crane.

The committee's report on the child care bill repeats the charges that it is "Orwellian," will "undermine the basic unit of society, the family," and seeks "mind-control" by "Sovietizing . . . a crop of programmed citizens."

PREDICTABLE RESULTS

The result of such right-wing attacks has been predictable:

Last week, one high HEW official acknowledged, HEW got "several thousand" letters against the child-care bill, mostly forwarded from the White House. Mail also is pouring into congressional offices.

For example, Mrs. Leonard Saunders, of Watertown, Wis., wrote Sen. Nelson and asked him to oppose the bill because "it is anti-Biblical, anti-American and pro-communistic."

Doris Taylor, of Firth, Neb., wrote Rep. William Keating, R-Ohio, that the bill represented "a potential threat to American society," and Mr. and Mrs. Paul O'Leary, of Cincinnati, said it would bring "total control of our children." A Kansan wrote, "this is only going to widen the path for communism in our country."

ANSWERS CRITICS

Sen. Nelson replied to such attacks this way:

The bill has been endorsed by the U.S. Catholic Conference, National Council of Churches, National Education Association, Conference of Mayors, League of Women Voters, National League of Cities, and National Association for Retarded Children.

"A spirited campaign has been launched against the bill based on misleading information."

No services may be offered children under the bill without "the full consent and involvement of parent or legal guardians."

"Programs will be completely designed, operated and controlled at the community level with parents of children enrolled . . . holding the principal responsibility."

"Especially absurd are charges . . . that there is something 'communistic' about such legislation. On Aug. 11, 1969, President Nixon requested authority to provide child care for 45,000 children, primarily to make it possible for people on welfare to be trained and employed in productive jobs."

But so far, at least, the thunder on the right seems to be drowning out the sponsors of the child-care legislation.

Mr. CHILES. Mr. President, I support the concept of child care support and feel that this concept must be implemented and funded adequately if we are to ever break the vicious welfare cycle. However I strongly disagree with the version contained in this conference report. The report would have the Federal Government bureaucracy bypassing the States in an attempt to deliver these services to people. Again, it would enlarge the Federal bureaucracy and keep the control center of these programs here in Washington. It is my feeling that this approach is defeating the very thing that we all want to do and that is to allow our States and local governments to be innovative in their delivery of these services.

I am not against extending the funding of the Office of Economic Opportunity and I know that the report is going to be adopted but as I strongly feel this is the wrong direction for effective child care support, therefore I intend to vote against the conference report.

Mr. KENNEDY. Mr. President, I join with the other Senate conferees on S. 2007, the bill to extend the Office of Economic Opportunity, in recommending adoption of the conference report.

I believe the conferees have struggled mightily in behalf of the Senate position and the conference report reflects considerable success and Senators NELSON, MONDALE, and CRANSTON should be particularly commended for their work along with Senators HUGHES, STEVENSON, RANDOLPH, TAFT, JAVITS, SCHWEIKER, DOMINICK, and BEALL.

Several areas justify particular attention. First, the conference agreed to expand the special impact program agreeing to the legislation submitted by Senator JAVITS and myself to establish a new title VII to stimulate urban and rural community economic development; second, the conference agreed on establishing a National Legal Services Corporation to assure the independence and continuation of legal services for the poor; third, the conference agreed on nationwide child development and care program for children of both low- and middle-income families; and finally, the conference agreed to a five-fold increase in neighborhood youth corps programs to alleviate some of the effects of the current unemployment crisis.

The decision by the conference to include the Senate authorized figures of $60 million for fiscal year 1972 and $120 million for fiscal year 1973 for title VII, the new economic community development title, demonstrate a congressional determination that inner cities and rural areas must not become economic wastelands.

A Federal commitment and Federal resources to back up that commitment must be made for both inner city and rural economic development. Enactment of the current title VII, with the increased levels of authorizations, represents a step in that direction.

House conferees were in agreement that this measure is vitally needed if we are to meet the demonstrated need from the Nation's cities and rural areas.

The National Legal Services Corporation soon will become a reality and hopefully the appointees to the governing board of directors will continue the leadership in providing legal services for the poor which has been demonstrated in the past by the OEO legal services program.

The child development program which passed the Senate has been adopted by the House with some modifications. However, the essential elements of the Senate-passed measure have been retained.

Senator MONDALE deserves special mention for his work in this area as chairman of the Subcommittee on Children and Youth and for his leadership in developing this legislation.

For the first year some $500 million is authorized to continue the Head-start programs while the transition is made to a full nationwide child care program In fiscal year 1973, $2 billion is authorized to carry out this program, which seeks to provide "a full range of health, education, and social services . . . essential to the achievement of the full potential of the Nation's children . . ."

Also, the conferees agreed that the current level of unemployment makes essential an expansion of the neighborhood youth corps program to provide for 100,000 new jobs for young men and women.

In other new programs, the conference adopted a community design program, a year-long recreation program, and environmental action program, and a rural housing loan program.

In its actions, the conference expressed a congressional determination to continue the Federal commitment to end poverty in this Nation and to maintain the Office of Economic Opportunity as a focal point in that effort.

Mr. DOMINICK and Mr. NELSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WEICKER. Mr. President, on this vote I have a live pair with the junior Senator from Tennessee (Mr. BROCK). If he were present and voting, he would vote "nay." I voted "yea." I withdraw my vote.

Mr. GRIFFIN. Mr. President, on this vote I have a live pair with the junior Senator from New York (Mr. BUCKLEY). If he were present and voting, he would vote "nay." I have voted "yea." I withdraw my vote.

Mr. STEVENS. Mr. President, on this vote I have a live pair with the Senator from Ohio (Mr. TAFT). If he were present and voting, he would vote "nay." I have voted "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON),

the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from North Carolina (Mr. ERVIN).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from North Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from North Carolina (Mr. JORDAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The respective pairs of the Senator from Tennessee (Mr. BROCK), that of the Senator from New York (Mr. BUCKLEY), and that of the Senator from Ohio (Mr. TAFT) have been previously announced.

The result was announced—yeas 63, nays 17, as follows:

[No. 430 Leg.]

YEAS—63

Aiken	Gravel	Moss
Allott	Harris	Nelson
Bayh	Hart	Packwood
Beall	Hatfield	Pastore
Bellmon	Hollings	Pearson
Bentsen	Hughes	Pell
Bible	Humphrey	Percy
Boggs	Inouye	Proxmire
Brooke	Javits	Randolph
Burdick	Jordan, Idaho	Ribicoff
Cannon	Kennedy	Schweiker
Case	Magnuson	Scott
Church	Mansfield	Smith
Cook	Mathias	Sparkman
Cooper	McClellan	Spong
Cranston	McGee	Stafford
Dole	McIntyre	Stevenson
Eagleton	Metcalf	Symington
Ellender	Miller	Tunney
Fong	Mondale	Williams
Fulbright	Montoya	Young

NAYS—17

Allen	Dominick	Roth
Byrd, Va.	Eastland	Stennis
Byrd, W. Va.	Fannin	Talmadge
Chiles	Gurney	Thurmond
Cotton	Hansen	Tower
Curtis	Hruska	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Griffin, for.
Stevens, for.
Weicker, for.

NOT VOTING—17

Anderson	Gambrell	McGovern
Baker	Goldwater	Mundt
Bennett	Hartke	Muskie
Brock	Jackson	Saxbe
Buckley	Jordan, N.C.	Taft
Ervin	Long	

So the conference report was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, notwithstanding the fact that the next order of business is to be laid before the Senate automatically, I ask unanimous consent that the Senate go into executive session to consider nominations reported earlier in the day by the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the nominations.

U.S. COURTS

The assistant legislative clerk read the following nominations, which had been reported earlier in the day by the Committee on the Judiciary:

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington;

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California;

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia;

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois;

Robert L. Kinzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims.

Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims; and

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Massachusetts.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

Mr MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate a message from the President of the United States submitting the nomination of Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska, which was referred to the Committee on the Judiciary.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR SPARKMAN AND OTHER SENATORS ON PASSAGE OF PHASE II

Mr. MANSFIELD. Mr. President, with the passage yesterday of the extension of the Economic Stabilization Act—popularly known as phase II—the Senate has demonstrated once again its total cooperation in all efforts designed to get this Nation back on its economic feet. Guiding this very important measure through to passage, the distinguished and able chairman of the Senate Banking Committee (Mr. SPARKMAN) has once again exhibited his immense legislative skill. It is very difficult, to say the least, to undertake such a complex measure, but that did not impede the Senate's efforts. It was because of JOHN SPARKMAN'S great knowledge and understanding that the Senate acted so efficiently. The administration, the leadership and the entire Senate should express special gratitude to the chairman and the committee for their splendid work on this high-priority bill.

We are indebted, as well, to the ranking minority member of the Senate Banking Committee, Senator TOWER, for the able assistance and expertise he brought to bear on this measure both in committee and in Senate deliberations. The distinguished Senator from Texas has time and again demonstrated his knowledge of and familiarity with the more complex aspects of the economic issues which frequently face the Senate. He contributed greatly to the high quality of debate and the expeditious manner in which the extension was handled. I wish to thank him on behalf of the Senate.

Through his thoughtful contributions, the able Senator from Wisconsin (Mr. PROXMIRE) many times during the debate exhibited his grasp and understanding of the problems which confront this Nation. Joining, too, in making meaningful suggestions was the distinguished Senator from California (Mr. CRANSTON). In offering various amendments to the measure, he contributed greatly to the overall bipartisan effort made on the issue. Joining also in his usual cooperative spirit to improve and enlighten was the senior Senator from New York (Mr. JAVITS). His quick grasp of the vast problems involved in legislation of this kind helped greatly in moving the measure along to final passage.

Equally important contributions were made by a number of other concerned Members of this body. The distinguished Senators from Texas (Mr. BENTSEN), from Oklahoma (Mr. HARRIS), from Montana (Mr. METCALF), from New Mexico (Mr. MONTOYA), and from Wisconsin (Mr. NELSON) all added their energy and expertise to the discussion. We are grateful to each of them.

May I say that I appreciate the close attention given this bill. The Senate put in 2½ very full, hard-working days on it and the leadership is grateful to the entire Senate.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

The PRESIDING OFFICER (Mr. CHILES). In accordance with the previous order the Chair lays before the Senate S. 2824, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 2824) to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

On this bill, there is a time limitation of 3 hours, with 30 minutes for each amendment.

Who yields time?

Mr. PASTORE. Mr. President, may we have order? We would like to hear what the speakers say.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. Mr. President, the presentation from the committee will, I think, be rather brief. It is my understanding that two amendments may be offered. I inquire whether this is correct, simply to give Senators an indication of what sort of scheduling they might expect tonight.

Mr. COTTON. Mr. President, may I yield myself 3 minutes?

Mr. HART. Yes.

Mr. COTTON. Make it 5 minutes, on the bill.

Mr. President, to my knowledge, three amendments will be offered. On the first one, I shall ask for the yeas and nays. On the second one, I simply want to offer the amendment and get it in the RECORD, so that it may be understood, and I will only ask for a voice vote. The third one is simply to put in an appropriation authorization ceiling.

The bill in its present form is an open-end authorization. The important amendment I intend to offer would change the cost of the bill. If the amendment is rejected, the cost would be much larger than the cost would be if the amendment is adopted. So I have simply prepared a third amendment in two forms, depending on whether my amendment should be accepted or rejected. It simply places a ceiling on the appropriation authorization so that it will not be open-ended. In view of the fact that it is based on the cost estimates of the committee, I would not expect that it would be objected to seriously.

Does that answer your question?

Mr. HART. I think we all have a little better understanding now.

Mr. COTTON. May I take 2 minutes more, if the Senator will permit me to do so? I am bringing this up simply to inform my colleagues on this side of the aisle—particularly members of the committee—that a young lady who I understand is an intern, working for the majority staff of the committee, has been telephoning to Senators, lobbying against my amendment. She was instructed to telephone only Senators on the majority side who might oppose it. But, she misunderstood her instructions, and she has been calling the Republican Senators, representing herself to be speaking for the Committee on Commerce and speaking against my amendments.

I want to make it clear that I am not even suggesting that there was any intent either on the part of my good colleagues on the majority side on the committee or by the members of the staff to mislead anybody. The young lady, who is only an intern, misunderstood her instructions. But, I have had calls to the office from many of my colleagues wanting to know why a representative of the committee was lobbying against my amendments, what the amendments would do, what was wrong with it, and so forth. I merely wanted to clarify this incident for my colleagues.

I will be glad now to reserve my time and let the Senator from Michigan proceed.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HART. Perhaps it would be helpful if I made a very brief explanation of the bill.

Mr. STEVENS. Two amendments were mentioned. There are three amendments.

Mr. COTTON. The last amendment has been prepared in alternative forms, as I mentioned. It is simply to prevent its being an open-end appropriation authorization, and it will be sent to the desk. I could not have them printed because they depend on whether my main amendment, No. 718, is adopted or rejected.

Mr. STEVENS. That was the purpose of my question. I understood the Senator from Michigan also had an amendment.

Mr. HART. Mr. President, the Senator from Michigan does not have an amendment, but I did inquire as to whether our understanding was correct that there would be two amendments. I made the inquiry so that those who had a time problem might make some estimate as to how long we would be here.

I yield myself 5 minutes.

Mr. President, the pending bill seeks to close one of the real gaps that exist among our collection of consumer protection laws. It seeks to provide inspection of fish and fishery products on a mandatory basis. Few would argue that additional legislation in this area is unnecessary. In spite of that, permit me a few brief comments on some of the conditions that exist that make the passage of this legislation of the utmost importance.

Of the three primary sources of protein in the diet of the American consumer—red meat, poultry and fish—only fish is not required to be inspected under a specific mandate of Congress. The Wholesome Meat Act was passed in 1906 and the Wholesome Poultry Products Act in 1957. To be sure, Americans consume less fish than they do poultry or meat. Yet approximately 2 billion pounds of fish and fishery products are consumed each year by Americans without the assurance that these products are inspected to insure wholesomeness on a par with poultry or meat.

Fish and fishery products present different types of problems than red meat and poultry. Red meat and poultry are capable of transmitting disease directly to human beings while fish—being cold-blooded animals—cannot. Fish and fishery products, however, are susceptible to contamination during handling and processing because they offer an excellent medium for bacterial growth. While outbreaks of poisoning from bacterial growth are rare, several have occurred in the recent past. During hearings on the legislation, the Food and Drug Administration cited several recent outbreaks which have occurred as a result of the bacterial contamination of fish. These outbreaks are largely preventable and are indicative of the need for the greater degree of protection to insure adequate processing conditions, proper equipment, and adequate quality control. While the fishing industry undoubtedly has made gains to correct many of the deficiencies, self-regulation itself will not suffice to meet the needs and bolster the confidence of consumers in fishery products.

The Federal Food, Drug and Cosmetic Act now contains general authority for the Food and Drug Administration to regulate unwholesome food. While this authority certainly is useful it does lack many essential enforcement tools and specific mandates which are included in the legislation under consideration. For example, the authority administratively to seize and condemn adulterated products and to inspect and regulate intrastate plants is lacking. One of the most glaring deficiencies is the lack of a requirement to inspect plants at specified levels. As an indication of the inadequacy of the current program, Commissioner Charles Edwards of the Food and Drug Administration testified before the Subcommittee on the Environment on May 20 that only about one-third of the 2,200 interstate establishments are now inspected annually and then only on a modest basis. It is a major purpose of S. 2824 to correct this deficiency.

Aside from the benefits that would accrue to the public health as a result of this legislation, one of the greatest benefits will be to bolster the confidence of consumers in the fish and fishery products he consumes. The fishing industry in this country is in need of help. Consumer confidence in fish has not kept pace with confidence that exists with red meat and poultry both of which are inspected under specific inspection programs. Per capita consumption of fish and fishery products has risen 6.5 percent in the last 10 years. However, red meat and poultry consumption has risen 15.2 percent and 32 percent, respectively. The fishing industry stands to gain considerably from increased demand for fish products.

Further reductions in consumer confidence in fish have undoubtedly resulted from the presence of dangerous materials in fish. The best known of these problems is the contamination of fish by mercury. The presence of mercury in fish certainly contributes to the consumer's reluctance to buy and consume fish. Of course, the problem of hazardous materials contamination is not restricted to fish and is present in other foods as well. The recent discoveries of PCB's in poultry products and the long-standing problem of DDT in a variety of foods is of concern and is treated in the legislation.

Fish inspection legislation was first introduction in the Senate in 1966. Hearings were held in the 90th, the 91st, and now in the 92d Congress. After lengthy discussion in executive session the Committee on Commerce reported S. 2824 on November 8, 1971. S. 2824 is a clean bill that was reported by the committee in lieu of S. 296, S. 700, and S. 1258.

Mr. President, it is my hope that the Senate will see fit to move ahead today.

AMENDMENT NO. 718

Mr. COTTON. Mr. President, I call up my amendment No. 718 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed as requested.

The text of the amendment is as follows:

On page 5 strike lines 3–12 inclusive and insert in lieu thereof the following: "(hh) the term 'continuous inspection' means the application of inspection by a full-time inspector."

On page 11, line 10, immediately after "Secretary" insert a period, strike all thereafter through "standards." appearing on line 16 and insert in lieu thereof the following:

"The application therefor shall be accompanied by such assurance as may be required by regulations that the establishment or vessel will be maintained in compliance with applicable standards. No such certificate shall be issued for any establishment unless the Secretary, on the basis of such application and of an intensive inspection made after the issuance of regulations pursuant to subsection (a), determines that there is satisfactory assurance that the establishment is adequately equipped, staffed, and managed to conform to the standards issued pursuant to subsection (a) and that fish and fishery products processed by it, including the labeling and packaging thereof, will in all respects comply with the requirements of this Act."

On page 13, lines 6–12, inclusive, strike all through "commerce." appearing on line 12 and insert in lieu thereof the following:

"SURVEILLANCE, INCLUDING INSPECTION

"(d) For the purpose of preventing the introduction or use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall, in accordance with the most modern public health and food protection practice, establish and maintain coatinuous and effective surveillance of all segments of the industries involved. As a part thereof, the Secretary shall, through inspectors, cause to be made such inspections, including continuous inspection whenever deemed necessary by him, of establishments and vessels as in his judgment will reasonably assure continuing compliance with, and will most effectively achieve, the purposes of this subpart and of this Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied in any establishment or vessel, the Secretary shall, among other relevant factors, consider the results of the intensive inspection required for certification under subsection (b) and any other relevant experience or information (whether obtained through inspection or otherwise), relating to such establishment or vessel or to fish or fishery products processed by it."

On page 14, line 23, strike "The cost of inspection" and insert in lieu thereof "The cost of any inspection, including any continuous inspection,".

On page 17, line 10, strike "inspection" and insert in lieu thereof "surveillance and inspection".

On page 44 strike line 15 and insert in lieu thereof "(b) Compliance with".

On page 44, line 19, immediately after "products" insert the following: ", including any continuous inspection that may be established thereunder,".

Mr. COTTON. Mr. President, amendment No. 718 which I have called up is one which presents a very simple yet basic issue. It is an issue which has been present before the Committee on Commerce throughout its deliberations over legislation similar to S. 2824, providing for the beginning—and I repeat beginning—program of inspection for fish and fishery products. That issue, Mr. President, is the level of inspection to be required for establishments processing fish and fishery products for this initial Federal mandatory inspection program.

S. 2824 would provide that the level of inspection be "continuous inspection." These terms—"continuous inspection"—are defined to mean the following under this bill:

Inspection by an inspector at least once daily while processing or at such less frequent intervals as may be prescribed by the Secretary where he determines that daily inspection cannot reasonably be provided because of illness, weather, geographical remoteness, the seasonal nature of processing operations, or other extreme conditions beyond control. As a part of such inspection, the Secretary may further require, at his discretion, that an inspector be on duty at all times during which the processor is operating.

Amendment No. 718, which I now propose, would provide for "continuous and effective surveillance" coupled with true "continuous inspection" whenever deemed necessary by the Secretary of Health, Education, and Welfare. In this connection, I hasten to point out that the level of inspection proposed in my amendment No. 718 is not only identical to that contained in the administration bill, S. 700, but is also similar to the level proposed in section 11 of the bill, S. 296, introduced by the distinguished Senator from Massachusetts (Mr. KENNEDY). That provision provides, in part, for—

Inspection and reinspection by *sampling or other methods* by the Secretary at any time when processed for introduction into commerce. (Emphasis supplied).

Mr. President, I believe that the level of inspection proposed in my amendment No. 718 is far superior to that advanced in S. 2824 for several reasons.

First, my amendment proposes a level of inspection which is commensurate with the characteristics of the industry to be regulated and the scope of the proposed initial inspection program. In this connection, my colleague in the Senate should be mindful of the fact that S. 2824 proposes for the first time a mandatory Federal inspection program covering more than 4,000 domestic establishments processing fish and fishery products—2,200 interstate establishments and 2,000 operating solely in intrastate commerce. It also would affect the level of inspection to be monitored by the Secretary of Health, Education, and Welfare at approximately 6,300 foreign processing establishments. Additionally, there would be a certification requirement imposed upon an estimated 80,000 U.S. fishing vessels and untold numbers of foreign fishing vessels. It, therefore, is an inspection and certification program of tremendous magnitude.

Second, my amendment would propose a level of inspection which would provide a maximum cost-benefit ratio. The estimated cost to the Federal Government for inspection of processing establishments under my amendment, taking into account the foreign inspection of section 7 of S. 2824, would be on the order of $94 million as compared with almost $150 million under the bill as now written. Thus, my amendment could result in slightly more than a 37-percent reduction in the estimated cost to the Federal Government.

Third, my amendment recognizes that approximately 60 percent of our fish and fishery products come from foreign sources, none of which, according to some knowledgeable sources, would be able to meet the requirement that they have a system of inspection "at least equal to" the level of continuous inspection provided for in S. 2824. Therefore, unless my amendment is adopted, we could unwittingly be imposing an artificial trade barrier resulting in the American consumer paying an even higher price for such products.

Fourth, unless the Senate adopts my amendment, it could very well provide a level of inspection which could have the untoward result of furnishing a "loophole" in the law. "Continuous inspection" under S. 2824 means inspection by an inspector at least once daily while processing or at such less frequent intervals as may be prescribed by the Secretary of HEW under certain exceptions provided for in the bill. Thus, the clear reading of the language of the bill would seem to mean that once a processing establishment had its daily inspection, it need not be concerned to adhere to good processing practices safe in the knowledge that it has been subjected to its inspection "at least once daily." Under my proposal, however, the same processing plant would have no knowledge of when it might be subject to surveillance and this could be once daily or more often if the Secretary of HEW deemed necessary, including true continuous inspection which, under my amendment, would be the application of inspection by a "full-time inspector."

Fifth and last, Mr. President, I believe that my amendment No. 718 provides a much more straightforward and honest approach to this problem. It certainly does not carry with it the misleading connotations to the average consumer as does "continuous inspection" as defined in this particular bill rendering it subject to certain vague exceptions such as illness, weather, geographical remoteness, the seasonal nature of process operations, or other extreme conditions beyond control. For example, whose control, Mr. President? The Secretary of HEW? The processing establishments? In other words, with such vagueness I frankly fear that we may be selling the consumer a bill of goods.

In summary, Mr. President, I believe that my amendment No. 718 offers a superior approach for the following reasons:

First, it is commensurate with the characteristics of the industry to be regulated and the scope of the inspection program proposed at this time;

Second, it promises to provide maximum benefit at minimum cost to the American consumer in his role as a taxpayer;

Third, it takes into account the impact of this legislation upon foreign establishments processing fish and fishery products;

Fourth, it avoids a probable loophole in the law; and

Fifth, it is a more straightforward and honest approach to a demonstrated need which can be readily comprehended by the American consumer.

Mr. President, for all of these reasons I urge my colleagues in the Senate to act favorably on my pending amendment No. 718.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter written to me on November 19, 1971, by Lee J. Weddig, executive director of the National Fisheries Institute, Inc., Washington, D.C.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FISHERIES INSTITUTE, INC.,
Washington, D.C., November 19, 1971.

Hon. NORRIS COTTON,
U.S. Senate Committee on Commerce, New Senate Office Building, Washington, D.C.

DEAR SENATOR COTTON: This letter is directed to you in response to questions by Committee minority staff members concerning provisions of S2824.

During hearings on predecessor bills, I had testified that no nation in the world is currently operating a continuous inspection system for fish plants. At that time, the definition of continuous inspection meant the presence of a government inspector on a full-time basis in each plant. This testimony was based on information obtained from association members who deal in the world-wide seafood trade, and have direct contacts with overseas operations.

Now that S2824 changes the definition of continuous inspection to mean a daily visit by an inspector, one should consider accuracy of that testimony. Examination of the facts shows that as of this time no nation in the world provides inspection to its plants on a daily basis.

Please contact us if we can be of further help.

Sincerely,

LEE J. WEDDIG,
Executive Director.

Mr. COTTON. Mr. President, the nub of the controversy to which my amendment addresses itself is the difference between continuous and effective surveillance, coupled with continuous inspection if needed, and continuous inspection as defined in the bill, S. 2824. This was the subject of some discussion and some disagreement and difference of opinion in the committee. And I filed minority views. Thus, I am offering this amendment in order that the Senate may determine the issue.

Continuous inspection as applied to meat establishments, and, I understand, poultry establishments, has a very distinct meaning. It means that there shall be a Government inspector in the plant at all times while the plant is in operation day or night.

Continuous inspection might be thought to mean the same thing in this bill, S. 2824, in the matter of the enforcement of inspection of fish and fish products. But, Mr. President, it does not mean the same thing even in the bill as now before us. It cannot mean the same thing because it should be understood, in contradistinction to slaughterhouses and meat establishments, and poultry establishments, that the inspection of the fish industry must cover 4,200 domestic processing plants and establishments—2,200 interstate establishments plus 2,000 intrastate establishments. It must also cover in some manner 6,300 foreign processing plants. It also would require certification of some 80,000 U.S. fishing vessels and unknown thousands of foreign fishing vessels. The task is a monumental one, indeed.

I suggest that obviously it will be an utter impossibility to have continuous inspection throughout all hours of the day with an inspector in attendance at all times.

In this case, continuous inspection means that an inspector shall look in at a processing plant at some time during each 24 hours. But, it does not go so far as to mean that, because it is provided in the bill that the Secretary of HEW may dispense with even this form of continuous inspection where the Secretary determines that daily inspection cannot reasonably be provided because of illness, weather, geographical remoteness, the seasonal nature of the processing operations, or other extreme conditions beyond control.

Now, in the first place, it is a far different thing to have an inspector visit a plant at some time during a 24-hour period than having one in the plant at all times, watching and checking on the process as is done in meat processing establishments. As a matter of fact, if an inspector looks in at 9 o'clock in the morning, the processors in that plant can be reasonably sure that he will not be back, possibly for 24 hours, or some time the next day. Therefore, with continuous inspection at least once daily, there will be assurance to those operating the plant that they will be free from inspection for that period of time.

Furthermore, as I previously indicated, even that kind of inspection could be dispensed with in many instances.

It is utterly absurd, I suggest, Mr. President, to feel that 80,000 domestic fishing vessels and untold numbers of foreign fishing vessels could be certificated; that all domestic processing plants be covered by the continuous presence of an inspector; and that we monitor the inspection of foreign processing plants as well. This would be a herculean task even with the so-called continuous inspection provided for in the bill which, I repeat, is not actually continuous inspection, but which is estimated would cost $150 million in the fifth year with full implementation.

Surveillance, on the other hand, would mean a cost of only $94 million. There therefore is a significant difference between this so-called continuous inspection in the bill and surveillance. Surveillance means continuous and effective surveillance, which means that under it, the Secretary of HEW is exactly in the converse position to what he is under S. 2824 in its present form. S. 2824 in its present form holds out the idea and gives the impression to the public and to the consumers of this Nation that there is someone present at all hours of operation in all of these multitudinous establishments, watching and checking the processing, and protecting the consumer in relation to fish products.

On the other hand, under my amendment with surveillance it is clearly specified that the Secretary of HEW, instead of pretending to have continuous inspection and then having all kinds of exceptions such as geographical remoteness, illness, or weather, or something else, would be performing inspection at a commonly understood level—surveillance. But, the Secretary may, whenever he deems it necessary for the protection of the public, of the consumers, cause inspectors to be in plants where he has reason to feel it is necessary for them to be there continuously, until he is assured that these particular plants to which his attention may have been called are adhering to good processing practices.

Mr. President, testimony in the hearings before the committee indicated that it would be utterly impossible and would run into astronomical costs to have anything that would be honestly defined as continuous inspection.

For example, for foreign processing plants alone, we woud have to send a foreign legion abroad to have continuous inspection of such processing plants.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. COTTON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. COTTON. I will yield the 3 minutes on my amendment, and 2 minutes from the time on the bill, for a total of 5 minutes, to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, I am very pleased to rise in support of my distinguished colleague from New Hampshire (Mr. COTTON) and the pending amendment. I am not only anxious to support it, and plan to vote for it, but I urge my colleagues to do the same. I think the Senator from New Hampshire has certainly clearly established a case on behalf of his amendment in terms of practicality and reality in the fishing industry.

What the amendment of the Senator from New Hampshire attempts to do is to return a needed balance to the bill. Without this amendment, the bill could be called the "Giant Fish Producer and Fish Importer Protection Act." In my opinion, one of the first effects of the bill as it now stands could be to effectively throw up sufficient roadblocks in the path of the small fish processors and fishermen that they will be forced to give up fishing, to close their small plants, and abandon their attempts to compete in the marketplace.

Certainly the giants will be able to continue. As some of the bill's supporters have stated, any increase in costs can be passed on to the consumer. For those of us here today, this is a relatively easy matter. My family can afford the extra money per can that could be tacked on to the current price. To the wage earner caught in the squeeze of inflation, with a family to feed, and operating under a strict budget, the effect will be greater. One apparent irony is that the group of Americans who will be the least able to afford these increased costs is right here in Washington this week. I refer to the White House Conference on Aging.

I have met with the Oregon delegation to this conference this week, and heard repeated cases described in my State of how elderly people exist on such very limited incomes. The stories of meager weekly incomes, budgeted to the penny, not even covering what all of us here consider the barest necessities, were heartbreaking to me.

I ask my colleagues to remember that fish products are among the most nutritious foods available, and form an important part of any person's diet. When a food dollar is stretched tight—as it is with elderly people existing on low, fixed incomes—food high in protein becomes even more important. I think we ought to consider carefully any price increase that will be passed on to this group of consumers.

Mr. President, I want to return for a moment to the situation of the small fish processor, and the fisherman who fishes commercially to supplement other income.

As my colleagues are aware, I live in Newport, Oreg. It is a small town on the Pacific coast, and one where the fishing industry contributes significantly to the livelihood. I have talked with my hometown friends who are marginal operators; small businessmen really, men who live from day to day as commercial fishermen. A number are dependent, in turn, on small processing plants.

I just talked with our local State employment office, and our unemployed rate in Newport is 8.7 percent. Since this is the official figure, I presume that it, in fact, is appreciably higher. If this amendment is not adopted, the added costs, actual and hidden, could cause plants to close, part-time fishermen to be forced out of work, and unemployment to go even higher.

I wish to point out, however, that we on the Commerce Committee are of the opinion that adequate fish inspection is needed, and the amendment of the Senator from New Hampshire still provides for this. What his amendment would allow, though, is needed flexibility in its operation. I call attention to the fact that the Secretary still can call for continuous inspection where this is needed. All of us here today would agree to this need. There are many instances where this continuous inspection is not needed, however, and would not only be an added administrative burden, but also increase the cost of this bill's operation significantly. Flexibility is needed, and this amendment allows this. It would allow a better utilization of manpower in administering the bill, and allow better allocation of the dollars we will have to appropriate to carry it out.

Mr. President, while in no way attempting to demean the need for this bill, I do want to alert my colleagues here today that passage will not end mercury pollution of all our foods. During the hearings on this bill, I asked Dr. Charles Edwards, head of the FDA, about possible mercury contamination of other foods. I ask unanimous consent that my colloquy with him be printed at this point in the RECORD.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Senator HATFIELD. Dr. Edwards, is it possible that other than fish products may become contaminated with mercury and other such metal traces?

Dr. EDWARDS. Yes.

Senator HATFIELD. Would you submit for this committee a list of other foods besides the fishery products that could have such a metal content that would be dangerous or would create a requirement for regulation of some kind of inspection of other foods?

Dr. EDWARDS. We will.

(The following information was subsequently received for the record:)

Most foods could, under the stress of the proper environmental conditions, develop metals problems. This would be especially true of meat animals and certain grains. The literature is very incomplete as to what are background levels of metals in foods. The following list of foods was developed in anticipation of a comprehensive metals survey of the food supply.

FOOD (FISH AND SHELLFISH EXCLUDED)

1. Milk, fluid.
2. Potatoes, white.
3. Bread, white.
4. Chicken.
5. Eggs.
6. Sugar (cane).
7. Wheat flour, white.
8. Hamburger (ground beef).
9. Lettuce.
10. Bacon.
11. Margarine.
12. Breakfast cereals, Ready-to-eat.
13. Beans, baked, canned.
14. Frankfurters.
15. Carrots, roots, fresh.
16. Corn meal.
17. Rice, white, milled.
18. Orange juice, canned.
19. Cheese, processed American.
20. Liver, beef.
21. Soya products.

Senator STEVENS. I am also interested in the request that Senator Hatfield has just made. We read so much about mercury and fish. Has there been any announcement from FDA of the effects of mercury on any other type of food?

Mr. HATFIELD. The other aspect, Mr. President, that bears repeating, is that we are adding another weight to the neck of our domestic fishing industry. If we are not careful, the industry will simply sink. This bill will not be the sole villain. I could list any number of reasons for the decline of our fishing industry. We must remember, though, the effect that this will have. It could occur that the only fish left to inspect by the inspectors set up by this bill will be imported fish. As I recall, about 60 percent of the fish consumed in this country is imported. I expect this amount to rise as a result of this bill.

I support the idea of adequate fish inspection procedures. The consumers of this country are at the mercy of what is on the supermarket shelves, and what is available as fresh food. Certainly, the Federal Government must move to see that we are protected from impure foods, in all areas. Procedures must be allowed so the Government can move quickly when an emergency arises. What I have attempted to do today, however, is call attention to the fact that this is a complex issue. The entire area of mercury contamination deserves the attention of the Congress. In pushing for a bill with such burdensome inspection requirements, however, I only hope that we gain what we should from its passage, and that the losses, such as I have pointed out today, do not outweigh those gains.

I commend my colleague from New Hampshire for his leadership role in this matter. I support his amendment, and I urge my colleagues to do so.

Mr. COTTON. Mr. President, I yield myself 1 minute to clarify one point which I may not have made clear in my prior statement.

Domestic fishing vessels are inspected and then certificated. After that they are free to land their catch, subject to such dockside inspection as the Secretary of HEW deems necessary. They are not subject to continuous inspection.

With regard to foreign vessels, under the bill they must have a system of inspection which is at least equal to what we have domestically. But it has been suggested that in order to insure that the foreign system is equal to our own, the administering agency would be required to maintain a large inspection force in the foreign country to monitor their inspection system.

Mr. President, I yield 5 minutes on the bill to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the ranking Republican member of the committee for his courtesy in yielding to me.

I would like to call the attention of the manager of the bill to some of the facts that are developing in the fishing industry. I think they are very graphically illustrated in our State where we have 56 percent of the coastline of the whole United States. I flew from Dutch Harbor, Alaska, to the Pribilof Islands last January and for an entire hour we flew over foreign fishing fleets—not only fishing vessels but also floating canneries.

We are fortunate enough to have three of these floating canneries in the Alaska fleet.

I support the amendment of the Senator from New Hampshire because I think is is very graphically illustrated, in that one very small portion of the Bering Sea.

There are numerous foreign fish processors in that area and there are only three domestic floating processors. Under the bill as it stands today there must be continuous inspection—additional people onboard those American vessels whereas on the numerous foreign vessels we will be lucky if we have the ability to get on once in a while to inspect them. Yet they are importing the products of those foreign vessels into our country constantly.

These vessels are outside the jurisdiction of the United States. This is outside the 12-mile limit. We have no way to board them.

I hope that by virtue of the amendment the Senator accepted to section 7, which we will discuss later, this bill will have an effect on those foreign fish processors. But I am convinced from my trips through processing plants in my State that these American fish processors do, in fact, have the quality of fish products foremost in their minds. They have hired the inspectors. One plant that I was in had three inspectors on the company payroll who had the power at any time to shut down the plant with the snap of their fingers.

If we maintain a level of inspection, so that we, in effect, assure the consumers of this country that there is constant surveillance of the inspection system, and retain on the industry itself the burden to assure itself of a quality product 24 hours a day when they are operating, we will be better off.

If we have continuous inspection—and I appreciate what the Senator from Michigan said, that does not mean there has to be an inspector there all the time—we may induce the industry to reduce its own standards, with the result that company inspectors who have the power to really enforce the standards that we want for consumers would not be on the job. One thing is certain, the Federal Government cannot afford to have full time inspectors in every fish processing plant.

I would be glad, if necessary, to place in the RECORD a comparison of the number of cases of fish that have been stopped from coming into the country by the FDA compared with the number of cases of domestic fish that have been intercepted by the FDA under their present domestic inspections. Less than 1 percent of the total fish packed in this country has ever been withheld from the market by the FDA. And, that 1 percent should not get through. We agree with that goal, but we do not agree it is necessary to have continuous inspection by Federal inspectors. I firmly believe that continuous Federal surveillance will do the job and will make the industry continue to bear its responsibility to make certain we have a high quality product in the American fish canning industry. The industry must perfect its inspection system. Federal surveillance should assure that that system works.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STEVENS. I appreciate the courtesy of the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself 4 minutes on the bill and I wish to use it to establish a little legislative history with the Senator from Alaska.

Mr. President, as no doubt was noted in my remarks on amendment No. 718, the estimated cost of the bill, S. 2824, differs substantially from that which is contained in the committee report. This results principally from the interpretation placed upon section 7 of the bill by the Department of Health, Education, and Welfare according to information which it has furnished to me.

Section 7 deals with foreign fishery products and was an amendment offered by the distinguished Senator from Alaska (Mr. STEVENS) which I and my colleagues on the Commerce Committee accepted. It is a good amendment, in my opinion, Mr. President, and perhaps HEW's interpretation could be corrected if its author, the distinguished Senator from Alaska (Mr. STEVENS), would clarify it at this point for the purpose of establishing some legislative history.

Would the distinguished Senator from Alaska (Mr. STEVENS) be agreeable to this?

Mr. STEVENS. Yes; and I wish to thank the distinguished senior Republican on our Committee on Commerce (Mr. COTTON) for the opportunity to do so.

Mr. COTTON. Does the distinguished Senator from Alaska (Mr. STEVENS) intend by section 7 of S. 2824 to require the Department of Health, Education, and Welfare—namely, the Food and Drug Administration—to maintain in several overseas locations resident U.S. inspectors to monitor foreign systems of inspecting fishery products?

Mr. STEVENS. I certainly thank the Senator, our distinguished ranking member on the Committee on Commerce.

It is not the intention of section 7, I might state as the author, and I hope the manager of the bill will confirm this opinion, that the Federal Food and Drug Administration be required to maintain at overseas locations resident U.S. inspectors to monitor foreign systems of inspecting fishery products. That is definitely not the intention.

As a matter of fact, I have been under the impression that pursuant to section 510(1) concerning the registration of producers of drugs, that the FDA now had resident inspectors in such places as Japan and Korea. I subsequently have been advised through an informal memo, which I ask unanimous consent to insert at the conclusion of these remarks, that the FDA has no inspectors stationed overseas. Rather, I understand that FDA's foreign drug inspection effort consists of approximately 14 trips overseas each year with two experienced and specialized drug inspectors on each trip, and that the total fiscal year cost for this activity is only slightly more than $77,000. If a similar type monitoring system could prove to be effective so as to insure that the system of foreign plant and foreign vessel inspection of fish and fishery products is at least equal to all the inspection and good processing practices imposed upon our counterpart domestic fishery industry, then the intent of section 7 of S. 2824 which I authored would, in my opinion, be satisfied.

What I am concerned about is insuring that we do not place further impediments upon our already beleaguered domestic fishing industry.

I already pointed out that foreign fishing ships, including factory ships, conduct processing a few short miles off our coasts. Those products are brought to their home ports, processed, and brought back to this country and into our domestic markets to compete with domestic fishery products at substantially lower costs, and often without meeting the FDA requirements that we impose on our local industry. That is a gross inequity.

Simply stated, what we are seeking under my amendment is that the Secretary of HEW would have sufficient control and authority over processing of foreign fish and fishery products which would be commensurate with that imposed on our fishermen. He would not, under the provisions of this bill, have to have a continuous inspection of the processing. What we anticipate is that he will establish a procedure whereby the inspection process that the foreign nation uses is in fact sufficient, as they do in connection with the drug authority.

I hope there would be no fear on the part of HEW or the Senator from New Hampshire that we are seeking to establish a "Foreign Legion" of fish inspectors. We are trying to make certain that the standards the foreign nations themselves are imposing on their fishing processors are the same as we impose on ours. This is what we have done in the drug field. Those who preceded me on the Commerce Committee are familiar with that authority. It has worked very well.

I would hope that with that understanding of what we seek here, both the manager of the bill and the Senator from New Hampshire would be satisfied to leave it as it is.

Mr. COTTON. I thank the Senator from Alaska. He has removed my doubts on section 7. I think this colloquy has brought out the fact that the practical way to do it is with a surveillance system rather than to launch a massive inspection system of both domestic and foreign fisheries.

I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent to place in the RECORD a memorandum I received from the Federal Food and Drug Administration and the correspondence I have received

from the Harris-Kurtz firm indicating their support for the concept that we should impose the same type of inspection on fish processors that we have on drug producers abroad.

There being no objection, the memorandum and correspondence were ordered to be printed in the RECORD, as follows:

NOVEMBER 16, 1971.

Subject: FDA Foreign Drug Inspection Activity (in regard to foreign fish inspection provision of fish inspection bill)
To: John Zapp, D.D.S., Deputy Assistant Secretary for Legislation (Health)

The attachment explains FDA's present foreign drug inspection program, in the event this information is needed in the course of Senate consideration of S. 2824, the fish inspection bill.

Please send copy to Nancy Wolff, Room 5109, HEW–N.

M. J. RYAN,
Director, Office of Legislative Services.

FDA FOREIGN DRUG INSPECTION ACTIVITY

The present foreign drug inspection activities of the Food and Drug Administration bear little relation to section 7 of S. 2824 requiring inspection of foreign fish firms "equal to" that performed of domestic fish firms.

1. In the first place, FDA has no inspectors stationed overseas. Likewise, there are no FDA facilities overseas whatsoever. Thus there exists no base upon which to add a capability for frequent inspection of foreign fish firms. To establish such a program for fish would require starting from scratch.

2. FDA's foreign drug inspection effort consists of approximately 14 trips overseas each year, with two experienced and specialized drug inspectors on each trip. At an average of 28 days per trip, this totals 784 mandays for an entire year, or slightly more than two man-years engaged in foreign drug inspection activity. (These figures are estimates for FY 1972.)

3. The total cost of foreign drug inspection activity is $77,448 (FY 1972 estimate) as follows:

Inspectors' salary	$36,848
Per diem	19,600
Travel cost	21,000
Total	77,448

Approximately two-thirds of this cost is borne by the companies inspected, pursuant to 21 C.F.R. 146.8 requiring payment by antibiotic manufacturers of fees necessary to maintain an adequate antibiotic certification service. (Subsection (3) requires a deposit by foreign firms of sufficient funds to cover inspection costs.)

4. Of the 76 foreign drug firms to be inspected in FY 1972, 53 or about two-thirds, are producers of certified antibiotics who, as required, pay the cost of their inspection. These firms are inspected once a year.

The other 23 (estimated) are producers of new drugs which are the subject of a New Drug Application (NDA) or an Investigational Exemption for a New Drug (IND). These inspections are generally a one-time affair, conducted while FDA has under review the NDA or IND. The costs are borne by FDA.

NOVEMBER 8, 1971.

Senator TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: I heartily endorse your efforts to require U.S. Food and Drug Administration inspection of foreign fish processing plants.

I have extensive experience both here in the U.S. and overseas and, with the possible exception of a miniscule number of countries, there are practically none that even approximate the commercial control and government surveillance exercised in the U.S. Any attempt to claim otherwise is to avoid reality—the State Department not withstanding.

There is no equal inspection overseas and one of the matters that gives me grave concern is a policy attributed to Mr. Sam D. Fine, Associate Commissioner for Compliance of the FDA. He avoids the entire gut issue. In commenting on a proposal for mutual recognition of inspection systems drafted by the European Free Trade Association, the European Economic Community, and the World Health Association he is quoted as saying that the U.S. would be prepared to support the exchange of inspection information to the extent that it would enable the health authorities of the importing country to recognize the relationship of the exporting country's inspection system to his own.

There were other statements made by Mr. Fine, but I would emphasize that qualifications for inspectors could be "worked out in conference." Nothing could be less realistic. Please see the copy of my letter to Mr. Fine, attached.

If there is anything I can do to further your position, please call on me.

Sincerely,

KENTON L. HARRIS.

OCTOBER 27, 1971.

Mr. SAM D. FINE,
Associate Commissioner for Compliance, U.S. Food and Drug Administration, Rockville, Md.

DEAR SAM: A statement recently attributed to you spells out a policy of mutual recognition of national inspections and the possibility that a similar agreement could eventually cover food products. I shudder at the immediate prospect.

I think that my expertise in the field of insect, rodent, and microbial food contamination is generally recognized both in the U.S. and overseas. You may remember that I was the organizing chairman of its FAO–WHO Codex Alimentarius Commission Committee on Food Hygiene. I have conducted or participated in sanitation analytical workshops in the U.S. and in more overseas countries than any other individual. I edited and wrote a large part of FDA Technical Bulletin No. 1, and with O. L. Kurtz wrote the definitive volume on sanitation-analytical entomology. I have spent more time overseas (part of it for FDA) on food grain and insects and rodents than any other living person. My FDA background is so well known to you as to scarcely require any reminders.

Sam, I assure you that in few if any countries of the world are there national programs that could in any way even approach inspection, analytical, advisory or enforcement requirements of the U.S. government backed up by the efforts of the U.S. food companies.

The meaning of words such as "cleanable surface", "clean sound raw materials", "filth", and "purity" are untranslatable in a manner that gives them any practical significance in most non-U.S. cultures.

Any import purity control requirements that now contemplate the use of overseas national programs is to be deplored. As a matter of fact some weeks ago I urged just the opposite—a tightening of food purity control over imported foods and I do so now.

As a friend, as an ex-FDA employee who has lived food purity, as one who knows what our U.S. industry is doing, I beseech you in the interest of the consumer, the U.S. industry, the FDA, and even in the long-term interest of the overseas producers to not take such a backward step.

Qualifications cannot be "worked out in conferences." There is a need for shoulder to shoulder training that will take months and even years. Moreover, such training will succeed only if there is pressure for the trainees to achieve new food purity goals in their own, their commercial, or their nation's interest. To offer assistance as a gift is to insure failure. To enforce U.S. purity requirements on imports and then afford an opportunity for overseas suppliers to attain these requirements is to guaranty success.

Sincerely,

KENTON L. HARRIS.

Mr. HART. Mr. President, I yield myself 4 minutes.

I have heard the colloquy between the Senator from Alaska and the Senator from New Hampshire, and I agree fully with the understanding and development with respect to section 7 between them. I want to subscribe to that, which I am sure was the understanding and purpose of the committee. It is the intent of the bill.

The Senator from Alaska with a special knowledge in the area of fishing and fishery products, contributed importantly to the development of all aspects of this bill, but particularly does his knowledge and sensitivity reflect itself in section 7. We did understand his purpose to be as indicated. I would feel confident that HEW will, from this record, appreciate fully its reach and limitation.

What he was seeking to do was to inspect the other fellow's inspection system, and it does not cost anything like the figure that the Department suggests.

I hope that we will retain the language of the bill as reported with respect to the nature of the inspection, its frequency, its scope, and its range.

I would be the first to admit that over the several years we have been debating and attempting to develop a bill, much concern has been voiced. One point of the argument which has been made was that we should have an inspector in any plant any time of the day or night that that plant was in operation. At the other extreme it was suggested the existing FDA law is adequate. That authorizes spot inspections. Spot inspections can be full and complete and around the clock, I suppose, or every 3 months. The hard truth is that the inspections now undertaken by FDA within the existing authorization are grossly inadequate.

I at one time recall insisting that continuous inspection; namely, a man to be there at all hours during the processing, was the sort we should provide for. I have been persuaded that the other extreme is not acceptable, either. I think the majority of us now feel that establishing the minimum of the presence once a day, and authorizing the Secretary to make exceptions within certain defined categories, does represent a balance and a reasonable and constructive accommodation between the several competing proposals.

I would hope that the action of the committee would be supported and that the amendment not be agreed to.

Mr. COTTON. Mr. President, I yield myself 1 minute.

I am gratified to find that apparently the distinguished Senator from Michigan and the rest of us on the committee, including myself, are more or less in agreement on a more careful and practical inspection. But, we cannot expect to have the extreme, as the Senator has so well expressed it, that exists in the case of meat, for instance, which is an entirely different type of operation from fish. That being the fact, I feel it is much better for us to adopt my amendment and let the consumers know exactly what we are providing for. This is more preferable than suggesting, as the bill now does, that something is going to be complete and around the clock, only to have it subject to several exceptions.

As far as I am concerned, I am ready to vote.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Michigan still has 11 minutes remaining.

Mr. HART. Mr. President, I yield such time to the Senator from West Virginia as he may wish.

SUPPLEMENTAL APPROPRIATIONS—UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, at the direction of the majority leader, I ask unanimous consent that time on the supplemental appropriation bill, at such time as it is called up before the Senate, be limited to 30 minutes, to be equally divided between the distinguished manager of the bill and the distinguished ranking Republican member of the committee; that time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such amendment and the distinguished manager of the bill; that the time on any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not—I have checked this with the ranking minority member, the Senator from North Dakota, and other members of the Appropriations Committee, including the Senator from Maine (Mrs. SMITH), the Senator from New York (Mr. JAVITS), the Senator from Illinois, and I know of no objection to the 1-hour limitation on amendments.

Is it all right with the Senator from New Hampshire to have a limitation of 1 hour on amendments?

Mr. COTTON. Oh, yes.

Mr. GRIFFIN. It seems to be agreeable.

The PRESIDING OFFICER (Mr. BIBLE). Is there objection to the request?

Mr. CHILES. Mr. President, reserving the right to object, I wish to ask the Senator from West Virginia if the bill has been printed yet.

Mr. BYRD of West Virginia. Mr. President, may I say the bill will be ready for action by the Senate sometime tomorrow.

Mr. GRIFFIN. Mr. President, it is true, however, that the majority whip did not indicate when the bill would be brought up. He did not specify that it would be brought up at any particular time, only that when it was brought up there would be a time limitation.

Mr. CHILES. Mr. President, I will object at this time.

Mr. BYRD of West Virginia. The Senator objects?

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I present the same unanimous-consent request and ask the distinguished Senator if he would state his reason for objecting. Perhaps we can clarify it.

Mr. CHILES. Well, I was concerned with seeing what the bill was going to contain in the way of a supplemental legislative appropriation, and not being able to see that, and not knowing what it does contain in that respect, I at this time would not want to give unamious consent.

Mr. PASTORE. Mr. President, will the Senator yield for a suggestion?

Mr. BYRD of West Virginia. Yes.

Mr. PASTORE. Why not add to the unanimous-consent request "subject to the bill being printed and placed upon Senators' desks"? Is that all right?

Mr. CHILES. Well, until I could see what it contains, I would not have any way of knowing whether I think an hour is sufficient time for an amendment concerning the subject matter.

Mr. PASTORE. Very well, Mr. President, the Senator objects.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. Objection is heard.

VOTER REGISTRATION ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the disposition of the bill making appropriations for the District of Columbia, the Senate proceed to the consideration of S. 2574, the so-called Voter Registration Act, and that after 2 hours, if the Senate has not started to vote on final passage of the bill, the bill be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. Reserving the right to object, Mr. President, is it the understanding of the distinguished Senator from West Virginia that this bill will be debated for 2 hours, 1 hour to each side, and at that time, if a vote is not in progress on the bill, the bill will then go back to the calendar?

Mr. BYRD of West Virginia. Yes, the Senator has stated the situation correctly. However, I did forget to ask that the time be equally divided, and I would add that.

Mr. COOK. Is the Senator setting aside any time for amendments or the consideration of amendments, or a time allotment as to amendments? Because there will be numerous amendments to that bill. There will be a great deal of discussion on the bill, and I wonder if we are merely trying to find a target date on which to adjourn, or what the reason is for having a time limitation of 2 hours on a bill, when there is no time set aside for the consideration of amendments or amendments to amendments, and then to merely say that we will put the bill back on the calendar.

Mr. BYRD of West Virginia. The distinguished majority leader is here; he can speak for himself. I would simply say that the leadership could call this bill up tomorrow following the action on the District of Columbia appropriation bill, and, without a unanimous-consent agreement with respect to the time thereon, the bill could be before the Senate all day tomorrow, all day Saturday, and all day Monday and Tuesday.

Mr. COOK. I might say to the Senator, I really would have no objection to that.

Mr. MANSFIELD. Withdraw the request.

Mr. BYRD of West Virginia. Well, let me respond to the Senator.

I am not attempting to be flippant; I am just saying that if we called it up without a unanimous-consent agreement with respect to time, we would be confronted with unlimited time, and that would delay the action on the nominations to the Supreme Court. So, in an effort to limit time on the bill, I have presented the request. If a vote on final passage is not started at the end of 2 hours, the bill would go back on the calendar.

Mr. COOK. Reserving the right to object, Mr. President, certainly the Senator from West Virginia has no conception that it would be ready for final passage within the 2-hour period, does he? And if in fact it is not ready for passage within the 2-hour period, are we not merely delaying the consideration of the nominations for that 2 hour period?

Mr. BYRD of West Virginia. Let me respond to the Senator in this way: The Senator asked whether or not I am under any impression that it may be passed within the 2 hours. I am only saying that it is possible that any bill can be passed within 2 hours. I am simply trying to get a unanimous-consent agreement that we may take up the matter and discuss it, and if the Senate wants to pass it within that 2 hours, it may do so; but at the end of 2 hours, if the vote on final passage has not begun, the bill would go back to the calendar. If Senators want to consume the whole 2 hours in debate, there will be no vote on any amendment or on the bill.

Mr. COOK. May I say to the Senator from West Virginia, I have had a bill on the calendar since July 12, 1971, and there has been a hold on it, and I have not been able to bring it up. I am sure there has been a great deal of discussion with respect to this bill, and a great deal of objection to this bill. Obviously the majority leader could bring it up any time he wished. I will withdraw any objection I have, with the understanding that this bill will be discussed during the 2-hour period, and then my bill will be taken up.

Mr. KENNEDY. Mr. President, reserving the right to object, I just came to the floor. Has the Senator tried to reach a total time agreement in terms of the legislation?

Mr. BYRD of West Virginia. No.

Mr. KENNEDY. Would the Senator make such an offer, just in terms of trying to reach an agreement?

Mr. BYRD of West Virgina. No; there will be no alternative. It would be an impossibility. If, during the 2 hours of debate, Senators wish to discuss the possibility of a final vote at some particular date and time, they could do that. But I just cannot assure the Senator that I can do what he has suggested in this situation.

Mr. KENNEDY. So the leadership is not prepared to make any request in terms of trying to reach some time agreement, even tomorrow?

Mr. BYRD of West Virginia. Well, the effort has been made, may I say. This matter has been discussed with numerous Senators, the Senator from Wyoming (Mr. McGEE), the Senator from North Carolina (Mr. ERVIN), the Senator from Kentucky (Mr. COOK)——

Mr. GRIFFIN. And other Senators on our side.

Mr. BYRD of West Virginia. Other Senators on both sides; and it is absolutely impossible to reach any kind of agreement whereby this bill can be disposed of by Christmas.

But it was thought that if we could at least bring it up and discuss it for a period of 2 hours. In the event they wanted to quit talking before the expiration of the 2 hours, the vote on final passage could begin.

Mr. MANSFIELD. Mr. President, will the Senator yield there?

Mr. BYRD of West Virginia. I yield.

Mr. MANSFIELD. And also, as in the case of another bill which had to be put aside, we did reach a tentative agreement as to when we would get to that bill next year, which is something we have not even got in the offing on this matter at the present time.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. COTTON. I have promised numerous Senators who have engagements and are trying to get away that I would be brief on the pending amendment. I have filed at the desk my remarks, and condensed them, and tried to get through the matter as fast as possible. Will the Senator from West Virginia let us vote, so these fellows can get away?

Mr. BYRD of West Virginia. Yes. May I restate the request?

Mr. COOK. Mr. President, reserving the right to object, before the Senator restates the question, would the Senator from West Virginia include within the 2-hour period a provision for amendments and amendments to amendments, assuming that within the 2-hour period the Senate could ever get around to amendments?

Mr. BYRD of West Virginia. I assure the Senator that under the terms of the unanimous-consent request, Senators may offer amendments if they wish, but after the 2-hour period, if Senators have not finished discussing the measure or any amendments, there will be no vote on any amendment.

Mr. President, I ask unanimous consent that, following action on the District of Columbia appropriation bill tomorrow, the Senate proceed to the consideration of the so-called Voter Registration Act; that after the expiration of 2 hours, if the Senate has not started to vote on final passage, the bill be returned to the Senate calendar; that the time be equally divided between and controlled by the distinguished Senator from Wyoming (Mr. McGEE) and the distinguished Republican leader or his designee.

The PRESIDING OFFICER (Mr. PASTORE). Is there objection? The Chair hears none, and it is so ordered.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

The Senate continued with the consideration of the bill (S. 2824) to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes.

Mr. MOSS. Mr. President, for the purposes of evaluating this amendment, the relevant costs are $43 million for once-a-day inspection versus $29 million for discretionary inspecton.

The extra $14 million is worth it to insure a sanitary product. FDA's $29 million figure is based on the following projected level of inspection; 500 plants—full time inspecton; 900 plants—4 inspections per year; 800 plants—2 inspections per year.

Leaving 1,700 of the 2,200 interstate plants as free as is contemplated seems unwise. Things can deteriorate considerably in three to 6 months.

Moreover, what is feared is that these plants will in fact be left even more to themselves than is now envisioned. Without a legislated floor on inspection such as that imposed by S. 2824, we may drop down to amounts approximating those of the current discretionary inspection system—$2.9 million per year.

The $43 million figure compares favorably with the annual cost of meat inspection—$103 million—and poultry inspection—$44 million. Under these laws the legislated floor approach has been used and has worked to insure full funding of the acts. The approach in meat and poultry is "continuous inspection," meaning that every carcass is inspected before and after slaughter. Here we are not requiring every fish or every lot of fish to be looked at. At least we should require that the plants be looked at once a day.

Mr. HART. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment. On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. McGOVERN), and the Senator from North Carolina (Mr. ERVIN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oho (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Connecticut (Mr. WEICKER) is detained on official business.

The result was announced—yeas 43, nays 32, as follows:

[No. 431 Leg.]

YEAS—43

Aiken	Dominick	Packwood
Allen	Eastland	Pearson
Allott	Ellender	Percy
Beall	Fannin	Roth
Bellmon	Fong	Schweiker
Bentsen	Gravel	Scott
Boggs	Griffin	Smith
Brooke	Gurney	Spong
Byrd, Va.	Hansen	Stafford
Chiles	Hatfield	Stevens
Cook	Hruska	Thurmond
Cooper	Jordan, Idaho	Tower
Cotton	Mathias	Young
Curtis	Metcalf	
Dole	Miller	

NAYS—32

Bayh	Hollings	Moss
Bible	Hughes	Nelson
Burdick	Inouye	Pastore
Byrd, W. Va.	Javits	Pell
Cannon	Kennedy	Proxmire
Case	Magnuson	Randolph
Church	Mansfield	Ribicoff
Cranston	McClellan	Stevenson
Eagleton	McIntyre	Tunney
Fulbright	Mondale	Williams
Hart	Montoya	

NOT VOTING—25

Anderson	Hartke	Saxbe
Baker	Humphrey	Sparkman
Bennett	Jackson	Stennis
Brock	Jordan, N.C.	Symington
Buckley	Long	Taft
Ervin	McGee	Talmadge
Gambrell	McGovern	Weicker
Goldwater	Mundt	
Harris	Muskie	

So Mr. COTTON's amendment was agreed to.

Mr. COTTON. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. ALLOTT and Mr. COOK moved to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive a message from the House on the supplemental appropriation bill tonight and that the bill be referred and that the Appropriations Committee have until midnight to file a report on the bill.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, in which the concurrence of the Senate is requested.

HOUSE BILL REFERRED

The bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

The Senate continued with the consideration of the bill (S. 2824) to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes.

Mr. COTTON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it very quickly.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

S. 2824

At the end of the bill add the following:

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated for the purpose of carrying out the amendments made by this Act to the Federal Food, Drug, and Cosmetic Act not to exceed $1,574,000 for the fiscal year beginning July 1, 1972, not to exceed $8,938,000 for the fiscal year beginning July 1, 1973, not to exceed $2,414,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law.

Mr. COTTON. Mr. President, I will not offer the second amendment that I suggested because I want to expedite approval of the bill. But, let me say in connection with the bill as it now stands that it has, in effect, an open-ended authorization. There is no limit to it. I am simply offering an amendment based on the figures the Department of Health, Education, and Welfare furnished us on the estimated cost of the first 3 years of the bill in its present form.

The amendment simply provides that there is authorized to be appropriated for the purpose not to exceed $1,574,000 for the fiscal year beginning July 1, 1972, not to exceed $8,938,000 for the fiscal year beginning July 1, 1973, not to exceed $22,414,000 for the fiscal year beginning July 1, 1974.

If, however, my amendment No. 718 had not been adopted, the cost would have been more than $20 million above this. This is the estimate of the HEW and I merely offer it because most of us do not believe in open-ended authorizations.

I hope that it will be accepted.

Mr. HART. Mr. President, at this hour, I believe that the suggestion of the absence of a quorum would be an unwelcome thing to do, but may I suggest the absence of a quorum merely in order for us to be able to check on the figures the Senator has presented. I would anticipate the delay would be for only a few minutes.

The PRESIDING OFFICER. Does the Senator ask that the time on the quorum be charged to his time?

Mr. HART. Yes.

Mr. STEVENS. Mr. President, will the Senator from Michigan withhold his suggestion of the absence of a quorum for one moment.

Mr. HART. I withdraw it.

The PRESIDING OFFICER. Who yields time to the Senator from Alaska?

Mr. COTTON. Mr. President, I yield 3 minutes on the bill to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 minutes.

Mr. STEVENS. Mr. President, I would like to make one point very clear for the RECORD, and I hope the Senator from Michigan will confirm this. We have had some objections from the operators of small fishing vessels, particularly in my State from the native groups that operate very small fishing vessels, concerning the time within which they have to comply with the new schedules set in this act, which will be set by the Secretary following the passage of this act. It is my understanding that the regulations required under this act for certifications of establishments and vessels, or either one, will be promulgated within 1 year after the first appropriation is made pursuant to the authorization. The effective date of those will be 1 year from the date they are finally published, and that certification of vessels or establishments will be necessary effective 30 days after the publication of the regulations.

As I interpret the bill, the minimum time is 2 years and 60 days within which the vessels, both the processors and vessel operators, will have to comply with the new regulations established under this act.

I ask the Senator if my understanding is correct, that there is a minimum time from the date of the first appropriations authorized under this law of 2 years and 60 days within which to comply with any new regulations promulgated.

Mr. HART. Mr. President, the Senator from Alaska states correctly the time provision within which the regulations shall become effective.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, I thank the Senator from Michigan very much.

Mr. HART. Mr. President, the computers are still working, and hence I suggest the absence of a quorum and ask unanimous consent that the time consumed be charged to my time. I do indicate that it will only take a very few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, the distinguished Senator from Michigan in checking the figures feels that the limits I have imposed on the authorization may be too low. He has authorized me to amend my amendment by changing the figure in the third line from $1,574,000 to $2,526,000; in the fourth line, from $8,938,000 to $12,947,000; and in the fifth line, from $22,414,000 to $26,884,000.

The PRESIDING OFFICER. The amendment is so modified.

Mr. COTTON. Mr. President, I hope the amendment will be accepted.

Mr. HART. Mr. President, the figures suggested in the amendment as offered do reflect the estimate of the cost required to perform the inspection established by the measure as amended. We accept the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The ques-

tion is on agreeing to the amendment of the Senator from New Hampshire, as modified.

The amendment was agreed to.

Mr. COTTON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to correct any typographical errors in my amendments. I note that the word "For", appearing on page 3, line 15, of my amendment No. 718, should be struck.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I have one other amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 40, strike all of lines 6 through 10.

Mr. HART. Mr. President, this amendment would avoid what we now realize to be an inevitable result of the language we asked to be stricken, but which we did not recognize at the time it went through the committee. The language as reported prohibits the release of the disclosure of the results of analyses and research for dangerous materials. The language currently prohibits the release of this data if its release would result in competitive injury to any person. Particularly with respect to the release of test analyses, it is hard to envision when the release of this data would not put someone at a disadvantage if the test results were of concern. In fact, I can envision no test results being available to the public if the language were left intact.

Consequently, the amendment I am offering will strike this provision. The disclosure of test results and research would be subject to the discretion of the Food and Drug Administration subject to the restrictions of 5 U.S.C. 552, 18 U.S.C. 1905 and any further legislation the Congress may pass on this matter. It is my hope that the deletion of this provision will not create any legislative history which might hinder access to the information involved under existing legislation.

I hope the amendment is agreed to.

Mr. COTTON. Mr. President, the amendment is acceptable to the minority.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. COTTON. I yield back the remainder of my time.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendent to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. EAGLETON. Mr. President, the Wholesome Fish and Fishery Products Act of 1971 is an historic piece of legislation. It closes a circle of consumer protection that began in 1906 with enactment of the Wholesome Meat Act and was enlarged in 1957 by the Wholesome Poultry Products Act.

Americans consume about two billion pounds of fish and fishery products each year. Yet there are no specific laws governing sanitation and quality control to insure that this nutritious and healthful source of protein is wholesome and safe for human consumption. The Wholesome Fish and Fishery Products Act of 1971 would correct that shortcoming in our laws.

This act deals comprehensively with the problem of unsafe fish and fishery products. It requires governmental development and application of "good processing practices" for fish processing plants and vessels and it requires that plants and vessels be certified to be in compliance with those processing practices. It calls for inspections of vessels and processing plants, and it authorizes the Food and Drug Administration to assist the States in improving their inspection programs covering intra-State processing facilities. And it requires that an intensive screening system be established to detect dangerous materials that may find their ways into the human food chain. This screening system is not limited to scrutiny of fish and fishery products for dangerous materials, but it will also include intensive screening of other foods for dangerous materials as well.

Mr. President, there is yet another facet of this bill that is important to American consumers. About 60 percent of the fish and fishery products consumed annually in the United States comes from foreign nations. The American public must be assured that the fish and fishery products they consume are safe and wholesome, regardless where they are produced and processed. The act faces that fact squarely. It requires nations exporting fish to the United States to establish a system of fish inspection at least equal to the requirements imposed by the act on the American fishing and fish processing industries.

The act also authorizes increased funding for the fisheries loan fund and authorizes the Department of Commerce to make loans to upgrade vessels and processing establishments to enable them to meet their obligations to comply with the "good processing" requirements. It establishes a National Advisory Committee comprised of a majority of Members who have no financial ties to the commercial fishing industry and it establishes new enforcement tools to enable the act to be effectively carried out.

Mr. President, the Fish and Fishery Products Act of 1971 represents the culmination of almost 5 years effort by the Commerce Committee and reflects the legislative recommendations of two Presidents of the United States. I think it is sound legislation and I urge the Senate to approve it.

Mr. KENNEDY. Mr. President, I rise to support S. 2824, the Wholesome Fish and Fishery Products Act of 1971 as reported by the Committee on Commerce and to commend the distinguished chairman of the Subcommittee on the Environment, Senator HART, for his determination and leadership in this field. Senator HART originally introduced legislation in 1966 to provide assurance to the consumers of this Nation that the fish they bought was of the highest quality. Hearings were held in 1967, 1968, and again in 1969 on this subject and witnesses confirmed the need for legislation to remedy the lack of adequate oversight in the fish processing industry. This year's hearings have produced the current bill, which has drawn portions from Senator HART's bill, from the administration measure introduced by Senators MAGNUSON and COTTON and from my own bill, S. 296.

I was particularly pleased to see that the sections of my bill authorizing loans and technical assistance to the fish processing industry were incorporated fully into the current legislation. If we are demanding that the fish processing industry live up to new standards, as we should, then we also must recognize the impact of those new requirements on fishermen and fish processors, and provide them with aid in upgrading their equipment. I would hope that the $35 million in the fisheries loan fund would be used to assist the small processors first, because they have the greatest need. And I would suggest that regulations be issued to accomplish this purpose.

Thus, during the hearings, Lee Weddig, Executive Director of the National Fisheries Institute, noted that some assistance was clearly needed for—

> Smaller firms which otherwise find it impossible to remain in business under a new set of regulations. . . .
>
> To recite that a company may have to retile a floor or wall, or install new icemaking equipment, may seem rather trivial, but this type of detail and expense is precisely what an inspection bill will mean to hundreds of small businessmen if they wish to continue in this industry.
>
> We are trying to show that the provisions of this bill have very real effects on the industry and the consumer, and are not matters that can be considered in a theoretical sense only.

The president of the Shellfish Institute of America also testified:

> Loans or subsidies to the small fishery firms who cannot meet the minimum standards is also urged. It is in the best interest of this nation to keep the small businesses viable to supply food and employment . . .

The importance of such assistance in my own State is clearly shown by a brief look at New Bedford and Gloucester.

In New Bedford, there are 13 fresh fish handling plants which process some 112 million pounds annually, including $19 million worth of flounder and scallops. They also handle substantial quantities of frozen fish blocks and the total processing industry employs some 1,500 persons at the season's peak.

In Gloucester, more than 300 million pounds are landed and processed annually in 31 plants that employ some 4,000 persons.

These industries provide the economic lifeblood of the community and the same situation exists in Maryland, Oregon, Washington, and Alaskan fishing centers.

Legislation such as we have before us now will have a major impact on these industries and we have a responsibility to insure that the impact of our legislation is not to put small processors out of business.

For that reason, the inclusion of the loan and technical assistance provisions is immensely important to the fish processing industry. And the committee should be commended for recognizing this need.

Surely no one who has examined the question of fish inspection can doubt the overwhelming urgency for fast congressional action. Although it has been nearly 55 years since the Wholesome Meat Act was enacted, we have never enacted adequate standards or provided adequate enforcement to assure the American public that the 2 billion pounds of fish and fish products consumed annually meet minimum standards of quality.

While the actual number of deaths traceable to fish consumption has been small, the instances of recorded poisoning traceable to fish are sufficient to demonstrate the need for much greater protection. Nine deaths occurred in 1963 as a result of botulism traced to smoked lake fish. Again in 1966, some 400 cases of salmonella poisoning were linked to smoked fish and in the same year contaminated shrimp produced 250 cases of food poisoning.

The recent discovery of mercury in swordfish and in Great Lakes fish as well, and the potential for other hazardous heavy metals to contaminate fish have prompted a legitimate public demand for greater protection. With regard to the danger of metallic contamination, the possibility of other foods being contaminated is well justified, I believe, the inclusion of a special provision to undertake an emergency program to establish standards and undertake research to meet this problem.

Public confidence in the fish on the market shelves must be restored if we have any hopes of encouraging the growth of the fish industry. Although per capita consumption of fish has increased over the past 4 years, it is at a much lower rate than the increased consumption of meat and poultry. Yet fish could be the preferred supplier of our protein diet needs since, as the National Consumers League has noted in its testimony, it is less expensive than meat or poultry and contains fewer calories.

But before the American housewife decides to buy more fish, she will have to be convinced that fish and fish products are wholesome and safe, and our previous record in providing that assurance has been poor.

In the past, the level of inspection of fish processing has been wholly unacceptable. The Commissioner of the Federal Food and Drug Administration testified that only about a third of the 2,200 interstate fish processing plants were checked annually and there was virtually no Federal inspection of the more than 2,000 intrastate processors.

After an informal FDA review of industry conditions, FDA Commissioner Charles C. Edwards testified:

> Again we find grossly inadequate processing conditions, improper equipment, the absence of essential equipment and a general lack of quality control.

Not surprisingly, the reason for this situation rests to a large extent with the Federal Government which has failed to dedicate adequate resources to fish inspection. Although there are approximately as many fish processing plants as there are meat processors, 37 times more money is being spent for meat inspection than for fish inspection activities this year.

The current bill would end the system of hit-or-miss inspection of the fish processing industry. It would provide for "continuous inspection" in which one-a-day visits by Food and Drug Administration inspectors would be required except where unusual circumstances prevented such frequency. All processors would be operating under recognized federally established standards, and adequate inspection of vessels to assure sanitary and quality control processing practices also would be required.

I believe the current bill meets the problems of imported fish, as well, by requiring that there be certification that foreign processors operate under equivalent standards of quality control and sanitation. The importance of requiring equivalent standards from foreign importers is evident from a brief glance at the rise in the level of imports into the U.S. market. In 1959, domestic catches accounted for approximately 60 percent of the supply of fishery products; but by 1969, the figures had been reversed, with foreign imports accounting for 60 percent of the U.S. market.

Mr. President, I strongly urge passage of this legislation which places the Federal Government in a position to provide reasonable assurance to the American consumer that the fish and fish products in the market are safe, wholesome and free of contamination. The restored confidence in the quality of fish products also will mean that the U.S. fishing industry will have an opportunity to grow, an opportunity that waning public confidence has substantially impeded in the past.

Mr. MAGNUSON. Mr. President, before we go on to vote on final passage, let me extend my thanks and praise to the members of the Commerce Committee who worked to develop this legislation.

It has been a rather long road for this one, but due primarily to the efforts of the Senator from Michigan (Mr. HART) and the Senator from Utah (Mr. Moss) we have produced something which will be of considerable benefit to the Nation's consumers. Lesser men than these two Senators would have abandoned their efforts in the face of the problems which have confronted this bill throughout the years. Consumers owe them a rather substantial debt of gratitude.

Let me also thank the committee staff, Lee Tyner, Mike Brownlee, and Len Bickwit, of the majority side; Art Pankopf and Pete Powell of the minority, who were able to work together so cooperatively and with such great competence throughout the difficult journey of this legislation. As is always the case with bills of this magnitude, their efforts were invaluable to us as a committee.

The PRESIDING OFFICER. Do the Senators yield back their time on final passage?

Mr. COTTON. I yield back the remainder of my time.

Mr. HART. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. ERVIN), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also, the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Maryland (Mr. BEALL) would vote "yea."

The result was announced—yeas 67, nays 4, as follows:

[No. 432 Leg.]

YEAS—67

Aiken	Dominick	Mondale
Allott	Eagleton	Montoya
Bayh	Fannin	Moss
Bellmon	Fong	Nelson
Bentsen	Fulbright	Packwood
Bible	Gravel	Pastore
Boggs	Gurney	Pearson
Brooke	Hansen	Pell
Burdick	Hart	Percy
Byrd, Va.	Hatfield	Proxmire
Byrd, W. Va.	Hollings	Randolph
Cannon	Hruska	Ribicoff
Case	Hughes	Roth
Chiles	Inouye	Schweiker
Church	Jordan, Idaho	Scott
Cook	Kennedy	Smith
Cooper	Magnuson	Spong
Cotton	Mansfield	Stafford
Cranston	McClellan	Stevens
Curtis	Metcalf	Stevenson
Dole	Miller	Thurmond

Tower	Williams	Young
Tunney		

NAYS—4

Allen	Ellender	Mathias
Eastland		

NOT VOTING—29

Anderson	Harris	Mundt
Baker	Hartke	Muskie
Beall	Humphrey	Saxbe
Bennett	Jackson	Sparkman
Brock	Javits	Stennis
Buckley	Jordan, N.C.	Symington
Ervin	Long	Taft
Gambrell	McGee	Talmadge
Goldwater	McGovern	Weicker
Griffin	McIntyre	

So the bill (S. 2824) was passed, as follows:

S. 2824

An act to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of Intrastate commerce with respect to State fish inspection programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wholesome Fish and Fishery Products Act of 1971".

CONGRESSIONAL FINDING

SEC. 2. Fish and fishery products are an important source of the Nation's total supply of food. These foods are consumed throughout the Nation and the major portion of the supply moves in interstate commerce, some from foreign sources. It is essential that the health and welfare of consumers be protected by assuring that fish and fishery products distributed to them are of good quality, wholesome, not adulterated, and are properly marked, labeled, and packaged. Fish or fishery products which do not meet these standards depress markets for wholesome, not adulterated, and properly labeled and packaged fish and fishery products. Those articles that are unwholesome, adulterated, of poor quality, mislabeled, or deceptively packaged compete unfairly with articles that are of good quality, wholesome, not adulterated, and properly labeled and packaged, to the detriment of commercial fishermen, processors, and consumers of fish and fishery products. It is hereby found that all fish and fishery products regulated under the amendments made by this Act are either in interstate or foreign commerce or substantially affect such commeree, and that Federal regulation and cooperation by the States and other jurisdictions as contemplated by this Act (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of the consumer.

WHOLESOME FISH AND FISHERY PRODUCTS AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DEFINITIONS

SEC. 3. Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraphs:

"(y) (1) The term 'fish' means any aquatic animal, including amphibians, or part thereof, capable of use as human food.

"(2) The term 'shellfish', as used in sections 402(f), 421, and 423, means any species of oyster, clam, or mussel, either shucked or in the shell, and either fresh, or frozen, or otherwise processed, or any part thereof.

"(z) The term 'fishery products' means any product capable of use as human food which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions or historically have not been, in the judgment of the Secretary, considered by consumers as products of the commercial fishing industry, and which are exempted from definition as a fishery product by the Secretary under such conditions as he may prescribe to assure that the fish or portion thereof contained therein are not adulterated and that such products are not represented as fishery products.

"(aa) The term 'capable of use as human food' applies to any fish or part or products thereof, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or unless it is naturally inedible by humans.

"(bb) The term 'process', 'processed', and 'processing', with respect to fish or fishery products, means to harvest, handle, store, prepare, produce, manufacture, preserve, pack, transport, or hold such products.

"(cc) The term 'official mark' means any symbol prescribed by regulations of the Secretary to identify the status of any fish or fishery product or of any processing establishment or vessel under this Act.

"(dd) The term 'official certificate' means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(ee) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(ff) The term 'owner or operator' means any person who owns, operates, leases, charters, or otherwise controls any establishment or vessel.

"(gg) The term 'vessel' means a vessel, as defined in section 3 of title I, United States Code, which is engaged primarily in the processing of fish for landing and human consumption in any State.

"(hh) The term 'continuous inspection' means the application of inspection by a full-time inspector.

"(ii) The term 'inspector' means an individual appointed or commissioned as an officer or employee of the Department and authorized by the Secretary to make inspections under the authority of this Act.

"(jj) As used in part B of chapter IV, the term 'establishment' means the premises, buildings, structures, facilities, and equipment (including vehicles) used in the processing of fish and fishery products."

PROHIBITED ACTS

SEC. 4. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraphs:

"(q) (1) Casting, printing, lithographing, or otherwise making, except as authorized by the Secretary, any official mark, official certificate, or official device or simulation thereof.

"(2) Forging, counterfeiting, simulating, or falsely representing, any official mark, official certificate, or official device.

"(3) (i) Without authorization from the Secretary, using any official device, official mark, or official certificate, or simulation thereof, or altering, defacing, detaching, or destroying any official mark, official certificate, or official device; or (ii) contrary to regulations prescribed by the Secretary, failing to use, or to detach, deface, or destroy, any official device, official mark, or official certificate.

"(4) Possessing, without promptly notifying the Secretary thereof, (i) any official device, or (ii) any forged, counterfeited, simulated, or improperly altered official certificate, or (iii) any device or labeling, or any fish or fishery product or part thereof, bearing a forged, counterfeit, simulated, or improperly altered official mark.

"(5) Making a false statement in a shipper's or other certificate provided for in regulations.

"(6) Falsely or misleadingly representing that any fish or fishery product has been inspected and passed or exempted from inspection.

"(r) (1) The processing of any fish or fishery product in any establishment or vessel preparing any such article in violation of any requirement of part B of chapter IV or regulations prescribed pursuant thereto.

"(2) The doing of any act in violation of section 411(e) or regulations thereunder, with respect to any fish or fishery product which is not intended for use as human food.

"(s) The importation of fish and fishery products in violation of section 410(1)."

(b) Section 301(e) of such Act is amended (1) by striking out "or" after "507 (d) or (g)," and (2) by inserting "or 411(b)," after "512 (j), (l), or (m)".

(c) Section 301(f) of such Act is amended by striking "section 704" after "by" and inserting in lieu thereof the following: "sections 410(d), 422(d), 704 or 802".

(d) Section 303(c) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; or (6) for having violated section 301 (q)(4) (ii) or (iii), if the possession involved was in good faith and such person had no reason to believe that the certificate or mark involved was forged, counterfeited, simulated, or improperly altered; or (7) for having violated section 301(q) (5) or (6) if the statement or representation involved was made by such person with respect to fish or a fishery product in good faith reliance on a like statement or representation in a shipper's or other certificate of another person from whom he received such article and he had no reason to believe that the statement or representation was false or misleading, unless the person charged with such violation refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he received such article and copies of the certificate relied upon and of any other documents pertaining to the delivery of the article to him."

ADULTERATION

SEC. 5. Section 402 of the Federal, Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraph:

"(f) (1) If it is, or it bears or contains, any fish or fishery product, and it has been processed in violation of section 410 or 411 or any regulations issued by the Secretary under such sections.

"(8) If it is, or is a product made or derived in whole or in part from, shellfish and such shellfish (A) was harvested in a State or foreign country that did not at the time of harvesting have in effect (i) an annual State plan for classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, approved by the Secretary on the basis of standards promulgated by him by regulation, or (ii) in the case of a foreign country, a shellfish control program at least equal to such standards; or (B) was not harvested, or was not purified after harvesting, in conformity with such State plan or foreign program; or (C) was harvested in a growing area that has been declared closed for such purposes by regulation of the Secretary on the basis of a finding of necessity for the protection of the public health."

INSPECTION OF FISH AND FISHERY PRODUCTS, ESTABLISHMENTS, AND VESSELS

SEC. 6. Chapter IV of the Federal Food, Drug, and Cosmetic Act is further amended (1) by inserting "PART A—GENERAL" immediately below the chapter heading, and (2) by adding at the end of such chapter the following:

"PART B—FISH AND FISHERY PRODUCTS

"Subpart 1—Inspection and Regulations of Products, Establishments, and Vessels

"GOOD PROCESSING PRACTICES

"SEC. 410. (a) The Secretary shall, either directly or by contract, make, by experts in sanitation or other competent persons, such survey of as many establishments in the United States and vessels which process fish and fishery products for interstate commerce as he deems appropriate to inform himself concerning the operations and sanitary conditions thereof for the purpose of developing adequate standards of good processing practices, including but not limited to sanitation and quality control, under which such establishments and vessels shall be maintained and operated. The Secretary shall thereafter by regulation prescribe standards of sanitation and quality control for the processing of fish and fishery products which shall be applicable to persons covered by this part, and he may from time to time amend such regulations, except that prior to the issuance of such standards the Secretary shall consult with other interested Federal agencies, representatives of States, appropriate representatives of consumer organizations and the commercial fishing industry, other interested persons and organizations, and the advisory committee appointed pursuant to section 434. The initial regulations pursuant to this subsection shall be issued within one year after funds are first appropriated to carry out the provisions of this part. Regulations (including amendments to regulations) prescribed pursuant to this subsection shall become effective upon the date specified in the order prescribing them, but the initial regulations shall become effective one year after the day on which such regulations have been issued, unless the Secretary finds that additional time, not in excess of one year, is necessary to place all or any part of such regulations into effect. On and after the effective date of such regulations no person shall process for interstate commerce fish or fishery products in any establishment or vessel under his control without complying with such regulations.

"Certification of Establishments and Vessels

"(b) On or after the sixtieth day following the effective date of such regulations, no person shall process in or for interstate commerce fish or fishery products in any establishment or vessel under his control unless there is in effect for such establishment or vessel an official certificate issued by the Secretary. The application therefor shall be accompanied by such assurance as may be required by regulations that the establishment or vessel will be maintained in compliance with applicable standards. No such certificate shall be issued for any establishment unless the Secretary, on the basis of such application and of an intensive inspection made after the issuance of regulations pursuant to subsection (a), determines that there is satisfactory assurance that the establishment is adequately equipped, staffed, and managed to conform to the standards issued pursuant to subsection (a) and that fish and fishery products processed by it, including the labeling and packaging thereof, will in all respects comply with the requirements of this Act. The Secretary may deny the certificate if an adequate assurance of compliance is not presented, and the denial shall be subject to the opportunity for hearing and judicial review as provided by section 412.

"Suspension and Reinstatement of Certificates

"(c) The official certificate of any establishment or vessel may be suspended, after opportunity for hearings, for failure to comply with the requirements of this subpart. The certificate may be summarily suspended by the Secretary (1) for failure to permit access for inspection, or (2) where an inspection or investigation discloses violation of any provision of this chapter or any regulation issued thereunder which the Secretary determines would involve an undue risk of imminent harm to consumers, except that suspension pursuant to such determination shall not prevent the continued processing by the establishment or vessel of any fish or fishery product if such fish or product is not distributed, sold, or consumed by humans, except that such fish or products may be distributed, sold or consumed if the Secretary withdraws the summary suspension. The authority conferred by the preceding sentence may not be delegated to a nonsupervisory officer or employee of the Department. The holder of such a suspended certificate may at any time apply for reinstatement and the Secretary shall immediately grant such reinstatement if he finds that adequate measures have been taken to comply with the provisions of this part and the regulations issued thereunder. Suspension of a certificate and the denial of reinstatement shall be subject to the procedures provided by section 412, but a summary suspension shall remain in effect during the pendency of the administrative proceeding under that section, except that the Secretary may be enjoined from continuing such summary suspension at any time upon the order of the United States district court of the district in which such establishment or vessel is located. An injunctive proceeding against the Secretary may be initiated by the holder of a certificate summarily suspended by the Secretary under authority of this section. In any such proceeding, the court shall have jurisdiction only to determine whether a summary suspension was warranted under all of the circumstances of the case.

"SURVEILLANCE INCLUDING INSPECTION

"(d) For the purpose of preventing the introduction or use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall, in accordance with the most modern public health and food protection practice, establish and maintain continuous and effective surveillance of all segments of the industries involved. As a part thereof, the Secretary shall, through inspectors, cause to be made such inspections, including continuous inspection whenever deemed necessary by him, of establishments and vessels as in his judgment will reasonably assure continuing compliance with, and will most effectively achieve, the purposes of this subpart and of this Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied in any establishment or vessel, the Secretary shall, among other relevant factors, consider the results of the intensive inspection required for certification under subsection (b) and any other relevant experience or information (whether obtained through inspection or otherwise), relating to such establishment or vessel or to fish or fishery products processed by it. For the purpose of preventing adulterated fish or fishery products from being introduced into interstate commerce, the Secretary may require, whenever he considers it appropriate, inspections, by inspectors appointed or commissioned by him, of such fish or fishery products at dockside. The Secretary, at his discretion, may further require that adequate inspections be made by such inspectors of vessels processing fish or fishery products for interstate commerce. Any inspector appointed or commissioned for the purposes of this part, shall at any reasonable time have access to any establishment or vessel where fish or fishery products are processed. Denial of access to such inspector shall be grounds for suspension of the certificate of registration. The Secretary whenever processing operations are being conducted, may, at his discretion, provide for the sampling, detention, and reinspection of fish or fishery products at each such establishment or vessel. Any fish or fishery products found to be adulterated by the Secretary shall be immediately segregated and, if objection is not made within ten days, condemned. If objection is made, the inspector's determination shall be subject to the opportunity for hearing and judicial review as provided by section 412. If objection is made, such fish or fishery products that are in perishable form may be processed to the extent necessary to prevent spoilage, but after such processing such fish or fishery products shall be segregated pending hearing and judicial review. Any fish or fishery products condemned under this subsection by the inspector without objection or after hearing and judicial review under section 412 shall be destroyed for human food purposes under the supervision of an inspector: *Provided*, That any fish or fishery products which may by reprocessing be made not adulterated shall not be so condemned and destroyed if reprocessed under the supervision of an inspector and thereafter found not to be adulterated. Failure to comply with the requirements of the preceding sentence shall be grounds for suspension of the official certificate. The cost of any inspection, including any continuous inspection, shall be borne by the United States, except that the cost of overtime and holiday pay for inspection service performed, in an establishment subject to inspection, at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the control of the establishment, shall, at such rates as the Secretary may determine in accordance with regulations, be borne by such establishment. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

"Use of Official Mark

"(e) When fish or fishery products are processed for interstate commerce in an establishment or vessel holding an unsuspended official certificate and are placed or packed in any container or wrapper, the person processing such products may at the time they leave the establishment or vessel, cause the label thereof to bear or contain such identifying official mark as may be authorized by the Secretary by regulation.

"Labeling and Packaging

"(f) If the Secretary has reason to believe that any labeling or packaging in use or proposed for use with respect to any article subject to this subpart renders or would render such article misbranded, he may direct that such use be withheld, and that any otherwise authorized official mark not be used, unless the labeling and packaging is modified in such manner as he may prescribe to comply fully with this Act. Any such determination by the Secretary shall be subject to the opportunity for hearing and judicial review provided by section 412, but the use of such labeling or packaging shall, if the Secretary so directs, be withheld pending such hearing and judicial review if necessary to protect the public health. If the use of such labeling or packaging is withheld pending hearing and judicial review, the person using or proposing to use such labeling or packaging may at any time seek injunctive relief in the United States district court of the district in which such labeling or packaging takes place. In the event an injunctive relief proceeding is initiated, the court shall have jurisdiction only to determine if the Secretary's determination to withhold such labeling or packaging was warranted by all of the circumstances of the case.

"Trade Names and Established Packages

"(g) Established trade names or other labeling and packaging which are not false or misleading in any particular are permitted.

"Storage or Handling Regulations

"(h) Regulations issued pursuant to subsection (a) shall include standards prescribing conditions under which fish or fishery products capable of use as human food shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for interstate commerce, or importing, such articles.

"Importation of Fish and Fishery Products

"(i) After the effective date of regulations issued under this subpart and section 802 of this Act the following provisions shall apply:

"(1) No fish or fishery products which are capable of use as human food shall be imported into the United States if such articles are adulterated or misbranded or otherwise fail to comply with all the surveillance and inspection, good processing practice, and other provisions of this subpart and regulations issued thereunder applicable to such articles in interstate commerce within the United States. Notwithstanding the foregoing sentence, whenever, in the case of any foreign country, it shall be determined by the Secretary after inspection pursuant to regulations promulgated under section 802 of this Act of the establishments in which fish, shellfish, or products thereof are prepared for importation into the United States, such other investigation and evaluation, conducted at least annually, as he considers necessary or appropriate, that its system of plant and vessel inspection of fish and fishery products is at least equal to all the inspection, good processing practice, and other provisions of this subpart and regulations issued thereunder, and that reliance can be placed on certificates required by regulation of the Secretary as to compliance with that country's inspection, good processing practice, and other requirements, the Secretary may accept such certificates as compliance with the comparable requirements of this subpart for such period and on such terms and conditions as he may prescribe. Any fish or fishery products covered by such certificates shall be marked and labeled as may be required by regulations for such imported articles. Notwithstanding any determination by the Secretary as to certification of compliance with comparable requirements of this subpart, all fish or fishery products imported into the United States shall remain fully subject to sections 801 and 802 of this Act.

"(2) The Secretary may prescribe, under sections 801 and 802 of this Act, the terms and conditions of the destruction of all such articles which are imported contrary to this section, unless (A) they are exported by the consignee within the time fixed therefor by the Secretary, or (B) in the case of articles which are not in compliance with this Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.

"(3) For the purpose of facilitating enforcement of this section and reducing the costs thereof, the Secretary, with the approval of the Secretary of the Treasury and the Secretary of State, may from time to time, by regulation, designate ports in the United States for the importation of fish or fishery products for commercial purposes into the United States. In designating such ports the Secretary shall give due regard to the practical and commercial need for an adequate number of such ports in various sections of the United States. After the effective date of such regulations such importation, except into ports so designated, is prohibited.

"(4) Nothing in this section shall apply to a person who purchases fish outside the United States for consumption by himself or members of his household, except that the total amount of such fish shall not exceed such weight as the Secretary may prescribe by regulation; and the Secretary may further, by or pursuant to regulation, exempt from all or any part of this section, on such terms and conditions as he may deem appropriate, fish that are caught by an individual in the bona fide pursuit of sport and not for commercial purposes in waters outside the United States and that are brought into the United States by such individual by himself or members of his household.

"(5) The Secretary shall submit an annual report to Congress no later than June 30 of each year concerning his administration and enforcement of this subsection with respect to imports of fish and fishery products.

"ADMINISTRATIVE AND AUXILIARY PROVISIONS

"Records and Reports

"SEC. 411. (a) For the purpose of facilitating enforcement of the provisions of this part, persons engaged in the business of processing fish or fishery products for human consumption in or for interstate commerce or holding such products after transportation in interstate commerce shall, as may be required by regulations of the Secretary—

"(1) maintain accurate records (A) showing, to the extent that such persons are concerned therewith, the receipt, delivery, sale, movement, or disposition of fish or fishery products, or (B) showing matters reasonably bearing upon sanitation and quality control in establishments or vessels under the control of such persons, or relating to the labeling of fish or fishery products processed in such establishments or vessels, or otherwise relating to whether fish or fishery products subject to this subpart are adulterated or misbranded;

"(2) upon the request of the Secretary permit him at reasonable times to have access to and copy any such records; and

"(3) make such reports to the Secretary with respect to such matters, including reports as to labeling practices, as the Secretary may reasonably require.

Any record required to be maintained by this section shall be maintained for two years after the transaction which is the subject of such record has taken place.

"Administrative Detention of Fish or Fishery Products

"(b) Whenever any fish or fishery product is found by any authorized representative of the Secretary upon any premise where it is held for purposes of, or during or after distribution in, interstate commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated, or misbranded or otherwise in violation of the provisions of this Act or any other Federal or State law, or that such article has been or is intended to be distributed in violation of any such provisions, such fish or fishery products, if not otherwise subject to condemnation under section 410(d), may be detained by such representative for a period not to exceed seven days pending action under section 304 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article, and shall not be moved by any person from the place at which it is located when so detained until released by such representative. Such fish or fishery product shall be detained in a suitable manner to prevent decomposition and the costs thereof shall be borne by the owner thereof. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the Secretary that the article is eligible to retain such marks.

"Exemptions

"(c)(1) The provisions of this subpart shall not apply to the processing by any person of fish of his own raising or harvesting, and the preparation by him and transportation in commerce of the fish or fishery products exclusively for use by him and members of his household and his nonpaying guests and employees, if such person does not engage in the business of buying or selling any fish or fishery products capable of use as human food.

"(2) The Secretary may, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this subpart (a) retail dealers with respect to fishery products sold directly to consumers in individual retail stores, if the only processing operations performed by such retail dealers are conducted on the premises where such sales to consumers are made, and (b) equipment other than vessels used in the transportation of fish and fishery products.

"(3) The Secretary may by regulation, under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from the requirement of continuous inspection imposed by the first sentence of section 410(d) any establishment or vessel, known in the trade as a "fish house, shore-based cold storage, or similar floating cold storage, in which no processing of fish or fishery products is performed except (A) the unloading of fresh whole fish from vessels into appropriate bulk containers, (B) icing or other refrigeration of such fish, and (C) prompt shipment thereof either (i) to an establishment subject to continuous inspection, or (ii) to a retail dealer described in paragraph (2) of this subsection.

"(4) Regulations pursuant to section 410 (a) with respect to storage or other handling of fish or fishery products by persons engaged in the business of buying, selling, freezing, storing, transporting, or importing the same shall not apply to storage and handling at any retail store or other establishment that would be subject to that section only because of purchases in interstate commerce, if such storage and handling at such establishment are regulated, under applicable State law, in a manner which the Secretary, after consultation with appropriate State representatives and other interested persons, determines to be adequate to effectuate the purposes of the storage or other handling regulations prescribed pursuant to section 410(a).

"(5) The Secretary may suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

"Processors of Industrial Fishery Products and Related Industries

"(d) No person shall buy, sell, or offer for sale, or transport or offer to receive for transportation, in interstate commerce, or import, any fish or fishery products which are not intended for use as human food unless they are denatured or otherwise identified as required by regulations of the Secretary or are naturally inedible by humans.

"OPPORTUNITY FOR HEARING AND JUDICIAL REVIEW OF DENIAL, WITHHOLDING, SUSPENSION, OR WITHDRAWAL OF CERTIFICATES AND WITHHOLDING OF APPROVAL OF LABELING OR PACKAGING

"Opportunity for Hearing

"SEC. 412. (a)(1) Any person denied a certificate under section 410(b), or whose certificate is proposed to be suspended or has been summarily suspended, or who has been denied reinstatement under section 410(c), or whose fish or fishery products are segregated under section 410(d), or from whom the use of any labeling or packaging has been withheld or is proposed to be withheld under section 410(b), or any other person adversely affected by the Secretary's action or inaction on such matters, may file objections thereto with the Secretary, specifying with particularity reasonable grounds for his objection, and request a hearing upon such objection. The Secretary shall afford an opportunity for a hearing on such objections,

and shall expedite such hearing upon request. As soon as possible after the hearing, the Secretary shall act upon the objections.

"(2) The Secretary shall issue an order based upon a fair evaluation of the entire record at such hearing, and shall include in such order findings of fact and conclusions on which the Secretary's action was based.

"(3) The Secretary shall grant such interim relief from any order suspending or withdrawing a certificate as he finds justified upon considering the interests of the person holding the certificate and the necessity for protection of the public health and the interest of consumers.

"Judicial Review

"(b)(1) Any person adversely affected by the Secretary's action on such person's objections may obtain judicial review by filing in the United States court of appeals for the circuit in which he resides or has his principal place of business, within sixty days after the entry of the Secretary's order, a petition for judicial review.

"(2) A copy of the petition shall be transmitted by the clerk of the court to the Secretary, and the Secretary shall file in the court the record of the proceeding. The finding of the Secretary with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole. The costs of any proceeding under this section may be apportioned to the parties if the interests of justice require.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"EVIDENCE FOR INVESTIGATIONS AND HEARINGS—SUBPENAS

"SEC. 413. For the purpose of any hearing, investigation, or other proceeding authorized or directed under this part, the Secretary is authorized to issue subpenas requiring the attendance and testimony of witnesses and the production of any documentary or other evidence that relates to any matter under investigation or in question before the Secretary and to administer oaths or affirmations. Witnesses so subpenaed shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy by, or refusal to obey a subpena duly served upon, any person, the district court of the United States for the district in which the person charged with contumacy or refusal to obey is found or resides or transacts business shall, upon application by the United States and after notice to such person, have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary, or to appear and produce documentary or other evidence before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"Subpart 2—Federal and State Cooperation

"SEC. 421. (a) It is the policy of the Congress to assist in efforts by State and other Government agencies to protect the consuming public from fish and fishery products that are adulterated, misbranded, or otherwise not processed in accordance with standards in effect under this Act. In furtherance of this policy—

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, (A) to cooperate with the appropriate State agency in developing and administering State fish and fishery products surveillance programs, including inspection, surveillance for dangerous materials as defined in part C of this chapter, and other related activities, in any State which has enacted a State fish and fishery products surveillance law that imposes mandatory requirements that are at least equal to those under subpart 1 of this part, and provisions of this Act related to such subpart, with respect to all or certain classes of persons engaged in the State in processing fish and fishery products for use as human food solely for distribution within such State; and (B) to cooperate with the appropriate State agency in the development of an effective State program (described in a State plan approved on an annual basis by the Secretary as meeting standards established by him) for the classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, including shellfish intended for introduction into interstate commerce.

"(2) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (A) advisory assistance in planning and otherwise developing adequate State programs under the State law, and (B) technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such programs. Grants to any State under this section from Federal funds for any fiscal year shall not exceed 50 per centum of the estimated total cost of the cooperative program in such State. Such cooperation and payment shall be contingent at all times (A) upon the administration of State programs in a manner which the Secretary, after such consultation with the advisory committee appointed under section 434 as he considers appropriate, deems adequate to effectuate the purpose of this section, and (B) upon agreement by the State, when requested by the Secretary, to cooperate with the Department by making available (upon a reimbursable basis or otherwise as may be agreed upon) the services of qualified personnel of the State agency, when duly commissioned by the Secretary pursuant to section 702, for the conduct of fish and fishery products surveillance activities on behalf of the Department for the purposes of subpart 1 of this part and part C of this chapter.

"(b) The appropriate State agency with which the Secretary may cooperate under this subpart shall be an agency designated by the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act, except that with respect to the shellfish control program referred to in clause (B) of paragraph (1) of subsection (a) such State agency may, in the case of a State in which different functions of its shellfish control program are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of this Act, including this part. When the State program, or the performance of services on behalf of the Department (referred to in clause (B) of the third sentence of subsection (a)(2)), includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"SEC. 422. (a)(1) If the Secretary believes, by thirty days prior to the expiration of two years after the effective date of regulations promulgated under section 410(a) of this Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction at which fish or fishery products are processed for use as human food for distribution solely within the State, requirements at least equal to those imposed under subpart 1 of this part and other provisions of this Act related to such subpart, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or a representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of such subpart 1 and related provisions of this Act shall apply to operations and transactions wholly within such State. Notwithstanding the foregoing provisions of this paragraph, if the Secretary determines that there is reason to believe that the State will activate such requirements within one additional year, he may delay such designation for that period, and he shall in that event not designate the State if he further determines at the end of that period that the State then has such requirements in effective operation.

"(2) The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of subpart 1 and other provisions of this Act related thereto shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for interstate commerce.

"(3) Notwithstanding any other provision of this subpart, if the Secretary determines, at any time prior to designation of a State under this section, that any establishment within a State is producing adulterated fish or fishery products for distribution within such State which would clearly endanger the public health, he shall, with a view to achievement of effective action under State or local law, notify the Governor of the State of such fact. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary in the light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of subpart 1 and related provisions of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in interstate commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under such provisions.

"(b) Whenever the Secretary determines that any State designated under this section has developed and will enforce State requirements at least equal to those imposed under subpart 1 and related provisions of this Act with respect to the operations and transactions within such State which are regulated under this section, he shall terminate the designation of such State under this section, but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication of such notice in the Federal Register; and any State may be designated upon such notice and publication at any time after the period specified in this subsection, whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under such subpart and related provisions.

"(c) The Secretary shall promptly upon enactment of this subpart 2, and periodically thereafter but at least annually, review the requirements, including the enforcement thereof, of the States not designated under this section, with respect to the processing of fish or fishery products and the surveillance, including inspection, of such operations.

"(d) For the purpose of enabling the Secretary to make determinations required of him under this section, the authority conferred by subpart 1 of this part and by section 704 to cause to be made inspections of establishments by inspectors appointed by him shall extend to establishments in any

State processing fish and fishery products solely for distribution in such State.

"STATE JURISDICTION

"SEC. 423. (a) Requirements within the scope of subpart 1 of this part, with respect to any establishment or vessel at which a certificate of registration is required under subpart 1, which are in addition to or different from those made under such subpart may not be imposed by any State except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 411(b) with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different from, those made under this Act may not be imposed by any State with respect to articles processed at any establishment or vessel in accordance with the requirements under such subpart, but any State may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over such articles (including imported articles after their entry into the United States) for the purpose of preventing distribution of any such articles which are adulterated or misbranded, including the exercise of such concurrent jurisdiction in any such establishment or vessel (with respect to such articles) as the Secretary, by or pursuant to regulation, determines will not conflict with or unnecessarily duplicate activities of the Secretary therein.

"(b) Nothing in this section shall be construed to preclude the establishment and operation and enforcement of a State shellfish program (meeting Federal standards and administered under an annual plan approved by the Secretary) for classification and control of growing areas and for regulation and control of harvesting practices for shellfish, including shellfish intended for introduction in interstate commerce. This section shall not preclude any State from making requirements or taking other action, consistent with subpart 1, with respect to any other matters not regulated thereunder. Nothing in this section shall be construed to preclude the utilization of State or local personnel for services on behalf of the Department, upon being commissioned by the Secretary pursuant to section 702.

"Subpart 3—General

"INTERDEPARTMENTAL COOPERATION

"SEC. 431. (a) There shall be consultation between the Secretary and the Secretary of Commerce, and any other interested agencies, prior to the issuance of standards under this Act applicable to fish or fishery products. There shall also be consultation between the Secretary and the advisory committee provided for under this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(b) For the purpose of facilitating enforcement and reducing the costs thereof, the Secretary may, by agreement with the agency concerned, utilize with or without reimbursement law enforcement officers or other personnel and facilities of other Federal agencies to carry out the provisions of this Act and, in connection therewith, may commission such personnel as officers of the Department. The Secretary is also encouraged to enter, where appropriate, into agreements or other arrangements (on a reimbursable basis or otherwise) with any State for utilization of the facilities, services, and qualified personnel of such State (duly commissioned by him pursuant to section 702) in carrying out the provisions of this Act, and in particular subpart 1 of this part, including enforcement.

"RESEARCH

"SEC. 432. The Secretary is authorized to conduct, directly or through grants to or contracts with public or private agencies or organizations and individuals, studies, research, experiments, and demonstrations—

"(1) to improve sanitation practices in the processing of fish and fishery products; and

"(2) to develop improved techniques in the conduct of surveillance (including inspection) activities under this Act.

"PERSONNEL: APPOINTMENT AND TRAINING

"SEC. 433. (a) The Secretary shall, subject to the civil service and classification laws, appoint such employees, qualified by training or education, as he deems requisite for the administration of this part and prescribe their duties.

(b) The Secretary shall, to the extent necessary or appropriate, provide training for personnel appointed pursuant to this section. He shall work with educational institutions in developing programs designed to enable persons to qualify for positions in the administration of this part.

"NATIONAL ADVISORY COMMITTEE

"SEC. 434. (a) The Secretary shall appoint, without regard to the civil service and classification laws, a national advisory committee of not more than twenty-one members to advise him concerning Federal and State programs of fish and fishery product inspection and on other fisheries matters within the scope of this part and part C of this chapter, including the evaluation of State fish and fishery product surveillance programs having objectives similar to those of this part and part C and the promotion of improved coordination among State programs and between Federal and State programs. The chairman (who shall be designated by the Secretary) and a majority of the members of such committee shall have no economic interest in the commercial fisheries industry and shall be drawn from the public (including persons representative of consumer and environmental protection organizations), from the fields of the environmental and other relevant sciences, and from persons especially conversant with State fishery and fishery products surveillance programs. Not less than one-third of the members of such committee shall be drawn from consumer and environmental protection organizations.

"(b) Members of the committee who are not regular full-time employees of the United States shall, while serving on business of the committee, be entitled to compensation at rates fixed by the Secretary, but not exceeding the daily rate applicable at the time of such service to grade GS-18 of the classified civil service, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"Part C—Surveillance for Dangerous Materials

"SEC. 435. (1) In order to protect consumers from the dangers of dangerous materials which may be found in food, the Secretary shall initiate and carry out an intensive screening system for the detection of such materials in food.

"(2) As used in this section—

"(A) The term 'dangerous material' means any material which there is reason to believe might reach toxic levels in significant quantities of food so as to threaten human health.

"(B) The term 'intensive screening' means that level of surveillance required to provide reasonable assurance that the presence of dangerous materials in food does not constitute an unreasonable threat to human health. Such surveillance shall consist of sampling and analysis of those foods which there is reason to believe contain dangerous materials in such quantities as to threaten or significantly contribute to the threat to human health. In the case of those dangerous materials for which additional research is necessary to reasonably specify such levels of surveillance, such term means that level of research which is required to gain reasonably sufficient knowledge to gage the threat to human health arising from the presence of such dangerous materials in food and any other information necessary to ascertain such levels. To the extent practicable, such research shall utilize data on human exposure which relates to consumption patterns and the accumulative effect on human metabolism.

"(3) Not more than one hundred and eighty days after the date of enactment of this section, the Secretary shall propose regulations specifying all dangerous materials and the intensive screening procedures that he will follow in carrying out this section. The Secretary may modify or amend such regulations at any time after they become final either on his own initiative or on the petition of any interested person. Those adversely affected by any proposed regulation, any proposed modification or amendment, or the denial of any petition for any such modification or amendment may file objections thereto with the Secretary showing reasonable grounds therefor and request a hearing thereon. The Secretary shall afford an opportunity for a hearing on such objections. All hearings conducted pursuant to this section shall consist of the oral and written presentation of data, views, or arguments pursuant to section 553 of title 5 of the United States Code.

"(4) If the Secretary finds that there is a threat to the public health that requires an immediate increase in the level of research he may increase the level of such research or testing to such extent he determines necessary without regard to any requirement under this section for previous notice or opportunity for a hearing; but the Secretary shall comply with such requirements as soon as practicable after initiating such increase in the level of research or testing for the dangerous material in question.

"(5) Analyses performed under this section to determine the presence and amount of dangerous materials in food shall be performed using the best available technology."

FOREIGN FISHERIES PRODUCTS

SEC. 7. (a) Chapter VIII of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end thereof the following new section:

"SEC. 802. (a) (1) The Secretary, after consultation with the Secretary of State, shall establish regulations for the inspection of foreign establishments which process and prepare fish, shellfish, or products thereof for importation into the United States.

"(2) In the event that officials of the Department are refused access to inspect any foreign establishment which so processes and prepares fish, shellfish, or products thereof or such establishment does not meet the regulations prescribed by the Secretary, then the Secretary shall so advise the Secretary of the Treasury.

"(b) Upon receiving notice from the Secretary pursuant to subsection (a) (2) of this section, the Secretary of the Treasury shall issue an order prohibiting importation into the United States of any fish, shellfish, or products thereof of—

"(1) any foreign country which does not permit the officials of the Department to carry out inspections of establishments that are located within such country's jurisdiction and that prepare fish, shellfish, or products thereof for the bringing or importation into the United States;

"(2) any such foreign establishment which does not permit inspection by officials of the Department; or

"(3) any such foreign establishment which after inspection has failed to meet the requirements of regulations established by the Secretary.

"(c) It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to import into or cause to be imported into, the United States any fish, shellfish, or products thereof prohibited pursuant to this Act.

"(d) Enforcement of the provisions of this section prohibiting importation of fish, shellfish, or products thereof into the United States shall be the responsibility of the Secretary of the Treasury.

"(e) Any fish, shellfish, or products thereof imported into the United States in violation of the regulations established under this section, shall be deemed to be in violation of the Tariff Act of 1930 and subject to the provisions of such Act relating to seizure, forfeiture, condemnation, and disposition of such fish or shellfish or products thereof or disposition of the proceeds from the sale thereof, insofar as such provisions are applicable and not inconsistent with this section."

(b) The provisions of this section shall become effective on the same date as provided for section 410 of this Act unless the Secretary, for a good cause, finds that additional time is necessary but in no event shall the effective date of this section be delayed beyond the one hundred eightieth day following the effective date of section 410 of this Act.

FISHERIES LOAN FUND

SEC. 8. (a) Section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121; 16 U.S.C. 742c) is amended—

(1) by inserting before the period at the end of subsection (a) the following: "or new or operating establishments processing fish and fishery products subject to regulations issued under the Wholesome Fish and Fishery Products Act of 1971 and subject to the enactment of such Act";

(2) by inserting immediately after the word "gear" in the first sentence of subsection (b) (4) the words "and establishments processing fish and fishery products", and by inserting before the period at the end of such sentence the phrase "and commercial fish processors";

(3) by inserting immediately after the word "applicant" in subsection (b) (5) the words "for a loan relating to vessels or gear", and by adding at the end thereof the following new sentence: "The applicant for a loan relating to an establishment processing fish and fishery products shall be the ability, experience, resources, and other qualifications necessary to operate and maintain the establishment in a sound, businesslike manner."; and

(4) by amending the last sentence of subsection (c) of such section to read as follows: "There is authorized to be appropriated to the fisheries loan fund the sum of $35,000,000 to provide initial capital.".

(b) Section 7(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1122; 16 U.S.C. 742f(a)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) a new paragraph to read as follows:

"(4) provide technical assistance to the commercial fishing industry in developing economically feasible technical improvements to meet any standards of sanitation and quality control for the processing of fish and fishery products promulgated under the Wholesome Fish and Fishery Products Act of 1971 and any other provisions of such Act, upon the enactment of such Act, and to assure that the processing of all fish and fishery products fully complies with such standards;".

EXISTING AUTHORITY

SEC. 9. (a) Notwithstanding any other provisions of law, the amendments made by this Act shall not derogate from any authority conferred upon any Federal officer, employee, or agency by or under provisions of the Federal Food, Drug, and Cosmetic Act in force prior to enactment of this Act, by the Fair Packaging and Labeling Act, by the Public Health Service Act, or by any other Act.

(b) Compliance with the requirements prescribed by or pursuant to the Federal Food, Drug, and Cosmetic Act (including the amendments made thereto by the Wholesome Fish and Fishery Products Act of 1971) with respect to fish and fishery products, including any continuous inspection that may be established thereunder, shall not exempt any person from any liability under common or State law.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated for the purpose of carrying out the amendments made by this Act to the Federal Food, Drug, and Cosmetic Act not to exceed $2,526,000 for the fiscal year beginning July 1, 1972, not to exceed $12,947,000 for the fiscal year beginning July 1, 1973, not to exceed $26,884,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law.

Mr. MANSFIELD. Mr. President, I wish to thank deeply the distinguished senior Senator from Michigan (Mr. HART) for the outstanding manner in which he steered to overwhelming success this measure which is designed to create effective inspection procedures over the fish industry.

With its passage, Senator HART has added another superb achievement to a record that is already abundant with proposals to help and protect every consumer in this Nation. The Senate is deeply grateful.

The Senate is grateful as well to the distinguished Senator from New Hampshire (Mr. COTTON). His cooperation was indispensable to the swift and efficient disposition of this measure.

To Senator HART and Senator COTTON and to Senator MAGNUSON, the chairman of the Committee on Commerce, and to all those Senators who joined this discussion, the Senate is truly grateful.

The passage of this measure is a great accomplishment for which we may all be proud.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider executive business.

U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. The clerk will state the nomination.

The assistant legislative clerk read the nomination of Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the Senate will consider the nomination, and, without objection, the nomination is confirmed.

Mr. HART. Mr. President, I ask that the President be immediately notified of the nomination.

The PRESIDING OFFICER. Without objection, the President will be so notified.

Mr. HART. Mr. President, very briefly, we have just confirmed the nomination of Richard McLaren, of Illinois, as a judge of a Federal court. I am delighted. Mr. McLaren has served conscientiously as Assistant Attorney General in charge of antitrust for several years. Those of us who have had contact with him have come to respect and admire him. I compliment the President on the appointment.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate proceeded to consider legislative business.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The PRESIDING OFFICER: Pursuant to previous order, the Chair lays before the Senate Calendar No. 474 S. 1857, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1857) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 2, after line 22, strike out:

"SEC. 7. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, to remain available until expended."

And, in lieu thereof, insert:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b) (3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b) (4) is redesignated as section 2(b) (5) and is amended by striking out "seventeen" and inserting in lieu thereof "twenty-five".

(3) By adding a new section 2(b) (4) to read as follows:

(4) Four members of the Federal judiciary to be appointed by the Chief Justice of the United States;".

SEC. 2. Section 6(b) is amended to read as follows:

"SEC. 6. (b) (1) The Chairman, with the advice of the Commission, shall appoint a Director who will be compensated at level IV of the Executive Schedule, and three Deputy Directors who will be compensated at level V of the Executive Schedule. Such officers shall serve at the pleasure of the Chairman.

"(2) The Commission shall have power to appoint and fix the compensation of such additional personnel as it deems advisable and to appoint such advisory committees as it deems necessary.

"(3) The Commission shall delegate such

powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission."

SEC. 3. Section 7(a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972; of which not to exceed $2,400,000 shall be for grants-in-aid."

SEC. 4. Add at the end thereof the following new sections:

"SEC. 8. In carrying out the purposes of this Act, the Commission is further authorized to provide for:

"(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information awareness and interest in the bicentennial;

"(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works programs, and projects relating to the bicentennial; and

"(3) a bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicentennial historical and commemorative significance.

"SEC. 9. The Commission is authorized to carry out a program of grants-in-aid in furtherance of the purposes of this Act. The Commission shall, subject to such regulations as it may prescribe:

"(1) Make equal grants in two successive years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor, to assist in the establishment or implementation of Bicentennial Commissions.

"SEC. 10. Appropriations or other funds available to any Government department or agency (including the Commission) for carrying out purposes related to or in furtherance of the bicentennial commemoration may be transferred between the Commission and any such Federal department or agency as may be mutually agreed between them. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of any such department or agency or the authorities of this Act, provided the activities come within the purposes of this Act."

SEC. 5. Section 5108(a) of title 5, United States Code, is amended by striking out "2754" and inserting "2764".

The PRESIDING OFFICER. There is a limitation of 30 minutes on the bill.

Who yields time?

Mr. BROOKE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. BROOKE. Mr. President, in these days when we are so deeply concerned with the present and future of this Nation, we sometimes overlook the significance of the lessons which the past has to teach us.

This Nation was created out of great struggle and sacrifice. It was founded on brave ideals of freedom, justice, and equality for all. It has become a guiding light for nations and peoples throughout the world who value our ideals and seek to follow our way of life. It is thus particularly fitting and important that we recognize our Nation's birth in a solemn and significant way. And it was with this thought in mind that the American Revolution Bicentennial Commission was established on the historic date of July 4, 1966—exactly 10 years before the 200th anniversary of our Nation's founding.

Under the mandate originally given to the Commission, 5 years were to be spent in planning, and 5 years in actually developing and implementing programs to honor our birth.

We are now at the midpoint in the Commission's progress toward its goal. Starting with this fiscal year, we are actually putting into effect our plans.

This bill represents the authorization for the Commission to continue and expand its work. The legislation approves $1.9 million for salaries and expenses of the Commission, and $2.4 million to be used for grants-in-aid to every State and territory, the District of Columbia and the Commonwealth of Puerto Rico, to assist in the establishment or implementation of local bicentennial commissions.

It is vitally important that this work proceed, and that the States and territories now seek to approve and promote their own programs for observing this, our most historic commemoration.

I am pleased that the Judiciary Committee has seen fit to approve this authorization, and extend my special gratitude to the distinguished senior Senator from Nebraska (Mr. HRUSKA), the manager of the bill, and to the distinguished senior Senator from Arkansas (Mr. MCCLELLAN), who serves on the Subcommittee on Federal Charters, Holidays, and Celebrations.

I thank my colleagues, and urge the prompt adoption of this bill.

Mr. BROOKE. Mr. President, I yield 3 minutes to the Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. S. 1857 is an administration proposal to amend Public Law 89-491, the basic legislation which established the American Revolution Bicentennial Commission. The Judiciary Committee unanimously approved the bill as amended and urges its enactment.

The bill as reported includes provisions for an enlarged Commission, additional administrative and personnel authorities, and extension of the Commission's authorization for appropriations for the current fiscal year 1972. The bill would also authorize two annual grants of not to exceed $45,000 each to each State, Territory, the District of Columbia, and the Commonwealth of Puerto Rico to assist in the establishment or implementation of local bicentennial commissions.

The basic purpose of the bill is to begin the implementation of the national plan developed by the American Revolution Bicentennial Commission for the Nation's 200th anniversary in 1976.

The primary Commission recommendations, which were strongly endorsed by the President, are:

The commemoration be national in scope, seeking to involve every State, city and community;

The bicentennial be a focal point for a review and reaffirmation of the principles on which the Nation was founded and for a new understanding of our heritage; and

This be the occasion for looking ahead, for defining and dedicating ourselves to our common purposes, and for speeding the accomplishment of specific local projects responsive to our changing national priorities.

The goal which the Commission has established is most appropriate for our Nation at this time: "to forge a new national commitment, a new spirit for '76, a spirit which vitalizes the ideals for which the Revolution was fought; a spirit which will unite the Nation in purpose and dedication to the advancement of human welfare as it moves into its third century."

This is a grassroots program which emphasizes and depends upon local planning and local initiative. The National Commission has developed criteria and guidance for the States to assure that local planning comes within its goals and objectives.

The nucleus for this local-initiative approach must be the State bicentennial commissions. While more than 46 State commissions have been established, few of them have adequate staff or funding. Indeed, many are without either full-time staff or any regular funding whatsoever.

The grants proposed in S. 1857, therefore, are intended to provide each State with a minimal amount that can be used for a skeleton staff, professional studies, and research that would permit the initiation of planning to develop a bicentennial program for their State's participation in the 200th anniversary of America. Each State, regardless of size, will have an equal need for such seed money to provide basic resources now.

The primary role of the Federal Commission will be that of a coordinator and a catalyst with State and local bicentennial commissions and with the multitude of historical, service, patriotic and other groups and organizations throughout the country.

Extra effort is needed and a long lead-time required to mobilize, encourage, and coordinate local and regional programs by State and local groups. But there is also great opportunity for the awakening of national interest, a revival of a do-it-yourself spirit in this approach which makes the effort most worthwhile. I sincerely believe that such an approach will have a quantum multiplier effect throughout our country—deep involvement in our Nation's 200th anniversary.

It should be noted that S. 1857 is considered an interim measure to bridge the transition from planning to action. As such, it provides only a 1-year appropriations authorization for fiscal year 1972.

Also, the organizational structure of the Commission as amended by the bill is not deemed suitable for long-range implementation of the national bicentennial program through 1976.

The bill provides in section 2(3) for a delegation of full executive authority to a staff director who will be responsible for the operation and management of the Commission.

The report of the Judiciary Committee on S. 1857 notes that the committee considers this an interim arrangement and requests the executive branch to submit organizational proposals that would be adequate for conducting and funding the bicentennial program through 1976.

The bill clarifies and amplifies specific authorities to assist the Commission in carrying out its statutory mandate to plan, develop, encourage, and coordinate a total program of local, State, national, and international activities.

That section authorizes the Commission to arrange for the preparation of materials and objects relating to the bicentennial and for their distribution, exhibition, and sale. Such items may include, for example, pamphlets, manuscripts and films, commemorative and historical artifacts, and other mementos. It is anticipated that the Commission will work closely with State and local commissions and with patriotic, historical, and service groups and organizations to assure the availability of such materials.

The success of the bicentennial depends to a very large degree upon the ability of the Commission to stimulate others, in many cases volunteers and unpaid individuals, and potential contributors, to participate in the commemoration. It is recognized that the Commission needs to defray certain expenses of hospitality when hosting meetings of individuals and groups to accomplish its objectives.

The bill also authorizes the Commission to conduct competitions for historical research essays, musical works, cultural programs, and so forth, relating to the bicentennial and to commission and give awards for such works. The Commission expects to stimulate interest at all levels, from schoolchildren to recognized professionals, to produce works which will promote and perpetuate understanding of 200 years of national development.

The bill also authorizes the Commission to initiate a bicentennial calendar of programs and projects and provide a central clearinghouse for information and coordination regarding dates, events, places, documents, personalities, and so forth, of bicentennial historical and commemorative significance.

S. 1857, as amended by the Committee on the Judiciary, is necessary in order to provide the Bicentennial Commission with the necessary authority and funds so that it can move forward the programs for the bicentennial in 1976. Accordingly, I urge favorable consideration of S. 1857, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MATHIAS. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1, beginning with "by", strike out all through the period on line 2 and insert in lieu thereof the following: "to read as follows: '

"'(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the nation's people, with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions.'"

The PRESIDING OFFICER. Who yields time?

There is no time on the amendment. Time is yielded on the bill.

Mr. BROOKE. I yield 5 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, a very funny movie made the rounds recently called "Don't Start the Revolution Without Us."

It appears that we are going to do just that with the 200th anniversary of the American Revolution—that we will let it come and go as if it meant no more to the American people than the usual fireworks and flag waving and commemorative coins and community cookouts, as if it had no power to engage the energies and imagination of the American people in a celebration of any lasting significance.

And I do not find that very funny at all.

Nearly 6 years have passed since, together with Representative BRADFORD MORSE of Massachusetts, I introduced the original legislation that led to the creation of the American Revolution Bicentennial Commission. The rather stormy story of the Commission's creation is told by Eric Goldman in his book, "The Tragedy of Lyndon Johnson."

We did so because we believed not only that the Revolution was the most important event in our history but, even more, that the ideas and ideals of that Revolution are as real and relevant today as they were 200 years ago.

We did so because we believed that the bicentennial offered us a rare opportunity to come together as a Nation and as a people, and to renew our commitment to those ideals and ideas that are the sum and symbol of all we are and all we ought to be.

We also believed that such a bicentennial would not simply happen, out of some sort of spontaneous combustion, but would occur only if we began, far ahead of time, to give it the careful consideration that it deserves.

So we proposed the creation of a commission that was, in the words of the resolution, finally enacted—

to prepare an overall program for commemorating the bicentennial of the American Revolution, and to plan, encourage, develop, and coordinate observances and activities commemorating . . . the American Revolution

and, in all planning, to "give special emphasis to the ideas associated with the Revolution which have been so important in the development of the United States, in world affairs and in mankind's quest for freedom.

On July 4, 1966, the President signed the joint resolution establishing that commission.

By July 4, 1968, the Commission was supposed to submit to the President "a comprehensive report incorporating its specific recommendations for the commemorating of the bicentennial and related events."

That report was to "include recommendations for the allocation of financial and administrative responsibilities among the public and private authorities and organizations recommended for participation by the Commission" as well as "proposals for such legislative enactments and administrative actions as the Commission considers necessary to carry out its recommendations."

Nearly 6 years have passed; the bicentennial year is only 4 years away; the bicentennial era—starting in 1970 and continuing until 1987—is already almost 2 years old, and I regret to say that neither in terms of the spirit nor of the letter of the resolution has the Commission fulfilled any of these responsibilities.

Its report appeared not in 1968 but in 1970.

In no legitimate sense could it be said to contain "an overall program for commemorating the bicentennial of the American Revolution."

Its rhetoric was indeed resplendent, its sentiments sublime.

But instead of a concrete plan or program, instead of a coherent and carefully conceived set of recommendations, it offered only a loose and slim assortment of projects and proposals put forth by various public and private bodies.

It proposed no "legislative enactments" or "administrative actions."

It contained no "recommendations for the allocation of financial and administrative responsibilities among the public and private authorities and organizations."

In fairness to the Commission, it must be said that it has labored under severe and numerous handicaps.

It took President Johnson some 6 months to appoint the public members of the Commission.

The Commission had, to begin with, no money. Representative MORSE and I had proposed a $200,000 authorization, but that was cut out in committee and until fiscal 1969 the Commission had to try to function on whatever private funds it could come up with.

Representative MORSE and I had also originally proposed that the Commission convene a "national assembly" to consider and recommend various kinds of activities to commemorate the bicentennial.

We hoped that, through such an assembly, the Commission not only could draw upon the best ideas the country could offer, but could begin to draw the country together for a genuinely national celebration. The White House, unfortunately, did not agree and this proposal was never adopted.

Off to such a late start, with few resources, the Commission was able to accomplish little before its members submitted their resignations after the elections of 1968.

Not until July 4, 1969, was the new Commission appointed.

And like its predecessor, it has suffered from a lack of adequate funds, staff, and other resources.

But once all this is said, the fact remains that the bicentennial is upon us and the Commission has, thus far, come forth with nothing—no plan, no program—capable of genuinely arousing and involving the entire Nation in the celebration of its 200th anniversary.

The Commission has, indeed, demonstrated again and again that it is not only incapable of coming up with any overall national plan, but unable or unwilling to respond constructively and creatively to the ideas and suggestions that various public and private agencies and groups have put forth.

It has, for example, totally ignored an impressive—and eminently practical—proposal put forth several years ago by the combined bicentennial commissions of the District of Columbia, Maryland, and Virginia—a proposal for making the National Capital region the center for a set of urban innovations in the fields of transportation, communication, medical care, housing, and environmental control that could serve as a model and catalyst for cities throughout the country.

A group of graduate students and architects in Cambridge, Mass., have advanced a thoughtful and comprehensive proposal, called "Polis Seventy-Six," for a "living" bicentennial celebration throughout the eastern seaboard. Its main feature is an improved transportation and telecommunications network that would tie the major cities of the region much more closely together. This network would not only ease and speed the travel of visitors to and through "the Nation's cradle" during the bicentennial year, but could—if employed in the imaginative ways envisioned under "Polis Seventy-Six"—help the citizens and cities of the region discover and develop a far greater sense of community and common purpose. The U.S. Department of Transportation has conducted a feasibility study of the proposed improvements in the high-speed rail system and has found them sound. Yet the Bicentennial Commission—while it has favored the proposal with such words as "exciting" and "imaginative"—has, so far as one can discover, done little or nothing to actually get it going.

To far too many imaginative and thoughtful proposals the Commission has responded with resounding silence or rhetoric and very little else.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, the Senator has time on his amendment.

The PRESIDING OFFICER. No, he does not.

Mr. BYRD of West Virginia. It just comes out of the time on the bill, if I may say so.

The PRESIDING OFFICER. The Chair stands corrected. The Senator has time on the amendment, and the time comes out of the time on the bill.

There are 7 minutes remaining to the Senator from Massachusetts.

Mr. MATHIAS. Well, I will be very economical.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield me 10 seconds?

Mr. MATHIAS. I yield.

Mr. BYRD of West Virginia. I say most respectfully to the Chair, I did not correct the Chair; I just happened to have propounded the request, and I remembered what was in it.

The PRESIDING OFFICER. The Chair appreciates the diplomacy of the Senator from West Virginia.

Mr. MATHIAS. If there are 7 minutes remaining, if I may yield myself 3 more minutes, I will then yield the floor to the Senator from Massachusetts.

In everything it does—even more in everything it fails to do—it reflects the attitude of that anonymous civil servant who, when somebody suggested "The Ongoing Revolution" as an overall title and theme for the bicentennial, gave a nervous giggle and said:

> Oh no. That wouldn't do. We've got to stay away from the word "revolution" at all costs.

Small wonder, then, that unless somebody does something about it we are going to observe the bicentennial of the greatest revolution in human history with what has aptly been described as the "most unrevolutionary celebration imaginable."

In October 1971, under the sponsorship of the Smithsonian Institution and of John D. Rockefeller III, 25 young people—representing a cross section of concerned young Americans—met for a week at an appropriately pre-Revolutionary house in Belmont, Md., to discuss the bicentennial from the vantage point of the young.

While they came to no common agreement on what the bicentennial should consist of—indeed, they decided deliberately to prepare a number of different proposals reflecting diverse points of view—they emphatically and unanimously agreed that, in their words, the Bicentennial "Commission does not represent the diversity of the American people, and that this explains, in part, why the Commission has not formulated a program which elicits our support and makes it highly unlikely that it will do so in the future."

Later, a number of these young people appeared before the Commission to present their reservations and recommendations.

The Commission did not share, or seem even to understand, their concerns.

Recently the historical committee of the Maryland Bicentennial Commission, under the leadership of B. Floyd Flickinger, sponsored a day-long conference that brought together 80 historians, local representatives, and politicians to "plan Maryland's part in the nationwide celebration of the Revolution." Over and over again, speaker after speaker played variations on a single overriding theme: "We must understand our history to understand ourselves, and this may be our last chance to understand."

And that is true enough. It is also true that we are more than the simple sum of our past, and our past can tell us little about who we are and where we are going unless we approach it from the point of view of the present.

As Alfred North Whitehead once reminded us:

> The understanding that we want is an understanding of an insistent present. The only use of a knowledge of the past is to equip us for the present. The present contains all there is. It is holy ground for it is the past, and it is the future.

Michael Schultz of the Carroll County Times wrote a column to accompany his story on the conference. His last few paragraphs apply not only to that conference and the Maryland commission, but to the national bicentennial and the national Commission:

> The commission may face an uphill fight in gaining the support of the disaffected. There is a feeling that the first revolution is lost and forever and only a new one can win back the lost ideals.
>
> If the bicentennial becomes a flag wavers' holiday, a time for empty shibboleths and chauvinistic cliches, then the disaffected may be right. The spirit of the revolution will have died.
>
> But if the bicentennial can recapture the dreams and ideals, the wisdom and justice, the courage and forthrightness we have learned to attribute to Washington, Jefferson, Paine, Lee and the others, then it will have succeeded partly.
>
> If the people take up the ideals and face the changes ahead with wisdom and courage and justice, then, perhaps the success will be complete.

Yet all the evidence suggests that unless we do something the 200th anniversary of the American Revolution will consist, for the most part, in activities that will make no difference at all in the lives of most Americans; that will not, as the Commission put it in its report, "summon us all to greatness" but rather make no impression on most of us at all.

Some will say that perhaps that is just as well.

Why waste our time on celebrations, they will say, when we are beset with problems whose resolutions will require all the resources and the resolve we can muster?

Others will say that there is nothing wrong with America that a good old-fashioned flag-waving, coin-minting, speechmaking, song-singing celebration would not cure.

I happen to be rather fond of flag waving, and coin minting, and speechmaking, and song singing.

And I should be deeply disappointed if these things did not happen somewhere in a celebration of our birth as a nation.

But I am disturbed and distressed at the very real prospect that our bicentennial celebration will consist of nothing else.

It can and must be far more.

It must be the kind of celebration that will enable and encourage the American people of every region, every race, every religion, every age, every ethnic group, every sex, every income level to discover and develop a greater sense of common purpose, of sharing common aims and ideas, of belonging to the same country.

It must reflect the fact that not just some of us, not just a select few, but all of us—young and old, black and brown and red and white, rightwing and leftwing and middle of the road, poor and prosperous—are the daughters and sons of the American Revolution.

It must focus upon the ideas and ideals of the Revolution not simply as they moved men 200 years ago, but as they are capable of moving us now to deal with the very real problems that torment our society, with the very real obstacles that still stand between millions of Americans and the realization of the American dream.

It must not serve to further alienate Americans from each other or to divert their attention from the ills and injustices that are the heritage of far too many Americans.

We cannot, through a Bicentennial Commission or a bicentennial celebration, solve our social problems.

But neither can we allow our bicentennial celebration to become simply another vast exercise in evasion, another empty excuse for acting as if our problems didn't exist, another circus to divert our attention from the present.

We cannot expect to achieve, through a bicentennial celebration, the kinds of reforms and changes that we have been unable or unwilling to achieve through our political processes and our social institutions.

But we can expect such a celebration to help put us back in touch with each other, to help us discover how together we can and must carry on that Revolution that began some 200 years ago and that will never end as long as there are still men and women who refuse to let it end.

The bicentennial era is over 2 years old. The bicentennial year is only 4 years away. And there is no such celebration in sight.

Nor will there be as long as the membership of the Bicentennial Commission fails to reflect the breadth and depth of the American people.

I understand, for example, that the youngest member of the Commission is 42 years old.

It is indeed ironic that such a Commission should preside over the celebration of a Revolution that occurred, as the report of the Commission itself states, when half of the Nation's people were under 16 years of age.

Only one of the public members of the Commission is black. There are no Indians, or Spanish-speaking Americans. There is a need for leadership by national figures from such professions as the arts, urban planning, revolutionary history, and constitutional law.

In his letter transmitting the Commission's report to the President, Chairman David Mahoney informed the President that "the members of the Commission held varying views on changes, in the size and composition of the Commission." Some wanted a larger Commission with greater representation of minority groups and the young. Others simply wanted a smaller Commission. Mr. Mahoney said:

> In the end, the Commission declined to make a recommendation on this matter but asked me to report to you the fact of their differing views.

On October 17, 1970, when the distinguished historian Catherine Drinker Bowen resigned from the Commission she urged that the membership be broadened to include young people and black people and urban planners.

At a meeting of the Commission some 10 days later, several members expressed wholehearted agreement with Mrs. Bowen's recommendations. The Commission's response was to approve unanimously a motion that the Commission formally convey to Mrs. Bowen its regrets at her resignation.

I am convinced that, unless and until the membership of the Bicentennial Commission is significantly broadened, there is simply no possibility of a bicentennial celebration that does anything more than go through a wide array of thoroughly meaningless motions.

The bill before the Senate would, among other things, expand the private membership of the Commission from 17 to 25.

My amendment would require that the private membership be broadly representative of the Nation's people, including its young and its racial and ethnic minorities, and including outstanding authorities in such professions and disciplines as the arts, literature and the humanities, urban planning, revolutionary history and constitutional law.

So constituted, the Commission could develop—as it now cannot—a celebration in which all Americans can join, a celebration of a Revolution that still runs strong and deep among the American people, a Revolution that begins anew as each generation of Americans seeks, in the context of its own time, to achieve those aims and ideals that are America's for all time.

So constituted, the Commission could reach out into the country and get the people of this country—all of them—involved in their own bicentennial, not after all the plans have been made, but at the very beginning of the planning process itself. There is a technique for doing this. Developed several years ago at Ohio State's School of Architecture, it is called the "community charrette" and has been employed with significant success in communities all across the country—including Calvert County in Maryland. The charrette brings together, in a two-way planning effort, the various professional experts whose advice is required, the public officials responsible for signing off on any plans that might be adopted and, most importantly, a majority of representatives from all segments of the citizenry.

Through this process, or something like it, a Commission so constituted could get the people of this country—all of them—involved in putting together a celebration they could all take part in. It could sponsor and support such planning efforts all across the country: at universities and colleges, in cities and towns and counties, in rural and metropolitan areas.

In this and other ways, a Commission so constituted could help bring about the only celebration worth having—a celebration that is, in all respects, by and of and for all of the people of this country.

The founders of the Republic had a unique vision of what they were about in winning the war of revolution and creating not only a new nation, but also a new quality of life and a new scale of human aspirations. The clarity of their vision is expressed in their own words that are engraved in the very walls of the Senate chamber and so are impressed in the fabric of the Capitol as well as in the tradition and heritage of the American people.

The Great Seal of the United States which the patriots of the Revolution devised also contains, on its reverse side, the phrase "Novus Ordo Seclorum"—the New Order of the Ages—and an unfinished pyramid, which symbolizes not only the stability and durability of that order, but the fact that it is an order never finally achieved, an order always open to the future.

It is in our continual commitment to that new order, our continual struggle to come as close as we can toward achieving it, that we must discover the meaning of the American Revolution and of its bicentennial.

In its report to the President, the current Commission recommended the "Festival of Freedom" as the overall theme of the bicentennial.

In his letter transmitting the Report to the Congress, President Nixon said that:

> A "Festival of Freedom" does not, in my opinion, grasp the unique character of the American experience. True, this event will be festive, colorful and affirmative, yet it must also be thoughtful, profound and searching.

He went on to point out that the most famous phrase in the Declaration of Independence—"life, liberty and the pursuit of happiness"—was Thomas Jefferson's version of the concept that the English political philospher John Locke had earlier offered as the inalienable rights of man—"life, liberty and property."

But Jefferson, and the new nation along with him, saw—as President Nixon puts it—"property rights not as an end in itself, but as one means to human happiness."

And so, the President goes on to say:

> Jefferson substituted the phrase "the pursuit of happiness," and that ideal has constantly reasserted itself—most recently as a renewed concern for the "quality of life."

It is not enough, in other words, that we should have life and the liberty to enjoy it if that life is demeaning and degrading and if there is little or no likelihood of improving it.

It is in terms of the quality of life that Americans—all of them—are at liberty to lead that we must measure how far our revolution has come and how far it has yet to go.

The President says:

> It is there that "we will find the fundamental theme for our anniversary observance of the continuing revolution that is the United States of America.

I am convinced we can and will find it—once we have a Bicentennial Commission that knows where to look.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point several documents which relate to the committee.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

HAVERFORD, PA.,
October 17, 1970.

Mr. DAVID J. MAHONEY,
American Revolution Bicentennial Commission, Washington, D.C.

DEAR MR. MAHONEY: It is with real regret that I sit down to write my resignation from the Bicentennial Commission, after serving since its inception, nearly four years. I am beginning work on a new biography, and when writers start new books they have to stay in one place, by themselves, and not be running round talking about interesting subjects.

I have much enjoyed my work with the Commission. I am sure things will go ahead smartly and strongly under your leadership. I hope its not out of line for mé to make a suggestion as to my successor. At this stage I believe firmly that we need young people and black people as members, and that if we don't have them, plans will be blocked. Here in Philadelphia I have seen how impossible it is to go ahead without the cooperation of the blacks, and the interest of the young. Although my own interest is history, I think at this stage we need urban planners—not merely as subcommittee men but right up there at the top.

May I add that I just returned from some weeks in Seattle and Utah, and found much enthusiasm out there for the idea of a nation-wide competition among towns and cities, to see which could improve their community most by 1976—with annual inspections and prizes.

You have my cordial good wishes as ARBC chief.

Sincerely yours,

CATHERINE DRINKER BOWEN.

BICENTENNIAL CELEBRATION: CHANCE FOR REBIRTH

(By Michael Shultz)

WESTMINISTER.—Sitting in Memorial Hall Saturday, listening to the historians talk about the American revolution and the plans for the coming bicentennial celebration created a feeling of paradox.

There was electricity in the air. Outside the rain fell in spurts and the wind was chilly. But despite the lousy day for traveling, 90 representatives of colleges and universities, historical societies and local governments had assembled to plan the bicentennial.

The speeches were emotional and stressed the idea that this moment in our history was perhaps our greatest and that we must "rediscover" the ideals that led to our nationhood.

But there was a definite feeling of foreboding. The speakers said that this may be the last chance for the nation to pull itself together again and to rediscover its founding philosophy.

The question of the day was, "How do we get the people involved? They made the first revolution and they must be involved in its celebration."

The historians are searching for a bicentennial that will produce more than pageants and scholarly works. They want to filter the product of their study down to the common man in the form of "popular histories" and histories of the common man. They want to dredge the attics of the state and find any papers, diaries and letters that have not been copied before. From this new material they want to write the history of the "Yankee Doodle."

Like all conferences there was a great deal of wind inside the halls. The speakers were all bestowed with the highest honors of academia and the listings of their honors were complete.

One relatively long-haired young man leaned over to another and confided, "When I look around me here, I think everyone I see would have been a Tory."

The young and the black were noticeably lacking from the conference. But the brass of history in the State were present. It was the "cream of the cream" as the chairman, B. Floyd Flickinger, said. The bicentennial will be based on scholarly work and it was evident in the conference.

But the commission may face an uphill fight in gaining the support of the disaffected. There is a feeling that the first revolution is lost and forever and only a new one can win back the lost ideals.

If the bicentennial becomes a flag wavers' holiday, a time for empty shibboleths and chauvinistic cliches, then the disaffected may be right. The spirit of the revolution will have died.

But if the bicentennial can recapture the dreams and ideals, the wisdom and justice, the courage and forthrightness we have learned to attribute to Washington, Jefferson, Paine, Lee and the others, then it will have succeeded partly.

If the people take up the ideals and face the changes ahead with wisdom and courage and justice, then, perhaps, the success will be complete.

He said that historic Annapolis should be one project the state should focus on, noting the town had served as the capital for the United States twice and has been a capital for almost 300 years. He said that Annapolis had national significance along with Boston and Philadelphia.

Speaking in measured phrases like a professor addressing a lecture class, Land, crew cut and dressed in a double-breasted suit with a thin gray tie, outlined the national program for the group.

He said that the national program was divided into three parts—Heritage '76, Open House U.S.A. and Horizons '76. He said under the Heritage '76 program the national historical societies would try to develop museums and collections of materials from the revolutionary period.

Open House U.S.A. would include civic beautification programs, establishment of permanent cultural centers (one will be in Miami, Fla.,) and the staging of fairs, festivals and sham battles.

Horizons '76 will try to carry out programs of education and involve the people in the revolution bicentennial.

Land said he felt that the bicentennial could restore a "philosophical basis for moving ahead between conservatives, middle of the roaders and the new left," but he said he was "reluctant to hitch historical enterprises to any interest group."

The keynote speaker said it was important for the historians to "get the worm's eye view" of the revolution. "We know about the generals and the governors. But what about Jack Tarr and Yankee Doodle."

A dragnet to search out whatever historical papers are still not known to historians was suggested by Land. He said the local historians should go over their respective geographical areas with a fine tooth comb to seek out old letters and papers.

Judge Wilson K. Barnes, chairman of the Maryland Commission for the Bicentennial, addressed the group at lunch. He told them that the idea of sovereignty of the people was the unique product of the revolution. He said the idea formed the basis for "a philosophical system which would have been just as great if we had been in China."

James Addie, state supervisor of social studies education, urged the commission to make the bicentennial "a revolution towards a more just society."

He said the celebration should include young people so that "students see themselves as able to work within the system."

Flickinger said that the state had "been derelict. We have been deficient. This state does not have a well set up or well financed historical commission." He said Maryland was behind other states in beginning work on the bicentennial celebration.

LET THEM EAT BIRTHDAY CAKE

(By James Seymore)

"A National Birthday Cake!??"

"Umm-hmmm. National Birthday Cake."

"A cake! They can't be serious!"

"Very serious. Cake. And community cookouts. And block parties."

That bit of dialogue passed between two Washingtonians last year as one told the other that the American Revolution Bicentennial Commission, guiding us all toward our two-hundredth birthday in 1976, had included a national pastry among its draft recommendations to the President of the United States. There it was, along with suggestions that we wipe out illiteracy, clean up the environment, and make Washington a new Camelot. The commission's draft said: "It is hoped that a major bakery would volunteer to bake the National Birthday Cake and make miniature replicas of the cake available for sale in supermarkets across the nation. Everybody would then have a chance to have a slice of the National Birthday Cake and make a wish for America as each candle is extinguished."

Well, to the disappointment of bakers, the grey fathers of the commission deleted the birthday cake proposal from their final recommendations submitted to President Nixon last July 4. But to the future disappointment of nearly everyone, the commission also deleted the campaigns against pollution and illiteracy. And it muffled its recommendations for the renovation of Washington. The cookouts and block parties remained.

It may be unfair to begin a report on the Bicentennial with the issue of the Great National Birthday Cake. After all, cakes, polution, and illiteracy were mentioned only in confidential drafts of a commission report. But this curious juxtaposition of birthday party plans and social action programs reveals a certain confusion about the Bicentennial within the very group appointed to plan our homage to the founding fathers and sustaining ideals of our nation. And five years since the creation of the Bicentennial Commission and five years before the date whose significance the commission is charged with commemorating, the 1976 Bicentennial of the United States is in trouble.

Supposedly the basic planning is over. "Implementation" is now the byword at national commission offices. Yet we need look no further than to Bicentennial affairs here in Washington to discover the sorry state of our impending two-hundredth national anniversary. Much of what has been "planned" for the Federal City's Bicentennial is slowly sliding into bureaucracy's Sargasso Sea. Neither the national commission, the White House, nor the Congress has made more than a rhetorical commitment to Washington's Bicentennial aspirations. No money has been appropriated. No legislation has been passed. No plans have been agreed upon. On the local level, our Bicentennial planning has struggled along on a shoe-string budget, often hampered by a lack of leadership, and stymied at every turn by the unresponsive federal bureaucracy that controls the city's destiny. By this July 4, Mayor Walter Washington will have announced a new high-level committee to oversee the District's Bicentennial planning. Those close to Bicentennial affairs see this committee as the city's last hope for a Bicentennial of permanent value. They estimate that the committee has maybe six months to get the city and federal machinery revved up for Bicentennial action. After that it may be too late to do much more than bake a birthday cake for Washington and think about another glorious opportunity missed.

I

Consider the plight of the American Revolution Bicentennial Commission. It is a national commission expected to *do* something rather than just talk about it. That requirement, almost antithetical to the nature of a national commission, goes far to explain the glacial slowness with which the commission has helped Bicentennial plans to sink into the present morass. It all began quietly enough on July 4, 1966, when the Eighty-ninth Congress passed a Joint Resolution to establish the Bicentennial Commission. Specifically, the Congress instructed the commission to:

"Plan, encourage, develop and coordinate observances and activities commemorating the historic events that preceded, and are associated with, the American Revolution;

"Give due consideration to related plans and programs developed by State, local, and private groups;

"Give special emphasis to the ideas associated with the Revolution—ideas that have vitally influenced the development of the United States, world affairs, and mankind's quest for freedom;

"Recommend allocations of financial and administrative responsibility among public and private authorities and organizations."

The commission also was told to submit a comprehensive report to the President with specific Bicentennial recommendations. President Johnson appointed its members and named Carlisle Humelsine, president of Colonial Williamsburg Inc., to chair the fledgling panel.

And there the matter rested.

There was no money and, ten years before the Bicentennial date, precious little interest by anyone concerned. Beyond organizing itself, securing authority from Congress to receive money for expenses, and inviting several cities to present their ideas, the commission did little for two years.

With the election of Richard Nixon in 1968, the commission took its next action. Its members submitted pro-forma resignations.

Seven months later, the White House got around to accepting most of the resignations, and on July 4, 1969, President Nixon announced the appointment of a new commission, including ten new members and Dr. J. E. Wallace Sterling, former president of Stanford University, as chairman.

The commissioners were as diverse a lot as you might expect to be chosen by the Republican elite. They included conservative businessmen, conservative educators, conservative historians, and the president of Whittier College, a small school with one well-known alumnus.

The new commission soon got word from the White House that there would be no more extensions on the delivery date of its report, originally expected in 1968 and then postponed to 1969 and 1970. After a fashion, it got down to work. From the first, there seemed to be common sentiment that the Bicentennial should be national in scope, not just limited to a few major cities or the original thirteen States. But that left large questions to be answered. Should the celebration be a celebration and nothing more? Should it be the occasion for new attacks on national problems, à la the War on Poverty? Should the emphasis be on the American Revolution *qua* Revolution, or was that too risky? How should the commission use its influence to illuminate the ideals upon which the nation was founded?

During the year following its reorganization in July 1969, the commission held eight meetings, heard presentations from four cities seeking major Bicentennial activities, formed committees, enlarged its staff, invited hundreds of organizations and individuals to submit their ideas, and generally cast about for a suitable report to the President. The catch in this idea dragnet was disappointing. Not surprisingly, most historical organizations had some plans on the back burner that they were only too happy to bring to the attention of the national commission. But many groups responded to the commission's inquiries with letters that were the literary equivalents of blank stares.

Well, how was the Bicentennial to be made a national activity? Taking the slim suggestions it came up with during the year, the commission groped for an answer in three full-blown drafts, dated June 5, June 23, and June 27, that preceded its 1970 report. The drafts grouped all Bicentennial activities under one of three headings—Heritage 76, Open House 76, and Horizons 76. Heritage 76 suggested that Americans review their country's history during the Bicentennial. Open House 76 said that Americans should have a national birthday party and be proud of their achievements during the Bicentennial. Horizons 76 pointed the way toward the future and therefore was an area of potential controversy.

Under Horizons 76 in the commission's first draft appeared five proposed programs—Call for Achievement, Communications 76, Electorate 76, Right to Read, and ECO, USA.

Call for Achievement was described as "a nationwide call for the people of each community to formulate goals for local achievement by 1976 and to translate those goals into action." This suggestion survived subsequent drafts and was recommended to the President. It occurred to no one that state and local governments exist to respond to "calls for achievement" day in and day out, Bicentennial or no. Communications 76 called for "a national effort to bring quality radio and television programming related to the Festival of Freedom (i.e., the Bicentennial) to all Americans and their friends abroad." That suggestion also survived.

Electorate 76 was a different fish indeed. This proposal, the commission's draft stated, "is a recommended Bicentennial program to encourage and assist Americans to exercise their right to vote" with a goal of 100 million Americans voting in the 1976 Presidential election. The draft continued, "Historically, free societies have seen fit to broaden the base of the franchise. They have done so by modifying the qualifications which confer entitlement to vote—qualifications which have had to do with ownership of property, with place and time of residence, with sex and with age." Residency requirements, particularly in "our mobile society," should be reduced, the proposal said. Noting that "this society is a young society—as it was in 1776," the proposal said lowering the voting age "would provide these young men and women with an influence on the course of affairs which they are eager to exert, and which they do not now have. Do they deserve less?" The commission answered its own question with a firm *yes*. By the second draft of the report, the commission had deleted any recommendation that voter registration or an expanded electorate be part of the Bicentennial era. It is suggested that someone at the White House pointed out that well over half of those poor people, transient people, and young people would likely vote Democratic.

There is a curious story behind the Right to Read proposal, the second recommendation with political overtones. The commission's committees on education and publications had suggested that it would be nice to print copies of the Declaration of Independence and the Constitution and to distribute them to every schoolchild in America. The U.S. Office of Education, then headed by Commissioner of Education James Allen, said it thought it would be nice too, but there were a few problems. First, it would be expensive to provide those copies to each of the nation's 51 million schoolchildren. Second, 15 million of America's schoolchildren haven't managed to learn to read. Why not, the Office of Education asked, throw the weight of the Bicentennial Commission behind the education office's "Right to Read" program and make the eradication of illiteracy a national goal for 1976? The proposal was then written into the first draft of the commission's report: "The ability to read is fundamental to all education and to effective participation in the nation's social, economic, and political life. The Commission recommends intensive effort to eradicate the blight of illitefacy in the United States, hopefully by 1976."

The draft went on to quote shocking statistics about the extent of American illiteracy and to recommend specific ways the problem might be attacked. But Right to Read, at the hand of commission's illustrious educators, writers, and publishers, was dead by the time of the commission's second draft.

The only other national program of social activism initially considered was ECO, USA. This program would have been "an enterprise to unite the nation in a coordinated effort to restore the balance in the nation's ecological environment." The commission recommended that a task force in the Department of the Interior serve as a clearinghouse for national ecological action. "This program should be a stimulus to assist in reforestation and replanting projects in both urban and rural communities, antipollution training in agricultural and industrial areas, practical research into the causes and elimination of environmental pollutants, and in the enforcement of environmental regulations." The commission then waxed eloquent: "How pure the air on July 4, 1976, how clean the water, how wild the wilderness, how beautiful our cities and towns depend on what the nation does, or fails to do—now." ECO, USA, in watered down form, survived into the second draft of the commission's report. Then it died.

In the third and final draft, the commission devoted one paragraph to voting rights, illiteracy, and the environment. Here is the substance of that paragraph:

"Current books, articles and statements reveal widespread interest in and concern about the quality of life in the United States today. There is concern about pollution, about illiteracy, about less than full citizenship for many of our people and about the failure of so many voters to vote. The Commission shares these concerns . . . it is eager to lend its help and endorsement to all efforts to improve the quality of life in this country, and it hopes that each and every community which seeks new horizons for 1976 will give high priority to such improvement."

It can be argued that voter registration, illiteracy, and pollution are not the most pressing social questions facing the nation. And many persons, including the Bicentennial commissioners, felt it was not the job of the commission to attack social problems at all. What can't be argued is that the commission's decision not to focus attention on national problems, not to invoke the Spirit of 76 to attack them, not to lead, but to follow, has effectively stymied national social action as part of the Bicentennial. Its own Congressional mandate, the exhoratory rhetoric of the President not withstanding, the commission has left it up to state and local groups to decide what the Bicentennial is to be. So we see the answer to the questions that faced the national commission. First, the Bicentennial will not include attacks on social problems. Second, the emphasis will be on American history rather than American revolutionary ideals. Third, the commission will use its influence in some undefined way to back whatever plans lo-

calities might come up with. Fourth, how far would the commission go in urging Bicentennial plans? Here are some Bicentennial plans and goals the Commission deemed worthy to report to the President and to urge on the people:

The preparation of Block Biographies by students under the guidance of local school teachers. The biographies are to trace the ownership and use of the land, catalogue structures, etc. . . .

The staging of "historic sports competitions" including bush hurdling, pole tossing, grease pole climbing . . .

A competition of junior high school fife and drum corps with the national winners "perhaps traveling throughout the land."

The commission endorsed the Boypower 76 program of the Boy Scouts of America which seeks to enroll one-third of the nation's boys by 1976 and "make Scouting more relevant to today's needs."

The commission endorsed religion. Religion has "great relevancy today" and encourages "good citizenship," the commission said. A Bicentennial Prayer and Hymn should be written for use at "appropriate ceremonies throughout the Bicentennial Era."

The other major decision the Bicentennial Commission had to make involved the Bicentennial hopes of four cities—Washington, Boston, Philadelphia, and Miami. Meeting on Capitol Hill in September 1969, the commission heard each city cite its advantages for being the center of the nation's Bicentennial. The assumption at that time was that the Commission was going to recommend one city as the site for an outpouring of patriotism, probably through a King Kong world's fair. Not to mention an outpouring of federal money to spruce up the place, tidy up the poor, and enrichen the rich. Philadelphia argued that it had been the city of the Constitutional Convention, the Liberty Bell, the Centennial of 1876. And besides it had a lot of eminently restorable slums. Boston argued that it had had the Tea Party, a Massacre, Paul Revere, and a lot of slums, too. Washington argued that it was the only truly National City and the inheritor of everyone else's tradition. Washington didn't really want a World's Fair, but it had a preposterous amount of slums to fix up. Miami said it had none of the above. But it did have a lot of hotel rooms and could guarantee everyone a good time.

Of all the presentations, Philadelphia's was the most impressive. No matter what little the national commission had been doing for three years, Philadelphia had seen the light and the promise of all that federal money. At work since 1966 with a million-dollar budget and a big staff, the City of Friends came armed with a multimedia exhibit half a day long.

Boston had ideas but its partisans couldn't get their hearts into the appeal for their $1.4 billion fair. They had a beautiful drawing of things that could be built over the waters of Boston Harbor, but they knew that the city government, under pressure from critics such as Louise Day Hicks, was about to give the whole idea the axe. Shortly thereafter, it did.

Washington, in cooperation with the state Bicentennial commissions of Maryland and Virginia, with a budget of $50,000 and a paid staff of one, came up with a vague but in many ways novel proposal. The National Capital Historic Region Bicentennial Committee, as the triumvirate was called, wanted to revitalize Washington as a showcase for the nation, focus attention on the historical importance of surrounding areas, and, essentially, use the District of Columbia as a proving ground for the most imaginative and promising new techniques of urban change.

Miami . . . well, it wanted a piece of the action.

The commission took the cities' ideas under advisement. It was thought that the 1970 report to the President would finally reveal just what the Bicentennial was to be, what funds would be available, what goals we would set, what Revolutionary ideas we would revitalize, and what city would be anointed by the national commission.

When the report was presented, the Bicentennial watchers had a curious sensation. Before their very eyes, the proverbial Mountain, after four years, had become the proverbial Molehill. The entire report, including index, letter of transmittal, recommendations, appendix, and a news briefing by the Commission's executive director, was forty-four pages long. And you could search in vain among those pages for a hard fact about the Bicentennial.

The cities didn't quite know if their fates had been decided or not. On the one hand, the commissioners had proposed a "multi-city exposition" and approved everyone's plans. Or had they? For it was obvious that the other hand was empty. There was no mention of federal financial aid, no guarantees of what support might be forthcoming for these expensive endeavors.

For Philadelphia, this foot-dragging by the national commission has meant a gradual attenuation of its plans during the past year. It was general knowledge that the commission was only lukewarm to the idea of an international exposition from the start, but the Presidential report said the commission "invited" Philadelphia to undertake such a fair if it was "cultural and inspirational" in intent. Accordingly, the city went ahead with plans for a $1.2 billion exposition that would have required $556 million in federal funds. That proposal was rejected in December 1970 by the commission and the Department of Commerce. Philadelphia revamped its proposal and resubmitted plans in April for a fair only half as expensive as the first. There has been no response from the commission. Late in May, the Philadelphia Bicentennial Corporation rejected a proposal by its own steering committee that the fair be scrapped and has gone ahead with its plans, but relations with the national commission remain "less than cordial."

The commission invited Boston to "explore and examine the revolutionary roots of America through its great historical resources." Nobody seems to know just what that means, and little has been heard from the city since. For Miami, the commission said it endorsed "the completion of [its] permanent Trade and Cultural Center by 1976 as a part of the Bicentennial observance."

In Washington, the commission's empty promises have meant another year of wasted effort and rampant confusion. All of Washington's problems can't be blamed on the national commission, which did pass more favorable judgment on Washington's proposals than on any other city's. But the commission refrained from endorsing any of the social action programs proposed by the Washington Bicentennial planners, and there has been no indication during the past year of how the city is to pay for the physical renovation the commission did endorse.

Why did the commission waste Bicentennial momentum on sideshow recommendations instead of directing it toward solving national problems? Why has it let Washington's plans languish in confusion?

Priscilla Crane, former executive director of the National Capital Historic Region Bicentennial Committee, sums up the feelings of many Bicentennial Commission critics: "The national commission and staff are composed primarily of very conservative people and bureaucrats. They want to play it safe."

Another critic grew disenchanted with the national commission while watching it from the inside last year. "Look," he told me, "there were guys on the commission who didn't think they should say anything controversial. They said the country's problems were always changing and it wasn't their job to do anything about them anyway. The argument that they could do a lot of good just didn't move them at all. They've got an outlook that is really just self-contained and impervious. Their argument is that whatever Bicentennial activities really dip down into social action have to come from local efforts or established branches of government.

"I just didn't see it that way, but what could you expect from them? There's no racial mix on the commission, no youth—I think only a couple are under fifty—and three or so women. One of the women wanted the whole Bicentennial to focus on George Washington. So the Revolution—which was really an extraordinary event—brought about by intellectuals, youth, and revolutionary fervor—is being celebrated through the efforts of a national planning committee composed of the conservative establishment. They want to place the Revolution in a dust-covered niche."

Melbourne L. Spector, executive director of the national commission, a short, affable man on loan from the State Department, defended last year's decisions. "The commission could have gone many ways," he said. "It could have been just a historical and commemorative celebration, and some members of the commission wanted it just that way." Instead, he said, the commission hoped to "create a mood to solve problems" rather than "take on the problems themselves as a national group. . . . We just didn't think it was incumbent upon us to go out and be a substitute for the Crime Commission and all that."

But the probelm solving mood the commission hoped to inspire around the country has produced something very different here in Washington.

II

"It seems like nobody's doing anything. It's like a game of dominoes. You can't knock down the other dominoes until you knock down the first big domino. And the Office of Management and Budget is that domino. They've been very busy with other things—the war, federal revenue sharing—and it's hard for them to get excited about the Bicentennial so far away."

That statement pretty well sums up Washington's present Bicentennial predicament. The city has mounds of plans, but those plans are under the thumb of the federal bureaucracy.

The problem is compounded by the leadership vacuum created by the national commission last July. Since then, everybody and Uncle Sam has gotten into the act, but nobody is in charge. Among groups that now have had a hand in the city's Bicentennial planning are the District of Columbia Bicentennial Commission, a Mayor's Task Force on the Bicentennial, the D.C. government, the National Capital Planning Commission, the White House and OMB, the Bicentennial Coordinstion Center of General Services Administration, and the Congress. That's not to mention organizations such as the Smithsonian Institution, Library of Congress, National Archives, and National Trust for Historic Preservation, which are busy with their own plans.

Before the national commission's report last July, Washington's Bicentennial preparations were jerrybuilt but comprehensible. In effect there was just one group—the District Bicentennial Commission—brainstorming about what the Spirit of 76 should mean to the city. Washington first became interested in 1968 when the national commission invited cities to present their Bicentennial ideas. The WASHINGTONIAN Magazine was one of the first to spur the city's efforts, pointing out in its March 1969 issue that the "Spirit of 76" could revitalize the city. The spark struck by the magazine rekindled the interest of the Federal City Council, a high-powered businessman's lobby mainly interested in long-range plans for Washington. A delegation from the Federal City Council met with Mayor Walter Washington in the summer of 1969, urging that he appoint a local commission and suggesting members. Though no money was appropriated, the mayor did appoint twenty-eight persons to a local commission. Since its birth, the commission's life has fallen roughly into three parts: from July to September 1969 it prepared a Bicentennial plan to present to the national commission; from the September 1969 presentation to July 1970 it lobbied for endorsement of the plan by the national group; since the ambiguous endorsement of July 1970, the local commission has tried to stay alive and maintain a brave front.

The one characteristic common to all periods of the District commission's life has been poverty. For its first year of operation, the commission's staff and budget was Priscilla Crane and her salary. The Federal City Council had detailed Mrs. Crane, its deputy director, to the local commission in the first place. It paid her salary and provided office space and a little expense money, but that was all it could do.

Despite this penury, the District group accomplished much during its first year. It made contact with the Bicentennial commissions of Maryland and Virginia and formed with them the National Capital Historic Region Bicentennial Committee. Its purpose was to unite the historic attractions of Maryland and Virginia with the social goals of the District in an attractive Bicentennial package to be presented to the national commission. It met with community groups and sought their ideas. It consulted members of the District government. The local commission learned we could clean up our rivers, we could build parks along the Anacostia, we could rebuild slums and repair riot damage, we could really have a Metro subway system, we could build a new town as a model for the nation. We could become what the Nation's Capital should be.

Boiling down all these suggestions, the District commission came up with a plan that was vague in detail but that contained a widely praised idea. The core of the proposal was that the national commission should approve the structural and spiritual rebuilding of the Nation's Capital rather than stage a conventional world's fair.

"The concept we tried to present," Mrs. Crane explained, "was that rather than just focusing on an international exposition, let's focus on certain qualities of life. Let's help everyone achieve the basic goals of the American Revolution. Let's use the Bicentennial as a time to try radically new solutions to urban problems that have been suggested but never had the political clout to get implemented."

Using "A Living Process of Urban Development," Washington was to become an urban laboratory for new ideas, ideas exportable to other troubled American cities. The estimated cost for the city's plans was high—$6 billion. But more than half of that represented languishing projects already approved and funded, and much of the rest was to come from private sources.

The plan was presented to the national commission under chaotic circumstances. Mrs. Crane feels that the city "didn't get its message across." The District commission was dissatisfied with the expensive report prepared by the consulting firm of Barrett & Bonham Inc., but there was too little time to do a new one. Design and Production Inc., a Virginia firm, had agreed to do the visual part of the presentation at cost, but hours before the presentation several people were still scavenging for slides. Mark Evans, of Metromedia's Channel 5 and now chairman of the local commission, did a good job on presenting the District's case, Mrs. Crane said, but he was hampered by the rickety structure of the city's preparations.

Compared to Philadelphia's million-dollar expenditure, Washington's presentation cost slightly more than $50,000—split between Maryland, Virginia, and the District. The Federal City Council paid $7,000 of Washington's share and the Washington Convention and Visitors Bureau picked up the remaining $10,000 tab.

As it entered the lobbying stage, the local commission continued to suffer from money problems. The Convention and Visitors Bureau provided office space for part of that period, but the commission staff remained only one.

Early in 1970, national commission staff members quietly told the local commission that its proposals would get national endorsement. But the national commission wanted some assurance that money could be raised and that the plans were feasible. This was a crucial juncture for Washington's Bicentennial hopes. The District commission raised $20,000 from area businesses to pay for a study of its plans by a group at MIT and Harvard. This group's June 1970 report said the city's plans were practical and promising. But the $20,000 paid for the report was all the local commission could scrape up. Mrs. Crane singles out the *Washington Post* for not helping the cause. While proposing grand schemes in its news pages, the *Post* was "one of the first" to turn down the commission's pleas for money last year. The *Evening Star* provided neither spiritual nor material sustenance.

It is difficult to determine how greatly this lack of money influenced the national commission. But its report last July did not contain the whole-hearted support Washington had hoped for. There was no endorsement of Washington's proposed social programs, the most innovative part of the city's proposals, but the national commission urged that "special emphasis be placed on the renewal of Washington, D.C." As the Nation's Capital, the city has a "unique claim" on funds "for the renewal and revitalization of our cities," the report added, and it urged that the claim be honored through "prompt action." While not a defeat for the city, the commission's report was a pale reflection of its earlier, unpublicized support for Washington plans. In a confidential draft of its report, the commission had called Washington "the star to steer by" for the entire nation's Bicentennial. At that time the national commission was ready to endorse all of Washington's plans, including those aimed at the social weal. Philadelphia's World's Fair proposal didn't get a mention, favorable or otherwise. Insiders say Senator Hugh Scott of Pennsylvania, Senate minority leader, then stepped in to put the muscle on the President for approval of Philadelphia's plans over Washington's. That political arm-twist and Washington's money-raising problems resulted in the watered-down support that Washington received and the grudging invitation" to Philadelphia to stage its World's Fair.

The national commission washed its hands of responsibility for major Bicentennial projects. It may have been an innocent gesture—turning Washington's plans over to those who run Washington. The national commission possibly didn't know that gesture could mean a slow death for Washington's hopes at the hands of bureaucracy. For the un-unanswerable question during the past year has been, "Who speaks for Washington?"

Certainly the District wasn't interested last year. Last spring the mayor asked the local commission to continue to coordinate Bicentennial plans because the District didn't have the staff to do it. But the local commission itself was about to collapse. In June of 1970 it lost its staff; Mrs Crane, learning there could be no further guarantee of her salary by the Federal City Council, left to become director of development at Sidwell Friends School. Then it lost its tiny budget. Evans, appointed chairman when telephone company executive William L. Lindholm moved to New York, presided over the ruins of the commission during the critical months following the national endorsement.

The commission fortunes were raised somewhat by a $10,000 contribution by the Cafritz Foundation and a matching sum by the Convention and Visitors Bureau, but that money will run out soon. Patricia Bray, an experienced public relations woman, was hired in January to become the staff of the commission. Commission offices—a few files—were moved to space provided by Riggs National Bank at its Dupont Circle branch. Furniture was begged and borrowed and the commission has tried to bear a proud demeanor under the circumstances. In addition to its money and staff problems, an important change in the local commission's focus has occurred. Reversing its previous stand, the District government decided last fall it wanted to control substantive Bicentennial programs. With Evans' concurrence, the District commission was left to plan the city's Bicentennial fireworks and not much more.

Since that time the commission has been in Evans' hip pocket. There has been no meeting of the commission since February, and its members are vague about just what is happening. If they were to find out, they would be dismayed. The group that originally brought Washington to the forefront of Bicentennial thinking is now working on the celebration's sideshow aspects. Evans recently listed some projects for 1976 on which the commission labors:

A twice nightly Sound and Light show extravaganza on U.S. history scheduled for the east steps of the Capitol.

"Blackout" dramatic sketches of the signing of the Declaration of Independence to be held at the National Archives.

A drama entitled "This Nation Under God" to illustrate the role of religion in America "from Washington on his knees at Valley Forge to a Presidential prayer breakfast."

A "very unusual puppet show" at Sylvan Theater to "dramatize in puppet style the part youngsters have played in American history."

A daily "retreat parade" around the Washington Monument by a huge encampment of Boy Scouts.

The commission will probably deserve some credit if the Eisenhower Sports and Convention Center is built. Evans also mentioned hopes of converting the unused streetcar underpass at DuPont Circle into a public art gallery, of staging "patriotic dances and musicals" at Kennedy Center ("We originally thought of ballet and opera but someone pointed out they were not very American"), of building a "garden of peace" on the old federal Munitions Building site ("I don't think the peaceniks will tear it up because we're hoping they'll help build it"). Evans and Miss Bray have been looking for a "black executive director" to head the commission's work. Sources say D.C. councilman and former delegate candidate Joseph Yeldell was approached about the job but turned it down. Asked about this, Miss Bray said that Yeldell refused "for personal reasons" and that the commission doesn't have "anyone in mind right now." As ever, Miss Bray added, the number one problem is money. The commission has no funds to pay an executive director and his salary would have to be picked up by a sponsoring company.

The business community's continued failure to provide the commission with financial support, and the commission's surrender of leadership to the District government would not have been so disastrous if the D.C. government had been able to get some Bicentennial commitment from the federal bureaucracy. As it is, the past year has been an almost complete waste. At present, Washington's Bicentennial dream is no nearer realization than it was last summer. Consider these examples of the year's activity.

Last September President Nixon repeated his request for the creation of the Federal City Bicentennial Development Corporation. This group would have the single purpose of improving Pennsylvania Avenue from the White House to the Capitol. A Senate bill to establish the corporation was introduced on February 10. It was referred to the Committee on Interior and Insular Affairs—and there it rests today. The proposed corporation has drawn criticism for ignoring community involvement and for the likelihood that Bicentennial money would be used to beautify official Washington at the expense of more urgent needs. A staff man said the Senate committee has proposed changes in the President's request to give local residents some voice in the corporation's power over their futures. The changes were sent back to the GSA Bicentennial Coordination Center for comment more than three months ago. There has been no reply.

More than a year ago the National Capital Planning Commission submitted a comprehensive report analyzing nearly all the city's Bicentennial hopes. They received no word from the national commission.

Dr. Lynn Carroll, the staff man who handles District affairs for the national commission, says "very little" is being done on Bicentennial plans aimed at Washington's social problems. Nobody seems to be working in that particular area, he added, but the city's celebration "hasn't jelled yet so there's nobody to jump on or criticize."

The District government's own work this year, representing its first direct involvement in the Bicentennial, has come to naught. Having appointed the twenty-eight angels of the local commission three years ago to rush in where it had feared to tread, the District government had been waiting to see if the national anniversary might really mean some federal money was to be appropriated. "We have been leary of getting in," a source explained. "We have no vast resources of our own and we don't want to promise too much."

The President's endorsement last September of the national commission's kind words for Washington apparently was enough to get the District moving. In October the mayor appointed a Task Force on the Bicentennial and named D.C. Housing Administrator James Banks as its head. Early this year the Task Force completed a two-inch-thick sheaf of plans containing Bicentennial requests for everything from a new jail to home rule. The report was handed to the national commission. The national commission handed it to OMB and then . . . silence. Someone who observed all this said, "It was kind of a tease. The city went to a lot of trouble, got up all this info and OMB kind of looked at it and said 'Well, that's nice.'" Banks recently complained that he's heard nothing about the Task Force report in the months since it was submitted—"There's been no indication as to what the parameters of planning feasibility are."

The one thing OMB did suggest was that the District reorganize its Bicentennial planning process. Formation of the new, high-level group was to be announced in June. It is hoped that it can form a united front of public and private interests for Washington's Bicentennial.

Even so, Washington's hopes for a 1976 rebirth will rest with the federal bureaucracy that so far has proved an inept midwife. Many see OMB as the great stalling point, but OMB says it isn't so. The delay, OMB contends, is in the Bicentennial Coordination Center established by the President last year under Robert L. Kunzig, head of General Services Administration.

"All the federal agencies in this area including the District were asked to submit their reports to GSA," an OMB spokesman explained. "It's doing all the coordination of physical affairs in this area and is now preparing a consolidated report. We haven't done any budgetary 'policy review' yet, and we're not going to until we see the [GSA] report—the meld they put together. They're picking out what really is Bicentennial and what isn't.

Well, OMB gives the GSA unit credit for more activity than its own spokesmen do—for the Bicentennial Coordination Center has been very quiet during its six-month existence. Kunzig, a former aide to Senator Scott, has surrounded himself with Pennsylvania Republicans at GSA, and he made no exception in the case of the Bicentennial unit. To run the new office, he brought in William Hart, a twenty-nine-year-old Pennsylvania Republican who has benefited greatly by friendship with Republicans in high places. Hart makes $28,000 a year in his new position, but it is difficult to find out much about operations in his office. He is unavailable for comment for weeks at a time. Just what has the Coordination Center done these many months? A GSA public relations man had this to say: "When we say coordinating, that's just what is means. We're not going to be doing these Bicentennial things ourselves. It just made sense for somebody to know just what is going on. At this point we're just into the organization thing. There's not much to report. The principal thing that has been accomplished, if anything, is that we've met with some of the agencies to let them know the mechanics of coordinating—just who we are and what we're doing."

Which brings us back to the beginning question: Who speaks for Washington's Bicentennial dreams? Who's going to knock down the first domino to start things moving? Answer: Stand all the planners in a circle. Have each one point to the fellow on his right and say "Him."

III

It may be an indication of the vitality of America's revolutionary precepts that celebrating them can still be dangerous. But that danger has arisen only because our leaders have been afraid to believe their own rhetoric. At this late date, only the American people themselves can save the Bicentennial from its well-intentioned but overly-cautious planners.

As in so many things, Washington is a microcosm of the national Bicentennial situation. Whatever has been planned is pretty much a dead issue now. But while five years is a short time to turn the tide in Washington, there still is hope. The new group being formed by the mayor may give us a fresh start. It has to act quickly—before the 1972 campaigns sweep such thoughts from everyone's mind. If this new group can obtain substantial financial support from private sources, if it can involve a cross-section of the community, Washington may still be able to capitalize on its preeminent position among cities seeking Bicentennial aid from the federal government. First, let's face it, Washington can only benefit from the apparent elimination of Philadelphia as a major competitor for whatever money will be appropriated. Second, everybody from President Nixon on down has praised Washington's Bicentennial ideas. Now's the time to see what that praise is made of. Third, since nobody knows what the Bicentennial is going to mean here, there's been none of the community opposition that has plagued Boston and Philadelphia. If our new Bicentennial organization hammers away for what the community wants and needs, it should find support among the citizenry.

Nationally, the Bicentennial is showing some feeble signs of life. David J. Mahoney, appointed chairman of the national commission last year, has requested changes in the commission's authorizing law to allow an expanded staff and the appropriation of planning money for local commissions. There's a long, slow road ahead for these proposals, but it might mean an eventual $90,000 in planning money for the District. As for the big money everybody needs, that's so far in the future it's hardly worth writing about. The appropriation of large block funds is not envisioned until at least 1974, according to Hugh Hall, the commission's deputy director for finance. Hall explained that this was part of the Commission's "planned low profile" that is designed to keep the Bicentennial from "pesking too early." That doesn't seem to be a major Bicentennial problem.

Hall added that the commission is holding informal conversations with large foundations and corporations about raising money, but the private sector, in turn, is looking to the national commission to plan how the money is to be funneled to Bicentennial efforts. Hall said the commission is doing "staff research" on the problem but will not ask large sums from the private sector "until we get some federal government financial support."

Mahoney, president of the Norton Simon conglomerate, has taken the national commission to California and Texas to meet with state Bicentennial Commissions and to beat the bushes for Bicentennial involvement. The national staff is enthusiastic about its work on a Bicentennial calendar, allotting one focal week during 1976 to each state's Bicentennial activities and collating all the festivities. Tentative plans have been drawn for national activities such as the "Arts on Parade," a traveling exhibit of American art.

But all in all, if the Bicentennial is left in the hands of those now in charge, it promises to be the most unrevolutionary celebration imaginable. There are scores of schoolmarmish proposals about how we should be proud and have lots of fun. There's nothing wrong with that, but it's bland for a steady diet. What the country really needs, it doesn't have. There simply are no Bicentennial plans to improve the quality of life in these United States, no plans to apply Revolutionary ideals to our potentially revolutionary problems.

The attitude surrounding the Bicentennial in past and present days was summed up for me in the first conversation I had about the Bicentennial. In the summer of 1969 I talked briefly with a government agency's Bicentennial liaison man. Twirling a pencil between his fingers and tilting back in his chair, he tried to think of an overall theme to suggest to the national commission. As the silent moments passed, I tentatively suggested, "What about 'The Ongoing Revolution?'" The pencil twirling stopped. He laughed nervously and sat up in his chair.

"Oh no. That wouldn't do. We've got to stay away from the word 'revolution' at all costs."

JUNE 10, 1970.

THE AMERICAN REVOLUTIONARY BICENTENNIAL COMMISSION,
Washington, D.C.

GENTLEMEN: At the request of the cooperating Bicentennial Commissions of the District of Columbia, Maryland and Virginia, and with the aid of the facilities and resources provided by them, a special study group was convened in May of this year to discuss the Proposal that those combined Commissions submitted to you in September 1969.

As a result of that meeting, a task force drawing on the resources of the Joint Center for Urban Studies and the American Academy of Arts and Sciences was set in motion to provide a written review of the Proposal. The aim of this task force was to provide the special perspective that students of urban problems would bring to consideration

of the Bicentennial, and in particular to consider the potential and feasibility of the recommendations outlined in the Proposal for the commitment of resources to a demonstration of "The Living Processes of Urban Development" as part of a Bicentennial celebration focused on the National Capital Region.

In sending the report of this task force to you, and in making it available to those concerned with our problems of urban growth and decay and the opportunities that might be offered by the Bicentennial, we hope to draw attention to the implications for the Bicentennial of the urban character of this nation and its urban dilemmas and challenges. We have tried to concentrate our efforts on examining, however briefly, those alternatives for improvement of urban conditions that are doable within the obvious constraints of time and the probable constraints of funds. We have sought to suggest experiments that may be on the frontiers of innovation but are firmly within the realms of current skills and techniques. And we have focused our attention on demonstrations and programs that are easily replicable and generally applicable for urban areas throughout the land.

We think the overall strategy of the Proposal—of a major effort at urban innovation in Washington as one component of a broad range of historical celebrations and national cultural events and entertainments—is a sound one. It can complement and reinforce such approaches to a national celebration, and at the same time bring real meaning and unity to such disparate activities. We hope that you will find, in the body of this report, grounds to agree with our conclusion that such an effort is both eminently practicable and highly desirable.

Sincerely yours,

CHARLES M. HAAR,
Director of the Special Task Force on the Bicentennial in an Urban America.

INTRODUCTION: THE BICENTENNIAL IN AN URBAN AMERICA

1. THE PLACE OF A NATIONAL CELEBRATION

The Proposal submitted to the American Revolution Bicentennial Commission by the District of Columbia, Maryland and Virginia Commissions (the "Washington Proposal") wisely refrains from commiting itself to any single theme. It recognizes, as do we, that deliberation over the purposes and motifs of this national celebration are a task for which the Presidentially-appointed national Commission is best suited. And yet, without trespassing on the preserve of that Commission, it is fair to say that the Bicentennial will have to come to grips with a dual problem of relatedness. On the one hand, there is our relationship to our national past, to the salient events, struggles, victories and ideas that compromise our domestic history and uniquely flexible ideological legacy. On the other hand, there is the web of our continuing and increasing interrelationships, the skien of economic, social and political bonds and arrangements that tie together a spectacularly diverse population to a degree that adds new meaning to our national motto, *E Pluribus Unum*.

It is 77 years since Frederick Jackson Turner first put forth his thesis that the frontier had nurtured democracy and equality in the United States. The occasion was an address to the American Historical Association at the 1893 World's Columbian Exposition in Chicago that celebrated the 400th anniversary of the discovery of America. By then the era of the frontier was ending. We have long since reached our territorial limits on this continent and now are pushing hard on our ecological and environmental ones. The Bicentennial will have to give due recognition to the steady growth since then in the nature and extent of interdependency in American society; it will have to acknowledge in an appropriate way that this economic and social condition that stands in such sharp contrast to the symbolish of the frontier settler is most manifest in and signified by our densely settled and internally specialized urban areas, and that all of us are tied tightly to urban-focused, urban-centered and urban-dominated processes and functions. Jeffersonian suspicions as to the relative undesirability of the virtues and influences of cities may linger, but we are very much an urban nation—and becoming more of one, not less. A Bicentennial may legitimately remind us of the American Colonial heritage, and of the break with the restrictions of it, of the Revolution and of the development of the spirit of the frontier. Indeed, it must. But it can hardly shirk from either the responsibility it has or the potential contributions it can make to the resolution of the dilemmas and difficulties of our condition as an urban nation.

The Washington Proposal fully acknowledges this, and we wholeheartedly concur in the recognition that there is a tremendous opportunity to provide lasting benefits for our national urban life through the Bicentennial. But before discussing some of the possibilities that we see for this, it is important to consider, if only briefly, the necessary relationship of the Washington area to the Bicentennial.

2. THE PLACE OF WASHINGTON, D.C., AND THE NATIONAL CAPITAL REGION

The Washington Proposal presents compelling arguments for the National Capital Region as a focal point of the Bicentennial. And a strong case is almost inevitable. As the Proposal points out, there is Washington's particular advantage as the geographical center of the colonies and the young Republic, the prevalence of shrines, monuments, memorials and historical sites, and the District of Columbia's unique position as a national city. It would seem as if the flood of visitors that the area must unavoidably draw with the impetus of a widespread celebration of the Bicentennial makes it incumbent on the national Commission to see that proper measures are taken to insure not only that the millions of visitors will be smoothy and suitably accommodated, but also that such preparations will, to the greatest extent possible, not only cushion the impact of visiting throngs but also provide lasting benefits to the area and its residents.

There are, then, unique attractions and necessary roles of the National Capital Region in a Bicentennial, and these alone will demand appropriate and extensive investments by the national government. But even more, there are underlying national responsibilities and realities to be faced, which we especially recognize as students of urban processes and urban problems. Washington, D.C., as an urban area, is a showplace not only of our past heritage but also, unfortunately, of our present difficulties: of the deterioration of both the physical and social fabric, of the concentration of the poor and the black in central cities, of insufficiencies in public services, of breakdowns in public order. To make the preparations required to provide millions of visitors access to the sites and shrines they will be travelling to see on our 200th anniversary without a concurrent effort to improve the condition of the city itself would be misleading, improvident and virtually immoral. It would be a contemporary equivalent to the construction of the notorious Potemkin Villages by means of which Catherine the Great was deceived as to the true condition of the Russian people.

It would make a mockery not only of the essential spirit of the Bicentennial, but also of the special responsibility that the nation does bear to its capital city, where so many of the essential decisions are made in the absence of the very self-representation that the Revolution championed and the Declaration of Independence so eloquently expressed. We strongly believe that there is a responsibility in any national plan for a Bicentennial celebration to face squarely the problems of Washington and to take advantage of the exceptional opportunities that the momentum and the challenge of such a celebration offers—to take advantage of this opportunity to make a lasting contribution to Washington and through that contribution to provide not only a means and a cause for extending and expanding our national celebration, but a model and a catalyst for urban innovations and development throughout the country.

The six years remaining before the beginning of the Bicentennial is not all that great a time in terms of basic urban redevelopment and rebuilding; but it is more than sufficient for exciting experiments and significant benefits. Our present national standard would seem to be the less than ten years it took us to fulfill a Presidential commitment to reach the moon; if the tasks are not altogether comparable, the need for the national commitment—and the potential benefits that might derive from it—are all the greater. Goalposts, markers, deadlines and birthdays are spectres only to those who have passed their prime; they are a spur and a challenge to the vigorous and growing—individuals and nations alike. This nation has a unique heritage manifest in the National Capital Region, and it has a responsibility and debt to Washington that is equally unique. It also has a singular opportunity to turn both to the advantage of the area and to the country as a whole through the Bicentennial celebration. We suggest that this can be achieved through the type of efforts envisioned in the Washington Proposal, within the framework of an effort designed to give those in Washington real and special reason for joining in this national celebration. And we would like to suggest some problem areas in which this might be most appropriate, and to sketch some approaches that could be taken.

THE BICENTENNIAL CELEBRATION: APPROACHES TO URBAN INNOVATION IN THE NATIONAL CAPITAL REGION

Introduction to proposal sketches

In a nation that has taken on an increasingly urban character, a Bicentennial must carefully consider the fundamental changes that the processes and patterns of urban and metropolitan growth have wrought. The political borders of a "city" are only a partial explication of its existence. In the face of the quantum transformations of technology in transportation and communications that we have seen in this century alone, the very task of defining what a city is and where a city starts and ends is far different now than it has ever been. With a highly mobile population occupying an electronically "national village," many of our political jurisdictions are today more arbitrary and archaic than they are organic, and the location of city limits is often more a conceptual delineation than on observable geographic one. But the problems of urban life can be defined by their relative incidences among different populations, and the spatial distribution of such incidences is marked and notable.

In terms of the problems of Washington, D.C., of national urban problems, and of the requirements of responsive efforts that can at the same time fit with some of the evident needs and the very idea of a celebration of concepts and places, we would judge the areas of greatest potential to be in transportation, environmental control, housing, medical care, and communications generally. There are other critical problems to which attention must be paid—and those of education and public order may be chief among them—but there it is much more

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difficult to structure efforts that will be genuine and useful experiments and at the same time meet the kind of threshold tests that may have to be applied for commensurability with the Bicentennial and its celebration in the Washington area: visibility, accessibility and the like. Though the limited time available has led us to concentrate on the most promising areas, this certainly should not exclude specific and earnest attempts to find useful common grounds in dealing with these other problems as well. And even if such attempts were not successful, it would not follow that it is possible or appropriate to ignore the problems involved. Rather, it would mean that the efforts to improve conditions and performance in these areas would have to be made without intent to offer them for display, as part of the national commitment to experiment with urban innovations and renew Washington for all its residents in the process, with little expectations that the innovations, processes, developments or results would be demonstrable within the context of the Bicentennial celebration. But an effort of appropriate scope and scale, even if confined to just the five areas we are discussing here, can have such dual benefits, and we will briefly sketch some of our reasons and ideas for productive approaches to them.

TRANSPORTATION

Changes in urban transportation technology and the availability of that technology have altered and redefined our very notions of what a city is and how it grows and functions. Relatedness and interaction encompass far larger populations dispersed over much greater areas than ever before, and give functional meaning to agglomerations of metropolitan and regional scale. At the same time, there are transportation dilemmas that mark urban areas throughout the nation—the problems of handling peak load during morning and afternoon rush hours, of developing viable public transit systems, and of ameliorating the impact of large volumes of vehicular traffic on the quality of urban life (a problem we will examine in discussing the urban environment). In terms of a response to the needs and opportunities of the Bicentennial in the National Capital Region, there are at least four perspectives on transportation systems and problems that we should consider.

First, there is transportation as a part and a problem of the Washington urban area, and of the network that promotes the essential symbiosis of the central city and the region around it, and of the impact of Bicentennial visitors on those networks. Second, transportation can be considered a service problem in light of the record crowds of visitors that can be expected to come to Washington during the Bicentennial. This will be of particular importance in relation to what can be referred to as the "monument area" (the Capitol, Supreme Court, White House, the Washington Monument, Lincoln, Jefferson and Roosevelt Memorials, and Arlington Cemetery) and the consequent aggravation of transportation problems common to visitors' Washington and National Capital Region.

CONCLUSION: THE OPPORTUNITY AND THE RESPONSIBILITY OF THE BICENTENNIAL

In the past, national and international celebrations and expositions have had important effects on developments in the United States, as the notes in the Appendix indicate. From the Crystal Palace of the Great Exhibition in London in 1851 through the Philadelphia Centennial, the World's Columbian Exposition in Chicago and the Chicago World's Fair, and up to Expo 67 in Montreal, the influence of these events has been felt through the United States—in such diverse fields as architecture, plastic packaging, and transportation technology. What we are urging is that in our national celebration we do, at the very least, acknowledge our urban character and fulfill our responsibility to Washington, and in doing so avoid the persistent error of past fairs, what may be the prototypical American error that is only now catching up to us: the emphasis on transience and disposability, an attitude that has marked our handling of cities as well as fairs and expositions. We are suggesting that efforts be concentrated on activities that not only make the National Capital Region a living fair, but are long lasting in their benefits—and that demonstrate the viability for the present and the immediate future of the exciting and promising innovations in urban concepts and services that are now at hand. The Bicentennial can in this way raise the expectations of all who witness for the quality and diversity of urban life, the strengths of interdependencies, and the potential for good and plenty that concentrations of Americans in urban areas can share.

Our conclusion is that in terms of the most fitting approach to a national Bicentennial celebration, it is both highly desirable and eminently practicable to undertake a broad effort of urban innovation and development in Washington, D.C and the National Capital Region, and we strongly recommend that this be done. If such an effort is to be successful, there will have to be a clear national commitment, and it will have to command resources of a magnitude appropriate to the tasks involved. The responsibility rests heavily on the National Commission to make the bicentennial a cause as well as an occasion for celebration, and we urge it to take the steps necessary to respond to the opportunity and responsibility manifest in the nation's capital.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION,
Washington, D.C., October 5, 1971.

Memorandum to: M. L. Spector, Executive Director.

Subject: Attendees at National Conference on Youth and the Bicentennial.

Attached is a list of youth leaders who were invited to Belmont, Maryland at the Smithsonian Conference Center for a meeting on "Youth and the Bicentennial".

Those with an asterisk are expected to attend the ARBC meeting in Chicago and make a presentation on their Belmont meeting of September 6–13, 1971.

R. LYNN CARROLL,
Deputy Executive Director.

NATIONAL CONFERENCE ON YOUTH

*1. Bailey, Benny Ray—Alcor Inc., Pipsa Passes, Kentucky, Appalachian, 28 years old. Works for Alcor, Inc.

2. Booth, Paul—Campaign against pollution; Chicago, Illinois. Former executive secretary of the SDA. Late 20's.

3. Brewer, Mike—Washington, D.C. A founder of the Ripon Society.

4. Buxton, Warner—Jackson, Mississippi; Black; President of the Jackson State Student Body.

5. Chickering, A. Lawrence—San Francisco, California; formerly wrote for William Buckley.

6. Gerzon, Mark—University of Chicago; he is about 23; author of the book, *The Whole World is Watching*. Now studying with Eric Ericson.

7. Greenfield, Jeff—New York City; co-author of the book *The Advance Man*. Was speech writer for Mayor Lindsay.

8. Hamm, Larry—Newark, New Jersey; Black; teenage member of Newark Board of Education.

*9. Haskins, Ann—Los Angeles, California; she is white; was the editor of the Daily Bruin at UCLA.

*10. Hill, Thomasine—Billings, Montana; Indian; College student; was delegate to the White House Conference on Youth.

*11. Jefferson, Eva—Chicago, Illinois; Black; Former President of the NW Student Body.

12. Kunen, James—New York City; 23 years old; author of the book *The Strawberry Statement*. Delegate to the White House Conference on Youth.

13. Luciano, Philip—Former member of the Young Lords, New York City.

14. Mixner, David—28 years old; Work with McCarthy Campaign; now works for Common Cause in Denver, Colorado.

*15. Oxman, Steven—Yale Law Student; former President of Yale Student Body.

16. Page, Paula—She heads up a Womens' Rights Project for the National Student Association.

17. Ragain, Priscilla—Detroit, Michigan; member of the UAW and is an assembly line worker.

18. Rhodes, Joseph, Jr.—Cambridge, Massachusetts; Harvard fellow; former member of the Scranton Commission; Black.

19. Stanley, Anna—Minneapolis, Minnesota; Black; teaching a Black studies program at the University of Minnesota.

*20. Vollertsen, Rick—Anchorage, Alaska; recent high school graduate; delegate to the White House Conference on Youth.

21. Wagner, Carl—Washington, D.C.; 24 years old; works for the American Labor Alliance on youth programs and the 18 year old voters registration.

*22. Walker, Geoffrey—Vietnam War veteran; now stationed at Fort Carson, Colorado.

*23. Whitehead, John—27 years old; senior vice president of Technicon, Inc., Tarrytown, New York.

*24. Wilson, Mary—Founder of the Student Information Center which is a clearinghouse for high school students. She is 17 years old.

25. Phillis Haynes—Black, WPIX Report, New York; President of Student Body at NYU, 1970.

26. Cris Holmes—Black, Operation Breadbasket, Chicago; MacAlister College.

27. Robert Boyd—Chrysler Corporation; Stanford University; MBA, Black.

28. Harvey Hakari—Public Broadcasting Corporation, San Francisco, YAF Chairman; Stanford University, 1969.

29. Yvonne Jaffe—No. 9 Crisis Center; New Haven, Connecticut.

* Those with an asterisk are expected to attend the ARBC meeting in Chicago.

OCTOBER 7, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT, In response to an invitation from Mr. John D. Rockefeller, 3rd. twenty-five young Americans met together for a week last month at the Belmont Conference Center in Elkridge, Maryland. Our purpose was, in part, "to develop recommendations to relate the youth point of view and possible youth activities to the Bicentennial." In pursuance of such an effort we prepared the attached memorandum, and we earnestly recommend it to your serious attention.

A group of our size could not even approach a representative sampling of American youth. More importantly, the experience of our Conference suggests strongly that "the youth point of view", if such a thing indeed exists, is not susceptible to definition or codified application. We do not, therefore, address our observations and recommendations to you and the American Revolution Bicentennial Commission under any pretense of a capacity for the formulation of "the youth point of view."

In frankness, we must also say that our evaluation of the current concepts and programs of the American Revolution Bicentennial Commission were often negative, suspicious, or indifferent. It is by no means the sense of our Conference that widespread or meaningful participation can be expected from American youth if the Bicentennial unfolds along the lines set forth in the Commission's *Report to the President* of July 4, 1970. While a number of the ideas expressed in the *Report* deservedly elicit our commendation, most of us hold severe reservations as to the appropriateness, diversity, dignity, and inspirational value of the overall program.

There is a general feeling that an official celebration and self-adulation as applied to contemporary American society would be hollow and dishonest, and that it would serve only to inflame the animosities which divide our peoples. We would greatly regret the usurpation of the Bicentennial by such rhetoric as you used in your Bicentennial television and radio broadcast of July 3, 1971, in saying "To look at America with clear eyes today is to see every reason for pride and little for shame, great cause for gratitude and little for regret, strong grounds for hope and none at all for despair." To many young people this statement is plainly untrue and therefore inflammatory.

The prevalent feeling among us is that the Commission does not represent the diversity of the American people, and that this explains, in part, why the commission has not formulated a program which elicits our support and makes it highly unlikely that it will do so in the future.

For these and other reasons, the Conference found it impossible to "develop recommendations to relate the youth point of view and possible youth activities to the Bicentennial." We did, however, wish to address ourselves as individuals to you, and to the Commission, in some way which might be useful. The accompanying memorandum is our effort to do that, to communicate the cautionings, concurrences, rejections, and positions which emerged, collectively and individually, from the consideration of the American Revolution Bicentennial by twenty-five young Americans.

Respectfully,

GEOFFREY WALKER.
STEPHEN A. OXMAN.

TWO MODELS FOR A PEOPLE'S BICENTENNIAL

People's heads have got to change! As a nation, we just have to develop a desire for service, for sacrifice, for working together to get our thing together.

There's no way cities can continue to provide services for their people without the active aid and participation of those people. Companies will never be able to do good things—as opposed to profitable things—without the help and support of the markets they serve. The consequences of *not* developing a national gestalt of work, sacrifice, and service for the good of the "whole" are obvious.

The Bicentennial offers a perfect opportunity for speeding up the changes that peoples' heads are already undergoing. The "celebration" will have wide notoriety and power—both symbolic and real. That power should be used to help change where people are at.

One underlying assumption about changing the national *gestalt* is that it must happen from the people up, and not from the institutions down. The rest of this report deals with two possible models (out of many) for accomplishing this change. Both models can be tied to the Bicentennial, and both should be acceptable to the Commission.

MODEL I

Model I follows a plan based on the Canadian Bicentennial. The national government should set aside a Peoples' Bicentennial Fund of $1 billion per year from now until 1976. It should be made available to individual states on a matching, per capita basis. The states should then make it available to individual towns and villages on a matching, 2:1 or 3:1 basis. The matching funds from individual communities should come from special, non-government collection groups formed by *ad hoc* citizens' committees. There would be one such committee per community, and each community would be limited to one project at a time—at least for Bicentennial funding.

Examples of community projects that might be undertaken with funds from the Bicentennial and help from the people are: new sewage systems, new or better schools, food for poor people, parks for all people, land reclamation, etc. The list is obviously inexhaustible.

Advantages of Model I are

(A) it depends on grass roots support

(B) it is non-controversial, so that it can get grass roots support

(C) people get the habit of working together towards common goals

(D) are encouraged to do more by their successes, and

(E) local problems are solved while a new *gestalt* is developed (or, the "medium is the message.")

Disadvantages of the Model are

(A) it depends to some extent on institutional money, so that

(B) it might be suspect by some, and

(C) it could be somewhat limited in the political and institution-changing projects that could be undertaken.

MODEL II

Model II is somewhat similar to the first Model, except that it requires little institutional funding. A group of 25 or 50 "seed" people would assemble in Washington, D.C. for several months. These "seed" people should already be involved with local community projects.

During the first few months, the "seed" people would seek publicity for a "Bicentennial Coalition"—a coalition of local projects across the country. The thrust of this publicity would be that there are already many community projects underway, and that the Bicentennial Coalition would be available to help other communities identify local problems and to set up programs to solve them.

The Coalition would then disperse to as many local communities as possible, having already created an atmosphere of movement and momentum by their activities in Washington. Specific programs that might be undertaken by *ad hoc* community groups are: street patrols by private citizens (more people on the streets=less crime), building and block renovations, local pressure on polluting industries, composting programs for suburbs, etc. Any money or supplies needed would be obtained from local businesses or from the people themselves via the *ad hoc* committees.

At the same time, a small group would remain in Washington to (A) help coordinate the Coalition's resources for any new community groups wanting help, and (B) to continue to obtain publicity and media coverage for their activities. This would help to insure continuing momentum for the programs.

In addition to the advantages of Model I, Model II offers the possibility for an ultimately bigger "trip" for the country: just as Model II depends more completely on grass roots support for its success, so too are the opportunities greater for really developing a new *gestalt* of service and sacrifice in the interest of building good things together.

Model II also eliminates the disadvantages of Model I, although it poses a much greater risk of failure than the first plan.

In a certain sense this document is pie-in-the-sky naive. But so was Earth Day, the Moratorium, and the American Revolution. People want to set things right and need only to be shown a way and given a means to do it.

AN ONGOING AMERICAN REVOLUTION

The approach of the two hundredth anniversary of the revolution which gave birth to the United States of America leads us to re-examine the foundations of this country and to deal with the reality of its shortcomings.

We find that the high ideals of Life, Liberty, and Happiness have never been a reality for all peoples from the beginning to the present. The Constitution and the persons creating it were both racist and sexist in belief. The Declaration of Independence seems not to have been read by Congress or the Executive Branch. The freedoms set forth in the Bill of Rights are constantly undermined by government and big business.

The nation created in 1776 promised individuality, freedoms, the right to seek one's own happiness, and a unique form of government giving the power to the people. Less than 200 years later every aspect of that dream has been lost. We are the best-educated, best-motivated, and most socially concerned generation yet produced. While we are idealistic, we are staunchly tough-minded. We shall be convinced by cold hard fact, not by myth.

We are unable to comprehend the prostitution of our national ideals.

We seem powerless to end a war that asks us to kill and to die, powerless to stop chemical and nuclear genocide, corporate destruction of beauty, nature, and the purity of life. We have not put an end to prisons filled with cruelty and inhumanity, prisons which breed crime, rather than deter it or to irrelevant school systems which regiment students, teaching the three R's, not how to live with our brother, or how to learn, or how to teach our children to live.

We ask why the police and judicial systems do not protect us.

Why employers and unions ignore us.

Why welfare must strip away our dignity.

Why our children and aged must starve.

These shortcomings must be faced if we are to survive. America must strive to restore its sense of direction and regain allegiance to the fundamental principles of its conception.

America must redirect its technology and institutions to fulfill the needs of the common man, not the elite. We must strive for the growth of meaningful social change and the furtherance of the quality of American Life.

America must insist on the dignity of the individual, offer him health, education, meaningful employment, decent living conditions, protection of his rights, though he may be neither rich nor powerful.

We may attain solutions if we are willing to make a significant economic commitment. We can help only if we care. Times will change only if we face reality.

It is time to affirm and implement the rights articulated in the Declaration of Independence, the Constitution, and the Bill of Rights. These documents must be reinterpreted so as to be meaningful to all persons in our society.

In addition we demand the following for every person:

The Right to adequate housing, clothing and nutritious food.

The Right to an opportunity for self-fulfillment, a living wage, and health in body and mind.

The Right to be an individual, so long as that expression does not infringe upon the rights of others.

The Right to preserve and cultivate ethnic and cultural heritages.

The Right to enjoy clean air, water, and natural beauty.

The Right to exercise political freedom.

The Right to an equal, futuristic and individually relevant education.

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The Right to do whatever is necessary to protect these rights.

Because we are aware of our responsibility to fight for the rights of all people, we dedicate ourselves to the struggle for the realization of the ideals embodied in our nation.

We recognize further that while youth is often most receptive to change, they are not alone in desiring it. We affirm our kinship with persons of goodwill of all generations. Together we demand to be heard, not merely listened to.

Thus we feel that 1976 is not the 200th anniversary of the genesis of this country. Rather it is the anniversary of 13 colonies declaring independence from the British Empire. It signifies neither the beginning, the climax, nor the conclusion of the American Revolution.

The American Revolution is not over!

OUR HERITAGE: A NEED FOR HONESTY

How we commemorate to the Bicentennial depends on how we understand our own past. We are very concerned about aspects of our own past which we feel the Commission has underemphasized, or ignored altogether. In order that the Bicentennial commemoration be meaningful, we believe that our heritage must be understood, both its unique virtues and its tragic faults. From the revolution of 1776 to the present day, Americans have permitted much of our history to be erased from our national memory. We feel that to properly celebrate the nation's two hundredth birthday, our memory must be refreshed.

THE REVOLUTION

The Bicentennial has been designed to celebrate America's birth, the American Revolution. Yet both at home and abroad many people consider the U.S.A. to be the most powerful *anti*-revolutionary country in the world today. This presents a paradox which the Bicentennial Commission must face if it is to be respected.

The American Revolution was a time of disunity, a time when decisions were at last confronted because they could no longer be evaded. Some men were backward-looking, clinging to their oppressive colonial heritage, while others were forward-looking, searching for a new society, a new equality, free from the past. The revolution, therefore, was a time of conflict, of debate, of *diversity*. This, we feel, is one major theme of the revolution: not artificial homogeneity but constructive opposition.

The other major theme of the revolution was *change*. The Founding Fathers had no intention that Americans should forever accept their goals. On the contrary, Thomas Jefferson tried to ensure that every generation would have the legal means to alter institutions which had become inadequate. Although he was the architect of the Declaration of Independence, the Constitution, and the Bill of Rights, Jefferson nevertheless sought to assure future generations of the right to change those documents. "Let us provide in our constitution," he wrote, "for its revision at stated period."

Each generation is as independent of the preceding one, as that was of all which had gone before. It has then, like them, *a right to choose for itself the form of government it believes most promotive of its own happiness . . .*

Jefferson's goal was to create institutions which every generation could re-examine and, if necessary, re-design those institutions.

Unfortunately, at present these two essential themes of the American Revolution have been sacrificed. Instead of cultural diversity, we find in the Commission's Reports a narrow uniformity. And instead of change, we find lethargy.

The emphasis on celebration is offensive to large segments of our population. It is frivolous to stage an expensive, elaborate display of self-congratulation and merriment in the face of serious unsolved national problems. Such a Bicentennial could only alienate the unemployed, underpaid workers, young people, blacks, Indians, and any group of citizens actively concerned about such grave threats as pollution, drugs, racial inequity, distorted national priorities, etc.

If the Bicentennial celebration is to be for *all* Americans, diversity is essential. Black Americans, for example, have been totally ignored in the written history of our country. Public education has left black people completely out of history books. When they have appeared, their character has been grossly distorted. How many Americans know that the cotton gin, an invention which made the South into an agricultural giant, was invented not by Eli Whitney but by a black slave on his plantation? Or that Estevanico, a black Spanish explorer, was the first to explore what is now Arizona and New Mexico? Or that it was not the famed Frenchman l'Enfant alone who designed the unique plan for the nation's capital, but the freed slave Benjamin Banneker who completed the task?

This list could be continued indefinitely. Throughout the 244 years of legal slavery, and 108 years of illegal slavery, black men and women achieved tremendous accomplishments which today are not known by the masses of Americans. We understand that white people naturally wish to celebrate the Bicentennial in 1976 because it is the two hundredth anniversary of *their* freedom. But the Commission should not forget that black people were not freed then. They have remained in a position of economic subjugation and political powerlessness. For black people to join this national celebration, both their history and their present must become an integral part of the Bicentennial's programs.

Black people are, of course, only one of the many forgotten groups. The American Indian has been living on this continent for 30,000 years and has celebrated his concept of freedom for centuries before Columbus or Erickson arrived. White European immigrants may now celebrate the 200th Anniversary of their country but, fundamentally, the land on which they stand belongs to the Indian.

Few Americans realize that their country is not simply a reflection of Europe. Many of the distinctive features of American democracy are Indian. Distinctively American political ideals emerged out of the rich Indian democratic tradition. Universal suffrage for men and women; the system of states within a state that we now call federalism; the practice of considering political leaders as the people's servants rather than their masters; the insistence on respect for diversity and pluralism—*all these political practices were part of the American way of life long before European settlers arrived.*

The Europe that lay behind Columbus as he sailed toward the "New" World was, in many respects, less civilized than the lands which lay before him. Politically, nothing in the European nations of the fifteenth and sixteenth centuries could equal the democratic constitution of the Iroquois Confederacy. This Confederacy provided for initiative, referendum, recall, and universal suffrage. Men and women, rich and poor—*all* could cast their vote, unlike the system in Europe.

Many of the most crucial political ideals which Thomas Jefferson expressed in the founding documents of America, the very documents which the Bicentennial is to celebrate, originated in American Indian culture. Borrowing from the Indians, Jefferson cautioned against government power. He argued for local self-government rather than the ostensibly more efficient centralized government. He trusted the ability of neighbors to settle their problems on a local level. These enduring elements of our democratic system are the contributions of the Indian peoples.

Other ethnic groups, economic groups, and age groups could easily be enumerated. But our point should be clear. *Rather than illumine the true diversity in the American people and enable each to express its own heritage, the present Bicentennial is an exclusive, centralized attempt to make Americans appear uniform and unified.* Such a national celebration will not be believed by many Americans. And it will not be believed by those outside our borders.

Just as the concept of diversity has been betrayed, so has the concept of change. Although Thomas Jefferson said that each generation should be free from its predecessor, with the right to "choose for itself the form of government it believes not promotive of its happiness," we find that the Commission appointed to commemorate the revolution has not a single member from the young generation. Only the heads of large organizations, many with special self-interest in the Bicentennial, have been made members of the Commission. For the Bicentennial to be a *national* event, not only in theory but in practice, we firmly believe that the Commission must be profoundly broadened. Constituencies which have been excluded must be represented. Otherwise we will have betrayed, not commemorated, the spirit of the American Revolution.

POLIS 76

PREFACE

The Polis proposal is meant to be a positive alternative. It is less important that its proposers find fault with the exposition concepts advanced by Boston, Philadelphia, Washington, and Miami than it is that they are convinced we can and should do something better for more people. They suggest Polis as the most appropriate way to honestly commemorate the causes and immediate results of the revolutionary "Declaration of Independence", and apply the spirit and philosophy of that document to the problems which seriously traumatize third century America.

Dare we admit our weaknesses, and take action to improve reality and reinfuse hope into the self-pitying national soul? Dare we begin to communicate with one another, and together, make better the place we all share? Dare we deny the tyranny of "trends" and "statistics", and begin to mold the future according to our needs and dreams? Dare we look into the mirror during the Bicentennial year if we now decide to be tyrannized?

We all espouse the same concerns. The historical descendents of Paul Revere abound everywhere. We all know the British of our time "are coming". But more than any other idea thus far proposed for celebrating the Bicentennial, Polis directly challenges our wisdom, and our will to do something about the existing and impending crises. It provides an opportunity for concerned citizens and leaders to release their frustrations and resources into a constructive effort. The positive results of a creative Polis program could prove as permanent as the breaking from Britain has. For more than anything else, the colonial revolution was a state of mind; of hope, and of innocence. The Washingtons and Adamses knew they had to struggle. But they had no idea how hard. Or at what cost. They simply knew what they wanted and needed to attain. For more than anything else, Polis springs from a hopeful spirit. It is a frankly innocent document. Not for what it proposes we do, but for what it proposes we be. In that sense, Polis presents a greater challenge to current Americans than Jefferson's "Declaration" did to the colonials. They possessed the strength of conviction to overcome resource shortages; to survive Valley Forge winters and the like.

We possess the resources to build trains, communications systems and cleanse the environment we have polluted. We have the resources to do much more. But we lack their strength because we lack their convictions. That marks the difference between what we are becoming and what the Revolutionary participants were. They recognized the enormous odds against victory, but battled to win nonetheless. We are intimidated by difficulties, and are confused by the complexities we have created. We are frightened. Of each other. Of the things we produce. Of ourselves. Of tomorrow. We are "a mature, realistic nation". And it eats at us.

Polis asks that we not be confined by every past and present, social and political constraint. Rather, we should emulate the essence of what we intend to honor by understanding what we are and what we have, and by beginning to act as we should. It is not so much that Boston, Philadelphia, Washington and Miami individually are wrong, than it is that something like Polis is much more right. Much more relevant to our needs as a regional entity, and to our needs as people within the regional village.

What follows this preface is not a carefully detailed masterplan. It is not well enough buttressed by supportive data to be defined as a professional, much less persuasive codification of the Polis "faith". The initiators have had much more success spreading the word of Polis than they have had in attracting moneys to fund detailed defining of the word.

However, there is little doubt that the integrated concepts are fundamentally sound and workable. And precisely what Trenton or Providence or New York or other cities do within the framework of the Polis celebration should be imaginatively determined by the people and governments of those cities Polis is not a finished product prepared for marketing. Polis is a feasible opportunity. It waits to be realized through the participation of all types of people at every scale.

Though Cambridge Seven Associates have given ten thousand dollars to keep Polis alive, they seek no contract and wish no special reward for shouldering the burden. Their involvement in past world's fairs taught them much. They simply want the right thing to be done in the right way for the Bicentennial. The students who first presented Polis, Jim Chard and Rob Hollister, are not hoping to capture lucrative, post-graduate, Polis related jobs. The coordinator, Doug McConnell, is similarly motivated. All of the others who have given much to the creation and development of Polis have contributed in the same spirit. They are individually concerned about the lack of direction our society is on the verge of non-taking, and about the meaningless decade and celebration we may have unless they, at least, speak.

That is the beauty of Polis' history and promise. Many different people, spacially removed from one another and lacking political "connections", giving freely of their energies, abilities, dollars, and professional reputations to allow an excellent idea a chance in the "Bicentennial Sweepstakes". They do not wish a pat on the back. That would defeat the purpose of what they are trying to cause. Simply reflect on what has been done by a relatively small, relatively impoverished, passionately disinterested group of persons who said and did a few things new, and much that is traceable to 1776. Imagine what could be done if we all assumed that attitude. For a brief moment anyway. It is worth trying.

WHAT POLIS PROPOSES

Polis envisions a regional focus for the nation's commemoration of its 200th birthday. The Polis celebration will be a coordinated affair, definitely linking the cities between Boston and Washington, and if at all possible, including the territory south of Washington to Atlanta. The nation's regional birthplace, the region which includes the nation's capital and America's largest city, the regional landing point for most immigrants to America, and the region which presently houses the most number of our citizens and the most comprehensive catalog of pressing megalopolitan problems, is the logical focus for a bicentennial celebration. If cooperative regionalism is to succeed as it must, it should begin in the place where the nation began two hundred years ago.

But the bicentennial will be a national celebration. Polis happenings will not comprise the sum of America's activities in 1976. It seems likely that Los Angeles or Denver or both will be Olympic hosts during the bicentennial year. Other communities, in mid-America and the far West, will wish to engage in festivities and environmental improvement projects. Polis encourages such resourcefulness, and will provide an information bank for persons who wish to know the nature of occurences beyond the colonial region, and who need advice about how to get it to them. However, to avoid debilitating diffusion of energies and continued confusion of national purpose, a focused celebration is necessary.

A single-city focus is inappropriate. No lone community can claim fatherhood to the freedom spirit and its revolutionary expression. No single city can likely cope with the massive influx of tourists from around the world who will come to share or ridicule our celebration. Perhaps most importantly, no one city embodies the complete American experience.

The cities of the eastern seaboard, taken together as separate but interdependent parts, provide a clearer view of the developing American reality. Just as we are residents of Harlem and New York City simultaneously, so we are tied residentially to the Corridor megalopolis. We commune at all scales. Hence, we should celebrate, and achieve tangible urban improvements at all scales. An exposition, solely within the limits of Boston's or Philadelphia's artificially conceived boundaries, would today be as anachronistic as one hundred years ago it would have been innovative and far-sighted.

Therefore, Polis will construct mechanisms which symbolize our increasing interdependence and simultaneity of experience.

On the regional scale, Polis will support improvements which make it easier for persons to move quickly and pleasantly along the megalopolitan spine, and which make it easier for different people from separate sections of the unified whole to communicate meaningfully—which make it easier for them to understand each other, and interact without fear.

Polis proposes:

(1) Balancing our transportation system by dramatically improving our inter-city, ground transit system. The trains will be fast, efficient and comfortable, and will be travelling arrays of multi-media shows and demonstrations for the interested celebrant.

(2) Funding an experimental telecommunications network to bring the creative thrust of the celebration and related happenings into homes throughout the region. And through the medium of two-way telecommunications, provide forums for spacially separated residents of the regional village to share thoughts and feelings, and discuss issues.

On the local scale, Polis emphasizes improvements to the major rail terminals, to the intra-city transportation systems, and to the fabric of what already exists in the urban environment. Cities should cleanse and invigorate themselves, and make it simple and fun for visitors to move from the regional transportation line through the terminals and the local transit nodes to street celebrations and historical sites. No new, strictly-for-Polis-pavilions should be built. Polis emphatically discourages artificiality.

At the neighborhood scale, Polis encourages street art, theatre, festivals and expressions of particular cultural souls. Polis supports projects for neighborhood enlivening and cleaning up—and for giving resources to the people so they may create much of their own celebration, and invite the nation and world to attend, either in person, or through the telecommunications network. No American should be afraid to immerse himself into neighborhood happenings across the tracks.

And at all scales concurrently, Polis will coordinate efforts to reorder ecological priorities by 1976. A motivating principle of the entire Polis movement will be to arrest and reverse our tragic environmental decay. Other Polis accomplishments will mean nothing if our children smother in the garbage of our neglected responsibility. Polis can be the vehicle for action which the frustrated, ecologically concerned are seeking.

Polis is a comprehensive proposal for integrating all social and political scales into a balanced celebration. Polis is not a "fair" or an "exposition". It is a celebration. A festival of building together; of sharing achievements and excitement. There is no "expo" location. No city will dominate the regional activities, except that each city will be encouraged to stress what is unique and positive about its own particular character.

True, such a thing has never been done. But neither had the American experiment been tried before 1776. Neither had a "world's fair" been tried before the nineteenth century. Polis may not receive an "international designation" by the Bureau of International Expositions in Paris. But so what? If the divided and torn America of recent years were significantly mended by 1976; if the cities of the eastern region were pleasant instead of befouled and noxious; if it were enjoyable, efficient, and entertaining to travel throughout the "colonies"; and if America were truly young and hopeful and open-armed again, foreign visitors would join us in astounding numbers. Are we so miserable and tiresome that we need a gimmick to attract world attention? Aren't we enough? And if we aren't enough, shouldn't we try to become enough by 1976?

Typical Question: Then how does Polis involve contributions from other nations if it will contain no specific location for international pavilions?

Answer: Polis will invite foreign people and their governments to send demonstrations of their cultures. Ballet troupes, soccer teams, art exhibits, folk groups and film exhibitions will tour the Polis region. The Olympic city or cities will host great international spectacles in the west.

Typical Question: Then what will there be to see and do? People want an "Expo". They want a Disneyland with gadgets and everything? How could you package a Polis trip?

Answer: Polis is not a value judgment against occasional Disneylands. It is an offered alternative to provide people a new experience. How do we know that people unswervingly desire expo-type, Disneyland repetitions? Upon what can such an assumption be made? We have never offered a choice.

Millions of Americans annually tour the Polis region. It is a legitimate guess that millions more would tour the colonial area if we made the events and places of interest fun and easy to get to. Imagine a scenario:

The Adams family has always wanted to visit the east coast. John Adams is a supermarket manager in Boise, Idaho, and he has a three week vacation coming. In the early spring of 1976, his wife, Abigail, contacts a neighborhood travel agency to plan their vacation. Two weeks of travel between home and the Polis region must be arranged.

XUM

One week will be allocated for participating in the events of the national celebration.

The travel agency is well informed about the historic sites to visit, and about the occurrences planned throughout the nation for the bicentennial. The agency is plugged into computer banks at Polis headquarters in Washington, and thus is capable of advising the late planning Adamses about how to avoid the times and places of anticipated crowding.

Mrs. Adams informs the agency that she and Mr. Adams hope to make the excursion a memorable experience for their two sons, Quincy and Henry, twins in their early teens. The two boys have never journeyed further east than Salt Lake City, and have never been to a major metropolitan center. They want to see the Capitol of course. And they are both interested in sports. Quincy is intrigued by drama and the arts. Henry is a history buff, and would like someday to teach at the college level. Of course no summer vacation would be complete without a little camping.

It's been years since Mr. Adams has visited the east. He's mostly interested in seeing his ancestoral home in the Boston area. Mrs. Adams explains that she hasn't been back to her girlhood Baltimore home since her family moved west decades ago for the sake of her father's health. "The air was so dirty. That's before they started talking about pollution and such. Frankly, I never wanted to go back. I was afraid to take my sons to the frightful cities. Everybody fighting each other. Despair. Hostile crowds. Filth. But I understand that is beginning to change now. So why not go? Besides, I want to see where Washington crossed the Delaware. I think you can swim there which will be a great treat for the boys."

The agency telephones Mrs. Adams two weeks later with her reserved itinerary. In mid-July, the Adams family is on its way in the family station wagon. They visit a Colorado centennial rodeo in Denver; a demonstration of midwestern art in Kansas City; Tom Sawyer's home in Hannibal; and spend an afternoon learning about coal mining in West Virginia. "Now to show you boys something", Mr. Adams says, "we will camp along the east coast. You may have thought the whole area was crowded with people and buildings, but there are nearly eighty national parks, monuments, and historic sites in the colonial area." Quincy and Henry are amazed that much open land still exists despite the urban explosion.

They arrive in Washington, D.C. to begin their Polis holiday. They leave their auto in a newly provided parking shelter, and with the help of direction giving devices, maps, and improved intra-city transit modes, the Adams family spends one long day touring Capitol Hill, The White House, the Smithsonian Institution and the Lincoln Memorial. They struggle against few lines, and find no difficulty confirming their accommodations for the night.

The next morning, the Adamses go to the modernized Union Station for a train journey north to Philadelphia. They hold tickets for an international soccer match at 1:00 P.M., in Philadelphia. But there is time to watch an hour long, multi-screen film in one of the Terminal's theatres about the history of the nation's capitol. Quincy is unable to view an enactment of a play concerning the antebellum south, and becomes quite depressed. Then he boards the Metro-train.

The family is surprised by the congeniality of the train's interior, and the courtesy of its attendants. Upon entering the Metro, they are presented a program of events and purposes for each of the cars. The range of choice is remarkably broad, and Quincy's humor is immediately brightened by an opportunity to see selections from plays written by black playwright residents of the Corridor—on film and tape in car three. However, he is again saddened to learn that if he weren't exiting the train in Philadelphia, he could view a documentary about the Raleigh Rock Festival until New York. Then, he could join Pete Seeger and other passengers for a sing and talk to Providence, Rhode Island.

Mrs. Adams is pleased to learn that a Baltimore theme car, number four, will describe her former home as she journeys to and through the city. After leaving Baltimore, she will tune in the special Polis television network, and watch an historical account of Polish involvement in America's history, with live cutaways to two separate Polish festivals in New York City and Boston. The two parties are themselves joined by a large screen, two-way telecommunications link, and the televised conversations fascinate Mrs. Adams who is unaccustomed to such ethnic celebrations.

Young Henry Adams indulges his curiosity about American history by viewing a creative account of the Cornwallis surrender at Yorktown. Period paintings and still shots of the area as it presently appears mesh new visual techniques with an audio mix of Revolutionary era music and quotes from British and Colonial Yorktown combatants.

Mr. Adams is a bit overwhelmed by it all, and is somewhat exhausted by the weeklong journey from Boise. He retires to a parlor car for a Bloody Mary. In quiet comfort, he writes postcards to his supermarket subordinates. The drink does not spill, and he has no trouble writing. Near Wilmington, he walks to another car to preview Philadelphia's attractions. He also telephones their hotel in Philadelphia, and finds that his family is, indeed, expected.

The family finds immediate and understandable instructions concerning how to travel from the rail terminal, to the soccer stadium, to the hotel, and back again to the terminal the following noon. Intracity movement is no problem.

After Philadelphia, the trip includes an afternoon at the Trenton battle sight—and a delightful swim in the Delaware.

New York is two days of moving easily throughout Manhattan. To the Empire State Building, Central Park, a Harlem Film Festival, the Statue of Liberty, the Museum of Modern Art, and a Broadway play.

New England. Boston. The Harvard and M.I.T. complex in Cambridge for Henry. For Mr. Adams, a chance to trace his family heritage. And for Quincy and Mrs. Adams, the stunning wall murals of black Boston.

And then. Too soon. After a swift, lively, four and one half hours from Boston along the transportation spine, the Adamses return to their automobile and prepare for the adventurous trek home.

They have not "seen it all". But in a pleasant sweep, they have tasted a hopeful, learning, positive American east. It was a "packageable" tour. A real experience. No pretend world of glass slippers, pumpkins, and mice. In the West Virginia coal mines in the streets of Harlem, and in the words of black playwrights, the boys learned that all is not well. But America, with all its beauty and blemishes, was unafraid to expose its past, present, and future to itself and others. To challenge itself. And therein rests the true "Spirit of '76". Shared in by the Adams family.

If the question persists: "What is there to see?"; it is fair to ask in return: "What is there we wish to hide?"

WHY POLIS?

We have wounds to heal and problems to solve, and the time left to us may be very short. Now is our golden opportunity to recommit ourselves to our collective needs; to make the Bicentennial decade truly relevant to the creation of a sensitive, open society; to say "no" to barrier building between people, neighborhoods, cities, states and nations. Yet the natural differences between people and political entities should be respected. Divisive, "rugged" individualism is suicidal now that "elbow room" is not-existent. But compassionate, cooperative individualism should be encouraged.

Polis will direct dollars, technologies, energies and talents to those ends. No utopian state will be attained by 1976. However, we will all have something to celebrate if demonstrable renewal has been accomplished out of the ashes of the 1960's. That is the challenge Polis offers. Do we individually and collectively have the will to disengage from the quagmire of despair? Polis is an opportunity to prove we do.

Specifically, our transportation system will be necessarily balanced.

We will reverse the environmental decay from which we all suffer.

We will finally test the potential of our telecommunications magic, and use it to enhance levels of citizen awareness, understanding, and decision making.

Obviously, many other predictable and unforeseen by-products will emerge from the Polis program. Polis is a comprehensive, positive framework within which there remains room for much imaginative work.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SPONG. Mr. President, the Senator from Maryland has rendered a service this evening in pointing out to the Senate what has not been done to date by the Bicentennial Commission. When this commission was initially authorized, I had great hopes for it. The chairman named was Carlisle Humelsine, President of Colonial Williamsburg, and I knew he had the capacity and understanding to do a good job.

Since his resignation in 1969, I must say the commission has done little, that gives me hope that there will be an appropriate celebration.

In any event, I hope the legislation being presented this evening by the Senator from Massachusetts and the Senator from Nebraska will initiate renewed activity so that, within the next 4 years, a celebration that can be participated in by all our citizens may be planned.

I want to say to the Senate that the State of Virginia has an excellent commission; that, regardless of what is done or not done, by the national commission.

Mount Vernon, the home of the Father of his country, will be open; Monticello, the home of the author of the Declaration of Independence, will be open; Gunston Hall, the home of George Mason, author of much of the Bill of Rights, will be open.

I would say to the Senator from Massachusetts that, whereas the Revolution began in his State, it ended in Virginia; and the Yorktown Battlefield will still be there for all to visit.

I hope the proposed legislation will be enacted and its passage will serve to invigorate what I fear has to date been a lagging effort.

Mr. BROOKE. Mr. President, how much time remains?

The PRESIDING OFFICER. The only remaining time is 15 minutes to the other side, which is controlled by the majority leader or his designee, and I presume that is the Senator from West Virginia.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield 5 minutes to the Senator.

Mr. BROOKE. Mr. President, I am glad that my distinguished colleague the Senator from Virginia, recognizes the fact that it all started in the great Commonwealth of Massachusetts, and Massachusetts itself has a bicentennial commission.

It is working on it, and many other States throughout the Nation have Bicentennial Commissions.

For the RECORD, I want to say that we have had very distinguished leaders on the Bicentennial Commission, and the present Chairman of that Commission, David J. Mahoney, is a very competent, very able, and very distinguished Commission Chairman.

The Commission has had some very serious problems, among them the question of the direction in which it would go in observing the bicentennial anniversary. Many have believed that we should take on such projects as rapid transit systems throughout the Nation or recognition of the great problems of poverty and air pollution and water pollution. Others have indicated that we should have just a gigantic birthday party, or that we should have an exposition similar to those which were held in Canada and in New York City.

I, for one, have always believed that we should not have just a great exposition, a great birthday party, because we might expend tremendous sums of money, only to wake up the next morning with a big head, and find we have nothing left, nothing to point to, nothing permanent to show for the celebration of our bicentennial.

I commend the distinguished Senator from Maryland for his very timely suggestion, because at this period in this halfway mark, as we move into the planning phase of the bicentennial, I think it is appropriate that we take stock and that we broaden the Commission membership. I do not know that we will be able to include all the suggestions of the distinguished Senator from Maryland, because he has suggested that we limit the Commission membership to 25. But I certainly think that the intent of the distinguished Senator from Maryland can be carried out by the Commission in getting as broad a representation of this Nation, as broad a participation, as we can of all sectors and all groups within this Nation, so that the bicentennial can be truly representative of the United States of America.

I think that the commission itself recognizes this great need. I think the commission wants it. I think the commission will vote for this amendment. I certainly support the Senator's amendment, and I hope that the Senate will support it as well, because it is needed, and it will enable the commission to get on with its tremendous work. Time is of the essence; time is running out; and precious few years are left for us to execute some of the plans which have already been adopted by the Bicentennial Commission.

Mr. MATHIAS. Mr. President, if the Senator will yield, I should like to thank him for his encouragement and for his support.

The limit of 25 is not my limit. That is the limit which the committee, in its wisdom, has adopted. I think the commission ought to be as big as it needs to be to do its work and to be broadly represented. Let me say to the Senator from Massachusetts that there is a way in which the commission can be representative regardless of the limitation on its membership, and that is by bringing into its work all the people of the country and making everybody, in effect, a deputy on the commission, by broadly engaging the interests, the energies, and the creative abilities of the American people. If that is done, we really cannot have any objection.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. BYRD of West Virginia. I yield the distinguished Senator 5 additional minutes.

Mr. BROOKE. That is exactly what the commission is attempting to do with the resolution which the Committee on the Judiciary has reported with the authorization. It wants every State, every Territory in the United States, to have a bicentennial commission of its own. These bicentennial commissions would be mandated to embrace all segments of the population, all diverse groups within the Nation, so that they will participate. The staff is very zealously, very energetically, working in this direction.

I want to give assurance to the distinguished Senator from Maryland that the commission is well aware of the necessity for bringing in full participation of the entire United States of America.

Mr. MATHIAS. I am not going to interrupt the Senator again, but I would just say this: Congress is deeply concerned here, not just because I was the author with Representative MORSE of the original bill. The commission is going to have to be more and more involved with Congress as it seeks further authorizations and further funds. I think it is only fair to say tonight that Congress has a real duty on oversight here, and Congress has to carry out that function.

I know that in the other body there is very grave concern at this time about the posture in which the commission finds itself at this moment, and that is a concern I share or we would not be here tonight.

Mr. BROOKE. I assure the Senator from Maryland that Congress was given representation on the commission. Four Members of the House serve on the commission. Three of our distinguished colleagues serve on the commission. They are the distinguished senior Senator from Virginia (Mr. BYRD), the distinguished senior Senator from New Hampshire (Mr. COTTON), the distinguished senior Senator from Rhode Island (Mr. PASTORE), and also the junior Senator from Massachusetts. Those are the four Senators who serve on the commission. I do not know the names of the House Members.

It is the responsibility of Congress to oversee, as the Senator has suggested, the work of this commission. To the degree that these very busy Senators and Representatives can, I am sure that they have participated in the deliberations and in the planning stages of the commission's work.

I quite agree that we might expect in the future that the commission will be coming back to Congress for additional authorizations and appropriations as we get closer to the realization of our plans. I think it is good for all Members of Congress to become knowledgeable about what the commission has done, what the commission is doing, and what the commission intends to do in the future.

Mr. MATHIAS. I promised the distinguished Senator that I would not interrupt again, but I should like to add this thought: When I was a Member of the other body, and we wrote this bill, it was enacted into law; and we had an original authorization for $200,000, which under the circumstances was a fairly modest sum of money for the gigantic amount of work that needed to be done.

I regret to say that we were unable to get that money for a long period of time because of resistance in the other body. That resistance was finally overcome, but it is still there, and there is a very real danger that it can become an obstacle to the progress of the work on this commission.

I do not want the distinguished Senator to feel that what I am saying is in any sense a threat—it is not—because this is a project in which I have the most tremendous interest and a sincere desire to see it successful; but these problems exist and they will not go away because we do not look at them.

Mr. BROOKE. I am perfectly pleased that the Senator has pointed this out. He has very well said that it does not constitute a threat, but it is good for the commission itself to understand, and the staff of the commission to understand that Congress will be looking closely at what they are doing, at what they are not doing, and what they intend to do. It will not be easy for those of us in Congress who approve and support a bicentennial commission to make the case for authorization and appropriation unless Congress is convinced that this money will be wisely spent, and that we are going to have a bicentennial which will be truly representative of the Nation, and which will be meaningful. So I can only concur with what my distinguished colleague from Maryland has said and support it. I will certainly personally make it known to the Commission how strongly he feels about it and in speaking, I am sure he speaks for many Members of the Senate, and certainly for many more Members of the House of Representatives.

Again I commend the Senator for his contribution. It is a rich one. It will be helpful to the success of the bicentennial.

Mr. HRUSKA. Mr. President, as the only Member of this body who has participated in this colloquy so far who is not a member of the 13 Original Colonies, I want to say that the interest in the bill and the celebration which is planned for is of great interest in my native State of Nebraska and also in the Midwest. The encouragement of activities in the various State commissions and the regional coordinators, and the coordinating of the program celebration, will make

it flower and come to greater fruition than most of us, perhaps, expect.

The amendment offered by the Senator from Maryland has no objection from this Senator. It will be an addition that will be welcome and therefore no objection is entered against it.

With reference to the 1 year appropriation, that was done with some forethought, because it was felt, with the momentum which will gather with the activities of the commission and the funds authorized by the bill—the appropriation has already been provided for, contingent on the passage of the bill in the other body on the other bill—that we will have no difficulty getting adequate funding in fiscal year 1973 and the 3 years following that.

Mr. BROOKE. In conclusion, Mr. President, I would like to assure my colleague that the present chairman of the commission, David J. Mahoney, is, I think, a very exceptional man. As the distinguished Senator from Nebraska has pointed out, there are also regional directors, which we have not had in the past. They are appointed. There are some exciting plans going ahead and I hope that more of our colleagues will become familiar with those plans. The commission has said and still says that it welcomes suggestion and ideas that can come from Congress. I am sure that my colleagues who serve with me on the commission will be willing and grateful to have all possible ideas so that we can take them back to the commission as your representatives. Again I commend my colleagues for this opportunity.

The PRESIDING OFFICER (Mr. SPONG). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1857

An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes" approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b)(3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b)(4) is redesignated as section 2(b)(5) and is amended to read as follows:

"(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the Nation's people with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions."

(3) By adding a new section 2(b)(4) to read as follows:

"(4) Four members of the Federal judiciary to be appointed by the Chief Justice of the United States;".

SEC. 2. Section 6(b) is amended to read as follows:

"SEC. 6. (b)(1) The Chairman, with the advice of the Commission, shall appoint a Director who will be compensated at level IV of the Executive Schedule, and three Deputy Directors who will be compensated at level V of the Executive Schedule. Such officers shall serve at the pleasure of the Chairman.

"(2) The Commission shall have power to appoint and fix the compensation of such additional personnel as it deems advisable and to appoint such advisory committees as it deems necessary.

"(3) The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission."

SEC. 3. Section 7(a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

SEC. 4. Add at the end thereof the following new sections:

"SEC. 8. In carrying out the purposes of this Act, the Commission is further authorized to provide for:

"(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information awareness and interest in the bicentennial;

"(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works programs, and projects relating to the bicentennial; and

"(3) a bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicentennial historical and commemorative significance.

"SEC. 9. The Commission is authorized to carry out a program of grants-in-aid in furtherance of the purposes of this Act. The Commission shall, subject to such regulations as it may prescribe:

"(1) Make equal grants in two successive years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor, to assist in the establishment or implementation of Bicentennial Commissions.

"SEC. 10. Appropriations or other funds available to any Government department or agency (including the Commission) for carrying out purposes related to or in furtherance of the bicentennial commemoration may be transferred between the Commission and any such Federal department or agency as may be mutually agreed between them. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of any such department or agency or the authorities of this Act, provided the activities come within the purposes of this Act."

SEC. 5. Section 5108(a) of title 5, United States Code, is amended by striking out "2754" and inserting "2764".

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry one of its reading clerks announced that the House had passed the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes;

H.R. 6283. An act to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1116) entitled "An act to require the protection, management, and control of wild free-roaming horses and burros on public lands."

HOUSE BILL REFERRED

The bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON CONTROL OF DRUG AND ALCOHOL DEPENDENCY

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense Control of Drug and Alcohol Dependency (with an accompanying report); to the Committee on Armed Services.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 53

"Relating to Greene-Harmer Motor Vehicle Damage Control Act

"Whereas, The enactment of the Greene-Harmer Motor Vehicle Damage Control Act of the 1971 Session provided high standards for bumpers and property damage resistance on 1974 model and later year motor vehicles; and

"Whereas, Such standards more particularly specified that all such motor vehicles must be able to withstand an impact of five miles per hour or more, front and rear, without damage to the vehicle; and

"Whereas, Such enactment and standards were based upon an extensive and in-depth study conducted by the Legislature, the Governor's Automobile Accident Study Commission and many agencies and organizations interested in the reduction of cost of insurance and auto repairs to the consumer; and

"Whereas, Background information and support for such measure was predicated upon the high cost of repairs and resulting insurance costs incurred in low-speed motor vehicle property damage accidents prevalent on California's congested street and highway systems; and

"Whereas, Such measure also reflected that meaningful reduction in the cost of automobile repairs for California motorists necessitated improvement of the crashability of motor vehicles; and

"Whereas, The final enactment of the Greene-Harmer Motor Vehicle Damage Control Act was without opposition after agreement with representatives of the automobile industry that the standard was attainable; and

"Whereas, The enactment of this law also represented a potential savings of hundreds of millions of dollars to California motorists both in reduced insurance premiums and lower repair costs; and

"Whereas, Major segments of the insurance industry have recognized this cost saving potential by announcements of substantial reductions on physical damage insurance premium on vehicles so equipped; and

"Whereas, S. 976, presently pending in the Congress would render null and void these potential benefits in the standards for bumpers and property damage resistance so established in California law in 1971; now, therefore, be it

"Resolved, by Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to recognize and give full faith and credit to the motor vehicle property damage standards provided by California law in the Greene-Harmer Motor Vehicle Damage Control Act; and be it further

"Resolved, That the enactment of S. 976, or any other measure pending in Congress on this subject for the benefit of the citizens of the other several states, be amended to fully recognize the standards set forth in California law; and be it further

"Resolved, That the Chief Clerk of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 11955. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-549).

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 11932. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-550).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes (Rept. No. 92-542).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 952. A bill to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes (Rept. No. 92-540);

S. 1115. A bill to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada (Rept. No. 92-541); and

S. 1218. A bill to declare that certain fedally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes (Rept. No. 92-538).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1475. A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo," and for other purposes (Rept. No. 92-533).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 36. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes (Rept. No. 92-534).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

S. 345. A bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes (Rept. No. 92-539).

By Mr. HARTKE, from the Committee on Veterans' Affairs, without amendment:

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces (Rept. No. 92-543);

H.R. 9097. An act to define the terms "widow," "widower," "Child," and "Parent" for servicemen's group life insurance purposes (Rept. No. 92-545);

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance (Rept. No. 92-544);

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes (Rept. No. 92-546); and

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70 (Rept. No. 92-547).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes (Rept. No. 92-548).

By Mr. HOLLINGS, from the Committee on Commerce, with amendments:

H.R. 6893. An act to provide for the reporting of weather modification activities to the Federal Government (Rept. No. 92-537).

REPORT OF SELECT COMMITTEE ON SMALL BUSINESS (S. REPT. 92-535)

Mr. BIBLE. Mr. President, I submit the 21st annual report of the Select Committee on Small Business. I ask unanimous consent that the report be printed, together with illustrations.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

REPORT ON REVISION AND CODIFICATION—REPORT OF A COMMITTEE (S. REPT. NO. 92-536)

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I submit a report by the committee setting forth the activities of its Subcommittee on Revision and Codification during the second session of the 91st Congress.

The PRESIDING OFFICER (Mr. BENTSEN). The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

XUM

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington;

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California;

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia;

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois;

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims;

Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims; and

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Massachusetts.

By Mr. HART, from the Committee on the Judiciary:

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS:

S. 2923. A bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2924. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the provisions of the Life Safety Code which are applicable to nursing homes;

S. 2925. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program an annual report on the costs incurred in the operation of such nursing home;

S. 2926. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the disclosure of ownership requirement applicable to skilled nursing homes providing services under medicaid programs;

S. 2927. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home;

S. 2928. A bill to amend title XIX of the Social Security Act to require the Secretary of Health, Education, and Welfare, whenever he determines that there is a failure on the part of any nursing home providing services under a State plan approved under such title to comply with the standards imposed or required to be imposed under such plan, to notify the Governor of the State of such failure on the part of such nursing home;

S. 2929. A bill to amend the Social Security Act to require that information concerning nursing homes providing services under Medicaid programs and intermediate care facilities providing services under certain State welfare programs, which is required to be furnished to certain State agencies, will be made available to the public. Referred to the Committee on Finance.

S. 2930. A bill to amend title VI of the Public Health Service Act to provide for the making of loans for the construction of nursing homes owned and operated by churches;

S. 2931. A bill to amend title VII of the Public Health Services Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics;

S. 2932. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities;

S. 2933. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants;

S. 2934. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; and

S. 2935. A bill to authorize the Secretary of Health, Education, and Welfare to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health-care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Labor and Public Welfare.

By Mr. STAFFORD:

S. 2936. A bill to amend chapter 19 of title 38, United States Code, to provide that 5-year level premium term policies of U.S. Government Life Insurance in force on January 1, 1972, shall be paid in full and remain in force for the life of policy holders. Referred to the Committee on Veterans' Affairs.

By Mr. NELSON:

S. 2937. A bill for the relief of Slobodan Babic. Referred to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. PEARSON):

S. 2938. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act. Referred to the Committee on Commerce.

By Mr. MCCLELLAN (for himself and Mr. BROCK):

S. 2939. A bill to establish a National Commission on Corrections. Referred to the Committee on the Judiciary.

By Mr. CANNON:

S. 2940. A bill to authorize the Secretary of the Interior to convey certain public lands of the United States in exchange for certain mining lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 2941. A bill for the relief of Jose A. Seradilla. Referred to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BAYH, Mr. BOGGS, Mr. BUCKLEY, Mr. COOK, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. MCGEE, Mr. MCGOVERN, Mr. MANSFIELD, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, and Mr. WILLIAMS):

S.J. Res. 180. A joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 2923. A bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2924. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the provisions of the Life Safety Code which are applicable to nursing homes;

S. 2925. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program an annual report on the costs incurred in the operation of such nursing home;

S. 2926. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the disclosure of ownership requirement applicable to skilled nursing homes providing services under medicaid programs;

S. 2927. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home;

S. 2928. A bill to amend title XIX of the Social Security Act to require the Secretary of Health, Education, and Welfare, whenever he determines that there is a failure on the part of any nursing home providing services under a State plan approved under such title to comply with the standards imposed or required to be imposed under such plan, to notify the Governor of the State of such failure on the part of such nursing home;

S. 2929. A bill to amend the Social Security Act to require that information concerning nursing homes providing services under Medicaid programs and intermediate care facilities providing services under certain State welfare programs, which is required to be furnished to certain State agencies, will be made available to the public. Referred to the Committee on Finance.

S. 2930. A bill to amend title VI of the Public Health Service Act to provide for the making of loans for the construction of nursing homes owned and operated by churches;

S. 2931. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics;

S. 2932. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities;

S. 2933. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants;

S. 2934. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; and

S. 2935. A bill to authorize the Secretary of Health, Education, and Welfare to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Labor and Public Welfare.

Mr. MOSS. Mr. President, this is an historic week as the White House Conference on Aging meets in Washington, D.C., to consider the needs of our senior citizens. One of the items on today's agenda is long term care which has been one of my areas of greatest interest.

I am sure that by now most of my colleagues know that I have been the chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging for the past 7 years. During the years 1963 through 1965 my subcommittee held nursing home hearings throughout the Nation which led to the enactment of the substantial body of Federal regulatory legislation which is the foundation for HEW's present efforts to upgrade the quality of nursing home care. While I greatly regretted the 4-year delay from the time the bills were enacted until this present push for enforcement, I do want to compliment the Department for the forthright manner in which they have now attacked these serious problems.

I hasten to point out that enforcement is but one of what I consider to be the five major root causes of abuses, negligence, and poor nursing home care in general. I enumerated these five root causes in a press release issued this Monday, along with certain preliminary conclusions based on the current series of nursing home hearings which began in July of 1969. This release also contained the broad outlines of a legislative package which I am today introducing. I do so in the hope that these bills will continue to gain the attention of the White House Conference and with a possible thought to patching them into H.R. 1 which will be before the Congress early next year.

The first problem that I identified was: Lack of a clear policy with regard to the infirm elderly.

The fact is that we in this great Nation simply have no policy with regard to the infirm elderly. The rhetoric speaks of care and concern, but the reality is poor care, no care, or just plain neglect. We continue to follow the policy used by other societies for the ill elderly, and that is abandonment. When families are confronted with what to do with a loved one grown old, there are currently no acceptable options available.

As a solution to this problem Mr. President, I propose broadening the scope of medicare coverage to include:

First. Up to 100 days in a nursing home for all Americans over 65. Such care is available at present only to a narrow minority of elderly who have acute post-hospital, post-operative needs.

Second. Establish outreach services, mobile health units, homemaker services, and expanded home health services which would look toward treating the elderly in their own homes.

Third. Senior citizen day care centers so working families could have the security of knowing their senior members had supervision by day.

Fourth. Authorizing on an experimental basis the subsidizing of a family to take care of their elderly in their own homes.

This bill is still in the drafting stage but I intend to introduce it as soon as I have it in hand.

The second major root cause of our nursing home problems is: Lax enforcement by States and the Federal Government.

This point was certainly well made by the May 28, 1971, General Accounting Office audit that spelled out that 50 percent of the nursing homes in three States, Michigan, Oklahoma, and New York do not meet Federal requirements. The recent HEW studies announced yesterday by Secretary Richardson were equally startling. We learned that 38 States were not meeting Federal standards.

I have some new legislation to suggest to close loopholes in this area. For example:

First. A bill to make public nursing home licensure, certification, and inspection records so individuals and families could have reliable indicators as to the kind of nursing home to which they were referring their elderly.

Second. A bill to require the Secretary of HEW to notify the Governor of a State directly whenever he determines there is a failure on the part of the State or certain nursing homes to meet and comply with Federal regulations.

Third. A bill broadening the scope of my 1967 amendment which requires the disclosure of a 10 percent or greater interest in a nursing home so that any interest direct or indirect must be disclosed. In a separate bill I plan to ask the Congress to apply this amendment to intermediate care facilities which are presently exempt.

Fourth. A bill to require that the Life Safety Code of the National Fire Protection Association be applied to intermediate care facilities which we learned to our chagrin in the Salt Lake City Lil Haven nursing home fire, are the only category of nursing homes receiving Federal assistance that are exempt from the Codes' substantial fire protection measures.

Fifth. A bill which requires that nursing homes receiving Federal funds submit to the State agency an annual report of the costs incurred in the operation of such nursing homes.

The third major problem is: The absence of the physician from the nursing home setting.

Almost none of our medical schools emphasize geriatrics as a specialty. Doctors, generally speaking, avoid the nursing home; they find the work unattractive and unrewarding. In nursing homes, the practice of medicine is conducted almost entirely by telephone. Our committee discovered that doctors nationwide do not view bodies of patients who have died in nursing homes before signing death certificates.

As a solution to these problems, I am introducing legislation including:

First. A bill to create a National Institute of Geriatrics within the National Institutes of Health.

Second. A bill to provide for training of veterans as paramedical personnel in nursing homes.

Third. A bill authorizing up to $500,000 each to six medical schools to establish departments of geriatrics.

Fourth. A bill to provide grants to colleges and universities to encourage training programs for health professionals called "physicians assistants" who could work with and at the direction of physicians, and ease the current medical shortage.

The fourth major problem is: The reliance on untrained and inadequate personnel.

There are about 1 million patients in nursing homes and about one-half million employees, or a ratio of 0.5 nurses per patient, compared to average ratios in hospitals of 2.6 nurses per patient. The bulk of nursing home employees are aides and orderlies who are overworked and underpaid. It is little wonder that there is a turnover rate of 75 percent.

As a solution for this problem I have in mind a bill which would authorize expanded inservice training programs with the Federal Government assisting by providing appropriate educational material and instructors who could conduct classes in the nursing homes.

The fifth problem I call: The existence of built-in financial incentives in favor of poor care.

Currently medicaid payments to nursing homes typically provide a flat rate of perhaps $14 a day. This amount is immediately cut back when the patient becomes ambulatory. The incentive is thus to keep the patient in bed. Further, this $14 a day is not enough to provide the kind of care that is needed. Thus we employ a system where 80 percent of the nursing homes are for profit institutions, and tell them that the only way that they can make money is by cutting care and services. Each individual operator can decide for himself how much to allocate to care and how much to profit. There is absolutely no accountability. If you cut back on food and nursing staff, you can make a fortune on $14 a day.

As a solution I suggest either some type of prospective reimbursement or the adoption nationwide of an incentive reimbursement system such as the Connecticut "points" system, where a nursing home, in effect, is graded and placed into classes A, B, C, and so forth. The better the nursing home in the State's estimation, the higher the rate of reimbursement. A class A home, for example, might receive $18 a day, a class B home, $17 a day, and so forth.

In addition to the bills that I have set forth above there are three more that I would like to introduce today. The first bill would amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. This bill is in realization

of the serious problem that some nursing homes are having in bringing their facilities up to conformance with the Life Safety Code of the National Fire Protection Association. My office is also working out arrangements with the Small Business Association which will help facilitate these loans.

Another bill creates a new program to provide construction loans for nursing homes owned and operated by churches. The loans would be provided directly from the Government at 5 percent interest or the Treasury's borrowing rate whichever is the lower.

The last bill provides for campuses for the elderly. It authorizes the Secretary of HEW to select and fund the three best designs submitted which provide on one site a skilled nursing home to accommodate at least 120 patients, a congregate living facility of 100 dwelling units, a rest home with nursing supervision for at least 100 people, a multifamily residential unit for more than 100 people and a community center providing recreation, vocational counseling and other services.

This latter bill is the result of long discussions with Mr. Paul de Preaux, president of the Connecticut Association of Nonprofit Homes for the Aging. He has suggested the great desirability of having these "villages for the elderly" located near college campuses which he feels would be greatly beneficial to both age groups. For more details on this proposal, I ask unanimous consent to have printed in the RECORD Mr. de Preaux's recent testimony before my Subcommittee on Long-Term Care and my news release dated November 29, 1971.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF MR. DE PREAUX

The present public housing for the elderly programs fall far short of their announced goals because each plan seems to be based on a separate premise of need. Anyone knowledgeable in the field of the aging realizes that there is a multiplicity of overlapping needs within each program which affect every other program. These needs are individual, personal, and cannot be computed in generalized premises. In fact, one of our greatest problems is the retention of the human element in Federal programs for older persons. Programs initiated because of concern become homogenized and computerized into financial and mathematical equations from which concern has been eliminated. In my opinion, public housing for the elderly is an excellent example of this. I could name others, but I do not wish to digress.

CONSOLIDATION OF AIMS

It is my belief that Government must cease attacking the problems of housing for the elderly on myriad plateaus and consolidate its planning into one effective package to answer this multiplicity of needs. In other words, Government must replace its construction programs with one program of concern.

In caring for the older person, we find four main phases of care are necessary. They are:

1. Independent living: Apartments.
2. Semi-independent living: Communal or congregate living areas.
3. Intermediate care facilities: Rest homes with nursing supervision.
4. Intensive nursing care: Extended care facilities or nursing homes.

An important adjunct to the above is the Senior Citizens' Community Center which is primarily for those persons still residing in their homes in the community.

I know that the Congress and State governments have become involved to some extent with all the above phases of care except one, but, as yet, I have seen no evidence of any attempt to merge or consolidate these areas of care under one master plan.

CAMPUSES FOR OLDER PERSONS

It is my opinion that campuses for older persons is the logical answer and the great need of the future.

Each campus should contain separate facilities for the four main phases of care and a community center. This would give the older person the one item which none of the existent Federal programs do, a permanent home. Under the present system of comprehensive non-planning, the aforementioned facilities are constructed many miles apart and have no connection, one with the other. The ultimate result is the older person being transferred from one to the other, from town to town because of changes in his physical or mental condition. In other words, he becomes a "vagabond of the system." Under the campus plan, he would have a home and, though he might be transferred from one facility to another for reasons of illness or personal desire, he would remain in the same locale with his friends nearby.

I believe that the facilities for the four main phases of care can be constructed in the same area and arranged as a campus with a community center for use by the residents of said facilities and older persons in the community. The latter is most important, for the campus must remain a part of the community and never become an "isolation area" for the older persons.

The community center should consist of a program area (auditorium recreation and occupational therapy area), kitchen, dining room, and office spaces for administration, women's auxiliaries and volunteers. It should also contain an area for staff social workers who would assist both the residents of the campus and the older residents in the immediate adjacent community. In fact, the center should serve as the main artery between the heart of the community and the individual residents of the campus.

I stress involvement with the community because the benefit derived from such an involvement flows both ways.

1. The community would gain a greater understanding of the needs of older persons and really be made cognizant of the usable talents still available in the old people.

2. As an adjunct to this hot meals on wheels could be served to older persons in the community for a nominal fee, and this would insure them some degree of adequate nutritional intake. Too many of our patients are admitted with diagnoses of malnutrition, anemia or nutritional deficiency.

3. Older persons in the community could become acquainted with the benefits and advantages of campus living, thereby easing the psychological shock which usually occurs when they find they must leave their homes for an institution.

4. The residents of the campus could reestablish their individual identities in the community, thereby escaping the generalized classifications usually applied to older persons.

5. Both residents of the campus and members of the community could become involved together in some of the newer innovative programs such as the adopted grandparents plan for retarded children. This is only one, there are many others.

6. Involvement such as I have described would act as a stimulus to the mental and physical well-being of both groups. They should feel that they are still needed and have not been cast aside by society.

I can imagine, in the future, clinics on each campus solely for the care of the older person. I can visualize their utilization as centers for research programs dealing with the programs of older persons on all levels: physical, psychological, medical, mental and social. I can see all of this developing from the campus idea, and I feel that it is time the government realized it must commence a concerted effort to care for the total person. It must research all the above areas of care and have answers before they become unsolvable problems because of lack of time.

There are three available courses of action that can be taken immediately to insure a start of the campus idea.

1. Build public housing adjacent to nonprofit extended care facilities or intermediate care facilities and assign their management to the religious or fraternal order which manages the original facility. Plan to start construction of the other necessary facilities as soon as possible.

2. Build public housing in an area with sufficient acreage available for the construction of the other facilities in the very near future.

3. Combine all the Federal programs applicable and start projects of the campus idea in toto in various parts of the country. Revise present plans and in the future construct only this type of multiple facility. Congress could authorize FHA mortgage insurance available to any group, proprietary or nonprofit, for this specific purpose.

As I have said before, before you, Senator, the older persons I speak of are no ephemeral group, but 20 million of our citizens—10 percent of our population and, I might add, a much higher percentage of our eligible voters. We owe them the concern that we ourselves will be seeking in a few years. We cannot answer their problems with cliches because in their years they have heard them all. It is is our duty to coordinate the multiple programs of the various governmental agencies under one plan which will attempt to answer all their needs.

I also believe—and I think I have many backers in this—that there should be one section in the Department of Health, Education, and Welfare which should administer every program relating to older persons, including housing, Medicare, Medicaid, research programs—everything. I further believe that there should be in this section experts in every field concerned with the care of the older person ranging from architects to registered nurses. It should draw from the vast reservoir of available talent the best minds to deal with this great need. Perhaps, in this way, we could take that first step to replace random construction with specific concern.

Thank you.

Senator Moss. Thank you, Mr. de Preaux, for a stimulating and well thought out bit of testimony. I like the last part especially because one of my pet peeves is this fragmented administration that we get so often, not only with programs for the elderly but other things that the Federal Government becomes involved in. I suppose the disease goes on down to State governments, too.

What you say has occurred of course a great deal within HEW and in HUD dealing with problems that are centered on the aging, and how much better it would be if we could have all of those functions brought together and the administration could then look at the whole picture.

Now your idea of campus living certainly has a great deal to recommend it. It is the best idea I have heard in a long time for trying to pull together some of these problems. It seems obvious to me, that an older person might not have too much trouble in moving to the campus in the first instance and then staying there. But how would older people react to the fact that there would be different kinds of care there and to the fact that he is sort of progressing from one to the other? Would that have an inhibiting, psychological effect on him?

PSYCHOLOGICAL EFFECT

Mr. DE PREAUX. Psychologically we ran into this at Avery and it is a terrible thing to try to overcome at first because for some reason or other the elderly look upon the hospital as the elephant's graveyard, the last place to go. The basic function that must be performed by a nursing home or ECF, even in the campus, regardless of where it is—and this State I think is an excellent example of it—is the fact that the basic intent must be to rehabilitate.

Therefore, if you can take people from their apartment or cottages or the congregate living area and get them into the hospital section or the nursing wing and transfer them back, then psychologically this becomes their hospital, not the elephant's graveyard. This is something that has to be overcome but it has to be done on an individual basis within the unit because you cannot tell them about Avery or Crestfield or any other place, they have to be there to see it themselves.

Senator Moss. If I understand what you are saying, it is that these people that are living in this campus area observe others of their friends who are able to come out of the hospital and go back to their public housing or whatever they are able to return to and then have a feeling that hospitalization is simply to get over some malady that they have and that they will be coming back and therefore they are not depressed by this idea of going into the hospital.

Mr. DE PREAUX. Yes, sir. We must instill in every patient the minute he is admitted he is not there to stay, he is there to get better. If you cannot instill this incentive to leave, then there is very little you can do for them.

There is a pilot program similar to this campus idea and the only two functions not in it at the moment are the rest home with nursing supervision and the senior citizens community center which we are attempting to, shall I say, garner funds for. There is a problem of getting the funds but there is a pilot program. I think it can work and I think it can work on both levels, proprietary and nonprofit. This covers the whole field. There have to be experts.

In answer to your remark about the fragmentation of the various departments, I was talking the day before yesterday to a gentleman in the department of community affairs who is waiting for a call from a colleague of yours, Senator Ribicoff.

Now I would expect that anyone who would call the Senator had something really important to discuss. He did. He wanted to find out what department in Washington handles specific housing information that he was trying to find. Now this is how fragmented you really are down there.

Senator Moss. We are fragmented. [Laughter.]

Well, I appreciate your testimony because it reinforces the feeling that I have had for such a long time that first of all we had to overcome this idea of people when they go into a nursing home that they are just going to spend the rest of their life there and die there and therefore they are depressed mentally and psychologically. This has its effect, of course, on them physically. The second part is this idea of having your campus or whatever it is closely integrated with the community because I also think it is very depressing to older people to see nothing but older people.

Mr. DE PREAUX. Yes, sir.

Senator Moss. They enjoy having children and seeing them around—they maybe cannot put up with them as long as younger and more vigorous people but this is part of life. After all, you don't just cross a certain age barrier and then withdraw from society and live only with older people from then on. A person ought to have some contact with the whole mainstream of living which includes children and younger folks and all the activities that go on in our communities besides the facility that is adapted to the particular needs of older people. They do have to have more convenient housing, they have to have more access to medical care. They have periods of illness and hospitalization where they have to have added care as they get older but these should just be incidentals, they should still be in this mainstream of living.

Mr. DE PREAUX. Yes, sir.

Senator Moss. Your philosophy is very well expressed here in your testimony.

Thank you very much, Mr. de Preaux.

MOSS CITES NURSING HOME ABUSES, IDENTIFIES ROOT CAUSES AND ANNOUNCES REFORMS

MINNEAPOLIS, MINN.—Senator Frank E. Moss, D-Utah, Chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging, which oversees the nation's 23,000 nursing homes, today announced some "preliminary conclusions" on the basis of the Subcommittee's two and one-half year study of nursing home problems and announced his legislative package of 12 bills designed to bring about some improvement in the much-maligned system of long-term care.

Senator Moss is in Minneapolis conducting the 19th in the current series of hearings entitled "Trends in Long-Term Care," which began July 30, 1969. The hearing in the Twin Cities area and the Senator's announcement of his legislative plan to solve nursing home ills coincides with the beginning of the White House Conference on Aging today in Washington, D.C., the major focus of which will be nursing home care. The Senator said his plan was announced today so that it could be discussed at the White House Conference.

"There is growing evidence," said Senator Moss, "that 50 percent of the nursing homes in the United States are substandard."

The Senator emphasized the same indicators were used by the General Accounting Office in its May 28 audit to measure whether a nursing home was substandard. The GAO noted that 50 percent of the nursing homes surveyed in three states, Michigan, New York, and Oklahoma, did not meet minimum Federal fire standards; 50 percent did not meet Federal standards which require at least one registered nurse on the 7:00 a.m. to 3:00 p.m. shift and a licensed practical nurse in charge of the other two shifts; 50 percent did not meet the Federal requirement under Medicaid that patients be seen at least once a month by a physician.

In addition to the GAO audit, the Senator cited testimony before his Subcommittee, as well as studies conducted by the Department of Health, Education and Welfare, and by the academic community.

"After two and one-half years of hearings we have confirmed the findings of the Associated Press, which wrote in 1969 that many of 'America's nursing homes are a stark, lonely place to die. Abuses in money and medicine and an air of death and despair shadow the aged through the dusk of their days. Doctors rarely see patients. Nurses use drugs freely to restrain the elderly. Mental patients are dropped into nursing homes by the thousands and fraud feeds on the Federal dollar'".

The Senator explained the examples of poor care and negligence leading to death and injury were all too common in committee files. He noted that the General Accounting Office at his request had confirmed that tranquilizers are far and away the largest category of drugs paid for by Medicaid going to nursing homes. "The fact that 17 percent of the drugs going to nursing homes are tranquilizers certainly supports the inference that they are given indiscriminately," said Senator Moss.

These and other examples recorded in the press are largely the results of five major root causes which the Senator identified in a recent speech. These causes are listed below, followed by suggested legislative solutions:

Lack of a clear policy with regard to the infirm elderly

"The rhetoric speaks of care and concern, but the reality is poor care, no care, or just plain neglect. We continue to follow the policy used by other societies for the ill elderly, and that is abandonment. When families are confronted with what to do with a loved one grown old, there are currently no acceptable options available."

To deal with these root causes, the Senator plans to introduce legislation providing under Medicare.

1. Up to 100 days in a nursing home for all Americans over 65. (Such care is available at present only to a narrow minority of elderly who have acute post-hospital, post-operative needs.)

2. Establish outreach services, mobile health units, homemaker services and expanded home health services which would look toward treating the elderly in their own homes.

3. Senior citizen day care centers so working families could have the security of knowing their senior citizens had supervision by day.

4. Authorizing on an experimental basis the subsidizing of a family to take care of their elderly in their own homes.

SECOND MAJOR PROBLEM

The absence of the physician from the nursing home setting

"Almost none of our medical schools emphasize geriatrics as a specialty. Doctors, generally speaking, avoid the nursing home; they find the work unattractive and unrewarding. In nursing homes, the practice of medicine is conducted almost entirely by telephone. The Committee discovered the doctors nationwide do not view bodies of patients who have died in nursing homes before signing death certificates."

As a solution to these problems, the Senator is introducing legislation including:

1. A bill to create a National Institute of Geriatrics within the National Institutes of Health.

2. A bill to provide fellowships and categorical grants to medical schools to establish pre and post-doctoral programs in geriatrics.

3. A bill authorizing up to $500,000 to six medical schools to establish departments of geriatrics.

4. A bill to encourage medical schools to train a new category of health professionals called "physicians assistants" who could work with and at the direction of physicians, and ease the current medical shortage.

THIRD MAJOR PROBLEM

The reliance on untrained and inadequate personnel

"There are about one million patients in nursing homes and about one-half million employees, or a ratio of 0.5 nurses per patient, compared to average ratios in hospitals of 2.6 nurses per patient. The bulk of nursing home employees or aides and orderlies are over-worked and underpaid. It is little wonder that there is a turnover rate of 75%."

Legislative solution: A bill authorizing HEW to establish in-service training programs for aides and orderlies and to work out with colleges and professional organizations such as the American Nurses Association, a career ladder whereby aides with experience and educational training could progress from aides to LPN's to finally become registered nurses.

XUM

FOURTH MAJOR PROBLEM

Lax enforcement by states and the Federal government

The Senator said that President Nixon's nursing home initiatives fall largely into this category, but added that additional measures were necessary. He suggested:

1. A bill to make public nursing home licensure, certification and inspection records so individuals and families could have reliable indicators as to the kind of nursing home to which they were referring their elderly.

2. That local consumer units be set up to monitor care provided in nursing homes, as well as providing activities for the patients.

FIFTH MAJOR PROBLEM

The existence of built-in financial incentives in favor of poor care

"Currently Medicaid payments to nursing homes typically provide a flat rate of perhaps $14 a day. This amount is immediately cut back when the patient becomes ambulatory. The incentive is thus to keep the patient in bed. Further, this $14 a day is not enough to provide the kind of care that is needed. Thus we employ a system where 80 percent of the nursing homes are for-profit institutions, and tell them that the only way that they can make money is by cutting care and services. Each individual operator can decide for himself how much to allocate to care and how much to profit. There is absolutely no accountability. If you cut back on food and nursing staff, you can make a fortune on $14 a day."

Solution: Encourage states to adopt incentive reimbursement systems such as the Connecticut "points system" where a nursing home, in effect, is graded and placed into classes A, B, C, etc. The better the nursing home in the state's estimation, the higher the rate of reimbursement. A Class A home, for example, might receive $18 a day, a Class B home $17 a day, etc.

Other bills announced by the Senator include:

1. A bill to provide direct loans at 5% interest to nonprofit sponsors building nursing homes under the Hill-Burton program.

2. A bill to provide government loans to enable nonprofit and proprietary nursing homes to purchase fire safety equipment.

3. A bill to provide for "campuses for the elderly," which would center in one location the broad spectrum of housing for the elderly, from acute hospital services on one end of the spectrum to housing for the ambulatory elderly on the other.

The Senator noted that the Subcommittee's hearings on nursing home problems were not yet complete and that there probably would be some changes and additions to this legislative package. The final recommendations, he noted, will be made in a report issued to the Congress on completion of the current series of hearings early next year.

By Mr. STAFFORD:

S. 2936. A bill to amend chapter 19 of title 38, United States Code, to provide that 5-year-level premium-term policies of U.S. Government life insurance in force on January 1, 1972, shall be paid in full and remain in force for the life of policyholders. Referred to the Committee on Veterans' Affairs.

Mr. STAFFORD. Mr. President, today I introduce a bill to provide some relief to those veterans of World War I who hold U.S. Government life insurance policies.

My bill would amend section 745 title 38 of the United States Code to allow those veterans holding U.S. Government life insurance to have paid-up policies that will remain in force until their death. Under my bill any 5-year-level premium-term plan policy of insurance held by a World War I veteran under USGLI would be considered paid in full and remain in force on a nonparticipating basis during the life of the veteran who is insured without any further payment of premiums after January 1, 1972.

It is the purpose of my bill to provide some relief for the approximately 1,600 World War I veterans who hold U.S. Government life insurance term policies. The veterans holding such policies have reached an average age of 71 years, and most have been living on a fixed or declining income for several years. The average amount per policy held by these World War I veterans is only $4,306, and the cost to the Government would be minimal to pay off the face value of these policies. The cost would be approximately $1.25 million spread out over several years as the policy became payable.

I, for one, do not believe that this is an excessive cost to provide some minimum relief for World War I veterans. My bill also authorizes the payment of those funds necessary to carry out this act from the general revenue fund instead of from the insurance system.

Mr. President, I ask unanimous consent that the text of my bill be printed at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) section 745 of Title 38, United States Code, is amended—

(1) by inserting "(a)" immediately before "At"; and

(2) adding at the end thereof a new subsection as follows:

"(b) On and after January 1, 1972, any five-year level premium term plan policy of insurance in force on such date shall continue in force until the death of the policy holder, and payment of all premiums on such insurance after such date shall be made by the Administrator."

(b) The catch line of section 745 is amended to read as follows:

"Renewal; full payment of five-year level premium term plan policies."

(c) The table of sections at the beginning of chapter 19 of such title is amended by striking out

"745. Renewal."

and inserting in lieu thereof the following:

"745. Renewal; full payment of five-year level premium term plan policies:"

SEC. 2. There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this Act.

By Mr. DOLE (for himself and Mr. PEARSON):

S. 2938. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act. Referred to the Committee on Commerce.

FREE OR REDUCED-RATE RAILROAD TRANSPORTATION

Mr. DOLE. Mr. President, today I am introducing legislation which is designed to correct an oversight in the Rail Passenger Service Act of 1970 by providing free or reduced-rate railroad transportation to retired railroad employees and their dependents, on the same basis that such transportation was available to them prior to the existence of Amtrak. In my home State of Kansas, one out of every 10 persons is over 65 years of age, and these senior citizens who must depend on a fixed income find it increasingly difficult to meet the high cost of living. It is an accepted fact that transportation is one of the major problems confronting these senior citizens. Retired railroad employees have made a substantial contribution to building, maintaining and operating our Nation's trains, and this legislation, if enacted, will afford these former railroad employees the opportunity to enjoy their leisure time and rewards of their past efforts and give them the recognition which is due them.

By Mr. McCLELLAN (for himself and Mr. BROCK):

S. 2939. A bill to establish a National Commission on Corrections. Referred to the Committee on the Judiciary.

NATIONAL COMMISSION ON CORRECTIONS

Mr. McCLELLAN. Mr. President, every morning the paper relates the more spectacular of the most recent crimes, and meanwhile we repeatedly hear announced statistics describing the rate at which crime continues to increase. These disturbing facts remind us that we must look continuously for new approaches to healing this cancer that is eating away at our society—the crimes that are such an inestimable loss to our people, materially and psychologically.

The most systematic approach to reducing crime, of course, is to recognize each facet of the problem—each potential source of crime—and to deal with each of those aspects one by one. One factor which contributes to the commission of crime is an atmosphere which breeds disrespect for the law, which exposes cynical and embittered lawbreakers to one another in a way that only reinforces their behavior. Perhaps most of the reasons a man develops a criminal mentality are beyond the reach of legislation—for example, parents not teaching their children respect for the law or responsibility for holding a job, or motivation for seeking skill or education that would insure an income without resort to crime. But one phase of the typical criminal's life pattern we do control—his participation in correctional programs and his incarceration in prison.

Mr. President, I am today introducing for myself and the distinguished Senator from Tennessee (Mr. BROCK) a bill meant to consider means by which our corrective programs and prisons can constructively contribute to the reduction of crime. The bill would authorize the establishment of a Presidential commission to recommend minimum standards for Federal, State, and local correctional programs and institutions and to set minimum standards for the accreditation of State or local correctional institutions for use on a voluntary basis.

Most criminals are not otherwise law-abiding citizens who merely commit a once-in-a-lifetime mistake for which they are convicted; most criminals pursue what could be called a career in crime, and manifest a general refusal or inability to accept the rules of society. This is demonstrated by the statistics on recidivism. According to the FBI's Uniform Crime Reports in 1970, 68 percent of the 37,884 offenders arrested on Federal charges had "previously been arrested on a criminal charge" and this is a conservative estimate because all too often crimes are not reported and all too often no arrest is ever made. Indeed, the statistic of recidivism can be best illustrated by a uniform crime report study over the 5-year period, 1965-69, which shows that of the 16,332 offenders released to the public community in 1965, 63 percent had been rearrested by the end of the fourth calendar year after release—of those released on probation 56 percent repeated; 61 percent of those paroled repeated, and 75 percent of those on mandatory release after serving prison time.

Apparently after a certain point a man becomes a hardened criminal; in other words his only view of how to get by in the world is to break the law. For him perhaps rehabilitation is impossible. But let us see if the juvenile and the first offender can be rehabilitated. It would seem that they could be benefited by programs designed to help them live by the laws of our society and earn a living rather than continue to injure society through a parasitical existence.

Let us now look at the cost of running corrections institutions. In 1965, juvenile corrections institutions alone spent almost $227 million. In the last fiscal year, the total cost of running the Federal prisons was approximately $94 million, and the amount spent on each Federal prisoner was $4,315.15. And $4,315.15 is roughly what a college student spends in a year, and his expenses include not only room and board, but tuition. It seems that all the Government and the prisoner is getting from its money is room and board—could we also manage to get tuition out of that amount of money? We should make every effort to see if it is possible to spend that money more wisely, so that a prisoner learns something more than new ways to break the law.

Mr. President, I am pleased to note that I am introducing this bill at the urging of Sam A. Weems, a young prosecuting attorney in Arkansas. Mr. Weems has had first hand knowledge, as a prosecuting attorney, with the problem of recidivism. He has also seen the work of the Joint Commission of the Accreditation of Hospitals and realized how valuable to our prison systems it would be to have recommendations and guidelines set up by an independent National Commission. I hope this bill will be viewed by all in the spirit which Mr. Weems has demonstrated—while his job is that of prosecuting, that is not where his concern ends. Rather, he is interested enough in the fate of the convicted that he has taken positive steps to see improvements made in the prison system.

The bill would authorize the Commission to consider such aspects of our correction programs and institutions as security, qualifications of personnel, facilities, health, safety, employment training and counseling, living conditions, grievance procedures, recreation, and all other programs designed to prepare inmates for their return to society or to secure the public safety.

Mr. President, lately, the prisons across the land have been attacked from many viewpoints, sometimes largely because of political motivation. In the course of their work, the Commission would allow for varying views to be heard, for specific objections and complaints and ideas to be heard; thus, for once, we could get an overall unbiased view of how our prisons could best serve society. I hope, therefore, that all concerned, individuals and organizations, will cooperate so that we might discern what measures must be taken, then implement necessary changes, so that our correction programs and prisons might function as true systems and institutions of correction.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2939

A bill to establish a National Commission on Corrections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Commission on Corrections is hereby established.

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that the correctional systems in the United States are not organized and do not function in a manner which encourages the rehabilitation of those convicted of criminal offenses or promotes the public safety and that the correctional systems in the United States must be reorganized and to achieve that goal, minimum standards of correction should be written, distributed and implemented throughout the nation.

The purpose of this Act is to assist in remedying the deficiencies of the correctional system through the establishment of a National Commission on Corrections. The purpose of this Commission shall be to determine the problems of the existing correctional systems and recommend measures to correct such problems.

MEMBERSHIP OF COMMISSION

SEC. 2. (a) The Commission shall be composed of eighteen members. It shall include:

(1) two appointed by the President of the Senate from members of the Senate, of whom one shall be a member of the majority party, and one shall be a member of the minority party;

(2) two appointed by the Speaker of the House of Representatives from Members of the House of Representatives, of whom one shall be a member of the majority party, and one shall be a member of the minority party; and

(3) the Attorney General of the United States,

(4) the Director of the United States Bureau of Prisons, and

(5) twelve members appointed by the President of the United States as follows: two from State correctional systems; one from professional medical staffs of United States prisons; two from State law enforcement systems; one from the federal judiciary; one from the state judiciary; three from the public; and two former inmates of United States prisons.

(b) The Attorney General of the United States shall serve as the Chairman of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(c) Nine members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

DUTIES

SEC. 3. (a) It shall be the duty of the Commission to conduct a comprehensive review and study of Federal, State and local correctional systems, including institutions and programs in the United States and existing statutes, policies and practices in relation thereto. In such study and review the Commission shall:

(1) consider such factors as security, qualifications of personnel, facilities, health, safety, employment training and counselling, meals, living conditions, family life, grievance procedures, recreation, cultural or religious activities, and all other aspects of institutions or programs designed to prepare inmates or participants for their return to society or to secure the public safety; and

(2) prepare recommendations for the adoption of Federal minimum standards for United States correctional institutions and programs and minimum standards for the accreditation of State or local correctional institutions and programs for use on a voluntary basis.

(b) The Commission shall make such interim reports as it deems advisable. It shall make a final report of its findings and recommendations to the President of the United States and to the Congress within three years following the establishment of the Commission.

(c) Sixty days after the submission of its final report, the Commission shall cease to exist.

POWERS

SEC. 4. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpoenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpoena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of

any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) The Commission shall be "an agency of the United States" under subsection (1), section 6001, title 18, United States Code, for the purpose of granting immunity to witnesses.

(d) Each department, agency, and instrumentality of the executive branch of the Government including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission may deem necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

COMPENSATION AND EXEMPTION OF MEMBERS

SEC. 5. (a) A member of the Commission who is a Member of Congress or in the Executive or Judicial Branch of the United States Government shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A Member of the Commission who is not a Member of Congress or in the Executive or Judicial Branch of the United States Government shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

STAFF

SEC. 6. Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(a) appoint and fix the compensation of an Executive Director and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(b) Procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

EXPENSES

SEC. 7. There are hereby authorized to be appropriated to the Commission such accounts not to exceed $1,500,000 as may be necessary to carry this title into effect. Authority is hereby granted for appropriated money to remain available until expended.

Mr. BROCK. Mr. President, I am pleased to join the distinguished Senator from Arkansas (Mr. MCCLELLAN) in sponsoring legislation to establish a National Commission on Corrections. The purpose of the Commission will be to determine the problems of our existing correctional systems and provide recommendations and guidelines to correct such problems.

Our present prison system is a debacle of anachronistic, irresponsible, detrimental practices which seems to breed the continuance of crime instead of healing, and possibly eradicating the seeds of crime.

Reform of our correctional system remains the most neglected area in our war on crime. This neglect is not for want of knowing the problem. Beginning with the Wickersham Commission report in 1931 there have been voluminous books and reports on the subject overflowing with excellent ideas that have never been implemented nor tested.

Jails and prisons are incredibly overcrowded and the age of some of our most populous institutions is appalling. Sixty-one of the larger prisons were opened before 1900, and 25 of these are more than 100 years old. This seems to promote the practice of placing young prisoners and first offenders with hardened criminals, often to be attacked, molested, and taught more sophisticated methods of crime. Prison staffs are small, poorly paid, and inadequately trained. Guidance and counseling are notably inadequate. Vocational training is either nonexistent or obsolete—training prisoners for jobs no longer needed.

As you can see, the picture is bleak. Instead of rehabilitating criminals, two-thirds of all released prisoners will commit another crime, usually a more serious one.

This important bill which I am privileged to cosponsor, authorizes the establishment of a Presidential Commission to recommend minimum standards for Federal, State, and local correctional programs and institutions for use on a voluntary basis.

The Commission would be authorized to consider such aspects of our correction programs and institutions as qualifications of personnel, health, safety, employment and counseling, general living conditions, recreation, and other such programs designed to prepare inmates to cope with the rules of society, and hopefully, encourage them to be responsible participants.

It is apparent that arresting more and more people will do little good if they are to be jammed into a dismally debasing correctional system and released only more hardened against their fellow man. It is my hope that this vital legislation will promote a total reformation of this inhuman environment—this disgraceful institutionalizing that is beginning to prick the conscience of every concerned American.

By Mr. ROTH (for himself, Mr. BAYH, Mr. BOGGS, Mr. BUCKLEY, Mr. COOK, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. MCGEE, Mr. MCGOVERN, Mr. MANSFIELD, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, and Mr. WILLIAMS):

S.J. Res. 180. A joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

ARTHRITIS: A WIDESPREAD BUT NEGLECTED HUMAN AND ECONOMIC CURSE

Mr. ROTH. Mr. President, the economic problem which societies have always faced is primarily one of maximizing scarce resources. The current difficulties we are experiencing with our economy should remind us that even the United States, wealthy though she is, must grapple with this problem. Governments can maximize resources in a number of ways. Careful choices among potential programs, hardheaded evaluation of the success of these programs, and efficiency in the delivery of services are all ways of "getting the most out of our dollar."

Yet there is another, I think more basic, approach to conserving and expanding the total resources of America—to make sure that we do not waste the human resources that lie at the base of our economic and social life. Some economists have maintained that as much as one-fourth of the American economic growth over the last quarter century has been accounted for by investment in human capital—better education, training on the job, healthier workers, and so forth. It is this sort of investment which helps to provide productive workers and brainpower for our modern economy.

In an economy in which perhaps as much as 20 percent of our total economic growth in recent decades can be credited to technological advance, it is difficult to question the great importance of brainpower. Advances in medicine, atomic power, electronics, and agriculture are a few among the numerous technological improvements which have made us better able to master our physical environment. Such improvements have to a large extent resulted from the application of scientific brainpower.

Since World War II the Federal Government has accepted the responsibility for financing a large portion of research and development in the United States—about two-thirds of it. A great deal of the money made available for these purposes by the National Government has been through defense spending. According to the special analyses of the budget for fiscal year 1972, over $10 billion of the approximately $15 billion expended on research and development in 1970 were allocated to the military functions of the Department of Defense and to the National Aeronautics and Space Administration.

With the increase in pressure to cut back appropriations in these areas and elsewhere, I feel that we must be careful not to short-change the basic and applied research which will provide one of the bases for our future economic growth and ability to compete in the markets of the world. It does not seem to me that concern for adequate financing of research and development should necessarily be affected by one's general feelings about the defense and space appropriations which have so often yielded scientific discoveries in fields other than national defense and space. We must make sure that adequate support for scientific advance is provided for somewhere in the Federal budget.

I am one of those who are attempting to slow down the rate at which Federal spending is growing. However, fiscal responsibility is not attained simply by decrying these budget increases. Real

fiscal responsibility requires that we carefully determine the apportionment of our limited funds among the many competing needs. From my own standpoint, research, and development is too important a factor in determining our future economic and social resources to be inadequately funded.

Research and clinical applications of research in health help to release human resources which would otherwise be lost to our society. I would like to make this point specifically in relation to the explanation and treatment of arthritis and rheumatic diseases. Before going on, let me state that I do not intend to argue that diseases such as arthritis are merely economic detriments. The great suffering which this illness brings to millions of its victims and their families is an even more dramatic cause for concern.

Arthritis and rheumatic diseases fail to receive the public, and consequently governmental, attention given to other serious national health problems partly because it is not a big killer.

Yet, after heart disease, it is the most widespread chronic illness in the United States. The Arthritis Foundation estimates that 50 million Americans have some form of arthritis. Seventeen million of these citizens are afflicted seriously enough to require medical care, with over 3 million of them disabled, or limited in their normal activity, by the disease. As a result of these statistics, it can readily be argued that arthritis is the Nation's No. 1 crippling disease.

What do we mean when we speak of arthritis and rheumatic diseases? This is a group of about 80 diseases which attack the joints and/or connective tissues of the body. The major forms of the illness are osteoarthritis, which is associated with aging and the degeneration of joint tissues; rheumatoid arthritis, a crippling chronic inflammatory disease of the connective tissues; and gout, which affects the joints of the feet.

It is epecially important to stress in relation to the rheumatoid form of arthritis that its victims are primarily under 45 years of age, including about 250,000 children. Like cancer, arthritis is more violent with the young than with the old. Although the majority of children suffering from rheumatoid arthritis usually recover after 3 to 4 years of severe illness and partial disability, the normal growth pattern of many of these young patients has been so seriously disturbed that the child never catches up with his peers. Nearly one-third of the arthritics under medical care suffer from rheumatoid arthritis. This means about 5 million individuals.

With few exceptions, such as in the case of gout, where recent discoveries have led to the use of new drugs capable of alleviating most of the painful inflammation and swelling, the arthritic must accept the fact that, unless much more is known soon about the cause and cure of arthritis, he will probably spend the rest of his life living with his pain. We all know what the pain of an ache is like, but only the arthritic can tell you what it is like to experience the pain of his disease.

It is not only the degree of pain, but its unpredictability which sets the arthritic on edge. For 1 day the painful symptoms of his disease may have inexplicably abated, while the next he is encumbered with such excruciating pain that even the touch of a bedsheet is sheer agony. And while this pain comes and goes like a series of shock waves set off at indeterminate intervals, progressive damage is occurring in the victim's hands, knees, hips, feet, elbows, and any other joint favored by this most unwelcome intruder—arthritis.

While it may be senseless to attempt to quantify the physical and psychological suffering of arthritics and their families, such is not the case with the economic costs imposed on the society by arthritis. The Public Health Service's National Center for Chronic Disease Control and the Arthritis Foundation have conservatively estimated that arthritis and rheumatic diseases cost individuals and the national Government over $3.5 billion dollars annually in lost wages and salaries, medical costs, payments by the Veterans' Administration to over 270,000 veterans, and losses in Federal income and excise taxes. One could fairly add to this list the $400 million which it is estimated that arthritis sufferers spend on "quack" remedies each year. It seems to me that all of this adds up to a tremendous waste of the human and financial resources of our Nation.

Currently the various forms of arthritis are treated with drugs, rest, physical therapy, rehabilitation, specific exercises, and sometimes reconstructive surgery. Better methods of treatment are badly needed. One approach to discovering these improved treatments would be a fuller understanding of the causes of this group of maladies. Current research in rheumatoid arthritis leads many medical scientists to believe that the explanation of the causes of this disease will unlock information useful in the understanding and treatment of many other diseases.

Arthritis researchers have sought to explain arthritic diseases by investigating the role of viruses in the development of rheumatoid arthritis, through a better understanding of the body's system of self-protection or "auto-immunity," and by seeking a clearer picture of the process of inflammation suffered by victims of these diseases. Many of those involved in both basic and clinical research on arthritis feel that they are now at a junction of great progress and promise in identifying the causes of the disease and in finding more adequate treatments for it in better drugs, physical therapy, and surgery.

What is currently being done to meet the health problem posed by the arthritic and rheumatic diseases? Practicing doctors who specialize in rheumatology; university-based units investigating arthritis; clinics supported by the Arthritis Foundation and its chapters, and research carried on in the laboratories of the National Institute for Arthritis and Metabolic Diseases are the basic elements of our national campaign against arthritis. Much of the private money for research and treatment in this field comes from the Arthritis Foundation, which this year is raising some $10 million for its national programs and those of its chapters around the country. The Federal Government in 1971 will provide a little over $12 million for arthritis research through appropriations to the National Institute for Arthritis and Metabolic Diseases. Additionally, the Veterans' Administration expended in 1969, $1.6 billion on research in arthritis. The Rehabilitation Services Administration in HEW also has some involvement in the problems of these diseases.

Those most familiar with the fiscal needs of arthritis research feel that inadequate resources are being made available for this effort. The National Institute for Arthritis and Metabolic Diseases estimates fewer funds will be alloted to arthritis research in fiscal 1972 than in 1971. Over the past 3 years significant cuts have been sustained in NIAMD funds for research training programs, resulting in decreased levels of program activity. The Arthritis Foundation maintains that $4 million over and above the 1972 budget requests of the administration would be needed to sustain arthritis research at its present level. Considering the human and economic benefits of such an expenditure, it seems small in a society which spends much vaster sums on many items of seemingly lower priority. Of course, an all-out crash program to find a cure for these widespread diseases would require a great deal more Federal and State-local money. I may have more to say on this subject at a later date.

It is especially appropriate that we turn our attention to our national effort to combat arthritis and rheumatic diseases at the time when the White House Conference on Aging has been holding its meetings. This body, made up of State delegations of senior citizens and representatives of national organizations concerned with the interests of the elderly, has been seeking to focus the Nation's attention on the problems of this important group of Americans.

I think that we must make a greater effort to understand and deal with the problems of senior citizens in this country, first of all, as a matter of concern for our fellow humans. However, we should also make this effort so that our society can better utilize the contribution which older citizens can make to our social and economic life. Improved treatments for arthritis and related diseases would be an important step in this direction. After all, the most common form of arthritis is closely associated with the process of aging.

If those of all ages who presently suffer from arthritis could avail themselves of more effective treatment, important human resources would be released to our society in terms of greater worker productivity. Further, we would not have to contend with such huge private and public medical costs and disability payments, the costs of arthritis quackery, and taxes lost when employees are limited in their earning ability. When we add to this the psychological toll to arthritics and their families, it is easy to justify greater expenditures on arthritis research and therapeutic techniques.

In order to help call the Nation's attention to the grave human and economic waste resulting from arthritis and to assist the Arthritis Foundation in its

national drive to collect funds, I am introducing a joint resolution authorizing the President to proclaim the month of May "National Arthritis Month." I invite Senators to join me in cosponsoring this resolution.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 180

Whereas arthritis and rheumatic diseases are the Nation's number one crippling diseases affecting seventeen million Americans of all ages causing limitations in their usual activities and great suffering;

Whereas arthritis and rheumatic diseases are second only to heart disease as the most widespread chronic illness in the United States today;

Whereas the annual cost of arthritis and rheumatic diseases to Americans is estimated to exceed $3,500,000,000 annually in lost wages, medical and disability payments, and taxes lost to the Federal government;

Whereas advances in research and treatment show promise of significant breakthrough leading to a better understanding of and cure for these diseases;

Whereas the month of May is the period during which The Arthritis Foundation conducts its annual fund-raising campaign to support its efforts in arthritis research and treatment; and

Whereas the most common form of arthritis strikes mainly older Americans and the White House Conference on Aging has been meeting during the week of November 29, 1971, to focus attention on the problem of this important group of citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue annually a proclamation (1) designating the month of May in each year as "National Arthritis Month," (2) inviting the Governors of the several States to issue proclamations for like purposes, and (3) urging the people of the United States, and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the necessary assistance and resources to discover the causes and cures of arthritis and rheumatic diseases and to alleviate the suffering of persons struck by these diseases.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1975

Mr. HART. Mr. President, yesterday the Senate passed S. 1975, a bill to lower the minimum age for jurors in the Federal courts to 18 years. At the time this bill was introduced by the junior Senator from California (Mr. TUNNEY), the senior Senator from Maryland (Mr. MATHIAS) and myself, the junior Senator from Missouri (Mr. EAGLETON) requested to be a cosponsor. But he was inadvertently omitted from the list of sponsors when the bill was reprinted. Accordingly, I wish to have the RECORD show that the junior Senator from Missouri was a cosponsor and most effective supporter of this measure from the outset.

S. 2465

At the request of Mr. CHILES, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 2465, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2729

At the request of Mr. HUMPHREY, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 2729, the Strategic Storable Agricultural Food Commodities Act of 1971.

S. 2734

At the request of Mr. SCHWEIKER, the Senator from Kentucky (Mr. COOK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 2734, a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

S. 2825

At the request of Mr. PEARSON, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. METCALF), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 2825, a bill establishing a Government-administered life insurance policy to all Vietnam-era veterans.

S. 2898

At the request of Mr. HARTKE, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2898, a bill to provide college tutors for the homebound handicapped.

SENATE JOINT RESOLUTION 171

At the request of Mr. MATHIAS, the Senator from Rhode Island (Mr. PASTORE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from North Dakota (Mr. YOUNG), the Senator from Arizona (Mr. FANNIN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. STEVENSON), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Utah (Mr. BENNETT), the Senator from Georgia (Mr. TALMADGE), the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Joint Resolution 171, to designate March 1972, as "Exceptional Children's Month."

SENATE JOINT RESOLUTION 179

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Senate Joint Resolution 179, to assure continued eligibility of recipients of food stamps benefits and to maintain present levels of bonuses for these recipients.

SENATE RESOLUTION 205—SUBMISSION OF A RESOLUTION RELATING TO A RUSSIAN JEWISH WOMAN BEING HELD IN SIBERIA

(Referred to the Committee on Foreign Relations.)

CONCERN FOR RUSSIAN JEWISH WOMAN BEING HELD IN SIBERIA

Mr. DOLE. Mr. President, almost 1 year ago today this body expressed itself unanimously in a matter of humanitarian concern to all. It expressed its concern over the systematic injustices perpetrated against the Jewish people in the Soviet Union, it called upon the President to convey the concern of the American people in this matter, to seek the commutation of the death sentences of two alleged criminals, and to urge fair and equitable treatment of Russian Jewish citizens.

Since that time we have seen strange honor done to the Jews of Russia. High Soviet officials have pointed out that to permit the departure of these Russian Jews who wish to go to their homeland would result in a brain drain which the Soviet state could not easily sustain. One can sympathize with this problem. Other nations have it. We can recognize, too, the vital contributions Russian Jewry apparently makes to its home in dispersal, and we must perforce wonder why a people so essential to the well-being of the state are not better served at the hands of the state.

SOVIET CITIZENS OPPRESSED

Since that time a year ago we have been told that in the refusal to permit a massive emigration of Jews, the Soviets are not being discriminatory—that all citizens, regardless of race, religion, or other distinction, are subject to the convenience of the state, and none are readily permitted to leave Russia. In short, all Soviet citizens are equally oppressed. If the allegations of anti-Semitic state actions coming out of the Soviet Union do not support this contention, it is at least reassuring that the Soviet leaders are still sufficiently concerned with free world opinion to attempt to mislead it.

Finally, since that time, we have seen the death sentences in question mercifully commuted in accordance with the spirit of Senate Resolution 501. That act of commutation may have been a consequence of any one or any combination, or the sum of all possible considerations relative to this matter, but generous men might conclude that compassion alone dictated the decision which spared the two human lives then in jeopardy.

NOW, ANOTHER LIFE IN JEOPARDY

Now another life is in jeopardy if we may believe reports from Russia, and there seems little reason to doubt those reports. One of those implicated in the alleged plane hijack attempt last year was sentenced to 10 years in a labor camp. She is dying in that camp. One report says she is dying of acute tuberculosis. She is 27 years old. Surely the mercy, the compassion, and the fundamental regard for human life which saved the lives of two men at the beginning of this year might now save the life of a single young girl at its close.

SILVA ZALMANSON IS DYING

Silva Zalmanson is dying. Her heart, it would seem, is in Israel. Her mother is in America. Her life is in the hands, and on the souls of the Soviet authorities. If it is not possible to permit Silva Zalmanson to emigrate to the land of Israel to live out her days, or to America, then may we implore the Soviet authorities to at least provide the medical care in Russia which may spare Miss Zalmanson's life—to bring her out of the labor camp of Siberia and into a hospital where she may benefit from Soviet medical science. I know this must involve matters of precedent. But it is not a bad precedent to save a human life.

It is with this in mind and with the urgency of the circumstances in mind, as well, that I now submit the following resolution:

S. RES. 205

Resolved, that the Senate hereby expresses its grave concern for the life of Silva Zalmanson now held in a labor camp of the Soviet Socialist Republic for an allegedly treasonous act.

SEC. 2. The Senate respectfully urges the President (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the Senate for the life of Silva Zalmanson—a human being (2) urge the Soviet Government to take such immediate action as will most probably protect the life of Silva Zalmanson, and (3) urge that Silva Zalmanson be permitted, in these extenuating circumstances, to emigrate from the Soviet Union to a land of her own choosing.

SENATE RESOLUTION 206—SUBMISSION OF A RESOLUTION CALLING UPON THE PRESIDENT TO ELIMINATE THE PRESENT OIL IMPORT QUOTA SYSTEM

(Referred to the Committee on Finance.)

Mr. HARRIS. Mr. President, today I submit, for myself and Mr. BROOKE, Mr. CASE, Mr. MCINTYRE, Mr. NELSON, Mr. PASTORE and Mr. RIBICOFF, a resolution calling upon the Prseident to eliminate the present oil import quota system. The resolution calls upon him to accept the fundamental recommendations of the Task Force on Oil Import Control, which reported in February 1970 that the quota system should be eliminated. In its place, the President should give serious consideration to implementing a tariff system, set at levels which will assure fairness to consumers while maintaining domestic exploration.

The Department of Interior has made moves toward the leasing of offshore sites for drilling along the Atlantic coast. I feel strongly that a better alternative to any additional leasing of offshore sites would be an abandonment of the quota system. Such a move would both insure greater supplies of fuel and a lower cost for the consumer.

Quotas, according to the Task Force, on Oil Import Control, has caused undue Government intervention in the market and consequent competitive distortions.

Mr. President, I think it is important for us to note that the administration rejected the recommendations of its task force. I now believe that was a mistake, and I have so written the Secretary of Interior and the President.

The President can, by the stroke of his pen, eliminate the oil quota system. I hope Members of the Senate will join with me and will pass this resolution to indicate to him the desire of the Senate that this system of oil import control be stopped. I think the recent and not-so-recent ecological disasters on the Pacific and gulf coasts, along with the high consumer prices for oil products, should be more than enough justification to overturn a system that not only encourages increased threats to the environment and higher consumer prices, but also benefits unduly major U.S. oil companies.

Mr. President, I ask unanimous consent that an editorial from the November 18 Evening Star on east coast offshore drilling and a copy of the resolution be included in the RECORD after my remarks.

There being no objection, the resolution and editorial were ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas the Senate Committee on Interior and Insular Affairs and the Joint Economic Committee are shortly to hold hearings on the energy crisis, on the U.S. oil import policy, and on the U.S. oil industry in general; and

Whereas the U.S. Department of the Interior is planning to issue leases for offshore drilling along the Atlantic Coast with resultant pollution dangers; and

Whereas there is a shortage of fuel in the U.S., prticularly in the Northeast and Midwest, with resultant high consumer prices.

Resolved, That it is the sense of the Senate that the President of the United States should accept the fundamental recommendations of the February 1970 Report by the Cabinet Task Force on Oil Import Control to shift from a quota to a tariff system of oil import control; and that the tariffs be set at a level which will assure fairness in consumer prices and continued reserve exploration.

EAST COAST OIL

For the benefit of those who may have forgotten, this seems a good time to recall that a vast amount of untapped oil lies just off those Atlantic beaches upon which so many Easterners broil and cavort in the summertime. The oil companies assuredly have not forgotten; they covet the stuff night and day. And the Interior Department is moving, slowly but methodically, toward a decision on whether to sell the first offshore drilling leases.

There's no need for beachgoers to panic, however. They won't be sighting any oil rigs off the East Coast next year. But there is a good chance of Interior hearings on the proposition next year, and a virtual certainty that the debate on this question will swell into a major environmental conflict. So it isn't too early for citizens of this region to begin informing themselves on the subject, with the view to expression of opinions later. For it is, after all, the nearby ocean off Maryland, Delaware and Virginia that is being eyed for oil-boring.

Possibly some people, fired by visions of industrial affluence, already have a picture of Ocean City, Maryland, as the Galveston of the East, with derricks offshore, tankers plying along the coast and refineries standing tall against the sunset. Somehow it doesn't appeal to us at all. And we can imagine that millions of Easterners who use the beaches and coastal waters for recreation, and others who are concerned about the seafood and tourism industries, soon will be highly disturbed over the whole idea. The massive Santa Barbara oil spill and the messy rupturings of numerous tankers have convinced most Americans and oil and beaches should be kept as far apart as possible.

But this debate, like some others in progress, will illuminate hard questions about the choices that Americans must make. The populace that abhors offshore drilling, here or in California, uses more fossil energy every day. Consequently, the public has some responsibility for deciding what to do about the fuel shortages that are predicted as electric consumption doubles every ten years and cars multiply by the millions. Where will all the fuels come from to sate this appetite for energy, or can the appetite itself be trimmed through some popular discipline?

A part of the answer is apparent: The public should demand crash programs to develop nuclear electrical power generation to the fullest. Perfection of the fast-breeder reactor and fusion power will be major steps on the road to environmental salvation. At best, that will require years.

As of now, oil is by far the greatest energy source, and sometimes enough of it isn't available where it's needed. But there is an enormous, almost unbelievable amount of it left beneath the earth and seas in places far removed from the glutted East Coast. This forthcoming attempt to drill for the Eastern shelf oil will, no doubt, bring on an examination of the country's whole oil policy—of import quotas, unexploited deposits and all the rest.

This will be all to the good. For a burden lies heavily on the federal government to prove beyond any doubt that the Atlantic coastal oil is desperately needed—that the nation absolutely cannot get along without it.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 203

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon (Mr. PACKWOOD) and the Senator from Florida (Mr. GURNEY) be added as cosponsors of Senate Resolution 203, calling for the inclusion of a representative of the commercial fishing industry on the U.S. delegation to the 1973 United Nations Law of the Sea Conference in Geneva.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I join my colleagues, the senior Senator from Oregon, the senior Senator from Washington, and the senior Senator from Alaska in cosponsoring a resolution, Senate Resolution 203, calling for the inclusion of a representative of the commercial fishing industry on the U.S. delegation to the 1973 United Nations Law of the Sea Conference in Geneva.

It is with a great deal of distrust and skepticism that the American fishing industry observes the activities of the Federal Government in preparation for this important Conference. The frightened reaction of American fishermen is understandable because it is obvious that the vital interests of the fishing industry are not receiving the high priority that they deserve.

This Conference will deal with many issues of paramount importance to American fishermen. These issues involve questions concerning the regimes of the high seas, the Continental Shelf, the territorial sea and contiguous zone, the harvesting of our valuable marine natural resources, as well as the preservation of the marine environment. Further questions relating to the seabed and ocean floor beyond the limits of national jurisdiction also will be major topics of discussion.

The United Nations Preparatory Committee for the Law of the Sea Conference now has held two meetings to consider in depth the issues which shall be considered at the 1973 Conference The second of these sessions was completed in September.

It is deplorable that not a single representative of the American fishing industry has been invited to sit on the U.S. delegation to these preliminary sessions. Some fishing representatives were present for the sessions in Geneva, but, in the words of one spokesman, "only as tourists."

The State Department, which has coordinated the representation at the Preparatory Committee meetings, argues that vital national and military security interests are involved. So many special interests wish to be represented that to include them all would result in a chaotic situation.

This may be true. I am not advocating that every special interest which desires representation be given that opportunity. What I am advocating is that the public interest of this Nation should be served by allowing the fishermen to be represented.

We talk a great deal in this Senate about environment, the quality of life, and the need to save whatever there is left to be saved in our environment. We must come to the realization that in our oceans we have valuable natural resources which are currently being harvested at an unacceptable rate. Unless that rate is soon checked, there will no longer be any natural resources left to be preserved. The challenge to the participants at the 1973 Law of the Sea Conference is obvious.

American fishermen have long been strong advocates of the preservation of our marine natural resources. Their participation at Geneva would help to achieve a workable solution to this problem.

The 1973 Law of the Sea Conference is particularly important because it provides an opportunity for the development of a more effective approach to fisheries management through international law. It is obvious to a U.S. Senator who represents a coastal State that a more effective approach is essential.

One of my primary concerns is that it seems as if no one is ready to take the initiative to develop a position of strength on the part of the United States prior to the start of the 1973 Conference. In short, the preparations for the 1973 Conference indicate that few efforts are being made to protect many of the vital interests of the American commercial fishing industry. This is indeed unfortunate because thousands of domestic fishermen in this Nation must depend on the coasts as their primary fishing grounds.

During the past year I have periodically been in contact with various officials in the Federal Government about this problem. The response which I have received has been clearly inadequate. Unless the United States assumes its proper leadership role, I intend to make certain that the United States does not ignore its responsibility to protect the domestic fishing industry.

Mr. President, I regularly receive correspondence from commercial fishermen who fear that without representation on the U.S. delegation to that Conference, the results will be disastrous for the American fishing industry. I share their concern. It is my intention that their needs shall not be ignored.

SUPPLEMENTAL APPROPRIATIONS, 1972 — AMENDMENTS — MOTIONS TO SUSPEND THE RULE

AMENDMENT NO. 781

Mr. HUMPHREY submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, the following amendment, namely:

At the end of the bill add the following: Chapter—Amendments to the Food Stamp Act of 1964.

SEC. —. (a) Section 5(b) of the Food Stamp Act of 1964 is amended by inserting after the first sentence thereof, the following: "Notwithstanding the foregoing, the standards of eligibility under any State plan of operation shall not make ineligible any household which would have been eligible under the standards of eligibility provided for by the State plan of operation in effect just prior to enactment of Public Law 91-671 which was approved January 11, 1971."

(b) The first sentence of section 7(b) of the Food Stamp Act of 1964 (which deals with the charge to be made for food stamps) is amended by inserting before the colon preceding the first proviso the following: "or more than would have been charged for a coupon allotment of similar face value prior to the enactment of Public Law 91-671 which was enacted on January 11, 1971."

Mr. HUMPHREY submitted the amendment (No. 781) intended to be proposed by him to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 782

Mr. PERCY submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, the following amendment, namely:

Page 4, after line 8, insert the following:

SMITHSONIAN INSTITUTION

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000: Provided, That these funds shall be available for obligation only upon enactment into law of S. 2900, Ninety-second Congress, or similar legislation.

Mr. PERCY submitted the amendment (No. 782) intended to be proposed by him to the bill (H.R. 11955), supra.

NATIONAL ENVIRONMENTAL LABORATORY ACT OF 1971—AMENDMENT

AMENDMENT NO. 783

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to the bill (S. 1113) to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Saturday, December 4, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

J. Blaine Anderson, of Idaho, to be U.S. district judge, district of Idaho, vice Fred M. Taylor, retiring.

Clifford Scott Green, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, vice Harold K. Wood, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

ADDITIONAL STATEMENTS

A GUARANTEED INCOME FOR THE ELDERLY

Mr. HARTKE. Mr. President, more than 4.7 million elderly Americans live in poverty. Their lives are filled with frustration and bewilderment. There is not one Member of this body who has not received dozens of letters from elderly constituents struggling to exist. They worry about paying their bills, having enough money for food, maintaining a place to live. They speak of broken dreams and broken promises, not of hope and anticipation.

At a very minimum, we owe these people a decent income. We owe them the security of a guaranteed income which will allow them to live, rather than merely exist. To achieve that objective, I introduced S. 2513, the Older Americans' Rights Act. This legislation is designed to assure that no American covered by the social security system will live out his life in poverty and despair. It would give most senior citizens a minimum monthly benefit of $180—for a single person—and provide the average recipient of cash benefits with a monthly income of approximately $250.

Among its other provisions, S. 2513 allows social security recipients to earn up to $2,400 a year without suffering the loss of a single dollar of benefits. Its additional provision will result in a total benefit to elderly Americans in the next fiscal year of almost $10 billion in new income.

Mr. President, I am haunted by the faces of elderly Americans and by the letters they write to me. They are the faces of our parents and our loved ones; indeed, they are our own faces in the years to come. They ask not rhetoric or empty promises, nor do they ask for charity. Instead, their voices cry out for the establishment of an old age insurance system which will meet their basic needs. In short, they cry out for justice.

VIEWS ON EDUCATION BY MARYLAND STATE DEPARTMENT OF EDUCATION

Mr. MATHIAS. Mr. President, members of the Maryland congressional delegation recently had occasion to confer with top officials of the Maryland State Department of Education. The discussion extended over a wide range of topics and proved very useful. Dr. James A. Sensenbaugh, the State Superintendent of Schools, has kindly sent a follow-up letter in which he recapitulates the meeting. Because the views expressed in his letter are no doubt reflective of State school officials all around the country, I think they will be of interest to Senators. I therefore ask unanimous consent that Dr. Sensenbaugh's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARYLAND STATE
DEPARTMENT OF EDUCATION,
Baltimore, Md., November 18, 1971.

Hon. CHARLES MCC. MATHIAS, JR.,
240 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: Please accept our deep appreciation for the courtesy and attention you and your Maryland colleagues provided the State Board of Education and members of the Department of Education staff when you met with us on November 4, 1971, in Washington. I know that the generous amount of time you afforded us was taken from other very pressing duties.

For the record I would like to recapitulate briefly the points we discussed. Please be sure that we will be happy to provide additional data.

1. State plans and reports, and other paper work required by the U.S. Office of Education, are voluminous, repetitive, and prodigal of staff time, and serve very little purpose for us. We seriously question their real value to the U.S. Office. We urge that you use your good offices with the U.S. Commissioner of Education to reduce requirements so that we may be permitted to satisfy them with shorter, more meaningful plans.

2. Our board has identified early childhood education as a high priority educational need in the state. Implementation of early childhood programs is a very expensive matter; one that cannot be undertaken by the state alone. Therefore, we look to the Federal government. We firmly believe too that the needs of the children to be served cannot be met by so-called "baby-sitting" services. To have value, especially for those children who might otherwise be condemned to repeat the poverty cycle of their parents, a strong educational component needs to be included.

It makes sense to us too to assign the school system a role in administration of the program. Here is the expertise and the staff. Here are the facilities. Here is the opportunity to establish learning continuity starting in the pre-school center and extending through the public school experience.

We would oppose approaches to "day care" that exclude an educational component.

3. We are concerned about the increasing trend toward by-passing state departments of education for the administration of Federal programs. In Maryland, as in all states, public education is by law a state responsibility. We offer no objection to Federal determination of allocations to local school systems. That approach (Federal allocation responsibility and State administrative responsibility), exemplified by Title I of the Elementary and Secondary Education Act, is working well. The same legislative enactment also demonstrates the useful leadership role the state agency can play when it is assigned administrative responsibility for Federal programs.

4. Title V of the Elementary and Secondary Education Act, which is designed to strengthen state departments of education, has made possible the addition of critically needed staff people to the Maryland state education agency. This enactment has indeed been the backbone of our program of increased and improved services to local school systems and to the children in the schools.

Since the lion's share of our Title V allocation goes into salaries, a reduction in program allocation would result in staff layoffs and reduced services. We urge you to resist any reduction in funding for the program; we would in fact welcome a considerable increase in Title V allocations.

Indeed, the real possibility that the courts will find the state wholly responsible for school financing raises the prospect of increased responsibility being placed on state agencies. In that eventuality, the State Department of Education will need more, not less, support to do its duty.

5. We support the concept of grant consolidation, not only because it promises greater cordination of related programs, but also because it promises greater local flexibility in adapting programs to priority local needs. We believe that grants should be consolidated around problem areas clearly identified in the statutes. We recognize the educational community is not in agreement as to just what these areas ought to be. We will encourage the national organizations to seek agreement on this.

6. Interest was expressed by Senator Beall and several Representatives in the status of vocational education in Maryland. I believe we can demonstrate by the increases in programs, staffs, and vocational educational facilities, that Federal, state, and local funds are being employed to maximum advantage. Nothing would please us more than the opportunity to show you through one or more of the new vocational-technical school facilities in the vicinity of Washington, D.C., or near your home.

I cannot close without acknowledging a debt of thanks owed you from the entire education community of Maryland, not omitting the children in the classrooms, for two important modifications in appropriations procedure: making it possible to carry over funds beyond the year in which they are appropriated and acting on the education budget early enough in the year to permit sensible planning of programs. Both changes have resulted in wiser use of funds and consequently better programs for children. We would want to see these improvements continue in the future.

Thank you again for your courtesy.

Sincerely yours,
JAMES A. SENSENBAUGH,
State Superintendent of Schools.

PHASE II—COMPLEX, CONFUSED, COMPLICATED, AND A FIELD DAY FOR LAWYERS

Mr. PROXMIRE. Mr. President, the phase II program is without question one of the most confused, complicated, and complex programs that has ever been initiated by the American Government.

What we have is an administered price inflation—an inflation caused by the monopoly or market power of a few big companies and the bargaining power of a few large unions.

We do not face a demand inflation such as we had in World War II, during the Korean war, and in the 1966–68 period during the Vietnam war. In those periods there was a shortage of goods. There was too much money chasing too few goods. That caused inflation and huge price increases. Instead of a shortage of goods and manpower there is a huge surplus of goods and manpower. We have unemployment at 6 percent and 25 percent of our industrial capacity idled.

The way to meet this administered price inflation is to regulate or control those responsible for it. But instead the phase II program is covering everyone from General Motors, who should be covered, to your babysitter, who should be exempt.

In addition it is far too complex. Take just the simple example of what prices can be raised.

The Price Commission has said that prices can be raised to cover costs. But, they say, these increases must be offset by the productivity increases in the firm. Finally, they cannot be raised higher than to provide a profit margin which is no higher than the profit margin average in 2 of the last 3 years.

How is a local businessman supposed to figure that out? Many do not know all of their costs. Even if they do, no small firm has any idea of its productivity. In fact, at least 25 to 50 percent of the largest corporations in the United States do not have good productivity figures.

But if the small businessman has trouble figuring this out, what about the consumer? There is no way the consumer can help enforce the price guidelines because they are too complex and too complicated.

The result will be a field day for the lawyers. An article in the Wall Street Journal for December 2 indicates that lawyers from the largest and most prestigious law firms in the United States complain that even they do not have enough information to advise their clients. Even they find the program too complex and too complicated to understand. And their clients are not the Mom and Pop grocery stores. Their clients are the biggest companies in America.

Added to all of this is the fact that neither the Price Commission nor the Pay Board is required to make public the data and the factual information upon which their decisions are based.

Even under the amendment I got included in the Senate version of the stabilization bill, the Board and Commission will make public only those aspects of their deliberations which they see fit to release.

The rules, regulations, and guidelines are an invitation to confusion, to a smarting sense of injustice on the part of both consumers and honest businessmen, and to a disrespect for both the law and for Government itself.

Mr. President, I ask unanimous consent that the article from the Wall Street Journal entitled "The Finaglers—Lawyers, Consultants Kept Busy by Phase 2, But Can They Help Out" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 2, 1971]

THE FINAGLERS—LAWYERS, CONSULTANTS KEPT BUSY BY PHASE II, BUT CAN THEY HELP OUT?

(By Norman Pearlstine)

It was 10 p.m. on Aug. 15, only an hour after President Nixon had dropped his economic bombshell, and attorney Lee Monroe was already on the phone. A partner in Sidley and Austin, Chicago's second-biggest law firm, he was calling other partners and associates, trying to set up a committee to handle the deluge he was sure would come the next morning.

It came, and Mr. Monroe was ready. Along with four other members of what Sidley and Austin calls its "wage-price committee," he was at his desk at 7:30 a.m. By 9, he and the others had thrashed out a strategy to deal not only with Phase 1 but the thornier problems of Phase 2. Then came the telephone barrage.

The committee, which includes two of the firm's Washington-based members, gets wage-price information directly from Washington in minutes, thanks to expensive telecopying equipment. It shoots out advisories to other lawyers in the 95-member firm when it gets information from the capital that seems particularly important to a wide range of clients; in turn, when a lawyer in Sidley and Austin has a client with a sticky wage-price problem, he turns it over to the committee for recommendations.

PANTING AND PLOTTING

Mr. Monroe says he and his colleagues are spending more than half their time on Phase 2 work now. So are a lot of other lawyers and management consultants and accountants, all panting and plotting to keep up with the government's moves. President Nixon's economic program has generated a lot more business—and many more headaches—for what one high Washington official has labeled "the finagling industry."

"We're up to our necks," says Milton Rock, managing partner of Edward N. Hay & Associates, a Philadelphia-based management consulting firm that has been laboring to keep about 1,000 corporate clients informed about Phase 2. An official of a large New York management consultant firm adds that "Phase 2 has definitely brought us new clients and increased the amount of work we're doing for our old ones."

There is no indication yet that the added load of Phase 2 work is forcing firms to do some quick additional hiring. But the problems piled up by controls are keeping many barristers and consultants off the golf course and in the office past dinnertime. "Phase 2 has definitely increased our business," says a senior partner in a medium-sized suburban Philadelphia law firm. John O'Meara, a partner in the Detroit firm of Dickinson, Wright, McKean and Cudlip, says he and three or four other attorneys at the 48-lawyer firm now spend most of their time on Phase 2 work. "I'm getting 10 calls a day about Phase 2, and each of them averages three or four different questions," he says.

Even small-town lawyers are feeling the heat. Elvin Souder, a lawyer in a three-man firm in Souderton, Pa., says he is "getting constant questions about wages, prices and rents." The Souderton borough council, for example, wanted to know if it was prohibited from raising taxes. (No, said Mr. Souder.)

EX-HUSBANDS AND TURKEYS

Other attorneys find themselves grappling with Phase 2 exotica they didn't expect. One San Francisco lawyer specializing in domestic relations barely had time to congratulate himself for being out of the controls hassle when a female client frantically called to ask if Phase 2 would block her attempt to get additional child-support payments from an ex-husband. (It didn't.) And an associate at Sullivan and Cromwell, one of New York's biggest and most prestigious firms, tells of one high-powered partner who spent the better part of a week figuring out how to price Thanksgiving turkeys for a supermarket chain he represents.

Many consultants, law firms, and accounting concerns have set up special organizations like Sidley and Austin's to help them cope with Phase 2. But they have learned that organization isn't enough. They also have to find out, as quickly as possible, what the Pay Board and the Price Commission have ruled. Then they have to figure out how those rulings affect clients. The first problem often is difficult to solve. The second sometimes seems impossible.

Some lawyers simply read the papers for tips on what government rulings have been, but most say they are reluctant to advise clients on that basis alone. "Newspapers have space limitations," says Glen E. Clover, a Houston attorney. "They can't always print all the details I need." So Mr. Clover and many other lawyers find themselves waiting for official copies of the regulations, which are printed in the Federal Register and mailed to law libraries and firms.

WAITING FOR THE POSTMAN

But the mail often isn't fast enough. One Los Angeles attorney waited four days for a copy of the Nov. 13 Federal Register, a key number that includes vital rules and regulations for Phase 2. "We called all over the place," he says. "Federal offices, accounting firms, even other law firms. Nobody had a copy. All we could do was tell our clients to wait. They weren't happy."

Big firms now often rely on their Washington partners to scoop up the news when it's hot and relay it. Others without Washington offices have made arrangements with firms in the capital; one of the latter services about 10 out-of-town firms. Still others rely on private services that publish daily, weekly or monthly reports. These include the Bureau of National Affairs' daily labor report, which is mailed special delivery every night, and the legal reporting services of the Commerce Clearing House, which has recently added a special report devoted to news about economic controls.

Lawyers, consultants and accountants, as well as corporations themselves, also snap up extensive commentary on Phase 2 put out by the National Association of Manufacturers (one of whose Washington representatives makes the rounds of the economic-control offices three times a day), state manufacturers' associations and Washington lobbyists who are paid to keep abreast of new government regulations. And they lean on their Congressmen, who say they are being besieged by pleas for information and guidance from lawyers and special-interest groups.

David Hartquist, a special assistant to Sen. Richard Schweiker (R., Pa.), says: "We seem to have developed our own clientele of lawyers and others" who want to know all about Phase 2. Attorneys for school boards and teachers' associations lead the pack, he says. The Senator's office often provides copies of the regulations or refers callers to the appropriate federal agency, but Mr. Hartquist says it is reluctant to "give opinions on what the regulations mean."

That's the real problem, say lawyers and consultants. Organized to the hilt, with mountains of information coming in, they confess they still don't know how to advise their clients in many, many cases. The regulations governing Phase 1 were fairly easy to deal with, sources say. ("The answer to most questions was almost always 'no,'" says one Los Angeles lawyer.) But Phase 2 is a muddle, they say. Many lawyers and consultants feel that members of the Pay Board and Price Commission, pressured to move quickly, did a poor job of drafting the regulations they work under; the lawyers and consultants know the regulations but can't be really sure how they'll be applied, and so they can't counsel their clients with certainty. "One series of rulings or questions and answers may lay to rest a few goblins," says Mr. O'Meara, the Detroit attorney, "but more often than not it raises as many new ones as it disposes of."

For example, lawyers and others complain that the Pay Board has spent so much time trying to resolve problems related to employes covered by union contracts that it hasn't been able to develop adequate guidelines covering executive compensation—especially stock options. Price controls, they add, have been sketched too broadly. "Because of what they've read in the papers, a lot of clients have the impression they can raise prices 2½% and only 2½%," says a Los Angeles accountant. "But it's a lot more complex than that. Among other things, you have to consider profit margins under new prices a year from now, and that is really hard to do."

The Internal Revenue Service, which is supposed to give guidance on the controls through local offices, hasn't been much help, lawyers and consultants say. "It isn't their fault," says a Boston lawyer. "They can answer general questions from the public, but when it comes to the specifics I'm asking they don't know what the hell is going on." As a result, he has one client who has been aching to increase prices for weeks, but who is still unsure whether he can.

Professional organizations and a few law schools have tried to leap into the breach with crash seminars and conferences on the new economic controls. The bar association of the District of Columbia and the Catholic University Law School in Washington, for example, just started a 12-hour program conducted by Richard Murray, deputy general counsel of the Office of Emergency Preparedness and chief of the OEP's interpretation division. Some lawyers find such huddles useful. Others compare them with trying to read the future in the entrails of a sheep.

For some lawyers and consultants, one pipeline directly into the government's controls bureaucracy is worth a thousand seminars. David Caulkins, a management consultant with the New York firm of Coloney, Cannon, Main & Pursell Inc., says many consultants he knows are striving to burrow into the bureaucracy. So, apparently, are attorneys and corporate officers.

Mr. Caulkins says one competitor may have an edge on the rest of his colleagues in the important "grey" area of executive compensation. "He was preparing positions for the Pay Board," says Mr. Caulkins. "He knows their thinking. And on the basis of that, he's been able to advise clients on stock options, merit raises and other complicated areas."

Lawyers and consultants warn, however, that today's well-informed advice may be shot to pieces tomorrow if the decisions of the control apparatus are successfully challenged in court. So far there hasn't been much litigation over controls, but lawyers expect it to increase.

"Whenever people act without certainty about the rules, litigation is likely to follow," says Los Angeles attorney Lewis Merrifield III. And Mr. Clover, the Houston attorney, predicts that many small firms don't have to report or get prior approval for pay and price rises are going to "ignore the federal regulations and do as they please." If the Pay Board and Price Commission make a more vigorous effort to enforce the rules than they have so far, a logjam of lawsuits could occur, he observes. And that, of course, means still more business for lawyers.

DISTRIBUTION OF FUNDS FOR CLAIMS AWARDED TO THE SAC AND FOX NATION

Mr. DOLE. Mr. President, on November 24 I joined the distinguished senior Senator from Iowa (Mr. MILLER) in introducing a bill to provide for the disposition of funds to pay for a judgment award by the Indian Claims Commission to the Indians of the Sac and Fox Tribe in Oklahoma, the Sac and Fox Tribe of the Mississippi in Iowa, and the Sac and Fox Tribe of the Missouri in Kansas and Nebraska.

The award was entered by the Indian Claims Commission on February 4, 1970, in docket numbered 153 and is for $10,601,282.66. It represents additional payment for 8,592,000 acres of land in Iowa that the Sac and Fox Nation ceded under the treaties of October 21, 1837, and October 11, 1842. Funds to cover this award were appropriated by an act of Congress on July 6, 1970.

Mr. President, the Sac and Fox Tribes composing the Sac and Fox Nation have always been closely affiliated, but they were distinct tribal entities at the time the 1837 and 1842 treaties were made, and they are still separately organized. Today each tribe has an approved constitution and bylaws, and a council as the governing body of the tribe. Also, each has a committee of officers with authority to transact business and otherwise speak and act on behalf of the tribe. As of March 31, 1971, there were 1,956 enrolled in the tribe in Oklahoma, 779 in the tribe in Iowa and 227 in the tribe in Kansas and Nebraska. A sizable number of the members of the tribe in Oklahoma and the tribe in Iowa live on reservations in Oklahoma and Iowa that were set aside for their tribes in the late 1800's. No members of the tribe in Kansas and Nebraska now live on the 7,924 acres provided for the tribe in Brown County, Kans., and Richardson County, Nebr., by a treaty of 1861, but 20 members live in the vicinity and many others live in Kansas and Missouri. Of the land originally contained in the Missouri Reservation only 119 acres remain in Indian ownership.

Mr. President, this bill specifics that 46 percent of the judgment and all future judgments shall go to the tribe of Oklahoma; 39 percent to the tribe in Iowa, and 15 percent to the tribe in Kansas and Nebraska. This division is based upon the relative original land holdings of the tribes. This distribution formula is in accord with the majority decision reached by the tribes at a meeting of July 24, 1971, in Kansas City, Mo.

The tribe in Iowa has passed a resolution to distribute 50 percent of its award for programing of tribal activities with the balance being distributed per capita to its tribal members; the tribe in Kansas and Nebraska tentatively plans to distribute the greatest percent of its share per capita with the balance going to programing; and the tribe in Oklahoma has not decided on a distribution formula.

Mr. President, the Sac and Fox Nation has so far received less than 17 cents an acre for their lands ceded to the United States under the treaties of October 21, 1837 and October 11, 1842. The three tribes have requested an additional payment, the Claims Commission has adjudged it, and Congress has appropriated the funds to pay it. It would be a particularly black mark in our Nation's otherwise sorry treatment of our Indian people if we should now fail to authorize the payment of this just and reasonable claim.

BLACK LUNG DISEASE

Mr. HARTKE. Mr. President, today is the second day of hearings before the Committee on Labor and Public Welfare on the black lung disease program. The past 2 years have demonstrated that this worthy program is not benefiting all of the miners whom Congress intended to benefit.

To meet one of the major deficiencies of the program, I introduced S. 2289. This legislation would enable any miner disabled by black lung disease to receive compensation if he was unable to return to work for which he had been trained.

I have also joined with the distinguished Senator from West Virginia (Mr. RANDOLPH) in cosponsoring S. 2675, which has a provision similar to that of S. 2289 and which also corrects many of the other deficiencies of the black lung program.

Mr. President, the House has already passed sweeping black lung reform this year. The Senate owes it to the miners of the country to act without delay. I ask unanimous consent that the text of my statement before the Labor and Public Welfare Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR VANCE HARTKE ON DISABILITY PAYMENTS FOR BLACK LUNG VICTIMS

Almost two years ago, Congress established a disability compensation program for miners suffering from pneumoconiosis—or black lung disease. Since that date, more than half of the miners who have applied for black lung benefits have had their claims denied.

The despair and anger which these denials have caused is the direct result of poor administration of the black lung program on the part of the Department of Health, Education, and Welfare and the Social Security Administration. They have required X-rays and medical tests, but have not made provisions for competent medical personnel to conduct these tests. And they have established regulations which make it very difficult for a miner to prove that he is disabled by black lung.

Miners are being told by the Social Security Administration that they are not "totally disabled," but these same miners are not healthy enough to be hired by the mine operators, nor is there any other work available.

In order to correct this inequity, I have introduced S. 2289 which would enable any miner suffering from pneumoconiosis to receive disability compensation if it can be shown by medical or non-medical evidence that he is no longer capable of using his skills as a miner. I estimate that this provision would cost an additional $135 million next year and affect about 50,000 men who have been denied benefits as of September, 1971. What it will mean to these men is that they will no longer be denied black lung benefits because they are theoretically able to perform work for which they are not trained and which is not available. And it will also require the Social Security Administration to rely on non-medical evidence of disability rather than the debatable and often unreliable medical tests on which it now relies.

I have also joined with the distinguished Senator from West Virginia in co-sponsoring S. 2675. This is legislation which will bring about sweeping—but needed—reforms in the black lung program.

Mr. Chairman, we have the opportunity to correct oversights and bureaucratic abuses which arose under title IV of the Federal Coal Mine Health and Safety Act. I urge this committee to act without delay.

TRIBUTE TO HON. J. FIFE SYMINGTON, JR.

Mr. MATHIAS. Mr. President, the Honorable J. Fife Symington, Jr., of Lutherville, Md., returned last month from Port of Spain where he spent 2 very successful years as American Ambassador to Trinidad and Tobago. Recently articles appearing in the Trinidad Guardian and the Trinidad Express give tribute to his skill as a diplomat and indicate the warmth with which he was regarded by the people of Trinidad and Tobago. I commend these articles to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Trinidad Guardian, Nov. 11, 1971]

OUR BEST WISHES

After serving for two years as United States Ambassador, Mr. John Symington leaves Trinidad and Tobago next week to return to his country.

Mr. Symington has our best wishes in whatever his plans may be because we are certain he can look back on his stay here with pleasure and some measure of satisfaction.

Mr. Symington has won many friends in our country and is regarded by many as being the ideal diplomat, having involved himself and his country closely in several directions, while, at the same time, succeeding in not getting involved in embarrassing situations.

We appreciate it is a very difficult task to achieve this, so we admire Mr. Symington for avoiding the various pitfalls sometimes awaiting those engaged in the delicate task of diplomacy.

On the other hand, Mr. Symington must have come to regard his two years in Trinidad as an education in itself, which should stand him in good stead in the years ahead.

We say "Farewell."

HALLMARK OF A GOOD DIPLOMAT

Mr. Donald Granado, the former Trinidad and Tobago High Commissioner in the United

Kingdom, once had the idea of taking the name and image of the country he represented out to the British people.

He would have mounted exhibitions all over the United Kingdom, sent his staff to talk to schools, clubs, organisations, shown Trinidad and Tobago films widely. This grand plan for projection never came to pass because of a lack of money. The Ministry of External Affairs in Port-of-Spain could not see its way to subsidise the High Commissioner's ambitious ideas about communication.

This is a perennial problem facing small countries accredited to large ones. It is not a problem peculiar to Trinidad: it bedevils all small and/or poor countries in the world, all of whom have come to independence within the last 20 years and who now seek to catch up on a backlog of ignorance about themselves in the outside world.

Mr. Granado was rightly appalled by the lack of knowledge about Trinidad and Tobago he found throughout Britain and, being proud of his native land, was anxious to rectify a situation he regarded as unacceptable.

CASE IN POINT

In reverse, the position is rather different. Developed countries accredited to developing ones have no problems about money, or manpower or backing from the sponsoring department of state at home. They can go all out to explain themselves and their policies and philosophies to a public that is already captive to their message, by virtue of the power of propaganda the developed countries held over the developing ones for so many decades.

Mr. Granado would have envied the facility, for example, with which the foreign embassies in Trinidad are able to promote, the countries they represent here.

The German Embassy is a case in point. There must hardly be a journalist left in Trinidad these days who has not been the beneficiary of a visit to Germany, arranged and underwritten by the German Government. The objective is to educate those whose business is information-transmittal about the German nation and its economic and ideological ways, so these can be presented effectively to the Trinidad and Tobago public.

DEGREE OF SYMPATHY

Mr. Granado, or any Trinidad ambassador abroad, could not invite a foreign journalist to make a similar journey to this country, for the simple reason that his budget and that of his ministry, would not allow it.

The Americans in Trinidad have been as active as the Germans. Mr. John Fife Symington, who returns to Washington on Sunday after two years as American Ambassador here, has been very active in the business of winning friends and influencing communicators in Trinidad.

He has been able to operate in a way that Trinidad representatives abroad would give their eye teeth to emulate. It so happens that for Mr. Symington it has been more than a case of being able to spend money freely: he has done it with some conviction and with a degree of sympathy for Trinidad and Tobago's own problems.

If genuine involvement in a host country's aspirations and hopes is the hallmark of a good diplomat, then Mr. Symington can consider himself to have been a success in his two years in Trinidad and Tobago.

CONCURRENT JURISDICTION TO TRY PERSONS FOR GENOCIDE

Mr. PROXMIRE. Mr. President, the Foreign Relations Committee has recommended to the Senate an understanding relative to article VI of the Genocide Convention. Article VI is concerned with the trial of persons accused of genocide. The committee's recommended understanding, if accepted, will put the United States on record as intending to exercise the right of concurrent jurisdiction with regard to any of its citizens accused of committing acts of genocide in a foreign country.

The theory of concurrent jurisdiction holds that a nation has the right to try its own citizens for acts that occur in another country. Many nations have asserted this right. If this understanding is adopted by the Senate, then the U.S. Government will have an option available to it. Should a foreign country ask us to extradite one of our citizens and it is determined that the accused will not be accorded a fair trial with all the guarantees of our Constitution, the Government can refuse to grant extradition and instead try the person in the United States.

The double jeopardy clause of the fifth amendment, which is controlling over the Genocide Convention as it is over all treaties, would prevent a person who has been tried in the United States for genocide from being extradited to another country.

The negotiating history of the Genocide Convention shows that the participants, including the United States, did not intend to deny any nation the opportunity to exercise the right of concurrent jurisdiction. This recommended understanding is thus in keeping with the intent of article VI. Its acceptance by the Senate will not distort the convention but rather make clear a point over which there has been some confusion.

Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

ECONOMIC STABILIZATION ACT OF 1971

Mr. BROCK. Mr. President, I have supported the President's economic program because I have felt that it offers the best opportunity for America to achieve reasonable price stability, full employment and a favorable balance of trade. I am pleased the President's program is showing success. The second quarter economic indicators show that the unemployment rate, interest rates, and consumer price income, retail sales and housing starts are up. And the President announced substantial progress in bringing a new fairness to world trade.

To assure continued success of the President's program, I feel that it is essential that Congress enact at an early date S. 2891, to extend and amend the Economic Stabilization Act of 1970. Much of the problem now facing all Americans stems from the uncertainties as to what Congress will do with the President's request for the extension of authority to implement phase II of his economic program. The President has in great detail told the country what is planned in the phase II program and now the big uncertainty pertains to congressional action. Undoubtedly, many business firms are holding back on plans to expand until the air is cleared.

Although I have grave reservations as to the advisability of wage and price controls, I have given my support to the wage-price freeze instituted by the President and the transition program because of the critical international position both of the dollar and our balance of payments, and the persistent inflation in face of unemployment. Since traditional fiscal and monetary policies have failed, I feel that the President had no other alternative than to institute the wage-price freeze.

However, once the inflationary psychology has been destroyed and the international monetary and trade crisis has subsided, I feel that controls should be promptly removed.

The President requested in his legislation submitted to Congress a 1-year extension of the authority contained in the Economic Stabilization Act of 1970 and, in addition, authority to stabilize interest rates and dividends. He requested additional enforcement power, arrangements for administrative and judicial review, and powers relating to personnel and funding. The Senate Banking, Housing and Urban Affairs Committee gave him the requested authority and strengthened the administration's bill by adding authority to roll back windfall profits, an exemption for individuals with substandard earnings, Senate confirmation of board members, treble damage actions for overcharges, and authority to relieve domestic shortages of raw materials.

I have some reservation on the provision in S. 2891 relating to automatic approval to previously negotiated wage agreements which called for substantial wage increases after August 15. To permit automatic effectiveness of such agreements would discriminate against persons not under wage contracts who had reasonable expectations of receiving increases during the freeze.

At the same time, these previously scheduled contractural wage increases were bargained for in good faith, and presumably were based upon concessions made by the employees. In addition, these agreements cover many public employees, particularly school teachers, who have been historically the last to catch up with inflation, and who have never been the subject of inflationary wage increases. No doubt, the equities in each of these situations will vary.

However, the provisions in S. 2891 relating to such wage agreements provide sufficient latitude to allow the President to act in an equitable manner and I have confidence that he will do so. The success of the program depends upon public confidence in its fairness. If any segment is given special treatment at the cost of another segment of the economy, public confidence will be eroded and the success of the program will be jeopardized.

On balance, S. 2891 is a good bill and its early passage is vital to give the President the authority he needs to implement phase II of his economic program and to clear up the uncertainties that now prevail as to Congress' support of this program.

I have one reservation regarding the President's economic program. I am most concerned that we are neglecting the monetary and fiscal side. When there is control of private spending, it is only fair that there also be control of public spending. It was the Government's irresponsible fiscal policies that caused the present predicament. I strongly urge a freeze on Government spending to accompany phase II of the President's economic program.

A TRIBUTE TO MERTHA FULKERSON

Mr. PROXMIRE. Mr. President, on January 25 of this year, Wisconsin lost one of its most distinguished citizens—Mertha Fulkerson. In the years before her death she was the director of The Clearing in Door County. The Clearing is a unique educational experience conducted during the summer months. Students spend a week in the beautiful Wisconsin countryside studying a course selected from a diversity that includes foreign languages, the political philosophy of Lincoln, and community health services. The success of The Clearing has been in large measure due to the fine work of Miss Fulkerson.

During the past summer a memorial service was held in her honor. Dr. Lee Paul de Alvarez of the University of Dallas and Dr. George Anastaplo of the University of Chicago spoke. They talked of the work which Miss Fulkerson did to make The Clearing a viable operation and of the philosophy which guided her. The Door County Advocate, in an article which appeared on July 27, reported the memorial service.

Mr. President, I ask unanimous consent that the Door County Advocate article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FITTING TRIBUTE PAID MERTHA FULKERSON

(By Jane Shea)

ELLISON BAY.—"She came. She saw work to be done. She did it. And then she left."

In this basic way, Dr. George Anastaplo summed up the life of the late Miss Mertha Fulkerson and set the tone for a unique memorial service Saturday night at the Clearing, an institution she managed from 1951 to 1969. Miss Fulkerson died in Green Bay last Jan. 25.

It was appropriate that the tributes were respectful, affectionate, free of excessive sentiment. There was agreement with Dr. Anastaplo, who said "It is difficult to feel the sorrow one would for lesser men or women."

Mertha Fulkerson seldom permitted direct quotations during her lifetime, preferring to perpetuate the philosophies of mentor Jens Jensen in his own remembered words.

But this self effacement was not enough. She was variously described during the evening as high minded, ethereal, a noble woman, innocently shrewd, one capable of a piercing anger for a worthy cause. It was obvious that this diminutive lady had not only succeeded in carrying on founder Jensen's work, but had personally, perhaps unwittingly, emerged to influence the lives of many people.

Dr. Anastaplo, faculty member at the University of Chicago, spoke of his close connections with The Clearing, stating, "One cannot reasonably hope for the immortality of an institution. Its purpose is to provide a model of life for others to follow." He, as well as others, referred to Jensen's concept that The Clearing is not only here, but in men's minds as well.

Referring specifically to Miss Fulkerson, he said, "Mertha wouldn't approve of any personal tributes. She'd probably suggest a work party. There's always a fence to be mended, a wall to be built."

Responding for The Clearing, present manager Claire Johnson said that for Mertha, "the institution was her sole purpose, her self fulfillment."

William KasaKaitas, representing the parent Wisconsin Farm Bureau, announced that this group has established The Clearing Memorial Scholarship Fund. Gifts, in memory of Miss Fulkerson and others, will be used to help young people attend classes here. "Mertha would want it this way," he declared.

KasaKaitas said the Farm Bureau felt deeply indebted to Miss Fulkerson for "the rich heritage with which she endowed us." He described her as a woman comfortably at home with all types of people and especially appreciative of farmers, those close to the soil. He stressed Miss Fulkerson's awareness of nature and its great power.

Dr. Leo Paul deAlvarez, Dallas University, who represented The Clearing faculty, advised guarding its major purpose. "Let us be wary that it does not become an escape," he warned. "It represents reason and nature working together to make something truly human."

Referring to Mertha Fulkerson's talent as a weaver, Mrs. Liese Rickett's message on behalf of the students described the late manager as "a beautiful weaver of human beings and a beautifully woven human."

Miss Virginia Booth showed movies of Miss Fulkerson enjoying this area with relatives and friends.

Vocal selections with dulcimer accompaniment were presented by Mrs. Dolores Reppert and Mrs. June Ohm, Janesville. Night birds provided an outside obligato and through cathedral windows, sunset bowed to darkness.

Services concluded, the group returned through forest paths, where Mertha Fulkerson had walked and talked with students; paths well marked for others to follow.

She wasn't there. Her work was done.

COMMENTS OF MARYLAND HOSPITAL ASSOCIATION ON PROGRAMS

Mr. MATHIAS. Mr. President, recently I had placed in the RECORD some very interesting comments by the Maryland Hospital Association in opposition to S. 232 of H.R. 1, the "reasonable cost" reimbursement provision which pertains to medicaid and the maternal and child health programs.

The Maryland Hospital Association, has since advanced to me what it suggests may well be not only an acceptable but indeed a highly desirable alternative to reasonable cost reimbursement.

I am speaking, Mr. President, of "prospective reimbursement." According to the MHA, prospective reimbursement is—

> The only payment method in sight that offers a workable means for long-range containment of hospital costs, predictability of hospital cost trends, avoidance of the unnecessary costs of multiple audits, and positive incentives for in-hospital cost reduction efforts and full accountability before the public of what hospitals spend and why.

Because of recent legislative developments in Maryland, hospitals in my State are well on the way toward a system of prospective reimbursement. The rationale for moving in this direction and the potential for using prospective reimbursement elsewhere, both by other States and by the Federal Government, are well documented by the letter and enclosures I have just received from the Maryland Hospital Association. Because these items may be of interest to Senators and to other readers of the CONGRESSIONAL RECORD, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE MARYLAND HOSPITAL ASSOCIATION

Lutherville, Md., November 18, 1971.

Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for your letter of November 12. We are encouraged by the attention you and your staff have given our request to work for the deletion of Section 232 before the Senate Finance Committee disposes of H.R. 1.

I have advised our 55 member-hospitals of your inquiry to Secretary Richardson and all of us are anxious to learn of his reply. Should HEW offer genuine opposition to that provision, we are convinced that the thing will be extracted.

You asked me to comment on Section 222 and related elements of H.R. 1 that deal with prospective reimbursement. I will be brief, even though your invitation to comment on this subject tempts me to Xerox a filing cabinet of documents to demonstrate the Maryland Hospital Association's early and active enthusiasm for the concept of prospective reimbursements to hospitals by *all* health insurers.

Over a year ago, on October 28, 1970, the Board of Presidents of the MHA unanimously endorsed the attached Policy Statement on Prospective Measurement of Financial Requirements. The only change made in the document you see was removal of the word "proposed" in its heading.

Policies are one thing, and actions are another, so let me cite two substantive examples of how the MHA has demonstrated its conviction that prospective reimbursement is the only payment method in sight that offers a workable means for long-range containment of hospital costs, predictability of hospital cost trends, avoidance of the unnecessary costs of multiple audits, positive incentives for in-hospital cost reduction efforts and full accountability before the public of what hospitals spend and why.

During the 1971 session of the Maryland General Assembly, the MHA worked hard for the passage of S.B. 359 (attached). We helped write this bill, in fact, which not only leads to public utility status for Maryland's hospitals by 1974, but also requires hospitals to earn their reimbursements prospectively—through sound budget preparation and advocacy of their own needs before a governmental Commission. We believe that Maryland's S.B. 359 constitutes model regulatory legislation for the hospital field.

If H.R. 1 passes with Section 222(a.1.) intact, we also believe that—with your help—we can successfully convince HEW that it ought to "develop and carry out experiments and demonstration projects designed to determine the relative advantages and

disadvantages of various alternative methods of making payment on a prospective basis to hospitals . . ." in this state. Our new state law makes Maryland an ideal laboratory for such federal experiments and projects.

Beyond S.B. 359, the Maryland Hospital Association is now on the public record as a full supporter of a proposed new reimbursement formula to be employed by Maryland Blue Cross, this state's largest purchaser of health care. The formula, over which hearings were held last summer, calls for prospective reimbursement by Blue Cross. This proposed formula change is now in the hands of the state Insurance Commissioner. Hospitals are hopeful of a favorable decision by the Commissioner very shortly.

You also asked if we perceive prospective reimbursement as a possible means of accomplishing the goals underlying H.R. 1's Section 232. In Maryland, because of S.B. 359, the answer is a positive yes. In states that lack a law such as S.B. 359, we do not see such an alternative available, but perhaps we are not qualified to render such advice.

A final item, the American Hospital Association's Policy Statement on Provision of Health Services, is also enclosed. We believe it supports our position on H.R. 1 and it may also anticipate our eventual position on National Health Insurance.

I hope this response answers your questions of November 12. Again, we appreciate your actions on our earlier request. I thank you too for the personal compliment you paid me with respect to the letter of November 5.

Sincerely,

RICHARD J. DAVIDSON,
Executive Vice President.

THE MARYLAND HOSPITAL ASSOCIATION PROPOSED POLICY STATEMENT ON PROSPECTIVE MEASUREMENT OF FINANCIAL REQUIREMENTS

I. PREFERRED METHOD OF PAYMENT

In considering how major third party contractors should pay for health care institutional services, a method of payment based on prospectively determined rates for each health care institution is preferred. The prospective method implies payment on the basis of predetermined charges rather than the retrospective, cost based method of payment. The prospective method of payment offers the opportunity to obtain payment on the basis of an institution's full financial needs. The prospective method offers incentives to the institution for containing or reducing costs consistent with proper patient care. It can result in a more rational disclosure of operating and financial information to the public. Finally, this method offers the possibility of a significant simplification of the payment process by eliminating multiple and expensive audits and by equating sound management information needs with those of the payment process.

II. PROSPECTIVE RATES

The method of establishing these prospective rates should be through a rate approval process. A representative rate review organization should be established to review the past performance, cost and utilization of each health care institution, review the facility's proposed schedule of expenditures and anticipated revenue and then negotiate and approve payment rates between the institution and participating contracting agencies prior to the enactment of changes in the level of payment. Rate review organizations should be composed of representation from consumers, contracting agencies, and health care institutions.

The system of payment and rate determination must include the following characteristics which would guide the development of any prospectively determined payment method.

III. NECESSARY CHARACTERISTICS

1. The final determination of the level of payment by a rate review organization must be in accordance with health care institutions' full financial requirements.

2. Rate review organizations, constituted on an areawide basis, i.e., state or Blue Cross Plan area or on a sub-regional basis, as a minimum requirement, should be composed of representation from consumers, contracting agencies, and health care institutions.

3. The health care institution should propose prospectively the level and sources of revenue necessary to meet its forecasted financial requirements as delineated in the Maryland Hospital Association's *Statement of Principles of Payment for Providers*. The proposal would be accompanied by operating and capital budgetary forecasts and historical accounting and cost data.

4. Capital expansion and major modernization proposals must be reviewed and recommended for approval by the designated Areawide Health Planning Agency prior to the rate review organization's permanent recognition of these expenditures in a health care institution's prospective level of payment.

5. Since a budget is an estimate of future needs and performance, health care institutions and the rate review organization must be able to request interim changes in levels of payment or adjustments to future levels of payment when major events occur which were unpredictable or uncontrollable by the institution. Such changes would include but not be limited to significant wage changes resulting from labor negotiations, major changes in occupancy, by legislation or inflation.

Such justifiable adjustments must be accomplished in a timely fashion so as to:

a. offset any associated loss

b. meet continuing financial needs, and

c. protect the working capital position of the institution.

6. An appropriate appeal mechanism for all parties should be established so as to conform to the substance of the procedures described in the Maryland Hospital Association *Statement of Principles for Payment to Providers*.

7. In each individual institution, the prospective rates must result in apportionment of financial requirements without discrimination among all purchasers of care with equal charges for comparable services.

8. All participating contracting agencies (third party payors) would be obligated to pay on the basis of the rate review organization's approved level of payment.

9. On the advice of institutions and contracting agencies, the rate review organization must develop a system of incentives which would encourage inter-institution coordination of services and internal cost control. Any system of incentives must be capable of being applied to all health care institutions and services on an equitable basis.

SENATE BILL NO. 359

An act to add new Sections 568H through 568X to Article 43 of the Annotated Code of Maryland (1965 Replacement Volume), to follow immediately after Section 568G thereof, title "Health," to be under the new subtitle "Health Services Cost Review Commission," providing for the establishment within the Health Department of a Commission to be known as the Health Services Cost Review Commission, to be appointed by the Governor, which Commission shall be charged with the duty to assure to all purchasers of health care institutional services that the cost of said institutions are reasonably related to the total services offered by the institutions, and to provide that the rates set by the institutions are in reasonable relationship to their aggregate cost, said rates being set without discrimination; providing for the powers, duties and functions of said Commission, and providing for appointments of staff and executive director, and relating generally to establishment of the Health Services Cost Review Commission in the State of Maryland

SECTION 1. Be it enacted by the General Assembly of Maryland, That new Sections 568H through 568X be and they are hereby added to Article 43 of the Annotated Code of Maryland (1965 Replacement Volume), title "Health," to be under the new subtitle "Health Services Cost Review Commission," and all to read as follows:

HEALTH SERVICES COST REVIEW COMMISSION

568–H

In creating the Health Services Cost Review Commission, the intent of the Maryland General Assembly shall be as follows:

a. The purpose of this act is to create a commission which will beginning July 1, 1971, cause the public disclosure of (1) the financial position of all hospitals and related institutions and (2) the verified total costs actually incurred by each such institution in rendering health services, computed by methods the Commission prescribes; and which after the expiration of three additional years will also review and certify as to the reasonableness of the rates established by these institutions. It will also be the Commission's responsibility to keep itself informed as to whether the financial resources of each institution are sufficient to meet its financial requirements and to concern itself with solutions when resources are inadequate.

b. After July 1, 1974, an additional responsibility of this Commission is to assure all purchasers of health care institutional services that the total costs of the institution are reasonably related to the total services offered by the institution; that the institution's aggregate rates are set in reasonable relationship to the institution's aggregate costs; and that rates are set equitably among all purchasers of services without undue discrimination.

568–I

The Governor of the State of Maryland shall create the Health Services Cost Review Commission, an independent commission functioning within the Department of Health and Mental Hygiene, the jurisdiction and powers of which shall extend to all hospitals, health care and related institutions as defined in Section 556 of this Article, whether they be operated as profit making or non-profit making institutions. This law shall not be construed to include any hospital or related institution operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

568–J

The Commission shall consist of seven (7) members, who shall be appointed by the Governor. The appointees shall be persons who are interested in problems of health care, of which four (4) shall be persons who have no connection with the management or policy of any hospitals or related institution. Of the initial appointees, two (2) members shall be appointed for a term of four (4) years; two (2) members shall be appointed for an initial term of three (3) years; two (2) members shall be appointed for an initial term of two (2) years; and one (1) member shall be appointed for an initial term of one (1) year. Thereafter, all appointments shall be for terms of four (4) years each. No member shall be eligible for appointment to more than two consecutive terms.

a. The Governor shall annually select a Chairman who shall select a Vice-Chairman. Meetings of the Commission shall be held as frequently as its duties require. All meetings of the Commission except executive sessions shall be open to the public. The Commission shall hold no less than six (6) meetings per year. The Commission shall keep minutes of its meetings and adopt rules and regulations governing its meeting, minutes and transactions.

b. Four (4) members constitute a quorum, but a vacancy of the Commission does not impair its power to act. No action of the Commission shall be effective unless at least four (4) of its members concur therein.

c. Members of the Commission shall receive compensation as may be provided for in the budget, and they shall be reimbursed for all necessary and proper expenses that are incurred in the performance of their duties.

568–L

a. The Commission shall appoint, with the approval of the Governor, an executive director, who shall perform any and all duties, functions as prescribed by the Commission. The Commission shall employ such other staff as provided in the budget. In addition, the Commission may contract with third parties for any services that may be necessary to carry out its activities.

b. The executive director shall be the chief administrative officer of the Commission and shall be subject to the direction of the Commission. The executive director, deputy director and the principal section chiefs shall serve at the pleasure of the Commission.

c. To carry out the purposes of this subtitle, the Commission may also create committees from its membership and appoint advisory committees which may include as members individuals and representatives of interested public and private groups and organizations.

d. The Commission may apply for, receive and accept grants, gifts, payments and other funds and advances, appropriations, properties and services from the United States, the State of Maryland or any governmental body, agency or agencies or from any other public or private corporation or person, and enter into agreements with respect thereto, including the undertaking of studies, plans, demonstrations or projects.

568–M

In addition, to the powers granted to the Commission elsewhere in this subtitle, the Commission may:

(1) Adopt, amend and repeal rules and regulations respecting the exercise of the powers conferred by this subtitle, subject to the provisions of Article 41 of this Code applicable to the promulgation of rules and regulations.

(2) Hold public hearings, conduct investigations and require the filing of information relating to any matter affecting the cost of services in all institutions subject to the provisions of this subtitle and to subpoena witnesses, papers, records and documents in connection therewith. The executive director may administer oaths or affirmations in any hearing or investigation.

(3) Exercises, subject to the limitations and restrictions herein imposed, all other powers which are reasonably necessary or essential to carry out the expressed objects and purposes of this subtitle.

568–N

Any persons aggrieved by a final determination of the Commission under the provisions of this subtitle may appeal therefrom as provided by Sections 206A, 206B, 255 and 256 of Article 41.

568–O

a. The Commission shall by rule, after consultation with appropriate advisory committees and public hearings, specify a uniform system of accounting and financial reporting, including such cost allocation methods as it may prescribe, by which hospitals and related institutions shall record their revenues, expenses, other income and other outlays, assets and liabilities, and units of service. All institutions under the Commission's jurisdiction shall adopt the system for their fiscal year period, starting on or after April 1, 1972.

b. The Commission may allow and provide for modifications in the accounting and reporting system in order to correctly reflect differences in the scope or type of services and financial structure between the various categories, sizes or types of institutions subject to this subtitle and in a manner consistent with the purposes of this subtitle.

568–P

a. It shall be the duty of every hospital and related institution which comes under the jurisdiction of this subtitle to file with the Commission the following financial statements or reports in a form and at intervals specified by the Commission but at least annually:

(1) A balance sheet detailing the assets, liabilities and net worth of the institution for its fiscal year;

(2) A statement of income and expenses for the fiscal year; and

(3) Such other reports of the costs incurred in rendering services as the Commission may prescribe.

b. The annual financial statements filed pursuant to this section shall be prepared in accordance with the system of accounting and reporting adopted under Section 568–O. The Commission shall require the certification of specified financial reports by the institution's Certified Public Accountant and may require attests from responsible officials of the institution that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

c. The Commission shall require the filing of all reports by specified dates, and may adopt regulations which assess penalties for failure to file as required.

d. All reports, except privileged medical information, filed under any provision of this subtitle shall be open to public inspection and shall be available for examination at the offices of the Commission during regular business hours.

568–Q

a. Whenever a further investigation is deemed necessary or desirable to verify the accuracy of the information in the reports made by institutions under this subtitle, the Commission shall have the authority to make any necessary further examination of the institution's records and accounts as the Commission may by regulation provide. Such further examinations under this section may include, but are not limited to, requiring a full or partial audit of all such records and accounts.

b. In carrying out the duties prescribed by this subsection, the Commission may utilize its own staff or may contract with any appropriate, independent, qualified third party.

No such contractor shall release or publish or otherwise use any information made available to it under its contractual responsibility unless such permission is specifically granted by the Commission.

568–R

From time to time, the Commission shall engage in or carry out analysis and studies relating to health care costs, the financial status of any institution subject to the provisions of this subtitle, or any other appropriate related matters, and it shall be empowered to publish and disseminate any information relating to the financial aspects of health care as it deems desirable in the public interest, and in accordance with the provisions of this subtitle. It shall further require the filing of information concerning the total financial needs of each institution and the resources available or expected to become available to meet such needs; including, but not limited to, the effect of proposals made by comprehensive areawide and state health planning agencies.

568–S

In addition to its other responsibilities under the provisions of this subtitle, the Commission shall be charged with the duty of preparing and filing such summaries, compilations, or other supplementary reports based on the information filed with the Commission hereunder as will advance the purposes of this subtitle. All such summaries, compilations and reports shall be open to public inspection and shall be made available to requesting agencies and shall be prepared within a reasonable time following the end of each institution's fiscal year or more frequently as specified by the Commission.

568–T

On or before the first day of October, 1972, and every year thereafter, the Commission shall prepare and transmit to the Governor, the Secretary of Health and Mental Hygiene and each member of the General Assembly a report of Commission operations and activities for the preceding fiscal year. This report shall include copies of all summaries, compilations and supplementary reports required by this subtitle together with such facts, suggestions and policy recommendations as the Commission deems necessary.

568–U

From and after July 1, 1974, the Commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of health care institutional services that the total costs of the institution are reasonably related to the total services offered by the institution, that the institution's aggregate rates are reasonably related to the institution's aggregate costs; and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

In order to properly discharge these obligations, the Commission shall have full power to review and approve the reasonableness of rates established or requested by any institution subject to the provisions of this subtitle. No institution shall charge for services at a rate other than those established in accordance with the procedures established hereunder.

In the interest of promoting the most efficient and effective use of health care institutional service, the commission may promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this subtitle.

568–V

To properly carry out its authority, the Commission shall:

(1) Immediately upon the effective date of this subtitle begin to compile all relevant financial and accounting data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The Commission shall define and prescribe by rule the types and classes of charges which cannot be changed except as provided by the following procedure and it shall also obtain from each such institution a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require.

(2) (A) Permit any nonprofit institution subject to the provisions of this subtitle to charge reasonable rates which will permit the institution to render effective and efficient

service in the public interest on a solvent basis.

(B) Permit any proprietary profit-making institution subject to the provisions of this subtitle to charge reasonable rates which will permit the institution to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or the fair value of the investment, whichever is less.

(3) In the determination of reasonable rates under this section for each institution, take into account the recommendations of appropriate areawide and State comprehensive health planning agencies to ensure compliance with Maryland comprehensive health planning law as found in Section 59C of Article 43 of the Annotated Code of Maryland.

(4) In considering a request for change in or initiating a review of rate schedules or other charges, permit any institution subject to the provisions of this subtitle to charge rates which will in the aggregate produce sufficient total revenue for the institution to meet all of the reasonable obligations specified herein.

From and after July 1, 1974, no institution subject to the provisions of this subtitle shall change or amend that schedule of rates and charges of the type and class which cannot be changed without prior approval of the Commission, except in accordance with the following procedure:

(1) Any request for a change in rate schedules or other charges must be filed in writing with such supporting data as the institution seeking the change deems appropriate. Unless the Commission orders otherwise as provided for hereunder, no institution shall establish such changes except after 30 days notice to the Commission. Upon receipt of notice, the Commission may suspend the effective date of any proposed change. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the institution. Unless suspended, any proposed change shall go into effect upon the date specified in the application.

(2) In any case where such action is deemed necessary, the Commission shall promptly institute proceedings as to the reasonableness of the proposal. The suspension may extend for a period of not more than 30 days beyond the date the change would otherwise go into effect; provided, however, that should it be necessary, the Commission may extend the suspension for an additional 30 days. After the expiration of 90 days the new rate will go into effect, if the Commission does not approve, disapprove or modify the request by that time.

(3) In any case where the Commission deems it necessary such proposals shall be considered at a public hearing, the time and place of which shall be determined by the Commission. The hearing shall be conducted by the Commission at which time evidence for and against the requested change may be introduced by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) The Commission may, in its discretion, permit any institution to make a temporary change in rates which shall be effective immediately upon filing and in advance of any review procedure when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedures set out herein shall be conducted by the Commission as soon thereafter as is practicable.

(5) Every decision and order of the Commission in any contested proceeding shall be in writing and shall state the grounds for the Commission's conclusions. The effects of such orders shall be prospective in nature.

568–X

The Commission shall annually prepare a budget which shall include its estimated income and expenditures for administration and operation.

SECTION 2. And be it further enacted, That if any provision of this Act or the application thereof to any person or circumstances is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Act which can be given effect without the invalid provisions or application and to this end, all the provisions of this Act are hereby declared to be severable.

SECTION 3. And be it further enacted, That this Act shall take effect July 1, 1971.

WHITE HOUSE CONFERENCE ON AGING

Mr. BEALL. Mr. President, there presently is occurring at the White House an event of utmost importance to senior citizens. I am, of course, referring to the White House Conference on Aging. President Nixon has taken a personal interest in this Conference and addressed the delegates today.

As the ranking Republican on the Labor and Public Welfare Subcommittee on Aging, I am very much interested in the Conference. The final test of the conference will be not only in its recommendations, but also the extent to which Congress and the country take action to improve the conditions of senior citizens. These citizens during their working years have made possible the high standard of living which our citizens enjoy today, and we owe them an obligation to make certain that their retirement years will be lived in security, independence, and dignity.

I ask unanimous consent that the text of the President's address be printed in the RECORD. I am particularly pleased that the President will retain Dr. Flemming, not only during a follow-up period after the conference, but also as his personal consultant on aging. I am sure this action will help to make the closing of the conference a "beginning," as the President stated in today's address, and that the "promises made" will be fulfilled.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE WHITE HOUSE CONFERENCE ON AGING, WASHINGTON, D.C.

Many of you have made a very important pledge this morning, a very specific commitment to action in the post-Conference year. I have come here this morning to join you in that pledge.

This means I will give close personal consideration to the recommendations of this Conference. I have asked Dr. Flemming to stay on—not only as Chairman of this Conference in the follow-up period, but also as my special consultant on aging so that I can take up these matters personally with him, as well as with John Martin, my Special Assistant on Aging. I will put your recommendations at the top of the agenda of our Cabinet-level Committee on Aging—which is chaired by Secretary Richardson and on which Dr. Flemming also plays a leading role. And finally, I have asked Dr. Flemming to create a post-Conference board to act as your agent in following up on your proposals.

When matters that affect the interests of older Americans are being discussed, I am determined that the voice of older Americans will be heard.

As we consider your suggestions, we will be guided by this conviction: any action which enhances the dignity of older Americans enhances the dignity of all Americans. For unless the American dream comes true for our older generation, it cannot be complete for any generation.

This is true, first, because we all grow old. The younger generation today will be the older generation tomorrow. But more than that, the entire Nation has a high stake in a better life for its older citizens simply because it needs them. It needs the resources which they alone can offer.

We are speaking, after all, of a proven generation, one that has brought this country through the most turbulent period in human history. Its skills, its wisdom, its values, its faith—these are among the most valuable resources this Nation possesses.

This country will have to be at its best if we are to meet the challenge of competition in the world in the 1970s. And we cannot be at our best if we keep our most experienced players on the bench.

Yet in recent years a gulf has been opening between older Americans and the rest of our people. This gulf is the product, in large measure, of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

We must change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let me begin where most of you begin: with the problem of inadequate income. If we move on this front, all the other battles will be easier. If we fail to move here, the other battles will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill which is known as H.R. 1—and approve it without delay. For this legislation would revolutionize our whole approach to income problems among the elderly.

For the first time in our history, it would put a national floor under the annual income of every older American. For the first time in our history, it would make social security benefits inflation-proof.

It would also allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. And I hope the Congress will also include in H.R. 1 my proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

H.R. 1—as it now stands—would provide some 5½ billion dollars in additional Federal benefits to older Americans: 3 billion dollars in increased social security benefits, and—when it is fully effective—another 2.5 billion dollars in new benefits to persons with lower incomes. My proposal to eliminate the monthly Medicare fee would enrich this 5.5 billion dollar package by an additional 1.4 billion dollars—the equivalent of an additional 5 percent increase in social security.

As we work to increase Federal benefits for older Americans, we must also work to reduce the pressure of taxes. We are therefore supporting a series of tax reform proposals which would enable a single person age 65 or older to receive up to $5,100 of tax free income. A married couple, both of whom are 65 or older, could receive over $8,000 in tax-free income if these changes take effect.

However, one of the most onerous of all taxes for older Americans is largely unrelated to income. I refer, of course, to the property tax—which keeps going right on up, even when an older person's income is going down. In fact, property tax collections have increased by some 40 percent in the last five years alone.

Nearly 70 percent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving. And yet, because of property taxes, the same home which has been a symbol of their independence often becomes a cause of their impoverishment.

Even older persons who rent their homes often bear an unfair burden, since property tax increases are often passed along in the form of higher rents. And the inequity of the property tax is often all the greater because it takes money from those who have already educated their own children and uses it largely for the education of others.

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders, full of hope and pride. And over the years that followed they made their dreams come true.

But today—many years later—things have changed, so much so that Mrs. Ewing begins her letter to me by asking, "Was it just an empty dream after all?" Her father—at 73—is too ill and tired to work. His family is grown and scattered. And to meet his real estate taxes he is now being forced to sell the property for which he worked so hard and so long. "If this is really the country I grew up believing it to be," Mrs. Ewing continues, "these inhumane tax laws must be changed. . . ."

I agree. We need a complete overhaul of our property taxes and of our whole system for financing public education. Our revenue sharing program can help relieve the pressure on property taxes and older Americans have a large stake in its enactment. But additional reform is also needed.

I am therefore preparing specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. It is clear that these remedies will involve large sums of money. We are prepared, however, to make the hard decisions we will have to make. The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

A second major problem affecting the income of older persons is the inadequacy of private pension plans.

I will therefore propose to the Congress a new program to reform our private pension system. This program will include measures designed to expand pension coverage and to ensure that pension funds are soundly and honestly managed. I will also recommend new laws to require the vesting of pensions—to ensure that the benefits which accumulate in a person's working years are paid to him when he is older.

Lately, of course, we have been giving high priority to another effort that has special meaning for older Americans: the drive to curb the rise in the cost of living. When wages and prices rise unreasonably for the few, the result is an unreasonable decline in the purchasing power of the many. By holding wage increases to reasonable levels for those who are working, we will help to protect the incomes of those who are retired.

I have appreciated the support that older Americans have given to this effort—and I am determined that as we achieve our new prosperity, it will be a new prosperity without inflation, and therefore without the hidden tax that hits so cruelly at those on fixed incomes.

As the income position of older Americans improves, so will their ability to cope with many of the other problems you have been discussing. But even with higher income, many older person will still face problems beyond their individual control.

Take the one million Americans who live in nursing homes, for example. Many of them—like my 91-year-old aunt in California—receive excellent care in pleasant surroundings. But many do not—and there is little they can do about it. This is why I announced last summer an 8-point program for improving our Nation's nursing homes and for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes. But we will not hesitate to cut off funds from homes which are hopelessly substandard. Furthermore, we will take the initiative in making sure that public and private resources are available to provide alternative arrangements for the victims of such homes.

But nursing homes are only one part of the picture. The greatest need is to help more older Americans to go on living in their own homes. Income programs and tax reforms can help us achieve this objective. And so can a number of additional decisions which we already have made.

We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly.

We have made two additional administrative decisions which will also help older Americans to remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominium apartments and retirement communities. The second will require that Federal grants which provide services for older persons also provide for the transportation they need to take advantage of these services.

Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis. I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents program be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under this program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income.

Older persons can be proud of how well they have made all these programs work in recent years. These decisions mean they will now be able to work in more places and for more people.

I have spoken this morning about some of the immediate steps I am taking as a part of my commitment to action. We are proud of these initiatives—but we are not content to rest on them. Instead, we want to build on them. That is why I have outlined a mechanism for following up on this Conference—one which will allow us to take the fullest advantage of the excellent work which you have done.

Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

As you know, these proposals involve very difficult budgetary problems for the Government.

However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this Conference—a message which must now be heard in every community in this land.

The message is simply this: We need a new national attitude toward aging in this country—one which fully recognizes what America must do for its older citizens, and one which fully appreciates what our older citizens can do for America.

Only a new national attitude toward aging can end the "throw away psychology" which, I understand, was so graphically demonstrated in the film you saw last Sunday night. Only a new attitude toward aging can reopen the doors of opportunity which have too often been closing on older men and women. And—to borrow another phrase from your multimedia presentation—only a new attitude toward aging can keep older Americans from "slipping through the cracks."

We are entering a period when people will be retiring even earlier from their regular jobs—and when it will therefore be more important than ever to recognize that retirement from work does not mean retirement from life. This concept must be at the heart of our new national attitude toward aging.

A few months ago I met a remarkable man by the name of George Black. For more than eighty years, Mr. Black has been making bricks by hand in Winston-Salem, North Carolina. George Black is 93 years old—but this does not mean that his productive days are over.

Recently our Government sent George Black to the country of Guyana in South America, so that he could share his skills with people in that land. When he was asked about his trip, Mr. Black made this comment: "I have always asked the Lord," he said, "to let my last days be my best days. I feel like he's answering my prayers."

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them—as for him—its answer depends not only on what they are given but on what they continue to give.

Older Americans have much to give to their country. The best thing this country can give to them is the chance to be a part of it—a chance to play a continuing role in the great American adventure.

In a real sense, this Conference is just beginning. For all of us are going home with promises to keep. As we keep those promises—as we fulfill our commitments to action—we will make this Conference the great New Beginning you have talked about this week. And we will help make the last days the best days for all of our countrymen.

IMPROVING THE HANDLING OF CONSTITUENT COMPLAINTS

Mr. HARTKE. Mr. President, on June 23 I introduced S. 2134, an act to establish an Office of Constituent Assistance. At the time, I stated my belief that the ever-increasing volume of constituent requests and complaints required the establishment of a central office which would assist Members of Congress in the processing of this correspondence.

I also noted that an Office of Constituent Assistance would assist Congress in performing its legislative oversight function. Too little attention has been given to this important function. Legislation is passed after extensive deliberation, but there is often not enough time to follow through on the implementation of that legislation. Members of Congress cannot anticipate the problems which arise from the bureaucratic implementation of legislative policies. Yet, our responsibility does not end with the passage of a bill.

The Office of Constituent Assistance will help us to monitor the implementation of important pieces of legislation. When it is established, we will have, for the first time, one central office which will be able to put together the pieces of the puzzle which presently reside in 535 different offices. Under the existing system, we cannot tell whether five letters during the course of 1 month each of which complains about the same alleged bureaucratic abuse represent a significant pattern. But a central office to which have been referred those five letters together with similar letters from other congressional offices could make such a determination with ease. It could also report its findings of bureaucratic abuses and errors to the Congress for legislative action.

The Office of Constituent Assistance that I propose is not a luxury; it is a necessity if we intend to serve our constituents and perform our other responsibilities with the diligence required of our high office. I emphasize now, as I did when I offered the proposal in June, that this office would in no way supersede a Member of Congress. Constituent complaints handled by the Office would be only those referred to it by Senators and Representatives; and the Office's responses to those complaints would be sent to the Member who referred the complaint in the first instance.

Recently, the ombudsman committee of the administrative law section of the American Bar Association revised its position on ombudsman proposals to encourage experiments on the Federal level with the establishment of "an ombudsman or ombudsmen for limited geographical area or areas, for a specific agency or agencies or for a limited phase or limited phases of Federal activity."

In another recent development, Roger C. Cramton, chairman of the Administrative Conference of the United States delivered a paper entitled "A Federal Ombudsman?" Among the subjects discussed was the possibility of using the Administrative Conference to perform ombudsman functions on the Federal level.

Mr. President, while I do not contend that S. 2134 establishes an ombudsman, I believe that these two recent developments highlight the need for a Federal office of this type. I therefore ask unanimous consent that both the ABA statement and the paper delivered by Mr. Cramton of the Administrative Conference be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION, ADMINISTRATIVE LAW SECTION, OMBUDSMAN COMMITTEE—THE OMBUDSMAN

1. DEFINITION

The Ombudsman is an independent governmental official who receives complaints against government agencies and officials from aggrieved persons, who investigates, and who, if the complaints are justified, makes recommendations to remedy the complaints.

2. BASIC CONCEPT

The Ombudsman system is one of the institutions essential to a society under the Rule of Law, a society in which fundamental rights and human dignities are respected. Human rights are not protected simply by constitutions or legislation, by guarantees or speeches, by proclamations or declarations, but primarily by the availability of remedies. The Ombudsman system is one of the remedies which seeks to preserve human rights.

3. REASONS FOR OMBUDSMAN

(a) The post-World War II growth of the welfare state. Government grew in size and extensive powers were given to agencies. Protection is needed against executive and administrative mistake and abuse of power.

(b) The activities of public administration have become so comprehensive and the power of the bureaucracy so great that the legal status of the individual needs additional protection.

(c) Existing mechanism—courts, legislatures, the executive, administrative courts, and administrative agencies—are not sufficient to cope with the grievances of the aggrieved and there is a need for a supplementary institution.

(d) The presence of the Ombudsman has psychological value. His office gives the citizen confidence that there exists a watchdog for the people who will hold government accountable.

(e) The legislature traditionally concerned with the observance of laws and rulings by public officials has at the same time extensively delegated powers to the administrative authorities. The Ombudsman can serve to aid the legislature in its function of supervising the executive and administrator.

(f) The Ombudsman gives the citizen an expert and impartial agent without personal cost to the complainant, without time delay, without the tension of adversary litigation, and without requirement of counsel or the intervention of those highly placed.

4. TYPES OF ACTION OR INACTION WHICH GIVE RISE TO COMPLAINTS

(a) The Ombudsman investigates complaints arising from administrative action or inaction as a result of which any person has been aggrieved. Such types of action or inaction are:

(1) Injustice.
(2) Failure to carry out legislative intent.
(3) Unreasonable delay.
(4) Administrative error.
(5) Abuse of discretion.
(6) Lack of courtesy.
(7) Simple clerical error.
(8) Oppression.
(9) Oversight.
(10) Negligence.
(11) Inadequate investigation.
(12) Unfair policy.
(13) Partiality.
(14) Failure to communicate.
(15) Rudeness.
(16) Maladministration.
(17) Unfairness.
(18) Unreasonableness.
(19) Arbitrariness.
(20) Arrogance.
(21) Inefficiency.
(22) Violation of law or regulations.
(23) Abuse of authority.
(24) Discrimination.
(25) Disability to act.
(26) Errors, mistakes, carelessness.
(27) Disagreement with discretionary decisions.
(28) Inconsistent with general course of an agency's function.
(29) Mistakes in law or arbitrary in ascertainment of facts.
(30) Based on irrelevant consideration.
(31) Unclear or inadequately explained when reason should have been revealed.
(32) Inefficiently performed.
(33) All other acts of injustice that frequently the governors inflict upon the governed, intentionally or unintentionally.

(b) The Ombudsman may also recommend clarification, amendment, or initiation of legislation and administrative rules and regulations.

5. AMERICAN BAR ASSOCIATION RESOLUTION

The following Resolution dealing with the establishment of an Ombudsman was adopted by the American Bar Association at the Midyear Meeting of the House of Delegates in 1969:

Be it Resolved, That the American Bar Association recommends:

1. That state and local governments of the United States should give consideration to the establishment of an ombudsman authorized to inquire into administrative action and to make public criticism.

2. That each statute or ordinance establishing an ombudsman should contain the following twelve essentials: (1) authority of the ombudsman to criticize all agencies, officials, and public employees except courts and their personnel, legislative bodies and their personnel, and the chief executive and his personal staff; (2) independence of the ombudsman from control by any other officer, except for his responsibility to the legislative body; (3) appointment by the legislative body or appointment by the executive with confirmation by a designated proportion of the legislative body, preferably more than a majority, such as two-thirds; (4) independence of the ombudsman through a long term, not less than five years, with freedom from removal except for cause, determined by more than a majority of the legislative body, such as two-thirds; (5) a high salary equivalent to that of a designated top officer; (6) freedom of the ombudsman to employ his own assistants and to delegate to them, without restraints of civil service and classification acts; (7) freedom of the ombudsman to investigate any act or failure to act by any agency, official, or public employee; (8) access of the ombudsman to all public records he finds relevant to an investigation; (9) authority to inquire into fairness, correctness of findings, motivation, adequacy of reasons, efficiency, and precedural propriety of any action or inaction by any agency, official, or public employee; (10) discretionary power to determine what complaints to investigate and to determine what criticisms to make or to publicize; (11) opportunity for any agency, official, or public employee criticized by the ombudsman to have advance notice of the criticism and to publish with the criticism an answering statement; (12) immunity of the ombudsman and his staff from civil liability on account of official action.

3. That for the purpose of determining the workability of the ombudsman idea within the Federal government, the Federal government should experiment with the establishment of an ombudsman for limited geographical area or areas, for a specific agency or agencies or for a limited phase or limited phases of Federal activity.

4. That establishment of a Federal government-wide ombudsman program should await findings based upon the experimentation recommended.

Be it Further Resolved, That the Section of Administrative Law is authorized to present the views of the Association and to encourage the establishment of ombudsmen in accordance with the provisions of this Resolution, by all necessary and appropriate means.

6. BIBLIOGRAPHY

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10. 32nd American Assembly Final Report, "The Ombudsman," Columbia University, October 1967. (Available from Chairman on request.)
11. The Ombudsman or Citizen's Defender: A Modern Institution, The Annals, Vol. 377, May, 1968.
12. Ombudsmen–1967. A Compilation of State Proposals, United States Senate, Subcommittee on Administrative Practice and Procedure, November, 1967, U.S. Government Printing Office.

Attention is called to the following Bibliographies:

1. Bibliography on the Ombudsman by Randy Hamilton, School of Public Administration, University of Southern California, University Park, Los Angeles, California, 90007.
2. Ombudsman-Citizen Defender, Bibliography prepared by Charles L. Smith for the Friends Committee on Legislation of California, 2160 Lake Street, San Francisco, California.

7. OMBUDSMAN COMMITTEE

American Bar Association, Administrative Law Section, Chairman, Milton M. Carrow, New York, N.Y.

Ombudsman Committee, Chairman, Bernard Frank, 832 Hamilton Street, Allentown, Pennsylvania 18105.

For further information with respect to the Ombudsman, write to Chairman, Bernard Frank.

A FEDERAL OMBUDSMAN?*

(By Roger C. Cramton**)

*Remarks prepared for delivery at the Administrative Law and Procedure Committee of the Federal Bar Association annual meeting in New Orleans, Louisiana, on September 9, 1971.

**Chairman, Administrative Conference of the United States. The views expressed herein are not necessarily the views of the Administrative Conference.

I. NATURE OF THE PROBLEM

Big government in a welfare society has multiplied the relations between governmental agencies and ordinary individuals, while at the same time the increased size and remoteness of agencies has made them much more impersonal. Meanwhile, citizens are no longer willing to accept passively whatever bureaucrats decide or provide. Government agencies that have traditionally operated with largely unencumbered discretion, for example, the decisions of social workers regarding welfare recipients, are being asked to take heed of the views of those affected. A veritable revolution in citizen attitudes toward the exercise of delegated powers is under way, signified by such slogans as "citizen participation" and "civil accountability."

The social demand for improved complaint-handling devices has its roots in relationships between democratic theory and administrative practice. Democratic theory requires the existence of satisfactory institutions for insuring that the exercise of administrative power remains accountable to the people.[1]

Accountability has several facets: First, the elected representatives of the people must retain and exercise responsibility for the delegated authority of appointed officials. Second, administrative agencies must establish effective machinery for insuring justice in individual cases and for handling complaints of injustice. And, finally, an external and impartial complaint-handling mechanism should be available to the citizen who has a grievance against government.[2]

Despite the generally high level of federal administrative performance, mistake and failure is an evitable part of any human institution. Persistent bureaucratic maladies—arrogance, insensitivity, inflexibility, haste or carelessness, and incompetence—assure a steady stream of grievances and irritations that need airing and cleansing.[3]

The direction of social change is expanding the number of these grievances and accentuating the importance of dealing with them. Citizens are more affected by government's expanded activities and thus opportunities for collision are more frequent. Citizen expectations of the levels of service to which they are entitled are constantly rising. And the complexity and impersonality of modern life produce new irritations since the citizen no longer can meaningfully relate to or understand many of the forces which appear to control his destiny.

Better devices for handling citizen complaints provide the possibility of increasing the level of citizen satisfaction with government, raising the average level of governmental performance, and providing a powerful tool for searching out trouble spots and devising solutions before a crisis develops. Responsiveness to citizen complaints may help otherwise alienated individuals feel that they are participating in governmental decision-making, and alleviate the growing frustration of the "you can't fight city hall" syndrome.

Preoccupation with complaint-handling mechanisms, however, should not obscure the fact that those who complain are not a random sample of the whole population. We need to know more about the characteristics of those who complain as against those who don't; the representativeness of the complaints that are filed of the total universe of aggrieved feelings; and the proportion of meritorious complaints in both segments of the population. Just as the consumer movement tends to be dominated by college-educated housewives of above-average income—precisely the group that is best able to cope with market conditions—the population of complainants is likely to be unrepresentative of the larger universe. Thus examination of complaints, while important, is not a substitute for systematic observation of the totality of administrative decisions.

II. CHARACTERISTICS OF AN IDEAL COMPLAINT-HANDLING INSTITUTION

The vast literature on the ombudsman and related problems has reached a point of sophistication that makes it possible to summarize some of the essential characteristics of an ideal complaint-handling institution. The ideal complaint-handling institution would be (1) widely available; (2) highly visible; (3) client centered; (4) independent; (5) expert within its sphere of competence; and (6) capable of developing general recommendations for the improvement of complaint-producing situations.[5]

With the profusion of specialized agencies and services, there is need for an information, referral and complaint service that can provide a citizen with a needed service or refer him without delay to an agency that can handle his problem effectively. Ideally, a local office in each community, easily accessible by mail, telephone or in person, should provide information concerning governmental and other services; refer citizens to appropriate agencies for help and action; assist citizens in formulating complaints against local, state or federal agencies; forward the complaint to an appropriate complaint-handling institution; and monitor the action taken on any referral or complaint.

Existence of a complaint-handling mechanism, of course, will not accomplish much if the citizenry is unaware of its existence. The information problem is a serious one, especially if people of lower income are to be adequately served. The difficulty of educating the public about multiple complaint-handling agencies suggests the desirability of concentrating on one (or a few) agencies that are highly visible, widely available, and well publicized. A single local office, operated jointly by federal and state governments, should be able to link citizen complaints to a variety of complaint-handling agencies.

An ideal complaint-handling device would also be "client centered" in the sense that it would be organized to serve the convenience of the people for whom it is created rather than that of the professionals who staff it.

It should also be independent. Independence has two facets: (1) the person to whom the complaint is made should be external and independent of the government agency against which the complaint is directed; and (2) the complaint-handling institution should be independent of partisan politics.

A good complaint-handling institution must be expert within its sphere of competence. A complaint-handling institution must have personnel with highly specialized skills as well as intelligence and judgment to deal sensitively and prudently with a broad range of complaints against government. But it must also operate within limits set by accepted norms applicable to governmental administration. It must eschew controversial questions of momentous policy. Its function is not that of the policy-maker, innovator or advocate of social change, but that of testing administration by accepted standards.[6]

Finally, an ideal complaint-handling institution must have the capability to develop general recommendations to ameliorate

Footnotes at end of article.

complaint-producing situations. The pursuit of "justice in the individual case" has sometimes blinded us to aggregative phenomena that are of far greater significance than discrete controversies.[7] An ideal complaint-handling institution will utilize the systematic investigation of individual complaints as the basis for developing cumulative information for needed change. Patterns emerge from the analysis of complaints and this information can be used in order to change the system so that future complaints or injustice are less likely to occur. Most complaint-handling institutions fail to make systematic use of complaints to develop recommendations for general change.[8]

III. EXISTING FEDERAL COMPLAINT-HANDLING DEVICES

There are a wide variety of existing federal devices by which dissatisfied persons may seek consideration of complaints of alleged governmental error: intra-agency appeal; judicial review; legislative casework; and external scrutiny by executive and legislative budget and finance officers. The general manner of operation of these remedies is well known; and their application of citizen complaints is usefully surveyed in Walter Gellhorn's excellent book, *When Americans Complain.*[9]

Agency complaint-handling mechanisms, of course, are limited to the sphere of activity of the agency; hence they are bound to be specialized in terms of subject-matter or geographic area or both. In this respect, agency complaint-handling differs from the ombudsman pattern and from congressional casework, which both offer a generalized, more universal remedy.

Even more important, since the agency will be passing on complaints against itself, agency complaint handling lacks the degree of independence that an ombudsman or other outside critic will have. Independence, of course, is a matter of degree; internal separation of functions and a tradition of autonomous, high-level agency review may be more important than the mere appearance of agency domination. Only a small number of federal agencies, however, have created high-level complaint-handling offices that operate with a considerable degree of autonomy and independence. In most agencies complaints are handled by the same persons who were responsible for making the decisions complained of. There is good reason under such circumstances to be suspicious of the objectivity of the agency complaint-handling process.[10]

Further information is also needed concerning the difference in the handling of a complaint depending upon its source. It is generally accepted that complaints forwarded from Congress or the White House receive much more careful and expeditious treatment than complaints sent directly to the agency. If so, the result is a curious one since it discriminates against the person who proceeds through ordinary channels. Other significant differences in agency complaint handling may turn on the nature of the source of a complaint, the official to whom it is addressed (inside or outside the agency), or the form in which the complaint is cast.

Agency complaint-handling is important in itself and in relation to congressional and White House complaint handling since the latter devices largely depend upon referrals to the agencies. Whether or not proposals for an ombudsman at the federal level are accepted, the improvement of agency complaint-handling mechanisms is desirable. Perhaps a general improvement could be accomplished by having certain types of complaints handled or reviewed by a high-level office independent of the bureau complained of. This office might also generate proposals for organizational or procedural change that would reduce complaint-producing incidents.

Aside from judicial review and the oversight provided by fiscal and budget offices (*i.e.*, Office of Management and Budget, General Accounting Office), the only general complaint-handling mechanisms at the federal level are the result of the special treatment given to complaints addressed respectively to the President or to a member of Congress.

The President receives about 40,000 letters a year which seek assistance in matters involving federal activities. These letters are referred to various federal agencies for handling. The subject matter of these letters runs the gamut of federal activities, with the proportion largely dependent upon the number of persons that a program affects: thus social security is at the top of the list, followed by military and draft problems, taxes, veterans' benefits, etc. The subject matter breakdown of the White House letters is highly suggestive of the types of letters that a federal ombudsman would likely receive.[11]

The Civil Service Commission and the General Services Administration have experimented with methods of providing information to citizens about federal programs and activities. A complaint-handling experiment known as "The President's Listening Post" was set up in Philadelphia as a means of facilitating communications from citizens to the President. Letters were referred to federal agencies which had functional responsibilities with respect to the matters dealt with in the letters. The program is being phased out because, even though it was highly publicized in the Philadelphia area, it did not produce many letters.

The "Listening Post" approach has been replaced by what seems like a much better idea: centers located in federal office buildings throughout the country which provide information to citizens and refer them to the proper agency to handle their problem.

Complaint handling by Members of Congress, Walter Gellhorn states, speeds agency action and produces an outcome more favorable to the complainant in about 10 percent of the cases.[12] The favorable results include many cases in which a better (*i.e.*, more correct) result was reached; in these cases, the efforts of congressional staff have "humanized" the administrative process by overcoming the unimaginativeness or inflexibility of bureaucrats. But in other cases, the favorable outcome is merely preferential treatment that citizens not utilizing the congressional approach will not get.

The great deficiency of congressional casework is its preoccupation with the single instance rather than with the general problem. One of the major benefits of a good complaint-handling system—its use to generate changes that will improve the routine performance of the system—is almost entirely lost.

Congressional casework also may undermine administrative responsibility and fairness by giving favored treatment to those who complain through political channels. Finally, the quality of congressional casework is markedly uneven. Some is excellent, but too often it consists only of a perfunctory reference to the agency involved without any specialized competence or independent judgment being brought to bear.

IV. THE CASE FOR AND AGAINST A FEDERAL OMBUDSMAN

Does the United States need a new, all-purpose complaint-handling institution? Should the ombudsman concept be applied to the Federal Government?

An ombudsman is an independent, impartial, and easily accessible expert in government who receives and investigates individual complaints of alleged governmental error. He reports on them, and may publicize his findings, but has no power to change administrative decisions.

The beneficial aspects of the ombudsman in other countries are said to be: *first*, cases of maladministration have been detected and put right; *second*, recommendations arising out of complaint investigation have changed governmental organization, procedure or policy so that error is less likely to occur in the future; and *third*, the possibility of independent scrutiny of governmental actions has resulted in increased citizen confidence in government and has had a "tonic effect on administration."

Actual statistics of ombudsman activity do not overwhelm the objective critic. The number of instances of maladministration that are put right in any given year tends to be quite small—infinitesimal when compared to the total volume of administrative actions. A very high proportion of complaints is rejected on jurisdictional grounds or found to be unjustified after investigation.[13] Only a modest number of general changes in administration can be traced to recommendations of the ombudsman. Thus, it is not surprising that enthusiasts of the institution tend to emphasize its "tonic effect on administration"—a somewhat subjective quality that is difficult to assess but nevertheless may be very real.

There is also a tendency in discussions of the ombudsman to omit any consideration of possible negative features of the institution. On the debit side, however, there is something to be said.

The cost of the ombudsman operation, although relatively slight (on the order in Hawaii of $100 for each complaint filed with the ombudsman), must be balanced against the expected benefits. In terms of relative costs, however, an ombudsman may be far cheaper than alternative grievance-handling devices that involve lawyers and formal legal proceedings.

Investigation of complaints imposes extra work on administrative agencies and, more seriously, may dilute their responsibility and result in cautious, insipid administrative action. This problem is accentuated, of course, if the ombudsman undertakes to second-guess administrators on issues of substantive policy or priority for scarce agency resources.[14] Despite these negative features, the general experience in other countries has been thought to be very good indeed.[15]

Proposals to apply the ombudsman concept to the Federal Government have been objected to on several grounds. The statement is frequently made that the Federal Government is too large and complex to support the ombudsman concept. Although the size of our nation does pose practical problems, it is not in the American spirit to give up on a problem because the need is so great.

It is true that an ombudsman at the federal level, if his existence was well-known, would receive a large volume of complaints. This suggests the relevance of the British experience, where the requirement that the ombudsman act only on complaints forwarded by members of Parliament operates to filter out matters less deserving of consideration. Nevertheless, a federal ombudsman would almost certainly require a large and specialized staff to handle with sufficient expertise complaints arising throughout the broad range of governmental activities. Whether such bureaucractization would somehow impair the operation of the institution is an open question. At the least, some compromise with the ideal of the ombudsman as a personalized institution would be required.

It is also true that many complaint-handling institutions already exist in the Federal Government. Formal remedies, however, whether administrative or judicial, are more expensive and time-consuming than the ombudsman; while others, such as congressional casework and letters to the President rely for the most part on the agencies involved to handle and review the forwarded complaint. Also, these devices have not been effectively used to generate proposals for general improvement of the administrative process.

The principal reasons for the failure to apply the ombudsman concept to the Federal Government, however, are first, the reluctance of Congress to jeopardize an activity—handling requests by constituents—that aids reelection, and second, fear on the part of administrators that an ombudsman would impair their powers. The former concern, whether appropriate or not, must be taken as a political fact of life. It again suggests the desirability of following the British approach.

The second concern raises again the principal defect of the ombudsman concept: that it may detract from the responsibility of agency officials, especially if the ombudsman is not careful to limit his concern to accepted norms of administration or matters of procedure.

Recent proposals for an ombudsman at the federal level have taken two forms: (1) experimentation with the ombudsman concept in particular subject-matter or geographic areas; and (2) creation of a legislative office to handle complaints at the request of members of Congress.

A current bill sponsored by Senator Javits is illustrative of an experimental federal ombudsman of limited nature and duration.[16] The bill provides for an Administrative Ombudsman who is authorized for a three-year period to conduct demonstration projects in three geographic areas in the United States (one of which is to be the District of Columbia). Appointed jointly by the President pro tempore of the Senate and the Speaker of the House, the Administrative Ombudsman would investigate written complaints of any person that any administrative action was improper or erroneous. This broad scope of review would be applied, however, only to actions of four Federal agencies (HEW, HUD, Labor, and OEO) involving health, education, and antipoverty programs, and employment and manpower training programs.[17] The ombudsman is authorized to make recommendations but cannot require agency compliance. The bill also provides for an American Ombudsman Foundation to perform studies and evaluate the ombudsman concept at the Federal, State, and local level.

A second type of proposal would create a congressional ombudsman to help congressmen handle their casework. For a number of years, Representative Reuss was the proponent of a series of bills which were designed to establish a congressional ombudsman. The new official, appointed jointly by the Speaker of the House and the President pro tempore of the Senate "without reference to political affiliations and solely on the basis of his fitness to perform the duties of his office," would "review the case of any person who alleges that . . . he has been subjected to any improper penalty, or that he has been denied any right or benefit to which he is entitled . . . or that the determination or award of any such right or benefit has been . . . unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States." This review would be undertaken only at the request of a member of Congress; and the findings and recommendations would be reported to the member who referred the matter to the congressional ombudsman.[18]

The major feature of the congressional ombudsman is that, like the British counterpart, complaints must be funneled through a legislator's office. This limitation may be defended on grounds of expediency (Congress may be more willing to create an instrumentality which does not displace its role in handling constituents' complaints) and of practicality (screening by congressional offices may remove any frivolous complaints and limit the total number of matters that must be handled).

Centralizing congressional casework has much to be said in its favor. Wasteful duplication of effort arising from constituent letters to more than one Congressman would be eliminated. A specialized, expert staff would do a more uniform and better job of investigating and handling complaints. Congressional staff, relieved from routine casework (but only at the option of the individual Congressman!), would be able to devote more energy to general legislation. Finally, and most important, the centralization of the casework function in a single office would enable it to recommend the elimination of the conditions and practices that produce meritorious complaints. This feedback and generalization function, which should be a prime objective of any good complaint-handling system, would give rise to general improvement in government organization and procedure.

A further advantage of the congressional ombudsman approach is that it builds on an existing institution—congressional case-handling—which is well established and fairly well known. If wide publicity were to be given to the device, it might receive even greater use. It should not be necessary, for example, for a citizen to know his Congressman's name in order to voice a complaint; arrangements should be made so that letters or telephone calls to "Congress" or "Congressional Ombudsman" or other simple designation would be communicated to the Member of the House in whose district the constituent is situated. Since the device would be available for all complaints against the Federal Government (with very limited exceptions), the educational task of acquainting the citizenry with the availability and potential of the device should be fairly easy. Its availability could also be included in the service provided by information centers in all major federal office buildings, which should in any event provide an adequate information and referral service with respect to all federal agencies and activities.

V. ROLE OF THE ADMINISTRATIVE CONFERENCE

A final issue involves the role that should be played in this area by the Administrative Conference of the United States. The Conference has undertaken studies to provide greater understanding of and improved performance by existing complaint-handling institutions. Should the Conference go further, as some have urged, and constitute itself an ombudsman on an experimental or permanent basis?

The authority of the Conference to undertake a limited ombudsman function can easily be deduced from its general powers. The Conference has broad authority under the Administrative Conference Act to concern itself with the adequacy and fairness of the means used in effectuating federal programs.[19] The Conference may look at "any aspect of agency organization, procedure, or management which may affect the equitable consideration of public and private interests, the fairness of agency decisions, the speed of agency action, and the relationship of operating methods to later review"; but the Conference is not to address itself to the statutory scope of an agency's substantive powers or to policy matters that have been committed to its judgment. Information needed by the Conference in connection with its work "shall be supplied [by federal agencies] to the extent permitted by law." The Chairman is empowered, among other things, to "make inquiries into matters he deems important for Conference consideration, including matters proposed by persons inside or outside the Federal Government."

Thus the Administrative Conference, as an independent, impartial and expert critic of administrative procedure, which relies on persuasion and publicity in order to effectuate its recommendations, has many of the attributes of the classic ombudsman.

In other respects, however, it differs from the classic ombudsman in ways that may reflect on its ability to handle citizen complaints: As a new agency, the Administrative Conference is not well known except to administrative lawyers and lacks visibility as a federal complaint-handling device. The Conference's concern with procedural matters means that it probably could not perform the broader ombudsman function of inquiring into the wrongness of administrative decisions, but only the narrower function of inquiring into maladministration. Unlike ombudsmen in other countries, the Conference lacks subpoena powers. And the limited funds available to the Conference under its existing appropriation place severe restraints on the manpower and energy that could be devoted to the handling and investigation of citizens complaints. Indeed, the Conference, in order to undertake a significant ombudsman function, would need to obtain additional appropriations from Congress for that purpose.

If the Administrative Conference were to undertake an ombudsman function, probably it should do so on an experimental basis. Its lack of visibility and its concern only with procedural matters relating to federal functions suggest an experiment in which complaints received by other bodies might be considered by the Conference. This approach would also serve to limit the total volume of complaints and thereby reduce the fiscal commitment. Two methods of doing this are: (a) offer to handle procedural complaints which are received by Members of Congress; and (b) offer to handle procedural complaints relating to federal activities that are received by a well-established state ombudsman, such as the one in Hawaii.

CONCLUSION

The time has come for experimentation with the ombudsman concept at the Federal level. I believe that it would be preferable to build it on the congressional experience along the lines of the Reuss proposal. But however constituted, the creation of such an office must give adequate emphasis to the utilization of complaints as a source of ideas for needed change in administrative organization or procedure. Reconsideration of administrative procedure is an activity in which the Administrative Conference has a unique capability and interest. Accordingly, the Conference should have a close relationship to any new institution so that it can make systematic use of citizen complaints as a source of general studies and recommendations.

FOOTNOTES

[1] For an illuminating general discussion of "accountability," see R. Dahl, *After the Revolution?* (paper ed. 1970), *passim*.

[2] See A. Reiss, "Servers and Served in Service," in J. Crecine, ed., *Financing the Metropolis*, c. 20 (1970).

[3] This statement does not imply that "bureaucratic maladies" are the norm rather than the exception. In extremely large organizations, especially those carrying on a number of functions, instances of mistake, error or failure are bound to occur. This is as true of nongovernmental institutions (universities, corporations, unions, etc.) as it is of governmental institutions. Special concern with governmental functions, however, is justified because of the high expectations that are properly placed on governmental performance and because the citizen, unlike the situation in the competitive market place, is dealing with a monopolist of services or functions when he is dealing with many governmental bodies.

Footnotes at end of article.

Footnotes at end of article.

[4] *See*, especially, W. Gellhorn, *When Americans Complain: Governmental Grievance Procedure* (1966); *Ombudsman and Others: Citizens' Protectors in Nine Countries* (1966). In addition to the two books by Walter Gellhorn, see: S. Anderson, *Ombudsman for American Government?* (1968); S. Anderson, *Ombudsman Papers: American Experience and Proposals* (1969); and D. Rowat, *The Ombudsman: Citizen's Defender* (1965).

A selective bibliography on the ombudsman concept is included in the more recent book by S. Anderson; it covers more than 25 pages.

[5] A recent article by A. Reiss, "Servers and Served in Service," op. cit. supra n. 2, has been very helpful to me in thinking about the characteristics of an ideal complaint-handling institution.

[6] *See* W. Gellhorn, *When Americans Complain* 47 (1965): "External criticism triumphs most easily when it concentrates on but a few lapses from customarily high standards of fairness and efficiency." See also, *id.*, pp. 224–31.

[7] The argument for greater attention to the aggregative effects of legal rules and procedures is well made by Alfred F. Conard in a recent article, "Macrojustice: A Systematic Approach to Conflict Resolution," 5 Ga. L. Rev. 415 (1971). See also, M. Rosenberg, "Devising Procedures that are Civil to Promote Justice that is Civilized," 69 Mich. L. Rev. 797 (1971).

[8] This point has been made emphatically by Walter Gellhorn, *When Americans Complain* (1965) 89, 93, 218–23.

[9] *Id.*, at 57–130.

[10] See Robert Taylor, "The Culture of Bureaucracy: Chronic Epistilitis," *The Washington Monthly*, vol. 3, no. 7, Sept. 1971.

[11] The material in this paragraph is based on a survey of letters requesting the President's help on a personal problem received by the White House during a 16-day period in 1969. A total of 1,589 letters fell into the "personal problem" category during that short period.

The subject matter of the letters and the agencies to which they were referred for answer are indicated in the following tabulation:

Referral agency and subject	Number	Percentage of total
HEW (social security, welfare, etc.)	540	43
Defense (military transfer, promotion, records, etc.)	355	22
Selective Service (draft deferment)	203	13
Veterans' Administration (VA benefits)	105	7
Treasury (tax refund or problem)	83	5
Justice (pardon, parole, legal aid, citizenship)	72	5
All others	231	14
Total	1,589	100

[12] W. Gellhorn, *When Americans Complain* (1965) 79–82.

[13] Professor Schwartz reports that during the first three years of experience in Great Britain, the Parliamentary Commissioner handled 2,820 complaints. Only 105, or less than 4 percent, were found to be justified and within his jurisdiction. B. Schwartz, "The Parliamentary Commissioner and His Office: The British Ombudsman in Operation," 45 N.Y.U. L. Rev. 963, 976 (1970). The lowness of the figure is perhaps due in part to the fact that the Parliamentary Commissioner, unlike other ombudsmen, cannot consider the correctness of administrative actions but only whether they resulted from "maladministration."

[14] According to Gellhorn, *When Americans Complain* (1965) at p. 54, instances of overreaching on the part of ombudsmen include a request by the New Zealand ombudsman that officials create a civil defense organization although they believed that other tasks were more important; and consideration of personnel security and tax expenditure matters by the Danish ombudsman.

[15] This is the conclusion reached by virtually all students of the subject. See the materials cited in n. 4 *supra*.

[16] S. 2200, 92d Cong., 1st. Sess. (1971).

[17] The limited subject-matter coverage of the experimental approach may be confusing to citizens who may be unable to understand why the ombudsman may handle social security disability matters but not veterans' disability. Some jurisdictional problems are inevitable, but they should be kept to a minimum. A great advantage of the single ombudsman in the Scandinavian and other countries is his simplicity, visibility and broad availability.

One also wonders whether the "experiment," like so many others, is not likely to be permanent whether or not its design is ideal. Since the experimental ombudsman would be working primarily in fields in which poor people are involved, he may tend to view himself as an advocate of a class rather than as an impartial governmental critic. An advocacy role, while it may be useful or desirable, would depart from the ombudsman model.

[18] H.R. 8017, 91st Cong., 1st Sess. (1969). A similar proposal is sponsored currently by Senator Hartke. S. 2134, 92d Cong., 1st Sess. (1971).

[19] Administrative Conference Act, 5 U.S.C. §§ 571–576 (1970).

AGRICULTURE STILL THE NATION'S MOST ESSENTIAL INDUSTRY

Mr. HOLLINGS. Mr. President, it is the fashion these days in so-called sophisticated circles to talk about the declining importance of agriculture. We are, we are constantly told, an industrial nation, and to judge by most of the news coverage the farmer simply vanished from the scene 20 or 25 years ago. We are where we are today, so the story goes, because of industry and urban technology.

Today of all days, Mr. President, we should look at the facts. And the facts are that the farmer has contributed far more than his share in advancing the wealth of the Nation, and continues to do so. Agriculture is still the Nation's most essential industry. It is also the largest single industry. As Mr. Wes Ritchie has recently pointed out in a fine article, agriculture employs more people than transportation, public utilities, automobile manufacturing, and steel combined.

Each and every one of us benefits from the success of American farming. The consumer last year had to spend just 16½ percent of his income on food. That figure, as Mr. Ritchie points out, compares with 20 percent just 10 years ago and 50 percent in many countries around the world today. The farm processer, the middle man, has also benefited tremendously by the soaring production in food and fiber. So has the retailer.

If there is one person who has not shared adequately in the success of the farmer, it is—the farmer. Today we are exercising our constitutional function by helping determine the future of the Agriculture Department. I believe that the President's nominee has not shown an appreciation of the role of the average farmer in the America of 1971. The farmer is not passe. He is not out of step. And he deserves better than he is getting. If the farmer is denied a friend in the Department of Agriculture, then where, I ask, is he supposed to look?

Mr. President, I ask unanimous consent that Wes Ritchie's informative article entitled "Who's Supporting Who?" be printed in the RECORD.

It is a short article. It will not take anyone longer than 2 minutes to read it. After he has read it, I am sure he will have a better appreciation of the continuing contribution of the average farmer to the well-being of his country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A QUESTION FOR OUR FOOD LOVIN' FRIENDS . . . WHO'S SUPPORTING WHO?

(By Wes Ritchie)

Whether we Americans realize it or not (and most of us don't), we owe a great deal of our luxurious living to the man producing our food.

The farmer and the abundant supply of food he produces is the basis on which we have been able to build the world's highest standard of living.

Stop and think of the progress this country has made in the past 25 years—or even the last 10 years. Fabulous!

Twenty-five years ago we had very few dishwashers or clothes dryers in our homes. Jet airplanes, antibiotics, atomic energy, Salk vaccine, electronic computers and electric can openers were hardly heard of. Two-car families and air conditioned homes (let alone air conditioned cars) were few and far between . . . and the list could go on.

WHO'S MADE IT POSSIBLE?

Ask that question of the average man on the street and you're sure to get a multitude of answers. Our scientists, inventors and industrialists would sure be mentioned, as they rightly should. But the farmer, as an important force behind this country's progress, would most likely be overlooked.

And there's probably a reason for that, too. Farmers have become so efficient at producing great quantities of wholesome food at low cost that most of us take a full stomach for granted.

But even though farmers are taken for granted, their business is still the nation's most basic industry. And food is man's most basic material need.

Agriculture is this nation's biggest single industry, in fact employs more persons than transportation, public utilities, automobile manufacturing, and the steel industry combined. The current investment per farm worker of $50,000 is nearly double the average for nonfarm industries.

Even more significant is the rate of increase in output per farm worker since 1950—almost double that of nonfarm workers. *This is one of the basic reasons for the high and rising American standard of living.*

HOW HAVE FARMERS DONE IT?

Farmers have freed *manpower*. At the time of the American Revolution, this was a nation of farmers. Even 50 years ago, over ¼ of all Americans were farmers. If farmers were no more efficient now than in 1920, this country would need 20 million people in agriculture to meet her current needs. In 50 years, more than 15 million workers have been "freed" to produce other things.

Farmers have freed *income*. Fifty years ago, the average American had to spend about 80% of his income on the basic requirements of life—food, clothing and shelter. Today these essentials take less than 65%. So the average family can spend over 35% of its take home pay instead of 20% for travel, recreation, education, health, and the other luxuries that add to life's quality.

A major part of this gain in extra spendable income has come from a decline in the relative cost of food. Americans last year had to spend only 16½% of their income on food. That compares with over 20% just 10 years ago and over 50% and more in eastern Europe and many developing countries.

Anyway you look at it, Americans are buying food at bargain prices.

Farmers have also freed *time*. The average work week was 51 hours in 1920, compared to 40 now. And paid vacations 50 years ago were few and far between.

Many things have helped, but you can be sure that if food, fiber and shelter were still costing 80% of consumer spending, workers could not have reduced their work week.

Farmers have freed *space*. When we were a nation of 107 million people, 350 million acres were needed to grow our food and fiber. In recent years we have harvested fewer than 300 million acres and our population has nearly doubled.

If farmers hadn't improved their efficiency, we would now need to harvest 500 to 550 million acres—even if we stopped exporting. The acres spared by farm efficiency add greatly to soil and water protection, wildlife, and recreation. And more land is available for towns and open space, too.

These benefits—income, time, space, and better use of manpower—have all been vital to improving the quality of life for every member of our society.

TREMENDOUS FARM PROGRESS

What has happened in the past few years overshadows the progress of many, many previous generations. In Christ's time, it's thought that one fulltime worker was producing enough food and fiber for himself and less than one other person.

By 1850, the food and fiber produced by one American farm worker was enough for 4 persons. Just 50 years later the figure had nearly doubled—it was up to 7.

Between 1900 and 1940, farmers made tremendous progress and the output of food and fiber per farm worker had risen to enough for 11 other people.

By 1960, the production of one farm worker was enough to meet the food and fiber needs of himself, plus 26 other people. Last year, each farmer produced enough to feed nearly 46 people. In 1971, it could equal, or possibly exceed 50!

Farmers have made as much change in their productivity in the past 11 years as was made between Christ's time and 1960.

WHO BENEFITS MOST?

Generally, we in America feel that he who makes progress possible should be rewarded for it. But the farmer, the man who has really made our improved level of living possible, often does not share proportionately in the profits.

The real beneficiary of our great agricultural progress is the American consumer. The average American who feeds himself on only 16½% of his after-tax income could not do it without the farmer's basic support—an abundant supply of food.

EMERGENCY STRIKE LEGISLATION URGENT

Mr. PACKWOOD. Mr. President, we have now reached the two-thirds point in the 80-day Taft-Hartley cooling off period in the current west coast longshore dispute. The cooling off period is scheduled to expire at Christmas; and tragically, there is every reason to believe that the dock strike will resume if not immediately, then within days of its expiration.

I wish I could say I am optimistic that Congress will pull its head out of the sand, open its eyes, and admit that new legislation for dealing with emergency strikes in the transportation industry is needed. However, Congress has to date done nothing to justify such optimism. At best the immediate short-range outlook raises the possibility that the President will call Congress into a special session on or about Christmas Day to deal with the emergency which will once again be posed by a shutdown of the west coast ports. Hopefully Congress will respond with something more than just an ad hoc emergency solution to the longshore dispute.

Mr. President, what must Oregon do to convince this body that a better way must be found to resolve labor disputes in the transportation industry? Oregon has already suffered losses estimated at nearly $200 million as a result of the current longshore dispute. My State is now facing the terrifying threat of a continued dock strike, with the accompanying loss of who knows how many more jobs, dollars and markets.

Continuation of the strike will seriously and adversely affect virtually everyone in my State, and perhaps the entire citizenry of the Northwest. East and gulf coast Americans, I am sure, are equally affected and unsure of their economic futures as a result of similar strikes there.

May I ask, Mr. President, to whom does the Senate of the United States owe its obligation, if not to the American public—the Oregonian, the Washingtonian, the Hawaiian, the New Yorker, and all others so intimately affected by the economic catastrophe wrought by these strikes?

Does not our responsibility lie with the American public, individually and collectively, to protect them from arbitrary and in this case disastrous economic harm? We spend hours and days in this Chamber passing on legislation designed to ease the economic burdens of the American public during these precarious times—legislation most recently which would for example reduce their taxes and provide mechanisms for economic stabilization to guard against continuing inflationary pressures. Do not any of my colleagues sense the hypocrisy of then standing idly by while millions of Americans are driven deeper and deeper into economic chaos and dislocation? I am the first to admit that the job of fashioning legislation to provide effective and equitable permanent mechanisms for the settlement of transportation labor disputes will be an extremely difficult one, and will arouse a great deal of emotional response from various sectors of our society.

But Mr. President, consider the alternative, the alternative which so far the Senate has chosen—transportation crises and economic disasters. Oregon's price for this strike alone, as I have indicated, is approaching $200 million. May I therefore again beseech my distinguished colleagues to think about the choice they have so far made. Think of the price tag which hangs on their inaction, on their inability or unwillingness to risk an unpopular decision. Think of all the fine gestures toward economic security and stability and equity which have been made in recent days. Then think of those of the American public who happen to live in the Northwest, the gulf area, or along the east coast. Think of the hypocrisy of it all.

GREAT LAKES SERIES

Mr. NELSON. Mr. President, a century and a half ago, the sturgeon in Lake Erie were so thick they were considered pests.

Since then, as a recent 12-part series by the Milwaukee Sentinel's Quincy Dadisman so comprehensively describes, the Great Lakes environment has been seriously degraded.

Lake by lake, Dadisman chronicles the incredible devastation that has been wrought by the onrush of the industrial, technological age in this country: The Lake Michigan coho salmon contaminated by DDT; the mammoth, life-killing algae blooms stimulated by phosphorus in Lake Erie; fallout in Lake Superior from the 67,000 tons of taconite tailings dumped into the lake daily by a giant mining company.

And the seige continues, with the threat of drilling for oil and gas; the discovery of mercury in fish and bottom sediments; and possible dangers from other heavy metals that are accumulating from industrial wastes.

However, the pollution control experts believe that even at this late stage, the trend can be reversed, and some beginning steps are being taken. But as Dadisman points out, there are many "Ifs" between here and a clean Great Lakes.

If we had known a hundred years ago the consequences of this reckless abuse of our resources—if we had had the Dadisman series in front of us then, as a picture of things to come—would we have taken the steps necessary to avoid environmental disaster?

That question will always remain unanswered. The issue before us now is whether, confronted with the grim facts, we have the national will to take the necessary steps to restore these lakes.

Mr. President, I ask unanimous consent that this excellent newspaper series on the tragic past and possibly hopeful future of the Great Lakes be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SEAWAY ONCE AN IMPOSSIBLE DREAM—I

(By Quincy Dadisman)

SUPERIOR, WIS.—Daniel Greysolon, Sieur du Lhut, threw a party for the Indians here 300 years ago to become, so far as anyone knows, the first big spending foreign trader to visit this area.

But he wasn't the last.

Not too many days ago, four ships were tied up beside a grain elevator here. From their masts floated the flags of Ghana, India, Liberia and Japan. That same day, a ship from Britain followed one from France under the famed lift bridge at the entrance to St. Louis Bay.

Du Lhut probably never imagined a scene like that.

A KNOWLEDGEABLE ROGUE

Rogue, land speculator and trader who cheated the Indians though he was, du Lhut was a dreamer about the future of this part

of the world. But he was, first of all, a realist, knowledgeable about the technology of his day.

He saw—and appreciated—the magnificent harbor carved by the bay, cuddled inside the arms of Minnesota and Wisconsin Points and bulwarked by high shouldered bluffs as protection against the rage of northwest gales. In all, a harbor as entrancing to a mariner's eye as any in the world.

BECAME FUR TRADER

Economic geographers would have pointed out, too, the vast hinterland behind the harbor where crops could be harvested and minerals recovered to supply vessels visiting the bay.

But du Lhut, with a Gallic shrug, would have said, "The water in the harbor is 600 feet above the level of the sea. Commerce from here to the Falls of the St. Marys, yes; from here to Europe and the Orient, never."

So he concentrated on the fur trade.

And, as the years passed, du Lhut's dream of a vast fur trading empire became reality and was superseded by dreams of other sorts.

The early fur traders saw the Great Lakes system as a series of canoe routes joined by portages. The voyageurs traveled from tidewater at Quebec to saltwater on the Arctic shore and down the Mississippi to its mouth, but were always limited to the roughly 200 pound bundle that the sturdiest of their kind could carry over a rough portage.

A few larger boats were built on Lake Erie, made their way upstream to Lakes Huron and Michigan, but the rapids in the St. Marys River kept them 400 miles east of St. Louis Bay, out of Lake Superior. Niagara Falls barred them from Lake Ontario and trans-atlantic trade.

But by 1812, it was possible to leave here in a canoe, bypass the St. Marys rapids in a sort of wooden chute and travel down Huron and Erie to Buffalo, N.Y.

The old chute was destroyed in 1815. Within a few years, however, the middle lakes were linked to the Atlantic by the Erie Canal through New York and the Ottawa River route through Canada.

CANAL FEVER RAGED

The United States and Canada weren't on very good terms then. Each feared any improvement in lake travel would aid the other. But the canal fever that seized both nations in the 1830s never subsided. Better international trust helped it reach a climax in the 1950s in the St. Lawrence Seaway.

Today, locks at Sault Ste Marie, the Welland Canal around Niagara and the Seaway link all the world's oceans to the center of the continent—making the Great Lakes a fourth seacoast shared by the two nations.

Which doesn't mean much until the economics of handling heavy goods are considered. It takes less than one-tenth as much energy to move a ton by water as by rail and less than one-twentieth of the energy required on the highway. Boats, even in a stream, move on a near level.

GEOGRAPHY PLAYS ROLE

Geography has a place in the picture, too. A ship sailing into the Atlantic from the Gulf of St. Lawrence is already halfway to Europe in the eyes of a sailor leaving New York Harbor.

It takes a look at a world globe to realize it, but most of Europe is far north of most of the United States. And the shortest route across the Atlantic is a great circle course, far to the north of the straight line that seems so obvious on flat maps.

Ships and shipping are only part of the story of the Great Lakes.

The lakes are the world's biggest available reservoir of fresh water—perhaps half of all man's drinkable supply—and the water is still amazingly clean.

LAKES PACK THREAT

They're a climate moderator that helps make mid-America habitable, tempering, as they pour east the 30-below blizzards that lash North Dakota and the 110 degree heat waves that broil Kansas.

And they're assuming a new importance in everyone's eyes as reservoirs of some of America's finest scenic beauty. But the picture isn't all bright. Lake Erie is near the point of no return in pollution damage and Lakes Michigan and Ontario are seriously threatened; the cool, dark forests along Lake Huron's eastern shore are falling prey to resort developers and even cold, clear Lake Superior isn't as clean as it once was.

LAKE SUPERIOR A WELL NAMED KING—II

(By Quincy Dadisman)

DULUTH, MINN.—Even from the bridge of a big ore carrier, Lake Superior looks immense.

Because it is.

The dimly seen shore, outlined as the ore ships plod back and forth across the length of the lake, only adds to the feeling of immensity by seeming so far away.

Largest body of fresh water in the world, the greatest of the Great Lakes is 420 miles long and 167 miles wide. Its deepest point, between Isle Royale and the Upper Peninsula mainland, is 1,290 feet below the surface, nearly 700 feet below sea level.

And it's cold water. Except in a few protected bays, where small expanses of shallow water are warmed by the summer sun, Lake Superior seldom tops the 40 degree mark.

But its more than 4,000 cubic miles of water are so huge and have absorbed so much heat that areas in the center never freeze, despite the 30 below zero gales that lash the lake nearly every winter.

A Secchi disc, a standard tool used by scientists for measuring water clarity, can be seen in some parts of the lake 100 or more feet below the surface. In contrast, a disc cannot be seen four feet below the surface of Green Bay, or six inches below the surface of the Milwaukee River in downtown Milwaukee.

From the bridge of an ore carrier, if the surface is still, it is occasionally possible to distinguish the species of fish glistening in sunlight 40 feet deep, as measured by the ship's underwater shadow.

Thirsty voyagers paddling along the shores of the Great Lake 300 years ago would reach over the side of their canoes to dip a handful of water to slake their thirst.

It's still possible. Usually, the water will be more nearly pure—and certainly have much less taste—than that supplied in any city.

In fact, scientists say, the cold, clear water from the center of Lake Superior is almost the purest in the world. It is actually cleaner than the rain that falls into it.

INSHORE POLLUTION SPREADS

That cleanliness isn't all good. The center of Lake Superior is nearly biologically sterile except for an occasional fish crossing the lake.

Inshore, the story is different.

At its very start, Lake Superior is polluted by the waters of the St. Louis River, which drains the Superior-Duluth Twin Ports area.

Puddles of pollution surround every other port around the fringes of the lake and even nature, sending tons of soft sediment into it, seems determined to destroy America's greatest fresh water asset.

Lake Superior is, in the jargon of limnologists, an oligotrophic lake. Oligotrophic, a five syllable Greek word, means underfed.

FISH GROW SLOWLY

Fish in Lake Superior take two or three times as long to grow up as the same species in Lake Michigan.

They have to work so hard for food that they use more energy traveling than their relatives in the lower lake and so have less left to apply to growing.

Lake Superior is oligotrophic because it is still a young lake, a squalling infant of a mere 10,000 years.

Superior was born in the death of the great glaciers that overran North America in the last Ice Age. Three mile high mountains of ice ripped the soil away from bedrock and forced the rock down into the depths of the earth under their weight.

As the glaciers melted, the water flowed off by way of the St. Louis and Bois Brule Rivers, across the low divide in northwestern Wisconsin, to reach the Mississippi by way of the St. Croix.

RED CLAY FLOWS IN

The receding glaciers' burden of soft red clay, picked up in northern Canada, was dropped among the marshes of Wisconsin.

Today, that silt, the famous Clay Banks, is trying to return to the big water. After heavy rain, water near the shore from Superior east to the Bayfield Peninsula is dyed bright red by the tons of silt. Most of it falls to the bottom within 10 miles of shore.

The northern shore, from Duluth all the way to the Soo and the South Shore from the Soo west almost to Bayfield, is high and rocky.

Some of the nation's most spectacular scenery can be found along that rocky coast. Cliffs 500 feet high tower at the shoreline in places and, just inland, the ground is often 1,200 above lake level.

Less is known about what is under the surface of Lake Superior than in the other lakes. In fact, the bottom below 600 feet—much more than half the lake, which averages 900 feet deep—is nearly a complete mystery. Scientists know the basic materials—rock, gravel, sand, or silt—but few details about them.

Its currents, too, are only vaguely known.

LAKE HAS TWO BASINS

There are two basins in the lake, divided by Michigan's Keweenaw Peninsula. The earth's rotation and the prevailing westerly winds keep water in the upper layers of the western basin circulating in an immense counterclockwise eddy, moving west along the north shore and east along the south shore—most of the time. The eastern basin's circulation is similar but much more complex. But almost nothing is known about what happens at lower levels. A water budget has been worked out for Lake Superior. The best guess is that it takes 189 years for every molecule of water in Lake Superior to be replaced by another.

POLLUTANTS DEGRADE SLOWLY

That 189 year figure scares scientists studying the effects of pollution on the lake. It means, they say, that a pollutant carried into the lake in 1971 in quantity probably will still be there in the year 2160. And, they say, the lake is so cold that biological processes move slowly. A biodegradable pollutant takes longer to be degraded in Lake Superior than in the warmer waters of the lower lakes. Non-biodegradable pollutants stay and wreak damage year after year.

"It's a big lake, but a very fragile one," scientists warn.

TACONITE TAILINGS A LAKE DILEMMA—III

(By Quincy Dadisman)

SILVER BAY, MINN.—The electric cord and plug that trail from the grille of nearly every car parked on the streets here testifies: "This is an uninhabitable land."

The wires lead to engine heaters, helpful in starting the car on winter mornings when the temperature often is 25 below.

Silver Bay residents know just how miserable their climate is.

"I was a year in Greenland with the Air Force," said a service station attendant last January, "so I'm used to it now . . . but I'm sorry for some of the people who are spending their first winter here."

Even the skiers complained about the cold but they added, "Go on up to Babbitt. It really gets cold there."

Babbitt, 50 miles northwest and 1,000 feet higher, is on the Continental Divide between the St. Lawrence and Arctic watersheds.

It is also the source of one of Lake Superior's most controversial problems.

Taconite—magnetic iron ore—is mined at Babbitt, loaded into rail cars and sent to Silver Bay for processing.

Reserve Mining Co.—whose paychecks console the complainers about the climate, directly or indirectly—beneficiates the ore in a three mile long mill here.

At the end of the process, every ton of ore produces about 900 pounds of upgraded taconite pellets—essentially a mixture of about 50% iron and 50% clay—and 1,100 pounds of tailings—scientifically mostly cummingtonite—stirred up in thousands of gallons of water.

Cummingtonite is basically sand, a white silicate. The taconite pellets are formed in roasting ovens into balls the size of marbles and loaded on ships for the long trip to the steel mills of Ohio.

The cummingtonite—"tailings" in the language of mining men—is flushed across a wide delta into the lake. Most of the 67,000 tons of tailings falls out of the water as it slows down crossing the delta or follows a high density current, spilling a couple of miles offshore to the bottom of a trench 700 feet deep.

Controversy surrounds the remaining 5% of the tailings, called "fines" by mining engineers. These are carried southwest along the coast by the surface currents.

EFFECTS ARE DISPUTED

Fishermen say the fines have destroyed their livelihood along the North Shore by burying spawning grounds. Spokesmen for Reserve argue that the steep coast was never a spawning ground anyway.

Other critics talk of "green water" near the plant. Company spokesmen counter with a demonstration of how a couple of beach pebbles can be ground into sand by shaking them in a jar of water. That's what happens, they say, every time storm waves pound the pebbly strand along the base of the North Shore cliffs.

The mine has an anticipated life of 40 years. In that time, company officials say, the taconite blanket on the bottom of the trench will be only a couple of feet thick.

FEDERAL AGENCY CONCERNED

Federal Water Quality Administration scientists have found traces of cummingtonite in the silt on the Wisconsin side of the lake. That is interstate pollution, they argue.

The three state Lake Superior Enforcement Conference fought over the issue for more than two years. Then, last May, the federal Environmental Protection Agency issued a 180 day order against Reserve. The order required the company to come up with a way of keeping the tailings out of the lake or face the possibility of a Federal Court injunction closing the plant.

When the 180 days were up in November, Reserve was ordered to dispose of the tailings on land and given three months to send preliminary plans to the agency.

OTHER POLLUTERS WARNED

The tailings dispute is the most spectacular of Lake Superior's problems, but far from its only one.

Practically every municipality on both sides of the lake is under orders to clean up its sewage treatment plant. Many won't meet the December, 1972, deadline set by the conference.

Industrial pollution enters the lake from the Twin Ports area as paper mill waste, spilled oil and grain, metal working plant wastes and, in a few cases, as a result of sheer sloppiness in the operation of factories.

There are other paper mills around the lake as well as ore shipping facilities at Thunder Bay, Ontario, Ashland, Wis., and Marquette, Mich., and grain elevators at Thunder Bay.

SHIPPERS' VIEWS DISPUTED

Operators of the shipping facilities contend that they are clean, but conservationists dispute that.

Several power plants are scattered along the shores, taking advantage of the lake's cool water to condense steam.

Some old mine drainage reaches the lake from several points along both shores, but continued surveillance by water pollution control agencies is reducing that threat.

NAVIGATION TEST FEARED

Reefs of polluted dredgings dumped into deep water as harbors were improved in the past still can be stirred up when something disturbs the silt that now covers them. Polluted dredgings cannot be dumped in open water under present federal regulations.

Some conservationists are fearful of attempts to extend the navigation season on the lakes. Lake Superior shipping could continue all winter in the open lake, but harbor ice stops navigation shortly after Christmas.

Experiments in Duluth harbor last winter showed that compressed air released from perforated pipes on harbor floors would keep ice from forming. Environmentalists point out that the air bubbles stir up polluted silt at the very time when winds and waves are most likely to spread the pollutants.

SHIP SANITATION RAPPED

Commercial shipping is also criticized by environmentalists who say the sanitary equipment on ships isn't adequate. Federal regulations, which govern commercial vessels, permit overboard disposal of sewage.

Lake Superior's fish were decimated by the sea lamprey. An international control program, aimed at destroying the larvae, seems to have the lamprey under control, but biologists say the lamprey could become a serious threat again almost anytime.

Scientists have found DDT and mercury in Lake Superior fish. About 8 percent of the Lake Superior salmonids—trout and salmon—were found with DDT levels higher than the Food and Drug Administration considers safe for human consumption. Mercury is near the danger level, researchers say.

SUMMER BRINGS TOURISTS

Other species aren't seriously affected yet. DDT is now banned and mercury appears rapidly being brought under control around the lake.

That filling station attendant who complained about the cold last January smiled all summer.

Highway 61, which traces the North Shore, carried a steady stream of tourists who bought gas and oil, went fishing on the charter boats and, sometimes, just stopped to enjoy the beauty of what is still the clean, clear, cold, largest body of fresh water in North America.

For the North Shore is extremely habitable in summer. Cool nights and warm sunny days combine in a most pleasant way.

LAMPREY CURBED; NOW IT'S DDT—IV

(By Quincy Dadisman)

KEWAUNEE, WIS.—Lake Michigan—"our lake" to most Wisconsinites—has kept fisheries scientists holding their breath for 20 years.

Potentially, Lake Michigan has a lot going for it. It has broad, shallow areas and many small tributaries where fish can spawn. It reaches far south of Lake Superior's cold climate so life can flourish much more easily. It's deep enough to have a stable temperature and its narrow, curving shape allows the winds to mix thoroughly its upper layers.

A century ago, thousands of fishermen made a living on the lake.

There is a long standing argument about what effect the heavy commercial fishing of those days had on the lake.

LAMPREY CAUSED HAVOC

Lake sturgeon were so numerous 150 years ago they were considered a pest. They had practically disappeared by 1880 and other species were declining by 1920.

Then in the 1930s, the sea lamprey invaded the lake. By 1950, hardly a lake trout could be found and the few that were caught invariably wore scars from lamprey attacks. The other major commercial species, lake whitefish, were hit nearly as hard.

Fishermen by the thousands found other jobs. Today, only a hundred or so still set their nets.

ENTERED VIA CANAL

The building of the Welland Canal, bypassing Niagara Falls, opened the way for the sea lamprey, an ocean dweller, into the upper lakes. They spread slowly across Lake Erie between the first reports of their presence in the 1880s and the first reports from Lake Huron, about 1920. But they moved fast after that.

Lamprey look a little like eels. Lamprey have no lower jaw but their round mouths are fitted with teeth they use to file holes in the sides of bony fish to draw out the fish's vital fluid.

The sea lamprey, the trouble causer, reaches upwards of 30 inches long. Small freshwater lamprey found in the Great Lakes are a nuisance, but seldom cause serious damage to large fish populations.

EXOTIC SPECIES A PROBLEM

Lamprey are an example of a basic rule of ecology—it's exotic, strange species that cause most of the trouble. Fresh water lamprey are kept in check by predators natural to the water in which they live. Sea lamprey cause little trouble in Lake Ontario, where they have been since the Ice Age. But their predators there didn't follow them into the upper lakes.

Following lamprey into the upper lakes were alewives, another saltwater fish—an exotic.

Alewives—small, herring family fish—were happily devoured by lake trout, which kept them a minor part of the lake's fish population—as long as there were plenty of lake trout and whitefish. But when the lamprey killed off the trout and whitefish, alewife populations zoomed.

ALEWIVES MULTIPLY

Alewives took over more and more of the lake until, by 1965, one biologist estimated that 98% of the total weight of bony fish in Lake Michigan was alewives.

And no one eats alewives.

Alewives live 8 to 10 years in the Atlantic. In Lake Michigan, it's a rare alewife that sees its fourth birthday. Biologists have a lot of theories, but can't agree on the reason.

In any event, during the mid-'60s, rafts of dead alewives three of four miles long and a half mile wide were frequently seen on the lake.

Meanwhile, lamprey were being brought under control by selective poisons, electric weirs and other gadgets designed to kill the young in larval stages.

LAKE TROUT NEEDED

The pesky alewives could be controlled, biologists said, if the lake trout could be restored, but restoring the trout would be a hard job. The prized fish takes six or seven years to reach puberty and has—by piscatorial standards—small families.

Something was needed to eat alewives

XUM

while the lake trout were being re-established.

Michigan naturalists hit on an idea:

Bring in salmon from the West Coast. They are a desirable fish closely related to trout and, being anadromous, could be controlled, unlike other exotics considered.

MUST SPAWN IN STREAMS

Anadromous fish live in big bodies of water but must go up tributary streams to spawn. And they have a strong homing instinct that takes them back to the stream where they started life to spawn, then die.

The naturalist reasons:

We can get salmon eggs from the West Coast, hatch them here; keep them in pens in Michigan streams to imprint them with a home stream; release them to the lake to eat alewives and convert inedible alewife protein to salmon protein that is welcome on dinner plates. They won't get out of hand because we can string nets across the release streams, catch the spawning three year olds and keep a naturally reproducing population from developing.

COHO, CHINOOK ADDED

The coho, from Oregon, was the salmon picked. Michigan was soon joined in the program by Wisconsin. Indiana and Illinois also planted a few. Several million coho fry were added to the Lake Michigan population.

Later, another variety, the gigantic chinook salmon, was added.

Coho grew fat on an alewife menu and a new sport fishing craze hit the lake. Since the average angler from downstate Illinois spends $27 a day while in Wisconsin or Michigan seeking a trophy coho, the program has been cheered by resort operators.

But that bright picture was dimmed, almost as soon as it flashed across the pages of the outdoor sports magazines.

DDT SHADOWS BRIGHTNESS

Chemists discovered that about two pounds of DDT is loose in Lake Michigan.

Two pounds of DDT, dissolved evenly in Lake Michigan's 1,100 cubic miles of water, would mean little. But DDT won't dissolve in water. It dissolves easily in oil. The handiest oil in the lake is the fat in the animals of the lake. The fatter the animal, the higher the concentration of DDT.

Lake Michigan's fattest animals are the trout, salmon and chubs that are its most desirable food fish.

WARNING BY DNR

Any salmonid—trout or salmon—more than 21 inches long almost surely has more DDT than the Food and Drug Administration (FDA) considers safe for human consumption.

The FDA has threatened seizure of Wisconsin caught and smoked chubs—principal prey of the commercial fishermen now that the lake trout and whitefish are gone—because the fatty little fish are too high in DDT.

Chubs aren't totally inedible by FDA standards, although the agency won't buy the fishermen's argument that DDT collects in the fat, which in chubs is in a layer just under the skin and smoked fish eaters rip the skin away before they eat the rest of the fish, which is substantially lower in DDT.

PRECAUTIONS SUGGESTED

And, the commercial fishermen point out, few people make smoked fish a staple item in their diets, so they aren't exposed to the poison often.

The department has advice for sports fishermen:

Filet that salmonid to get rid of the fatty layers in the body cavity and then broil it so the fat is rendered out. Don't make it a prime item in your diet.

So Wisconsinites, with one of the world's best producing fishing grounds in their front yard, buy lake trout caught 1,000 miles away from their table.

MAN DESPOILS WHAT NATURE WROUGHT—V

(By Quincy Dadisman)

CHICAGO, ILL.—Under a June sky and an early morning sun, Chicago, from a ship on Lake Michigan, is a scene from the Arabian Nights.

A soft haze muffles the foreshore while tall buildings peer out above it across the bluest of blue water. As the ship closes with the harbor entrance, the haze, burned away by the rising sun, disappears and small boats by the hundreds skitter across the waves.

Closer in, the ship passes a huge pile of limestone blocks, one of the cribs at a Chicago waterworks intake. But there are no sewage outfalls in the lake. Chicago lies on the continental divide. Its sewage is pumped over the divide and is flushed into the Mississippi River Basin.

If it weren't, Lake Michigan would be in much worse shape than it is.

"FLUSHING RATE" VARIES

A water scientist once called Lake Michigan "the appendix attached to the bowel of the Midwest."

It would be easy to quarrel with his views on the proper function of the Great Lakes, but there's a lot of truth in his analogy.

Four of the lakes—Superior, Huron, Erie and Ontario—have a straight through circulation: what goes in one end comes out of the other, after a period of time.

Scientists call the time the "flushing rate."

Lake Superior has a flushing rate of 189 years, a long time. Huron, Erie and Ontario have shorter flushing rates.

But water flows in both directions, at times, in the Straits of Mackinac, Lake Michigan's only natural outlet.

THREE LAKES IN ONE

Lake Michigan really is three lakes with broad areas where they meet.

Green Bay, Bay de Noc and the waters connecting them are separated from Lake Michigan proper by a series of islands. The bay, 100 miles long and 30 wide, has its own current patterns. Scientists studying the lake find it easier to consider the bay a separate lake discharging through Death's Door into the northern basin of Lake Michigan.

Lake Michigan itself is split into northern and southern basins by a high underwater ridge that crosses it from east to west near Manitowoc. The two basins have separate deep water circulation patterns.

The northern basin is deep, plunging 923 feet below the surface. Fed by the waters of Green Bay, into which most of the lake's major tributary streams flow, the northern basin is believed to provide most of the outflow through the straits.

Water in the southern basin circulates in a big eddy, 500 feet deep, held back by the Manitowoc ridge. Most of the time, the eddy turns clockwise, flowing south on the Michigan coast and north on the Wisconsin side. But for long periods it spins the other way.

The complicated bottom topography makes figuring the lake's flushing rate difficult. The northern basin apparently exchanges some water with the southern basin to complicate the figures.

SOUTHERN BASIN SLOWER

Water scientists say the southern basin has a flushing rate of at least 1,000 years, probably longer. The northern basin's flushing rate is much shorter, but probably longer than Lake Superior's 189 years.

The lake watershed is only a little larger than the lake itself. That helps the situation because much of the water input to the lake falls as rain or snow directly on its surface.

But that isn't all good. Studies last year show that cadmium, zinc and other heavy metals are mixed in the sand bottom of the southern basin in a fan shaped area spreading northeast from Chicago.

POLLUTION FROM THE AIR

Meteorologists theorized that Chicago's air pollution is carried out over the lake by the prevailing southwesterly winds. The metals, they think, pour into the air from the smokestacks of the city.

Every large city around it goes to the lake for its drinking water. All but Chicago dump their sewage into the lake.

Illinois officials' favorite whipping boy, as they talk about Lake Michigan's problems, is the city of Milwaukee, largest community using the lake as a sewer.

Milwaukee's sewage treatment plant is one of the most efficient in the world, operating at a 95% plus removal rate. But, as Clarence Klassen, formerly Illinois' chief water pollution fighter, was fond of pointing out, "5% of one million is 50,000. That's a lot of sewage."

Of the other cities around the lake, only Racine, Kenosha and Green Bay would pollute 50,000 persons' worth, Klassen said, if they had no sewage treatment plant at all.

Milwaukee's contribution to the lake is complicated by its antiquated sewage overflows which, to prevent overloads, discharge raw sewage to the rivers flowing into Lake Michigan after heavy rains.

Sewage damages the lake by pouring phosphorus into the water. About two-thirds of the phosphorus originates in laundry detergents.

There's an argument among scientists about how to handle the phosphorus problem. Soap and detergent industry spokesmen point out that phosphorus—in the form used in detergents—stimulates plant growth but isn't poisonous to people or animals. They think it should be removed at sewage treatment plants.

PHOSPHATES BECOME ISSUE

Other scientists think it should be replaced in detergents by other chemicals. Some phosphate free detergents are being sold. Some, once sold, were taken off the market when biologists discovered that the chemical used to replace phosphorus in those particular brands could cause birth defects in animals. Other phosphorus substitutes are capable of causing serious burns if they touch the skin.

About mid-September, the Federal Environmental Protection Agency endorsed the idea of removing phosphorus at sewage treatment plants because its scientists found the substitutes too dangerous.

The four state Lake Michigan Enforcement Conference has ordered the states to reduce their phosphorus loading of Lake Michigan by 80%.

PROBLEM BEING ATTACKED

Wisconsin plans to reach that figure by concentrating on phosphorus removal at the larger plants, where the most consistently high level operation is possible. Milwaukee plans to use a system that takes advantage of an otherwise hard to treat metalworking waste to force phosphorus out of wastewater. Green Bay is building a plant to use paper mill waste for phosphorus removal.

The suggestion is sometimes made that all sewage treatment plant effluent should be diverted out of the Lake Michigan basin to protect the lake.

ONE WILD PROPOSAL

Once, in a brainstorming session, Klassen was asked what he thought of the idea of sending Milwaukee's waste down the Fox and Des Plaines Rivers to join Chicago's on the way to the Mississippi.

"Shh," he replied. "Don't give anyone that idea. We have troubles enough downriver as it is."

Adding to the sewage problem are the boats using the lakes.

Holding tanks for sewage are required on pleasure craft by the states, but the federal government has proposed to allow ships to use overside discharge after treatment.

MANY FOES BESIEGE LAKE'S PURITY—VI

(By Quincy Dadisman)

GREEN BAY, WIS.—Many of Lake Michigan's problems reach deep water here. Soil, sand, salt, bits of wood, chemicals, oil and sewage spew from the mouth of the Fox River into Green Bay.

The 39 miles of the river between here and Neenah are lined with the nation's greatest concentration of paper mills.

All are equipped with highly sophisticated wastewater treatment systems, but the tremendous volumes of water the paper mills discharge still carry tons of wood fiber and sulfites into the river. Most of it reaches Green Bay.

Paper mill waste is a problem in a waterway because it requires oxygen to decay. The decay rate, called "five day biochemical oxygen demand" (BOD) by scientists, is a measure of the level of pollution.

AFFECTS FISH LIFE

A low dissolved oxygen level—the result of high BOD—drives out desirable fish species. If it falls lower, even undesirable species leave. Finally, the kinds of small animals that can't get out die. Last to go are two small worms whose very names are repulsive—sludgeworms and bloodworms.

Parts of the Fox River, at times, have been so dirty that biologists could find neither. Most of the time, a stretch of the river through downtown Green Bay is inhabitated only by sludgeworms.

Silt, laced with wood fibers, piles up on the bottom of the bay extending a little farther out from the mouth of the river every year.

Periodically, the Army engineers, charged with keeping the lakes in shape for shipping, dredge the gunk from the channels. They used to fill swing bottom barges, haul the muck into deep water and drop it. Now they are under orders to dump only clean dredgings in deep water and put polluted material ashore.

Sites for dumping polluted dredging must be provided from local funds. Many communities want their harbors dredged, but object to the cost of providing on-shore dump sites. Green Bay, however, is using spoil, pulled up from the channel by a suction dredge, to build an industrial site north of the river mouth.

WANT MARSHES KEPT

Environmentalists don't like the site chosen for the dump. They say the site should have been left as marsh, explaining that marshes are nature's way of cleaning polluted water.

Silt swirling around in the water, say biologists, adds to the oxygen depletion problem. Silt reduces the transparency of the water, so oxygen producing plants, which need light to grow can't.

Chemicals in the river include wastes from the paper mills and metal working plants, fertilizers from farms, parks and lawns, and pesticides.

Most paper mill chemicals now used are more of a nuisance—they smell bad—than a hazard, as far as is now known. However, only a few years ago mercury compounds were used to keep slimes under control in the papermaking process.

METAL WASTES STUDIES

Slimes interfere with reuse of water, a water saving and pollution control technique.

Lake Michigan is not seriously threatened by mercury pollution, although remnants of the slimicides can be detected in the silt on the bottom of the Fox River.

Metal working wastes are almost a new field for water scientists. They know some of the things they are likely to encounter—cyanide, chromium, zinc, iron, lead, many others—but they don't always know what their effects can be.

Attention recently has turned to polychlorinated biphenyls (PCBs), long, slick molecules that make oil slipperier, paint stickier, rubber more elastic and plastics tougher. The PCBs range from DDE (dichlorodiphenylethane) with two chlorine atoms; through DDT, with three; to compounds with as many as 15 chlorine atoms hanging on them.

PCB USE LIMITED

Like DDT, the other PCBs are subject to biological magnification, collecting in fatty tissues. Their effects are similar to DDT—and they likely pose other hazards, too—and they were widely used in industry until recently.

Today, they are used, almost exclusively, in the electrical industry as a transformer oil because no suitable substitute has been found to match their reluctance to carry electricity or burn.

Fertilizer feeds the plants that naturally grow in the water, just as sewage treatment plant effluent does. Lake Winnebago is overfertilized every summer and tremendous rafts of algae form. They pour over the dam at Neenah and eventually, alive or dead, reach Green Bay and Lake Michigan.

PESTICIDES A FACTOR

Many different kinds of pesticides can be found in trace quantities in Lake Michigan. The orchard country—Door County in Wisconsin and nearly the whole western shore of Michigan—is kept alive economically by heavy transfusions of pesticides.

Half, or more, of Lake Michigan's hazardous DDT content may have drained into the lake from the orchards and vineyards.

Cities around the lake added about as much in their futile attempts to control dutch elm disease.

Dieldrin squirted into the lake in sewage from fabric processors and dry cleaners using it to mothproof woolens and from an overreacting United States Department of Agriculture after a few gypsy moths were found in Lower Michigan.

OIL, SALT FLOW IN

Oil and salt are carried into the lake when storms and melting snows wash the thousands of miles of roads surrounding the lake. Salt is mined in Lower Michigan and some factories there routinely discharged salt into the lake. Water chemists say chlorine levels in the lake—the measure of salt contamination—have risen steadily since 1880, but are nothing to worry about—yet.

Hardest of the lake's problems to evaluate objectively is the heat added by power plants. The immense quantities of clean, cold water are the answer to an engineer's dream. Cold water is needed to absorb heat and condense steam.

ADDED HEAT AN ISSUE

Electric power demand doubles every 10 years. The power companies, rushing to keep up, are building as never before. Many of the new plants, and some of the older ones, are on the lakeshore.

The Lake Michigan Enforcement Conference has adopted a rule that will require many of the plants to switch from putting their waste heat into the air by way of Lake Michigan—evaporation gets rid of the heat—to methods that will keep it out of the lake.

The rationale behind the order: Plants grow best in warm water; Lake Michigan is threatened, in its in-shore areas, by algae; therefore, keep the water as cool as possible.

Power company officials, and many scientists, say it is a mistaken concept and that, so far as anyone can tell, adding heat may help, rather than harm, the lake.

MICHIGAN, HURON MIRROR EACH OTHER—VII

(By Quincy Dadisman)

CHEBOYGAN, MICH.—Linked as they are through the Straits of Mackinac, Lakes Michigan and Huron are in many ways the Siamese twins of the Great Lakes.

They are also, in some ways, distorted mirror images. The west shore of Lake Michigan is broken by the broad, island studded openings of Green Bay. The eastern shore of Lake Huron is broken by the broad, island studded opening of Georgian Bay. Saginaw Bay on Lake Huron's west shore is a twin of Traverse Bay on Lake Michigan's east shore.

But the mirror comparison can float too far. In a much more practical way, Lake Michigan is really an immense bay on the west side of the Great Lakes chain while Lake Huron is an integral part of the chain. The main water movement is from Lake Superior through Lake Huron to the lower lakes.

WATER EXCHANGED

Complicated water studies show that large amounts of water flow over the hard rock sill from Lake Michigan to Lake Huron and that almost as much, at times, flows the other way—from Lake Huron to Lake Michigan.

Huron and Michigan share another characteristic—their longest lengths lie north and south across the general trend of the lake system and at right angles to the water flow pattern.

This makes them different in several ways.

UNIFORM CLIMATE

The climate is remarkably uniform all the way around Lakes Superior, Ontario, and Erie. Prevailing winds move from west to east, carrying the weather with them.

Winds make waves. There's little to break their pattern in the east-west lakes. They build up into a smooth succession of gentle swells except close to shore where breakers form.

On Lakes Michigan and Huron, the winds cross the lakes' narrower dimension, breaking against the complicated shorelines in patterns that horrify sailors but delight mathematicians, oceanographers and computer experts, who say it may take a century to analyze them completely.

And when the winds blow steadily from the southwest for a couple of days on end, watch out. Lake Michigan's waters are forced into the strait at the north—"a long fetch and a restricted channel," the oceanographers say—and short, high, breaking waves develop. The rocky islands guarding Georgian Bay have a similar effect.

ROUGH SAILING

The men who sail the big lakes say Lake Michigan is the worst. A November blow off Beaver Island is rough in the biggest ships.

Salt water sailors who come into the lakes through the Seaway, and have seen the Bay of Biscay—off France and traditionally one of the world's roughest expanses of ocean—say Lake Michigan is just as bad and the shore is even closer.

Anyone living near either Lake Michigan or Huron knows how rapidly their moods can change, from mirror calm to six foot waves to mirror calm in just a few hours.

The two lakes share other characteristics:

Spring comes earlier and autumn stays later—summer is six to ten weeks longer—at their southern ends than at Mackinac.

Their eastern shores, cooled by summer breezes, are much more highly developed by resorters than their warmer western shores, but the larger cities have grown up to the west, windows on the easy travel the lakes offer.

XUM

PICTURE REVERSES

The picture reverses in January. While the western shores often see the sun through bitter cold air, much of the time, the eastern shores are tucked under an almost continually increasing blanket of soft, fluffy snow.

Little known, but important for the distant future, is the way the lakes are tilting.

Billions of tons of ice compressed the rocks under the glaciers in the great Ice Age that ended 10,000 years ago. Lake Michigan's outlet then was the Chicago River and Lake Huron's, through a corner of Lake Erie, was the Maumee River. Their waters then went down the Mississippi.

Geologists say that squashed rock is rebounding like a tennis ball hit by a racquet. Since the glaciers' southern edge crossed the two lakes, rocks near Mackinac are rising farther and faster than those in the Chicago and Detroit areas.

It isn't much—a couple of inches a century—but the overall effect is that of tipping a saucer of water. Someday, Chicago will have to retreat behind dikes as did the Dutch when faced with a similar situation.

Lake Huron shares the problems of the other lakes, but they are all eased, to some extent, by all the good cold water that comes from Lake Superior.

It has its share of pesticides, especially DDT and dieldrin, but not nearly so much as Lake Michigan because the Lake Superior water carries them away.

There's industrial pollution, but most of the industry around the lake is at and just below its southern end, the pollutants draining away into Lake Erie.

There are silt and salt, diluted and carried away. There are even lamprey, but they didn't damage the fishing as much as they did in Lake Michigan.

The Georgian Bay area was near wilderness until the last few years, but new expressways make it easily accessible to the people of southern Ontario, New York, Pennsylvania and Ohio. The area is in a summer cottage building boom that has drawn a lot of criticism as unplanned and destructive. However, the problems are minor in comparison with what has happened on the shores of Lake Michigan.

All in all, Lake Huron probably would be the finest large body of fresh water in the world if Lake Superior weren't such a superior kind of lake.

LAKE ERIE NEAR DEATH; SCIENTISTS SEEK CURE—VIII

(By Quincy Dadisman)

CLEVELAND, OHIO.—Ask anyone on the street in Cleveland. He will tell you that "Lake Erie is dead." He has been hearing it from politicians, teachers, his fishing pals for years. And he is convinced that his lake is dead.

Scientists who have studied the lakes say even troubled Lake Michigan is as sterile as a surgeon's gloves measured against Lake Erie's abundant life.

But Lake Erie is being killed—in all the ways that make a lake useful to man.

Residents of the Lake Erie basin—nearly half of all the people who live around the five Great Lakes—have adopted a fatalistic attitude toward their lake.

ANTIPATHY NOTED

"There's no point," said one, "to trying artificial respiration when the body's already cold and the autopsy completed."

But limnologists—the pathologists who diagnose ailments of lakes—say the obituary is premature. Lake Erie can be revived if the public is willing to buy the needed medicine, they say.

And sanitary engineers—who fill the limnologists' prescriptions—say the bill wouldn't be excessive if it were measured against the results the medicine could produce.

Water chemists—the lab technicians in the treatment of ailing lakes—say their prognosis for Lake Erie is bright, if treatment is started soon. It, alone of the Great Lakes, can return to something like the conditions of 100 years ago within our generation.

ALL AGREE

And all three add, "Lake Erie is an example of what could happen to the other lakes, even big, cold Lake Superior, if we don't watch our step."

Lake Erie was born more than 15,000 years ago. Farthest south of the Great Lakes, it is also the oldest. By the time Lake Superior was born, perhaps as late as 4,000 B.C., Lake Erie was already showing a few of the natural signs of aging that all lakes show in time.

The water was a little less clear, a little harder and was occupied by a few more fish. It would still have been a good insurance risk, with a life expectancy that would have it paying premiums in 100,000 A.D., 98,000 years from now.

AGED QUICKLY

But civilization reached the shores of Lake Erie 150 years ago. The lake, then just entering what should have been a long and comfortable prime of life, began to be overfed. It suddenly aged thousands of years until, today, it is at a stage where it should not have been before 95,000 A.D.

A healthy, newborn lake in scientific terms is oligotrophic, "underfed" in Greek; a prime of life lake, mesotrophic, "middle fed," and an aging lake, eutrophic, "overfed."

The other Great Lakes are oligotrophic (Superior and Huron), or on the dividing line between oligo- and mesotrophic (Michigan and Ontario). Lake Erie, generally, is on the dividing line between meso- and eutrophic.

THREE LAKES IN ONE

It isn't quite that simple, of course. Lake Erie is really a combination of three lakes sharing a single surface. Geographers speak of its western, central and eastern basins as, in many ways separate lakes.

The western basin—west of a line from Point Pelee, Ontario, to Cedar Point, Ohio—is in the worst shape. It is clearly eutrophic.

The central basin—east of Point Pelee and west of a line running northwest from Erie, Pa.—is mesotrophic to eutrophic.

The eastern basin—east of Erie—is generally mesotrophic, but has a few oligotrophic characteristics.

One reason for the difference is the depths of the three basins. The western basin averages about 22 feet deep, the central basin nearly 60 feet and the eastern basin more than 75 feet.

It's easier to pollute seriously a small amount of water than a large amount. There's much less water in the shallow western basin than in the other two.

One of the ways sewage treatment plants sort out pollutants of wastewater is by allowing the wastewater to run through settling tanks, where the pollutants fall out of the water.

Lake Erie's three basins serve as successive settling tanks for the pollutants poured into them by the Detroit-Windsor-Toledo industrial area. The western basin catches perhaps 60% of the pollutants, the central basin another 20% and the eastern basin another 10%.

NASA STUDY

Last year, National Aeronautics and Space Administration (NASA) scientists teamed up with water scientists to try to learn just what happens in the lake.

NASA built a special camera for the scientists, Noel M. Burns of the Canada Center for Inland Waters and Curtiss Ross of the Lake Erie office of the United States Environmental Protection Agency.

Burns and Ross left the camera and other instruments on the floor of the central basin, which is just beginning to demonstrate some of the same behavior as the western basin, to record events in July and August, 1970.

They found:

A massive algal bloom in July, 1970, concentrated almost all the phosphorus—an essential element to plant growth, it spews into the lake in sewage and waste fertilizer—in the water. As the algae died, they formed a layer of dead material nearly one-tenth of an inch thick on the lake bottom.

As the algae bloomed, they took up the available oxygen in the lower water levels. By Aug. 12, the water had no oxygen and dead smelt littered the bottom.

When the bottom water went anerobic—lost all its oxygen—the phosphorus in the bottom sediments was released 11 times as fast as it had collected there.

In other words, the lake was polluting itself.

The camera told the story.

When there was plenty of oxygen, a thin film of reddish brown iron oxides (rust) formed on the bottom. Rust, as any housewife who has tried to remove it from a kitchen sink knows, is insoluble in water. The rust kept the soluble phosphorus in the sediment and the water apart.

CHANGED COLOR

But when the lake water went anerobic, the lake bottom turned greenish brown. Under anerobic conditions, the iron oxide gave up its oxygen, broke apart and allowed water and phosphorus to meet.

The conclusion was self-evident:

Lake Erie loses a little of its phosphorus content over Niagara Falls every year. If the phosphorus input could be cut off, the self-pollution cycle could be broken and the lake would eventually clean itself up to the point where fish could again live year around in the western basin.

Ross and Burns reported:

"Phosphorus input to Lake Erie must be reduced immediately. If this is done, a quick improvement in the condition of the lake can be expected; if it is not done, the rate of deterioration of the lake is such that within 10 years, the lake will be of little value to the population along its shores, other than providing the means of cheap transportation of bulk commodities."

MERCURY POISONING KILLS TOWN—IX

(By Quincy Dadisman)

ERIEAU, ONTARIO.—Mercury has destroyed this little community on the north shore of Lake Erie.

Erieau is—or was—a fishing town, making its living by setting and hauling nets in Lake Erie.

Then, in April, 1970, word came that mercury had been found in Lake St. Clair fish. Lake St. Clair is upstream from Lake Erie. Soon mercury contaminated fish were found in Lake Erie and the Canadian and United States governments forbade sale of fish from western Lake Erie.

Erieau residents had lived through contamination "scares" before, so they were not concerned at first. Then they were told:

"The mercury is tied up in the bottom sediments and will take a century, maybe four or five, to disappear."

To men who knew no other way of making a living, that was bitter news.

HUNCH PAID OFF

A Swedish graduate student at the University of Western Ontario in nearby London had the hunch that set off the most intense pollution hunt in recent years.

The student, Norval Fimreite, knew that waste mercury had sickened some Swedes and killed some Japanese living near plants using the liquid metal for conducting electricity to break common salt down into caustic soda and chlorine.

Some of the mercury, he knew, had escaped from the chloralkali plants, seeped into nearby waters and contaminated fish, poisoning those who ate the fish.

He had heard, too, that mercury used to treat seed against fungus attacks had gotten in game birds in Canada's prairie provinces. He had a hunch that mercury hadn't been found in the Great Lakes only because no one had looked for it.

Fimreite decided to look.

FINDINGS VERIFIED

What he found was even worse than what he had expected. Mercury popped up in every sample of fish he got out of Lake St. Clair. When an independent laboratory confirmed what he suspected, he informed Ontario pollution control authorities.

Canada closed all fishing in Lake St. Clair (Michigan followed a couple of days later) and traced the mercury to chloralkali plants near the St. Clair River, which connects Lake Huron and Lake St. Clair. Two plants, one on each side of the border, were losing up to $1,500 worth of mercury a day.

Mercury is worth about $7 a pound.

It was relatively easy to shut off the mercury flow to the lake.

DAMAGE DONE

A quick shutdown of the plants, backed up by a warning that they would stay closed permanently if they didn't clean up their effluent, brought results. But the damage had been done.

There are tons of mercury in the bottom mud being picked up by plants and animals.

No one knew how to get it out of the mud. The obvious answer—dredging and processing the mud for mercury, which could be profitable—had to be set aside because scientists fear it would release more mercury than it recovered.

Chemists, biologists, physicists and engineers have been puzzling over the problem for months and still haven't any clear idea of a practical and safe way of getting it out.

POTENT POISON

Organic mercury can harm human beings in much smaller concentrations than will kill fish. Scientists used to believe that metallic mercury would fall to the bottom of a body of water and remain there, almost inert, forever.

Fimreite's research, along with the work of Swedish and Japanese scientists, showed that metallic mercury on the bottom acts as a reservoir from which organic mercury is constantly produced.

Mercury was merely the final blow to the Lake Erie fishery which has been declining, in one way or another, practically since the day the first commercial fishermen set their nets off Toledo in 1815.

The figures on commercial fish catches in Lake Erie reflect a picture of the most valuable fishery on the Great Lakes, probably worth as much as the fishing in all the rest of the lakes, slowly and steadily declining to almost nothing.

An average of more than one million pounds a year of sturgeon were taken from the lake between 1879 and 1909. Most of the sturgeon were gone in 1910 and only 4,000 pounds were taken in the last big year, 1964. Overfishing, rather than pollution, probably was to blame.

Northern pike, a relatively tough species, were caught in million pound totals to 1919 and have since declined to about a single ton a year. No one is sure why.

Fishermen netted an average of 27 million pounds of cisco every year between 1910 and 1919 and 14 million pounds the next decade. They suddenly almost disappeared in the 1930s, rebounded to an 8 million pound catch in the late 1940s, now average about 8,000 pounds or less a year.

Blue pike, a fish similar to walleye, once regularly topped the 10 million pounds a year mark, reached a high of 18 million pounds in the late 1930s and have virtually disappeared.

Walleye, once negligible, hit a high point of over 10 million pounds in the late '50s and now are disappearing.

EVEN CARP HURT

Significantly, the carp haul has continuously risen on the lake until recent years. Carp like muddy water, but now even they are declining.

Of the many commercially desirable species, only yellow perch is still important in much of the lake, which traditionally produced over half of all the fish sold from the Great Lakes.

Overfishing seems to have been a factor in Lake Erie's fishery decline. Overfishing, say biologists, wasn't a serious factor in the decline of the other lakes' fishery.

A key to the Lake Erie situation probably is the eutrophy that is overtaking the lake. The expanding plant population uses so much of the available oxygen that desirable fish—and even carp—can't compete.

Changes are taking place. Michigan and Ohio have placed a 14 inch minimum on walleye and Ontario is enforcing a 13 inch limit. Yellow perch from the eastern basin seem to be more than holding their own.

ERIE BLOATED BY CUYAHOGA RIVER SEWAGE—X

(By Quincy Dadisman)

CLEVELAND, OHIO.—Clevelanders used to joke about the Cuyahoga River. "Don't toss a match into the river," they would tell smokers, "it might catch fire."

They still warn smokers, but it's no joke now. The Cuyahoga IS inflammable, at times, toting a scum of industrial waste that makes even Milwaukee and Chicago residents gasp.

The Milwaukee River's goldfish and alewives and the Chicago's lunker carp would smother in the Cuyahoga, a river so dirty even sludgeworms can't live in it.

But things are changing. Pollution experts say Lake Erie could be revived in as little as six years—if the 13 million people living around its shores move fast enough.

DETROIT ACTS

Detroit, principal polluter of the lake, has taken a giant step toward that cleanup with a multimillion dollar sewage treatment plant snatching over 95% of the pollutants that used to go into the lake.

Detroit received massive financial help from the state of Michigan's bonding program when federal aids lagged.

Cleveland, and Ohio's other big pollution source, Toledo, haven't had this help. Cleveland's three sewage treatment plants are about 70% efficient. So is Toledo's.

The Lake Erie Enforcement Conference was slower than its Lake Michigan counterpart in adopting phosphorus removal standards—at 80% reduction of each state's contribution of phosphorus to the lake by both conferences.

GAIN INVISIBLE

The stroller along the beach won't notice it, but Lake Erie will start getting better about the end of 1973 when phosphorus input will be controlled. That is perilously close to the 1975 "point of no return" some scientists see for the lake.

Phosphorus is contributed—about a third each—by farm runoff, domestic sewage and detergents in wastewater. It is the key nutrient in plant growth because human control over nitrogen and carbon, the other major nutrients, is impossible. (Nitrogen and carbon are available from the air.)

The phosphorus budget of Lake Erie is the key to its future.

Phosphorus has been accumulating for decades in the western and central basins of the lake, feeding algal blooms each summer.

The International Joint Commission—an agency of the United States and Canadian governments—figured out that budget last year.

About 4.5 million pounds of phosphorus pour out of Lake Huron every year into the St. Clair River. By the time the water reaches Niagara Falls, where it tumbles into Lake Ontario, 38.2 million pounds have been added by municipal sewers, 4 million pounds by industry and 13.5 million pounds by land runoff, a total of 60 million pounds.

But only 9 million pounds a year goes over the falls; the other 51 million pounds remain in Lake Erie, involved in the plants or hiding in the mud.

ANOTHER PROBLEM

Even as the slow cure for the phosphate problem appears on the horizon, another potentially catastrophic problem has water experts worried.

The two-thirds of Lake Erie east of Cleveland lies over a productive gas and oil field. Ontario has been leasing gas and oil drilling rights in the lake for 60 years. Pennsylvania started leasing rights five years ago.

Both have been very restrictive, but Ohio, Michigan and New York have objected. Michigan and Ontario have an informal agreement that bars oil or gas exploration in Lake Huron. Michigan would like to extend the idea to Lake Erie. Ohio and New York would like to keep drilling rigs out until better safety measures are available.

CITE DISASTERS

The objectors point to the disasters that have followed oil well blowouts in the Gulf of Mexico and the Pacific Ocean and the fact that 10 of the 13 million residents of the Lake Erie basin drink its water.

Only gas wells have been drilled in the lake.

Geologists say a gas well blowout in Lake Erie would be a nuisance, not a disaster. But if one of the drillers struck oil and lost control of the well, they say, the spill would spoil Cleveland's water supply in a matter of a couple of days. Cleveland is twice the size of Milwaukee.

Some water pollution experts feel the drilling is a psychological hazard to public acceptance of the costs of pollution cleanup even more perilous than its threat to the environment.

"It's a credibility gap," one said, "to force a sewage cleanup and still take a chance with those wells."

NIAGARA FALLS IS NATURE'S TREATMENT PLANT—XI

(By Quincy Dadisman)

NIAGARA FALLS, N.Y.—In all but the windlest weather, a column of mist towers a couple of hundred feet into the sky directly over Niagara Falls.

That column, visible for miles most of the time, advertises the falls' biggest virtue in the eyes of pollution fighters.

The falls act as an aerator, forcing oxygen into the polluted water leaving Lake Erie. This helps maintain Lake Ontario's relatively good health.

CHIEFLY CANADIAN

Lake Ontario, farthest downstream, smallest in area and, to Midwesterners, least known of the Great Lakes, is as different from the upper lakes as they are from each other.

The other lakes are mostly American, if not in area, then in the development along their shores. Most of the people in the Great Lakes basin live in the United States. But most of the people in the Lake Ontario basin live in Canada.

Toronto, Hamilton, Oshawa and Kingston are big cities on the Ontario side of the lake.

XUM

Only Rochester, on the New York side, can claim metropolitan status.

The other lakes, until recent years, were the home of only the best types of freshwater fish.

But ocean fish had little trouble following the St. Lawrence River upstream into Lake Ontario. Alewives, sea lamprey and smelt have been in the lake for centuries. Until less than 100 years ago, their passage into the upper lakes was barred by the falls.

BELOW LAKE ERIE

Lake Ontario is very deep, 804 feet, although its surface, 244 feet above sea level, is below all the water in Lake Erie. The Niagara River, including the falls, drops the water 326 feet from the surface of shallow Lake Erie, 570 feet above the sea.

Lake Ontario's total volume is four or five times that of Lake Erie and is almost as great as Lake Huron's, so its capacity to absorb pollution is much greater—and its capacity for getting rid of pollution is much slower than Lake Erie's.

Lake Erie flushes—empties and refills—in three years. Lake Ontario takes 80 years or so.

Lake Ontario, like Lake Superior, is controlled by a "compensating work," a series of dams and dikes, at its outlet, so its level is more stable than the three middle lakes.

SAME PROBLEMS

Its pollution problems are familiar to anyone aware of the problems of the upper lakes, all of which Lake Ontario inherits as the water moves toward the sea.

All of the familiar pollutants—phosphorus, other sewage chemicals, DDT, mercury, lead, bacteria—are present, but at average levels well below Lake Erie (and well above Lakes Huron and Superior).

The fishery is declining, although some species regularly fished on Lake Ontario have yet to find their way through the Welland Canal, so are unfamiliar to residents of the upper lakes basins.

The International Joint Commission, an American-Canadian antipollution agency, studied Lake Ontario a couple of years ago and concluded:

Any real improvement on Lake Ontario has to start with improving Lake Erie. Similarly, St. Lawrence River water quality can't be much better than the water it receives from Lake Ontario.

Buffalo and Niagara Falls (the city) are heavy polluters of the already polluted water in the Niagara River. Rochester and Toronto need to do a better job of treating the sewage they discharge to the lake.

"Vigorous and effective remedial programs must be carried out promptly and on a continuing basis to reverse the deteriorating condition of the lake."

The commission pointed out that half the population of the entire Great Lakes basin lives around the two lower lakes, jammed much closer together than residents of the upper lakes' basins. Human activities, the commission implied, have a much more immediate effect in the two lower lakes.

Deadlines of 1975 for cleaning up discharges to Lake Ontario and 1978 for cleanups on the tributaries were set by the commission.

PATH TO POLLUTION BEGINS EARLY—XII

(By Quincy Dadisman)

PORTAGE, WIS.—A slim line of intensely green water a mile long here marks one of the problems of the Great Lakes.

It's one of the smaller problems.

The strip of green water is the stagnant remains of the old Fox-Wisconsin Canal that once linked the Great Lakes and Mississippi watersheds. Boats can no longer make the passage, but the green water in the old canal eventually will reach Green Bay, 200 miles, as the muskrat swims.

It will take a couple of weeks for it to reach there; another 6 months to 600 years for it to reach Point Pierre, Quebec, and the Atlantic.

ENDLESS BLENDING

Along the way it will mix with water from 10,000 other streams, the outfall from 10,000 sewage treatment plants, the effluent from 10,000 factories, the oil seepage from 10,000 ships and the dirt and debris from 10,000 other sources.

Stir in the seepage from a million septic tanks, the silt from a million construction jobs, the pesticides running off a million farms and cities and the salt working off a million miles of highway and cleaning up the Great Lakes sounds impossible.

Some pollution experts think that that may be the case.

Most say it can be done—if . . .

If today's piecemeal approach is abandoned and pollution fighters begin to see the Great Lakes basin for what it is, a living, unitary system, interacting all the way.

If priorities are assigned to cleanup needs, so that the most urgent work is done first.

If innovative ideas can be accepted in time.

If the public, and public officials, are willing to pay the price.

The mercury crisis in the spring of 1970 may have been a blessing in disguise in cracking the first big "IF," one water scientist believes.

His reasoning:

One of the dams backing up co-operative efforts to solve the Great Lakes' problems has been the multitude of political agencies having authority in the Great Lakes basin—two countries; eight states and two provinces; uncounted dozens of counties and hundreds of municipalities.

SEEN AS DUMPS

Along the tributaries, each community complained about what everyone upstream didn't do to keep the river clean, but did as little as possible to protect those downstream. Lakefront communities looked on the lake as a huge dump rather than a valuable resource. Much of that kind of thinking still persists on the local level all around the lakes.

But state and provincial authorities have been working for 30 years to force local cleanups, each blaming neighboring states for much of the problem.

The same philosophy permeated relations between the United States and Canada, with only complaints, never suggestions for joint effort, being referred to the International Joint Commission (IJC).

The IJC was formed in 1913 to arbitrate water level and navigation problems on the lakes. Later it was given pollution problems.

DOOR OPENED

The basin enforcement conferences, the scientist believes, pointed the way to cooperation, with the Lake Michigan Conference, concerning an all-United States lake, leading the way for the others.

The Lake Superior and Lake Erie Conferences could bring about improvement on the United States side, but Ontario could send only observers and the conferences had no power north of the border.

The researcher credits the conferences with teaching everyone that what happens in one part of the lakes affects everyone living on their shores.

But problems that crossed the international border still had to be referred to the IJC, a long, slow process of letters going from the local community to the state capital to Washington, to Ottawa, to the provincial capital to the local community.

LONG ROUTE

It often took six months for a complaint to reach its destination—perhaps just across a river—by that route.

Both federal governments are jealous of their national sovereignty and unwilling to see the IJC shortcircuited.

Then mercury was discovered in Lake St. Clair. Ontario health authorities saw it as an immediate threat to human health.

They telephoned Lansing to inform Michigan health officials. Michigan followed Ontario's lead and within days banned fishing on the lake. The IJC had been shortcircuited, informally, but effectively, to meet an emergency.

MEETING CALLED

So, in September, 1970, John Robarts, then premier of Ontario, invited the eight Great Lakes states and Manitoba—which shares some of the problems, although it isn't in the Great Lakes basin—and Quebec to send representatives to Toronto to talk over pollution problems.

The conference didn't accomplish much on the surface, but resulted in a joint statement by the 11 participants promising cooperation in an information exchange.

The Great Lakes Environmental Conference has no legal standing in either country, but at its second session—last August at Mackinac Island, Mich.—it recognized the fact that the Great Lakes are an integrated system by agreeing to a suggestion that it include Lake Michigan in its agenda. The suggestion came from Wisconsin Gov. Patrick J. Lucey.

COOPERATION SEEN

The conference can lead to co-operation across the many boundaries and help set the priorities needed without violating either nations' laws, Robarts believes.

One cooperative idea that seems to have gained a foothold—a joint sewage treatment plant for Duluth, Minn., and Superior, Wis.—focuses attention on priorities. Neither city can take the faster, but much less efficient, route of going it alone if the best system, the joint plant, is built.

In that case, the sensible priority seems to be to delay building separate plants while the joint system is engineered.

The third "IF," innovative ideas, is just beginning to interest pollution fighters.

Examples:

An experimental activated carbon plant to replace or supplement present biological sewage treatment plants now reaching pilot plant stage under the eyes of University of Wisconsin scientists.

A basinwide sewage treatment utility plant proposed for the lower Fox River and being considered for a further studies grant by the Environmental Protection Agency.

COST A PROBLEM

The "mounded septic tank seepage bed" being tried in Door County to outflank shallow bedrock levels.

The fourth "IF"—willingness of the public and their officials to pay for a clean place to live—may be hardest to realize.

For instance, last summer's fight against stricter dump regulations is primarily economic. Cleaning up a minority of sloppy dumps scattered across the state would cost town tax funds. Many communities chose to fight rather than spend the price of a cleaner environment.

On a broader, and much more expensive, scale, the idea of general tax funds paying for water pollution control may be on the way out. Ontario and Ohio are experimenting with waste handling utilities based on the principle that the person or industry generating waste should be charged on the basis of how much he or it generates.

Some, or all, these ideas may again help make the Great Lakes what they were in 1815, when sturgeon were so thick in Lake Erie they were considered pests.

A NATIONAL PROGRAM FOR OLDER AMERICANS

Mr. HUMPHREY. Mr. President, on December 1, 1971, it was my privilege to participate in the special concerns session on rural elderly at the White House Conference on Aging.

In my remarks to the delegates at this conference session, I outlined a comprehensive program to meet the needs and establish basic rights for elderly Americans. I proposed the establishment of a Cabinet-level Office on Aging, to assure that this work agenda receives high-priority attention in the Federal Government.

My basic concern is that we move now from studies about the elderly to action programs that will effectively address the critical problems that such studies have already clearly established. I called for specific programs and policies to improve income for the elderly, provide adequate health care and nutrition, to establish the right of older citizens to gainful employment, and to end living conditions of isolation and substandard housing.

I focused my remarks on the problems of the elderly in rural America. They occupy one-fourth of the substandard housing in these areas, and one out of three lives in poverty. Adequate medical care and transportation services are frequently non-existent. These special problems demand immediate attention. But they also reflect the critical need for comprehensive programs of rural development across America.

Mr. President, I ask unanimous consent that the complete text of my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY AT SPECIAL CONCERNS SESSION ON RURAL ELDERLY, WHITE HOUSE CONFERENCE ON AGING, WASHINGTON, D.C., DECEMBER 1, 1971

My good friend, Chancellor Bishop, Governor Moore, Senator Pearson, Congressmen Quie and Mahon, Commissioner Smoot, Dr. Kreps, Ladies and Gentlemen:

At the outset, I want to take this opportunity to recall the outstanding work that our Chairman, Dr. Bishop, accomplished as Executive Director of the President's National Advisory Commission on Rural Poverty. The Commission produced a landmark study in 1967, entitled "The People Left Behind." And some eight months later the staff published the extensive reports on rural poverty in the United States, that had been heavily utilized by the Commission.

Of all the rural Americans left behind, it is probably the older people who have been most forgotten. One out of every three of them lives in poverty. They occupy one-fourth of the substandard housing in rural America—which, in turn, accounts for two out of every three deteriorated housing units, with broken-down or non-existent facilities, in America. They are isolated from stores and towns, and transportation facilities are generally nowhere to be found. So they usually cannot get to a doctor when they need essential health care. And too often they are fortunate to obtain any medical treatment, because in many rural counties there are no doctors at all. But we know that rural people aged 65 and older have more chronic conditions and more limitations on their activities than the urban aged.

How many times must we repeat such astounding facts that should sear the conscience of America, before we get *action?*

That is what is demanded at the national level in the decade of the 70's. We have put older Americans under the microscope long enough—the analysis has been done; the diagnosis has been made. So we dare not allow this Conference on Aging to result only in the publication of yet another study report to be catalogued and conveniently filed.

Let us resolve that this Conference shall result in the hammering out of firm national policies on older Americans, backed up by bold and comprehensive national programs.

Let us commit ourselves to the establishment of one goal: That a man in his old age should be treated like a man.

Over the past several months I have outlined what the response of the federal government must be to meet the needs and establish the rights of the one-tenth of our population that has been too long ignored—our older citizens.

First, there must be established *now* a cabinet-level Office on Aging. The problems of older Americans must be addressed at the highest level of authority, which has an adequately funded and on-going staff operation, reporting directly to the President, with sufficient power and independence to tell this governmental bureaucracy what must be done, and then to get it done.

We have had enough of rhetoric and promises. What we need now are results. During the previous Administration a number of excellent programs on behalf of older Americans were enacted by Congress. But they remain seriously underfunded and only half-heartedly administered. A cabinet-level Office on Aging is needed—not just another advisory committee holding periodic meetings—to pull these federal programs together, to set schedules for meeting specific goals, to fix the clear responsibility of governmental officials, and to move out in new directions.

And to assure that this office functions with the benefit of the best advice and experience available, we should establish a permanent National Advisory Council on Older Americans.

It should be composed not only of appropriate Federal officials to assure the effective coordination of their agency programs, but also of representatives of the general public whose competence and dedication assures that they will be strong spokesmen for the needs and rights of all older Americans.

It is abundantly clear that the first item on the agenda of the Office on Aging and the National Advisory Council on Older Americans must be the priority concern of our elderly citizens: The right to a liveable income.

There are immediate actions that should be taken in response to this critical and overarching need.

I have introduced legislation to bring minimum Social Security payments up to a more realistic level and to increase benefits by 10 percent, and to lift the earned-exemption ceiling to $3,000. Under this bill, federal general revenues would be applied to one-third of the costs and additional financing obtained through an increase in the wage tax base.

I have called for extensive reforms in corporate pension plans, to help protect other forms of retirement income. And I have introduced further legislation to permit over 2.08 million recipients of old-age assistance to, in fact, benefit from any increase in Social Security benefits—rather than face a dollar-for-dollar cutback in public assistance.

But I believe we must go further in also protecting elderly citizens from being, in effect, denied or declared ineligible for other program benefits—such as Medicaid and food stamps—either through recent regulation changes by the Administration, or as a result of an increase in Social Security benefits. Such totally insensitive and economically illogical regulations must be withdrawn or revised without delay.

Health care and adequate nutrition are two critical needs confronted by the elderly. There can be no question that this Congress must enact an effective, comprehensive program of national health insurance. And I have pledged to make every possible effort to see that this is accomplished, along with the establishment of quality health care resources that are immediately accessible to all our people.

But it is essential that we also act now to meet the immediate health care and cost problems confronted by older Americans. That is why I have introduced two bills to amend the present Medicare program. One bill would fill a major gap in Medicare: the coverage of prescription drugs. Prescription drugs represent the largest single personal health expenditure that the elderly must meet almost entirely from their own resources. Not only must this serious need be met without delay, but the costly practice of requiring hospitalization for the reimbursement of prescription drug expenses under Medicare must be ended.

The second bill focuses on the costs of ill health resulting from inadequate nutrition, with which hundreds of thousands of older citizens are afflicted. It would provide for reimbursement under Medicare for home nutrition educational services, supervised by a registered dietician. I see this as a vital companion measure to the Nutrition Program for the Elderly Act, of which I am an original sponsor, and which was passed yesterday by the Senate by a unanimous vote of 89–0.

But in discussing the income protection needs of older Americans, we must remember that for many of them, this is basically a problem of getting or holding a job.

We have all heard the maxim that too often rings true below: "Too young to retire, but too old to hire."

I find it morally unconscionable and economically foolish to deny our older citizens the right to gainful employment. It is an affront to their dignity. It is an act of ignorance in failing to recognize the solid contribution they can make to our economy and the extensive services they can perform in our communities.

And yet there is clear evidence that the Federal government is not very concerned about forced early retirement, about providing extensive job and community service opportunities for older Americans, or about enforcing the law prohibiting discrimination on the basis of age.

It has been estimated, for example, that two-thirds of the Department of Labor's job training programs are operated for persons under 45, and that only 4 percent reach those 55 and over.

I am deeply disturbed that the priorities and biases of the Department of Labor can be a major factor in preventing the development and expansion of vital programs for the older worker. Green Thumb, Green Light, and Senior Aides have given great demonstrations of what can be done in community service and, along with employment assistance programs such as Operation Mainstream, should be operated on a full-scale basis.

I thought we had moved from the notion of what we are going to do *for* those old folks, to a clear recognition that the skills and talents of older people can and must be utilized to help solve community problems, including the problems confronting older people themselves, and to meet the continuing need for skilled and productive employment across America.

But I am forced to conclude that the present administration has not gotten this message. Congress passed a major public service employment program this year, but I doubt if more than a handful of the people obtaining jobs under this program have been older rural people in poverty.

Similarly, the Office of Economic Opportunity has downgraded both the rural and aging programs, disregarding the Congres-

sional mandate for assistant directors for both these program areas.

It remains, then, for this Congress to establish the priorities and enact the programs to enable older Americans to make their own decisions about their lives, to continue to be involved in the mainstream of life, and to be treated with dignity.

We must establish federally assisted programs across the nation to provide older workers with opportunities for job retraining and employment in new careers. And we must provide for multi-purpose centers in our communities with extensive professional social services for and by our older citizens, in addition to greatly expanding existing programs to involve these people in vitally needed community service.

There must also be a major national effort to help older people to escape from the isolation in which they live. Too often, we are in effect locking up older people at night and over the weekends. This is inhumane. And the problem is compounded for the elderly in rural America. I believe this isolation has a lot to do with the overcrowding of our hospitals, nursing homes, and mental health care facilities.

We need imagination and creativity in designing transportation services and adaptations specifically for the elderly and handicapped. No longer dare we deny them the right to obtain essential services, to reach jobs, or to pursue community-service or personal interests.

Nor should they be prohibited from travelling by the cost of airline or interstate transportation fares, and I have introduced legislation to meet this need by authorizing reductions in these fares.

Finally, in recognition of the high proportion of the income of older Americans that is paid for housing that is often substandard and in unsafe neighborhoods, there must be a total redirection in national housing programs to end discrimination based on age and to assure that a fair share of Federal housing assistance is at last allocated to rural America.

It is inexcusable that while an estimated 24 percent of the Nation's population lives in non-metropolitan counties without a town exceeding 25,000 in population, less than 11 percent of the housing units financed or insured by the Department of Housing and Urban Development in the last three years were located in those same counties.

But the inadequacy of housing that includes the opportunity for enriching community life for older Americans is a fact of life across America. To meet this critical need, we should at least undertake the immediate construction of a minimum of 125,000 units of low-cost housing for the elderly each year.

And we must provide effective and reasonable assistance to older people who want to remain in the homes for which they have worked and cared over the years.

At the same time, we dare not continue to condone the inadequate and sometimes inhumane treatment of our elderly that has been reported at a number of nursing homes across America. This must be ended by the enforcement of quality health care standards and by the imaginative employment of incentives and new resources, both to improve institutional care and to broaden the spectrum of health care from preventive medicine to rehabilitation programs.

It remains for us all to address the fundamental need to revitalize rural America. We have yet to establish the programs to carry out a comprehensive national growth policy of balanced rural and urban development. We have yet to recognize the direct connection between advancing rural poverty and the congestion and fiscal crisis confronting our cities.

The development of rural America, as many of you know, has been a top-priority concern in my legislative work agenda over the past months.

I firmly believe we have the resources and the tools to do this job. What we need is the *will*, carried through by strong national leadership. I have introduced a comprehensive legislative program to strengthen our agricultural economy and to promote public and economic development in our rural areas—a legislative program that has strong bipartisan backing; and a legislative program that must be enacted.

With your support, this *can* be accomplished. And with your involvement, it *will* be done. There is a tremendous resource among rural older Americans of talent and ability and commitment to carry through extensive programs of rural improvement and development.

I have seen in Minnesota how older people can get into the efforts to improve our rural communities. In Otter Tail, Wadena, and Todd Counties, the Green Thumb and Green Light workers have literally been the manpower force that has enabled many of our rural development plans to come into being. It is the kind of dedication and hard work that must be duplicated throughout the rural counties of America.

I want to conclude now by expressing a deep, personal concern that this Conference shall produce results. I am looking to you in this session and in this Conference to help us in Congress to decide the priorities—which programs should be moved onto a full-scale basis; and what new directions must be taken.

Let us resolve to get on with the job of creating a new era for and by older people which will bring their talents and abilities to bear, and which will assure them a lifetime of dignity, security, and opportunity.

NOMINATIONS TO THE SUPREME COURT

Mr. ALLOTT. Mr. President, I intend to vote to confirm the nominations of Lewis Powell and William Rehnquist for the positions of Justices of the U.S. Supreme Court. My votes will represent my conviction that both men will serve with distinction.

There is no reason why this matter should detain us any longer than it takes for each of us to express our confidence in these two outstanding men. The Judiciary Committee has done its job. It has examined the records compiled by these men in their many years of public service. It is a measure of our happy position here today that not a shred of damaging evidence was produced concerning either of these men.

This is not to say that there has not been criticism. Indeed there has. Mr. Rehnquist particularly has been subjected to a most obnoxious and unconvincing attack. But, Mr. President, his enemies, in their frenzy, have tarred themselves with their own brushes. They have revealed themselves as unlaundered McCarthyites. Suffice it to say that my admiration for Mr. Rehnquist is only heightened when I see the enemies he has made.

Reduced to simplest terms—and it has never risen far above the simplest terms—the opposition to Mr. Rehnquist boils down to this assertion: Conservatism is unconstitutional. This is not just twaddle, it is pernicious twaddle. I do not intend to dignify that assertion or demean the Senate by discussing that assertion.

I would only point out that Mr. Rehnquist has already served us well by provoking a revealing display from those elements who seek to impose their orthodoxy upon all America. As a result of their tiresome performance, these elements, whose impudence is exceeded only by their imprudence, will not again enjoy a serious audience on Capitol Hill for a long, long time.

There can be no doubt that both Mr. Powell and Mr. Rehnquist have developed judicial philosophies. In fact it is perfectly obvious that we would all be alarmed and perplexed if these intelligent, learned and public-spirited men had never bothered to reflect in a systematic way about the profound philosophic foundations of our Constitution and of ordered liberty in general.

In addition, Mr. President, there can be no doubt that the only issue involved in the minor oppositions to both of these men is their judicial philosophies.

What, then, is the criticism of them all about?

In my judgment, Mr. President, those who oppose one or both of these nominations are saying that the Founding Fathers were mistaken; and that the mainstream of American judicial thinking over the years has been mistaken.

That is, they are saying that the most extreme actions of the Supreme Court in recent years—actions which no one seriously argues reflects the intentions of the framers—represent the only permissible judicial philosophy.

Do any of the critics of Mr. Powell and Mr. Rehnquist seriously maintain that, say, John Marshall would have voted with the majority on the so-called Warren Court? Do any of these critics really believe that, say, Mr. Justice Taft or Mr. Justice Cardozo or Chief Justice Hughes would have participated in the torturing of the 14th amendment which recently became the iron orthodoxy of one militant school of constitutional jurisprudence?

I think it is fair to say that both of these men incline toward the view that in recent years the Supreme Court has been excessively assertive in attempting to take the lead in tackling social problems. It seems likely that both of these men, like many reflective Americans, are inclined to believe the Court has taken on a role it cannot fulfill; it has attempted to push law beyond the prudent limits set by society's slowly evolving consensus.

Mr. President, I say that these men are "inclined" to believe this, and I select that word with care. These are not blind dogmatists. If they were, they would not enjoy the widespread approbation which they have earned from their colleagues in America's temperate legal profession. But the inclination is real enough and, in my judgment, it is sound.

I do not find it at all puzzling that reflective men should feel this way. But I do find it very puzzling indeed that Senators should find this view repugnant. After all, this inclination to curtail the Court's assertiveness is, by another name, an inclination to acknowledge the legislative as the first branch of Government. I believe that the primacy of the legislature is, in theory and in historical

experience, the foundation of free government.

I note with interest the fact that many Senators are greatly exercised about what they consider an excessive assertiveness on the part of the executive branch in the shaping and administering of foreign policy. I think these Senators are mistaken on two counts. They say that this assertiveness is relatively recent, and it is not: its first practitioner was George Washington, and it has been the practice of every President since the United States became a world power under Theodore Roosevelt. And these Senators are mistaken in saying that the Executive predominance in the field of foreign policy is without constitutional warrant: in fact, every precedent speaks the primacy of the Executive in that field.

What interests me about these Senators is that their passion for legislative primacy is so selective, and is so finely focused on an area of thorny constitutional questions.

I suggest, Mr. President, that these Senators are half right. They are right that there has been an erosion of the legislatures standing in this Government. But they are wrong in thinking that this erosion has been in the area of foreign policy. In fact, the real erosion has come in the field of domestic policy.

It is well to remember that the two most significant decisions affecting domestic policy in the United States in the more than a quarter century since the end of the Second World War were made by the Supreme Court. The first was the desegregation decision, the ramifications of which are still being worked out—and worked out by the courts. The second crucial decision concerned reapportionment.

Senators who are really concerned about the stature of the legislative branch, and who want to do something about it, might well cease their attempts to usurp the President's constitutionally well-founded powers in foreign policy, and might concentrate instead on making the legislative branch the decisive force it once was in determining domestic policy.

It is ironic that the President himself is taking steps which are necessary, if not sufficient, for a restoration of legislative primacy in domestic policy. The President is appointing to the Supreme Court men steeped in a prudent philosophic tradition. This tradition will lead the Court back to its proper and traditional balance in the constitutional system without in any way diminishing the Court's "great and stately jurisdiction."

That is the real significance and drama of the nominations of these two fine men, Mr. Powell and Mr. Rehnquist. And that is why it ill behooves Senators to oppose these men in the name of Senate prerogatives.

Just as it is ironic that Senators should clamor for a larger role for the Senate in foreign policy just as they are clamoring for a smaller role for the United States in the world, so too, is it ironic that Senators should urge the Senate to flex its muscles by opposing the confirmation of men whose judicial philosophy will encourage a wide range of responsible Senate exertions in setting policy for this Nation.

Mr. President, we are in a very happy position. When we confirm the nominations of these two gentlemen we shall be strengthening the Supreme Court and, simultaneously, enhancing the role of the Senate.

In short, there is not the slightest particle of a reason for voting against either of these nominations, and there are abundant reasons for all of us to be grateful for the opportunity to vote for them. The President is to be applauded for his wisdom in making these selections which we are privileged to support.

ARTHUR B. SPINGARN

Mr. HUMPHREY. Mr. President, the Nation suffered a deep loss yesterday with the death of Arthur B. Spingarn, president of the National Association for the Advancement of Colored People from 1940 until his retirement in 1966.

Mr. Spingarn brought to this vital organization, from the outset of its legal defense efforts in the early 1900's, an outstanding example of constructive militancy on behalf of equal rights and justice for the black people of America.

He knew the lonely, hard struggle to overcome racial discrimination long before the cause of civil rights became popular, winning court cases against enforced segregation when the Ku Klux Klan could still march in a grand parade down Pennsylvania Avenue in Washington.

Dedicated to the objectives of the NAACP to achieve solid accomplishment and provide concrete help in establishing equality in education and voting rights and ending officially sanctioned segregation, he was also at the forefront of its determined efforts to end discrimination in housing and employment.

The black people and all Americans owe Arthur Spingarn a profound debt of gratitude, for he embodied the spirit of human dignity and brotherhood and he ennobled the law in its quest for justice.

Mr. President, I ask unanimous consent that an article about Arthur B. Spingarn, published in the New York Times of December 2, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTHUR SPINGARN OF NAACP IS DEAD

(By Farnsworth Fowle)

Arthur B. Spingarn, a Manhattan lawyer who was a leader in the struggle for equal rights for American Negroes from the foundation of the National Association for the Advancement of Colored People in 1909 to his retirement as its president in 1966, died yesterday at the age of 93 in his home, 60 Gramercy Park.

Mr. Spingarn became head of the organization's national legal committee and a vice president in 1911, and president succeeding his brother, Joel E. Spingarn, a poet and professor of comparative literature, in 1940.

In that year the organization split off the legal functions into a separately-financed Legal Defense and Educational Fund. The team of black lawyers who grew up in the N.A.A.C.P., led by Thurgood Marshall, now an Associate Justice of the United States Supreme Court, won the landmark unanimous Supreme Court decision in 1954 outlawing segregated public education.

The immediate reaction of Mr. Spingarn and his associates was to announce new goals—eliminating residential and job discrimination throughout the nation.

In recent years, for many black militants the goal of integration has become less attractive than the assertion of a separate black identity, and the N.A.A.C.P., with its partially white leadership, has been looked upon as old-fashioned as its name. Long forgotten was the almost scandalous militancy of the N.A.A.C.P.'s origins.

Mr. Spingarn, a white man, was attracted to the cause by his experience in trying a civil rights case in the Manhattan courts, from which he concluded that a concerted effort would be needed to secure equal justice.

ALUMNUS OF COLUMBIA

He had been admitted to the bar in 1900, after receiving a bachelor's degree from Columbia in 1897 and his law degree two years later.

His parents, Elias Spingarn and the former Sarah Barnett, were respected members of the New York Jewish community; his father, born in Austria, was a well-to-do tobacco merchant.

The N.A.A.C.P.'s initial impulse came from two white New York social workers, Mary White Ovington and Dr. Henry Moskowitz, who reacted to an article by a wealthy Southerner, William English Walling, denouncing a race riot he saw in Springfield, Ill., in 1908 and calling for a revival of the abolitionist spirit.

The three met with Oswald Garrison Villard, publisher of The New York Evening Post, and decided to support the militant wing of what was then called the "colored" leadership (the word "Negro" was deemed offensive), represented by Dr. W. E. B. DuBois. Dr. DuBois contended that the Negro must win his fundamental human rights before self-improvement, a policy advocated by Booker T. Washington, founder of the Tuskeegee Institute.

The two Spingarns became involved. Those who knew Arthur in later years as a smiling grandfatherly figure in gold-rimmed spectacles when they were out of fashion might have been surprised to see him in action six decades ago.

One practice in New York in those days was to discourage Negro patronage at bars by charging them outrageous prices. Mr. Spingarn recalled that when he and black friends went to such bars, they would smash the glasses on the floor in an effort to discourage this practice.

But the main fights were in the courts, and one of his first significant victories for the N.A.A.C.P. was when the Supreme Court in 1927 upheld its challenge to an explicitly all-white Democratic primary election in Texas. This was in line with the organization's major goals, which included abolition of forced segregation, equality in education and voting rights.

The membership of the N.A.A.C.P. was 85,000 when Mr. Spingarn became president in 1940. In the 1950's it quadrupled, much of its growth being in the South.

In the 1960's, with newer civil rights organizations capturing the imagination of black communities, there was criticism of the N.A.A.C.P. for having a white president and other whites on the board. In 1963 Representative Adam Clayton Powell, Jr., a Negro of Harlem, raised this objection and called its approach through the courts "nit-picking."

Roy Wilkens, then and now the executive director of the N.A.A.C.P. dinner here on Jan. views "vicious" and praised Mr. Spingarn for more than half a century of service to

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"the organized fight against racial discrimination."

Mr. Spingarn announced his resignation at an annual N.A.A.C.P. dinner at an annual N.A.A.C.P. dinner here on Jan. 2, 1966, explaining that at 88 he was "getting a little old," but concealing the fact that with his customary vigor he had walked two miles from his home to the dinner.

He was subsequently elected honorary president for life. In 1967, when a "young Turk" nominating committee dropped his name and several other "traditionalists" from their list of candidates for membership on the board of directors, the national membership overruled them by re-electing five of the six, including Mr. Spingarn.

A niece recalled yesterday, "He understood the change in feelings among the younger, more militant people." But he stuck to his criticism of the Black Muslims, for example—not for their militancy, which "I believe in," he said in 1963, not for their view of the problems, but for their solution.

I have no sympathy," Mr. Spingarn said, with the Muslims' advocacy of "a separate state of their own away from whites." And he recalled that he had been picketing in the South as early as 1914 when a Negro group was kept off a civic program in Memphis.

PROVIDED LEGAL AID

Mr. Spingarn and his "traditionalist" colleagues noted wryly during the mass marches and bus rides in the South in the 1960's that when the demonstrators who regarded them as out-of-date landed in Southern jails, the N.A.A.C.P. was the organization ready to come to their aid.

He was with the late Rev. Dr. Martin Luther King Jr. when he was stabbed by an apparently deranged woman in a Harlem store in 1958.

In a statement yesterday, Roy Wilkins spoke of Mr. Spingarn's role as the N.A.A.C.P.'s unpaid counsel "challenging in the courts of the land the sanctioned institutions of Jim Crow."

His "epochal victories in the newly emerging civil rights legal field", he said, "helped turn the tide slowly, but definitely for his clients—the millions of black Americans who had no legal standing in the courts."

To the cause of freedom, Mr. Wilkins said, "he gave freely of his resources, his great legal talent, his wise counsel, his dedication."

A. Philip Randolph, the pioneer Negro labor leader, said: "I consider the death of Arthur Spingarn a great loss to Negroes in particular and the liberal social movement in general."

Mr. Spingarn sometimes mused that if he had not become a lawyer involved in civil rights, he might have led a serene existence as a bibliophile. A collector of rare books, he prided himself on having picked up prints of Henri Matisse in Paris in the days when they sold for $5 or $10.

Characteristically, he combined his literary collector's enthusiasm with his interest in the Negro cause. In 1948, he presented to Howard University his Spingarn Collection of books, newspapers, manuscripts and other relics of the Negro story that he had accumulated over a 35-year period.

Until about five years ago, Mr. Spingarn visited Europe annually and would spend several weeks in London hobnobbing with fellow collectors. Most of his treasures were sold at auction at Parke-Bernet—his books, including first editions of Ralph Waldo Emerson and Mr. Spingarn's friend the poet Edward Arlington Robinson, in 1965, and in 1966 his graphic arts, in which the leading French impressionists and German expressionists were represented.

His law practice had suffered in his early years from his public involvement in the cause of equal rights, but later he felt it brought other clients to him for the same reason. He continued in practice here until two years ago.

Mr. Spingarn was the author of "Laws Relating to Sex Morality in New York City," first published in 1915 and in a revised edition in 1926, and was co-author of "Legal and Protective Measures" (1950). He was an Army captain in the Sanitary Corps in World War I.

In 1918, he married Marion Mayer, a social worker who shared his interests. She died in 1958. The only immediate survivor is a brother, Sigmund, of New York City.

A memorial service will be held at Frank E. Campbell's, Madison Avenue and 81st Street, on Sunday at 1 P.M. The eulogists will be Justice Marshall and Mr. Wilkins.

U.S. MOVE IN ROME PROMISES SOLUTION OF MONETARY AND TRADE ISSUES AND SUGGESTS OPPORTUNITY FOR NEW TRADE LEGISLATION

Mr. PERCY. Mr. President, I am very much pleased by the news this morning from the Rome meeting of the group of 10 major monetary powers that the U.S. representatives, Secretary of the Treasury John Connally and Under Secretary Paul Volcker, have indicated a new U.S. flexibility on the key issue, the dollar price of gold. As Bernard Nossiter, reporting from Rome for the Washington Post, said in this morning's edition, the American offer "reflected an economic fact of life, that the price of gold does not matter—what does is the opening up of foreign markets that will be brought about by making their currencies more expensive in terms of dollars."

Though a solution to the monetary and trade crisis that has been building since mid-August was not reached at Rome, it is now very clear that the momentum toward agreement has begun and that the major monetary powers can now move much more quickly to agreement. Quite properly, Secretary Connally has indicated that the possibilities discussed at the Rome meeting are not fixed and could change. Also, he has quite properly, in my view, indicated that the 10-percent surcharge, perhaps the major U.S. bargaining tool, will not be lifted until essential agreement on currency values and trade issues is reached.

Though experts consider that at least an interim change in the dollar price of gold could be arranged by declaring that the dollar will trade at an "official rate," real dollar devaluation must be accomplished by amending the Bretton Woods Act of 1944, or the Gold Reserve Act of 1934.

Assuming that the gold price is changed and that legislation is proposed to effectuate the change, we will be given a new opportunity to legislate as well in the field of foreign trade. The monetary legislation is in the jurisdiction of the House Committee on Banking and Currency, and the Senate Committee on Banking, Housing, and Urban Affairs, while the trade legislation falls in the purview of the House Ways and Means and Senate Finance Committees. But a trade bill constructed to give the President new authority to bargain on reciprocal reductions of tariff rates, to give new flexibility in the administration of trade adjustment assistance, to remove the American selling price system, and to include other matters could be submitted to be considered in tandem with monetary legislation. New trade legislation is badly needed. There has been no general trade negotiating authority in effect since the authority in the 1962 Trade Expansion Act expired on June 30, 1971. The law badly needs revision and updating, and Congress should address itself to this task.

The eventual settlement on exchange rates seems likely to include some agreements, even if only of a general kind, on trade matters. Linking monetary and trade problems is appropriate and could well be reflected in a new administration legislative package to encompass objectives in both fields.

THE TWENTIETH CENTURY FUND REPORT ON THE GOVERNMENT AND THE PRESS

Mr. ERVIN. Mr. President, during the course of hearings on freedom of the press conducted by the Senate Subcommittee on Constitutional Rights, many different viewpoints were expressed on the present relationship between government and the press. A review of this testimony makes one thing quite clear—there is widespread concern in this country about the threat of Government interference with and intimidation of the press.

Two witnesses at our hearings presented the findings of an in-depth study of several problems which have emerged in the relationship between the press and government. Judge Robert Williamson, of Maine, and Mr. Fred Graham, of The New York Times, set forth for the subcommittee preliminary results of The Twentieth Century Fund's study of government and the press. Their testimony underlined many of the problems already suggested to the subcommittee and pointed out other problems not previously discussed.

On November 17, 1971, the Twentieth Century Fund formally released a full report of its study. Entitled "Press Freedoms Under Pressure," the report was developed by an 11-member task force of authorities in law and journalism. It makes recommendations in five areas where the press and government have been increasingly in conflict—press subpenas, official harassment of the underground press, government investigation of broadcasting, attempted prior restraint of publication, and police posing as reporters.

In my judgment, this report constitutes a significant contribution to the study of press-government relations. Because of its length, I shall only request that the task force's recommendations be reprinted in the CONGRESSIONAL RECORD. The full text of the report will be included in the subcommittee's printed hearing record.

Mr. President, I ask unanimous consent that the recommendations of The Twentieth Century Fund's Task Force on Government and the press and the prepared statements of Judge Williamson and Fred Graham, based upon this study, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS OF THE TWENTIETH CENTURY FUND'S TASK FORCE

The members of the task force represent different disciplines and views. We did not reach unanimous agreement on all of the many complicated issues before us. (Dissents are listed in the text.) But we shared in common a concern about governmental infringements, actual or potential, on the nation's press, and held in common a faith in the value of free press as a disseminator of information to the public. Because we believe that a free and responsible press is, as William Ernest Hocking put it, "inseparable from the general meaning of freedom in a modern state," and because we are convinced with Learned Hand that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative solution," the independent Task Force on Governmental Power and Press Freedom makes the following recommendations:

PRESS SUBPOENAS

An adequate newsmen's privilege should be incorporated into the law to protect the flow of information through the press to the public.

Confidences and press photographs

The privilege should apply to personal testimony and records of journalists and to records of news organizations that might lead to the disclosure of confidential sources or of other confidential information.

The privilege should be available to all journalists including personnel of the "underground," collegiate and minority press.

The privilege should extend to testimony before grand juries, preliminary hearings, trials, administrative hearings, legislative investigations and other bodies having the power of contempt.

The privilege should authorize journalists to withhold the identities of confidential sources, as well as information given in confidence, and notes, tapes and other records of confidential communications.

If the privilege is to be qualified, the qualifications should be as narrow and specific as possible. This could be done by specifying that if newsmen possess information about particular violent crimes, such as murder or kidnapping, they may be compelled to testify.

In civil trials the privilege should be limited so that journalists cannot invoke it in order to avoid being held accountable for defamatory publications.

The privilege should shield news organizations from being compelled to furnish unpublished photographs or unused television films of events, including rallies, demonstrations and disturbances.

Secret testimony

The privilege should shield journalists from having to appear for questioning before grand juries or other secret investigative agencies to the following extent: that when a subpoenaed newsman can make a showing that his news-gathering capacity would be seriously damaged merely by his entry into the secrecy of the interrogation room, then the official who subpoenaed him should be required to demonstrate a compelling need for his testimony before the journalist could be required to appear.

INVESTIGATIONS OF THE BROADCAST MEDIA

The public's need—and the value to democracy—of the fullest possible information can be threatened by Congressional investigations of editorial judgments, as well as by the Federal Communications Commission's questioning of editorial content.

Because of the threat to press freedom posed by such governmental investigative efforts as the attempt by the House Committee on Interstate and Foreign Commerce to subpoena unpublished material from the CBS documentary film, "The Selling of the Pentagon," no arm of the government should attempt to use the subpoena power to obtain the unpublished material of newsmen—whether in the regulated broadcast media or not.

Because similar threats to the rights of a full-informed public can be posed by the Federal Communications Commission's questioning of editorial content in determining whether to grant or revoke licenses, a group of experts in the law and in broadcast journalism should undertake a careful study of how best to reconcile the competing values of journalistic freedom and governmental regulation.

POLICE POSING AS JOURNALISTS

The chief officers of all law enforcement and other public agencies that seek intelligence about domestic groups—and particularly those agencies that have permitted their agents to pose as journalists—should publicly disapprove of these masquerades and should take steps to insure that they do not happen in the future.

Law enforcement agencies should abandon the practice of employing journalists as informants. As citizens, journalists may choose to volunteer information to the police and for the police to accept it, but the payment of any money by the police to a journalist—either for "expenses" or for services rendered—in connection with the disclosure of information is tantamount to infiltration of journalism by the police and should be stopped.

THE UNDERGROUND PRESS

The underground press should be considered entitled to all legal and constitutional rights applicable to other elements of the press, and all actions by public officials that discriminate against the underground press by subjecting it to arrests, searches, seizures or other official acts of harassment or intimidation should be vigorously opposed by the "establishment" press.

The professional associations of journalism should form legal defense funds to aid underground publications when they are subjected to unlawful pressures from government officials.

STATEMENT OF ROBERT B. WILLIAMSON

Mr. Chairman and Members of the Committee:

My name is Robert B. Williamson. I reside in Augusta, Maine. I welcome the opportunity of appearing before you as the chairman and the representative of a Task Force on Government Power and Press Freedom organized by the Twentieth Century Fund of New York City.

With me is Mr. Fred P. Graham, rapporteur of the Task Force, who is chiefly responsible for our Report, except upon the Pentagon Papers.

The Task Force selected by the Fund is drawn eight from Journalism and three from the Law. The members, you will note from the list herewith, cover in particular a wide range of activity in journalism and related fields.

The Honorable Shirley Hufstedler, Judge of the Court of Appeals (9th Circuit), a most valuable member, felt it necessary to resign in August because of the likelihood of issues in this area arising in the 9th Circuit.

We stand absolutely independent of the Fund. We were requested to study the problem, and to report thereon with recommendations. Our discussions in nine meetings since January last, have been free, frank, instructive and often spirited and long. Difficulties at the outset in communication between newsman and lawyer dissolved in large measure as we came to understand the problems before us.

We hope to complete and publish our report by mid-November. There remains, even now, the possibility of changes in our draft, but none, I think of major consequence.

The Pentagon Papers issue arose as we were in our June meeting. To complete the report for publication in September then became impossible.

We have considered five areas in the relationship between Government and the Press—and by Press we include Broadcasting and Television:

(1) The Newsmen's Privilege (subject of S 1311);

(2) Investigation of editorial judgment in the regulated broadcast media;

(3) Police posing as journalists;

(4) The underground Press; and

(5) The Pentagon Papers. (Mr. Graham took no part in drafting the report in this area.)

We were not concerned with Fair Trial—Free Press.

I shall confine my remarks chiefly to the newsmen's privilege and the Pentagon Papers, in accordance with your invitation. I shall attempt to give the views of the Task Force in these areas, and beyond this, my personal views.

There is a wide difference between the newsmen's privilege and the privilege, for example, of attorney-client. It is the client's privilege; he alone may waive it. In the newsmen's privilege, it is the privilege of the newsman and not of the source. The newsman may choose whether or not to exercise his privilege. No waiver from the source is required to permit the newsman to give his testimony. The option to testify lies with the newsman.

All agreed on the fundamental propositions. Freedom of the Press under the Constitution is designed to protect and advance the freedom of the people. The public need for information is obtained only through a free press. Freedom of the Press is a means to reach the objective, and is not an end in itself.

From the evidence before us, a majority of the Task Force are satisfied that a newsmen's privilege, so-called, under a shield law is desirable.

There are those who reject the concept of a "shield" and who believe a shield tampers with the administration of Justice or may lead to restrictions upon the press.

Without a shield, the newsmen in general vigorously assert that news sources will "dry up", and their confidential lines of communication will be broken, with consequent damage to the public's information.

Obviously a privilege against giving testimony suppresses evidence—and truth. The privilege of newsmen (as indeed the privilege of attorney and client) must be weighed against the public's right to everyman's testimony.

We favor a limited or qualified privilege, covering news media, such as newspapers, periodicals, radio and television, news letters and news services.

The common law recognizes no privilege for the newsgatherer. Any privilege, therefore, must be based on the First Amendment or on shield statutes. We express no view on the constitutional issues now before the Court in the Caldwell, Pappas, and Branzburg cases. Whatever the decision on constitutional issues, statute law will very likely be necessary to implement the shield.

What should the privilege cover? To what extent should a privilege broadly stated be qualified?

In our view—the majority view—a newsman's privilege should prevent the compelled disclosure of confidences that might reduce the flow of information through the press to the public. It should protect against disclosure of confidential sources and of information given in confidence, including notes, tape recordings, and other records of confi-

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dential communications and newsmen's records leading to such disclosures.

Further, we would extend the privilege beyond the bounds of confidence to protect news organizations from compulsory production of unpublished photographs or unused television films of public events. Such protection is not presently given in any shield law.

Such a privilege (qualified or limited as later discussed) is designed to protect and to preserve the contacts of the newsman, with persons or groups, who would otherwise cease in significant degree, to be a source of news. We recognize, of course, that such sources desire that the news be published. It is the protection of confidentiality which is necessary to the full functioning of the Press.

The privilege also prevents use of the newsman in the role of an unwilling investigative arm of the State.

Our suggested privilege goes beyond protection not merely against disclosure of the confidential source, but against disclosure also of confidential information including records that would lead to violation of the desired protected confidences.

This protection is included in S. 1311 and, for example, in the New York statute.

We believe that legal controls over press subpoenas would discourage their use. We note that since the Attorney General issued guide lines governing such subpoenas by his Department, there has been a marked decline in subpoenas over the previous year. The example of the Attorney General, important and constructive as it is, does not solve the problem in its entire breadth.

What is the Press to which we would grant the newsmen's privilege for the benefit of the public? The Task Force has attempted no narrow definition. We make no distinction, for example, between the newspaper, the underground press, or the collegiate press. Radio and Television as well are the press.

In recommending the extension of the shield to cover against the compelled production of unpublished photographs and unused film of public events, we go beyond any statute called to our attention. It is to be noted that such a privilege cannot rest upon information given in confidence. The reason for our suggestion has a quite different base, but is nonetheless of value in the carrying out of the usual duties of the man with the camera.

The newsman should not be compelled to be a ready source of evidence for the benefit of either the State or the accused, and thus to destroy his standing as a "neutral observer." He should not be sitting duck for a subpoena.

We are advised that one or more news organizations do now destroy routinely such material, and that others are considering adopting a like policy. The published photograph and film should be sufficient. The "neutral observer" status deserves protection.

We do not include writers of books within the newsmen's privilege. Authorship of a book is not part of the continuing news process.

The values in a shield for the reporter are here outweighted by the values of full disclosures of relevant evidence in proper proceedings.

Limitations or qualifications upon the privilege, while necessary, should be as sharply marked as possible. Certainty in the relationship between the newsman and his sources in this respect is plainly an important factor in continuance of the confidence. The source will wish to know the protection available. He must be satisfied that the reporter may lawfully not disclose the confidences.

In some states, a qualification is expressed in terms of public interest or equivalent language, and in others there is no limitation. In S. 1311 the privilege is divested "if the Court . . . determines that there is substantial evidence that disclosure of the information is required to prevent a threat to human life, espionage or foreign aggression". In the *Caldwell* case, a protective order was worded, "compelling and overriding national interest that cannot be served by any alternative means." The New York Times in an editorial on September 26th says, "Only proof of the most overriding and pressing public necessity could justify subpoena of information gathered by newsmen in the performance of their duties."

There are several approaches that may be taken in determining the scope of a privilege and qualifications. They are:

First: A privilege without qualification;

Second: A privilege with a "public necessity" qualification;

Third: A privilege qualified by exclusion of certain offenses, as in S 1311.

Perhaps a fourth approach should be added, that is, a privilege with both the exclusion of certain offenses and a "public necessity" clause.

We considered the qualification problem from every angle. We are unable to come up with a recommendation specifically setting forth a line that should be drawn, between privilege and no privilege.

Appealing to some, was a qualification eliminating from the privilege evidence involving past or present crimes of violence. Several of the majority favoring a "shield", support a privilege without qualification. Any line short of total privilege raises important issues of policy as well as of certainty in application.

In my view—shared, I believe, by only one other—a privilege however broad or qualified, should include a "safety valve" against the operation of the privilege when the Court or other body finds a compelling or overriding national interest or public necessity that cannot be served or met by alternative means.

In short, in my view, there comes a time when the needs of Justice outweigh the needs of the privileged newsman.

The "safety valve" is not a definite clear-cut rule. The source may balk at the possibility of compelled disclosure. The Courts may err. But on balance it seems to me, that the privilege, insofar as it may not be found to rest on the Constitution, should cease when the line stated is reached.

The privilege should extend, in the view of the Task Force, to grand jury proceedings, preliminary hearings, trials, administrative hearings, legislative hearings and investigations. It should extend wherever evidence may be compelled under sanction of contempt by the Government or any agency and at every level.

In civil matters, the privilege should be limited to prevent its use by the newsman to avoid liability for defamatory publications. The shield is designed to protect the newsman for the benefit of the public, and not for his own good.

The Task Force is further satisfied that under some circumstances the entry of a newsman into a grand jury room or other secret hearing may, quite apart from his testimony, seriously affect his news gathering capacity. We believe he should be protected against such injury on a showing of such harm, in the absence of a "compelling need" that his evidence, otherwise compellable, be taken in the grand jury or other secret hearing. Thus we would meet the double threat to the newsman—confidential source relationship from the giving of any testimony in secret until the need therefor should be established under the shield law.

S. 1311 reaches the heart of the matter in the sections on non-disclosure of confidential information and non-disclosure of sources. The definitions seem adequate.

Under S 1311, as I read it, the newsmen's privilege is unqualified except in relation to details of grand jury or other proceedings required to be kept secret under law, or unless divested by Court Order, when the information is required to prevent a threat to human life, espionage or foreign aggresssion.

For my part, I wish to see in a shield law a "public necessity" safety valve, carefully drawn and limited, but present. Such a provision I prefer to the limited language of S 1311.

In summary, a majority of the Task Force recommend shield laws for newsmen to meet the needs of the public in the full flow of information.

I turn to the Pentagon Papers and the issues arising therefrom on which you invited comment.

The Pentagon Papers were not within the scope of the studies of the Task Force until June. Our obligation and duty to consider the issues were at once apparent. This we have done.

Our report (in which Mr. Graham took no part) will include a study, carefully drawn, of the issues in controversy. The position of the majority is persuasively set forth in the report. We do not undertake, however, to make recommendations.

The journalists in general—and the majority of the Task Force—stand for the absolute right of the press to publish with no prior restraints whatsoever. The lawyers do not accept the "absolute" approach, without, however, agreeing upon a particular rule.

The arguments are well-known if not thoroughly understood. Discussions of the rights and obligations of the Press and Government altered, as I recall it, no opinions. Division in thinking between the journalist and the lawyer was apparent from the start.

I am unable to agree with the position taken by the majority of the Task Force. I am not an "absolutist". Within the Constitution there is room, I believe to establish protection against disclosure of top secret, classified papers, or state secrets, if you will.

I assume there is no question of the right to declare unlawful the publication of such material with suitable penalties.

My concern is with the right to create and the desirability of creating prior publication restraints. I speak as an individual, and in this I do not represent the Task Force, or any members, whether in the majority or in the minority.

Clearly an injunction to prevent publication will rarely be a useful tool. Papers will be published before the Courts will be approached or action taken. In the Pentagon Papers, publication over several days gave the opportunity to seek an injunction looking to tomorrow's newspaper.

The judgment of the Supreme Court does no more, I suggest, than determine that an injunction did not lie on the facts. A majority of the Justices, as I read the opinions, did not say that the First Amendment absolutely prohibits prior restraint on publication.

If I am correct in this view, the constitutional issue remains open.

The classification system has broken down. Congress or the Executive, or both, should repair it promptly to provide effective and meaningful procedures for classification and for early declassification.

From the news and general reading—I have not read far beyond the introduction of the New York Times paperback—I gain the impression that a substantial portion of the Pentagon Papers should not have been classified, or if so, only for a period some years ended. This impression is strengthened by the recent publication by the Government of portions of the Pentagon Papers.

It is good news that declassification is underway.

In the dissenting opinion of Justice Harlan in which the Chief Justice and Justice Blackmun joined, I find the reasoning which appeals to me. I pass the decision of no injunction on the Pentagon Papers, for that is in the past. It is the present and future which interest me.

In the end, it comes, as I see it, to a question of trust. Granted that top secrets ought not to be published to protect vital national interests, and granted that officers of Government must be the ones to stamp "top secret", who is to be the judge of publication? Is the judge to be the Press or the Government? Whichever way we turn, men and women it may be, equal in ability, and alike in devotion to a free press under the Constitution, and in awareness of the necessity of security, must make for us the decision—perhaps fateful.

With deep belief in the freedom of the Press, with full recognition of its value in a free society, with the First Amendment before me, I am unable to place my ultimate trust in the editor, not directly responsible to, and not selected by, the people. I choose, rather, to trust the officers of Government charged with the responsibility, not unlike that of the President, if you will, for the security of the nation.

TESTIMONY OF FRED P. GRAHAM

(Rapporteur for the Twentieth Century Fund's Task Force on Governmental Power and Press Freedom)

Mr. Chairman: It is a pleasure to accept the Subcommittee's invitation to testify about several particularly interesting developments that came to the notice of the Task Force on Governmental Power and Press Freedom. The Task Force's Chairman, Judge Williamson, has summarized for you the group's conclusions about press subpoenas and the Pentagon Papers litigation. My testimony concerns two less obvious areas of friction between the Government and the press: a subtle and apparently growing form of governmental penetration of the news media, in which police either pose as newsmen or employ them as paid informers; and a constitutional double standard applied by some officials to the underground press, granting it a watered-down version of First Amendment protection or none at all.

POLICE POSING AS JOURNALISTS

In recent months a series of unrelated and apparently uncoordinated instances have come to light in which personnel of government intelligence and law enforcement agencies have posed as news reporters or photographers. In a variation of this, law enforcement agencies have paid reporters and press photographers to collect information for them, thus using Journalism as a guise to obtain material for governmental use. These incidents appear to be remarkably widespread, both geographically and organizationally. They have occured from Washington to Saigon and within the Army, Federal Bureau of Investigation and local police.

Whether such incidents were common in the past and were not discovered, is not known. What does seem significant is that a rash of these occurrences has come to light within the past two years—almost in rhythm with the rising tempo of dissent, violence and official concern about dissent and violence. In fact, most of the instances that have been discovered involved police investigations of political dissenters—groups about which the public should be as fully informed as possible. However, the frequency with which police have been found to be posing as newsmen in recent months has tended to raise barriers of suspicion that have made it more difficult for the press to cover many events.

No one knows, of course, how often this has actually happened. But the Task Force was able to verify at least a dozen instances within the past two years in which either sworn testimony or a responsible police official conceded that it did:

In Saigon, two U.S. agents were found to have infiltrated the press corps.

The Army Security Agency painted a van with the name of a nonexistent television company and filmed demonstrators at the Democratic National Convention in 1968.

Army Intelligence agents also posed as T.V. cameramen during the Presidential Inauguration activities in Washington in January 1969.

A female intelligence agent for the District of Columbia police department posed as a reporter to gain access to a welfare rights group's meeting.

Army Intelligence agents obtained press credentials from the New York City Police Department to cover actions of H. Rap Brown and Stokely Carmichael in New York during the summer riots of 1967.

In Wichita, Kansas, press credentials were given to local policemen during a visit by Vice President Agnew.

A member of the Chicago Police Department's Intelligence Division was discovered posing as a newsman to gain information from black students at a protest rally.

Two plainclothes officers of the Nassau County, N.Y. police force posed as photographers for a weekly newspaper in order to photograph the audience at a veterans' anti-war rally.

An Army agent masqueraded as a reporter for the *Richmond Times Disptach* to obtain information on the Southern Christian Leadership Conference.

A Detroit policeman posed as a news photographer to observe a General Motors Stockholders' meeting.

In Albuquerque a city policeman posed as an Associated Press photographer at the University of New Mexico campus during demonstrations protesting the invasion of Cambodia in the Spring of 1970.

Complaints by newsmen covering July 4 ceremonies in San Juan Puerto Rico that police were posing as reporters led to an admission by the Commonwealth Secretary that his department had been issuing press credentials to police for about eight years.

Police officials in New York City, Chicago, Detroit and the District of Columbia have issued orders condemning the practice of police agents posing as newsmen. The Defense Department has issued an order that "there shall be no covert or otherwise deceptive surveillance or penetration of civilian organization unless specifically authorized by the Secretary of Defense or his designee." This order is regarded by Pentagon officials as prohibiting agents from posing as journalists.

All but one of the instances listed above involve police or intelligence agents masquerading as newsmen to gather information about dissident groups or to investigate other "political" matters. The reason seems obvious: Law enforcement agencies tend to be ill-informed about political dissenters who do not fit the traditional "criminal" mold, and newsmen often have easy access to them. However, when policemen masquerade as newsmen, the same kind of forces come into play that arise when journalists are subpoenaed, except that the effect is more direct. As in the subpoena situation, the target groups are usually highly suspicious of officialdom and "establishment" institutions, and are likely to freeze the press out at any indication that the media is serving law enforcement. This is compounded when the dissenters have good reason to believe that the "journalist" or "news cameraman" that take such interest in their activities may very well be reporting to City Hall rather than to the city desk.

The Task Force has listed a series of instances of hostility and distrust demonstrated by some radical groups toward the press which appears to be due in part, at least, to these actions by the police. Newsmen have been assaulted by militants and excluded from their meetings. However, the most serious threat posed by this tactic is to the public. Its First Amendment right to be fully informed of developments within all elements of our society is threatened by this law enforcement tactic. The principal reason why it should be stopped is not that it makes the reporters' job more difficult, but that it may on occasion make that job impossible, the availability of information will be impaired.

Furthermore, it seems likely that the increased use of this tactic will rapidly dissipate its usefulness to the police. As such incidents come to public notice, people will become reluctant to give important information to "reporters" not known to them. As newsmen are increasingly frozen out of dissenters' meetings, so will the masquerading police agents. In the end law enforcement as well as the public will be shorter on information than before.

The F.B.I. presents a special variation of this phenomenon. Its director, J. Edgar Hoover, stated in a letter to this Task Force that "F.B.I. agents are not permitted to pose as reporters or press photographers in the course of their investigations." While there is no evidence that F.B.I. agents actually flash press cards or use bogus television organizations as "fronts" there have been indications that F.B.I. men do occasionally gain access to information by allowing others to think that they are journalists.

At a draft-card burning demonstration outside the Supreme Court in June of 1968, reporters for the Washington *Post* and *Boston Globe* spotted men whom they recognized as F.B.I. agents using shiny new television cameras and tape recorders to interview the demonstrators along with the familiar faces of the Washington press. More recently, a man recognized by reporters as an F.B.I. agent was seen taking notes with reporters at a meeting convened by Rep. William Anderson of Tennessee of Congressmen who were being briefed about the celebrated Berrigan conspiracy prosecution.

The agent ran away when he was asked by a Congressional aide to identify himself and drove away in a car that was traced through its license number to the F.B.I. But such tactics, which the F.B.I. seems to disavow, are not as damaging to press independence as the Bureau's policy of infiltrating the press by employing journalists as paid informers.

During the riot-conspiracy trial of the "Chicago Seven" two journalists—Louis Salzberg and Carl Gilman, testified for the prosecution and said that they had been paid F.B.I. informants for years. When this Task Force enquired about this to the Justice Department, John W. Hushen, Director of Public Information, sent the following reply which he said was "prepared by Director Hoover":

"The FBI accepts from any person information which may be of value in the course of an FBI investigation. The FBI does not now, and never has actively recruited journalists as informers. However, there is no policy against accepting information from a journalist or any news media representative if it is volunteered, which was the case with Mr. Louis Salzberg and Mr. Carl Gilman. Both of these individuals furnished information to the FBI on a voluntary basis. They were paid for their services and expenses."

It is difficult to accept the characterization of these journalists' relationship with the F.B.I. as merely suppliers of "volunteered" information. Mr. Salzberg's F.B.I. salary—$600 per month—was his principal source of income for at least one year. Mr. Gilman was on the F.B.I. payroll for two years, receiving about $10,000 in pay and expenses. Their information may have been "volunteered" in the sense that they initially broached the idea of becoming paid inform-

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ants to an F.B.I. agent—rather than the other way around—but as a practical matter their work as regular paid informants meant that the F.B.I. had infiltrated the press.

It seems logical that the same considerations that prompted Mr. Hoover to forbid his agents to pose as journalists should preclude the F.B.I. agents from accepting journalists as paid informants. Obviously, if journalists or any other citizens volunteer information as acts of citizenship, any law enforcement agency should gratefully accept it. But an infallible test exists for determining whether information is actually being "volunteered" as an act of citizenship, or whether the informant has become an undercover arm of the Government—that is whether he gets paid for his information. Thus it seems that when the F.B.I. pays journalists for their "services" as informants, then the journalists' profession has been infiltrated by the F.B.I. The Task Force concluded that the present F.B.I. policy is wrong, and that journalists should not be employed as paid informants.

The Task Force also felt, Mr. Chairman, that the practice of news reporters accepting employment as informers is unethical and contrary to the trust required of professional journalists. The members expressed the hope in their report that the profession would condemn and discourage this practice.

THE UNDERGROUND PRESS

Mr. Chairman, I understand that you have heard the testimony from a person who has made an extensive study of the underground press, so I will refer to it briefly, from the standpoint of the Task Force's examination of the matter.

If there is an inherent tension between the press and the government, the friction is multiplied with regard to the underground press. It seems to have a special genius for antagonizing officialdom, yet it has little or none of the establishment press' protective political power. As the frictions between militants of the political left and the Government have increased in the past few years, so have the occasions upon which local law enforcement officials have become aggrieved by statements in the underground press:

The Los Angeles Free Press was fined $10,000 for having published a purloined list of state narcotics agents.

Dallas police raided an underground newspaper and hauled away two tons of material from an underground newspaper in an "obscenity" raid—yet failed to obtain an obscenity conviction that would stand up in Federal Court.

The Police Department of Buffalo, New York, drove the Black Panther newspaper from the streets by announcing its intention to arrest any vendors selling the publication.

Officials in Los Angeles, Philadelphia, Providence and Richmond denied press credentials to the reporters of the local underground newspapers.

The San Diego *Street Journal's* office was searched by police without a warrant and its street vendors handcuffed, searched and jailed for loitering and obstructing the sidewalk.

There have been numerous other allegations by the underground press of heavy-handed treatment by law enforcement officials. In *Orpheus*, a bimonthly publication of articles drawn from various underground newspapers, the underground press has described its situation as follows:

"Although these papers have been evicted from their offices and homes, harassed by the police, had their street sellers arrested en masse, had their benefit parties raided, been bombed, burned, beaten, gypped, framed and lost printer after printer, the underground press continues to increase in size and number."

The list above included only those incidents that have been verified in sworn court testimony or reported in the "straight" press, but that is evidence enough that some law enforcement officials have used their official authority against the underground press in a way in which it would never have been invoked against the establishment press.

These actions seem to have been based upon an erroneous assumption that underground publications forfeit some degree of their protection under the First Amendment when they violate standards of taste, preach a tolerance of drugs and fornication and criticize the police. The result has been a double standard of treatment between the underground and the establishment press—a double standard that is inconsistent with the First Amendment's guarantee of freedom of the press.

A notable lack of attention has been given to this by the "straight" press. Of the numerous instances that were brought to the Task Force's attention in which elements of the underground press protested that they had been abused by the police, a majority were not mentioned in either the news or editorial columns of the establishment press.

In those incidents that have developed into court cases, the underground press has been left largely to its own fragile devices by the more affluent elements of the news media. Others in the journalistic profession stood by and gave no aid in three legal actions involving the underground press that produced legal precedents damaging to all newsmen—the prosecution of the *Los Angeles Free Press* for theft, the subpoenaing of the editor of the *Madison Kaleidoscope* after the bombing at the University of Wisconsin in 1970, and the denial of press credentials to the *Los Angeles Free Press'* reporters.

It might be asked, Mr. Chairman, why this has been brought to the attention of a Congressional subcommittee, since the underground press' difficulties have usually been with local officials. The reason, of course, is that it is the First Amendment to the United States Constitution that is being violated. It is intolerable that any element of the press should be denied its protection—but if that is not enough reason to oppose this double standard, another reason is that legal precedents are being set that can come back to haunt the entire Fourth Estate.

Last spring, the Supreme Court refused, with three Justices dissenting, to review a California decision upholding the denial of press cards to underground press personnel. The lower Court's decision rejected out of hand the idea that the First Amendment gives newsmen a right of access to the scene of public disorders and upheavals.

As Justice William O. Douglas noted when the Court refused to intervene in the Dallas case mentioned above: "If this search and destroy technique (by the police) can be done against this Dallas newspaper, then it can be done to the New York Times (or) the Washington Post."

TASK FORCE ON GOVERNMENTAL POWER AND PRESS FREEDOM

Robert Williamson (Chairman), Former Chief Justice of Maine.

Tom Forcade, Coordinator, Underground Press Syndicate.

Jack Bass, Charlotte Observer.

L. F. Palmer, Jr., Columnist, Chicago Daily News.

George E. Reedy, Writer.

Roger Rook, Dist. Attorney, Clackamas County Courthouse.

Bert H. Early, Exec. Dir., American Bar Association.

Mike Wallace, CBS News.

Howard B. Woods, St. Louis Sentinel.

Ralph de Toledano, Columnist.

Norman Isaacs, Editor in Residence, (Vice Chairman), Graduate School of Journalism, Columbia University.

Fred P. Graham, Supreme Court Correspondent, New York Times (rapporteur).

TO ASSURE THAT RIGHTS AND LIBERTIES ARE MEANINGFUL

Mr. HANSEN. Mr. President, I have spoken on previous occasions in support of the nominations of both William Rehnquist and Lewis Powell to the Supreme Court.

Both men have outstanding credentials, both within the legal profession and as U.S. citizens, and each is eminently qualified for the confirmation of his nomination to the Court.

This morning, the Washington Post published an excellent letter from the distinguished Senator from Arizona (Mr. FANNIN), who took issue with the allegation in a previous Post editorial that Mr. Rehnquist "subordinates individual rights to governmental powers."

The Senator from Arizona most persuasively substantiates his contention, and mine, that Mr. Rehnquist "both understands and believes in the rights and liberties guaranteed to individuals by our Constitution, and that he will devote his very considerable talents to assuring that those rights and liberties are meaningful."

Mr. President, I ask unanimous consent that the entire letter from Senator FANNIN be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATOR FANNIN REBUTS AN EDITORIAL ON MR. REHNQUIST'S NOMINATION

I find myself in disagreement with the conclusion of The Washington Post's thoughtful editorial on the President's Supreme Court nominees in that Mr. Rehnquist is committed to a philosophy that consistently subordinates individual rights to governmental powers. My own review of Mr. Rehnquist's record convinces me that he both understands and believes in the rights and liberties guaranteed to individuals by our Constitution, and that he will devote his very considerable talents to assuring that those rights and liberties are meaningful—that the Constitution continues to be, as he said at the hearings, a living document.

The best way to support my conclusions is to let the nominee speak for himself. I have assembled some of the passages from Mr. Rehnquist's testimony and earlier statements that make me confident of his devotion to civil liberties as embodied in our Constitution.

It has been said that Mr. Rehnquist does not understand the Bill of Rights and would like to do away with it. At the hearings, Mr. Rehnquist said it was certainly the purpose of the Bill of Rights to put restraints on government:

"I think specifically the Bill of Rights was designed to prevent . . . a majority, perhaps an ephemeral majority, from restricting or unduly impinging on the rights of unpopular minorities."

In a speech given in December of 1970 entitled "Official Detention, Bail, and the Constitution," Mr. Rehnquist said:

"Our most basic freedoms, those found in the Bill of Rights, are determined from events and conflicts arising out of the familiar contacts between individuals and the public authorities.

"We assume that under our philosophy of government the individual is guaranteed the freedom or sanctity of his person—in short, the 'right to be let alone . . .'

"Freedom of the person does not appear as a single constitutional right, but is embodied in the ideas of the Fourth, Fifth, and Eighth Amendments . . .

"These provisions, taken together, clearly express a constitutional right to be let alone, and as we all know this right has been vigorously protected by the Supreme Court."

On the subject of freedom of the press, Mr. Rehnquist stated at the hearings:

"Well, I think it would be inconceivable for a democracy to function effectively without a free press, because I think that the democracy depends in an extraordinarily large degree on an informed public opinion. And that the only chance that the 'outs,' or those who do not presently control the government, have to prevail at the next election is to make their views known and that the press is one of the principal, probably the principal, media in the country through which that can be accomplished.

"I believe it is a fundamental underpinning of a democratic society."

It has been suggested that Mr. Rehnquist has taken the position that the only restraint on executive branch wiretapping and surveillance should be self restraint. A brief review of his testimony and earlier statements show this to be utterly unfounded. Speaking of the executive power to maintain surveillance, Mr. Rehnquist testified:

"Well, I certainly perceive limits in the First Amendment, in the Fourth Amendment, and without reading a catalog, I suspect there are other limits."

And further:

"the only legitimate use of surveillance is either in the effort to apprehend or solve a crime or prevent the commission of a crime . . . surveillance has no proper role whatsoever in the area where it is simply dissent rather than an effort to apprehend a criminal."

Although he stated that under present law observation of persons in public places is not per se unconstitutional, he indicated that any element of harassment or chilling effect on free expression presents a question of fact to be considered in the context of individual cases.

At hearings before Senator Ervin's Subcommittee on Surveillance, Mr. Rehnquist said:

"I do not conceive it to be any part of the function of the Department of Justice or of any other governmental agencies to surveil or otherwise observe people who are simply exercising their First Amendment rights."

When asked how he would balance the interest of the individual in privacy against society's interest in law enforcement in the area of wiretapping, Mr. Rehnquist replied:

"I think a good example of a line that has been drawn by Congress is the Act of 1968 which outlawed all private wiretapping and which required, except in a national security situation, prior authorization from a court before wires could be tapped."

And later in the hearings, he said:

"I doubt that you can find any statemnet, Senator, in which I have suggested that the government should be given carte blanche authority to bug or wiretap. I recently made a statement at a forum in the New York School for Social Research in New York, attended by Mr. Meier of the Civil Liberties Union and Mr. Katzenbach, that I thought the government had every reason to be satisfied with the limitations in the Omnibus Crime Act of 1968."

And further:

"certainly, the government cannot simply go out on a fishing expedition, promiscuously bugging people's phones."

Later he noted that:

"Congress has it within its powers anytime it chooses to regulate the use of investigatory personnel on the part of the Executive Branch. It has the power as it did in the Omnibus Crime Act of 1968 of saying that federal personnel shall wiretap only under certain rather strictly defined standards."

Finally, Mr. Renquist has been said to be insensitive to the rights of the accused. Yet a reading of the many statements he has made on this subject shows that he has been consistently aware of the considerations on both sides of these very difficult issues.

It is significant that Mr. Rehnquist was instrumental in formulating the department's position favoring the Speedy Trial Act of 1971. "The goal of the system," said Mr. Rehnquist, "should be the administration of criminal justice in such a manner that the defendant is afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that the process for making this determination is one which begins and ends within reasonable time limits."

In a May 1971 speech entitled "Conflicting Values in the Administration of Justice," Mr. Rehnquist concluded a long exposition of the law in the area of the Fourth Amendment as follows:

"Finally, I hope you can see from some of this discussion that no reasoned opinion can invariably insist that courts resolve all of these (Fourth Amendment) issues in favor of the criminal defendant. The issues are so complex and so important to all of us that it is wrong to think that either side invariably has white hats. Ultimately, decision is made by the balancing of the need of society for protection against crime against the need of the accused defendant for a fair trial and just results. Both of these values stand so high in the scale of most of us that none would want to say that one should automatically prevail at the expense of the other."

PAUL FANNIN,
United States Senator.

RESOLUTIONS ADOPTED BY NRECA'S REGION VI AT ANNUAL MEETING

Mr. HUMPHREY. Mr. President, the rural electric systems of NRECA's Region VI held their annual meeting at Rapid City, S. Dak., on October 20, 21, and 22, 1971, and during the course of the meeting passed several resolutions which I know will be of interest to all Members of the Senate.

There were 661 farm and rural leaders at this year's regional meeting. They represented 116 cooperatives which serve some 419,093 consumers in the States of Minnesota, North Dakota, and South Dakota.

I urge all Members of the Senate to give careful consideration to these resolutions. They reflect the considered judgment of rural electric consumer-owners and are an earnest expression by them on issues which are important to rural electrification and to the people of rural America.

An excerpt from Mr. Jacob Nordberg's letter to me, transmitting these resolutions, sums up the significance and importance of rural electrification and development:

You understand, I know, that rural electrification is a nation-wide task. What affects one rural electric, or one State, or a region, affects all of us. We recognize this as we seek to understand each other's problems and try to work together to make our program as effective country-wide as we can.

Mr. President, I ask unanimous consent that the resolutions passed at Rapid City Region VI annual meeting be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

6-1. REAFFIRMING PAST ACTIONS

Resolved, we reaffirm our support of the Continuing Resolutions adopted at the NRECA Annual Meeting at Dallas, Texas, February 18, 1971, subject to the following amendments:

Be it resolved that Continuing Resolution No. 32 be amended by deleting the final sentence.

Be it further resolved that Continuing Resolution No. 38 be deleted, and in lieu thereof, the following Resolution be substituted:

38. Rural housing.—We recommend that the level of the Farmers Home Administration insured housing program be set at 300,000 units a year beginning with the current fiscal year so as to make possible the achievement of the rural part of the national housing goal set by Congress in 1968. We urge NRECA, statewide associations, power supply and distribution systems to continue their vigorous support of the National Rural Housing Campaign which in large measure has been responsible for the tremendous momentum gained by the FmHA rural housing program during the past year.

Be it further resolved that Continuing Resolution No. 48 be amended by omitting the period after the word program and adding the following phrase: and as a step towards compliance with the Federal Occupational Safety and Health Act of 1970.

Be it further resolved that Continuing Resolution No. 52 be amended by striking the words Women's Participation from its title and by striking the first two sentences and by striking the word also from the next sentence.

Be it further resolved that the following resolutions be added to the list of Continuing Resolutions:

63. Reorganizing USDA.—We recommend that as an alternative to the Administration's proposal for reorganizing the Department of Agriculture out of existence that the USDA be given the official overall responsibility for the mission of *rural development* which it is obviously better suited to perform than any other existing or proposed department by virtue of its rural people, and its extensive local field operations. Further, we recommend that Congress devise a comprehensive, nationwide rural development program to be undertaken by the Department of Agriculture with provisions for additional components that the USDA will require along with provisions for expanding existing components and for changes or innovations in existing USDA structure that will be necessary to insure success.

64. Community facilities.—We recommend that the Farmers Home Administration insured water and sewer loan program beginning in fiscal 1972 be set at a level of $750 million and that the accompanying grant program be set at $250 million. Water and waste disposal systems for rural America are especially essential for the sound orderly growth and ecology of the country. We urge rural electric systems to help develop support and organize such services as necessary to provide necessary management, maintenance and other technical assistance to them as appropriate to maintain their feasibility.

65. Streamline FmHA.—We urge Farmers Home Administration to streamline its administrative procedures in order to increase the productivity of its local county offices involving such things as standardization of regulations, enlisting the assistance of third parties in preparing loan documents, and contracting for as much of the detail work

of servicing loans as possible. We also urge the Congress to appropriate adequate funds for additional FmHA personnel in order to handle the agency's tremendously expanded workload.

68. *Geothermal resources.*—We urge the Congress to amend the present law on disposition of geothermal resources underlying Federal lands first, to provide that the U.S. Geological Survey shall explore and assess the magnitude of such geothermal resources; and secondly, to establish by law policies governing the disposition of such resources to prevent monopoly control over them and to assure preference in their sale to publicly owned and consumer-owned power systems.

67. *National Power Grid.*—We reaffirm our support for development of a national power grid capable of moving large blocks of electricity back and forth across the country as may be required to meet load requirements; with various segments of the systems to be owned and operated by individual electric systems or voluntary combinations of such systems without limitation as to type or ownership, and in such manner as to preserve the pluralistic character of the industry and the integrity of individual participating systems. The capacity of the grid should be planned so as to accommodate the needs of all systems desiring to participate in its utilization. We support and urge construction and operation by the Federal government of such transmission facilities as are necessary segments of a national power grid, but are uneconomic in terms of return necessary to justify private investment.

68. *Antitrust laws.*—We urge Congress to give high priority to strengthening the nation's antitrust laws to the effect that encroachment in any manner upon territory served by rural electric cooperatives, and by municipal, and other publicly owned nonprofit distribution systems would be restraint of trade and at the expense and detriment of local people and their locally owned systems.

69. *Mobile home standards.*—Because there is no required national uniform inspection or certification program for mobile homes, we encourage member systems to seek adoption as a minimum standard of their state government, the industry standard for Mobile Homes, A119.1, American National Standards Institute.

70. *Women's action.*—We strongly urge that women be made equals in the rural electrification program. Women can and must be placed in positions of leadership. They should be nominated and elected to the board of directors of our electric cooperatives. They can competently serve on advisory committees and aid effectively in special projects sponsored by the systems. We especially recommend that all systems develop an active program to involve women in cooperative governmental affairs committees. We recognize the need for zealous interest in consumer affairs. Women are substantial users of electricity and are the major purchasers of appliances, furniture, clothing, foods and other supplies used in the home. Our cooperatives must offer assistance, aid in securing educational resource persons and materials, and support efforts by women in securing better laws and protection for the consumer.

6–2. TWO-PERCENT LOAN PROGRAM

We commend the NRECA Board for its action in adopting the following resolution at its summer board meeting and hereby endorse that resolution.

Whereas many of the thinly-settled parts of rural America would never have been electrified without low-cost Federal loans to rural electric cooperatives, and

Whereas, rural electric cooperatives serving in areas with low density and depressed economic conditions must continue to have access to adequate amounts of low-cost growth capital in order to be able to provide dependable low-cost electric service to their consumer members and avoid burdening the already-distressed economic conditions of their areas with rate increases and inadequate electric service, and

Whereas, rural electric cooperatives serving areas which are experiencng rapid and favorable population and economic growth have expressed their willingness and ability to utilize higher cost capital for part of their loan needs and have organized and invested in their own self-help supplemental financing institutions, the National Rural Utilities Cooperative Finance Corporation (CFC), for this purpose;

Now, therefore, be it resolved that we urge the Congress and the Administration to provide for adequate funding of the REA 2 percent interest loan program in order to completely meet the loan fund needs of both distribution and power supply cooperatives serving the thinly-settled and economically disadvantaged rural areas so that they can be served on par with the rest of the country;

Be it further resolved that the rural electric cooperatives maintain their new self-help financing institution as a supplemental source for the use of those rural electrics which can afford to pay a higher rate of interest on some of their borrowings, and that we urge all rural electric cooperatives to work together to protect, preserve and work for adequate funding of the REA 2 percent loan program and for the successful operation of CFC;

Be it further resolved that we oppose any and all efforts to "phase out" the REA 2 percent interest loan program, either now or in the future, as it is essential if we are to achieve a healthy and well-balanced rural economy.

6–3. NATIONAL POWER POLICY

Whereas, the United States stands out alarmingly as the single major world power which does not possess a national power or energy policy for the orderly production and distribution of such a basic necessity as energy, and

Whereas, the lack of such a policy places our national defense and the well-being of our citizenry in grave jeopardy;

Now, therefore, be it resolved that we urge the Congress and the Administration to begin immediately to enact measures which would assure an adequate and dependable future power supply, and that these measures should include:

1. The establishment of a national power grid to improve reliability and economy and to protect the rights of all power suppliers.

2. The appropriation of sufficient funds to undertake a massive research program of developing new and more efficient ways of generating electric power without endangering the environment.

3. Institute a program of regional land use planning for the siting of all generation facilities.

6–4. MISSOURI RIVER DEVELOPMENT

Whereas, the Congress of the United States has directed the U. S. Army Corps of Engineers to make a study to determine the advisability of providing additional hydro-electric generation at the Missouri River Main Stem Reservoirs, and

Whereas, many areas of the United States including areas served by the electric cooperatives in this Region are facing shortages of electric power, and

Whereas, the natural resources of the United States must be developed to their maximum economic benefits for the people of the United States, and

Whereas, the present and future development of these rural areas require abundant supplies of low cost electric energy;

Now, therefore, be it resolved that we respectfully request that the Congress of the United States provide sufficient funding for the U. S. Army Corps of Engineers to complete at an early date its review and study to provide additional hydro-electric generating capacity on the Main Stem Reservoirs of the Missouri River, and

Be it further resolved that we respectfully request that the Congress of the United States direct the U.S. Army Corps of Engineers to complete such studies by the beginning of fiscal year 1973;

Be it further resolved that copies of this Resolution be presented to members of the Congressional Delegations of this Region, and to the United States Army Engineer District at Omaha, Nebraska.

6–5 REVISED LOAN CRITERIA (BULLETIN 1–7)

Whereas, present loan eligibility provisions limits cooperative reserve funds to 8 percent of plant, and

Whereas, such a stringent ruling virtually prohibits the possibility of securing future capital requirements through the Rural Electrification Administration, and

Whereas, conversely the cooperatives are not permitted to return margins to the members unless equity is equal to or in excess of 40 percent of plant investments, and

Whereas, such conflicting criteria is unworkable as well as endangering the cooperative tax status;

Now, therefore, be it resolved that present criteria be revised to include a more realistic reserve level for loan eligibility;

Be it further resolved that member-consumer density, revenue and investment per mile of line be considered in the revised loan eligibility regulations.

6–6. POWER SUPPLY FINANCING

Whereas, the Rural Electrification Administration has proposed a plan to finance power requirements, whereby 60 percent is to be obtained from a private money source, 30 percent from Rural Electrification Administration and 10 percent from CFC (referred to as the 60–30–10 plan) with the REA and CFC loans to be channeled through the distribution members of the power supply system, and

Whereas, a plan of this nature is cumbersome and virtually unmanageable without a long period of study and refinement, and

Whereas, a plan of this magnitude will endanger the release and utilization of the $545 million presently included in the Rural Electrification Administration appropriations;

Now, therefore, be it resolved that this plan be delayed for further study in order that other more practical plans and ideas can be researched and considered;

Be it further resolved that the present program be strengthened to include funding for power supply at a low rate on interest.

6–7. EVALUATION OF REA PROGRAM

Whereas, the rural electrification program is without question the finest program ever instituted by the Federal government and stands as a monument to all the good things that government can and should do, and

Whereas, over the years, administrative changes have altered or modified and diminished the general thrust of the program and, if continued, have the full potential of inhibiting the great goals and objectives to the detriment of the rural areas and the entire nation, and

Whereas, any criteria for loan purposes may be difficult to propound and all criteria must respond wholeheartedly to the ideals and objectives of a sympathetic and understanding Congress charged with the ultimate responsibilities. In recent months we have seen substantial fluctuations in criteria and we must reluctantly state the obvious fact that unsettled and changing criteria impedes and inhibits competent management from engaging in realistic planning or long range financial forecasting. Present criteria demonstrates diminishing interest and enthusiasm toward a depressed rural economy and its sociological problems. We cannot in any manner agree that consumer density per mile of line is irrelevant or inconsequential criteria and we submit that this is supported by primary utility economics. It is the base measurement in the utility industry, and

Whereas, we are obliged, having no alternatives, to reluctantly express deep concern over the direction in which this program, which has done so much for so many, is headed. We express this concern as directors-trustees and as individual citizens, having assumed a public trust and a commitment in the national interest which we intend to fulfill;

Now, therefore, be it resolved that the NRECA Board of Directors be directed to do, or to cause to be done, the following:

1. Conduct a thorough and candid evaluation of the REA program, including but not limited to, analysis and judgment of the intent and purpose of the act as passed in 1936.

2. Analysis and judgment of the administration of the act since passage including any amendments thereto and interpretation of the general thrust, goals and objectives of those who have administered the act, including any indication of efforts or manifestation to abandon the REA program, or to sidestep the cooperative concept.

3. The relationship of the competitive yardstick principle and the value of that principle in the face of ineffective regulation of investor-owned utilities by the state or Federal government and the role it can play in the national interest in the years of sky rocketing power needs and consumption.

4. Analysis and judgment as to whether or not the act as written in 1936, and amended by the Pace amendment of 1944, is capable of serving the goals and objectives recently affirmed by Congress and needed in modern day America and the critical years ahead.

5. The Board is authorized and directed to evaluate whether or not the original act needs amendment and submit suggested amendments that will serve to fully implement and accommodate the expressed deep interest that Congress has in rural America along with the urgent need for rural areas development;

Be it further resolved that this resolution be brought before the appropriate Standing Committee at the next NRECA Annual Meeting.

6–8. SENATE SUBCOMMITTEE HEARING

Whereas, rural electric systems are confronted with staggering problems in obtaining and providing their consumer members adequate supplies of electric power at reasonable cost;

Now, therefore, be it resolved that we commend the Senate Subcommittee on Agricultural Credit and Rural Electrification—its Chairman, Senator George McGovern, and its members—for scheduling public hearings to examine the problems that solutions may be determined;

Be it further resolved that all systems take advantage of the Subcommittee's invitation to supply facts about their own situation.

6–9. RURAL DEVELOPMENT BANK BILL

Whereas, the rural areas of this Region are directly affected by the movement of people, especially the young people, to the large cities for education and employment, and

Whereas, a Rural Development Bank Bill (S. 2223) has been introduced in the U.S. Congress by Senators Humphrey and Talmadge, as well as similar bills by other members of Congress, for the purpose of making available funds for the development of the rural areas, and

Whereas, the rural electric cooperatives have a direct interest in the development of the rural areas of our Nation;

Now, therefore, be it resolved that we support and urge Congress to enact into law a Rural Development Bank Bill;

Be it further resolved that we commend the Senate and House Agriculture Committees for conducting hearings in an effort to find satisfactory solution to the serious problems of rural America.

6–10. CCC LOAN INCREASE

Whereas, the cost-price squeeze affecting farm families has continued to worsen, and

Whereas, an unusually large small grain crop has caused the Commodity Credit Corporation loan rate to become the effective ceiling price in the market place;

Now, therefore, be it resolved that the NRECA members in Region VI urge the Congress to pass legislation which would provide for a 35 percent increase in the CCC loan rate on the 1971 grain crop;

Be it further resolved that copies of this resolution be forwarded to each member of the House Agriculture Committee and the Congressional delegations of this Region.

6–11. ECONOMIC STABILIZATION

Whereas, any emergency action to deal with the inflation is bound to have inequities such as have been experienced by individual citizens, groups, and business institutions, including some rural electric systems and,

Whereas, there now is time to develop in the second phase those measures that will be more equitable generally and that will deal more effectively with problems that usually are outside the national spotlight, such as:

(a) the extreme underemployment in rural areas.

(b) the continuing increase in farm production expenses while there is a downward trend in net farm income.

(c) the need for maintenance of adequate power services in rural areas.

(d) the rural out-migration problem;

Now, therefore, be it resolved that we urge the Administration to incorporate in the second phase plan the following:

1. Designation of REA to handle for the Federal government those rural electric cases involving the economic stabilization program.

2. Selection of representation from the rural electrification program to serve on the body to be established to develop and supervise the new control program.

3. Early release of the full REA $545 million loan fund appropriated by Congress in the interest of rural development, job creation, and increasing the productivity of rural industry.

4. Acceleration of Federal programs to assist rural area development.

5. Provision in the investment tax credit proposal a differential in favor of enterprises that locate or expand in rural areas and that could provide jobs for chronically underemployed and unemployed people.

6. Presentation to Congress of legislation dealing with the farm income depression.

6–12. NRECA BOARD OF DIRECTORS

Resolved that we urge NRECA to amend its bylaws such that eligible candidates to the NRECA Board must be members, directors, or elected officers of member systems.

6–13. HEARTLAND

We commend establishment of Heartland Consumers Power District and pledge our continued support. We further urge the various states to adopt enabling legislation providing for the formation of similar power districts.

6–14. NRECA LEGISLATIVE RALLY

Whereas, the National Rural Electric Cooperative Association has conducted legislative rallies to bring rural electric consumers into Washington to confer with their Congressional representatives concerning the problems confronting the rural electrification program, and

Whereas, Region VI has played an active part in past rallies;

Now, therefore, be it resolved that we recommend continuation of this program and urge all member systems to send representatives to the 1972 Legislative Rally.

6–15. ELECTRIC RATES

Whereas, the concept of lowest cost electricity has proved to be an important factor in the development of our nation and the improvement in the standard of living of our citizens, and

Whereas, the cost of electricity is an important element in the cost of all goods and services;

Now, therefore, be it resolved that although we recognized that increased costs experienced by power supplies means that some increase in electric rates may be inevitable, we reaffirm our support of the concept of providing adequate power at the lowest possible cost, and

Be it further resolved that we also urge the Administration to do all within its authority to hold the line on wholesale power rates of private companies and at Federal power projects as part of its policy of combating inflation.

6–16. RESEARCH

Whereas, as consumer owned organizations, rural electric cooperatives have a special interest in improving quality of life for all consumers everywhere, and

Whereas, the nation's rural environmental, economic and social development is greatly dependent upon our ability to generate, transmit and distribute electric power in a way that is compatible with today's and tomorrow's environmental requirements, and

Whereas, a greatly increased research effort if urgently needed requiring additional millions of dollars annually to improve technology for meeting our new environmental challenges; to conserve and better utilize the nation's dwindling energy resources; and to develop new sources and ways to generate electrical energy to meet the rapidly growing demand;

Now, therefore, be it resolved that the rural electric cooperatives pledge their full support for an expanded research and development effort as proposed by the Electric Research Council; and that they urge the President and the Congress to take necessary action to provide for the necesary funding of national effort to rapidly develop the technology for providing a continued abundance of electric power according to priorities adopted by NRECA membership at their 1971 meeting in Dallas, Texas, February 18, 1971.

6–17. RUSHMORE MEMORIAL

Whereas, it has come to our attention that an effort is being made to have a picture of the Rushmore Memorial imprinted on one of the bills of our national currency;

Now, therefore, be it resolved that we congratulate the people of South Dakota for the effort and request our Congressional delegations to work for its adoption.

6–18. BICENTENNIAL, 1976

Whereas, a representative cross-section of the membership of the rural electrics of the states of Minnesota, North Dakota and South Dakota are assembled in an official regional meeting, and

Whereas, this heartland area of our great nation wishes to participate actively in the observance of the nation's 200th birthday in 1976, and

Whereas, this region is enriched by the world-famous patriotic mountain carving at Mount Rushmore in South Dakota, and

Whereas, the state of South Dakota has been actively seeking a national focal point designation for Mount Rushmore during the Bicentennial era;

Now, therefore, be it resolved that we unanimously endorse the designation of Mount Rushmore as a national focal point and that the secretary of Region VI be in-

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structed to mail this resolution to the Executive Committee, Washington, D.C. American Revolution Bicentennial Committee, prior to October 26, 1971 and to our Congressional delegates.

8–19. APPRECIATION

Be it resolved that the delegates here assembled take this means of expressing our appreciation to all those who are helping to make our program the effective endeavor it is. Particularly, we want to give recognition to:

1. The NRECA officers and directors for their leadership and dedication.

2. Robert D. Partridge, General Manager of NRECA, for his dynamic leadership and to his staff for their service and devotion to our program.

3. David A. Hamil, Administrator of REA, and his staff for their support of rural electrification.

4. The many individuals, suppliers, the Alex Johnson Hotel, the South Dakota Rural Electric Association, and other rural electric cooperatives, NRECA and other organizations which have contributed to the success of this meeting.

8–20. IN MEMORIAM

Whereas, we feel deeply the loss of several of Region VI's finest rural electric cooperative leaders during the past year;

Now, therefore, be it resolved that we pause a moment in silence and pay our respects to those leaders who have served our program so long and so well.

ADDRESS BY SENATOR MATHIAS AT TOWSON STATE COLLEGE

Mr. BEALL. Mr. President, on Saturday, November 20, my Maryland colleague, Senator MATHIAS, addressed an assembly of distinguished guests at Towson State College on the occasion of the opening of the Center for Asian Arts. In his address, Senator MATHIAS called attention, among other things, to the bold strides President Nixon has made in developing relations with Mainland China and to some observations of the distinguished minority leader (Mr. SCOTT) on the study of political history. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR CHARLES MCC. MATHIAS, JR. (R–MD.) AT TOWSON STATE COLLEGE IN BALTIMORE, MD., AT THE OPENING OF THE CENTER FOR ASIAN ARTS, SATURDAY, NOVEMBER 20, 1971

Mahatma Ghandi, when asked what he thought about Western Civilization said, "I think it would be a good idea!"

Sadly, this wry commentary suggests not only the limitations of Western Civilization when viewed against the millenia of rich oriental cultures: it also reflects the view of a vast number of Asians that the West is barbaric—a view amply reinforced by the tragedy of Vietnam. So it appears that a large portion of the world's population, with one eye on Vietnam, has affixed to the United States the severe indictment of barbarism. What a harsh judgment for a country claiming as the central tenet of its national belief the sanctity of human life!

However, one may view the causes and development of our involvement in the Vietnam war, there can be little dispute over the vast extent of death, destruction and human misery that war has wrought. Neither can one ignore the shattering effect this conflict has had on our national unity and self respect. Like nothing else since the Civil War, it has set countrymen against countrymen in bitter, acrimonious, and often violent controversy.

Now we are coming out of this war, however slow the pace may seem to those of us who for years had sought to extricate this country from that unhappy conflict. But even as we undertake to emerge from this maelstrom, our claim to a higher moral concern for human life is belied as we recklessly ignore Asian casualties while seeking single-mindedly to reduce American losses. It is not that we should seek to sacrifice more American lives, Heaven forbid! But we should not be surprised by the depths of antipathy we inspire as we continue to measure Asian lives on a lower register than our own.

And so, as we stumble out of this conflict into what will hopefully be an era of peace, we must be prepared to overcome the vast legacy of misery and destruction we have left in Asia through the Vietnam war. I believe the "unseemly joy" with which some United Nations members celebrated the passage of the Albanian Resolution reflected some degree of the bitterness with which we are widely regarded. I do not mean this in any way to discourage our approach toward Asia but simply to make clear from the outset the full measure of the difficulties we will face. For example, the new Chinese Ambassador to the United Nations, in his maiden speech earlier this week, gave notice that there will be little change in the hard line we have thus far noted from Peking. Nevertheless, as the Chinese proverb points out, even the longest journey starts with the first step. And in the development of a new approach to Asia we are fortunately well on the road.

Several months ago, the distinguished New York Times columnist, James Reston wrote from Peking:

"President Nixon is handling his relations with this sensitive and suspicious capital about as well as anybody could do under the circumstances. He is tiptoeing through a mine field, which extends from here through Tokyo, Moscow, Taipei, Saigon and Hanoi, and could easily be blown up at any point, but so far . . . he has been remarkably effective."

The fact that Reston does not frequently direct accolades at the President lends additional strength to his commentary.

Indeed the President has, in less than three years in office, succeeded in turning around a burdensome policy that had kept us hamstrung for 22 years. Nor was this a sudden reversal of policy. The announcement that he had accepted an invitation to visit the People's Republic of China was only the latest in a long series of patient and persistent efforts aimed at reviving our moribund relations with that vast and distant land.

By reducing trade and travel restrictions, by persistently encouraging Ambassadorial talks in Warsaw, and by numerous other initiatives, the President made it clear that this country wanted to move toward a more constructive relationship with China.

While these initiatives went unrequited for some time, the invitation to our championship ping-pong team to visit China this spring marked the first tangible response from Peking to our patient overtures. The rest you know.

However, the significance of these developments lies not simply in the establishment of a dialogue with Peking for, truly we may well find this dialogue very tough going. What is important is that our unhealthy fixation for Vietnam is coming to an end and that we shall henceforth direct much of our attention to those countries that will determine the future of Asia: primarily China with her three-quarters of a billion people and an arsenal of nuclear weapons and Japan with her enormous industrial power.

And so a new era is emerging in our address toward the countries of Asia. For the first time in twenty-two years, there is reason to hope that Americans will have the opportunity to visit and trade with China.

Conceivably, some of you may be among the first Americans again given the opportunity to study Chinese art in China. There is room for hope.

It strikes me as a particularly happy circumstance, therefore, that the establishment of the Center for the Asian Arts in Towson State College comes just as we stand on the threshold of what promises to be a new era in our relations with Asia.

Indeed what better channel to improve understanding between nations than that of art and culture? For, history will judge us by our art long after all else has faded into oblivion. The French poet Theophile Gautier said it best over one hundred years ago:

"All passes. Art alone
Enduring stays to us:
The Bust outlasts the throne,—
The Coin, Tiberius."

And so to Frank G. Roberts we owe our deepest gratitude. For, his collection of oriental ivory, valued at $500,000, which he generously presented to Towson State, will serve as the nucleus for the Center for the Asian Arts.

And a particular debt is owing to Towson State's able and dynamic President, James L. Fisher, whose initiatives and vision in the field of higher education have made Towson State such an ideal home for the Center. This debt has already been recognized by our State authorities who have designated Towson State College as the Fine Arts Center for the State of Maryland.

This is especially fitting because Towson State is, in the truest sense, a "people's college," committed to the principle of community and the premise that liberal education is essential to the maintenance of our democratic system. My good friends, the distinguished Senate Republican Leader, Hugh Scott, has drawn some pointed lessons in this vein in his classic study on the T'ang Dynasty, "The Golden Age of Chinese Art."

As you may know, the T'ang Dynasty, which ruled China from about 600–900 A.D., sustained a robust and lively society characterized by extensive trade with the West and an atmosphere receptive to new ideas. Relating the T'ang society to our own, Senator Scott observes that the "eternal decline of civilization (occurs) when fear supersedes tolerance."

To a large degree it is this kind of political examination which has drawn Senator Scott to study the art of that era. In the process he has become one of the acknowledged authorities on the T'ang Dynasty and Oriental art in general with possibly the most representative collection of T'ang art in private hands.

I believe his approach is very similar to the goal which this Center for the Asian Arts has sighted for itself: to understand a society and a people through their art. As a Marylander born and bred, I am particularly proud to see this institution and this approach adopted here where that heady mixture of tolerance, intellectual questioning and salty irreverance endemic to this great free state will encourage the study of man and society through art. Our own Henry Mencken said it this way:

"The true function of art is to . . . edit nature and so make it coherent and lovely. The artist is a sort of impassioned proofreader, blue-penciling the bad spelling of God."

To the more sensitive scholars, unused to the crusty Maryland parlance, I would commend Senator Scott's epigraph in his work "The Golden Age of Chinese Art":

"May you
Love Beauty
Revere the Past
and
Serve the Future."

CHAIRMAN WILBUR MILLS AND THE INTERGOVERNMENTAL FISCAL COORDINATION ACT OF 1971

Mr. HUMPHREY. Mr. President, no one disputes the pressing revenue needs of our Nation's cities and states. In 1975, state and local governments will spend over $35 billion on education, over $12 billion on highways, $15 billion on health, $13 billion on parks and recreation. And these are but a start on meeting our needs. We have not even begun to calculate the exact cost of feeding the hungry, of making pure the air, improving the life of our cities, or revitalizing our rural heartland.

Our cities and States need revenue. And they need it as soon as possible. Numerous approaches and bills directed toward providing this financial assistance have been proposed. Some have been touted more highly than others. Few, however, have offered an approach as concrete and down to earth as the Intergovernmental Fiscal Coordination Act of 1971.

This legislation was introduced in the House of Representatives by the distinguished chairman of the Committee on Ways and Means, Mr. MILLS.

Mr. President, all the elements of sound public policy are embodied in the bill sponsored by Mr. MILLS and nine of his colleagues from the Ways and Means Committee. The legislation provides financial assistance in specific amounts for activities of high national priority: public safety, environmental protection, public transportation, youth recreation, health, and financial administration.

At the same time, the legislation includes a provision that should spur our States to adopt a more progressive tax system. Each State would receive an amount equal to 15 percent of its individual income tax collections; however, there is a "hold harmless" provision that any State without an income tax would be guaranteed for 2 years at least 1 percent of the Federal taxes collected in that State.

The Mills proposal includes a section that could have a profound impact on the tax collection and tax structures of the several States—the offer of Federal collection of State tax dollars and a Federal payment to States that conform their individual taxing mechanisms to the Federal model.

Mr. President, I have long favored such a form of taxation—because it is efficient; it is more equitable; and it allows our resource spending to be strictly accountable to our people. I have embodied similar principles in my own proposals for financial aid to the cities.

In addition, the legislation distributes $3.5 billion to local governments and up to $1.8 billion to State governments according to a formula that takes into account the needs of the governments as defined by population, urbanization, and proportion of low-income families.

Mr. President, I believe this is a sensible approach. It is no panacea for all our problems, for all our ills. But it is a very important and meaningful assist.

On June 8 of this year, I testified before the Intergovernmental Relations Subcommittee of the Senate Government Operations Committee on this subject of revenue needs. I outlined then four elements of possible Federal financial assistance legislation: substantial fiscal relief to States and localities; distribution to the States and local governments with provisions that reward local revenue raising efforts yet recognize the needs of less wealthy localities; reform of revenue raising standards; and procedures to protect against racial discrimination.

The legislation introduced by Chairman MILLS goes to the heart of the objectives. It goes to the heart of the financial needs of our localities.

I congratulate him on his foresight. I sincerely hope that Congress will move expeditiously on this legislation.

THREAT TO ECOLOGICAL BALANCE OF CHESAPEAKE BAY

Mr. BEALL. Mr. President, the United States now faces a crucial dilemma—that of the need for increasing sources of energy versus the need to protect our environment from the many forms of pollution.

Nowhere is the perplexing situation more graphically demonstrated than Maryland's Chesapeake Bay, where planned and semi-completed powerplants may threaten the ecological balance of this economically and esthetically valuable waterway. On November 21, 1971, the Washington Sunday Star published an editorial that dealt very succinctly with this increasingly grave problem. I ask unanimous consent that the article be printed in the RECORD so that Senators may have the opportunity to be informed of this pressing issue which confronts us all.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Nov. 21, 1971]

THE POWER SHORTAGE AND THE BAY'S FUTURE

Chesapeake Bay is still, 364 years after its discovery by English seafarers, a breathtaking sweep of water, a fresh and sparkling joy to the eye. Along most of its 200 miles the air is still fresh and sweet most of the time, as it fills the white sails and carries the gulls along. Though the bay has been a channel of commerce since long before the nation was founded, and though its sheltered ahores in a populous region are perfect for heavy industry, somehow it has remained largely unpolluted.

But for how long, nobody knows. As the population explosion continues, there is a growing fear that the bay will ultimately be the area's most grievous environmental casualty. For the bay is a key element in planning to supply the fantastic amount of new energy that will be needed relatively soon—unless the demographic prophets have erred completely. The population of metropolitan Washington alone may almost double in the next quarter-century.

Already this omniverous growth is severely straining the suppliers of energy. An electrical crisis in the next hot summer is possible, because the demand is increasing faster than supply. Last year's brownouts were a warning. And a natural gas shortage is upon us; less thar two weeks ago the Washington Gas Light Company announced that new sales of gas will be limited to single-family residences "for an indefinite period of time." Nor is there any cause for comfort in national oil supply projections.

It all comes together in a national trend that seems inexorable. Electrical power consumption is foreseen as doubling every ten years. Likewise, perhaps, the number of automobiles. William D. Ruckelshaus, administrator of the Environmental Protection Agency, recently told of the potentials at the current growth rate: The nation's overall energy demand may double in the next 14 years, and could triple in the next 28 years.

That poses an unprecedented challenge for America, because the production and utilization of all that energy could, without proper planning and research into new methods, make life most disagreeable if not actually dangerous. It would involve, through the modes now predominant, a fearsome discharge of pollutants. The hope is for development of new modes, including nuclear power generation and pollutionless autos, but that isn't coming easily. There is still dispute over nuclear power plants, chiefly because of so-called thermal pollution, or hot-water discharges into bodies of water. The whole national nuclear electricity program is stalled—perhaps for a year—until the effects of the warming of waters and some other questions have been answered. Conservation groups have brought about this impasse through legal action, using environmental protection laws passed recently by Congress.

And Chesapeake Bay is a focal point in all this. It is the site of the Baltimore Gas and Electric Company's Calvert Cliffs nuclear power plant, half completed and now at a standstill. Calvert Cliffs was the test case that caused the national tieup. A federal court of appeals ruled here this summer that the Atomic Energy Commission had made a "mockery" of the 1970 Environmental Protection Act in approving the permit, that all the ecological impact facts hadn't been laid on the table. So the AEC has applied the brakes to almost 100 nuclear power projects all over the country until exhaustive re-studies are completed. The lights may dim in a good many places if this reappraisal delay is drawn out by further legal actions.

The urgency is shown by the fact that, with the Calvert Cliffs issue still unsettled, Baltimore Gas and Electric the other day announced plans for another nuclear generating plant in the Chesapeake area. This one would be built near Perryman, Maryland, off the upper part of the bay. And the company also is seeking a permit for a conventional (oil-fueled) plant at Brandon Shores.

The Perryman nuclear facility—the second in the bay basin—would be much more expensive than the Calvert Cliffs plant, and for a most encouraging reason: Closed-cycle cooling towers to prevent the heating of bay water are tentatively planned as an added feature. Hence there's a prospect that technology, spurred by the environmentalist challenge, can remove the thermal pollution factor and the fears that water-heating might harm aquatic life.

This is a most welcome emerging innovation because of the predicted proliferation of nuclear power plants around the bay—perhaps ten or more in the next two decades. The thermal variations they would otherwise cause might prove insignificant—to fish life or any other kind of life—but everyone will be happier if these are eliminated.

The hard facts are that nuclear generation is the only "clean" alternative in grappling with the power crisis, and that environmentalists have been unable to disprove the AEC's assurances of radiation safety.

XUM

But no one can deny that the environmentalists' frontal assault on the Calvert Cliffs project has had some beneficial results. It jolted the Maryland General Assembly last year into approval of stringent new controls on the location of future power plants around the bay. The state henceforth will select the sites of these facilities, so as to hold environmental degradation to a minimum. But there have been rude reminders lately that the state needs to look beyond the electricity field in safeguarding the shoreline.

Last Sunday's Star told the embarrassing story of how Maryland officials have given the go-ahead for a mammoth liquefied natural gas import terminal at Cove Point, even though the state had earlier signed a contract with the federal government to purchase the location for a state park. Though this may have been just an accident, it reveals an appalling lack of state coordination in handling of valuable natural resources.

The East Coast beyond any doubt needs the gas. But the company has chosen for this huge facility an exceptionally scenic place, right up against a state park that was to be expanded. The involved officials, state and federal, need to take another hard look at the plan. This is one more instance showing the need for Maryland and Virginia to exert stern[er] controls over all kinds of bayshore developments, industrial and residential. They should stand ready, too, to exercise the strictest of caution when the proposals materialize in the next year or so to drill for oil off their states' Atlantic beaches.

There is no reason why, with proper planning and standards, the Chesapeake should deteriorate in any marked degree. Its more than 4,000 miles of shoreline should be able to accommodate several more power plants with very little environmental upset, if they are located with an eye to preservation of esthetic values, and pollution is minimized in the degree that now seems possible. But this will depend upon public alertness. And the public that cares about these matters also must exert unremitting pressure for faster federally-financed research to solve the energy crisis through development of fast-breeder reactors, fusion power and perhaps solar power. It should ponder, too, the possibilities of trimming individual consumption of energy.

There are ways to avoid a staggering collision of energy and the environment, if there is a collective will.

CHICAGO SUN-TIMES EDITORIALS ON INTERNATIONAL ECONOMIC AFFAIRS

Mr. PERCY. Mr. President, several of the recent editorials in the Chicago Sun-Times on U.S. international economic policies as they affect U.S. international political relationships have seemed to me to be especially noteworthy.

In an editorial on gold, published on October 4, the Sun-Times argued that the United States should make the international monetary adjustment process easier by a willingness to accept an upward shift in the price of gold. The Sun-Times suggested that a modest devaluation of the dollar would:

Hasten the settlement that is needed before other nations begin retaliating against the 10 percent surtax, touching off a disastrous trade war.

I have wholeheartedly agreed with the Sun-Times that the administration should adopt a more flexible attitude on the gold question, and as I have indicated in remarks earlier today, I am very much pleased that Secretary Connally has indicated a new U.S. willingness to be flexible on the gold price question.

In an editorial on October 16 on textile imports and the 10-percent import surcharge, the Sun-Times pointed out that:

We hope (the President) will intensify efforts to bring agreements with other nations so that (the surcharge) can be lifted and the growing isolationism he says he is disturbed about can be reversed.

This editorial is particularly interesting because it calls for a removal of the surcharge on imports from developing countries. In a speech in the Senate on October 5, I argued that developing countries should be exempted from the surcharge as quickly as possible. On October 16, the Sun-Times made the argument for exempting Latin America particularly from the surcharge. There are good arguments for doing so. The Latin American countries do not contribute to the U.S. balance-of-payments problem; the U.S. has a favorable balance of trade with Latin America. Moreover, we have an established policy of giving special consideration—through the Alliance for Progress and other mechanisms—to Latin American countries. We have traditionally had a policy of trade, not aid. We should implement it by expanding our trade with the Latins, not restricting it.

On October 28, the Sun-Times commented on the United Nations' vote on Red China and U.S. reaction to it, making the point that it was important not to react unwisely or unnecessarily against some apparent demonstrations of jubilitation at the expense of the United States.

In my daily review of the Illinois press I find few editorial pages so consistently rational and carefully considered as that of the Sun-Times. Its editorial staff has my continuing admiration, and respect. I commend these editorials to the attention of the Senate.

I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Oct. 4, 1971]

GOLD

Changing one's mind is often the sign of wisdom rather than fickleness. Rep. Henry S. Reuss (D-Wis.), who has built a reputation as a specialist in world finance, once said any President who unilaterally devalued the dollar by raising the price of gold should be impeached. Last week Reuss and Sen. Jacob Javits (R-N.Y.) introduced a resolution in Congress urging President Nixon to raise the gold price above $35 an ounce, if necessary to negotiate adjustment in non-Communist currencies Mr. Nixon has called for.

Reuss's spectacular change of mind has come about because of the spectacular change in the once-almighty dollar. That change, and what to do about it, occupied the attention of financial experts at last week's annual meeting of the 118-country International Monetary Fund in Washington. But the meeting adjourned on an ambiguous note; the immediate obstacle to agreement is Mr. Nixon's refusal to change his mind on gold.

The United States gives the impression it blames other nations for the critical imbalance of trade that has reduced U.S. gold supplies. Certainly other nations have unduly taken advantage of the U.S. market, particularly Japan. But when a nation's currency deteriorates because of its own inflationary policies, that nation is hardly in a position to dictate how it should be bailed out.

Oh, it can try, of course. As a great power and Very Important Customer, the U.S. commands respect. Mr. Nixon has ordered no more gold paid out. The world, he says, should stop using gold as a standard, anyway. At $35 there isn't enough in existence to finance today's global commerce. Mr. Nixon says the world needs a new international paper unit to replace the dollar and gold as the basic standard.

Meanwhile, Mr. Nixon asked other nations to adjust their currencies upward against the dollar (instead of devaluing the dollar the traditional way by increasing the dollar price of gold, which would be a bonanza for gold holders and gold miners). To spur agreement Mr. Nixon put on a 10 percent tariff surtax, to be lifted when the changes were made. Meantime, let currencies "float" and find their own levels.

This all sounds good in theory, but nations do not change centuries-old habits easily. Gold and platinum are the only noncorrodable metals. They have intrinsic value. Paper depends on a nation's economy; look what has happened to the paper dollar.

It will take time to *change trust in a solid, precious* metal as a basis of exchange. French peasants put their reserves in gold, not banks. Nations think the same. They worry what might happen to their treasuries in case of war.

Nations with booming economies, like West Germany and Japan, recognize that their exchange rates must be adjusted to give the United States a better competitive break. Some revisions have been made. They need Mr. Nixon's 10 per cent surtax lifted.

They want the United States, however, to share in the monetary adjustment by conceding and making a small adjustment in the $35 price of gold; perhaps a raise to $38.50. This would still be below the free market of about $43. It would hardly be a bonanza for gold mining interests. Fort Knox could still be locked. *It would hasten the settlement that is needed before other nations begin retaliating against the 10 per cent surtax, touching off a disastrous trade war.* Treasury Sec. John B. Connally said Thursday the gold price is "of no economic significance." Why not then take a change of mind as Reuss has and let everyone involved in foreign trade begin to breathe easier?

[From the Chicago Sun-Times, Oct. 16, 1971]

THE BIG STICK ON TEXTILES

President Nixon has successfully used his new big international economic stick, the 10 per cent import surcharge, to beat Japan and other Far East countries into agreements restraining their flow of non-cotton textiles into the United States. This is the first big development on the international front since President Nixon threw away the trade rule book Aug. 15. While it will have short-range beneficial consequences for American textile producers and their employes and will ease the U.S. international trade deficit, the economic and political consequences for pro-American Premier Eisaku Sato of Japan could be calamitous Japanese textile workers are calling for the overthrow of his government for making the agreement.

The stability of the Japanese government is, of course, of concern to the United States. Japan is one of the foundations of the non-Communist world. But the Japanese must assume their share of the responsibility for the conditions that brought on the new tough American attitude on foreign trade. The Japanese have flooded the United States with their products while restricting American sales in Japan, running up a high trade balance unfavorable to the United States. Trade must be a two-way street.

Mr. Nixon has said he does not believe in building new barriers to trade and is disturbed by the growing isolationism in America. But he has consistently made an exception of the textile industry which has been particularly vulnerable to Japanese competition.

Mr Nixon makes a formidable argument for textile protection but once the idea of protectionism is accepted it can be applied persuasively to any industry—shoes, steel, autos. Trade walls would split traditionally friendly nations into isolated and hostile blocs pushing the world back to the situation of the 1930s. If that should happen—and there is ominous talk that it might, if Mr. Nixon's 10 per cent surcharge is still in effect next spring—then we will have once again a reminder that history teaches we learn nothing from history.

Textile imports constitute the largest item of the U.S. trade deficit, $2 billion out of $9 billion. They have caused heavy unemployment in the American textile industry amounting to 100,000 jobs this year. On the other hand imports have made cheaper clothing available to Americans. Now the annual increase in imports, over 70 per cent this year, will be restricted to 5 per cent for Japan and 7½ per cent for Hong Kong, Taiwan and South Korea. And the 10 per cent surcharge will be lifted.

The surcharge will still apply to other commodities and act as a restraint of trade particularly with Europe and Latin America. In Europe, as in Japan, the new American toughness is bringing danger signals of retaliation and recession. In Latin America there seems no logical reason at all for the surcharge. The United States enjoys a favorable trade balance with Latin America, exporting $2.8 billion the first six months of this year and importing $2.5 billion. Still, the surtax hurts Latin American exporters and raises prices of their products here. For example, canned corned beef from Argentina now carries a 19 per cent tax (instead of 9) and the tax on leather belts from Mexico has doubled to 20 per cent. (Coffee and petroleum are not affected.)

Now that the surtax has helped Mr. Nixon get what he wanted in textiles, we hope he will intensify efforts to bring agreements with other nations so that it can be lifted and the growing isolationism he says he is disturbed about can be reversed.

[From the Chicago Sun-Times, Oct. 26, 1971]

SURCHARGE UNFAIR TO LATIN AMERICA

Editors from Latin American countries gathered in Chicago for the 27th annual meeting of the Inter American Press Assn. are making what we consider a justifiable complaint that the 10 per cent import surcharge imposed by President Nixon in August is unfair to their countries. It also is creating havoc with the Canadian economy.

The surcharge was imposed because the United States is suffering a $9 billion trade deficit; Mr. Nixon expects the surcharge to force nations enjoying a favorable trade balance with the United States to take action to improve the United States trade balance.

As we said on this page Oct. 16, there is no logical reason for a surcharge on products imported from Latin America. The trade balance with countries south of the border is favorable to the United States. The first six months of this year the United States sold $2.8 billion in goods to Latin America and bought $2.5 billion.

U.S. trade with Canada has been running a slight deficit, less than $1 billion out of two-way trade amounting to more than $20 billion. Each country is the other's best customer. The surcharge has been calamitous to Canada, already suffering from 7 per cent unemployment.

The surcharge on textiles was dropped when Japan agreed to limit its sales here; textiles account for $2 billion of the U.S. trade deficit. The situation with Latin America and Canada might be ameliorated by lifting the surcharge on specific items. Our neighbors of the Western Hemisphere should not suffer trade restraint when the primary cause of the U.S. trade deficit lies outside the hemisphere.

WHOSE SHOCKING SPECTACLE?

President Nixon would do well to heed the bipartisan advice of Illinois's two U.S. senators that now is not the time to contribute in any way to a weakening of the United Nations.

A statement issued by the White House Wednesday flies in the face of such sound counseling by ominously raising the possibility that U.S. support to the United Nations and some foreign aid allocations could be cut. The ostensible reason for cutbacks was what the White House termed "a shocking spectacle" on the UN General Assembly floor following defeat of the administration's two-China policy.

Press secretary Ronald L. Ziegler said the administration had no intention of retaliating. But he added pointedly that the effect of the UN delegates' enthusiastic response to the seating of the People's Republic as the sole representative of China could adversely affect the Congress and the people.

In short, the White House is egging on the worst kind of angry, short-sighted thinking. It is downright silly to make an issue of the delegates' naturally demonstrative reaction to one of the most historic occurrences in UN history. And it is a shoddy piece of politics to shift the focus of attention from the significant questions of foreign policy to a minor matter of decorum.

President Nixon ought to be demonstrating the steady statemanship evidenced in the reactions of Illinois's two senators—both of whom are well versed in foreign affairs.

Sen. Adlai E. Stevenson III said, "It would be better now if the hysterics on the right were disregarded and instead we calmly accepted our defeat." And Sen. Charles H. Percy, of the President's own party, warned that a cut in U.S. financial aid would make a "shambles" of the UN and set "a very dangerous precedent" for retaliation by other nations on other issues.

If the President truly finds the delegates' behavior shocking, he won't improve matters by adding a shocker of his own.

DEATH OF J. HOWARD PEW

Mr. SCOTT. Mr. President, one of the great builders of the American free enterprise system has died. Until his death at the age of 89, J. Howard Pew was a legendary figure, a man with vision, a man with great perception, an outstanding leader in his community, his State and his Nation.

At the time of his death, Mr. Pew was chairman of the executive committee of the Sun Oil Co.

He once said:

When a people come to look upon their government as the source of all their rights, there will surely come a time when they will look upon that same government as the source of all their wrongs.

He said this in 1948. This is true today.

Mr. President, I ask unanimous consent that certain material, including a feature story from the Philadelphia Bulletin commenting on the death of Mr. Pew, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

J. HOWARD PEW DIES AT 89

PHILADELPHIA, November 27.—J. Howard Pew, chairman of the executive committee of Sun Oil Co., died early today at his home in suburban Ardmore, Pa. He was 89.

Pew, son of the founder of the company, had served as its president for 35 years, and was a member of its board of directors for the last 65 years.

Funeral arrangements have not been completed.

BIOGRAPHICAL SKETCH OF J. HOWARD PEW, CHAIRMAN OF THE EXECUTIVE COMMITTEE, SUN OIL CO.

J. Howard Pew, a pioneer of the American petroleum industry, devoted a lifetime to Sun Oil Co., founded by his father in 1886.

After joining the company in 1901 at age 19, he played a major role in guiding it from a small Pennsylvania-based firm to its present stature as an international supplier of energy.

This September, Pew completed 70 years of service to the company.

Each day he could be found in his office working at a straight chair and table, which he preferred to an executive desk. In recent years, he took Wednesday afternoons off for golf. He was proud that he could on occasion still keep his score as low as his age.

Although he worked right up to his recent final illness, he often said he had retired the year he relinquished his 35-year span as president of Sun—a span that began in 1912 with the death of his father, Joseph Newton Pew, and ended in 1947 with the election of Robert G. Dunlop as president.

Pew then gave more of his time to numerous philanthropies and other interests, but continued as a member of the board of directors to which he was first elected in 1906. He also met regularly with the board's executive committee. In 1963, upon the death of his younger brother, Joseph N. Pew, Jr., he assumed the board chairmanship.

In February, 1970, following the company's merger with Sunray DX Oil Co., Dunlop was elected board chairman and Pew became chairman of the executive committee.

At the time of his death, Sun had become one of the nation's top 50 companies, employing more than 28,000 people. In 1970 it reported net sales of $1.9 billion.

But in 1901, it was small and had comparatively modest oil holdings. Construction was just beginning on its major refinery, at Marcus Hook, Pa., when Pew joined the company there that year. He advanced from engineer to superintendent of the refinery and in 1906 he became a vice president of the company.

One of his earliest contributions to Sun's success was the development of a process for producing quality lubricants from asphaltic crude oil. This led to recognition of Sun as an organization of lubrication specialists.

In his 35 years as president, Pew steered the company on an independent course which saw it develop its own processes, engineering techniques and marketing methods and grow more than twenty-fold in sales.

He was a founding member of the American Petroleum Institute—the industry's trade organization—when it was organized after the end of World War I. He was vice president in charge of the refining division of the API from 1938 to 1946 and a director from 1919 to 1947.

During both world wars, Pew held prominent roles in directing the war effort of the petroleum industry. During World War I, he served as a member of the National Petroleum War Service Committee and during World War II, he was a member of the Petroleum Industry War Council.

He devoted considerable time promoting and supporting a number of religious, educational and other philanthropic undertakings, mainly through the Pew Memorial

Trust, established in his father's memory by himself, his brother and two sisters in 1948, with donations of Sun stock. In 1970, the trust made more than 200 donations totaling more than $7 million.

He was president of the board of trustees of Grove City (Pa.) College, and had served for more than 30 years as president of the board of trustees of the General Assembly of the Presbyterian Church. For many years he served as a member of the board of trustees and ruling elder of the First Presbyterian Church, Ardmore, Pa., and at his death was serving as a member of the board of the Presbyterian Lay Committee. He was also a member of the executive board of the Valley Forge (Pa.) Council of the Boy Scouts of America.

For many years he was a director of the National Association of Manufacturers and was an honorary life vice president of that organization.

Pew was a member of The Union League of Philadelphia, the Philadelphia Country Club, the Racquet Club of Philadelphia, and the Merion (Pa.) Cricket Club.

Pew received a number of awards in his lifetime for his accomplishments and beliefs. Among them were the American Petroleum Institute's Gold Medal for Distinguished Achievement, 1949; the Vermilye Medal of the Franklin Institute of Philadelphia, for achievements in management, 1950; the Pennsylvania Society's Gold Medal for distinguished achievement in humanitarian and civic fields, 1958.

He also received the Greater Philadelphia Chamber of Commerce's William Penn Award "for his monumental contribution to the well-being of the Delaware Valley region", 1970; and the Magna Charta Award of the Baronial Order of Magna Charta for "his service to humanity" and for "his championing of freedom of the individual", 1971.

Pew was born at Bradford, Pa., on Jan. 27, 1882. He received his education at Shady Side Academy, Pittsburgh; Grove City College, Pa.; and Massachusetts Institute of Technology.

In 1907 he married the former Helen Jennings Thompson, of Pittsburgh, who died in 1963. He lived at "Knollbrook" on Mill Creek Road, Ardmore, Pa.

He is survived by three children: George T. Pew, Mrs. Roberta J. Pew, and Mrs. Frances Pew Hayes, all of Haverford, Pa.; two sisters, Mrs. H. A. W. Myrin, of Phoenixville, Pa., and Miss Mary Ethew Pew, Bryn Mawr, Pa.

J. HOWARD PEW—SIDEBAR

J. Howard Pew, at age 87, was interviewed by a newsman who commented that he found his host's mind remarkably sharp. Mr. Pew, with an amused gleam in his eye, replied:

"It's only when you put things in retirement that they get dull."

He liked to claim he had "retired" after his term as president (1947), but he continued to hold board positions and came to work daily.

According to Jack Pew, a Sun director: "Howard once told me that some months earlier he had made six speeches in six nights on six different subjects, all of which he memorized from beginning to end. He said that today he could repeat those speeches word for word if he had to. Frankly, I think that's damned good for anybody, let alone someone who is 89."

Mr. Pew's achievements at Sun earned him recognition as a petroleum pioneer and giant of the industry, and enabled him to become one of America's wealthiest men. Yet he was spartan in his habits, lived simply and played golf as though he were disciplining himself to exercise regularly. "Golf keeps me alive," he once remarked.

He numbered among his friends President Hoover and President Nixon; Walter Annenberg, U.S. ambassador to the Court of St. James; Jerome Holland, U.S. ambassador to Sweden; and evangelist Billy Graham.

Shortly before his death, he was honored by the Baronial Order of Magna Charta for his "service to humanity," joining the distinguished company of such recipients as Winston Churchill and Dwight Eisenhower. A philanthropist of unsuspected scope and generosity, he went to great lengths to keep his charities from the public's eye, often citing the biblical admonition, "Let not thy left hand know what thy right hand doest."

Billy Graham once credited Mr. Pew with being "one of the best informed laymen in America on the Bible and on religious matters." He was a devout Presbyterian, extremely active in the affairs of his church nationally.

Grove City (Pa.) College, his *alma matter*, was another of his consuming interests. School spokesmen give much of the credit for the institution's fine facilities, good reputation and sound management to his generous donations and long presidency of its board of trustees. He was a trustee from 1912 until his death.

Mr. Pew was basically a shy man. Many of the honors bestowed upon him were accepted only because associates argued that it would be "good for the company." However, it was characteristic of the man that he would speak out forcefully about any matter which deeply concerned him. He was perhaps most public in his advocacy of two-party politics, his opposition to government intervention in business, and in later years his concern that in taking up political and economic issues, religious institutions would fail in their primary missions and lose support.

Few men studied the free enterprise system so thoroughly or believed in it so fervently. On numerous occasions he vigorously and heatedly expressed his opposition to business cartels and other forms of restraints on competition.

"We have never sought privileges nor a sheltered position," he said regarding Sun Oil Co. "Our attitude has always been that we have no divine right to a share and place in our industry. If somebody else can serve the public better in quality and price, he is entitled to the business."

In the early days of Sun's Marcus Hook, Pa., refinery, Mr. Pew insisted that floating-roof tanks be installed to reduce losses of petroleum vapors into the atmosphere. This was long before there was any talk of air pollution. One retired Sun engineer explained, "The other companies knew about floating-roof tanks but didn't want to spend the money, because there were less expensive ways to reduce product losses. So back then we might have had 50 or 60 floating-roofs, when the others had maybe one or two. But Mr. Pew was willing to spend the money because he knew the proper thing was not to turn those vapors loose in the air. Later, of course, all the companies converted to floating-roofs, when we had ours all along."

During a business trip to Europe prior to the First World War, German acquaintances proudly showed Mr. Pew through a shipyard where numerous submarines were under construction. Returning home, he talked with his brother, the late Joseph N. Pew, Jr., about the possibility of war and the effect it might have on the export business in lubricating oils the company had developed. They decided to order two tankers, both of which were sold even before they were completed, and with the money they launched Sun Shipbuilding Company (now Sun Shipbuilding & Dry Dock Company, Chester, Pa.). During World War II, Sun Ship delivered 40 per cent of all U.S. tankers.

Technology fascinated Mr. Pew, as well as finance. That fact may have played a part in Sun's prompt decision to back Eugene Houdry and conduct the commercial-scale experimentation that resulted in the development of catalytic cracking as a means of producing high octane gasoline. The French inventor had approached many companies, seeking funds to perfect his ideas. Among them, only Socony-Vacuum Oil Company (now Mobil) provided support, but after the discovery of the giant East Texas oil field Mr. Houdry was advised that he should look for help elsewhere. Mr. Pew's nephew, Arthur E. Pew, Jr., himself a brilliant engineer, investigated the process and reviewed the status of its development with his uncle. Together, they became convinced that none of the problems standing in the way of commercial success were beyond solution. Thereafter, Sun's board, led by Mr. Pew, reportedly reached its decision in half an hour.

Perhaps the most ambitious of Mr. Pew's projects is still being developed: Great Canadian Oil Sands, Ltd., a Sun subsidiary which extracts oil from Alberta's tar sands. Dr. Weir Ketler, a lifelong friend and former President of Grove City College, called the tar sands project the most daring move of Mr. Pew's career, but put it in perspective:

"You have to go back to the death of his father to know that he was willing to take a chance even *then*. U.G.I., a large utility, owned 49% of Sun, when Howard, who was about 30, and his younger brother approached them. 'We're young men and inexperienced,' they said, 'but we'll have to try to manage the company now. How well we'll do, nobody knows, and we thought you might like to be relieved of any risk. We're willing to take over your stock.' U.G.I. noted the youth of the Pew brothers and decided to sell. It was the wisest thing Howard ever did, but it certainly was a gamble!"

For years after Mr. Pew moved to Sun's Philadelphia headquarters, he made weekly trips to the Marcus Hook refinery and spent hours talking and listening to the men. One retired foreman noted, "The present concept of industrial relations was unknown then but he practiced it. His interest in the men accounted for the fact that we never had labor trouble in 50 years." This attitude was further corroborated by such acts as his refusal to make lay-offs during the Depression and the employee stock purchase plan instituted in 1926, through which thousands of Sun employees have become stockholders over the years.

"I'll tell you what kind of man he was," a retiree recalled. "There was an explosion at the refinery and I was badly burned, with dozens of others. I hardly knew Mr. Pew then, but he visited me at the hospital every day for weeks. Sometimes he'd bring books or other little gifts. When it came time for skin grafts, he brought in and paid for one of the top doctors in the country."

Robert G. Dunlop, Sun's board chairman, says: "I remember after he testified at a hearing in Washington a congressman said to me, 'Your boss not only speaks like an affidavit, he looks like one.'" Mr. Pew and Herbert Hoover had great mutual respect, and Hoover once spoke at an affair honoring him. Ambassador Annenberg described him as, "A terrific old man—an early pioneer and a great Philadelphian."

Billy Graham, with whom he was in frequent contact, said: "I came to respect his advice and counsel and came to love him almost as a father." He and Graham collaborated on such activities as the July 4 Honor America Day, sponsored by President Nixon, and the founding of *Christianity Today*, a theological journal for which Mr. Pew occasionally wrote and which he supported financially.

Shortly before his death, he helped found the Institute for Black Ministeries in Philadelphia, as well as the Gordon-Conwell Theological Seminary in Hamilton, Mass. He bought and donated the properties for both.

Most of Mr. Pew's philanthropic gifts came through the Pew Memorial Trust, established in his father's honor by himself, his brother and two sisters in 1948 with donations of Sun stock. In 1970, the trust's more than

200 donations totaled more than $7 million to charitable, religious and educational causes. Conservative-oriented organizations, independent colleges, religious institutions and hospitals were typically favored, although grants ran the gamut from black institutions such as Hampton Institute to the Planned Parenthood Association.

Mr. Pew was much more widely known as a contributor to the Republican Party than to charity, religion, health and education which far exceeded his political gifts.

Grove City College, perhaps the largest single recipient of Mr. Pew's donations over the years, profited also by his lifelong active participation in its operation. It was his visionary expansion plan over 50 years ago which accounts for the school's present scenic campus. He conceived the plan, then retained the firm which designed New York's Central Park to lay it out. The school also attributes its low tuition as much to his management advice as to his money.

Although his brother was far more active in organized politics, Mr. Pew manifested his strong political interest in frequent speeches he delivered. "What a tragedy," he once said, "to see so many busybodies running down to Washington to obtain more laws to make more people subject to more government controls."

In a 1948 speech, he said: "When a people come to look upon their government as the source of all their rights, there will surely come a time when they will look upon that same government as the source of all their wrongs." In the same speech, he continued: "Freedom is indivisible. Once industrial freedom is lost, political freedom, religious freedom, freedom of the press and of speech will all fall."

Much of Mr. Pew's personal life revolved around his devotion to his wife, and her death in 1963 was a heavy blow to him. Years earlier, he had played a major role in successfully treating a serious blood ailment she contracted. Doctors were unable to pinpoint the problem, and Mr. Pew virtually established a miniature hospital in his home, equipping it with medical devices, staffing it with nurses and bringing in experts from all over the world. He also studied all the pertinent medical literature voraciously, and ultimately, his observations were a big factor in his wife's treatment and recovery, according to one attending physician.

Mr. Pew was fond of reciting poetry. One of his favorites was "The Bridge Builder." Part of it reads, "There follows after me today a youth whose feet will pass this way . . . Good friend, I am building this bridge for him." Countless times, J. Howard Pew cited those lines referring to others; most of them would agree it is his own most fitting epitaph.

[From the Philadelphia Bulletin, Nov. 30, 1971]

THE LEGEND OF J. HOWARD PEW: OIL TYCOON WAS KNOWN FOR INTEGRITY; SERVICES TODAY IN ARDMORE

(By Peter H. Binzen)

He sprinkled salt on his ice cream and enjoyed reciting limericks. He shunned ghostwriters and memorized his own speeches. He was an implacable foe of socialism but nobody ever saw him lose his temper.

He was probably the city's richest businessman, but outside of a small circle of friends and acquaintances few people knew much about him.

And that is the way he wanted it, for he was a shy man who cherished his privacy.

$100 MILLION FORTUNE

The man was J. Howard Pew, one of the last of the great oil tycoons. He died Saturday at 89 leaving a personal fortune of about $100 million and was buried this afternoon following Presbyterian Church services in Ardmore.

At the center-city executive offices of the Sun Oil Co., 1608 Walnut St., oldtimers and newcomers reminisced about the company founder's son who ran Sun as president for 35 years and served on its board for 65.

One of those who knows most about J. Howard Pew has worked at Sun for less than three years and never met its legendary leader.

Shortly after joining the firm's public relations staff in 1969, Donald Sugarman, a film writer, was assigned the task of researching the life and times of Pew.

He conducted interviews with family members, business associates and friends of Pew, visited his hometown of Mercer in Western Pennsylvania, and his alma mater, Grove City College, which Pew generously supported over the decades.

BEST-INFORMED LAYMAN

According to Sugarman, Billy Graham, the evangelist, considered Pew "probably the best-informed layman in the United States on the Bible and religious matters."

"The thing I think of with Howard Pew," Graham told Sugarman, "is total integrity.

"You might not agree with his views, but you have to admit that here is a man of almost total and complete integrity. I think that that generation had a strength of character that we're missing today."

Jerome Holland, onetime Cornell All-American end and educator who is now American ambassador to Sweden, said that both J. Howard Pew and his late brother, Joseph N. Pew Jr., opposed the Ku Klux Klan and other "racist types of organizations where people were using race as a means of gaining advantages and so forth."

RUGGED INDIVIDUALIST

Holland, who is black, told Sugarman that he and Pew "discussed from time to time the political situation relative to the Negroes." Holland formerly headed predominantly black Hampton (Va.) Institute, which Pew supported with benefactions.

Holland termed Pew "a man of great intellectual capacity . . . a rugged individualist from the standpoint of the free enterprise system and its responsibility in a free society."

Robert G. Dunlop, Sun's board chairman, recalled being told by a congressman after Pew once testified in Washington: "Your boss not only speaks like an affidavit, he looks like one."

WILLINGNESS TO VENTURE

Dunlop said one of Pew's great talents as an oilman was a willingness to venture. This was a Pew family trait, he said. "They have been venturesome. For example, their willingness to pursue catalytic cracking when most other people had terminated their interest in it."

Al Panepinto, architect and consultant for many Pew-financed enterprises, spoke of Pew's love of golf.

"You just couldn't get an appointment with him anytime past one o'clock on Wednesday. Wednesday was his and that was for golf regardless—unless it was pouring rain or a deep snow."

Pew smoked long cigars but didn't drink. As president of the Merion Cricket Club in the 1930s, however, he took a lively interest in increasing the club's bar receipts, according to Allyn Bell, president of the Glenmede Trust Co., which oversees various Pew philanthropies.

FIGURED OUT DETAILS

"On one rainy Saturday," Bell related to Sugarman, "I remember very clearly sitting out there (at the club) all morning going over the details of how the bar functioned, how much whiskey should be in a drink and how much mixer and how much the cost would be for those components and then what a fair selling price would be.

"We found out with a few adjustments we could make the bar profitable and this was done very quickly. But he took the same interest in reviewing that operation that he would have in looking over the Sun Oil Co.'s refining operation. And he worked at it just as hard."

Bell said J. Howard and his younger brother, Joseph N., though "great pals," were "entirely different."

NOBODY ARGUED

J. N. was a "regular guy," often profane, who loved an argument. But nobody argued with J. Howard Pew, he said. "You might try to convince him a time or two about something where you think he might be wrong, but it takes a little different approach."

Weir Ketler, 87-year-old retired president of Grove City College, stressed Pew's bedrock integrity.

"He never would do business with any man or any company that he thought he had a question about their morals," Ketler said. He said there was "something Roman" about Pew "and yet . . . human."

Mrs. Frances P. Hayes, one of Pew's three adopted children, remembered her father bicycling to the Ardmore station to catch a train for town during the gas rationing days of World War II.

RODE BICYCLE

She said the gasoline tycoon rode his bicycle rather than getting free gas coupons as many others were doing. "He always lived with very, very high principles," she said, "and I don't think he ever swayed from them in any way, shape or form."

As a parent, Pew was a "very wonderful Daddy," though very strict and austere, Mrs. Hayes said. "We all held him in very high esteem and great fear, let's say, underneath it all," she told Sugarman.

Pew, long active as a Presbyterian Church conservative, gave freely to Catholic Charities here and to the Allied Jewish Appeal, Sugarman reported.

RETIREMENT OF A. C. "BUD" KEITH, RIVERSIDE COUNTY, CALIF.

Mr. TUNNEY. Mr. President, A. C. "Bud" Keith is a native son of Riverside County, born in Perris in 1903. Educated in Riverside schools, he first entered county service as a deputy to A. C. Fulmor in 1925, and succeeded him as county surveyor in 1946. He was subsequently appointed county road commissioner in October of 1947 under the provisions of the Collier-Burns Highway Act, and has served in the dual capacity since that time.

In a career covering almost five decades, he has taken an active and influential part in the continuously expanding economic development of not only Riverside County, but the entire southern California metropolitan region. His participation in such areawide transportation planning activities as the metropolitan transportation engineering board, and the Los Angeles regional transportation study, has resulted in full county recognition in the development of the regional freeway network in this part of the State.

To trace the highlights of his local public service would require more space than is available here, but mention should be made of his contribution to the adoption of the county general plan of highways, and the supporting county ordinances for its implementation; to the realistic expansion of the various departmental staff activities to meet the demands of increased public service as economically as possible; to his active

liaison with a multiplicity of State and Federal agencies to assist and coordinate their various programs at the local government level; and perhaps most of all, to the long-term stabilizing effort involved in constantly equating public demand with available transportation funds.

His retirement leaves behind a comprehensive, visible legacy in the form of a highly developed, countywide system roads, streets, and highways, which provides the basic service and circulation element of the county economy at the present time, and which will form a core for the increasingly complex transportation developments of the future.

His careful guidance, and vast store of experience and knowledge of Riverside County will be genuinely missed by all of county government and by the entire county population.

I ask unanimous consent that several articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RETIRING COUNTY ROAD COMMISSIONER HONORED AFTER 47 YEARS OF SERVICE

INDIAN WELLS.—Coachella Valley leaders honored County Road Commissioner A. C. (Bud) Keith on Wednesday night at the Erawan Hotel for 47 years of service to Riverside County.

Keith has announced his retirement for the end of the year.

Leaders from every community from Palm Springs to North Shore praised Keith for service to the county far beyond that of most public officials.

Ted Smith, longtime leader in solving valley problems and master of ceremonies, said he has never known a public official at any level—county, state, or national—of government with as great integrity as Keith's.

City councils of the valley's four cities all proclaimed Nov. 17 as Bud Keith Day.

Palm Springs made him an honorary citizen. All the valley's chambers of commerce and similar organizations presented plaques to him.

County supervisors and former desert area supervisors paid tribute to him.

There were telegrams of praise from State Sen. Gordon Cologne, R.-Indio, and Assemblyman Ray Seeley, R.-Blythe.

District state highway engineers in San Bernardino and San Diego joined in praising Keith's work to improve Riverside County roads.

They lauded his "continuous efforts to help build transportation for California."

Smith, a former president of the Coachella Valley Advisory Committee (CVAPC), said "there is not a segment of Coachella Valley that has not benefitted from Keith's work."

Clarence Washburn, long time councilman and mayor of Indio and for 35 years associated with Keith on road problems, said Riverside County "is going to lose—and lose in a big way—" with Keith's retirement.

Washburn said progress in solving valley road problems has been so great that now it is unusual for anyone other than committee members to attend the monthly meetings Washburn's highway committee holds with the road department.

Former county supervisor George Berkey recalled that Keith intervened to have the supervisors require two additional interchanges on Interstate 10 between Thousand Palms and Garnet.

In doing so, Berkey said, "he made the supervisors look pretty good through the years—and I appreciate that."

Al McCandless, presently chairman of the Board of Supervisors, praised Keith's abilities and the fact that he chose to devote his life to public service.

"If he had taken the private road instead of the public road, he doubtless would be a millionaire," McCandless said.

Keith, recalling early history of the CVAPC that no present day members recall, said it fell to his lot to introduce Charles W. Eliot to the Coachella Valley.

Eliot was a nationally known planner, formerly connected with the administration of President Roosevelt, engaged by the Board of Supervisors to advise them shortly after the war.

The Eliot report on the Coachella Valley, made nearly 25 years ago, still is praised by valley leaders.

Keith credited Joe Snyder, then manager of the Coachella Valley County Water District, with originating the idea from which Coachella Valley leaders formed the CVAPC.

Keith said orderly growth of the valley has largely been coordinated between county government and the advisory planning group.

REMEMBERING BUD KEITH

(By Bill Jennings)

HEMET.—I hope the people who love to plan such things are working on a southwestern Riverside County farewell testimonial and sob session for Bud Keith.

Not that Bud is an ego feeder. He has been smiling and speaking softly in his efficient way through country government nearly a half century. Nobody has to reassure him or pass resolutions. He has that inner satisfaction of the guy who knows hes doing the best he can all the time.

He's made so few waves in an ulcerous job as county surveyor and road commissioner that many late comers to our big county probably never heard of him.

That's too bad, because a few minutes with Bud Keith are worth a dozen cocktail parties with most political figures.

Not that Bud ever thought of himself as a politician. Even in the days when his twinpost was at least half elective. He just kept on doing his job, building many extra miles of roads without any extra money.

Even in the Coachella Valley, where road paving came agonizingly slow in the years I labored there. They put on a special Fourth District road tax a long time ago and still some of the half-mile number grid streets east and west, presidents and vice presidents north and south remained distressingly sandy for long yeara after the All American Canal brought the water that eventually provided the taxes to pave them.

Even there, Bud didn't get chewed on very often or very effectively. Every new political aspirant who tried to make some voter points by lambasting the county government away over there in Riverside learned quickly to speak softly about Bud Keith.

I don't know what they'll name for him. His predesessor got a lake carved out of a long fill on the rebuilt Banning-Idyllwild Road, and surely Bud has left an equal impact on this road-hungry county of ours.

Whatever it is, it had better reflect his beautiful, understated sense of humor. No county official could ever put down a noisy supervisor or a blustery business tycoon quite as nicely as Bud. Half the time the victim never knew it was being done.

In my infrequent coverage of the supervisors and other groups in which road problems came in for an inordinate share of noise I could always look forward to Bud's defenses. He never got mad, even when he had every right to. He smiled when the rest of us would have pounded the table.

He used reason, humor and common sense the way the others used bombast and scorn. And, you know, he usually won the battle, maybe not right away but sooner or later.

I missed the eulogies the other night down at Erawan Hotel when Coachella Valley suddenly realized the best friend they ever had in county government was going away. If they really had formed Desert County years ago they would have missed Bud Keith more than a dozen county administrative centers, all the Superior Courts and microwave telephones.

[From the Idyllwild (Calif.) Town Crier]

BUD KEITH

It will be difficult to picture the Riverside County Road Department without A. C. "Bud" Keith, who retires December 30 after 47 years of service. For mountain folks, he has been our road man since the time when there were few paved streets and Idyllwild was reached only by dirt roads and narrow highways.

Bud has responded to many community calls. He talked to Town Hall audiences for the past 25 years. He has heard our complaints about chuckholes, snowplowing, parking problems and the need for better streets. We can't recall an occasion when Bud Keith became irate or lost his temper before an audience.

As the scene continues to change, there is a sense of stability in having public officials who span several administrations. The roar at the courthouse rises and falls, but above the din individuals like Bud Keith maintain a steady course between public demands and what the county can afford.

There has been considerable growth since Bud Keith began as a county surveyor 47 years ago. In our own area, boundaries have been pushed deeper into the forest and streets climb higher on the slopes. Problems become complex as more of the forest floor is covered with pavement. We are no longer dealing with Model-T Fords in the mountains. Freeways push closer to the wilderness.

In retiring we hope that Bud Keith will remain close enough to the scene to continue his service. There is a need for the wisdom that comes from dedicated officials who have devoted many years to serving the public.

TREATY BETWEEN THE UNITED STATES AND MEXICO

Mr. BENTSEN. Mr. President, the Senate has recently ratified one of the historic treaties of our time. It can be said to end one era and begin another. For more than a century the government of the United States and Mexico have been contending with boundary rivers that meander and shift from channel to channel without regard for people or national territory. In 1884 the governments concluded a treaty that made international law the law of the rivers, attempting to apply existing rules to determine the effects of river movements on the farms and villages that were beginning to line both banks of the Rio Grande and Colorado River. When these rules failed to satisfy the need, the governments drew up another treaty in 1905 providing for exceptions to existing rules. Now they have concluded still another treaty, this time on the basis of experience and the physical control they have since exerted upon the rivers. The result is a new set of rules shaped for these rivers and these rivers alone.

Under these rules severe erosion will be checked, and neither nation will lose to the other significant acreage. There should be no more territorial disputes between the governments such as marred their relations during the last century. Floods will not again leave location of the international boundary uncertain and leave farmers either long separated from a part of their lands or forced to sell them under adverse circumstances. Except for rare and temporary periods, the middle of the river will be the boundary wherever it separates the two countries. When there is more than one channel the boundary will run in the center of the wider or widest channel regardless of its depth. No farmer, border patrol officer, smuggler or illegal entrant will ever have reason to doubt where that boundary is.

Similarly, off the coasts we share with Mexico the maritime boundaries will be forever fixed to a distance of 12 miles. Determined on the equitable principle of equidistance, well marked and easily ascertainable, these boundaries will serve those who fish the waters or explore the seabed.

This treaty obviously reflects an advanced degree of friendship and cooperation between the United States and Mexico. It has been described as probably the last in a long series of boundary treaties. It can also be thought of as still another major achievement of men of good will in two neighboring countries who have shown determination in recent decades to turn away from the disputes of the past and build a foundation for a happier and brighter future.

PRODUCTIVITY INCENTIVE PAY PLANS NEEDED

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from Eric C. Baum, president of Eric C. Baum and Associates of Chicago, management consultants who specialize in engineered productivity improvement plans. Mr. Baum's telegram endorses my amendment No. 766 to the 1971 Economic Stabilization Act amendments which passed the Senate unanimously on December 30. Mr. Baum asserts that wage incentive programs generally increase productivity by 30 percent without increased labor costs, and that this amendment will encourage large sectors of industry and commerce to win the battle for productivity.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

We urge the adoption of an Amendment to Bill No. S. 2891 reflecting government policy and national need to rapidly increase industrial productivity. The weakening of American competitive strength on the world market is well known with national productivity increases among other industrialized nations increasing more rapidly than in the United States. Vastly increased application of Industrial Engineering techniques is the only hope for increased productivity without rising prices.

The Government should promote the greater use of Wage Incentive Programs based on scientifically measured or engineered Production Standards for industry, commerce and agriculture. Such Programs generally increase productivity by 30 percent without increased labor costs since incentive compensations are paid only above the new higher Standard which had been set through the application of industrial engineering techniques, as mentioned earlier.

Therefore, Wage Incentive Programs are particularly significant for smaller companies for whom automation is not an economic solution to increased productivity. The significance of this is even more obvious when we remember that in the United States 86 percent of all industrial plants have less than 100 employees. In our view amendments such as this are a vital necessity if the Government's policy is indeed aimed at improving productivity. The proposed amendment is a practical, easily implemented answer for large sectors of American industry and commerce, if they wish to win the battle for productivity.

ERIC C. BAUM,
President, Eric C. Baum and Associates.

THE FOREST SERVICE: REFINED SCIENTIFIC MANAGEMENT

Mr. HANSEN. Mr. President, the Intermountain Region of the Forest Service recently supplied me with a study which was done by Dr. Robert G. Bailey entitled, "Landslide Hazards Related to Land Use Planning in the Teton National Forest, Northwest Wyoming."

This is a sophisticated and highly technical approach to the problems of soil stabilization as it is affected by timber cutting and roadbuilding on the national forest lands.

I was especially interested in this report because of my personal knowledge of the Jackson Hole area and was greatly impressed by the Forest Service's scientific approaches to management decisions on the Teton National Forest.

The report states that of the 1,100,000 acres of land in the Teton National Forest over half, or 650,000 acres, are classified as unstable soil; and, of these 650,000 acres, 183,700 acres are classified as highly unstable.

The report addresses itself to land use and timber management problems of slide areas. These are areas which are maintained by an equilibrium between gravity and the slide material's shearing resistance.

Removal of the toe of a slide, or the increase in ground water, may upset this equilibrium thus permitting repeated movements of the slides.

Thus, logging with the accompanying roads and skid trails should be avoided in areas of active landslide deposits because an increase in subsurface moisture along with the decay of dead tree roots would accelerate the movement of the land and disturb the natural drainage.

Therefore, the practical problem faced by land managers is the decision whether to accept the consequences of disturbance of unstable slopes or to control the effects of these activities in order to minimize the occurrence of mass movement.

Of course, not all landslides can be avoided. In general terms, the large landslides are primarily controlled by the rate of geologic erosion and are not influenced by man. The smaller earth movements can be initiated by man's activities and are, therefore, at best partially controllable and preventable. The study which Dr. Bailey initiated was designed to provide an indication of where geologically unstable conditions occur. A second objective was to outline the relative hazards which present definite built-in limitations to management practices in an area where improper land treatment can trigger a sequence of events requiring decades to control and stabilize.

Mr. President, it is encouraging, indeed, that the Forest Service has undertaken this type of analysis and approach in perfecting its land use planning on the Teton as well as other national forests.

I am impressed by this report, and I congratulate the author and commend the Forest Service for sponsoring this study.

This type of report will prove to be a valuable tool in assisting the Service to do a better job of managing the forest lands.

I am more strongly persuaded than ever in the wisdom of leaving the final decisionmaking responsibility regarding the implementation of congressional and Presidential policy with the qualified, professionally trained experts wearing the uniform of the Forest Service.

Not that every decision they have made is right but rather, recognizing the good sense in assigning these duties to professionals with builtin objectivity, we can then hold them accountable for these judgments. With authority must go responsibility.

I believe the Forest Service, still learning, still listening, measures up to Teddy Roosevelt's charge to Gifford Pinchot to manage the forest and make decisions, "—of the greatest good of the greatest number in the long run."

THE SITUATION IN SOUTH ASIA

Mr. SCOTT. Mr. President, the following question and answer will serve to explain the U.S. position in South Asia:

Q. What is your assessment of the situation in the Indian subcontinent?

A. Let me summarize our position: As a result of civil strife in East Pakistan there has been a large exodus of refugees to India. This has created major problems for India in terms of communal tensions, economic dislocations and human suffering. The U.S. has great sympathy for the problems this has caused. Our policy has had four aspects:

(1) Refugee aid. The U.S. has contributed more than the rest of the world combined—a total of $90 million—to alleviate the conditions of the refugees in India.

(2) Famine relief in East Pakistan to prevent the outflow of more refugees. The U.S. has earmarked $250 million for this purpose. This program is now jeopardized by the military operations launched from India territory.

(3) Political progress. We have done our best to use our influence to promote a political solution. With our encouragement President Yahya has taken the following steps: (a) Replaced the military governor of East Pakistan by a civilian. (b) Offered an amnesty to refugees. (c) Invited UN teams to supervise refugee repatriation and food distribution.

(4) Deescalate tensions. We have used our influence to reduce the danger of conflict: (a) We proposed a mutual pull-back from the borders. This was accepted by Pakistan and rejected by India. (b) We proposed a unilateral withdrawal to Pakistan as a first step. Pakistan accepted provided India followed suit some time after. (c) We proposed a stationing of UN observers on the borders between India and East Pakistan. Pakistan has accepted and India has refused. Pakistan has

now accepted UN observers on its side alone. Recognizing the burden caused by the refugees, we consider recourse to military force unjustified.

PRESIDENT SHOULD CLOSE CHEESE IMPORT LOOPHOLE

Mr. NELSON. Mr. President, the U.S. Tariff Commission has recommended—in Publication 406—that foreign cheese priced over 47 cents per pound no longer should be exempted from import quotas. The commission recommended that absolute quotas be established for all cheese types that now are exempted.

That was on July 28 of this year.

But there has been no action taken by the President to put the commission's recommendation into effect. It is my hope that the President will delay no longer in taking the action that clearly is justified to protect the integrity of the Federal price-support program and the integrity of domestic cheese markets.

With its recommendation, the Tariff Commission recognized that the existing price-break exemption provision on imported cheese is a serious loophole that has led to quota evasions by some cheese-exporting countries. Some of the evasions that have been amply documented is the misbranding of cheese under quota to make it appear to be exempted under the price-break, or shipping cheese under quota in containers filled in part with exempted cheese. In both cases, serious quota evasions were taking place through abuse of the import-exemptions provision.

The commission's investigation of the price-break exemption considered, in major part, the impact of the price break exemption on price-support programs of the U.S. Department of Agriculture. The Department had recommended several years ago that the price-break exemption should be reconsidered if the support level for cheese increased over the 47-cent level. Nearly 2 years ago, that support level had increased to 52 cents.

On this issue, the Tariff Commission found that the price-break exemption was materially interfering with the USDA support program. But rather than recommending that the exemption level be raised, the Commission correctly favored placing all imports under quota and thereby solve the many problems that have arisen because of the exemption.

Involved in the exemptions are Swiss, Gruyere-Process and "certain other cheeses," as defined by the Tariff Commission. Exporters of these cheeses have anticipated for some time that absolute quotas would be put into effect. Ever since 1967, the exporters have been rushing to get as much of these cheeses into the country as was possible.

Last year, for example, 101 million pounds of the affected cheese types were exported to the United States. This is more than double the amount shipped in 1967.

And since the Tariff Commission's recommendation of July 28, exporters once again have been increasing shipments of the affected cheeses.

Certainly, these shipments will continue to increase until the Tariff's Commission's recommendation for absolute quotas is put into effect. But also, the abuses of the exemption formula will increase and the interference with the domestic cheese price support program will become pronounced.

Therefore, I urge the President to put into effect at the earliest possible date the Tariff Commission's recommendation that all foreign cheese exported to this country be placed under absolute quota.

HELP FOR THE NEEDY

Mr. McINTYRE. Mr. President, when one asks the American people to help, they do. In a recent newsletter to my New Hampshire constituents, I printed a letter from Father Morris F. Wells, Chaplain for the 196th Infantry Brigade in Vietnam. Father Wells, whose parents live in Hampton, N.H., asked me a special favor. He said:

During my tour here, I have become involved with a Catholic orphanage, Phuoc Tien Orphanage, in a small hamlet of the same name, located near Da Nang. There are 190 children with six Vietnamese Sisters taking care of them. One of our battalions, 4/31st Infantry, has unofficially "adopted" the orphanage and the men are doing everything they can to make life a little more pleasant for these children. The children need everything, and anything, but especially summer clothes, toys (there isn't a ball or a doll in the entire orphanage) and food (especially baby food). My request is that perhaps you could put in a "plug" for help in one of your newsletters to your constituents. They could send any used clothing, toys, food, etc., to me and I would be happy to hand carry them to the orphanage. I am hoping that it will be possible to extend the arm of friendship from the USA to this unknown orphanage in Vietnam. God bless you.

CH (Cpt.) Morris F. Wells,
HHC 196th Infantry Brigade,
APO San Francisco 96256

The response from New Hampshirites has been terrific.

Mrs. Agnes M. Young, Mrs. Elinor Di Bernardo and Mrs. Richard Peloquin, of Keene, N.H., have formed a committee in cooperation with Father Horan in their town to solicit toys, clothing, and food to send to the orphanage.

With all the talk about people being afraid to get involved and unwilling to give their time to help others, it certainly has been heartwarming to me to see this kind of response from people in New Hampshire. I am proud to serve them in the U.S. Senate.

PRINCETON NAMES NEW PRESIDENT

Mr. WILLIAMS. Mr. President, this week Princeton University—one of the world's most respected educational institutions—chose a new president, Dr. William G. Bowen.

This is a great honor for a most distinguished educator and scholar. Yet, none of us can underestimate the burden he is undertaking.

He follows in the steps of a truly outstanding university president, Dr. Robert F. Goheen. And, he follows a tradition that has included such a man as Woodrow Wilson.

Dr. Bowen assumes his office when universities have many problems, not the least of which are the grave financial difficulties which face so many of our institutions.

Certainly, all of our best wishes go out to Dr. Bowen as he undertakes this difficult mission.

We have every confidence that he will perform magnificently. His qualifications are apparent and are most clearly brought to light in an article which The New York Times published when his appointment was announced.

Mr. President, I ask unanimous consent that that article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 30, 1971]

PRINCETON PROVOST NAMED PRESIDENT

(By M. A. Farber)

PRINCETON, N.J.—William G. Bowen, a 38-year-old economist who has served as provost of Princeton University since 1967, was named president of Princeton today.

The provost, who said that improving the university's undergraduate studies was the chief issue facing Princeton, will succeed Robert F. Goheen next July 1. Dr. Goheen, who was a 37-year-old classics professor when he became president of the university in 1957, will become chairman of the Council of Foundations in New York City.

Dr. Bowen's appointment as head of the country's fourth oldest institution of higher learning ended a seven-month search for a 17th president of Princeton. But the selection of the provost, who is the second-ranking administrator of the Ivy League university, was widely expected here for some time.

"The choice of Dr. Bowen was so obvious that approving it is like approving the sunrise," said Andrew Wilson, the 21-year-old chairman of The Daily Princetonian, the student newspaper. "Everyone knew that barring something really extraordinary, the provost would get the nod. You don't throw away one of the country's top experts on the financing of higher education in a period of fiscal austerity."

Dr. Bowen is closely identified with most of Princeton's major decisions in the last few years, including the university's shift to coeducation in 1969 and its efforts to increase the number of minority group students on campus. The provost has been particularly responsible for bringing Princeton's $78-million budget closer in line with its income—the university had about a $1.5-million deficit last year and anticipates a smaller deficit this year.

The affable, athletic provost is generally popular with faculty and students—despite, some say, his identification with budget cuts that are not always well received. He was the first choice for the presidency of separate committees of faculty, students and administrators before the trustees elected him this afternoon.

GOOD SHARP REASONER

"He's very straight-shooting and he's always on the side of doing things well," said Dr. Stanley Kelley Jr., a professor of politics who led the faculty search committee. "In faculty meetings he's one of the most persuasive people I've seen, always going to the point of the issue and often changing people's minds. He's fair minded and decisive, and a good sharp reasoner."

The only apparent opposition to Dr. Bowen's candidacy was expressed last month by George A. Hamid Jr., chairman of ACTION a group of about 500 alumni who banded together to fight coeducation several years ago. Princeton has about 40,000 living alumni.

Dr. Bowen, at a news conference and in an interview, stressed the importance of reforming undergraduate education at Princeton. However, he reserved judgment on a new proposal to shorten the normal undergraduate program here from four to three years. The proposal, intended for campus debate this year, was advanced last weekend by Dr. Marvin Bressler, head of the university's Commission on the Future of the College.

The provost said the university was "going to have to struggle mightily to retain the strength of its graduate programs," which he said had been reduced in the wake of cutbacks in Federal support for research and fellowships.

The university has made real progress in both coeducation and opportunities for minority students, Dr. Bowen said Princeton admitted 170 women undergraduates in 1969; there are about 750 now among the 4,000 undergraduates and one of them, Abby R. Rubenfeld of Sarasota, Fla., is president of the freshman class.

The university has had women graduate students for approximately a decade; they number about 250 of the 1,382 graduate students. In 1968, about 4 percent of Princeton undergraduates were blacks or other minority students. The proportion is now 11 percent, or 423 students.

On the whole, Dr. Bowen predicted an "evolution" of the policies he has helped to form as provost. "Fortunately, universities don't change by the edicts of their presidents, anyway," he said. He will name his successor as provost.

Dr. Bowen, who said he did not know what his salary would be, was appointed for an indefinite term. The committees that said they had looked for someone young enough to serve advised the trustees for 10 or 15 years.

ADDRESS BY PRESIDENT NIXON TO 4–H CONGRESS

Mr. DOLE. Mr. President, yesterday President Nixon delivered a speech before the National 4–H Congress in Chicago, where he tried to assess the challenges before the Nation's youth today and how their desires have changed over the last several decades.

America's 40 million youth between the ages of 14 and 24 are far from being a "monolithic bloc." There are working class youth, teen-age mothers, drop-outs, high school students, as well as college students that make up that large segment of the population.

It is well that we often think of the concerns of these other groups of young people. For they will form—along with the college population—the base of the leaders of latter decades of this and the early decades of the next century.

Mr. President, I ask unanimous consent that the President's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT, TO THE NATIONAL 4-H CONGRESS, CONRAD HILTON HOTEL

Mr. Chairman, all of the distinguished honorees and all of those attending this Golden Anniversary Congress of 4-H, I want all of you to know what a great inspiration it is for me to be here, to see you, to hear you, to see the young people who represent all of America.

As I was doing a little homework before coming out here, I found some interesting things about 4-H. I suppose, like most people, I had the idea that 4-H was almost exclusively an organization with its interest in agriculture and farming.

4-H was born on the soil. 4-H has its roots in the soil. But as you know, approximately 35 percent of your members are from farm communities, and 65 percent of your members are from smaller towns, larger towns, and even large cities.

Another thing that is very interesting about this organization is that you are all winners. I found that out by going into the background. I knew that I would have the privilege of presenting these beautiful silver trays to the winners who have been picked from all over the country; but I understand everyone here, of the 3,000 attending this meeting, has been recognized as an achiever or winner in his own community or in his State. I congratulate a group of winners, the largest group of winners I ever saw, here in 4-H.

Another thing that I found in studying the background of this organization is that you come from all the 50 States, and that insofar as your age group is concerned, it represents what we generally refer to as the teens—the lower teens, the middle teens, and the like.

UNITED STATES MUST CONTINUE STRIDES IN AGRICULTURE

After reading all of that information, I had to make a decision about what to talk about, and naturally, the first inclination would be to talk about agriculture. It is an extremely interesting subject. It is vitally important at this particular time in our Nation's history. It is essential that America continue the great strides we have made forward in productivity in agriculture, because when we hear of problems of competing with nations abroad in terms of other technologies, in agriculture America leads the world, and because we do lead the world, it means that only five percent of America's people can produce enough to feed and clothe all the people of America, and to provide very much for people abroad when they are in need.

This, of course, is something that needs to be said, and those who come from the community of agriculture can be very proud of what American farmers, people in agriculture, have done for this country and for the world. And yet, as I thought further about the problem, I realized that you were a broader group simply than one interested in agriculture.

4–H REPRESENTATIVE OF ALL YOUTH

You are interested in all of America, because you come from all of America. You come from the cities and the towns and the farms, and because the America of the future will be yours and what you make it, you, therefore, I think, would like whoever appears before you, and particularly one who appears in the capacity that I do, as President of the United States, President of all the people, you would like to have me address you not as a narrow, special-interest group, but as young people representing the young people of America.

I would like to do that today. I would like to say some things that I have been wanting to say for a long time to a young audience, a young audience representative of the whole country. You are that audience, and that is why I have chosen this forum for the purpose of saying these things.

I am going to begin with a proposition that perhaps is a little different from what you sometimes hear. It seems to be somewhat the fashion for a speaker speaking to a group to point out what a terrible time this is to be growing up in America—the problem of a war, the problem of environment, the problem of jobs, all the other things that we see and that we hear about. There are many problems. I am keenly aware of them. I think about them a great deal, as you might imagine, just as you think about them a great deal.

But then I tried to put myself back a few years, many, many years, when I was as young as you are, and I thought of what I thought about America then. I thought it was a great country.

YOUTH HOPEFUL IN 1920'S

At that time, particularly as I entered the 20's of my life, America was in a depression. But I looked to the future with hope, because I realized that whatever our problems were, that this country, our country, could solve them; that this was the place that I would choose to live in if I had to make a choice of all the countries in the world. I believed that then, and I believe that now.

I want to tell you why I think you should believe it, believe it very, very deeply today, not with any pollyannish statement in which we cover up those things which are wrong about our country and wrong with this world, and not with any statements in which we downgrade the great dangers we confront in the world; but laying it on the line like it is, the kind of America you are in today, the kind of America you can make tomorrow, the kind of a world we can have, particularly you can have, by the end of this century, in the year 2000, when we celebrate a new year that comes only once in a thousand years.

One of the reasons that I speak in optimistic terms is this: just to stand before this great assembly of young leaders and young achievers, as you are, to feel your idealism, your commitment to excellence, is to stand on the threshold of the brightest future the world has ever known. I believe that.

You are coming to maturity at a time which history will remember as a great period of emancipation for young Americans. Your generation has the opportunity to participate more fully in the American adventure than young people have ever been able to do since Revolutionary times 200 years ago. You can remember those days as you read them in history.

NATION'S FOUNDERS WERE YOUNG

How stirring they were. More than half the population of America at the beginning was less than 20 years of age. The cause of liberty was the cause of youth and of age alike. Citizens belonged not to this or that generation; they belonged to America. Hamilton, in his late teens, emerged as the leading voice for independence in the State of New York. Jefferson, at 33, authored the Declaration of Independence. Sixteen other patriots in their 30's, three in their 20's, Franklin at 70, the old man of the group, joined Jefferson as signers of the Declaration of Independence.

That was the young America at the time of our birth. Then, in the course of two centuries, things changed. They changed radically. In the 1950's, when you were born, generational stereotyping and pigeonholing by age groups became all too common. Most young people in those years went intensely and quietly about the ordinary tasks of just growing up. Some of the young in those years, in the 50's, however, went underground into a Bohemian subculture. It is obvious now that older people at that time should have been asking why, but few bothered to ask why that was the case. It was so much easier then just to tag one group as "the silent generation" and the other "the beat generation" and just leave it at that.

YOUTH OF 1960'S BROUGHT SURGE OF PARTICIPATION

Then suddenly in the 1960's everything seemed to go to the other extreme. A new breed of young men and women shook the Nation. They wrote a record dominated by remarkable good; but also shadowed with ominous wrongs—civil rights laws on the one side; riots on the other; campus reform

and academic anarchy, a war against aggression in Asia; a war in the streets of America, a surge of participation in politics and a wave of terrorist bombings, a rich new diversity in life styles and a grim new plague of drug abuse, all of these side by side in that stirring decade of the 60's.

All in all, it was a time when youth reached vigorously for a new role as full partners in American society. The result was monumental, and yet the cost in disruption and alienation seemed almost prohibitively high.

Why was the record of the youth movement only mixed in the 60's, when it should have been magnificent? It was only mixed because it took the form of an outside force, rather than of integrated, individual participation in the larger society. It was forced into that form by the rigid generational walls erected in American attitudes and institutions over the years. Its frustrations and excuses and excesses arose in large part from the painful experience of battering against those walls—an experience that dramatized the need to sweep them away once and for all.

And so came the end of the 60's, and America awoke to several important realizations. They saw that to regard a person's date of birth as more important than his own unique individuality is to engage in the insidious bigotry called "age-ism". They saw that it is wasteful, stupid and unjust to restrict the generations in a narrow structure in which those in the middle of life would monopolize the centers of power, while the young would prod along in apprenticeship or chafe in alienation, and the aging would draw social security, preferably well out of sight.

TIME TO END GENERATIONAL STEREOTYPES

They saw it was time to pull down the generational stereotypes—involved, hip, silent, beat or lost—and to raise a new standard of brotherhood, tolerance and mutual respect between those generations.

As these new attitudes have taken hold, young America has passed from its stormy night of recent years into what I believe will be a bright, new morning.

College turmoil has subsided sharply, not in resignation, but in wisdom. High schools, young working people, the next declared target of the radicals have not caught fire as they had expected to. Opinion surveys have detected a rising disgust with political radicalism even in the strongholds of the counterculture.

Most of you in this great audience are not only witnesses to these developments, you are leaders in them. You could not be leaders in a more important cause. For the more convincingly the young majority demonstrates its resilience and level-headedness, the faster you will find the so-called Establishment responding to your hopes, opening to your aspirations.

YOUTH WILL NOT BE TREATED AS BLOC

The young in America are no longer going to be treated as a mass or a bloc in this country—neither as a generation apart nor as a generation idolized. You deserve better than that. And you will have better, for America is rapidly moving to take you, the young, into full partnership as individuals in our society.

Your country knows how much it needs you, and we are proving that, not just with talk but with action.

We need your voice first in the political process, as soon as you are prepared for that trust—and that should not take 21 years of your life. That is why I was able last July to certify passage in record time of the 26th Amendment lowering the voting age to 18.

We need your abilities, your insights in the making of public policy. And that is why I have directed departments in the Federal Government and agencies throughout the Executive Branch of the Government to recruit young talent and to hear young ideas, and that is why I have brought an unprecedented number of men and women in their 20's into positions of trust on the White House staff.

ACTION BEGUN TO IMPROVE VOLUNTEERISM

We need your energies in the urgent work of helping the less fortunate across America and in other lands. That is why we have moved to expand and improve the Peace Corps and VISTA programs by merging them to form a new volunteer service agency, ACTION.

That is why we have initiated the University Year for ACTION to draw thousands of young people into this new effort, and that is why we have also worked outside Government to make volunteerism a vital force in the independent society—so that every single American who wants to serve his fellowman can have an avenue for doing so.

Young people today, every survey shows, are more generously committed to human betterment through voluntary service than any generation before you. Your own work in 4–H has shown what mountains that commitment can move. I urge you to redouble it, to share it, to maintain it throughout your lives.

Very few of you will enter Government as a full-time activity. But whatever your jobs may be outside of Government, I would ask that each of you make a commitment now to pledge a part of your time to voluntary service for your community throughout your lives. It will be worthwhile.

We need to be sure that you are free to shape your own career along the lines that will provide maximum fulfillment for you in adult life. That is why we have reformed the draft to reduce the uncertainty and duration of its pressures on young men.

ZERO DRAFT FOR MORE FREEDOM

That is why we are moving toward the goal of a zero draft, an all-volunteer armed force. That is why we have pressed for a new college loan system to insure that no qualified student in America who wants to go to college will be barred by lack of money. And that is why we are developing new career education and youth employment programs in recognition that something over half the college-age young do not go to college but do need salable skills and they do need good jobs and they should be prepared for those jobs with an education designed to do exactly that.

We need your ideas. We need them in the national debate on issues, goals and directions. That is why the 1971 White House Conference on Youth was different from any that had ever been held before since they first began in 1909. It was a wide-open forum, run by young Americans, of them and for them.

YOUTH CONFERENCE DESIGNED FOR YOUTH TO ADVISE US

Since 1909, older people, as they have been meeting at these conferences, have done so at the President's invitation to talk about youth. But we felt that that kind of generational condescension was out of step with the 70's, so we turned the conference over to the young people themselves—let us find out what they would tell us.

Now I am first to tell you that not everything they did and not everything that they said lined up with my own point of view or that of others in our Administration. But I totally recognize, and I defend their right to say it. We need to hear it. We need to know what people, and particularly young people, want for the future of this country.

Certainly the time when the young are to be seen and not heard is gone in America—and gone for good.

More than 300 of the conference's recommendations have just undergone six months of intensive review by the affected Federal agencies. When the results of that review are announced, the extent of agreement between conference hopes and Government action will further weaken the myth of an unbridgeable generation gap and will further strengthen what the conferees called their sense of "kinship with persons of good will of all generations."

This sense of kinship, forged into a firm, new alliance of the generations, will be essential if we are to seize the breath-taking opportunities opening up for America and the world in the coming decades.

GREATEST OPPORTUNITY AHEAD IS PEACE

The greatest of these opportunities is peace—peace not just for a few years, but for a whole generation and beyond, something we have not had in this century.

Such a peace, I believe, is coming, and the United States is leading the way. We are concluding our involvement in the Vietnam War and we are doing so in a way that is responsible, honorable and constructive for the long range stability of Asia and the Pacific region.

We have done and will continue to do all in our power to help defuse the explosive situations in the Middle East and the one you are currently reading about in the Indian Subcontinent.

We have acted in a historic step to end the isolation of nearly one-quarter of all the world's people who live on Mainland China. We have moved from confrontation to negotiation with the Soviet Union, with limitation of nuclear arms, relaxation of tensions in Europe, increased trade among the possible results.

I know these meetings, particularly at the highest level, with the leaders of the Soviet Union and the leaders of the People's Republic of China, may lead some to assume that the fact of a meeting means the end of differences between our system and their's.

TALK—NOT FIGHT—ABOUT DIFFERENCES

That, of course, will not be the case. We have basic philosophical differences, basic foreign policy differences, but as we look down the road to the end of the century, what we have to realize is this: That with 250 million people in the Soviet Union and 750 million people in Mainland China, for the United States not to be in a position to talk to those leaders in the event there is a confrontation some place in the world, could lead to a conflict, which would mean suicide for both sides. And that is why we have taken these steps, so that when we do have differences, and we will have differences for many, many years to come, we will talk about them and not fight about them.

The world that is taking shape as a result will be far less dangerous, I believe, than the one you have grown up in, because you were born approximately at the end of the Korean War. You have lived much of your life through the Vietnam War, and now the question, what confronts you in the future?

I believe it will be less dangerous. But it will be even more challenging, because as the danger of war recedes between great powers, the challenges of competition between nations living at peace with each other also greatly increases.

POWER TO BE CONCENTRATED IN MANY CENTERS

Political, economic and military power will be concentrated in many centers instead of just a few. Look at the change, for example, since World War II. Immediately after that war, the United States had no competitors in the world. We produced half the world's goods with seven percent of the world's people, and now today, there are five potential economic giants in the world—the new Europe with England in the Common Market, the Soviet Union, Mainland China with 750 million people and a resurgent Japan, not to mention, of course, the potential for the future from Latin America, Africa and other parts of Asia.

So competition in the works of peace will be intense. America cannot maintain its position of leadership unless we work at the very best of our abilities, unless we bring the best out of our young as well as our older people. But there is something else we should see about this world, something that I hope very much for you.

HOPE FOR "OPEN WORLD"

The world in which I have grown up has not been an open world; not an open world because so much of it was closed by curtains—iron curtains, bamboo curtains; call it what you will.

I want the world that you grow up in to be an open world—not a world without differences; that would be a very dull world—but an open world in which there will be a chance for anyone who wants to, to know the other people of the world.

Yours will be an open world, I believe, and it also will be quite literally a new world, one in which more than 60 new nations and 60 percent of the people living in the world came into being since World War II. It will be a world where America's fabulous economic and technological advances which have gone into war in generations past can be turned more fully to the service of mankind in the generation ahead.

And what an appealing idea to young people, with your idealism, to see that all of this tremendous capacity that America has—so much capacity to do so much for good—is turned to the works of peace rather than the works of war, because then, when the manacles of war at last are struck off the hands of the American giants, think of what our potentialities will be.

Together we can work toward conquering hunger, poverty, disease, ignorance here in America where it does exist, and also even abroad. We can achieve a new birth of vitality in our democracy, our economy, our arts and our culture. We can strike a new balance between quantity and quality in national growth, between dynamic cities and a healthy countryside in this wide land, with the heartland of this country revitalized contributing as it can and as it will, to the growth and balance of America.

FORM PARTNERSHIP WITH NATURE

We can rescue a threatened environment, a cause in which I know you are also deeply interested, and form a higher partnership with nature, and we can truly build a new America and a new world.

That is why I said at the outset that the most exciting time and place to be young and to be alive in all the record of mankind is right here in America, now, in the 70's.

From the very first, we have been a people who set high goals, we dreamed large dreams, we shared from the heart with our brother men. You all remember what Jefferson wrote when this was a weak country and a poor country. He said, "We act not just for ourselves alone, but for all mankind." It was presumptuous for him to say it then, because there wasn't much that that young, weak American could do about the problems of mankind; but because he said it, and because there was an idealism there, America did catch the imagination of the world.

But compare the situation now to then. If a Jefferson were to say today "We act for all mankind," he could be believed, and believed because what sets these times apart from any earlier period in our history is that we now have not only the will to work miracles, but we have the means to achieve them. The heavy responsibilities of world leadership, the restless perfectionism that nags at our national life, I know these seem burdensome at times. Some of us must feel at times, "Wouldn't it be well not to have all these responsibilities? Just live to ourselves as an island in the world and let the rest of the world go by."

It wouldn't be well. It wouldn't be good at all. We can feel tempted to complain about these things, but it is provincial and craven to do so. The power not merely of wishing good things, but of doing good in the whole history of mankind has been granted only sparingly to very few men and women and nations, and that power, in full measure, is what you have. It is destiny's great gift to the United States today—the power not only to wish good things, but the power, if we organize, if we work, if we set our goals high enough, to do good things in America and abroad.

HELP OTHER NATIONS BUILD PEACE

Generations before could yearn for peace. We can build peace, and we are. They could feel compassion for the oppressed, the destitute, the refugees of the earth. We can provide help for them surpassing all other nations, as we are.

For example, in the current tragic situation between India and Pakistan, the United States provides more help for the refugees there than all the other nations of the world put together.

We should be thankful that we have that kind of ability and can help in that way. We could not do it unless America were the strong, economic, productive people that we are. Others could speculate about political, economic and social systems that would set the human spirit free, but we can fashion such systems, and we are.

We can do these things, but now, so much depends, really, on you, you who are so young, so full of idealism, all those years ahead. How committed will you be?

DO NOT LET HEARTS GROW EARTHBOUND

Listen to Thoreau. He wrote, "Cast your whole vote, not a strip of paper merely, but your whole influence." You have the freedom, almost literally, to reach the stars—and with it comes the responsibility to stretch for them with all your might. Don't let your hearts grow earthbound, for the universe is out there waiting for you.

In the spring of 1968, when the first sweet taste of freedom came to Communist Czechoslovakia, a group of students marched to party headquarters at midnight and shouted for the reform leader, Alexander Dubcek, to confront them. They were impetuous and impatient—full of that young fire which our Youth Conference delegates called "the rage of love, love for . . . unimplemented principles . . . and . . . unfulfilled potential" Dubcek came down into the street to talk to the students, and one of them asked, "What are the guarantees that the old days will not be back?" He replied, "You, yourselves, are that guarantee; you, the young"

You know the rest of the story. The hopes of the Czechs for freedom met reversals, but the words of Dubcek are not less true for that. Here in America "the rage of love" has not burned out in young hearts. The flame is purer now, fed with new reason and realism.

Man's destiny of freedom is in your keeping; it is in your guarantee. And with a lifetime of adventure and promise before you, I have every confidence that that splendid destiny of America is in good keeping, and you will make good its guarantee.

MIDAIR COLLISIONS

Mr. MOSS. Mr. President, yesterday, the Aviation Subcommittee convened hearings to explore ways of minimizing the dangers of midair collisions and to receive testimony on my bill, S. 2264, requiring the installation of collison avoidance systems on all aircraft by 1975.

Numerous witnesses from the aviation industry, air carriers, airline pilots, flight engineers, and other knowledgeable observers testified as to the urgency that additional governmental steps be taken immediately to protect the lives of air travelers against the grave threat of midair collisions. Because of the serious nature of the air collision problem and the need of congressional action, I recommend my hearing statement to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR FRANK E. MOSS

Mr. Chairman, as a member of the Senate Aviation Subcommittee and author of Senate bill 2264, I appreciate the opportunity of appearing this morning to discuss the pressing problem of keeping airplanes apart in our increasingly crowded skies.

This subcommittee is to be commended for its outstanding and diligent efforts to promote air safety and especially for convening hearings to explore ways of minimizing the dangers of air collisions. Hopefully, the testimony to be delivered today and on December 10 will provide an accurate status report on aircraft collision avoidance system development as well as a detailed examination of the merits of my bill amending Section 601 of the Federal Aviation Act of 1958 to require the installation of collision avoidance systems and pilot warning instruments on all aircraft by 1975.

It is of the utmost urgency that government and the aviation industry undertake additional positive action to protect the lives of air travelers against the dangers of air collisions. Speaking at the March 26, 1971, Midwestern Aviation Conference, Federal Aviation Administrator, John Shaffer, noted the increasing congestion of our national air space by predicting that in the next 10 years there will be a "growth in the number of airline aircraft from 2,580 to 3,640" and an "expansion in the general aviation fleet from 134,000 to 232,000." The primary method adopted by the FAA of separating this increasing air traffic and avoiding in-flight collisions is the air traffic control system.

Air travelers and the aviation industry have long recognized the need for a collision avoidance system to supplement the capability of the nation's already over burdened air traffic control system in assuring aircraft separation. A primary reason for this recognition is the alarming fact that approximately 80 percent of all aircraft flying in this country is of the small general aviation category, flying under visual flight rules, outside the control of radar and air controllers on the ground.

In June 1958, President Eisenhower submitted a message to Congress recommending utmost priority be given to preventing midair collisions. He stated:

"Recent mid-air collisions of aircraft, occasioning the tragic loss of human life, have instituted the need for a system of air traffic management which will prevent them, within the limits of human ingenuity."

Nevertheless, between 1958 and 1970 there occurred 3 mid-air collisions between air carriers, 14 between air carriers and general aviation planes, 4 between air carriers and military airplanes and 35 between general aviation and military aircraft. The total fatalities in reported mid-air collisions through 1970 numbered 966. Moreover, in a National Transportation Safety Board study released in March 1971, it is projected that assuming air collisions and fatality rates will continue at past levels, we will witness 335 collisions resulting in 792 deaths in the decade from 1968 to 1978.

In 1971, there have been numerous mid-air collisions involving air carriers including collisions between a B–707 and a Cessna 150, a military F–4 and a DC–9, and a B–707 and Cessna 150, in the United States; a B–727

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and a DC–8 in Australia; and a B–727 and a military F–86 in Japan. The loss of life has been horrendous.

The tragic collision June 6 near Los Angeles between an Air West jetliner and a Marine F–4 Phantom Jet provides a sorrowful example of a mid-air collision that should outrage the consciences of all Americans. 49 lives were needlessly lost. Thirteen of these were residents of the State of Utah—among them some of our most promising young business and professional men. The sorrow and loss felt by their families and friends throughout the State cannot be calculated.

Just recently I received a letter from Mrs. Wallace Pyke of Salt Lake City, stating, "I want to express my appreciation to you for introducing the bill calling for special avoidance systems to safeguard against mid-air collisions. My husband, Wally, his two cousins, and six more of his good friends, were killed last June in the mid-air collision between Air West and the Phantom Jet. If measures such as you propose had been in effect, these fine men would be with their families today."

In conjunction with this tragic air collision, I am aghast at the National Transportation Safety Board recommendation issued November 9, 1971, urging the FAA to take the following action:

"Coordinate with the Department of Defense, and, in areas where a large intermix of civil and military traffic exists, develop a program to insure that appropriate graphical depictions of airspace utilization and typical flow patterns are prominently displayed at all airports and operational bases for the benefit of all airspace users."

There is no recommendation here requiring installation of a collision avoidance system that could have prevented the collision, rather the FAA is urged merely to set up a precautionary program of flow pattern displays.

The glaring absence of regulations requiring an effective collision avoidance system or pilot warning instrument for all aircraft represents a major deficiency in Federal efforts to improve air safety. How many lives must be lost before systems are mandatorily required to serve as back-up protection for air traffic control?

S. 2264 proposes to correct this deficiency by requiring the mandatory installation of a collision avoidance system on all aircraft over 12,500 pounds or a pilot warning instrument on all aircraft under this weight limitation by early 1975. National standards are to be established by 1973. A collision avoidance system under the bill is an all-weather system which can detect all aircraft which represent a potential collision threat to the CAS-equipped aircraft, automatically evaluate the degree of threat, and, if necessary, indicate to the pilot a safe evasion maneuver.

A pilot warning instrument under the bill is a device intended to be utilized to assist the pilot in visually detecting other aircraft that may offer a potential threat of collision. After visual sighting, the pilot utilizing PWI must evaluate the situation and initiate any necessary evasive action.

A major purpose of this hearing today is to determine their present availability and to inquire into the development status of these systems. Collision avoidance represents a deceptive and complicated technical field in which there are no easy solutions. Numerous companies have devoted considerable time and money since 1958 in an effort to advance and flight-test their air separation concepts. Many have failed.

At the present time, the front-runner CAS is based upon a time-frequency concept, jointly fostered by the Air Transport Association, Bendix, McDonnell Douglas, and the team of Sierra Research-Wilcox Electric. These firms have collectively invested some $10 million in 16 years of developing and successfully flight-testing anti-collision hardware. The system has been recently installed on a United Airlines 727 commuter aircraft which began regular flights between Los Angeles and San Francisco on November 23. In addition, the system has been ordered by Piedmont Airlines and exists in flight hardware form for general aviation.

Among the other CAS alternatives about which we shall learn more today are some based on variations of the interrogator response technology. The Secant system developed by RCA, for example, proposes to measure relative bearing to other aircraft by direction finding techniques to enable the system to employ a horizontal escape maneuver.

Some have objected to the requirements of S. 2264, on the basis of cost and the limited time required for implementation. A CAS or PWI must be sufficiently low in cost so as not to impose an unreasonable economic burden on air carriers and other aircraft owners and operators. I am most anxious that the cost element be examined closely today. The expense of a collision avoidance system, however, can be easily justified when compared to the human and dollar costs of a mid-air collision.

The March 3, 1971 *Washington Star* reports on a recent collision indicating that negotiations were taking place "for damage claims of some $70,000,000. Moreover, a December 16, 1960 collision involving two airliners produced payments of more than $29 million." Based on qualified estimates, a mid-air collision between two jumbo jets would cost the airlines between $180–$190 million, which is also the approximate cost of equipping the entire air carrier fleet with collision avoidance systems.

With regard to the time required by the bill for installation, I, too, realize the 1975 date may prove unrealistic. But there is great urgency in getting a collision avoidance system into the airlines and as soon thereafter as possible into general aviation aircraft. To delay in the hope of no collisions is unconscionable. We must begin implementation by proceeding promptly with the technology now available.

These hearings also are intended to examine what remains to be done in order to achieve prompt CAS/PWI installations and widespread use throughout the aviation field. They are not held, however, to render a judgment from among competing systems.

The underlying premise of my bill is that because the FAA has the regulatory function regarding air safety, it should undertake, therefore, to evaluate closely and set standards for a national system of collision avoidance by 1973. To minimize the danger of air collisions, it is essential that all common air space users be encompassed in one national cooperative system. This requires the establishment of national standards and requires the FAA to evaluate competing systems to determine if they qualify.

To date, the FAA has demonstrated a remarkable ability to avoid positive action in the face of continued strong demands from the public and aviation industry for accelerated efforts to solve the mid-air collision problem. In the past 13 years, despite the pressing nature of the problem, the FAA has funded CAS/PWI efforts only $4.4 million. Inhouse and contracted research and development has been remarkably small in comparison to the total FAA R and D effort.

In a statement presented to the House Government Activities Subcommittee, on August 6, 1971, with regard to the FAA's "moderate interest" in developing collision avoidance systems, the Aircraft Owners and Pilots Association, representing over 160,000 general aviation members, stated:

". . . we can only surmise that the FAA fears development of CAS/PWI in anticipation of the possibility that such a development might make some aspects of the ground based control system unnecessary. It is significant to note that the FAA, the ATA, and the manufacturers of time/frequency equipment all have asserted and emphasized that CAS/PWI must only be considered as a back-up or supplement to the existing and future ground-based control system sustained by the FAA for the separation of air traffic.

"The doubts and questions raised by the FAA regarding operational problems appear insubstantial and inconsequential to us. The greatest potential impact on the Air Traffic Control system is that CAS/PWI would make it safer for all."

I strongly urge, therefore, that the FAA immediately clarify its acceptance of a national CAS/PWI system and publish guidance documents for the manufacturer and user industries. If there are questions which remain unanswered before standards can be set and a collision avoidance system endorsed, I urge the FAA to bring out these questions in their testimony before this Subcommittee.

In the House hearings of August 3, with regard to aircraft collision avoidance systems, Kenneth Smith, Deputy Administrator of the FAA, stated as follows:

"By the end of calendar year 1971, we believe we will have the answer to enough questions to be able to recommend change to the CAS or to the air traffic control system—or to both—which will allow safe utilization of an airborne collision avoidance system in conjunction with ATC."

This is the end of the calendar year. Is it now possible for the FAA to make these recommendations.

In the same House hearings, the FAA also promised to proceed with the procurement of the first ground stations, a study of ground station location, and support for development of a low cost system. The ground station proposal request was to be issued within sixty days. What is the current status of these efforts? The FAA has the duty and responsibility to move forward now with resolve and determination to evaluate and set standards for collision avoidance.

Mr. Chairman, these hearings have great urgency. We have the ability to act and the means to enforce our laws. It is of utmost importance that we now move to require the aviation industry to take firmer steps to protect the lives of America's air passengers. The favorable consideration of S. 2264 will require all responsible parties to adopt collision avoidance systems to improve air safety.

DONALD "CHIEF" ALBERTS

Mr. RIBICOFF. Mr. President, for many years the men and women who live near or vacationed on Long Island Sound took its future for granted. They all knew there was a pollution problem, but accepted it as normal. Recent oil spills and other ecological disasters, however, have awakened these people to the fragile condition of the sound. They have called for action and the Federal Government is responding. The New England River Basins Commission is presently undertaking a comprehensive study of the sound and will present recommendations for action to Congress.

In the meantime the Coast Guard is charged with policing and monitoring the cleanup of spills and hazardous

chemicals into the sound. The man assigned by the Coast Guard to watch over this vast body of water is Master Chief Boatswain's Mate Donald Alberts, the Coast Guard oil pollution representative for Long Island Sound.

Today's Health magazine recently carried a story on Chief Alberts—outlining the challenge of his job and his response to it—which I believe Senators will find most interesting.

I ask unanimous consent that the article, written by Stephen Singer, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPREAD OIL ON THE SOUND'S TROUBLED WATERS . . . AND YOU'LL BE IN HOT WATER WITH THE "CHIEF"

(By Stephen Singer)

Chief, when do you sleep? When I leave here at night you're here. When I come back in the morning you're still here.—Bill Hopkins, local oil executive

Donald (call him "Chief") Alberts, of the U.S. Coast Guard, usually works out of a corner of a cramped police marina or out of the back of someone else's truck or his own station wagon. But on a breezy evening in August, he sat typing his report in an air-conditioned motel in Norwalk, Connecticut. The King case was eating into his considerable patience, but he at least had the compensation of an On Scene Command Post at the Golden Crest Motel. His friend, Sgt. Tom Brigante of the Norwalk, Conn., Marine Police, had lent him an electric coffee pot and a refrigerator. The refrigerator held the bottles of polluted water needed for evidence in the case, but there was still more than enough room for some bottles of cold beer.

Usually, Master Chief Boatswain's Mate Alberts, Oil Pollution Representative for Long Island Sound, has to work on these cases with no other help from the Coast Guard, but this time the National Strike Force Team had sent two men to work with him until the case was completed. Both were commissioned officers who would outrank him, but as On Scene Commander he had authority over them. Lt. Commander Richard Briggs, who with only a month to go before retiring after 25 years' service, had gone home for the weekend the day before. Warrant Officer Howard Wirt, 10 to 15 years younger and an extremely dedicated man, had stayed.

While Alberts typed, Howard Wirt manned the binoculars they usually trained on oil spills. The closest body of water was the motel pool. By force of habit, Wirt couldn't help taking immediate notice of anything that seemed out of the ordinary. "Hey, Chief," said Wirt, "C'mere and look at the one in the white." Alberts stopped typing. He went to the door and focused the binoculars. He saw a tanned, well-built young woman wriggle out of the water. She was a college girl the motel owner had hired as a summer lifeguard. Alberts looked briefly, smiled, and went back to his report. The case was turning out to be one of the most unpleasant and distasteful Alberts had ever been on.

It was Saturday evening, but as usual Alberts would not be able to make the 45-minute drive to his home in New Haven until much later. His wife and youngest daughter had been ill, and Alberts himself had not been feeling well. For the past few days, the side of his face had been throbbing with a dull pain and his head ached. His digestion was poor, and he was beginning to lose his voice. Much of his trouble could have been caused by the required long hours of his job—and the still longer voluntary hours his personality drove him to give to it. He knew of no other way to go at this work, but for all his labor on this case—and all his experience—he felt for once as if he were in unfamiliar waters.

In his nearly 19 years with the Coast Guard, Alberts had been through many crises. There was the time he had led a human chain across a frozen river to rescue a group of people who had fallen through the thin ice. And the time he had delivered a baby in the violently pitching front cabin of a small boat while waves broke five feet over the top of the craft. The mother had been pulled out of the water after eight hours and both she and the baby survived. Alberts was used to situations like those.

He was also used to making quick decisions about the many oil spills he had worked on. Although he sometimes encountered relays and evasions, they were the exceptions. Alberts got results. He came on the scene of a spill and saw to it that it was cleaned up. Immediately, The President and the Congress had given him a job and he did it, thoroughly.

But it went more slowly now. Late in July, he had been called into Norwalk. King Industries, Inc., which manufactures industrial chemicals, was suspected of polluting the Norwalk River with chemicals generally considered powerful enough (in sufficient concentrations) to dissolve rubber, corrode cement, burn skin and cause kidney, blood and brain damage. Three days ago he had been in court to try to get a temporary injunction against King, but the judge had granted the company a five week delay. Instead of cleaning up polluted waters, Alberts was contending with judges and courts and lawyers in a struggle that involved private industry, the state of Connecticut and the federal government. The other agencies with some interest in the case included the Connecticut State Water Resources Commission in Hartford, and the Boston regional office of the Environmental Protection Agency. And there was Alberts' own headquarters back in New York, which had sent him out to Norwalk ten days ago. He had been taking photographs and collecting samples of the water, but as the days had passed, he was frustrated as he realized that the area was just as filthy and dangerous today as it was when he arrived. Alberts had a pet phrase for situations in which there was much maneuvering but little progress. He was "spinning his wheels", and he didn't like it a bit.

After completing the report, Alberts left his post and drove home. At 10:15 P.M. the phone rang. There had been two small oil spills at Oyster Bay, L.I. Alberts left immediately and drove two hours to reach the scene. He arrived home again at 4:30 Sunday morning. Before noon he was back in Norwalk. . . .

In 1970 the Federal Quality Act expanded the power of the Coast Guard to police and monitor the cleanup of spills of oil and hazardous chemicals into the nation's waters. Chronically short of manpower, the Guard could spare only a single man to monitor the hundreds of miles of Long Island Sound and its tributaries.

Located between the south shore of Connecticut and the north shore of Long Island, the Sound, in much the same way as other civilized bodies of water, has become a vast repository of discarded rainhats, sweatsocks, piston rings, muscatel bottles and cement mausoleums. Each day thousands of ships and factories dump into it millions of gallons of synthetic and human garbage, goo and swill.

Each night before he goes to bed, Donald Alberts makes absolutely certain that the collar insignia indicating his rank are fastened securely to his shirt, which, along with his pants and shoes, he then places strategically near his bed:

". . . when the phone rings in the middle of the night he can put everything on with no wasted motion. Get out the door, into the car and . . . *whoosh*."

". . . I really raised hell with that guy—in a nice way, of course. I said, 'Look, there's too many discrepancies here. You better fix them up. . . . If a company tells me they lost 10,000 gallons, I figure they lost maybe 20-30,000. . . .

". . . People tell you they're gonna do something. Then as soon as you leave the scene, well, you know . . . What you need is more enforcement people. If you could circulate enough and people know you're checking up, people are gonna mind their Ps and Qs. . . .

". . . That oil was moving down the river at four and a half knots, and I said, 'It needs a boom (a curtain-like device put out in the water to hold slicks between it and the shoreline). Put out boom behind boom.' The guy from the state says, 'You're gonna bankrupt these people.' And I say, 'What the hell is going to happen when all that oil gets into the yacht clubs. He'll wish he spent that money.' . . .

". . . Some individuals complain of double, triple laws. The state has a law. The city has a law. The federal government has a law. Why the hell can't they get together? Jeez. Take Bill Hopkins. I'm tellin' him one thing. The state's tellin' him another. I say, 'Hell, we're the federal government.' And the state says, 'There's the damn federal government telling us how to run our state.' But as long as that spill is on navigable waters of the United States, we have the final say. . . . What can the state do with a foreign vessel? You know a foreign captain can throw his tail overboard? . . . There was that Greek ship in New Haven . . . The captain says to me he's pulling out at 7 A.M. That's what he thought. I said, 'If there's the slightest chance that this ship will endanger anything on U.S. waters, you can't go anywhere.' And he didn't—until we found the source . . ."

That's the Chief, discussing his business and his consuming passion with a group of environmental consultants, anti-pollution contractors (the people hired to clean up), a Norwalk city official and some Coast Guardsmen in his motel room last summer.

The Chief is short and chunky. Walks with a determined little waddle. Likes cigars. Beer, too. But he does not explode upon the scene growling and snarling.

The Chief smiles a lot and rarely raises his voice. He likes the mellow sounds of Glenn Miller and Lawrence Welk. When he listens to his friends tell stories, he nods enthusiastically with each succeeding phrase as if to ask, 'Yeah? . . . *Yeah?* . . . And *then* what happened?" At those times he seems almost childlike.

But make no mistake. This is a man who has been around, who has a quiet command about him.

He is 39 and a grandfather. His hair is flecked with grey and has been since he was 21. And most people call him Chief because it comes naturally.

In the past year and a half, Alberts has been the On Scene Commander for the cleanup of more than 80 spills. (Before that he had been on many more. Since the Refuse Act of 1899, the Coast Guard has assumed a large share of the responsibility for action on pollution emergencies.) Only once during this time were there five days without a spill. "It's all fine and dandy for the President to pass a law," he says, "but there just aren't enough bids for the job."

Most spills occur on weekends or in the middle of the night, when the men are too tired, bored, distracted or hung over to do the job properly. If their employers are cutting back on labor costs they aren't there at all. Alberts, on the other hand, is always there. While on a spill on Long Island a few years ago, he stayed awake for 52 consecutive hours:

"You could talk to me. I could hear you. I'd know what to do and I could do it. But five minutes later somebody'd ask me what I did or what order I gave and I couldn't remember."

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His life is a series of interrupted naps; of bologna sandwiches and cold coffee at odd hours; of constantly typing reports which, it seems, were always due three weeks ago. It is a life of grinding, monotonous drives down the Connecticut Turnpike and the Dewey Thruway, across the Throgs Neck Bridge, out the Clearview and Long Island Expressways and up the Northern State.

Alberts' commander wishes he had a dozen more like him, and thinks Alberts' wife should get a medal. Alberts smiles and shakes his head from side to side.

The job does have its moments. There is always the chance that a slick will catch fire. Or explode.

One muggy afternoon in May 1970, 3,000 gallons of gasoline leaked into the Norwalk River. Alberts, who was on his way back from a spill in Bridgeport, Conn., got the call on his car radio as he was passing through Stamford. He turned back and raced to Norwalk. Immediately after arriving, he told the local marine police and fire departments to seal off the harbor area.

Normally he would have called for the gas to be sprayed with a chemical foam, but that wouldn't work here. Too dangerous. The source of the spill had not yet been discovered, and no matter how much foam was applied, fresh gasoline would still be spilling into the river. One spark and most of downtown Norwalk would be obliterated.

It was also up to him to get the tanker, which had been pumping gas into an underground tank, out of the area. If the ship moved out under its own power, the exhaust alone would blow up everything in sight.

He decided to station a tug down river, well away from any danger, and to string a nylon line from it to the tanker—which could then be towed away. But nylon dissolves in gasoline. Alberts ordered it strung anyway, no less than one foot above the water. The line was secured and the tanker crawled safely out of the harbor.

Meanwhile, Alberts had contained the gasoline by means of a boom. With the area cleared, the gasoline could evaporate harmlessly into the air.

But another complication arose which could have made all the care and ingenuity seem like a hideous joke. Not far from the harbor was an overhead trestle. At about 6:30 P.M., a train from New York, packed with commuters, rattled overhead, throwing sparks into an atmosphere filled with rising gasoline fumes. No one had informed the railroad of the spill. All Alberts could do was watch and "wait for the danged thing to blow us all sky-high."

It didn't. The fact that the day had been so humid saved everyone. The heavy atmosphere had kept the fumes from rising high enough to make contact with any of the sparks.

Many of the less romantic moments in Alberts' career have occurred, for some unfathomable reason, in the city of Bridgeport. There was the brief trip through part of its sewer system, for instance. "Sixteen blocks," Alberts recalls. "Sixteen blocks in a row. You'd had to get right down into the pipes and take the sample. Then you had to go on to the next block and do the same thing. We finally traced the source of the spill to the basement of an Episcopal Church. Sometimes you have to stand on your damn head to take samples."

Then there was the great Bridgeport Airport imbroglio and landfill operation. In the summer of 1970, the airport management began a landfill to expand the airport into a body of water called Lewis Gut. Nearby residents complained, primarily because the material being used to fill in the land was human excrement. Alberts was called in when it was discovered that the landfill was polluting the water. There was also reason to believe that part of the pollution problem resulted from dumping landfill directly into the Gut.

Alberts went to see the airport manager, Nick Manero. This is Alberts' recollection of what happened: (When Mr. Manero was asked to comment, he was friendly but vague):

First Day:

MANERO: Aw, come on, Chief. Close your eyes for four or six months. You'll like it.

ALBERTS: Now you know I can't do that. This is a serious situation.

Second Day:

ALBERTS: Well, Nick?

MANERO: Aw, come on Chief.

Third Day:

ALBERTS: I think this is deplorable. If you continue, I'm going to get a federal injunction to stop you.

MANERO: Aw, Chief. You don't have to do that. You wouldn't do anything like that. Would you?

ALBERTS: Yes, I would, Nick.

Meanwhile, the story was breaking in the newspapers, with the predictable public response: outrage. Politicians who had previously pleaded total innocence were calling Alberts on the phone.

POLITICIAN: Chief, it's not that bad. Is it?

ALBERTS: Well, come on out here and I'll let you see it—and smell it.

One by one they came to the airport, and each time Alberts waded through the landfill, explaining the subtleties of the situation. The summer days were hot and humid and Alberts' station wagon wasn't airconditioned. "It was awful to drive anywhere," he recalls. "The stuff clung to my shoes, and the odor would rise up right under my face."

Alberts recommended construction of a sandfill dike to contain the waste. Eventually, amid grumbling over who had the right to do what with which landfill, work was begun.

But Alberts suspected that the city would still try to cheat and dump some of the excess into the Gut. So one night, after working the entire day at the dike, he parked his station wagon across the narrow compact road leading to the landfill. At about three A.M., a city truck drove up, loaded with landfill. Alberts quitely informed the driver that grave difficulties would arise should a similar attempt be made in the future. The driver, alarmed, agreed to notify his superiors.

To ensure that the city would keep its word, Alberts spent a few more of his summer evenings at the airport. The truck did not reappear and, finally, the Great Landfill Imbroglio came to an end. The water was cleaned up, but Alberts and the city's residents are still unhappy over the dubious nature of the foundation of their newly expanded airport.

"That was some political hassleabassle," says Alberts. "But we really rocked a few heads in there." The Coast Guard gave him a medal.

When he arrives on the scene of a spill, Alberts' primary concern is getting the polluter to cooperate with him. He courteously informs the suspect that under the provisions of the 1970 Water Quality Act he must contain the pollution, clean it up and find and eliminate its source. If the suspect does not do so, he will be liable for all expenses incurred by the Coast Guard in doing the job for him. Should the polluter resist, Alberts reminds him of his constitutional rights to silence and legal counsel, then tells him that he could be fined by the Coast Guard and prosecuted in the federal courts on civil or criminal charges, or both.

The presentation is low-key, but it is firm. A few businessmen have been deeply wounded by the implication that in performing their traditional functions in the free enterprise system, they might be considered in the same category as Maoists or second-story men. But most of Alberts' confrontations have been entirely good-natured. Businessmen, out of fear of heavy fines, out of sound public relations or out of sincere regret, are usually only too willing to do everything they can to clean up.

"When you see a man making a sincere effort," says Alberts, "you try to help in every way you can."

Helping is what he does best, and that is why for Donald Alberts, it is always three o'clock in the morning. If boats or equipment are needed, Alberts knows where to get them. If necessary, he makes Coast Guard equipment available, or arranges loans from companies that have the needed equipment to companies that do not. He is so well-known in the Sound that businessmen will loan out their equipment to strangers on nothing more than Alberts' word.

Alberts knows just how deep to dig a trench to contain oil seeping out of the ground and at just what angle to the shoreline to put out a boom to minimize the effects of changing tides and wind currents. He knows which absorbents should be used with a certain chemical and which should not.

One thing Alberts recommends is that, if a boom is needed, a work force be constantly on duty to maintain it properly. If the boom placements are not shifted to conform with the tides and wind, oil will slip around the edges of the boom and get out farther into the water. But work forces and booms are expensive, and people do not like to spend money: BUSINESSMAN: Chief, we got ninety percent of it. You have to lose some. ALBERTS: There is no reason you have to lose *any* of it, if you work hard enough. *The law says no visible oil.*

If contractors or businessmen have people working at night, Alberts works at night.

". . . I came back to the motel from monitoring the cleanup on this one spill about two in the morning. But I couldn't get to sleep because there was these two couples next door trying to make it. Since I wasn't getting any sleep, I figured I'd go back down to the site and check up again. Well, three of the men were sleeping in the back of a truck, and the fourth guy was shacked up with a girl in a car. I didn't do anything, but I made sure they all saw me. The next morning I went to the contractor, and those guys were really burnin' and turnin' on the job after that. . . . I think it's my responsibility to try to save the businessman or the contractor as much money as I possibly can. Cleaning up is expensive enough as it is. Besides, if you don't do the job properly, you lose oil and *still* pollute. . . ."

Alberts does more. He travels the Sound area helping companies to organize cooperatives that can buy anti-pollution equipment in common. He consults with local officials on new anti-pollution guidelines and legislation. On his day off, he travels hours to testify before local boards of estimate, encouraging them to appropriate as much money as possible to prevent and clean up pollution not only in the water but in the air. He will give speeches about pollution prevention to any group that asks him.

Alberts has always worked hard. With less than two years to go till his retirement, he could slacken his pace, but early habits are hard to break.

Years ago he had no choice. His mother died when he was three and not long afterward his father was hurt in an accident and found it impossible to support three small children. Donald and his brother were sent to live at a Catholic orphanage. At the age of seven, Donald was put to work on a nearby garlic farm. The boys left early in the morning and returned to the orphanage late at night. There was no lunch break at the farm and sandwiches were brought out to the fields for the children. As he got older, Alberts found this food ration was not enough to hold him till dinner, and he learned how to steal an extra piece of garlic or an ear of hard

corn when no one was looking. His brother was more fortunate; he ran away to the farm across the road and got adopted.

When Alberts was old enough for high school, he went to live with the family of a friend. But they were very poor, and Alberts had to work nights as a janitor in the roundhouse at the railroad yard. After high school, Alberts wanted to join the Navy, but was told that there would be a three-month wait. "I needed three meals and a place to sleep," he says. He joined the Coast Guard.

He left after his enlistment was up, and for four years tried an assortment of jobs that ranged from private investigator to vacuum cleaner salesman, all while going to school at night. He had married and his wife worked in factories. Nothing captured his interest, however, so he reenlisted in the Guard and has been there ever since.

Alberts has never stopped struggling for an education. He says he has taken almost every course that the Coast Guard has to offer. In his small den at home are a 10-volume set of the Book of Popular Science, Collier's Encyclopedia, a Medical Encyclopedia, and the 19-volume Self-Teaching Library, whose subjects range from the Religions of the World to Typing. There is also a complete law library from La Salle Extension University, whose correspondence courses Alberts took for 12 years in his spare time. He wears the redstoned school ring on his finger. He is not in great sympathy with welfare recipients who do not work.

There are two pictures in that den. One is of Alberts with the Lennon Sisters in 1962. "Getting my picture taken with them was the greatest thrill of my life," he says. The other picture is of a 65-foot sailboat on which he trained young recruits from 1957–1960, his most pleasant tour of duty with the Guard. In spite of the nautical motif of his home, that picture is the only memento of his career that Alberts chooses to display. His work has been extremely hard on his family.

His wife, Shirley, whom he married nearly 20 years ago when she was only 16, and his three children, Beverly, 14; Keith, 11; and Dawn, 10, (there is a married son, Donald, 19, living in Ohio) rarely catch up with him. Alberts seldom talks about the Guard at home because it would lead to arguments, although Shirley seldom complains. "I accept his work for what it is, and let it go at that," she says. "But once I told him that he could drop dead over a spill and no one would care. He works so hard and all those people get is a slap on the wrist. He's only one man and the waters are so filthy."

Over the past 20 years Shirley has had to move the family between the Midwest and the East seven times. Her husband isn't home at night very much, so she does a lot of the cleaning and ironing then. She says she doesn't sleep very well at night, anyway. Since the Alberts only moved to New Haven this past spring, Shirley doesn't know too many people there, and she frequently makes the two-hour drive to Long Island where her mother and sister live.

With his 20th wedding anniversary coming up, Alberts has promised his wife a trip to Hawaii over the Christmas holidays, and this is one vacation he swears they will take. He has even made advance installment payments on the plane tickets. When they go, the Alberts will stay with friends on the Islands because a hotel would be much too expensive.

Excluding a living allowance of $120 a month, Alberts makes about $8,500 a year. Many of the anti-pollution contractors and businessmen who have worked with him on spills have offered him jobs at twice and three times his current salary, but Alberts is looking forward to retirement in 20 months with a 20-year, 65 percent pension. The security of that pension is priceless to him. "I'll still have to get a job after I retire," he says. "But if I don't like the work," he smiles, "I can always tell my boss to go jam it."

It is unlikely that either of the Alberts' two sons will choose the Coast Guard way of life. Keith wants to be a doctor. When Alberts asked Donald, Jr., 19, whether he would like to join the Guard the boy replied: "Dad, I've been in the Coast Guard for 16 years. That's long enough." They didn't discuss it any more that evening because Alberts could only be home for a short time. He spent an hour of that time trying to make his new granddaughter smile, and then fell asleep on the couch. He had worked all day and the early evening on the King case.

UTAH SKIING

Mr. MOSS. Mr. President, I invite the attention of Senators to two articles recently appearing in Ski magazine. They tell of the two skiing areas in the mountains of Utah, home of "The Greatest Snow on Earth." One story is about Alta, perhaps one of the oldest and most famous of the ski resorts in Utah. The other is about Snowbird, an area that will open this year. Its location is spectacular, and the whole development has been planned to preserve the beauty and environmental quality of the surrounding area.

Both are truly fine resorts. I have been to both, and I commend them to those who are looking for an enjoyable and exciting way to spend their skiing holidays.

I ask unanimous consent that the text of the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SKI AMERICA ISSUE: WORLD'S BEST SNOW

Alta has America's best skiing and its skimpiest resort. Up top there are perpendicular stacks of powder. But don't let the posters scare you off; there are now also genteel, machine-packed vastnesses. Scattered across the bottom are five lodges, one quasinitery and shops that sell only ski stuff or booze.

Two miles from Alta down Little Cottonwood Canyon the 20th century is due to arrive when (hopefully) the long-heralded Snowbird development opens in November. It has Alta-type skiing, tamer yet vaster, and will eventually have a Snowmass-type village. The starter set consists of a 120-passenger tram, three chairs and 160 condominium units, all glossily master-planned. Everybody cheer. Now Alta can preserve its purity while partaking of the sinful modernity down the road. Even if Snowbird's lifts are incomplete this season, its magnificent tree-specked bowls are immediately available via Hoskings Helicopters, about $12 a run. No Alta-Snowbird ticket is expected this season, except for package buyers at certain Salt Lake motels, nor will there be an exchange with the other worthy spots within an hour's drive: Brighton, Park City, Solitude or Sundance.

Snowbird may be the new baby, but Alta is the champ. It is only 45 minutes from Salt Lake's jetport, putting it within easy reach of Easterners, Midwesterners, Californians and, on weekends, a superfluity of locals. For lodge dwellers a car is unnecessary; they can ski to the lifts and there is no place else to go. Earnest affluent families dominate the whole season (there is always a private school on vacation somewhere). They spend happy evenings watching ski movies or trail-dropping around the fireplace in the lodges' nonbars. Utah bars serve only near beer, wine and setups, although each lodge has its own packaged-goods store. Everyone takes meals at his own lodge, sharing tables with other skiers. Not all the old-time-iness is endearing; the lifts and runs could stand updating and measures could be taken against the slides that shut the access road 40 days last year.

Alta has some outdoor swimming but no skating or on-the-spot snowmobiling.

Parents find the freedom from auto traffic an advantage, but for younger children, it is offset by the vastness and complexity of even the novice sectors. There is neither a special kids' ski school nor nursery, although Alta Peruvian Lodge plans to continue the nursery for its own guests. Babysitters are generally obtainable, for about $1 an hour.

HOW TO GET THE BEST DEALS

Alta's ski weeks cover all lifts, some lessons, rooms and usually breakfast and dinner. They are available in three-, five- and seven-day sizes. Unless you utilize the lessons, the monetary benefits are minimal, although there is a tour-basing fare that could enable package buyers who fly to Salt Lake to save money on their plane tickets. You can arrange a ski week through a travel agent, an airline, an individual lodge or the Utah Ski Reservation Center, Box A.M.F. 32, Salt Lake City, Utah 84101; telephone (801) 355–5544. The center also handles straight lodging reservations.

Alta's day ticket costs $6.50. Snowbird's will probably be similar. If you don't want lessons at Alta, you might do just as well by skipping the ski week and buying multi-day tickets, $17 for three days.

Snowbird plans to have three-, five- and seven-day packages at $66, $109 and $143, respectively, including lifts and lodging. Lessons and meals are extra. Single lessons are $9 and run all day. Special powder lessons are available at Snowbird as well as Alta. Three-day, all-day lessons are $24, $36 for five days and $40 for seven days.

The Lodge at Snowbird will initially furnish a large part of the accommodations. Studio rooms, bedrooms and living room-bedroom suites are available. Holiday season rates run $40, $36 and $64, respectively, per day for double occupancy. Nonholiday rates are about 20 per cent less. American Express and bank cards will be accepted. Alta Lifts and some of the lodges refuse to honor credit cards but do take personal checks.

Two or more people coming up from Salt Lake should take a regular taxi, not the limousine.

THE HOUSING

Local quirks: The big turn-over is Sunday . . . Lodges add 10–15 per cent service charges . . . Alta itself has no motels and virtually no short-term apartments . . . The sales tax is 4½ per cent on rooms, meals and purchases . . . Rates remain constant November to May, except that ski weeks are not offered during Christmas.

THE LODGES

A classic that has been diligently modernized, Alta Lodge is one of skidom's best, $14–$28 MAP. Read about it on page 25.

A close runner-up is Rustler Lodge, which has fancied up its dining room, regained its gourmet status and is expanding its stock of luxurious rooms having two queen-sized beds. The top daily MAP price here, based on double occupancy, will be around $26, and the bottom, for a four-bed dorm, around $14. The seven-day ski week runs $150–$240.

Alta Peruvian Lodge lures the more economy-minded but livelier folks, including groups. Its prettiest, most comfortable rooms cost around $20 MAP. Save $5 by settling for a plain-faced room. The seven-day deal runs $140–$220. The new owners are sprucing up the lounges and entryway but promise to maintain the in-house nursery (open 9 a.m. to 5 p.m.) and the outdoor heated pools.

The Gold Miner's Daughter started life as a ski shop with a cafeteria and bare-bones bathless rooms, all of which it still has (starting for about $15 MAP, or $150 for seven days), but now it also has a bar, recreation room and dining room, plus 33 luxuriously rustic rooms with baths (expect to pay around $24 by the day, $200 for the seven-day ski week).

Down at Snowbird, the Lodge will be pure condominium but it will be possible to rent merely a room and bath; the EP rate is about $14 for each of two.

DORMS

Snowpine Lodge has 56 bunk beds, ideal for student groups at an MAP price under $12. Expect to pay about $120 for a seven-day deal. Only near beer is sold at the bar but sometimes there is live music. Other assets: comfortable sitting space, closeness to easy slopes. Remember that the other lodges also have dorms.

APARTMENTS

Earlybirds for Snowbird must keep an eye on construction progress but the prospects are great—well thought-out, handsomely equipped modules, which might contain a studio or just a bedroom or perhaps a suite. Take your pick. Prices start at $30 per night per module for two people. Assorted restaurants, a residents' club and an outdoor pool are also expected for Year 1.

Hellgate is a small batch of spacious condominiums, poised strategically between Snowbird and Alta. Just a bedroom costs $25 for two, a studio with bath and kitchen costs $35 for two and a two-bedroom spread sleeping six costs $85, all EP.

MOTELS

Salt Lake City is short on ski atmosphere, but several top-rung motels (Ramada Inn, Little America, Holiday Inn, etc.) offer three-day and seven-day packages. The seven-day has an EP price tag of $95–$115 for double occupancy without lessons, but with free skiing at Alta or four other areas. Nightly EP rates run $7–$12 apiece.

HOW TO GET THERE

Easy. Fly to Salt Lake via American, Frontier, Hughes Air West, Texas International, United or Western, or take either Greyhound or Trailways. Rail service might be available, too. To drive from Salt Lake to Alta, take Utah 210 into Little Cottonwood Canyon. Otherwise, take a taxi, limousine, helicopter or, from downtown, the bus.—A.R.

SKIING—JUST LIKE IN THE MOVIES

In ski flick after ski flick, Alta emerges as an area where the vacationer will discover all the joys of deep-snow skiing or die trying. On film, powder sprays up under the goggles of ski school director Alf Engen as he floats down a mountain where there is not a packed trail in sight. Does the camera lie? Not really.

Situated at the end of straight, glacier-cut Little Cottonwood Canyon, Alta receives the full force of winter snowstorms; the average snowfall is over 500 inches per year. Since Alta has bred so many deep-powder enthusiasts in recent years, even plentiful snowfalls become skied out much faster than they did years ago. Novice and intermediate runs, of which there are many, too, are now machine packed for less than expert skiers.

Spread across two basins, Alta terrain is served by three chairlifts in Albion Basin and three in Collins Basin. The Albion lift and new Sunnyside lift, which opened in 1970, carry skiers to acres of wide open novice and intermediate slopes, about one mile from top to bottom. Better skiers enjoy twisting runs through glades under these lifts, especially when spring corn conditions exist. From the higher Sugarloaf lift in Albion, Corkscrew, Mombo and Devils Elbow are the most popular.

Crossing over to Collins Basin, there's an exciting way down the mountain, whether you choose a mapped trail like High Rustler or a run down through the trees under the Germania lift. The traverse track from the top of Germania lift south to High Rustler is excitement enough. It is narrow with steep slopes dropping off to right and left, and should you list a little to port or starboard, you might end up skiing any one of five or six trails leading down into Collins or zooming into Greeley Bowl on the Albion side. The traverse track finally ends at High Rustler, a 3,300-foot-long slope with a steep, but smooth, grade of 23.3 degrees.

Besides skiing at Alta, there's spectating. On days when the Baldy Chutes are open, look upward and eastward from Germania to see skiers climbing out onto the chutes, which are much steeper and narrower than even High Rustler. Superb skills and a special clearance from Alta snow rangers or ski patrol are needed to ski them.

In addition to lift-served skiing at Alta, there's plenty of skiable terrain at new neighbor Snowbird. Ski vacationers also can elect to climb or fly by helicopter to Cardiff, an especially popular early-morning run in spring for corn-snow enthusiasts. More skiable terrain exists throughout the Little Cottonwood Canyon and is accessible by helicopter.

Junior Bounous is to be Snowbird's ski school director.

Powder ski lessons are available at Alta. Lift tickets there go up $1 this winter to $6.50.—B.W.

YOU'VE GOT SNOW, YOU'VE GOT A SNOWBIRD

(By Morten Lund)

Until just this winter the sovereign state of Utah had specialized in discouraging skiers with a somewhat widespread reputation for militant temperance—lately watered down to a bottles-only law—and its lack of investment in top-grade lifts that have to go with first class resorts (if you want to get the skiers to come in from afar).

This double-edged attempt has not *quite* succeeded. The particularly enduring and endearing quality of the powder snow that falls in Utah's Wasatch, and the awesome nature of the Wasatch range itself, has made Utah world-famous in spite of itself.

Starting with the snow: the Wasatch is bountifully blessed (450 inches a winter) with a kind that, could it be duplicated by machine, would make the inventor a national ski hero. Wasatch snow is not light, but it is fine-grained. It is dense. It falls and falls in small dry grains that last and last without fusing together, and floats the skier to the top with an ease that less densely grained snow cannot. To say "Utah powder" is to think of floating.

Then, consider the Wasatch peaks.

The Rockies, 150 miles to the east, are generally rounded and pleasant, especially below 11,000 feet. But the Wasatch rise sharply towards 11,000-foot crests. In fact, the problem is to find terrain that is *not* steep, rather than the vice versa problem afflicting the rest of the country.

The Wasatch is the only American range that matches the sheerness and pitch of the most expert European skiing. These are mountains that rise from sea level outside Salt Lake City—right at the city limit, in fact—and go up, up, up, so fast that such canyons as have been allowed to exist—for purposes of dividing one peak from the next—are small, narrow and often all but vertical. The Wasatch has the kind of precipitous, narrow, winding valleys that give European road engineers and American drivers on European mountain roads cold trickly armpits.

The most famous of the Utah canyons, as far as skiers are concerned, is Little Cottonwood. It winds up out of the flat vistas of the Great Salt Lake like a crack in the face of a Greenland glacier. Little Cottonwood finally widens notably and comes to a head at an oversized Ranger station named Alta. Here, after 25 years of struggle, six medium-size family style lodges have taken precarious hold among the avalanche paths; they serve 300 or 400 happy, elite clients on a big week.

But now—aha—just below Alta, a mile or so, a whole new game plan has gone into effect.

The name of the game is Snowbird.

With that, we are talking about big changes in Little Cottonwod.

Snowbird is big. And it is a marvel of modernity. By contrast with the modest establishments in Alta—charming as they are—what is going and will go in at Snowbird are ice palaces, grand hotels and super-sinful continental bistros and pleasure dens.

We're talking about a soaring 3,000-vertical aerial tram, as against some of the country's oldest surviving chair systems at Alta, with vertical drops of only 1,760. We are talking about doubling the valley's lift capacity for openers, and an eventual 5,000 to 8,000 Snowbird skiers on a weekend day, as against the 1,000 skiers normal for Alta. We are talking about the kind of potential and financing at Snowbird that can and may well make the best European terrain "circuses"—such as that at Kitzbühel—look pallid and underfed by comparison. The Wasatch intrinsically is as good and in some ways better than anything in the Alps.

Utah, it is not too soon to say, is giving birth to a ski resort that ought to send a shivering chill down the spines of owners of every big resort in the world. The timing, the terrain and the people behind Snowbird are uniquely dynamic.

The time:

The Snowbird complex got planned just as the big ecology fervor hit the fan. The place has been planned and replanned and planned again with an eye to preserving what is, enhancing natural wonders and, most emphatically, keeping the intrusion of the village down to a beautiful compactness not yet dreamed of in the States. Another way of saying this is to say that Snowbird was built *after* the dazzling "second-generation" French resorts had matured to serve as models.

The terrain:

Snowbird is where Alta should have been. Alta's present location is a matter of convenient utilization of maximum Forest Service land. It has been a Forest Service creature, in effect, since inception. There is pitifully little private land on the canyon bottom up at Alta.

Alta terrain consists, first of all, of a spectacular wall coming right down at you: the soul-shattering High Rustler. Slightly to the west is another wall, not quite as hair-raising: Wildcat. It makes nice postcards but between and up behind those walls, which by themselves do not a complete resort terrain make, are a series of relatively short walls and confused terrain.

There is not much sustained running at good pitch, except for High Rustler and Wildcat. To get to the top of High Rustler is a feat of traversing beyond the desire of anyone but the very strong skier. Wildcat is not straight-forward descent either. You can end up a good hike down the valley unless you know exactly where to go.

Alta's quirks and cantankerousness make the resort a place beloved by the in-group that knows just how to get from here to there without getting trapped in a gulch. Forced intermediates love the new chairs on the Albion side but it is a relatively narrow valley, three-quarters-of-a-mile wide and intermediates are confined to its middle lanes.

Snowbird's terrain—Peruvian Gulch and Gad Valley—is much bigger and more in one piece.

Normally you come off Snowbird's high ridge line (Alta never gets up to its high

back ridges), and down one side or the other of the great scalloped bowl, Gad Valley that leads all the way into the village. Gad is all wide open, easy to follow, and fantastic. Without cavil, Gad Valley matches anything in the world, foot for foot. The expert way down is everything a good skier can handle for at least a good half- to three-quarters-of-a-mile. Below that is an open rolling terrain of small playful gullies and little hills to swoop over. Its a glorious ingenious terrain that shoots you right onto the "Skier's Bridge" and into the village.

While Alta's accommodations appeal to the rugged, athletic ski esthete who couldn't care less about social amenities, generally speaking, Snowbird, by comparison is for the pleasure-loving. True enough, it will have its appeal to the skier of steel-and-sweat. The terrain is as tough as Alta's with the exception of High Rustler. But overall, Snowbird is bigger, easier and broader. It has co-opted the beautiful bowls—Gad and Peruvian—that used to be the high points, the once-in-a-while heavenly runs for the Alta powder-philes who had cars waiting for them below. Now you can run them twice a day as part of Snowbird. Intermediates have a whole one-and-a-half-mile-wide bowl to play with. And the beginners terrain, Big Emma, in the middle of Gad, is one of the best beginner slopes in the world.

The people:

Ted Johnson and Dick Bass are the men who responded to the challenge posed by Utah's reticences and her undeniable advantages.

Ted Johnson is the key figure, the mainspring: A compact, droll, tough, young-looking—albeit silver-haired—45-year-old. Johnson would, when he smiles, be easy to mistake for one of those contented lifetime ski addicts that he almost was. When he stops smiling, he takes on a powerful "together" look. You want him on your side of the table when trouble blows up.

Ted has vibrated between two poles all his life. When he is at one pole, he makes Jean Paul Getty (self-made richest oil man in the country) look like a loiterer. When he is at the other pole, he gives off the good vibes of a man at his ease, a man with all the time in the world to plot the next day's unbelievable run through untouched powder in back of Snowbird on American Fork Canyon (Snowbird will have runs there someday) where you can go for five miles before lunch and five miles after.

Ted started off fast as a young hedonist right after he fled from college in California and took a year off to ski Sun Valley and to learn to surf. "I was in California and Honolulu in the winter and out in the Rockies in the summer and the minute I stopped doing that," said Johnson, "I got very grey. I should have stayed with the schedule I had."

Instead, Johnson left skiing for a while and, bouncing into his frenetic phase, became one of the first to operate a cotton-picking machine. Ted said, "All you had to do was get yourself $12,000 and learn to drive the machine.

After he had made enough, and that was quite a bit (Ted has always been a quick student), he came to rest after a while at Alta where he became one of the country's most spectacular powder skiers. Pretty soon, he was making ski movies there and making lots of money again.

Then Johnson ran off to Europe for a rest and came back to teach at Aspen. Then, off to ski New Zealand and Australia, then to the fairly mundane job of managing the Rustler & Alta lodges—something he could do with one hand.

After this comparative lull, he escalated into the manic phase again. He quit Alta lodge to try to get hold of the necessary land for a resort he had in mind just west of Alta, then un-named.

First Johnson bought some unrelated land in Little Cottonwood, sold it, and used that to finance the next phase: locating deeds, writing letters to absentee owners, getting quit-claims, buying up mineral rights by the acre and half-acre.

The reason that the enticing piece of canyon below Alta had not been snatched off to make a ski resort previously was that the ownership was a criss-cross of claims, of staked-out land holdings, and of owners departed for unknown reasons to unknown destinations. It was a legal snakepit.

Johnson untangled the snakes bit by bit through the U.S. mail. The letters he wrote were laconic masterpieces. Old prospectors and nearest of kin were asked if they would like to pick up a little spare change by selling their remote claim to some rock-slid pasture-land up in the nether reaches of Little Cottonwood.

Said Johnson, "It was nerve-wracking. I thought, by God, I would be able to grab off all the land in a year and off we'd go. Four years later, we finally had it. It was four years of solid struggle."

Now let us introduce Snowbird's financier.

One of the fastest ways to make your money sit still at little or no interest is to invest in a ski resort, and who should know better than Dick Bass, an oil man and rancher who got his toe in the snow by investing in Aspen, first, and then a whole arm and a leg in Vail, a few years back. But now he has really gone off the deep end and socked $11 million into Snowbird out of sheer faith in Ted Johnson, the ex-lodge manager and cotton picker.

Bass is a good looking 42-year-old, tall-in-the-saddle sort of man, with natural charm; he wants the world to be a really great place. He'll invest some strong effort into creating the great atmosphere he craves whether at a Japanese restaurant in Salt Lake, the Hobachi, where he's a grand patron, or just coming up with the very model of a modern ski resort.

"I'm an emotional skier," Bass said. "I feel intensely out there on the slope. I need to get up on the mountain and get my fix, you know. I need to go up and breathe purified air and get hopped up.

"But I wouldn't have signed the deal without Johnson. In fact, I wouldn't have signed the deal at all if I didn't think he was the kind of guy who could make it go. I am betting a lot on that boy."

The village:

"We planned a completely carefree village at all times," said Johnson. "We have one little two-lane country-club-like road that drives toward the village, but the minute you get there you go under cover." On the lower level under the plaza are parking and unloading. The second level, still underground, is a shopping arcade that goes the full length of the village. The top level has the ground floor of the condominium-lodge and the shops that open on the plaza. The plaza is a mere 150 feet by 150 feet, roughly. Snowbird Village takes up relatively little space.

"What the plaza does is connect all the hotels and businesses and everything in the entire village," says Johnson. "At night, without dressing for the outdoors, you can go—at the height of a blizzard—anywhere in the village. You can see any of your friends at any lodge or restaurant without ever getting out of doors."

What Snowbird is doing is following the French pattern. Now that we are starting to get ski towns that have the urban problems the cities have, and for the same reason, lack of planning, Snowbird is an important event. It is planning *all* the structures, and integrating them all, into a single compact, connected entity.

At Snowbird, you put in more money for less immediate return, but you cut out all chances for instant-millionaire land realty operators, too. When it's all built, it's yours, and not the ideas of 20 other guys on how to make a quick buck.

Snowbird's architecture is sort of subdued, supersensitive, semi-highrise. The 320-bed condominium-lodge is seven stories high and next year's condominium lodge is 12.

"People are going to travel up this little canyon because it is beautiful," says Dave Rose, the publicity director. "If you don't protect it, we have lost our prime sales point."

For all that, the resort is managing to put in a fine array of things for a first year operation. There is a tram bar in the base of the big lift, a steakpit restaurant, a dining room, a malt shop, a day care center, a medical clinic staffed by a registered nurse, a men's shop, a boutique, a craft shop displaying local arts and handwork, a gift shop, photo shop, drug store, beauty shop and in the main lodge a delicatessen.

In the condominium you can rent just a bedroom or you can take a whole condominium rental if you want a complete living-in style of vacation. It's fully booked this Christmas.

The lifts:

Scheduled to start in December is a fantastic main cable car that holds 125 people and goes up nearly 3,000 feet in six minutes. In the morning it also will carry a regular snow-cat slung by cable beneath; it is piloted back down to pack its way swiftly down the mountain for those many of us who need a trail through deep snow (Johnson thinks of everything).

The three subsidiary chairs below tree line have adjustable initial towers, so that on-loading will take place at snow level without need for ramps. There will be no scrambling up an high icy barrier and flailing into the chair. The chairs will carry their rated capacity, not a lot of missed seats.

Avalanche:

Snowbird is in prime avalanche country but has the most sophisticated avalanche protection system in the world. Avalanche control was invented at Alta by the legendary Monty Atwater and one of the finest pupils of the Alta school, Kent Hoopengartner, is taking charge at Snowbird. He does double-duty as a stamina-tested premier attraction for young ladies, informally known as "Hoopie."

Ski School:

This will be headed by Junior Bounous, who not only is acknowledged as the top-thinker in deep powder technique, but is considered one of the best theorists all around in ski teaching and is one of the most effective directors in the country. Junior has led the very healthy move in this country away from rigid forms, into actual teaching proficiency as a measure of success. He is offering two versions of GLM this year.

Transportation:

Snowbird is the handiest major resort to a transcontinental crossroads airport; it is as little as 30 minutes from Salt Lake City to Snowbird by car. You can fly to Snowbird via Salt Lake faster from New York than you can to Aspen or Vail via Denver. It's faster by air from San Francisco than a drive to Squaw Valley. Johnson would like to make that even more spectacular. He would bar cars from Little Cottonwood and put in a monorail from Salt Lake. There's no saying he won't persuade the right people.

Every resort has to undergo some trauma in its shakedown year, and this is Snowbird's. But the forecast is for creating a lot of believers.

DEATH OF MRS. LESLIE BRADLEY CUTLER

Mr. BROOKE. Mr. President, Massachusetts suffered a grievous loss this week when a gracious, gallant and noble lady, who contributed more to improve mental and public health than any other single person in the history of the Commonwealth, died.

Mrs. Leslie Bradley Cutler was my cherished friend. She was also the stalwart friend and champion of literally millions of Massachusetts citizens who never knew her name.

For her, politics was a synonym for service to others, and her service to her town and her State spanned almost half a century.

Four years after the women of America gained the franchise, Leslie Cutler became the first of her sex to serve as a selectman in Massachusetts.

From that election day in 1924 until her death last week, Mrs. Cutler was the first lady of Needham, serving her town for 40 years as a member of the board of health and for 30 years representing Needham and its neighboring towns in the Massachusetts House and Senate.

She was gently tenacious. Women were excluded by law from jury service in the Commonwealth when Mrs. Cutler began her service in the Massachusetts House in 1939. After 3 or 4 years of eloquence and masterful lobbying among her colleagues, the House adopted enabling legislation which corrected that injustice. But the State senate balked year after year after year, until Mrs. Cutler, in the toughest political fight of her long and successful political career, defeated three men in the Republican primary and another in the general election to win election to the State senate.

Then the legislation was passed and Massachusetts women were granted the right to serve on juries.

In every session of the general court between 1939 and 1949, Leslie Cutler's conscience, craftsmanship, and commitment to progress resulted in the adoption of public and mental health legislation, which has earned Massachusetts a place on the honor roll of States in these fields.

Mr. President, I speak about Mrs. Cutler's public service because I know that aspect of her life best. But as tireless and effective as she was in pursuit of the good life for others, she always had time for her children, her grandchildren, and her great grandchildren. She learned from them. They kept her young in health and spirit until the day she died.

Her family, her town, her State and thousands of those who loved and respected her will miss her very much.

But we all have the memory of her radiant personality, her friendship and fellowship, her zest for life and the good fight to sustain us.

And Massachusetts has the laws she drafted and fought for which, as part of our general laws, will carry on the good work and good will which her life personified.

That is Leslie Cutler's legacy, and a wonderful monument to her life.

ORDER TO PRINT CONFERENCE REPORT ON H.R. 10947 AT ANY TIME PRIOR TO MIDNIGHT SATURDAY NIGHT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the conference report on H.R. 10947, the investment tax credit bill, may be printed at any time prior to midnight Saturday night.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. following a recess. After the two leaders have been recognized under the standing order, the Senate will proceed to the consideration of the bill making appropriations for the District of Columbia. There is a time limitation on the bill and on amendments thereto.

In accordance with the usual practice, it may be expected that a rollcall vote would occur on final passage of that appropriation bill. Rollcall votes may occur on amendments thereto.

On the disposition of the D.C. appropriation bill, the Senate will take up S. 2574, the so-called voter registration bill. Under the agreement, the limitation of time on that bill is 2 hours to be equally divided.

If after 2 hours a vote on final passage has not begun the bill will be returned to the Senate calendar.

It is assumed that sometime tomorrow the supplemental appropriation bill may be called up. It is also expected that at some point during the deliberations tomorrow, if I recall the statement of the majority leader, the Senate will begin its consideration of a Supreme Court nomination. I hope I have not misstated the program of the distinguished majority leader in this regard as he outlined it.

Mr. HRUSKA. Mr. President, will the Senator yield with reference to the voter registration bill, S. 2574?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. Does the Senator from Nebraska understand correctly that the 2 hours' time allotted for the purpose of debate on that bill are to be equally divided between the opponents and the proponents?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. HRUSKA. So that if the proponents would utilize and use up all their time, and the opponents would choose to yield back their time, there would be no time for a vote on final passage and, therefore, no further consideration of the bill. Is that a fair interpretation of the unanimous-consent agreement?

Mr. BYRD of West Virginia. I think if I were the Senator, I would not yield back any time.

Mr. HRUSKA. No, but it is going to be done.

Mr. BYRD of West Virginia. I would let the time expire. Under the agreement arrived at there are 2 hours allotted. If after 2 hours the final passage of the bill has not begun, then the bill goes back to the calendar.

Mr. HRUSKA. How long after, may I ask the Senator, if after 2 hours final passage not begun, why cannot final passage begin and proceed 4 hours after debate starts?

Mr. BYRD of West Virginia. Not a chance because if the rollcall on final passage has not begun at the expiration of 2 hours, the bill goes back on the calendar. Senators on both sides of the aisle need only stand on their feet and discuss the bill for 2 hours and it will go back on the calendar.

Mr. HRUSKA. I thank the Senator.

Mr. BYRD of West Virginia. But let me say in response to the able Senator, the thing that troubles me about his question is this—If all time after, say, an hour and a half is yielded back—a vote could start on that bill because 2 hours would not have expired. Of course, a quorum call would be in order and that could conceivably consume the remainder of the 2 hours.

Mr. HRUSKA. I thank the Senator. This Senator indicated his preference as to the fashion in which this unanimous-consent agrement should be arrived at. He was not notified that his particular ideas on the subject were not complied with. It is not the most satisfactory arrangement at all possible.

It is my hope that in the future there will be a better line of communication with those who are interested in the bill and who are on record for some time as being interested in the bill and who requested that notice be given on any proceedings concerned with the bill, because then we will not reach a situation where we have to make a request. By this I do not imply for 1 second that the acting majority leader was in any way responsible for the lack of communication which has occurred, but there are others who have done that.

Mr. BYRD of West Virginia. Mr. President, may I say for the record that I discussed this matter with the distinguished Senator from North Carolina (Mr. ERVIN), who could not be present at the time the request was made, and after it was explained to the Senator as to expressly what the request would do he indicated he would not object to the request as it was stated.

The matter was discussed with various Senators on both sides of the aisle.

If Senators want to talk for 2 hours, Senators on both sides of the aisle can be assured that there will be no vote on the bill under the terms of the unanimous-consent agreement. Of course, there can be unanimous-consent requests propounded during those hours. But it only takes an objection, as the Senator knows, to reject such requests.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. The period for the transaction of morning business is closed.

RECESS TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 26 p.m.) the Senate took a recess until tomorrow, Friday, December 3, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 2 (legislative day of November 29) 1971:

AMBASSADOR

Robert Anderson, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Dahomey.

U.S. DISTRICT COURTS

Jon O. Newman, of Connecticut, to be a U.S. district judge for the district of Connecticut, vice William H. Timbers, elevated.

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois, vice Julius J. Hoffman, retiring.

Arnold Bauman, of New York, to be U.S. district judge for the southern district of New York, vice a new position created by Public Law 91-272 approved June 2, 1970.

Lee P. Gagliardi, of New York, to be a U.S. district judge for the southern district of New York, vice a new position created by Public Law 91-272 approved June 2, 1970.

U.S. DISTRICT COURTS

Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska, vice Richard E. Robinson, retiring.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 2 (legislative day of November 29) 1971:

DEPARTMENT OF AGRICULTURE

Earl Lauer Butz, of Indiana, to be Secretary of Agriculture.

U.S. DISTRICT COURTS

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington.

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California.

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia.

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois.

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

U.S. COURT OF CLAIMS

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims.

Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims.

DEPARTMENT OF JUSTICE

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Masschusetts for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, December 2, 1971*

The House met at 11 o'clock a.m.

Rev. W. Michael Nobles, the Methodist Church, Middleburg, Va., offered the following prayer:

Almighty God, Thou who art the judge of all nations, come nearer to us than we have ever known and stay with us throughout this day.

When we are faced with choices and decisions, help us to see things from Thy viewpoint, that we may see things as they really are. When our wisdom fails us, give us Thine, that we may choose that which is right.

Father, we come to Thee in the faith that Thou dost have a plan for America. O God, may Thy spirit protect our dear land. In mercy assist her to faithfully stand for justice and honor through all of her days; one people united to serve Thee in praise.

This we ask in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1483) entitled "An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 18) entitled "An act to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 382) entitled "An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes", agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. HART, Mr. HARTKE, Mr. JORDAN of North Carolina, Mr. CANNON, Mr. PELL, Mr. BAKER, Mr. COOK, Mr. STEVENS, and Mr. SCOTT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes;

S. 1367. An act to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

TRIBUTE TO REV. W. MICHAEL NOBLES

Mr. SCOTT. Mr. Speaker, our Chaplain was most kind to permit the Reverend W. Michael Nobles, pastor of the Middleburg, Va., United Methodist Church, to open today's session with prayer.

I have known Reverend Nobles for a number of years. He has served pastorates in both North Carolina and Virginia and has been a member of the Virginia conference of our church since 1964.

A native of Greenville, N.C., our visiting chaplain received his bachelor of science degree from Richmond Professional Institute and his master of divinity degree from Duke University.

An active citizen of the communities in which he has had pastorates, Reverend Nobles last year was selected as one of America's outstanding young men by the U.S. Jaycees. He had formerly been honored by the Beaverdam, Va., Ruritan Club with its "Man of the Year" award for service to that community.

Reverend Nobles, of course, is active in all phases of the work of his church and serves as scoutmaster of Middleburg Troop 953, on the board of direc-

tors of the Fauquier-Loudoun Day Care Association and the Northern Virginia Board of Missions.

He has written a number of songs, the last of which is "How Blest Is the Nation Whose God Is the Lord." Mr. Speaker, I wish that more within the ministry would attempt to associate their religious life with the life of our Nation. In my opinion, it would add to the spiritual life of our country and be of material help to both the church and the Nation. I insert the full text of the song in the RECORD at this point so that the membership will have insight into the character of the man who has offered our opening prayer today:

HOW BLEST IS THE NATION WHOSE GOD IS THE LORD

(By W. Michael Nobles, 1971)

1. How blest is the nation whose God is the Lord,
By whom the Almighty is ever adored;
Her people shall flourish, her freedom endure,
For God in His wisdom will keep her secure.
2. O God, may Thy Spirit protect our dear land,
In mercy assist her to faithfully stand
For justice and honor through all of her days,
One people united to serve Thee in praise.
3. Without Thee to guide her our nation is lost;
O help her to follow whatever the cost.
Sustain her with grace to obey Thy commands;
Dear God, give her courage to meet life's demands.
4. All glory and honor we give unto Thee
For making our nation the land of the free;
With true adoration we sing in accord
How blest is the nation whose God is the Lord! Amen.

NOTE.—This anonymous hymn tune was popular during the early years of our Nation's history. It had its origin in the South and probably should be classified as a Negro spiritual. The melody gets its name, Foundation, from the hymn, "How Firm a Foundation," which is often sung to it. This tune was a favorite of Gen. Robert E. Lee and "How Firm a Foundation" was sung to it at his funeral.

CALL OF THE HOUSE

Mr. SCHMITZ. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 423]

Abbitt	Derwinski	Kee
Abourezk	Diggs	Keith
Alexander	Dowdy	Landrum
Anderson, Ill.	Edwards, La.	McClure
Anderson, Tenn.	Ellberg	McKevitt
Andrews, Ala.	Evins, Tenn.	Macdonald, Mass.
Belcher	Findley	Metcalfe
Blatnik	Flynt	Pike
Boland	Foley	Powell
Broyhill, Va.	Ford, Gerald R.	Pucinski
Burton	Fraser	Railsback
Byrne, Pa.	Fulton, Tenn.	Reid, N.Y.
Cabell	Gallagher	Riegle
Celler	Gray	Roberts
Chisholm	Gubser	Rodino
Clark	Hagan	Roe
Clay	Harrington	Rooney, N.Y.
Collins, Ill.	Harsha	Rosenthal
Davis, S.C.	Hébert	Rostenkowski
Dellums	Holifield	Sandman
Scheuer	Jonas	Springer
Selberling	Steed	Vanik
Sikes	Stuckey	Wright
		Wyatt

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXCUSING OF CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 11341, DISTRICT OF COLUMBIA REVENUE ACT OF 1971

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississipi (Mr. ABERNETHY) may be excused as a manager on the part of the House at the conference on the bill H.R. 11341, and that the Speaker be authorized to appoint another Member to fill the vacancy.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER. The Chair appoints as a manager on the part of the House at the conference on the bill (H.R. 11341) the gentleman from Georgia (Mr. STUCKEY) to fill the existing vacancy thereon.

The Clerk will notify the Senate of the action of the House.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 10384 UNTIL MIDNIGHT FRIDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Friday, December 3, 1971, to file a report on the bill (H.R. 10384) to amend the act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k—460k–4), to release certain restrictions on acquisition of lands for recreational development at fish and wildlife areas administered by the Secretary of the Interior.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana.

There was no objection.

COMPENSATION OF STAFF OF CORPORATION FOR PUBLIC BROADCASTING

(Mr. KEITH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEITH. Mr. Speaker, it has been reliably and consistently reported in recent days that the Corporation for Public Broadcasting has declined to release information to the public, and in particular to the Congress, as to the compensation of its staff.

This attitude is contrary to the traditions of all public agencies. It is particularly abhorrent to find it in the agency which should be most dedicated to the dissemination of truth.

By withholding such knowledge it creates suspicion, not only as to salaries, but as to the character of its operations.

As senior minority member of the House Communications and Power Subcommittee, I would be derelict in my duty if I did not demand that the Public Broadcasting Corporation immediately open its records to the public. The best way to dispell the clouds of concern that are spreading in the press and throughout the Congress is for them to meet with the press, and deal with them openly and in keeping with the traditions of press and the broadcasting industry of which they are a part. They should do so with the least practicable delay.

As for my role, I have today asked the chairman of the full Committee on Interstate and Foreign Commerce to authorize hearings on the part of the subcommittee in order that all pertinent data may be revealed, and I have sent a telegram to Public Broadcasting Corporation President, John W. Macy, Jr., advising him of my concern. I have asked him to open to the public the Corporation record particularly those related to the salaries of its officers and staff.

Mr. Speaker, the success of the Public Broadcasting Corporation, and its approval by the Congress, depends upon the fullness and the content of its response to public inquiry, and upon the records accordingly revealed.

Public Broadcasting is designed, at public expense, to serve the public need and the public interest. Anything less than full disclosure on all matters would be contrary to the purpose and mandate.

DOCK STRIKE AFFECTS TENNESSEE FARMERS

(Mr. BAKER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BAKER. Mr. Speaker, Tennessee farmers are sick of dock strikes and other work stoppages which so directly affect their farm income.

Last year, Tennessee farmers estimate their share of the total U.S. agricultural exports was $112.2 million. As you know, we had a national record last year of $7.8 billion. About $6.7 billion of that was for dollar sales.

In a time when we are trying to improve the value of the dollar internationally—and at a time when the one bright spot in our international balance of payments is the agricultural export figure—it seems shortsighted in the extreme to permit labor-management disputes in the national transportation system to threaten the health of our export trade.

Tennessee farmers last year exported $31.5 million worth of soybeans, $18.9 million worth of cotton, $13.7 million worth of tobacco, $5.9 million worth of wheat and flour, and $9.8 million worth of protein meal.

They need these markets. They are an important part of farm income in Tennessee.

Gulf and east coast strikes are costing corn and soybean growers between $75 and $100 million a week in export sales.

The President is using the legal tools at his command to help solve this national problem, but legislation must be enacted which would provide a more permanent solution. We cannot continue any longer to deal with these national emergencies on an ad hoc basis.

That is why I strongly urge that we dust off and consider as early as possible H.R. 2373, to provide for the establishment of a U.S. Court of Labor-Management Relations. We must find an equitable way of dealing with labor-management disputes which affect the national transportation industry.

LABOR-MANAGEMENT DISPUTES IN TRANSPORTATION SYSTEM

(Mr. GOODLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GOODLING. Mr. Speaker, how long will we continue to permit labor-management disputes in the transportation system of the United States to threaten the economic well-being of the Nation?

Farmers in Pennsylvania and across the Nation cannot long survive a situation that affects them and their livelihood so directly.

We must rise up in the Congress to enact the kind of legislation that will allow the goods of this Nation to keep moving despite the dock strikes and other transportation tieups that come from labor-management disputes.

The Pennsylvania farmers' share of our national exports in fiscal year 1971 was $53.1 million. Pennsylvania farmers were among the top 10 in export value of their dairy products and tobacco. Feed grain producers in Pennsylvania exported $11.7 million worth of corn and other feed grains. We are not a major wheat State, yet we exported $7.9 million worth of wheat as our share of the total $7.8 billion worth of U.S. farm exports in fiscal 1971.

Mr. Speaker, I call on my colleagues to help get immediate consideration and action on H.R. 3596, the administration-backed bill which would provide an effective means of protecting the interests of farmers and the public in national emergency disputes involving the transportation industry.

DOCK STRIKE AFFECTS WISCONSIN AGRICULTURE

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, not long ago Secretary of Labor J. D. Hodgson, speaking at a fundraising rally in Des Moines, Iowa, commented on the dock strike situation:

> Nowhere have these strikes hurt more than right here in the Midwest. When shipping is throttled, whether on our coasts or our railroads, the farm country gets hit hardest. Corn piled up in back lots, wheat piled on town streets, soybeans filling box cars on every siding, barges not moving on the river—it's got to stop.

Mr. Speaker, that is a very graphic, and very moving, description of what is happening right now in the Midwest. Statistically, it translates into a 15-cent bushel loss on corn.

Feed grain farmers see their profits disappearing and getting smaller each day that the strike—or threat of a strike—continues. Ships lie idle along the coasts of our Nation. Loaded barges are anchored in our ports and on our rivers, unable to move. Elevators and terminal storage facilities are loaded and back of all this idleness is the farmer who sees the posted price of his feed grains moving steadily downward.

Mr. Speaker, last year the Wisconsin share of farm exports was $87.6 million. The principal crops that were included in our exports were tobacco, hides and skins, dairy products, feed grains, and wheat.

We need the income from those exports. We cannot afford to lose over $87 million in farm income—or even a portion of that amount—because of labor-management disputes at port facilities.

Therefore, I urge immediate consideration of effective legislation to protect farmers and consumers during labor-management disputes that affect our national transportation system.

FLORIDA ANTIBUSING VOTE

(Mr. YOUNG of Florida asked and was given permission to address the House for one minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, I always thought the people of the United States made the final decision in any matter regarding their Government. I will bet every Member of this House thought the same thing. But I read an article in the Washington Post this morning relating to a vote for the people in Duval County in my State of Florida. I want to take a second to read into the RECORD what that newsstory says. Disregard the headline, because it does not indicate what the story is about.

FLORIDA ANTIBUSING VOTE BEHIND

JACKSONVILLE, FLA., December 1.—Seconds after Duval County voters overwhelmingly approved an antibusing amendment Tuesday, a federal judge voided their decision.

The proposal to prohibit the expenditure of local or state money for busing children to achieve racial balance in schools passed 33,513 to 8,899.

However, one minute after the vote was certified, an order signed by U.S. District Court Judge Gerald Tjoflat was handed to elections supervisor, Harry Nearling, declaring the vote null and void.

School Superintendent Dr. Cecil Hardesty said the amendment was in direct conflict with federal court-ordered busing.

So, if you thought, like I did, that the people have the final say in our Government, maybe after this we are going to begin to question.

A LOOK NEEDS TO BE TAKEN AT SOME OF THE FEDERAL JUDGES AND SOME OF THEIR DECISIONS

(Mr. THOMPSON of Georgia, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to commend the gentleman from Florida (Mr. YOUNG) for bringing this point to the attention of the House.

You know, Abraham Lincoln in February 1865 said the people are the rightful masters not only of the Congress but of the courts, not to overthrow the Constitution, but to throw out those who would subvert the Constitution.

Mr. Speaker, I think we need to take a look at some of these Federal judges and some of the decisions they are making. They are stretching the Constitution beyond all reasonable bounds. This is true not only in the area of school busing but in the area of attempting to achieve racial balance in our communities by forcing upon our taxpayers low-income housing in areas where they do not want it and which destroys the property values of those areas.

I submit, Mr. Speaker, that we need to take a close look at the actions of some of these judges to determine to what extent they are exceeding their authority if in fact they are. If it is determined that a Federal judge has intentionally exceeded his authority through a blatent intrusion into the legislative or executive field—then impeachment proceeding should proceed to remove him from office.

OPERATION NOEL

(Mr. SCHMITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHMITZ. Mr. Speaker, we all have a different view on the Vietnam war, but there is one phase of that conflict that we ought to be united in its support, and that is expressing our sympathy and appreciation for those of our servicemen who have been wounded in action.

Mr. Speaker, on December 8, between 6 and 10 o'clock in the evening, in the Longworth Cafeteria, what is rapidly becoming an established tradition will take place; namely, "Operation Noël." I am proud of my two staff members who are officers of Operation Noël, Inc., and I am sure many of you have staff members who are working with them in behalf of this very Christian endeavor, and I know that many Members of the House have themselves been cooperating.

I would like to take this opportunity, regardless of whether you want to win, lose, or draw in Vietnam, to say we all ought to cooperate with "Operation Noël" and on December 8 arrange to drop by the Longworth Cafeteria, even if we can only stay a brief time, to show these veterans that elected officials of our Government remember them, and to say to them, "Merry Christmas."

AN IMPORTANT INDICATOR OF ECONOMIC DEVELOPMENTS

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise, and extend his remarks.)

Mr. ARENDS. Mr. Speaker, one of the most important indicators of economic

developments has just given a strong signal of a vigorous economic recovery underway. According to a survey of plans to invest in new plant and equipment, taken by the Department of Commerce and the SEC, in October and November, business plans a large increase in such investment. The increase from the first half of 1971 to the first half of 1972 would be 9.1 percent. The increase from the second half of 1971 to the first half of 1972 would be at an annual rate of 13.6 percent. These figures were made public this morning.

The increase in investment expenditures that businessmen are planning will itself give a big lift to the economy. It is also evidence of growing confidence in the economic future. This confidence has already been shown by consumers in the form of expanding retail sales. It is now being shown by businessmen in the form of increased investment plans.

This strengthening of business confidence came despite the inevitable uncertainties of the transition from phase I to phase II and despite the uncertain state of the tax legislation. As these uncertainties are resolved confidence will rise further and so will investment plans. Congress can do its part to bring this about by prompt enactment of a tax bill freed of irrelevancies and by passage of the needed phase II legislation.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin (Mr. DAVIS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 0, answered "present" 1, not voting 50, as follows:

[Roll No. 424]

YEAS—380

Abernethy	Dorn	Kuykendall
Abourezk	Dow	Kyl
Abzug	Downing	Kyros
Adams	Drinan	Landgrebe
Addabbo	Dulski	Latta
Anderson, Calif.	Duncan	Leggett
Andrews, N. Dak.	du Pont	Lennon
Annunzio	Dwyer	Lent
Archer	Eckhardt	Link
Arends	Edmondson	Lloyd
Ashbrook	Edwards, Ala.	Long, La.
Ashley	Edwards, Calif.	Long, Md.
Aspin	Erlenborn	Lujan
Aspinall	Eshleman	McClory
Badillo	Evans, Colo.	McCloskey
Baker	Fascell	McCollister
Baring	Fish	McCormack
Barrett	Fisher	McCulloch
Begich	Flood	McDade
Bell	Flowers	McDonald, Mich.
Bennett	Foley	McEwen
Bergland	Ford, William D.	McFall
Betts	Forsythe	McKay
Bevill	Fountain	McKevitt
Biaggi	Fraser	McKinney
Biester	Frelinghuysen	Macdonald, Mass.
Bingham	Frenzel	Madden
Blackburn	Frey	Mahon
Blanton	Fuqua	Mailliard
Boggs	Gallifianakis	Mann
Boland	Gallagher	Martin
Bolling	Garmatz	Mathias, Calif.
Bow	Gaydos	Mathis, Ga.
Brademas	Gettys	Matsunaga
Brasco	Giaimo	Mayne
Bray	Gibbons	Mazzoli
Brinkley	Goldwater	Meeds
Brooks	Gonzalez	Melcher
Broomfield	Goodling	Michel
Brotzman	Grasso	Mikva
Brown, Mich.	Green, Oreg.	Miller, Calif.
Brown, Ohio	Green, Pa.	Miller, Ohio
Broyhill, N.C.	Griffin	Mills, Ark.
Broyhill, Va.	Griffiths	Mills, Md.
Buchanan	Gross	Minish
Burke, Fla.	Grover	Mink
Burke, Mass.	Gude	Minshall
Burleson, Tex.	Haley	Mitchell
Burlison, Mo.	Hall	Mizell
Byrnes, Wis.	Halpern	Moakley
Byron	Hamilton	Mollohan
Cabell	Hammer-schmidt	Monagan
Caffery	Hanley	Montgomery
Camp	Hanna	Moorhead
Carey, N.Y.	Hansen, Idaho	Morgan
Carney	Hansen, Wash.	Morse
Carter	Harsha	Mosher
Casey, Tex.	Harvey	Moss
Cederberg	Hastings	Murphy, N.Y.
Chamberlain	Hathaway	Myers
Chappell	Hawkins	Natcher
Chisholm	Hays	Nedzi
Clancy	Hechler, W. Va.	Nelsen
Clark	Heckler, Mass.	Nichols
Clausen, Don H.	Heinz	Nix
Clawson, Del	Helstoski	Obey
Clay	Henderson	O'Hara
Cleveland	Hicks, Mass.	O'Konski
Collier	Hicks, Wash.	O'Neill
Collins, Tex.	Hillis	Passman
Colmer	Hogan	Patman
Conable	Horton	Patten
Conte	Hosmer	Pelly
Conyers	Howard	Perkins
Corman	Hull	Pettis
Cotter	Hungate	Peyser
Coughlin	Hunt	Pickle
Crane	Hutchinson	Pike
Culver	Ichord	Pirnie
Daniel, Va.	Jacobs	Poage
Daniels, N.J.	Jarman	Podell
Danielson	Johnson, Calif.	Poff
Davis, Ga.	Johnson, Pa.	Powell
Davis, Wis.	Jonas	Preyer, N.C.
de la Garza	Jones, N.C.	Price, Ill.
Delaney	Jones, Tenn.	Price, Tex.
Dellenback	Karth	Pryor, Ark.
Dellums	Kastenmeier	Purcell
Denholm	Kazen	Quie
Dennis	Keating	Quillen
Dent	Kee	Randall
Devine	Keith	Rangel
Dickinson	Kemp	Rarick
Dingell	King	Rees
Donohue	Kluczynski	Reid, N.Y.
	Koch	Reuss
	Kuykendall	Rhodes
	Kyl	Riegle
	Kyros	Rinaldo
	Landgrebe	Roberts
	Latta	Robinson, Va.
	Leggett	Robison, N.Y.
	Lennon	Roe
	Lent	Rogers
	Link	Roncallo
	Lloyd	Rooney, N.Y.
	Long, La.	Rooney, Pa.
	Long, Md.	Rosenthal
	Lujan	Rostenkowski
	McClory	Roush
	McCloskey	Rousselot
	McCollister	Roy
	McCormack	Roybal
	McCulloch	Runnels
	McDade	Ruppe
	McDonald, Mich.	Ruth
	McEwen	Ryan
	McFall	St Germain
	McKay	Satterfield
	McKevitt	Saylor
	McKinney	Scherle
	Macdonald, Mass.	Scheuer
	Madden	Schmitz
	Mahon	Schneebeli
	Mailliard	Schwengel
	Mann	Scott
	Martin	Sebelius
	Mathias, Calif.	Seiberling
	Mathis, Ga.	Shipley
	Matsunaga	Shoup
	Mayne	Shriver
	Mazzoli	Sisk
	Meeds	Skubitz
	Melcher	Slack
	Michel	Smith, Iowa
	Mikva	Smith, N.Y.
	Miller, Calif.	Snyder
	Miller, Ohio	Spence
	Mills, Ark.	Staggers
	Mills, Md.	Stanton, J. William
	Minish	Stanton, James V.
	Mink	Steele
	Minshall	Steiger, Ariz.
	Mitchell	Steiger, Wis.
	Mizell	Stephens
	Moakley	Stokes
	Mollohan	Stratton
	Monagan	Stubblefield
	Montgomery	Stuckey
	Moorhead	Sullivan
	Morgan	Symington
	Morse	Talcott
	Mosher	Taylor
	Moss	Teague, Calif.
	Murphy, N.Y.	Teague, Tex.
	Myers	Terry
	Natcher	Thompson, Ga.
	Nedzi	Thompson, N.J.
	Nelsen	Thomson, Wis.
	Nichols	Thone
	Nix	Tiernan
	Obey	Udall
	O'Hara	Ullman
	O'Konski	Van Deerlin
	O'Neill	Vander Jagt
	Passman	Vanik
	Patman	Veysey
	Patten	Vigorito
	Pelly	Waggonner
	Perkins	Waldie
	Pettis	Wampler
	Peyser	Ware
	Pickle	Whalen
	Pike	Whalley
	Pirnie	White
	Poage	Whitehurst
	Podell	Whitten
	Poff	Widnall
	Powell	Wiggins
	Preyer, N.C.	Williams
	Price, Ill.	Wilson, Bob
	Price, Tex.	Wilson, Charles H.
	Pryor, Ark.	Winn
	Purcell	Wolff
	Quie	Wyatt
	Quillen	Wydler
	Randall	Wylie
	Rangel	Yates
	Rarick	Yatron
	Rees	Young, Fla.
	Reid, N.Y.	Young, Tex.
	Reuss	Zablocki
	Rhodes	Zion
	Riegle	Zwach
	Rinaldo	
	Roberts	

NAYS—0

ANSWERED "PRESENT"—1

Harrington

NOT VOTING—50

Abbitt	Eilberg	Murphy, Ill.
Alexander	Esch	Pepper
Anderson, Ill.	Evins, Tenn.	Pucinski
Anderson, Tenn.	Findley	Railsback
Andrews, Ala.	Flynt	Riegle
Belcher	Ford, Gerald R.	Roberts
Blatnik	Fulton, Tenn.	Rodino
Burton	Gray	Rostenkowski
Byrne, Pa.	Gubser	Sandman
Celler	Hagan	Sarbanes
Collins, Ill.	Hébert	Sikes
Davis, S.C.	Holifield	Smith, Calif.
Derwinski	Jones, Ala.	Springer
Diggs	Landrum	Steed
Dowdy	McClure	Wright
Edwards, La.	McMillan	Wyman
	Metcalfe	

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11932, with Mr. O'HARA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from Kentucky (Mr. NATCHER) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. DAVIS) will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriation bill for fiscal year 1972.

As chairman of the Subcommittee on the District of Columbia Budget, it is a distinct honor for me to serve with Mr. DAVIS of Wisconsin; Mr. GIAIMO, of Connecticut; Mr. SCHERLE, of Iowa; Mr. PRYOR of Arkansas; Mr. MCEWEN, of New York; Mr. OBEY, of Wisconsin; Mr. MYERS, of Indiana; Mr. STOKES, of Ohio; and Mr. MCKAY, of Utah. All of these gentlemen are outstanding Members of the House of Representatives.

For the eighth consecutive year, the Congress has been presented a budget for the District of Columbia that is out of balance. The budget as presented was out of balance $90,300,000.

A total of $901,476,700 is recommended for fiscal year 1972 which is $143,805,000 less than requested and $194,305,138 above 1971 appropriations. The budget estimates considered total $1,045,281,700.

The District of Columbia budget submitted for approval at this time is the largest budget ever recommended for the District of Columbia. The total of $901,476,700 when added to the Federal grants which will be available to the District of Columbia totaling $267,997,000 will be $1,169,473,700.

The 1970 census shows the population of the District of Columbia as 757,000. This total has dropped, according to projection, to 741,000 at this time. With only 741,000 people certainly the total amount of money to be used during the fiscal year 1972 of $1,169,473,700 is more than adequate.

The District of Columbia is financed out of five funds: A general fund, a highway fund, a water fund, a motor vehicle parking fund, and a sanitary sewage works fund.

Our committee recommends a Federal payment of $162 million to the general fund to help defray expenses of the Capital City and $4,086,000 to the water and sanitary sewage works funds as a payment for water and sewer services rendered the Federal agencies. The sum of $131 million was appropriated for the Federal payment for fiscal year 1971. The Federal payment 10 years ago was $30 million and today we are recommending $162 million. The Federal payment for fiscal year 1967 was $70 million. In addition to the Federal payment we have Federal grants which will be received by the District of Columbia totaling $267,997,000. A summary of the Federal grant assistance to the District of Columbia appears on page 5 of our report and this amount is not a part of the budget for fiscal year 1972 which was presented to our committee. The grants set forth represent funds which are used in the different departments of the District government on the same basis as funds used by the 50 States which are carried under the basic legislation authorizing such money.

The amount of the Federal payment authorized under the revenue bill for fiscal year 1972 which passed the House several days ago totals $170 million. The amount that we recommend of $162 million is $8 million less than the amount authorized in the House bill.

For "General operating expenses" the amount requested was $60,997,000 and the amount we recommend is $58,860,000. This is $3,509,265 more than the amount appropriated for fiscal year 1971 and $2,137,000 less than the amount requested.

For "Public safety" the amount requested was $174,177,000 and the amount we recommend is $169,167,000. This is $6,061,000 more than the amount appropriated for fiscal year 1971 and $5,010,000 less than the amount requested.

For "Education" the amount requested is $178,558,000 and the amount we recommend is $166,970,000. This is $5,242,200 more than the amount appropriated for fiscal year 1971 and $11,588,000 less than the amount requested.

For "Recreation" the amount requested is $12,826,000 and we recommend $12,658,000. This is $884,400 more than the amount appropriated for fiscal year 1971 and $168,000 less than the amount requested.

For "Human resources" the amount requested was $206,962,000 and the amount we recommend is $181,378,000. This is $12,807,100 more than the amount appropriated for fiscal year 1971 and $25,584,000 less than the amount requested.

For "Highways and traffic" the sum of $21,359,000 was requested and we recommend $20,500,000. This is $489,000 less than the amount appropriated for fiscal year 1971 and $859,000 less than the amount requested.

For "Sanitary engineering" the sum of $40,700,000 was requested and we recommend $39,505,000. This is $444,500 more than the amount appropriated for fiscal year 1971 and $1,195,000 less than the amount requested.

For "Settlement of claims and suits" the amount requested was $23,000 and we recommend the amount requested.

For total "Operating expenses" we recommend the sum of $649,061,000. This is $46,541,000 less than the amount requested and $28,436,831 more than the amount appropriated for fiscal year 1971.

For "Capital outlay" the amount requested was $326,106,000. We recommend the sum of $228,842,000 which is $157,857,607 more than the amount appropriated for fiscal year 1971 and $97,264,000 less than the amount requested.

The committee recommends total "Loan" appropriations of $29,600,000 which is a reduction of $73,486,000 in the amount requested.

The committee recommends a total of 39,619 employees in permanent authorized positions, which is in conformity with the restrictions on employment in the District of Columbia Revenue Act of 1971 as passed by the House. The budget proposed 1,743 new positions. The committee is recommending a total of 264 new positions for staffing new facilities to be opened during the fiscal year. In order to remain within the total figure set by the revenue bill of 1971 the staffing for new facilities positions only can be approved at this time.

The sum of $3,209,800 is recommended for the operating expenses for the District of Columbia Teachers College for fiscal year 1972. This is $124,600 less than the amount requested and $224,600 more than the amount appropriated for fiscal year 1971.

An appropriation of $15,813,400 is recommended for fiscal year 1972 for the Federal City College. This is $4,402,900 below the requested amount and $2,705,650 above the 1971 level.

For the Washington Technical Institute we recommend for operating expenses in fiscal year 1972 the sum of $6,999,100. This is an increase of $1,279,250 over the amount appropriated for fiscal year 1971.

For "Capital outlay" we recommend the sum of $228,842,000 for fiscal year 1972. For "Public schools" we have 24 projects, totaling $74,118,400. Every project requested was approved and the deletions were the results of funds volunteered.

For the Public Library we recommend $2,239,000. For the Recreation Department we recommend $7,579,200. For the Police Department we recommend $4,899,800. For the Fire Department we recommend $1,459,000. For "Human resources" we recommend $11,558,000. For the Department of Corrections we recommend $5,361,500. We do not recommend the amount requested of $72,486,000 for "Regional rapid rail transit." For the Department of Highways and Traffic we recommend $8,880,000. For the Department of Sanitary Engineering we recommend $94,265,000. For the Washington aqueduct we recommend $2,295,000.

For capital outlay for the Federal City College the committee recommends $302,500 for repair and improvements to temporary facilities. The requests for "Furniture and equipment for all temporary facilities," $1,800,000, and "Renovations to newly leased facilities," $1,430,000, have been denied. Previous appropriations for these two projects total $4,280,000, of which over $1,900,000 remains unobligated.

For capital outlay for the Washington Technical Institute our committee recommends approval of the $13,760,000 requested; $13,620,000 is for the permanent campus and $140,000 is for equipment.

For capital outlay for the District of Columbia Teachers College the committee recommends approval of the four projects requested. The amount recommended is $1,131,700.

Under "Capital outlay" for the Department of Highways and Traffic we recommend an additional amount over and above the amount requested for repair of our streets. The generally poor condition of the city streets is evident to all who use them. The committee was unable to provide any funds in the regular 1971 bill for street repairs, due to the lack of loan authority and revenue in the highway fund. At the request of the committee, the Director of Highways and Traffic developed an estimate of how much additional money could be utilized to put the District streets in reasonable repair. An estimate of $2,800,000 was provided and the committee has included this amount for this purpose and we recommend this amount to the House.

There is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-to-day growth of traffic the highway program must be carried out along with the present rapid rail transit system that is now under construction. We must have a balanced system of transportation consisting of highways, express buses, and rapid rail transit.

In 1955 the Washington metropolitan area transportation study was started by

the highway departments of Maryland, Virginia, and the District of Columbia. Our committee recommended that $561,000 be appropriated for the District's share of the cost for this study. After a 4-year study the mass transportation survey was completed and forwarded to the President of the United States. The survey recommended a balanced system of transportation consisting of rapid rail transit, express buses, and highways.

There were 13 elements composing the freeway program in the District of Columbia. On September 15, 1955, the Commissioner of Public Roads, pursuant to the Highway Act, distributed urban mileage. At this time the highway departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with the highway legislation. The freeway projects for the District of Columbia, agreed upon at that time, are as follows:

First. Northeast Freeway. By the way they have had eight studies of this one since it was adopted. A study would be made and then the project would be filed away, costing thousands upon thousands of dollars.

Second. The North-Central Freeway, six studies have been made.

Third. Palisades Parkway, six studies.

Fourth. Three Sisters Bridge, eight studies.

Fifth. Fourteenth Street Bridge, staff studies.

Sixth. Potomac River Freeway, eight studies.

Seventh. South leg, seven studies.

Eighth. North leg, west, seven studies.

Ninth. North leg, central, seven studies.

Tenth. Northeast-North Central Freeway, eight studies.

Eleventh. North leg, east, six studies.

Twelfth. East leg, six studies.

Thirteenth. Intermediate loop, five studies.

All of these projects were selected by the officials of the District of Columbia. None were selected by the Bureau of Public Roads, the Public Works Committee in the House or the Senate, or the Appropriations Committee in the House or the Senate. Since these projects were selected there have been 82 studies made at a cost of over $20 million.

We began appropriating for this freeway program in the year 1958 and over $200 million is now available in Federal and District of Columbia funds for this freeway system. By virtue of delays and failure to carry out the freeway program, the cost of the freeway projects in some instances more than double the original amount estimated. The States of Virginia and Maryland have spent millions of dollars in perfecting highway plans which tie in with the freeway projects selected by the District of Columbia.

For 10 years beginning with the year 1958 and extending up to the year 1968 the Committee on Public Works in the House made every effort possible to see that the District of Columbia complied with the action taken on September 15, 1955, when the Commissioner of Public Roads distributed the urban mileage. All down through the years the Public Works Committee has assisted the District of Columbia with its highway program and at all times has made every effort to see that the interests of the District of Columbia were fully protected.

In the year 1963 a bill was presented to the House of Representatives authorizing construction of a rapid rail transit system for the city of Washington. The Members of the House were not satisfied with the answers to the questions concerning the cost of this proposed subway system and the bill was recommitted back to committee.

In the year 1965 another Transportation Act was brought to the House and here we had a request for a 25-mile rapid rail transit system to cost $431 million to be constructed entirely within the limits of the District of Columbia. Of the total amount, $50 million was to come from the District of Columbia, $100 million from the Federal Government, and the balance to be obtained through the issuance of bonds. This bill was approved by the House and the Senate and later signed by the President.

No construction was started under the authorization of 1965. Those in charge of the rapid rail transit system then decided that compacts should be entered into with the outlying districts in Maryland and Virginia and together with the District of Columbia a much larger subway system should be constructed. So far no construction was underway pursuant to the authorization of 1965 and we then had the National Capital Transportation Act of 1969 presented to the Congress. This act provided for a 98-mile rapid transit system at a cost of $2.5 billion; $1,147,044,000 would come from the Federal Government in grants and $216,500,000 would come from the District of Columbia. The seven jurisdictions in Maryland and Virginia would pay $357 million for construction of the 98-mile system and the balance of $835 million would be in bonds to be issued and retired out of funds from the fare box.

Beginning in the year 1969 our committee has maintained that the 98-mile system could not be constructed for $2.5 billion. I believed then and I believe now, Mr. Chairman, that this 98-mile system will cost at least $4 billion and may cost $5 billion.

This 98-mile rapid rail transit system is the largest single public works project in the history of the United States and the largest single public works project in the history of the world. The Manhattan project during World War II cost $1 billion and the Aswan Dam cost $1.2 billion. None of the public works projects on the west coast or in the Tennessee Valley compare with the rapid rail transit system now underway in our Nation's Capital.

During the supplemental hearings in 1970 the officials of the Washington Metropolitan Area Transit Authority, upon being questioned concerning the $2.5 billion figure, finally admitted that the 98-mile system could not be constructed for $2.5. Later on, they advised us that it would cost $480,200,000 more than anticipated to construct the 98-mile system. During the hearings on the supplemental appropriations bill the following questions and answers appear in the hearings:

General Graham, do you still say to this committee that $2.5 billion will construct the 98-mile rapid transit system that you have in mind and the one authorized in 1969 by the Congress?

OVERALL COST TO EXCEED $2.5 BILLION

General GRAHAM. I think for the first time, Mr. Chairman, I can indicate that it is going to cost more, because for several months we have been engaged in new capital cost studies and new net income analysis studies which will pin down the various components of the cost. We are about to culminate the studies and about to give the results to our board of directors and get their help in putting together a new financial program.

I cannot tell you at this time what the new capital costs will be, but it appears that it will be substantially higher than the $2.5 billion of costs.

I continued my questions concerning the overall cost of the rapid rail transit system and we have the following questions and answers which also appear in the supplemental hearings in 1970:

General, in all fairness to this committee and to the Congress and to the District of Columbia, won't this system come nearer $4 billion than it will $2.5 billion?

General GRAHAM. I do not think anyone has that answer, Mr. Chairman. At the time we put these figures together in late 1967, we were assuming a 5-percent rate of construction escalation compounded per year, and allowed several hundred million dollars for that. We were assuming an interest rate at that time of 5 percent for our revenue bonds.

Putting it all together, it came out to $2.5 billion.

We could not foresee at that time that construction costs would go up in this inflationary spiral, largely due to the wage agreements that were not for just 1 year but extending into the future for 2 or 3 years. We could not foresee the rise in the interest rate.

It appears now that this new capital cost will be some few hundreds of millions of dollars in excess of the $2.5 billion estimate.

The two big things are the inflation of construction costs and the continued high interest rates.

I think we are a long ways from being able to say that some day this may cost $4 billion. I hope that the administration and the Congress can get the rate of escalation under control so we never go anywhere near that figure.

In 1970 the bankers and the brokers in this country indicated that they would not purchase the $835 million in bonds which were to be issued and retired out of the fare box. They advised the Washington Metropolitan Area Transit Authority that some system to guarantee payment of the bonds must be placed into effect before the bonds could be purchased. Of course, Mr. Chairman, the bankers and brokers in this country know that bonds cannot be retired out of the fare box and this was generally known at the time the National Capital Transportation Act was presented to the Congress. We have maintained on our Committee on Appropriations for several years now that rapid rail transit bonds cannot be retired out of the fare box and this has been the experience of all communities operating a rapid rail transit system. A bill was introduced in the House of Representatives on November 18, 1971—H.R. 11877—which amends the National Capital Transportation Act of 1969. This bill provides for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority with that portion of the bill providing for the guarantee of Washington Metropolitan Area Transit Authority obligations reading as follows:

SEC. 9. (a) The Secretary of Transportation is authorized to guarantee, and enter into commitments to guarantee, upon such terms and conditions he may prescribe, payment of bonds and other evidence of indebtedness and the interest thereon issued with the approval of the Secretary of the Treasury by the Washington Metropolitan Area Transit Authority uner title III of the Washington Metropolitan Area Transit Regulation Compact. No guarantee shall be made unless:

(1) the Secretary of Transportation finds the obligation to be guaranteed represents an acceptable financial risk to the United States; and

(2) the Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Authority if at any time in the Secretary of Transportation's discretion this action would be necessary to protect the interest of the United States.

(b) Any such guarantee made by the Secretary of Transportation shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of a holder of the guaranteed obligation.

(c) The aggregate amount of obligations which may be guaranteed under this section shall not exceed $1,200,000,000; *Provided, however*, That such guaranteed obligations issued by the Authority shall not be outstanding at any one time in an aggregate principal amount in excess of $900,000,000 unless the local participating governments make matching capital contributions in a total amount not less than 50 per centum of the amount of such excess, or have entered into enforceable commitments with the Authority to make such contributions by the end of the fiscal year in which any such excess guaranteed obligations are issued; *And provided further*, That obligations eligible for guarantees under this section which are issued solely for the purpose of refunding existing obligations previously guaranteed under this section may be guaranteed without regard to the $1,200,000,000 limitation.

(d) The interest on any obligation of the Authority issued after enactment of this section shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

PAYMENT OF INTEREST

SEC. 10. The Secretary of Transportation shall make periodic payments to the Authority upon request therefor by the Authority in such amounts as may be necessary to equal one-fourth of the net interest cost, as determined by the Secretary of Transportation, including fees, commissions, and other costs of issuance incurred by the Authority on its obligations which are issued after enactment of this section.

The total cost of the rapid rail transit system, according to the officials of the Washington Metropolitan Area Transit Authority, will now be $2,980,200,000; $1,147,044,000 will be in grants from the Federal Government. The District of Columbia's share will be $269,700,000 instead of $216 million. The Virginia jurisdictions must now pay $204,900,000 instead of $150 million. The Maryland jurisdictions will pay $248,900,000 instead of $197 million. Instead of $835 million in bonds, we will have $1,200,000,000 in bonds.

From 1958 up to 1966 planning and surveys continued on the freeway projects distributed by the Commissioner of Public Roads on September 15, 1955. In some instances construction started but most major projects, which were later incorporated in the Highway Act of 1968, now only had more studies and spending of money for such studies which was not necessary. This was a complete stall on the part of the District officials and was not necessary insofar as placing the rapid rail transit system under construction was concerned. One of the members of the National Capital Planning Commission decided that the freeway projects, which the District had spent millions of dollars planning and surveying, must be permanently shelved. This same member, when her term expired, of course, desired to continue but she was not reappointed by the President.

In the year 1966 we had a balanced system of transportation underway, with some freeway projects under construction and others being surveyed and rapid rail transit authorized under the National Capital Transportation Act of 1965.

In the year 1966 our committee recommended to the House that the rapid rail transit money be appropriated following the action of the National Capital Planning Commission. Finally the Commission approved the freeway program and it appeared at that time the freeway system would get underway and the freeway-rapid transit impasse would be solved. Congress relied upon the action of the National Capital Planning Commission and the District officials and shortly after we recommended the release of the rapid transit money, the National Capital Planning Commission called another meeting and repudiated its action which had previously brought about the release of the rapid transit money. A lawsuit was immediately filed and the freeway system was again stopped. This lawsuit was filed in the year 1966 and after an adverse ruling by the District judge the plaintiffs appealed to the circuit court of appeals and a final judgment was rendered in February of 1968. This circuit court of appeals is the court which has as its chief judge, the Honorable David L. Bazelon. Notwithstanding the fact that this was an injunction suit the case remained in the court from 1966 to February of 1968. This procedure, of course, was right unusual to say the least. Certain requirements set forth in the judgment from the Bazelon court had to be complied with by the District of Columbia to proceed with the freeway system.

After patiently waiting for several years to see if the District officials would carry out their commitments concerning the freeway program not only insofar as the District of Columbia is concerned, but insofar as the States of Virginia and Maryland were concerned, the Public Works Committee then decided that some action on the part of Congress was imperative. As previously stated, the Public Works Committee down through the years has helped the District of Columbia and at no time selected the freeway projects as to number or site.

An antifreeway association was formed along about this time and several of the members were later on arrested for disturbance of the peace in the council chambers at the District Building. Ashtrays were thrown and general disorganization resulted. A number of the members of this organization are right unusual people and have never acted in such a manner as to indicate their desire to make our Nation's Capital a beautiful and respected city. This emergency committee on the transportation crisis issued all kinds of threats and statements to the effect that there would be no more exits or entrances into our Capital City. This committee proceeded to make every effort possible to destroy the freeway system which had been approved and to stop construction of each and every project in the system. Later on members of this group caused trouble at the site of the Three Sisters Bridge on the Potomac River. This committee on the transportation crisis also succeeded in bringing pressure on certain members of the city council along with our District officials and their threats were complied with in a great many instances by the District officials.

The Public Works Committee, decided that in the Federal-Aid Highway Act of 1968 a provision must be placed concerning the freeway system in our Nation's Capital with the provision providing that the District of Columbia officials and the Secretary of Transportation proceed immediately to construct certain freeway projects. A portion of Public Law 90–495, pages 13 and 14 of the Federal-Aid Highway Act of 1968 provides as follows:

(Excerpt from Public Law 90–495, pp. 13 and 14)

DISTRICT OF COLUMBIA

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction, shall be undertaken as soon as possible after the date of enactment of this act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section, the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I–266 (section B1 to B2).

(2) Potomac River Freeway, I–266 (section B2 to B4).

(3) Center Leg of the Inner Loop, I–95 (section A6 to C4), terminating at New York Avenue.

(4) East Leg of the Inner Loop, I–295 (section C1 to C4), terminating at Bladensburg Road.

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(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under the section 106 or 117 of title 23, United States Code, the Commissioner of the District of Columbia, may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507, and 508 of title 23, United States Code.

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 (47 Stat. 161; D.C. Code, sec. 8–115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of replacement property.

Section 23 of the Federal-Aid Highway Act of 1968 required the District of Columbia and the Secretary of Transportation to commence work no later than 30 days on four projects, namely:

First. The Three Sisters Bridge.
Second. The Potomac River Freeway.
Third. The center leg of the inner loop.
Fourth. The east leg of the inner loop.

This section also required the District and the Secretary of Transportation to study the remainder of the Interstate System and to report back to Congress no later than 18 months on the results of the studies.

A year went by before the District officials made any effort to comply with these mandates of the Congress and it was not until the Revenue Act of 1969 from the Committee on the District of Columbia was brought to the House that the District of Columbia officials decided that some action must take place. This bill contained a provision that there would be no Federal payment to the District of Columbia until Congress was advised that the District of Columbia was in compliance with the law passed in 1968. The compliance at that time consisted of starting the Three Sisters Bridge under construction, commencing engineering work on the Potomac River Freeway, continuing construction of the center leg of the inner loop, and advertising and receiving bids on the first section of the east leg of the inner loop.

At this time the District officials submitted to Congress studies recommending a route for the extension of the east leg of the inner loop which would have extended same right through the National Arboretum and forced a change in the upper end of the east leg which had already been directed by the act passed by Congress.

The east leg therefore as presented represented a maze of noncompliance with the 1968 act. The suggestion of going through the National Arboretum was premeditated of course and brought about hundreds of letters from fine women throughout this country objecting to extending the freeway system through the National Arboretum. The District officials still afraid of the threats of the Emergency Committee on the Transportation Crisis and acting under the advice of one or two members of the National Capital Planning Commission, took great delight in presenting a plan providing for the freeway system to go through the National Arboretum and continued their efforts to stop the freeway system in the District of Columbia.

When the Department of Transportation study recommendations called for in the Federal-Aid Highway Act of 1968 were sent to Congress we found their study to be in complete disagreement with the District of Columbia recommendations and discovered that neither the District of Columbia nor the Department of Transportation had even discussed their proposals with the States of Maryland or Virginia. In fact, the Council of Governments which must be counseled on these projects had rejected the District's plan in early 1969.

During the months of August and September of 1969 the District officials following the Revenue Act of 1969 which provided for no Federal payment decided that the 1968 Highway Act must be complied with and at that time directed the Department of Highways and Traffic in the District of Columbia to let a contract for the construction of the Three Sisters Bridge. Construction on the Three Sisters Bridge started in August of 1969 and a contract totaling nearly $2 million was let for pier construction. In October of 1969, just a few months after the bridge contract was let, a suit was filed to stop construction of the bridge and the freeway projects. Construction on the Three Sisters Bridge continued until August of 1970 when the Bazelon circuit court of appeals again stopped construction of the Three Sisters Bridge. This is the same court that entered the final order on February of 1968 which then forced the Congress to place the provision in the Federal-Aid Highway Act of 1968 concerning the freeway program in the District of Columbia. Since the bridge was stopped the District of Columbia has now for well over a year paid $500 a day to the bridge contractor for use of equipment at the river site which is now idle and for guarding the piers which were not completed.

In the second suit filed in 1969 we again have a suit requesting an injunction and this suit is still in court. The District court dismissed the suit filed in August of 1969 maintaining that the provision contained in the Federal-Aid Highway Act of 1968 concerning the construction of the Three Sisters Bridge, the Potomac River Freeway, center leg of the inner loop, east leg of the inner loop, and the study which was to be made was the law and had to be complied with.

Since the District officials and the Department of Transportation decided to play games with the 1968 Federal-Aid Highway Act the Public Works Committee decided that in the Federal-Aid Highway Act of 1970 there must be a provision concerning a study of the east leg, the north leg, the North Central Freeway and the Northeast Freeway. This provision of the 1970 law provides as follows:

(Excerpt from Public Law 91–605, pp. 18 and 19)

DISTRICT OF COLUMBIA

SEC. 129 (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-Aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I–295 (secs. C4.1 to C6).

(2) North Central and Northeast Freeways, I–95 (secs. C7 to C13) and I–70S (secs. C1 to C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I–66 to point C7 on I–95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

After enactment of the 1970 Highway Act over 4 months of the 12-month period elapsed and the District made no effort to begin studies.

On October 12, 1971, Judge Bazelon handed down an opinion reversing and remanding the case to the district court. This was a three-panel decision with Judge Bazelon and Judge Fahy on one side and with the opinion filed by Judge Bazelon. Circuit Judge MacKinnon dissented. I am not acquainted with Judge MacKinnon but understand that the judges in the courts in the District of Columbia and the lawyers throughout this section of the country recognize Judge MacKinnon as one of the outstanding judges on the U.S. court of appeals and further recognize the fact that he is considered as an excellent lawyer.

I have carefully read the opinion handed down by Judge Bazelon together with the dissenting opinion of Judge MacKinnon. Judge Bazelon, in his opinion, on page 31, states in part as follows:

It is plainly not our function to establish the parameters of relevance. Congress has carried out that task in its delegation of authority to the Secretary of Transportation. Nor are we charged with the power to decide where or when bridges should be built. That responsibility has been entrusted by Congress to, among others, the Secretary, who has the expertise and information to make a decision pursuant to the statutory standards. So long as the Secretary applies his expertise to considerations Congress intended to make relevant, he acts within his discretion and our role as a reviewing court is constrained. We do not hold, in other words, that the bridge can never be built. Nor do we know or mean to suggest that the information now available to the Secretary is necessarily insufficient to justify construction of the bridge. We hold only that the Secretary must reach his decision strictly on the merits and in the manner prescribed by statute, without reference to irrelevant or extraneous considerations.

Also, in Judge Bazelon's opinion, he states in part as follows:

If the bridge cannot be built consistently with applicable law, then plainly it must not be built. It is not inconceivable, for example, that the Secretary might determine that present and foreseeable traffic needs can be handled (perhaps by expansion of existing bridges) without construction of an additional river crossing.

Mr. Chairman, the chief judge of the circuit court of appeals went too far in his opinion. All through this opinion he sets up a series of hoops through which the Secretary of Transportation must jump, notwithstanding the fact that the Federal Aid Highway Acts of 1968 and 1970 are the law, and clearly indicates that after his instructions are followed there may be other suggestions made later on which would in effect continue to direct the District officials and the Secretary of Transportation to ignore and evade the Highway Acts of 1968 and 1970.

Mr. Chairman, the legislative branch of our Government is a coequal branch and certainly we have no right as Members of Congress to stand by and permit the judicial branch of our Government to take over the legislative branch. The restrictions placed on the Secretary of Transportation by Judge Bazelon are such that it will be virtually impossible to build the Three Sisters Bridge as directed by Congress. Mr. Chairman, I most respectfully state that Judge Bazelon has overstepped the permissible bounds of judicial review and substituted pure speculation which is not supported by the record now pending in his court.

Judge MacKinnon, in his dissenting opinion, stated in part as follows:

The governmental authorities responsible for dealing with this situation concluded that it is necessary to erect the Three Sisters Bridge across the Potomac River as one essential part of the overall highway improvement program proposed for the entire metropolitan area. The erection of this bridge is here opposed by a citizens group of the District of Columbia which does not seriously attack the basic merits of the overall program to improve highway traffic congestion but instead ground their opposition on an alleged failure to comply with certain procedural requirements imposed by statute which are applicable to the planning and construction of the project. In such matters, under our form of government with its separation of powers, the function of policy making is assigned to the Legislative and Executive Branches. Congress enacts the basic laws and these are carried out by (1) the Executive Department functioning principally through the Department of Transportation, headed by the Secretary of Transportation, a member of the President's Cabinet, Mr. Volpe, though other federal departments may perform isolated functions; and (2) by the District of Columbia acting through its Highway Department.

It should also be noted that the Constitution vests Congress with complete control over the entire area of the District of Columbia for all governmental purposes and insofar as legislation is concerned vests it with the combined powers of the federal and state governments. *U.S. Constitution*, art. I § 8; *Kendall* v. *United States*, 12 Pet. 524, 618 (1838); *Stoutenburgh* v. *Hennick*, 129 U.S. 141, 147 (1889); *Shoemaker* v. *United States*, 147 U.S. 282, 300 (1893); *Atlantic Cleaners and Dyers* v. *United States*, 286 U.S. 424, 434–35 (1932); *O'Donoghue* v. *United States*, 289 U.S. 516, 539 (1933). The Constitution thus imposes a precise duty upon the members of Congress to look after the needs of the District of Columbia in addition to those of their individual district constituents. Members of Congress are also charged with guarding all the interests of the entire nation in the District of Columbia as the seat of our national government. Pursuant to this assignment of responsibilities, Congress and its members have taken cognizance of the need for transportation facilities in the District of Columbia and the surrounding metropolitan area. To meet the area's anticipated transportation needs it has authorized the appropriation of federal funds for the construction of a metropolitan subway system and has also authorized and directed that substantial additions be constructed to the thru-highways in the area. These additions include the erection of the Three Sisters Bridge. In this connection it was the decision of Congress that the subway construction and the additional highways (including the Three Sisters Bridge) would be built contemporaneously. This conclusion follows from the facts of the contemporaneous appropriations and the express congressional direction that work on the Three Sisters Bridge begin within thirty days after the congressional enactment (82 Stat. 815).

Again, on page 6 of Judge MacKinnon's opinion, we find the following:

In this terse manner the extensive findings of the trial court are effectively negated. The discussion of the application of the separate statutes (Title 23, U.S. Code) which follows fully demonstrates the wide gulf between the majority and the practical trial judge who heard all the witnesses in an extensive 12-day hearing, received 1,025 pages of depositions and then thoroughly documented his findings in an opinion covering 40 printed pages. *D.C. Federation of Civic Associations* v. *Volpe*, 316 F. Supp. 754 (D.D.C. 1970).

Again, in Judge MacKinnon's dissenting opinion, on pages 8 and 9, we find the following:

Certainly the location of present highways and bridges in the Washington area when combined with various topographical features, existing traffic flow patterns, and the fact that one objective of the Three Sisters Bridge project was doubtlessly intended to alleviate some of the traffic congestion presently existing on the highways within the parklands on both sides of the river in the vicinity of the Three Sisters Bridge, might compel the conclusion that as a matter of sound *highway* engineering the only feasible project that would correct the congestion would be to erect a bridge in the vicinity of the Three Sisters Islands.

Mr. Chairman, again on pages 17 and 18 of Judge MacKinnon's dissenting opinion we have the following:

CONGRESS, REPRESENTATIVE NATCHER AND SO-CALLED POLITICAL INFLUENCE

In Part II of the majority opinion Judge Bazelon deals with the position of Congress and refers principally to some statements by Representative Natcher relating to the Three Sisters Bridge. The opinion infers that Representative Natcher by his acts was a party to forcing approval of the Three Sisters Bridge without regard to its merits, but the record does not so reflect. As the trial court found, Representative Natcher stated that he would do what he could to withhold appropriations for the construction of the District of Columbia rapid transit system "until the District complied with the 1968 Act" and "the freeway project gets under way beyond recall." Representative Natcher was thus merely attempting to see that the laws enacted by Congress were carried out. The Three Sisters Bridge was just one of several freeway projects upon which Congress in 1968 had directed the District of Columbia to commence work. It is not unusual or improper for Congress to withhold appropriations until its laws are complied with.

On pages 23 and 24 we find Judge MacKinnon states in part as follows:

The realities of this situation are that under the Constitution the Congress of the United States has a wider voice in the affairs of the District of Columbia than it does in the affairs of states or other cities. Pursuant to its constitutional mandate Congress does take a firm hand in matters affecting the District and that is precisely what this court found was lacking in the first case (1968) involving the District highway program. *D.C. Federation of Civic Associations, Inc.* v. *Airis*, 129 U.S. App. D.C. 125, 391 F. 2d 478 (1968). But no Congressman has any weight in such matters beyond his ability to speak for Congress and to the extent that he does speak for Congress he is only calling attention to the expressed will of Congress.

Congress has spoken in this matter. In Section 23 of the Highway Act of 1968 it ordered the erection of the Three Sisters Bridge, not as a single project but as a part of the broad highway improvement program for the Washington Metropolitan area. And Congress and those who speak for it have a continuing interest in seeing that the expressed will of Congress, as clearly enunciated in a statute signed by the President, be carried out.

Judge MacKinnon, on pages 26 and 27, states in part as follows:

The majority also ignore the fact that the so-called parklands involved on the Virginia side of the river are all in the George Washington Memorial *Parkway*. Highways have always been an important part of this highway park. The George Washington Memorial Parkway was established by Congress (46 Stat. 482 et seq.) as a narrow elongated parkway along both banks of the Potomac River from Mt. Vernon and Fort Washington to the Great Falls of the Potomac. It parallels the Potomac River from Mt. Vernon to a point above the Great Falls on the Virginia side, except for the City of Alexandria, and from Fort Washington (in Maryland across from Mt. Vernon) to a similar point above the Great Falls on the Maryland side, except within the District of Columbia. One of the congressional purposes in establishing the parkway as a memorial was to provide for the construction of extensive highways within

the dedicated area. The legislation also sought to protect and preserve the natural scenery of the Potomac Gorge and the Great Falls of the Potomac, to preserve the historic Patowmack Canal and to acquire that portion of the Chesapeake and Ohio Canal below Point of Rocks (46 Stat. 482–83).

The fact that this park has to a substantial extent, and always has had extensive highways within its confines, makes it practically impossible for any proposed bridge in this area to be erected without affecting some of its lands. This results from the fact that much of the traffic congestion which the proposed bridge seeks to relieve is traffic over the automobile highways within the parkway itself.

The Highway Acts of 1968 and 1970 must be complied with by the District of Columbia officials and the officials of the Department of Transportation. Both rapid rail transit and the freeway system must proceed together. There is a place for both a freeway system, a rapid rail transit system, and an express bus system in our Nation's Capital. We must have a balanced system of transportation in Washington, D.C.

Mr. Chairman, we do not recommend construction funds for the Washington Metropolitan Area Transit Authority at this time.

Mr. Chairman, our committee recommends this bill to the Members of the House.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I find myself in complete agreement with the comments of our distinguished chairman of this subcommittee.

There are some things that I believe need to be said that have not been said. There are some things that need to be reiterated that have been said.

As Members were told, this is the biggest budget by far in the history of the District of Columbia. It is $194 million over last year, but it is $144 million less than was requested. Ninety-seven million dollars of reductions came in the field of capital outlay.

This was not an across-the-board slash, but represents an accumulation of individual actions taken mostly because the projects were not ready to proceed.

The recommended Federal payment to the general fund of $162 million is likewise by far the biggest in history. But again this is $8 million below the amount heretofore approved in the revenue bill by this House.

Never in history has the District of Columbia government requested more in the way of a Federal payment to the general fund than 30 percent of the revenues raised within the District. The authorized $170 million which passed this House would have represented more than 35 percent of the locally raised revenue, and this $162 million included in this bill represents about 34½ percent, so that by a direct grant of Federal funds to the Treasury of the District of Columbia this would provide more than one-third of the amounts that are locally raised.

I believe this bill overall represents a judicious use of the funds available. There were requests before us for 1,743 new positions. The funds available permitted 264, and those are entirely for the staffing of new institutions that will come into being.

There are many other requirements of high priority.

I would find it difficult to argue against many of these individual items, but those can be financed only if we are willing to increase this Federal payment. I will not support a single dime of increase in this huge Federal payment. It is high enough; in fact, it is too high. I am not prepared to vote to have the people of our districts throughout the country carry this. In my district, I can report to you, my constituents pay just about twice as much in the way of real estate taxes as do the people of this District of Columbia, and they pay higher income taxes than do the people of the District of Columbia. I am just not prepared to vote for a higher Federal payment than what is included in this bill out of the hides of people who are being more heavily taxed at the present time than are the residents of the District of Columbia.

I think when we consider that the Mayor of the District of Columbia requested an increase in the real estate taxes here in order to raise some revenue and the city council very reluctantly granted him one-third of the increase that he requested, the local revenues available were thereby shortened by $8 million. I cannot say to you directly that the $8 million in welfare payment reductions included in this bill are directly related to that $8 million shortfall from real estate taxes. I think the reductions in the welfare payments stand upon their merits, but I would just hope that the City Council might just guess that there might be some connection between the $8 million in reduced welfare funds and the $8 million shortage of revenue occasioned by the failure to follow the Mayor's recommendation with respect to real estate taxes.

Most of the discussion that we hear outside of our committee room deals with the subway. I do not wish to go back into ancient history or to plow ground which has already been tilled. Suffice it to say that for more than a quarter of a century planners have attempted to evolve a balanced transportation system for the District of Columbia. There has been broad participation in the consideration of varying proposals for such a balanced system. Progress has been slowed by the diffusion of the public authority and by differences of opinion as to what constitutes the public interest and, in more recent years, by a growing sentiment in some quarters against urban freeways. Because of lack of agreement, even after more than a score of years, among the agencies and the interests involved, it was left for the Congress to determine and to define the elements of a balanced transportation system. Congress performed that function in the Subway Authorization Acts of 1965 and 1969 and in the Federal Aid Highway Acts of 1968 and 1970.

Mr. Chairman, the 1968 act mandated the construction of the Three Sisters Bridge, the Potomac River Freeway, the center leg of the inner loop to New York Avenue and the east leg of the inner loop to Bladensburg Road. It also directed that the rest of the Interstate System be studied by the District Government and the Department of Transportation. These elements of the study were specifically outlined in the 1968 act.

In signing the 1968 act, President Johnson directed the Department of Transportation and the government of the District of Columbia to prepare a comprehensive plan for a District of Columbia highway system.

In December of that year the District of Columbia Council accepted and published a plan which contained several variations from the 1968 Federal Aid Highway Act and specifically omitted the mandated Three Sisters Bridge and the mandated studies for the northeast and north central corridors.

After President Nixon in 1969 submitted a strongly worded message, specifically calling for a balanced transportation system for the Washington metropolitan area, after that—some months after that—the District of Columbia Council, in August, adopted a resolution to comply with the Federal Highway Act of 1968. It looked at that time as if a quarter of a century of dilly-dallying and obstruction had come to an end. Unfortunately, this was not the case. Recognizing the conditions and local differences, the Congress, on the recommendation of the Public Works Committee in the 1970 Highway Act directed three studies of several of the freeways which had been mandated for study in the act.

However, the mandated construction in the 1968 act—that is, the Three Sisters Bridge, the Potomac River Freeway, the center leg of the inner loop to New York Avenue and the east leg of the inner Loop to Bladensburg Road—was in no way altered by the 1970 act.

Work was actually commenced on the Three Sisters Bridge, but then came the injunction of the Federal district court, the challenge for which was noted for a remarkable lack of energy and idleness at the site of the Three Sisters Bridge.

On October 12 of this year came the decision of the U.S. Court of Appeals for the District of Columbia which went beyond the decision of the District in conjuring up obstacles, and singled out by name one of the most honorable and deservedly respected men who has sat in this House, the gentleman who serves as the chairman of this subcommittee, my good friend BILL NATCHER—to single out Chairman NATCHER as some of the newspapers, some of the uninformed egotists of radio and TV, and now the circuit court of appeals has done is an affront to the House in general and to the full Appropriations Committee and to our subcommittee in particular.

Mr. Chairman, this is not a one-man subcommittee. Certainly, we do not have a one-man Appropriations Committee. For that matter, this is not a one-man House of Representatives. This House has insisted upon, as defined and as mandated, a balanced transportation system. I submit that our subcommittee has and is acting in accordance with the clearly expressed wishes of this House and, yes, although he does not seem to realize it on this date, in accordance with the clearly expressed wishes of the President of the United States.

Mr. Chairman, many of the people who now want us to allow more and bigger holes for the downtown area, for the subway, are still doing their best to sabotage the freeways, any freeways for the Washington metropolitan area.

I am not talking about 25 years ago or 5 years ago or 2 years ago. I am talking about now, December of 1971.

In accordance with the 1970 act, the District of Columbia Department of Highways and Traffic in June of this year entered into an agreement with two firms of consulting architects and engineers to restudy the north leg, the northeast and north central east legs, and the New York Avenue corridors. A great number of civic groups were contacted, and a number of informal meetings were held, and these were all within the past few weeks. Here is what the consulting engineers reported on November 15, less than 3 weeks ago—and I am reading from page II–1 from that summary of their report:

> As meetings progressed it became apparent that several factors hindered constructive communication and participation. Many citizens and community leaders had previously taken firm positions against freeways—

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself an additional 5 minutes.

> they did not wish to discuss any new proposals that might weaken their antifreeway stand. In several instances residents who had agreed to hold meetings in their own homes later cancelled the meetings, saying that they had been influenced by those opposed to the freeways. Representatives of organized freeway opposition groups dominated at least two of the meetings that were held.

This was not in 1968, this was within the past few weeks.

It seems clear to me that, if we are to have a balanced transportation system, if we are not going to completely capitulate to the obstructionists, the two major elements of this balanced transportation system must go forward together. In fact, freeways ought to be accelerated. Traffic entering and leaving the District of Columbia on an average weekday continues to increase at the rate of more than 3 percent each year, and, according to the optimistic forecasts, the 98 miles of transit lines will not be fully operational until 1990.

All that our subcommittee, the full Committee on Appropriations, and this House of Representatives have ever sought is some assurance of a balanced transportation system, not just a subway, not just the freeways, but both—a balanced transportation system. And when we have that assurance, a solid peg to hang our hat on, we are committed to the appropriation of the subway funds.

So here we are on this December day with $200 million of available highway funds tied up that ought to be going into freeways.

All we are saying is we must have, as the trustees of the mandate of this House, not just a directive, but assurance that the circuit court of appeals will set a definite date for rehearing, and thereafter that we have an expression of his confidence that the legal representatives will succeed in breaking the obstructive log jams on the freeways by the President of the United States.

So there are two elements for clearing up this matter, and they are, first, the setting of a day certain for rehearing by the circuit court of appeals, en bank, and, second, a subsequent communication from the President that he believes a balanced transportation system is assured, and on the basis of that assurance requests the appropriation of the subway funds.

It seems to me this House can require no less, and we have never asked for any more.

I would like to yield to the chairman of the subcommittee and ask him if I have fairly and fully stated the situation as it now exists.

Mr. NATCHER. Mr. Chairman, I would like to say to my distinguished friend, the gentleman from Wisconsin (Mr. DAVIS) that I agree with every word that he has just stated.

At this time I want the members of this committee to know it has been a distinct honor and privilege for me to serve with GLENN DAVIS on this subcommittee. He is one of the ablest Members of this House. He is for the District of Columbia. He is for the United States and he believes, Mr. Chairman, that the Congress of the United States, the legislative branch of the Government, is a coequal branch of the Government.

All we are asking is that the law be enforced. Mr. DAVIS, I agree with every word you said.

Mr. DAVIS of Wisconsin. My friend is too kind.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Is there anything the President of the United States can do now, or direct any member of the executive branch to do, that would cause the gentleman to agree to the release of these subway funds?

Mr. DAVIS of Wisconsin. No.

Mr. BROYHILL of Virginia. So we have to wait on the action of the court, the judicial branch, in order to consider the release of the funds?

Mr. DAVIS of Wisconsin. We have not said that we have to wait for or to get a decision of the court as a condition here. All we have simply said is that we be notified—that is, that the Circuit Court has set a day certain. I am confident enough that Judge Bazelon's decision will be reversed by a Supreme Court. I am simply saying, tell us—we have a date for a hearing.

Mr. BROYHILL of Virginia. Mr. Chairman, if the gentleman will yield further—if Judge Bazelon wants to drag his feet and wants to play cat and mouse a little bit with the legislative branch, then the result will have to be a further unreasonable delay in the construction of the subway system. As you have stated, there is nothing the President can do or the executive branch can do or that anyone in the legislative branch can do to get the committee to release the subway funds. The net result would be that we would really be waiting on the whim of the Chief Judge on the U.S. Circuit Court of Appeals in order to get subway funds appropriated.

Mr. DAVIS of Wisconsin. No, I do not understand it that way.

Mr. Chairman, I do not believe we are depending on his whim entirely as to whether or not we will have a rehearing.

Mr. BROYHILL of Virginia. What is the other condition that is being required for the release of the funds at this time. I understood the first, which was the result of a behind-the-scenes compromise agreement that the funds would be released when a date was set for a hearing by the U.S. Court of Appeals. Now yet another condition is being added. Would the gentlemen please explain that new condition?

Mr. DAVIS of Wisconsin. I object to the use of that—there was nothing behind the scenes about anything. We simply attempted to resolve this matter by laying the cards on the table and setting the conditions under which this could be done.

Mr. BROYHILL of Virginia. If the gentleman will repeat the second condition now. We understood there is a second condition now added to what some of us understood was offered as a compromise and had been agreed to.

Mr. DAVIS of Wisconsin. I do not know upon what basis the gentleman understood anything.

Let me tell you—No. 1, as to the setting of a date certain for a rehearing and, second, a subsequent communication from the President—that he believes a balanced transportation system is assured and requests the appropriation of funds on that basis.

Mr. BROYHILL of Virginia. Has the President given that assurance? Has the President assured the Congress that he is for a balanced transportation system and he has instructed the members of the executive branch to follow that and the gentleman has had that assurance?

Mr. DAVIS of Wisconsin. No, this is a subsequent communication.

Mr. BROYHILL of Virginia. You want that reassurance?

Mr. DAVIS of Wisconsin. If that is the way the gentleman wishes to put it—yes.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I support the gentleman from Kentucky, the chairman of the subcommittee, and the gentleman from Wisconsin, the ranking minority member on the subcommittee, wholeheartedly. I strongly believe their position is a sound one. I think it is unfortunate, to say the very least, that with all the efforts of the President of the United States and with all the action of this Congress in trying to enforce the several highways acts, we are thwarted apparently by an adamant attitude of one member of the Federal judiciary.

It was amusing to me to read some reports in one of the local newspapers of a behind-the-scene secret meeting that the gentleman from Wisconsin, the gentleman from Kentucky, the gentleman from Ohio, and I had to discuss a way in which we could help get the subway money and also proceed with the highway program.

I do not know how much more open such a meeting could have been held.

About four rows behind the Democratic desk over there the four of us sat alongside one another and discussed how we could do our best to get the money available for the subway construction program, and in the best of faith—I guess in the eyes of everybody in the chamber—we came to a suggested program. As I understand that suggested program, the gentleman from Kentucky and the gentleman from Wisconsin agreed that if the Circuit Court for the District of Columbia would agree to a date certain to hold a hearing—just a hearing—that the recommendation would be made by this subcommittee for the release of all funds that have been requested by the President of the United States. I believe that is the understanding that we came to.

As I understand the procedure in the circuit court of appeals, it is within the discretion of the chief judge that he can agree to hold such a hearing en banc. But I am also informed that a majority, which is five out of the nine judges, can petition the chief judge, if he will not act, and then such a hearing is set. I do not understand why a small group, or maybe one man in this court will in effect thumb the nose at the House of Representatives. If you ever read that decision by Judge Bazelon, I do not think a single Member of this body would have any respect for that decision.

All we are asking is that they agree to a date certain to hold a hearing. I think that is reasonable. I believe in a balanced transportation program. I want the subway to go ahead; I want the highway program to be constructed as the Congress has said on two occasions it should be constructed, and I refuse to let one man or two people in the Federal judiciary thwart the wishes of the President of the United States and thwart the wishes of the Congress of the United States.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield to me to ask the minority leader a question?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I wish to ask the minority leader this question: Is it his understanding that there was a second provision in this general discussion that the gentleman had with the gentleman from Kentucky? You mentioned one. They mention two.

Mr. GERALD R. FORD. As I understand, the second condition raised by the gentleman from Wisconsin is merely a reiteration of what the President of the United States has already said. I do not think that that is a problem. As far as my understanding is concerned, that is not a condition that would in any way prevent me from supporting the funds for the subway.

Mr. BROYHILL of Virginia. It was added.

Mr. GERALD R. FORD. You are making a mountain out of a molehill.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I promised to yield to the gentleman from Connecticut. I yield to him now.

Mr. GIAIMO. We are talking about some agreement that I am hearing about for the first time, except for having seen references to it in the press. But I would like to get very clear in my mind, because I, myself, had a discussion with the minority leader several days ago in which we understood the so-called agreement said that if the appellate court will agree to rehear the matter en banc, that will be sufficient. Now we are hearing a slight change. It is not only will the court agree to a rehearing en banc, but will they also set a date certain, and beyond that we now hear of an added demand that the President has to take some positive step in addition to what he has already done. I do not know what else the President can do to indicate his support for the Metro system. If I may refer back to the statement——

Mr. DAVIS of Wisconsin. Let me correct the gentleman. The President is on record in support of a balanced transportation system.

Mr. GIAIMO. All I am saying, as the gentleman knows—and let me go back to when my distinguished chairman spoke before—if I remember correctly, he said he would be willing to put in the moneys for the subways even in a supplemental, providing the court ordered an en banc hearing and carried out the provisions of the Highway Act in the law. This is much more than he said several days ago. It is not clear to me at all. I do not think it is a relatively clearcut commitment one way or the other. I think what can very easily happen is further delay of Metro.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I do not remember the precise words of my discussion with my friend, the gentleman from Connecticut, but if there is any difference from what I said here on the floor, I do not think the difference is significant. If the circuit court of appeals, the appellate court, agrees to a rehearing, is it not responsible to ask them to set a date? We do not want a rehearing in limbo. We want a date certain. I think that is a perfectly reasonable and rational request.

I think the gentleman, himself, instead of quibbling about a word or phrase, ought to recognize that is a responsible request and a reasonable one.

Mr. DAVIS of Wisconsin. Mr. Chairman, I did set out the two specific elements. I think they are very clear, and the gentleman from Kentucky concurred in those two elements. I do not know how we can make it any more clear than that.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I am hearing about this agreement for the first time officially. I read about it in the paper the other day. But as a member of the subcommittee I want to make it very clear that I think there ought to be something more required than what we are selling out for today.

In 1960, a similar impasse came about where the highway funds were not being released, and the highways were not being built, but an agreement was made the courts would reconsider and the funds were released. History will show that the opponents went back to court and got it tied up again. I, for one, will not agree to what apparently this group has agreed to do.

The people in Indiana and the people of the Members here are going to have to pay for the subway, including the people in Michigan and Wisconsin, and so on. What do they care about the subway? Will they ever use it? But they are going to use the highways. So I question this. I will support the subway when the highways are started, and not just on the basis of some agreement.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I can understand the views of the gentleman from Indiana. I can only say for myself if they agree on a date certain to hear the case en banc on the Department of Justice petition for a rehearing, I will vote for the necessary funds in the budget for the fiscal year 1972, either in this bill or in any supplemental, including a special supplemental. That is my personal commitment.

Mr. MYERS. Mr. Chairman, will the gentleman yield again?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, is this not just exactly what happened in 1969 and did not this Appropriations Committee and the Congress act in good faith to release those funds at that time?

Is it not a fact there is the same danger of this time having the judge or the panel merely saying they will hear it, but is there any reassurance they will hear it in 1972 or will they wait until 1974?

I think we are turning everything over to them and not having certain reassurance.

Mr. DAVIS of Wisconsin. The thing I said was the setting of a date certain, which is to avoid that very doubt.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, my name has been mentioned in the so-called agreement or understanding we have had. That is, I agreed completely with what the gentleman from Michigan, the minority leader, has said the understanding was, and what the gentleman from Wisconsin has said. I believe if the court of appeals will take jurisdiction and agree to a date certain for the hearing, the understanding was then we would have it on a supplemental and not wait for a general supplemental. This does not mean we are going to wait for the supplemental of next year or until all the other agencies are taken care of.

We will bring it in on this one bill. That is the understanding we have.

It seems to me the gentleman from Kentucky has been most fair in his understanding on this, in his agreement to the proposition I have stated. The gentleman from Wisconsin has agreed.

I might say again, there was no secret meeting. It was all right over here on the floor.

I would support, when the court of appeals takes jurisdiction and sets a time certain, this proposal, and I will do everything I can to get that supplemental request up here. I will do everything I can to get the funds passed so that we go ahead.

There is no desire on the part of this gentleman from Ohio, nor I am sure on the part of any others who take the position we do, that we want to leave the subway with dry holes in the District of Columbia, as somebody has said. This is not the purpose.

We can move as fast as soon as the court takes jurisdiction and sets a time certain. Then we will go ahead.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. GIAIMO) a member of the subcommittee, and one of the outstanding Members of the House.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. GROSS. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Mr. GIAIMO. Mr. Chairman, let me say at the outset that my dear friend, BILL NATCHER, the subcommittee chairman from Kentucky, is one of the most able and one of the great Members of Congress. His integrity and his devotion to duty are second to none. I have only the highest respect for him.

As much respect as I have for him, he knows I must disagree with him on this issue of Metro, because I feel strongly about it.

I am somewhat shocked, Mr. Chairman, by some of the colloquy which we have just heard in this Chamber. I agree with the gentleman from Wisconsin in that I do not favor Judge Bazelon's decision. I was disappointed with the decision; I believe it to be erroneous.

I, too, am concerned, as is my chairman, that all too frequently we are seeing an encroachment by the judiciary into legislative matters. I hope that in the forthcoming years the courts, particularly the Federal courts, will restrain and constrain themselves from entering into the legislative area.

But, as bad as it is for the Federal courts and the judiciary to intervene in legislative matters, it is as equally bad and wrong for the legislature and the Congress to intervene in the area of the judiciary.

It has been said that we want a balanced transportation system, and we do. I want to see a balanced transportation system. I want to see the Three Sisters Bridge and its adjoining highways built. They are part of the Highway Act that this Congress passed and mandated, and therefore, it is incumbent upon the District government, the Department of Transportation and anyone else involved who bears the responsibility for carrying out the law to do so and to complete the highway system and the bridges.

However, part of the determination as to whether or not we are carrying out the law involves the right of people who disagree with Congress action to seek recourse in the courts of the United States. The Constitution affirms that. So, whether or not the Three Sisters Bridge is in accordance with the law, even though I think it is, is not a determined fact as yet; it will not be determined until the United States court of ultimate jurisdiction tells us that it either is or is not. As much as we may dislike it, there is nothing we can do about it.

But there is something that we can do. Although we cannot do anything about the bridge and the highway system, we can retaliate against the people of the District of Columbia by saying, "No bridge, no subway," even though all of us in this House supported the authorization of the subway.

I submit to you that this is what we are doing now. We should not do this, however, because we believe a judge is incorrect or because we do not agree with the decisions of a court. I think we in Congress owe it to ourselves, to our oath and to our constituency not to retaliate on the defenseless people of the District of Columbia.

We have been arguing this matter of Metro year in and year out. It has been said, and correctly so by the gentleman from Kentucky, that they were not in compliance with many of the programs concerning the development and construction of freeways and bridges. Not only were they not in compliance, but, in my opinion, the District government over the years was dilatory, and I think the Department of Transportation was also dilatory in many instances. But this argument no longer applies. They are now in compliance. They have done everything that they can possibly do at the present time. The District government is ready to begin construction of the Three Sisters Bridge immediately upon allowance by the court to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman from Connecticut 5 additional minutes.

Mr. GIAIMO. Until that decision is reached, the District can do nothing further to be in compliance with the highway mandates of the U.S. Congress.

Now we have Metro. Metro is desperately in need of money. We find ourselves in the strange situation in this House and, in fact, in my own Committee on Appropriations where we wish to refuse the District of Columbia's share of Metro funds this year just as we did last year. Yet this very Committee on Appropriations, recognizing the importance of careful planning for Metro, has funded money for the Federal portion, the two-thirds portion, of subway construction which, incidentally, we fund a year in advance. So we have given the Federal moneys in an appropriation out of the Subcommittee on the District of Columbia of the Committee on Appropriations. We have already given them their fiscal year 1973 money. Here we are, the same committee which on one day says to its full committee and to the House, "Here is the money for Metro, for the Federal portion," and then on another day says there is no money for the District of Columbia's share which we are bound to provide for you.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. Yes, I yield to my colleague from Massachusetts.

Mr. CONTE. The gentleman from Connecticut is four square and absolutely right on that. The amount of money that the Subcommittee on Transportation, of which I am the ranking Republican member, appropriated over $650 million for the Metro and here we are talking about $72 million in this budget.

Mr. GIAIMO. And is it not so that you make these appropriations a year in advance?

Mr. CONTE. These are advanced appropriations which the Congress does not like, but the Congress last year and this year appropriated that amount without one single argument against it on the floor of the House.

Mr. GIAIMO. Is it not so that they must have careful planning and look over the contracts to which they have to commit themselves and have a balanced approach in the construction of the Metro?

Mr. CONTE. Mr. Chairman, if the gentleman will yield further, that is right; and, further, so they can work in cooperation with the other eight jurisdictions involved in the Metro system.

Mr. GIAIMO. Mr. Chairman, here we are, my friends, saying once again there is one other hurdle you have to jump before we give you the money for Metro. I will admit that the hurdles are getting smaller, but we are now saying that the appellate court set a date certain for rehearing en banc. I would like to ask either the gentleman from Kentucky or the minority leader if is the intent to insist upon anything beyond the setting of a date by the appellate court?

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. Yes.

Mr. GERALD R. FORD. I thought I made that crystal clear in my brief colloquy with the gentleman from Connecticut, and that is the only condition that I require as far as the support of the funding of the subway is concerned.

Mr. GIAIMO. As I understand it, the gentleman from Kentucky has made reference to carrying out the provisions of the law. Does this mean that the court would act in an expeditious and proper manner and not take a year or so to set a date?

Mr. NATCHER. Yes.

Mr. GIAIMO. Mr. Chairman, the only difficulty I see with this problem, and it is a very real difficulty, is that the Congress may adjourn within a week or 10 days, and therefore, the Congress would not be in session. As to what happens when we come back, based upon my own experiences, there will be a considerable period of time before a supplemental bill comes out of the Appropriations Committee. I know it could be done rapidly and forthwith, but normally we

do not move quickly in January and February. Therefore, it would probably be March or April before we would have a supplemental bill and, as a result, we would have delayed Metro all of those weeks and months and added to the escalation of the cost.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. The circuit court of appeals could set a date today They could have set a date yesterday. They could have set a date before that. I think we ought to have some cooperation from them.

As the gentleman knows, the Federal court system can move very, very rapidly when it wants to. We have a recent incident where they went from literally the bottom to the top, with reference to the Pentagon papers in a span of less than a week. It seems to me it would be very simple, very fair, and very reasonable for Judge Bazelon to say, "we are setting a date for a hearing," which I do not think is unreasonable.

Mr. GIAIMO. The gentleman says we could set the date today. I would say to the gentleman that the court could have decided this matter in our favor also, but the fact of the matter is that the court did not. I do not like the court telling the Congress what to do, and I find it a little disturbing that we would undertake to tell a Federal judge what to do.

I have confidence that the Federal courts will act in their good time and that they do not want to be dictated to by the Congress of the United States. I hope the day never comes in this country when the U.S. courts are dictated to by the Congress, or anyone else.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would ask the gentleman how much has been added to the construction of the freeways and the Three Sisters Bridge—the cost of them?

Mr. GIAIMO. I cannot answer the gentleman's question, but I can say to the gentleman that when you build a highway or a bridge today you have very great controversy in almost every city and State in the Nation, and these controversies can only be resolved in the courts of the United States.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I will be glad to yield to the gentleman who made such an excellent speech against the subway in toto before.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. Mr. Chairman, I rise to speak on this bill, and to say that most of all I should like to reiterate the words of the gentleman from Wisconsin when he said: "This is not a one-man subcommittee, this is not a one-man committee, this is not a one-man Congress."

I want to say to my chairman, and my dear friend, the gentleman from Kentucky, BILL NATCHER, that before being privileged to serve with the gentleman on his subcommittee this year, I served under the chairmanship of the gentleman from Illinois on the Roads Subcommittee of Public Works for 6 years; and it just seems to me, Mr. Chairman, that somewhere before going to the Committee on Appropriations, I had heard something about freeways, and the Three Sisters Bridge, and the need for a balanced transportation system.

Mr. Chairman, too much—far too much abuse—has been heaped on one man in this situation, and I refer to the gentleman from Kentucky (Mr. NATCHER).

Now my President has gotten involved in this situation and, Mr. Chairman, he too is not a culprit either. The ones who are, do not seem to be the ones who get embroiled in it. I refer to the ones who have resorted to every devious trick, and scheme and device they could to thwart the will of this Congress—not the will of my good friend, the chairman of this subcommittee, not the Committee on Public Works, but this Congress and two Public Laws, one enacted in 1968 and one in 1970.

We are familiar of late, Mr. Chairman, with those who by their actions say, "the end justifies the means." We will decide what laws are good and what laws are proper and just and, if they are not, do what you want. "We have seen a commission that approved a bridge, and thereby subway funds are appropriated. Then the commission immediately thereafter met and said, "No, we reverse our decision." Or to say, "Yes, we are going along with the highway part of a balanced transportation system," and then a lawsuit is started. And then—not 1 month, not 2 months, but it takes 4 months to put in an answer to the suit.

I found the gentleman from Connecticut's remarks in this debate very moving. Mr. GIAIMO spoke very eloquently about the District of Columbia not being at fault here. All I can say to the gentleman from Connecticut is that I am not so sure. Sometimes I have the feeling about this District government and some of their allies, that when they come in on this question of balanced transportation, highways and subways, that, Mr. Chairman, they sound a little like the boy who shot his father and his mother, and then threw himself upon the mercy of the court because he was an orphan. I think they have had a little bit to do with this along the way. I think that administrative actions could have been taken to expedite this balanced transportation system.

This is one of the things that is at stake here.

For more than two decades there have been studies and plans made—and if I be in error, I know my dear friend, the chairman of the Roads Subcommittee of the Committee on Public Works (Mr. KLUCZYNSKI), is here and he will correct me—but I believe the figure is $20 million of studies on this transportation problem of this Washington metropolitan area—83 separate studies, I am reminded by the gentleman from Iowa (Mr. GROSS).

Everyone said we needed the highways, the Three Sisters Bridge, and the subway system and in that way and only that way can we have a balanced transportation system.

Well, I think we are only going to get that if we get the message out of here today, loud and clear, that now it is time for somebody else to move, and when they move—then we will move. I think it is no large price to pay for moving ahead on a balanced system to say that we will come ahead with the funds for the subway just as soon as the court agrees to a day certain to hear this case.

I hope this House, in the action which it will be taking not too long from now, will support not just Mr. NATCHER, not just his subcommittee, not just the Appropriations Committee and the Committee on Public Works, but will support what is the law of the land.

The gentleman from Connecticut was persuasive in his argument—that he deplored the confrontation of this body and the Court and, yes, the Court confronting us.

As he was speaking, I was thinking, What are our powers? The Court has its marshals. The powers of the executive branch are awesome. But what are our powers in this, the people's House? Are we a helpless giant? Do 200 million people, or the electorate thereof, who go to the polls to elect 435 Members and two delegates, expect us to be concerned for compliance with our laws? I think they should and they do. Our greatest strength, our marshals for enforcement, are the decisions we make on appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. KLUCZYNSKI), the chairman of the Subcommittee on Roads of the Committee on Public Works.

Mr. KLUCZYNSKI. Mr. Chairman, I want to thank the gentleman from Kentucky for giving me this time to explain the bill under consideration.

Mr. Chairman, I rise to support the position of the gentleman from Kentucky and the full Appropriations Committee. I do this not only as chairman of the Subcommittee on Roads of the House Committee on Public Works, I do this in the name of JOHN BLATNIK, chairman of the Committee on Public Works, who at this time is hospitalized, but resting comfortably. He has asked me to speak for him in this regard and to indicate his complete support of Mr. NATCHER's position. Were he here, he would do it himself.

The Committee on Public Works included in the 1968 Highway Act provi-

sions well known to you all that certain segments of the Interstate System in the District of Columbia be built in accordance with plans already approved by all of the local bodies. We did not make these up; they were presented to us. They are good highway plans and should be built.

The Committee on Public Works is in favor, and I cannot stress this enough, of a balanced transportation system. We want this subway built, but we also want the highways built. They cannot be separated one from the other because they were designed to complement each other.

In my city of Chicago, we have rapid transit lines running in the median of the interstate highways and it is the greatest thing in the world. But we would be in rough shape without those freeways.

The issue here is even bigger than just freeways and transit. Here we have defiance of the will of Congress. This cannot be tolerated, gentlemen. Where do we stand if we cannot be assured that the laws we passed are going to be carried out. The administrative bungling that has been thrust upon us in this instance is unbelievable. It must be corrected and drastic action is necessary.

Again, I say to you that the House of Representatives must stand behind the Appropriations Committee and BILL NATCHER of Kentucky.

The Committee on Public Works stands in support of him and knows that he is right.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the acting chairman of the House Public Works Committee, the gentleman from Alabama.

Mr. JONES of Alabama. The day before yesterday the gentleman from Minnesota (Mr. BLATNIK) called me from the hospital and made the same request of me that he made to the gentleman in the well, that is, to let the House know of his position that he would stand behind the judgment that was made in the 1968 act, that is, we would have a concurrent public works project for the highway system and the rapid transit system.

Why can we not go along with both programs? Why must one be separated from the other? As the gentleman in the well (Mr. KLUCZYNSKI) has pointed out, these programs are totally necessary if we are going to accommodate the public needs. If we do not stand behind Mr. NATCHER in his position, we are going to further delay, hamper, and destroy the public transportation accommodations for the people of this area. So I think it is needful that we act with dispatch to obtain what we originally set out to accomplish.

I see no reason for dissidence and misunderstanding because our goals were firmly established. People with knowledge and information passed it on to us, and we responded in such a way as to try to do the very best we can under a very troublesome situation. I hope that the House today will recognize the tremendous burden under which the gentleman from Kentucky (Mr. NATCHER) has been working during the past few years, and that we will steer ourselves to a better destiny under his leadership.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the Appropriations Committee, the gentleman from Ohio (Mr. Bow).

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. BOW. If it is a short question to which a short answer will be responsive.

Mr. YATES. Earlier a statement was made by the gentleman and the distinguished minority leader. I understand the minority leader and the gentleman agreed upon the fact that they would agree to make the subway money available at such time as the court of appeals set down a rehearing of the action.

Mr. BOW. When they assumed jurisdiction to sit en banc and set a time certain.

Mr. YATES. When they set down for rehearing——

Mr. BOW. En banc, the court en banc, and they set a time certain.

Mr. YATES. For the rehearing.

Mr. BOW. Mr. Chairman, I would like to get away from the subway for a few minutes and talk a little about the rest of this bill.

The distinguished gentleman from the District of Columbia made a minute speech here a little while ago in which he rather severely criticized the Appropriations Committee and used some pretty hard words against us about what we have done with this bill.

The gentleman has not been here quite as long as I have, but I should like to say when I came to the Congress 22 years ago, the Federal contribution to the District of Columbia was $9,800,000, and in this bill today the Federal contribution is $162 million—an increase in the period of time I have been here of 1,600 percent.

Now, that is not a very bad figure when we see there is a 1,600-percent increase, but this is not all. The $162 million in Federal contribution is not all. Our taxpayers, the taxpayers of the Members and my taxpayers throughout this entire United States, in addition to the $162 million are also providing Federal grants of $267 million.

In other words, in addition to what else is going on here for the District of Columbia, the taxpayers of the Members and my taxpayers are contributing to the maintenance of the District of Columbia $463 million. Those are Federal funds, taxpayers' money, out of the Treasury of the United States, contributed to the maintenance of the District of Columbia.

Then when the gentleman talks and says we are not being fair and not taking care of the people of the District of Columbia, I must point out all our taxpayers are contributing $463 million. As I mentioned, there is a 1,600-percent increase just in the period of time I have been a Member of this Congress.

It has also been pointed out here that real estate taxes are low. The ranking minority Member said the real estate taxes are much lower than they are in his hometown.

I think if Members will all check the taxes being paid by their taxpayers at home, they will find their taxpayers are paying a higher real estate tax in most instances than the citizens are paying in the District of Columbia. But when those same taxpayers, who are paying the higher real estate taxes at home, are also called upon to contribute $463 million to the people of the District of Columbia in addition to their own taxes, I thought, Mr. Chairman, it would be well if we could point that out.

Now, I thought if we could get away from the subway for a minute, I would just point out what we really are doing for the people of the District of Columbia by the taxpayers of the entire Nation.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, I am sure the gentleman understands it is impossible to compare the District of Columbia as a city with any city of comparable size anywhere in the United States for the reason that the District of Columbia performs multiple functions as a government that in other jurisdictions are shared with the States and counties and other special jurisdictions. The fact is, for example, that on the question of public welfare, there are many cities that are often compared with the District of Columbia that bear little or none of their public welfare burdens because those costs are shared substantially with the State and county jurisdictions surrounding them.

Mr. BOW. If the gentleman will just stop right there, and I will yield further, I want to point out that I thought the gentleman would raise that question, so I point out that the taxpayers of this country are contributing in a Federal grant to the human resources the gentleman is talking about, in an amount of $99 million. I think any other city of comparable size in the United States would be delighted to get the help of $99 million out of the Treasury of the United States for their human resources. The District of Columbia is getting $99 million from the general taxpayers of this country for its human resources.

Mr. Chairman, I yield further to the delegate from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, the gentleman realizes, I am sure, that the fact is that those cities would be getting assistance from their surrounding State and county jurisdictions, and those shared resources would not be reflected in the assistance the District of Columbia gets as a city-State.

Mr. BOW. It seems to me, if the gentleman will permit, the gentleman is talking about what counties might give, or States, but all the time I hear the District of Columbia wants to be a State, to have its own State, and to take over itself. If they can prove they can do that, perhaps they can get some.

But they are still getting $99 million in human resource funds from all the States and all the taxpayers of the United States.

Mr. FAUNTROY. The gentleman does realize, all of that notwithstanding to the contrary, the fact is that there

is an $8 million cut in the welfare assistance.

Mr. BOW. Would the gentleman also tell the House at this time how much of an increase there was; not a cut from the authorization, but how much of an increase there was in the appropriation over what was provided last year? Let us talk about increases, not reductions under authorizations. By how much did the Appropriations Committee increase the appropriation this year over last year's amount?

Mr. FAUNTROY. I was about to say, the fact is that the amount of public assistance afforded elderly people in this community, afforded the young who qualify for public assistance, afforded the handicapped will be cut in half.

Mr. BOW. Would the distinguished chairman of the subcommittee tell us how much we have increased the amount?

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, for the fiscal year 1971 the Congress recommended and there was appropriated $707,171,562. We are recommending in this bill $901,476,700.

I say to my distinguished friend from Ohio, the ranking minority member on our committee, this is $194,305,138 more than last year, not including the Federal grants.

Mr. BOW. I thank the gentleman.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman and members of the committee, I am reluctant, in the midst of all these cosmic debates about metro and appropriations to the tune of $700 million or $900 million, to raise such a modest item as the appropriation which is being made for the Department of Corrections; but at a time when the focus of public attention is rightfully on prisons and correctional institutions I believe it is almost incredible that the District of Columbia budget, for an increased jail population, proposes a budget this year that is less than that for last year.

If I am wrong I hope the chairman of the subcommittee will correct me.

As I read the report and as I read the hearings, the budget for this year for corrections is $500,000 less than it was last year. I have pored through the hearings, members of the committee, and I find nothing to justify the cut. I found almost a love feast between the members of the committee and the head of the Department of Corrections and representatives of the city about some of the needs that were represented in the budget request.

As an example, let us consider narcotics treatment. Everyone praised the good job we were beginning to do on narcotics treatment; and yet the final recommendation of the Appropriations Committee is to cut 22 positions, to make it impossible to open up two very important narcotics centers in the District of Columbia.

The District of Columbia has been using halfway houses. I do not care, ladies and gentlemen, whether you like halfway houses or not, but unfortunately, if we close up halfway houses those prisoners do not blow away. They have to be put some place.

Under the appropriation that has been recommended there will be money for 100 fewer inmates in the halfway houses than before, and yet we are authorizing money for fewer guards than are needed to take care of the present population.

Ladies and gentlemen of the committee, the Committee on Appropriations recommended a $2 million cut over what was requested by the District of Columbia and what was approved by the Office of Management and Budget for the Department of Corrections. That reflects a cut of some 52 positions, including some 17 correctional officers requested for staffing of the new maximum security unit in the Youth Center. Mind you, this is a maximum security unit. Six additions for adult parole staff and 22 additional correction positions were also cut. I could go on with other cuts like that.

I have been in these institutions. The District of Columbia jail was built to hold 600 people and there are now 1,245 people in there. The Women's Detention Center was built to hold 50 people and there are 109 in there now.

Mr. NATCHER. Will the distinguished gentleman yield to me?

Mr. MIKVA. I am glad to yield to the distinguished chairman.

Mr. NATCHER. I want to say I consider the gentleman from Illinois one of the ablest Members of this House, and I do not say it just to make him feel good. The gentleman from Illinois serves on the District of Columbia Committee. That is correct; is it not?

Mr. MIKVA. That is correct.

Mr. NATCHER. Your committee brought out a bill 3 weeks ago which provided for a limitation on employees of 39,619. This bill provides for 39,619.

You point out to the committee that there are 17 additional new employees who were not approved. We could not approve them. Your committee put a limitation in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. I yield the gentleman 1 additional minute.

Mr. MIKVA. I merely wish to say that I worried about that limitation when it was put on by my committee and opposed it for that reason.

But I say to the distinguished chairman—and I hope we are forming a mutual admiration society here today—that I do not believe he would say the place we ought to cut, for the benefit of all of us who live and work in Washington, is 17 guards in the maximum security unit when we know that the prison population is over the amount that we were supposed to have had.

Mr. NATCHER. You say we should not do it. Why did your committee put the limitation on the revenue bill of 39,619?

Mr. MIKVA. I say I opposed it.

Mr. NATCHER. You serve on the District of Columbia Committee, and you know that we are within the limitation.

Mr. MIKVA. Let me say that of the 39,000 employees I would hope that some place there was room for a cut besides 17 guards in the maximum security unit.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Thank you.

Mr. Chairman, as a new member of this very fine committee, I thank the chairman, Mr. NATCHER, of the subcommittee, and the ranking minority member, Mr. DAVIS of Wisconsin, for their generosity and consideration in every case. It has been a pleasure to serve on this committee, despite what you have been hearing today.

At the conclusion of Mr. GIAIMO's remarks he made reference to the fact that I had made a speech against the Metro. I make it very clear. I think the Metro is a fiasco that will cost the taxpayers of this Nation more than $5 billion by the time it is completed. I cannot see it paying its operating expenses, let alone retiring the debt. However, it is a law and I shall support and vote for funds for that Metro whenever we are assured of a balanced system. It is very, very important that we look toward a balanced system. That is exactly what this whole argument about Metro has been here today.

I think that the argument here on Metro for $72 million is a little sidetracking argument. There is something that I think is much more important, and that is the budget of $901 million.

Earlier we were talking about the Federal contribution. Of course, historically the Federal Government has made a rather significant contribution to the District of Columbia government. I am not going to take issue with that. I think there is a lot of reason for it. But I do not see any place else in the United States where there is any similar contribution made in lieu of real estate taxes that might be paid by the Federal Government.

Now, Mr. Chairman, I will use an example of one of the counties that I have the honor to represent. It is a small county. Three townships composed of 51,200 acres, which constitutes about one-third of the area of that county are now owned by the Federal Government. That county does not receive 1 nickel in lieu of real estate taxes. They get a little Public Law 847 funds, or impacted aid funds. I think it runs about $60,000. However, that does not anywhere near approach what we give the District of Columbia government. The figure was used of something like the total contributions and assistance running at about $453 million.

Mr. Chairman, the General Accounting Office's last estimate for 1970 reflected that the Federal Government's contribution in financial aid as well as contracts and so forth was $483,970,000. That was 2 years ago. So next year I think we could reasonably conclude that approximately one-half of the budget of the District of Columbia will come from the taxpayers

of the United States and not from the District of Columbia—the people that live here.

The gentleman from the District of Columbia, a moment ago, was defending the District of Columbia government, as he should, of course, and as we all defend our own districts. However, the gentleman made reference to the fact that the District was performing all of the services that other governments at the State and local level might provide in other cities.

I notice that the number of employees that we have authorized as the result of a limitation by this Congress in a previous action for the District of Columbia is 39,619. Last year the authorization was 41,848.

Let me give you an example of government in action someplace else and that is Indianapolis, Ind., which has a metro-type government and where the population is 744,624. That is even more than some of the most recent estimates as to the population of the District of Columbia.

The metrogovernment in Indianapolis, excluding teachers, employs 6,350 people.

Now, the gentleman says that we have State government providing some services for Indianapolis. Well, let us add the State of Indiana. The State of Indiana is composed of 36,291 square miles plus 106 square miles of inland waters as compared to 69 square miles of the District of Columbia. In other words, we have more area in waterways in Indiana than the area of the District of Columbia. The population of the State of Indiana is 5,193,669 but the total number of State employees is 19,259, and by adding the city of Indianapolis which performs a similar service as does the District of Columbia, we still have only 25,609 total employees in city and State government.

Mr. Chairman, I think the Commissioner of Washington as well as Chairman Hahn are doing a very fine job. I think they are doing the best they possibly can, but they need help and that help must come from this Congress. They assumed a high-employment and high-spending condition.

This is our Nation's Capital. It does not belong solely to the people that live in the District of Columbia. The hard working taxpayer back in each of our districts are entitled to some consideration and that should not be just the right to spend more of their money here and the responsibility to send more money to Washington.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. NATCHER. Mr. Chairman, we have no further requests for time.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SCHERLE), a member of the subcommittee.

Mr. SCHERLE. Mr. Chairman and members of the committee, first of all, let me compliment the excellent job done by the chairman of our subcommittee, the distinguished gentleman from Kentucky (Mr. NATCHER), and also the ranking member, the gentleman from Wisconsin (Mr. DAVIS). It has been a real pleasure working with these two men and, indeed, as a new member on this subcommittee I had an opportunity to benefit from the great insight and wisdom of these two men.

There is one thing I want to mention at this time, and it grieves me deeply to hear the verbal accusations made against my distinguished chairman simply because he is protecting the law, the very law that this Congress in 1968 and 1970 passed concerning the Federal Highway Act.

He was protecting your interests and mine. He was defending a law that was passed in this House, yet all we hear day after day are accusations made against our distinguished colleague. I do not enjoy hearing them. Certainly it is not fair that these charges be directed against a man who has served in such an honorable capacity, and who has protected our interests as Members of the Congress.

This is our colleague, and the laws passed were ours.

Now, Mr. Chairman, let me spend a few minutes on the budget.

First of all, it has been my impression since I have been in Washington that this city operates extravagantly. If an efficiency expert were hired in the District of Columbia, he would last about 3 days and then he would quit in complete disgust.

The appropriation that we are making at this time includes an increase of $36 million. The last budget increase was $21 million, from $105 million to $126 million. Now this committee has granted an additional $36 million, from $126 million to $162 million.

As a member of the Committee on Appropriations I can recall no other appropriation passed this year which has allowed this great an increase over last year.

In July 1970, the welfare investigators were eliminated. At that time, ladies and gentlemen, there were 20,000 welfare cases at a cost of $35 million. One year later, without the investigators, the welfare cases had increased to 30,000 with a budget of $57 million. In 1971, in September of this year, there were 37,000 welfare cases costing an estimated $76 million. By fiscal year 1973, they expect to have 50,000 welfare cases with a predicted cost of $124 million. And this is happening at the very time, ladies and gentlemen, when the Department of Health, Education, and Welfare states that welfare cases throughout the country are decreasing. But here in Washington they are increasing, even though the population is declining practically every year.

In the hearings Miss Winifred Thompson, the Director of the Social Services Administration Department of Human Resources, testified—and I think this will be of interest to every Member present in the Chamber this afternoon—that cheats and frauds are costing the District of Columbia between $6 million and $8 million a year.

Just stop and think how many people, who are fraudulent recipients of welfare, it would involve to contribute to the figure of $6 million to $8 million a year. Think what this is costing alone.

Mr. Chairman and Members of the House, since we all subsidize a part of Washington, D.C., we should take care of it. But I do not think that we should provide retirement benefits for every person living in Washington through the generosity of the taxpayers throughout the United States.

I believe that this committee has done a wonderful job. It has been reasonable in its approach to the problem, but, Mr. Chairman and colleagues, there is a point that is beyond reason. We will have reached that point if we continue to vote increases that we have been giving the District of Columbia year after year. There is no justification, in terms of the expenses incurred.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Thank you, Mr. Chairman.

Mr. Chairman, personally I pay my respects to Mr. NATCHER. I recall so well the days when I was with the Rural Electrification Administration appearing before his committee and the very kindly and considerate attention that he gave to our efforts is something I appreciate tremendously.

Now may I refer for a moment to the fact that there is said to have been some kind of compromise reached between some Members here in the House over the subway funds. Being the ranking member of the District Committee, I am sorry to say that I am not too well advised as to just exactly what that agreement or compromise was, in fact. Further, I am a little bit more confused about what it was after listening to the debate.

Mr. Chairman, I hear one statement to the effect that the compromise looks to compliance with the terms of the 1968 Highway Act and another that the compromise merely precludes release of the funds until after the U.S. Circuit Court of Appeals for the District of Columbia agrees to hold a rehearing en banc on the *Three Sisters Bridge* case.

It seems that we all agree that there should be a balanced transportation system in the District. But on the other hand in every instance where we have had this subway funding issue before the House, there is always a reason given why the funds should not be released. In one instance, it was claimed that the Department of Transportation was dragging its feet; in another instance the District was dragging its feet, and in some instances it was claimed that the cost was just too high.

I agree that the President of the United States should exert his efforts to see that his executive department family cooperate. He has given us every assurance that he has put his executive branch behind a balanced transportation system for the District.

But now the courts have become the stumbling block by reason of the decision in the *Three Sisters Bridge* case. I am a farmer, not a lawyer, but I cannot follow the logic or reasoning of the majority opinion. For instance, Judge Bazelon finds that Secretary Volpe was intimidated by Congress even though he de-

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nies it. Yet he finds that the District of Columbia City Council was not so influenced by Congress even though Council members claimed to have been so influenced. At the same time he raises the District of Columbia City Council to the stature of a legislature and says he will not go into a question of undue influence. Now, as a farmer, I would assign a mark of failure to that logic and decision. Furthermore, for those of you who have not read the decision, I commend it to you for reading. Judge MacKinnon, as I read his dissent, clearly marks the majority opinion as not adhering to the facts, lacking in logic, going far beyond the issues in its holding, and generally lacking in reason and commonsense. Make no mistake: the majority opinion is mischievous on a grand scale, a personal attack on Members of Congress, and a decision which must, as the President so indicates, be reversed if necessary by petition to the Supreme Court. So in conclusion I say that the Bazelon decision was a travesty. I also say that it is demeaning for the Federal judiciary generally to have judges engage in personal attacks in their decisions. I regret as I am sure most of you do that the judge engaged in personal attacks as he did in the decision. I thought this action was way out of line. I think the majority decision should be overturned and the President has clearly indicated he believes so, too, in that he will go to the Supreme Court if necessary to do it.

I want to make reference now to a letter that the President sent the Speaker on this matter yesterday and I wish to insert it in the RECORD at this point. In 1969 I voted for the subway for the good reasons stated at that time. In May of 1971, I supported my good friend, Mr. Natcher, on this same matter for the good reasons I stated then. Today I support funding for the subway for the above reasons and for the reasons stated in the President's letter:

THE WHITE HOUSE,
Washington, December 1, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This week the full House of Representatives will consider the District of Columbia's 1972 appropriations bill. I believe it is imperative that the District's contribution to the Washington area rapid transit system be included in that bill.

In carrying out my commitment to develop a balanced transportation system in the National Capital region, I ordered the Attorney General to file a motion for a rehearing en banc of the Three Sisters Bridge case before the full U.S. Court of Appeals. That motion now has been filed. It is not possible to predict either the timing or the outcome of the court's action. Meanwhile, if we are to meet the region's future transportation needs, the Congress must act *now* on the District's contribution to the Metro.

Such immediate action is crucial for two reasons. First, denial of these funds risks losing the cooperation of the seven local governments which have contributed regularly and in good faith to this project—a loss which might well be final and hence fatal to the entire Metro. Second, each week of delay increases the costs to the taxpayers of the region and the nation by at least $1 million. Besides these increased costs, these delays needlessly postpone the day when this modern subway will begin to serve the area's residents and visitors.

In my judgment, the well-being of the entire Capital region will be at stake when the House votes on the District of Columbia 1972 appropriation bill. At this critical time, I urge you to do all you can to keep Washington's Metro system alive and moving forward.

Sincerely,

RICHARD NIXON.

Mr. Chairman, this letter was delivered to me this morning. It is a copy of one that has been delivered to other Members of the House.

Finally, my friends, I want to make some reference also to the total appropriation that is included here. I think this demonstrates that my figures were not too far off when we passed the 1972 District of Columbia revenue bill a few weeks ago. But may I say, I, too, agree that the government of the District of Columbia needs some examination and we are doing that in the study commission I chair.

I thank the gentleman for giving me this time and I say again that I intend to support the President.

Mr. NATCHER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I appreciate the gentleman yielding this time. This is a very difficult question, especially for the Washington area Congressmen. Reasonable people can disagree on the best course of action. We all want a balanced transportation system in this area. I think that the Public Works Committee, the Appropriations Committee and, I am told, the pages on each side of the aisle all favor a balanced transportation system. There is no disagreement about that.

Mr. NATCHER has been very much unfairly maligned for his efforts to obtain such a balanced system. I am convinced he is a fairminded man doing what he thinks best to solve this difficult problem. When we started debate today I had not made up my mind on how to vote. However, I have listened to the debate and have considered the arguments of Members who are in favor of withholding the funds and those who are in favor of the immediate release of the funds. I find some of those urging that we release the funds without assurance that the highways will be constructed are persons who carried placards against the construction of Interstate 66 in Virginia.

We need this Interstate System because we are going to put a subway down the median strip. It is part of Metro. We need Interstate 66 to be completed so we can develop Dulles Airport to full capacity. We need the Interstate System to be completed to more readily get to the cultural center at Wolf Trap Farm. More important we need the highway program to be completed so that commuters can get back and forth from home to work. Certainly we need the highways in the District of Columbia so that once people get into the Capital City, they can get to their destinations. A good system of highways complements the highway system.

So I am supporting the committee in its effort to obtain a balanced system. We know that a law was passed requiring the construction of highways within the District of Columbia. We know that that law has not been complied with. The Department of Transportation has been pushing the subway system. It has been giving lipservice to the highway program. I wish it would push as hard for the highways as it has been pushing for the subway. Both are essential if we are to solve the transportation problems of the Washington area.

We need an extra lane each way in our beltway on the Virginia side of the Potomac. It has been said that it is a huge parking lot because when cars are bumper to bumper they cannot get anywhere. People get very frustrated in congested traffic when they cannot go in any direction. If the Secretary of Transportation and if the President of the United States himself would indeed get behind the highways as strongly as they have gotten behind the subway system, we could have a balanced transportation system. Certainly I hope they will do so.

I wrote to the Secretary of Transportation some weeks ago and suggested that a writ of certiorari be applied for from the Bazelon decision. Judge Bazelon's position is untenable. I remember when he came to Washington. I worked under him down at the Lands Division of the Department of Justice. It was said he was a tax attorney. Now he seems to be an authority on everything. I believe anyone who reads that decision will step up here to the Clerk's desk and will sign the discharge petition to amend the Constitution and impose a 10-year limitation on the tenure of Federal judges with the right to be reappointed and reconfirmed. They will have to account for their stewardship at the end of every 10 years. Of course we want an independent judiciary but not an arbitrary one. The petition is at the Clerk's desk. I urge that you consider signing it. It is one way to assure strict constructionists on our courts.

Mr. Chairman, I am convinced that the action of the committee, if confirmed by the House, will expedite the completion of a balanced system of transportation. I hope that those who cry so loud for the subways, whether they are District of Columbia officials, the Secretary of Transportation, or the President, will push as hard for highways as they do for subways and then we can have the balanced system we talk about.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield the remaining time, which I believe is 5 minutes, to the gentleman from Massachusetts (Mr. CONTE), a member of the committee.

Mr. CONTE. Mr. Chairman, I thank the gentleman from Wisconsin for giving me this time.

Mr. Chairman, we are faced with a rather simple challenge today: Should we fulfill our legislative responsibilities by promptly releasing the $72 million that represents the District's share for the Metro project—a project that Congress has emphatically authorized to be constructed and appropriated $684 million in the DOT appropriation as the Federal share? Or will we continue to flout the legitimate interests of millions of area residents and visitors? Will we continue to indulge the mysterious whims of those who seem bent on creating an empty underground memorial to the second-class status that this city has too long had to endure?

Various arguments or excuses—call them what you will—have been advanced as justifications for withholding these funds. We have been told that the mandates of the Federal Aid Highway Acts of 1968 and 1970 have not been carried out. This controversy was raised during hearings held by my Transportation Appropriations Subcommittee last April.

Let us take a look at the facts. The 1968 act dictated that, within 30 days of enactment, work be commenced on, first, the Three Sisters Bridge; second, the Potomac River Freeway; third, the center leg of the inner loop, I–95; and fourth, the eastern leg of the inner loop, I–295. The Three Sisters Bridge is a special case which I will discuss later. As for the other three, design studies are in progress for the Potomac River Freeway and the east leg of the inner loop. And construction already has started on the center leg of the inner loop.

The act's further requirement that other aspects of the District of Columbia transportation system be studied were fulfilled with the reports provided to the Congress in February of 1970.

The 1970 act required a reexamination and a report to the Congress by December 31, 1971, of the east leg of the inner loop—I–295—and the north central and northeast freeways. The act also directed a study and a report of the north leg of the inner loop—I–66—but specified no deadline for submission.

The results of a consultant report on all these projects were released this week and the Department of Transportation has assured me that the December 31 deadline for the congressional report will be met.

This leaves the Three Sisters Bridge controversy. As everyone is aware, litigation concerning this structure is currently pending in the courts. The Justice Department has filed a motion for rehearing of the court of appeals' decision of October 12. The Department, which is as convinced as I am that both the District of Columbia and the Federal Government are in compliance with statutory requirements, is prepared to go to the Supreme Court, if necessary, to prove its case.

It should also be noted that the directives spelled out in the district court's decision on this matter apparently have been met. The court held that the District had not conducted a proper design public hearing. That hearing has since been held.

The court also directed that an analysis of the stresses in the design of the bridge be carried out. The Transportation Department has since constructed a model of the bridge and successfully completed its tests. These tests have shown that the project design structure is both feasible and safe.

To my mind, this chain of events resulting from the 1968 and 1970 acts, establishes not merely a good faith attempt, but an actual compliance with, the relevant statutory requirements. Consequently the denial of the subway funds cannot be justified on these grounds.

For a more detailed consideration of the legal complexities entangling the District of Columbia Interstate Highway System, I would direct my colleagues to pages 464 through 467 of part I of the fiscal 1972 transportation appropriations hearings. I am also submitting for the RECORD a copy of the Justice Department's brief in the *Three Sisters Bridge* case and a November 29 status report from the Federal Highway Administration as to the progress being made on the District Highway System.

I will discuss later in the day the even more crucial factors that demand a prompt release of these funds. Suffice it to say now that the attempt to hold the metrosystem hostage to the District of Columbia highway program has no legislative foundation.

Mr. Chairman, at this point I am here enclosing more pertinent material pertaining to progress on District of Columbia Interstate Highway segments:

FEDERAL HIGHWAY ADMINISTRATION

Progress on D.C. Interstate Highway segments as of November 29, 1971.

DISTRICT OF COLUMBIA RESTUDY

The restudy is now complete and all chapters have been sent to the printer. We have been advised by the District that a limited number of copies of the final printed report will become available early this week. FHWA staff is reviewing the draft chapters received to date, and preparing recommendations for the report to Congress.

THREE SISTERS BRIDGE

Last week, at the request of President Nixon, the Department of Justice filed a petition for reconsideration by the Circuit Court of the decision rendered on October 12, 1971, by the three judge panel. The petition seeks review by the full court. Should the petition fail, the case is to be taken to the Supreme Court.

POTOMAC RIVER FREEWAY

The National Capital Planning Commission is awaiting final concurrence from the consultant and the District's Corporation Counsel on the contract for land use studies and the preparation of a Sectional Development Plan for the Georgetown Waterfront. NCPC expects to have the contract executed and work under way by the end of this week.

SOUTH LEG OF THE INNER LOOP (LINCOLN MEMORIAL AND TIDAL BASIN AREA)

Preliminary drafts of an environmental impact statement and design hearing information reports have been reviewed and returned to the consultant for revisions. The design public hearing is scheduled for January 1972.

EAST LEG OF THE INNER LOOP (RFK STADIUM)

The D.C. Department of Highways and Traffic is working with the National Park Service on the joint planning and funding of that segment of the highway which will pass through Anacostia Park.

CENTER LEG OF THE INNER LOOP (WEST OF CAPITOL)

Work is proceeding on all segments of the Center Leg.

NOVEMBER 29, 1971.

APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States Court of Appeals for the District of Columbia Circuit

No. 24,838, D.C. Federation of Civic Associations, et al., Appellants against John A. Volpe, Secretary of Transportation, et al., Appellees)

(No. 24,843, D.C. Federation of Civic Associations, et al., Appellees against John A. Volpe, Secretary of Transportation, et al., The District of Columbia, et al., Rogers C. B. Morton, Secretary of the Interior, et al., Appellants)

PETITION OF APPELLEES FOR REHEARING AND SUGGESTION THAT REHEARING BE HELD EN BANC

Opinion

The opinion of this Court, issued on October 12, 1971, is not yet reported.

STATUTES INVOLVED

Federal-Aid Highway Act of 1968, 82 Stat. 815, 827 (Section 23). 23 U.S.C. secs. 109, 134, 138.

REASONS FOR REHEARING EN BANC

The appellees respectfully petition this Court for a rehearing of this appeal and suggest that the rehearing be held *en banc*. Petitioners set forth the following reasons in support of this petition.

I.—AFTER THREE OPINIONS BY DIFFERENT PANELS OF THIS COURT, THIS CASE IS RIPE FOR EN BANC CONSIDERATION

This is the third major opinion of different panels of this Court[1] with respect to the Sisters Bridge across the Potomac between Georgetown and Spout Run on the Virginia side upstream from the existing Key Bridge. The facts are fully set forth in this Court's present and prior opinions. *D.C. Federation of Civic Associations, Inc.* v. *Airis*, 129 U.S. App. D.C. 125, 391 F.2d 478 (1968), and *D.C. Federation of Civic Associations, Inc.* v. *Volpe*, ——— U.S.App.D.C. ———, 434 F2d 436 (1970). The net effect of the decision is to place the construction of the bridge in almost the same posture that it was in when Congress declared in Section 23 of the Federal-Aid Highway Act of 1968:

(a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I–266 (Section B1 to B2).

In short, in more than three years, except for a few concrete footings, and despite the foregoing mandate, the bridge is no nearer construction than it was in 1968. Regardless of the technical niceties of statutory construction and administrative review which have been applied to each and every attempt of the District of Columbia and the Secretary of Transportation to comply with this

Footnotes at end of article.

Court's directions in the past, we submit that the time has come for this entire Court to review the situation as a whole, rather than piecemeal. We believe such a review will demonstrate the correctness of our view, previously rejected by two members of a panel of this Court, on the construction of Section 23 of the Federal-Aid Highway Act of 1968 and further that, under any reasonable standard of administrative review, the specific statutory requirements imposed by this Court's April 6, 1970, decision have been met. Finally, we shall show that, in any event, the strictures placed upon the Secretary of Transportation are such that it will be virtually impossible to build this bridge as directed by Congress.

II.—THE BASIC DECISION OF THIS COURT IN ITS APRIL 6, 1970, DECISION THAT ALL PROVISIONS OF TITLE 23 OF THE UNITED STATES CODE WERE APPLICABLE TO THIS PROJECT IS ERRONEOUS

At the outset, we note that, since design hearings have been held (the need for which had been denied by the Government), we had thought this aspect of the case had become moot. However, in this Court's most recent opinion of October 12, 1971, the validity of the 1964 hearings has been questioned (Slip Op. 18–19).[2] Consequently, we are constrained to reiterate our position that both the literal words of Section 23, *supra*, p. 3, and the legislative history fairly examined inescapably lead to the conclusion that only those provisions of Title 23 relating to construction and which would not delay beginning work on construction within the 30-day period specified are the "applicable provisions of title 23 of the United States Code." We do not here reiterate all of the details of the legislative history which support our construction of the Act, since that has been done in prior briefs. We do call the Court's attention specifically to the statement of the House Managers contained in the Conference Report to accompany S. 3418, House of Representatives, 90th Cong., 2d sess., Report No. 1799, p. 34. This document, virtually ignored by the majority in the April 6, 1970, opinion, we believe should be conclusive. For a thorough discussion of its importance, see Judge MacKinnon's dissent in 434 F. 2d at 453–454. We turn next to a *seriatim* discussion of this Court's determinations with respect to compliance with 23 U.S.C. secs. 138, 134 and 109.

III.—THE REQUIREMENTS OF 23 U.S.C. SEC. 138 WITH RESPECT TO PARKLAND WERE CLEARLY MET

Section 138 embodies the congressional intent that, wherever possible, parklands should not be used in the construction of highways. However, this is not an absolute prohibition for, as this Court has pointed out (Slip Op. 6):

> • • • the Secretary of Transportation must determine before construction can begin that there is "no feasible and prudent alternative to the use of such land," and, assuming such a finding, that "the project includes all possible planning to minimize harm to such park . . ."

This Court refers to these two findings as "determinations" and declares (Slip Op. 10):

> While these difficulties [with the first determination] give rise to at least a substantial inference that the Secretary failed to comply with § 138, that inference ripens into certainty when one turns to the second determination required by § 138.

We address ourselves separately to each of the determinations, resolving both "inferences" and "certainties" as to compliance with Section 138.

A. *The testimony of the Secretary of Transportation meets all requirements of Overton Park and establishes, pursuant to Section 138, that there is no feasible or prudent alternative to the use of parkland.* In *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402 (1971), the Supreme Court remanded the case to the district court for review of the Secretary's decision under Section 138, including possible testimony by the Secretary and others, "to determine if the Secretary acted within the scope of his authority and if the Secretary's action was justifiable under the applicable standard." 401 U.S. at 420. As in *Overton Park*, this Court also expressed difficulty with the failure to develop a satisfactory administrative record. What this Court failed to acknowledge is that such an absence was due to the fact that the Secretary himself made the vital Section 138 determinations, having personally involved himself[3] "in the attempts to solve the rapid transit-freeway impasse which preceded the August 1969 approval of the project." *D.C. Federation of Civic Associations* v. *Volpe*, 316 F. Supp. 754, 760 (fn. 12) (1970). See 316 F. Supp. 769 (the Secretary has reserved for himself the crucial decision required by Section 138 for parklands [Tr. 641]; also 771 (did in fact make the required determinations in connection with his decision to approve the bridge project [Tr. 712–713]); and 773 (an exhaustive personal review).

The five-hour testimony of the Secretary is consistent with the requirement for review of Section 138 actions as provided in *Overton Park*, *supra*, p. 6. In a few cases, "it may be that the only way there can be effective judicial review is by examining the decisionmakers themselves." 401 U.S. at 420.

Having established by testimony a record of the personal decisions and actions made by the Secretary, this Court must review those actions within the review criteria for Section 138 decisions set forth in Overton Park.[4] The Supreme Court listed those criteria as (at 401 U.S. 415–417): (1) whether the Secretary acted within the scope of his authority; (2) whether the actual choice made was not arbitrary, capricious, an abuse discretion, or otherwise not in accordance with law—a decision based on a consideration of the relevant factors and whether there has been a clear error of judgment; (3) whether the Secretary followed the necessary procedural requirements—to state his reason for allowing the use of parklands.

In applying the above criteria to the testimony of the Secretary, it can be seen that his determination conformed to the standards of *Overton Park*. Mr. Volpe established that he had studied many documents concerning parklands and alternatives (Tr. 770, 773–774, 793); consulted with various community representatives on whether the bridge should be built (Tr. 801–802, 817); considered various alternatives, such as no bridge, a tunnel, a different location (Tr. 712–713, 724, 778). For this Court, then, to determine that the Secretary's actions, as represented in his own testimony, do not conform to the standards for passing judicial review is, in effect, to disbelieve his testimony and to impugn his credibility, as well as to reject the factfinding determinations of the district court. The cautionary directives of the Supreme Court in establishing Section 138 review criteria are appropriate: "The Secretary's decision is entitled to a presumption of regularity (401 U.S. at 415); "[t]he court is not empowered to substitute its judgment for that of the agency" (401 U.S. at 416). Particularly when the trial judge found that the Secretary's testimony was "honest" and "straightforward" (316 F. Supp. at 761, fn. 12) and "forthright" (316 F. Supp. at 771), the suggestion by the court that Mr. Volpe's testimony "itself gives rise to at least a serious question whether he considered all possible alternatives to the plan eventually approved" (Slip Op. 8) is unjustified. Mr. Volpe did so testify and, if this Court is convinced that he is not to be believed, it has committed plain error. The resolution of factual questions is not the function of an appellate court.[5] *Zenith Radio Corp.* v. *Hazeltine Research, Inc.*, 395 U.S. 100 (1969); *United States* v. *U.S. Gypsum Co.*, 333 U.S. 364 (1948). As this Court recognized, "We must point out again that it is not the function of this court to evaluate the credibility of the witnesses in determining whose version of the factual setting is correct." *Orient Mid-East Lines, Inc.*, v. *Cooperative For A.R.E., Inc.*, 133 U.S. App. D.C. 307, 410 F.2d 1006, 1009 (1969). We submit that this doctrine is even more applicable when it is the review of a district court's review of administrative action of a public official.

Based on Mr. Volpe's testimony, the district court determined in effect that the criteria of review subsequently announced in *Overton Park* were satisfied. The decisions made by him were within his statutory authority and were neither arbitrary nor capricious, nor without regard for a consideration of the relevant factors. The requirement for procedures adequate to provide a record (the reason for remand in *Overton Park*) was satisfied by his exhaustive testimony (consistent with that suggestion in *Overton Park*). Therefore, it was error for this Court to conclude that the feasible and prudent alternatives may not have been considered and infer a failure to comply with Section 138.

B. *The determination by this Court that "inference ripens into certainty" concerning failure to comply with the Section 138 determination to minimize harm to parkland is an incorrect interpretation of both the statute and Overton Park.* The second "determination" discussed by this Court at pages 10–11 of the slip opinion as to Section 138 provides: "(2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use." The Secretary testified that once it has been established and determined that parklands must be used, the obligation to minimize harm to such lands as required by Section 138(2) is a continuing one, beginning on the day that it is determined such lands are necessary, and continuing through the actual construction, operation and ongoing maintenance of the structure. As to such planning, the Secretary would continue to do whatever "was needed to be done in order to minimize the impact on park lands" (Tr. 737). Few alternatives as to the magnitude of harm would be available regardless of the above commitment, for "there are not too many ways in which you can get traffic on to and off a bridge. As a matter of fact, there are really only about two ways in which you can do it, and yes, we looked it over" (Tr. 737). To require a one-time determination of "minimized harm," rather than a continuing responsibility in keeping with the intention of the statute, is not justified. There will be ways to minimize harm to parklands, even on the last day of construction, that no one is now aware of. But a determination and approval of the project must be made at some point, if it is to receive funding. The interpretation of this requirement by the Court is basically a Hobson's choice for, if approval of the bridge cannot be had until all situations are met, and if such situations may not arise until far into construction, it would never be possible to construct the bridge, for approval would always be "premature."

IV.—THE PUBLIC ROADS DIVISION ENGINEER'S DETERMINATION THAT THE PROJECT IS BASED ON A CONTINUING COMPREHENSIVE TRANSPORTATION PLANNING PROCESS FOR THE REGION WAS NOT THE RESULT OF AN IMPROPER DELEGATION OF HIS AUTHORITY

Section 134 provides in part:

> After July 1, 1965, the Secretary shall not approve under § 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section.

Under this section the Secretary is charged to determine, before approval of a project, that the project is based on a continuing comprehensive transportation planning process for the region. The Secretary has delegated this responsibility to the Public Roads Division Engineer (Mr. Hall). In this Court's decision, the majority determined that Mr. Hall had improperly delegated his authority to make this decision to the Transportation Planning Board (TPB) of the Metropolitan Washington Council of Governments (COG) (Slip Op. 13). This Court "found" that Mr. Hall was acting only as a rubber stamp for TPB. Even if such a finding were within the province of this Court (which we deny), there is no support in the record for such a finding. The testimony demonstrates that Mr. Hall fully discussed the issue with his staff (Tr. 1109–1110). Further, Mr. Hall had an intimate knowledge of TPB's planning process, since he either attended their meetings or read the minutes of each meeting (Tr. 1282). Thus, he was in a unique position to make the Section 134 determination due to his personal knowledge of the functions of the Board. Nowhere in the record is there any evidence that Mr. Hall delegated his authority. Mr. Hall knew personally of TPB's continuing comprehensive planning process. To say that this constitutes a delegation of authority on his part is clearly an unwarranted assumption by the Court.

Furthermore, there is no justification for the implication that the National Capital Planning Commission (NCPC) need be consulted in making a Section 134 determination and the characterization of TPB's approval of the Three Sisters Bridge as "stale."[6] The fact that Mr. Hall did not rely on NCPC or its published plan in making the Section 134 determination is irrelevant. It is clear that TPB is the duly constituted agency of the concerned jurisdictions which regard to regional transportation planning and, as such, is the only agency which fulfills Section 134's requirement that the planning process be carried on cooperatively by the states and local communities. NCPC deals strictly with problems concerning the District of Columbia. Further, nowhere in Section 134 is there a requirement that the agency carrying on the regional planning process have a specific published plan.

The TPB gave formal approval to the bridge in 1967, only four years ago. Since then TPB has been engaged in an ongoing process of evaluation regarding the regional transportation system and throughout this period has never seen fit to revoke its approval of the bridge. It is hard to conceive how, in light of TPB's continued re-evaluation, its approval of the bridge can realistically be declared "stale."

V.—THE SECRETARY'S DETERMINATIONS THAT THE BRIDGE WILL BE SAFE, DURABLE AND ECONOMICAL TO MAINTAIN, FULLY COMPLY WITH THE REQUIREMENTS OF 23 U.S.C. SEC. 109(a)

Section 109(a), Title 23 U.S.C., requires that the Secretary's approval of plans and specifications for a federally-assisted highway project to be conditioned on a determination that the proposed facility "will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; • • •."

The plaintiffs contended that Section 109(a) was violated because questions regarding the stability of the riverbed, the possible effects of air pollution, and the structural feasibility of the bridge, were not resolved by the Secretary prior to approval.

The district court rejected the contention concerning the riverbed's suitability, finding that (1) the problems which developed with respect to the riverbed were not "such as would render [the] approval of the preliminary plans violative of § 109," and that (2) "It is only after the commencement of the actual excavation for the pier foundations that the engineers can be certain that subsurface conditions are sufficient to support the piers" (316 F. Supp. at 790–791). The majority overturned those findings, evidently reasoning that, since the engineers had to excavate deeper than originally anticipated to reach solid rock for pier foundations, the safety was not *absolutely* "certain" (Slip Op. 16–17). This is plainly contrary to established engineering practice and experience (Tr. 601, 604) and patently unrealistic. The majority specifies no basis whatsoever for holding these findings "clearly erroneous."

The plaintiffs' second contention, also rejected by the district court and adopted by the majority, is that the Secretary's failure to certify the absence of air pollution hazards also invalidates the approval under Section 109(a). Section 109(a) contains no such requirement and, in any event, the Secretary testified that "air pollution was an overall consideration in this as well as all interstate highway projects" (Tr. 811; 316 F. Supp. at 775), and the district court was not convinced from the evidence" that air pollution was a hazard sufficient to require a study of such effects before a finding, that the project is safe as planned, could be made (316 F. Supp. at 791). Once again, without furnishing any basis for concluding that the district court's assessment of the facts was "clearly erroneous," the majority rejected the findings below (Slip Op. 18).[7]

VI.—THERE IS NO BASIS IN LAW OR FACT IN THIS COURT'S SUGGESTION THAT THE SECRETARY'S DECISION SHOULD OR COULD BE REJECTED IF BASED IN WHOLE OR IN PART ON PRESSURES EMANATING FROM REPRESENTATIVE NATCHER

While it might be said that much of Part II of this Court's decision (Slip Op. 23–31) is dictum with respect to the alleged extraneous pressure because of the inability of the majority to agree on the facts, we believe it necessary to discuss it, if only to point up the unjustified strictures the decision places upon the Secretary. Moreover, the court does hold (Slip Op. 25):

> • • • that on remand the Secretary must make new determinations based strictly on the merits and completely without regard to any considerations not made relevant by Congress in the applicable statutes.

and concludes (Slip Op. 31):

> He was placed, through the action of others, in an extremely treacherous position. Our holding is designed, if not to extricate him from that position, at least to enhance his ability to obey the statutory command notwithstanding the difficult position in which he was placed.

Insofar as this means that the Secretary's mere awareness of pressure emanating from Representative Natcher is alone sufficient to invalidate a subsequent administrative decision, we submit that the decision is wrong. There is no basis in law or fact to overturn an administrative decision of this nature because of alleged extraneous pressure of this sort. The facts of political life are such (and we use political in the broad, rather than partisan, sense) that it is idle to pretend that our administrative officials, unlike the rest of the world, should make their decisions in a vacuum. We are not dealing with some wrong, such as bribery or fraud influencing a decision, whether adjudicatory or not. In that case, there would be no question of invalidity. Here, the court's vague discussion (Slip Op. 27) of the possible distinction between "judicial" and "legislative" matters is irrelevant. Equally without merit is its attempt to read into *Overton Park* or *S.E.C.* v. *Chenery Corp.*, 318 U.S. 80 (1943), some justification for the grey area between adjudicatory and legislative decisions in which it has placed this decision concerning the effect of extraneous (*de hors* the record) influence.

Finally, the principle articulated by the majority, in the extreme, deprive an administrator of absolute control over the lawfulness of his own actions. They would become vulnerable to circumstances completely beyond his reach. The effectiveness of an administrator should not be subject to such uncertainty. The courts should require no more than that administrative decisions be consistent with, not violative of, the applicable legislative criteria. Where they are found to be in keeping with statutory standards, considerations irrelevant to administrators' actions are equally irrelevant to the courts' review.

The Secretary was demonstrably candid when he testified that he was aware of the "pressure" of Representative Natcher's well-publicized views, including the freezing of subway funds. Indeed, it would scarcely be credible had he stated to the contrary. Nevertheless, he testified under oath that he made the requisite decisions as his own, although he was aware of the "pressure." In a well-reasoned decision, the district court explained this (317 F. Supp. 762–768) and, after a full discussion of the relevant factors, stated (317 F. Supp. at 765–766):

> The Court believes the Secretary's testimony that his decision was based on the merits of the project and not solely on extraneous political pressures.

We think it appropriate to quote in full Secretary Volpe's statement in response to the question (317 F. Supp. at 766):

> [Secretary Volpe] I would say that political pressure was not a factor at all in my judgment. I was approached, yes, by Congressmen who wanted the Freeway System built. Some wanted the Three Sisters Bridge built, some did not. I had all kinds of requests, but I had been in Washington before. Many of the members of Congress I knew personally and intimately, and they know I don't bend very easily. They did bring to my attention facts and their hope that I would consider all these facts in the judgment that I made as to whether or not the Three Sisters Bridge would be included or re-included in the Interstate System. And it was on the basis of all the facts, as I brought them together in the 4–F areas that I have spoken about that I made my final decision.
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> [Mr. Owen] Mr. Secretary, Mr. McKevitt asked you about political pressure. In the summer, July and August of 1969, it was your hope, was it not, that the Congress would release the Subway funds?
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> [Secretary Volpe] Of course. Yes.
>
> [Mr. Owen] Did that hope in your mind have any influence at all on your decision to put the Three Sisters Bridge project in the interstate system at all?
>
> [Secretary Volpe] It would have had absolutely no bearing on my decision if I had felt the Three Sisters Bridge was not essentially necessary. I found it was essentially necessary; therefore, that was the reason for my proceeding along the lines I did, hopeful that the Congress would release the funds for the transit system, because I knew that one without the other, in this case, would not have done the job.

We believe such candor deserves more credit than this Court was willing to give, particularly in view of the findings by the district court which heard the witness and was in the best position to judge his credibility.

Footnotes at end of article.

CONCLUSION

As we have endeavored to set forth above, this Court has overstepped the permissible bounds of judicial review and substituted pure speculation, with no support in the record, for the clear findings of the district court, which are supported. In so doing, this Court has placed so many obstacles in the Secretary's path that he could never authorize federal funding. In almost each instance, this Court has established ground rules for compliance with the relevant sections of Title 23 which appear to require knowledge that could be acquired only after completion of the bridge before it can be authorized. For the foregoing reasons, rehearing should be granted, the district court's decision should be affirmed, and construction of the bridge as planned should be authorized to be carried out.

Respectfully submitted,

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FOOTNOTES

[1] There is, as might be expected, some overlap among the panels.

[2] We remain convinced that all requirements of 23 U.S.C. sec. 128 have been met, including a location hearing.

[3] Indeed, this personal involvement obviated the informal internal procedure involving the Department's Office of Environment and Urban Systems—the only procedure in effect at the time of the Section 138 determinations. Consequently, there is no significance in the Court's statement (Slip Op. 8) that the Department had not followed its own procedures.

[4] We respectfully submit that judicial review does not include that which basically amounts to a "second-guessing" of his determinations. As such, we find no justification for statements as: "It is hard to see how, without the aid of any record, the Secretary could satisfactorily make the determinations required by statute" (Slip Op. 8); "It is possible, however, that the Secretary might have given that alternative (no bridge at all) • • • more extensive consideration if his Department had not been convinced • • • that 'no bridge' was not a viable alternative • • •" (Slip Op. 10, fn. 26).

[5] See Rule 52(a), F.R.Civ.P. establishing the "clearly erroneous rule.

[6] As a matter of fact, Mr. Hall did take into account the NCPC position on this matter (Tr. 496).

[7] The majority agreed with the district court (and the plaintiffs) that the federal defendants improperly certified that the proposed bridge is structurally feasible, because the planning had not yet proceeded to a degree permitting such a determination (316 F. Supp. at 791–793; Slip Op. 15–16). Subsequent to the decision, studies have been completed and successful tests have been made on a model of the bridge for safety. Thus, the "structural feasibility" issue should be out of the case.

Mr. BOLAND. Mr. Chairman, I support the amendment that will be offered by the gentleman from Connecticut (Mr. GIAIMO).

Much has been said about the decision of the Court of Appeals for the District of Columbia affecting the building of a balanced transportation system for this area. I disagree with the ruling by Judge Bazelon and concurred in by Judge Fahy. The dissenting opinion of Judge MacKinnon is, in my judgment, by long odds, a far superior statement of the law, and the facts in the subway controversy. There is no doubt that Judges Bazelon and Fahy have injected themselves into the legislative process that is reserved to the Congress.

But, Mr. Chairman, I am not interested in a confrontation with the judiciary. I am looking for the solution to the subway problem. That solution is now before us. It is simple. It requires only that the Congress approve the pending amendment and the terribly complex task of building the Metro system can proceed in an orderly an effective manner.

Mr. Chairman, I ask unanimous consent to yield the remainder of my time to the gentleman from Connecticut (Mr. GIAIMO).

Mr. FRENZEL. Mr. Chairman, in my own State there is scarcely a major highway project that has not been delayed because of objections of local units of government or local citizens. The people of my State have not had to suffer deprivation of other Federal funds because in some instances our highway programs have been delayed.

The congressional action in holding up Washington subway funds until certain highways projects have been completed is, in my judgment, irresponsible and is not matched by similar congressional action in any other part of the country. If we were to hold up funds in any of our States, the congressional uproar would be deafening, and the funds would be released forthwith.

Mr. Chairman, the Congress has already decided to go forward with the Metro Subway in the Washington area. Suburban communities in Maryland and Virginia have made their contributions per the original agreements. Washington, D.C., cannot make its contribution because of the congressional refusal to appropriate these funds.

In my judgment, we must vote today to appropriate these funds so the Metro Subway project can go ahead on schedule. We have done enough in deferring this project now to increase its costs substantially. In the interests of responsibility, economy and the general welfare, we should vote to liberate the subway funds today.

I also note, Mr. Chairman, that the President of the United States has taken a special interest in freeing up these funds. Through his representatives he has requested each of us in the Congress to support this amendment. I intend to follow his leadership, because I believe that it is the path of responsibility.

Mr. MIKVA. Mr. Chairman, I will support the amendment that will be offered by my friend and distinguished colleague from Connecticut (Mr. GIAIMO) releasing the District of Columbia's share of funds for the construction of the Metro.

My experiences as a member of the District of Columbia Committee have reinforced my belief that the people of the District of Columbia ought to be given the opportunity and the responsibility for running their own affairs, since they have to live with the results.

Time and again we have been confronted with the argument that Congress must maintain an active role in planning and implementing municipal programs for the District of Columbia, on the grounds that Washington is the Nation's Capital, the home of the Congress. The city must be a model for the Nation, the argument goes, and only congressional control will insure against inefficient, ineffective local government.

Mr. Chairman, it is impossible to imagine any local government anywhere being less responsible, less efficient, and less effective than the Congress has been in connection with the construction of a subway system for the District of Columbia.

Under the original agreement and plans for the Metro, each of the three metropolitan area jurisdictions is obligated to provide a share of the funds. These local moneys are then to be supplemented by Federal funds from the Department of Transportation. Maryland has duly tendered its share of the money. Virginia has come up with its agreed share.

The Department of Transportation has gone beyond what is required by pledging its share of funds in spite of Congress refusal to cough up the District's share. Only the District of Columbia has failed to live up to its part of the bargain, and only this Congress and only this House is responsible for that delinquency.

We have permitted the progress and the very fate of the city's subway system to become entangled in congressional politics beyond any reason or excuse. Mr. Chairman, it is time we stopped the merry-go-round and let the Metro off.

Congress is clearly on record in favor of a balanced transportation system for the District of Columbia, including highways and mass transit. The District of Columbia government has also pledged its good faith efforts. So have the Department of Transportation and the President. Yet the House continues to permit the Metro funds to be held hostage for the satisfactory performance of parties over whom neither the Congress nor the city government nor the administration properly has any control.

It is not merely the funds which are being held hostage. It is the millions of people in the Washington metropolitan area who need the transportation services which the Metro would provide. It is the millions of tax dollars which are being wasted by the unconscionable delay in construction caused by the shenanigans of this House.

There can no longer be any excuse for withholding the Metro funds owed by the District of Columbia. I urge my colleagues to support the Giaimo amendment reinstating the Metro funds in the appropriation bill. I am confident that this House is capable of overriding whatever petty jealousies may have stood in the way in the past, and will act in a responsible fashion. If we do not, we will make it clear not only that plantation politics are the order of the day, but that we cannot ever run the plantation efficiently.

Mr. NATCHER. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

The NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order to be made to the bill? The Chair hears none.

AMENDMENT OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Chairman, I offer an amendment on behalf of the Committee.

The portion of the bill to which the amendment relates is as follows:

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia, as authorized by the Act of December 9, 1969 (83 Stat. 320), $29,600,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner, as follows: To the highway fund, $8,000,000, to the water fund, $6,000,000, and to the sanitary sewage works fund, $15,600,000.

The Clerk read as follows:

Amendment offered by Mr. NATCHER: After "by" insert "the Act of May 18, (68 Stat. 110, 105), the Act of June 2, 1950 (64 Stat. 198), and".

Mr. NATCHER. Mr. Chairman, this amendment is merely to insert the citations of authorizations for the loan appropriations in the bill. These citations were inadvertently omitted in the budget language transmitted to the Congress.

At this time, Mr. Chairman, I respectfully request that the amendment be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. NATCHER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer an amendment.

The additional portion of the bill to which the amendment relates is as follows:

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235), and payments under the Act of July 2, 1954 (68 Stat. 443), construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), February 16, 1942 (56 Stat. 91), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), and August 20, 1958 (72 Stat. 686); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $228,842,000, of which $7,723,000 shall be payable from the highway fund, $9,565,000 from the water fund, $64,510,000 from the sanitary sewage works fund and $10,200,000 from the metropolitan area sanitary sewage works fund: *Provided*, That $10,607,100 shall be available for construction services by the Director of the Department of General Services or by contract for achitectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account, "Construction services, Department of General Services": *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90–495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on June 30, 1973, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse: *Provided further*, Notwithstanding any other provision of law, any authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90–495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such projects were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefore shall lapse.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 2, line 13, strike "$29,600,000" and insert "$102,086,000."

And on line 16, after the word "To" insert the following: "The general fund, $72,486,000, to".

And on page 9, line 22, strike "$228,842,000" and insert "$301,328,000".

Mr. GIAIMO. Mr. Chairman, this amendment addresses itself to two paragraphs in the bill, and deals with Metro. I ask unanimous consent that both parts of the amendment be considered at the same time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Chairman, my amendment is to restore $72,486,000 into the appropriation, which will provide for the District of Columbia's share for the present fiscal year and for the fiscal year just passed—1971—wherein we did not fund the District's share of the Metro funds.

We have had a lengthy discussion today about the necessity of continuing with the subway. I have said at all times that I agree with my chairman, Mr. NATCHER. We must have a balanced transportation system; We must carry out the mandate of the law insofar as the highway program is concerned, which means the Three Sisters Bridge, the roads allied and tied to it, and the construction of the Metro.

I submit that the District is in compliance in all aspects. I submit that the District is carrying out the mandate of the Highway Act. Part of carrying out the law implies completion of all processes before construction can begin, and this includes the rights of people who feel so grieved by a law that they appeal to the U.S. courts. This is happening at the present time.

Whether we like the decisions of the courts or not—and I am not pleased with the decision of the appellate court in this instance—the fact is that we are all duty bound to obey the mandates, injunctions, and issues of courts in this Nation. The orderly process is under the doctrine of the separation of powers to allow the judicial branch to exercise its will and its decisions unencumbered and not threatened or harassed in any way by either one of the other two separate and equal branches of Government. Just as we oppose the encroachments of the judiciary into legislative affairs, I equally object and must object to encroachment of the legislative branch into the functions of the judicial branch.

Mr. Chairman, we keep mentioning the highway program and the Three Sisters Bridge. It is my understanding, however, that with regard to all other aspects of the highways there is no disagreement at the present time. The disagreement presently boils down to the controversy over the Three Sisters Bridge and those highways which are allied with and dependent upon its resolution before they can proceed. It is the construction of the bridge and its highways which is still in issue and which will be determined in the courts. Because of that fact, we as a Congress have taken the position that because you have not started construction—and parenthetically you cannot start because a court has enjoined you from doing so—we are not going to fund the Metro. With each passing week and month that we delay the continuation of the Metro—and we will if we do not give them the money today—we are increasing the cost of Metro; we are paying tribute to the inflationary spiral in which we live, with the result that the ultimate cost of Metro is going to be much more than anticipated.

More importantly than that, the Congress has, as we should, in earlier days funded the Federal share of the cost of Metro. This very committee voted this year to fund in the DOT appropriation bill the two-thirds Federal money which goes to the Metro. This money is available for use by Metro.

In addition to that, the surrounding communities which contribute their one-third share to Metro have made payments, and they are threatening to cease their payments on January 1 because of the fact that the District of Columbia does not have its one-third payment with which to meet its obligation under the law.

This is going to create chaos. We are literally threatening the very existence of the subway.

Let me say this, also. We are all committed in this Nation to the concept of mass transit. We recognize in today's world that we cannot choke our cities with increased highways, increased automobiles, and insufficient mass transportation.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GIAIMO was allowed to proceed for 5 additional minutes.)

Mr. GIAIMO. Mr. Chairman, we are all committed to this concept of mass transportation. Here we are in our Nation's Capital—not only the city of Washington with its 700,000-plus people but also the burgeoning surrounding communities and suburbs with well over 1.5 million people, if not more—where this Congress decided it needed mass transportation and a subway, and now we are going to threaten its existence because of the controversy over whether or not we ultimately are going to build a bridge which I want to see built.

We have to build this subway. This Congress mandated and ordered it. We run the very real risk—and this is not an idle threat because they cannot continue to enter into contracts since their moneys which they have already received have been committed of utterly destroying the subway, as this Congress has done in other programs after it has expended $500 million or more on them. It is not an impossibility. We have seen it happen this very year in other programs, and we should not run the risk.

Certainly, we are going to add tremendously to the total cost of Metro if we do not proceed at this time.

Now, Mr. Chairman, we hear about some compromise situation, which my colleagues on the Republican side have mentioned, to the effect that if the Federal court will set a date certain for a hearing we can then put this money, which we are holding back, into a supplemental.

I would remind the members of the committee that we hope to be leaving here within a few days. We will probably not be back until the middle of January, and I am certain that a supplemental will not be before this House until well into February or even March or April.

So, in a sense what we are doing is delaying something which we know we must do at great cost to ourselves.

Mr. Chairman, it is very easy to vote against the District of Columbia. It makes no mileage for you in your home town one way or the other. I find myself with strange alliances today. I find my Speaker in opposition to me on this amendment. I find the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), in opposition to me, and I find myself in alliance with the President of the United States, and I am delighted. There is no mileage in it for the President either, except his responsibility to do what he thinks is right for the District of Columbia. President Nixon has said, "Put the money in now." That is exactly what his words mean—no arrangement with the court, no interference with the court, no delay. Metro needs the money, and it needs it badly.

It is because of this fact that many of us have been working and disagreeing, as it is most difficult to agree on all matters in our Appropriations Committee. I wish to pay tribute to the gentleman from Massachusetts (Mr. CONTE) who has worked with me on this amendment and who has helped in the drafting of it and in working toward persuading those who are not as familiar as he, serving as a member of the Subcommittee on Transportation, with mass transit problems and transportation. He has worked long and hard on this with me, as has the gentleman from Wisconsin (Mr. OBEY).

Mr. Chairman, we have no interest other than interest as citizens in our city, our adopted city, our city in the sense that Washington is the city of every citzen of the United States. We want to have a good Metro system, and we want it built as expeditiously as possible.

So, I urge you to let us not delay in this matter. Let us proceed. Let us understand that even though we do not agree with Judge Bazelon and the court of appeals, we as Members of Congress, under our oath, must defend and uphold the Constitution of the United States. I recognize that at times certain Federal judges do not always act in a manner in which we would like for them to act. We recognize the legislature of this Nation, and we should not interfere with the orderly processes of the judiciary. They will ultimately come to a decision on the Three Sisters Bridge. It may be favorable, or it may be unfavorable. Whatever the decision, it will then be the law of the land as far as the highway program and the Three Sisters Bridge is concerned.

Mr. Chairman, reference was made to an appeal to the Supreme Court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIAIMO. Mr. Chairman, I urge support of the amendment.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Chairman, at this point I would be constrained to object.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment. I commend the gentleman from Kentucky for slowing down this subterranean SST until Congress has had a chance to examine the merits of the project in all of its aspects.

Mr. Chairman, I oppose the District of Columbia subway. In this respect I go beyond the position of the gentleman from Kentucky. I oppose the subway regardless of whether freeways and bridges are built. I oppose the subway, as conceived, even if it cost what its sponsors claim, but I am inclined to agree with Chairman NATCHER it will cost closer to double this amount.

I would oppose the whole idea of a subway, not only for Washington, D.C., but for any other metropolitan area, including my own city of Baltimore.

I oppose the subway on five broad grounds. First, the expense. Its sponsors estimate $2.5 billion. This has been updated to $3 billion. The chairman estimates that it may cost as much as $5 billion, and I respect his judgment on this estimate.

What does this sum mean? If we take the $3 billion figure, it would buy a new home, on the basis of the 1970 census reports, for every one of the 150,000 families in the average congressional district. If we take the $5 billion figure, we could give each family a new car and throw in a swimming pool besides. That is what this subway means, and what its cost involves.

If each of the 13 metropolitan areas of the United States now planning subways—and I have a list here—gets as good a subway as Washington, and who can say they should not then the costs are going to run between $50 billion to $75 billion.

Originally I described this subway as a subterranean SST but, compared to the SST, the cost of a subway for all the major U.S. population centers, would be a real budget buster.

Jonathan Swift wrote "Gulliver's Travels," and in it he had a country that was peopled with giants that was called Brobdingnag. Forgive me if I indulge my taste for alliteration by calling this a Brobdingnagian budget buster.

My second broad reason for opposing the District of Columbia subway is its probable lack of use. People do not want to use mass transit. Just incidental to this is the problem of crime in subways. If in New York City 3,200 police ride shotgun on the subways to keep law and order, imagine what it is going to be like in Washington, where we have a higher crime rate than they do in New York City. We have a higher crime rate per capita. But the real reason people are loath to take subways is inconvenience. People just do not want to use mass transportation.

In connection with this, the University of Marquette surveyed 1,000 households in 1955; 56 percent of the respondents said they would use their automobiles to go to work, no matter what was done to improve transit.

Says Wilfred Owens, in his authoritative book, "Metropolitan Transportation Problem," published in 1956:

> The best subway in the world built to serve an environment based on individual transportation will fail.

Mr. KOCH. Mr. Chairman, will the gentleman yield for a moment?

Mr. LONG of Maryland. I cannot yield at the present time because I have been denied extra time.

Says Wilfred Owen in his book:

> In sum, where facilities do not now exist, and would have to be constructed, the contention that rail solutions can be adopted on any large scale to the accommodations of today's traffic pattern is dubious. Even in older communities like New York and Chicago, which have grown up around mass transportation, the trend in patronage is downward.

What are the implications of this unwillingness to use subway? In order to get the people to use the subway you would have to close off the city to the automobile. But if you do this, then express buses can be used at lower initial cost, at lower operating cost, and at greater convenience and greater flexibility.

My third reason for opposing a District of Columbia subway is that it is one more case in which people of ordinary means, in your district and in mine, are going to be asked to subsidize people of high income in and around Washington, D.C. The beneficiaries will be mostly Federal employees already enjoying higher salaries and fringe benefits than the taxpayers back home.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland be granted 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Chairman, reserving the right to object, I think the gentleman from Maryland's remarks are most worthwhile. I am not going to object to his having an additional 5 minutes, but I see no point in coming in early, missing committee meetings and repetitively belaboring what has been said over and over again on something on which we have already made up our minds, as we hasten toward adjournment.

Therefore, I do serve notice, although I withdraw any reservation at this time, that in the future I will object to requests to extend time, especially when made before the fact of initially allotted speaking time.

Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. LONG of Maryland. Mr. Chairman, now the beneficiaries will mostly be Federal employees who are already enjoying high salaries and fringe benefits—much higher than the taxpayers back home. Can we justify asking your people and my people to pay more taxes and to get along with pollution, inferior schools, and inadequate incomes and medical care for the elderly, so that high-paid Federal workers can get to work a little quicker at the taxpayers' expense? Most of the really high-paid workers will not use it. What they have in mind, I think—what a lot of people here have in mind—is let the poor people use the subway and keep their cars at home so that the well-heeled can get through the streets faster with their own automobiles.

My fourth reason for opposing the subway is that even if the subway should be ultimately necessary and practicable, which I deny, it is totally gratuitous to plunge into a $3 billion to $5 billion program when we have not developed the rapid rail facilities that already exist here and now in Washington, D.C.

I want to quote from a metropolitan area transportation study, Senate Document No. 117, 90th Congress, published on October 11, 1968:

> Existing railroad rights of way in Metropolitan Washington . . . run end to end through all but one of Washington's suburban development corridors and provide (or could easily be made to provide) reasonably direct access to downtown Washington. An expanded and improved commuter railroad service utilizing existing area tracks provides a very practical way of promoting development goals and offering a significant measure of interim highway congestion relief in the form of an attractive transportation alternative. Such an alternative could be relatively inexpensive in terms of capital outlay, would involve virtually no disruption to existing land use, and could be operational within a year's time.

That was 3 years ago when they said it could be operational within a year's time.

Why does the District of Columbia not take this quick, cheap, minimally disruptive program? Probably because it does not cost enough—there is no profit for the engineers, the designers, the contractors, the equipment manufacturers, and the investment bankers and the like.

I saw this happen right here on our own parallel bridge in Maryland. When a project is scheduled to cost hundreds of millions of dollars, the flies gather around the honey and nothing can stop it.

My fifth objection is that mass transit is not the answer to the congestion of our large cities especially here in Washington.

The answer is to stop locating so many government agencies in Washington and decentralizing our government back home—in your district and mine. We are trying to put too many angels on the head of a pin—and most of the angels are not very angelic.

The District of Columbia even if it works—would merely encourage further congestion.

Here let me close by quoting Lewis Mumford in his great book "Culture of Cities":

> While congestion originally provided the excuse for the subway, the subway has now become the further excuse for congestion.

I urge that we vote this amendment down.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman.

Mr. KOCH. Mr. Chairman, I am amazed at the gentleman's comments on subways because I normally find the gentleman so sensible in his comments on so many other matters.

First, with respect to pollution, near 70 percent of the pollution in major urban areas in this country comes from the use of the automobile. That is No. 1.

Second, the gentleman said that with the saving of $2.5 billion to $5 billion we could build swimming pools and houses for a great many people. But if you do not provide the funds to build the subway in the District of Columbia and subways in our cities, they will strangulate and not be worth living——

Mr. LONG of Maryland. Is the gentleman making a speech or asking a question?

Mr. KOCH. I asked the gentleman if he would yield for a comment.

Mr. LONG of Maryland. I think the gentleman should make his comments on his own time and not on mine. The gentleman speaks of pollution. He comes from a city which has a subway. I want to ask him if he has noticed any diminution in air pollution in New York City as a result of the existence of that subway? You have the highest pollution rate of any major city.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Iowa.

Mr. GROSS. And the New York City subway is bankrupt, is it not?

Mr. LONG of Maryland. Bankrupt? It cannot even cover its operating expenses. Besides not paying enough to cover the original investment, interest and depreciation, it cannot even cover the salaries and maintenance costs.

Mr. GROSS. And the city is $5 to $6 billion in debt.

Mr. LONG of Maryland. That is correct.

Mr. EVANS of Colorado. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. GIAIMO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 425]

Abbitt	Derwinski	Metcalfe
Abernethy	Diggs	Murphy, N.Y.
Alexander	Dorn	Pepper
Anderson, Tenn.	Dowdy	Pucinski
	Edwards, La.	Quillen
Andrews, Ala.	Eilberg	Railsback
Ashley	Evins, Tenn.	Reuss
Belcher	Flynt	Riegle
Blanton	Foley	Roberts
Blatnik	Fulton, Tenn.	Rodino
Burton	Gubser	Rosenthal
Byrne, Pa.	Hagan	Rostenkowski
Carey, N.Y.	Hébert	Scheuer
Celler	Holifield	Selberling
Chappell	Horton	Sikes
Clark	Jones, Tenn.	Stephens
Clay	Kuykendall	Widnall
Collins, Ill.	Landrum	Wilson, Charles H.
Davis, S.C.	Lujan	
Dent	McClure	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11932, and finding itself without a quorum, he had directed the roll to be called, when 373 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order was made, the Chair had recognized the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman and members of the Committee, before the quorum call we were addressing ourselves to the question of the amendment offered by the gentleman from Connecticut (Mr. GIAIMO) to place in this budget $72 million for the subway. In the course of that discussion we heard arguments against the freeway system and we heard arguments against the subway. I submit to the Committee we have passed those questions long since in the history of this Congress. The decisions have been made. These systems are to be built. The question now is, when, and under what circumstances?

Most of the issues have been touched upon. There is one which I believe has not

been explored sufficiently and I would like to direct the attention of the Committee to it at this time. I hope the distinguished chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER) will correct me if I am incorrect in terms of any of the remarks I make.

The question to which I would like to direct the Committee's attention is the cost of delay. The only cost figures that I can attempt to bring out are those figures in relation to the metro system itself. I have no idea what the cost of delay will be in regard to the freeway construction itself.

Let me begin by saying that I am strongly in favor of both systems, the freeway system and the subway system, but we have had at least 2 years' delay, and we may have 3 years' delay on both systems if the conditions that exist now continue. I am advised that the estimated cost of construction was somewhere in the neighborhood of $2.5 billion. The distinguished chairman of the subcommittee has suggested he feels probably the figure is more in line with $4 billion for the construction of the metro system. We know historically that when we delay, in each year that goes by we suffer an inflationary cost increase in any capital construction program. We have an increase of anywhere from 5 to 7 to 10 percent per year. My question is: Can we afford further delay? We have had a 2-year delay now, and if the cost slippage is 10 percent and the cost of the subway is $2.5 billion, it means a cost increase of the system as a result of 1 year's delay of approximately $25 million. If the cost of the metro system is $4 billion, then 1 year's delay will have increased the cost of the system by about $40 million.

In 2 years you double those figures, and I think you have some idea of the importance that attaches to this question of whether or not we should delay further.

What I have said is only in regard to the subway system itself. I have no idea what the cost of delay of the freeway system would be. At this point, and because I do not have the information, I wonder if the chairman of the subcommittee would be kind enough to advise the Committee what his estimates are of the cost of the freeway program yet to be built.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I am happy to yield to the gentleman from Kentucky.

Mr. NATCHER. Between 1958 and 1968 we recommended to the Committee and the Congress appropriated over $200 million. This includes both District of Columbia funds and in Federal funds. The amount which is now available and has been down through the years will nearly complete the freeway system.

Mr. EVANS of Colorado. The question is this, if the gentleman would be so kind as to direct his attention to it:

What will it cost to complete the freeway system?

Mr. NATCHER. The cost of the program to be completed will be approximately the amount we now have available.

Mr. EVANS of Colorado. How much is that?

Mr. NATCHER. There is over $200 million now available and on hand.

Mr. EVANS of Colorado. And this is solely in regard to the freeway system?

Mr. NATCHER. That is correct.

Mr. EVANS of Colorado. So the inflationary costs of delay we are talking about per year, whether it is 5 or 7 or 10 percent, would attach onto this $200 million figure?

Mr. NATCHER. That is correct.

If the gentleman will yield further, I know the gentleman wants to be fair to the committee. I think the gentleman ought to tell the House this in all fairness, when the 98 miles of rapid rail transit was authorized in 1969 at $2.5 billion, we told them at that time it would be from $3 billion to $5 billion. Last year in the supplemental when they came in, the officials of the Washington Metropolitan Transit Authority, said "We cannot build it for $2.5 billion. It will cost $480,200,000 more."

Mr. EVANS of Colorado. I suggest the cost of the delay is unacceptable.

SHALL THE WILL OF CONGRESS PREVAIL?

Mr. MAHON. I move to strike the last word.

Mr. Chairman, when Lincoln stood at Gettysburg, he said:

We are met on a great battlefield . . .

Today we are meeting in the greatest legislative forum in the world, engaged in a battle which I interpret to be a battle of principle. The House of Representatives has been challenged. If those who have challenged the House of Representatives, had but spent the energy they have spent on pressuring the Congress, in an effort to get the District of Columbia to do the will of the Congress, no doubt, success would have already been achieved in this controversy.

Yes, it is a question of the prestige and position of the Congress, a question of orderly procedure, and a question of right or wrong, as I see it.

On this issue before us let us not topple our Speaker, Mr. ALBERT, who takes the position of this committee.

Let us not topple the gentleman from Kentucky, BILL NATCHER, who has performed a remarkable service for this Congress for years—for this Congress and for the people of the Nation.

Let us not topple our minority leader, JERRY FORD, the gentleman from Michigan. Please let us not kick in the teeth the Committee on Appropriations which has gone into this matter in great detail and overwhelmingly defeated the Giaimo amendment.

Yes, we have something at stake today, and if I seem to be emotional about it, I hope the Members will pardon me.

Yes, we have a controversy about the bill today, but we do not propose to kill the Metro. We propose to go along with it, and in a bill which we will consider later today, we are recommending $38 million for a Federal contribution. We are not trying to kill it. We are just trying to get the will of the Congress carried out.

I, for one, as with most of the Members who run for Congress, do not like to be on the losing side, and I do not want to see the House of Representatives be on the losing side in this controversy.

When King Saul, the man who stood head and shoulders above his fellows, went into battle on one occasion against the Phillistines, his armor bearer was at his side, and also his oldest son Jonathan, whom he dearly loved. According to tradition, as they marched into battle, he turned to Jonathan and said:

Farewell to others, but never we part,
Heir to my royalty, son of my heart!
Bright is the diadem, boundless the sway,
Or kingly the death, which awaits us today.

I do not know what the outcome will be here, but I hope a majority of us will stick together and defeat this amendment. If we should lose in the cause of principle and correct legislation, we will go down fighting. But, my colleagues, I would certainly hope that we are not going to lose. The Speaker, the minority leader, the Committee on Appropriations, and the Members of Congress generally are going to assert themselves in this confrontation and, I trust, make sure that, for better or for worse, under the American legislative system, Congress still has the last word.

Mr. CONTE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I cosponsored this amendment with the gentleman from Connecticut (Mr. GIAIMO).

Mr. Chairman, I argued earlier today that to withhold funds for the metro system because of a supposed violation of a congressional mandate is to belie reality. By any reasonable understanding of the situation, both the District of Columbia and the Federal Government are in compliance with the dictates of the Federal-aid Highway Acts of 1968 and 1970.

Perhaps out of a belated recognition of this fact, we are now told that, if the court of appeals agrees to reopen its consideration of the Three Sisters Bridge litigation, then subway funds will graciously be released. This latest attempt at political blackmail, which demeans the very integrity of the judicial process, deserves our immediate and forceful rebuff.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from New York.

Mr. STRATTON. The gentleman from Massachusetts is a distinguished member of the Appropriations Committee. The statement has been made here that the will of the Congress is being flouted by a failure to proceed simultaneously with two separate construction projects. Does the gentleman recall any legislation we ever passed which said specifically that the metro could only be built if simultaneous, minute-by-minute construction also proceeded on the freeways and the Three Sisters Bridge?

Mr. CONTE. No; I do not. Earlier in the general debate I gave the status report of all the highways under construction and under design. The only one left is now in litigation—the Three Sisters Bridge controversy. Everything else is complied with.

Mr. STRATTON. And the Congress did require that the metro be built, so if we are preventing its being built then we are flouting our own will.

Mr. CONTE. Not only did we, the Congress, authorize building the metro, but also this Congress has already appropriated over $680 million for the system.

Mr. STRATTON. I hope that money certainly does not go down into the same gullies that we will leave in the heart of the city of Washington if we do not approve this amendment and complete the unfinished Metro system that now marks our city.

Mr. CONTE. I thank the gentleman.

Mr. Chairman, again, I reiterate that I disagree with the decision of the court of appeals, but to hold a gun to the heads of the U.S. court of appeals is not my idea of the responsible manner in which Congress should work its legislative will. I for one will have no part of any intrusion upon the constitutional principle of separation of powers.

Now, the time has come to turn our backs on these strong-arm tactics and to face up to our responsibilities. Further delay in the release of these funds threatens the very existence of the metro system. Eight area jurisdictions, together with the Federal Government, have already committed $863 million to this project. But their tolerance for our legislative maneuverings is rightfully growing short.

Added to this consideration is the fact that past congressional delays in financing have already increased the cost of the system by $80 million. At a time when we are struggling to put our economic house in order, we cannot continue this inexcusable waste of the taxpayer's money.

Consider too the interests of the millions of people who would be adversely affected by the sudden death of the metro. Suburban area residents have acted in good faith through their governments' financial contributions to the subway system. City residents and visitors have borne the many inconveniences caused by the start of construction within the city limits.

Our answer to their good faith and patience cannot be—and must not be—an irresponsible action that could in President Nixon's words, "consign the entire project to an early grave."

We all remember those who last May rightfully denounced the violent acts of demonstrators who threatened to shut down the city. Yet today those who refuse to release these desperately needed funds are guilty of the same offense that was so despised last spring—the holding of area residents hostage because of a dispute over which they have no control. Neither then, nor now, can we tolerate actions that threaten to paralyze our Nation's Capital.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONTE. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Chairman, I object.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. CONTE moves that the Committee do now rise and report the bill to the House with the recommendations that the enacting clause be stricken out.

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his motion.

Mr. CONTE. Mr. Chariman, at stake in this dispute is not only the future of this city. Also at stake is the integrity of the three branches of our Government—the integrity of the judiciary, which must remain unfettered; the integrity of Congress, which must remain responsive; and the integrity of the executive branch, which must remain capable of executing projects that have been mandated. For the sake of this integrity, let us release the subway system from its undeserved bondage.

I am sorry if I have offended some of my colleagues here who gave others additional time to speak today because they agreed with their thoughts but who would not give me the same courtesy because they disagreed with my thoughts.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield to me?

Mr. CONTE. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, this afternoon, this esteemed House holds in its hands the fate of Metro. Will we breathe new life into it, or will we condemn it to an early grave? I believe we have no choice but to vote for the former.

Of course, there is no reason why we should be debating this issue at all today. Had the Appropriations Committee accepted its responsibility and included the funds for Metro in the District of Columbia appropriations bill, I have every reason to believe Metro would not be a subject for debate. But the committee preferred to follow the lead of the honored chairman of the District of Columbia Appropriations Subcommittee and to deny the city its share of Metro funds.

I have asked myself why, Mr. Chairman, but I have not been able to come up with an answer. I had been led to believe that the denial of funds was designed to insure the city proceeds with highway construction authorized by Congress. I share this concern, but to deny funds for this reason does not make sense. Highway construction, and in particular construction of the Three Sisters Bridge, has not been stalled by an intransigent city government. Rather, the delay is the result of a court action by concerned citizens of Washington, exercising their rights under the Constitution and laws of this country. As we all know, the President has directed the Attorney General to appeal this decision, and the requisite papers have already been filed.

Leaving the issue of highway construction aside for the time being, I am also led to believe that another reason for the denial of funds is the increased cost of Metro. Once again, I fail to see the rationale of this argument. If Metro is so expensive, why delay release of the funds when further delay only adds an estimated $1 million per week to the final cost.

One can only assume that it is the intent of the Appropriations Committee to kill Metro once and for all. But I cannot believe this is the intent of the majority of the Members of this House. If we wanted to do that, we would only have to deny appropriation of matching Federal funds. This we have not done.

Mr. Chairman, the residents of the Washington metropolitan area want and need Metro. The surrounding jurisdictions have demonstrated their good faith by contributing more than $863 million, including Federal matching funds. There is no reason why this House, acting as the District's legislature, should not approve the funds. To deny them will make a mockery of representative government.

Mr. Chairman, this morning you were quoted as saying this House should not yield to the District or the courts. I had not realized that this House had been designated the lord and master of the District, free to act without regard to the wishes of the residents. We are no longer acting solely as the representatives from the various States. This afternoon, we are acting as representatives of the District of Columbia. I dare say that if this amendment is rejected, and the voters of the District of Columbia had the power to vote, every Congressman who votes against the amendment would lose in the next election. But the vote today will be of virtually no political consequence, and the residents of the District of Columbia do not have the political power everyone else enjoys.

Nor had I realized that this House was engaged in a power play with the court of appeals. Congress has established certain procedures which must be followed before highway construction can begin. It has also granted the court of appeals jurisdiction to determine whether these procedures have been followed. As we all know, the court has ruled that the Secretary of Transportation has not complied with the law. It may be that the court has misinterpreted the law. If this is so, then the court sitting en banc, or the Supreme Court, will certainly reverse the decision. If the law has been properly interpreted, then this Congress always has the opportunity to amend the law.

Mr. Chairman, last Tuesday President Nixon stated that no further delay in appropriation of Metro funds can be tolerated. I wholeheartedly agree and request that the Members of this House join with me in support of the amendment by my colleague from Connecticut.

Mr. CONTE. Mr. Chairman, in closing again I want to repeat that the President of the United States is four square behind this amendment. He not only issued a letter on it, but also further clarified his position on November 30, 1971. Here is an excerpt from the White House press secretary's briefing. This question was asked by the press:

What is the President's reaction to the House Committee vote?

Answer:

The President, as you know, for sometime has expressed his support for the Metro System. The President, I would say, was very displeased of the failure of the full committee on Appropriations to include funds for the Metro system. The President feels, as he stated in November, that we are at a critical juncture in the Metro development and no further delays in the funding can be tolerated. That is what the President said in November and there should be no question

about the fact that the President wholeheartedly supports a proposed amendment that will be introduced on the Floor to restore subway funds.

Question 2:

Was the President inclined to wait for the Court of Appeals decision on the Three Sisters Bridge or press the issue on the Floor.

His answer was:

He was inclined to press the issue on the Floor for the amendment.

Mr. PIKE. Will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. PIKE. I am undecided on this issue. I do not want to topple the Speaker of the House of Representatives or to topple the chairman of the Committee on Appropriations or to topple the minority leader, but I would also like your view on whether, if this amendment is not agreed to, the President is going to topple. Because we have heard that all these people, programs, and their jobs will topple, if the amendment is agreed to, and I want to know whether or not the President is going to topple if it is not agreed to.

Mr. CONTE. You can be reassured that neither the Appropriations Committee, nor the Speaker, nor the minority leader, nor anyone else will topple because of the outcome of this particular matter.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. GERALD R. FORD. Mr. Chairman, I rise in opposition to the preferential motion which has been offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. Chairman, my good friend, the gentleman from Massachusetts, made a great point to the effect that we should not do anything to undermine the integrity of the judicial process.

In my opinion it can be put another way. If you vote for the Giaimo amendment, you can say that we are, in effect, undermining the integrity of the House of Representatives and the Congress. If I have to make a choice, my choice is clearly with the legislative body of our Government.

I do not have to use my own words to indicate that even some on the judiciary have some reservations about the decision which has hamstrung the District of Columbia in proceeding with the Three Sisters Bridge.

Mr. Chairman, I have in my hand here a copy of the dissenting opinion by Judge George MacKinnon. The circuit court of appeals decision in that case was 2 to 1. I think dissent puts into proper perspective the decision of the majority.

The conclusion of Judge MacKinnon's decision in his dissenting opinion reads as follows, and I quote:

> When members of an appellate panel, for no reason more substantial than their own innate suspicion, elect to disbelieve the sworn testimony of a member of the Cabinet that his final decision was not influenced by outside factors, and also to circumvent the factual finding of the trial court to the same effect, in my opinion, it is not likely that a more extensive administrative record would cause them to believe him in the future. A court that has gone to the great extremes that this court has to reverse the trial court here can always find reasons satisfactory to it for avoiding practically any subjective decision required with respect to the bridge.

Mr. Chairman, I think the best criticism of the court's action comes from a member of the court itself.

We have a responsibility to stand up for the integrity of the legislative body, the legislative body that wants us to proceed with a balanced transportation system that includes both the highways and the Metro system. That is what we insisted upon all along and that is what we ought to do today.

Mr. Chairman, let me reiterate, because some may not have been here earlier, what some of us have agreed to if we could get a reasonable response from the judiciary.

The Department of Justice has asked for a rehearing before the Circuit Court of Appeals for the District of Columbia on the decision made by Judges Bazelon and Fahy. Thus far, there has been no response. The request went before the court as I recall a week or two ago. If Judge Bazelon on his own initiative, at the request of the Department of Justice and the Attorney General, will set a date for the rehearing, en banc, of the circuit court of appeals, I, and I know the gentleman from Ohio (Mr. Bow), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from Kentucky (Mr. NATCHER) will join with the others in getting the funds in either this appropriation bill, a regular supplemental on a supplemental that is solely and exclusively for the benefit of the Metro system.

Now, if Judge Bazelon on a majority made that decision and it was communicated to us here this afternoon just to hold a hearing—not even requiring that they make a decision—there would not be any fuss by me.

The court ought to at least give us a day in court and the sooner the better. And we are not demanding that it be today, we simply ask that they set a date for the hearing. I think that is a reasonable request. Our obligation as I see it is to proceed to insist upon compliance with the law and specifically compliance with the 1968 Highway Act, and the 1970 Highway Act.

According to Judge MacKinnon who, incidentally, was a former member of the House of Representatives in the 80th Congress, the decision of the majority ignores the law, and sets up their own standard for compliance. I happen to believe we ought to defeat the Giaimo amendment, and defeat it overwhelmingly.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were refused.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 5, noes 96.

So the preferential motion was rejected.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I said a few moments ago, our subcommittee of the Committee on Appropriations is not against the rapid rail transit system. We are for the rapid rail transit system just as strongly as anyone in the city of Washington.

In 1955, Mr. Chairman, they came before our subcommittee and asked for $561,000 to make the necessary study for a balanced system of transportation here in our Nation's Capital. At that time we approved the amount. A balanced system of transportation providing for rapid rail transit, a freeway system, and an express bus system.

This is our position today, Mr. Chairman. Under no circumstances do we intend to come before this Congress at any time, or at any time in our committee, and make any move to stop the rapid rail transit system.

Mr. Chairman, we have appropriated $538 million for the rapid rail transit system that is actually in use, $300 million in contracts underway at this time, and I say to you these contracts will extend for 2 years.

In 1966 we came before this Congress and asked that the rapid rail transit money be released. You will recall that the National Capital Planning Commission then decided that the freeway system should get underway. We turned the money loose. We made the recommendation and then within a matter of 2 or 3 weeks a suit was filed. That suit stayed in court from October 1966 until February 1968, the same circuit court of appeals that you have been reading about—Judge Bazelon's court.

Mr. Chairman, in 1968 the Committee on Public Works of the House decided that something had to be done. The Three Sisters Bridge was not selected by the Congress or by any committee of the Congress. It was not selected by the Committee on Public Works.

The Public Works Committee in 1968 passed the highway act and we provided that the District officials and the Department of Transportation should proceed immediately to construct the Three Sisters Bridge, the east leg and the center leg and to make the necessary study.

From 1968 to 1969 nothing was done. The legislative committee on the District of Columbia came before this Congress and asked that the Federal payment be withheld. After that move was made the District officials decided that they had better make a move. The antifreeway emergency group was in action at that time, Mr. Chairman.

So in 1969 they finally decided to again move along with the freeway system. We started the Three Sisters Bridge under construction in August of 1969 and within a few weeks another suit was filed and again we have the Bazelon court. Mr. Chairman, that is the same suit that is now pending in court.

I want you members of the Committee to know this, and, Mr. Chairman, I say this from the bottom of my heart—this will be no personal victory for me—it will be no personal victory for the Committee on Appropriations. It will be a victory for the Congress of the United States—a victory for the legislative branch of the Government, Mr. Chairman.

The legislative branch of the Government is a coequal branch of the Government. The hoops that Judge Bazelon has set up for the Department of Transportation to jump through and the Congress to jump through are not for me and should not be for any Member of this body.

I say that to you regardless of the outcome of this amendment. Mr. Chairman, this amendment should be defeated. We should say not only to this judge, but we should say to all of those in the city of Washington and throughout the United States that the legislative branch of the Government is a coequal branch of the Government. For 20 long years we have given up the rights of the legislative branch of the Government.

My friend, the minority leader, who is one of the ablest men who has ever served in this Congress is to be commended on his position.

Mr. Chairman, this is no time for them to put us through the hoop, and I ask that the amendment be defeated.

Mr. MYERS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, the Members who have been favoring this amendment, which I shall not question why—but one of the reasons they have brought up—why we should continue right now with the funds for the Metro is the fact that any delay is going to increase the cost—the ultimate cost of the Metro system. I think we might be safe in making this assumption with past history, but with the price and wage freeze in effect as it is today, I am not sure that this can be absolutely true. But regardless, only one of the proponents raised the question—how much increase has this long delay in freezing highway funds—and incidentally there has been a long delay of Metro funds up to now and the Metro system has been continuously constructed—but how much increase to the highway system this long delay incurs. The gentleman from Colorado (Mr. EVANS) raised that one question. It seems to me quite logical from the arguments we hear which I think are very valid: There is a possibility that by our actions here that they might even close down the subway system for a few weeks, which I do not think they will if we take firm action today.

But in any event should the delay be a month or two the end result might be saving money on the highways because the highways will be built sooner and not because of further delays in the building of the highway system.

I really do not understand why a few people in this city have taken the position that they will fight the balanced system to the extent to cause court action. As an example, there is the environmental and ecology question on the building of two piers on each side of the river to support a pretty bridge across the river. I really do not understand the argument by those who raise the environmental question.

Observe the other side of the coin on the question of the construction of the Metro system. Numbers of businessmen are out of business today because of loss of business. They could not carry on with their overhead. People do not frequent their establishments along the route of the Metro. Others have lost money through having had severe damage to their property by way of cracked walls. Have any lawsuits been filed or injunctions issued to stop the construction of the Metro? Even in relation to the very beautiful facility of our National Collection of Fine Arts it has been necessary to close the historic Lincoln Gallery of that institution because of cracked walls and the condition of the building.

The Treasury Building down on 14th Street and Pennsylvania Avenue has had cracks in its walls because of Metro construction.

But has one suit been filed to stop that construction? I understand that there have been some interruption-of-business suits, but none have gone to the point of asking the court to stop the construction of Metro. And none of us are asking for that.

But it seems to me rather strange when this Congress is asking for assurances from the District of Columbia and from the courts, whoever it may be, that we can continue with the balanced transportation system—and I, for one, do not completely agree with the agreement which we are assured has been made in this House—how we can be assured by the mere hearing or rehearing of the case we will have a balanced system.

The argument has been made that we want a balanced system. I certainly believe in a balanced system. But how can we be assured that such a system will be built as a result of assurance that the appellate court will hold a hearing? It seems to me that if we are sincere in this endeavor, that order will have to be reversed in some fashion, either by the full panel of the court sitting en banc, or by the Supreme Court, before construction starts. I, for one, am going to hold to that position. I believe the District of Columbia, our Nation's Capital, is deserving of a balanced system of transportation for all people of our Nation, and the only sure way I know of making sure we get the balanced system is by an effort to cause our court system to give to the people of this Nation the balanced system that the taxpayers are paying for and that they deserve.

Mr. NATCHER. Mr. Chairman, I wonder if we can get some understanding as to time on the amendment? I ask unanimous consent that all debate on the amendment and all amendments thereto be completed in 40 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

(By unanimous consent, Mr. GROSS yielded his time to Mr. DAVIS of Wisconsin.)

(By unanimous consent, Messrs. MCKINNEY, TEAGUE of California, and THOMPSON of Georgia yielded their time to Mr. BROYHILL of Virginia.)

The CHAIRMAN. The Chair recognizes the gentleman from Virginia, Mr. BROYHILL.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of the amendment of the gentleman from Connecticut. I oppose the tactic of holding District subway funds hostage for ransom in the form of highway construction. Why subway funds? Why not the entire District appropriations, why not judiciary appropriations, if it is not the intent of Congress to destroy the subway in its infancy and create transportation chaos in the Washington metropolitan area.

We should not be debating here the desirability of or the need for a rapid transit system in Washington. We decided that question many years ago; we agreed that one is needed and we have spent millions already in studies and surveys all of which have proven conclusively that one is needed; and long ago we authorized and directed construction of a subway rapid-rail system as part of a balanced transportation system for the area.

In May when some of us tried to force release of subway funds we were defeated because the majority felt that someone downtown had failed to comply with the Highway Acts of 1968 and 1970. Since then those who alleged too much foot-dragging downtown have switched their criticism to the courts in the District, where in spite of the Attorney General's motion for a hearing en banc of the Three Sisters Bridge case before the full U.S. court of appeals it is impossible for the President, as he has advised in a letter yesterday to the Speaker of the House, to predict either the timing or the outcome of the court's action.

In the meantime the entire subway system is dying. The subway agency is out of money; the suburban jurisdictions, which have already contributed over $125 million, have refused to continue to pay for a system they may never enjoy, located entirely within the District of Columbia, which has become the hostage of forces engaged in a desperate battle for and against highways and bridges.

We must provide transportation for the hundreds of thousands who must travel in and out of the Nation's Capital each day. We must make the right decision now or face chaos in a decade. Highways alone are not the answer. Even if we chose to do so we could not pour enough concrete to solve our transportation problem without the rapid transit system.

For 20 long years this Congress has acknowledged that we must have a balanced transportation system, including both highways and bridges as well as a subway-rapid rail system. No one would disagree that there has been too much delay in carrying out the mandate of Congress that such a system be built. No one would disagree that the delays in both the highway-bridge and subway-rapid rail system have been costly. And they will be more costly every day.

In May those who opposed releasing the subway funds said the Washington Metropolitan Area Transit Authority would not die if we waited a few more months for compliance with the highway acts.

They pointed out that WMATA still had a little money left, which was true,

but did not point out that the money on hand included a repayable loan from the Department of Transportation, the suburban contributions, and the matching funds for the suburban contributions, and that unless the suburbs continued to meet their obligations on time not only the suburban funds but the Federal matching funds would cease.

Mr. Chairman, it makes as little sense to withhold funds for the subway to force the building of highways as it would to withhold funds for the judiciary to force a few judges in the District of Columbia to render a decision. Why must the District of Columbia and the surrounding communities suffer for a judgment they cannot control? The Congress has the authority to pass yet another law, a law specifically exempting jurisdiction of the courts if necessary, to get a balanced transportation system underway for this area. We do not need to hold a hostage. In fact all we have accomplished by doing so is to allow a few people to decide whether they want to build either the subway we directed be built or the highways and bridges we directed be built.

The public's newly aroused awareness of ecological problems led the majority of this House to enact legislation which will make necessary more careful attention to environmental factors in building of future highways, and this is as it should be. But I wonder how many who joined the majority in enactment of this legislation are now wavering about completing a pollution-free subway system while the inevitable litigation involving our own newly enacted environmental legislation, and the charges and countercharges about what future highway construction may do to the environment continue. I firmly believe highways can be so constructed as to avoid damage to the environment. I believe it is urgently necessary that we construct them, for we will have the fumes with us no matter whether the cars travel on divided limited-access highways or along presently congested roadways until those scientists now concentrating their efforts on nonpolluting means of propulsion have accomplished their work. Meantime I urge those who voted with the majority for protection of our environment to consider what a vote against the amendment to restore subway funds will do to set back the goals we so enthusiastically sought only last year.

The amendment we will be considering today does far more than restore $72.5 million, the District contribution to the subway fund. The Federal matching grant which will then be released to the fund will be double that amount, $143 million. WMATA now has on hand a total of $587 million, $411 million in Federal funds, $51 million in District funds, and $125 million in contributions from the suburbs. All of that amount has been committed as of August 1. If we release the $72.5 million, and the $143 million, we also will encourage the suburbs to make their next payment into the fund, totaling $29 million, to which another Federal grant of twice that amount, or $59 million, will be added.

If, on the other hand, we fail to release the $72.5 million, the suburbs will refuse to contribute their $29 million, with full justification, and the total loss to the subway fund as of January 1 will be $301 million. The only thing left for WMATA to do will be to terminate its ongoing contracts as quickly as possible, pay penalties to contractors to whom unfulfilled commitments have been made, and rush back to Congress with desperate pleas for sufficient funds to fill up the gaping holes they have created and restore the streets before the cave-ins start.

When we agreed to the joint venture between the Federal Government, the District of Columbia, Montgomery and Prince Georges Counties in Maryland, and Arlington and Fairfax Counties, and the cities of Alexandria, Falls Church, and Fairfax City in Virginia, we created a compact as a means of assuring financial participation by the District of Columbia and the other participating subdivisions in the region. In addition to granting consent for the compact, we, as the legislature for the District, enacted the compact, just as did the legislatures of Maryland and Virginia. We specifically specified in the compact that the net project costs of the subway would be equitably shared among the Federal Government, the District of Columbia, and the local subdivisions. Pursuant to this guideline, the WMATA developed a plan for financing the project, a key element of which a capital contributions agreement under which the District of Columbia and the other subdivisions undertook to provide their annual contributions to the authority.

In the National Capital Transportation Act of 1969, we authorized the District of Columbia to enter into that agreement to make annual contributions, and authorized the necessary appropriations. In reliance on this action by Congress, the political subdivisions executed the Capital Contributions Agreement, and pursuant to its provisions they have made their contributions on time to date. Congress, however, has not made the payment for the District of Columbia for either 1971 or 1972.

As we had intended, the political subdivisions relied on the good faith of the Congress to provide the District of Columbia funds. It is a legal obligation of the District of Columbia, incurred pursuant to our authorization. If the legal obligation is not met, if the subway system as a result dies, the District of Columbia will undoubtedly face multimillion-dollar suits, filed by the suburban jurisdictions in behalf of their taxpayers, and confidence in the good faith of the Congress, not only on the part of suburban jurisdictions but of communities throughout the Nation will be sorely shaken.

Mr. Chairman, in building this subway system time is money. Every delay is costly. The 98-mile system originally was estimated to cost $2.5 billion, an estimate already increased to $3 billion. We started late, and there was too much foot dragging at every level of government. But our decision was made and millions have been committed both in Federal and local funds.

It would be a shortsighted and disastrous disservice to the public interest to force costs still higher by unwarranted delay or to create the inevitable chaos in the Nation's Capital which would result from its complete abandonment.

Mr. Chairman, I urge adoption of the amendment of the gentleman from Connecticut.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Bow).

(By unanimous consent, Mr. Bow yielded his time to Mr. ALBERT.)

(By unanimous consent, Mr. ALBERT was allowed to speak out of order.)

DEATH OF MRS. JOHN W. M'CORMACK

Mr. ALBERT. Mr. Chairman, I have just received word within the last few minutes that the most devoted marriage I have ever observed in my lifetime has been broken by death. Mrs. John W. McCormack has passed away. Our beloved Speaker is grief stricken by the loss of his lifelong companion who was also his closest friend and confidante. These two people of great character, piety, and selflessness enjoyed a rare relationship. Bound by the holy bonds of matrimony, they were also bound by the mutual and enduring desire to love and honor each other. Their union of 52 years serves as an inspiration to all who would enjoy the fruits of marriage in the truest meaning of the word.

Mrs. McCormack was a great and gifted lady: none was more kind, considerate, charitable, or sympathetic. She exemplified the timeless virtues—faith, hope, and charity.

I know that the House shares the grief which Mrs. Albert and I feel on receiving this sad news.

The CHAIRMAN. The Chair recognizes the delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment offered by the distinguished and very capable gentleman from Connecticut (Mr. GIAIMO). The action of this body to delay 1 day longer the District's share of subway construction funds would be nothing short of disgraceful. This Congress undertook a moral obligation to the 3 million people of the Metropolitan Washington area when it authorized the Metro system several years ago. In reliance on this commitment, believing that Congress would keep its share of the bargain, the people of this region and the Federal Government have already committed themselves to spending $863 million. If this House fails to act to restore the $73 million requested by the President of the United States, we will have nothing to show for our efforts and money but empty, useless holes in the ground. That time has finally arrived, and we must face that fact squarely.

There has been some talk about a compromise that would provide subway funds if the U.S. court of appeals grants a rehearing in the Three Sisters Bridge case. The President of the United States says that this is unacceptable; that Metro funding must go forward now. And I agree with the President. We have delayed year after year, each time the ransom for the release of subway funds to

grow higher and higher, with no end in sight. This House cannot delegate to the U.S. court of appeals, as the so-called compromise would do, the decision as to whether the Washington region shall have a subway. That is a decision that this Congress must make based on what is right. Suppose the court decides that it will not grant a rehearing? We are right back where we started, with no end in sight. There will be no time to save Metro later. The suburban jurisdictions have already indicated that they will make no further contributions after January 1.

We should be perfectly clear about one thing: The question is no longer whether the District government is in compliance with the law. The Federal Government and the District government moved forward diligently to begin construction of the Three Sisters Bridge. According to the opinion by the court of appeals, they moved too diligently in carrying out what they believed to be congressional mandate to begin construction. The District government has moved with good faith; nothing more is humanly possible. The President of the United States has made a personal commitment to pursue all available legal remedies in order to clear legal roadblocks in the way of building the bridge. What more can we expect? Every effort has been made to comply with the law, and no more can be reasonably required. I personally believe the construction of the Three Sisters Bridge is unwise, but that is not the issue. My distinguished colleague from Virginia (Mr. BROYHILL) may believe that it is wise to build the bridge. But we both realize that that is not the issue here today. We are together today because we both know that the issue is whether the subway should be built.

The construction of the subway is crucial to the economic and environmental life of the entire metropolitan region. The subway is our only hope for avoiding strangulation from automobile emissions and for turning our neighborhoods back to the people. The subway provides the means of concentrating commercial and housing development, thereby eliminating the horrors of urban sprawl. Subway stations located in the metropolitan area, and particularly in the inner city, will serve as the magnet for hundreds of millions of dollars of new commercial and economic development. Thousands of new jobs will be created and opportunities for minority businessmen will evolve.

I note that new grounds are put forward at this late day to deny subway funds. The claim is being made that the subway costs are growing. Indeed, they are in this inflationary period. There is no doubt in my mind that one reason for such cost increases is delay caused by the refusal of Congress to provide regular funding to the subway on schedule. One recent report had indicated that congressional delays in funding have resulted in cost increases of $80 million.

This is not a Republican or a Democratic issue. Both a Democratic and a Republican President have strongly supported the subway. This is not an issue of city versus suburb or black versus white. The question is what is good for all. We in this region are together. Even those who have supported increased highway construction in the past—the board of trade, the Federal City Council—have joined in our urgent plea to release the subway funds. I echo what President Nixon said the other day, "No further delays can be tolerated." I urge your vote in favor of the Giaimo amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

(By unanimous consent, Mr. BOLAND yielded his time to Mr. GIAIMO.)

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, when a man says he sure does want to meet with you for lunch sometime but, well, he is not feeling too well today, then you both set a date for another day. But if, later, the man says he is awfully busy, and then later, that he might have to go out of town—and also starts grumbling about the increase in prices at the restaurant—well, then I believe you begin to wonder if the man really is interested in having lunch with you. The greater the excuses, the more the doubt.

Some Members of the House, I think, are a little like this. Congress as a whole has actively encouraged, approved and authorized the development and construction of the Metro subway system here since 1952—19 years ago—these Members remain hesitant about allowing, the District government to pay its long overdue share.

Some years ago they said they would like to release the funds "but" the District should have a freeway plan first. The city got such a plan and continues to build freeways, one at the very foot of Capitol Hill and another long stretch just five or six blocks to the south.

So then these Members said they would like to release the funds "but" the plan should include the North Central Freeway to Silver Spring. Today, of course, Maryland has decided not to build its part of that freeway so the District's construction of its section is a moot question.

But these Members of the House said the subway's funding should now await the city's start on the Three Sisters Bridge. OK, the city started the bridge and the pilings are visible in the Potomac today. Unfortunately, the haste and citizen opposition has led to court challenges and an adverse finding that has temporarily halted the work.

The President of the United States has ordered an appeal of the decision, which I find hard to swallow. The Attorney General has assured me that a petition has been filed for a rehearing and that every appropriate avenue is being taken to expedite that rehearing.

But the Members who have found reasons to hold the subway funds hostage against the city government and the various planning boards of the city now say that we must hold these funds hostage against the U.S. court of appeals. Meanwhile, they are also starting to complain that the subway may turn out to cost too much because of the delays which they in part have caused.

So make no mistake. If we do not restore these subway funds today, after all these years of delay, we might as well start appropriating funds to start filling in the great tunnels that have been built through downtown and Connecticut Avenue.

Finally, pride in the hard work of our many legislative and appropriations subcommittee chairmen is a virtue. But blind pride—when millions of dollars have been invested and when the integrity of Congress legislative process is at stake—goeth before a fall.

I urge you to vote for the amendment restoring not only the overdue subway funds but also restoring and protecting the prestige, authority, and legislation of this great Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, there is little that can be added to the debate today. We are all in favor of a balanced transportation system.

We've heard a great deal today about the decision of the U.S. Court of Appeals for the District of Columbia circuit. I do not think there is anyone in this chamber who disagrees more often with more opinions of Judge Bazelon than I, but what I would like to submit to my colleagues today, Mr. Chairman, is that denying these funds, you would be penalizing innocent people who are not involved in Congress' dispute with Judge Bazelon or the District of Columbia government.

Suburbanites have paid some $125 million of their share of building a rapid rail transit system. My home county of Prince Georges has paid over $31 million, and it will be another whole year before we even begin to see the first physical evidence of subway construction.

So, if you have a dispute with the District government and with Judge Bazelon, thrash it out with them and do not use a "secondary boycott" to penalize my constituents. They have lived up to their end of the bargain, but because of the actions of the Congress in delaying funds for the District of Columbia's share, suburban taxpayers have been paying more than their share and they have been denied the progress in the construction of the rapid rail transit system that they are entitled to.

Mr. Chairman, as much as I dislike going against the recommendations of the committee and the leadership, I support the amendment offered by the gentleman from Connecticut (Mr. GIAIMO), to restore the Metro construction funds to the District of Columbia appropriations measure before us today.

This amendment would restore the full $72 million for subway construction. Until now, the District of Columbia has been unable to contribute its share of the cost of Metro. As the President has said, at this point in time, "no further delays can be tolerated."

I might add, Mr. Chairman, that the

President's words can be amplified one hundred-fold for the residents of the Metropolitan Washington community. If I may I would like to quote from a letter dated November 26, 1971, sent to the chairman of the Appropriations Committee (Mr. MAHON) by Mr. John B. Burcham, Jr., vice chairman of the Prince Georges County Council and a member of the board of directors of the Washington Metropolitan Area Transit Authority.

In his letter urging the Appropriations Committee to include the $72 million subway funding, Mr. Burcham illustrates the concern of Prince Georgians, as well as the concern of the other Metropolitan suburban jurisdictions over the withholding of these funds. I quote:

To date, Prince Georges County has contributed over $31 million of its taxpayers' money to Metro in an act of good faith, even though the first physical evidence of such a system beginning in our County will not be seen until at least late 1972. Another payment of over $7 million is due in January, 1972. Total payment of local funds by all suburban jurisdictions to date is over $125 million, while practically no construction has been begun except in the District of Columbia.

I might add just two things to Mr. Burcham's statement of the financial situation, Mr. Chairman. One, this $72 million payment which we are trying to include in this appropriation measure includes the $34 million which was already held up last year; and second, Maryland is already paying a disproportionate share of the total net project cost, contributing 34.4 percent of the cost for only 30.6 percent of the rapid rail miles.

But, Mr. Chairman, at this point, it is not only the financial situation which is of concern to Washingtonians and suburban commuters. For many months now, we have all put up with the inconveniences which building a subway under a bustling city entails. We have huge gaping holes which are covered over with wooden planks to allow some sort of orderly traffic flow. Yet, all of us are looking forward expectantly and hopefully to the day when the only entrance to the underground will be via a Metro escalator.

But, in the words of President Nixon, at this critical junctive, we may be consigning the entire project "to an early grave."

Washingtonians, suburbanites, Federal employees, or Washington's many visitors don't want this to happen. My colleague from Maryland (Mr. GUDE) has reminded us that the construction of the Metro system has been encouraged, approved, and authorized in a long series of congressional actions beginning in 1952. For my own part, I have been involved in the fight for a balanced transportation system for the Washington metropolitan area since the early 1960's when I served as coordinator of the Joint Committee on Transportation for Metropolitan Washington. Since that time, I have reiterated numerous times the need for a balanced transportation system—including adequate highways, efficient bus service, and rapid rail transit. No single mode of transportation can solve our worsening traffic snarls.

Unfortunately, the continuing friction between contending groups has caused intolerable delays. But, these differences must be resolved. We need highways. We need rapid rail transit.

I urge my colleagues to support this amendment to include this necessary subway funding. Time is of the essence.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I think we have to remember, as has already been brought out, that this subway is already under construction. The construction was properly authorized by the Congress, and for us to deny funds now would not only violate our own authorization, just as much as the court action may be violating an authorization which we have given to the road system, but we would also be leaving the city of Washington in complete chaos and turmoil.

I do not know how many Members have been downtown or on Connecticut Avenue lately, but if you have, you know that we cannot allow that situation to continue. We ought to complete the subway, and complete it as rapidly as possible.

The suggestion has been made that subways are out of date, but they are building one in Munich, to be completed in time for the 1972 Olympics. So they cannot be that much out of date.

Then I think we ought to remember something else here, too.

The gentleman from Kentucky and the gentleman from Texas seem to be terribly exercised that all the mandates of Congress are not being carried out expeditiously by the executive branch. But this is nothing new to the Committee on Armed Services. You all remember the furor about getting a new wing of B–36's built back in the days of Harry Truman. We appropriated the money, but nothing happened. Then, in the early sixties, we tried to get a B–70 built and nothing happened then either. The late Mendel Rivers tried for many years to get the Navy to build nuclear frigates, and we still do not have those nuclear frigates.

Yet, just because the executive branch did not do what we wanted to on one portion of the bill, we did not then refuse to appropriate funds for all the other weapons systems required by the services and authorized by the Congress.

We should not do so in this case either.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I am opposed to the amendment for the reasons expressed by the distinguished chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER).

Mr. Chairman, the District of Columbia Committee on Appropriations has deleted the funds for the Metro system deliberately in order to protect the actions of this House. This Congress voted and passed the Federal Highway Acts of 1968 and 1970 in order to bring about a balanced transportation system. In view of this action I do not feel it is improper to ask the District to proceed under these two acts in order to maintain the independence, pride, and dignity of the House of Representatives.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES).

(By unanimous consent, Mr. YATES yielded his time to Mr. OBEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

(By unanimous consent, Mr. EVANS of Colorado yielded his time to Mr. OBEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman and my colleagues, I think before we can soundly vote on this measure it is imperative that we clear up an ambiguity which I have in my own mind and which I think others have.

Mr. Chairman, I heard the distinguished minority leader make absolutely clear that it is his understanding that before the funds will be released, there will be only two things which must take place:

First, that there must be a setting of a time certain for the rehearing before the court.

Second, that there must be a request for a supplementary budget, and that there is no additional condition attached to the release by this House of these funds.

If I may have the attention of the chairman of the subcommittee, may I address a question to the gentleman from Kentucky (Mr. NATCHER)? May I ask the chairman of the subcommittee whether it is his understanding that if those two conditions be met, first, that there be a time certain set for a rehearing—not the hearing itself or any decision—and, secondly, a request by the President for a supplemental appropriation—will those two conditions being met give rise to action of the subcommittee to release this money?

Mr. NATCHER. Mr. Chairman, if my distinguished friend will yield, I would like to say that if those two conditions are complied with, it will clearly indicate to me, just for a change after a period of about 4 years the courts have decided to move along and pass upon this case. When the supplemental appropriation comes to the floor next year, if those conditions are met, I will stand in the well of this House and ask that the money be appropriated.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I was not going to speak on this issue today because so many of the Members have been involved in it for so long, but when I heard the remarks earlier made by the gentleman from Maryland dealing with mass transportation I just felt that I could not sit still and let the comment pass "Who would use it? Nobody would use it if you had it, anyway. Everybody would keep on using their cars." This is what the gentleman said.

I can tell the Members that that is the furthest thing from the truth. If you have a mass transit system in a city like Washington you will find it is used, and that it is used by everyone.

In my area in New York, in the suburban areas and in the city, everyone uses mass transit, whether they are bank presidents, heads of companies, or whoever they are, you will see them all on the subways, and the commuter trains, and they do not go riding around in their cars, fighting traffic or creating more traffic.

So I just want to say that if we ever have a mass transit system in Washington, D.C.—and in my brief time here we certainly desperately need it, because you cannot move in this city—if we have it, it will be used.

I think we ought to go ahead and put this subway system in, and get going as soon as possible.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, two points have been made. One is that the decision has long since been made to go ahead with building the subway, and that is our job to just go ahead and fund it.

Well, it would not be the first time Congress or the President failed to fund an authorization.

Right now our President has under impoundment about $12 billion worth of public works funds. In my own district $2 million worth of sewer and water money has been held up for 2 years. If they can refuse to fund these worthwhile projects in your districts and in mine, why can they not refuse to fund a subway of dubious merit?

The second point that has been made is that we would be wasting millions of dollars that have already been spent, and the cost will be increased if the subway is built later on. I have noticed that some of those who have made this argument were the same ones who along with me voted to terminate the SST, with the side result that about $800 million already involved in it was lost. Why are there persons all of a sudden developing qualms about losing this amount by terminating the subway?

I might also note my impatience with this argument that the costs are going to go up when a project is delayed. After all, during the period of delay we get to keep the money and will have to spend that much less in interest on that amount of Federal debt. Furthermore, since the project will lose money every day it is running, the longer we delay the project the less money we will lose.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I deeply regret that I find myself in opposition to my good friend, the gentleman from Massachusetts (Mr. CONTE) who is recognized as a great mover of men and constructive legislative proposals. The passage of time will record and recognize him as one of the greatest baseball managers in our Capital City's history, but I feel that the issue here today revolves around another man who is not a Member of this House of Representatives but is a district judge, who is delaying action on a key segment of our highway system that many of us, having jurisdiction over highway matters, believe to be necessary if we are to provide and advance a functional and balanced transportation system for the metropolitan area. That is the reason that I stand before you in support of the Committee on Appropriations, the gentleman from Kentucky (Mr. NATCHER), the Speaker, Mr. GERALD R. FORD, the minority leader, which is the same supporting position I took while serving as a member of the conference Committee on Public Works between the House and the Senate, when the matter of the Three Sisters Bridge was the subject of lengthy debate and subsequently approved by the Congress and signed into law.

This point has not been brought out in debate here today: If we can proceed to build the Three Sisters Bridge, the ultimate result would be to provide more ready access to Dulles Airport, thereby maximizing the utilization of that facility, permitting more scheduled flights and better service for those people living in the District, northwestern Maryland, and northern Virginia. It will also provide greater opportunity for people to get out of the city because of the greater flexibility automobile transportation provides for route and destination selection, as well as personal time scheduling. It will provide a relief from pressure on the National Airport traffic during the rush hour congestion period associated with auto and airplane commuter traffic.

Let me advise my colleagues, clearly, I am strongly in favor of providing a coordinated, integrated, and balanced transportation system which I believe is the objective of the Congress as well as the executive branch.

I am fully convinced that we are all seeking the same goal, the President, Secretary Volpe, the Congress, Mr. NATCHER, Mr. DAVIS, and their subcommittee, Mr. MAHON, Mr. Bow, and their Appropriations Committee.

We, on the Public Works Committee are determined and dedicated to advancing a model transportation system for the Nation but cooperation and coordination is vital to successful achievement of this goal.

I believe we have that cooperation in the Congress and President Nixon's administration but this is not the case of our local district court.

In reading the majority opinion, it is obvious that we have a biased and prejudiced individual setting in a key judicial position on this matter. He, quite properly, has the right to his opinion—which he has expressed but I believe he should permit the orderly appeals procedure to advance by setting a definite date for a new hearing or step aside and let someone hear the case who is open-minded and objective in their approach to the Three Sisters Bridge question.

Functioning democracy and the judicial process is set up to guarantee against anyone with a prejudiced view from blocking action or delaying a decision—if it is permitted to work as intended by our laws and our constitution.

The Congress and the President have a right to insist on this orderly and responsive procedure.

Were it not for the delaying and blocking tactics of this one man, as expressed by many here today, we would find it unnecessary to engage in this lengthy and sometimes emotional discussion.

This is the issue, I repeal the issue, before us today.

We are all taxing our patience but we will never let our determination subside. We will move forward together toward the coordinated integrated and balanced transportation system needed to accommodate the visitors, both foreign and domestic, who expect the best in the capitol of the Free World.

Mr. NATCHER has been, as always, a real gentleman, a real champion during this prolonged battle. The Congress and the country will be deeply in his debt for the courageous stand he has taken and the leadership he has provided. He is a man of high character and purpose. He is defending the principles and the prerogatives of the Congress of the United States.

I am proud to associate myself with this great champion of our cause.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

(By unanimous consent, Mr. CONTE yielded his time to Mr. ANDERSON of Illinois.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

I certainly would not for one instance impute disloyalty to the President of the United States to any of those in this House who oppose this amendment, even though he has made a very clear appeal for adoption of this amendment.

By the same token, I would certainly hope that the action we take in supporting this amendment would not be construed as any act of disrespect or disloyalty to the minority leader for whom I voted to be Speaker of the House in 1971 and shall do so again, the Lord willing, in the next Congress.

But, it seems to me, the issue goes far beyond these personal loyalties. The fact is I think the gentleman from Wisconsin, GLENN DAVIS, and the gentleman from Kentucky, BILL NATCHER, are two of the finest men in this House—and I think any suggestion we do not hold these gentleman in the highest esteem is entirely extraneous and irrelevant to the real issue before us.

I listened to the very eloquent and moving remarks of the gentleman from Texas (Mr. MAHON), the distinguished chairman of the Committee on Appropriations, in which he quoted those words by King Saul, the first King of Israel. I believe that King Saul perished in that battle. But I do not think the leadership of this House is going to perish if this amendment is adopted.

I would not want to match my knowledge of biblical lore against that of the gentleman from Texas (Mr. MAHON) but he would do well to recall that it was King Saul's intense jealousy of David that caused him finally to lose his reason and he thereby lost his effectiveness as a leader of Israel.

I would hope that we would not be so

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obsessed this afternoon in our attitude toward Judge Bazelon that we lose our perspective as to what the real issue is.

I am not bowing to any fear of Judge Bazelon or of the federal judiciary, but I am very frank to confess I am bowing somewhat to a very real fear that the eight municipal governments contributing to this very necessary project may cease their contributions, if we do not release this $72 million.

When I read that Montgomery County would hold up $9 million and when I read that Fairfax County would hold up $5 million and that a total of $42 million that would otherwise be contributed taking into account the matching funds from the Federal Government might be withheld from the subway project, then it seems to me the issue becomes something other than what the courts have done or have not done in this particular case.

In his statement of November 18, the President pointed out that we are indeed at a "critical juncture" on this issue, the well-being of the Capital area is at stake, and any further delay might "consign the entire project to an early grave."

Mr. Chairman this Congress has a responsibility and an obligation to see this project through to completion. We have encouraged, approved, and authorized the Metro system through a long series of actions dating back to 1952. The taxpayers have a huge financial stake in this project. The people of the Washington metropolitan area have contributed willingly and generously to this project because they know their quality of life is at stake. The choice which confronts us is really no choice at all, for it is a choice between traffic chaos and congestion on the one hand, and a well-balanced transportation system on the other. And the key to such a well-balanced system is an areawide mass transit program.

Last year we enacted Public Law 91-543, the Urban Mass Transportation Assistance Act of 1970. That measure provides a Federal commitment of $10 billion over a 12-year period for urban mass transportation programs. And yet, despite that firm commitment to solving our Nation's urban transportation problems, we continue to block funds to provide such a solution for our own National Capital. There can be no justification for this.

Mr. Chairman, in the brief time remaining to me, I would like to call the attention of my colleagues to a statement issued yesterday by Mr. William D. Ruckelshaus, Administrator of the Environmental Protection Agency. We hear a lot of talk today about the need to reorder priorities and to make our environment safe and habitable. The question now before us is a clear-cut opportunity to put our money where our mouth is when it comes to priorities and the environment. As Mr. Ruckelshaus put it yesterday, and I quote:

> The construction of a mass transit system in this metropolitan area is a necessary and much needed measure that would have a positive impact on the environment. Proper utilization of a Metro system would bring about a reduction in the number of miles driven in private automobiles with a corresponding improvement in the quality of the region's air.

Mr. Ruckelshaus went on to note that a Metro system can accommodate up to 40 times as many people in 1 hour as a single highway lane, and that it would also mean more efficient land utilization.

In conclusion, Mr. Chairman, I think this Congress has a positive obligation to help improve the quality of life in our Nation's Capital—to make it more habitable and accessible not only to the thousands who live and work in this area, but to the millions of tourists who visit us each year. For these reasons I strongly urge adoption of the Glaimo amendment.

Mr. COUGHLIN. Mr. Chairman, I rise in support of the Glaimo amendment to release funds for subway construction in the District of Columbia.

While many issues—some salient and some extraneous—have been raised, I prefer to believe that the House of Representatives will go to the core of the matter—the need and justice in releasing these funds for an urgent project in the Nation's Capital.

By any reasonable yardstick, Metro construction must proceed as quickly as possible. The cost in terms of taxpayers' dollars, economic consequences and human considerations rise daily and serve as vivid danger signals of what will transpire if we fail to meet our responsibilities.

We all pay homage to the concept of a balanced and coordinated system of private and public transportation. Now we can pay more than homage. We can put the money where the Metro is—or should be.

I submit that mass transit for far too long has teetered on the lower end of an imbalanced scale in the District.

The fine lines drawn in cloakroom talk about implementation of Federal-Aid Highway Acts and implications of court ruling should not smother the commonsense dictates of our minds and consciences which tell us unequivocally that there is no good reason why these funds should not be released.

Yes, there will be more highways constructed in the District. Yes, there will be more expressways. Yes, there will be continuing battles over the roles of roads and mass transit in the District.

So, let us not try to kid the people let alone ourselves.

Release the subway money now—some $72 million of it. Show Maryland and Virginia that we in Congress can exercise at least as much responsibility as they have in contributing to the Metro system.

Congress has authorized the District to provide its share of the funds.

We speak—all of us—thousands and thousands of words each year that run up the printing bill for the CONGRESSIONAL RECORD. Responsibility, respect for the law, meeting our obligations, doing what is right—the words pour out as an endless torrent from high atop Capitol Hill.

All right, here is our chance to practice what we preach.

I urge my colleagues to join me in voting to release the Metro construction funds.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS.).

Mr. MYERS. Mr. Chairman, in response to my distinguished friend, the gentleman from Illinois in reference to concern over the environment by fellow Hoosier Mr. ROSTENKOWSKI, if we build the Three Sisters Bridge—and we will—we will eliminate much of the environmental problems at National Airport by making it faster and easier to reach Dulles Airport.

I think you will find more flights into Dulles and this way we may accomplish something on the environmental question right here in the District of Columbia.

Let me say that it has become increasingly more alarming that the highway system is in serious problem from the attitude and approval taken in the discussion. Those favoring the amendment are saying in fatal tones that it is now or never.

If we do not appropriate this money today, some are saying that there are going to be left big holes in the streets. I have decided if that is true, if they know something that I do not know—maybe a decision has been made by the courts that they intend to never hear the appeal.

So I think now, and even more so, the Committee on Appropriations is right in its position.

I am convinced of that right after listening to the arguments this afternoon that the court of appeal does not intend to reconsider the case.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I do not know how many Members here have read John Marquis. He wrote a book between World War I and World War II called "The Life and Times of Archie and Mahitabel."

It was the story of a reporter who had died and who came back to life in the body of a cockroach. He continued to write his stories even though he was now a cockroach by diving off the carriage of a typewriter onto the keys of the typewriter headfirst and thereby continued to write.

One of the things he wrote was a very short statement. What he said was:

> Did you ever notice that when a politician does get an idea, he usually gets it all wrong?

I suggest to you that that statement is very appropriate in considering the kind of compromise which we are talking about here today. You would think from hearing the description of the so-called compromise being discussed here today that we are compromising with the court. The fact is that we are not. You would think we were withholding money from the court. The fact is that we are not. We are withholding money from the District. We are withholding money from Metro. The simple fact is that the District, Metro, and the administration, are in compliance and therefore are entitled to have this money.

I think it strange logic indeed for people to place as much emphasis as they have upon the issue of noncompliance, when the Congress, by the very act of withholding funds from Metro, will force the District to be in noncompliance on the District contract with the other subdivisions that are signatories to that contract on the Metro.

What we would be asking in effect is that the District be in noncompliance with the contract which we authorized them to enter into in the first place.

The hard facts are simply these: Metro is out of money as far as offering new contracts is concerned, and if we have any further delay we will be faced with either increased costs or the death of Metro. I do not think there is any doubt about it.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. CONTE. I have a very important announcement, because I think it will put this whole debate in proper perspective. The court of appeals has just refused to review the petition, and therefore all these agreements that have been propounded here are fait accompli. The only appeal now is an appeal to the Supreme Court of the United States, on a writ of certiori.

Mr. OBEY. Then if that is indeed true, what we are faced with, Mr. Chairman, is a game of "chicken."

We are going to decide whether we are going to be more stubborn or whether the court is going to be more stubborn. First we had a game of "chicken" between this House and the District. Then we had a game of "chicken" between this House and the administration. Now it is a game of "chicken" between us and Judge Bazelon, which can have only one of two results: We can have the death of the subway or we can have delayed completion of that subway at a fantastic increase in cost. I do not think we want the responsibility for another cost overrun similar to those we have had in connection with the F-14 and the C-5A. Regardless of how bad you feel Judge Bazelon's decision is, I ask you to exercise a degree of responsibility which would be greater than many Members in this body feel has been exhibited by Judge Bazelon, and probably now by the court of appeals. I urge you to vote for the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman; I do not think the announcement that was made here makes a great deal of difference. I have no way of corroborating it. But what it seems to me it does do now is to clear the track and to permit this question to go directly to the U.S. Supreme Court. I do not believe that it affects the situation as we now have it one single bit.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield at that point?

Mr. DAVIS of Wisconsin. I am happy to yield to the minority leader.

Mr. GERALD R. FORD. I think this clarifies the situation. The Department of Justice can now immediately ask for a hearing before the U.S. Supreme Court. The Supreme Court can set it down for hearing promptly. They have done so in other cases, including the so-called Pentagon papers case, where they acted very promptly. It seems to me that this is a very, very important circumstance that would justify their immediate action.

Mr. DAVIS of Wisconsin. I do not think it changes the real situation in any way.

Aside from the position of this House, which concerns its leadership and the individual Members, I think this boils down to the basic question as to whether we are going to have a balanced transportation system for this area or whether we are not.

Those of us who have lived with this problem for a number of years are determined that we shall have a balanced system and are committed to a balanced system.

I simply do not concede that the sponsors of this amendment are on the side of the President and that the rest of us are not. I do say that the gentleman from Kentucky has had much greater experience, and I to a lesser extent, in dealing with the implementation of a balanced transportation system than do any of the young men from the White House who have been so much in evidence around here for the last several days.

We strongly believe that the very reasonable suggestion that has been made will get a balanced transportation system in progress and in being more rapidly than will the complete capitulation of this House of Representatives.

I have known the President for almost 25 years. He wants the subway. He wants a balanced transportation system—and so do I; and so does the gentleman from Kentucky (Mr. NATCHER); and so does the Speaker of the House, who came with the President at the beginning of the 80th Congress; and so does the distinguished minority leader, the gentleman from Michigan; and so do the chairman and the ranking minority member of the full Appropriations Committee; and we are united in our belief that this amendment should be defeated.

So when we are told the President wants the subway, I say this: He also wants the freeways, and we are going to give him both and not just half of the package.

I believe that when these distinguished leaders of this House and the members of the Appropriations Committee apply their experience and their knowledge of this entire matter, we are going down the road of accomplishing the President's wishes.

Of course, the President has asked for the subway money specifically, but he does not need to ask specifically for the freeway money. It is there, ready to be used as a part of the $200 million which has accumulated because of freeway obstruction.

A negative vote will not kill the subway. It will convey the message where it needs to be conveyed, that this House, which necessarily took the bull by the horns in defining a balanced transportation system, will do what must be done to assure that this system will be implemented in accordance with its mandate and in accordance with the President's strongly stated policy.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I apologize for not being here earlier, and I do not want to sound dramatic. However, I have been saying it is not proper for the judiciary system to involve itself in legislative matters, and I have been saying, equally so, it is not proper for the legislative branch to get involved in judicial matters. I just received a call from my office which has checked out a rumor of what happened about 5 or 10 minutes ago with the U.S. court of appeals. I am told that there is an official order—and I take no authority for this other than what my office was just told by the clerk of the court—turning down an appeal for rehearing. I am also told that Mr. Krug in the White House is preparing an immediate writ of certiorari to the Supreme Court.

This involves us in the danger, when we become involved in putting conditions on legislation which we have passed, of involving ourselves in the orderly process of the judicial system.

If the facts are indeed as they appear to be, I would like to ask my Chairman and the distinguished minority leader where this leaves us on the future of the subway funds if, in fact, nothing remains now but a determination of this by the Supreme Court of the United States, who will ultimately declare what the law is as to the construction of the Three Sisters Bridge.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Kentucky.

Mr. NATCHER. In answer to the gentleman's question, I should like to first state this, Mr. Chairman: If the report which the gentleman from Connecticut has just made, and the report which I believe was also made by the gentleman from Massachusetts (Mr. CONTE) that the Circuit Court of Appeals has denied an appeal, is true, I am not at all surrised. We are right back in the hands of Judge Bazelon, who has made up his mind for a period of 4 years that the rights and the laws of Congress are not going to be enforced.

So far as the gentleman's question with regard to the Supreme Court is concerned, I think there is no question at all but what this case must go to the Supreme Court. But the funds, $72 million, should now be refused until the law is enforced.

Mr. GIAIMO. Mr. Chairman, I submit we should fund this program, which has cost $55 million in additional delays to the subway, and we should abide by the law of this Nation and the courts, who determine what the true Highway Act of 1969 was. This can only be determined by the Supreme Court.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky to close debate.

Mr. NATCHER. Mr. Chairman, I should like to respectfully request the Committee to defeat the amendment which is now before the Committee.

The CHAIRMAN. All time has expired.

The question is on the amendment

offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. GIAIMO. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GIAIMO. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. GIAIMO, DAVIS of Wisconsin, CONTE, and NATCHER.

The Committee divided, and the tellers reported that there were—ayes 196, noes 183, not voting 52, as follows:

[Roll No. 426]

[Recorded Teller Vote]

AYES—196

Abourezk	Giaimo	Pelly
Abzug	Gibbons	Pepper
Adams	Goldwater	Pettis
Addabbo	Gonzalez	Peyser
Anderson, Calif.	Grasso	Pike
	Green, Oreg.	Podell
Anderson, Ill.	Green, Pa.	Price, Ill.
Ashley	Gude	Pryor, Ark.
Aspin	Halpern	Quie
Barrett	Hamilton	Rangel
Bell	Hanley	Rees
Bergland	Hansen, Idaho	Reid, N.Y.
Betts	Hansen, Wash.	Reuss
Biester	Harrington	Rhodes
Bingham	Harvey	Robison, N.Y.
Boggs	Hastings	Roncallo
Boland	Hathaway	Rooney, Pa.
Bolling	Hawkins	Rosenthal
Brademas	Hechler, W. Va.	Roush
Brasco	Heckler, Mass.	Roy
Brown, Mich.	Heinz	Roybal
Broyhill, N.C.	Helstoski	Ruppe
Broyhill, Va.	Hicks, Mass.	Ryan
Buchanan	Hicks, Wash.	St Germain
Byron	Hillis	Sarbanes
Carey, N.Y.	Hogan	Saylor
Carney	Horton	Scheuer
Chisholm	Hosmer	Schwengel
Clay	Hungate	Selberling
Cleveland	Jacobs	Shipley
Collier	Karth	Shoup
Conable	Kastenmeier	Smith, N.Y.
Conte	Keith	Staggers
Conyers	Koch	Stanton,
Cotter	Kyros	J. William
Coughlin	Leggett	Steele
Culver	Lent	Steiger, Wis.
Daniels, N.J.	Link	Stokes
Danielson	Lloyd	Stratton
Dellenback	Lujan	Stuckey
Dellums	McClory	Sullivan
Dennis	McCloskey	Symington
Diggs	McCormack	Teague, Calif.
Dingell	McKinney	Thompson, N.J.
Dow	Mailliard	Tiernan
Drinan	Matsunaga	Udall
du Pont	Mazzoli	Ullman
Dwyer	Meeds	Van Deerlin
Eckhardt	Melcher	Vanik
Edwards, Calif.	Mikva	Veysey
Erlenborn	Miller, Calif.	Vigorito
Esch	Minish	Waldie
Eshleman	Mink	Whalen
Evans, Colo.	Mitchell	Whalley
Fascell	Mollohan	Whitehurst
Findley	Monagan	Widnall
Fish	Moorhead	Wiggins
Foley	Morse	Wilson,
Ford,	Mosher	Charles H.
William D.	Moss	Wolff
Forsythe	Murphy, N.Y.	Wydler
Fraser	Nedzi	Wyman
Frelinghuysen	Nelsen	Yates
Frenzel	Nix	Yatron
Frey	Obey	Zablocki
Gallagher	O'Hara	Zwach
Gaydos	O'Neill	

NOES—183

Albert	Aspinall	Bow
Andrews, N. Dak.	Baring	Bray
	Begich	Brinkley
Annunzio	Bennett	Brooks
Archer	Bevill	Broomfield
Arends	Biaggi	Brotzman
Ashbrook	Blackburn	Brown, Ohio
Burke, Fla.	Jarman	Powell
Burke, Mass.	Johnson, Calif.	Preyer, N.C.
Burleson, Tex.	Johnson, Pa.	Price, Tex.
Burlison, Mo.	Jonas	Randall
Byrnes, Wis.	Jones, Ala.	Rarick
Cabell	Jones, N.C.	Robinson, Va.
Caffery	Kazen	Roe
Camp	Keating	Rogers
Carter	Kee	Rooney, N.Y.
Casey, Tex.	Kemp	Rousselot
Cederberg	King	Ruth
Chamberlain	Kluczynski	Sandman
Chappell	Kyl	Satterfield
Clancy	Landgrebe	Scherle
Clausen, Don H.	Latta	Schmitz
	Lennon	Schneebeli
Clawson, Del	Long, La.	Scott
Collins, Tex.	Long, Md.	Sebelius
Colmer	McCollister	Shriver
Corman	McCulloch	Sisk
Crane	McDade	Skubitz
Daniel, Va.	McDonald, Mich.	Slack
Davis, Wis.		Smith, Calif.
de la Garza	McEwen	Smith, Iowa
Delaney	McFall	Snyder
Devine	McKay	Spence
Dickinson	McKevitt	Springer
Donohue	Macdonald, Mass.	Stanton, James V.
Downing		
Dulski	Madden	Steed
Duncan	Mahon	Steiger, Ariz.
Edmondson	Mann	Stephens
Edwards, Ala.	Martin	Stubblefield
Fisher	Mathias, Calif.	Talcott
Flood	Mathis, Ga.	Taylor
Flowers	Michel	Teague, Tex.
Ford, Gerald R.	Miller, Ohio	Terry
Fountain	Mills, Ark.	Thompson, Ga.
Fuqua	Mills, Md.	Thomson, Wis.
Galifianakis	Minshall	Thone
Gettys	Mizell	Vander Jagt
Goodling	Montgomery	Waggonner
Gray	Morgan	Wampler
Griffin	Murphy, Ill.	Ware
Gross	Myers	White
Grover	Natcher	Whitten
Haley	Nichols	Williams
Hall	O'Konski	Wilson, Bob
Harsha	Passman	Winn
Hays	Patman	Wright
Henderson	Patten	Wyatt
Howard	Perkins	Wylie
Hull	Pickle	Young, Fla.
Hunt	Pirnie	Young, Tex.
Hutchinson	Poage	Zion
Ichord	Poff	

NOT VOTING—52

Abbitt	Denholm	Holifield
Abernethy	Dent	Jones, Tenn.
Alexander	Derwinski	Kuykendall
Anderson, Tenn.	Dorn	Landrum
	Dowdy	McClure
Andrews, Ala.	Edwards, La.	McMillan
Badillo	Ellberg	Mayne
Baker	Evins, Tenn.	Metcalfe
Belcher	Flynt	Pucinski
Blanton	Fulton, Tenn.	Purcell
Blatnik	Garmatz	Quillen
Burton	Griffiths	Railsback
Byrne, Pa.	Gubser	Riegle
Celler	Hagan	Roberts
Clark	Hammer-schmidt	Rodino
Collins, Ill.		Rostenkowski
Davis, Ga.	Hanna	Runnels
Davis, S.C.	Hébert	Sikes

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 9. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner, the Deputy Commissioner, and the Chairman of the City Council of the District of Columbia or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 13, strike the following: On line 12, ", the"; line 13; on line 14, "cil of the District of Columbia".

Mr. JACOBS. Mr. Chairman, I commend the Committee on Appropriations for doing almost as much of the job as I think should be done with regard to chauffeur-driven cars for the District of Columbia government. All were deleted except three. And I am offering an amendment now to delete two of the three that have been brought back from the committee.

The three that were authorized were for the Commissioner, the Deputy Commissioner, and the Chairman of the Council. This amendment would delete the second and third authorizations.

Mr. Chairman, I simply take the position that a public servant is there to serve the public, and the public is not there to serve the servant. I do not think there is any justification for chauffeur-driven automobiles with the possible exception of a chief executive. I have a bill, as I have said before, before the House, to delete all of the chauffeur-driven automobiles in the U.S. Government that the taxpayers are asked to supply, except for the President, the Vice President, Cabinet Members, and the Speaker of the House.

Officials of the District of Columbia government do not need to be chauffeured around. After all, there will be a subway now for them to ride on and I urge you to adopt this amendment.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. MYERS. To perfect your amendment, would you also not have to correct the language on page 15, lines 12 and 13?

Mr. JACOBS. If there is any additional language necessary, I am unaware of it.

Mr. MYERS. Section 16 is a further provision providing that none of the appropriations in this act shall be available for the payment of compensation to any employee assigned as chauffeur except for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council. That is also on page 15 of the bill.

Mr. JACOBS. No chauffeur could be employed or hired except for the Mayor if the language of this amendment is adopted.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as was pointed out by the gentleman from Indiana, we have placed a limitation in the bill, on the number of chauffeurs and the amount of their compensation.

I think it would be a serious mistake to have an amendment this time which would mean that only the Commissioner is to have a chauffeur and a car and that the Assistant Commissioner would not have one and the Chairman of the City Council would not have one.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division (demanded by Mr. JACOBS) there were—ayes 100, noes 68.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 15. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 16. None of the appropriations in this Act shall be available for the payment of compensation to any employee assigned as chauffeur except for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council: *Provided*, That none of the appropriations in this Act shall be available for the payment of premium pay to any employee assigned as a chauffeur for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council which exceeds in the aggregate 25 per centum of the annual rate of basic pay applicable to such employee.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: Page 15, insert immediately after line 18, the following new section:

"SEC. 16. No part of the appropriations made by this Act shall be available for the financing of the activities of the Washington Metropolitan Area Transit Authority until such Authority, as an agency of the Federal Government, has complied with section 102(C) of the National Environmental Policy Act of 1969."

Mr. SCHERLE. Mr. Chairman, the amendment is a very simple one. The Washington Metropolitan Area Transit Authority is a Federal agency under this act. There are $1.15 billion in direct funds, and a minimum of $65 million as the Federal share of the District of Columbia's portion. That makes the Federal tax dollars now involved in the subway amount to $1.8 billion. Thus the Federal share is well over 50 percent of the funds which the various areas will expend. In addition, the Metro authorities have submitted various preliminary proposed environmental impact drafts, and have directed the selection of a competent consultant to undertake a full study of the environmental aspects of the entire Metro project. In summary Mr. Chairman, I believe it is clear that a project of this magnitude is a "major Federal project significantly affecting the quality of the human environment" to be included under Public Law 91–190.

Mr. EVANS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Colorado is recognized for 5 minutes.

Mr. EVANS of Colorado. Mr. Chairman, the Committee has just expressed its opinion on the issue of going forward with the expenditure of these funds. It was a close vote. It was a vote that was taken after extended debate.

The amendment puts the issue in a different light and challenges it again, and I hope the Committee will vote it down.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. GERALD R. FORD. I would like to ask the gentleman from Colorado if he does not think the Environmental Protection Act ought to be applicable to the Metro system. Is the gentleman against enforcement of that legislation in this case?

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I think the gentleman from Michigan well understands and knows the answer to the question because he has been here much longer, of course, than I have. The decision to construct this subway was made many years ago. It is now under construction. I think the purpose of the amendment is to do that which was not possible to do under the previous question we voted on.

The project has been approved by the Congress. Moneys have been spent on it. It is now under construction. Now to subject further construction to the provisions of the amendment offered by the gentleman from Iowa, I think, is dilatory and an endeavor to do through the back door what was not done on the last vote.

Mr. GERALD R. FORD. Let me respond by saying that Congress took such action in the case of the SST as far as environmental protection matters are concerned after that project was initiated. I am surprised the gentleman from Colorado does not want the Environmental Protection Act enforced in this case. I do not know why this project should be made an exception.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from California.

Mr. HOSMER. I would like to point out that the Environmental Protection Act, insofar as its impact upon the construction of nuclear reactors is concerned has been very serious, and in the gentleman's own State a reactor that is needed very badly is being held up to be sure it is in compliance with the requirements of the Environmental Protection Agency. So when we are dealing with something that concerns the Nation's energy and make this kind of requirement, levy this kind of regulation upon the environmental effects, I think probably the levy should be universal with respect to all subjects and activities. I therefore urge that the gentleman's amendment be agreed to.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I appreciate the comments of the gentleman from California. I would like to say further in answer to the argument of the minority leader that the very thing that gave difficulty to the freeway system through the court of appeals was the question of environmental impact. It is the issue which has hung up the freeways over the strong objection of the gentleman——

Mr. GERALD R. FORD. Mr. Chairman, this is my time and I refuse to yield further.

The CHAIRMAN. The gentleman from Michigan has the floor. Does the gentleman yield?

Mr. GERALD R. FORD. I do not.

If it is important in the construction of the Three Sisters Bridge that we have a study made and the impact analyzed under the Environmental Protection Act, the same criteria ought to apply as far as the Metro system is concerned. I am amazed that the gentleman from Colorado wants a double standard. He wants it imposed in one case and not in the other.

Mr. HOSMER. Mr. Chairman, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I want to point out that I am one of those who just voted for the amendment to put the Metro money in the bill. But I think, having voted that way, that I am entitled now to say that in proceeding with the Metro Environmental Protection Act requirements ought to be met. What is sauce for the goose is also sauce for the gander.

Mr. BOLLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had no intention of getting involved in this, but I have decided I must, because the sequence of events is so obvious. I found it extraordinarily difficult to make up my mind on how to vote on this matter, because I am a great admirer of the gentleman from Kentucky, and at his request I very thoroughly studied the matter and came to the conclusion that while the decision of the court was an outrage, that it was not directly connected in my view with the question of whether there should be constructed a rapid transit system.

Now if the amendment of the gentleman from Iowa was valid, it was valid at every point in the consideration of this matter heretofore. It was valid ever since there has been an Environmental Protection Act. But I do not notice that anybody has ever raised the question until after it became possible to go forward with the rapid transit. The amendment comes after the event. If it had been entirely serious, it might have come as an amendment to the amendment offered by the gentleman from Connecticut.

I do not question the good faith of the gentleman from Iowa. I am sure he is acting on the spur of the moment, having suddenly realized this danger, this threat, but I do suggest that those who supported Metro before by that record teller vote, should take into consideration the effect of this amendment on the action they clearly intended to take, and that was to see to it that the funds for the rapid transit were made available and that they were expended promptly.

Mr. MYERS. Mr. Chairman, I move to strike the requisite number of words.

Using the analogy of the gentleman from Missouri, I would take it that any constitutional problem would not be a

proper vehicle to get a case into the Supreme Court, because the Constitution is 190 years old and we have been accepting a practice. Carried even further, we have been building a number of generating stations for electricity in this country for a number of years—to light the light bulbs, ever since light bulbs were invented—and today we are not building further generating stations until we resolve the questions of the impact on the environment.

But now when we question the Metro and say that we wish to make it comply with the law of the land, the gentleman from Missouri and the gentleman from Colorado—and I am sure they all voted for that environmental protection law—say suddenly that it does not apply to the Metro system. I do not think they mean that. I am sure everyone in this House will support the gentleman from Iowa, who wants to protect the environment for our children.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I thank my colleague for yielding.

For the information of the gentleman from Missouri, I do serve on the Appropriations Committee and it was my intention to offer this amendment regardless.

Furthermore, there is an obsolete Nike missile base located in Harrison County, Iowa, which was transferred to the Iowa Western Community College located in Council Bluffs, Iowa, just last month. Before they could get the title transfer, they had to go through an environmental impact study for 5 months. The school is not going to do anything more with it except use it for agricultural purposes, and that will not disturb the ecology. And now when I propose an amendment to apply the same ecology requirements to the Metro, people say suddenly it should not be. I do not like double standards.

If it is good for Pottawattamie County, Iowa, it is good for Washington, D.C.

Mr. MYERS. The charge was made that the gentleman from Iowa offered this amendment on the spur of the moment. I have examined the copy of the amendment the gentleman presented to me. It looks like it was pretty well prepared. It has been run off on a Thermofax. I do not believe the gentleman, on the spur of the moment, after the teller vote 3 minutes ago, did all this.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

The charge, of course, has been made that the money has been voted, and therefore we should not require compliance with the Environmental Protection Act.

If we go back to look at the Overton Park case in Memphis, Tenn., the approval was made for that prior to the 1969 act.

The same is true of a case in San Antonio, Tex.

The same is true in Georgia, involving a leg of I–75.

The Environmental Impact Act was passed after the routes were selected and the money was made available. However, it was determined, in order to protect the environment, that the act should apply in each case.

I believe the people of this area should have the same protection. If the environment is going to be harmed through the rapid transit system, certainly that should be looked at. To do otherwise is most inconsistent.

Mr. MYERS. The controversial Three Sisters Bridge was under construction. The piers had been started. They had made diggings in the river itself. There is still a big pier floating in the river.

But I do not remember anybody in this body saying that the courts did not have a right to move in and to issue an injunction, because the work was being done, because we were building the bridge. I do not remember the gentleman from Missouri or the gentleman from Colorado saying that the court was wrong because we had already started the highways and the bridge.

I do not believe that is a sound argument. An "aye" vote on this amendment is for a clean environment and confirmation for the intent of the EPA. A "no" vote is against the best interest of protection of the ecology and against the environment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

I should simply like to point out that there have been a number of projects which have passed this Congress in this year, both in the defense budget and in the public works budget, which contained projects to which an environmental impact statement was not attached. If a double standard is being established, it is being established here today, right now by this amendment.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

I should like to ask a question of the author of this amendment, because I am not sure about it, so I ask the gentleman from Iowa to help me on this.

If this amendment is passed, what does the gentleman see as the impact on moving ahead with the subway program? I am not clear in my own mind as to what would be done.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Iowa.

Mr. SCHERLE. My answer would be simple. It would be up to the Environmental Protection Agency, or environmental quality just like on any other project.

Mr. PEYSER. What I am trying to get at is this, would the gentleman anticipate that nothing could move forward at this time until a study had been made? I am trying to get a feeling as to what is involved.

Mr. SCHERLE. I wish I were in a position to give a proper answer to the gentleman, but I do not have any idea. I would say this should be given the same consideration as any other Federal project.

This Congress passed the law. I believe it should be completely adhered to so far as all Federal projects are concerned.

The gentleman from Wisconsin made a statement that others had passed without environmental studies. Perhaps someone forgot to put in an amendment, but on this I assure the Members I will.

On the previous amendment offered by the distinguished gentleman from Connecticut (Mr. GIAIMO), I regret that President Nixon became personally involved in this impasse, as a former legislator he must have shared our desire for a balanced transportation system—undoubtedly he received typical bad advice from his two top aides the "Katzenjammer Kids." Hans and Fritz, Erlichman and Haldeman. It is quite obvious they do not understand the integrity of Congress any more than they do the intricate complexities of agriculture.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from California.

Mr. ROUSSELOT. I believe it is perfectly obvious. Mr. Ruckelshaus is the head of the Environmental Protection Agency, and he favors the advancement of the transportation system and has endorsed it, and put out a news release today. I do not believe he would hold up any action. He has put himself on record for it. I am sure he would make sure, as he does for all these types of projects, that this is given fair and equitable consideration, especially since he has already announced for it.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Indiana.

Mr. MYERS. I do not think it is a question of what would happen, but a question of Do we want to comply with the law?

Do you want the Metro system built if it is going to be a threat to our ecology, regardless? What was the intent of the Environmental Protection Act? To protect the consumer or our society and to protect all of us from the threat of really doing serious damage to our ecology and environment. So, regardless of what effect this amendment might have on the Metro, the important thing is, do we not also want the Metro to be under this protection in order to protect society and the community of Washington, D.C.?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. SCHERLE, OBEY, MYERS, and EVANS of Colorado.

The Committee divided, and the tellers reported that there were—ayes 163, noes 205, not voting 63, as follows:

[Roll No. 427]

[Recorded Teller Vote]

AYES—163

Archer	Hall	Quie
Arends	Harsha	Randall
Ashbrook	Harvey	Rarick
Aspinall	Hechler, W. Va.	Rhodes
Bennett	Heckler, Mass.	Robinson, Va.
Biaggi	Hillis	Robison, N.Y.
Blackburn	Hosmer	Roe
Bow	Hunt	Rogers
Bray	Hutchinson	Roncallo
Brinkley	Ichord	Rousselot
Broomfield	Jarman	Ruth
Brotzman	Johnson, Calif.	Sandman
Brown, Mich.	Johnson, Pa.	Satterfield
Brown, Ohio	Jonas	Saylor
Burke, Fla.	Jones, N.C.	Scherle
Burleson, Tex.	Kemp	Schmitz
Cabell	King	Schneebeli
Caffery	Kyl	Schwengel
Camp	Landgrebe	Sebelius
Carter	Latta	Shoup
Cederberg	Lennon	Shriver
Chamberlain	Lloyd	Skubitz
Chappell	Long, La.	Slack
Clancy	Long, Md.	Smith, Calif.
Clausen, Don H.	Lujan	Smith, Iowa
Clawson, Del	McCollister	Snyder
Collier	McCulloch	Spence
Collins, Tex.	McDonald, Mich.	Stanton, J. William
Colmer	McEwen	Steed
Conable	Menn	Steiger, Ariz.
Cotter	Martin	Stubblefield
Coughlin	Mathias, Calif.	Talcott
Crane	Mathis, Ga.	Taylor
Daniel, Va.	Michel	Teague, Calif.
Davis, Wis.	Miller, Ohio	Teague, Tex.
de la Garza	Mills, Md.	Thompson, Ga.
Delaney	Minshall	Thomson, Wis.
Devine	Mizell	Thone
Dickinson	Montgomery	Vander Jagt
Downing	Myers	Waldie
Dulski	Natcher	Wampler
Duncan	Nelsen	Ware
Edmondson	Nichols	Whalley
Eshleman	O'Hara	White
Fisher	O'Konski	Whitten
Flowers	Passman	Williams
Ford, Gerald R.	Patman	Wilson, Bob
Fountain	Pelly	Winn
Gaydos	Perkins	Wydler
Gettys	Pickle	Wylie
Goodling	Pike	Wyman
Griffin	Pirnie	Young, Fla.
Gross	Poff	Zion
Grover	Powell	
Haley	Price, Tex.	

NOES—205

Abourezk	Daniels, N.J.	Hanley
Abzug	Danielson	Hanna
Adams	Dellenback	Hansen, Idaho
Addabbo	Denholm	Hansen, Wash.
Albert	Dennis	Harrington
Anderson, Calif.	Diggs	Hastings
Anderson, Ill.	Dingell	Hathaway
Annunzio	Dow	Hawkins
Ashley	Drinan	Hays
Aspin	du Pont	Heinz
Baring	Dwyer	Helstoski
Barrett	Eckhardt	Henderson
Begich	Edwards, Ala.	Hicks, Mass.
Bergland	Edwards, Calif.	Hicks, Wash.
Betts	Erlenborn	Hogan
Bevill	Esch	Horton
Biester	Evans, Colo.	Howard
Bingham	Fascell	Hull
Boggs	Findley	Hungate
Boland	Fish	Jacobs
Bolling	Flood	Jones, Ala.
Brademas	Foley	Karth
Brasco	Ford, William D.	Kastenmeier
Brooks	Forsythe	Kazen
Broyhill, N.C.	Fraser	Keating
Broyhill, Va.	Frelinghuysen	Kee
Buchanan	Frenzel	Kluczynski
Burke, Mass.	Frey	Koch
Burlison, Mo.	Fuqua	Kyros
Byrnes, Wis.	Galifianakis	Leggett
Byron	Gallagher	Link
Carey, N.Y.	Giaimo	McClory
Carney	Gibbons	McCloskey
Casey, Tex.	Gonzalez	McCormack
Chisholm	Grasso	McDade
Clay	Gray	McFall
Cleveland	Green, Oreg.	McKay
Conte	Green, Pa.	McKinney
Conyers	Gude	Macdonald, Mass.
Corman	Halpern	Madden
Culver	Hamilton	Mahon
Mailliard	Price, Ill.	Stephens
Matsunaga	Pryor, Ark.	Stokes
Mazzoli	Rangel	Stratton
Meeds	Rees	Stuckey
Melcher	Reid, N.Y.	Sullivan
Mikva	Reuss	Symington
Miller, Calif.	Rooney, N.Y.	Terry
Mills, Ark.	Rooney, Pa.	Thompson, N.J.
Minish	Rosenthal	Tiernan
Mink	Roush	Udall
Mitchell	Roy	Ullman
Mollohan	Roybal	Van Deerlin
Monagan	Ruppe	Vanik
Moorhead	Ryan	Veysey
Morgan	St Germain	Vigorito
Mosher	Sarbanes	Whalen
Moss	Scheuer	Whitehurst
Murphy, Ill.	Scott	Widnall
Murphy, N.Y.	Selberling	Wiggins
Nix	Shipley	Wilson, Charles H.
Obey	Sisk	Wolff
O'Neill	Smith, N.Y.	Wright
Patten	Springer	Wyatt
Pepper	Staggers	Yates
Pettis	Stanton, James V.	Yatron
Peyser	Steele	Young, Tex.
Podell	Steiger, Wis.	Zablocki
Preyer, N.C.		

NOT VOTING—63

Abbitt	Dent	Landrum
Abernethy	Derwinski	Lent
Alexander	Donohue	McClure
Anderson, Tenn.	Dorn	McKevitt
Andrews, Ala.	Dowdy	McMillan
Andrews, N. Dak.	Edwards, La.	Mayne
Badillo	Ellberg	Metcalfe
Baker	Evins, Tenn.	Morse
Belcher	Flynt	Nedzi
Bell	Fulton, Tenn.	Poage
Blanton	Garmatz	Pucinski
Blatnik	Goldwater	Purcell
Burton	Griffiths	Quillen
Byrne, Pa.	Gubser	Railsback
Celler	Hagan	Riegle
Clark	Hammer-schmidt	Roberts
Collins, Ill.	Hébert	Rodino
Davis, Ga.	Holifield	Rostenkowski
Davis, S.C.	Jones, Tenn.	Runnels
Dellums	Keith	Sikes
	Kuykendall	Waggonner
		Zwach

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, now that the subway issue apparently has been resolved, at least temporarily and to some extent, I have heard of a report that the District of Columbia government requires construction permits—not just an overall permit—for the construction of the subway.

In other words, I hear that whenever a contractor opens a street and goes to work on the subway, they must purchase another permit.

Does the distinguished gentleman from Kentucky have any information to confirm or deny this report—that costly permits are being required in connection with this construction?

Mr. NATCHER. Mr. Chairman, will the gentleman yield

Mr. GROSS. I am happy to yield to the gentleman.

Mr. NATCHER. Mr. Chairman, I would like to say to my distinguished friend from Iowa that I am unable to answer his question—I do not know the answer to it.

As far as the number of permits or the issuance of permits is concerned, I am unable to answer.

Mr. GROSS. Then I have another question for the gentleman.

Is the gentleman aware of the bill that has been introduced which would provide that the Federal Government guarantee $1,200,000,000 worth of bonds for the construction of the subway in the District of Columbia, and that by reason of the fact that some $850 million worth of bonds are outstanding—that cannot be sold because those in the business of buying bonds will not touch them without a Federal guarantee?

Mr. NATCHER. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. I am glad to yield to my friend from Kentucky.

Mr. NATCHER. Mr. Chairman, I would like to say to my friend, when the rapid rail transit of 98 miles was authorized in 1969, the bill provided for the payment of $2,500,000,000—$835 million of that amount was to be in bonds to be issued and retired out of the fare box.

About a year later, they were advised that the bankers and brokers in this country would not buy the bonds because they know they cannot be retired out of the fare box.

A bill was introduced about 2 weeks ago in the House and it is now before the Committee on the District of Columbia which provides that instead of $835 million there will be $1,200 million worth of bonds to be guaranteed by the Federal Government. That bill is now pending. The bankers and brokers say that they will buy the bonds if the Federal Government guarantees them.

Mr. GROSS. So it is possible and very probable that Congress will be confronted in the near future with an unprecedented financing proposition in connection with this white elephant subway for the District of Columbia. That is, that the Federal Government will be asked to guarantee $1,200 million worth of bonds?

Mr. NATCHER. That is correct.

Mr. GROSS. This is not being done anywhere else in the country to the gentleman's knowledge, is that correct?

Mr. NATCHER. As the gentleman has stated, this will establish a precedent. Hearings will be held on the bill and it will be brought to the floor for action.

Mr. GROSS. I thank the gentleman.

Mr. Chairman, I predict that the authorization by Congress of a subway in the District of Columbia will prove to be one of the most improvident acts in which it has ever engaged. It is outrageous that hundreds of millions—yes, probably billions of the costs—will be saddled upon the taxpayers of the entire country.

For that reason, and because there is far too much Federal money in this bill for the support of a mismanaged, extravagant District government, I want to be recorded here and now as in opposition to this legislation.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The portions of the bill to which the amendment relates are as follows:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the following funds of the District of Columbia for the fiscal year ending June 30, 1972: $162,000,000 to the general fund; $2,572,000 to the water fund; and $1,514,000 to the sanitary sewage works fund, as authorized by the District of Columbia Revenue Act of 1947, as amended (D.C. Code, sec. 47–2501(a); 82 Stat. 612), and the Act of May 18, 1954 (D.C. Code, sec. 43–1541 and 1611).

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed $75 to each released prisoner; purchase of one hundred and fifty-five passenger motor vehicles for replacement only (including one hundred and forty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of $400 per vehicle for police-type and $600 per vehicle for fire-type use above such limitation); $169,167,000, of which $5,004,600 shall be payable from the highway fund (including $112,000 from the motor vehicle parking account): *Provided*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement.

The Clerk read as follows:

Amendment offered by Mr. MIKVA of Illinois: On page 2 beginning on line 3, strike out "$162,000,000" and insert in lieu thereof "$164,717,600."

On page 4, at line 22, strike out "$169,167,000" and insert in lieu thereof "$171,884,600."

Mr. MIKVA. Mr. Chairman, I realize that the hour is late, but I hope that even at 10 minutes to 6 we ought to be concerned about the possibility that an action we are taking here might turn out to be not even pennywise but very, very extremely foolish in terms of the correctional institutions of the District of Columbia. What troubles me so much about this—and I referred to this during the general debate—is that there is no place in the RECORD where anyone pointed out any justification for cutting the requests that have been made for staffing the correctional institutions of the District of Columbia. I think the committee ought to know what is the current state of those institutions. The District of Columbia jail, with a rated operating capacity of 663, has 1,250 inmates in it currently.

The Women's Detention Center, with a rated capacity of 50, has 109 inmates in it currently.

The Youth Center, with a rated capacity of 324, has 382 inmates in it currently and 110 additional youths waiting at the District of Columbia jail because there is no room for them at the Youth Center.

In the light of this, and in light of the fact that almost every department of the District of Columbia budget went up, the committee saw fit to cut the corrections budget by $551,000 over what it was last year. My amendment would restore that cut and restore the additional staff positions, which I would like to detail very briefly.

The committee cut over $1 million from the Community Corrections Service. These are the halfway houses.

Mr. Chairman, whether you like halfway houses or not, what this cut means is that 100 inmates that are now being treated in halfway houses will have to go back to jail; and instead of increasing the number of guards, we have cut them. You cannot eat your cake and have it, too, when you are dealing with a prison population that is not only there but is going up.

The second point I would like to make is that the entire prognostication for this budget for corrections was made on the basis of a prison population that is lower than the existing population now there. With a larger and more efficient police department and court system we are catching more criminals and they are going to jail. Unless we put in more guards and additional facilities, we have another Attica potential on our hands.

The committee cut some 52 positions, including 17 correctional officers for the new youth facility; six positions from the parole staff, 22 community correction positions to staff narcotic treatment centers, which are supposed to open and which will not be able to open unless we restore this cut. This is the kind of impact of this $2 million cut.

I understand from the distinguished chairman of the subcommittee that one of the reasons for the cuts as far as staff is concerned was a provision that was put in by the District of Columbia Committee, of which I am a member, limiting the total number of employees for the District of Columbia.

The distinguished gentleman from Wisconsin, its former Governor, was the man who authored that amendment. I am sure I speak for him and every member of the committee in saying that we did not desire to have the narcotic centers closed or the youth center cut as a result of that amendment.

I suggest to the members of the committee that unless my amendment is adopted, we face the proposition that every one of the correctional institutions now functioning is going to be undermanned.

And we face the proposition that institutions like the narcotics treatment center and the youth facility are not going to be able to take care of an existing and expected population.

I talked to a guard at San Quentin on a recent prison tour. He said: "Why is it, Congressman, that you folks in government will not listen to our requests for more facilities and more staff until a holocaust like Attica occurs?"

I hope the House of Representatives will not be so unwise as to put the corrections institutions of the District of Columbia and their staffs into this kind of jeopardy with overcrowded inmate populations and an insufficient guard force.

Mr. Chairman, I ask for the support of my amendment.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, on November 11 of this year, the District of Columbia Committee brought out the revenue bill, and the bill has passed the House. The revenue bill has also passed the other body, and as I understand it, permission has been granted to go to conference.

As the distinguished gentleman from Illinois pointed out, he is a member of the Legislative Committee on the District of Columbia. In the revenue bill passed on November 11 by this House, a limitation on employees in the District of Columbia was set at 39,619. This committee has the right to set the number of employees. This committee brought the bill to the floor, and it was passed. The bill we now have on the floor, the appropriation bill, contains funds for 39,619 employees, the exact number under the limitation in the bill passed by the committee of the distinguished gentleman from Illinois.

Now, Mr. Chairman, the gentleman from Illinois is seeking in his amendment to add 52 more employees. There will be 52 more employees added to the 39,619. It would violate the limitation in the bill passed by the House. Now the gentleman said he was not in favor of that limitation that is the amendment when adopted in his committee which fixed the number at 39,619. That is the number we have to comply with in this appropriation bill.

In addition to that, Mr. Chairman, the gentleman from Illinois is seeking to place into the bill $1,602,300 for more halfway houses. Maybe more halfway houses are necessary. We did not have the money in the bill to take care of them.

The gentleman says we have reduced the Federal payment by $8 million, and that is true, Mr. Chairman.

The Federal payment was reduced $8 million, and it was reduced $8 million for the reason that we have another classified pay increase that will come before the District officials and before this Congress within a matter of the next few weeks, which will require another $6 million.

In addition to that, we will have a wage board increase which will approximate $2 million. Add the $6 million and the $2 million together, and we have the $8 million by which we reduced this bill.

We only reduced it $8 million to have enough money to take care of the pay increases when they come along, and we stayed within the limitation of 39,619 employees.

I ask that the amendment be defeated.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, out of the 39,619 employees that are authorized in the bill, is the distinguished chairman suggesting there is not someplace else where the 52 employees could be cut other than the Department of Corrections?

Mr. NATCHER. No. I would not say it is a matter of reducing one department as against another. I would like to say this to the gentleman: As far as the Director of the Department of Corrections is concerned, Mr. Hardy, he has done a good job. Our committee as well as the committee of the gentleman has tried to go along with the Department of Corrections through the years. It is not a matter of saying we should cut 52 more in some other department. It goes further than that.

Mr. MIKVA. Mr. Chairman, if the gentleman will yield further, is it not a fact that the Department of Corrections is one of the few departments, indeed as far as I can tell, almost the only department in the entire District government which is getting less money in this bill than it did even last year?

Mr. NATCHER. The gentleman is correct as far as the reduction is concerned.

The District officials in their austerity moves, which they brought before the committee, made this proposal themselves.

Mr. MIKVA. To cut the budget?

Mr. NATCHER. In other words, under the moves and suggestions made by the officials, the amount of the reduction here in almost its entirety came out of the District Building.

Mr. MIKVA. As I read the hearings, when they left the subcommittee they said, "We do not know, even with all the money we have asked for, how we are going to take care of the increased inmate population already there." And the distinguished chairman agreed with them. I believe the final outcome was a suggestion that everybody ought to pray.

Mr. NATCHER. The Director and some of his people were disturbed about it, but they had not done a good selling job with the Commissioner, the Deputy Commissioner, and the city council.

Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment.

I should like to speak very briefly to the limitation of 39,000 jobs. As a member of the committee I do know the gentleman from Illinois (Mr. MIKVA) is right. There was no intention on the part of the committee in setting limitation, to cut out jobs for the Department of Corrections.

The intention was to eliminate jobs which the District government reported to us go unfilled on a regular basis over a period of a year. There were 3,000 such jobs which they said they could expect, over the course of a year, to be vacant for a number of reasons. On that basis the limitation was struck.

I do not quite understand how the rise in the pay level of some of the jobs wiped out the 52 jobs to which the gentleman from Illinois (Mr. MIKVA) has referred.

I hope that the House will vote on the intent of the District Committee in limiting to the 39,000 jobs, and not eliminate the new jobs in the Department of Corrections.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 91, noes 110.

So the amendment was rejected.

Mr. NATCHER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the Chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. NATCHER. Mr. Speaker, I demand a separate vote on the so-called Giaimo amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 2, line 13, strike "$29,600,000" and insert "$102,086,000".

And on line 16, after the word "To" insert the following: "the general fund, $72,486,000, to".

On page 9, line 22, strike "$228,842,000" and insert "$301,328,000".

The SPEAKER. The question is on the amendment.

Mr. NATCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 174, answered "present" 2, not voting 59, as follows:

[Roll No. 428]

YEAS—195

Abourezk	Findley	McCloskey
Abzug	Fish	McCormack
Adams	Foley	McCulloch
Addabbo	Ford, William D.	McKinney
Anderson, Calif.	Forsythe	Madden
Anderson, Ill.	Fraser	Mailliard
Ashley	Frelinghuysen	Matsunaga
Aspin	Frenzel	Mazzoli
Barrett	Frey	Meeds
Begich	Fuqua	Melcher
Bergland	Gallagher	Mikva
Betts	Gaydos	Miller, Calif.
Biester	Giaimo	Minish
Bingham	Gibbons	Mink
Boggs	Gonzalez	Mitchell
Boland	Grasso	Mollohan
Bolling	Green, Oreg.	Monagan
Brademas	Green, Pa.	Moorhead
Brasco	Gude	Morse
Brown, Mich.	Halpern	Mosher
Broyhill, N.C.	Hamilton	Moss
Broyhill, Va.	Hanley	Murphy, N.Y.
Buchanan	Hanna	Nelsen
Byron	Hansen, Idaho	Nix
Carey, N.Y.	Hansen, Wash.	Obey
Carney	Harrington	O'Hara
Chisholm	Harvey	O'Neill
Clay	Hastings	Pelly
Cleveland	Hathaway	Pepper
Collier	Hawkins	Pettis
Conable	Hechler, W. Va.	Peyser
Conte	Heckler, Mass.	Pike
Conyers	Heinz	Podell
Cotter	Helstoski	Price, Ill.
Coughlin	Hicks, Mass.	Pryor, Ark.
Culver	Hicks, Wash.	Quie
Daniels, N.J.	Hillis	Rangel
Danielson	Hogan	Rees
Dellenback	Horton	Reid, N.Y.
Dennis	Hosmer	Reuss
Diggs	Hungate	Rhodes
Dingell	Jacobs	Robison, N.Y.
Dow	Karth	Roncalio
Drinan	Kastenmeier	Rooney, Pa.
du Pont	Keating	Rosenthal
Dwyer	Keith	Rousb
Eckhardt	Koch	Roybal
Edwards, Calif.	Kyros	Ruppe
Erlenborn	Leggett	Ryan
Esch	Link	St Germain
Eshleman	Lloyd	Sarbanes
Evans, Colo.	Lujan	Saylor
Fascell	McClory	Scheuer
Schwengel	Sullivan	Whalley
Seiberling	Symington	Whitehurst
Shipley	Teague, Calif.	Widnall
Shoup	Thompson, N.J.	Wiggins
Smith, N.Y.	Tiernan	Wilson, Charles H.
Staggers	Udall	Wolff
Stanton, J. William	Ullman	Wyman
Steele	Vanik	Yates
Steiger, Wis.	Veysey	Yatron
Stokes	Vigorito	Zablocki
Stratton	Waldie	
Stuckey	Whalen	

NAYS—174

Annunzio	Grover	Pickle
Archer	Haley	Pirnie
Arends	Hall	Poff
Ashbrook	Harsha	Powell
Aspinall	Hays	Preyer, N.C.
Baring	Henderson	Price, Tex.
Bennett	Howard	Purcell
Bevill	Hull	Randall
Blackburn	Hunt	Rarick
Bow	Hutchinson	Riegle
Bray	Ichord	Robinson, Va.
Brinkley	Jarman	Roe
Brooks	Johnson, Calif.	Rogers
Broomfield	Johnson, Pa.	Rooney, N.Y.
Brotzman	Jonas	Ruth
Brown, Ohio	Jones, Ala.	Sandman
Burke, Fla.	Jones, N.C.	Satterfield
Burke, Mass.	Kazen	Scherle
Burleson, Tex.	Kee	Schmitz
Burlison, Mo.	Kemp	Schneebeli
Byrnes, Wis.	King	Scott
Cabell	Kluczynski	Sebelius
Caffery	Kyl	Shriver
Camp	Landgrebe	Sisk
Carter	Latta	Skubitz
Casey, Tex.	Lennon	Slack
Cederberg	Long, La.	Smith, Calif.
Chamberlain	Long, Md.	Smith, Iowa
Chappell	McCollister	Snyder
Clancy	McDade	Spence
Clausen, Don H.	McDonald, Mich.	Springer
Clawson, Del	McEwen	Stanton, James V.
Collins, Tex.	McFall	Steed
Colmer	McKay	Steiger, Ariz.
Corman	Macdonald, Mass.	Stephens
Crane	Mahon	Stubblefield
Daniel, Va.	Mann	Talcott
Davis, Wis.	Martin	Taylor
de la Garza	Mathias, Calif.	Teague, Tex.
Delaney	Mathis, Ga.	Terry
Denholm	Mayne	Thompson, Ga.
Devine	Michel	Thomson, Wis.
Dickinson	Miller, Ohio	Thone
Downing	Mills, Ark.	Vander Jagt
Dulski	Mills, Md.	Wampler
Duncan	Minshall	Ware
Edmondson	Mizell	White
Edwards, Ala.	Montgomery	Whitten
Fisher	Morgan	Williams
Flood	Murphy, Ill.	Wilson, Bob
Flowers	Myers	Winn
Ford, Gerald R.	Natcher	Wright
Fountain	Nichols	Wyatt
Galifianakis	O'Konski	Wylie
Gettys	Passman	Young, Fla.
Goodling	Patman	Young, Tex.
Gray	Patten	Zion
Griffin	Perkins	
Gross		

ANSWERED "PRESENT"—2

Blaggi Wydler

NOT VOTING—59

Abbitt	Dellums	Kuykendall
Abernethy	Dent	Landrum
Alexander	Derwinski	Lent
Anderson, Tenn.	Donohue	McClure
Andrews, Ala.	Dorn	McKevitt
Andrews, N. Dak.	Dowdy	McMillan
Badillo	Edwards, La.	Metcalfe
Baker	Eilberg	Nedzi
Belcher	Evins, Tenn.	Poage
Bell	Flynt	Pucinski
Blanton	Fulton, Tenn.	Quillen
Blatnik	Garmatz	Railsback
Burton	Goldwater	Roberts
Byrne, Pa.	Griffiths	Rodino
Celler	Gubser	Rostenkowski
Clark	Hagan	Rousselot
Collins, Ill.	Hammer-schmidt	Runnels
Davis, Ga.	Hébert	Sikes
Davis, S.C.	Holifield	Waggonner
	Jones, Tenn.	Zwach

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Holifield for, with Mr. Biaggi against.
Mr. Rodino for, with Mr. Rousselot against.
Mr. Eilberg for, with Mr. Clark against.
Mr. Nedzi for, with Mr. Andrews of North Dakota against.
Mr. Dent for, with Mr. Hébert against.
Mr. Dellums for, with Mr. Evins of Tennessee against.
Mr. Collins of Illinois for, with Mr. Jones of Tennessee against.
Mr. Metcalfe for, with Mr. Blatnik against.
Mr. Bell for, with Mr. Waggonner against.
Mr. McKevitt for, with Mr. Davis of South Carolina against.
Mr. Goldwater for, with Mr. Abernethy against.
Mr. Celler for, with Mr. McMillan against.
Mr. Byrne of Pennsylvania for, with Mr. Sikes against.
Mr. Badillo for, with Mr. Garmatz against.
Mrs. Griffiths for, with Mr. Roberts against.
Mr. Donohue for, with Mr. Blanton against.

Until further notice:

Mr. Andrews of Alabama with Mr. Belcher.
Mr. Abbitt with Mr. Derwinski.
Mr. Burton with Mr. Kuykendall.
Mr. Pucinski with Mr. Gubser.
Mr. Bostenkowski with Mr. McClure.
Mr. Fulton of Tennessee with Mr. Lent.
Mr. Flynt with Mr. Hammerschmidt.
Mr. Dorn with Mr. Baker.
Mr. Alexander with Mr. Railsback.
Mr. Anderson of Tennessee with Mr. Quillen.
Mr. Davis of Georgia with Mr. Runnels.
Mr. Hagan with Mr. Dowdy.

Mr. BIAGGI. Mr. Speaker, I have a live pair with the gentleman from California (Mr. HOLIFIELD). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. STEIGER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. A quorum has just been established.

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11341) entitled "An act to provide additional revenue for the District of Columbia, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. INOUYE, Mr. STEVENSON, Mr. MATHIAS, and Mr. WEICKER to be conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2204. An act to provide for improvements in the administration of the government of the District of Columbia, and for other purposes; and

S. 2891. An act to extend and amend the Economic Stabilization Act of 1970.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10947, REVENUE ACT OF 1971, UNTIL MIDNIGHT SATURDAY

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the managers have until midnight Saturday, December 4, to file a conference report to accompany the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CONFERENCE REPORT ON SENATE CONCURRENT RESOLUTION 6, CONTINUED OPERATION OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

Mr. STAGGERS submitted the following conference report and statement on the Senate concurrent resolution—Senate Concurrent Resolution 6—to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics:

CONFERENCE REPORT (H. REPT. No. 92-705)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the concurrent resolution and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That it is the sense of Congress that the Public Health Service hospitals and outpatient clinics, and the clinical research center located at Lexington, Kentucky, should remain open and remain within the Public Health Services at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their mutliple responsibilities during the entire fiscal year 1972. During this period, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communities, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

SEC. 2. It is the further sense of Congress that the hospitals, outpatient clinics, and the clinical research center of the Public Health Service should be considered an integral part of the national health care delivery system.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the preamble of the concurrent resolution and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coast guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1970 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas; and

Whereas all resources of the Federal Government should be brought to bear on drug addiction and drug abuse; and

Whereas the Public Health Service hospitals, outpatient clinics, and the clinical research center are valuable resources for treatment of drug addicts and drug abusers: Now, therefore, be it

And the House agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

EDWARD KENNEDY,
HARRISON WILLIAMS,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
PETER H. DOMINICK,
JACOB K. JAVITS,
DICK SCHWEIKER,
BOB PACKWOOD,
J. GLENN BEALL, JR.,
ROBERT TAFT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service Hospitals and outpatient clinics, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The amendments of the House struck out all after the resolving clause and substituted a new text, and the amendment to the preamble added new material conforming to the amendments made to the text.

The conference agreement amends the text of the House amendment, and the conference substitute amendment to the preamble makes the preamble reflect the revised text.

The Senate Concurrent Resolution expressed the sense of the Congress that all Public Health Service hospitals and outpatient clinics should remain open; that the administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities throughout fiscal year 1972, and that the Secretary of Health, Education, and Welfare and the Congress should explore the resources and capabilities of these facilities to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

The House amendment to the text was the same as the Senate version, except that the House amendment also provided that the clinical research centers located at Lexington, Kentucky, and Fort Worth, Texas should remain within the Public Health Service.

The conference substitute is the same as the House amendment, except that all references to the facility at Fort Worth, Texas, have been deleted in view of the transfer of that facility to the Bureau of Prisons which has already taken place.

The conferees are concerned that even after both Houses of Congress overwhelmingly passed resolutions directing that Public Health Service hospitals and outpatient clinics not be closed or transferred through fiscal year 1972 and that the Department of Health, Education, and Welfare explore utilization of those facilities to serve medically underserved areas, and appropriated moneys to continue their operation, the Department of Health, Education, and Welfare has continued to proceed with plans to phase out the hospitals and outpatient clinics of the Public Health Service and has made no effort to explore use of the facilities within the Public Health Service or under the Emergency Health Personnel Act of 1970.

The conference substitute amendment to the preamble makes technical corrections to reflect the deletion of references in the text to the Fort Worth facility.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID SATTERFIELD,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

EDWARD KENNEDY,
HARRISON WILLIAMS, JR.,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIRBORNE PELL,
WALTER F. MONDALE,
PETER H. DOMINICK,
J. K. JAVITS,
DICK SCHWEIKER,
BOB PACKWOOD,
J. GLENN BEALL, JR.,
ROBERT TAFT, JR.,
Managers on the Part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 719 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 719

Resolved, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 2 and clause 5 of rule XXI are hereby waived.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 719 provides for waiving certain points of order against H.R. 11955, the supplemental appropriations bill of 1972.

The resolution does not provide a blanket waiver. It does provide a waiver for failure to comply with the 3-day rule and points of order are waived for failure to comply with the provisions of clause 2, rule XXI, for lack of authorization and clause 5, rule XXI, which prohibits reappropriations.

Mr. Speaker, I urge the adoption of the rule.

Mr. GROSS. Will the gentleman yield?

Mr. YOUNG of Texas. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. So all points of order are waived on this bill?

Mr. YOUNG of Texas. No, sir. I advise the gentleman that all points of order are not waived, but points of order are waived as to the 3-day requirement, the provisions of clause 2 and clause 5 of rule XXI, and that is it. Those three.

Mr. GROSS. That just about covers the waterfront, does it not?

Mr. YOUNG of Texas. It covers those three different aspects.

Mr. GROSS. Yes; because some of these items are not authorized by law.

Mr. YOUNG of Texas. That is right.

Mr. GROSS. And points of order against those items would be waived, would they not?

Mr. YOUNG of Texas. That is right. Those that have not been authorized points of order are waived against.

Mr. GROSS. That just means the regular legislative process coming down to the wire of adjournment, as we are now, is just about meaningless.

Mr. YOUNG of Texas. It is expedited. That is it.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I concur in the remarks of the distinguished gentleman from Texas.

I would like to be specific here. This rule does waive the 3-day rule. Clause 2 refers to legislation in an appropriation bill. We have had legislation in this bill every year. Clause 5 deals with reappropriating existing appropriations. For the most part, the money that has not been authorized is not in this particular bill. There are five or six items. This bill is less than $1 billion. When it comes back from the Senate it will be much larger. There are a few appropriations in here which involve things like Capitol grounds and some of those things, but the big ones have been left out.

Mr. GROSS. Will my friend from California yield?

Mr. SMITH of California. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I can tell you that a billion dollars, or awful close to it, is still money where I come from.

Mr. SMITH of California. That is right. It is still money anywhere.

Mr. GROSS. It may not amount to much in some other places, but this bill calls for the expenditure of approximately $1 billion, and this is the old story all over again. We get regular appropriation bills before the House and we hear a great story of how much has been saved. Then we get a supplemental appropriation and out the window went all those great savings. So we have an appropriation of some $1 billion here, and it is protected so that it is impossible to get to some of the items on points of order. You could not defeat it to save your soul in this House because almost nobody is interested in saving any money, in balancing the budget, or stopping inflation.

Mr. SMITH of California. I simply want to make myself clear to the effect that in this instance we are not including appropriations for most of the measures which have not been authorized. For instance, next week we may have foreign aid. I have not talked to the conferees. We had a request to waive all points of order on the items that are contained in this particular bill.

Mr. Speaker, I urge adoption of the rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. Yes, I yield to the gentleman from Missouri.

XUM

Mr. HALL. I appreciate the gentleman yielding, and I would guess that this rule is another one of those "beauts" that we talked about a few days ago.

Mr. SMITH of California. Not quite as much so.

Mr. HALL. To the contrary, I think it is more of a "beaut," if that is the proper appellation. The resolution not only eliminates the rules of the House, to the contrary notwithstanding, but clause 245 of rule XXI in connection with page 8 of the bill and page 40 of the report. I wonder whether it was brought to the attention of the Committee on Rules whether House Resolution 533, providing additional funds for personnel in the office of the Speaker, was specifically explained to that committee; and whether or not anyone on the Commitee on Rules recognized the fact that this is the same resolution that has been previously knocked out on a point of order by the gentleman from Missouri?

What I really want to know is this: Does the Committee on Rules realize and appreciate the fact that this was in the bill on page 8 and is subject to a point of order, but that a point of order was being waived and eliminated as one of the prerogatives and rights of a duly elected Member to raise?

Mr. SMITH of California. Yes, we had testimony on that particular item. We heard testimony to the effect that we should write this into permanent law. This increases the amount by $50,000 a year. A resolution was passed earlier dealing with this subject and we are writing it into permanent law.

I will say to the gentleman from Missouri that we heard testimony on each and every one of these items. The gentleman from Texas (Mr. MAHON) went through the bill page by page.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, we can only take this as an overt act to pass into permanent law that which, according to the rules of the House and the rights of individual Members to make points of order, has been previously precluded.

Is that a correct assumption?

Mr. SMITH of California. I am not certain that that is absolutely correct because, as the gentleman knows, the gentleman can offer amendments to amend any of these things and to take them out of the bill. We are simply waiving points of order in these instances in order to get the bill before the House. However, we are not precluding the gentleman from taking any other action which he desires to take during the course of consideration of the bill. We are getting it before you so you can consider it.

Mr. HALL. That action, in the spirit of expediency, certainly precludes the rights of individual Members, according to the standing rules of the House. For that reason, I feel that this rule should be defeated out of hand.

I appreciate the gentleman yielding.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. MAHON. The gentleman from Missouri has been discussing a provision of the bill which appears on page 8, beginning with line 4, which makes permanent law of certain resolutions previously agreed to by the House. The House adopted certain resolutions—they are enumerated on page 8 of the bill—which are now in force. Being simple House resolutions, they are not permanent legislation; they run only to the end of this present Congress. Some of us voted for the measures and some of us voted against them. However, these measures were passed by the House; they are in force; and this provision simply says—in effect—that while Members may differ as to their views, the House did approve all of these resolutions and, therefore, it is proposed that we make them permanent law so that it will not be necessary to redecide these matters every 2 years. I should add that this sort of provision has been made for many, many years in appropriation bills with respect to various housekeeping matters of the House.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of California. Yes, I yield further to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding further, and having the statement of the distinguished chairman of the Appropriations Committee. There is no question about that. But the fact remains that these resolutions are not yet enacted into permanent law, and the fact remains that we are vamping them into law by this resolution which takes away the rights of a Member to object or to make a point of order against them. By definition it is legislating on an appropriation bill. It is a shoddy way to proceed and I think it is poor legislating. It is poor also from the standpoint of the Committee on Appropriations and it is poor from the standpoint of the Committee on Rules, and I recommend that the resolution be voted down.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

One hundred and eighty-seven Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 308, nays 29, not voting 93, as follows:

[Roll No. 429]

YEAS—308

Abourezk	Ashley	Bevill
Abzug	Aspin	Biaggi
Adams	Aspinall	Biester
Addabbo	Baring	Boggs
Anderson, Calif.	Barrett	Boland
	Begich	Bolling
Anderson, Ill.	Bennett	Bow
Annunzio	Bergland	Brademas
Arends	Betts	Brinkley
Brooks	Helstoski	Preyer, N.C.
Broomfield	Henderson	Price, Ill.
Brotzman	Hicks, Mass.	Purcell
Brown, Ohio	Hicks, Wash.	Quie
Broyhill, Va.	Hillis	Randall
Burke, Mass.	Hogan	Rangel
Burleson, Tex.	Horton	Rees
Burlison, Mo.	Hosmer	Reid, N.Y.
Byrnes, Wis.	Howard	Reuss
Byron	Hungate	Rhodes
Cabell	Hutchinson	Riegle
Caffery	Ichord	Robinson, Va.
Camp	Jacobs	Robison, N.Y.
Carey, N.Y.	Jarman	Roe
Carney	Johnson, Calif.	Rogers
Carter	Johnson, Pa.	Roncalio
Cederberg	Jones, Ala.	Rooney, N.Y.
Chamberlain	Jones, N.C.	Rooney, Pa.
Chappell	Kastenmeier	Rosenthal
Chisholm	Kazen	Roush
Clancy	Keating	Roy
Clausen, Don H.	Kee	Roybal
	Keith	Ruppe
Clawson, Del	Kemp	Ruth
Cleveland	Kyl	Ryan
Colmer	Kyros	St Germain
Conable	Latta	Sandman
Conte	Leggett	Satterfield
Corman	Lennon	Saylor
Coughlin	Link	Scherle
Daniel, Va.	Lloyd	Scheuer
Danielson	Long, La.	Schneebeli
Davis, Wis.	Long, Md.	Schwengel
de la Garza	Lujan	Sebelius
Delaney	McClory	Selberling
Dellenback	McCormack	Shipley
Denholm	McCulloch	Shoup
Dickinson	McDade	Shriver
Dingell	McDonald, Mich.	Sisk
Dow		Skubitz
Downing	McEwen	Smith, Calif.
Drinan	McFall	Smith, Iowa
Dulski	McKay	Smith, N.Y.
Duncan	McKinney	Snyder
du Pont	Macdonald, Mass.	Springer
Eckhardt		Staggers
Edmondson	Madden	Stanton,
Edwards, Ala.	Mahon	J. William
Edwards, Calif.	Mailliard	Stanton,
Erlenborn	Mann	James V.
Esch	Martin	Steed
Eshleman	Mathias, Calif.	Steele
Evans, Colo.	Mathis, Ga.	Steiger, Ariz.
Fascell	Matsunaga	Stephens
Fish	Mayne	Stokes
Flood	Meeds	Stratton
Flowers	Melcher	Stubblefield
Foley	Michel	Stuckey
Ford, Gerald R.	Mikva	Sullivan
	Miller, Calif.	Symington
Ford, William D.	Miller, Ohio	Talcott
	Mills, Ark.	Taylor
Forsythe	Mills, Md.	Teague, Calif.
Fountain	Minish	Terry
Fraser	Mink	Thompson, Ga.
Frelinghuysen	Minshall	Thomson, Wis.
Frenzel	Mitchell	Tiernan
Frey	Mollohan	Udall
Fuqua	Monagan	Ullman
Gallifianakis	Moorhead	Van Deerlin
Gallagher	Morgan	Vander Jagt
Gaydos	Mosher	Vanik
Gettys	Moss	Vigorito
Giaimo	Murphy, Ill.	Waldie
Gibbons	Murphy, N.Y.	Ware
Gonzalez	Myers	Whalen
Goodling	Natcher	Whalley
Gray	Nelsen	White
Green, Oreg.	Nichols	Whitten
Green, Pa.	Nix	Widnall
Griffin	Obey	Wiggins
Grover	O'Hara	Williams
Gude	O'Konski	Wilson, Bob
Halpern	O'Neill	Wilson, Charles H.
Hamilton	Passman	Winn
Hanley	Patman	Wolff
Hanna	Patten	Wyatt
Hansen, Idaho	Pelly	Wydler
Hansen, Wash.	Pepper	Wyman
Harrington	Perkins	Yates
Harsha	Pettis	Yatron
Harvey	Pickle	Young, Tex.
Hastings	Pike	Zablocki
Hays	Pirnie	Zion
Hechler, W. Va.	Podell	
Heckler, Mass.	Powell	
Heinz		

NAYS—29

Archer	Burke, Fla.	Dennis
Blackburn	Collier	Devine
Bray	Collins, Tex.	Groes
Buchanan	Crane	Haley
Hall	McCollister	Steiger, Wis.
Hunt	Poff	Veysey
Jonas	Price, Tex.	Whitehurst
King	Rarick	Wylie
Landgrebe	Schmitz	Young, Fla.
McCloskey	Spence	

NOT VOTING—93

Abbitt	Dellums	Landrum
Abernethy	Dent	Lent
Alexander	Derwinski	McClure
Anderson, Tenn.	Diggs	McKevitt
	Donohue	McMillan
Andrews, Ala.	Dorn	Metcalfe
Andrews, N. Dak.	Dowdy	Mizell
	Dwyer	Montgomery
Ashbrook	Edwards, La.	Morse
Badillo	Eilberg	Nedzi
Baker	Evins, Tenn.	Peyser
Belcher	Findley	Poage
Bell	Flynt	Pryor, Ark.
Bingham	Fulton, Tenn.	Pucinski
Blanton	Garmatz	Quillen
Blatnik	Goldwater	Railsback
Brasco	Grasso	Roberts
Brown, Mich.	Griffiths	Rodino
Broyhill, N.C.	Gubser	Rostenkowski
Burton	Hagan	Rousselot
Byrne, Pa.	Hammer-schmidt	Runnels
Casey, Tex.		Sarbanes
Celler	Hathaway	Scott
Clark	Hawkins	Sikes
Clay	Hébert	Slack
Collins, Ill.	Holifield	Teague, Tex.
Conyers	Hull	Thompson, N.J.
Cotter	Jones, Tenn.	Thone
Culver	Karth	Waggonner
Daniels, N.J.	Kluczynski	Wampler
Davis, Ga.	Koch	Wright
Davis, S.C.	Kuykendall	Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Andrews of North Dakota.
Mr. Hébert with Mr. Gubser.
Mr. Waggonner with Mr. Ashbrook.
Mr. Holifield with Mr. Bell.
Mr. Blatnik with Mr. Brown of Michigan.
Mr. Daniels of New Jersey with Mr. Findley.
Mr. Dent with Mr. Hammerschmidt.
Mr. Evins of Tennessee with Mr. Kuykendall.
Mr. Garmatz with Mr. Belcher.
Mrs. Grasso with Mr. Goldwater.
Mr. Hull with Mr. McClure.
Mr. Karth with Mr. Zwach.
Mr. Kluczynski with Mr. McKevitt.
Mr. Abernethy with Mr. Broyhill of North Carolina.
Mr. Montgomery with Mr. Mizell.
Mr. Sikes with Mr. Baker.
Mr. Nedzi with Mr. Peyser.
Mr. Rodino with Mrs. Dwyer.
Mr. Rostenkowski with Mr. Lent.
Mr. Fulton of Tennesaee with Mr. Quillen.
Mr. Roberts with Mr. Derwinski.
Mr. Slack with Mr. Railsback.
Mr. Andrewa of Alabama with Mr. Rousselot.
Mr. Blanton with Mr. Scott.
Mr. Abbitt with Mr. Thone.
Mr. Anderson of Tennessee with Mr. Wampler.
Mr. Hathaway with Mr. Badillo.
Mr. Burton with Mr. Metcalfe.
Mr. Byrne of Pennsylvania with Mr. Conyers.
Mr. Clark with Mr. Collins of Illinois.
Mr. Culver with Mr. Clay.
Mr. Donohue with Mr. Morse.
Mr. Eilberg with Mr. Hawkins.
Mr. Flynt with Mr. Koch.
Mr. Hagan with Mr. Pryor of Arkansas.
Mr. Pucinski with Mr. Diggs.
Mr. Sarbanes with Mr. Dellums.
Mr. Dorn with Mr. Dowdy.
Mr. Alexander with Mr. Bingham.
Mr. Casey of Texas with Mr. Brasco.
Mr. Davis of Georgia with Mr. Cotter.
Mr. Davis of South Carolina with Mrs. Griffiths.
Mr. Jones of Tennessee with Mr. Landrum.
Mr. Teague of Texas with Mr. McMillan.
Mr. Wright with Mr. Runnels.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Bow) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11955, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from Texas (Mr. MAHON) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Bow) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this supplemental appropriations bill consists of nine chapters, including the customary chapter providing for various claims and judgments, and the chapter including the general provision concerning the obligation of funds.

I think it would be in the interest of orderly procedure for us to dispense with extended general debate and read the bill for amendment under the 5-minute rule and let the House work its will in connection with the various items which are contained in the bill and which might be considered otherwise.

Mr. Chairman, this bill provides for a total appropriation in the sum of $756 million; approximately three-quarters of a billion dollars.

Two-thirds of the money in this bill is for mandatory payments under existing law. It is inescapable that Congress will have to provide these funds. For example, under the Federal Coal Mine Health Safety Act of 1969, $289 million is provided. Congress has passed the law, and these funds are required. In this bill $216 million is provided for the Postal Service. This has to do with the transition to the Postal Corporation, and there is no alternative we have other than to provide the funds.

Then there are numerous items in the bill for many agencies of the Government for many purposes and I would suggest, Mr. Chairman, that it seems appropriate that as the bill is read that the Committee of the Whole House can give consideration to any section of the bill that it may desire to consider.

I shall not take time to make an extensive statement at this time, but rather having received unanimous consent to do so, I will insert a summary table showing the funds that are provided under the several titles of the bill for the various agencies such as the Departments of Interior, Labor, and Health, Education, and Welfare, the legislative branch, the Departments of State, Commerce, Transportation, and Treasury and the Postal Service.

I shall also insert a summary narrative statement.

The material referred to is as follows:

GRAND TOTAL OF THE BILL

The grand total of new budget (obligational) authority recommended in the bill is $756,282,654, a reduction of $13,058,500 from the $769,341,154 requested in the estimates and considered by the Committee.

The Committee also recommends $20,000,000 in appropriations to liquidate contract authority and $5,846,100 in transfers. Neither of these sums involve increases in new budget (obligational) authority.

BILL HIGHLIGHTS

Just over two thirds of the funds recommended in the bill are for payments that are mandatory under existing law. These include $289,696,000 for benefit payments resulting from increased numbers of claims and appeals under the Federal Coal Mine Health and Safety Act of 1969; $216,400,000 in connection with transition of the Postal Service as set forth in the Reorganization Act; and $19,029,734 to pay claims and judgments rendered against the United States.

Funding for health and safety programs recommended in the bill include $5,250,000 for safety inspections, technical support, investigations, and rescue work needed to meet requirements under the Federal Coal Mine Health and Safety Act, and $9,572,000 (including $1.9 million by transfer) for increased inspection and improvement of nursing home care.

The Committee also includes the following recommendations for employment and labor relations activities: $41,700,000 to accelerate work on water resources projects for States having major labor areas with unemployment in excess of 8%, and a limitation increase of $4,500,000 to provide job development and placement services for veterans in connection with the program established by Executive Order 11598.

OUTLAY REDUCTION

The Committee estimates that its recommendations will have the effect of reducing budget outlays for 1972 by approximately $12,500,000 from amounts estimated for the items considered in connection with the bill.

TABULAR SUMMARY

The following table summarizes by chapter the revised budget requests and the amounts included in the bill:

XUM

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—SUMMARY

Chapter No.		Budget estimates	Recommended in bill	Bill compared with estimates
I	Interior and related agencies:			
	New budget (obligational) authority	$22,576,000	$8,170,000	−$14,406,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	
	Transfers	(4,172,000)	(3,746,100)	(−425,900)
II	Labor and Health, Education, and Welfare:			
	New budget (obligational) authority	333,439,000	334,439,000	+1,000,000
	Transfer	(1,900,000)	(1,900,000)	
III	Legislative: New budget (obligational) authority	23,668,420	23,549,920	−118,500
IV	Public Works—AEC: New budget (obligational) authority	41,700,000	46,500,000	+4,800,000
V	State, Justice, Commerce, and Judiciary: New budget (obligational) authority	43,292,000	42,094,000	−1,198,000
VI	Transportation:			
	New budget (obligational) authority	58,044,000	55,544,000	−2,500,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	
	Transfer		(200,000)	(+200,000)
VII	Treasury, Postal Service and General Government: New budget (obligational) authority	227,592,000	226,956,000	−636,000
VIII	Claims and judgments	19,029,734	19,029,734	
	Grand total:			
	New budget (obligational) authority	769,341,154	756,282,654	−13,058,500
	Appropriation to liquidate contract authority	(20,000,000)	(20,000,000)	
	Transfers	(6,072,000)	(5,846,100)	(−225,900

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I certainly want to take this time to compliment the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), for in my judgment, an outstanding job on such a complex number of important problems that confront the country, and the Congress.

But, Mr. Chairman, my specific purpose here is to call the attention of the House to the fact that the school districts in at least 15 States, Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, Washington, and West Virginia, under title I of the Education Act will get less than they received last year. And one county in my congressional district is anticipating a loss of at least $100,000. It has brought about such financial embarrassment that they are going to have to cut off, unless the money is added, some 24 special education teachers.

In making appropriations for title I on June 30 of this year it never was intended that any school district in the country would receive less. But I want to point out that the Secretary of Health, Education, and Welfare and the Office of Education have not given to me, and I have called upon them for a satisfactory explanation, but they have not given any as of this date.

Time is running out. We must act now to provide additional funds. I am advised that it will take approximately $32,079,478 to insure that these States that I mentioned will receive as much money as they received last year, so that the school districts within these States can at least maintain last year's program levels.

My colleagues will recall that thanks to the prompt action of the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON) and the chairman of the Education Appropriations Subcommittee, Mr. FLOOD of Pennsylvania, the Congress acted expeditiously in passing the appropriations bill for the U.S. Office of Education for fiscal year 1972.

This bill, H.R. 7016, finally cleared both Houses of the Congress on June 30 and went to the White House. This action enabled the U.S. Office of Education to make prompt notification to all of the States on the allocations to local educational agencies for title I purposes.

Certainly this could have been done prior to the beginning of school in September when schools would need to begin using these funds.

The first inkling that I had that there were to be reductions was late in November when States had not even then received notice of their final allocations for the current academic year.

Mr. Chairman, at this point in the RECORD I would like to insert the list of the States which I am advised will receive reductions as a result of the U.S. Office of Education allocations and the amounts of those reductions over fiscal year 1971 allocations.

The table follows:

State	1971 allocation	1972 allocation	Decrease
Alabama	$40,257,134	$36,617,250	$3,639,884
Arkansas	24,214,456	22,251,414	1,963,042
Georgia	39,947,788	36,197,932	3,749,856
Kentucky	37,131,906	33,755,352	3,376,554
Louisiana	34,683,312	32,268,324	2,414,988
Mississippi	42,074,152	38,105,822	3,968,330
Missouri	25,579,100	24,449,299	1,129,801
North Carolina	56,260,988	52,532,926	3,728,062
Oklahoma	18,199,914	17,338,006	861,098
South Carolina	34,313,121	34,256,587	56,533
South Dakota	6,266,048	6,002,025	264,023
Tennessee	36,288,395	33,172,359	3,116,036
Virginia	33,803,541	32,278,380	1,525,161
Washington	12,255,022	12,109,147	145,875
West Virginia	20,524,496	18,385,071	2,139,425
Total			32,079,478

Mr. Chairman, these States and the local educational agencies within them are extremely hard pressed financially to support education programs. If these cuts are allowed to remain, essential programs serving thousands of children will have to be drastically reduced.

Illustrative of the chaos that has been produced in the education community are the large number of communications that I have received from educators throughout Kentucky which I insert in the RECORD at this point:

NOVEMBER 24, 1971.

Dr. S. P. MARLAND,
U.S. Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. MARLAND: It is with deep concern and a sense of frustration that I write to you concerning the news item that has indicated a reduction of the FY 1972 Part A Title I Grant for Kentucky (Courier-Journal, Louisville, Ky., Friday, Nov. 19).

We initiated our Title I project operations for the 1971–72 school year anticipating at least the same amount of funds which we had the previous year. Now after three full months of the school year has passed we read that there is to be a cut in the Title I funds. Teachers, aides and other staff who were hired to implement the Title I project were employed for the full school term. Once a teacher is given a contract he will have to be paid for the full school year. Any reduction in our allocation of Title I funds from the past year would mean no funds for the already employed Title I personnel for at least 2¼ months. Since Wolfe County is a poverty county and since our school system operates on meager state funds, there is absolutely no way that these salaries could be added to the general school budget.

Needless to say we are extremely disturbed that your office would take such action, especially at this point in the school term when no advanced warning was given.

I strongly urge you to restore the funds for Kentucky's FY 1972 Title I Grant and to further work diligently to see that more funds are available through Title I. Our county could use to good advantage a 50% increase in Title I funds. It has proved to be the most effective means of reaching our educational disadvantaged and helping them to overcome their educational deprivation that plagues our area so intensely.

Most sincerely,

FRANK ROSE,
Superintendent, Wolfe County Schools.

GREENUP, KY.,
December 1, 1971.

Hon. CARL PERKINS,
House of Representatives,
Washington, D.C.:

Please add 32 million to HR 11955. It is urgent that title I ESEA funds be restored. Greenup County schools will have to reduce staff and services during this school year unless funds are restored.

Sincerely,

CLIFFORD LOWENDBACK,
Superintendent.

FLEMINGSBURG, KY.,
December 1, 1971.

Congressman CARL PERKINS,
U.S. House of Representatives,
Washington, D.C.:

We wish you to urge Congress to amend appropriation measure HR 11955 and add the 32 million dollars needed to restore title I grants to the level of FY71 grants in the 15 states which recently received a reduction for FY 72.

MARTIN MARLAR,
Federal Coordinator,
Fleming County Schools.

CATLETTSBURG, KY.,
December 1, 1971.

Hon. CARL PERKINS,
U.S. House of Representatives,
Washington, D.C.:

Please urge the amendment appropriation measure HR 11955 and add 32 million dollars needed to restore title 1 grants to FY 1971 for 15 states which recently received reduction.

NORA STALLARD,
Catlettsburg Independent School District.

HAZARD, KY.,
December 1, 1971.

Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.:

Please urge all congressmen to amend appropriation measure HR 11955 and add the 32 million dollars to restore title I grant to the level of fiscal year 1971 for fifteen states which recently received reduction in title I grants for fiscal year 1972.

MORTON COMBS,
Hindman, Ky.

PADUCAH, KY.,
December 1, 1971.

Representative PAUL PERKINS,
House of Representatives,
Washington, D.C.:

Urgently need your help amend H.R. 11955. Replace needed funds title one.

DAVID K. STEWART,
Superintendent, McCracken County Public Schools.

HAZARD, KY.,
December 1, 1971.

Representative CARL D. PERKINS,
House Office Building,
Washington, D.C.:

Urge approval of appropriation for H.R. 11955 that would add 32 million dollars to restore title 1 grant to the level of FY 1971 for fifteen States which recently received a reduction in title 1 grants for FY 1972.

ROY G. EVERSOLE,
Superintendent, Hazard City Schools.

OWINGSVILLE, KY.,
December 1, 1971.

CARL PERKINS,
House of Representatives,
Washington, D.C.:

There is a desperate need for amendment to appropriations measure H.R. 11955 add the thirty two million dollars needed to restore title 1 grants to the level of FY 1971 for the fifteen States which recently received a reduction in title 1 for FY 1972.

DARVIS ESTES,
Superintendent, Bath County Schools.

WINCHESTER, KY.,
December 1, 1971.

Hon. CARL D. PERKINS,
Chairman, Committee on Health, Education, and Welfare, House Office Building,
Washington, D.C.:

Request that H.R. bill 11955 be amended to add 32 million dollars needed to restore title 1 grant to the level of FY 1971 for 15 States which recently received a reduction for title 1 FY 1972.

ERNEST R. WHITE,
Superintendent, Clark County Schools.

JACKSON, KY.,
December 1, 1971.

Hon. CARL D. PERKINS,
House Office Building,
Washington, D.C.:

It is urgent that House bill HR 11955 be amended to appropriate 32 million dollars to restore the level of last year's appropriation for the 15 states that received a reduction for the 1972 year.

ELIZABETH HERALD,
Jackson City Schools.

JENKINS, KY.,
December 1, 1971.

Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.:

We urge you to support the amendment appropriation measure HR 11955 restoring title one grant to level MF FY 1971 any help will be appreciated.

HENRY E. WRIGHT,
Superintendent, Jenkins Independent Schools.

HAZARD KY.,
December 1, 1971.

Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.:

Please take every action to amend appropriation measure HR 11955 and add the 32 million dollars needed to restore title 1 grant to the level of FY 71 for the 15 states which recently received a reduction of the title 1 grants for FY 72.

ALEX EVEROSOLE,
Superintendent, Perry County Board of Education.

LYNCH, KY.,
December 1, 1971.

Hon. CARL D. PERKINS,
Rayburn House Office Building, Washington, D.C.:

Please amend HR 11955 and restore title one grants to level of FY 71 for the fifteen states which received a reduction FY 72.

Dr. DONALD HAYES,
Superintendent, Lynch Independent School.

WILLIAMSTOWN, KY.,
December 1, 1971.

Congressman CARL D. PERKINS,
House Office Building,
Washington, D.C.:

I urge you to vote to amend House Bill 11955 to add 32 million dollars to restore title one grant to fiscal year 1971 levels in 15 States that are affected.

WILLIAM L. MILLS,
Superintendent, County Schools.

CAMPTON, KY.,
December 2, 1971.

Congressman CARL D. PERKINS,
House of Representatives,
Washington, D.C.:

We urge Congress to amend H.R. 11955 and add 32 million dollars needed to restore the title 1 grant to the level of FY 1971 for 15 States which recently received a reduction in title 1 grants for FY 1972.

FRANK ROSE,
Superintendent, Wolfe County Schools, Campton.

LEXINGTON, KY.,
December 2, 1971.

Representative CARL D. PERKINS,
House Office Building,
Washington, D.C.:

I urge you to amend the appropriation measure H.R. 11955. We will lose approximately 70 thousand of title one funds with the cut back restore funding to FY 1971 level for the fifteen States that have received cut backs.

G. S. POTTS,
Superintendent, Fayette County Schools.

VANCEBURG, KY.,
December 2, 1971.

Congressman CARL PERKINS,
House of Representatives,
Washington, D.C.:

Please take every action to amend appropriate measure H.R. 11955 and add 32 million dollars needed to restore title 1 grant to the level of fiscal year 1971 for 15 States which recently received reduction in title 1 grants for fiscal year 1972.

FOSTER SID MEADE,
Superintendent, Lewis County Schools, Vanceburg, Ky.

MANCHESTER, KY.,
December 1, 1971.

Hon. CARL D. PERKINS,
House Office Building,
Washington, D.C.:

Urge you to amend appropriations measure HR 11955 and add the 32 million to restore title one grant to level of FY 1971 for fifteen States which recently received title one grant for FY 1972. Clay County Board of Education.

MALLIE BLEDSOE,
Superintendent, Clay County Schools.

Ashland, Ky.

Hon. CARL D. PERKINS,
House Office Building,
Washington, D.C.:

We urge you to be for and use your influence to secure the amendment to appropriation measure HR 11955 and add the 32 million needed to restore title 1 grants to the level of FY 1971 for the States which recently received a reduction in title 1 grants for FY 1972.

EDWARD W. MATHIS,
Superintendent, Ashland Public Schools.

Whitesburg, Ky.

Hon. CARL D. PERKINS,
House Office Building,
Washington, D.C.:

Please take every possible action to amend appropriation measure HR 11955 and add the 32 million dollars needed to restore title one grant to the level of FY 1971 for fifteen states which recently received a reduction in title one grant for FY 1972.

KENDALL V. BOGGS,
Superintendent, Letcher County Schools.

Frankfort, Ky.

Hon. CARL D. PERKINS,
House Office Building,
Washington, D.C.:

Strongly urge you to amend appropriation measure H.R. 11955 and add 32,000,000 dollars needed to restart title one grants to the level of FY 1971 for the 15 States which recently received a reduction in title one grants for FY 1972. Thank you.

WENDELL P. BUTLER,
Superintendent of Public Instruction, Kentucky Department of Education.

BEATTYVILLE, KY.,
December 1, 1971.

CARL D. PERKINS,
House Office Building,
Washington, D.C.:

We are urging you to amend appropriation measure H.R. 11955 and add the 32 million needed to restore the title one grant to the level of fiscal year 1971 for fifteen States

which recently received a reduction in title one grant for fiscal year 1972.

SEDLEY STEWART,
Superintendent, Lee County Schools.

RUSSELL, KY.,
December 1, 1971.

Hon. CARL PERKINS,
Washington, D.C.:

We urge you to amend the appropriation measure H.R. 11955. Add 32 million needed restore Title 1 grant to level FY 1971 for 15 States which recently received a reduction in Title 1 grant for FY 1972. Thank you.

EUNICE HARPER,
Raceland Worthington School, Raceland, Ky.

MAYSVILLE, KY.,
December 1, 1971.

Congressman CARL PERKINS,
House Office Building,
Washington, D.C.:

Please amend H.R. 11955 and add 32 million to restore Title 1 to FY 1971 level.

EARLE D. JONES,
Superintendent Maysville Schools.

RUSSELL, KY.,
December 1, 1971.

Hon. CARL PERKINS,
House of Representatives,
Washington, D.C.:

We urge your support in amending appropriations measure H.R. 11955 and add the 32 million dollars needed to restore Title 1 grant to the level of FY 1971 for 15 States which recently received a reduction in Title 1 grant for FY 1972.

LOGAN H. PERRY,
Superintendent, Russell Independent School District.

Mr. Chairman, let me at this point again commend the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON) for his concern over this matter, to the gentleman from Pennsylvania (Mr. FLOOD), and to my distinguished Kentucky colleague and member of the Appropriations Committee, Mr. NATCHER, who I am sure will work diligently to resolve this matter.

I have discussed personally the need for these additional funds with Senator ELLENDER, of Louisiana, and Senator MAGNUSON, of Washington, and I feel confident that the basis for agreement now exists so that the critical problem confronting these schools may now be resolved.

I commend the work of the committee on these important appropriation matters.

Mr. BOW. Mr. Chairman, I yield myself such time as I may use and will be glad to yield to anyone for the purpose of extending their remarks at this time.

(Mr. MICHEL asked and was given permission to revise and extend his remarks.)

Mr. MICHEL. Mr. Chairman, as the chairman indicated, this bill contains eight items which were considered by our Labor-HEW Subcommittee.

The first is $4,500,000 to provide for the employment of 500 veterans of the Vietnam war to augment State employment service staffs in securing jobs for veterans. A central feature of the program established by Executive Order 11598 is the requirement that agencies, contractors, and subcontractors funded by the Federal Government list their job openings with the employment service. Job openings are expected to increase by 4,400,000 above the 6,500,000 openings anticipated prior to issuance of the Executive order.

To maintain State staff, currently allocated to provide services to veterans, an additional $2,100,000 is required for this fiscal year. An additional $2,400,000 is requested to be distributed to areas where mandatory job listings and applications from returning Vietnam veterans cause the heaviest workload. This is the full amount requested by the Manpower Administration of the Department of Labor.

The second item is $1,800,000 for salaries and expenses for the Bureau of Labor Statistics, to update and revise the Consumer Price Index. This would be in addition to $4,310,000 already appropriated for fiscal year 1972 for this purpose. The Department told us that this amount is necessary "to take care of increased expenses anticipated by the Bureau of the Census which is conducting, for the Bureau of Labor Statistics, the massive and complicated consumer expenditure survey, the heart of the revision program."

The Consumer Price Index, of course, is our primary indicator of changes in prices, and the purpose of the revision is to update the index so that it reflects as accurately as possible the economy and the buying patterns of the seventies. I do not believe I need to emphasize the importance of this in our current economic situation.

We were advised by the Department that—

> Costs for the consumer expenditure survey have risen beyond original expectations because of recent changes in survey plans that have been made in cooperation with OMB and the Bureau of the Census.

The new methodology would be to have the Bureau of the Census conduct a quarterly household survey of consumer expenditures beginning in January.

The third item is $9,572,000 for an intensive effort by the Department of Health, Education, and Welfare to improve standards in nursing homes. On August 6 the President called for much greater Federal attention to the problems of nursing home residents, and outlined an eight point program designed to upgrade the quality of care received in nursing homes. This supplemental, we are told, will implement most of the President's plan.

While nursing home standards are set by the respective agencies in Washington—Social Security and SRA—the implementation of the standards, inspection and compliance issues are resolved by the States, and that is where the problems are.

A portion of this supplemental would establish three new university training programs for nursing home inspectors, and expand the three existing programs. Training courses would be set up for persons who work in nursing homes, and new State investigative units would be set up. Federal monitoring of State survey agencies would be increased. And, as stated in our committee report, we expect that special emphasis will be placed on improved fire inspection.

The fourth item is $19,672,000 to continue the civil rights education program, as authorized by title IV of the Civil Rights Act of 1964 at last year's level of spending plus mandatory increases for personnel as again provided by law.

Fifth, we have provided $289,696,000 for benefits under the Federal Coal Mine Health and Safety Act of 1969—the black lung program. Benefit payments under this legislation have been much higher than anticipated when the regular budget estimates for fiscal 1972 were prepared. And, despite the fact that the Social Security Administration has been denying about 52 percent of the claims, this program is going to continue to be an expensive one in the future.

Based on the present operation of the black lung program, the costs are estimated at $548 million for this fiscal year, $538 next year, $515 million in 1974, $491 million in 1975, $468 million in 1976, and $447 million in 1977. And this does not even take into account the additional expenditures which would be required if the recently passed House bill is enacted. In that case, we would have to add $237 million to fiscal year 1972, $275 million to 1973, $276 million to 1974, $302 million to 1975, $273 million to 1976, and $259 million additional to the 1977 figures.

In summary, Mr. Chairman, this could result in total expenditures for this program in fiscal year 1972 of $785 million; in 1973 it would increase to $813 million; in 1974, $791 million; and then a slight decline each year far away until the year 2000 or beyond.

The sixth item is $1,500,000 for loans under the District of Columbia Medical Facilities Construction Act of 1968. This, along with funds previously appropriated will make the full amount authorized by that act available to nonprofit private facilities in the District of Columbia.

Seventh, we have recommended $13,209,000 for planning and construction of 13 Howard University construction projects previously approved. And, I must add that I am quite unhappy over the circumstances leading up to this request. This $13 million was requested to replace funds that had been "borrowed" or reprogramed from other projects in order to award the contract for construction of Howard's new teaching hospital.

Now, I have no quarrel with building the hospital, per se, despite the fact that out in Peoria we have started a new medical school without a "teaching" hospital. We are going to teach doctors in our existing community hospitals. But, two things about this particular appropriation are very disturbing.

In the regular appropriation bill for 1970, we appropriated $22,200,000 for construction of this hospital, as Chairman FLOOD pointed out during our supplemental hearings. Then we had to appropriate another $7.7 million because we were told that the first estimate was too low. Now, we are told that the hospital will cost some $43 million.

And, on top of this apparent lack of ability to estimate accurately, our committee was notified in August that if we did not object within 3 days, this $13 million would be reprogramed to let the hospital contract. I think our committee report reflects my feelings on this very well, when it says:

> In the future, the Committee will expect to be informed of proposed reprograming actions in a more timely manner. Furthermore, the Committee believes that there should be a thorough review by HEW and the General Services Administration of the present procedures for developing cost estimates for construction projects and for assuring that architects and engineers design construction projects within the limits of the funds budgeted and appropriated for them. Funds for planning a new Howard University Teaching Hospital to replace the present Freedmen's Hospital were first appropriated more than ten years ago. There is no excuse for either the unconscionable delay in getting this badly needed facility under way, or for the unrealistic cost estimates which have been associated with it.

Finally, the last item under our jurisdiction is $890,000 for the Cabinet Committee on Opportunities for Spanish-Speaking People. These funds were not included in our regular Labor-HEW appropriations bill because the legislative authority for the committee's activities expired on June 30 of this year, and the new authorization was not approved in time to put these funds in the bill.

Mr. SCHERLE. Mr. Chairman, I thank the gentleman from Ohio.

Mr. Chairman, if the distinguished gentleman from Illinois (Mr. MICHEL) would yield for a brief comment. It is my understanding that there are no funds in this bill for the Comprehensive Health Manpower Act which just became law. Of particular interest to me is the money which would allow additional construction of various schools such as medicine, dentistry, and veterinary medicine. It is my understanding that the act authorizes $225 million for this fiscal yield for all of these schools and that this administration has agreed to allow $82 million in the budget. I also understand that the other body's Appropriations Committee is marking up a supplemental bill which will include some of these funds. When you gentlemen go to conference, I hope you will make it clear in your final report that a minimum of at least one school of veterinary medicine should be funded. Iowa State University at Ames, Iowa, is presently in the process of building a new school of veterinary medicine. They have received $6.8 million for phase I construction, and if they could receive $6 million from this appropriation by next spring, then they could combine these two phases and there would be a saving of around a million dollars on the project. The need for the highest quality instruction in veterinary medicine, and its benefits for both the consumer and producer of America's food products, should be obvious to all.

Mr. BOW. I yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman yielding.

Mr. Chairman, to make a very quick response to the gentleman's question, there was a supplemental request for some $350 million that is in hand, but in view of the developments here and pending adjournment, I doubt very much whether we will be going through the motions of a full dress hearing on the House side with the expectation that after the Senate acts we can arrive at a mutually satisfactory figure in conference.

I can assure the gentleman there is certainly going to be money in this bill to implement the health manpower act because there was provision for money in the original budget but not in exactly the same amount.

Mr. SCHERLE. I thank my colleague from Illinois and my colleague, the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I am in agreement with the distinguished chairman of our committee (Mr. MAHON). I think we can expedite the work of the evening if I yield no further.

Mr. ST GERMAIN. Mr. Chairman, in view of the needs in my district, I deeply regret that the committee bill does not contain school construction funds under Public Law 81–815—legislation passed by the Congress to aid federally impacted areas. When the Committee in its deliberations on Tuesday did not adopt an amendment to add $200 million under the 815 program I was greatly disappointed. Hopefully the Senate will act and approve $200 million for this purpose in their version of the bill. When that happens I earnestly hope and pray that the House conferees will recognize the imperative need for this funding and agree to the Senate's decision.

To illustrate the situation which faces many school districts throughout the country, I want to describe the problem which confronts Middletown, R.I.—a school problem which has been thrust upon Middletown by the Federal Government through the presence of a large naval facility.

The Middletown Public School District is impacted by more than 3,000 children of military personnel. This constitutes 62 percent of the total school population. As a result of new family housing for military personnel, the number of school children in the area has now exceeded the capacity of the schools.

During the school year 1970–71, Navy families moving into new housing built near the base added 450 additional children to the rolls of the public schools. This year another 300 children were expected as a result of another new housing development. Construction continues and another project is expected to be occupied by September of 1972. Since authorities at the Newport Naval Base indicate a continuing shortage of housing to the extent of 1,500 to 2,000 family units, the number of school-aged children of Navy families in the Middletown School District will continue to grow as more housing is built.

As of November 1 of this year there were 315 more students enrolled than the schools have capacity for. Due to the continuing construction of new housing, it is now estimated that by September 1972 there will be at least 700 "unhoused" children.

The Middletown School Committee several years ago foresaw the increase in enrollment and, in November of 1968, applied for school construction funds under Public Law 815. HEW processed the application and established an entitlement of $1,100,000. Since that time Middletown has not received one cent of school construction funds from HEW in spite of the tireless efforts of its school superintendent, Joseph Gaudet. The administration simply does not request sufficient funds for this program.

Are the children of Navy personnel to be turned away at the door? It seems to me that the Federal Government has a clear and undeniable responsibility to see to it that there is adequate classroom space for these children. Are they to be relegated to whatever temporary and makeshift quarters that can be found with a roof over it? I do not think that these children of our Navy men should be treated like second-class citizens. They deserve as good a school as any one else.

The situation I have described is not unique to Middletown. It is happening in many other communities in many other States. Why should the permanent residents of communities like Middletown be expected to build schools for the children of U.S. military personnel? Local taxes would have to be raised. The cities and towns simply cannot afford that. Nor would it be fair. That was recognized when Congress passed Public Law 81–815. But it must not be recognized only in principle; it must be recognized in fact. Money must be appropriated.

By including $200 million in this appropriation bill the Senate could save the day, and the House would then have the chance to ratify that action and be responsive to this situation.

Let me conclude by citing the text of a resolution passed by the Middletown School Committee on August 12, 1971. I think it deserves the attention of the Members of this body:

RESOLUTION ADOPTED BY THE SCHOOL COMMITTEE, AUGUST 12, 1971

The School Committee views with increasing alarm the present shortage of classrooms for the school population in this district that continues to grow at the rate of 10 to 12 percent annually. At least 90% of the growth factor is attributable to the influx in this community of Navy families who are availing themselves of new housing being built in the immediate area of this Naval military base. During the school year 1970–71, 300 family units were newly built and occupied by Navy families from which came 450 school-aged children. All of these children were enrolled in the Middletown Public Schools, including a leased building on the Newport Naval Base. During the 1971–72 school year we anticipate at least 300 more children from another housing development which will be completed and occupied by Christmas. During 1972–73, 210 more children are anticipated from a 140-family-unit addition presently under construction. None of these statistics include a normal Townwide growth of from 100 to 150 children per year.

This Committee, anticipating the new government housing construction for the military personnel and their families at this military base—the Newport Naval Base, filed an application for school construction funds under the provisions of Public Law 815 in November of 1968. The application was processed in Washington by the Department of Health, Education, and Welfare in June of 1969 and an entitlement of $1,100,000 was established. Repeated inquiries ad-

dressed to the Secretary of Health, Education, and Welfare and to the U.S. Commissioner of Education have been fruitless. We have been told that there are (were) "insufficient funds", funding of Public Law 815 is (was) a "low priority" compared to other national needs and most recently that "shared revenues to the States" represents our best hope for the solution of this problem. Our continuing contacts with the Rhode Island Congressional delegation lead us to the belief that administration policy places a low priority on "impacted areas" aid and that the needed funds to implement the authorizing legislation of Public Law 815 are not being requested of the Congress. Thus, and for whatever reasons, we face a serious classroom shortage which under existing conditions will precipitate a situation where this committee will be forced to declare the inability of the town of Middletown to accommodate 500 to 1,000 children in classrooms by the school year 1972–73. In view of the fact that more than 90% of these unhoused children would be those of military personnel we deplore the possibility of such a crisis and plead for the immediate attention of the Department of Health, Education, and Welfare.

The school committee for the town of Middletown, solicitous for the educational welfare of all the children in this district, asks for the immediate release of federally-entitled funds under Public Law 815 or under any other appropriate vehicle so that a school may be built for the children of military personnel assigned and located at this military base—the Newport naval base.

Mr. PICKLE. Mr. Chairman, I rise in support of Mr. ROONEY's amendment.

Unless the Congress takes additional affirmative action, the special public works impact program will not be fleshed out with enough working muscle. EDA has a congressional mandate to spend from 25 to 35 percent of their funds in this program—but, unless more funds are forthcoming, EDA has little choice but to go with the low figure and earmark only 25 percent of their available funds. The amount proposed under the amendment will not provide for full funding, but it will help a lot. Let me point out two major benefits which are significant and immediate:

We are told that some $60 million in requests are now pending in Washington for these funds—but that is only the tip of the iceberg. Out at the regional level, there is approximately five or six times this amount. Obviously, we cannot fund each and every project, but we can do a better job of filling the needs of our communities across the Nation.

The popularity of this program is obvious—but I think it is important that we examine the reasons why it is so popular. First, it will enable many smaller communities to engage in long-needed public works projects which they could not otherwise afford to go alone on.

But, the most significant aspect of the public works impact program is not something that can be measured in yards of concrete poured, miles of streets paved, or numbers of community houses built.

Perhaps the single most significant fact of this program is the fact that it creates jobs. Jobs for low-skilled or unskilled workers. Jobs that will not add to the inflationary spiral—jobs that will have the effect of taking people off welfare and giving them the chance to work—and we know that many do want to work if only we can provide them with honest work.

Time is a key element in this program. Jobs will be created immediately. Plus, no project will be approved which cannot be completed within 12 months. We have the bonus feature in the regulations which clearly spells out that the work force must come from the project areas.

Obviously, Mr. Chairman, we have the rare opportunity to do something for the neglected parts of town—and for the neglected people. In Austin, Tex., alone, we are seeking funds for a parks and recreation program which will provide approximately 100 jobs. Think of the impact of 100 jobs.

I urge my colleagues to join in support of this amendment.

Mr. O'NEILL. Mr. Chairman, I rise at this time in strong support of the committee amendment to include the provision for construction on the Charles River project in Massachusetts, because of the critical unemployment situation in New England.

As my colleagues know, this project, which was authorized under the 1968 Flood Control Act, is in my district. To complete preconstruction planning, the project was funded $225,000 in the fiscal year 1972 public works appropriation. This preconstruction project will be completed early in 1972.

I have interceded on behalf of the Charles River project for the commencement of the construction in early 1972. If there are no funds for construction to get this project underway, there will be no construction on the project until sometime in 1973. That means that the Boston-Cambridge area will have to wait a year before the construction of the dam will begin. The project will lie idle after the planning is completed. A year from now labor costs will have risen and costs of materials for construction will have increased. The project will then cost more than the original estimate of $31.8 million.

The Boston-Cambridge area is a highly developed urban and industrial part of Boston and its suburbs, an area which has a high rate of unemployment. This area now has the highest unemployment of the construction industry in that area in its history. If this project does not get underway this spring, the economy of the area will be severely crippled. With the supplemental appropriation of $400,000 to begin construction of the dam as soon as the planning is completed, the Boston-Cambridge area will be alleviated of some of its unemployment problems. The construction of the dam will boost the economy of the area.

I have spoken with people in the construction industry, both management and labor. They are unanimous in their appeal that the construction of the dam be moved along at a rapid pace to help relieve the unemployment problem. A public works project, in which preconstruction planning has been completed at an early stage, and which construction can be started as soon as the planning has been completed, should be considered in the supplemental appropriations. Any delay in the construction of the Charles River Dam, especially a delay of 9 months, would be extremely detrimental to the economy of the area. I am especially grateful to the committee for including provisions in its supplemental for this project.

Mr. RANDALL. Mr. Chairman, I shall support H.R. 11955. However, in reading the report during general debate of this supplemental appropriations bill, at page 26, I noted there were some additional funds allocated to certain water resources projects under construction in States having major labor areas of unemployment in excess of 8 percent. Now, I am not certain of the latest figures on unemployment in the Fourth Missouri District, but I believe there may be portions of the district in which unemployment equals 8 percent.

It was my understanding there would be a supplemental item included in H.R. 11955 for the Truman Dam and Reservoir, formerly known as the Kaysinger project in our district. We understood that the Bureau of the Budget had agreed to supplemental increments of $7,600,000. Of course, I was distressed to note this item had not been included in the bill or report.

Notwithstanding, during the course of debate I have ascertained that this increment for the Truman—Kaysinger—project arrived from the Budget Bureau too late to be included in the supplemental list. Under the policy adopted by an appropriations committee there had to be established a cutoff date. Our committee requested any further supplementals be sent to the other body to be included on that side of the Congress and to be considered by the House in a conference report.

Now, Mr. Chairman, at this late hour, at approximately 9 p.m., rather than offer an amendment and risk possible rejection, because of the temper of the House I have good information, that this figure submitted by the Bureau of the Budget has been included in the Senate supplemental. I have just learned that the appropriate Senate committee has this very night included our item in the Senate supplemental bill.

Because of these reliable assurances that this item came to the House committee too late to be included in its bill and, rather than risk an adverse decision at such a late hour, I shall take the course of continued conversations with the House conferees to be sure that the $7.6 million item is accepted in conference. As matters stand our side of the Congress may seem to have closed its ears to some 30 supplementals all involving necessary water resources projects. But what would seen to be true is not in accordance with the facts. The true facts are that our committee on the House side adopted a fixed and firm cutoff date and there was no way to reverse itself in the closing days of this session. Now the other body may receive the commendation for the addition of these funds. For my part it is too late to worry about who gets the credit, as long as the funds are included in the final conference report which are desperately needed not simply to accelerate work on the Truman—Kaysinger—project but to prevent or avoid an order to suspend construction of work in the late spring because of depleted appropriations.

Mr. VANIK. Mr. Chairman, in the last 2 weeks I have begun to receive complaints about inadequate funding of section 13 of the School Lunch Act—a section of the law which provides feeding assistance to low-income children in day care centers, Headstart centers, summer camps, and so forth.

For example, the level of compensation per child, per day, has been cut in the District of Columbia from 30 cents for lunch to 15 cents in an effort to stretch the District's allotment throughout the entire school year.

In my State of Ohio, we have been allotted $630,000 by the Department of Agriculture, but our documented need is double that—$1.26 million. A large number of other States have similar deficiencies.

The program is important because, in many, many cases, the meals which the children receive under this program is the only real nutrition they get in any one day.

Is it possible that money for the States which are short of funds for this program can be obtained by some reallocations from States which may not be using their moneys?

Mr. MAHON. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $160,000.

Mr. MAHON. Mr. Chairman, I move to strike out the last word and yield to the gentlewoman from Washington (Mrs. HANSEN) to respond to a question which I understand has arisen.

Mrs. HANSEN of Washington. I thank the distinguished chairman.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from South Dakota (Mr. ABOUREZK).

Mr. ABOUREZK. I thank the Chairman.

I just want a point of clarification. On forest roads and trails running to $10 million on line 16—is any of that money intended to be used for building forest roads and trails in the Black Hills National Forest in South Dakota?

Mrs. HANSEN of Washington. If I may respond to the distinguished gentleman from South Dakota—this is simply for the liquidation of obligations for work already in progress. Authority for construction of new roads is contained in the Federal-Aid Highway Act.

Mr. MAHON. Mr. Chairman, I yield further to the gentleman from South Dakota.

Mr. ABOUREZK. On page 13 of the bill, line 10 through line 12—is the same thing true there?

Mrs. HANSEN of Washington. Perhaps the gentleman from Massachusetts, who is on the Transportation Subcommittee, could comment on that.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. BOLAND), a member of the subcommittee who is present.

Mr. BOLAND. The response is exactly the same. This is for the liquidation of contract authority.

Mr. ABOUREZK. I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Missiouri.

Mr. HALL. I appreciate the gentleman's yielding. I wonder if he would care under the 5-minute rule, since there is little time available and since we are trying to expedite consideration of this bill, to explain lines 4 through 16 on page 8, the "administrative provisions," and I particularly refer to making into permanent law House Resolution 533, which we discussed during consideration of the rule.

Mr. MAHON. House Resolution 533 provided additional funds for personnel in the Office of the Speaker. It went into effect last July 1. I know from first-hand knowledge that the Speaker does need this additional professional help to discharge his responsibilites. He has needed it for some time.

Mr. HALL. Of course, this is a question, if the gentleman will yield further, that has been frequently discussed on the floor of the House. It has been deleted based upon a point of order. It has been voted down after explanation. But in view of the four offices and all the personnel and the additional emoluments we have given the Speaker at the beginning of this Congress, I wonder if there is some explanation available that the Members could have as to why it suddenly becomes necessary to make a permanent law in this manner on an appropriation bill.

Mr. MAHON. If I may say to my colleague from Missouri, these people are now available to the Speaker. This is under the resolution which has been previously adopted. The bill now under consideration would initiate no new expenses for the Speaker. It would permit the Speaker to continue current practice under an existing resolution of the House into fiscal year 1973 and succeeding years. The object, of course, of this provision is to authorize the current practice in permanent law.

Mr. HALL. The gentleman does not mean to imply that House Resolution 533 is already law; does he?

Mr. MAHON. It is not of course law, but it is in force. The resolution was adopted by the House, of course.

Mr. HALL. But it has not been signed into permanent law.

Mr. MAHON. No; it is a simple resolution, as are most of the resolutions reported out of the Committee on House Administration with respect to housekeeping responsibilities of the House.

Mr. HALL. There is no manner or means by which the chairman of the Committee on Appropriations can fulfill the requirements of existing law, Public Law 918, I believe, of the 92d Congress, to show the need for this personnel, how much it will cost per annum, and whether or not there are any increases in existing personnel involved?

Mr. MAHON. The funds provided were limited to $50,000. I will read House Resolution 533 which was adopted on July 22, 1971:

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 3 additional minutes.)

Mr. MAHON. The resolution is as follows:

Resolved, That until otherwise provided by law, effective as of July 1, 1971, in addition to all other amounts provided by other provisions of law, there shall be paid out of the contingent fund of the House for compensation of the officers and employees of the Office of the Speaker of the House the sum of $50,000.

The provision in the bill now under consideration, to which the gentleman has referred, merely continues the present setup for the Speaker's office.

Mr. HALL. Does it in anywise include increases for any of the many employees of the Speaker?

Mr. MAHON. It is a lump-sum arrangement. He could hire five people at $10,000 or two at $25,000. The Speaker has wide latitude as to the precise utilization of personnel funds for his office.

Mr. HALL. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Texas yield?

Mr. MAHON. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I would like to commend the committee, and particularly the subcommittee headed by the gentlewoman from Washington, for the increase of 350 positions for mine safety inspection, plus the 25 positions added for the assessment of civil penalties.

I am particularly pleased that the Bureau of Mines has finally asked Congress for money and personnel to make assessments for violation of the Federal Coal Mine Health and Safety Act.

It is disturbing, however, to learn that for nearly a year and a half the Bureau of Mines has failed to make this request. The need for personnel and money for assessments should have been obvious to the Bureau early in 1970. But as usual the Bureau has been very slow to respond to the needs of health and safety. Even if the Bureau did not realize that they needed personnel and money for assessments early in 1970, they should have known this in November 1970, when the lawsuit which had held up the making of assessments was settled. Three months later in January 1971, the Bureau published its revised regulations for assessments and began its program of reducing the huge backlog of violations for which assessments had never been made. But at this time, no attempt was made by the Bureau to include in the administration's fiscal year 1972 budget request money for this important program. Instead, the Bureau was willing to rock along with only three people assigned the job of assessing and collecting civil penalties.

This failure of the Bureau to properly staff its assessment office has helped to defeat the very purpose of the civil penalties provision of the 1969 law which is

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to encourage compliance with the law and to protect the safety of coal miners Quite obviously, if the assessments are made in a timely fashion and collections are pursued, it would become uneconomic for coal operators to disregard the health and safety needs of coal miners. But the Bureau's persistence in failing to adequately staff its assessment office gave the operators an opportunity to flout the law.

Even now, I note from the hearings before the Committee that the Director of the Bureau of Mines is uncertain as to whether or not people and dollars included in this bill will be sufficient to handle the assessments. Moreover, he tells us that five of these new people will be roaming around the country to placate the coal operators who have received assessment orders rather than being here in Washington where they could serve a useful purpose in making the assessments initially. He also notes that some of these assessment people will be holding hearings. This appears to be inconsistent with the Interior Department's own regulations. Those regulations provide that hearing will be made by the Department's Office of Hearings and Appeals, and not by assessment officers of the Bureau of Mines.

I fervently hope that the Bureau of Mines will step up its assessment program and make it known to the coal operators of this Nation that if they do not abide by the health and safety requirements for coal miners, they will be assessing civil penalties that will hurt their pocketbooks.

Mr. Chairman. I include with my remarks a letter which I wrote to the Director of the Bureau of Mines on September 23, 1971, and the Director's response dated October 14, 1971:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 23, 1971.

Dr. ELBURT F. OSBORN,
Director, Bureau of Mines,
Department of the Interior,
Washington, D.C.

DEAR DR. OSBORN: I have become increasingly disturbed by the lack of progress of your Bureau in assessing and collecting civil penalties against violators of the Federal Coal Mine Health and Safety Act of 1969. Congress intended that these penalties would encourage coal mine operators to be more health and safety oriented in the production of coal with the end result that the coal miner would be safer and healthier. But if the Bureau continues its lackadaisical pace in assessing and collecting penalties, the coal operators will have little incentive to institute and enforce health and safety in the mines.

I understand that the Bureau has assessed over $5.4 million in penalties but still has a huge backlog of violations for which assessments are warranted. Moreover, I also understand that less than $900,000 of this total assessment has been collected.

One very significant reason for this lack of progress is that the Bureau has failed to hire sufficient personnel to do this job. I understand that only three people have been assigned by the Bureau regularly to this task of assessing and collecting civil penalties and that it was officially stated that at least 15 people are needed.

I cannot understand how the law can be enforced if these conditions persist. I would appreciate hearing from you soon as to what steps the Bureau will take to hire the necessary people for this task.

Sincerely,

KEN HECHLER.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, D.C., October 14, 1971.

Hon. KEN HECHLER,
House of Representatives,
Washingon, D.C.

DEAR MR. HECHLER: This is in response to your letter of September 23, 1971, regarding the Bureau's activities in assessing and collecting civil penalties against violators of the Federal Coal Mine Health and Safety Act of 1969.

The Bureau's Assessments Office, since January 16, 1971, has processed over 62,000 violations that were incurred by coal mine operators and miners. The proposed penalty value for the assessed violations is $6.5 million. However, many of these violations were amended in accordance with the provisions of Title 30, part 100 of the Federal Regulations as published in the Federal Register of January 16, 1971. The applicable part of the regulation allows a violator to protest the Proposed Order of Assessment and present any facts, explanations, and arguments to show extenuating circumstances or error in the penalty levied. This amending process has resulted in a reduction of assessed penalties to $5 million. Violators have paid $1 million, which leaves a balance of $4 million to be collected. The Bureau is actively pursuing collection of the $4 million outstanding, but most do so within the requirements and time constraints set forth in the Act, Regulations, and the Federal Claims Collection Act of 1966, It is the policy of the Bureau to pursue every legal means to collect penalties that have been lawfully assessed for violations of the Act.

The Bureau has submitted to Congress a supplemental request for fiscal year 1972 that, among other things, will provide funds for the hiring of 19 additional people for the Assessments Office. These personnel will be hired as soon as funds become available.

We are totally committed to carrying out the provisions of the Act to insure the Nation's coal mines become a healthier and safer place to work. We are pleased you share our interest.

Sincerely yours,

ELBURT F. OSBORN,
Director.

This is an area which the Bureau of Mines has been neglectful of in the past. I trust that these additional positions will enable the Bureau of Mines to protect the safety of those who work underground.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I note on page 14 of the report the serious doubts or reservations the committee had with respect to Howard University and certain construction at Howard University. Yet apparently the committee went right ahead and gave them $13 million despite all the doubts and reservations the committee had.

Mr. MAHON. Mr. Chairman, on this I will yield to the gentleman from Iowa who is on the subcommittee that handled the matter and knows the details.

Mr. SMITH of Iowa. Mr. Chairman, there were mixed feelings on the committee about this. They are building a new Howard University teaching hospital which costs $67 a square foot. I thought that was terribly high, but now I understand the new Walter Reed building will be $99 a square foot. But anyway, they put it up for bid and last May they got the bids in, and they were $11 million over the amount of money that had been appropriated for that purpose. They held the bids and did not award them, and then in August, just before we went into recess, they decided they would negotiate with the contractor they had refused to accept the bid from, and they gave him more than he bid last May. Then in order to get this $13 million they took it out of other moneys, earmarked for other projects. They say they can do that, because they can send us a memo saying they will do that, and if within 10 days we do not object, it is all right.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

But that did not give the gentleman any opportunity or little opportunity, according to this report, to find out very much about this project, and still the committee went ahead and gave them more than $13 million.

Mr. SMITH of Iowa. If the gentleman will yield, as I was about to say, we had 3 days notice before they reprogramed these funds, but we are not going to let them do that in the future. From now on, if they want to reprogram funds, they are to come and get permission to do it, and in time so that we will have an opportunity to give the proposal adequate consideration. We are not at all happy about this situation, but the majority of the committee felt we should approve this appropriation, despite the fact that we were not happy.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I want to underscore what the gentleman from Iowa said. They were under some misapprehension that because they sent a memo to us, telling us what they were doing, a memo that most of us did not see, that they could then go ahead.

We want to make it perfectly clear here that when they want to reprogram money in the future, we are not going to stand for it unless we get a really valid request, and they get some kind of approval from us.

I was shocked to hear about it. I did not like it. Frankly, if it were not for the tragic situation we have in the District of Columbia at the present time, I would not be voting for it, but in view of the need for new facilities at Freedmen's Hospital, I went along with the supplemental appropriation. But we will not have any repetition of this reprograming of funds without our knowing about it.

Mr. GROSS. I thank the gentleman. I hope this record made on the floor of the House will be helpful, but in the past it has not stopped very much of this sort of thing.

Mr. MICHEL. I can assure the gentleman on this particular item that the gentleman from Iowa on our subcommittee has been very meticulous and studious about it, and the gentleman from Illinois together with the gentleman from Iowa in combination are going to make sure that it does not happen again.

Mr. MAHON. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. Of course, the escalation from fiscal year 1970 to this time has gone up from $22 to $43 million. The gentleman has heard the explanations which have been made.

The appalling degree of inflation which we have had also has contributed to this situation.

So long as the Government continues to spend vast sums in addition to what we have in hand or in sight we are going to be confronted with these escalations. It is not a case of being misled, as is the case with respect to this hospital, but there are going to be sharp escalations in prices so long as galloping inflation continues.

The deficit in Federal funds last year was about $30 billion and with a prospective deficit of $35 billion or $40 billion this year, it is just inevitable we are going to find ourselves with these kinds of sharply increasing costs. At a time like this, if we reduce revenues further through tax bills and otherwise and fail to stimulate the economy sufficiently to generate new revenues to make up the difference, this whole situation is going to get worse and worse.

Mr. GROSS. Well, misleading people on the part of officials of the District of Columbia seems to be a common practice.

The House just concluded consideration of a bill providing more millions for a subway in the District. Congress was told when it authorized this subway that it would be paid for out of the fare boxes. Now we see lurking in the background a bill that will be called up soon because there is not any other way they can finance this monstrosity except to get the Federal Government to guarantee the bonds. They cannot be sold without a guarantee, and the Federal Government, using the taxpayers across the country, will pick it up.

That is a common practice in the District of Columbia, to mislead the Congress. It is high time that some committee of the Congress took this situation in hand and did something about it.

I notice in this bill there is $1.8 million for the Bicentennial Commission. That is $1.8 million not authorized by law which the committee stuck in to accommodate somebody.

There is also $175,000 to establish the office of the Assistant Secretary for Indians and Territories, unauthorized by law.

I do not know how much more unauthorized money there is in this bill. I would hope that the Appropriations Committee would tighten up, and at least wait until authorizations have been passed by the proper legislative committees.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on pages 6 and 7 of the report of the House Appropriations Committee on the fiscal year 1972 supplemental appropriations bill, the committee has shocked myself, the coal industry, the gas industry, the energy industry, the American consumer, and the administration's goal of averting a national energy crisis.

Without adequate reason, the committee has deleted $10,280,000 from the budget of the Office of Coal Research which had been designated to promote coal gasification research.

For months we have heard warnings by industry, Government, and environmental experts about our growing fuel shortages. We have heard the cries of anguish because we do not have a "clean fuel." We have listened to tales of woe about heating shortages in the major cities this winter. We have listened in rapt attention to the weighty testimony of scientists about the possibilities for reversing the dismal outlook for power.

On the natural gas side of the fuel picture alone, the future is grim, bleak, and unless something is done, hopeless.

In 1980, we will need 40 trillion cubic feet of natural gas. Today we are producing about 22 trillion cubic feet of natural gas. There is "hope" in that we supposedly have a 10-year reserve of natural gas but that statistic is illusory. The reserve-to-production ratio does not remain static in the intervening years of high-level production to meet growing natural gas demands.

New sources of natural gas in the United States are nowhere near adequate. We cannot, unfortunately, depend upon the good graces of our neighbor to the north, Canada, to bail us out of our natural gas dilemma. Just recently the Canadian National Energy Board denied our request for increased shipments of Canadian natural gas into the United States.

Some ill-informed people have talked in grand terms about a solution by importing liquefied natural gas to relieve the gas shortages in the Northeast part of the country. We can dismiss that so-called solution because, even now, the cost of imported LNG is prohibitive; the potential amount of such gas is insufficient to meet growing demand; and naturally, as we all know, such supplies are unreliable in the extreme.

In response to the crescendo of testimony that this Nation is in dire need of a clean fuel, and that the best source of this fuel is natural gas, the Subcommittee on Interior Appropriations responded in the national interest by providing a beginning point for the creation of a technology to develop what we all want—an environmentally clean, safe, domestic, source of power fuel.

The subcommittee authorized a small amount of money—$10,280,000—to partially fund the construction of three pilot demonstration coal gasification plants in various areas of the country.

There may be criticism that the moneys are directed at only a few areas of the Nation. Let me reassure you on that point: Assuming the coal gasification processes are proved technically and economically feasible, we can confidently expect the construction of anywhere from 50 to 175 commercial coal gasification powerplants throughout the length and breadth of the country.

The $10.3 million provided in the original appropriations bill can be considered seed money for a network of clean fuel, natural gas powerplants to avert power shortages across the Nation.

In the labyrinth proceedings of the committee during final markup, this necessary amount of Federal seed money was deleted. It was deleted without prejudice—whatever that means—but it was deleted without adequate explanation.

In the committee's report, there was also added a slippery comment about the appropriation amount being provided for the favored few. I wish to inform the Members of the House that the so-called favored few number in the millions. The millions of consumers of natural gas in the Northeast United States and ultimately throughout the country. For this favored few we must find a way out of the energy crisis which we all know is building.

Considering the President's desire to avert an energy crisis;

Considering the subcommittee's desire to prevent an energy crisis;

Considering the public's desire to prevent an energy crisis;

And considering the responsibility of the Congress to prevent an energy crisis and at the same time provide for a clean-fueled substitute for present power sources;

I call upon the committee to explain its action in deleting these funds for the Office of Coal Research coal gasification plants in the bill now before us for consideration.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Wyoming.

Mr. RONCALIO. I was hoping to ask the eminent chairman of the full Committee on Appropriations the exact same question, because I am just as concerned by the deletion of this $10 million as is the gentleman speaking. I would like to have an explanation.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Texas.

Mr. MAHON. Having received permission to do so, I shall insert at this point in the RECORD the statement contained in the committee report which goes into some detail in discussing this matter.

The material referred to follows:

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

House Document 92-119 included a budget estimate of $10,280,000 submitted by the Office of Coal Research pursuant to the President's "Clean Energy" message of June 4, 1971, in which he stated:

"As we carry on our search for cleaner fuels, we think immediately of the cleanest fossil fuel—natural gas. But our reserves of natural gas are quite limited in comparison with our reserves of coal

"Fortunately, however, it is technically feasible to convert coal into a clean gas which can be transported through pipelines. The Department of the Interior has been working with the natural gas and coal industries on research to advance our coal gasification efforts and a number of possible methods for accomplishing this conversion

are under development. A few, in fact, are now in the pilot plant stage.

"We are determined to bring greater focus and urgency to this effort. We have therefore initiated a cooperative program with industry to expand the number of pilot plants, making it possible to test new methods more expeditiously so that the appropriate technology can soon be selected for a large-scale demonstration plant.

"The Federal expenditure for this cooperative program will be expanded to $20 million a year. Industry has agreed to provide $10 million a year for this effort. In general, we expect that the Government will continue to finance the larger share of pilot plants and that industry will finance the larger share of the demonstration plants. But again, the important point is that both the Government and industry are now strongly committed to move ahead together as promptly as possible to make coal gasification a commercial reality."

Basically, the program proposed in the budget estimate would provide for an expanded pilot plant coal gasification research program at a total cost of about $30,000,000 per year for four years. The cost of the pilot program would be shared between the Government and non-Federal sources with the Government bearing two-thirds of the cost and the non-Federal sources bearing one-third of the cost.

The budget estimate reflects the first step in a $296 million program that would involve the expenditure by the Government of $80,000,000 in the pilot stage of the program. If the program should progress to the demonstration plant stage, an additional $176,000,000 would be required with non-Federal sources possibly providing up to two-thirds of this amount.

Questions raised during the hearings developed several important considerations in connection with this program that caused some reservation by the Committee.

The Committee is not favorably impressed by the effectiveness with which previous funding has been utilized in the coal research program which has been operative since 1961. Through fiscal year 1971, a total of $89,941,000 has been appropriated. In reply to a question on actual accomplishments during this period, the answer was: "We have had some economic studies that we feel have been a success, but as far as hardware technology is concerned, most of it is still in the development stage. . . .".

During the period fiscal year 1963 through fiscal year 1971, the Office of Coal Research has expended $27,560,000 for coal gasification research. At the same time, private industry has been conducting research in this connection. Yet the practical feasibility of this technique has not been finally established.

The Committee is totally and completely aware of the energy crisis which currently confronts this Nation and which undoubtedly will become more acute in the immediate future. All possible action to alleviate this situation needs to be taken. Notwithstanding, careful consideration must be given to any project which involves a large expenditure of government funds. The Committee feels that additional information should be developed which would definitely indicate a reasonable likelihood that this research will provide productive results; in the ultimate the general public will be served and that benefits which accrue from the project will be universally beneficial; and that other sources of supply would not possibly be sufficient to alleviate the continuing energy shortage which in this instance involves natural gas.

The Committee therefore recommends that, without prejudice, funding be withheld until additional facts and information can be provided. Any resubmission of a request for funding this program should contain an abundance of stipulations to assure that research results will not accrue to the benefit of a "favored" few.

Hearings were conducted on this entire subject by the subcommittee headed by the gentlewoman from Washington (Mrs. HANSEN). She would be more qualified to speak comprehensively on the subject than I, but the language from the committee report I have inserted in the record provides a general explanation of the position that the committee has taken.

Mr. SAYLOR. I would just like to say that the excuses given in the committee report to me do not hold water.

Mr. BOW. Will the gentleman yield to me?

Mr. SAYLOR. Yes, I will be glad to yield.

Mr. BOW. I will say to the gentleman that I somewhat share his feelings in this matter, but I would like, if I may, to ask the gentleman from Pennsylvania (Mr. McDADE) to reply to your question.

Mr. McDADE. Thank you, Mr. Chairman. I am delighted to respond.

If the gentleman read the committee report, he can read the language that says that the committee passed this matter over without prejudice until we got additional facts. If the gentleman thinks that there are sufficient facts in the record of the testimony on which we can base a judgment, then I would like to suggest he has not read the report very carefully.

Mr. SAYLOR. I would like to say that I have read every word of the testimony and have read the report very carefully. You say "without prejudice," whatever that means, and I do not know what it means.

Mr. McDADE. I think it is clear enough to anybody that can understand the English language. If you will read the part which says that we want additional facts before we make a final determintion on this problem, I think it will be clear to you.

Mr. SAYLOR. You did put another reason in there that said only a favored few were going to get these contracts. Very frankly, they happen to be about 200 million Americans who will get the benefit of this.

Mr. McDADE. That is the gentleman's viewpoint. What we say is that we want to assure that the research results will not accrue to a favored few. What we are saying is we want to make certain that any research that is conducted is for the benefit of all of the people of the United States of America and anybody in the United States of America, corporate or otherwise, with an opportunity and a desire to participate will be given a legitimate hearing. That is what that means.

Mr. SAYLOR. I am glad to have that explanation, but nobody ever heard tell of it before.

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to make a lengthy response at this time. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. HANSEN of Washington. As stated in the report, the committee is well aware of the energy shortage facing this Nation. In fact, a reference to our hearings will reveal that this committee was concerned about this situation several years ago. In our hearings on the 1972 appropriation, one will find a most complete description and analysis of our current and projected energy requirements and resources. Corrective action must be taken to remedy this situation. The only question is, what is the proper approach to accomplish this objective.

Now if you will read the report carefully you will note that the committee's failure to recommend funds for this project is not in any sense refusal to approve the coal gasification program. In the words of the report:

> The Committee therefore recommends that, without prejudice, funding be withheld until additional facts and information can be provided.

There are several ramifications for consideration in this connection. The committee has consistently endorsed greater effort in the coal research program. During the past several years the committee has frequently provided funding in excess of the budget estimate. In this instance we have a situation where the regular 1972 budget estimate for the coal research program could have been classified as stringent. Yet even before the appropriation bill for 1972 was signed into law we received a budget amendment asking for an additional $10,280,000 for the coal gasification program.

Mr. Chairman, this budget request is the beginning of an extensive program involving a total investment public and private of at least $296,000,000. It very well could be that the eventual cost will be higher. The committee has learned through experience that it is not wise to immediately jump on the bandwagon when these new programs are presented. I well recall several years ago the dire predictions that were made about our helium supply and what a wonderful program that would be if it were put into action. Now 10 years later after a Government investment of about $210,000,000 we have 28.7 billion cubic feet of helium in storage which at the current rate of usage we are told will last us until about 1995. The Secretary of the Interior is currently doing the best he can to terminate the contracts.

Another example close at hand with regard to the coal research program is the Cresap plant in West Virginia. Several years ago the committee received glowing accounts on the possibilities of making gasoline from coal. In due course the demonstration plant was built. After an investment by the Federal Government of about $21,000,000 we find that the plant was in actual operation for about 20 days. Apparently, the possibility of making gasoline has been discarded and they are now searching for another use for this plant.

These are just a few examples of why the committee is not inclined to accept at face value the optimistic plans that are presented for long-range, high-cost research programs.

There are other considerations. The Senate is currently holding hearings on S. 1846, a bill to establish a coal gasification development corporation. While it is true that at this date we do not know the definite outcome of that proposed legislation, if it should be enacted it would have, I should think, a material impact on the program we are discussing today.

Some experts have contended that even if this process is successful it will require many commercial plants to produce sufficient synthetic gas to provide a meaningful supplement to our natural gas supply. These plants are expensive. It is estimated that they will cost anywhere from $100,000,000 to $200,000,000. Who will provide funding for these plants in order to enhance our supply of natural gas?

A large portion of our coal supply is on public lands situated near the surface in which case it is not conductive to shaft mining but on the contrary would have to be removed by strip mining. There are several bills pending in Congress to restrict or eliminate strip mining. What happens if this legislation is enacted?

Mr. Chairman, these are some of the considerations that were reviewed by the committee in its action on this particular budget request. They raised sufficient doubt in the minds of the committee members to cause them to delay approval of the coal gasification program at this time. As I said in the beginning, the committee action on this budget request today is not a final refusal. Within the next few months we will be receiving the regular 1973 budget estimate. The committee will be glad to consider this program again at that time when there is opportunity to have full and sufficient hearings on all the questions involved and other matters affecting our natural gas supply may have been a little more clearly established. What will additional exploration of our Outer Continental Shelf yield? Will there be any exploration? What developments may take place that will make the natural gas supply in Alaska available to the rest of the Nation?

Mr. RONCALIO. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. Yes; I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I do not want to take too much time at this late hour, but the State of Wyoming is now being strip mined from border to border in order to provide energy resources and coal is being shipped into some 25 States to try to meet the power needs in that area. There has been established a research program in the Four Corners area of Arizona and New Mexico, a program at an additional cost of $25 million.

It seems to me when we cut items such as we have cut this one to the extent of $10 million for some special research for one of the most crucial shortages with which this country is faced, we are cutting off our nose to spite our face.

Mr. Chairman, I hope this money will be restored as soon as possible.

Mrs. HANSEN of Washington. As the gentleman knows, the committee increased the Office of Coal Research appropriation for fiscal year 1972 above the administration's budget request by $4,500,000. We would also like to have some results. I will give the gentleman a specific example: about $21 million was expended on one project to produce gasoline from coal. Do you know how many days the demonstration plant operated? Twenty days.

Mr. RONCALIO. Well, all I know is that with the importation of liquid natural gas from Algeria and the cost of energy and fuels to the people of this country someone has got to look after the consumer. If we cut here, who looks after the consumer?

Mrs. HANSEN of Washington. That is exactly what the committee asked. We have asked what the consumer benefits are. We have asked the administration to bring forth more information.

As our report indicates, the committee's action is entirely without prejudice. I can assure the gentleman that we are deeply interested in this problem.

Mr. RONCALIO. I am grateful for the assurance of the gentlewoman from Washington.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have asked for this time in order to ask the chairman, if I may, a question or two on an item that the gentleman from Iowa discussed with him, and that is the American Revolution Bicentennial Commission which item appears on page 9 of the report.

My question stems from my unfamiliarity with precisely what this means.

Does this mean even though the authorizing committees have not approved any funds for this Bicentennial Commission, they will be able to expend the sums appropriated in this bill?

Mr. MAHON. Mr. Chairman, if the gentleman will yield, this is an ongoing program. It has to do with the American Revolution Bicentennial Commission which is currently operating under the continuing resolution. We expect an authorization will be enacted. There is a provision on page 4 of the bill which stipulates that this appropriation shall be available only after the enactment into law of authorizing legislation by the 92d Congress. So, unless the authorizing legislation is enacted, funds provided in this bill will not be available for obligation.

Mr. WALDIE. But in the meantime, and prior to its authorization, will they be permitted to expend the moneys at the rate appropriated by this bill?

Mr. MAHON. Under the continuing resolution they have been able to expend funds at the rate of 1971 expenditures.

Mr. WALDIE. Mr. Chairman, I see members of the committee disagreeing, apparently, with that statement.

Mr. MAHON. The chairman of the subcommittee is here. Perhaps she may wish to comment. If the gentleman would yield to the gentlewoman from Washington (Mrs. HANSEN), I think she will be able to offer more details.

Mrs. HANSEN of Washington. At the present time they are operating under the continuing resolution with expenditures limited to last year's rate. This appropriation shall be available only upon the enactment of the authorizing legislation by the 92d Congress.

Mr. WALDIE. So, I suppose that the passage of this bill will provide them no funds whatsoever?

Mrs. HANSEN of Washington. Not until the authorization is enacted. I would say to the gentleman that I hope the authorization is enacted soon because there are only 5 more years left until the bicentennial.

Mr. WALDIE. May I say to the gentlewoman from Washington that I am on one of the authorizing committees, the Committee on the Judiciary, and from the hearings we have held thus far I say very frankly to the gentlewoman they do not impress me one bit that this Commission has the slightest idea of what they are about, nor that they are approaching a resolution of the problem in any responsible way whatsoever. I find in fact that it seems to be filled with high-priced public relations men who have not been able to obtain employment in recent years. And until such time as I see an indication that is more convincing to me than at present that they have any idea of what sort of a celebration they are proposing, I for one shall not vote to authorize the appropriation.

Mr. ST GERMAIN. Mr. Chairman, if the gentleman will yield, I believe another fact that I hope is being looked at by the authorizing committee and by the appropriating committee, is that we have found that there are some very lucrative coinage contracts going out to certain mints in this country, and there are some pretty heavy profits involved. I do hope that if that be the case that the taxpayers will be repaid for the sums that have been spent for this before these fat profits are made by certain mints in this country.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. GROSS (and by unanimous consent) Mr. WALDIE was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, if the gentleman will yield, I wonder why the committee saw fit to put $1.8 million into this bill if it cannot be spent? Why did they put in $1.8 million into this supplemental bill?

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Texas, the distinguished Chairman.

Mr. MAHON. This is an ongoing program. There was a budget estimate for the continuation of the program. The program has been operating under the continuing resolution. We have provided funds for the program.

If it is felt that the committee is in error, of course it is the prerogative of the House to eliminate the item from the bill.

Mr. GROSS. If the gentleman will yield further, I just do not understand why the committee put $1.8 million in, and then said that it cannot be spent without the authorizing legislation.

Mr. MAHON. Of course the bill pro-

vides that this appropriation shall be available only after the enactment into law of the authorizing legislation by the 92d Congress.

Mr. GROSS. I am getting some of the same reports the gentleman has indicated that they are getting through their investigation of a tremendous waste in this program. And I do not see why the $1.8 million was put into it under these conditions and terms.

Mr. WALDIE. Mr. Chairman, I would only comment to the chairman of the Committee on Appropriations, Mr. MAHON, that if this is a unique situation, as to why this special treatment should be accorded, I do not believe the report has demonstrated that is the case, that it is a unique situation. But the thing that concerns me is that these people have not the slightest idea of what they are going to do to celebrate the bicentennial of this Nation, and that the money we have given them to come up with some ideas has not been well spent.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we all have a feeling of patriotic pride in regard to our forebears. We honor the American heroes of the Revolution. I thought this was a program that everyone supported, and one that would tend to arouse the enthusiasm and patriotism of the American people to do a better job. We can well afford to consider the glories of the men who fought in the American Revolution.

Now I find that there are some objections to this program. If this program is not being run properly then I want to see it redirected or terminated. That is the way I feel about it. And I shall have the matter looked into.

Mrs. HANSEN of Washington. Mr. Chairman, if the gentleman will yield, may I say that there is a multitude of suggestions on how to run the bicentennial. I am sure you will well remember that it was our former colleague, Congressman Marsh of Virginia, who worked long and hard to start this program for a bicentennial celebration. It would seem somewhat strange that this United States would ignore and not recognize at all the bicentennial of the birth of this country, particularly when France with some pride has celebrated her birthday, and Russia has done the same.

I did not appoint the members of the Commission. I am not complaining and I am not here to apologize for them. I do know this, they have been working diligently on this program. I happen to be a member of the Commission appointed by the Speaker of this House. I have attended their meetings to analyze the programs and the suggestions.

I think it is a very difficult situation to cope with. It should involve all of the 50 States. Everyone wants a different type of participation. There are those on the west coast who feel it should be the West participating to a large extent. Then in the Northeast they feel the focus should be on their region. The distinguished chairman from Texas (Mr. MAHON) has in his city, for example, a group who want to make a meaningful contribution to the bicentennial.

I know it is easy to criticize the President of the United States and the Bicentennial Commission, but I would hope that all of us could get together on a nonpartisan basis and do something constructive about celebrating the bicentennial of this Nation of which I am very proud to be a descendant of some of those colonial patriots.

I can assure the Members of this House that this program will be closely monitored all the way. Most of the activity thus far has been the formulation of plans. There has been little opportunity for the granting of contracts involving "fat profits."

My sole purpose in supporting this appropriation is to say to all the world, "We are proud that in 1776 we established a great new Nation."

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. GROSS. I do not know of anyone who is opposed to the proper observance of the bicentennial of the American Revolution and I know of no one in this Chamber, and I certainly am not; but I would like to know who is going to pay the piper once in a while and speak in behalf of the taxpayers of this country. I just do not know of any reason why the committee should want to pump $1,800,000 into this bill under these circumstances.

Mr. MAHON. We started this program to observe our bicentennial. We cannot start something as important as this and then quit. I would hope these funds are not being misused and, as chairman of the committee, I propose to do everything I can to see that these funds are properly used. I know there is a difference of opinion as to how the funds are to be expended.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. SCHWENGEL. Mr. Chairman, I am not a member of the Commission, as many of you know, but I have been a teacher of history. I am one who believes the story of the involvement of the United States of America is one of the most fortunate things in the history of America is the Bicentennial Commission to commemorate the 200th anniversary of our birth.

I think it is a wonderful thing we are thinking about.

I agree with the gentleman from California that the Commission up to this date has not measured up, but they are discovering their shortcomings and are beginning to counsel with people who have had experience.

This House knows how wonderfully the Civil War Centennial Commission performed and the magnificent contributions that were made and much of it resulted from the voluntary effort of many people with the help again of many of the States in starting their programs.

The Federal Government should furnish more leadership than they have.

I want to commend the chairman of the committee and the committee for putting the money into this bill with the provisos that they did to force the people who are in the leadership of the Commission to present a satisfactory program.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

OFFICE OF EDUCATION

CIVIL RIGHTS EDUCATION

For carrying out title IV of the Civil Rights Act of 1964 relating to functions of the Commissioner of Education, including not to exceed $3,672,000 for salaries and expenses, including services as authorized by 5 U.S.C. 3109, $19,672,000.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 5, line 8, before the section headed "Civil Rights Education," insert a new section reading as follows:

"BILINGUAL EDUCATION

"For carrying out the purposes of Title VII of the Elementary and Secondary Education Act of 1965, as amended, providing for bilingual education, $15 million."

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. YATES. Mr. Chairman, this is an amendment to give the opportunity for an education to 5 million children in the United States who are not now receiving such an education. I am referring to three groups of children primarily: children of Indian families, children of French-speaking families, and children of Spanish-speaking families, particularly the latter, children who are required to obtain their education in schools where English alone is taught. They just cannot handle the situation because they do not speak English, or write it. They are strangers to it.

I have a letter here from one of the teachers in the Chicago school system who wrote to me as follows:

During the four months I taught at Tuley this is what I found: There were no drug addicts and no discipline problems among the Latin-American kids in my classes. On the contrary, they were eager to please, eager to learn, and eager to find a place for themselves in this city. They were seriously handicapped, however, by a lack of English grammar and a lack of basic writing skills. English is the mother of all studies in our schools. No one can comprehend a textbook or write an examination in social studies, for example, without basic competence in the language.

It seems to be obvious that these children need help. Yet the fact remains we are just not providing funds with which to educate them. They are being shortchanged. They are not being given the same opportunities as children who know English.

How much money has been provided so far this year? The authorization bill is in the amount of $100 million. The Appropriations Committee and the Congress voted the sum of $35 million for the bilingual program, and of that amount the Office of Management and Budget has frozen $10 million. Thus there is approximately 25 percent of the entitlement of the authorization being used for this purpose.

As it happens, of the $25 million, only

three States get the major portion of it. The State of Texas gets $5.5 million. The State of California receives $7.5 million. The State of New York receives $2.5 million. Only a small amount remains for all the other States of the Union. Their children are being hurt. They are not receiving the education they deserve. For example, in my State of Illinois, where we have over 60,000 children of Spanish-speaking families, the State of Illinois receives $220,000. This is an outrageously small sum. I am not criticizing the States that have received the money, Mr. Chairman. I am sure that Texas, California, and New York require this money in order to educate their children. The problem is the lack of the funds for the children of other States.

What I object to is the fact that not enough money is made available for children of Spanish-speaking families. They are being shortchanged.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. DANIELSON. I am not totally familiar with the provisions of our law on this subject. Are there any provisions for bilingual education of children of oriental families? I am thinking specifically of Chinese Americans, Japanese, and Filipinos.

Mr. YATES. I would think that the bilingual program is not limited to certain languages. I would think that if the occasion arose—and I can see this happen, for example, in Chinatown in San Francisco—such a program would be available for the children of Chinese-speaking families.

Mr. DANIELSON. Then it is not limited to the French and Spanish-speaking programs?

Mr. YATES. That is right. It is my understanding that it is not limited to those programs.

So, Mr. Chairman, what is happening as a result of the failure to provide adequate education is this. The Chicago Daily News made a survey recently of what was happeneing in the city of Chicago to children of the Spanish-speaking families, and they found the children were dropping out of the inner city schools at the rate of 50 or 60 a day. They are dropping out of our schools. They are having extreme difficulty in obtaining jobs because they cannot write job applications in English, and when they go for a job interview, they are not able to speak English. They cannot, as a result obtain employment. It is a double blow to them. They cannot obtain an education on the one hand in the schools, and on the other hand, they cannot find jobs.

Education is the life's blood of every society. Education is the tool for making progress more so today than even before. I believe it is essential, it is vital to give these children the opportunity to make a place for themselves in our communities. I hope my amendment would be agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

One of the troubles with the gentleman's amendment is that his argument is with the Office of Management and Budget and not with the Congress or with the Appropriations Committee. What happened was the administration asked for $25 million. We appropriated $35 million. They froze $10 million. And give them another $15 million, they would freeze that too. We are not accomplishing anything at all by talking about more money to be frozen. We all think it is a great program. If we did not think so, we would not have appropriated $10 million over the budget request.

However, there is a legitimate argument on the part of the administration. They say that since there is latitude in the use of the funds under other education programs, we should consider the total funds used for bilingual programs rather than just that which bears the specific label—with initial caps—"Bilingual Education Program."

There is a total being used for this purpose of $77,500,000. Under title I of the Elementary and Secondary Education Act we have appropriated $23,500,000 which is being used by schools, at their choosing, for bilingual education. Under title III they are using $9 million, and under Follow Through they are using $7 million, and under adult education they are using another $3 million. In addition to that this $35 million is available. So it is obvious that education people like this program. They want to do something about bilingual education and are doing something about it under several programs. But we have appropriated, already, $10 million more than they asked for. No matter what we appropriate, somebody wants more. Nobody asked the committee to put in more, and we did not hear about it until we got to the floor.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I did state in the full Appropriations Committee that I reserved the right to offer this amendment on the floor.

Mr. SMITH of Iowa. I am talking about when we were holding the hearings and marking up the bill.

Mr. YATES. It is sometimes difficult for the members of the appropriations subcommittees to find out when other subcommittee hearings and markups are being held.

Mr. Chairman, to adopt this amendment would indicate to the administration that the Congress thinks this is of such importance that the administration ought to make even more money available than the $35 million currently appropriated. I think they might reassess their position in freezing the $10 million of the money the Congress made available, recognize the importance of this program, and use the full appropriation including this additional amount.

I think this amendment ought to be approved.

Mr. SMITH of Iowa. Mr. Chairman, I think we have already made it clear that Congress feels this is an important program. We have appropriated $10 million more than they requested and see fit to use.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment.

I take this one moment to supplement what the gentleman from Iowa has said so well. There are 163 ongoing projects. I have the assurance of the Department today that with the 1972 appropriation of $35 million there will be a continuation of the funding of those 163 plus 40 new projects, and that the $10 million which the Congress in its wisdom, we feel, did add to the budget will be made available.

Initially the Office of Management and Budget did not want to spend it, and froze it. I believe we have convinced the folks downtown that it ought to be unfrozen, and this additional $10 million will be obligated this fiscal year, providing further for the 163 ongoing projects and the 40 new ones.

I am happy that my colleague from Illinois, who expresses himself so well for the City of Chicago and environs, has made his position clear, that they have been unduly short changed in Illinois. While I do not have that problem in my district, I will make it my business from this point on to see that we get a better shake out of this, because I believe the gentleman has made a good argument for the city of Chicago. The problem there is just as acute, conceivably, as in the city of New York, and many other geographic areas.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to my colleague from Illinois.

Mr. YATES. I am glad the gentleman made the statement he did. When I called the Office of Education yesterday and made inquiry as to whether or not the $10 million which had been frozen was going to be unfrozen I was told the answer was "No." I am glad to get the gentleman's assurance tonight that the $10 million will be made available for this program. I believe that will be of tremendous help.

I still believe it is inadequate, because even with the $10 million it is still only a little more than one-third of the entitlement to meet a problem which is constantly growing in this country and is not being met properly.

Nevertheless, I thank the gentleman.

Mr. MICHEL. The gentleman has the assurance of this Member that we are certainly going to keep the pressure on. As I indicated, I have been given to understand this would be unfrozen and obligated before the end of the fiscal year. If I find out to the contrary I believe there will be those who will want to make it right.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 4 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I support this amendment that would appropriate an additional $15 million for the bilingual education program established in 1968.

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The Office of Education appropriation for the current fiscal year includes $35 million for this program, though the law authorizes $100 million, and, as if that were not bad enough, the administration has impounded $10 million of the $35 million we finally did appropriate. There is of course no guarantee that they will not impound this additional $15 million too, but our putting it in this bill will demonstrate to them that we mean business, that we want this program to be funded at the $35 million level provided for in the law.

The Bilingual Education Act declares it to be the policy of the United States to provide "new and imaginative" bilingual educational opportunity for elementary and secondary students for whom English is a second language. Such programs include, in addition to straight bilingual education in the public schools, studies on the cultural and historical aspects of the non-English language, preschool programs to increase children's learning potential when they enter school and adult education.

There are in the United States over 5 million children needing bilingual education. Over 600,000 of these youngsters live in my home State of New York, but only about 8,000 of them are presently receiving bilingual education under this program.

There are, as I have said, over 5 million children in the United States who need bilingual education. Many of these children are seriously hampered by their bilingualism, and are unable to get to the head start they need because of this difficulty. Congress, in voting only $35 million for this program, and the administration, in withholding $10 million of that, have not afforded proper recognition to the urgent need to assist these children.

We must significantly increase our commitment to the struggle of Chicanoes, Puerto Ricans, Chinese, American Indians and other linguistic minorities for equal educational opportunity. Funds such as those provided for in this amendment are sorely needed to begin to make the promise of education a reality for all children regardless of language. I urge you to recognize this need and to adopt this amendment.

Mr. Chairman, I believe that many Members sitting here tonight are not aware of the fact that they have as much need for this bilingual education appropriation as is evidenced by our lack of interest in seeing to it that we appropriate a large amount.

In New York we have 600,000 youngsters in the State who could use bilingual education. The funds allocated now only give us the opportunity to provide it for about 8,000 youngsters.

I want to suggest to my colleagues from the other States that the bilingual population in need of this education is spread across this whole country. If we really care about providing children with an understanding of the way in which to build a really good American democracy, we have to give them an opportunity to be educated.

Many people are very concerned about the way the youth are developing in our country. I believe that a bilingual youngster is really disadvantaged in our school system. I believe the bilingual education program has been an excellent program and has recognized that disadvantaged youngsters could be really advantaged and could make fine Americans and contribute much more to our society as a whole if we could but integrate them through education.

I do not believe we should use as an excuse for not increasing the money already authorized the fact that the Office of Management and Budget has not agreed to it. I believe they have not been put under sufficient pressure.

If the Members will look at the figures provided by the Office of Education they will be shocked to find how little money they are getting in their States, as the gentleman from Illinois (Mr. YATES) has pointed out.

I can assure the Members that the amount of money we get in New York is nowhere near what we need to combat the serious problem we have, which largely arises from the fact that the children are not getting good education. I believe this applies to most areas of the country today.

I would urge that we increase the amount, and I support the amendment offered by the gentleman from Illinois (Mr. YATES) for that reason.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, in about a couple of months or so we will be getting ready for hearings on the education appropriation bill for next fiscal year. We are all interested in bilingual education.

Of course, it would take hundreds of millions of dollars per year to fully meet this situation nationally. We are going along as best we can under the present circumstances.

Next year, the Committee, the Congress, and I feel certain the executive branch, will give consideration to what further steps to take. Under all the circumstances of the moment it seems to me it would be unwise to approve the pending amendment, and I therefore ask that it be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was rejected.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a question to the chairman of the Agriculture Subcommittee (Mr. WHITTEN).

In the last several weeks I have received a series of complaints about inadequate funding of section 13 of the School Lunch Act which relates to feeding assistance to low-income children in Headstart, summer camps, and so forth. For example, the compensation for a child in the District of Columbia is reduced from 30 cents to 15 cents in an effort to stretch the District's allotment throughout the entire year. In my State of Ohio we have been allotted $630,000 by the Department of Agriculture, but our documented need is double that, or $1.25 million. Other States have similar deficiencies.

My question is this: Is it possible that the money for some of the States which are short of funds for this program could be obtained by reallocation from those States not using their allocations?

Mr. WHITTEN. Will the gentleman yield?

Mr. VANIK. I am glad to yield to the gentleman.

Mr. WHITTEN. I appreciate the gentleman's interest, as he knows. My recollection is Congress passed legislation providing funds about to the limit of the authorization—I think to the limit of the authorization. That is not a direct reply to the gentleman's question, but we have also involved a formula type of distribution of funds.

As to the particular point the gentleman raises, as to where under the formula and in what way it is distributed in the first instance and how they are using these funds where this is a need after they are transferred to a State that is running behind, I am sorry to say I do not know how to reply. I will be glad to ask the staff and the department to look into the matter and see what the possibilities are and advise the gentleman.

Mr. VANIK. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER V

DEPARTMENT OF COMMERCE

MINORITY BUSINESS ENTERPRISE

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting and developing minority business enterprise, $40,000,000, of which $38,000,000 shall remain available until expended: *Provided*, That $2,000,000 may be transferred to the appropriation for "Minority business enterprise, salaries and expenses" for administrative expenses: *Provided further*, That not to exceed $12,500,000 of this appropriation shall be available for technical assistance, research and information pursuant to title III of the Act of August 26, 1965, as amended (42 U.S.C. 3151).

Mr. ROONEY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, with respect to chapter V recommended by the Subcommittee on Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies, I should like to first explain the five items which are contained in the printed report beginning at page 29, the first of which is the recommendation by the committee for an appropriation of $40 million, the full amount requested in the budget estimate, to foster, promote and develop minority business enterprise. These funds are to be used to provide financial assistance in the form of grants and contracts to national, regional, State and local organizations in support of projects which advance minority business ownership.

Now, the second of the five items concerns salaries and expenses, National Oceanic and Atmospheric Administration, known as NOAA. They requested $532,000 to move certain activities of the National Oceanic and Atmospheric Administration from the National Bureau of Standards site on Van Ness Street in the District of Columbia to a suburb known as Riverdale, Md. The committee did not allow any funds for this item of $532,000, however, but directed that the move could be accomplished with existing funds presently available to the Agency.

As to the National Bureau of Standards, "Plant and facilities," there was a request for $2,100,000 for design and construction of a fire research facility to replace present facilities at the Van Ness Street property which must soon be vacated. The committee recommended $1,750,000 of this amount to cover the plans, design and construction.

Now, as to the U.S. Commission on Civil Rights, the fourth item, the committee has included the additional sum of $344,000 in the pending bill. This, together with the $3.4 million provided in the regular annual appropriation act makes a total of $3,744,000 available for this Commission for the fiscal year 1972, which is an increase of $347,000 over the appropriation for fiscal year 1971.

The last of the five items, one for the Small Business Administration, was a request in the amount of $200,000 for "Salaries and expenses" to provide for 21 new positions to carry out additional responsibilities. The committee has not at all approved this request, but has directed that the Small Business Administration use part of the $80 million in appropriated funds in the hands of the Agency for "Salaries and expenses" to take care of this increased responsibility.

Now, the sixth item to which I shall direct my attention is an amendment which I have pending at the Clerk's desk. This amendment would insert at page 11, line 14, provision for an additional amount of $30 million for Economic Development Administration public works impact program which was just announced today by the Secretary of Commerce.

In his announcement the Secretary of Commerce stated that he was directed by the President to proceed immediately with a public works impact program to create new and useful jobs, now in areas of high unemployment.

This program was authorized as an expansion of the Economic Development Administration legislation last August 5.

Under this special impact program EDA can fund a wide variety of job-creating construction projects. The Agency would be able to use $27 million now in their hands and available for these purposes, together with the $30 million recommended in the pending amendment.

The 14th Congressional District in Brooklyn, N.Y., is vitally interested and would participate in this program.

AMENDMENT OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY of New York: Page 11, line 14, after "DEPARTMENT OF COMMERCE," insert:

"ECONOMIC DEVELOPMENT ADMINISTRATION

"DEVELOPMENT FACILITIES

"For an additional amount for development facilities, as authorized by title I of the Public Works and Economic Development Act of 1965, as amended, $30,000,000."

Mr. ROONEY of New York. Mr. Chairman, I might add that I have the advice of the Director of the Office of Management and Budget, Executive Office of the President, Mr. George P. Shultz, to the effect that they will use these $30 million immediately for the purpose of this impact public works program.

I know many Members are interested in this subject, and I trust that the pending amendment will be adopted.

Mr. BOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say that the gentleman from New York (Mr. ROONEY) has discussed this matter with the subcommittee since this matter came to our attention today. This is a very worthwhile project to put people to work, and I feel that on this side of the aisle we are willing to accept the amendment, and I ask for a vote, Mr. Chairman.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it should be repeated that the amendment would provide additional funding for ongoing programs under the EDA.

The administration has come out strongly for additional funds in a communicaton today. We do not have an official budget estimate, but we do have a statement to the effect that the funds are needed and are required. It seems highly probable that the funds will be provided by this body, or the other body. Under the circumstances—and I have no authority to speak for the committee on the program—I see no reason why the amendment should not be adopted. I regret that a formal budget amendment from the President has not yet arrived.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROONEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELATED AGENCIES

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

For an additional amount to enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1969 (Public Law 91-143), including acquisition of rights-of-way, land and interests therein, to remain available until expended, $38,011,000 for the fiscal year 1972.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I take this time—and I will try not to use any of the 5 minutes—to ask if this item of $38,011,000, for that glorious subway construction in the District of Columbia, will include the payment for damages of sidewalks falling in, such as happened near the Treasury Building, the damage that has already been done to the Treasury Building, and any other damage caused by this work?

Will this $38 million take care of these damages, or will Congress be called upon to provide more millions through other appropriations to take care of the damages that are being caused in downtown Washington by the construction of this thing?

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course. I am glad to yield to my friend.

Mr. McFALL. The money is for the Federal contribution, the balance of the $188 million which was earlier requested in an earlier bill. We paid $150 million. By this we provide the balance of the request that was earlier made.

I regret to say that I do not know the answer to the gentleman's question about the damage. The specific request for these funds is for matching funds for the construction of the subway. I will attempt to find out at the earliest time possible the answer to the gentleman's question by asking the Metro authorities what these damages are to which the gentleman refers, and how they will be paid.

I assume that they will be paid if the U.S. Government is liable, or if the District government is liable in any way for damages to buildings in downtown Washington, naturally they will have to be paid.

Mr. GROSS. I do not know how the U.S. Government could be liable, except that it is just money, and they never have any money in the District of Columbia. These leeches are always after us for more money. Next they will want our blood.

Mr. McFALL. Naturally, the gentleman is correct, it would be the Washington Metropolitan Transit Authority's blood.

Mr. GROSS. I doubt that under the language contained here, that this $38 million could be used to pay for any of these damages. I suspect there will be a nice fat bill for those damages later. I would suggest that we board up the holes that have been dug down in the city and use them for bomb proofs. When the taxpayers in California and Iowa finally find out what has been done to them here, some people will need those subway holes to crawl into to escape the wrath of the taxpayers.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. THOMPSON of Georgia. Would the chairman of the subcommittee remain? I would like to ask a question of him, if the gentleman from Iowa will yield for that purpose.

During the discussion of the appropriation, is there any mention at any time made about requiring competitive bids on any of the major expenditures?

I know we have had a number of scandals in the past concerning expenditure of public funds on contracts that were let with favoritism and sometimes charges of improper actions and, indeed, bribes in certain cases; is there anywhere in this authorization bill or the appropriation bill involved a requirement for competitive bidding on letting of contracts?

Mr. McFALL. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the gentleman.

Mr. McFALL. It is my understanding that competitive bidding is the law in the letting of all these bids. All those contracts are let on the basis of bids.

The area we did have which was referred to as to whether or not some of these bids might be let without competition, we were assured that they could not. This was a question in relation to the minority businessmen who wanted to obtain contracts that would not be in competition.

The Washington Metropolitan Authority people told us they did later in the day at a hearing downtown say that this was impossible to do without competitive bids. I think that is the answer to the gentleman's question.

Mr. GROSS. It has been suggested to me that there is a chapter VIII in this bill entitled "Claims and Judgments" with $19 million. Next year it will probably be back with that amount or more to pay damage claims incidental to this subway construction.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

CHAPTER IX

GENERAL PROVISION

SEC. 901. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEED of Oklahoma.

AMENDMENT TO H.R. 11955, A BILL MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1972, AND FOR OTHER PURPOSES

On page 15 after line 17 add the following sentence: The first proviso in the second paragraph of title I of Public Law 92–48 is amended by striking the first proviso therein.

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Iowa. My point is that the amendment refers to a provision that was in an appropriations act but is now a public law. Therefore, the gentleman is trying to amend a public law, and that would be legislation upon an appropriation bill.

The CHAIRMAN. Does the gentleman from Oklahoma wish to be heard on the point of order?

Mr. STEED. Yes, Mr. Chairman. The amendment deals with an office which is included in the bill and involves funds that are under the jurisdiction of the provisions of this bill. It is a limitation and deals with a limitation.

Mr. O'HARA. Mr. Chairman, I ask to be heard on the point of order. The provisions which the gentleman from Oklahoma is now offering to strike was carried in the Education Appropriation Act. An effort was made to strike the provision out of the Education Appropriation Act on the ground it was legislation on an appropriation. That point of order was overruled. I do not see how an amendment offering to strike that provision from the Education Appropriation bill could possibly be legislation.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Iowa (Mr. SMITH) has made a point of order against the amendment offered by the gentleman from Oklahoma (Mr. STEED) on the ground that the amendment constitutes legislation on an appropriation bill in violation of clause 2, rule XXI. The amendment proposes to amend Public Law 92–48 by striking out the first proviso in the second paragraph of title I of that law. That proviso requires that none of the funds contained in the second paragraph of title I of Public Law 92–48—funds for school assistance in federally affected areas—shall be available to pay any local educational agency in excess of 73 percent of the entitlement of such agency pursuant to section 3(b) of title I of Public Law 81–874.

Clearly, the amendment offered by the gentleman from Oklahoma would repeal a provision in existing law and would thereby constitute a change in the restrictions on the availability of funds imposed by that law. The Chair holds that the amendment constitutes legislation on an appropriation bill in violation of clause 2, rule XXI, and sustains the point of order.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11955), making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. THOMPSON of Georgia. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. THOMPSON of Georgia. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MAHON, BOW, THOMPSON of Georgia, and SMITH of Iowa.

The Committee divided, and the tellers reported that there were—ayes 271, noes 20, not voting 139, as follows:

[Roll No. 430]

[Recorded Teller Vote]

AYES—271

Abourezk	Griffin	Nelsen
Abzug	Gude	Nichols
Adams	Halpern	Obey
Anderson, Calif.	Hamilton	O'Hara
	Hanley	O'Neill
Archer	Hansen, Idaho	Passman
Arends	Hansen, Wash.	Patten
Aspin	Harrington	Pepper
Aspinall	Harsha	Perkins
Baring	Harvey	Pettis
Begich	Hastings	Pickle
Bennett	Haya	Pike
Bergland	Hechler, W. Va.	Pirnie
Betts	Heckler, Mass.	Podell
Bevill	Heinz	Powell
Biester	Helstoski	Preyer, N.C.
Bingham	Henderson	Price, Ill.
Boggs	Hicks, Mass.	Price, Tex.
Boland	Hicks, Wash.	Purcell
Bolling	Hogan	Quie
Bow	Horton	Randall
Brademas	Hosmer	Rangel
Brinkley	Howard	Rees
Brooks	Hungate	Reuss
Broomfield	Hunt	Rhodes
Brotzman	Hutchinson	Riegle
Brown, Ohio	Ichord	Robinson, Va.
Broyhill, N.C.	Jacobs	Robison, N.Y.
Broyhill, Va.	Johnson, Calif.	Roe
Buchanan	Johnson, Pa.	Rogers
Burke, Fla.	Jones, N.C.	Roncallo
Burke, Mass.	Kastenmeier	Rooney, N.Y.
Burleson, Tex.	Kazen	Rosenthal
Burlison, Mo.	Keating	Roush
Byron	Kee	Roy
Cabell	Keith	Roybal
Caffery	Kemp	Ruppe
Camp	Kyl	Ruth
Carney	Kyros	Ryan
Carter	Latta	St Germain
Chisholm	Leggett	Sandman
Clausen, Don H.	Lennon	Satterfield
	Link	Saylor
Clawson, Del	Lloyd	Scherle
Collier	Long, La.	Scheuer
Conable	Long, Md.	Schwengel
Conte	Lujan	Scott
Coughlin	McClory	Sebelius
Daniel, Va.	McCollister	Seiberling
Daniels, N.J.	McCormack	Shoup
Danielson	McCulloch	Shriver
de la Garza	McDade	Skubitz
Delaney	McDonald, Mich.	Slack
Dingell		Smith, Iowa
Dow	McEwen	Smith, N.Y.
Downing	McFall	Snyder
Drinan	McKay	Spence
Dulski	McKinney	Springer
Duncan	Madden	Staggers
du Pont	Mahon	Stanton, J. William
Dwyer	Mailliard	
Eckhardt	Martin	Stanton, James V.
Edwards, Ala.	Mathias, Calif.	
Edwards, Calif.	Mathis, Ga.	Steed
Erlenborn	Matsunaga	Steele
Esch	Mayne	Steiger, Ariz.
Eshleman	Mazzoli	Steiger, Wis.
Fascell	Meeds	Stephens
Fish	Melcher	Stokes
Flowers	Michel	Stratton
Foley	Mikva	Stubblefield
Ford, Gerald R.	Miller, Calif.	Stuckey
Ford, William D.	Miller, Ohio	Symington
	Mills, Md.	Talcott
Forsythe	Minish	Taylor
Frelinghuysen	Mink	Terry
Frenzel	Minshall	Thompson, Ga.
Frey	Mitchell	Thomson, Wis.
Fuqua	Mollohan	Tiernan
Galifianakis	Monagan	Udall
Gallagher	Moorhead	Van Deerlin
Gaydos	Morgan	Vander Jagt
Gonzalez	Mosher	Vanik
Goodling	Moss	Vigorito
Gray	Murphy, Ill.	Waldie
Green, Oreg.	Myers	Ware
Green, Pa.	Natcher	Whalen

Whalley	Winn	Young, Fla.
White	Wolff	Young, Tex.
Whitehurst	Wright	Zablocki
Whitten	Wyatt	Zion
Widnall	Yates	
Williams	Yatron	

NOES—20

Blackburn	Dickinson	Montgomery
Chappell	Gross	O'Konski
Colmer	Haley	Rarick
Crane	Hall	Schmitz
Davis, Wis.	Jonas	Smith, Calif.
Dellenback	Landgrebe	Veysey
Dennis	Mann	

NOT VOTING—139

Abbitt	Devine	McKevitt
Abernethy	Diggs	McMillan
Addabbo	Donohue	Macdonald, Mass.
Alexander	Dorn	Metcalfe
Anderson, Ill.	Dowdy	Mills, Ark.
Anderson, Tenn.	Edmondson	Mizell
	Edwards, La.	Morse
Andrews, Ala.	Eilberg	Murphy, N.Y.
Andrews, N. Dak.	Evans, Colo.	Nedzi
	Evins, Tenn.	Nix
Annunzio	Findley	Patman
Ashbrook	Fisher	Pelly
Ashley	Flood	Peyser
Badillo	Flynt	Poage
Baker	Fountain	Poff
Barrett	Fraser	Pryor, Ark.
Belcher	Fulton, Tenn.	Pucinski
Bell	Garmatz	Quillen
Biaggi	Gettys	Railsback
Blanton	Giaimo	Reid, N.Y.
Blatnik	Gibbons	Roberts
Brasco	Goldwater	Rodino
Bray	Grasso	Rooney, Pa.
Brown, Mich.	Griffiths	Rostenkowski
Burton	Grover	Rousselot
Byrne, Pa.	Gubser	Runnels
Byrnes, Wis.	Hagan	Sarbanes
Carey, N.Y.	Hammer-schmidt	Schneebeli
Casey, Tex.		Shipley
Cederberg	Hanna	Sikes
Celler	Hathaway	Sisk
Chamberlain	Hawkins	Sullivan
Clancy	Hébert	Teague, Calif.
Clark	Hillis	Teague, Tex.
Clay	Holifield	Thompson, N.J.
Cleveland	Hull	Thone
Collins, Ill.	Jarman	Ullman
Collins, Tex.	Jones, Ala.	Waggonner
Conyers	Jones, Tenn.	Wampler
Corman	Karth	Wiggins
Cotter	King	Wilson, Bob
Culver	Kluczynski	Wilson, Charles H.
Davis, Ga.	Koch	
Davis, S.C.	Kuykendall	Wydler
Dellums	Landrum	Wylie
Denholm	Lent	Wyman
Dent	McCloskey	Zwach
Derwinski	McClure	

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks during the consideration of the rule, House Resolution 719, making in order the consideration of H.R. 11955.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on H.R. 11955, the supplemental appropriation bill and to include extraneous matter.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 1116, PROTECTION OF WILD FREE-ROAMING HORSES AND BURROS

Mr. BARING. Mr. Speaker, I call up the conference report on the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 29, 1971.)

Mr. BARING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to summarize the conference report on S. 1116, a bill to require the protection, management, and control of wild free-roaming horses and burros on the public lands.

There were eight points of difference between the Senate and House versions of S. 1116, and I am happy to report that all of these points were successfully resolved. As a result of the conference, it is my sincere feeling that the bill was substantially strengthened and clarified and that the measure before us today will fully protect these animals from the harm, harassment, abuse, and wanton killing that has been all too common in the past.

The eight points of difference and the compromise language adopted by the conferees will be summarized.

First, the definition of "range" was amended to remove any implication that these animals should be confined to fenced or otherwise enclosed areas. It was the feeling of the conferees that fenced ranges or close confinement would destroy the unique characteristics of these animals and relegate them to a zoo-like existence. The goal of the legislation is protection in a natural state rather than single-use management of wild horses and burros.

Second, the role of State wildlife agencies, as contained in the House version, was modified to clarify that this role was advisory and to emphasize consultation between State and Federal agencies for the management of wildlife and wild horses and burros using the public lands.

Third, the manner of disposal of the remains of a wild horse or burro was modified to permit any method of disposal so long as the remains were not sold for any consideration.

Fourth, individuals maintaining wild horses and burros are required, in accordance with the Senate version of S. 1116, to notify the Secretary and report the number of animals so maintained.

Fifth, the phrase "except for normal and prudent husbandry needs," as contained in the House version of S. 1116, was deleted. Retention of this provision could have substantially weakened the protective provisions of the proposal.

Sixth, the term "harassment" was adopted in place of "substantial harm" in order to widen the scope of prohibited activities and to assure maximum protection for these animals.

Seventh, with respect to the assessment of fines, the conferees adopted language which provides for trial and sentence by any U.S. commissioner or magistrate designated for that purpose by the court by which he was appointed. This will assure prompt and effective enforcement.

Eighth, the conferees adopted the Senate language which authorizes and directs the Secretary to undertake studies of the habits of wild horses and burros.

Mr. Speaker, the differences between the two bills were never of major significance, and I am pleased to report that I feel the bill we now have is a good piece of legislation, and I heartily endorse its enactment by the House.

Mr. KYL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania and I were the conferees on this side of the aisle and believe this is an excellent bill and deserves unanimous support.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I wish to congratulate the committee and all who have worked on this legislation and, particularly, to congratulate the gentleman from Nevada, the chairman of the subcommittee, who has put many hard hours of work into this program and who has taken many perilous rides up and down the various canyons across the country.

Mr. Speaker, I have read the report of the conferees on the legislation to protect the remaining wild horses and burros of the west with great interest and I wish to sincerely thank and congratulate all of my colleagues whose efforts and support have brought this bill to this point.

I think that a note of special thanks is due to our colleague, the Honorable WALTER BARING, chairman of the Public Lands Subcommittee and floor manager for this bill. Without Congressman BARING'S full support and diligent work, I fear that the few remaining wild horses would soon become extinct through a lack of adequate Federal protection.

As the original sponsor of this legislation in the 92d Congress, I know of the widespread attention and support it has received. Much of its backing came literally from thousands of young people whose deep concern over the part that these wild horses have played in our heritage has in no small way insured its passage.

Approval of this legislation offers clear proof to those young people that the Congress can and will respond to their legitimate concerns.

Again, Mr. Speaker, my thanks to all who have devoted their time and efforts to bring this most important legislation into reality.

Mr. MELCHER. With over 100 Members cosponsoring bills to provide fed-

eral protection for wild horses on public lands, our Public Lands Subcommittee in the House Interior Committee held extensive hearings involving scores of witnesses from all over the country. A nationwide letter writing campaign involving youngsters and older people had deluged members of the committee stressing the needs of legislation that would preserve for future American generations the sights of wild horse roaming the range.

Of the bills introduced, almost all had a key feature of creating actual refuge areas for wild horses on public lands where they would be unmolested by man. There is one such refuge in the United States now—the Pryor Mountain Wild Horse Range—and it is in Southern Montana with a small portion of its 32,000 acres in Wyoming. It is administered by the Bureau of Land Management and is fenced separately, leaving the 2 to 3 hundred horses considerable space for their roaming. The original proposals in the bills were to create other such ranges on public lands in various parts of the country where needed.

During and following the hearings the cost factor involved in setting up separate ranges seemed to become the dominant issue. The proposals were advanced that the protection be extended to horses on public lands wherever they were found if they could be identified as "wild horses" as defined in the proposed bill. This resulted in a broad bill with a broad definition of "wild horses" with broad coverage upon any public lands of the United States. This is the bill that the House has passed and the Senate has passed and agreed to by conferees. It is legislation difficult to enforce in many of the vast areas of public lands in the United States.

First of all the definition of a "wild horse" in the bill is a "wild, free roaming horse unbranded and unclaimed." There are about 660 million acres of public lands in the United States—about one-third of the total land area. Over half of the two-thirds billion acres is in Alaska and it is not believed that much of the public land in that state will be concerned with this bill. All the wild horses as defined that are on public land comes under the protection of the Secretary of the Interior or the Secretary of Agriculture.

There is no way of identifying the wild horse as being separate and distinct physically from other horses. Some of the testimony before the committee dwelt on the descendants of Andalusian and Barb strains of horses imported by early Spanish explorers. There is an anatomical difference in these horses in the number of lumbar vertebrae and the fusion of the lumbar processes. This anatomical characteristic can only be ascertained by X-ray or by viewing the skeleton following death of the animal. Wild horses as defined in the bill in fact are not in any way necessarily a separate strain of horse, and indeed many of them are strays that have wandered from private herds and have led a wild and free life on their own.

This is not difficult to understand when one considers that much of the public land is intermingled with private land. In fact, almost 55 million acres of the public land has been acquired by the Federal Government from individuals, States, or other governmental units. Even as recently as the 1930's a great amount of Federal land was acquired through the Bankhead-Jones Act where the Federal Government purchased back marginal lands which are now administered by the Bureau of Land Management. This intermingling of land; that is, land that is both privately and publicly owned, makes also for intermingling of horses, particularly in the West where much of the public land is not fenced separately from the private land.

It was for this very reason that the Pryor Mountain Wild Horse Range was established to assure a sizable herd of wild and free roaming horses the opportunity to remain that way, protected by the BLM. This was a two-way street because the wild horses were no longer bothered and the surrounding citizenry with private lands and their own horses were not bothered by the wild horses. Setting up other areas similar to this range where needed in the country would have avoided much or all of the following problems into which this bill, S. 1116, will lead us.

It would in fact make a lawbreaker out of a good samaritan who drove an injured or sick wild horse into his corral on his own land in order to give aid unless he had prior approval of a Federal agency.

Wild stallions breeding domestic horses poses a problem, but under the bill, without prior approval from the appropriate Federal agency, it would be illegal to even remove the stallion from a pasture on public lands to hold in confinement until a decision could be made as to where the stallion should be allowed to roam on mixed private and public lands that are not fenced separately.

Any disease control necessary for the wild horses would be the responsibility of the Federal agencies as well as determining what to do with the old and the crippled.

It is a big order and we would be better off if we followed the pattern set by the Pryor Mountain Wild Horse Range where the horses are kept separate and under direct control of BLM officials.

Mr. BARING. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report on S. 1116.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have requested this time in order to ask the majority leader to announce the program for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished minority whip yield?

Mr. ARENDS. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, in response to the gentleman's request, this concludes the business for this week.

We will meet on Monday.

The first order of business is the Consent Calendar to be followed by the following 12 suspensions:

H.R. 45, Institute for Continuing Studies of Juvenile Justice;

Senate Joint Resolution 176, interim extension of certain housing and banking laws;

H.R. 11570, Manpower Training Act amendment;

H.R. 11809, maintaining Postal Service property as Government property in impact areas;

H.R. 9526, naval vessel loans;

H.R. 11624, Transpo 72 authorization;

H.R. 8856, additional Deputy Secretary of Defense;

H.R. 11738, Defense Department Aid to Boy Scouts;

S. 1237, medical care facilities aid;

S. 2887, river basin authorization;

H.R. 10420, marine mammals protection; and

H.R. 10384, recreational development at fish and wildlife areas.

For Tuesday and the balance of the week we have the call of the Private Calendar, followed by S. 2007, the Economic Opportunity Act Conference Report.

This will be followed by the foreign aid appropriation bill, subject to a rule being granted.

Then there is H.R. 1163, Strategic Storable Agricultural Commodities Act, also subject to a rule being granted.

And, finally, H.R. 11309, the Economic Stabilization Act, subject to a rule being granted.

Conference reports may be brought up at any time and any further program will be announced later.

There are a number of conference reports, including the tax bill, and probably the foreign aid bill which may be called up at any time during the week. It is probable that the tax bill will be called up on Thursday of next week.

Mr. ARENDS. Mr. Speaker, does the gentleman from Louisiana entertain any idea at all that we might finish up next week?

Mr. BOGGS. Well, I entertain an idea, yes.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I wonder if it is possible to get a gentleman's agreement here that on Monday next there will be no rollcalls on any business presented prior to 1 p.m.? I make this request because of

the fact of the passing of Mrs. McCormack, the wife of our former dearly beloved Speaker, John W. McCormack.

The funeral arrangements are being made for Monday morning, and there are about 40 Members of Congress, as I understand, who will attend the funeral, and who will not be able to get back to Washington until 1 p.m. on Monday.

So as I say, I was wondering if we can get a gentleman's agreement that there will be no rollcalls prior to 1 p.m.

Mr. ARENDS. Mr. Speaker, just speaking for myself, and I am sure that this is a matter for the leadership to decide on that side of the aisle, but certainly I would be glad to cooperate with any decision that they may reach.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, certainly that would be my hope, and I am sure the hope of the Speaker, to request not to have a quorum call or rollcalls prior to 1 p.m. on Monday. The gentleman from Massachusetts (Mr. BURKE) of course knows the problems that arise. I would say to the gentleman that if a request for a quorum call is made prior to 1 p.m., which I do not anticipate, that we would ask that it be postponed until later in the afternoon.

I would think that we will all be willing to cooperate in this matter in view of the passing of the beloved wife of our former Speaker.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, would that be with the assurance of the majority leader that there will be a rollcall even though it might be postponed?

Mr. BOGGS. If the gentleman will yield, there is no question about that.

Mr. GROSS. No question about that?

Mr. BOGGS. None at all.

Mr. GROSS. I thank the gentleman.

Mr. ARENDS. Mr. Chairman, I thank the gentlemen.

ADJOURNMENT OVER TO MONDAY, DECEMBER 6, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PHANTOM JETS FOR ISRAEL

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I am honored to have been named as one of the House conferees on the Defense appropriation bill to be discussed by a House-Senate conference committee. One of the major recommendations to be made by us involves the appropriation of $500 million in military credits for Israel, with $250 million earmarked for Phantom jet aircraft requested by the Israel Government.

I want to state that I support and will urge approval of the amendment sponsored by Senator JACKSON and adopted by the Senate by a vote of 82 to 14 to earmark funds for the Phantom jets for Israel. The issue of maintaining a balance of military power in the Middle East is vital to the security of the entire world and that issue must not be underestimated by the American people or by the Congress. Recent threats by Egypt to renew the war in the Middle East and the continued shipment of bombers and other military equipment to Egypt and her neighboring Arab States have aggravated the tense situation in that area.

I have been disturbed by the lack of factual information being made available to the American public by this administration about the nature of the Soviet support for the Arab States and the nature of the danger to world security. I have also made a number of statements in the House about my deep concern that this administration was bringing about serious misunderstanding about our relations with Israel by bringing undue pressure on Israel to make concession in indirect negotiations for a Mideast settlement. A lasting peace can only come about through direct negotiations which require recognition of the sovereignty of all parties involved.

The amendment before the conference committee takes on special importance in light of the cloud which hangs over the foreign aid bill as this session of the 92d Congress nears an end. Because the foreign aid bill may not be passed this year we must attach the Phantom jet amendment to the Defense appropriation bill to assure that our policy in the Middle East will be clear to all concerned. If the renewal of war in that area of the world is to be prevented, then Israel must remain strong and able to deter an Arab war strategy. That is the best way to ward off the kind of aggression that could involve foreign troops on Israel's territory and bring about another decade of tragic warfare.

Finally, I believe that it is important to remember that a majority of the Members of the House and of the other body have cosponsored previous resolutions urging the President to supply Israel with the Phantom jets requested for her security. For that reason I believe the conferees should approve this amendment to the Defense appropriation bill and earmark funds for that purpose.

APPROPRIATIONS FOR WELFARE ASSISTANCE IN THE DISTRICT OF COLUMBIA

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, the District of Columbia Appropriations Bill will be coming before the House for consideration later today. Most of the public attention thus far has centered on the fate of the Metro subway. But there is another aspect of the bill that could have a devastating effect on poor people in the District of Columbia.

The Appropriations Committee has callously cut out of the District budget $8,000,000 for welfare assistance in the District of Columbia. I don't believe the committee fully appreciated what this cut will do to poor families in the District of Columbia. The average welfare family in this city receives a benefit of $203 a month. Most of these payments are for the benefit of young children. Under the committee bill, the payment to these families will be reduced by half to $102 a month. As the White House Conference on the Aged meets this week in Washington, the committee would cut benefits to the elderly in the District from $92 a month to $49. The blind will be cut from $109 a month to $58, and the handicapped from $106 a month to $56.

Mr. Speaker, I have attempted to be restrained in my actions here in the House, but this action is an outrage against the sensibilities of decent men. It is an outrage against the poor children, the elderly, the blind, and the handicapped who have nowhere else to turn for help.

With these cuts, Mr. Speaker, I can assure you that we may well have children in this city, the seat of government of the wealthiest Nation in the world, dying of starvation. These people live on the fringes of our society at present benefit levels; there is no way that they can continue to exist at the reduced levels proposed by the committee.

If I thought it would do any good, I would ask my colleagues in the House to restore the welfare money to the bill. I have been here long enough to know that this will not happen. I can only hope that commonsense and sanity will prevail in the Senate and the money will be appropriated to avoid these cuts. Common decency demands no less.

AIRLINE HIJACKINGS

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, recently the Washington Post carried a most disturbing Associated Press report about an alleged Cuban conspiracy to hijack airliners.

According to the article, Mr. John Masefield, chairman of the British Government board which controls major airports, yesterday charged that the recent upsurge in airline hijackings can be blamed on a Cuban-based Communist conspiracy. Mr. Masefield made the charge at an International Conference on Airport Security. In his report to the Conference, he charged that Castro in 1966 organized a school for hijackers in Havana.

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The House Foreign Affairs Subcommittee on Inter-American Affairs, since the very first hijacking to Cuba, has been following this matter most closely. In 1970, the subcommittee conducted extensive hearings on the hijacking question. While some of the hijackings may have been carried out with the advance knowledge of the Cuban Government, no information has to date been brought to the subcommittee's attention regarding the kind of conspiracy alleged by Mr. Masefield.

Prime Minister Castro now, in fact, has a perfect opportunity to demonstrate to the world that he does not encourage hijackings. Castro can do this immediately by returning to the United States the three escaped murderers who hijacked a plane from New Mexico to Havana last Saturday. These three criminals can not by any stretch of the imagination be considered political refugees. They are killers and should be treated as the outlaws they are.

If Castro does not return these three killers, it will be difficult to escape the conclusion that he is not interested in even beginning to bear the minimum responsibilities of membership in the hemisphere community. Continuance of Cuba's open door policy toward every form of malcontent from the mentally ill to murderers who can, through bluff or threat, commandeer an airliner, can only lead eventually to needless tragedy and death. Castro should avail himself of this opportunity to serve notice on the criminals of the world that they will not find a safe haven in Cuba.

Mr. Speaker, because of the serious nature of Mr. Masefield's charge of a Cuban hijacking conspiracy, I want to assure all my colleagues that the Inter-American Affairs Subcommittee will continue to fully explore this entire question.

PUBLIC PROTECTION AGAINST CRIPPLING STRIKES

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, we need effective legislation to protect the public interest against crippling strikes. It should hardly be necessary to point out the deficiency of current law. We have only to look at the terrible economic plight of American farmers, consumers, and foreign buyers of American goods as a result of the dock strikes this year.

H.R. 3596, or some similar bill, is needed to deal in a positive, equitable and sensible way with the threat—or the reality—of national emergency strikes that arise from time to time in the transportation industry.

Dock strikes are taking a terrible toll in farm income. Last year U.S. agricultural exports hit an alltime high of $7.8 billion. Mississippi farmers shared in this record export achievement to the tune of $222 million.

Mississippi ranked second last year in export value of cotton with $79.2 million. Our farmers ranked eighth in soybeans with $62.4 million, fifth in rice exports with $7.8 million and seventh in poultry with $2.9 million. The value of Mississippi protein meal exported was $17.9 million and the soybean oil export value was $12 million.

The west coast ports were closed in July. They were reopened by Federal injunction after a 100-day stoppage that reduced agricultural shipments through these ports by about $200 million.

East and gulf ports closed in October. Some have been open part of the time since then. Many have been closed for all that period. Now, court injunctions are causing some of the east and gulf ports to reopen.

But the damage has been largely done already. Perishable farm commodities have rotted and had to be destroyed. Grain and soybeans have suffered millions of dollars of damage because the crops had no way to move into established export markets, and storage alongside docks is not available.

One of the most insidious facets of dock strikes is the effect they have on other segments of the economy. Because ports are closed, loaded barges and trains and trucks back up all the way to the harvest fields. As inland transportation grinds to a halt, domestic markets deteriorate.

It is estimated that closing east coast and gulf ports has reduced the farm value of soybeans as much as 25 cents a bushel, and has reduced corn prices as much as 10 cents a bushel. They are affecting farm exports that normally would amount to $70 million a week.

Mr. Speaker, I urge immediate action to remedy this situation.

TO AMEND LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I am introducing, for appropriate reference, a bill to amend the Longshoremen's and Harbor Workers' Compensation Act.

This act provides workmen's compensation protection to approximately 1 million working men and women subject to Federal jurisdiction. These working people include longshoremen, ship repairmen, harbor workers, and other offshore workers, workers at the U.S. defense bases outside of the United States, and workers employed in private industry in the District of Columbia.

Amendments to the Longshoremen's and Harbor Workers' Compensation Act are long overdue. This act has not been amended since 1961. At that time it was considered one of the outstanding workmen's compensation acts in the Nation. It was, in 1961, a leader in the field of workmen's compensation along with the Federal Employees' Compensation Act. At that time only four State workmen's compensation laws afforded greater protection to injured workers and their families than this act. Today, however, at least in terms of wage-loss benefits, 20 State laws afford injured workers greater protection than the Longshoremen's and Harbor Workers' Compensation Act.

Congress demonstrated a deep concern for providing adequate workmen's compensation protection for injured American workers and their families in 1966. The amendments to the Federal Employees' Compensation Act Congress enacted at that time supply only to Federal employees. However, the objective of Congress in the matter of workmen's compensation is clear, and this bill to amend the Longshoremen's and Harbor Workers' Compensation Act is consistent with the goals expressed in the 1966 amendments to the Federal Employees' Compensation Act.

The proposed amendments to this act would substantially improve the workmen's compensation protection provided to covered workers and their families, or in cases of fatal work injuries to their surviving dependents. A major provision of this bill would eliminate the present $70 limit on the maximum weekly compensation benefit available to injured workers. It would also increase the minimum benefit level to reflect changes which have taken place in wage levels throughout the economy since 1961.

This amendment to improve the benefit structure of this act would afford the highly productive high wage workers covered by this program with the protection the Congress originally contemplated. Section 8 of the Longshoremen's and Harbor Workers' Compensation Act specifically provides for the payment of weekly benefits equal to 66⅔ percent of the injured worker's average weekly wage. However, this clearly expressed protection for injured workers and their families has for many years been denied. This denial has resulted from the application of the unrealistic maximum weekly benefit amount stated in section 6 of the act. Other amendments would also modernize and update the benefit structure of the act to provide compensation at the end of a schedule award to make up the difference in the wages earned by an injured worker after his return to work if he is unable to attain his former wage level.

The burial allowance provided in this act is one of the lowest in the Nation; the amendments would raise this benefit to a level that is comparable with other jurisdictions. The disfigurement benefit would not be increased above present levels in the act, but this benefit would be payable for serious injuries to additional areas of the body—presently only disfigurement of the face or head are compensated—which might hinder a worker in efforts to obtain employment. Deputy Commissioners would also be given authority to charge insurance carriers for medical examinations in some cases.

Dependent surviving children would also benefit from the proposed amendments in some cases. The bill provides that surviving dependent children would be entitled to benefits until age 23—presently 18 years—if the child is pursuing a full-time course of study at an accredited university.

Additional amendments would reduce the retroactive period for benefit payments from 28 days to 14 days. The second injury fund provisions of the act, designed to promote the hiring of the handicapped, would be modernized and strengthened. The employer's liability in second injury cases would be limited to benefit payments of 104 weeks or the existing benefit schedule in the act, whichever is greater; additional benefit payments, if any, would be paid from the second injury fund. The financing of this fund, already established by existing provisions in the act, would be strengthened through increased payments to the second injury fund in no-dependency fatal work injury cases and through assessments against insurance carriers if needed.

The bill would also eliminate a serious inconsistency in the present law. The existing benefit ceiling of $24,000 applicable to injuries involving temporary total or permanent partial disability would be removed. Monetary limits of this type are inconsistent with the basic goal of workmen's compensation, that is, to provide adequate wage-loss and medical benefits to injured workers during their entire period of disability. It is widely recognized by all major groups interested in workmen's compensation problems that limits of this type can impose extreme hardships upon injured workers and their families in some cases of severe work injuries.

The amendments would also extend the time limits for a worker to notify his employer of his injury and to file a claim. The extension merely provides a reasonable time for the worker to establish a claim after he has knowledge of the relationship between his injury or illness and his work. These changes are designed to recognize the sometimes long delayed manifestation of occupational injury or disease following exposure to the many new hazards being introduced into industry each year.

The bill also provides for the payment of a worker's attorney fee by the carrier in some controverted cases. The amendments also seek to protect the job security of injured workers through the imposition of penalties in the event injured workers are dismissed from employment as a result of their efforts to secure compensation benefits.

Another amendment to the act provides for the annual adjustment of benefits to reflect changes in wage levels. This amendment would only apply to workers that are injured and entitled to receive benefits after this amendment is enacted. The proposal is based upon the same concept embodied in the Federal Employees' Compensation Act with the exception that it does not apply to injured workers receiving benefits prior to its enactment. Under the Federal Employees' Compensation Act, the benefit payments injured workers receive are adjusted to reflect changes in the cost of living. Benefit adjustment for injured workers on the rolls is not a new concept in workmen's compensation. The States of Michigan, Nevada, Ohio, Oregon, and Washington have had provisions of this nature in their laws for a number of years. In 1967, Connecticut amended its law in a manner to adjust benefits similar to the Federal Employees' Compensation Act formula, and in 1968, New York passed legislation to adjust benefits for some individuals on the rolls.

These amendments to the Longshoremen's and Harbor Workers' Compensation Act are sorely needed. They are extremely modest in scope, but they will provide a modern workmen's compensation program for a substantial number of American workers and their families.

INDIANA FARMERS SUFFER BECAUSE OF DOCK STRIKE

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, farmers in the Seventh Congressional District of Indiana are well aware of what dock strikes this year are costing them in the form of exports.

Indiana production enjoys a high priority in export circles.

I am sure most of the Members are aware that last fiscal year U.S. farm exports reached a new high. A total of $7.8 billion worth of farm goods were sold into export channels—about $6.7 billion worth of them for dollars.

Indiana's share of that tremendous achievement was $331.6 million worth of commodities. Hoosier farmers ranked ninth in the value of all farm exports last year. They ranked third in the value of soybean exports, also third in protein meal and soybean oil, sixth in feed grains, eighth in meat products. They also exported $23.9 million worth of wheat and flour.

So when gulf and east coast ports closed in October, Indiana farmers were hurt and hurt badly.

Harvest time was underway. One of the early effects was to choke off any effective transportation between harvest fields and docks. Traders and elevator operators were reluctant to tie up money and storage space with commodities that could not be moved quickly into export channels. Indiana farmers were among those who saw posted prices of soybeans drop 25 cents a bushel, and watched corn prices decline by a dime. Literally millions of dollars are being lost this year by Indiana farmers because of transportation tieups at dockside that reflect all the way back up the transportation routes—river, rail and highway—to the local farm.

I urge consideration of H.R. 3596, or similar legislation, at once to deal with this enormous economic problem.

REPRESENTATIVE SKUBITZ INTRODUCES LEGISLATION TO ESTABLISH AGRICULTURAL HALL OF FAME AND NATIONAL CENTER AT BONNER SPRINGS, KANS., AS A NATIONAL CULTURAL PARK

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Speaker, I have today introduced a bill which would establish the Agricultural Hall of Fame and National Center located at Bonner Springs, Kans., as a national cultural park within our system of national parks.

The Agricultural Hall of Fame and National Center was incorporated by act of Congress on August 31, 1960, for the purposes of receiving, maintaining, and using funds for charitable, scientific, literary, and educational purposes; honoring farmers, leaders, teachers, scientists, inventors, and other individuals for their contributions to the advancement of agriculture; perpetuating the memory of such persons and their achievements; fostering and promoting and encouraging a greater sense of the dignity and importance that agriculture has played in the development of our democratic institutions; establishing and maintaining a library and museum for the collection and preservation of the implements of agriculture; cooperating with other organizations with similar interests; and engaging in activity incidental thereto.

Since the time of its incorporation, the Center, although operating with only limited funds, has admirably pursued its objectives. It has acquired 275 acres of land 12 miles west of downtown Kansas City, Kans. On that land it has constructed two exhibit buildings and a third is nearing completion. These buildings house an elaborate collection of farming instruments, machinery, and a library that portrays several generations of the culture that planted, harvested, and created the breadbasket of this Republic. Today, a visitor can and does experience, almost first hand, through that telescopic portrayal, the growth and national importance of agriculture in this country.

In 1970, at its annual meeting, the Secretary of Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended study of the Agricultural Hall of Fame and National Center with a view toward establishing it as a permanent part of our national park system. In 1971, the Secretary's advisory board determined that the Center meets the criteria for establishment as a national cultural park.

The cultural park concept is relatively new. It cannot be categorized as implementing a single specific national policy such as one of nature preservation, historic preservation, or outdoor recreation. The cultural park concept is intended to implement the preservation and interpretation of a part of our national culture in partnership with private, public, and local entities.

The beginning and evolvement of our agricultural heritage is of the utmost national significance. The Agricultural Hall of Fame and National Center has made a significant beginning in acquiring sufficient land and developing adequate facilities to preserve and interpret that culture. The Center is a going concern. It has demonstrated the feasibility of the concept. The assistance of the Federal Government, the expertise of the Na-

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tional Park Service and cooperation of State and local government and private citizens, can help assure continued preservation, expansion, and interpretation of this most important part of our national heritage.

THE EAST COAST DOCK STRIKE

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I rise at this time to bring to the attention of my colleagues a matter of the greatest concern to me and to thousands of farmers in North Carolina's Fifth District and throughout the State.

North Carolina's farmers traditionally do very well, in comparison with other farm States in America, when it comes to the exporting of agricultural commodities.

The farmers of my State rank fifth in the total export value of all U.S. agricultural commodities, with a fiscal 1971 export value of $431.6 million.

North Carolina farmers ranked first in the value of tobacco exports in 1971, with $324.8 million, and third in the value of poultry exports with $4.9 million. Farmers in the Tarheel State exported $23.4 million worth of soybeans, $14.6 million worth of feed grains, $7.7 million worth of cotton, and $6.3 million worth of wheat in fiscal 1971.

The current fiscal year will present a strikingly and dangerously different picture. The reason is simple and obvious—the east coast dock strike.

The closing of those eastern ports effectively sealed off the North Carolina farmer from his foreign markets for many weeks.

When the strike was halted by court order, following President Nixon's decision to invoke the Taft-Hartley Act, 62.9 million pounds of tobacco were awaiting shipment at North Carolina ports.

Only 4 million pounds of tobacco went out during the month of October 1971, compared with 57 million pounds during the same month in 1970.

Fortunately, tobacco is basically nonperishable, but other agricultural commodities are not, and millions of dollars worth of goods were wasted by the prolonged dock strike.

Significant damage was also inflicted on the U.S. reputation as a reliable trading partner and on our already critical balance-of-payments situation.

The Taft-Hartley provisions now in effect call for resumption of work for an 80-day period, but at the end of that period, there is no guarantee that the dock situation will be much improved.

Legislation which seeks to deal fairly but effectively with this kind of protracted labor-management dispute—the kind that can have such a disastrous effect on the economy and the public welfare—was introduced months ago, but no action has been taken on it, and we continue to move from one crisis to another in a sense of desperation and in disarray.

What we obviously need is a comprehensive, legislative plan to deal with these emergencies before they become national crises. The first step toward completion of that plan was taken months ago, when the Emergency Public Interest Protection Act was first introduced.

The second step should be to give this bill active consideration and to do our best to enact the best possible legislation, using this bill as a foundation on which to build.

That second step should be taken now, and that legislation should be written in such a way that it protects not only the worker and the exporting companies, but also the American consumer.

The final step, and one that should be taken at the earliest possible date, is the enactment of this legislation, thus giving this arbitration plan the force of law and giving the American people insurance against economic disaster.

I will continue to promote this kind of sound, fair, and effective legislation.

OLDER AMERICANS ACT AMENDMENTS OF 1972

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, today, December 2, 1971, marks the conclusion of the White House Conference on Aging.

Clearly, one of the principal themes running through the discussions at the Conference here in the Nation's Capital this week has been the need for a national commitment to action on behalf of the older citizens of America as distinguished from the passage of resolutions and the making of speeches.

As chairman of the Select Education Subcommittee of the House Committee on Education and Labor, the subcommittee with jurisdiction over the Older Americans Act of 1965, I am pleased today to introduce on behalf of myself and nine other members of the committee, a bill that can mean just that—action for the aging—through a wide range of services for the 20 million citizens of the United States who are 65 and over.

This bill—the Older Americans Act Amendments of 1972—is aimed at providing comprehensive services for the elderly, including nutrition, transportation, preretirement training, health, and expanded work opportunities.

In addition, Mr. Speaker, the legislation would mean a considerably strengthened role of the Administration on Aging, authorized in 1965 under the Older Americans Act, in the Department of Health, Education, and Welfare.

Mr. Speaker, the measure my colleagues and I are today introducing would also provide effective coordination of Federal aging programs, expanded services under the Older Americans Act, and an improved system of delivering services to older citizens.

Finally, Mr. Speaker, this comprehensive older American services bill would authorize the establishment of multipurpose senior citizen community centers, a new National Information and Resource Center on the Aging to make available data on programs affecting the aging, and a new Gerontological Research Center to study the biological aspects of the aging process.

The Select Education Subcommittee has already this year conducted hearings on comprehensive social services for the aging in Washington, D.C., Chicago, New York City, and Boston, and I anticipate that our subcommittee will continue these hearings in the second session of the 92d Congress.

Mr. Speaker, the time for action for America's aging is now, and I am indeed pleased to list the following members of the Committee on Education and Labor who are sponsoring the Older Americans Act Amendments of 1972. It is our common hope that this proposal will result not in words but in deeds for the older citizens of the United States.

Sponsors of the bill are: JOHN BRADEMAS, of Indiana; CARL D. PERKINS, of Kentucky; PATSY T. MINK, of Hawaii; LLOYD MEEDS, of Washington; JAMES H. SCHEUER, of New York; JOSEPH M. GAYDOS, of Pennsylvania; WILLIAM "BILL" CLAY, of Missouri; SHIRLEY CHISHOLM, of New York; ELLA T. GRASSO, of Connecticut; and JOHN H. DENT, of Pennsylvania.

TEXT OF THE OLDER AMERICANS ACT AMENDMENTS OF 1972

Mr. Speaker, at this point in the RECORD I insert the text of the Older Americans Act Amendments of 1972:

H.R. —

A bill to strengthen and improve the Older Americans Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1972".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that millions of older citizens, particularly those over sixty-five years of age, in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to citizens with special needs in planning such programs, and, pending the availability of such programs for all citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will deliver a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of parents, community, and State and local governments, with appropriate assistance from the Federal Government.

(b) Section 101(8) of the Older Americans Act of 1965 (hereinafter referred to as "the Act") is amended by inserting after "services" the following: ", including access to low-cost transportation,".

EXTENSION OF PROGRAMS

SEC. 3. (a) Section 301 of the Act is amended by striking out "and" after "1971," and inserting after "1972" the following: ", $150,000,000 for the fiscal year ending June 30, 1973, $200,000,000 for the fiscal year ending June 30, 1974, and $250,000,000 for the fiscal year ending June 30, 1975,".

(b) Section 305(b) of the Act is amended by striking out "and" after "1970," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(c) Section 603 of the Act is amended by striking out "and" after "1971," and by inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(d) Section 614 of the Act is amended by striking out "and" immediately after "1971," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(e) Section 703 of the Act is amended by striking out "and" immediately after "1971," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

AMENDMENTS TO TITLE II

SEC. 4. (a) Section 201(b) of the Act is amended by adding at the end thereof the following: "The Commissioner on Aging shall be the principal officer of the Department of Health, Education, and Welfare for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or through any other officer of that department. The Commissioner on Aging shall not delegate any of his functions to any other officer who is not directly responsible to him."

(b)(1) Section 202 of the Act is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities related to the purpose of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local) and nonprofit private agencies of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) call conferences of such authorities and officials of public (including Federal, State, and local) and nonprofit private agencies or organizations concerned with the development and operation of programs for older persons as the Secretary deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities related to the purposes of this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act with particular attention to the impact of medicare and medicaid, the Age Discrimination Act, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for the older people;

"(15) serve as a clearing house for applications for Federal assistance to private nonprofit agencies and institutions for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(2) Section 202(4) of the Act is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and carry out programs designed to meet the needs of older persons for social security, including nutritional training, retirement training, continuing education, and health services;".

(c) Title II of the Act is amended by adding at the end thereof the following new section:

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs related to the purpose of this Act shall consult with the Administration on Aging prior to the establishment of such programs, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying them out."

AMENDMENTS TO TITLE III

SEC. 5. Title III of the Act is amended by adding at the end thereof the following:

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 307. (a) Applications under this title including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate services for the elderly, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owners from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the applicant from whose financial assistance the loan was made, or used for additional loans or grants under this Act."

"NATIONAL INFORMATION AND RESOURCE CENTER FOR THE AGING"

SEC. 204. (a) There is hereby established within the Administration on Aging, a National Information and Resource Center for the Aging (hereinafter referred to as the "Center"). The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions.

(b)(1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops, or technical consultation) information and data related to the particular problems caused by aging, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting older individuals and organizations and persons interested in the welfare of older persons, in meeting problems which are peculiar to, or are made more difficult for, older individuals who are handicapped.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

"(1) medical and rehabilitation facilities and services, including Medicare, Medicaid, and other programs operating under the Social Security Act;

"(2) education;

"(3) vocational training;

"(4) employment;

"(5) transportation;

"(6) architecture and housing (including household appliances and equipment);

"(7) recreation; and

"(8) public or private programs established for, or which may be used in, solving problems of older persons.

"(c)(1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

"(2) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

"(3) The Secretary shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

"(d) There is authorized to be appropriated for carrying out this section for the fiscal year ending June 30, 1973, and for each succeeding fiscal year ending before June 30, 1975, such sums as may be necessary."

AMENDMENTS TO TITLE IV

SEC. 6. Title IV of the Act is amended by redesignating sections 401 and 402 as sections 451 and 452, respectively, by striking out "title" each time it appears and inserting in lieu thereof "part", and by striking out the center heading of the title and inserting in lieu thereof the following:

"TITLE IV—RESEARCH AND DEVELOPMENT

"PART A—GERONTOLOGICAL RESEARCH PLAN

"ESTABLISHMENT OF GERONTOLOGICAL RESEARCH CENTER

"SEC. 401. (a) For the purposes of developing a coordinated national program for re-

search on the biological aspects of aging, there is hereby established an independent agency to be known as the Gerontological Research Center (hereinafter referred to as the 'Center'). The Center shall be located within the Department of Health, Education, and Welfare for administrative purposes only.

"(b) The Center shall be headed by a Board which shall be composed of five members appointed by the President. Two members of the Board shall be biological scientists, one shall be a behavioral scientist, one shall be an administrator, and one shall be a physician. Each person nominated and appointed shall, as a result of his training, experience, and administering, be especially qualified to formulate and appraise programs and activities related to the biological aspects of aging.

"(c) The President shall designate one of the members of the Board to serve as Chairman and one to serve as Vice Chairman. The Chairman shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code. Each of the other four members shall receive compensation at the rate prescribed for level IV of the Executive Schedule under section 5315 of such title.

"(d) Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Board shall not affect its powers, and three members of the Board shall constitute a quorum.

"FUNCTIONS OF THE BOARD

"SEC. 402. (a) The Board shall be responsible for preparing a program, to be known as the gerontological research plan, designed to promote and conduct intensive coordinated research in the biological origins of aging on a continuing basis.

"(b) The Board shall carry out the following duties:

"(1) the collection, analysis, interpretation, and evaluation of information and statistical data related to the biological aspects of aging;

"(2) the appraisal of programs and activities related to the biological aspects of aging;

"(3) the development of priorities for new programs designed to increase knowledge of the biological aspects of aging;

"(4) the development of legislative reports and proposals for new programs to provide greater insight into the biological aspects of aging; and

"(5) conduct research in the biological aspects of aging.

"BOARD STAFF

"SEC. 403. (a) The Board is authorized to employ such officers and employees as may be necessary to carry out its functions under this part.

(b) The Board is authorized to obtain services of consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem.

"POWERS OF BOARD

"SEC. 404. To carry out this part, the Board shall have the authority—

"(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organizations and personnel;

"(b) to obtain from any department, agency, or instrumentality of the United States, with the consent of the head thereof, such services, advice, and information as the Board may determine to be required by it to carry out its duties;

"(c) to acquire by lease, loan, or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority under this part;

"(d) to enter into contracts or other arrangements, or modifications thereof, with State and local governments, and institutions and individuals in the United States, to conduct programs the Board deems necessary to carry out the purposes of this part, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or other provision of law relating to competitive bidding;

"(e) to make advance, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

"(f) to receive money and other property donated, bequeathed, or devised to the Board, without condition or restriction other than that it be used for the purposes of the Board;

"(g) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them of travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

"(h) to make any other expenditures necessary to carry out his part.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS."

PRERETIREMENT PROGRAMS

SEC. 7. Title V of the Act is amended by (1) changing the title to read, "TRAINING," (2) redesignating section 503 as section 504, and (3) by inserting the following new section:

"PRERETIREMENT PROGRAMS

"SEC. 503. For the purpose of easing the frequently difficult social and economic adjustments which must be made at some time by most Americans as they pass from the highly productive period of the middle years to the new retirement status of the older citizen, and to assist them in achieving health and dignity in retirement living, the Secretary is authorized—

"(a) to develop and operate, in cooperation with any public or nonprofit private agency, organization, or institution, preretirement programs providing education, information, and relevant services to persons planning retirement;

"(b) to collect and disseminate, through publications and other appropriate means, information concerning research, studies, findings, and other materials developed in connection with activities under this section; and

"(c) to make grants to any public or nonprofit private agency, organization, or institution, and contracts with any agency, organization, or institution, for the evaluation of preretirement programs, the training of personnel to carry out such programs, and the conduct of research with respect to the development and operation of such programs."

SPECIAL IMPACT PROGRAMS

SEC. 8. (a) The Act is amended by redesignating title VII as title VIII, by redesignating sections 701 through 703 and references thereto as sections 801 through 803, respectively, and by inserting after title VI the following new title:

"TITLE VII—SPECIAL IMPACT PROGRAMS

"PART A—SERVICE ROLES IN RETIREMENT

"GRANTS AND CONTRACTS FOR SERVICE PROJECTS

"SEC. 701. (a) The Secretary is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay not to exceed 90 per centum of the cost of the development and operation of programs designed to provide opportunities for persons aged sixty or over to render public service.

"(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previous made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

"CONDITIONS OF GRANTS AND CONTRACTS

"SEC. 702. The Secretary shall not make any grant or enter into any contract under this part unless the grant application or contract proposal—

"(1) has been submitted by, or has been submitted for review and recommendations to, the State agency (if any) established or designated as provided in section 303(a)(1);

"(2) provides for the use of unpaid, volunteer services, if available; and

"(3) provides that the program will not result in the displacement of employed workers or impair existing contracts for services.

"INTERAGENCY COOPERATION

"SEC. 703. In administering this part, the Secretary shall consult with the Office of Economic Opportunity, the Department of Labor, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination of the program under this part with such other programs and shall promote the coordination of programs under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this part and in promoting the identification and interest of older persons whose services may be utilized in programs under this part.

"APPROPRIATIONS AUTHORIZED

"SEC. 704. Such sums as may be necessary are authorized to be appropriated for grants or contracts under this part for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"PART B—NUTRITIONAL SERVICES FOR OLDER AMERICANS

"AUTHORIZATION OF APPROPRIATIONS; GRANTS FOR NUTRITIONAL SERVICES FOR OLDER AMERICANS

"SEC. 711. For the purpose of improving the nutritional level of older persons, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975. Sums made available under this section shall be utilized by the Secretary to make grants to any State which has in effect a State plan approved under section 303, to assist (as provided in this part) in the planning, establishment, and operation of a program designed to meet the dietary needs of older persons, particularly those of low or moderate income. Such a program shall provide for the establishment and operation in the State of projects providing such services as—

"(1) hot, nutritionally balanced meals for older persons in multipurpose senior centers, in neighborhood centers, and in residential housing for persons of low or middle income;

"(2) home delivered meals for individuals requiring such services because they are homebound or disabled or for other health reasons; and

"(3) nutritional counseling, information, and education for older persons.

"ALLOTMENTS

"SEC. 712. (a) Not to exceed 1 per centum or $200,000, whichever is larger, of the sum appropriated for any fiscal year under section 711 may be reserved by the Secretary for evaluation (directly or by grants or contracts) of programs assisted under this part.

"(b)(1) From the sum appropriated for any fiscal year under section 711, (A) the Virgin Islands, Guam, and American Samoa shall be allotted an amount equal to one-half of 1 per centum of such sum, and (B) each other State shall be allotted an amount equal to 1 per centum of such sum.

"(2) From the remainder (as determined after application of subsection (a) and paragraph (1) of this subsection) of the sum so appropriated each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

"(3) A State's allotment for a fiscal year for programs assisted under this part shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2).

"(c) The amount of any allotment to a State under subsection (b) for any fiscal year which the Secretary determines will not be required for carrying out the purposes of section 711 shall be available for reallotment, from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out such purposes for sums in excess of those previously allotted to them under this section, and (2) will be able to use such excess amounts during such fiscal year. Such reallotments shall be made on the basis of the State plans approved under section 303, after taking into consideration the population aged sixty or over. Any amount so reallotted to a State shall be deemed part of its allotment under subsection (b).

"(d) The allotment of any State under subsection (b) for any fiscal year shall be available for grants to pay not exceeding 90 per centum of the cost of planning, establishing, and operating programs assisted under this part which are approved by the Secretary prior to the end of such year.

"USE OF ALLOTTED FUNDS

"SEC. 613. Funds allotted to any State under this part may be used for (1) the administration of projects described in section 701 directly by the State agency established or designated as provided in section 303(a)(1), or (2) the award, in accordance with criteria established by the Secretary after consultation with such State agencies, by such State agency of grants or contracts to any public or nonprofit private agencies or organizations for the administration of such programs by such agencies or organizations.

"(c) In allocating funds received under this part, the State agency shall give preference to programs to be established in geographic areas or in institutions having a higher concentration of older persons of low income.

"PAYMENTS

"SEC. 714. Payments under this part may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of remburement, and in such installments, as the Secretary may determine.

"TREATMENT OF NUTRITIONAL SERVICES FOR CERTAIN PUBLIC ASSISTANCE PURPOSES

"SEC. 715. Notwithstanding the provisions of titles I, IV, X, XIV, XVI, or XIX of the Social Security Act, services or other assistance provided to any older persons pursuant to this part or pursuant to any grant made under this part shall not be regarded (1) as income or resources of such person in determining his need under a State plan approved under any such title, or (2) as income or resources of any other individual under such approved State plan.

"REGULATIONS

"SEC. 716. (a) The Secretary, after consultation with the Department of Agriculture with respect to standards relating to food distribution, handling, and storage and equipment used for food distribution, handling, and storage and with respect to the incorporation of the results of tested nutritional research in the operation of projects assisted under this part, shall prescribe general regulations concerning the determination of eligible costs with respect to which grants may be made under this part and the terms and conditions for approving such grants.

"PART C—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 721. There are authorized to be appropriated such sums as may be necessary for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975, for grants by the Secretary to public and nonprofit private agencies and organizations to pay not to exceed 75 per centum of the cost of construction of multipurpose senior centers, except that the total of such grants in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for that year for purposes of carrying out this part.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 722. (a) A grant under this part may be made only if the application therefor is approved by the Secretary upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(3) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants under this part, the Secretary shall—

"(1) give preference to the construction of multipurpose senior centers in areas covered by approved comprehensive city programs assisted under the provisions of section 105 of the Demonstration Cities and Metropolitan Development Act of 1966; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

"PAYMENTS

"SEC. 723. Upon approval of any application for a grant under this part, the Secretary shall reserve, from any appropriation available therefor, the amount of such grant; the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"RECAPTURE OF PAYMENTS

"SEC. 724. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated).

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 725. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if

any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(e) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(f) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(g) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(h) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(i) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(j) (1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"DEFINITIONS

"SEC. 726. For purposes of this part—

"(1) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"(2) The term 'construction' includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

"(3) The term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements.

"PART D—TRANSPORTATION SERVICES FOR OLDER AMERICANS

"PROGRAM AUTHORIZED

"SEC. 731. The Secretary, after an appropriate investigation and study, shall develop and carry out a program to improve the transportation services available to older persons. Such programs may include one or more of the following:

"(1) special transportation subsystems for older persons or similar groups with similar mobility restrictions;

"(2) portal-to-portal service and demand actuated services;

"(3) the payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis.

"(4) payments directly to older persons to enable them to obtain reasonable and necessary transportation services; and

"(5) any other program which the Secretary determines shows promise of facilitating the provision of transportation services to older persons.

"APPROPRIATIONS AUTHORIZED

"SEC. 732. There are authorized to be appropriated for the fiscal year 1973, and for each succeeding fiscal year ending prior to July 1, 1975, such sums as may be necessary to enable the Secretary to carry out the provisions of this part.

"PART E—CONTINUING EDUCATION FOR OLDER PERSONS

"PROGRAMS AUTHORIZED

"SEC. 741. (a) The Secretary, after appropriate investigation and study, shall develop and carry out a program for providing continuing education to older persons. Such programs may include one or more of the following:

"(1) programs to provide rehabilitation for older persons to enable them to lead more productive lives,

"(2) programs designed to retrain persons who are shifting to new employment by reason of age or other conditions,

"(3) programs to upgrade the skills of older persons to enable them to obtain more rewarding employment, and

"(4) programs designed to broaden the educational, cultural, or social awareness of such older persons so that they will be better able to lead more productive and rewarding lives in retirement.

"(b) The Secretary may carry out the program provided for in this part through grants or contracts with public and private agencies, including other Federal agencies, State educational agencies, local education agencies, the vocational educational agencies of the States, the vocational rehabilitation agencies of the States.

"APPROPRIATIONS AUTHORIZED

"SEC. 742. There are authorized to be appropriated for the fiscal year 1973, and for each succeeding fiscal year ending prior to July 1, 1975, such sums as may be necessary to enable the Secretary to carry out the provisions of this part."

A REPOAT TO THE DELEGATES FROM THE CONFERENCE SECTIONS AND SPECIAL CONCERNS SESSIONS

Mr. Speaker, perhaps the most recent evidence of the need for congressional action on the legislation my colleagues and I today have introduced is the "Report to the Delegates from the Conference Sections and Special Concerns Sessions."

This report, which was released only today, is well worth the most careful consideration of every Member of the House and Senate.

Because of the importance of the report and of its timeliness, I insert at this point in the RECORD the full text.

1971 WHITE HOUSE CONFERENCE ON AGING—REPORTS OF THE SPECIAL CONCERNS SESSIONS, NOVEMBER 28–DECEMBER 2, 1971

EDUCATION

Preamble

Education is a basic right for all persons of all age groups. It is continuous and henceforth one of the ways of enabling older people to have a full and meaningful life, and as a means of helping them develop their potential as a resource for the betterment of society.

Bilingual and ethnic concerns

All issues and recommendations which will affect or serve linguistically/culturally different populations must enlist the necessary linguistically/culturally different qualified expertise in the development processes of such proposals so as to insure that all programs designed for the elderly will result in maximum utilization and participation of the constituents in question.

Particularly urgent are Federal, State and local funds for bilingual/bicultural education to the non-English speaking elderly pertaining to instructions relating to the requirements of Federal, State and local government agencies, i.e. gaining citizenship, applying for social security, housing applications, etc.

Expansion of educational programs

Education for older persons should be conducted either apart from or integrated with other groups according to their specific needs and choices. Where feasible and desirable the aged must be granted the opportunity to take advantage of existing programs with both old and young learning from each other. However, alternatives must be provided which emphasize the felt needs of the aged at their particular stage in the life cycle.

The expansion of adult educational programs having a demonstrated record of success should receive higher priority with due consideration being given to experimental and innovative programs.

Educational opportunities must be afforded all older persons, with special effort made to reach those who, because of low income, poor health, social circumstances or ethnic status are less likely to respond voluntarily. Outreach programs should use all appropriate channels and delivery systems.

For older persons to participate in educational programs; agencies, organizations; and government must provide incentives. These incentives should be aimed at eliminating specific barriers to the availability and accessibility of educational services for older persons including transportation, free attendance, subsistence, auditing privileges, relaxed admission requirements, flexible hours, convenient locations and subsidies to sponsors and removal of legal barriers.

Public libraries serve to support the cultural, informational and recreational aspirations of all residents at many community levels. Since older adults are increasingly advocating and participating in lifetime education, we recommend that the public library, because of its nearby neighborhood character be strengthened and used as a primary community learning resource. Adequate and specific funding for this purpose must be forthcoming from all levels of government and most importantly from private philanthropy.

We recommend further that the Library Services and Construction Act be amended to include an additional title to provide library services for the older persons.

Emphasis should be given at every level of education to implement and expand the expressed educational objective of "worthy use of leisure." Education must be directed toward an acceptance of the dignity and worth of non-work pursuits as well as toward development of leisure skills and appreciations.

Funding programs

Money and manpower for educational opportunities must have high priority throughout all services offered to older persons by any approved public or private agency or organization in order to assure continued, meaningful living.

Educational opportunities must include basic, continuing, vocational education, and training about needs for better use of services, cultural enrichment, and more successful adjustment to aging.

Majority or plurality policy proposal

Public expenditures for education for older persons must be increased and directly related to the proportion of older persons within the population. These expenditures should relate to the needs articulated by all segments of the population of older persons including rural and urban and ethnic minorities or by the organizations that represent older persons.

Available facilities, manpower and funds must be used for educational programs designed and offered on the basis of the assessed needs and interests of older persons. The initiative may be taken by many sources, but the design and curriculum must include active participation by older persons.

The Federal Government must consider the concerns of educational programs of older persons in a greater equity of allotment and on a higher priority basis when allocating funds for educational programs.

Where matching funds are required for Federal education programs aimed to assist older persons, it is recommended that the life long contributions toward building this country by the now elderly be considered as suitable compensation in lieu of "matching funds."

Increasing influence of older persons

Education should place emphasis on instruction to help the older persons understand issues, procedures and action in regard to political processes to enable them to meet more effectively and quickly their special needs as individuals or as a group.

Materials, methods, and curriculum

Appropriate materials and methods about all aspect of aging, must be developed and introduced in the curricula at all levels of education from pre-school through higher education.

Mass media

A national awareness campaign must be initiated through mass media and through educational systems to promote better understanding by society of the nature of the aging process, the needs and interests of older people, and the positive contributions and potentially untapped resources of older persons.

All educational resources must be pressed into service for the needed leadership in the preparation and implementation of (a) leadership training, (b) teacher training, (c) curricula and (d) teaching materials for focusing on the critical educational needs of the older persons in America.

Preretirement

Preretirement education programs must be established to help those approaching retirement age to achieve greater satisfaction and fulfillment in later years. Pre-retirement education must be the primary responsibility of the public education sector in cooperation with relevant community organizations in the areas of industry, labor, all levels of government, voluntary service and private associations.

Professional preparation

We urge that institutions of higher learning provide opportunities for special professional preparation of those who will and are working with older persons (law, medicine, social work, recreation, education.) More attention must also be given to workshops, institutes, and in-service education for those who now work with older adults.

Status of Administration on Aging

To implement the educational policies growing out of the 1971 White House Conference on Aging, the Administration on Aging must be accorded status and financing appropriate to the task and must be made an independent agency within the Department of HEW as provided for in the Older Americans Act of 1965.

Primary responsibility for the initiation, support and conduct of education programs for older persons must be vested in the existing educational system, Federal, State and local with active participation and cooperation of specialized agencies. A Division of Education for Aging should be established in the Office of Education immediately, to initiate supportive educational services for the aging. Similarly, all State departments of education should designate full-time responsibility to key staff for the development and implementation of programs in education for aging.

EMPLOYMENT AND RETIREMENT

Our long established goal in employment and retirement policy is to create a climate of *free choice* between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activities.

Many barriers hamper older Americans in exercising this choice in allotting their time and talents and deprive our Nation of the highest use of their knowledge, skills, and potentialities. They include: Compulsory retirement on reaching a particular birthday, regardless of their ability to work; lack of information and counseling on retirement problems and job opportunities; lack of placement and counseling personnel equipped to deal with their special problems; under-representation in education, training, rehabilitation, and other manpower programs; continuing discrimination in employment practices despite Federal and State legislation; and forced retirement resulting from long unemployment as an increasing number of workers lose their jobs in their fifties when plants shut down or technological changes make their skills obsolete.

The unemployment and underemployment of workers in the age group 45–65 seriously jeopardize their retirement prospects. For this reason, consideration of the present employment and future retirement problems of this age group as well as those over 65 was included in arriving at our policy recommendations. These are offered in the hope that they will lead to actions that advance our Nation toward our long established goals relating to the employment and retirement of older Americans.

Employment of older workers is a vital part of our national problem of attaining full employment. Older workers are especially disadvantaged in competition for jobs in the labor market. Their problems cannot be met adequately at the State and local level or through the financial instrument of revenue sharing. Strong Federal leadership and financing are required.

Larger and earmarked manpower funds

The Nation's present manpower programs fail to take adequate account of the unemployment problems of older people. Experience proves that adequate funds must be earmarked to improve employment opportunities for older workers.

In order to achieve a more equitable distribution of services to all age groups, Federal, State and local manpower programs should expand their services and provide more job recruitment, training, counseling, and placement services for older workers.

It is imperative that adequate funds based on population ratio, needs, and special circumstances be earmarked for special employment programs for older people. Aggressive efforts should be made to monitor effectively the use of such earmarked funds.

Immediate steps to end discrimination

We now have legislation designed to eliminate age discrimination in employment, but more vigorous enforcement is needed.

Federal, State and local governments should strictly enforce protective and anti-discriminatory laws and policies regarding employment opportunities, with the elimination of the age limit of 65 in age discrimination legislation. The Age Discrimination Act of 1967 should be expanded to cover all employees in both private and public sectors. There should be a governmentally sponsored public relations and educational effort designed to induce employers voluntarily to hire more older workers.

Public service employment

Even improved manpower policies may not result in adequate employment opportunities for those willing and able to work.

It is the responsibility of the Government

to assume the role of "employer of last resort" to provide meaningful and socially needed employment opportunities for those older workers willing and able to work, if all other programs fail to produce such results.

A minority favored expanded and innovative programs to meet employment needs of older persons, but questioned the concept of Government serving as "employer of last resort."

A flexible retirement age

Our society presently equates employability with chronological age rather than with ability to perform the job.

Chronological age should not be the sole criterion for retirement. A flexible policy should be adopted based upon the worker's desires and needs and upon his physical and mental capacity. Policies and programs that provide employment opportunities after age 65 must be made available.

Realistic opportunities for retirement earlier than age 65 must be provided. Employers should be encouraged to adopt flexible policies, such as gradual or trial retirement.

The need for new policies

Existing policies fail to protect the worker who is forced to retire prematurely or who is unprotected by a pension plan.

New national policies and publicly and privately supported programs are needed to help workers who are forced to retire before the normal retirement age because of health problems or job displacement caused by technological changes or jobs requiring early-age retirement. New programs should be vested generally in existing agencies that have responsibility for dealing with these problems.

There should be created a continuously funded program by the Federal Government especially designed to maintain economic security for middle-aged and older workers during their period of transition from prematurely forced disemployment into suitable employment or retirement. During this period, a major objective would be to retrain and educate the disemployed to assure reemployability or to assist in mobilizing resources to assure a meaningful retirement.

All workers should be guaranteed a retirement income adequate to maintain a decent standard of living above the poverty level. Legislation must be enacted as soon as possible requiring early vesting, adequate funding and portability of pensions and to provide for Federal insurance for pensions.

Preretirement preparation

Too many individuals fail to plan for retirement or plan too late.

Preretirement education and counseling should be provided locally throughout the Nation by trained instructors, starting at least five years before normal retirement age. Information on problems and opportunities involved in retirement should be included in family living and other pertinent course at all educational levels.

Government at all levels, employers, unions, and educational institutions (especially through adult education agencies, the use of television) should encourage and promote preretirement counseling by trained instructors. Special courses for those nearing retirement are urgently needed.

Social security retirement test

The earnings tests that results in withholding of social security benefits constitutes a financial hardship for older people.

The retirement test should allow persons to receive social security benefits without reduction up to the point where the total of social security plus earnings equals $5,000/yr. In no case should benefits be reduced for persons earning under $1,680.

Social security benefits

An immediate 25 percent increase in social security benefits was recommended, with a $150 minimum per month.

Need for fixed responsibility

A major overriding problem connected with the Administration of Employment and Retirement Policies is the lack of fixed responsibility by any single agency and lack of coordination by any single agency. The President should establish an office on aging within his executive office by executive order until Congress amends the Older American Act of 1965 to create a Department of Aging at cabinet level status.

A National Pension Commission with a Governing Board of management, labor and public representatives should be established to encourage the expansion and the improvement of pension plans with particular reference to: flexible retirement ages, liberal (early) vesting and portability, adequate funding, more general coverage, and job redesign.

A National "job bank" should be computerized by the Department of Labor to meet employer requirements. The "job bank" now being computerized should include job opportunities for retirees (including those in rural and small communities) who should be encouraged to register with the U.S. Employment Service.

The Federal Government shall develop a program for, and provide financing for, the establishment of local centers for the purpose of locating and bringing together older persons and potential employers on both a full-time and part-time basis. Federal funds will be channeled through the various State administrations on Aging who will be responsible for approving applications for the establishment and financing of such centers by public and private agencies, and for the supervision of their operation.

Other recommendations

A number of other recommendations will appear in full report on the Section's work. For example, the special problems of certain groups of older workers were dealt with in the following:

For the Marianna Islands, a study should be made of the aged and how to alleviate their problems, especially of employment. A vocational instructor in a workshop to train older persons in nature crafts for sale to tourists is needed.

For all minorities, rural residents, migrants, and employees of small business Congress should enact a compulsory, universal and national portable pension plan administered through Social Security, (with tax advantages for the employer and the self-employed) to provide for those not normally covered by other pension plans.

PHYSICAL AND MENTAL HEALTH

Preamble

We, the delegates to the physical and mental health section of the 1971 White House Conference on Aging, assert that the U.S.A. must guarantee to all its older people health care as a basic right and a quality of life consistent with that which our nation should assure to this group who have made invaluable contributions to its development. In order to assure that quality of life, a basic requirement is the availability of a comprehensive system of appropriate health care.

A comprehensive system of appropriate health care requires that the full spectrum of presently known services be readily accessible. These must be of high quality and be delivered in the appropriate setting and at the appropriate time with concern for the dignity and choice of the individual and within a framework which guarantees coordination among the various levels of care, continuity of care over time, and the efficiency and effectiveness which will assure supportable costs.

To be comprehensive and systematic this health care must provide:

a. Assessment of health;

b. Education to preserve health;

c. Appropriate preventive and outreach services;

d. All physical, mental, social and supportive services necessary to maintain or restore health;

e. Rehabilitation; and

f. Maintenance and long-term care when disability occurs.

To be specifically responsive to the needs of the elderly, special attention must be given to the availability and quality of long-term care and to the development of adequate, appropriate alternatives to institutional care.

Community and consumer participation in the planning and delivery of such a system of services will tend to assure the responsiveness of the system to locally defined community need and the appropriate use of health manpower, facilities and financing.

The health section recognizes that, although the aged represent a minority, within this minority there are special problems experienced by racial and ethnic groups. Within the special concern expressed for the problems of the aged, particular attention must be accorded to make sure that these minorities are not doubly jeopardized.

In support of these basic premises the physical and mental health section submits the following policy proposals:

PHYSICAL AND MENTAL HEALTH

1. Health care for the aging must be provided as an integral part of a coordinated system that provides comprehensive health services to the total population; but immediate and special consideration and emphasis must be given to the problems of, and services for, the aging.

2. A coordinated delivery system for comprehensive health services must be developed, legislated, and financed to ensure continuity of both short and long term care for the aged.

3. A comprehensive health care plan for all persons should be legislated and financed through a National Health Plan. Pending the achievement of such a National Health Plan, the complete range of health care services for the elderly must be provided by expanding the legislation and financing of Medicare. Such expanded financing should be accomplished by means of a combination of Social Security Trust funds with a greatly expanded use of general revenues. Such expansion of Medicare should include elimination of deductibles, coinsurance and copayment, and all provisions discriminatory to the mentally ill as well as the establishment of congruent ages for Medicare and Social Security benefit eligibility. Both the immediate expansion of the current program and a future National Health Plan should provide for a public/private partnership in the delivery of services and for Federal financing and quality controls in order to assure uniform benefits and uniform application of the standards of quality. Centralized responsibility for standards and controls over health facilities and services must be combined with protection, for the patient and provider, from arbitrary, capricious, and varied application and interpretation of existing as well as new standards.

Minority report

75 delegates opposed the Section's action eliminating the combination of Medicare and Medicaid expansion (through legislation and financing) as an alternate to expansion of Medicare only to achieve a comprehensive health care plan.

A minority expressed interest in having the section propose eliminating private insurance carriers as intermediaries in the Medicare program by submitting the following recommendation from the floor:

The fiscal aspects of the Medicare program should be administered by the Federal Government rather than by the private insurance carriers as intermediates.

PHYSICAL AND MENTAL HEALTH

4. A continuing national program for education of all persons should be provided about the specific physical, mental, and social aspects of aging. Educational programs should be addressed to all ages and should include all stages of development so that the different age groups will better understand each other. Information on all aspects of aging should be included in educational courses at all levels. The aged themselves should be among those recruited, trained, and utilized in carrying out these programs.

5. Emphasis should be placed on including curricula or course contents on physical, mental and social aspects of aging in secondary schools, undergraduate and graduate professional education, and in in-service training and continuing education of health personnel. The development of specialists in the care of the elderly should also receive emphasis, especially with the view of developing professional, allied health professional, and other health personnel selected and trained to give compassionate and expert care to the aged. Funds must be provided to ensure the development of such programs as well as increase the supply of health manpower of all kinds.

6. The aging will best be served if available funds are divided among services, research, and education. Emphasis should be placed on funding of direct services but not to the exclusion of research and education which should receive a reasonable proportion of total resources available. Research findings now available should be assembled, coordinated, and incorporated into service programs.

Specific attention should be given to increasing the funds available for basic research and for operational research with a strong suggestion that a gerontological institute be established within the National Institutes of Health to provide the essential coordination of training and research activities.

7. A center for aging should be established in the National Institute of Mental Health to meet the responsibilities for more research and training in the field of mental health of the elderly.

PHYSICAL AND MENTAL HEALTH

8. The President and Congress should authorize the appointment of a Commission on Aging, including a Committee on Mental Health of the Elderly, comprised of representatives from concerned Federal agencies, national organizations, Congress, and the judiciary, and private citizens to study, evaluate, and recommend a comprehensive set of policies for the Federal Government, the several States, and local communities to pursue in this vital area.

9. Congress should appoint a nationwide interdisciplinary committee to determine the scope and type of *intervention procedures* and *protective services* that would clearly protect the rights of the individual with health, mental health, and emotional problems requiring care. The rights of his immediate family and other close associates should be considered. This committee should include representatives of the religious, civil rights, civil liberties, legal, health and social services communities. Congress should appropriate sufficient funds to assure an in-depth study of all aspects of the individual's rights in relation to his needs for health services and the administration of his affairs until he can resume responsibility.

Intervention procedures and protective services also should assure for elderly individuals their rights of self-determination in their use of health facilities and services.

In order to promote and encourage the establishment of ombudsman services *the nationwide interdisciplinary committee*, or other suitable means, should be used to study and define the functions and roles of ombudsmen as separate and distinct, conceptually and in practice, from other protective services and from consumer participation in health and other matters affecting the elderly. Subsequent promotion of ombudsmen services should include financial support for their activities as well as programs to assure that their functions and findings are given full visibility at local, State and national levels and in both the public and private sectors.

Minority Report

A minority requested the Section to substitute the words "physical and mental health" for the amended word "health."

A minority requested the Section to eliminate the last paragraph referring to ombudsman services.

PHYSICAL AND MENTAL HEALTH

Additional concerns

(From State Conference, Subsection Proposals, Delegates and other sources.)

Preventive dental health measures to slow or halt chronic dental disease process.

Immediate and high priority for Presidential and Congressional definitions of national goals and philosophy in health.

Extension of age limit for retirement.

Special health education programs for disadvantaged minorities, ethnic groups, rural dwellers and other special groups.

Training for volunteers in health work.

Innovative alternates to currently know health care resources.

Innovative programs in existing setting, including long-term care.

Immediate steps to control spiralling cost of health services.

Transportation improvements with specific attention to elderly and disabled.

Research in nursing home administration.

Remove restrictive provisions and benefit reductions in HR–1.

Psychiatric and psychological care including groups as well as individual care.

Career ladder opportunities in training and employment of health personnel.

Improved Federal interagency collaboration in health care.

Consumer majority in control of design and operation of health programs.

Removal of currently restrictive medicare and medicaid policies.

Establishment of priorities among health section proposals.

Education on health matters for legislators and community leaders.

HOUSING

A national policy on housing for the elderly worthy of this nation must enjoy a high priority and must embrace not only shelter but needed services of quality that extend the span of independent living in comfort and dignity, in and outside of institutions, as a right wherever they live or choose to live.

Of particular concern and priority are the poor, the minority groups, the disabled, and the aged located in isolated rural areas.

Availability of housing in great variety is imperative. Such housing should respond to health and income needs and provide a choice of living arrangements. It should include sales and rental housing, new and rehabilitated housing, large and small concentrations. It should be produced by public agencies and by private profit and nonprofit sponsors, with incentives to encourage such housing in all communities.

Funds to support a massive and varied housing program and mechanisms for assuring appropriate services are imperative to the well-being of the elderly of this nation. A decent and safe living environment is an inherent right of all elderly citizens. It should become an actuality at the earliest possible time.

Housing section policy recommendations

1. A fixed proportion of all government funds—Federal, State, and local—allocated to housing and related services, shall be earmarked for housing for the elderly; with a minimum production of 120,000 units per year.

2. Eligibility for the benefits of publicly assisted low and moderate income housing and related services shall be based on economic, social and health needs. Recipients having incomes above an established minimum level shall pay for benefits on a sliding scale related to their income.

3. The Federal Government shall ensure that State, Regional, and local governments and private non-profit groups produce suitable housing for the elderly on the basis of documented need. The Federal Government shall encourage production through the uniform application and use of appropriate incentives.

4. A variety of living arrangements shall be made available to meet changing needs of the elderly. Such arrangements shall include residentially oriented settings for those who need different levels of assistance in daily living. The range shall include long-term care facilities for the sick; facilities with limited medical, food and homemaker services; congregate housing with food and personal services; and housing for independent living with recreational and activity programs.

5. Supportive services are essential in the total community and in congregate housing. Emphasis shall be given to providing more congregate housing for the elderly which shall include the services needed by residents and provide outreach services to the elderly living in adjacent neighborhoods when needed to help older people remain in their own homes.

6. The State or Federal Government shall provide mechanisms to make possible local property tax relief for the elderly homeowner and renter.

7. Every effort shall be made to eliminate red tape and procedural delay in the production of housing for the elderly.

8. Particular attention shall be given to the needs of all minority groups and the hard-core poor elderly. At least 25% of the elderly housing shall be for the hard-core poor elderly, those with incomes at the poverty level or less per year.

9. All Federal agencies dealing with housing for the elderly shall be required to establish multi-disciplinary teams to formulate guidelines for architectural standards based on the needs of the elderly. The multi-disciplinary teams shall also have authority to review and approve innovative proposals.

10. Minority Non Profit Groups shall be encouraged and assisted in developing housing for the elderly.

11. When housing units for the elderly are eliminated for any reason, adequate replacement units must be available and relocation programs provided before such persons are displaced.

12. Congress should revise the definition of a family in the National Housing Act to include single persons 55 and over.

13. The Federal Government shall encourage the preservation of neighborhoods of special character through rehabilitation a selective replacement of substandard dwellings with new dwellings, with full provision for the elderly of the area to remain in their familiar environment.

14. Housing funds now impounded by the Administration should be released and the highly effective Section 202 of the Housing Act with its special guidelines related to space, design, construction, and particularly favorable financing restored.

New Section 202 projects should be established by recirculating monies now being

sent to the United States Treasury from mortgage payments and Section 202 conversions to Section 236 or like programs. Such conversions of current Section 202's should be encouraged by establishing incentives.

The senior housing loan Section 202 administrative component of HUD should have management audit responsibility for all Section 202 projects and all Section 236 elderly projects.

15. The rent supplement program shall be increased in dollars and eligibility.

16. Financial incentives shall be available to families providing housing and related care in their own homes, or in appropriate accommodations, for their elderly relatives.

17. The Federal government shall provide financial incentives to State and local governments to encourage property tax exemption of voluntary, non-profit sponsored elderly housing projects.

18. The inability of the elderly to financially maintain their homes because of high maintenance costs and increasing taxes resulted in the recommendation that interest-free, non-amortized loans be made available, the amount of the loan to be related to income, with repayment either upon the death of the borrower or the transfer of the property. As an additional element of national policy, it is proposed that ways or mechanisms be researched to enable older homeowners to voluntarily utilize the equities in their homes, to increase their discretionary income while remaining in their own homes.

19. Congressional action shall be taken to establish within the Department of Housing and Urban Development an Office of Assistant Secretary of Housing for Elderly. This office shall have statutory authority and adequate funding to provide overall direction toward the implementation of a National Policy and the production of housing for the elderly.

20. Executive action shall be taken to create an Executive Office on Aging within the Office of the President.

21. Congressional action shall be taken to create a Special Committee on Aging in the House of Representatives.

22. The Congress shall enact legislation to safeguard the elderly property owner or purchaser from unscrupulous real estate developers and/or promoters.

23. The Congress shall enact legislation providing special funds for adequate housing and supportive programs to meet the unique needs of rural elderly Americans including those on Indian Reservations.

24. Standards for physical and environmental security should be developed and applied as an integral and basic element of all housing projects serving the elderly.

25. Competent service to the elderly in housing requires sound research widely disseminated and utilized, covering many aspects of their living arrangements. Such research shall be undertaken to cover the health, physical, psychological, and social aspects of environment in urban and rural areas; to delineate the needs of elderly over 80 years of age; to determine the needs of transient elderly; to establish the importance of selecting appropriate locations; and to provide safe and adequate construction. Particular attention is directed to the consequences to vulnerable older people of improper sales methods and inadequate housing arrangements. There also shall be undertaken a well conceived and well-financed program of training for professional and semi-professional staff to develop efficient and competent management in developments for the elderly.

INCOME SECTION

Introduction

There is no substitute for income if people are to be free to exercise choices in their style of living.

The income of elderly people in the past left the greater number of them with insufficient means for decent, dignified living. During the sixties the elderly as a whole enjoyed improvements through greater employment opportunities and better old age security and other public and private benefits. The last two years may have witnessed the reversal of these trends toward improvement as inflation continued to erode the purchasing power of fixed incomes, and rising unemployed reduced job opportunities for older workers. The economic situation of the elderly, if past experience is repeated, will improve more slowly than that of younger groups even with an upturn in the national economy. Direct action to increase the income of the elderly is urgent and imperative.

Recommendations

Income adequacy.—The immediate goal for older people is that they should have total cash income in accordance with the "American standard of living."

We therefore recommend the adoption *now*, as the minimum standard of income adequacy, of the intermediate budget for an elderly couple prepared by the Bureau of Labor Statistics (nationally averaging about $4,500 a year in Spring 1970). This level must be adjusted annually for changes in both the cost of living and rising national standards of living. For single individuals the minimum annual total income should be sufficient to maintain the same standard of living as for couples (not less than 75 percent of the couple's budget). For the elderly handicapped with higher living expenses, the budget should be appropriately adjusted.

Providing floor of income.—The basic floor of income for older people should be provided through a combination of payments from the Social Security system and payments from general tax revenues.

This proposal would retain the basic features of the Social Security program. In addition, there should be a supplementary payment system based on an income test to bring incomes up to the minimum, financed entirely from Federal Government general revenues and included a single check from the Social Security Administration.

Liberalizing the retirement test.—Many older persons work in order to supplement their retirement income.

The exempt amount of earnings under the Social Security retirement test should be increased to not less than $3,000 a year (adjusted periodically to changes in the general level of wages).

The offset formula of $1 reduction in benefits for each $2 of earnings should apply to all earnings in excess of the exempt amount.

Elimination of the test would cost an additional $3 billion, and there are more urgent needs to which this sum could be applied than paying benefits to persons who are still employed at more than the exempt levels.

Widow's benefits.—Increasing numbers of women without dependent children who have not been regularly employed are becoming widowed before age 60. We recommend that they be eligible to receive widow's benefits starting at age 50 to help fill the income gap until they are eligible at the later age to receive their Social Security benefit.

Extending "special age-72" benefits.—Certain residents of the Commonwealth of Puerto Rico, Samoa, the Virgin Islands, and Guam are presently excluded from special benefits which are otherwise applicable to persons over the age of 72 who reside in the United States.

We recommend that the 1965 amendments to the Social Security Act, providing for special benefits to all persons 72 years of age and older not otherwise receiving benefits, be applied without discrimination to all residents of Puerto Rico and the territories and possessions of the United States.

Position of disadvantaged groups under Social Security.—Studies should be made to determine whether there are disadvantaged groups within the population whose age at retirement or benefits under the Social Security system may be inequitable because of shorter life expectancy due to social and economic conditions or racial discrimination.

Financing Social Security.—The financing of the Social Security system should include a contribution from general revenues. The whole structure of payroll taxes should be reviewed to lighten this burden on low-income workers.

Private pensions.—Social Security benefits provide a basic protection which should continue to be improved but which can be augmented through private pension plans.

The Federal Government should take action to encourage broader coverage under private pension plans and ensure receipt of benefits by workers and their survivors. It should require early vesting and/or portability, survivor benefits, and complete disclosure to beneficiaries of eligibility and benefit provisions of the plans. In addition, Federal requirements should assure fiduciary responsibility, minimum funding requirements and protection, through reinsurance and other measures, of the promised benefits.

Remission of property taxes.—It is desirable that older persons be enabled to live in their homes.

States and localities should be encouraged to remit part or all of the residential property taxes on housing occupied by older persons as owners or tenants who qualify on the basis of an appropriate measure of income and assets. Remission is to be achieved by Federal and State grant programs to State and local taxing authorities to compensate for reduced revenues.

Meeting health needs.—This nation can never attain a reasonable goal of income security so long as heavy and unpredictable health costs threaten incomes of the aged.

Priority consideration should be given to the establishment of a comprehensive national health security program which would include the aged as well as the rest of the population. Financing the program solely through wage and payroll taxes and contributions from Federal general revenues would ensure that health care expenses would be a shared responsibility of the government, employers and individuals. There should be no deductibles, co-payments, or co-insurance.

Until such a system is established, the benefits of Medicare-Medicaid should be increased immediately to include, at a minimum, out-of-hospital drugs, care of the eyes, ears, teeth, and feet (including eyeglasses, hearing-aids, dentures, etc.); and improved services for long-term care, and expanded and broadened services in the home and other alternatives to institutional care. Here, too, there should be no deductibles, co-payments, or co-insurance.

Government should assume responsibility for assuring an adequate supply of health manpower and essential facilities and for improving the organization and delivery of health services.

We support the establishment of a special committee of the House of Representatives which will devote its attention to all social and economic problems of the aged, including income, health, housing, and other needs areas reflected in the organization of this Conference.

Our nation has the resources to effectively carry out the proposals made by this Section provided there is a re-ordering of national priorities.

NUTRITION

Introduction

We take it for granted that all older Americans should be provided with the means to insure that they too can enjoy life, liberty,

and the pursuit of happiness. Adequate nutrition is obviously basic to the enjoyment of these rights.

Food is more than a source of essential nutrients—it can be an enjoyable interlude in an otherwise drab existence. Thus, provision should be made to meet the social as well as the nutritional needs of older people. A factor that adds dignity and significance to the life of the aged is the feeling that they too are useful and important. Assistance should be provided to make possible preparation of meals for themselves and others. Community meals, however, should be an alternative. Volunteer groups can be involved in such services as transportation, shopping, and distribution of hot meals. Young people should be encouraged to participate in these services and to join the elderly in meals.

All nutrition programs should be supplemented by appropriate educational measures. Older people should be protected from food quackery and unfounded nutritional claims. Lack of research, evaluation and communication leads to failure of otherwise good programs and to the perpetuation of poor programs. The search for more efficient and better means of providing for the good nutrition, health and happiness of older people should be a continuous process.

All recommendations regarding the nutrition of aging Americans should clearly include the elderly in small towns, rural and isolated areas, and the elderly in minority groups. Special cognizance must be taken of the long neglected needs of older Indians and other non-English speaking groups.

Majority policy proposals

1. It is recommended that the Federal Government allocate the major portion of funds for action programs to rehabilitate the malnourished aged and to prevent malnutrition among those approaching old age. However, adequate funds should be allocated for a major effort in research on the influence of nutrition on the aging process and diseases during old age in order to give meaning and impact to the action programs. Appropriate research findings must be made available to all action programs.

Since approximately one-half to one-third of the health problems of the elderly are believed to be related to nutrition, we recommend that pilot programs be set up for the evaluation of the nutritional status of the elderly.

2. The Federal Government should establish and more strictly enforce high standards with specific regulations for the food and nutrition services provided by institutions and home care agencies that receive any direct or indirect Federal funds, require a high level of performance from State Government enforcement agencies, and when necessary, provide financial assistance to bring non-profit organizations up to standard. These standards should include such important areas as quality and nutritive value of food; methods of handling, preparing and serving foods; the special dietary needs of individuals; and the availability of and accessibility to nutritional counseling.

It is recommended that nutrition services and nutrition counseling be a required component of all health delivery systems, including such plans as Medicare, Medicaid, health maintenance organizations, home health services, extended care facilities, and prevention programs.

3. Government resources allocated to nutrition should be concentrated on providing food assistance to those in need. However, a significant portion of these resources should be designated for nutrition education of all consumers, especially the aged, and to the education of qualified nutritionists of those who serve the consumer including teachers in elementary and secondary schools, doctors, dentists, nurses, and other health workers. This can be accomplished immediately by increasing personnel and funds in existing agencies and institutions.

4. Federal Government policy must offer the older person a variety of options for meals, but should stress the favorable psychological values and the economies inherent in group feeding. The policy should require all Federally-assisted housing developments to include services or to insure that services are available for the feeding of elderly residents and for elderly persons to whom the development is accessible. Where a meal is provided, it should meet at least ⅓ of the nutrient needs of the individual. The policy should also require the provision of facilities (including transportation) for food purchase and meal preparation within each household of the development. In addition, Federal policy should encourage and support community agencies to provide facilities and services for food purchase, meal preparation and home delivered meals (often called Meals-on-Wheels) for eligible persons living outside housing development or in isolated areas.

5. It is recommended that the Federal Government assume the responsibility for making adequate nutrition available to all elderly persons of the U.S. and its possessions.

Minimum adequate income (at least $3,000 per single person and $4,500 per couple) must be available to all elderly. Until money payments are increased above this minimum level existing food programs should be strengthened, including nutrition education, to meet the needs of the elderly. Therefore, it is recommended that:

a) In addition to store purchases of food, food stamps be used for the purchase of meals in participating restaurants, school and community settings, and any approved home delivery systems.

b) The food stamp program must be structured to conform to the USDA low-cost food plan at no increase in the cost of food stamps to the recipient.

c) As long as low income social security recipients are on fixed incomes they should be eligible for self-certification for food stamps and/or Public Assistance cash grants.

d) Food stamp applications should be mailed with social security checks and stamps sent to older persons through the mail or by some other efficient, practical and dignified distribution method.

e) The purchase of food stamps should be encouraged and facilitated by providing the first food stamp allotment without cost to the recipient, by permitting more frequent purchases and by distributing stamps at senior citizen centers.

f) The approximately 1000 counties in the United States still using the Commodity Program must switch by December 31, 1972, to the Food Stamp Program for the individual feeding of the elderly. Until this is accomplished the federal donated food should be made nutritionally appropriate, in packages of suitable size, and at readily accessible places.

It is recommended that the equivalent of a National school lunch program be established for Senior Citizens, not be limited to school facilities or to low income persons. Basic components of the program should be:

a) All USDA commodities should be fully available on the same basis as to the school lunch program.

b) Funding should provide for adequate staff, food, supplies, equipment, and transportation.

c) Elderly people should be employed insofar as possible.

d) Auxiliary services should be built in, including recreational, educational and counseling programs.

It is recommended that nutrition specialists already in the field direct the recruitment of volunteers and/or paid part-time aides from among the elderly and train them to teach sound nutritional practices to older people in groups and in their homes. Qualified social workers should be utilized in getting client acceptance of the services being made available.

6. The responsibility for producing quality food rests with the food industry. However, it is the responsibility of the Federal Government to establish and enforce such standards as are necessary to insure the safety and wholesomeness of our National food supply, as well as improve nutritive value. To do this requires more personnel and funding. State requirements that meet or exceed Federal standards must be established, implemented and monitored with Federal support. Particular attention should be given to both nutrient and ingredient labeling of food products as a means of achieving greater consumer understanding. An inclusive list of the ingredients in any processed food should be made available by the manufacturer to the consumer on request.

RETIREMENT ROLES AND ACTIVITIES

As we grow older, we continue to need to occupy roles that are meaningful to society and satisfying to us as individuals. However, we emphasize the primacy of such basic necessities as income, health and housing and these needs must be adequately met.

Twenty million older people with talents, skills, experience and time are an inexhaustible resource in our society. We represent all segments of the population; our abilities, our education, our occupational skills, and our cultural backgrounds are as diverse as America itself.

Given proper resources, opportunities and motivation, older persons can make a valuable contribution. We are also capable of being effective advocates of our own cause and should be included in planning, in decision making and in the implementation of programs. Choice of roles must be available to each older person despite differences in language and ethnicity, and limitation because of disability or level of income. The lives of Americans of all ages will be enriched as the nation provides opportunities for developing and utilizing the untapped resources of the elderly.

Policy proposal No. 1

Society—through government, private industry, labor, voluntary organizations, religious institutions, families and older individuals—must exercise its responsibility to create a public awareness of changing life styles and commitments in a continuous life cycle. Together they should discover and implement social innovations as vehicles for older persons to continue in, return to, or assume roles of their choice. These innovations should provide meaningful participation and leadership in government, cultural activities, industry, labor, welfare, education, religious organizations, recreation and all aspects of volunteer services.

Implementation

Programs at federal, state and local levels which provide opportunities for community service by older persons should be strengthened and expanded.

Mechanisms should be developed for continuing the work of successful demonstration programs, until such programs become unnecessary or self-sustaining.

Older people should not be further isolated. Attention must be paid to making opportunities for community service accessible as well as available to all older persons.

Policy proposal No. 2

Program efforts to meet role problems and to create new role opportunities should be designed to serve all segments of the older population. Priorities should be determined according to local and individual needs; Special effort must be made to include persons who might otherwise be excluded—the impoverished, the socially isolated, the ethnic minorities, the disabled and the disadvantaged.

Policy proposal No. 3

Society should adopt a policy of preparation for retirement, leisure, and education for life off the job. The private and public sectors should adopt and expand programs to prepare persons to understand and benefit from the changes produced by retirement. Programs should be developed with government at all levels, educational systems, religious institutions, recreation departments, business and labor to provide opportunities for the acquisition of the necessary attitudes, skills and knowledge to assure successful living. Retirement and leisure time planning begins with the early years and continues through life.

Implementation

While retirement preparation is both an individual and total community responsibility, every employer has a major responsibility for providing preparation-for-retirement programs during the working hours.

The function of Social Security district offices should be expanded to include the additional role of offering individual pre-retirement counseling.

Policy proposal No. 4

Social policy should encourage families to assume the responsibility for providing supportive services to older family members; however, society must insure the availability through government and community organizations to all older people of comprehensive supportive services which they are unable to provide independently.

Implementation

The federal government should move immediately to develop models for a network of supportive services for all elderly citizens. Implementation should be the ultimate responsibility of the local community.

In funding supportive services, federal funds should be provided to applicant agencies and local communities as well as state organizations.

The availability of such services should be made known through a program of public information.

Policy proposal No. 5

Public policy should encourage and promote opportunities for the greater involvement of older people in community and civic affairs, and for their participation in formulating goals and policies on their own behalf as a basis for making the transition from work to leisure roles. Society should reappraise the current life style sequence of student, worker, retiree roles, and promote role flexibility.

Policy proposal No. 6

We recognize that many problems of aging Americans are problems for all Americans, and we urge the Conference to request the re-ordering of the nation's priorities.

All citizens will benefit from elimination of poverty, preservation of the environment, more adequate health care services, better housing, transportation and the control of disease and physical disability.

Therefore, we recommend that the Chairman of the 1971 White House Conference on Aging appoint a select committee of delegates to prepare a preamble for action which calls for a re-ordering of our nation's priorities, and that recognizes that the strength and success of America will be judged on how well the needs of its own people are served.

Policy Proposal No. 7

We recommend that the President and the Congress, either by executive order or by congressional action, give immediate priority to the restructuring of the Administration on Aging and its establishment as a visible, effective advocate agency for the elderly at the highest level of government so that it will directly relate to the Executive Office of the President.

Policy Proposal No. 8

Since older persons have special needs, we recommend that public programs specifically designed for the elderly should receive categorical support for the elderly, rather than compelling the aged to compete for services, activities, and facilities intended for the general population.

Policy proposal No. 9

It should be the responsibility of the federal government, in cooperation with other levels of government, to provide funds for the establishment, construction and operation of community oriented multi-service centers designed for older ctiizens. Industry, labor, voluntary and religious organizations should assist in the planning and implementation.

Policy proposal No. 10

In order to encourage further activity on the part of older Americans, it is recommended that the work means test be modified so as to allow unlimited earnings without the reduction of Social Security benefits.

Policy proposal No. 11

The information media are so important in the formation of public atttiudes that it is recommended that special attention be given to enhancing the image of older persons, and to disseminating the recommendations of the 1971 White House Conference on Aging and its follow-up activities.

Policy proposal No. 12

The Administration on Aging should arrange for the publication of status reports to the delegates, at six month intervals, on action taken on the recommendations of the 1971 White House Conference on Aging.

Policy proposal No. 13

Training and research agencies, including university programs which relate to recreation and leisure, should be encouraged to concern themselves with the needs of older persons as an integral part of their training curriculum.

Policy proposal No. 14

We endorse a program looking toward continuing physical fitness of men and women before and during the years of retirement. Such a program should be implemented by governmental support in cooperation with voluntary agencies which have a long history of experience in this field.

Policy proposal No. 15

Because reciprocity often does not permit the full use of elderly professionals whose services are badly needed, we urge the National Conference of Commissioners on Uniform State Laws, in cooperation with the professions, to develop and promulgate a minimum national standard for admission to the medical, dental, legal and other professions, which standard permits quality professional practice, and that each state adopt such a uniform standard of professional practice.

SPIRITUAL WELL-BEING

Spiritual well-being relates to all areas of human activity. In referring to man's spiritual well-being, we consider those aspects of life ". . . pertaining to man's inner resources, especially his ultimate concern the basic value around which all other values are focused, the central philosophy of life—whether religious, anti-religious, or non-religious—which guides a person's conduct, the supernatural and non-material dimensions of human nature."

Whether rich or poor, advantaged or disadvantaged, every person has a right to achieve a sense of spiritual well-being. "We believe that something is wrong with any society in which every age level is not clearly of meaning and of value to that society. The spiritual needs of the aging really are those of every person, writ large: the need for identity, meaning, love, and wisdom."[1]

As delegate to the White House Conference on Aging in the section concerned for spiritual well-being, we call attention to this fact of life: to ignore, or to attempt to separate, the need to fulfill the spiritual well-being of man, from attempts to satisfy his physical, material, and social needs is to fail to understand both the meaning of God and the meaning of man.

Whether it be the concerns for education, employment, health, housing, income, nutrition, retirement roles, or transportation, a proper solution involves personal identification, social acceptance, and human dignity. These come fully only when a man has wholesome relationships with both fellowmen and God.

The concerns apply to all ages. Basic needs do not necessarily change with age, but they often are intensified.

Therefore, the White House Conference on Aging states that all policies, programs, and activities recommended in a National Policy on Aging should be so developed that the spiritual well-being of all citizens should be fulfilled.

In this context the Section on Spiritual Well-Being of the White House Conference on Aging makes the following policy recommendations:

Since all persons have the "right" to the privileges of citizenship, no person because of his religion, race, creed or national origin should be denied that "right" which includes access to all avenues of assistances.

Proposal

The government should cooperate with religious bodies and private agencies to help meet the spiritual needs of the elderly, but in doing so should observe the principle of separation of Church and State.

Proposal

The government should cooperate with religious organizations and concerned social and educational agencies to provide research and professional training in matters of spiritual well-being to those who deliver services to the aging.

Proposal

It is recommended that the government provide financial assistance for the training of clergy, professional workers, and volunteers to develop special understanding and competency in satisfying the spiritual needs of the aging.

Proposal

It is recommended that all licensing agencies in the State require that institutions caring for the aged must provide adequate chaplaincy services. In certain instances in which cooperating church organizations cannot obtain financial support for such service, government should be empowered to supply it upon the recommendations of the State Commission on Aging or other appropriate agencies.

[1] Bollinger, Thomas W. 1969. "The Spiritual Needs of the Aging." In *The Need for a Specific Ministry to the Aged* (Southern Pines, N.C.: Bishop Edwin A. Penick Memorial Home, 1969), pp. 50–51.

Proposal

It is recommended that the Federal government should establish a continuing system of evaluation of present and proposed government funded programs serving the elderly. One of the functions of such a system would be a determination of a program's effect upon the spiritual well-being of the elderly.

Proposal

It is recommended that a much greater, more diverse information flow is necessary to acquaint the elderly with all the services which are available to them. Social Security Administration should be required to disseminate adequately the information necessary to acquaint the elderly with all the services which are available to them, such as by enclosing information with social security checks.

In efforts to meet the spiritual needs of the aging, it is essential that both group and individual needs be recognized. Both group, (inter-generational, inter-racial, geographical, etc.) and individual desires must be recognized in all situations, and the alternative choices that most effectively provide solutions be available.

Proposal

Efforts should be made to meet the spiritual needs of the aging by ministering to them in conjunction with people of all ages, as well as in groups with special needs. It is noted that special attention should be given to allowing older persons to share in the planning and implementation of all programs related to them.

Proposal

As a part of total programming for older persons, communities should make available religious or other spiritual consultation to the aged in their own homes, using the clergy and other trained persons. Special emphasis shall be given to assist and utilize personnel of those religious bodies lacking financial resources often available to larger groups.

Any discussion of the spheres of interest of religious organizations must recognize that, though spiritual and social concerns may have definable aspects unique to themselves, to ignore their many areas of interdependency is to lessen the totality of each

Proposal

Since man is a whole being with interrelated and inter-dependent needs, religious organizations should be actively concerned with spiritual, personal and social needs.

Proposal

Religious organizations must be aware of agencies and services, other than their own, which can provide a complete ministry to older persons; other organizations designed for the benefit of older persons should develop as a part of their services channels to persons and agencies who can help in spiritual problems.

Proposal

Religious bodies should exercise a strong advocacy role in meeting the needs of the elderly, working for programs, both public and private, that contribute to the well-being of the elderly and protecting them from those who would victimize or demean them.

We live in an age of ecumenism. While each religious body has inherent rights to provide opportunity for full participation in developing policy and implementing programs, the large and most visible religious bodies should be aware of and cooperative with all other religious bodies.

Proposal

Religious bodies have traditionally and properly developed their own philosophies. We recommend that they work together with the elderly and coordinate their efforts with other groups to develop and declare an affirmation of rights for the elderly. These rights should include the basic values of all while insuring the basic right of freedom of religion.

Proposal

It should be the national policy that religious bodies and other private agencies make it their concern to bring together the services of the entire community to provide opportunity for interfaith broadbased community programs for the aged through multipurpose community centers.

Any discussion of the spiritual well-being of man must include all aspects of life, even that of death. Although there are strong arguments in any such discussion, they are best resolved by open discussion.

Proposal

Religious bodies and government should affirm the right to, and reverence for life and recognize the individual's right to die with dignity.

TRANSPORTATION

Introductory statement

It has been unanimously agreed by the State and Territorial Conferences, the National Organization Task Force, the Technical Committee on Transportation and the Delegates of the Transportation Section of this Conference that meeting the transportation needs of the elderly is a problem of vital concern. For many of the elderly the lack of transportation itself is the problem; for others, it is the lack of money for bus fares; the lack of available services to places they want and need to reach; the design and service features of our transportation systems. These problems interact with one another and in doing so further augment the transportation difficulties of the elderly. For example, their low incomes often force them to live in poor transit service areas and prevent them from owning private automobiles. Rising fares and reduced services of financially declining transit companies restrict their travel. Even where transit is available, design features and the lack of directional information may preclude access to available part-time work which might improve their incomes.

The elderly, like everyone in society, must depend upon the ability to travel for acquiring the basic necessities of food, clothing, and shelter as well as employment and medical care. The ability to travel is also necessary for their participation in spiritual, cultural, recreational and other social activities. To the extent the aged are denied transportation services they are denied full participation in meaningful community life.

It is essential that the needs of *all* the elderly be considered. In the establishment and operation of the transportation systems and services proposed in the policy recommendations, provision must be made to serve the ethnic and cultural needs of minority groups. In addition, because the transportation needs of the rural elderly are critical, they must be assured of receiving all the benefits associated with the recommendations of this Conference.

The implications of the failure of our transportation network to meet the needs of the elderly have received widespread attention and study by Congressional committees, advisory boards, the President's Task Force on Aging, and numerous other goal-generating sources. They have repeatedly affirmed that the opportunity for a wide range of life choices is a basic right of the elderly; that mobility is a necessary precondition for free and dignified choice; that maximization of choice through programs to increase the mobility of the aged ought to be the overall goal of public policy for the older citizen.

The Delegates of the Transportation Section are in agreement with these goals. However, the transportation needs of the elderly cannot wait for more studies. Immediate action is needed. The transportation policy recommendations are a call for action now. The order of presentation of recommendations in this report shall not be considered as an ordering of the priority of the recommendations.

POLICY RECOMMENDATIONS

The following are the policy recommendations passed unanimously or by majority vote except where otherwise noted.

Transportation subsidies

The Federal Government shall immediately adopt a policy of increasing transportation services for the rural and urban elderly. The policy should be flexible encompassing various alternatives. Both system subsidies and payments to elderly individuals may be needed, the choice depending upon the availability and usability of public and private transportation.

Subsidies should be made available not only for existing systems, but also for the development of flexible and innovative systems, especially where there are no existing facilities.

Financial support should be directed toward accomplishing program purposes such as:

1. Reduced or no fare transit for elderly people.
2. Operating and capital subsidies.

Transportation for all users

The Federal Government shall act immediately to increase support for the development of transportation for all users, with special consideration given to the needs of the elderly, the handicapped, rural people, the poor and youth.

Transport coordination

Publicly funded programs for the elderly shall be designed so that transportation will be required as an integral part of these programs, whether transportation is provided directly by the programs or through other community resources.

Public policy shall require coordination of existing transportation and/or new planned transportation with publicly funded programs for the elderly.

To assure maximum use of vehicles and coordination, all government passenger vehicles (such as school buses, vans and other vehicles) in use by Federal, Regional, State, County and City programs shall be made available interchangably among agencies for the provision of transportation to senior citizens for their respective programs. The use of these vehicles shall be available without prejudice to serve all disadvantaged elderly.

An area clearinghouse should be established so that all local transportation resources are used efficiently to meet the transportation needs of the elderly.

Individualized flexible transportation

The Federal Government shall provide leadership and financial support for the development of individualized, flexible transportation for the elderly which provides increased access to health care facilities, shopping, religious, social, recreational, and cultural activities. Programs should be implemented by local and state governments, private enterprise and voluntary community action.

Minimum design and safety standards

The Federal Government in cooperation with state and local governments and other agencies, shall set minimum standards for the design of equipment and facilities and shall develop programs to assure the safety, comfort, and convenience of the elderly as pedestrians, drivers, and users of transportation services. Implementation and enforce-

ment of these standards should be by local and state governments unless preempted by the Federal Government.

Design and safety features

Transportation systems and services developed or subsidized by public funds shall be designed in an architecturally barrier-free manner in order to provide accessibility for all people.

The Federal Government shall provide guidelines to State and local governments to assist in the development of improved ancillary services such as: terminal design, shelters, centralized transit information, traffic control, and crosswalk markings. Where appropriate, symbols, multi-lingual signs and other devices will be used to facilitate movement of all users.

Reduced fares

Appropriate legislation at all levels of government should provide that the elderly and handicapped be allowed to travel at half fares or less on a space available basis on all modes of public transportation.

Transportation fund

The Federal Government should move immediately to adopt a policy which will both increase the level of funding available to the development and improvement of transportation services and also foster the coordination of all forms of transportation, public and private, at federal, state, regional, and local levels of responsibility.

The Congress of the United States is urged to immediately adopt legislation to convert the Highway Trust Fund into a General Transportation Fund to be utilized for all modes of transportation.

A portion of the General Transportation Fund shall be made available for the development of new transportation services and the improvement of existing transportation services for the elderly.

Drivers licensing

A nationwide set of driver's licensing standards shall be established that do not discriminate against the elderly on the basis of chronological age alone.

Volunteer driver insurance

In designing new flexible transportation services, the Federal Government should establish a national policy for guaranteed liability insurance to cover volunteer drivers.

Encouragement for volunteer drivers

Individuals should be encouraged to serve as volunteer drivers for the elderly in one or more of the following ways: reimbursement for out-of-pocket cost of services rendered; a tax break; use of publicly-owned vehicles; or assistance with insurance and maintenance of vehicles.

Governmental appointments

An elderly person knowledgeable in the affairs of the elderly shall be appointed as an assistant reporting directly to the Secretary of Transportation to represent the needs of the elderly and work toward implementation of their transportation programs.

Insurance cancellation

The Federal Government and/or state governments should pass legislation prohibiting insurance companies from increasing auto insurance premiums or cancelling policies on the basis of age alone.

No-fault insurance

Exploration of the concept of no-fault insurance and the possibility of government operated insurance programs and experimentation now underway in the various States which would further the development of better insurance programs shall be encouraged.

Minority proposal

Exploration of the concept of no-fault insurance and experimentation now underway in the various States which would further the development of better insurance programs shall be encouraged.

Transportation for the rural elderly

All levels of Government shall take immediate steps to correct the present lack of provisions for the basic transportation needs of the rural elderly. Federal laws shall be amended to include specific definitions of responsibility for rural transportation by the Department of Transportation.

Transportation and Federal action

In the absence of state or local response to the transportation needs of all users, especially the elderly, handicapped, rural, poor and youth, the Federal Government shall be empowered to act unilaterally in their interest.

Private housing transportation needs

Individualized and/or public transportation shall be incorporated in the planning of all privately funded senior housing projects to meet the needs of the elderly.

Jurisdictional coverage

All policies adopted as a result of the recommendations of this conference shall be applicable to all of the United States, the Commonwealth of Puerto Rico and all other territories associated with the United States.

Special problem: Reservation Indians

Because American Indian Reservations are considered to be outside of state jurisdiction, American Reservation Indians are not eligible for existing or proposed state funded transportation services.

The Federal Government should recognize the unique transportation problems of American Reservation Indians, and shall immediately provide through subsidies new transportation services that assure American Reservation Indians transportation to health care, educational, social, religious, recreational, cultural and shopping facilities.

Post conference action

It is proposed that the 1971 White House Conference on Aging and subsequent follow up of this Conference can benefit by including in their structured deliberations a special section or workshop having a kind of free-wheeling assignment to offer new and creative ideas. Such a section would not be bound by structured issues. It would be composed of leaders from the elderly and a cross-section of all the major fields of society. It would examine the issues and underlying value-systems which limit self-determination and inhibit the elderly persons' opportunity to be productive. This section would suggest new basic concepts not now explored in the field of aging. Said concepts would go beyond our basic view of the elderly persons' role in society.

FACILITIES, PROGRAMS, AND SERVICES

National policy should guarantee to all older persons real choices as to how they shall spend their later years. Older persons should be enabled to maintain their independence and their usefulness at the highest possible levels. They must have the opportunity for continued growth, development and self-fulfillment and for expanded contributions to a variety of community activities.

In addition to adequate income, an effective network of facilities, programs, and services must be readily available and accessible to permit them to exercise a wide range of options, regardless of their individual circumstances or where they happen to live. Such facilities, programs, and services must be available whether the need for them is short term or long term. They may be under public or voluntary auspices.

Attention must be given now to identify and provide those services which make it possible for older persons to remain in, or return to, their own homes or other places of residence. Whatever the type of resource required to assist them in maintaining the living arrangements of their choice, whether institutional or community based, appropriate standards for those resources must be established and strictly enforced.

Action is needed in forging a national social policy on protection of the older person's rights and choices that will be reflected in provision of a wide range of facilities, programs, and services, whether preventive, protective, rehabilitative, supportive or developmental in their focus. To this end there must be strategies for achieving action now, including Federal fiscal support to implement the policies which follow.

Policy recommendation No. 1

Majority Recommendation

Tax funds should be more equitably allocated to maximize the likelihood that older persons will continue to live independently and to help assure that older persons will have a choice of living arrangements. To achieve this, a full range of supportive community services, public and private, must be adequately financed. Public funds must be allocated in sufficient magnitude to assure such quality institutional care, from minimal to maximal, as may be needed at various stages in an older person's life. The level and quality of care and services shall be provided without regard to source of payment.

Policy recommendation No. 2

Majority Recommendation

Services to older people should be provided through a combination of governmental, private non-profit and commercial agencies. The Federal Government should be responsible for financing a minimum floor for all services. These services may be procured from private non-profit and/or commercial sources at the election of local and State governments.

Minority Recommendation

Services to older people should be provided through a combination of governmental, private non-profit and commercial agencies. The Federal Government should be responsible for financing a minimum floor for all services. These services may be procured from private non-profit and/or commercial sources.

Policy recommendation No. 3

Majority Recommendation

Primary responsibility for planning and coordination of health, welfare and other services for the older population should be placed in a public service agency with divisions at the Federal, State and local level with strong administrative authority and funding controls and the capability of functioning across departmental lines. There should be extensive involvement of older people and independent agencies and organizations in the making of policies and in all aspects of planning.

Policy recommendation No. 4

Majority Recommendation

All age groups should be involved in the determination of policies and standards for facilities and services for the older population and older persons themselves certainly must have a role.

Policy recommendation No. 5

Majority Recommendation

Qualifications other than age should be the determining factors in staff employment in facilities and programs for the elderly, but *special effort* should be made to use older persons in staffing such facilities and programs.

Policy recommendation No. 6

Majority Recommendation

Older persons should be served by an integrated system, sharing equitably with other age groups those facilities, programs and services suitable and appropriate to the needs of the general population but they should also have the benefit of specialized facilities, programs and services based on their distinctive needs.

Policy recommendation No. 7

Majority Recommendation

Government controls as a primary means for assuring consumer protection should be substantially augmented by the participation of consumers, industry, business, and the professions.

Policy recommendation No. 8

Majority recommendation

A central consumer agency should be established at the Federal level to better coordinate and strengthen the powers and responsibilities of existing Federal agencies engaged in consumer protection to ensure that the interests of elderly consumers are better served.

Policy recommendation No. 9

Majority recommendation

Older persons shall be free to manage their own affairs. Should public intervention be needed due to hazardous circumstances or situations in which they may be involved, there must be full protection of their legal rights as individuals. There should be development of protective services for those older persons in the community who are unable to manage their affairs because their mental and/or physical functioning is seriously impaired.

Policy recommendation No. 10

Majority recommendation

Age alone may be an appropriate criterion in establishing policy for certain programs, such as eligibility for social security retirement benefits and property tax relief. It is an inappropriate criterion when used to discriminate against the elderly in determining eligibility for insurance, employment and credit, for example. Any criterion based solely on age should be analyzed to determine whether it is appropriate for a particular area.

Policy recommendation No. 11

Majority Recommendation

Federal legislation shall provide minimum quality standards and guidelines to provide uniform services and care for the elderly in all federally-administered programs and in Grant-in-Aid programs offered to the States, supplemented by legislation on the State and local levels conforming to such standards and guidelines. Such standards and guidelines shall clearly specify requirements regarding staff qualifications and training and the quality of facilities, programs and services.

Policy recommendation No. 12

Majority Recommendation

Government funded legal services shall be available to older persons in all communities.

To ensure this:

1. The Federal Government should earmark adequate funds so that older persons will have a guaranteed full range of legal services, including advocacy, administrative reform, litigation and legislation. The funds provided should be a fair proportion of all legal service funding.

2. Bar associations, private law firms and law schools and university research institutes should be encouraged to provide legal assistance and research findings to older persons.

3. Lay people and older para-professionals should be used to perform advocacy roles that advance the legal concerns of older people.

4. Congress should establish an independent legal service corporation in which older persons will have a fair share of direction, that will provide free services for those who cannot afford them (including rights and property of older homeowners), will charge a reasonable fee for those persons whose incomes permit a modest payment, and whose services will be accessible wherever older people live.

5. Funds should be made available for research into the legal problems of older persons.

Policy recommendation No. 13

Majority Recommendation

While the need for greatly expanded facilities, programs and services is urgent, services are not a substitute for sufficient income to maintain independent living in dignity and health. Older persons require no less than the moderate standard of living defined by the Bureau of Labor Statistics and no limit should be placed on earnings of social security beneficiaries.

Policy recommendation No. 14

Majority Recommendation

Police protection of the elderly should become a top priority. A portion of Federal funds for the prevention of crime allocated to the States or local communities should be earmarked for this purpose. Particular attention should be paid to the needs of minority groups.

Policy recommendation No. 15

Majority Recommendation

Involvement between young people and older people should be encouraged at all levels of community life. Young people can gain knowledge of the process of aging and become involved with elderly people through the education system, National Youth Organizations, and volunteer roles.

Policy recommendation No. 16

Majority Recommendation

A policy affecting the elderly will only be useful if it is written clearly, is publicized broadly, and is completely understandable by persons with differing cultural and linguistic backgrounds. For example, the Social Security Administration could enclose with the monthly check notification of entitlements and programs available to beneficiaries.

Policy recommendation No. 17

Majority Recommendation

Delegates from every part of our Nation call upon the President to end the United States involvement in the war in Southeast Asia. We are acutely aware of the human costs resulting from that tragic war including war-related spiraling inflation and the unfortunate waste of our resources in so-called defense appropriations. We declare urgently and simply: The War Must Stop!

GOVERNMENT AND NON-GOVERNMENT ORGANIZATION

Introduction

The 1971 White House Conference on Aging, has been divided into fourteen Sections, ninety-five Subsections and several Special Concerns Sessions, all considering a staggering array of problems and needs of our nation's older population. Whatever their decisions, recommendations and/or proposals, they ultimately must become the concern and responsibility of the Section on Government and Non-Government Organization, if they are to be implemented.

This Section recognizes that the problems of the aging are statewide and nationwide; they require multiple solutions; they must first have local identification; they cannot and will not be met, successfully, without the involvement of all government and non-government agencies concerned with the aging; they demand a cooperative, correlated approach which extends needed services to all older persons; and they must be underwritten, beyond speeches, proposals and laws, by commitments of manpower and sufficient funds.

Further, this Section recognizes that both governmental and non-governmental agencies must act as advocates for the elderly and be held accountable both for what they do and for what they do not do, to advance the interests of older people.

Whatever organizational patterns are established and/or modified must now include focal points of authority and responsibility at each level of government.

Finally, this Section introduces its own proposals with the recognition that society has grown so increasingly complex and interdependent no individual person and no individual agency can provide for the needs of people through independent efforts. The time has come to develop, support and enhance an improved and strengthened moving organizational force which will lead to strong reforms and action whereby every older person in our land shall be privileged to live out his life in decency, dignity and with a sense of personal worth.

Policy proposals

1. Public agencies should be empowered, and voluntary agencies encouraged to undertake and/or pursue more vigorously the advocacy of older people's interests, drawing more fully upon direct communications with, and participation by, the elderly and/or their organizations and the general public.

2. At all levels of government, a central office on aging should be established in the Office of the Chief Executive, with responsibility for coordinating all programs and activities dealing with the aging, fostering coordination between governmental and non-governmental programs directly and indirectly engaged in the provision of services, and for planning, monitoring and evaluating services and programs. Each operating department should establish the post of Assistant Secretary for Aging with responsibility for maximizing the department's impact in relation to the needs of the older person. A coordinating council should be established in each central office of aging to be chaired by the director of the office and should include the several department assistants on aging.

At the Federal level, this central office should be implemented with the authority and funding levels and full-time staff needed to formulate and administer policy, and should be assisted by an advisory council and should be required to make an accurate and comprehensive annual report on its progress in resolving problems and meeting goals. This White House level office should have enough prestige and resources to assure that it will encourage the development of parallel units at the State and community levels.

3. Relationships between agencies in aging and other public agencies should be characterized by mutual adjustments and cooperation at all government levels and by durable joint agreements of responsibility for research, comprehensive planning and provision of services and facilities, and should be based on and directly responsive to older Americans' opinions and desires at the grass root levels.

4. Governmental responsibility, particularly for providing funds and establishing standards, must be emphasized if the necessary facilities and services are to be made available to older people. The delivery of services should make maximum use of voluntary and private organizations which can meet the standards established by government in consultation with consumers and the providers of service.

XUM

5. Overall agency activities in aging should be planned and organized to provide coordination and support in both vertical and horizontal dimensions. Local agencies should participate in the formulation of State plans; State agencies should participate in the formulation of comprehensive plans and national policies. Such inter-relatedness should include governmental and non-governmental organizations, private and voluntary agencies, and representatives of the elderly.

6. Governments, at all levels, should encourage and foster the participation of private enterprise and voluntary organizations, including those whose membership is drawn from among the elderly. Such efforts to meet the needs of older people should include: pilot research and demonstration projects, direct service programs, self-help programs, informational, educational and referral services, planning and training programs.

7. Basic facilities and services should be provided as rights to which all older people are entitled and the opportunity to share these facilities and services ought to be available to all older people, while the adversely circumstanced must be entitled to special consideration.

8. All efforts to meet the needs of older people, whether by governmental or private and voluntary agencies, should be consistent with: (a) the First Amendment Freedoms of Association and Expression; (b) the right to participate in government-sponsored programs free from religious, racial, ethnic and age discrimination; and (c) protection of one's person and property, particularly in institutional settings.

9. The integration of governmental activities in the field of aging should be improved by the Federal agencies showing greater appreciation of the fact that the principle of accountability applies from the Federal to the State level, as well as from the States to the Federal Administration. Federal accountability to the States should provide sufficient lead time when Federal policy and administrative changes are to be announced, as well as prior consultation regarding changes in appropriations. Federal agencies also should improve their communication with State units on aging to provide advance clearance of direct Federal grants to individuals, organizations and agencies.

10. A special committee on the aging should be established in the United States House of Representatives, functioning in a comparable role to that of the United States Senate Special Committee on Aging.

11. National priorities must be re-ordered so as to allocate a greater share of our nation's resources to meet the needs of its older citizens.

12. Means should be found for a continuing "conference" on the aging to aid in the follow-up of the recommendations of this WHCoA, which also would extend beyond the announced follow-up year of 1972 and even until the next White House Conference on Aging.

SUMMARY

The preceding policy proposals of the Section on Government and Non-Government Organization clearly indicate the need and mandatory responsibility for every level of government, as well as of the private and voluntary sectors, to see to it that the organizational structures are revised to make possible effective implementation of the proposals and concerns of all of the other Sections of the Conference.

The policy proposals repeatedly stress the need for ongoing advocacy at all levels of government and within the private and voluntary sectors. Also, relatedness and communication are recognized as essential ingredients of implementing plans for the elderly. Finally, these proposals place strong emphasis upon a focal point at the top level, within Federal, State and Local governments, which will ensure the most effective support by both the executive and the legislative branches of governments, and thereby of all private and voluntary agencies and organizations.

PLANNING

Many Americans have found their later years to be a time of new opportunity, fulfillment and growth. It is the belief of the Section on Planning that thorough and sound planning in aging is most important if such an old age for most Americans is to become a reality.

Planning in aging is a process through which our society must determine those steps to be taken in achieving the goals and objectives of both older persons and those who will one day be elderly. Planning for the future is the real means of changing the conditions of old age for the better. Planning must include both the forming of goals and a weighing of the advantages and disadvantages of any plan of action. Good planning requires knowledge of needs, resources and priorities. Information based on solid research is a basic tool in good planning.

Too much of our planning for aging has been on a short range basis—going from crisis to crisis. While some movement toward long range planning has been made by a number of both governmental and private groups, many feel that short-term patchwork planning has characterized planning efforts.

Planning which aims at the long range needs of the elderly and attempts to look into the future to anticipate needs which may arise in years to come is needed. Many of the needs of our present older citizens will be the same as the needs of Americans who are now young. When they are older, some needs may be different. Great social changes which may take years to accomplish may be needed. Inflation, over-crowding, population growth, environmental concerns, mobility and the growth of government and the lessened ability of an individual citizen to plan for the future makes planning needed for today, tomorrow and for years to come.

Planning must not be confused with delay. It must never be used as an excuse for inaction. We must understand that "action now" is not contrary to the need for long range planning. Instead, the funds spent on good planning mean that the programs which are developed are meaningful, well thought-out and truly effective. More, rather than less, time and money may be needed.

Our nation is constantly setting goals for itself in all areas of national concern. In the field of aging, as in other areas of concern, the priorities which we as a nation set, are most important. Indeed, the very place that we give to the needs of our elderly today and in the future will be determined by the action we take now. Planning without action would be a cruel hoax. Action without planning would be an expensive exercise in futility.

The following policy proposals represent the feelings and attitudes of delegates representing all sections of America. Elderly Americans, planners, citizens involved in both the planning and delivery of services to the elderly were represented as in each section of the conference. Planning to identify and state the needs of the elderly; planning to develop methods of meeting those needs; planning to find the means to generate support and galvanize the nation to action—each step of the way needs clear guidelines. The policy proposals herein may assist in finding our way.

Policy proposals

1. To be responsive, planning must involve inputs from many segments and sectors of our society. To be effective, this planning must be comprehensive and coordinated. The planning efforts of government should continue to constitute the basic means through which the nation plans in aging. We recommend that government at all levels be required to provide opportunity for significant involvement of the non-governmental sector and consumers in the decision-making process.

2. A separate entity should be created within the Executive Office of the President through legislation and charged with the responsibility for comprehensive planning and advocacy in aging.

This entity should have resources (e.g. authority, funds, staff) adequate to meet this responsibility. The Administration on Aging should be retained within the Department of Health, Education and Welfare, but it should be raised to the status of an independent agency within the Department, reporting directly to the Secretary.

There should be an interdepartmental committee with representation at the Secretarial level to be chaired by the senior Federal official on aging.

3. There was recognition of the urgent need for a commitment within each State government to provide comprehensive planning in aging.

It is recommended that this could best be realized by the establishment of a separate entity dedicated to comprehensive planning in aging within each State government.

The leadership planning mechanism at State and local levels should, to the extent possible, parallel the mechanism at the Federal level.

Where appropriate, such planning at the local level should be undertaken on a regional, e.g., multi-county basis.

Comprehensive planning at the local level should be encouraged but the mechanism left to local option. This effort should embrace a partnership between the governmental and voluntary sectors of our society.

4. Adequate technical assistance and consultation in planning for meeting the needs of the elderly shall be provided in territories, possessions and other non-State jurisdictions of the United States.

5. Planning activities in aging of the three levels of government should be related to each other, and planning at State and local levels should receive financial support from the Federal Government.

In order to insure that coordinated comprehensive planning functions at State and national levels are meaningful and effective,[1] priorities and service needs should be identified at the local level. Federal funds should be provided for local planning in aging and be channeled through State units on aging which in turn will allocate funds to regional and local planning bodies for this purpose.

Federal agencies should be directed to assure that any Federal planning grants which have implications for human services, whether made to States or localities, shall require specific planning for the special needs of the aging. During all planning stages, the development of the plan shall be coordinated with the State agency on aging.

There should be basic mechanisms established to provide coordination of planning activities in aging at all three levels of government and across Department lines. These should include regional forums organized by the Federal Regional Councils, and systematic Federal and State evaluation of planning in aging.

In order to allow maximum flexibility at the State and local levels for innovation, Federal funds in the form of bloc grants without restriction should be set aside for long term planning in aging.

6. The planning mechanisms that have been developed in communities and at the State and national levels should increase their efforts to make multigenerational programs and services more responsive to the concerns of older persons and more effective in meeting their needs. In instances in which multigenerational programs and services cannot be made responsive enough to meet the needs of older persons, new or expanded programs planned specifically for the elderly should be developed.

7. Planning in aging should be based upon experience and expertise of professional and paraprofessional personnel and specialists in aging with the total involvement on an early and continuous basis of a majority representation of the elderly, including racial and ethnic minority groups. This involvement should be guaranteed in all planning for the elderly at the Federal, State and local levels. Age alone should not be the ruling factor in planning; thus, middle-aged and young persons should be included.

8. The Section expressed grave concern about how the elderly might fare under revenue sharing arrangements. However, if Federal revenue sharing is enacted, enabling legislation should provide for protection of the interests of the elderly.

9. Racial and ethnic discrimination and its attendant consequences have condemned substantial numbers of minority elderly to low levels of income and inadequate health and housing provisions. Too often, these minority groups of the elderly have not had the resources or capacity to stand up for their rights, nor have governmental agencies and citizens' organizations adequately served as advocates for them. Therefore, planning for aging must take priority cognizance of the above problems and seek to correct and eliminate them.[2]

While we must improve the quality of life for all the aged, our top priority must go to those who suffer most. America must address itself first to the needs of the elderly poor.

10. If planning is to be more than an exercise in rhetoric, it is imperative that:

(1) there be appropriate authority, responsibility, and accountability; and

(2) that there be bridges linking those who plan programs, those who administer programs, and the consumer.

To these ends we recommend:

(1) that the Federal planning organization must annually review and publicly report on its proposals;

(2) that the Federal planning organization shall review proposed legislation and executive activities to evaluate their possible effects upon the status of elderly persons;

(3) that administrative agencies annually evaluate and report on the effectiveness of their programs;

(4) that Federal agencies be empowered to take steps to insure that Federal programs administered at the State and local levels are in conformity with stated guidelines and objectives of programs;

(5) all planning should include the use of existing private resources, both proprietary and non-profit.

11. Planning should be linked to the budget process and therefore, we recommend that a copy of the planning and priority strategies for the elderly be submitted to the elected and executive public officials who have a direct role in the budgeting and appropriations processes.

12. In the final analysis, planning in behalf of aging stems from the basic values of society. Those values are translated into goals, objectives and priorities. As planning for aging proceeds, it will be necessary to address these values and priorities. In planning the allocation of resources, we urge that the aging receive a fair share of national wealth. This should be accomplished through a reordering of priorities at all levels to increase the commitment of national resources to meet human needs.

RESEARCH AND DEMONSTRATION

Introduction

To cope with the problems of older persons we must understand the nature of the difficulties they face as well as the nature of the aging process in its various biological and social-behaviorial dimensions. Research, demonstration, and evaluation are basic tools by which a society produces the knowledge it requires to deal with the problems of its people and to improve the quality of individual life.

Industry has long recognized the importance of research and has typically allocated from two to ten percent of its industrial operating budgets to research and development. In governmental programs, just as in industry, research is required to achieve accountability, cost-efficiency in quality, and utilization control. To achieve these objectives, substantial research is necessary, in aging as in other areas, yet government research in the aging area remains at an impoverished level.

A. The principal reasons for this critical state of affairs appears to be:

1. A long history of governmental and societal neglect of its responsibility toward the elderly.

2. An inadequate level of funding for immediate and long-range programs to improve the quality of life for older Americans.

3. An inadequate administrative structure to advocate, coordinate, implement, and administer research programs involving aging and the aged.

Recognizing this past neglect and urgent current needs, we affirm that the time has come to accelerate research efforts aimed at understanding the basic processes of aging and alleviating the suffering of those who encounter difficulty in adapting to this phase of life. For the above reasons, the total federal research and demonstration expenditure on problems of the aging must be increased. Research and demonstration serve a pivotal role, and we advocate a greatly expanded funding base for this purpose. Equally important is the development of an overall, integrated, consistent funding strategy which will permit the problems of aging to be addressed in a balanced and coordinated manner encompassing both the bio-medical and social-behavioral sciences. We cannot separate the improvement of the quality of life from the understanding of the bio-medical and social-behavioral origins of aging and the aging process. In addition, there must be provision for theoretical research which will prepare us for aging in the future.

Research and demonstration on problems of the aged must take into account the fact that significant differences in aging processes exist within an individual, between individuals of the same age, and between various age groups. We should give special consideration to the unmet needs of older Americans who belong to minority groups and those with special problems, e.g., the impoverished, the rural, the isolated, and the mentally ill. Retired technical and scientific personnel should be utilized in research. While women are not a numerical minority, they are underrepresented in high-level research and academic positions and should be given representation at decision-making levels in research and demonstration.

B. In an effort to give greater visibility, impact, and opportunity for practical implementation of these research principles, the Delegates to the White House Conference on Aging Section on Research and Demonstration recommend the following policy proposals:

1. that a National Institute of Gerontology be established immediately to support and conduct research and training in the biomedical and social-behavioral aspects of aging. The Institute should include study sections with equitable representation of the various areas involved in aging research and training.

2. that the President propose and that the Congress create a position within the Executive Branch with sufficient support and authority to develop and coordinate, at all levels of the Government, programs for the aged, including research and demonstration programs, and to oversee their translation into action.

3. that a major increase in Federal funds for research, research training, and demonstration be appropriated and allocated. Appropriation of general revenues for programs in the interests of older persons should contain additional funds amounting in the average to no less than 3.5 percent of such expenditures, these additional funds to be allocated for research, demonstration, and evaluation. Federal support of research and training in separate departments or schools within universities and separate research agencies should be continued and multi-disciplinary and multi-institutional programs should be fostered.

4. that funds for research, training for research, and demonstrations should be allocated in the aggregate in such a manner that the above activities relevant to aging and the aged in racial and ethnic minority groups be funded in an amount not less than their proportion of the total population. Attention should be given to the recruitment and training of minority group students to become competent researchers in gerontology. Minority groups would include but not be limited to the following: Blacks, Spanish-language Americans, American Indians, and Asian-Americans.

Additional recommendations

1. High priority should be given to the recruitment and training of capable women and the representation of such women in bodies which have responsibility for allocation of training and research funds.

2. The Administration on Aging or other appropriate clearing house should be charged with and allocated adequate resources for collecting and disseminating current research findings in the field of the aging and for making these findings relevant and available to practitioners.

3. Appropriated federal research, demonstration, and training funds should be appropriated and allocated promptly; and programs for which such funds are appropriated, whether intramural or extramural, should be implemented with adequate staff without delay.

4. More adequate procedures should be developed within the Federal Government to assure the continued operation and funding of those Federally funded demonstration projects which have been proven successful after evaluation.

TRAINING

Older persons continue to increase in numbers. Their needs have not been met because we have failed to act. There is, therefore, an immediate urgency to deal with these matters. The resolution of these significant human problems requires a large cadre of personnel trained in and committed to the field

[1] A minority report based upon a vote of 37–32 on this paragraph provided for conclusion of the paragraph as follows: "planning agencies at all levels must be responsive to needs and priorities identified at the local level. In general, Federal funds should be provided for local planning in aging and channeled through State units on aging, which in turn will allocate funds to regional and local planning bodies."

[2] A minority report based upon a vote of 22–19 on this paragraph provides for substitution and deletion of the sentence, "Therefore, planning . . . and eliminate them" and inclusion of a substitute sentence reading, "Therefore, planning for aging must take special cognizance of institutionalized prejudice".

of aging. What is necessary is the development of innovative and creative programs to provide training for the total range of occupations providing services to older persons, and specifically for professional and scholarly programs preparing people to work in the field of aging. As new service delivery systems are developed new modes of training and new types of personnel will be required.

In considering the training requirements for services to the older population, we are still mindful of the fact that adequate income maintenance and sufficient health care are basic necessities. There is a need for a minimum income level which will lift all older people out of poverty. Furthermore, we are also convinced there is presently urgent and massive need for expansion of programs which will provide employment opportunities for the elderly in constructive activities.

At present there is little training and education in the field of aging. During the 1970's the task facing those who are responsible for training is one of substantially increasing the amount of training available. While there has been some progress and there are high quality programs in a few locations, most States do not have any appreciable amount of training of any type related to problems of aging.

The need for training exists at different levels for many types of persons and for many types of subject matter. Retired persons, mature adults, students making career choices, volunteers, and members of minority groups must be recruited to work in aging and trained for this work. The decade of the 1970's is the decade in which major plans for training must be put into effect. Alternatives must be evaluated so that the following decades will be marked by a notably higher level of training and consequent improvement of programs for the aged.

Crucial to the national effort to provide training at all levels is the development and implementation of programs to train the trainers. Research now provides a base of understanding and learning which makes it possible to develop meaningful, specifically designed programs for further training in aging.

The following are the recommendations and policy proposals emanating from the Section on Training of the 1971 White House Conference on Aging:

Recommendations and policy proposals

No. 1: A fully developed training policy must focus on both the immediate needs of the present aged population and the future needs of the aging, through innovation of far reaching policies and programs. To accomplish the training of needed personnel, the present levels of funding in all government agencies concerned with aging must be substantially increased immediately in order to increase the supply of all types of manpower: technicians, para-professionals, professionals, planners, researchers, teachers and volunteers. Training must be conducted in appropriate settings both within and outside of educational institutions.

No. 2: Given that training in aging is lagging seriously behind the proven need, there is consensus that responsibility for the development of a vigorous national plan and continuing monitoring of training of manpower in aging should be lodged in a new Federal agency for aging adequately financed and with the power to coordinate all federally supported training programs in aging.

Minority position

One third of those voting believed that there should be a single but not necessarily new Federal agency for aging.

No. 3: In discharging its responsibilities, the new Federal agency should include representatives of training organizations, private non-profit foundations, scientific and professional organizations, organizations of older and retired persons, and other concerned groups in all planning bodies which formulate policies on training.

Minority position

One third of those voting believed that there should be a single but not necessarily new Federal agency for aging.

No. 4: Multidisciplinary research and training centers of excellence in gerontology with a relationship to service-delivery systems should be developed, *and* research and training should be fostered in a wide range of colleges, universities and other institutions. Innovative and experimental efforts in training must be encouraged. Each center should develop a network of effective relationships with other educational and service agencies to disseminate information and promote implementation of activities in aging.

No. 5: In addition to increased Federal support for training programs in aging there should be an acceleration of support for training in aging from state appropriations, foundation grants, private donations, and regular agency budgets. All service programs for older people should contain earmarked funds for the training of personnel.

No. 6: Funds for recruitment and support of personnel to be trained in aging should be allocated without priority based on sex or age. Special inducements—traineeships, scholarships, tuition grants, loans—should be offered in order to recruit personnel (particularly those from ethnic and minority groups) into careers in aging.

No. 7: Because of the needs and problems that exist among the aging of the economically and socially disadvantaged, funds should be earmarked at all levels of training and research for Blacks, Chicanos, Puerto Ricans, Asians, Indians, and other disadvantaged groups. All training programs funded on Federal, State and community levels should actively recruit faculty and trainees from these groups.

No. 8: In order to develop adequately trained persons in health, allied health, and other professional fields such as law, architecture, social work, etc., subject matter on aging must be inserted into pre-service and in-service curricula of professional schools immediately. In addition, emphasis should be placed on the development of community college level certificate and degree programs and programs in vocational and technical institutes as well as other local programs for personnel who deliver services to the older population. Teacher training programs should include positive concepts regarding the aging process and the older person for incorporation into elementary and secondary school curricula.

No. 9: We urge the creation of an adequately funded National Institute of Gerontology for trained and research. A substantial portion of the funds allocated to it should be earmarked for training.

No. 10: A national data bank and retrieval system similar to or parallel with the Education Research Information Center (ERIC) should be established to convert, translate, interpret, and make available all research knowledge and curriculum materials in aging to all training and research and demonstration programs.

No. 11: Recruitment and training will be to no avail if there is no corresponding increase in services. Therefore, recruiting should be related to useful job opportunities. Financial support for new service positions should be provided in balance with support of training programs.

Minority position

One fifth of those delegates voting were opposed to this recommendation for a variety of reasons.

No. 12: To insure the dedication of the Federal Government and our country in this period to life as opposed to death, we strongly urge Congress to reorder its priorities and divert funds from the military to human needs.

Minority position

One fourth of those delegates voting were opposed to this recommendation.

A. AGING AND BLINDNESS

Introduction

Since the American Foundation for the Blind participated actively in the 1961 White House Conference on Aging, we have a deep appreciation of its constructive impact in generating increased public awareness and concern for the unmet needs of our aging population and in stimulating a larger use of our nation's resources in meeting these needs.

We, in collaboration with other national, state and local organizations of and for the blind, do appreciate an opportunity to share with you our special concerns. As reported by the National Society for the Prevention of Blindness, approximately half of the estimated 500,000 legally blind persons in the United States are 65 years of age or older while two thirds are past middle age. Moreover, the majority of all new cases of blindness each year fall within the same age bracket. Despite these facts, most of our efforts, in both the governmental and private sectors, have been directed to blind children and to blind adults of employable age. Only recently have we begun to consider the needs of the older blind person.

Another aspect of our special concern stems from our philosophical belief in the desirability of helping blind persons to achieve their fullest potential as integrated members of their community. While this belief in no way contradicts the need for specialized and often separate services for persons who are visually handicapped, there is an equal need to insure the availability of general community services. Within this context, our hope is that blind persons—in fact all handicapped individuals—will become beneficiaries of the rapidly expanding programs and services for older persons in such fields as health, nutrition, housing, recreation, employment, continuing education, etc. It often takes little if any adaptation to implement this concept, but unfortunately it rarely occurs automatically, i.e., without continuing interpretation, education and planning.

In summary, we urge that the 1971 White House Conference give a high priority to the question of how handicapped persons, especially those who are visually handicapped, can be more effectively integrated and served by the ever-increasing number of special programs for older persons. As Senator Jennings Randolph of West Virginia stated in his keynote address to the Special Concerns Session on Aging and Blindness, "It is clear that we must change attitudes toward the blind. We must provide opportunities for normal living in society; not charity, but a chance. I fear that there is widespread misconception about the abilities and aspirations of elderly blind persons."

Our specific recommendations follow:

Recommendation

1. It is recommended that Congress increase old age, survivors and disability insurance and the adult public assistance categories to the intermediate level of living recommended by the Bureau of Labor Statistics (at least $2,297 for a single person and $4,185 for a married couple) and further that the adult categories of public assistance be federalized and that Social Security benefits not be deducted from public assistance payments.

Recommendation

2. It is recommended that the National Eye Institute and other interested organizations on a national and local level combine their efforts in an urgent overall program to prevent or alleviate diabetic retrinopathy; establish a center for the study of diseases of the macula, and increase research efforts in the fields of cataract, glaucoma and vascular diseases of the eye; establish screening efforts especially at hospitals, medical centers, homes for the aged, nursing homes, and extended care facilities to find aged patients who have blinding eye diseases which can be helped by medical or surgical means and low vision aids. Such efforts should be made by interested philanthropic organizations and implemented if necessary by legislative action;

It is further recommended that the National Eye Institute be required to develop better statistics on incidence, prevalence and etiology of blinding eye conditions that Congress amend Titles XVIII and XIX of the Social Security Act to cover low vision aids when the need is certified by an ophthalmologist or an optometrist specializing in low vision treatment; and that the number of low vision centers be increased and that the centers be staffed under the supervision of an ophthalmologist or a qualified optometrist.

Recommendation

3. It is recommended that the Vocational Rehabilitation Act be broadened to make rehabilitation services available to blind persons without regard to age or economic need and that Congress be urged to enact S. 1030, a bill to amend the Vocational Rehabilitation Act to provide rehabilitation services for older blind persons, and S. 2506, a bill to amend the Randolph-Sheppard Act, to accomplish these purposes.

Recommendation

4. It is recommended that the elderly, including the blind and handicapped, must have access to all modes of mobility and transportation for obtaining the essentials of daily living and the cultural and social benefits of modern society.

Recommendation

5. It is recommended that the Administration and Congress develop a network of personal care benefits for individuals with a certain level of functional disability to enable the older person to purchase whatever services are necessary to help him remain in his own home if he so wishes; such benefit is to be in addition to basic minimum income and assure a financial base for local community service providers.

B. AGING AND AGED BLACKS

Introduction

Participants in the Special Concerns Session on Aging and Aged Blacks and the National Caucus on the Black Aged overwhelmingly approved the policy recommendations which follow, while deploring the insufficient space allocated for a fuller reporting of those recommendations which need to be enacted and implemented in order to improve substantially the lives of aging and aged blacks who are often adversely affected by *racism*. It was also felt that significantly more attention should have been given to the needs of aging and aged blacks in the formulation of issues presented in the workbooks for discussion and action. The jeopardizing status of being black and old and poor (and the quadruple status, if female) must be removed as quickly as possible. Immediate steps in that direction clearly include enactment of major policy recommendations relative especially to income, health, and housing. Blacks must be adequately represented at all levels throughout policy-level bodies and program groups relative to aging and aged persons. At least 11 percent of all federal funds allocated for research, training, and demonstration in aging during each fiscal year in the decade ahead should be earmarked specifically for blacks.

Recommendations and comment

1. It is recommended that *all* of the policy recommendations emanating from the Special Concerns Session on Aging and Aged Blacks which are attached be printed as a part of the preliminary report of the White House Conference on Aging.

This policy should be pursued for a number of reasons, with the most important justifications being that at least proportionate pagination should have been allocated for various sections, depending upon the heterogeneity of special concerns assigned to them and that inasmuch as almost all of the issues presented for consideration on the printed workbooks for this White House Conference on Aging made no specific reference to blacks whose aged statuses are yet handicapped by their racial statuses, sufficient consideration should be given to presenting the positions taken by blacks themselves on issues affecting them. The only way for all of the delegates at this Conference to have that information at least made available to them, as it should be is for the recommendations to be presented in the preliminary report.

2. It is recommended that *all* of the policy recommendations emanating from the Special Concerns Session on Aging and Aged Blacks be presented to the appropriate Sections of the White House Conference on Aging for inclusion within their final sectional reports, and that at least one black representative participate in the finalization of such reports, where that may not already be the case. Preferably, that black representative should be a member of the National Caucus on the Black Aged, an organization extremely active in trying to understand and aid in the reduction of the adverse plights of black elderly.

3. It is recommended that a minimum guaranteed annual income of $6,000 for a single aged person and $9,000 for an aged couple be established, and that appropriate cost-of-living indices be attached, with the aforementioned figures as a base.

4. It is recommended that the minimum age-eligibility requirement for primary beneficiaries of OASDHI (Social Security) be reduced by 7 years for black males, so as to reduce the existing racial inequities.

5. It is recommended that the proposed National Senior Citizens Community Service Program be enacted and implemented, with sufficient consideration given to blacks at all levels.

6. It is recommended that the federal government initiate guidelines and policies to govern and enforce adequate standards of private pension systems and that a pension portability system be established for all workers.

7. It is recommended that the federal government should act to increase the supply of housing available to low and moderate elderly members of all minority groups through such measures as providing seed money and loans for the creation and support of non-profit minority housing development organizations. Provision should be made for technical assistance and 100% financing to develop housing to be available to the elderly of all races.

8. It is recommended that the federal government on a continuing basis require that all new and existing facilities for the aged report the extent to which they will or are actually serving minority groups. Facilities with poor records to be required to implement meaningful affirmative action programs or lose their federal assistance.

9. It is recommended that federal policy require the provision for low and moderate income elderly housing in all new cities, new communities, planned unit developments, urban renewal areas, model cities areas and other similar developments which receive federal funds or assistance.

10. It is recommended that the federal government fund a system of fellowships and scholarships to low income students to provide education and inservice training in the development and management of nursing homes and other residentially oriented facilities. Program to include a representative number of trainees from all racial and ethnic groups.

11. It is recommended that federal government must allocate substantial funds for comprehensive nutrition action programs to rehabilitate malnourished aged and prevent malnourishment in those approaching retirement. These nutrition action programs must provide health-related components in addition to research components. In addition, all nutrition-health related research must have a service action component.

12. It is recommended that government resources allocated to nutrition should concentrate on providing food assistance to those in need. This food assistance program must be improved whether by Commodity Distribution or Food Stamps to make more commodities available to senior adults in more accessible distribution centers with transportation for seniors to and from the centers. Commodity foods must be packaged in smaller units for one and two person families to reduce spoiling and food poisioning dangers. An adeqate guaranteed income, however, should eliminate any need for the above for older persons would not be in poverty and would be able to purchase their foods in the usual, American manner.

13. It is recommended that at least 11 percent of all federal funds allocated for research, demonstration, and training in aging in any and all fiscal year during the next decade should be specifically earmarked for blacks.

14. It is recommended that the federal government ensure that blacks are adequately represented at all levels, national, state, and local, in policymaking levels and positions within each federal agency and their counterpart agencies (e.g., state agencies on aging), including staff and advisory councils. It is particularly important that sufficient black representation be secured at such high level places as top administration, review committees, and principal investigators of research projects or directors of demonstration programs involving any significant proportion of aging and aged blacks.

15. It is recommended that the establishment of a National Institute of Gerontology be supported, provided that it has a Division of Black Gerontology receiving approximately 30 percent of the total institute funds. If such a Division is not feasible, then we urge the establishment of an independent National Institute of Black Gerontology, sufficiently funded.

16. Black colleges in the South should be provided with sufficient funds and programs to produce black students trained (A.A. and B.S. levels) in areas relative to gerontology and geriatrics; all schools in the U.S. must include sufficient black representation within the student body and faculty in gerontological programs; and all curricula in such areas as Medicine, Law, Dentistry, Pharmacy, Nursing, and Social Work should include specific course materials relative to blacks.

17. It is recommended that government at every level become a strong advocate for the black elderly, serving to identify their needs, promote programs of public education and interpretation of the needs and how those needs should be met, etc. Adequate black representation would be involved on every level; further, that government would provide financial resources to black, nongovernment organizations having capabilities for

serving blacks more efficiently than is presently the case; and that greater emphasis be placed upon nongovernment (private sector) responsibility for meeting the needs of elderly blacks.

18. It is recommended that Medicare coverage should be expanded and improved to provide coverage for home care, long-term care and extended care without prior admission to an acute care hospital, expanded coverage for home care, coverage for out-of-hospital drugs, removal of the 100-day limit on skilled nursing home care for those patients who continue to need such care; that parts A and B of Medicare be merged and all deductibles and copayments be eliminated, and that services previously excluded (such as foot care, eyeglasses, eye refractions and examinations for eyeglasses, examinations for hearing aids, false teeth and dental care, other prostheses, and out-patient psychiatric care) should be included; that medicare coverage should be expanded to include disabled Social Security beneficiaries; that front-end financing from the Medicaid Trust Fund be utilized to develop senior citizen day care centers and a full range of geriatric health service centers, including community health outreach workers, transportation, information referral and advocacy services and that these centers should be owned and operated by nonprofit indigenous community corporations; that the Administration on Aging should identify and design and support opportunities for older persons to render services to their communities; that the Administration on Aging and any or all public and private agencies should join together in a cooperative effort to develop programs of technical and financial assistance for local community groups in order to provide daily meals to ambulatory older persons in group settings and to shut-ins at home; that the two billion dollars spent yearly by the federal government for private nursing home services should be diverted to nonprofit social utilities and homes for the aged sponsored by religious organizations, benevolent organizations, community corporations with *joint consumer control and equity by a representative number of the elderly receiving services;* existing nursing homes and long-term care facilities owned by black nonprofit sponsors should be given grants and low interest bearing loans for renovation and construction to meet minimum state and Federal standards; that the archaic practice of static custodial care in institutions where the elderly go to "lie and die" is self-defeating, inhuman and economically unsound, so we recommend the development of a "Socio-Medical Approach" utilizing progressive patient care techniques (phased intensive, intermediate, minimum care, rehabilitation, resettlement—joint effort of the health team) integrated with community support to maintain the elderly in their chosen environment, with those services including but not being limited to home health services, occupational and physical therapy, recuperative holidays, meals on wheels, day centers, recreational clubs, ambulance and transportation services; and that the following *new* trends in long-term care should be researched and implemented wherever feasible: holiday admissions (the voluntary admission to nursing homes/extended care or appropriate facilities during the families planned vacation); short-term admissions (a program providing for intermittent two week admissions of the aged patient every four months) and day hospital (the utilization of a unit combining medical and nursing care, physical and occupational therapy together with a noon meal for the aged).

19. It is recommended that the implementation of health care legislation should be uniform and mandatory and not dependent upon matching state funds or voluntary participation of individual states.

20. It is recommended that wherever feasible within the black community, comprehensive health services should be delivered through a community health corporation composed of indigenous consumers and providers rather than the traditional approach (medical schools, public health departments, and medical associations, etc.). This health corporation should secure significant input from informed and relevant consultants within or without their community. The above will insure that equity, cultural relevance, as well as self-sufficiency, and self-respect become the end product.

21. It is recommended that research in experimental health delivery systems should be conducted to determine the best method of financing comprehensive geriatric services. Arrangements might include front-end financing from Medicare trust fund, Medicaid appropriation from neighborhood health centers, or a combination of social insurance and general tax revenues for Health Maintenance Organizations, etc.

22. It is recommended that opposition be given to the following the restrictive provision of H.R. 1; medicare cutbacks, and Medicaid cutbacks.

23. It is recommended that the Federal government should provide through appropriate training programs realistic and effective opportunities for elderly blacks to further without cost to them their educational goals.

24. It is recommended that the administration of the proposed program provide for funding support to institutions for such training projects or stipendiary and tuition costs to be paid directly to the elderly to enroll in courses or curricula of their choice wherever available.

25. It is recommended that the federal government should sponsor a consortium of minority clergymen to seek concerted action within all churches and the community to eradicate racism from our society.

26. It is recommended that inasmuch as insufficient data are available on aging and aged blacks from all federal agencies collecting and interpreting such data, that it be mandatory that all such agencies be compelled to collect data from a sufficient sample size to ensure that multivariate analyses providing greater information on patterns and processes of aging can be undertaken. Moreover, we urge the training of a sufficient number of black statisticians, including biostatisticians to aid in the adequate interpretation of data. The federal government is urged to provide us with a report on aging and aged blacks at regular intervals; to shift from a ten-year to a five-year census format, and to report data fully for blacks without inclusion in a category of "non-whites."

27. It is recommended that sufficient attention be given to the establishment of nursing homes for black elderly who need such facilities and that such homes be staffed with competent personnel with adequate knowledge, understanding of, and respect for their subcultural backgrounds; and that the costs of such care be at a level in line with their income resources; and that private and public nursing homes yet practicing racial discrimination be made to conform to standards of compliance with nondiscriminatory policies by race. It is most important to indicate that the greater problem for black aged is not that of how to stay out of a home, but how to get in one.

28. It is recommended that since *planning* is so critical, there should be comprehensive and well-integrated planning for aging and aged blacks at all levels, and that blacks and the aged themselves must be effectively involved in such planning. That planning must recognize that racism, poverty, and ignorance may well be major roadblock and must seek to remove these obstacles by all means possible, for blacks have too long been planned *for*. Effective black involvement in planning must also include planning for and involvement in the structuring and implementation of the system whereby policies and programs will be developed for all of the aged and infirmed of this nation. The resources are here, they are here now. We simply must put them to appropriate use.

29. It is recommended that the federal government should establish or subsidize transportation systems which will provide services at lower rates and have reasonably operating hours in all areas where black elderly reside.

30. It is recommended that black older citizens must be heavily involved in all of the focal points of planning where decisions are being made at the federal level with regard to the delivery and utilization of services, including the integrated approach to community services and the use of public facilities. It should be federal policy to make sure that regulations which serve as guides for implementing legislation include instructions for use and location of facilities in areas where black elderly have adequate access to them.

31. It is recommended that the category of Old-Age Assistance (OAA) should be deleted from Social Security, inasmuch as the majority of blacks receiving such aid are those who were denied sufficient participation in Social Security and in the labor market in their earlier years. They should merely be eligible for OASDHI, for all workers in this country and their family members can and should be adequately covered by that system, without the stigmatization arising from OAA.

32. While we strongly support efforts made to provide meaningful employment for those who are old and black who desire labor force participation, we feel that old blacks who do not desire to work should not have to engage in employment only to supplement their meager incomes, but, in line with other recommendations, should be guaranteed a sufficient annual income.

33. It is recommended that when the President's Domestic Council (or whatever agency makes the final recommendations on aging to the President) considers the various policy recommendations, that that body have at least proportionate representation from blacks in the form of staff members and consultants, and that a copy of the action taken on all of the recommendations made by the Special Concerns Session on Aging and Aged Blacks be forwarded to Mr. Hobart C. Jackson, Chairman, National Caucus on the Black Aged and Advisory Council on Aging and Aged Blacks to the U.S. Senate Special Committee on Aging within a reasonable period of time and before any action is taken to make recommendations from the President to the U.S. Congress.

34. All federally funded demonstration programs must be required to evaluate themselves and adequate funds be built in to provide for evaluations by outside, independent agencies in order to determine the effectiveness of the programs and need, if any, for continuation of such programs.

C. ASIAN AMERICAN ELDERLY

Introduction

In the United States today, elderly Asian Americans are suffering from unprecedented problems that are devastating the lives of these aged people. In addition to the many critical problems that face the 20 million senior citizens in the United States, Asian American elderly are further confronted with cultural barriers that exclude them from receiving their rightful benefits.

Language problems created by lack of bilingual information systems and the lack of bilingual service workers deny Asian American aged even the knowledge of how to obtain such benefits. But most of all the Asian American elderly are severely handicapped by the myth that pervades the society at large and permeates the policy decisions of agencies and governmental entities that are charged with the responsibility of helping all the aged in the United States.

This emasculating myth that discriminates against Asian American elderly is that Asian American aged do not have any problems, that Asian Americans are able to take care of their own and that Asian American aged do not need nor desire aid in any form. Such assertions which are generally accepted as valid by society are false. A quick look at Asian American communities would verify that they do indeed have problems and the problems in many respects are more intense and complex than the problems of the general senior citizen population. When the Asian American aged suicide rate in certain areas is three times the national average, when 34% of Asian American aged who were studied have never had a medical or dental examination, it should be obvious that the problems facing Asian American aged are overwhelming to the point that it is impossible for Asian American aged to look only to their families for help.

However, those who hold the responsibility to assist in these areas have turned their backs on the Asian aged. For example, in 1969–71 some $32 million was appropriated for community grant projects for the aged which included informational services, health care, and aged assistance (many of the areas that Asian American elderly need the most). Of this $32 million not one dollar was given to Asian American communities for their aged problems. The reason, according to the government officials, was Asian Americans don't have problems.

So pervasive is this myth that the planners of the White House Conference on Aging, the group most knowledgeable in the area of aging needs, failed to include a Special Concerns Session for Asian American elderly as part of its original agenda. While the planning for other Special Concerns Sessions have been in process for many months, the decision to hold a special Concerns Session for Asian Americans was made only one month prior to the Conference and only because a special request was made by concerned Asian Americans.

This oversight is typical of the neglect that Asian American elderly face on all fronts. Within the confines of the short time given to prepare for this Conference, concerned Asian Americans were able to readily identify many specific and crucial needs that are crippling the Asian American elderly. The following policy recommendations represent some examples of the myriad of problems that are devastating Asian American elderly people.

Asian American delegates support the many recommendations that the Conference as a whole have proposed for the benefit of all senior citizens. However, history has demonstrated again and again that Asian American elderly are among the people most neglected by programs presumably serving all elderly. We demand that the following policy recommendations be implemented to insure that Asian American elderly receive their rightful opportunities in this nation.

Research and demonstration

Recommendation 1

Federal funds for research and demonstration projects to determine how older Asian Americans can be effectively assisted based on their needs, cultural differences, values, and desires should be expanded and should involve researchers of Asian background. The findings from such efforts should be disseminated to policy makers, program planners, and service providers.

Rationale

Information on older Asian Americans must be collected so that a national policy on aging is truly responsive to and representative of all older Americans.

Program issues

Research and demonstration projects should identify the older Asian American (e.g., where they reside, what their characteristics are) and should be supported by agencies such as the Department of Commerce (Bureau of the Census), the Department of Health, Education and Welfare (HEW), and the Department of Labor (DoL).

Special research and training services for the investigation, study, and treatment of medical diseases peculiar to Asian American elderly (i.e., incidence of sickle cell anemia affecting Samoans) should be conducted.

Special research studies relating to the disproportionate number of Asian elderly in mental institutions should be initiated.

Demonstration grants should be provided for the training of researchers to deal with the problems of older Asian Americans.

Recommendation 2

Federal (such as Department of Housing and Urban Development HUD, DOL, Department of Transportation DOT), state, (such as Commissions on Aging, public welfare, departments of human resources) and local governments and private organization grants which provide assistance for the elderly should reflect the diversity of the Asian American groups.

Rationale

Because persons of Asian ancestry are lumped under the heading of Asian American or "Oriental", it is assumed by many that all Asians are alike. In reality, the cultural differences between the basic Asian American groups (Chinese, Filipino, Korean, Japanese, Samoan) are as different as the five different languages they speak. It is unrealistic and wishful thinking to assume that the small enclaves of Asian American elderly will be reached by massive grants to the county or state for all elderly persons. Grants aimed at specific pockets of ethnic groups would more likely reach elderly Asians.

Program issue

Federal, state, and local governments in mutual cooperation with the Asian community should establish and fund in those states and localities where Asian Americans are concentrated, outreach programs to provide information, referral, and advocacy services, including resource persons, transportation assistance, drop-in centers—all of which reflect the cultural differences and preferences of the Asian American elderly.

Services

Recommendation 1

Public and private agencies should provide older Asians with support services (e.g., home care assistance, transportation, health screening, etc.) in their own communities which have been traditionally provided by the family. In doing so, recognition should be made of family structure and kinship networks among Asian ethnic groups for the purpose of building on these rather than imposing or allowing totally strange service delivery systems.

Rationale

Traditionally, services such as transportation, home care, financial support, and housing have been provided by the family of the older Asian. Resulting from changes in family structure and an increasing need for diverse services (e.g., health care, housing, etc.), the Asian elderly cannot continue to look solely to his family to have needs met.

Recommendation 2

On-going service projects such as senior citizen centers and multi-purpose service centers which are designed to meet the special needs of older Asian Americans should be established in communities of elderly Asian Americans; and Federal, state, and local assistance should be made available to support these either in full or on a matching basis.

Program issue

Programs should provide bilingual bicultural staffing; recreation, leisure time activities geared to cultural interests; information and referral services; direct social services; elderly self-help programs; youth and elderly mutual assistance programs; and educational programs and services for the Asian elderly and for training personnel to work with Asian elderly.

Recommendation 3

Continued Federal support of existing programs should be contingent on reexamination and revision to assure that they are responsive to the needs of elderly Asian Americans through the use of bilingual workers for outreach and advocacy services.

Housing

Recommendation 1

HUD should acquire land in Asian American communities using condemnation procedures if necessary and create housing programs for the Asian elderly with related life support services on a crash basis.

Recommendation 2

The Federal government should provide special funding to meet the needs of elderly Asian Americans for new housing by providing loans to Asian American nonprofit organizations to develop housing with attention to cultural preferences.

Recommendation 3

HUD should provide substitute housing to Asian elderly, who live in substandard congregate housing, in the same community to prevent environmental displacement.

Recommendation 4

The government should institute rent control and rent increase exemptions to Asian American elderly.

Recommendation 5

All efforts should be made to maintain Asian elderly in their own homes, if they wish to remain there, with collateral life support services rather than having them go to an institutional setting.

Recommendation 6

The Federal government should initiate a substantial tax incentive to the younger generation who can provide housing and/or other supportive care for their Asian elderly relatives.

Recommendation 7

Federal, state, and local funds should be made available for establishing nursing homes for elderly Asians which provide for bilingual, bicultural staffing, ethnic foods, family and individual counseling services, and recreation and leisure activities which are culturally related to Asians. Protective group or residential arrangements should be provided in the community where Asians are concentrated for those who can continue to live independently.

Health

Recommendation 1

In the development of a more complete range of health care (physical and mental) services for the aging through a national health insurance program, specific provisions should be established to meet the special needs of elderly Asian Americans.

Rationale

Elderly Asian Americans have health problems similar to those of all older person, but they have borne added burdens due to cultural and language differences which make accessibility to health care services difficult.

Program issues

Mobile medical outreach teams should be established to serve the Asian elderly in the

community. Such teams should be developed to relate to language and cultural patterns of the elderly Asian.

Public and private funding should be provided for health education of elderly Asians by the community through multiservice centers and regularly scheduled community information days.

Income

Recommendation 1

A Federal guaranteed annual income program for the elderly must be established if this nation is to meet the basic needs of elderly Asian Americans who are denied benefits related to "covered" employment (i.e., Social Security, pension programs) because of long-existing discriminatory employment patterns.

Rationale

Limited and fixed income levels for older Asians as provided by standard sources (Social Security, pension funds, savings) have been inadequate to meet their needs, especially health and housing costs. Furthermore, many older Asians have no sources of income whatsoever since they were employed in occupations (self-employed, domestic labor or farming) which are not covered by Social Security or private pensions.

Program issues

The involuntary and enforced period of time spent by Asian elderly (from the Japanese community) in concentration camps during World War II should be fully accredited as accumulated time towards the receipt of full Social Security benefits as well as other Federal benefits to which they are entitled.

All references to differential treatment of aliens with regard to public programs (i.e., public welfare programs) should be stricken.

Newly arrived elderly Samoans should be guaranteed their Social Security benefits derived from work in American Samoa.

The unique income-saving plans of the Asian elderly should be fully legitimized and safeguarded (e.g., Tannomoshi, Kei) by financial systems.

Employment and training

Recommendation 1

There should be continuation, expansion and innovation of placement, training, and job assistance programs for Asian elderly through state employment programs and special Federal programs for older people. Asian elderly should be employed as community workers to educate others. They should also work in public agencies, community organizations such as funded by SRS under the Older Americans Act (Titles III and VII).

Sheltered workshops for the Asian elderly should be developed.

Training

Recommendation 1

A Federal policy should be created emphasizing training of Asians who will work with older Asians. There should also be provisions for non-Asian workers to receive training which will enable them to work effectively with Asian elderly. As an illustration, support for training should be made available by SRS–HEW under Title V of the Older Americans Act.

Rationale

Most non-Asian workers currently serving the elderly are not aware of the needs and concerns of the Asian elderly. They are not able, therefore, to work effectively with them and have alienated the Asian elderly.

Program issues

Opportunities for bicultural, bilingual Asians to serve Asian elderly with special skills, understanding and knowledge should be provided.

Special training programs should be provided and conducted by Asian bilingual and bicultural workers for public agencies serving the Asian elderly.

Education

Recommendation 1

Educational institutions (public and private and at all governmental levels) should provide special and continuing education courses for elderly Asian Americans which will enable them to become more knowledgeable about services and programs that exist for all elderly and to learn about their unique cultural heritage.

Rationale

There should be a continuous effort made in all needs areas to educate the elderly, the public at large, and program and service personnel as to the differing needs and problems of Asian elderly.

Nutrition

Recommendation 1

Existing nutrition policies for older persons which receive Federal support should be reexamined and revised to include the cultural food preferences of the elderly Asian American.

Rationale

Nutrition programs for the elderly have failed to include special dietary and cultural preferences of older Asian Americans.

Program issue

The food stamp program as presently constituted excludes elderly Asians from purchasing ethnic foods. The food stamp program should be revised to include provision for the purchase of ethnic foods.

Meals on wheels programs for the elderly should be revised to meet the basic dietary preferences of older Asian Americans. Nutrition education programs should be provided for older Asian Americans which will assist them to plan well balanced diets using their own ethnic foods.

Transportation

Recommendation 1

Free public transportation should be made available to the Asian elderly which will enable full accessibility to culturally preferred life support services both in and outside the community.

Rationale

The special needs of elderly Asians for cultural and life support services necessitates transportation needs which currently are not provided in public transportation systems.

Program issues

Public and private funding shall be made available on a local basis to insure that elderly Asians will obtain equal freedom of mobility as the rest of the elderly.

Public funding shall be provided to voluntary organizations which provide transportation to the Asian elderly to meet their needs.

Special concerns advocacy

Recommendation 1

The Federal government shall establish a Cabinet Committee for Asian American Affairs which would include among its priorities the needs of elderly Asian Americans.

Recommendation 2

In all political jurisdictions where Asian Americans reside, the Committees or Commissions on Aging shall include Asian American representation. All agencies which directly effect the elderly in such jurisdictions shall appoint staff or retain consultants of Asian background who are knowledgeable about the needs and cultural preferences of Asian elderly.

LEGAL

Recommendation 1

In passing legislation and adopting regulations at all governmental levels affecting services to the elderly, no differentiation shall be made between aliens and citizens.

Recommendation 2

Free bilingual legal assistance must be made available to Asian elderly who wish to become naturalized citizens.

D. THE ELDERLY CONSUMER

Introduction

The delegates of the Special Concerns Session on the Older Consumer reaffirm the four basic consumer rights of all citizens:

The Right to Safety.
The Right to be Informed.
The Right to be Heard.
The Right to Choose.

In order to achieve and maintain these rights, the government and the private sector must effectively combine and direct their energies and resources toward that goal. Although the majority of the recommendations from this Conference are directed to government and voluntary agencies for their implementation, the consumer delegates are particularly concerned that business and industry cooperate with voluntary and government agencies to create an equitable, economical, accessible, and attractive marketplace for the older consumer.

The White House Conference on Aging Special Concerns Session stressed specific issues that would strengthen the older consumers position in the marketplace and which had not been addressed directly in other major sections. These issues are:

I. Consumer Education and Research.
II. Consumer Advocacy and Representation.
III. Consumer Protection and Legislation.

Recommendations

I. Consumer Education and Research

The older consumer has the right to be informed. In a country such as ours, where literacy is high and mechanisms for communication are available and reasonably inexpensive, the most important approach to consumer education and research must be to impart to the older consumer information and methods which will alert him to the problems of the marketplace and enable him to make realistic and prudent decisions; not only learning what to buy, but how to buy.

The following recommendations could help assure that the older consumer's rights are protected:

1. Agencies of the federal, state and local governments in cooperation with each other, should develop and administer curriculum guidelines for the education of older consumers. The following areas, among others, should be covered: banking and lending institutions; budgeting; consumer fraud; door-to-door selling and telephone soliciting; false advertising; funerals; health frauds and quackery; insurance (auto, health, home and life); medical care and services; nutrition; pricing practices (particularly in low-income areas); public assistance and services available at little or no cost, including legal services; purchasing of all consumer products; real estate; retirement planning, and safety.

2. Consumer education efforts at the local level should include the establishment of consumer information and referral centers with appropriate emphasis on and provision for the older consumer.

3. Any independent consumer agency established within the federal government structure should provide for consumer information services for the elderly. The agency should gather information from other federal agencies and non-federal sources to disseminate to the public through government-sponsored extension service programs, consumer-oriented seminars, institutes, and other leadership and group participation programs.

4. In communicating with the elderly consumer, there should be a maximum use of such of the following methods as have been deemed to be effective: educational television; commercial television; extension courses; other adult education courses; radio; newspaper articles; brochures; local club and group activities; storefront offices; and paraprofessionals. Special emphasis should be placed on person-to-person contacts.

5. The broadcasting industry—including networks, local stations and educational television and radio—is called upon to use its resources to prepare and/or accept and to air information and educational programs on the consumer needs of the aging. Special emphasis would be placed on the problems of the five million elderly whose income is below the poverty level and, where appropriate, the format of such programs should involve the elderly themselves.

6. Research should be done by government at all levels in cooperation with the private sector, universities, and non-profit groups on the problems of the older consumer, the behavior of the older person in the marketplace and on his particular needs for education and protection, so effective education programs can be developed and remedial action suggested.

7. The results of product research and testing by government and the private sector should be translated into layman's language and made accessible to the older consumer.

8. Any consumer education and research programs developed at the federal, state and local level can be most effectively administered at the local level.

II. Consumer Advocacy and Representation

The older consumer must be assured that his voice will be heard and his wishes considered when decisions are made which affect the quality of his life. He must also be assured that his concerns be given necessary emphasis and priority. The Consumer Concerns Session voted to recommend that:

1. A consumer agency should be established which would be a separate entity within the present federal government structure and which would have the authority to serve as an advocate of the consumer, both as an individual and as a class, in proceedings before federal agencies, federal officials, and federal courts. Other functions of this agency would include the authority to conduct research and education, including the provision of systematic and comparative information about consumer products. In addition, the agency must be adequately financed to fulfill its responsibilities and to have sufficient monies for enforcement. Money must be made available for grant-in-aid programs to develop consumer protection programs in individual states, jurisdictions, territories and possessions.

2. Consumers should have the righ to sue as a class (class action suits) in proceedings before state and federal courts and agencies.

3. Social service agencies and volunteer action agencies at the federal, state and local levels must be vested with proper advocacy powers to represent their clients when consumer issues are involved.

4. Each state should retain its delegates as advisory boards to represent older consumers at the state governmental level.

5. A consumer representative should be added to the newly established cabinet-level committee which now coordinates federal policies for improving the quality of life, dignity and productivity of the nation's older people.

6. The President's Office of Consumer Affairs should make a specific staff assignment to deal with the consumer problems of older people.

7. The Administrator of every state and local governmental agency or office dealing with consumer affairs should designate a specific staff member to deal with consumer problems of older people.

8. Every state investigative team which is created to inspect health facilities which will provide Medicare and Medicaid services should include a consumer who is eligible for these services and who lives in the community of the facility being surveyed.

9. The delegates also expressed particular concern regarding fee schedules set by physicians, attorneys, dentists, morticians, and other fee-for-service professionals.

III. Consumer protection and legislation

Today's changing marketplace has become increasingly complex and impersonal. Because of these characteristics and other factors which relate particularly to older people, such as fixed and low income, limited mobility, and poor health, a significant number of older people have difficulties as consumers. Action must be taken at the state, local, territorial, possession and protectorate, as well as federal levels, to see that the rights of all consumers are protected and that particular problems that relate to the older consumer receive necessary and appropriate attention.

Delegates recognize the need to form consumer organizations and to know their state and federal legislators for the purpose of promoting the implementation of the legislative suggestions made by the White House Conference on Aging.

1. Consumer Product Safety Legislation.*

We recommend the passage of a consumer product safety law which has undiluted responsibility for preventing consumers from being exposed to unsafe goods, drugs, cosmetics and other consumer products.

2. Insurance Legislation.*

Health Insurance: We recommend passage of legislation requiring more stringent regulations regarding private health insurance (with particular emphasis on health insurance which supplements Medicare).

No Fault Automobile Insurance: We strongly urge that the delegates return to their states and work for the passage of laws at the federal and/or state or territorial level providing for no fault automobile insurance to replace the present inadequate auto reparations system.

3. Hearing Aid, Physical Therapeutic Devices and Appliances Legislation.*

We urge the Council of State Governments and the State's Attorneys General and the American Law Institute to draft and promulgate uniform model laws regarding the dispensing of hearing aids, physical therapeutic devices and appliances.

4. Miscellaneous Administrative and Legislative Proposals.

Require packaged consumer commodities under the Fair Packaging and Labeling Act to be priced on a per unit basis, displayed on the package or shelf in print that is easily read and understood so prices can be compared.

Reform regulation of land sales to provide for elimination through legislation of current exemptions from the Interstate Land Sales Full Disclosure Act; better property report disclosures; and a 72-business hour cooling off period in land sales contracts.

Provision should be made to allow consumers increased opportunities for settlement of small claims to eliminate lengthy court procedures.

Standards of flammability should be updated and effective federal regulations applied under the Flammable Fabrics Act of 1968. Legislation should require the name and all active ingredients in prescribed and over-the-counter drugs to be disclosed in standardized readable terminology on the label of the drug as packaged for sale or delivery.

No laws or trade practices should prohibit the advertising of prescription drug prices. Furthermore, as a matter of public policy, complete information about the availability of pharmaceutical services should be provided to allow informed judgments as to the value of the products and services received by consumers.

Legislation should require a 72-business hour 3 day-cooling off period which would give the buyer or borrowers from a seller or lender who is operating away from his established place of business (includes door-to-door selling) 72 hours to cancel a contract.

—Provision for a simple, open-dating system for all packaged foods should be required to indicate when each item should be removed from the store shelf.

—The Food and Drug Administration shall require all manufacturers to print information regarding ingredient content by percentage, vitamin content, and caloric count on all packaged foods to be sold in this country.

—Legislation to abolish holder-in-due course laws.

—Legislation should be passed to prevent the denial of credit to older persons solely on the basis of age.

The intent of "The Older Citizens' Consumer Program," published by the Kansas Citizens Council on Aging in February, 1971, was accepted as expressing the general opinion of the delegates participating in the Special Concerns Session on the Older Consumer.

E. MENTAL HEALTH CARE STRATEGIES AND AGING

Introduction

It is agreed that the aged are a heterogeneous group. Large numbers of them need a wide variety of comprehensive health care. Mental impairment and a wide variety of functional disorders are common. Depressive reaction to the changes in role, status, appearance, and to decrements of function or ill health is prevalent. Consequently, there should be recognition of, and response to, the elderly person's need for mental health care and psychiatric care wherever he may be and whatever his age or condition. All institutions including mental hospitals and centers should have the obligation, and the facilities, to diagnose, treat or to safely provide for transfer to a more adequate site for care all applicants for admission in crises. Differences in financing patterns, geography, transportation facilities and population distribution may make for different patterns of intermediate and long term care in different localities. Financial, social and technical matters should not interfere with ease of admission to and discharge from in-patient care facilities or return home to functional status in the community. Also, readmissions and transfer to more suitable loci of care should be easy and free of financial or legal obstructions.

Recommendations

1. It is recommended that at an early date, there be established a Presidential Commission on Mental Illness and the Elderly, with responsibility for implementing recommendations made at the White House Conference on Aging. Its members should be appointed by the President, subject to the advice and consent of the Congress.

2. It is recommended that a Center for the Mental Health of the Aged be established within the NIMH, with the authority and funds for research, training, and innovative programs for older people in the community and in hospitals.

3. It is recommended that there be recognition and support of each older individual's right to care and treatment in any one of

*Detailed provisions included in complete report to be published.

the wide range of alternative mental health services now existing, or those that will be developed.

4. It is recommended that there be universal prepaid, comprehensive health insurance including coverage for mental illness and health.

5. It is recommended that inequities and discrimination with respect to the financing of mental health services should be eliminated from Medicare and Medicaid. There should be prompt elimination of deductible and co-insurance features; and inclusion of drugs, currently excluded dental care and prosthetics under Medicare.

6. It is recommended that Medicaid funds should be properly used as legally prescribed, this should be guaranteed by adequate Federal supervision and enforcement.

7. It is recommended that all funds allocated by the Congress for research and training and services for the elderly should be released and distributed promptly both now and in the future with speedy cooperation of the Executive Branch of the government where required. (See recommendation on the appointment of a Presidential Commission.)

8. It is recommended that efforts should be made at Federal, State and local levels to develop options to institutional care.

9. It is recommended that adequately staffed and programmed comprehensive mental health diagnostic and treatment centers be developed in neighborhood health centers, community mental health centers, hospitals and other appropriate local, geographically accessible settings; special attention to adequate funding is of prime importance.

10. It is recommended that properly staffed in-patient or residential facilities with proper programs should be available in adequate number; all of these should have available methods of supervising, caring for, and protecting persons in their own homes for as long a period as medically and socially possible for the patient.

11. It is recommended that more attention be given to the development of innovative therapeutic services to currently institutionalized older persons, and for the future care of persons in need of protective environments as in-patients or residents in congregate settings.

12. It is recommended that research monies for studies of aging and the elderly, from basic biological processes, to social and psychological phenomena, be greatly increased.

13. It is recommended that all mental health programs for the elderly, be open to all, without a "means test." This mandates adequate funding.

14. It is recommended that there be recognition that training and education of the necessary health professionals is urgently indicated. Such health manpower must be increased in number as well as quality. Again, adequate funding is a necessity.

15. We are aware that there is a large body of factual and technical data on aging and the practical treatment of the disorders in the elderly which is not generally available and known. Therefore, it is recommended that material describing the best comprehensive care methods in a variety of settings should be prepared, widely distributed and their availability made known.

16. It is recommended that the proposed Presidential Commission or another appropriate government agency, look into the methods of purchase and provision of mental health care currently undertaken by Federal, State and local governments, in order to advise as to what is most economical and effective.

F. THE OLDER FAMILY

Introduction

American families bear the brunt of all the care, economic and emotional nurturance, and sense of belonging that aging families need. Research finds that it is, primarily, to their families that older people turn for help.

Recommendations

We therefore recommend that:

1. A Department of Family Life be established with cabinet status for its Secretary, so that the American family may be represented on all policies affecting the many millions of families who now carry the chief responsibilities for their members of all ages.

2. A National Institute on The Family be developed in which concerns of central importance to families, and to the society of which families are the core, be studied, to serve as a basis for considered action.

3. The President of the United States call and convene a White House Conference on the Family in the near future.

4. Tax reductions be given for qualified family gifts and assistance, as they are now given for charitable contributions.

Family support and care of their aging members, without recognition or relief from tax burdens, save the government as well as private agencies many millions of dollars, staff years, and expensive programs.

5. Death education be widely encouraged and implemented.

6. Medical and legal priorities be established to assure quality of life, rather than prolongation of the process of dying.

7. Public and private agencies working on behalf of America's aging recognize the family roles, relationships, and responsibilities implicit in the stage of family development represented by each older person served.

8. All possible steps be taken to make it possible for aging persons to live as long as possible in their own homes and that the kin families be able to carry out their responsibilities to older families.

9. Housing and homes for aging persons should be so designed as to allow for private quarters for couples wishing to share them. Attractive social centers should be provided where older men and women could enjoy the formation of new friendships and relationships to take the place of those that they have lost, and all personnel should be taught to accord full respect and dignity to these.

We recommend this because, among the primary characteristics of aging persons today are loneliness and emotional deprivation, and institutions and personnel involved in caring for the aging should be oriented as realistically and humanely as possible to meet their deep-seated needs for companionship and human warmth.

10. The social security laws be revised to make it possible for older families or for older persons wishing to take up family life through remarriage to combine their incomes. The present law provides that persons on Social Security who marry find that their income decreases. The law should be changed to allow continued receipt of Social Security without decrease in the amount.

11. A National program of family guaranteed income be established which would include the aged family. This is necessary in order to make it possible for the older family to have the financial wherewithal to continue to exist at a time in its family life cycle when income is sharply reduced. In addition, such a guaranteed income will make it possible for families to continue to carry out their responsibilities and roles in relation to older families.

12. The Congress and the President of the United States be requested to enact appropriate legislation to proclaim that the week in which Thanksgiving is celebrated each year under Act of Congress be officially deisgnated as National Home and Family Week, that the Sunday of such week be designated as Family Sunday-U.S.A. and that all citizens be urged to observe these dates with serious reflection and realization that the principles of family responsibility to spouse, children and parents, as well as the importance of the stability of marriage and the home for our future well-being, require renewed allegiance and every-day implementation.

13. The paper presented by Dr. Evelyn Duvall at the White House Conference on Aging, in the special session on "The Older Family" be referred to the President of the United States, to tthe Administration on Aging, and to the Secretary of the Department of Health, Education, and Welfare with the strongest possible recommendation that the information be studied and implications drawn as a basis for planning, setting agency priorities, etc.—toward support through education and community resources.

14. Courses on marriage and family living include material on the older family.

15. A Task Force be formed representing this Conference and major national organizations and agencies concerned, to: (1) explore the present status of family life education in the public schools of the United States; (2) develop plans for strengthening such programs as now exist; and (3) encourage the development of new comprehensive programs of education for home and family living as rapidly as possible, as an integral part of our American system of public education.

G. HOMEMAKER—HOME HEALTH AIDE SERVICES

Introduction

Homemaker-home health aide service helps families to remain together in their own homes when a health and/or social problem strikes or to return to their homes after specialized care. The homemaker-home health aide carries out assigned tasks in the family's place of residence, working under the supervision of a professional person who also assesses the need for the service and implements the plan of care.

A national approval system has been developed which provides agencies, whether under voluntary, governmental or proprietary auspices, help to assure the quality of homemaker-home health aide services throughout the country. This program for approving agencies will be implemented in 1972.

Despite the demonstrated need it is estimated that there are only 30,000 homemaker-home health aides in the entire United States serving all categories of social and health needs: the ill, aged, disabled, children and others with social and/or health problems. At a minimum, homemaker-home health aide agencies should have available 300,000 homemaker-home health aides or one homemaker-home health aide per every one thousand persons in our total population. For older persons, the ratio should be approximately one per 100 as a minimum.

Professional personnel is in short supply and it is expensive. Para-professional or allied professional help must be utilized where and when appropriate from the standpoint of safe and effective care. Homemaker-home health aide service is an exemplary utilization of para-professional personnel.

To meet established national standards, homemaker-home health aides must be carefully selected, trained and supervised, but they do not require an extensive educational background and therefore this vocation is proving to be a realistic choice for many educationally disadvantaged but capable individuals. Often these are middle-aged or older women. The community stands to gain doubly from this service as previously unemployed individuals become self-sustaining.

Homemaker-home health aide services provide many older persons the choice of maintaining independent living.

Recommendations

1. Homemaker-home health aide services are basic to continued independent living for older individuals in their own homes or in other places of residence considered as home, or the return to independent living of a large proportion of older people. They must be required in those health and welfare programs for older people, with broadened definition for greater flexibility and eligibility for services in which the Federal government participates financially. They must be required services available throughout each state. These services must be well publicized including frequent use of mass media.

Federal Legislation for both Health and Welfare programs should specifically identify and require that Homemaker—Home Health Aide Services are available to every community, with appropriations of Federal Funds making it possible to establish them.

The expansion of these services will require additional funds but it should be recognized that they also open up and offer new opportunities for employment and careers for many mature women and men.

2. Since homemaker-home health aide services may be needed in any family rich or poor at some time, they should be available free, or on a sliding scale of fees, to the recipient or through third party payments, or other financial sources. Experimentation with new and different methods of financing should be explored. Federal and State Legislation should be enacted to provide adequate on-going public funding to make it possible to provide homemaker-home health aide services for all older persons to live in their own homes or other places of residence.

3. Since at the time of need for homemaker-home health aide services the individual or family is in a vulnerable situation, there must be requirement that any agency providing such services, whether public, voluntary, or commercial, meet nationally established standards to protect the quality of the services rendered. Such standards call for a team approach, using both professionals and para-professionals.

4. The necessary resources of other related in-home services such as friendly visitor, meals on wheels, chore services, shopping and transportation, as well as other in-home professional services must be available when needed if individuals and families are to be served as effectively as possible.

Any in-home service must be provided only when it is the choice of the person or persons to be served with their full knowledge of alternatives.

5. Homemaker-home health aide services must be available as supportive, protective, and preventive serices on a flexible basis for as long as needed, whether full-time or a few hours per week, whether on a continuing supportive basis or for only a temporary period of time. The srrangements in each case should provide the older person the option of remaining in his own home or place of residence, as long as it is feasible and possible to do so with dignity and safety.

H. THE ELDERLY INDIAN

Introduction

A new day is dawning and a new era of opportunity is opening to us, particularly to the American Indians and Alaskan Natives. The blessings of life, liberty and the pursuit of happiness guaranteed by the US Constitution is the American Dream, and an inspiration for living.

Our task and the task of the government is not only to guarantee the availability of these blessings, but to secure them for our people to the fullest extent.

American Indians and Alaskan Natives must be provided the opoprtunity and the Technical Support needed to Plan, Implement, Administer and Evaluate those programs which serve the needs of the Elderly American Indian.

In order to assure that Indian People fully participate in all phases mentioned above, changes in National law or policy must be made. We, therefore, make the following recommendations.

Recommendations

1. It is recommended that the United States Government reassures our Elderly Indian Citizens that the existing relationship between their tribes and the Federal Government will be continued. Such assurance will help to allay existing apprehension and fear of the Elderly Indian.

2. It is recommended that an adequately staffed Indian Desk similar to those of other Federal Agencies be established in the Administration on Aging. The purposes of such a desk would be to: (1) Act as a central focal point for all projects dealing with the Aged. (2) Act as an advocate of the Indian Aged in serving their needs.

3. It is recommended that funds be made available directly to tribal Governments for those programs serving the needs of the Indian Elderly. The funds should no longer be funded through State organizations for Indian tribes.

4. It is recommended that the Federal Agencies serving the needs of the Elderly Indian increase the funding levels to adequately serve the vast needs of the Indian Aged.

5. It is recommended that a thorough and complete research program be developed to search, evaluate and amend existing laws and policies governing programs serving Indian Elderly.

In conclusion, these recommendations are presented to the White House Conference in the hope that this new day of opportunity will indeed become a reality for our people.

I. LEGAL AID AND THE URBAN AGED

Resolved

1. The Law Enforcement Assistance Administration, HUD and other Federal agencies should provide funds for new methods to protect the elderly against crime. For example special security measures should be included in all housing occupied exclusively or largely by the elderly such as ways to call the police from each residence, high quality door and window locks, and extra guards. Social Security and other government checks can be sent on varied dates instead of all at once, and can be sent, with the consent of the elderly, directly to banks.

2. Social service agencies should be designated to work closely with police departments so that all elderly persons, who are victims of crime or who report non-criminal problems to the police, can obtain all necessary assistance. Such agencies might be within or outside the police department itself. Emergency assistance should be immediately available for persons who have suffered loss of checks or money, personal injury or other damage. A single telephone number should be publicized so that the elderly can readily obtain these services. The law Enforcement Assistance Administration and other Federal agencies should provide grants to agencies to provide these services. And the local Bar Association should develop programs to ensure that victims of fraud can obtain attorneys to represent them in suits seeking compensation for their losses.

3. The criminal justice system should give special assistance to elderly persons who are victims of crime or are witnesses in criminal cases. For example, police officers, prosecutors, and defense attorneys should be especially trained to communicate with the elderly. Elderly witnesses may need to be provided with transportation for court appearances. Trials may have to be conducted more promptly to relieve the burden on the elderly from repeated and protracted court appearances. The Federal Government should provide assistance to these efforts such as by including these ideas in training provided by funds of the Law Enforcement Assistance Administration for personnel of the criminal justice system.

4. The Federal Government should provide funds to allow consumer protection agencies, with staff, to be established or expanded by state, county or city government in every locality to protect the elderly from fraud. They should develop educational techniques to alert the elderly to the kinds of frauds frequently practiced and the need to consult a legal service or other attorney when large purchases are being made. They should also draft statutes needed to protect the elderly, such as allowing several days for recession from contracts made with door-to-door salesmen of home improvements or various consumer goods.

5. Fraud units should be established in Federal, State, and local police and prosecuting offices. The personnel of these offices should receive thorough training in methods to detect and combat schemes used to deceive the elderly. The Federal Government, either directly or through the Law Enforcement Assistance Administration, should provide training and funds to enable such programs to be established.

6. The Federal Government (through the Office of Economic Opportunity, any successor legal service agency providing funds for legal services to the poor, or other agency) should set aside funds to be used for special legal services to serve the elderly which are at least proportionate to the elderly's share of the total poor. These services could be provided by existing legal service programs or new programs. A minimum of $10,000,000 a year should therefore be set aside for this purpose immediately. Some of these funds should be available to allow organizations of the elderly to retain partial fees or prepaid legal insurance for the elderly whose incomes are inadequate to pay full legal fees or the cost of such insurance.

7. The Federal Government (Through the Office of Economic Opportunity, any successor legal service agency, or other agency) should establish a special center concerning legal rights of the elderly comparable to its centers relating to health, housing, consumer, migrant problems. The center should do research, bring test cases, draft and work for model legislation, train legal service attorneys and legal aides, and have additional funds to support demonstration and research programs concerning the legal problems of the elderly.

8. The Federal Government (through the Office of Economic Opportunity any successor legal service agency, or other agency) should provide funds to train elderly laymen as paid legal aides and to operate programs in which these aides can act as advocates for the elderly before administrative agencies.

9. Legislation to establish a legal services agency to assume the responsibilities of the Office of Economic Opportunity relating to legal services should assure that the elderly are represented on the agency's board of directors in approximate proportion to their share of the poor.

10. Legal service programs should themselves develop or work closely with existing outreach programs to the elderly poor so that the elderly are fully aware of and have full accessibility to legal services.

11. All Federal state benefit programs—such as Social Medicare, Medicaid, and Old Age Assistance—should provide for the payment of attorneys' fees, which are not taken from the benefits to which the elderly are entitled, for all elderly persons who challenge decisions to deny, reduce, or limit benefits. These fees should be adequate to attract attorneys to provide service to elderly clients regardless of income.

12. All Federal and state benefit programs should explicitly notify in writing all elderly persons whose benefits are denied reduced or limited, that they have the right to representation by an attorney or trained lay advocate, the desirability of this representation through legal service programs, Bar Asso-

ciation referral committees, and other means. The Federal or State Government should provide for free counsel chosen by the elderly if the elderly cannot otherwise obtain counsel.

13. The elderly should be provided free, competent attorneys in all proceedings relating to civil commitment, conservatorships, and other proceedings brought to restrict their freedom or other legal rights. Such legislation should allow the elderly to pay for persons of their own choosing.

14. The states should adopt legislation providing public guardians, conservators, and administrators without cost to the elderly who cannot afford from modest assets to pay for these services. Such legislation should allow the elderly to pay for persons of their own choosing.

15. A subcommittee of this Session should continue to operate after the Session is concluded to work with the leadership, staff, and delegates to the Conference and with other government officials to carry out the above recommendations.

J. LONG-TERM CARE FOR OLDER PEOPLE

Introduction

The Special Session on Long Term Care is concerned about the development of a National Policy on Long Term Care. We meet within the context of a growing national involvement in this area.

It was only in the 1930's that the Federal government became deeply involved in human services. We meet within the context of disclosures in many cities of inadequate nursing home care. We are aware of Ralph Nader, Congressman David Pryor, and now the views of HEW Secretary Elliot Richardson. We hope that the commitment of the Administration to standards will be matched by a concomitant commitment to adequate funding of long term care.

We recognize that long term care involves not only inpatient care but also services to people in their own homes as well.

Our focus should be upon the individual and making the right to adequate long term care a reality.

Recommendations and comment

1. It is recommended that all long term institutional care aspects of the Title XIX (Medicaid) program be completely federalized. By federalization is meant funding shall come from federal general tax revenues; that a uniform minimum level of benefits be set on a national level; and that standards be uniform nationally.

It is further recommended that payment to institutional providers of long term care be made on such a basis as to cover the cost of providing that care, and, in the case of proprietary facilities, to allow a fair return on investment. Payment to facilities is not necessarily to be the same in dollar amounts, but is to be computed using the same formula nationwide.

The recommendation was adopted with 25 delegates opposing. This did not represent 15% of those present at the time of voting.

2. It is recommended that Medicare-type cost reimbursement be specifically discouraged and that prospective rate setting be encouraged with proper incentives to encourage the providing of good patient care.

The recommendation was adopted with two delegates opposing. This did not represent 15% of those present at the time of voting.

3. It is recommended that the problems and feasibility of transferring the long-term institutional care aspects of the Medicare program to the Medicaid program be intensively studied.

The recommendation was adopted with five delegates opposing. This did not represent 15% of those present at the time of voting.

4. It is recommended that the Department of Health, Education, and Welfare work to change the primary emphasis in nursing home inspections from physical plant standards to direct patient care.

The recommendation was adopted with two delegates opposing. This did not represent 15% of those present at the time of voting.

5. It is recommended that a national policy on long-term care needs must have mechanisms of being implemented and financed:

That supplementary resources are needed to be allocated to means of financing alternate care;

That this is a reason for low standards of care in many long-term care institutions;

That we need a change in national priorities to human needs;

That we call upon the government to change our national priorities, shifting some of our resources from defense, foreign assistance, and space priorities to the needs of our elderly citizens to implement a national policy on long-term care.

The recommendation was adopted with seven delegates opposing. This did not represent 15% of those present at the time of voting.

6. It is recommended that a Presidential Commission on Mental Health and Illness of the Elderly be established.

The recommendation was adopted with one delegate opposing. This did not represent 15% of those present at the time of voting.

7. It is recommended that any national health insurance program which is adopted should meet the needs of those who require catastrophic, long term physical and mental health care and social services both within and outside of institutions.

The recommendation was adopted unanimously.

8. It is recommended that, to encourage the physician to accept responsibility for the medical care of patients in long term care facilities, the coverage limitation of one physician visit per patient per month in nursing homes be eliminated and that physicians be allowed to see patients as often as is deemed necessary by the professional staff as the patient's condition warrants.

It is further recommended that the physician be reimbursed at his reasonable established fee level without reduction for seeing several patients during one visit in extended care, skilled nursing, and nursing facilities.

The recommendation was adopted unanimously.

9. It is recommended that more registered nurses be placed in leadership positions in all programs involving health care of the elderly at all governmental levels.

The recommendation was adopted unanimously.

10. It is recommended that preventive and restorative dental care benefits be made available for all persons over age 65, and that those benefits be fully funded by the Federal government for those who cannot afford to pay for such care.

The recommendation was adopted unanimously.

11. It is recommended that an appropriate expression of appreciation be made to Dr. Arthur Flemming, Chairman of the 1971 White House Conference on Aging, for his efforts in making the Special Session on Long Term Care possible.

The recommendation was adopted unanimously.

12. It is recommended that the provision of care and services for the aged be removed from Title XIX (Medicaid) and Title XI, and that all health care for the aged be provided under an expanded Title XVIII (Medicare) program. It was further moved that health care be provided to all aged as a matter of entitlement; all persons should be covered and means tests presently in use under Title XIX be abolished.

Minority Report: The Session was divided on this motion because of some deep seated reservations about the suitability of the Medicare program as a vehicle for meeting total health care needs for the elderly.

The recommendation was adopted with 58 delegates in favor and 55 delegates opposing.

13. It is recommended that the Secretary of Health, Education, and Welfare study the feasibility of health facilities (i.e., hospitals, nursing homes, ECF's, etc), including long term care facilities, becoming public utilities and that his report be submitted as part of the post-White House Conference on Aging report by December 31, 1972.

Minority Report: The Session was divided on this issue because some delegates have serious reservations regarding the concept of making health facilities into a public utility.

The recommendation was adopted with 29 delegates in favor and 26 delegates opposing.

14. It is recommended that social services, as part of the team approach, are important to guarantee quality care of the elderly in long term institutional care and should be supported by legislative action.

The recommendation was adopted unanimously.

15. A proposed recommendation that Federal requirements for State participation in Federally supported health care programs include a requirement that inspectors and surveyors of nursing homes hold currently valid licenses as nursing home administrators in the States in which they work plus special preparation in inspection of long term care facilities was defeated 73 to 11.

16. It is recommended that there should be Federal financing available for the construction of nursing homes and health facilities. It is further suggested that this financing take the form of a 40-50 year loan with a three to five percent interest rate or a guaranteed loan system.

The recommendation was adopted with two delegates opposing. This did not represent 15% of those present at the time of voting.

17. It is recommended that in the interests of the patient, standards and guidelines which carriers use in making their decisions on coverage be readily available to professionals helping to effect their care.

The recommendation was adopted unanimously.

18. A proposed recommendation that the element of profit be eliminated from the care of persons and that the profit factor be confined to a limited return on equity capital, meaning a profit in the form of rental of land, buildings, improvements and furnishings, over and above the actual cost of the care and services provided was defeated 49 to 25.

Minority Report: The minority view holds that the Senator Percy hearings highlighted the fact that nursing home patients are not receiving quality, comprehensive programs of care. This is most significant, in the minority's view, since most nursing home patients are public aid recipients. The minority feels that the taking of profits from the delivery of care additionally and substantially reduces the number of dollars available to provide the care needed.

19. It is recommended that appropriate Federal and State regulatory bodies and consumer protection agencies be urged to take appropriate action to protect the public by curbing the misleading and exaggerated mass media solicitation and advertisement of voluntary health insurance programs to the elderly and the general public.

The recommendation was adopted unanimously.

20. It was recommended that the Department of Health, Education, and Welfare consider the feasibility of national certification for consultant pharmacist to separate the "paper" consultant from the bonafide consultant pharmacist and that the Department also explore the possibilities for reasonable reimbursement of consultant pharmacists for consulting services.

The recommendation was adopted with 33 delegates in favor and 2 opposing.

K. THE POOR ELDERLY

Introduction

Chairman: Ollie Randall

The Special Concern Session was attended by some 200 delegates, guests and observers. Dr. Walter M. Beattie, Dean of the School of Social Work, Syracuse University addressed the group on the challenges of poverty among older Americans. A panel of commentators composed of older persons active in community action programs responded to the address. Several commentators emphasized the need to direct attention to rural areas and such groups as the Spanish-speaking migrant farm workers. All called for immediate action, beat characterized by the words of Mrs. Mary Powell of the Springfield Township (Ohio) Community Action Council who said, "Do it now, I won't be around in ten years for the next Conference!"

Mrs. Mary Louise John, President of the Foster Grandparents of Bexar County, San Antonio, Texas presented the group with the recommendations of the Planning Committee after which Rudolph Danstedt of the National Council of Senior Citizens provided comment on the recommendations. In discussions chaired by Jack Ossofsky of the National Council on the Aging, the Session agreed to the following introductory statement and the recommendations:

Introductory Statement

ACTION NOW

One out of every four Americans over the age of 65 lives in poverty. And even more live so close to poverty that its chilling effects hang over them. To the trials of old age are added the harsh burdens of poverty made more cruel by the fact that it need not be.

ACTION IS NEEDED NOW

No longer must American aged live in hunger, suffer from lack of health care, exist in dilapidated housing, and remain isolated and hidden from the mainstream of American life. Many elderly-poor and rich are robbed of their dignity as human beings by a now-oriented society which too easily forgets the contributions—past and present—of its aged population.

We can—we must—we will do better!

While we must improve the quality of life for all the aged, our top priority must go to those who suffer most. America must address itself first to the needs of the elderly poor.

Our goals must equal our national greatness. Our action must merit our national pride. We must strive to provide more than mere subsistence; we can and must provide the opportunities for decent and meaningful living through all the years of life.

In planning, we must recognize the continuity of life. We must act immediately to lift the present aged from poverty. Even with adequate income, certain needed services cannot be purchased in the marketplace and must be provided. Within and between income and services programs, a full range of options should be available for all aged Americans.

To insure that future generations do not end their days in poverty and despair, we submit these recommendations to the White House Conference on Aging.

Recommendations and comment

I. INCOME

It must be the national policy of the United States that poverty be eliminated as a concomitant of the older years. In this regard, priority must be given to providing older Americans with an income to keep them from poverty and subsequently to assure the aged an income foundation that will provide them with a comfortable existence.

1. The establishment of an income floor in the social security and adult assistance programs to provide all older persons with an income equal to the "intermediate" standard of living established by the Bureau of Labor Statistics. This would provide (as of Spring, 1971, the latest figures available) at least $2,316 for a single older person, regardless of sex, and $4,489 for a couple headed by someone 60 years of age or older. We recommend that this be done now through the immediate amendment of the Social Security Act (Title II) and of the Adult Assistance provisions of Title XX of H.R. 1 presently pending in the Congress.

Comment: During the discussion on this recommendation, a substantial minority of those present favored the adoption of earlier benefits for minority group persons to reflect their earlier death rates and their lifelong disadvantaged status. The body heavily favored the reduction of the age of elegibility for all groups to age sixty.

2. As a follow-up in the progression of the benefit floor, not later than 1974 the minimum income for Social Security and Adult Assistance beneficiaries be upgraded to provide the elderly with the "comfortable" standard of living established by the Bureau of Labor Statistics. This would provide (as of the Spring of 1970), at least $3,403 for a single older person, and $7,114 for an elderly couple.

Comment: During discussions on this recommendation it was emphasized by the delegates that the "comfortable" BLS standard should set the level of future benefit payments.

3. Those elderly persons in the United States and territories not now covered or eligible to receive benefits under existing income maintenance programs be blanketed into the programs now so that all elderly persons can be assured an income at the comfortable standard of living and that there be no penalty or reduction in other benefits. As a further step to make this recommendation effective, the Old Age Assistance program must be merged into the Social Security system and the ensuing additional costs to be financed out of general revenue funds.

4. That computation mechanisms be established to periodically revise the benefit structures to reflect increases in the cost of living.

5. To meet the increased financial burden of these recommendations the general revenues of the Federal Government be utilized to supplement employer and employee contributions to the Social Security system, and that the Adult Assistance programs be completely federalized.

6. With respect to private and public pensions plans, require that they contain provisions for guaranteed vesting after the first year of employment, for guaranteed portability of pension benefits, and for Federal insurance protection against loss of pension benefits. Moreover, require that these pension entitlements and protections be spelled out to all employees under a "truth in pension" Federal statute.

7. Enact immediately a Senior Emergency Employment Act providing for one million full and part-time jobs for persons 55 years old and over who can and wish to work.

Comment: An additional recommendation, introduced from the floor, to immediately abolish the Social Security "earnings test" was defeated with a substantial minority favoring abolition. A number of delegates expressed a heated frustration with the continuing problems of reduced benefits associated with increases in Social Security payments (OAA, food stamps, etc.).

II. SERVICES

Even when the income levels recommended above are reached, many older people, especially poor older people, would face serious gaps in available services to meet their needs. To fill these gaps in health care, housing, and social services, we recommend:

A. Health

1. The income and service restrictions imposed on Medicaid and the shifting of the cost of Medicare on to the backs of the elderly through ceilings on length of benefit periods, increases in deductibles, increases in Part B (doctors care) premiums are seriously limiting health care for the elderly and the poor.

The time is now to eliminate the hodgepodge of partial health care programs. Medicaid and Medicare systems should be reformed now through the merger of these programs and a Federally administered system covering all persons 65 and older established.

2. This Federally administered program should have no co-insurance and deductible features; it should provide for out-of-hospital prescribed drugs and afford, without limit, nursing home care in a facility owned or operated by an accredited hospital or comprehensive health service organization.

3. While immediate reform of the Medicaid and Medicare programs is essential, there must be early adoption of a national health system available to all, the young, the middle aged and the elderly, with a full range of health services financed out of payroll taxes and the general revenues with no additional billing to the patient for these services.

Comment: A substantial minority opposed the proposed national health system primarily on the question of costs.

B. Housing

Where the homes and apartments of older persons are now adequate, or capable of renovation, the course of action is clear. Every effort must be made to assure that the elderly keep or reclaim a decent place to live in neighborhoods of their choice. To achieve these goals, it should be the policy of the United States to assure:

1. The reduction of property taxes for lower income elderly home owners, with proportionate remissions for those older people who rent.

2. The greatly expanded promotion of grants and low, or no interest loans by HUD to renovate unsuitable housing wherever such housing is located without regard to location in an urban renewal area or other artificial geographic limitations.

3. The end to liens on homes of those eligible for Adult Assistance.

4. The expansion of the Rent Supplement Program specially directed to older persons utilizing local organizations of older persons to promote its use.

5. Assuring that the planning of highways which dislocate thousands of low income older and other persons is discontinued; designing urban renewal and other physical development programs so that residences and natural neighborhoods are renewed and not bull-dozed; assuring that there is full participation of older poor persons in the planning of all physical development programs.

6. Where homes and apartments are not capable of renovation, the expansion of Federally-supported construction of new housing units to house the elderly poor who have no other means to secure decent housing.

Comment: Passed Unanimously.

C. Social Services

1. It shall be the responsibility of the Federal Government working in concert with other public and voluntary agencies to establish in each community a public senior service system as the primary means through which the elderly receive services. Such services should include leisure time and cultural programs but should extend also to preventative health programs, information, referral, outreach and advocacy services, counseling, legal aid, help with employment, housing, securing benefits, etc. Such a public senior service system must be responsive to the aged themselves as participants and the decision-

making processes determining what services are provided, through what means, and for what groups.

2. Public departments of social services need to become the primary agency for services to the disabled and impaired elderly with services rendered through a consortium of public and private agencies. Needed services should be available to all the aged without any restrictions to financial status. Services available through these resources should provide a community health alternative to institutional care by offering such services as homemaker, home health and chore services, protective services, friendly visiting and telephone reassurance, day care, home delivered meals, special transportation, etc.

3. Special efforts must be made in the delivery of services to assure that the older poor, minority elderly and those most isolated from the community are reached by the service systems, that bilingual outreach programs are built into all programs.

III. SELF-HELP—SOCIAL AND POLITICAL ACTION

1. Older Americans including those who are poor represent a resource of experience and ability which can and must be utilized in dealing with their problems and needs. We urge that all agencies and organizations which seek to serve the elderly use that resource and find ways of involving the elderly on their policy making boards, on advisory committees and on their staffs so that they play a full role in the planning and delivery of services.

2. The elderly themselves need to take the initiative to develop and operate programs and services to meet their needs as they see them. Public and private agencies should motivate and support the elderly to undertake self-help programs and to engage in social action, articulating their needs and participating in the flow of community life to create solutions to those needs.

3. Voluntary agencies and church groups in particular are called upon to serve as enablers for the elderly, to encourage and assist them in developing new roles in self help, social action and political action. Recognizing that the elderly have not fared well by relying on others to act in their behalf, the elderly are urged to organize themselves into active social action and political action groups to press for those policies, to support those candidates and to ally with those organizations which will elevate their priority needs to national attention and action.

(Accepted unanimously.)

OTHER CONCERNS OF THE SESSION

The delegates accepted, without comment, a group of recommendations developed by the Spanish Speaking Caucus relating to the needs of the Spanish Speaking elderly.

Also accepted was a resolution submitted by State Senator Samuel Harman of Massachusetts memorializing the Congress to immediately enact legislation to remedy the inequitable loss of benefits associated with increases of Social Security payments.

L. RURAL OLDER PEOPLE

Preamble

Growing older in rural America presents special and unique problems to which we call the attention of the 1971 White House Conference on Aging and the general public. Sheer distance between people, and between people and services, is the most obvious aspect in which rural areas differ from urban one. Distance complicates the delivery of any service to rural older people; the expense of maintaining private cars and lack of public transportation bar older people from coming to the services. Many people, in rural areas, are isolated by a more basic lack of roads. Rural transportation problems must be solved before there can be effective solutions to rural health, income, employment, or housing problems.

Another unique aspect of growing older in rural America is that a large proportion of the neighbors are also old. Nationally, one out of every ten of our citizens is old; in rural counties that ratio is often one in five. As the younger people are forced to leave to find jobs, they leave a shrinking tax base and a growing scarcity of services. Rising property and sales taxes in rural areas are becoming increasingly oppressive to older rural people.

Retirement income is lower in rural areas, too. Few workers in rural areas are covered by private pension plans. Income in their later years must come from Social Security, from savings, from continued employment, or from welfare. Since most rural people became eligible for Social Security relatively recently when agricultural workers and the self-employed were included, they have had fewer years of covered earnings and thus their benefits are lower.

Although older rural people are accustomed to working, there is a critical shortage of paid jobs for those who wish to work. Many urgently need work because of low income, yet present federal programs discriminate against rural areas. Rural areas have one-third of the property in this country, yet they get only sixteen percent of federal manpower funds.

National programs designed to provide part-time community service work for older rural people, such as Green Thumb and Green Light (funded under Operation Mainstream), have found the opportunity to serve and also earn is eagerly welcomed by rural older folk.

Programs established to meet the needs of the elderly in rural areas and small towns should be designed to fit their way of living. Most rural people have been very self-reliant all their lives. They were their own mechanics, plumbers, carpenters, doctors—because there often were no others.

Where crises came, neighbors quietly chipped in, often without being asked. Age has now stripped them of their resources but not their traditions. Many refuse to take advantage of the few services which are available because they don't know how to take the initiative in dealing with "government officials" and they feel a strong sense of shame and failure if they try. Programs must be designed to seek out needs not merely respond to demand. They must deal with the rural elderly in ways which are not frightening or foreign to them. Older people need to be involved in designing, planning, and implementing these programs.

Recommendations:

I. TRANSPORTATION

1. A broad program to develop people-delivery system in rural areas should be undertaken such as those by the Federal and State Governments, based on demonstration projects by the Office of Economic Opportunity, the Appalachian Regional Commission, Green Light, and others.

2. Legislation should be passed enabling and requiring public, social, health, and employment services in rural areas to help provide transportation and outreach; removing legal barriers such as taxi rates and car, taxi, and school bus insurance restrictions to such transportation services; and financing such services for older people in rural areas.

II. LEGAL AND PROTECTIVE SERVICES

1. Older people in rural and farm communities must be provided legal and protective services in order to assure adequate voice and assistance on all issues which involve possible encroachment on their rights and property.

III. EMPLOYMENT

1. Community service employment programs for older people, such as Foster Grandparents, Green Thumb, Project FIND, Extension Service, Homemaker Aides, and Senior Aides, must be expanded into every rural county.

2. Public job assistance, training, and placement programs, currently required to give priority to youth and minority groups, should be modified and expanded to include a higher proportion of older workers. Such programs should have an equitable rural-urban distribution corresponding to the distribution of poverty.

IV. INCOME

1. In reforming the Social Security system, we urge increases in the level of earnings allowed and increases in the minimum benefit in addition to across-the-board percentage increases with a basic floor for adequate living (BLS) and with automatic cost of living provisions.

2. Present legislative and regulatory impediments to older people supplementing their incomes through employment, craft cooperatives and similar arrangements should be removed.

3. State and local governments should reduce or alleviate the disproportionately heavy property taxes on retired persons on limited incomes.

V. HOUSING

1. Legislation establishing and funding a major home repair program for older people in rural areas should be passed. It should include home repair loan and grant programs under the Farmers Home Administration (currently authorized but not provided); larger home repair grants for welfare recipients with less state matching funds than at present; authorization to use Federal manpower training programs to perform the work; and adequate staff to administer these programs efficiently.

2. More new housing should be provided for older people in rural areas. A major new rural housing program must be developed to meet the needs of the rural elderly. Public housing programs should be expanded in rural areas. The Federal Government should aggressively encourage local government and/or private non-profit organizations to implement these programs.

VI. HEALTH

1. In the design of a national health service delivery system which provides for facilities, personnel, and payment for services, the unique characteristics of rural areas must be considered and special delivery systems developed. Transportation, outreach, and home care services should be integral parts of all health services in rural areas. The use of mobile health units for multi-phasic screening should be greatly expanded.

2. Health and nutrition education programs should be greatly expanded. Public Health, Vocational Education, Extension Services, and other such community action programs have found that poor nutrition practices are a major health problem of the rural elderly.

M. SPANISH SPEAKING ELDERLY

Introduction

The Spanish speaking aged compose a particularly vulnerable class of needy persons within the already disadvantaged population of elderly Americans. Due to linguistic and cultural barriers, physical isolation and the disadvantaged endemic to minority group status, the Spanish "viejito" finds himself in even more deplorable circumstances than the majority of the American elderly population.

Poverty of such magnitude exists within this group that is incomprehensible to the average citizen. It is a poverty that knows no boundary line as it affects the Spanish speaking elderly equally as hard as the rural, urban and metropolitan areas.

Perhaps the most persuasive handicap the Spanish speaking elderly has in this society is his inability to speak and communicate in English and his lack of understanding

of the "System." Directly related to the lack of awareness of health, housing, recreation, employment and social services and benefits is the problem of communication. There is a high correlation existing between his ability to speak English and his lack of awareness of the very few services, activities, and programs to which he is entitled.

Income: National economists would do well in learning how some of the Spanish speaking elderly are able to survive. Because of life-long poverty, many have not been able to save toward retirement or collect adequate pension and social security benefits. There are those who receive no public assistance and have to depend on whatever help friends and families can provide.

Health: The mortality rate of the Spanish speaking elderly is above average. At 48 years of age a Spanish speaking migrant compares with an Anglo of 65. This is due to the hardship these individuals have had to endure. Medicare and Medicaid provide relief, but some cannot eat properly without dentures or communicate without hearing aids that they can't afford.

Transportation: In rural areas transportation is unavailable most of the time or else too expensive. In metropolitan areas, where public transportation is available, many times it is too expensive and the Spanish speaking elderly cannot communicate with the drivers or understand route and time schedules.

Nutrition: Inadequate nutrition affects all elderly Spanish speaking. Surplus commodities offer some assistance and although they are not designed as a complete meal, for many it is. Food stamps have to be bought once a month and for the majority of the Spanish speaking elderly poor, they are too expensive to purchase.

Employment: The Spanish speaking elderly need innovative programs for employment opportunities without penalizing retirement or other benefits.

Housing: Many of our Spanish speaking elderly poor own their own homes. For them to own a home is a matter of pride and self-respect. for the most part, these homes are below standard and do not have regular facilities.

The above are just a few of the many real problems affecting the Spanish speaking elderly today. They are mentioned to dramatize the fact that the theme of the conference is wrong. Many elderly and non-elderly here, this week, are not themselves poor and therefore cannot adequately represent the poor who were unable to attend.

It is a myth to believe that action emanating from this conference will automatically benefit the Spanish speaking elderly poor because this did not and has not happened from the 1961 White House Conference. Had this conference concerned itself exclusively with the problems of the elderly poor and minority poor then the reverse could be expected to happen.

We strongly urge that a conference on ACTION for the elderly poor and minority poor be developed as soon as feasible and possible to provide the action necessary that this conference has failed to do.

Resolutions

Income and transportation

1. It is recommended that the Department of Transportation, the Department of Defense, and the General Services Administration make available all excess vehicles, in good condition, to any elderly based organization in order that transportation services for the Spanish speaking and other elderly be made available in metropolitan, urban, or rural areas.

2. It is recommended that all municipalities with public transit systems provide free or reduced fare during the non-peak hours for the elderly and handicapped, and demand that these same systems make literature available in Spanish for the Spanish speaking elderly in terms of routes and schedules, and also that these systems request subsidized assistance from the Federal Government.

3. It is recommended that research and study be conducted by every agency involved in programs for the elderly in order to determine an age comparability and other important data in regard to the different ethnic backgrounds of the elderly.

4. It is recommended that a minimum of guaranteed income of between $4300–$4500 (couple) be made immediately available to all Spanish speaking elderly and 75 percent of that for a single person.

5. It is strongly demanded that States amend their legislature to prevent the lowering of old age assistance benefits as social security benefits are increased.

6. It is recommended that Spanish bicultural planners and consultants design and reevaluate all programs and services to serve the Spanish speaking with the cooperation and participation of the consumers to be affected by these programs.

7. That all elderly legislation regarding services, benefits, and programs of any kind and in effect in the mainland United States be extended to cover all elderly in Puerto Rico.

8. That employers who contract migrant elderly workers for any amount of work done, be required to make social security payments and that the farmer be defined as the employer and not the contractor or crew leader.

9. That piecemeal research and demonstration programs be funded on a national level and give special emphasis to the employment of the Spanish speaking elderly.

10. That the Social Security Adminstration compile a census on the Spanish speaking population receiving social security benefits and that a projection be made of those who will be receiving assistance in the next 10 years.

Health committee

1. That where applicable representatives of elderly Spanish speaking and migrants be appointed on all commissions, committees, councils, and other bodies concerned with the planning, development, operation, and evaluation of comprehensive health services systems funded by Federal, State or local governments.

2. That priority be given to bi-lingual, bi-cultural students being recruited for the health professions and for new careers or para-professional employment opportunities in the field of health and geriatrics.

3. That special college credit be made available for students in the medical and health fields who are bi-lingual and bi-cultural.

Housing

1. Whereas: It is of critical concern that the needs of the Spanish speaking elderly have been ignored by the Federal, state, and local governmental bodies concerned with housing, it is recommended (1) that staff of Spanish descent responsive to the Spanish speaking be appointed to all three levels of government, and (2) that funds be specifically earmarked for the need in housing of our Spanish speaking elderly.

2. Whereas: Many of the Spanish speaking elderly live in and own homes that are deteriorating and decaying, it is recommended (1) that in lieu of the demolition or the removal of homes by programs such as Urban Renewal, that Government assistance at all three levels be given for the rehabilitation and renovation of housing units owned by the Spanish speaking elderly.

3. Whereas: That the present Federal housing projects are highly undesirable to the Spanish speaking elderly, it is recommended (1) that all subsequent housing be constructed according to the Spanish speaking cultural considerations such as (1) design, (2) cost, (3) location, (4) size.

4. Whereas: It is recognized that the Spanish speaking elderly are not receiving a "fair-shake" of federally subsidized housing; it is recommended (1) that the federal government adopt a policy in housing utilizing a formula wherein those units that are authorized, built, or rehabilitated, be reserved for the Spanish speaking elderly in direct proportion to their population in their respective communities.

5. Whereas: It is a fact that there exists a requirement forcing the Spanish speaking elderly to give up their claim to "real property" in order to qualify for programs of financial assistance; it is recommended (1) that the above requirement, being a prohibitive and unjust law, be eliminated or amended as will meet the needs of the Spanish speaking elderly.

6. Whereas: It is a revered tradition that the Spanish speaking elderly has a strong desire to remain living within the family household; it is recommended (1) that a new program be adopted that would (a) promote and protect this opportunity for continued participation with the family; (b) contribute to the Spanish speaking need for a sense of usefulness and (2) this new program would pay rent subsidies directly to the elderly recipient residing within the familial household.

Spiritual Well Being

1. The Government should cooperate with religious bodies and private agencies to help meet the spiritual needs of the elderly, but in doing so should observe the principle of separation of Church and State.

2. Spanish speaking elderly should be involved in the development of all programs which affect their spiritual well being from the initial planning stage through implementation.

3. That all religious and/or private groups open their eyes to the needs of the Spanish speaking elderly which are more than religious services and ceremonies and strive toward fulfilling the needs of the total man among the Spanish speaking elderly.

4. The declaration of the rights of the elderly should continue to be a responsibility of the various religious bodies but they should also recognize the value of coordinating their efforts with community groups.

5. All religious and/or private groups, particularly those with sizable Spanish speaking membership, must spend a fair and adequate share of their resources advocating assistance for the Spanish speaking elderly.

General Resolutions

1. It is recommended that a $5,000 tax exemption be granted to Spanish speaking senior citizens on real and personal property in all states.

2. It is recommended that HR1 be acted and passed upon by Congress with a modification that the guaranteed minimum income of $2,400 be increased to $4,800 for all elderly people.

3. It is recommended that all resolutions passed at the Special Concern Session for the elderly be applicable to the rural as well as the urban elderly.

4. It is recommended that Congress pass a law to automatically grant citizenship without the requirement of an examination to those persons who have been in the United States for 20 years.

5. It is recommended that any organization, be it private or public, which provides services to the Spanish speaking elderly be required to have an adequate number of bilingual, bi-cultural staff, literature and forms printed in Spanish, make outreach efforts to inform the Spanish speaking community and utilize multi-media services to this effect.

6. It is recommended that the President establish a National Coordinating Committee for the Spanish speaking elderly which

insures consumer participation, develop a national strategy to solve the problems of the elderly, top Federal, State, and local funds; and evaluate existing programs.

7. It is recommended that due to the lack of statistics available on the Spanish speaking elderly, the Bureau of the Census conduct an indepth study which will evaluate the accuracy of the number of Spanish speaking elderly in the United States.

8. It is recommended that the Bureau of Labor Statistics be required to have an ethnic breakdown on employment figures to make planning possible for those Spanish speaking who will become senior citizens in the near future.

9. Due to the lower life expectancy of the Spanish speaking elderly it is recommended that Federal legislation be passed to lower the retirement age to 55 for the urban Spanish speaking and to 45 for the migrant rural Spanish speaking worker.

10. It is recommended that the Federal, State, and local monies be set aside to research and study the specific problems of the Spanish speaking elderly as a first step in the planning of comprehensive and relevant programs to alleviate the plight of the Spanish speaking elderly.

N. THE RELIGIOUS COMMUNITY AND THE AGING

Recommendations

1. That a National Conference on spiritual well-being be held within the next two years and not later than five years to review and evaluate the recommendations in terms of achievements as a result of the 1971 White House Conference on Aging.

2. That it should be the national policy that religious bodies and other private agencies make it their concern to bring together the services of the entire community to provide opportunity for interfaith broad-based community programs for the aged through multipurpose community centers.

3. That private institutions of religious and charitable organizations which discriminate in the admission of black persons and those of other minority groups and deny and abrogate the civil rights of such persons have their tax exemption status lifted; and we urge that the U.S. Congress enact appropriate legislation to bring this about.

4. That church-related retirement facilities add to their staff (on a salaried and/or volunteer basis) a retiree in the role of community ombudsman-advocate, working with older adults within the institution and the larger community, serving as a representative with and for older adults.

5. That religiously related educational institutions, and religious laymen in any teaching situation, be urged to provide a knowledge base for an understanding of the processes of aging, the characteristics and needs of older persons, and the implications of such knowledge for fields of community practice.

6. Subscribing to the principle that responsibility for the care and affectional support of persons of all ages rest with one's immediate family and kinsmen, we therefore recommend that: (a) Tax deductions be given for qualified gifts and assistance to aged persons, as are now authorized for charitable contributions; (b) Education be inaugurated for couples in their middle years for their tasks in bridging the generations, including accepting death and preparation for the life of a survivor.

O. PHYSICAL AND VOCATIONAL REHABILITATION

Introduction

In the absence of formal plans to develop systematic vocational rehabilitation inputs for the 1971 White House Conference on Aging, Federal Guidance and Employment Service conducted a broad-based pre-White House Conference on this subject at Arlington, Virginia on September 14–16, 1971. Attended by more than 100 leaders in the field of vocational rehabilitation, this Conference was supported by a grant from the Rehabilitation Services Administration, Social and Rehabilitation Service, United States Department of Health, Education, and Welfare, and received extensive cooperation from a wide spectrum of rehabilitation groups and agencies. The Policy and Platform Statement that follows emerged from the Conference with the understanding that it would be presented to the White House Conference on Aging as an expression of the recommendations of the vocational rehabilitation movement.

Recommendations and comment

Some 15% to 20% of all unemployed disabled persons 55 years of age and over elect to continue in the labor market, despite severe limitations and the lack of encouragement from the community.

Vocational rehabilitation services for the members of this group are lacking or are highly inadequate in most sections of the United States. This neglect reflects the general apathy of Americans, even those who work with older persons, toward the vocational aspirations of older persons. Even the 1971 White House Conference on Aging, in its preparatory stages, made no plans for a conference section on rehabilitation (as it had done in 1961).

In the face of this extensive lack of concern for the vocationally-motivated older disabled person, the objective of the pre-White House Conference meeting was to recommend policies and programs that should be instituted to meet the needs of this group in the 1970's.

Specific recommendations

1. Legislation.

A. Current legislation should be amended or administered so as to provide for:

Positive enforcement of existing anti-discrimination legislation.

Improved Social Security benefits.

Modification of the Social Security earnings limitation.

Inclusion of rehabilitation incentives in welfare legislation.

A rise in the level of Social Security trust funds available for payment for vocational rehabilitation services.

Earmarking of specific anti-poverty funds for the aging.

Inclusion of vocational rehabilitation services under Medicare and Medicaid and proposed comprehensive care programs.

B. New legislation is needed to achieve:

Public agency financial support for long-term workshop employment programs.

The use of Federal funds to create new jobs for the aging in private industry and government-sponsored public service activities.

Non-discrimination in employment throughout the United States at all geographic levels.

2. The Community.

The community should:

Pay particular attention to disadvantaged sub-groups among the aging.

Establish general and/or specialized programs for the aging.

Be educated to the vocational rehabilitation potential of the aging.

Develop comprehensive service programs for the aging containing strong vocational components.

Develop organized groups of aging persons, that, among other activities, support vocational components.

Through its rehabilitation agencies and workers, function as an advocate of the aging.

Develop improved community transportation facilities in cooperation with United States Department of Transportation.

3. Organizations and Programs.

A. All types of agencies in the community should:

Open their general community facilities and programs to the aging on the same priority basis as other groups.

Reach out to currently "underserved" subgroups of aging persons.

Consider rehabilitation of the aging as a specialized rehabilitation sub-field.

Include vocational rehabilitation services in their multi-function programs for the aging.

Adopt service procedures that enable the aging to enter vocational rehabilitation programs without delay.

Make provision for the aging to serve on boards and committees which formulate agency policies and programs.

Encourage institutions for the aging to set up vocational programs for their residents.

Establish experimental rehabilitation residences for the aging.

Develop regional and state vocational rehabilitation centers for the aging.

Set up special programs for homebound and neighborhood-bound older agencies.

Establish linkages between agencies for the aging and other agencies.

Designate a national group to serve as a forum and a clearinghouse for those concerned with the vocational rehabilitation of older persons.

Expect rehabilitation agencies serving the aging to conform to commonly-accepted service standards.

B. Federal and State Rehabilitation Agencies should:

Take leadership in developing services for older disabled persons, preferably through specially-designated organizational sections or divisions.

Earmark special funds for the aging.

Be strengthened, in general, in funding, programming and administration.

Assign responsibilities for programs for the older disabled person to special personnel.

Stipulate clearly that age, per se, is not a disqualification for entry into vocational rehabilitation service.

C. Voluntary Agencies should:

Be given a major role in the vocational rehabilitation of older disabled persons.

Engage, along with other agencies, in innovation research and demonstration activities.

Attempt to reach as many older disabled persons as possible through decentralized catchment area programs.

Along with state agencies, assume responsibility for the conduct of long-term workshop employment programs with the aid of public agency funding.

Offer comprehensive vocational rehabilitation programs.

Be given responsibility for continuity of care.

D. Private enterprise should:

Be encouraged to participate in the vocational rehabilitation of older disabled persons.

Assume responsibility for preventing and ameliorating vocational handicaps in their aging employees.

Be assisted in these functions by consultation from specialized rehabilitation agencies and personnel.

4. Employment

Vocational rehabilitation should emphasize careers, not merely jobs, for older disabled persons.

Public and private hiring practices which bar older disabled persons from employment should be altered.

Employers should be educated to see the values of hiring older disabled workers.

Vocational benefits offered to other disability groups in employment should be opened to the aging.

Flexible working hours should be adopted in industry.

Additional part-time employment opportunities should be created.

Employment should not be discontinued on the basis of an arbitrary maximum age.

Employment opportunities in community service should be fully explored.

Demonstration new careers programs should be launched.

5. Personnel Training and Research

Rehabilitation personnel should be trained in service to the aging through specially-funded programs.

Grant applications for research and demonstration projects for the older disabled person should be given a high priority.

National research and demonstration and/or research and training centers on the vocational rehabilitation of the aging should be established.

Fundamental and applied research relating to the older disabled worker should be supported by public funding.

Application of modern technology to the problems of the aging should be explored.

6. Medical

Medicare-funded rehabilitation services should be extended to persons receiving Social Security Disability Benefits through rehabilitation as well as other health facilities.

Federal funds for medical research should be increased.

Additional Federal financial assistance should be provided for the training of medical and allied personnel.

The Federal government should sharply increase the funds allocated for the construction: expansion, and alteration of rehabilitation facilities under the Hill-Burton Program and the Vocational Rehabilitation Act.

Medicare and Medicaid legislation should be adopted which strengthens the rehabilitation component and which enables patients to receive medical rehabilitation service in conjunction with their hospitalization.

NOTE.—A report on the Elderly Deaf will appear in the full report of Conference proceedings.

P. VOLUNTEER ROLES FOR OLDER PERSONS

Introduction

At the conclusion of this session one delegate participant remarked that it was uniquely characterized by the participants' complete attention to ways in which older persons could fulfill themselves by giving service to one another and to their communities.

The session focused on the development of policy and action recommendations that facilitate volunteering by older persons.

Recommendations and comment

1. A national policy should be established to create awareness in the nation at large about the worth and talents of older adults as a national resource and to encourage older adults to volunteer. In this connection widest possible use should be made of pre-retirement counseling as a point of interpreting volunteer opportunities.

2. Existing national older adult volunteer programs should be expanded and funded at adequate levels in order to serve extensive numbers of older persons.

3. There should be support for and strengthening of national leadership (governmental and voluntary) through which local organizations, departments and agencies can be encouraged and assisted in developing volunteer participation by older persons.

Comment

In discussion of this recommendation, as illustrative of national leadership, reference was made to the National Center for Voluntary Action, the Center for a Voluntary Society, and Retired Senior Volunteer Program, and others.

4. Agencies and organizations (governmental and voluntary at any level) should adapt their programs to the use of older volunteers and provide adequately for their training, their growth, and recognition of their accomplishments; should provide for adequate staff leadership and preparation of staff to support volunteer involvement.

5. Jobs developed for older volunteers should meet the needs of older persons, provide for progressive levels of responsibility and recognize the need for special job design for handicapped adults.

6. Budget planning in both government and voluntary agencies should provide for making available to older volunteers assistance, when needed, with transportation, incidental expenses and insurance protection.

7. Appropriate interested organizations, agencies, and departments (governmental and voluntary) should endeavor to develop a workable definition of a volunteer.

Comment

Discussion of this recommendation indicated the diversity of views with respect to what is a "volunteer;" but there was consensus on the need to provide the widest possible range of opportunities for older persons to be involved in the life of their communities, from full-time paid employment to part-time unremunerated service. Concern was expressed regarding the need to clarify at local levels the character of volunteer service in order to insure that giving such service should not infringe the rights of older persons to receive public assistance or other public support.

Q. YOUTH AND AGE

I. *Whereas:* young and old are one; and both deserve dignity and respect; and together are concerned with quality of life in the future as well as the present.

Recognizing the urgency of the situation, we therefore propose the following:

1. A radical and immediate reordering of our national spending policies and economic priorities to place human needs before the material needs of the military and the space program.

2. A wide range of accessable services must be provided in the areas of nutrition, health, housing, medical and social care. But the most crucial need is to provide *all* citizens a guaranteed adequate income enabling them to purchase goods and services of their own choosing.

3. That both young and old be represented in the decisionmaking process of all local, state and national commissions and boards affecting the aging.

4. That all persons, particularly the aging, be given the legal right to choose to die naturally and in dignity avoiding prolonged illness, pain, confinement, and degradation.

5. That we must bridge the gap of young and old by encouraging alternate forms of social organization to supplement family structure from which young and old are often withdrawn.

6. That government immediately provide adequate and sufficient housing for the aging including communal settings where young families and the old can live together.

7. That society should adopt a policy of education for life such as preparation for job, family, retirement and use of leisure time. This education should begin with young children as developing a philosophy of life and should be developed by consultation with government, business, labor, and education institutions.

8. We urge that many more employment opportunities including part-time jobs be made available by government and by the private sector for both youth and the aging, particularly those jobs which enable them to work together and relate to one another for the betterment of themselves and their communities.

As citizens we are all entitled to full participation in the democratic process. Therefore, we urge that public and privately sponsored civic education programs be implemented for the aging to inform them of their legal rights and political privileges and to encourage them to exercise these rights and privileges collectively.

Wherever appropriate, economic boycott, non-violent protest and demonstration and other forms of political activity should be used to pursue the goal of a better life for all Americans.

In order to effectively implement the positions stated above, it is recognized that awareness of the continuation of life from conception through death is an essential aspect of education throughout the life cycle. It is further recognized that there will be many avenues of activity that must be exploited and maximized.

The following resolutions were made regarding formal education:

1. Federal, state and community agencies shall earmark funds and appoint committees within the year following the WHCoA for the preparation and utilization of curricular and education materials for all school levels that deal with the biological, medical, psychological, social and environmental aspects of the continuation of life from conception through death. Further, this shall be implemented within service training for teachers at all levels, as well as continuing education for persons all through life.

2. It is particularly suggested that in all appropriate educational institutions courses such as sociology, anthropology, etc. be offered in which younger and older persons can both enroll on a credit or non-credit basis.

3. Conference follow-up shall include:

a. Contact with student governments at every available educational level to identify a vehicle for their contributions towards the realizations of the policies adopted at this conference.

b. Contact with existing and projected federal agencies with funded programs for youth opportunities in community activities (e.g. ACTION, Domestic Council etc.) to identify aging as an urgent social issue.

c. Contact with universities, state and community colleges and community organizations to establish seminar and field experience courses that will involve students in all disciplines.

4. Wherever possible, educational systems at all levels should utilize qualified older persons as para-professionals. Formal credential requirements should be relaxed without the relaxation of remuneration for these services. Funds should be provided by an appropriate federal agency for these services.

5. We think that without neglecting the incorporation of preparation for living into the school system, it is urgent that every available avenue for informal education be potentiated. Priority (in the appropriation of funds) shall be given to the promotion of interaction between youth and aged outside the formal school system, in voluntary organizations and other common activities as a conscious reflection of the need to change current cultural attitudes and stereotypes of all stages of life.

6. It is finally urged that the President of the United States include as part of a national policy on aging an emphasis on achieving life cycle education as a mandatory component of all educational institutions.

III. One of the major aims of the White House Conference on Aging should be to harness the activity and energy of youth and link it to the solution of the problems confronting the aging. Three areas of youth volunteer activity suggest themselves for immediate action:

1. Provide information to senior citizens regarding existing social services and financial resources.

2. Render direct service to senior citizens.

3. Act as advocates in behalf of the elderly.

However, it is imperative that such programs involving youth and aging recognize a relationship of reciprocal rewards. Additionally, young people should be reimbursed for expenses incurred in volunteer activities.

Suggestions for immediate action include:

1. Providing information:

a. Undertake local projects to identify existing resources for and needs of aging Americans;

b. Staff telephone information and crisis centers;

c. Utilize the media to inform the aging about existing resources; and

d. Guarantee that youth and aging be represented on all aging related agencies.

2. Rendering service:

a. Form transportation teams to assist the elderly;

b. Assist in home upkeep and maintenance;

c. Establish friendly visitor programs;

d. Utilize programs sponsored by ACTION to provide needed staffing;

e. Assist with programming activities in Senior Centers;

f. Provide escort services, especially at night; and

g. Provide activities that will promote social and sexual interaction for the aging.

3. Acting as advocates:

a. Utilize existing advocacy groups on behalf of the elderly; and

b. Form community-wide advocacy groups, which will also serve as grievance boards and community coordinating committees for volunteer activities related to aging.

In order to implement a program of young assisting the aging means as needed to mobilize and coordinate community activities. This can be accomplished by Services To People (STEP) through the formation of local steering committees. National Youth Organizations and state agencies should encourage their local affiliates to begin creating these committees and to provide the funding for training programs in the study of the aging.

CALIFORNIA'S AGRICULTURAL EXPORTS HURT BY DOCK STRIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MATHIAS) is recognized for 5 minutes.

Mr. MATHIAS of California. Mr. Speaker, California is an export State. The value of California farm production exported in fiscal year 1971 was well over half a billion dollars—$555.1 million. Important crops include feed grains, cotton, fruits and preparations, rice, vegetables and preparations, hides and skins, dairy products, meat products, poultry, cottonseed oil, and so on—an infinite variety.

Imagine what the dock strikes this year have done to our prospects for agricultural exports in fiscal year 1972. The loss is incalculable. What is worse, many of the foreign buyers will not be looking our way again. They have started to look elsewhere for the commodities they need. The United States—thanks to the dock strikes—is no longer considered a dependable source of supply for agricultural commodities.

This is not an irreversible trend. We still have time to consider legislation that will effectively deal with national transportation system strikes in such a way that agriculture and the American public are protected.

But the time is short. We should join today in a concerted effort to deal with this problem before it is too late.

OPERATION NOEL

The SPEAKER. Under a previous order of the House, the gentleman from Nebraska (Mr. MCCOLLISTER) is recognized for 5 minutes.

Mr. MCCOLLISTER. Mr. Speaker, Operation Noel is an annual Christmas party on Capitol Hill for servicemen from eight Washington area hospitals. About 3 weeks ago, on behalf of Operation Noel, I sent letters to all Members of the House and Senate asking for financial help. The response to those letters has been overwhelming. And I would like to take this opportunity to thank my colleagues in the House for their genuine concern and true generosity in helping to sponsor Operation Noel. As most of you know Operation Noel's party will be held next Wednesday in the Longworth cafeteria. In my opinion no group of individuals in this country deserve a special Christmas party more than the 20-year-old without legs and the World War II veteran who after 25 years still lies in traction. Operation Noel is what all of us see when Santa comes and snow falls—Operation Noel is the guts of all of us—Operation Noel is Christmas. And there is no better way for us to express our appreciation and gratitude for those who have given everything so that all of us may enjoy another happy Christmas. Again, may I extend my sincere thanks and the thanks of all who are involved in Operation Noel for your support and cooperation in making this year's party the best ever. I hope to see most of you in the Longworth cafeteria Wednesday evening.

THE PRESIDENT'S NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 10 minutes.

Mr. MCKINNEY. Mr. Speaker, many Americans may not know that there has been an appalling loss of life because of destructive fire in the nursing homes of this Nation.

The safety of the residents of nursing homes must be a prime concern of all of us. It is one of the continuing problems of the aging who should command every human consideration of all Americans. I am happy that the President's National Commission on Fire Prevention and Control is probing this matter in the course of its 2-year study of the Nation's fire problem.

The purpose of the President's National Commission on Fire Prevention and Control is to undertake a study and investigation to determine practicable and effective measures for reducing the destructive effects of fire in life and property throughout the country. The Commission will submit to President Nixon and the Congress a report of its findings and recommendations.

Recently, Chairman Richard E. Bland of this Presidential Commission spoke eloquently of the need for a greater vigilance on the conditions in nursing homes as a very necessary step to help prevent fires from breaking out in these homes for our older citizens. This vigilance should in some cases extend to more severe building and electrical wiring codes as well as in other areas such as better smoke and fire detection and alarm systems. For one helpless old person who may not be able to walk or who is sedated to lose his or her life because of what might be inadequate vigilance is unforgivable.

Chairman Bland is also associate professor of engineering at the Institute for Science and Engineering of Pennsylvania State University at State College, Pa.

He made his remarks over NBC radio network October 20, 1971, concerning the loss of 15 lives at the Geiger Nursing Home fire near Honesdale, Pa., the night of October 19, 1971.

I ask unanimous consent that the transcript of Chairman Bland's statement on NBC be printed in the RECORD.

There being no objection, the transcript of the broadcast was ordered to be printed in the RECORD, as follows:

STATEMENT OF RICHARD E. BLAND

I am shocked at the tragic loss of fifteen lives by destructive fire in a private nursing home for the elderly near Honesdale, Pennsylvania last night.

It is particularly sad because as is so often true of fires in nursing homes, some of the victims were bed-ridden. There can be no greater experience of horror than for an elderly person to be aware of a fire sweeping toward him knowing that he is helpless to try to escape.

Many Americans are not aware that approximately 12,000 lives were snuffed out by destructive fire in our country in 1970. Some of the most sickening losses have been registered in our homes for the aged.

On January 14th of this year in Louisville, Kentucky, fourteen people died in the Westminster Terrace Presbyterian Home for Senior Citizens.

Six people lost their lives on September 15, 1971, in Salt Lake City, Utah, in a home for senior citizens.

To cite another example of these tragedies, on January 9, 1970, a blaze took 32 lives in the Harmar Convalescent Home in Marietta, Ohio.

Elderly people are often not in nursing homes by their own choice. In effect, they are in captivity. Hence it is the public's responsibility as near as possible to guarantee protection and evacuation procedures that will facilitate their escape. They cannot be expected to move on their own in hostile environments associated wth fires. Thus, we must make it a public responsibility the enforcement of regulations which guarantee their safety.

A major purpose of this Presidential Commission is to determine more effective ways to reduce loss of life and property by fire in the United States.

I would liké to point out that we cannot be too vigilant in taking steps to prevent fires.

Let us remember that the prime factors of loss of life by fire in dwellings are: open stairways, no escape plan in case of fire, no automatic detection system, flammable clothing and combustible interior finish.

Leading causes of home fires are: heating and cooking equipment, electrical wiring and appliances, smoking, children and matches, ignition of rubbish and flammable liquids.

This terrible loss of life in Honesdale, Pennsylvania, should once again provide a shocking reminder to all Americans that the responsibility for the loss of life and property lies with all of us.

HON. ARTHUR A. FLETCHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I would like to take this opportunity to honor Arthur A. Fletcher, one of the present administration's highest-ranking black officials, who, at the end of this year, will leave his position as alternate representative to the 26th session of the United Nations to assume the executive directorship of the United Negro College Fund.

Mr. Fletcher, who also served as an Assistant Secretary of Labor, will replace Vernon E. Jordan, Jr., as head of the fund which raises money for some 40 black institutions of higher education. His stated reason for making this switch is to position himself in a field where he will "not only be helping to provide opportunities for nonwhite youth to achieve their own personal desires, but where he will be helping to provide a national human resource that America so desperately needs."

Mr. Speaker, I wholeheartedly congratulate Mr. Fletcher who came to this decision only after the sincere protestations of those administration officials who have worked with him and learned to respect his impressive administrative skills.

Mr. Fletcher has been instrumental in the conception and development of a great many landmark programs. One brilliant example is the Philadelphia Plan for attracting more minority-group youths into the building construction labor unions. This excellent plan requires building contractors to hire set percentages of minority-group workers before the contractors are allowed to bid on Government construction contracts.

Another capacity in which Arthur Fletcher has proven to be most effective is as Chairman of the White House Domestic Council Committee on the Elimination of Economic Discrimination. He will continue in this post through 1974—at which time he plans to deliver the recommendations of this Committee to the President.

Mr. Fletcher's aim as director of the fund is to raise at least $10 million from black American citizens and then request industry and government sources to contribute three to four times that amount. The continued survival of many of our black colleges will surely depend upon the success of Mr. Fletcher's efforts. This, in turn, will have a dramatic effect on the training of blacks for professional jobs, since—according to Morris B. Abram, chairman of the fund's board directors:

Seventy-four percent of black Ph.D.'s have taken their undergraduate training in black colleges.

I am sure I speak in behalf of my colleagues, Mr. Speaker, in praising Arthur A. Fletcher for his past achievements and in wishing him the fullest success as executive director of the United Negro College Fund. This man, who has exhibited unlimited talent and fierce determination in such varied fields as professional athletics and public administration, will, I am certain, distinguish himself once again in the arena of higher education.

PANAMA CANAL SOVEREIGNTY AND MODERNIZATION: MEMORIAL BY COMMITTEE FOR CONTINUED U.S. CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 10 minutes.

Mr. CRANE. Mr. Speaker, as a former professor of Latin American history, I have long been interested in the annals and problems of the Panama Canal and have followed with deep concern what has been transpiring in Panama and in Washington as regards that jugular vein of marine transportation and hemispheric security.

Though the canal question has been before the Congress periodically since 1945, with the exception of the 1949–50 hearings concerning Panama Canal reorganization there have been no comprehensive hearings on this highly complicated subject. It was, therefore, gratifying to read the November 8, 1971, announcement by the distinguished chairman of the Subcommittee on the Panama Canal of the House that major hearings on all significant phases of the interoceanic canal problem will start November 29.

Through the leadership and splendid contributions of my most able and scholarly colleague from Pennsylvania (Mr. FLOOD) a lifelong student of canal problems, the documentation on the subject in the CONGRESSIONAL RECORD for more than a decade is extensive. A selected collection of his addresses, published in one volume as a Government document under the title of Isthmian Canal Policy Questions (H. Doc. No. 474, 89th Cong.), contains a wealth of authentic information and should be consulted by all students of the canal subject.

The latest addition to the cumulating literature on Isthmian problems, occasioned by submission of the 1970 report recommending the construction of a parallel Panama Canal of so-called sea level design that is linked with surrender of the Canal Zone, is a memorial to the Congress by the Committee for Continued U.S. Control of the Panama Canal on the vital matters of sovereignty and modernization.

The membership of this committee, which was organized by Prof. Richard B. O'Keeffe of George Mason College of the University of Virginia, Fairfax, Va., is truly distinguished and includes persons of outstanding ability in their fields and longtime interest in Isthmian policies in the broadest sense. Because the indicated memorial in brief space presents the essential facts of a highly complicated subject and should be of great assistance to those preparing for the forthcoming hearings, I quote it as part of my remarks:

COMMITTEE FOR CONTINUED U.S. CONTROL OF THE PANAMA CANAL

PANAMA CANAL: SOVEREIGNTY AND MODERNIZATION

Honorable Members of the Congress of the United States.

The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express their views:

(1) The report of the interoceanic canal inquiry, authorized under Public Law 88–609, headed by Robert B. Anderson, recommending construction of a new canal of so-called sea level design in the Republic of Panama, was submitted to the President on December 1, 1970. The proposed canal, initially estimated to cost $2,380,000,000 exclusive of the costs of right of way and inevitable indemnity to Panama, would be 10 miles West of the existing Canal. This recommendation, which hinges upon the surrender to Panama by the United States of all sovereign control over the U.S.-owned Canal Zone, has rendered the entire canal situation so acute and confused as to require rigorous clarification.

(2) A new angle developed in the course of the sea level inquiry is that of the Panamic biota (fauna and flora), on which subject, a symposium of recognized scientists was held on March 4, 1971 at the Smithsonian Institution. That gathering was overwhelmingly opposed to any sea level project because of the biological dangers to marine life incident to the removal of the fresh water barrier between the Oceans, now provided by Gatum Lake, including in such dangers the infestation of the Caribbean Sea and Atlantic Ocean with the poisonous yellow-bellied Pacific sea snake (Pelamis platurus).

(3) The construction by the United States of the Panama Canal (1904–1914) was the greatest industrial enterprise in history. Undertaken as a long-range commitment by the United States, in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." Congressional Record, volume 115, part 17, pages 22845–22848, the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tolls that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

(4) Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant in perpetuity from Panama (Hay-Bunau-Varilla Treaty of 1903). In addition to the indemnity paid by the United States to Panama for the necessary sovereignty and jurisdiction, all privately owned land and property in the Zone were purchased by the United States from individual owners; and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22). The cost of acquiring the Canal Zone, as of March 31, 1964, totaled $144,568,571, making it the most expensive territorial extension in the history of the United States. Because of the vast protective obligations of the United States, the perpetuity provisions in the 1903 treaty assure that Panama will remain a free and independent country in perpetuity, for these provision bind the United States as well as Panama.

(5) The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,359,931,421, making a total net investment by the taxpayers of the United States of more than $5,000,000,000; which, if converted into 1971 dollars, would be far greater. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

(6) In 1939, prior to the start of World War II, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The

program for the enlargement of Gaillard Cut, started in 1959, with correlated channel improvements, was completed in 1970 at a cost of $95,000,000. These two works together represent an expenditure of more than $171,000,000 toward the major modernization of the existing Panama Canal.

(7) As the result of canal operations in the crucial period of World War II, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception included provisions for the following:

1. Elimination of the bottleneck Pedro Miguel Locks.

2. Consolidation of all Pacific Locks South of Miraflores.

3. Raising the Gatun Lake water level to its optimum height (about 92').

4. Construction of one set of larger locks.

5. Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, which would improve marina operations by eliminating lockage surges in Gaillard Cut, mitigate the effect of fog on Canal capacity, reduce transit time, diminish the number of accidents, and simplify the management of the Canal.

(8) Competent, experienced engineers have officially reported that all "engineering considerations which are associated with the plan are favorable to it." Moreover, such a solution:

1. Enables the maximum utilization of all work so far accomplished on the Panama Canal, including that on the suspended Third Locks Project.

2. Avoids the danger of disastrous slides.

3. Provides the best operational canal practicable of achievement with the certainty of success.

4. Preserves and increases the existing economy of Panama.

5. Avoids inevitable Panamanian demands for damages that would be involved in the proposed sea level project.

6. Averts the danger of a potential biological catastrophe with international repercussions that recognized scientists fear might be caused by constructing a salt water channel between the Oceans.

7. Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

(9) All of these facts are elemental considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty aspects. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty. These are paramount factors in the overall equation.

(10) In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1970 to cost $2,880,000,000, exclusive of the costs of the right of way and indemnity to Panama, has long been a "hardy perennial," according to former Governor of the Panama Canal, Jay J. Morrow. It seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite the economic, engineering, operational, environmental and navigational superiority of the Terminal Lake solution. Moreover, any sea-level project whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, or be wholly borne by the taxpayers of the United States.

(11) Starting with the 1936-39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion, in 1967, of negotiations for three proposed new canal treaties that would:

1. Surrender United States sovereignty over the Canal Zone to Panama;

2. Make that weak, technologically primitive and unstable country a senior partner in the management and defense of the Canal;

3. Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This Clause vests the power to dispose of territory and other property of the United States in the entire Congress (House and Senate) and not in the treaty-making power of our Government (President and Senate)—a Constitutional provision observed in the 1955 Treaty with Panama.

(12) It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State, in direct violation of the indicated Constitutional provision, have been, and are yet, engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Panama Canal project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world trade.

(13) Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

1. Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal as provided by existing treaties;

2. The major modernization of the existing Panama Canal as provided for in the Terminal Lake Proposal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States, aimed at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

(14) In the 1st Session of the 92d Congress identical bills were introduced in both House and Senate to provide for the major increase of capacity and operational improvement of the existing Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution, which competent authorities consider would supply the best operational canal practicable of achievement, and at least cost without treaty involvement.

(15) Starting on January 26, 1971, many Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization in derogation of present treaty provisions.

(16) The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and hemispheric security. The recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long-range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approach to the Panama Canal, and as was accomplished in the case of the Suez Canal, which the Soviet Union now wishes opened in connection with its naval buildup in the Eastern Mediterranean and Indian Ocean. Thus, the real issue at Panama, dramatized by the Communist takeover of strategically located Cuba and Chile, is not United States control versus Panamanian but United States control versus Soviet control. This is the issue that should be debated in the Congress, especially in the Senate. Panama is a small, weak country occupying a strategic geographical position that is the objective of predatory power, requiring the presence of the United States on the Isthmus in the interest of Hemispheric security and international order.

(17) In view of all the foregoing, the undersigned urge prompt action as follows:

1. Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions and

2. Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching saturation of capacity.

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Stanford, CA. Former Chairman, President's Council of Economic Advisers.

Comdr. Homer Brett, Jr., Chevy Chase, Md., Former Intelligence Officer, Caribbean Area.

Hon. Ellis O. Briggs, Hanover, N.H., U.S. Ambassdor retired and Author.

Dr. John C. Briggs, Tampa, Florida, Professor of Biology, University of South Florida, Tampa.

William B. Collier, Santa Barbara, Calif., Business Executive with Engineering and Naval Experience.

Lt. Gen. Pedro J. Valle, Annapolis, Maryland, Intelligence Analyst; Former Commanding General, 1st Marine Div.

Herman H. Dinsmore, New York, N.Y., Former Associate Foreign Editor, *New York Times* Editorialist.

Dr. Lev E. Dobriansky, Alexandria, Va., Professor of Economics, Georgetown Univ.

Dr. Donald M. Dozer, Santa Barbara, Calif., Historian, University of Calif., Santa Barbara; Authority on Latin America.

Lt. Gen. Ira C. Baker, Washington, D.C., Former Commander-in-Chief, Allied Air Forces, Mediterranean; Analyst and Commentator on National Security Questions.

K. V. Hoffman, Richmond, Va., Editor and Author.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va., Engineer and Author.

Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University; Past President, Panama Canal Society of Washington, D.C.

Dr. Leonard B. Loeb, Berkely, Calif., Professor of Physics Emeritus, University of California.

William Loeb, Manchester, N.H., Publisher and Author.

Lt. Col. Matthew P. McKeon, Springfield, Va., Intelligence Analyst, Editor and Publisher.

Dr. Howard A. Meyerhoff, Tulsa, Okla., Consulting Geologist; Formerly Head of Department of Geology, University of Pennsylvania.

Richard B. O'Keefe, Fairfax, Va., Asst. Professor, Geroge Mason College, University of Virginia; Research Consultant on Panama Canal, The American Legion.

Capt. C. H. Schildhauer, Owings Mills, Md., Aviation Executive.

V. Adm. T. G. W. Settle, Washington, D.C., Former Commander, Amphibious Forces, Pacific.

Jon P. Speller, New York, N.Y., Author and Editor.

Harold Lord Varney, New York, N.Y., President, Committee on Pan American Policy, New York; Authority on Latin American Policy, Editor.

Capt. Franz O. Willenbucher, Bethesda, Md., Lawyer and Executive.

Dr. Francis G. Wilson, Washington, D.C., Professor of Political Science Emeritus, University of Illinois; Author and Editor.

LEGISLATION TO IMPROVE QUALITY OF JUSTICE AVAILABLE IN FEDERAL COURTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. McCULLOCH) is recognized for 5 minutes.

Mr. McCULLOCH. Mr. Speaker, I am pleased to again introduce legislation recommended by the Nixon administration which will improve the quality of justice available in Federal courts. This legislation will modernize procedures for appellate review of rules, regulations and final orders of the Interstate Commerce Commission. Joining me in sponsoring this important measure are Messrs. POFF, HUTCHINSON, MCCLORY, SMITH of New York, RAILSBACK, BIESTER, WIGGINS, DENNIS, FISH, COUGHLIN, MAYNE, and KEATING.

At present, appellate review of orders issued by the Interstate Commerce Commission necessitates empaneling a three-judge Federal district court. This extraordinary procedure, usually reserved for cases of particular public importance involving constitutional or civil rights questions, disrupts the already overcrowded dockets of the Federal courts. While important constitutional or civil rights questions justify the use of this special three-judge court procedure, cases of lesser public significance clearly do not.

Yet, the record shows that appeals involving ICC orders comprise a large percentage of the three-judge courts convened each year. For example, in 1969, 64 of the 215, or 30 percent of the three-judge cases heard that year involved review of ICC orders. In 1968, the figures were 51 of 179, or 28 percent. Moreover, this procedure places unneeded burdens on the Supreme Court. Decisions of three-judge Federal courts are appealed directly to the Supreme Court. There, because of the direct appeal involved, the appeal is entitled, as a matter of right, to a merits determination. Many of these cases are not of sufficient public importance to warrant such treatment.

The legislation I am introducing will in large measure solve these problems. The bill makes rules, regulations, and final orders of the Interstate Commerce Commission subject to the Judicial Review Act of 1950. Under this act, the administrative decisions of the agency, like several other independent administrative agencies already subject to the act, would be reviewed by the Circuit Court of Appeals for the District of Columbia or the one in which the petitioner resides. With this change, the delay and disruption resulting from the empaneling of three-judge district courts would be eliminated. Further, appellate review by the Supreme Court of judgments of the court of appeals would be by petition of writ of certiorari. With this discretionary tool, the Supreme Court can decline to rule on those cases of insubstantial public importance, leaving it free to devote more time to the increasing number of important cases it hears.

Moreover, additional provisions in the legislation are designed to further streamline appellate review of ICC orders. For example, multiple appeals challenging ICC orders often follow the agency's decision. Under existing law, these actions cannot be transferred from different districts and consolidated into one proceeding. Long delay and wasteful duplication of effort results. The bill would solve these problems by requiring consolidation of petitions to review the agency's determination in the circuit court where the first appeal is filed. Also for the first time the bill imposes a time limit—60 days—within which ICC orders can be challenged.

Last, the control of and responsibility for representation of the Government in appellate review of these ICC orders is vested in the Attorney General. Though the ICC will have the absolute right to appear and defend the Commission's order, vesting ultimate control in the Attorney General will, as the Hoover Commission on Organization of the Executive Branch of the Government recommended in 1955, serve the public better by eliminating potentially destructive and wasteful intragovernmental dispute.

Mr. Speaker, we are today witnessing a crisis in the courts. Our legal structure is being tested and strained by case load demands and other pressures which were inconceivable a generation ago. I am happy to say that the Nixon administration has responded to this crisis with a broadly based and continuing program of court reorganization and reform. The legislation which I introduce today is an additional part of this much needed plan for court reform. I urge its prompt consideration and enactment.

THE SUBCONTINENT—A WORLD RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MORSE) is recognized for 10 minutes.

Mr. MORSE. Mr. Speaker, there seems to be a general consensus throughout the world that the outbreak of full-scale war between India and Pakistan would be a disaster of immense proportions and that the imminent possibility of such an occurrence represents a clear and present danger to international peace. And yet much of the world, including the United States, finds itself in the uncomfortable position of largely watching from the sidelines as events steadily escalate out of everyone's apparent control.

This is neither the time nor the place to review the complex developments—both within East Pakistan and in the Indian State of West Bengal—which have led to the current crisis. Like many of my colleagues, I have expressed my grave concern about the manner in which the Government of Pakistan has sought to reimpose its authority over its rebellious eastern province since March 25. I feel I have also been as much if not more sympathetic than anyone in this body to the problems caused in India by the massive influx of refugees into an area which was ill-equipped or prepared to accommodate them. But the time has come, Mr. Speaker, to point out to our Indian friends that neither the drain on their economic resources nor the plight of these unfortunate people will be alleviated by a resort to arms, should full-scale war result from such an action, I feel we will witness the greatest threat to world peace since World War II.

It is apparent that India has begun to move—perhaps irrevocably—toward a military confrontation. The temptation may, in fact, be irresistable: India unquestionably enjoys the tactical advantage in the eastern region and overall military superiority vis-a-vis Pakistan. She has a powerful friend in the Soviet Union which is supplying substantial military equipment, and she has evidently reached the conclusion that Communist China is not presently disposed to intervene on behalf of Pakistan. According to recent press reports, talk is now being heard among Indian leaders of a "quick surgical operation" and "total victory" within a matter of weeks. This type of rhetoric is not only dangerous in the extreme—it is also ominously reminiscent of official Pakistani predictions of last March. It also reminds us of our own unfortunate experience when U.S. troops were first sent to Vietnam. It is, Mr. Speaker, a tragic illusion. War in the subcontinent is a "cure" far worse than any current "disease," and it must be avoided at all cost.

As one who advocated the early suspension of all military aid to Pakistan after the events of March 25—including supplies still in the pipeline—I firmly support President Nixon's decision, announced yesterday, to invoke similar restrictions on military aid to India. I believe this action is both consistent and in accord with U.S. policy objectives.

It is high time, Mr. Speaker, that we speak plainly on this subject: The major supplier of military equipment to India is not the United States, but the Soviet Union. The most important supplier of arms to Pakistan is China. We must recognize, and the world community must recognize, that this is one of the world's problems which cannot be resolved by unilateral action on the part of any power, including the United States. We must, however, understand that what transpires in the subcontinent is of direct importance to the United States, as it is to other nations of the world. For a

war involving India, Pakistan, the Soviet Union, and China would affect—more than 50 percent—of the population of this planet.

The failure of the United Nations Security Council to act in this situation is deplorable, but it is also, perhaps, predictable. If a veto by one of the Council's members is a foregone conclusion, no useful purpose is served by formally inscribing the Indo-Pakistani question on the agenda—or at least this is the argument. In fact, it is for this reason, in part, that no nation has as yet requested the Council to consider the matter. Moreover, the Secretary General's recent initiative, offering his "good offices" to both participants in the dispute, has been rejected by India, while the official Pakistani request that U.N. observers be stationed in East Pakistan is futile in the absence of authority from the Security Council.

The danger to world peace inherent in the existing situation cannot be overstated, and I urge the United States to use its full diplomatic resources in order to convene a meeting of the powers most directly concerned, including India, Pakistan, the Soviet Union, and the People's Republic of China, to explore ways and means whereby the fighting may be terminated and a political accommodation may be found.

Time is of the essence—and time is running out.

A DEEPING CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, we all know that our Government yesterday suspended the issuance of licenses for arms shipments to India. Quite understandably, this decision made headlines here in this country. It is to be hoped that it has an impact also on India.

In my opinion, this move was timely and appropriate. India's recent intrusions into East Pakistan are raising a serious threat to peace. Although there is no way to check the accuracy of recent reports from this area, India herself admits to penetrations of her forces of up to 5 miles. It is obvious she is using her military superiority over Pakistan to achieve her own objectives.

This decision is regrettable and fraught with danger. There is no telling what the future may hold. To me at least, it appears a omnious development, Mr. Speaker, that Mrs. Ghandi has gone so far as to challenge the Pakistanis' right to station troops on their own territory.

The Acting Ambassador of India, Mr. Maharajakrishna Rasgotra, is reported to regret our move as he feels "it will not solve anything, nor move any of us closer to a political solution in Bengal."

Unquestionably, Mr. Speaker, our Government's decision will not provide a "solution" to this situation. But it must be obvious that the United States, above all else, wants a political solution. Regrettably it is not within our power to bring this about.

The problem is that India is acting as if she had decided that she must seek a military solution. If this is the case, we recognize that we cannot force her to change her mind. By its suspension of armed shipments to India, the U.S. Government is expressing our distress over the course which India appears to be taking. Military adventurism by India could provoke a major catastrophe yet all-out war is an increasing possibility unless, even at this stage, restraint is shown.

In conclusion, Mr. Speaker, I should like to include with my remarks three editorials, one from the Washington Evening Star of December 1 entitled, "The Angry Indians"; one from the Washington Post of December 2 entitled "India Grimly Presses On"; and another from the New York Times of December 2 entitled "A Threat to the Peace."

THE ANGRY INDIANS

India's Prime Minister Indira Gandhi is irritated with the great powers for expressing concern and counseling restraint in the spreading conflict between Indian and Pakistan. The major powers, Mrs. Gandhi complains, had nothing to say when Pakistan's President Mohammed Yahya Khan called for a policy of genocide in East Bengal last spring. They sat on their hands while some 10 million refuges from East Pakistan flooded across the Indian frontier. And now they "show concern because we have taken action to defend our borders."

The prime minister's charges would carry more weight, perhaps, if India had not supported the secessionist movement in East Pakistan from the outset. Today, India is supplying sanctuary, arms and training to the "liberation army" of Bangla Desh and is embarked on an exercise of "self-defense" designed to destroy West Pakistan's forces in East Bengal and insure the dismemberment of the country.

India, furthermore, has firmly resisted all efforts to bring the dispute before the United Nations Security Council, to send observers into India, or to separate the two opposing hostile forces. The inevitable impression is that India is, in fact, insisting on complete freedom of military action and has every intention of inflicting a military defeat on its traditional arch-enemy on the Asian subcontinent.

Whoever is responsible for the intensifying conflict between India and Pakistan it is not the great powers, who have watched the deteriorating situation with growing alarm and dismay. No doubt India has been sorely provoked into taking drastic action. But criticizing others will in no way relieve the Indian government of a large burden of responsibility for the tragic events that appear to be in the making.

INDIA GRIMLY PRESSES ON

India tried for months to enlist world help in establishing the conditions in East Pakistan that would permit return of the now-10 million refugees—refugees forced into India by Pakistani government repression. The world sighed and looked away, and so Delhi, egged on by its anti-Pakistan zealots, took matters into its own hands, stepping up support of the Bengali guerrillas and undertaking direct military operations of its own against Pakistan. Only at that point last month did Pakistan, whose military forces are much smaller than India's, get interested in international action: not international action to normalize East Pakistan (India's earlier aim) but to fend off Indian military pressure.

Pakistan then discovered that its declared friend China was too remote and weak to help in a real way, that the Soviet Union would prevent Security Council intervention as a favor to its new ally India, and that the United States would not help effectively either. President Nixon retreated from partisanship for Pakistan to formal neutrality, we surmise, partly out of fear that the United Nations route would be blocked or would lead to complications with Moscow, partly out of a judgment that the domestic costs of further supporting Pakistan were becoming too high, and partly out of a hope that President Yahya Khan might be induced to deal with East Pakistan's authentic political leader, Sheikh Mujibur Rahman.

So it is that Mr. Nixon has confined his visible efforts largely to quiet evenhanded appeals to both sides to withdraw their troops from border regions. In that spirit the State Department yesterday announced a suspension of arms sales—only limited sales were planned anyway—to India; arms shipments to Pakistan had been cut off earlier. India, ignoring the withdrawal appeals, has taken a certain grim satisfaction from them: they amount to a tacit American recognition that, as far as Washington is concerned, India can handle the situation as it sees fit. And this it is doing, in an increasingly confident and agressive mood.

Whether India is wise to proceed so is quite another matter. Pakistan could well decide to retaliate in, say, Kashmir, where it could hurt India more than it can in the East. Delhi's standing in the world, including the United States, is bound to fall as its image changes from victim to aggressor and exploiter of Pakistan's plight. If East Pakistan becomes an independent Bengal nation, its terrible poverty and the lure it will doubtless have for Indian West Bengal could cause India further political woes. Thoughtful Indians are aware of these possibilities of the future, even as they yield to the pressures of the moment.

We continue to believe that, in the absence of an early (and unexpected) political compromise by President Yahya, Mr. Nixon must take the crisis to the United Nations. The results of such an initiative might well be disappointing: we nourish no illusions about that. To do less, however, is to set a damaging example of disregard for international peace. Neither the United States nor the United Nations can afford that display.

A THREAT TO THE PEACE

A major victim of the rapidly expanding war between India and Pakistan may yet be the United Nations and the principle of international cooperation for peace which it embodies.

Although the threat posed by the Pakistani repression in East Bengal and the consequent flood of refugees into India has long been apparent, and has long since become manifest in direct combat between Indian and Pakistani forces, the world organization has made no move to intervene. It has been immobilized by refusal of the principally interested parties, including the major powers, to face up to their charter obligations to confront the issues forthrightly in the Security Council.

The most disturbing delinquency is that of India, which on the one hand argues that the repression in East Pakistan "is a threat to our security," as Prime Minister Indira Gandhi has declared, and on the other hand insists that the problems of Pakistan are strictly an internal Pakistani affair, not subject to United Nations intervention. The Indians can't have it both ways.

If the events inside Pakistan since last March indeed pose a threat to India's own internal security, the Indians have an obligation to present their case—which is a persuasive one—to the world body before taking the perilous military actions which they have already initiated along the Indian border with East Pakistan.

Pakistan has gone through the motions of inviting U.N. intervention of sorts but on terms clearly prejudicial to the interests of the repressed Bengalis and their Indian allies. The failure of the Pakistanis so far to risk a call for Security Council consideration of the issues is an indication of the weakness of their case and of the opportunities open to New Delhi if the Indians themselves would bring their grievances before that forum.

A State Department spokesman said the other day that Washington was refraining from any call for Security Council action at this time in order to continue with "quiet diplomacy." But Washington's quiet diplomacy over the last eight months has conspicuously failed to induce Islamabad to move toward the political accommodation with elected Bengali leaders that is essential to defuse the current crisis.

Especially after suspending further arms shipments to India, as was quite properly done yesterday, the United States could now afford to take a public stand at the United Nations in behalf of a peaceful solution to this political problem that is shattering the peace of the subcontinent and threatening the peace of the world. A strong Security Council resolution, even if ultimately vetoed by Peking, might yet move President Yahya of Pakistan in a way that provocative Indian military action will not.

Although the major powers have conflicting commitments on the subcontinent, they have an overriding common interest in avoiding a major conflict, as indeed do India and Pakistan themselves. The best remaining opportunity to achieve this common goal is to refer the problem promptly to the Security Council, which was created for just such crises and which cannot long survive as a credible institution if it remains in its present state of withering neglect.

KANSAS TOWN GIVES GI'S HOLIDAY LIFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. WINN) is recognized for 5 minutes.

Mr. WINN. Mr. Speaker, I would like to take this opportunity to make this body aware of the wonderful gesture of gratitude on the part of a community in eastern Kansas.

The people of the city of Olathe, Kans., should be commended for raising a sum of $6,000 to bring home eight GIs who are serving our country in Vietnam. This $6,000 will pay the round trip plane fares for these servicemen making it possible for them to be home for Christmas.

Mr. Speaker, the citizens of Olathe have sponsored this type of project for several years now, and I want to pay tribute to those involved in this very humane project.

Mr. Speaker, I would also like to include in the RECORD, an article printed in the Washington Post, December 1.

At this time of year, Mr. Speaker, it is most gratifying to find that people in this country have not forgotten the U.S. GI's in Vietnam, but are making concerted efforts to bring eight of them home for Christmas.

You may be sure that more than just the eight GI's will have a merry Christmas. All of the people in Olathe, Kans., have assured themselves a very Merry Christmas.

KANSAS TOWN GIVES GI'S HOLIDAY LIFT

OLATHE, KANS., December 1.—Eight GIs from Olathe serving in Vietnam will be flown home for Christmas with money raised by the town. The "Home for Christmas Committee" announced Tuesday it has raised the $6,000 necessary to pay for round trip air fares of the local servicemen. They are scheduled to arrive in this Kansas City suburb Dec. 22.

TWENTY MEMBERS SUPPORT ALASKA PIPELINE DELAY BILL

The SPEAKER pro tempore under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, yesterday I reintroduced, along with 19 other Members of the House, legislation that would delay decision on the proposed trans-Alaska pipeline until at least January 1, 1973, and would require the Interior Department to fully study a Canadian oil pipeline as an alternative to the Alaskan line.

The 19 other Members cosponsoring this legislation are:

Bella Abzug, New York.
Herman Badillo, New York.
John Brademas, Indiana.
Lawrence Coughlin, Pennsylvania.
Thaddeus Dulski, New York.
Donald Fraser, Minnesota.
Ella Grasso, Connecticut.
Seymour Halpern, New York.
Mike Harrington, Massachusetts.
Henry Helstoski, New Jersey.
Edward Koch, New York.
Clarence Long, Maryland.
William Moorhead, Pennsylvania.
Bradford Morse, Massachusetts.
James O'Hara, Michigan.
Otis Pike, New York.
William Roy, Kansas.
Fred Schwengel, Iowa.
John Seiberling, Ohio.

The Interior Department is expected to issue its final environmental impact statement on the proposed 780-mile trans-Alaska pipeline, sometime this month. The Alaska pipeline would run from Alaska's North Slope to the southern Alaska city of Valdez. From there, most or all of the oil would then be shipped to the west coast. A Canadian oil pipeline, which would terminate near Chicago, would route the oil totally overland and would serve both Midwest and east coast consumers.

Construction of trans-Canadian oil and gas pipelines would, I believe, make economic sense for the U.S. economy as a whole and would mean several billion dollars of savings in lower fuel costs to midwestern and eastern consumers. The purpose of the legislation that we are introducing today is to insure that a comprehensive and independent study is made by the Interior Department before it decides whether to grant the permits necessary for the building of the trans-Alaska pipeline across Federal lands. The evidence now available clearly leads to the conclusion that a Canadian pipeline would be both ecologically and economically superior to the trans-Alaska pipeline.

One truly incredible thing about the Alaska pipeline issue is that the Interior Department is insisting on rushing ahead with its decision before research on a Canadian oil pipeline—which is far more expensive than the research which has been conducted on an Alaska pipeline—is completed. According to figures from a recent issue of the Oil & Gas Journal—a proindustry publication—the Mackenzie Valley Pipe Line Co., the company that wants to build a Canadian oil pipeline, will spend about twice as much on research as the Alaska Pipeline Co.—Alyeska—has budgeted for its research efforts. Mackenzie Valley will spend a total of $11 million on its research of a Canadian pipeline, which is expected to be completed by next year. Alyeska, whose research on the trans-Alaska route has already been submitted to the Interior Department, spent only $5 to $6 million on its studies.

It is really hard to believe that the Interior Department intends to go ahead with a decision that will have an enormous impact on both the U.S. economy and future energy policies without even waiting the few extra months necessary to evaluate an expensive, 22-month study of a Canadian pipeline route. A refusal by Interior to wait only a few months more to evaluate a study of an alternative proposal that has both environmental and economical merit is simply not good public policy and, in all likelihood, is the result of pressures and concerns not directly related to the public interest.

Mr. Speaker, the economic aspects of this issue are relatively clear and simple. A Canadian pipeline would bring oil into the midwest and the east, where the present price of oil is about 20 percent higher than on the west coast—where oil from the trans-Alaska pipeline would be consumed. Construction of the Alaska pipeline, however, would serve only to further decrease oil prices in the West and, thus, increase the differences between what west coast consumers pay for petroleum products and what eastern and midwestern consumers pay. Construction of a Canadian pipeline would mean savings of $50 and more per year, in lower fuel costs to the average family of four in many midwest and east coast States.

Environmentally, the two greatest objections to the trans-Alaska pipeline are that it would cross the worst earthquake zones in North America and that it would require the use of supertankers through treacherous waters to transport the oil from southern Alaska to west coast ports. Primarily because a totally overland Canadian pipeline route avoids these dangers, the evidence is extremely strong that such a route would do less damage to the environment than would the proposed trans-Alaska pipeline route.

Recently, I sent a letter to Wisconsin Gov. Patrick Lucey asking him to support efforts to delay an Alaska pipeline decision, so that a full study could be made of a Canadian pipeline alternative. In that letter, I outlined some of the economic benefits that would accrue to Wisconsin businesses and consumers from such an alternative route. Those benefits are similar to the benefits that other Midwest and East States would receive from a Canadian pipeline.

Following is the text of my letter to Governor Lucey and, immediately following that, I have attached the text of a letter from Wisconsin Senator WILLIAM PROXMIRE endorsing that letter:

SEPTEMBER 20, 1971.

Governor PATRICK LUCEY,
State House,
Madison, Wis.

DEAR PAT: I would like to bring to your attention an issue which I think should be of great concern to both Wisconsin businesses and consumers: that issue is the question as to whether or not the Alaska pipeline will be built.

As you know, I have strongly opposed the Alaska pipeline and preferred the Canadian pipeline for environmental reasons. But there are equally important *economic* reasons for supporting a Canadian pipeline.

Simply put, if the Alaska pipeline is built, the oil would be tankered to West Coast ports for consumption there. A Canadian pipeline, however, would route the oil totally overland, and would terminate in Chicago.

It is officially estimated that there are fifteen billion barrels of oil in Alaska. Many experts estimate that the North Slope contains thirty billion barrels or more, which could mean that there is more oil in Alaska than in all the rest of the United States put together. Thus, the decision of where this oil is to be shipped is of tremendous economic significance not only to the State of Alaska, but to the country as a whole.

The table which follows shows present oil prices on the West Coast, the Midwest and the East Coast, and what will happen to those prices if the Alaska pipeline is built, or if the Canadian pipeline is built.

WHERE SHOULD THE NORTH SLOPE OIL GO?

Prices per barrel	West coast	Midwest [1]	East coast
Prices now	$3.17	$3.82	$4.07
Prices if Alaska pipeline is built	2.40	3.82	4.07
Prices if Canadian pipeline is built	3.17	[2] 3.40	[2] 3.60

[1] Prices in the Midwest should normally be 20 cents per barrel higher than the west or east coast because of increased transportation costs.
[2] This assumes that hall the oil from the north slope—1,000,000 barrels per day—would be shipped to the east coast.

As the chart shows, oil is presently much more expensive in the Midwest and East than it is in the West. Bringing more oil into the West, as the trans-Alaska pipeline would do, would only serve to further decrease their prices, and increase price differentials. If the Canadian pipeline is built, however, these price differentials would be significantly decreased, and actually, almost eliminated.

This is what is so critical for Wisconsin consumers and businesses: If the Canadian pipeline is built, Wisconsinites—consumers and businesses—will pay 11 percent less per year for oil, gasoline and other petroleum products than they now pay.

In dollar amounts this is tremendous. It comes to $49.5 million per year. In fact, the amount saved in fuel costs because of the Canadian pipeline will be almost four times as great as the extra revenues the state would receive from a twelve percent increase in the state corporate income tax rates! What this means is that the extra savings in fuel costs that would accrue to Wisconsin businesses if the Canadian pipeline is built would more than offset the additional tax burden placed on these businesses by the proposed new corporate income tax rates.

The cost of petroleum products is an expense for businesses, just as taxes, labor and other costs of production are. We are and have been concerned over industry moving from Wisconsin to other states. If we want to attract industry and economic growth to Wisconsin the decision in the Alaska pipeline issue becomes extremely critical.

There are further economic ramifications of this decision for Wisconsin. We now have a critical shortage of natural gas. Large deposits of natural gas have been discovered in Alaska along with oil deposits. If a Canadian pipeline is built a natural gas pipeline will be built alongside it and both cheaper oil and natural gas will be piped to Chicago.

But if the Alaska pipeline is built there will be no natural gas pipeline to go with it. It is too expensive to liquify the natural gas and put it in tankers to ship it down the West Coast. The natural gas will be pumped into the oil wells to increase the flow of oil, and our shortage of natural gas will continue.

A decision on the Alaska pipeline is to be made soon. I urge you to communicate to the President and to the Secretary of the Interior Rogers Morton your concern that the Canadian pipeline alternative be fully studied and evaluated before any decision is made. If there are any other steps that you can think of that we might take please let me know.

Sincerely,

LES ASPIN, *Member of Congress.*

U.S. SENATE,
Washington, D.C., October 14, 1971.

GOV. PATRICK J. LUCEY,
State House,
Madison, Wis.

DEAR PAT: I urge you to write to Secretary of the Interior Morton supporting Les Aspin's efforts to get a trans-Canadian rather than a trans-Alaskan pipeline constructed so that the midwest rather than the west coast will get the benefit of the Alaskan oil.

Ecologically, I have no question that the trans-Canadian pipeline is superior to a trans-Alaskan line. Such a line would avoid the five earth quake zones a trans-Alaskan line would have to cross. Furthermore, such a line would not require the use of any tankers with all the dangers of oil spills that involves.

Economically, I have no question that a trans-Canadian line would benefit our country and particularly the midwest far more than a trans-Alaskan line would. I am aure you are aware of the pending energy shortage in the midwest because of the oil import quota program. Clark oil rather than importing oil frem Canada is having to import Iranian oil. Homeowners in Wisconsin pay an average of $65 more than they should to heat their home with oil for the same reason. A trans-Canadian pipeline would go far towards alleviating the coming energy crunch in the midwest.

A letter from you to Secretary Morton urging a thorough, objective, independent study of a trans-Canadian pipeline would be of great help in protecting Wisconsin consumers.

Best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

AMENDMENTS TO ECONOMIC STABILIZATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker the House Banking and Currency Committee of which I am a member, has today voted out an unprecedented bill representing amendments to the Economic Stabilization Act of 1970, otherwise known as the phase II legislation. Our committee, in September, had held some hearings on the operation of phase I, and while it was thus considering the initial aspects of the President's economic program, the President did indeed announce the phase II period of controls. Then our committee held hearings on this and the President's accompanying request for additional and unprecedented legislation and power. This legislation was submitted several weeks after his announcement of phase II. Never in the history of our country, either in the time of peace or war, has such an unprecedented request been made of the Congress. I am one of the dissenting voices who voted against the final approval by the committee. I am presenting my minority and dissenting views in the report to be prepared by the committee.

Mr. Speaker, all during the hearings by the House committee on both phase I as well as phase II no satisfactory, minimal, and justifiable case was presented for this inordinate grant of constitutional delegation of legislative powers to the executive branch of the Government. A vague and amorphous specter of "inflation" was given as the only hard-core reason.

At the same time that there was an absence of cogent, positive, evidentiary presentations justifying the requested legislation, we did hear ample testimony by expert witnesses, economists as well as administrators, revealing a deep and troubling conflict of opinion among the experts as to the cause, the extent, and the cure of this abomination, inflation.

I am afraid the Congress is reacting in a floundering fashion to the crisis of the day, apparently powerless to evolve its own policy in lieu of or in modification to the jerry-built administration's apparatus. This is sad and deporable. I believe that at this critical time the Congress should neither stand by supinely and helpless nor fail to develop a creative national policy, responsive to national need and truly responsible to all the people and not just the vested interests. I am afraid that if it does not it is going to be stampeded into rubber-stamping the present erroneous course of affairs.

This, in my opinion, Mr. Speaker, is inevitably going to produce our domestic economic Vietnam. This legislation I described as having been approved by the House Banking and Currency Committee can very well be the equivalent of the Bay of Tonkin resolution.

There are those cynics who say that this is okay because it will show that it was all the President's fault. This is to say the least reprehensible, because we are all in the same boat, President and Congress, rich and poor, majority and minority. We cannot afford to blunder at this critical time because not only is freedom at stake, but our traditional American standard of living.

If what I am saying is correct, we should know it abundantly well by April 30 next, which is the expiration date of the present legislation; and, of course, the Congress and/or the executive branch can act accordingly. To act in haste now such as the committee did today, would be a grievous and dangerous error.

Thus far, moreover, we had ample opportunity to hear of gross injustices occurring today under the controls system, and which would be compounded, not resolved, by the additional grant of legislation requested.

In addition, partisan considerations have obscured even simple procedural matters in dealing with this bill. And if such pettifoggery dominated the minor questions, members will readily concede that it made impossible any meaningful examination of the bill, its meaning, its intent, and its practicality, let alone whether the assumptions on which it is based are correct. It is not a partisan matter to question the assumptions of economic policy. If the emperor has no clothes he will appear naked to his courtesans and enemies alike.

NEEDED: 500,000 PUBLIC SERVICE JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I introduce today, for appropriate reference H.R. 12011 to create 500,000 immediate federally financed public service jobs by amending and expanding the Emergency Employment Act of 1971.

Following is a list of cosponsors:

Frank M. Clark (Pa.)
Jerome Waldie (Calif.)
Ben Rosenthal (N.Y.)
Ronald Dellums (Calif.)
Don Fraser (Minn.)
Walter E. Fauntroy (Del.-D.C.)
Claude Pepper (Fla.)
Ken Heckler (W. Va.)
Michael Harrington (Mass.)
George Danielson (Calif.)
Joseph Karth (Minn.)
William Ryan (N.Y.)
Fernand St Germain (R.I.)
Lester Wolff (N.Y.)
Charles Vanik (Ohio)
Bertram Podell (N.Y.)
Robert Leggett (Calif.)
Paul Sarbanes (Md.)
Brock Adams (Wash.)
William Green (Pa.)
Joshua Eilberg (Pa.)
Herman Badillo (N.Y.)
Charles Rangel (N.Y.)
Frank Brasco (N.Y.)
Hugh Carey (N.J.)
Bernie Sisk (Calif.)
Henry Helstoski (N.J.)
William Cotter (Conn.)
John Seiberling (Ohio)
Melvin Price (Ill.)
Don Edwards (Calif.)
Sam Gibbons (Fla.)
Robert Tiernan (R.I.)
Romano Mazzoli (Ky.)
Abner Mikva (Ill.)
Thaddeus Dulski (N.Y.)
Lloyd Meeds (Wash.)
William D. Ford (Mich.)
Les Aspin (Wis.)
Parren J. Mitchell (Md.)
William D. Hathaway (Me.)
Jonathan B. Bingham (N.Y.)
George W. Collins (Ill.)
Edward R. Roybal (Calif.)
David R. Obey (Wis.)
Peter N. Kyros (Me.)
Frank Thompson (N.J.)
Robert A. Roe (N.J.)
Robert F. Drinan (Mass.)
Nick Begich (Alaska)
Louis Stokes (Ohio)

President Nixon's new economic program makes little attempt to do anything about unemployment—still at the intolerably high level of 5.8 percent. The administration, with its adherence to "trickle down" economics, insists that reducing business taxes through the investment tax credit and accelerated depreciation will lead to more jobs.

But the best way to make jobs is simply to make jobs. Instead of distributing all sorts of unproductive tax breaks to corporations in the hope that someday more jobs will result, we should give the unemployed a chance to get to work right away staffing our hospitals and day care centers, refurbishing our streets and cities, fighting pollution, and brightening up our parks and playgrounds. In FDR's day, nearly 3 million Americans worked in the Civilian Conservation Corps. With the need to clean up our total environment, and with 5 million men and women unemployed, what on earth are we waiting for?

The public service jobs bill reluctantly signed by President Nixon last July—the Emergency Employment Act of 1971—provides for only a fraction of the jobs needed—40,000 thus far, with 130,000 authorized—and contains inequities in the way the money is distributed to States and localities. H.R. 12011 would correct these inequities and increase the fiscal year 1972 authorization from $1 to $2 billion, and the fiscal year 1973 authorization from $1.25 to $4 billion. This would produce a total of some 500,000 public service jobs.

A year ago this month, the President vetoed a $2.5 billion public service jobs bill, calling these jobs "dead end jobs in the public sector." His veto message went on to say:

> I believe our economic policies are working. Inflation is receding. The economy is moving up . . . The Administration is taking measures to expand economic activities and job opportunities. Our main objective is to establish a stable growth while actively reducing unemployment.

Unemployment today is at the same level—5.8 percent—it was when President Nixon vetoed the bill.

President Nixon has shown a remarkable capacity in the past few months to reverse field and embrace Democratic policies he had previously denounced. The decisions to float the dollar and to impose a wage-price freeze come to mind. He will now show similar agility, I hope, in dealing with unemployment and endorse the expanded public service jobs program.

Apart from its obvious advantages—reduced unemployment, better public services, and stimulation for the economy—an expanded public service jobs program could produce some benefits which are not as readily apparent.

It is, in many ways, a form of revenue sharing. Funds are distributed to States and localities under a fairly fixed formula with few strings attached. All that is really necessary is that those hired under the act by States and localities perform "public service" work which, according to the act:

> Includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

This includes just about everything States and localities do. Furthermore, even though the public service jobs money can only be used to cover wages and salaries—and not things like machinery and equipment—this is not much of a restriction since most of the money States and localities spend—55 percent—is spent on payrolls.

An expanded public service jobs program would alleviate one of the most urgent urban problems. Just this week a 20th century fund task force warned that the crisis in the cities of this country would intensify unless something is done quickly to find jobs for black youths—39.1 percent of whom are now unemployed in poverty areas. The task force recommended the immediate establishment of "public service jobs for all young people who are unable to secure employment in the private sector."

The program would also have a healthy "countercyclical" effect on the economy. The program would operate only when national unemployment exceeds 4 percent—except for one-quarter of the funds which are set aside for permanent programs in areas where unemployment exceeds 6 percent. It is precisely at times of high unemployment, when the economy is in a recession, that Federal spending should increase to provide needed stimulation. The public service jobs program works automatically to do this.

Furthermore, States and localities are even more hard-pressed than usual in recessionary times, so the public service jobs money comes just when it is needed most. The Joint Economic Committee estimated earlier this year that State and local revenues fall short of their potential by about $4 billion a year during a recessionary period like that in 1970. As the economy rebounds and State and local revenues turn up, the Federal public service job money would be less needed, and by the time national unemployment drops down below 4 percent most areas would be in a position to take over funding of public service jobs on their own.

I include further information on H.R. 12011 in question and answer form, a technical explanation of the bill, and the text of the bill:

QUESTIONS AND ANSWERS ON THE PUBLIC SERVICE JOBS BILL

1. Q. Is the Program needed—won't unemployment go down all by itself?

A. Even if President Nixon is right that his New Economic Policy will provide 500,000 jobs eventually, the NEP is inadequate to bring unemployment down. *We will have to find 2.4 million new jobs in 1972 just to keep unemployment from getting worse.* This includes 1.4 million new entrants who finish school and look for work; 800,000 temporarily removed from the "work force" as "discouraged", but who now return to the "work force" 200,000 released from the armed forces. The expectable economic growth rate, plus Mr. Nixon's NEP, are simply not enough to generate the new jobs needed.

2. Q. How will the program reduce unemployment?

A. Directly and immediately, it will reduce unemployment by providing 500,000 jobs, thus taking care of 10 percent of the present unemployed. Furthermore, the program will have an indirect multiplier effect in two ways:

a. Public service jobs tend to be filled by low-income or no-income persons, who are going to spend all, or more than all, their income right away, thus bolstering sagging consumer demand. More consumer demand in turn leads to more business sales, more investment, and more jobs. Jobs created by trickle-down tax reduction schemes, on the other hand, are likely to go to higher income workers, as in capital goods factories, who will save a larger portion of their wage, and thus give less of a boost per dollar of public expenditure to consumer demand.

b. One of the reasons for a sluggish economy is that those with jobs are spending less of their disposable income than normal. Savings are up to around 8 percent of income rather than the more normal 6 percent. This hesitancy is caused by fear of unemployment—if the man next door is without a job, we think twice about buying a new refrigerator even though we have a job. Put 500,000 unemployed to work immediately, and there will be a multiplier effect throughout the whole economy.

3. Q. Are there enough unemployed workers available for a 500,000-job public service program?

A. Are you kidding? Of the approximately 5 million unemployed today, more than half are clearly eligible for a low-skilled, relatively low-paid public service program: clerical and sales, 968,000; non-farm laborers, 449,000; service workers, 732,000; farm laborers, 81,000; unemployed with no previous work experience, 380,000; total, 2,810,000.

4. Q. Is there enough public service work to be done?

A. A 1966 study by the Commission on Technology, Automation, and Economic Progress estimated that 5.3 million new public service jobs were needed then to provide adequate medical care, education, recreation and beautification, welfare and child care, public safety, urban renewal, and sanitation. A second study done for OEO in 1965 by Greenleigh Associates came to a similar conclusion, estimating the need at 4.3 million public service jobs, of which 470,000 could be filled in the first year, with fully 70 percent coming in just two areas—health and education. A 1968 study done by Harold Sheppard for the Urban Coalition showed that 730,000 public service jobs could be created almost immediately in the 130 largest cities in the country alone.

5. Q. Will the program cause inflation?

A. Just the contrary—it will combat inflation by greatly increasing purchasing power and thus output. Because there are some 2.8 million eligible people for some 500,000 public service jobs, there will be no labor bottleneck to cause inflation. On the other hand, increased economic activity by trickle-down methods, to the extent that it leads to new jobs at all, creates a demand for skilled and experienced workers who are often in short supply. Bottlenecks are thus created in which demand for labor exceeds supply, wages are bid up, and inflationary pressures in the economy are increased.

TECHNICAL EXPLANATION OF H.R. 12011

The bill would amend the Emergency Employment Act of 1971 (Public Law 92-54, July 12, 1971) as follows:

1. *Funding*—The *present law* authorizes $1 billion for FY 1972 and $1.25 billion for FY 1973. The *proposed bill* would authorize a total of $2 billion for FY 1972 and $4 billion for FY 1973.

2. *Distribution of Funds to States*—The *present law* provides that 80 percent of the funds in the main section 5 program must be apportioned among the States:

In an equitable manner taking into consideration the proportion which the total number of unemployed persons in each such State bears to the total number of such persons, respectively, in the United States.

The *proposed bill* tightens this formula to require that this money be distributed *solely* "on the basis of the proportion which the total number of unemployed persons in each such State bears to the total number of such persons in the United States."

3. *Distribution of Funds within States*—the *present law* provides for distribution of funds within the States:

In an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such area bears to the total number of such persons, respectively, in that State.

Again, the *proposed bill* tightens this up to require apportionment based solely on the proportion of unemployed persons in the area.

4. *Eligible applicants*—Labor Department regulations presently do not allow units of general local government with populations lower than 75,000 to apply directly to the Secretary of Labor for funds, requiring them instead to go through their state governments.

The *proposed bill* would remedy this situation by allowing units of general local government, and voluntary combinations of such units, to apply directly to Washington for funds if there are at least 1000 unemployed persons within their jurisdiction. Funds would be "provided directly to" and "administered exclusively under the direction and supervision of, such units of general local government," Their applications would be acted on by the Secretary of Labor "without reference to, or approval of, any other agency in the State."

5. *Full Federal funding*—The *present law* limits the Federal share to 90 percent but allows states and localities to make up their 10 percent share "in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services." Furthermore, the Secretary can allow 100 percent Federal funding if "special circumstances or other provisions or law" warrant it.

The *proposed bill* would simply allow 100 percent Federal funding.

6. *More reliable funding*—The *present law* requires that the main Section 5 program be terminated when national unemployment falls below 4.5 percent for three consecutive months, and emphasizes throughout that the public service employment program is only to be temporary and transitional."

The *proposed bill* reduces the cut-off unemployment level to 4 percent and eliminates the word "transitional" wherever it appears. This will permit states and localities to run their public service jobs programs without the fear that funds will be cut off abruptly.

All other provisions of the Emergency Employment Act of 1971 would be left unchanged.

12011

A bill to amend and expand the Emergency Employment Act of 1971 to reduce unemployment and stimulate noninflationary economic growth

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(6), section 2(7), the last sentence of section 2, section 3(a), section 7(a), and section 7(b)(4) of the Emergency Employment Act of 1971 are each amended by striking out "transitional".

SEC. 2. Section 4(1) of the Emergency Employment Act of 1971 is amended by inserting after "government" the following: "and voluntary combinations of units of general local government".

SEC. 3. (a) Section 5(a) of the Emergency Employment Act of 1971 is amended to read as follows:

"SEC. 5. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $1,500,000,000 for the fiscal year ending June 30, 1972, and $3,000,000,000 for the fiscal year ending June 30, 1973."

(b) Section 5(b) of such Act is amended by striking out "4.5" both times it appears and inserting in lieu thereof "4.0".

SEC. 4. Section 6(a) of the Emergency Employment Act of 1971 is amended to read as follows:

"Sec. 6. (a) There is hereby established a Special Employment Assistance Program. There are authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973, to carry out the provisions of this section."

SEC. 5. Section 8 of the Emergency Employment Act of 1971 is amended (1) by striking out paragraph (2) thereof and renumbering paragraphs (3) and (4) as paragraphs (2) and (3), respectively, and (2) by striking out the final sentence thereof.

SEC. 6. Section 9 of the Emergency Employment Act of 1971 is amended to read as follows:

"ALLOCATION OF FUNDS

"SEC. 9. (a) The amounts appropriated under section 5 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

"(1) not less than 80 per centum shall be apportioned among the States on the basis of the proportion which the total number of unemployed persons in each such States bears to the total number of such persons in the United States, determined on the basis of the monthly average for the fourth calendar quarter of the fiscal year immediately preceding the one for which the apportionment is made; and

"(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act. However, not less than $1,500,000 shall be apportioned to any State, and not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, under paragraph (1) of this subsection. The Secretary shall use the sums available under this paragraph to increase the amounts so apportioned to $1,500,000, and the amount so used shall be considered a part of the State's apportionment under paragraph (1) of this subsection.

"(b)(1) The amount apportioned to each State under paragraph (1) of subsection (a) shall be further apportioned to units or voluntary combinations of units of general local government which have submitted and had approved applications for assistance under this Act and in the area of which there are at least 1,000 unemployed persons. The apportionment to each such area shall bear the same ratio to the amount apportioned to the State under paragraph (1) of subsection (a) as the number of unemployed persons in such area bears to the number of unemployed persons in the State. Funds remaining after making the apportionments provided for in the preceding provisions of this subsection shall be apportioned among other areas in the State in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in such area bears to the total number of such persons in the State.

"(2) Assistance under this Act pursuant to applications from units of general local government referred to in the first sentence of paragraph (1) of this subsection shall be provided directly to, and shall be administered exclusively under the direction and supervision of, such units of general local government. Action on such applications shall be taken by the Secretary without reference to, or approval of, any other agency in the State, and the funds provided such units shall be used only for purposes which such units have included in their applications.

"(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b)(1) of this section."

PUBLIC LANDS COMPENSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 10 minutes.

Mr. RUNNELS. Mr. Speaker, the public lands in Federal ownership today consist of approximately one-third of the gross land area of our Nation. The impact of this ownership has come to be a significant burden upon those States whose boundaries include large quantities of this land. The Public Land Law Review Commission studies this problem and made several recommendations in its 1970 report to the President and to the Congress.

Today I am introducing a bill which would implement those recommendations made by the Commission which would provide payments to the States for Federal land ownership burdens. This bill includes the Commission's recommendations of providing for compensation based upon the ad valorem real property tax system of the various States. Tax purpose evaluations would be made on the public lands in each State and payments-in-lieu of taxes would then be computed according to this evaluation. Payments would reflect a public benefits discount of between 10 and 25 percent to reflect benefits provided to the State by public lands. As the committee recommended, I have provided that these payments would be made to each State government which, in turn, would make appropriate allocations to county and local governing bodies. Existing revenue-sharing programs such as the Mineral Leasing Act or the Taylor Grazing Act would be abandoned. A revaluation of public lands would occur every 5 years. Valuations would be made by the Administrator of General Services and the Governor of each State, or his designee, with any irreconcilable differences to be settled by a Board of Valuation Appeals consisting of three members of the U.S. Tax Court.

The one difficulty to be found in implementing the Commission's proposal is that the payments in lieu of taxes computation system will be inequitable if applied to those States which do not employ an ad valorem tax system which reflects those burdens imposed upon them through the retention of public lands in Federal ownership. Under that computation system, compensation to each State will relate directly to private land evaluations in that State. A State with high real property evaluations will receive more Federal compensation than a State containing an equal amount of public lands but with low real property evaluations; yet both States could very well have equal burdens imposed upon them through the Federal ownership of public lands. In effect, the property taxes paid in each State will determine this Federal compensation. A State with low property taxes will receive relatively less than a State with high property taxes.

The legislation I am introducing today would implement the payments in lieu of taxes recommendations of the commission and, at the same time, provide an alternative revenue-sharing system to be used by those States whose property tax system will not provide an adequate basis for payments in lieu of taxes.

This alternative would allow a State to annually elect to receive certain revenues derived from the federally owned public lands within its borders where that State's property tax system will not provide an adequate basis for the payments in lieu of taxes system.

A State which does not employ any real property tax system whatsoever and thus, which would receive no compensation under the payments in lieu of taxes system is one example of a State which would elect the revenue-sharing alternative included in my bill. Another example would be a State such as New Mexico which contains federally owned public lands amounting to more than one-third of the land area of the entire State. Our State-owned lands amount to approximately one-fifth of the nonfederally owned lands. For this reason New Mexico's ad valorem property tax system does not serve as the foundation for the financing of programs providing municipal services. In effect, New Mexico's property tax system would not provide an adequate basis for calculating the burdens imposed through the retention of public lands in Federal ownership. To impose a payments in lieu of taxes system upon New Mexico would be unfair and inequitable. All States with an inadequate property tax system would be able to select the revenue-sharing alternative in my bill.

I have also followed the Commission's recommendation in providing for compensation based upon extraordinary benefits and burdens to the States.

At this point, I include the text of the bill I am introducing, the Public Lands Compensation Act:

H.R. 12013

A bill to provide for payments to compensate States for the burden imposed as a result of the retention of public lands in Federal ownership within their boundaries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Public Lands Compensation Act".

SEC. 2. Notwithstanding any other provision of law to the contrary, no payments in the nature of tax equivalencies or revenue sharing shall be made to any State, county, or local government for or on account of lands or resources of the Federal Government, except in accordance with the provisions of this Act.

SEC. 3. As used in this Act, the term—

(a) "public lands" means all lands or interests in lands owned by the Federal Government, except the term shall not apply to lands or interests therein held by the United States in trust for Indians, Aleuts, or Eskimos;

(b) "Administrator" means Administrator of General Services;

(c) "governor" means the governor of a State or his designee;

(d) "Board" means Board of Valuation Appeals composed of three members of the United States Tax Court, these members to be designated annually by the Chief Judge of the United States Tax Court;

(e) "regular taxpayers" means taxpayers who are subject to State and local taxes and do not enjoy the benefits of tax immunity;

(f) "tax effort criterion" means the difference between the percentage of per capita personal income which is spent in a State on per capita state and local taxes from all sources and the percentage of the national per capita personal income which is spent on per capita state and local taxes from all sources.

SEC. 4. (a) With respect to all public lands within any State which elects to receive payments in lieu of real property taxes under subsection (a) of section 5 of this Act, the Administrator and the Governor of that State shall establish a valuation for tax purposes of these lands in accordance with procedures and regulations promulgated by the Administrator upon approval by the Interior and Insular Affairs Committee of both the United States Senate and the United States House of Representatives. In making evaluations, these criteria shall be met:

(1) The valuation of public lands shall be consistent with the assessment of privately owned lands in the area.

(2) There shall be no discrimination against the Federal Government in relating payments to the tax rates applicable to similar private lands.

(3) No value shall be included for improvements placed on the land by the Federal Government.

(4) The valuation of public lands in each State shall be reduced or increased in direct proportion to the tax effort criterion applicable to that State.

(5) Valuations shall be completely and thoroughly reviewed at least every five years. In the intervening years, valuations shall be updated annually in accordance with procedures to be established by the Administrator.

(6) The Board shall reconcile any differences, between the Administrator and a governor relating to evaluations, according to standard rules of procedure established by the Board. Any decision of the Board shall be final and shall not be subject to review.

(b) The Administrator shall determine, with respect to all public lands within any State which elects to receive payments in lieu of real property taxes under Subsection (a) of Section 5 of this Act, the public benefits accruing to and burdens, other than tax immunity, imposed upon that State and its political subdivisions from these public lands. This determination shall be made in accordance with evaluation procedures promulgated by the Administrator upon approval by the Interior and Insular Affairs Committee of both the United State Senate and the United States House of Representatives taking into consideration all tangible and intangible, direct and indirect benefits and burdens, excluding the burden imposed by tax immunity and including but not limited to economic, recreational, and natural resources benefits and burdens. Based on this determination, the Administrator shall establish a public benefit discount percentage which shall be at least ten (10) per centum but not more than twenty-five (25) per centum of the total valuation of all public lands in the State, and the total valuation shall be reduced by this public benefit discount percentage.

SEC. 5. (a) On and after the effective date of this Act, the Secretary of the Treasury shall pay annually to each State which does not elect to receive payment under Section (b) of this section an amount equivalent to the State, county, and local real property taxes on Federal lands and interests therein, based on the tax rate applicable to similar private lands and the valuation provided in Section 4 of this Act.

(b) On or after the effective date of this Act and notwithstanding other provisions of this section, any State which utilizes an ad valorem tax system that is not the foundation for the financing of programs providing State and local government services in that State, and that does not represent the State's or local government's actual need for revenue, and thus that does not provide an adequate basis for compensating the State or local government for the burden imposed as a result of the retention of public lands in Federal ownership, may annually elect to be paid, by the Secretary of the Treasury, as an alternative to the payment to be made pursuant to Subsection (a) of Section 5, all revenues derived from public lands located within the boundaries of that State as a result of—

(1) sales, rentals, leases, or any other disposition or arrangement affecting these public lands with respect to prospecting for, or mining of minerals (liquid, solid, or gas);

(2) sales of these public lands;

(3) permits issued, or leases entered into allowing the grazing of livestock on these public lands; or

(4) sales, rentals, leases, or any other disposition affecting these public lands with respect to the cutting of timber. Payments made under Subsection (b) of Section 5 shall be reduced by administrative expenses incurred by the Federal Government, this reduction to be no greater than ten (10) per centum of these revenues.

(c) The Administrator is authorized to treat separately, in accordance with regulations promulgated by him upon approval by the Interior and Insular Affairs Committee of both the United States Senate and the United States House of Representatives any extraordinary benefits and burdens of Federal ownership identified by him as being directly related to special local government services which are above and beyond the burdens and benefits of regular taxpayers and the Secretary of the Treasury shall make separate payments therefor as determined by the Administrator.

(d) Notwithstanding other provisions of this section, the Administrator is authorized to discontinue revenue sharing under any other law on a gradually decreasing basis over a period of ten (10) years, and to program implementation of this Act on a similar time basis, for any State where immediate implementation of this Act will result in hardships because of a substantial reduction in the amount of payments.

SEC. 6. Nothing in this Act shall interfere with the right of State or local governments to levy possessory interests taxes on private owners of improvements made by private users on Federal lands.

NEW PRESIDENT FOR BRIGHAM YOUNG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 15 minutes.

Mr. McKAY. Mr. Speaker, I recently had the distinct honor of attending a very important and significant ceremony in my district which I want to call to the attention of my distinguished colleagues. A university which I consider to be one of the finest academic institutions in the United States has just inaugurated a new president. Brigham Young University, which has become, under the dedicated leadership of President Ernest L. Wilkinson, the largest private institution of higher learning in the United States, installed as its eighth president, Dallin Harris Oaks, who most recently was serving as professor of law at the University of Chicago.

Dallin Harris Oaks was born in Provo, Utah, on August 12, 1932, a son of Stella H. Oaks and the late Dr. Lloyd E. Oaks. Mrs. Oaks was herself a graduate of BYU, as was her father, Silas Albert Harris, a student of Karl G. Maeser, who was the second president of the university from 1876 to 1892.

President Oaks enrolled as a freshman at Brigham Young University for the 1950–51 school year and was graduated in 1954 with high honors, receiving the bachelor of arts degree in accounting and economics. He received the doctor of law degree from the University of Chicago Law School in 1957, graduating cum laude, second in a class of 86, and was named to the Order of the Coif. As a student he was editor in chief of the University of Chicago Law Review for 1956–57.

He began his legal career as law clerk to Chief Justice of the U.S. Supreme Court Earl Warren. In 1958, he entered private practice with the Chicago firm of Kirtland, Ellis, Hodson, Chaffetz, and Masters in the firm's litigation section.

In 1961, he joined the University of Chicago faculty as associate professor of law. From May 1962 to January 1963, he was associate dean of the law school, and during the last 3 months of this period, acting dean. He spent the summer of 1964 prosecuting criminal cases as assistant States attorney of Cook County, Ill. In the summer of 1968, he was visiting professor of law at the University of Michigan Law School. From 1964 until his appointment as president of Brigham Young University, he was professor of law at the University of Chicago—one of the youngest men in the history of that distinguished institution to hold full professorship.

From January through June 1970, he was on leave of absence from the University of Chicago to serve as legal and research adviser to the Bill of Rights Committee of the Illinois Constitutional Convention, and to conduct a study of the exclusionary rule for the Law. Enforcement Assistance Administration of the U.S. Department of Justice. From August 1970 through July 1971, he was also executive director of the American Bar Foundation, and in June of this year he was elected a member-at-large of the Fellows of the American Bar Foundation, of which there are only 25 members in the Nation.

He has been editor or author of four books dealing with church and state, trust law, operation of criminal courts in Chicago, and provision of counsel for indigent persons accused of crime. He also has authored 30 articles in leading periodicals and other publications.

President Oak's wife, the former June Dixon, was born in Spanish Fork, Utah. The daughter of Mrs. True Call Dixon and the late Charles H. Dixon, she is also a BYU graduate—1965. President and Sister Oaks were married June 24, 1952, in the Salt Lake Temple. They are the parents of five children; the oldest entered BYU as a freshman this fall.

When introduced to the faculty and students of the university on May 4, 1971, President Oaks revealed his clear understanding of the true character of that institution by saying:

> Brigham Young University is more than a university in the conventional sense. Its domain spans the limits of human experience, spiritual as well as physical, practice as well as precept. . . . It is concerned with teaching men and women the fundamentals of spiritual and secular knowledge. . . .
>
> That is the nature of the challenge to this University. That is the task I see you performing better than any other educational institution in the world. That is why I am honored and grateful to join your efforts.

The inauguration was an impressive ceremony and set the tone for the university in the years ahead. There were official delegates from 225 colleges and universities in attendance who must have viewed with considerable envy the spirit of unity and dedication to learning exhibited on this occasion. Neal Maxwell, commissioner of education for the Mormon Church, perhaps identified the nature of that unique dedication to learning in his comments. He said:

> We so often say that knowledge is power; but it is a dangerous kind of power without love. . . . We should not seek knowledge to control. We do not want knowledge in order to manipulate. We do not seek knowledge to parade it. Rather, knowledge puts us in a position . . . to move into the field of education in such a way that learning occurs in the context of love, across culture and across class.

Mr. Speaker, I feel the inauguration of President Oaks was an event of great significance at a university noted for excellence and I call your attention to the following address delivered by President Oaks:

INAUGURATION OF THE EIGHTH PRESIDENT OF BRIGHAM YOUNG UNIVERSITY—RESPONSE BY PRESIDENT DALLIN H. OAKS

An Inauguration celebrates the conferring of authority on a new president. It is the time when sister institutions and learned organizations take official notice of a change in leadership. The actual change of authority normally precedes it. In this case the changeover was on August 1st, 104 days ago.

The ceremony of inauguration is an occasion to focus on institutional policies: to review, to reaffirm or revise, and to declare direction for the days ahead.

Although an inauguration looks to the future, its costume and ceremony, like institutional policies, are rooted deeply in the past. A convenient reference point for purposes of my review is exactly a half-century ago, at the October 17, 1921, Inauguration of Franklin S. Harris, my kinsman, as the Fifth President of Bringham Young University. These are his words, spoken on that occasion:

"There has grown out of the history of the institution a particular mandate that must be respected—a certain fire that must be kept burning. This has been peculiar to the institution ever since President Young sent Doctor Maeser here to open its doors. It is difficult to define . . ., but it has to do with the lives of students apart from their regular school work. It establishes in their minds wholesome ideals and gives them a respect for proper living. It helps them to form good habits and to throw off bad ones. It teaches them to enjoy uplifting amusements rather than to seek corrupt diversions. It teaches them the sacredness of the family as a unit in society, and it imparts to them a particular responsibility as a citizen. . . .

"The first task of the future is to preserve at the institution this spirit that comes to us from the past—the true spirit of the Brigham Young University. This spirit *places character above learning* and indelibly burns into the consciousness of the student the fact that the most enduring joy is dependent on spiritual growth which looks toward eternal progression."

The scene has changed in 50 years. A student body of 663, drawn almost exclusively from a few intermountain states, has grown to 25,000, with representation from all 50 states and over 70 foreign countries. More than 7,000 of these, about one-third of the present student body, have given missionary service in various parts of the world. In 1921 there were a half-dozen buildings, divided between lower campus and University Hill. Today we enjoy a magnificent physical plant of 40 permanent academic buildings and more than 300 other temporary and permanent buildings used for academics, administration and housing. A faculty and staff of 90 a half-century ago has grown to a full-time equivalent of almost 5,000. As we are all aware, most of this growth has been under the leadership of my remarkable predecessor, President Ernest L. Wilkinson, whom we are especially pleased to have with us today.

Despite all this change, however, the fire described by President Harris is still burning and the mandate remains intact.

Our reason for *being* is to be a University. But our reason for *being a University* is to encourage and prepare young men and women to rise to their full spiritual potential as sons and daughters of God. We seek to prepare them to live and serve *in* the world, but we encourage them not to be *of* the world. The enormous resources devoted to this institution could not be justified if we did not provide a unique educational experience. What makes us unique is the spiritual dimensions we provide. By "spiritual dimension" I mean our faith in God the Eternal Father and His son Jesus Christ, our devotion to the principles of the Restored Gospel, our concern with personal behavior, and our commitment to the essential harmony of secular learning and the spiritual values that embody all truth.

President Edward H. Levi and President Harold B. Lee symbolize, just as they have expressed, the dual challenge of this University. One challenged us to be a University. The other reminded us of the unique kind of University we should be. I have previously expressed our dual concerns in this statement of purpose:

"Brigham Young University is concerned with teaching the fundamentals of spiritual and secular knowledge and with bringing those teachings into harmony in the lives of men and women in order to prepare them for a balanced and full life of service to God and fellowman."

We approach these challenges with humility and reverence. The Master was Himself a teacher, and His life and commandments remind us that the work of a teacher is the highest secular or spiritual calling in this life. At the inauguration of Howard S. MacDonald as the Sixth President of this University, President J. Reuben Clark of the First Presidency expressed our attitude toward learning:

"Thus God made clear that the gaining of knowledge is not to be like the commonplace work of earning a livelihood. He who invades the domain of knowledge must approach it as Moses came to the burning bush; he stands on holy ground; he would acquire things sacred; he seeks to make his own the attributes of Deity, the truth which Christ declared he was (John 14:6), and which shall make us free (John 8:32), . . . We must come to this quest of truth—in all regions of human knowledge whatsoever, not only in reverence, but with a spirit of worship."

Our reverence for learning applies to the secular as well as the spiritual aspect of the challenge. In the same great address I have just quoted, President Clark defined the area of our concern with secular knowledge. He recognized no limits:

"In all his promises and commandments about gaining knowledge, the Lord has never withheld from our quest any field of truth. Our knowledge is to be conterminous with the universe and is to reach out and to comprehend the laws and the workings of the vast deeps of the eternities. All domains of all knowledge belong to us. In no other way could the great law of eternal progression be satisfied."

Speaking at our Faculty Workshop this fall, Bruce B. Clark, Dean of our College of Humanities, gave vivid expression to this same thought, describing what we must do if we are to measure up to this challenge. I quote Dean Clark with total agreement. He defines our privilege and our burden:

"First, we should never forget that, whatever else we are, our function is to be a genuine, first-quality university . . . with all that that implies of a climate for the free and open discussion of ideas, for research, for creativity, for pushing back the frontiers of knowledge and groping beyond. Unless we are a university in this true sense, clearly excellent in our academic accomplishments, we will betray the trust the Church has in us to stand with dignity among the universities of the world. . . ."

We must not falter at this challenge. We cannot use success in attaining our spiritual goals, which were also stressed by Dean Clark, as an alibi for failure to enjoy first-class status as a university. We must reinforce our drive for excellence in all areas of the University, and persist for superiority in some. We must be conscious of all that this goal requires for distinction in teaching and research, and for providing our students with intellectual experiences as challenging as they could receive anywhere. Over 60 percent of our teaching faculty, including instructors, now hold doctors degrees. We must continue to increase our faculty's qualifications by other criteria, since the faculty is obviously the key to the excellence of a university.

I believe that this secular challenge will be understood and approved by everyone in this audience. Our other challenge, the one relating to spiritual values and personal behavior, may be less understandable to some. What I have to say next will, therefore, be directed to our honored guests, visitors, and others who may not share our persuasion that spiritual values are a proper concern of university training.

Not too many years ago the rhetoric of religion was familiar fare for university presidents, perhaps because so many of them had been trained for the ministry or were at least versed in ancient scriptures. Today ministers have largely given way to lawyers, and the university pulpit has passed from the Priest to the Pharisee. For this or other reasons, university audiences rarely hear a figure of speech such as that employed in 1899 by William Rainey Harper, the first president of The University of Chicago, who called the university the "prophet of democracy." According to Harper, democracy was "deeply concerned with morality and righteousness in individual and nation." As a result, Harper referred to education and religion, "the enlightenment of mind and soul," as holding high "the great ideal of democracy, its mission for righteousness. . . ." At Brigham Young University we still believe in democracy's mission for righteousness, and we still link education and religion in support of that goal.

What I have referred to as the spiritual challenge is vital to our theory of education for four reasons. *First*, our doctrine provides the key to what motivates us in the acquisition of knowledge. *Second*, our faith enlightens us on the means by which knowledge can be obtained. *Third*, our religion instructs us on the principles by which knowledge can be translated into proper behavior. *Fourth*, spiritual values supply the sense of direction that we believe to be lacking in our society today. I will consider these four points in order.

1. Motivation is probably the most important single factor in the acquisition of knowledge. An eager student is every teacher's dream. For members of the Church of Jesus Christ of Latter-day Saints, the will to learn is a religious imperative. Our religion teaches, and we inscribe on the official seal of this University, that "The Glory of God Is Intelligence." Our modern day Prophet, Joseph Smith, affirmed that—

"Whatever principle of intelligence we attain unto in this life, it will rise within us in the resurrection. And if a person gains more knowledge and intelligence in this life through his diligence and obedience than another, he will have so much the advantage in the world to come." (D&C 130:18-19)

Consider the impact of that doctrine on our motivation to learn. It also affects our attitude toward continuing education, which becomes not just a program but a commandment.

Second, spiritual values are also vital to our theory and approach to learning. On this matter our belief dates from a revelation given to the Prophet Joseph Smith in December, 1832, in Kirtland, Ohio. He was there instructed to establish the first school of our Church, to be known as the School of The Prophets. These familiar words are the divine prescription for the method of study in that school:

"And as all have not faith, seek ye diligently and teach one another words of wisdom, yea seek ye out of the best books words of wisdom; seek learning, even by study and also by faith." (D&C 88:118)

Seek learning "by study and also by faith." Similarly, President Joseph Fielding Smith has observed that "knowledge comes both by reason and by revelation." (Speech at Brigham Young University, June, 1971). (These words go far to explain our conviction that an education is most effectively acquired not only by creating appropriate conditions for the "life of the mind," but also by an environment in harmony with the realm of the spirit. They also explain why we are concerned to exclude from this campus some forces and influences of the world. If we are to seek learning by faith, we must have an environment in which we may, like a worshiping assembly, enjoy the influence of the Spirit of the Lord, whose mission, according to the scriptures, is to "guide [us] into all truth," to "teach [us] all things" and to "bring all things to [our] remembrance. . . ." (John 14:26, 16:13.) Consequently, our standards of personal behavior and the restrictions we impose on our campus environment are responsive to our mission and to our approach to learning.

Third, the religious principles taught in this University guide each of us in the process by which we translate knowledge into behavior that is appropriate for the individual and beneficial to our fellowmen. We hold that education should be concerned with personal behavior. Along with John Ruskin, we affirm that education "does not mean teaching people what they do not know; it means teaching them to behave as they do not behave." (Stones of Venice, 1853). If education is properly concerned with behavior it cannot afford to ignore or omit concern with religion, which is the predominant value structure and control upon the behavior of millions who have been trained to believe in God and look to Him as the ultimate judge of human conduct.

If it is true that neither life nor property is safe in a condition of political anarchy,

then it is equally true that neither right conduct nor high ideals is safe where there is an anarchy of values. There is no anarchy of values at Brigham Young University. For example, the importance we and our students attach to the value of the home and our mutual respect for its governing authority explains how we can maintain strict rules of personal conduct on this campus at a time when similar rules, especially as regards residence halls, are crumbling at other institutions. Both we and our students look on university life as a sequel to a Latter-day Saint home, and we seek to reproduce its authority and its sustaining spiritual influence on this campus.

In our view, education without religion would be as incomplete as narrow vocational training without accompanying exposure to the humanities. It is the humanities that give creative insight into the significance of knowledge and help us relate it to the great framework of human experience. If the intellectual or secular pursuits of a University are described by the phrase "the life of the mind," then, to borrow a phrase from a former colleague, it is the role of religion to give "heart to the life of the mind." Religion, as we understand it, is the humanities of everlasting life. It provides a framework of values that guides behavior for the benefit of the individual and his fellowmen. It gives insight into the fact that this life is but one phase of an eternal existence that progresses from spirit birth as a child of God to the potential realization of all the attributes, accomplishments, and glory of the eternal parents. Is it any wonder that our religion is basic to our process of education, and that students schooled in this faith and sustained by the remarkably effective church organizations on this campus rarely suffer feelings of remoteness or alienation?

Finally, modern commentators are fond of observing that our society is suffering from a crisis of belief. Good people everywhere, and especially those severe but inexperienced critics known as "the young," question the integrity of our public institutions, the honesty of our public servants, and the soundness of our national priorities. Our hard-won technical and scientific accomplishments are being held up to ridicule by the observation that our generation is flying farther and faster, but on errands not much improved.

Along with other religious people, we affirm that the teachings of religion hold the solution to the crisis of belief and to the sense of indirection in our system of national priorities. To serve that goal, all who teach and work in this University preach the principles, ideals, and self-discipline of the Restored Gospel, and they practice what they preach.

By its emphasis on spiritual values in its educational program Brigham Young University contributes to the diversity of higher education, whose tolerance of diversity is among its greatest strengths and sources of creative innovation.

I have already stated our two primary goals for the future: first, to reinforce our drive for excellence as an academic institution; and second, to preserve the distinctive spiritual character and standards of Brigham Young University. As we observe this milestone, it is appropriate for us to establish some corollary goals for the future. This is not a time for attention to the glories of the past, lest we be like the description someone has given of the law and the legal profession, which was compared, unfairly in my view, to a bird that flies backwards because it does not care where it is going but wants to know where it has been.

As a first corollary to our overriding spiritual goal, we should continue to concentrate on the training, self-discipline and conduct of the individual. We deem it a corruption to use the university or its facilities or organizations as a political pressure group, laboratory, or staging area for expeditions against business, the military, units of government or any other group. In this respect, we seek to emulate the Savior, who did not attack the social institutions of His time, corrupt though they may have been, but focused His efforts on perfecting the individual. If we perfect the individual, the purity and uprightness of individual lives will bring reform in the laws and organizations and practices of society. Our concentration on individual training and behavior is in contrast to the shrill and hysterical voices of activism that are based on some college campuses, in public forums, and in the political arena. To the outside observer some colleges must look like a pot that periodically boils over, and then goes dry. In our view the teaching enterprise should take the form of a steady, even heat applied to the process of individual growth, not a fire bomb or inflammatory rhetoric hurled at the nearest social or governmental institution. Our ideal for the process of individual growth and education is well expressed by the words Adlai Stevenson applied to patriotism. What we need, he said, "is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime." (Speech, New York City, August 27, 1952).

As a second corollary to our spiritual goal, I hope we will remember that the most important thing about every member of this university community is that he or she is a son or daughter of God. The importance of that fact transcends all considerations of status (such as faculty, staff or student) and all matters of religious affiliation, race, or national origin. It is our goal to have all members of this community—in all of their dealings with one another and with all mankind—set an example of Christian living for the entire world to see. Just as the Gospel is to be preached to every nation, kindred, tongue and people, so also should representatives of all mankind find welcome on our campus and, within the limits of our resources, room in our midst. That principle is already embodied in our stated policy that—

"Students of any race, creed, color, or national origin are accepted for admission to Brigham Young University provided they maintain ideals and standards in harmony with those of the Church of Jesus Christ of Latter-day Saints and meet the University's academic requirements."

As an important corollary to our goal of academic excellence, I would like to suggest that Brigham Young University has no political objectives, only intellectual and spiritual ones. The principles we learn and teach here will be translated into political opinions and action. This is appropriate, for many of us have—and all of us should have—strong feelings on these important matters. Nevertheless, in the realm of learning, in the work of the university, our attitude toward matters purely political should be that characterized by Thomas Jefferson, whose first inaugural address counselled that "error of opinion may be tolerated where reason is left free to combat it."

In this connection, I hope we can achieve a moratorium on the use of the words *liberal* and *conservative* on this campus. I am persuaded by observation and experience that the damage caused by the use of those words far exceeds the value of the communication they foster. Among intimate friends, thoroughly familiar with one another's connotations and intent, these words may convey a clear meaning. But when these labels go out into the world to be repeated by others less knowledgeable and intimate, they become the enemies of understanding. So many different meanings proceed under these labels, political, religious, and otherwise. Under the category of "otherwise" are the characterizations of my children, who say I am *liberal* with love and praise, but *conservative* with allowance and the family car. When we are tempted to employ these labels, I suggest that we substitute more precise descriptions. The possibilities include "loyal or disloyal;" "dynamic" or "immovable;" "wise or unwise" and scores of others.

As a final goal related to academic matters, we must excell at the planning and difficult decisions necessary to make progress with limited resources. This goal makes a virtue of necessity. It is commonplace that our entire system of higher education is suffering a crisis of confidence and financial support. Budgets are being slashed and services and programs are being curtailed. The Carnegie Commission on Higher Education recently predicted that almost 500 small colleges, enrolling about a half-million students, would have to close for financial reasons over the next few years.

While these figures give reason for concern, I am optimistic that the financial crisis is temporary and may yet lead to significant improvements in higher education. I will even venture to say a word in favor of limited resources. Some limitations can have a positive effect. Unlimited growth and resources do not require an institution to be reflective about priorities. As C. Northcote Parkinson has observed, "when funds are limitless the only economy made is in thinking." (The Law and The Prophets, p. 9). Limitations on numbers of dollars and students being the principle of opportunity cast into sharp focus, and put us face to face with the need for fact-gathering, evaluation, and quality control. Nothing new can be undertaken without confronting the need for consolidating, reducing or discontinuing something old.

We have passed through a period of extraordinary growth at Brigham Young University. We are now entering a period of maturing, deepening, and refining—upgrading the quality of all of our efforts. We are also concerned to make fuller use of our marvelous resources of plant and personnel. In response to that need we have just adopted a new year-around academic calendar, with three equal 16 week semesters in a year. The third semester will be broken into two independent 8-week terms, and we will encourage students to attend two and one-half semesters each year in order to complete an entire baccalaureate program in three years. We must also review the utility of all of our degree programs, especially the expensive doctoral programs, and compare them carefully with the probable demands of the market place and the needs of our church and nation. We are proceeding with that review, and with the other needs of this great university. Special mention should be made of the vital task of enlarging our library facilities, and of the promising student efforts already underway to raise money for that purpose. We also look forward to the early opening of the J. Reuben Clark College of Law, which will bring an exciting new dimension to the intellectual life of the campus.

The tasks I have mentioned can be accomplished only by the united effort of every employee and student of Brigham Young University, and by the understanding and support of the Board of Trustees. During the initial days of my service I have observed that effort and I have felt that support. I use this occasion to express my profound gratitude to our leaders and all others who work in this great cause.

My own role of leadership cannot be discharged without the wholehearted support of my dear wife June and our five children, and the understanding of our Mothers and other members of our families. It is the nature of this position that its burdens and dislocations spill over into their lives. I pay special tribute to June and our children for their cooperation, their understanding, and their great efforts to assist in all that is required of us.

Finally, I acknowledge my hourly need of the guidance of my Heavenly Father. I am eternally grateful for the sustaining influence of the Restored Gospel in my life. I pray that I may live to be worthy of the guidance of the Lord and the confidence of His servants as I seek to fulfill the responsibilities of this great office.

FOOD AND DRUG ADMINISTRATION FAILS TO PROTECT CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, a recent article in the Washington Post, November 16, 1971, reveals the failure of the Food and Drug Administration to meet the needs of consumers.

It is the consumer's right to know the contents of packaged products he buys. The recent FDA equivocation regarding the percentages of water and orange juice in so called orange drinks is no real help to the consumer at all.

By establishing four nondescriptive categories, including a percentage variation of 35 percent in one category, the FDA has failed to promulgate regulations which meet the public need or are even as strict as a large part of the industry has stated it is willing to accept. As the article points out, the Florida Canners Association has suggested a better plan for revealing product content than has the FDA.

Certainly a more exact statement of product content than that proposed by the FDA is necessary if a consumer is to be able to make an informed decision about what he buys. As Mr. Gold's article notes, it is perfectly legal to sell a consumer 46 ounces of "orange juice" that is so watered down that only 4.6 ounces are actually orange juice—the public is being deceived on a ratio of 9 to 1.

The Food and Drug Administration should have stricter regulations requiring disclosure of content—not only for orange drinks, but for the many other products where consumers are misled by the labeling on the packaging of food.

I commend Bill Gold's article to my colleagues, who may wish to express their concern to the appropriate officials. The article follows:

How Much Is "Juice" And How Much Is Water?

(By Bill Gold)

One of the country's best consumer authorities, Sidney Margolius, has sounded a warning about watered orange drinks.

The Food and Drug Administration was supposed to be drawing up rules that would require labels to reveal the true percentages of juice and water.

Instead, the FDA has brought forth a proposal that has been so (forgive me) watered down as to be almost worthless.

For at least 10 years, consumers have been trying to get canners to tell the simple truth about what's inside each can. A big 46-ounce can of "juice" for 39 cents looks like quite a bargain until one wonders: "Is that 46 ounces of orange juice, or 'orange drink,' or water; or what?"

Writing in The Machinist, Margolius says it quite often turns out to be 90 per cent water and 10 per cent juice.

In these cases, mind you, the consumer gets the equivalent of 4.6 ounces of orange juice for his 39 cents, not 46 ounces.

So there was a big push to get FDA to require factual labeling. After pondering the problem for a long time, FDA has put forth a proposal that would permit very substantial obfuscation of true content.

The FDA proposal would establish four categories. "Blended orange juice drink" would have at least a 70 per cent orange juice content; "orange juice drink" would contain from 35 to 70 per cent orange juice; "orange drink orangeade" would contain from 10 to 35 per cent orange juice; and "orange-flavored drink" would contain "less than 10 per cent" real orange juice—presumably down to zero per cent.

This cute Madison Avenue wording is deceptive and needlessly confusing. It would take a long time for some buyers to memorize these tricky distinctions. In their ordinary, every-day meanings, the words "orange drink orangeade" certainly do not convey the connotation "90 per cent water," but that's what they could legally be used for under the FDA proposal.

What's more, the variations possible in such broad categories as "35 to 70 per cent" and "10 to 35 per cent" make value shopping impossible.

"Moreover," Margolius notes, "the FDA proposal does not include any labeling requirement for beverage powders like Tang, which have no juice content at all. Nor, very importantly, is there any requirement that canners must state the actual percentage of water.

"At present, the labels list the ingredients in order of importance. 'Water' is listed first. But you never know whether the product has 50 per cent water or 90 per cent."

Dr. Virgil Wodicka, director of FDA's Bureau of Foods, argues that a more exact declaration of juice percentage would be too difficult for FDA to monitor.

Margolius comments: "This claim is rather incredible since at least one canner now is labeling diluted beverages with the actual juice content. Too, a large part of the industry has said it is willing to label within a 10 per cent tolerance, which really is plenty of leeway."

He notes, also, that "even the Florida Canners Association" has put forth a better plan than the FDA's. The association has suggested categories identified in plain language rather than tricky wording, and juice content stated in 10 per cent increments. Virginia Knauer, the President's consumer assistant, also supports more exact percentage labeling than FDA has proposed.

Margolius suggests that those who object to the FDA's watered down labeling proposals ought to take the trouble to say so, right now, while it might still do some good.

You can write to Dr. Virgil Wodicka, in care of the Food and Drug Administration, 5600 Fischers La., Rockville, Md. 20852. You can write to his boss, Dr. Charles C. Edwards, Commissioner of FDA, at the same address. And you can send a copy of your comments to: Hearing Clerk, FDA: Room 6052, also at 5600 Fischers La., Rockville.

People sometimes complain that our government "isn't responsive," but I think the charge is grossly overstated. It would be more accurate to say that too many of us are passive about the government's shortcomings and don't bother to make our views known. Even in a dictatorship, public opinion can't be thwarted indefinitely. Our advantage in a democracy is that we have the opportunity to work our will so much more quickly and easily.

How sad it is that we are so often "too busy" to participate in self-government.

AMENDING INTERNAL REVENUE CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, today I am filing a bill which would amend the Internal Revenue Code of 1954 to provide that bond interest received by individuals 65 or over, under the series H U.S. Government savings bond program, be excluded from gross income in calculating their personal income taxes. In doing so, I feel I am both encouraging a good program of fiscal responsibility, while at the same time providing a needed measure of relief to those over 65. I feel that such relief is fair and equitable and is fiscally sound. It rewards those living on a fixed income who have invested in their own Government's securities.

My proposal would serve two purposes, it would stimulate the sale of series E bonds for ultimate conversion in retirement years to a tax-exempt bond and it would also stimulate the sale of series H bonds to retired persons who would want to take advantage of the tax-exempt feature. This no doubt would help solve the problem of "cash-ins." I do not feel that there would be any marked disintermediation in the savings industry because of this measure, in view of the fact that H bonds pay semiannual interest at a lower rate for the first 5 years of a 10-year bond while savings accounts generally pay interest at a uniform rate.

I am also today filing a bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes, for individuals who have reached the age of 65. For those in that same age group who pay rent as opposed to owning their own property, the bill proposes that the same credit would be available for an equivalent portion of rent paid on their residences.

As I have already outlined in a recent speech on the problems facing the elderly as far as housing is concerned, far too many people over 65 are being forced to sell their family homes of many years because they can no longer afford the skyrocketing real estate taxes on their fixed incomes. Several State legislatures have addressed themselves to this problem by providing relief from State income taxes. I propose to provide relief across this Nation on a uniform basis by making available a credit on U.S. income taxes. I am happy in this instance to be filing what is in effect a companion bill to that filed earlier by my distinguished colleague from Illinois, Congressman PAUL FINDLEY.

In filing both these bills, I feel I am doing more than making speeches on the problems facing the elderly and participating in the current Conference on Aging sponsored by the White House. I am attempting to enact meaningful legislation. What better way is there to mark this important week for the elderly?

TRIBUTE TO CHUCK HUGHES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WHITE) is recognized for 5 minutes.

Mr. WHITE. Mr. Speaker, I rise before this body to pay special tribute to a young man who tragically passed away last month while playing in a National League football game—Chuck Hughes.

Chuck and his wife, Sharon, lived in El Paso, Tex., my hometown, with their son, Brandon Shane. During the off season, he was employed by the El Paso National Bank. He was respected and well liked in his community as he was by his contemporaries on the football field.

Like some of my colleagues who have demonstrated their pride in having Chuck reside or work in their congressional district, I, too, want to express my highest esteem and pride in him. Chuck started his college career at the University of Texas at El Paso. At the time of his attendance, the university was known as Texas Western College. During his 3-year attendance at the university, the college football records he set were amazing, and in some instances those records still stand unchallenged.

Chuck's position with the Miners was that of flanker and during the Sun Bowl game in 1965, he was the leading pass receiver, having caught six passes for a total gain of 115 yards, scored one touchdown, and had two punt returns for another 19 yards.

During the 1965 season, prior to the Sun Bowl game, he had 10 receptions for a total gain of 349 yards. In the game played against North Texas State, this was a record-setter not only at the University of Texas at El Paso, but with the National Collegiate Athletic Association—a record that still stands for a single game achievement. He went through the 1965 football season breaking records as if this were second nature to him. Some of those records were: Held the record with 80 receptions for the 1965 season; tied with Ed Puishes with 12 receptions—most passes caught in a single game; held the record for most yards on receptions—1,519; second in most kickoff returns, 19; second with most yards on kickoff returns, 466; second man for most touchdowns scored in 1965, 12; and second with most points scored in 1965, 78.

For 3 years at UTEP, Chuck scored 21 touchdowns totaling 126 points, making him the second highest scorer in the history of UTEP.

We hear a lot about individual effort and I feel Chuck's record shows the kind of individual he was—a man dedicated to excelling in his job and doing it with the finesse of a professional.

Chuck will be missed by his friends and admirers in the game of football, by his colleagues at the El Paso National Bank, by his wife and son, and by all those who admire and respect men of his stature.

THE COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, as chairman of the Select Subcommittee on Education of the House Committee on Education and Labor, the subcommittee which considered the comprehensive child development legislation, I would like to take this opportunity to share with my colleagues further letters and articles indicating support of the child development program, now title V of the conference committee report in S. 2007, the Economic Opportunity Amendments of 1971.

Because the House will next week vote on the conference report, I take this time to provide this further information concerning the bill.

CHILD DEVELOPMENT LETTERS OF SUPPORT

Mr. Speaker, the following letters are indicative of the continuing support of the child development program.

For example, here is a copy of a letter sent to each Member of the House and Senate by Dr. Jay M. Arena, president, American Academy of Pediatrics:

DEAR CONGRESSMAN: The American Academy of Pediatrics, the national organization of board certified physicians providing care to children, heartily supports the adoption of the conference report on the Economic Opportunity Amendments, S. 2007. We are particularly enthusiastic about the comprehensive child development title of this legislation which provides for the establishment of a national, federally assisted child development program. The Academy supports the concept of child care as a composite of comprehensive and coordinated services designed to offer a sound basis for growth and development of the child while supporting and encouraging the parents in their effort to care for their children. We are of the opinion S. 2007 would provide a sound legislative basis for the establishment of such a program.

The Academy endorses the section of the child development title which provides for local administration of child care programs. We recommended in testimony before Senate and House committees that the major responsibility for planning and delivery of child development programs is most appropriately placed at the community level. We believe the conference report is equitable, and will allow for possible funding of most jurisdictions which apply for prime sponsorship responsibility. Jurisdictions which are able to plan and operate a quality child care program should be given this opportunity.

We are in complete agreement with the concept of funding priority to ongoing Headstart programs. The provision further assuring local review of Headstart programs is an additional strength of the conference report. The extension of the excellent programs like Headstart to all low income families desirous of child development services will be facilitated by the enactment of this legislation.

The level for eligibility for free child care services decided upon by the conferees is reasonable, and will not place an undue financial hardship on poor and near poor families who wish to utilize the child care programs.

In summary, we believe the child development title of the Economic Opportunity Amendments provides a realistic framework in which child development programs can operate that are responsive to the needs of individual children and communities. We sincerely urge your support for the adoption of the conference report on the Economic Opportunity Amendments of 1971.

Sincerely yours,

JAY M. ARENA, M.D.,
President, American Academy of Pediatrics.

Mr. Speaker, the Christian Science Monitor on November 12, 1971, published the following two articles on existing day care programs:

[From the Christian Science Monitor, Nov. 12, 1971]

CALIFORNIA MIXES LEARNING WITH DAY CARE

(By Dorothy Dee)

POMONA, CALIF.—Carol is a pretty girl of 16. She goes to school at Gary High School, and after school she works at the Madison Children's Center.

Shortly after I arrived at the center one day, Carol came bouncing into the room asking how all her babies were. She said that Wesley had told her that he was in love with her. No wonder that he loves her, for she loves him very much. What more does a child need when he must be away from his mother all day?

The center cares for the needs of approximately 75 youngsters whose parents must be at work. They range from two years old through third grade, and there are more than 25 names on a waiting list.

As a state-supported institution, the center is for parents who meet the low-income requirement established by the California Legislature. The fee each parent pays is based upon the gross family income and the number of children in the family. The fee generally doesn't amount to more than 10 cents an hour.

LAUNDRY DAY

The day I visited the center, a washing machine and dryer were running full speed, doing the center's laundry. Included was the bedding for each child that is used at nap time, plus a certain amount of personal clothing for the children, as well.

Each child has his own bed here, and the center furnishes the bedding.

The center is administered by the Pomona Unified School District, which contributes the building and certain administrative services. It does not provide direct financial support.

Of the 350 similar centers in California, 81 are in Los Angeles.

In 1943, when the Legislature enacted a bill authorizing the establishment of a statewide Child Care Center Program, it was placed under the state's department of education, with administration in the school district in which each center was located.

SOCIOLOGY STUDENTS HELP

The principle of partial financial responsibility was later adopted, the parent paying approximately a third of the cost and the remainder being derived from state funds.

Out in the yard, two young men were playing with the children and teaching them a game. The men were sociology students from nearby Mount San Antonio College who come to the center each afternoon as field workers.

Occasionally a couple of boys come to help from the Neighborhood Youth Corps, a federally funded program.

Mrs. Geri Bohlen, director of the center, has been here since its opening in January, 1970. Her staff includes seven teachers, one teacher assistant, a cook, and a yardman.

The director of each center must have a bachelor's degree and each teacher must have 60 college units, 12 of which must be in early childhood education. The teachers must all have Childrens Center permits from the state.

SCHOOLING INCLUDED

During actual school hours, the children who are 5 years of age and older attend the Pomona unified schools. Preschool classes in Spanish, numbers, and words are conducted at the center during the morning hours.

Mrs. Bohlen said they would like to build another building; the kitchen is inadequate to prepare the two meals a day plus two snacks that they serve the children.

She admits to mixed feelings about taking children as young as two years old. But, she points out, it is the mothers of that age group who especially need the help——they can slip into the welfare pattern and never get out.

Sen. John V. Tunney (D) of California, in discussing beginning education, has said that he believes, from experience with his own children, that those as young as three years old are ready for school.

Perhaps, with the experience gained at the Childrens Centers, California children may some day begin school at this early age.

[From the Christian Science Monitor, Nov. 12, 1971]

YOUNGSTERS PROFIT BY GOING TO WORK WITH PARENTS

(By Julia Malone)

BOSTON.—A factory in Boston has started inviting children to come to work with their parents. The Green Shoe Company here recently joined the small group of American firms that operate their own day-care centers.

At Green Shoe the rumble of factory machines fades into the background behind doors of the children's center, part-time home for 27 children, ages 2½ to 6.

About half the youngsters are children of factory employees, who often join them in the center for the lunch hour.

The other children come from the mostly black, low-income neighborhood around the factory.

Like other child-care centers, the one at the Green Shoe plant aims to do more than baby-sit. Staff members plan teaching units and set goals for even the youngest child, and they keep records on progress. For a two-year-old the goal is learning to speak in sentences. A six-year-old is learning to read.

Mornings are "study" times. Not that the children sit quietly listening to teachers. In one corner a teacher and child soften clay for modeling. At a table Heidi, a pigtail hanging down her back and hands oozing with paint, dips into her finger painting. At another table a teacher reads aloud with a trio of kids.

YOUNGSTERS CHOOSE

"I don't think any of us care about marching the children two by two," says Miss Rebecca Tufts, a teacher. "They choose what they want to do." The 5-to-1 student-teacher ratio allows for plenty of individual decisions and attention. About the only group activities are rest period and meals, though music time usually attracts all the children.

The center was organized last May by Mrs. Miriam Kertzman. A onetime schoolteacher who has worked with Head Start, she designed the center for the Green Shoe factory to "make children feel good about other people and about school."

Under her direction, the center follows an unwritten rule—that learning must be fun. When the children studied farms, they all took a trip to the supermarket where each child bought a vegetable or a fruit. Back at "school," they examined their purchases, compared structures, and finally ate them. When all research was complete, they were ready for a field trip to a real farm.

SOME BRING PROBLEMS

Trickier than making school fun is teaching children to "feel good" about other people. Children sometimes come to the center with tough problems. For some, a few months at the center has made "the difference between night and day," comments Miss Tufts. These kids now talk, smile, and participate with others.

Cathy came to the center speaking only Spanish. A pleased mother, stopping by the center before work, reported: "She speaks English now."

When Mrs. Kertzman picked her teaching staff, she was careful to choose a diverse group—including black and white, men as well as women.

"The children should see the world as it is," Mrs. Kertzman explains.

The two men on the teaching staff hardly fit the stereotype of nursery-school teachers. Tall and moustached, Phillip Balmas worked as a mechanic for a construction company before coming to the children's center.

"It was a big change," says Mr. Balmas, a Brandeis graduate. "One week I was working with trucks, the next week children. At first I always made a point of telling people where I used to work."

"BEST JOB I'VE HAD"

Now he's not so defensive about his new work and calls it "the best job I've had so far."

Before a cook was hired, Mr. Balmas and fellow teacher Tommie Campbell, a Jackson State College graduate, took their turns cooking lunch along with the women.

As the center develops Mrs. Kertzman plans to place the command in the hands of the parents. Already parents have written rules for the center. And to help keep families involved, parents, children, and staff have a monthly dinner together. Eventually the parents will form a personnel committee to take charge of hiring the staff.

Cost for the center is shouldered by the federal government, parents, and the shoe company. The neighborhood children are paid for by the government, while employees of the factory pay $10 to $25 a week for their children, according to how much they can afford.

A LOGICAL PROJECT

Arnold Hiatt, company president, says the children's center is a logical project for his company. His firm is in a children's business. (They make "Stride-Rite" shoes for children.) And the factory is located in an area where many parents need day care. "We put two and two together," he explains.

He explored a franchised day-care plan but concluded that a profitmaking company would "have to make some decisions against the best interest of the day-care center." So he decided to set up his own center.

Now that the center is established, he is laying the groundwork for helping "graduates" from day care. He has started talking to private schools to find scholarships for the children.

Meanwhile, he says he's hoping that his factory won't be an isolated case. "It's very easy to write out a check for some fund," he comments, but the day-care center is a "more stimulating type of community involvement."

REALIZATION OF GOAL

Mr. Speaker, the preceding information supporting child care development is just a small example of the overwhelming support which this legislation has received.

I hope the conference report on which the House will vote next week will receive the same sharing bipartisan support which it won today in the other body.

Another letter to the editor appeared in the Elkhart, Ind., Truth, from Mrs. Judith Schrock:

[From the Elkhart (Ind.) Truth, Apr. 15, 1970]

BACKS U.S.-FINANCED DAY CARE CENTERS

EDITOR, THE TRUTH:

For certain all of us are greatly concerned about how our tax dollars are spent.

Federally-supported Day Care Centers are a means for getting the most for your money. It is a program that would hopefully result in our nation having better citizens who are self-supporting and making a healthy contribution to our society.

In our nation there are at least six million poor children under six who need nutritional and health care plus preschool education if they are to keep up later on in schools and jobs. Between two and three million children are suffering from severe malnutrition. A total of 50,000 children under age seven die yearly because of neglect of their safety, diet, and medical needs. An estimated three-quarters of the nation's mentally retarded children have been handicapped by cultural, not genetic, factors.

With the continually rising consumer demands and cost-of-living, more mothers will enter the labor force. Under the Work Incentive Program (WIN) welfare mothers are encouraged to take jobs. Care must be provided for the young children of these working mothers.

We do have a say in the direction of government spending. We can choose to continue supporting convicted criminals during their prison terms and mentally disturbed patients in an institution or we can do something for them while they are still young. We can provide comprehensive services—health, nutrition, rest, relationship with others, and new educating experiences.

Day Care Centers can do this if they are well-funded and have community support. Decide how you want your tax dollars spent. Encourage Congressman John Brademas as he introduces a bill to provide a variety of programs for children under the age of five.

Mrs. JUDITH SCHROCK.

ARTICLES SUPPORTING CHILD CARE

Mr. Speaker, for the past few years a growing number of articles have been written indicating the need for a child development program. Yesterday I inserted into the RECORD several editorials and articles supporting child development programs. I would like again today to cite more articles on this subject.

For example, I am now inserting two letters to the editor which appeared in the Washington Post on December 1, 1971:

[From the Washington Post, Dec. 1, 1971]

Congress has passed a comprehensive child care bill providing day care plus health and nutrition services free for children of parents with up to $6900 income, and a sliding scale of fees for richer persons. President Nixon opposes the bill on the ground of cost, and in fact Congress whittled down the bill somewhat to avoid a threatened veto, although the bill was supported by many Republicans.

This shows the lack of decent priorities on the part of the President. He insisted on Congress passing a bill to provide a vast sum to help Lockheed Aircraft and the bankers who had lent that badly managed company money. But he balks at money for day care centers to help mostly very poor women to take a job, some of them helping to run the day care center. If they were not poor they would pay part of the cost and could add their labor to the productive capacity of the country while their children were being well cared for during the day.

Actually an investment in the health and nutrition of children is the best investment our country could make. It is a disgrace that the President should oppose it.

ALFRED BAKER LEWIS.

RIVERSIDE, CONN.

[From the Washington Post, Dec. 1, 1971]

RELIEF FOR WORKING MOTHERS

Many working mothers will be hoping for a favorable vote on Senator Tunney's child care bill.

Unlike the minorities we, middle class citizens, have no platform or organization to lobby for us—it is unfortunate that no one speaks for those citizens with values accentuated by the words: decent, honest, and hard working . . .

It is regrettable to read that a certain congressman would discredit this bill by saying that working mothers use their paychecks "to purchase new cars and clothes"! Perhaps the congressman would be wiser to worry more about where the appropriations for the C–5A are being spent, how to rid this nation of its tremendous drug and crime problems, etc., instead of worrying about where a housewife is going to spend her paycheck.

If enacted, this bill would be of great monetary assistance to many housewives who *must* work in order to make ends meet. Too many women must use nearly half of their take home pay to secure child care; therefore, many prefer to stay home and collect welfare which ironically gives the mothers more money than they would get in weekly wages after paying for child care.

Businessmen are allowed numerous deductions and even have a miscellaneous portion to deduct each year; is the working mother to be denied this one legitimate deduction?

Also to be considered are the many women who do care for children in their homes and pay no taxes on the income that they are earning; this bill would eliminate this practice.

Inevitably, the middle class must always bear the brunt of new increases in taxes, seldom being a recipient of the corresponding bill's benefits. In all fairness to middle class men and women—the child care bill may not be the answer to middle class money woes but it's a small relief and a beginning.

Mrs. D. Woodman.

Alexandria.

Mr. Speaker, I am now inserting two letters from the U.S. Catholic Conference:

December 1, 1971.

Dear Congressman: I am enclosing a copy of a letter addressed to Rep. Carl D. Perkins, Chairman of the House Committee on Education and Labor, from Msgr. James T. McHugh, Director of the Family Life Division of the United States Catholic Conference, in support of the Conference Report on S. 2007, the Economic Opportunity Amendments of 1971.

In addition to support for continuing the OEO program, the U.S. Catholic Conference is particularly concerned that Title V, the Child Development Programs, be enacted. Msgr. McHugh has carefully examined the provisions of Title V and is satisfied that S. 2007 makes adequate provision to safeguard the rights of children and parents.

I would hope that you could give your support to the Conference Report on S. 2007.

Sincerely,

James L. Robinson,
Director, Office of Government Liaison, United States Catholic Conference.

November 30, 1971.

Hon. Carl D. Perkins,
House of Representatives,
Washington, D.C.

Dear Mr. Perkins: I write to you in support of the Conference Report on S. 2007, a bill continuing the Economic Opportunity Act of 1964 and establishing Child Development programs to service the needs of children, particularly those with special problems and those from low-income families.

The final version of the Child Development bill, as contained in the report of the Conference, emphasizes the special needs of children in poor families, and establishes a preschool child care program that will support their emotional and educational development. It also provides funds for special programs and services for handicapped children. Achievement of these aims will support the quality of family life, and will provide valuable assistance to poor families and minority group families. The special recognition and assistance for handicapped children will help these children achieve a greater measure of opportunity as they grow and mature.

It is our hope that this legislation will be readily endorsed by the Congress so as to provide the best opportunities to all American children.

I would appreciate your making our views known to the members of the Congress in their consideration of the Conference Report.

Sincerely,

(Rev. Msgr.) James T. McHugh,
Director, Family Life Division, United States Catholic Conference.

Mr. Speaker, here is a telegram from the executive director of the Child Welfare League of America, Inc., Joseph H. Reid:

November 24, 1971.

Hon. Richard Nixon,
The White House,
Washington, D.C.

The Child Welfare League of America requests your support for the Conference Report on the Economic Opportunity Amendments of 1971, particularly with respect to the Comprehensive Child Development title. Your support of this legislation providing comprehensive child care meeting sound federal standards for children from a wide range of socioeconomic groups would honor your 1969 pledge and commitment to provide opportunity for healthy and stimulating development during the first five years of life to all American children.

Joseph H. Reid,
Executive Director, Child Welfare League of America, Inc.

Mr. Speaker, I would also like to include a telegram received on December 2, 1971, from Eileen M. Jacobi, executive director, American Nurses Association:

December 2, 1971.

Hon. John Brademas,

Strongly urge your support of child care bill as in conference report S. 2007.

Eileen M. Jacobi,
Executive Director, American Nurses Association.

Mr. Speaker, I would now like to insert correspondence from M. Carl Holman, president, the National Urban Coalition:

December 1, 1971.

Dear Congressman Brademas: The National Urban Coalition has continually and strongly supported the comprehensive anti-poverty legislation on which Congress will vote this week. We feel that S–2007 is an excellent measure designed to help eliminate the vast problems of poverty in our country. The child development portion of this bill, one of the most significant pieces of legislation in some time, will enable communities to create urgently needed day care facilities for the poor and working poor.

As you know, a large and influential coalition of labor organizations, women's groups, church organizations, civil rights and minority groups, professional associations, mothers and middle class organizations are supporting passage of this vital bill.

We trust you and the large majority of your colleagues will support this effort to better this country. The failure to pass S–2007 would be a backward step in our progress toward equal opportunity and a more just society.

Sincerely,

M. Carl Holman,
President, The National Urban Coalition.

November 2, 1971.

Hon. Richard M. Nixon,
Hon. Elliot Richardson:

The National Urban Coalition urges you to support the compromise child development bill that will be reported out of the Conference Committee. There is a critical need for comprehensive child development programs for the poor, near poor, and middle class, involving strong local parental participation. This country must act in its self interest to pass this significant measure.

M. Carl Holman,
President, The National Urban Coalition.

Mr. Speaker, I am pleased to share with you two letters from Mrs. Therese W. Lansburgh, vice chairman, Developmental Child Care Forum, 1970 White House Conference on Children:

November 30, 1971.

Dear Senator Mathias: Knowing of your long time commitment to and interest in day care, I have not written to you during this long period of discussion of the Child Development Bill. However, I do feel that it is important that this bill pass now, and I am writing to urge you to vote for S2007.

The Developmental Child Care Forum of the 1970 White House Conference on Children, of which I was Vice-Chairman, arrived at a consensus in delineating those factors which we considered urgent for inclusion in a day care bill. I quote from the final recommendations of the Conference: 1) "We recommend that a diverse national network of comprehensive developmental child care services be established to accommodate approximately 5.6 million children by 1980 through consolidated Federal efforts via legislation and funding, as well as through coordinated planning and operation involving state, local and private efforts. The network's ultimate goal is to make high quality care available to all families who seek it and all children who need it.

By 1980 it should be prepared to accommodate approximately 5.6 million of the estimated 57 million children potentially requiring developmental day care services, at a yearly cost of approximately $10 billion. Immediate efforts should be made to accommodate at least 500,000 children in each age group (infants, preschool, and school-age). These efforts will require $2 to $2.5 billion of Federal money per year, assuming that this amount can be matched from non-federal sources, local, state, and private. Such a network must be comprehensive in services, including at least educational, psychological, health, nutritional, and social services; and the services must support family life by ensuring parent participation and involvement as well as including a cooperative parent education program.

The network must offer a variety of services including, where appropriate, group day care, family care, and home care, as well as evening and emergency care. Services must cover all age groups from infants through elementary school age. While working toward the above goal, first priority for spaces should go to children and families in greatest need, whether the need be economic, physical, emotional, or social. One hundred percent funding should be made available for those who cannot afford quality child care; a sliding scale should also be available to those above the poverty level who are unable to bear full cost of the same developmental opportunities as those given children who must be fully subsidized by public funding.

(2) We recommend that the quality of child care services in America be ensured through innovative and comprehensive training of child care personnel in adequate numbers; parent and community control of services; and supportive monitoring of services and programs with enforcement of appropriate standards. The Federal government should fund and coordinate a combined effort by all levels of government, educational institutions, the private sector, and existing child care organizations to train at least 50,000 additional child care workers annually over the next decade.

Education should be provided for training staff, professionals, preprofessionals, and volunteer staff who work directly with children; administrative and ancillary staff of child care programs; and parents. To ensure that the system is responsive to demands for quality care: Parents of enrolled children must control the program at least by having the power to hire and fire the director and by being consulted on other positions. Parent and local communities must also control local distribution of funds and community planning and coordination. To ensure the continuing quality of child care: Standards for service facilities and program elements must apply to all child care services, regardless of funding or auspices.

I think that S. 2007 squarely faces the issues raised in this document and develops strategy to meet and answer these concerns. I hope that it will be possible for S. 2007 to become law. Delay in the passage of major legislation in this area will seriously penalize many hundreds of thousands of children who are in inadequate and seriously damaging care. Passage of the bill now could be the beginning of a landmark effort and policy for the United States in developing a preventive approach to children's needs. National policy has, until now, been based on the deficit approach; once signs of abnormal behaviour have manifested themselves and been recognized, treatment has been instituted where available. As I said in a recent speech, "We now know that many difficulties and problems are susceptible to early intervention. As the Joint Commission on Mental Health of Children stated, 'Our lack of commitment is a national tragedy. We know already that it is more fruitful to prevent damage to our young than to attempt to patch and heal the wounds. We know that much of the damage could be avoided in the first three years of life. We know that the basis for mental development and competence is largely established by the age of six.' Society has accepted the necessity to be of assistance or even to intervene to assume child-rearing responsibilities in time of crisis. Now it is found necessary to make provision for preventive and support services which will supplement the family during years when children are dependent, and to provide developmental opportunities which will assist positively in the process of socialization rather than relying on the deficit model of intervention."

We are counting on your continuing support for S. 2007.

Sincerely yours,

Therese W. Lansburgh,
Vice Chairman.

September 6, 1791.

Dear Senator Beall, I have just learned that the Child Development Bill, S 2007, is scheduled for floor action on Tuesday, September 8, and I am writing to you immediately to urge your strong support for this bill. Having served as President of the Day Care and Child Development Council for four years, as Vice Chairman of the Developmental Child Care Forum of the White House Conference on Children, and as President for three years and Honorary President since then of the Maryland Committee for Day Care of Children, I am and have been deeply concerned about and committed to amelliorating the serious neglect which is occuring to American children as the result of lack of day care services. 640,000 spaces, all across the country, when 12,000,000 children under fourteen have mothers who are working; over 4,000,000 of these children are under six, and the numbers are continuing to increase.

This serious gap in our capacity to provide proper care for our children comes at just the time when science has been learning in more and more detail of the importance of the early years in determining later development. I enclose for your perusal, a copy of a part of a paper which is not for publication by you, as it belongs to the Child Welfare League of America, which owns the rights to all material presented at its Conferences, and may be printing the paper in its Journal. However, I hope that it will be beneficial in interpreting to you the crucial importance of the passage of a bill which will provide funds for optimal child development programs.

The crucial issue is not only whether this country authorizes day care centers, but that it funds them adequately and establishes a base which will lay the foundation for a new service system which will protect and nourish the development of America's children while allowing for the diversity of the country, and the importance of supplementing rather than supplanting the family. I believe S 2007 comes the closest to having worked out the complicated process of establishing such a delivery of service system. It includes funds for training, for construction, for start up expenses as well as for ongoing program.—and in the magnitude spoken to by the Developmental Child Care Forum. The future of this country hinges on its future citizens. I urge you not only to vote for this Bill, but to actively work for the support of your fellow Senators for its passage.

Sincerely,

Mrs. Therese W. Lansburg.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

America has the most complete transportation system in the world. A traveler can go from one coast to the other and return in the same day. President Nixon remarked of transportation progress:

I see America on the move. A mighty band of explorers. Determined to search beyond the distant hill. And possessed of matchless opportunity. Skyway. Byway. Or superhighway. This is our country.

MISSOURI FARM PRODUCTION

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. HALL. Mr. Speaker, the farmers in Missouri are independent. They want to earn their way. And they have demonstrated this with enterprise and vigor in the past. Last year, Missouri farmers produced more than $275 million worth of agricultural products for the export market. They ranked fifth among the States in soybean exports, fifth in protein meal and soybean oil, fifth in meat and products, sixth in rice, 10th in cotton, and 10th in poultry.

They are proud of the contribution they are making to the favorable ratio of farm exports to imports.

Yet this year they stand to lose ground in this battle for a favorable balance of payments.

Why?

Because of dock strikes that have stifled attempts of U.S. farmers to move their agricultural production into world markets.

Farmers are asking the Congress: What can be done about this situation? And our reply must be: We will start at once to consider legislative action to safeguard the interests of farmers and the American public during prolonged labor-management disputes affecting the national transportation system.

PROTECTING FARMERS AND THE PUBLIC DURING LABOR-MANAGEMENT DISPUTES

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, Arkansas farmers are feeling the severe pinch caused by dock strikes.

Agriculture is important to Arkansas. My State ranks eighth in value of all commodities exported during fiscal year 1971. We exported soybeans valued at $108 million; rice valued at $73 million; cotton valued at $53.1 million; poultry valued at $5.7 million; and wheat and flour valued at $8.6 million.

These are substantial sales. They are an indication of the strength of agriculture in Arkansas, and the ingenuity of her farmers in seeking dollar markets through export channels.

This year such enterprise is denied them. Dock strikes have either closed off the opportunity for sales contracts, have scared away foreign buyers who do not believe the U.S. sellers can deliver, or has deteriorated our economy to the point that corn prices have been forced downward as much as 10 cents a bushel and soybean prices have been forced down as much as 25 cents a bushel.

The solution to the dilemma in which we find ourselves is not recrimination against any other segment of the economy. Instead, we must find a remedy for the economic ailment. An equitable and fair remedy would be the immediate consideration of legislation such as H.R. 3596 to provide a mechanism to deal effectively with labor-management disputes in the national transportation system while protecting the interests of farmers and the public.

FARMERS HOME ADMINISTRATION SUPPORT FOR RURAL AMERICA

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, in rural areas such as our Third District of northwest Arkansas, we have learned not to hope for much concentrated attention from agencies that are oriented toward city problems. But we are getting fine assistance in rural communities because of the excellent service developed through a rural agency, the Farmers Home Administration.

The Third District accounts for $89½ million of $278 million in farm, housing and community facility credit now outstanding in Arkansas through the rural FHA. We believe it is in order that we commend the administration, the Farmers Home Agency and its able adminis-

tmator, former Congressman James V. Smith of Oklahoma, on what is being accomplished to insure that the family farm and rural community can survive and prosper in this country.

Many small communities in our hill and mountain areas flourished in the early 1900's, then dwindled away by the middle 1900's. They were given up for lost by those who concluded that the small country town, once on the skids, could never make a comeback.

But a growing number of towns in our district have refuted those predictions and are newly alive and thriving once again. Primarily, they have been reborn not through any formalized government plan of salvation, but rather through the enterprise and determination of their local people. However, some Federal as well as State programs have made substantial contributions, and as their stories are reviewed, the Federal agency whose name recurs most often is the Farmers Home Administration.

An example is found in the history of Bellefonte, a small community in Boone County, Ark., a few miles from my home town of Harrison.

Bellefonte is now in its 100th year. It was incorporated on July 1, 1872, and was one of the first towns to develop in this section of northern Arkansas. But in its early years it lost out to Harrison for designation as the county seat, and by the 1950's Bellefonte had declined to the point that it lost its status as an incorporated town.

However, the nucleus of a town remained—families determined to keep alive the community of Bellefonte.

In the mid-1960's, the people remaining there resolved to restore their name to the map of Arkansas. They reincorporated the town of Bellefonte.

A vital part of their plan to rebuild the community called for installation of a modern water system. They found the financing for this project at their county office of the Farmers Home Administration. Much fine assistance was provided by FHA county supervisor Bob Hankins, who today carries on his good work on a statewide scale as State director of the Farmers Home Administration in Arkansas.

Bellefonte's new water system was financed with a loan through the rural community facilities program administered by Farmers Home. This project gave Bellefonte one of the necessary elements for home renewal and the attraction of new business.

The next community project was aimed at meeting a need for decent low-cost rental housing. Bellefonte's school building, built as a WPA project in 1936, had ceased to function as a school in 1965. Again with a Farmers Home Administration rental housing loan, this building was converted into an apartment building where two-bedroom and three-bedroom apartments were available to elderly people and other families not yet in position to buy their own homes.

Bellefonte now has attracted a new tractor and farm equipment firm as an important addition to its business. Farmers Home Administration rural housing credit to individual families has accounted for 27 new family-owned homes. With tax base broadened and business stimulated by these building activities, natural gas has been brought into the town, streets are paved, and a movement has started to organize a fire department. Population has increased from 300 to 450 over the past 2 years. School enrollment is up by 7-percent over last year. Plans are being made by one of the four church congregations to erect a new building.

Thus, with financial resources opened up by the Farmers Home Administration in project that provide a springboard for community effort, Bellefonte approaches its 100th anniversary next summer, not as a town fading away, but as a growing and prosperous community with a bright future.

This spirit of renewal is found today in many progressive towns such as Bellefonte, and services of the Farmers Home Administration are making a comparable contribution to almost every such community.

The rural community facilities program has brought modern water systems to some 55 localities of our district the past 10 years, with 34 of these systems realized during the past 2 years. Systems range in coverage from single small communities such as Bellefonte to large town-and-country sections of counties—as in the case of Washington County's $2.7 million White River Association system now under construction, to serve some 2,000 families in the eastern part of that county, and Benton County's District One system, which will bring modern water service to 3,000 families in the west-central portion of that county.

Rural housing credit through the Farmers Home Administration has more than tripled in Arkansas since 1969. Statewide volume reached $60 million in the fiscal year 1971, providing more than 5,880 new and improved homes for families of low and moderate income. Our district accounted for 1,600 of these homes and a $17 million share of the year's rural housing credit.

As a stronghold of the family-size farm, the Third District also leads the State in farm credit service from FHA. More than 2,500 families in our 25 counties own farms financed through the agency's Farm Ownership program, and 1,800 lacking other sources of production credit financed operations the past year by way of FHA. Farmers Home added $8 million in our district and more than $23 million in the State to farm ownership and production credit available to Arkansas' family-farm agriculture.

Thus a credit agency of the U.S. Department of Agriculture is performing unique and invaluable service, both in support of the family farm and the rural community working to renew its prosperity and improve conditions of living for its people.

One of President Nixon's most effective actions in support of rural America has been to place more resources behind the insured credit programs of the Farmers Home Administration.

We are confident that he means to preserve in the federal system a strong and effective agency dedicated to the special problems and requirements of rural areas.

And we congratulate Administrator James V. Smith, State Director Robert Hankins, and the people in FHA county offices throughout our part of Arkansas who conduct one of the public services most valued and respected by people of our district.

PROPOSED BIG THICKET NATIONAL PARK IN EAST TEXAS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I and 11 of my colleagues in the Texas delegation are today introducing a bill to establish a Big Thicket National Park in East Texas.

The area to be affected by this legislation is a living museum of plant and animal life of North America. This unique bit of nature encompasses the trees and shrubs, the various forms of animal life, and in several cases, the last known existing specimens of biological phenomena.

The bill I am introducing today differs from one previously introduced by me in that it authorizes the Secretary of the Interior to establish a park with land and interest in land of 100,000 acres. My earlier bill stated "not to exceed" 100,000 acres. That phrase has now been eliminated.

It is imperative that we move now to maintain this area which I have in the past referred to as "nature's crossroads in North America."

This bill is a realistic and sound approach to achieving this end. It does not meet the expectations of every advocate of such a park but it is a reasonable measure which recognizes the realities of the situation.

Am hopeful that this measure can be considered favorably by my colleagues in that, as I have stated before, "we stand on the verge of losing something of infinite beauty and value—something man will never be able to replace."

PUBLIC BROADCASTING SALARIES REVEALED

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, some weeks after I first voiced the request, the Corporation for Public Broadcasting has provided me with a breakdown of its pay scales.

As one who has consistently supported public broadcasting, I regret that my friends over there took so long to produce this information. My purpose in ferreting it out was not to embarrass anyone, but in line with a conviction that use of public funds mandates full public disclosure.

Whether public television's talent and administrative officers are overpaid constitutes a value judgment. Under the law, however, public broadcasting is not permitted to solicit advertising; nor is it

caught up in the commercial scramble for audience ratings. I should have hoped that this new medium would build up its own air personalities, rather than seek to compete for talent on the commercial market.

Omitted, unfortunately, from the roster of agencies initially provided me this afternoon by John Macy, CPB president, is the National Public Affairs Center for Television, which receives about 55 percent of its funding from the Corporation for Public Broadcasting.

It has become public knowledge, however, that the two on-air "stars" of NPACT, Sander Vanocur and Robert MacNeil, are paid, respectively, $85,000 and $65,000 a year. I mention this here only so that the RECORD will be reasonably complete.

Mr. Macy himself makes $65,000, a figure that may not be out of line with earnings among the chief executives of other quasi-public corporations, such as Amtrak and Comsat.

For the sake of clarity, I have included the names of all executives of the Corporation for Public Broadcasting, National Public Radio and the Public Broadcasting Service who are paid more than $36,000. There are a total of nine such executives, including NPACT President Jim Karayn.

Along with Mr. Macy's letter to me, and the three payroll lists, I am inserting a schedule of talent fees that includes the arrangements for William F. Buckley and William Moyers, and the corporation's tentative operating plan—budget—for fiscal 1972. All this, I know, will be of interest when Congress considers long-term financing for the Corporation for Public Broadcasting. The material follows:

CORPORATION FOR PUBLIC BROADCASTING,
New York, N.Y., December 2, 1971.

HON. LIONEL VAN DEERLIN,
House of Representatives,
Washington, D.C.

DEAR VAN: In response to your request in our recent telephone conversation, I am attaching for your use information relating to the salaries, talent or contract fees paid to top executives and performers in public broadcasting.

I believe that this material demonstrates that public broadcasting is endeavoring to provide the American public with diversity and excellence at a modest cost. A total of 800 hours of new program production is to be distributed this fiscal year at an average cost per hour of $45,745. Of this figure the average cost to the Corporation for Public Broadcasting is $17,993. As familiar as you are with broadcasting, I am sure you will agree that this total cost per hour of public broadcasting national programming is less than ¼ the average cost per hour of commercial broadcasting.

I am also enclosing a salary breakdown for the executive employees of the Corporation, the Public Broadcasting Service, and National Public Radio. We have used the federal grade and salary standards in this instance to indicate that the Corporation and the organizations closely related to it are paying salaries generally comparable to those in the federal service. This is for illustration only because these agencies are not federal and are engaged in the broadcasting business.

I hope very much that this material will help to clarify confused reports concerning salaries and fees paid by public broadcasting. Once again, if I can be of any further assistance, please do not hesitate to let me know.

With best wishes.

Sincerely yours,

JOHN W. MACY, JR.,
President.

COMPENSATION BREAKDOWN, EMPLOYEES, CORPORATION FOR PUBLIC BROADCASTING

(Use of Federal Government salary scales for comparison reasons only.)

Breakdown and employees

$65,000 (John W. Macy, President)	1
$45,000 (Ralph Nicholson, Vice President)	1
$40,000 (John Witherspoon, TV Director)	1
$38,000 (John Golden, R. & D. Director)	1
$38,000 (Dick Favill, Director of Development and Secretary to the Board)	1
GS–18 ($36,000)	0
GS–17 ($32,546–$36,000)	2
GS–16 ($28,129–$35,633)	3
GS–15 ($24,251–$31,523)	8
GS–14 ($20,815–$27,061)	4
GS–13 ($17,761–$23,089)	3
GS–12 ($15,040–$19,549)	5
GS–11 ($12,615–$16,404)	3
Below GS–11	42
Total	75

COMPENSATION BREAKDOWN, EMPLOYEES, NATIONAL PUBLIC RADIO

(Use of Federal Government salary scales for comparison reasons only.)

Breakdown and employees

$45,000 (Donald Quayle, president)	1
GS–18 ($36,000)	0
GS–17 ($32,546 to $36,000)	1
GS–16 ($28,129 to $35,633)	1
GS–15 ($24,251 to $31,523)	4
GS–14 ($20,815 to $27,061)	7
GS–13 ($17,761 to $23,089)	6
GS–12 ($15,040 to $19,549)	10
GS–11 ($12,615 to $16,404)	5
GS–10 and under	52
Total	87

COMPENSATION BREAKDOWN, EMPLOYEES, PUBLIC BROADCASTING SERVICE

(Use of Federal Government salary scales for comparison reasons only.)

Breakdown and employees

$50,000 (Hartford N. Gunn, president)	1
$40,000 (Gerald L. Slater, general manager)	1
GS–18 ($36,000)	1
GS–17 ($32,546 to $36,000)	0
GS–16 ($28,129 to $35,633)	7
GS–15 ($24,251 to $31,523)	4
GS–14 ($20,815 to $27,061)	3
GS–13 ($17,761 to $23,089)	5
GS–12 ($15,040 to $19,549)	3
GS–11 ($12,615 to $16,404)	4
All other	61
Total	90

COMPENSATION BREAKDOWN, EMPLOYEES, NATIONAL PUBLIC AFFAIRS CENTER FOR TELEVISION

(Use of Federal Government salary scales for comparison reasons only)

Breakdown and employees

$40,000 (Jim Karayn, president)	1
GS–18 ($36,000)	0
GS–17 ($32,546 to $36,000)	0
GS–16 ($28,129 to $35,633)	7
GS–15 ($24,251 to $31,523)	7
GS–14 ($20,815 to $27,061)	0
GS–13 ($17,761 to $23,089)	3
GS–12 ($15,040 to $19,549)	0
GS–11 ($12,615 to $16,404)	6
GS–10 and under	27
Total	51

TALENT AND CONTRACT FEES, FISCAL 1972, NATIONAL PUBLIC AFFAIRS CENTER FOR TELEVISION

Sander Vanocur, correspondent... *$85,000
Robert MacNeil, correspondent... *65,000

* Contract includes regular series of weekly shows, plus public affairs special assignments.

Elizabeth Drew, "Thirty Minutes With. . ." $950 per program. (Exact number of new programs not determined at this time.)

TALENT FEES AND CONTRACT PAYMENTS REGULARLY-SCHEDULED PUBLIC TV PROGRAMS

Julia Child (WGBH-Boston) $500 per program.

Arthur Fiedler (WGBH-Boston) Approximately $1,500 per program—fee is related to Boston Symphony Orchestra contract.

Marshall Effron (NET-Great American Dream Machine) $23,400 for the series. (20 programs).

William Moyers (NET-This Week) $75,000 for the series (35 programs).

The Advocates (WGBH-Boston, KCET-Los Angeles) $1000 each show. Regulars—William Rusher, Howard Miller.

David Littlejohn (KQED-San Francisco, Critic-at-Large) $250 per show.

World Press panel members (KQED-San Francisco) $140 per show for each.

Washington Week in Review panel (WETA-Washington) $125 per show.

Robert Cromie (Book Beat, WTTW-Chicago) $500 per show.

Alistair Cooke (WGBH-Boston, Masterpiece Theatre) $833 per show (includes writing fees as well as hosting appearance).

Jean Shepherd (WGBH-Boston, Shepherd's America) $750 per show (including talent, writing and some production).

William F. Buckley (SECA-Firing Line) Fee to National Review Corp. ($11,500 per show, including all production costs and salaries of producers, directors, staff, guest fees and Mr. Buckley's fees.)

Lewis Freedman (KCET-Los Angeles) Producer of Hollywood Television Theatre series, $45,000 per year. (Hollywood Television Theatre pays minimum union scale to all stars, directors, etc.) *

Fred Rogers (WQED-Pittsburgh, Misteroger's Neighborhood) $40,000 for 65 shows. Mr. Rogers is the talent, producer, puppeteer and head writer.

CORPORATION FOR PUBLIC BROADCASTING—1972 OPERATING PLAN

	Amount (thousands)	Percent
I. Programs for public television	$15,245	40.5
II. Programs for public radio	2,339	6.2
III. Technical:		
Planning and research	300	0.8
TV program distribution	8,181	21.8
Radio program distribution	968	2.6
Total	9,449	25.2
IV. Development and support:		
Improving quality	500	1.3
Supporting stations	6,554	17.4
Increasing awareness	1,340	3.6
Total	8,394	22.3
V. Administrative support	2,176	5.8
Total program	37,603	100.0

STRATTON LEGISLATION TO ESTABLISH A NATIONAL POLICE ACADEMY, SIMILAR TO OUR NATIONAL SERVICE ACADEMIES

(Mr. STRATTON asked and was given permission to extend his remarks at this

* PTV minimum is less than commercial minimum scale.

point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I have today introduced legislation to establish a national police academy, similar in nature to our present service academies at West Point, Annapolis, and Colorado Springs, for the purpose of training career professional police officers for service at all levels of government.

Under my bill the Attorney General would be responsible for setting up such an institution, which would not in any way, by the way, be directed toward establishing a national police force, but only toward providing the best trained career individuals to serve in their local communities, in their local State police organizations, or in similar capacities elsewhere as police and law enforcement officers in established police organizations.

Appointment to the academy would be by competition on a nationwide basis, and without discrimination either with regard to race or sex. Each State would be allotted the same number of vacancies at the academy as would correspond to its congressional delegation, with each yearly class thus totaling 435 students. In this way the officers trained at the academy would represent every segment of the Nation. Once accepted, cadets would receive allowances while attending the academy, would be given uniforms and textbooks, and would be taught by a faculty selected by the Attorney General on the advice of a board of visitors and an advisory committee. Upon graduation, cadets would receive bachelor of science degrees.

The beneficial effects of such training are almost limitless. The police academy would prepare its cadets to face dangerous criminal situations, thus enabling them to better protect themselves and the community.

The issue of individual rights versus the public's right to protection from criminals has become a very serious one.

Cadets would be trained in such things as constitutional law and evidence, so that when confronting a suspect, for instance, they would be proficient enough obtaining evidence or making an arrest so as to do it without violating a suspect's constitutional rights. The ultimate effect would be that fewer convictions would be overturned because evidence used in the conviction had been obtained illegally by the police; and at the same time innocent citizens would be better protected against violations of their own constitutional rights.

Mr. Speaker, I introduce this legislation at a particularly significant time as far as my own district in upstate New York is concerned, because within just the past week two young police officers in the Albany Police Department were brutally gunned down in the line of duty within a few days of one another. In introducing this bill I regard it as a special act of tribute on my part to their memory and to the cause in which they gave their lives.

The tragic death of these two young men, Sgt. Michael McNeil and Patrolman Edward Stevens, is eloquent proof of the heavy and dangerous responsibilities that we place today on all our police officers, whether in our larger cities or in our smaller ones. And those who assume these duties all too often get far too little recognition or appreciation for what they do.

The establishment of an academy such as this would be, I think, one positive step we could take toward paying to all police officers and to the very vital but difficult and dangerous profession which they follow, more of the attention and the recognition they deserve.

Creating an academy of this kind would not of course bring these two brave men back to us in Albany. But it will at least help us to focus more of our attention on the need for continuing to attract to the police profession the best possible men, and to give them the topnotch training and career opportunities they would require to do their job effectively, and thereby to preserve the domestic stability and orderliness in local communities across the land, without which the reasonable, free, democratic system of society cannot possibly hope to survive.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MIZELL (at the request of Mr. GERALD R. FORD), after 7 p.m., on account of official business.

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD), after 4 p.m., today, on account of official business.

Mr. HORTON (at the request of Mr. GERALD R. FORD), after 7 p.m., today.

Mr. DAVIS of South Carolina (at the request of Mr. BOGGS), for today, on account of official business.

Mr. HAGAN (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLS of Maryland) to revise and extend their remarks and include extraneous matter:)

Mr. KEITH, for 5 minutes, today.

Mr. MATHIAS of California, for 5 minutes, today.

Mr. MCCOLLISTER, for 5 minutes, today.

Mr. MCKINNEY, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. HORTON, for 30 minutes, on December 5.

Mr. CRANE, for 10 minutes, today.

Mr. DON H. CLAUSEN, for 15 minutes, today.

Mr. MCCULLOCH, for 5 minutes, today.

Mr. MORSE, for 10 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. WINN, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) and to revise and extend their remarks and include extraneous matter:)

Mr. ASPIN, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. RUNNELS, for 10 minutes, today.

Mr. MCKAY, for 15 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. WHITE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT to extend his remarks and include extraneous matter immediately following approval of the Journal, today.

Mr. COUGHLIN immediately following the remarks of Mr. ANDERSON of Illinois under the limitation of debate on the Giaimo amendment, in the Committee of the Whole today.

Mr. HECHLER of West Virginia during the consideration of H.R. 11955 and to include two letters.

Mr. MIKVA during the course of debate on the bill H.R. 11932.

Mr. MAHON during consideration of the bill H.R. 11955 and to include certain extraneous excerpts.

Mr. MADDEN, and to include extraneous material.

(The following Members (at the request of MILLS of Maryland and to include extraneous matter:)

Mr. PELLY in two instances.
Mr. DUNCAN in two instances.
Mr. HARVEY.
Mr. HOSMER in two instances.
Mr. SCHERLE.
Mr. WYMAN in two instances.
Mr. MCDADE.
Mr. O'KONSKI.
Mr. MCCOLLISTER in seven instances.
Mr. MCDONALD of Michigan.
Mr. CONTE.
Mr. SCHWENGEL.
Mr. RAILSBACK in two instances.
Mr. CONABLE.
Mrs. HECKLER of Massachusetts.
Mr. HUNT in two instances.
Mr. HALPERN.
Mr. ANDERSON of Illinois.
Mr. HORTON.
Mr. FREY.
Mr. SHRIVER.
Mr. BELL.
Mr. HILLIS.
Mr. NELSEN.
Mr. BAKER.
Mr. SKUBITZ.
Mr. BROWN of Ohio.
Mr. RIEGLE.
Mr. BOB WILSON.
Mr. MCKINNEY.

(The following Members (at the request of Mr. MCKAY), and to include extraneous matter:)

Mr. FLOOD in five instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.
Mr. ADDABBO in two instances.
Mr. ASPIN in three instances.
Mr. HULL in two instances.
Mr. GIBBONS.
Mr. ROSTENKOWSKI in two instances.
Mr. VANIK in two instances.
Mr. WILLIAM D. FORD.
Mr. FRASER in seven instances.
Mr. ALEXANDER in five instances.
Mr. BINGHAM in three instances.
Mr. ANNUNZIO in two instances.
Mr. MCMILLAN.
Mr. MURPHY of New York.
Mr. REUSS in three instances.
Mr. BRADEMAS in six instances.
Mr. BEGICH in five instances.
Mr. O'HARA in two instances.
Mr. MITCHELL in two instances.
Mr. EDWARDS of California in three instances.
Mr. WALDIE in six instances.
Mr. PICKLE in three instances.
Mr. HANNA in five instances.
Mr. CLAY in six instances.
Mr. HAMILTON.
Mr. BERGLAND in three instances.
Mr. NICHOLS in two instances.
Mr. ANDERSON of California.
Mrs. SULLIVAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

S. 1367. An act to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

S. 2204. An act to provide for improvements in the administration of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6283. An act to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

ADJOURNMENT

Mr. MCKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, December 6, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1330. A communication from the President of the United States, proposing an amendment to the request for appropriations transmitted in the budget for fiscal year 1972 for the District of Columbia (H. Doc. No. 92-179); to the Committee on Appropriations and ordered to be printed.

1331. A letter from the Secretary of Defense, transmitting a report of plans and programs initiated to identify, treat, and rehabilitate drugs and alcohol dependent members of the armed services, together with recommendations for additional legislation necessary to combat drug and alcohol dependency in the armed services, pursuant to section 501(b) of Public Law 92-129; to the Committee on Armd Services.

1332. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1333. A letter from the Comptroller General of the United States, transmitting a report on benefits that could be realized through reuse of designs for public housing projects under the Department of Housing and Urban Development; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 11570. A bill to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year (Rept. No. 92-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor H.R. 11809. A bill to provide that for purposes of Public Law 874, 81st Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the U.S. Postal Service shall continue to be treated as Federal property for 2 years (Rept. No. 92-703). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 8290. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains; with amendments (Rept. No. 92-704). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on Senate Concurrent Resolution 6 (Rept. No. 92-705). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 11997. A bill to amend the Economic Stabilization Act of 1970 to exempt from its provisions fringe benefits offered in connection with a contract of employment; to the Committee on Banking and Currency.

By Mr. ANDERSON of California:

H.R. 11998. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 11999. A bill to amend section 131 of title 23 of the United States Code, relating to the control of outdoor advertising along the Interstate and the Federal-aid primary systems, in order to permit certain signs for environmental and antipollution purposes; to the Committee on Public Works.

By Mr. BROYHILL of North Carolina (for himself, Mr. SATTERFIELD, Mr. SAYLOR, Mr. SHOUP, Mr. STEIGER of Arizona, Mr. STEPHENS, Mr. STUBBLEFIELD, Mr. STUCKEY, Mr. TAYLOR, Mr. WAGGONNER, Mr. WAMPLER, Mr. WILLIAMS, Mr. WRIGHT, and Mr. WYATT):

H.R. 12000. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of North Carolina (for himself, Mr. BETTS, Mr. BEVILL, Mr. BRAY, Mr. BROWN of Michigan, Mr. CARTER, Mr. DAVIS of Wisconsin, Mr. DICKINSON, Mr. DORN, Mr. DUNCAN, Mr. EDWARDS of Alabama, Mr. FLOWERS, Mr. HAMMERSCHMIDT, Mr. HARVEY, Mr. HASTINGS, Mr. HENDERSON, Mr. JONES of North Carolina, Mr. KUYKENDALL, Mr. LUJAN, Mr. MIZELL, Mr. NELSEN, Mr. NICHOLS, Mr. PREYER of North Carolina, Mr. RANDALL, and Mr. ROBINSON of Virginia):

H.R. 12001. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts:

H.R. 12002. A bill to amend the Internal Revenue Code of 1954 to provide that certain bond interest received by individuals 65 or over shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 12003. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 12004. A bill to amend the Sherman and Clayton Antitrust Acts, to create an Office of Industrial Organization to control concentration of economic power, and for other purposes; to the Committee on the Judiciary.

By Mr. CLEVELAND (for himself and Mr. WYMAN):

H.R. 12005. A bill to protect marine mammals; to establish a Marine Mammal Com-

mission; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DANIELS of New Jersey:

H.R. 12006. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. DELANEY:

H.R. 12007. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. POFF, Mr. HUTCHINSON, Mr. MCCLORY, Mr. SMITH of New York, Mr. RAILSBACK, Mr. BIESTER, Mr. WIGGINS, Mr. DENNIS, Mr. FISH, Mr. COUGHLIN, Mr. MAYNE, and Mr. KEATING):

H.R. 12008. A bill to amend title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. BROYHILL of North Carolina, Mr. KYROS, Mr. MONTGOMERY, Mr. ROE, Mr. TERRY, and Mr. WILLIAMS):

H.R. 12009. A bill to create a partnership between the United States and the several States for the development of rural America's transportation, industrial growth, education, health, housing, environmental protection, and planning resources and capacity; to the Committee on Agriculture.

By Mr. PRYOR of Arkansas:

H.R. 12010. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. ADAMS, Mr. BADILLO, Mr. BRASCO, Mr. CAREY of New York, Mr. CLARK, Mr. COTTER, Mr. DANIELSON, Mr. DELLUMS, Mr. DULSKI, Mr. EDWARDS of California, Mr. EILBERG, Mr. FAUNTROY, Mr. FRASER, Mr. GIBBONS, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KARTH, Mr. LEGGETT, Mr. MAZZOLI, Mr. MEEDS, Mr. MIKVA, and Mr. PEPPER):

H.R. 12011. A bill to amend and expand the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SARBANES, Mr. SEIBERLING, Mr. SISK, Mr. TIERNAN, Mr. VANIK, Mr. WALDIE, Mr. WOLFF, Mr. WILLIAM D. FORD, Mr. MITCHELL, Mr. HATHAWAY, Mr. BINGHAM, Mr. COLLINS of Illinois, Mr. ROYBAL, Mr. ASPIN, Mr. OBEY, Mr. KYROS, Mr. ROE, and Mr. THOMPSON of New Jersey):

H.R. 12012. A bill to amend and extend the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. RUNNELS:

H.R. 12013. A bill to provide for payments to compensate States for the burden imposed as a result of the retention of public lands in Federal ownership within their boundaries; to the Committee on Interior and Insular Affairs.

By Mr. SKUBITZ (for himself and Mr. SEBELIUS):

H.R. 12014. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK:

H.R. 12015. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oil; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 12016. A bill to amend title 13, United States Code, to authorize the Bureau of the Census to establish a program for the canvassing of the election process, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BRADEMAS (for himself, Mr. PERKINS, Mrs. MINK, Mr. MEEDS, Mr. SCHEUER, Mr. GAYDOS, Mr. CLAY, Mrs. CHISHOLM, Mrs. GRASSO, and Mr. DENT):

H.R. 12017. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina:

H.R. 12018. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Texas:

H.R. 12019. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DU PONT (for himself, Mr. FISH, Mr. LENT, Mr. EDWARDS of California, Mr. HANNA, Mr. LONG of Maryland, Mr. OBEY, Mr. FORSYTHE, Mr. GOLDWATER, Mr. PETTIS, Mr. RUPPE, Mr. HOGAN, Mr. MORSE, Mr. VEYSEY, Mr. HECHLER of West Virginia, Mr WOLFF, Mr. BROWN of Michigan, Mr. PREYER of North Carolina, Mr. BIESTER, Mr. ANDERSON of Illinois, Mr. SEIBERLING, Mr. FRENZEL, Mr. COLLINS of Texas, Mr. RYAN, and Mr. HATHAWAY):

H.R. 12020. A bill to amend the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress; to the Committee on Merchant Marine and Fisheries.

By Mr. DU PONT (for himself, Mr. FISH, Mr. MILLER of Ohio, and Mr. ROE):

H.R. 12021. A bill to amend the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress; to the Committee on Merchant Marine and Fisheries.

By Mr. GROVER (for himself, Mr. MCDONALD of Michigan, Mr. LENT, Mr. TEAGUE of California, Mr. RARICK, Mr. BEVILL, Mr. PIKE, Mr. TERRY, Mr. CLEVELAND, Mr. SAYLOR, Mr. VEYSEY, Mr. WILLIAMS, Mr. PIRNIE, Mr. MANN, Mr. HUNT, Mr. HASTINGS, Mr. LENNON, Mr. ARCHER, Mr. DANIEL of Virginia, Mr. ROBINSON of Virginia, Mr. BURKE of Florida, Mr. MATHIAS of California, Mr. CASEY of Texas, Mr. HOSMER, and Mr. HALL):

H.R. 12022. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. GROVER (for himself, Mr. BRINKLEY, Mr. RUNNELS, and Mr. COLLIER):

H.R. 12023. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 12024. A bill to amend title 10 of the United States Code to change the age limitation on eligibility for the ROTC financial assistance program so as to take into account active service previously performed by students; to the Committee on Armed Services.

By Mr. MAYNE:

H.R. 12025. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 12026. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. ROE:

H.R. 12027. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

H.R. 12028. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the various ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 12029. A bill to provide Federal assistance to States for improving elementary and secondary teachers' salaries, for meeting the urgent needs of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

H.R. 12030. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. STEELE:

H.R. 12031. A bill to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year; to the Committee on Education and Labor.

By Mr. VANDER JAGT:

H.R. 12032. A bill to direct the Secretary of the Army to remove the steamer *Glen* from Manistee Harbor, Mich.; to the Committee on Public Works.

By Mr. ZABLOCKI:

H.R. 12033. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. BROOKS (for himself, Mr. BURLESON of Texas, Mr. CABELL, Mr. ECKHARDT, Mr. GONZALEZ, Mr. PATMAN, Mr. PICKLE, Mr. POAGE, Mr. PURCELL, Mr. ROBERTS, Mr. WHITE, Mr. WRIGHT, and Mr. YOUNG of Texas):

H.R. 12034. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL:

H.R. 12035. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost-meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. DRINAN, Mr. BEGICH, and Mr. STOKES):

H.R. 12036. A bill to amend and expand the Emergency Employment Act of 1971 to reduce unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. STRATTON:

H.R. 12037. A bill to establish a National Police Academy, and for other purposes; to the Committee on the Judiciary.

By Mr. DULSKI:

H.R. 12038. A bill to provide for Federal collection of State individual income taxes, to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.J. Res. 991. Joint resolution authorizing the President to proclaim September 8 of each year as "National Cancer Day"; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. BLATNIK, Mr. FRASER, Mr. FRENZEL, Mr. KARTH, Mr. NELSEN, Mr. QUIE, and Mr. ZWACH):

H.J. Res. 992. Joint resolution to assure continued eligibility of recipients of food stamp benefits and to maintain present levels of bonuses for these recipients; to the Committee on Agriculture.

By Mr. YOUNG of Florida (for himself and Mrs. GRASSO):

H.J. Res. 993. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.J. Res. 994. Joint resolution relating to U.S. diplomatic relations with the Republics of Ukraine and Byelorussia; to the Committee on Foreign Affairs.

By Mr. BURKE of Massachusetts:

H. Con. Res. 472. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself and Mr. CAREY of New York):

H. Con. Res. 473. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 474. Concurrent resolution expressing the sense of the Congress with respect to certain claims of nationals of the United States against the Government of the Peoples Republic of China; to the Committee on Foreign Affairs.

By Mr. DELLENBACK:

H. Res. 723. Resolution to express the sense of the House of Representatives that U.S. fishing industry representatives be included in the U.S. delegation to the 1973 United Nations Law of the Sea Conference; to the Committee on Foreign Affairs.

By Mr. DU PONT (for himself, Mr. FISH, Mr. LENT, Mr. EDWARDS of California, Mr. HANNA, Mr. LONG of Maryland, Mr. OBEY, Mr. FORSYTHE, Mr. GOLDWATER, Mr. PETTIS, Mr. RUPPE, Mr. HOGAN, Mr. MORSE, Mr. VEYSEY, Mr. HECHLER of West Virginia, Mr. WOLFF, Mr. BROWN of Michigan, Mr. PREYER of North Carolina, Mr. BIESTER, Mr. ANDERSON of Illinois, Mr. SEIBERLING, Mr. FRENZEL, Mr. COLLINS of Texas, Mr. RYAN, and Mr. HATHAWAY):

H. Res. 724. Resolution to amend the Rules of the House of Representatives to require that the report accompanying each bill or resolution contain an analysis and evaluation of the environmental impact of the bill or resolution; to the Committee on Rules.

By Mr. DU PONT (for himself, Mr. FISH, Mr. MILLER of Ohio, and Mr. ROE):

H. Res. 725. Resolution to amend the Rules of the House of Representatives to require that the report accompanying each bill or resolution contain an analysis and evaluation of the environmental impact of the bill or resolution; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HELSTOSKI:

H.R. 12039. A bill for the relief of American Edelstaal, Inc.; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 12040. A bill for the relief of the Supreme Wine Co., Inc.; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 12041. A bill to confer U.S. citizenship posthumously upon Mr. and Mrs. William Vito DeJohn, Sr.; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 12042. A bill to provide for the conveyance of certain property of the United States located in Ely County, Nev., to Mrs. Elmer Bower; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

170. The SPEAKER presented a petition of the City Council, Englewood, N.J., relative to withdrawal of U.S. troops from Southeast Asia, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

CHAUVINISM IN THE MARKETPLACE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BOLLING. Mr. Speaker, George W. Ball takes a realistic approach to our urgent trade problems in his column in Newsweek of November 29, which follows:

CHAUVINISM IN THE MARKETPLACE

(By George W. Ball)

When two major opinion groups proceed from antithetical premises to agreement on a radical reversal of national policy, the event is worth noting. When the agreed-on change is retrograde and ill-advised, the consequences could be catastrophic.

Today on college campuses a swelling number of students and professors are caught up in an ecstasy of self-abasement. America, they proclaim, has been playing a brutal and imperialist role; now we must do penance. We must stop meddling in the affairs of other nations. Existing security treaties must be torn up. We must bring back our ships and soldiers from both Europe and the Far East, leaving the nations in each region to find serenity and happiness through their own devices.

Such over-reaction has plenty of precedent. Though the professors should know better, the young have always judged life in absolute terms. But what is really surprising is to find many businessmen arriving at parallel views. Not that they believe we have been selfish and evil; on the contrary, we have, as they see it, been too idealistic and soft-headed, handing out our resources to the ungrateful and turning over our market to selfish foreigners. So now we must get tough, cut our commitments and force other nations to take over our burdens. Finally—and most important—we must insulate our markets by whatever means are necessary. We must, in other words, embrace both isolationism and protectionism—two sides of the same counterfeit coin.

RESOLUTE

Against the over-reaction of the universities, the Administration takes a resolute stand; against defeatism in industrial circles, it seems ambiguous and political. While the President opposes the precipitate withdrawal of American power, the Secretary of the Treasury gives comfort to its proponents by exploiting the theme of self-pity and the unfairness of foreigners, attributing our payments balance to the selfishness of other nations.

Effective short-run politics though this may be, it is dangerous talk since the virus of xenophobia could produce an epidemic of destructive potential. Nor does it do credit to our capacity for accurate appraisal, because our payments deficit is no simple phenomenon. It results from an overseas war, from inflation not yet under control, from changes in the structure of the world economy marked by the industrial progress of other nations, from capital invested offshore that returns income only after a time lag—these factors and more have pushed the dollar out of line with other currencies.

Our problems are thus either of our own making or the product of impersonal economic forces; they do not stem from the wickedness of others. Our trade with Europe, for example, has benefited mightily from the European Common Market, while levels of protection on the two sides of the Atlantic are at a stand-off. Against the Japanese we have legitimate complaints, since they have concentrated obtusely on the penetration of our market while keeping their own largely closed; yet that should not be blown up beyond life-size. Even with free access to the Japanese market, we would probably not improve our trading balance by more than $300 million—a relatively small factor in the total.

TASKS

The tasks we face today are straightforward and urgent. First, we must quickly agree on a realignment of currencies and end the import surcharge before the whole world fabric of trade and payments begins to unravel. Second, we must redesign the international monetary system—an operation that cannot be accomplished overnight.

Neither of these tasks can we achieve by ourselves, but only by a common effort of the major trading partners. Yet for such an effort to succeed requires an atmosphere of mutual trust, which can be restored only if we again act in character.

What do our partners expect of us?

That we will stop trying to overtrade with unrealistic demands that can lead only to a long and futile haggle. That we will avoid stirring up, at home or abroad, the mistrust of foreigners that lies so dangerously near the surface of every nation's consciousness. That, finally, we will reassert the calm, firm leadership that has served the world so well for the past three decades.

ALIEN SMUGGLERS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. McDONALD of Michigan. Mr. Speaker, we have all become familiar with the Byzantine route by which narcotics enter this country—from the

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opium fields to the processing plants to smugglers.

Just as narcotics are smuggled into the country by individuals and rings, so too are thousands of illegal aliens.

Smuggling is dirty business, and it is especially dirty when it involves human beings. The amount of criminality involved boggles the imagination.

We have thousands of these smugglers operating as individuals or in rings, and there is no figure available on the number of counterfeiting rings which supply the alien with the documents he will use once in this country to obtain employment fraudulently.

There has been tragedy, too, where these sordid dealers in human flesh have stuffed their "customers" in car trunks to get them across the border only to end the trip with corpses.

Smuggling, according to immigration officials, is a profitable business, and the smuggler, even if caught and fined, usually goes right back to work.

The problem is particularly acute on the Mexican border because of the plight of the Mexican economy, and even though most of our border guards are assigned to this area, untold thousands are slipped through each year.

Immigration officials estimate that 3,000 smugglers were caught last year while transporting 18,000 illegal aliens. The figures for this year are expected to be about the same.

Smugglers make anywhere from $50 to $300 per "customer," and because they are usually paid in advance, they are willing to risk arrest and a fine.

It seems to me that if we are to put these smugglers out of business, something must be done to make the penalty upon conviction outweigh the potential profit.

GE CHAIRMAN FRED BORCH LAYS IT ON THE LINE

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. MINSHALL. Mr. Speaker, the November 15 issue of Forbes magazine carried a reprint of an excellent, no-punches-pulled address given recently by Fred Borch to the Economic Club of Detroit. In the course of his remarks the chairman of the board of General Electric stated:

> Nations should agree there will be no import surtaxes or export subsidies . . . Until this is agreed upon, I would not want to see us remove the 10 percent surcharge.

He goes on to say that—

> International trade on the broadest possible basis, with fewest restrictions, is the real economic hope of the world.

Since I have not seen widespread publicity given to Mr. Borch's very important comments on U.S. foreign economic policies, I am including his speech in full in the hope that my colleagues in both House and Senate will give it the serious consideration it so richly merits:

GENERAL ELECTRIC CHAIRMAN FRED BORCH LAYS IT ON THE LINE

One must approach a subject of such seriousness as the United States' foreign economic posture with a certain amount of disclaimer. I should say at the outset that I do not claim expertise on extractive materials or agriculture; rather, I speak to you from the viewpoint of a manufacturer with operations in most of the major countries of the world, and with several hundred millions of exports to those countries. Events in international trade have been particularly disappointing to one who represents a company that has consistently favored commerce between countries with a minimum of restrictive barriers and protectionist measures. We probably coined the expression, "free, fair trade," many years ago, though I am not sure of that. But we still believe in that objective for the U.S. and its trading partners, and are disturbed to note how far the trading nations of the world have drifted from trade that is both free and fair.

I must apologize for the fact that I am going to use a lot of numbers in this talk, but I see no alternative when I find that intelligent men on both sides of both oceans have been discussing the United States' trade situation with more emotion than facts.

One of the numbers that has been flashing a red alert for some time now is the U.S. trade balance with other countries. Obviously, if the United States is going to have any kind of equilibrium in our balance of payments we've got to have a trade and *investment balance* sufficient to cover all the other imbalances that spring from military expenditures abroad, U.S. tourists abroad, foreign economic aid, and so on. An obviously unacceptable alternative would be to resign ourselves to the fact that our favorable trade balance can never be restored, and then restrict foreign travel, foreign investment, imports and foreign aid accordingly.

So, let us look at our trade balance. As you know, the U.S. trade surplus declined from some $7 billion in 1964 to approximately $2 billion last year. As of August 1971 our cumulative current trade balance was in *deficit* for the fifth consecutive month, and totalled almost $1 billion in the red. If we wind up with a negative balance for the year, it will be the first time since 1893.

Now, let's cover the subject of our private investments balance offshore. We have all heard that American investments offshore are having a dire effect on the U.S. balance of payments—let's take a look. In 1964 the direct private investment by U.S. companies offshore reached a cumulative total of $47 billion; investment during the year was $2.3 billion, while income returned from this investment was $4.7 billion—or about twice the annual capital outflow. In 1970 the cumulative total reached $69 billion; the outflow for the year of our direct investments abroad was $4.4 billion while the return on this investment to the U.S. was $7.9 billion!

Now, if we take the overall commercial picture—the combination of trade and return on investment—we find that, in 1964, the return on investment comfortably supplemented a substantial trade balance in holding down claims against the dollar; today return from investments is our *last remaining positive item of significance.*

Labor officials, and others, who wax rhetorical about the dire effects of U.S. foreign investments on the U.S. balance of payments and U.S. jobs should look at these figures, which show that as our trade balance deteriorated rapidly, the return from our foreign investments accelerated—and a good thing it did, otherwise the dollar would be in a lot worse shape than it is today. And then they should go behind the numbers to find out why it was necessary to make these investments in the first place.

So in spite of the rhetoric on both sides of both oceans having to do with the dire effects of U.S. private investments offshore on our balance of payments, the figures show that much of this is "hogwash"—or in more polite terms, let us tag it as "False Rhetoric No. 1." We are thus drawn to the conclusion that the real problem with the dollar and the U.S. balance of payments is the drastic slippage in our trade, and that's what we should be discussing.

Which brings us to our second point: Why the drastic change in our trade balance? Again, we are told on both sides of both oceans that it's because of U.S. inflation, that we should get our own house in order. Let's take a look.

That is what happened to domestic consumer price levels in major industrial countries between 1964 and 1970. In the U.S. the domestic consumer price index rose 25% from 1964 to 1970. Let's admit that's bad. But let's take a look at what happened to each of our major trading partners: Japan, 40%; France, 27%; Germany, 17%; Italy, 21%; U.K., 31%—a range of from 17% to 40, with only Germany appreciably below our 25%. And none of these countries had their Vietnams, and its inflationary impact.

From which the conclusion can reasonably be drawn that inflation is not the main cause in the reversal of the U.S. trade balance. Everyone had inflation, but not everyone had *trade balance* problems to the same degree. Let's tag this one as "False Rhetoric No. 2."

So then what is the cause of the massive change in our trade balance? Well, of course, then it must be, according to our concerned friends on both sides of the oceans, U.S. productivity, or the lack thereof, that is the culprit. And, we must admit, at first glance they could be right. In the U.S. productivity—in terms of output per man-hour-increased 14% between 1964 and 1970. Among our major trading countries the increase ranged from 22% in the U.K. to 99% in Japan.

So, it is certainly true that output per man-hour in other countries has grown much more rapidly than in the U.S. in recent years. It should! All other industrial countries have much greater incentives to modernize their manufacturing facilities to increase productivity—via their tax structures, such as our pre-1969 investment tax credit of 7%, much more rapid depreciation for tax purposes, and so forth. The disadvantage under which our manufacturing industries have operated since 1968 in this respect is clearly illustrated by the fact that the U.S. rules, until very recently, allowed an average tax cost recovery of under 8% in the first year, as compared with an average of 32% for the five countries mentioned; 34% for us *vs.* 63% for them at the end of three years; and 66% for us compared to 93% for them at the end of seven years.

These tax cost recovery allowances are typical of the incentives offered in other countries for the purpose of increasing productive investment. So, in view of our national interest, it is pertinent to ask why other industrial countries have done these things: Certainly not to give a "bonanza to business," as critics of President Nixon's proposals have contended, but to improve productivity, strengthen and grow their economies, and thereby maintain a fuller level of employment.

And it is appropriate to note that the pending investment tax credit of 7%, if passed by Congress together with a cutback in ADR, as seems most likely at the moment, will still leave us well short of equality with other countries in this regard.

So on this subject, we can now say, well we probably have the answer then; productivity has gone much faster for them than it has for us. But before we accept that, let's take a further look at what really counts, namely, *unit labor costs* in manufacturing, which are a combined measure of output and total employment costs.

It will come as no surprise that our wage and salary costs have been going up at a rate that exceeds productivity—between 1964 and 1970 unit labor costs in the U.S. rose by nearly 20%, much of the rise occurring during 1969–70.

Surely the other industrialized countries haven't experienced this sort of situation—or have they? Well, it comes down to this: Italy is very close to our 20% increase in these costs; France is marginally lower at about 16% and Japan—a circumstance I'll get to in a moment—is recognizably lower at a 12% unit labor cost increase. But [look at] two of our biggest trading partners: Germany, 26%; and Britain, almost 33%—all markedly higher than the U.S.

I should emphasize that these costs are stated in terms of national currencies rather than U.S. dollars, thus eliminating the distortions of revaluations both up and down that have occurred in these countries.

Now, a word on Japan. The big divergence really occurs in 1969 and 1970, when our own unit labor costs shot up. Before that, Japanese unit labor cost rises paralleled ours. Despite this generally comparable unit labor cost picture for the Japanese, they nevertheless turned around our two-way trade to their advantage by 1965.

Thus, the differences in unit labor cost trends do not seem to account for the massive change in our U.S. trade balance, and to tag U.S. productivity, or the lack thereof, as the chief culprit would seem to qualify as "False Rhetoric No. 3." At this point, we can then suggest that as bad as inflation is, as bad as our productivity fall-off is—both for our domestic economy and for all of our citizens—neither is the main cause for our trade imbalance.

So then we come down to the core of the problem: What is the real reason for the serious U.S. trade situation? It is my thesis, as a manufacturer, that it boils down to the fact that other countries have placed international trade as a top national priority and have adopted structural policies to promote their trade balances and their balance of payments. The success of these policies is reflected in the degree to which they have been able to shield their export prices from the inflation in their domestic economies.

Thus, in the U.S., the export price index has almost kept pace with the domestic price index from 1964 to 1970—namely a 25% rise domestic and 20% rise export—for a spread of 5 points. But the rise in export indices of all but one of the other countries doesn't begin to approach the rise in their domestic indices during this period. In Italy, for example, the domestic price index rose 21% while the export price index rose only 9%—a spread of 12 points. In Japan the spread is 32 points. In France and England (both devalued their currencies—thus lowering the price of their exports) we see spreads of 19 and 21. And only Germany (as a result of upvaluation) kept her spread to 3 points. So, we have the U.S. at 5 points, and the five others ranging from 3 to 32.

How could they thus insulate their export pricing from their domestic economies? Let me suggest at least three reasons.

First, they had the freedom to devalue their currencies when their trade and their balance of payments got in trouble. Both England and France took advantage of this ability to devalue over the last several years with the result that their export prices were reduced and their import prices increased. Meanwhile, for good technical reasons under the International Monetary Fund, the U.S. was unable to institute similar compensatory competitive steps. So here we have one major reason some of the other countries have been able to offset their inflation and increased unit labor costs whereas we have not been able to do.

By the same token, a number of other countries with consistently favorable balances have not done the reverse to the degree they should have; namely, revalued upwards, notably Japan. With this picture, I would give high marks to the Administration for its current emphasis on upvaluing other currencies and cutting loose from gold.

The second structural reason they could maintain the differential between their export prices and their domestic prices—in favor of their exports—is that they have been very careful to protect those domestic industries that they consider important to their economy, or to their employment, from what they consider might be disruptive imports. Let me give two examples, among many, of how this is done.

The first example is the allocation of the available business by their government procuring agencies to their domestic manufacturers at prices that guarantee an acceptable return on investment. The result is high prices for such equipment in the home country. This enables the manufacturer to adopt pricing practices which result in quotes in third markets and the U.S. significantly lower (10% to 50%) than the prices paid by their own government customers.

In my opinion, the attempt to keep other countries' government procurement practices more in line with those of the United States, if the U.S. market is to remain open to them, is long overdue, since the modest 6% Buy American penalty is an inadequate remedy. If, for example, we were free to bid, to go in there and seriously quote our own domestic prices, which we are not, we would be very competitive. And, at the least, it would bring out into the open, for the attention of their own taxpayer-consumers, the differentials they pay for this two-price system.

If our trading partners would follow the same kind of open bidding that our TVA [Tennessee Valley Authority] does, as required by law, resulting in purchasing tens of millions of dollars worth of electrical equipment offshore each year, I, for one, would gladly give up the Buy American 6% for the open bidding and the salutary effect it would have on this form of dual pricing. Until agreement is reached on open procurement, country by country, our government should no longer entertain bids from those who insist on closed procurement in their own country.

The second example of how foreign governments protect their own domestic industries is by moving in, in one form or another, when their own private enterprises can't cut it. We have seen this happen in steel, airlines, nuclear reactors, computers, commercial aircraft, jet engines. When the government steps in, the competitive rules change.

Of course, under this government umbrella, there is little need to be responsible for earnings, and there is no requirement that dividends be paid to nonexistent stockholders. Financing can be obtained from the country's treasury or nationalized financial institutions at concessionary rates or even without costs. Pricing, especially for export, can be jiggered for political purposes rather than economic realities, but such management nevertheless escapes the shadow of bankruptcy.

Privately owned companies find it extremely hard—not to say impossible—to stand up against such competition. It is sobering to note that some of those state-owned industries are now selling half of their production into export. And in the years immediately ahead, such competition is going to grow, and with it so will the size of the problem. These state-owned industries don't meet the economic criteria as we understand them, can insulate themselves from the disciplines of the marketplace, and by virtue of their semi-sovereign nature possess advantages not enjoyed by private concerns.

How we, in this country, are going to be able to handle such competition—domestically and internationally—poses some difficult and sticky choices for ourselves and our own government. Probably we shall have to depend on the almost continuous efforts of our commercial diplomats to persuade the governments behind such state-owned businesses that their industries must behave according to the usual rules of economics. But, as we know, the art of diplomacy doesn't always work. So I suspect we will have to revitalize the use of our countervailing duty laws and, perhaps through new legislation, see to it that the President possesses fast-acting retaliatory powers.

So much for some of the ways that countries protect those domestic industries that they consider important to their economies. Let us turn now to the third, and to me the most significant of all the reasons why the U.S. will remain at a growing and permanent disadvantage as these structural differences exist and proliferate—the different tax policies of our major trading partners.

If we look at the tax structures of many of these countries, we find a wide variety of incentives designed to promote exports. The extent to which such foreign countries have lowered their net income taxes on export income has recently been documented in hearings before the Congress. American businessmen should read these documents to get some idea of how serious this matter has become. While our tax officials undertook a massive effort beginning in 1962 to make sure that export income of U.S. corporations was taxed here in full, foreign countries have continued to permit the shifting of export income to a tax haven subsidiary, for example, or given extra deductions for costs tied to exports, such as extraordinary depreciation deductions for export related assets. In our country, the Administration has proposed to counter this practice by favoring export income on a tightly controlled basis under the DISC [Domestic International Sales Corps] proposal, but the proposal is not well understood in Congress and the direction has been to try to water it down, far below the effective level of an export incentive, and then to kill it.

Now let's turn to border taxes and export rebates.

Let me say that I smile ruefully at much of the hue and cry on both sides of both oceans at the imposition of what some call the "trade wall" of the 10% surcharge. Today's sound and fury absolutely fascinates me as a manufacturer who has spent many years trying to scale the import tax walls of other countries, where the rates of their border taxes range from 11% in Germany to 23% in France, and where the peaks for electrical appliance and TV imports reach 20% in Japan clear up to 36⅔% in England. You, here in Detroit, have the same problem with automobiles where the border tax rate rises to 33⅓% in France, 36⅔% in the U.K., 40% in Japan. And now we are in the process of repealing our relatively modest 7% automotive excise tax.

If I seem to have strong opinions on the equity of these situations, it is because I believe that the most important of the trade-affecting measures built into the structure by our trading partners is the heavy reliance on indirect taxes that are not reflected in the price of their exports and are imposed at the border on imports.

When the GATT [General Agreement on Tariffs & Trade] rules were written some 25 years ago, they provided that the member countries could exempt their exports from indirect taxes—which, then, were understood to be mainly sales and excise taxes—and charge an appropriate compensating border tax on imports. Simultaneously, the GATT rules forbade both export rebates and border levies for direct taxes—that is, those imposed on personal and corporate income, and for social security contributions.

What we did not foresee was the full impact of the difference in tax structures in Europe and Japan relying heavily on high rate indirect taxes, with a simultaneous shift in this country away from indirect taxes toward almost total reliance on the income tax as a source of national revenue. Excluding social security contributions, some 85% of Federal revenues come from the income tax, which cannot be rebated at the border under the GATT rules.

As a result of these opposing tax structures, we face the following situation. On products sold in his own country, the European manufacturer charges his domestic customer on a basis which reflects his tax burden, whether this burden is made up of income taxes, social security taxes, value added taxes, and whatever else. The mix, as these taxes are paid and collected, happens to be what each country determines for itself. In the U.S., the manufacturer's domestic price also reflects the mix of all taxes imposed by all our levels of government.

But there the similarity ends. For when the European manufacturer exports to the U.S. or elsewhere, his government rebates or waives the actual total amount of his indirect taxes that are included in his domestic price. His product then reaches the United States where it crosses the border free of U.S. taxes—or did, before Aug. 15. Thus, his export product price reflects domestic price, less the big domestic rebate, and no U.S. tax.

Now, let's turn the coin over. When the United States manufacturer exports to Europe, his price reflects the burden of all U.S. taxes that can be ascribed to production and sale and there is no rebate from the U.S. Treasury for any of these. But at the European border the goods become subject to a tax equal to the local indirect tax rates—which I just mentioned as ranging from 11% to 36¾%. And, as if that were not enough; the border tax is usually imposed on the landed cost, including the European customs duty. There is no corresponding burden on domestic sales. This is just a bit of additional salt rubbed into the wound.

This combination of the U.S. and foreign tax burdens clearly imposes a trade disadvantage on our exports. I am fully aware from the testimony before the Williams Commission and studies made elsewhere that economists are not agreed on the measure of this disadvantage; nor can they agree on just how to measure the extent to which European export tax rebates inflate imports to this country. But they do agree that the system has this table-tilting effect, and the higher the rate of the foreign TVA [added value tax], the more decisive the effect will be. I am convinced that it is high time to recognize this tax structure tilting as a major cause of our trade balance troubles.

Let us then go forward in time to 1972–73, and let us assume the major European industrial countries will all have harmonized their value-added tax at a rate of 15% or more. A European manufacturer exporting to the U.S. will therefore reflect in his export price only a small portion of his national tax burden and social costs—and none of the U.S. federal tax burden. The American exporter to Europe, however, will—just as before—find that his landed price covers his full share of U.S. taxes and, at the border, a contribution to Europe's tax take of something around 15%.

For these reasons—and in spite of the hue and cry on both sides of the waters about "economic overkill"—I believe that all three measures as proposed by the President were necessary. Revaluation without the investment tax credit; the investment tax credit without the 10% surcharge; the surcharge without the tax investment credit or revaluation—would have failed to face up to at least one or the other of the structural differences that currently disadvantage us.

Much of the controversy about "economic overkill" is centered on the 10% surcharge. How long should it remain? I propose that major industrial nations of the world should agree on a basic principle of overriding importance; namely, that there will no longer be any import surtaxes or export subsidies on goods crossing their borders. If a country feels the need for protection, let's call it protection and approach it by the tariff route which is open for all to see and where the legitimate threat of retaliation is enough to cause any country to pause. Until this principle is agreed upon, I would not want to see us as completely disadvantaged as we have been in the past, by having the 10% surcharge removed.

It is particularly unfortunate that Canada, which has a tax structure similar to ours, was caught in a line of fire that was practices of others. They, our Latin American neighbors and perhaps other developing countries should be exempt.

But without an agreement from our major trading partners to work toward the equitable removal of structural disadvantages of whatever name, I regretfully come to the conclusion that even with the currency revaluations now being discussed, the United States may still find itself in a position where its trade balance will be inadequate to cope with the overall balance-of-payments problem.

I have come to this conclusion with great concern, as one who has long maintained that international trade, on the broadest possible basis, and with the fewest possible restrictions, was the real economic hope for the world. I still believe this with a deep personal conviction and I will continue to fight for the removal of trade distorting and restricting practices wherever we find them, including right here at home

But, as we have seen, the old economic rules of the game no longer seem to apply. It was never envisioned that "the invisible hand" of classic economic theory would contain a wide variety of table-tilting practices. Until relative equilibrium and stability can be restored, until the unhappy results of border tax walls are swept away by the two-way flow of goods over as small and low an obstacle course as nations can agree on, it may be necessary to adopt a whole new approach to negotiating—substituting "deeds" for "theories and words."

Thank you for hearing me out. I have spoken today as one who has his own serious responsibilities to General Electric employees and shareowners, and who feels very strongly about the very formidable barriers to free, fair trade being raised in the world today, and who believes that trade cannot long remain "free" unless it is also fair.

NIXON OR MEANY?

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ARCHER. Mr. Speaker, I have here an editorial from the Dallas Times Herald, entitled "Nixon or Meany?" Not only does this editorial indicate the motives behind George Meany's verbal attacks against the President's economic program, but also it reflects on Mr. Meany's attempt to threaten the democratic process.

I enter the entire editorial for your consideration:

NIXON OR MEANY?

There is no iota of doubt left now. George Meany, president of the AFL–CIO, has flung down the gauntlet challenging the President of the United States to a battle which may well determine who is to run this country in the future.

The all-pervasive question is: Will it be the President and Congress and other officials, elected to serve the interests of all the people, or will it be George Meany, elected to serve the interests of a comparatively small minority of the populace?

The confrontation is now very nearly complete. It began building with statements by Meany ridiculing the President's program for halting the ravages of inflation. It reached its climax in the personal meeting between the President and Meany at the AFL–CIO convention Friday. Its future pattern is apparent.

Meany, even his aides admit, has determined to sabotage the economics controls program. He has set out, they say, to force President Nixon to kick him and other AFL–CIO members off the Pay Board or jettison wages control entirely.

In either case—without the cooperation of organized labor or with the abandonment of wages control—the critical fight against inflation will be lost or severely hampered.

And Meany has set his course without reckoning the costs to all of us in the fires of inflation which he would stoke anew. His bid for supreme power, indeed, displays a cynical disregard for the ultimate economic health not only of the vast majority of nonunion Americans, but even for his own members as well.

But even more chilling to consider is the potential outcome of this struggle for the future of this country. If Meany suceeds in bringing America to its knees before him, there will be no question left as to the superior force in this country. It will be the all-powerful leader or leaders of organized labor. And the President and Congress will have been, and in the future will be, subject to a dictatorship responsible only to itself.

But Meany simply must not be allowed to succeed in this arrogant thrust for supreme national power. President Nixon has declared that he will not. The President is determined to carry the anti-inflation fight on to success, with or without the cooperation of Meany and other leaders of organized labor.

And all of us who cherish our country as a nation for all the people must support him in that determination.

GROWING USE OF CORPORATE AIRCRAFT

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 1, 1971

Mr. SPONG. Mr. President, the corporate aircraft is an essential tool in the operation of a growing number of businesses and is likely to become as commonplace as the company car in years ahead.

Making the most effective and efficient use of such aircraft is a matter of corresponding importance. Some valuable insights on this question are provided in an article entitled "Achieving More Effective Aircraft Utilization," published in the September 1971 issue of Professional Pilot. The article was written by Karl B. Wagner, Jr., president of American Aerospace, Ltd., of Richmond, Va., and one of the most knowledgeable men in the field. I ask unanimous consent that

Mr. Wagner's article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ACHIEVING MORE EFFECTIVE AIRCRAFT UTILIZATION

As every flight department manager knows, there are two kinds of cost associated with operating an aircraft. Direct costs and fixed costs.

Direct costs naturally include only those items directly connected with flying the aircraft: fuel, oil, maintenance, reserves, etc. Whatever they are called, they are incurred only when the aircraft is cranked up and down.

On the other hand the fixed costs are there and unchanged no matter how many hours are put on the old bird. Before the first hour of flight the fixed costs, which include depreciation, insurance, hangaring, salaries, and other overhead items, come out of the pocketbook. And high usage will never cause them to decrease. But the more hours the aircraft is flown the less these fixed costs will be per hour.

Thus, bringing us to the point of this article—*Utilization*. Obviously, the more hours per year the aircraft is flown, the lower the cost per flight hour.

UTILIZATION

Examining direct and fixed costs

Referring to Figure 1, we have set the direct costs at $100 per hour and the total fixed costs at $100,000 per year for demonstration purposes only. The $100 direct cost applies to each and every flight hour; hence the horizontal straight line. But the fixed costs must be divided by the number of hours per year. At 200 hours the fixed cost per flight hour is $500; at 500 hours it is $200 per hour and so forth. The total cost curve, then, shows that significant reductions in the cost per hour can be made by increasing the utilization.

On the other hand, each and every flight hour costs the company more money. Figure 2 shows how much the company in the above examples spends as the flight hours increase.

The line starts at $100,000 because that is the fixed costs. As can be readily seen the line continues to increase inexorably no matter how many hours are flown.

So, merely increasing the utilization by just any indiscriminate flying would be very costly to the company, even though the cost per hour would be reduced.

Thus the additional utilization must be of some value to the company to warrant their spending the additional money. It must be an *efficient* utilization and it must be generated wisely or the company aircraft becomes a financial drain, can generate dissension and animosity in various levels of management and can literally become of negative value to the company.

Aircraft selection factors

Historically the selection of an aircraft for use by a corporation has been a very haphazard affair. Little thought was given to how the aircraft would be used or whether the aircraft selected was the right one for the job.

In the mid-1960s two major factors were present that caused the boom in corporate aircraft sales.

First, the high profit margins being enjoyed by many companies created an attitude that generally neglected unnecessary expense items. Money was spent quite freely and little thought was put into the projected actual use of the item purchased. In other words the available excess cash was put more and more into luxury items.

The second factor present was the concept of the "royal chariot." Many chief executive officers found that it was nice to ride in their own aircraft. Since money was readily available, the corporate aircraft came to be thought of as a luxury item to be used only by very upper-echelon management. A mild form of subdued competition developed between some companies to see who had the faster aircraft. A "keep-up-with-the-Joneses" attitude developed and the boom in sales was further enhanced.

It was only natural, then, that a reversal in the economy should dry up the demand for corporate aircraft. Cash was no longer readily available. Luxuries were no longer permitted in companies whose profits were down. In many cases the aircraft were dumped at low prices and the flight departments abolished.

Thus many companies were left with a bad taste from their experience with corporate aviation. It will probably be a long time before they venture into the field again.

Aircraft as real management tools

This is unfortunate, however, because during this same boom-bust period a growing number of companies proved that the aircraft can be a real tool of management. The oil companies, for example, have traditionally used aircraft for support of their isolated operations. Most of them operate a sizable growing fleet and show no signs of reversing this growth.

The principal difference in the two types of companies is, of course, the key words "tool of management" and "utilization."

For the same reason that a company does not buy a computer merely to prepare its income tax form, it should not buy an aircraft for the limited use of only one or two people. This is obviously very expensive. But, less obvious, it may foster problems or annoyances with customers, stockholders, or even the company's own employees.

So this new outlook, then, depends upon a hard look by the company at what the aircraft can do for it. They must consider all of their needs and what type of equipment best fits these needs. More importantly they must orient their thinking to be constantly searching for new ways to improve the usage of the aircraft.

Programs must be established to feed data to management so that they can know exactly how the aircraft is being used and what it costs.

Lines of communications must work freely in all direction between those who can authorize its use, the person who schedules the aircraft, the flight department and all levels of management, both home-office and field.

Only through this careful analysis and subsequent follow-up programs will the company find that their corporate aircraft is an invaluable aid in their business.

How can you ensure efficient utilization?

How, then, can the necessary programs be established? How can the proper lines of communication be generated? What specific factors are present in some companies that mean they utilize their aircraft as a management tool? And, most important, how can you as a flight department manager or chief pilot ensure that your company realizes efficient utilization for your aircraft?

Before answering these questions, let's make an assumption that the aircraft you presently operate is the best one for the job. Unfortunately, the people in the position of locating and purchasing an appropriated corporate aircraft for their company are not always well versed in the uses and application of different types of equipment. Naturally this is not surprising, nor are they to be faulted for it. Their business is something other than aviation—manufacturing, sales, etc. They do not have the time or the requirements to make themselves experts in every field they encounter.

On the other side of the acquisition is the aircraft salesman. He, of course, is in the business of selling his aircraft. And to be good at his job he must be sold on his product. This also is normal and predictable.

FALCON D, AN ACTUAL USER'S EXPERIENCE (NAME HELD CONFIDENTIAL)

[Time period: January-June 1971 (6-months), hours flown: 350]

	Total	Cost per hour
Fuel and oil	$47,000	$134.29
Maintenance	19,000	54.29
Salaries/benefits (including supervisory and maintenance)	39,000	111.43
Expenses	3,000	8.57
Insurance	14,000	40.00
Hangar and office	10,000	28.57
Miscellaneous	13,000	37.14
Total	145,000	414.29
Allowance for engine changes		68.00
Approximate depreciation		300.00
Total cost per hour		782.29

Note: Applying the terminology used in the article: Direct costs = $256.58 per hour. Fixed costs = $368,000 per year.

Learjet 24: An actual user's experience (name confidential).

Time Period: Calendar Year 1970 (12 months).

Hours Flown: 1,761 hrs. 25 min.

Load Factor: 3.53 people per flight.

Block Speed: Approximately 464 mph.

Average Flight: 56 minutes.

Fixed cost (per hour)	$131.49
Variable cost (per hour)	172.66
Total cost	304.15
Cost per mile	.78

Somehow these two individuals must transfer sufficient information, facts, ideas and projections back and forth until a common ground is reached and a sale/purchase is made.

So it is only natural that mistakes will occur, the information transfer process will break down and a company will find itself operating an aircraft that is not at all well suited to its maximum utilization needs. In the "royal chariot" situation I've discussed the transfer process and resultant sale may be sound, but the company has substituted "desire" for "need." The company, in effect, buys an aircraft it *desires* rather than one it *needs*. Then, when the cost of operation becomes excessive, or profits fall, the *desire* dries up and the aircraft becomes a headache. The *needs* may still be there but remain hidden and unfulfilled in the misconceived *desires*.

To correct a situation like this requires considerable study and analysis. This is why I make the assumption that the aircraft you now operate is the right one, whether by design or by chance (or that it can be fairly readily adopted to your needs).

Generalizations and specifics

We now return to the original questions regarding how a company might realize efficient utilization and turn the company aircraft into a useful tool of management. The answers can be broken into two areas—*generalizations* and *specifics*. As you will see, one area is far more important than, and will actually generate solutions in, the other area.

In order to establish the necessary groundwork and set up patterns of good, efficient utilization, all persons concerned must have the same parameters and goals in mind. Just as the pilots must know the limitations of their aircraft so must management realize the broad uses to which the aircraft can and cannot be put. They must be made aware of the aircraft's limitations insofar as the effect these may have on their plans, and they should work within these limitations. Concurrent with the aircraft limitations are crew considerations. Management must not

be continually requesting performance beyond the capabilities of either the crew or the aircraft.

Since specific scheduling procedures and data must be standardized for efficiency, both management and the flight department must be educated as to these procedures. The various levels of managers must know how to request use of the aircraft, and the flight department must respond to these requests as efficiently as possible.

Management education

These comments, then, can be put under the general heading of "management education." It should be the flight department manager's responsibility to educate the users of the aircraft to these concepts. In this way efficiency will begin to appear in the aircraft utilization practices.

To further enhance the utilization this education of management must be expanded to include not only upper echelon but other management levels as well. This removes the aircraft from the "royal chariot" concept (along with the associated disadvantages) and opens whole new vistas for its possible use.

There is another benefit from this broadening of the management levels using the aircraft. Many times the lower echelons can suggest new and different uses for the corporate aircraft. To this end their thinking should be stimulated and encouraged by frequent discussions between flight personnel and management.

These generalizations can be summarized by saying that management should be *educated* in the limitations and uses of the aircraft; the scope of management levels using the aircraft should be *broadened* as much as possible; and the thinking of all should be *stimulated* to develop new uses for the aircraft. Then, and only then, will a previously unrewarding aircraft become a true tool of management.

Attitude of more integral

A/C use necessary

It should be clear by now that the above concepts are more important to effective utilization of a company aircraft than merely recommending a number of specific methods of increasing the flight hours. A proper management and company-wide attitude towards the aircraft can go a long way towards generating the necessary specifics. Too, these specifics will vary considerably from company to company, will be different for different industries and will depend on the type of equipment available. Some examples can be presented here, although they may not be applicable in each case.

A company that is highly oriented towards a small number of very large customers may find it to their advantage to use the aircraft to improve these relations. This customer might be flown in to see for himself how the product he is purchasing is produced. Or the key salesmen might be made more mobile and efficient by putting the plane at their disposal periodically.

On the other hand a company with a large clientele of small customers may not be able to use the aircraft in this way. They may, however, have widely scattered central distribution points that form a pattern easily covered by an aircraft. Then a centralized accounting/payroll section might find the company's aircraft to be a safe, rapid means of distributing the transferring data and paperwork necessary in such a system.

A large construction company might find direct payroll distribution could be simplified with their own aircraft, or a manufacturing company could find the plane useful for fast movement of critical freight to avert an assembly line stoppage or to satisfy a large customer.

Whatever the business your company is in, such things as mercy flights and good will flights can be beneficial both to community relations and the company's own public image.

Summary

These are, of course, only a few specific examples of how the corporate aircraft can be more effectively utilized. The key to it is still the proper attitude throughout the company. Both the flight department and key management must ensure that the necessary education is performed and that the required lines of communication remain open.

Once these programs are established and the corporate attitude towards the aircraft becomes positive, effective utilization should result almost automatically. Your corporation will then be a satisfied customer of the aviation industry.

FARMERS HOME ADMINISTRATION IS DOING ITS JOB

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. McCLURE. Mr. Speaker, rural people are becoming aware of a significant change for the better in their opportunity to secure credit for new homes, and to modernize public services in their communities.

The agency leading the way in this change is the Farmers Home Administration. It is rising to the need for an effective rural agency devoted to rural credit problems of the small farm or ranch, the family of modest means that needs a decent house either in town or the country, or the small town that still needs an up-to-date water or waste disposal system.

Farmers Home is a long-established credit institution of the U.S. Department of Agriculture. It is well organized to serve the rural public because it carries on business through a nationwide system of local offices. It has worked on the rural scene since the 1930's as a credit source of last resort for the family size farmer and rancher.

The $36½ million of FHA farm credit now outstanding in the First Congressional District of western and northern Idaho has been vital to family ownership and operation of more than 3,000 farms and ranches. Farmers Home insured financing also has enabled farmer associations to bring adequate irrigation to more than 650 farms of our district, and create 15 grazing ranges that are shared by nearly 140 small ranches. Ten new farm labor housing projects have been completed.

Since the 1950's Farmers Home also has held authority to serve the rural community on a broader scale, attacking also the longstanding and notorious rural credit gap in housing and community facilities. But only in the past 2 years has it begun to approach its potential of service.

Congress and the President have given the rural FHA much increased authority to insure private lending in rural areas. And in response to this mandate, Farmers Home has doubled its volume of lending since 1969. Today it is a $2½ billion-a-year factor in the great national enterprise of rural development.

At least four-fifths of this lending is done with private capital put up by investors. Most money comes from outside rural areas. FHA insures the investor's risk and the investor capital becomes the loan fund, supplied through Farmers Home. Thus, a long-sought channel for attracting capital from urban centers into rural areas has been found by way of the Farmers Home Administration.

The upswing in Farmers Home's effectiveness is shown in a report from the able Administrator of this agency, Mr. James V. Smith, on FHA lending in our First District of Idaho.

The largely long-term farm, housing, and community project loans outstanding in the district as of last September 30 totaled $70 million. More than one-third of this total had been extended within the past 15 months. The figures are as follows—dollar amounts in millions:

	All loans outstanding		Approved since July 1, 1970	
	Number	Amount	Number	Amount
Farming	3,037	$36.535	669	$10.254
Housing	2,192	20.0	791	12.078
Community facility projects	51	6.168	17	1.678
Total loaned		70.704		24.008

Mr. Speaker, we cannot overemphasize the importance of maintaining this rate of progress in rural credit.

The financing brought in through Farmers Home, over and above all conventional credit available from local sources, has meant the difference between almost no new homes, and nearly 800 that have been added in my district since summer of last year for families of low and moderate income.

In the same proportion, Farmers Home has accelerated its program of financing for modern water and sewer systems in small communities where no practical means of financing existed prior to this program.

This better provision for rural areas has come about this year through direct action by President Nixon. He has allocated more insured loan authority to the Farmers Home Administration, so that it can deliver to the people the benefits envisioned by Congress when we authorized these programs.

And we can point to the Farmers Home Administration as an agency that is doing its job with great effectiveness, under the leadership of Administrator James V. Smith and the excellent FHA organization in Idaho headed by State director Donald L. Winder.

WILLARD EDWARDS BAPTIZED AS A REPORTER

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HALL. Mr. Speaker, on November 30, Mr. Willard Edwards, congressional correspondent for the Chicago Tribune, was honored by a group of his peers for 50 years of service in the field of news reporting.

Actually, Willard was baptized as a reporter in June of 1921, and started covering the Nation's Capitol in 1926. At one time he was a White House correspondent during the administration of Franklin D. Roosevelt.

I am sure that all of the Members of the Congress will join me in congratulating Willard, dean of the Capitol Hill correspondents, on 50 years of devotion to his media, and a job well done.

"THERE IS NO LOOKING BACK"—PRESIDENT NIXON IMPRESSES JAYCEE PRESIDENT WITH HIS DEDICATION TO MEET THE CHALLENGES OF THE 1970'S

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BAKER. Mr. Speaker, the qualities of leadership which President Nixon contributes to the Nation continue to impress Americans from all walks of life. As further evidence of this, I call attention to a report of a meeting he held recently with Mr. Ron Au, U.S. Jaycee president. Mr. Au reported on this meeting in a recent issue of Future, the Jaycees publication. President Nixon sees eye-to-eye with the young leaders of tomorrow on the direction our Nation should take in domestic and foreign affairs and he will depend on many of the Jaycee members to help implement the policies which will keep us strong and entrenched in a position of world leadership. Mr. Au's message, as it appeared in Future, follows. I commend it to the attention of my colleagues:

THERE IS NO LOOKING BACK

This was the day . . . it was a warm afternoon in Washington, D.C. I crossed the security post and entered the northwest gate of the White House. In a small oval building apart from the main structure, a friendly secretary informed me that "the President will be with you shortly."

The minutes seemed like an eternity as I paced among the antique leather-bound chairs that encircled the huge executive table in the Roosevelt Room . . . each chair inscribed in bronze with the name of a cabinet member. At the very center of the table was a mammoth armchair for the President of the United States. A buzzer sounded and a neat young man entered and said, 'The President will see you now." A few steps down a corridor, a large white door opened and a familiar figure appeared. A voice sounded, "Mr. President, the President of the United States Jaycees." Before I could respond, I felt the firm handshake of President Richard M. Nixon.

We sat facing each other at his desk and he acknowledged his concern for the Jaycees and what we are doing throughout America. At moments I felt as though I were talking to an active Jaycee as he enumerated the programs in which we were actively engaged. On several occasions he expressed his approval of the progress we had made since his Jaycee days. He nodded approvingly as I reiterated the current programs in which we are involved from youth to drug abuse to low income housing, and every other aspect of community need. I recall most vividly how he regarded the Jaycees as "older men, although we are young, because our thinking reflects the thoughts and actions of the older men of this nation who are making crucial decisions."

We discussed my forthcoming trip to Taiwan for the JCI Taiwan Convention where I had been invited to speak, and the future relationship of this nation to the Republic of China. Our discussion further focused on the involvement of the Jaycees in international relations and the forthcoming crucial vote in the United Nations on the Two-China Doctrine advocated by him. I pledged my personal and continuing support of his policy as a realistic and logical step in the right direction. A cup of coffee and a half-hour later, our meeting ended.

To say that I was impressed is putting it mildly . . . I was totally impressed with his sincerity of purpose and remarkable sense of responsibility. A more dedicated and concerned American leader I have never met.

The President of the United States, members of Congress, heads of state and industry have come to recognize the Jaycees as the voice of the young men of America. But there is still progress to be made.

In every community across this nation there are young men who are eligible for membership . . . some who are businessmen, some who are laborers and some who are simply a class of Americans who have become known as "minority races." Their voices and their opinions have never been heard in the Jaycees. When the Jaycees of America represent a cross-section of the white and the blue collar worker, the white and the black man, and every other American, then and only then will we represent the voice of the young men of America.

President Nixon ended our meeting with the challenge to face the problems of this nation to make this an even greater America . . . there is no looking back . . . the challenge is ours in the 70's.

BIG BUS BILL—THE BLAST PROBLEM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHWENGEL. Mr. Speaker, the following is the summary report on the blast problem to which I referred today in my 1-minute speech:

EXECUTIVE SUMMARY REPORT OF TECHNICAL REPORT NO. 1001-1—OCTOBER 1971

AN EXPERIMENTAL AND ANALYTICAL INVESTIGATION OF THE EFFECT OF TRUCK-INDUCED AERODYNAMIC DISTURBANCES ON PASSENGER CAR CONTROL AND PERFORMANCE

(By Systems Technology, Inc.)

This applied research program provides a preliminary quantification of the nature and magnitude of truck-car disturbance effects and associated car/driver safety performance. It compares the effects of contemporary and wider trucks, as well as examining the more general questions associated with truck-induced aerodynamic disturbances on the Interstate System.

A truck disturbance consists of aerodynamic forces and moments acting on adjacent vehicles due to air flow around a truck. This disturbance can pull the vehicle towards the truck or push it away, depending on the conditions.

The effects of the disturbances are expressed in terms of overall car/driver safety performance. The emphasis is on driver steering control and associated lateral (side to side) deviations in the car's path along the roadway. The specific performance measure used to compare situations is the peak lateral deviation experienced by the car during a given truck disturbance. Safety performance boundaries are revealed by such things as lane edge exceedances, potential collision with the truck or other vehicles, and driver control difficulties.

Situations studied

Several types of disturbance conditions were examined experimentally and analytically. The basic situations studied involved:

A station wagon car and a tractor/semi-trailer truck;

Two lanes of a flat, tangent roadway;

Car-truck overtaking, passing, and oncoming;

Within this framework, the following primary situational parameters were varied:

Truck shape and width (including 96 versus 102 in.)

Car-truck lateral separation and lane width (from 8 to 16 ft);

Crosswind and headwind magitude;

Relative and absolute car-truck speed;

Car handling;

Driver skill and alertness.

The applied research results were interpreted to determine possible remedial actions and implications in the areas of roadway design and operations, truck size and configuration, and car/driver dynamics and control characteristics.

Technical approach

The study comprised full scale experiments, wind tunnel tests, and combined car/driver/disturbance analyses. Together, these elements of technology permitted the basic experimental results to be interpreted in the more meaningful terms of car/driver safety performance in a given situation on the highway.

The full scale experiments involved instrumented vehicles operating at a test site under controlled conditions and with various ambient winds. Measured vehicle response and full scale flow properties provided for verification of the more systematic analytical and wind tunnel results. Task stress was measured by driver heart rate.

The wind tunnel tests provided data to quantify the disturbing forces and moments on the car for various car-truck orientations and lateral separations, crosswind angles, and truck widths and shapes, These data, suitably scaled, provided the input to the combined car/driver analysis procedure. The latter used the verified car equations of motion, and empirically-based driver response properties, to compute vehicle motions and path trajectories for various disturbance situations. Path measures such as peak lateral deviation in the lane during the disturbance were used to describe the safety performance boundaries and limits.

Test vehicles

The test vehicles selected for the tests allowed concentration on the more significant types of car-truck disturbance. The disturbed car was a 1970 full size station wagon. The truck was a 3-axle, cab over engine tractor towing a 40 ft, 2-axle dry freight van. The overall truck length was 55 ft, and its standard width was 96 inches.

Results

The results show that truck width, lane width, relative speed, absolute speed, ambient winds, car handling, and driver skill and alertness can have substantial effects on car/driver safety performance under certain car-truck disturbance conditions. Some of the more significant points are given in this summary. Numerical values are given

mainly for illustration, and more definitive results are provided in the main report.

Typical results are highlighted in the table. The ambient wind is the basic wind over the ground in the environment. For the table entries, the car and truck are traveling in the same direction. Each is initially aligned with its respective lane centerline. During the disturbance the car displaces laterally along its trajectory, but the truck is assumed to be undisturbed from its lane center. The initial centerline separation is the same as the lane width: The "car-truck initial clearance" is the side to side distance between the vehicles. The initial "lane edge clearance" is the distance between the side of the car and the edge of its lane. The "peak lateral deviation" is the maximum side excursion of the car which occurs during the truck disturbance, despite appropriate driver control reactions. A crosswind "towards the car" means that the car is downwind of the truck traversing its wake, and vice versa. The table entries are elaborated below.

Ambient wind

With no ambient wind (no wind over the ground) the main car disturbance results from a bow wave near the front of the truck. The disturbance intensity varies with lateral separation, car-truck relative speed, and truck shape and width. Under the nominal case of a car at 60 mph overtaking a truck at 50 mph on a highway with 12 ft lane width, the disturbance momentarily displaces the passing car/driver about 0.7 ft further away from the truck.

A headwind will increase the magnitude of the car's lateral deviation. For the nominal case noted above, the peak lateral deviation away from the truck will nearly double for a 20 mph headwind.

TYPICAL CAR/DRIVER PERFORMANCE RESULTS

Truck and ambient wind	Speed (m.p.h.)		Lane width (feet)	Initial clearances (feet)		Peak lateral deviation (feet)	
	Car	Truck		Car-truck	Lane edge	Toward truck	Away from truck
Tractor/semitrailer (96 inches wide):							
None	60	50	8	0.7	0.7	----------	1.1
			12	4.7	2.7	----------	0.70
			16	8.7	4.7	----------	0.5
	60	55	12	4.7	2.7	----------	1.15
	70	65	8	0.7	0.7	----------	3.3
			12	4.7	2.7	----------	2.2
			16	8.7	4.7	----------	1.4
20 m.p.h. headwind	60	50	12	4.7	2.7	----------	1.3
20 m.p.h. crosswind (toward car)	60	50	8	0.7	0.7	2.4	----------
			12	4.7	2.7	2.6	----------
			16	8.7	4.7	2.6	----------
	60	55	12	4.7	2.7	3.2	----------
20 m.p.h. crosswind (away from car)	60	50	12	4.7	2.7	----------	1.3
Tractor/semitrailer (102 inches wide):							
None	60	50	12	4.4	2.4	----------	0.75
	70	65	12	4.4	2.4	----------	2.3
20 m.p.h. crosswind (toward car)	60	50	12	4.4	2.4	2.7	----------
Tractor/semitrailer (96 inches wide) with van underbody: 20 m.p.h. crosswind (toward car)	60	50	12	4.7	2.7	4.7	----------

Crosswinds can cause a significantly larger disturbance when the car passes downwind, through the truck wake. For the nominal case noted, the disturbance begins to increase in magnitude abruptly when the crosswind exceeds about 10 mph (i.e., about a 10 deg relative wind angle). Now the car/driver disturbance is caused by the truck interrupting the wind and causing a wake, and the net effect is to pull the car towards the side of the truck. For 18 to 20 mph crosswinds the car may exceed the lane boundary clearance (32 inches for a 12 ft lane) despite corrective driver steering actions. When the crosswind is from the other direction and blows the wake away from the car, the car does not encounter interrupted wind, and the smaller disturbance corresponds approximately to the no ambient wind case.

Car-truck relative speed

The car lateral deviation increases with decreasing relative speed, because the force and moment disturbance changes more slowly and has a longer duration. For the nominal case noted above with the car at 60 mph and no ambient wind, peak deviation increases about 5 inches if the truck is going 55 mph instead of 50.

In a crosswind, the percentage change is about the same but the net deviation is larger because the basic disturbance is larger. For the 20 mph crosswind case noted, the peak car deviation is about 7 inches further toward the truck when a higher truck speed reduces the relative speed to 5 mph. This is made more significant by the fact that the car is already moved to near the lane boundary for this crosswind condition when the car-truck relative speed is 10 mph.

Lateral separation or lane width

With no ambient wind, or with only a headwind, the peak lateral deviation of the disturbed car/driver decreases to about half as the centerline separation increases from 8 ft to 16 ft. For the case with no ambient wind and car 60 mph overtaking truck 50 mph, the peak deviation decreases from a little over a foot to about 6 inches away from the truck.

With increased car-truck speeds the separation effect is larger. For a 70 mph car overtaking a 65 mph truck, for example, the peak deviation is decreased from over 3 ft to about 1.4 ft by increasing centerline separation from 8 ft to 16 ft. For the narrower 8 ft. lanes the lane boundary is greatly exceeded, and at least an 11 ft lane is needed to just contain the car's peak deviation (in this 70–65 case).

With a strong crosswind, the peak deviation is large as noted before (about 2.6 ft for the 20 mph crosswind in the nominal 60–50 case), but there is very little change in this peak value when car-truck lateral separation is varied over a wide range. This insensitivity occurs because the disturbing wake caused by the wind interruption extends downwind (leeward) for some distance in a relatively unchanged form. Hence, increased lane width reduces the hazard by moving the car away from the truck, but it has little effect on the intensity of the disturbance experienced by the car.

Truck width

Increasing the truck width has two main effects: it increases the intensity of the truck disturbance and it decreases the side to side clearance between car and truck. Both effects are relatively small in going from a 96 inch to a 102 inch truck, for the test vehicles used. In general the incremental increase in the disturbed car's peak lateral deviation is roughly double that which would occur due to the reduced separation alone.

The effect of a nominal truck width increase is insignificant in a large crosswind, because the basic crosswind disturbance is large and pervasive, as noted.

With no ambient wind and fixed centerline separations, a 102 inch wide truck causes a peak deviation which is about 5 to 7 percent more than for a 96 inch truck. About half of this increment is due to a reduced clearance effect. For the nominal case with a 60 mph car overtaking a 50 mph truck on 12 ft centerlines, this increment is less than 1 inch out of a total of about 0.7 ft. For a more critical case of a 70 mph car overtaking a 65 mph truck and 12 ft lanes, the increase is about 1.5 inches out of a total deviation of over 2 ft, previously noted.

With 10 to 12 ft lane widths these results imply that approximately a 6 inch increase in centerline separation (lane width) is needed to offset the disturbance increment due to an overall truck width increase from 96 to 102 inches. Expressed in other terms, the disturbance change caused by a 6 inch width increase is about the same as the increased disturbance effect due to a 5 mph increment in the ambient headwind. Preliminary experiments show that the bow wave disturbance effect of a 6 inch overall width increase can be offset somewhat by suitable rounding and streamlining of the otherwise blunt front of the tractor.

Truck configuration

The disturbance effect of the truck wake, especially in crosswinds, is affected by other truck configuration changes. Drop bed trailers and vans that allow less flow under the truck cause larger car/driver disturbances and deviations in a crosswind, with the car passing on the downwind side. The amount of gap between tractor and trailer is not as significant because the corresponding flow is mostly above the level of the car. Generally, the more porous the truck/trailer configuration is to a crosswind (flow under and through the rig) the less the disturbance to a vehicle passing on the downwind side. With no ambient wind, or only a headwind, streamlining the front of the tractor can reduce the disturbance magnitude somewhat, as can increased ground clearance under the tractor.

Preliminary investigations of truck length effects were accomplished by extrapolating the existing data to a double bottom truck configuration with two 27 ft trailers instead of one 40 footer. The same tractor was used and the overall length increased by about 10 ft. The analyses suggested no difference would occur in the no crosswind case, because the bow wave is unchanged and it dominates the disturbance. The crosswind effects were about the same also, because the flow between the trailers appears to offset the effect of increased vehicle length.

Recommendations

The implications of the findings and recommendations with respect to truck configuration, highway design and operations, and car/driver characteristics are summarized below.

Truck configuration and operation

Increasing truck width can increase the disturbance and affect car/driver performance. These effects can be offset by such things as a small increase in lane width, a decrease in any ambient headwinds, an increase in the car's relative passing speed, or suitable streamlining of the blunt front of the truck.

The truck driver should move toward the side of the lane away from passing vehicles and other traffic, when there are no vehicles or pedestrians on the shoulder. He should be alert for a passing car that may experience difficulty, and he should recognize that when his truck overtakes a slower vehicle it will cause an unexpected disturbance of that vehicle and its driver. Preliminary analyses (and some corroborative accident data) show that this latter situation can be particularly critical when the truck overtakes a car towing a house trailer.

Highway design and operations

For the highway designer and traffic engineer, the important variables in the truck disturbance situations include ambient winds, lateral separation, vehicle speed, and driver alertness.

The ambient wind plus the vehicle's ground speed combine to produce a net airspeed. It is always desirable to reduce this net airspeed by reducing vehicle speed or ambient headwind or both. In terrain with prevailing headwinds, the route and roadway layout should attempt to reduce their effect where feasible.

Similarly, strong steady crosswinds can cause large disturbances. These can be alleviated by suitable consideration of the prevailing wind direction and strength during the highway design process. Landscaping and cross slope design provide one means. Severe cut and fill procedures, with alternate shadowing and exposure to the wind should be avoided. Exposed raised roadways and bridges are more likely to create a crosswind disturbance situation.

Adequate lateral separation of the vehicles can be achieved in windy regions by increasing lane widths and medians. Another possibility is to separate truck lanes from other vehicle lanes by an auxiliary median (or lane closed to traffic under extreme wind conditions). With no crosswinds, a small increase in lateral separation will offset truck width increase effects, as noted above. With strong crosswinds, however, the truck wake persists some distance downwind from the truck, and increasing separation may not reduce the disturbance.

This study shows that the disturbance effects are generally more critical when car and truck are proceeding in the same direction. With no crosswind, the bow wave disturbance from an oncoming truck causes a relatively small car/driver lateral deviation because of its very short duration. Adequate lateral separation by increased lane width or addition of a median will provide sufficient alleviation.

Higher relative overtaking speeds (same direction) generally cause less disturbance of the car, because the duration is shorter and the car inertia tends to attenuate rapidly changing forces and moments. Hence, reduced truck speeds may provide additional alleviation under adverse conditions.

Certain types of vehicles such as small vans, cars towing trailers, and camper combinations are expected to provide the more critical cases from the standpoint of highway design and operation. They are more susceptible to aerodynamic disturbances. They have poorer handling response once disturbed. They tend to have lower speeds relative to the disturbing trucks, and they tend to operate in the right lanes on multilane highways, in closer proximity to the trucks.

An alerted driver, skilled in responding to truck disturbances, can be essential to safe operation in the more critical situations. Since the intensity of the disturbance varies significantly with the conditions, the driver cannot always anticipate a disturbance situation when overtaking a truck or other large vehicle. Suitable warning signs in areas with prevailing winds, training, and publicity are potential means of alleviation.

The psychophysiological response measures show on increased driver stress associated with the truck disturbance input. This autonomic recruitment can help the driver improve his performance. However, it may have associated perceptual narrowing which reduces his attention to other aspects of the driving task. Hence, other driver workload, such as reading direction signs and cross traffic, should be minimized on stretches of highway which characteristically present potential truck disturbance situations.

Car/driver characteristics

It is difficult for the driver to anticipate a truck disturbance because the intensity varies with conditions, but he should expect it alongside the truck in a crosswind and at the front of the truck with a headwind. The poorer driver (e.g., with a longer time delay) or one who is unfamiliar with his vehicle may have more difficulty.

Defensively, the driver should increase his overtaking speed to have about a 10 to 20 mph headway advantage. He should move towards the edge of the lane away from the truck when the wake is blowing towards his car. With no crosswind he should stay in the middle of his lane to avoid being pushed beyond the lane boundary by the bow wave.

The car's handling and aerodynamic properties are also important. The correct vehicle loading and tire pressures should be observed. The better handling vehicle will improve the response and performance, once disturbed. The aerodynamic design can be tailored to reduce the susceptibility to truck disturbance inputs as well as other types of highway gusts. The basic aerodynamic data simply quantify the input, however, and they have to be interpreted to estimate the safety performance. The designer/analyst must consider the dynamic response properties of the car/driver combination as a closed loop system, not just the dynamics of the car alone. This will help avoid problems such as driver induced steering oscillations. This type of integrated design process can be accomplished with contemporary analysis and design procedures of the sort used in the analytical and interpretive phases of this study.

SENDING JETS TO ISRAEL

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BROTZMAN. Mr. Speaker, I rise today in support of peace in the Middle East. For 24 years, the Palestinian question has stirred a conflict which indeed seems incapable of solution. But a solution must be found.

During the last quarter of a century, the nations of the Mideast have seen thousands of their sons die in three full-scale wars. Even when there has been "peace" in the area, hundreds more have died in countless terrorist attacks and artillery barrages. The fear and hatred of 24 years will not be easy to erase, but they must be erased.

It has to be the primary goal of the United States to help the Arabs and Israelis establish a lasting peace in the Middle East. There are several reasons for this, but the most important is the chance that another war could escalate. Soviet technicians and advisers would be on the firing line. Soviet pilots would be in the air.

It is true that we are not responsible for Soviet irresponsibility. But we are, and should continue to be, responsible for helping free nations protect their right to self-determination. In the event of another war in the Middle East, it is not hard to foresee the pressures on our President to become involved.

Assuming, then, that it is in our own national interest to see a lasting peace come to the Middle East, what is the best means of achieving such a peace?

Ideally, we could get both sides to sit down and talk. This has been the approach taken by the administration for the last 16 months. The President was right in stressing peaceful negotiations, but through no fault of his own, even negotiations on an interim settlement have failed. Last week, Secretary Rogers was forced to admit that the United States would have to abandon its role as mediator. Bargaining positions by now have hardened, and the chances for a negotiated peace at this time are not bright.

In the past few weeks, events in the Middle East have reached near-crisis proportions. The Arab States seem to be readying themselves for war and it is doubtful whether the Russians will have enough influence to stop them. Egypt's President Sadat has said that a solution will be reached before the end of this year, one way or the other. And Soviet arms shipments continue.

Given the failure of our attempts to get the protagonists to negotiate peacefully, there is little left that we can do to discourage war. The stronger the Arabs become, the more inclined they will be to seek a military solution. Our only hope of averting war is to present the belligerent Arab States with a viable deterrent. If presented with the good possibility of another defeat at the hands of the Israelis, it is unlikely that Egypt would want to start a war.

The theory of military deterrence is a proven one in our own time. Certainly it served this Nation well during the dangerous latter years of the Stalin era, and it appears to be serving us just as well—in terms of averting continental and global conflicts—during the equally dangerous apex of Maoism. Deterrent weapons buy time—and time is the ally of peaceful settlement.

Mr. Speaker, I would strongly object if the United States were to provide Israel with the weaponry sufficient for a precaptive attack against the Arab nations. Clearly, however, the administration has no such intention.

These, then, are my reasons for today introducing a resolution calling upon the President to provide Israel with the F–4 Phantom jets it has requested. It is at best a move to produce a military

stalemate. I would much rather see the two sides resolve their differences at the bargaining table. Perhaps by creating such a stalemate, we can give both sides the extra time they need to peacefully negotiate a settlement agreeable to all.

THE ELDERLY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. FRASER. Mr. Speaker, the White House Conference on Aging, being conducted this week, will have much to say on the cruel ways in which old people are neglected by the government and by institutions.

A recent series of articles in the Christian Science Monitor records in detail the plight of the elderly in our society.

All Americans of conscience welcome the White House Conference on Aging. It will address the problems of rising health costs, rising food costs, and a disparate shortage of suitable housing. The conference, however, can serve a meaningful purpose only if its recommendations are acted upon.

The wide interest being shown in the White House Conference lends hope that new avenues will be opened to restore our older citizens to their rightful and honored place in the society they helped build.

[From the Christian Science Monitor, Nov. 15, 1971]

THE CHALLENGE OF AGE

(By Robert P. Hey)

SILVER SPRING, MD.—Wearily, Mary M. Leans a gnarled hand against the bus stop's concrete pillar and squints uncertainly at the schedule. "Young man," she implores at last, "when's the next Z–2?"

"Five fifty-four," I reply, and earn a joyless smile of thanks. She has 22 more minutes to stand and wait.

For a moment she leans in wordless repose. An inexpensive bag dangles from one elbow.

Then slowly, methodically at first, the words begin to come. In that special candor reserved for dialogue between strangers the problems of the nation's 20 million aged tumble out. They are poverty, illness, transportation and housing, crime—the problems the White House Conference on Aging (Nov. 28–Dec. 2) will investigate.

And as she speaks, she illustrates that the problems are many and difficult. Dedicated people are trying to help across the country, and some notable successes are being achieved.

Yet too often, the elderly remain America's forgotten people—a national resource of which, experts say, too many other Americans are much too unaware.

The great need today appears to be for individual Americans to awake to the plight of old people and how they—and their government—might be able to help.

"CAB COST $3; I CAN'T AFFORD THAT"

"Going to see my husband," Mary M. begins. "They operated on him 18 days ago—major surgery. Now he's in that little nursing home off Hillsboro Avenue.

"I took a cab from here two days ago to see him, but it cost $3 and I can't afford that. That's why I take the bus from downtown and change here.

"I have to get along on my social security, you see—about $110 a month. Actually my husband and I have been separated a long time—27 years—but he's still my husband. He doesn't get much retirement himself so I tried for a long while to do it on social security. When he found out how little I get, he started giving me $25 a month, and that helps."

But even her estranged husband's aid leaves Mrs. M. teetering on the slippery edge of survival—with an annual income of only $1,620. (On the average, the government says, anyone who lives alone on less than $1,852 a year is poor.)

In the past two years the government has increased social-security benefits for the elderly, one of their prime means of income, by 15 percent. Similarly, the amount of money the elderly can earn without losing these benefits has been raised.

Both surely will be raised a little more in the next few months. Retiree groups are fighting to have the earned-income ceiling removed entirely, and someday it may be.

Mrs. M. has plenty of company in poverty. "It's the elderly's most critical problem," says William R. Hutton, executive director of the National Council of Senior Citizens. Elderly Americans are twice as likely as younger citizens to be poor—1 in 4 over 65 is poor.

Last year half the 5.8 million elderly who lived alone or with nonrelatives (three-quarters of these are women) had incomes less than $1,951. One-third of them got along on even less than Mrs. M. For these people the loss of even a few dollars takes on immense importance.

A LITTLE SUM GOES—NOWHERE

"When I saw my husband right after his operation," laments Mrs. M., "he had a $5 bill in his shirt pocket. . . . I was a little short at the time, and I wouldn't get my government check for five days, so I said, 'Honey, how about letting me have this five?' He said he might need it—you know him—so of course I left it.

"Wouldn't you know? Somebody stole it off him the next day . . . so neither of us got it. I told him if he'd only have let me have it, he wouldn't have been robbed. And I sure could have used it."

When they talk about their needs, most Americans over 65 soon speak of the skyrocketing costs of health care—and of their fears of being unable to afford it. So it is with Mrs. M.

The nursing home she is en route to is clean and modern, with bright flowers outside and a compassionate superintendent within.

"But the cost!" she exclaims. "It's $570 a month, for as little as they can get away with. They seem like they care, but you gotta fight for everything, they're so busy.

"In a way it's better than the hospital. That's a good place, all right. But he was in intensive care the first few days after the operation, and then they put him in a room with another man for $80 a day—just for the room. I don't know how he's going to pay for it all."

"WILL HEALTH INSURANCE COVER?"

The lines of worry seem to burrow deeper into her forehead.

"Will health insurance cover the cost?" I ask.

"Some of it," she replies, "but nowhere near all. My husband's 72—I'm 67—so that medicare thing helps. But you haven't heard anywhere near all of it."

She says that prior to the operation he had been in a series of nursing homes. "My son said the other night that the benefits are about gone—I don't understand it. But it means trouble."

Frequent medical needs and soaring health costs are "the second-most-critical problem" for elderly Americans, Mr. Hutton of the National Council of Senior Citizens says.

The Senate Select Committee on Aging reports that "Medicare covered nearly half (47 percent) of the total personal health-care expenditures of the aged (averaging $692) in fiscal 1969, leaving uncovered an average health bill considerably larger that the total health bill for the average younger person." For some people, government programs for the impoverished help with remaining expenses.

Nevertheless, the elderly complain that monthly premiums for the optional part of medicare coverage have about doubled in the program's five years; that medicare benefits have been restricted; that beginning Jan. 1, 1972, persons hospitalized under medicare will have to pay the first $68 cost instead of $60; and that several states—most recently New York—have sharply cut back both eligibility and benefits in their medicaid programs for the elderly poor.

Enactment of medicare—subsidized medical care for the elderly—during the 1960's has been a boon to the elderly, many experts say. But a number of Democrats, particularly, expressed much concern in Congress this year over increasing restrictions the Nixon administration through regulations is putting on the service that medicare can provide the elderly.

These changes are "building barriers between the elderly and adequate health care," charges Mr. Hutton.

The restrictions were clamped on mainly to hold down soaring medicare costs. There will be an effort in Congres next year to force the administration to liberalize medicare, no matter the cost to government—to meet all the health needs of the elderly.

However, help may come from a different direction. Americans of all ages are gravely concerned about soaring medical costs. There is much effort in Washington toward getting Congress sometime in the next few years to legislate a national health-care system. Many think some such program will come into existence in a decade—perhaps half that.

HOUSING, TRANSPORTATION, CRIME

Mrs. M. is talking about other problems now—poor housing, inadequate transportation, concern over crime.

"Sometimes when I get here to the bus stop early enough, like I did tonight, I eat dinner over there at the Tastee Diner—the stew's good and cheap Then I get the 5:18 out to the nursing home.

"But tonight just before I got back to the bus stop, the 5:18 pulled out—about 10 minutes early." (A gaggle of irritated commuters backed her up.) "So I had to wait another 36 minutes.

"And it's over two hours a day anyway coming out here—that's awful hard on me. And so expensive—80 cents."

The worsening service and soaring rates of many city bus lines have left millions of elderly Americans similarly in the lurch. Like Mrs. M. they're too poor to own cars, afford auto insurance or ride cabs and physically unable to walk far.

Many elderly rank transportation as their third-most-crucial problem, trailing only income and health needs. Last year the Senate Select Committee on Aging said the transportation problem for the elderly had reached "crisis" proportions.

"Transportation" reported the committee, "takes an average of 9 cents out of every dollar in their limited budgets. It is their third-highest expenditure, exceeded only by housing and food costs."

The committee pointed out that poor transportation has a "multiplier" effect. The

Senior Citizens News, a publication of the National Council of Senior Citizens elaborates:

"Without adequate transportation, the elderly are denied easy access to shopping areas, church services, recreational facilities, gainful employment, and social contacts with relatives and friends.

"Cut off from these vital contacts, the elderly tend to become isolated—with resulting mental and physical deterioration."

One of the efforts to help meet this transportation problem is reduced fares for elderly on city buses. At last count more than 50 cities offered senior citizens reduced bus fare—one-third to one-half off, typically—during nonrush hours. After the first year of New York City's program some 600,000 elderly were using this cut rate; bus and subway travel by the elderly had increased 27 percent.

When the Department of Transportation grants cities money for mass transit, it requires that they present a plan to meet the needs of the elderly.

The buses Mrs. M. does ride for her daily trip to the nursing home take her through a Washington that has changed radically in her lifetime.

"When I first used to come up here to Silver Spring," she says, "there was only one house here. Now look at it"—with a tired wave toward blocks of stores and high-rise office buildings.

"Washington's changed, too. Used to be a wonderful place to live. But it's so noisy and crowded now.

"And the crime." She shudders involuntarily. "Why just last week my husband asked me, 'Honey, will you get my [retirement] check cashed for me?' And I was shivering and shaking the whole bus ride back from the bank, afraid somebody was going to grab my pocketbook.

"I was robbed three years ago, you know, right on the street where I live, in front of my rooming house [in downtown Washington]. He grabbed my arm, threw me down on the sidewalk and took my pocketbook."

Suddenly she points at an incoming bus. "Wait a minute—isn't that the Z–2?" The silver-and-green bus chugs to a stop at curbside. She clambers aboard with me and continues talking as it begins to lurch forward.

"I'm really scared to stay there now, at that rooming house. But these other places cost so much. And one room's all I can afford."

Fear of violent crime and housing problems—they're two of the heaviest burdens elderly Americans carry.

The elderly probably are more aware than anyone else that the recently released FBI statistics show serious crime's continuing rise—11 percent nationally last year. It rose 6 percent in big cities, though in Washington it was down 16 percent.

In one low-income housing development in New York City where many elderly live, an employee reported this fall that we've had six muggings of elderly people just this past week. They're such easy prey for the young thugs—and they know it."

Housing costs don't frighten them the same way. But many of the elderly wonder how they'll meet them. Housing is the biggest expense for the average American over 65—34 percent of his budget. At that rate many of them can't afford a decent place to live.

CONSTRUCTION RUNNING SHARPLY BEHIND

The Senate Select Committee on Aging estimates that 30 percent of the elderly—6 million people—live in substandard homes, dilapidated or lacking adequate plumbing or other facilities. Construction of new homes and apartments to house the elderly adequately—especially those who are poor—runs woefully behind the need.

Worst of all, no one knows for sure what the housing needs of the elderly really are. Best estimates are taken from figures gleaned during the 1960 census. The same questions, however, were not asked in last year's census, so estimates for some time to come will be based on the 1960 statistics.

There's a direct relationship, too, between low income, inferior housing, and crime. Many of the elderly can afford only the cheapest of apartments; many of these are located in deteriorated neighborhoods, where the frequency of crime is high. Trapped by his low income, the elderly American is preyed upon by the thief he fears.

One way to alleviate the housing shortage, say some nonprofit sponsors of housing, is for government to resuscitate its program to build apartments exclusively for the low- and moderate-income elderly. The Nixon administration decided to include elderly housing in its overall low-income housing program. With the result, critics charge, that construction of low-cost housing for the elderly has been virtually stopped.

Part of the problem is suburban resistance to any low-income housing. In city after city officials have sought to put such housing in "good" areas—sometimes it's housing for elderly—and have been rebuffed. Breaking down this resistance is a key to improving housing for low-income elderly—indeed, for many low-income Americans.

One fear of the suburbanite is crime. Low-income people, many suburbanites feel, bring crime as surely as cats bring fleas. It is a concern deeply held, too, by the elderly of all income levels.

The brighter streetlights and more numerous policemen in many cities help ease this feeling. But urban crime, studies have reported, will not drop dramatically until society makes fundamental changes to give more equitable opportunities to the poor, especially minority-group poor.

Poverty, health needs, poor transportation, fear of crime, inadequate housing—they're major problems for most elderly Americans today. Yet beyond all these, for many of the elderly, is a suffusing sense of loneliness, and its companion—a sense of purposelessness, of uselessness.

COPING WITH A SENSE OF LONELINESS

When men retire they often must deal with the belief that they no longer are of productive use in society. As children grow up, move out, and begin their own families, mothers—and fathers, too—must cope with a sense of loneliness. Specialists say it is a feeling often intensified by widowhood, or separation after years of marriage. Many elderly Americans feel they have no one—no friend, no family. No one to care.

In many cities private organizations, often with some government money, are trying to reach the lonely. In New York City, for instance, Project FIND (friendless, isolated, needy, and disabled) has sought them out in little rooms along Manhattan's West Side and provided cheer and a free gathering place. So, in a more extensive way, has the Hudson Guild-Fulton Center for the elderly, several dozen blocks to the south. Throughout the city are some 60 Welfare Department day centers for the aged. And there are others.

Yet those who work with Manhattan's elderly are convinced thousands more sit unreached, day by day, in little rooms throughout the city. Much more effort is needed, they say.

So it is throughout the nation, with similar outreach programs or government-financed programs like Foster Grandparent, or senior AIDES (alert, industrious, dedicated, energetic, service), that give a few thousand elderly the deep sense of doing something needed and worthwhile. What is done is marvelous; but far greater is the need to help alleviate many more older Americans' sense of loneliness, of worthlessness.

Mrs. M.'s own loneliness comes through poignantly at the bus stop, and early in the jouncy bus ride. She is pathetically eager to talk—with anyone.

But as the bus twists and turns through residential streets she falls silent. The once vacant eyes come alert, and she seems deep in thought.

Three blocks from the nursing home she turns away, draws from the bag a broken compact held together by a rubber band, and begins to primp.

Her earlier words rush back in memory: "My husband and I have been separated a long time—27 years—but he's still my husband."

Her visit will be only one hour. But for that hour there will be no loneliness. For that hour she will have someone.

[From the Christian Science Monitor, Nov. 16, 1971]

THE SEARCH FOR A HOME

(By Robert P. Hey)

PROVIDENCE, R.I.—Judith Pearson is one of more than 6 million elderly Americans who need a better home. But she isn't sure she even can afford the one she's got.

Miss Pearson (not her real name) lives in a basement apartment in a dilapidated frame house in downtown Providence. Most of the old clapboard houses nearby are similarly run down. To her friends it's a slum.

It's been home for Miss Pearson for a decade. But her landlord recently raised the rent from $45 a month to $65. "I guess I'll have to move," she says resignedly. "I don't know how I can afford $65.

"But my friends say $65 really is pretty cheap—that I can't do any better. Is that true?"

Yes it is, Miss Pearson; $65 is pretty cheap. Housing is the elderly's No. 1 expense, as many will tell you. Most speak of paying rents a good deal higher. The Bureau of Labor Statistics figures household expenses—rent, utilities—take 34 percent of their budget. They take less of Miss Pearson's monthly income, but she wonders how she'll make it with $65 rent.

SCRIMPING ON "UNIMPORTANT" THINGS

Miss Pearson's no spendthrift. For most of her nearly 90 years she has saved money on "unimportant" things—rent, food, clothing—to have a little for the important things—travel, the broadening of her horizons.

But not even she can figure out how to afford an apartment most Americans would consider decent. It's a problem many of the 20 million elderly share. Millions of them live in substandard apartments or homes. Across the country there simply aren't enough decent places for them to live, at prices they can afford.

Even worse, perhaps, nobody is certain just how severe the problem really is. Few statistics are available on the elderly's housing needs; most that do exist stem from information gathered by the 1960 census. No new statistics are expected in the near future Because of understandable concern for privacy, the queations that yielded this information in 1960 were omitted from the 1970 census.

The 1960 census concluded that about 30 percent of the elderly—6 million—lived in housing that was dilapidated, deteriorating, or lacking some facilities. This figure is believed to represent about 2.8 million substandard apartments or houses.

The Senate's Special Committee on Aging concludes that new housing construction for the elderly over the past decade has roughly been keeping pace with the expanding need—without making major inroads on the pent-up need. It estimates that today "a minimum of 3 million units" are needed.

The problem of the elderly poor appears the most active. In 1968 the President's Committee on Urban Problems reported "an immediate and critical social need for mil-

lions of decent dwellings to shelter the nation's low-income families." It called for low-income housing units to be built at the rate of 600,000 a year, for 10 years—to a total of 6 to 8 million.

41,000 NEW UNITS VERSUS 120,000

The Senate Special Committee concludes that, since one-fifth of the poor are elderly, one-fifth of the 600,000 housing units are needed annually by the elderly—about 120,000. "By contrast," the committee reported early this year, "only 41,000 units could be identified as approved or committed for the elderly poor last year."

Much emphasis in construction for the elderly is on apartments, and many elderly are moving from homes to apartments. But at present two-thirds of Americans past 65 live in their own homes (80 percent have fully paid off their mortgages).

"For most older Americans," says the Senate committee, "their home is their only asset."

One elderly person in 20 lives in a nursing home for the aged, or other institution.

Seven in 10 live in families, reports the Administration on Aging. It adds that 1 in 4 lives alone, or with nonrelatives. "Three times as many older women live alone or with nonrelatives," it says, "as do older men."

Living alone seems particularly difficult for the elderly, whether it is uncounted thousands in little rundown hotels or those alone in large houses. In little hotel rooms a sense of loneliness and isolation sometimes seems overpowering; in too-big houses it is the expense and difficulty of keeping up such a large place. And the ever-soaring taxes.

TAXES UP "SOMETHING TERRIBLE"

"The real-estate taxes are going to drive me out of my home," laments a widow from northwest Washington, D.C. "I've paid taxes for years; I paid plenty in taxes to educate my children. But the taxes have gone up something terrible the last few years, and with my husband gone I don't have that much income anymore.

"Why do I have to keep paying to educate someone else's children? If taxes go much higher I'll have to sell the house and move into an apartment. But I'll always think of the old house as my home."

It's more than taxes that makes many elderly exchange their houses for apartments. For many it's also the expense of house repairs and the effort needed to keep up a house.

It's a typical pattern for many elderly, especially those widowed. Income goes down; it gets harder and harder to manage a big house financially and otherwise. One day they decide the ease of apartment living would make the switch worthwhile.

However, with reduced incomes and often special needs—such as being within walking distance of good public transportation—many elderly find it difficult to compete with younger persons for available apartments.

Reports the Senate Special Committee on Housing:

"With apartments generally showing only a 5 percent vacancy rate and apartments on the Eastern corridor showing only a 2.8 percent vacancy rate, seniors had little opportunity to find or exchange housing. They have to compete for these vacant units with their younger counterparts, who are more mobile and better off financially.

"In times of severe shortage the elderly are the ones who are forced to accept the run-down apartment that would otherwise stand vacant."

NO CHANGE OF VENUE FOR JUDGE

When most people retire they prefer to continue living in the communities they're in, where friends and surroundings are familiar. For instance, like the Rhode Islander who moved two blocks from house to apartment.

And like the Missouri judge, in his late 70's but still practicing law when his wife passed on. His daughter-in-law invited him to live with her family just outside New York City. He thanked her warmly but declined: "All my friends are here; there I'd walk down the street and know no one, and no one would know me."

Nevertheless, many do retire to other areas; witness the many elderly living in mile after mile of mobile homes and small houses in parts of Florida.

In search of country peacefulness, a few retirees even ignore harsh winter weather—as with those who retire to Freedom, N.H. (population 387). "I've vacationed here from Boston every year since '28," says a courtly gentleman standing in front of Freedom's Village Store. "I retired two years ago; moving here year round was the natural thing to do. Freedom's become a retirement village, you know."

Over the years a Midwesterner has bought and beautifully restored several Freedom buildings, including the old inn and a one-time store that had fallen upon sorry days. Now the store is four nice apartments for retirees.

Retirees coming to Freedom have been able to find good housing. But nationally the housing problem of the elderly is acute.

This is an area in which government is helping. But critics charge it should do more than it has done. What's worse, they say, the Nixon administration has been trying to cut back on housing and other aid to the elderly when it really should be expanding it.

The Department of Housing and Urban Development (HUD) reports that by mid-1970, elderly were living in more than 336,000 apartments or houses subsidized in whole or in part by the federal government. The department says it administers 21 programs under which the elderly are aided, including: apartments exclusively for the elderly; low-rent public housing for elderly and others; and rent-subsidy programs.

NO INROADS ON BACKLOG

As evidence of progress in meeting the housing needs, HUD reports that elderly were living in 156,000 general-purpose, low-income apartments in 1970, compared with 77,000 10 years earlier. It reports also that in 1960 only 1,100 federally aided apartment units existed in programs specifically designed for the elderly. Ten years later, it says, there were 180,000.

Even critics admit that's worthy progress. But they say it only keeps pace with the increase in need—and doesn't meet a basic need for nearly 3 million good-quality, low-cost housing units for the elderly.

HUD says that in the past 10½ years, ending last December, 43,500 apartment units were begun under the major federal program to provide low-cost apartment housing exclusively for the elderly. But the Nixon administration has decided to end this program and instead stress low-to-moderate-income housing for all ages.

Critics charge that the practical effect of this change in direction, made more than a year ago, is to stop new housing for the elderly—making it too expensive to build because of needlessly higher specifications and interest rates. The Senate in 1970 voted $10 million for the old program anyway, but HUD did not spend it.

A LITTLE EXTRA HELP . . .

Acute as is the shortage of adequate housing, for many elderly the problem is not finding an apartment, it's remaining there. What's needed by many is a little extra help from someone: a good hot meal once a day; someone to take them shopping twice a week; a once-a-week cleaning service; help in cutting through the miles of red tape often wound around promised government aid.

Many privately and publicly financed programs exist to provide these services. But in almost every area of the country the need far exceeds the services provided.

One of the best programs is at Hudson Guild-Fulton Center, on New York's Ninth Avenue. The center provides many activities and much help for the elderly of the neighborhood. Perhaps its biggest boost is the nutritious, low-cost dinner it serves some 125 to 150 elderly every day (some meals are sent to the homebound as well).

"I give them more protein than is required," says Mrs. Gertrude W. Wagner, the center's nutritionist, "because I feel that, being the highest priced food element, that's the one they won't get otherwise". She says that "quite a large group that comes every day for the meal lives in resident homes without any cooking facilities".

Mrs. Wagner says "there is no doubt" that because of meals provided by the center a number of local elderly are able to keep living in their homes, not have to move to nursing homes. That, she says, "is the thing all of them want. Nobody wants to leave his home."

The center is widely acknowledged to be doing a fine job through its meals and many other programs. Yet, ever the realist, Mrs. Wagner warns that even in this area of Manhattan the need is far larger:

"It's important that we know we're just a drop in the bucket, compared with the total needs in the area, or in the city, or in the country."

For untold thousands of elderly, living alone and struggling to remain independent, a nursing home is the only alternative to the help this and other centers provide. One elderly American in 20 lives in a nursing home or other institution. And to many another, the very idea of having to move to one brings a tear.

There are many dedicated nursing home administrators and staffs across the country, and a substantial number of fine nursing homes. But a two-year Senate study chaired and directed by Utah Sen. Frank E. Moss (D) concludes that despite some improvement in the nation's nursing home situation in recent years, by and large the picture remains shocking.

BEHIND-SCENES CRITICISM

Many persons who have worked in nursing homes can relate firsthand how care and food costs are held down—even in some expensive establishments.

A kitchen aide says she resigned from a modern southern Massachusetts nursing home because:

"One day when I was ladling mashed potatoes onto the patients' plates the manager came into the kitchen. He told me to mash the potatoes down on the plates with a fork 'so it looks like there is more than there really is.'

"That was too much for me; I quit the same day. I felt so sorry for those poor patients."

Nursing homes became big business from 1966 to '69. Hundreds sprang up across the nation, largely in response to a federal carrot: the federal government began to pay millions of dollars to nursing homes to care for the aged.

Today, the Moss subcommittee estimates, nursing homes take in from $2.5 billion to $3 billion a year. Public funds account for $2 of every $3; federal funds alone pay about $1 of every $2.

Ironically, the Moss study concludes, this is not enough to provide proper care. And in fact a number of nursing homes have declared bankruptcy over the past two years.

States determine how much money should be paid nursing homes each day to care for indigent elderly patients under the medicaid program. The cost then is shared between the state and federal government.

The Moss study finds most states pay $14 a day for medicaid patients, which has to cover the room, nursing care, food, medicines, and other expenses. It's less than most hotels charge merely for a room. "Grossly inadequate" for proper care, complains Senator Moss. However, charges a Moss committee aide who has been deeply involved in the study, "if a nursing home operator really wants to cut services and care, he can make a fortune on $14 a day."

The study holds that "the gist of the problem is money." The Senator recommends that the way to solve the problem is to pay more money contingent on adequate care, good food, and other elements of a first-rate nursing home.

HIGH-QUALITY INCENTIVES SOUGHT

He wants to build financial incentives into existing government programs that would encourage high-quality nursing homes. He praises the incentive system Connecticut builds into its medicaid payments to nursing homes for care of the ill and poor.

The state inspects nursing homes and grades them in five categories; the better they are, the more money they receive. "Typically," the Senator says, "a Class A nursing home will receive about $1 a day (per patient) more than a Class B nursing home and $2 a day more than a Class C nursing home, and so forth."

He says that Connecticut "is commonly recognized as having one of the best nursing home systems in the nation. To be sure, there are problems with this system . . . (which are recognized), but with some minor revision it might provide a useful model for other states."

Good food, enough nursing care, a concerned staff, a clean and cherry atmosphere, a fireproof building—good nursing homes have to provide all these things. But there is something more—respect for the patients. Many of the homes have it: But too many, unfortunately, do not.

A SHORTAGE OF DIGNITY

It's traumatic indeed for the elderly to lose their independence and have to go to a nursing home—however sunny its rooms. However loving its staff.

Some nursing homes unconsciously twist the knife in the unkindest cut of all: slicing from the patient his last shred of dignity.

There is, for instance, a lovely, modern nursing home in southern New England where nurses and staff automatically call even their newest patients by their first names. It's never "Mr." or "Mrs.," but always "John," or "Edith." Nobody ever asks the patients how they wish to be addressed; for some, it's the last straw to be known, like children, only by one informal first name.

A comprehensive study by the Senate subcommittee on long-term care concludes that about half of all the nation's nursing homes run for profit are substandard—in construction, care, food, or some other element. (Most nursing homes which exist primarily to provide medical care are in this proprietary group; most homes for the aged—well and otherwise—are nonprofit.)

If nursing homes were graded like schoolchildren, the study concludes, only 5 percent would get an "A" (These also are expensive, because the needed high level of care and food they provide patients is costly.)

Ten percent would get "B"; 15 percent, "C"; and 20 percent, "D." These are rated as having good physical facilities. "But what you're sorely lacking there is care," explains a subcommittee aide—"more because they can't than that they don't care."

"THE SYSTEM" GRADED LOWEST

The guilty party, the study concludes, "is the system—and the system builds in poor care. You need more nurses. You need the involvement of more physicians.

"Most of all, you need a clear national policy as to how we are going to treat our elderly ill."

In August President Nixon publicly expressed his concern about the poor quality of some nursing homes. He said he intends to see that those falling below minimum federal standards are brought up to them. As one step he announced plans to train an additional 2,000 nursing home inspectors.

The Moss study holds that "there seems to be a 1-to-1 relationship between being a low-quality nursing home and earning high profits. The reason is that your major expenses as a nursing home are staff and food. So if you want to make a lot of money in the nursing home field, you cut care and food costs."

[From the Christian Science Monitor, Nov. 17, 1971]

INADEQUATE INCOMES

(By Robert P. Hey)

WASHINGTON.—Mrs. C., tall and stately, is a secretary in a medium-size Eastern city. Making ends meet always has been hard—she has worked for the same nonprofit firm for 40 years; she is 64.

Her income places her far above the government's official poverty level. Yet, like the vast majority of older Americans, she must watch nearly every penny.

"I earn just over $5,000 a year," she begins. (She receives another $400 annually from interest on her savings account, which stems from her late husband's modest life insurance.)

"Believe me, it's very difficult to live by yourself on that amount. My apartment rent [one bedroom, third floor, no elevator] is $160 a month. Anything cheaper would be in a slum.

"I live very carefully. I've only bought one dress all year, and I almost never eat out.

"Even so, every now and then I have to take principal out of the savings account for big expenses, like car repairs. (Her sedan is five years old.) Honestly, if anything more happens to that car I think I'll just drive it into the harbor."

Ironically, the car that threatens to drive her to the poor house also enables her to remain independent.

"THEY CALL THAT SECURITY?"

If I sold the car I'd have to give up my job. It's so far to walk, the bus service is atrocious, and I can't afford cabs. If I gave up my job I couldn't keep the apartment. My social security would be only $130 a month—even less than my rent. How dare they call that 'security'?"

Mrs. C. does live frugally. Clearly she considers herself near the brink of financial disaster. If her expenses go any higher she will have to economize by giving up her prized independence and moving in with one of her children.

Yet the startling fact is that Mrs. C. has a bigger income than almost 5 of every 10 elderly and single Americans, according to the Department of Health, Education, and Welfare. Its Administration on Aging reports that 90.7 percent of all single, divorced, or widowed elderly had less than a $6,000 income in 1970. (Two-thirds of them earned less than $2,500; and half less than $2,000.)

Although the majority watch their pennies closely, the government says only one-fourth of them are financially poor. But for most, meeting the problem of adequate income is, in one degree or another, a continuing challenge.

WASHINGTON TOSSES A BUOY

By government figures, 4.7 million of the 20 million elderly Americans—1 in 5—live below the poverty line. That is set by Washington at an average $1,852 for a single person.

In recent years efforts have been made to try to lift the elderly above the line. For instance, over the past two years the government has boosted by 15 percent the benefits given the elderly under the social-security program.

The efforts have not been adequate to the need. For instance, poverty among most Americans has been declining in recent years. Yet today, by latest government figures, 100,000 more elderly Americans are officially poor than there were in 1968.

Thus it is that many groups and individuals in Washington and across the nation express concern over the situation. They are offering suggestions for improving it.

The National Council of Senior Citizens asks a 25 percent increase in the monthly social-security benefits, on top of the 5 percent increase proposed in President Nixon's family-assistance plan. The presidential plan, now before Congress, is not expected to be acted upon until next year.

INCOME SUPPLEMENTS PROPOSED

One goal of the council is to eliminate poverty among all age groups, including the elderly. To the extent that social security and private and other public retirement plans do not end elderly poverty, the council says, there should be a program of income supplements for the elderly, financed from revenues from the general treasury.

Last spring Sen. Frank Church (D) of Idaho, chairman of the Senate's Special Committee on Aging, proposed such an income supplement program (on which there was no congressional action). Senator Church said that his bill would "ensure that all elderly citizens would be entitled to an income above the poverty level of about $1,750 for a single person, and $2,200 for a married couple."

Senator Church would abolish the shared federal-state welfare plan (Old Age Assistance) to aid the elderly poor, and establish a supplement plan in its stead. "Quite clearly," he said, "a new approach is essential if we are to ensure a life of dignity and self-respect for the elderly people of the United States."

Senator Church says: "Undoubtedly, the No. 1 priority for the elderly is to raise [social security] benefits to a more realistic level." Early this year he proposed a two-step, 30 percent increase.

THE GRAPHICS OF SOCIAL SECURITY

The importance of social-security payments to retired workers is graphically illustrated by the many millions of retirees, their dependents, or their widows who receive the benefits.

According to latest figures of the Social Security Administration, nearly 17 million such workers and their dependents receive checks each month. This figure includes 13.7 million retirees themselves; their 2.7 million dependent wives or husbands (not necessarily of retirement age); and 550,000 dependent children.

In addition, 3.3 million elderly widows or widowers of retired workers receive checks based on their spouses' earnings.

Even with this year's 10 percent social-security raise, benefits leave most recipients in less-than-lucrative positions. The monthly check for the average retired couple now is $219; for an average retired worker, $131; for widows, $113.

Widows' benefits are less than retirees'—they receive 82½ percent of what their husbands were entitled to. Many persons advocate changing social-security rules so that they receive 100 percent. Such a change is proposed in the Nixon assistance plan.

FREER EARNINGS LIMITS SOUGHT

The Nixon plan also would raise the amount a person receiving social security can earn without having some of his government money taken away. It is $1,680 now. The bill

would raise it to $2,000. Many liberals will try to push it to $2,400; some want it removed altogether.

(Recipients can, however, receive full benefits while taking an unlimited amount of unearned income—dividends, interest, trust, and rental income.)

Under present law, when persons earn between $1,680 and $2,880, $1 in social security is withheld for every $2 earned. It is a disincentive to work. And, the elderly charge, the provision makes it well-nigh impossible for them to lift themselves from financial poverty by making the few extra dollars that can, in human terms, make all the difference.

Under the Nixon proposal, $1 of a recipient's social security above the $2,000 level would be withheld for every $2 earned—no matter how much was earned. Some think this "withholding" or retirement test, as it is called, ought to be dropped.

THE CORNUCOPIA HAS A BOTTOM

But the 1961 White House Conference on the Elderly concluded that it should be retained so that the persons who are actually retired, or mostly so, are the ones who benefit from social security—which is not, after all, a bottomless financial cornucopia. Someone has to fill it.

That someone is the American taxpayer. He fills the social-security system by paying taxes on the first several thousand dollars he earns. There is some thought in Washington, largely among liberal Democrats, that the system ought to be financed from the nation's general treasury. This would enable more of the money to be collected from the people and corporations with more money and thus, it is argued, more ability to part with it. Some say this would enable larger benefits.

Among the recommendations of the Senate Special Committee on Aging are:

1. That Congress give attention to "major changes in social-security benefit levels."

2. That "serious consideration be given to the use of general revenues in the financing of the social-security system."

3. That "the federal commitment to the elderly undertaken through the family-assistance plan be translated into a wholehearted commitment, with 100 percent federal financing and federal administration."

A PLAN FOR GOING THIRDS

Sen. Hubert H. Humphrey this month proposed several changes in the social-security system, including use of federal general-revenue funds to finance one-third of the program. At present the program is financed 50 percent by employer deductions, 50 percent by employee deductions. Senator Humphrey would broaden that to financing it one-third each by employer, employee, and the federal government.

The Minnesota Democrat also asks that the minimum benefit be raised from the present $74.10 to $100 monthly; that all benefits be raised 10 percent; and that employees pay social-security taxes on the first $15,000 of their annual earnings (instead of the present $7,800).

Several proposals have been made that benefits automatically be raised as the cost of living goes up.

Increasingly in recent months, another area of retirement income has come under attention here in Washington. That is the area of private pensions. Hearings were held this year both by Senate and House committees. Much information was uncovered that many persons who thought they were building up equity with their companies toward an eventual pension suddenly, disturbingly found themselves without job or pension.

PENSIONS VANISH WITH COMPANIES

Rep. Frank Thompson Jr. (D) of New Jersey summarized some of the findings of one House subcommittee: "Often the merger, sale, or other dissolution of an employing company has cruelly wiped out the financial retirement security built up over a lifetime of loyal service.

"Furthermore, the lack of portability, i.e., the right to transfer retirement credit from one fund to another [the way teachers and union members can] has too frequently locked employees into jobs that they might have otherwise left."

Mr. Thompson and others on Capitol Hill think the time has come for a thorough investigation of private welfare and pension plans, preparatory to writing legislation to see that employees' pension rights are protected for their retirement. A Senate subcommittee is studying a large number of pension plans to find out how many employees wind up collecting pensions, how many do not—and why.

Pension plans, welfare programs, social-security benefits—these are most important. But they are only one approach to the income problems of the elderly. Another is jobs—part time, sometimes full time, depending on the abilities and desires of those who wish them. Many want to work but cannot find appropriate jobs.

JOB RIGHTS RETIRE AT 65 TOO

Federal law, though sometimes violated, protects Americans from employment discrimination due to age until they reach 65. Then they generally find great difficulty competing with younger people in the job market—especially when it is as tight as it is today in so many fields.

Several small federal programs are under way that provide satisfaction, and some pay, for the elderly who wish to work—such as Foster Grandparents (but it has fewer than 5,000 jobs across the nation) and senior AIDES, which provides community service positions and modest salaries.

It generally is agreed however, that far more could be done both by private interests and government at all levels. Positions could be established that need filling—with libraries, school systems, health organizations—to the mutual benefit of the community, the elderly . . . and their pocketbooks.

It is a subject to which Bert Seidman addressed himself two months ago at a meeting on vocational rehabilitation policy, in preparation for the White House Conference on Aging. Mr. Seidman is director of AFL–CIO social security.

"The evidence is all around us," Mr. Seidman said, "of the great need for services in most communities—in hospitals and other medical institutions, libraries, schools, and many other areas."

"TREMENDOUS CONTRIBUTION" ENVISIONED

"With their long experience of work and life," he elaborated, "the elderly, including the disabled elderly, can make a tremendous contribution to the expansion and improvement of these vital community services.

"There is a dire need to enlist older Americans in public-service projects that would help their own communities become better places in which to live. Not just the public sector, but nonprofit private organizations as well can make available job opportunities in this important area of community service.

"Unfortunately, too many people have been sold the idea that employment under public sponsorship is 'make-work.' Nothing could be further from the truth. We all know in our own communities of the unmet need for socially useful and economically necessary activities which do not lend themselves to private enterprise but nevertheless could provide employment opportunities which would have great value to both older workers and society."

When the elderly talk about their problems stretching the income they already have, local property taxes invariably come up (70 percent of the elderly own their own homes). "We've paid taxes for years," they say in effect, "raised and educated our own kids—why can't the other people pay the real estate taxes now?"

FOR SOME HOMEOWNERS, A TAX BREAK

In a number of communities, elderly homeowners are eligible for reductions in property taxes. Other communities are discussing such a plan.

Federal income taxes give the elderly an additional exemption based on age. Rep. Paul Findley (R) of Illinois has just introduced a bill to provide a federal income-tax credit to offset state and local taxes the elderly pay on their home property.

Mr. Findley told the House that "those whose annual income is under $6,500 would be eligible, whether they own their own house or not. If they rent, the portion of rent which covers taxes would be computed.

"If their federal income tax is $300 or less, they will be eligible for a payment from the U.S. Treasury instead of a tax credit."

These are some of the approaches being taken or talked about, as partial solutions to the income problem of the aging across the nation.

For the poorest quarter of the elderly the problems are severe indeed.

For elderly blacks, poverty is likely to be twice that of the whites; fifty percent past 65 are poor.

In rural areas the problem is worse: Two of every 3 elderly black residents are poor.

A STORY OF STOUT DETERMINATION

Most desperate of all is the plight of elderly black women who live alone. Says Sen. Harrison J. Williams (D) of New Jersey, a member and former chairman of the Senate Special Committee on Aging: "More than 88 percent—or nearly 9 out of every 10—live in poverty or are marginally poor."

A graphic example is the case of Mrs. Edna Richardson, a black seamstress, a widow. Mrs. Richardson lived in a rooming house deep in the Washington ghetto. She commuted four hours every day on buses to her job with a small dry cleaner's in Silver Spring, Md.

The long bus rides were physically hard for her. "But she was always here, always on time," says her boss. Customers were universally fond of her sewing skill, and of her smile and warmth.

Last June she began to feel "poorly." Twice she visited physicians, both times a serious condition was diagnosed and hospitalization recommended.

But Mrs. Richardson felt trapped in the cruel position of the not-quite destitute: too poor to pay hospital bills, yet, because she was working, not poor enough to have the government pay them for her. She couldn't afford hospital insurance and wasn't quite old enough for medicare.

NO QUITTING, NO "CHARITY"

"She told me the only way she could pay for hospital care was to quit work and go on relief," says her boss. Medicaid—aid to the poor—would have paid. But she was too proud, too independent to quit work, to accept welfare, which she viewed as charity.

She decided instead to keep working and hope that nothing would happen.

One October Monday she didn't appear at work. Her landlady phoned instead: Mrs. Richardson, she said, had passed on the previous day.

She left no relatives.

People like Mrs. Richardson—and like Mrs. C., the widowed secretary who earns $5,000 a year, are in our midst everywhere. They need assistance in varying degres. Most of them feel that by now they deserve it.

"We're not asking for charity," says a New York septuagenarian. "We pay taxes, too. We've paid them for years. We've already earned more help—it's due us."

In Washington a delegate to this month's National Conference on the Black Elderly says the nation owes it to the elderly to see that they have adequate finances. For years "we dug ditches," she says, and built the nation—"we who now are elderly. We deserve better now." And the New York Avenue Presbyterian Church rocks with applause.

"NOT A MATTER OF YOUNG OR OLD"

The National Council of Senior Citizens says, "This is not a matter of 'either/or,'" It says flatly that "a nation as wealthy as ours can afford to do more for its older people without decreasing its efforts for the younger generation."

The challenges are being voiced. The White House Conference on the Elderly soon will explore them.

The elderly wonder who is listening. They will wait to see how the nation responds.

[From the Christian Science Monitor, Nov. 19, 1971]

LIFE WITH MEANING

(By Robert P. Hey)

NEW YORK.—They sit and chat in the cheery courtyard here at the Hudson Guild-Fulton Center for the elderly. They're several dozen elderly residents of New York City's Chelsea area, which runs up Manhattan's West Side from 14th to 32nd Street.

Autumn's sun brings soothing warmth to the courtyard, an oasis of tranquillity and greenery in an area which generally lacks both. As they sit, the seniors speak of their needs—usually with warmth, sometimes with heat.

They speak of financial needs, and medical ones. And they return again and again to the need of the elderly, like people of all ages, to have something to do, somewhere to go, someone who cares. They're personally fortunate, they'll tell you; there's plenty to do here at the center, and many who care. But most elderly elsewhere lack access to such centers.

And, anyway, the slights of society at large are etched deep upon these elderly here in Chelsea, as elsewhere. Most are lonely, and eagerly welcome attention. But society, they feel, has dismissed them and their needs with an airy wave of the hand.

Knowing what to do with themselves is a big problem for many American elderly in and out of New York City. In Manhattan you'll find many of them sitting outside and talking on warm days—in Central Park, on benches along upper Broadway. A few still sit in the traditional indoor places—Port Authority bus terminal on the West Side, and Grand Central Station.

HAVE SKILLS, WILL SHARE

Some retired businessmen gain much satisfaction through participating in the SCORE Program (Service Corps of Retired Executives), a kind of volunteer management-consultant service run by the federal government.

SCORE was begun during the mid-1960's. Some 3,200 retired businessmen are in its "pool" now. They're on tap by the Small Business Administration to aid small-business men whenever they seek help. They also aid many small-business men who receive SBA loans. Together they have a wide variety of skills and experience.

SCORE volunteers aren't paid for their services; and they are reimbursed only for incidental expenses such as parking and transportation if they have traveled 50 miles or more, one way, to the business they are advising.

Nationwide, SBA could use more volunteers, though in some places to which many businessmen retire there are more volunteers than requests—places like Phoenix, Ariz., and Miami.

Many retirement-age Americans, of course, find alternatives to just sitting. Some want to keep working, and do (although many large companies have mandatory retirement ages). Others find fulfillment in retirement by plunging into second careers, or concentrating on hobbies.

Some do volunteer work, or work in government-aided programs which pay them modestly. Still others take courses, or frequent the centers set up to provide companionship and services to older Americans.

Another avenue of service some retired Americans have found is the Peace Corps, and the organization often called its domestic counterpart, VISTA (Volunteers in Service to America). Both now are run by the federal government's ACTION agency. Comparatively few older Americans have served in these agencies; but those who have report great satisfaction.

In all, 264 Americans 60 and over have served in the Peace Corps since its inception in the 1960's, according to latest available figures. The percentage of older volunteers, although small, is increasing. As of Oct. 31, 75 persons 61 and older were serving as Peace Corps volunteers in many nations—1.1 percent of the corps' total volunteers.

Sol Grieman is one of those volunteers. He retired three years ago at 65 as a plumber, heard the Peace Corps needed plumbers—and joined. He was sent to Caava Vocational school in Tegucigalpa, Honduras, to instruct youths in plumbing. Now nearing the end of his two-year hitch, he is training a Hondurah to take over as instructor.

FROM PEACE CORPS TO VISTA

Mrs. Helen C. Baker, a great-grandmother from Spokane, Wash., has been a Peace Corps volunteer, too. She joined at 70 and went to Nigeria, where she taught English at a secondary school for boys. After her two years she returned home but quickly felt bored. She applied to join VISTA. She has served two one-year hitches as a VISTA volunteer, both times teaching Job Corps youths, and has applied for a third hitch.

VISTA has some 460 volunteers, like Mrs. Baker, who are 50 and over. During a one-year hitch they work in rural and urban poverty areas for a subsistence allowance—and a lot of personal satisfaction. As with Peace Corps volunteers, their tasks and experience are matched. Among the fields VISTA volunteers are working in: health, individual and family counseling, legal aid, tenants' rights, housing-code enforcement, mobilizing volunteer Big Brothers and Big Sisters, establishing local co-op food stores.

Although "volunteer work" is a standard answer, sometimes volunteer offers are not accepted—though their expertise is greatly needed.

Two dentists in a retirement community in Florida—both highly skilled, much respected in the communities they had come from—tried to volunteer their services through the local dental society.

"IT WOULD GIVE SUCH SATISFACTION"

They'd work in a dental clinic—anything, anywhere. "There must be plenty of children who need dental work," said one dentist. "There are many poor areas near here.

"I don't want money—I told them that. I don't need it. It would give me such satisfaction to help these children, something like three mornings a week."

Unquestionably his services, and his colleague's, could have been well used. But they were rebuffed: "They didn't want us."

As it happens both men, like many others, enjoy their retirement community, although they could wish for volunteer opportunities in their profession. But some persons pack up and head for a retirement community without planning what they'll do when they arrive and wind up lonely for former friends and surroundings. Some pack up all over again and return.

John Chase is one of those still on the job. He is a top-flight Philadelphia toolmaker at 73. Every year now he talks vaguely of retiring, but really is delighted to continue when his boss asks if he wouldn't consider working "just one more year."

"After all," he says quietly, "I have no family. What would I do if I retired?"

So he keeps making tools 49 weeks a year. The other three weeks he watches the sun set across acres of wind-whiffled corn and alfalfa, on a dairy farm in Pennsylvania's Lancaster County. Technically Mr. Chase is one of several paying guests. But his rotund farm wife says that "John's been coming here so long we really think of him as one of the family."

In New York, a fine restorative dentist is back in business part time after several years of retirement. He still finds the challenge of difficult restorative jobs very stimulating—the harder they are, the more satisfaction he derives. This fall he completed the most complicated restoration he has ever undertaken.

When it comes to working beyond usual retirement age, self-employed like the dentist have a distinct advantage: They can keep on if they wish. Most people who work for others, like Mr. Chase, are less fortunate than he. If they want to keep working it generally is up to their employer, or company rules, whether they can.

SELF-EMPLOYED RATIO SHRINKING

Comparatively few working Americans are self-employed—only about 7 million of the total working force of 80 million. This percentage has been shrinking steadily in recent years as the number of working Americans has been rising, but the number of self-employed has not.

Business executives, retiring earlier, increasingly have begun to carve out second careers—like the upper-echelon New York executive who became a college professor. He combined his years of experience in business (which he didn't like) with university teaching (which he enjoys)—by becoming a professor of business subjects. He's working as hard now as ever—and he's much happier.

Other people have found similar fulfillment in retirement without a second career. But it takes planning—and, as throughout human experience, a willingness to give of oneself.

One who has found such fulfillment is a social worker who retired, after much thought, from a horn-honking Northeastern city to the serenity of a little Cape Cod, Mass., town. Friends admiringly say he and his wife, in retiring, "did it right."

He said he'd seen too many men just hang around after retirement, worrying about the former company, "waiting for someone to ask their advice, and no one ever does." He decided "to start over" in retirement—to plunge into a new community with zest, rather than slow down in the same old city.

After two years of looking he and his wife found the right building lot—with a harbor view, yet within their budget. They bought and built. And became immediately involved in their adopted town's affairs—no mean feat in a New England town. He's on the library board; both avidly attend town meetings.

For this couple retirement is happy, satisfying, exhilarating. But it took a great deal of prior planning.

Retirements like these also require a modest amount of money, to enable the retirees to afford a reasonable standard of living. Unfortunately most people reaching 65 don't have enough money; every fifth person over 65 is poor by government standards. And among the nation's 20 million over age 65, millions of others have so little money that they cannot afford to go much of anywhere, nor do much of anything. These are the people most prone to feeling unneeded, useless.

Both government and private social agencies are helping to meet this need. Several comparatively small government programs are aiding the elderly, especially the poor—providing both meaning and extra money.

In many cities private and public agencies provide social centers and varying amounts of services for the elderly, primarily the needy elderly.

NEED FAR EXCEEDS PROGRAMS

But the need far outstrips existing programs, and the money isn't there to expand them. Nor, some say, is the national will.

Foster Grandparents is the best known of the government programs. Begun in 1965, it provides inestimable satisfaction to two groups of people who need it: low-income elderly, and deprived or handicapped children, primarily those in institutions.

Now 4,400 elderly are in the program. Each spends two hours a day with each of two children—talking, visiting the zoo, showing that somebody really cares. And setting up that special and mutually beneficial relationship—the one between grandparent and grandchild.

To supplement their income the elderly are paid $1.60 an hour, the minimum wage.

But the need far outstrips the program. The Nixon administration asked for $10.5 million for the program for the current year; Congress gave it $12.8 million. That enables the program to enroll only the 4,400 older Americans.

A source close to Foster Grandparents laments that "it's a program that could be multiplied immediately, but for lack of funds. They have such a long waiting list for people who want to become foster grandparents. And the need for them in institutions is just enormous. It's shocking, really."

The Foster Grandparents program does not advertise for elderly grandparents. But every time a major newspaper runs a story about the program it is deluged with requests from the elderly to join. Program officials estimate that there are eight applications or requests for information for every vacancy.

The foster grandparents find their relationships with the children very meaningful; many remain in the program year after year. In Detroit, for instance, 36 of the 40 original "grandparents" in the program when it started five years ago still are in it today.

The Foster Grandparents program is administered now by ACTION, President Nixon's new agency in charge of volunteer programs. Another ACTION program also deals with service by the elderly—RSVP, which stands for Retired Senior Volunteer Program. Authorized in 1969 by Congress, it is just getting under way. No RSVP programs actually are operated, but agency spokesmen say several are being processed. They will be operated by nonprofit organizations.

MORE VOLUNTEER OPENINGS SOUGHT

Under RSVP, Americans over 60 are to be aiding in schools, hospitals, libraries, welfare agencies. They will not be paid, but will be reimbursed for out-of-pocket expenses, such as transportation between home and work.

Nobody will say so publicly for fear of raising false hopes, but people running RSVP hope that in short order they can gear it up to providing volunteer opportunities for 25,000 people.

Somewhat similar to RSVP is senior AIDES, now in its fourth year. Jobs are similar, but persons in the AIDES program are paid an average of $2.15 an hour.

From antipoverty funds the federal government is spending just over $3 million this year on the program, which is administered by the National Council of Senior Citizens. Local nonprofit sponsors add nearly $400,000. With that money 1,150 low-income men and women over 55 are employed 20 hours weekly in community service jobs. The AIDES program operates in 21 communities.

In addition to these and other federal government programs, many states, communities and local organizations have their own programs. But here, too, need exceeds supply.

In New York City, where 1 million of the nation's 20 million elderly live, several different kinds of programs exist. At one end of the spectrum is the comprehensive approach, such as the FIND Hudson Guild-Fulton Center, on Ninth Avenue.

The center offers area senior citizens many activites and classes—painting, sculpture, sewing, ceramics, French, Esperanto, bridge, stamp collecting, gardening. There are shuffleboard courts, a piano, and a lovely patio with a garden to sit in. Also listed are special events, like that last August's boat trip to Bear Mountain.

Two center staffers help cut red tape for people with special problems. Once a week a physician comes to the center.

Every noon the center serves a nutritious, low-cost main meal; from 125 to 150 of the seniors partake.

A most important element of the center is the personal contact which it gives. Mrs. Gertrudge Wagner, center nutrition specialist, talks specifically about the noontime meal, but the idea applies throughout the center activities.

"The biggest part of our project is the group setting, which has the following advantages:

"These people are likely to be isolated. I would suppose that maybe 60 percent of our people are single, living by themselves. And even if they have kitchen facilities, they don't use them very much . . . and pretty soon malnutrition takes over.

"It's a vicious circle. They're lonely, so they don't eat. And then their health fails, and they're more lonely."

FUNDS NEEDED FOR CENTERS

But as much as the center does, even more is needed, officials say. Mrs. John Wasserman, center chairman, says that to meet fully the needs of the elderly more staff members would be needed to go into the homes, more social workers, a bus or station wagon for transportation, and more money to buy additional services. Operating a center at this high level of services, she estimates, would cost about $350,000 a year. And many centers are needed across the city.

That's the major problem—the $350,000. Mrs. Wasserman's center has a good deal smaller budget; no one knows where enough money could be found to finance the many centers needed across the country, at $35,000 per center per year.

Twenty-six blocks north of this center another idea has been in operation since June. It's a free coffeehouse for the elderly under the auspices of Project FIND. On a slimmed-down budget of $35,000 a year the center offers space in a renovated brownstone for the elderly to relax, sip coffee, and talk. And, especially, to enjoy each other's company.

Mrs. Elizabeth S. Trebony, executive director of Project FIND, says New York City's Welfare Department currently runs 60 day centers for the elderly, each annually costing about $100,000 (including value of rent-free space they occupy).

"Every 20-block area ought to have a day center," says Mrs. Trebony, "but at a cost of $100,000, this is impossible to imagine. So my idea is to have places like this." In slums where rents are lower, she believes, costs could be held below $30,000.

One point on which Mrs. Trebony and Mrs. Wasserman would agree is that more—much more—needs to be done to aid the nation's elderly.

From all sides in American society today comes clamor to reorder national priorities. Many groups seek more of the national attention, more of the national funds. Spokesmen for children do, and others seek more for blacks, the Spanish-speaking, and American Indians. More is needed for education, the environment and the consumers who inhabit it and funds are solicited for more mass transit in cities, and better housing everywhere.

And, oh yes, more is needed for the elderly. They recognize the needs of the others, and hope that they are not elbowed out in the frenzied struggle for attention and funds.

In 1958 the late Rep. John E. Fogarty introduced a bill calling for a White House Conference on Aging, which subsequently was held in 1961. At the time he said: "In spite of the many surveys, books, and conferences on aging, the greatest accomplishment to date has been the output of words."

More than words have rolled out of Washington and elsewhere since then. Medicare was enacted. And medicaid. Several modest social-security-benefit increases were passed; so were various housing and service programs. Yet the continuing need far outstrips these programs; and some of the smaller service programs which should be expanded must be fought over annually even to be preserved.

To most who work with the elderly, the biggest need today is for a firm national policy toward the elderly—a national decision of what should be done, and a national commitment to do it. That's what the elderly want, too; but they aren't holding their collective breath either.

Thus the elderly view this month's White House Conference on Aging with interest—but great skepticism. Will it be yet another flood of words, and trickle of action?

Or will it stimulate concrete help for the elderly—help that will come soon?

The elderly hope so.

[From the Christian Science Monitor, Nov. 2, 1971]

THE AGED OVERSEAS: HOW DO THEY FARE?

(By staff correspondents of the Christian Science Monitor)

(NOTE—This article was compiled by staff writer Florence Mouckley from dispatches written by Monitor correspondents John Allan May in London, Harry B. Ellis in Bonn (who included information from many visits to Sweden), Elizabeth Pond in Tokyo, and Charlotte Saikowski in Moscow.)

BOSTON.—With the United States still gyrating to the rhythm of the young, in Great Britain a new, measured beat is being heard. The elderly person is slowly being brought back to a meaningful place in society.

Compared with other industrialized nations, Britain has a foot out in front. As more and more of the physical requirements of the elderly are being met, public and private agencies are responding to their need for companionship, for usefulness, and for being a part of the mainstream of life.

For instance, some 600 day centers and 7,500 social clubs for the elderly dot the country. More of these are provided by local town governments and county councils. Others are endowed by voluntary services.

In every town in Britain a wide range of "leisure-learning courses" is available. And more and more elderly folks are helping in the social services, in libraries, and on local sports, social, and political committees. Workrooms are being set up by most local authorities to provide those who want it with part-time light work.

OLD ORDER CHANGES SHARPLY

This movement to include the elderly in the ongoing life of the nation marks a dramatic change in Britain.

It would be almost true to say that even 10 years ago the elderly had no position. The days when "grandma" presided over the family and was taken along on all its outings had already gone.

Most housing was getting too small and expensive to allow the majority of young people to have parents living with them. People in the geriatric wards of hospitals and in "homes" were half-forgotten and tragic actors on the social scene. Most of the poor were old and most of the old were poor.

This situation has changed. But the change still has a long way to go before it is complete.

Some 7.6 million citizens are past the age of 65 in Britain. There is provision, although it is small, for a basic pension for every one of them. And a system of supplementary benefits ensures that those with no other resources receive a basic income of at least £6.30 ($15) a week above the cost of their rent or accommodation.

Meanwhile, a new pensions plan, due to be passed into law this year, will in time ensure that everybody in retirement has an adequate pension, related to earnings during his or her working life, that will be automatically adjusted to take account of inflation.

MAJORITY KEEP WORKING

However, despite these pension provisions, 6 out of 10 men over the age of 65 still prefer to stay on at work. With pensions at their present levels the majority must work after retirement if they are to maintain a reasonable standard of living.

And it remains true that one-third of all the retired folk in Britain need Supplementary Assistance to keep them above the poverty line.

It is also the case that the number of special houses and flatlets for the elderly needs to be quadrupled.

"Every day we find old people who somehow have been left out of things," says Mrs. Jill Battersby, a Women's Royal Volunteer Service (WRVS) social worker. "There are hundreds of cases still that are precious close to tragedy."

But the numbers are steadily being reduced. Mrs. Mary Simmons, for instance, worked for 60 years as a "char" (domestic). At 75 she retired. She now lives in a one-bedroom, single-story house on a council estate (public housing) in one of the most expensive areas for private housing in Britain.

"Oh, I am lucky," she says; "this is a lovely house. I can live very well on my pension really."

Local authorities now build about half the houses in Britain. Of these, one-quarter are specifically for the elderly. The rate of building old folks' accommodations is 80,000 units a year. In addition, more than 5,000 housing associations are concerned exclusively with the elderly.

MEDICAL SERVICES LARGELY FREE

Medical services are provided largely free. One-third of total National Health Service spending goes to care for the elderly, who are also exempt from prescription charges on recommended medicines.

Last year half a million older people took advantage of the home nursing services provided by the local authorities. Some 373,000 had "home helps" provided for them and 828,625 enjoyed free chiropody treatment. Volunteer agencies provided 21,561,819 "meals on wheels"—some 14 million served to the aged in their homes and the rest at social clubs.

And an increasing number of local authorities are furnishing even such things as laundry services.

Sweden, which has probably the most comprehensive social-welfare programs of all industrialized nations, is just beginning to grapple with the need of the elderly for companionship and stimulation.

With physical needs now met, loneliness is the prime problem. And Sweden must also deal with another, unique aspect of the loneliness problem: a traditional stiffness and aloofness among its people.

For centuries Sweden was a farming country. Isolated by geography and by long, severe winters, families looked only to their own members and the immediate community for social contact. Activity orbited around home and family.

But with industrialization and the move from farms and small communities to the cities, the extended family system broke down.

MORE THAN THE CLINICALLY MODERN

With the close contact with the family severed, many elderly people were forced to live on their own, either in government-supported homes or in their own flats. And with the Swedish tendency toward diffidence, the elderly find it extremely difficult to make friends and find a new life.

More and more Swedes acknowledge that they have planned for the elderly—retirement benefits, health care—but not in the sense of finding out what they themselves really want. The Swedish Government and public are coming to realize that the clinically modern apartment blocks and the impersonal caring for physical needs are not the answer for the elderly.

To bring the aged out of their isolation, Prime Minister Olof Palme hopes to inaugurate "continuing education" in Sweden—the opportunity for Swedes of all ages to return to school at government expense. Although not directed specifically at retired people, this program would include them.

Echoing the Swedish situation, a social worker in West Germany says: "What the elderly need above all is stimulation to make their everyday lives a bit different. Over and over, as I go from one old people's home to another, that is what I hear.

"Most people in homes feel they are well taken care of," the social worker continued. "They acknowledge this, then they sigh and complain that one day is just like another."

Both Sweden and West Germany have comprehensive socialized-medicine programs that antedate the American Medicare program. In addition, many Germans take out extra health insurance through private plans. Thus old age is not the financial burden on families that it is in the United States.

As in Sweden basic living needs of West German elderly are met adequately. All workers contribute to compulsory old-age insurance, with their employers giving an equal amount. Men are eligible at 65; women at 60. And the pension rises automatically with increases in the cost of living.

Housewives who have never worked do not get a pension, though they share as wives and widows in their husband's pensions. Legislation being prepared will give housewives a pension for the years of work within the home.

The traditional pattern of the "old folks" living with the younger generation is largely superseded in West Germany. When, for example, East Germany allowed pensioners to visit their West German families for a month each year, remarkably few elderly East Germans remained in the West. Almost all returned to East Germany to their own homes, rather than start living with their grown children.

HOUSING AMPLE, STANDARDS VARIABLE

Unlike the United States, there is no serious lack of housing for the elderly in Sweden or in West Germany, both of which build large numbers of "social" housing complexes—that is, supported by government funds with low, controlled rents.

Those elderly who, for one reason or another, cannot live on their own find places in either private or public homes for the aged. Here the quality varies greatly and, in West Germany, at least, there are inadequate controls on how such private homes should be run.

Recently the West German press has stressed the loneliness problems of the aged, portraying them as often exploited by those who run old-age homes.

There is a need for additional facilities for the elderly as the percentage of those over 65 increases.

Japan, rocketing onto the world scene as a major industrialized nation, was late among nations in this category in adopting social-welfare programs for the elderly, since traditionally they have always been cared for by their children.

Throughout history Japanese families have respected and honored their elderly in obedience to Confucian ethics. Japan's whole system of loyalties was shattered by the country's defeat in World War II, however, and filial piety was not exempt. And, too, the explosive postwar industrialization and urbanization, with their population mobility and increase in nuclear families, further undermined the old family system.

MEN AT THE TOP VERSUS LOSS OF PRESTIGE

Now there is a wide gap between the men in their 60's and 70's who hold the top political and business leadership posts and the vast majority of elderly, who no longer enjoy the prewar prestige of the aged.

The vast majority faces compulsory retirement at 55.

There is a growing literature, both factual and fictional, on the uselessness, loneliness, and even obsolescence that many of these men feel.

Financial provision for the elderly is most inadequate. However, the Finance Ministry has just come out with a plan (which will probably be adopted) to increase social-welfare benefits next year.

Yearly income-tax exemptions for dependent elderly would be increased from 140,000 (about $425) to 160,000 or 180,000 yen. Exemptions for working elderly would also be raised from the present 12,000 yen.

Also, a combination of national and local governments would pay half the costs of private medical insurance for those 70 and over. Old-age pensions (for those 70 and over) would be increased from 2,300 yen a month to 3,300 yen (about $10).

According to a survey by the Social Welfare Ministry made last June, 640,000 elderly (men 65 and over and women 60 and over) live alone, often in extreme poverty. Of these 170,000 can afford to eat only two meals a day; 86,000 are bedridden.

ABOUT A THIRD SUPPORT THEMSELVES

In more general terms, according to Fumio Miura, section chief in the Welfare Ministry's Social Research Institute, about 30 percent of the 7 million elderly population support themselves; 50 percent are supported by their children; and 10 to 15 percent are supported by the government.

There are no company pensions in Japan. There is a lump-sum payment on conclusion of employment, but this does not cover further needs.

The first government pension program really got started only in 1954. It is financed by funds collected in both company and worker payments over 20 years of employment, supplemented by government money.

At best this gives the pensioner only about two-fifths of the salary he earned while working. And the program has not been in operation long enough for anyone to qualify yet for this maximum pension.

If a man is forced to retire at 55, he may find he has his most pressing financial needs immediately after retirement, for with frequent late marriages in Japan, he may well still have children to support and educate.

A measure of the inadequacy of pensions is seen in the number of people who work after retirement. Over the past decade this has increased to 67 percent. With Japan's labor shortage, retirees can find jobs, but these are often menial and low-paying ones like parking-lot attendants.

GOLDFISH PONDS AND PERSIMMON TREE

About 80 percent of the aged live with their children This percentage, which is just reverse of the Western ratio, has remained constant since 1955. Some 19 or 20 percent live alone; 1 percent live in old-age homes.

Mrs. Toshi Higuchi, 70 years old, is one of the fortunate elderly people in Japan, but

still her situation is not ideal. She lives alone in a new mountain house built by her daughter and son-in-law in a resort area of Niigata. She enjoys planting roses and cosmos and watering her garden, which is quite large and contains two goldfish ponds and a persimmon tree. She lives 15 minutes by car from the train station, and there is a good road to it.

But its difficult for an old woman to get up and down much. She was in the hospital for 50 days recently but is back home now. The daughter (her only one) and son-in-law live in a bakery, a 15-minute train ride away from the station. Her granddaughter is married and living far away in Kyushu. Her grandson is living rather far away, studying baking in Tokyo. When asked to compare the way older people are treated now with prewar days, she replied: "I have nothing to say, because I am happy. Things are taken care of, but when it comes to evening time, I feel very lonely. . . . If I had a maid living with me I wouldn't be lonely, but then I would have to think about this and that for the maid all of the time, and I wouldn't like that, so I stay alone."

A FREE MEDICAL CHECKUP—PERHAPS

In theory the Japanese Government provides the elderly with a free medical checkup once a year. But only about 20 percent actually take the checkups. The places of examination are often too far away or inconvenient for the elderly to get to. Also, there is a strong disinclination to have the examination, since at best the elderly person would still have to pay half the costs; and at worst he would have to pay all. Many an older person just cannot afford medical attention. And there is at present no public health insurance for the aged.

The ruling Liberal Democrats are planning free medical care for older people, but it's slow in coming. It will cover those past 75 next year and only eventually cover those past 70.

Efforts to make life meaningful for the old in Japan are limited.

Prefectural (state) governments have some social-welfare centers with daytime activities. The Welfare Ministry tries to provide some club activity, too, but these attempts do not even scrape the surface of the need.

A promise on the horizon: The problems of the aged have become an important issue in Japan and no political party can afford to ignore them.

In the Soviet Union, although retirement age is 60 for men and 55 for women, countless Russians continue to work either to supplement meager pensions or because of professional interest. Many scientists, economists, actors, and musicians—as well as the country's political leaders—are in their 60's and 70's.

MANPOWER—AND CONTENTMENT—SOUGHT

And most significant, because of a growing shortage of manpower, a concerted effort is under way to enlist retired persons back into jobs. Aside from the value to the economy, it is recognized in the Soviet Union that activity keeps older people healthier and happier. Some planners suggest that special light manufacturing plants be built that would hire only elderly persons and that part-time work be provided more widely where feasible.

Parallel with other societies is the disappearance of the traditional Russian patriarchal family, in which two and three generations lived together and the elderly "babushka" looked after the children. Young married couples today prefer to live alone, and the contemporary grandmother is less inclined to spend her senior years tied to family chores. Hence care of the aged is a growing concern in Russia.

Old-age pensions are paid to male wage earners at the age of 60 and to women at the age of 55. The minimum pension was raised this year to 45 rubles ($50) a month and the minimum monthly pension for collective farmers to 20 rubles ($22). The maximum pension, based on years of employment and size of earnings, is 120 rubles. As a measure of comparison, the present average Soviet factory wage is 122 rubles a month.

FOR HALF, LESS THAN 50 RUBLES

Unlike most in the West, Russians do not contribute to the state pension fund, and pensions received are probably a higher percentage of average earnings than in most countries. However, they are also extremely low in relation to food prices. Western economists estimate that at least one-half of all retired persons have to get along on less than 50 rubles a month, which is below the official minimum living standard.

Certain types of hard labor, such as mining, carry earlier retirement benefits, as do jobs in remote and difficult parts of the country.

In the sphere of public health, the Soviet Union has an extensive system of free medical care (apart from the cost of medicines).

There are reported to be 100 geriatric consulting offices attached to medical institutions throughout the country now, and the first comprehensive geriatric polyclinic has been opened in the city of Tashkent.

With 12 percent of the Soviet population above the ago of 60, problems of the elderly are being talked about more these days. Geriatrics specialists would like to see the construction of special rest homes, clubs, and even dietetic restaurants.

NEED FOR SPECIALIZED HOUSING SEEN

They would also like to see more specialized housing for the elderly.

Housing in general is in short supply, with an estimated 40 percent of the population still living in communal apartments—two or more families per apartment. But rents are subsidized by the state and are minimal by Western standards. Collective farmers, for their part, own their own houses.

According to a Soviet report, about 250,000 aged persons and invalids are cared for entirely by the state in special homes, of which there are some 850 in the huge Russian Federation. There is also special (and better-quality) housing for retired scientists, writers, and other privileged members of the intelligentsia.

Soviet specialists say the needs of the elderly are far from met and they urge construction of more boarding homes for the aged, with places for 100 to 400 persons in the midst of normal urban communities. The current five-year plan (1971–75) also calls for more homes for the aged.

A SORRY ACT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. LANDGREBE. Mr. Speaker, I have here an editorial from the Dallas Times Herald which provides a valid appraisal of George Meany's unwarranted behavior at the AFL–CIO convention. Whether Mr. Meany agrees with Richard Nixon or not, the fact remains that it is the responsibility of a good citizen to respect the office of the Presidency.

The entire editorial follows:

[From the Dallas Times Herald, Nov. 2, 1971]

A SORRY ACT

The contemptible downgrading of the Office of the Presidency by George Meany and his AFL–CIO convention delegates was an insult the nation will not tolerate and a total disservice to labor.

No man, whether he be labor boss or ordinary citizen, owns the right to degrade and deride the President of the United States—particularly as we walk the narrow line of national security in an uncertain world.

It was Meany challenging the office of the Presidency; defying constituted authority; and heaping ridicule on this nation's elected leader as hostile nations around the world applauded. George Meany must have come on big with them—much bigger than he did with millions of American labor that he mistakenly thinks he represents.

President Nixon threw away the script and told George Meany what he should have told him in Miami: Brace up to the anti-inflation program like the rest of the nation, or else.

The whole thing was an incredibly bad performance. Meany coaching delegates to virtually ignore the President or give him the coolest recognition. It is a sorry moment in the history of this country when the President, regardless of who he is or the cause he represents, is greeted by semi-silence and the insult of many delegates who did not bother to arise when he appeared.

The shocking, cheap act of Meany in not recognizing the President of the United States when he concluded his remarks; rapping the convention back to order as the President walked away with a brash "we will now proceed to Act Two," is a regrettable and bitter setback for the labor he purports to lead.

The President spoke the sentiments of an enormous segment of this nation when he told the convention that he had noted Meany's remark that if the President "doesn't want our membership on the Pay Board on our own terms, he knows what he can do," and then added:

"Well, you know, President Meany is correct. I know exactly what I can do—and I am going to do it."

SUCCEEDING BY FAILING

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WAMPLER. Mr. Speaker, past performance as an elected official should be a criterion for nominating or electing a person to a high political position. We must not allow image to shadow the record and the issues. I have here an editorial from the Richmond Times-Dispatch which examines the political performance of John Lindsay. Since Mr. Lindsay is considered by many to be an aspirant for the Democratic presidential nomination, I urge my colleagues study this analysis.

The entire editorial follows:

[From the Richmond Times-Dispatch, Nov. 14, 1971]

SUCCEEDING BY FAILING

Conceivably, Mayor John Lindsay of New York City could become the first man in history to base a campaign for the presidency on the fact that as a public official he has been a consistent failure rather than a success.

This novel possibility can be inferred from observations made recently by New York Times columnist James Reston. Reviewing Lindsay's political career, the columnist noted that the mayor "has always climbed the political ladder by abandoning the job he was in."

Lindsay was "getting nowhere" as a progressive Republican congressman, said Reston, so he decided to run for mayor of New York. He won that race, but his own party later abandoned him, and he sought reelection as independent. He has been "getting nowhere" as an independent mayor, the columnist continued, so now he wants to be President of the United States.

Presumably, Lindsay believes that if he could only make it to the White House, he would be able to solve all the problems that frustrated him as a congressman and as a mayor. This is unlikely. While the White House has a rose garden, there is not a bed or roses on the place. And no magic wand. Like other Chief Executives before him, would-be President Lindsay would discover, no doubt, that there are no simple solutions to the nation's problems.

Once, for example, there was a President who announced, to the enthusiastic applause of liberal statists, that he was going to transform America into a "Great Society." Not only did he fail to do that, he managed, somehow, to alienate the same liberals who had cheered him on. They booed him out of office.

Should Lindsay become President and leave the White House four or eight years later with the nation still plagued by blighted housing, poverty, racism and a scarcity of public revenues, what would he do next? Since there are no higher administrative political offices to which he could aspire, he probably would retire to write his memoirs, in which he would explain how he could have created a utopia if Congress and the Supreme Court had only cooperated.

WOMEN LAWYERS DAY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, today marks the 66th consecutive year of professional services rendered by the Massachusetts Association of Women Lawyers, a nonpartisan, nonprofit organization.

On this memorable occasion, I wish to extend to the officers and members of MAWL, my sincerest congratulations and best wishes for continued success in their chosen field of endeavor.

I am proud to be not only a member of MAWL, but also past president.

His excellency, Francis W. Sargent, Governor of Massachusetts, has proclaimed December 1, 1971, as Women Lawyers Day as stated in the following proclamation:

BY HIS EXCELLENCY FRANCIS W. SARGENT, GOVERNOR, A PROCLAMATION 1971

Whereas the Massachusetts Association of Women Lawyers enters the sixty-sixth consecutive year of professional confraternity with an enrolled roster of 400 member women attorneys;

Whereas the Massachusetts Association of Women Lawyers, in affiliation with colleagues of the Massachusetts Bar Association, rededicates itself—individually and corporately—to service of the highest order in defense of the indigent before the bar;

Whereas the Massachusetts Association of Women Lawyers strives to enhance the professional competence of its members through programs designed to disseminate statements and interpretations of current laws in a period of unusually rapid social and judicial reform;

Whereas the women comprising the membership of the Massachusetts Association of Women Lawyers, through their manifest competence in the variety of facets of the profession they serve with vigor and distinction, are testimony to the fact that capacity rather than sex defines recognition;

Now, therefore, I, Francis W. Sargent, Governor of the Commonwealth of Massachusetts, do hereby proclaim December 1, 1971 as Women Lawyers Day in Massachusetts, in recognition of the unique service of the Massachusetts Association of Women Lawyers in the administration of justice in this Commonwealth; the notable contribution of women lawyers to the integrity of the legal profession; and the benefits accruing to all citizens when the rights of the least have been thus served.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

DOOM PROPHESY FOR UNITED STATES BASELESS

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. DEL CLAWSON. Mr. Speaker, in contrast to the somber warnings, the dubious, headshaking type commentary flooding the media these days, I commend to the attention of my colleagues an article by the well-known columnist George Todt. The column, which follows, appeared in the Valley News, Burbank, Calif., on Sunday, November 28:

DOOM PROPHESY FOR UNITED STATES BASELESS

(By George Todt)

"We think our civilization near its meridian, but we are yet only at the cock-crowing and the morning star." Ralph Waldo Emerson—Politics.

Many of the more thoughtful members of our race may be pardoned for wondering in which direction our civilization is headed.

Often we hear some dire predictions; and small wonder for it.

One which has caused more than its share of worry and doubt is the oft-quoted piece written by an educator named Alexander Tyler a long time ago.

This is what he wrote:

"A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse from the public treasury.

"From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury, with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship.

"The average age of world's greatest civilizations has been 200 years. These nations have progressed through this sequence:

PROPHECY INTERPRETED

"From bondage to spiritual faith; from spiritual faith to great courage; from courage to liberty; from liberty to abundance; from abundance to selfishness; from selfishness to complacency; from complacency to apathy; from apathy to dependency; from dependency back again into bondage."

Some of the mystics among us, particularly those with imaginary crystal balls, endeavor to give the fearsome impression that this remarkable prophecy was meant for us today. Such was not the case.

The prophets of doom and gloom ought to read their history books first and get the data straight. Just for the record. It helps.

Actually, professor Tyler wrote his interesting message some 200 years ago when the American Colonies belonged to Great Britain.

He was not predicting the downfall of the American Republic one day into the future. It was not even in existence at the time.

Instead, Tyler was writing about the erosion and ultimate demise of the Athenian Republic 2000 years prior to his era.

SIMILARITIES EXIST

Sorry to have to debunk one of the pet shibboleths of the alarmists, but a fact is a fact.

Now of course there are certain similarities in what the professor wrote about the Athenians and what has happened to us here in the United States at this point of our history.

Again, let me emphasize that it is merely a coincidence—and not because of any unchallengeable prophecy by a prophet regarding the future of America.

Generally, I believe we have touched bases on the Tyler pattern as outlined to a limited extent because all strong nations perform much in this manner over a period of time.

Seen in such a light, it would appear we are roughly in the "liberty to abundance" slot at the moment.

Certainly, even our worst detractors in and out of the United States cannot claim honestly we have gone from "abundance to selfishness" yet—not when we have spent $150,000,000,000 of our taxpayers' money on global ingrates in the last 25 years and more on handouts here at home for citizens who will not work.

MUST RESIST TEMPTATION

But let's remember that fate is not inexorable and we can take ourselves out of the "Tyler pattern" completely if we desire to do so.

The most important thing for us to do is resist the temptation to swoon when we hear predictions of doom and gloom.

Otherwise, we might become accident prone, becoming downhearted or even faint of heart. This could cause us to lose courage, eventually our will to survive as a nation on the world stage.

Admittedly, as the number one free enterprise republic in the world right now—we face a lot of problems. They will not be easy to overcome. But if any nation can overcome adversity, we are that one.

We must be alert to danger which faces us on many sides, proceed somehow to unify America and get rid of our cantankerous troublemakers.

Their efforts to bring down the so-called "establishment" (translation: American society) is simply a cover-up for what amounts in reality to a "second front" within the United States for the benefit of our jealous opponents behind the Iron and Bamboo Curtains.

America has enough on her hands to face the opposition outside our borders without internecine warfare among her own citizens.

Let's manage to crumble all resemblances to the "Tyler pattern" as it may accidentally have adhered to us—and prove that fate has something better in store for the American Republic than the Athenian democracy which perished so many centuries ago.

BENJAMIN L. SHUFF

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BYRON. Mr. Speaker, this week Mr. Benjamin L. Shuff of Frederick celebrates his 50th anniversary with the Farmers & Mechanics National Bank in Frederick, Md. He is now chairman of the board and chief executive officer of the bank.

Benjamin Shuff joined the Farmers & Mechanics National Bank December 5, 1921, as a messenger and clerk and dedicated his business life to the bank since then. During his span of 50 years Farmers & Mechanics National Bank has grown from $2,500,000 total assets to $120,000,000. It is now the largest independent bank in western Maryland.

Mr. Shuff is active in the Maryland Bankers Association and the Maryland Development Credit Corp. and is a member of the 50-year club of the Maryland Bankers Association. He is also a trustee of Hood College and has served as chairman of the board of trustees of Hood.

I would like to add my congratulations on this significant event in Ben Shuff's life and wish him continued success.

TOKYO—THE LOWEST CRIME RATE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. BOLLING. Mr. Speaker, the following interesting article about the world's largest city is worth reading. The article on Tokyo by Alan Barth appeared in the Washington Post of November 23, 1971:

EXAMINING SOME OF THE REASONS: TOKYO—THE LOWEST CRIME RATE

(By Alan Barth)

TOKYO.—Tokyo today boasts the largest population of any city in the world, if that's anything to boast about—11,513,669, give or take a few births and deaths since the most recent reading; and it also boast the lowest rate of crime among all the world's great metropolises.

There were only 213 murders in Tokyo during the course of 1970—and only three of them, incidentally, were accomplished by pistols—as compared with 1,117 murders in New York City which is now smaller in population by about 30 per cent. There were only 474 robberies in Tokyo compared with 74,102 in New York. 7,268 assaults compared with 18,410, and 500 rapes compared with 2,141.

If the comparison is made in terms of crime per 100,000 of population in 1970, Tokyo's homicide rate stands at 1.9, New York's at 10.5 and Washington's at 11.4. The forcible rape rate during 1970 was almost as striking: 4.4 for Tokyo; 19.9 for New York; 23 for Washington, D.C.

There was a total of six bank robberies in Tokyo during the whole course of last year; and there were just 625 purse snatchings.

In an effort to find out the reasons for this contrast, I talked with a police superintendent, a distinguished professor of criminal law and several newsmen, American as well as Japanese. They suggested a number of explanations, some obvious, some less so. Perhaps the basic explanation lies in the homogeneity of the Japanese people. There is no ethnic problem in this country, no major racial minority disadvantaged and made desperate by discrimination. Koreans are rather disliked and sometimes mistreated in Japan; but they are not numerous enough to constitute a very serious problem. And there is a class of outcasts rather like the Indian untouchables, called Eta, traditionally victimized by discrimination; but they are mostly in rural areas, and the tradition is fast fading.

The racial homogeneity of the Japanese is fortified by their common cultural background. The multiple strands of melting-pot America do not exist in Japan. And Japanese tradition gives much more value to conformity than to individuality; it operates to promote respect for the law and for authority. Despite a strong strain of violence in their history—made manifest contemporaneously by the student demonstrations—the Japanese are an order-loving and highly disciplined people.

Moreover, Japan is a set of small islands without the long land borders that make the United States so vulnerable to narcotics smuggling. There is virtually no narcotics problem in Japan; heroin addiction is looked upon with horror and is almost unknown.

Apart from these natural advantages, however, the Japanese have done some things about the causes of crime and have taken steps to combat it realistically in ways that might be effective in America as well.

There are now practically no slums in Tokyo, no areas which by their squalor and deprivation and lawlessness breed criminals in the way that stagnant pools breed mosquitos. There is desperate overcrowding but there is no ghetto and no inner city set apart from the rest of the community as a sinkpot. Besides, there is now no unemployment in Japan; on the contrary there is a labor shortage, so that pretty nearly everyone who wants to work can find a job. To facilitate employment, besides, the Japanese have almost completely wiped out illiteracy. The public schools do a formidable job of making the Japanese the most enthusiastic readers in the world—and making them singularly well equipped to do useful work in an industrial society.

Another way in which the people of Tokyo have managed to curb crime is by giving status, support and dignity to their police force. The force consists of 35,000 officers, and it is believed to be as free from corruption as any law enforcement body in the world. The Tokyo police constitute a department of a national police body in this geographically small country; there are no state divisions of authority or difference of custom and procedure to impede effective operation on a nationwide basis.

More important, police work is a career to which top graduates of Japanese universities aspire. Men of the highest ability—often men of great cultivation and learning—are moved into authority in the law enforcement ministry. In consequence, the police department has developed an extremely high esprit de corps. It has a tradition of discipline, of service and of high reputation that put it on a par with other departments of the national government. Men who serve it in administrative capacities take great pride in its prestige. And to a Japanese, nothing is more painful or shameful than to bring disgrace in any way upon his family, his school or his organization.

The Japanese do one other thing that helps immeasurably, in the opinion of the authorities I talked with, to keep the crime rate down. They maintain a rigid control of firearms. They regard the pistol as a dangerous weapon, useful only to criminals. And so the law regarding pistols is very simple indeed: it provides that no one—that is to say nobody at all, excepting a soldier or a policeman and a tiny number of specially circumstanced civilians—may purchase, purvey, play with or possess a pistol in any form or of any caliber. Even toy pistols are frowned upon here; they may be made only of plastic and they must be colored red or white to keep them from being mistaken for the real thing. Possession of a pistol is considered a serious offense subject to drastic punishment.

Regarding rifles and shotguns, the law is much more lenient. Anyone may own a long gun—provided that he register it with the police and obtain from them a permit in advance. The gun must be kept unloaded except when used for hunting or target shooting; and it must be kept securely locked up so that children cannot fire it unexpectedly when showing it off to their younger siblings.

There are about 75,000 guns registered in Tokyo. And the Japan Times was moved to an annoyed editorial the other day about what it called "the spreading gun mania." "With the opening of the hunting season," the editorial complained, ". . . we can expect another rash of fatalities." Last year there were 280 hunting accidents reported to police. These accidents occur despite the fact that the police require those holding hunting licenses to attend a lecture session on the proper handling of guns.

Possession of lethal weapons has always been narrowly restricted in Japan. From feudal times onward, only the samurai, very limited in number, could carry swords. And the tradition was carried forward respecting the possession of firearms.

Control over the private ownership of guns was advanced, Prof. Hideo Tanaka of the University of Tokyo law school told me, by the American Army of occupation. The occupation authorities were extremely firm about the private possession of firearms. Uninhibited by constitutional niceties about unwarranted searches, they saw to it that every gun in the country—or pretty nearly every gun—was turned in.

Occupation by a foreign power and the acceptance of random searches are, manifestly, too high a price to pay even to solve the gun problem. But then the shooting, annually of upwards of 200,000 Americans within the borders of their own country is a rather high price to pay for the pleasure of our domestic Nimrods and marksmen. Perhaps rational men could devise some modest measure of contol that lies in between the two.

The crime rate, when all is said and done, is nothing but a thermometer of social sickness. The striking disparity between the incidence of crime in Japan and in the United States suggests pretty plainly that Americans are running a high social fever.

When such a symptom manifests itself, it is a good idea to try to diagnose its causes. The cost of neglect can be far greater than the cost of correction.

It would be expensive, no doubt, to eradicate the slums of Washington, to improve the schools so that everyone got enough education to earn a living, to put a stop to racial segregation and discrimination so that men were not made outcasts by reason of their color and to end the sordid traffic in weapons designed for the killing of human beings. But it would be worth a considerable price if citizens in the Capital of the United States were able to walk around the streets at night in comfort and security, without fear of footpads, as citizens do commonly and unconsciously every night of the week in the Capital of Japan.

FEDERAL POWER COMMISSION COMMENTS ON AEC'S PROJECTED LICENSING SCHEDULES

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HOLIFIELD. Mr. Speaker, there appears in the CONGRESSIONAL RECORD of November 2, at page 38900, background material on the impending crises in the supply of electrical energy and the impact of the so-called Calvert Cliffs decision handed down by the U.S. court of appeals on July 23, 1971. I placed in the RECORD at that time a copy of a letter dated October 15, 1971, from the Chairman of the Federal Power Commission to the Chairman of the Atomic Energy Commission.

I would like to place in the RECORD subsequent correspondence between the two Chairmen. I would note in particular for the information of my colleagues that the Federal Power Commission would seem to be less optimistic than the Atomic Energy Commission regarding the extent of potential licensing delays on the availability of dependable full power service from nuclear plants as needed.

I am heartened by the vigor which is being shown under Chairman Schlesinger's leadership. In the past week the AEC has completed a number of regulatory actions. The FPC is specially qualified to make predictions of future national needs for electrical energy. The AEC should keep in mind the FPC analytical tables in their projection of energy needs and their plans for licensing actions.

The subsequent correspondence is as follows:

ATOMIC ENERGY COMMISSION,
Washington, D.C., October 29, 1971.

Hon. JOHN N. NASSIKAS,
Chairman, Federal Power Commission,
Washington, D.C.

DEAR JOHN: Thank you for your letter of October 15, 1971, enclosing a staff report on the "Electric Generating Capacity Situation, Winter 1971–1972, Summer 1972, Winter 1972–73." I am enclosing for your information an AEC staff analysis of this report in relation to our projected licensing schedules for the critical nuclear power stations cited.

The Commission's revised regulations provide that the AEC may authorize upon the applicant's request fuel loading and operation at levels up to 20% of full power consistent with appropriate regard for environmental values during the period of the supplemental NEPA review. In emergency situations, or other circumstances where the public interest so requires, the Commission may authorize operation beyond 20% of full power.

The enclosed staff analysis indicates that the NEPA review should not be the determining factor in the areas you have identified as having critical power needs. If, however, unforeseen circumstances arise due to the NEPA review, they can be mitigated in cases where construction has been completed by use of the above provisions. Under such circumstances, it is for the applicant to make a request to the Commission for power authorization. Should such requests be made, I can assure you that they will receive immediate attention within the AEC and will be acted upon as soon as reasonably possible.

Our regulatory staff review of the schedules in these cases in relation to the power reserve margin requirements set forth in the FPC staff report for the five "critical subregions" indicates that seven of the 14 nuclear plants in question should be operable in time to assit in meeting these needs. The AEC staff estimates that construction will not be completed on five of the remaining seven units in time for full licensing action to help alleviate the anticipated near-term peak power loads.

Our staff's estimates identify only two units of the 14 nuclear plants in question which may not be able to help alleviate the anticipated near-term power supply problems due to delays in the licensing process. These are Point Beach Unit 2 in Wisconsin and Surry Unit 1 in Virginia.

In the case of Surry Unit 1, while the enclosure projects September 1972 as the earliest possible licensing date, the regulatory staff is now reviewing what actions might be taken to complete this proceeding by June 1972. If the regulatory staff is successful in this effort, this plant could be available for next summer's critical power supply period.

Point Beach Unit 2 presents a different situation. The operating license application for this plant is now in hearing, and it is not possible at this time to predict when the Atomic Safety and Licensing Board will complete its review. The staff anticipates, however, that the proceeding for the Palisades Plant, in Michigan, should be completed in early 1972. As you pointed out in your letter, the Palisades Plant can meet this problem.

You will recognize, of course, that the staff estimates referred to above are not intended to reflect on the merits of the proceedings in question nor as a prediction of how the cases will be decided. Apart from the cases under discussion, the AEC staff is developing schedules for all other plants. We believe that the NEPA review should not be a determining factor in the availability of these plants to provide power for critical areas. To reinforce our efforts the Commission is examining its regulations and procedures to see what improvements should be made in the licensing process.

I wish to express our appreciation for your agency's comments and assessment of power supply needs in affected areas in connection with our environmental review of nuclear power facilities. These assessments are an important element in our Environmental Statements, and particularly in our review of requests from the applicants for permission to commence low power operation.

Sincerely,

JAMES R. SCHLESINGER,
Chairman.

AEC STAFF ANALYSIS OF OCTOBER 15, 1971, FPC LETTER AND REPORT RELATING TO THE EFFECT ON RESERVE MARGINS OF DELAYS IN NUCLEAR PLANT OPERATION

OCTOBER 27, 1971.

The following is a summary of an analysis of the Federal Power Commission's letter of October 15, 1971, in relation to AEC projected licensing actions. (Reference attached table "Key Dates for Critical Nuclear Power Plants.")

The FPC Staff Report, inclosed with the letter, assumed that "In general, nuclear units were assumed to be delayed a year but in cases where active intervention is presently in progress or expected the anticipated delay was longer. Fossil units scheduled for service during the study period were assumed to be delayed six months."

The FPC study period is Winter 1971–72, Summer 1972, and Winter 1972–73. Five "critical subregions" are analyzed: New England, New York State, Florida, the Virginia-Carolinas area and the Northern Illinois-Wisconsin-Upper Michigan area. Key dates for the nuclear power plants in these subregions are given in the attached table.

NEW ENGLAND AREA

The FPC report indicates that there will be a critical power supply situation in this area in the winter 1971–1972. Construction of the three nuclear plants involved (Vermont Yankee, Pilgrim 1 and Maine Yankee) is expected to be completed in December 1971, January 1972 and April 1972, respectively.

These construction completion dates preclude any substantial contribution of these units to the power supply in the New England area during this period, taking into account the time required for low power testing, debugging and ascension to full power.

NEW YORK AREA

The critical time period for this area is the summer of 1972 and the winter 1972–73. Only one nuclear plant (Indian Point 2) is involved. Construction is completed. The earliest projected date of completion of NEPA review and issuance of the operating license for full power is June 1972. Assuming that the presently scheduled licensing schedule is met, this plant could help to alleviate the low reserve margin for the New York area in the summer of 1972. If a power emergency is indicated by the spring of 1972, the provisions of Appendix D for authorizing operation under emergency conditions could be considered.

VIRGINIA-CAROLINAS AREA

Critical power supply problems are anticipated in the FPC report for the Virginia-Carolinas area during the summer of 1972. The earliest projected date for the issuance of an operating license for Oconee is in March 1972. If the projected schedule holds, and no unusual difficulties are experienced in start-up, the reserve margins in this area will be

increased. By the winter of 1972–73, three nuclear plants in the area (Oconee 1 and 2 and Surry 1) should be at full power with an adequate reserve margin as defined by FPC.

FLORIDA

The Federal Power Commision report indicates that Florida, due to its lack of adequate transmission within the state and from adjoining states and because of unit size, requires more reserve than other areas, particularly during the summer. The construction of the two nuclear plants (Turkey Point 3 and 4) is expected to be completed in December 1971 and April 1972, respectively. The earliest projected date of completion of NEPA review and the issuance of operating licenses for these units is April 1972, and they should be available to provide reserve in the summer of 1972.

NORTHERN ILLINOIS-WISCONSIN-UPPER MICHIGAN AREA

The FPC report predicts a critical low reserve margin in this area during the summer of 1972. Construction of the Quad Cities nuclear power plant was completed in August 1971. Construction of the three other plants (Quad Cities 2, Point Beach 2 and Kewaunee) is expected to be completed November 1971, October 1971 and September 1972, respectively. The earliest projected date of the completion of the NEPA review and the issuance of an operating license for Quad Cities 1 and 2 is March 1972. With the projected schedules, the two Quad Cities reactors should be operating in summer 1972, thus increasing the reserve margin in this area.

Construction of the Palisades plant was completed in May 1971. The earliest projected date of completion of NEPA review and issuance of an operating license for Palisades is March 1972. The Federal Power Commission report points out that while the Palisades Plant is not in the same network as the Northern Illinois-Wisconsin-Upper Michigan region, the plant is in close proximity and therefore could transmit power to the Chicago area over interconnections in event of emergency. With Palisades in operation, the reliability of the electric power supply in the Chicago Metropolitan area should be improved during the summer of 1972.

KEY DATES FOR CRITICAL NUCLEAR POWERPLANTS AEC ESTIMATES

Plant and electrical output	Construction completed [1]	Earliest possible 20 percent license (no contest)	Earliest projected date of license issuance if decision favorable
New England power pool (critical power situation in winter 1971–72):			
Vermont Yankee (513 m.w.)	Dec. 1971	Feb. 1972	June 1972.
Pilgrim (657 m.w.)	Jan. 1972	May 1972	July 1972.
Maine Yankee (792 m.w.)	Apr. 1972	June 1972	Dec. 1972.
New York power pool (critical power situation in summer 1972):			
Indian Point 2 (873 m.w.)	Oct. 1971	Dec. 1971	June 1972.
Virginia–Carolinas (critical power situation in summer 1972):			
Surry 1 (788 m.w.)	Apr. 1972	Apr. 1972	Sept. 1972.
Oconee 1 (886 m.w.)	Jan. 1972	Jan. 1972	Mar. 1972.
Oconee 2 (886 m.w.)	Sept. 1972		Sept. 1972.
Florida (critical power situation in summer 1972):			
Turkey Point 3 (693 m.w.)	Dec. 1971	Jan. 1972	Apr. 1972.
Turkey Point 4 (693 m.w.)	Apr. 1972		Do.
Northern Illinois-Wisconsin-upper Michigan (critical power situation in summer 1972):			
Quad Cities 1 (809 mw)	August 1971	October 1971	March 1972.
Quad Cities 2 (809 mw)	November 1971.	November 1971.	Do.
Point Beach 2 (497 mw)	October 1971	April 1972	August 1972.
Kewaunee (527 mw)	September 1972.		January 1973.
East-central area reliability coordination agreement (important to reliability of Metropolitan Chicago electric supply):			
Palisades (700 mw)	May 1971	November 1971.	March 1972.

[1] AEC Division of Compliance estimates.

FEDERAL POWER COMMISSION,
Washington, D.C., November 15, 1971.

Hon. JAMES R. SCHLESINGER,
Chairman, U.S. Atomic Energy Commission, Washington, D.C.

DEAR CHAIRMAN SCHLESINGER: This refers to your letter of October 29, 1971 transmitting the AEC staff analysis of the projected licensing schedules for critical nuclear power stations, which responds to my communication on this subject dated October 15, 1971. I appreciate the thoughtful analysis given to this matter by you and the AEC staff. I have also noted the discussion of this same matter in the testimony of Commissioner William O. Doub before the Senate Committee on Interior and Insular Affairs on November 3, 1971.

The impact of AEC's NEPA review upon scheduled nuclear capacity in relation to a total power system cannot be predicted with certainty at this juncture. The FPC staff fully recognizes that the AEC staff has projected schedules which reflect "its best judgment as to the earliest possible dates for the various licensing steps that must be taken". We are, of course, hopeful that these are the schedules which can and will be maintained for these plants. The question still remains as to whether the capacity involved, even if these schedules are met, will realistically meet the power needs of the Nation. We trust that continual surveillance of scheduled generation and transmission additions in relation to regional and national power supply will determine the necessity for modification in present schedules as circumstances develop.

We must concern ourselves with the potential effects on adequate and reliable supply of power of a variety of contributing factors and adverse contingencies which experience tells us may well arise. It was this approach which prompted the FPC staff to present its analysis on the basis of the assumptions stated in the report accompanying my letter of October 15, 1971. It is clear, of course, that the different assumptions used in the analysis of our two staff reports could lead to differing conclusions. Some of the factors which underlie the more conservative estimates of probable power availability dates used in the FPC staff analysis are:

A 20 percent power license permits no significant delivery of power to the system and is only sufficient for general testing of the auxiliary equipment and overall plant operation;

Some minimum period of time is required to raise the power output in steps from the 20 percent level or less up to 100 percent output. Thus 100 percent output cannot be available at the time a license for this level is issued;

There are potentials for delay in the issuance of licenses for 20 percent or higher levels of operation on environmental or other grounds because of both questions which may have already been raised or others which may be raised in hearings still to be held; and

Even after allowance of a sufficient period of time to raise power levels up to 100 percent and perform operational tests along the way, it is not realistic to count on firm power supply from such a unit in the first few weeks after it has reached full power level.

On the basis of experience, our staff judged that an average of one year potential delay in the availability for dependable full power service of many of these nuclear plants is a reasonable general assumption for an analysis of power emergency possibilities.

While the factors previously cited all relate to the potential completion of individual plants, we cannot overlook the fact that an added condition which may affect the supply of power and the relative importance of an individual plant is the possibility of concurrent delays in a number of plants, both fossil and nuclear, which are important to new capacity in a single region. It is, of course, difficult to predict the coincident impact of variable contingencies bearing on future power supply.

Nevertheless, realistic concern for needed power supply emphasizes the importance of the cumulative effects within a region of a number of new plants coming into operation concurrently. The recent damage to the Indian Point No. 2 unit highlights the need for broader consideration than just a unit-by-unit effect on area or regional power supplies. Our FPC staff evaluation concludes that Indian Point No. 2 is an essential source for the summer of 1972 of base load generation for the New York Metropolitan area forecasted power demands in conjunction with all other generating and transmission sources comprising the system.

However its availability in the summer of 1972 is questionable. At the same time, it appears that the Vermont Yankee and Pilgrim units might be capable of operation in time to supply power which may be needed to prevent a critical situation in New York City next summer, provided action is taken sufficiently soon to enable dependable operation to become a reality within the time available.

The NEPA review schedule enclosed in your letter of October 29 indicated June 1972 for Vermont Yankee and July 1972 for Pilgrim as the "earliest projected date of license issuance if decision favorable." Assuming a favorable decision nad further assuming that AEC does not authorize limited operation above the 20 percent level in steps so as to assure substantially full capacity operation in advance of the AEC scheduled dates, the capacity provided by these units will not fill the power void created by delay in operation of Indian Point No. 2. Similar situations may prevail in the Midwest and other potential problem areas.

We are continuing our review of individual applications for operational licenses referred to us by your agency.

Sincerely,

JOHN N. NASSIKAS,
Chairman.

OEO-CHILD DEVELOPMENT CONFERENCE REPORT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. ABZUG. Mr. Speaker, after a lengthy and arduous conference, S. 2007, the OEO-child development bill, is before us for approval. Its passage by a large margin, which I hope we will see in a day or so, will represent a landmark for American society.

The child development programs, contained in title V of the bill, include many services to children, of which day care is but one. It also provides for after-school and vacation programs, nutrition, medical, dental and psychological services and parental education in child care and child development.

This morning's Washington Post contained an excellent article describing just what child development is all about. I commend it to you, and include it at this point in the RECORD:

A NEW PUBLIC ATTENTION TO PRESCHOOL CHILD DEVELOPMENT

(By Alice M. Rivlin)

In the United States, public concern for a child's welfare generally does not become evident until he reaches age 5 and is eligible for kindergarten. Even then the public responsibility usually ceases at 3 o'clock in the afternoon.

But these attitudes are already changing. The next few years are likely to see a burst of public attention to the vital years between birth and 5, rapid growth of all-day programs for preschool children with working mothers, and recognition that the day does not end for a school-age child when the 3 o'clock buzzer signals that classes are over.

The big questions will be: what character will these new programs have? Who will run them? And who will pay for them? When the Congress votes this week on the OEO bill, it may begin to provide the answers.

The bill extending the life of the Office of Economic Opportunity, just reported out of the House-Senate conference committee, contains a new Title V, for "Child Development Programs," meaning a wide variety of services to children such as all-day care for preschoolers, after-school and vacation programs, nutrition, medical, dental and psychological services, and education for parents in child-care and development. The bill authorizes $2 billion for such programs in fiscal year 1972, including $500 million earmarked for continuation of Headstart. The money would be allocated among the states in accordance with a formula, but administered primarily at the local level. Communities with 5,000 or more people could be "prime sponsors," applying directly to the federal government for money. The prime sponsor would be required to have a Child Development Council, half of whose members would be elected by parents, and individual projects would be run by Project Policy Committees composed of parents and local community members. The bill would make child development services available free to those with incomes of less than $4,320 a year (for a family of four) and would establish a fee schedule related to income for families with more resources.

While there is some vagueness about what "child development" actually is—partly because the framers of the bill were eager to preserve flexibility and choice at the local level—it is very clear what this program is *not*. First, it is *not* just a babysitting operation to provide custodial care for children while their mothers work. The bill emphasizes the well-being of children and the comprehensive services they need for full development, whether their mothers work or not. Second, it is *not* just another program for the poor. Priority is to be given to "preschool children with the greatest economic and social need," but the intention is to make services available to families at all income levels with those above the poverty line paying part of the cost. Third, it is not just another welfare program. The "prime sponsor" mechanism and the parent councils are specifically designed to by-pass the state welfare bureaucracies and give the beneficiaries of the program a real voice in its operation.

Several different groups are pressing for federal programs for children, for different and not entirely compatible reasons. Some are primarily motivated by a desire to reduce the welfare rolls. They believe day care should meet minimum standards of health and safety so the children do not come to harm, but that its main objective ought to be to keep children out of the way so that their mothers can earn wages rather than welfare. A second group is primarily concerned with overcoming the damaging early handicaps of children from poor families. Headstart, which reaches many 4- and 5-year-olds, but usually for less than a year, has proved too little and too late. There is accumulating evidence that children develop rapidly in the first three years of life, that good nutrition and mental stimulation at this age make a difference—at least if they are sustained. A third group, the voice of women's liberation, sees attractive stimulating day care centers as a way of giving *all* women, not just the poor, a genuine choice between childcare and work outside the home. And finally, there are those whose primary motivation is to mobilize community action in the ghetto, the rural South or on Indian reservations, who believe parent involvement in decision making about Headstart programs did as much for parents as for children, and who see community controlled child development programs as a good vehicle for the poor to use in acquiring political experience and challenging the "power structure."

The focus on reducing welfare rolls is reflected in H.R. 1, the Nixon-Mills welfare reform bill that has passed the House, but not the Senate. Under H.R. 1, a mother on welfare could be required to take work (unless she had a child under 3) provided day care was available. Senator Long, no enthusiast of the administration's welfare reform proposals, has held hearings on his own bill to provide custodial day care to the poor through a public corporation.

But while welfare reform was bogged down in the Senate, bills for more comprehensive but entirely voluntary child development programs were making their way through the legislative obstacle course on both sides of the Hill. Senate Mondale's Child Development Bill, incorporated into the OEO amendments, stressed comprehensive services and community control and would have provided services free to families with income under $6,920 with a sliding scale of payments for families with higher incomes. On the House side, a similar bill, sponsored by Representatives Reid, Brademas and Mink, but giving more role to states and less to localities and parents, was added to the OEO extension as a floor amendment. When both bills passed and went to conference, the administration voiced concern about their cost and threatened a veto. To avoid a veto, the conferees lowered to $4,320 the income level below which services would be free and adopted a moderate scale of payments for families with incomes between that level and $6,920 (above that level the Secretary of HEW would set fees). The language of the Senate bill was modified to give a little more role to the states and rule out communities with less than 5,000 people as prime sponsors.

The bill now moves back to the two floors where it may encounter Republican opposition especially in the House. Republican unease is related not to cost, but to the by-passing of the states. If the bill passes, there is still the possibility of a veto, although it would surely be politically costly for the President, who has put such personal stress on the dignity of work, to veto a bill which promises to make work possible for millions of women and better the lives of children into the bargain.

Strident right-wing opposition to the bill has developed on the grounds that "child development" sounds like a 1984 attempt of the state to take over the role of the family. This criticism is pretty far fetched since much more control participation would be entirely voluntary and given over the new programs than they have over present public schools.

Criticism of the administrative mechanism has more substance—having all those "prime sponsors" deal directly with Washington hardly seems like an ideal administrative set-up. Unfortunately, however, state administration, especially in the Deep South, has so often proved insensitive to the needs of poor and minority children that direct funding may be necessary—at least for a few years.

To the criticism that these programs will be costly in the long-run there is no answer, except "yes." The bill to be voted on authorizes spending $2 billion a year for two years on the assumption that participation in the programs will be far from universal, a reasonable assumption in view of difficulty of organizing and staffing good programs quickly. In the longer run, however, it just has to be recognized that providing first-rate services to preschool children and adding after-school activities for older children is going to be expensive—$10 billion a year could be spent easily. The cost to the taxpayer can be reduced if middle and upper-income people pay fees, but these fees cannot rise too steeply as income rises without reducing incentives to earn more income. (The effect is the same as a high income tax rate.) In the long run, there will be no cheap way to do a good job. If the Child Development Bill becomes law there will at least be a hope that federal funds for day care will be spent primarily to meet the needs of children, not just to keep them busy while their mothers work.

STATEMENT BY GEORGIA L. MCMURRAY, COMMISSIONER, AGENCY FOR CHILD DEVELOPMENT, ON THE CHILD CARE LEGISLATION

This Nation now stands at historic crossroads as the House debates the Comprehensive Child Development Legislation.

As Commissioner of the Agency for Child Development of the Human Resources Administration, New York City, I strongly urge the passage of this legislation so that it can be sent to the White House for Presidential approval.

We who are concerned about providing comprehensive services to young children recognize that there is need for a major commitment by the Federal Government if we are to expand services as the demand indicates. This legislation has been born through the concerted efforts of Head Start Programs, civil rights organizations, women's rights groups, labor unions, educators, social workers—persons and organizations who are concerned that the family unit survives and recognize that its survival can only be maintained with Governmental resources.

It is a contradiction in terms to even suggest that comprehensive child care services is Communistic or Facist. Indeed, just the opposite is the case and the legislation now pending strongly supports the involvement of the parent in making decisions on every aspect of these services.

I would suggest, moreover, that those persons who raise the argument of a Communistic block are indeed those persons who would use day care as a vehicle to reduce the number of families on welfare, especially those headed by women. This indeed is Government coercion.

In New York City as we implement our plans for expansion—we anticipate opening at least 100 centers by June 1972 and have over 200 scheduled for operations beyond that—we recognize that the fiscal implications of this trend to expand day care cannot be over-estimated. It is highly unlikely that such cost can be borne by City Government alone. We cannot move without a major infusion of Federal funds.

The passage of the Comprehensive Child Development legislation by the Senate and House will be a milestone in this country's recognition of its responsibility to children. We are encouraged that the legislation in its final form does provide for a vast expansion of services to children of the poor, but we are also aware of the fact that we must continue to press for more flexible criteria so that we may provide the same services to children of the working poor and the middle class. The recognition that quality child care should be available to every family as a right is an idea whose time has come. Now the Federal Government acting through responsible legislators must make this idea a reality for all families of this country.

DEMOCRATIC POLICY COUNCIL TO HOLD HEARINGS ON CONCERNS OF ETHNIC AMERICA

WASHINGTON, D.C.—The economic, social, political and cultural issues that are of particular concern to ethnic Americans will be the subject of a full day hearing in New York City on Dec. 4, 1971 under the chairmanship of former Mayor Robert F. Wagner, chairman of the All American Council of the Democratic National Committee.

This hearing is one of a series being held throughout the nation by the Democratic Policy Council to help develop Democratic alternatives for recommendation to the Platform Committee of the 1972 Democratic National Convention.

Co-chairmen of the planning group on Concerns of Ethnic America are the Rev. Joseph Duffey and Rep. Ella T. Grasso, both of Connecticut.

The hearing will begin at 10 a.m. at the National Democratic Club, 233 Madison Avenue, New York, N.Y. and is open to the public and press.

Persons interested in testifying or attending the hearings may contact Andrew J. Valuchek, Democratic National Committee, 2600 Virginia Avenue, N.W., Washington, D.C. 20037 (202/333-8750) for further information.

MEMORANDUM

From: Ella T. Grasso, Joseph Duffey, Co-chairmen, Planning Group on Concerns of Ethnic America.

Re: Public Hearing, December 4.

The enclosed release describes the forthcoming hearing of the Democratic Policy Council in New York City on December 4.

We believe that this hearing will present points of view that should be of interest to you. We would like to extend an invitation to you and your associates to attend—either as guests or to question scheduled witnesses.

We look forward to seeing you there.

Date: December 4, 1971.

Time: 10 a.m.

Place: National Democratic Club, 233 Madison Avenue, New York City.

Open to public.

IN MEMORY OF THEOS THOMPSON AND JACK ROSEN

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HOLIFIELD. Mr. Speaker, I would like to suggest that we pause briefly in the conduct of our business to again pay honor to two outstanding senior government officials who died in the service of their country.

Just over 1 year ago, on November 25, 1970, AEC Commissioner Theos "Tommy" Thompson and Col. Jack Rosen were killed in a light plane crash in Nevada while making a survey relating to the use of the Nevada test site. Those of us who have worked in the field of atomic energy were shocked by this occurrence. Our country has lost two of its finest nuclear experts.

I had known Commissioner Thompson for only a few years, but had been much impressed by his dedication to the work of the Commission. Jack Rosen was known to me for a longer period since he had served on the staff of the Joint Committee during a period when I served as committee chairman and vice chairman. Jack's expert knowledge and dedication to the work of the committee and to the Commission after his return there is well known to the Members, and his loss is keenly felt by the nuclear community.

Jack is survived by his wife, Lorraine, three daughters, and one son. Jack's son David Lee Rosen, was only 13 at the time of this tragedy. As a consequence, he has become titular head of the family. David has been active in his schoolwork and other pursuits, and I would like to mention briefly some of his recent accomplishments.

After 2 years in the Boy Scouts of America, David achieved the rank of Eagle Scout. He recognized a need for the display of our American flag to serve as a reminder of our country's heritage. The project by which he attained the Eagle rank was to design and execute the building and distribution of flagpole holders to members of the community. His successful execution of this project was a source of commendation.

David continues to set a fine example to the other Scouts. As patrol leader he has already completed requirements for his first Palm and is close to achieving his second. Other accomplishments with the Scouts include over 26 badges, the Order of the Arrow, and the Boy Scouts' Religious Award.

At the same time David is an honor student at Broome Junior High School in Rockville, Md. It is indeed regrettable that Jack did not survive so that he could take justifiable pride in the recent accomplishments of his fine son.

GEORGE MEANY'S TREATMENT OF PRESIDENT NIXON AT THE AFL–CIO CONVENTION

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. GOODLING. Mr. Speaker, radio station WORK, a prominent air facility in my congressional district, recently effected a comment with respect to the treatment extended President Richard M. Nixon by labor leader, George Meany, during the President's recent visit to the AFL–CIO convention in Miami, Fla.

This comment undoubtedly reflects the sentiments of a broad section of the American population, including many individuals in the labor ranks which Mr. Meany supposedly represents. Because of the timely and appropriate nature of this comment, I insert it in the RECORD and commend it to the attention of my colleagues:

LABOR

For a long time, organized labor has cajoled, or threatened its way to higher wages for those in its number, and for nearly an equally long time, organized labor has been an important political entity, controlling a large vote for the chosen candidates, or against those who have fallen from its omnipotent favor. This is Neil Jeffries, WORK news, and I'll comment in a moment.

Apparently, President Nixon, with the institution of his wage and price freeze and phase two of same, has fallen from favor of the labor boss of the AFL–CIO, George Meany. This was evidenced by Meany's apparent lack of respect, not only for Nixon, but for anyone who holds the high office of President, during Nixon's visit to the AFL–CIO convention in Miami, recently.

Although not playing Hail to the Chief, is a minor breech of Presidential protocol, the general atmosphere of Nixon's visit and subsequent address was anything but polite or receptive. Apparently Meany has made up, not only his mind, but the minds of those attending the convention, that Nixon, and his economic stabilization measures are not good for the so-called working force. Not that Meany is a worker, mind you, because anyone who makes $75,000 a year is not exactly your average blue collar man.

Other breeches of etiquette can not be emphasized too greatly, because there are times when we all wonder if the splendor and pomp is necessary, but etiquette and common courtesy are two different things.

Any speaker, whether it be President Nixon, or a Mr. Average Guy, should be afforded common courtesy. And in this case, there was no need to call the meeting to order, immediately after the President concluded his talk.

From all these actions it is apparent Meany does not want to hear the other side of the issue, and consequently neither do his followers. Meany and his crew could drive the country to the brink of economic collapse, and probably will, given half a chance. And

don't ever believe they don't have the power to do it. President Nixon doesn't want to give them, or organizations like them, the half a chance, and they obviously don't like it. But perhaps they don't realize that grabbing as much of the pie for themselves means there is none left for anyone else, including business, and everyone else has to bake a bigger pie, to give them their chunk, which is called the oft cliched inflation spiral.

In that case, they must be protected against themselves, because, as powerful as they may be, when the rest of us topple, so will they.

Mr. Meany has countered all his, as some have called, boorishness, with charges that President Nixon contrived the whole affair for political gain . . . and the sad part is, too many people will believe Meany.

In fact, enough of the labor contingent believed him, to vote Mr. Meany a $15,000 wage increase. My friend and yours will now make $90,000, a mere pittance when you consider what George Meany is doing for all of us. When union dues increase to pay Meany, expect a strike to recover the cost in their wages. Then expect a price rise from those businesses that have to pay the wage increase, and recoup the losses caused by the strike.

And then thank George Meany . . . that is what he is doing for all of us.

THE DRAGON SPEAKS

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, I commend the attention of all members to a recent editorial commentary penned by Hearst Newspapers' editor, William Randolph Hearst, Jr., exploring the inflammatory remarks presented by Chiao Kuan-hua, head of Red China's U.N. delegation, in his opening address to the world body.

It is a thoroughly provocative commentary which gets to the heart of exactly what is in store for the United States unless we wake up now to the realization of what Red China has plotted for the free world.

Mr. Hearst's comments follow:

THE DRAGON SPEAKS

(By William Randolph Hearst, Jr.)

NEW YORK.—Unlikely as it may seem, the most significant news event of the week was a 30-minute tirade in the United Nations which said very little that hasn't been said by the same voice a thousand times before.

It was the voice of Red China, projected by its deputy foreign minister, Chiao Kuan-hua, in his delegation's first address to the world body that had disgracefully, illegally and in violation of its own charter booted out Free China to make their membership possible.

Whether or not you are as fed up as I am by all the recent hubbub over Red China and the UN, the fact remains that Peking's opening statement deserves serious and detailed examination by every American who wants to know what's what.

No one point in the 2600-word speech, as noted, said much that was new. Its importance lies in the fact that now we have a consolidated manifesto from the Red Dragon—an official declaration of the over-all views of world affairs held by the Mao government.

Chiao's speech, in fact, should be filed for reference by any serious student of world affairs. Like Hitler's "Mein Kamp," it spells out a program which amounts to a master guide for Peking's future actions.

We minimize it or brush it aside at grave risk to our own national intereats.

Americans, first of all, should note and not forget that the major theme of Chiao's speech was its hard-line attitude toward the United States. Practically everything wrong with the world was blamed on this nation.

He said we have to get out of Vietnam, Taiwan, Cambodia, Laos and Korea—or else.

He said it is the Arabs and not our Israeli ally which must be supported.

He said, finally, that in South America and everywhere else our "imperialism" is insufferable and will be stopped by "the irresistible trend of history."

What Chiao meant, of course, was that the U.S. is the number one obstacle to Communist domination of the world. No matter how divided Peking and Moscow may be by other considerations, they are forever united in this common view.

Perhaps the most sinister statement in Chiao' diatribe was his vow that "the Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so."

This was a clenched-fist threat to the U.S. if there ever was one. Sooner or later, it promised, the Chinese Reds are going to wipe out the regime of Chiang Kai-shek we are committed to defend.

There were no ifs, ands or buts to the threat. Red China said right out it is going to retake Formosa when it gets ready to do so. And the "force" it will be defying is the U.S. Meanwhile, it aims to undermine the U.S. in every other arena of Free World politics.

Most of Chiao's speech, naturally, was couched in the familiar jargon of Communist rhetoric everywhere. "As is well known," was thrown in as the usual Red preface for non-fact. "Liberate," of course, is the Communist word for imposing their dictatorship on a presently free people, and it was so used time and again in the Chinese entry speech.

No major Communist speech would be complete without its own variety of the "big lie." It came in Chiao's case when he said his government supports the efforts of all countries to be "masters of their own destiny."

Try telling that to the freedom loving people of Tibet, which the armies of Mao "liberated" in 1950 and had to "re-liberate" by mass killings and torture in 1959. In the exact way Russia, after "liberating" the countries of Central Europe, had to "re-liberate" Hungary and Czechoslovakia.

To me, the most disturbing aspect of the Red China debut was the deceptive treatment it got in our so-called liberal press. Both before and after Chiao's speech was delivered.

The New York Times, as an arch example, predicted that the toothy smiles of the Peking delegation arriving in New York reflected a promised continuation of the Ping-Pong paiship it saw as the hope of tomorrow.

When Red China takes its seat in the UN, the Times predicted, it could be expected to soft-pedal its demands. Politeness and restraint could be expected from a government with the huge responsibility of representing over 700,000,000 human beings.

Well—the prediction could not have been more wrong. Yet when Chiao's toothy grin turned into a threatening snarl of hate, the Times and its ilk went right along in cooing sympathetic understanding.

To them, according to their editorials, his speech was an admirable exercise in diplomatic restraint. All kinds of future goodwill cookies were promised because Chiao didn't come up with the usual description of the U.S. as a nation of running dogs.

Our government, through its ambassador to the UN, subsequently assailed the Red Chinese opening speech as "intemperate" and full of the "cannons of rhetoric."

It surely was intemperate, considering the fact that Red China—after 22 years as an outlaw nation—had suddenly been given the appearance of respectability. Its "cannons of rhetoric," as a result, properly created outrage in an administration which is seeking the best possible relations with Peking, Moscow and all the nations of the world.

The curious and revealing aftermath of our government's official reaction to the speech was that the Times, and other instruments of apology for you know what, came up with material suggesting it was just terrible of us to find fault with such lovely people.

What the Red China spokesman said, according to the Times, was nothing more than a very mild rehash of positions we should not only understand but probably sympathize with and excuse.

The suggestion, as usual, was that we are wrong and the Communists—if not right—at least should be listened to with our heads bowed and in respectful silence.

As nauseating as is this position for Americans to accept, you wait and see it will be the theme song of our soft-headed "liberals."

Thank heaven the White House, whose resident president is soon to go to Peking in search of better international understanding, also found the reversal of reality insufferable.

George Bush, our ambassador to the UN, spoke the mind of President Nixon when he called the Chiao speech "intemperate" and an unhappy response to the many peaceful initiatives advanced by this nation.

It was just that.

We can talk together and may even do business together, but we should have no illusions about Red China's enmity and sworn goals.

The speech also was an indication of just how off base some of our dreamy intellectuals are in forecasting that a new era of sweetness and light is possible if we salaam to Moscow and Peking.

Chiao meant just what he said.

We are Red China's enemy.

It's all spelled out in the speech by Mr. Chiao to the UN—and for your children's sake you better believe him.

ESTES KEFAUVER: A POLITICAL BIOGRAPHY

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. FULTON of Tennessee. Mr. Speaker, since the death of the late Senator from Tennessee, Estes Kefauver, there has been a growing feeling among many, myself included, that a published biography of this outstanding public servant's life and service was long overdue.

If writing were among my own talents I would seriously have considered the undertaking myself. However such a work now has been completed. It is entitled "Estes Kefauver: A Political Biography," by Joseph Bruce Gorman.

To the people of Tennessee, Estes Kefauver was a quiet giant who labored tirelessly for the common man in the power enclave of Washington against the special interests of our society. No matter that the name Estes Kefauver played an important role in the political and leg-

islative history of our Nation for more than a decade. To Tennesseans he was and always would remain "Old Estes."

He was a man who twice honorably aspired to the Nation's highest office, the President of the United States. He was considered "the peoples" choice even then, demonstrating widespread popular appeal even though not favored by the so-called political pros and power brokers.

And, as this biography points out, Estes Kefauver was years ahead of the crowd in formulating and espousing legislation in the interest of the common man.

Unfortunately I have not yet had an opportunity to read this work, but intend to do so immediately. Meanwhile, it has been reviewed in the November 29 edition of the Washington Post and I insert that review in the RECORD at this point commending it to the attention of my colleagues:

ESTES KEFAUVER AND GREATNESS

(By Joseph Bruce Gorman)

This valuable book has moved some critics to say that Estes Kefauver was not a "great" man; and indeed he wasn't if the standard of greatness is to be that set by, say, Thomas Jefferson or James Madison. But if he is to be measured alongside his contemporaries when he was in the Congress, or alongside those who hold or aspire to political leadership today, or in terms of what this country needs from its public men, Kefauver stands out like a sunflower in a bed of dandelions.

In June, 1954, when it became known that the White House had vetoed large-scale intervention in Indo-China, Kefauver nonetheless perceived—how many others did?—that "we are employing a creeping intervention" that could "soon" lead us to "be taking the major part in that war."

There is much concern today—*after* the Bay of Pigs, *after* the Gulf of Tonkin resolution and the Dominican Republic, *after* Vietnam, Laos and Cambodia—over the disastrous flow of unchecked power down Capitol Hill into the White House. Kefauver was usefully concerned long ago. In October, 1943, while in the House, he introduced a bill to enable Representatives to question Cabinet members, who would have floor privileges. Two months later, a Gallup Poll indicated the idea to have overwhelming public support. More than 250 newspapers endorsed it. Speaker Sam Rayburn did more than anyone else to kill it.

In 1947, with Jack Levin, Kefauver wrote "A Twentieth Century Congress." One of their principal recommendations was abolition of the seniority system and its replacement by a system of election of committee chairmen by committee members.

The point is not that such ideas were new: Woodrow Wilson had wanted to give Cabinet members the privileges of the House floor; abolition of the seniority system was a geriatric notion even then. The point is, rather, that such ideas were, and are, worth considering, and that Kefauver was seriously and systematically trying to induce us to do so. When, in 1959, Kefauver proposed legislation for a "Consumers Office" to serve as a "daily burr in the hides of Government officialdom to get important consumer issues raised, and to aid in their settlement in such a fashion that consumer interests will be heard and taken account of," he was proposing a new idea that since has become an old idea, but an idea still too good for the House to have passed in effective form.

Until August 15, 1971, when he announced his New Economic Program, Richard Nixon appeared to be an ultimate True Believer in a notion even his own Attorney General had publicly rejected 26 months earlier: that classic competition regulates the dominant share of the marketplace wherein operate the giant corporations—those that administer prices, that raise prices when half their plant capacity is idle, that protect their prices by investing in politicians who repay them lavishly with, say, anti-competitive quotas to limit imports. Yes, Mr. Nixon has, indirectly, recognized such realities; and he is dealing with them not, say, by removing the oil import quotas that cost us five cents on every gallon of gasoline and four cents on every gallon of home-heating fuel oil we buy, but by setting up new bureaucracies, new controls, new government interventions in the market mechanisms—by, in a word, grabbing still more power that was rolled down Pennsylvania Avenue from Capitol Hill.

Well, Kefauver may not have been "great," but he sure as hell looked good. He had, Gorman reminds us, "no faith in government control of prices and wages, terming such controls 'a frightful thing' which would lead to a 'regimentation which might have a tendency toward socializing our industries.'" That is to say, he believed that competition should be given the chance to be the primary regulator of the economy. Such authentically conservative doctrine has been rarely heard, since Aug. 15, from those in Washington who like to call themselves "conservatives." The President is of course more formidable: like the man who says "yes" while he moves his head to and fro, and who says "no" while nodding, he appeals for a resurgence of "competitive spirit" and, simultaneously, orders price and wage controls, speeds the conversion of America into a welfare state for multinational corporations, and insulates U.S. businesses from foreign competition.

The difference is, Kefauver could reasonably be expected to be saying on most any Aug. 15 what he had been saying on most any Aug. 14.

Thus he died, holding a "fundamental conviction that economic concentration was one of the most powerful threats to the American democratic political system" because "it is only a step from the loss of economic freedom." But he had held that same conviction throughout his public life. In 1946, for example, he conducted House hearings in hopes of reversing "the trends toward economic concentration." And in 1950, after years of trying, he and Rep. Emanuel Celler (D-N.Y.) got through a law intended to plug a loophole in the Clayton Act through which a company could acquire the assets of a competitor without actually merging with it.

"Kefauver," being a political biography, contains little about the Senator's personal life. That is not to say, however, that the book doesn't tell us a good deal about him, much of it fascinating.

He was capable of magnanimity: In September, 1952, in the middle of the uproar about the secret expense fund of the GOP vice presidential nominee, Richard Nixon, Kefauver said he had known him in the Senate and the House "and I'd be very much surprised if he did anything wrong"—although he thought the fund a "bad precedent." His sense of fairness extended to the Congressional Record, which he urged be "opened to denials by persons mentioned during floor debate or discussions," and it extended, too, to his rivals. At a campaign breakfast when he was seeking the Democratic presidential nomination, a Kefauver supporter yelled, "Ask Stevenson about Alger Hiss," whom Stevenson had defended. "That's exactly the kind of thing I want you to keep from saying," Kefauver said.

He was capable of feeling deep hurt, and some accomplished practitioners repeatedly made him feel it, including Lyndon Johnson, Sam Rayburn and the Kennedy White House, which initially invited to the signing ceremony for the reforms of the drug law not Kefauver whose monumental achievement they were, but the principal emissary of the pharmaceutical industry then in the Senate, Everett Dirksen.

Kefauver was capable of very sharp political repartee. In the 1952 campaign annoyed at Gen. Eisenhower's efforts to play politics with the Korean war after supporting the policy decisions concerning it made by President Truman, Kefauver met Ike's promise that if elected he would go to Korea by saying he should "go now, tonight. Let's not even wait for tomorrow. It is more important than the whistle-stop tour in which he is engaged."

Kefauver had, Gorman says, "a special quality, an attraction which won him the support of the mythical common men, who saw in Kefauver an honest, sincere, and unique champion of ideals and values that seemed to be ignored or taken lightly by too many others in public life." But he lost the presidential nomination in 1952, and, in anguish, he was moved "to doubt his whole philosophy about the inevitability of the ultimate triumph of the will of the people, which he associated with the 'good' and the 'right.'" But it was not "the people," as he knew, who had rejected him, but a less than democratic Democratic Party. "Some of the politicians, bureaucrats and kingmakers may not like you, because they know they cannot control you." Paul Douglas had said when he endorsed Kefauver's campaign. "But the people are for you." "Paul, bless your heart," Kefauver said.

In 1956 he sought the presidential nomination once more. In 1960 he won a fantastic re-election victory, but in asking to be continued in the Senate he "had appealed to the best instincts of Tennessee voters . . ."

On Aug. 8, 1963, he was leading a fight—typically lonesome, typically sensible—on the Senate floor to amend the communications satellite bill to require the corporation to pay for the use of research the taxpayers had financed. He was stricken by what he thought was a stomach ache, but was in fact a heart attack. I don't feel right," he told Sen. Joseph Clark, who urged him to seek medical attention at once. "No. I've got to keep going," Kefauver said. He did, and only afterward went to Bethesda Naval Hospital. He was dead two days later, at 60. Lord, what a loss!

THE PLIGHT OF SOVIET JEWRY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, the plight of Soviet Jews is a humanitarian problem of concern to all of us. We have seen in the past, particularly in reference to the December 1970 Leningrad trial that international public opinion expressed by private citizens as well as by diplomatic appeals, can have an effect on the Soviet leadership. The commuting of the death sentences was indeed an encouraging action, yet we should not overexaggerate that small victory nor should we be satisfied with it. The fact remains that Jews in the Soviet Union are discriminated against: cultural-religious institutions are limited, textbooks in Yiddish or Hebrew are scarce, and the Jewish minority is being used as a political scapegoat.

Although denying the existence of any kind of discrimination against its Jewish minority, the Soviet Government has systematically degraded its Jews to second-rate citizens. They are denied the basic human freedoms of practicing, teaching, and perpetuating their cultural-religious heritage, guaranteed to them by the Soviet Constitution, and are expected to remain silently tolerant.

We have seen from press coverage and personal accounts that the deprivation of human rights has reached a level which can no longer be tolerated by a large number of the Jewish community. The Soviet Jew's attitude to the system and leadership is no longer one of silent tolerance or acceptance. They have openly challenged the system, staging sit-ins, actively demonstrating, and circulating petitions outlining their status and appealing for emigration rights. Although the Soviet regime does not appear to have changed its domestic policies regarding the Jewish minority, it has within the past year allowed an unprecedented number of Jews to emigrate. However, the right to emigrate is often difficult to achieve without personal harassment, possible imprisonment, and even physical harm.

This recent upsurge in emigration, is again, a very encouraging action, for we can interpret it as being in response not only to international concern and pressure but also in response to the demands being made by activist Jews in the Soviet Union. I believe that continued nonviolent pressure by private individuals as well as expressions of concern by governments will continue to have an effect on the Soviet leadership. My colleagues and I in the Congress are continually reminded of the Jewish problem in the Soviet Union and have introduced numerous bills and resolutions expressing our concern and urging that steps be taken to persuade the Soviet Union to liberalize its policies regarding human freedoms as well as emigration. President Nixon's upcoming trip to the Soviet Union may well be a unique opportunity to express the concern of the U.S. Government and to urge the Soviets to temper their policies toward its Jewish citizens. I firmly believe that we must continue to pressure the Soviet Government in the hope that this will result in the Jewish minority being able to live in peace and freedom in the Soviet Union, and that those wishing to emigrate may be allowed to do so without fear.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AMERICA'S ELDERLY: TO CARE OR NOT TO CARE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, this week 3,400 concerned Americans are taking part in the Second Decennial White House Conference on Aging.

The Arkansas delegation is comprised of 21 appointees of Governor Dale Bumpers and eight at-large appointees. All are highly capable spokesmen on the problems of aging. They bring to the conference vast experience in such critically important elderly areas as income, housing, health, nutrition, and leisure time use. Their views, too, reflect the thinking of older citizens in Arkansas.

The Honorable Vada Sheid, a representative in the State Assembly of Arkansas for Baxter and Fulton Counties, presented to the conference a statement of concern by the association of retired citizens of Baxter County.

The statement was authored by Dr. Charles E. Howell, Ph. D., retired professor of sociology at Northern Illinois University, and approved by the association's board of directors, in behalf of 700 retiree members. I commend to the attention of my colleagues these views of the retired, themselves, on aging in America.

STATEMENT BY DR. CHARLES E. HOWELL

The problem, if it may be called that, of dealing with the older segment of any society has always been with the balance of that society. Even in primitive groups the aged were respected and held positions of prominence and power. The Greeks and the Romans looked up to their older citizens. True, in terms of years, these older citizens were not as old as they now are but the attitude of care and respectability was there. But as time has gone on, society in its own eyes at least, has become more civilized and at the same time, this position of its elders has steadily eroded. They are now looked upon, to some extent at least, as a necessary nuisance.

During the past twenty years here in the United States the average life span has increased by over twenty years. Uncounted millions of dollars and uncounted years of human energy has been expended to achieve this. But not nearly as much of either money or dedication has been spent, or is being spent, to see that these added years are not only years of comfort to those achieving them, but also years of value to society as a whole.

We have in the United States at the present time twenty one and one-half million men and women over the age of sixty-five. The huge increase in the birth rate following World War I and the corresponding decrease in the death rate will insure that this number will double over the next twelve to fifteen years. The *present* decrease in the birth rate will make it probable that the *proportion* of those who may be called our older citizens will more than double.

We held a national conference on the aging ten years ago. Out of that came one very tangible benefit to the elderly, Medicare. We are holding another conference now ten years later. But the problems have not only increased but they have changed. The attack being made upon them has deviated from the sociological to the political. Every approach to the problems of the aged by anyone in a position to achieve change has been made with at least one eye upon the political effect of any action—and often with a jaundiced eye at that.

Without any concern for that which or which may be thought to be politically expedient it is clear that there are a number of things which are needed, and needed *now*. Most of these involve money in one way or another. But for a nation which can spend billions to place a few men on the moon for a few hours, and billions more to ostensibly preserve democracy in the Far East to concern itself with more dollars for the aged is to be unworthy of itself if it measures its care for the aged solely, or even mostly, in terms of money.

Needed first, of course, is an amendment of the Medicare program for the aged. Provision for prescription drugs, without which millions of them cannot continue to exist, needs to be added to the Medicare program, as does medical care outside the hospitals which is now provided by Part Two of Medicare for which the patient pays but also for which millions cannot afford to pay. Of course this will cost money but we need to decide and decide now whether we really care for our older people or whether we are merely going through the motions. If we don't care, let us stop spending our money to prolong life, or, if we do care spend a little more to make this prolonged life more comfortable and reasonably happy.

As has been demonstrated by Representative Pryor, the nursing home situation in this country is a national disgrace. This does not apply to all such homes by any means, but does apply to enough of them that we should collectively bow our heads in shame. We need more and better regulation and inspection, more and better aid in financing such institutions. We need more hospitals *in the areas where they are most needed*, which is not necessarily in the larger cities.

We have made a gesture to the elderly in providing for a retirement income credit on our federal income tax. This, as we all know, applies only to individuals past the age of sixty-five. For those couples, one of whom is under that age, but who file joint returns and have but one income, this retirement income credit applies to only one. But they have only one income for two people and in millions of cases this is a burden and an inequity. Even the amount has not changed in proportion to the increased cost of living. As a matter of fact, nobody to my knowledge has yet suggested that there might well be placed a ceiling on the total amount of taxes, or rather the total proportion of one's annual income which can be charged for taxes of all kinds. However, unfortunately millions of people do not have enough annual income to make this of any great difference one way or another. They are poverty stricken in any case.

The concept of Social Security was developed to force employers and employees to make some provision for their old age. The concept has been broadened from time to time. But the fact remains that millions of those over age sixty-five do not have enough income of any kind, including Social Security, to place them above the federally defined poverty level. The mere fact that in recent years labor unions have placed increased emphasis upon fringe benefits is evidence enough of the importance which people, if not their Congressmen, attach to these problems.

Another phase of the problem of older people is that the things which are being done for them are so scattered that they are, in many cases, not really available at all. We need in every area of the country that which, in one sense, might be called an "ombuds-

man' office, not with the power to really take action but to coordinate and make available information which these old men and women need in order to take advantage of what is already available.

We need places where old people can take their problems of whatever nature and have some attention paid to them, some answer given, some answer obtained if it is not readily available, *no matter what the problem is.* Maybe this would increase an already overstaffed bureaucracy but it would not need to do so since there would be less duplication of effort in agencies already dealing—with a great big question mark—the problems of the aged.

We are faced in this nation with a divided society brought about by our increased technology. At the lower end of the economic scale we have deprivation and poverty. At the other, and frequently older end, we also have deprivation and poverty in many cases. The lower middle is either not aware or does not care about either problem. The upper middle is aware but not enough concerned. But they are the ones who are going to be the older group within a very few years. But for the information of those who are in a position to do something specific about these problems these older people, unlike the children, do have and will exercise their right to vote. It is for those in power to do what is right and in accordance with our nationally proclaimed goals or because of the urging of their own consciences or face the kind of political action on the part of the elderly which ought not to be necessary in the kind of society which we so proudly claim to be.

Local, state, and national conferences on the problems of the aged are all well and good. But if nothing but volumes of proceedings and blasts of rhetoric come out of them, they might as well not be held, except that they will serve notice upon the elderly that that is the limit of what they may expect. The mere fact that the majority of the delegates here present are *not* representative of those over sixty-five gives pretty much of a tip-off as to what those of us over sixty-five may expect of a conference such as this. It is to be hoped that in the months to come the behavior of those at this conference as well as the reception which its recommendations receive will prove me wrong. But don't bet your shirt on it!

MRS. CHRISTINE GARDNER CITED FOR DISTINGUISHED VOLUNTEER SERVICE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. MOORHEAD. Mr. Speaker, we all know of individuals in our communities whose tireless efforts, on behalf of others, seem never to be recognized by other than the person's closest associates.

But one of these people, a resident of my city of Pittsburgh, has been accorded a singularly impressive honor.

Mrs. Christine Gardner, of Pittsburgh, an unceasing worker for equal rights and opportunities for all people, has been cited by the National Center for Voluntary Action, for her work in my city.

Mrs. Gardner now joins 118 other citationists from all over the country recognized by NCVA. From this group of outstanding citizens, two will be singled out and given $5,000 awards.

I would like to congratulate Mrs. Gardner on her achievement and put into the RECORD a letter and a press release from NCVA telling of her nomination.

NATIONAL CENTER FOR VOLUNTARY ACTION,
Washington, D.C., November 15, 1971.

Hon. WILLIAM S. MOORHEAD,
2005 Federal Bldg.,
Pittsburgh, Penna.

DEAR CONGRESSMAN MOORHEAD: I am pleased to inform you that the National Center for Voluntary Action has recognized, for distinguished service in the field of volunteerism, Mrs. Christine Gardner of Pittsburgh.

She has received Citationist designation in the National Volunteer Awards Program. Citationists will be included in the final selection process to determine two national winners—one individual and one group—to be honored at a national awards event in Washington in early February. The ultimate winners have *not* as yet been selected.

The National Volunteer Awards Program, after 23 years of distinguished activity under the auspices of Lane Bryant, Inc., is currently operated by the National Center for Voluntary Action. The National Center, a private non-profit organization, exists to generate significant new responses to America's most pressing needs through greater recognition, utilization and coordination of volunteers. Through this awards program, the local volunteers are recognized and honored, and others may be encouraged to greater activity in the increasingly vital field of volunteerism.

You may want to offer your personal congratulations.

Sincerely,

EDWIN D. ETHERINGTON.

PITTSBURGH WOMAN CITED FOR VOLUNTEERING—UP FOR TOP NATIONAL AWARD

WASHINGTON, D.C., November 15.—For tireless volunteer service to the people of her community, Mrs. Christine Gardner of Pittsburgh has been named Citationist in the 1971 National Volunteer Awards Program sponsored by the National Center for Voluntary Action.

Mrs. Gardner has organized and worked with countless housing and social service projects to create a transportation service for the poor, aid programs for the needy, upgrading in housing, and an increased awareness of housing rights by the people of the Hill District.

In addition, she has been a sparkplug for bail reform, improved police-community relations, and rehabilitation of women offenders—activities which have led her to personally sponsor an ex-convict for whom she has found a job, home, and hope for the future.

The National Volunteer Awards, formerly known as the Lane Bryant Volunteer Awards, were established in 1948 to bring attention to "unsung volunteer heroes." The program has been administered by the National Center for Voluntary Action (NCVA) in Washington, D.C. since 1970.

The National Center for Voluntary Action exists to generate new responses to America's pressing needs through greater utilization, coordination and recognition of volunteers. Henry Ford II is chairman, and Edwin D. Etherington president.

Formed in February 1970, the National Center is a private, non-profit organization and the hub of a growing network of local Voluntary Action Centers. NCVA also runs the nation's most comprehensive Clearinghouse of data on volunteer activities, as well as volunteer campaigns to meet critical national needs.

This year's awards program, the first under NCVA, drew the largest number of nominees in its history. From these, 119 Citationists have been selected. Preliminary screening was performed by a faculty panel from C. W. Post College of Long Island University. Each Citationist is now a candidate for one of two $5,000 first-place awards.

The Citationists' contributions reflect a trend toward growing citizen involvement in community problem-solving and aid to the handicapped and disadvantaged.

Final selection of 1971 awards winners will be made by a panel of five judges: H. L. Romnes, chairman of the board, AT&T Company; Charles Evers, mayor, Fayette, Mississippi; Walter Hickel, former Secretary of the Interior and former governor of Alaska; Alvin Toffler, author, *Future Shock;* and Mrs. Jacqueline G. Wexler, president, Hunter College of the City of New York. The top awards will be presented in February 1972 at a banquet in Washington, D.C.

AFL–CIO CONVENTION WAS NOT DISCOURTEOUS TO PRESIDENT NIXON

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HELSTOSKI. Mr. Speaker, as we well know, the Secretary of the Treasury and other administration spokesmen have launched a concerted attack on Mr. George Meany and the AFL–CIO for their allegedly discourteous and unfair treatment of the President at the recent Bal Harbour Convention.

Judging from Mr. Connally's indignant tones one would be led to believe that delegates had been hurling rotten eggs and tomatoes at the stage during Mr. Nixon's address. In fact, Mr. Nixon was greeted with polite, if unenthusiastic, applause by the convention. While it is true that the delegates laughed at the President's statement that prices were going down, I ask, who would not question this assertion?

Mr. Speaker, the President's reception at the AFL–CIO convention has been blown totally out of proportion by an administration seeking to pin the blame for its own economic failures on the labor movement. A few days after the Nixon speech, George Meany set the record straight in a statement to the convention. I include in the RECORD at this point excerpts from Mr. Meany's rebuttal to the administration crybabies:

[From AFL–CIO News, Nov. 27, 1971]

MEANY'S REBUTTAL: NO DISCOURTESY TO PRESIDENT DESPITE SOME RUFFLED FEATHERS

Excerpts from remarks by AFL–CIO Pres. George Meany to the convention, Nov. 22:

The accusations of discourtesy on the part of the AFL–CIO in connection with Pres. Nixon's visit of last Friday are absolutely and completely untrue and unfair. I didn't hear any booing; I didn't hear any jeering on the part of the delegates during the President's visit.

I would like to go over this whole record and try to set it straight. On the 23rd of September I invited the President of the United States to address this convention, and this is in accordance with a long-time practice. No matter who the President is, he is the first man we invite to our convention. A few days later I received a reply from George Shultz which said that the President would, of course, consider this and look over his schedule and they would be in touch with us a little later.

Well, seven weeks passed with no word of any kind. There was no word as to whether he was coming, no word that he was not coming. Last Wednesday evening at half past eight in the evening I was in the coffee shop downstairs, and I got a telephone call from George Shultz in which he said the President wanted to address our convention at noon on Thursday.

Now, to me it would seem that there was a little lack of courtesy there. He could have told us this, and we would have been glad to work out something. But this was just 12 hours before the convention was to convene. So I told him it would be impossible to make that arrangement, that there was a council meeting set for twelve noon, but that I would be glad to have the President later in the afternoon or any time he wanted on Friday.

So the Friday date was set up for 10:30 a.m. and immediately on Thursday afternoon and evening we were visited by a large number of security people whose job it is to protect the person of the President.

They did request Thursday night that I move these four tables here (in front of the platform) back in order that they could put in special television cameras. I refused to grant that request. I said that this would upset the arrangements for 80 or 90 delegates, and I felt that we had television cameras, that we had tape television, and I didn't feel that we should change that situation.

Then I was asked would I have the orchestra play Ruffles and Flourishes as the President marched from the little door over to here. I said, "We don't have an orchestra. We have what you might call some chamber music." We had an orchestra Thursday morning. I don't think you can play Ruffles and Flourishes on a violin. I could be wrong on that, but this is my impression.

He was warmly applauded when he was introduced. He was applauded at least eight times during his speech. There was some laughter when he said that prices were coming down and if you didn't believe it to ask your wives, ask the housewives of America.

Now, I'm willing to concede that this laughter was of a type that indicated disagreement with the President, and I think the ladies laughed the loudest.

However, we certainly still have a Constitution and a Bill of Rights, and I don't know that they can take away our rights unless they actually put it in the Constitution. In other words, I still think we have a constitutional right to laugh.

When the President left here, instead of going to the office he turned and he went into this roped-off area. A White House photographer appeared and there was a fellow carrying a great big, enormous glaring light. The President started to mill around over there. Now at that time, after two or three minutes of that, the delegates and the guests from the far end of the hall all started to converge over here, and I took the mike and said, as I have said many times, "Will the delegates and guests kindly take their seats."

That is a subject of another accusation. They said that I tried to continue the business of the convention while the President still had the floor.

Well, when he left I committed the cardinal sin of saying, "Well, let's go on with the second act." But that was my reaction.

Insofar as courtesy is concerned, I think we showed the respect that is due to the President of the United States. We were not discourteous, there was no booing and there was no jeering. As far as his conduct was concerned, he gave us his speech. He threw away his written text, and that corny act is as old as the republic. His speech was pure political propaganda, and I have no objection to that because we hear a lot of that, and he certainly should not be barred from making a political speech.

However, he did not discuss the one major item upon which we differ with the Administration, and that is the validity of our contracts.

He said that he read the terms under which we were going to sit on the Pay Board and that he could do as he pleased about that, accept it or not. And he said very forcefully, "I know what I can do, and that is what I am going to do" and then he didn't tell us. But he did not, he did not discuss the issue that certainly is the major basic issue that is disturbing the trade unions of America—do we have the right to sign a contract with our employers and see that contract observed, or have we lost that right? I don't think we have, and we are not going to stop fighting for it.

I have the impression the President did not come here to make a speech. He came here to contrive a situation under which he could claim that he had be unfairly treated.

As I say, I am proud of the conduct of the AFL–CIO. We respect the office, we respect the man that holds the office and we are going to continue to do that. However, this doesn't mean that we have got to be subservient to the man who holds the office.

This does not mean that our respect for the President and his office calls for us to submit to something that we consider unjust. Otherwise, our pride in America and its institutions would be meaningless.

This is still a democracy. This is still not a monarchy. And the respect for the President and the respect for our rights as Americans is part and parcel of the entire American way of life to which we are committed without reservation.

WE NEED PROMPT FUNDING OF SUPPLEMENTAL APPROPRIATIONS FOR SICKLE CELL ANEMIA AND LEAD BASED PAINT POISONING PREVENTION PROGRAMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RANGEL. Mr. Speaker, on September 23, 12 of my colleagues joined me in introducing H.R. 10870 and H.R. 10871, legislation calling for supplemental appropriations to fight sickle cell anemia and lead based paint poisoning. Now, over 2 months later, no action has been taken.

The need is critical. In 1970 Congress passed the Lead Based Paint Poisoning Prevention Act, yet $22.5 million authorized under that legislation has not been appropriated. In fact, the conference report on appropriations for the Department of Health, Education, and Welfare passed this summer senselessly cut the $15 million passed by the Senate in half. In addition, not one cent was earmarked for detection, treatment or research of sickle cell anemia, a disease preying on the black community.

The Medical Board of Harlem Hospital Center and the Harlem Hospital Center Committee for Sickle Cell and Allied Diseases have endorsed this legislation. I am pleased to share their letters of support with my colleagues.

HARLEM HOSPITAL CENTER,
New York, N.Y., November 17, 1971.

Hon. CHARLES B. RANGEL,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN RANGEL: On behalf of the Harlem Hospital Center Committee for Sickle Cell and Allied Diseases, I write to endorse your program to obtain vitally essential legislation for expanded medical and community services in the area of sickle cell disease. Our committee, on which serve representatives of the major hospital services, is acutely aware of the need for a wide array of services for the sickle cell patient, families of the afflicted and the broader community. We are concerned and alarmed at the paucity of such services in the black community.

We pledge our continuing support for your laudable efforts in regard to sickle cell disease and trust that the Congress of the United States will take needed action to remedy the existing inadequacies related to this dread disorder.

Yours sincerely,

CALVIN H. SINNETTE, M.D.,
Chairman.

HARLEM HOSPITAL CENTER,
New York, N.Y., November 19, 1971.

Hon. CHARLES RANGEL,
House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN RANGEL: We read with interest your statement of September 28, 1971, in which you said "on August 5th, the House of Representatives callously turned its back on black Americans when it slashed funds for lead-based paint poisoning prevention and deleted funds for sickle-cell anemia detection, treatment and research."

We know that you know from first hand knowledge that black children are dying from these two preventable diseases; lead poisoning by eliminating lead-based paints both in the stores and on the walls and sickle-cell disease by detection of the carriers and proper counselling prior to marriage. But prevention requires considerable funds for education, counselling, research and treatment. Is it possible that there is little concern because most of the victims are black?

The Medical Board of Harlem Hospital Center unanimously support your supplemental appropriations bill, sickle-cell H.R. 10870 and lead-based paint HR 10871.

Very truly yours,

HERBERT G. CAVE, M.D.,
President, Medical Board.

VOICE OF AMERICA INTERVIEWS RAYMON H. MULFORD

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, we are witnessing a time when the average American could easily become very dissatisfied with the job American business is doing to protect their interests.

We have heard the cry of environmentalists, charging large corporations with polluting the air and water around them. We have heard the taxpayer grumble during phase II because business would seem to be the only sector of the economy that is trying to get an increase in its prices.

Too many times, Mr. Speaker, we fail to recognize a lot of the good things

American business has contributed to our society and the way we live.

I include as a part of my remarks, a transcript of an interview of the Voice of America conducted with Raymon H. Mulford, chairman of the board of Owens-Illinois of California.

I think we might all benefit from reading his words and considering some of the excellent ideas he is expounding on the responsibility of business to social welfare.

The interview follows:

VOICE OF AMERICA INTERVIEWS
RAYMON H. MULFORD

Spontaneous responses to probing questions on one of the most controversial subjects in the news today—social responsibilities of business—are reproduced in this transcript of a Voice of America press conference featuring Raymon H. Mulford, chairman of the board of Owens-Illinois, Inc., and chairman of the Committee for Economic Development's Subcommittee on Business Structure and Performance. The interview was taped on August 6, 1971, and was broadcast on September 4, to audiences in Asia, the Middle East, Europe, Africa and Latin America through the world-wide facilities of Voice of America.

From Washington the Voice of America brings you Press Conference, U. S. A., an unrehearsed discussion program. Each week at this time reporters interview an interesting personality in the news. To introduce our guest this week and our correspondents, here is Les Higbie, this week's moderator of Press Conference, U. S. A.

Increasing attention has focused recently both within and outside the business community on ways to provide a better quality of life for all our citizens. Among those studying this question are the businessmen members of The Committee for Economic Development (CED). A CED Subcommittee has just published a 74-page report entitled "Social Responsibilities of Business Corporations." Our guest today is the chairman of that Subcommittee, Raymon H. Mulford, chairman of the board of Owens-Illinois, Inc., Toledo, Ohio. Mr. Mulford is a native of San Francisco, and is a graduate of Stanford University and Harvard Business School. He has served Owens-Illinois in several executive positions since 1933 and became chairman of the board in 1968 after seven years as president. He is a director of several other companies, is a trustee of the Toledo Museum of Art, and of the National Cystic Fibrosis Foundation. Mr. Mulford, welcome to Press Conference, U. S. A.

Thank you, Mr. Higbie.

Now will our panel of correspondents identify themselves.

Hayden Johnson, The Washington Post.

Murray Seeger, The Los Angeles Times.

Courtney Sheldon, The Christian Science Monitor.

Mr. Johnson, would you take the first question please.

Question by Mr. Johnson:

Mr. Mulford, I was struck by two sentences in this report of your Committee. One says that there is now pervasive feeling in the country that the social order, somehow, has gotten out of balance and that greater affluence amid a deteriorating environment and community life does not make much sense. You say that also applies to American business. The large corporations are undergoing the largest, most extensive self-examination about their own roles in the American society since the 1930's. I would like to ask you a general question. Just what do you see as the great problems facing the country and the role of business in doing something effective about them?

Answer by Mr. Mulford:

Well, I think that through the efficiency and effectiveness of our business organizations we have made great achievements in terms of providing a reasonable level of affluence to the greatest percentage of our citizens in comparison to any other country in the world. We have done reasonably well from the standpoint of providing material necessities. In spite of that, however, with our growing population and with the increase in the move toward metropolitan centers, I think industrialism and the effects of living so close together in such large groups have created conditions which people find not so attractive as they were in a simpler type of economy. I think we must address ourselves to improving those conditions. I don't think we can turn the clock back in terms of our ability and our obligation to meet the needs of people—not only of maintaining a reasonable standard of affluence but eventually eliminating such poverty as does exist in the country. And some poverty does exist. We must continue with our efficiency in production in these respects but we must also give considerable attention to the by-products which have been unpleasant to a lot of people.

Question by Mr. Johnson:

Let me ask you a more specific question now about business in general. While coming to the studio I heard a radio broadcast about a corporation in Baltimore that said it would have to shut down its plant if it were forced to spend $2 or $3 million extra on antipollution devices. What's your feeling about a corporation that takes that stand in this whole question?

Answer by Mr. Mulford:

I think there have to be some trade offs. I think the attention which environmentalism has received on the whole is constructive. I do think there are some aspects of it, however, which are emotional and overrated. To try to fully satisfy all the demands of the most extreme ecologists would mean a diversion of capital, a diversion of effort, and a diversion of our total capability that probably would be unjustified because we have so many other pressing problems.

Question by Mr. Seeger:

Mr. Mulford, I'm reminded that Professor Friedman of the University of Chicago, an economist who a lot of businessmen pay attention to, has suggested that businesses have no business going into the social area at all. He also has said that business is not equipped to deal with social issues and that the best thing business could do for the country would be to strive for efficiency, good profits, and a strong economy. Why do businessmen get into these social problems at all?

Answer by Mr. Mulford:

Well, one of the reasons I think our study was undertaken is because there has been so much dialogue and such a wide diversity of opinion in relation to the actual social responsibility of business. We are very familiar with the views of Professor Friedman, who is at one end of the pendulum. As you said, he really believes that the business of business is business, and that we should concentrate on making profits and leave other aspects of society alone. On the other hand, there are those who seem to attribute all of the ills of society to business. We feel that probably the proper answer is somewhere in between these two. This is the reason we undertook this rather extensive four-year study. But we did involve academicians, politicians, and other people who had a point of view we thought would be worth considering, and we did have representation of the Friedman philosophy in our discussions. In the final analysis, however, the report was determined, designed, and approved by businessmen themselves.

Question by Mr. Seeger:

Are your recommendations weakened by trying to get a consensus report from a group of businessmen who have a wide diversity of interests and pressures on them?

Answer by Mr. Mulford:

Probably to some extent. I think an individual with a positive conviction would give a more clear cut, a more specific, a more forceful presentation. There obviously are some compromises. On the other hand the opportunity to involve so many people with constructive points of view probably gives these compromises some merit.

Question by Mr. Sheldon:

Mr. Mulford, in your report you suggest that if competing corporations can't get together and shoulder equal social responsibilities particularly in the area of pollution that they should ask the government to step in, presumably with some kind of regulations. Can you see this as being very practical or being very widespread?

Answer by Mr. Mulford:

Yes, I believe I can. I'll use a collective we, speaking for those who were a part of this report. We feel that every effort should be made by business to do as much as it can on a voluntary basis—to be realistic, to be progressive, to recognize the social aspects of their operations. However, you frequently run into situations in which—because of Justice Department regulations and because of the impracticalities from a competitive standpoint—we think it would be advisable to have specific government regulation applying equally and equitably to all companies involved in a given line of commerce. We would hope that the constructive attitude of business and its own efforts would be such that government would want to involve responsible business executives in designing such regulations.

Question by Mr. Sheldon:

Isn't it pretty much a fact of life that the more a corporation or a business spends on social programs and antipollution programs, the more they will charge for their products in the end? Or are corporation's profits or business' profits higher than they should be?

Answer by Mr. Mulford:

I think you bring up a very important, a very realistic point. In the final analysis the consumer, the general public, is going to pay the cost of whatever money is diverted to environmentalism. I don't think there is any other possibility, and, unfortunately, I don't think the average citizen completely realizes this. Now there are some aspects to what I suppose you would call environmentalism which are actually constructive in themselves from a productive standpoint. As an old factory manager, I've used one example of this many times. Consider a plant that has a high level of good housekeeping, a high level of cleanliness, and concurrently with that a high level of safety, which has used all of its expertise in not only guarding equipment but creating an attitude and an atmosphere within the plant which is conducive to safe working habits. Inevitably such a plant will be a more efficient plant than a sloppy plant. I think there are many aspects of this thing we call environmentalism. I think of the attention which companies now are giving to the aesthetic values of their plants. I think of many of their community activities which have a reflection in the kind of cooperation they get from the communities in which they operate. Those activities are reflected in the morale of the people within the company and to an extent these things are actually constructive in achieving efficient production. I think they are helpful.

Question by Mr. Johnson:

I guess we've all been talking about the same thing for many years. About national priority and problems on the agenda facing America and it always comes back to one hard problem. That is money. Where are you going to get the money to reach all these fine goals such as health care, which we hear is going to double in cost in this country over the next four years. At the same time we have an economy that is going through some distress. Are we able to pay the price? Are we able to pay the price? Are we able to raise the money and divert it to these social aims that we need and you think are good? How does the business community feel about that?

Answer by Mr. Mulford:

Although we are the wealthiest country in the history of civilization I think we have reached the point where our desires exceed our current ability to fulfill them. This matter of setting priorities is probably one of the most important problems that the country faces. I think they hesitate and particularly their political leaders too frequently hesitate to face up to it. I think the reason that we're involved in an unfortunate inflationary situation at the present time is a direct reflection of the fact that we refused to face priorities several years ago.

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Question by Mr. Johnson:

Well, I think that leaves two questions, I suppose. What would you say is the first priority facing this country, and what do you do about this economic spiral of inflation? What should we be doing that we're not doing?

Answer by Mr. Mulford:

Well, this is a difficult question, and I don't know that I'm fully competent to answer it. Let me go back to the time that I think was the start of our problem. This is some few years ago in the Johnson administration, and let me say at the outset that I'm very much in favor of practically everything that Mr. Johnson espoused. My problem with his conduct of the situation is that we just couldn't do everything. But at that time we were accelerating a war which was very expensive. We had an extremely affluent society in general and we were devoting ourselves to what Mr. Johnson called the Great Society, which meant the elimination of poverty and the correction of the problems of the inner city. Frankly, we were not wealthy enough to afford all of them at the same time, and at that time I was very much in favor of—although I was a minority as I am so often in these things—substantially increasing taxes. Substantially increased taxes would have reduced the level of our affluence and I think that was the measure that was indicated, but in trying to maintain all of these programs we inevitably got into a situation where the value of the dollar decreased.

Question by Mr. Seeger:

Mr. Mulford, in your statement from the CED one of the things that jumps out at me is this proposal for a stronger business-government partnership to attack the social problems of this country. It scares me a little bit because there are a lot of people in this country who are not very happy about the way the government has been meeting the social problems and they also are afraid of big business. There are also enemies of this country who think business and government are already in a conspiracy against everybody else in the country. Who else, is there another partner in there besides business and government?

Answer by Mr. Mulford:

Well, of course, when we think of government we think of the political institution as the only institution which represents all the people. This is the reflection of the desires of society as a whole, of the people as a whole. As I appraise business operations in the Free World—and our Company is very broadly involved in Europe, South America, and the Orient, so we get a good look at the situation—that as business is conducted in the United States we probably have more freedom of action than is true in any other country in the world. In other words, we are less far down the road to Socialism. On the other hand, business and government in the United States are constantly in an adversary position. In many other countries of the world, Japan being an outstanding example, business and business institutions are in an important partnership with government and are an important instrument in national policy. In the United States we seem to be continually fighting each other. I think actually rather than people being concerned about collusion between business and government, perhaps people should be concerned about this adversary situation. Because we do feel that in meeting some of our major social problems, certainly the problems of the inner city, the problems of the deterioration of the inner city, that government must be the leader in developing the strategic plans and that business probably can be extremely helpful in implementing the plans. But plans which involve the use of eminent domain, plans which maybe involve the disruption of existing patterns even though they are designed to produce very much better patterns, can be developed only by the specific representatives of the people as a whole. Again I say I think the function of business is to effectively implement the programs which government designs.

Question by Mr. Seeger:

One of the things that strikes me when we talk about the problems of the inner city is that a lot of those problems have been created because business abandoned the central cities. They have built new factories outside the cities. They have built new factories in other parts of the country rather than the urban East and the older Northern and Eastern cities are left with the remnants. They're left with the unemployed; they are left with empty factory buildings. What can business do about that?

Answer by Mr. Mulford:

Well, I think one of the great things about our country has been, generally speaking, the mobility of our society as contrasted with other countries. Actually I'm not so sure that it isn't advisable for business to build their operations on the perimeter or even farther out. The congestion that we have in our metropolitan areas now is awful. At best there is going to be some air contamination, some effluent from business activity, which preferably should not occur in the middle of a very congested area. I think one thing that business has been constructive in and active in is a problem for society as a whole. One of our greatest problems is the subject of freedom of movement, of open housing if you will. In my own case I participated very actively in a losing campaign in Toledo in which I advocated open housing. I think you will find the most responsible businesses advocating as strongly as they can the complete freedom of movement of our population. But as long as society directly or indirectly imposes restrictions on the movement of people I think you're going to have a kind of deteriorating situation that you referred to.

Question by Mr. Sheldon:

Mr. Mulford, does your concept of social welfare responsibility of a corporation extend to refusal to do business in a country like South Africa because of its segregation policies?

Answer by Mr. Mulford:

No. As a matter of fact we have a minor interest in South Africa. We have thought this problem through very carefully, not only as it relates to South Africa but even before that as it relates to doing business in certain sections of the United States where mores were such that it was almost impossible, and was impossible in some instances, for us to conduct our operations in the manner that we felt was completely right. Our feeling has been that we are more constructive in involving ourselves in such societies so that we can lean against those things which we think are unfair. We made it very clear when we made our association with this company in South Africa that we were completely opposed to racial discrimination; completely opposed to apartheid as we understand it, and to the extent that we could develop any credibility as an industrial citizen of South Africa we would align ourselves with those people who oppose those policies. This is our position. We think that by boycotting you actually solidify the opposition.

Question by Mr. Sheldon:

I'd like to turn to rather a general question on the business outlook. What would you say is the prospect for checking inflation and also the unemployment rate, and what would you advise President Nixon to do at this point?

Answer by Mr. Mulford:

Well, I have felt very strongly for the past couple of years, advocated it publicly, represented it in the councils of the CED and any place else where they would listen, that this inflation which started as a brush fire back in the latter 1960's has reached forest fire proportions, that it is feeding on itself, that it has changed from a so-called demand pull to a cost push sort of situation, and that it is an emergency situation and that we should take emergency measures. I think for a specific period of time, not longer than three years certainly, that we should impose mandatory wage and price controls so that we can stop the rampant inflation, catch our breath, and concentrate on improving the economic position of people by increasing the value of the dollar they have rather than by giving them more dollars which constantly deteriorate in value.

Question by Mr. Johnson:

As you're well aware, one of the things that the critics, the most vocal critics, have said over and over again is that the system itself, our system of government, our system of business is far too slow to respond to change. It takes too long, we put out studies and the rest but nothing really seems to take place. Would you address yourself to that question? You say it took four years to compile this report from business and the government has made many reports of this kind, and yet the tensions in the country certainly have not diminished and the attitudes, if anything, are a feeling of a lack of faith that we're able to do the job.

Answer by Mr. Mulford:

No. I don't agree with that hypothesis. I think actually some of the brakes that we've built into our system, the check and balance system, which seems to be so ineffective at times over the long run, have proved to be very sound. I think that major changes are necessary on occasion but I think they should be very carefully thought through. I think they should stand the test of a continuing desire over a period of time. I think there is a much greater danger of taking precipitous action under an emotional sort of an atmosphere than there is in the careful, considered and, granted, slower method of procedure.

Question by Mr. Seeger:

Mr. Mulford, in your report that you talk about giving direct subsidies to business to accomplish some of these social programs, I think that's admirable because if you see the subsidies right out in the budget then you know what the priorities are. Would you also be in favor of eliminating some of the hidden subsidies that various parts of business now get to strengthen the tax base of the country? I'm thinking of the various tax gimmicks that certain industries enjoy over other businesses.

Answer by Mr. Mulford:

I guess I haven't enjoyed them as much.

Comment by Mr. Seeger:

No. I don't think the manufacturing sector gets them as much as the natural resources and minerals areas do.

Answer by Mr. Mulford:

Well, I think this is a serious question. You're referring in this case to the depletion allowance which the oil industry enjoys. I happen to be on the board of a principal oil

company and I am very conscious of the tremendous gambles they take in attempting to develop additional sources of petroleum, of energy, which is so terribly important to the whole world and specifically important to our country. I wouldn't agree that they are unjustified subsidies so I guess we come apart a little bit there. But let me say this. I agree fully with your thesis. I think one of the real dangers in this country, one of the real unfair things, is hidden tax. I would be very much in favor of making any form of taxation direct and obvious so the people know what they are paying.

Question by Mr. Seeger:

I'm thinking of the same thing for subsidies. In other words, instead of giving someone a subsidy out the back door through a favorable tax treatment why not give it to them out the front door?

Answer by Mr. Mulford:

Well, I think generally speaking I would agree with you. In terms of its practical application I do think there are times when such a tax relief as the investment credit is very much justified. Now I don't know whether you would consider that a hidden subsidy or not but it is a credit which resounds to the advantage of the company investing heavily in new capital equipment.

Question by Mr. Sheldon:

Mr. Mulford, do you approve of the Government's support of Lockheed in its financial affairs, and if your company were in a position similar to that of Lockheed would you have made a similar appeal to the Government? What are the precedents here, good or bad?

Answer by Mr. Mulford:

I honestly don't know that I understand all the aspects of that situation well enough to have a well considered opinion. Now I don't mean to evade it. Generally speaking I would say this, I am opposed to government, either Federal or local, subsidizing private enterprise to the disadvantage of competitors who pay the full tote. To me this is a fundamental consideration and I think I would apply it to Lockheed. However, there were factors in the Lockheed situation—after all, their business was almost 100 percent with government—and whether in the administration of all the contracts that were involved there was a consistency and a fairness on the part of government I don't know. I just don't know enough about the situation in total.

Question by Mr. Sheldon:

Mr. Mulford, are corporations really too big and too diverse to develop concerted and meaningful social welfare programs that are anything more than window dressing?

Answer by Mr. Mulford:

I think not. I think, of course, that when you talk about social programs you have to consider that business is a part—an integral part—of society. It isn't something separate. When we talk about social responsibility we're talking about not what business does in terms of productivity, but how it does it, and I think this is tremendously important. I think it makes its greatest social contribution by conducting itself constructively in relation to the basic ethic of the country in the means by which it does its production job.

Mr. Higbie:

I'm sorry, gentlemen, our time is up. Thank you, Mr. Mulford. Thank you, members of the press. Our guest has been Mr. Raymon H. Mulford, chairman of the board of Owens-Illinois, Inc. Correspondents on our panel included Haynes Johnson, Washington Post; Murray Seeger, Los Angeles Times; and Courtney Sheldon, Christian Science Monitor. This is Les Higbie in Washington.

BOTH SUPREME COURT NOMINEES STILL APPEAR "HIGHLY QUALIFIED"

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RHODES. Mr. Speaker, while it is important for the Senate Judiciary Committee to examine the credentials of Supreme Court appointees, it is equally important for the members of that committee to refrain from political prejudice when considering qualifications. I have here an editorial from the Denver Post which points out that the predominant qualification being considered should be the man's "dedication to legal excellence." In reference to Mr. Rehnquist and Mr. Powell, the editorial concludes:

Mr. Nixon has selected two men highly qualified for the Supreme Court. They should be confirmed without further delay.

The entire editorial follows:

BOTH SUPREME COURT NOMINEES STILL APPEAR "HIGHLY QUALIFIED"

The Senate Judiciary Committee has delayed for a week action on President Nixon's appointments of Lewis F. Powell Jr. and William H. Rehnquist to the Supreme Court.

The committee should, of course, use whatever time it needs to deliberate fully on the qualifications of the nominees before reporting its verdict to the entire Senate.

But it seems to us that some members of the committee are trying to prevent a vote by the committee, specifically on Rehnquist, for the wrong reasons.

The committee should be concerned mainly with the legal qualifications of the nominees, rather than their political and philosophical points of view.

Sens. Birch Bayh, D-Ind., and John V. Tunney, D-Calif., with support from civil rights and labor leaders, have been unduly concerned with Rehnquist's political background.

Little opposition has developed to Powell, a former president of the American Bar Association (ABA); and both Powell and Rehnquist have been cited as well qualified for the court appointments by the ABA's federal judiciary committee.

Both men have distinguished records in legal scholarship. Rehnquist's difficulties obviously stem—as columnist Tom Wicker notes elsewhere on this page—from the fact that he is a conservative Republican who has taken an activist role as an assistant attorney general in the Nixon administration.

In his capacity as the administration's "lawyer," Rehnquist has testified a number of times at congressional hearings on a wide range of issues, including the rights of the accused, wiretapping, obscenity and equal rights for women.

The views he expressed at these hearings were those of the administration, and not necessarily those that he held personally.

But even if they were, they should not be used as the means to determine his qualification for serving on the Supreme Court. The ultimate test ought to be Rehnquist's dedication to legal excellence; and no one disputes his dedication on that score.

Whether or not Rehnquist will be an active force for conservatism on the court—as some liberals fear—is not particularly cogent; for history has shown that it is hard to predict what philosophical outlook justices will develop over the years.

The Senate Judiciary Committee has ample material before it to act on the appointments of Powell and Rehnquist.

Nothing we have seen yet has changed our view that Mr. Nixon has selected two men highly qualified for the Supreme Court. They should be confirmed without further delay.

AMERICAN WIND SYMPHONY BIG HIT IN BARGE TOUR ON RIVER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. MOORHEAD. Mr. Speaker, I have the honor of serving as one of the honorary chairmen of the American Wind Symphony Orchestra, a truly delightful musical aggregation, whose director is my good friend Bob Boudreau.

This past summer Bob put the "symphony" on a river barge and toured the Allegheny, Monongahela, Ohio, and Mississippi Rivers, giving performances for thousands of residents in the cities and towns on those rivers. For many it was their first opportunity to hear Bob's kind of music.

An innovative and very creative soul, he mixes his selections well, choosing outstanding classical pieces along with the latest in contemporary—he even includes a fireworks show for the children to supplement his music.

Time magazine wrote an excellent article on the American Wind Symphony a few weeks back and I would like to introduce this article into the RECORD at this time for the edification of my colleagues:

BARGE MAN

Toward sundown, people began drifting down to the riverbank. A few kids impatiently paddled their toes in the water. A young husband shushed a baby on his shoulder. On the far shore a car pulled up, waited, drove away; the ferry was not running tonight. Then, from the barge floating a few feet out in the rippling Ohio River, the music danced deliciously across the water. This was the big day of the year in Ravenswood, W. Va. (pop. 4,500), and almost everybody was on hand to enjoy it.

Conductor Robert Boudreau and his rather grandly named American Wind Symphony Orchestra are bringing something precious to the river towns of Appalachia, the Kentucky bourbon belt and the Mississippi Valley. Essentially, Boudreau has a barge and an idea. The barge is an old coal carrier he got 15 years ago and converted into a floating concert hall. The idea has been with him ever since he graduated from Manhattan's Juilliard School in 1952 and found that there were just not enough jobs available for brass and woodwind players. Being a trumpeter, he understood the problem firsthand. To get his orchestra started, Boudreau walked the streets knocking on doors, until H. J. Heinz II, head of H. J. Heinz Co., gave him $15,000 and Duquesne University matched it. Ever since, he has been floating his barge up, down and around the Allegheny, Monongahela, Ohio and Mississippi rivers, drawing audiences to the riverbanks for the kind of experience more often enjoyed in the past by kings—notably King George I, who ordered up the Handel *Water Music*.

Boudreau's winds have stirred up the whole area; now housewives in town after town do much of the door-knocking for him. He gives his audiences rousing toe-tappers: selections from *My Fair Lady*, *Stars and Stripes Forever* and, predictably, *Down by the Riverside*. He stages a fireworks display at show's end to hold the very young. But he has greater ambitions than that. His programs are heavily laced with contemporary works like Penderecki's *Pittsburgh Overture*, Badings' *Armageddon* and Mayuzumi's *Concerto for Percussion*—just three of the 200 scores he has commissioned and published. Not content merely to bring music to the local wharf or ferry landing, he sends chamber groups into homes for lecture recitals, and he himself can often be found rehearsing the local high school band. It may just be that there is no greater innovative force in American music than Robert Boudreau.

Certainly there is no organization quite like the fine 50-piece orchestra that Boudreau builds anew each summer with young (average age: 23) wind and percussion players from all over the U.S. and, this year, Japan and Canada. It may not match the luxurious silkiness of the Philadelphia Orchestra, but then it has no strings attached. Drawn from 300 to 400 auditioners a year, the orchestra is a crisp, vibrant-sounding ensemble that can give its conductor just about anything he wants. What Boudreau wants is as much style and excitement in an electronic-and-live composition as in a Richard Rodgers medley, and he invariably gets it.

VISUAL DELIGHTS

At Ravenswood last week, Boudreau unveiled yet another newly commissioned work, *Report*, by an up-and-coming Czechoslovak composer named Lubos Fiser (pronounced *Fish*-er). *Report* is a mesmerizing symphonic tattoo in which marchlike rhythms blend effortlessly with geometric splashes of sound. It was hardly a hit with the audience, though. "That doesn't matter," says Boudreau. "As long as they're sitting there, they're absorbing it, getting used to the sound of today." The rapt attention now given "favorites" by Penderecki and Badings seems proof enough of that.

If the audience does nothing else, it can always enjoy this year's new visual delights within the 75-ft. proscenium. At stage rear and stage right are two modular kinetic sculptures by Czechoslovakia's Milan Dobes, 41, that provide a light-show backdrop of spinning whites, reds and blues for Mayuzumi's *Concerto for Percussion*. Even the players' chairs are part of a huge steel stage sculpture designed by Japan's Yasuhide Kobashi. Perhaps "chairs" is not the best word: the seats are actually wood slats fastened like steps up and down vertical tubes that rim the rear of the stage. Some seats are as high as six feet; no two are in the same sight line. It pleases the players that each of them is entirely visible to the audience, although a trombonist who gets up carelessly to take a bow can easily topple to the floor.

The barge itself is a motorless wonder. While the orchestra members travel overland by bus, Boudreau moves the barge from stop to stop, like a kind of riverside hitchhiker. All the tow captains know the *Point Counterpoint*, as the barge is officially known, and willingly put a towline aboard and move it on to the next town. That saves the orchestra $12,000 to even $15,000 a summer in tow charges. Placed against the orchestra's annual $90,000 budget, the saving is substantial.

GOATS AND COWS

Boudreau does his own summer traveling in a Dodge Sightseer with his wife Kathleen and their three children—Jonathan, 6; Robert Joaquin, 3; Tanya, 2. The rest of the year, home is a 20-acre farm outside Pittsburgh where he raises goats and cows, grows corn and tomatoes and listens to tapes of new composers who may be worth a commission.

Boudreau turns positively sentimental when he talks about the beauty of the land. "What a wonderful world we would have if we could see beauty all the time." Sentimental or not, he personally ensures that every community he visits cleans up its riverfront. In that, he may or may not succeed this week when he takes his charges to New York. On a barge provided by the New York State Council on the Arts, Boudreau will sail the superpolluted Hudson and East rivers to give concerts at Yonkers and the Henry Street Settlement on Manhattan's Lower East Side. Then back to the farm. How about a conducting job in New York? "It would kill me. I'm a barge man. And besides, I gotta get back to my tomatoes."

BERRIEN FFA WINS NATIONAL AWARDS

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. STUCKEY. Mr. Speaker, a great honor came to a group of young people in Berrien County in my district recently. I am very proud of them, and want you to know of it, but in my judgment there is a deeper significance that I think will be heartening to all of us.

At the recent national convention of the Future Farmers of America, the chapter from Berrien High School in Nashville, Ga., was named the most outstanding chapter in the entire Nation when it comes to rural development. They were enrolled in the "Build Our American Communities" program of the FFA. They are now the first national winners in this activity.

I enter in the RECORD a copy of the story titled "Berrien Wins National Awards" as well as the text of a letter from President Nixon, both of which appeared in the Berrien Press.

I add my high commendation to the compliments the young people have already received, and at the same time, since the adults and club officers are sometimes overlooked in such situations, I wish to call special attention to the advisors of the Berrien FFA: Melvin Johnson, Henry Patten, and Jimmy Lane. A young man named Keith Outlaw was chapter president when this took place, and Jerry Baldree, who is now president, promises to carry the chapter into phase two of their "Build a Better Berrien" program this year.

The deeper significance lies in the fact that a former colleague of ours who is now Administrator of the Farmers Home Administration, James V. Smith, thought highly enough of young people to develop this Build Our American Communities program, and to help launch it with the FFA organization. He has repeatedly told the young people that they, as well as we adults, will enjoy improvements made in quality of living, but that 50 years from today, the young person will still be benefiting from the improvement.

Equally significant, I believe, is the fact that the young people believed him, accepted his help, and shaped a program that has earned the respect of all who know about it.

Adult and youth listened to each other, heard what was being said, worked to make it come true, and both are benefiting. No generation gap here.

Since Jim Smith became Administrator of the Farmers Home Administration, he has repeatedly asked, "How can we strengthen and develop rural America?" As he told the 15,000 FFA delegates in their national convention, the BOAC program is one way—it is one of the finest tools that Farmers Home has in its portfolio of programs designed to create a stronger rural America.

Jim also tells me that BOAC is a concept that is available to any youth group. It involves learning about the community—its needs, its wants, its strengths, weaknesses and resources, then working to improve the areas that need strengthening. It means adult working with youth, and youth working with those of experience. It means the agencies available to help our communities must become involved—in teaching young people as well as in building.

It is a program with a sound concept, and I commend it to your attention.

Right now the program has priority among the more than 430,000 young people that make up some 8,000 FFA chapters. The potential is unlimited. Over 50 years ago, pioneer educators began teaching the skills of production agriculture to young people—and today no nation on earth begins to approach our ability in this vital area.

Fifty years from now it is possible we will say the same thing about the quality of living in both rural and urban America.

The articles aforementioned follow:

[From the Berrien Press, Oct. 21, 1971]

BERRIEN FFA WINS NATIONAL AWARDS

The Berrien High School FFA Chapter was presented the first National Citation in the Future Farmers of America Building Our American Communities program Oct. 4 at the 44th National FFA Convention in Kansas City, Mo.

The award was presented by James V. Smith, administrator of the Farmers Home Administration of the U.S. Department of Agriculture, Washington, D.C.

Sixty other FFA chapters were recognized as gold, silver and bronze emblem winners for their outstanding participation in the FFA program to involve youth in rural development.

One of four finalists, each representing one of the four FFA administrative regions, the Barrien Chapter was named for the National Citation by a national committee of prominent businessmen, government and education officials.

The chapter's "Build A Better Berrien" project was rated the best of 60 FFA Chapter action programs to improve rural communities.

Jerry Baldree, 18-year-old president of the Berrien FFA Chapter; Melvin Johnson, H. W. Patten and James L. Lane, chapter advisors and Jimmy Dillard, Building Our American Communities committee chairman were on hand to accept the award on behalf of the FFA chapter and Berrien County.

A highlight of the award presentation was the reading of a letter from President Richard M. Nixon commending the Berrien FFA Chapter.

The letter read in part: "The skill and enthusiasm with which you and your colleagues have translated an excellent idea into a practical working program has my greatest admiration and respect."

In presenting the National Building Our American Communities National Award Certificate and a check from the National FFA Foundation, Inc., for $200, Smith praised the accomplishments of the Berrien FFA chapter in its effort to build community pride.

The chapter has as its theme "Build A Better Berrien" and through radio and newspaper promotion was very successful in rallying the support of the entire community. February was designated as "Build A Better Berrien" month.

Adults from 14 community organizations and eight other youth organizations were involved in the Berrien County action program.

During the year the Berrien FFA Chapter was involved in the removal of 119 dilapidated buildings and worked with the city and county to haul old cars, trash and rubbish to the county landfill.

The campaign encouraged everyone in the community to get involved and the chapter obtained signed statements of cooperation from more than 300 land owners.

In accepting the award, chapter president Jerry Baldree said the "Build A Better Berrien" project was a great success.

"We proved there is no generation gap when we work with our elders. We proved young people can be community leaders and we proved that our young people are interested in our community as a place to live and work."

The chapter's future plans are to continue to "Build A Better Berrien" by surveying, developing, and promoting the wise use of community resources. Among the projects already planned for this school year are a "Careers at Home" night to expose young people to career opportunities in the Berrien community.

The Berrien FFA Chapter was one of four top regional winners in the BOAC Program. The other three chapters were:

Big Walnut FFA Chapter, Sunbury, Ohio (developed a 35 acre ecological center as an outdoor laboratory); Newbury FFA chapter, Newbury, Vermont (developed a site for a community park and picnic area), and the Silverton FFA Chapter, Silverton, Oregon (established a community employment service to match students to jobs in the community).

The Building Our American Communities Program is a new effort by the FFA to get its members involved in activities to improve job opportunities and living conditions in rural communities.

Through instruction in the vocational agriculture classroom and practical experience in FFA community action projects, the FFA is seeking to reduce the outflow of population from rural areas into already over-populated urban areas.

The FFA Building Our American Communities Program is designed to develop leadership ability of FFA members by encouraging them to take an active role in the community.

In the classroom, FFA members learn the community development process, survey community needs and wants, identify high priority projects and seek to cooperate with other community groups and individuals.

The result of the program is expected to be not only better communities, but also better qualified citizen leaders and followers who will strengthen tomorrow's American society.

Assisting in the effort are the Farmers Home Administration (FHA) of the U.S. Department of Agriculture, and Lilly Endowment, Inc., of Indianapolis, Indiana.

The FHA is providing technical assistance in the form of classroom materials on rural development. Lilly Endowment is providing awards and additional funds to help offset administrative expenses through the National FFA Foundation, Inc.

Many awards are available to chapters that participate in the BOAC program. Each chapter named for a national award earned awards at each level of competition making them eligible for the National award.

The initial level of competition where awards are presented is the "area."

This division is made up of several chapters in a relatively close geographical area.

All chapters may earn the area award on answering yes to 11 of 16 questions that indicate minimum participation in community development activities.

Fifty percent of the area award winners are eligible for state awards. Selection at the state level is based on a description of the chapter's major high priority community development project.

At the state level, chapter BOAC programs are ranked Gold, Silver or Bronze according to the merit of the activities carried out. State awards are presented at the State FFA Conventions. One of the state Gold Emblem Chapters is named as the state winner and receives the Governor's BOAC Citation.

Ten percent of all the chapters receiving state awards are eligible for the National Gold, Silver or Bronze National Chapter Community Builders Awards. Each was presented a plaque at the National FFA Convention in Kansas City.

[From the Berrien Press, Oct. 21, 1971]

FROM PRESIDENT NIXON

THE WHITE HOUSE,
Washington, D.C., October 8, 1971.

The skill and enthusiasm with which you and your colleagues have translated an excellent idea into a practical working program has my greatest admiration and respect.

I well remember the pleasant visit I had with your national officers when they first outlined the Building Our American Communities Program, and I am proud to applaud the Berrien FFA Chapter of Nashville, Georgia, which has earned the 1971 Presidential Award.

Their example is a source of strength for the nation and an inspiration for countless fellow citizens. I applaud them and commend all who have participated in this worthwhile program.

RICHARD NIXON.

A MORE REALISTIC AND COMPREHENSIVE NATIONAL POLICY FOR OLDER AMERICANS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. GRASSO. Mr. Speaker, the White House Conference on Aging is now in session. The goal of this Conference—a more realistic and comprehensive national policy for older Americans—is dear to the hearts of all of us.

Let the voices of older America ring throughout the land.

Let each of us hear their call—for one in every 10 of our number has reached or passed a 65th birthday, which amounts to some 20 million older people in our population of more than 200 million.

Let us recognize that their numbers are growing—at a net rate of 900 a day, 330,000 a year.

And most important, let us never forget that as the numbers of older Americans increase, so do the many problems which stand in the way of their living a secure and full retired life.

The areas of need for older people are clear. They include income, health, nutrition, housing, transportation, employment, education, and recreation.

All of us hope that the Conference will make appropriate recommendations in these areas, and that they will receive prompt action in the form of legislation before the Congress.

Meanwhile, those of us fortunate enough to represent our Nation in the legislative bodies have an opportunity now to help solve one of the most pressing problems of the elderly: the lack of proper nutrition. For in a Nation so abundantly endowed, many of our older citizens are caught in a complex web of malnutrition or undernutrition. The shame is shared by all of us.

Yesterday, by a unanimous vote, the Senate passed a bill establishing a national nutritional plan for the elderly. This measure, authorizing $250 million for 2 years, would establish and operate projects to provide low cost, nutritionally sound meals. For Connecticut, this important bill would provide $3.45 million over 2 years to benefit some 400,000 of our State's older citizens.

The importance of such a bill cannot be underestimated. The problem of inadequate nutrition for the elderly is complex and interwoven with a myriad of other difficulties.

A fixed income and a rising cost of living are important contributing factors. Too often the elderly, faced with increasing medical and housing costs, sacrifice a nutritionally balanced diet. Undernutrition, however, soon leads to further medical costs and taxes an already limited income. While a nutritionally proper diet will not provide a panacea for all the problems facing the elderly, an adequate nutritional program will be a necessary first step toward reaching this end.

Such a program, contained in S. 1163, will indeed be a blessing to the elderly. Private nonprofit and public groups in every State will be able to establish programs to serve the elderly a hot meal a day, at least 5 days a week. This program will be especially helpful for people without proper refrigeration or cooking facilities, and for those who might not be able to buy the food needed for a balanced diet. By providing meals in a conveniently located center, the program will allow many the opportunity to meet and talk to people of their own age and interests. In addition, these facilities will provide an opportunity for the elderly to receive health and welfare counseling services. For those unable to reach these facilities easily, transportation to the centers will be provided. And happily, the bedridden will not be forgotten. Volunteers will be able to provide home-delivered meals for those who cannot leave their dwellings, so that they, also, will be able to enjoy the benefits of this worthwhile program.

Recently, the Select Subcommittee on Education held hearings on legislation to amend the Older Americans Act. Referring to the need for a nutrition program for the elderly, I stated:

Let us be mindful that Congress has the opportunity to provide comprehensive nutritional services to older Americans now. This we must do.

Mr. Speaker, by passing S. 1163 today, we would have been able to take advantage of this opportunity. I wholeheartedly support this measure and hope that my colleagues will approve it.

As a Nation we cannot, indeed, we must not, be satisfied so long as millions of Americans who have given so much to our Nation meet with unnecessary misfortune in the twilight of their lives. By passing the national nutritional plan contained in S. 1163, Congress can take that initial step needed to build a new and comprehensive plan to improve the lives of older Americans.

The bard has described "that which should accompany old age, an honor, love, obedience, troops of friends. . . ."

I would add dignity and comfort to this list, as well as the commitment to help provide the elements of a better life for all our older citizens.

TWO REVOLUTIONS: THE LIBERTY BELL VERSUS THE BLACK WAGON

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ICHORD. Mr. Speaker, I would like to submit for the RECORD a little booklet describing the basic differences between the American Revolution and the Russian Revolution. This booklet entitled, "Two Revolutions: The Liberty Bell versus the Black Wagon," was written by Mr. Sol Feinstone.

Mr. Feinstone immigrated to this country from Poland at the age of 14 without any money. The fact that he has been very successful financially is a good example of what can happen only in this country. Out of gratitude and dedication to the principles that have made this Nation great, he has devoted his life to study and strengthen the American political system and to help promote freedom around the world. In this role he has gathered the largest private collection of original documents of the American Revolution period in the world. Mr. Feinstone is a scholar and an authority for both the American and the Russian Revolution.

Mr. Feinstone now lives at Washington Crossing, Pa., and his farm includes the site where Washington camped with his troops before crossing the Delaware River. This dedicated American and great patriot has granted money to build several libraries including one at Freedoms Foundation at Valley Forge and another which is presently under construction at the Freedom Studies Center in Boston, Va. Mr. Feinstone has a passion to make material available to schoolchildren as well as scholars which will lead to a better understanding and appreciation of our American heritage. I am happy to put in the RECORD, "Two Revolutions: The Liberty Bell versus the Black Wagon," written by this great American.

The material follows:

TWO REVOLUTIONS: THE LIBERTY BELL VS. THE BLACK WAGON

(By Sol Feinstone)

A young man in the uniform of an American Revolutionary War soldier recently paraded in the halls of Congress and insulted our government for defending the United States against communist aggression. In fighting communism, he contended, we are betraying our own revolution—the American Revolution. This unholy amalgam of the two revolutions of good and evil, this historically false comparison is often echoed, one way or another, in our colleges, in our pulpits, in our press and in our current literature. This big lie constantly repeated for two generations converted some and confused many others.

The fault is our own. We do not teach our children the basic facts of our own history, especially our struggle for independence. We utterly neglect to teach the basic facts of the communist revolution. We misinterpret the causes of the two revolutions. We dehumanize the heroes and leaders of both revolutions. We are confused about the results of the two revolutions.

To equate the two revolutions is to distort history. The American and the Russian revolutions were both profound and far reaching, but in this single way were they alike. The American Revolution was mainly political as free men struggled to remain free. The Russian Revolution was mainly social as men sought to change the economic, legal and spiritual conditions of the people. The American Revolution was domestic and its leaders hoped to build a new nation at home. The Russian Revolution was universal and its leaders sought to change the entire world. The American Revolution was a tremendous success and an inspiration for the rest of the world while the Russian Revolution was a colossal failure and a threat to the rest of the world.

The leaders of the two revolutions were most unlike. Washington and the other Fathers of the American Revolution were civilized men, raised on the Judeo-Christian ethic and on the philosophy of the Enlightenment. Nikolai Lenin and his co-workers grew up in an atmosphere of subjection, desperation and hate.

The most vital difference between the two revolutions was in the strategy employed. The American Revolution followed a civilized code of warfare, limited by the rules of conduct of civilized men. The communist strategy was total, a strategy that uses all means, fair and/or foul.

THE BASIC FACTS ABOUT THE AMERICAN REVOLUTION

Hundreds of books have been written about the American Revolution, its causes, the struggle and the results. For our purpose, the causes are most significant as they relate to the roots of our spiritual heritage, the source of our present relative greatness among the modern nations of the world.

A reading of original manuscripts reveals the basic cause of the Revolution to be the cause of Freedom. The economic factors—taxation, The Stamp Act, various trade acts, and the Tea Party had their effect. However, the Crown and Parliament offered to compromise and yielded on almost every economic complaint, but not on political freedom. They were masters in their own home but denied to the colonists this right of self-determination. England insisted on permanent strings attaching the colonies to the mother country. The fact is that most of the colonists came to America as free men and, when the chips were down, refused to be bullied by their cousins from abroad. Individual freedom, i.e. the freedom for "self-realization" in a free society, not freedom from oppression, was the basic cause of the American Revolution. In other words, it was a struggle of free men to remain free.

The passionate desire for freedom sustained George Washington, the fifty-six signers of the Declaration of Independence and the unknown American Revolutionary soldiers. It was this search for individual freedom in a free society that brought to the new nation more than thirty million immigrants, who helped build our country in freedom. These people came here also because they were oppressed and lacked freedom in their native lands.

GEORGE WASHINGTON

Every political revolution had its leaders. We were fortunate having had many great leaders—Washington, Benjamin Franklin, Thomas Jefferson, Alexander Hamilton, John and Samuel Adams, James Madison, Thomas Paine, the fifty-six signers and others. It was a time of greatness and, as far as the War for Independence, Washington was the greatest.

Washington was not, as some writers would have us believe, a coldblooded aristocrat ambitious for rank or power and intent on showing off his superiority. None of this is true. On the contrary, Washington was warm hearted, sometimes temperamental and, on occasion, sentimental. Congress gave him dictatorial powers, but he did not misuse his mandate. High army officers suggested that he become duke or king, but he upbraided them in no uncertain terms. He never looked like "an over fed butcher in a furore"[1] on the battlefield. He never stood up in a boat posing for a picture while the sailors were sweating to keep the craft afloat in any icy river.

As a general, Washington knew his limitations and the limited support he had in men and military supplies. Hence, he was cautious to confront the enemy's superior forces. But when the occasion called for battle, or when he had no choice, or when a calculated risk had to be taken to save the cause, Washington was superior in planning and in personal courage. Such an occasion was "the ten days that changed the world," the three battles in Trenton and Princeton, the last days of December, 1776, and the first three days of 1777.[2]

Washington presided wisely over the Constitutional Convention. As our first President, Washington was an effective organizer of his administration, enlisting the best available talent for his cabinet and maintaining the loyalty of its members with a working decorum among the contending politicians of the executive branch of the new government.

In his farewell address, Washington displayed great statesmanship. In the far-reaching effect on the future of his country, Washington chose the better road. He is seldom, if ever, given sufficient credit for accepting Hamilton's advice to disregard our alliance with the French royal government and seek a rapprochment with England, rather than heeding Jefferson's insistence on accepting the Revolutionary government of France as the legitimate successor to our French partner in the alliance. To be at the young nation to survive and grow up. Culturally, industrially and commercially, England, more than any other country, needed us and we needed her.

The above highlights of the Father of our Country must suffice here. Much, much more was and can be written about this remarkable self-disciplined gentleman from Virginia, whose first priority was always the welfare of his country. Washington had the support of many unusually wise and brave men in the army and among the civil representatives

[1] George Parks Curtis' letter to Benson J. Lossing, Oct. 2, 1855.

[2] See: *Ten Days that Changed the World* by Sol Feinstone, 1968.

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from the thirteen colonies including the fifty-six signers of the Declaration of Independence. History can record no parallel in courage and dedication to Freedom by a similar group of men at the risk of their lives and the welfare of their families. Although subjected to threats, imprisonment and torture and tempted by bribes from the Crown, not one weakened his stand. Even though they were often isolated from one another during the long years of the Revolution, not one went back on his pledge.

LENIN AND THE COMMUNIST REVOLUTION

Ask one hundred people at random, "What is communism?" and you will get one hundred different answers. Most will agree that "communism is no good," but few, if any, know why or know anything about its origin, tactics and evil influence. Many scholars in the Free World, including our own country, do know the answers. They understand the nineteenth century history of the European revolutionary movements, which gave rise to socialism and communism. But these social scientists in our schools are not given time to teach it properly in school nor the incentive to make their knowledge popular outside the school.

Communism in theory is a classless social order in which work and the necessities of life are shared equally by all as in one big family. The Soviet brand of communism has been correctly defined by a standard reference source as "a dictatorship that advocates seizure of power by a conspiratorial political party, maintenance of power during an interim period by stern suppression of internal opposition, centralized public ownership of almost all productive property and the sharing of the products of labor, and commitment to the ultimate goal of a world-wide communist state." [3]

This was not Karl Marx's formulation. Marx was not a communist, certainly not a communist of the Russian type. When he and Friedrich Engels wrote the 1848 Manifest, they called it *The Communist Manifesto* and not the Socialist Manifesto because they considered themselves "scientific socialists" and they did not wish to be identified with the English and French "radicals" who were then called "socialists" and whom Marx criticized as merely "petty Bourgeois Reformers." That is why Marx and Engels called their workingmen's organization the "Communist International" and their pamphlet *The Communist Manifesto*. This International was attacked by Mikhail Bakunin and other dissidents from within. In 1871 Marx decided to move the headquarters from Europe to Philadelphia, Pennsylvania, the City of Brotherly Love, as someone said "to die a peaceful death."

In 1889 the International was reorganized in Paris during the Centennial of the French Revolution. Marx was dead, but Engels was still alive. This time the communist label was dropped and the organization was called the Socialist Second International. Socialism became popular after that date. Strong political parties were organized in England, France, Germany and the small countries of Europe. The movement spread to America and to the rest of the world. In the democratic countries the goal of socialism was to be reached by education and the ballot box. In monarchies without constitutional governments, illegal means were favored by some party leaders. The Russian socialist parties were either clandestine or in exile abroad.

At a small conference of the exiled Russian Socialist Democratic Party held in London in 1903 one Vladimir Ulyanov, under the pseudonym, N. Lenin, gained a majority of a couple of delegates for his faction, which advocated revolutionary violence for their country. They became known as Bolsheviks, from the Russian word meaning more. During World War I Lenin organized "International 2½" or the Zimmerwald International, in opposition to the Second International. After he returned to Russia in 1917 and seized power from Alexander Kerensky's weak liberal government and from the other Socialist groups, Lenin established the Third International or Communist International, thus breaking completely with the socialists of the Second International. He renamed Russia the "Union of Socialist Soviet Republics", either for convenience or deception.

Lenin, who claimed to be a true Marxist, believed, of course, that a predominately feudal state like Russia could not become socialist without first passing through the capitalist stage of development. But he had hoped that such Western countries as Germany and England, where capitalism and thus free enterprise was far advanced, would quickly join Russia and help her become industrialized. As it turned out, Lenin was wrong; Germany and England did not join the Bolshevik Revolution. For reasons of trade, however, the capitalist West did help and continues to help the Soviet Union become industrialized.

Communist theory follows this line of thought: after taking power the new government is a dictatorship "of" the proletariat during the transition period to socialism, by which time the last vestiges of capitalism will be removed and the socially needed productive forces will become consolidated in the state. During this period the workers will receive the full value of their labor and a surplus economy will be developed sufficiently ample to satisfy all consumers' wants—"from each according to his ability to each according to his needs." Private property, thus, will be abolished, there will be no need for government restraints, the state will "wither away" and an era of ideal communism will be ushered in.

Whatever its theoretical value, such plans for a world of love and plenty make no sense in practice. These ideas are contrary to human behavior, if not to human nature. However, Lenin's code of revolutionary strategy for the first transition period (i.e. from capitalism to socialism) is devoid of both love and justice. It is immoral and self-defeating. It justifies *all* means, including the big lie, subversion and betrayal of country, friend and family.

This evil strategy enabled Joseph Stalin, a clever sadist, to become an absolute dictator and plunge the Soviet Union and the rest of the world into tragedy after tragedy. He brought into the world an era of extreme suffering for all mankind. He decimated millions of his own people—peasants, workers, intelligentsia and most leaders in government and in the Army. He helped Adolph Hitler come into power and he betrayed his allies who saved the Soviet Union from subjection by the Nazis, after Hitler had double-crossed him in 1941.

Lenin regretted trusting Stalin and, from his sick bed, warned associates against him, but he died (or was done away with) before anything could be accomplished and Stalin had the field to himself. After Stalin died (or was done away with) the terror in the Soviet Union and the cold war abroad slowed down under Nikita Khrushchev. But Lenin's strategy is still in force under Leonid Brezhnev as it was under Khrushchev, and as it was under Stalin. The big lie and the naked aggression, subversion and terror are still the tools that communism employs to stay in power and to extend its dominion.

With Soviet dictatorship holding nuclear power and the Chinese dictatorship soon to possess it, there is no hope for peace and tranquility in the world—not as long as Lenin's code of revolution prevails. The United States cannot by itself contain communism by conventional military power. Self preservation prohibits the use of nuclear power.

There is little or no hope that the Soviet peoples would revolt against the dictatorship and establish a democratic government. The people are helpless because modern science has supplied dictators with total control—control of education, the press, all means of communication and the distribution of military weapons. Such organized resistance as street barricades is no longer possible. We Americans find it difficult to comprehend what life is like in a police state. A woman shrieks at night; you wake up and know that the police car (black wagon) is outside to take her husband, son or daughter whom she will not see again. None who heard her shriek will dare give voice to dissent.

The Soviet people simply cannot organize and overthrow their government, which is a communist dictatorship. Lenin correctly wrote that "Revolution is impossible without an all national crisis," and the Free World had better not wait for a national crisis in Russia. In spite of the continued relatively low standard of living in Russia and suppression of individual freedom, no national crisis can be expected. And, there has been economic progress in spite of the dictatorship. Whatever Russia needs from abroad for its planned and controlled economy, it gets from its colonial satellites or from the Free World. Lenin also said, teasingly, and truthfully. "A capitalist will sell the rope with which to be hanged as long as he can make a dollar." This, incidentally, is an improvement on Marx's observation that "Capitalism will raise its own grave diggers."

Freedom and a better life for the Soviet people, and, with it, stability and peace for the world, conceivably could come only from the top Soviet communist leadership. It could come if the leadership would abandon subversion and aggression for conquest and resort to peaceful economic competition with capitalism as a means towards winning over other nations to democratic socialism. I am confident that the richer countries of the Free World would cooperate with the Soviet Union in such peaceful effort. I am convinced that the United States would go all out and contribute a good share of the billions now spent in warfare to cooperate with the Soviet Union and other countries willing and ready to try, by democratic means, to build social orders in response to the wishes of their peoples. The Soviet Union, with its vast natural resources and manpower, certainly has the best chance to try to "catch up and overtake capitalism," and in any event it certainly can raise the standard of living for its people.

The general secretary of the Russian Communist Party, currently Brezhnev, who since the death of Lenin controls the secret police, has the power to initiate a change in strategy. Holding to the present ratio of military power, the Soviet Union cannot lose; the country's economy is bound to advance whatever the results. The leader of such movement can expect a glorious place in history and the love of millions who never read Marx or Lenin, but to whom socialism means nothing more than a better life for everybody.

If a change in the hearts and minds of the communist leadership requires a miracle, I pray for a miracle. Meanwhile, I hope the Free World will not let its powder get wet.

[3] Funk & Wagnalls Standard College Dictionary.

SALT AND REALITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHMITZ. Mr. Speaker, the House Committee on Appropriations Report, November 11, 1971, on the Department of Defense appropriations bill for 1972, said:

The Committee believes that the Department of Defense cannot wait another year on an agreement in SALT while the Soviets produce additional strategic weapons and the United States does not. The budget did not request one additional strategic bomber or one additional strategic missile, either land-based or sea-based, for our forces and none are provided.

Under increasing pressure to clarify the U.S. position at the Strategic Arms Limitation Talks — SALT — President Nixon finally stated on November 12:

We cannot limit defensive weapons first and then limit offensive weapons. Both must go together.

The danger of an "ABM's Only" agreement, clear to all who do not hold to the Arms Control and Disarmament Agency philosophy that our safety lies in being vulnerable to attack, is by no means the only trap waiting for us at SALT. In fact, the damage we have suffered to date as a direct result of SALT has nothing to do with any agreement, since none has been concluded. Instead, as the report of the House Committee on Appropriations implies, it has resulted from our purposeful inaction in the hopes that the Soviets would follow suit and stop constructing additional strategic offensive forces.

Our restraint has the opposite effect. It apparently spurred the Soviets to build up their strategic forces in a manner increasing characterized as "feverish," "frantic," and "massive." Our moratorium coupled with what Defense Secretary Laird refers to as "the tremendous momentum of the Soviet Union," has brought about a situation where any agreement to "freeze" land-based ICBM's would lock the U.S. into a position of increasing inferiority. This is not only because the Soviets now have over 50 percent more ICBM's than we have, but also because their force packs many times the punch of ours.

For example, the Soviet SS–9 ICBM force alone has at least 6 times the megatonnage—a megaton is equal to 1 million tons of TNT and is used as a general measure of destructive power—of our total Minuteman force. One thousand of our 1054 ICBM's are Minutemen. While the Soviet SS–9 is the largest rocket in their inventory observed to date—new silo construction in Russia indicated that an even larger missile will be deployed in the near future—it is by no means the most numerous. The Soviet SS–11 and SS–13 ICBM's have as much megatonnage as our Minuteman force, and if some of the older model Soviet ICBM's are taken into account, the megatonnage gap increases even more.

This brings us to the reason for our increasing inferiority if a "freeze" agreement is concluded. The Soviet Union has a payload capacity in her ICBM and SLBM—submarine launched ballistic missile—forces in being which is capable of delivering eight times as many warheads as the U.S. force. One of the methods by which this payload capacity could be realized is by MIRV'ing. MIRV'ing is a process whereby a single warhead is replaced by a number of smaller warheads thus increasing the number of targets which can be hit with a single rocket. The Soviets have been known to be testing multiple warhead ICBM's for a number of years.

There can be no enforceable ban of MIRV's, since the only way to determine whether a rocket actually carries more than one warhead—before it is fired, that is—is to open up the nose cone of the missile and look inside. Satellite inspection is impossible and the Soviets are as unlikely to agree to American inspectors opening up their missiles as we are to allow Soviet inspectors to go tramping around our Minuteman fields with screwdrivers. Thus, a mutual "freeze" at this point would still allow the Soviets to make dramatic and substantial increases in their striking force, without our knowledge.

Nor can we adequately respond to Soviet MIRV'ing of their more extensive and larger missile force by MIRV'ing our small Minuteman. While Soviet MIRV'ing of each SS–9 can give them nine or ten one-megaton warheads per missile, our MIRV'ed Minuteman carries only three warheads each of only 200 kilotons—one-fifth megaton. As one Pentagon expert source put it, "They can carry a truckload of bombs as compared to our station wagon load."

The administration's self-imposed moratorium has put us at such a strategic disadvantage at this point that only those who think the Soviets are likely to agree to begin dismantling the weapons, which they have been constructing with such frenzied haste, can possibly hope to secure an arms control agreement at SALT providing even a minimum of security for our Nation. And surely it is most unlikely that the Soviets would agree to dismantle what they have already constructed.

Whether we are being set up for surprise attack, nuclear blackmail, or another in our series of diplomatic defeats disguised as victories such as the outcome of the Cuban missile crisis, it is time to stop SALT—now.

NOMINATION OF DR. GUY H. STEEVER

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ESCH. Mr. Speaker, we have recently been informed that the President intends to nominate Dr. Guy H. Steever, who is presently president of the Carnegie Mellon University, to be the new Director of the National Science Foundation. I am pleased that the President has taken this initiative.

As a member of the Committee on Science and Astronautics and the Committee on Education and Labor I have long been in favor of a system of national institutional grants to institutions of higher education which would be administered by the National Science Foundation. The nomination of Dr. Steever pleases me especially because of his testimony before our committee in 1969 which supported the establishment of such a program.

I feel that Dr. Steever's remarks are especially informative in light of his pending nomination and I would like to insert his remarks in the RECORD for the benefit of my colleagues.

The remarks follow:

DR. STEEVER'S TESTIMONY BEFORE THE SUBCOMMITTEE ON SCIENCE, RESEARCH, AND DEVELOPMENT, FEBRUARY 25, 1969, ON H.R. 35, PROPOSING A NATIONAL INSTITUTIONAL GRANTS PROGRAM TO BE ADMINISTERED BY THE NATIONAL SCIENCE FOUNDATION

As a member of the Advisory Panel to the House Committee on Science and Astronautics, I have often had an opportunity to express myself to you on a wide range of subjects. It is therefore pleasant to be back to speak about your proposed national institutional grants program, a program which I think is badly needed, and if put into effect will have a major beneficial effect on science education and academic research.

In the declaration of purpose of H.R. 35 there are summarized the reasons for and success of support of science and scientific research by the Federal Government. With these statements I agree. I agree also with the statement that—quoting from your bill—"continued advance requires the development, maintenance, and expansion of vigorous research and instructional programs in the sciences at institutions of higher education throughout the Nation."

Science research in the Universities is the seed corn of science in two different senses. First, it is basic research, and basic research is at the beginning of the long and complex process by which new knowledge is discovered and shaped into the innovative end products and processes which are the practical output which this bill H.R. 35 seeks to produce.

And second, the research laboratory in the university is the educational cradle of the scientists, engineers, technologists, and other practitioners who will carry on the chain of research, development, engineering, and production in the future. I do not claim that the university is solely responsible either for basic research or for the development of scientists and engineers in their careers, but it carries the major share of these loads.

May I delve deeper into the role of basic research in the complex process of turning out innovative gains for society. It is not a simple chain reaction of a researcher turning up a fact or theory which is passed on to an engineer to use to design something to be turned over to industry which then in turn makes it.

No advance is made in a pure form; an idea is worked over by colleagues, by further checking in literature, by reporting and discussion in meetings and conferences; it is checked in different ways by other laboratories. Universities provide for scientists a setting for the kinds of laboratory work, the library and computer resources, the setting for meetings and conferences, the association with mature minds and young minds for refinement of ideas, all of which are needed in this research process. Universities also provide the freedom of action and the long-term jobs needed for the research scientists to function optimally.

Practical men responsible for action in a society sometimes get impatient with basic research, feeling that the payoff is not soon enough. Good research results last a long time and have impact far into the future.

A recent study provides an interesting analysis of the relative roles of basic, nonmission research, versus mission-oriented research, development and application, all of which are important in leading to innovations of use to society. This report entitled "Technology in Retrospect and Critical Events in Science," was conducted by researchers at the Illinois Institute of Technology Research Institute and supported by the National Science Foundation.

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The report actually looked into the scientific events which were forerunners to five innovations: magnetic ferrites; video tape recorder; the oral contraceptive pill; the electron microscope; and matrix isolation. This study isolated key events, and it is interesting that 70% of the events that were judged key, behind those five innovations lay in the field of basic nonmission research; 20% were in the field of mission-oriented research; and the remaining 10% in development and application.

And then a second interesting part was that those key events which were in basic research were spread broadly over more than 50 years preceding the innovation, with a peak between 20 and 30 years. And as you might expect, the key events that were mission oriented didn't go as far back into history and they continued to grow right up until the time of the innovation.

In other words, we in this generation are living off the basic research done in the centuries behind us. I think we owe it to the next generation to supply them with some basic research results so they can go on building too. I think universities better than any other institutions, though not exclusively, understand the long-range nature of research and have the needed patience.

Wisely the whole state of health of academic science has been explored recently. This bill; the recent report of the NSB; the testimony of Dr. Haworth, Director of the NSF, to this subcommittee; the report of the Carnegie Commission on Higher Education, and other studies have addressed the broader needs of university science.

All are discovering that the central university, the science department, the professor-project researcher, and the student, all face serious problems of support, and should be getting it. This bill, H.R. 35, points at helping outside the project grant, and I thoroughly endorse it.

It will enable universities to upgrade the general facilities supporting science, that is, the labs, libraries, computers and other general equipment; it will enable universities to direct some research support in new areas important to society as a whole, such as urban problems or important to a state or region, or important to the strength of the institutions themselves.

Any university deserving of a grant will use all its intellectual assets, faculty, administration and others, to determine the best use of these funds.

The means proposed in H.R. 35 of determining the distribution of the funds seems reasonable to begin with. It gives help to the university which has already proven its quality by the magnitude of the current project grant budget; it helps the university which can attract the graduate students; and it helps the universities which are starting the young undergraduate students along the path toward science.

Is this the best mixture of criteria? I think it is a reasonable one, and we can perfect it as time passes. I think that the important thing to us is, let's get started.

CRISIS IN SMALL COLLEGE EDUCATION AND AN ANSWER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, two very interesting items have come to my attention in the last few weeks, and I wish to bring them to the attention of every Member of Congress.

The Carnegie Commission on Higher Education has released a study showing that 494 small colleges in this country could be faced with virtual extinction, unless something is done to save them.

Along with this note, a letter from one of my constituents with a possible answer to not only that problem, but the problem of saving our environment.

I need not remind my colleagues of the value of that small college that lies inside their districts. It is there that many young men and women get the foundation education that takes them on to become useful members of our society.

At the same time, Mr. Speaker, I hope to remind my colleagues of the crisis we face in the field of conservation—in the preservation of our natural wonders and our very surroundings.

It is with these two vital resources in mind that I submit the following for inclusion in the RECORD. First, William J. Waugh's story on the Carnegie Commission on Higher Education report on small colleges, and second, an innovative idea from Charles N. Stephenson of Walnut Creek, Calif.

The items follow:

INVISIBLE COLLEGES

(By William J. Waugh)

WASHINGTON.—A Carnegie Commission on Higher Education study concludes that the 494 small, little-known colleges with relaxed admission policies are the kind "most likely to become extinct." Unless steps are taken to save some of them, the report said, "American higher education may suffer a severe loss of its diversity."

The institutions represent nearly one-fourth of the under-graduate colleges and enroll about 500,000 students.

The report, called "The Invisible College" and to be published by McGraw Hill, was released in Cleveland today by Dr. Clark Kerr, president of the commission, and the two authors, Alexander W. Astin of the American Council of Education and Calvin B. T. Lee, chancellor of the University of Maryland.

The 494 "invisible" colleges are further identified by the two authors as having unselective admission policies as reflected in the average academic ability of their students and small enrollments. Seventy per cent of the schools have fewer than 1,000 students, 50 per cent fewer than 750.

The high diverse schools include Roman Catholic, Protestant, nonsectarian, black and teachers' colleges and a few technological schools.

Although suggesting that both the states and federal government should try to help the schools stay alive, the writers said that "institutions that are plainly incompetent . . . have no particular right to support or survival."

In support of the invisible colleges, Astin and Lee note that they "provide a warmer, more cohesive atmosphere; give students a greater opportunity to participate in more activities and offer programs that suit the less able and less well-prepared students who currently impose a heavy burden on many public institutions because of their great numbers."

In contrast, they said, larger public and private schools "are coming to resemble each other more and more: they are complex, impersonal and alike in their curricular offers."

Almost all colleges, both public and private, have financial problems but nothing to the extent of the invisible college, the report said.

"The invisible college is caught in a bind between the elite colleges, which are able to charge high tuition fees because of their popularity with prospective students," the report said, "and the public institutions which lack the prestige of the elite colleges but can attract students because of their very low fees."

The report recommends that states, possibly through higher education coordinating agencies, study the problem and provide long-term support to private schools. It also recommends that the smallest schools consider increasing their student bodies.

C-FOCUS—CENTER FOR OPERATIONAL CONSERVATION USING STUDENTS

I perceive of C-FOCUS as a sort of "seventies oriented" Civilian Conservation Corps, but with a university atmosphere instead of the quasi-military attitude of the original CCC. Assuredly there is a tremendous amount of conservation work which could be accomplished by young, strong, dedicated hands. From cleaning up litter, building bicycle and hiking trails in the forests and along the open lands to painting and fixing up blighted city areas for aged or indigent occupants, the need for such volunteer endeavor in our country is obvious.

Young men and women living on a co-educational campus, devoting the major part of their activities to work in areas needing mostly physical labor or time consuming perseverance, with the added opportunity to learn high school and university level curriculum items makes me think of all the things which are good about our land. Such a project might be financed by federal and/or state funds, private grants, or contributions for work done on private property paid directly to the sponsoring institution.

Using a campus as a base, C-FOCUS could serve the needs of an approximate two hundred mile radius with ease. Work areas too distant for a daily commute could be served by camping out and by using small trailers in inclement weather, but the personnel would return for weekends of campus life and social activities both on campus and in the adjoining communities. An emphasis here would be on the real and friendly American social graces which many of the students would have little or no awareness or possibly a distorted concept of such decent amenities.

Each volunteer would sign up for a specified period of time dependent on good behavior. Each would receive a base pay in *points* which could be spent in a campus store for items of their choice or possibly be converted to cash for off-campus purchases. Many basic necessities would be provided. All would start equal but all may add to their personal enhancement by all kinds of activities which would earn them extra points. Overtime, extra days worked, completion of an academic class, an individual study or work project are part of a nearly limitless list for potential earning power.

Enlistments would be multi-racial, nonsectarian, poor and rich, etc. and some kind of screening process would be worthwhile. Standards of conduct would be similar to those of any good university and staying in the program, reenlistments, and discipline would be handled by an open administration with faculty and student participation.

No academic requirements would be mandatory, though successfully completed classes could receive matriculation credit. Announcements outside of classrooms would vie for bodies to come inside and try their wares. A couple of samples might be:

"Dr. Jones does his Physics thing here, MWP 7 to 9 PM"

"Mr. Smith teaches Language Arts, TTh 6:30 to 10 PM"

There could be no grades and no compulsory attendance, only certificates of completion when the requirements of the class had been fulfilled. Let the instructors relate and do the job of teaching for their accountability would be the number of students fulfilling the class requirements and tenure would last for the duration of the

students who came, were hooked on learning, and stayed to complete the course.

The work, the environment, and the academic atmosphere would all lend to the development of good citizens while they were working together to benefit our nation in positive ways.

WILLIE STARGELL AND PITTSBURGH BLACK ATHLETES FOUNDATION FIGHTING SICKLE CELL ANEMIA SCOURAGE; SEEK HELP FROM CONGRESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. MOORHEAD. Mr. Speaker one of the heroes of the Pittsburgh Pirates 1971 championship baseball team was Willie Stargell.

Stargell's 48 home runs led the majors this year and he also was close to the top in runs batted in.

Willie scored the run that proved to be the deciding margin in the Pirates' thrilling seventh game victory against the Baltimore Orioles.

During the entire 1971 season, Willie Stargell and the rest of the Pirates, day-in and day-out played the steady, top caliber baseball—symptomatic of champions—and they were rewarded with the ultimate victory.

But the challenge of a major league season, against the best baseball teams in the world, is nothing compared to the challenge Willie Stargell has set for himself today.

Willie would like to eradicate sickle cell anemia, a little known blood disease that strikes blacks far more than it afflicts whites.

He and other like minded athletes in Pittsburgh—and several people not in the sports world—have banded together to try to put an end to this scourge.

Currently they are petitioning Congress to pass legislation which will provide funds to accelerate testing and detection of sickle cell anemia, which must stand as a first priority since a real cure seems millions of research dollars away.

Included in the legislation, which I have introduced and which is pending in the Public Health and Environment Subcommittee, is some $30 million in research funds and some $100 million for screening and testing.

Alvin Rosensweet, writing in a recent edition of the Pittsburgh Post-Gazette, tells of the work of Willie Stargell and his friends.

I think all of my colleagues will be interested in this man and his fight.

The article follows:

HOMER CHAMP STARGELL EYES BLOOD DISEASE GOAL

(By Alvin Rosensweet)

Helping the Pirates to a National League pennant last season, Wilver (Willie) Stargell topped both major leagues in home runs with 48, batted a respectable .295, and drove in 125 runs. Then, despite a bad knee, he scored the winning run for the Pirates in the World Series.

But now, convalescing from knee surgery at his home in Penn Hills, the Pirates' left fielder has his batting eye on another goal: making the American people aware of sickle cell anemia with the hope that increased research will lead to a cure for this serious blood disease that affects one out of every 10 black persons, either directly or as carriers.

A year ago, Stargell acknowledges, he didn't know anything about sickle cell. Now he is president of Black Athletes Foundation (BAF) for research in sickle cell disease, which has its national headquarters in the Grant Building, Downtown.

"People have to be made aware of sickle cell anemia," Stargell said. A mild-mannered man, Stargell expressed it modestly: he "has an urge" to do something about the disease that affects so many of his people.

"Until now," he said, "only about $60,000 or $70,000 a year was being spent on sickle cell research." Not enough, he said, adding, "we need more money but we'll work with whatever money we get."

Stargell's nine-year-old daughter, Wendy, by his first wife, lives in California and has sickle cell trait.

"She was born with it," Stargell said. He noted that symptoms may occur anywhere in the body—severe abdominal pains, headaches, nausea, vomiting, aches in the joints, ulcers and scars on the skin over the ankles and lower legs.

Stargell said it is a complicated disease of which many doctors are unaware. This is borne out by the fact that in Allegheny County last year there were eight known deaths from the disease but Dr. Cyril H. Wecht, coroner, said some victims of the disease are listed merely as dying of natural causes.

"The doctors ran tests on Wendy because she was complaining that she was sick," Stargell said. "But doctors said she can live a normal life."

Many people afflicted with sickle cell anemia disease cannot lead a normal existence.

"It is mental wear and tear on the parents" Stargell observed. "The symptoms show up in the first year of a child's life and it requires a lot of hospitalization and medication."

He said that in a family of nine children in Penn Hills two children died of sickle cell disease before they were 21 and that a Pittsburgh man, who at 57 is believed the oldest person in the U.S. with the disease, needs new blood cells through transfusions every few weeks.

"Sickle cell patients are very thin and talk like they're tired," Stargell said.

During a screening and testing program last summer in East Hills, 3,700 persons were tested, 130 were found to have sickle cell traits, and eight were found to have sickle cell disease. Stargell says about 300 persons in Allegheny County have the disease and the BAF wants to bring them to together to discuss their mutual problems.

The goal is to test every black American for sickle cell, a disease that also affects whites but mostly blacks. It is hoped to set up an outpatient clinic here and ultimately a center where persons suffering sickle cell trait would receive counseling and those with the disease would obtain treatment.

The Planned Parenthood Center of Pittsburgh last month began to offer routinely to all blacks a screening test for sickle cell at the time of their first and annual visits. The tests are offered at all Planned Parenthood centers.

Rep. William S. Moorhead, Shadyside Democrat, recently introduced legislation to establish a National Sickle Cell Anemia Institute.

The Senate Labor Committee also approved a $130 million bill to fight the disease. If finally passed, it would allocate $30 million for increased research into causes and cures, with another $100 million going toward a screening and testing program.

But more research is needed before a cure can be discovered for this hereditary disease, experts said at a recent seminar in New York co-sponsored by the National Foundation-March of Dimes and The Foundation for Research and Education in Sickle Cell Disease.

Also needed is more counseling to patients to reduce the number of babies suffering from the disease who will be born to future generations. The disease usually kills its victims by middle age, and often before age 21.

The disease, authorities noted, occurs when a child inherits sickling genes from both the mother and the father. The trait, or carrier state, occurs when a person has just one sickle gene. About 10 per cent of the nation's black population carry the sickle cell trait but in the majority of cases no health hazard exists for them.

But when a woman with the sickling trait bears a child by a man with the sickling trait chances are one out of four, that the baby will get the disease.

However, if a person without the sickle cell trait marries someone with the sickle trait there will not be a health problem. About 50 per cent of the children produced by such couples would have the harmless sickle cell trait but none would have sickle cell anemia.

Sickle cell disease results when too many of a victim's red blood cells are destroyed, thus making the person anemic. Painful emergencies, known as "crises," occur.

Blood transfusions and antibiotics are being used but a specific treatment does not exist for the crises.

WINEDALE: A GIFT OF LOVE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. PICKLE. Mr. Speaker, as we move ever closer to the year which will mark the 200th anniversary of this great land, we are more and more reminded of our rich and diverse heritage.

One area which typifies the "melting pot" that is America more than most is the area near the small town—population 124—of Round Top, Tex. And in a typically American way, that area is not deeply engaged in a mingling of modern and old—an urban renewal project aimed at protecting the heritage of central Texas pioneers.

The very existence of the project is due to a grand lady of Texas, Miss Ima Hogg, daughter of former Texas Governor James S. Hogg. Her generosity and the exuberance of citizens in this area over this project are perfect examples of the community spirit that unifies this large and diverse State and makes it such a great place to live.

I would like at this time to reprint in the RECORD an article from the Dallas Morning News which tells the story of Round Top's Winedale. The article is as follows:

WINEDALE: A GIFT TO TEXAS FROM MISS HOGG, WITH LOVE

(By Ann Atterberry)

ROUND TOP.—Halfway between Lagrange and Brenham, in the prosperous pastoral Cummins Creek watershed, lies the tiny town of Round Top.

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The area was settled in the late 1840s by middle-class German farmers and artisans who came to America in search of freedom and brought their German heritage with them.

This heritage was planted in towns in the old San Felipe Trail area including Industry, Preisburg, Blumenthal, New Ulm, Berlin, Welcome and Latium, so called because of its "Latin Farmers," men of wealth and learning.

By 1850, Round Top had a population of 150, and by 1866 the town boasted a Lutheran church, a number of homes built in typically German style and a school where children were boarded for $4 a month including meals and were taught courses including geometry, algebra, German, French and Latin.

The Germans mixed and mingled with Poles and the Czechs who settled in the area, organized shooting clubs and singing societies, developed traditional celebrations and preserved, in this part of Texas, much of the flavor of the Old World from which they came.

Round Top now has a population of 124 and has become the center of a unique rural renewal project aimed at protecting the heritage of these Texas pioneers.

Outstanding among many restoration projects in the area is the development of the 134-acre Winedale Inn property near the town.

The inn was begun in 1834 as a modest frame structure which grew as its uses changed during successive ownerships.

Under Samuel Lewis, it was headquarters for a cotton plantation and gin, and served as a stop for the stagecoach that ran along the San Felipe Trail.

"Sam Lewis' Stopping Place" became known as the Winedale Inn after neighboring farmers began growing grapes and pressing them into wine. There is now a grape arbor behind the inn, and several kinds of wine presses on display there.

In 1882 Joseph George Wagner, a shoemaker from Breslau, Germany, bought the inn from the Lewis heirs and it remained in the Wagner family for the next 79 years.

By the time Mrs. Hazel Ledbetter of Houston bought the property in 1961, the 2-story, 8-room inn had become a worn and weathered victim of time and Hurricane Carla.

Mrs. Ledbetter had other restoration projects underway in the area, and in 1963 she sold the inn to Miss Ima Hogg of Houston who first considered moving it to her Bayou Bend property in Houston for restoration and use by the Houston Museum of Fine Arts.

Miss Hogg, who is 80, is the daughter of former Texas Gov. James S. Hogg for whom two state parks and a state memorial are named. Under her auspices the Hogg home in Houston's River Oaks has been turned into a museum.

Restoration here was done on the original site, with no effort or expense spared to make it authentic.

Two restoration architects were hired, timber was cut from the farm, square nails were ordered from Massachusetts and layers of paint were laboriously removed from the walls to reveal the original wood.

Then, the wealthy Houston philanthropist offered to give her project to the University of Texas along with endowment to support it.

Her reasoning was that the property could be developed as a center for study of the history and culture of ethnic groups who migrated to Texas early in the 19th century with emphasis on the predominant German culture.

The University of Texas accepted the gift in June of 1965.

Winedale has now become a sort of rehabilitation center for derelict houses and repository for a fascinating array of the old and not-so-old, the practical and the beautiful things from Texas' past.

Some people have referred to the area as "The Williamsburg of Texas," a sobriquet that restoration architect Wayne M. Bell deplores.

Bell, architect and coordinator for the Winedale Inn Properties, says succinctly "we prefer to think of ourselves as being a Winedale."

Williamsburg "has frozen a city into exactly what that city was at a certain time," Bell explains. Since no famous battles were fought and no famous people lived at Winedale, it is insignificant as an historic monument, so "we are not trying to show how this property was at one time in its history," Bell says.

Guests register at an average of 100 a week at Hazel's Lone Oak to tour Winedale, which is open to the public Wednesday through Sunday. Admission is $1 for adults and 50c for children.

The cottage, built in 1854, was to have been demolished, but Mrs. Ledbetter bought it and gave it to Miss Hogg who had it moved to the property and restored for use as an exhibition area and curator's office.

Like other homes in the Round Top area, Hazel's Lone Oak has a shady front porch garlanded with hanging baskets and flower stands covered with ferns, geraniums and kalanchoes.

Currently on display in the cottage are 57 examples of Texas-made pottery, displayed in the context of 50 other stoneware and earthenware vessels from other parts of the country and designed to show the differences and similarities in national folk art.

Also on display here is a permanent quilt exhibit, some extremely valuable and most from Miss Hogg's own collection.

Miss Rosa Lee Heinze, whose parents came to the Round Top area from Germany, is one of four docents who welcome visitors to Winedale and take them on tours.

First stop is the inn itself, where the sidewalk is bordered with old-fashioned bachelor's buttons and periwinkles and the picket fence is lined with daylilies. Two heart shaped beds of violets flank the walk.

One of the inn's eight rooms is filled with Pennsylvania Dutch furniture that has a fascinating similarity to the Texas-made "German" furniture in the other rooms.

The Tap Room of the inn contains old guns and mugs. Other particularly intriguing items on display include lighting devices, handwork such as homespun linens and embroidery, china and tolewear.

The Melchoir Room upstairs at the inn contains one of the property's most interesting "antiques," intricately decorated walls and ceiling painted by the German artist Rudolph Melchoir about 1850.

Each corner of the ceiling is decorated to represent one of the four seasons, and the ceiling design is centered with a painting of a bright green parrot, representing longevity.

Behind the inn is a log kitchen, gift of Mr. and Mrs. Charles Bybee of Houston, furnished with a large collection of early cooking utensils and such diverse kitchen "equipment" as an elaborate fly trap and a collection of old bottles.

Behind the kitchen is a smokehouse complete wtih hog-scalding trough and meathooks. Surrounding the two buildings is an herb garden, and behind them is a fruit orchard, an old cistern and a well.

Center of cultural activities is the Theater Barn, built as a hay barn in 1882 from timbers from the old cotton gin and enlarged and remodeled to provide a setting for drama, piano concerts, choirs and other activities.

Most popular with local residents have been plays produced by the University of Texas Germanic language department and the Shakespeare plays produced by Dr. Jim Ayers' drama students at UT.

Another interesting building is the Foursquare Barn, so called because it is composed of two double log cabins joined with a common loft and once used as a real barn.

It now provides the setting for a blacksmith shop, tack room, carpentry workshop and a display of early farm instruments.

Both the blacksmith shop and the woodworking shop are usable in addition to being an authentic setting for tools used by pioneer craftsmen.

Now in the process of being restored is the McGregor-Trimm House, built in 1859 and also moved to Winedale. The Greek Revival farmhouse, hard-hit by Hurricane Carla and saved from destruction by its move, will contain a collection of Texas-made Victorian furniture and will be landscaped in Victorian style.

Another building on the property that is not open to the public is the Lauderdale House, moved onto the property after being threatened with inundation by a reservoir.

The Lauderdale House serves as a dormitory and a conference center for up to 30 overnight guests. The facility may be rented by interested groups.

The entire property is surrounded by a hand-split rail fence, and future plans call for an arboretum to protect rare and endangered species of Texas flowers and trees, 12 of which—including terrestrial orchids—are already growing on the property.

Bluebonnets and Indian paintbrush have been liberally planted at Winedale, and there has been some discussion about importing a couple of wild horses to properly graze the land.

Inquiries have also been made about developing a working farm to add to the educational interest of the property. Plans also call for restoring an early cotton gin at Winedale.

But Bell says Winedale's days of collecting homeless houses is almost over "unless we can find some other method of financing them." The endowment fund will only stretch so far, he says, and with each addition demands on the fund have become heavier.

As a learning, living museum Winedale is a great success, attracting most of its visitors from Houston, 90 miles away, and Austin, 75 miles away.

As a local civic project, it has been a success, too.

Miss Heinze says Winedale is "an asset to the community. I know it has raised land values, and it makes one feel good to be part of it. We are very proud of it, and very grateful to Miss Hogg for doing this in this area."

HOW TO LEAVE VIETNAM

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. KUYKENDALL. Mr. Speaker, on November 16, 1971, the Memphis Press-Scimitar carried as its lead editorial an analysis of President Nixon's Vietnam withdrawal policy. This is a well thought-out and well written editorial and I commend it to my colleagues:

How To Leave Vietnam

President Nixon's decision to pull out 45,000 more men from Vietnam by Feb. 1 was properly cautious, in view of the military and diplomatic dangers.

Although he is stepping up the withdrawal rate—to 22,500 a month in December and January—he is going slower than desired by much of the public, which is more and more war-weary.

Nixon, however, is deeply worried by signs that North Vietnam is increasing its infiltration down the Ho Chi Minh Trail. He fears that the enemy will launch a major offensive against the South Vietnamese—and thinned-out U.S. forces—during the current dry season.

This explains why he has committed himself to troop withdrawals only through January. After reviewing the military situation in two months, Nixon should know better what additional cuts he can make in the new 139,000 troop ceiling.

The President was right to warn Hanoi he will use America's massive air power in the area to protect American troops from any enemy attempt "to pounce on them." We have no doubt he means it, and hope North Vietnam will not bring unnecessary destruction on itself by trying for a showy victory over our diminished units.

Even more important than the warning in Nixon's withdrawal announcement was his obvious desire for a negotiated settlement. He went so far as to offer to remove all U.S. military forces from Vietnam, Cambodia, Laos and Thailand as part of an acceptable peace agreement.

Getting American power out of Southeast Asia has long been a Communist Chinese goal. Nixon clearly hopes that Peking will urge Hanoi to make peace. But whether China will and whether it could influence the strongly independent North Vietnamese are not known.

Many Americans were disappointed that the President did not set a firm date for ending U.S. involvement in Vietnam. Most of these people believe that after getting a withdrawal date, the North Vietnamese will agree to free the some 400 American prisoners they hold.

We do not believe this, and support Nixon's determination to keep a residual force of about 40,000 men in Vietnam until the prisoner issue is settled. The North Vietnamese have hinted unofficially—but have never so stated to our peace negotiators in Paris—at a prisoners-for-withdrawal deal.

After the United States is committed to full withdrawal, it's likely that Hanoi would raise new demands: that we decapitate the anti-Communist government in Saigon or stop giving it military equipment and economic aid (while North Vietnam will get weapons as usual from Moscow and Peking).

By keeping a residual force on the scene until a prisoner agreement is reached, Nixon will protect us against last-minute blackmail. Most of us agree that the Vietnam War has been a costly mistake. But even so it's vital that it be brought to a decent end—not one involving a sell-out of South Vietnam.

That is why the President's policy of measured withdrawals while guarding some negotiating strengths is worthy of public support.

RETURN TO CAVE AND CANDLE?

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. McDADE. Mr. Speaker, it has become apparent to every thinking citizen in America that the problem of pollution is a vast and complex series of relationships which affect all of our lives virtually every moment of the day. The finest minds in America are today working vigorously to advance proposals which will be helpful in curing the ills created in the past and in preventing those same ills from recurring in the future.

I would direct the attention of my colleagues particularly to the problem of solid waste disposal. Here is an area about which all of us are deeply concerned, and to which we must find a multitude of solutions to the complex problems.

My attention has been called to an excellent article on this subject in the November issue of Nation's Business entitled "Return to the Cave and Candle?" and authored by Mr. William F. May, chairman of the board and president of the American Can Co. This thoughtful article merits the attention of all Members of the Congress who are sincerely interested in finding meaningful solutions to pollution. The article follows:

Return to Cave and Candle?

(By William F. May)

We all contribute to pollution.

Some environmental extremists would have the public believe the problem is almost solely industry's.

Certainly, industry, including my own packaging industry, pollutes. And American business in general has been lax in responding to the sincere concern of citizens on the subject.

But we are all guilty. For example, elected politicians, such as municipal government officials who permit our waters to become befouled with untreated sewage. And the taxpayers who vote down costly but needed sanitation systems.

For years, the Army Corps of Engineers has dumped filthy, dredged waste. The U. S. Navy flushes raw sewage from its ships into the waters of ports around the world.

Farmers are major polluters; their agricultural wastes, pesticides, herbicides and fertilizers pass into our streams and lakes, killing our fish. Animal waste from stockyards and feed lots is often a major problem.

And let's not forget the labor unions. One day not long ago, more than a billion gallons of raw sewage were dumped into New York City's waterways by a municipal labor union during an illegal strike.

So why make industry the only target?

Most Americans are fair minded. Given full and correct information, they will judge correctly. But it isn't always given to them.

Some are so ill-informed by antibusiness publications and speakers that they seem ready to endorse the false notion that all of our ecological problems will be solved if we set the technological clock back and return to cave and candle.

The wild accusations of these people can only distract us from stopping the appalling waste and destruction of the environment and resources on our planet—which happens just now to be the only planet we have.

ARCHVILLAINS OF LITTER

Those of us in paper and packaging have been a bit smug in thinking the public realizes the positive contributions we have made to the quality of life in the United States. We have been wrong; we continue to be pictured as archvillains of litter and waste.

Perhaps debunking the most prominent myths will help set the record straight:

The packaging industry is indifferent to the solid waste problem.

Fact: The National Center for Resource Recovery, Inc., has been formed—a nonprofit, joint project of business and labor in steel, aluminum, other metals, glass, cans, paper, plastics, soft drinks, brewing stores food canning and food processing. It worka with the Environmental Protection Agency, and with other industries, institutions and individuals, to find solutions to problems.

For example, the can industry finances 200 collection centers in 40 states, which ship used cans to salvage plants for recycling. More centers will be opened.

The glass people are recycling glass at 100 plants in 25 states. Plastic waste studies by the Society of the Plastics Industry are under way.

One-way beverage containers are major contributors to litter.

Fact: Cans and one-way bottles for soft drinks and beer make up 17.7 per cent of litter on highways and less than 10 per cent in urban areas, says the National Academy of Science.

Laws banning one-way beverage containers will not eliminate litter because too many people won't bother to bring in returnable containers. For example, for every 37 one-way containers thrown on our highways, there are 26 bottles which could have been returned.

Most consumers are ready to sacrifice convenience, multiple choice and price in order to reduce waste disposal.

Fact: What many people say they want—such as less packaging or more returnable containers—is not consistent with their purchases. Costly efforts by ecology-minded soft drink firms to reintroduce returnable bottles—which are more expensive than the nonreturnable types—have largely failed. The public simply has not bought them in sufficient numbers.

In a recent survey 65 per cent of the consumers polled said that even if returnable containers were available in the supermarkets in which they shopped, they wouldn't buy them.

Perhaps of greater significance in this survey, however, is the fact that the type of container scored a low 3 per cent as the reason for the soft drink purchase.

Municipal solid waste predominantly consists of packaging materials.

Fact: Packaging accounts for 13 per cent of municipal solid waste, according to the U.S. Public Health Service.

For example, while 50 per cent of New York City's waste is paper, nonpackaging paper tonnage is enormous. The city spends more than $13 million annually to dispose of the Sunday editions of two newspapers.

Sharp restriction in packaging will do more good than harm because packaging always increases urban waste.

Fact: The industry frankly admits to some "overpackaging," but many examples are being weeded out. Industry leaders feel the alarm over waste disposal has obliterated recognition of packaging's contribution over the years to sanitation, public health, product preservation and protection, and personal convenience.

Frozen food packaging, for example, keeps bones, innards, peel, pulp and stalks out of municipal solid waste disposal systems.

Very little paper is being recycled.

Fact: Currently, 19 per cent of all paper has already been recycled at least once.

All discarded paper can and should be recycled.

Fact: Recycling does not eliminate all pollution. It creates some. About 10 per cent of the fibers escape as suspended solids in each recycling and must be rigidly controlled. Coated magazine stock gives off as much as 50 pounds of ink-clay sludge for every 50 pounds of fiber recovered.

Furthermore, paper—unlike metal—cannot be recycled to original quality. And at least 12 per cent of paper produced is unrecoverable after going into building materials, books, permanent files, sewage systems, etc.

Under food and drug laws, paper contacting food must be new. Recycled paper from unknown sources carries risk of contamination.

"Second use" often makes more sense than recycling. Paper products can be composted to add humus in agricultural areas or used as

a basic ingredient in building materials, such as insulating board. Research shows some promise of developing the carbohydrate value of paper for animal feed.

Recycling is the only ecological solution to the waste paper problem.

Fact: Technologists are developing highly efficient, air-pollution-free incinerators that will produce needed power while they dispose of waste.

Waste paper is a valuable energy source. Plastic and wax coatings, which complicate recycling, enhance the value of paper as a fuel.

Although paper's caloric value is half that of coal and one third that of fuel oil, under controlled incineration its only gaseous by-products are non-polluting carbon dioxide and water vapor, which are components of the earth's atmosphere.

A MATTER OF TIME

The solid waste disposal problem has been with us for 2,000 years, since the Romans' use of open dumps. U.S. industry, science and technology are entitled to at least a few years of intensive effort to clean up the environment.

Technology already exists for this effort and if the public is willing to pay the necessary costs, the prospects of eventual success are bright.

All of us have an enormous responsibility for the quality of life. We achieve our goal by common effort, but myths unanswered add to the difficulty of the job.

The packaging industry believes the disposal answers are in economic recycling and second uses, rather than in taxes, bans and deposits, or a return to the milk pail, pickle barrel and butter tub.

A SUMMER AT MEDILL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. CRANE. Mr. Speaker, the summer months usually provide a time for high school students to forget about classes and books and concentrate instead on the lakes and beaches and other forms of recreation.

Undoubtedly, students deserve a rest after a long school year but it is heartening to learn that some students use their vacation time to continue to pursue their education.

One such group of 90 high school students spent part of the summer months attending a high school journalism institute in my district. It was sponsored by the Medill School of Journalism at Northwestern University in Evanston, Ill.

I was privileged to speak to these energetic students and I found them eager to learn and potentially very fine journalists.

I would like to share with my colleagues a recent article concerning the institute by Roger Boye in Quill, the monthly magazine published by Sigma Delta Chi, Professional Journalistic Society.

A SUMMER AT MEDILL

(By Roger Boye)

The drone of 90 high school students' murmuring voices.

The clamor of 90 typewriters shoved back-to-back and carriage-to-carriage, six bulky machines to each 3- by 6-foot table.

The monotonous hum of two hulking window air conditioners.

All in a classroom used as a simulated newsroom this past summer by the journalism division of Northwestern University's National High School Institute.

Despite the bustling, hectic surroundings, learning occurred. And the learning transcended the crowded classroom: just living during the five-week program was an educational experience. As several of the high school seniors wrote later, the institute was the most fulfilling, most engrossing and, to use the contemporary terminology, most relevant experience of their lives.

The institute, run by the university's Medill School of Journalism, is not the only summer journalism program for high school students. Many U.S. schools and universities sponsor summer workshops and some also conduct programs for college students or professional newsmen in editing, urban reporting, journalism teaching, etc. For example, the Newspaper Fund, a foundation of Dow Jones and Co., helped to fund programs this summer for high school journalism teachers, for inner-city high school students in urban journalism and for college students in copy editing.

Northwestern claims that its institute, in its 40th year this past summer, is one of the oldest in the country. The institute is unusual, the university says, for at least three reasons.

A professional emphasis on writing and course work to give introductory training to high school students who may be considering careers in journalism.

Opportunity for work and visits to points of interest in the Chicago area (for example, students visited the Chicago *Sun-Times* on a weekly field trip) and

A national flavor with students from around the country. (This summer the 90 students, ranking in the tops of their classes, came from 20 states. Many were attending on scholarships provided by newspapers.)

The institute staff consisted of Medill Prof. Raymond Nelson and nine counselors. Nelson and Prof. Jack Williams, who will direct the program next year, helped to put the institute on an informal basis from the first day: Nelson, for example, modeled tight-fitting flared pants and no tie; Williams wore sport shirts with fashionable scarfs.

The counselors were recent master-degree graduates, graduate students or upperclassmen. They lived with the students, organized classes and discussion groups and evaluated papers. The journalism classes were conducted five times a week, about three hours a day, with instruction in news, feature, descriptive and editorial writing, and copy editing. Medill faculty (like editorial department chairman Ben Baldwin, former institute director) and professional newsmen (such as Charles Cleveland, editorial director for Westinghouse Broadcasting Co. in Chicago or Bill Jauss, sports writer for Chicago *Today*) presented most of the class lectures.

Many leading figures in the Chicago area were among the three to four speakers heard each week. For examples, Northwestern journalism Prof. emeritus Curtis MacDougall's fire and spirit aroused the students; U.S. Rep. Philip Crane lectured on the issues of the day; ABC television newsman Lester Brownlee described white-black prejudice, and Newton Minow, former chairman of the Federal Communications Commission, discussed some of the issues facing broadcasting.

Besides the structured part of the program which also included field trips weekly, discussion groups, films (such as "Selling of the Pentagon") and parties, students found the experience of living in a university community to be rewarding.

The institute was also an education for the counselors. It was a 7-day a week, 24-hour a day job to keep up with 90 human dynamos. Some of the counselors averaged as little as four hours of sleep a night during the five weeks.

Each day—and night—would bring new adventures for the counselors. Late night calls to the men's dorm from Mary Leonard, head women's counselor (and now a feature writer for Chicago *Today*), ranged from ". . . hasn't returned to the dorm," and "We're taking her to student health," to "Ohhh. They gave me a card, thinking I was sick," and "Today was a real."

The counselors found the students to be aware, questioning, active, into things, and perhaps a little naive and a little confused. This confusion was sometimes apparent when the students wrote weekly 1,000-word Contemporary Thought essays. The essays required no research and often centered on a personal problem. Students were asked to examine their beliefs and prejudices with an open mind. The papers were critiqued by counselors. Grades were not given.

The counselors could offer advice and empathy, perhaps saying they too had been troubled by the same problem. At best, the students were helped in solving a personal problem; at worst, they got only sympathy. Without a doubt, no world problems were solved during the five weeks.

But despite this, not all was in vain: everyone got a taste of education in journalism. And everyone became enmeshed in this delight known as the summer institute.

UNIVERSITY OF CALIFORNIA'S HILDEBRAND—AGELESS SCHOLAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, I include an article from the San Francisco Chronicle in today's RECORD, as a tribute to a fine mind at the University of California at Berkeley.

Now 90 years old, Professor Emeritus Joel Hildebrand is still working hard in his career. He is considered one of the best by his colleagues, and stands today as a tribute to the generation of Americans who are legally too old to serve, but serve anyway.

It is with pleasure, Mr. Speaker, to include this excellent article by William Moore for inclusion in the RECORD:

UNIVERSITY OF CALIFORNIA'S HILDEBRAND—AGELESS SCHOLAR

(By William Moore)

It was a slightly incongruous scene, there on the fourth floor of Latimer Hall, a concrete-and-glass high rise in the midst of many on the University of California's Berkeley campus.

Students and professors scurried through the labyrinthian hallways—in and out of laboratories, classrooms, offices and elevators.

"Dr. Hildebrand," said a young lab technician, pronouncing the name with reverence, "he's right over there in room 437."

The door to the office was wide open, revealing chemistry professor emeritus Joel Hildebrand—who'll be 90 years old on November 16—working alone, curiously aloof from the academic choreography outside.

FIGURES

Flanked by shelves, bulging with books and test tubes, he sat crouched over his desk, furiously scrawling down figures on a stack of graph sheets.

This was Hildebrand. The man they call the dean of American chemistry, a member of the Berkeley faculty since 1913, teacher

of more than 40,000 students, winner of practically every major chemistry award, college administrator, educational philosopher, prolific author, mountaineer, one-time Sierra Club president, manager of the 1936 U.S. Olympic Ski Team.

Now he was working on the research that has consumed much of his life—the nature of solubility and the structure of liquids. In a week his latest research will be published in the Journal of Science.

Hildebrand sprang from his chair and strode briskly across his office to greet his visitors.

RULES

"Remember now, it's Professor Emeritus Hildebrand," he said, his eye mischievous behind his wire-rimmed glasses. "The rules said I had to stop teaching in 1952 because theoretically I was supposed to be senile. I have been pseudo retired ever since."

He laughed uproariously, and it was a beguiling sight. Here was a man—a handsome, white-manned gentleman, with a sturdy, trim physique—who could have passed for some 25 years younger. Only when he laughed did the few wrinkles on his massive brow become noticeable.

SUPPORT

"Actually," he said, "the Atomic Energy Commission and the National Science Foundation have been supporting much of my research since 1952."

He pulled out a sheaf of papers to explain his current work.

"I'm concentrating on the viscosity of liquids and the diffusion of dissolved substances," he said. "No progress had been made in this for a long time, but I think I have reduced it to simple terms that enable us to calculate and predict viscosity and diffusion."

GRAPHS

He pointed to some graphs that, to the layman's eye offered impressive and convincing proof that there was indeed a predictable pattern to the logarithms (the exponents of those powers of fixed numbers which equal given numbers) of certain types of solubility.

"People used to assume there were two kinds of molecules: solid and liquids," Hildebrand said. "Well, there aren't. There is just one kind."

The applications of this and Hildebrand's earlier research are rife.

Hildebrand, for instance, was the first to prove, in 1925, it would be safer for deep-sea divers to inhale a combination of helium and oxygen, rather than air, because helium is much less soluble than the nitrogen in the air.

EFFECT

If a diver surfaces rapidly, Hildebrand showed, nitrogen bubbles from air can be formed within him, causing enormous pain and even death from the bends. The phenomena doesn't occur with the less soluble helium.

But as Hildebrand himself made clear, he does not conduct his research with such immediate practical application in mind.

Indeed, Hildebrand shyly admitted "the fire of poeta burns within any real scientist."

To bolster the point, he grabbed a book off his shelf and turned to a quotation from Henry Poincaire: "The scientist doesn't study nature because it is useful; he studies it because he delights in it and he delights in it because it is beautiful."

ORDER

Hildebrand, speaking excitedly now, explained: "I am trying to discern order from chaos. That's what all scientists are trying to do. When you get on the right track, you know it. Things start falling into place. Scientists don't shatter into fragments any unity. On the contrary, they collect, sort and build into structures—some of which became great cathedrals."

The professor began to pace about his office. "The scientist, if he is any good, is born curious—like a child," he continued enthusiastically. "He remains a scientist as long as he hasn't become old and uninterested."

Hildebrand said he arrives at his office at 9 a.m. each weekday and spends at least six hours a day conducting his research, with the aid of one or two graduate assistants.

"It's too exciting around here not to come to work," he said. "I don't want to miss anything, especially when I see the possibilities of explaining the next area beyond where I have been."

SUBSTITUTE

On occasion he fills in as a substitute lecturer in under-graduate chemistry classes and invariably receives thunderous applause after his lectures.

Before he retired, he prided himself in teaching the introductory chemistry course for 39 years. A dramatic speaker—he describes himself as a "ham"—his courses were among the most popular on campus.

"In freshman chemistry," he said, "I had all the properties an actor needed."

His most famous act occurred during each Stanford-Cal. Big Game week when he would bring out a giant test tube and fill it with red fluid (Stanford's colors) to an inevitably booing audience.

"I would then explain to them that chemists can change things and that it is not what happens in the first half of an experiment that counts but the last quarter," Hildebrand related.

Thanks to an alkaline miracle, Hildebrand's test-tube fluid would suddenly turn blue and gold (Berkeley's colors), usually bringing an ovation.

DEAN

Hildebrand spoke proudly, too, of the College of Chemistry, which he once served as dean, a college that for years has been considered the leader in the field. (One of its four buildings was named after him when it was built five years ago.)

Hildebrand then turned to his great love: the mountains. In addition to his many chemistry books, including an introductory text book still widely used today, he has written several works on hiking and skiing.

Until a few years ago, he was still an active backpacker. "I used to ski a lot, but I had to give it up reluctantly at age 75 on the orders of my family," he said.

Hildebrand has four children, 12 grandchildren and four great grandchildren.

HOME

His wife Emily—they were married in 1908—and he have lived at 500 Coventry road in Kensington since 1924.

"I still get a lot of exercise from tending a big garden there, and I walk everywhere—never take the elevator," Hildebrand said. "My secret is to stay energetic."

"I also try to stay in contact with young people. You'd be amazed at how many freshmen come up to talk with me. They want to see what Hildebrand looks like."

The professor emeritus put on a sporty racing cap, grabbed a cane and strode briskly out of his office, passed the laboratories, the lecture halls and the swirl of younger humanity.

He was off—as he is off most days at noon—to the faculty club for lunch with his colleagues.

WE MUST NOT ONLY CONSERVE—WE MUST RESTORE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ARCHER. Mr. Speaker, earlier this year the Secretary of the Interior, the Honorable Rogers C. B. Morton, addressed the 1971 Congress for Recreation and Parks meeting in Houston, The Secretary's comments, which outline many of the President's programs to preserve and restore our natural environment, are of interest to all of us. The full text of Mr. Morton's remarks follows:

REMARKS BY SECRETARY OF THE INTERIOR ROGERS C. B. MORTON, AT THE CONGRESS FOR RECREATION AND PARKS, HOUSTON, TEX., OCT. 20, 1971

I welcome the opportunity to be with so many outstanding park and recreation professionals at the 1971 Congress for Recreation and Parks. Collectively, you are more aware of America's leisure needs and demands than any other organization in the Nation. We meet together this morning on the eve of the hundredth anniversary of one of America's first and greatest contributions to leisure services.

Next year . . . 1972 . . . we will observe the National Park Centennial. The celebration will mark the dedication of Yellowstone as the world's first national park.

A primary purpose of the centennial year will be to focus on achievements . . . to plan the beginning of a meaningful second century for our national parks . . . and to explore new concepts for the park and recreation movement in America.

We need your help to define the future role and function of our parks and recreation areas . . . and the role and function of leisure services conducted upon those areas.

The theme for the Centennial Celebration is . . . "Parks, Man and His Environmental Ethic." But . . .

What do parks really mean to man;

To the environmental ethic;

And to the Nation?

The first official United States answer to that question came on March 1, 1872, when Congress established Yellowstone National Park.

That act declared Yellowstone would be "A public park or pleasuring ground for the benefit and enjoyment of the people" and that natural curiosities or wonders should be retained as they were found.

The concept that government should provide parks for all the people is a unique American contribution to world culture. That idea has since spread to more than 90 countries.

The national parks leave one with the feeling that the natural heritage we have preserved will forever portray our noblest aspirations and enhance our cultural ideals.

Frederick Law Olmstead pointed out that the basic mission of the National Park Service was: "To conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The Olmstead dichotomy . . . the tug of war between preservation and utilization . . . is perhaps the greatest challenge to managing recreation and park resources. I'm sure it's giving you people the devil.

Even though it is an apparent contradiction, it has strengthened the park concept over the years. It has stimulated us to respond to the changing needs of society and to improve our mission of protecting and enjoying a portion of our national treasures.

Parks of all kinds . . . and parks for all seasons have become strands of the culture that made us a proud and pioneering nation. While they are important outlets for leisure and recreation, they serve as bastions of our natural past.

President Nixon has challenged the Nation to make peace with nature and repair the damage done to our air, land, and water resources.

The first step in making peace with nature is to cultivate an environmental ethic.

I believe we have now reached a point in our civilization where every attempt at education:

. . . Every program for learning;

. . . Every childhood experience must address itself to man's identity with the rest of the world;

. . . And his relationship to it.

With this in mind . . . and in heart, the Department of the Interior has undertaken a broad interpretive and educational initiative aimed at not only visitors to the national parks but to the educational community as well.

Through NEED . . . national environmental education development . . . we have given from the time they are getting ready for school until they graduate from high school. This training takes place in the classroom . . . in the out-of-doors . . . in the parks.

Through NESA . . . national environmental study areas . . . we have established natural and historical laboratories both within and outside the national parks.

Through NEEL . . . national environmental education landmarks . . . we encourage emphasis on outstanding NESA installations that are environmentally significant and have established outstanding interpretive facilities and programs.

This is what we in Interior are doing. But . . . I believe we can make more innovative and imaginative use of existing park facilities at *every* level of government especially by making them more relevant to urban residents.

The "Summer in the Parks" program started four years ago in Washington, D.C. It has now become a "Parks for all Seasons" effort and extends throughout the year. This program has enjoyed enormous success in bringing the performing arts . . . the graphic arts . . . sports of all kinds . . . and people . . . to the parks.

Last July, we invited educators in 10 Western States and Alaska to use public domain lands in planning environmental education programs.

Although many colleges and school systems have used public domain lands in establishing outdoor classrooms and nature trails, many more opportunities to use public lands are available.

The Bureau of Land Management will assist teachers and school officials in selecting areas for casual or intensive study. Its foresters, range managers, and other specialists stand ready to contribute to environmental study programs by sharing their knowledge of natural resources.

President Nixon said in his 1971 Environmental Message:

"As our Nation comes to grips with our environmental problems we will find that difficult choices have to be made, that substantial costs have to be met, and that sacrifices have to be made. Environmental quality cannot be achieved cheaply or easily. But I believe the American people are ready to do what is necessary"

I am sure that most of our people are willing . . . even eager . . . to support the efforts of President Nixon to improve the quality of life. We are now at the point where we can no longer, in good conscience, continue the development of our civilization while at the same time continue to abuse the environment. While economic progress must continue, the environment can no longer pay the external costs through pollution, contamination, encroachment, and degradation.

We already have the tools to right many of the wrongs heaped on the environment. We need to weld that capability with desire and financial commitment to make it a strong weapon against degradation . . . and a strong insurance policy for preservation.

We must not only conserve . . . we must restore.

We must not only rebuild . . . we must replace. But, a true national commitment can't come only through directives from Washington.

Great movements are only successful when they start in the hearts and minds of millions of citizens across the land. When this occurs, Washington reacts . . . and reacts positively . . . and theirs is a reordering of priorities.

The challenge we now face is the crucial test of modern civilization. Can we preserve, protect, and defend our environment? The test is crucial because it involves not only our comforts and pleasures but the survival of succeeding generations . . . and the survival of the rest of nature. On this, of course, depends the survival of the planet.

To achieve an environmental ethic, will require an all-out individual effort . . . at every level of government . . . in every classroom in America . . . and in the mind and heart of every citizen.

President Nixon's "Legacy of Parks" program connotes a major expansion in acquisition of open space for leisure and learning. The "Legacy" is pointed directly at those of our citizens who will never see Yellowstone Park . . . whose only recreation area is the street, and whose only contact with wildlife is the rat.

President Nixon has authorized full funding of the Land and Water Conservation Fund, including an appropriation of $380 million in the current fiscal year. Of that amount, $280 million will go to states and local governments and $100 million will go to acquire nationally significant park and recreation resources.

By next June, the Fund will have provided $750 million in matching grants to states and localities. This money has facilitated the acquisition and development of thousands of new parks and recreation areas. The President is firmly committed to the spirit of this Fund.

This great Fund is one of the most significant forms of revenue sharing now in implementation. We all have recognized it as the vital pillar of financial support for the parks and recreation movement in America.

President Nixon has requested that HUD's program of grants to states and localities for open space be reoriented to provide more urban parks and that the program's budget authority be increased from $75 million to $200 million. No one is more familiar with this program than your new executive director, Dwight Rettie.

The President has also established a Property Review Board to declare certain federal properties surplus and available for transfer to state and local governments.

Nine thousand acres . . . worth more than $40 million . . . already have been transferred to states or their localities for park and recreation purposes through the Bureau of Outdoor Recreation in the Department of the Interior.

I'm sure you realize that I am counting on strong support in these efforts from the National Recreation and Park Association because . . . the people here in Jones Hall this morning will exercise great influence over the policy for planning, acquisition, and use of the open spaces of our country.

These are only a few of the initiatives which have been taken by our first true "Environmental President."

Since your last Congress, the federal structure has shifted significantly to deal with environmental problems.

The President created the Environmental Protection Agency last December. He consolidated into one agency several major federal programs dealing with air pollution; water pollution; solid waste disposal; pesticides regulation; noise abatement and radiation.

The President has called for the enunciation and establishment of a long overdue National Land Use Policy to deal with the frightening and haphazard sprawl of metropolitan development. Your support of this critical legislation will help halt the rampant development which is swallowing up open space and rendering the suburban experience a complex progression of frustration.

Finally, of tremendous significance, he has called for a sweeping reform and consolidation of those scattered agencies and fragmented functions of the executive branch which relate to the custody of America's natural resources.

The proposed Department of Natural Resources would consist of five administrations:

. . . Land and recreation;

. . . Water resources;

. . . Energy and mineral resources; oceanic, atmospheric, and earth sciences;

. . . And Indian and territorial affairs.

The reorganization plan deserves all the support which you can give it. Most of you deal with many diverse federal agencies on a daily basis. What we want to do is reduce the number of shopping windows to one.

I began this morning with parks, man, and his environmental ethic. May I say that my concept of the environmental ethic embraces the total context of human ecology—the interdependence and the interplay of every life form and element on this planet;

. . . The physical and biological;

. . . The animal and mineral;

. . . The living and dying;

. . . The biosphere and humanosphere.

As we move further into our technological world and amass greater material wealth and achievement, we tend to forget that our existence depends on the miracles of nature that occur continuously on the surface of the planet.

In the great Department of the Interior where I work, I feel the excitement in our lives generated by the realization that we are in the dawn of a new era in the relationship between man and his environment.

For us then, there is a new goal. A goal as rewarding as the freedom of America for the people who came here to find it.

We are now ready and eager to share this planet with the rest of nature;

With its beauty;

With its land;

With its divine life systems;

With its sky;

With its music;

And with its silence.

But even if we're ready, all of this and more is only a beginning. We are at last recognizing that this world and most of its resources are finite. For man this earth is all there is.

POLLUTION AND POLITICS: A CHEMIST'S VIEW

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. VEYSEY. Mr. Speaker, the public, and we as their Representatives, have been bombarded with conflicting opinions, demands, and scientific data on the dangers of air pollution and how to control it.

Several weeks ago, Prof. James N. Pitts, Jr., director of the University of California's Statewide Air Pollution Research Center, delivered an address at the California Institute of Technology, "Pollution and Politics: A Chemist's View." In the talk, Professor Pitts discussed some of the current problems in

the application of science and technology to the control of smog, and stressed the critical feedback loop between control legislation and the input from the scientific community. He also indicated the need for a more coordinated national strategy involving government at all levels, industry, and the university.

In order to begin the formulation of just such a national strategy, the University of California at Riverside and I are cosponsoring a National Automobile Air Pollution Conference at the Western White House, San Clemente, Calif., on January 13–14, 1972. We are inviting the top administrative policymakers and technical advisers from leading automobile and petroleum companies, EPA, State and local control agencies, university researchers, and State and Federal legislators.

Meanwhile, I am inserting the text of Professor Pitts' informative talk for the interest and consideration of my colleagues:

POLLUTION AND POLITICS: A CHEMIST'S VIEW

(By Prof. James N. Pitts, Jr.)

Presented at the Conference on "Science in the Control of Smog," California Institute of Technology, Pasadena, California, November 16, 1971

To effectively reduce air pollution, laboratory and field experimentation *and* control legislation must be inseparably connected through the various elements of a national air pollution system. Such a system would include as key subsystems the local, state, and federal control agencies, industry, and the university, and it would incorporate an effective feedback loop relating them *in real time to the general public through their elected officials.*

Such a statement seems almost axiomatic; yet, even today, while its widespread ramifications—scientific, technological, medical, economic, social, and political—have been recognized, for example, by the Environmental Protection Agency (EPA), the State of California ARB, and the Coordinating Research Council, they are still far from being effectively implemented. Thus, today I want to illustrate with several specific examples the key role played by science and scientists in the development and implementation of *technological and societal options* for the control of air pollution and to show how, for them to be truly effective, these various options must fit into an optimistic, but realistic, national strategy for smog control. In this game plan, ecology and economics must be balanced to provide a total enhancement of the quality of living for all of us.

This is a huge subject, and, rest assured, I shall not even consider attempting to cover it in depth—that would be impossible, unwise, and brash. Instead, I shall limit my scope to "a chemist's view" and discuss several specific examples with which I have had some experience and which, I trust, will serve to illuminate the broad aspects of the smog problem. Approaching it as a scientist, I will begin by "stating the problem"—first, as the public sees it; second, as certain experts in science technology and medicine see it; and, third, as it is seen by a key leader in the automobile industry. We will then examine several "relevant" examples and conclude with a specific suggestion for a cooperative approach to its solution or at least alleviation.

II. STATEMENT OF THE PROBLEM AS THE SMOG-AFFLICTED PUBLIC SEES IT

The public sees the battle for smog control as a kind of atmospheric Vietnam—a no-win, endless struggle. Thus, in the case of the war, we have seen battalions of military experts, members of the news media, students, and politicians alike generating a constant flux of conflicting opinions. The result has been a public confidence gap that has eroded the very structure of our society.

Today, the war, though still enormously important and tragic to all of us, has been de-escalating. Taking its place as No. 1 on the list of concerns of the citizen in the critically smog-plagued regions of the South Coast Air Basin, in which literally millions of us reside, is photochemical air pollution. This priority rating comes, not from me, but from those who know best the temper of our times and our public—the legislators and would-be legislators in those districts.

The public is literally sick and tired of the confusing flood of contradictory statements on the quality of our air that have been issued for well over a decade, and which recently have been escalating. They (*we*) see and hear local, state, and federal control agencies all too often disagreeing, not only with industry (as might be expected), but also among themselves, often seriously.

Recently, the Pulitzer-prize-winning newspaper, the Riverside Press-Enterprise, carried a large headline which essentially said, "Lead levels rise dramatically in Los Angeles." The essence of the article, which pointed out to the public the conflicting views of local and federal agencies, can be summarized as follows:

"The EPA says atmospheric lead levels in Los Angeles have dramatically increased, while the Los Angeles County Air Pollution Control District says this is not true. The State Air Resources Board, in effect (and probably wisely), 'punts' with the statement that they were not directly involved with the studies."

No wonder John Q. Public and his legislators are confused and upset. They are even more confused over the continuing and increasingly acrimonious debate concerning the health effects of atmospheric lead. But, to mix a metaphor, I do not want to add fuel to that fire today, although I will consider some aspects of the combustion of organic gasoline additives.

III. STATEMENT OF THE AIR POLLUTION PROBLEM AS CERTAIN "EXPERTS" SEE IT

I would like to quote some comments from Dr. Stokinger, who won the Cummings Memorial Award two years ago. He surveyed all the environmental hazards (except radiation) that faced the American public and came up with the following conclusions:

"One generality that emerges from Table IV is that airborne pollutants are potentially responsible for more of our ills than are water- and food-borne contaminants together. This is predictable from reasons given in the text.

"Many of the conditions attributed to exposure to environmental pollutants are either accelerations of the aging process or are associated with aging. This is particularly true of the air pollutants; ozone and photochemical oxidants merely add to and hasten the oxidative destruction of the lung and other tissue sites; respiratory irritants hasten the onset of emphysema and bronchitis and would appear to promote cancer of the respiratory tract, both diseases of aging man."

At an International Conference on Man's Health and His Air Environment, held at Riverside in December 1970, the following points were made.[1]

"The scientists, physicians, and citizens participating in the conference on 'Man's Health and His Air Environment,' sponsored by the University of California Statewide Air Pollution Research Center and the World Affairs Council of Inland Southern California, December 1–3, 1970, find the following conclusions inescapable: (1) that an environmental crisis exists, and (2) that levels of air pollutants are being achieved in large cities on many days of the year which have been shown to have serious health consequences. . . . In view of these conclusions, we submit the following recommendations:

" *"In California and in the South Coast Air Basin in particular*: The crisis demands immediate drastic actions to alleviate the present situation. These actions include an early health warning system for the protection of susceptible individuals from acute air pollution episodes, based on common basin-wide criteria, and the aggressive implementation of heroic control measures. The control measures so considered should include but not be restricted to limitations on the use of private vehicles in cities' centers, the substitution of public transportation and the incentives to use it, the possible rationing of energy use, and the limitation of population growth in critical areas. These, however, should only be considered as holding actions while longer-term solutions are aggressively sought."

The position was stated even more recently in a statement of the Los Angeles County Environmental Quality Committee, headed by the distinguished Judge Herbert V. Walker. The Long Beach Independent newspaper, on November 10, 1971, reported the following in an article by Mr. Gil Bailey:

"A call for sweeping reform of development, land use, and transportation policies was issued Tuesday by the Los Angeles County Environmental Quality Committee in a detailed report on air pollution problems here.

" 'The committee concludes there is a critical air pollution problem in Los Angeles County from a medical point of view. Medical testimony showed that thousands, if not hundreds of thousands, of residents of the county suffer health effects from air pollution,' the committee said in reply to a question by the Los Angeles County Board of Supervisors."

IV. STATEMENT OF THE AIR POLLUTION PROBLEM AS A KEY INDUSTRIAL LEADER VIEWS IT

Having considered the opinions of the public and the experts, it is only appropriate that we examine the views of some of the leading industrialists, particularly those concerned with automotive air pollution. In this regard, I should like to refer to a story which appeared in the Los Angeles Times recently. It deals with the remarks made by a prominent leader in the automotive industry in a recent television interview. I found his quoted remarks so astonishing that I can only believe he must have been misquoted or quoted out of context (that has happened to me, so the gentleman certainly has the benefit of my doubt). Nevertheless, the general public, students, and laymen read the story and formed their opinions—many of which were passed on to me—violently and expressively. Thus, in my several roles—scientist, administrator, and father of an asthmatic child—I feel compelled to respond. Therefore, I have altered my already prepared remarks for this program to include his quoted point of view, as it is germane to the control of smog.

Following a statement about the costs to the public of safety and smog devices over the next five years, the gentleman is quoted as exclaiming, "Is cleaning up the air *that* quickly [i.e., providing highly effective smog controls on all cars by 1975–76] *that* important to every individual?"

I would respond by noting that this is a favorite rhetorical device from industrialists who focus on legislation requiring change within two or three years as unnecessarily harsh and unrealistically swift. As we all recognize, it is nearly *two decades* since Professor Haagen-Smit performed his now-classic experiment proving that motor

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Footnotes at end of article.

cars were a major contributor to air pollution in highly populated areas of the U.S. What has been done with this time? Frankly, I don't call this "quickly." It has been all too slow.

He then commented on the question of national priorities. "I think we've got tremendous problems in the inner city," he said. "We've got tremendous educational problems. We've got tremendous health problems. And I wonder whether we haven't got our priorities a little bit screwed up?"

To this I would reply: air pollution *is* a major health problem. What about the priority of providing clean air for healthful living in the ghetto as well as suburbia? In the South Coast Air Basin, there are more than ten million people, a substantial number of whom suffer from asthma, emphysema, and other lung and respiratory ailments. Their suffering is vastly aggravated by the products manufactured by members of the automotive industry. Now, I cheerfully admit that I buy their products—my family owns several cars—we are polluters, but we recognize that air pollution is one of the crucial health problems in this part of the country. Our priority is to do something to reduce its human toll even though it will be expensive, inconvenient, and irritating.

Finally, in the most curious comment of all, the industry leader is quoted as saying, "I know it is very important to have clean air, but I don't know how dirty the air is." This statement is, to say the least, startling coming from a man who provides leadership in one of the world's largest corporations.

SUMMARY STATEMENT

In short, who can the general public believe? Their own health and welfare and that of their children are at stake. Indeed, when one views the necessity for drastic societal, as well as technological, changes, their (our) entire way of life is threatened.

I submit that it is our responsibility, as smog "experts," to view our research and development activities in that broad societal context, as well as in the more narrow, and often parochial, scientific sense.

V. AN AIR POLLUTION SYSTEM

Let us now look at a general scheme for an air pollution system (Figures 1 and 2) and discuss, *from a chemist's point of view*, certain key elements of the system. These illustrate the need not only for further intensive, mission-oriented, short-term research, but also for renewed and expanded support for our faithful but recently abandoned mistress—*basic research*. They also illustrate the key importance of the feedback loop from legislation to the control of emission sources.

I will focus my comments on air pollution generated by motor vehicles, for this constitutes by far the major source of photochemical smog in California today.

A classic example of the feedback loop is the case of the 1966 California exhaust control legislation, whose results are illustrated in Figures 3, 4, and 5.[2] The control systems have, in fact, led to relatively small, but nevertheless significant, reductions in levels of hydrocarbons and CO in the ambient air of the South Coast Air Basin. However, unfortunately, there is bad news as well as good news! Thus, as a result of the dramatic increase in nitric oxide emissions resulting from the controls on hydrocarbons and CO, in the eastern part of the Los Angeles Basin there has actually been a deterioration in air quality in terms of the key health hazard—oxidant, as well as the oxidant precursor—nitrogen dioxide.

This illustrates the real world hazards faced by scientists and engineers involved in generating control legislation which has a strong feedback loop. They are required to develop, in real time, solutions to highly complex technical and economic problems, generally on the basis of inadequate and often controversial information. Well, as Dr. Haagen-Smit noted, it will always be thus. In light of this fact of life, let's look at some other aspects of the control system.

VI. SOURCES: EMISSIONS FROM MOTOR VEHICLES FOR THE NEXT FIVE YEARS

It is interesting to compare California and Federal requirements for passenger car emissions for the next five years. Valuable information is given in two TAC reports to the ARB, "The Control of Vehicle Emissions after 1974," dated November 19, 1969, and an "Addendum to Control of Vehicle Emissions after 1974," dated July 9, 1971. Table I contrasts the California and Federal requirements.

TABLE I.—PASSENGER CAR EXHAUST EMISSION STANDARDS

Pollutant	Before control	California requirements						Federal requirements[1]			
		1966	1970	1971	1972	1974	1975	1972	1973[2]	1975	1976
HC, g/mi	17.0	7.1	4.6	4.6	3.2	3.2	1.0	3.4	3.0	0.41	0.41
CO, g/mi	126.0	70.0	47.0	47.0	39.0	39.0	25.0	39.0	28.0	3.4	3.4
NO_x, g/mi	6.0	.....	.....	5.8	4.4	1.9	1.5	.....	3.1	3.1	.4

[1] Environmental news release, June 30, 1971.

[2] Assuming that the 1975–76 Federal procedure will be used.

From a chemist's point of view, there are a number of interesting aspects. For example, the impact of a new driving cycle specified by the Federal Government, November 10, 1970—the constant volume sampling (CVS) test—is truly dramatic. This is now the official driving cycle for California, and, as the TAC report points out, this has many ramifications, particularly in emission source inventories and analytical instrumentation. Thus, the measured emissions for an automobile are virtually *doubled* when measured by the new driving cycle and sampling system, as compared to the former official California seven-mode, cold-start cycle.

In light of this fact, let's reexamine the graphs taken from the well-recognized Los Angeles County Air Pollution Control District's yearly reports on air pollution from motor vehicles (Figures 3, 4, and 5). We must now *double* the emission tonnages shown on the ordinates.

Actually, both the CVS and the California seven-mode cycles are essentially certification tests and amount to "emission bookkeeping." It is highly important to recognize this fact when "guesstimating" source strengths for use in models of, and control strategies for, the Los Angeles Basin among other places.

This raises a crucial question to the air pollution control official. In view of this discrepancy (by a factor of two) in "official" measured emissions from motor vehicles, how does he develop control strategies based on the *relative* contributions from motor vehicles vs. stationary sources? If, in fact, automobiles put out twice the tonnage of emissions previously estimated, the stationary sources must, on a percentagewise basis, put out proportionately less. For example, if, according to the previously official California seven-mode, cold-start cycle, one calculates that about 1,000 tons of NO_x are released daily into the atmosphere from automobiles, and one assumes that cars account for about 67% of the total NO_x emissions, then about tons/day arise from stationary sources. But, if one uses the CVS cycle to measure automobile emissions, one will get about 2,000 tons/day from mobile sources and the same 500 tons from stationary sources; cars now account for 80% of the oxides of nitrogen and stationary sources only 20%. How would you like to field this hot potato if you were an air pollution control official? They have my sympathy!

The new Federal emission standards for 1975–76, coupled with the new Federal CVS test cycle, raise considerable problems in developing highly sensitive analytical techniques for monitoring CO, HC, and NO_x, particularly the latter. Thus, the 1976 standards call for a 90% reduction in 1970 emissions, resulting in a tenfold increase in required instrument sensitivity. Furthermore, as the TAC report points out, this factor of ten, coupled with a 10:1 dilution step carried out before an exhaust sample is collected, means that there is a 100:1 increase in instrument sensitivity required for the new official cycle! Well, as the saying goes, one man's problems are another man's opportunities—there are plenty of opportunities in this area!

There is another question of critical interest to chemists, as well as to engineers, the automobile industry, and the public—that is, are the 1975–76 Federal standards *too strict*, in that they require a reduction of hydrocarbons, carbon monoxide, *and* oxides of nitrogen to very low levels. You will note from Table I, for 1975, the State of California is much more lenient in terms of standards for carbon monoxide, permitting 25 g/mile, compared to 3.4 g/mile for the Federal requirement. California is more strict on oxides of nitrogen in 1975 (1.5 g/mile vs. 3.1), but in 1976, the Federal requirements call for only 0.4 g/mile of NO_x.

Two major questions arise here: First, is such a dramatic reduction in both oxides of nitrogen and carbon monoxide necessary in the 1976 Federal standards? This is a critical point to at least some manufacturers of catalytic control devices who claim they need considerably higher levels of CO for their devices to function properly in NO_x removal. As I understand it, the CO produces hydrogen on a catalyst and this, in turn, is one means of chemically reducing nitric oxide to nitrogen. If the CO concentration is too low, this raises difficult problems.

Second, are the very low levels of carbon monoxide proposed by the Federal Government perhaps an example of control "overkill," in that if they were fully implemented in the Los Angeles Basin, levels of CO in the ambient air would be far below the present State and Federal health-related air quality standards.

I have no answers to these questions here. I raise them only, from a chemist's view, to indicate problems faced by the automobile industry in mass producing virtually smog-free cars running on internal combustion engines. I personally feel that they can and must meet the challenge, but it won't be easy!

Fuel Additives. As scientists, we all recognize that in order for a source inventory to be truly well defined, one needs to know far more about the detailed composition of our exhaust than we currently do. This has been well recognized, for example, by the ARB, who in their research program has funded Professor Calvin's group at UCB to make a detailed analysis of auto exhaust.

I should like to be somewhat specific and look briefly at fuel additives. Current legislation requires registration of fuel additives, but it does not require the suppliers of gasoline to file statements on the detailed chemical composition and approximate concentrations of the *combustion products* of the additives in the exhaust gases. I submit that there is no way to estimate the effects of partially oxidized organic or inorganic additives on our health or on the chemistry of the atmosphere unless and until we have such data. Who should supply these data to the air pollution control officials, atmospheric chemists, research physicians, etc.? Currently, the law, as I understand it from an EPA official, states that the Government may ask industry about the emission products of their fuel additives *but*—and here's the rub—the Government must specify a detailed analytical procedure for their analysis!

For example, what are the oxidation products of F–310 as they emerge from the tailpipe? Have they ever been specified *in detail* by Standard Oil? Now I want to make it clear that I am *not* singling out Standard Oil as a sole "offender"—it's just that so much attention has been given to F–310 in their advertising that this additive immediately comes to mind when one discusses the problem; in fact, it is a compliment to their advertising prowess! Somewhere between the initial compound, which I gather is a type of polybutyl amine, and the ultimate oxidation products CO_2, H_2O, and NO_2, some oxygenated organic species must be formed. These may well be negligible and unimportant in terms of health, plant damage, and smog chemistry, but—and here's the point—we just don't know and won't know until the Federal law is strengthened to close this loophole.

VII. AIR QUALITY

Here we shall consider the relationship between the calculated control of exhaust emissions and the actual ambient air quality.

Another one of my "air pollution axioms" is the following: "No matter what air pollution control measures are legislated, decreed, or implemented by any federal, state, or local agency, the final measure of the effectiveness of an air pollution control program is the quality of the ambient air we breathe."

Let's consider this statement in relation to recent results reported by the Air Resources Board in their informative document, "Air Quality and Emissions, 1963–70," of November 1971. Portions of this were presented and analyzed for the general public in the ARB Bulletin of July-September 1971. Incidentally, may I say here, parenthetically, how much I appreciate the increased effort on the part of the ARB to interpret not only *their* findings, but that of other local control agencies and put this before the public in a logical and understandable fashion. I highly commend their efforts. Let me quote from the ARB Bulletin:

"The ARB examined the annual average concentration of oxidant, in the South Coast Basin as a whole, downtown Los Angeles, and Riverside (where recent experience indicates smog is increasing). The trend of oxidant shown in Figure 6 indicates that, while downtown Los Angeles has experienced a decrease in oxidant since 1966, concentrations in Riverside have shown an increase. It can be observed, also, that the lowest concentrations in Riverside were obtained during 1964 and 1965 at the time when Los Angeles was experiencing its highest downtown concentrations. Oxidant averaged throughout the basin has not changed markedly over the eight-year period.

"These data suggest that in the heart of Los Angeles, where motor vehicle activity has long been very near the saturation point, the effects of motor vehicle controls are beginning to be noticeable; whereas in Riverside changes in population distribution and traffic are still outstripping the control program. There is no assurance, however, that either or both of these apparent trends may still be more the result of meteorological patterns than of changes in the sources of hydrocarbons or oxides of nitrogen."

As an atmospheric chemist, I should like to propose an alternate explanation for the decrease in oxidant in downtown Los Angeles and the increase in Riverside since 1966.[3] While the 1966 exhaust controls have apparently resulted in a lowering in the ambient levels of carbon monoxide and hydrocarbons, oxides of nitrogen have gone up in both downtown Los Angeles and Riverside. Thus, one can infer that when the exhaust controls went on cars in 1966, the accompanying jump in NO emissions put enough nitric oxide in the Los Angeles atmosphere to destroy significant amounts of atmospheric ozone (or to partially quench its formation).[4] This would lower the *total* oxidant readings and raise the NO_2 levels. Then substantial amounts of this nitrogen dioxide could ultimately migrate to Riverside and, added to our home-grown pollutants, significantly increase our photochemical yields of ozone.

We all may be correct—the ARB's and my explanation are *not mutually exclusive*. It's just an interesting problem that needs careful attention and interpretation from all of us.

Emission Inventories—Local vs. National Basis. There is another extremely important point in discussing ambient air quality and emission controls. The oldest game in the world, as far as air pollution is concerned, is to quote *national* averages for tons of pollutants emitted per day or year. By averaging over the entire United States, one can greatly minimize one's contribution to the smog problem. However, the public by now realizes that one must deal with specific air basins, or even parts of air basins, at specific times of the year, or even times of the day. This "averaging of emissions" technique over an entire country, from the standpoint of a citizen of southern California, is simply playing games. It is analogous to telling a Marine landing on Iwo Jima during the World War II invasion, "Don't be worried—statistics for the entire Armed Services for the entire war to date show that on an average only one man in, say, 10 or 20 is even injured in the service of his country—fewer are killed."

I stress this because, as recently as November 1971, another leader in the automobile industry is quoted as saying, "Most experts now recognize that the automobile constitutes only 10% of the nation's air pollution when both tonnage and the effects on human and plant life are considered."

On examining this statement carefully, one finds two "kickers": First, the industrial leader cites a nationwide average, which is meaningless to southern Californians (and many urban dwellers in the United States). Consider that Dr. John T. Middleton, of the EPA, as recently as November 13, 1971, pointed out this fallacy to the Southern Section of the American Institute of Planners when he said that the automobile is responsible for 90% of the smog in the Los Angeles Basin and only 2% in Steubenville, Ohio.

A second problem is that the combined tonnage-health effects calculation quoted by the gentleman apparently only deals with primary pollutants; *no* consideration is given to photochemical oxidant formation by the action of sunlight on hydrocarbons and oxides of nitrogen—the system in which automobiles are the worst offenders. In short, although oxidant is clearly the No. 1 health hazard in photochemical smog, it is not even treated in the "tonnage-health" averaging calculation. Again, what can John Q. Public believe?

Let me reemphasize that I, too, have sinned . . . *mea culpa*. I am a polluter. As I indicated earlier, we own several cars, and when our daughters and their husbands and boyfriends arrive at home, I can barely get into my own driveway. The neighbors drive by and comment, "There's the great anti-smog chief (the Czar) with all those cars." But, as I have said repeatedly in the past, there must be more than technical solutions. We must "bite the bullet," and those of us in the South Coast Air Basin must choose certain societal options to go along with technological improvements.[5] This will be bitter medicine for all of us, but it is the only way to get a quicker cure. However, you can't rely on us—the public—to do this voluntarily. It requires legislation, and we must all participate—griping all the way!

Evaluation of Potential Air Pollution Episodes Throughout the U.S. Just as an example to indicate how dangerous statistics can be when quoting *national* averages, and to emphasize the need to consider *both* source strengths and meteorology and topography, let me quote some results released by Dr. G. C. Holzworth of the EPA. He set certain guidelines for what could be considered as *days of limited dispersion of pollutants*. They relate to the number of days in which there were low inversion levels, relatively low wind speeds, and no precipitation. The precise conditions are shown in Figure 7 (not printed in RECORD).

Dr. Holzworth then went back and searched the meteorological records across the U.S. for the past five years and developed contour maps showing the number of *actual days* when these meteorological conditions were met in the various areas of the United States. His results are shown in Figure 8 (not printed in RECORD). They range from 0 days of potential air pollution significance in Oklahoma—where the "wind comes sweepin' down the plain"—to 568 days in San Diego. How in the world do you talk about a national average for emissions when you have a range in potential air pollution episodes from 0 to 568 days out of the past five years?

VIII. ATMOSPHERIC CHEMISTRY

I should now like to turn for a few minutes to my particular "bag"—atmospheric chemistry—and comment briefly on two areas where new and extensive basic research is vitally necessary to our air pollution system and our country's control strategies. First, I will comment on an as yet virtually unexplored subject, liquid and gaseous atmospheric organic carcinogens. Then, I will cite briefly one example of current basic research in our laboratories at UCR. I want to bring up the latter subject here, not only because I am proud of the efforts of my students, but also because it illustrates the key linkage between basic research, applied research, and air pollution control; that is, as our conference title states, "Science in the Control of Smog."

Finally, I want to illustrate, with thanks, where some of the NAPCA–EPA and Office of Naval Research funding that has so generously supported our research is being directed. Other aspects of our mission-oriented, applied research efforts are being supported by the ARB and NASA-Ames, and we gratefully acknowledge their encouragement and assistance.

Gaseous and Liquid Atmospheric Carcinogens. Recently, I have encountered some aspects of the chemistry of atmospheric carcinogens that were fascinating to me. Background information on the subject is contained in the document entitled "Preliminary Air Pollution Survey of Organic Carcinogens." This document, published by

Footnotes at end of article.

NAPCA in October 1969, and as is clearly pointed out by NAPCA, is a literature survey and not a critical review. Nevertheless, the literature survey has received wide distribution and illustrates very well the great gaps in our fundamental knowledge concerning organic carcinogens in air pollution; that is, possible sources, emission levels, atmospheric chemistry, etc. Let me quote from this document:

"Common alkylating agents found in the atmosphere include epoxides, peroxides, and lactones.

"Certain epoxides and peroxy compounds have been shown to be carcinogenic, as well as to have other physiological effects. A recent source of these types of compounds is the universal use of liquid fuels, such as gasoline and diesel fuel, in the internal combustion engine. In the unburned state, these liquid fuels are highly reactive and when volatilized, undergo oxidation in the presence of oxides of nitrogen in a photochemical reaction. The reaction products consist of a broad group of peroxides, including compounds with epoxidic linkages. The unburned gasoline and other exhaust products emitted from automobiles contain significant quantities of ethylene, propylene, butene, and other unsaturated hydrocarbons. Under certain meteorological conditions, these vapors react in the presence of sunlight and oxides of nitrogen to form a broad spectrum of hydrocarbon oxidation products.

"Interest in compounds belonging to this group has centered primarily around the formation of epoxides because of the demonstrated carcinogenic potency of certain classes of these compounds."

Then, using laboratory data from our old friend and colleague, Dr. Robert Cvetanovic, the authors of the document calculate that "6 percent of the total hydrocarbons emitted from the exhaust are transformed to epoxides of the type that have been found to be carcinogenic to experimental animals. The controlled reaction is equivalent to two hours of exposure to photochemical reactions that occur naturally in the Los Angeles atmosphere. The epoxide concentrations determined are conservative."

It is obvious that once the word "cancer" is mentioned in connection with these compounds, the public and their politicians become even more alarmed than they currently are. It is also obvious that we really know virtually nothing about the atmospheric concentrations and reactions of such epoxides, hydroperoxides, etc., in the laboratory, under simulated atmospheric conditions, in smog chambers, or in the real world.[4] Here is another case of the scientific blind leading the technological blind in a situation with enormous ramifications.

Chemiluminescent Reactions of Ozone with Olefins: New Light on an Old Subject. A second example of how, in many respects, we are still in the "Dark Ages" of atmospheric photochemistry, and yet are expected to feed intelligent information into the air pollution system, is found in the kinetic and mechanistic data used for atmospheric modeling. While some models make predictions of pollutant concentrations which agree well with measured values, they are generally forced to assume some as yet hypothetical chemical reactions and reaction chains involving very reactive intermediates. More data on such elementary processes are desperately needed.

Consider the classic case of ozone-olefin reactions—shown to be vitally important in photochemical air pollution more than two decades ago by Dr. Haagen-Smit. Today, there is still regrettably little definitive information about key intermediates in these reactions. As Dr. Bernard Weinstock has pointed out, OH radicals are very important intermediates, not only in reactions with carbon monoxide, but also in the complex reaction sequence occurring in photochemical smog formation.

Current work in our laboratories by Miss Barbara Finlayson and Dr. Hajime Akimoto, who has since returned to work with Professor Tanaka in Tokyo, indicates a new and potentially important source of OH radicals. Certainly, at reduced pressures, such as those found in the SST region of the atmosphere, their results are interesting indeed.

It is well known that at atmospheric pressure, ozone-ethylene mixtures produce chemiluminescence. This process is the basis of the REM instrument for specific ozone detection. However, no other olefins chemiluminesce when reacted with ozone at atmospheric pressures. We have recently found that at reduced pressures, in the region of 1 to 5 Torr, and indeed up to 50 Torr, all olefins and key organic sulfides, such as mercaptans and H_2S, chemiluminesce when mixed with ozone. Miss Finlayson and Dr. Akimoto have shown that in the latter reaction this luminescence arises from electronically excited sulfur dioxide. The spectra are shown in Figure 9 (Figures not shown in Record). Figures 10 to 15 show unpublished data from Miss Finlayson's work, confirming that not only is electronically excited formaldehyde produced when terminal olefins are reacted with ozone, but also that all olefins produce hot OH radicals excited to their ninth vibrational level of the ground electronic state in a distribution virtually identical to that of excited OH radicals produced from the classic $H+O_3$ reaction.

We are proceeding to elucidate the reaction paths by measuring product formation and monitoring the light emissions, reactants, products, and intermediates as a function of reaction time. In the classic words of the Carpenters, "We have only just begun" to explore this fascinating system.

IX. A PLAN OF ACTION

Let me illustrate one other area of controversy which vitally affects the health and welfare of all of us and which again points up the need for mutually acceptable scientific data on ambient air concentrations of air pollutants—the recently published official national air quality standards. Thus, Heuss *et al.*, from the Fuels and Lubricants Department of the General Motors Corporation Research Laboratories, published a paper entitled "National Air Quality Standards for Automotive Pollutants: A Critical Review" in the September 1971 Journal of the Air Pollution Control Association. The EPA's rebuttal followed in the same issue of the journal.

The GM document is highly critical of the health-related national air quality standards for carbon monoxide, nitrogen dioxide, hydrocarbons, and photochemical oxidant. The authors point out that "the standards are more restrictive than can be supported by available data," and then go ahead to propose, "based on all the available data, less restrictive standards . . . which would adequately protect the public health and welfare."

In their detailed analysis, they focus on a number of points of controversy. For example, when considering nitrogen dioxide, they state:

"The major objections to the Chattanooga Study are the measurement of NO_2 by the Jacobs-Hochheiser method and the interpretation of the medical results. Since the significance of the medical results depend greatly on the measured NO_2 concentrations and since the Jacobs-Hochheiser method has been prescribed by EPA as the reference method for NO_2, the method will be discussed in some detail before the medical results are discussed."

They then note that "The main objection to the Jacobs-Hochheiser method is its low and variable collection efficiency, which directly affects the precision of the results."

Let me stress that I am not taking sides in this controversy, but, once again, what are the public and their elected representatives to believe? They are faced with strong contradictory statements about a critical area—that is, air quality standards which relate to the health of all of us and which, of course, are the critical factors in setting national as well as local emission standards. Surely in those areas dealing with the location of sampling stations and the analytical techniques for determining ambient air concentrations of various pollutants we all ought to be able to get together and agree in advance on a "game plan" so that, in future years, we will be spared the expense and confusion generated by such conflicts between experts.

I should like to conclude today by proposing a type of strategy which, if implemented, difficult though it would be, would permit the generation of reliable and mutually acceptable scientific data. Such data could be inserted into the various elements of our national air pollution system and provide far more satisfactory solutions to many aspects of the problem than are possible today in view of the widespread differences in opinion among so many of the scientific and technical experts.

I would like to illustrate my general position on this matter by offering a specific example of where the strategy could be implemented: atmospheric lead in ambient air. In short, I propose that a new program to determine levels of lead in ambient air be organized, funded, and carried out.

It should start now to coincide with the phasing out of lead from gasoline and run for at least five years in several carefully selected areas—urban and rural (to establish a "background" level). The difference between this set of experiments and those carried out in the past is that they would be conducted under new and unique sets of technical and managerial ground rules. In the broadest terms, they are:

1. Responsible individuals—technical and administrative—from all concerned elements (i.e., industry; local, state, and federal control agencies; and research scientists and engineers from universities) meet together, at length if necessary, for the express purpose of *jointly* developing key programs, both technical and managerial, for conducting such a long-term and important experiment.

2. At the conclusion of Phase I (the detailed planning), *all* parties will agree in advance of the actual experimentation that they will, in later years, abide by the *analytical* results on lead levels in ambient air, although they may not necessarily agree in their *interpretation* when the data are used in atmospheric models, health effects, etc.

While from past experience, such a program may be considered to be wildly optimistic, with no hope for success, I do not share this view. Society can, and does, change when the need to do so becomes crucial. Surely we all should be able to "forgive and forget" past differences and debacles, and sit down together in the true spirit of the 70's to devise meaningful reproducible experiments, capable of generating data that would provide mutually acceptable answers to key scientific and technical questions having immense societal implications. It is indeed time for the lion to lie down with the lamb—and to come up with something besides bloody pieces of mutton!

I'm not sure whether Industry or Government is the lion or the lamb, because roles have changed, and continue to change, so rapidly on the environmental front. I only know that if we so-called smog experts from all elements of our society don't get off Square One and start cooperating in a very real, working sense, we shall all wind up as lamb chops ready to be devoured by an angry public and their elected representatives because we failed in our responsibility to provide sound, mutually acceptable, technical information upon which effective legislative control strategies could be based.

FOOTNOTES

[1] The complete resolution passed at the conference, together with a list showing the distinguished participants, is given in the Appendix.

[2] Charts available upon request from Prof. James N. Pitts, Jr., University of California, Riverside, California.

[3] The weather patterns may be an important and indeed overriding factor, as the ARB suggests, but we'll assume for the sake of discussion that it is not.

[4] In fact, in order to get ozone levels down in greenhouse studies on plants at UCR, Dr. C. Ray Thompson actually sprayed nitric oxide into the greenhouse atmosphere.

[5] The TAC has recently drafted and sent forward to the ARB a report stressing the need for societal changes and suggesting several options.

[6] The National Academy of Sciences, under contract from the EPA, has recently appointed a panel of experts to consider this problem.

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CRANE DYNAMIC ON EDUCATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. COLLINS of Texas. Mr. Speaker, the other day my colleague, PHIL CRANE, spoke to our Public Affairs Luncheon Club in Dallas. His subject was education, which was most timely as quality education is the most important subject that concerns the Women of Dallas.

My wife, Dee, was at the luncheon and had already told me about how his warm, friendly manner had kept the girls on the edge of their chairs.

My friend, Gwen Pharo, sent me an editorial written by William Murchison in the Dallas Times Herald. She commented that CRANE was dynamic.

Down in Dallas we are still interested in teaching reading and writing. We want to encourage our children to do their best. Teachers still assign homework. We have a science fair to recognize creative thinking. And when PHIL CRANE puts the fundamentals of education on the line he is talking common sense. This is language that my neighbors understand.

The editorial is headed "A Man To Watch." You will be interested in the comments of William Murchison in the Dallas Times Herald.

A MAN TO WATCH

Philip M. Crane—mark him well. If the fates are kind, we will be hearing of him for a long time to come.

A couple of days ago, Crane, who represents Illinois' 13th congressional district, spoke here at a Public Affairs Luncheon Club meeting. "Spoke"? That hardly describes it. More specifically, the congressman gathered fire on Olympus, and with it, set a roomful of hearts ablaze. He rocked 'em and socked 'em. And he left the strong impression that here is a chieftain worth following in the fight to save Western civilization.

Crane is a conservative Republican. So he unabashedly called himself when first elected to Congress in a 1969 special election. His luncheon club remarks largely dealt with that perennial conservative concern, the parlous state of U.S. education. But far from saying the conventional things about sex education and permissive principals, Crane indicted U.S. education for its faithlessness to the centuries-old traditions of Western man.

Crane, you see, wots well those traditions. A doctor of philosophy in history, he has spent much of his life teaching at Indiana and Bradley universities. He views the educational crisis against the vast backdrop of history—and, yes, of transcendent truth. For Crane believes firmly that great ideas transcend mere Time; that there are principles, values, standards which do not change with the centuries, but, rather, endure.

He believes, too, that man's nature is essentially unchanging—that for all the misguided attempts to direct it down different bypaths, it remains very much as Aristotle and Plato knew it.

Accordingly, Crane is appalled that proven methods and objectives of education have been forsaken. We chucked our McGuffey readers in favor of Dick and Jane, and we have produced a generation of "functional illiterates."

We tried, after the manner of John Dewey, to make good "social democrats" of our pliable young, and instead we have made them mere "sociological playthings"—ciphers to be bused hither and yon in the interest of Social Uplift, or to be indoctrinated at government child care centers.

And now, warns Crane, we talk of giving to the national government well-nigh total authority over our public schools—notwithstanding our traditions of local control.

Of course, even admirable sentiments like Crane's can bore, when delivered in a drone. Crane drones not. He speaks, rather, with missionary fervor, the words cascading at a pace and pitch that electrifies. Perhaps it's his teaching background; perhaps it's his utterly wholehearted conviction; but he is one hell of a fine speaker.

Of Edmund Burke, Dr. Johnson once observed that "If a man were to go by chance at the same time with Burke under a shed, to shun a shower, he would say—'this is an extraordinary man.' There are not many Burkes, but Crane makes a not dissimilar impression. And when better for him to appear than now, when the older generation of conservatives is starting to fade? Goldwater is going on 63; Reagan, on 61. Crane, just a week ago, turned 41. He is handsome, eloquent, learned. Though a man of a minority political persuasion, he has not checked his principles at the door of the House chamber.

Best of all, Crane has the rare capacity to inspire. Perhaps one reason is that he is so evidently a fighter. A Crane bill to curb the use of compulsory union dues for political purposes probably won't pass, the congressman admits. But he adds that the fight most certainly is going to continue.

A story he related to the Public Affairs Luncheon Club is even more illustrative. While teaching, Crane said, he once talked with a dispirted conservative student, who felt that America is doomed and that one might as well eat, drink, and be merry. Nonsense, Crane rejoined. America is doomed only if her people refuse to fight for her.

Just now, Philip Crane is fighting with all his might. His battle is going to be well worth the watching.

POLICE CORRUPTION, HEROIN AND HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RANGEL. Mr. Speaker, the recent Knapp Commission hearings in New

York City have finally exposed to the public the cancer of police corruption.

We in Harlem have long known that the heroin epidemic that is smothering our community could not flourish without widespread corruption. The tight interlocking of heroin traffic and police corruption has long been a fact of life in Harlem.

I told the Knapp Commission and the State investigation commission that this was not a case of a few rotten apples in the barrel. We are talking about an epidemic that endangers the life of every honest New Yorker. The people of my community know that the best interests of our city lie in providing an honest and efficient police force. And that cannot be done without exposing corruption wherever it exists.

We have, unfortunately, learned to become cynical. Too often the residents of the inner city have heard voices promising action, but have seen none of that action. There should be quite a few indictments and convictions in a $70,000-a-month payoff operation, for example, and if there are not the people of Harlem will want to know why.

In 1970 narcotics related deaths in New York City reached 1,050, nearly three a day. Some of those dying of overdoses had not even reached their teens. And the police corruption which has for so long allowed the selling of heroin to flourish is a major factor in those deaths. That same police corruption is also directly responsible for much of the approximately $2 billion worth of crime done by addicts in Harlem each year.

Les Payne recently wrote an incisive article for Newsday on the effects of the relationship between drugs and dishonest law enforcement personnel on communities such as mine. I wish to share Mr. Payne's thoughts with my colleagues.

THE KNAPP "REVELATIONS" ARE HARDLY NEWS

(By Les Payne)

Any day now a commission will probably be appointed to prove that President Nixon has wavy hair. For here in the republic it seems that no truth, no matter how obvious, can be believed officially until it bears the stamp of some gray eminence hired at public expense to chair an ordained commission. Here in this very citadel of enlightenment we have established—and cherish—a commission dynasty.

Succession has recently brought to us the Knapp Commission, live and, with audio-visual aids and well rehearsed witnesses. The group's public hearings went far to document a vast crazy quilt of corruption in the New York City police department. And if the witnesses, electronic devices, tapes and films are even one-half accurate, the police are involved with organized and free-lance criminals in profit-taking ventures in dangerous drugs, prostitution, gambling, extortion, robbery, kidnaping, larceny, mugging, arson and murder.

So much for the enforcers of law and order.

To the apparent surprise of many whites it develops that it is against the black community, the selected target for sterner white law enforcement, that the police themselves extort their highest ransoms and commit their most heinous crimes. For many years, of course, black residents of Harlem and Bedford-Stuyvesant have been charging police with abetting organized crime in propagating the multimillion-dollar heroin epidemic in their communities. But the outcry from black congressmen, ministers, civic leaders, housewives, merchants and groups like the Black Panther Party has been as futile as pitching dry ashes into a strong headwind.

Now the policeman as heroin dealer has been recorded in commission writ. It is a heavy charge indeed. And it must not be obscured by the flutter of narcotic arrests that is sure to come with much braggadocio in the next few weeks and months. For better diversion, lower ranking police officers will also be arrested and marched with drug dealers handcuffed across the stage. The department's reaction to this anthrax of corruption will be a little mascara, a better face, public relations.

Police involvement with heroin traffic in black communities is far more serious than department corruption; it is deeply rooted in the ethos of the American spirit. Plutarch details how the Spartans terrorized and humiliated the enslaved Helots, weeding out the spirited to keep the others in check. And we have seen Southern racist sheriffs use police brutality against "uppity" Negroes to keep the masses of blacks in a subservient station as a source of cheap labor.

In New York, the chemical warfare waged against blacks by heroin dealers and police has the same chill racial logic behind it. The campaign was waged with tacit public approval until white youths, television sets and stereo equipment were threatened by addicts and their epidemic. The cry now is to keep the warfare on but to change the chemical from heroin to methadone.

The heroin offensive was opened up in Harlem on a large scale in the late 1950s when armed black gang members began to turn their ears to the fiery political rhetoric of James Baldwin and Malcolm X. With almost no transition, the gang war era became the age of heroin—the Mighty Horse. And the special police units dispatched to round up black "militants" never lost sight of their goals. The units—like the one that shaped the case against the 21 New York Black Panthers—were studies in entrapment, affidavit overstatement and frameups. But they made no "accommodation collars," passed up no clubbings and took no bribes.

So faced with the emergence of the politics of black resistance, the police, with tacit public consent, no doubt reasoned that their jobs would be easier and far more profitable if blacks are hooked on heroin than if they are high on Marx and Franz Fanon. And since the immobilization of potential black revolutionaries serves the purpose of the dominant society, it is not surprising that drug pushers and their police assistants are seldom punished.

The drug dealer's handiwork embellished by police efforts have made the White Horse the dominant ruler of thousands of black lives in Harlem and Bedford-Stuyvesant. A casual visitor to almost any of Harlem's boulevards cannot help but be struck by the sight of legions of black youngsters with glazed eyes, frozen in wretched curves, nodding in putrid doorways, or drooping against buildings, their heads canted downward like condemned vultures.

And there are the medical examiner's statistics on heroin deaths in New York City. More than 514 have died this year alone, with over 89 of them teenagers and a vast proportion of them blacks. Last year's figures totaled 1,050 deaths from drug overdoses and narcotics connected causes.

There is no way to document police involvement in these deaths, but some law enforcement officials have told of a heavy police hand in drug pushing. The State Investigation Commission Chairman Paul J. Curran told the Knapp Commission that direct police involvement with heroin sales has had a "devastating impact on the effectiveness of narcotics enforcement." Curran said that narcotics division detectives and precinct police sold heroin, took bribes, protected pushers and associated with underworld figures in the illicit narcotics trade.

Testimony at the Knapp Commission hearing suggests that the responsibility for the scope of police corruption rests not with the individual cop, but with the organized department of law enforcement and those who staff and control it. There are many patrolmen who enter the department seeking only to enforce the law, to face down some bank robber, to handcuff a thief. But when such patrolmen are young on the force, those altruistic impulses are quickly beaten down by the established custodians of the police tradition.

Waverly Logan told the commission that he had entered the police force on fire to be a true guardian of the public interest. When assigned to the PEP Squad to rid Harlem of narcotics and gambling, Logan said that it was "like being born again."

Within two months he was transformed into a callous backslider.

He quickly found that the police were not as interested in winning the war against heroin and gambling as they were in extracting a profit from the debasement of Harlem. Taking money from drug pushers and gamblers in lieu of arrest, Logan said, soon "seemed like a natural thing to do." So Logan became, like the people he policed, a victim of an obdurate law enforcement system.

Although the blacks are exploited most severely by police, they, of course, are not the only victims. For according to Knapp Commission witnesses, the aggressive New York City policemen drew in their graft from all quarters—blacks, whites, Puerto Ricans, aliens, the halt, the aged, the underworld as well as legitimate businessmen. And they took their payoffs in a wide range of currency—sides of beef, whisky, minibikes, trousers, heroin, shirts, cigarets, tape players and power saws.

The structure of this supermarket of police crime is bottomed on the department's power to suspend the ethical insofar as their own activities are concerned. Policemen exist above the moral codes they are charged to enforce. When they murder, it is often justifiable homicide. When they pry loose an apple from a fruit dealer, or a meal from a hotel owner, it is not extortion, but the mere reception of gratuities.

So in this light police behavior and misbehavior must be re-examined. For if so many police officers are free lance criminals while on duty, then it must be determined in which capacity they are sometimes killed and under what circumstances they take the lives of other citizens.

JETS FOR ISRAEL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. ABZUG. Mr. Speaker, today marks two important occasions: The first briefing in the 92d Congress of Members of Congress by the Secretary of State and the opening of debate in the United Nations General Assembly on the subject of the Middle East. I wish to call to your attention a recent visit I paid to the Assistant Secretary of State for Near Eastern and South Asian Affairs, Mr. Joseph Sisco.

On November 18, 1971, I led a delegation of representatives of national Jewish organizations and groups from my district, the 19th Congressional District of New York, to pressure the State Department to resume contract negotiations with Israel for the sale of Phantom jets. The delegation included Mrs. Betty Shapiro of B'nai B'rith Women; Mrs. Hannah Schweizer of the National Federation of Temple Sisterhoods; Mrs. Esther Smith of American Jewish Congress Women; Mrs. Florence Berkowitz of B'nai Jeshurun; Mr. Marvin Braiterman of the Union of American Hebrew Congregations; Rabbi Edward Klein of the Stephen Wise Free Synagogue; and Rabbi Meyer Leifer of Temple Emunath Israel.

At that meeting Mr. Sisco told us that despite widespread interpretation of recent State Department statements, no decision to discontinue the sale of Phantom jets to Israel has been made. I pointed out to him that even though a decision may not have been made, the State Department's declaration that a balance in the Middle East arms relationship had been reached as of November 1, could prove detrimental to Israel's position and could encourage an aggressive attitude by Egypt. The announcement coupled with the consideration of the Egyptian item on the U.N. agenda could diminish the chances for a political settlement through direct negotiations between the two parties.

I am pleased to report that Mr. Sisco told our delegation that the United States would oppose any and all efforts by Egypt to require Israel to make concessions about withdrawal to the pre-1967 borders, a position that may well come into play in the debate in the United Nations.

Subsequent to our meeting with Mr. Sisco, the sale of five Russian jets to Egypt was confirmed. This sale coupled with the prospects of a U.N. resolution harmful to the Israeli position, makes the sale of Phantoms even more imperative. I urge the Members of this body and the American people to pressure the President and the State Department to maintain U.S. support for Israel at this critical point and to resume the sale of Phantoms.

At this point in the RECORD, I would like to include the text of the messages from various other Jewish organizations not represented by the delegation which I delivered to Mr. Sisco:

WOMEN'S AMERICAN ORT
21ST BIENNIAL CONVENTION,
New York, N.Y., November 9, 1971.

Hon. BELLA S. ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MRS. ABZUG: In the name of the National Officers, Executive Committee and the nearly 100,000 members of Women's American ORT in more than 720 chapters from coast to coast, I would like to lend our strongest and most urgent support to you in your request for the continued provision of United States Phantom Jets to Israel. As the only real bastion of freedom in the Middle East, Israel dramatically exemplifies and expresses the principles and ideals upon which this great nation of America was founded. As a vigorous and dynamic young democracy, Israel has demonstrated a close affinity to and keen awareness of the tenets which motivate and govern life in the United States. We feel that it is of paramount importance that the United States support and encourage this valiant island of democracy as a sign to the entire world that we cherish the validity, efficacy and invaluable worth of our common way of life.

Israel's very life and existence depend upon the continued provision of armaments from the United States, particularly Phantom Jets, with which to defend herself against the unrelenting threats of war and annihilation from her neighbors. These Jets are a direct counter-balance to the staggering amounts of Soviet arms pouring into the Arab nations surrounding Israel.

In the name of the martyrs of the European holocaust, in the name of the dedicated pioneers and idealists who fashioned a fruitful, productive nation from desert wasteland, in the name of the million and a half oppressed and persecuted Jews from the four corners of the earth, whom Israel gathered in as her children, and in the name of justice among men and nations, I should like to transmit through you the firm and fervent plea of Women's American ORT that the flow of Phantom Jets to Israel be immediately resumed.

I know that I speak in the name of every officer and member of our organization and in the basic and unshakeable belief that this support of Israel is unquestionably the support of that which is best and dearest to our own nation. I urge you—we urge you—to resume the provision of Phantom Jets to Israel at once.

Sincerely,
MRS. DAVID M. GOLDRING,
National President.

WOMEN'S AMERICAN ORT
21ST BIENNIAL CONVENTION,
New York, N.Y., *November 9, 1971.*

Hon. BELLA S. ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MRS. ABZUG: In response to your communication of November 3rd, I am pleased to enclose the statement of support from our new National President, Mrs. David M. Goldring, which you requested.

With all good wishes,
Most cordially,
CHAYYM ZELDS,
National Publicity and Public Relations Director.

WOMEN'S LEAGUE FOR ISRAEL, INC.,
New York, N.Y., November 10, 1971.

Hon. BELLA ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MADAME CONGRESSMAN: Thank you for letting us know about your forthcoming meeting with Assistant Secretary of State, Mr. Joseph Sisco.

We of the Women's League for Israel have long made our position clear and have petitioned our Government to sell phantom jets to the State of Israel. Resolutions to this effect were passed by nearly 1000 of our members at our recent Annual Luncheon. This was communicated to President Richard M. Nixon and to Secretary of State William P. Rogers.

We sincerely hope that your adding your voice to those asking that phantom jets be sold to Israel will help to hasten the day when such action will be taken by the United States.

Sincerely yours,
MRS. PHILIP SHIPPER,
President.

MIZRACHI WOMEN'S ORGANIZATION
OF AMERICA,
New York, N.Y., November 16, 1971.

Hon. BELLA S. ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MRS. ABZUG: This is to inform you that the Mizrachi Women's Organization of America fully supports your efforts to obtain phantom jets for Israel.

Unfortunately, we cannot send a representative to your meeting on this subject. We wish you great success in this ambitious endeavor.

Sincerely,
MRS. EMANUEL M. WEINREB,
National Secretary.

WOMEN'S SOCIAL SERVICE
FOR ISRAEL, INC.,
New York, N.Y., November 12, 1971.

Hon. BELLA ABZUG,
Member of Congress, Longworth Office Building, Washington, D.C.

DEAR MRS. ABZUG: In reference to your letter of November 4th, we herewith inform you that we don't have a representative in Washington, but we are certainly prepared to go on record at any time as favoring the sale of phantom jets to Israel.

Sincerely yours,
IRENE EILBOTT.

OCEAN CONSERVATION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WYMAN. Mr. Speaker, almost too late we are becoming aware of the damage man has done the environment. Present levels of air and water pollution have in some cases created conditions which directly threaten the public health. Corrective action will take several years, many billions of dollars and, all too seldom realized, a meaningful measure of sacrifice on the part of all.

Much of this damage could have been averted through sound conservation measures—had we and other nations only realized the full extent of the need. The following article from the December 3, 1971 issue of Life magazine points out an opportunity for this kind of preventive action. Because of the dramatic increase in the number of fish harvested, especially during the past decade, some species are in danger of extinction. This need not be.

Simple conservation practices, if followed by all fishing nations, will prevent extinction and increase the yield. The United States will participate in a worldwide "Law of the Sea" conference in Geneva in 1973. Now is the time to lay the groundwork to insure that sound ocean conservation measures are adopted. Man can no longer afford the luxury of continuing misuse of our natural resources.

The article follows:

CRISIS AT SEA: THE THREAT OF NO MORE FISH

(By Robert Brigham)

The world is on its way to running out of fish. The endless riches of the sea that were supposed to mean salvation for the world's multiplying population turn out to be far from endless. They are being plundered by overfishing so great that some stocks may be on an irreversible voyage to extinction.

For most of the earth's history, fish have had more than an even break. They could shelter in places fisherman could not go, or evade crude tackle with relative ease. But in the past two decades such automated mar-

vels of electronic fish catchery as the American tuna seiner *Captain Vincent Gann* (above) have radically altered the balance. Adopted by small nations as well as large, the new technology has led in the space of 20 years to a worldwide doubling of the quantity of fish caught. Today the haddock is gone from Georges Bank off the coast of New England and the yellowfin flounder from Alaskan waters, just as the herring was hunted out of the Baltic.

There is no good reason for any fish to become extinct. Actually, the world could safely catch twice as many fish as it does now, provided some simple rules of conservation were followed. But seaboard nations, including the U.S., are so tangled in tradition, in 18th-century concepts of "freedom of the seas" and in three-mile territorial limits that they have not been able to agree on sensible laws of fishery. In 1973 they will get another chance. It may be the last one.

The American "super seiner" *Captain Vincent Gann* is a year-old $2.5 million air-conditioned example of all that's new and deadly efficient in fishing. The *Gann* has captured as much as 250 tons of tuna in one set of her giant net. She stays at sea until her tanks are loaded with 1,100 tons of frozen tuna, and at the rate she's been catching fish she will pay off her total cost in only six more years—if the tuna don't run out first.

The old method of fishing for tuna with bamboo poles and barbless hooks allowed many to escape. The modern seine net, when all goes well, captures every fish in the school. But seining for tuna was never practical until synthetics came along after World War II to provide fibers strong enough to hold the fish. Then a Yugoslav immigrant to the U.S. invented a hydraulic power block to hoist the acres of net back aboard, and the "super seiners" were born. Though the U.S. was first to build them, the rest of the world is catching up. The international fleet already must chase from Peru to west Africa and back to the mid-Pacific to find fish.

The U.S. may lead in tuna fishing for the moment, but in most other kinds of fishing we rank as an underdeveloped country. Behemoths like the *Boevaya Slava* (below), a 575-foot Soviet factory ship, have outclassed our efforts and have brought the Russians within striking distance of the Japanese as the world's leading food-fishing nation. Fitted with all the processing and freezing equipment of a big onshore plant, the great ship is like a moving island, going wherever she is needed, taking in fish from her fleet of two dozen smaller catcher boats. She also offers the men from the smaller vessels an opportunity for a kind of floating shore leave, with medical care, movies, a library and showers.

Having built their fishing fleet from scratch in the last 20 years, the Soviets have been able to borrow or buy the best of the new technology. They have also surpassed other countries in another way: the officers of their vessels must pass through a university-level technical training program that makes them the best-educated fishermen in the world.

A PROGRAM THAT COULD AVERT DISASTER

Just to the south of the rocky undersea canyons where the *Blue Surf* seeks a living, the fertile Georges Bank extends in sandy shallows 160 miles out from Cape Cod. A generation ago, New England fishermen were taking thousands of tons of haddock and cod and flounder from Georges every year, and hardly denting the supply. Ten years ago the Russians appeared, then the Poles, the Germans (East and West), the Spaniards and even the Bulgarians. At times their fleets totaled more than 500 vessels, many of these the new factory ships able to freeze everything they caught and to stay at sea for months.

In this situation the Americans never had a chance. Most of the foreign vessels were either state-owned or built with subsidies that ranged from 50% to 100%. For Americans, it was—and is—the other way around. Since 1792 federal law has subsidized the U.S. boat-building industry by stipulating that all American fishing vessels must be built in this country. Today our fishermen have to pay twice as much for a vessel as their foreign competitors do. Considering the low duties charged on most fish, it is thus possible for foreign vessels to fill their holds almost within sight of the American coast, carry the fish back home and then ship it right back here at a profit. In 1970, the excess of fishery imports over exports cost the U.S. $700 million in our balance of payments.

In the U.S., the immediate damage has been to people: to the men of Gloucester and New Bedford and other East Coast ports where the unemployment rates are among the highest in the country, to the veteran fishermen who no longer can expect their sons to follow in a tradition as old as the country, to owners who see their means of livelihood rotting away uselessly beside a wharf.

The long-term loss has been to the fishing grounds. Some biologists estimate that if all fishing stopped tomorrow, the haddock would never return to Georges Bank in the numbers that existed there just ten years ago. Like huge mechanical combines harvesting a field of wheat, the foreign vessels have raked over the grounds until they are now little more than a wasteland. One Canadian study defined the problem: "What is everybody's property is nobody's responsibility."

By 1970, when it was perfectly apparent they had wiped out nearly every living thing on the North Atlantic banks, the fishing nations involved got together and agreed on a quota system. It was no more than an admission of damage already done and is not likely to reverse the process of destruction. The foreign fleets came to the North Atlantic after they had cleaned out the Baltic and the North Sea. When they clean out the banks near our shores they will go elsewhere.

American fishermen have been powerless to halt the rape of their own fishing grounds, partly because the U.S., as a maritime power, has insisted on the three-mile territorial limit as a guarantee of free passage through all the world's oceans and straits. On this point we have the unfamiliar but wholehearted support of the Russians. Our dogged insistence on narrow limits is a major cause of the uncontrolled slaughter of fish. But this doesn't have to be the case.

In 1973 the U.S. will take part in a worldwide "Law of the Sea" conference in Geneva. We could lead a return to sanity by sponsoring three measures there:

Dual seaward limits for all coastal states: 12 miles as the limit of sovereignty, with an additional fishery conservation zone extending out to the point where the continental shelf slopes off into the ocean depths. Most fish live on the shelf, not in the depths. By placing responsibility for the world's fish stock in the hands of the nations bordering the seas, the world would take a practical step toward preservation and regulation. A coastal state should not be able to restrict all fishing to its own boats. But it should be able, through licensing, to limit the total catch to a sustainable yield.

International limits on the different species of tuna that would cut off the fishing worldwide when a set quota is reached. Tuna range through all the world's oceans, and tight conservation measures in one area mean nothing if it's open season at the fishes' next port of call.

Agreement that river-spawning fish such as salmon should never be caught on the high seas but only at the mouths of the rivers in which they are born and where they return to spawn and die. If salmon are netted during the oceanic part of their life cycle, it may well mean that when the times comes for them to return to their native rivers, none are left to strike up certain streams, while other rivers are glutted. Two improbable villains in the present situation are Denmark in the Atlantic and South Korea in the Pacific. Neither nation has a salmon river of its own and both insist on the right to catch salmon on the high seas. If their attitude wins out in the name of "freedom of the seas," the salmon may go the way of the whale.

There is no reason why laws cannot be written that would acknowledge the basic right of free passage and still allow for the conservation of the world's fisheries. In fact, unless such laws are written, we will be preserving only the right of passage over a dead sea.

GREAT PLAYWRIGHT LIVED IN BAY AREA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, one of this Nation's greatest playwrights wrote about this very Nation of ours, catching its moods and tempos during the tidal wave of technology we witnessed in the 20th century.

Eugene O'Neill lived in California during the years he won a Nobel Prize for literature and three Pulitzer Prizes.

Mr. Speaker, I have offered legislation to establish a national historic site and national park in honor of this great man. We who value the contributions of this great man feel the Secretary of the Interior should set aside lands in Danville, Calif., as a national historic site in his honor.

An excellent article on O'Neill, his contributions to literature, and the impact he made on this region of California appeared in the November 14 issue of the Vallejo Sunday Times-Herald. Written by Harry Gray of the history department at Solano County Community College, this article will provide my colleagues with an idea of why so many Californians would like to see this Congress set aside a memorial to Eugene O'Neill.

The article follows:

[From the Times-Herald, Nov. 14, 1971]

GREAT PLAYWRIGHT LIVED IN BAY AREA

(By Harry Gray)

California has been likened to a magnet, drawing all toward her! It was the inspiration of the "Golden State" from its early beginnings which nurtured much of the literary and artistic genius of the West; giving to its natives and to its adopted sons and daughters the added spark of inspiration which creativity sometimes needs to reach greatness.

It was here, early in her history, that the excitement of 1849 and the post-Gold Rush years brought out the fine literary efforts of such early writers Alonzo Delano, John Rollin Ridge; followed by Bret Harte, Mark Twain, Joaquin Miller, Ina Coolbrith, Jack London, and Frank Norris; to be succeeded in more modern times by such great men and women in the world of letters as Gertrude Atherton, John Steinbeck, Pearl Buck, Fannie Hurst, William Saroyan, and many others.

Most were not natives of the "Golden State," but as it has been often said, "A true Californian is one who was born elsewhere

but finally came to his senses." The movement to the West, especially as transportation facilities made travel faster and more convenient, brought among many thousands of newcomers, men and women of great creative talents.

GREAT DRAMATIST

Among the very greatest was an American playwright who was able to "hold a mirror up to nature" as it were, by laying bare his philosophy of life and morality, intertwine it with the mores and morality of the time of which he was writing, provide excellent theatrical entertainment, and was able to be judged at the same time as one of America's and the world's great dramatists.

This man was Eugene O'Neill whose plays won the Pulitzer Prize three times as the best plays of the year, and who, in 1936, topped off all awards and honors, by winning the Nobel Prize for literature!

Not generally known, except to those in his own community and others who wish to honor his memory, is the fact that four of his finest creations were written while he lived in Contra Costa County at his Danville Home. Underway is a movement to designate O'Neill's home there as a permanent shrine.

SUBMITS BILL

Prominent in this effort is Congressman Jerome R. Waldie of California's 14th District whose Bill, H.R. 5490, was introduced on March 3, 1971 "to provide for the establishment of the Eugene O'Neill National Historic Site and the La Trampas Ridge National Park."

It was at this site in Danville where O'Neill wrote his later plays; "The Iceman Cometh," 1939, "Long Day's Journey Into Night," 1940, "Hughie," 1941, and "Moon For the Misbegotten," 1943.

Those who value the contribution of O'Neill to the world of Drama, and the historical significance of his home in California, are urging that the Secretary of Interior acquire on behalf of the United States the grounds and buildings at Danville, which would then be designated as "The Eugene O'Neill National Historic Site and would be, it is hoped, set aside as a national public memorial. Mr. Waldie's bill would also acquire acreage on the Las Trampas Ridge to establish the Las Trampas Ridge National Park.

OPEN SPACE

The establishment of this Park would serve another purpose; it would preserve vital open space in Alameda and Contra Costa counties. The surrounding woods teem with wildlife and wild flowers, all of which are within a few miles access by millions of Bay Area residents.

One of the early moving forces to memorialize O'Neill is a 73 year young woman, Charlotte Morrison, who has been so deeply concerned about this undertaking that for over six years she has written, spoken, urged, and organized to make her dream a reality.

Both California Senators, Cranston and Tunney, are dedicated toward seeing that Mrs. Morrison's dream comes true. O'Neill died in 1953, leaving behind a monumental legacy to American and World Letters, and it is his close relationship to the Bay Area with his home and writing in Danville, that has given impetus to this movement for the establishment of the shrine to his memory.

In the 65 years of his full life, Eugene O'Neill saw an America which entered the twentieth Century on waves of financial, industrial, and commercial energy. He also saw that the turbulence which characterized the changeover from a more serene way of life when America was more of an agricultural community in the century before he was born, brought problems of social relationships, of morality, and of repercussion as the nations of the world reached out to compete for prestige and influence.

SEES CHANGES

He began to translate these feelinga into his literary efforts. The results were revolutionary changes in the American theater and the elevation of O'Neill to the highest pinnacle of literary achelvement.

In the tradition of men like Jack London, O'Neill did not write in a vacuum. He was able to translate real life experiences on to the pages of his manuscripts and saw them come to life upon the stages of the world. Even wtih his Ivy League background of study at Princeton and Harvard, where he came under the influence of the famous Professor George Pierce Baker in 1913 and 1914, O'Neill insisted on investigating the rough edges of life to get deeper insights into the problems, characters, and stories he was to write about.

The result was a tremendously diversified series of experiences, which critics are quick to point out give the ring of authenticity to the words O'Neill's characters utter and the situations in which they find themselves.

This sensitive young man lived on waterfronts, shipped out as an ordinary seaman, was a prospector, a newspaper reporter and even travelled for a time with his father's theatrical troupe, where he learned at first hand the practical elements of acting and playwriting.

The year 1916 was landmark period in his life, for it was then that the 28-year-old O'Neill joined the "Provincetown Players" who produced the first of his plays; "Bound East For Cardiff," and "Thirst." By 1920 the 28-year-old O'Neill name was well-known, for in that year not only was his first long play produced, but it was good enough to win him the first of three annual Pulitzer Prizes.

There followed a series of successful Broadway productions, with the 1922 Award winning, "Anna Christie," and the 1928 production of "Strange Interlude." The latter was an unusual production for it brought back the use of asides employed by earlier writers as far back as Shakespeare and before. O'Neill also employed the use of psychological sequences to depict aspects of case histories among the play's characters. It was extremely long, in nine acts and required attendance in the afternoon and evening in some productions, with a break for dinner.

Together with numerous other creative artists, Eugene O'Neill found that California could provide him with the muse to set down in permanent form for his generation and others yet to be born, works of true artistic creativity and of genius magnitude.

SPEECH COMMEMORATING THE QUEENS VILLAGE CENTENNIAL

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HALPERN. Mr. Speaker, I wish to call the attention of my colleagues to one of the most significant events to take place in Queens County, N.Y., in many, many years. I refer to the recent Queens Village centennial celebration.

The occasion symbolized community spirit and neighborly participation at its finest. It reflected a spirit that regretfully has been so sorely lacking in today's busy world. The long tradition of this area stretches back far before the 1871 incorporation as a town. During the time of the Dutch Governors, what we know now as Queens Village was located within the bounds of the Town of Hempstead. In 1656 a group of residents of Hempstead petitioned Governor Peter Stuyvesant for the right to establish a new town. That right was granted and so the town of Jamaica came into being; Queens Village was then a part of the town of Jamaica and was called Little Plains.

It has been said that the first residents of this area were ancestors of the Rose family who in 1640 traded bread and meat with the Indians for some land.

Here in this farming town, the freeholders of Queens County assembled in 1691 to elect burgesses to represent them in the General Assembly at Fort William Henry, N.Y.

In 1828 there came to this part of Queens County one Thomas Brush who would in time make many changes. For example, he would give the area its first nonfarming enterprise by way of a blacksmith shop, a hotel and a general store. He also built a chapel, which later became the birthplace of four churches, three of which are still in existence in Queens Village.

In 1834, the Long Island Rail Road was built through the area and Mr. Brush, being the enterprising man that he was, extended the back porch of his hotel up to the railroad tracks thus giving the village its first railroad station. The station was later called Brushville as was the community.

Other changes were taking place. More houses were being built. The blacksmith shop of Thomas Brush had been sold to a Thomas Callister who turned it into a wagon factory and later a factory for the manufacture of truck bodies. It was Brushville's principal industry and gave work to many men of the area.

With the influx of more families into this area, progressive citizens saw the need for a school. Donations were solicited, and in 1858 the Union Free School was established. This was one of the first free schools in Queens County and Queens Village became school district No. 1. Thereafter a small tax was levied on the taxpayers to support the school and to pay the salaries of its two teachers. The schoolhouse was in use until 1900.

The village now was dotted with prosperous farms, shops, industry, and a school, However, it was missing a church. The chapel built by Mr. Brush earlier had been used by the Methodist Free Church, but this met with little success. Until 1857, residents had to attend church in Jamaica. In 1857, a group of citizens established the Dutch Reform Church, using the Brush chapel until they were incorporated and a new church was built.

It was in Queens Village that one of the largest political rallies of the 1860 Presidential campaign took place, as Salmon P. Chase and Henry Ward Beecher spoke to thousands in support of Abraham Lincoln.

Colonel Wood, the Civil War hero and mayor of the old city of Brooklyn, is credited with the development of the village. It was he who built the Queens Village Long Island Rail Road Station and who set into motion, in 1871, an energetic program of land distribution and commerical development which qualifies as one of New York's earliest experiments

in rural renewal. He was also a great lover of good literature, and on the land he developed, he had the streets named after literary greats.

One of the most famous residents of Queens Village was Dr. Charles Henry Miller, an artist, poet, and writer of prose. He organized the Shakespeare Club of Queens Village, which supported the development of a free library.

In 1899, construction work was begun on Interstate Park, a 40-acre tract of land which was being turned into a shooting range. This was intended to be a home for sportsmen from all parts of the World. There were plans to hold there the Grand American Handicap for pigeon shooters every year. Besides the shooting range, a casino for gambling, a hotel and a half-mile race track were built. In 1900 the first contest was held which brought entries from all over the United States and Europe; among those was the famous Annie Oakley.

One of the things that helped to bring new residents to Queens was the completion of the trolley line. This provided faster transportation to Jamaica, Brooklyn and Manhattan for the commuter and so encouraged more people to build or buy homes.

The post World War I period saw a great building boom. Land developers and builders were buying up all the farms that made up the greater part of the community. Homes were being built on all available land. Gone were the open fields, the great oaks, the ponds and streams. By 1927 the population of Queens Village was 25,000 and still growing. Today it is a modern, integrated, progressive corner of the great city of New York.

As you see, Mr. Speaker, Queens Village is steeped in tradition. It was to commemorate such a fine history of development that an exemplary group of citizens from that area banded together around a difficult but rewarding task.

Allow me, Mr. Speaker to commend each individual who worked so diligently to make the centennial celebration the great success it was. After first singling out Robert J. Cassidy, president of the Queens Village Centennial Association, Inc.—a man who dedicated untold effort to this project—I would like to express my personal thanks and congratulations to his co-workers, a list of whose names follow:

John Errett, Vice President.
George Schylinski, Treasurer.
Mary Wallace, Secretary.
Anni J. Adams, Irene B. Handler, George Gordon, Thomas Vallely, and Mortimer Goldberg, Members of the Board of Directors.

WORKING COMMITTEE

Lucille Abbenda, Barbara Andrews, Frank Antun, Richard Blazej, Dorothy Blechsmidt, Charles Caldwell, Barbara Cassidy, and Julia L. Cassidy.

Carol Conway, Charles Conway, Kathleen Conway, Sr., Kathleen Conway, Jr., Lawrence Coughlin, Julia Clermont, Sheila Cryan, and Mary Curry.

Rita Dolan, Barbara DuPont, Thomas Egan, Dorothea Fitzpatrick, Joan Fox, Bea Gallagher, Ellen Gatins, and Richard Jungdahl.

Anne Kandra, Alfred Konrad, Mildred Konrad, Mrs. Kubick, Miss Kubick, Ralph LaPastra, Stephanie Lapinig, and Francis LeVenes.

Ann Lilly, Jack Lilly, Sally Lippert, Dorothy McDermot, Mary McElroy, Donald Mallo, Mrs. Manning, and Bridie Molloy.

Rose Morrissey, Bert Moses, Dorothy Moses, Charles Muller, Edna Muller, Helen Ordemann, Henry Ordemann, and Bertha Schweitzer.

Thomas Schweitzer, William Soehnle, William Swengros, John Toomey, James Trent, and Sheila Twomey.

Grace Verdirame, Regina Vanderhoef, Mary Agnes Ward, Marion Winkelstern, Walter Winkelstern, and Helen Wojnicki.

The Queens Village Centennial Association was formed for three purposes: to honor the community on its 100th anniversary; to unite in one common effort all churches, synagogues, civic organizations and service organizations; and to demonstrate to other communities in New York why Queens Village is such a fine place in which to live and work.

The centennial association comprised nine churches of every denomination, five civic associations, an American Legion post, a Veterans of Foreign Wars post, the chamber of commerce, the Rotary, Lions and Kiwanis Clubs, Little League, Boy Scouts, and Girl Scouts.

The celebration began on March 28, 1971, with a townhall meeting and social which 300 people attended. The committee dressed up in costumes of the period.

In April, a meeting was held with the centennial committee, representatives from the New York City Department of Commerce and Industry, the sanitation department, department of highways, department of public works, and the metropolitan transportation authority. Each delegation pledged its support for the celebration and outlined an exciting program. The result was most successful: Certain streets in the area were repaved; the veterans plaza was rehabilitated by installing new benches and better lighting fixtures; the park was reseeded; the Long Island Rail Road Station in the village was painted; the sanitation department cleaned the streets, especially in the shopping area; 31 new trees were planted along the main thoroughfare in the shopping area. The MTA advertised the centennial on buses.

The schedule of events was varied. A remarkable religious service called "A Festival of Faith" was conducted by all the churches in the area and over 2,000 people of every faith attended.

Outdoor entertainment was plentiful; banjo bands, ballet troups, choral groups. Candy and soft drinks were sold at minimum prices. One Saturday the main street in the shopping area was closed and store owners held tremendous sales. This not only stimulated business but attracted new merchants to the area.

Since September was the official month of the anniversary, the main events occurred at that time. The paintings of Dr. Miller were exhibited in one of the local banks. A new centennial museum, illustrating how people lived in the Village 100 years ago and how industrial development has proceeded over the course of a century, was opened to the general public. The celebration culminated in a dinner-dance with a number of prominent citizens and legislators in attendance, as well as the guest of honor—Alan Shepard. Finally there was a wonderful parade, complete with floats, pipe bands and antique cars.

This truly has been a great year for Queens Village. With the help of various city departments, the townspeople have improved their community, entertained their fellow citizens, and publicized the many highlights of their community. But most of all, each member of Queens Village, young and old, seemed to experience a sense of pride, unity, and accomplishment.

I call this centennial celebration to the attention of my colleagues, Mr. Speaker, in the hopes that others may benefit from the excellent example of community spirit and pride which Queens Village has so aptly presented.

FOR RURAL AMERICA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD the text of an excellent editorial in the October 8, 1971 issue of the La Porte, Ind., Herald-Argus entitled "For Rural America:"

FOR RURAL AMERICA

Most people might express the opinion that what this country does not need is one more lobby, or pressure group. We are accused of being overorganized now.

Yet when we read about the major interests and goals of the new Coalition for Rural America, they appear to fill a definite need.

The leaders say they are forming the group to provide an effective voice in government for rural America. They make it clear that the title "rural America" includes the nation's small towns and smaller cities which depend primarily for their economy upon commercial agriculture, general farming and related industries and services.

It appears that there is a need for such an organization. The powerful political voices of big city mayors and other leaders resound at the top level in Washington and across the country.

Such groups as the National Urban Coalition provide a strong front for the economic and social aspirations of the great urban complexes.

Small rural development has been left behind. If you analyze vast federal and state sums of money poured into the agricultural industry, you will find it is mostly for the development and promotion of commercial agriculture, that phase of it directly associated with bigness.

The small farmer, the small town and the nonfarm worker associated with agriculture in the smaller communities, all are neglected in the agriculture-related industries.

With the change in agricultural technology, today the emphasis is on the gigantic commercial enterprises, most of which are operating from big city bases or on a scale far beyond that of the nonfarm worker or business firm in smaller towns still associated with agriculture.

The poverty surveys show that some of the worst conditions are uncovered in largely rural-small town areas—squeezed out by the big in-between processors and carriers who whisk away commercially produced farm products to the major metropolitan areas where the profits are distributed.

The Coalition for Rural America believes that new studies should be started looking to the economic and social needs of the smaller rural communities.

Former Nebraska Gov. Norbert Tiemann, Republican, and former Kentucky Gov. Edward Breathitt, Democrat, are among the leaders in forming the coalition, along with ex-Gov. Winthrop Rockefeller, Arkansas; Dewey Bartlett, Oklahoma; Leroy Collins, Florida and Harold LeVander, Minnesota, and Orville Freeman, from the same state, a former secretary of agriculture.

These men have served in states with rural-small town popoulations. The time is now, they believe, to advance small town and rural economic and social problems beyond the study stage to the plateau of congressional action.

The experts at the many extension services of land grant colleges located in states with these problems have much information available on the incredible change taking place in the rural economy.

We look forward to the new Coalition turning congressional attention into action directed toward small town and rural research and economic assistance.

BETRAYAL OF HOLY CROWN OF SAINT STEPHEN OF HUNGARY MUST BE PREVENTED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RARICK. Mr. Speaker, one of the secret diplomatic maneuverings now underway in the Department of State concerns the surrender of the Holy Crown of Saint Stephen of Hungary, which since 1945 has been in the safe custody of the United States.

Though not widely understood, this crown is the symbol of freedom and authority to Hungarians. Its transfer to the Communist regime of Hungary would serve as U.S. recognization of Hungary's enslavement among all captive nations of central Europe. For this reason it should remain in the safekeeping of the United States until Hungary once again functions under a constitutional government established by the free will of its people.

A recent article by Paul Scott gives the history of the Crown of Saint Stephen, explains its significance in current world politics, quotes a strongly supported resolution in the Congress on the subject, reveals the facts about the forced exile of Cardinal Mindszenty from his asylum in the U.S. Embassy in Budapest, and appeals to the Nixon administration not to betray the people of Hungary by surrendering the crown to its Communist enslavers.

Because of the pertinence of the article appearing in the December 1, 1971 issue of the Review of the News, I insert it as part of my remarks along with the text of House Concurrent Resolution 385, a bill introduced by our distinguished Mr. Hogan, and which I have cosponsored.

The material follows:

DON'T BETRAY THE HOLY CROWN

(By Paul Scott)

When great changes in the course of history are taking place, symbols sometimes appear to foretell the direction events are taking long before their full significance becomes generally known. Such a symbol today is the battle now whirling around the Holy Crown of St. Stephen, of Hungary, which was entrusted to the U.S. Government in 1945 to prevent its falling into the hands of attacking Russian armies.

The battle involving this historic Crown, the oldest Christian symbol of freedom and authority in Europe, is over whether it should be returned to Hungary, now under the heel of a Communist regime, or kept safe in the United States as a beacon of freedom and hope for the enslaved people of Hungary and others behind the Iron Curtain.

Secret diplomatic maneuverings already are under way for the State Department to surrender the Holy Crown, its priceless jewels, and robe of authority. The return is being engineered by Dr. Henry Kissinger, the President's chief foreign policy advisor and architect of the Administration's new policy of accommodating Moscow and Peking. Under the Kissinger plan the Holy Crown is to be returned to Hungary before the President visits Moscow. The return could come as early as this Christmas if a U.S.-Hungary claims agreement can be worked out before then. The return of the Holy Crown is to serve as a public gesture **to Moscow and the other Soviet-bloc nations that the U.S. Government fully recognizes Communist control over Hungary and the other Captive Nations of Central Europe.**

Given to King Stephen of Hungary by Pope Sylvester II in the year 1000 A.D., the Holy Crown is a national treasure of immense historic and symbolic significance to Hungarians everywhere who believe that the authority to rule Hungary is inherent in the Holy Crown itself. To most Hungarians, the Holy Crown signifies that Hungary is rightfully a Christian nation and a defender of Western Civilization. To the non-Communist population of Central Europe, it represents the hope that freedom will someday return to their lands.

Nonetheless, discussions on the arrangements for the return of the Holy Crown are now going on in Budapest between Hungarian officials and U.S. Ambassador Alfred Puhan, whose pro-Soviet views have been spelled out in shocking affidavits given the Federal Bureau of Investigation by other State Department employees. Administration insiders say the arrangements are expected to be completed soon unless the rising Congressional opposition to the Crown's return forces President Nixon personally to step in and shelve the plan.

Twenty-five lawmakers led by U.S. Representative Lawrence Hogan (R.-Maryland), a leading Catholic layman and former F.B.I. agent, have introduced a concurrent resolution in Congress designed to block the return. Their proposal (H. Con. Res. 385) expresses the sense of Congress that the Holy Crown should remain in the United States until Hungary once again functions as a constitutional government established through free elections. Its text is as follows:

Whereas the Holy Crown of St. Stephen is a national treasure of great symbolic and constitutional significance to the Hungarian people; and

Whereas the U.S. Government is in possession of the Holy Crown of St. Stephen, it having been entrusted to the U.S. in 1945 for safekeeping until Hungary should once again function as a constitutional government established by the Hungarian people through free choice; and

Whereas Hungary is presently under the control of an atheistic communist regime in whose interest it would be to destroy the Holy Crown of St. Stephen; and

Whereas the communist government of Hungary has proposed that the Crown be given to that government in order to further improve the atmosphere of American-Hungarian relations; and

Whereas relations between the U.S. and the communists of Hungary have gradually been resumed and discussions have taken place with a view to the settlement of various long standing bilateral problems; and

Whereas it is possible that the Holy Crown may be considered as a negotiable item by the U.S. government; and

Whereas the hope of the oppressed people of Hungary for a future of freedom and liberty, and the hope of their brothers and sisters, the American-Hungarians in this country, will be dashed if the U.S. government breaks its sacred trust and relinquishes the Crown; now, therefore, be it

Resolved by the House of Representatives (The Senate concurring), that it is the sense of Congress that the Holy Crown of St. Stephen should remain in the safekeeping of the U.S. government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice.

Members of the Hogan group, who are from politically strategic states ranging from New York to California, and Massachusetts to Pennsylvania, are now pressing for public Hearings before the House Foreign Affairs Committee. Their objective is to expose the Kissinger plan before it can be consummated and to rally Congressional and public support against surrendering the Holy Crown to the Communists. They want to alert the nation to the Crown's historic and present-day significance.

The argument of the Hogan group against returning the Crown is that it would be taken by people behind the Iron Curtain as the breaking of a sacred trust by the United States. It would also indicate that the American people have given up hope that Hungary and the other Captive Nations will ever be free of Communist enslavement. As one member of the Hogan group put it: "The return of the Holy Crown would be a symbol that the United States believes Communist rule will go on indefinitely in Hungary and the other Eastern European nations."

State Department officials so far have been able to delay public Hearings on the resolution by failing to answer the request of House Foreign Affairs Committee Chairman Thomas Morgan (D.-Pennsylvania) for the Nixon Administration's official position on the Holy Crown. The private position of the State Department is that there are no *official* negotiations under way involving the return of the Crown. And Administration insiders say this claim is correct as far as it goes. What State Department officials aren't saying is that *informal* talks about the Crown's return have been under way for several weeks in Budapest.

A group of Senators headed by Senator Robert Dole (R.-Kansas), chairman of the Republican National Committee, and Senator Strom Thurmond (R.-South Carolina) have introduced a resolution in the Senate similar to the one being pushed in the House. The Dole-Thurmond group decided Congressional action was needed to bar the Holy Crown's return after they received word from within the Administration that President Nixon didn't understand its full historic significance and has left the matter up to Dr. Kissinger.

To make sure the stakes in the battle are fully known in the White House and Congress, the Senators have begun circulating a memorandum on the Holy Crown and its historic meaning prepared by Dr. Bela C. Maday, a professor at American University. The memorandum details the story of how and why the Holy Crown was given to King Stephen of Hungary by Pope Sylvester II. It is a story of how political order based on tribalism was changed to that of a Chris-

tian monarchy within a span of one generation.

For hundreds of years the fierce Hungarian people held much of Europe in fear, until they were converted to Christianity by King Stephen I (now known in Hungary and the Catholic Church as St. Stephen) in the year 944. Stephen asked a Crown from Pope Sylvester II and received it on March 27, 1000 A.D., along with powers making Hungary a member of the Western Christian Community, though ecclesiastically independent from the German bishopries. These powers also gave the Apostolic King of Hungary independence from the sanctions of the German Emperor. The granting of the Crown gave King Stephen the protection of the Catholic Church, and the right to have the Cross borne before him and his successors forever as a sign that Hungary would always be a Christian nation.

Since that time no ruler of Hungary has been considered legitimate until crowned with the Holy Crown of St. Stephen. The Crown has more than once been carried to safety when the Kings of Hungary were threatened by usurpers and invaders, always to be returned when the danger was over. It is considered by most Hungarians as the very source of their country's independence. Dr. Maday, an expert on the Holy Crown and its history, stresses its great legal importance:

The Sacred Crown has been a symbol representing the supreme political power of the country as exercised jointly by the king and by the nation. The Sacred Crown became a symbol of a mystic concept superior to both the ruler and the body of the franchised citizens, within the framework in which the nobles as depositors of the traditional Magyar nation felt themselves equal partners with the monarch. This theory was a fundamental part of the asserted right of Hungarians to elect a king or resist him, reaffirmed in several documents throughout the history of the nation and symbolized by the inclusion of a five-point Crown in the pre-Communist Hungarian coat of arms.

Through the history of Hungary as a monarchy, no coronation was considered legally valid unless it was performed with St. Stephen's Crown. For example, in 1308, the Crown was in the possession of the Prince of Transylvania who wished to present the coronation of Charles of Anjou. The papal Nuncio brought a substitute Crown, blessed it, and declared the original Crown divested of its constitutional properties. The nation considered the coronation legal only after St. Stephen's Crown was recovered and physically placed on the head of Charles.

In 1945 the Russians overran Hungary. Before the Soviets could seize the Holy Crown, it was delivered by its guards to U.S. Army units under General George S. Patton, who saw that it was carried to safety. After extensive negotiations, the Holy Crown, the crown jewels, and the robe of state, were turned over to the U.S. Government and brought to this country for safekeeping. All have remained here since the end of World War II. The Holy Crown has of course been exiled for longer periods—and now, as always, its safety gives hope to the oppressed people of Hungary.

One of the few statements ever issued by the Department of State about the Holy Crown was released in 1955. In it, the Department gave assurances that it is "fully cognizant of the character and importance of St. Stephen's Crown," and that "as property of a special status held in trust by the United States authorities, the Crown of St. Stephen is being properly safeguarded under wholly secure conditions of custody." We must keep that promise.

The significance of the present U.S.-Hungarian talks about returning the Holy Crown is that they began shortly after President Nixon made his decision to support the legalization of Communist control over all the people and nations seized by the Reds during and since World War II. This new "Nixon Doctrine" had a lot to do with the unexpected invitations from Moscow and Peking for President Nixon to visit those countries next year. Although never announced by the President, this policy of writing off the Captive Nations of Europe and Asia was secretly made known to Soviet and Chinese Communist leaders shortly after the Presidential decision was made several months ago.

In addition to the maneuvering to return the Holy Crown, the new Nixon Doctrine, one which Moscow and Peking have for more than twenty years been trying to get the United States to adopt, has in several ways begun to show its ugly face. Most dramatic of these was the President's covert support of Communist China's membership in the United Nations and its seat on the U.N. Security Council. This Nixon support in effect recognized Peking as the legal government of Mainland China. It is an outrageous position that none of the four preceding American Presidents were willing to adopt.

The signing of the recent Four Power agreement on Berlin is another result of this unannounced Nixon Doctrine. A close study of the Berlin accord shows that it legalizes Communist control over East Germany and East Berlin. It also sets the stage for U.S. support of East Germany's entry into the United Nations, now expected to come next year. Not generally known is that the Berlin agreement also gives legal status to a Soviet mission inside West Berlin, something the Kremlin has been trying to obtain since the end of the War.

Significantly, the link between the Berlin accord and the Moscow invitation was noted even by President Nixon at the press conference called to announce his forthcoming trip. The immediate prelude to the Moscow trip agreement, the President said, was the Berlin accord "which led us to conclude that now is the time for a summit meeting."

In addition to these tragic concessions, Nixon Administration officials also are discussing with Soviet and Chinese Communist leaders the "divided country" proposals for Korea and Vietnam. Under this plan, the U.S. will support membership in the United Nations for North Korea and North Vietnam in exchange for Moscow and Peking promising not to veto the membership of South Korea and South Vietnam.

The basic premise for the President's highly questionable policy was spelled out by Secretary of State William Rogers during his recent United Nations address when he said: "It is only realistic to recognize a factual situation which has persisted for more than twenty years." Although Rogers' declarations referred to the Nixon Administration's new China policy, Administration insiders say the same standard now applies to all Communist nations. The hopes of millions for freedom are to be discarded as not being realistic.

Another sign of this disastrous policy is the red-carpet treatment which President Nixon accorded President Tito when the Communist boss of Yugoslavia visited Washington last month. It was Tito who encouraged Nixon during their meeting last year in Belgrade to give "legal recognition" to the territorial changes that took place in Europe after the Second World War.

The recent forced exile of aging Cardinal Mindszenty from his self-imposed asylum in the U.S. Embassy in Budapest is another of the shameful results of the new Nixon policy toward the Communists. The exile of the Cardinal was also an advance move in the maneuvering for the return of the Holy Crown of St. Stephen to "legalize" Communist control of Hungary. As a symbol of a free Hungary, Cardinal Mindszenty had to be removed from the American Embassy where he had resided for the past fifteen years. The Nixon Administration put pressure on Rome to force Mindszenty to leave. One of the principal charges leveled against Cardinal Mindszenty when he was arrested and put in prison after the Communists took over Hungary was that he had urged the U.S. to protect the Holy Crown or turn it over to Rome for safekeeping.

For this, Cardinal Mindszenty was tortured and imprisoned. And it was Janos Kadar, the present head of the Hungarian Government, who gave the order as Minister of Interior for Mindszenty's arrest and torture. Kadar also staged the show trial that resulted in Mindszenty's imprisonment until those fateful days in October 1956. During that October uprising Mindszenty was released by the Hungarian Freedom Fighters. He was forced to seek asylum in the U.S. Embassy six days later when Soviet troops and tanks returned to crush the rebellion.

Now living in exile in Austria, Cardinal Mindszenty's private plea to his supporters here is to do everything possible to see that the Holy Crown is kept out of the hands of the Kadar regime. Friends say Cardinal Mindszenty still looks forward to the day when the tyranny which has slowly squeezed human rights out of Hungary will collapse. He believes that then, and only then, should the historic Crown be returned.

One of Cardinal Mindszenty's long-time supporters here, former Speaker John McCormack (D.-Massachusetts), has begun urging members of Congress to do everything possible to block the return of the Holy Crown at this time. In an interview, McCormack described the Crown as "a symbol of freedom for all persons behind the Iron Curtain." He stresses that the present Government in Budapest is being inescapably controlled by the Soviet Union. Handing over the Holy Crown to that Government while Soviet troops are stationed in the country, he warned, would be deeply resented as a breach of promise by the U.S. It would, the former Speaker of the House declared, cause lasting alienation from America among Hungarians all over the world.

In many ways, the battle over the Holy Crown represents the final act in one of the great tragedies of our times. As described by the late Whittaker Chambers in his unfinished book, *Cold Friday*, it is the story of a sellout of the freedom of millions in the hope that to do so would somehow bring something called "permanent peace." Chambers wrote:

"We heard the last appeal of Radio Budapest even while the Russians were bursting in the doors:

People of the world . . . Help us! People of Europe, whom we once defended against the attack of Asiastic barbarians, listen now to the alarm bells ring. . . . People of the civilized world, in the name of liberty and solidarity, we are asking you to help. . . . The light vanishes. The shadows grow darker hour by hour. Listen to our cry. . . . God be with you and with us. . . .

"At that point the station went off the air and the silence was more stunning than the words.

"We must remember who these revolutionists are. They are those whom the West abandoned to Communism. They are the human herd of one of history's greatest cattle deals. Unless a man's good sense is inflamed by a partisan political need to justify that deal, is there really anyone who does not know that the West traded these populations to Communism as the price of something that the West held more important than their freedom?

"The West called that something 'permanent peace' and sought to safeguard it through the agency of the United Nations. Therefore, these populations were bound over to Communism. Under all the verbiage, that was the reason. These populations were the bait with which we meant to lure Communism into the United Nations—as if anything could have kept Communism out. . . . So, in the name of Peace, the West abandoned these millions to Communism and watched them run into its pens, roped and thrown and branded with its brand.

"Many a Polish and Hungarian child was too young to know that the whole course of life on earth had been sealed irrevocably on the moment when the wise men of the West set their signatures to that deal beside those of the cunning men of Moscow.

"Around twelve years later, these children knew it well enough when, in the streets of Poznan and of Budapest, they went with bottle-bomb and revolver against this or that Communist monster. They knew then that they had been abandoned by the West. And when they rose and fought, outmatched, against the fate, and the West approved and watched, they knew something else. They knew that they had been abandoned twice . . . ."

Will the United States for a third and final time abandon out brothers and sisters behind the Iron Curtain?

If the Holy Crown of St. Stephen is surrendered to the Kadar Government by the Nixon Administration, these Iron Curtain children and their parents will know that the United States has not only abandoned them again, but this time has condemned them to live without hope. Americans should know that such an act is not only morally unconscionable but that it will directly endanger American freedom.

HOUSE CONCURRENT RESOLUTION 385

Whereas the Holy Crown of Saint Stephen is a national treasure of great symbolic and constitutional significance to the Hungarian people; and

Whereas the United States Government is in possession of the Holy Crown of Saint Stephen, it having been entrusted to the United States in 1945 for safekeeping until Hungary should once again function as a constitutional government established by the Hungarian people through free choice; and

Whereas Hungary is presently under the control of an atheistic Communist regime in whose interest it would be to destroy the Holy Crown of Saint Stephen; and

Whereas the Communist government of Hungary has proposed that the Crown be given to that government in order further to improve the atmosphere of American-Hungarian relations; and

Whereas relations between the United States and the Communist government of Hungary have gradually been resumed and discussions have taken place with a view to the settlement of various longstanding bilateral problems; and

Whereas it is possible that the Holy Crown may be considered as a negotiable item by the United States Government; and

Whereas the hopes of the oppressed people of Hungary for a future of freedom and liberty, and the hopes of their brothers and sisters, the American-Hungarians in this country, will be dashed if the United States Government breaks its sacred trust and relinquishes the Crown: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the United States Government until Hungary once again functions as a constitutional Government established by the Hungarian people through free choice.

WILMA SCOTT HEIDE TESTIFIES ON THE POWELL AND REHNQUIST NOMINATIONS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. ABZUG. Mr. Speaker, since the President submitted the nominations of William H. Rehnquist and Lewis F. Powell, Jr., to serve on the U.S. Supreme Court, the evidence has clearly documented their unfitness for such high positions. Their failures in the areas of civil rights and civil liberties make them unacceptable to the American people. Their past utterances and actions have rised grave questions as to their commitment to the rights of minorities and dissenters, and in fact, their records demonstrate that they cannot even be relied upon to protect the rights of the majority in this country, women.

Wilma Scott Heide, president of the National Organization of Women, testified before the Senate Judiciary Committee on the nominations of Messrs. Rehnquist and Powell. Her testimony eloquently and amply documents the unfitness of each candidate to sit on the Supreme Court, and I include it for your consideration at this point in the RECORD.

TESTIMONY OF WILMA SCOTT HEIDE

My appearance here today is an indication that I am nearly incurably optimistic of women receiving justice from this Judiciary Committee, the U.S. Senate, the Congress and the U.S. Government, most evidence being to the contrary. If my statement and recommendations are undervalued or ignored by this committee and, the Senate, my remaining optimism about justice for women may be cured. To be candid, I am not certain that the Senate Judiciary Committee, without any life experience of living as a women in an androcentric society, has the capacity or desire to fully understand what I intend to share with you. For the moment, I will give you the benefit of considerable doubt.

I am Wilma Scott Heide, President of NOW, The National Organization for Women, Inc., a behavioral science consultant, and a member of The National Equality Committee of the American Civil Liberties Union. The last is for identification only.

The symbol of justice in the United States is a blindfolded woman. The women's movement for rights, liberation, participation and justice is removing the blindfold to challenge the grievous injustices to women and balance the scales of justice. Those excluded from and/or disabled by the law *must* have a say in rewriting, defining and interpreting law. If the Senate confirms the Presidential nomination of William H. Rehnquist and Lewis F. Powell, Jr. for the U.S. Supreme Court, justice for women will be ignored or further delayed which means justice denied.

NOW, as I begin and develop my testimony, please note my awareness that both nominees are probably bright, decent people as that is traditionally understood and implemented and probably not anti-women in any conscious, intentional, or overtly destructive way of which they are aware. It is precisely the non-conscious, institutionalized, traditional, narrow view of intelligence and decency vis a vis women that is the problem and the nominees have demonstrably internalized that behavior and thinking. Let me emphasize: my testimony is not intended and must not be characterized as an "attack" on the nominees per se as isolated sexists but as a challenge to the institutionalized sexism they manifest being further perpetuated on the Supreme Court and by extension, throughout society.

To understand my theme that the criteria for qualifications for Supreme Court positions must be fundamentally changed to *disqualify* sexists and sexism: first, you must understand sexism though most of you practice it daily but don't call it that.

Sexism is behavior applied to the entire social structure and system, including "justice", based on beliefs that some physical differences between females and males "naturally" justifies stereotyping by sex of learned human roles, beyond the two crucial biological exceptions. You should know that sex role stereotyping of human roles has no valid means of scientific support. Further, sexism accepts implicitly if not explicitly that control of society, its societal value judgments, and its resources by the male sex. The oppression, exclusion, the control of women are predictable and tragically inevitable consequences whether manifested by assumptions that women should be the primary child rearers (a human role), artificial sop of an immobilizing pedestal, or the privatization of the so-called "feminine" virtues proclaimed on Mother's Day and honored in the breach in societal behavior the other 364 days.

Sexism assumes that the concerns of men, while ostensibly the generic word for people but actually meaning males, are the concerns of society when the other half—females—are virtually excluded, i.e., are conditioned to "know our place". Let me guide you to put sex in its place and understand that justice requires that the transcending humanness of women and men can not countenance non-conscious or conscious assumptions or behavior about anyone's place. Furthermore, there can be no place on the Supreme Court for anyone who is sexist, however non-conscious.

Next, I want to describe how the behavior of the two nominees should disqualify them for the Supreme Court by virtue of their acts of commission and omission. I want to include the basic injustice of the President's criteria for nominations, the consequences of 'strict constructionalist' philosophy, the effect of unawareness on apparent 'justice', the masculine mystique as part of the problem of injustice, some questions to ask yourselves and the nominees, the values of the feminist criteria for justice and society; and urgent recommendations to you, the Senate, the nominees and the President.

The dimensions of what I intend to develop include and transcend the potential absence of women from the court and thus require your patient attention to allow and indeed *encourage* me the time to guide your reconceptualization of the Supreme Court, its role and membership. That means I will not docilely countenance an abbreviation of my oral testimony however aware I am that the committee, not I, is conducting the hearings. Any attempt at abbreviation will be, in fact, an injustice that would deny you and others interested the opportunity to reconceptualize justice for the entire human family.

First, the President's criteria for acceptable nominees included finding the best *man* as stated by his press secretary until corrected by the protests of the National Women's Political Caucus on whose National Policy Council I function. The President and his staff since watch their language, if not their behavior. Next, the President emphasizes the need for 'strict constructionalists'. However, that is interpreted: it is unjust for women. 'Strict constructionism' sometimes means a literal interpretation and application of the constitution and its guarantees. When the constitution was written, a Negro male was considered ⅗ of a person and *no* woman was considered *any* fraction of a person in a legal sense. Women were excluded from the writing, the content and intent of the constitution. The myopic vision of our forefathers, the exclusion of our foremothers, remains virtually unchanged and any 'strict constructionist' could apply that concept of 'justice' with impunity today and tomorrow until and unless the 48-year old proposed Equal Rights Amendment to the constitution passes the Congress and is ratified by the appropriate number of states. More on that later.

Another interpretation of the 'strict constructionist' is that a court would be guided by precedent. Still, women would be virtually without hope for human justice. Let me cite only a few of the numerous examples.

Remember most sex discrimination is so pervasive, considered so normal if sexist as to not arrive at *any* court let alone persuade the Supreme Court to even hear and conceivably rule justly on their merits in the context of even existing human rights laws. The Supreme Court in 1948 in Goesaert v. Cleary (335 U.S. 464 (1948)) ruled in the opinion of otherwise enlightened Felix Frankfurter that women had no right to be bartenders. 68 years earlier, the denial of occupational opportunity based on *national origin* was "the essence of slavery itself" according to the Supreme Court quite correct ruling 85 years ago (Yick Wo v. Hopkins (118 U.S. 356, 370 (1886))). 85 years ago, occupational exclusion of or limitation of a Chinese male was slavery yet 62 years later and even today the same treatment of women is viewed as morally, legally, and socially appropriate to 'protect' women's 'special responsibilities for home and family'. Slavery is slavery whether the victims are Chinese, Negroes or women of every race.

Again, in the U.S. Supreme Court case of Hoyt v. Florida (368 U.S. 57 (1961)) as recently as 1961, found no suspicion of denial of equal protection of the laws when only 10 of 10,000 jurors were women, and justified this because "woman is still regarded as the center of home and family life" and even co-opted women in their own limitations by requiring women not men to affirmatively register for jury service if she determines this "consistent with her own special responsibilities". Stereotyped psychological conditioning momentarily aside, this is blatant sex discrimination. If the courts are going to adjudicate the place of all non-escaping women but of no men then government has the responsibility to publicly legislate this subtle slavery and provide fair labor standards including wages and promotions for all 'housewives' and mothers not leave it to the largesse of their males privately.

Bringing the court up to date, by calendar but not conceptually, within the past year the U.S. Supreme Court in the Phillips v. Martin Marietta (91 U.S. 496 (1970)) showed remarkable lack of sensitivity to, insight about and acceptance of women's human rights under Title VII of the 1964 Civil Rights Act. NOW and other women's rights groups filed amicus curiae briefs in that case. The court ruled that Martin Marietta, in denying employment to a woman with pre-school age children but not to men with pre-school age children, had a different hiring policy based on sex and this could not be allowed. However, in vacating and remanding the case to a lower court for more facts, the Supreme Court's decision also allowed that sex-plus discrimination could be legally allowed as a policy. The plus factor is the presence of pre-school age children. This is sex discrimination when applied to women only whatever the traditions. It is precisely the time-honored but discriminatory traditions the law was designed to eliminate.

However, at least as unjust and insensitive as the court's sexist action and avoidance of the issue was the court's approach and behavior with the partial exception of Justice Marshall, who also happens to be the only Justice with a female law clerk. One suspects he also understands things about discrimination that few white males comprehend. There are 10 *recorded* cases of laughter in the proceedings and in *none* of these instances is there a laughing matter at issue. I invite your reference to an article in the Women's Rights Law Reporter for a frightening verbatim account of much of the oral argument on that case.[1] Also, a Harvard Civil Rights, Civil Liberties Law Review article commenting on one typical exchange notes:

"This exchange, which may accurately reflect the dominant attitude toward sex discrimination in the United States does not augur well for the major doctrinal expansion that will be necessary to reverse the historic patterns of legal inequality."[2]

Finally, I ask you to carefully consider the following profound observation from my friend Jean Witter, President of Pittsburgh NOW:

"It is possible to make a case, that all Supreme Court decisions which involved women are unconstitutional since there has never been a woman on the Supreme Court.

This line of reasoning follows directly from the Supreme Court's own decision, Hernandez v. Texas, 347 U.S. 475, 478 (1954).

In this case Hernandez who was of Mexican descent was acquitted by the Supreme Court decision, because the selection of the jury that convicted Hernandez violated the 14th amendment in that citizens of Mexican descent were excluded by practice from jury service.

Certainly women have been excluded by practice from the Supreme Court, since a woman has never been appointed to the Court. If the Supreme Court decision in Hernandez v. Texas is valid for jury selection, perhaps the same reasoning can be applied to the appointment of Supreme Court justices.

If the selection of appointed justices excludes a certain large class of people (not a small minority) then that group by exclusion is denied the equal protection of the 14th amendment."[3]

Furthermore, the Supreme Court's frequent decisions not to hear cases of sex discrimination must be considered suspect. Again quoting Jean Witter:

"By not nominating a single woman to the Supreme Court, the President has violated his own Executive Order 11478, Equal Employment Opportunity in the Federal Government, Aug. 8, 1969, which states:

'Section 1. It is the policy of the Government of the United States to provide equal opportunity in the Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin.'

Again, President Nixon states in his Memorandum of March 28, 1969:

'I am determined that the executive branch of the Government leads the way as an equal opportunity employer.' "[4]

In summary, the President's search for justices who will exercise judicial constraint not activism addresses itself only to criminal law, only parts of civil rights law and absolutely ignores the need for understanding of and commitment to existing civil rights laws for *all* citizens and the need for creative law interpretation to balance the systematic injustices to women much of it by law itself. I hereby publicly protest the President's disregard of the letter and spirit of his own Executive Order and civil rights laws, his own manifest unawareness of the depths, dimensions, and pervasiveness of injustice to women. I only regret that he is apparently beyond the law and redress of our grievances, short of impeachment. Perhaps he and you could only understand his patronizing of women if we reversed the cabinet from all-male to all-female, invited the cabinet members to bring their husbands to a meeting and then said: "I am proud of the men who don't hold office but hold the hands of the women who do." If women were in a position to do that, it might be called matronizing and it would be equally as undesirable and sexist as he in fact did vis a vis his own cabinet.

Next, I will speak to the injustice of unawareness and sloppy work as evidenced first by Mr. Rehnquist and acts of omission that reflect the record of Mr. Powell to portend injustice likely for women if these two were confirmed for the Supreme Court.

First, Mr. Rehnquist's April 1, 1971, testimony on the proposed Equal Rights Amendment to the Constitution and the Women's Equality Act are models of equivocation, unscholarly research, and lack of clarity that makes one wonder if the date of his testimony is prophetic of the kind of opinions he might write in the stragic possibility of his appointment. Members of the House Judiciary Subcommittee were confused as indicated in their questions:

"Mr. McClory. Since the answer to the question with regard to whether or not women would be subject to the draft seems to be "yes," it would be helpful if the Attorney General would express some kind of positive opinion on what the impact of the equal rights amendment would be, because I can't interpret your answer to indicate one way or the other, and I would like to know. I think it is important to us to know what our highest legal authority feels.

Mr. Rehnquist. I fully agree with you, sir. Unfortunately, the Attorney General works with the same language everybody else works with and the value of his opinion generally comes just like the value of any lawyer's opinion, from an examination of precedents and other similar cases and in this situation he is, unfortunately, writing on a clean slate. To simply take these words and say they do or do not apply to a particular situation, is not the sort of opinion that a lawyer ordinarily feels very comfortable giving."[5]

Obviously, we should spare Mr. Rehnquist from the opinion-writing of even more momentous Supreme Court opinions for which there is no opportunity to ask clarifying questions and additional clarifying addendum as the House Subcommittee Chairman Edwards needed to do. I refer you to study the full record of Mr. Rehnquist's appearance which further includes this exchange:

"Mr. Wiggins. Let's directly confront the question. Do you feel the constitutional amendment is necessary to implement the Federal policy you have enunciated, that is, no discrimination on the basis of sex?

Mr. Rehnquist. No, I don't. I think one could do it by statute.

Mr. Wiggins. Then, I think my observation is correct. Your answer indicates that the amendment is unnecessary and my query is why are you in support of an unnecessary amendment?

Mr. Rehnquist. Because the President has committed himself to it, and the importance of a general statement in the Constitution establishing the principles of equality of women outweighs the disadvantages that might flow from enactment of the amendment."[6]

Clearly with friends like this, proponents of the amendment and women's justice need no additional enemies. On August 10, 1970, the first time the Equal Rights Amendment passed the House, Congresswoman Martha Griffith stated: "There never was a time when decisions of the Supreme Court could not have done everything we ask today. . . . The Court has held for 98 years that women, as a class, are not entitled to equal protection of the laws. They are not 'persons' within the meaning of the Constitution."[7]

Mr. Rehnquist does not think the amendment necessary, accepts the assignment to speak for the Administration's alleged favoring of it, says he prefers the legislative approach, is equivocal or in opposition to some of that proposed legislation, knows the administration is not an active advocate of such legislation and yet this man is a confirmation away from being a Supreme Court Justice. We are not so stupid or uncaring about human justice to accept such a nominee of either sex. That must be your view.

Furthermore, we are concerned about Mr. Rehnquist's knowledge about the importance of legislative history. His statements in hearings on the Equal Rights Amendment indicate that he does not consider legislative history of any great importance in interpreting constitutional amendments. He said:

"Second, while the legislative history may be a valuable tool in both drafting a statute and interpreting it, its use in connection with a constitutional amendment is more doubtful. Logically, it would appear that legislative history would not be particularly persuasive unless it could be shown that not only the Congress, but the ratifying legislatures of three-quarters of the States were fully aware of an ambiguity in the language of the amendment, and of the legislative reports or debates which purported to clarify that ambiguity." (Page 312 of House hearings)

In serving as a Supreme Court Judge, how much weight would he give to the intent of Congress in interpreting the Equal Rights Amendment or other constitutional amendments?

That constitutional history is very important is supported by Antineau's *Modern Constitutional Law* (pp. 711–714); *Jones* v. *Mayer Co.* (392 U.S. 437); *Brown* v. *Board of Education* (347 U.S. 483); and *U.S.* v. *California* (332 U.S. 92, 1946). The constitutional law professors testifying for the amendment believed the legislative history to be quite important (see pages 164, 351, and 401 of the 1971 House hearings).

There are *numerous* other concerns Mr. Rehnquist's testimony raises of which I will include only a few more but remind you his documented statements of unawareness of problems affecting women when documented material is even more readily accessible to him than those of us from miles away working as volunteer activists economically disadvantaged, is profoundly disturbing and another reason for disqualification. Anyhow, in his statement on the Equal Rights Amendment, he assumes there are statistically reliable sex and race differences in the likelihood a mortgage applicant will repay a mortgage. He stated that the "goal of ending race discrimination was given a higher priority by Congress in passing the 1968 act than whatever increment in accuracy was gained by using race as a predictor. The decision whether the goal of ending sex discrimination is to be given a similarly higher priority should be made in the light of more information than we have about the financing practices affected."

There are several things about this statement that bother us. What factual basis did he have for the assumption that race or sex are factors in repayment of mortgages? What evidence is there that "future income" is a factor as contrasted with present income?

Mr. Rehnquist's testimony on alimony and support reflect lack of scholarship and of insight to the real status of women.

The only nationwide study of support and alimony was made by the Support Committee of the Family Law Section, American Bar Association in 1965. Monograph No. 1 of the Family Law Section sets forth the results of a survey of 575 domestic relations court judges, friends of the court, and commissioners of domestic relations. This study indicates that alimony is awarded in a very small percentage of cases. A California judge states (page 3):

In this county permanent alimony is given in less than 2% of all divorces, and then only where the marriage has been of long duration, and the wife is too old to be employable, the wife is ill, particularly if the husband's behavior was a contributing cause, (or) other highly unusual factors exist. Temporary alimony is given, *pendentelite*, or for some portion of the interlocutory period in less than 10% of all divorces, chiefly to give the wife a breathing space to find employment.

A Nevada Judge comments ". . . A healthy young woman should not be permitted to go on indefinitely living on alimony. Her outlook is more healthy and her life a good deal more full as an active member of the community and not as a kept woman."

The Foote, Levy, and Sander textbook on family law (referred to above) found alimony "infrequently sought and even less often obtained" (p. 937).

The wife's capacity to earn was taken into account in setting alimony by 98% of the judges in the Quenstedt-Winkler study. The leading cases in Arizona on alimony list as the primary factor to be considered the needs of the wife and her ability to support herself. A 1970 case states specifically "the husband should not be required to pay alimony unless the court finds it necessary for the support and maintenance of his wife" (*Reich* v. *Reich*, 474 P. 2d 457). The evidence available thus clearly indicates that men are not responsible for supporting divorced or separated wives without regard to their capacity to support themselves.

With respect to child support, the data available indicates that payments are less than enough to furnish half of the support of the children. A chart submitted by a Michigan court (Quenstedt-Winkler study) indicates that with three dependents, including the wife, the family support payments would be approximately half of the man's net income (net after income tax, FICA, hospitalization, life insurance, union dues, and retirement plan payments). It is clear that these payments would not furnish half the support of the children in most families. Even these small payments are frequently not adhered to. One court commented:

However we find that in the great number of cases we are unable to adhere to the chart because of excessive amounts of financial obligations and limited earnings; also in many cases the man has more than one family.

In a survey referred to in Foote, Levy, and Sander, page 937, made in Maryland and Ohio in the early 30's, in half the cases the weekly alimony and support payments were between $5 and $9 per week (equivalent to $11.65 and $20.97 in today's dollars). The median was $33 per *month* (equivalent to $76.89 today).

I would like to insert in the record here a letter from a woman in Elyria, Ohio, which is typical of the complaints we hear. She is a clerk-typist working fulltime with a take home pay of $310 per month. Her former husband is employed fulltime as a carpenter, earning overtime. The court awarded her $15 per week for each of two children. Her husband is $410 behind in payments, which she is unable to collect. The children have not had dental care for two years, and she finds it difficult to buy books, proper food, and clothing for the children. It is obvious her husband is not contributing half the support of the children, let alone supporting his wife. This case also illustrates the lax enforcement of support laws, which all authorities agree is a major primary problem.

In summary Mr. Rehnquist's glib and unsupported statements about a husband's duty to support his wife without regard to her ability to support herself perpetuates a legal myth that has done great damage to this country, especially to its women.

When the latest data indicates that 27% of the women who entered into teenage marriages in the past 20 years are divorced, it is high time that our girls be apprized of the facts about alimony and child support and likelihood of divorce in teenage marriages. Perhaps more of them would prepare themselves vocationally and wait until they are older for marriage (the divorce rate for women married after the teens was 14 percent).[8]

I do not suggest that Mr. Rehnquist was deliberately misleading. I do suggest that his handling of this subject is symptomatic of his philosophy, which concerns itself with the welfare of the white upper middle class male (and his wife and daughters as adjuncts to him). We have noted in reviewing some of the court cases relating to alimony and child support that very generous property, alimony, and child support settlements are made among the wealthy. However, these cases and other materials leave the impression that in middle and lower income groups the welfare of the husband and his prospects for remarriage are given much greater weight than the wife's and children's welfare and that no weight whatever is given to her prospects for remarriage. In other words, where the divorce results in economic hardship, greater hardship is visited on the wife and children than on the husband.

Rather than resulting in diminution of support rights for women and children, I would like to suggest that the Equal Rights Amendment could very well result in greater rights. I believe a case could be made under the Equal Rights Amendment that courts must require divorced spouses to contribute in a fashion that would not leave the spouse with the children in a worse financial bind than the other spouse.

Mr. Rehnquist's conclusion that alimony laws allowing alimony only to wives would be invalidated is not supported by any legal authority or the legislative history—only by Mr. Rehnquist's also unsupported belief that legislative history is of limited importance in interpreting a constitutional amendment.

In summary, we find that Mr. Rehnquist's testimony on the Equal Rights Amendment does not indicate a scholarly approach or a broad concern for all economic classes.

Mr. Rehnquist's myths permeate our society, consciously or unconsciously influence females' educational, occupational, aspirational choices and opportunities, lead to grief for millions of women, and is significantly responsible for the size of our public assistance rolls, 65 to 85% of which are women and their dependent children, a tragically disproportionate percentage of which are already unjustly disadvantaged minorities. Further, these recipients are grudingly granted mere survival relief, insulted for needing it, and are not recognized as part of the larger society of all the rest of us, everyone of whom receives public welfare in the form of public transportation, libraries, higher education, highways, etc. etc.

The facts, stripped of legal sophistry with which anti-women and thus inhumane people garb them are that the average woman, employed only as housewife-domestic, living with her husband can get only what he wants to hand out; a separated or divorced woman is unlikely to get any alimony and if she has children, she is likely to have to contribute more than half to their support and if she has finessed her societal oppression, will work incredibly hard to be absolutely independent of her former spouse in spite of systematic documented employment discrimination.

As a civil libertarian, but not speaking for the American Civil Liberties Union, I deplore Mr. Rehnquist's acceptance and/or advocacy of:

1. pretrial detention of criminal suspects,
2. endorsement of illegally obtained evidence.
3. government data banks on people in violation of rights to privacy.
4. arrest of suspects without warrants or due process of law.
5. muzzle of free speech of government employees.
6. denial of first amendment rights of free assembly.
7. defending the legality of reviving the Subversive Activities Control Board and giv-

Footnotes at end of article.

ing it Justice Department powers to designate organizations as Communist.

Indeed, the thrust of Mr. Rehnquist's views are a proclivity or compulsion to control other people and limit or narrowly conceptualize human rights for all who are not affluent white males, i.e. those outside the economic/legal/judicial system of the white patriarchy. This kind of thinking/behavior/control of others reflects remarkably (in the legal context) the "white masculine mystique" that has knowingly or unknowingly created or perpetuated injustices for the majority of our citizens. I have detailed only a few of Mr. Rehnquist's known acts of commission that have or can guarantee perpetuated human injustice. His acts of omission, i.e., affirmative steps that he might have taken to extend justice but didn't are relatively less well known to me, besides I think I've made NOW's case for Mr. Rehnquist's own disqualification of himself to fully serve justice of the full human family on the United States Supreme Court. I trust he will have the intelligence and fairness to withdraw his name and if not, you must not confirm his nomination.

Mr. Rehnquist's documented objections to legally opening of public accommodations to all citizens and integrated education are not known to have changed from 1967. NOW supports opposition to him on these substantial grounds. As an individual, formerly a Pennsylvania Human Relations Commissioner who chaired the Education Committee working constantly for integrated education, I find this nominee's views narrow, lacking in insight about the requirements for the freedom he thinks he espoused and yet two more reasons to view his appointment as an unjust act.

The instance of Mr. Lewis F. Powell's nomination speaks more to the acts of omission of justice referred to above though I have no evidence that Mr. Powell's views of women are other than the normal, i.e. sexist by internalization of cultural biases. The absence of any documented evidence of his affirmative action vis a vis women as president of the male-dominated and influential American Bar Association alone disqualifies him or any comparable nominee to serve on the Supreme Court. To do nothing for a class of people is no better than doing something overtly and unjustly against a class of people. At least, the latter galvanizes people to indignation and action.

Therefore, in the 1960's, when Mr. Powell was in active leadership in the American Bar Association (A.B.A.), the Senate Foreign Relations Committee on recommendation of this Bar Association Committee did not approve the United Nations Convention on the Political Rights of Women which means a belief in the right of women to vote and hold national office. The A.B.A. has not supported the Equal Rights Amendment, prominent members vigorously have opposed it with irrelevant sexual hangups about concern for separate restrooms when the issue is privacy of separate toilet units that other countries, airlines, buses and trains manage nicely. A.B.A. members have also protested the amendment on the false issue of so-called "protective" legislation for women which is superimposed restriction of employment opportunity. That issue itself is moot with the supercedence of Title VII of the 1964 Civil Rights Act and increasing numbers of State Attorney Generals are forced by evidence to rule earlier state acts repealed or impliedly repealed. If Mr. Powell was aware or cared, where was his leadership, his testimony for justice?

During Mr. Powell's A.B.A. presidency: on what issues affecting women did A.B.A. take a stand? What *was* that stand? Where did Mr. Powell stand? Or was there any concern by Mr. Powell for the overt and covert discrimination against women and the need for profound, systematic change in the legal profession to make it hospitable to women? How many recommendations did he make of women for judgeships? There are still only 4 of the 5,000 federal judges who are women. Did he ever recommend an affirmative action program for women in the federal or state judiciary? Does it bother him that there have never even been female pages in the Supreme Court? Has he facilitated or resisted the activism of feminists to humanize and androgynize the legal profession? Does the paradox of women as moral arbitrars proclaimed on Mother's Day and near exclusion from public moral and judicial leadership strike him as inconsistent and of significant issue to require national action or at least his own?

What is the situation of women in Mr. Powell's own law firm? Are there any? What assignments do they receive? Is he an affirmative action employer for all excluded minorities, including women, the cultural minority? Where was Mr. Powell's voice as president of the A.B.A. in 1964 when House Rules Committee Chairman Howard Smith (of Powell's own state of Virginia) inserted sex into the 1964 Civil Rights Act in an attempt to kill it? That was an insult to every ethnic, racial and religious minority and to every female in the country. A sensitive president of the A.B.A. would speak his outrage (if indeed he was).

We are told Mr. Powell is a millionaire, a stockholder in some 30 companies, a director of several. Questions of corporate social responsibility are therefore relevant. Has Mr. Powell ever voted for independent stockholder resolutions? Has he ever initiated any especially in the area of corporate social responsibility? Has he ever voted against any management resolutions which are frequently pro-status quo or pro-profits whatever the consequences to people?

Are there any women let alone parity of the sexes on any of these Boards of Directors and if not, has Mr. Powell used his considerable "prestige" to promote this? What if anything has been his role in insisting the companies of which he is stockholder and/or director be affirmative action employers including women of all races?

Has Mr. Powell promoted cumulative voting so small stockholders can be heard? Has he facilitated access to meetings for all interested parties? Has he upheld, promoted, or resisted proposed secret stockholder ballots so e.g. empoyee—stockholders can vote their wishes without fear of reprisals?

Getting back to the A.B.A., does Mr. Powell recognize that the very existence of a National Association of Women Lawyers is a still present reflection of their segregation and unmet needs within the A.B.A.? Does Mr. Powell realize that men must stop using their sex to gain unearned perogatives in the law and elsewhere? Because we have no evidence that Mr. Powell exercised positive action/leadership in acts of commission, we must conclude his acts of omission vis a vis women disqualify him to make the constitution a living document to balance the scales of justice. We oppose Mr. Powell's confirmation for appointment to the Supreme Court, in the event he himself does not voluntarily withdraw as disqualified based on the reasonable criteria we advocate.

Finally, we would remind this Judiciary Committee that one does not have to be a lawyer to be a member of the Supreme Court. A behavioral analysis, and that is my profession, of the job of Supreme Court justice reveals the following to be true. A justice or associate justice is in the business of value judgments. A social behavioral scientist is professionally better qualified on many grounds than a lawyer. The law merely codifies standards of what the people at any given time have considered appropriate social behavior and relationships. Legal scholars, law clerks, lawyers as technicians can and do the legal research necessary for a supreme court justice.

Some of my best friends are attorneys. Many tell me frequently the non-lawyer, unencumbered by legal jargon and technical encumbrances come up with the most profound insights vis a vis the law. Jean Witter, quoted earlier, is one of many such non-lawyer examples of refreshing approaches to justice. Knowing many of you on this committee are attorneys, I have no wish to embarrass anyone here today. Even less do I, speaking for *now*, intend to countenance the continued exclusion, oppression, limitation, impoverishment of our sisters, mothers and daughters consequent to the "masculine mystique" (whether exercised by men or women) concept of justice.

This country, this world, needs the behavioral revolution of the women's movement for full justice. We will not be defined by male-oriented law as a class based on our sex. Anatomy for women, as for men, is a *part* of our destiny. Our child rearing, homemaking, breadwinning and leadership responsibilities are no greater and no lesser than that of our partner sex. Our decisions about life roles, life styles, life options will be our own not superimposed. We care too much for ourselves, for whatever children we choose to have, and the potential of men to be humane for us to allow it to be otherwise.

The myth and the reality that behind every great man is a woman is potentially manipulative and immature. For a society, not *merely* an individual to be great, a more mature model of women and men as equal partners in and out of the home will be created. We are not advocating unisex—we are creating uni-people. Stereotyping of people by sex, race, nationality, religion polarizes people. Far from killing so-called love between the sexes, we intend to end the "battle of the sexes" and create a society in which women and men can live fully, freely, independently and/or together as friends, lovers, sisters and brothers unencumbered by false poses, superimposed duty, psychological, legal or any other oppression.

President Nixon reportedly saw Ibsen's play, *The Doll's House*, the tale of a woman expected to be a doll-like wife and her struggle to be an adult. Afterward, he was quoted as saying "It's a part any woman wants to play—on the stage or in real life." If Mr. Nixon and you believe this, then the following are feminist actions you must take. The feminists might be the only believers in true democracy. The definition of a feminist is: a person who believes women are people; that human rights are indivisible; a person who is committed to creating the legal, economic, social, political, religious equality, not sameness, of the sexes as "A Matter of Simple Justice" (the title of the President's own Task Force Report on Women's Rights and Responsibilities). I am a feminist. You, the Senate, the President, the suggested nominees can behave like feminists by having the courage to:

1. Reject/withdraw the names of William Rehnquist and Lewis F. Powell, Jr. for membership on the Supreme Court.

2. Insist on the feminist criteria of justice and justices for *any* role in the federal judiciary.

Such is the nature of my incurable optimism. I did not come for a cure. I came here to be treated and to demand that my sisters, mothers, mothers-in-law, and daughters be treated as persons not a sex who is a subclass of men, generic or specific. Sooner or later, everyone must be a feminist. We will not be co-opted by pleasantries or patronizing. We intend to co-opt you, the President and everyone else.

NOW, I want to publicly thank all the dedicated feminists/humanists whose imputs are part of this testimony. It is they *and* all the anti-feminists and therefore anti-humans in other ways who motivate me to press on. It is still true this country and no individual can be healthy when half slave and half free however subtle that slavery and when the freedom is more apparent than real. As a matter of democratic justice, NOW insists that you act affirmatively on our just recommendations. As Senators for all the people, you can do not less; as leaders speaking to the future, you have the opportunity to do more.

FOOTNOTES

[1] Boylan, Ann Marie "Ida Phillips vs. Martin Marietta Corporation," *Women's Rights Law Reporter*, vol. 1, No. 1, pp. 11–20, July/August 1971.

[2] Dorsen, Norman and Susan Dellar Ross "The Necessity of a Constitutional Amendment", *Harvard Civil Rights, Civil Liberties Law Review*, vol. 6, no. 2, pp. 216–24, March 1971.

[3] Witter, Jean "U.S. Needs Women on the Supreme Court", Pittsburgh Post Gazette. September 30, 1971.

[4] Witter, Jean "Why No Women for Supreme Court?", Pittsburgh Post Gazette, October 25, 1971.

[5] Testimony of William H. Rehnquist April 1, 1971, on Equal Rights for Women and Men, Subcommittee No. 4 of the House of Representatives Committee of the Judiciary p. 323.

[6] Ibid, p. 324.

[7] Quoted in Eastwood, Mary "The Double Standard of Justice: Women's Rights Under the Constitution", *Valparaiso University Law Review*, vol. 5, no. 2, Symposium on Women and the Law, 1971, p. 282.

[8] Social and Economic Variations in Marriage, Divorce, and Remarriage: 1967, p. 20, no. 223, Bureau of the Census.

THANKSGIVING DAY 1918–1971

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. PASSMAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the Delta News:

[From Delta News, Nov. 25, 1971]

THANKSGIVING DAY 1918–1971

(By Professor David Muir Amacker)

Today this Column is dedicated with profound gratitude to the men and women of East Carroll, and beyond, who have worn their Country's uniform; especially to Tom Powell, G. C. Martin and Ben Barrett, who fell in France in 1918; to our other martyrs since; and to Charles R. Doran (now of Lafayette), who was severely wounded at Montfaucon, October 5, 1918, and hospitalized for nearly two years, but survived to continue a remarkable, military career through War II and emerge a much decorated General and Division Commander; and whose valor, capability and devotion to duty can be taken to exemplify in most notable degree the same qualities in all of our Service people.

That first Thanksgiving after War I, fifty-three years ago, was different. Never before had the Nation had such reason to feel deepest and most heartfelt thankfulness to the Almighty: the slaughter was over; America and Allies had triumphed and President Wilson had now the power to remold the future according to his ideals of a fair Treaty and a League of all the Nations to secure, in cooperation, a peaceful world. The agony of war just ended—chronic and cancerous disease of the world body politic—must be crushed and stamped out forever. The President and his Allied colleagues had the will, and seemed to have the power and the skill, to do exactly that. And so the sense of relief, hope and gratefulness was overwhelming.

Two weeks earlier, on November 11, at 11 a.m., European time, the guns on the Western front had fallen silent in an Armistice, and in places American and German soldiers shook hands and fraternized after months of fabulous and heroic combat. Today the names of famous battles, the Second Marne, Chateau Thierry, Belleau Wood, St. Mihiel, the Meuse-Argonne have become to many younger citizens only "echoes of echoes"—as distant, vague and legendary, if known at all, as the last battles of the Civil War, fifty-three years before 1918, were to the men of that first Armistice Day. Our three East Carroll men, Powell, Martin and Barrett, once friends and neighbors of many still living, had become martyrs for the ideals of peace and brotherhood proclaimed by President Wilson as the real and ultimate objectives of America's war-making.

But with our irresistible return to isolationism and "normalcy", high hopes were dashed; Wilson's program was largely defeated, and America's "Crusade" and sacrifices appeared to have been made in vain. On this Thanksgiving, a half century and several wars later, more clearly discernible trends of history permit renewed hope that actualization of the Wilsonian ideals is only postponed. In the period from 1917 to '21, expectations were too great and too simplistic, and nationalist difficulties and human inertia were sadly underrated; further cruel lessons had to be taught by the real and tidal forces of history. But man's international ideals as expressed by Wilson can never be destroyed or indeed long suppressed; and one day are sure to be embodied in workable institutions among nations around the Globe. With the advent of that era the final sacrifice of Tom Powell, G. C. Martin, Ben Barrett and the untold millions of other victims of the war system will at long last be redeemed in the peace, order and brotherhood of a genuinely civilized international community. And in every locality the memory of its war-martyrs will be cherished and their names made to shine with ever renewed luster.

Yet hindsight now suggests that even after War I, a long peace might have been guaranteed, regardless of the ineffectiveness or non-universality of the League, if proper techniques in the use of power had been applied. The Western Allies led by the United States should have kept, instead of dismantling, their preponderance of might in Europe and on the seas to stabilize the Continent and secure the oceans. A shell-shocked Germany should have been firmly brought into and held in the Western state-system and at the same time allowed every hope of progress and well being except that of hostile remilitarization. ("Add your ex-foe's power to your own power", said the Old Romans.) But a U.S. return to relative disarmament and isolationism and bickering, division and weakness in Western Europe, with other blunders, invited a replay of the 1914–18 tragedy in the form of War II. East Carroll continued to send more than the full quota of her younger generations to honored military duty in the Second Great War and afterwards. And this Column proudly offers homage to them all. But our special honoré enjoys the unusual distinction of having served with great personal valor and professional efficiency in both World Wars.

Charles R. Doran, Brigadier General, U.S. Army, Retired, was born in Lake Providence and educated in the Parochial and Public Schools. He was athletic, playing baseball and football with skill and power and becoming a leader among his school mates. Afterwards he attended Louisiana State University to concentrate in Agriculture (B.S. 1916); but he also became interested in military science through ROTC and in four years rose to Senior Cadet Officer with rank of Cadet Major (the first of that rank at LSU). He was commissioned 2nd Lieutenant in the Regular Army June 17, 1917, and stationed with the 18th Field Artillery at Fort Bliss, El Paso, Texas; but was soon raised to 1st Lieutenant as of the original date, June 17, 1917. On June 18, 1918, he was promoted to Captain and left for the European Theater with the 18th Field Artillery, 3rd Regular Army Division. He fought through five major engagements and (as stated) was gravely wounded shortly before the Armistice.

In the early interwar period, Captain Doran was assigned successively to stations in Texas, Oklahoma, Arkansas, North Carolina, Massachusetts, Hawaii, Texas again, Kansas and Iowa. From 1933 to '35, he studied in the Command and General Staff School at Fort Leavenworth, Kansas (which training prepared him for the responsibilities of General rank). After serving as Artillery Instructor with the Washington Artillery, New Orleans, he was ordered back to the 18th Field Artillery, Fort Sill, Oklahoma, in August, 1940, as Battalion Commander and rose through the ranks of Major and Lieutenant Colonel to Colonel commanding the 18th Field Group ("the greatest Field Artillery Regiment in the American Army", says General Doran.). On March 1, 1943, he was promoted to Brigadier General in command of the 17th Field Artillery Brigade (which included the 18th F. A. Group). On February 1, 1944, he was ordered overseas to the 12th Army Group under General Omar Bradley and served on his Staff for 14 months.

During World War II, Charles Doran had become one of the outstanding Artillery officers in the Army, having devised (with two other officers) the tactic of massed artillery fire—240 guns aimed on a single target in two minutes—that attracted wide attention among artillery experts (and incidentally speeded his promotion from Major to General). In June, 1945, he was assigned as Assistant Division Commander, 89th Division, and in August as Commander of the 75th Division. He returned with that Division to the United States. In 1946, he became Regular Army Instructor with the 39th Division, Louisiana National Guard. General Doran retired from active duty on May 1, 1948, after 31 years of service.

His Decorations include:

From the United States—The Purple Heart, Victory Medal, World War I (5 major engagements), Victory Medal World War II (5 major engagements), Legion of Merit with Oak Leaf Cluster and Bronze Star Medal.

For the European Theater—Army of Occupation Medal World War I, and Army of Occupation Medal, World War II.

From Foreign Nations—France: Chevalier of the Legion of Honor and Croix de Guerre with Palm and Medal of Verdun (for her defense).

Belgium: Commander of the Order of Leopold I with Palm, Commander of the Order of Leopold II with Palm and Croix de Guerre with Palm.

Czechoslovakia: Cross of Valor.

Luxembourg: Commander of the Grand Ducal Order of the Couronne de Chene (Oak Wreath) and Croix de Guerre.

He has lived by the Old Roman motto: Per aspera ad astra (Through hardships to the stars). If this Nation can continue to raise up enough men with the qualities of dauntless personal valor, high dedication and outstanding professional competence embodied in such a life's record, America's future will be secure—and splendid.

After retirement from the Army, Charles Doran became active in civilian affairs in Lafayette as President, Safety Butane Gas Company; Vice-President, Southern Steel

and Hardware Supply Co.; Vice-President and Member, Board of Directors, First National Bank; and Athletic Director, Southwestern Louisiana Institute (now University of Southwestern Louisiana).

General Doran is married to the former Martha Pellerin of Lafayette. Their children are: Mrs. Stuart C. Williams, Yale University, New Haven, Conn.; Mrs. Earl S. Lathrop of Wayne, Illinois; and Charles, Jr.

The General is in good health. We wish him many more happy years crowned with honors, the regard of his friends and the gratitude of his County.

HOME PURCHASED FOR GIFT

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. MILLER of California. Mr. Speaker, a public-spirited couple of San Leandro, Calif., Mr. and Mrs. Jack Brooks, have purchased the old Peralta home and given it to the city for a museum and a center for activities for the elderly and the young. The Peralta family, who built the house, were the original grantees of land embracing a great deal of southern Alameda County during the pastoral period in California when it was under Mexican control.

The house is a beautiful Spanish-type building that dates back to the period that ended with American annexation. Both Jack Brooks and Barbara Mathews Brooks are in the real estate business. Mrs. Brooks maintains her own company which was founded by her father many years ago.

Jack Brooks has been very active in Democratic politics and has been a benefactor of liberal causes in the San Leandro area. I congratulate them upon this generous gift to the city and agree with them that it is important that we preserve the old heritage of California. This building is certainly a part of it.

I include with these remarks a news article which appeared in the Morning News of San Leandro.

The article follows:

BROOKS TO BUY HOME

(By Bill Brand)

SAN LEANDRO.—A philanthropic San Leandro couple has ended all the controversy about preservation of Casa Peralta.

Mayor Jack D. Maltester told city councilmen last night that Mr. and Mrs. Jack Brooks have promised him they'll buy the once-stately Peralta home at 384 West Estudillo Ave. and give it to the city to use as a museum, community and cultural center and as a San Leandro showpiece.

The price is reportedly $160,000.

The turn-of-the-century home of a member of the pioneer San Leandro Peralta family, has been threatened with destruction. The present owner, Mrs. John Gilmore, wife of a late-San Leandro physician, had been negotiating with an Oakland realtor for sale of the property.

The realtor, in turn, planned to raze the building and build an apartment house on the site.

When news of the proposed development leaked out a few months ago, indignant San Leandrans, spearheaded by Councilman William F. Suerstedt and Dr. Terry Galloway, of the San Leandro Centennial-Bi-Centennial Steering Committee, launched a drive to save the old structure.

The city council gave the drive its blessing, but authorized no funds at this time.

The Brooks' pledge has averted an almost certain collision between supporters of Casa Peralta's purchase, partly with city and federal funds, and opponents.

Mayor Maltester explained to the council that the city "has a firm offer from Barbara Mathews (Mrs. Brooks) and Jack Brooks to purchase Casa Peralta and donate it to the city."

City Attorney Glenn A. Forbes submitted a rough draft of an agreement to the Brooks Monday afternoon, the mayor said. A meeting is scheduled for Tuesday (today) afternoon, he added, at which time the agreement can be consummated.

Naturally, Maltester added, there are certain restrictions. The major requirement will be that the building be operated by the city of San Leandro, as a recreation center, especially oriented toward senior citizens and young people.

He noted that the council had planned to discuss progress toward purchase of the building by the Casa Peralta Foundation at the meeting. That subject appears moot, Maltester declared.

Later he explained that Barbara Mathews (her business name) came into his office about 10 days ago and made the offer. "I was flabbergasted," Maltester told the Morning News.

She was very specific about use of the home, he added. It must be geared toward cultural, historical and recreational especially for older people and youth. Commercial activity must be strictly limited. The home, the mayor said, can't be used to compete with local restaurant owners, for instance, as a meeting place.

Any proceeds, he added, must go toward maintenance of the building and grounds. The city must pay for the upkeep.

The only commercial enterprises which would be allowed, the mayor emphasized, would be those which would "blend in" with the surroundings. Sale of art would be okay, he explained.

There's also a clause in the proposed agreement, he said, which provides that if through a disaster such as an earthquake, the house is destroyed, the city either must rebuild it or convert the property into a park.

"No apartments," Maltester emphasized.

"I'll tell you this," he said. "I think this is just great." It solves a lot of problems."

"Barbara and Jack are keenly interested in San Leandro," the mayor said, "and they want to help build the city. They figured Casa Peralta would help."

At the council meeting, Councilman Suerstedt was ecstatic. "This is historical!" the councilman exclaimed. "I'm certainly very pleased, and certainly very, very proud. "It's an answer to a historian's prayer.

"It's what all of us have wished for and dreamed of.

"This type of community dedication is historic."

Casa Peralta's potential was demonstrated this weekend, the councilman pointed out. Fiesta De Las Artes which was held there drew people from a long distance away.

Incidentally, Suerstedt added, 690 people signed a petition supporting purchase of Casa Peralta and $140 was donated.

"That's an answer about how people truly feel."

Maltester, at the council meeting, pointed out that Mrs. Brooks was born in San Leandro. "She said San Leandro's been good to her and that she'd like to leave something for San Leandro.

"She put her money where her mouth is."

Councilman Mario Polvorosa pointed out that people in San Leandro will certainly be thankful for the efforts of such fine citizens.

Dr. Galloway, when contacted by the Morning News, said the Brooks' act has made him ecstatic.

They'll never regret this, he exclaimed.

Dr. Galloway pointed out that people from as far away as San Luis Obispo and Eureka attended the Fiesta De Las Artes this past weekend. It certainly helped fill downtown San Leandro, Galloway emphasized.

Casa Peralta is just what this community needs.

One of the most outspoken foes of use of public funds of any kind for purchase of Casa Peralta, John Ely, president of Marina Citizens for Community Improvement, was in the audience when Maltester made his announcement.

Ely did not comment.

After the meeting, he replied to a question from a Morning News reporter about his position, that purchase of the home with private funds is "just what he wanted."

Ely pointed out that he has never opposed purchase with private funds. "There just shouldn't be any taxpayers' dollars buying it," he declared.

Asked about use of public funds to operate the home, Ely said he hadn't thought about it. That's another area, he said.

BUFFALO'S PARENTS IN CRISIS UNIT CITED FOR DRUG AID

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. DULSKI. Mr. Speaker, the National Center for Voluntary Action has cited a Buffalo, N.Y., organization for its unique understanding and education for parents of drug users.

The Buffalo group known as Parents in Crisis has been honored in the national volunteer awards competition. In February, the national center will choose two national winners, an individual and a group, from among the citationists.

Parents in Crisis was established in 1969 and reaches an average of two new parents a week. Its primary purpose is to provide initial emotional support to parents of young drug users.

They offer weekly group therapy sessions where so-called crisis parents, young people familiar with drug problems, and volunteer staff and advisory members join to discuss drug abuse.

The Buffalo unit also operates a 24-hour counseling and reference service for drug users and their parents seeking help, as well as a comprehensive speakers panel available to any group or organization.

The organization is funded entirely from donations, nominal fees for speakers, and collections at meetings.

In an effort to further its secondary purpose of educational outreach, the Buffalo group has formed a second unit known as Youth Awareness. This is designed primarily to educate brothers and sisters of the drug user to the individual's problem.

Both groups work in complete cooperation with the New York State Narcotic Control Commission, Erie County and Buffalo City courts, the Erie County Mental Health Association, as well as several law enforcement agencies and many religious groups.

I am very pleased at the national recognition which the Buffalo group has received. What is more important, of course, is the vital work which the group is and has been doing.

The problem is great and no volunteer group can be expected to cover the waterfront alone. But the work of Parents in Crisis is doing much which is worthy of praise. What's more, there is no question in my mind but that the benefits go far beyond the immediate participants.

DWINDLING SEA POWER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WALDIE. Mr. Speaker, in the past 2 weeks, we have read accounts from Senator HENRY JACKSON of Washington to the effect that our nuclear submarine fleet is being surpassed by the Soviet Union.

But, Mr. Speaker, our nuclear submarine fleet is not the only area being threatened by Soviet superiority. A very interesting article, in the Contra Costa Times has come to my attention, and I think it worthy of my colleagues' attention.

Written by James W. Halley and entitled "Waning U.S. Sea Power," this article gives us a good idea of the problems we face in maintaining a strong maritime fleet. I submit this fine article for inclusion in the RECORD:

[From the Contra Costa Times, Nov. 19, 1971]

WANING U.S. SEA POWER

(By James W. Halley)

Victor Bakayev, former Soviet Minister of Merchant Marine, often boasted that Russia would be the number one maritime power by 1980. We should have listened.

The present ranking in shipping tonnage runs like this: Liberia, Japan, Great Britain, Norway, Greece, U.S.A., USSR. Projected deliveries make it apparent that within the next two years Russia will pass the U.S. in both numbers of active ships and tonnage.

Like the news about the Soviet Navy, their merchant marine development is a success story for them. Their growth and expansion must be recognized as spectacular.

In 1950, the USSR had 432 merchant ships aggregating 1.9 million tons. Of these vessels, 51 had been loaned to Russia under Lend-Lease. On Jan. 1 of this year, she possessed 1,942 ships of over 14 million tons.

By comparison, we have wallowed. Our privately owned active fleet in 1950 was composed of 1,100 ships of 13.5 million tons, and today numbers 754 ships of 14.1 million tons.

The Soviet surge can also be illustrated by considering the 1968 figures which showed the U.S. as having 51 ships on order as compared to 456 ships for the USSR.

But numbers and tons alone don't tell the story. Quality is also telling. 80 percent of the Soviet fleet is less than 10 years old, and 80 percent of the U.S. fleet is older than 20 years.

Even more importantly, the nature of Russian and American strength should be considered. Russia is a land power, now going to sea. Most resources needed to support her economy are located within her own boundaries. Her fundamental military strength is indigenous to the Eurasian land mass.

The U.S. on the other hand, is a sea power whose strength is drying up. We depend upon an elaborate system of alliances that can only be supported by sea. More than 90 per cent of our import and export tonnage is carried by sea transportation, and of the 71 strategic materials needed for national defense, we must import all or part of 68.

But some say, the U.S. controls many ships that operate under foreign flags, and these should be considered in assessing our strength.

True enough, as of the end of last year, American firms owned 467 ships that operated under flags of convenience. But, "control" is something else again.

Forty per cent of such vessels are registered with traditional maritime nations. Our "control" of these rests upon the expectation that such nations will cooperate with us in the event of an emergency. This sense of assurance seems reasonable enough if one presupposes fairly normal international conditions. History tells us, however, that there were similar expectations concerning the French fleet in 1939.

The other 60 per cent of such ships, however, present even more serious problems. Some 160 ships fly the Liberian flag, and 91 the Panamanian flag. These vessels are tied to America by a very thin umbilical cord indeed. Each of them is bound to us by a piece of paper and a single man.

These ships are covered by letters of agreement under which the owners agree to turn the ships over to the U.S. in the event of an emergency. To "guarantee" delivery the owner maintains a representative who's usually the Master or Chief Engineer aboard each vessel. This man, supposedly, will guide the ship to a proper port at the moment of urgency. One pictures 271 Humphrey Bogarts doing the "right thing" under circumstances of maximum stress.

To sense the stickiness of the problem, consider an ugly surprise experienced by the Military Sealift Command during the Vietnam War. The American owners of a ship staffed with a Mexican crew agreed to charter a vessel to the Command, but the crew refused to participate. No crew, no ship.

The reality of American maritime strength seems tied to doing business as usual at a time that other considerations may become more important. The Soviet Union is moving toward maritime supremacy that traditionally belongs to the west.

Her motives include strategic considerations, and she certainly is increasing her naval power by expansion of her government-owned fleet. She also conserves foreign exchange by using her own ships to carry her expanding trade. Finally, as instruments of prestige and political influence Russia uses her fleet of merchant ships to extend her presence in the world.

Last year legislation was adopted which seems to assure expansion of our merchant marine by 300 ships in 10 years time. This, however, should be considered as a start only.

More is involved than the interests of ship owners, ship operators, labor and men of government. The average American citizen has an imposing interest in the revitalization of our maritime strength. He should be beginning to understand that his future, in fact his very life could depend upon it.

THE FUND FOR RECONCILIATION

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. TERRY. Mr. Speaker, a major reason for the stresses the Government faces daily, is that the Federal Government has become for many people, and most organizations, the financial court of last resort. Seldom is a solution perceived for any domestic need which does not involve Federal funding requests.

I am proud to report an activity in my district which is replying on private resources completely. A program to raise $20 million to finance community projects which work to eliminate causes of hostility and racial tension is an example of how a major religious faith can channel resources and energies to resolve long standing human problems within American communities. How it can put self-help into action.

Called the Fund for Reconciliation, this overall effort was started in 1968. It has led to the creation of police and community relations programs in Syracuse, a nationwide youth voluntary service organization, rehabilitation services in Vietnam, the development of black community leaders. Child care centers, nonprofit housing projects for the elderly, medical and personal development care programs are some of the other outward manifestations of the fund for reconciliation.

Bishop W. Ralph Ward of the Syracuse area conference, which includes the area I serve, announced a commitment to achieve fund for reconciliation participation from 10 million United Methodists. The philosophy behind this program illustrates the growing role many of our religious faiths are taking in working with minority groups and with Government agencies to move together in the best interests of all peoples in all communities. I would like to quote from information which is being distributed nationally by the United Methodist Church:

"The church, viewed as part of what is called 'The Establishment' has been accused of not applying an ardent missionary desire to attack the very real problems of this world.

"The political and economic system of our nation which has allowed extended poverties, enormous slums, and widespread cruelties inflicted upon God's children by inadequate systems for housing, health services, quality education, and job opportunity is deserving of criticism and change. But it not hopeless. There is no fulfillment in denunciation.

"Probably the greatest need of the world today is for reconciliation. In order to establish the proper relationship with others, we must be willing to admit our share of the responsibility and be willing to forgive and be forgiven. If we have wronged, then we must be willing to forgive unconditionally, for partial forgiveness is not forgiveness at all. To admit our share of the guilt may not restore damage done, but it will reassure the other person that our motives are well intended.

"This was the type of thinking that led to the creation of the fund for reconciliation back in 1968. The fund for reconciliation was a symbol of the determination of the United Methodists to follow the lead of our Lord who lived with and offered hope to the outcasts of his own society.

"What are the broader implications of the fund? If the fund for reconciliation is just the beginning and not the end of our church's concern for the current crisis, it may have potential for making a significant difference in the quality of life for people across the nation who need to be comforted and reconciled. It is tangible evidence that the church can move together to become a

force of constructive social change in a society in need of reforms.

"At a time when there is much talk about the realignment of our Federal or Government priorities, the fund is a way for the church to demonstrate that it takes seriously the compelling human problems of our time.

"By our own participation as individuals within this church we show that we are taking seriously the call of the uniting conference for 'A New Church for a New World.' We show that we, as a local congregation, are working towards those structural and additudinal changes which will enable us to participate in missions of relevancy to our times. . . . and to the times of the young people who will follow us.

"We have shown that the church is not established apart from the rest of the community. In fund for reconciliation projects we have joined with other organizations in cities and towns across this nation to experiment with some exciting new ministries. These are helping in the resolution of some long standing and worsening human problems."

TRIBUTE TO TALLU FISH

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. STUCKEY. Mr. Speaker, Tallu Fish, a beloved and talented historian reared in Kentucky and lured to Georgia by our Golden Isles, died recently and was returned to her home soil for burial. Georgia owes much to Tallu Fish for the stimulation she provided that helped to motivate the continuing development of our chain of Atlantic islands. One of her special loves was for famed Jekyll Island, later developed into a Georgia State Park.

Two former Members of the House of Representatives were prominent in her life. One was Congresswoman Iris Blitch of the Georgia Eighth District, and former Congressman Eugene Siler of Kentucky. At the funeral of Tallu Fish, Eugene Siler delivered a eulogy befitting the life and service of this wonderful woman and I now enter in the RECORD a copy of this eulogy:

EULOGY OF REMARKS ON TALLU FISH BY FORMER CONGRESSMAN EUGENE SILER AT THE FIRST BAPTIST CHURCH OF WILLIAMSBURG, KY., AUGUST 29, 1971

Yesterday afternoon I was sitting at home thinking about the years I had known my close neighbor and friend, Tallu Fish, and how much her life had meant to all of us who knew her.

Her influence was felt from the time she came here in 1932 until, after her husband's death, she left for her native Georgia in 1954.

She believed, with Solomon, that "where there is no vision, the people perish", and she brought with her a vision and an enthusiasm that found expression in making Williamsburg a better place to live.

Tallu was part, parcel and mainstay of this church. She organized the Women's Club, the PTA, took a bold part in making women responsive to a new role in politics.

There were several clear-cut facets to her life:

She was a *career woman*. She worked tirelessly for the Democratic Party and built a women's organization into a powerful voting force throughout the State. She was columnist for a half-dozen newspapers; edited the State PTA Journal; and she almost completed a wonderful book: "The Women of the Bible", which I hope one of you children or grandchildren will finish.

When she left and became the first permanent resident of Jekyll Island, she began a 17-year career of preserving the history of that colorful island, writing several books, among them: "Once Upon an Island", and "Sidney Lanier, Sweet Singer of Songs".

Mrs. Siler and I had dinner with her one evening in the setting of her lovely beach home, and as we were leaving, she put her hand on my arm and said to her friends: "This is the only Republican I could ever vote for." Those friends and many others are assembled in the Old Chapel at this hour in tribute to her.

She was a *Christian Woman* and when the doors of this Church opened, she was here. She took you three children by the hand and brought you to the Church. She saw how much a class for young women was needed, and she organized the Fidelis Class. Fidelis means faithful, and she was faithful in the cold of winter, and the heat of summer for fifteen years.

The third facet of her life was her *role as mother*. No role in life is more important than that of mothers. Their influence has been felt through all the ages—mothers like the Mother of Moses, the daughter of Levi, who openly defied the law to save her son for his great role as leader. There was Elizabeth, the Mother of John the Baptist, and Mary, the Mother of Christ—women Tallu knew much about and of whom she wrote.

Tallu's role of Mother, she considered, was the most important of her life, and she gave her children the Christian foundation to take them through life.

She was a happy person with a bright and contagious sense of humor, and Tallu made people around her happy. And now, she has gone to that great Church Invisible, where, I know, she will be as busy as she was here doing the things that will make it a better and happier place. This, I know, will be her new role in that Church Invisible to which she has gone.

When earth's last picture is painted,
and the tubes are twisted and dried,
When the oldest colors have faded,
and the youngest critic has died,
We shall rest, and, faith, we shall need it
lie down for an aeon or two,
'Til the Master of All Good Workmen
shall set us to work anew.
And those that were good will be happy:
They shall sit in a golden chair;
They shall splash at a ten-foot canvas
with brushes of comet's hair;
They shall find real saints to draw from
Magdalene, Peter, and Paul;
They shall work for an age at sitting
and never grow tired at all.
And only the Master shall praise us,
and only the Master shall blame
And no one shall work for money,
and no one shall work for fame;
But each for the joy of working,
and each in his separate star,
Shall draw the Thing as he sees it
for the God of Things as They Are.

DECISION AGAINST ABSENTEE AGRIBUSINESS LANDOWNERS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. KASTENMEIER. Mr. Speaker, a decision handed down by visiting Federal District Judge William Murray in the U.S. District Court for the Southern District of California upholding a residency requirement written into the 1902 Federal Reclamation Act could, if sustained, break up the large corporate holdings of irrigated farmlands in southern California's Imperial Valley, as well as other agricultural areas that depend on Federal water supplies. For one reason or another, the provisions of the 1902 law which provide that landholders could receive federally subsidized water for farms of 160 acres or less on condition that they live on, or very near, their land has not been fully enforced, either with respect to the acreage limitation or the residency requirement. As a result, federally financed water is used to irrigate land illegally held by land speculators, oil companies and giant agribusinesses. I have proposed legislation, H.R. 5236, which would require the Federal Government to buy land held in excess of the 160-acre limitation at a preirrigation project market price and to lease or sell it at a postproject market price. The public treasury would benefit from the windfall profits now enjoyed by only a few.

The ruling by Judge Murray, on November 22, 1971, states that the Imperial Valley's large absentee landowners are not legally entitled to receive federally financed Colorado River water to irrigate their fields because they are not bona fide residents of the Imperial Irrigation District. Affected by this decision are such corporate owners as United Fruit Co., Dow Chemical Co., Purex Corp., Ltd., Tenneco, and Kaiser Aluminum and Chemical Corp. These giant agribusinesses and others, aided by Federal tax loopholes and subsidies, have been monopolizing our land and agriculture at the expense of the independent family farmers who have been disappearing from rural America at an alarming rate.

Mr. Speaker, Judge Murray's decision could end the speculation and monopolization of land, and I wish to share his ruling with my colleagues:

[In the U.S. District Court for the Southern District of California]

PARTIAL SUMMARY JUDGMENT

(Ben Yellen, et al., plaintiffs, versus Walter J. Hickel, individually and as Secretary of the Interior, et al., defendants)

No. 69-124—Murray

Before the court is a motion for partial summary judgment. The suit was filed under 28 U.S.C.A. 1361 to compel the Secretary of the Interior and lower level officials of the Department of the Interior to enforce the residency requirement of Section 5 of the Reclamation Act of June 17, 1902, 32 Stat. 389, 43 U.S.C.A., Section 431,[1] against lands located within the Imperial Irrigation District in California which receive water from the Boulder Canyon Project through the All American Canal. It is the government's contention that Section 5 has been superseded by Section 46 of the Omnibus Adjustment Act of May 25, 1926, 44 Stat. 649, 43 U.S.C.A., Section 423e[2] and therefore the residency requirement does not apply. For the following reasons this court finds that Section 5 is in force and the residency requirement is a prerequisite to receiving water from the Boulder Canyon Project.

The ruling on this motion is a determination made as a matter of law and does not depend upon any factual showing by the moving party beyond the allegations in the pleadings. There was a previous motion for summary judgment and that motion was denied without prejudice and therefore there is no bar to the present motion. Further the government raises the issue of standing in defense of this motion. A motion to dismiss for lack of standing to maintain a suit was denied at the same time as the previous motion for summary judgment, thus there is no need to rule on that question at this time.

The Boulder Canyon Project is authorized and governed by the Boulder Canyon Project Act of 1928, 45 Stat. 1057, et seq., 43 U.S.C.A. 617 et seq. Under Sections 12 and 14 of that Act (45 Stat. 1069 and 45 Stat. 1063) the project is governed by the June 17, 1902 Act and "Act amendatory thereof and supplemental thereto", 43 U.S.C.A., Sections 617k, 617m. The question which concerns the court is whether Section 46 of the Omnibus Adjustment Act has so changed the original 1902 Act as to eliminate the residency requirement contained therein.

The government argues that under Section 46 of the 1926 Act the Secretary no longer is authorized to sell water directly to landowners on projects built thereafter. Instead, Section 46 requires the Secretary to contract with irrigation districts for delivery of water and repayment of the project and these contracts are required to impose certain conditions to which landowners must conform.[3] Since none of these conditions include a residency requirement it is argued that the effect of Section 46 is to eliminate any residency requirement from all reclamation projects governed thereby. This argument proves to be incorrect when viewed in the light of sound statutory construction and the background and purpose behind both Section 5 and Section 46.

The government points to no specific provision of the Omnibus Adjustment Act which repeals Section 5 of the 1902 Act. Nor do they contend that the 1926 Act entirely repealed the 1902 Act. It is a general rule of statutory construction that where there are two acts on the same subject, effect should be given to both if possible. *United States* v. *Borden Co.*, 308 U.S. 188, 198. Further, repeals by implication are not favored and the intention of the legislature to repeal must be clear and manifest. Even when there is a positive repugnancy between the provisions of the new law and the old law, then the old law is repealed only *pro tanto* to the extent of the repugnancy. *U.S. v. Borden*, supra.

Statutory construction of Section 5 and Section 46 reveals no repugnancy whatever. Section 5 requires that there is no right to use water on tracts of any one owner of over 160 acres and no water shall be sold to anyone not occupying the land or residing in the neighborhood. Section 46 establishes a system whereby the Secretary no longer sells to individuals, but to irrigation districts instead, and provides for a situation not contemplated in the original Act where water would be supplied through the irrigation district to private landowners of more than 160 acres in addition to settlers on public lands opened up for entry under the original reclamation law. There is no inconsistency in applying the requirements of Section 5 at the same time with those of Section 46. The latter merely provides for sale of excess lands over 160 acres if the private owner wants reclamation project water. Section 5 requires that he be a resident to get water at all. A literal reading of both statutes then reveals no implied intent on the part of Congress that the earlier statute would be repealed by Section 46. Since both can stand by reasonable construction, that construction must be adopted. *Wilmot v. Mudge*, 103 U.S. 217, 221 (1881).

The plain language of the Omnibus Adjustment Act of 1926 does not repeal Section 5 of the 1902 Act, nor is any legislative intent to do so exhibited in the Act's background. The basic purpose of the 1926 Act is expressed in 43 U.S.C.A., Section 423f, 44 Stat. 65 (May 25, 1926) as follows:

"The purpose of sections 423–423g of this title is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer said sections to those ends."

The report on the House version of the bill H.R. 10429 prepared by the Committee on Irrigation and Reclamation refers to the reclamation policy of the government which was adopted as a result of the Act of June 7, 1902. The report points out that while the law had provided that the cost of projects be returned to the reclamation fund, settlers had been unable to do so in full and therefore it would be necessary to authorize the Secretary to credit the projects with losses sustained. Then the report continued:

"It is confidently believed that with the adjustment authorized herein the various projects will be put on a basis which will restore the morale and enthusiasm of the settlers and enable them to meet their payments promptly in the future. The settlers on these projects have endured great hardships and have struggled against the most adverse conditions in their effort to cooperate with the government in reclaiming these desert wastes, and are entitled to the proposed relief which has been urged upon the committee by the Representatives from the arid land States and the Secretary of the Interior for many years." See Adjustment of Water Charges, House Report No. 617 to accompany H.R. 10429, 68th Cong. 1st Session.

It is clear from the report that the purpose of the 1926 Act was to provide relief to settlers then residing on the land. There is no indication that the Act was intended to change the policy of the reclamation law.

The government has cited Section 1 of the Act of August 9, 1912, 37 Stat. 265, 43 U.S.C.A. 541 as additional support to the contention that residence is no longer intended as a requirement for water rights under reclamation law.[4] That law requires that homestead entrymen submit proof of residency, reclamation and cultivation in order to obtain a patent while purchasers of water right certificates need only prove cultivation and reclamation of the land for a final certificate. This it is argued is evidence that residency has been eliminated as a requirement to receiving water. It is evident that Congress intended the Act to apply to purchasers of water rights for private lands as well as to entries of public lands. See House Committee on Irrigation of Arid Lands, Patent to Entrymen for Homesteads Upon Reclamation Projects, House Report No. 867 to accompany S. 5545, 62d Congress 2d Session, and I Department of Interior, Federal Reclamation Laws Annotated 15 (1958). However, there is no indication that the residency requirement of Section 5 was intentionally eliminated.

In the West water and land are separate and ownership of land does not automatically give right to water use. This is reflected in the homestead laws where water rights are reserved from patents. See 43 U.S.C.A. 661 as derived from 14 Stat. 253 and 16 Stat. 218. This explains why the patent and the water certificate were treated separately in Section I of the 1912 Act. The patent is a right to land—ownership in land. The certificate is evidence of a right to water subject to divestment for failure of application to beneficial use. See 43 U.S.C.A. 372, 32 Stat. 390. However, the nature of the water right is not expressly delineated in reclamation law. The water right certificate describes the land upon which the water is to be used, the amount of water use allowed and aids in establishing priorities under state laws. Neither the reference to water rights in the 1902 Act, nor that in the 1912 Act make clear just what the user has, either before or after receiving the final water rights certificate. It is important to note, however, that reclamation laws are "designed to promote federal policies of permanent importance and not merely to secure an investment interest." II Sax, Waters and Water Rights, 118 (R. Clark ed. 1967).

That land and water are separate also helps explain why each is treated differently in Section 1 of the Act of 1912. The purpose of the Act of 1912 was to enable the settler to mortgage his property prior to final payment for the amount due for the water right. See Title for Homesteaders on Reclamation Projects, Senate Report No. 608 to accompany S. 5545, 62d Congress 2d Session. The water certificate was property right of sorts even though a defeasible one. It represented an incremental value of the price of the private land and as such was an asset which added to the mortgageable value of the land. See Sax, *Selling Reclamation Water Rights: A Case Study in Federal Subsidy Policy*, 64 Mich. L. Rev. 13, 1965, for a discussion of incremental values. The cultivation and reclamation requirements of Section 1 insure good faith on the part of the owner that the arid land would be cultivated and reclaimed. This purpose of the Act in no way changes the overriding original anti-monopolistic and anti-speculative purposes of the original reclamation law. (Discussion of this purpose to follow.) Therefore, while cultivation and reclamation are required for a final water rights certificate, residency remained a requirement to receive water initially. See sample forms for water right applications in Department of Interior, Fourteenth Annual Report of the Reclamation Service 1914–1915, 268–276, which require affidavit of residence.

It should also be pointed out that on August 10, 1917, Congress saw fit to suspend the residence requirements during World War I. See 40 Stat. 273.[5] It would be strange indeed if Congress intended to eliminate the residence requirement for receiving water by the Act of 1912, that it deemed it necessary to suspend residency in 1917. It is much more plausible that there was and is a continuing intent on the part of Congress to keep alive the anti-speculative and anti-monopolistic purposes of the Act as expressed in the residency requirement.

The government's rationale in relying on Section 1 of the 1912 Act is somewhat obscure. Their primary argument rests on Section 46 of the 1926 Act. It is difficult to understand how the 1912 Act can shed light on a policy which they argue was not expressed until the 1926 Act of Congress.

It is further argued that the elimination of the water right application by the Act of May 15, 1922, 42 Stat. 541, is an expression of intent to eliminate the residency requirement.[6] Where a legally formed irrigation district agreed to pay moneys owing the United States for construction and maintenance of the project, this statute dispensed with the requirement that individual water user file an application for water right. It is clear from the Department of Interior's Report, on S. 2118, dated May 23, 1921, to the Senate Committee on Irrigation and Reclamation of Arid Lands that the Senate bill, which later became the 1922 Act, dispensed with the water right application in order to eliminate unnecessary amounts of work and possible complications. Since one function of the application was to establish a lien for the payment of water charges on each user's land in favor of the United States, the elimination of the lien by the statute removed a basic reason for the application. Further, inasmuch as the new irrigation district is responsible to pay the United States for construction and maintenance, it would be collecting the payments from its members and controlling

Footnotes at end of article

the distribution of water. A new applicant for water would be required to go through the district and to require an additional application to the Bureau of Reclamation could have made the process unnecessarily complex while only duplicating work which could be done by the district.

The application was used by the Bureau of Reclamation to enforce other provisions of the reclamation laws such as the residency requirement (See Department of Interior, Land Ownership Survey of Federal Reclamation Projects 34, 35, 1946), but the 1922 Act fails to refer to residency. This failure does not lend support to any interpretation of the Act as an expression of intent to eliminate the residency requirement nor to change the national policy of the reclamation laws. There is no positive repugnancy between the 1922 Act and the residency requirement. The Secretary of Interior is given authority to dispense with the application at his discretion, but remains charged with enforcing the policy of reclamation law which is still in force. Compliance with residency, which is an expression of national policy, should have been secured by other means.[7]

On April 19, 1916, the Department of Interior issued an opinion which undercut the policy of the reclamation law:

"The residency requirement of this section (Section 5, 1902 Act) in reference to private lands is fully complied with if, at the time water-right application is made, the applicant is a bona fide resident upon the land or within the neighorhood. After approval of the application further residence is not required of such applicant, and further proof may therefore be made under the Act of August 9, 1912 (37 Stat. 265), without the necessity of proving residency at the time proof is offered." (See I Federal Reclamation Laws Annotated, page 55–56).

The government cites this opinion along with subsequent Federal Regulations and expressions of policy by the Bureau of Reclamation as evidence of elimination of the residency requirement.[8] This evidence recognizes there is a residency requirement problem, but denies that residency is a continuing requirement as an expression of national policy. The Department cannot repeal an Act of Congress.

It could be argued that re-enactment of the statute, such as was the case in Section 14 of the Boulder Canyon Project which re-enacted the reclamation law, constitutes legislative acceptance of the earlier administrative interpretation. It has been held that an administrative interpretation of a statute was binding on the court where it has been impliedly upheld by re-enactment of the statute. See *Kieferdorf v. C.I.R.*, 142 F.2d 723. However, Congressional re-enactment of a statute, without expressed consideration or reference cannot give controlling weight to an originally erroneous administrative interpretation of the statute. *United States v. Missouri Pacific Railroad Company*, 278 U.S. 269, 280. The re-enactment of a specific clause or statute after administrative or judicial construction is merely one factor in the total effort to give fair meaning to the language thereof, and such circumstances must give way to plain language or basic purpose. *Fleming v. Moberly Milk Products Co.*, 160 F.2d 259.

The Reclamation Act of 1902 was enacted after a long history of monopoly of and speculation in the arid lands in the west. This background resulted in a national policy of anti-monopoly and anti-speculation which round expression in reclamation law. It is this policy which provides possibly the strongest rationale for holding the residency requirement in force. From its very inception reclamation policy has been to make benefits therefrom available to the largest number of people. The 1902 Act contained a 160 acre limitation, required that users be bona fide residents, required that the reclamation water right be appurtenant to the land, and provided that rights to the water be limited by beneficial use. 32 Stat. 389, 390 (1902), 43 U.S.C.A., Sections 372, 383, 431 (1964). These devices were incorporated into the bill in order to prevent land monopolization and profiteering by large corporations to the detriment of the intended beneficiaries of the Act. See Taylor, *The Excess Land Law-Execution of a Public Policy*, 64 Yale L.J. 476, 484–86 (1955). The idea was to create a class of self-reliant family farmers. See Land Ownership Survey, supra, 61–73, 91.

National policy, as expressed in the reclamation laws, is to provide homes for people.[9] Homes are possible only where speculation and monopolization are not possible. The 160 acre limitation and the national policy which it reflects have been upheld by the Supreme Court in *Ivanhoe Irrigation District* v. *McCracken*, 357 U.S. 275. The residency requirement in Section 5 is a second expression of that national policy. Its repeal by implication would be contrary to the purpose for which Section 5 was enacted. Early in reclamation history events showed that "under the private projects where residence is not required, the developments have been very largely along the line of the creation of tenant farms." See Department of Interior, 11th Annual Report of the Reclamation Service 11, (1911–1912). Failure to enforce residency subverts the excess land limitation which *Ivanhoe*, supra, specifically upheld. Through the use of corporations, trusts and cotenancies flagrant violations of the purpose of this limitation are possible. Each of these farms may be used to by-pass the acreage limitation. The policy behind reclamation law to aid and encourage owner operated farms requires enforcement of the residency requirement to prevent these violations. See Sax, *The Federal Reclamation Law* in II *Waters to Water Rights*, supra, 217–224.

The fact that residency has not been required by the Department of Interior for over 55 years cannot influence the outcome of this decision.[10] Failing to apply the residency requirement is contrary to any reasonable interpretation of the reclamation law as a whole, and it is destructive of the clear purpose and intent of national reclamation policy. It is well settled that administrative practice cannot thwart the plain purpose of a valid law. *United States v. City and County of San Francisco*, 310 U.S. 16, 31–32 (1940). Rather than indicate the validity of the administrative ruling, the lapse of time serves to dramatize the unavailability of relief in the past and points toward the need for increased access to the court in the future.

The Boulder Canyon Project Act, 45 Stat. 1065, 43 U.S.C.A. Section 617m, provides that the Act shall be deemed a supplement to reclamation law which shall govern the constructive operation and management of the works authorized. Inasmuch as Section 6 of the 1902 Act has been found in full force and effect, it must be applied to the Imperial Irrigation District as well as to all reclamation projects constructed pursuant to the Boulder Canyon Project Act. No right to the use of water for land in private ownership shall be sold to any landowner "unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, . . .". 43 U.S.C.A., Section 431.

That portion of the motion for summary judgment determining the applicability of Section 5 of the Act of 1902 is therefore granted, which in effect is merely an interlocutory adjudication of the applicable law.

The posture of the case at this time is not such as the court can determine the other portions of the motion, and therefore reserves ruling thereon.

Done and dated this 22nd day of November, 1971.

W. D. MURRAY,
Senior U.S. District Judge.

FOOTNOTES

[1] Section 5 of the Reclamation Act of June 17, 1902, 32 Stat. 389, 43 U.S.C.A. 431, provides:

"That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section 4. No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such rights shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act."

[2] Section 46 of the Omnibus Adjustment Act of 1926, 44 Stat. 649, 43 U.S.C.A. Section 723(e), provides:

"No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with the irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than forty years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into an agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment."

[3] Section 46 provides that the following conditions which affect individual users be included in contracts with irrigation districts: (a) excess land over 160 acres shall be appraised and the sale price fixed by the Secretary; (b) no excess land shall receive water unless owners contract to sell the land at or below the contract price; (c) until one half the construction charges have been paid no water right passes with the sale until the sale is approved by the Secretary.

[4] Section 1 of 37 Stat. 265, 43 U.S.C.A. 641, provides:

"Any homestead entryman under the Act of June 17, 1902, known as the reclamation Act, including entryman on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence, reclamation and cultivation, submit proof of such residence, reclamation and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the reclamation Act for homestead entrymen: *Provided*, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate."

[5] The Act of August 10, 1917, 40 Stat. 273, provides in part:

"Sec. 11 (Suspension of residence requirements.)—That the Secretary of the Interior is hereby authorized, in his discretion, to suspend during the continuance of this act that provision of the act known as 'reclamation act' requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper. (40 Stat. 276.)

"Sec. 12 (Duration of suspension.)—That the provisions of this act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President; but the date when this act shall cease to be in effect shall not be later than the beginning of the next fiscal year after the termination, as ascertained by the President, of the present war between the United States and Germany. (40 Stat. 276.)"

[6] The Act of May 15, 1922, 42 Stat. 541, provides in part:

"That in carrying out the purposes of the Act of June 15, 1902 . . . and Acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. . . ."

"Section 2. That patents and water-right certificates which shall hereafter be issued under the terms of the Act entitled "An Act providing for patents on reclamation entries, and for other purposes," . . . for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; . . ."

[7] Section 46 of the Omnibus Adjustment Act provided that:

"Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers." Again this provision was not intended to alter the effect of the reclamation law and the Secretary cannot exercise his discretion so as to subvert the purposes of the Act.

[8] See Department of Interior Manual of the Bureau of Reclamation (1938 Edition) 373; Title 43, Code of Federal Regulations, Section 230.65.

[9] See Kinney, *A Treatise on the Law of Irrigation and Water Rights and the Arid Region Doctrine of Appropriation of Waters* 1912, pp. 2238–2239. Kinney cites a portion of President Roosevelt's first message to Congress, delivered December 3, 1901, as a classic statement upon the subject. Roosevelt's idea was that as a result of reclamation and settlement of arid lands "our people as a whole will profit, for successful home-making is but another name for the upbuilding of the nation."

[10] Sec. 1916 Department of Interior Opinion, supra.

WASHINGTON'S EMBOLIC BLOOD SYSTEM

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. VEYSEY. Mr. Speaker, a recent article in the Washington Sunday Star eloquently described a number of deadly impediments to an adequate supply of pure and safe blood in the Washington D.C. area.

Mr. Hoffer's article points out the urgent need for better management of blood inventories to cut down on the waste of blood through outdating. He also shows the need for an effective exchange of information between the various blood banks in the area.

Paid donors who need the money have a strong incentive to lie about their past exposure to hepatitis. Present tests will catch only 25 percent of the people who lie, but if their names are not shared with other blood banks there is no way to prevent even these people from shuffling down the street to the next blood bank that will pay them for more of their death by the pint.

The National Blood Bank Act, H.R. 11828, that I recently introduced, would solve both these problems and provide some assurance of safety to all blood recipients for the first time. The Director of the national blood bank program would be directed to issue binding regulations to insure efficient management of blood inventories. He would also establish a national registry of blood donors.

As Mr. Hoffer's article demonstrates, a bill like this is urgently needed—and soon. I intend to reintroduce my bill with cosponsors in the near future, and will be pleased to provide any additional information my colleagues may require.

The Star article follows:

[From the Washington Sunday Star, Feb. 7, 1971]

WASHINGTON'S EMBOLIC BLOOD SYSTEM

(By William Hoffer)

Age: 43. Occupation: housewife and mother. Admitted to the Clinical Center of the National Institutes of Health in June, 1969. Diagnosis: rheumatic heart disease. Treatment: open heart surgery. No time to waste.

Doctors routinely placed an order with the Clinical Center blood bank for the 16 pints of A plus blood necessary to sustain the operation.

But the bank was broke.

The Clinical Center hurriedly put in a call to the Washington Regional Center of the American Red Cross. There wasn't enough blood available there, either.

The operation could not be postponed any longer. As a last resort, the 16 pints of blood the woman needed to live were purchased from a commercial blood bank.

There was no way of knowing it at the time, but this blood was just as deadly to the woman as was her damaged heart.

The surgery was taxing but routine. The housewife's chest was opened and a heart-lung machine, primed with the commercial blood, was connected to the giant vessels serving the heart. The operation was a success. The housewife awakened from her anesthetic coma to find the new plastic valve the doctors had implanted in her heart working fine. She was released from the hospital, telling her nurses that she hadn't felt so energetic in years.

To reduce the danger that a blood clot might stop up the new valve and cause death, doctors prescribed large doses of sodium warfarin, a drug that inhibits the blood's ability to solidify.

Three months went by. Revitalized, the woman planned a camping trip with her family. One morning shortly before the outing she noticed that her urine was dark. Her skin and the whites of her eyes had turned a pale yellow. But she didn't want to miss the fun of the camping trip.

Out in the woods she suddenly lost her appetite. Then she began to have pains in the stomach. She was hot and sweaty. The pains grew worse. Her husband rushed her to a hospital, where doctors discovered that her liver was extremely large and tender. They ran a prothrombin test to determine the clotting time of her blood. It took two minutes to clot, as compared with normal test results of 13 seconds. Diagnosis: hepatitis.

Now it was a question of whether or not the effects of the woman's medication could be countered in time. Hepatitis attacks the liver and reduces blood-clotting time. The woman's case was compounded by the sodium warfarin. Doctors prescribed heavy doses of vitamin K and kept a close watch.

Late that night the woman died. Autopsy revealed a massive brain hemorrhage; but the underlying reason for death was traced back to the blood the woman had received from the commercial blood bank: it had been infected with the hepatitis. The woman had died because 16 pints of noncommercial blood were not available when they were needed.

This was not an isolated case. In the same year, three other patients at NIH died of hepatitis because of the shortage of blood from the Red Cross and other donor agencies. NIH has since stopped buying blood from commercial blood banks—where every species of skid row derelict can walk in from the street, answer "no" to all questions about hepatitis, malaria and syphilis, pass a temperature and blood pressure test, and quickly exchange a pint of warm blood for cold cash. Most patients receiving this kind of blood would be horrified if they saw the donor. Washington has one such collection agency, but it is not licensed to distribute blood in this area. Its wares are shipped to Chicago.

However, NIH is still forced to purchase certain blood components from the commercial sources for the treatment of leukemia patients and hemophiliacs. "It's a question of do they die or do they get hepatitis," says an NIH spokesman. "So we use the components and risk the complications." More than 1,500 doses of these components also are shipped to other area hospitals from NIH each year, diffusing the commercial blood products throughout the city.

So far, most of the hospital blood banks in the Washington area have been able to operate without resorting to buying whole blood from the commercial systems that are the scourge of blood programs in cities like Chicago, New York and Detroit. But the increasing shortage of blood from agencies like the Red Cross creates uncomfortable moments at best. Elective surgery is postponed while patients suffer, and sometimes there is an emergency such as the Saturday night last summer when six staff members at Sibley Hospital hurriedly rolled up their own sleeves to save the life of a 17-year-old boy who had been involved in an accident.

The volunteer blood donor system—still maintained with the old-fashioned, flag-waving, mom's apple pie finesse that got it going as a civic duty during World War II—is faltering.

Dr. Paul J. Schmidt, chief of the blood bank at NIH (and the person responsible for stopping the buying of commercially supplied whole blood at NIH), points to the biggest problem facing the donor system. "We made a study of the type of person who gives blood to us," says the bearded pathologist. "By far, the biggest group is men over 45. The person who is the back-bone of blood donations today is the person who got into the habit of donating during World War II and Korea. As these people get older, they are not being replaced. We're not getting the message to the young people about donating blood—There's no communication from the 'transfusion establishment.'"

Other local blood bank directors echo Schmidt's complaint. They are frantically looking for a way to get socially involved young people to see the logic of donating, but they don't seem to know how. Most recruiting programs are directed toward insurance programs against the donor's own blood needs. Such programs could hardly do less to recruit the "now" generation than if Vice President Agnew suggested they donate. Instead of going after young donors, the recruiters for the most part go to business offices and government agencies, where they compete for the middle-aged men who are outgrowing their ability to donate.

The Red Cross maintains a large donor station downtown and also sends mobile units all over the area. In return for 15 minutes of time and a pint of blood, a donor receives credit for one free pint of blood in case of injury or illness. Many hospital blood banks offer comprehensive blood insurance programs against all future blood needs for entire families. With their constant need for donors, some of these hospital banks make it quite convenient to donate: some keep their doors open evenings and weekends. But the system isn't meeting the demand. Several hospital banks resort to keeping lists of professional donors whom they can call upon to sell a pint of blood for $25 and up. (This procedure differs from that of the streetside collection agency: paid donors in hospitals are generally screened thoroughly.)

The diminishing pool of donors, though, is not the only reason that blood is often not available when and where it's needed. One of the most disturbing facts is that a lot of blood that has already been donated, processed, and packaged actually goes to waste.

Most red blood cells can survive for 21 days after blood is donated; but after that time the cells begin to perish rapidly. Thus, according to federal regulations, blood may not be transfused after it has been stored for 21 days.

Of the 600 or so pints of blood collected daily by the Red Cross, about 60 pints—10 percent—are wasted simply because the Red Cross is reluctant to recall surplus supplies from hospital blood banks before they expire. The wastage reaches a low of six percent in some months; but in a year's time, as much as 10,000 pints of blood parceled out to 69 hospitals within a wide range of the city are thrown away.

Dr. Evan C. Stone Jr., a retired Navy man, says that before he took over the Red Cross blood program in 1968, as much as 20 percent was wasted due to outdating. The agency now makes occasional checks with hospital blood banks and encourages them to ship back blood that is nearing its expiration date. However, once the blood is returned, it is quarantined for 24 hours before being scheduled for shipment to another hospital, thus rendering it useless if it is 19 to 20 days old. Since the Red Cross considers itself a donor agency and not a clearing house, it takes no responsibility for the actual return shipment of the blood. Thus, even in summer months, when the Red Cross is bemoaning the severe shortage of blood, some of the available blood is wasted.

In 1962, pathologists from 15 local hospitals formed the Metropolitan Washington Blood Banks, Inc., to try to solve the problem of outdated blood. Dr. Oscar B. Hunter, Jr., director of the Doctors Hospital blood bank and president of MWBB, believes that what was needed was a clearing house where Washington's blood supplies could be inventoried and controlled. This is the main function of MWBB today. Two women from the agency call the area blood banks each morning and find out how much blood of each type is in stock. If, for example, Holy Cross Hospital is short on its supply of O plus, and the Washington Hospital Center just happens to have five pints that are almost out of date, it's a simple matter to arrange to ship the blood from one place to the other. Under the old system, Holy Cross would have phoned the Red Cross for a new supply of O plus, while the five pints at the Hospital Center would have been wasted. Procedures such as these have reduced the outdating of blood to less than 3 percent in MWBB hospitals, Hunter says.

For all its efficiency in placing blood where it is needed, the MWBB refuses to share its lists of undesirable donors—a practice which Stone of the Red Cross advocates.

There are many reasons why a potential donor should not be allowed to give; but the number one blacklisting problem is hepatitis—a disease that commercial blood, while it is demonstrably more dangerous, does not have a monopoly on. Doctors think that hepatitis is caused by a virus, but they're not sure. Once a person gets the disease, it is in his bloodstream for life—even though he recovers from the symptoms. Four percent of all Americans are carriers. There is as yet no sure-fire way to detect the presence of hepatitis in a pint of blood, though one experimental test is showing promise. Since a person can have a mild case of hepatitis and think it's only flu, he can later donate a pint of blood and unwittingly transmit a massive, potentially lethal dose of the disease to a patient already fighting for his life.

Anyone receiving a blood transfusion is a potential victim. A study by the National Academy of Sciences estimates that in the United States each year there are 30,000 serious cases of transfusion-associated hepatitis, resulting in 1,500 to 3,000 deaths. Some estimates run much higher.

Some of this agony could be avoided by blacklisting the undesirable donors; but, because blacklists aren't shared among all blood banks, volunteer donors who have been told not to give blood can't be stopped from ignoring the warning. Suppose a patient contracted hepatitis after receiving 20 pints of blood. The Red Cross, not taking any chances, would blacklist all 20 donors. But then suppose the wife of one of the now-blacklisted donors is injured and needs blood. The donor is told that if he gives a pint of blood at the hospital blood bank he can have $25 deducted from his wife's bill. So he goes to the hospital and donates, even though he knows he shouldn't. Since blacklists are not coordinated among blood banks, there is nothing to stop him—even though he may be the hepatitis carrier.

Kenneth J. Staffa, executive director of MWBB, claims that exchanging information about undesirable donors would involve the transfer of "privileged information" and that "We would have to change some of the laws that protect our records." However, one blood bank director candidly admitted that hospital emergency rooms throughout the area do exchange "privileged information" about drug addicts. Another pointed out that there is a national registry of rare blood type donors. "Why not a registry of undesirable donors?" he asks.

So it goes. The Red Cross won't use the MWBB method of redistributing blood to cut down on outdating, and the MWBB won't cooperate with the Red Cross to set up a standardized blacklist.

This inter-agency bickering is not unique to Washington. A report made last October by a study committee set up by the National Academy of Sciences to investigate the blood problem blamed "administrative barriers and competitive motivations" among competing blood bank systems for having "interfered with the full exploitation of the potential blood resources in the United States." The committee pointed to cases where the blood supply—or lack of it—has "depended more on the desire of agencies to strengthen their public image or enhance their competitive position (rather) than on the true needs of the community."

The committee recommended a nationally coordinated program to supervise the collection and administration of blood. The proposed federal agency would recognize blood as a national resource and would serve as a watchdog over competing groups such as the Red Cross and the MWBB. It would set up regional inventory registries to diminish blood outdating, and it might draw up a national list of undesirable donors.

Such a program is sure to meet steadfast opposition by all the little agencies whose toes would be trampled upon. Some voices already are being heard to cry that it smacks of socialized medicine. And the program does not address itself to the crisis facing the system in the diminishing numbers of blood donors themselves.

Real reforms in the system aimed at getting safe blood transfused to those who need it, when they need it, are not likely to come overnight; and even if they did, they wouldn't come soon enough for one 48-year-old housewife.

ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the millions of illegal aliens crowding our cities and taking jobs that belong to American citizens would have a far more difficult time breaking the law if they were not heavily armed with forged and counterfeit documents.

Immigration officials investigating the influx of illegal aliens have found counterfeiting rings operating in this country as well as in Mexico, Puerto Rico, and other places.

The illegal alien must have some identification allowing him to enter the United States "legally." He must also have what is known as a green card, which permits him to work here.

Green cards are issued only to aliens admitted for permanent residence or to commuters, such as Mexicans, who return home at night.

During fiscal year 1971, more than 9,000 illegal aliens were apprehended with false documents. More than 8,000 had false U.S. birth certificates.

Counterfeiting rings will provide anything from a forged green card to birth and baptismal certificates.

In Puerto Rico, for example, five rings are reported actively engaged in helping aliens from nearby islands and Caribbean countries enter the United States by providing certificates indicating Puerto Rican birth.

The rings also send couriers into the Dominican Republic and other countries where they provide forged Puerto Rican birth certificates, permitting the individual to fly to Puerto Rico and from there he is able to get a plane to the United States. It is believed that about 90 percent of these illegal aliens go to New York.

The Puerto Rican rings are very thorough. They even give their clients crash information courses on the Puerto Rican town that is supposed to be their birthplace or residence.

Once here, the illegal alien who carries a forged green card can work wherever he chooses, and thus deprive an American of employment.

Once here, the illegal alien bearing a false birth certificate acquires all the rights and privileges that go with citizenship.

This is another facet of the problem of illegal aliens that cries for action.

NASSAU COMMUNITY COLLEGE AND HOFSTRA UNIVERSITY JOIN IN UNIQUE COOPERATIVE VENTURE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. WYDLER. Mr. Speaker, the fiscal problems of our institutions of higher learning are growing more severe with each passing day. Federal aid can alleviate these problems but the universities will also have to show innovative spirit in keeping down the costs of higher education.

A recent article in the State University of New York News on October 18 pointed out one remarkable example of this type of cooperative effort. It involves two institutions, one private, Hofstra University—and the other public—Nassau Community College, both of which are in the Fourth Congressional District of New York.

The article follows:

NASSAU CC, HOFSTRA JOIN IN A UNIQUE COOPERATIVE VENTURE

An academic "give and take" program, perhaps the first of its kind between a public and private institution, is in operation this semester in the data processing departments of Nassau Community College and Hofstra University.

"One facet of this cooperative venture," noted Dr. Robert R. Gwydir, dean of instruction at Nassau, "that takes it far out of the ordinary articulation program between colleges, is that part which calls for Hofstra to 'give' Nassau its data processing freshmen for training in technical subjects, while at the same time 'taking' into its new department Nassau's data processing graduates for baccalaureate degree work.

"It may be," Dr. Gwydir speculated, "that this type of institutional cooperation holds part of the answer to some of the crucial educational budget problems of today—but what our data processing chairmen were looking for right now was to help today's student achieve his career goals as smoothly as possible."

The program was developed by Dr. Nathan Goldfarb, chairman of Hofstra's data processing department, and Dr. William Fuori, chairman, and Prof. Janet L. Hickey, both of Nassau CC.

"It is significant," Dr. Goldfarb said, "that our department has been placed in the College of Liberal Arts. This underlines my feeling that there is more to computer training than merely satisfying job needs of students. Just as important is the need for the students to see the larger implications of the computer to society."

He reported that about 30 Nassau computer graduates are entering Hofstra this term as full-time students to work toward a B.S. degree in computer programming and systems analysis. Student completion of the Nassau curriculum automatically opens the door with advance standing to baccalaureate work at Hofstra.

PUBLIC SUPPORT FOR TRADITIONAL FAMILY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RARICK. Mr. Speaker, the conference report on S. 2007, Economic Opportunity Amendments of 1971, has been submitted and will likely be brought before this Body for a vote in the very near future.

Besides extending the Office of Economic Opportunity for 2 more years, the bill provides for a National Legal Services Corporation and child development programs.

My main reason for opposing this bill is based on moral as well as constitutional grounds. I can find no authorization in the Constitution for the Federal Government undertaking the functions set forth in S. 2007. On the contrary, the 10th amendment clearly states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The 10th amendment was added to the Constitution as a prohibition against the Federal Government to prevent it usurping powers it had not been delegated. This amendment made it clear that the Federal Government should have only those powers delegated to it in the Constitution by the sovereign States and the people.

The concept of programs for child development controlled by Federal bureaucrats is totally alien to the American way of life. S. 2007 establishes "the legislative framework for child development services." As with most Federal programs, once started, the child development programs would increase annually in scope and cost. And as for them being compulsory, let us remember that neither public education nor busing was compulsory at first. Federal child development programs should not be allowed to take a first breath of life. They should be soundly rejected.

As news of the Federal child development programs comes to the attention of an increasing number of parents, more strident voices are heard in defense of the traditional family. I insert at this point in my remarks my letter to the President on this matter and some of the many letters, telegrams, and articles which have been sent to my office in recent days:

NOVEMBER 12, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to request that you veto S. 2007 should this bill, which is expected to clear the Conference Committee on November 15, be approved by both Houses and sent to you for signing into law. Of the several undesirable features in the bill, the Comprehensive Child Development Act is by far the worst. The bill was brought up in the House with only 24 hours advance notice. There was no committee report for the benefit of the Members and the

bill was whisked through the House with a five minute explanation and one hour of debate.

The far reaching ramifications and impact of the child development programs contained in the bill are simply astounding. Your own appointee as head of the Office of Child Development, Dr. Edward P. Zigler, is reported to have said, "People don't recognize the monumental nature of this legislation and what effect it can have on the country in twenty years."

Mr. President, the overwhelming majority of mothers and fathers of America still haven't heard of this bill let alone of its details. Information on the details of the child development programs is slowly reaching more and more parents. The reaction which has come to my attention has been one of grave concern, astonishment, and alarm. Sixty-eight percent of my constituents responding to my 1971 legislative opinion poll indicated that parents should assume responsibility for control of children.

As evidence of the opposition to the Comprehensive Child Development Act by concerned Americans, I enclose the following items:

(1) The text of a resolution by the American Legion, Department of Washington, sent to me by its commander, Mr. William J. Fortson. (see Congressional Record, Page 40269 of November 9, 1971 attached)

(2) Copy of petition in opposition to Child Development Bill submitted to me by Mr. Lawrence Timbers, 317 First West, Seattle, Washington, 98119.

(3) Copy of a letter from Mrs. Joseph E. Regan, Vice-President of the Northcentral Deanery of the Council of Catholic Women of the Archdiocese of Seattle expressing opposition to the Child Care Bill.

Mr. President, I feel certain that if the Comprehensive Child Development Act were fully explained to American parents and a referendum on it were held, the bill would be overwhelmingly rejected. I, therefore, urge you to veto S.2007 when and if it reaches your desk.

Sincerely,

JOHN R. RARICK,
Member of Congress.

[Telegram]

DUPONT, WASH.,
November 13, 1971.

President NIXON,
Washington, D.C.:

Concerned parents of Lakewood vicinity urge total veto of comprehensive child development advocacy day care centers under S2007. Group consists working mothers, small children teachers, union members, PTA members, various church affiliations. None had knowledge or voice thru membership endorsing legislation, therefore organizational endorsements are questionable. Program definitions too broad, vague, undefined, therefore unacceptable. Purpose statement of bill clear, bringing eventually all children under program. Taxpayers tired of financing own destruction, especially thru attack on families. Human development experts, social planners cannot be allowed to get control of our children thru think tank legislation. Again concerned parents urge total veto.

CONCERNED PARENTS.

[Telegram]

TACOMA, WASH.
November 13, 1971.

President NIXON:

Urge total veto comprehensive child development advocacy day care centers under S. 2007. Parent majority oppose despite apparent support from PTA NEA AFL–CIO self appointed children lobby etc. voiced thru committees without membership knowledge therefore endorsement not acceptable unless supported by local votes working mother myself legislation detrimental to family total socialism experimental with children minds emphasis voluntary blatant lle legislation clear preference to—until available to all children similar program known through personal experience under Hitler magnitude too broad vague government of for by people means legislation not what organizations want but we the people urge total veto.

Mr. and Mrs. ROBERT CRANMER.

[Telegram]

FEDERAL WAY, WASH.

On Bill S.2007 and 21512 child advocacy bill hold and study this bill is un-American.

WASHINGTON STATE EDUCATION COUNCIL.

[Telegram]

Mrs. DONALD D. RANDALL, LEGISLATIVE CHAIRMAN OF STATE BOARD OF PROAMERICA
Spokane, Wash., October 7, 1971.

President RICHARD M. NIXON,
The White House.

HONORABLE PRESIDENT: The Board of Washington State chapter of ProAmerica urgently request that you veto the child advocacy bill upon receipt from Congress. Deepest concern for child and family still prevails for all true Americans.

Mrs. DONALD D. RANDALL.

[Telegram]

WOMEN'S REPUBLICAN CLUB OF EDMONDS, WASH.

Please veto child development, child advocacy, federally subsidized day care services legislation as now written.

Mrs. M. WIBE, EDMONDS, WASH.

[From the Spokesman Review, Nov. 5, 1971]

BILL DISLIKED

On Sept. 30, 1971, by a margin of three votes, the House of Representatives passed one of the most dangerous pieces of legislation ever to come before Congress—the Child Development Act. This bill was brought to the House floor with only 24 hours' notice, and without benefit of a printed committee report. The Senate passed a similar bill, No. 2007, on September 9, 1971. Now both bills are in conference, and can only be kept from becoming law by a presidential veto.

The comprehensive Child Development Act is aimed at children from one to five years of age. It sets up all the machinery and financing for a massive governmental invasion of this last stronghold of the home.

The most important fact about these child development programs authorized by this bill is not the powers now given to agencies that will run them, but the purposes that are set for them. The bill lists 13 purposes for which federal funds may be used, including (in addition to basic day care) comprehensive physical and mental health, social and cognitive development services, specially designed health, social and educational programs including after school, summer weekend vacation and overnight programs—medical, psychological, educational and other diagnosis and identification of visual, dental, hearing, speech, nutritional and other physical, mental and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers—utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs or activities intended for the benefit of children. All this to be carried out by the government.

The potential for abuse should be obvious simply from reading the list of purposes. No facet of a child's life is omitted. The intention is clearly to put government in place of the parent—the ultimate threat to the family. Ask President Nixon to veto this bill.

Mrs. HELEN M. HOUGH.
Mrs. FRED TRANTOW.
Mrs. WILLIAM L. HART.
Mrs. SAM C. GUESS.

[From the Concerned Parents Committee Newsletter of Madison, Wis., October 1971]

CONGRESSMEN BLAST CHILD CARE

Writing in the Congressional Record on October 5, 1971, Congressman John R. Rarick called September 30 a dark day for America. On that day the Orwellian nightmare of 1984 became a reality in the America of 1971—The Federal Government has now been authorized to take over our children.

Passage of the child development programs as an amendment to OEO bill, H.R. 10351 lays the foundation for the Federal Government to replace the home and for bureaucratic "experts" to replace the parents.

President Nixon, addressing Congress in 1969, recommended that the Government become involved in developing children during "the first five years of life." The anticipated age range can be expected to be from infancy to kindergarten. What significant educational training can there be for babies in arms except to condition them to be away from their mothers and look to the State for security and guidance?

We are being told that something must be done for the millions of our children who have no parents, are from broken homes, and are from homes where they are mistreated or the parents are insensitive to the child's demands. This reveals the real intent. The child development programs are not to help working mothers but rather to establish Federal custodial centers. The suggestion that society could curtail the increase in crime by caring for those described as criminals and dissidents in society is repulsive and unsupported by statistics, logic or truth.

Likewise, repeated inferences that parents do not know how to control their children or lack the understanding and interest to discipline them is hypocrisy. For years the progressive experimenters of the new educational system have encouraged smart sleekness as free speech and dissent. Children have been taught that their parents are old fashioned—out of step with and ignorant of the needs of changing times. In fact, the Congress has supplied the parent's and taxpayers' funds to finance this teaching of disobedience, disrespect, and rebellion. It is revolting that the same organizations and movements which have encouraged rebellion against parental control and respect of the home now offer this conflict as an argument that parents are now incompetent to rear their own children.

In his October 13, 1971 newsletter, Congressman John G. Schmitz had this to say about the Child Control Act. The Comprehensive Child Development Act is explicitly aimed at children from one to five, below school age. It sets up all the machinery and financing for a massive governmental invasion of this last stronghold of the home, hitherto untouched even by the immense apparatus of compulsory publ'c education. The fact that the new programs are not immediately to be made compulsory is hardly reassuring to those of us who have watched so many new State and Federal programs begin as "voluntary" and then, once established and increasingly power-hungry, come to be regarded as the natural and inevitable repositories of a steadily broadening scope of compulsory authority.

Therefore, the most important fact about the comprehensive child development programs authorized by H.R. 10351 is not the powers now given to the agencies that will run them but the purposes that are set for them. The bill lists 13 separate purposes for

which Federal "child development" funds may be used including (in addition to basic day care) "comprehensive physical and mental health, social, and cognitive development services . . . specially designed health, social, and educational programs including after school, summer, weekend, vacation, and overnight programs . . . medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers . . . utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children.

All of this refers primarily to children under the age of six, and all of it is to be carried out by the government in conformity with policies laid down by a new office of Child Development in the Department of Health, Education and Welfare which this bill would create.

The potential for abuse should be obvious simply from reading the list of purposes. No facet of a child's life is omitted. The intention is clearly to put government in place of the parent—the ultimate threat to the family.

YOUR CHILDREN ARE THE TARGET

Leaders of the Communist Party of the United States have called for the federal government to appropriate incredible amounts of tax dollars for Day Care Centers so that the psychiatrists, psychologists and social engineers can mold the child from infancy on up (see the People's World, official Communist Party newspaper, July 24, 1971, p. M–3).

Now comes the shocker! Over 100 bills have been introduced into both the House and Senate by the usual liberal coterie calling for the very same thing. The initial appropriation would be at least $10 billion and then increasing, year after year, to astronomical sums. "Day care" or "Child Care" centers will be built in every sizeable city in the nation and staffed by "professionals" who will help erase all the "prejudices", such as loyalty to one's country and belief in God, which have been instilled in the children by their parents.

Some of the promoters of these programs are convinced that mothers are just not capable of raising children correctly, and that the child should be turned over to the experts which will prepare them for a new world-wide society. They recommend that a White House Cabinet post be created to administer the programs to be known as the *Child Advocate.*

Responsible parents everywhere should immediately write their Congressmen and Senators opposing *all* federally funded Day Care centers. They should also write to the President asking him to veto the OEO Child Control Law.

If you want the full story on this fantastic drive to get to the minds of the Nation's children, then order today the special report compiled by the Research Staff of the Church League of America, entitled "Your Children Are the Target". It is one of the most revealing research projects ever conducted by the Church League staff, many of whom are former Congressional staff investigators and research assistants. Order from: Order Dept. Church League of America, 422 N. Prospect St., Wheaton, Ill. 60187. Price per copy $ .75.

C.C.E.,
Seattle, Wash., October 27, 1971.

Re: child development/advocacy legislation.

Informed sources in Washington, D.C have advised that the child development/child advocacy legislation which has been passed by the Senate and the House of Representatives as amendments to the OEO extension bills, is—as of this date—still in conference committee. Thus far, every indication is that the bills will come out this week as one bill (S. 2007) and conference committee reports will be submitted to (and accepted by) the Senate and House, after which it will go to President Nixon for signature.

We urge you to act now! In view of the fact that sponsors of the child dev/child adv portions of the bill are launching a nationwide push among their supporters (PTA, League of Women Voters, etc.) to wire President Nixon urging his signature on the bill, we urge you to push with equal vigor for a deluge of telegrams to the President urging total veto—because of the child development/advocacy portions of the bill. There is no time to lose. He must be informed that the parents of America do not want this legislation and are adamant about their opposition to it!

The fact that the sponsors and supporters of these plans for our children appear to be "pushing the panic button" now by alerting their "helpers" across the country to wire the President is a tribute to your efforts thus far to stop the legislation. We must not slack off now! On the contrary, we must double our efforts in this push without delay!

Suggested procedure includes: Notifying your local veterans' organizations, womens' groups, church groups, guilds, local newspapers (write a letter to the editor; contact reporters, etc.), radio and TV commentators, newsmen in all media, neighbors, relatives and friends in your area and beyond; contact your local day nurseries and independent preschools to inform them of what is happening. This will take work on your part, however, in view of the admirable job you have already done in informing people (to the degree that those in favor of the legislation feel insecure about its being signed by the President!) you can see the urgency now for a concentrated push nationwide for total *veto.*

Telegrams should be sent to President Nixon at once, and our efforts should be continued to alert others to send telegrams until word is received that the bill has reached the President and he has taken action one way or the other. We need quantity of wires for total veto—and be sure to have them include reference to the *child development* action being the reason for the total veto!

Thank you. Please start today. May God continue to bless our efforts to preserve our precious Republic and our children for His Glory—not for that of the social planners.

Some fine Senators and Representatives in Washington, D.C. have done and are doing all they can—and more—to help. We cannot fail them now—for they have done their best, and now it is up to *us* to get the flood of telegrams to President Nixon. Won't you start today? We must not fail our children by delaying this one more day.

(Please call any other groups or active individuals who can help with this now.)

Pray—Jer. 32: 27; Jer. 17: 18.

[From the Eye, newsletter of the Johnson County Parent's Association, Prairie Village, Kans., Oct 28, 1971]

BILL TO SOVIETIZE AMERICAN YOUTH PASSES

A monstrosity child caro bill grafted into the Economic Opportunity Act of 1971 was incredibly passed by the U.S. House just 30 minutes after it was delivered to the lawmakers—all 11,000 words of it!

Called "the boldest and most farreaching scheme ever advanced for the Sovietization of American youth" by James J. Kilpatrick (Kansas City Star, October 25, 1971), the program would encompass 32 per cent of American children initially and, eventually, all of them, it is presumed.

Two similar child care bills are now in a joint House-Senate committee for "compromises", one having passed the House and another, the Senate.

WHOSE CHILD IS YOURS?
(by Erma Fenn)

(This review and analysis of the bills has been prepared for "The Eye" by a close observer of the legislative scene. Take note of the horrendous testimony of Dr. Reginald S. Laurie, president of the Joint Commission on the Mental Health of Children, before the Senate Committee on Labor and Public Welfare and act immediately!)

Little known to the general public is legislation that is a composite of over 100 bills introduced by Senators and Congressmen since the beginning of the year. These are ideas gleaned from the White House conference for Youth and Children held in December, 1970. This legislation was passed by the Senate (S2007) September 9, as an amendment to the two year extension of the anti-poverty program. A similar amendment (HR 10351) passed the House September 30.

These amendments include child day care centers that are not just custodial but for indoctrination, also; a children's bill of rights (which will tend to build a wedge between children and parents, law enforcement officers, schools and churches); child advocacy, which is essentially a parent replacement program; and plans for execution of bureaucratic ideas of child development, such as behavioral change, secular humanism, new morality, abortion, social change; medical and mental health care including use of behavior-influencing drugs.

Although the legislators may have thought participation in this child care program was to be voluntary only, there is constant reference in the bills to *all children* from infancy through 14 years and some indication that it may be extended to 18. All federal laws initiated on a voluntary basis tend sooner or later to become compulsory.

Essentially, these bills are a move for total government control of America's youth. Hundreds of letters and telegrams were sent to House and Senate members in an effort to defeat them. Because the House and Senate bills differ slightly, they are now in committee for "compromise." Since there is little hope for defeat there, we urge all voters to send telegrams to President Nixon asking him to veto S2007 and HR10351 in whatever form they come to the White House, because *we do not want our children taken away from us and made wards of the state.*

Dr. Reginald S. Laurie, President of the Joint Commission on the Mental Health of Children, told the Senate Committee on Labor and Public Welfare during hearings on their bill that he wanted the federally controlled child care centers so he and his colleagues would have *"a giant laboratory to tinker with children's minds."*

Said Representative Durwood Hall (R-Mo), "This is another step toward socialization of our nation."

Senator James Buikley (CR-NY) had the following comment: "It is a program which would revolutionize the concept of child-rearing in the United States. It is a program which is intended, initially, to cover the children of 32 percent of all American families—one out of three—a program whose long-term and explicit objective is to extend these federally designed, and, therefore, federally controlled programs, to encompass *all* American children regardless of income."

The Director of the U.S. Office of Child Development of HEW. Dr. Edward H. Zigler, warned, "This is a concept quite alien to the American ethos."

But the Congress failed to heed cautions from him or others like Dr. Jack Raskin, Director of Children's Orthopedic Hospital, Psychiatry Service in Seattle, who says,

"There is no substitute for a mother's presence. The lack of a mother's love and attention in a child's early months and years results in the several kinds of emotional trouble later. The best day care center in the world cannot begin to compete in this regard."

PRIVATE DAY NURSERY
ASSOCIATION OF OHIO,
Cuyahoga Falls, Ohio, October 8, 1971.

DEAR NURSERY SCHOOL AND DAY CARE CENTER: We are taking this means of contacting you regarding legislation that is taking place in Washington concerning day care, which we feel you will be vitally interested in. This bill, called the bill is a combination of several bills, all dealing with the same subject: child development, child advocacy and federally subsidized day care.

The word "child development" is so vague that it could mean a host of things, and the child advocacy aspects of the bill are even more alarming. We have copies of several newspaper articles which point out that this will be an advocate between the child and his family and that there will be advocates set up in all parts of the country. This could lead to such absurd results that it could even provide legal services for a child against his own parents. The supportors of this bill want the ultimate goal of the Government to be all children (your child, every child) to be in day care, from infancy up, at Government expense, whether or not the mother is working. Senator Buckley says he believes the bill threatens to destroy parental authority and the family institution.

Quoting from "Human Events" a Washington, D.C. newspaper: "The fears raised about this legislation have not exactly been lessened by its vigorous proponants either. In testifying before the Senate Committee on Labor and Public Welfare, Dr. Reginald S. Lourie, President of the Joint Commission on the Mental Health of Children, suggested why he wanted a net-work of Orwellian child-care centers; so he and his fellow doctors would have a giant laboratory to tinker with children's minds." As he told the Committee:

"The other important information we should keep in mind is that in the first 18 months of life, the brain is growing faster than it ever will again. It is then also more plastic and most available for appropriate experience and corrective interventions."

As Senator Buckley has said: "Let there be no mistake about it: the enactment of the child development sections of this bill may prove to be one of the most deeply radical steps ever taken by Congress."

Quoting from the Columbus, Ohio Dispatch newspaper: "The Communist masters of Russia have found this type of child development to be useful. They think little of isolating the fledgling from the influences of parents. They mold the child's mind in these earliest years. He is taught to think as the state thinks."

The Child Welfare Leauge of America has for years pressed for this type of legislation, and when the Womans Lib got on the bandwagon demanding universal, free 24-hour day care, along with special-interest groups who are crying that this will get people off the welfare rolls, it set in motion these monstrous bills we now have in Congress. We are not against free day care for the very, very poor, if the mothers are working or in training. However, if they are to be in the home, there is no substitute for mother, no matter how poor a mother she may or may not be. This fact was brought out by Dr. Irving Lazar, Director of Child Development, Appalachian Regional Commission (covering 13 states and a national authority on the organization of community services) at a Welfare Conference in Columbus, Ohio, last week.

He also pointed out it was a fallacy to believe day care would get mothers off relief. According to the Patriotic Press, for example, the Ht. Ashbury Center in San Francisco costs $3890 per year per child. This amounts to almost $75.00 per week—per child. The cost of day care alone in a family with 2–3 children could offset any savings to welfare, and what guarantee is there that this mother will in fact get a job and keep it. The point is, however, that when the Government is offering free day care, there are strings tied to it, which according to these bills, are almost beyond belief.

Our association has fought a battle in the Ohio Legislature for years to get statewide standards for day care that were reasonable, finally having a law in effect for more than a year at the present time. The state has refused to enforce the law where the center is federally funded, Head Start, and in the public schools.

We now have these very people who testified against us, saying our law was too lax, we were profit-making, commercial nurseries, the law would not protect little children, etc.—back in the Legislature asking to be exempted from this very law that the private, profit-making operator is required to meet, on the basis that they cannot afford to meet these standards. This bill would place 3, 4 and 5 year olds into the public schools, while at the same time exempting the schools, federally funded & community-supported groups from the licensing law. In other words, the restriction would be on private enterprise alone. The Government cannot keep saying that there is such a total lack of good day care facilities as long as there are licensed day care centers all around us.

Please do not say that this cannot happen in this country, it can and it is—right now. We have no time left, and we are urging you to contact your Representative and Senator immediately by wire (night letter, costs about $2.00) urging him to remove the child advocacy, child development and federally subsidized features of these bills. The bill has passed the Senate and the House, and is now in a Conference Committee and we expect it to be out very shortly, in a matter of days—so please hurry. Wire the President also to veto the bill. Let us do our utmost to stop it NOW.

May we please hear from you and won't you please contact those nurseries all around you, urging your parents or customers, to help send wires also. For years the Child Welfare League, Early Childhood Education Association, and other special-interest groups have been pressing for this type of legislation. I think it is high time that the private day care centers in this country formed an association of their own, as experts in the field of child care and had a voice in the legislation concerning care of children, both at the state level and federal level, and to exchange ideas and methods nation-wide—using methods practiced, rather than theory.

Won't you please let us have your immediate cooperation in Washington, and let us hear from you. Some of these welfare groups have become so liberal that they have exceeded the needs and goals of any practical program. It is time that we took some action in the interest of the little charges in our care and include those children who may not be availing themselves of our services. You may use copies of this letter to alert your local news media if you like. Ask them to advise our citizens of these dangerous trends.

Sincerely,
Mrs. HELEN R. BAUGHMAN,
President, Private Day Nursery Association of Ohio.

[From the Spokane Daily Chronicle, Oct. 25, 1971]

"CHILD DEVELOPMENT ACT" CALLED SCHEME TO SOVIETIZE U.S. YOUTH

(By James J. Kilpatrick)

WASHINGTON.—When the House met on the afternoon of Sept. 30, not more than 40 or 50 members had any very clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.

Before the afternoon had ended, after a legislative coup led by ---------- of Indiana, the House incredibly had voted 203–181 to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committee.

The -------- bill runs to 11,000 words. It occupies 22 columns of fine type in the Congressional Record. No measure of greater importance has cleared the floor of the 92nd Congress, and few have had less attention from the press.

SCHEME IS FAR-REACHING

The bill is a monstrosity. No other word suffices. Many observers had expected, as a part of plans for welfare reform, to see some bill enacted that would provide modest federal subsidies for a few day care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went off to work. Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for the Sovietization of American youth.

The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this harm, the bill directs the Secretary of Health, Education and Welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."

Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers, and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance plays no part.

Applications for federal financing would be funneled through various Child Development Councils. These in turn would supervise Local Policy Councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the secretary."

Local proposals would float up to a new Office of Child Development. This office would create a special committee to develop Federal Standards for Child Development Services. Another committee would prepare a Uniform Minimum Code for Child Development Facilities. The facilities would be financed through a new Child Development Facility Insurance Fund. Meanwhile, a National Center for Child Development would foster "research." A Child Development Research Council would smile upon it all.

COST NOT DETERMINED

The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee. ---------- could not really say what the program might cost—maybe $350 million in fiscal '73—but the House authorization is open-ended. The bill contemplates, ultimately, federal support of "the entire range of services that have to do with the development of a child."

Doubtless the contrivers of this nightmare had good intentions. In the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes, the scheme would make beautiful sense. But it is monstrous to concoct any such plans for a society that still cherishes the values (however they may be abused) of home, family, church, and parental control. This bill contains the seeds for destruction of Middle America, and if Richard Nixon signs it, he will have forfeited his last frail claim on Middle America's support.

INFORMATION PLEASE!
Olympia, Wash.

Additional information: Interstate Compacts can be equated as being similar to international treaties between countries. In the case of this regional Interstate Compact, we (the State of Washington) are agreeing with each other State in the United States, the District of Columbia, Puerto Rico and the Government of Canada (if Congress agrees) to allow them to send any "child" into the State of Washington for institutional care, and they are agreeing to the State of Washington that they will take any "child" that we send to them for institutional care, as per the terms of the compact. (Article III–b & Article IX)

The terms of the Compact indicate that children will not be sent from State to State for institutional care in mental institutions, hospitals, or educational facilities. (Article II–d)

In an attempt to learn more about the "intent" of House Bill 414 at the time of introduction in the State Legislature, Information Please! called the Office of the prime introducer, Representative Paris to seek more information. We were unable to talk to the Representative in person. His Secretary sent us a copy of an endorsement of the bill by the State Department of Social and Health Services, and as the State Department of Social and Health Services is the agency named in Sec. 3 of Chapter 168 as the public authority who will be handling the "children" involved in the placement proceeding under the terms of the Compact, it is natural that they would endorse the bill.

In order to obtain as much information as possible on this Compact, Information Please! wrote to the National Center for Child Advocacy in Washington, D.C. asking if the Interstate Compact on the Placement of Children would be utilized in the Child Advocacy/Child Development programs that have been placed before the U.S. Congress for passage.

The answer to our letter came from the United States Department of Health, Education and Welfare, *Office of Child Development*, and they told us this:

"The Department of Health, Education and Welfare is interested in further utilization by the state of the 'Compact on the Placement of Children' and at this time is considering the furthering of a project to support this effort, and also of ARENA—Adoption Research Exchange of North America, which facilitates interstate placement of children for adoption."

Included with the above quoted letter from the Federal Department of HEW, was an enclosure from the magazine *Children*, an official publication from the Office of Child Development—Federal Department of HEW. The reprint was an article entitled—"A National Priority: Raising the Quality of Children's Lives". It was authored by *Dr. Edward Zigler, Director of the Office of Child Development*. In this article Dr. Zigler states:

"When the President announced the establishment of the Office of Child Development in April 1969, he charged it with a special concern for children from birth to 5 years of age, in recognition of the crucial importance of these early years to the later development of the child." (page 167—Volume 17—Number 5—September-October 1970—*Children*)

After the creation of the Office of Child Development, the legislation to implement the programs of the "child planners" began to become known. These *plans* are found in the Child Advocacy/Child Development bills in the Federal Congress. The Houston, Texas, Tribune of March 19, 1970 carried an article about this program for the "children". Excerpts from the article will give you an idea of the thinking of the "child planners":

"The developing battle over the role government should play in shaping the 'minds and bodies' of the nation's children and youth is about to take a unique turn.

"Under the guise of improving the health of those under 21, a nation-wide compaign is being launched for the establishment of a 'national child advocacy system', to lobby for and help develop a 'new kind of society'.

"At the top of this proposed child advocacy system would be the President's Council on Child Development. Located in the White House, it would be endowed with the same power and prestige as the highly influential Council of Economic Advisers and the new Council on Environmental Quality.

"Federally-financed child development councils would be set up in each state and county under the guidelines of a nationally established policy. At the neighborhood level child development centers would be established to act as 'direct advocates for every child in the community they serve'.

"The objective of this 'big brother' advocacy system, . . . would be to see that every infant is guaranteed seven new rights. These would be:

1. the right to be wanted;
2. the right to be born healthy;
3. the right to live in a healthy environment;
4. the right to satisfaction of basic needs;
5. the right to continuous loving care;
6. the right to acquire the intellectual and emotional skills necessary to achieve individual aspirations and to cope effectively in our society;
7. the right to receive health care and treatment through facilities which are appropriate to their needs and which keep them as closely as possible within their normal social setting."

"The Everett Herald of Everett, Washington (7/27/71) had this to say (in part) in regard to the child advocacy/child development bills in the U.S. Congress.

"A Senate version of one of the bills contains provisions for a National Center for Child Development which would have authority to encourage and implement experimental programs with the children themselves as the subjects of the experimentation.

"We believe that 'legal rights for children' includes their right to have the government butt out of their lives and let their natural born or adoptive parents mind their business. The government entering the business of rearing children according to its versions of what is right and what is wrong for the child makes us fear the product would come out of this 'child factory' as fuzzy as other government works we have seen turned out over the years."

There have been pilot (demonstration) child advocacy projects started in various parts of the United States (even though the bill had not yet passed the Congress).

The Seattle Times (6–7–71) reports on a *demonstration project* in Seattle.

Excerpts from this article follow:

"Five 'child advocates' will be working with 400 children at Wing Luke and Van Asselt Elementary Schools in the Yall on a new Holly Park Child Advocacy Demonstration Project.

"The five year project has been funded by a $106,000 grant from the Office of Child Development of the Health, Education and Welfare Department. It will be renewable yearly.

"'The Child advocates who will be residents of Holly Park Community will help facilitate communication on the child's behalf, between the parents and the schools', Dr. Taylor said.

"The project proposes after school and weekend activities, recreation and educational programs utilizing school facilities with the intention of expanding this into a family-oriented program.

"'The school will be converted into a true community center', Dr. Taylor said."

The Seattle Post Intelligencer (7–23–71) reported a "demonstration" day care center in King and Pierce Counties. Excerpts from this article follow:

"The state yesterday was granted $102,000 in federal funds to provide technical assistance for demonstration child day care programs in King and Pierce County Model Cities plans.

"Gov. Dan Evans announced signing of the contract with the Department of Housing and Urban Development (HUD). The program in the two counties will be a model for the State.

"The program will coordinate all child day care services in an effort to improve the quality of care.

"The federal Department of Health, Education, and Welfare provided $77,000 of the grant, with HUD paying $25,000. The demonstration program is for 13 months."

On July 28, 1971 the Seattle Post Intelligencer reported on Nation-Wide Day Care as follows: (in part)

"Day care for pre-school children—the concept of combining early educational benefits with supervised play—is moving closer to reality in the United States.

"The education subcommittee of the House of Representatives recently approved unanimously a comprehensive measure called the Child Development Act which would open up education, health and nutritional services to millions of pre-school children.

"The Child Development Act would:

"Provide funds for the construction of day-care facilities and the remodeling of existing ones.

"Authorize and underwrite training of child-development staffs.

"Encourage the mapping of programs that would combine education, nutrition, physical and mental health services and family consultation.

"Support the establishment of local policy councils to assure parental and community participation in planning and administering programs."

The following are statements (from the sources noted) on the subject of the "child advocacy program":

(*Dr. Edward Zigler—Director—Office of Child Development*, Dept. of HEW—as written in the Seattle Post Intelligencer—10/22/70)

"A day care program serving children from all social and economic backgrounds is a primary need in the country today . . . bringing these children together at an early stage in life (first six years) is one of the best ways to achieve socio-economic integration."

(Paul Scott Report—12/21/70—Washington News Intelligence Syndicate—7508 Elmhurst St. S.E., Washington, D.C.)

"Legislation for a government financed 'Child Advocacy Program' will be proposed to Congress and will call for creation of a national system of 'child advocacy' with local and federal representatives . . . Local child

advocates would represent children against parents, school authorities and the police when they claim they are abused, expelled from school or arrested."

(Senator—as quoted in the Western Sun Edition of the Everett, Washington Herald—10/20/71)

"The national child advocacy system will help to develop a new kind of society."

If you are interested in seeing a Federal bill that carries the Comprehensive Child Development Act, request the United States Congressmen from your District (both the Representative and the 2 U.S. Senators) to send you copies of S. 2007 and all Hearings—Reports and any other pertinent material on the subject and on the bill.

MARGARET SHOTT, *Director*.

[From KVI News, Bob Roberts, Seattle, Wash., Oct. 21, 1971]

ANOTHER ORWELLIAN HORROR

Anyone who disregards or dismisses as inconsequential the steady incursion of the federal establishment in private matters, either is not paying attention, or is too dumb to apprehend the gradual erosion of our liberties.

But anyone who doubts the Orwellian nature of federal meddling ought to look more closely at the latest horror to be thrust before the public.

On September 30th, the House of Representatives passed an amendment to the OEO bill, H.R. 10351, which would authorize establishment of the child development programs. The amendment would give authority to the federal government to set up day care centers for the children of working mothers. Propaganda for the bill asserts that its passage will encourage unemployed mothers to seek gainful employment. Yet the bill excludes mothers earning over $4,320 a year. Not only would it discourage employment, it would discriminate against the mother who earns more than $4,320 a year.

But that is far from the worst feature of the bill. The child development programs, of which the day care center proposal is a part, authorize "comprehensive physical, mental health, social and cognitive development services necessary for children participating in the program." And who will design and oversee these efforts? The sociological witch doctors of the federal bureaucracy who fancy that they know better than parents what is best for the children of America . . . that's who.

Proponents of the program insist that it will be conducted on a voluntary basis. But the American people ought to remember that public education was not originally compulsory. Congress is on record prohibiting the practice of bussing to achieve racial balance in the schools, but children are bussed anyway.

The language of the bill itself makes clear its true purpose:

"It is the purpose of this Act to . . . establish the legislative framework for the future expansion of such programs to provide universally available child development services." Not just services for those who ask for them, but "universally available" services. How long do you think it would be before "universally available" became universally required?

What the government sociologists really have in mind was outlined frankly by Dr. Urie Bonfrenbrenner, an advocate of the proposals:

"Communal forms of upbringing," said Dr. Bonfrenbrenner, "have an unquestionable superiority over all others. When these contracted families (i.e., those who have placed their children in the communal institutions of upbringing) recognize that it is not sensible to expend so much work on maintaining an independent household for just two people, the family as an economic unit, having fused with other families and become incorporated into a large economic collective, will dissolve within the context of the future social commune."

Stripped of the gobbledygook, this means that the child of the future, having been developed under federal auspicies, will direct his allegience not to the old-fashioned family unit but to the commune . . . the federal collective. A fellow named Hitler held to precisely this dangerously crackpot notion, with consequences that were monstrous.

Even HEW secretary, Elliot Richardson admits that the bill is not primarily to free mothers for work. He calls it ". . . a great opportunity . . . to invest in the development of the next generation."

The real mischief of this current proposal is best summed up by Congressman John Rarick of Louisiana:

". . . The child development programs are not to help working mothers, but rather to establish federal custodial centers. The suggestion that society could curtail the increase in crime by caring for those described as criminals and dissidents in society is repulsive and unsupported by statistics, logic or truth.

"Likewise, repeated insinuations that parents don't know how to control their children, or lack the understanding and interest to discipline them is hypocrisy. For years the progressive experimenters of the new educational system have encouraged smart aleckness as free speech and dissent. Children have been taught that their parents are old-fashioned—out of step with and ignorant of the needs of changing times. In fact, the Congress has supplied the funds of parents and taxpayers to finance this teaching of disobedience, disrespect and rebellion.

"It is revolting that the same organizations and movements which have encouraged rebellion against parental control and respect for the home now offer this conflict as an argument that parents are incompetent to rear their own children."

The charlatans and sociological quacks who favor the child development programs have their feet in the door, thanks to incredible irresponsibility on the parts of the House and Senate.

President Nixon has the veto power to undo the mischief.

He should be urged to use it!

But time is critical—the President is expected to act on the measure soon—perhaps within a week.

CROTONA PARK EAST

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHEUER. Mr. Speaker, the October 31, 1971, New York Times reported on a cleanup campaign conducted in Crotona Park in the Bronx. Sponsored by the Mayor's Council on the Environment and Community School District 12, it brought some 200 youths to the park to clear away litter and learn about air and noise pollution from city officials. I was there and was greatly encouraged to see this kind of direct involvement by young citizens in local environmental problems and programs. These young people prove by their deeds the increasing desire of residents of New York to clean up the city by personally pitching in and helping where they can with their own care and concern.

The article follows:

TWO HUNDRED YOUTHS IN BRONX HELP CLEAN A SECTION OF CROTONA PARK EAST

(By Martin Gansberg)

As hundreds of families watched from the open windows of neighboring apartment houses, 200 school-age youngsters helped clean a section of Crotona Park East in the Bronx yesterday.

They raked leaves and picked up soda cans and bottles. They swept the walks and emptied wire baskets. And they learned about air pollution and noise pollution from city officials who manned special trucks.

While they worked to make the area from Suburban Place to Charlotte Street somewhat more habitable, they were entertained by the booming rhythm of the Ghetto Brothers, a neighborhood gang that has turned its attention from street fighting to environmental betterment.

"They know why they're here," said Harold Press, a bilingual teacher at nearby public School 102, who led a delegation of 30 students helping with the cleanup. "We've been talking about this for quite a while. We're determined to make this a decent place for play and relaxation."

BAGS FILLED WITH CANS

Many youngsters and their parents brought with them plastic bags filled with empty aluminum soda cans, which were put into a recycling truck manned by personnel from Reynolds Aluminum. The company paid 10 cents a pound for the cans.

One of the fathers who carried a bag filled with cans, Roberto Hernandez of 875 East 163d Street, said he had accompanied his three sons, all of whom were busy cleaning up the park.

"We've been saving the cans for a while," he said. "We want to do our part. There's no sense to dirtying the place if we're going to use it."

SHOWMOBILE IS STAGE

The Ghetto Brothers, using a Parks Department Showmobile for a stage, played Latin music on a variety of instruments—congas, a drum, a guitar and saxophone. Their amplifiers contributed somewhat to the noise pollution study, helping those who visited the city truck carrying instruments understand better what the lines on the charts indicated.

But there was plenty of feet stamping and body moving as the music went on. And impartial observers noted that brooms and rakes moved a bit faster.

Luis Matos, 12 years old, who lives across the street from where the cleanup was taking place—at 1520 Crotona Park East—split his attention between working and listening to the Ghetto Brothers.

"It's nice," he said. "It has real meaning."

The project was sponsored by the Mayor's Council on the Environment and Community School District 12.

THE BOMBINGS CONTINUE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ARCHER. Mr. Speaker, I call the attention of my colleagues to a recent column by Victor Riesel.

The Riesel column alerts all of us to a growing menace that calls for steady action to combat it. The writer reports that since January 1969 more than 51 Federal buildings have been bombed and

in all there have been 6,500 bombings since the count began.

I urge all my fellow Congressmen to read this column. The full text follows:

TRACKING THE SUBVERSIVES

(By Victor Riesel)

WASHINGTON.—There are those in considerably influential circles who would have the nation believe that supporting the Subversive Activities Control Board is akin to bottling the bubonic plague and hawking it as political patent medicine. This is unfortunate. There are thousands of explosive reasons for the continued financing of the Board, for its staffing and for giving its hearings a fair hearing.

There is, for example, the lethal matter of bombings brought to mind by the Aug. 31 (1971) indictment of four young men on charges of murdering one Robert Fassnacht. He was blown to bits Aug. 24, 1970, just about a year ago, while in the pursuit of knowledge in the U.S. Army Mathematics Research Center, U. of Wisconsin in Madison. The four men, charged in absentia, are being tracked by the FBI.

It is tragic that the late physicist Fassnacht, and four others badly hurt when he was killed, should become statistics. It also is tragic that the deadliness at Kent State U. should become a cause celebre and scholar Fassnacht should be almost completely forgotten. For the moment the statistics are the thing.

As the universities' lights go on all over the nation these days, authorities in Washington report that since January 1969 more than 51 federal buildings have been bombed. The General Services Administration probably has a bigger figure. In all there have been well over 6,500 bombings since the count began three Januarys ago. At least 55 persons have been killed, including of course, the apolitical mathematician Fasanacht. Mixed with this blood is money, if it's of consequence. Lots of money in damages—well over $30 million.

When last I talked with representatives of the California Bankers Assn., for example, I was told that the Bank of America has been "targeted." It had been hit at least 30 times by early summer. In one two-week period it was hit 10 times.

The cost then was $1.5 million—and the computer specialists were estimating this to hike to $3.5 million.

And from January 1969, bombs have hit many a corporate building, oil refineries, communication towers, a telephone exchange, power poles, rail tracks, police transmitters, stationhouses and vehicles.

At one point the authorities were able to place definitive responsibility for 36 per cent of the bombings. The other 64 per cent are still to be solved. But the scientific analyses are grimly fascinating—especially should they be to the Congressmen who, for reasons they really never explained fully fought the Subversive Activities Control Board as though it were chaired by Emperor Caligula.

Of the bombings definitely traced by the Treasury Dept. for the period January 1969 to April 15, 1970: some 56 per cent were attributed to campus disorders (such as the one in which theorist Fasanacht was killed later); 19 per cent were set by black extremists; 14 per cent by white extremists; 2 per cent in labor disputes; 1 per cent to attacks on religious institutions; and 8 per cent "in aid of criminal activities (re. extortion, theft, arson for insurance)."

The mob's the mob and it is being electronically pursued. But what of the black and white extremists? What of the revolutionary units? What of the weird, independent "armies", liberation fronts, and violent, secret societies? If these aren't lethally subversive, if the bombing of oil refineries, the derailment of trains, the infiltration of huge factories by cells which dispatch "delegations" to Hanoi, the targeting of banks to disrupt the credit system and the brutal political executions of policemen are not subversive—what is?

And what of the 16 missing SDS Weathermen (and women)? What of the types such as Kathy Boudin and Cathy Wilkerson, the young women, their clothes blasted off, in their own New York City bomb factory, who dashed into the streets nude, and escaped? What of other bomb factories? What of the Weathermen Bureau leaders such as Mark Rudd whose storm trooper squads first seized parts of Columbia University some years ago (during which one police officer was injured and paralyzed)?

What of the bands who were indicted on charges of disrupting parts of Chicago and Detroit—and now are fugitives from the FBI which wants them for violation of the Federal laws on conspiracy, Federal bomb and gun-control laws, as well as the anti-rioting and mob action statutes?

Where is the self-avowed terrorist Bernardine Dohrn, who was active in and around Kent State U. as well as other storm centers? She has admitted being part of the national home-bomb factory complex.

Certainly there are subversives? If the Bernardine Dohrns, the Mark Rudds, the Armstrong brothers (of the Fassnacht murder charges) are not subversive, then let's throw away the word. Let those who mock the board stand and mock the widows of those killed, and the families of those maimed, and the millions on millions of undergraduates who simply want basic learning, not bombs.

MEANY'S RECKLESS GAME

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. DERWINSKI. Mr. Speaker, it is obvious that as difficult as the situation is for individuals, the nation as a whole will benefit if the President's phase II economic program works. The chief antagonist is obviously AFL–CIO President George Meany, as pointed out in the following editorial which appeared in the Chicago Daily News on Tuesday, November 23, 1971:

MEANY'S RECKLESS GAME

Treasury Sec. John Connally ticked off an impressive list of statistics Monday, all pointing in the right direction for a strong and growing economy. His message exuded confidence, as it was supposed to. Connally is good at that sort of thing, and the facts are on his side. In spite of all the beefing and the uncertainties, the general economic picture has been improving.

Connally was confident, too, that labor will co-operate to make Phase II work. But after last Friday's collision at Miami Beach, this seems a dubious assumption at best, and the weakest link in the chain of economic recovery.

With George Meany set on undercutting the President of the United States, and Connally telling a national audience about Meany's "arrogance, boorishness and discourtesy ill becoming a leader of labor," the stage is set more for combat than cooperation.

Meany is right about one thing. The administration is trying to put a check-rein on Big Labor. The exceeses of union demands beyond gains in productivity have made such a course imperative, and we believe the public generally understands that. But the guidelines laid down for Phase II will work no hardship on labor, given any kind of cooperation at all. Everybody benefits in inflation is checked; everybody loses, including unionized labor, if the effort fails.

Meany charges that President Nixon was simply trying to make political hay in coming before the AFL–CIO convention in Florida. That charge needs a little evaluation.

We doubt if even President Nixon would deny that politics entered into his decision to face the AFL–CIO. If he can make Phase II work, his chances of re-election improve and making it work involves bringing at least some portion of unionized labor around to his support. But in this case what might help Mr. Nixon politically would be certain to help the country economically. Curbing inflation ought to be a bipartisan team effort.

The Democratic hopefuls have done their share of sniping at Mr. Nixon, but there is no evidence that any of them put their own ambition above the general good of the country The same can't be said for Meany. His hatred of Mr. Nixon runs so deep he seems willing to do anything to defeat him, even to pulling apart the wage-price structure before it has a chance to prove its worth. The convention's move to raise Meany's salary from $70,000 to $90,000 a year—28 per cent—startled even some of the AFL–CIO vice presidents with its defiance of the guidelines.

Connally's confidence included the hope that one man (Meany) "can't put himself above" the best interests of 80 million people in the working force. In this respect, we fear his confidence is misplaced.

THE GLOBAL ENVIRONMENT, RESPONSIBLE CHOICE AND SOCIAL JUSTICE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD the text of a statement, approved by the executive committee of the World Council of Churches, meeting from September 5–9, 1971, concerning certain considerations, which the executive committee believes, on the basis of the Christian faith, seem to be particularly significant with respect to the many dilemmas contained in the phrase, "the environmental crisis."

The executive committee makes clear that the statement does not pretend to set forth the definitive position of the World Council on all aspects of the environmental crisis, but is rather an effort to make a preliminary evaluation of the urgency of the crisis and to highlight certain considerations which, in light of Christian faith, seem to be important.

Mr. Speaker, a more sustained examination of these issues will be undertaken by a panel of experts now being convened by the World Council's unit on church and society, whose working committee prepared this statement.

This study and the submission of the Commission of the Churches on International Affairs of the World Council of Churches to the United Nations Conference on Human Environment, to be held in Stockholm next year, are intended to help the churches contribute to environ-

mental reflection and action on the work of the U.N. conference.

The text of this statement entitled, "The Global Environment, Responsible Choice and Social Justice" follows:

THE GLOBAL ENVIRONMENT, RESPONSIBLE CHOICE AND SOCIAL JUSTICE

(A call to the churches for study, comment and action, approved by the Executive Committee of the World Council of Churches, meeting 5th–9th September, 1971.)

I. INTRODUCTION

In recent years there has been a rising crescendo of prophetic warnings about the human environment—some reasoned and forceful, some shrill and exaggerated, some cautiously hopeful, some deeply pessimistic. We have been told that our air, water, soil and living space are seriously deteriorating in a way which threatens the quality of human existence, and which may threaten the future of human life itself. There are familiar elements in the warnings. Men have often been cautioned that their use of natural resources like timber, or their own fertility and increase, would sooner or later bring unacceptable consequences.

Now there is a new sense of urgency, caused not by new factors but by a new combination of factors on a world-wide scale: continued massive increases in population, ever-increasing industrial expansion with its appetite for raw materials, and a high degree of world economic interdependence which, with modern communications techniques, has created a new sensitivity to the needs of poor countries. Suddenly it appears to many people, with frightening intensity, that we are pushing against the limits of a finite world, that in all likelihood something vital will before long give way, and that the traumatic reassessments which will then be forced upon us will be full of possibilities for tragedy.

II. THEOLOGICAL PERSPECTIVES ON THE ENVIRONMENTAL CRISIS

1. The Christian Church has no distinctive answers to the many technical problems posed by the state of the environment. Beyond such technical issues, however, the present crisis is provoking a reconsideration of some of the fundamental questions of human existence. What is man's chief aim on earth? What is his true relationship to his natural environment? How important is man's standard of material living? What responsibility has an individual or nation towards "the neighbour"? In this context the Church is called to reflect upon and witness to its own deepest convictions.

2. Man's dominion over the earth is not to be exercised as though he alone existed in the universe or he alone were of value in the creation. This distinctive role is to be fulfilled as a trust, as a stewardship for the Creator to whom the earth and all its creatures belong. For too long Christians have thought of creation as having to do with the beginning of things instead of understanding it in terms of God's continuing work and man's continuing responsibility. This vision of the God-man-nature relationship questions all attitudes and social policies which flow from a narrowly self-interested approach to nature and human relationships.

3. The world around us does not exist merely for our personal gain; it has value in itself and we are called to act on the basis of a responsible global environmental policy. Hence our ethic must go beyond mere usefulness. Neither nature nor other men may be treated from the viewpoint of our personal desires alone. In particular we have to act responsibly toward unborn generations, who have as much claim to a full life on this planet as do men of today.

4. The quality of life achieved is a necessary complement to the idea of dominion. Christianity certainly supports the kind of materialism which recognises the importance of basic standards of health, nutrition, and housing; and environmental planning must start with these requirements. Beyond these material needs, however, there are other dimensions to life and the Church in particular is called to draw attention to these and to testify to that which makes for human fulfilment. Ecologists who are challenging many of the assumptions of a modern production-oriented society and recalling use to a deeper appreciation of man's aesthetic, psychological and spiritual needs are expressing a concern which Christians should fully share.

5. Technology and science have vastly increased man's dominion over the earth, not only enriching life but also by contrast creating problems of pollution, of exhaustion of resources, of the subordination of man to machine, and above all of injustice. Nations and groups within nations use technology and science to dominate and exploit other nations and groups, thus increasing the gap between rich and poor peoples. However, man's dominion over the earth cannot be abandoned now, as some would argue, but must be exercised with greater wisdom and skill to ensure social justice to all peoples. Christians must reexamine the biblical concept of dominion, as a basis for intelligent, responsible choice in environmental issues.

III. RESOURCES

1. One of the major pressure points is the approaching exhaustion of certain non-renewable resources. In some cases, as perhaps with certain fuels, the problem of depletion may be handled successfully by shifting to new sources of energy to accomplish the same social ends. However, there is a disturbing lack of consensus among the experts as to whether such new sources of energy will be available in time to meet this exponential curve of rising demand. While some assume that the transition is possible and can be made relatively smoothly, others expect that the exhaustion of conventional sources will create major crises with serious social consequences.

2. For other non-renewable resources, such as arable land, there is apparently no conceivable substitute. While new techniques may enlarge production from such land, the diminution of the total area available for agriculture constitutes an unavoidable limitation.

3. Even where substitutes may be available in the future, the pattern of current usage remains a problem. Wise planning must take account of present conflicting claims for scarce materials, and allocate their use justly. Furthermore, because the present generation has no exclusive right to these materials, and because we are responsible to those who come after us, it seems obvious that we should regulate our present consumption with the projected needs of future generations in mind, so far as we can predict that they will have to rely on the same resources we employ.

4. The finiteness of these resources at any given time poses acutely the problem of equitable distribution. In a situation of continued economic growth this problem was obscured by the fact that the standard of living of the poor was at least rising, though the gap between rich and poor was actually widening. When overall quantitative growth ceases or slows, inequality becomes painfully obvious and the moral problem of the gap between peoples becomes even more acute.

5. Inequality of wealth is, of course, a problem within a given society; but as posed by the finiteness of resources it is particularly evident between nations, between developed and developing countries. The challenge of international social justice thus confronts us at the outset of any inquiry into the environment question.

The two crises are inextricably linked. We cannot speak of an environmental policy without a development policy, any more than we can effectively pursue development without taking full account of the potentialities and limitations of man's global environment. Economic and technological development in certain stages of its growth has characteristically meant increased use of natural resources and more pollution of the environment. In view of the approaching exhaustion of some valuable resources and growing pollution, there is already discussion of the desirability of a zero growth rate in global economic production.

The proposal is open to debate at several levels: economic, ecological, moral and spiritual. From a theological viewpoint economic growth cannot be called essential, although certainly it is desirable that conditions should be created which will facilitate for all people the fullest possible development of their human potentiality.

If the case for a zero rate of growth is persuasive, social justice will require wealthy societies to moderate, halt, or even reverse their rates of consumption and pollution in order that other societies may accelerate economic growth. Even if it is not persuasive, the evidence is overwhelming that economic growth alone, without redistribution of power and resources, will not bring a just distribution of wealth. Recent indications that weaker countries, by pooling their efforts, can obtain more equitable prices for their products—as in the case of oil—are small yet encouraging signs of change in a favourable direction.

6. As the poorer countries struggle to develop, the competition for limited supplies of natural resources will intensify. Such competition is a cause of present international tension and in the past has been one of the major causes of war. The lesson for the future is plain. What is needed is a radical change in attitude towards the natural resources of the world and their distribution and use. They were created by God, and particular countries are stewards and trustees for their world-wide use by present and future generations; all people have the right of access to them, not through condescending grants from the affluent but as a common human inheritance.

This does not mean that western technology should simply be copied in the developing countries. The serious errors committed in highly industrialized societies must not be repeated in the Third World whether through carelessness or because of pressure to adopt inappropriate forms of technology. The application of technology should be suited to each nation's own culture and its own development goals; but however these may be defined it is clear that the present international structure of economic power requires radical alteration if the poorer countries are to improve absolutely their material situation vis-à-vis the developed countries.

7. Measured against the criterion of world need, many of the current consumption habits of the developed countries are frivolous and wasteful. They use up resources for purposes which are clearly unessential when set against the unmet needs of the developing countries. This underlies the need to reconsider the meaning of human life and community. Societies, heedless of responsibility toward other men and future generations, have measured their success in terms of high consumption and growth in the gross national product; but the dangerous inadequacy of such criteria becomes increasingly evident.

Economic development, to a degree, is a necessity for human liberation; pursued excessively or made an idol, it is enslaving. A society, freed from both economic privation and idolatry, may offer its members a higher quality of life than most men know today. The Church, in particular, must testify that man, who lives by bread, does not live by bread alone.

8. None of the world's current political and economic systems has dealt adequately with the issues raised by the problem of natural resources. The conflict between the interests of individual nations and a responsible global economic policy makes it extremely difficult to deal with the questions posed. Present structures do not adequately recognize or represent the "common interest" of mankind.

IV. POPULATION

1. The steeply rising growth of world population poses a host of urgent problems. While experts disagree on how many people the earth can support, all are agreed that there is an upper limit. It follows that overall population growth must inevitably stop at some point. Whatever this limit may be, we are in no doubt that we are approaching the critical point far too rapidly for complacency.

2. Pressure on limited resources is intensifying both because of greater numbers and because the rate of use by each person is increasing. The number of people the planet or any area can sustain depends partly on how much they consume and pollute. Population growth in industrialised societies, where per capita rates of consumption and pollution are high, is no less urgent an issue than in developing countries.

3. Rapid population growth in the developing countries eats up their economic progress, cruelly frustrating their hopes for development. Population growth in the developed countries multiplies their already disproportionate consumption of the world's resources, further frustrating the hopes of the developing countries for a better share.

4. We do not presume to guess what an optimum population size would be. The potentialities of each region vary, and there are many imponderables. It is even true that some areas at present are relatively underpopulated. But the clear effects of overpopulation are visible in many other places. A levelling off of world population growth is inevitable. The question is whether this will result from disease, famine and war, or whether a planned reduction can be achieved without catastrophe.

5. Population growth, together with migration from rural areas, contributes to the accumulation of people in cities in ever more crowded conditions. Beyond a certain point, the effects of such density of human beings appear to be mainly adverse and it becomes increasingly difficult to supply the public services required by urban agglomerations. The multiplication of urban problems in our time offers dramatic evidence of the need to limit population.

6. Family planning, the voluntary spacing of children by contraception or other means, is a necessity, but it is not the same as population control. Even with universal family planning, populations may continue to grow because people want large families. It has been a cardinal assumption that any list of human rights should include the right of parents to decide on how many children they might have.

But this right should not be exercised apart from the right of children to physical, social, and psychological health, to an environment which gives scope to the fulfilment of their human potentialities. Population control puts the emphasis on parents having the number of children that can be adequately cared for in the world, rather than on the number of children parents may want to have. If such control is to be achieved voluntarily, we must have better knowledge of the complex reasons why people desire large families. Experience with different types of incentives is needed. Routes to control along these lines will be long and arduous, but must be followed.

7. Many believe that some form of compulsory population control will be necessary. What degree of state coercion is appropriate and what means may be employed, in bringing about the necessary changes in population trends? Here there are complex questions of social ethics and personal conscience which are becoming increasingly urgent, and which call for serious discussion in the churches.

8. A disturbing factor in current attempts to encourage population limitation is racial and national politics. Some peoples continue to see numbers as power and are wary of anyone who urges them to limit their growth. This is particularly evident where a dominant group urges limitation on a weaker group, as when spokesmen from developed nations tell the developing countries their growth rates are too high. The major promptings for effective limitation must come from within the country concerned if they are to be heeded.

9. Furthermore the fact that the problem must be treated nationally is underscored by the international restrictions on migration. It seems unlikely that relatively underpopulated countries can be made to accept the surplus population of other areas—except by war and conquest. Such territorial possessiveness, and the cultural isolation and pride which accompany it, can hardly be pleasing to the Christian conscience; but the fact must be reckoned with realistically. Under present conditions migration is an illusory solution to the population problem.

V. POLLUTION

1. While in the past men have tended to assume that there was no longrange danger in depositing chemical and physical materials in the natural environment, that nature would absorb and neutralise any harmful side effects, we now know that the corrective capacity of an ecosystem can be blocked. Its ability to absorb and repair damage is not unlimited: it can lose its elasticity beyond recovery. The period required to recover from some man-made harm may be centuries long, so that the damage becomes effectively "permanent" as far as present life is concerned.

2. Pollution frequently affects plants and animals more immediately than man himself. But when it gives rise to a malfunctioning of the ecosystem, man may himself become the victim. Toxic pollutants may be absorbed by man directly from the air or through food chains or in other ways. Some pollutants induce genetic changes as well as producing physiological damage. There may be a considerable time lapse between the initial use of a polluting substance and its later toxic effects on man. Harm is thus caused not only to the present generation but to its descendants.

3. Man who causes pollution has also the technical capacity to put an end to almost all these destructive practices. The accumulation of pollutants in the environment is tied closely to styles of production, industrial and agricultural, which are not easily or quickly changed, since they form part of entire patterns of living. Nevertheless, correction is possible once public attention has been drawn to the dangers and the political will has been created to bear the considerable costs involved.

4. Pollution has a "social cost" which should be calculated as part of production costs for industries, public and private, which have pollution problems. Effective legislation, including stiff pensities for violation, will be required to ensure that these social costs are taken into account. Owing to international industrial competition, equivalent regulations will have to be in effect in all nations if this new accounting is to work. Great care must be taken so that the pollution problems of industrial societies are not inflicted upon the developing world.

5. Political authorities have been slow to act on pollution for many reasons, including popular ignorance of the causes and magnitude of the problem, divided jurisdiction, and private pressures which discourage such authorities from protecting the public interest entrusted to them. This reinforces the need to awaken public interest and organise political power on behalf of those who suffer from pollution, and to work for adequate regulations, their enforcement and further unbiased research on pollution problems.

6. International areas like the seas and the atmosphere are currently beyond effective control, or are at best subject only to incipient control systems. As pollution is no respecter of frontiers, its spread rasies in a new way, with new urgency, the question of internationalising certain governmental functions now exercised by sovereign states.

VI. PARTICIPATION OF CHRISTIANS AND CHURCHES

1. The coming years will demand from churches and Christians their increased participation in reflection, discussion and action on the questions of man's global environment.

2. The United Nations Conference on the Human Environment, meeting in Stockholm in June 1972, will constitute the first major intergovernmental consideration of these dilemmas. Churches are urged to follow these debates and to press their governments to take an active part in the search for responsible environment policies on a world level.

3. Many non-governmental organisations—international as well as national and local—are intensely active in working for new approaches to environmental problems. Christians should play their part in initiating and supporting creative action in cooperation with people of various faiths, disciplines and cultures.

4. To help advance Christian reflection and engagement, the World Council of Churches has launched a theological and ethical inquiry into these issues. The participation of churches, Christian groups and individuals, and indeed of all interested persons is welcomed.

5. The questions to be faced are novel, their complexity is daunting and the time span within which responsible action must be taken seems alarmingly short. In the face of a numbing temptation to do nothing, Christians are summoned urgently to reflection and action, with all people of goodwill, to participate in the building of God's earth.

THE VANTAGE POINT

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. PURCELL. Mr. Speaker, it was recently my privilege to glance through an outstanding book review of former President Johnson's "The Vantage Point," appearing in the Wichita Falls Times.

As all of us know, "The Vantage Point" is a most exceptional work—both in terms of the man who wrote it, and the events and viewpoints it portrays. It is a refreshing change from much of the sweet syrup usually ladled from public papers of a former President. Instead, it chooses to present acute and sometimes painful visions of a true President of all the people.

As one of those riding in the fateful parade in Dallas on November 23, 1963, I can remember painfully well the chaotic beginnings of President Johnson's administration. I was also present at the end, here on the Capitol steps in 1969. A great President and a good steward of

his pressing national burdens lay them aside to return to his native Texas.

I remember and know Lyndon Johnson now as the sort of person who chose to set his own measure in terms of the uplifted hearts of the poor and downtrodden during his administration, rather than in terms of the substantial concrete monuments with which lesser men might be satisfied. This is one of the real visions of Lyndon Johnson to those of us from Texas, and a meaning that the review senses well, I believe.

While I commend the review for its outstanding portrayal of "The Vantage Point," I commend it also for exemplifying the pride we Texans hold for former President Johnson. A strong man, he imparted that strength to the Nation and to Texans during our hours of sore need. From 1963 until 1969 he was our rock, and as such, I hope his work will be warmly received by all the Nation.

The book review follows:

L.B.J.'s: WHITE HOUSE YEARS

(By Margaret W. Reid)

The Vantage Point: Perspectives of the Presidency 1963–1969, by Lyndon Baines Johnson. Holt, Rinehart & Winston, $15.

One Sunday last June I visited the beautiful and impressive Lyndon B. Johnson Library in Austin. It is, as you know, a repository for millions of pages of documents and more than 500,000 photographs collected during the President's 32 years in office as U.S. Representative, Senator, Senate Majority Leader, Vice President, and President. (A mural in the Great Hall depicts these stages in his public career.)

Stacks holding the priceless documents (they are contained in red buckrambound file boxes) extend from floor to floor on six of the eight floors of the building. Another distinctive feature of the Library is the reproduction of the oval office in the White House. The office even contains LBJ's presidential desk, symbolic of "The Vantage Point," title of the President's 600-page book.

He explains: "I have not written these chapters to say 'This is how it was,' but to say, 'This is how I saw it from my vantage point. Neither have I attempted to cover all the events of my administration. I have selected what I consider to be the most important problems, the most pressing goals, and the most historic accomplishments of my years as President . . .

"I did not set out to write a propaganda piece in support of my decisions. My purpose has been to state the problems that I faced as President, to record the facts as they came to me, to list the alternatives available, and to review what I did and why I did it. Others will have to judge the results on their merits . . ."

What adult will ever forget that November day in Dallas in 1963 when John F. Kennedy was assassinated and Lyndon Baines Johnson took the oath of office (administered at his request, by Texas' Federal Judge, Sarah T. Hughes) in Air Force I at Love Field? (Television made it all too vivid.) We remember, too, our relief when the new President addressed the nation asking for our help—and God's, and we knew he was firmly in control. Johnson writes, in an opening chapter, describing these first days in office: "Any hesitation or wavering, any false step, any sign of self-doubt, could have been disastrous. The nation was in a state of shock and grief. The times cried out for leadership."

That President Johnson supplied that leadership was soon apparent (even the stock market made a quick recovery), and he convinced the doubters that a Texan could make a strong President. Blacks, especially, had been apprehensive over having a Southern President, but he was to do more for minority groups than any other President had ever done.

Of those first hectic days in office, President Johnson writes: "When I recall that day (his first) I think of people, people entering my office, people leaving my office, people meeting in my office, people waiting in my reception room, a steady stream of people. They included former Presidents, Cabinet officers, leaders of Congress, and staff members."

Among these was Walter Heller who asked if the Council of Economic Advisors should develop a program to attack poverty. The President said: "I'm interested. I'm sympathetic. Go ahead, give it the highest priority. Push ahead full tilt." The "War on Poverty" which ensued was only one of the many important bills passed to aid the poor, the untrained, the jobless.

President Kennedy's civil rights bill first proposed in 1963 was another. "The most vulnerable sections were those guaranteeing equal access to public accommodations and equal employment opportunity." President Johnson would not compromise or bargain, and many pressure groups—racial, religious, and others—helped, and the 1964 Civil Rights Act was passed. Indeed, LBJ's record on social reform even exceeds that of the past-President he most admires, FDR.

Running like a dark thread throughout this distinguished narrative history are the President's accounts of the war in Vietnam, his anguish over loss of American lives in Asia. "President Kennedy had kept me well informed on world events," he writes. "Only South Vietnam gave me real cause for concern." Various chapters deal with the progress of the war, its acceleration, attempts to negotiate, decisions to stop bombing in hope of ending the war, growing discontent at home, policy decisions after conferences with advisors. Seldom did the President get a night of unbroken sleep. The burden of the Presidency grew intolerable, he announced his decision not to run for a second term, hoping his withdrawal would conciliate his critics and hasten the end of fighting.

Most comprehensive—and praiseworthy—was the transition of administrations, the briefing of Nixon and his aids. "To anyone who had witnessed, as I had, the intense emotional friction that marked the transition from President Hoover to President Roosevelt, the deep personal hurt and resentment that marred the Truman-Eisenhower transition, and the civilized but chilly relations between Eisenhower and Kennedy in 1960, it was obvious that historical precedent left much room for improvement. I believed that the dignity of the Office of the Presidency demanded cooperation and respect between the incumbent and his successor. Even more, I was convinced that at this crucial juncture we could not afford either an abrupt change of administration or a change filled with rancor and partisan sniping." This view can only be that of a great man.

No review can cover all the major topics the President discusses nor do justice to this well-written, vital history. As you can see from the quotations included here, the President's written word, like his speech, is alive, forceful, and colorful, and is marked by many philosophical comments and profound truths. He calls the White House "that house of decisions," and writes "nothing makes a man come to grips more directly with his conscience than the Presidency. Sitting in that chair involves making decisions that draw out a man's fundamental commitments. The burden of his responsibility literally opens up his soul."

"No President seeks crises. They come to him unbidden and in legions."

President Johnson was beyond doubt a strong President. Only time can assess his place in history but his book and his library supply ample material for future judgment.

TODAY'S QUOTE

The magnitude of the job (the presidency) dwarfs every man who aspires to it. Every man who occupies the position has to strain to the utmost of his ability to fill it. I believe that every man who ever occupied it, within his inner self, was humble enough to realize that no living mortal has ever possessed all the required qualifications. It is not a question of the incumbents wanting to do the right thing. The American people, in their wisdom, have never yet elected an evil man to lead them. No man ever runs for the presidency on a platform of doing wrong. Every President wants earnestly to do what is right. The enormous challenge he faces, as he looks out on his country and the world from the observation post of the White House, is knowing what is the right thing to do, for the complexities of the problems are past description.—From "The Vantage Point," by Lyndon B. Johnson.

MR. CONNALLY, HIS CRITICS, AND THE BALANCE OF PAYMENTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. FRASER. Mr. Speaker, When the President announced his new economic policy on August 15 he pointed to the deficit in the U.S. balance of payments as the reason for taking immediate action to close the gold window and impose the 10 percent surcharge on imports. Secretary Connally has made it very clear that he considers the solution to our balance-of-payments problem to be a reduction of foreign imports and an increase in U.S. exports. He indicated in his recent negotiations with Japan that the surcharge will not be removed until a favorable trade balance is restored.

Mr. J. W. Anderson presented an interesting critique of this policy in a November 20 article in the Washington Post. The article follows:

MR. CONNALLY, HIS CRITICS, AND THE BALANCE OF PAYMENTS

(By J. W. Anderson)

Secretary Connally is holding firm to his conviction that trade and trade alone, is the cure to the horrendous deficit in the American balance of payments.

The trade cure means American's buying less abroad and selling much more—in such vast proportions that it would affect the internal economics of nearly every nation with which we deal.

But trade is not the only item in the balance of payments. There is the money that Americans send abroad to buy into foreign businesses. The scale of American investment is already a highly inflammable political issue in the internal politics of a good many countries, both developed (Canada, France) and otherwise (almost any of the South Americans).

There are also the very large amounts of money that Americans bring home in the form of profits from foreign investments. There is the money that Americans send abroad as interest on their debts. There is the money that Americans give or lend to other governments as foreign aid (although four-fifths of it is spent in the United States, and turns up again as exports).

Your choice of policy to straighten out the balance of payments depends on your guess about all of these migrations of money—investment, profits, interest, aid—as well as trade over the next few years.

Mr. Connally thinks that the whole cure is going to have to come from the trade account. He has even put a number to it: the famous $13 billion turnaround in trade that he laid down first in London two months ago.

The movement of capital is extremely difficult to control, the Treasury says, and is not likely to help the balance of payments much in the near future. Therefore the whole rescue operation has to be worked through the buying and selling of merchandise—buying less and selling more to a total of the $13 billion swing.

There are other opinions, of course, based on other diagnoses. Lawrence B. Krause of the Brookings Institution, to take one prominent example, points out that Americans' profits on their foreign investments have been rising very fast. Soon they will hit a level, he calculates, at which they will balance the whole outflow for investment, interest and foreign aid. By 1975, according to his figures, the United States can get along very comfortably, with a surplus in its balance of payments, by selling abroad only as much as it buys.

Further in the future, Krause speculates, the United States might even be able to afford a substantial trade deficit, by living on its foreign profits. (Great Britain lived this way for several generations before World War II. Britain's present troubles go back to the war, when it cashed in massive foreign holdings to pay for rearming.)

If the Treasury's diagnosis is correct, Mr. Connally is a hero. If Mr. Krause is right, Mr. Connally is the man who jeopardized all of our international friendships to chase a surplus that is not only unnecessary but probably unattainable.

Mr. Connally's $13 billion figure can be taken apart, piece by piece, for further inspection. The Treasury feared last summer that, without any change of policy, the United States would run a $5 billion trade deficit next year. It calculates that what we need, to achieve a small plus total in the balance of payments, is an $8 billion trade surplus. Mr. Connally's target, is the difference between where he feared we were going and where he thinks we ought to be. That $13 billion is a huge figure. For comparison, the United States exported goods worth $42 billion last year, and imported $40 billion. (Within the past six months, of course, the trade balance turned hard the other way and we are now buying much more than we sell.)

The Treasury's presumed trade deficit of $5 billion is a rather hypothetical figure, based on three large assumptions; full employment here and abroad, price stability as a result of President Nixon's controls, and last May's exchange rates.

The exchange rates have already shifted sufficiently to have a substantial effect on trade. But the Treasury believes that a rise in employment and general prosperity here and abroad would make our trade deficit worse. The United States tends to export goods that are not very sensitive to fluctuations in consumer demand—West Virginia coal for Japan, for example, and jumbo jets for the world's airlines. In contrast, our imports flow heavily into very responsive consumer markets—cars, for instance, and television sets.

But if the $5 billion trade deficit is a highly abstruse figure, already obsolete because dollar exchange rates have changed, there is nothing soft about the $8 billion trade surplus that the Treasury wants.

The computation of the $8 billion begins with one controversial and highly optimistic prediction: that foreigners' investments in the United States will soon balance Americans' private investments in other developed countries. (Currently, direct private investment is in the range of $4.5 billion a year outward, and only $800 million inward.)

The next prediction is darkly pessimistic:

the Treasury sees American profits on foreign investments eaten up, at a rising rate, by the interest that we must pay on American debts abroad. This debt, swollen by the accumulated deficits in the balance of payments, now totals $65 billion, the Treasury reports.

In its third prediction (again optimistic, in view of the recent votes in the Senate) the Treasury sees an annual outlay of $4.5 billion-plus in aid, as well as private investment in the underdeveloped countries of more than $1.5 billion a year.

When the Treasury feeds these three predictions into its computers, and adds the standard estimates for the other items—support of military forces abroad, tourism, pensions paid to people abroad, various other capital flows—the result is a net deficit of $6 billion a year.

To this Treasury adds a $2 billion margin of safety. It is calculated to cover certain kinds of leakage in the accounts and leave the small but certain surplus that Mr. Connally considers essential to the international reputation of the dollar.

Six plus two equals eight. Since this reckoning takes into account everything but trade, trade will have to cover it. Exports will have to exceed imports by $8 billion a year.

There is more than one way of looking at this arithmetic. The Treasury declares, very emphatically, that the $8 billion trade surplus is essential to finance the continued outflow of American foreign aid and investment in underdeveloped countries. But it might be said with equal accuracy to finance continued American investment in other industrialized countries, like Canada, Japan and Western Europe. These countries are not much inclined to let the issue pass with the explanation that capital movements are hard for the United States to control.

Most of our trading partners are very ambivalent about large-scale American investment. They welcome the new jobs, but they fear the growing degree of American influence in their economies. The American-based multinational corporations are not often mentioned in the country, but they are a constant matter of debate in Europe.

Secretary Connally has been talking about the American balance of payments solely in terms of merchandise trade—our products and theirs, moving in crates and sacks across international boundaries. But our trading partners will also want to talk about the movements of the enormous amounts of capital and profit that go clicking invisibly along the Telex wires that link banks. If Mr. Krause of Brookings can see a sound balance of payments position emerging with our imports equalling our exports, other nations are not likely to accept without challenge Secretary Connally's case for selling them $8 billion a year more than we buy.

THE BUTZ NOMINATION

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. CULVER. Mr. Speaker, in the Washington Post of November 29, Mr. Nicholas Kotz has written a reaching and incisive interpretation of the current trends in our national food supply system and their effects on the quality and character of rural life. Mr. Kotz' portrayal of the agricultural marketplace and the growth as well as increasing dominance of agri-business points to the compelling need for new departures in our policies for rural America.

Moreover, he shows that these trends though deep-seated, are not preordained or irrevocable. They derive in large measure from an unwillingness to design a national policy of balanced growth and development. Certainly agriculture must be changing and adaptive; we cannot simply freeze rural life within a dynamic national setting. But we need not capitulate heedlessly and fatalistically to agricultural gigantism and economic corporatism. There can, if we choose, be progress without sacrifice of family farms and the vitality of rural life.

In its nomination of Dr. Butz to be Secretary of Agriculture, the administration would further foreclose real choices for an America in which there is agricultural diversity and human initiative. Mr. Kotz' article makes it clear that the opposition to the nomination is grounded not in petty politics but rather in a genuine and widespread concern that agriculture and the individual farmer not be the victims of false economic dogma.

I include this article in the RECORD:

THE BUTZ NOMINATION FOCUSES ATTENTION ON REVOLUTIONARY CHANGES IN THE NATION'S LARGEST BUSINESS

(By Nick Kotz)

The sudden controversy over Dr. Earl Butz' nomination as Secretary of Agriculture has its obvious political aspects. It also focuses rare national attention on revolutionary changes in the nation's largest business, its food supply system. These changes are having profound effects on the fate of rural America, as well as on congestion in our cities.

The obvious opposition to Butz is explainable in terms of partisan Democratic politics, of farmers' unhappiness with low corn prices, and of the nominee's role in the 1950s as an assistant to Agriculture Secretary Ezra Taft Benson, whose name still raises farmers' blood pressure. Butz is such a convenient political target that some Democratic strategists are actually worried that his nomination will be defeated by the Senate. They'd rather have him around for the 1972 election.

But another explanation is needed for the spontaneous and intense grass roots farmer hostility against Butz, a man most farmers never even heard of until this nomination two weeks ago. The issue goes far deeper than the genial, 62-year-old appointee and the exigencies of partisan politics. Butz simply symbolizes a force in the changing food supply system that many farmers have come to regard as their oppressive economic enemy.

A thumbnail sketch of Butz's career marks him to the farmer as a representative of "agribusiness"—a descriptive word that wasn't around a few years ago. For the farmer, agribusiness means all the other elements in the food supply chain that are highly organized and represent big business: the national retail food chains, the giant national food processors, and the conglomerate companies that perform an interrelated series of functions in the food system.

The farmer has seen these other segments of the food supply system consolidate their economic power while he—even as his numbers have dwindled by millions—remains unorganized and relatively powerless in the marketplace. The agricultural marketplace has changed radically and farmers wonder whether traditional laws of supply and demand function anymore. In bygone years, many buyers competed for the farmer's produce. But the middle-man and the open com-

petitive market now have virtually disappeared. For example, Safeway and A&P buy lettuce directly from the fields of California, and farmers say such companies' huge purchases set the market price.

Most disturbing to the farmer, the giant firms in agribusiness now are vertically integrating their business, combining and performing many steps in the land-to-market production of food. Ralston Purina Co. and other feed manufacturers now own, feed and process poultry for sale to supermarkets. The once independent farmer has been left with only a sharecropper's role of caring for and feeding Ralston Purina's feed to Ralston Purina's chickens. Similar integration is now planned for hogs and cattle.

In short, American agriculture has become more and more like other big business—increasingly dominated by conglomerate companies and administered prices. Even, efficient, large-size family farmers find themselves isolated at the bottom of the food chain—forced to supply cheap raw materials to the economic giants above them.

Against this background, Earl Butz steps in and Clifford Hardin steps out as Agriculture Secretary in a do-si-do that totally confirms the farmer's perceptions about how things really are.

Hardin started out as an agricultural economist, became an "ag school" dean, served as a land grant university president, became Agriculture Secretary and now departs to become vice chairman of Ralston Purina, taking a seat on its board of directors being vacated by Butz after 13 years.

Butz also started out as an agricultural economist, served as a Purdue University department head, became an assistant agriculture secretary under Benson, then returned to Purdue where he ran the agriculture school, while serving on the board of four agribusiness corporations—Ralston Purina, Stokely-Van Camp, International Minerals and Chemicals, and J. I. Case. The energetic Butz also found time to make 100 speeches a year, mostly in the employ of the General Motors Speakers Bureau, to serve on various agribusiness-financed foundation boards, and to take an unsuccessful 1968 filing at winning the GOP candidacy for governor of Indiana.

Knowledgeable farm observers in Washington are convinced that an actual Hardin-for-Butz swap was engineered by a few executives and lobbyists from agribusiness.

In political terms, the Butz-for-Hardin trade indicates that the White House has little understanding of the rising populist resentments of farmers and small town businessmen. The merchants watch their towns dying, as more and more farm houses are boarded shut, and as the new conglomerate farmers buy their supplies wholesale from the factory rather than from local stores.

President Nixon and the Republicans are not unique in their failure to respond to these growing rural concerns. The Democrats have not performed all that differently. With either political party, the economic power of agribusiness has far more political clout than farmers have, except where they have joined in giant, corporate-like co-ops. When Butz was questioned by the Senate Agriculture Committee, Senator Hubert Humphrey (D-Minn.) made much ado about farm prices and the farm programs of Ezra Taft Benson. But he did not touch on the agribusiness ties of Dr. Butz. Agribusiness companies and their executives have been among Humphrey's major political supporters.

When Dr. Butz said there would be a million fewer farms in 1980 than there are today, he was merely agreeing with estimates of USDA's economists. The nation lost a million farmers under Benson and another million under Orville Freeman and neither official was to blame, or could do anything about it, said Butz. It is not politic to say such things and silence about hard truths has obscured what is really happening.

Much of the decline in the nation's farm numbers has probably been unavoidable. Industrialization, scientific developments, and new economic arrangements made it inevitable that millions would fall by the wayside.

The central issue for national policy today, however, should be whether this trend will be permitted to continue to the point where rural America becomes a wasteland, devoid of people, except for those farmers who serve agribusiness factory farms as feudal serfs. The continuing depopulation of rural America adds greatly to urban problems.

Dr. Butz, along with most persons making farm policy today, regards present farm trends as inevitable and representing "progress."

If the nation decides, however, that it cannot afford too much more of this kind of agricultural progress, then it will have to pursue far more radical policies than those which both Democrats and Republicans have addressed to the "farm problem."

The price support and acreage retirement programs historically have served the interests of the wealthiest farmers, rather than millions of small family farms.

If the efficient family farmer-businessman is to survive, he will need far more help than just another farm program. Farmers need legal authorization for collective bargaining power similar to that now held by labor unions. Small farmers and farm workers need financial and technical assistance to organize co-ops. Farm workers need unionization to win a living wage. Antitrust laws will have to be applied vigorously against agribusiness firms that try to monopolize a farm commodity or food system. The government will have to direct its vast food purchasing power toward the family farmer, rather than as a subsidy to agribusiness.

Government and university officials will have to break up the cozy triangular arrangement in which governmeat and land grant colleges serve agribusiness and neglect other rural interests. The career of Dr. Butz at Purdue typifies this arrangement, but it is not unusual, except perhaps for the number of his corporate directorships. Agribusiness firms put money into the land grants for research that will directly benefit themselves, and the universities and federal government eagerly cooperate. Too often forgotten are the needs of family farmers, farm workers, and rural communities.

The nation also will have to bring more than political rhetoric to the concept of "rural development," which is now being served up as a magical alternative for those displaced from agriculture.

The President's proposal to replace present rural aid programs with several billion dollars in revenue sharing would represent scarcely a drop in the bucket to meet needs of the vast rural expanses that lack services and jobs. As an alternative, the Senate Agriculture Committee is pushing a rural development bill, but the question is seldom asked: development for whom? A Johnson administration idea for rural development in Mississippi included creation of a vegetable industry in which wealthy cotton planters would be the growers and processors. Farm workers and small farmers who share in this plan would have $1.30 an hour picking jobs vegetables and $1.60 an hour jobs in the processing plant. But even such rural development schemes as these have been few.

The last three President have talked in generalities about the need for rural development and population balance. It will take a lot more to bring prosperity back to rural America than merely to defeat the nomination of Earl Butz.

CHILD CARE VOTE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. FRASER. Mr. Speaker, nearly 2 months ago the House authorized the creation of a comprehensive child development program. This new program was included in a bill to extend our poverty programs for 2 years, as well as create an independent legal services corporation in order to insulate legal services from the political pressures that have almost destroyed the program in a number of States.

House and Senate conferees labored for many weeks under threat of Presidential veto to reach a compromise. Now newspaper accounts indicate that the compromise that emerged from this conference is still unsatisfactory to the White House. I urge all of my colleagues to make their own decision on the merits of this piece of legislation. Following is an excellent account from the Washington Post:

[From the Washington Post, Nov. 28, 1971]

CHILD CARE FIGHT DUE IN HOUSE

(By Peter Milius)

The White House is lobbying to defeat a controversial new federal child care program in the House next week to save President Nixon the awkward choice of vetoing it or letting it become law.

White House lobbyists and House Republican leaders were trying before the Thanksgiving congressional recess both to stiffen Republican opposition to the measure and to swing hesitant Southern Democrats over to their side.

"They want to beat it," said one member who was approached, "or, if they can't beat it, make it look controversial enough to justify a veto."

The vote—on a conference report reconciling the somewhat different versions of the legislation that the House and Senate both passed in September—is likely to come next Thursday.

Both sides are predicting that it will be close; the original House vote on the program was only 186 to 183. Defeat in the House could produce a complete stalemate; no problem is expected in the Senate. At the very least, there probbaly would be no legislation until sometime next year.

The child care program is in a bill to continue for another two years the government's old war-on-poverty programs.

It amounts, in effect, to a simultaneous consolidation and expansion of Head Start and assorted present federal day-care programs.

The bill authorizes $2 million for the combined new effort next fiscal year, about three times the present appropriations. Most of the proposed care would go free to poor children, but there also would be some help for the not-so-poor; their parents would pay according to sliding scales.

The bill, if the House passes it, will pose problems for the President no matter what he does.

The child-care program has extensive liberal support from a year-old ad hoc coalition of groups as diverse as the AFL–CIO, the National Welfare Rights Organization, the National Organization for Women and the National Education Association.

It also faces swiftly spreading conservative opposition—from the magazine Human Events, for example—on grounds that it would mean public intrusion into the private business of rearing children.

The President has had his troubles recently with conservatives over such issues as the admission of China to the U.N. He is not anxious to offend them again. Neither is he anxious to seem to oppose child care.

There is no way of separating the child care and antipoverty programs, vetoing one while preserving the others.

The administration has had reservations about the child care bill all year. Some White House officials wanted early on simply to oppose it—partly because of its possible cost, partly out of concern that it might impede the administration's plans for welfare reform, which also involve day care. Health, Education and Welfare Secretary Elliot L. Richardson wanted instead to support it, but with amendments.

Richardson won, worked for changes in the bill as it made its way through the two houses and the conference, and seemed, when the conference ended, to be ready to support it.

Key House Republicans, however, remained opposed to details of the legislation. They have sought all along to make sure that any new child care program would be run by the states, and the bill would give the money directly to local governing boards.

The White House also remained cool toward the bill, particularly, HEW aides say, because of the developing outcry among conservatives.

Last Friday, Richardson sent letters to Congress saying that he, too, still had reservations about the bill in its present form. Like the House Republicans, he said, he had felt throughout that the money ought to be doled out through the states, and the bill went too far the other way.

THE NEED FOR A NATIONAL RIGHT-TO-WORK LAW

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. SCHMITZ. Mr. Speaker, the tremendous power of America's big labor unions, demonstrated over and over again in recent years, derives from the Wagner National Labor Relations Act of 1935 which established the National Labor Relations Board and authorized it to certify a labor union as the official bargaining representative of all the employees in a plant or a whole industry. Once a union was certified, the Wagner act forced management to bargain with that union and allowed contracts to be negotiated making union membership a condition for every worker to retain his job.

The result is that millions of American wage earners are now being compelled to pay money to labor unions as a condition of earning their livelihood. Furthermore, it is an indisputable fact that compulsory union dues are being used to finance political candidates and causes which the duespayers would not willingly support if they were given a free choice.

The constitution of the second largest labor organization in the Nation, the United Automobile, Aerospace and Agricultural Implement Workers—UAW—specifies political activity as one of the union's principal functions. While the UAW constitution provides that a union member may object to the expenditure of his dues for political activities of which he disapproves, his objection will be heard only if filed during the first 2 weeks after the worker becomes a UAW member, or during the same 2 weeks in each succeeding year. And the decision on what to do about his objection will be made by a committee appointed by the president of the union—a "convenient" arrangement.

Several UAW members employed at the General Motors plant in Willow Springs, Ill., filed suit in March of this year alleging that Community Action Program Council's are being used as the UAW's political arm to channel dues money into the campaigns of candidates favored by the union's hierarchy. Their brief states:

It is mandatory that each UAW local set aside a minimum of 3% of each member's monthly membership dues as a per capita payment of the Community Action Program fund . . . The total membership dues paid to the UAW amounts to $180 million a year, and the 3% mandatory assessment for CAP thus amounts to $5.4 million annually. The defendant UAW officers have never provided the union members with a report or an accounting showing how they have used this money.

These employees now have only two options: First, to resign from the union which would cause them to lose their jobs; or second, to turn to the courts as they have done. A third option must be made available to them and to all of America's working men and women, an option that would permit an individual to drop his membership in a union and still retain his job. This means a national right-to-work law.

As the National Right To Work Committee has stated:

With almost unanimous agreement by the public and by most respected economists, that excessive union power is a key factor in bringing our nation to the brink of economic disaster, Congress and the President have the opportunity to deliver a telling blow at a root cause of union monopoly; compulsory union membership. Failure to deal with the fundamental problem of unrestrained union power will leave no alternative to permanent strait-jacket government regulation of the economy.

That straitjacket has now been imposed in the form of a national price and wage control program. Passage of a national right-to-work law would eliminate the most frequently heard justification for these controls; the otherwise unrestricted power of big labor. A bill for this purpose, H.R. 11827, was introduced November 17 by Congressman SAM STEIGER of Arizona, and I am proud to be a cosponsor of it.

THE EFFECT OF THE DOCK STRIKE ON LOUISIANA AGRICULTURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RARICK. Mr. Speaker, exports are big business in Louisiana. They affect many of our citizens who handle commodities, load and unload ships, and do all the things normally associated with seaports.

This summer and fall we have had both the specter and the realty of dock strikes and work stoppages at our Louisiana ports. They have affected these workers. But what is not always recognized is the effect these work stoppages have had on Louisiana agriculture.

Mr. Speaker, last year American farmers exported a whopping $7.8 billion worth of agricultural commodities. Much of that went through Louisiana ports. More important, much of that total was produced by Louisiana farmers. The income from Louisiana farm exports met payrolls which kept the economy lively. It brought prosperity to the rural communities and parishes throughout my State. The total value of Louisiana's share of farm exports last year has been set at $182.9 million. My State ranked third in export value of rice, $71 million; fifth in cotton, $25.7 million; and ninth in soybean, $42.3 million. Louisiana also was ninth among the other States in the export value of cottonseed oil.

The time has come to face facts. We need legislation to deal effectively with work stoppages of the kind that have hit our port cities. Taft-Hartley may keep Louisiana and other gulf ports open for a cooling-off period. But after Taft-Hartley, then what? West coast labor leaders are already saying they plan to take their workers out when the injunction against them expires about Christmas time.

We must act now. Some emergency public interest protection legislation is needed to safeguard our farmers and the American public. I urge our leadership to give this top priority for action early in the second session.

VIETNAM WITHDRAWAL

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. HELSTOSKI. Mr. Speaker, a few weeks ago I brought to my colleagues' attention the overwhelming vote in the recent Englewood, N.J., election in favor of total withdrawal from Vietnam by the end of this year.

I am happy to report today that I have received official notification of a similar 2 to 1 vote by the citizens of neighboring Englewood Cliffs for immediate disengagement from Southeast Asia. This is further evidence that the people of the United States are dissatisfied with the snails-pace withdrawal being undertaken by the Nixon administration, a policy which has only prolonged the bloodshed and destruction in Southeast Asia.

I call again for an immediate end to our involvement in this disastrous and immoral war. And, I include at this point in the RECORD a copy of the Englewood

Cliffs Borough clerk's notification of the outcome of that community's Vietnam referendum:

BOROUGH OF ENGLEWOOD CLIFFS,
Bergen County, N.J., November 15, 1971.
Hon. HENRY HELSTOSKI,
House of Representatives,
Washington, D.C.

DEAR SIR: The Mayor and Council of the Borough of Englewood Cliffs, New Jersey has asked that the following petition be sent to you:

Shall the Mayor and Council of the Borough of Englewood Cliffs petition the United States Congress for the removal of all United States troops from Southeast Asia and for the termination of all appropriations for the prosecution of American involvement in the war in Southeast Asia no later than December 31, 1971?

Along with this petition, the Borough Council asks that funds for the Vietnam War be cut off December 31, 1971 and that all United States troops be brought home by this same date.

The voters of the community approved this action by the vote of 1,303 for; 636 against.

It is the sincere hope of the Borough Council and the great majority of its residents that this action be taken.

Very respectfully yours,
NEIL J. VILL,
Borough Clerk.

TRIBUTE TO RUDOLPH FRIML

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. VEYSEY. Mr. Speaker, I rise at this time to pay a congressional tribute to one of this Nation's foremost composers, a man whose music has filled and enriched the lives of Americans for more than 60 years.

On Saturday, December 4, residents of Desert Hot Springs, Calif., will gather with Rudolph Friml, their honorary mayor, to observe his 92d birthday. Admirers from throughout the Nation will join in.

On December 7, 1879, Rudolph Friml was born in Prague, Czechoslovakia, and by the time he was 10 years old one of his compositions, a barcarole for piano, had been published.

From the time of his first concert appearance in America in 1901, Rudolph Friml has continued his increasing and everlasting contributions to this country's musical heritage and culture.

In 1912, called upon to fill a composing role slated for the famous Victor Herbert, a virtually unknown Rudolph Friml produced an operetta destined for worldwide reknown. "The Firefly," as it was called, was one of the greatest successes American operetta has known, and its music remains today, popular among young and old alike.

However, with two later compositions, "Rose Marie" in 1924, and "The Vagabond King" in 1925, Rudolph Friml, indeed, won for himself an immortal place in the world of American music.

Both productions broke records all over the country at the time of their introductions, and both have since thrilled Americans of four generations.

Surely, each of us here today has been carried away time and again, to the rich, romantic, and emotional strains of "Indian Love Call," "Rose Marie," and "Only A Rose," to cite just a sampling of Rudolph Friml's works.

On Saturday, which is "Rudolph Friml Day" in my congressional district, State and local government officials will join community leaders and citizens of "The Desert" to enjoy an evening with Rudolph Friml and his music.

I ask my colleagues to join me in this tribute to a truly great American and a most inspiring musical talent.

LOCAL 1199 TESTIFIES ON HEALTH CARE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mrs. ABZUG. Mr. Speaker, local 1199 in New York City is the largest local of the National Union of Hospital and Nursing Home Employees, RWDSU, AFL–CIO. It is well known as one of the most progressive and socially concerned labor organizations in the Nation, as a union which stands up not only for the rights of its members and their families, but for the rights of oppressed and underprivileged people in New York, in the Nation and all over the world.

Speaking on behalf of Leon J. Davis, president of local 1199, the local's executive vice president, Jesse Olson, recently testified before the Committee on Ways and Means on the subject of national health insurance. Mr. Olson's testimony, reflecting as it does the position of over 60,000 hospital workers—people who see the health system in America from a closeup vantage point—is a particularly instructive statement on the current situation in health care and the need for a basic change in our philosophy regarding medical care. I include the local 1199 statement in the RECORD at this point, and I hope that you will all have an opportunity to read it:

STATEMENT OF JESSE OLSON, VICE PRESIDENT, NATIONAL UNION OF HOSPITAL AND NURSING HOME EMPLOYEES, RWDSU, AFL–CIO

1. ORGANIZATION AND MEMBERSHIP

I am Jesse Olson, Vice-President of the National Union of Hospital and Nursing Home Employees, RWDSU, AFL–CIO, and Executive Vice-President of the union's largest local, Local 1199 in New York City. I will be speaking on behalf of our President, Leon J. Davis. Since the AFL–CIO convention opens today in Miami Beach, it is impossible for him to testify in person. Our union represents over 60,000 hospital workers in ten states. The greatest concentrations of members are in New York City, Connecticut, New Jersey, Baltimore, Pittsburgh and Charleston, South Carolina. The union represents many different categories of hospital workers including service and maintenance workers, clerical workers, technical workers, and certain professionals such as psychologists, social workers, and licensed practical nurses. We also represent 6,000 pharmacists and drug store workers. We do not represent physicians or administrative personnel.

Local 1199 in New York City is the oldest and largest local of the National Union. It has collective bargaining agreements covering workers in more than forty voluntary [private, non-profit] hospitals in New York City. These hospitals comprise about two-thirds of the city's voluntary hospital beds. They include a wide variety of hospitals, including community hospitals in both middle-class and ghetto neighborhoods, teaching hospitals and medical school hospital centers.

2. ANALYSIS OF CRISIS

I know that this committee is well briefed as to the dimensions of the health crises. It is difficult to ignore shocking statistics that reveal that men live longer in 18 other countries and women live longer in 11 other countries. Although our medical knowledge and sophisticated equipment cannot be matched elsewhere, among the industrialized countries of the world, we rank as an undeveloped nation in our delivery of medical care to our people. Ours is the only major industrial nation that has neither a moral commitment to provide health care for all of its citizens nor a rational system for the delivery of such care. Organization of health care is chaotic; manpower and facilities are inadequate and poorly distributed.

The poor, minority groups and the elderly are most seriously short-changed by our wasteful "non-system".

Just last month, the Census Bureau reported that the life expectancy for blacks decreased between 1960 and 1968 while for whites, life expectancy increased. The infant mortality rate and the maternal death rate continues to be three times as great as it is among whites.

On the average, the elderly must live on less than ½ the income available to young couples or a single person, yet their medical expenditures are six times that for a youth, and 2½ times that for a person between the ages of 19 and 64.

A poor child in the U.S. is 3 times more likely to be mentally retarded, 15 times more likely to be defected at birth, and 3 times more likely to be prematurely born.

More money alone is not enough! More manpower alone is not enough! I am speaking from our own unfortunate experience with our own self-administered comprehensive health plan, covering some 150,000 people. Our members have purchasing power for a comprehensive array of health services. Although New York has twice as many doctors per capita, many of our members do not get first rate medical care because it is not available in their neighborhoods. Many of our members are black and Puerto Rican and are confined to ghettoes in which there is only one doctor for 10,000 people. Even with coverage, care is so inadequate, because medical service in the ghettoes is so difficult to get, that people go for care only when the needs become catastrophic. From this we see that our problems go beyond financial access. Our health care delivery system needs a major overhauling, not merely the "right size patch", as suggested by Secretary of HEW Elliot Richardson last April.

3. LOCAL 1199 STATEMENT OF PRINCIPLES ON HEALTH CARE

The following is a "Statement of Principles on Health Care", which was submitted by the Local 1199 Executive Council, and the Local 1199 Health Care Committee to 300 members attending our Annual Health Care Conference last June. The statement was unanimously adopted.

"We need a national policy committed to the principle that every American is entitled—as a matter of right—to the best health care that our nation's skill and technology can command. We need a delivery system that assures the availability of health services to all citizens. Such a system must include:

A. Universal and comprehensive coverage

Health care must be a matter of right, not privilege. There must be one system for all. Everyone must be entitled to care regardless of race, income, sex, age, religion, or any of the barriers that now create inequalities. Comprehensive care should include doctors, hospitals, medication, dental care, mental health care, nursing home and convalescent care and home health services. These services and facilities should be used to maintain health and prevent illness as well as to treat sickness.

B. Equitable financing

Health care should be removed from the profit-making arena and financed by the federal government from general revenues.

C. Sound organization

To develop a national system for the delivery of health care it is necessary to:

1. Create an organized service in which the providers of medical care work together with government and the community for common objectives.

2. Establish neighborhood medical facilities and community medical centers easily accessible to the people they serve and controlled by duly elected community boards.

3. Encourage the development of comprehensive group medical and dental practice with effective consumer participation.

4. Finance a recruitment and training program to meet health manpower needs and support medical and health research requirements."

We realize that the problems of the nation's health goes beyond what can be done to improve the delivery of medical care. To assure good health also means to provide decent food and housing, clean air and pure water.

We believe that our nation has the material and human resources required to fulfill these essential objectives. We believe that a national health budget must be adopted that makes the delivery of health care a matter of top priority. Our national emphasis must change from war and destruction to the preservation of life.

4. NATIONAL HEALTH INSURANCE—AN "IDEA WHOSE TIME HAS COME"

Using these principles as a yardstick, I will now attempt to evaluate the national health insurance proposals under consideration by your committee.

National health insurance is supposed to be an "idea whose time has come." In fact, several organizations have developed their own legislative proposals designed to serve their own narrow professional and/or profit interests. The American Medical Association and the Health Insurance Association of America representing the health insurance industry, are examples of two such organizations.

(A) American Medical Association (AMA)

The "Medicredit" (H.R. 4960) proposal developed by the AMA is a plan designed to encourage more Americans to voluntarily purchase private health insurance through the use of income tax credits.

This is a limited self-serving financing mechanism, that offers no significant change in the current system.

I have great respect for the medical profession and the great things they have been, and are capable of doing. Most doctors are committed professionals dedicated to healing the sick. Unfortunately, the selfish interests of some, as expressed by the AMA, have distorted the medical profession's contributions to our citizens. The AMA Medicredit proposal is an insult to the American health consumer, and I trust will not be given serious consideration by this body.

(B) Health Insurance Industry

The "Healthcare" (H.R. 4349) proposal developed by the health insurance industry is a tax incentive plan for individuals and employers to voluntarily purchase private health insurance, with direct government subsidies to the industry in order to cover high risk categories—the poor, near-poor, and "uninsurables".

This proposal is also a limited self-serving financing mechanism, that does not deal with providing medical care to the American people. It does not contribute to the organization or delivery of health care.

The health insurance industry exists to collect and distribute medical care funds, and charge a fee for this service. The Healthcare proposal would expand their function as third party intermediaries, expand their profits, and thereby, perpetuate the same wasteful non-system. The private insurance industry is not involved in providing health, nor is their Healthcare proposal. I sincerely hope that H.R. 4349 will not be given serious consideration by this committee.

(C) Catastrophic Health Insurance

Several bills have been introduced with the intent of providing protection against the enormous costs of a serious illness. It is unfortunate that Senator Long and others have seen fit to even introduce such a bill, since this approach totally fails to meet the essential needs of our people. All of these bills have staggering deductibles and coinsurance features.

The very notion of "catastrophic" costs varies according to one's income. To a corporation executive a $2,000.00 medical bill would not be catastrophic. But, to a $130.00-a-week hospital worker in New York, this would be a disaster. Passing a Catastrophic Health Insurance bill would be a catastrophe for the American people!

5. NATIONAL HEALTH INSURANCE PARTNERSHIP

Two proposals appear to be at the center of the NHI debate. The Griffiths-Corman Health Security Program (H.R. 22), and the Nixon Administration's National Health Insurance Partnership proposals embodied in H.R. 7741 and H.R. 5615. First I will examine the Nixon Health package.

The Administration's proposal, H.R. 7741, provides two health insurance plans to the under-65 population. The first one, the National Health Insurance Standards Act (NHISA) requires employers to offer an employer/employee purchased private health insurance plan that would meet minimum, Federally-mandated benefits. The second package, the Family Health Insurance Plan (FHIP), would provide a Federally-subsidized health insurance program for low income families. In addition, the use of Health Maintenance Organizations (HMO) would be encouraged by including an HMO option for insured persons. A companion bill, H.R. 5615, provides some funds for HMO development.

A. Would H.R. 7741 provide universal coverage?

The Nixon health program does not attempt to provide one standard of health care for all Americans.

1. There is *no* coverage for the unemployed, part-time and seasonal workers, the unmarried and couples without children who are poor, state and local government employees, domestic workers, and employees of religious organizations. This is shameful!

2. There would be further fragmentation of our present two-class system of health care: National Health Insurance Standards Act (NHISA) which is a plan for employer/employee purchase of private health insurance (employers would only be required to offer the plan to their employees, it would not be compulsory); Family Health Insurance Plan (FHIP) which would provide health insurance to the "able-bodied" poor based upon a demeaning semi-annual means test; Medicaid would be preserved for the blind, disabled and the elderly; Medicare would remain for the aged; and a vast array of private supplemental health insurance schemes would remain available for those who could afford it.

B. Would H.R. 7741 provide comprehensive coverage?

Administrative and consumer confusion is added to the Nixon Plan by providing different benefits which different cost-sharing features for NHISA and FHIP. NHISA and FHIP exclude drugs, dental care, mental health, and other services considered to be part of comprehensive care. Most presently available group contracts offer better health care. The enormous deductibles and copayments under NHISA, would have workers pay large out-of-pocket costs and consequently would serve as an economic barrier to early diagnosis and treatment. While a poor family of 4 would receive free benefits under FHIP if income falls below $3,000, this same family would be subjected to deductibles and other cost-sharing barriers if their income were to rise to the $3–5,000 level. What is an even greater travesty, is that the poor would be limited to 30 days of hospitalization and eight doctor visits with FHIP. Also the poor are not protected from catastrophic illness costs, while the non-poor under NHISA are. The poor in many states would receive fewer benefits with FHIP than they presently do with Medicaid.

C. Would H.R. 7741 provide for equitable financing?

The Nixon plan would use a regressive employer/employee payroll financing mechanism with the workers paying 35% which would be reduced to 25% at a future date. The worker-employer contribution would be used to purchase private health insurance. With FHIP, Federal monies would be handed to the insurance industry to administer the program. This would be a costly repeat of the mistake we made with Medicare, and would dilute the amount of return we receive from our medical care dollar. A "partnership" between the federal government and the private insurance industry would be very costly to the American people.

D. Would H.R. 7741 encourage sound organization?

The Health Maintenance Organization (HMO) is the Administration's principal strategy for improving the organization of health care services. While I would support the concept of comprehensive non-profit prepaid group practice, the Administration's HMO bill H.R. 5615, is much too vague. It would permit "non-profit, cooperatives or other agencies" to establish HMO's. This could include non-group medical foundations, and various for-profit set-ups of various sizes or shapes. Until the Administration's HMO concept is more clearly defined, I cannot make a responsible judgement.

The Administration's bill would not change the costly practice of reimbursing doctors and hospitals with blank checks. Costs will continue to soar.

The Administration's bill would not provide any voice for the consumer.

E. Summary

In summation, paraphrasing your own words Mr. Chairman, the Administration proposes new programs using the old ineffective "non-system" of organized chaos. This is a step backward that would further categorize the American people into different classes with different health benefits. This would only serve to proliferate more programs, which would only add to our current problems, and improving the health care of few. The Administration's proposal is woefully inadequate. It's hard to believe that President Nixon's Health Message included the principle that "good health care should be readily available to all of our citizens."

6. HEALTH SECURITY PROGRAM

Next, I would like to discuss a bill that comes close to meeting our criteria for a national health program. I am referring to H.R. 22, which was introduced by five dis-

tinguished members of this committee—Mrs. Griffiths, Mr. Corman, Mr. Burke, Mr. Vanik and Mr. Green.

The Health Security Program is the most comprehensive proposal before this committee. It would create a universal federal health program financed by a payroll tax and general revenues. H.R. 22 includes numerous provisions designed to contain costs, improve quality, and restructure the delivery of health care.

A. Does H.R. 22 provide universal coverage?

H.R. 22 would create a non-categorical, universal health program, establishing one system of health care for all, as a right. The patient would not be billed, thus removing financial transactions from the doctor-patient relationship.

B. Does H.R. 22 provide comprehensive coverage?

Health Security would provide the full range of personal health needs, with an emphasis on comprehensive health maintenance, rather than episodic sickness treatment. There would be no means test. No coinsurance or deductibles, pre-existing conditions would be included, no waiting periods, and with few exceptions, no cut-off points in dollars or number of days of service.

Criticism

The proponents of H.R. 22 point out that Health Security covers 70% of costs for personal health services. In the realm of the uncovered 30% would remain a two-class system of care. Much of the 30% is in the area of excluded services-dental care for adults and certain drugs, and limitations on custodial nursing home and psychiatric care. Since many of the elderly are on fixed incomes, they would be particularly hard hit by the limitations on nursing home care and the exclusion of dental care. Our Union believes all services should be included, without any cost to the consumer at the time of illness.

C. Does H.R. 22 provide for equitable financing?

Health Security would be financed through a "Health Security Trust Fund", made up equally of Federal general revenues and social security moneys earmarked for this fund. employees would contribute 1% of earnings up to $15,000, employers would contribute 3½ %, and the self-employed 2½ %. Including a 50% contribution from federal revenues, raising the employee contribution ceiling to $15,000, and having the employer paying the bulk of the payroll tax, provides us with a more equitable tax structure than our present social security mechanism.

Criticism

However, a social security-type tax, is still regressive. The program shoud be funded by a more equitable formula, such as full general revenue financing, or some other progressive tax structure.

D. Does H.R. 22 Encourage Sound Organization?

More than any proposal currently before this Committee, H.R. 22 makes a serious stab at restructuring the health care system. Health Security would be a publicly administered program. National health policy would be established by a full-time, five-member, president-appointed "Health Security Board" (HSB). Program administration would be decentralized to the regional, and subregional level. Advisory councils at all levels, with consumer majorities would monitor the program.

H.R. 22 would stress maintaining good health with an emphasis on ambulatory care. A "Resource Development Fund" would provide substantial financial supports toward the development of comprehensive prepaid group practice and other delivery systems that would assure the availability of services to under-served areas. This would include manpower training funds and income guarantees for an increase, more even distribution, and more efficient use of health manpower.

H.R. 22 would establish national standards for participating professional and institutional providers.

Funds would be distributed on a capitation basis, with provisions for regional adjustments. Institutional providers must be non-profit, and would be reimbursed on a pre-negotiated budget basis. Private insurance coverage would be eliminated for services covered by the program.

Criticism

1. *The Role of the Consumer.* The Griffiths-Corman bill provides for the creation of national, regional and local advisory councils with consumer majorities. However, upon closer examination, the closely-defined consumer appears to be far removed from the decision-making apparatus.

While the administration of the program is decentralized, decision making authority is heavily centralized in the five-member, president-appointed Health Security Board, with few provisions for discretionary powers and autonomy at the local or regional level. There is no mandate for consumer representation on the Health Security Board. The only requirement, is that no more than 3 appointees may be members of the same political party. Certainly, a president would be able to stack the Health Security Board. The appointed Advisory Councils have a consumer majority and would provide some input. However, they would only be able to offer advice and make recommendations—not formulate policy.

With the exception of required consumer "consultations" in HMO's, there is no provision for consumer input at the community or direct service level. Neighborhood medical facilities should be under the joint control of duly elected consumers, and providers. H.R. 22 should require all new institutions to have a board comprised of local residents. Existing facilities should be given a specific timetable in which they would be required to include local consumers in policy-sensitive positions.

If we want our health care system, and our medical institutions, to be socially responsive and publicly accountable, the consumer must be able to participate in parity with providers at all levels.

2. *Health Care Delivery:* Although H.R. 22 exceeds all other proposals in its attempt to restructure the health care delivery system, the wording in the bill is too weak to assure adequate redistribution of manpower and facilities; funding is not sufficient for extensive HMO development; there are not enough disincentives to discourage the inefficiencies of fee-for-service solo practice; and until all health care needs are covered, opportunities for practicing outside the system will continue to exist.

3. *Manpower:* Providing funds for the training and redistribution of health manpower is not enough. Restructuring the delivery of health care should include incentives for restructuring manpower training, so as to encourage upward mobility, rather than creating more dead-end jobs.

E. Summary

While falling short of mandating an all-inclusive national health program, H.R. 22 is the only bill before this committee that offers a rational alternative to our present inefficient system of delivering health care. Although it has weaknesses that should be corrected, Health Security is the only proposal that deals with providing comprehensive health care as a right—not as privilege of financial means!

7. WHO WOULD BEAR THE COST OF MEDICAL CARE?

Up to now, I have made little mention of the costs of the various proposals before this committee. Many have argued in this chamber that their particular program would be less expensive than the next. However, what they really mean is that their program would initially be less costly to the Federal government by providing fewer health services, and requiring larger out-of-pocket expenses for the consumer.

A. Private vs. Public Medical Care Dollar

A recent HEW study projected cost estimates for the numerous national health insurance proposals for 1974. Even though the accuracy and methodology used to compute these costs has been challenged by the Committee for National Health Insurance, the Administration's own department findings are quite revealing.

Under the Nixon proposal, the Federal government would contribute $34.6 billion, and individuals would have to kick in the balance—about $62.6 billion. Under the Griffiths-Corman program, the Federal share would be $91.4 billion, but the cost to the consumer would only be about $15.9 billion. When considering the total health care cost, public and private, the HEW report shows little difference—the Nixon plan would cost $107.2 billion, against $113.8 billion for the Health Security plan.

Considering the difference in the benefit packages, comprehensiveness and scope of these programs, the differences in costs are truly slight. The disparity between the government's share is a matter of *who pays the bill*—direct payment, or indirect government and consumer payment to profit-making third-party intermediaries and out-of-pocket-costs. Medical care cannot be properly organized and effectively provided without control of the medical care dollar. Under Nixon's proposal, the health dollar is distributed mostly by private insurance companies. Private carriers have demonstrated that they are incapable of guaranteeing the efficient distribution of medical care.

By eliminating the third-party middleman, H.R. 22 would deliver more health care for the dollar. The point is that the Nixon Plan and other NHI proposals cost less because they have much fewer benefits, increasing out-of-pocket expenses to the consumer.

B. Consumer out-of-pocket costs

Let me illustrate how these 2 proposals would effect the health consumer.

1. Mr. Thomas is a maintenance worker in a Brooklyn hospital earning $130.00 per week, and his wife and two children get the flu. Dr. Smith examines them all at his office and writes drug prescriptions for them. The family's doctor bill comes to $40.00, and prescription cost $20.00. The total bill is $60.00. H.R. 22 would pay $40.00 ($20.00 cost for drugs would also be covered if medical services are provided in an H.M.O. setting). The Nixon Plan would pay nothing.

2. Mrs. Smith, a licensed Practical Nurse, earns $156.25 a week. Mrs. Smith falls on her way to work and injures her back. She is hospitalized for 10 days. When she returns home, a physical therapist works with her for 4 weeks. Her hospital bill comes to $1,000.00, doctor bill is $400.00, and the therapist's bill is $400.00. Total cost is $1,800.00. The H.R. 22 formula pays $1,800.00; Nixon Plan pays $1,200.00.

3. Mrs. Jones is a part-time clerical worker at a Manhattan hospital, her husband, Mr. Jones runs a neighborhood grocery on Manhattan's Westside. Mr. Jones suffered a heart attack and later a stroke. He is hospitalized for 4 months and runs up a $16,900.00 bill (hospital-$12,000.00, and doctor $4,900).

When he is discharged, he is partially paralyzed. Mrs. Jones quits her job to run the store, and hires a nurse's aide to attend him during the day. The aide's fee for the next eight months runs to $7,800.00. Meanwhile, routine doctor bills for Mrs. Jones and her two children run a $100.00 each, totalling $300. Total family medical bill is $25,000. Griffiths plan pays the full amount. Nixon plan says $23,525.00.

The gaps in the extent of coverage among these different plans are obvious. The deductible and coinsurance features of the Nixon proposal would create barriers to needed care, increasingly so for lower income families. Even a recent Blue Cross/Blue Shield study showed that "deductibles, coinsurance and copayment do have a definite impact on utilization," and these provisions "could act as economic barriers to needed care." *H.R. 22 is the only proposal that provides care on the basis of need, rather than on one's ability to pay.*

8. CONCLUSION

In the 1966 Comprehensive Health Planning Act, Congress articulated the principle "that fulfillment of our national purpose depends on promoting and assuring the highest level of health attainable for every person" and the commitment "to assure comprehensive health services of high quality for every person".

Five years later, we are now attempting to identify ways in which to fulfill this promise. There is no doubt that we will do the sensible thing—but will it take 2 years or 50 years? There is no doubt that we are capable of doing the right thing, after all, we have the material and human resources—but do we have the moral courage and commitment to say that we will guarantee medical care to every American now?

A financing mechanism alone would only pump more money into the same system, and medicine would remain in the market place. Money should not be a barrier between the sick and a physician. We need a national program of health care, not a national program of health insurance.

The Health Security proposal, with a few improvements, would be a significant step towards achieving an all-inclusive national program of health care.

The problem with the formulation of social programs is that they develop through compromises until the main objectives become so diluted that the results do not meet, to any serious extent, our needs. We have learned this sad lesson from the social security program, OEO, medicare and medicaid. The question is—can Congress on this occasion, rise to meet this challenge head-on, by enacting at this time, the legislation best suited to the needs of the American people?

NATIONAL HEALTH INSURANCE—COMPARISON OF PROPOSALS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ESCH. Mr. Speaker, as the Congress and the Nation debate important health care proposals over the next few months, I believe it would be useful for the public to have a comparison of the various plans being considered. I am, therefore, forwarding to interested persons in my district a brief summary of several proposals.

I include those proposals to be printed at this point in the RECORD:

NATIONAL HEALTH INSURANCE ACT
THE ADMINISTRATION

A. General approach

A program which would require health insurance coverage for all employed persons and their dependents through Federally-mandated employer-employee private insurance packages meeting National Health Insurance Standards established by the bill. Additionally, the program would provide medical care benefits to low-income families with children through establishment of a Federal family health insurance program (FHIP).

B. People covered

All employees would be covered; employers would be mandated to provide private insurance coverage meeting minimal standards. Low-income families (for example, a family of four with income up to $5,000) would be eligible for coverage under the Family Health Insurance Plan. Families with lower incomes (family of four with income below $3,000) would pay no premiums. Families with incomes between $3,000 and $5,000 would contribute toward premium costs.

C. Scope of benefits

A. National Health Insurance minimum standards would be established for employer-employee policies: Such policies must include (up to a maximum of $50,000 in benefits and subject to deductibles and co-payment requirements described below):

(1) In-patient hospital service without limit;

(2) Physicians' services (including Christian Science practitioners or nurses) without limitation; and

(3) Laboratory and x-ray services without limitation.

B. The Family Health Insurance plan would provide:

(1) 30 days of in-patient hospital care (extended care day would count as (⅓) hospital day);

(2) In-patient physicians' services and 8 out-patient physicians' visits per year; and

(3) Varying number of visits for "well-child" care dependent upon age of child.

D. Deductibles and co-insurance

A. The employer-employee package would have a two-day hospital deductible and a $100 deductible for other services. There would be a 25% co-insurance for all services (including hospital charges). Co-insurance and deductibles would be waived after an individual receives $5,000 of covered services in a year.

B. In the Family Health Insurance Program, deductibles and co-insurance amounts vary in accordance with the income of eligible families. A family of four with an income of $3,000 would pay no deductibles or co-insurance. Families with incomes above $3,000 but less than $5,000 would pay deductibles of one or two days of hospital care depending upon income and those with income of more than $3,500 would also be required to pay varying co-insurance and/or dollar amounts.

E. Payments to providers and practitioners

Payments for care would be subject to Medicare limits on reasonable costs for institutions and reasonable charges for providers.

F. Administration

Employer-employee health insurance policies would be administered and underwritten by private insurance companies.

Family Health Insurance Program would be administered by the Federal government on a basis comparable to Medicare utilizing carriers and intermediaries.

G. Financing

Employer-employee health insurance plans would be financed by payments from both employer and employee. Employee contributions could be no higher than 35% of premium cost initially, and 25% after two and one-half years.

Family Health Insurance Plan would be financed through Federal general revenues and payments from the near-poor.

H. Estimates

The Administration estimates the cost of the employer-employee coverage for 1974 at $7 billion above estimated employer-employee health insurance expense for present benefit coverage.

The Federal general revenues contribution to the Family Health Insurance Program would be $3 billion in 1974. This would be offset in part, by an estimated savings of $1.8 billion in Medicaid.

HEALTH SECURITY ACT
THE KENNEDY PLAN

A. General approach

A national health insurance plan, administered by the Federal Government, covering all U.S. residents, comprehensive in benefits, and financed by a combination of payroll taxes and general revenues. Includes provisions intended to improve quality and efficiency of health care delivery system; medicare would be repealed, but medicaid would continue as a supplemental program.

B. People covered

All U.S. citizens and aliens admitted for permanent residence would be covered. Allows for reciprocal and "buy-in" agreements to cover certain nonresident aliens and in some cases U.S. residents traveling abroad.

C. Scope of benefits

Comprehensive health benefits, including physician services, inpatient and outpatient hospital care, home health services, supporting services such as optometry, podiatry, devices and appliances, subject to the following exclusions:

(1) Dental care initially limited to children under 15; covered age group is to be extended in each of succeeding 5 years until all under age 25 are covered. Once eligible, an individual is subsequently covered regardless of age.

(2) Drug benefit limited to inpatient drugs, specified drugs necessary for chronic conditions, drugs provided through group practice systems.

(3) Skilled nursing home care initially limited to 120 days with provision for expansion when feasible.

(4) Mental hospital care is limited to 45 days per year active treatment; limit of 20 consultations per year for outpatient psychiatric care if provided by solo practitioner.

Benefits are covered in full wtih no deductibles, coinsurance, waiting periods, maximums, or cutoffs other than the limitations described above.

Effective date for benefits is July 1 of second calendar year following enactment.

D. Payment to providers

A total area budget would be established for all services. Hospitals, skilled nursing homes, home health agencies would be paid on basis of negotiated budget designed to pay reasonable costs. Such payments would constitute virtually the total income of a hospital. Comprehensive health service organizations or professional foundations will be paid by capitation or approved budget. Independent physicians and dentists may be paid on fee-for-service basis or by capitation. Payments to practitioners would come from earmarked portion of total area budget. Supplemental stipends may be paid to practitioners locating in remote or deprived areas. System may also reimburse practitioners for costs of continuing professional education. The Health Security Board would establish

schedules of allowances for fee-for-service reimbursement.

E. Administration

Direct Federal administration by a 5-member Health Security Board within Department of HEW. National Health Security Advisory Council, representing consumers, providers of care, health organizations, etc., would advise Board on program operation. Regional authorities would be given strong discretionary powers. The program would substantially supplant private health insurance.

F. Financing

Financed by a 3.5% tax on employer's payrolls (36% of costs); 1.0% tax on employees (12% of costs); 2.5% tax on self-employed (2% of costs); and the balance (50%) from general tax revenues. Annual taxable wage base for employed persons would be $15,000 initially, rising subsequently. Employers would pay on total payroll without maximum. Certain unearned income of individuals would also be subject to 2.5% tax.

G. Cost estimates

Committee for National Health Insurance estimate: program would cost $57 billion in fiscal year 1974. HEW estimate: $77 billion for fiscal year 1974.

H. Other major provisions

Authorizes a total of $600 million for a Health Resources Development Fund to be used in two years preceding program operation for development of health manpower, education, training, group practice, etc. After the program is in effect, 5% of the Health Security Trust Fund would be set aside for these purposes. Establishes national standards for providers and incentives to encourage preventive health care and formation of group practice arrangements.

NATIONAL HEALTH INSURANCE AND HEALTH IMPROVEMENTS ACT

THE JAVITS PLAN

A. General Approach

A national health insurance plan established through a gradual expansion of the medicare program to cover the general population. Benefits would be broadened to include certain services not presently covered under medicare. The medicare Part B premium would be eliminated. Medicaid would be continued.

B. People Covered

Medicare would be extended to all those over 65, the disabled, widows over 60, and widowers over 62 effective July 1972. Effective July 1974, the program would be extended to all citizens and aliens admitted for permanent residence.

C. Scope of Benefits

Same benefits as under medicare at the beginning:

(1) 90 days of hospital care with $60 deductible and coinsurance of $15 per day after 60th day.

(2) 100 days post-hospital extended care with coinsurance of $7.50 per day after 20th day.

(3) Physician and related services including outpatient diagnostic services, home health services, and physical therapy. Additional benefits would be phased in, as follows:

(1) Maintenance drugs for chronic conditions, effective July 1973.

(2) Annual physical examinations, effective July 1975.

(3) Dental care for children under 8, effective July 1975.

D. Payment to Providers

Until July 1, 1974 reasonable cost for hospitals and institutions and reasonable charges for physicians (as under medicare). Thereafter, new methods, developed in interim, may be employed.

E. Administration

Essentially the same as medicare. Federal administration using private carriers, intermediaries, and State health agencies for appropriate roles. New public insurance corporations could be set up to administer the program if private carriers and intermediaries could not do so properly.

F. Financing

Financed by taxes on employes, employees, and self-employed (3.3% each in 1976 and thereafter) with Federal general revenue contributions equal to ½ of the amount collected through payroll taxes. Annual taxable wages for workers would be $15,000; for employers, no taxable wage base would apply.

G. Cost Estimates

Estimate by Social Security Administration: $66.4 billion in fiscal 1975.

H. Other Major Provisions

Individuals can "elect out" of program by securing coverage from private insurers offering comparable or better protection and thereby exempt themselves from payroll taxation for Federal health insurance. Employer plans may qualify in lieu of Federal program if they pay 75% of the cost and the protection is better than the Government plan. Provides incentives for growth of comprehensive health service systems which would benefit from cost-savings for efficient operation.

NATIONAL HEALTH CARE ACT

THE M'INTYRE-BURLESON PLAN

A. General approach

A program which would provide financial assistance for State health care insurance plans for the poor and uninsurable and set a Federal Minimum Standard Health-care Benefits Programs as a condition of eligibility for increased Federal income tax deductions for the costs of private health insurance coverage. Individuals who itemize deductions would be allowed an unlimited tax deduction from income equal to all premiums paid under health plans meeting the minimum standards. An employer would be eligible for a tax deduction equal to 100% of his costs in providing a qualified health plan to his employees. Only 50% of the cost of a non-qualified policy could be deducted. It would supplement medicare and medicaid.

B. People covered

Persons on public assistance would be covered through qualified State health-care plans at no expense to themselves. Uninsurable individuals and those with low-incomes could enroll at a modest cost in the State plan. All other individuals participating in a qualified health care plan who itemize deductions would be entitled to receive increased tax deductions for insurance premium expenses.

C. Scope of Benefits

Different levels of minimum benefits would be required for private group and individual plans and for State pool plans for the poor, near poor, and previously uninsurable, with the State pool plans initially being more comprehensive. Effective January 1, 1973, the private group and individual plans would include the following subject to (a) in qualified employer plans, deductibles of up to $100 per family and coinsurance payments of up to $1,000 per family; (b) in qualified individual plans, unlimited deductible amounts and coinsurance ranging up to 20% of covered expenses and; (c) a ceiling on co-payments for participants in the State pools:

(1) 30 days hospitalization—subject to $10 deductible for 1st day, $5 for each additional covered day.

(2) 60 days extended care services—subject to $2.50 per day deductible.

(3) 90 days home health services—subject to $2.50 per day deductible.

(4) All diagnostic, x-ray, and lab exams on an ambulatory basis—no limit and no deductible.

(5) 3 visits per year to physician in office or ambulatory center—$2 deductible per visit.

(6) Unlimited visits for outpatient surgery and radiation therapy—$2 deductible per visit.

(7) 6 exams for well baby care—no deductible.

(8) Unlimited inpatient physician services—$3 deductible per day, for 1st 30 days, $5 per day thereafter.

Effective July 1, 1972, State pool plans would be identical to the above but also include the following benefits:

(1) Physician visits—6 per year.

(2) Hospitalization—120 days.

(3 Extended care facility—120 days.

(4) Well-baby care—12 visits during 1st two years.

(5) Home health services—180 days.

(6) Additional benefits—dental care for children under 19 (20% coinsurance), prescription drugs ($1 per prescription), physical therapy (20% coinsurance), family planning services, prosthetic aids (20% coinsurance), maternity care (20% coinsurance).

By January 1, 1976, private group coverage would be expanded to cover the initial State pool plan level of coverage. Subsequent benefit improvements are provided for in future years.

D. Payment to Providers

Payments would be limited to the 75th percentile of prevailing charges for professional services and for institutions, to rates approved by a State Health Care Institutions Cost Commission.

E. Administration

Private insurers would each administer their own policy for qualified group and individual plans. For the qualified State health-care plans, each State would set up a health insurance pool, a portion of the risks of which private insurers would be required to underwrite. One or more private companies would be designated to administer the State plan. Premium rates for the State plans would be determined within each State, subject to review by HEW.

F. Financing

Costs of protection for all people not insured through a State pool would be borne by employers, employees and the self-employed through premium payments to private insurance companies, and indirectly by the Federal Government through tax deductions for these premium expenses.

A State pool would be financed with premium payments from the uninsurable, partial premium payments from the near-poor, and Federal-State contributions to subsidize, in part, costs of protection for the near-poor, and in full, the costs of protection for welfare recipients. Contributions of the near-poor vary with income.

The Federal matching payments would vary with a State's per capita income and range from 70% to 90%. Federal matching payments would come from general revenue funds.

G. Cost Estimates

The Health Insurance Association of America estimates cost of the program (using 1970 cost data) at $2.4 billion. The estimate is said to include Medicaid cost off-sets. The estimate does not include the amount of revenue loss to the Government from the tax deductions granted to cover the purchase price of qualified health care plans by employers and individuals.

HEALTH RIGHTS ACT

THE SCOTT PLAN

A. General approach

Establishes two separate health insurance programs to supplement existing private health insurance protection—1) a Federally-administered inpatient plan designed to cover costs of catastrophic illness 2) an optional outpatient health maintenance plan administered by private insurers under contract to the Government. Inpatient plan would pay for covered benefits when a family's or individual's medical expenses exceeded a "health cost ceiling." Outpatient plan would pay for covered services above a specified deductible. Would replace medicare and Retired Federal Employees Health Benefits program; medicaid would pay only for services not covered under inpatient plan.

B. People covered

All U.S. residents and aliens admitted for permanent residence would be entitled to benefits. Reciprocal agreements would be arranged to cover aliens temporarily residing in U.S. and employed by foreign countries.

C. Scope of benefits

Inpatient plan would pay 1) all costs for covered services (listed below), once a family's or individual's medical expenses exceeded a "health cost ceiling," based on family income and size, and 2) 50% of costs of covered services when such expenses exceeded ½ of the health cost ceiling. (For example, a family of 4 with income of $10,000 would have a health cost ceiling of $545. Once medical expenses reached $272.50, the inpatient plan would pay 50% of additional medical expenses up to $545, then 100% of costs beyond that.)

Inpatient plan would cover following services:

(1) inpatient hospital and dental care

(2) inpatient psychiatric services up to 180-day lifetime maximum

(3) skilled nursing home services

(4) home health services

Outpatient plan would pay for all covered services above an individual deductible of $50 per year, with lower deductibles for the poor. An additional $25 deductible would be applied to covered dental services.

Outpatient plan would cover the following:

(1) phyaicians' services, including diagnostic exams, limited physical exams, 3 prenatal exams per pregnancy, 2 well-child care exams per year for children under 5

(2) outpatient physical therapy

(3) 100 home health visits

(4) outpatient psychiatric visits up to lifetime maximum of 104 visits

(5) dental services for children under 12

(6) long-term maintenance drugs.

Benefits would become effective January 1, 1973.

D. Payment to providers

Provides that payment to providers of services under inpatient plan will be in accordance with regulations of the Secretary of HEW. For outpatient plan, insurance carriers who have contracted with the Government to administer the plan within a particular region will reimburse providers of services.

E. Administration

An Office of Health Care would be established in Department of HEW to administer, through its regional offices, the Government's inpatient plan. Private carriers under contract to HEW would be assigned responsibility for administering the outpatient plan within a particular region or subregion. A Health Services Review Committee, representing providers and consumers of health services, would be set up with in each region to evaluate effectiveness of the program. A National Review Board would review overall administration, develop minimum national standards for participating health personnel, compile a generic list of drugs for use by participating institutions and health maintenance organizations. Providers would be required to have a utilization review program. HEW could contract with health maintenance organizations to provide all services covered under both inpatient and outpatient plans.

F. Financing

Inpatient plan would be financed in part through the present health insurance portion of Social Security payroll taxes and in part through general revenues. Supplementary outpatient plan would be financed through individual premium payments which would be supplemented in whole or in part with Federal payments for poor families. Employers could agree to pay part or all of their employees' premiums for the supplementary plan.

G. Cost estimates

None available.

H. Other major provisions

Authorizes Federal grants and loans for planning, development, and construction of health maintenance organizations, with special grant provision for HMOs in physician short areas. Revises provisions of medical and nursing student loan program to extend the loan repayment periods and increase amount of loan. Establishes program of yearly capitation grants to medical schools to encourage increases in enrollment and shorter curricula.

HEALTH CARE INSURANCE ASSISTANCE ACT

THE A.M.A. PLAN

A. General approach

A voluntary health insurance program called "medicredit," under which the Federal Government would pay health insurance premiums for the poor, and allow income tax credits for all others toward the purchase of private health insurance plans. The amount of tax credit would include 1) 100% of premium charges for catastrophic insurance plans and 2) an income-related percentage of premium charges for other health insurance providing certain basic benefits approved by the Government. Medicare would continue as at present.

B. People covered

The total population under age 65 would be eligible. Those with no Federal income tax liability would receive full payment of their health insurance premium costs. For all others, the Federal share of health insurance premiums gradually decreases from 100% until those with a tax liability of $891 or more would get a tax credit of 10% of premium cost.

C. Scope of benefits

A health care policy, in order to qualify under this program for purposes of a tax credit, would have to provide, at a minimum, the following benefits:

(1) 60 days hospitalization (with extended care days counting as ½ hospital day or 2 days of extended care for each hospital day, including nursing services, drugs, blood, appliances, maternity and psychiatric care, physical therapy—subject to a $50 deductible.

(2) Emergency or outpatient services including diagnostic services, x-rays, lab tests, etc.—subject to 20% coinsurance on 1st $500 of expense.

(3) Medical care by physician, in hospital or office, including diagnosis and treatment, psychiatric care, immunizations, physical exams, lab services, radiation therapy, maternal and well-baby care—subject to 20% coinsurance.

(4) Dental or oral surgery, ambulance service—subject to 20% coinsurance.

(5) Catastrophic illness provisions beyond basic coverage, including hospital services, extended care services (limited to 30 additional days), outpatient blood, prosthetic aids—subject to graduated corridor of deductible expense based on a family's or individual's taxable income, on the following scale: 10% on 1st $4,000, 15% on next $3,000, 20% thereafter.

D. Payment to providers

Usual and customary charges for all services, including hospital and extended care.

E. Administration

Establishes Health Insurance "Advisory" Board to write policy and regulations. Private insurance companies would each administer their own approved policies.

F. Financing

Costs of health insurance for the poor would be met by Federal general revenue expenditures and by reductions in Federal income tax collections for those receiving tax credits.

G. Cost estimates

American Medical Association estimate: $14.5 billion.

THE PRESIDENT SHOULD CURTAIL FOREIGN CHEESE IMPORTS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. EDMONDSON. Mr. Speaker, with each passing day, it becomes increasingly important that the President take action on the Tariff Commission's recommendations to revise the quotas on imported cheese.

In response to the President's request for hearings on this subject, the Tariff Commission conducted exhaustive hearings this last spring, and, on July 28, made its recommendations known to the President. The Commission recommended that the "47 cent" price break, originally instituted in 1969, be abolished, and that a quota be established for all imported cheeses regardless of price.

Since the Commission's recommendations were submitted, imports of the "over 47 cents" cheese imports have increased significantly. The latest USDA figures for the period January 1 through September 30, 1971, reveal increases ranging from 110 to 115 percent for the principal categories of cheese imports, and the delay in implementation of the Commission's recommendations continues to harm our Nation's dairy industry.

Mr. Speaker, it is imperative that the President take immediate action to protect our domestic dairy farmers, and I urge the administration's prompt and favorable consideration of the Commission's recommendations.

BAN LEAD-BASED PAINT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. RYAN. Mr. Speaker, on August 9, I joined with five child health advocates

in filing a petition with the Food and Drug Administration requesting that lead-based paint be banned from all household uses, under the authority of the Federal Hazardous Substances Act.

This petition was published in the Federal Register on November 2, and the FDA gave notice that interested persons would have 60 days within which to file written comments regarding our proposal.

At the same time, however, the Food and Drug Administration published another petition as well—one which the FDA itself initiated. This proposal would not ban lead-based paints at all. Rather, it would merely require that paint containing in excess of .5 percent lead bear a warning label. Interested persons were given 60 days within which to file written comments regarding this FDA proposal.

After this 60-day period for filing written comments on either our petition to ban lead-based paint from all household uses, or the FDA petition to require a warning label, or both, has elapsed, the Food and Drug Administration may promulgate final regulations.

I urge all those concerned about eliminating childhood lead poisoning to submit statements to the Food and Drug Administration in support of the petition for a total ban. The labeling proposal of the FDA is totally insufficient to protect the health of our children. As we stated in the statement accompanying our petition to ban these paints:

Warning labels are . . . absolutely inadequate to prevent injury to children from lead-based paint. In today's mobile society, a family has no idea of what their landlord or predecessor occupant has used to coat the walls of their living quarters. The generation suffering from lead-based paint poisoning today is eating the walls of the 30's and 40's. The generation that this proposed regulation (to ban lead paint) seeks to protect is yet unborn . . . It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the eighties and nineties will have no opportunity to read the warning labels of the seventies.

The need to ban lead-based paint is clear. As Michael R. Lemov, general counsel of the National Commission on Product Safety, stated when he testified before the Subcommittee on Housing of the House Banking and Currency Committee on July 23, 1970:

The real solution to this problem is a mandatory Federal safety standard for paint which prohibits the use of lead . . . where the ingestion is likely.

The impact of the failure of the Federal Government to take this action in the past is devastating. Lead-based paint poisoning is a silent epidemic sweeping across the face of this Nation's cities. According to the Department of Health, Education, and Welfare, 400,000 young children are afflicted by this disease each year. Of these 16,000 require medical treatment. Another 3,200 suffer moderate to severe brain damage. And another 800 are so severely afflicted that they require permanent institutionalization and care.

For an additional 200 children there is no future at all, not even the empty existence of a life-time of hospitalization. Each year, 200 children die from this dread disease.

The greatest tragedy, however, is that the Federal Government has the ability within its hands to eradicate childhood lead poisoning. Lead-based paint poisoning is a totally preventable disease. We know how to recognize it. We know how to treat it. We know how to prevent it from recurring. Yet despite all this, the deadly menace of lead-based paint poisoning continues. It does so because the Federal Government has abdicated its responsibility to safeguard the health of the children of this Nation.

Under existing law, lead-based paint may be used for household uses. The only regulation now in effect is the self-imposed regulation of the paint industry. However, the inadequacy of this type of control was all too well demonstrated by recent studies by the New York City Bureau of Lead Poisoning Control that found excessive quantities of lead in supposedly safe products.

Now it is time for the Federal Government to act. Thus, we have turned to the Federal Hazardous Substances Act, and have petitioned the FDA to ban lead paint.

This petition to prohibit lead-tainted paint has been supported by a wide range of child health and medical experts. For example, Dr. Carlos B. Zilveti, director of maternal and child health of the New Haven Department of Health, wrote on September 24, 1971:

The Secretary of Health, Education and Welfare . . . should ban any lead-bearing paint on the basis of the overwhelming evidence that the presence or the further introduction of such paint in households creates a potential health hazard which cannot be prevented by cautionary labelling alone. Therefore, the protection of the public health and safety can be adequately served only by keeping such substances out of the channels of interstate commerce.

Dr. Zilveti's sentiments are echoed in a letter to me from Prof. C. Scott Clark. Based on his experiences at the College of Medicine, University of Cincinnati, Professor Clark wrote on November 10 that:

My observations seem to be strong support of your proposal to restrict the lead content of all paints for household uses.

Continuing, Professor Clark described the inadequacies of labeling requirements. He wrote:

Warning labels on paint cans are, in my opinion, ineffective and often misleading. As an example, I am attaching a copy of a label from some paint available in this area which contains 4.0% lead. The labeling is contradictory and misleading. Although warnings are given to avoid use on surfaces available to children, the potential user is also told that it can be used "Inside or Out" and the supplier even has the audacity to picture a child's tricycle on the label.

The opinion of these professionals has been echoed time and time again—lead-based paint must be banned, not merely labeled. The Federal Government must now heed this call and prohibit lead in paint for household use.

At this point, I include in the RECORD the text of the two petitions published in the Federal Register on November 2. I also include some of the many statements I have received in support of the effort to ban lead-based paint.

The articles follow:

[From the Federal Register, Nov. 2, 1971]

PROPOSED RULE MAKING—BANNED HAZARDOUS SUBSTANCES

PROPOSAL TO CLASSIFY PAINTS CONTAINING MORE THAN MINUTE TRACES OF LEAD

The Commissioner of Food and Drugs has received a petition, submitted pursuant to section 701(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(1)(B)), proposing the issuance of a regulation under sections 2(q)(1)(B) and 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261, 1262) classifying as banned hazardous substances paint for household use containing more than minute traces of lead.

The petitioners are Joseph A. Page, Associate Professor at Georgetown University Law Center, Anthony L. Young, student, Mary Win O'Brien, student, William F. Ryan, U.S. Congressman, Jack Newfield, author, and Edmund O. Rothschild, M.D.

The petitioners propose that § 191.9(a) of the hazardous substances regulations be amended by adding thereto a new subparagraph (§ 191.9(a)(6)), as follows:

§ 191.9 Banned hazardous substances

(a) Under the authority of section 2(q)(1)(B) of the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

. . . . . .

(6) Paint containing lead, except for minute traces which no reasonable manufacturer could preclude from his product, as measured by the atomic absorbence method, intended for interior or exterior use, and packaged in a form suitable for use in the household as defined by § 191.1(c).

The following is the statement of grounds as presented in the petition:

STATEMENT OF THE GROUNDS UPON WHICH PETITIONERS RELY FOR THE ISSUANCE OF THE REGULATION

Human experience has established that numerous infants and young children have pica (habitual eating of nonfood substances). Human experience has also established that ingestion by children of flakes from lead based paint causes lead poisoning, the consequences of which include death, encephalopathy, neuromuscular effects, interference with the development of red blood cells, and an abnormal syndrome characterized by colic, anorexia and malaise. DHEW, PHS, Bureau of Community Environmental Management, "Control of Lead Poisoning In Children." Prepublication Draft, at I–1 (December 1970).

It is widely known that the adult system absorbs the daily intake of lead at the rate of 10 percent. Chisolm, J. Julian, "Scientific American" (February 1971). Thus, assuming the rate of absorption to be the same in children, a child with pica ingesting 1 gram of lead based paint (1 percent lead by ANSI standard Z66.1) daily will intake 10,000 micrograms of lead of which 1,000 micrograms will be absorbed. In addition to direct ingestion by eating flaking paint, a child will be exposed to from 14 to 269 micrograms of lead from other environmental sources. Engel, Ronald E., "Health Hazards of Environmental Lead," at Table 2 (April 1971).

It is known that blood levels of above 40 micrograms per milliliters of blood represent undue exposure to and absorption of lead. "Hearings on H.R. 17260, H.R. 13254, H.R. 14734, Before the Subcommittee on Housing of the House Committee on Banking and Currency," 91st Cong., second sess. 10 (1970). At levels of 80 micrograms per 100 milliliters a child be treated as a medical emergency. Id. While Ke[illegible] his paper has extrapolated the effects of fallout in children with pica, at A[illegible] same must be done with 1 percent le[illegible]int to theorize the result in children who ingest paint flakes.

In his study, Dr. Kehoe found that an adult man fed 3,000 micrograms of lead daily, in addition to the usual amount in his diet, achieved a blood lead level after 4 months of 50 micrograms lead per 100 grams whole blood. It was estimated that he would have achieved a "toxic" level of 80 micrograms lead per 100 grams whole blood if feeding had continued for 4 additional months. Kehoe, R. A., 24 "Jour. Roy. Inst. Pub. Hlth. Hyg." 81–97, 101, 129–143, 177–203 (1961). As Engel has assumed, this would be 43 micrograms per kilogram body weight in a 70 kilogram man. If a child with pica weighing 10 kilograms ingested lead to the same degree of Kehoe's subject, as Engel has suggested, then a proper assumption would have a daily intake of almost 24 times micrograms lead would produce toxicity within 8 months. A child ingesting a 1 gram chip of 1 percent lead based paint would have a daily intake of almost 24 times the amount of Kehoe's subject. Obviously, intake at this rate would produce an undue medical emergency much more quickly than Kehoe foresaw for his subject.

Medical experiments cannot be performed on young children and infants to determine whether their absorption rate for lead is greater than that of adults. The child with pica must be protected from lead in his environment. The only adequate way to protect him is to eliminate the lead hazards that confront him. It is within the existing state of the art for the paint industry to eliminate lead (except for minute traces) from paint. "Hearings on H.R. 17260," supra at 246. Americans had been lulled into a feeling of security with regard to today's paints. See EPA, "Environmental Lead and Public Health," at 25 (March 1971). Many believe that lead in paint has been banned. Yet the city of New York has found paints for interior use with up to 10.8 percent lead levels on shelves of merchants within the last month. The New York Times, July 24, 1971, at 1, August 4, 1971, at 18. This despite industry's ANSI standard Z66.1 and a law banning the sale of paint for interior use with more than a 1 percent lead content without an adequate warning label.

Warning labels are, however, absolutely inadequate to prevent injury to children from lead based paints. In today's mobile society a family has no idea what their landlord or predecessor occupant has used to coat the walls of their living quarters. The generation that is suffering from lead based paint poisoning today is eating the walls of the thirties and the forties. The generation that this proposed regulation seeks to protect is yet unborn. Their parents are unborn. It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the eighties and the nineties will have no opportunity to read the warning labels of the seventies.

It is not necessary to weigh the advantages of lead based paint against the health and welfare of this Nation's children and Her future children. The paint industry can produce paint without lead (except for minute traces) as measured by the atomic absorbence method. Petitioners therefore urge the Commissioner of Food and Drugs to proceed with all due speed to publish this proposal in the FEDERAL REGISTER in order that all interested persons may present their views thereon.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 28, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[From the Federal Register, Nov. 2, 1971]

PROPOSED RULE MAKING—HAZARDOUS SUBSTANCES

PROPOSAL TO DECLARE CERTAIN HEAVY METAL-CONTAINING PAINTS AND OTHER SURFACE-COATINGS TO REQUIRE SPECIAL LABELING FOR CHILD PROTECTION

The heavy metals antimony, arsenic, cadmium, lead, mercury, selenium, and soluble barium may be toxic when ingested, even in small amounts. Because children may chew on interior and certain exterior residential surfaces and on toys and other children's articles, the Commissioner of Food and Drugs concludes that paints and other surface-coating materials are hazardous substances requiring special labeling warning against their use on such surfaces if they contain more of these heavy metals than is essential under good manufacturing practices, or in any event if they contain more than 0.5 percent lead; or a total of 0.05 percent of the other heavy metals listed above on a dried weight basis, except for soluable barium which shall constitute no more than 1 percent of the total barium present. The special labeling to be required shall include on the main panel a cautionary signal word "Warning", a statement of hazard "Contains ----------" (the blank being filled in with the name(s) of the applicable heavy metal(s)) and instructions to read carefully the cautionary information placed on other panel(s), where located. Existing technology will permit industry to produce household paints containing no more of these heavy metals than is specified above. As new technology becomes available, the acceptable levels may be further reduced in accordance with good manufacturing practices.

Although paints containing small amounts of lead in excess of the proposed levels may not be toxic in themselves; when considered in conjunction with other sources of lead in the environment they constitute a substantial addition to the body burden that can reasonably be avoided through the application of available technology. The Commissioner has concluded that the scope of the Federal Hazardous Substances Act fully encompasses the question of cumulative toxicity.

The American National Standards Institute, in its voluntary standard Z66.1, has specified a maximum limit since 1955 of 1 percent lead in paint intended for use on children's toys, furniture, or interior surfaces. A 1-percent lead level was also adopted by Congress in the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695; 84 Stat. 2078), which is administered by the Bureau of Community Environmental Management, Health Services and Mental Health Administration. That act prohibits the use of paint with a lead content above 1 percent in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance. As an additional margin of safety, the Commissioner proposes to reduce the exposure to lead found acceptable by Congress by establishing special labeling requirements for all household paints containing more than 0.5 percent lead.

Consideration has been given to the question of whether paints containing lead above the level specified herein should be banned from interstate commerce, or required to bear special labeling warning of the hazard involved and giving instructions for safe use. While there are numerous reports of serious injury and even death resulting from the ingestion of the dried film of old formulations of paints containing high levels of lead, the Commissioner is unaware of any similar reports as a result of ingestion of paints containing 1 percent lead or less. The Commissioner has therefore concluded that cautionary labeling will be adequate to protect the public health and safety from any potential hazards associated with the use of such paints.

Accordingly, under section 3(a) of the Federal Hazardous Substances Act, the Commissioner proposes that paints and other surface-coating materials be declared to be hazardous substances (as defined in section 2(f)(1)(A) of the Act) that require special labeling as specified herein if such paints and other surface-coating materials contain, on a dried weight basis, more than 0.5 percent lead; or a total of more than 0.05 percent antimony, arsenic, cadmium, mercury, or selenium; or soluble barium in excess of 1 percent of the total barium present. Finalization of the regulations proposed herein, in conjunction with section 2(q)(1)(A) of the Federal Hazardous Substances Act, will have the additional effect of automatically banning any toy or other article intended for use by children which is produced after effective date of these regulations and which bears such paint or other surface-coating material.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(B), 2(q)(1)(A), 3(a), and 3(b), 74 Stat. 372, 374–375 as amended, 80 Stat. 1304; 15 U.S.C. 1261, 1262), and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055–56 as amended; 21 U.S.C. 371), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 191.5(a) and that a new subparagraph be added to § 191.7(b), as follows:

§ 191.5 Products declared to be hazardous substances under section 3(a) of the act.

(a) The Commissioner finds that the following articles are hazardous substances within the meaning of the act because they are capable of causing substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use:

. . . . . .

(2) Paint and other surface-coating materials, produced or shipped in interstate commerce after the effective date of this regulation, containing any of the heavy metals specified below at a level exceeding that which is essential under good manufacturing practices or in any event containing amounts of such heavy metals as follows:

(i) Lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film; or

(ii) Antimony, arsenic, cadmium, mercury, and selenium of which the metal content individually or in total (calculated as the metal) exceeds 0.05 percent of the total weight of the contained solids or dried paint film; or

(iii) Barium compounds of which the water soluble barium (calculated as the metal) exceeds 1 percent of the total barium present.

§ 191.7 *Products requiring special labeling under section 3(b) of the act*

. . . . . .

(b) The Commissioner finds that these substances present special hazards and that the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

. . . . . .

(7) Paint and other surface-coating materials declared to be hazardous under § 191.5(a)(2) shall bear on the main panel of their label, in addition to the requirements of § 191.101(a), the statement "contains ----------", the blank being filled in with the name of each heavy metal present in the amount specified in § 191.5(a)(2). Such paint and other surface-coating materials shall also bear on their labeling the signal word "Warning," and the following additional statement or its practical equivalent:

"Contains ------.

Dried film of this paint may be harmful if eaten or chewed.

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

Do not apply on those exterior surfaces of dwelling units, such as windowsills, porches, stairs, or railings, to which children may be commonly exposed.

Keep out of the reach of children."

the blank being filled in with the name of each heavy metal present in the amount specified in § 191.5(a)(2).

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 28, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

STATEMENTS IN SUPPORT OF CONGRESSMAN RYAN'S PETITION TO BAN THE USE OF ALL LEAD PAINTS FROM THE HOUSEHOLD

This statement is presented in support of Congressman Ryan's efforts urging the Food and Drug Administration to ban *all* lead paints from the household as these are known to be hazardous products.

Lead-bearing paints, even in concentrations under one per cent (of the total weight of the contained solids) can and do produce severe lead poisoning if sufficient quantities are ingested. The attached photographs illustrate the massive ingestion of painted plaster by a New Haven child. Though the paint contained only 0.28 per cent of lead as Pb, his blood level rose to 0.10 mg. per cent which denotes biochemical evidence of universal lead intoxication.

Approximately one third of the childhood lead poisoning in New Haven, Connecticut has been traced to lead-bearing paint used on exterior surfaces, while the remainder originated from interior paint which many times contained only one per cent of lead or even less.

The gradual build up of lead in humans due to the cumulative properties of lead are well known and, therefore, constitute another strong reason to totally ban lead in paints.

Under the Federal Hazardous Substances Act (15 U.S.C.) and its amendment the "Child Protection and Toy Safety Act of 1969" (P.L. 91-113), toxic paints are considered unsuitable products for coating surfaces if a hazard to public health is imminent. According to the Code of Federal Regulations 191.1, any substance which causes death in laboratory animals within 14 days after ingestion of a dose of 50 mg. or less per kg. of body weight is considered *highly toxic*. The effects of environmental lead exposure in man are well known with smaller concentrations of lead and since human data takes precedence, within the meaning of the Federal Hazardous Substances Act and the existing epidemiologic knowledge of the public health hazards that any lead-bearing paint represents, we urge that all household paints containing *any* lead compounds be banned as containing hazardous substances.

Lead poisoning with its devastating effects upon the individual and the community can be prevented and eventually eliminated only through meaningful legislation and proper enforcement of existing legislation.

Respectfully submitted.

CARLOS B. ZILVETI, M.D., M.P.H.,
Director, Maternal and Child Health, New Haven Department of Health.

THE MASSACHUSETTS GENERAL HOSPITAL,
Boston, September 15, 1971.

HEARING CLERK,
Food and Drug Administration, Parklawn Building, Rockville, Md.

DEAR SIR: I am writing to support the petition of Joseph A. Page, Associate Professor of Law, Georgetown University, and others requesting administrative action under the Federal Hazardous Substances Act to prevent further manufacturing of paint containing more than trace amounts of lead.

We, as physicians, are particularly aware of the public misconceptions about supposedly "lead-free" paints and think that action is long overdue to prevent the truly preventable disease of lead poisoning. In Boston, at least, it is a problem of all economic-social levels, though as elsewhere the problem is most serious in the inner city.

Thank you for your consideration.

Sincerely,

HERBERT O. MATHEWSON, M.D.,
Chief Resident, Children's Service, MGH.

The tragic consequences of lead poisoning are documented in the files of this office. Over 100 families having children with various levels of lead poisoning have been referred to us. We have been asked to help these families escape the omnipresent threat of lead-based paint.

Medical authorities have identified the cause of lead poisoning. They have told us that the major cause is in paint and related materials containing lead. When these materials are painted on surfaces accessible to children, lead poisoning can result. *Medical authorities are increasingly unambiguous about this. Our support of those seeking to eliminate every trace of lead in paints and related materials should be equally unambiguous.*

The majority of the affected children reside in the inner city, where the dangers of lead poisoning are greatest. The parents of these children as well as many community leaders often interpret our failure to aggressively pursue legislation to eliminate lead-based paints as an act of violence done against them.

The latter language is more than the rhetoric of reckless revolutionaries; it is increasingly descriptive of our passive attitude toward the vested interest of paint manufacturers.

Our failure to give the most unequivocal support to those who want to eliminate the lead poisoning threat will make us accessories to the crime of adding to the social, economic, and political impoverishment of families living in the inner city where the dangers of lead poisoning abound.

RAY CALL,
Director, Family Relocation Office, New Haven Redevelopment Agency.

MEMORIAL HOSPITAL FOR CANCER AND ALLIED DISEASES,
New York, N.Y., October 19, 1971.

Congressman WILLIAM RYAN
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN RYAN: In relationship to your proposed petition before the FDA to which one of us is a fellow petitioner, we feel that it is important to call to the attention of those concerned the following additional information. We have recently undertaken to determine the magnitude of the potential hazard for lead paint chips containing less than 1% or less lead content.

Using paint chips from a newly painted wall from one of our laboratories constructed within the past two years, we obtain the following information: four chips were obtained measuring 1x1 cm (1 sq.cm.). These chips weighed 5, 8.8, 12.8, 25.3 mg. respectively. For purposes of perspective, 1 sq.cm. is approximately the size of the average adult index fingernail. Assuming that these chips contain 1% lead, the lead content would range between 50–253 μg. According to Kehoe's study, which is referenced in the petition, an adult man fed 3000 μg/day of lead for four months developed a blood lead of 50 μg/100 gm. blood. Kehoe calculated that at eight months his level would rise to 80 μg/100 gm. If one calculates the same effects in a one year old (10 kg.) child then the definitely toxic level of 80 μg/100 gm would be achieved with an intake of 430 μg/day. It should be carefully stressed at this point that the absorption figures for the adult may well underestimate the absorption rate for children, since children tend to absorb such elements as calcium (which is handled similarly to lead) at a much higher rate than adults. However, if we assume that 430 μg/day will produce a toxic level in eight months, then based on our above paint samples a child would have to consume between 1.72 and 8.6 paint chips of this small size daily in order to become poisoned.

Essentially this means that a child would have to consume only about 1½ to 8½ chips the size of the adult human index fingernail. Observations of the X-rays of the abdomen in children admitted to the hospital with lead poisoning and pica indicate that much larger amounts of paint and plaster are frequently injested. Thus it seems to us on the basis of the above numbers that 1% lead is a serious and real hazard to young children and predictably will cause lead poisoning. This fact should be obvious from the common sense argument that one can accumulate the same amount of lead from a 1% source as a 10% source by either eating ten times as much in the same period or same amount over ten times as long a period assuming the same absorption and retention.

There is no question that lead in paint is a health hazard particularly to young children. There is no question that a safe level in lead ingestion has not been established in the pediatric age groups. In view of these facts, from a public health point of view, the public interest requires that all but trace amounts of lead be excluded from paints for interior use. It should also be stressed that a significant number of children have been found in many cities in this country to have clinical lead poisoning with serious sequellae in whom it has been impossible to find sources of leaded paint is excessive of 1% in the home.

These findings raise in our minds the question that these children have been

poisoned by paint sources of 1% or less. In the absence of proof to the contrary it should be assumed that all such children have been poisoned by lead paint containing 1% or less lead. It would seem the role of anyone attempting to refute the argument in the petition and the subsequent materials that have been presented by concerned scientists, to demonstrate that this group of children has access to another source of lead other than 1% or less lead paint.

We trust that this information will be of help to you in your efforts to obtain a positive reaction to the petition currently before the FDA. At such time as there are hearings on the petition, we would be happy to appear in person and testify in behalf of this action.

Very truly yours,

EDMUND O. ROTHSCHILD, M.D.
JOEL BUXBAUM, M.D.

LEAD CONTENT OF PAINT ON EXTERIOR OF HOUSING

UNIVERSITY OF CINCINNATI,
Cincinnati, Ohio, November 10, 1971.

Representative WILLIAM F. RYAN,
U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE RYAN: During the past several months I have measured the lead content of the paint in a number of houses in Cincinnati using a portable X-ray fluorescence analyser. Peeling layers of old lead-containing paint were readily available to children both inside and outside many of the houses. The attention of most people concerned with pediatric lead ingestion has focussed on the interior of residential structures. For that reason I want to bring to your attention several observations that I have made concerning paint on the exterior of housing.

(1) The paint on the exterior surfaces that I measured contained on the average 75% more lead, expressed as milligrams of lead per square centimeter of surface, than did the interior surfaces.

(2) The average lead content of the various exterior surfaces—such as doors, window frames and walls—was about the same whereas for interior surfaces doors and doorways contained an average of twice as much lead as elsewhere.

(3) Lead-based paint on the exterior of housing was readily available to children. Paint from the surfaces high above the ground was available as it peeled and fell to the ground (and indeed most older houses commonly have such peeling paint), and that on windowsills could often be reached through open windows. Paint on surfaces lower to the ground was obviously readily available as children played in doorways, porches etc. Perhaps the often-observed summer time peak in childhood lead poisoning is at least, in part, due to the fact that children have more exposure to exterior paint during the summer.

My observations seem to be strong support of your proposal to restrict the lead content of *all* paints for household use. Warning labels on paint cans are, in my opinion, ineffective and often misleading. As an example I am attaching a copy of a label from some paint available in this area which contains 4.0% lead. The labeling is contradictory and misleading. Although warnings are given to avoid use on surfaces available to children, the potential user is also told that it can be used "Inside or Out" and the supplier even has the audacity to picture a child's tricycle on the label.

Sincerely,

C. SCOTT CLARK, Ph. D.,
Assistant Professor of Environmental Health.

[From the New York Post, Aug. 14, 1971]

REDECORATING JOB

There is one type of lead-based paint that does not flake, chip or peel, exposing thousands of slum children to serious disease and sometimes death: the paint that is never slapped on a crumbling wall in the first place.

With that in mind, Rep. Ryan (D.-N.Y.) and others are petitioning the federal government's Food and Drug Administration to forbid the use of lead-based paint in household use anywhere. The safety of perhaps 400,000 youngsters every year is the compelling consideration involved.

This new appeal in the interest of public health is urgent for several immediate reasons. For one thing, the city's Bureau of Lead Poisoning Control has just reported increases in local cases, above a 1970 total of 2600. Also, the city has recently identified, by brand name, paints containing hazardous levels of lead.

But perhaps most importantly, the opportunity for preventive action comes as White House action is awaited on $7.5 million appropriation to finance action under the federal paint-poisoning act, sponsored and tenaciously fought for by Rep. Ryan and his legislative allies. Favorable FDA action has the same basic priority.

[From the New York Post, Nov. 6, 1971]

HANDWRITING ON THE WALLS?

Finishing touches have just been applied by the federal Food and Drug Administration to its new policy on certain interior paints. The total effect can be best described as slapdash.

After years of protest and pleading from public health officials, such legislators as Rep. Ryan (D.-N.Y.) and many private organizations as well, the FDA has nevertheless decided that there is no need to limit the lead content of interior house paints—despite the demonstrated hazard to children.

The agency concludes that a warning label on paint cans will be sufficient, specifying that paint with more than .5 per cent lead not be applied to walls "to which children may be commonly exposed." The proposal is grimly laughable—because there is no way of labeling the walls, no prospect that infant children would read the label even if there was one and no practical means of enforcing the warning against misuse.

DEMAGOGIC PANAMANIAN DEMANDS MUST BE RESISTED

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FLOOD. Mr. Speaker, negotiations for new Panama Canal treaties that were blocked by an aroused people of our country in 1967 were revived on June 29, 1971, and according to Isthmian press stories, agreement by our negotiators is near. The central issue involved is the surrender to Panama of United States sovereign rights, power and authority over the Canal Zone.

Despite the vital importance of the canal sovereignty question, the major press of our country with rare exceptions has remained silent or has accepted Panamanian radical propaganda in a massive campaign apparently designed to condition our people to accept what is a threat to Free World security.

Fortunately, in the Congress we have informed and courageous leaders, among them Senator STROM THURMOND of South Carolina, who in a recent regular report to the people of his state supplied significant information about the canal question and called upon our government to resist the demagoguery of the Panamanian revolutionary government.

The indicated statement of Senator THURMOND follows as part of my remarks:

PANAMANIAN DEMANDS

(By Senator STROM THURMOND)

Once more negotiations are underway for new treaties with regard to the Panama Canal. There are some voices that are saying that it is time for the United States to give up its sovereign rights in the U.S. Canal Zone in order to appease Panamanian nationalism. They say we must show our good will to the Panamanians by giving them a bigger share in the revenues of the canal.

We should remember that this territory is the Constitutionally acquired domain of the United States, with exclusive and positively essential sovereign rights, power and authority granted to us in perpetuity by Panama. For this grant, Panama was paid by the United States. In addition to securing the grant of sovereignty over the Zone territory, the United States also obtained title to all privately owned land and property in the Zone by purchase from individual property owners, making it the most costly territorial acquisition in our history.

As an artery of marine transportation, the Panama Canal enterprise became, and still is, a part of the coastline belonging to the United States. As such its exclusive control by the United States is necessary for national defense just as the control of the Chesapeake Bay or New York Harbor is necessary for national defense.

It is discouraging, therefore, to report that negotiations are once again underway with Panama, even though the present Government is a revolutionary regime with little prospect of stability and with no procedures for ratifying a new treaty. More discouraging still, is the fact that some elements in the State Department openly acknowledge that the basis for negotiation is the surrender of U.S. sovereignty, and the giving up of our jurisdiction throughout most of the Zone. Indeed, the main point of negotiation is still to be the duration of the new treaty. That is to say—how long before we give up all of our rights completely?

In my judgment, it is semantics to maintain that the U.S. can keep control of the Canal and the capability to defend it, if we should give up our sovereign rights. The duration of a treaty is not the key issue, when the treaty itself gives up our basic rights. Such a surrender document would last too long, if it lasted only one day. If a new treaty is ever necessary, then, at a minimum, we must maintain our sovereignty in the Zone, with the physical control which that implies; and we must maintain U.S. citizens in the policy-making and strategic areas of the Canal operation. It is a fallacy to believe that we can control the Canal or keep our obligation to keep the Canal running, if we allow foreign nationals to be in substantial control of the decision-making and highly technical posts connected with the operation of the Canal.

It is possible that certain disagreements and irritations can be solved through negotiations with the Republic of Panama, but we can never agree to a treaty which does not allow us to have the physical and actual capability of keeping the Canal secure. It is for this reason, that the sovereignty of the Canal Zone is the key issue which must never be compromised.

Panama's greatest asset is being the good neighbor of a country such as the United States, with the ability to conceive, develop, and operate such a vast enterprise as the Panama Canal. The United States gets no money from canal operations. Every cent goes back into operations and maintenance. The Panamanians indeed get more than the United States, namely, one-half million dol-

lars annually from the tolls. In addition, the U.S. pays $1.5 million out of its treasury for the sake of treaty commitments. Nor should the Panamanians forget that U.S. Panama Canal is their biggest employer, bringing a payroll and spending outlay of $166 million every year to the Panamanian economy.

The U.S. cannot surrender to the demagoguery of Latin American nationalism. If we are to be good neighbors, we must remain strong in our rights.

TERRITORIAL IMPERATIVE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. BURTON. Mr. Speaker, I would like to call the attention of the House to an editorial which appeared in the Washington Daily News on Saturday, November 27:

TERRITORIAL IMPERATIVE

The argument for permitting the Virgin Islands and Guam to have nonvoting delegates in the House of Representatives seems self-evident. If the Virgin Islanders and Guamanians are U.S. citizens—as they are—who would want to be so mean-spirited as to deny them the kind of representation that Puerto Rico and the District of Columbia now have, and that Hawaii and Alaska had until very recently?

Unfortunately, there seems to be quite a number of congressmen who don't believe in representation for the other fellow.

The House leadership has now twice postponed finishing debate on a bill giving the Virgin Islanders and Guamanians one nonvoting delegate apiece and announced a vote wouldn't be taken until sometime in January.

By then, we trust, a majority of the House will have been converted to the belief that all U.S. citizens should have representation in the U.S. House of Representatives.

"BRIAN'S SONG"

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, a movie based on a tragic death from cancer, and a close black-white friendship between athletes with a background setting of the world of football, would seem to have every chance of being banal and sweetly sentimental like so many other movies where sports is the underlying theme. But, this is hardly the case with "Brian's Song," this week's Tuesday Night Movie on the ABC television network.

This movie, which was made expressly for television by Screen Gems, is based on the relationship between two members of the Chicago Bears, Gale Sayers and the late Brian Piccolo, in their first years of professional football. I am sure that most of my colleagues are by now familiar with the tragic story of Brian Piccolo, the young man so full of life and vitality, who was struck down by cancer at the age of 26.

"Brian's Song" not only accurately depicts the story of Brian's and Gale's first years with the Bears, but it does much more—it captures in the brief span of an hour and a half, the spirit of Brian Piccolo, the spirit of a man whose concern for others was expressed in everything he said and everything he did. It captures the spirit of a man whose zest for living infected everyone who encountered it.

Mr. Speaker, Brian Piccolo was one of those few human beings who truly left a lasting impression on everyone he met. I think Gale Sayers could say that as could any member of the Chicago Bears; in fact, I am sure that the same holds true for any person who was fortunate enough to have known Brian Piccolo during his brief but productive life.

THE LATE HONORABLE THOMAS MURRAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. ROONEY of New York. Mr. Speaker, I was truly sorry to learn of the passing of the Honorable Thomas Murray who for more than two decades ably represented the people of Tennessee here in the House of Representatives. Tom Murray was a delightful man, a man we all admired and respected. He was a fine man, a very knowledgeable man who ably filled the strenuous position of chairman of the House Post Office and Civil Service Committee. He was uniquely suited to that position having spent many years in postal work before coming to the Congress. He was a dedicated Member of this body who will be missed by his many friends. To his family I extend my deepest sympathy.

VOCATIONAL INDUSTRIAL CLUBS OF AMERICA PROVIDE AN ANSWER TO INDUSTRY MANPOWER NEEDS AND JOBLESS YOUTH—A WEST VIRGINIA PROGRAM TRAINS THOUSANDS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 2, 1971

Mr. RANDOLPH. Mr. President, about 2 weeks ago more than 300 young people converged on Capitol Hill for a purpose both enjoyable and enlightening. Distinctive in their red coats bearing an unfamiliar emblem, they are members of Vocational Industrial Clubs of America—VICA—which is perhaps the most rapidly growing youth organization in America.

While industry cries for skilled manpower, hundreds of thousands of our youth hopelessly seek employment. An obvious solution to this problem is training. For many years, education, business and labor have engaged in various types of skill training—apprenticeship, on-the-job, up-grading and in-service—but the problem still exists.

Industry needs personnel, and youth can't find jobs. Where is the gap? The problem is that many young people who will not be entering academic and professional fields are leaving the public educational system without preparation for a vocation. Nationally, only two of every 10 high schools students receive any kind of skills training.

Too often, educational pedagogues look down upon industrial-technical schooling, and this attitude is conveyed to the students themselves. VICA may help solve this problem, by making our Nation's youth more aware of the opportunities of industry and the dignity of work. There must be a new awareness that there is a good living to be earned through the use of one's hands as well as with one's mind.

There are many fine vocational youth organizations in our Nation, such as the Future Farmers of America, the Future Homemakers of America, Distributive Education Clubs of America, and Future Business Leaders of America, that join with VICA in developing good citizens and leaders as well as skills and technical know-how.

During the week of November 15–19, selected members of VICA from every State in the Union came to Washington for a National Leadership Training Conference. I hope that you were as fortunate as I was to have an opportunity to meet with the young people representing your own State.

Six of these young people represented the State of West Virginia, which has an active and ambitious program of vocational-training for both young people and adults. I talked with them. The students are: Walter Robinson, Jr., of Raleigh County, State president; Barbara Carter, Kanawha County, Region I vice president; Grant Settle, Fayette County, Region II vice president; Chester Goodwin, Monongalia County, Region III vice president; Donald Moats, Barbour County, State secretary; and Marsha Zickafoose, Kanawha County, State treasurer. Miss Zikafoose, incidentally, has been elected national secretary of VICA. The group was accompanied by Edward Carman, State director of VICA, and Michael Murphy, former State director who is supervisor of proprietory schools for the West Virginia Department of Education.

During their visit, I was told that in the 1970 school year a total of 52,918 students in West Virginia were enrolled in vocational education. Of this number, 18,054 were enrolled in consumer and homemaking programs, while the remainder of curricula enrollment was considered occupational under the Vocational Education Amendments of 1968.

In the West Virginia program, approximately 20,000 secondary students, 14,000 post-educational students, and 13,000 adults are enrolled in occupational education. Much of the increase in vocational education enrollment can be attributed to the funding of vocational facilities by the Appalachian Regional Commission. The ARC, through sections 211 and 214 of the act, has contributed approximately $13.5 of the $40 million expended for construction of vocational education facilities in West Virginia. These ARC funds, matched by other State, Federal and local funds, have provided access to vocational education for approximately 21,000 students. This figure was computed using the capacity of the facilities at any one time with two classes per day and one adult evening program per shop or laboratory.

Today in the 13-State Appalachian region, we are creating a vital reservoir of skilled young people who will form a nucleus of the Nation's productive workforce of the future. During its 6 years of operation, the Appalachian Regional Commission has expended about one-fourth of its Federal Appalachian funds appropriated through June of 1970 for nonhighway programs toward construction of 261 vocational education facilities. This total amount is $104.7 million, which supplements the $46.3 million allocated for construction under Part B of the Vocational Education Amendments of 1968 and another $179.1 million of State and local matching funds. I have advocated and supported these programs and their funding.

This investment in career training and the development of human resources in our area will pay tremendous dividends to America in future years. These schools have been in operation for an average of only 2 years, yet their impact on the attitudes and interest of young people in Appalachia already is discernible. It is estimated that 20 to 30 percent of the secondary school students are being reached by vocational education programs currently in operation in the region. Enrollments in individual programs have increased from 50 to several hundred percent. More importantly, young people who in the past have seen little hope of breaking the cycle of poverty and becoming self-supporting members of society have acquired new dignity and status.

One of the most interesting developments in the vocational education field has been the creation of multicounty centers for technical training. Many counties in West Virginia, for example, do not have sufficient population to offer vocational programs with a diversity of courses to offer students. So geographic areas are combined to provide a consolidated effort. Thus far, six multicounty schools have been built, or are in the planning stages, using ARC funds. These schools obtain their enrollment from high schools located in more than one county, thereby operating on a regional basis to give students a wider choice of occupational preparation. A side benefit of this center approach has resulted in the breakdown of provincial barriers and a broadening of the horizons of young people previously isolated by rugged terrain.

Schools operating in our state, or scheduled to operate on a multi-county basis are: Carver Career and Technical Education Center near Charleston; James Rumsey Vocational Technical Center, Martinsburg; Mercer County Vocational Technical Center, Princeton; South Branch Vocational Center, Petersburg; Tri-County Vocational Technical Center, Buckhannon; Doddridge-Harrison-Taylor Vocational Center, Clarksburg; and Roane-Jackson Vocational Technical Center near Ripley.

Mr. President, I have been privileged to visit and to help dedicate some of these vocational education centers and other similar facilities in the Appalachian region. Good and useful work is being done. Their instructional efforts are in the forefront of a new educational era in America. I commend those involved in teaching young America to work as well as to think. The young members of VICA and other organizations who are creating productive roles in society and striving to make the word "work" wholesome and acceptable again, have my continued cooperation.

WHO REALLY RUNS OUR GOVERNMENT?

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. YOUNG of Florida. Mr. Speaker, like most Americans, I have long believed that the people of this great Nation really run our Government. This notion, however, received a severe jolt a few days ago with an event that occurred in Jacksonville, Fla.

Voters there overwhelmingly approved an amendment against the forced busing of children to create an arbitrary racial balance in the schools much like the one we passed in the House on November 5. Seconds later, a Federal court voided the voters' decision.

The Congress so far has failed to resolve the busing question by adopting a constitutional amendment which I and many others have proposed. But beyond the busing question, a larger issue looms—the issue of who really runs our Government.

For years, we believed that the people do, through their elected representatives. The Jacksonville incident, however, shows conclusively that in recent years the Federal courts have moved to take over the operation of our Government. They were not granted this power by our Constitution, they simply seized it.

Our Federal courts do violence to the constitutional separation of powers that has made America's Government so great. They violate the rights of the people that Government was created to serve.

These judges were elected by no one; they are responsible to none but themselves; they are not answerable to the people, so they can ignore the wishes of the people with impunity. They no longer interpret our laws—they act as a law unto themselves.

The need for at least a constitutional amendment to take the judges out of our schools and leave the classrooms to our teachers and pupils is self-evident. Nothing brings the whole issue home more clearly than the following news account of what happened last Tuesday:

FLORIDA ANTIBUSING VOTE BEHIND

JACKSONVILLE, Fla., December 1.—Seconds after Duval County voters overwhelmingly approved an antibusing amendment Tuesday, a federal judge voided their decision.

The proposal to prohibit the expenditure of local or state money for busing children to achieve racial balance in schools passed 33,513 to 8,899.

However, one minute after the vote was certified, an order signed by U.S. District Court Judge Gerald Tjoflat was handed to elections supervisor, Harry Nearling, declaring the vote null and void.

School Superintendent Dr. Cecil Hardesty said the amendment was in direct conflict with federal court-ordered busing.

POLITICS OF ELECTRIC POWER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, December 2, 1971

Mr. METCALF. Mr. President, some provocative questions about the politics of electric power in this country were raised by our colleague, Mr. GRAVEL, on November 10, Power Day. I think they merit the most careful consideration. I particularly appreciate his support for S. 2324, the bill which Mr. MCGOVERN and I introduced on July 21, 1971, to establish a national power grid system. The bill is presently in the Senate Commerce Committee.

Mr. President, I ask unanimous consent to have Mr. GRAVEL's statement entitled "Clean Power Coalition: Some Suggestions" printed here in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CLEAN POWER COALITION: SOME SUGGESTIONS

(Statement by MIKE GRAVEL)

Power Day can address the problem of producing safe electrical power in reasonable quantities only by addressing the problem of power. The kings of the energy world are not going to change their self-serving policies out of the kindness of their hearts. They will make changes only when outside power forces them, or when they see changes to be in their own self-interest.

It would be naive and unproductive to count on winning environmental protection or environmental caution through persuasion alone. Ordinary citizens can win their own energy policies only by meeting power with power. Therefore the formation of a citizens' energy coalition strikes me as an encouraging move.

SOME COLD-BLOODED QUESTIONS

I suggest that a citizens' coalition will need to ask itself the very same cold-blooded questions which the Edison Electric Institute, the Atomic Industrial Forum, the gas institute, the coal association and the oil interests probably ask themselves like second nature:

1. What do we want?
2. What few individuals really make the crucial decisions in this country about energy?
3. Who has the power or influence to block our program?
4. Who has the power or influence to help us?

5. What powers do we have over each set of people?

6. Who are potential allies, and what are their powers?

7. What powers do we ourselves have over the situation without depending on the good graces of others?

That last question is of particular interest to believers in the right of ordinary people to have real influence on the policies which shape their lives, and I shall return to it after briefly touching on the other six questions.

NO. 1: WHAT DO WE WANT?

The first question is basic, and here corporate lobbyists have a huge advantage over citizen coalitions: corporate lobbyists know exactly what they want, and they do not indulge in many ego-trips or prima-donna fits or squabbles over public recognition as they work relentlessly for their goals.

Of course I do not know, and no one yet knows, behind what program a citizens' energy coalition will stay unified. I would hope that it might include at least the four following points:

A. A swift and public analysis of the alleged need for doubling electrical consumption every ten years; this study will add something new only if it is not based on the figures which originate with the utilities themselves. It seems that the Federal Power Commission uses figures supplied by the utilities. Is it any wonder then, that the Federal Power Commission describes the "need" and the alleged emergencies just the way the utilities do?

B. Establishment of a national power grid to share the electrical supply, and energy conservation measures to reduce electrical demand. With regard to the former, coalition members are probably aware of bill S. 2324 called the "National Power Grid Act" introduced July 21st, by Senators Metcalf and McGovern.

C. Production of whatever additional electrical power is still needed by safe and ecologically acceptable methods, including probably the various solar, fuel-cell, and geothermal technologies. Of course their safety and ecological acceptability should first be put through the hard, adversary scientific scrutiny which was and is so disastrously missing with regard to nuclear fission.

D. An immediate national moratorium on nuclear electricity plus appropriate financial relief for affected investors and employees at all levels. This generation does not have meekly to accept the error made 17 years ago when Congress turned this grotesquely dangerous technology over to private industry. I believe we have no right to solve our temporary electrical shortages by leaving a radioactive legacy to threaten our descendants for centuries to come.

NO. 2: WHAT FEW INDIVIDUALS WILL REALLY MAKE THE CRUCIAL DECISIONS?

The second questions is: what few individuals will really make the crucial decisions about amounts, sources, and cost of electrical energy?

It is interesting that mostly we do not know their names. In other words, I do not think that the President or Members of Congress are going to make any energy decisions without some heavy advice from a few dozen energy producers or their agents.

It may be instructive to ponder Jack Anderson's column of November 3, 1971. According to Anderson, "The electric utilities have served notice upon Rep. Torbert MacDonald of Massachusetts that they will put up an opponent against him next year unless he knuckles under to their demands . . . MacDonald happens to be Chairman of the House Energy Subcommittee, which is trying to resolve the battle between the power lobbyists and the conservationists over the location of new plants."

I would hope that a citizens' coalition would make the names of the power people into household words. The power of public affection or dislike cannot be conferred on nameless, faceless people.

NO. 3: WHO HAS THE POWER TO BLOCK OUR PROGRAM?

The third question is: who has the power to block our program?

The answer obviously includes a small number of controlling stockholders and directors of the utilities and energy companies, the President of the United States, his Office of Management and Budget, the five Atomic Energy Commissioners, the Federal Power Commission, Congress and to some extent institutions like the National Science Foundation and the National Academy of Sciences.

NO. 4: WHO HAS THE POWER OR INFLUENCE TO HELP US?

The fourth question is: who has the power or influence to help a citizens' coalition?

I believe the answer would include all the heads of the institutions just named in the opposition list. They have the power either to block or to foster it. Perhaps additions to the list should include state governors, state legislatures, public utility commissions, the Courts, unions, medical associations, engineering associations and students, newspapers, television, radio, big foundations like Ford, and all businesses which could profit from building a national grid, providing hydrogen as a clean fuel, building solar equipment, selling more and better building insulation, and so forth.

NO. 5: WHAT POWERS DO WE HAVE OVER EACH SET OF PEOPLE?

The fifth question is: what powers does a citizens' coalition have over each set of opponents and allies?

There is no time to go into all the possibilities here. I would just like to say a word about citizen power over Congress.

Most ordinary people are miserably uninformed about ways to influence Congress, and I blame the press for failing to provide them with the necessary information.

Since letters to members of Congress carry considerable weight, it is important for citizens to know what is going on in time to express their opinions.

Suppose people were interested in only three national issues: clean energy, peace, and full employment. Don't they have a right to know in some detail what their senators and representatives do each day to promote these three goals? What bills did they co-sponsor, what hearings did they attend, what speeches did they make, what private meetings did they have with other people who influence policy?

If newspapers reported a daily score, and if it turned out regularly to be "zero," citizens might be better equipped to express their opinion effectively.

Why can't newspapers report in advance what hearings are scheduled in Congress related to clean energy, peace, and full employment, or other issues? Why don't newspapers provide a running account of up-coming votes, of relevant new bills introduced and their sponsorship or lack of it? And since so much power resides in the Committees of Congress, why don't newspapers periodically carry boxes naming the membership of Congressional subcommittees concerned with selected issues, and in particular, showing on which subcommittees the state's two Senators and Representatives sit?

If ordinary citizens are to express their opinions where and when they might really count, they need this sort of information. Most newspapers have the staff or the contacts in Washington to provide it, and I strongly endorse the suggestion of Common Cause that citizens insist their local newspapers do so. Meanwhile, a citizens' coalition may have to monitor Congressional energy politics without much help.

However, I do not want to foster the delusion that once people have gotten their representatives interested and active in a goal, the representatives will magnify the case and get the job done. The actual process is subsequent dilution of the original case, not magnification.

It would be foolish to overlook the implications of *Washington Post* story, October 14, 1971, headlined "Pesticide Bill Hit as Wiping out Gains." The article reports that the House Agriculture Committee has approved legislation which will turn the clock back to the 1950's and prevent public-interest law firms and environmental and consumer groups from bringing suits to ban dangerous pesticides.

NO. 6: WHO ARE POTENTIAL ALLIES AND WHAT ARE THEIR POWERS?

The sixth question is: who are the coalition's potential allies, and what are their powers?

I think this question is answered by going over the list of people who have the power to help the Coalition, and exploring the ones which might have motives for doing so.

NO. 7: WHAT POWERS DOES THE COALITION HAVE ITSELF WITHOUT DEPENDING ON THE GOOD GRACES OF OTHERS?

The seventh question is: what powers does the Coalition have itself without depending on the good graces of others?

It is obvious that solutions the Coalition can carry out itself are far more responsive to personal effort than solutions which depend on the good graces of someone else, who may dawdle, compromise unduly, or "sell out" almost completely.

I recommend a maximum "do-it-yourself" policy whenever possible. On all four points I suggested as part of a Coalition energy program, organized citizens could really make a difference by themselves.

A. A swift and public analysis of the alleged power crisis and "need" for doubling electrical consumption every ten years.

Although the government *should* fund and execute this study for the country, instead of waiting, a citizens' coalition could enlist the help of sympathetic professors, students, and public-interest research firms in getting answers to the following questions:

1. What effect would the recycling of metals and other materials have on net industrial demand for electricity? And what is the justification for claiming that "Everyone wants more power", if the claim is based largely on industrial demand? Or possibly military demand? Is there any valid relationship between employment and rising electrical consumption?

2. Who are the electrical consumers who allegedly "need" twice as much power in ten years, and what are they going to "need" it for? How much will go to "public health and safety", which are always pictured to be the losers in a power shortage? How much will go for air conditioners and anti-pollution equipment and other real contributors to the quality of life? How many electrical power plants will be tied up making more nuclear fuel unless there is a nuclear moratorium? It is interesting that the equivalent of seven or eight of the biggest nuclear power plants will be "needed" in 1974 just to make more nuclear fuel at the gaseous diffusion plants. What is the justification for telling the public that *blackouts* will be the inevitable price of power shortages, when other things could be shut off *instead* of lights and air conditioners?

3. What effect would a redesign of presently promotional rate-structures have on the "need" for more electricity? And what effect would a halt to advertising of "electric living" have on demand?

4. How much would the "need" for electricity decrease with the use of *gas* heating-and-cooling, with the use of solar collectors for homes, with the use of better building insulation? How much electricity could be saved by designing all machinery for better electrical efficiency?

Right now, the utilities' unexamined claim of "power emergency" is providing the expected excuse for the AEC to circumvent the *Calvert Cliffs* Court decision. The AEC designed an escape-hatch in its new licensing regulations which say that "the power needs to be served by the facility" are "of primary importance" in deciding whether or not to suspend a nuclear permit pending completion of the environmental and safety review ordered by the Court.

The question is, will AEC Chairman Schlesinger actually suspend permits and licenses until a detailed and public examination of those alleged "power needs" has been made? Or will he cave in to the utilities? His speech in Florida a few weeks ago impressed almost everyone. Actions, however, speak louder than words.

B. The establishment of a national power grid to share the electrical supply, and energy conservation measures to reduce the demand.

Although the grid probably requires action from Congress, I believe that a citizens' coalition can make progress in reducing certain electrical "needs" by direct action.

For instance, they can insist that only products made with recycled materials are bought by their local schools, government, and businesses; they can organize consumer boycotts to see that home electrical appliances are built to use electricity more efficiently; that homes are built with gas heat, solar collectors, and good insulation.

C. Protection of electric power by safe and ecologically acceptable methods, including probably various forms of solar energy.

How can a citizens' coalition influence the choice which local utilities make in the method of generating electricity?

Although utilities are monopolies, they are subject to some kinds of citizen power. For instance, in 1970, thousands of Chicago citizens, organized under C.A.P. (Citizens Action Program), signed a mutual pledge that they would withhold payment of their electrical bills and put the money in escrow until Commonwealth Edison did something about its pollution.

They might have also threatened, as Saul Alinsky once suggested, to punch extra holes in the IBM billing cards, but they did not. It was the threat of withholding payment plus a stock proxy fight which won these people an accelerated timetable for the use of low-sulfur fuel and better precipitators.

Citizen coalitions could win other measures too.

Someday, non-polluting fuel-cells and small-scale solar power may liberate individuals from dependence on electric utilities.

Someday—especially if Congress passes Senator Magnuson's amendment #364 to the Power Plant Siting Bill S. 1684—the government may fund such research.

But why wait?

A coordinated citizens' coalition might persuade university students to work on those possibilities as part of their academic research, starting now.

Furthermore, there are proposals for several larger-scale solar energy systems which are languishing for lack of minor research grants. Such solar proposals include the use of sea-thermal power, the use of wave-power, the use of sunlight or wind to produce non-polluting hydrogen fuel, the conversion of animal waste to oil, and many other variants of inexhaustible solar energy. In each case, $50,000 or $100,000 would advance feasibility studies significantly.

Perhaps a citizens coalition will develop the power to raise money—$10 each from 100,000 environmentalists make a million dollars—and to fund some real energy progress directly. It may be that the energy an environmentalist spends to earn $10, is less than the effort he spends trying to get the government or the utilities to spend it for him in the way he wants.

D. A national nuclear moratorium with financial relief for affected investors and employees at all levels.

Although a nationwide moratorium requires an intermediary like Congress or the Courts or a new President, citizens can also impose a moratorium themselves in those 20 states where citizen initiatives can put measures on the state ballot for decision directly by the voters.

For example, in June 1972, Californians—who represent one out of every ten Americans—will vote yes or no on an initiative which includes a 5-year moratorium on nuclear power plants and many other measures to restore a healthy environment in California. If California's citizen initiative wins, the legislature can not water it down or repeal it.

The other nineteen states whose constitutions permit citizen initiatives are Alaska, Arizona, Arkansas, Colorado, Idaho, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, and Washington.

CONGRATULATIONS

I think it is obvious that a citizens' energy coalition could become a significant force in national power policies. I hope that it will, and I congratulate *Clear Creek* (at One South Park Street, San Francisco) for trying to get it organized.

"A NEW PRECEDENCE FOR THE ARTS," AN ADDRESS BY AMYAS AMES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BRADEMAS. Mr. Speaker, this 92d Congress has seen significant action toward the provision of adequate funding for the arts in America. Members from both sides of the aisle joined in supporting increased appropriations for the National Endowment for the Arts and the National Endowment for the Humanities, and the White House supported these increased appropriations.

Yet the less than $60 million which the endowments make available must be seen as only a first step. This amount represents but a fraction of the erosion of inflation on the budgets of America's symphony orchestras, dance companies and centers for the performing arts.

The real needs of the arts and the real contribution they make to American life are well stated by Amyas Ames, the chairman of the board of the Lincoln Center for the Performing Arts, in his recent address to a convocation on the performing arts at Hamilton College.

Mr. Speaker, I take this opportunity to insert that address in the CONGRESSIONAL RECORD.

The text of the address follows:

A NEW PROCEDURE FOR THE ARTS

A few years ago, when I made the decision to follow my interests into new fields in the hope that I would find adventure, I had no idea how big the adventure would be. My work had been business administration and almost before I knew it . . . I found myself writing down the stodgy sounding phrase "arts administration" as my occupation. The experience—so far—has been quite the opposite of stodgy.

As Chairman of the New York Philharmonic, I became involved in the common problems of all the 1,400 symphony orchestras of the country. Next, as Chairman of Lincoln Center, my concern expanded to all the performing arts, and last year—almost without my knowing what was happening—I was drawn in with other individuals concerned about the arts in New York State—we called ourselves The Concerned Citizens for the Arts—to perform what turned out to be, in the words of Governor Rockefeller and Senator Brydges, a miracle. This was the passage of the bill providing $18 million of state funds for the arts—only $1 per person in the State—but more money than was appropriated by the Federal Government for the arts of the whole country in that year. Following logically, and this time on a national front, came an organization called the Partnership for the Arts—a joining of leaders in the visual and performing arts to support the National Endowment for the Arts and Humanities. This July, under strong leadership from the President and in Congress and encouraged by hundreds of thousands of letters from people throughout the country, that battle was cleanly won as national support for the arts and humanities was virtually doubled by an unusually large vote in both houses of Congress. Dr. Jonas Salk has said "Mankind is in the midst of a transition from an epoch of competition and individualism to an epoch of cooperation and interdependence." My experience of the last two years indicates to me that the arts are one aspect of human affairs entering such a period of transition. It is clear that by working together we develop a new power, a new authority, and because this makes accomplishment possible we are developing a new sense of mission for the arts and humanities. It is that mission that I would like to talk about today.

We are being bombarded with what are known in the engineering world as negative feedback signals. These tell us that, in spite of an increasing interest, the arts are not flourishing, that they need help just as a strong swimmer caught in undertow needs help. The strength of these negative signals tells us that it would be unwise to disregard them, and I believe they indicate that if we want to do something about them, if we want the arts to flourish, we must do three things:—

1. Change our educational methods so that our young experience the arts in their schools.

2. Develop a new system for communicating the arts through television and radio to larger audiences.

3. Set wholly new priorities for the financial support of the arts. Let me touch briefly on each.

First on the teaching of the arts. At Lincoln Center there is a close relationship with teachers of the arts and humanities through its student programs which provide 700,000 attendances for students at "live" performing arts events each year. These programs expose the entire student body—not just those interested in music, dance and theater—to performances in the school and to classroom workshops. The goal is to stimulate a life-long interest and enjoyment through a lively experience in the performing arts. But wonderful though this program is, we are not now reaching any appreciable proportion of the young people. This is dramatically brought out by a recent study of humanities programs in the tri-state area of New York, New Jersey and Connecticut which indicates that less than three per cent of the students in these secondary schools are actually involved in humanities programs with any performing art activity

NEW COMMUNICATIONS SYSTEM NEEDED

Our ancestors, once the frontier was cleared, revived their interest in the arts—bringing to this country what was in their heritage. The communities of the last century were smaller and so there was a better chance for all ages to be exposed to music, dance and theater as an integral part of community life. For example, when the Boston Symphony Orchestra was organized ninety years ago, it served a city of 350,000 people, while today it is the single major orchestra in a metropolitan city of 1,737,000 people. The ratios to the community of those who play and of those who have access to live music are both greatly reduced. Fortunately, there are indications that educators are becoming increasingly aware of the need for restoring the arts and humanities to education. Recently the principals of sixty secondary schools in a large urban community were asked what their top priorities were for the next year, and 30% named the arts as either first or second in importance, placing them ahead of reading, mathematics and the sciences. Such increasing interest in the use of the arts in education is new.

The second strong negative feedback signal comes from a failure in our communications, and here we need to develop a whole new system. Take as an example the field of radio. There has been a startling collapse of classical music on radio in the last year. George Gent, in the New York Times under the headline "Classical Music Dwindling" gives the reason—paradoxically, the economic success of F.M. radio. As long as it played fine music it held little attraction for advertisers, but by scrapping the classics for what one manager called "a really good format of schmaltzy instrumentals", the radio stations increased the audience and solved their economic problem. As Gent points out—"The day may not be far off when only the educational stations will provide the musical solace some listeners identify with civilization. Bach and Beethoven are giving place to the Beatles and the Byrds."

More important evidence is the experience of the New York Philharmonic with its "Young People's Television Concerts." These programs have received the highest television prizes and have even been assigned as homework for whole school districts. But they are more eagerly sought after abroad than by commercial television in this country and are played literally around the world on foreign T.V. The truth is that commercial television and radio have developed a system that functions extremely well to its purpose—which is sales. But in general this highly evolved system, or body, rejects the quality programs of arts and humanities exactly as the human body resists a transplanted organ.

FREE ARTS FROM COMMERCIAL BROADCASTING

Since this is so, it must be our mission to develop a system that will free the arts from dependence on commercial broadcasting.

To cite an example of what might happen, let me outline some ideas being considered at Lincoln Center in the hope that new technology will be developed to make them possible—ideas I might add which would work equally well for all the arts and indeed for a wide range of creative or informational activities. We have already developed programs at Lincoln Center which are widely used in the schools. We have the diversity and excellence in the arts, the performing artists, teachers and managers to present wholly new programs on television; we could bring performing arts into the homes of millions of interested people throughout the country. We have the capability of developing a studio of advanced videotape programming at Lincoln Center using inexpensive modern news media techniques to present specially designed in-house performances and the development of high fidelity sound equipment for television would inevitably follow. But we need a wholly new communications system to bridge the gap between city and suburb, between those we now serve and the many millions who have never had a chance to choose such programs. Without a new approach and a new technology, the distance between the performing artist and his audience outside the auditorium is as hard to bridge as the distance to the moon.

OFFER A LOW-COST TELEVISION TICKET

What we must develop is a new system that will allow us to offer a low cost television ticket, so to speak, to the individual or family that selects a program or program series. With such a "ticket", television programs of inherent excellence would be offered for individuals by the millions to choose just as the sum of such individual choices and payments leads to the availability of a wide selection of fine books and magazines, and indeed products of excellence of all kinds. The cost of such a television ticket might well be measured in cents for any one program, but it is an absolute necessity if fine programs of special appeal are to be developed. We must find a way to reward our performers for their excellence, our managers for their imagination, our teachers for their knowledge and pay for the basic costs of television. The idea of the individual being able to buy a simple television ticket and so support the programs he wants is a radical idea for television, but a fundamental of the American way of doing things.

The individual should have this right, but it will be denied as long as the commercial standard of instant broad appeal is the sole determinant of what goes on the air. Since the multi-million audience can only be attracted by certain types of entertainment, the arts, education and many subjects of broad national interest are blanked out by what is, in effect, a monopolistic dominance of television by mass appeal programs. Because many of the wonderful things in life fail to meet the commercial test of "instant broad appeal", we all become underprivileged.

The new freedom of the individual to choose and pay for what he sees in accordance with his interests need not be purchased at the expense of present television. The programs of mass appeal are not threatened for their economics are sound and people want them. What this new use of television promises is to add by means of a new economic base a whole new dimension to television—a sensitivity to the selective audience. Television would be turned on by millions who now shun it and open new horizons for those who are its devotees.

INFLATION TAKES ITS TOLL

The third strong negative feedback signal comes from the closing of wings of museums, from the death of orchestras and the shortening of hours during which people can read in libraries. The forces of inflation—at close to 10 percent a year—act on the overall costs of the arts to reduce their ability to serve the community. It is just as if our society was reaching into the till and taking the money away. The arts have a wonderful resource in the generosity of people who support them, but the ability of people to give is being cut by the same inflation. When the cost of building roads goes up—as it does each year—the extra money is immediately made available. Business can raise prices. Government can raise taxes. What are the arts to do? To raise ticket prices beyond certain limits is to exclude the public. To reduce costs is to cut the very service the community demands. I believe we must ask for a wholly new priority for the arts in this country, and that if all of us active or interested in them will join together in a common effort to attain this goal, it will be won.

Last year a group of concerned citizens, individuals sharing a love in the arts in all parts of the country, joined together in The Partnership for the Arts to work in this very cause. They were a part of that highly successful joining of the arts and humanities that won a 400 to 5 vote in Congress for increased funds for the National Endowments. This summer they held meetings and worked on the preparation of a Manifesto for the Arts. As my conclusion, let me read it.

MANIFESTO FOR THE ARTS

The standard of living in this country cannot be measured by dollars alone—nor in miles of concrete highways and numbers of automobiles, nor by the gross national product. More important than these material or statistical factors are the values we cherish and the way we live. Deep in every community, in every family, is a hunger for what enriches life, and this force demands more services than it is getting from arts organizations—from museums, orchestras, opera, ballet and street theaters; wants more community activity in the arts, more teaching of it in the schools. We have not yet dramatized our interest in the arts as we do in sports, but they are estimated to be a $2 billion interest of the American people. Over 600 million people visit museums each year; over 12 million go to symphony concerts, and millions more attend opera, ballet and other performances. Lincoln Center outsells Yankee Stadium by 3 to 1. The arts beat sports in the public interest of this country by 2 to 1.

In a country that is increasing its demands for public service and educational activity from the art organizations, government should share in paying for such services and beyond this, since art organizations cannot continue to raise ticket prices without excluding the public, government should help as it does with education. We should do for the arts and humanities in the 1970's what we did for the sciences in the 1940's and 1950's. The arts are an essential part of our common heritage and must be given a wholly new precedence that will bring them into wide use in our educational system and make possible new activity in our communities and in our homes. The word "precedence" was chosen with forethought. Webster defines it as being an "act or state of . . . being before in rank or dignity, or place of honor." As a nation we must accord to the arts this place of honor.

GREATER GOVERNMENT SUPPORT MANDATORY

Fortunately, the principle of government support for the arts is now established in legislation for the National Endowment for the Arts, supported by the President and the Congress and funded at $29¾ million. This is almost double what we had before, and we are grateful for it. But it is only one and one-half per cent of the $2 billion that the American people spend each year on the arts and by the cruel logic of that fraction cannot succeed in materially helping them. The simple truth is that the present legislation for the National Endowment for the Arts is not adequate for a nation of 200 million people.

So we ask for new legislation embodying a new national program for the arts designed to help pay for the public service and educational work of art organizations. To be effective we submit that federal aid for the arts must be equal to at least 10 percent of what the American people spend on them, so this new legislation should provide no less than $200 million for the National Endowment for the Arts. $200 million is equal to only $1 per person in the United States (present legislation provides 15 cents) compared to $1.40 spent in Canada, $2.42 in West Germany, $2.00 in Sweden and $2.00 in Austria. It is only 1 percent of what we spend on roads each year, the cost of about fifteen miles of super highway, but it is needed to sustain the arts.

We strongly endorse the National Endowment for the Arts as the practical and sound approach for federal support. The legislation should provide that federal support go through the National Endowment to qualified art activities on the condition that they have broadly based support, are of good quality, well managed, and perform an educational or public service for the community. The amount of support should give consideration to the overall costs of the arts rather than to special activities, because it is the overall costs of the well-managed art group that determine its ability to serve the community, and it is these total costs that are affected by inflation. Also, the legislation should provide funds to support the State Arts Councils and for new and experimental programs designated by the National Endowment for the Arts.

UNITED EFFORT THE KEY

We have just seen a clear indication of the political strength of the arts and humanities. In the drive to get "full funding" of the present legislation, hundreds of thousands of people—artists, educators, community leaders, ticket buyers, unions, committees, associations and supporters of the arts—sent letters and telegrams, made telephone calls and personal visits to their political representatives. Howard Taubman reported from Washington that "few requests for money for a Government agency have been endorsed by so many constituents" and called it "an impressive demonstration of bi-partisan support." Congress was impressed by the strength of the public interest and so this first goal has been won. The time has come to drive for the goal that really matters. All those who care for the arts, for the humanities, for education should make a direct request to their Congressmen, to their Senators and to the President for new legislation. What we ask is not the subsidy so common in Europe, for under this proposed legislation federal aid for the arts would average only 10 percent—to be meaningful it must be at least that—leaving 90 percent to be paid for from ticket sales and other earnings and from the support of individuals, corporations and local governments.

What we ask is modest, when measured in terms of other federal projects. Above all, what we ask for is a wholly new precedence for the arts and humanities—for that which gives our living richness and meaning.

A PLEA FOR OPPORTUNITY FOR OLDER AMERICANS

HON. J. CALEB BOGGS
OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, December 2, 1971

Mr. BOGGS. Mr. President, yesterday the distinguished Senator from Hawaii (Mr. FONG) addressed the White House Conference on Aging at the Washington Hilton Hotel. It was a fine speech, touching eloquently on the dreams and accomplishments of older Americans, and I recommend it to Senators. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR HIRAM L. FONG

Mrs. Church, Honored Guests, Delegates. Friends: May I extend to each and every one of you the warmest greeting I know: Aloha!

Aloha is that endearing word meaning so very much . . . love . . . friendship . . . brotherhood—all the feelings of goodwill which we cherish and which we want to dominate this White House Conference.

Speaking of dominating, when I received the letter giving details on this luncheon, I noticed that the name of Church dominates the occasion—Mrs. Marguerite Church, former Congresswoman from Illinois, is presiding and my colleague, Senator Church, is one of the speakers. Certainly you will agree with me that with two Churches leading us we can't go wrong and I'm doubly sure we can't go wrong with Fong going along.

Whatever our names, we are all engaged in a common cause for a group of Americans for whom we share a common concern, our aging brethren.

May I take this occasion to commend all of you for your yeoman work on these concerns which faced the 1971 White House Conference on Aging. You are making history here, and I know this will lead to further progress for our Nation.

It is an honor and a great pleasure to break bread with you today and to share the speakers' platform with the distinguished Chairman of the Senate Special Committee on Aging, Senator Church of Idaho.

Although he is the youngest member of our Committee—youngest in years, but long in service—Senator Church has earned his spurs as Chairman by reason of his deep empathy for America's 20 million older Americans. He shares with all members of the Committee a strong commitment to improving the future of our Nation's older generations.

You know, the Chinese have a saying, "one kind of rice, a thousand kinds of people." In other words, we all eat the same rice, but we're all different. So it is with our older population. They are all aging, but they have different needs, different problems, different aspirations.

But no matter what their individual needs or their individual problems or their individual aspirations, I believe all want opportunity, all want hope.

I believe it is imperative that the last three decades of this century must offer opportunity in age.

I hope delegates to this Conference will unite in saying, "America, hold open the doors of opportunity in age."

The record is clear. More and more older Americans have greater capacity for involvement in life's affairs. Their children have left the nest, and the parents are free to follow new pursuits. Thanks to medical and scientific advances, people are living longer and are healthier. Their desire to enjoy life, to serve their fellow man, and to be a vital part of society's mainstream grows apace.

Where in the past we counted our elders in tens of thousands, we now have millions. Let us make sure that all enjoy the benefits, the opportunities, and the hope of age.

Henry Wadsworth Longfellow well understood the values of age. After reminding us that the Greek dramatist, Sophocles, wrote his great play, "Oedipus", after 80; that Germany's giant, Goethe, completed "Faust" after 4 score years, and that England's Chaucer wrote "The Canterbury Tales" at 60, Longfellow said:

"For age is opportunity no less
Than youth itself, though in another dress,
And as the evening twilight fades away,
The sky is filled with stars invisible by day."

Longfellow's contemporary, Dr. Oliver Wendell Holmes, re-emphasized by deed Longfellow's point that age can be opportunity. His famous, "Over the Teacups", written at 80 showed no reduction in wit and no flagging of spirit.

His son, Oliver Wendell Holmes, Jr., made great contributions until he was over 90. His distinguished service of over 30 years on the Supreme Court *began* when he was 61.

History is replete with magnificent contributions by persons in their seventies and eighties. Michelangelo was at work on "The Last Judgment", Rome's most famous painting, after 80. Others who made great contributions late in life were Benjamin Franklin during the American Revolutionary period, and more recently in the field of science, George Washington Carver and Thomas A. Edison.

A list of political powers in our time adds to the testimony of values in age. Churchill's whole place of historical greatness was earned after 65. To his name must be added De Gaulle, whose eleven years of rule in France ended at 78; Chiang Kai-Shek who still prevails at 84; Adenauer, who stepped down as head of Germany's government at 87.

In our own United States Senate, Senator Allen Ellender, Chairman of the Appropriations Committee, was 81 in September and he's still going strong!

Other famous persons offer similar stories of vigor and vitality in age. The peerless pianist, Artur Rubinstein still enthralls audiences in the concert hall today at 82. Picasso reigns over the world of art at 90. The recently deceased Rube Goldberg retired from creating cartoons only to pursue a second career of distinction as a serious sculptor at a level which may bring him even more lasting fame. Nor should we fail to mention a member of this Conference's planning board, Mr. Edward K. Ellington. Now 72, it seems that the incomparable Duke just goes on and on bringing joy and happiness to millions of people throughout the world by his great music.

Clinton Rickard, a lifetime Grand President of the Indian Defense League of America, was still chief of the Tuscarora nation when he died a few weeks ago at the age of 89. He worked many years building understanding and communication between people on both sides of the Canadian-United States border. When he died, he was taping and recording the Tuscarora language so his people would retain this part of their heritage.

A. Philip Randolph, past 80, is the elder statesman of Negro labor leaders. At 74, he was one of the organizers and leaders of the famous 1963 March on Washington.

Many of our distinguished elders have been famous throughout their lives. But for others, such as Grandma Moses, fame comes only for work they have done late in life.

Incidentally, if you wonder why the only woman I mention is Grandma Moses, it is out of deference to the eternal right of the ladies to keep their ages to themselves. When Grandma Moses passed her century mark, of course, different rules applied.

Nor is fame really important. Thousands, hundreds of thousands, of older Americans in the quite pursuit of their daily lives demonstrate that "Age is opportunity no less."

The dream we have for all older Americans is such a dream of opportunity—one in which, as Longfellow says, "the sky is filled with stars."

The record shows what older persons CAN do if given a chance. But, as you know, for many older Americans there is no opportunity.

You do not have to be reminded that too often income opportunities for older persons are totally inadequate.

You do not have to be reminded of the shortcomings in our health services for the elderly.

You do not have to be told that jobs are foreclosed because of age . . . and doors are shut on vigorous, capable, willing older Americans who want to participate in family, community and national life.

Too often society says, "Indeed even the family too often says, "You old folks are through. You have had your day. You belong on the shelf."

Over 20 million older Americans know this to be a great lie. They know that they have capacities, appetites, and a zest for living

which a decent national conscience insists must be met.

It is time you and I, and all citizens of our Nation, face up to our responsibilities in seeing that these legitimate demands are met. Government alone cannot do the job.

Together, we must do everything necessary to see that this 20th Century age of opportunity in which we live offers full opportunity in age.

This is what the work of the Senate Special Committee on Aging is all about.

This is what this White House Conference on Aging is all about.

You have labored long and strenuously toward this grand objective. You have worked in the communities, in State conferences, and now are nearing completion of your immediate efforts at this Conference in the Nation's Capital. I have confidence that your labor will make great contributions to the new era of aging, which scientific and social progress in this century has opened to millions of Americans.

I trust that your section reports will emphasize, in their several ways, that this age of opportunity must offer full opportunity for older people—full opportunity in age.

Opportunity for decent incomes;

Opportunity for necessary health services;

Opportunity for adequate housing;

Opportunity for satisfying, readily accessible recreation in leisure hours;

Opportunity for mobility—and no one doubts the importance of better transportation to eliminate isolation and loneliness;

Opportunity for learning—so that all who wish may expand their own personal horizons;

Opportunity for second careers that can mean so much;

Opportunity for social interchange, for enriched participation in community activities, for involvement in life's mainstream.

Just give our millions of older Americans their full measure of opportunity and, with their wealth of experience; know-how, and talent, watch them rise to new heights of achievement, success and service!

How to open the doors of opportunity—this is the question with which you are grappling. At this time, I would not presume to spell out my own specific ideas. Instead, I await with deep interest your recommendations, and with them no doubt I shall modify at least some of my proposals in behalf of older Americans.

In the meantime, let us pledge to work together and persevere together to the goals we hold dear.

Only so, can we be sure that for all older Americans, "Age is opportunity no less than youth itself, though in another dress."

The lives of all older Americans should be such that "The sky is filled with stars."

Thank you, my friends, and aloha.

IMPORT OF CHROME FROM RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 2, 1971

Mr. BYRD of Virginia. Mr. President, the Norfolk, Va., Ledger-Star of November 24 contains an excellent editorial on the recent condemnation of the U.S. Congress in the United Nations as a result of legislation to end this country's reliance upon the Soviet Union for the bulk of its chrome ore, a strategic material.

I ask unanimous consent that the editorial, entitled "Chrome: Persistent U.N. Folly," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Norfolk Ledger-Star (Va.), Nov. 24, 1971]

CHROME: PERSISTENT U.N. FOLLY

Naturally, a good deal of attention was attracted to Communist China's first vote in the United Nations—a strong "Yes, yes" by the Peking delegate on a resolution criticizing the U.S. Congress for authorizing the import of Rhodesian chrome.

But, of course, there was nothing unexpected about this opposition to the U.S. from the newest addition to the Asian-African bloc, and there will be a great deal more such contention. The U.S. did not advocate the admission of the mainland Chinese because it thought they would be reasonable or agreeable once they got in.

What is really of concern in the Rhodesian matter is not China's adherence to the anti-Salisbury line, nor that of any other particular country, but rather the propriety of the U.N. trade ban on Rhodesia which the United States Congress has chosen to reject via a provision pushed by Virginia's Senator Byrd.

And on that question the merit is right where it was all along, despite that lopsided 106-to-2 General Assembly vote against the U.S. action. For the U.N. was wrong to side with Great Britain in the first place in the internal rupture represented by Rhodesia's declaration of independence, a break which now seems likely to be repaired anyhow under the British-Rhodesian agreement just announced.

The other side of this coin is that the United States Congress was right in removing the President's authority for continuing the American boycott of Rhodesia's chrome. And because the U.S. had, ironically, been forced to import its crucially needed chrome from the Soviet Union, the Congressional position is virtually unassailable in terms of those vital national interests, which the U.S. must always put first.

RESTORE FUNDS FOR METRO CONSTRUCTION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McKINNEY. Mr. Speaker, the House Appropriations Committee once again voted to withhold from the District of Columbia $72 million in Metro construction funds. I regret this action, Mr. Speaker, and it is my hope that these funds will be restored when the appropriations bill is considered by the House. Further delay cannot be tolerated.

No one has denied the need for Metro. Indeed, anyone who has had to brave the morning traffic from Georgetown—not to mention the suburbs—knows only too well how desperately a subway is needed.

Yet, some say we should delay construction until the results of the present court litigation on the Three Sisters Bridge is completed.

While I share my colleagues concern that the will of Congress not be flaunted, I can see no reason why we should deny these funds, which I assume will be appropriated eventually, when any further delay adds $1 million per week to the cost of an already costly program.

Mr. Speaker, the residents of Washington and the surrounding suburbs need a subway system. The surrounding jurisdictions have faithfully met their commitments to the program and should not see the millions they have invested go to waste for the sake of congressional pride.

Metro has the support of all concerned citizens in the metropolitan area. If I may, I would like to conclude my remarks with an editorial recently published in the Catholic Standard which adequately expresses the hopes of these citizens.

The editorial follows:

[From the Catholic Standard, Nov. 25, 1971]

METRO PRIORITY

When the streetcars were removed from Washington and the suburban areas, it was hoped that this would alleviate the traffic situation. It did for a time and to a degree. However, traffic congestion has now reached a critical stage. It is obvious that a coordinated plan is essential to reduce the daily traffic bottlenecks which threaten to immobilize the metropolitan area.

Two basic approaches to the problem have been developed, a beltway-highway plan and the Metro system. The highway plan has encountered a number of snags involving litigation in the courts. A prime focal point of the dispute is the proposed Three Sisters Bridge.

Unfortunately for residents of the city and the surrounding areas, the funding for the Metro system construction is being held up pending a resolution of the highway and bridge disputes. The rationale being used is a demand that the highway construction plan be settled before funding for Metro is approved.

This state of affairs has continued entirely too long. It is understandable that some members of Congress would like to see a coordinated plan approved before any work is begun on either project. Under the present circumstancea, this will only create an unreasonable hardship on the entire community for an indefinite length of time.

At the request of Rep. Gilbert Gude (R. Md.) with the active support of Rep. Lawrence J. Hogan (R. Md.) the President issued a strong statement last week urging the resolution of the problem. He is pressing for the highway construction plan as well as Metro. This is a heartening development and raises the hope for speedy decision by the House to release the funds for construction.

As a result of the many delays, the traffic situation has reached a critical point. No further delays are acceptable. The first priority must be Metro and it should not be delayed pending the solution of the highway problems.

TRIBUTE TO THE LATE ELMER F. FRAHM

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HARVEY. Mr. Speaker, all of us serving in this body share great respect and admiration for those elective officials who serve on the local level. They are, as I well know from my own personal experiences earlier as a mayor and as a member of what was then known as the Saginaw County Board of Supervisors, truly on the "firing line" in service to their constituents. Unfortunately, their efforts and dedication to the people they serve are seldom recognized and often not fully appreciated. It is only when these public servants pass from the scene that their true value and contributions are fully felt.

Such I know will be the case in the death of a good friend, Elmer F. Frahm, who served as chairman of the Saginaw County Board of Commissioners at the time of his death on November 20, 1971. For 33 years, Elmer Frahm served the people. He commenced his public service in 1938 on the Frankenmuth Township Board and in 1951 stepped up to the then called Saginaw County Board of Supervisors. He served as chairman of the supervisors and was elected again in 1969 to direct the new 21-man board of county commissioners.

An editorial published in the November 22 edition of the Saginaw News perhaps said it best in stating:

We believe he regarded his position in public life more as a labor of love in public service. He will be missed by many.

Elmer Frahm had but one objective—to do what was right for the people. He was a decent, honorable man of unquestioned integrity. He will be missed and he will be remembered.

I am inserting from the Saginaw News the following articles on the late Chairman Elmer F. Frahm in the RECORD:

COUNTY BOARD CHAIRMAN SUCCUMBS—DEATH SILENCES HIS GAVEL

(BY CRAIG A. BOIKE)

Silent is his gavel. No more the sound of his voice calling a meeting to order or chuckling over the lighter side of a heated situation.

The chair where he sat will be moved soon to the new county courthouse he helped plan but won't be around to see to completion.

Elmer F. Frahm is dead.

The 71-year-old chairman of the County Board of Commissioners died late Saturday night at St. Mary's Hospital after a stroke.

He never had slowed down.

It is hard to say whether county government was Frahm or Frahm was county government. He was so much a part of it. Lengthy meetings. Tiresome schedules involving a sometimes thankless routine.

But he always kept going.

Frahm had spent over two decades in county government and even more in township government. He despised the idea of big government removed from the little man.

And in spite of all his awards for outstanding community service or for excellence in farming, Frahm somehow always managed to stay humble.

Rarely did his sense of humor or his knowledge of what was going on in the various departments or agencies of county government fail him.

He was no stranger to county financial ledgers, no friend of what he called big-time spending with nothing to show for it.

The old county courthouse was as familiar to him as the sweet smell of the land he had used to build up a herd of prize-winning dairy cattle.

He typified grass-roots government.

It was in 1938 that Mr. Frahm took his place on the Frankenmuth Township Board. In 1951 he stepped onto the old county board of supervisors. From 1963 to 1965 he chaired the old 55-man board and was elected again in 1969 to guide the new 21-man board of county commissioners.

He had served as a member of the Community Hospital Board of Trustees, was a president of the Saginaw County Farm Bureau and had served as head of the Saginaw Soil Conservation District.

He was awarded the Federal Land Bank's 50th Anniversary medal for outstanding service to agriculture.

In 1926 he was married to Frances E. Lauer, who died in May. Two sons and a daughter survive him.

Mr. Frahm had taken a keen interest in the development of the $10 million new law enforcement-courthouse complex, which will soon open.

He had sat through many building committee meetings, and finance committee sessions, as the structure was planned and then went into construction.

The new courthouse is expected to open in December.

It was something Mr. Frahm had looked forward to; a dream come true. He won't be there. But he will be remembered.

FRAHM, ELMER F., 12580 BRADLEY ROAD, FRANKENMUTH, MICH.

Passed away Saturday evening, Nov. 20, 1971, at St. Mary's Hospital after a short illness. Age 71 years. He was born July 15, 1900, in Frankenmuth and had been a lifelong resident. He married Frances E. Laver who passed away May 29, 1971. He was a member of the Warren Avenue Presbyterian Church. Prior to his retirement he had been engaged in farming. He served on the Saginaw County Board of Commissioners and was also a member of several Agricultural Organizations. He was a member of Vassar Masonic Lodge No. 163, F&AM. He was also a 32nd Degree Mason. Surviving are two sons and one daughter, Walter and Ralph Frahm and Miss Lillian Frahm, all of Frankenmuth; eight grandchildren. Funeral service will take place 1:30 p.m. Wednesday at the Cederberg Funeral Home, 403 N. Michigan Ave. Rev. Donald Loomis will officiate with burial in Blumfield Township. Friends may call at the funeral home.

ELMER F. FRAHM

There have been occasions in recent years when this newspaper was forced to take issue with Elmer F. Frahm, chairman of the County Board of Commissioners, as well as with the board itself. That is well known. But our differences with Mr. Frahm were always on matters of substantive judgment—never on questions of compromised principles or ethics.

To have found Mr. Frahm wanting in these qualities would have been incomprehensible. He was too honest, too decent, too structured to old-fashioned values for that.

Doubtless Mr. Frahm was hurt on those occasions when we found ourselves in disagreement with him. Never once, however, did he betray any personal animosity at such times. This said to us that Elmer Frahm understood perfectly the price of high public elective office.

Mr. Frahm could hardly be classified as shrinking violet, however, or as a man lost in his office. He said what he thought and he was a fighter for what he believed in—but he preferred to let his own views be judged in our news columns. Above all he was devoted to the principle of fiscal integrity on the part of all government—large or small—and few knew the workings of so-called "grass roots government" better than Mr. Frahm.

Having spent nearly half of his lifetime in township and county government no man had greater feeling for it. He outlasted many of his counterparts and stayed long enough in office to see the transition from the old county board of (township) supervisors to the new, smaller commission form of county government structured from the one-man, one-vote principle.

The highest compliment to his experience was his election as chairman of the new commission in 1969. In this he was recognized as the man best qualified to help engineer the transition and to guide a new board through final planning deliberations on the multi-million dollar courthouse complex.

One of the sad ironies of his untimely passing at 71 is that he did not live long enough to see this project through to completion and occupancy. He had given much of himself to that. More than a sad irony, his passing is a distinct loss to the greater Saginaw community and to the county commission which had benefitted so long from his counsel and leadership.

As a highly successful farm operator, Mr. Frahm did not need to depend on public office for a living. We believe he regarded his position in public life more as a labor of love in public service. He will be missed by many.

SOL KAMINSKY NOMINATED FOR NATIONAL VOLUNTARY AWARDS PROGRAM

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ADDABBO. Mr. Speaker, I am pleased to announce that one of my constituents, Mr. Sol Kaminsky of Howard Beach, has been recognized for distinguished service in the field of volunteerism by the National Center for Voluntary Action. Sol Kaminsky has been a friend and a source of inspiration to me for several years through his outstanding work with amputee veterans.

I have brought Mr. Kaminsky's work to the attention of my colleagues in the House on previous occasions and so it was particularly gratifying for me to learn that he is one of those named as a citationist to the 1971 National Volunteer Awards program. The highlights of Sol Kaminsky's activities and the recognition he has earned are described in the news release issued by the National Center for Voluntary Action which I place in the RECORD at this point:

LONG ISLAND AMPUTEE VET CITED FOR VOLUNTEERING UP FOR TOP NATIONAL AWARD

WASHINGTON, D.C., November 17.—For his volunteer service to amputee veterans, Mr. Sol Kaminsky of Long Island has been named Citationist in the 1971 National Volunteer Awards Program sponsored by the National Center for Voluntary Action.

A World War II double amputee himself in 1949, Mr. Kaminsky was instrumental in creating the National Amputation Foundation, a fund-raising body to help amputee veterans. He currently serves as its volunteer executive secretary and is the organizer of its "Amp to Amp" program.

Through "Amp to Amp," a volunteer task force of amputees who have re-adjusted to normal life visit hospitalized amputees and their families to offer one-to-one assistance and encouragement, as well as financial aid, toward their eventual return to full and productive civilian lives. In 1970, "Amp-to-Amp" took 40 amputees out of hospitals to resorts throughout the United States and out of the country.

Mr. Kaminsky's volunteer efforts today are devoted to the "amputee population explosion" caused by the Vietnam war, which has created more amputee veterans than World War II and Korea combined.

The National Volunteer Awards, formerly known as the Lane Bryant Volunteer Awards, were established in 1968 to bring attention to "unsung volunteer heroes." The program has been administered by the National Center for Voluntary Action (NCVA) in Washington, D.C. since 1970.

The National Center for Voluntary Action exists to generate new responses to America's pressing needs through greater utilization, coordination and recognition of volunteers. Henry Ford II is chairman, and Edwin D. Etherington president.

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The Citationists' contributions reflect a trend toward growing citizen involvement in community problem-solving and aid to the handicapped and disadvantaged.

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OF IOWA

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Mr. SCHERLE. Mr. Speaker, the heat of political debate often produces acrimonious exchanges. But no matter how deep the disagreement, men of national stature should always maintain a civilized tone throughout their public discussions. In his feud with the White House over economic policy, AFL-CIO President George Meany has failed to do this. So bitter is he about administration actions that he indulged in petty personal vindictiveness against the President of the United States. Now Richard Nixon is no shrinking violet. He faced his critics in the labor movement courageously on their own ground at the recent AFL-CIO convention in Miami—where he was met by scorn and derision. The office of the Presidency deserves better treatment than that. No amount of serious disagreement on policy matters can justify the behavior of Meany and his claque of cohorts.

The following editorial from KCAU-TV in Sioux City, Iowa, aptly summarizes the significance of this shameful incident. The editorial which is reprinted here in full, was first broadcast on November 29:

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We completely agree with Treasury Secretary John Connally that the actions of Mr. Meany last week reflected an arrogance and boorishness and a discourtesy that ill become a leader of the Labor Movement.

We are quite sure that most of the delegates in the hall and indeed a majority of the members of the Labor Movement in this country do not wish to be identified with the disgraceful manner in which the President of the AFL-CIO displayed his contempt for the office of the Presidency.

Mr. Meany and organized labor have every right to disagree with Mr. Nixon's Economic Reform Program and to say so. But you just don't treat a President as if he were some sort of traveling vaudeville act and then as he leaves the hall after a speech say something like "now we will proceed with act two."

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If organized labor wants to win friends and influence people to its way of thinking, it would do well to avoid another display such as that at Miami Beach.

We don't think George Meany should apologize to President Nixon. We think he should apologize to the American people.

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Mr. HALEY. Mr. Speaker, I rise to join my colleagues in expressing sorrow over the passing of my dear friend, Tom Murray. Although Tom left the Congress 5 years ago, the fine service he rendered our Nation during his 24-year tenure in this House of Representatives has not been forgotten. He was a conservative in the truest sense and his actions were always predicated upon what was best for this Nation of ours.

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He was truly one of Tennessee's finest sons. He served her people and all of the people of our Nation well in his lifetime of distinguished service at local and national levels. The world was better, because he was a part of it and his passing leaves a void in the lives of those who knew him well.

THE TAX CHECKOFF FOR POLITICAL CAMPAIGNS

HON. BARBER B. CONABLE, JR.

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IN THE HOUSE OF REPRESENTATIVES

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Mr. CONABLE. Mr. Speaker, many of us are concerned that the Senate has imperiled the important tax reduction legislation by addition of a questionable amendment to funnel tax revenues into the campaign coffers of presidential candidates next year. The action was taken by an almost straight party vote. Now the President has threatened to veto the entire measure if the House-Senate conferees retain this campaign financing scheme in the tax bill.

In this morning's New York Times, Columnist Tom Wicker has warned that those trying to force this scheme upon the President are acting unwisely. Since Mr. Wicker is not normally sympathetic to the President on partisan matters, I believe his column merits the careful consideration of those who are advancing this ill-considered plan. I submit the Wicker column for the information of all those concerned with this issue:

THE BLAME GAME

(By Tom Wicker)

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That is a lesson George Meany and organized labor ought to be learning as a result of their confrontation with President Nixon on Phase Two of his economic program. It will be difficult for them to maintain their hostility without looking as if they are grabbing for advantage or sulking in a corner while the President tries to curb inflation and boost the economy.

It is a lesson that Congressional Democrats and their party's National Committee also may be taught in their conflict with Mr. Nixon over the campaign financing scheme they have inflicted on his tax program. The elimination by a House-Senate conference committee of some tax reduction amendments the President did not want has narrowed the issue to ground on which Mr. Nixon can fight most effectively. That is, if the conferees do not eliminate the campaign financing plan too, he can throw down the gauntlet with a veto.

What position would the Democrats then be in? Theoretically, they could override the veto, but that takes a two-thirds majority in each house and the dollar check-off amendment barely scraped through the Senate on a virtual party-line vote. Overriding, therefore, is a forlorn hope.

Alternatively, the Democrats controlling Congress could refuse to pass a new tax bill embodying Mr. Nixon's economic program. But aside from the inertia, or lack thereof, of the campaign financing plan, it would clearly provide a terrific windfall for the Democratic party in 1972—a year when they badly need such largesse and the well-heeled Republicans do not.

Thus, if the Democrats allowed Mr. Nixon's tax program to go down the drain because he would not countenance their dollar check-off windfall, they are bound to look as if they were willing to sacrifice the general welfare to their own financial needs. This is doubly true since the President's economic proposals are mostly tax reductions, and he would not hesitate to point out who had kept them from going into effect.

Larry O'Brien, the Democratic chairman, has attempted to get out front on this issue by charging that Mr. Nixon wants to keep political finance in the hands of fat-cat contributors. This is a splendid example of Mr. O'Brien's gift for Irish blarney, and a pretty good political try, but as Lyndon Johnson used to say, "That dog won't hunt."

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This not to suggest that Mr. Nixon does not have many big contributors behind him; he does, but to picture him and his party as the only offenders in this respect is poppycock. In fact, through the years since President Kennedy's elections finance commission recommended tax incentives to stimulate small contributions, Democratic Congresses have repeatedly refused to take this major, necessary step.

Even as the Democrats gear themselves up to picture the Republicans as the villians of the piece, what are they doing on another front in the Congress they control? In the bill to limit campaign spending they are carving a loophole big enough to push a fat cat through.

Another set of House-Senate conferees has eliminated the Republican-sponsored plan to have tough disclosure reports filed with a new, bipartisan Federal Elections Commission; instead, contributor and spending reports will continue to be filed with political employees of Congress, the secretary of the Senate and the clerk of the House. This all but guarantees that absolutely nothing will be done, as nothing ever is under present law, about violations of the statutes controlling political contributions and expenditures; and it assures that the public will remain mostly in the dark, where it now is kept.

Thus, it will not be easy for the Democrats to pose as fervent reformers of campaign finance; and anyway, if they go so far as to frustrate the President's proposed tax reductions, what grounds can they then find for blaming a lack of economic recovery on him?

NEW DEVELOPMENT IN MEDICAL EDUCATION

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HULL. Mr. Speaker, a recent article in the American Medical News outlines an inventive and dynamic new program in medical education which is taking place at the University of Missouri in Kansas City.

This new training technique may well prove to be the forerunner of many such programs in the Nation and deserves careful attention from everyone concerned with quality medical education.

The article from the American Medical News follows:

In this day of innovation in medical education, no school in the nation is drawing more comment over imaginative programming than the new medical school at the U. of Missouri in Kansas City, which provides its students with patient contact on their first day.

Labeled an experiment by its provost, E. Grey Dimond, MD, and its dean, Richardson K. Noback, MD, the new school admitted its first class late in August.

The class includes 40 first-year students (including three 16-year-olds), 18 second-year students, and 36 in the third- and advanced-years.

The first-year students, 39 of whom are teenagers, are in a special curriculum which, by utilizing 48 weeks of each calendar year, will enable them to earn both baccalaureate and medical degrees in six years.

Under the program, students in the first two years of training are considered "provisional medical students." During this period, about 75% of their course work will be in the arts and sciences with the remainder—including Saturday mornings and 10 weeks in the summer—in hospital-patient situations and medical studies.

Beginning with his first day, the student sees patients. The students' medical course integrates patient interviews and examinations with basic medical sciences. Fourteen to 16 patient case studies are planned per semester, with each study extending through one week.

Third-year students will devote about 75% of their time to medicine and patient care, with the remainder set aside for liberal arts courses. The same ratio will apply for the final two years of the program.

Starting with the third year, the students are divided into docent units, another innovation. Each docent, a practicing physician who will serve as teacher and councilor throughout the students' remaining four years, will be responsible for 12 young men and women—three from each of the last four classes.

At present, the medical school has three docents who have a total of 75 years of medical practice among them. The entire docent team will include, besides the 12 students and the docent, associate docents, the nursing staff, pharmacy staff, social service worker, psychologist, residents, and interns.

Ultimately, according to Dr. Noback, there will be eight docents, each responsible for a group of 50.

Dr. Dimond said the future growth of the medical school includes construction later this year of a $13-million medical school building. Next year, a $23-million general hospital is expected to be ready to replace the present facility.

PHONY GLOOM PEDDLERS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HUNT. Mr. Speaker, as we approach 1972 the necessity of sorting theoretical solutions from actual accomplishments becomes more apparent. Some critics of this administration seem to be motivated by private political ambitions. I have here an editorial from the St. Louis Globe-Democrat which provides a comparison of the efforts of the administration critics and the efforts and achievements of the Nixon administration. In reference to the critics, the editorial states—

What is disturbing is that this barrage of criticism and scare talk is to a large degree succeeding in obscuring some really remarkable gains the nation is making under present policies.

The full editorial, I believe, is worth our consideration:

[From the St. Louis Globe-Democrat, Oct. 29, 1971]

PHONY GLOOM PEDDLERS

It is becoming increasingly apparent that one of the chief tactics of the Democratic party and its various affiliates—big labor, anti-war militants and the liberal establishment in Congress—is to spread gloom, to the point that really significant accomplishments of the Nixon Administration will go almost unnoticed.

What is disturbing is that this barrage of criticism and scare talk is to a large degree succeeding in obscuring some really remarkable gains the nation is making under present policies.

Uncertainty, fear of the future and a disquieting lack of confidence in the country are to a large degree the result of this ceaseless sniping and slanting that has been going on.

Nowhere has this campaign against the President and his programs been more malicious than in the United States Senate, where Senators McGovern, Fulbright, Kennedy, Church, and Mansfield have been waging a constant battle to discredit Mr. Nixon's successful Vietnamization program.

Let's look at the facts of the matter.

President Nixon's Vietnamization program to end the war is actually ahead of schedule. Every objective he proposed is more than being met.

Further American troop withdrawals have brought the number of United States troops in Vietnam to less than 200,000—down 340,000 since Mr. Nixon took office.

It is reported the troop withdrawal rate will be sharply stepped-up soon. The best information is that Mr. Nixon on or before Nov. 15 will announce a further acceleration of the pullout which will leave only about 40,000 troops in Vietnam by next spring.

Virtually all American troops have already been pulled back from combat duty in Vietnam, with a resultant precipitous drop in the number of deaths. Seven men were killed last week as compared to hundreds that were being killed each week when President Nixon took office.

The South Vietnamese government, under the much-criticized President Thieu, is demonstrating that it can stand against the Communists, provided it has continued United States air support. It shows no sign of cracking as the bitter Senate critics predicted it would when the United States' troop strength dropped markedly.

The prospect is good that a peace which avoids a Communist takeover may be possible within the next year.

But the Senate Democratic critics constantly picture the Vietnam situation as hopeless. Now they would try to make the American public believe that they have the great panacea for ending the Vietnam war a declaration that the United States will withdraw all of its troops from Vietnam in six months without asking the Communists to pull out a single soldier.

Time has a way of unmasking fakery. Memories are not so short that most Americans don't recognize that pious liberals who are calling for a unilateral withdrawal were silent for years when President Johnson

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This new training technique may well prove to be the forerunner of many such programs in the Nation and deserves careful attention from everyone concerned with quality medical education.

The article from the American Medical News follows:

In this day of innovation in medical education, no school in the nation is drawing more comment over imaginative programming than the new medical school at the U. of Missouri in Kansas City, which provides its students with patient contact on their first day.

Labeled an experiment by its provost, E. Grey Dimond, MD, and its dean, Richardson K. Noback, MD, the new school admitted its first class late in August.

The class includes 40 first-year students (including three 16-year-olds), 18 second-year students, and 36 in the third- and advanced-years.

The first-year students, 39 of whom are teenagers, are in a special curriculum which, by utilizing 48 weeks of each calendar year, will enable them to earn both baccalaureate and medical degrees in six years.

Under the program, students in the first two years of training are considered "provisional medical students." During this period, about 75% of their course work will be in the arts and sciences with the remainder—including Saturday mornings and 10 weeks in the summer—in hospital-patient situations and medical studies.

Beginning with his first day, the student sees patients. The students' medical course integrates patient interviews and examinations with basic medical sciences. Fourteen to 16 patient case studies are planned per semester, with each study extending through one week.

Third-year students will devote about 75% of their time to medicine and patient care, with the remainder set aside for liberal arts courses. The same ratio will apply for the final two years of the program.

Starting with the third year, the students are divided into docent units, another innovation. Each docent, a practicing physician who will serve as teacher and councilor throughout the students' remaining four years, will be responsible for 12 young men and women—three from each of the last four classes.

At present, the medical school has three docents who have a total of 75 years of medical practice among them. The entire docent team will include, besides the 12 students and the docent, associate docents, the nursing staff, pharmacy staff, social service worker, psychologist, residents, and interns.

Ultimately, according to Dr. Noback, there will be eight docents, each responsible for a group of 50.

Dr. Dimond said the future growth of the medical school includes construction later this year of a $13-million medical school building. Next year, a $23-million general hospital is expected to be ready to replace the present facility.

PHONY GLOOM PEDDLERS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HUNT. Mr. Speaker, as we approach 1972 the necessity of sorting theoretical solutions from actual accomplishments becomes more apparent. Some critics of this administration seem to be motivated by private political ambitions. I have here an editorial from the St. Louis Globe-Democrat which provides a comparison of the efforts of the administration critics and the efforts and achievements of the Nixon administration. In reference to the critics, the editorial states—

What is disturbing is that this barrage of criticism and scare talk is to a large degree succeeding in obscuring some really remarkable gains the nation is making under present policies.

The full editorial, I believe, is worth our consideration:

[From the St. Louis Globe-Democrat, Oct. 29, 1971]

PHONY GLOOM PEDDLERS

It is becoming increasingly apparent that one of the chief tactics of the Democratic party and its various affiliates—big labor, anti-war militants and the liberal establishment in Congress—is to spread gloom, to the point that really significant accomplishments of the Nixon Administration will go almost unnoticed.

What is disturbing is that this barrage of criticism and scare talk is to a large degree succeeding in obscuring some really remarkable gains the nation is making under present policies.

Uncertainty, fear of the future and a disquieting lack of confidence in the country are to a large degree the result of this ceaseless sniping and slanting that has been going on.

Nowhere has this campaign against the President and his programs been more malicious than in the United States Senate, where Senators McGovern, Fulbright, Kennedy, Church, and Mansfield have been waging a constant battle to discredit Mr. Nixon's successful Vietnamization program.

Let's look at the facts of the matter.

President Nixon's Vietnamization program to end the war is actually ahead of schedule. Every objective he proposed is more than being met.

Further American troop withdrawals have brought the number of United States troops in Vietnam to less than 200,000—down 340,000 since Mr. Nixon took office.

It is reported the troop withdrawal rate will be sharply stepped-up soon. The best information is that Mr. Nixon on or before Nov. 15 will announce a further acceleration of the pullout which will leave only about 40,000 troops in Vietnam by next spring.

Virtually all American troops have already been pulled back from combat duty in Vietnam, with a resultant precipitous drop in the number of deaths. Seven men were killed last week as compared to hundreds that were being killed each week when President Nixon took office.

The South Vietnamese government, under the much-criticized President Thieu, is demonstrating that it can stand against the Communists, provided it has continued United States air support. It shows no sign of cracking as the bitter Senate critics predicted it would when the United States' troop strength dropped markedly.

The prospect is good that a peace which avoids a Communist takeover may be possible within the next year.

But the Senate Democratic critics constantly picture the Vietnam situation as hopeless. Now they would try to make the American public believe that they have the great panacea for ending the Vietnam war, a declaration that the United States will withdraw all of its troops from Vietnam in six months without asking the Communists to pull out a single soldier.

Time has a way of unmasking fakery. Memories are not so short that most Americans don't recognize that pious liberals who are calling for a unilateral withdrawal were silent for years when President Johnson

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committed more than 500,000 young men to a planless, winless, bloody war in Vietnam.

President Nixon, by contrast, is making good the pledge he made for ending the Vietnam war on an honorable basis and in a manner to preserve the peace rather than increase the likelihood of a much wider war.

On the domestic front the Democrats led by Senator Muskie and Senator Humphrey are trying to frighten the American public into believing that hard times are ahead, that President Nixon's economic program is in a shambles.

Here again, the facts prove how wrong they are. Corporate profits, one of the best barometers of economic health, have climbed significantly in the past six months.

A just completed survey by the Wall Street Journal showed corporate profits up more than 11 percent in the last three months and the outlook in the fourth quarter is for continued recovery.

PERLE THE SOCIAL WORKER WINS HEART OF GOLD AWARD

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, it was my recent pleasure to attend the annual Washington Variety Club banquet at which the coveted Heart of Gold Award was bestowed upon the Honorable Perle Mesta, widely acclaimed as former minister to Luxembourg and leading Washington hostess. Mrs. Mesta received the Heart of Gold Award not in tribute to her delightful talents in giving memorable parties, but as a testament to the thousands of hours she has spent in aiding charitable causes.

Almost 1,000 persons gathered at the Palladian Room of the Shoreham Hotel on Sunday evening, November 21, to honor Mrs. Mesta. The occasion also launched the Variety Club's campaign against drug abuse, an attack which Mrs. Mesta that evening avowed will be her cause of greatest concentration in the months to come.

Numerous well-known personalities paid tribute to Perle Mesta as she accepted the Heart of Gold Award she has so dearly earned in terms of energy and effort throughout the years. With Art Linkletter, whose commitment to the drug abuse crusade has been so influential, and Dr. Jerome Jaffe, Director of the President's Special Action Office on Drug Abuse, leading those who gathered to honor Mrs. Mesta and reavow their pledge to attack the root causes of narcotics addiction in our Nation, the evening was a wonderful display of past and future public service.

Mr. Speaker, I share the memory of this meaningful evening with my colleagues here today to focus attention upon the far-reaching contribution to our Nation that Perle Mesta has made, upon the generosity of the Variety Club interest in the multifaceted problems of youth today, and in the need to expand the public awareness of the overwhelming complexities of drug usage and rehabilitation. Let this occasion serve to reestablish hope that drug abuse can be combated through the combined efforts of enlightened private citizens and government working to complement the knowledge, understanding, and effort of each other.

It is good to know that a woman who gets things done the way Perle Mesta does will henceforth be in the forefront of the battle against drug abuse. Mrs. Mesta's close friends have always thought of her as Perle the social worker rather than Perle the party giver, although she certainly has every right to the latter title as well as the first. It is most fitting that Perle Mesta has been selected as the first woman to receive the Washington Heart of Gold Award because through her warm spirit, compassionate nature, diligence, perseverance, knowledge, charm, and persuasive powers, Perle Mesta embodies much that both men and women ought and strive to be.

PRESIDENT HELPS TEXTILES

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. NICHOLS. Mr. Speaker, the President has received a strong vote of confidence for his action in limiting textile imports from J. Craig Smith, chairman of the board of Avondale Mills. In a guest editorial in the Sylacauga, Ala., News, Mr. Smith praised the President but once again called for congressional action when the present agreements expire. I would like to submit this guest editorial for my colleagues' study with the sincere hope that Mr. Smith's words will be heeded when the proper time comes.

PRESIDENT HELPS TEXTILES

(By J. Craig Smith)

President Nixon has concluded agreements with the governments of Japan, South Korea, Taiwan, and Hong Kong limiting the growth of those countries' exports of man-made fibers and wool textiles and apparel to the United States. An arrangement, covering all countries, has been in effect for about eight years limiting the import of all cotton textile items.

President Nixon said while he was a candidate, and several times since his election, that some reasonable restraint had to be put on textile imports. One out of every eight industrial jobs in the United States is provided by the textile and garment industries. President Nixon knew that these jobs could not be sacrificed without tremendous hardship to the individuals concerned and to the economy as a whole. In this position, he had the full support of the senators and congressmen from the textile states. Vigorously and bitterly opposing the President's efforts were the New York Times, the Washington Post, Life and Time magazines, several of the large New York banks, and many other powerful influences. It took considerable political courage for President Nixon to carry out his commitment to limit these imports.

The textile industry would have preferred that the limitation result from Congressional action. All hope for this action was lost when Congressman Wilbur Mills, chairman of the Ways and Means Committee, made a private deal with the Japanese textile industry and announced that no legislation limiting imports would be reported out of his committee. After this announcement by Mr. Mills, our only hope was Presidential action.

Approximately 80 percent of textile imports are coming from the four low-wage countries with which President Nixon has now concluded negotiations. These countries finally agreed to limit their imports for one reason, and one reason only: President Nixon finally convinced them that if they did not agree to some reasonable limitation, they would get something much less to their liking. The surtax on imports which the President put into effect was undoubtedly useful in getting agreement.

All the palaver in the liberal press that the textile agreements will cause vast unemployment in the four Asian countries is without any basis of fact whatsoever. The agreements do not provide for any cutback in the high level of imports now coming in. The agreements also provide for a reasonable growth rate. These Asian imports were rising at such a terrific rate that had they not been restrained many other American mills would have gone the route of our Birmingham mill, Handley Manufacturing Company, Beaunit, and 50 other recent closures in the Southeast alone.

We are grateful to President Nixon for doing something about this problem. We are grateful to Senators Sparkman and Allen and to Congressmen Andrews, Bevill, Buchanan, Dickinson, Edwards, Flowers, Jones, and Nichols, as well as to the other Senators and Congressmen from the textile areas, who have so valiantly supported our position. This support we must continue to have. When these agreements expire, it is absolutely essential that they be renewed. We would prefer that they be renewed by legislative action, but if this cannot be had then we must have an administration in Washington that will act as President Nixon has acted.

DOCK STRIKE DISASTROUS TO WASHINGTON STATE'S ECONOMY

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. PELLY. Mr. Speaker, dock strikes are inimical to the best interests of farmers in the State of Washington.

Since harvesttime in my district, I have received a great number of letters asking that something be done to prevent such an event ever happening again.

I endorse their point of view.

We must have export markets. Yet the surest way of losing those we already have is to continue with a series of work stoppages such as have paralyzed the export sales of farm commodities this year.

Farmers have long known they must compete. That they respond to the challenge is indicated by the fact that last year agricultural exports reached a record high of $7.8 billion—with $6.7 billion being commercial sales for dollars.

Yet how tragic has been our experience this year. While our farmers sat by—helpless to take any action—they saw much of their foreign market go right down the drain. During the months of July and August alone an estimated $215 million worth of farm products which would have moved through west coast ports could not be delivered. Some of that business will never be recovered. Some of those markets are lost to U.S. producers forever. The Japanese, our best customer for agricultural products, made other arrangements and bought this year from Australia and Canada. They publicly questioned the dependability of the United States as a source of supply for farm exports.

East and gulf coast ports closed in October. The labor-management dispute continues with no solid evidence that agreement is close in any of the negotiations.

Mr. Speaker, last year Washington farmers claimed as their share of the record U.S. exports, $158.3 million. Washington ranked fourth in exports of wheat and flour. She ranked sixth in exports of fruits and preparations and fifth in vegetables and preparations. Vegetables and fruits are perishable. When they do not move as planned, they tend to become a total loss to the producer.

Mr. Speaker, I ask for immediate action on legislation to provide an effective method of dealing with labor-management disputes that tie up the national transportation system and prevents farmers from moving their production to markets.

FORMER CONGRESSMAN DONALD E. "BUZ" LUKENS' REMARKS ON THE U.S. NATIONAL BALLROOM DANCING CHAMPIONSHIPS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FREY. Mr. Speaker, our good friend and former colleague, Hon. Donald E. "Buz" Lukens, recently contacted me and asked that I insert these remarks in the RECORD. Following are Mr. Lukens' remarks:

DANCING CHAMPIONSHIPS

An event took place recently in New York City which highlights a growing trend in the United States that should be brought to the attention of my esteemed colleagues.

It combined many of the elements which our country must strive for in order to maintain its position as a world leader: physical fitness, keen competition, and great enthusiasm.

The event of which I am speaking is the First Annual United States National Ballroom Dancing Championships. This competition brought together the finest dancers from over thirty-five states to determine the National Ballroom Dancing Champions. Unlike many other competitive events, contestants were not restricted by age or uncommon physical prowess—ballroom dancing is a form of exercise which can be undertaken by anyone from 18 to 80, and skills do not diminish once the prime physical years are passed.

Gold Medal winners were selected on the basis of execution, grace, poise, and personality, attributes which many of our citizens follow as a prime example of the attributes of dancing.

It should also be noted that two of the professional couples who won gold medals in International Style Ballroom Dancing events will represent the United States in the World Ballroom Championships, to be held in England in the Spring of 1972.

Dancing is recommended by many of our health organizations as an excellent way to keep fit; it combines the light exercise of jogging with the muscle toning elements of gymnastics, but adds the extra dimension of entertainment and social enjoyment. The First Annual United States National Ballroom Dancing Championships have helped measurably to communicate this message to the entire nation.

It is of some note that even teenagers participated in this championship event, a fact that is quite inspiring in light of the affinity of some of our younger citizens for electronic music, drugs, and social irresponsibility. Competitors in this event displayed great courage and fortitude in preparing, through endless hours of practice, for this national championship competition. They are to be commended for their diligence, and the winners are to be applauded for their accomplishments.

We thank the National Council of Dance Teacher Organizations and the American Ballroom Company as well as the many individuals who brought ballroom dancing into the public eye as a result of this first national championship, and we wish them continued success with future annual competitions.

OIL RECYCLING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. VANIK. Mr. Speaker, recent newspaper articles reported a proposal for recycling waste oil in Maryland, which indicated that a State could significantly reduce the ecological problems resulting from oil pollution by recycling. The report supports previous efforts by the Association of Petroleum Re-Refiners to save millions of gallons of lubricating oils which are currently being disposed of at service stations, garages, airfields, railroad yards, bus, truck, auto fleet headquarters, and industrial plants. However, the problem of used oil disposal is not just a Maryland problem. It is a serious national pollution problem which must be corrected.

Oil that has been used by the consumer and has to be disposed of is termed "waste oil." Most often this oil has been previously used as a lubricant for motor vehicles or as a fuel in buildings. Virgin oil becomes contaminated by products of combustion resulting from consumer use. But oil does not wear out in the sense that its component parts are used up. A secondary refining process removes all or substantially all of the contaminants acquired during prior use, leaving a product that can be equal in quality to the original oil.

Re-refined oil products can be restored to the same range of flow characteristics and weights as the original oil, and, by the addition of the appropriate chemical additives, can be made heat or cold resistant, long wearing, and capable of rendering service ranging from light to heavy duty.

Thus, contaminants acquired through use and unwanted chemical additives can be removed from the used oil by methods which are essentially the same as the original oil refining processes. The Association of Petroleum Re-Refiners states:

A gallon of oil saved by recycling is worth more than the original gallon because it is prevented from polluting the environment and causing extensive damage.

In a recent survey by the American Association of Re-Refiners it was estimated that 75 percent of the used oils available for recycling in the United States are wasted each year. While individual households do not supply any great quantities of waste oil, industry, garages, and tank-cleaning enterprises supply very significant quantities of used oil.

A study prepared for the State of Massachusetts in 1969 indicates that 66 percent of the automotive lubricating oil sold in the State becomes waste oil. The State of Maryland estimates that the used oil thrown away each year amounts to about 45 percent of the new oil sold in the State.

The oil wastes to be expected from transportation vehicles can be calculated to some extent. In 1970, 127,977,000 vehicles were registered in the United States—not including the thousands in use by the Government and the military—and they were driven 1,100 billion miles or an average 8,595.29 miles per motor vehicle per year. Assuming an oil change around every 4,000 miles, as recommended by most car manufacturers, and assuming that the average car holds 5 quarts of oil—with oil filter change—each vehicle requires approximately 2.68 gallons of oil per year. Thus each year, American autos use approximately 343 million gallons of oil. If this oil were recycled, a significant amount of pollutants would be removed from the environment.

Mr. Speaker, in addition, trends indicate that the demand for, and thus the resulting waste of, petroleum products in this country is increasing. Tables follow:

TRENDS IN DOMESTIC LUBRICATING OIL DEMAND

[Oils (add 000 gallons)]

Year	Total	Automotive	Aviation	Industry: Lubricating	Industry: Other
1969	2,184,031	1,050,935	9,894	781,206	341,996
1967	2,058,953	1,031,784	13,064	699,120	314,985
1965	2,028,963	1,015,809	15,363	659,966	337,825
1962	1,766,094	945,493	22,57	510,823	287,621

Source: Bureau of Census, Industrial Reports, Sales of Lubricating Oils and Greases, January 1971.

FORECAST OF U.S. LUBRICANT DEMAND

[Add 000,000 to each figure]

Market segment	1980	1975
Automotive	1,400	1,370
Industrial	660	590
Process and testing	360	320
Export	800	790
Total	3,260	3,070

Source: "The Outlook for Lubricating Oils," W. F Wadt, Enjay Chemical Co., March 1971.

Currently most waste oil is being disposed of in one of three ways: disposal in

the water or on the ground; incineration or burning for heat recovery; re-refining. Because of the large quantities of used oil being dumped or used as oil in construction of roads—a part of which washes into water systems during heavy rains—such disposal presents a significant water pollution problem. Oil dumped on the surface of the ground penetrates that ground; once this oil reaches the ground water table the water can no longer serve as a source of potable water supply. For example, in the chalky rock or limestock areas, where ground water runs through fractures in the rock formation, there have been numerous cases where minute quantities of oil have irretrievably rendered wells unfit for human water use. Even if diluted to a ratio of one part of oil to a million parts of water, the taste of ground water is affected by oil.

Waste oils which get into sanitary sewer systems inhibit bacterial growth at sewage treatment plants, and thereby decrease the efficiency of the plants. Oils entering receiving streams as effluents from sewage treatment plants, or directly from storm drainage systems tend to adhere to floating particulates in the stream and sink to the bottom. The resulting bottom pollution destroys bottom dwelling plants and lower marine life—often irretrievably.

U.S. Oil Week, on January 25, 1971, quotes Harold Bernard of the Federal Water Quality Administration as saying:

We polled (FWQA's) regional directors. Six of the nine indicated that used oil, dumped into sewers, is a serious problem in the sewage treatment plants and has caused fires in these plants, as well as caused treatment upheaval.

The maybr of Jacksonville, Fla., reported that in his city:

We are faced with an insurmountable problem of the disposal of waste oil from service stations, garages, and so on, in that no one would pick the oil up, and waste oils would be disposed of through our sewer systems, both storm and sanitary, creating the hazards and pollution in the St. John's River and its tributaries. The disposal of waste oil in any sizeable urban area is a vital point in environmental control that must not be overlooked.

The legitimacy of burning oil waste is still in question. There is no doubt that uncontrolled burning of waste oil contributes to atmospheric pollution. However, the effects of newly developed oil burners with temperatures of 3,500 degrees have not as yet been determined. In 1968 and 1969, five major oil companies studied the feasibility of disposal of oil wastes under controlled conditions. The utilization of heat energy did not balance out against the costs associated with maintaining the type of equipment tested. For example, a test by Shell discovered that by using waste oil in a 3-to-1 ratio of normal refinery fuel, burners were plugged four times during the course of a month long test, while the normal plugging rate is one in two months. The burner tips were clogged with small bits of rubber and metal shavings, probably from the waste oil.

The Walter C. McCrone Associates, Inc., of Chicago analyzed the combustion products in waste oil before re-refining. More than 1,000 pounds of metal oxides are released when 10,000 gallons of waste motor oils are burned. Needless to say, this is a serious source of dangerous air pollution.

The methods of disposing of waste oil mentioned above are detrimental to our environment. Moreover, the throwing away of oil is a waste of a vital natural resource which is in increasingly scarce supply. Certainly increased waste oil conservation is desirable.

The most practical solution to oil waste management seems to be providing incentives for waste oil reuse. Collection of waste oils will not require any massive modification of automotive systems. The standard design of most gasoline stations includes provisions for an underground waste holding tank with an average capacity of 550 gallons—others range from 100 to 1,000 gallons. Service stations contract for waste removal and generally have no control over its final disposition, although it must be noted that some of the major oil companies require that their leaseholders sign an agreement that they will not dispose of their drain oil in a manner that would lead to the oil being re-refined. I have asked the Justice Department and the Federal Trade Commission to look into these contracts which are so clearly detrimental to our environment.

Industrial waste oil collection from garages, etc., has been carried out primarily by contract with the garages paying to have the waste carted away—and dumped. If incentives are given to re-refiners they could compete profitably for industrial contracts to haul away these wastes.

I therefore propose a two point plan for waste oil control. The mandatory label requirement imposed by the Federal Trade Commission in the 1964 "Deceptive Advertising and Labeling of Previously Used Lubricating Oil" trade regulation ruling should be revised. This ruling requires that re-refined lubricating oils be marked "previously used." Because of the real prejudice against products which have been previously used, the re-refining industry dropped by approximately 50 percent after enactment of this regulation. The refiners were forced to lower their manufacturing costs in order to make a profit; the quality of used lubricating oil was, thus, reduced, thus making it further unattractive to consumers.

The FTC label requirement should be changed to read "contains recycled oil," thereby eliminating the source of prejudice and resulting in consumer use and market growth and development during this new era of environmental concern.

Also the excise tax should be revised to encourage reuse of waste oil. An excise tax of 6 cents per gallon is imposed upon virgin oil. Section 4091 of the Internal Revenue Code. On oil for off-highway use, the purchaser is entitled to a refund of or tax credit for the excise tax paid thereon. The effect of this tax advantage to off-highway users, such as railroads, has reduced the cost to such users by the amount of the tax, and competitively forced the market price of used oil to such users even lower.

The process of re-refining involves the use of virgin oil in blending re-refined oil. But because of the Treasury Department construction of I.R.C. section 6424, the re-refiner is not entitled to a refund or credit for the tax paid on virgin oil used in blending re-refined oil. Further, the purchaser of the re-refined oil is not entitled to a refund of or a credit for the excise tax paid by the re-refiner. By reason of having to pay the excise tax without being able to either receive a refund or credit or to pass such refund or credit to his customer, the re-refiner is placed at a tremendous competitive disadvantage.

Therefore, I am introducing today, an amendment to the Internal Revenue Code which would provide oil re-refiners with a tax refund or credit on the new, virgin oil which they buy. This tax reform, if enacted, will revitalize this industry and enable the private sector to collect waste oil and process it into new, usable oil.

Under this two point proposal, the petroleum re-refining industry will operate effectively and an important and increasingly scarce natural resource will be conserved while our environment will be protected against the serious dangers of oil pollution.

STRATEGIC CAPTURE OF THE PANAMA CANAL

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FLOOD. Mr. Speaker, since the announcement on November 8 by the distinguished chairman of the House Subcommittee on the Panama Canal (Mr. MURPHY of New York) there has been a growing national interest in saving the Panama Canal, now under political and subversive attack.

The latest contribution that I have seen is an article in a recent issue of Our Sunday Visitor, a weekly Catholic news magazine, by Rev. Edward J. Melvin, C.M., a missionary priest who reveals what amounts to a Red takeover in the Panama Government.

Because of the pertinence of the article, I quote it as part of my remarks.

[From Our Sunday Visitor, Nov. 21, 1971]

THE STRATEGIC CAPTURE OF THE PANAMA CANAL

(By Edward J. Melvin, C.M.)

The strategic capture of the Panama Canal Zone is very much closer than hardly any Americans even imagine. This will be attempted not by Panamanians—who have shown a remarkable sense of co-existence and loyalty to their work—but by Panamanians who are Communists or allied with Communists.

The present Government of Panama was established by force and without the consent of the people—the basic element of Marxist doctrine. Although nominally under President Lakas, it is really under General Torrijos. It passes for a middle-of-the-road government, but this is only a tactic so that alarm will not grow.

At first, a number of efficient and honest citizens were chosen for government posts in order to give the appearance of an honest government working for the benefit of the people. As the strength of the government grew, they have been moved out little by little, and known Communists have been given posts of the utmost importance: Minister of Justice and Government, Juan Materno Vasquez; Rector of the National University, Romulo Escobar Betancourt; Minister of Education, Manuel Balbino Moreno; Intelligence or "G-2", Colonel Noriega; others of doubtful security are Nilson Espino, Minister of Agriculture; and Vice-President Arturo Sucre. Observers notice that other Communists are entering the country without difficulty.

In order to allay fears, elections were promised within two years at the beginning of the regime in 1968, a flurry was made to reform the electoral commission and code, and now nothing more is heard of them except for purposes of identification cards. Civil rights were supposely partially restored in another display for public opinion, but there have been constant seizures of persons without trial, disappearances of others, and assassinations which have never been even investigated (Ruben Miro, and a radio-newsman who was left for dead in a gutter but who managed to survive). Control of the newspapers, radio and TV is enforced so that no important dispatches may be made without censorship.

General Torrijos has often expressed publicly that there are too many foreign priests in the country, and has been irked by the lack of official Church support. And now there has occurred a most mysterious case of kidnapping of a young Colombian priest who by his popularity was a threat to the power base that the government hopes to build up among the country's poor, and who was a direct challenge to some of Torrijos' relatives. In a country of so much control, little effort was made to investigate the case for at least two weeks, false statements were made immediately by the Minister of Government which had to be corrected by the Church, and although a government jeep was involved which people saw, no roadblocks were set up and nothing has been known of it or of the priest since.

Also, the issue of the Canal Zone was immediately injected into the case, although the young priest had nothing to do with the Canal Zone. Since then, there has been harassment of the Church authorities in order to diminish publicity of the case and the permission for bringing in international investigators has been reneged, at least to stall for time.

How the strategy for the Canal works. The preceding tells what type of government pretends to represent the Panamanian people. By virtue of a large share of U.S. money and loans, it has brought about a wave of physical improvements by which it can appeal to the people in a plebiscite to ratify its existence in power; tied in with this can be the appeal to approve of the government's negotiations to take over the Canal Zone. Since no discussions of the pros and cons on both sides of the question is made in public but only discussion of the set plan, there is no alternative presented to the people—another typically Communist tactic. Then an appeal will probably be made to the United Nations to hear the "democratic" voice of the people of Panama and force the USA out of the Canal Zone by world opinion. The Red aim to control Suez and Panama will be complete and the people subjugated.

Position of the United States in the Canal Zone. In order to get the United States Government to build the Canal, every possible advantage was given so as to win the support away from Nicaragua, where, by the Spooner Law of 1902, the U.S. was prepared to build the Canal. What Colombia rejected, Panama accepted in order to offset the great discouragement after the failure of the French and also to assure itself of the Canal.

A type of *federated area* was approved of by both governments: Panama would cease to exercise sovereignty in the Zone although it would remain Panamanian territory, and the jurisdiction would go to the Federal Government of the U.S., although Panama is not a member of the Federation or Union of States. By this means there was obtained the construction of the Canal and the sanitation of the Canal Zone; and at the same time the permanent maintenance and defense of the Canal was assured against the vagaries of politics of a small country as well as dangers of occupation by some other large country. It is a permanent work in which Panama contributes its land and waters and the 50 States of the Union invest their resources for the benefit of the world.

Since it is a permanent work of sovereign peoples, neither can be dislodged without injustice. Although the terms of the contract can be modified, the contract affording the exercise of sovereignty is at least as permanent as the Canal. Otherwise, the people's share in the work would be nullified and all would be subject to the whims of politics in a small State. The soverignty clause compensates for the fact that Panama is not a member State of the Union even though this portion of its territory is united to the 50 States by entering into the federal system. Because of this involvement of the people the Federal Government of the U.S. cannot give up the Canal Zone to Panama any more than it could allow Fort Sumter to be torn from the Union; (*neither bought nor leased: cf. Panama and the United States; Reyes Pimentel Pg. 229*).

Once within the federal union, as it now is, the jurisdiction or governing of the Canal Zone must be done in accord with the sacred principles expressed in the Declaration of Independence of the U.S. and crystalized in the Constitution: *i.e.*, the priority of the dignity of the person over that of the State; the principle of union rather than separation as a source of strength to the world; the need for checks and balances to control human nature. The Federal Government has an obligation in justice to see that this is done. It can only comply with this by maintaining the control of this area as was bestowed on it by the peoples of the forty eight United States and Panama. Actually every State in the Union has done the same in regard to its own territory and its people, by the compact made on entering the Union; thus it is not an unprecedented step.

The people of the Isthmus have looked to the U.S. for protection since the time of the Mallarino-Bidlack Treaty operative since 1846. Now it is more imperative than ever, in view the fact that the present government of Panama (1971) was established by force, rules by fear, can make any decree a law, howsoever unjust, and can apply it by force without judicial appeal, and is doing so. If the Treaty of 1903 was as nefarious or oppressive as is claimed, people would have fled and the country would have declined—as has happened in Cuba under Castro; but rather the country has prospered, and the city of Panama, founded in 1673, has grown about 20 times its size only since 1904, that is in the last 67 years it has grown far more than in the previous 300 years.

OFFICE OF TECHNOLOGY ASSESSMENT

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. DAVIS of Georgia. Mr. Speaker, recently I have been calling to the attention of the Members of the House the rapidly spreading concept of "technology assessment" and the bill which would create an Office of Technology Assessment for the Congress. The latter, H.R. 10243, has the unanimous cosponsorship of the members of the Committee on Science and Astronautics, and has been reported from that committee. We are hopeful of bringing it to the floor early in the next session of this Congress.

Meanwhile, I have endeavored to show the substantial interest in technology assessment which has been developing vertically and horizontally throughout government, industry and the academic community. Just recently, I provided for the RECORD some commentary on the manner in which this concept is spreading internationally and on related activities which have been undertaken by such organizations as UNESCO, the OECD, NATO and others.

Today I would like to call attention to the interest in technology assessment which exists at the State level.

A large number of States have been studying the possibilities inherent in technology assessment for some time. But, on this Friday, December 3, representatives of legislative bodies and executive agencies from a large number of States will meet in Washington for a conference which will be devoted exclusively to the potential which technology assessment may hold for them.

This meeting is cosponsored by the National Academy of Public Administration and the Brookings Institution. Its particular purpose is described as follows:

To assess the principal administrative and policy problems involved in using technology assessments in program decisionmaking within State government and to evaluate the utility of the technique for both legislative and executive officials. The conference also will consider how State and the Federal Government may play mutually supporting roles in the conduct and use of assessments.

Throughout the conference the participants will address themselves to three major questions:

First, what is the nature of technology assessment in State government and how is it or how can it be used in the decision process?

Second, what are the capabilities and strengths upon which one can build a useful technology assessment program in State government?

Third, what, if any, technology assessment activities should be carried on, in or by State government?—how should they be supported and managed?

Mr. Speaker, I would like to suggest that this conference is particularly significant since it supplies conclusive evidence that technology assessment is not simply a tool to be manipulated by national governments or by industry. It may also prove to be of striking value to State and local governments, whose problems and difficulties in the apt management of technology are just as difficult and as crucial as those which face our Federal Government.

XUM

FATHER STEPHEN A. KOLLAR

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McDADE. Mr. Speaker, each day all across America there are religious services conducted in the churches, where the ministers of religion endlessly ask the blessing of God on this Nation and the whole world. To each of these men of God we owe immeasurable gratitude.

I hope I may be permitted to call attention, Mr. Speaker, to one such man of God and one such religious service. For he is eminently worthy of notice here in these historic Halls of our Nation's Capitol.

I refer to the Golden Jubilee Mass celebrated by the Reverend Stephen A. Kollar, pastor emeritus of the Holy Family Church in Scranton, Pa. It was a very memorable moment for a very memorable man.

Father Kollar was born in Olyphant, Pa., on November 7, 1893, the son of the late Michael and Mary I. Spegar Kollar. He attended the local schools in Olyphant, St. Patrick's, and Holy Ghost Parochial School. In 1911, he enrolled in St. Procopius Academy and College, Lisle, Ill. He pursued his studies in philosophy at St. Cyril and Methodius Seminary at Orchard Lake, Mich. He completed his theological studies in St. Francis Seminary, Loretto, Pa.

He was ordained to the holy priesthood on December 18, 1921, in St. Peter's Cathedral, Scranton, Pa., by the Most Reverend Bishop Michael J. Hoban, D.D.

After ordination, he was appointed as first pastor of St. Michael's Church in Forest City, Pa., on February 1, 1922.

On February 13, 1924, he was assigned as pastor of the Holy Family Church of Scranton. In 1925, the members of the parish decided to build a new church on the plot the parish had acquired on Washington Avenue and Gibson Street. On the 1st of April, 1925, a contract was given out for the erection of the new church and rectory. The work progressed rapidly, and on August 25, 1925, the corner stone was blessed by Bishop M. J. Hoban.

On September 19, 1926, Father Kollar read the first Holy Mass in the new church. In the face of serious economic difficulties, Father Kollar set about the task of liquidating the parish debt of over $100,000, and with infinite patience he reduced the debt yearly. On June 20, 1949, at a testimonial dinner, the burning of the mortgage took place.

The golden jubilee of the Holy Family Parish was celebrated on August 31, 1941, first with a Solemn High Mass by Bishop William J. Hafey, D.D., then with a festive dinner in the evening at Hotel Casey.

In 1961, under the direction of Father Kollar, the Holy Family Social Welfare Club was completed, and 20 acres of land were purchased at jubilee to be used as a picnic grove and recreation center for the youth of the parish.

The diamond jubilee of the Holy Family Parish was celebrated on October 16, 1966, with a Pontifical Mass by Bishop J. Carroll McCormick, D.D., and with a joyful dinner that evening at the Jermyn Motor Inn.

Through all of these years, Father Kollar worked with his parishioners and gave his talents to many of the committees in the diocese prior to his retirement.

His golden jubilee was celebrated with the dignity and solemnity fitting the occasion.

Father Kollar, himself, was the celebrant of the golden jubilee mass, with the Most Reverend J. Carroll McCormick, D.D., bishop of Scranton, presiding.

The Right Reverend Monsignor Joseph J. Gavenda, S.T.D., V.F., and the Right Reverend Monsignor Andrew Novajosky assisted as chaplains.

The Right Reverend Abbot Jerome Koval, O.S.B., delivered the homile. The Reverend Andrew E. Dlugos served as deacon, and the Reverend John F. Zahornacky as subdeacon. Masters of ceremony were the Reverend Francis I. Beeda, S.T.I. and the Reverend Constantine V. Siconolfi.

The offering of gifts was made by Sister M. Paula Meliorias, SS.C.M., Sister M. Eugenia Klema, SS.C.M., and by Sister Delores M. Banick, I.H.M. Martin J. Elias was the lector at the Mass, and the Reverend Thomas V. Banick, S.T.L. led the congregation in song.

Father Kollar is now the pastor emeritus of the Holy Family Church. The wisdom he has gathered over his 50 years of service to God in the priesthood will always be available to the people of that parish and to the priests that serve those people.

Father Kollar has given us the model of what service to man can be when it is done through service to God. There are no words which we might say which could possibly commend him sufficiently for what he has done for all of us. But there would be little point in such words. He did not serve God for those 50 years as a pastor in the hope of reward or praise from man. He did so to receive his reward from the God whom he served.

We could not reckon the number of souls he has put back on the paths of grace, nor those whom He helped to stay on that path. It suffices only in thinking of Father Kollar to think also of the words of the Bible:

They that instruct many unto justice shall shine as stars for all eternity.

HOPE FOR CAPITALISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CRANE. Mr. Speaker, the word capitalism evokes, in too many places, a negative response, and this is true only because it is not properly understood. Capitalism is, in its simplest imperative, freedom applied to economics. It is an open-ended system which rewards ability and initiative. It is a system in which a man's point of origin counts for far less than his contribution to the future.

For too long those of us who believe in free enterprise have expected that businessmen would take the lead in defending this system against the various forms of statism, from fascism to socialism to communism, with which its critics sought to replace it. Unfortunately, this has not been the case. Prof. Benjamin Rogge sets forth some of the reasons why this has been true. He writes that:

Contrary to popular impression, there is no reason to expect the businessman to be more committed to the system of economic freedom than anyone else. Not only is he not the greatest beneficiary of that system—he is not even the principal beneficiary. Again, contrary to popular impression, it is the "little man," the member of the masses who, far from being the exploited victim under capitalism, is precisely its principal beneficiary.

Leonard Read, president of the Foundation for Economic Education, relates that during the early years of that important organization he believed that businessmen uniformly favored economic freedom because they were businessmen. He was disabused of this idea very quickly. He recalls that—

Two friends from the big business world divulged to me that they were not really interested in the freedom philosophy, being confident that they would emerge topside regardless of systems. This shocked me, but they had a point; men with their drive would be commissars in Russia. They believed that they would thrive, relative to others, in any kind of society, whether totalitarian, protectionist, or free. And anyone who believes he would be top dog, whatever the system, lacks any gnawing incentive to foster capitalism.

Until we understand that capitalism is the best economic system for the average man we will not provide it with the defense it needs from those who seek, in a variety of ways, to destroy it. As Mr. Read points out:

"The man who is still striving to improve himself is by all odds the principal beneficiary of capitalism . . . However, only when we, the principal beneficiary of the free market economy, are aware of our blessings can we hope to become effective protagonists."

The Foundation for Economic Education has, for many years, been an effective protagonist for freedom. I wish to share with my colleagues Leonard Read's "Notes From FEE" for November 1971, and insert it into the RECORD at this time:

WHERE LIES OUR HOPE?

(By Leonard Read)

The free market, private ownership, limited government way of life—sometimes referred to as capitalism—is wasting away because so few understand its philosophical underpinnings and the prerequisites for its survival. Those interested in reversing this sorry trend are well advised to align themselves with the realities of the situation, so as not to waste energy in futile endeavors but, rather, to concentrate on the possible. Away with the fruitless that the fruitful may be pursued!

Ask a hundred persons what capitalism is and get a hundred different answers, strikingly diverse, if not contradictory, ranging all the way from entrenched privilege and monopoly to an ideal concept of capitalism featured by freedom in transactions, free entry, competition, cooperation, voluntarism, to each his own—in a word, a fair field and no favor. To proclaim oneself in favor of capitalism in today's babble of tongues is to evoke approval from a few and disfavor from the vast majority, so slight is the understanding of the issues involved.

An outstanding reason for this is the assumption that businessmen should be the key spokesmen for capitalism because presumably they are true exemplars and beneficiaries. The fact is that businessmen generally possess moral, ethical, intellectual, and ideological traits as varied as those to be found among students, teachers, politicians, football players, or any other occupational category. To fix upon businessmen as exemplars of freedom would be no more accurate than to classify them as socialists, or fiddlers, or gastronomes. They are a mix of every fault and virtue known to man.

If a businessman is a capitalist in the sense that he upholds the ideal of a market economy, it is not because he is a businessman but, rather, that he is a student who sees through the fallacies of socialism and grasps the efficacy of freedom. Indeed, in the absence of a principled stand for capitalism, those of high energy with a strong desire to achieve and get ahead—entrepreneurs—are forever tempted to use their high positions in a political way to exploit the masses, that is, to become anticapitalists. The exceptions, the entrepreneurs who maintain a principled capitalistic position, are men who have "worked against the grain"—an admirable moral and intellectual achievement. These are men who stand for freedom in spite of being businessmen. And bravo for them!

Professor Benjamin Rogge makes this point and thereby gives a clue as to where our hope lies:

"Contrary to the popular impression, there is no reason to expect the businessman to be more committed to the system of economic freedom than anyone else. Not only is he *not* the greatest beneficiary of that system—he is not even the *principal* beneficiary. Again, contrary to popular impression, it is the 'little man,' the member of the masses who, far from being the exploited victim under capitalism, is precisely its principal beneficiary."

During the formative years of FEE, I naively thought that businessmen favored economic freedom because they were businessmen, particularly if they ran big businesses. However, two friends from the big business world divulged to me that they were not really interested in the freedom philosophy, being confident that they would emerge topside regardless of systems. This shocked me, but they had a point; men with their drive would be commissars in Russia! They believed they would thrive, relative to others, in any kind of society, whether totalitarian, protectionist, or free. And anyone who believes he would be top dog, whatever the system, lacks any gnawing incentive to foster capitalism.

The development and survival of man-made institutions depend upon someone's keen and unremitting desire to understand and sustain them. Without that incentive, actual or potential, we can forget about freedom. In whom, then, do we seek for this quality? We look first and foremost to the "little man"—little only in the sense that he is not a "big shot"! He is not one of those who, under authoritarian systems, would have been a feudal lord, mercantilist, lord of the manor, maharajah. Nor, in today's world, is he a commissar, or dictator, or political coercionist, or farm or labor or business monopolist, or high-placed protectionist, or one who thinks he "has it made."

We might describe the beneficiary as one to whom opportunity is still precious, who has not yet lived out his life, and is not ready for a closed system. He prefers to live his own life rather than beg from others or have others begging from him. The beneficiary is the growing man, one who wishes to become what he is not yet. An Abraham Lincoln, or the bicycle repairmen, Wilbur and Orville Wright, or a Thomas Alva Edison will suffice as examples.

The man who is still striving to improve himself is by all odds the principal beneficiary of capitalism or, if you prefer, the free market economy. This way of life in America—the nearest approximation to the unrestrained release of creative human energy—accounts for untold millions of us able to reach seventy years of age and to pursue whatever course our uniqueness, abilities, and aspirations suggest. These millions of us, had we entered the world of seven or eight generations ago, would have been short-lived serfs! I repeat, we are the principal beneficiaries of capitalism—not of those practices so grossly misrepresented as capitalism, but of capitalism as it should be understood: the free and open market. So, the recovery of freedom must come from its principal beneficiaries, those who still aim to grow. And they, of course, are to be found at all economic and cultural levels.

However, only when we, the principal beneficiaries of the free market economy, *are aware* of our blessings can we hope to become effective protagonists. For without such awareness, our improved circumstances and opportunities will be attributed to non-causes, and we will lack the incentive to reverse the socialistic trend, to learn the principles and restore the practices of freedom and capitalism. Until we see this to be a matter of self-interest, we will lack incentive and there will be no chance for freedom—none whatsoever!

So, how are we doing? At a minimum, there are several thousand of us—possibly 10,000—with an awareness that we are beneficiaries of freedom and, therefore, with plenty of incentive—a hard core of better quality and quantity than has heretofore attended any major move toward freedom. As the saying goes, we have the makings! Perhaps no more is now required than a refinement of method and particularly a removal of the blindfolds which keep so many of us from seeing the light.

The most effective blinder has already been suggested: the bad habit of personifying ideas, linking them to persons or things that can be seen with the eye. Thus we judge capitalism—free market theory, the ideal of voluntarism in transactions—by observing businessmen. Or we form an opinion of capitalism after seeing a disparaging cartoon of a capitalist, John D. Rockefeller, his virtues and vices more or less unknown to any of us, was for years the target of talented muckrakers, and always pictured and caricatured as a capitalist. Thus, capitalism is supposed to be as faulty as the muckrakers made Rockefeller appear to be. The fact is that the person and the concept are no more related than are Joe Doakes and Truth. The former can be seen with the eye, while the latter—as any though or insight—can only be conceived in the mind. The one is physical, the other spiritual. And it is utter folly to confuse the two!

Fortunately, this blindfold is easily removed for it is no more than a careless habit that goes away the moment the false correlation is discovered. We may then consider the idea, the concept, of capitalism—free from that distracting error which comes from personifying ideas and stereotyping individuals. The beneficiary then is in a position to see things in a new and revealing light: the free market economy and his self-interest—the aspiration to grow—are consistent and harmonious.

Not every one of us who qualifies as a beneficiary will cearly see the truth, even when exposed to it. How do we know with whom to share our lights and our findings? We do not know; so the safest procedure is to overlook no one! Even authoritarians have been known to switch. A parable comes to mind.

The man hitched his mule to a cart and announced that he was headed for Jerusalem to see the Savior. Along the way were numerous persons seeking his attention or assistance, and to each he responded: "Sorry, I have no time for you; I am going to Jerusalem to see the Savior." After reaching his destination, he found that he had overlooked the Savior along the road. The moral of this story and our guideline: Treat each individual, regardless of status, rank, or ideology, with the same humble attention as we would treat the Lord. That will save us from overlooking perhaps the most important person ever to espouse the ways of freedom.

In summary, then, our hope for the good society lies,

(1) among the beneficiaries of capitalism, those who are still seeking growth and open opportunity,

(2) but only among those beneficiaries who can clearly evaluate politico-economic concepts and see that the free market economy is consistent with their self-interest; for they alone have the incentive to work in its behalf.

Your role and mine? Keep striving for our own refinement and sharing with anyone—I mean *anyone*—who cares to listen.

POSTMARK COLLECTORS CLUB 25TH ANNIVERSARY

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HILLIS. Mr. Speaker, 1971 marks the 25th anniversary of the Postmark Collectors Club. This little-noticed organization has quietly brought much pleasure to thousands in its quarter century of existence. Friendship, activity for shut-ins and retired persons, information, and education are a few of the aims to which the club has continually strived.

In recognition of PMCC's accomplishments and in honor of its 25th anniversary, I insert the following article, which appeared in the club's November 1971, bulletin:

THE "WHEN-WHO-WHY-WHAT-WHERE" OF PMCC

(By Robert Francis, former director)

When was PMCC born? Back in 1943, a postmark collector in Cleveland, Ohio by the name of Charles E. Strobel, was writing a column for the then current "Cover News". He felt it would be a nice idea to have interested postmark collectors write him and he would list them in his column. He became #1, and when he had to give up the column a couple of years later, he had 30 interested members. He called it the Postmark Collectors Club.

Who revived PMCC and kept it going? In March, 1946, Rev. Walter A. Smith of Bath, Maine, took over the column in "Cover News" for Charles Strobel. On March 28, 1946, Mr. Strobel wrote Rev. Smith, enclosing the names of those postmark collectors who had kept in touch with him.

Rev. Smith continued the column and the club grew. The PMCC Bulletin was launched in October of 1947 by Rev. Smith and Bob Francis.

XUM

Why was PMCC started? The original idea by Charles Strobel was to have a group of postmark collectors who could exchange items and enjoy the hobby together. It hasn't changed. His groundwork was the start of the PMCC we have today. Rev. Smith then furthered the ideals and growth of PMCC.

He introduced us to the fellowship, friendship, helpfulness and Golden Rule basis of the club. His inspiration and knowledge made PMCC a better club as we grew. The original members voted to continue PMCC on the following basis: 1) Membership open to anyone collecting postmarks or other postal cancellations; 2) Objectives: correspondence with other members, exchange of ideas, postmarks and friendship; 3) Walter Smith to be Director of the Club.

The Bulletin was started because PMCC had to have a "mouthpiece", a way of reaching our scattered membership, create interest and to enjoy reading about the members and their ideas. This was the turning point of a successful and thriving PMCC.

PMCC grew steadily through the years, not only in a larger membership, but in its ideals and objectives of maintaining a non profit basis and its status as an informal group of postmark collectors.

What has made PMCC so successful? What did it have to offer? The hobby itself is inexpensive, a hobby for everyday people. It will never attain the value of a lifetime stamp collection which may sell for one hundred thousand dollars, but you may get one thousand dollars for a lifetime postmark collection plus ninety-nine thousand nine hundred and ninety dollars worth of fun, relaxation and pleasure.

It offers the chance for a person to travel. It is educational and a relaxer after a hard day. It gives a collector satisfaction, as well as being therapy for those who are shut-in or convalescing. It is a source of peace and quiet to thumb through these little cancels.

You have the opportunity to write and exchange with the best people in the world. Members can make everlasting friendships, share their joys and sorrows, their milestones, sorrows, birthdays, etc. Widows and widowers, shut-ins, veterans, young and old, married couples and entire families all enjoy this hobby. Rev. Smith and Charles Strobel both believed that to attain such a club, PMCC would have to be informal and unique. This they did by making it a non-profit club with one Director. One head to make all the decisions, advised by an Assistant Director, Advisory Council, and the helpful letters of the active members.

The Director, along with the Bulletin staff and the hobby department heads, bear the brunt of the work. When Bob Francis became Director he strived to uphold this form of leadership. He couldn't do it alone, but had the help of many; Margie Pfund, Herb Harrington, George Boyle, Pop Schallis, Marian Kirkman to name a few. When Bob had to give up the Directorship recently, he passed the leadership to his trusted Assistant Director, friend and advisor, Herbert H. Harrington, Sr. Herb is carrying on in the same tradition as his predecessors by making decisions for the club as a whole. The results achieved speak for themselves; growth, a better Bulletin than ever, successful annual conventions, a home for our Museum, and a financially sound club.

Where has PMCC gone through the years? PMCC has gone from an initial active membership of 17 in 1946 to well over one thousand today. It has a thriving and interesting Bulletin, never missing a scheduled issue. A complete membership list, including collecting preferences, keeps members up to date every year. PMCC is also financially sound and does not require dues from those who can't afford it or are shut-in. Over the past 25 years, over 3200 people have enjoyed the club.

We now have annual conventions, the tenth of which was held last August to honor our 25th year as a club. We have a museum, started by Margie Pfund, now housed in a bus. It is taken care of by our Curator, Bernice Mittower. PMCC has local chapters in New Jersey, Ohio, Nebraska, New England and Washington, D.C. Wherever PMCC has gone, it has brought friendship, fellowship, helpfulness and fair play.

PMCC is still an up and coming club, respected in the hobby world, and universally recognized by the large Philatelic Clubs and Stamp Houses. Mr. Strobel and Rev. Smith laid a solid foundation and built wisely through the years. PMCC has a certain spirit, a down-to-earth friendliness among members. We should never, never lose it. With the continued cooperation of all, we won't . . . we'll thrive and bring pleasure to even more people.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Friday, December 3, 1971*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God by whose mercy we have been sustained and brought to this new day, we turn to Thee once more for refreshment in weariness, for release amid tensions, and for strength in all our weakness. As Thy Word has taught us that if "in all our ways we acknowledge Thee, Thou wilt direct our paths" so we lift high the banner of faith as did our fathers of old. In this Chamber where so much can be accomplished by so few, invest Thy servants with a solemn stewardship of power, that nothing may diminish their zeal for righteousness nor break their fellowship with Thee. Let Thy presence be pervasive in this room to give wisdom and grace for every hour.

In the name of the Great Burden Bearer, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, December 2, 1971, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with the Office of Economic Opportunity.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with Office of Economic Opportunity, will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The second assistant legislative clerk read the nomination of Roy E. Batchelor, of Tennessee, to be an Assistant Director of the Office of Economic Opportunity.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL ENDOWMENT FOR THE HUMANITIES

The second assistant legislative clerk read the nomination of Ronald S. Berman, of California, to be Chairman of the National Endowment for the Humanities for a term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL SCIENCE FOUNDATION

The second assistant legislative clerk read the nomination of H. Guyford Stever, of Pennsylvania, to be Director of the National Science Foundation for a term of 6 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with No. 509, and that the remaining measures, up to and including No. 516, be considered in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROCEEDING AGAINST ROBERT F. WILLIAMS FOR CONTEMPT OF THE SENATE

The resolution (S. Res. 204) authorizing the President of the Senate to certify the report of the Committee on the Judiciary regarding the refusal of Robert F. Williams to appear and testify before the Subcommittee To Investigate the Administration of the Internal Security Act, was considered and agreed to, as follows:

S. RES. 204

Resolved, That the President of the Senate certify to the United States Attorney for the District of Columbia the report of the Committee on the Judiciary on this resolution (respecting the refusal of Robert F. Williams, though duly summoned, to appear and testify before the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary of the United States Senate): to the end that the said Robert F. Williams may be proceeded against in the manner and form provided by law.

NATIONAL COASTAL AND ESTUARINE ZONE MANAGEMENT ACT OF 1971—BILL PASSED OVER

The bill, S. 582, to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

HOME MORTGAGE LOAN BY FEDERALLY INSURED BANK TO A BANK EXAMINER

The Senate proceeded to consider the bill (S. 2262) to permit a home mortgage loan by a federally insured bank to a bank examiner, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 11, after the word "examiner", where it appears the second time, strike out "but" and insert a colon and "*Provided*, That such examiner or assistant examiner does not participate in the last prior examination of the institution by which the loan is made: *And provided further*, That"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of title 18, United States Code, is amended by adding at the end thereof the following paragraph:

"Nothing contained herein or in section 213 of this title shall prohibit any such officer, director, or employee from making, or an examiner or assistant examiner from accepting, from any such bank, corporation, member, institution, association, or organization, a loan that is secured by a first lien on a home owned and occupied or to be owned and occupied by such examiner or assistant examiner: *Provided*, That such examiner or assistant examiner does not participate in the last prior examination of the institution by which the loan is made: *And provided further*, That no examiner or assistant examiner to whom such a loan is made shall, as long as the loan remains outstanding, participate in an examination of the institution by which the loan was made."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–532), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

AMENDMENT

On page 1, line 11, strike the word "but" and insert in lieu thereof the following:

Provided, That such examiner or assistant examiner does not participate in the last prior examination of the institution by which the loan is made: *And provided further*, That

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to insure that the last examination of the institution before such a loan is made be made by independent examiners so as to eliminate an opportunity for collusion that might otherwise present itself.

PURPOSE OF THE BILL AS AMENDED

The purpose of the bill, as amended, is to provide a narrow exclusion from the general prohibition of current law against any dealings between Federal bank examiners and federally insured institutions that they either examine or have power to examine so as to permit the making and accepting of a home mortgage loan between these parties, subject to certain restrictions.

STATEMENT

Section 212 of title 18, United States Code, makes it a crime for various lending institutions to offer any loan or gratuity to a Federal examiner; complementarily, section 231 of title 18, United States Code, makes it a crime for a Federal examiner to accept a loan or gratuity from any such institution. S. 2262 was introduced at the request of the Federal Reserve System as an attempt to ameliorate the undue hardship these provisions work in hampering Federal bank examiners in securing home mortgage loans.

The bill would permit a narrow exception to the general conflict-of-interest prohibitions of sections 212 and 213 for the purpose of home loans. If, however, an examiner had in fact participated in the last prior examination of the institution making the loan or, at any time during the pendency of the that institution, he and the lending institution would fall from under the umbrella of the exception and be again subject to the criminal sanctions of the general provisions. The amendment to the bill would, in effect, require that at least one examination by totally independent examiners intervene between the time of any examination involving the examiner to whom the loan is made and the time of the making of the loan itself, thereby minimizing the likelihood of collusion.

AGENCY REPORT

Attached hereto and made a part of this report is a letter of April 29, 1971, from Mr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, to the Chairman of the Committee on the Judiciary, requesting the introduction of this legislation.

FEDERAL RESERVE SYSTEM,
Washington, D.C., April 29, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Section 212 of title 18 of the United States Code, "Crimes and Criminal Procedure," prohibits a federally insured bank from making any loan to any person who examines or has authority to examine such bank. Conversely, section 213 of title 18 prohibits any examiner from obtaining any loan from any federally insured bank examined by him.

While these provisions of law, designed to prevent conflicts of interest, are based upon sound principles, the Board believes that they unduly and unfairly place bank examiners at a serious disadvantage in the obtaining of financing for the purchase or construction of homes. Modification of the law to permit insured banks to make home mortgage loans to examiners up to some maximum amount prescribed by statute would not, in the Board's opinion, defeat or impair the accomplishment of the purposes of these provisions, particularly if the examiner is precluded from examining the lending bank during the life of the loan.

Accordingly, the Board recommends the introduction and enactment of appropriate amendments to title 18 that would authorize an insured bank to make a home mortgage loan to an examiner under appropriate statutory safeguards.

A draft of a bill for this purpose is enclosed.

Sincerely yours,

ARTHUR F. BURNS,
Chairman of the Board of Governors.

CONCLUSION

The committee finds sufficient justification for creating this exception to the general conflict-of-interest provisions and recommends that the bill as amended be passed.

CIVIL SERVICE RETIREMENT ANNUITIES

The bill (S. 2896) to amend chapter 83 of title 5, United States Code, relating to adopted child was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8341(a)(3)(A) of title 5, United States Code, is amended by inserting before the semicolon the following: ", and (iii) a child who lived with and for whom a petition of adoption was filed by an employee or Member, and who is adopted by the surviving spouse of the employee or Member after his death".

SEC. 2. The amendment made by the first section of this Act is effective upon enactment. Upon application to the Civil Service Commission, it also applies to a child of an employee or Member who died or retired before such date of enactment but no annuity shall be paid by reason of the amendment for any period prior to the date of enactment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–527), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

This legislation is an official recommendation of the Civil Service Commission.

Under the civil service retirement provisions of title 5, United States Code, the term "child" for the purposes of a survivor annuity of surviving children of a Federal employee or annuitant includes (1) an unmarried child less than 18 years of age; (2) a stepchild or recognized natural child living with the employee or annuitant in a regular parent-child relationship; (3) an unmarried child regardless of age who is incapable of self-support because of mental or physical disability; and (4) an unmarried child more than 18 years of age but less than 22 years of age who is a full time student in a recognized educational institution.

An undetermined, but undoubtedly quite small group left out of this definition, and thereof not eligible for survivor benefits, is those children living with an adoptive parent in cases where final legal action to complete adoption has not been taken.

The purpose of S. 2896 is to include such children within the definition of "child" and make them eligible for a survivor benefit if the child is in the process of being adopted at the time of the death of the employee or annuitant, and the adoption process is completed by the surviving spouse of the employee or annuitant.

Similar treatment is now accorded such children under the Social Security Act, the Railroad Retirement Act, and for the purposes of veteran's benefits.

COST

Because it is not possible to ascertain the number of children who might become entitled to the benefits resulting from the enactment of this legislation, it is not possible to estimate the cost.

Under current law, children of a deceased employee or annuitant are entitled to the lesser of $900 per year per child; 60 percent of the high-three average pay of the employee divided by the number of children; or $2,700 divided by the number of children. The amounts actually paid have been increased since the enactment of the cost-of-living adjustment provisions of the civil service retirement amendments included in Public Law 91-93, enacted October 20, 1969.

DISCRIMINATION IN FEDERAL EMPLOYMENT

The bill (H.R. 3628) to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-528), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 3628 is designed to eliminate discrimination against women under certain Federal statutes which now grant preferences or benefits to males but do not clearly grant similar benefits to females.

STATEMENT

The provisions of title 5, United States Code, relating to preference for appointment and retention in the competitive service, and relating to certain cost-of-living allowances for Federal employees appear to discriminate against female employees or applicants for employment by use of the term "his", "wife", and "widow", excluding by inference as well as the letter of the law "her", "husband", and "widower". This goes beyond the point of generally referring to an individual in statutory language as "him" or to a battleship as "her".

For instance, under the provisions of title 5 relating to preference eligibility for certain former members of the Armed Forces of the United States, the unmarried *widow* of a male veteran entitled to appointment and retention preference, and the *wife* of a service-connected disabled male veteran (who is not able to qualify for employment) is entitled to appointment and retention preference in the competitive service. But the *widower* of a female veteran entitled to such preference, or the *husband* of such a service-connected disabled female veteran is not entitled to preference.

Similarly, the provisions of title 5 relating to cost-of-living differentials for employees stationed in foreign areas do not clearly stipulate that such benefits are available to female employees as well as male employees. In practice, the Department of State does pay such differentials, but the law is not clear, and should be amended.

The general policy of antidiscrimination in employment on account of sex should be amended to clarify the policy of the Government of the United States that discrimination, suggested or implied by the use of "his" or any other such male-designatory word, means that such benefits are available to any qualified employee, regardless of sex.

COST

There would be no additional cost to the Government to be incurred because of the enactment of this legislation.

MAIL ADVERTISING

The bill (H.R. 8548) to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-529), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the legislation is to impose restrictions on certain advertising and promotional matter in the mails to curtail the mailing of articles which present a hazard to postal employees, mail processing machines and other equipment by adding a new subsection to section 1716 of title 18, United States Code. Jurisdiction will also be conferred on U.S. District Courts, including the District Courts of the Virgin Islands and Guam, for actions to enjoin violations of this legislation.

STATEMENT

Sales promotion techniques, such as contests and premium offers, can result in the mailing of envelopes containing undetected metal and plastic articles such as bottle caps, jar lids, opening strips, and similar items, which find their way into the mail processing machines of the Postal Service, causing serious damage to this expensive equipment. These articles present a physical danger to employees because of flying pieces of metal or plastic.

Under section 1716 of title 18, United States Code, articles which may injure a person or damage the mails or other property are declared nonmailable. Bottle caps and similar articles have the potential for this kind of injury and damage and are therefore nonmailable. However, there is no proscription in the present law against advertising which solicits the mailing by others of articles, such as bottle caps and similar articles, declared nonmailable by law.

The amendment proposed in this bill to section 1716 of title 18 would declare nonmailable any advertising, promotional, or sales matter which solicits or induces the mailing of anything declared nonmailable by section 1716 unless such literature contains wrapping or packaging instructions in accord with regulations issued by the Postal Service.

The Postal Service believes that injunctive relief should be available to the Government in proper cases, in order to stop quickly the introduction into the mails of the matter described above, as well as other articles proscribed by that section. This is provided in section 2 of the bill, which would enable the Postal Service, through the Attorney General, to bring suit against persons or organizations to enjoin mailings in violation of the statute.

COST

Enactment of this legislation will not result in any additional cost.

OVERTIME PAY

The bill (H.R. 8689) to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-530), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours a week. This legislation will place these employees on the same basis with respect to premium pay for overtime work as wage board and full-time classified employees.

STATEMENT

The legislation was passed by the House of Representatives on August 2, 1971, and is a result of an official recommendation to the Congress by the Chairman of the Civil Service Commission.

Under existing law, part-time and intermittent employees are paid overtime compensation only if they work more than 8 hours a day. They do not receive overtime pay for work in excess of 40 hours a week. (5 U.S.C. 5542.)

A part-time general schedule employee who works five 8-hour days, Monday through Friday, and then works a full day on Saturday will receive only his regular rate of pay for his work on Saturday. However, under these same conditions, a full-time general schedule employee or full-time wage board employee receives overtime pay for working on Saturday. The committee believes there is no reasonable justification for depriving part-time and intermittent salaried employees of premuim pay for work in excess of 40 hours in a workweek when all other employees receive overtime pay for such work.

SECTION ANALYSIS

The bill amends section 5542(a) of title 5, United States Code, by inserting at the beginning of that section the words, "For full-time, part-time, and intermittent tours of duty,". This language will provide the specific authority to include employees having part-time and intermittent tours of duty within the language of the law authorizing pay at overtime rates of pay for work in excess of 40 hours in an administrative workweek.

The legislation will extend the overtime benefits to part-time and intermittent employees of the same classes of employees covered by the existing provisions of section 5542. The classes of employees are defined by section 5541 of title 5, and, generally speaking, cover employees who are subject to the General Schedule, including General Schedule employees in the Judicial Branch, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol.

COST

The cost of this legislation for 6 months for the fiscal year 1972, will not be in excess of $500,000. The annual cost for each of the next 5 fiscal years will not exceed $1 million during each year.

GENERAL ACCOUNTING OFFICE POSITIONS

The bill (H.R. 9442) to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-531), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill authorizes the Comptroller General to fix the compensation for five positions in General Accounting Office at rates not to exceed the rate prescribed by law for level IV of the executive schedule under section 5315 of title 5, United States Code, when he considers such action necessary because of changes in the organization, management responsibilities, or workload of the General Accounting Office. The positions authorized would not have titles and responsibilities prescribed by law. But the Comptroller General could make appointments to as many as five level IV positions when he found it necessary to do so because of the workload and the responsibilities of the Office. The current annual salary for a level IV position is $38,000, but the Comptroller General, under the authority of this bill, would not necessarily set the salaries of the five positions authorized at that rate. The bill only stipulates that the salary level not exceed the level IV rate.

BACKGROUND

H.R. 9442 was introduced in response to an official request of the Comptroller General. Hearings were held July 8, 1971, by the Manpower and Civil Service Subcommittee of the House of Representatives Post Office and Civil Service Committee. The bill passed the House of Representatives August 2, 1971.

Under present law the incumbents of only three positions in the General Accounting Office may be compensated at rates higher than those for grade GS-18. Authorization to pay the Comptroller General and the Assistant Comptroller General at salaries higher than general schedule rates was contained in the 1921 legislation establishing the GAO. In 1964, Congress authorized level IV compensation for GAO's general counsel.

The General Accounting Office, an agency reporting directly to the Congress, employs more than 3,000 professionals. Over the past 10 years, the professional staff has been increased by 1,200 as the responsibilities of the Office have increased. Comptroller General Elmer Statts recently testified: "The work of the General Accounting Office has greatly expanded and changed since 1921. As the Federal Government has become increasingly engaged in new and complex programs, the Office has changed in its method of operation, the scope of its work, and the makeup of its staff." The Comptroller General cited the Legislative Reorganization Act of 1970 as an example of legislation giving additional responsibilities to GAO. The act provides for even greater use of the GAO as an arm of Congress in examining and analyzing the management of existing Federal programs and increasing GAO's staff assistance to congressional committees.

The committee believes that because of the size and expanding responsibilities of the GAO, the request for additional executive-level appointment authority is justified. Enactment of H.R. 9442 will provide authority for a total of eight positions in the executive schedule—six in level V, one in level III, and one in level II. The Comptroller General has testified that he is contemplating organizational changes which include three positions and possibly four in level IV.

COST

If the Comptroller General makes four appointments under the authority of this measure, the cost will be $8,000 per annum. This reflects the difference between the compensation for grade GS-18 ($36,000) and the pay for a level IV position ($38,000). If executive salary schedule or the general schedule is adjusted upward in the future by legislation, the cost will vary according to the pay differential between a level IV position and a grade GS-18 position.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

HAZARDOUS MAILING MATERIAL

Mr. SCOTT. Mr. President, I notice that one of the bills just passed prohibits the sending of hazardous mail. I note it does not include the typical postcard which we, working so hard in the Senate, are accustomed to receiving from our absent and pleasuring friends, which says, "Having a wonderful time. Wish you were here."

I regard that as hazardous mail if any such person gets within reach of me these days. [Laughter.]

DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of calendar No. 532, H.R. 11932, which the clerk will state.

The legislative clerk read as follows:

H.R. 11932, an act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes.

Mr. INOUYE. Mr President, the Senate Subcommittee on Appropriations for the District of Columbia began timely hearings on the District of Columbia budget March 15, 1971, and completed them on April 20, 1971, thereby being both the first subcommittee to start and the first to complete hearings on the regular 1972 appropriations bills. On the opening day of our hearings I stated that they would be an educational process for me. That they have been.

I said that the District would have its day in court—and it has.

I said that we would probably spend more time on the District of Columbia budget than would be spent on the Department of the Army budget—and we did.

Mr. President, for your information, on the District of Columbia budget we spent a total of 55 hours and 51 minutes of hearing time. On the Department of the Army we spent 17 hours and 20 minutes.

The hearings, carefully pared of extraneous matter to conserve printing costs, ran to 1,745 pages. I sincerely believe it was a good hearing—an informative one—and most important, a productive one for the cause of better government for the citizens of the District of Columbia.

It goes without saying that the tortuous procedure—to which I might add the District of Columbia is a party—has been frustrating to me, but that is of no consequence. What is important, and vitally so, is that schoolchildren and homeowners and businessmen and taxpayers—and indeed, all of the citizens of our Nation's Capital—have been denied well ordered programs initiated and executed in a timely manner. No administrator, no matter how gifted, can plan and execute in an orderly way the myriad and complex programs of this vast city without knowing the level of resources that will be available to him.

Surely there is a better way—and I am committed to finding it—in fiscal year 1973.

So I say to my fellow Members of the Senate that here is the bill committed to my stewardship with the very best judgment and recommendations—many of them justifiably and necessarily harsh—of which the subcommittee is capable. Let us not, however, delude ourselves into thinking that it is an adequate or even an acceptable substitute for the democratic processes and institutions accepted as inalienable by our own constituents. These have altogether been too long denied to those among whom we live and work.

Unquestionably, the most important issue in this year's bill is the matter of the District's share of appropriations for the Washington Metropolitan Area Transit Authority, and Senators are aware of the House action in this matter. In addition, I should like to mention the

most significant items in the bill as reported by the committee. These are set forth in the following table:

ITEMS OF MAJOR INTEREST

Operating expenses	
Reduction of travel outside District of Columbia, Virginia, and Maryland	−$487,700
Reduction of 43 personal driver positions	−347,000
Transfer of 49 driver positions to Department of Highways and Traffic	
Reduction of Departmental Public Information Officers	−200,000
Increase in Mayor's Public Information Office	+115,000
Staffing increase in Corporation Counsel's Office	+315,000
Authorization of 57 positions previously funded in Narcotics Treatment Administration	
Staffing of Board of Labor Relations	+89,000
Increase in Department of Corrections narcotics program	+265,900
Judges and staffing increase for courts	+757,900
Increase for special education	+3,009,000
Increase in Federal City College	+4,018,400
Increase in Washington Technical Institute	+1,747,900
Increase in welfare quality control	+203,800
Elimination of telephone allocations to highways and traffic	−581,500
Capital outlay	
Washington Metropolitan Area Transit Authority	$72,486,000
Water pollution and sewage treatment	59,800,000
Public schools	35,495,000

Substantial reductions in other capital outlay categories.

LIMITATIONS

Travel outside of District of Columbia, Maryland, and Virginia limited to $300,000.

Personal drivers only for Mayor, Deputy Mayor, City Council Chairman, Chief of Police and Fire Chief with total $30,000 annual limitation for the first three of these.

In view of House action limiting "official duty vehicles" for the Deputy Mayor and the Chairman of the City Council, the bill recommended to the Senate also reduces certain language authorizing the leasing of limousines from the present three to one. This will put the entire matter of chauffers and limousines in conference where we can deal with it as a total package.

Limitation on temporary positions and overtime combined to 5 percent of District-wide total appropriated for personnel compensation.

Eliminated limitation imposed by House on study of taxicab rates and meters by District Public Service Commission.

The committee has reduced travel outside the District of Columbia, Virginia, and Maryland by $487,700. In the hearings, we have noted that some of the visitations on trips taken by District of Columbia officials were, in our minds, not justified.

For example, we could not justify an official of this city taking a trip to Addis Ababa to discuss highways.

We have reduced the District personnel roster by 43 personnel driving positions, or chauffeurs, a saving of $347,000.

Many departments at this time have a public information officer or officials. We have taken away many of these positions and increased the positions and public information resources in the office of our Mayor. By doing this, we have saved $85,000.

Mr. President, because of the increase in crime, thereby bringing about an increase in the level of work for our attorneys, the committee recommends an additional $315,000 for the Corporation Counsel's office.

Mr. President, this city has been rather fortunate. Unlike other major cities, we have been able to maintain our cool. We have not had government management and government labor problems. We have not had government employee strikes in this city. In order to maintain this city's freedom from labor strikes, the committee recommends an additional $89,000 to fund the Board of Labor Relations.

The committee also recommended an increase of some $265,900 in the Department of Corrections for a narcotics program. We find that this program is a positive attempt to cut down on the dangerous drug use in this city.

At the request of the Department of Justice and also of the District of Columbia government, we have added $357,900 to aid shortages of staffing for our committee.

The next item is a very important one. As a result of our hearings, we know that in this city literally thousands of children have been totally neglected for decades and decades. They are, unfortunately, the retarded, the emotionally disturbed, and the other disabled children. They have no political sex appeal. It appeared that all of our city fathers have set them aside for a long time. We are adding $3.9 million for their care.

Mr. President, this will not cover the problem. It will not accommodate even one-half of those who are qualified under this special education program. But we feel this is a positive step forward.

The next significant item relates to the Federal City College. Congress, and rightfully so, mandated that this college shall be a 4-year college which requires an additional appropriation of $4.18 million.

We will not be able to carry out this mandate without adequate funding. I may say that I was vastly impressed by the great work done by the president of this institution. In recognition of this great work, the committee has decided to go along with the mandate of the Congress and recommend $4 million.

We are also recommending an increase in the appropriation for the Washington Technical Institute to $6,188,500. This institution is doing an outstanding job in training the young men and women of this city to be gainfully employed.

The next item should be of much interest to all of us. The committee has sadly had to go along with the House action on welfare, which means a reduction of $8 million in payments and two reductions in income supplement programs, amounting to a total of approximately $12 million. But these reductions had to be made in light of the revenue restrictions.

Mr. President, as we are aware, at this moment we do not have a revenue bill. At the time the subcommittee acted, it had to act upon the measure that was passed by the House, which indicated that a Federal payment in the amount of $170 million would be available for the use of the District of Columbia.

On that basis, the subcommittee acted. And while we were acting, the Senate responded and came forward with a formula which would raise the Federal payments for this city in the amount of approximately $181 million. But we felt that our responsibility would require us to bring to the Senate an appropriations bill which would be a balanced bill, one balanced in terms of revenue which could be assured.

I have been advised that there will be a conference between the Senate and the House on the revenue on next Wednesday. Therefore, we will not be able to take final action on this matter until the following day. This is a horrible way to run the shop, Mr. President, but under the circumstances it is the best we can do.

Under those circumstances, as I have said, we very sadly had to make various cuts. But I would like to explain to the Senate why we decided to make the cut in welfare and not in other items.

I have challenged the members of my subcommittee to come forward and slash off $12 million from this budget and put it into welfare. Mr. President, that would be a rather unfair challenge, because it just cannot be done. It is not fair to equate hungry children with disabled children. Whom do we favor? Someone had to take a stand. Our subcommittee did. However, in doing so, we took into consideration matters which were brought to our attention during the hearings.

First, from House hearings we learned that a top welfare official in this city stated that $6 to $8 million was being paid out illegally. We felt, as responsible Members of Congress, that we could not close our eyes to this fact. Therefore, we appropriated a sum, in addition to the House figure, of $203,800 to beef up the quality of the program of the welfare department.

This is a program that would investigate applicants as they come forward to make requests. However, I regret to advise the Senate that the program is not so effective as the program which was initiated when our distinguished assistant majority leader was in charge of the subcommittee. We had an inspection program at that time.

To be more precise, Mr. President, under the quality control program, if I were an applicant, my claim would be investigated. However, once my claim had been approved and I began to receive a subsistance allowance, there would be little chance of a followup check. And if I were one of the few ambitious and skillful ones in the city and decided to get a job and still receive my welfare payments, there would be almost no control or inspection organization to check on me. This is one of the areas in which illegal payments are being made.

The committee has urged the city to make every effort to weed out the people who are making it very difficult for the legitimate recipients of welfare payments.

Second, when we started our hearings in March of this year, the city officials came forward and said that their monthly workload would amount to 36,000 cases. On November 30 of this year, just a few days ago, the city once again reported back and said their estimate of March was wrong; that it is now going to average 40,000 cases for fiscal year 1972.

Mr. President, on the matter of estimates I may be naive but I do get a bit confused about these firm estimates that are coming from the city. I can give the Senate some weird examples, such as the firm estimates for the construction of a receiving home. As a result of court action, the city has decided we should have a special receiving home for children. It would house 126 children. The first estimate came in March of this year and it was $4 million. In April, a month later, it went up to $8 million. In June, 2 months later, it went to $14 million. Several weeks ago it came down to $9 million. These are the firm estimates that brilliant statisticians have been presenting to the subcommittee. Therefore, I must say I have some question as to some of the estimates that have been presented to this committee.

Third, on the matter of welfare, I have assured the Mayor and all responsible officials that if these funds which are now going to be appropriated are insufficient to meet the needs of the welfare program, I will, in my capacity as chairman of the subcommittee, immediately call a hearing to consider any supplemental request that may be submitted and act upon it as expeditiously as possible.

Fourth, I have also advised my colleague, the ranking minority member of the committee, the distinguished Senator from Illinois (Mr. PERCY), that if he wishes to present an amendment to add on funds to this I will take it to conference, but naturally the outcome will depend on what happens in the conference on the revenue bill. But at this moment we do not have authority to add on a single penny.

Mr. President, one final difference between the Senate and the House relates to telephones. We are reducing funds for this item. We have noted that in the city of Washington just about everyone has a telephone.

I felt that several could share one telephone and by so doing, we have saved $666,000.

We have not been as generous as the House on the matter of capital outlays. We have been rather restrictive. We have given everything requested for the Metro, we have honored the requests for water pollution and sewage treatment, and we have honored the essential requests of the public schools; but we have not included some of those items that are not ready for obligation at this time.

There are many items in the budget request that was submitted that are still not ready for construction and, therefore, I did not feel, as chairman of the subcommittee, that we should saddle the city with added and extra interest costs. When the time comes and the city feels it is ready to carry on construction of some of these requests the committee will be ready to act on them.

We have placed limitations in the bill which I think should receive favorable consideration. We have limited travel outside the metropolitan area to $300,000.

We have also set a limitation on chauffeurs. If this measure is approved by Congress and signed by the President only five officials will be permitted to have personal chauffeurs: The Mayor, Deputy Mayor, Chairman of the City Council, the Police Chief and the Fire Chief. In the case of the Mayor, the Deputy Mayor, and the City Council Chairman no more than $30,000 may be used for the payment of these three chauffeurs.

May I say this is in no way an attempt to deny any of the officials cars that will be driven by others. We have a motor pool and I feel that these officials can pick up the telephone and call the motor pool and say, "Will you send up a car and a driver for me," instead of having the driver sitting there in the corner reading the daily papers.

Because of the strange system we have had in the city, just about every department has operated as a "dukedom" where as members of the royalty, all of them, have to have chauffeur-driven cars. The Civil Defense Director had to have a car, the Recorder of Deeds had to have a car and driver, the Director of Vocational Education had to have a car and driver.

At times it used to be a bit dismaying when the chairman of this subcommittee would have to go to a meeting to meet District officials and see all these official cars lined up, and then I would come in with my car, and guess who the driver was—the chairman of the subcommittee. I think this limitation is a reasonable one.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. BYRD of West Virginia. How many chauffeurs have been eliminated?

Mr. INOUYE. Forty-three.

Mr. BYRD of West Virginia. Forty-three. I compliment the distinguished chairman. I think this is an action that is long delayed. It should have been taken long ago when I was chairman of the subcommittee, if it existed at that time.

I remember the words of Strafford—adviser to Charles I of England—who was given the name of Black Tom Tyrant. He was condemned to death by a bill of attainder and, although Charles had promised him protection, when the mob threatened the life of the Queen, Charles consented. His action wrung from Strafford the bitter exclamation, "Put not your trust in princes."

I commend the chairman of the subcommittee for relieving some of the would-be princes, dukes, and so forth of their fancy trappings which should not have been allowed to develop in the first place.

Mr. INOUYE. I thank the Senator very much.

Mr. President, there are two other limitations. We would like to place a limitation of 5 percent on the District side to the appropriated personnel compensation for use of temporary positions and overtime. For the last fiscal year the city expended approximately 6.7 percent of its total appropriations for personnel for overtime personnel and temporary personnel. We feel that is too much. Five percent should be more than reasonable and I think with this sort of restriction it would provide a better guide for the personnel office.

Finally, and this is a perennial matter, the House bill always has language restricting the Public Service Commission of the city from acting on any sort of study involving meters and cab drivers. As a result, this major city has the strange zone type situation which is confusing everyone. It may lead to some of the drivers not being quite honest with some of our visitors because how many visitors would know whether two zones or three zones were involved?

As a result of the zone system, it does not pay any honest cab driver to drive during the rush period. Therefore, we do not find cabs during the rush period. This amendment would permit the Public Utilities Commission to make a study to see if this city should catch up with the other cities and have meters in the taxicabs. It is that simple. I hope the Senate will approve this provision also.

Mr. President, I am just about finished with my opening remarks.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. GRIFFIN. Mr. President, I commend the Senator from Hawaii for the presentation he has made and also the diligent way in which he has handled his responsibility as chairman of the subcommittee.

In many ways, and I am sure it is true of the distinguished Senator from West Virginia and he knows—I imagine that the Senator from Hawaii has a thankless job that does not get him many votes in Hawaii.

It takes a great amount of his time, because there are so many problems and they are so complex. But, as a Member of the Senate, I have been following, in the newspapers, on television, and in other ways, the activities of the chairman of the subcommittee, and I want him to know that I think he has done an outstanding job. We appreciate the work he is doing.

I would like to be educated a little, if the chairman has the answers to a few questions. I noticed in reading U.S. News & World Report not very long ago that it had a chart ranking the States as to per capita income, which were listed on the basis of the States with highest per capita income, and going on down. I was interested to observe that the place which had the highest per capita in-

come of all was not a State, but was the District of Columbia. Is that correct?

Mr. INOUYE. The Senator is correct. This points up what I consider to be a very dangerous potential in this city. We have the sharpest and most dramatic division of haves and have-nots in this city, as compared with any other city. The District of Columbia has the highest per capita income because the major employer is the Federal Government, and we pay well. At the same time we have a large number of those who are either unable to find jobs, or even if willing to work, are unable physically or for some other limitation. If one looks further, he will find that, on a per capita basis, we have the highest incidence of welfare recipients.

Mr. GRIFFIN. What about the percentage of unemployment in the District of Columbia?

Mr. INOUYE. It is about the lowest.

Mr. GRIFFIN. It would be about what?

Mr. INOUYE. It would be less than 5.8 percent, the national average. I think it is about 5 percent.

Mr. GRIFFIN. In New York State and California an effort is being made by Governor Rockefeller and Governor Reagan to get permission to put into effect a program which would encourage—and I guess require—welfare recipients who do not have young, preschool children to take jobs that are available.

Has any consideration at all been given to a study of that possibility with respect to the District of Columbia?

I ask the question because many of us have the impression, perhaps erroneously, that there is a lot of work available in and around the District of Columbia and it is very difficult to find people to take jobs that are available. I do not know whether that is unfair as an observation or not. And yet we have a very high welfare load.

Mr. INOUYE. We have a program called the work-incentive program, but I regret to advise my colleague that it is not working too well. We also have another program called the income supplement program, which I am certain the Senator from Illinois (Mr. PERCY) will speak on in a few minutes, and I anticipate an amendment from the Senator from Illinois, which I shall be very happy to accept. The income supplement program is one which would encourage men and women to work, and if the income that they produce from their work is not sufficient to meet what is considered to be a decent level, the welfare program makes up the difference. We feel this type of program is much more practical than having a man sitting at home. But, like all other major cities, welfare is a major problem here.

Mr. GRIFFIN. I am glad to know that the committee is working on that. I want to commend the committee for that effort and also to compliment the chairman for his excellent job.

Mr. INOUYE. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. INOUYE. I am glad to yield.

Mr. BYRD of Virginia. I know the Senator from Hawaii took this assignment with reluctance and misgivings, as he states in his individual views. I think he has rendered the Senate and Congress and the people of the District of Columbia a great service by undertaking this very difficult assignment.

The PRESIDING OFFICER (Mr. CHILES). All time of the Senator from Hawaii has expired.

Who yields time?

Mr. BYRD of Virginia. Mr. President, I send to the desk an amendment, and ask that it be stated, for the purpose of getting additional time.

The PRESIDING OFFICER. An amendment would not be in order until the committee amendments were disposed of.

Mr. PERCY. Mr. President, I yield 2 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator from Illinois. Two minutes is not going to give me an opportunity to get started on what I want to say.

Mr. PERCY. I yield 5 minutes to the Senator.

Mr. BYRD of Virginia. Mr. President, I want to compliment the distinguished Senator from Hawaii for the excellent and unselfish work he has done with regard to the District of Columbia.

I join the distinguished Senator from West Virginia in commending the distinguished Senator from Hawaii for going so deeply and carefully into the budget, in eliminating from it 43 chauffeurs for officials of the District of Columbia, for eliminating public information officers who previously had been in every department of government, as I understand it. I think the Senator from Hawaii has done an excellent job in handling the budgetary requests for the District of Columbia.

I would like to ask the Senator from Hawaii if the understanding of the Senator from Virginia is correct in regard to the total cost of the government of the District of Columbia. From Federal funds, as I read the summary of the bill on page 2 of the committee report, the Federal Government is putting up $276 million.

Mr. INOUYE. That is in loans and Federal payment.

Mr. BYRD of Virginia. In loans and Federal payment, and the District of Columbia funds total $873 million?

Mr. INOUYE. That is correct.

Mr. BYRD of Virginia. So the total cost for the government of the District of Columbia is the total of those two figures, I would assume, nearly $1,149 billion.

Mr. INOUYE. That is including loans, sir.

Mr. BYRD of Virginia. That would be the total cost of government, including loans.

Mr. INOUYE. That is correct.

Mr. BYRD of Virginia. I have been concerned about the total cost of the government of the District of Columbia, because it affects all the citizens, not only the citizens of the District of Columbia——

Mr. INOUYE. May I correct the Senator? The amount he has cited is the budgetary request. The amount we have recommended in this bill is slightly less than that. It is about $873 million.

Mr. BYRD of Virginia. If I am reading this correctly, it says here, total District of Columbia funds, $873 million, but total Federal funds to the District of Columbia are another $276 million.

Mr. INOUYE. No. That is included in that amount.

Mr. BYRD of Virginia. That is included?

Mr. INOUYE. Yes.

Mr. BYRD of Virginia. District of Columbia funds. I assume that to mean the funds that came from local taxation. Would not that be correct?

Mr. INOUYE. No. The total District of Columbia funds would be made up of District of Columbia taxes, real property taxes, fees, and other taxes, plus Federal payments and loans.

Mr. BYRD of Virginia. All right. The Federal payments and loans total $267 million?

Mr. INOUYE. $276 million.

Mr. BYRD of Virginia. How much?

Mr. INOUYE. $276 million.

Mr. BYRD of Virginia. $276 million. So, then, would I be correct in assuming that the District of Columbia's share, that is, the share put up by fees and local taxes, would be $873 million minus $276 million?

Mr. INOUYE. The Senator is correct.

Mr. BYRD of Virginia. The reason I wanted to be certain of those figures is that my staff has prepared an analysis of the comparative cost of government in the District of Columbia with the comparative costs in three major cities in Virginia; namely, Norfolk, Richmond, and Roanoke.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. INOUYE. Mr. President, I ask unanimous consent that notwithstanding the previous order, the Senator from Virginia be permitted to speak for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. The analysis shows that the per capita cost of government operations in Norfolk, the largest city in our State, is $453. In Richmond it is $510 per capita cost. In Roanoke, it is $474 per capita.

Those are three widely scattered cities, one in western Virginia, one in central Virginia, and one in Tidewater. Those per capita costs vary from a low of $453 in Norfolk to $510 in Richmond.

Now we come to the District of Columbia, and at $873 million, which is the total cost of government including the Federal share, that means a per capita cost of $1,160—more than twice the cost of government per capita in these Virginia cities; almost three times as much, as a matter of fact, but well over twice the cost per capita of any of these three large Virginia cities.

It seems to me something is fundamentally wrong here. The Senator from Hawaii is beginning to tackle this problem. He just started it last January. This is the first budget he has presented, and he has made great headway, it seems to me.

But something is fundamentally wrong when the per capita cost of government of the District of Columbia is more than double that of the large cities of the State of Virginia, and I would rather imagine it is substantially higher, although I do not have the figures and I may be in error, than perhaps in most of the larger cities of the United States.

The Senator from Hawaii has just pointed out that the per capita income for the District of Columbia is higher than the per capita income of any State in the Union; is that correct?

Mr. INOUYE. The Senator is correct.

Mr. BYRD of Virginia. The Washington Post reported this morning that 101,500 persons are drawing public assistance. I wonder if the Senator could confirm the accuracy of that statement.

Mr. INOUYE. The Senator is correct.

Mr. BYRD of Virginia. So, out of a population of 750,000, roughly, 101,500 are drawing public assistance.

In the State of Virginia, with almost 5 million persons—just a shade under 5 million persons—the number drawing public assistance, the last time I checked, was 139,000 to 140,000; say 140,000 persons.

Mr. INOUYE. But these figures may be misleading. If we are speaking of welfare, it is not that high. When we speak of public assistance, it also includes young men going to school under the GI bill. So what we are talking about is something in the neighborhood of about 40,000.

Mr. BYRD of Virginia. About 40,000 what?

Mr. INOUYE. Cases where one or more persons are recipients of welfare.

Mr. BYRD of Virginia. About 40,000 on welfare?

Mr. INOUYE. No; welfare cases.

Mr. BYRD of Virginia. Meaning there are some 60,000 in other categories, such as going to school at public cost?

Mr. INOUYE. They involve families; one caseload, but that family may include five children. So these figures by themselves may be very misleading.

Mr. BYRD of Virginia. But the same would probably apply to the State figures I just quoted.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. INOUYE. Mr. President, I make the same request for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. At any rate, the number drawing——

Mr. INOUYE. If the Senator will look at page 46 of the report, it sets forth that at the present time it is estimated at a 40,000 monthly caseload, on the basis of full welfare, in this city, which involves 101,000 people.

Mr. BYRD of Virginia. Well, that is what I am getting at. So, in other words, 101,500 persons, roughly, are drawing public assistance, and in Virginia, as I say, I think the comparable figure is 140,000 for 5 million persons.

Mr. INOUYE. Mr. President, I ask unanimous consent that the chart appearing on page 46 of the report, entitled "Public Assistance Caseload and Expenditures, Regular Categories," appear in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

PUBLIC ASSISTANCE CASELOAD AND EXPENDITURES, REGULAR CATEGORIES

(Amounts in thousands)

Fiscal year	Average monthly caseload	Average monthly recipients	Total expenditures	Local expenditures	Federal expenditures
1962	12,706	32,864	$15,809.3	$5,834.8	$8,974.5
1963	11,067	27,597	13,562.3	5,387.6	8,174.7
1964	10,134	25,202	12,511.6	4,799.7	7,711.9
1965	10,647	26,862	13,350.8	5,216.6	8,134.2
1966	11,375	29,368	14,614.5	5,526.8	9,087.7
1967	11,998	30,563	16,479.4	6,897.6	9,581.8
1968	13,086	33,294	$19,432.6	$8,794.0	$10,638.6
1969	14,880	38,447	23,055.8	10,957.1	12,098.7
1970	19,603	49,983	34,814.4	17,932.3	16,882.1
1971	29,615	75,034	56,801.8	29,743.4	27,052.4
1972 budgeted	36,000	99,158	86,094.4	44,680.3	41,414.1
1972 estimate	40,000	101,500	78,377.0	40,600.0	37,729.2

Note: Estimate by District of Columbia Office of Budget and Program Analysis, Nov. 30, 1971.

Mr. BYRD of Virginia. Mr. President, we get to the number of persons employed by the city government. I note that page 10 of the report says:

It is also noted, however, that 3,873 new positions are requested, which would bring the authorized full-time work force of the District of Columbia Government to a grand total of 44,855.

It is interesting to note that this constitutes a ratio of one District of Columbia government employee to every seven employed District of Columbia citizens. That is, almost 15 percent of the employees, of the employable persons or persons employed in the District of Columbia, are employed by the District of Columbia government.

In Virginia, approximately 10 percent of the total work force is employed by both the State government and all the local governments combined. So I say again, Mr. President, that something is fundamentally wrong with the District of Columbia, with its handling and administration of the affairs of government and with the cost involved; and every citizen of the District of Columbia ought to be interested in this problem. They are the ones who pay two-thirds of the taxes—I am taking round figures now—to support it. The people of all the 50 States pay the other one-third; so all of us ought to be interested in getting to the bottom of this problem of what is the matter with the District of Columbia, and why it is so expensive to operate government in this city.

The cost is going up all the time, and if it were not for the tenacity and the dedication of the Senator from Hawaii, it would be much higher than it is.

I think the people of Washington, D.C., themselves should be vitally concerned, and more concerned than they appear to be, about this problem. It affects their rents; as taxes go up on the apartment houses—and many people here rent apartments—as the taxes go up for the property owners of these apartment houses, they in turn pass the increase on to the tenants, to those renting the property. So when you come right down to it, the cost of the District of Columbia government affects every single citizen of the District of Columbia.

I feel that something is very, very wrong about the cost of government in the District of Columbia, and I am very glad that the able and distinguished Senator from Hawaii is taking hold of this problem and trying to bring some order out of what I consider chaos.

Mr. INOUYE. Mr. President, I appreciate very much the contribution of my able colleague from Virginia, but I would like to comment by setting forth the following:

It would not be fair to compare the city of Washington with any other city in these United States. The city of Washington is the Capital City of the United States, and, as such, Mr. President, first, it has been the focal point of major demonstrations in this Nation. Nearly all demonstrations of any significance have been held in this city—not in Richmond, not in Miami, not in Pocatello, not in Honolulu, but in Washington, D.C. This is where demonstrators numbering in the hundreds of thousands have arrived.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. INOUYE. I am happy to yield.

Mr. BYRD of Virginia. As a practical matter of the budget, which is $873 million, how much in dollars and cents does the cost of the demonstrations amount to? It amounts to very little.

Mr. INOUYE. We have, on a per capita basis, the largest city police force in these United States. The Metropolitan Police force numbers, at present, in round figures, 5,000.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. INOUYE. I yield myself 5 additional minutes.

In the city of Honolulu, a very busy city of the same size—it is a port city—we play host to great dignitaries traveling to and from Hawaii, and we have a police force of less than 2,000. The city of Washington has in excess of 5,000.

As a capital city, like all other capital cities, we give priority to two elements—beauty and appearance. We want the city of Washington to be the most beautiful city in the world, because we want this city to be the most beautiful capital in the world. So Congress, rightfully, has set restrictions. We have said that buildings will not be higher than so many stories, and we have said that certain

types of industries may not be established here. Therefore, these industries have gone outside the city limits. We have set a limitation on the type of industrial development that may occur in this city. By so doing, we have limited income.

Third, as the capital of the United States, we are host to more than a hundred embassies and legations. We have to provide security for these embassies and their personnel. All these properties are tax exempt, with respect to real property.

The major property owner here is the Federal Government. It owns approximately 50 percent of the land area of Washington. Nearly 54 percent of the land area of this city is tax exempt. There is no other city with this type of situation.

Fourth, with respect to the matter of welfare, if we compare Virginia and the city of Washington, the facts show that the benefits provided in the welfare programs of the District are a bit more generous than those provided across the Potomac. Therefore, it is no surprise to me that some of the people in Virginia might decide to cross the river and receive the more bountiful benefits of this city.

These are some of the problems we have tried our best to solve. It is a responsive, responsible, sane type of administration, and it is not easy.

Mr. BYRD of Virginia. I understand that.

If the Senator will yield me just 2 minutes, I want to say that I fully understand the problems involved.

I fully realize that the Capital of the United States, Washington, D.C., cannot be compared precisely with cities elsewhere in our Nation. But I think that the difference between the cost of government here and the cost of government in other cities is much too great.

The distinguished Senator from Hawaii mentioned the lack of industry to tax and the lack of revenue sources. That, of course, has nothing to do with increasing the cost of government. It is a means of getting funds to operate the government, but it does not increase the cost of government.

I am not in any way expressing criticism of the distinguished Senator from Hawaii, as he well knows. He is tackling a difficult job. I think it is a problem that has grown up over the years, and it has gotten out of hand. It occurs to the Senator from Virginia that something drastic—perhaps drastic is not the right word—but something a little more severe than has happened in the past must take place if the cost of government in the District of Columbia is to be brought down to the point where, in my judgment, it should be.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. BYRD of West Virginia. Mr. President, I want to express commendation with regard to the work that has been done by the distinguished Senator from Hawaii as chairman of the Subcommittee on Appropriations for the District of Columbia. His presentation today has been a masterly presentation, one which could only be the result of diligence, dedication to duty, and mastery of detail. It requires a tremendous amount of work to be able to present the budget for the District of Columbia as he has presented it today. I have noted through the media—newspapers, radio, television, and so forth—the day-to-day and week-to-week work that has been performed by the distinguished chairman of the subcommittee, and I know that he has practically lived with this budget since it was first presented many months ago.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. INOUYE. I yield myself 5 additional minutes.

Mr. BYRD of West Virginia. Mr. President, the work is not easy for the chairman of the District of Columbia Appropriations Subcommittee. The distinguished assistant Republican leader referred to it a moment ago as a thankless task. It is a thankless task, but it is a responsibility that is incumbent upon us by virtue of the Constitution of the United States. We perform many thankless tasks in this Chamber. So far as I am concerned, the time that is spent on the foreign aid bill is a thankless task; and I could name other measures. But it is a responsibility; and the distinguished chairman not only has been responsible in his dedication to this chore but also has been responsive to the budget requests and, more important, to the justifiable needs of the District of Columbia.

I compliment him on his paring down of the number of chauffeurs. I compliment the Senator on his other efforts to be realistic in dealing with the budgetary requests of the city government. I salute him. I think the Senate owes him the thanks of all Members. The city owes thanks to him and his distinguished committee, and the Nation is in his debt. I support the recommendations of the distinguished chairman fully and without reservation.

Mr. INOUYE. Mr. President, I am thankful for and I am overwhelmed by the very generous remarks of my distinguished and able colleague, the Senator from West Virginia, the deputy majority leader. I thank him very much.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as amended be treated as original text for purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 1, line 9, after "1972", strike out "$162,000,000" and insert "$170,000,000".

On page 2, after line 8, strike out:

For loans to the District of Columbia, as authorized by the Act of May 18, 1954 (68 Stat. 110, 105); the Act of June 2, 1950 (64 Stat. 196), and the Act of December 9, 1969 (83 Stat. 320), $102,086,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner, as follows: To the general funds, $72,486,000, to the highway fund, $8,000,000, to the water fund, $6,000,000, and to the sanitary sewage works fund, $15,600,000.

And, in lieu thereof, insert:

For loans to the District of Columbia, as authorized by the Act of December 9, 1969 (83 Stat. 320), the Act of May 18, 1954 (68 Stat. 105, 110), and the Act of June 2, 1950 (64 Stat. 195), $102,086,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner, as follows: To the highway fund, $8,000,000, to the water fund, $6,000,000, to the general fund, $72,486,000, and to the sanitary sewage works fund, $15,600,000.

On page 3, line 18, after the word "expenses", strike out "$58,860,000" and insert "$58,967,000".

On page 5, line 6, after the word "limitation", strike out "$169,167,000" and insert "169,033,000".

On page 5, line 19, after the word "programs", strike out "166,970,000" and insert "$175,890,000".

On page 6, line 9, after the word "Recreation", strike out "$12,658,000" and insert "$12,611,000".

On page 6, at the beginning of line 16, strike out "$181,378,000" and insert "$181,139,000".

On page 8, line 8, after the word "of", strike out "three" and insert "one"; in line 9, after "passenger-carrying", strike out "vehicles" and insert "vehicle"; in the same line, after the word "Commissioner", strike out the comma and "Deputy Commissioner, and Chairman of the City Council;"; in line 12, after the word "only", strike out "$20,500,000" and insert "$20,202,000"; in line 13, after the word "which", strike out "$13,850,200" and insert "$13,833,000"; and, in line 14, after the word "including", strike out "$728,200" and insert "$728,000".

On page 8, line 20, after the word "only", strike out "$39,505,000" and insert "$39,274,000"; and, in line 21, after the word "which", strike out "$11,446,300" and insert "$11,445,500".

On page 10, line 4, after "(72 Stat. 183)", strike out "and August 20, 1958 (72 Stat. 686)" and insert "August 20, 1958 (72 Stat. 686), and the Act of December 9, 1969 (83 Stat. 320)"; in line 10, after the word "expended", strike out "$301,328,000" and insert "$192,328,000"; in the same line, after the word "which", strike out "$7,723,000" and insert "$1,786,000"; at the beginning of line 12, strike out "$9,565,000 from the water fund, $64,510,000" and insert "and $63,400,000"; in line 13, after the word "fund", strike out "and $10,200,000 from the metropolitan area sanitary sewage works fund"; and, in line 15, after the word "That", strike out "$10,607,100" and insert "$5,807,800".

On page 12, line 19, after the word "Commissioner", strike out the colon and "*Provided*, That the total expenditures for this purpose shall not exceed $137,000".

On page 13, after line 2, strike out:

SEC. 7. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

On page 13, at the beginning of line 12, change the section number from "8" to "7".

On page 13, at the beginning of line 16, change the section number from "9" to "8".

On page 14, at the beginning of line 4, change the section number from "10" to "9".

On page 14, at the beginning of line 8, change the section number from "11" to "10".

On page 14, at the beginning of line 11, change the section number from "12" to "11".

On page 14, at the beginning of line 22, change the section number from "13" to "12".

On page 15, at the beginning of line 10, change the section number from "14" to "13".

On page 15, at the beginning of line 17, change the section number from "15" to "14".

On page 15, after line 19, strike out:

SEC. 16. None of the appropriations in this Act shall be available for the payment of compensation to any employee assigned as chauffeur except for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council: *Provided*, That none of the appropriations in this Act shall be available for the payment of premium pay to any employee assigned as a chauffeur for the Commissioner, the Deputy Commissioner, and the Chairman of the City Council which exceeds in the aggregate 25 per centum of the annual rate of basic pay applicable to such employee.

And, in lieu thereof, insert:

SEC. 15. No part of any funds appropriated by this Act shall be used to pay the compensation (whether by contract or otherwise) of any individual for performing services as a chauffeur or driver for any designated officer or employee of the District of Columbia government (other than the Commissioner of the District of Columbia, Assistant to the Commissioner of the District of Columbia, Chairman of the District of Columbia Council, Chief of Police, and Fire Chief), or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of any such officer or employee (other than the Commissioner of the District of Columbia, Assistant to the Commissioner of the District of Columbia, Chairman of the District of Columbia Council, Chief of Police, and Fire Chief). No part of any funds appropriated by this Act, in excess of $30,000 in the aggregate, shall, in any fiscal year, be used to pay the compensation (whether by contract or otherwise) of individuals for performing services as a chauffeur or driver for the Commissioner of the District of Columbia, Assistant to the Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council, or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of the Commissioner of the District of Columbia, the Assistant to the Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council.

On page 17, after line 5, insert a new section, as follows:

SEC. 16. Not to exceed 5 per centum of the total of all funds appropriated by this Act for personnel compensation (budget classification 01) may be used to pay the cost of overtime or temporary positions.

On page 17, after line 9, insert a new section, as follows:

SEC. 17. The total expenditure of funds appropriated by this Act for authorized travel and per diem costs outside the District of Columbia, Maryland, and Virginia shall not exceed $300,000.

And, on page 17, after line 13, insert a new section, as follows:

SEC. 18. This Act may be cited as the "District of Columbia Appropriation Act, 1972".

Mr. PERCY. Mr. President, first, I should like to express my deep appreciation to the chairman of the subcommittee for going ahead at 9 o'clock this morning so that I might have a breakfast engagement with the Prime Minister of Israel and a few of our colleagues and engage in an intimate discussion with her of some matters of great importance to this country and to the security and peace of the Middle East.

I would not, by my absence during the comments of my distinguished colleague, in any way wish to imply that I was not only not appreciative of all he has done but did not want to be here to listen to his words. I will certainly read and study very carefully what he has said. I have had great pleasure in working with him this past year. It has been my first experience as a member of the Appropriations Committee.

I was not drafted, necessarily, to take the assignment to the District of Columbia Appropriations Committee. Actually, by a flip of the coin, I outranked one other Member. I therefore could have avoided this assignment, but I was pleased indeed to take it because I live in the District of Columbia.

This is my second residence in Washington. I hope that it will be a longer one than I had during World War II. I will do everything I can to stay in Washington as long as I remain in the Senate. But I also wanted very much to have the opportunity to study the workings of a great city, to get as close as I could to some of its problems, because many of the problems here are similar to those that are faced by other cities in the country. If we cannot solve some of those problems right here in the National Capital, then how can we expect them to be solved in many other areas? After all, the solution depends—in all cities now—on the support, cooperation, assistance, and help of the Federal Government.

During the course of our conversations over the past many months in handling matters that have come before the committee, I have had the opportunity at first hand to observe the very careful work done by our subcommittee chairman. His own remarks indicate the careful and exhaustive hearings that have been conducted. I have been privileged to sit through most of them. I believe, just as the distinguished assistant majority leader stated, and as my esteemed colleague from Virginia (Mr. BYRD) just stated, that the Senate owes a great debt of gratitude to the distinguished Senator from Hawaii (Mr. INOUYE).

The leadership of the chairman deserves commendation. He has applied his studied judgment to each item and has made every effort to ferret out and understand the complexities of this city's government. It has been personally gratifying to me to have had this opportunity to serve with him. I look forward to continued service on the committee. The Senator from Hawaii has been a great friend of the city. He has been an articulate spokesman for its legitimate needs. He has helped several times to provide funds for its legitimate needs by cutting out items of lesser priority that should not have been put in the budget in the first place.

As a District resident myself, I know the high regard in which Senator INOUYE is held by all the citizens, here; he is both a friend and an articulate spokesman.

I would be less than candid, Mr. President, if I did not attempt to express the great frustration I have felt as I have waited with the other members of this subcommittee for an appropriations bill to be sent to us from the other body. I am all too familiar with the time-consuming process of developing an authorization bill, but at the same time cannot help believing that something could and should have been done to hasten this legislation along to avoid this inconvenient delay. This subcommittee completed its hearings and was prepared to mark up a bill last April. The inconvenience caused this subcommittee, indeed this Congress, is unimportant compared to the manner in which it has literally tied the hands of those directly responsible for managing the city. So long as I am a member of this subcommittee, I can promise that I will be working toward the more efficient conduct of the city's business.

Here we are in the month of December reporting a budget that goes back to July 1. I do not see how we can possibly expect a city government to conduct its affairs efficiently when half the year is over and we still have not approved a budget for the city.

Having now virtually completed my first term on the District of Columbia Appropriations Subcommittee, I can say with some feeling that I have a new appreciation for Mayor Washington and Deputy Mayor Watt. I have been a longtime admirer of both men, and my work on this subcommittee has borne out the fact that my admiration has been well-founded. I have been consistently impressed by the insight and devotion both men bring to their work. Their personal assistance to me on this legislation has been deeply appreciated.

Again, I commend the distinguished chairman for his leadership, and, with a few amendments I will offer, urge the passage of this appropriation.

The PRESIDING OFFICER (Mr. CHILES). The bill is open to further amendment. Who yields time?

Mr. PERCY. I yield 5 minutes to the Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to thank my distinguished colleague for this time. I am also thankful to him for his generous remarks.

I would like to advise my able colleagues—and the Senate as a whole—

that I will recommend to the Appropriations Committee for the next fiscal year a step which I feel is long overdue.

For a long time, for some reason—tradition or otherwise—it has been felt that this body, the Senate, must wait upon the House before we can act on appropriation measures.

If I am still the chairman of the subcommittee for the next fiscal year, we will once again begin timely hearings in March. Upon the completion of the hearings, which will possibly be in April, I intend to call a subcommittee meeting in executive session to mark up the bill, and immediately after that to present it to the full committee and request a markup of the bill.

If the Senate will permit, I should like to have the procedure changed a little: Have the Senate consider the bill first; then send it over to the House and see what happens.

It is about time the Senate made known to the House of Representatives that we are coequal in the matter of appropriations.

Mr. President, the Constitution does not say that we must wait upon the House of Representatives on appropriation measures. I may be criticized for speaking out of turn. As a junior member of the committee, it has been frustrating, not for me but for the people of this city, to have to wait almost until Christmas Eve to find out whether the amounts the District government has spent this past summer have been legal.

Thus, Mr. President, I am now advising my fellow Senators that next year, as soon as the subcommittee hearings are finished, I will call the subcommittee into a meeting for a markup; next, present the bill to the full committee with a request for immediate consideration of a markup; and then request the Senate to pass on it, and to see what will happen.

Before I forget, Mr. President, I should like to join my colleague in giving special thanks—I do not know how to find adequate words for this—to the man who has been most helpful to me. Without him, this job would have been impossible.

I am speaking of the appropriation counsel, Mr. William Jordan. The minority counsel, Mr. Robert Clark, has also been of special assistance.

Another member of my staff who has been extremely helpful is Mr. William Milks. The untiring efforts of Miss Helen Dacks are also deeply appreciated.

These three men have worked literally day and night. I am certain that my able colleague from Illinois will agree with me that without these three men, we would still be groping in the dark.

Mr. PERCY. Mr. President, I find myself without adequate words to express appreciation for the staff assistants on the Appropriations Committee. Unlike on certain other committees, I have found on this committee a nonpartisan approach to the problems of the District. There is no partisanship. As Mayor LaGuardia said so aptly years ago, "There is no Democratic or Republican way to collect the garbage."

So, in a sense, that is what we are doing here. We are trying to figure out how to "collect the garbage" more efficiently, at less cost-wise and are trying to devise better ways to move automobiles and people. Here we are dealing with the nitty-gritty problems of how we live in an urban society safely, and with comfort and decency.

I should like to commend every member of the Appropriations Committee staff that I have worked with. Of course, the two most directly involved are Mr. William Jordan and Mr. Robert Clark.

PRIVILEGE OF THE FLOOR

Mr. PERCY. Mr. President, at this time I ask unanimous consent that Miss Sarah Evans and Miss Dwain Kinsland be allowed the privilege of the floor during consideration of the District of Columbia appropriations bill, including during rollcall votes. They are members of the staff who, in addition to those on the Appropriations Committee, have worked with me out of my office to assist me in this work doing a great deal of research and followup.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, having dealt with the bill in general, as I have indicated, I fully support the bill as a whole with a few amendments which I would like to send to the desk that I have previously discussed with our chairman.

I am totally and completely in sympathy with his desire and his feeling that we must stay within the revenue limitation. We do have $11.5 million, roughly, that might be available for expenditure. If we can find high-priority items—and indeed I would only say high-priority items—they should be entertained. The amendments that I anticipate presenting fall within that limitation, taking into account that one of them is capital and does not have that limitation on it.

I send to the desk an amendment, and I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1, delete "$170,000,000" and insert "$179,000,000", and

On page 6, line 16, delete $181,139,000" and insert "$190,139,000".

Mr. PERCY. Mr. President, I yield myself such time as I may need to fully explain this amendment which I have discussed with our committee staff and with our distinguished chairman.

Certainly there is no difference of opinion in objectives here. I have applauded and I fully support everything that the chairman has done to eliminate waste, to eliminate fraud, to eliminate cheating. We know that in every human endeavor, no matter what it is, there is some waste; there is some slippage; there is some duplication and overlapping, and some fraud and cheating. Certainly welfare is no exception. I deplore any condition of sloppiness in an administration that permits a person to receive duplicate payments, that permits a person to receive welfare when he has a hidden income. I deplore those residents who pay domestic help in cash, and domestic help who many times insist on getting paid in cash; so there is no social security payment by either party. There is probably no income tax paid either, and such employees may be drawing welfare but getting income.

I think the accomplice to such act is the participant, the household employer who might pay such payments. So that on both sides one must plug the loopholes and do what is necessary. And I hope all people who employ household help, and smaller employers, recognize they are cheating themselves and breaking the law by not filing social security reports and by not filing withholding. So it is not just a problem on one side; it is many times a problem on the other side. Whatever funds are required to police adequately our welfare system to be certain that those who do not deserve or who are ineligible to receive it, do not receive it, I will fully support and back. The chairman has done a fine job in this area.

It is essential that the Senate restore $9 million in public assistance program funds cut from the District of Columbia budget by the Appropriations Committee. The District's request for funds to meet the fiscal year 1972 welfare caseload must be fully satisfied; if the $8 million eliminated by the committee is not restored, the city will have to cut welfare payments almost in half. We must also appropriate $1 million to support the city's worthwhile income supplementation program for fiscal year 1972.

EFFECT OF PROPOSED REDUCTION

The actual impact of the $8 million cut in mandatory requirements voted by the committee will be twice as great as the amount of the reduction. Like all other jurisdictions, the District receives $1 of Federal public assistance funds for every dollar of local moneys allotted to that program. Thus, the District will lose $16 million as a result of the $8 million cut from its budget by the Congress.

When the loss of funds is translated into dollars and cents for the average welfare recipient, the shocking consequences of the committee's action become clear.

If the proposed cut is not overturned, the District government will be forced to drop benefits to 40 percent of an already outdated standard based on the cost of living in February 1970. This means:

Families with dependent children will get an average of $108.20 a month instead of $202.88.

We have just finished a White House Conference on the Aged, and we have talked about what more we can do to help the problems of many of the 20 million people over 65 who live in poverty in this country. Before they leave the city of Washington, D.C., we are going to cut the aged down to $49.36 a month totally, instead of giving them $92.56 a month.

I should like to see anyone go out and live on $92.56 a month, much less $49.36 a month. And what a tale the thousands of delegates who have left the Conference on the Aged at the White House this week are going to go back and tell their people back home, when they see the same Federal Government day after day on the floor of the Senate—and in the White House—promise how much more we are going to do for the inequities of the greatest poverty minority in America today, the only minority group where poverty is increasing severely every single year.

They are going to say what hypocrisy, when the Senate of the United States votes a cut of almost 50 percent in the funds for the aging, and expects an old, infirm person, in need of medical attention and care, to live on $49.36 a month.

The blind will get an average of $58.35 a month instead of $109.42.

It is perfectly all right to say these are shiftless, lazy people, if one does not look at the facts. I should like to take any Member of this body out to a blind person who is receiving aid, and pick the cards at random, not select the case—do as I have done many times in Illinois—pick the cases, a dozen of them at random, and see what those conditions are.

It is possible to give jobs to the blind. I have done it in my own business. We have darkrooms in the photographic business, and blind people happen to be very good in performing work in darkrooms. But how many darkrooms are there? How many jobs in normal industry can the average blind person fill?

I defy anyone to say how a blind person can live on $58.35 a month—and that is the figure the Senate of the United States by this vote would be cutting it down to, and that is the figure the House would cut it back down to.

If we vote for this as it now stands—it does not even go to conference—we agree with the House. I cannot believe that the House really looked at what they were doing on this, any more than the committee over there for years has been looking at what they are doing, digging holes all over Washington to put a subway in, and then coming right up to the brink and trying to deprive the city of the very funds with which to fill those holes and build the subway that is to make this a modern, up-to-date city.

The permanently and totally disabled will get an average of $56.75 a month instead of $106.67 a month. I could not leave this body tonight if that is the action that this Senate will take.

People receiving general assistance will get an average of $58.96 a month instead of $110.56 a month. The general feeling, of course, on general assistance for the children is that, well these are all just illegitimate children. If one just looks at the facts, he will find that is not true at all. Let us keep in mind that most of the people who would suffer under the general public assistance cutback would be children. Children make up about 70 percent of the people who receive services from the District's Department of Human Resources, and young children will be highly vulnerable. About three-fourths of the children receiving public assistance are under 13 years of age.

But we are not talking about illegitimate children, although I firmly believe we must care for the young regardless of the circumstances of their birth. What control did they have over whether they were born in or out of wedlock?

I certainly believe that the majority of children receiving benefits under aid to families with dependent children were born in wedlock. The majority under the age of 13 were born in wedlock. But they made the mistake of being born to parents who did not have a skill, or an education, or who had some problem that did not permit them to earn enough to support the children they had.

Maybe they had too many children; maybe we did not do something about it. But it is not the fault of the children who are under 13 years of age. We cannot cut them from $110 to $58.96 as the bill before us would have us do.

It is true that some people will be removed from the public assistance rolls by a reduction in total program funding. The aged and the blind, who now usually receive a small income from social security benefits, will probably be dropped from the caseload in the greatest numbers. Some persons who have inadequate incomes from jobs or other sources will also become ineligible for public assistance under a lowered benefits ceiling. These people are now eligible to receive additional support from the District government because their current incomes are clearly inadequate to provide a tolerable standard of living. Depriving these people of public assistance will mean severe hardship.

Payments at only 40 percent of a 2-year-old standard, thousands of children left without adequate support, the aged and the blind deprived of needed income—these will be the effects of the proposed cut in the District's request for public assistance funds. I do not believe we can in conscience allow these possible effects to materialize.

These are the figures the House would impose on us. I would like to make clear once again that in my judgment there is no one in the Senate who has greater compassion, understanding, and appreciation for the needy than the chairman of the subcommittee. His record through the years has demonstrated and proved this. It is his desire to cut out waste and he has solid, concrete evidence that there may be $5, $6, or maybe $7 million of waste in the total welfare budget right here in Washington, D.C.

The evidence was really offered in expert testimony we received. But it is like advertising. We know that in every one of our political campaigns 50 percent is waste. The question is: What 50 percent, and how can it be cut out?

If we were to cut out $7, $8, $9 million, it would not suddenly give us the omnipotence and the presence of mind to immediately go to the areas of waste and cut them out overnight. That will take the diligence, the staff and funds the chairman is provided to reform our welfare system and eliminate abuse, overlapping, waste and fraud. I support those efforts.

I understand the chairman has made his point and I think his point is very well made, indeed.

Much has been said about possible fraud in the District's public assistance program. These statements must be put in perspective because they do a great disservice to the vast majority of welfare recipients and foster misconceptions about the best way to deal with the growing welfare caseload.

Fraud is definitely not the chief contributor to misuse of public assistance funds. Administrative error and client mistakes made out of ignorance or confusion are the major causes.

The director of the District's social services administration, which is in charge of public assistance, has been quoted as saying that $6 million to $8 million is paid each year to persons ineligible for any assistance or for the amount of benefits they receive. The District's most recent figure for total misspent funds is under $5 million—only half of which comes from the local appropriation.

Only a very small percentage of the total $5 million can be attributed to fraud. In fact, about 20 percent of error-related expenditures is apparently due to errors made by the government itself. For example, the District will overpay a recipient because its administrative machinery does not move quickly enough in recording changes in recipient status and adjusting benefits accordingly.

These administrative errors will not necessarily be eliminated by cutting recipients' benefits. I am pleased to note that Mayor Washington is aware of this problem and has charged the new director of the Department of Human Resources with tightening administrative procedures as part of a broad reform program.

What about the remaining 80 percent of error-related costs found by the District government? For the most part, the mistakes involved were made by recipients unwittingly and without intent to defraud. The laws and regulations governing the welfare program can confuse almost anyone—but especially the people to be served by the program, many of whom are undereducated or elderly.

There are problems in the District's public assistance system, but we cannot solve those problems by cutting funds or by making harsh speeches about "cheaters" and "frauds. The problems are too complex for such a simplistic approach, and they are too firmly rooted in basic economic and social conditions to permit easy answers.

INCOME SUPPLEMENTATION

The Appropriations Committee has also denied funds for the city's income supplementation program. The 1967 Social Security amendments require a program to supplement the income of mothers who are working full time but who are earning less than they would receive if on welfare. The District recently initiated this income supplementation program. As of October 30, 1971, 349 working mothers and their more than 1,000 children were receiving benefits. The District estimates that $1 million will be needed for this program in the current fiscal year.

Many of the women who are eligible for income supplementation are employed as domestics, a class of workers not covered by existing minimum wage legislation. Because they cannot support their families on the low wages they earn, these working mothers may receive income supplementation payments from the District. These women could quit their jobs and receive total support from

the public assistance program. Yet they continue to work and to try to gain some measure of independence. Income supplementation allows them to avoid complete dependence on the welfare system.

In addition, some women earning minimum wage are eligible for income supplementation benefits if they have very large families. Again, these women could quit work and receive full support from public assistance.

By denying funds to continue this income supplementation program, the Congress will be penalizing persons who do want to work even though they cannot earn enough to support their families at a barely acceptable level. The Congress will thus be encouraging people to quit working entirely so that they can receive more money from public assistance.

We must approve $1 million to fund income supplementation. To do otherwise would be to contradict congressional intentions to make employment a viable alternative to public assistance.

INCREASE IN BENEFITS LEVEL

The District government requested additional funding to raise benefits from 75 percent to 85 percent of the February 1970 standard. That request has been denied by the Appropriations Committee. While I believe that an adjustment in the level of payments is necessary, sufficient funds for higher benefits are not now available.

The cuts in public assistance and income supplementation voted by the Appropriations Committee cannot be allowed to stand. Thousands of needy men, women, and children will be deprived of help for which they are fully eligible if the funds are not restored.

If we want welfare reform, let us enact programs of reform. But we must not allow innocent people to suffer while we find viable solutions to the problems we face.

I urge the Senate to vote for restoring the $8 million of the District's mandatory funding requirement for the public assistance program and the $1 million required for income supplementation in fiscal year 1972.

Mr. President, I am happy to yield to my distinguished colleague for his comments. We have had the opportunity to talk over this matter and I have some appreciation for his point of view and his feelings.

Mr. INOUYE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I believe I speak for all Members of this distinguished body when I say none of us would like to see children starving; none of us would like to deny the blind; none of us would like to set aside the needs of the crippled. But, Mr. President, as chairman of the subcommittee, I was faced with a dilemma of granting the limitations, as I indicated in my presentation earlier.

When the subcommittee acted it acted upon the only available revenue limitation, which was $170 million passed by the House. On that basis we acted and for reasons which I presented earlier, I decided I should recommend to my subcommittee a cut similar to that proposed in the House, as far as the subject of those payments was concerned.

This amendment would add $9 million to the Federal payments. The conference committee on the revenue bill will be held next Wednesday. The Senate bill provides for a Federal payment by formula amounting to $181.5 million and the House bill provides $170 million.

I pray that the conference will come out with something like $179 million, but I do not think my prayers will be answered. As much as we pray for this large amount, experience has taught us that it will be much less than that, unfortunately.

I would be willing to accept the amendment as presented by my able colleague. We have discussed this in the full committee.

But it will be taken into conference and in the event the conferees on the revenue bill approve the higher Federal payment amounting to this full amount, then this full amount will be sought in our conference, but whatever it is, the limitations will have to be based on whatever the conferees come out with in the revenue bill.

I would like to make it perfectly clear that in the unhappy event all of the funds that both he and I desire are not approved, it will be necessary—and I repeat, it will be necessary—to cut our appropriation bill to equal the resources available. Since my able colleague from Illinois will be on the conference committee I trust he will be at the conference to recommend the specific cuts that I feel will be necessary.

With that in mind, as chairman of the subcommittee, I would be very happy to accept the Senator's amendment and suggest that the Senate agree to it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PERCY. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. PERCY. Will the Senator from Hawaii yield me 3 minutes of his time?

Mr. INOUYE. Yes.

Mr. PERCY. Mr. President, in these 5 minutes I feel it is quite essential to explain why I ask for the $9 million. Of that $9 million the sum of $1 million is earmarked for income supplementation. I would like to point out, because I think it is very important for the conferees to realize, that the $1 million is the best money we can possibly invest because we will actually get money back from that as a result of that investment.

As I said, the Committee on Appropriations denied funds for this income supplementation program. The 1967 Social Security Amendments require a program to supplement income maintenance of mothers working full time but earning less than they would receive on welfare. The District recently initiated this program. As of October 31, 1971, 349 working mothers and more than 1,000 children were receiving benefits.

I would like to make perfectly clear that these same women who are earning money could stop work and get more from welfare than if they worked.

The reason why we supplement their income is that most of them are domestics and they do not earn enough to support themselves and their children. Therefore, the District supplements their income. But if the supplement program is not available, it pays these women more to not work than to work, and for that reason I think it is an exceedingly good investment.

I have discussed with the distinguished chairman my scheduling problems next week. If we can work out a time for the conference when it is possible for me to fly back here, I will certainly do so. If it is impossible for me to return because of long-standing engagements—because I thought we would adjourn sine die on the 4th—then I will certainly depend upon my distinguished chairman to be able to effectively carry forward the message on this subject, because we will be making a very necessary investment in these people. I appreciate the chairman's accepting the amendment.

I ask unanimous consent that a letter I received from Mayor Washington concerning the welfare situation in the District of Columbia be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., December 3, 1971.

Hon. CHARLES H. PERCY,
United States Senate,
Washington, D.C.

DEAR SENATOR PERCY: This is in response to your request for information relative to the cut in the public assistance budget.

The Senate Appropriations Committee's action to reduce the District's budget request for public assistance will result in great hardship for many of the city's residents. I wish you to consider the consequences of the reduction. I also wish to inform you of my commitment to a positive program of welfare reform in the District of Columbia.

If approved in the city's final appropriations bill, the $8 million reduction voted by the House will mean a drastic cut in the already inadequate level of benefits we provide to public assistance recipients. An average family of four, with no other income, now receives $238.00 a month in public assistance payments under the Aid to Families with Dependent Children program. After the $8 million cut, that same family will receive only $127.00 a month. This sum is only 40 percent of the authorized standard.

Benefits in all assistance categories will be reduced to 40 percent of standard as a result of the cut. Average monthly payments will be lowered from $92.56 to $49.36 for the aged; from $109.42 to $58.35 for the blind; from $106.67 to $56.75 for the permanently and totally disabled; and from $110.56 to $58.96 for persons receiving general public assistance.

Most of the recipients to be hurt are children. Children represent about 70 percent of persons receiving services. About three-fourths of the children receiving assistance are under 13 years of age. It should be noted that the majority of children receiving benefits under the Aid to Families with Dependent Children program were born in wedlock.

While I must strongly object to the action, I do concur with the need to improve the city's public assistance system. In recently appointing a new director of the Department of Human Resources, I announced that his highest priority assignment will be to reform and revitalize the welfare system. He has been charged with developing a program that will emphasize helping the individual recipient realize his full potential and breaking the cycle of dependency so often associated with public assistance.

The improvement program will be aimed at attaining three objectives: (1) increasing the employability of public assistance recipients and maximizing their opportunities for worthwhile employment; (2) reshaping our service delivery system in the human resources area so that the needs of the whole person can be effectively met; and (3) strengthening our administrative and legal procedures so that abuse of the public assistance system can be almost entirely eliminated.

The new director of the Department of Human Resources has been instructed to develop concrete and viable programs for meeting the objectives we have established. I anticipate that he will be ready to announce the details of the improvement program in January 1972. In short, the District Government is fully committed to improving the city's public assistance system.

I want to thank you for giving this problem your most serious attention.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

Mr. INOUYE. Mr. President, before we vote, I wish to advise the Senate of an action which I anticipate, but which is not covered in the bill. We are now speaking of spending the maximum amount in Federal payments. In a few days a supplemental request will be coming to Congress for additional Federal funds to cover costs in all those authorized activities.

A few days ago the Senate adopted an amendment, which if signed into law—and very likely it will be signed—will give white-collar workers of this city a 5-percent pay increase from January 1. That is just for white-collar workers. Then the schoolteachers, firemen, and policemen will get their increases, and then the blue-collar workers, increases amounting to anywhere from $12 to $15 million. I also wish to advise the Senate that we will be coming back early next year requesting more money for this city. We are not going to end here.

This is pointed out to the Senate merely to get a taste of the type of dilemma I have had as chairman of this subcommittee.

The PRESIDING OFFICER. Does the Senator from Hawaii yield back the remainder of his time?

Mr. INOUYE. I do so.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PERCY. Mr. President, on behalf of myself and the Senator from Maryland (Mr. MATHIAS), I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The second assistant legislative clerk read the amendment, as follows:

On page 10, line 10, it is proposed to delete "192,328,000" and insert "195,328,000"; and on page 10, line 15, delete "5,807,800" and insert "8,807,800"

Mr. PERCY. Mr. President, I yield myself such time as I may need to explain the amendment. I would also like to advise the chairman that the Senator from Nebraska (Mr. HRUSKA) desires to speak on the amendment and is on his way to the Chamber. The Senator from Maryland (Mr. MATHIAS), the ranking Republican member of the District of Columbia Committee, is in the Chamber and also has indicated an interest in speaking on the amendment.

Mr. President, I have sent to the desk an amendment which will provide $3 million under capital outlays for the 1972 fiscal year District of Columbia budget. The request, submitted by the District government, will make available design funds for a new judicial complex on Pennsylvania Avenue. The complex is to house all judicial offices of the District and Federal courts and is to be located on Pennsylvania Avenue between Fifth and Sixth Streets NW.

Evidence as to the desirability of a new, unified court system and facility is ample. During consideration of the D.C. Court Reform and Criminal Procedure Act of 1970, both the House and Senate Committees expressed the hope for a District "court system comparable to those of the States." The Act created a total local court system by combining the general sessions, D.C. tax, and juvenile courts into the Superior Court of the District of Columbia, which is to have exclusive jurisdiction over local matters.

Passage of the Court Reform Act implemented some necessary and desirable improvements in the District's judiciary system. However, it also placed a heavy burden on the courts, the District government, and Congress in terms of the financial resources needed to effect these modernizations. A modern court system cannot, however, be, as the House District Committee said, "a bewildering maze of activities." The finances required to fulfill the intent of the reform bill will be sizable. At present, seven different buildings house the Superior Court. This is confusing, inefficient, and insecure in terms of transporting prisoners. There is a clear need for the District to have one central court facility, and it is precisely this kind of facility that the Westinghouse study, commissioned in fiscal year 1971, recommends.

The $3 million which my amendment provides will begin the important task of designing and planning for a new facility. In appropriating this amount, I know that some Senators have reservations about the matter since current plans are that the relatively new Employment Security Building located at the proposed construction site be torn down. To this I would have to point out two things: the Employment Security Building would not, by any stretch of the imagination, conform or blend in with a modern, well-designed courthouse. The building is simply ugly, and if not torn down would require that the new facility be built around it. In addition, the District government reports that the cost of acquiring and demolishing the employment building would be at a minimum. Moreover, the Employment Security Building detracts from the Pennsylvania Avenue plan for the restoration of that street. Since the Commission on Fine Arts and the National Capital Planning Commission have the authority to disapprove construction of any new building, it is reasonable to say that if the new court complex, with the Employment Security Building left standing, did not meet the design specifications of the Pennsylvania Avenue plan, the proposal could be turned down.

We must, of course, also realize that building a new complex such as this will be expensive. Estimates are that the new courthouse will cost between $50 and $60 million.

I should like to say at this point that I share some of the skepticism of our chairman about those figures. Yesterday, once again, I questioned GSA as to whether the job can be done for the $50 million or $60 million estimate I have heard, and they have assured me it can be. That assurance I, once again, take with some of the skepticism I have been led through the years to take on any building estimate. Some of it, of course, is beyond their control. If we are successful—and I hope we will be—in putting the lid on the escalating cost of construction, and if we can get productivity increases and wages increased as a result of that productivity increase, it is possible this estimate will be correct. If the project is delayed 5 or 10 years, we certainly cannot get the same prices that we can get in 1972. So the delay factor has to be taken into effect. If we do it 20 years from now, it is going to cost at least $120 million. There is no question about that. The question is, Do we need it? We have demonstrated the need time and again.

The Senator from Maryland (Mr. MATHIAS) and I went over yesterday morning, at the suggestion of the chairman—and I think it was a fine suggestion—that we physically meet with officials and walk over the facilities. The term to describe it is the intolerable conditions faced by the court, with its facilities scattered through seven buildings, prisoners in handcuffs walking through them, jurors marching from one building to another. As the Attorney General said yesterday, the $4.5 million investment in that Employment Security Building will be made up in short order through the improved efficiency and the saving of the time of 44 judges. They must now move through a maze of buildings and corridors in the actual mess that we have as our court system.

I would not want anyone to see the court system of Washington, D.C., looked upon as the best we can do in the Nation's Capital. It is an utter disgrace. Locating the Employment Security Building there was a mistake. The Department of Labor made the mistake of putting the building on that site. They do not need it. It should not have been built there. They did not get an appropriation. They took the funds out of their revolving fund, so they did not have to get permission to put the building there. But I do not think the city should have to live with the mistake for the next 100 years just because it was made 7½ years ago, particularly when the mistake is a relatively low-cost one

compared to the high value of land, the strategic location of that particular building, and the fact that it can be razed for about $150,000, although it is money down the rathole. Someone will have to pay the cost of making that mistake. But we made it.

Otherwise, are we going to have to live with it, build a court complex all the way around it, have in that strategic location a building we do not need, and deprive the court system of the facilities that they need, when the No. 1 problem in this city is crime and law enforcement?

I simply feel that when we have made a mistake, we should admit it, then go about correcting it, and not try to live with it for another 100 years, because that would simply compound the same mistake over and over again, and we would continue to pay the cost.

We can pay the cost of acquisition and demolition of that building in a very short time in the improved operating efficiencies that will be reflected in the budget for the court system, if they do not have to lose 20 to 25 percent of their time in coping with the impossible security system that exists there right now, where they are dealing with dangerous criminals, right out in the open where anyone can see them, and have to have armed guards on both sides, handcuffed to the prisoners to take them through the maze of corridors, and the shuttling system that goes from building to building in the most inefficient, ineffective, and abortive law enforcement process I have ever seen in the United States, just six blocks from the Capital.

The Attorney General assures me that this is a matter of the highest priority from the standpoint of law and order. An expenditure of this proportion would be a real investment for the District government to make. It is more than an investment in property, however. It is an investment in a more efficient court system, better able to execute the principles of justice under which our courts should operate.

I do not believe that we can talk about expanding our police forces or building better prisons and leave out the all-important middle process of the courts. The reforms that we implement must be comprehensive and they must result in a more efficient, equitable judicial system. The most logical place with which to begin judicial reforms is in the District of Columbia.

I ask unanimous consent to have printed in the RECORD at this point reports and letters giving further background detail on this building, quotations from Judge Green, with whom Senator MATHIAS and I met yesterday, who spent a couple of hours with us going through this plan, and letters from the National Capital Planning Commission and the Commission on Fine Arts.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BRIEFING PAPER CONCERNING DESIGN MONEY FOR DISTRICT OF COLUMBIA COURTHOUSE

In fiscal 1971, the District Government secured an appropriation of $300,000 to finance a "Study For A New District of Columbia Court Facility." This study will be completed shortly. The District Government is prepared to go forward with a design of the new courthouse. For this purpose they have requested $3,000,000 in the fiscal 1972 budget now pending in Congress.

This $3,000,000 figure is not an excessive amount for design money. District officials estimate that design money runs about six percent of construction cost on almost every project. The estimated cost of the new courthouse is between $50–60 million.

1. Current plans do envision the demolition of the Employment Security Building, in order to make room for the new courthouse.

The Employment Security Building was first occupied in August 1962. The cost to the District Government of obtaining full title to this building will be $4.4 million. Demolition costs and relocation expenses will be additional.

The reason why this building, although relatively new, should be demolished is that it is an ugly building which detracts from and is contrary to the Pennsylvania Avenue Plan, and it occupies the natural, logical, and necessary location for a new courthouse.

Failure to demolish the Employment Security Building will have several important effects:

A. The present building will stand and will detract from the rejuvenation of Pennsylvania Avenue. This building projects some 30 feet beyond the setback line established for the Pennsylvania Avenue Plan.

B. The new courthouse, *if built*, regardless of its beauty or cost, will be blocked from view and will therefore be unable to contribute to the success of the Pennsylvania Avenue Plan.

C. More important than these considerations is the fact that space limitations will make it very difficult, if not impossible, to build a *model* courthouse *or* a single court building. Space limitations may require several buildings instead of one, making permanent the inefficiency of the present operation and thereby forfeiting the opportunity to build a prototype courthouse that will serve as a model of innovative design and construction for the nation. Because the $300,000 Westinghouse study envisioned a single courthouse, the inability to proceed with a single building will mean that the Westinghouse money was largely wasted.

D. Most important, unless the Employment Security Building is demolished, the Commission on Fine Arts and the National Capital Planning Commission may disapprove the building of any new courthouse because, as NCPC put it, "demolition of all of the existing buildings on the North Side of Pennsylvania Avenue between Fifth and Sixth Streets is required to permit development of the Pennsylvania Avenue Plan." The Commission on Fine Arts has statutory authority to disapprove the erection of new buildings that face Pennsylvania Avenue D.C. Code, Section 5–410.

2. The second and third arguments against the design money are closely related. The new courthouse will, of course, be an expensive building—all new buildings of any magnitude are expensive. But there is an urgent need for a new courthouse, and delay will contribute to a very substantial increase in the ultimate cost. Because of this cost, the Congress cannot afford to delay.

The District of Columbia Court Reform and Criminal Procedure Act of 1970 immediately increased the number of judges in the new Superior Court from 27 to 37. On February 1, 1972, an additional seven judges will be appointed pursuant to the Act, bringing the total to 44. This increase in the number of judges has created serious logistical problems for the court.

In his report to the Attorney General last July, Chief Judge Harold Greene of the Superiod Court wrote:

"This legislative enactment [the Court Reform Act] imposed upon the Court very great organizational and logistical responsibilities, exemplified by the absorption of ten additional judges and their staffs . . . and the physical expansion of the Court into an office building actually totally unsuited for court use. . . .

"The other major problem is the physical one of operating one Court out of six different buildings, some of them widely separated from the others. While many measures have been taken to alleviate the difficulties and discomforts arising from this situation, the problem cannot be fully solved until the Court is housed in a single structure on the Pennsylvania Avenue site allocated to it by the National Capital Planning Commission."

When seven new judges are appointed in February, 1972, they will be housed in the so-called Pension Building. This means that the Superior Court will be operating out of seven different buildings, some separated by considerable distance.

Until a single courthouse is built, Superior Court offices, courtrooms, and functions will be widely scattered. The present situation is confusing to attorneys and other court-affiliated personnel; and, of course, the public has problems keeping straight Buildings A, B, C, D, E, F, and in February, G.

The proliferation of buildings leads to gross inefficiency and many problems. For example, the problem of security in transporting prisoners is obvious. The problem of trying to maintain an adequate library for 37 judges in six buildings has already brought repeated cries of concern from the court.

It is imperative that a new courthouse eventually be constructed, because current operations are not acceptable.

Failure to provide the design money *now* would set back plans for a new courthouse at least a year and perhaps longer. *And it would increase the cost of the facility that must eventually be built. Experts contend that the construction cost of a new courthouse increases about one percent per month*—so that delay is very expensive.

There is widespread, bi-partisan support to have a new courthouse completed in time for the bi-centennial celebration in 1976. Delay at this juncture could destroy that timetable.

NEW DISTRICT COURT BUILDING

Funds in the amount of $3 million are required for fiscal year 1972 in order to design the New District Court Building. Without design funds this urgent project will be substantially delayed. A Westinghouse study relating to the Court Building will be completed in March 1972 and will provide the necessary scope of work for the final plans of the court building. The $3 million request precedes the Westinghouse study in anticipation of funds that will be needed immediately following the release of the report. The denial of the 1972 request would necessitate a year delay in the design of the building.

The construction costs of the District Court Building will be kept at a minimum and will reflect only the essential functions to allow the courts to carry out its responsibilities. The District Government is acutely aware of the desire of the Congress concerning high construction costs and the site location problems for this building. Therefore we can safely anticipate a realistic estimate for the final cost of this project.

THE COMMISSION OF FINE ARTS,
Washington, D.C., May 25, 1971.

Lt. Col. SAM D. STAROBIN,
Director, Department of General Services, Washington, D.C.

DEAR COLONEL STAROBIN: I understand plans for the construction of the new Superior Court to be located on the corner of John Marshall Place and Pennsylvania Avenue may be in jeopardy, the reason being that these plans would require removal of the Employment Security Building. This building, which was erected some ten years ago, but is of no particular architectural distinction, projects some 40 feet beyond the building setback line established for the Pennsylvania Avenue Plan. As the line is an essential part of the plan it would indeed be unfortunate if this building were to remain and spoil a major feature of the plan. I should also point out that in addition to establishing an orderly design for the north side of Pennsylvania Avenue the site is in itself particularly critical as it forms the pivotal point for the whole plan in that it is the first building abutting Pennsylvania Avenue west of the Capitol. I therefore hope that every effort can be made to adhere to the present scheme for the new court.

Sincerely yours,

CHARLES H. ATHERTON,
Secretary.

NATIONAL CAPITAL
PLANNING COMMISSION,
Washington, D.C., June 1, 1971.

Mr. SAM D. STAROBIN,
Director, District of Columbia Department of General Services, Washington, D.C.

DEAR SAM: You have requested a statement of the relationship of the proposal for the new Superior Court Building for the District of Columbia to the existing Employment Security Building at Sixth Street and Pennsylvania Avenue, N.W.

The Commission has been vitally interested in the planning for the new Court Building because of the prominence of this site and the impact this project will have on the accomplishment of the goals and objectives of the Pennsylvania Avenue Plan. The demolition of all of the existing buildings on the north side of Pennsylvania Avenue between Fifth and Sixth Streets is required to permit the development of the Pennsylvania Avenue Plan.

The Commission endorsed the objectives and underlying principles of the Pennsylvania Avenue Plan, as contained in the Report of the President's Council on Pennsylvania Avenue, on September 11, 1964. All subsequent projects in the area affected by this report, such as the new FBI Building, the Labor Building, the Addition to the National Gallery, and the completion of the Federal Triangle and the privately built Presidential Building have been reviewed to insure their conformity with the Pennsylvania Avenue Plan.

The Commission, on February 6, 1969, reviewed and approved the area north of Pennsylvania Avenue, between John Marshall Place and Sixth Street, N.W., for the development of the District of Columbia court facilities, provided that plans for such development conform to the planning criteria and standards for the Pennsylvania Avenue Plan. On March 6, 1969, the Commission approved a preliminary master plan for the Municipal Center-Judiciary Square area, which included the site proposed for the new Court Building, as well as the surrounding municipal facilities. The Commission's approval of the preliminary master plan was also based upon the provision that the court facilities fronting on Pennsylvania Avenue be developed in accordance with the objectives and principles of the Pennsylvania Avenue Plan. These objectives and principles, as they apply to the new Court Building, may be summarized as follows:

1. That a single building, stretching from Sixth Street to John Marshall Place, be planned;

2. That the building, along the Avenue frontage, be a uniform 120 feet in elevation, D.C. Datum, at its cornice line (or 111 feet in height from the curb line), exclusive of penthouses;

3. That the structure be set back 50 feet from the north right-of-way line of the Avenue;

4. That the main building facade be parallel to the Avenue;

5. That an arcaded pedestrian walkway be provided along the Avenue, also, a pedestrian platform or concourse be provided at an elevation approximately one-story above the Avenue level to provide an open public courtyard; and

6. That there be no curb cuts along the Avenue or along side streets within 100 feet north of the new building line on Pennsylvania Avenue.

If these principles are adhered to, the development of the Court Building would be consistent with the objectives and principles embodied in the reports and recommendations on Pennsylvania Avenue, as endorsed by the Planning Commission and others.

Several of these principles, as outlined above, would require the clearance of the north side of Pennsylvania Avenue. The existing District-owned building on the northwest corner of Fifth and Pennsylvania Avenue was built in 1916. The eastern original portion of the so-called Employment Security Building was erected in 1942. The western part of this structure was built in 1962 as an addition to the Employment Security Building. All of these structures should be removed in order to allow:

(1) The logical extension of the Municipal Center in accordance with the approved preliminary master plan for the Municipal Center-Judiciary Square area,

(2) The proper siting and design of the new court complex, and

(3) The completion of the Pennsylvania Avenue Plan on the north side of Pennsylvania Avenue between Fifth and Sixth Streets, N.W.

We hope that this information regarding the positions taken by the Commission on the Pennsylvania Avenue Plan and the Court Building will be helpful to you in your presentation of the Court Building project. We believe this project, including the removal of the Employment Security Building, will be a vital element in carrying out the Pennsylvania Plan.

Sincerely yours,

CHARLES H. CONRAD,
Executive Director.

Mr. PERCY. I am very happy to yield to my colleague from Maryland.

Mr. MATHIAS. Mr. President, I appreciate the distinguished Senator from Illinois yielding to me, and I am very happy to associate myself with him, both in the sponsorship of the amendment and in the remarks he has already made. As he pointed out to the Senate, he and I have visited the site which has been proposed for the new court center for the District of Columbia.

Let me say in passing, Mr. President, that it is a mark of the very personal and sincere interest that the chairman of the committee has taken that there were signs, not necessarily on the walls but in the landscape, that INOUYE had been there ahead of us, and that he has shown a remarkable degree of personal interest in the affairs of the District. I think it is a tribute to him that he has taken so much personal trouble to find out the facts. It is very encouraging to me, as a member of the Senate District Committee, to know that this kind of deep study is taking place.

But I want to say that I agree with the Senator from Illinois that this is an amendment that is necessary. As he has stated candidly, frankly, and honestly, I think we have to admit a mistake was made some 7½ years ago when the Employment Security Building was constructed on that site. It is a mistake, because it has made difficult if not impossible the most economic use of publicly owned land which completely surrounds it; and the only way to rectify that mistake is to admit it and face up to it, and pay the cost of it.

If there is one thing that seems abundantly clear from the experience of both public and private business in this country, it is that the cheapest part of an important capital investment is getting the right land. If the location is right, if the project is adequately and properly situated, then the right land is the first and most basic ingredient.

The right land here appears to be the land which now is owned by the District of Columbia, with the exception of one corner now occupied by the Employment Security Building.

We went into this problem in depth. We saw that alternative quarters for Employment Security could be made available in the same neighborhood. We looked, incidentally, into the planning which has gone on in this area since Major L'Enfant was operating in the District of Columbia, and I cannot see why the mistake was made, in view of the fact that this was an area which has been the subject of continual city planning; but nonetheless it has happened, and we have to deal with it as it is.

Why is this necessary? Why is it necessary to contemplate a major project of this sort?

Under the new court reorganization plan, the District of Columbia will have some 44 judges, in addition to the appellate court, with all the supporting administration that is required to administer justice in modern courts of law. If there is one thing that I think we can readily observe as we look around the country, it is that simply appointing new judges alone is not going to provide for more speedy justice or a more efficient administration of the courts. Simply to add new judges does not do it. You have to provide for an efficient administration of court business; and, as the Senator from Illinois has said, you cannot do it under the conditions that now prevail in the District of Columbia courts.

The new center will provide the kind of modern setting by which a modern system of justice can be administered, and I hope that the amendment will be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I yield myself 5 minutes.

The District of Columbia Superior Court has 35 existing courtrooms, of which 29 are permanent, and an additional 17 courtrooms are presently under construction, and should be ready for completion and for occupancy on or about the first of February, 1972, just a couple of months from now.

As my colleagues have indicated, I am aware of the shortcomings of the pres-

ent court setup for the District of Columbia. I am aware that jurors have to walk from one building to another. I am aware that handcuffed criminals have to walk down corridors. I am aware of these shortcomings, Mr. President, but I must, as chairman of this subcommittee, regretfully disagree with the amendment, and I object to it for the following reasons:

First, Mr. President, 2 years ago Congress appropriated the sum of $3,315,000 to make a study of the needs of and the designs for the proposed District of Columbia Courthouse. This phrase "make a study" is becoming nauseating. We have been spending money making studies upon studies. But this amount was requested by the District of Columbia, and we appropriated it, and it has been obligated, Mr. President. We hired the Westinghouse group, a most prestigious organization in the United States, to study the court setup for the District of Columbia. We are still waiting for its report, and we have been advised that the report will be forthcoming about February or March of 1972.

I have been asking my colleagues, "Let us wait until the report comes in. Are we to tell our colleagues that we just threw away that $3 million?"

Speaking of mistakes, we ought to admit, Mr. President, that would be mistake No. 1.

Second, while my colleagues do not mention this and the Attorney General does not mention it, what is really back of this proposal is not the court system, it is the bicentennial. It is the Fine Arts Commission. Mr. President, if it were possible, I would like to see the Fine Arts Commission sitting right here debating this issue with us. Seven years ago, they approved the Employment Security Building. It cost us nearly $5 million. And, Mr. President, if my colleagues would visit that building, they would notice it is one of the very few Federal buildings in this city with escalators. It is a very modern plant.

The Employment Security Building houses more than 300 people. If we demolish that building, we will have to spend about $10 million more building another building to house those 300 workers. That is another thing involved here.

Mr. President, I have been driving along Pennsylvania Avenue now for 12 years, and it was only recently, when I became chairman of the subcommittee, that I realized that this Employment Security Building was offensive to my eyes. It was not offensive until the Fine Arts Commission told me it was offensive.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. INOUYE. I yield myself 2 additional minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield so that I may request the yeas and nays on final passage?

Mr. INOUYE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. INOUYE. Mr. President, I hope that my friends will withdraw the amendment, because, as I have promised them, as soon as the Westinghouse report is made available, this subcommittee will take appropriate action. I should advise the subcommittee that the advance information coming out of the Westinghouse group indicates that the cost of this building—here, again, the firm estimates come into the picture—is not the firm estimate of $58 million. It is going to be in excess of $100 million.

This court complex could have been built a block back; but, no, it had to be part of this magnificent Pennsylvania Avenue. I am all for a magnificent Pennsylvania Avenue. But why can we not wait until the report comes in 3 months from now, and let us find out if this is the path we should follow?

So, I am going to object to this amendment.

Mr. EAGLETON. Mr. President, will the Senator yield for a question?

Mr. INOUYE. I yield.

Mr. EAGLETON. Does the Senator have any idea when the Fine Arts Commission came into being in the District of Columbia?

Mr. INOUYE. If I recall correctly, approximately 30 years ago.

Mr. EAGLETON. Certainly long before 7½ years ago.

Mr. INOUYE. Incidentally, the Fine Arts Commission acted upon the Employment Security Building. Then it was beautiful, 7½ years ago.

Mr. EAGLETON. The Senator will agree with me that beauty is an imprecise science. But do we not have to assume that when a Fine Arts Commission certifies, with the Good Housekeeping Seal of eye-appealing beauty, that a building will be satisfactory on Pennsylvania Avenue, a building 7 years old, it ought to have a slightly more enduring quality than less than a decade? Would that not be a basically rational assumption?

Mr. INOUYE. It would be rational and reasonable.

Mr. EAGLETON. Are there not buildings in the District of Columbia that go back to the 19th century and, I guess, to the 18th century—centuries long past the instant decade? We are asked now to veto the finding of the Fine Arts Commission back in 1964 that this was a beautiful and appropriate building to go on Pennsylvania Avenue, and to demolish it, escalators and all. Is that right?

Mr. INOUYE. That is right.

Mr. EAGLETON. What is to be contained in this $300,000 Westinghouse study? Is that the Westinghouse that used to have Betty Furness—the same group?

Mr. INOUYE. The same group.

Mr. EAGLETON. What are they studying for $300,000?

Mr. INOUYE. They are studying the needs of the court, the location of the court, whether it should be a magnificent edifice or a small edifice.

Incidentally, I would like to see the courts maintain the dignity that is required and, like the Supreme Court, have the high ceiling. I am all for that. But we are speaking of the courts of the city of Washington. If the people of the United States would go back to their villages and their cities and inspect their traffic courts and their lower courts, I doubt that they would see marble columns, high ceilings, and chandeliers. But since this is going to be along Pennsylvania Avenue, somebody has to pay the price. I would prefer to see a park there.

Mr. EAGLETON. The total study is $3 million—are they just to study the buildings, how the court buildings ought to look, how big the rooms ought to be?

Mr. INOUYE. How functional it should be.

Mr. EAGLETON. They are getting paid $3 million?

Mr. INOUYE. $3.3 million. We appropriated the amount 2 years ago.

Mr. EAGLETON. And that study will come in—I think I heard the Senator say—next February or March?

Mr. INOUYE. Three months from now.

Mr. EAGLETON. If—and that is a very subjective "if"—if that were deemed to be a prudent appropriation and, hence, an investment 2 years ago, to cause the Westinghouse people to do $3 million worth of analytical research for us, should we not find out what $3 million is going to bring us in terms of recommendations?

Mr. INOUYE. If they give it the priority it deserves——

Mr. PERCY. Mr. President, will the Senator yield on a point of fact?

It is my understanding that the appropriation for the study was $300,000 and that that was all that was appropriated, and that report is nearing completion now. The $3 million figure would be the figure that would be required to complete the design of a single court complex that we know or have reason to believe that the study has already concluded is necessary.

Mr. EAGLETON. The $3 million is to complete a design on a study that we do not have yet and that we are so anxious to go ahead on, even without having it.

Mr. INOUYE. We have already appropriated that amount.

Mr. EAGLETON. On a sort of "if" basis.

Mr. INOUYE. That is right.

Mr. EAGLETON. On a sort of "if" $300,000 study is sufficiently meritorious for the $3 million study we have already appropriated. It is a curious way to do things. We do not do things that way in Missouri.

The senior Senator from Maryland (Mr. MATHIAS) made this statement, and I asked a question of the Senator from Hawaii based on it. The Senator from Maryland said:

> The right land appears to be the Pennsylvania Avenue site.

The one that now contains the Employment Security Building. Who anointed this hunk of land to be the court complex? Why, with lots of acreage in the District of Columbia—some improved, some unimproved, some that was devastated in the riot of 1968 that is somewhere between unimproved and improved—why this piece of land and this piece of land only, on Pennsylvania Avenue, for the court complex? Who made that decision?

Mr. INOUYE. I gather that it was the Attorney General and the Fine Arts Commission.

Mr. MATHIAS. Mr. President, will the Senator yield and let me comment on that?

There are some objective standards here that make this appropriate. No. 1, all the land that is involved, which is by far the majority of the land that would be involved, is already owned by the District of Columbia. So that that is a factor. But it is adjacent to the U.S. District Court Building. It is adjacent to the other buildings which are devoted to legal procedures. It is close to not one but two subway stations which will be of great importance to the public, to members of the bar, and to everyone who has business with the courts. It is the traditional location where courts have done business in the District of Columbia. It is near the FBI Criminal Information Center, the Justice Department itself.

I suppose it is not the only place in the District that could be used, but it is an appropriate place which is available with the exception of the one small corner occupied by Employment Security.

Mr. INOUYE. May I ask a question? My question is very simple. On the basis of responsible legislation and scheduling, why cannot we wait until March of 1972, when we anticipate receiving the report of the Westinghouse group?

Mr. MATHIAS. May I ask the distinguished chairman if he is giving us the assurance that when that report is received in or about March of 1972, the committee will give it immediate attention? The problem of the administration of justice will not permit delay.

Mr. INOUYE. I will promise the Senator, for the record, that exactly 1 week after this committee receives a copy of the Westinghouse report, we will hold hearings; and act on it no later than the 1972 second supplemental appropriations bill.

I realize the shortcomings of the present court complex, and I am all for it. But I do not see how we can act with the limited information we now have. That is my concern.

Mr. MATHIAS. I am very much impressed with the chairman's sincerity in this matter. I would have absolute reliance, so far as I am concerned, on what he has made here as a promise to the Senate to proceed.

I should like to consult with the distinguished Senator from Illinois (Mr. PERCY) now for one moment.

Mr. EAGLETON. While the Senator from Maryland and the Senator from Illinois are in the process of consultation, I should like to ask a final question or two of the Senator from Hawaii.

Based on the exchange the Senator has just had with the Senator from Maryland (Mr. MATHIAS), would the Senator from Hawaii be good enough to inquire at those hearings next spring as to whatever the experts may take up, either from Westinghouse or from the District of Columbia government—question 1, assuming the positive factors the Senator from Maryland has indicated, as to this being a propitious site for a court complex, the Senator from Maryland, I think, articulated very rightly——

The PRESIDING OFFICER. The time of the Senator from Hawaii has expired.

Mr. INOUYE. Mr. President, I ask unanimous consent, notwithstanding the prior, that the Senator from Missouri be permitted to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Assuming there is some merit to the contention of the Senator from Maryland, are there not at least, for purposes of intelligent, comparable consideration, other alternate sites within the District of Columbia that might be suitable for a court complex, to see which ones are good, very good, fair, poor, or useless?

Mr. INOUYE. There are alternative sites within close proximity of the Federal District Court but, as of this moment, I gather that some of our officials are adamant, that they want this place and no other place.

Mr. EAGLETON. But the Senator will inquire into other sites and their feasibility?

Mr. INOUYE. I have requested that the study include alternate sites, yes.

Mr. MATHIAS. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. No, I cannot—my time is too limited.

I should like to ask another question of the Senator from Hawaii. Ancillary to and in addition to the alternate sites, would the Senator from Hawaii inquire whether there is some feasible, satisfactory, non-ugly way of accommodating to that site a court complex retaining the Employment Security building as well?

Mr. INOUYE. It will be done, sir.

Mr. EAGLETON. I thank the Senator from Hawaii.

Mr. MATHIAS. If I could have 1 second to add to that, because I was interested, if there were other sites, knowing about them as anyone else would, that the distinguished Senator make these inquiries prior to receipt of the report in March.

Mr. INOUYE. I have done so.

Mr. MATHIAS. So that we will have that information available before, in order to have this matter of an ongoing study——

Mr. INOUYE. I have had a meeting with the chief presiding judge and have made a specific request.

Mr. PERCY. Mr. President, how much time remaining do I have?

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes remaining.

Mr. PERCY. Mr. President, I yield 2 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I should like to make a few observations. This is not a new item. This item was not born yesterday, or the day before, or 3 months ago. It has been in contemplation for over 2 years. There have been various studies made. I shall refer to them in a little bit, and include in the RECORD at the conclusion of my remarks a memorandum which has been prepared, and which I have gone over, which shows pretty clearly that this is part of a continuing policy, an extension of policy of Congress and the administration.

Let us get into our minds that this is a part of the favorite subject of the day, that is, that this complex is a part of the program to implement a law enforcement program.

Law enforcement is not just a policeman with a billy club, or on a motorcycle. A law enforcement program consists of arrest, apprehension, investigation, trial, then probation, parole, and so forth.

Without a unified, modern courthouse to house a court system, we will not have a complete law enforcement program. Congress knows that, because we passed in the last Congress a very heavy, complicated, and extensive revision of the judicial system of the District of Columbia. At that time, the debate clearly showed that we wanted something that would be modern, and that would be comparable to other State systems on this sort of thing.

Mr. President, I ask unanimous consent, at the conclusion of my remarks, to have printed in the RECORD the memorandum referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, with reference to the cost, it is going to be an expensive building, a very expensive building, but by delaying—time is of the essence——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INOUYE. Mr. President, I ask unanimous consent, notwithstanding the prior order, that the Senator from Nebraska be permitted to speak for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, it is said that here is a building that has not been used and, therefore, it will be wasteful to demolish it and build a new one there. We have to have a new building. It will be expensive. The location is of some consequence in the matter of cost, in the functioning of a court in a convenient and in an economical location.

By delay, what will we incur? How long will it take at the rate of 2 percent or 3 percent or 4 percent in building costs before we wipe out the value of a $4 million building? It will not take long. Here we are with a judicial system functioning in seven different buildings. Does that cost anything? It certainly does, in terms of lost efficiency, in the loss of proper and effective treatment of cases that come before the court system. I am gratified that the chairman of the subcommittee promises prompt action when the report of the commission is at hand. Perhaps that would be an alternative that would be very acceptable. If the ranking members of the District of Columbia Appropriations Committee would concur, I would certainly agree with him that that is the way to go about it, but we should get into our heads the fact that this is going to be an expensive proposition. Without it, we cannot round

out the program of law enforcement which all of us subscribe to so heartily and so vocally.

So I hope that we take some of these factors into consideration, particularly the items that are raised in the memorandum which I have placed in the RECORD.

EXHIBIT 1

MEMORANDUM ON PROPOSED DISTRICT OF COLUMBIA COURT COMPLEX BUILDING AND FISCAL 1972 APPROPRIATION REQUEST, $3 MILLION—PLANNING FUNDS

One of the President's 12 points in his District of Columbia Criminal Justice Improvement Program (announced January 1969) was this Administration's commitment to the construction of a new Court House facility to house the newly reorganized and upgraded courts of the District of Columbia.

All of the planning for this facility has envisioned that it would be the most modern and innovative structure of its kind in the country. It is to be a model. To this end we have engaged the Westinghouse Corporation to prepare a preliminary design study to utilize in this building all of the latest modern technologies such as computers and other modern technical developments.

Any delay at this time would push the final date of completion and occupancy off into the uncertain future and substantially increase ultimate costs.

Senator Inouye, Chairman of the Senate District of Columbia Appropriations Subcommittee, has opposed inclusion of the $3 million in this bill for reasons relating to the ultimate cost of the building (figures varying from $60 million to $100 million) and because of a disagreement as to the site location. It is most important that the present appropriation be made so as not to delay this project any further.

DESIGN MONEY FOR DISTRICT OF COLUMBIA COURTHOUSE

In fiscal 1971, the District Government secured an appropriation of $300,000 to finance a "Study for a New District of Columbia Court Facility." Upon completion of that report, the District Government should be prepared to go forward with a design of the new courthouse. For this purpose they have requested $3,000,000 in the fiscal 1972 budget now pending in Congress. The report is expected early in 1972 calendar year.

This $3,000,000 figure is not an excessive amount for design money. District officials estimate that design money runs about six percent of construction cost on almost every project. The estimated cost of the new courthouse is between $50–60 million.

There has been opposition to the planning money on two grounds: (1) current plans to demolish the Employment Security Building, in the block immediately west of the U.S. Courthouse on Pennsylvania Avenue, to make way for the new courthouse, are unjustified because they require the demolition of a relatively new building; and (2) plans for the ultimate construction of a new courthouse are too expensive, inasmuch as present operating conditions for the Court are acceptable.

Another objection advanced is on the ground that no money exists for the funding of "new" programs.

These three arguments require answer.

1. Current plans do envision the demolition of the Employment Security Building, in order to make room for the new courthouse.

The Employment Security Building was first occupied in August 1962. The cost to the District Government of obtaining full title to this building will be $4.4 million. Demolition costs and relocation expenses will be additional.

The reason why this building, although relatively new, should be demolished is that it is an ugly building which detracts from and is contrary to the Pennsylvania Avenue Plan, and it occupies the natural, logical, and necessary location for a new courthouse.

Failure to demolish the Employment Security Building will have several important effects:

A. The present building will stand and will detract from the rejuvenation of Pennsylvania Avenue. This building projects some 30 feet beyond the setback line established for the Pennsylvania Avenue Plan.

B. The new courthouse, if built, regardless of its beauty or cost, will be blocked from view and will therefore be unable to contribute to the success of the Pennsylvania Avenue Plan.

C. More important than these considerations is the fact that space limitations will make it very difficult, if not impossible, to build a model courthouse or a single court building. Space limitations may require several buildings instead of one, making permanent the inefficiency of the present operation and thereby forfeiting the opportunity to build a prototype courthouse that will serve as a model of innovative design and construction for the nation. Because the $300,000 Westinghouse study envisioned a single courthouse, the inability to proceed with a single building will mean that the Westinghouse money was largely wasted.

D. Most important, unless the Employment Security Building is demolished, the Commission on Fine Arts and the National Capital Planning Commission may disapprove the building of any new courthouse because, as NCPC put it, "demolition of all the existing buildings on the North Side of Pennsylvania Avenue between Fifth and Sixth Streets is required to permit development of the Pennsylvania Avenue Plan." The Commission on Fine Arts has statutory authority to disapprove the erection of new buildings that face Pennsylvania Avenue D.C. Code, Section 5–410.

2. The second and third arguments against the design money are closely related. The new courthouse will, of course, be an expensive building—all new buildings of any magnitude are expensive. But there is an urgent need for a new courthouse, and delay will contribute to a very substantial increase in the ultimate cost. Because of this cost, the Congress cannot afford to delay.

The District of Columbia Court Reform and Criminal Procedure Act of 1970 immediately increased the number of judges in the new Superior Court from 27 to 37. On February 1, 1972, an additional seven judges will be appointed pursuant to the Act, bringing the total to 44. This increase in the number of judges has created serious logistical problems for the court.

In his report to the Attorney General last July, Chief Judge Harold Greene of the Superior Court wrote:

"This legislative enactment [the Court Reform Act] imposed upon the Court very great organizational and logistical responsibilities, exemplified by the absorption of ten additional judges and their staffs . . . and the physical expansion of the Court into an office building actually totally unsuited for court use. . . .

"The other major problem is the physical one of operating one Court out of six different buildings, some of them widely separated from the others. While many measures have been taken to alleviate the difficulties and discomforts arising from this situation, the problem cannot be fully solved until the Court is housed in a single structure on the Pennsylvania Avenue site allocated to it by the National Capitol Planning Commission."

When seven new judges are appointed in February, 1972, they will be housed in the so-called Pension Building. This means that the Superior Court will be operating out of seven different buildings, some separated by considerable distance.

Until a single courthouse is built, Superior Court offices, courtrooms, and functions will be widely scattered. The present situation is confusing to attorneys and other court-affiliated personnel; and, of course, the public has problems keeping straight Buildings A, B, C, D, E, F, and, in February, G.

The proliferation of buildings leads to gross inefficiency and many problems. For example, the problem of security in transporting prisoners is obvious. The problem of trying to maintain an adequate library for 37 judges in six buildings has already brought repeated cries of concern from the court.

It is imperative that a new courthouse eventually be constructed, because current operations are not acceptable.

Failure to provide the design money now would set back plans for a new courthouse at least a year and perhaps longer. And it would increase the cost of the facility that must eventually be built. Experts contend that the construction cost of a new courthouse increases about one percent per month—so that delay is very expensive.

There is widespread, bi-partisan support to have a new courthouse completed in time for the bi-centennial celebration in 1976. Delay at this juncture could destroy that timetable.

NEW DISTRICT COURT BUILDING—JUSTIFICATION IN FISCAL YEAR 1972 BUDGET REQUEST

The project justification as submitted to the Congress as part of the Fiscal Year 1972 request follows:

The following is extracted from a *Westinghouse Study for a New District of Columbia Court Facility*, September 1970: "The Congressional intent in the District of Columbia Court Reform and Criminal Procedure Act of 1970 is clear,'. . . to create a true local court system which will become the principal agency for the resolution of the legal problems of the citizens of the District of Columbia.' As the Senate Managers of this legislation stated in their report to the Congress: '. . . the three trial benches of the District of Columbia (the general sessions, D.C. tax, and juvenile courts) are to be merged into a single local court, the Superior Court of the District of Columbia. The Superior Court is to have exclusive, general jurisdiction over all local matters, civil and criminal—consistent with the move toward home rule in the District as well as for purposes of efficiency and expedition. Likewise, the local appellate court, the District of Columbia Court of Appeals, is to be the highest court of this jurisdiction, the final authority on purely local matters and for purposes of appeal to the Supreme Court of the United States.'[1]

The House District Committee stated in its report:

"Thus, the District will have a court system comparable to those of the states and other large municipalities . . . The bill provides for a detailed and comprehensive scheme for the creation of a local, unified, modern court system for the District of Columbia.'[2]

The legislation responds to the recommendations of several study commissions. The D.C. Crime Commission concluded that, 'The District of Columbia needs a unified court system for the effective administration of criminal justice.' Elaborating on this conclusion, the Judicial Council's Committee on the Administration of Justice recommended that 'The Court of General Sessions should be strengthened in many ways and become the local court of general jurisdiction to which ultimately most, if not all, of the local business of the U.S. District Court can be transferred.' (Policy Statement of the Committee on the Administration of Justice, March 1969, p. 3) It is recommended further that the Juvenile Court be transferred to the Court of General Sessions as a division thereof, and that the functionally autonomous Domestic Relations Branch be made a division in order to unify and coordinate the handling of all problems involving family relations within the same court. In addition, it recommended the appointment of a Court Executive, trained in high level management, who would be responsible for organizing and administering all the non-judicial activities of the court, provide centralized administrative control, and manage the day-to-day court operations.

This new court system will replace the present fragmented court structure, which contains four local courts of limited jurisdiction and two federal courts with jurisdiction over more important cases. The existing fragmentation has been compounded by the fact that the courts of local jurisdiction have been physically housed in six different locations, causing coextensive logistical difficulties. Moreover, space and facility allocations have become seriously inadequate. A survey of judges and court related personnel prepared in April 1970, by the Georgetown Institute of Criminal Law and Procedure indicated that one of the top priorities mentioned by those surveyed was for more adequate space and facilities.

Congress clearly envisions a modern, up-to-date facility, incorporating the best features of current technology and thought on the subject of court construction.

Since all local jurisdiction is to be brought under the new court system and the new Superior Court itself is to be an amalgamation of several existing courts, it is essential that all judicial and court-related functions be centralized in a single facility. Dispersion of functions or personnel in separate facilities is undesirable since this tends to breed separatism within the court system.

Congress is greatly concerned with delays in the decision of both civil and criminal cases. Prompt disposition of cases is a major goal of the legislation, and physical facilities should be designed to facilitate the performance of the various steps in the judicial process.

Both Houses expressed the purpose of enhancing the quality of justice to be administered by the new court system. An aspect of the quality of justice and respect for law sought to be engendered is the dignity of the courts' physical surroundings.

The House Committee stated that a principal aim of the legislation is to bring, '. . . the administration of justice closer to the people who are most personally affected thereby.'[2] Due accommodation must be made in the new facility for the comfort of the citizenry in the various roles which citizens play in the judicial system, as witnesses, jurors, litigants, and even as spectators. In addition, the citizen's need for information within the court system should be recognized—the courthouse should not be a bewildering maze of activities."

[1] Senate Managers' statement regarding conference action on S. 2601, July 15, 1970, 91st Congress, 2d Session, p. 5.

[2] House of Representatives 71–907, 91st Congress, 2d Session, p. 23.

[1] House of Representatives 91–907, *supra*, p. 34.

The PRESIDING OFFICER. The Senator from Illinois has 1 minute remaining.

Mr. PERCY. Mr. President, I shall only need 1 minute more to make this quick conclusion. I would not want the Senate to feel that I offered this amendment without some previous knowledge. The Westinghouse report, when it is submitted in February or March, will include the words that they recommend that the court complex—the Federal District of Columbia court complex building—be grouped in a complex. They have already reached that conclusion. This amendment would implement it.

Second, the Attorney General is desirous of having this, but I think he would concur that the best way to proceed now would be with the commitment the chairman has made for hearings 1 week after completion of that report, so as to proceed with that hearing and then expedite our plans as rapidly as possible on that basis. I concur and support the very important conclusions reached by the chairman.

Therefore, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment. If there is no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. PERCY. Mr. President, I send to the desk a final amendment and I trust that it can be disposed of rapidly.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the votes by which the amendments were ordered to be engrossed and the bill to be read the third time be reconsidered and that the Senator from Illinois be allowed to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I thank the distinguished assistant majority leader.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 5, line 6, delete "$169,033,000," and insert instead "$170,633,000."

Mr. PERCY. Mr. President, I yield myself such time as I need to explain the amendment.

I have sent to the desk an amendment to increase by $1.63 million the public safety appropriation to overcome cuts in the Department of Corrections budget.

I ask that we give very serious consideration to this amendment. It falls within the revenues available to us. It is an additional $1.63 million. It is my understanding that the cutbacks of some $3 million in the Department of Corrections budget fell most heavily on the community corrections program. I consider this one of the most important programs in concept and in implementation. My amendment would provide $1.5 million for the program and $130,000 for personnel requirements.

Mr. President, the present community corrections program in Washington, D.C., serves about 300 people. It was planned that it be increased to reach 400 or 500 people. I think that the House proposed reduction in the Westinghouse means that we will have to cut it back to 200 people. In other words, with all of the attention that has been devoted to prison reform, and finding better ways to house people, we are having them live as animals in overcrowded cells and just finish a school that for the most part, leads them to more advanced crime when they go out.

We want to find a way to select from among those prisoners who would be most susceptible to correctional activity. The $1.5 million cut will eliminate the contract houses, that is, the halfway houses.

Mr. President, if we have learned anything about penal reform, we have learned the value of having more halfway houses so that people can be rehabilitated from a life of crime and will be able to lead useful lives in their community under close surveillance.

Eight of the halfway houses operated by the District of Columbia are operated through contracts to private agencies and other branches of the District government. These contracts are generally entered into on a 3-year basis. The $1.6 million proposed in my amendment would fulfill contract obligations already underway.

In other words, by this act, if not amended, we would be putting the District of Columbia government in a position of being forced to break those contracts. If that is the way to have law and order in the District of Columbia, I simply do not understand what the fulfillment of a contract by the city government is.

There is no expansion of the program to be allowed. They will only be able to hold the line on the programs or, in fact, even have to cut back on those programs.

This is going to cut very heavily into the rehabilitation program. They are going to have to shift gears and instead of trying to create rehabilitation programs they will simply go about doing as they have done in the past. Men in overcrowded facilities are simply a breeding ground for more crime when they leave.

The Youth Center is presently 100-percent over capacity. The Women's Detention Center is 200-percent over capacity.

The District of Columbia Jail is 120 percent. Lorton is 30 percent.

By July 1973, our prison population will be 200 more than before July, 1971.

New facilities are needed. No budgeted program has been advanced for these additional needed facilities.

In every riot, overcrowding has been one of the primary factors. No serious disturbances in District correctional facilities have been experienced in the past several years, however.

This budget gives the District of Columbia a very shaky foundation on which to build.

I must say that the community corrections program has been working. It has been proven and it is in effect now. In fact, it has been working so well, that the District of Columbia wants to extend the program.

I can only ask, is it sensible to keep a couple of hundred more men in jail that the penal authorities have found are qualified to go in the halfway houses, to go into work situations, to get back on their own feet and see if they cannot rehabilitate themselves?

For the lack of money for this facility, they will be kept in jail. Is it cheaper to keep them in jail, or is it cheaper to have them outside providing there is a reasonable assurance that these men or women can be rehabilitated and will not go again into a life of crime?

The fact is that today we have many of them who will continue their advanced course in crime that they get in the institutions and prisons.

If we have a riot in the prisons of the District of Columbia, we take a chance that by depriving the District of Columbia government of these funds we would be substantially contributing to it by forcing overcrowded, unbearable conditions, the very kind of conditions that have caused men to throw all caution to the wind and say, "We will take the government of this prison in our own hands."

Then the riot ensues. We would be reversing every single thing that the penal authorities have been telling us from time to time over the years.

Mr. President, in conclusion I would say that it is clear that these cuts will be the most regressive type of action, from all that is known about prisons and prison reforms.

The Capital has a bad reputation for crime. It is watched more closely than almost any other single jurisdiction in the country. It is almost impossible of management and political control because of the backward relationships and the special relationship that we have had in Congress in trying to work closely with the District of Columbia government and encourage their forward steps in programs. Rather than every time they take a forward step to catch up with the times and have an advancement, which in the end can reduce their budgets, we say, "Oh, no. Do not try anything, because we will not give you the money for the new program. Just stay with the old programs which, in the end, are far more costly to society and to the District of Columbia budget."

I ask that very serious consideration be given by my chairman of the subcommittee to what I consider to be a modest amount to indicate that we hope we can go forward and that we do not agree or concur with the House in the decision they made in this particular area.

I would ask that we would take a forward step and back up the District of Columbia government. This amount will be to our advantage, and a larger program carried out by the Government will be an encouragement and not a stifling or a cutting off of the forward steps we have made.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. BYRD of West Virginia. Mr. President, what evidence can the Senator present that the program is working?

Mr. PERCY. Mr. President, only the statements made by the authorities in our correctional system in Washington. We are considered to have an able and progressive man heading this program. It is his considered judgment that the program that we have had now, that has embraced some 300 people, has worked.

He now feels that it is of considerable significance. And he feels that this program can be now conscientiously and carefully extended to accommodate a total of 400 or 500 people.

He sees no answer other than to simply come back to Congress and ask for more money for more institutions to house more men and women if a program that he has proposed himself and that is good in his judgment is not adopted.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. PERCY. Mr. President, actually I can also say that the figures that have been published as to the District of Columbia crime rates show that it has been effectively carried out. The crime rate has been reduced during the period of experimentation with this particular program.

I have not specifically asked as to how many of those 300 people were women, or how many have had a recourse to crime or a return to prison.

I should have gotten that information. I will certainly get it.

I can only say that the District of Columbia government feels strongly that this program is a fine investment by Congress.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. PERCY. I yield.

Mr. BYRD of West Virginia. Mr. President, I do not presume to speak for the distinguished manager of the bill. He will speak for himself. And I am sure that when he speaks whatever he says will be based on a thorough knowledge of the situation and of the revenue problem.

May I say before I ask a question that the request for more money is the total answer to all problems, where in some situations it is probably the best solution. But I should think that the Senator ought to have asked more questions and to have assured himself beyond any degree of doubt that the program is working.

I am not so convinced by the evidence that the Senator has presented, and I am even less impressed by the statement of the District of Columbia officials as I have heard the Senator refer to them. I have heard those statements too many times to put much stock in them. What will this amendment cost? How much money is involved in the Senator's amendment?

Mr. PERCY. The money would be $1.63 million. This would be $1.5 million for the community corrections program, and $130,000 which would be to restore part of the personnel. They have asked for 78 people; they have only 26. These are correctional officers, parole officers, and others, who would supervise closely those men and women who have been rehabilitated out of the halfway houses.

Mr. BYRD of West Virginia. Where will the money come from?

Mr. PERCY. They will make absolutely certain that a close check is kept on them.

Mr. BYRD of West Virginia. I understand that, but where will the money come from? Will the Federal payment cover it? Will the District of Columbia revenues cover it? Or are we going to have an unbalanced bill here?

Mr. PERCY. No, there is no unbalanced bill by this additional amount. I have probably cut out certain other items that I feel can be justified, to stay well within the limitations of the revenue available to us in our budget.

As I understand it, there is no unbalanced budget by this additional amount. We have added roughly $11.5 million. We have used $9 million of it in the amendment that has been accepted on welfare. This would simply be then a total of $10,630,000—roughly $1 million under the revenue that is available.

Mr. INOUYE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I must once again oppose the amendment submitted by my able colleague for the following reasons: No. 1: this amendment calls for added expenditures of $1.63 million—$1,630,000. No other provision is made to increase the revenue.

Mr. President, if you recall, by earlier action we amended the bill before us so that Federal payments will amount to $179 million. All of us know here that the conferees, much as we would like them to do so, will not come out with this high figure. Now we are adding on $1,630,000 with no addition at all for increasing the Federal payment. It will mean if this amendment is passed that we will be presented for the first time with an unbalanced budget into conference. As manager of this bill I do not desire to set this precedent.

May I once again bring up this matter of estimates. The Department of Corrections early this year submitted a firm estimate as to their needs, and after we scrutinized these estimates, it was found that, for example, they underestimated the Federal reimbursement.

The Federal Government reimburses the District government whenever it houses Federal prisoners. The underestimation approximated $1.2 million, but we gave them the benefit of the doubt, and we just took away a half million dollars. More importantly, Mr. President, there are many of us, much as we favor prison reform, who question at this time the success of the work release program. Under this work release program, these prisoners are supposed to be in their homes at night and are not supposed to be running around the streets. After all, these men have been convicted by courts for the commission of crimes, and they are supposed to be at home at night. Police officers have found that a significant percentage of those under the jurisdiction of the Corrections Department are in violation of the regulations.

Mr. President, when we speak of the reduction in crime, we are playing the numbers game here, because if one studies the reduction in crime, he will find, for example, that rapes and murders have gone up. I do not see any reduction there.

If we are talking about reducing crimes involving less than $100 in value, one of our very enterprising newspapers in this District made a study not long ago where some of our reports have been slightly exaggerated or unexaggerated, so that reports would seem favorable so far as the reduction in crime is concerned.

Mr. President, I should hope that the Senate would go along with me. I wish to impress upon my colleagues that this committee has done whatever is possible. We have had our limitation on funds, and I think it is important that we not spend money that we do not have, and with this amendment we will be spending money that we just do not have. So I hope we will vote it down.

Finally, Mr. President, I desire to point out that this Congress has appropriated moneys to build what we hope will be the most modern prison complex in the United States. The District of Columbia will have its new prison. Money has been set aside for this, and the prison should be completed in about 4 years. Unfortunately, it will not be ready tomorrow.

For these reasons I hope the Senate will vote against the amendment.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield myself 2 minutes.

As I have reiterated many times, I do not wish to have an unbalanced budget. I have never had one in private life. I have never had one in business. I have never had one in any institution with which I have been engaged, except the Federal Government when I came here. We have had nothing but that, except 1 year, since I arrived. I do not desire to have that precedent ever established in a District of Columbia budget, and I thoroughly concur with our chairman in that respect.

I wish to ask the distinguished chairman if he would consider amending the amendment that I have offered to add $1.63 million to the Federal payments.

Mr. INOUYE. Mr. President, this would be a very simple thing to do, but in so doing we will not be honest with ourselves.

We will not be honest with the citizens of the city of Washington, and we will not be honest with the taxpayers of this Nation.

The House of Representatives reported a bill providing for $170 million in Federal payments—which, incidentally, was about $40 million more than was appropriated in a prior year. The Senate much more generously came forth with a bill providing for $181 million. They are in conference; it should be concluded by next Wednesday.

Mr. President, you know as well as I do that the conferees will not accept the Senate recommendation, as much as we would like them to. Knowing this, we would be less than honest by amending our bill so that we would add on $1,630,000 to the present $179 million that we have in the bill. I do not think that this is the way to do business.

Mr. PERCY. Mr. President, I yield myself 2 minutes.

Mr. INOUYE. If the Senator will permit me, I will make a proposal. This chairman is ready to have meetings and hearings, and I am certain that at the appropriate time the District officials, as they have always done, to my knowledge, will submit their supplemental requests. As I have said, we are going to be faced with a whopping one, which if pay raises are included will amount, in my estimation, to a minimum of $10 million. At that time I shall be very happy to listen to their request, listen to their full report as to the success of the work relief program, and consider it accordingly. But at this moment, from what I know and from what the facts are, I cannot in good conscience support the amendment.

Mr. PERCY. Mr. President, I think the suggestion of our chairman is a very reasonable one, and I concur with the comments made by our distinguished acting majority leader, who has an intimate, detailed knowledge of Washington, D.C. affairs, far beyond my own. I will defer to his general feeling that certain additional justification should be provided.

If we can have very early and full hearings and have the gentleman come before us and have him justify the proposal on a dollar and cents basis and on the basis of what it will do to crime in the District, I would feel that the justification would be warranted, and I hope the Mayor would find some way so he would not have to break contracts and interrupt the program in the meantime. I would think in a budget of this size he could give that assurance if he knew that very shortly we would have hearings and that there is a possibility for this item to be restored in a second supplemental.

On that basis I withdraw the amendment.

The PRESIDING OFFICER. The Senator withdraws the amendment.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Does the Senator from Hawaii yield back his time?

Do Senators yield back their time on the bill?

Mr. INOUYE. Mr. President, I yield back my time.

Mr. PERCY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Idaho (Mr. CHURCH), are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 433 Leg.]

YEAS—85

Aiken	Goldwater	Muskie
Allen	Gravel	Nelson
Allott	Griffin	Packwood
Anderson	Gurney	Pastore
Bayh	Hansen	Pearson
Beall	Harris	Pell
Bellmon	Hart	Percy
Bentsen	Hatfield	Proxmire
Bible	Hollings	Randolph
Buckley	Hruska	Ribicoff
Burdick	Hughes	Roth
Byrd, Va.	Humphrey	Schweiker
Byrd, W. Va.	Inouye	Scott
Cannon	Jackson	Smith
Case	Javits	Sparkman
Chiles	Jordan, N.C.	Spong
Cook	Jordan, Idaho	Stafford
Cooper	Kennedy	Stennis
Cranston	Long	Stevens
Curtis	Magnuson	Stevenson
Dole	Mansfield	Symington
Dominick	Mathias	Talmadge
Eagleton	McGee	Thurmond
Eastland	McIntyre	Tower
Ellender	Metcalf	Tunney
Ervin	Miller	Weicker
Fannin	Mondale	Williams
Fong	Montoya	
Fulbright	Moss	

NAYS—0

NOT VOTING—15

Baker	Church	McGovern
Bennett	Cotton	Mundt
Boggs	Gambrell	Saxbe
Brock	Hartke	Taft
Brooke	McClellan	Young

So the bill (H.R. 11932) was passed.

Mr. INOUYE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. INOUYE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. EAGLETON, Mr. PERCY, Mr. BOGGS, and Mr. YOUNG conferees on the part of the Senate.

TRIBUTE TO SENATOR INOUYE AND OTHERS ON PASSAGE OF THE DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I wish to pay tribute to the distinguished Senator from Hawaii (Mr. INOUYE) for the exemplary manner in which he has chaired the Appropriation's Subcommittee on the District of Columbia. Today's outstanding achievement—the passage

of the funding measure for the District—tells only a part of the story.

DAN INOUYE greeted the task of overseeing the funding of the District with an enormous degree of energy. To it, of course, he brought those talents and skills that have made him the truly outstanding public servant that he is. I commend Senator INOUYE. I commend him first of all for already contributing immensely to the betterment of the District; for trimming away a great deal of fat in its budget and all in all for assisting in making the District a better place in which to live, a better place in which to work.

Today on the floor, DAN INOUYE demonstrated just how thoroughly he has become familiar with the District, with its problems and with its needs. The Senate and the Nation and particularly the people of the District of Columbia owe him a deep debt of gratitude.

Joining Senator INOUYE to assure the expeditious disposition of this important measure was the distinguished Senator from Illinois (Mr. PERCY). His splendid cooperation and support assured the efficient and overwhelmingly favorable disposition of the measure. We are grateful.

Finally, the Senate is grateful to all those who joined the discussion. It should be amply clear from the consideration of this bill that the District can count many friends in the Senate; friends willing to devote great energy in behalf of the people who happen to work or reside in the Nation's Capital.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. CHILES). Pursuant to the previous order, the Chair now lays before the Senate S. 2574, with a time limitation of 2 hours. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Who yields time?

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. How is the time divided?

The PRESIDING OFFICER. The time is 2 hours, divided, 1 hour to each side, between the Senator from Wyoming (Mr. MCGEE) and the minority leader.

Mr. GRIFFIN. I thank the Chair.

Mr. McGEE. Mr. President, I am glad to yield at this point to the majority whip.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

THE SUPPLEMENTAL APPROPRIATIONS—A UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, if I may have the attention of the distinguished assistant Republican leader, at the direction of the majority leader, permit me to say that the effort has been made to bring up the supplemental appropriation bill at this time under a unanimous-consent agreement, so as to accommodate Senators with respect to voting during the afternoon.

The matter was cleared with the distinguished Senator from Wyoming (Mr. MCGEE), but the chairman of the Appropriations Committee cannot have the supplemental appropriation bill ready before an additional 2 hours, so we will have to proceed as was ordered last night.

However, I ask unanimous consent, with respect to the supplemental appropriation bill, that immediately upon the expiration of the 2 hours which have been ordered for a discussion on the voter registration bill, the Senate proceed to the consideration of H.R. 1195, the bill making supplemental appropriations for the fiscal year ending June 30, 1972; that there be a time limitation thereon of 30 minutes, to be equally divided between the distinguished ranking Republican member of the committee and the distinguished manager of the bill; that the time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such and the distinguished manager of the bill, with the exception of one amendment by the distinguished Senator from Massachusetts (Mr. KENNEDY) and one amendment by the distinguished Senator from California (Mr. TUNNEY), on each of which there be 30 minutes, to be equally divided in the same fashion; that any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 20 minutes, to be equally divided in the same fashion.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. I yield.

Mr. GOLDWATER. What is this going to do to the timetable relative to the Supreme Court nominations?

Mr. BYRD of West Virginia. Mr. President, it would depend, of course, on how many amendments are offered to the supplemental appropriation bill. But with the time limitation thereon, I think we can be assured beyond reasonable doubt that the Senate will begin its debate on a Supreme Court nomination during the afternoon, possibly the late afternoon.

Mr. GOLDWATER. Mr. President, will the Senator yield further?

Mr. BYRD of West Virginia. I yield.

Mr. GOLDWATER. On the same subject—because many of us returned early this morning thinking that the nominations would be brought up—does the leadership see any possibility of ending the debate and having a vote on the two nominations sometime tomorrow?

Mr. BYRD of West Virginia. I see no possibility of having the vote on the nominations tomorrow.

Mr. GOLDWATER. Would the Senator be willing to make a guess as to when there might be a vote?

Mr. BYRD of West Virginia. No, I would not. May I say to the distinguished Senator, with the utmost respect, that I cannot answer the question; and those Senators who do have to present a case in opposition to the nomination or nominations would be in the best position to respond to the question. I am not sure that they would know, either, at this time. It will not be today, and it will not be tomorrow.

Mr. GOLDWATER. Will Senators be taking a risk in being absent tomorrow?

Mr. BYRD of West Virginia. The Senator might risk missing a vote on a conference report, but I do not think there is the danger of his missing a vote on a nomination tomorrow.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAYH. The Senator from West Virginia is absolutely honest in saying that he is not certain and suggesting that some of us who are deeply concerned about one of these nominations really could not give a specific date.

I think there could be no question—I can speak only for myself, of course—that so far as the Powell nomination is concerned, there would be little opposition. I know of no opposition, but there may be some. I think several of us would want to have a chance to explain our support in terms of some concern that has been expressed.

The Rehnquist nomination I think is going to take a bit longer—how much longer, I do not know. But as one person who is concerned, I would not want to have the vote set at a time without Senators having sufficient notice. In other words, there should be plenty of leeway so that Senators who have gone could get back.

Mr. GOLDWATER. Could the Senator give us any indication, from the knowledge he has of those opposed to Mr. Rehnquist, as to whether that might be Monday, Tuesday, Wednesday, Thursday, or someday?

Mr. BAYH. I think the latter—"someday" would be the best way to describe it. [Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Visitors in the galleries will keep in mind that they are guests of the Senate.

Mr. BAYH. I do not want anyone to misinterpret that. I do not intend to participate in any filibuster. We have a rather important decision to make. The arguments that some of us feel can be made persuasively against the nominee cannot be made in one-paragraph statements. It takes a rather well thought-out and well-presented argument, and we feel that we have an obligation to make this presentation. I am sure the other Members of the Senate will respect this feeling of obligation.

Mr. BYRD of West Virginia. Mr. President, I discussed this matter yesterday with the distinguished Senator from Indiana (Mr. BAYH), and I asked him at

that time if it might be possible at some point to determine a date and an hour at which a vote could be had on a confirmation or on the two confirmations, so that all Senators would be on notice; because I am sure that all Senators will want to vote on these nominations.

The distinguished Senator indicated that he would hope that that could be done, but that he was not in a position as of yesterday to suggest it. Whereupon I asked whether or not we would be likely to have a vote today, and he said he did not think so; I asked whether or not we would be likely to have a vote tomorrow, and he said he did not think so. I did not press the matter beyond that point.

The Senator indicated to me that he had no intention of unduly delaying the Senate, but he did want to present his case. He has a right to do that, and to take whatever time he thinks is justified in doing it.

I feel that the Senator and others who oppose the nominations will at some appropriate point cooperate with the leadership, as they always have, in attempting to determine a date and an hour, so that all Senators can be notified at least 24 hours in advance of such votes.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. PASTORE. We have been here for a long, long time, with arduous sessions day and night. Now we are almost within the octave of Christmas. I hope we are going to be able to go home for Christmas. I do not yet know how I am going to vote on the nomination of Mr. Rehnquist, and I desire to hear an adequate debate. But I have been here long enough to know that the complete story can be recorded either the short way or the long way. I trust we are told the whole story the short way, so that, hopefully, perhaps by next Saturday we can return to our families. I think that would help us all. I think it would help the case of the proponents and of the opponents as well, if there would be a little consideration for the convenience, accommodation and comfort of all Members of the Senate.

I am not being critical of anyone. I am not asking anybody to rush his case. But I have been here long enough to know that it can take a long time to say the same thing that could be covered in a short time. I hope we use the shortcut rather than the long way. Brevity is the soul of worth as well as wit.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I want to focus on the pending request, which goes to the supplemental appropriation bill. As I understand, the Senator asked for a limitation of 1 hour on all amendments except two. Is that right?

Mr. BYRD of West Virginia. Except two. The distinguished Senator from California has two amendments, but on one he would be willing to cut the time in half, and so would the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. GRIFFIN. Yesterday, when I was checking this out, the senior Senator from New York (Mr. JAVITS) indicated that he thought an hour ought to be allocated, particularly when we did not know what the amendments might be about. I wonder whether we could have some indication of what the amendments are about.

Mr. BYRD of West Virginia. Mr. President, I revise my request to allow 1 hour on all amendments in the first degree. The Senators, of course, can yield time back.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, will the Senator yield?

My BYRD of West Virginia. I yield.

Mr. ERVIN. As I understand, the bill S. 2574 is to be debated for 2 hours.

Mr. BYRD of West Virginia. Yes.

Mr. ERVIN. I understand that there is no limitation on the time for voting and no limitation upon any amendments to that bill, and no limitation upon the time which could be devoted to a motion to commit it to some committee having jurisdiction.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. ERVIN. I thank the Senator.

Mr. SPARKMAN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McGEE. I yield, on the "company's" time.

SUBSTITUTION OF SENATOR ROTH FOR SENATOR BENNETT AS A CONFEREE ON H.R. 9961

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the junior Senator from Delaware (Mr. ROTH) be substituted for the Senator from Utah (Mr. BENNETT) as a conferee on the bill H.R. 9961, to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

The distinguished Senator from Utah (Mr. BENNETT), as we all know, is in the hospital recovering from surgery.

The PRESIDING OFFICER (Mr. CHILES). Without objection it is so ordered.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. BAYH. Mr. President, will the distinguished Senator from Wyoming yield to me briefly?

Mr. McGEE. I yield, on the "company's" time.

Mr. BYRD of West Virginia. Mr. President, would it not be a reasonable request to ask that this time being taken be equally divided between both sides?

Mr. McGEE. I would object to that. We have an agreement of 2 hours on this. I thought the Senator was referring to the yielding that we are doing here, but we are not talking about the subject matter we are here to discuss.

Mr. BYRD of West Virginia. All I am trying to do is to keep it all from coming out of the Senator's time.

Mr. McGEE. I do not want even half of it to come out of my time. I am objecting to the yielding on my time. That is the point. We tried to accommodate everybody on this. We tried to shift our position and advanced it to a later time of the day in order to move another bill. Now that that has been reversed by other decisions, I would like not to yield on our time.

The PRESIDING OFFICER (Mr. KENNEDY). Is it the position of the Senator from Wyoming that the 7 minutes which have transpired have been charged to the Senator from Wyoming? The Chair understands, from the request of the Senator from West Virginia that the 7 minutes would be divided equally between both sides. That would be 3½ minutes to each side. That was the unanimous consent request of the Senator from West Virginia. The Chair wants to know if objection has been filed by the Senator from Wyoming to that unanimous-consent request.

Mr. McGEE. In trying to be more than fair, I have yielded time in the interest of facilitating the business of the Senate and not in debating this particular issue on which we have an agreement. I want to record my objection to the deduction of 7 minutes from the time in which we were to be discussing another matter. It is customary in this body for that to be done.

The PRESIDING OFFICER. Is the Senator from Wyoming requesting that this 7 minutes not be charged to either side?

Mr. McGEE. In the spirit of expediting the business of the Senate and hoping we could get some kind of reciprocal——

The PRESIDING OFFICER. Is the Senator from Wyoming requesting that the 7 minutes not be charged to either side?

Mr. GRIFFIN. Mr. President, I object to the request but I ask unanimous consent that the 7 minutes be taken out of the time allotted to this side.

Mr. GOLDWATER. Mr. President, reserving the right to object, I should like to ask a question. There are six amendments being proposed by the distinguished Senator from North Carolina. I have two amendments. That is eight amendments. How much time are we allowed on each amendment?

The PRESIDING OFFICER. There is no specific time on amendments. Two hours total.

Mr. GOLDWATER. Two hours total, with no time limitation on amendments?

The PRESIDING OFFICER. There is no time limitation on amendments. Two hours total.

Mr. SCOTT. Mr. President, will someone yield me 1 minute——

Mr. BAYH. Mr. President, has the unanimous-consent request been objected to?

The PRESIDING OFFICER (Mr. KENNEDY). Is there objection to the re-

quest of the Senator from Michigan (Mr. GRIFFIN) that the time be charged to the minority leader?

Mr. BAYH. Mr. President, reserving the right to object, and I shall not object, I do not want to impose upon my good friend from Wyoming. The reason the Senator from Indiana rose earlier was not to take time away from his friend from Wyoming, but rather to try to put in perspective where we are going on future business. The very matter, the very issue which confronts us now, it seems to me, points up the inequities of the situation which existed. The measure being sponsored by the Senator from Wyoming and other Members of this body is an important piece of legislation. We have been allotted on this matter 2 hours of time and then we are no longer going to be able to consider it.

I hope that when the time comes to discuss the Supreme Court nominations perhaps we will also look to a time limitation. That will be controversial, and perhaps it can be treated in the same way so that we can put it off and follow the leadership of the Senator from Rhode Island and go home with our families.

The PRESIDING OFFICER. Is there objection to the request of the minority leader? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, will someone yield me 1 minute?

Mr. McGEE. May I ask on whose time?

Mr. SCOTT. On my time.

Mr. McGEE. Yes, I yield 1 minute to the Senator on his time.

Mr. SCOTT. Mr. President, we have had so much controversy about 7 minutes that I suggest further controversy be deferred and that Senators read the book on that subject.

Mr. PASTORE. I do not get it. [Laughter.]

Mr. McGEE. I would be content if Senators would take 7 minutes to read the report from the committee on S. 2524 because it says almost everything on this matter that we are deliberating now.

The committee addressed itself to the simple problem of trying——

The PRESIDING OFFICER. The Senate will please be in order.

Mr. McGEE. Mr. President, on whose time?

The PRESIDING OFFICER. On the time of the Senator from Wyoming.

Mr. McGEE. We are being called to order on my time?

The PRESIDING OFFICER. That is correct, so that the Senator can be heard.

Mr. McGEE. I thank the Chair. Now, if I may proceed, hopefully, with a minimum of delay—we address ourselves to this task for the purpose of removing the obstacles, the inequities and the contradictions in the registering of voters. We are following through from the effects of the Voting Rights Act of 1970 which said in regard to Federal elections, involving the President of the United States and the Vice President, that the limitations of any State on residence would be placed at 30 days. We observe that limitation and merely suggest in the pending legislation that it apply to Federal elections, to the Senate and Members of the House of Representatives. We do this for the simple reason, after very lengthy testimony from all segments involved in our society, that there are still almost 50 million Americans who otherwise would have been eligible to vote and did not vote. Of that 50 million, some, perhaps, never would vote. There are always people like that.

Among those, there were those, however, several millions, who were disqualified from voting because of complicated or involved registration requirements among the different States. With the mobility of our people, with the changing of residences, with the unquestioned importance of all people wherever they may be living in the United States being able to vote on Federal office holders, we have sought some formula for achieving this end, and that formula we have drafted in the form of the pending legislation.

This bill would simply permit the Census Bureau which in its testimony it agreed it can handle, to absorb a national voter registration operation in which, through the facilities of the Bureau, they would mail out the necessary registration information and material to all households in the United States, and the householder in examining that material with its options and its instructions on it would send in a postcard to his local authority, the county clerk in most cases, or whatever other local registration authority prevails in the several States.

We do not tamper with the local responsibility. That card, when received by the local authority and the signature of the individual would be examined by the county clerk who will determine whether, in his judgment, this is indeed a legitimate person and, at that point, he returns the accompanying post card, the first one, to the prospective registrant, affirming that he is, indeed, registered for Federal elections only—President, Vice President, Senator and Member of Congress. If the local county clerk makes his own determination that this may be a phony, or there is reason to suspect some kind of illegal operation, he is entitled so to inform the would-be registrant.

There are two courses open. Either the local authorities can deny the registration, and the name does not appear on their own rolls, or if there is larger evidence of some massive tampering with the process, they can request that the Federal agency involved assist them in verifying or disallowing the charge.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. In my State, in order to guarantee the sanctity of the ballot, there has to be identification of the voter. As a matter of fact, when one goes to the polls in my State, after having registered at the proper place, whether it be the city hall, the town hall, or whatever the place might be, he signs his name and gives his address. When he goes to the polls, the officials have that information on hand, and the voter signs another form with his name and address, and that is compared with the previous information. How would the Senator provide for that in the particular case he is describing?

Mr. McGEE. The same voter information is supplied on the postcard, and that is mailed to the polling place.

Mr. PASTORE. I understand; but if the person is obliged only to send in a postcard to the registrar, how will his signature get on the record? Will the postcard precede him to the polling place? That is what I want to know.

Mr. McGEE. The local official has an option in handling that. The State's procedures are not changed.

Mr. PASTORE. I would assume that in the particular case which the Senator is describing the card would have to be on hand at the polling place.

Mr. McGEE. That is correct.

Mr. PASTORE. Once it is certified.

Mr. McGEE. Yes. We do not propose to change any of the State's procedures.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McGEE. I would prefer not to yield until I have finished my presentation.

Mr. ERVIN. I should like to ask the Senator how he would reconcile——

Mr. McGEE. May I reply to the Senator on the opposition's time? Would that be helpful? A number of Senators want to say something on this subject, and I am trying to protect their right to have something to say.

Mr. GRIFFIN. Mr. President, how much time would the Senator from North Carolina desire?

Mr. ERVIN. One minute.

Mr. GRIFFIN. Mr. President, I yield 1 minute to the Senator from North Carolina.

Mr. ERVIN. I refer to page 19, section 407, which provides as follows:

§ 407. Prevention of fraudulent registration

(a) Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration. The Administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

Under that, the local officials would have no authority whatever to check on that situation. They would have nothing but the self-serving declaration of the person who wanted to register and vote by mail.

Mr. McGEE. The State procedures would prevail only if some particular aspect developed to which the State did not feel it could address itself to. Then it may appeal to the agency for assistance in that regard, but only then. It would be anticipated that this would occur only in extreme cases, and the action would be initiated by the State itself, not by the agency.

The ultimate cooperative formula for setting up the process would be to have the U.S. Government agree to pay the costs of processing the volume of cards that would be returned. In the initial effort the United States would pay up to 15 percent if a State adopted a card system for registration instead of whatever system prevailed at the particular time in the State.

Finally, the United States would agree to pay up to 30 percent of the costs if the State adopted these standards for voter qualifications.

There is a simple proposal that residence be limited to 30 days and that the polls for registration may not be closed earlier than 30 days before the election. Those are the simple attributes of the mailing.

The real substance is we believe very strongly that we ought to remove the technical or contradictory barriers for people to vote.

The opportunity to vote, in terms of residence, is a key to our survival as a free society, and this is a system which can be held up to the rest of the world to examine.

This proposal would not inquire how one is going to vote. I gather from the dialog I have heard earlier that there are those who are afraid that others will learn how they voted. We do not concern ourselves about that.

We are concerned only with providing the opportunity to register to vote. Whether the person will vote or not is something we cannot determine.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. I regret very much that I am interrupting the Senator from Wyoming, but I hope he will believe that I am trying to be constructive.

My State has voting machines which contain the names of all the candidates. The election for Governor occurs every 2 years. Naturally, every time we have a Federal election, we have a State election. Some cities have off year elections, and the candidates are nonpartisan, so there is no difficulty about that. But the election for Governor occurs every 2 years. Elections for State offices are held every 2 years. Elections for the general assembly are every 2 years; for the U.S. House of Representatives, every 2 years; for President and Vice President, every 4 years; and for U.S. Senator every 6 years.

Ordinarily—and I think it is the general rule—all the names appear on the face of the voting machine.

The question I raise is, Will this act become effective on its passage? In other words, is it intended by the bill to affect the 1972 election?

Mr. McGEE. If the provisions of the act say it becomes effective upon enactment.

Mr. PASTORE. They become effective upon enactment?

Mr. McGEE. The Senator is correct.

Mr. PASTORE. Therefore, if this legislation is enacted some time in the early part of next year, is it fair for me to assume that the State can look forward to some sort of subsidy to adjust to it?

Mr. McGEE. If they choose that route, yes.

Mr. PASTORE. Does the Senator feel that by the middle of 1972 the States can achieve uniformity so that a person who goes to the polls to vote for a Federal office can also vote for a State office? Otherwise, we will have an absurd situation if a person is qualified to vote for the President, but not for the Governor, since he is not registered under State law.

Mr. McGEE. The Senator is correct. We had a secretary of state testify before us. We also had Census Bureau officials and they agreed it might impose a burden the first time around, they still could handle it, and that it would not ground the system. Many were fearful that if they wanted it, manpowerwise the Federal Government would have to help supply assistance to prevent an inundation.

Mr. PASTORE. Mr. President, there is a National Association of Secretaries of State. Were the representatives of that organization before the committee?

Mr. McGEE. The secretary of state of Oregon testified. All the others were informed of it, and the opportunity was extended in the announcement of the hearings.

The secretary of state of Oregon volunteered to accept the notification of hearing and responded.

Mr. PASTORE. Mr. President, did the Senator hear from the secretary of state of Rhode Island?

Mr. McGEE. I do not recall that we did.

Mr. PASTORE. I would like to know that fact at some juncture, because I would like to go into the matter. The prospect disturbs me quite frankly. I agree with the objective, because we ought to facilitate as far as possible the opportunity for people to vote. Our Government operates by a democratic process—a government of the people, by the people, and for the people—and people ought to have every opportunity to vote.

We have one policy for the Federal Government and one for the State government. I wonder how the mechanisms will mesh so that we will have uniformity. Otherwise, very frankly, this will be a mess on election day if someone qualifies to vote for a Federal office, but does not qualify to vote for a State office.

Mr. McGEE. We already have a statute on the books, and this bill would simply add these two Federal offices to it.

Mr. KENNEDY. Mr. President, I am pleased to give my strong support to S. 2574, the National Voter Registration Act of 1971, which is designed to bring comprehensive and far-reaching reform to the crisis in voter registration we have known for so long.

The bill before the Senate contains five principal provisions:

First, it will establish a simple post card system for voter registration in all Federal elections throughout the Nation. Any qualified applicant would be able to register to vote in Federal elections merely by filling out a post card form that would be returned to the local registration office. At a single stroke, this provision will eliminate much of the complexity and inconvenience that currently plague the voter registration procedures in virtually every State.

Second, the bill will establish a period of 30-day residence prior to an election as the maximum residence qualification that may be imposed for voting in Federal elections. The bill would thus extend to voters in elections for Senators and Representatives the same residency requirement which title II of the Voting Rights Act of 1970 applies to voters in presidential elections. If adopted, this provision would reduce the impact of burdensome residence requirements, which operate now to disfranchise millions of mobile Americans who change their residence every year.

Third, the bill will require State and local registration officials to permit a qualified applicant to register to vote in all Federal elections up to 30 days prior to such elections, thereby maximizing the opportunities for eligible voters to participate in the election process.

Fourth, the bill will establish a National Voter Registration Administration within the Census Bureau, whose functions will be to administer the new Federal program, to assist State and local officials in carrying out the program, and to compile and publish voting information and statistics.

Fifth, the bill will provide specific financial incentives to encourage the State and local governments to accept the post card form for registration in non-Federal elections, and to reduce residence requirements for voting in such elections.

In recent years significant strides have been made in extending the franchise to those who have been denied the most fundamental right of all in a democratic society—the right to vote. The adoption of the 26th amendment to the Constitution, which lowered the voting age to 18 for all Federal, State, and local elections, is the most recent milestone in this respect. The decades of the fifties and sixties witnessed landmark legislation enacted by Congress to protect the franchise against the burden of racial discrimination. The Voting Rights Acts of 1965 and 1970 are the high watermark of these efforts to bring equal justice to the exercise of the franchise by all our citizens.

Although these achievements have done much to improve the quality of elections in the Nation, we cannot afford to rest on our laurels. The next great barrier we must overcome is the pervasive and insidious effect of existing voter registration systems that silence millions of eligible voters in State after State across the country. Indeed, the impact of recent legislation to expand and protect the right to vote has often been diluted by registration systems that present unfair and unnecessary hurdles to the exercise of the franchise in every election—Federal, State, or local.

It was in this context that the Senate Post Office and Civil Service Committee conducted hearings to consider a number of alternative legislative proposals, including a bill of my own, to reform voter registration in Federal elections. The pending legislation is the product of the committee's exhaustive and comprehensive hearings. It presents a sound and thoroughly reasonable approach to the reform we need. It deserves the unqualified support of every Member of Congress concerned about this contemporary blight on our democracy.

The need for this legislation has been generously documented by numerous studies on the discriminatory effects of

present voter registration systems, by statements made in this Chamber over many years, and by the eloquent testimony presented before the Post Office and Civil Service Committee. The hearing of these analyses is the finding that existing voter registration systems present an enormous and anachronistic impediment to the citizen's exercise of the franchise. It is clear beyond any reasonable doubt that the benefits of continued reliance on the present registration systems do not warrant the costs imposed by the resulting limitations on the citizen's right to vote. The message is clear: Reform is essential if our elections are to truly reflect the voice and the will of the people.

The historical explanations of our present plight in no way justify our failure to act. The origin of most voter registration systems came near the end of the 19th century. In large part, the development of such systems represented legitimate concerns of the State, such as a desire to prevent fraudulent and multiple voting. To some extent, however, the origin and perpetration of voter registration systems reflected more sinister purposes, such as the guarantee of political power in major cities of the Nation at the turn of the century, and the disfranchisement of black voters or other minorities. Indeed, the hearings on the 1965 and 1970 Voting Rights Acts, for instance, demonstrated that registration was often a guise to perpetrate and perpetuate racial discrimination by State officials.

Regardless of the reasons which motivated the adoption of these registration systems, their impact in reducing voter participation today is indisputable. It is no coincidence that in 1896, when States first began to adopt voter registration systems, approximately 80 percent of the Nation's eligible voters cast a ballot in the presidential election, whereas in 1924, after the last State had adopted a restrictive registration system, only 48 percent of the Nation's voters went to the polls. Nor is it an coincidence that between 1840 and 1900, when there were virtually no registration requirements, an average of 77 percent of the electorate participated in presidential elections, whereas the average participation since 1900, after the adoption of registration systems, has been approximately 60 percent.

In light of these depressing figures, it is fair to say that voter registration is perhaps the only area of American life in which the Nation was better off in the 19th century than it is today.

The persistence of these trends throughout the 20th century demonstrates that they are not a passing aberration but a deep-seated cancer in our existing political system. In 1960, for example, only 64 percent of the Nation's eligible voters cast ballots in the presidential election. Contrary to the views of many at the time—views that are echoed even today—the absence of millions of voters from the polls in that election did not reflect basic indifference by the people toward the exercise of the franchise. An extensive study of voting behavior in 104 cities in that election concluded, instead, that registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered. According to the study, 80 percent of those who failed to vote in 1960 were disfranchised by the burden of existing registration requirements.

In 1968, the pattern was no different. Only 61 percent of the Nation's eligible voters cast their ballots in the presidential election. Of the 120 million citizens of voting age, only 73 million went to the polls. Forty-seven million stayed home, at a time when President Nixon was winning the election with only 31 million votes. The significance of these lost voters is enormous. The impact can be appreciated most clearly when it is realized that for every vote separating the two major candidates in 1968, 150 citizens did not vote.

On the other hand, the discrepancy also underscored the obvious burden of registration systems: 72 percent of the 47 million who did not vote were not registered. But, of the 82 million voters who were registered, 89 percent cast ballots. The significance of this point is also clear. Americans who are registered are Americans who vote, and the way to improve the record of political participation in the Nation is to improve the methods by which we enable citizens to vote.

In this context, it is no surprise that subsequent studies have concluded that the most significant deterrent to the exercise of the franchise in 1968 was the registration requirement. On the basis of a survey conducted in December 1969, for example, Dr. George Gallup found that registration requirements, rather than lack of interest, explained the minimal voter turnout. Similarly, the Freedom to Vote Task Force, established by the Democratic National Committee in 1969 and chaired by former Attorney General Ramsey Clark, found that registration systems posed the most serious single impediment to full participation in the Nation's elections.

As in many other situations, the burdens of these complex and capricious registration systems weigh especially heavily on the disadvantaged groups within our society.

Only 66 percent of the Nation's black citizens were registered in 1968, for example, while the figure was 76 percent for the white population.

Only 53 percent of those in families with incomes of less than $3,000 were registered in 1968, while 82 percent of those in families with incomes between $10,000 and $15,000 were registered.

Only 69 percent of the Nation's manual workers were registered to vote, while 83 percent of the Nation's white-collar workers weer registered.

Only 49 percent of those with a formal education of 1 to 4 years were registered in 1968, while 87 percent of those with a college degree were registered.

Clearly, on the basis of these statistics, the burden of our present registration system falls most unfairly on the poor, the black, the less educated, and the blue-collar workers.

But these are not the only citizens in our society who bear the burden of existing registration requirements. Those in more privileged positions are not immune from the systems' defects. The inconvenience of traveling to the country courthouse during business hours to register in person often proves too time consuming for the busy doctor, lawyer, or business leader. Time and again, successful young executives in our mobile society are disenfranchised by residence requirements designed to meet the needs of another era. Similarly, the complexity of many registration forms is often sufficient to discourage even those who have both the determination and the intelligence required to fill out the form.

Many other circumstances often operate to preclude a citizen from exercising his right to vote. It is noteworthy, for example, that 12 States require reregistration if a citizen fails to vote at least once in 4 years, while 23 other States require reregistration if a citizen fails to vote once in 2 years. The plight of the absentee voter is no better. Forty-eight States disenfranchise or effectively impair the ability of citizens to vote by absentee ballot.

In the last analysis, the webs spun by existing voter registration systems ensnare not only the poor, the uneducated and the racial minorities. They trap us all. Rarely, I think, has a movement for reform so clearly cut across social and economic lines. The reform we seek will benefit us all, of whatever political affiliation or geographic region.

Thus, the defects of the present system are not confined to any one region within the country. Although the scope of a registration system's adverse effects may be shaped to some extent by the circumstances and practices prevailing in a particular State, the effects are largely the same throughout the East, West, North, and South. Even the most cursory examination of the evidence received in the hearings conducted by the Post Office Committee amply testifies to the quirks and obstacles that plague our voter registration system:

In a calculated attempt to discourage registration, local registrars in Cambridge, in my own State of Massachusetts, asked young citizens enfranchised by the 26th amendment, but not other applicants, if they were employed locally.

In Missouri, rural counties of less than 50,000 population have no registration requirements and, as a result, the voter turnout in elections in those counties is consistently 10–15 percent higher than the voter turnout in urban counties, which do have registration requirements.

In Mississippi, newspaper reports and other studies have consistently documented the fears of black citizens that registering to vote will result in reprisals from whites within the State and local governments. Racial discrimination is not the only defect that characterizes Mississippi's voter registration system. That State also closes its registration books 120 days prior to elections. Consequently, this year, registration closed on July 2—2 days after the 26th amendment was adopted and before thousands of young people could register to take advantage of their new right.

In Nashville, Tenn., in 1970, eligible voters had to travel to distant county court houses or to a limited number of supplemental registration sites between the hours of 9 a.m. and 4 p.m. Such restrictions were a severe handicap to many businessmen, housewives, and others who schedules did not allow them the time to make the necessary trip, especially during those hours.

In New York City, a major effort to register voters prior to the 1969 mayoral race succeeded in adding only 70,000 voters to the rolls, or 3 percent of the total voting age population. In the end, only 35 percent of New York City's voters were registered. Today more than 2 million of New York City's eligible voters remain unregistered.

In Boulder, Colo., individuals seeking to apprise young citizens of their rights under the 26th amendment were ejected from registration lines even though those individuals dispensing information were not engaging in partisan campaign activities.

In Oregon, which has the third most lenient registration requirement in the country, the bureaucratic hurdles were still sufficiently large to preclude approximately 20 percent of the voting age population from registering. On this basis, Mr. Clay Myers, a Republican who has served as Oregon's Secretary of State for more than 6 years and who has the responsibility for supervising Oregon's voter registration system, testified in the hearings that most State election laws are so complex that they defy both good administration and fair enforcement. The laws, he said, are so overburdened with protection that, in effect, they no longer serve the electorate. Mr. Myers also emphasized that existing voter registration systems discriminate against our rural electorate nationally, because of the inaccessibility of registration facilities in many States.

In Inverness, Fla., a city attorney refused to register young voters because he believed the 26th amendment was invalid. A witness at the committee hearings testified that the attorney then added, "Besides, nobody told me I had to register them."

In Wyoming, the inaccessibility of registration facilities substantially accounted for the fact that 37 percent of that State's largely rural population did not register in 1968, although 89.1 percent of those who did register cast ballots.

Until this year, the voter registration books in Texas closed 9 months prior to the election. This system effectively disenfranchised more than a million otherwise eligible voters, and helps to explain the fact that only 44 percent of Texas voting age population cast ballots in the 1968 Presidential election. Earlier this year, a Federal district court held that the requirement was unconstitutional, as a denial of the equal protection of the laws. In its decision, the District Court noted a study which determined that for every additional month the registration books remained open, an additional 2.7 percent of Texas voting age population would be registered.

In Chicago, the inconveniences of registering are made manifest by a requirement that, except for 2 days, a voter must register in person in a county courthouse downtown. A labor union official testified that this requirement disenfranchised thousands of workers who could not leave their jobs. The defects of Illinois' voter registration systems are not confined to Chicago, however. In McLean County, Ill., for example, a student must be married and employed locally before he can register. In other parts of the State, young people enfranchised by the 26th amendment are asked if they own property, as a means of determining an intent to reside in the particular locale.

In South Dakota, a citizen must be a resident of the county for 5 years before he can register.

During different periods in the last century, Idaho refused to register persons who fell into one or another category of bad moral character—as well as citizens who taught that State laws are not supreme, or those of Chinese or Mongolian descent. More recently, Idaho has instituted reforms in its registration system and the results are instructive. In 1968, for example, Idaho closed its registration books only 2 days prior to the election; as a result, 72 percent of the voting age population cast their ballots. The significance of this reform is suggested by a comparison with other States with more severe restrictions. In Mississippi, for instance, where registration closed 4 months prior to the election, 50 percent of the population turned out in the 1968 presidential election, and only 33 percent in 1964. In Arizona, where registration closes 7 weeks prior to elections, only 51 percent of the electorate voted in the 1968 presidential election and only 55 percent voted in the 1964 presidential election.

These few examples merely touch the periphery of the problem that confronts us. But they do demonstrate the inequities and injustices which pervade our existing voter registration system. The problem is nationwide, and the most appropriate remedy is national legislation such as S. 2574.

Nor should there be any concern that adoption of S. 2574 will result in the electoral frauds which in part inspired the first voter registration laws. The bill contains ample antifraud provisions to prevent abuse of the postcard system. It preserves the virtue of the theory of registration, but it eliminates many of the worst features in its present practice.

Although no one suggests that we simply abolish all requirements of voter registration for the Nation, the experience of North Dakota is enlightening with respect to the reality of the danger of modern fraud. In 1951, North Dakota abolished its statewide voter registration system. Although towns with a population of more than 1,500 were permitted to adopt local registration systems, none has yet accepted this invitation from the State. Since 1951, approximately 70 percent of North Dakota's electorate has voted in presidential elections. There is no evidence of any fraud being perpetrated because of the absence of a voter registration system. Indeed, the Post Office Committee received specific testimony on a detailed study of North Dakota elections, which concluded that the extent of electoral fraud in North Dakota since 1951 has been negligible. The same conclusion was drawn on the experience of other States, such as California, Idaho and South Carolina, which have experimented with universal enrollment programs. Indeed, there was testimony in the hearings that the incidence of election fraud is greatest in those States which have the most complicated registration systems.

The import of these comparisons is clear. Whatever the circumstances at the turn of the century when voter registration systems were first adopted, these systems no longer protect the public from the dangers of fraudulent election returns today. Instead, existing voter registration systems now serve mainly to exclude millions of otherwise eligible and interested voters from expressing their political preferences at the polls.

The fraud we have to fear today is not the sort of individual fraud that registration itself can prevent. The real fraud we have to fear is the so-called "institutional fraud"—fraud carried out with connivance or acquiescence of local officials at the polling places on election day. That is a problem that will exist whether or not we enact S. 2574, and no serious contention can be made that the pending bill will contribute in any substantial way to that or any other kind of fraud.

It should also be emphasized that adoption of S. 2574 will not impinge upon the States' constitutional power to determine voter qualifications. Apart from the modest changes in residence requirements which is well within the constitutional power of Congress, the States will continue to decide whether a citizen is a resident of the particular State. No Federal official will be authorized to interfere with State registration procedures, unless the State explicitly requests the assistance of the National Voter Registration Administration. In the end, the State will remain the master of its own house, and the political process in America will be the richer.

For decades we have tolerated voter registration systems that unduly encumber and restrict the right to vote. Ostensibly designed to protect the integrity of elections, their primary impact has been to undermine the ability of citizens to exercise the franchise. Since the right to vote is at the core of all other rights in our society, the harm these registration requirements have done to our democracy is incalculable. Their prolongation in modern American life is an insult to our democracy and, in a very real sense, a national tragedy that extends beyond any possible politics of the moment.

The tragedies of the past are lessons to learn from, rather than standards to to live by. We have the opportunity to achieve real reform in this long neglected area of our political life. Perhaps in the wake of the bitter partisan passions unleashed by the debate over the campaign fund amendment, it is asking too much for the Senate now to lay aside narrow considerations of partisan political advantage. But I hope we can rise to the occasion, and enact this legislation in the bipartisan spirit we ought to share as we extend the right to vote to millions of our fellow citizens.

Mr. President, I ask unanimous consent to have printed in the RECORD at

this point two earlier statements I have made on this subject—the testimony I presented on October 5, 1971, at the hearings by the Post Office Committee, and my Senate floor statement when I introduced my registration bill, S. 2457, on August 5, 1971.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDWARD M. KENNEDY ON HEARING ON VOTER REGISTRATION BEFORE SENATE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, OCTOBER 5, 1971

Mr. Chairman, I am pleased to have the opportunity to appear this morning before your distinguished Committee to testify at these important hearings on the subject of voter registration. Although I am here primarily on behalf of S. 2457, the registration bill that I introduced last month, I am pleased to note, Mr. Chairman, that a wide variety of other proposals are also pending before the committee, including your own significant legislation. The wealth of proposals before you is strong evidence of the urgent need for action at the federal level, and I commend you, Mr. Chairman, for the skill and attention you are bringing to this long-neglected area.

For a nation that likes to call itself the greatest democracy in the history of the world, the present system of voter registration in America is a national scandal. Incredible as it may seem, of all the basic rights that Americans hold dear, the way we exercise the right to vote is the one we have neglected most.

For generations, universal suffrage has been our goal. Time and again, we have fought to extend the franchise, in order to insure that every citizen has the right to share in the political life of the nation through participation at the polls. The route we have travelled since the Civil War is marked with milestones testifying to the steady progress that we and those who came before us have made to broaden our democracy.

You know the steps as well as I—the many historic amendments to the Constitution, culminating most recently in the reduction of the voting age of 18, thereby opening up the franchise to millions of new voters; the dramatic reapportionment and other decisions of the Supreme Court; and the landmark legislation passed by Congress in the area of civil rights and voting rights in the decade of the fifties and the decade of the sixties.

But after every milestone, we always rested on our laurels. We left the job half done. We failed to take any steps at all to insure that the rights we wrote into the Constitution and the statute book could be exercised in fact, instead of just celebrated in theory. For millions of Americans, the right to vote they had newly won was a thing they could admire, but never use. And registration was the villain. For generations—indeed, throughout the twentieth century—every American who sought to exercise his right to vote has had to run the gauntlet of arbitrary, unfair and obsolete requirements of voter registration. Confronted by such requirements, millions of potential voters fell by the wayside at each election, and millions more refused to even try.

And when I say millions, I mean millions. Take the figures for Presidential elections, the elections in which Americans traditionally have the strongest incentive to participate. In the election of 1960, 39 million Americans failed to vote. In 1964, the figure rose to 43 million. In 1968, it rose to 47 million. By 1972, if the trend continues, there will be 56 million Americans who do not vote.

If any single figure has come to symbolize the crisis of voter turnout in America, it is the figure for 1968. Of the 120 million potential votes in the presidential election that year, only 73 million—or 61%—actually went to the polls. Forty-seven million people stayed home, at a time when President Nixon was winning with only 31 million votes. Forty-seven million people stayed home, and yet the margin that separated Mr. Nixon from Mr. Humphrey was less than a million votes.

Just as a few years ago, the 155 wealthy citizens who paid no taxes became the symbol of the taxpayers' revolt and launched the movement that led to the Tax Reform Act of 1969, so I believe the 47 million lost voters who stayed home in 1968 have become the symbol of a voters' revolt that will demand an end to the unconscionable practices of voter registration that operate today to keep so many citizens from the polls.

The voting record of America becomes even more dismal when we compare it to the record of other Western democracies. A year ago in Britain, 72% of the eligible voters went to the polls, and yet they called it one of the lowest turnouts in British history. In the most recent elections in other European nations, the turnout has been even higher—75% in Ireland, 76% in Canada, 80% in France, 87% in West Germany, and 89% in Sweden and Denmark.

We know that the situation has not always been this way in the United States. Consistently throughout the latter half of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70% to 80%. Twice, it exceeded 80%, and only once did it drop as "low" as 70%.

Since 1900, however, we have not seen even the 70% level again. Seven times in this century the turnout fell below 60%. Twice it fell below 50%. Clearly, in spite of the enormous progress that the twentieth century has brought us in so many other areas, we have moved backward in the crucial area of voter participation.

The cause is not far to seek. Study after study in recent years has demonstrated that the heart of the problem is our archaic system of voter registration. It is no accident that the sharp decline in voter turnout at the beginning of the twentieth century coincided precisely with the advent of voter registration. As historians have shown, the present pattern of voter registration in literally every state is a legacy of the wave of election reform that swept America at the turn of the century. In part, registration was adopted as a means to end the widespread voting frauds and other abuses that mar elections in city after city across the nation. In part, registration was also adopted for the darker purpose of discouraging minority groups and other classes from going to the polls, especially black citizens in the South.

Today, in spite of the enormous progress we have made in so many other areas of public life, we are still using voter registration methods which were, perhaps, sophisticated in the days of President McKinley and William Jennings Bryan, but which are generations out of date today. In almost every other sphere in which governments now operate—at the federal, state, or local level—they use the tools of the modern world, especially in the area of communications and computers. If governments collected taxes the way they register voters today, they'd be so bankrupt that even revenue sharing could not bail them out. Why is it that Americans pay their taxes by computer, when they still have to register to vote by methods as obsolete as the Pony Express or the Model T?

Today, long after the nineteenth century registration methods have outlived their rationale, they continue on as burdens on our democracy. Oliver Wendell Holmes put the issue well nearly a century ago in his famous address, "The Path of the Law," when he said:

"It is revolting to have no better reason for a rule of law than that so it was laid down at the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past."

There is ample evidence that registration is the key to improvement of voter turnout. Of the 82 million Americans who were registered to vote in 1968, fully 73 million—or 89%—went to the polls and cast their ballots on election day.

This is the real lesson for the future. Americans who register are Americans who vote. If our goal is to bring America to the polls, the place to start is with voter registration.

In state after state throughout the country, we see the chaos and confusion in our present registration system. Wherever we look, we find that registration is an obstacle course for the voter instead of the open path to the polls it ought to be. The defects of the present system are not confined to any state or geographic region. They go by names like early closing deadlines, unreasonable purges and re-registration requirements, inaccessible registration offices, and lack of absentee registration. The obstacles are endless:

In one state, registration closed last Saturday for the presidential primary eight months away next spring. And that state is not alone. A recent study cited fifteen states in which the registration books close more than a month before the election.

In many of the nation's cities and counties, there is no local registration. The only place a citizen can register to vote is at City Hall or at the central downtown office of the Board of Elections.

In other places, the problem is even worse. The only place to register may be the county courthouse outside the city limits.

For millions of residents in communities like these, the inconvenience of a trip downtown or out of town is an overwhelming deterrent to registration. Often, the expense of the trip itself is sufficient to inhibit registration—in effect, a poll tax that denies the right to vote as surely as the outlawed poll taxes used to do.

For those who find their way to the registration office they often learn that the problems have often only just begun. Frequently, the office is open only a few hours a day, or a day or two a week. Sometimes it may be necessary to make an appointment in advance. Sometimes the registrar simply shuts the office that day if no applicants arrive. In other cases, all but the most determined voters give up on the face of the endless lines and waiting periods inside the local office door.

The examples I have cited are just the tip of the iceberg. But they are enough, I think, to identify the problem and to demonstrate the need for early and effective action by Congress. Without legislation at the federal level, I fear that the inertia of nearly a century of past and present practice will prevail, and that we shall lose this timely and fertile opportunity to make government more responsive to the people.

Thanks in large part to the growing national outcry in recent months by registration groups across the country, the momentum for reform is building. Although much of the new momentum comes from the adoption of the constitutional amendment that lowered the voting age to 18, the current movement for reform is not just a youth movement. The frustrations and inequities of our present registration system cut across all age and economic lines.

Nor is the movement for reform a partisan affair. Indeed, it is a tribute to the growing bipartisan interest in the problem that the man so far who has done the most in this area is Senator Barry Goldwater, who sponsored Title II of the Voting Rights Act Amendments of 1970, which accomplishes three important purposes:

It eliminates residence requirements for voting in presidential elections.

It requires every local election district to keep its registration offices open until 30 days before such elections.

And, it requires the states to establish procedures for absentee registration in such elections.

The 1970 statute is one of the rare laws of nationwide application ever passed by Congress in the area of voter registration. As such, it is a major landmark in our efforts for reform, and it lays a solid foundation for the legislation we seek today.

There are a number of possible approaches that Congress can take in dealing with the problem. As I shall describe at the conclusion of my testimony, I believe the time has come for Congress to enact a comprehensive program of universal voter registration.

Fortunately, however, we now find ourselves in the happy circumstance that a variety of measures we could enact will ease the problem. And so I urge the Committee, in the well-known words of Louis Brandeis, that if we are to guide by the light of reason, we must let our minds be bold. We have the opportunity to enact a far-reaching program of reform that can truly be a beacon in years to come for full citizen participation in our democracy. Or, we can accept half-way measures, secure in the knowledge that they will do some good and reflect themselves in future election statistics, even though they do not accomplish all we are capable of doing.

At the outset, let me say that I think we could accomplish a great deal if we simply applied Title II of the Voting Rights Act Amendments of 1970 to all Federal elections, not just to presidential elections. By the addition of a handful of words to Section 202 (d) of the Act, for example, we could eliminate at a single stroke the enormous obstacle that early registration deadlines now present in many states.

Such a change would impose only a small additional burden on the states. Since Title II is already on the statute books, it is clear that every State is now obliged to maintain dual registration procedures—one for presidential elections, and another for all other elections. The question we face, therefore, is not whether a dual registration system should be used in the States. That has already been decided. Rather, the question is what the content of the dual registration system should be.

We could also make substantial progress simply by providing federal financial assistance to encourage states and local governments to streamline their voter registration systems. Already, for example, South Carolina has initiated a state-wide computerized registration system, and the State of Washington is now in the process of launching a similar system of its own.

To encourage State and local initiative in this area, the Federal Government could adopt a variety of possible financial incentives, including subsidies for computer programs and special additional incentives based on either the percentage of eligible voters registered or the number of new registrants.

In addition, Congress could provide financial assistance to encourage the States to adopt a variety of other progressive registration methods, many of which were recommended by President Kennedy's Commission on Registration and Voting Participation in 1963, but most of which are far too seldom used today. Such assistance might include, for example, incentives for door-to-door canvassing, along the lines proposed in Senator Inouye's bill and now used in Idaho, Canada, and many European nations, the generous use of deputy registrars in peak registration periods, the use of mobile registration units, precinct registration, neighborhood registration, and the use of temporary registration desks in public office buildings, shopping centers, fire houses, state fairs, schools, churches, college campuses, and other convenient locations.

I believe, however, that we should not stop with such half-way measures. The proposal I favor is contained in S. 2457, the University Voter Registration Act I introduced last August in the Senate to establish a comprehensive program of voter registration for Federal elections. The bill contains the following principle provisions:

First, it would provide a single post card form by which any citizen could register to vote in Federal elections simply by filling out a post card application that establishes his voting residence.

Second, the post card forms would be processed by a new bipartisan agency, Voter Registration Administration, created in the Census Bureau. Through its computer system, regional and local offices of the Agency would compile voting lists by precinct for each State throughout the country, and would make the lists available to state and local officials at appropriate times before each election.

Third, in accord with existing law applicable to presidential elections, registration under the new program would close 30 days before each election.

Each of these provisions would accomplish major reforms. Taken together, they would eliminate essentially all the arbitrary, unfair, and confusing requirements of our present registration system, and they would save millions of dollars for state and local governments in the bargain.

Equally important, the system would do nothing to impair state and local control over elections. In a sense, the Federal Government would simply be carrying out the ministerial function of registering voters. State and local officials would retain full control over the registration lists, but they would be spared the enormous financial and administrative burden of compiling them.

Finally, let me speak briefly about the constitutional basis for this legislation. Article I, Section 4 of the Constitution gives Congress the power to regulate the "Times, Places and Manner" of holding Federal elections. And that authority alone is ample enough to justify action to reform voter registration proceedures. As long ago as 1932, the Supreme Court held in Smiley v. Holm, 285 U.S. 355 (1932) that:

"It cannot be doubted that these comprehensive words (those of Article I, Section 4) embrace authority to provide for a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices.. ." Id., at 366.

In addition, it is clear from a long line of Supreme Court decisions, culminating in Oregon v. Mitchell, 400 U.S. 112 (1970), decided last December, that Congress has broad authority to legislate in the area of substantive voting qualifications as well. In the Mitchell case, the Court specifically upheld the constitutionality of the 1970 statute reducing residence requirements for voting in presidential elections. The decision was by an overwhelming 8-1 majority. As such, it is a strong precedent for the reduction by statute of residence requirements in other Federal elections, and the modification of registration procedures.

In sum, Congress now has the opportunity to breathe new life into the political process in America. There is perhaps no more important step we could now take to make our democracy more responsive to the people. If we act now to end the morass of voter registration, we can revitalize all our public institutions and build a stronger nation for tomorrow.

Mr. Chairman, let me say again that I appreciate this opportunity to appear here this morning. I would like to submit for the record of these hearings a copy of the statement I made introducing S. 2457, which contains a more detailed explanation of the bill and its constitutional justification.

[From the Congressional Record, Aug. 5, 1971]

UNIVERSAL VOTER REGISTRATION FOR FEDERAL ELECTIONS

Mr. KENNEDY. Mr. President, on behalf of myself and Senators BAYH, EAGLETON, HART, HARTKE, HUGHES, MAGNUSON, MCGOVERN, MONDALE, MUSKIE, PELL, RIBICOFF, and WILLIAMS, I send to the desk a bill to establish a Universal Voter Registration Administration in the Bureau of the Census, and I ask that it be referred to the Committee on Post Office and Civil Service.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the bill would contain the following principal provisions:

First, it would provide a simple post card system of voter registration, in which any citizen could register to vote merely by filling out a post card application form.

Second, burdensome residence requirements under existing laws would be abolished. Simply by filling out the address of his residence on the post card form, a citizen would establish his voting residence.

Third, a new computerized agency created within the Census Bureau—the Universal Voter Registration Administration—would process the post card forms, compile voting lists by precinct throughout the country, and make the lists available to State and local election officials at appropriate times before any election.

Fourth, use of the new system would be mandatory for all Federal elections, and optional for all Federal elections, and optional for State and local elections. Where the system is used for State and local elections, however, the Federal list must be accepted intact. No person entitled to vote in Federal elections can be deleted from the list for failure to meet other qualifications.

The time has come to take another major step forward in our national quest for universal suffrage. To be sure, we have made great strides in recent years. But always in the past, our efforts have ignored one of the most burdensome qualifications for voting—the requirement of registration, a requirement that operates to disfranchise tens of millions of Americans in every Federal election.

One of the brightest chapters in the history of America is the progress we have made toward our goal of universal suffrage and full participation by every citizen in the political life of our Nation. The route we have traveled in the past 100 years since the Civil War is marked with the major milestones of the efforts we have made to broaden our democracy. Indeed, six of the last 12 amendments to the Constitution have been concerned with extending the right to vote.

The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race or color.

The 17th amendment, adopted in 1913, provided for the direct popular election of Senators.

The 19th amendment, adopted in 1920, extended the franchise to women.

The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in presidential elections.

The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections.

Most recently, the 26th amendment, adopted last June, extended the franchise to 18-year-olds in all elections.

Hand in hand with these great constitutional amendments have come a series of

landmark decisions by the Supreme Court and historic laws by Congress, all concerned with insuring the broadest possible exercise of the right to vote. Within our recent memory, legislation like the Civil Rights Acts of the fifties and sixties and the Voting Rights Acts of 1965 and 1970, and the one-man, one-vote decisions of the Supreme Court, stand as eloquent tributes to the Nation's continuing commitment to extend and secure the right to vote.

Now the time has to come to take another great step, by ending the arbitrary and unfair practices of voting registration that operate in so many States to deny the right to vote. Having stripped away so many other blatant impediments to the right to vote, the existing practices of voters registration in America can be seen all the more clearly for what they are—an arbitrary, obsolete, and unfair system by which vast numbers of Americans are silenced at the polls. In spite of the progress we have made in extending the franchise, the voting record of America ranks among the worst of all the great democracies of the Western World.

Of the 120 million potential voters in the presidential election of 1968, only 73 million or 61 percent—actually went to the polls. Forty-seven million people stayed home, at a time when the winner—President Nixon—was receiving only 31 million votes. Incredible as it may seem, half again as many people stayed away from the polls as voted for the man who is our President.

In 1970, in Britain, by contrast, 72 percent of the eligible voters went to the polls, and yet they called it one of the lowest turnouts in history, the lowest since 1935. In the most recent elections in other democratic nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87-percent in West Germany, 89 percent in Sweden and Denmark.

The low turnout of American voters has been a consistent flaw in the political life of our Nation for many years. In the presidential election of 1900, the turnout was 73 percent. Not once since then has our voter turnout exceeded 66 percent. Seven times it fell below 60 percent. Twice, in 1920 and 1924, it fell below 50 percent.

And yet, it has not always been this way. Throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70 percent to 80 percent. The highest turnout was in 1876, when 82 percent of the potential voters went to the polls. The lowest was in 1852, when "only" 70 percent did so.

It is no coincidence, therefore, that the turn of the century, which saw the advent of voter registration, also saw a sharp decline in voter turnout. According to a recent study, registration was adopted at the turn of the century partly for the worthy purpose of prohibiting the abuses of machine politics in the growing cities of the North, and partly for the darker purpose of disfranchising black citizens in the South. Today, as this history strongly implies, the requirements of voter registration is the largest single obstacle to the right to vote in America.

The figures in 1968 tell the story. Of the 120 million potential voters in the presidential election of 1968, only 82 million—or 68 percent—were registered to vote and therefore eligible to go to the polls on election day. But of that number, fully 73 million, or 89 percent, actually went to the polls and cast their ballots.

The lesson is clear. Americans who are registered are Americans who vote. Of the 47 million citizens who stayed home on election day, the overwhelming majority—38 million, or 81 percent—were not registered to vote. Only 19 percent of those who stayed home were citizens who were registered to vote.

THE PRESENT SYSTEM OF VOTER REGISTRATION

Clearly, the paramount cause of America's dismal record of voter participation today is our inadequate nonsystem of voter registration. Virtually without exception, the registration laws of the 50 States and the District of Columbia are a nightmare of confusing, conflicting, and overlapping requirements, ranging from Missouri, which has six different registration systems for cities, depending on their size, and a seventh system available to counties at their option, to North Dakota, which has no statewide laws requiring voter registration, although local jurisdictions may do so at their option.

The defects of the present system are well known. They are not confined to any particular State or region of the country. They are as current as today's headlines:

With the exception of 3 days of precinct registration 30 days before an election, the only place that a person can register to vote in the Nation's laregst city is at the downtown central office of the Board of Elections. For thousands of the city's residents, the expense and inconvenience of a trip downtown are overwhelming deterrents to voting.

The situation is the same in a large midwestern city. With the exception of 3 days of registration in local precincts a month before an election, the only place that anyone can register is at City Hall. Year round, with the exception of these 3 days, there is one central place for voter registration in the entire city. For thousands of citizens, the path to the polls is made unnecessarily difficult by the requirement of central registration.

In another midwestern city, shortly before a primary election last spring, approximately 2,500 black citizens were purged from the voter lists. They were not notified of the action until less than a week before the primary, when they were told that if they wished to be reinstated on the lists, they would have to go in person to the county courthouse, which is outside the city limits.

A much more extensive purge took place in a large eastern city in connection with a primary election last spring. Before the primary, somewhere between 80,000 and 90,000 citizens were purged from the lists of eligible voters.

And, in a major Southern State, large numbers of potentially eligible citizens will be denied the vote in the coming fall elections because of the State's requirement that voter registration books must close 4 months before an election. The burden of this early closing requirement falls most heavily on young citizens newly enfranchised by the 26th amendment to the Constitution, which lowered the voting age to 18 in State and local elections. The amendment was ratified on June 30. Less than 48 hours later—at 5 p.m. on July 2—registration closed, thereby effectively depriving tens of thousands of young residents of their newly won right to vote. Yet, we know their strong desire to vote. In the 2 short days of registration, there was a rush to join the voter rolls. According to press reports, large numbers of eager 18- to 20-year-olds formed long lines outside courthouses throughout the State, hoping to register on the 2 available days. But many were turned away, still standing in line, at the close of business on July 2.

These examples are only the tip of the iceberg. Comparable problems and obstacles can be found in every community throughout America. Wherever we look, we find citizens disfranchised by our archaic registration system.

Typically, State and local registration rolls are unwieldy, inaccurate, and obsolete. A large percentage of the names are persons no longer qualified to vote because of death, conviction of a crime, change of residence, or other reasons. In order to keep the lists at least reasonably current, the States are driven to the use of arbitrary rules, such as the disqualification of voters who fail to vote in a previous election, or requirements of annual or periodic re-registration.

The burden of our present system of voter registration are multiple. Frequently, they are a thin disguise for blatant racial discrimination against the right to vote. The hearing records of Congress during the debates of the Voting Rights Act of 1965 and its extension in 1970 are replete with examples of such discrimination.

For some citizens, registration means loss of income through loss of time on the job or time away from business. Many individuals simply cannot take time off to register during working hours, and are thereby relegated to the status of second-class citizens.

For others, the most important burden is the sheer difficulty and inconvenience of the registration process. Too often, registration is an obstacle course for the voter instead of the incentive to total participation it ought to be. The obstacles are enormous. Many citizens find it difficult to determine where and when they can register. They refuse to endure the long lines and waiting periods. They are baffled by the inaccessibility of registration offices. In some States, registration offices may be open only a few hours a day or week. Other States prohibit precinct, neighborhood, or mobile registration. They allow registration only in the county courthouse, which may require a trip downtown or even out of town. Frequently, the expense of the trip itself is sufficient to inhibit registration—a de facto poll tax that frustrates the right to vote.

For still others, there is the problem of early registration deadlines. In a number of States, the registration books close weeks or months before the election, and there is no opportunity whatever to register in the period immediately preceding the election. In Mississippi, the registration offices close 4 months before the election—the rolls are routinely purged after the deadline, so that a citizen erroneously removed from the list has no opportunity to register again. In 14 other States with early registration deadlines—Arizona, California, Colorado, Georgia, Hawaii, Kentucky, Michigan, Montana, Nevada, New Jersey, New Mexico, Ohio, Pennsylvania, and Rhode Island—the registration books close more than a month before the election.

For yet another group of citizens, especially those who travel frequently, who are away from home for extended periods, or who are ill or disabled, the problem is the lack of any procedure for absentee registration. Although virtually every State has established absentee voting procedures, few have taken the additional step of establishing absentee registration procedures as an alternative to the traditional requirement that registration must be in person.

And finally, for another substantial group of citizens, the burden is one of unreasonable re-registration requirements. In Texas, for example, annual re-registration is required, a procedure declared unconstitutional by a Federal district court earlier this year and now the subject of an appeal. Other States require voters to renew their registration so frequently that many citizens simply find themselves unable to keep up with the requirements. Often a citizen arrives at the polls to vote, only to be told that his registration has been canceled because he failed to vote in the previous election, even though he was never given notice of the cancellation.

An especially insidious aspect of the problem of registration is the evidence that the burden of State and local registration requirements falls most heavily on the poor, the black, the uneducated, and manual and service workers. For example, according to a census study of the 1968 election, 87 percent of those with a college degree are registered to vote, whereas only 49 percent of those with 1 to 4 years education are registered. And, two decades of hearings in Congress on Civil Rights Acts and Voting Rights Acts have overwhelmingly demonstrated the ease with which voter registration requirements lend themselves to discriminately application.

THE BURDEN OF RESIDENCE REQUIREMENTS

Impediments to the right to vote of a different sort, but no less burdensome for millions of citizens, are the hundreds of different State and local residence requirements that now exist throughout the Nation. Typically, under present voting laws, a potential voter must fulfill three different residence requirements before he is entitled to vote—he must have resided in his State for periods ranging from 6 months to a year; he must have resided in his county for periods from 30 days to 6 months; and, he must have resided in his precinct for periods from 10 to 30 days. In some jurisdictions, the minimum residence requirements is lower, many, it is substantially higher.

In the quieter and less mobile era of our history when these residence requirements were imposed, the burden was not as huge as it is today. The Census Bureau estimates that every year, 20 million Americans, or 10 percent of the population move their residence from one State to another. On the average, each family in the Nation moves its residence once every 4 years.

The plight of the disfranchised mobile voter in America is well known, and no extended discussion is needed here. As many experts have noted, the right of a citizen to travel freely from State to State is one of our fundamental rights protected by the Constitution, and the exercise of that right should never trigger the loss of an even more basic constitutional right, the right to vote.

Last year, as part of the statute lowering the voting age to 18, Congress took a significant step to alleviate the burden of so-called durational residents requirements by reducing such requirements to 30 days for voting in Presidential elections.

Now the time is ripe for Congress to go further, and there is growing sentiment in the Senate to make the same 30 day requirement applicable to all Federal elections. Indeed, a bill to this effect has recently been introduced in the Senate by Senator JOHN TUNNEY of California, with strong bipartisan support, and similar legislation has already been introduced by Senator HAROLD HUGHES.

BACKGROUND OF EFFORTS TOWARD UNIVERSAL VOTER REGISTRATION

In recent years, discussions of various proposals to establish a system of universal voter registration for the United States have dwelled essentially exclusively on what may be called local action methods—that is, door-to-door canvassing at the local level, at the initiative of local jurisdictions. Each of two major studies of the decade of the sixties has recommended this approach, partly because it is the approach apparently responsible for the higher voter turnouts in foreign democracies, and partly because of philosophical and constitutional objections to methods relying on the initiative of the Federal Government.

The first study was made by the President's Commission on Registration and Voting Participation, established by President Kennedy in March of 1963, chaired by Richard Scammon, the Director of the Census Bureau at that time, and charged with the task of determining the reasons for low voter turnout in America and recommending solutions. The Commission's report in November of 1963 was a major milestone in the analysis of the complex psychological and legal factors that lie at the heart of the problem.

The Commission made more than 20 major recommendations to end restrictive legal and administrative procedures inhibiting the right to vote. In the area of voter registration, the Commission urged the State to adopt procedures to make registration easily accessible to every citizen. As patterns to be followed, the Commission pointed to the example of Canada and noted a number of States and communities in America that had successfully used registration procedures involving door-to-door canvassing, deputy registrars, and mobile registration units.

The second major study was prepared by the freedom to vote task force, established by the Democratic National Committee in 1969 and chaired by Ramsey Clark, the former Attorney General of the United States. Notwithstanding its partisan sponsorship, the report of the task force, entitled "That All May Vote," is a persuasive nonpartisan document challenging the Nation to end the abuses we have endured for so long and to act to increase the strength of our democracy. As the report states:

People who vote—believe in the system. They participate. They have a stake in government. But, to the nonparticipants their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.

Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything within our power to encourage them to vote. Let the people choose.

The report of the task force made clear that voter registration is the real villain, the principal barrier that stands between the citizen and the ballot box. As in the case of the 1963 commission study, the report pointed to the success of "local action" for voter registration in South Dakota, Idaho, and in parts of California and Washington, and urged a similar program for America. The proposal was introduced in legislative form in the 91st Congress by Senator INOUYE, a member of the task force, and it has been reintroduced as S. 1199 in the present Congress.

Because of doubts that have been raised about the feasibility of the "local action" approach to voter registration, progress has been slow in efforts to implement such proposals. More and more, attention has turned to the alternative of a "Federal" system of voter registration to achieve the universal system we need.

The Senate took a major step in this direction last June, when it approved by the vote of 47 to 31 an amendment to the draft bill, authorizing selective service offices to register 18-year-olds to vote at the time they register for the draft. And, Senator HUMPHREY is offering a similar proposal to use the facilities of the Internal Revenue Service to promote voter registration.

In large measure, recent Supreme Court decisions have eliminated possible constitutional objections to a Federal system of universal voter registration. Now and for the foreseeable future, I believe that such a system is the only hope we have for pulling ourselves out of the present morass of registration requirements.

THE SOUTH CAROLINA EXPERIENCE

In the face of growing demands imposed on outdated voter registration procedures, a number of cities and counties throughout the Nation have begun to use computers to modernize their procedures. In 1967, South Carolina became the first and only State to centralize its voter registration procedure through a computer system on a State-wide basis. Although registration in South Carolina continues to be initiated through the county registration boards in the State, and citizens must still appear in person to register at the local boards, their applications are now forwarded to the State data processing office, where the information is stored and processed.

The familiar but cumbersome ledger books that used to form the registration record in South Carolina have now been replaced by magnetic tapes in a computer system. The records are continuously kept current through data provided to the State agency from various sources—for example, the bureau of vital statistics provides monthly reports on persons who have died, and the State and Federal courts provide data on persons convicted of crimes. Prior to the new system, the registration records were rarely cleaned for any reason.

On the basis of the data in the computer files, official lists of registered voters for each county and precinct are printed and made available to local officials 10 days before each State, county, municipal, or other election. Thus, it is no longer necessary to use the entire county ledger for a municipal election, or to copy manually from the county rolls the names of persons eligible to vote in elections held in smaller jurisdictions. Since the computer lists contain all the information provided by the voter when he registered, election officials are able to identify registrants easily at the polls. Under the previous system, only the voter's name and address were on the rolls.

As a result of the vastly increased efficiency of the new system, the county registration boards in South Carolina that used to be open only a few days a month are now open on a daily basis during normal courthouse hours. During the first year of the new system, 850,000 South Carolina voters were registered, the highest figure in the history of the State. The total cost of the computer portion of the system is approximately $170,000 a year, and the entire store of registration information is contained on five reels of computer tape.

A SYSTEM OF UNIVERSAL VOTER REGISTRATION FOR THE NATION

At a single stroke, the system of universal voter registration I favor would eliminate the arbitrary and unfair requirements of residence and registration that now operate to disfranchise so many of our citizens. Durational residence requirements would be abolished for Federal elections, and registration would involve a procedure no more complicated than filling out a post card form and placing it in the mail. Local control of the actual election process would remain unchanged, but virtually the entire financial cost and administrative burden of voter registration would be lifted from the States and transferred to the Federal Government.

The program would be administered by a new bipartisan agency to be established in the Census Bureau. Citizens would register to vote simply by filling out the post card form and mailing it to the new agency. Merely by specifying the address of his residence on the form, the citizen would determine his voting residence. There would be no requirement of residence for a specific period of time. The system would thus do away not only with burdensome registration requirements, but also with unfair residence requirements that operate to bar voters in almost every State.

With the assistance of computers, the information would be stored and divided according to election districts, and made available by the census agency to appropriate State and local election officials, as the official list of eligible voters.

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Use of the new voter registration list would be mandatory in Federal elections, and optional for State and local elections. I believe, however, that the simplicity, efficiency, and cost savings of the system would lead to its rapid acceptance for State and local elections as well, so that within a brief period of time, the Nation would have a truly universal voter registration system for all elections. Our system of democracy deserves no less.

In its details, the system would function as follows:

First, a new bipartisan agency—the Universal Voter Registration Administration (UVRA)—will be established in the Bureau of the Census to organize and administer a program of universal voter registration for all Federal elections, and to assist States in their registration for State and local elections. The UVRA will be authorized to establish State and regional data processing centers to carry out its functions. The agency will be under the direction of an administrator and two associate administrators, no more than two of whom can be members of the same political party. The new agency is created in the Bureau of the Census because that agency has established a long-standing reputation of efficiency and confidentiality, and has already developed the computer programs and technology essential to the implementation of a successful universal voter registration system.

Second, individuals will register to vote through post card voter registration forms, to be mailed free of charge to UVRA. The post card forms will be of the type which allows visual scanning by computers to read the information. They will be widely available in post offices and other Federal agencies, and will also be available to private voter registration groups. Where appropriate, bilingual forms will also be available. In addition, any State or local jurisdiction will be authorized to send its current registration records to UVRA for assimilation into the new Federal system.

Third, the information on the post card forms will include only the name, address, ZIP code, and date of birth of the individual, together with a statement that the individual is not disqualified from voting under State or local law by reason of conviction of a crime or adjudication of mental incompetence. In addition, the individual may specify his party affiliation if he wishes to register for primary elections. UVRA registration will remain valid for 4 years, or for longer periods according to State law.

Fourth, the post card form will also include a line for the signature or mark of the individual, and a statement of the penalty for fraudulent registration. The penalty will be a fine of not more than $10,000, imprisonment for not more than 5 years, or both. The form will also include a statement that the signature or mark of the individual attests to the accuracy of the information he provides on the form.

Fifth, UVRA registration will close 30 days before primary, general or other elections. UVRA will compile lists of registered voters by local precincts, and forward the lists to the appropriate State or local election officials. Simply by having his name on the list, any person will thereby be authorized to vote in Federal elections. States will be able to supplement and update the lists in advance of the Federal election. However, in cases where a State removes a name from the list, notice of the removal must be given promptly to UVRA and to the individual, together with the reason for the removal.

Sixth, use of the UVRA list will be mandatory for all Federal elections and optional for State and local elections. If State and local officials decide to use the UVRA lists for State and local elections, they may not delete anyone from the list for failure to meet other qualifications.

Seventh, UVRA will be authorized to establish appropriate procedures for individuals to verify their registration. It will also inform each voter of the location of his polling place, so that on election day, every citizen will know where he must vote.

Eighth, to protect the right of privacy, UVRA information and voting lists will not be available to any other Federal agency and will not be made available by UVRA to any private source. In addition, UVRA will not draw on information collected for other purposes by other Federal data centers, such as the Internal Revenue Service or the Social Security Administration. The UVRA system will be used for voter registration and no other purpose. However, to the extent that State or local law requires voting lists to be publicized, UVRA information may become public at that level, although the information still may not be used by any Federal agency.

CONSTITUTIONAL JUSTIFICATION

In light of a long line of Supreme Court decisions in the area of voting rights in the decade of the Sixties, and especially the decision by the Court in *Oregon* v. *Mitchell*, 400 U.S. 112 (1970)—the 18-year-old voting case decided last December—there is solid constitutional support for the establishment of a nationwide system of Universal Voter Registration in the United States. Indeed, although the issue may be somewhat less clear-cut, there would also be ample constitutional justification for the extension of the Federal registration system to State and local elections as well.

As in the issues surrounding the Voting Rights Act Amendments of 1970, which Congress passed last year, the issue in the current context concerns the power of Congress to legislate by statute in the area of State and local election requirements.

There can be no question, of course, that the Constitution grants to the States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for U.S. Senators and Representatives. Although the Constitution contains no specific reference to qualifications for voting in Presidential elections or State elections, it has traditionally been accepted that the States also have primary authority to set the qualifications in these areas as well.

At the same time, however, these constitutional provisions are only the beginning, not the end of the analysis. They must be read in the light of all the other specific provisions of the Constitution, including the great amendments that have been adopted at various periods throughout the Nation's history. Most recently, a month ago, the 26th amendment, lowering the voting age to 18, became part of the Constitution, and conferred power on Congress to enforce the new amendment by appropriate legislation.

The constitutional issues must also be interpreted in the light of the basic Supreme Court decisions interpreting the provisions in question. Although a State may have primary authority under article I of the Constitution to set voting qualifications, it has long been clear that it has no power to condition the right to vote on qualifications prohibited by other provisions of the Constitution, including the various amendments to the Constitution. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

Thus, the Supreme Court has specifically held that the equal protection clause of the 14th amendment itself prohibits certain unreasonable State restrictions on the franchise:

In *Carrington* v. *Rash*, 380 U.S. 89 (1965) the Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces. Obviously, the rationale of this decision is directly applicable to the present national controversy over the voting residence of students.

In *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the Court held that a State could not impose a poll tax as a condition of voting.

In *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), the Court upheld the constitutionality of a statute passed by Congress overriding State literacy requirements in English and conferring the franchise on voters literate in Spanish.

But the key Supreme Court precedent supporting a universal voter registration system for Federal elections is Oregon against Mitchell. In that important decision, the Court not only sustained the constitutionality of a Federal statute lowering the voting age to 18 for Federal elections, but also upheld the constitutionality of two other provisions in the 1970 statute, provisions that were applicable not only to Federal elections, but also to State and local elections:

A provision abolishing State literacy requirements altogether;

And, a provision reducing the residence requirements for voting in presidential elections to 30 days, and requiring the States to make available appropriate absentee registration and absentee voting procedures for such elections.

The Mitchell decision is especially significant because of the substantial majority by which the Supreme Court upheld the constitutionality of the literacy and residence provisions of the 1970 statute passed by Congress.

To be sure, the provision lowering the voting age to 18 in Federal elections was sustained by the narrow margin of 5 to 4, with Justice Black casting the deciding vote on the basis of the power of Congress under Article I, Section 4 of the Constitution to regulate the time, place, and manner of conducting Federal elections.

At the same time, however, in spite of the narrow vote on the 18-year-old issue, the Court upheld the validity of the literacy and residence provisions by overwhelming majorities—9 to 0 in the case of the literacy provision, and 8 to 1 in the case of the residence provision, with only Justice Harlan dissenting on the latter issue.

The crucial link in the reasoning of the Justices leading to the strong majority in favor of the residence aspect of the case was their view that the provision was a valid exercise of the power of Congress under the necessary and proper clause of the Constitution to protect the constitutional right to change one's residence and to travel freely from State to State, a right that had been clearly reaffirmed by the Supreme Court as recently as 1966, in its decision in *United States* v. *Guest*, 383 U.S. 745 (1966).

Similarly, the crucial link in the reasoning of the Justices leading to the unanimous decision upholding the literacy provision in the statute was their view that the provision was a valid exercise of the power of Congress to enforce the 15th amendment of the Constitution, which bars racial discrimination in voting.

The present proposal for a system of universal voter registration for Federal elections, involving action by Congress in the areas of both residence and registration as qualifications for voting, is easily supported under the literacy and residence rationales of Oregon against Mitchell, since it would be action by Congress to promote the right to travel and to end racial discrimination in voting. No substantial distinction can be drawn on the basis that the residence provisions in the Mitchell case applied only to presidential elections, whereas the proposed universal registration system would apply to all Federal elections. As Justice Stewart stated in discussing the residence provision in the Mitchell case, in an opinion joined by Chief Justice Burger and Justice Blackmun.

I have concluded that, while section 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one State to another from disenfranchisement in any Federal election, whether congressional or presidential (400 U.S. 112, 267).

Further, as I have indicated, the constitutional rationales supporting the literacy and residence provisions in the Mitchell case might easily support the extension of the universal voter registration proposal of State and local elections as well. A fortiori, however, the proposal is clearly valid for Federal elections as an exercise by Congress of its power under article I of the Constitution to regulate such elections, and I urge the Senate to adopt it.

Mr. President, I ask unanimous consent that the text of the bill may be printed at this point in the RECORD. I also ask unanimous consent that a table of existing State residence requirements for voting, prepared by the youth citizenship fund, and a series of tables on voter turnout, contained in the reports of the freedom to vote task force of the Democratic National Committee, may also be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2457

A bill to establish a system of universal voter registration for Federal elections, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United Staes of America in Congress assembled, That this Act may be cited as the "Universal Voter Registration Act of 1971."

DECLARATION AND FINDINGS

SEC. 2. (a) The Congress hereby finds and declares that the administration of voter registration procedures by the various States as a precondition to voting in Federal elections—

(1) denies or abridges the constitutional right of citizens to vote in Federal elections;

(2) denies or abridges the constitutional right of citizens to enjoy free movement across State lines;

(3) denies or abridges the privileges of immunities of citizens of the United States, deprives them of due process of law, and denies them the equal protection of the laws, in violation of the fourteenth amendment;

(4) denies or abridges the right to vote on account of race or color in violation of the fifteenth amendment;

(5) denies or abridges the right to vote on account of sex in violation of the nineteenth amendment;

(6) denies or abridges the right to vote on account of age in violation of the twenty-sixth amendment;

(7) in some instances has the impermissible effect of denying citizens the right to vote because of the way they may vote; and

(8) does not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.

(b) Upon the basis of these findings, Congress hereby exercises its authority under section 4 and section 8 of article I of the Constitution, and the fourteenth, fifteenth, nineteenth, and twenty-sixth amendments thereto.

ESTABLISHMENT OF OFFICE

SEC. 3. (a) There is hereby established in the Bureau of the Census a Universal Voter Registration Administration (hereafter referred to in this title as "Administration"). The Administration shall be composed of an Administrator and two Associate Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be of the same political party.

(b) The Administration shall establish and administer a program of voter registration for voting in Federal elections and shall, upon request, assist States in conducting registration for voting in State and local elections.

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Administrator and Associate Administrators, Universal Voter Registration Administration."

USE OF DATA PROCESSING

SEC. 4. The Administration shall establish one or more data processing centers in order to carry out its functions. Voter lists shall be compiled and maintained through the use of electronic data processing equipment in such a manner that a list of persons registered under this Act in each of the units in which persons are registered to vote under State and local laws shall be readily available. The lists shall contain the name, address, ZIP code, party affiliation (if supplied), date of birth, and voting unit of each individual registered to vote under this Act and such additional information as the Administration determines to be essential to the efficient operation of this Act.

REGISTRATION

SEC. 5. (a) The Administration shall prepare and distribute registration forms for use by individuals who wish to register to vote under the provisions of this Act, or who wish to change a previous registration. Such forms shall be of a type which permits visual scanning by electronic data processing equipment, shall contain appropriate places for the designation of the registrant's name, address, ZIP code, date of birth, and party affiliation; and may be in languages other than English in such cases as the Administration deems appropriate.

(b) Such forms shall contain a statement that such individual is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and such other information as the Administration determines to be essential to the efficient operation of this Act. Such forms shall also require the signature of the individual seeking to register through the use of such forms and a statement of the penalty for fraudulent use of such forms. The signature of an individual on his form shall attest to the accuracy of the information contained thereon.

(c) The Administration shall enter into arrangements with the Postmaster General so that supplies of such forms shall be reasonably available free of charge in each post office, and shall make such other arrangements as it deems appropriate for the distribution of such forms, including their availability to groups engaged in voter registration. Such forms shall be mailed free of all postage including airmail to the Administration upon completion, and the Administration shall reimburse the Postal Service for the cost of such mail.

(d) Any individual who is a citizen, who is eighteen years of age or older (or will attain such age on or before the date of the next Federal election held in the congressional district or State in which he registers), who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and who is registered under this Act shall be eligible to vote in Federal elections held in the congressional district or State in which he is registered under this Act. No other requirement or qualification shall be imposed by any State or political subdivision thereof on the right of such individual to vote in such election.

(e) The Administration is authorized to receive registration lists and other information with respect to eligible voters from State or local jurisdictions for inclusion in the registration lists prepared by the Administration under this Act.

(f) Unless the Administration or a State or local jurisdiction removes a person's name from the list of registered voters because of his death or his disqualification from voting under State law by reason of conviction of a crime or mental incompetence, registration under this Act in any State shall remain in effect for a period of time not less than four years, or such longer period as registration under State law in such State remains in effect.

(g) The Administration shall remove from its list of registered voters the name of any person who is found to be fraudulently or otherwise improperly registered or who, after registration, becomes disqualified to vote in the State or congressional district in which he is registered. If the Administration removes the name of any person from such list, it shall notify such person of such action by certified mail within one week of such action and the reason therefor.

(h) Any State or local jurisdiction which removes the name of any person from such list shall notify such person and the Administration of such action by certified mail within one week of such action. Such notice shall include the name and address of such person, and a statement of the reason for such action. The Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this subsection, and it shall be the duty of a judge designated to hear any such case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

REGISTRATION DATE

SEC. 6. An individual may register to vote in a Federal election under this Act at any time until thirty days before the date of such election, or at such later date before such election as the Administration may determine.

LIST OF REGISTERED VOTERS

SEC. 7. (a) Not later than thirty days prior to the date of any Federal election, the Administration shall furnish to the appropriate election officials of the State or local jurisdiction in which an election is to be held a list of individuals, by precinct or other similar voting unit, registered under this Act to vote in such election within the congressional district or State in which the election is to be held. No person whose name appears on such list shall be denied the right to vote in such election, unless such name is removed from such list in accordance with the provisions of this Act. The Administration is authorized to establish appropriate procedures to supplement the lists made available to States and local jurisdiction under this subsection.

(b) The Administration is authorized to establish appropriate procedures for individuals to verify their registration under this Act.

(c) Prior to the date of any such election, the Administration shall inform individuals registered with it of the precinct or other voting unit in which they are registered to vote.

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(d) The provisions of this Act shall not apply in the case of any election in which registration is not a condition of voting in such election.

STATE REGISTRATION

SEC. 8. (a) Nothing in this Act shall interfere with any voter registration procedure conducted by any State with respect to voting in State or local elections.

(b) Any individual registered to vote under any State voter registration procedure, who is a citizen of the United States, who is eighteen years of age or older (or who will attain such age on or before the date of the next Federal election to be held in the congressional district or State in which he registers), and who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, shall also be eligible to vote in any Federal election held in such district or State, whether registered under this Act or not.

(c) Any State which determines by law that it wishes to use voting registration lists compiled under this Act as evidence of registration to vote in State or local elections shall be furnished such lists no later than thirty days prior to any such election. Any State which so determines may not remove the name of any individual from such lists with respect to any such election nor deny to any individual whose name appears on such lists the right to vote in any such election, except in accordance with the provisions of this title.

REPORTS FROM STATES

SEC. 9. The Administration is authorized to request from each State periodic reports of the names and addresses of individuals eighteen years of age or older who have died in such State. The Administration is also authorized to request from appropriate State or Federal agencies periodic reports of the names and addresses of persons disqualified from voting under State law by reason of conviction of a crime or mental incompetence.

REGISTRATION INFORMATION

SEC. 10. The Administration shall undertake, through the use of broadcast and nonbroadcast communications media and such other means as the Administration deems appropriate, to inform potential voters of their eligibility to register to vote in Federal elections under the provisions of this Act.

PENALTIES

SEC. 11. (a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purpose of establishing his eligibility to register or vote under this Act, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(b) Any person who deprives, or attempts to deprive, any other person of any right under this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) The provisions of section 1001 of title 18, United States Code, are made applicable to the registration form promulgated under section 5.

RIGHT OF PRIVACY

SEC. 12. (a) No information provided by or in connection with any person under this Act shall be made available by the Administration to any other Federal agency or for any commercial activity. No such information shall be made available by the Administration to any agency of any State or local jurisdiction except for the purpose of carrying out functions directly related to the provisions of this Act.

(b) The Administration is authorized to adopt regulations for the enforcement of this section.

(c) Any person who violates this section or regulations adopted thereunder shall be fined not more than $5,000 or imprisoned not more than five years or both.

OTHER FEDERAL VOTER REGISTRATION

SEC. 13. This Act shall not affect the provisions of the Federal Voting Assistance Act of 1955. Persons eligible to use the form and procedures provided under such Act may register under this Act.

DEFINITIONS

SEC. 14. As used in this Act the term—

(a) "Federal election" means any primary, general, or special election held for the election of a Federal officer, including an election held for the selection of delegates to a national nominating convention or to a caucus for such selection, and a primary election held for the expression of a preference for the nomination of persons for election to the Office of President.

(b) "Federal officer" means President, Vice President, Senator, Representative, Delegate to the Congress, or delegate to a national nominating convention or caucus thereto.

(c) "State" means each of the United States and the District of Columbia.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

YOUTH CITIZENSHIP FUND INC., 2100 M STREET NW., SUITE 306, WASHINGTON, D.C. 20037, (202) 833-2090

STATE RESIDENCE REQUIREMENTS

State	County	Precinct
Alabama	1 year	6 months	3 months.
Alaska	do	do	30 days.
Arizona	do	do	Do.
Arkansas	12 months	6 months	1 month.
California	90 days	90 days	54 days.
Colorado	3 months		32 days.
Connecticut	(city or town: 6 months)		
Delaware	1 year	3 months	30 days.
District of Columbia	(bona fide resident)		
Florida	1 year	6 months	
Georgia	do	do	(City: 90 days [municipal election only])
Hawaii	do		
Idaho	6 months	30 days	
Illinois	do		
Indiana	do	60 days (township)	30 days.
Iowa	do	60 days	
Kansas	do	30 days (township or ward).	
Kentucky	1 year	6 months	60 days.
Louisiana	do	do	3 months.
		(municipality: for municipal election, 4 months).	
Maine	6 months	3 months	
Maryland	do	28 days	
Massachusetts	(6 months city or town [formerly 1 year]).		
Michigan	6 months	(4 weeks, township, city of village).	
Minnesota	(6 months struck down Dec. 14, 1970).		30 days.
Mississippi	1 year	1 year	6 months.
Missouri	do	60 days	10 days (in some counties).
Montana	do	30 days (6 months, city).	30 days.
Nebraska	6 months	40 days	10 days.
Nevada	do	30 days	Do.
New Hampshire	do		
New Jersey	do	40 days	(30 or 15 days, some cities for municipal election).
New Mexico	12 months	90 days	30 days.
New York	3 months	3 months (3 months in city or village.)	10 days.
North Carolina	1 year	30 days	
North Dakota	do	90 days	30 days.
Ohio	6 months	40 days	40 days.
Oklahoma	do	2 months	20 days.
Oregon	do		
Pennsylvania	90 days	60 days	60 days.
Rhode Island	1 year (6 months, town or city).		
South Carolina	1 year	6 months	3 months.
South Dakota	180 days (5 years in United States).	90 days	30 days.
Tennessee	1 year	3 months	
Texas	do	(6 months, county, city or town).	
Vermont	do	(90 days town)	(180 days in town for municipal election).
Virginia	1 year (6 months, city, town or county).		30 days.
Washington	1 year	90 days	Do.
West Virginia	do	60 days	(60 days in municipality for municipal election).
Wisconsin	6 months		10 days.
Wyoming	1 year	60 days	Do.

REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE[1]

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
Alabama	2,037,000	1,389,198	1,044,177	75.2	51.3
Alaska[2]	151,000	NA	83,035	NA	55.0
Arizona	1,003,000	614,718	486,936	79.2	48.5
Arkansas	1,188,000	845,759	609,590	72.1	51.3
California	12,052,000	8,587,673	7,251,587	84.4	60.2
Colorado	1,211,000	966,700	806,983	83.5	66.6
Connecticut	1,813,000	1,341,519	1,256,232	93.6	69.3
Delaware	306,000	248,915	214,367	86.1	70.1
District of Columbia	515,000	201,937	170,578	84.5	33.1
Florida	3,924,000	2,765,316	2,187,805	79.1	55.8
Georgia	2,824,000	1,850,000	1,250,100	67.6	44.1
Hawaii	421,000	274,104	236,218	86.2	56.1
Idaho	708,000	366,532	291,183	79.4	41.1
Illinois	6,580,000	5,676,131	4,619,749	81.4	70.2
Indiana	2,947,000	2,653,219	2,123,597	80.0	72.1
Iowa[3]	1,653,000	NA	1,167,931	NA	70.7
Kansas[3]	1,339,000	NA	872,783	NA	65.2
Kentucky	2,062,000	1,471,343	1,055,893	71.8	51.2
Louisiana	2,032,000	1,449,231	1,097,450	75.7	54.0
Maine	596,000	509,888	392,936	77.1	65.9
Maryland	2,168,000	1,595,779	1,235,039	77.4	57.0
Massachusetts	3,379,000	2,591,051	2,331,752	90.0	69.0
Michigan	4,853,000	3,950,000	3,306,250	83.7	68.1
Minnesota[3]	2,097,000	NA	1,588,510	NA	75.8
Mississippi[3]	1,308,000	775,000	654,509	84.5	50.0
Missouri[3]	2,770,000	NA	1,809,502	NA	6.53
Montana	412,000	331,078	274,404	82.9	66.6
Nebraska	891,000	637,719	536,851	84.2	60.3
Nevada	285,000	188,811	154,218	81.7	54.1
New Hampshire	418,000	387,660	297,190	76.5	71.1
New Jersey	4,402,000	3,319,752	2,875,395	86.6	65.3
New Mexico	562,000	445,304	327,281	73.5	58.2
New York	11,773,000	8,113,216	6,691,690	85.5	59.1
North Carolina	2,919,000	1,858,987	1,587,493	85.4	54.4
North Dakota[3]	370,000	NA	247,882	NA	67.0
Ohio[4]	6,235,000	3,907,000	3,959,698	101.3	63.5
Oklahoma	1,546,000	1,163,328	943,086	81.1	61.0
Oregon	1,193,000	971,851	819,622	84.3	68.7
Pennsylvania	7,234,000	5,599,364	4,747,928	84.8	65.6
Rhode Island	561,000	471,112	384,938	81.7	68.6
South Carolina	1,455,000	853,014	666,978	78.2	45.8
South Dakota	406,000	348,254	281,264	80.0	68.9
Tennessee	2,361,000	1,840,077	1,248,617	67.9	52.9
Texas	6,289,000	4,073,576	3,079,576	75.6	49.0
Utah[3]	562,000	475,000	422,568	89.0	75.2
Vermont	244,000	208,221	161,403	77.5	66.1
Virginia	2,690,000	1,510,592	1,359,928	90.0	50.6
Washington	1,838,000	1,649,734	1,304,281	79.1	71.0
West Virginia	1,073,000	993,024	754,206	76.0	70.3
Wisconsin[3]	2,484,000	2,425,000	1,691,538	69.8	68.1
Wyoming	202,000	142,739	127,205	89.1	63.0
Totals	120,353,000	82,029,426	73,359,762	89.4	60.9

[1] These figures are from State and U.S. Census sources. The Task Force figures and those compiled by the Republican National Committee are in substential agreement. The figures used are the same as those in the Republican National Committee's report on the 1968 election.
[2] States which have no Statewide registration, or where registration is not required.
[3] Approximate figures, furnished by Secretary of State.
[4] Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.
NA—Not available.

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–1968, BY STATE

State	1824	1828	1832	1836	1840	1844	1848	1852	1856	1860
Alabama	49.1	54.6	(1)	64.9	89.7	80.3	69.7	45.3	71.0	76.7
Alaska										
Arkansas				28.9	67.6	63.5	55.9	48.6	60.2	79.5
California								75.7	81.6	71.2
Connecticut	14.9	27.2	46.0	52.3	75.7	80.0	72.3	72.3	81.8	73.3
Delaware	(1)	(1)	67.1	69.5	82.8	85.8	80.4	75.0	78.5	79.5
Florida							64.0	56.9	77.6	79.5
Georgia	(1)	31.8	29.0	61.8	88.8	92.6	86.0	54.8	82.8	85.1
Hawaii										
Illinois	24.3	52.4	46.0	43.5	86.0	76.0	70.5	64.7	72.4	80.5
Indiana	37.1	68.7	71.9	69.2	84.4	84.7	78.5	80.3	88.3	89.4
Iowa								90.7	80.2	97.0	94.8
Kentucky	25.4	70.7	74.0	61.1	74.3	80.7	73.9	64.2	76.7	74.1
Louisiana	(1)	36.2	22.3	19.2	39.4	47.1	51.1	48.7	53.6	58.6
Maine	19.1	42.7	66.2	37.7	83.7	71.3	68.4	61.2	78.1	68.9
Maryland	53.7	70.3	55.7	67.6	84.5	81.4	76.0	72.8	80.0	81..
Massachusetts	29.0	25.7	39.4	43.4	66.7	65.8	64.6	57.8	69.8	6519
Michigan				35.0	84.9	79.8	74.5	71.3	81.1	80.2
Minnesota										74.5
Mississippi	41.3	56.6	28.0	64.4	88.2	86.1	80.7	61.7	78.3	89.0
Missouri	19.8	54.0	41.0	36.1	75.1	77.8	62.5	46.3	54.7	69.4
New Mexico	18.0	74.3	70.1	38.2	86.3	68.9	67.4	65.7	87.9	80.7
New Jersey	35.6	71.0	68.8	69.2	80.4	87.2	82.7	79.8	83.1	89.4
New York	(1)	80.2	84.2	70.5	91.9	92.1	79.6	84.7	89.9	95.5
North Carolina	41.8	56.9	31.3	53.0	82.4	78.8	71.4	65.8	66.7	70.9
Ohio	34.8	75.9	73.9	75.5	84.5	83.6	77.5	80.6	82.3	88.3
Oregon										97.8
Pennsylvania	18.8	56.5	52.3	53.1	77.5	77.3	76.3	72.6	80.8	78.4
Rhode Island	12.0	17.1	26.3	23.8	33.2	45.1	41.1	57.8	62.9	59.4
South Carolina	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Tennessee	28.3	55.0	31.3	57.3	89.7	89.8	83.4	72.9	82.9	80.9
Texas										
Vermont	(1)	54.5	50.0	52.5	73.8	70.8	70.5	63.5	72.5	63.0
Virginia	11.6	27.7	31.1	35.2	54.7	54.2	47.3	63.3	67.8	71.5
Wisconsin							58.3	39.6	80.8	79.0
U.S.A.	26.9	57.6	55.4	57.8	80.2	78.9	72.7	69.6	78.9	81.2

[1] Not available.

State	1864	1868	1872	1876	1880	1884	1888	1892	1896	1900
Alabama	(1)	77.9	79.6	72.8	58.8	54.2	56.6	68.5	51.9	38.9
Arkansas	(1)	49.0	67.6	64.7	59.5	59.1	68.9	55.0	48.2	40.8
California	64.6	72.3	57.9	75.9	67.1	68.8	76.5	73.8	75.0	69.9
Colorado				(1)	57.4	52.4	57.4	54.6	65.2	71.2
Connecticut	76.3	80.1	71.3	82.0	81.4	79.9	85.5	85.4	83.3	79.7
Delaware	79.8	84.3	73.3	73.4	81.9	76.0	68.8	80.4	64.6	81.9
Florida	(1)	(1)	77.0	93.5	85.9	83.1	85.0	35.3	40.0	29.9
Do	(1)	(1)	77.0	93.5	85.9	83.1	85.0	35.3	40.0	29.9
Georgia	(1)	73.2	55.2	63.5	49.4	41.0	37.6	53.1	34.3	24.4
Idaho								63.1	76.1	77.8
Illinois	69.2	76.7	75.0	87.5	89.9	84.4	82.9	86.0	95.7	89.9
Indiana	82.9	92.5	85.3	94.6	94.4	92.2	93.3	89.0	95.1	92.1
Iowa	95.4	97.7	79.0	99.1	93.7	90.0	87.9	88.5	96.1	91.0
Kansas	31.8	51.3	77.8	65.7	80.8	85.1	88.2	80.7	85.5	91.2
Kentucky	44.0	69.9	66.2	80.9	75.5	70.8	81.1	73.8	89.2	87.0
Louisiana	(1)	75.9	76.4	77.9	50.3	49.8	50.0	45.1	35.8	21.7
Maine	73.2	74.4	57.9	71.5	85.0	75.0	71.7	63.5	63.0	56.0
Maryland	57.7	72.6	75.0	82.7	79.8	79.9	84.8	79.9	87.3	85.9
Massachusetts	63.8	66.9	62.0	72.3	71.2	69.3	71.7	74.6	70.6	67.4
Michigan	66.2	77.4	64.0	78.0	75.5	76.0	80.9	73.2	95.3	89.0
Minnesota	57.6	71.1	67.5	71.3	68.9	68.2	76.3	66.6	75.2	76.7
Mississippi	(1)	(1)	71.1	79.7	50.1	49.2	43.8	18.8	22.1	16.9
Missouri	36.3	43.0	66.6	76.6	78.0	77.0	81.8	77.4	88.5	83.1
Montana								74.2	73.8	75.3
Nebraska			46.1	43.7	53.0	67.7	67.8	75.9	66.2	74.1	80.2
Nevada	57.5	73.7	74.4	90.0	76.5	61.6	71.4	70.1	69.2	71.4
New Hampshire	84.3	82.3	80.9	92.0	93.3	87.1	90.2	85.8	78.1	83.9
New Jersey	81.0	89.5	81.4	94.8	95.4	88.6	91.9	90.3	88.4	85.9
New Jersey	89.3	91.7	80.5	89.6	89.3	87.5	92.3	86.3	84.3	84.6
North Carolina	(1)	91.2	71.9	90.1	83.0	86.3	85.2	78.0	85.3	70.2
North Dakota								56.6	63.1	65.2
Ohio	87.6	90.4	84.4	94.4	94.4	93.4	91.9	86.2	95.5	91.5
Oregon	91.8	85.8	60.5	70.4	79.1	65.0	93.5	58.4	69.9	58.3
Pennsylvania	85.0	88.3	68.6	83.5	88.8	82.3	83.0	75.7	81.8	75.0
Rhode Island	58.8	46.6	40.2	49.4	48.7	48.1	53.4	63.0	59.2	56.2
South Carolina	(1)	79.6	60.4	101.0	83.9	43.0	35.0	29.1	25.2	18.0
South Dakota								70.7	78.0	85.4
Tennessee	(1)	39.7	66.2	74.6	75.1	73.1	77.6	64.0	70.8	56.6
Texas	(1)	(1)	56.3	54.6	68.8	80.2	78.3	79.4	88.3	61.4
Utah									79.4	84.5
Vermont	77.0	75.9	69.1	83.3	81.6	70.5	71.4	60.4	67.5	57.9
Virginia	(1)	(1)	66.2	77.6	64.1	81.7	83.2	75.3	71.0	59.6
Washington								67.3	63.1	64.9
West Virginia	51.6	58.0	61.2	83.6	82.6	86.7	94.5	90.3	93.6	91.3
Wisconsin	66.8	79.8	70.6	83.9	82.4	82.2	81.1	76.8	84.9	77.5
Wyoming								47.7	50.7	51.1
U.S.A.	73.8	78.1	71.3	81.8	79.4	77.5	79.3	74.7	79.3	73.2

[1] Not available.

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–1968, BY STATE—Continued

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
Alabama	24.2	21.5	22.6	24.3	20.6	13.5	19.1	17.5	18.8	18.9
Arizona			38.6	48.7	46.8	44.4	47.9	55.1	52.0	57.0
Arkansas	33.8	40.2	30.7	40.0	20.9	15.3	21.4	22.1	17.3	18.2
California	61.7	60.2	46.9	58.0	47.2	50.8	59.0	64.0	66.0	73.4
Colorado	71.0	65.4	59.1	63.5	56.0	62.5	68.4	75.3	75.7	79.7
Connecticut	80.5	76.3	71.5	73.8	58.7	57.9	72.6	70.8	74.6	77.2
Delaware	82.0	86.2	84.1	86.1	75.1	68.1	75.3	76.3	79.8	79.4
Florida	24.4	26.2	24.2	33.8	30.3	17.0	33.0	30.5	31.3	40.9
Georgia	23.8	22.0	18.9	23.7	10.5	11.5	15.7	16.5	17.7	17.7
Idaho	55.3	65.8	59.8	67.4	61.1	65.2	66.0	74.4	71.8	77.0
Illinois	80.5	81.6	74.7	66.8	60.5	64.1	73.4	74.6	18.6	28.2
Indiana	89.7	89.9	77.8	81.9	71.0	70.7	74.9	78.9	78.7	81.1
Iowa	79.7	77.6	74.2	75.0	64.5	68.4	68.9	69.1	73.6	75.5
Kansas	78.1	82.5	76.3	65.8	58.0	64.1	65.9	71.1	76.6	75.1
Kentucky	77.7	84.0	74.6	82.8	71.8	61.0	67.7	67.4	59.9	59.5
Louisiana	15.6	19.8	19.3	21.6	14.1	12.4	20.1	23.4	27.3	29.4
Maine	49.5	53.2	63.4	65.1	46.9	44.9	60.2	66.3	64.4	6.50
Maryland	69.6	70.9	64.8	58.1	52.3	41.0	56.8	51.2	58.1	57.2
Massachusetts	67.6	65.1	63.4	62.8	53.3	65.6	74.0	69.5	75.9	78.7
Michigan	78.9	75.9	69.8	72.9	55.1	53.7	56.3	62.0	62.1	66.6
Minnesota	64.3	66.1	61.2	65.0	59.5	62.0	68.5	66.2	69.7	72.3
Mississippi	15.6	16.5	15.1	20.0	9.4	12.0	15.2	13.8	14.4	14.7
Missouri	74.9	79.7	74.9	81.5	67.6	63.3	69.1	70.9	77.3	74.4
Montana	65.8	61.9	63.3	68.0	61.4	59.2	65.3	70.3	70.8	72.2

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
Nebraska	70.1	77.8	77.1	84.5	55.7	63.8	71.5	72.1	75.6	75.4
Nevada	59.2	92.1	68.1	73.6	61.0	56.1	63.0	73.2	69.1	75.7
New Hampshire	81.6	80.8	78.2	77.3	67.5	67.4	77.8	77.5	77.8	79.6
New Jersey	83.6	82.4	69.1	70.7	59.1	60.7	75.6	72.0	75.0	76.1
New Mexico				59.6	77.8	62.3	61.8	60.3	69.7	68.7
New York	83.3	79.7	72.1	71.6	56.4	56.3	68.3	66.1	72.6	75.7
North Carolina	46.1	52.0	46.1	49.8	44.6	35.9	43.1	44.0	47.4	42.7
North Dakota	61.4	73.2	60.8	77.7	67.4	63.8	72.4	74.5	78.0	78.4
Ohio	83.1	87.5	74.8	76.5	62.6	57.8	66.9	65.5	71.8	75.4
Oklahoma		71.5	57.4	60.4	48.6	47.4	50.5	54.4	56.4	60.5
Oregon	47.6	47.3	51.8	54.2	52.3	55.3	57.7	60.7	62.5	67.1
Pennsylvania	74.3	71.8	64.4	63.4	42.8	45.8	62.7	53.1	72.5	67.6
Rhode Island	63.4	62.4	62.7	65.8	57.9	66.3	68.9	71.7	78.0	75.6
South Carolina	18.4	20.6	14.6	17.5	8.6	6.4	8.5	12.3	12.5	10.1
South Dakota	73.0	69.5	61.9	60.9	56.6	59.4	72.0	76.5	77.5	79.5
Tennessee	47.7	48.0	45.1	46.6	35.4	23.3	25.7	26.5	30.0	30.6
Texas	29.6	33.6	30.8	35.0	21.7	25.8	24.8	27.2	24.8	30.1
Utah	78.4	73.0	66.4	79.5	69.6	69.7	73.4	80.0	77.9	83.1
Vermont	50.7	48.9	56.8	58.2	45.3	51.3	66.8	66.6	68.5	72.1
Washington	60.9	59.0	50.8	54.7	52.4	51.2	56.6	64.2	66.6	70.6
West Virginia	89.2	86.9	81.9	83.6	71.7	75.2	76.4	81.9	84.9	83.0
Wisconsin	72.0	68.7	68.7	70.7	52.3	57.3	65.9	65.1	68.9	72.4
Wyoming	50.8	49.2	50.3	54.9	52.3	71.0	68.7	74.9	74.0	74.8
U.S.A.	65.2	65.4	58.8	61.6	49.2	48.9	56.9	56.9	61.0	62.5

State	1944	1948	1952	1956	1960	1964	1968
Alabama	15.0	12.6	24.2	27.6	31.2	36.0	51.5
Alaska					49.1	48.7	56.4
Arizona	42.2	45.4	53.9	47.8	53.8	54.7	43.6
Arkansas	19.3	21.9	36.9	38.0	41.1	49.9	52.5
California	65.1	63.2	69.4	64.0	67.9	64.7	61.0
Colorado	67.9	64.5	76.2	69.2	71.4	68.0	70.2
Connecticut	73.9	71.2	80.9	75.8	76.8	71.8	68.5
Delaware	66.9	68.5	78.4	72.7	73.6	71.1	71.7
Florida	33.5	34.1	47.6	43.6	50.0	52.7	58.2
Georgia	17.6	21.4	31.9	29.6	31.2	44.9	41.6
Hawaii					53.0	52.5	62.7
Idaho	64.5	63.1	78.2	75.2	80.7	75.8	72.8
Illinois	74.8	70.3	76.0	72.4	75.7	74.0	69.3
Indiana	71.7	67.2	75.7	73.7	76.9	74.0	71.5
Iowa	64.3	62.4	75.8	74.0	76.5	72.3	71.6
Kansas	62.2	65.0	71.7	67.4	70.3	74.8	63.5
Kentucky	51.9	49.6	58.9	58.6	60.5	52.9	46.8
Louisiana	25.1	27.5	40.2	36.0	44.8	47.3	55.6
Maine	57.3	49.0	63.1	61.8	72.6	65.6	67.5
Maryland	46.7	41.7	57.5	54.6	57.2	56.0	57.7
Massachusetts	71.0	71.5	75.0	72.0	73.8	71.3	67.8
Michigan	63.7	55.6	68.5	71.1	72.4	68.9	64.9
Minnesota	63.0	65.7	72.6	68.7	77.0	76.8	71.8
Mississippi	15.0	16.0	23.8	21.0	25.5	32.9	51.6
Missouri	62.2	61.0	71.8	68.8	71.8	67.4	63.1
Montana	59.0	62.3	71.8	71.6	61.4	69.8	65.0

State	1944	1948	1952	1956	1960	1964	1968
Nebraska	67.9	58.2	71.9	67.6	71.4	66.6	59.9
Nevada	64.8	64.0	69.7	65.9	61.2	55.5	54.2
New Hampshire	73.5	70.3	79.2	74.4	79.4	72.3	70.9
New Jersey	69.1	63.0	72.3	68.9	71.8	68.6	65.1
New Mexico	48.8	53.4	60.5	56.8	62.1	63.9	63.3
New York	70.9	65.0	71.2	67.9	67.0	63.2	57.3
North Carolina	38.0	35.4	51.3	47.4	53.5	51.8	54.7
North Dakota	61.5	61.6	75.5	71.3	78.5	72.2	65.5
Ohio	66.9	58.4	69.7	66.4	71.3	66.6	63.6
Oklahoma	52.8	52.5	68.6	61.4	63.8	62.5	62.9
Oregon	58.4	56.5	69.6	71.1	72.3	69.6	64.4
Pennsylvania	59.8	56.0	66.5	65.5	70.5	68.1	63.2
Rhode Island	65.0	66.0	79.8	73.2	75.1	68.7	68.2
South Carolina	9.8	12.8	29.1	24.7	30.5	48.0	
South Dakota	59.3	63.3	74.4	74.7	78.3	72.6	70.8
Tennessee	28.2	28.7	44.7	45.9	50.3	51.1	53.0
Texas	28.2	26.0	43.5	37.9	41.8	44.4	51.6
Utah	75.0	76.0	82.9	77.2	80.1	76.9	76.9
Vermont	56.9	54.5	66.8	66.5	72.5	68.0	65.5
Virginia	22.3	21.6	29.9	31.8	33.3	41.0	53.1
Washington	67.0	63.2	71.2	70.4	72.3	71.5	65.0
West Virginia	65.5	65.8	76.3	74.6	77.2	75.2	70.0
Wisconsin	65.7	59.8	72.5	67.8	73.4	70.8	68.0
Wyoming	63.3	59.6	72.5	67.4	74.0	73.2	69.3
District of Columbia						40.2	33.5
U.S.A.	55.9	53.0	63.3	60.6	64.0	61.8	60.6

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science Washington University St. Louis, Mo.

TURNOUT IN U.S. SENATE ELECTIONS, 1946–68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama		(1)	(1)		(1)	(1)		(1)	21.5		40.5	44.4
Alaska							75.6	72.2	51.5		44.8	
Arizona	31.7		43.9	52.0		47.7	48.5		43.8	53.3		50.6
Arkansas		(1)		(1)	(1)	(1)		(1)	(1)		(1)	50.3
California	39.7		51.1	61.9	49.0	63.7	58.7		55.9	65.3		59.7
Colorado		70.8	53.3		56.0	66.8		71.6	57.2		55.8	66.5
Connecticut	49.9		62.0	75.7		76.4	66.2		63.3	71.1		66.1
Delaware	59.9	72.1		77.6	62.7		57.4	73.9		70.7	56.3	
Florida	(1)		(1)	(1)		(1)	(1)		28.3	45.2		52.7
Georgia	(2)	(2)	(2)	(2)	(1)			(1)	31.7		(1)	(1)
Hawaii								3 51.0	59.1	52.9	52.0	
Idaho	56.9	67.4	57.7		64.3	75.2		78.5	67.7		65.1	71.8
Illinois		66.0	60.7		56.1	70.0		74.9	59.5		59.4	67.4
Indiana	53.9		62.9	74.1		72.0	62.4		64.8	73.7		69.4
Iowa		58.2	50.6		51.3	70.7		74.2	48.8		52.4	69.3
Kansas		55.4	41.8		49.1	64.5		67.6	48.4		51.8	59.6
Kentucky	38.6	49.1	35.4	58.0	46.9	54.4		58.0	43.7		37.0	45.7
Louisiana	(1)	(1)			(1)	(1)		(1)	28.1		(1)	(1)
Maine	31.0	39.3		43.5	43.3		50.2	72.6		66.1	55.6	
Maryland	33.7		40.3	56.1		52.5	43.3		38.7	54.3		54.3
Massachusetts	53.8	63.7		73.3	57.5		58.7	74.9	64.7	71.2	60.9	
Michigan	40.9	51.7		66.2	49.2		48.8	71.4		66.5	51.1	
Minnesota	47.2	64.0		73.1	58.5		47.0	76.7		76.5	62.2	
Mississippi	(1)	(3)	16.8	(1)	(1)		(1)	(1)		(1)	31.5	
Missouri	42.8		48.3	70.3		66.3	44.0	70.9	45.9	65.3		51.2
Montana	64.0	69.2		72.5	60.2		57.5	71.5		70.9	65.8	
Nebraska	45.8	55.7	66.0	67.1	48.9		46.7	69.9		64.8	56.6	
Nevada	55.8		57.6	70.5	57.4	64.3	55.2		50.6	54.7		54.1
New Hampshire		61.1	53.7		48.4	71.0		78.4	59.5			67.7
New Jersey	45.4	57.0		66.7	50.6		51.5	69.6		65.7	49.7	
New Mexico	48.9	63.9		63.8	49.1		49.1	61.2		63.8	49.8	

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
New York	51.7		52.7	66.6		64.5	53.1		51.8	63.5		56.1
North Carolina		(1)	(1)	(1)	(1)	(1)			31.5		31.7	48.8
North Dakota	(2)		50.9	68.0		64.4	54.0	(1)	64.3	71.9		65.3
Ohio	43.9		51.2	64.3	45.9	61.8	55.4		50.5	64.4		60.0
Oklahoma		49.3	45.7		43.9	62.9		61.8	46.1	61.6	42.9	59.3
Oregon		44.9	50.2		54.4	68.1		69.4	57.5		58.2	65.6
Pennsylvania	46.6		50.7	64.2		64.3	56.8		61.6	67.8		63.7
Rhode Island	53.1	60.5	55.4	77.1	62.2		63.6	75.0		70.8	59.0	
South Carolina		(1)	(1)		(1)			(1)	25.0		31.1	44.9
South Dakota	64.6	62.6		60.4	60.4	71.4		78.8	63.9		59.3	72.5
Tennessee	(1)	(1)		(1)	(1)			(1)	(1)		47.8	38.0
Texas	(2)	(1)		(1)	(1)			(1)	(1)	15.8	44.2	24.6
Utah	55.4		67.8	79.0		75.3	63.6		63.7	78.2		75.5
Vermont	32.2		37.5	66.7		69.6	56.6		52.3	70.2		(1)
Virginia	(1)	(1)		(1)			20.9	27.8		36.8	28.2	
Washington	45.2		47.7	68.6		69.7	54.1		54.8	69.4		67.3
West Virginia	52.2	68.2		77.7	53.1	70.2	55.6	76.3		71.5	46.4	
Wisconsin	48.8		50.2	71.3		65.4	50.1		52.8	70.4		67.0
Wyoming	49.5	60.0		72.3	62.4		62.7	74.5	59.4	74.2	66.0	

1 Ran unopposed.
2 Not available.

1959.
Source: COPE Research Department, Washington, D.C.

TURNOUT IN U.S. HOUSE OF REPRESENTATIVES-ELECTIONS 1920–68

[Vote as a percentage of the civilian population of voting age]

Year	
1920	41.4
1922	32.4
1924	41.0
1926	30.1
1928	48.2
1930	34.1
1932	50.2
1934	41.8
1936	54.0
1938	44.5
1940	56.2
1942	32.7
1944	53.0
1946	37.6
1948	48.6
1950	41.6
1952	58.2
1954	42.2
1956	56.6
1958	43.4
1960	59.4
1962	48.9
1964	57.8
1966	45.6
1968	54.8

Source: U.S. Bureau of the Census, Statistical Abstract of the United States: 1962, 83d edition, Washington, D.C., 1962: Congressional Quarterly, Washington, D.C.

TURNOUT IN GUBERNATORIAL ELECTIONS, 1946–68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama											42.8	
Alaska							75.3		50.2		44.8	
Arizona	33.4	47.0	46.3	52.6	43.3	49.5	48.0	58.4	44.2	52.9	42.6	51.1
Arkansas									31.7	52.9	49.7	52.3
California			52.6		50.3		60.1		57.9		57.7	
Colorado	47.6	68.6	53.4	69.7	56.6	67.7	56.3		57.5		58.1	
Connecticut	48.0	63.6	63.4	75.7	63.1		66.6		63.4		57.8	
Delaware		71.6		77.6		70.9		73.8		70.5		67.6
Florida										47.4	41.2	
Georgia	(1)	(1)	(1)	(1)						35.4	34.6	
Hawaii								2 52.4	59.0		52.0	
Idaho	57.3		58.1		65.0		63.6		66.9		65.1	
Illinois		66.0		74.0		70.8		74.2		73.2		68.2
Indiana		63.8		73.6		71.6		76.5		73.6		69.2
Iowa	37.5	57.6	50.0	72.9	51.5	72.3	49.7	74.1	49.5	71.3	54.9	68.9
Kansas	47.1	58.7	49.8	67.0	49.5	67.6	58.3	70.2	49.7	64.0	50.1	62.9
Kentucky			33.5	(3)	45.8	54.2	45.2		47.2		43.7	
Louisiana										49.8		50.1
Maine	31.9	37.4	43.7	45.6	43.8	55.9	49.5	72.7	50.6		56.3	
Maryland	35.0		42.2		44.2		43.9		42.0		44.2	
Massachusetts	52.8	65.0	59.6	73.2	57.9	75.0	59.8	74.8	65.1	72.0	62.1	
Michigan	42.1	53.0	45.7	67.2	50.2	66.4	49.7	72.1	60.0	67.7	51.5	
Minnesota	47.4	63.5	60.7	74.7	59.8	71.9	57.5	77.4	62.1		63.4	
Mississippi												3 34.7
Missouri		59.7		70.4		66.6		71.2		65.7		62.2
Montana		69.8		72.9		72.1		72.3		71.1		68.7
Nebraska	45.5	55.2	54.9	67.5	48.4	64.8	47.2	69.9	53.7	66.5	56.8	
Nevada	55.3		56.1	58.1			55.5		50.5		52.5	
New Hampshire	46.6	61.0	54.2	75.7	57.1	72.9	57.3	79.2	61.0	72.1	57.4	67.3
New Jersey						56.9			56.2		52.7	
New Mexico	48.7	64.4	47.9	63.9	49.0	61.6	49.5	62.2	48.4	62.2	50.2	59.7
New York	50.8		50.9		49.3		54.9		52.7		54.0	
North Carolina										51.0		52.9
North Dakota	(1)	62.1	50.1	72.6	52.7	66.6	56.5	78.7	65.7	73.0		67.8
Ohio	45.2	50.1	54.2	67.4	47.5	62.1	57.7		52.5		47.9	
Oklahoma	36.5		46.6		44.5		39.1		49.2		45.5	
Oregon	34.3		49.7		54.2	68.0	55.4		57.5		58.0	
Pennsylvania	46.5		50.1		53.0		56.8		61.6		56.9	
Rhode Island	53.5	61.1	55.2	75.4	62.4	73.8	64.0	75.3	63.1	71.7	60.5	68.4
South Carolina											31.4	
South Dakota	65.3	63.2	72.7	60.6	60.6	71.7	64.6	78.5	64.4	73.9	59.6	71.7
Tennessee											28.7	
Texas									28.0	43.2	23.5	46.0
Utah		74.3		79.2		75.8		79.2		78.4		75.9
Vermont	31.6	51.2	36.9	59.9	48.2	69.0	56.2	71.6	52.3	70.2	57.7	65.5
Virginia											3 20.9	
Washington		53.1		69.9		70.1		71.4		71.5		68.9
West Virginia		68.6		78.2		71.3	54.4	76.3		74.1		68.9
Wisconsin	50.0	58.9	50.5	71.7	51.8	66.9	50.4	72.8	53.1	71.3	48.6	68.4
Wyoming	49.4		54.2		61.9		61.8		59.3		65.0	

1 Not available.
2 1959.
3 Incomplete.
4 1967.
5 1965.
Source: COPE Research Department, Washington, D.C.

TURNOUT IN SELECTED LOCAL & SPECIAL DISTRICT ELECTIONS, 1969

City	Type of Election	Percentage of turnout
Akron, Ohio	2, 3	39.9
Atlanta, Ga	1, 4, 5, 6, 7	36.4
Austin, Texas	2	27.8
Boise, Idaho	1, 2	43.6
Boston, Mass	2, 8	33.0
Buffalo, N.Y	1	55.7
Birmingham, Ala	2	6.8
Charlotte, N.C	1, 2	25.5
Cincinnati, Ohio	2	37.7
Cleveland, Ohio	1	53.2
Columbus, Ohio	2, 3, 9, 10, 11	53.2
Dallas, Texas	1, 2	9.1
Dayton, Ohio	1, 3, 12	27.1
Des Moines, Iowa	2	33.2
Detroit, Mich	1, 2, 13, 14	58.6
El Paso, Texas	1, 3, 5, 15	17.7
Fort Worth, Texas	1, 2	14.7
Hartford, Conn	1	39.8
Houston, Texas	1, 2, 16	28.4
Los Angeles, Calif	1, 2, 6, 10, 16	48.8
Louisville, Ky	1	26.8
Miami, Fla	1, 2	11.1
Minneapolis, Minn	1, 5, 14, 16, 17, 18, 19, 20.	48.5
New Haven, Conn	1, 5, 13, 14, 15, 21, 22, 23, 24, 25.	45.1
New York, N.Y	1	45.2
Oklahoma City, Okla	2	4.4
Omaha, Neb	1, 2	35.4
Philadelphia, Pa	1, 16, 26, 27, 28	49.7
Phoenix, Arizona	1, 2	28.4
Pittsburgh, Pa	1, 2	56.9
Richmond, Va	11, 14, 21, 29	32.8
Rochester, N.Y	2, 6	47.1
San Antonio, Texas	2	16.9
San Diego, Calif	2, 10	26.6
Seattle, Wash	1, 2, 30	51.2
St. Louis, Mo	1, 5, 16	27.3
St. Petersburg, Fla	1, 2	19.9
Syracuse, N.Y	1, 2, 6	47.9

Key:
1. Mayoral
2. City Council
3. Municipal Judge
4. Pres., Bd. of Aldermen
5. Bd. of Aldermen
6. Bd. of Education
7. City Exec. Committee
8. School Committee
9. City Auditor
10. City Attorney
11. Clerk of Courts
12. City Commissioners
13. City Clerk
14. City Treasurer
15. Tax Collector
16. City Controller
17. Park Commissioners
18. Library Bd. Directors
19. School Directors
20. Bd. of Estimate & Taxation
21. City Sheriff
22. Town Clerk
23. Registrar of Vital Statistics
24. Selectman
25. Constable
26. District Attorney
27. Magistrates
28. Inspectors of Elections
29. Commissioner of Revenue
30. Corporation Council

Source: Rand McNally, Commercial Atlas & Marketing Guide, Washington, D.C., 1969; Congressional Quarterly, Washington, D.C.; Local election officials

Turnout in Selected Democratic Nations, 1920–1968

UNITED STATES

Year:	Turnout
1920	49.2
1924	48.9
1928	56.9
1932	56.9
1936	61.0
1940	62.5
1944	55.9
1948	53.0
1952	63.6
1956	60.6
1960	64.0
1964	61.8
1968	60.6

Year:	Turnout
GREAT BRITAIN	
1922	71.3
1923	70.8
1924	76.6
1929	76.1
1931	76.3
1935	71.2
1945	72.7
1950	84.0
1951	82.5
1955	76.7
1959	78.8
1964	77.1
1966	75.9
CANADA	
1921	70.3
1925	68.7
1926	70.2
1930	76.1
1935	76.2
1940	70.9
1945	76.3
1949	74.8
1953	67.9
1957	75.0
1958	80.6
1962	80.1
1963	80.3
1965	75.9
1968	75.7

Source: Compiled by Professor Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Missouri.

TURNOUT IN THE MOST RECENT ELECTIONS IN OTHER SELECTED DEMOCRACIES

Country	Election year	Turnout
Denmark	1968	89.3
Finland	1966	84.9
France	1968	80.0
Germany	1969	86.8
Ireland	1965	75.1
New Zealand	1966	86.6
Norway	1969	82.5
Sweden	1968	89.3

Source: Compiled by Richard M. Scammon, Governmental Affairs Institute Washington D.C.

in voter turnout. In the Presidential election of 1900, the voter turnout was 73%. Not since that time has it exceeded 66%, and seven times it fell below 60%. On two occasions in 1920 and 1924, it fell below 50%. But throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70% to 80%.

These facts have been cited by Senator Edward M. Kennedy this week, as he prepares to attach an amendment to the Election Reform Act, an amendment that would establish a system of universal voter registration for the nation. The election of 1968 showa how badly such as measure is needed—for in that election, with the potential of 120 million voters, only 82 million, or 68% were registered to vote and therefore eligible to go to the polls on election day. But of that number, 89% went to the polls, proving the obvious: That people who register are people who vote.

Kennedy's amendment would provide a simple postcard system of voter registration. Simply by filling out the address of his residence on the postcard form, a citizen would establish his voting residence. A new computerized agency within the Census Bureau would process the cards, compile voting lists by precincts throughout the country, and make the list available to state and local election officials at appropriate times before any election.

Use of the new system would be mandatory for all federal elections and optional for state and local elections. Kennedy hopes to get action by the Congress when it returns from its August recess. Whether his amendment, or similar reform, is enacted this year, is problematical. But there is a rising demand, especially from the young, for someone to do something about simplifying our complicated voter registration procedures.

Mr. McGEE. Mr. President, I yield 4 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, I thank the chairman of the committee for yielding.

Mr. President, I rise in support of S. 2574, a bill to establish a national voter registration program through the mail.

The history and tradition of this great Nation is one of ever-expanding extension of the principles of democracy. Step by step, ever since the founding of our Republic, we have tried to reduce or to eliminate the barriers to voting—to allow full participation in the essentials of our political way of life.

Indeed, six of the last 12 amendments to the Constitution have been concerned with extending the right to vote. The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race or color. The 17th amendment, adopted in 1913, provided for the direct popular election of Senators. The 19th amendment, adopted in 1920, extended the franchise to women. The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in presidential elections. The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections. Most recently, the 26th amendment, adopted last June, extended the franchise to 18-year-olds in all elections. Moreover, hand in hand with these great constitutional amendments have come a series of landmark decisions by the Supreme Court as well as historic laws by Congress, all concerned with insuring the broadest possible exercise of the right to vote.

NBC EDITORIAL ON UNIVERSAL VOTER REGISTRATION

Mr. KENNEDY. Mr. President, in an NBC radio editorial last Friday, Mr. Sander Vanocur emphasized the burden and the difficulty of the present system of voter registration in the Nation. He urges the adoption of simplified procedures, of the sort I have proposed in the Universal Voter Registration Act, which I had originally offered as an amendment to the pending election reform bill, and which I am today introducing as a separate bill.

As Mr. Vanocur's editorial makes clear, the ratification of the 26th amendment, lowering the voting age to 18 in all elections, has generated broad new interest for comprehensive reform in our voter registration procedures. The momentum for reform is building, and it is time for Congress to respond.

Mr. President, I believe that Mr. Vanocur's editorial will be of interest to all of us concerned with the cause of such reform, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, it was ordered to be printed in the RECORD, as follows:

NBC RADIO EDITORIAL

(By Mr. Sander Vanocur)

Now that the 18–21 year olds have been given the vote and now that the 18–21 year olds are finding out how cumbersome and difficult it is to register so that they can vote, attention is being turned to just how complicated our voter registration laws are.

With the advent of voter registration at the turn of the century there was a sharp decline

There is a great difference, however, between a legal right and a political reality. The legal right to vote without the means for an effective exercise of that vote is no right at all. Despite our history and democratic traditions, less than 60 percent of the qualified voters in the United States actually register and vote. In 1968, more adult Americans failed to vote than did vote. Forty-seven million Americans did not vote in the presidential election, and between 27 and 35 million of these were not registered.

The Democratic National Committee's Freedom To Vote Task Force study of voter registration has found that residency and other registration qualifications—not disinterest on the part of the voter—provide the greatest barriers to full access in the voting process. And the primary cause of nonregistration is our archaic State system of voter registration. This system constitutes a major national disgrace and the greatest obstacle toward achieving the American goal of universal suffrage.

The great paradox of our times, therefore, is that while millions of citizens at odds with basic national policies are struggling for a more active role in public decisionmaking, participation in the electoral process continues to wane. There can be little hope for success in the more difficult roles of self-determination when so many citizens are not even involved to the extent that they can participate in the election of a President. The presidency is more important to the people of this country now than ever before in our history. If Americans are to make effective use of their political power, they must begin with voting for the President.

As the Washington Post notes, however, in an editorial today, "It is a stark fact that in 1968 more than 27 million Americans 21 years of age or older were not registered and were therefore unable to take part in the presidential election." Next year, with 18-year-old citizens eligible to vote, the number of nonregistered and therefore disenfranchised citizens can be expected to be even greater.

The registration requirements of voting were imposed to prevent fraud and to insure the integrity of the ballot. But they have been more successful in disenfranchising citizens. There is a great need for a simple, expeditious means for qualified citizens to register. There is a remedy to the barriers of registration. It is S. 2574, which will be debated in this Chamber today. As a cosponsor, along with 14 of my colleagues, and as member of the Committee on Post Office and Civil Service, which held lengthy and probing hearings prior to reporting this measure, I want to second the words of the Post on this measure introduced by my colleague from Wyoming (Mr. MCGEE). In calling for support of S. 2574 in order to promote voter registration, the Post editorial observes that it amounts to a vote of confidence in the democratic process.

Mr. President, I believe that the Senate of the United States has confidence in the democratic process. I urge, therefore, passage of this legislation which will eliminate registration as a major barrier to true universal suffrage. I also ask unanimous consent that the Washington Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HELPING PEOPLE TO VOTE

For a long time political scientists have lamented the fact that large numbers of American citizens qualified to vote have failed to do so when Election Day rolled around. In other self-governing countries a much higher percentage of citizens go to the polls. The explanation of this contrast is really a very simple one. Other countries make it easy for their citizens to vote; the United States, with its complicated system of voter registration requirements controlled by the states, makes it extremely difficult.

Registration has become a high hurdle on the road to elections. It is a stark fact that in 1968 more than 27 million Americans 21 years of age or older were not registered and were therefore unable to take part in the presidential election. In the presidential election of 1972, with the voting age lowered to 18, the number of nonregistered citizens may run much higher.

Sen. Gale McGee has proposed a simple remedy for this situation—a remedy which would make it relatively easy to register. Under his proposal the Bureau of the Census would send a postcard to every householder recorded in the Census of 1970. Simply returning that postcard within 30 days prior to Election Day, with requisite information to be checked by local registrars, would qualify eligible citizens to come to the polls and vote for federal offices. States could still fix their own requirements for state and local elections; but if they chose to conform to federal practice, the McGee proposal would assure them a federal subsidy to help them meet the cost of putting it into effect.

The McGee bill comes up in the Senate today. We think it ought to have the support of every senator who believes in government by the people. In 1968, only about three-fifths of the country's potential vote was cast in the presidential election. By contrast, more than four-fifths of the people who were registered cast their ballots. The need, obviously, is to promote registration. A vote to do so will be a vote of confidence in the democratic process.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, I yield 4 minutes to the Senator from Oklahoma.

Mr. BELLMON. Will the Senator make it 5 minutes?

Mr. McGEE. I yield 4 minutes and we will see how the time goes.

Mr. BELLMON. We have a very stern chairman. I thank the distinguished chairman for yielding.

Mr. President, probably nothing in our Republic is a greater threat to its survival than the haphazard, fraud-ridden, discriminatory system of voter registration which exists in many parts of the country.

If we are to agree with our Founding Fathers that a well-informed majority is seldom wrong, then it is obvious we need to perfect the system whereby this majority expresses its views on election day.

At the present time, there are many obstacles which a citizen must overcome on his way to the polls and this bill is intended to remove one of those.

Mr. President, I first became concerned about the voter registration system at the time I served as Republican State chairman in Oklahoma. Traditionally our State had been a one-party Democratic State. I am sure the conditions I found there are common in one-party States regardless of whether the dominant party is Republican or Democrat.

On the surface the Oklahoma registration laws may appear to be fair or at least innocuous, but in practice the law was administered in such a way it made registration for minorities, whether racial or political, difficult and in some cases almost impossible.

As I mentioned during committee debate on the bill, there were many reports of cases where voter registration offices were used as a recruiting service for the major party. It was not at all uncommon to have a situation arise where the registrar would attempt to persuade a prospective voter to register in the majority party and if the effort was unsuccessful to have the registrar announce the office was closed for further business.

Under Oklahoma law the entire election and voter registration machinery is under the direct and total control of the Oklahoma State Senate. Membership of the Senate is almost 5 to 1 Democratic.

In some cases the State senators take great pains to provide for fair election procedures but in other cases the election machinery is operated as a campaign mechanism which seems to have as its purpose not the registration of all eligible voters but rather the continuation of the incumbent senator.

Further, Mr. President, in our State the costs of voter registration are largely borne by county commissioners. Some county commissioners put forth considerable effort and spend sizable amounts of county funds to provide adequate and impartial voter registration opportunities. But in other instances, either because local funds are inadequate or because it serves selfish interests of the incumbent officials, the voter registration office is kept open only briefly and then only during the times when most voters are at work. This makes it difficult if not impossible for large numbers of individuals to become qualified to cast their votes on election day.

Mr. President, let me give some credit to election officials of our State. Oklahoma has shortened its residency requirements, many counties are providing roving registrars, registration books are being kept open in some areas during nonworking hours, and incidents of coercion by registration officials are apparently declining. But the fact remains that in Oklahoma as well as throughout the Nation there are many areas where the process of becoming a legally registered voter is so difficult that it effectively disenfranchises a large number of citizens.

Some Republicans, and this includes the national administration, are opposed to this bill. While I respect their view-

point, I am of the opinion they have not been close enough to the precincts to realize the weaknesses and the shabbiness of the present system. I do not believe any responsible public official consciously wishes to deprive any citizen of the right to vote.

In my judgment S. 2574 would help make this right a reality.

Mr. President, while S. 2574 may not be a perfect bill, I strongly feel that it is a long step in the direction of making majority rule a reality in this country and I urge its passage.

Mr. GRIFFIN. Mr. President, I yield time on this side to the ranking member of the Committee on Post Office and Civil Service, the Senator from Hawaii.

Mr. FONG. Mr. President, I allow myself whatever time I need.

Mr. President. I am at a loss as to why the Senate today is discussing the provisions of S. 2574, the national voter registration bill, when there is no possibility of arriving at a vote on it.

I am more at a loss because we have been called into session for weeks now very early in the morning—even as early as 8 30 a.m.—and are adjourning night after night at 8 or 9 p.m., trying to complete action on all the important bills which must be completed so we can adjourn in this last month of 1971.

A similar bill was not introduced in the House of Representatives until yesterday, so even if the Senate were to vote on S. 2574 this year, most probably it would not be taken up by the House and therefore there is no possibility of its enactment into law this year.

This bill will entail very lengthy debate and, as there is very strong opposition to it, many amendments are expected to be proposed to it.

The measure, as reported out by the committee, contains a very strong minority report against its enactment. Since the report was filed, I have received a number of inquiries from persons interested in the bill. All have voiced strong opposition to the enactment of this measure. Many wanted to be heard and feel that they were not given the opportunity to voice their disapproval because they were not apprised of the limited number of hearings we would have on the bill.

Mr. President, if this bill were enacted:

First, it would change drastically the manner of voter registration in the whole United States;

Second, it would impose Federal controls and guidance on the States;

Third, it would impose Federal controls and guidance on State and local political party organizations;

Fourth, it could create an overpowering Federal voter registration bureaucracy to influence elections;

Fifth, it would change radically our traditional and well-established voter registration systems;

Sixth, it would multiply the opportunities for fraud in elections;

Seventh, it would impose Federal registration costs in excess of a hundred million dollars per presidential election year; and

Eighth, it would have serious, adverse implications on our entire system of elections and our system of government.

The main thrust of S. 2754 is to establish a national voter registration system operated by a Federal agency, the National Voter Registration Administration. The NVRA would be a new Federal agency located within the Bureau of the Census, Department of Commerce.

It would utilize the services of the U.S. Postal Service to distribute Federal voter registration cards to every postal address in the United States no earlier than 45 days nor later than 30 days before every Federal election. Assumedly, such cards would be addressed to "householder" or "resident."

These mail voter registration cards would be returned by the prospective registrant to the State or local government voter registration office. The State office would process the cards, registering the applicant as a voter in the next Federal election, and billing the Federal Government for processing of the cards.

The bill sets a 30-day durational residency requirement in a State for voting in Federal elections in that State.

The NVRA would also, on request, assist the State or local governments in putting the national voter registration system into effect in their States and in processing the registration cards.

Federal payments would also be made to a State if the State establishes a registration system for State and local elections similar to that instituted by the provisions of this bill for Federal elections. Payments would be 15 percent of the amount paid to the State for processing the registration cards. This amount would be increased to 30 percent if, in addition to instituting a State and local voter registration system similar to that contained in the bill for Federal elections, the State adopted a 30-day durational residency requirement for its own elections.

The bill authorizes State officials to call in the Federal Government should they suspect fraud in voter registration applications and also establishes criminal penalties for convictions of fraud.

Mr. President, there are important policy and constitutional questions involved in this bill.

Control of voter registration qualifications have traditionally been left to the States. In the past, the Congress has legislated in the field of voter rights only when it believed that voting rights were being violated by noncompliance with the due process or equal protection clauses of the Constitution.

In the absence of consistent and overwhelming evidence that such was the case, the Congress has refrained from acting in the field of voting rights. It must be pointed out that the Federal Government shares many powers with the States in this field. However, it has left control of most voting rights entirely up to the States and even to the political parties. These include regulations on voting supervision, protection of voters, duties of inspectors and canvassers, publication of election returns, tallying of election returns and election of delegates to national political party conventions.

The legislation would inject the Federal Government into an area traditionally left to the States—that of voter registration. This would be done for what can only be typified as convenience reasons and not because a constitutional right was being violated. It is my opinion that, in the absence of consistent and overwhelming evidence that constitutional rights are being violated in the application of voter registration laws and practices by the States, the Congress should not act in this area.

Another serious policy consideration arises out of the bill's definition of "Federal election" and the qualifications it sets for voting in such elections.

The bill defines a Federal election as—

> Any primary, special, general or other election held for the purpose of nominating or electing candidates for any Federal Office, including any election for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates for such a convention.

The impact of this definition when considered together with the voter qualification provisions of this bill is staggering, unprecedented, and highly questionable.

Under the bill any individual meeting the State voter qualification laws except as to durational residency—under the bill he must be a resident of the State on and after the 30th day before a Federal election—may vote in a Federal election.

This means that any such individual can vote not only in the primary and general elections but also in elections held for the selection of State delegates to a political party's national convention regardless of political party affiliation or lack of affiliation. This would also apply to the selection of local delegates to State political conventions if the party's nominees for congressional offices would be selected by such State political party conventions.

The Congress has traditionally left such areas to State supervision and to State political party regulations. It should not overturn this longstanding tradition at this time. To do so would be to strike a critical blow to our present strong two-party political system and even destroy third parties.

A real constitutional question arises concerning the election of presidential electors. It appears from the definition of a "Federal election" under this bill that the election of presidential electors is a "Federal election," however, no mention is made of presidential electors in the bill itself. It only refers to the election of President and Vice President as a "Federal election." The question here is whether the election of presidential electors is an election of a Federal or a State official. If it is the election of a State official, then the Federal voter registration requirements contained in this bill do not apply.

In reference to presidential electors, article II, section 1, clause 2 of the Constitution provides:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the Whole Number of Senators and Representatives to which the State may be entitled in the Congress . . .

The sole authority of Congress respecting presidential electors under the Constitution is to "determine the time of choosing the Electors, and the Day on which they shall give their Votes . . ."—article II, section 1, clause 4—and not the manner of appointing electors.

The Supreme Court has held that presidential electors act by authority of the States and are not Federal officials—*In re Green*, 134 U.S. 377, 379 (1890); *Ray* v. *Blair*, 343 U.S. 214, 224–225 (1952). These were cited by Justice Harlan in his dissenting opinion in the case of *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). Therefore, this bill, although aimed particularly at voter registration for presidential elections may not accomplish its purpose at all.

Now on the subject of mailings, mailing costs and mailing list, under the provisions of this bill, the NVRA would be required to mail out Federal voter registration forms before each Federal election. This means that there would have to be at least three national mailings of such forms during presidential election years and in some States the possibility exists that even four or more mailings would have to be made. These mailings would precede elections of: first, delegates to State political party conventions; second, delegates to national political party conventions; third, candidates for Federal offices in primary elections; fourth, candidates for Federal offices in general elections. In those years when only congressional seats were being decided the number of mailings would be less.

The costs of printing, distributing, delivering, and providing postage-free return for Federal voter registration forms have been estimated by the Census Bureau to be easily in the neighborhood of $15 to $20 million per mailing. The cost for establishing an address system for these mailings is estimated at from $5 to $10 million.

Because mailings would have to be made for State political party conventions, primary elections, general elections, and possibly others, the cost per presidential election year may run in the neighborhood of $120 million. Off-year elections may cost a bit less.

These cost estimates do not include payments to the States for processing the returned registration cards; nor payments to the States for bringing State and local election registration laws into line with the Federal mail voter registration systems; nor payments to the States for adopting a 30-day durational residency requirement; nor for staffing and other administrative costs necessitated by the establishment and operation of the National Voter Registration Administration.

It is obvious that the costs of operating this Federal voter registration system are very high. However, the system and its attendant costs must also be judged on the basis of how many additional qualified voters it will bring into the polling booths.

The proponents of this measure contend that approximately 47 million potential voters are being barred from voting in Federal elections because of overly stringent State voter registration requirements and procedures.

The Bureau of the Census took a survey of 50,000 households in November 1968 to determine the extent of voter participation and the reasons for such participation or nonparticipation in that year's presidential elections.

Of the 50,000 households surveyed, 26,942 households reported they did not register to vote. The question asked on voter nonregistration was, "What was the main reason—this person—was not registered to vote?".

The answers were recorded in one of the following categories:

Not a citizen of the United States. (10.6%.)
Had not lived here long enough to be qualified to vote. (11.2%.)
Not interested, just never got around to it, dislikes politics, etc. (53.3%.)
Unable to register because of illness, no transportation, couldn't take time off from work, etc. (13.5%.)
Other reason. (9.5%.)
Don't know. (2.2%.)

About 53.3 percent of those not registered said they did not register because they were not interested, never got around to registering, or disliked politics; 11.2 percent said they did not meet the residence requirements; 13.5 percent said they were ill, did not have transportation, or could not get off from work; 10.6 percent were not citizens; 9.5 percent gave other reasons; and 2.2 percent did not know.

The 53.3-percent figure is most revealing and flies in the face of the reasons given by the proponents of this bill for its enactment. To put the blame for the majority of nonregistrants on State registration requirements or procedures is not substantiated by this comprehensive Census Bureau survey.

In addition, even if this bill were enacted, it is highly questionable that it alone would persuade the 53.3 percent and possibly some of the others to actually register to vote in Federal elections.

Certainly there must be some other less expensive and less bureaucratic way to register the 10 to 25 percent who gave indication that they would have registered had it not been illness, lack of transportation, or inability to get off work or other reasons.

Another very serious policy consideration is the question whether a Federal agency should be established and involved in national voter registration efforts.

The NVRA would be empowered to establish and administer a national voter registration program for Federal elections in all their ramifications. Its duties would also include collecting, analyzing and arranging for publication of voting data; assisting State and local officials in operating the Federal voter registration system; assisting State and local officials in establishing such a system in their local elections, if requested; and, also, assisting State and local officials in solving election problems generally.

The breeding of an overpowering Federal bureaucracy involving itself in a number of aspects of not only Federal, but State and local elections as well, is entirely possible under the provisions of this bill. It becomes an even greater possibility when consideration is given to the possible collusion of national and State or local political party organizations or State and local government officials and Federal officials, should the national administration be of the same political faith as a State or local administration.

The free passage of voter registration and party affiliation information between State and local officials on one hand and the national administration on the other becomes an awesome tool for controlling elections and amassing great political power in our country.

Marshaling the great manpower and technical resources of the Federal Government with the information on voter registration and participation gathered by State and local government sources in this voter registration system presents a picture that the Congress should consider very carefully.

As to registration by mail and the opportunities it presents for fraud, this bill multiplies the opportunities for fraud.

At present, except in very unusual circumstances voter registration procedures by most States require the individual desiring to register to appear in person before a registrar at the time of registration. This bill allows prospective voters to register by mail for Federal elections. No personal appearances before any government official are necessary until the time of voting.

In view of the fact that the residency requirement under the bill is only 30 days before election day and registration is accomplished by mail, the opportunities for fraud are increased tremendously. The time allowed for checking registration rolls is cut to a minimum, especially if a precinct or voting district has a large voter population.

The bill has no cutoff date as to when registration cards must be received by the registration office in order for the voter to be put on the registration rolls. The bill only cites that the cards are to be mailed out to addressees no earlier than 45 days or later than 30 days before election day.

It is entirely possible that only a few days will be available for registration list inspectors to have the opportunity to inspect such lists before election day. It is entirely possible cards would not be returned until election day.

It is obvious that the opportunities for fraud under the provisions of this bill are many, and the safeguards for prevention of such fraud as the bill is written are few. These reasons alone are sufficient for defeat of this measure.

The present Federal law which imposes no durational residency requirement would also be changed. The bill reinstates a durational residency requirement for presidential and other Federal elections despite the abolition of such a requirement in the Voter Rights Act of 1970. This would appear to be the case because section 404(a) of S. 2574 states that—

An individual who is a qualified elector under State law except as to duration of residency but who is a resident of a State on or after the thirtieth day before a Federal election, shall be entitled to register and vote in a Federal election in that State.

We doubt that Congress intends to undo such a fundamental aspect of the 1970 law as this for presidential elections.

Other sections of the bill also raise serious problems.

First, section 305(b)(4)(B) appears to establish an absolute requirement of bona fide residency, whereas present Federal law—42 United States Code 1973aa–1(3)—permits a certain class of nonresidents— that is, those who have left a State less than 30 days before a presidential election—to vote in the State of their former residence. A liberal reading of this provision would disenfranchise such persons before they have ever had the opportunity to exercise the franchise extended in 1970.

Second, section 308 imposes a penalty of not more than $10,000 or imprisonment of not more than 5 years, or both, for falsifying information given on the registration forms or for conspiring with others for the purpose of encouraging such fraud. It also imposes a fine of not more than $5,000 or imprisonment of not more than 5 years or both for depriving or attempting to deprive anyone of his rights to register under the provisions of this bill. It then imposes the criminal penalty provisions of section 1001 of title 18, United States Code, to additionally enforce the provisions of this bill.

There are two problems raised by this penalty section. One, section 1001 of title 18, United States Code, imposes these penalties for false representations in "any matter within the jurisdiction of any department or agency of the United States." The question arises whether because the registration forms are filed with State or local officials and not Federal officials, they fall within the coverage of section 1001.

The Federal Government under the provisions of this bill appears to be a mailing institution. Once the registration cards are delivered, the responsibility of the National Voter Registration Administration ceases. The cards are not to be returned to the NVRA or any other Federal agency. Instead, they are to be returned to the State or other local official charged with registering voters.

Therefore, because section 1001 mandates its criminal penalties only on matters "within the jurisdiction of any department or agency of the United States," and the forms once delivered to the addresses are no longer the responsibility of the NVRA, it appears not to fall within NVRA's jurisdiction, and the penalties cited in section 1001 cannot be levied on registrants who submit false information on the cards.

Third, it is interesting to note that only a State official may request Federal assistance to prevent fraud. As the bill reads, this precludes any type of Federal investigations for fraud except when a State official requests it. Because Federal investigations in such instances are dependent upon a State request, for practical purposes there would be no remedy where the State official is himself involved in fraud, since it is highly unlikely he would request the investigation on himself.

Fourth, with respect to the same section, any suit filed by the Federal Government after an investigation requested by a State official would be filed in the District of Columbia or any other U.S. court of competent jurisdiction. However, the ability to subpena witnesses to appear in person is in serious doubt as rule 4(f), Federal Rules of Civil Procedure, allows a witness to be subpenaed only within 100 miles of the court. In some cases the location of the fraud may well be beyond 100 miles from where the appropriate U.S. court sits.

The difficulties imposed by this section in such cases is a very real one and should not be handled as lightly as it is in this bill.

A severe indictment can be made of this bill on the basis of committee jurisdiction and expertise.

Rule 25–1 states that matters relating to civil liberties shall be referred to the Committee on the Judiciary. Bills dealing with voting rights and registration for Federal elections have in the past been referred to and considered by the Committee on the Judiciary.

The Senate Committee on Post Office and Civil Service received this bill on voter registration because contained in it were references to the U.S. Postal Service and Bureau of the Census. These two Federal agencies were to produce, distribute, monitor, and deliver Federal voter registration cards. However, the primary thrust of the bill was to establish a national voter registration system.

The discussions in the Committee on Post Office and Civil Service on this measure centered not around the participation of the U.S. Postal Service or the Bureau of the Census in the national voter registration system but, rather, whether or not such a national voter registration system should be established.

It is essential in considering legislation of this importance that the Judiciary Committee, which has the expertise arising out of many years of experience in the field, consider such legislation. Constitutional questions, impact on State laws, imposition of criminal penalities and a multitude of other questions attending the establishment of a national voter registration system should be given much greater consideration in the Judiciary Committee than the Post Office and Civil Service Committee gave S. 2574. The Post Office and Civil Service Committee had one executive session of less than 1 hour's duration on the bill.

The Civil Rights Act amendments of the 1960's, the Voting Rights Act of 1965, the Voting Rights Act of 1970—all of these were considered by the Senate Judiciary Committee. The Federal agency charged with overseeing voting rights is the Justice Department. Here the bill seeks to establish a National Voting Rights Administration in the Bureau of the Census, Commerce Department. This appears to be setting up a system without coordination between Federal agencies and is inviting problems that can and must be avoided.

The committee staff has drafted five or more different versions of this bill. Even after the committee had acted, substantive changes were being made in the bill. We understand that very substantive floor amendments will also be made by the majority of the committee during debate on this bill in order to correct deficiencies that have been raised after the committee voted on the bill.

There may be very many more pitfalls contained in the bill even after adding floor amendments.

With all due respect to the expertise of the committee members and staff of the Post Office and Civil Service Committee in attempting to write legislation on voter rights and registration, the bill continues to have many deficiencies and should be re-referred to the Judiciary Committee for hearings and careful examination.

In conclusion, Mr. President, I wish to repeat what I said at the outset: If this bill were enacted—

First. It would change drastically the manner of voter registration in the whole United States;

Second. It would impose Federal controls and guidance on the States;

Third. It would impose Federal controls and guidance on State and local political party organizations;

Fourth. It could create an overpowering Federal voter registration bureaucracy to influence elections;

Fifth. It would change radically our traditional and well-established voter registration systems;

Sixth. It would multiply the opportunities for fraud in elections;

Seventh. It could impose Federal registration costs in excess of a hundred million dollars per presidential election year; and

Eighth. It would have serious, adverse implications on our entire system of elections and our system of government.

Mr. McGEE. Mr. President, I yield myself 3 minutes. I want to refer to my colleague, the ranking minority member of the committee, in the context of his opening statement. He is amazed and flabbergasted that we are discussing this matter this late in the session. He and I share the same view. I am amazed and flabbergasted that whatever the reasons are for those who have delayed, dawdled, and procrastinated on this bill, the committee had hearings in October. We reported it to the calendar on November 9 and it has been languishing there ever since.

Only because of the charitable conditions under which we would guarantee not to vote this afternoon were we suffered to bring it up at all. It is that circumstance which I think should be examined by every citizen in this country.

Someone does not want us to vote on this proposal.

Someone does not want people to cast a vote or be eligible to cast a vote.

It is as elementary as that.

So I remain flabbergasted that near the end of this term we are still trying to get this measure to a vote. If it really is of so much genuine concern that this has run so long, I would ask unanimous consent, right now, to proceed to a vote on the bill.

The PRESIDING OFFICER (Mr. TUNNEY). Is there objection?

Mr. FONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. I hear an objection——

Mr. FONG. We had agreed that we would have 2 hours on the bill and that the bill would go over. That has been agreed upon.

Mr. McGEE. Yes. I wonder whether we could agree to a unanimous-consent request to vote on this perhaps tomorrow——

Mr. FONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. I hear an objection again. I wonder whether we could have a unanimous agreement to vote on this measure at any evening, any morning, any eventide, or just before adjournment of this session.

The PRESIDING OFFICER. Is there objection?

Mr. FONG. Mr. President, reserving the right to object——

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. There has been an objection again. I withdraw the request, Mr. President, but would make the point that someone does not want us to vote on this.

I yield myself 1 more minute to say that the distinguished Senator from Oklahoma, a member of the committee who supports this proposal, had an excellent recitation of his experience as Republican State chairman in Oklahoma on the sheer problem of trying to achieve equity for voters who otherwise would vote.

I believe that the Members of this body would do well to examine his testimony as submitted in this debate.

The question of fraud continually crops up here. No one wants a system that will incite or invite fraud. We have sought to minimize the prospects of its occurring here, but we should remember one thing: Most of the fraud has been in the casting of the vote and not in the registering of the vote.

Let us not misapply the public image about fraud and fraudulent practices at election time.

We are trying to say to the housewife, to the laboring man, to the individual who is moving, to the individual whose job keeps him on the road that, nonetheless, he will still be preserved in his right to vote in a Federal election and not suffer the penalty as a consequence.

I think the only fraud that remains in balance in our system now, a glaring fraud, is that so many millions of people cannot vote even if they wanted to, because of the complicated registration procedures that still prevail. This bill is simply designed to remove a much larger fraud than any that can be intimated or suspected, or feared, or blown up out of proportion that might arise under the circumstances.

Mr. President, I would like to respond to the distinguished Senator from Hawaii on the points raised in his speech.

The Senator from Hawaii, raised the issue that Congress should not legislate in the field of voter registration "in the absence of consistent and overwhelming evidence that constitutional rights are being violated in the application of voter registration laws and practices by the States." That view advocates a requirement for Congress to meet far beyond the ordinary meaning of the necessary and proper clause, or any of the many decisions of the Supreme Court interpreting the power of the Congress to act. Chief Justice Marshall stated it, and stated it famously, in his edict in the McCulloch against Maryland case—1819—the rule laid down for all time:

Let the end be legitimate, within the scope of the Constitution, and not prohibited by the Constitution, then it is constitutional.

Mr. President, if "consistent and overwhelming" evidence of deprivation of constitutional rights was necessary for Congress to act, there simply would not be action in any field.

Mr. President, the facts are that multiple State requirements for registering to vote disenfranchises millions of Americans in a mobile society; that 25 percent of the population moves every year, and that the election of Federal officials is a most precious constitutional right which is the right to be represented.

The distinguished senior Senator from Hawaii also states that Senate bill S. 2574 imposes Federal requirements for participating in the purely State political convention processes, and would not require a voter to be a member of the party to vote in that party's elections or conventions. I would agree that this is true to a limited extent. But nothing in this legislation would prohibit a State from enacting legislation requiring party membership to vote for delegates.

Mr. President, there is a clear relationship between voting for Federal officials and voting for candidates to conventions who elect national delegates or nominate Federal candidates. If the right to vote in those elections or for those delegates is not insured, the States could effectively avoid the intent of this legislation by adopting convention systems, just as South Carolina and Texas did with the White primary.

The Senator from Hawaii asks whether this registration system applies to the selection of presidential electors. The answer to this question is a definite no. The 1970 Voting Rights Act Amendments clearly establishes that voting rights for presidential candidates or electors are within the scope of the statute.

The Senator from Hawaii has many times during the hearings, in his report and now in a statement on the floor today pointed with pride to his 1969 census survey of 50,000 voters which indicated that there was a lack of interest; people did not get around to it or just did not care on a certain percentage of those interviewed. He then asks, why set up a whole bureaucracy to handle a few who would not vote anyway? My answer to this is that a survey of 50,000 is small potatoes for denying a simple, uniform system of registering all voters for Federal elections. For the housewives out there in the trailer parks who have no means of getting to the courthouse, it will mean a lot. For the construction laborer working out on the project who has no way of getting to the courthouse, it will mean much.

Besides, the real issue is not what 50,000 people said in a poll, but is whether the Nation's electoral system is serving the people by removing artificial barriers to participatory democracy.

The Senator from Hawaii has also alluded to the fact that there might be a logjam resulting from postal cards being returned to the county clerk. To set the record straight, the answer to this is a definite no. Although there is no deadline for return, the State is permitted to close registration 30 days before an election. The county clerk could tell any applicant that sent in his card late that he would not be allowed to register. This is if the clerk desired to do this. Hopefully, clerks would not act in this manner.

Another question posed by the minority in their report and on the floor today is why are only State officials permitted to file action for fraud, and what about State officials themselves who commit fraud? My suggestion is to read this bill closer. Indeed, one would clearly see that a State official may complain if he suspects fraud; but either the State or the National Voter Registration Administration may investigate patterns of fraud, conspiracy, and so forth. We are not having the Government jump in for isolated cases that can easily be handled on the local level. The same holds true for State officials themselves who commit fraud. If one has reason to believe that a fraud is being committed by a State official, he may bring this to the attention of the proper officials, and if there is enough evidence to indicate a pattern of fraud by an official, an investigation may be undertaken.

The Senator from Hawaii has also raised the issue that under S. 2574, venue for suits can only be assigned to the U.S. District Court for the District of Columbia. This is an incorrect assumption by my colleague. Let me point out that the language of the bill states that that court or any appropriate district court. There is a small venue problem, because the Federal rules limit subpena power to witnesses within 100 miles of the court; but that is no greater problem in this case than in any other, and protects the rights of citizens who do not want to be dragged off to faraway Federal courthouses.

The Senator from Hawaii has stated that reestablishment of residency requirements for voting for President and Vice President is required by the bill because of the 30-day clause. With that statement we agree wholeheartedly with the Senator. However, I am prepared to introduce onto the floor an amendment which will clearly stipulate that S. 2574 will not interfere with the 1970 act, and that a State may enact legislation more liberal than the requirements of S. 2574 if it wants to, which will supersede the Federal requirements. I thank the Senator from Hawaii for raising this very valid point. It is checks like these that make our system work effectively.

Finally, the Senator from Hawaii states that jurisdiction of the Post Office and Civil Service Committee does not

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extend to this legislation. He states that the bill should be referred to the Judiciary Committee. Hopefully, this is the final summation of a long and tedious argument. The Judiciary Committee should not have jurisdiction over this matter. As I have stated before, this committee of which I am chairman did not usurp the powers of the Judiciary Committee. It was referred to us and we accepted the challenge. The Senator from Massachusetts plans to discuss the judiciary question again, so I will not elaborate any further upon it. Our position was stated once before on the colloquy between Senator HRUSKA and myself on November 9, 1971. We feel this issue is now moot and we should proceed upon the merit of S. 2574.

Mr. McGEE. Mr. President, I am now glad to yield to the distinguished Senator from Minnesota (Mr. HUMPHREY) 7½ minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 7½ minutes.

Mr. HUMPHREY. Mr. President, I thank the Senator from Wyoming very much.

I am very proud to be a cosponsor of this National Voter Registration Act. I had the privilege of testifying before the committee chaired by the Senator from Wyoming (Mr. McGEE). I believe that the work of that committee in bringing forth this particular bill is one of the most important developments at this session of Congress—indeed, of many sessions of Congress.

The issue before the Senate is whether we are really going to maximize voter participation in the decisions of this Government.

I have listened with keen interest to the objections raised by the distinguished Senator from Hawaii (Mr. FONG) and the response of the Senator from Wyoming (Mr. McGEE).

One of the charges made, and just alluded to, was the possibility of fraud under this particular universal voter registration bill. I believe that the comments of the Senator from Wyoming are on target, that fraud in this country is the manner in which, by antiquated registration procedures, we deny millions of people their opportunity to vote.

I know that the answer will come back, "If they want to register, they can."

I suppose it is possible, if one wants to stand in line long enough, if he wants to go down to city hall, and in many places those voter registration booths or tables are open for only a few hours a day, or at least over a limited period of time, but if he is willing to take all that time, it is possible that he can be registered.

But I invite the attention of the Senate to the fact that the battle cry at the beginning of this Republic was, "No taxation without representation."

There are millions of Americans today who because of voter registration procedures have no opportunity to be registered, so have no chance to participate. It is estimated that over 40 million American citizens were eligible to register but were unregistered in 1968. That figure will be well over 50 million in 1972. In fact, there were more people unregistered in 1968 than voted for any candidate for President in 1968.

Someone can say, maybe with seriousness or with facetiousness, "Well, they didn't see much to vote for."

I submit that many registrants were unable to vote in local elections, were unable to vote in State elections, and were unable to vote for Senators or Congressmen or Governors. So it was not as if it was just related to a national election.

The Government does not ask us to register to pay our taxes. The same Government that can tax us can register us. The Government of the United States does not say, "Will you please send in your name to the Internal Revenue Service? Give us your address, and your zip code and we will send you an income tax blank."

No; the Government of the United States finds us and sends us the income tax blank, and if we do not fill it out right, they send someone out to help us fill it out right. And if one does not take the help, why they will send him to jail.

What we are saying here is that under this bill we will use the mail that takes the income tax blank to the people, the same mail service, to help the voter registration. I know of no county or State in the United States that says to an individual, "You own some property. Be sure to come down and register so that we can tax you."

I have never consulted my county about my property tax. They send me a tax bill. They hardly ever call me. I have never had to call up the Internal Revenue Service and say, "I changed my address. Would you like to know where I am living now?" They find a person. They find out how much money he has and how much property he has. And they tax it.

The same Government that can do that can also help one to register. They determine what kind of decision will be made about one's taxes.

I see something here that is very disturbing. I see a fear on the part of some people in this Government of the people. I see, for example, attempts from the White House to kill off the checkoff system on the Federal income tax form that would be provided so that we could have decency in politics and the financing of politics so that the citizens would have an opportunity voluntarily to exercise their right to say that they want $1 of their taxes to go into a fund to pay the financing of the expenses of persons who seek the highest office in the land.

I hear that the President of the United States says he will veto that bill, even though that bill includes in it the economic stabilization program which stimulates the economy of this Government and makes it possible to have more jobs for the unemployed.

I see an administration that is afraid of the people. I see an administration that is afraid of voter registration.

I think I know why. I think it is because the Census Bureau reports:

> The highest portion of those not registering or not voting fall among the blacks, those who do not finish high school, in the main the service workers, and those of low income.

There you have the reason for it. Those who have a fear of their Government are the ones who get little or nothing from the Government, or if they get anything, it is welfare, which is demeaning to them.

I submit that the bill presented by the Senator from Wyoming is a major landmark in the extension of democratic government, in the improvement of principles and institutions of our democracy. I want to commend him. I think it is nothing short of a national tragedy that we are not going to have the opportunity to make this the law of the land at this particular session of Congress. It is needed.

There is great disenchantment in this Republic. There is great disenchantment about the Government. And one of the reasons is that it is very difficult to get answers out of the Government. It is very difficult to get service out of Government. It is very difficult to reach the processes of the Government.

We ought to make it so easy to vote that no one has an excuse not to vote. Let me tell the Senator that other countries do it.

Mr. President, in the Scandinavian countries, they pride themselves on having 90-percent voter registration of the eligible electorate. They do not have to go through this monkey business of registering.

In Australia, 80 percent of the population that is eligible to vote, votes. They do not have to go through this confusion and this maze and all these sandbags and traps.

There is a voter registration in Great Britain. Great Britain is one of the oldest democracies in the world. People just go and vote. They have their voting places and they go to vote.

In France, over 80 percent of the eligible electorate votes.

Why do they vote? Are we going to say that the French are better educated or that the people of India are better educated? A vast number of their people vote.

I think the answer is that they make it easy to vote. Voting ought to be as convenient as breathing.

Yet, we make it as difficult, I submit, as getting out of a sandtrap on a golf course.

I would suggest that we ought not to relax our rules, but ought to change our rules. The pending bill protects us from fraud. It protects the State, because each State decides whether to adopt the Federal system for its own. The Federal Government will reimburse a State for 15 percent of the process involved. If a State decides to adopt the Federal system, the Federal Government will reimburse the State for 30 percent of its cost. Thirty percent of the cost will be upon the Federal Government.

This legislation has a strict provision to prevent fraud. I would hope that somewhere along the line we would recognize the importance of its passage.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. FONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Hawaii has 19 minutes remaining.

Mr. FONG. Mr. President, I yield 4 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mr. ERVIN. Mr. President, the committee that has acted on this bill has about as much jurisdiction over this subject as I have to select underwear for the Queen of Sheba. For that reason, I move that the bill be committed to the Senate Committee on the Judiciary.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit.

Mr. ERVIN. Mr. President, I want to speak on the motion.

Mr. McGEE. Mr. President, I would like to have a ruling made on that matter.

The PRESIDING OFFICER. The Senator from North Carolina has been recognized for 4 minutes. The motion to recommit would be the pending question.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Is a motion to recommit debatable?

The PRESIDING OFFICER. It certainly is.

Mr. ERVIN. Mr. President, let us see what the jurisdiction of the Committee on Post Office and Civil Service is.

The rules of the Senate provide as follows:

> (n) Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
> 1. The Federal civil service generally.

This bill has nothing to do with the civil service. It provides further:

> 2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

This bill does not have the remotest connection with that subject within the jurisdiction of the committee.

The Senate rules provide further:

> 3. The Postal Service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service, but excluding post roads.

This bill has as much to do with the subject of that committee as the flowers that bloom in the spring, tra-la, have to do with the committee.

The Senate rules provide further:

> 4. Postal-savings banks.
> 5. Census and the collection of statistics generally.
> 6. The National Archives.

So, we have a bill that has been heard by a committee that had no jurisdiction at all. The bill has been reported by a committee that had no jurisdiction over this question.

Despite my good relations with my good friend, the Senator from Wyoming, I am going to say that he is the mildest mannered man that ever scuttled a ship or cut a throat or usurped a power that he did not possess.

The rules of the Senate establish a Committee on Rules and Administration, and it says that that committee has jurisdiction of all——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. Mr. President, I yield an additional 3 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for another 3 minutes.

Mr. ERVIN. Mr. President, the rules of the Senate provide that the Committee on Rules and Administration has jurisdiction of:

> Matters relating to the election of the President, matters relating to the election of the President, Vice President, or members of Congress; corrupt practices; contested elections; credentials and qualifications; federal elections generally; presidential succession.

It is clear that this bill in its present form is within the jurisdiction of the Committee on Rules. But there is a provision that the Judiciary Committee has jurisdiction of problems that relate to civil liberties.

Mr. President, this bill should go to the Committee on the Judiciary because we already have pending in the Committee on the Judiciary three bills. We have S. 2349, which was introduced by the distinguished Senator from California (Mr. TUNNEY), who now occupies the chair. We have S. 2240, which was introduced by his distinguished colleague from California (Mr. CRANSTON). We have a bill introduced by the Senator from Alabama (Mr. ALLEN), S. 1553. All of those bills deal with the same general subject as the pending measure.

It should go to the Committee on the Judiciary because I have four or five amendments pending here which relate to civil liberties. A little over 100 years ago my State attempted to leave the Union, and the Union said:

> You cannot do that; you cannot get out of the Union.

We found we could not get out of the Union. But we have also been over 100 years trying to get back into the Union and we cannot get back into the Union.

I have some amendments to the pending measure which provide that North Carolina, Virginia, South Carolina, Georgia, Alabama, Louisiana, and Mississippi be readmitted to the United States on the equality with the other 43 States.

Since my amendments are necessarily efforts to amend the Voting Rights Act of 1965, of which the Judiciary Committee undoubtedly has jurisdiction, the pending measure and my amendments ought to be considered by that committee.

I have some amendments to get North Carolina back into the Union and to get these other States back into the Union. I think these amendments need to be considered by the Committee on the Judiciary which deals with legislation of this kind. I intend to press the amendments. I think that the regulatory procedures of the Senate are of prime importance and I do not think, despite my high admiration for the members of the Committee on Post Office and Civil Service, that they should set a bad example to other committees to take jurisdiction of matters over which they have no jurisdiction.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ERVIN. I thank the Senator from Hawaii for yielding me time and I suggest that if he has any time remaining he give parts of it to the Senator from Nebraska and the Senator from Alabama.

Mr. McGEE. Mr. President, I would like to speak briefly. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, as I review our recent history I recall very fondly that my warm personal friend from North Carolina has established himself as the arch protector of the Bill of Rights of Federal employees. Practically every bill which comes up before this body is made up of many parts and, Mr. President, you cannot just decide cleanly if it goes to this committee or that committee. But the Senator's bill was not referred to the Committee on the Judiciary. He asked unanimous consent that it might be because the rules of the Senate had to be waived. The Senator from Wyoming made no such request on this bill now pending. This bill was sent to the Committee on Post Office and Civil Service by the will of the Presiding Officer and the Parliamentarian of this body. We asked for no help; we asked for no biased judgment. We did not seek to grasp someone else's jurisdiction.

The matter was assigned to us and we have lived up to that assignment by holding hearings and drafting a bill that is obviously not establishing new voters. It is administering a registration process already laid out through the Bureau of the Census, which is our jurisdiction in this body, and through the mails, which is our jurisdiction in this body.

So once again I say to my friend that we are not seeking to annihilate anyone's jurisdiction.

Mr. FONG. Mr. President, I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Hawaii for yielding to me.

Mr. President, I agree that this bill should go to the Committee on the Judiciary for further study and for possible amendments.

Much has been said about the plight of adult citizens of the United States who have not registered to vote and, therefore, are ineligible to vote in presidential elections. But very little has been said about the 20 to 30 million qualified electors who have so little interest in the election that they fail to go to the polls and vote, even though they are qualified. They are the ones we should be concentrating on and urging them to go to the polls and vote.

The requirement that this might be handled by mail need not have been made, actually. These forms really should not be sent out through the mails because they will have to send out some 80 to 100 million of these forms each

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time they have a Federal election, each time they have a presidential preference primary, and each time they choose delegates to a convention. They would have to send out 80 to 100 million of these forms for each such election. Why not just make the forms available at drug stores or grocery stores or the like?

Mr. President, we already receive enough mail that we do not need. What about the qualified voters, the 75 million to 100 million qualified voters, who would continue to get these forms each time there is an election? Think of the confusion that would cause for qualified electors to get these forms indicating they are not qualified to vote. Think of the hundreds of thousands of people who would fill in the forms and mail them in, even though they are qualified. Look at the overkill of sending out these forms to every postal patron in the country. It is absolutely ridiculous.

Talk about voting tombstones, Mr. President, you are going to be voting postcards if this bill is allowed to pass.

There is a little bit of legalized bribery in this bill, as well, because it provides payment to the States—nothing was said about how that would trickle down to the county level offices. But it provides paying the State an amount estimated by the committee at 50 cents per form that is processed. Then, they would pay an extra bonus of 15 percent if the State adopts the same system in its registration procedure, and another 15 percent if they passed the same residence requirements that are provided by the bill in their State elections. So if the State will get under this law there is a subsidy to be paid to the State.

There is nothing mandatory in the bill as to action by State voting registrars. Mr. President, you might find one State implementing these provisions and another State would not do it.

From time to time in this body we have had up the matter of the direct election of the President. If we should have a State that would register 1 million post card registrants and another State that did not chose to implement this law, we would have a concentration of voters in the large areas because they would be the areas that would be likely to implement this law.

In my judgment this bill needs a careful going over and I believe we can count on the Committee on the Judiciary to give long and serious consideration to this bill.

I support the motion of the distinguished Senator from North Carolina that the bill be recommitted to the Committee on the Judiciary.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. KENNEDY. Mr. President, will the Senator yield to me for 7 minutes?

Mr. McGEE. I am glad to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it is always of interest to me to hear the arguments that are made over jurisdiction by those opposing a measure. If there is one observation I would make about the Senate in the years I have been here, it is that arguments are constantly made about jurisdiction, but they are arguments of convenience. It all depends on whose ox is being gored.

I remember that recently, in the Committee on the Judiciary, we had a bill to relax the strict requirements we imposed on ammunition. The supporters of the bill could see it was not going to be approved by the committee. And so those who wanted to relax the law simply withdrew the bill from the Judiciary Committee. They did a little redrafting. They dotted the i's and crossed the t's and they introduced it again. And lo and behold, this time they sent it to the Committee on Finance, where it was promptly approved by the committee and sent to the Senate floor.

I also remember coming on the floor of the Senate and making the request that the bill be referred to the Judiciary Committee, to no avail. I do not recall the Senator from North Carolina championing the jurisdiction of the Judiciary Committee on that occasion.

That is the way it always is. We hear time and time again, that this matter should be sent to this committee and that matter to that committee. As chairman of the Health Subcommittee, I am aware that the Finance Committee deals with the financing of health care, and our subcommittee deals with the delivery of health care. Likewise, we know that several different committees have jurisdiction in the area of election reform.

The only time the argument over jurisdiction is made is when no other good argument can be made. If there are any complaints to be made over jurisdiction, they ought to be made against the Senate rules, which determine the jurisdiction of the committees. The Parliamentarian has clearly ruled that the Post Office Committee had proper jurisdiction over this registration bill and I hope that jurisdictional objections will be used no further to frustrate the right of the people of this country to participate in elections.

Mr. President, it is a fact that 6 out of the last 12 constitutional amendments have been enacted to broaden the franchise for our people.

If we were on the Senate floor 100 years ago, we would have heard the debate over the 15th amendment, extending the right to vote to blacks. In this country, we would have heard debate on the 19th amendment, providing the right of women to vote. Or the 23d amendment, for participation in presidential elections by the citizens of the District of Columbia. Or the 24th amendment, prohibiting a poll tax in Federal elections. Or the 26th amendment, lowering the voting age to 18.

We heard the same argument on the poll tax—"Let us send it to the Judiciary Committee"—which would have killed it.

I listened to the same arguments with respect to the 1970 act enabling 18-year-olds to vote. "Let us send it to the Judiciary Committee," it was said. "We have not had time to study it." But, the Senate acted responsibly. It recognized those arguments for what they were—delaying tactics—and refused to avert them. I submit that we should do the same today.

This bill is not complex or complicated.

As I said before, six out of the last 12 constitutional amendments have been enacted to expand the franchise. We know that Congress has been active in this area in approving statements as well. In the 1950's and 1960's, we had the Civil Rights Act. We had the Voting Right Acts of 1965 and 1970. We had the 18-year-old vote. We had the broadcast spending bill. We had the Election Reform Act of 1971, with spending ceilings and reporting provisions. We had the campaign fund amendment last week. The whole trend has been for reform and for expanding the participation of people within the election system.

That is all this bill is trying to do. We all know what this bill would accomplish and achieve. We know quite clearly from the statistics that before we had the inhibition of voter registration, we had higher voter participation. In 1896, 87 percent of the eligible voters participated. Then when we reached 1924, when all the States had enacted registration laws, only 44 percent of the American people went to the polls. So we can see the direct relationship there.

Perhaps the most sinister aspect of interpreting the statistics comes from looking at the groups in our society with the lowest record of participation in our election process.

Only 66 percent of United States black citizens were registered, while 76 percent of the whites were registered.

Fifty-three percent of citizens in families with incomes less than $3,000 were registered in 1968, but 82 percent of those in families with $10,000 to $15,000 incomes were registered.

Only 69 percent of the Nation's manual workers were registered in 1968, but 83 percent of the white collar employees were registered.

Only 49 percent of those with a formal education of 1 to 4 years were registered in 1968, but 87 percent of those with college degrees were registered.

So we have an election system which at its very roots works against the disadvantaged people, the less educated, the blacks, the poor, and the blue collar workers.

The debate we have had so far demonstrates already that there are those in this body, as there are around the country, who do not want to change the system. The way to improve our democracy is to bring people into the system. One of the best ways to do that is to provide the people with a reasonable means of voter registration, so that they may have the opportunity on election day to participate in the political life of our free society.

I would hope we could get some kind of final action, or at least some agreement in terms of time for a vote. As has been pointed out by the chairman of the committee, this is not a complex issue. It is not very complicated. There are States like the State of North Dakota which do not have any kind of registration law at all. We do not find abuses in North Dakota as a result of that supposed gap in the law. Surely, we are not going to say that the people of the other States are more corrupt than the people in North Dakota.

In any event, we have adequate kinds of safeguards against fraud in this bill. There are strong enforcement procedures. This bill is fair. It is constitutional. It will be upheld by the Supreme Court of the United States. Time and time again, when this question has been raised, the Supreme Court has said that the Constitution gives broad power to Congress to enact laws in this field. All we want to do is exercise some leadership and to have Members of the Senate express their views. I hope they will and I hope the outcome will be favorable.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, it has been suggested by other speakers that some Senators do not want to vote on this bill. I agree with that statement. I think that no one should want to vote on this bill today, and I have good reasons for that view.

We have a system of qualifications for electors in this Nation that has grown up for almost 200 years pursuant to the requirements of the Constitution, custom, and logic. In a short space of time, with less than 2 hours' debate, it is here suggested that there are people who do not want to change the system that has grown up over that long a period; that we do not want to vote on this proposal today. That is correct.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. Mr. President, the fact is that there has not been a sufficient canvass of the impact of this bill, and I will give a specific example. We have in this Nation 50 secretaries of state or their equivalent who are in charge of the several States' election processes. Only one secretary of the State of Oregon testified concerning this bill, one who was for the bill. He opened his statement by saying, "I appear here not only as secretary of state but also as a representative of Common Cause"—not a truly unbiased witness who would be able to present both sides of an issue as complex and complicated as this. Only one. I have had indications from other State officials, and from many other quarters, that there are a significant number of people who would like to have had an opportunity to oppose the bill. They were not afforded this opportunity nor even notified of the hearings or content of the bill now before us.

Let me give my colleagues an idea of what is involved. Under this bill it would be inevitable that every State would have dual election rolls. There would be an election roll existing for voters who would register under this bill for national elections and there would be a roll of voters who would register under the regular processes of the State for other elections. The cumbersome procedures and increased costs would be substantial.

A year and a half ago we had testimony before the Judiciary Committee, when we were considering the Electoral College reform bill, that the system of having dual registration rolls of voters would be completely impracticable and unworkable. In those States that have election machines, it would make necessary two sets of election machines. In those States that do not have machines, it would be necessary to have two sets of ballots, and there would be two sets of qualifications for voters.

As an example of the lack of need for this bill, let me point to one simple proposition which appears on page 15 of the bill, subsection (4), which provides that the postal card must have a printed statement that the individual is a qualified elector under the laws of the State except as to duration of residency.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield 2 minutes to the Senator.

Mr. HRUSKA. No voter would be able to truthfully sign that statement and assert that he was a qualified elector of the State in which he lives unless he had already complied with the registration laws of that State. That is what makes him a qualified voter. And if he is so qualified, there is no necessity for the postcard to be sent for registration purposes. All States presently have adequate provisions to take care of citizens who meet these standards.

That is only one of many examples why this bill should be referred to the proper committee for supplemental action and for thorough inquiry and study.

A long list of Federal statutes for reform of the election laws presently in effect has been cited as an argument for passing this law; but in each of those instances, Mr. President, there has been some element in the electoral processes of the individual States that has prevented people from voting who should be voting pursuant to Federal requirements such as a poll tax, or literacy test, or discrimination on account of race, creed, or color, or whatever it has been.

That is not the case in this bill. This bill says the State system is all right for the State, but it is not all right for a Federal election. It would seem to me that if there were something wrong with the State electoral system, that would require revision in all regards so as not to impede the ability of people to vote in any election. If such be the case we ought to attack that, but not to superimpose on a present viable and practicable and workable system something which will render it immobile, in an effort to get people to vote.

Mr. President, the bill now under consideration raises in my mind a number of problems, both substantive and procedural. This Senator regrets very much that S. 2574, the voter registration bill, has been called up for consideration at this time. With but a few days left in this session it is inevitable that in the rush for adjournment a bill as complex and far-reaching as this one will not get the attention that it deserves. I would much have preferred that if the bill is to be debated in its present form at all, and I would wish that it not be, that consideration be postponed until the start of the second session. Then the Senate would have ample time to consider S. 2574 fully. I hope that on the expiration of these 2 hours, this bill will be returned to the calendar.

With regard to procedure, it is my firm belief that this bill should not have come to the floor until the Committee on the Judiciary had an opportunity to examine it. While the Committee on the Post Office and Civil Service under the able leadership of the Senator from Wyoming (Mr. McGEE) has a great deal of expertise in many fields, particularly the workings of the U.S. Postal Service, I submit that that expertise does not extend to voting rights and voter registration. To send this bill to the Post Office Committee and to ignore the long history proposals of this type have had before the Judiciary Committee seems to me to be a brilliant example of the exhaltation of form over substance.

As I understand the history of this legislation, when the proposal was first introduced, the Parliamentarian determined that the bill should be under the primary jurisdiction of the Post Office Committee because the mails were to be the means by which massive registration was to be carried out. A quick look at rule XXV of the Standing Rules of the Senate will reveal however that the Committee on Post Office and Civil Service has no jurisdiction over election matters.

The Senator from Michigan (Mr. GRIFFIN), I believe, indicated on the floor at that time by way of a unanimous consent agreement that following any reporting of that bill from the Post Office Committee it was to be referred to the Judiciary Committee for its consideration.

Now I am informed that because the Post Office Committee has reported a clean bill, rather than the one originally introduced which the unanimous consent agreement covered, that agreement has no validity. It seems to this Senator that the true intention of the assistant minority leader was clear from his agreement: this type of bill rightly falls within the jurisdiction of the Judiciary Committee and the Senate should not be called to act without first having the views of the primary committee involved.

To sidestep that agreement by reporting a clean bill, on the identical subject, seems as I indicated a moment ago to be an unjustified elevation of form over instance. By use of a technicality the legitimate aims of Senator GRIFFIN and those who feel as he does have been trammeled.

The Committee on the Judiciary, and most particularly the Subcommittee on Constitutional Rights chaired by the very distinguished senior Senator from North Carolina (Mr. ERVIN), has for a number of years held hearings, listened to witnesses and considered a large number of proposals relating to the subject of voting rights. The question has always been how to secure for all of the governed the constitutionally guaranteed right to vote for those who govern. Just last year the Voting Rights Act of 1970 was considered and processed by the Judiciary Committee as is the case with all similar measures within the memory of this Senator.

Without fear of contradiction, I feel that it is fair to say that no member of this body reveres the Constitution and the Bill of Rights more than Senator

ERVIN. No one of us has spent more time studying the work of the framers, the history of this Nation and this Government under the Constitution, and the many decisions of the Supreme Court wherein that document is analyzed and interpreted. To deprive the Senate of the views of this Senator, his colleagues on the Judiciary Committee, and the witnesses who would be called to testify on this measure, is indeed a disservice—both to the Senate and to the Nation.

In looking over the hearings conducted by the Post Office Committee on S. 2574 and related bills, it appears that a number of interested parties were never notified of these hearings and never given an opportunity to testify. Among others who have a deep interest and knowledge in the subject of elections are State and local election officials. This Senator feels that testimony from representatives of these groups concerning, for instance, current practices, problems with registration, fraud, voter turnouts, costs and related matters would have been most helpful in our analysis of this bill. I am even informed that the secretary of State of Wyoming, the home State of the chairman of the reporting committee, would like to have had an opportunity to comment on the problems raised by this bill.

To ask the Committee on the Judiciary to now take a look at the bill would, in my judgment, greatly strengthen and solidify opinion on this matter. A different viewpoint could be brought to bear on this proposal which I think would be all to the good. This Senator is certainly not in a position to know what action the Judiciary Committee would take on the bill, but I am certain its views would be most helpful regardless of the outcome. To do otherwise will be to force the Senate to commit itself on this very important question with only half a brief before it. Courts do not decide cases this way, neither should the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. KENNEDY. Mr. President, will the Senator from Wyoming yield me 3 minutes?

Mr. McGEE. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if there is an argument that does not have any relevancy to the issue before us, it is the argument by the Senator from Nebraska about the burden of a dual system.

We have already got a dual system. We have it since we adopted the amendment of the Senator from Arizona (Mr. GOLDWATER) in the 1970 Voting Rights Act. That amendment provides that any new resident of a State must be allowed to vote in a presidential election so long as he registers at least 30 days prior to the election. So we already have a dual system. All the Senator from Wyoming is asking in this measure is that the dual system be extended for two more names. The States must already provide a separate ballot with only the name of the presidential candidate. Why should not they also add the names of the Senate and House candidates to that ballot?

The Senator from Nebraska knows as well as I do that the death knell for every voting rights measure is sounded in the Judiciary Committee. Otherwise, why do we find, time and time again, that as such measures come over from the House of Representatives, they are held at the desk? Sometimes they are sent to the Judiciary Committee, but always with the requirement that the bill be reported back by a time certain. That was true in the case of the poll tax, the 18-year-old vote, and congressional redistricting. We know what will happen to this amendment in the Judiciary Committee.

All this bill will do is enable the American people to participate in the system. That is the best way to keep this country strong, and that is why I support the amendment, and hope we will be able to act on it.

The Senator from Nebraska says we ought not to talk about a time limitation agreement, that there ought to be more opportunity to discuss the matter and to exercise our will.

Then why will he not suggest some alternative agreement in terms of time? All we hear is, "When are we going to take up Rehnquist? When are we going to take up Powell?". That is what we hear, three or four times a day. "When will we vote on the Supreme Court nomination?" Yet when it comes to talking about something that can really reform the system, the Senator is not so ready to vote on it.

It is always a question of whose ox is being gored. Unfortunately, in this case it will be the American people's. They will be the ones who are denied the opportunity to vote, unless we pass this bill. That is why I hope the Senator from Wyoming will, in good faith and conscience——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGEE. I yield 1 more minute.

Mr. KENNEDY. Offer at least some unanimous-consent request to test the good faith of our friends on the other side of the aisle, and even some on this side of the aisle, to see if we cannot get some kind of a time limitation.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I would like to ask the Senator from Wyoming, if he has the time, if I may ask him some further questions. How much time is there available?

The PRESIDING OFFICER. The Senator from Wyoming has 8 minutes left.

Mr. McGEE. I yield the Senator 3 minutes.

Mr. KENNEDY. Of course, we talked about the issue of jurisdiction, which I think has certainly been adequately answered and resolved by the comments of the Senator from Wyoming. At other times there has been a question as to the constitutionality of this legislation. I know this was an area explored by the Senator from Wyoming, and that he has considered it.

In regard to the question of the constitutionality of the statute lowering the voting age to 18 last year, there were legitimate constitutional differences among us and in the academic community. Dean Pollak at Yale and Professor Freund at Harvard, for example, were on opposite sides of that issue. It is my understanding, however, that they are both in agreement that the present voter registration legislation is constitutional. I would appreciate hearing the views of the committee chairman on this matter.

Mr. McGEE. Yes, I can say the committee examined the issue, because it was constructively raised. The committee was satisfied, as were all others who were consulted, that in the decision of Smiley against Holm, in which Chief Justice Hughes wrote the opinion, they reached the conclusion, on that occasion, in 1932—a very conservative court, I might add—that jurisdiction in this area was without question vested in the Congress of the United States; that State legislatures could legislate in this field, but that they could be superseded if, in the judgment of Congress, such action were required. And the vote in that case was unanimous; it was 9 to 0. Therefore, there seemed to be no real question in terms of that phase of the constitutionality.

In regard to the issues in the more recent case of Oregon against Mitchell, which was 7 to 1, or 8 to 1, on the residence provisions, the Court held that this, too, was legitimate under the Constitution of the United States.

So I do not think there is any relevance in the constitutional category.

Mr. KENNEDY. The Senator cited Smiley against Holm in 1932 and Oregon against Mitchell in 1970 as strong support for the constitutionality of this bill. In Oregon against Mitchell, the 18-year-old vote case, the Court also considered the question of the authority of Congress to reduce residence requirements for voting, as I understand it.

Mr. McGEE. That is correct.

Mr. KENNEDY. In that case, the Supreme Court held, by an 8-to-1 vote, that Congress did have authority to reach this constitutional question, as I understand it. And Justice Stewart, Justice Blackmun, and Chief Justice Burger were among the members of the Court who endorse this power most explicitly. Is that correct?

Mr. McGEE. Yes.

Mr. KENNEDY. I could not agree more with the Senator from Wyoming as to the two relevant Supreme Court decisions. Would the Senator not agree with me that the constitutionality of this bill is really a nonissue?

Mr. McGEE. It is really a total nonissue in terms of this piece of legislation, in the way that it has been drafted and its effect.

Mr. MILLER. Will the Senator from Hawaii yield me 3 minutes?

Mr. FONG. I am sorry; I have only 3 minutes remaining. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator from Wyoming has 5 minutes.

Mr. FONG. I will reserve 2 minutes. I will yield 1 minute to the Senator.

Mr. MILLER. I thank my colleague. Mr. President, we never get a proposal before the Senate of this magnitude but

what it comes in under the order of being good for the American people, and is virtuous. We just went through this the other night on this campaign check-off proposal, which most of the Members on the other side of the aisle supported, and, of course, it was all clothed in virtue.

During the meeting of the conference committee on this measure we found some terrible defects in it. I said on the floor that there was a loophole in it large enough to drive a truck through.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

Mr. MILLER. I thank my colleague from Hawaii.

Mr. McGEE. Mr. President, I again shall try to achieve a meeting of the minds. I yield myself 2 minutes for that purpose. Inasmuch as there has been a very persuasive case made here today that we should not vote on this today—I think the Senator from Nebraska (Mr. HRUSKA) has made that as part of his thrust—I should like to ask, when?

I ask unanimous consent that the Senate agree to vote on this measure on Wednesday.

The PRESIDING OFFICER. Is there objection?

Mr. FONG. I object.

Mr. McGEE. I shall try once more. Mr. President. I ask unanimous consent that this body agree to vote on this matter next Thursday.

Mr. ERVIN. I object.

Mr. FONG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. One last effort: Again, the issues have been spelled out, the substance has been explained, the jurisdiction has been established by the Parliamentarian of this body, and its authenticity under the Constitution has been clearly drawn. So I ask unanimous consent that we might agree at any convenient time to the opposition, before adjournment, for a final rollcall vote on this measure.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. I object.

Mr. FONG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. I hear an objection again from our friends who have been wondering why we have waited so long. Now I think we are entitled to ask, "Why are we waiting still longer?" Everybody knows what it says. It is not ambiguous. We have had the testimony from every conceivable group that has an interest in it or an interest opposed to it.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. KENNEDY. Would the Senator be willing to propose a unanimous-consent agreement to send this matter to the Judiciary Committee, for a period of 30 days or 45 days, and at a time certain report back, with a time agreement for a fiscal vote?

Mr. McGEE. I would not agree to that, for the reason that we have not raised any issue on that because of the ruling of the Parliamentarian.

I would say again, Mr. President, that here we are establishing a process for removing roadblocks. We are not tampering with the rules of the States. The whole operation would remain in their jurisdiction.

So I say to Senators that we dare not, as Senators, with all the wisdom we can command, raise questions as to the motivations of people, as to why they do not vote. What we can do is to remove the technical, legalistic, and statutory roadblocks that keep them from voting. We cannot inquire into how they are going to vote. It is none of our business. Yet, one gets the feeling that there is a sense of uneasiness about how these new voters might vote, and this is not our business.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. MANSFIELD. Mr. President, one of the reasons why the leadership was so anxious to bring up the pending business before the Senate at this late date was to see if it would be possible to work out a procedure by means of which it could be taken up at some definite time and then voted on. I do not think there is any doubt as to the jurisdiction of the pending measure, because the rules clearly state that the mails and the Census Bureau are directly under the Committee on Post Office and Civil Service. Other proposals have been brought up in similar circumstances. And there has been some criticism of the joint leadership because of these procedures. One had to do with higher education, for example, and after a short discussion, agreement was reached and it was then turned aside. The point is, we did obtain a commitment that it would be brought up in late January under a time limitation.

Similar circumstances prevailed with respect to the equal rights for women constitutional amendment. There was a commitment obtained that this measure could be available to be brought up early in February. H.R. 1 was not reported this year because of the time consumed working on the economic tax bill. But we do have a commitment that that measure will be available to be taken up sometime in late February or March.

By the same token, I was wondering if it would be possible for both the opponents and the proponents on the pending measure to agree that after this measure is set aside today, a date certain next year—say, sometime in February or March—could be agreed upon so that this proposal could be called up, made the pending business, and debated then in earnest.

Mr. McGEE. I would be glad to consult with the opponents to see if we could arrive at that agreement.

The PRESIDING OFFICER. The Senator from Hawaii has 1 minute remaining. All time on the other side has expired.

Mr. MANSFIELD. Would the Senator consent?

Mr. HRUSKA. What is the request?

Mr. FONG. I ask unanimous consent that this time not be taken from my minute.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the majority leader be given 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. What is the request, Mr. President?

The PRESIDING OFFICER. To give the majority leader 2 minutes to discuss whatever proposals he wants to discuss.

Mr. HRUSKA. I thought the majority leader had a unanimous-consent request.

Mr. GRIFFIN. Mr. President, reserving the right to object, would the granting of this request in any way affect the previous request?

The PRESIDING OFFICER. It would not.

Mr. GRIFFIN. Which would make it clear that the matter goes back on the calendar at the expiration of the time.

The PRESIDING OFFICER. It would not.

Mr. MANSFIELD. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. As in the case of other proposals which have been debated on the floor of the Senate during the late days of this long and tiring session, I would try to see if it would be possible, around the end of February or the first of March or thereabouts, to have assurance that the pending business could then be taken up and carried through to a conclusion.

Mr. ERVIN. I would say to the majority leader that this is an effort to change the electoral system of the United States in a drastic manner. We had a similar bill before the Committee on the Judiciary a year or so ago, and the secretaries of state and the election officials of the 50 States of the United States sent two of their representatives, the secretary of State of Louisiana and the secretary of State of New York, as I recall——

Mr. HRUSKA. Nebraska.

Mr. ERVIN. Yes, the secretary of State of Nebraska. They testified before the committee that to have a dual registration system would introduce chaos into the elections in this country. They insisted—and I think rightly—that having one registration for Federal elections and another for State elections would occasion endless confusion.

I think this is a matter that deserves serious consideration. The bill would alter the entire system we have had in this country since its foundation. We have only experienced Federal control of elections one time, and it resulted in so much fraud in our chief cities that it was repealed after a very short time.

I believe this is such a serious question that it requires consideration; it requires that the States have an opportunity to be heard. Frankly, I do not think we can reach an agreement.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business, once it is laid aside in this session, be laid before the Senate and made the pending business on March 1, 1972.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii is recognized for 1 minute.

Mr. FONG. Mr. President, listening to the proponents of this bill, one would think that all the laws of the United

States prevented our citizens from registering. Every citizen who wants to register can go down and register and become a voter. There are no legal obstacles to his registration.

If this bill is passed, we will be registering cemetery lists, we will be registering tombstones, we will be registering vacant places, we will be registering fictitious people.

Present laws require a man to be present before he can register. But with this bill, he need not be present. Any man can sign the name of any fictitious person and send it to the registrar's office, and that name will be registered. This bill would bring a tremendous amount of fraud into the election process.

Mr. DOLE. Mr. President, I assume no Member of this body disagrees with the underlying purpose of the proposed National Voter Registration Act reported by the Committee on Post Office and Civil Service. All of us deplore the lack of participation in the voting process—the disgraceful percentage of our citizens who do not vote. The question posed by this bill, however, is not whether the Congress of the United States regrets the lack of voter participation, rather it is whether the Congress intends to foist a new Federal bureaucracy on States which are already frantically attempting to cope with electoral confusion with no assurance that it will improve voter participation.

With the recent ratification of the 26th amendment the States must undertake to register hundreds of thousands of new young voters. This alone is a tremendous task but it is one which the States, by their ratification, have signified their desire to undertake. Since this registration began, however, complex problems have arisen concerning the definition of residency to be applied to these young persons and a number of States are now in court seeking judicial resolution of this vexing problem. If left alone, hopefully they will be able to resolve it before the next general election.

In addition to this problem, Congress, last year, imposed on the States additional requirements with respect to presidential elections: The abolition of durational residency requirements, a maximum 30-day cutoff of registration, absentee registration, and voting, and voting by nonresidents who have recently moved from the State. Candor compels us to admit that these provisions are not models of legislative clarity. Yet, while the States are struggling to understand and comply with last year's congressional mandate in time for the 1972 presidential election, we are asked to impose even more burdens upon them and a new Federal bureaucracy as well. Such action may kill the electoral process in its attempts to cure it.

On its face, this bill appears to help the States with a new source of Federal money and free postal service. On closer inspection, however, it becomes apparent that this "help" is a very mixed blessing. State residency requirements for congressional elections would be superseded by a Federal 30-day provision. This same 30-day requirement would also apply to presidential elections and, if I read it correctly, conflict with the provision enacted last year which permits a nonresident to vote in the presidential election in his former State if he is unable to register in the State to which he has recently moved.

The new bureaucracy to be established in the Census Bureau would prepare postcard voter registration forms summarizing all State voter qualification requirements except residency. Assuming all this will fit on a postcard, I question the qualifications of the Census Bureau to interpret and summarize State voter laws. If they err, as well they might, I find no provision authorizing a State to challenge their interpretation. Yet, this postcard is prima facie evidence of entitlement to vote. States would be required to accept this form for registration for Federal elections and encouraged to do so for State elections. The form would contain space for an individual to certify that he has resided in a State long enough to qualify in a State election. The form may not, however, contain the information as to what the length of residency requirement is for such elections. Thus, the prospective voter, despite the supposed convenience of the postcard, must still take the initiative to find out what the State residency requirement is.

This brings me to my final point. This bill is premised on the assumption that the reason people do not register to vote is that State registration procedures pose an obstacle. The facts indicate otherwise. A study of the 1968 election, published by the Census Bureau on December 2, 1969, indicates that 53 percent of those surveyed did not register because they lacked the interest or had a distaste for the political process. Of the remaining 47 percent, approximately 10 percent indicated they were not citizens, 11 percent did not meet residency requirements, 3 percent could not register because of illness, transportation, or the inability to take time off, 10 percent gave a variety of other reasons, and 3 percent gave no reason. It seems clear to me that apathy, not State registration law, is the primary reason for lack of participation and that this bill, with its new bureaucracy and Federal grant program, will not cure that apathy. I believe the bill will add new problems and solve none, and I urge its rejection.

Mr. INOUYE. Mr. President, on August 13, 1970, I, with some 13 cosponsors, introduced a universal voter enrollment measure. On March 11 of this year, I reintroduced that measure with the cosponsorship of some 16 colleagues.

While that measure was not identical to the one we have before us today, it did spring from the same motivation. It was indeed the forerunner of this and other measures upon which hearings were held by the Post Office and Civil Service Committee. The measure before us today, S. 2574, is the outcome of those hearings. I believe it is a very good bill. It attacks the primary problem toward which these measures have all been directed; the enfranchisement of the vast proportion of the electorate which has been excluded to date because of difficult and inadequate registration laws.

Mr. President, I support the measure authored by the distinguished senior Senator from Wyoming, Senator McGEE. As chairman of the Post Office and Civil Service Committee he conducted lengthy and detailed hearings on this and other measures which were before his committee. These hearings not only demonstrated the need for such legislation but the feasibility and practicality, as well, of this approach.

When 47 million Americans fail to vote in our presidential elections, as occurred in 1968, then it is time that we ask ourselves why. With the number of nonvoters increasing by a million a year, it is time we take a good hard look—and then act. With the enfranchisement of the 18- to 21-year-olds the number of qualified Americans who will fail to participate in this most basic act of democracy will increase even further. The evidence clearly demonstrates that the primary barrier to voting is the cumbersome registration process to which many Americans are subjected.

In 1968, more Americans failed to vote than voted for any one candidate. Forty percent of the electorate did not participate.

In 1968, there were 150 people who did not vote for every vote which separated the two leading contenders. In 1960, 330 people failed to vote for every vote separating John F. Kennedy and Richard Nixon. The number of nonvoters in the United States exceeds the total electorate in countries such as France, West Germany, Great Britain, and Italy.

We give the American people time off from work to vote in most jurisdictions but no one gives them time off to register. And in State after State, and in individual jurisdictions within States, we find registration offices open only during the normal working hours when many, many working people are unable to take time off to make that trip to the registrar's office and enroll as a qualified voter.

I think it is a shame, and I think it is time we did something to correct this situation. I believe the measure before us today provides that opportunity.

We hear a lot of talk about participatory democracy and citizen involvement. A government which "derives its just powers from the consent of the governed" must be able to hear the voice of the people, at least on election day.

The historical reasons for many registration requirements are no longer valid. These were adopted at the turn of the century, in some cases to disenfranchise certain races, in others to attempt to prevent certain abuses of machine politics. Some were intentionally designed to limit the franchise and others have been so administered.

The opposition to this measure has raised the issue of increased fraud if registration is made easier. I wish to take issue with that assumption. First, I believe it is perfectly possible to register by mail and to have such registrations accurately checked for fraud. There is nothing about going to a county court house or city clerk's office which prevents fraud which cannot be equally prevented if registration is performed by mail. Few voters in urban America are recognized personally by the registrar. We can pay taxes, register births, and take numerous other actions without such personal appearance.

I would, in fact, maintain that the motivation for fraud and the possibilities of fraud affecting an election outcome is reduced as we expand the electorate. The greater the number who cast their ballots the more difficult it becomes for a small group of fraudulent votes to affect the results. Rather than lead to fraud, it would therefore discourage any fraud, for in addition to the above reason it would provide specific penalty for fraud as well as a National Voter Registration Administration responsible for assisting in the conduct of elections and reporting to the President and the Congress its findings.

Mr. President, we engage in a lot of rhetoric about democracy, about the importance of citizen participation. We spend many hours in the classrooms of America addressing our young people about their citizenship responsibilities. Here in one simple act we have the opportunity to provide them, and all our citizens, with a meaningful opportunity to exercise that responsibility in a simple straightforward manner.

This is not a partisan measure. A Gallop poll last weekend demonstrated this clearly. It pointed out that some 26 percent of those who classify themselves as Democrats are unregistered. Twenty-four percent of those who classify themselves as Republicans are unregistered. This 2-percent difference is not statistically significant.

But even if it were, I do not believe any Member of this body would deliberately stand here in the year 1971 and try to prevent any American from exercising his fundamental right to vote because he might cast his ballot for a candidate of the opposite party. I think he will want to do everything in his power to make it possible, indeed convenient, for the eligible voters to participate. I urge your support.

Mr. HANSEN. Mr. President, I rise today to express my deep concern over S. 2574, the national voter registration bill, which is the pending business. My concern lies not only in the substance of the bill but in the procedure by which it has reached the floor of the Senate.

U.S. Senators and other elected officials should above all others recognize the importance of valid election procedures. The strength of our Nation lies in the fact that our elections are basically free of scandal and the taint of fraud, and that the citizens of this Nation therefore accept the results of elections and there is a smooth transfer of power.

It is important for these reasons that any attempt to change the system we now have and which we know works well be made only in the most orderly manner after public hearings, thorough analysis by experts, and thoughtful consideration by this body. I do not believe that such action has accompanied the pending legislation.

To my knowledge every election bill considered by this body, with the exception of one, was first sent to the Committee on the Judiciary. One bill was considered by the Rules Committee. But I am not aware of any previous election legislation which was sent to the Post Office and Civil Service Committee and then considered by this body.

I do not criticize the Post Office and Civil Service Committee or its members for their deep interest in this subject. The author of S. 2574 and distinguished chairman of the Post Office and Civil Service Committee, the senior Senator from my home State of Wyoming, is a most knowledgeable man who does not limit his leadership to one or two committees and who indeed has made great legislative contributions in many jurisdictional areas. This interest is healthy and can lead to great improvements in our laws.

However, I can see no point in the committee system which permits individual Senators to become experts in specific subjects and which gives the Senate the benefit of high quality advice, not only from our colleagues but from a well trained knowledgeable staff, if this body circumvents the committee that has traditionally exercised jurisdiction over election issues and ignores the expertise which it has at its fingertips.

We must not fool ourselves into believing that the bill before us today is not controversial. Indeed the chief elections officer of the author's home State of Wyoming has expressed publicly her concern that the legislation as written invites "monumental fraud." I ask unanimous consent that an article on this subject from the Wyoming State Tribune of November 16, 1971, be printed in the RECORD at the close of my remarks. Mrs. Thomson in this interview makes the very good point that State and local election officials will find it very difficult to determine a voter's eligibility if the official charged with the responsibility never sees the registrant and never has the opportunity to question him.

Mr. President, I earnestly hope that the Senate will refer S. 2574 to the Committee on the Judiciary where it might be considered and analyzed by those in whom the Senate has traditionally placed its trust to advise it on matters relating to elections. This subject is at the very heart of our democratic system of government. I would never want it said that the Senate tried to cut corners on such an important piece of legislation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wyoming State Tribune, Nov. 16, 1971]

VOTER REGISTRATION PLAN RISKS FRAUD, THYRA SAYS

Secretary of State Thyra Thomson charged today that a national voter registration system as proposed in a bill introduced by Sen. Gale McGee, D-Wyo., could "invite monumental fraud" especially in a section which allows registration by postcard.

The bill, which has been reported out by McGee's Post Office and Civil Service Committee onto the Senate floor with a favorable recommendation, would establish a National Voter Registration Administration which would be carried out by mail.

Mrs. Thomson pointed out today individuals could fill out the cards and mail them to county clerks who conduct voter registration procedures who then would be required to place the names of the registrants on the eligibility rolls to cast ballots in federal elections.

Mrs. Thomson noted McGee had stated that county clerks would retain the authority to determine whether such postcard registrants met a state's eligibility tests.

But, she said, "since the county clerk would never see such registrants or have an opportunity to question them, he would have no way to determine their eligibility."

She pointed out that under present registration procedures, an applicant makes a sworn statement that he meets the eligibility requirements.

"That's why he appears before an oath-taking officer to register," she said, adding that also was the reason why absentee registrants were required to give sworn statements.

"Post card registration invited monumental fraud," Mrs. Thomson said.

She said that at an earlier time in U.S. history when the federal government was given supervision over certain elections, the result was "fraud and scandal almost throughout the nation."

"Elections are best administered at the local level where there is personal contact and supervision," she said.

Mrs. Thomson quoted Sen. Sam Ervin, D., N.C., one of the Senate's outstanding constitutionalists, as arguing that a national post card registration would result in "general resurrection of the dead every election day."

Mrs. Thomson also cast some doubt on McGee's claims that his bill is aimed only at federal elections. She said that because federal, state and local elections usually are held on the same machines or set of ballots at the same time, "it's practically impossible to separate them procedurally."

"Moreover, the whole tone of the McGee bill is for federal election authority," she said. "To insure federal clout in all elections, the bill provides for payments on a sliding scale of monies to bribe the states into compliance."

She pointed out that while one section of the McGee national voter registration bill says that nothing shall alter the states' residency requirements, another section also provides that larger federal grants will be allowed for "any state which reduces its residency requirement for voting in state and local elections to a period of not more than 30 days."

"I find such methods abhorrent," Mrs. Thomson said.

Mr. TUNNEY. Mr. President, I leave my place in the chair for a moment to express my very strong support for this measure. I believe very strongly that it is long past time to put an end to the kinds of antiquated registration systems of this country which have kept the poor, the black, the Chicano and for that matter anyone who moved his residence from voting.

We have 700,000 people unemployed in California—many of them are being forced to move their homes because of the economic policies of this administration. Are we now to tell these people they must lost their vote as well as their job?

I think we should be able to vote on this measure today. I introduced legislation myself with 11 cosponsors to do much the same thing. But we have before us an even better bill which I support fully. As a matter of fact, I would like to ask the Senator from Wyoming to add me as a cosponsor.

And I would repeat—I think we can and we should act favorably on this leg-

islation now—before the end of this session and bring all our citizens all the way home into our political system.

VOTER REGISTRATION

Mr. HUMPHREY. Mr. President, the Senate has before it a voter registration bill that would remove once and for all the barrier that registration procedures and practices pose to voting in Federal elections.

The McGee National Voter Registration Act of which I am a cosponsor is a carefully formulated piece of legislation I had the privilege of testifying before Senator McGEE's distinguished committee on the subject of voter registration. It was clear to me at that time that the McGee Post Office and Civil Service Committee was doing its utmost to insure that it would report out a bill that could efficiently and fairly establish a new system of voter registration that would significantly broaden citizen participation in the American political process.

At a time when great numbers of Americans question the political and governmental institutions which affect their everyday lives, the numbers of Americans abstaining from casting a vote is growing.

In the presidential election of 1968, over 40 million Americans did not register to vote, and thus could not enter a polling booth.

Today there are at least 50 million unregistered voters in America.

Mr. President, the device intended to protect the election process from fraud and misrepresentation has become a serious obstacle to widened suffrage.

Registration serves to limit suffrage in many ways. Racial prejudice, age, ignorance and confusing, and complicated State registration procedures are all crucial factors in what must be called the registration barrier.

And my colleagues may be interested to know that once the registration barrier is surmounted and the eligible voter does register he does vote. Statistics demonstrate that in 1968, 80.8 percent of those who registered cast their ballots.

Many persons seem to think that disinterest on the part of the voter is the primary reason for rising rates of voter absenteeism in America today. However, the Democratic National Committee's "Freedom To Vote Task" Force cited a Gallup poll study that residency and other registration qualifications—not disinterest on the part of the voter—provide the greatest barriers to voting.

And the Census Bureau in 1968 reported that—

The highest proportion of those not registered and/or not voting fall among blacks, those who did not finish high school, manual and service workers and those of lower income.

Mr. President, registration procedures now in effect deny millions of poor Americans of all races the opportunity to share in governing the land in which they live. These procedures must be changed if this fundamental flaw in our democratic process of government is to be corrected.

Mr. President, we are in danger of becoming a government of the minority for the majority.

The voter registration bill before the Senate today provides what is needed to reverse these dangerous trends toward the narrowing of participation in our electoral process.

The National Voter Registration Act establishes a 30-day residency requirement for all Federal elections. Residency is a major barrier to registration. The bill also will allow States to utilize the Federal System for their own. If a State adopts the Federal System and leaves its residency requirements in effect, the National Voter Registration Administration will reimburse the State for 15 percent of the registration processing costs. If a State adopts the Federal System and does away with residency regulations and adopts the 30-day Federal standard, 30 percent of the State's costs will be borne by the Federal Government.

These are important inducements, Mr. President. They go along way to encourage States to streamline and reform their registration procedures.

I also want to point out that the McGee bill contains very adequate protections against fraud.

The 30-day residency requirement in the legislation as well as the inducements for States to adopt the Federal System for their own offer us the first chance to reform a system that must be opened and reformed.

Mr. President, I believe that adoption of the National Voter Registration Act is the next logical and important step for the Congress to take in expanding the American electorate. This process started with the 19th amendment 50 years ago, continued with the 24th amendment and the Voting Rights Acts, and recently with the 26th amendment lowering the voting age to 18. The Senate has a unique opportunity to continue this necessary and vital tradition.

I urge my colleagues to seriously consider the implications this vital legislation has for changing the nature of the American political system. It is needed now to make the promises of a democracy come true.

Mr. President, I ask unanimous consent that a news article concerning the Nixon Administration's opposition to the National Voter Registration Act, published in the New York Times of October 29, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON MAN SCORES U.S. VOTING BILLS—HE OPPOSES FEDERAL ROLE IN UNIVERSAL REGISTRATION

WASHINGTON, October 28.—The Justice Department representing the Nixon Administration, came out strongly today against a series of Democratic bills to facilitate registration in 1972 for millions of eligible Americans.

Deputy Assistant Attorney General Ralph E. Erickson told the Senate Post Office Committee that the universal registration measures "inject the Federal Government deeper into the election process than ever before, and they involve the Federal Government in the collection of data on voters throughout the United States."

This did not deter the chairman, Senator Gale W. McGee of Wyoming, from scheduling a committee executive session next week, at which one of the bills is expected to be approved for Senate floor action next month.

Senator McGee accused the Justice Department official of "using 19th century arguments" against legislation designed to open up the franchise for 50 million men and women who failed to vote in 1968.

Mr. Erickson maintained that under the Constitution and enabling legislation "voter qualifications and procedures are the prerogatives of the states, not the Federal Government."

But Senator McGee's registration measure, he continued, "suggests that the administration of voting registration procedures by the states, in itself, denies various constitutional rights, bears no relationship to state interest and is apparently "evil per se."

The Justice Department official said that the registration bills "raise the spectre of a new source of data about our citizens collected by and . . . retained by the Federal Government."

"Surely, few things would be as frightening to many citizens, he said, "as the Census Bureau or the Internal Revenue Service inquiring into their political affiliations. Yet this is precisely the effect of these bills."

Mr. McGee replied that under his proposal a central office would mail out registration cards but that the rolls of eligible voters would continue to be maintained locally, as now.

The registration bills are being presented by their Democratic sponsors as a nonpartisan effort to promote more participation in elections, but in fact they offer large potential dividends to their party.

Many of the eligibles who do not vote are poor, black or undereducated or all three, and these groups tend to vote Democratic when they register and get to the polls.

SECURING THE VOTING RIGHTS OF SERVICEMEN AND CITIZENS ABROAD

Mr. GOLDWATER. Mr. President, in view of the unusual time limitation covering S. 2574, the voter registration legislation, I was not able to call up my two amendments, numbered 607 and 608, today, although I was present and ready on the Senate floor to do so if the opportunity allowed.

Mr. President, these are two important amendments, ones which affect the voting rights of our servicemen, their dependents, and U.S. citizens who are abroad. For this reason, I am announcing here and now that at some appropriate time in the future, when S. 2574 may again be considered by the Senate, I fully intend to bring up these proposals for our consideration.

Mr. President, to give us a little background on my purpose, let me mention that in March of last year, I offered an amendment to the Voting Rights Act on behalf of myself and 29 other Senators which made a clean sweep of outmoded legal technicalities that had deprived nearly 10 million American citizens of their right to vote for President and Vice President. This amendment, which was accepted on the Senate floor and subsequently became enacted into law as section 202 of the Voting Rights Act, completely abolished the durational residence requirements as a precondition to voting for President and Vice President, and it also secured the right to vote for these officers to every citizen of the United States regardless of where he may be in the world on election day.

Since then, Mr. President, there has been much progress in having this new right implemented on behalf of our citizens. The Supreme Court of the United States upheld the constitutionality of the provision by a strong 8-to-1 vote in its decision of *Oregon* v. *Mitchell* announced on December 21, 1970. In the meantime, I have been consulting with several Federal departments and agencies who assure me they will be rendering a uniform broad interpretation of the new statute, and, starting in January, will commence a large information campaign so that American citizens at home and abroad can know about this new right.

Mr. President, you will notice that I have qualified my description of the amendment approved last year by mentioning that it applies only to the right to vote for the offices of President and Vice President. Today we are considering legislation which would build upon the progress made last year by seeking to make it easier for citizens to register for voting in all Federal elections, which includes balloting for the offices of U.S. Senator and Congressman as well as for the Presidency. Now, I am well aware there is a reasonable difference of opinion over the best and most practical method of expanding the right which Congress secured just last year; but, Mr. President, as I read the purpose of S. 2574, it is to further strip away the outmoded technical barriers which isolate many of our citizens from the polls. In other words, I see the ultimate purpose of the pending measure as being designed to further insure that the maximum number of citizens will be eligible to vote. I daresay that there is not one of us in this Chamber who would oppose this goal, even though he may have reservations about the specific means undertaken to reach that end.

Accordingly, Mr. President, I have introduced two series of amendments which are designed to guarantee that, should the pending bill be enacted, it will assist the widest range of citizens possible. Mr. President, the first amendment would extend the reach of the committee bill so as to enable citizens who are outside this country to register for voting in the same simplified manner that the bill provides in the case of citizens at home.

Mr. President, we are here talking about Federal offices; and, regardless of where they may be in the world, I believe national citizens should be permitted to vote for national offices. But there are upwards of a half million voting age residents and domiciliaries of States who are outside the Nation and who would not be able to register under the postcard form provided for in the committee bill as it now stands. These citizens include Americans who are traveling abroad as tourists. They include students who are attending foreign colleges. They include Americans who are working for U.S. businesses overseas, perhaps for several years at a stretch. And they include a large number of U.S. Government employees, including foreign service officers, who are serving outside the United States.

Mr. President, it is my impression the Senator from Wyoming (Mr. McGEE) did not intend to omit this sizable and important group of Americans from the benefits of his legislation, but simply did not use the technical language necessary to specifically guarantee that overseas citizens shall enjoy the same expanded voting opportunities as those at home. Thus, I would like to consider my amendment as assisting the committee in more fully enhancing the right to vote, which is its major purpose.

Mr. President, my amendment would do this by providing that the simplified registration forms adopted by States under the committee bill shall be made available for easy distribution to citizens abroad at every U.S. embassy, consulate, and legation outside the United States, at all U.S. foreign military installations, at U.S. Information Agency offices, and at any other appropriate Federal office located outside the United States. In this manner, a resident or domiciliary of a State who is physically present abroad shall nevertheless be entitled to register for voting in all Federal elections in that State by merely mailing the postcard to the proper State official.

Mr. President, turning to the second amendment which I have offered, I also suggest adding to the bill a three-pronged section protecting existing voting rights under Federal or State statutes already on the books. Mr. President, I want to remind us there is a large group of 6 million servicemen and civilians who today enjoy broad voting opportunities under the Federal Voting Assistance Act of 1955. Every one of our 50 States and the District of Columbia now permit servicemen on active duty to use the Federal postcard application recommended by this act both in order to request registration for voting and to obtain an absentee ballot for use in all elections in these jurisdictions, State as well as Federal. In fact, 10 States waive registration entirely for servicemen who fill out this form, 19 States accept the form itself as the registration document, and 22 States allow servicemen to register at the same time they cast the absentee ballots they obtain by using this form.

In addition, each of the above jurisdictions give to the wives and voting-age children of these servicemen the same improved voting opportunities that are given to their spouses or parents. What is more, 19 States plus the District of Columbia permit civilians generally who are overseas to register and vote absentee in all elections by reason of using this same Federal postcard application.

Mr. President, I ask unanimous consent that a complete list of these States shall be printed in the RECORD at the conclusion of my remarks.

Thus, Mr. President, I want here and now to make it absolutely certain that nothing in the committee bill shall be construed to override or take away from these 6 million citizens the rights they already possess. I want the legislative history and the text of the bill to leave no doubt that the present voting opportunities of these citizens shall be fully protected. Accordingly, my amendment would add to the bill language that specifically preserves the right of any State to adopt the Federal assistance postcard recommended by the Federal Voting Assistance Act of 1955. Also, the amendment spells out the right of all States to receive payments of financial assistance from the new National Voter Registration Administration on account of the enlarged voting opportunities they may now or later grant to their electors under the 1955 law.

Mr. President, I am certain the members of the committee would not intend to take away from any citizen a voting right which he now enjoys. Nor would they want to penalize any State which has adopted or might adopt the Federal assistance postcard by failing to make those States eligible to receive the financial incentives established in the bill. Therefore, in order to remove any ambiguity from the bill and to make doubly certain that this question is specifically answered in the text of the bill, I am proposing this amendment.

At the same time, I provide in the amendment that nothing in S. 2574 shall be construed as preventing any State from granting more extensive registration or voting practices than those which are contained in the bill. For example, there are several States that now permit a person to register to vote only 15 days or, in some cases 5 days, before an election, instead of 30 days as the committee bill provides. It is my purpose that we spell out our intent in the bill itself not to prevent any State from choosing to loosen up its voting practices even further, if it wishes.

Finally, the amendment provides that nothing in the bill shall be construed to limit or repeal any provision of the new voting law on presidential elections or of the Federal Voting Assistance Act of 1955.

In summary, Mr. President, these amendments might be considered as technical changes. For I do not want it to be possible in the slightest way for any bureaucratic official or court judge to be able to distort the true purposes of this voting measure. Further, with the adoption of these amendments, I believe the committee bill can be said to enhance the right of citizens at home or abroad, without any fear of pulling back from the progress that already has been made by virtue of State and Federal laws approved in the past.

Mr. President, I hope the manager of the bill, my good friend from Wyoming, will find it possible to accept these amendments at such time as the bill may be before us again.

ABSENTEE REGISTRATION AND VOTING RIGHTS GRANTED BY STATES TO CITIZENS USING THE FEDERAL POST CARD APPLICATION (FPCA) AS OF NOVEMBER 1971

PART A

All 50 States and the District of Columbia allow servicemen on active duty (approximately 2.8 million eligible voters) to use the FPCA in order to register and vote absentee, as follows:

1. Ten States waive registration by servicemen and accept the FPCA as a request and qualification for absentee balloting:

Arkansas, Illinois, Kansas, Missouri, New Jersey, North Dakota, Ohio, Oklahoma, Rhode Island, Wisconsin.

2. Fifteen States accept the completed FPCA as the official registration document and as simultaneous qualification for absentee voting by military personnel:

Alaska, Colorado, District of Columbia, Hawaii, Indiana, Massachusetts, Minnesota,

Montana, New Hampshire, New Mexico, New York, North Carolina, South Dakota, Tennessee, Texas.

3. Fourteen States accept the FPCA as qualification for absentee ballots and include special State registration forms to be returned simultaneously with such ballots:

Arizona, California, Connecticut, Delaware, Florida, Georgia, Kentucky, Michigan, Nebraska, Nevada, Pennsylvania, South Carolina, Virginia, West Virginia.

4. Eight States accept the FPCA as qualification for absentee ballots and permit registration by means of an affidavit printed on the ballot-return envelope:

Idaho, Iowa, Maryland, Oregon, Utah, Vermont, Washington, Wyoming.

5. Four States accept the FPCA as qualifications for absentee registration and balloting by servicemen, but require the sending of separate cards for each purpose: Alabama, Louisiana, Maine, and Mississippi.

PART B

All 50 States and the District of Columbia allow the spouses (about 1.5 million voters) and the dependents (approximately 200,000 voters) of servicemen on active duty to register and vote absentee in the same manner described in categories 1–5 of part A; except that:

1. Three States, Alabama, Kansas, and Rhode Island, allow spouses and children, but no other dependents of servicemen, to register by absentee processes.

2. Twenty-one States allow spouses or dependents of servicemen to register and vote by absentee process only if they reside with or accompany the servicemen:

Alabama, Arizona, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Nevada, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin.

PART C

All of the 50 States and the District of Columbia allow up to 100,000 U.S. citizens in the Merchant Marine and their spouses and dependents to the same extent described in Part B, to qualify for absentee registration and voting as a result of using the FPCA: except:

Alabama, Michigan, New York, Ohio, and Virginia.

PART D

Nineteen States permit civilian citizens generally, who are temporarily residing or traveling abroad, and their spouses and dependents when residing with or accompanying them, (about 500,000 voters) to qualify for absentee registration and to obtain absentee ballots by using the FPCA:

Arkansas, Alaska, California, Colorado, District of Columbia, Georgia, Hawaii, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, Texas, Washington.

The PRESIDING OFFICER. All time has expired.

Under the unanimous-consent agreement, S. 2574 is now returned to the calendar.

PROTECTION OF WILD HORSES AND BURROS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BELL). Is there objection to the present consideration of the report?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I am sure I will not—this request has been cleared, has it?

Mr. JACKSON. Yes. It was unanimous.

Mr. GRIFFIN. I thank the Senator.

Mr. JACKSON. It was reported unanimously by the committee. There was no problem.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of November 29, 1971, at pages 43116–43117.

Mr. JACKSON. This is the bill to require the protection, management, and control of wild free-roaming horses and burros on public lands and it was agreed to unanimously by the Senator from Colorado, who, I see, is now in the Chamber. I shall yield to him in a moment because I know he concurs in it.

Mr. President, the conferees were able to work out the differences between the House and Senate, which were not major. There is tremendous interest in this bill especially on the part of the little children all over America who have written in inquiring about the fate of wild horses and burros on the public lands of America. We have worked out legislation which will resolve the problem.

I hope that it meets with the unanimous approval of the Senate, as it did with all the conferees.

Mr. ALLOTT. Mr. President, what the Senator from Washington says is correct. I am fully agreeable to taking this matter up and disposing of it at this time. We did pass it unanimously. The Senator from Nevada (Mr. BIBLE) was there at the time the other day. It was agreed to unanimously by the entire committee and I think it should be passed.

Mr. JACKSON. Mr. President, I would like to commend the managers on the part of the House and the Senate for the spirit and expediency they exercised in agreeing upon the content of the report. The conferees recognized the immense national interest in this legislation, particularly that shown by young people, as something unique. The Congress has demonstrated to the public our concern for the preservation of our wildlife and the sincere desire to enhance and enrich the dreams and enjoyment of future generations of Americans.

As a matter of legislative history, I would like to call to the attention of the Senate one of the points of compromise agreed upon by the conferees. This relates to point 4 of the joint statement of the committee of conference wherein it was agreed upon to recommend the adoption of the language originally appearing in the Senate version of the bill. The House amendment provided that the remains of a deceased wild free-roaming horse or burro could be disposed of in any customary manner not prohibited by the act. The Senate version permitted any customary method of disposal so long as the remains, or any part thereof, were not sold for any consideration.

As noted in the Senate report (92–242) accompanying S. 1116 when it was reported from the Interior and Insular Affairs Committee, it is the expressed intent of the committee to remove the possibility of monetary gain from the exploitation of these animals. However, the committee recognizes the difficulties that may be encountered when it is necessary to dispose of the remains of a deceased wild free-roaming horse or burro which may have died on an individual's property or on the public lands. Because of this, the committee believes that it is essential that the customary methods of disposal of the remains be permitted. For example, this would not preclude the remains of a deceased wild free-roaming horse or burro from being hauled away and eventually being utilized in a commercial process if that is the customary method of disposal, so long as no consideration is received for the remains. There had been some question on this point and I wanted to set the record straight.

Again, I commend my colleagues on the conference committee from both the House and the Senate for their fine cooperation. This is a most important and humane act and I urge speedy approval of it by the Senate and the President.

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Kansas (Mr. DOLE), I ask unanimous consent to have printed in the RECORD a statement by him on the conference report on S. 1116, the bill to protect wild horses, and also an editorial entitled "Remaining Wild Horses of the West Face Slaughter," written by Lewis Regenstein, and published in the Washington Post of November 13, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement and editorial are as follows:

STATEMENT BY SENATOR DOLE

As an original cosponsor of S. 1116, I am pleased to support its conference report, which would make it a Federal offense to kill or harass wild horses and burros roaming public lands.

The wild horses in the west have made an immeasurable contribution to our heritage. It is thought that the first bands of these animal took their freedom from horses used by Coronado and his men in the early 1500s when they pushed their way to Kansas in search of riches from the mythical kingdom of Quivera. Thriving on the Midwestern Plains, some of the offspring of these horses were eventually captured and trained by Indians, cowboys and settlers when their domesticated supplies were depleted. This tough little horse continued to multiply rapidly, however, and by 1900 it is estimated that there were still a million of these horses roaming freely on public lands, (excluding those bands on Indian reservations). Indeed a century ago, it is reported that the bands on the Midwestern Plains were so large that their movement across the horizon could last uninterrupted for a day.

But Mr. President, the wild horse now faces a serious crisis. Since 1900 there has been a sharp decline in its numbers. In 1936 there were one million; in 1958, 33,000; and by the best estimates, only 10,000 survive today in a few rugged, remote areas. At this rate, in another ten years, this animal could be bordering on extinction in the United States.

The initial reason for the decline of the wild horse population was due to increased pressures brought about by the settlement of the West. Some things were forced to give way. The wild horse was crowded out along with the American Indian, passenger pigeon, timber wolf and Buffalo. But in recent years, there has been another threat to the wild horse—man. A living symbol of the early West, the wild horse has been cruelly captured and slain for pet food and fertilizer, as well as used for target practice and harassed for sport and profit.

Mr. President, I have received hundreds of letters from children and adults in Kansas strongly urging the preservation of this animal and that all cruelty to it be stopped. It may seem surprising that the people of my State are so interested in this legislation, since the best estimates indicate that there are no wild horses remaining in Kansas; but the concern of hundreds of Kansans is consistent with the thrust behind this bill—that the wild horse should belong to all Americans, and that cruelty should be outlawed no matter where it is practiced.

Specifically the bill would provide:

That wild horses and burros may freely roam on public lands, where they are presently found;

That to accomplish this, the Secretary of the Interior with the Secretary of the Agriculture would be responsible for the management and protection of these animals from capture, branding, harassment, or death due to cruelty by man;

That persons with a special knowledge about protection of horses and burros and the management of wildlife would be appointed as advisors to the secretaries;

That designated employees of the Department of the Interior or Agriculture would have powers to arrest violators of the act; and

That violators of the act would be speedily prosecuted and could receive a maximum penalty of $2,000 and/or one year imprisonment.

In 1959 Congress passed a law known as the "Wild Horse Annie Law," prohibiting the use of aircraft and motor vehicles in the pursuit or capture of wild horses on public lands. This legislation, however, contained a number of loopholes and has failed to stop what now appears to be a concerted effort to kill the remaining few of this animal. Last year in the Senate, I was the principal sponsor of the animal welfare act, legislation designed to protect certain animals used for research, experimentation, exhibition or for sale as pets. It is out of this same concern, and the overwhelming public support to preserve the wild horse, that I urge prompt passage of this conference report.

Mr. President, I ask unanimous consent to include in the record at this point a recent editorial about wild horses from the Washington Post.

[From the Washington Post, Nov. 13, 1971]

REMAINING WILD HORSES OF THE WEST FACE SLAUGHTER

(By Lewis Regenstein)

The wild horses in the western United States are facing a new and desperate crisis. With legislation about to be enacted which would protect the few remaining wild horses and burros, a concerted effort seems to be underway to kill off as many of them as possible before the law takes effect.

Today, only about 10,000 of these horses remain, less than 1 per cent of the estimated two million which once freely roamed the West. The other 99 per cent have been slaughtered by pet food manufacturers for use in dog food, and by ranchers and "sportsmen" who hunt them by airplane and truck, sometimes at the instigation of government officials. The method of hunting is brutal but efficient. After the horses have been located, the lead stallion is blasted with buckshot; the confused and terrified herd is then buzzed or harassed into a stampede. After chasing the horses until many collapse and die from exhaustion, the "mustangers" then round them up for transport to slaughtering houses. The live horses are bound and dragged into trucks, some with broken legs and eyes gouged out. The horses which die of shock or collapsed lungs are left to rot on the prairie. Many newborn foals are thus left without their mothers, to die a death of slow starvation. Foals born in the slaughtering house are clubbed to death and used for fertilizer.

Despite the fact that the wild horses have been pushed into barren and remote areas of little agricultural value, many ranchers want them eliminated; they argue that the horses compete with domestic livestock for grazing on federal, publicly owned land leased to the stockmen by the Interior Department's Bureau of Land Management (BLM). Some hunting groups also want to get rid of the horses and replace them with "target" or "game" animals which can be hunted.

For many years, the BLM, which has jurisdiction over the land the horses inhabit, hired mustangers to round up hundreds of thousands of horses to be sold at auctions (for a few cents a pound) "to all comers." One Nevada mustanger, Chester "Chug" Utter, brags that he has captured some 40,000 wild horses for the Bureau. "Time" magazine quotes him as philosophizing: "there's only one end to being a horse, whether he's a champion race horse or a plug, and that's dog food." The Bureau's attitude toward the wild mustangs is typified by its proposed action concerning the approximately 230 horses which now inhabit the *Pryor Mountain Wild Horse Range* in Montana and Wyoming. A few years ago, when the protected herd reached about 200, BLM expressed concern that overgrazing might damage the land. Using this as a rationale, it proposed to "cut back" the herd to about 30 horses (that is, kill or remove 170 of them), or eliminate the herd entirely. In this way, the Bureau could improve the forage and lease it to cattlemen for grazing. Fortunately, a public outcry saved the herd, and until recently it was thriving. Now, however, the government has built a road through the range, and the BLM is again insisting that the herd be cut back (although none of the horses will be killed).

Legislation seems to be the only hope for saving the wild mustangs. Bills now before Congress, sponsored by Senator Henry Jackson (D-Wash.) and Representative Walter Baring (D-Nev.) would provide protection for the few remaining horses and burros by designating them "national heritage species that are living symbols of the historic and pioneer spirit of the West."

A few weeks ago, however, several controversial amendments were added on to the House version of the bill which, in the opinion of many conservationists, would have badly weakened the bill. Two of these amendments, sponsored by Congressman John Dingell (D-Mich.) and Wayne Aspinall (D-Colo.), would have provided the various state fish and game commissions a heavy hand in deciding where the horses would live and their allocation of forage. As a result, the state agencies would have had a federal mandate to influence the fate of the horses. These state commissions, controlled for the most part by ranching and hunting interests, are the same groups which have led, and are still involved in, the campaign to kill off the wild horses. Another loophole, authorized by Congressman John Melcher (D-Mont.), would have permitted the "removal" of wild horses from public lands by anyone acting in the interests of "normal and prudent husbandry needs," a curious phrase not further defined.

Happily, these congressmen—much to their credit—have now agreed to a removal of these amendments or a modification of the language which would greatly lessen their impact and potential harm. Those groups working for a strong bill are generally satisfied with the final language which emerged from the joint House-Senate conference on November 11 and are particularly laudatory of the strong stand taken by Senator Jackson.

This political maneuvering did, however, delay final passage of the bill. Furthermore, it is expected to be several weeks before President Nixon signs the bill and it becomes law; and it could take anywhere from a few months to a year for the Interior Department's rules and regulations to be drawn up.

Meanwhile, the slaughter of the mustangs is continuing. Mrs. Velma Johnston, a Nevadan known as "Wild Horse Annie" who has been battling for over 20 years to save the wild horses, has alerted conservationists that "the word has gone out all through the West to 'get rid of as many as you can.'" Mrs. Johnston states that the county commissioners of Lincoln County, Nevada, has issued more "mustanging" permits in the past few weeks than during the entire history of the state. There are even rumors that a new slaughterhouse has opened on the border between Nevada and Arizona and that this is where the horses are destined. According to Mrs. William Blue, Vice President of the American Horse Protection Association, a similar situation prevails in Oregon and Arizona; and the Arizona animal welfare league has filed suit against one rancher who has requested permits to round up 60 horses.

It is difficult, however, to determine the extent of this killing, since the state authorities refuse to make branding and roundup permit records available to the public.

Senator Jackson is aware of and concerned about the situation. He and the American Horse Protection Association have urged the Interior Department to take immediate measures to prevent this impending slaughter. The BLM could, for example, use its influence and power to request or call for a moratorium on the killing or capturing of these horses on its land until the legislation is acted upon by Congress. So far, however, no action has been forthcoming.

In her book, "America's Last Wild Horses" Hope Ryden describes the last remaining wild horse in the area of Texas which was, until recently, the heartland of these animals. This determined creature has avoided capture and "rendering" so long that it has been nicknamed "Born Free"; despite its advanced age, it still rears up and paws a defiant challenge at planes or helicopters that approach too close. This sole, pitiful remnant of a once vast herd may well herald the fate of all the mustangs unless the Interior Department and Congress take prompt action to save these living symbols of the early West.

Mr. JACKSON. Mr. President, I ask unanimous consent that the requirement that the conference report be printed as a Senate report be waived, inasmuch as under the rules of the House of Representatives it has been printed as a report of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I yield 3 minutes to the distinguished Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I thank the Senator from Massachusetts.

(The remarks of Mr. BUCKLEY when he introduced S. 2944 and S. 2945 are printed in the later portion of today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

SUPPLEMENTAL APPROPRIATIONS, 1972

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 11955, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. The time is under control. Who yields time?

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Is the supplemental appropriation now before the Senate?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The committee amendments must be agreed to before any other amendments are in order on this bill.

Mr. KENNEDY. Mr. President, is time running now? No amendment is before the Senate, is that correct?

Mr. MANSFIELD. Mr. President, if the Senator from Massachusetts will yield without losing his right to the floor so that I may suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ELLENDER. Mr. President, how much time do I have on the bill?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. ELLENDER. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 15 minutes.

Mr. ELLENDER. Mr. President, the supplemental appropriations bill passed the House of Representatives Thursday, December 2, 1971, and was reported by the Committee on Appropriations of the Senate the same day.

In the House of Representatives, budget estimates of new obligational authority totaling $769,341,154 were considered and new obligational authority of $786,282,654 was approved. Subsequent to the hearings in the House Committee, budget estimates were submitted directly to the Senate containing additional budget requests in the amount of $94,091,122.

In addition, the Senate committee considered $2.4 billion which had been transmitted in the original budget this year but which was not considered by the House because the programs were not authorized.

The pending bill recommends new obligational authority in the amount of $3,833,828,371. This amount is $615,129,000 above the total of the budget estimates considered by the Senate committee and is $3,047,545,717 above the bill as it passed the House of Representatives. Included in this increase is the sum of $2,893,595 for Senate line items which were not first considered by the House of Representatives as is the customary procedure. I will comment further on these Senate items later in these remarks.

Some of the large increases over the House are: $735,837,000 for manpower training services authorized by the Economic Opportunity Act, $687,157,000 for health manpower, $265,000,000 for school assistance in federally affected areas, $289,696,000 for special benefits to disabled coal miners, and an additional item, $376,876,000 for Headstart, and $780,400,000 for the Office of Economic Opportunity. None of the foregoing items were considered by the House of Representatives.

Mr. President, the report of the Committee on Appropriations is before each Senator and I will now proceed to discuss briefly the recommendations contained in the various chapters of the bill. The distinguished chairmen of the subcommittees concerned are present—as are the ranking minority members—and we will be happy to respond to any questions that may arise as we proceed in the consideration of this bill.

First, let me call attention to page 4 of the report, which explains the committee's decision concerning supplemental budget requests totaling $272,975,000 for various military functions of the Department of Defense, to be derived by transfer from the revolving funds. It was the view of the committee that the items referred to should be funded through the expanded transfer authority provided in the Department of Defense appropriation bill, 1972, and no action was taken on the budget requests.

Under chapter I of the bill, the committee recommends the amount of the budget request, $1,587,000, for salaries and expenses of the Securities and Exchange Commission. This estimate was submitted directly to the Senate and the funds recommended represent a portion of the increase over the House bill total. A detailed explanation of the allocation of these funds is contained in the committee report.

For chapter II, Department of the Interior and Related Agencies, the committee recommends a total appropriation of $27,995,000, which is $1,919,000 over the budget estimates and $19,825,000 above the House allowance.

For health and safety, the committee recommends an appropriation of $7,225,000, which is $1,975,000 above the House allowance and the budget estimate. This will provide $5,250,000 to increase staff needed to perform health and safety inspections, provide required technical support and to assess civil penalties for violations of provisions of the Federal Coal Mine Health and Safety Act of 1969—$975,000 is for grants to States under section 503 of the act and $1 million is for development and purchase of specialized equipment needed to detect and rescue trapped miners.

Under Office of Coal Research, the committee recommends the amount of the budget estimate, $10,280,000, to provide for an expanded pilot plant coal gasification program on a cooperative basis with nongovernment entities.

For construction, National Park Service, the committee recommendation is $2,325,000, which is $2,215,000 over the House allowance. In addition to concurring with the House in the $110,000 for planning buildings and utilities at Pictured Rocks National Lakeshore, Mich., the committee has included $2,215,000 for an extension of the runway and construction of pertinent facilities at the Jackson Hole Airport, Grand Teton National Park, Wyo.

For the Youth Conservation Corps, the committee has recommended the amount requested in Senate Document 92–43, $3,500,000, to continue for the second year a 3-year pilot program of the corps. This request was submitted directly to the Senate and was not considered by the House of Representatives.

The committee has recommended an appropriation of $1,400,000 for the American Revolution Bicentennial Commission, to accelerate the Commission's program to insure a nationwide celebration of the bicentennial.

There are other items in this chapter which I have not mentioned, Mr. President, but the appropriations and explanations therefor are contained in the report.

We now come to chapter III, Departments of Labor and Health, Education, and Welfare. The total appropriation recommended for this chapter is $3,238,950,000, which is $554,295,000 over the budget estimates and $2,904,511,000 over the House allowance.

For Manpower Training Services, Department of Labor, the committee recommends $735,837,000, a reduction of $81,760,000 from the budget request, when the pending authorizing legislation is enacted. The committee believes that this amount will provide sufficient funds for carrying out the work and training programs, including Public Sector On-the-Job Training, Job Corps, Neighborhood Youth Corps, Operation Mainstream, and the concentrated employment program.

For health manpower under the National Institutes of Health, the committee recommends an appropriation of $687,157,000, an increase of $336,962,000 over the supplemental request, which was not considered by the House of Representatives. This appropriation is for the programs authorized by the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971, which the President signed on November 18. These two programs were designed to increase significantly the future supply of health manpower, to develop

new types of personnel and modes of practice to make competent health care more readily and more uniformly available, and to establish a coherent and explicit Federal role in the support of the educational system that prepares all types of health manpower.

The committee has also included and recommends an additional $265 million for school assistance in federally affected areas, $289,696,000 for special benefits to disabled coal miners, and $376,876,000 for Headstart.

For the Office of Economic Opportunity, the committee recommends $780,400,000, the amount of the budget request. The House did not include any funds for the OEO in this bill.

Complete details concerning these and other appropriation line items are contained in the committee report.

With respect to chapter IV, legislative branch, the committee recommends $26,443,515, which is $2,893,595 over the bill as it passed the House of Representatives. These increases represent strictly Senate items, as I stated earlier, and were not considered in the House of Representatives. The report on this chapter is quite detailed and clearly sets forth the committee's recommendations. So that there will be full understanding on the part of the Senate, I believe it is in order for me to summarize quickly the allowance adjustments which are being recommended. Many Members in the past have indicated the insufficiency of present allowances for the operation of senatorial offices. At the behest of a delegation of Senators, the subcommittee considered proposed suggestions for improvements and greater latitude by individual Senators in the distribution of their allowances. The proposals offered by this panel of Senators are printed in full in the hearings.

Initially, the proposals suggested would have cost some $5 million additional annually. This was subsequently revised downward to an annual additional cost of some $3 million. The gross annual cost of the committee's recommendations amounts to $1,353,158, a considerable reduction. However, funds included in the bill for the balance of the fiscal year total only $685,250, and encompass the following increases and adjustments:

For clerk-hire—except for those States having a population of under 3 million, for which no increases are recommended, adjustments are proposed for each office ranging from an additional $8,610 for States having a population of 3 to 4 million to $52,152 for the two States with a population of over 17 million.

Stationery—except for those States with a population of under 3 million, varying increases are recommended for the different population categories, and these are listed in the committee report. The total annual cost for these increases is $17,400.

Telephone-telegraph—the committee has recommended in the report that the Senate Committee on Rules and Administration consider the feasibility of consolidating all communications allowances, to be used interchangeably at the discretion of each Senator.

State offices—the number of State offices has been increased from two to three, with a consolidated appropriation for all authorized home-office expenses, to be expended at the discretion of the Senator. In addition, the allowance for State offices has been increased from the present $5,200 to $7,800, of which not to exceed $3,600 may be used for payment of rent.

This concludes the itemization of allowance adjustments, and I will continue with an explanation of the balance of the chapter.

Under miscellaneous items, you will find a recommended appropriation of $145,000, authorizing expenditures to modernize the Senate Disbursing Office by improving through the use of computers the payroll and personnel systems, just mentioned. Also under miscellaneous items is the detail concerning some of the allowance increases I have already enumerated.

The committee has again recommended that restoration of the Old Senate Chamber and Old Supreme Court Chamber in the Capitol proceed, according to a new two-phase approach evolved by the Architect of the Capitol. Full information on the project is contained in the report, and the sum of $1,521,000 is recommended for the purpose.

For modifications and enlargement, Capitol Powerplant, the Committee concurs in the House allowance of $1,200,000, which will provide for engineering and other services necessary in the preparation of contract plans and specifications for planned expansion of the Capitol Powerplant. This is a necessary first step in connection with coordinating Powerplant operations with the construction of the new Library of Congress James Madison Memorial Building. Complete details concerning this project are available in the printed hearings.

The total amount recommended for chapter V, Public Works, is $119,010,000, the same as the sums requested in the budget estimates, but $72,510,000 over the House bill. The funds in this chapter deal exclusively with projects in areas with acute unemployment problems, and I will proceed to discuss them.

For construction, general, Corps of Engineers, the committee considered two budget estimates—one in the amount of $34,100,000, which the House allowed, and a revised estimate, including the $34,100,000, in the amount of $102,400,000, which was submitted to the Senate on November 17. The committee recommends the appropriation of $102,400,000, which is an increase of $68,300,000 over the House figure. These funds will provide for a more rapid pace of work on water resources projects in States with unemployment in excess of 8 percent in major labor areas where it is hoped the construction of such projects will contribute to a solution of this problem. The States and projects involved are listed in the report. The same rationale applies to the $9,210,000 recommended for construction and rehabilitation, Bureau of Reclamation. This sum is $2,210,000 over the House allowance, the increase reflecting a revised budget submission to the Senate which was not considered by the House. Again, the States and projects are listed in the report.

For the Upper Colorado River storage project, the House included $4,800,000, unbudgeted, but subsequently a request in the amount of $6,800,000 was received in the Senate—hence the increase of $2 million over the House allowance. These funds are also designed to alleviate unemployment problems by avoiding project delays and providing for a continuation of work on water resources projects which are presently underfinanced.

The committee recommends concurrence with the House allowance of the full budget estimate, $600,000, for the Bureau of Reclamation's loan program. The specific allocations of funds for the projects just mentioned are also listed in the committee report.

The next section of the bill is chapter VII, dealing with appropriations for the Department of Commerce and certain agencies normally contained in the Departments of State, Justice, Commerce, the Judiciary and related agencies appropriation bill. The total amount recommended for this chapter is $115,273,000, which is $65,027,000 over the budget estimates and $43,179,000 over the House bill.

For minority business development, Department of Commerce, the committee recommends concurrence with the House allowance of $40 million, the budget estimate, for expenses in fostering, promoting, and developing minority business enterprise.

There were two items requested for the National Oceanic and Atmospheric Administration—one for salaries and expenses, for which $532,000 was requested for the purpose of moving certain activities from the National Bureau of Standards site on Van Ness Street. It was the view of both the House and Senate committee that this move can be accomplished within available funds. The other item, satellite operations, was not considered by the House of Representatives. The sum of $4,919,000 was requested in Senate Document 92–43, for the purpose of funding a launch vehicle and preparation of a backup weather satellite to replace the satellite which was lost due to a launch malfunction on October 21, 1971. The committee recommends the full amount of the budget estimate.

To provide design and construction funds for a new fire research facility at Gaithersburg, Md., for the National Bureau of Standards, the committee recommends concurrence in the House allowance of $1,750,000, a reduction of $350,000 in the estimate.

For the item, "International radio broadcasting activities," the committee recommends an appropriation of $36,225,000 to finance the operations of Radio Free Europe and Radio Liberty, and the administrative expenses of the Commission to be created pursuant to S. 18, the authorizing legislation, and has inserted a proviso in the bill making the appropriation available only upon enactment into law of S. 18 or other authorizing legislation, 92d Congress.

Coming now to chapter VIII, Treasury, Postal Service, and General Government.

For the U.S. Postal Service, the committee has recommended the sum of $200

million, which is $16,400,000 below the budget estimate and the House allowance.

The committee has inserted into the bill the sum of $11,200,000 for construction of the substructure of the Patrick V. McNamara Federal Office Building in Detroit, Mich. This project was authorized in 1963 and the site purchased in 1967. This construction is long overdue, and with the completion of the building, the consolidation of various Federal activities and the release of some 577,125 square feet of rented space at an annual cost of $2,936,000 will serve a desirable end. The committee recommends approval of this appropriation.

The committee considered requests submitted to fund the economic stabilization activities instituted by the President on August 15, 1971, and the post-freeze program for fighting inflation. The committee recommends transfer authority of not to exceed $20,153,000, the amount testified as being necessary to finance the activities of the Cost of Living Council, Pay Board, Price Commission, Internal Revenue Service legal interpretations services, and the Bureau of Customs. Detailed information is provided in the committee report concerning the program by activities, position requirements, and allocation costs.

The last major chapter in the bill relates to the Department of Transportation and Related Agencies, for which a total appropriation of $60,994,000 is recommended. This is $750,000 above the budget estimates and $5,450,000 over the House bill.

For the Office of the Secretary, transportation planning, research and development, the committee recommendation is $5 million, an increase of $2.5 million over the House allowance. These funds are to be used to continue contracts with the States to produce needed transportation planning.

A significant item under the Federal Aviation Administration is the sum of $15,033,000 recommended by the committee for research and development, which is the same as the budget estimate and the House allowance. These funds would permit completion of seven projects begun in connection with the civil supersonic transport development program but which are of broad beneficial application to U.S. aerospace technology generally. The committee was assured that no new supersonic transport work is included in these projects.

The committee also recommends the sum of $2,200,000, the budget estimate, to provide supplemental funding for the U.S. International Aeronautical Exposition to be held at Dulles International Airport in May–June 1972, $2 million of which would be available, pursuant to language inserted by the committee, upon enactment into law of appropriate authorizing legislation.

For the Washington Metropolitan Area Transit Authority, the committee recommends concurrence in the House allowance of $38,011,000, the amount of the budget estimate. This is the Federal share of the rapid rail transit system in the District of Columbia.

The last chapter in the bill provides appropriations in the amount of $21,569,856 for the payment of mandatory claims and judgments. This is an increase of $2,540,122 over the amount contained in the House bill for this purpose, occasioned by a later budget submission to the Senate.

That concludes my statement, Mr. President, and if there are any questions. I will be happy to respond.

Since the largest amounts in this bill are contained in chapter III of the bill which is provided by the subcommittee chaired by the Senator from Washington (Mr. MAGNUSON), I would like him to discuss the details on the items in this chapter, if he desires to do so.

Mr. MAGNUSON. Mr. President, first of all, I shall put in the RECORD a detailed account of chapter III of the supplemental appropriation bill, H.R. 11955, which is the chapter on Labor, HEW, the Office of Economic Opportunity, and other related agencies. The committee recommends in chapter III $3,238,950,000, an increase of $2,904,511,000 over the amount recommended by the House and $554,295,000 over the budget request.

As the distinguished chairman of the full committee pointed out so well, most of this large increase occurred because we did not get the authorization for the Economic Opportunity Act until yesterday. It has yet to pass the House.

There is included under the EDA authority, two items that are administered by other departments rather than OEO—namely Headstart in HEW and Job Corps in the Department of Labor—the EOA manpower training programs. On the comprehensive health manpower and nurse training—which the Congress just passed—the authorization bill was passed a few weeks ago and the President signed it November 18. The budget did send up a request. On a number of items, the budget did not send up a request. The House did not consider health manpower or nurse training leaving that up to us, along with the Economic Opportunity Act programs.

Mr. President, with regard to the Labor Department programs authorized by the Economic Opportunity Act, the committee has included an amount slightly under the budget request. The committee feels that the amounts included in the bill are sufficient to maintain the momentum of the training programs.

The committee has attempted to provide a maximum amount under the budget estimate for OEO for emergency food and medical services because of the critical needs in the high areas of unemployment.

The committee has included $780,400,000 for the programs of the OEO, the full amount of the budget request. For the Department of Health, Education, and Welfare, the committee agrees with the House and has included the full budget request for benefits payments to disabled coal miners, the Headstart program, civil rights education activities, and fund for nursing home improvement. The major difference between the budget request and the committee bill focuses on two areas: programs of the Office of Education and the health manpower training programs of the National Institutes of Health. These are the principal items of increase recommended by the committee.

The committee has included $32.5 million in additional funds for elementary and secondary education in order to assure that no State will receive less in 1972 when compared with 1971. Without this amendment some 15 States would receive less.

The committee has also included $265 million over the budget request and the House allowance for impacted area aid. Of the total recommended, $200 million would be for construction of school facilities as authorized by Public Law 81–815 and $65 million would be for initial funding of the low-income housing provision authorized under Public Law 81–874. These funds will be used primarily to eliminate the backlog of construction needs for schools on Federal property and for schools to serve pupils residing on Indian land. The amount recommended would provide approximately 5,000 classrooms for about 125,000 children. The committee is also recommending $65 million for payments to local school districts for the education of children residing in federally assisted low-income public housing. The amount provided would pay approximately 22 percent of entitlement and would go to local school districts serving over 1,200,000 such children.

For health manpower the committee recommends an appropriation of $687,157,000, an increase of $336,962,000 over the amount of the administration's supplemental request. The supplemental appropriation plus the funds already appropriated for health manpower in the regular HEW bill total $867,777,000 which is an increase of $438,367,000 over the appropriation for fiscal year 1971.

This appropriation is for the programs authorized by the Comprehensive Health Manpower Training Act of 1971 (Public Law 92–157) and the Nurse Training Act of 1971 (Public Law 92–153) which the President signed on November 18. These two acts do not merely continue the existing programs, launched under the earlier health manpower legislation which has expired, but were designed to increase significantly the future supply of health manpower.

When signing the new legislation on November 18, the President said:

> These acts follow substantially the recommendations I made to the Congress last February—and they constitute the most comprehensive health manpower legislation in the Nation's history.

In view of this enthusiastic endorsement of the legislation and the President's further statement that:

> Legislation is only a first step. These new programs must now be adequately funded and effectively carried out.

The committee was surprised and disappointed that the supplemental budget request for these health manpower programs total only $350.2 million. Together with the $180.6 million included in the Labor-HEW appropriations bill (H.R. 10061) already enacted, the supplemental budget request would make only $530.8 million available out of the $1,116 million authorized for the health manpower programs.

The amount requested is exactly the same as that requested in the budget that the President laid before the Congress last January. The only cognizance that has been taken of the new legislation is that the distribution of the funds requested is somewhat different from their distribution in the January budget. No attention has been paid to the clear intent of the Congress that the production of urgently needed health-care personnel be sharply increased and accelerated.

On the contrary, the supplemental budget requests make grossly inadequate provision for the most important long-range programs authorized by the new legislation. For example, it is proposed that capitation grants for health profession schools and loans for students in these schools be funded at only 60 percent of the authorized level. The committee is deeply concerned that these new laws simply will not work with these few funds. Unless the capitation provision is adequately funded, schools will continue to compete in the "disaster derby" for limited financial distressed funds. Indeed, if the levels in the administration's request for capitation and construction stand, schools will not be placed on a stable financial footing and they will need every dollar of financial distress money they can get. The net result will be that we will get only a fraction of the manpower that the authorizing legislation envisions and the country needs.

Consequently, the committee has increased the level of student loans and capitation grants from 60 percent of the authorization to 80 percent.

The administration's budget seeks no funds at all for capitation grants for nursing schools, thus, in effect, seeking to repeal this important provision of the new legislation. The committee has funded this provision at 80 percent of the authorization, the same percent used in funding the capitation provision for medical and related health professions.

For scholarship assistance to students in the health professional schools including nursing schools, only $35 million is requested though it is estimated that $112 million would be required to carry out the intent of the legislation by making scholarship funds available in accordance with the formula prescribed therein. The committee has included $70 million for this purpose.

For construction of health educational facilities, on which the future success of the whole health manpower program may well depend, only $88 million of the $225 million authorization is requested—despite the fact that there is already a backlog of $840 million in approved but unfunded construction-grant applications. The committee has included $170 million to help reduce the backlog.

The committee believes that it is clearly the intent of Congress—and notwithstanding its meager budget request, the wish of the administration—to move ahead vigorously and promptly toward the goal of a diversified corps of highly competent health manpower that can adequately serve the health-care needs of the American people wherever they live and whatever their social and economic circumstances. To this end, the committee has significantly increased the appropriation for the health manpower programs.

Mr. President, I think the Labor-HEW chapter of this supplemental bill is a good chapter—much improved over the House allowance and budget request. I am hopeful that when we conference with the House that we can return to the Senate with many of these items still intact. As you know, on those items considered only by the Senate and not by the House, the conference will be between our figure and zero. This makes the conference situation far more difficult. However, I am sure the Senate conferees will do their best to protect those items that the Members of the Senate feel most strongly about.

Mr. President, I have had prepared a table which shows the total amounts authorized for all categories of health manpower, the amount appropriated in the regular fiscal year 1972 Appropriation Act which was enacted into law in August, the amount requested by the administration under the new Comprehensive Health Manpower Training Act and Nurse Training Act, and the amounts recommended by the committee in this supplemental bill.

This is a most complicated and complex subject and I believe that this detailed breakdown on health manpower will be helpful. I ask unanimous consent that this table be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

BUREAU OF HEALTH MANPOWER EDUCATION, FISCAL YEAR 1972 SUPPLEMENTAL REQUEST

HEALTH MANPOWER

[Dollar amounts in thousands]

		Fiscal year 1972 appropriated		Fiscal year 1972 supplemental request		Total		Recommendation	
	Authorization	Positions	Amount	Positions	Amount	Positions	Amount	Amount	Increase
Health manpower:									
1. Medical, dental, and related health professions:									
(a) Institutional support:									
(1) Capitation grants:									
MDD	$200,000				$120,000		$120,000	$160,000	+$40,000
VOPP	34,000				20,400		20,400	30,000	+9,600
(2) Start-up assistance:									
New schools	10,000				2,580		2,580	2,900	+320
Converting schools	[1] 5,000				4,700		4,700	4,700	
(3) Special projects (grants and contracts)	118,000				36,000		36,000	70,000	+34,000
(4) Financial distress	20,000				20,000		20,000	20,000	
(5) HMEIA's	45,000				20,000		20,000	30,000	+10,000
(b) Student assistance:									
(1) Student loans:									
United States	50,000		$30,000				30,000	[1] 40,000	+10,000
Foreign	1,750								
(2) Scholarships:									
United States	[1] 56,700		15,500				15,500	[1] 35,000	+19,500
Foreign	150								
Physician shortage	2,500							1,000	+1,000
(3) Traineeships and fellowships:									
Family medicine	25,000				5,000		5,000	5,000	
Health professions teachers	10,000				1,000		1,000	1,000	
(c) Construction:									
(1) Grants	225,000				82,000		82,000	170,616	+88,616
(2) Interest subsidy	8,000				800		800	2,000	+1,200
(d) Computer technology	5,000				1,000		1,000	3,000	+2,000
(e) Education cost studies	(2)				2,015		2,015	2,015	
(f) Educational grants and contracts and direct operations:									
(1) Grants and contracts	(2)		927				927	[1] 927	
(2) Direct operations	(2)	162	4,232			162	4,232	[1] 4,232	
Total, health professions	816,100	162	50,659	315,495		162	366,154	582,390	+216,236
Dental health:									
1. Educational grants and contracts	(2)		5,909				5,909	[1] 6,409	+500
2. Direct operations	(2)	219	5,941			219	5,941	[1] 5,941	
Total, dental health		219	11,850			219	11,850	12,350	+500

Footnotes at end of table.

BUREAU OF HEALTH MANPOWER EDUCATION, FISCAL 1972 SUPPLEMENTAL REQUEST—Continued

HEALTH MANPOWER—Continued

[Dollar amounts in thousands]

	Fiscal year 1972 appropriated		Fiscal year 1972 supplemental request		Total		Recommendation	
	Authorization	Positions	Amount	Positions	Amount	Positions	Amount	Amount	Increase
Nursing:									
1. Institutional support:									
(a) Capitation grants	$78,000							$63,000	+$63,000
(b) Start-up assistance	4,000								
(c) Special projects (grants and contracts)	20,000				$18,000		$18,000	20,000	+2,000
(d) Financial distress	15,000				5,000		5,000	10,000	+5,000
2. Student assistance:									
(a) Student loans	25,000		$21,000				21,000	[1] 25,000	+4,000
(b) Scholarships	[1] 55,500		19,500				19,500	[1] 35,000	+15,500
(c) Traineeships	20,000		10,470				10,470	[1] 15,000	+4,530
3. Construction:									
(a) Grants	35,000				9,500		9,500	25,000	+15,500
(b) Interest subsidy	1,000				200		200	200	
4. Educational grants and contracts and direct operations:									
(a) Recruitment (grants and contracts)	3,500				2,000		2,000	2,000	
(b) Grants and contracts	(2)		3,805				3,805	[1] 3,805	
(c) Direct operations	(2)	153	6,915			153	6,915	[1] 6,915	
Total, nursing	257,000	153	61,690		34,700	153	96,390	205,920	+109,530
Public health:									
1. Institutional support:									
(a) Schools of public health	12,000		5,554				5,554	[1] 7,000	+1,446
(b) Graduate public health training	15,000		4,517				4,517	[1] 4,517	
2. Traineeships	16,000		8,400				8,400	[1] 8,400	
3. Direct operations	(2)	24	573			24	573	573	
Total, public health	43,000	24	19,044			24	19,044	20,490	+1,446
Allied health:									
1. Institutional support	20,000		10,000				10,000	[1] 15,000	+5,000
2. Traineeships	10,000		3,750				3,750	[1] 6,000	+2,250
3. Allied health special projects (grants and contracts)	20,000		14,745				14,745	[1] 15,745	+1,000
4. Direct operations	(2)	64	2,159			64	2,159	[1] 2,159	
Total, allied health	50,000	64	30,654			64	30,654	38,904	+8,250
Program direction and manpower analysis:									
1. Planning and analysis	(2)	135	4,068			135	4,068	[1] 4,068	
2. Program direction	(2)	123	2,655			123	2,655	[1] 2,655	
Total, program direction and manpower analysis		258	6,723			258	6,723	[1] 6,723	
Grand total	1,166,100	880	180,620		350,195	880	530,815	[4] 867,777	[4] +336,962

[1] Partially funded in regular bill.
[2] Indefinite.
[3] Formula.
[4] Includes $1,000,000 to implement and carry out the purposes of S. 3418, the Family Practice of Medicine Act.

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from the American Medical Association regarding the Comprehensive Health Manpower Training Act appropriations, and a letter from the Office of Management and Budget referring to the EDA public works impact program.

This letter from the AMA is typical of those we have received from any number of professional organizations. It evidences their support of the health manpower legislation and the urgency they feel about the needs of these complex programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., November 30, 1971.

Hon. WARREN G. MAGNUSON,
U.S. Senate, Chairman, Subcommittee on Labor and Health, Education, and Welfare, New Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: The Comprehensive Health Manpower Training Act of 1971, recently enacted as P.L. 92-157, represents a major national declaration of intent to provide federal assistance for the training of physicians and other health personnel. The development of adequate numbers of health manpower is a goal strongly supported by the medical profession.

Appropriate funding must be provided if medical schools are to receive urgently needed financial assistance, and if medical education is to become a reality for students of all economic and cultural backgrounds. Financial support for training of family practice physicians, an essential need, is also provided in the new legislation.

Public Law 92-157, in providing for capitation and construction grants, increased loans and scholarships, grants for family practice, and other beneficial programs, has greatly expanded the role of the federal government in supporting medical education and constitutes a major thrust toward achieving our manpower goals.

The American Medical Association recommends that full appropriations under the law be provided by the Congress. This is essential if we are to obtain the full benefits which the law intended, and if we are to achieve our goals of better availability of health care for all our citizens.

We urge that your Subcommittee provide for full funding of Public Law 92-157.

Sincerely,

ERNEST B. HOWARD, M.D.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C.

Hon. JOHN L. MCCLELLAN,
Chairman, State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for comments on an amendment before the Senate Appropriations Committee for additional funding of the EDA Public Works Impact Program, I am pleased to inform you that the President had planned to request an FY 72 supplemental for this program in the amount of $30 million in the January budget. If the Committee should decide to provide this additional amount now, we would consider that a more desirable outcome since it would ensure that the special impact program could go forward immediately.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. MAGNUSON. I will be glad to yield for questions.

Mr. JAVITS. Mr. President, first I wish to join with the chairman of the Committee on Appropriations in praise and appreciation for the fine job that has been done and the courage shown by the subcommittee presided over by the Senator from Washington (Mr. MAGNUSON) in this critically important field.

I would just like to underline what has already been said to point out that no provision whatever was made for an extra appropriation for nursing schools in the administration request. It is almost inconceivable that could be passed by, but it was until it was corrected by the Senator from Washington.

I read the analysis which is available of the items increased and the reasons, and I agree thoroughly.

I would like to ask the Senator this question: In view of the fact that the administration request is so low and so unrealistic—$350 million—as against an allowance of almost $650 million, and even that is some $500 million under the authorization. But I still think the Senator has done magnificently.

Would it strengthen the Senator's hand if we had a separate rollcall vote on this amendment to show the solidarity of the Senate behind it? As a member of the subcommittee and the Committee on Appropriations I know what happens when we get into conference with a $650 million appropriation and there has been an administration budget request of $350 million. We want to strengthen the hand of the Senator from Washington (Mr. MAGNUSON) if he thinks it would help. I would be happy to ask for it as a separate vote if the Senator feels it would strengthen his hand.

Mr. MAGNUSON. I think it would be helpful. I do not know how many Senators expected rollcall votes on individual items. I think we should have a rollcall vote on final passage. This is a bill involving a great deal of money. It is a bill that everyone is interested in and the Senate should show its support of these programs, especially on items the House did not consider.

Mr. JAVITS. That is correct.

Mr. ELLENDER. Mr. President, I wish to say to the Senator from New York that I hope we do not have to vote on each amendment to show that the committee is supported by the Senate because there are quite a few items and it is my hope to have a rollcall vote on the entire bill. I am prayerful that the vote will reflect the views of the entire Senate.

Mr. JAVITS. I will certainly defer to the wishes of the chairman of the committee but I wanted to emphasize what I felt was the unanimous or near unanimous feeling of the Senate.

Mr. MAGNUSON. If we vote on the entire bill we will express our opinion on these items. Most of them are well known. We will have to deal with items that many times were zero in the House and in the budget.

Mr. JAVITS. I hope the Senator from Louisiana and the Senator from Washington, notwithstanding my deference to them, and other Members, will appreciate the degree of feeling and hope which go into the item of health manpower.

Mr. KENNEDY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. KENNEDY. May I have time on the bill?

Mr. ELLENDER. I yield the Senator 5 minutes on the bill.

Mr. KENNEDY. I thank the Senator. First of all, I desire to extend warm congratulations to the distinguished Senator from Washington (Mr. MAGNUSON), as well as the ranking Republican member (Mr. COTTON), for the attention that they have given to the whole health manpower field, as well as to the chairman of the full committee (Mr. ELLENDER). I think that they have demonstrated true statesmanship and great courage in allocating resources to the health manpower programs and to the nursing school programs.

The authorizing legislation that the Senate passed this year dealing with health manpower, I think, is some of the most innovative and creative legislation in this area that this body has ever considered.

We have incorporated a dual approach in the authorizing legislation—that of the stick, in string requirements of health educational institutions as well as the carrot in the form of bonuses and financial incentives to encourage increased enrollments and curriculum innovation. To provide the amount and kinds of health manpower that are desperately needed in this country, this legislation must be adequately funded.

As chairman of the Subcommittee on Health, and as one who participated in the Senate-House conference, I know that the authorizations made in this legislation are really thoughtful, carefully calculated authorizations. I was distressed when we were confronted with the administration's request—which was some 44 percent of the money that was authorized. I believe that budget would have put an undue burden, almost an intolerable burden, on the health professional schools of this country. Fortunately, the Committee on Appropriations has raised that budget for manpower from 44 percent to some 72 percent of the authorization, and the budget for nurse training from 38 percent to some 80 percent of authorization.

I wish to have this committee know that I think they have really provided an extraordinary service in helping to address this country's health crisis. The President has pointed out that there is a health crisis; as has the Secretary of HEW. All who have considered this crisis, and the health needs of this Nation, realize that increased manpower is imperative if we are really going to meet the health care needs of the people of this country. I really think that this committee has performed a yeoman service.

I agree with the Senator from New York (Mr. JAVITS) that if the chairman of the subcommittee or the chairman of the full committee thought it would be useful, I should certainly hope that we could get a rollcall vote on this manpower portion of the bill. But obviously I will defer to their good judgment. They have indicated time and time again their commitment to the health needs of the people of this Nation, and I want to indicate to them my full support and my admiration for the work that has been done in responding to the health manpower needs of this Nation.

Mr. MAGNUSON. Mr. President, I wish to make one brief remark, if the Senator will yield?

Mr. KENNEDY. I yield.

Mr. MAGNUSON. We had a great deal of guidance from the legislative committee and from the Senator from Massachusetts and the members of his subcommittee in this matter. It is pleasing to me that we have worked together on this matter. If there is a health crisis in the United States, which I think there is, it is the failure of the delivery of health care. That is what we are striving to correct.

Mr. KENNEDY. The manpower legislation passed the Senate by a vote of 88 to 0 and in the House the vote was 343 to 3. It was passed unanimously by both committees. It has strong bipartisan support. Its major provisions are supported by the American Medical Association, and the administration, and it has the support of the overwhelming majority of people in the country. The Committee on Appropriations performed an extraordinary and valuable service to the Senate and the people of this Nation by providing funds adequate to launch this new legislation.

I thank the Senator.

Mr. President, the measure we have before us is a matter of grave concern. This body passed new authorizing legislation on July 14, 1971, intended to dramatically increase the numbers of doctors, dentists, nurses, and other health professionals in this country. The legislation intends also to produce new types and levels of health personnel—and to bring more physicians and others into our rural and inner-city areas.

More manpower, new types of manpower, and better distribution of manpower are necessary to alleviate the crisis in this Nation's health care system. In fact, they are basic essential needs without which no Federal program can solve the problems. The need for doctors, dentists, and nurses is basic—and every responsible agency has acknowledged it as such.

The President acknowledged it in his health message to Congress on February 18 of this year.

The House acknowledged it by passing their versions of the Comprehensive Health Manpower Act and Nurse Training Act on July 1 by a vote of 343 to 3.

Finally, the Senate acknowledged it by passing our versions of these bills on July 14 by a vote of 88 to 0.

The House and Senate legislative Committees on Health has given serious and lengthy consideration to what actions the Federal Government should take with respect to manpower. You are familiar with the hours of hearings and drafting sessions that have gone into these considerations. You are familiar also with the 10 lengthy conference sessions the Senate and House held—thrashing through very different but equally innovative bills.

The bills that we produced, and which the President signed into law on Thursday, November 18, are landmark legislation in the history of America's health professions, and the educational institutions which produce them. These laws take the Nation's need for health manpower very seriously. They establish a new and expanded Federal role in support of health professions education.

Mr. President, this is an area of the health care crisis that everyone agrees is fundamental to progress. It is an area of the crisis where everyone agrees the Federal Government must act. And it is an area in which the Congress has

shaped a most throughtful mechanism for Federal action.

Now, Mr. President, we have the opportunity and the responsibility to act—to put adequate funds into this mechanism to make it work. If we do not put adequate funds behind this law, all our work to date is pointless.

The budget request that the Congress received from the executive branch, Mr. President, was so low as to effectively scuttle this law. By simply holding back dollars in a misled desire to keep down the budget, the administration's request would have deprived the Nation of the health manpower we need to stop the skyrocketing inflation in health care costs.

The dollar levels in this budget request would have kept the health educational institutions on the financial ropes and so watered down the incentives for training more manpower that they were meaningless.

Mr. President, Senator MAGNUSON's subcommittee has gone a long way toward setting this right. The increases they have recommended in the budget reflect their deep concern with health care in this country, and their understanding of our basic need for more of the right kinds of health manpower. I am grateful for their courage in seeing the Senate action through to a conclusion by recommending defensible funding levels. I strongly recommend unanimous passage of this bill.

I must add, however, that I am gravely concerned over the fate of this appropriation bill in conference with the House. The House Appropriations Committee has held no hearings on the manpower and nursing supplemental requests. Their bill has no dollar figures in these areas. I am afraid that lacking a basis for independent judgment, they will insist on accepting the administration's proposed budget with only minor changes—even though this will scuttle a law originally passed in the House by a vote of 343 to 3. The Senate must give a full measure of support to Senators MAGNUSON and COTTON to arm them for this important conference.

Mr. President, this is a vital appropriation. My concern for the problems the American people have in getting and paying for health care demands that we take every possible step to assure adequate funding of these new manpower and nursing laws. The issues are simply too important to allow misguided economy to interfere with our actions.

Senators MAGNUSON and COTTON will, I am confident, do everything they can to represent the Senate's interest in conference with the House. I want them to understand—and above all I want the House conferees to understand—that the Senate stands fully behind its Appropriations Committee on this bill.

Mr. ELLENDER. I thank the Senator and I accept his remarks for all members of the committee. We all worked together in unison.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

At the top of page 2, insert a new chapter, as follows:

CHAPTER I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SPACE, SCIENCE, VETERANS' ADMINISTRATION, AND OTHER INDEPENDENT AGENCIES

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $1,587,000.

On page 2, line 10, change the chapter number from "I" to "II".

On page 2, line 15, after the word "resources", strike out "$160,000" and insert "$85,000".

On page 2, after line 15, insert:

BUREAU OF INDIAN AFFAIRS

RESOURCES MANAGEMENT

For an additional amount for "Resources management", $230,000.

On page 2, after line 19, insert:

CONSTRUCTION

For an additional amount for "Construction", $550,000, to remain available until expended.

On page 2, after line 22, insert:

GEOLOGICAL SURVEY

For an additional amount for "Surveys, investigations, and research", $1,190,000.

On page 3, after line 1, insert:

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For an additional amount for "Construction and development of mineral resources", $300,000.

On page 3, line 8, strike out "$5,250,000" and insert "$7,225,000".

On page 3, after line 8, insert:

OFFICE OF COAL RESEARCH

For an additional amount for "Salaries and expenses", $10,280,000, to remain available until expended, of which not to exceed $80,000 shall be available for administration and supervision.

On page 3, line 20, after the word "Construction", strike out "$110,000" and insert "$2,325,000"; and, in line 21, after the word "expended", insert a colon and "*Provided*, That notwithstanding the Act of March 18, 1950, as amended, not to exceed $2,215,000 shall be available for airport planning, development, or improvement at the Jackson Hole Airport pursuant to the Act of March 18, 1950, including availability through the Jackson Hole Airport Authority as sponsor's share of project costs for any grant made pursuant to Public Law 91-258."

On page 4, after line 3, insert:

PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For an additional amount for "Parkway and road construction (liquidation of contract authority)", $96,000, to remain available until expended.

On page 4, line 19, strike out "$500,000" and insert "$518,000".

On page 5, after line 8, insert:

YOUTH CONSERVATION CORPS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of August 13, 1970 (Public Law 91-378), establishing the Youth Conservation Corps, $3,500,000, to remain available until expended: *Provided*, That $1,750,000 shall be available to the Secretary of the Interior and $1,750,000 shall be available to the Secretary of Agriculture.

On page 5, after line 16, insert:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

INDIAN HEALTH FACILITIES

For an additional amount for "Indian health facilities", $42,000, to remain available until expended.

On page 6, at the beginning of line 12, strike out "$1,800,000" and insert "$1,400,000".

On page 6, line 15, change the chapter number from "II" to "III".

On page 6, after line 17, insert:

SALARIES AND EXPENSES

For an additional amount for the Manpower Administration, $23,400,000: *Provided*, That $23,000,000 of this appropriation shall be available only upon the enactment into law of S. 2007 or other authorizing legislation by the Ninety-second Congress.

On page 6, after line 23, insert:

MANPOWER TRAINING SERVICES

For expenses necessary to carry into effect title I of the Economic Opportunity Act of 1964, as amended, $735,837,000: *Provided*, That the amounts heretofore appropriated for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of programs authorized under the provisions of subsection 123 (a) (5) and (8) of the Economic Opportunity Act of 1964, as amended, shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act: *Provided further*, That this appropriation shall not be available for contracts made under title I of the Economic Opportunity Act extending for more than twenty-four months: *Provided further*, That all grants agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964 and for the purchase of real property for training centers: *Provided further*, That this appropriation shall be available only upon the enactment into law of S. 2007 or other authorizing legislation by the Ninety-second Congress.

On page 8, line 1, after the word "services", strike out "$4,500,000" and insert "$24,640,000".

On page 8, after line 6, insert:

OFFICE OF THE SECRETARY

For an additional amount for "Salaries and expenses," $400,000.

On page 8, after line 21, insert:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and Secondary Education", $32,500,000, which

shall be for title I-A of the Elementary and Secondary Education Act: *Provided*, That the aggregate amounts made available to each State in fiscal year 1972 under such title for grants to local educational agencies within that State shall not be less than such amounts as were made available for that purposes in fiscal year 1971.

On page 9, after line 5, insert:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For an additional amount for "School Assistance in Federally Affected Areas", $265,000,000, of which $200,000,000, which shall remain available until expended, shall be for carrying out the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), and $65,000,000 shall be for carrying out section 303(1)(C) of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), as specified in section 5(c)(3) of said Act.

On page 9, after line 14, insert:

HIGHER EDUCATION

For an additional amount for "Higher Education" to carry out section 105 of the Higher Education Facilities Act of 1963, as amended, $3,000,000.

On page 11, after line 2, insert:

NATIONAL INSTITUTE OF HEALTH

HEALTH MANPOWER

For an additional amount for "Health Manpower," $687,157,000 of which $197,816,000 shall remain available until expended to carry out part B of title VII and part A of title VIII of the Public Health Service Act: *Provided*, That $120,000,000 to carry out sections 772, 773, and 774 shall remain available for obligation through September 30, 1972: *Privided further*, That $10,616,000 shall be for a construction grant to the Louisiana State University, as authorized by title VII of the Public Health Service Act and $1,000,000 shall be used to carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress).

Loans, grants, and payments for the next succeeding fiscal year: For making, after December 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, F, and G of title VII, and parts B and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such loans, grants, and payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C and G of title VII, and in part B of title VIII for these purposes for the next succeeding fiscal year.

On page 12, after line 3, insert:

OFFICE OF CHILD DEVELOPMENT

CHILD DEVELOPMENT

For an additional amount for "Child Development", $376,817,000, to carry out Project Headstart, as authorized by section 222 (a)(1) of the Economic Opportunity Act of 1964: *Provided*, That this appropriation shall be available only upon the enactment into law of S. 2007 or other authorizing legislation by the Ninety-second Congress.

On page 12, after line 11, insert:

MATERNAL AND CHILD HEALTH

Grants made during the current fiscal year for any project under section 508, 509, or 510 of the Social Security Act may be for periods ending prior to July 1, 1973.

At the top of page 13, insert:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," for expenses of additional hearing examiners, $660,000, to be derived by transfer from the appropriation to the Department of Labor, the Workplace Standards Administration, for "Salaries and expenses."

On page 13, after line 8, insert:

OFFICE OF ECONOMIC OPPORTUNITY

FEDERAL FUNDS

ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, $780,400,000, plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available only upon the enactment of S. 2007 or other authorizing legislation by the Ninety-second Congress.

On page 14, line 5, change the chapter number from "III" to "IV".

On page 14, after line 6, insert:

SENATE

On page 14, after line 7, insert:

For payment to Jennette Herbert Hall Prouty, widow of Winston L. Prouty, late a Senator from the State of Vermont, $42,500.

On page 14, after line 10, insert:

SALARIES, OFFICERS AND EMPLOYEES

COMMITTEE EMPLOYEES

For an additional amount for "Committee Employees", $21,770, to include herein, from and after January 1, 1972, the positions made permanent by Public Law 92-136, approved October 11, 1971.

On page 14, after line 16, insert:

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For an additional amount for "Administrative and Clerical Assistants to Senators", $597,535: *Provided*, That the clerk hire allowance of each Senator from the States of Maryland and Tennessee shall be increased to that allowed Senators from States having a population of four million, the populations of said States having exceeded four million inhabitants, that the clerk hire allowance of each Senator from the State of Florida shall be increased to that allowed Senators from States having a population of seven million, the population of said State having exceeded seven million inhabitants, and that the clerk hire allowance of each Senator from the State of Michigan shall be increased to that allowed Senators from States having a population of nine million, the population of said State having exceeded nine million inhabitants: *Provided further*, That effective January 1, 1972, the table contained in section 105(d)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, is amended to read as follows:

$295,938 if the population of his State is less than 3,000,000;

$321,768 if such population is 3,000,000 but less than 4,000,000;

$345,138 if such population is 4,000,000 but less than 5,000,000;

$362,850 if such population is 5,000,000 but less than 7,000,000;

$382,038 if such population is 7,000,000 but less than 9,000,000;

$403,440 if such population is 9,000,000 but less than 10,000,000;

$424,842 if such population is 10,000,000 but less than 11,000,000;

$446,244 if such population is 11,000,000 but less than 12,000,000;

$467,646 if such population is 12,000,000 but less than 13,000,000;

$488,556 if such population is 13,000,000 but less than 15,000,000;

$509,466 if such population is 15,000,000 but less than 17,000,000;

$530,130 if such population is 17,000,000 or more.".

On page 16, after line 9, insert:

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of Sergeant at Arms and Doorkeeper", $68,390: *Provided*, That effective January 1, 1972, the Sergeant at Arms may appoint and fix the compensation of an additional assistant video engineer at not to exceed $17,958 per annum, a senior programer at not to exceed $17,712 per annum, two program analysts at not to exceed $15,006 per annum each, four operators at not to exceed $10,086 per annum each, a liaison and documentation specialist at not to exceed $12,054 per annum, a job controller at not to exceed $12,054 per annum, and a key punch operator at not to exceed $6,642 per annum.

On page 16, after line 21, insert:

CONTINGENT EXPENSES OF THE SENATE

FOLDING DOCUMENTS

For an additional amount for "Folding Documents", $14,000.

At the top of page 17, insert:

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", fiscal year 1971, $250,000 to be derived by transfer from the appropriation "Salaries, Officers and Employees", fiscal year 1971.

For an additional amount for "Miscellaneous Items", $275,000: *Provided*, That each Senator shall be entitled to office space suitable for his official use at not more than three places designated by him in the State he represents. The Sergeant at Arms shall secure for each Senator such suitable office space in post offices or other Federal buildings at the places designated by each Senator. In the event suitable space is not available in post offices or other Federal buildings at any place designated by a Senator within his State, the Senator may lease or rent other office space for the purpose at such place, and the Sergeant at Arms shall approve for payment from the contingent fund of the Senate vouchers covering bona fide statements of rentals due for such office. In addition, the Sergeant at Arms shall approve for payment from the contingent fund of the Senate to each Senator, upon his certification, the official office expenses incurred in his State, telephone service charges officially incurred outside Washington, District of Columbia, and charges incurred for subscriptions to newspapers, magazines, periodicals, or clipping or similar services. Payment of rentals due and such expenses and charges shall not exceed the amount of $7,800 each calendar year, of which amount not to exceed $3,600 shall be available for the payment of rentals due, except that in the case of a Senator holding his office as Senator for less than a full calendar year, such $7,800 and $3,600 shall be prorated for that portion of such year he has served as a Senator. The aggregate of payments to or on

behalf of a Senator shall not exceed at any time the sum of $650 multiplied by the number of months (or fractions thereof) elapsing from (1) the first day of the calendar year in which the payment is made, or (2) the day during such year in which the Senator assumed the duties of his office, whichever day is applicable, to the date of payment, and the amounts included in such sum as payment for rentals due shall not exceed $300 multiplied by the number of such months (or fractions thereof), except that nothing in this sentence shall preclude the payment of rentals at the beginning of the month for which they are due. In the case of the death of any Senator, the chairman of the Committee on Rules and Administration may certify for such deceased Senator for any portion of such sum already obligated but not certified to at the time of such Senator's death, and for any additional amount which may be reasonably needed for the purpose of closing such deceased Senator's State office, for payment to the person or persons designated as entitled to such payment by such chairman. The proviso relating to strictly official telephone service charges incurred by Senators outside the District of Columbia appearing in the first paragraph of chapter VIII of the Second Supplemental Appropriation Act, 1967 (2 U.S.C. 46d–3), is repealed, and the paragraphs relating to the securing of office space for Senators in post office or other Federal buildings in their States and to the payment of official office expenses incurred by Senators in their States appearing under the heading "Senate" in the Legislative Branch Appropriation Act, 1957, as amended (2 U.S.C. 52, 53), are repealed. The preceding seven sentences and the proviso preceding such sentences are effective January 1, 1972.

On page 19, after line 14, insert:

STATIONERY (REVOLVING FUND)

For an additional amount for "Stationery (Revolving Fund)", $17,400: *Provided*, That effective with the fiscal year 1972 and thereafter, the annual allowance for stationery for the President of the Senate shall be $3,600, and such allowance for each Senator shall be as follows:

$3,000 if the population of his State is less than 3,000,000;

$3,600 if such population is 3,000,000 but less than 5,000,000;

$4,000 if such population is 5,000,000 but less than 9,000,000;

$4,200 if such population is 9,000,000 but less than 11,000,000;

$4,400 if such population is 11,000,000 but less than 13,000,000;

$4,600 if such population is 13,000,000 but less than 17,000,000;

$5,000 if such population is 17,000,000 or more.

On page 20, after line 9, insert:

ADMINISTRATIVE PROVISION

In the event of the death, resignation, or disability of the Secretary of the Senate, the Assistant Secretary of the Senate shall act as Secretary in carrying out the duties and responsibilities of that office in all matters, except those matters relating to the Secretary's duties as disbursing officer of the Senate, until such time as a new Secretary shall have been elected and qualified or such disability shall have been ended. For purposes of this paragraph and the last full paragraph under the heading "SENATE" in the First Deficiency Act, fiscal year 1936 (44 Stat. 162; 2 U.S.C. 64a), the Secretary of the Senate shall be considered as disabled only during such period of time as the majority and minority leaders and the President pro tempore of the Senate certify jointly to the Senate that the Secretary is unable to perform his duties.

On page 23, after line 6, insert:

RESTORATION OF OLD SENATE CHAMBER AND OLD SUPREME COURT CHAMBER IN THE CAPITOL

To enable the Architect of the Capitol to make such expenditures as may be necessary to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers, $1,521,000, to be expended without regard to section 3709 of the Revised Statutes, as amended, and to remain available until expended, all under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968.

At the top of page 24, insert:

SENATE OFFICE BUILDINGS

For an additional amount for "Senate Office Buildings", $66,000, to remain available until expended.

On page 24, after line 3, insert:

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, in addition to the real property contained in square 724 in the District of Columbia heretofore acquired under Public Law 85–429, approved May 29, 1958 (72 Stat. 148–149), and Public Law 91–382, approved August 18, 1970 (84 Stat. 819), for purposes of further extension of such site or for additions to the United States Capitol Grounds, all publicly or privately owned real property contained in lot 18 in square 724 in the District of Columbia, as such square appears on the records in the Office of the Surveyor of the District of Columbia as to the date of the approval of this Act: *Provided*, That for the purposes of this Act, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further*, That, upon acquisition of any real property under this Act, the jurisdiction of the Capitol Police shall extend over such property: *Provided further*, That, any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368): *Provided further*, That upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any structures on, or constituting a part of, such property and to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: *Provided further*, That, such real property, when acquired under authority of this Act, shall be subject to the provisions of the Act of July 31, 1946, as amended (40 U.S.C., 193a–193m, 212a, and 212b): *Provided further*, That, the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, expenditures authorized by Public Law 91–646, approved January 2, 1971 (84 Stat. 1894–1907), applicable to the Architect of the Capitol, and expenditures for any other required items, as may be necessary to carry out the provisions of this appropriation: $270,000, to remain available until expended.

On page 27, line 12, change the chapter number from "IV" to "V".

On page 27, after line 17, strike out:

For an additional amount for "Construction, General", $34,000,000, to remain available until expended.

And, in lieu thereof, insert:

For an additional amount for "Construction, General," $102,400,000, to remain available until expended, of which not to exceed $1,400,000 shall be available for emergency flood control construction of debris basins and channel clearing in the Carpinteria, California, area affected by recent fires, and such work is hereby authorized.

On page 28, line 8, after the word "Rehabilitation", strike out "$7,000,000" and insert "$9,210,000".

On page 28, line 12, after the word "Project", strike out "$4,800,000" and insert "$6,800,000".

On page 28, line 17, change the chapter number from "V" to "VI".

On page 29, after line 12, insert:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SATELLITE OPERATIONS

For an additional amount for "Satellite operations," $4,919,000, to remain available until expended.

On page 29, after line 17, insert:

PATENT OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $2,035,000.

On page 30, after line 9, insert:

INTERNATIONAL RADIO BROADCASTING ACTIVITIES

For expenses necessary for international radio broadcasting and related activities, as authorized by law, including not to exceed $36,000,000 for grants to Radio Free Europe and Radio Liberty, $36,225,000: *Provided*, That this appropriation shall be available only upon the enactment into law of S. 18 or other authorizing legislation, 92d Congress.

On page 30, line 18, change the chapter number from "VI" to "VII".

On page 30, line 24, after the word "development", strike out "$2,500,000" and insert "$5,000,000".

On page 31, line 12, after the word "expended", strike out "$200,000, to be derived from the appropriation 'Office of the Secretary, salaries and expenses'" and insert "$2,200,000: *Provided*, That $2,000,000 of this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-second Congress".

On page 32, after line 1, insert:

AVIATION ADVISORY COMMISSION

SALARIES AND EXPENSES

(Airport and Airway Trust Fund)

For an additional amount for the Aviation Advisory Commission, authorized by section 12 of the Act of May 21, 1970 (Public Law 91–258), as amended, $750,000 to be derived from the Airport and Airway Trust Fund and to remain available until March 1, 1973: *Provided*, That funds for the Aviation Advisory Commission, as provided for in chapter XI of title I of the Second Supplemental Appropriations Act, 1971, shall also remain available until March 1, 1973.

At the top of page 33, change the chapter number from "VII" to "VIII".

On page 33, line 10, after the word "Fund", strike out "$216,400,000" and insert "$200,000,000".

On page 33, after line 11, insert:

GENERAL SERVICES ADMINISTRATION

CONSTRUCTION, PUBLIC BUILDING PROJECTS

For an additional amount for "Construction, public buildings projects," for construction of Patrick V. McNamara Federal Office Building, Detroit, Michigan (substructure), $11,200,000, to remain available until expended: *Provided*, That in addition, savings effected in other projects under the appropriation for "Construction, public buildings projects" shall be available for the foregoing project but in an amount not to exceed 10 per centum of the amount appropriated herein.

On page 33, after line 22, insert:

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for "Sites and Expenses, Public Building Projects", $250,000.

On page 34, after line 7, insert:

FUNDS APPROPRIATED TO THE PRESIDENT

ECONOMIC STABILIZATION ACTIVITIES

SALARIES AND EXPENSES

For expenses necessary to carry out the Economic Stabilization Act of 1970, as amended, including activities under Executive Orders No. 11615 of August 15, 1971, and No. 11627 of October 15, 1971, both as amended; activities under Proclamation 4074 of August 15, 1971; and hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for GS–18, such amounts as may be determined from time to time by the Director of the Office of Management and Budget but not to exceed $20,153,000, of which not less than $3,000,000 will be derived by transfer from the Exchange Stabilization Fund and the remainder to be derived by transfer from balances reserved for savings in such appropriations to the departments and agencies of the Executive Branch for the current fiscal year as the Director may determine: *Provided*, That advances or repayments from the above amounts may be made to any department or agency for expenses of carrying out such activities.

On page 35, line 6, change the chapter number from "VIII" to "IX".

On page 35, at the beginning of line 12, insert "Senate Document Numbered ___, and"; in line 13, after the word "Congress", strike out "$19,029,734" and insert "$21,569,856".

At the top of page 36, change the chapter number from "IX" to "X".

And, after line 5, insert a new section, as follows:

SEC. 902. Property described in the last sentence of section 303(1) of Public Law 81–874 which, at any time during the fiscal year ending June 30, 1971, was Federal property for the purposes of such public law shall continue to be Federal property for such purposes for the fiscal year ending June 30, 1972.

Mr. BIBLE. Mr. President, will the distinguished chairman of the Committee on Appropriations yield so that I may offer an amendment?

Mr. ELLENDER. I yield the floor.

Mr. BIBLE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BIBLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill, add the following new section:

SEC. 903. The funds provided in the Department of Justice Appropriation Act, 1972, for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of Federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned Act.

Mr. BIBLE. Mr. President, the purpose of this amendment is to make it clear that the Federal Bureau of Investigation is authorized to use fiscal year 1972 funds to continue the long-standing program of providing criminal record identification services to federally chartered or insured banking institutions and authorized State and local public agencies for their official use in checking the background of persons seeking employment or licenses to engage in sensitive businesses or occupations affected with a public interest—such as the liquor industry, the legalized gaming industry in Nevada, and applicants for gun licenses.

These identification services have been authorized in each Department of Justice Appropriation Act since 1921, including the Act for fiscal year 1972.

However, the service was terminated in June of this year as a result of a decision of the U.S. District Court for the District of Columbia in the case of *Menard* v. *Mitchell* (328 F. Supp. 718) that these identification services may not be provided to other than Federal agencies except for strictly law-enforcement purposes without specific congressional authorization.

This Menard case is now pending on appeal before the U.S. Court of Appeals for the District of Columbia.

Mr. President, State and local laws throughout the country contain provisions requiring full inquiry into the background of persons seeking firearms and other licenses or employment in sensitive occupations. But we now have a situation in which the official agencies required to develop such information are denied access to FBI records.

This termination of an essential investigative service that has been available to State and local regulatory agencies for many, many years is completely unacceptable. The FBI is the only agency able to provide centralized criminal records services.

In addition, the discontinuance of this essential FBI service is inconsistent with the Crime Control Act of 1970, which had the overwhelming support of the Congress.

Title IX of that act is designed to curb and penalize the infiltration of legitimate business by organized criminals and racketeers.

It makes no sense at all to deny State and local public access to these FBI identification services. In many instances, it is their official duty to monitor and protect sensitive industries against such infiltration, and they need the FBI's centralized records service to do the job effectively.

This amendment will provide authorization for continuation of these services during fiscal year 1972.

In the meantime, bills are pending before the Senate Judiciary Committee and a further proposal is being prepared by the Department of Justice to improve the law governing criminal records services. Hopefully, hearings can be had early in the next session with a view to enacting improvements in the present law.

However, while that process goes forward it is essential that the FBI's criminal records service continue to be made available to State and local agencies for their official use.

The amendment does not involve any increased funding. Funds for the service involved would come out of the regular appropriation for the FBI for fiscal year 1972.

I have discussed the amendment with the chairman of the full committee and I have discussed it with the ranking Republican member of the committee. I believe they have advised me they are perfectly willing to take this amendment to conference and see if it can be worked out.

I urge acceptance of this amendment.

Mr. ELLENDER. Mr. President, I have examined the amendment and consulted with a few members of the committee. The amendment does not require any funds whatsoever. We will be glad to take it to conference.

Mr. BIBLE. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question arises on the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. WEICKER obtained the floor.

Mr. BIBLE. Mr. President, will the Senator yield to me for 1 moment?

Mr. WEICKER. I yield.

Mr. BIBLE. I find myself involved in what we hope is the last day of the conference on the settlement of the Alaskan Native claims. I am due there at this time as a conferee.

If there are any questions on the chapters of this bill relating to the Departments of Interior or Transportation by any Senator present now, I will be happy to try to respond.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BIBLE. I am willing to yield, but I do not have the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. I am yielded 1 minute.

The PRESIDING OFFICER. There is no time available to the Senator.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator have 5 minutes of the time he originally had on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I have an amendment which would relate to the Interior Department section. As I understand it, the amendment will be accepted; I can place my remarks in the letter and there would be very prompt action. I appreciate that the chairman of that subcommittee has to be away from the floor at the time the amendment may be offered. I shall be happy to offer it at a more convenient time later.

Mr. BIBLE. The trouble is we are locked up on the Alaska claim bill and we might be all night. Is the Senator's amendment one with which I am familiar?

Mr. PERCY. This is the Kennedy Center amendment.

Mr. BIBLE. I have carefully considered the Kennedy Center amendment and, speaking for myself, as chairman of the Interior Appropriations Subcommittee, I am completely satisfied with it and am perfectly willing to accept the amendment.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BIBLE. I yield, with the permission of the Senator from Louisiana (Mr. ELLENDER), to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague for yielding and wish to thank him and the members of the Appropriations Committee for recommending the appropriation of $2,325,000 for construction activities of the National Park Service.

Of that amount, $2,215,000 will be available for extension and construction of permanent facilities at the Jackson Hole Airport, Grand Teton National Park, Wyo.

Legislative language suggested by the committee is intended to assure that the funds will be available for airport planning, development, or improvement at the Jackson Hole Airport, including availability to provide the sponsor's matching funds for a project or projects under the Airport and Airway Development Act of 1970, Public Law 91-258, whether the project is sponsored by the Department of the Interior or the Jackson Hole Airport Authority, or both.

Mr. President, this is the major airport serving Grand Teton and Yellowstone National Parks in Wyoming. Teton County, wherein this airport is located, is 97 percent federally owned. It is not one of Wyoming's biggest counties in terms of assessed valuation, but it does have a great number of visitors, including those who come by air, because of the beauty and grandeur of the area.

The need for more adequate airport facilities is well known. Serious doubts are inherent in the present airstrip uses. It is hard to believe that an airport used by jet aircraft and large commercial aircraft does not have a taxi strip; $465,000 will be used for the construction of hangar facilities, access strip and aircraft parking. The remaining $1,750,000 will permit extension of the runway by 1,300 to 8,000 feet. Construction of these facilities will permit the airport to accommodate the greatly increased traffic, more sophisticated aircraft and will meet the higher safety standards which we require today.

In 1972, Yellowstone National Park will celebrate its 100th anniversary. This is the year of the National Park Centennial and the United States will host the second World Conference on National Parks at Yellowstone and Grand Teton National Parks.

The attention of the world will be focused on these national parks and adequate facilities providing access to the parks by air should be available.

The action of the Committee on Appropriations is the first step in seeing that this goal is met.

Mr. BIBLE. Mr. President, I am familiar with this item. It was unanimously approved by the subcommittee and the full committee. I am happy to join in the plea made by the Senator from Wyoming. Both Senators from Wyoming have been very actively interested in this item. It is urgent and it should be in the supplemental bill. I am glad to lend my weight and my support to it.

Do we have further questions, other than on the Kennedy Center, on the Interior portions of the bill or the chapter on Transportation?

Mr. PASTORE. We do not.

Mr. BIBLE. Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President——

The PRESIDING OFFICER. The Chair had previously recognized the Senator from Connecticut (Mr. WEICKER).

Mr. WEICKER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. I would like to make inquiry as to where we now stand in these proceedings. Is the bill now open to amendment?

The PRESIDING OFFICER. The bill is open to amendment. There is a limitation of 1 hour on each amendment.

Mr. WEICKER. Mr. President, I send an amendment to the desk, which I ask to have read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 30, after line 17, insert the following:

"SMALL BUSINESS ADMINISTRATION

"BUSINESS LOAN AND INVESTMENT FUND

"For additional capital for the 'Business loan and investment fund', authorized by the Small Business Act, as amended, $100,000,000, to remain available without fiscal year limitation."

Mr. WEICKER. Mr. President, the amendment, I believe, is self-explanatory. In essence, what I am doing here is trying to bring some measure of balance into what the Senate has been doing during the past week. If $100 million sounds like a great deal of money to go to small business, I think it important to note that in the economic packages before our body, roughly $26 billion has been accorded to the economy and principally to the benefit of big business and big labor. The fact remains that out of 5,275,000 firms in our Nation, 95 percent of them are small businesses. Four out of every 10 civilian jobs in the economy are involved in small businesses. I do not exactly see how we can enjoy any measure of economic recovery unless we pay some attention to that aspect of our economy.

The United States is not just General Motors and the AFL-CIO. It is many small businesses and many persons employed in those businesses. In 1970, roughly 11,000 small businesses went under—went down the chute. This was not the prospective failure of a Lockheed or the prospective failure of a Penn-Central—11,000 went under.

In 1970, after-tax earnings of corporations with assets of less than $1 million went down 45 percent, as compared to those corporations with assets of over $1 million, whose earnings were down only 13 percent.

Mr. BIBLE. Mr. President, will the Senator yield to me?

Mr. WEICKER. I yield.

Mr. BIBLE. Mr. President, as chairman of the Senate Select Committee on Small Business, I wholeheartedly support the amendment of the Senator from Connecticut (Mr. WEICKER) to increase the appropriation for small business loans by $100 million. I commend the Senator for his initiative and welcome support from the other side of the aisle for the fight that the Senator from Alabama (Mr. SPARKMAN), the Senator from New Hampshire (Mr. MCINTYRE) and others have been waging since 1969 to bring about recognition of small business problems and adequate funding for Small Business Administration financial assistance programs.

To summarize the highlights of this struggle, I ask unanimous consent that our requests to the White House of 1969 and 1970, and the responses, be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. To illustrate the conservative tenor of this amendment, let me briefly review the amounts which both Houses of Congress have, in the past few years, approved for the section 7(a) business loan programs of the Small Business Administration:

[In millions]

Fiscal year:	
1968	$307.4
1969	261.0
1970	116.0
1971	135.0

Because we were concerned and disturbed by this downward curve of funds requested by the executive branch, I joined last year with the distinguished Senator from Alabama, the former chairman of the Senate Small Business Committee (Mr. SPARKMAN), in urging that President Nixon raise his budget request

to the neighborhood of the 1968 level. We considered this a modest and reasonable position, pointing out in detail to the President how the time-tested programs of SBA could help in resolving some of the most pressing problems of our country, for instance:

First. The transition to a more civilian-oriented economy;

Second. The balance between rural and urban areas;

Third. Assisting less advantaged Americans into the mainstream of commercial life; and

Fourth. Helping small firms adapt to higher environmental and consumer standards.

We suggested in our letter ot the White House at that time that—

> The SBA budget for fiscal year 1972 will be one of the acid tests that will divide those interested in rhetoric about small business and the economy from those seriously concerned about dealing with these problems.[1]

Accordingly, we felt it unfortunate that the amount requested in the fiscal year 1972 budget for SBA direct and participation loans combined came to only $99 million, an overall reduction of more than two-thirds over the past 4 years.

This has been unfortunate for the 5¼ million small businesses in the country and also for the Congress, which has a problem in attempting to assist the Small Business Administration and the small business community in the face of this kind of action by the White House.

Frankly, this credibility problem in the small business area was deepened when the President strongly backed guaranteed loans to Lockheed—the Nation's largest defense contractor—and Penn Central—the Nation's largest railroad corporation—totaling $375 million. This amount was more than 3½ times the total requested for 5¼ million small businessmen. I feel, and I have said in the past, that credit priorities of this kind are out of balance and difficult to justify.[2]

The Senator from Connecticut has recognized the needs which will be unmet as a result of these reductions in small business loan funds, as well as the economic waste and human disappointment which will result, particularly at a time of economic turbulence. He has had the courage to bring the matter to the attention of this body.

Because of the figures which I have summarized, this limited increase of SBA loan funds which will be paid in full and with interest cannot be considered a budget-busting amendment in any sense. If approved in full, the amount available for SBA direct and participation loans to the growing small business population would still be one-third below the level which Congress fully approved in fiscal year 1968.

I feel that the Congress and its Members interested in small business owe it to the hard-pressed, taxpaying small business owners and employees in the cities and towns across this country to stand up for their economic interests regardless of whether the executive branch may be critical, or whether the President might or might not freeze these funds after the Congress makes them available.

I hope that my colleagues will join in approving this increase which is well within and below the levels previously approved on several occasions.

EXHIBIT 1

LETTER TO PRESIDENT RICHARD M. NIXON BY SENATOR BIBLE URGING RELEASE OF $170.2 MILLION IN SBA LOAN FUNDS

JUNE 25, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: May I respectfully call your attention to several fact situations which I believe are placing the 5½ million small businessmen of this country in an economic strait-jacket as a result of skyrocketing bank interest rates and the absence of direct loan money from the Small Business Administration.

The Senate Select Committee on Small Business, of which I have the honor to be Chairman, has just concluded the preliminary phase of hearings on the legislative oversight of the Small Business Administration. Many of our members have expressed deep concern at the drastic reductions in both the budget requests for the SBA loan programs and Executive action reducing loan commitments substantially below amounts approved by the Congress.

According to our Committee's calculations, there remain, within SBA Section 7(a) financial assistance and investment company programs, loan authorizations totaling more than $170 million which will expire if not released before the end of this fiscal year. The amounts are in three categories, as follows: for the direct business loan program $59 million; for SBA's share of immediate participation loans $89.9 million; and for the SBIC lending program $21.3 million, for a total of $170.2 million.

It is my understanding that the release of such authority is for lending rather than spending, so that the budgetary "expenditure" features of these loans would be subject to an immediate offsetting repayment of principal and interest. Moreover, the amounts to be loaned are already in the SBA revolving fund so that no new "appropriations" would be required. Accordingly, expenditure controls would appear to be only a secondary consideration in this matter.

You will recall that last April the Department of Agriculture obtained release of $41 million for the Farmers Home Administration under similar conditions. I feel that small business is entitled to at least comparable treatment in government loan money availability in the face of credit needs of small business which, in the tightening money market, are becoming increasingly acute.

The prime bank rate has reached 8½% and other market instruments have followed suit, raising interest rates to their highest peaks in 100 years. Small, independent, and family businesses, which are less creditworthy than large national firms, customarily pay interest rates scaled upward from the prime.

With this background in the private sector, a cut in the public lending program of last resort in the order of 58.5% is creating a massive squeeze on our 5½ million small businessmen.

Therefore, immediate action is required if small business is not to bear a disproportionate part of the sacrifices necessary to curtail inflation. This may be done administratively, beginning with the release of the full $170.2 million in Congressionally approved loan authority for fiscal year 1969 SBA and SBIC loan programs. This should extend to all necessary technical and implementing measures, which will allow this authority to be carried over on the books until these small business loans can be approved and disbursed. I urge that you instruct the Budget Bureau before June 30 to take the administrative action which is conveniently within your control, and to recommend to Congress whatever additional action may be needed to preserve the budget authority I have described so that it will not become permanently unavailable to the SBA and the small business community.

Very respectfully,

ALAN BIBLE,
Chairman.

LETTER TO PRESIDENT NIXON BY SENATORS BIBLE AND SPARKMAN URGING RESTORATION OF SBA DIRECT LENDING FUNDS TO 1968 LEVEL

SELECT COMMITTEE ON SMALL BUSINESS,
Washington, D.C., December 29, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At this time of the year, when budgets are being prepared in the Executive Branch, we in the Congress are also well aware of the responsibility which we all share for the 95 percent of American commerce and industry which is small business and accounts for an estimated 40 to 50 percent of all jobs and 33 to 40 percent of GNP.

Accordingly, we ask that you give your most earnest consideration to increasing the Small Business Administration budget for fiscal year 1972 to levels approximating those approved by Congress for fiscal year 1968, particularly as to funds for direct participation, community development, and SBIC loans.

From the passage of the Small Business Act in 1953, it has been generally accepted that the ability of the SBA to supply direct funds in its various loan programs has been the heart of its assistance to the small business community. However, a recent emphasis on guarantee loans to the detriment of the direct loan programs has not done the job for the nation's 5½ million small businesses. The last three fiscal years have seen SBA direct loans fall from 2,456 in 1968, to 635 in 1969, to 42 in 1970. Participation loans have also fallen far below the previous averages.

Loan guarantees cannot be fully adequate to meet current circumstances, because the effectiveness of this approach depends first, upon the availability of financial resources in the private sector; second, upon many commitments to allocate these resources to what are generally considered less-preferred risks; and third, upon the payment of higher interest rates by those least able to bear them.

An indication of the extent to which guarantees are not equal to the problem is found in the failure rates for businesses in 1970, which rose 25 percent. Failures with liabilities of $1 million increased a starting 95 percent. Another indication was that small and independent firms, which are lower-rated borrowers and stand at the end of the line for credit, continued to pay record-high interest rates for loan funds, a national average of 8.6 percent in November, with peaks of 9.4 percent in the Pacific and Mountain states.

Although the crisis of liquidity appears to have abated somewhat, the continued weakness in bank term loans seems to represent continued hesitancy of financial institutions to offer longer term financing to medium- and lower-rated companies. Declining profits are cutting into internally-generated capital, and the bond market remains the preserve of the very largest corporations.

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[1] "Next Year's SBA Budget Will Be Important Test—Direct Loan Funds Should Be Restored," CONGRESSIONAL RECORD, vol. 116, pt. 33, p. 44026.

[2] "Administration Overlooks Potential of Smaller Businesses in Solving Nation's Problems," CONGRESSIONAL RECORD of July 19, 1971, p. 25808.

These extreme stresses of 1970 give us serious concern about the ability of small firms across the country to secure financing for even their "normal" needs without more affirmative help from the Federal Government. As you have pointed out, our economy must also take up the burden of transition in the years immediately ahead.

Smaller defense contractors and subcontractors, which have been vital to the nation's military build-up, must retool, and reorient for civilian markets. Many returning veterans, like their colleagues after World War II and Korea, will wish to start their own businesses. Communities surrounding installations to be closed or curtailed will experience severe dislocation if they cannot plan now to attract new industry to take up the slack.

Small Business Administration loan programs are designed precisely to assist in these situations. They have the additional advantages of encouraging balanced growth between rural and urban areas; helping smaller firms to adapt to higher environmental and consumer standards; and assisting less advantaged Americans into the mainstream of commercial life.

Today, economic forces beyond the control of smaller businessmen make the obligations of Government even stronger. If these SBA programs are permitted to operate far below levels considered appropriate a few years ago, it would seem that the basic concept of fair play for the small business community is being seriously impaired.

To the degree this happens, there will surely be a shifting of existing business and future potential growth to bigger, well-financed companies which already exert a preponderant influence on our economy. At the same time thousands of worthy small, family, local, and independent firms will be squeezed out of our economic life leaving both the economy and our society poorer in the end.

We should emphasize also that SBA assistance is not in the form of grants, but in loans which are fully repayable with interest.

It seems to us that the programs of the Small Business Administration have extraordinary and almost unique ability to deal with the pressing difficulties of transition and economic opportunity with which we all are concerned. We therefore feel that these tools should receive the full budgetary support to which an objective analysis entitles them.

We are hopeful you will give appropriate consideration to these views in your final decisions on the Small Business Administration's budget for fiscal year 1972 and see fit to restore the direct loan program to a more meaningful level and thereby meet the realistic needs of small businesses nationwide.

Cordially,

ALAN BIBLE,
Chairman, Small Business Committee.
JOHN SPARKMAN,
Chairman, Banking and Currency Committee.

REPLY TO 1970 LETTER

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 17, 1971.

Hon. ALAN BIBLE,
Chairman,
Senate Small Business Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: I would like to take this opportunity to discuss some of the issues you raised in your letter to the President concerning the budget of the Small Business Administration (SBA). Although the Administration's position on the issues you raised is reflected in the President's recent budget recommendations for SBA, I feel it may be helpful to mention briefly some of the information that went into the formulation of that position.

As you correctly point out in your letter, the number of direct loans for the regular business loan (7a) program have declined from 2,456 in 1968 to 42 in 1970. However, it is important to recognize that the dollar value of all SBA direct lending, excluding disaster and displaced business loans, actually increased from $133 million in 1968 to $140 million in 1970. It is also important to note that direct lending constitutes only a portion of the funds provided directly by SBA at a 5½ percent interest rate. In 1970 an additional $82 million in 5½ percent funds were provided through the immediate participation portion of the 7a program. The President's budget provides for $210 million in direct and immediate participation funds in 1972, with the split to be determined based upon the needs at that time. Thus, although direct and immediate participation funds have declined somewhat, the total amount of funds provided directly by SBA are substantially greater than the figure for the number of direct 7a loans would indicate.

The decline in direct lending has been more than offset by the rapid expansion of SBA's guarantee program. Guaranteed lending increased from $195 million in 1968 to $378 million in 1970. The further anticipated expansion to $855 million in 1971 and $1 billion in 1972 is ample evidence that the private sector can aud is providing increased financial assistance to the small business community. Even in periods of relatively tight money, such as 1970, SBA has been able to increase the guarantee program. Part of the sharp rise in 1971 and 1972 can be attributed to the increasing ability of banks to sell SBA guaranteed loans to various investment funds. This ability can result in SBA guaranteed loans being more attractive to banks, from a liquidity standpoint, than other investments.

While it is true that the interest rate on guaranteed loans has averaged about 2 percent above the prime rate, it is not clear from the history of the 7a program that SBA loans were intended to involve an interest subsidy for the borrower. In 1958, when the 5½ percent ceiling on 7a direct loans was established, the prime rate was only 4 percent. However, in recognition of the burden bank rates may place on some small business borrowers, the President recently reintroduced legislation which would authorize SBA to pay interest subsidies of up to 3 percent on some loans guaranteed by SBA. The Senate, with the aid of your support, approved this legislation last year and we would hope the legislation would be passed by the Congress this year.

Although financial institutions may be reluctant to offer longer term financing to medium and lower-rate firms, evidence would indicate that the guarantee program has provided loans with terms comparable to those of SBA loans. In 1969, the average maturity on both 7a direct and guaranteed loans was 7 years.

Based on these facts we hope that you will concur in our feeling that SBA's direct loan program has been budgeted at an appropriate level and that the increase in the guarantee program has more than offset the decline in direct lending over the past several years.

Sincerely,

CASPAR W. WEINBERGER,
Deputy Director.

[Remarks to the Senate in 1970]

NEXT YEAR'S SBA BUDGET WILL BE IMPORTANT TEST—DIRECT LOAN FUNDS SHOULD BE RESTORED

MR. BIBLE. Mr. President, even as this session of Congress concludes, the budget experts in the executive branch will be conferring with President Nixon about plans for fiscal year 1972.

The judgments made now and announced in January will govern the basic direction of the Small Business Administration for the next year and a half and will determine its financial ability to meet the needs of 5½ million hard-pressed American small businessmen.

To express the responsibility that we in Congress also feel in this area and as chairman of the Select Committee on Small Business, I have joined with the distinguished chairman of the Committee on Banking and Currency (Mr. SPARKMAN) in placing our views before the President. We have requested that SBA fund levels, particularly for the direct, immediate participation community development, and SBIC loan programs be restored to a meaningful level and hopefully commensurate with that approved by Congress for fiscal year 1968.

We have stressed that SBA assistance is not in the form of grants but is fully repayable to the Government together with interest. SBA loans are therefore an investment in small, new, family, local, and independent enterprise which brings disproportionate benefits to our economy and our society.

These investments are in accordance with the Small Business Act of 1953, which established these programs because of:

The declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise . . . and strengthen the overall economy of the nation.

SBA PROGRAMS DESIGNED TO MEET CURRENT PROBLEMS

The programs set forth in the 1953 act were designed especially to cope with problems which have not only persisted but are of special concern today:

The unmet credit needs of smaller firms in periods of extremely tight money;

The transition to a more civilian oriented economy;

The balance between rural and urban areas;

Assisting less advantaged Americans into the mainstream of commercial life; and

Helping small firms to adapt to new technology, and therefore to higher environmental and consumer standards.

During periods of economic stress such as this, the obligations of the Government are redoubled if fair play to the small business community is to be maintained.

We have had 17 years of experience with the programs, which has refined many of the rough spots out of them. We know they are of proven effectiveness.

It is therefore apparent that perhaps the most essential difference between just talking about these problems and doing something about them is whether funds are provided by the President's budget for the various SBA direct loan programs.

Previously, this administration has chosen to reduce these programs nearly to the vanishing point while placing emphasis on guarantees of loans made by private institutions. As we attempt to show, this approach has not done the job and is not a fully adequate substitute for direct and participation lending.

Accordingly, we would suggest that the SBA budget for fiscal year 1972 will be one of the acid tests that will divide those interested in rhetoric about small business and the economy from those seriously concerned about really dealing with these problems.

We have expressed our hope that the President will earnestly consider this appeal, and we wish all members of this body would become familiar with these questions with a view toward the general support of this position.

And, Mr. President, we shall be watching to see whether our hopes are fulfilled in the new year.

I ask unanimous consent that our letter of December 29 to the White House in this

matter be reprinted in the RECORD at this point for the information of all concerned.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Letter reprinted above.]

[Remarks to the Senate in 1969]

SMALL BUSINESS CAUGHT IN TRIPLE CREDIT SQUEEZE—ADMINISTRATION SHOULD RELEASE $170 MILLION IN SBA LOAN AUTHORITY NOW

Mr. BIBLE. Mr. President, I invite the attention of the Senate to the credit problems of small business firms, which are becoming increasingly acute.

Earlier this month, the Select Committee on Small Business, on which I serve as chairman, concluded preliminary hearings on the legislative oversight of the Small Business Administration.

Evidence developed in the course of this inquiry indicates that the executive branch has reduced the business loan program of the Small Business Administration by 58.48 percent for fiscal year 1969. In other words, for the 12 months ending on June 30 of this year, the White House has allowed SBA to loan only about two-fifths of the sums budgeted and approved by both Houses of Congress for this period. The amounts withheld are in three categories as follows:

SBA BUSINESS LOANS

[In millions of dollars]

Fiscal year 1969	Direct loan program	Immediate participation loans (SBA share)	Small business investment company program
Loan authorization approved by Congress	77	184.0	30.0
Loan authorization committed	18	94.1	8.7
Loan authority remaining on June 20, 1969	59	89.9	21.3
Total			170.2

The officials of the SBA testifying at our hearings agreed that if this remaining $170 million of loan authority is not released by the end of the fiscal year, it will lapse and therefore become permanently unavailable for any assistance to the 5½ million small business firms of this country.

In an effort to restore this loan money, I have, on behalf of the Small Business Committee, forwarded to the White House a letter urging the President and the Bureau of the Budget to take all steps necessary to assure that this loan authority is carried forward on the books for a period adequate to actually make it available to small business borrowers through the approval and disbursement of the loans attributable to this authority.

The urgent need for such action can be demonstrated by a brief review of what is happening in the private money markets.

STRINGENCY IN PRIVATE CREDIT MARKETS

As the Members of this body are aware, the prime bank interest rate has risen five times in the past 7 months, in the following sequence:

Increase in prime interest rate, December 1968 to date

	Percent
On Dec. 2, 1968, from 6.25 percent (6.0 percent for some banks), to	6.5
On Dec. 18, 1968 to	6.75
On Jan. 7, 1969, to	7.0
On Mar. 17, 1969, to	7.5
On June 10, 1969, to	8.5

The March increase to a then record high in the words of one reporter: "received the silent approbation of Government officials who had warned Americans not to expect any relief soon from the highest interest rates in history in light of today's overheated economy."[1]

There followed, 2½ months later, the most recent and unprecedented jump to 8½ percent. To realize how unusual this full point increase was, it must be remembered that of the 33 changes in the prime rate since World War II, all of the shifts from 1945 to 1955 were of one-fourth point. After 1956 there were nine changes of one-half point. The June 10, 1969, rise has been the only change as large as 1 percent ever made in the prime rate, either up or down.[2]

Of course, other money market instruments have followed suit—and continue to escalate along with bank rates of interest.[3]

In the real world of finance, it is recognized that his prime rate states the basic cost of money to national corporations with the finest credit ratings. It thus tells only part of the story.

A factor not reflected is the "compensating balance." These are funds which borrowers are informally required to maintain on deposit in noninterest paying accounts at the lender's bank. The level of compensating balances is now about 20 percent, meaning that "the best corporate customers are paying an effective rate—of interest—of 10.6 percent."[4]

Another consideration is that relatively few loan applications are granted the "prime rate." Every month the Federal Reserve System publishes a tabulation of the interest rates on various sizes of loans. The most recent table, covering February 1969 when the prime rate was 7 percent, demonstrates that it is the big borrowers who get the premium rates, while small businesses must accept interest rates scaled up to 1½ points about the prime:

BANK RATES ON SHORT TERM BUSINESS LOANS, FEBRUARY 1969

Interest rate (percent per annum)	Size of loan: $1,000 to $9,000	$10,000 to $99,000	$100,000 to $499,000	$500,000 to $1,000,000	$1,000,000 and over
	Percentage distribution of dollar amounts				
7 or less	16.3	18.9	28.4	38.1	59.2
7.01 to 7.49	13.6	13.1	24.8	33.2	24.6
7.5 to 7.99	30.8	36.1	25.1	15.8	10.7
8.0 to 8.49	26.8	19.6	13.6	8.8	3.9
8.5 and over	12.3	12.3	8.3	4.0	1.6
Total	[1] 100.0	100.0	[1] 100.0	[1] 100.0	100.0

[1] Numbers may not add due to rounding.

Source: Federal Reserve Bulletin, May 1969, table A31.

Not only are the large corporations favored with lower interest rates, but they can and, as the Wall Street Journal points out, have taken other self-protective measures:

But for large segments of the economy, especially big corporations and financial institutions other than commercial banks, the credit squeeze is less painful than in 1966 . . . major national companies have thus far managed to insulate themselves in large degree against credit restraint. They are bidding aggressively for funds in the commercial paper market, in which they offer unsecured corporate promissory notes for short-term funds at high interest rates. In addition, following the 1966 crunch, the companies rushed to establish firm loan commitments with their banks, refunded short-term debt into long and accumulated assets that could quickly be turned into cash. These preparations have paid off in recent months.[5]

The Journal believed these factors explain "the easily overlooked fact that broad Government policies of stringent credit restraint hit various kinds of borrowers unevenly" and specifically weigh most heavily upon small businesses, governmental borrowers, and the housing industry—which is also predominantly composed of small firms.

With this background in the private sector, a massive cutback of 58½ percent in the public credit program of the SBA—which is intended to be the lender of last resort—puts the small business community between the jaws of a vise, crushing it from two directions.

The full impact of these forces, we fear, is immediately ahead.

Financial statistics show that the ratio of loans to bank deposits, a commonly accepted measure of credit pressures, stood at 71 percent in May 1969, significantly higher than during the tightest period of the 1966 credit shortage. Because of a new method in calculating required reserves at the end of the month, commercial banks have postponed the effect of tax borrowings and other recent credit demands until the end of this month so that "their problem is still ahead."[6]

Reports emanating from the International Monetary Conference of the American Bankers Association were that we may see still another increase in interest rates in the near future.[7]

INVESTMENT TAX CREDIT IN JEOPARDY

However, there is a third element on the horizon, the administration's proposal to repeal the investment tax credit. The Secretary of the Treasury and other administration witnesses have refused to consider a continuation of the credit for small business firms.

On May 20, a statement was presented to the Ways and Means Committee of the House of Representatives on behalf of myself, as chairman, and the Senator from New York (Mr. JAVITS), as ranking minority member of the Small Business Committee. We urged the committee to retain the investment tax credit for small business firms and farmers up to $25,000 in investment, with a cutoff at $1 million in income, so that large firms would not gain a windfall from a measure intended as relief for small business.

We pointed out the particular advantages of the tax credit to small and dynamic companies, which have the greatest needs for growth capital, and the entire free enterprise system which would flow from continuing the credit for small firms only. We also emphasized that there would be a "substantial revenue gain" from the adoption of our proposal, probably over $3 billion. This is so because truly small firms account for a very minor share of existing investment tax credits and not as high as is being claimed by some Treasury Department spokesmen.

On June 12, the Senator from Alabama (Mr. SPARKMAN) expressed his judgment that the investment tax credit should be retained at the $150,000 level of investment for balance of payments, among other compelling reasons. I was impressed by the Senators' historical research on the subject. It reminds us that the Treasury Department, in 1961, after considering a wide variety of tax devices for bringing us abreast of foreign govern-

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Footnotes at end of article.

ments in the tax field, chose the investment tax credit, "primarily because it increases the profitability of investment far more per dollar of revenue cost than any of the other alternatives." [9]

I hope that the House, the Committee on Finance, and the Senate, will consider these contentions as the current surtax legislation moves through the Congress.

THESE THREE FORCES ARE CONVERGING ON SMALL FIRMS

In the meantime, the prospects are that a combination of the three forces I have described: that is, record interest rates and intensifying stringency in the private money markets: the cutback of 58½ percent in the public SBA lending programs; and the proposed elimination of the investment tax credit for small business, will create intolerable financial pressures on smaller and independent businesses.

Under these circumstances, small firms which would ordinarily survive will go out of business. Others that would have been successful will be less so, or will experience reverses that may take years to overcome. Others which may escape setbacks will be denied their fair share of economic expansion. The system of free enterprise itself—ease of entry, competition, and growth of firms supplying new products and services—will be impaired. Opportunities for men of imagination and enterprise will be limited.

Mr. President, as one commentator has said, "money markets are reeling under the cumulative pressure of a tight-money policy that keeps squeezing, squeezing, squeezing." [9]

In my judgment, it is primarily small business that is getting caught in this triple squeeze. It seems apparent that the small and independent firms are absorbing more than their share of the restraints on the economy. I feel that they should not in the future continue to bear a disproportionate part of the sacrifices necessary to achieve the country's domestic and international goals.

I wonder if there are any other domestic programs which have been reduced by three-fifths in a single year. I am concerned that small business, because it is not strong enough to protect itself, has been singled out for the worst treatment.

The members of our committee share this concern. Many of us have discussed these matters in detail, and several, including the Senator from Alaska (Mr. GRAVEL), have made timely and important contributions to the committee's work in this area.

WHAT CAN BE DONE

Fortunately, there are steps which can be taken that will provide some measure of relief to hard-pressed small firms. One of these is to free the SBA loan authority already provided by the Congress. Accordingly, I have urged the White House, in the letter to President Nixon to which I referred, to take immediate action in order to release the $170.2 million in SBA loan authorizations, and to take all other action which may be necessary to assure that the funds are carried over on the books of the SBA until the actual loans can be approved and disbursed. Of course, if any further congressional action is needed to reach this result, we urge the President to inform us of this, with his recommendations. The important thing is to get the job done.

Mr. President, it seems unfortunately clear that small business is headed for a credit crisis. I hope the administration will do what it can to avoid it. The action we have suggested can be taken now to mitigate some of the most undesirable consequences.

I, therefore, call upon the administration to begin its relief to the small business community by releasing the full amount of the lending authority for the section 7(a) business loan programs and small business investment company lending, together with other steps which are necessary to implement this action which are administrative and, therefore, conveniently within the control of the executive department.

We on the Small Business Committee stand ready to cooperate in these matters and will continue to do all we can in the Senate to meet this gathering emergency with affirmative and effective action.

For the information of all who are concerned, I ask unanimous consent that our letter to the President requesting release of SBA loan authority for fiscal year 1969 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Letter reprinted above]

FOOTNOTES

[1] "Interest Raised to 7½% High; Move Backed in U.S. Fight on Inflation," by Frank C. Porter, *Washington Post*, March 18, 1969, p. A1:8.

[2] "Comments on Credit," Salomon Brothers & Hutzler, June 20, 1969, p. 4.

[3] See for instance, "Bankers' Acceptances Rates Rise ⅛ Point; GMAC, Chrysler Unit Lift Fees on Paper," *Wall Street Journal*, June 23, 1969, p. 4:3.

[4] "How the Crunch Hits; Money Squeeze Falls on Various Borrowers With an Uneven Impact; States and Cities, Mortgage Seekers Suffer, but Big Concerns Don't Fare Badly," by Charles N. Stabler, *Wall Street Journal*, June 20, 1969, p. 1:6.

[5] "How the Crunch, etc.," *loc. cit.*

[6] "Comments on Credit," *loc. cit.*, p. 1.

[7] "Another 'Prime' Rate Rise May Be Needed, U.S. Bankers, Meeting in Copenhagen, Say," by Richard F. Janssen, *Wall Street Journal* June 17, 1969, p. 4:2.

[8] "The Investment Tax Credit—Its Relation to the Balance of Payments and Small Business." Remarks on the Senate floor by Senator Sparkman, June 12, 1969, pp. S6280–82.

[9] "Money Market Crisis Could Hit This Month," by Peter S. Nagan, *Washington Post*, June 8, 1969, p. G3:3.

SBA LOAN FUNDS SHOULD BE RELEASED BEFORE JUNE 30

Mr. GRAVEL. Mr. President, the legislative oversight hearings of the Select Committee on Small Business now in progress clearly indicate that the executive branch has been gradually tightening the noose around the loan programs of the Small Business Administration.

As a junior member of this distinguished committee, I strongly support its most recent efforts to obtain economic justice for smaller firms. I commend the chairman, the Senator from Nevada (Mr. BIBLE), for his decision to reconvene the hearings in mid-July so that we may continue our scrutiny over the kind of assistance available to smaller firms from the Small Business Administration, the Department of Commerce, and the Nixon administration as a whole.

At this time, as Senator Bible has pointed out, there are few reasons for optimism.

From the testimony at the committee's public hearings June 10–12, it appears that SBA's lending funds have been drastically reduced several times within the past year and a half, and that the direct business loan program of the agency is, in fact, at a complete standstill.

These cutbacks have been of two types; first, reduced requests for funds in the President's budget, and, second, action by the Budget Bureau to roll back lending authority below congressionally approved budget levels. The results have been the same in both cases—the permanent unavailability of loan funds which small businessmen need and Congress is willing to provide through SBA programs. In fact, the results of these executive actions have been cumulative.

Chairman BIBLE has asked for the details of each of these reductions—how they were made and how deeply they have cut into SBA's capacity to do its job. The complete statistics will become available next month, but we are now in a position to review the preliminary figures already on the public record.

It was startling for me to learn that, for this year and next year, the SBA business loan program will actually show a minus figure for net lending, as shown in the following table:

MAJOR CREDIT PROGRAMS—COMMERCE AND TRANSPORTATION

[In millions of dollars]

Agency and programs	Fiscal years 1967 actual	1968 actual	1969 estimate	1970 estimate
Small Business Administration	101	176	−16	−46

Source: The Budget of the U.S. Government, for fiscal years 1969 (p. 115) and 1970 (p. 111).

This means, Mr. President, that more money is being taken out of the SBA loan program than is repaid in the principle and interest. For the 1970 fiscal year just ahead, the back-up will amount to nearly $50 million, which I believe should be immediately available for relending.

The amounts committed in loans by the executive branch are far below the levels which Congress has been willing to appropriate and has actually appropriated during this period. For instance, for fiscal year 1968, Congress approved a loan authority budget level of $88.3 million for the direct loan program. Of this, the executive branch would only commit $54 million. For fiscal year 1969 the SBA should have been provided with at least the previous year's $88 million, plus the restoration of the $34.3 million withheld in 1968 together with some extra funds to grow on. In fact, however, they were only allowed to request budget authority for a far lower direct loan level for current year ending June 30, 1969. Congress approved $77 million for this fiscal year. But the agency was not even allowed to commit this much. The figure was cut all the way back to $18 million. That $18 million was the amount that finally became available for direct loans after all of the cutbacks.

SBA LENDING HAS BEEN VIRTUALLY HALTED

As a consequence SBA ran out of direct loan authority midway through the year. The agency was forced to issue a directive virtually closing down the direct and participation business loan program in the following language:

"As far as FA (financial assistance) programs are concerned the 7(a) direct and immediate participation program levels have been most affected. Our FY 1969 Congressional appropriations submission reflected $77 million for 7(a) direct loans and $184 million for the SBA share of the IP (immediate participation) loans. While the original estimate of the effect of the Congressional action for these loans was a FY 1969 level of $155 million, $41 million direct and $114 million IP (SBA share), further analysis of income and expenditures has resulted in reductions to $18 million for 7(a) direct and 94.1 million for IP.

"In view of our first half year allocations, rates of approval and expenditures, and existing backlog, it became necessary to cut off immediately further acceptance of 7(a) direct loan applications. At the same time it was deemed essential that we preserve for the balance of the fiscal year as much of our 7(a) IP program as possible.

"However, with $52.4 million already allocated for 7(a) IP loans, only $41.7 million (SBA share) will be available for the last six months of the fiscal year; less than $7 million per month nationally."

The cutbacks in the direct loan authority by the executive branch left an unused $59 million in congressionally authorized budget loan level for fiscal year 1969. This authority can be turned over to the Small Business Administration provided action is taken before June 30. As long as the authority is released by that date it will not lapse and will be available for present or future use in the direct loan and participation programs. If this loan authority is not released, it will revert to the U.S. Treasury and will no longer be available for use in any SBA lending program.

Mr. President, anyone who has been reading the newspapers these days is aware of the compelling reasons of taking such action.

SMALL BUSINESS IS NOT KEEPING PACE

Although the economy has been expanding at a rapid rate, small firms have been precluded from gaining their fair share of these advances by the shortage and expense of capital. Defense procurement has flown up and away because of Vietnam but the small business share of military purchases has declined from 21.8 percent in 1966 to 16 percent in the last half of 1968. Corporate profits have likewise soared 32.8 percent, or almost one-third between 1964 and the beginning of 1969, but 50 giant companies at the summit of our economy account for 39.8 percent of all industry profits, according to the annual Fortune 500 survey.

A comparison among some of the advances in national income, with particular attention to professional firms, farm businesses, and other proprietorships which are predominantly small business, is contained in the following table:

Advances from 1964 to the beginning of 1969

[In billions of dollars]

Proprietors' income:	Percent
Business and professional	+18.9
Farm	+24.3
Corporate profits (after taxes)	+32.8
Gross national product	+36.1
Wages and salaries	+38.1

Source: "Federal Reserve Bulletin," May 1969, Tables A66 and A67.

It thus appears to me that the income of smaller and independent businessmen and farmers in this country are lagging behind most of the other indicators. One of the leading disabilities of the small businessman in this regard has been the steep climb, since 1965, of the prime interest rate to 8½ percent. Other forms of commercial financing have risen accordingly. As dizzy as the present peaks are, there have been newspaper reports that interest rates may even go higher before they turn down. In addition to this, the Federal Reserve Board, as a prudent anti-inflationary measure, is "reducing liquidity" in our financial system, which boils down to the fact that banks will end up with less money to loan at higher prices.

As the chairman of our committee has said:

"It has been acknowledged that new and small firms are normally under capitalized. The small local, or family firm, or any company with a new product is simply not in a position to compete for credit with a huge national corporation."

This is the background in the private money market against which the massive cutbacks in the public loan program of the Small Business Administration should be viewed. I can think of no reason why small and independent businesses should be paying a disproportionate price for the Nation's involvement in Vietnam while the giant corporations net record profits, which are not even subject to an excess profit tax such as existed during all of the major armed conflicts of this century.

As I have said, the Small Business Committee will reexamine the Small Business Administration and the Department of Commerce with respect to these matters during July. We will be collecting further information upon which to base the committee's ultimate findings and recommendations.

ACTION SHOULD BE TAKEN

In the meantime, there is action which can be taken by the executive branch which can provide substantial relief. That is the release of the $170.2 million in loan authority which the executive branch has impounded for fiscal year 1969, and which will lapse if it is not released by the end of this month. There is a precedent for such a decision in the release of $41 million for Farmers Home Administration loans in April of this year. It seems to me that the small businessmen of this country are entitled to comparable treatment.

I therefore join in the call upon the Bureau of the Budget and President Nixon to release this $170.2 million SBA loan authority before June 30, including the $59 million for direct loans; the $89.9 million representing the SBA share of IP—immediate participation—loans and $21.3 million representing loan assistance to small business investment companies. In other words, I am asking for the release of the full $170.2 million for all SBA programs which the Congress approved for these programs before the end of fiscal year 1969. I understand that Chairman BIBLE has officially made this request in a recent letter to the White House, and I wish to give that recommendation my unqualified endorsement.

As the committee investigation proceeds, I shall continue to do all that I can to support a rebuilding of the SBA direct loan program as well as other SBA and Federal programs which can benefit the small business firms of Alaska and the rest of the Nation in the months and years ahead.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WEICKER. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, as ranking Republican member of the Small Business Committee, with the Senator from Nevada (Mr. BIBLE) as its chairman, I too, support the amendment and I shall vote for it. I realize our budgetary problems, but aid to small business makes revenue in a geometric ratio rather than in a direct ratio to the amount which will be provided as a means of financing and aiding small business. As this is a direct loan program, it is the most effective, immediate way to help small business in its efficiency and with necessary resources.

I believe the amendment is highly desirable and should be adopted.

Mr. WEICKER. I thank the Senator.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WEICKER. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I agree with what has just been said here with regard to help to small business. Small business is being helped, too, by the movement of the economy, with particular reference to wholesale prices.

Today's release of the wholesale price index for November shows that since the freeze began we have had 3 extremely good months on the inflation front. For the whole period of the freeze wholesale prices actually declined. The seasonally adjusted index for all commodities at wholesale rose only one-tenth of 1 percent in November, following a similar small rise in October and a decline of four-tenths of 1 percent in September. The index for industrial commodities is especially significant, because the prices there are less volatile and because the prices of raw agricultural products are not controlled. The index for industrial commodities did not rise at all in November, declined by three-tenths of 1 percent in October and declined by one-tenth of 1 percent in September. Altogether the total index fell by two-tenths of 1 percent during the 3-month freeze period and industrial commodities fell by three-tenths of 1 percent.

So wherever we can help small business, either in this supplemental appropriation bill or through the administration's efforts to curb inflation, these are all steps in the right direction.

I thank the distinguished Senator from Connecticut.

Mr. WEICKER. I thank the Senator from Pennsylvania.

I would point out to my colleagues that back in December of 1970, the distinguished Senator from Nevada (Mr. BIBLE) had a statement in the CONGRESSIONAL RECORD relative to the direct loan fund, in which he goes over the Small Business Administration direct loan program. He states:

The programs set forth in the 1953 act—

Almost 20 years ago—

were designed especially to cope with problems which have not only persisted but are of special concern today:

The unmet credit needs of smaller firms in periods of extremely tight money;

The transition to a more civilian oriented economy;

The balance between rural and urban areas;

Assisting less advantaged Americans into the mainstream of commercial life; and

Helping small firms to adapt to new technology, and therefore to higher environmental and consumer standards.

Certainly if anything is totally on target in the year 1971, it is that.

The SBA has a whole range of loan and guarantee programs, but the money available for direct loans is pitifully small, and that is why I am recommending to the Senate that we increase the SBA's direct loan program. The tight capital markets of the last 2 years have shown dramatically the impact of tight money on small business, and this kind of squeeze, over which the small businessman or prospective small businessman has no control, must end.

Along this line, over the past several years, both in the Senate and the House of Representatives, we have passed a multitude of programs relative to the environment and to health and safety standards, which though correct have an enormous impact on business. It has been tough enough on big business, but almost ruinous to small business.

The reason why I have mentioned all this to my colleagues this afternoon is that small business, in an economic sense, represents what this country is all about. Small business is not spectacular, and is not loud in its voice. Because it is the opposite of monopoly, it carries neither the weight, financially nor peoplewise, that is the case with big business and with big labor. But small business is as

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much Connecticut, as United Aircraft, or Olin, or the AFL-CIO.

As we face the problems of our Nation and the world, let us do it together, rather than at the expense of each other.

I think $26 billion is quite enough attention lavished on big business and big labor; today I request the consideration of my colleagues of the other, 50 percent of our economy. That is if we are going to get the whole Nation moving again.

Mr. President, I yield the floor.

Mr. ELLENDER. Mr. President, I hope that the Senate will not act hastily on this proposal. The Senator from Arkansas (Mr. McCLELLAN), who is not here today, handled this hearing when SBA was before us when we considered their regular 1972 request. I also heard their testimony. They did not mention the need for increased funding for this particular activity.

The effect of this amendment would be to increase the appropriation for the Business Loan and Development Fund from $275 to $375 million. It would increase the amount for direct and immediate loans the sum of $99 million which we have for 1972 from participation loans $99 to $199 million.

I do not know of any time that the Small Business Administration has failed to obtain the money that was necessary, and there was a case made. The Small Business Administration did not come before us in connection with this supplemental and ask for an increased appropriation for this fund. They apparently were satisfied with the $275 million that we appropriated for fiscal year 1972. I do hope that the Senate will refrain from increasing this amount.

It strikes me that if a necessity does develop later on, then on the next supplemental, we could add such amounts as may be necessary. But, Mr. President, as I have said, as long as the Small Business Administration seems to be thoroughly satisfied, this amendment should be defeated.

Several Senators addressed the Chair.

Mr. ELLENDER. I yield to the Senator from North Dakota such time as he may require.

Mr. YOUNG. Mr. President, I am entirely in sympathy with the objectives of my friend from Connecticut. It is very necessary to help small businesses in every way we can; but there has been no budget estimate for this item, and no hearing on it before the committee. I believe it would be poor fiscal policy to add $100 million on the Senate floor, without holding a hearing or having a budget estimate.

While I applaud the Senator for his objectives, I hope he will not insist on his amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, will the Senator from Connecticut yield me a few minutes?

Mr. WEICKER. I yield a few minutes to the Senator from Alabama.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. WEICKER. I yield 5 minutes to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I rise in support of this amendment, and I point out that this proposal is restricted to money for direct loans.

When the Small Business Administration was originally set up, it was set up for the purpose of making direct loans to small businesses that could not get the funds from other services on reasonable terms. Gradually, over the years, the Small Business Administration has gotten away from direct loans, and now accepts, nearly exclusively, bank-participating and bank-guaranteed loans.

However, there are many areas in this country where there are no banks which will participate, or which will guarantee these loans. The biggest single need in the Small Business Administration is for money for direct loans. That does not mean that they have got to pass favorably on every application for a direct loan, but in those cases where the bank guarantee and the bank participation is not available—and there are many areas in this country where that is true—then those small businesses ought to be able, if they can otherwise justify their purpose, to get a direct loan.

That is what the Senator's amendment, as I understand it, seeks to do—to put additional funds in the bill to make money available for direct loans.

I was talking with one of the Regional Administrators of the Small Business Administration just a few days ago, and I asked him, "How much money do you have in your area for direct loans?"

He said, "I have practically none at all."

And that is true all over the United States. Because of this lack of funds, the Small Business Administration is not performing the job it was supposed to perform when it was originally set up.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. SPARKMAN. Let me just say this: I am in favor of the bank participation loans and I am in favor of the bank guarantee loans, in those areas where they can be had. But, I happen to know that there are many areas in this country where such loans are not available, and small businesses there ought not to be denied the right to credit if they merit it.

Mr. President, since 1968 the amounts available for the section 7(a) direct loan programs of the Small Business Administration have been contracting almost every year, as shown in the following table, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AMOUNTS AUTHORIZED BY CONGRESS FOR SBA DIRECT LENDING

[In millions]

Fiscal year	Direct	Immediate participation	Total
1968	$88.3	$219.1	[1] $307.4
1969	77.0	184.0	261.0
1970	18.0	98.0	116.0
1971	35.0	100.0	135.0
1972	----	----	[2] 99.0

[1] $170,000,000 frozen by the executive branch lapsed and became unavailable on June 30, 1969.
[2] Budget request.

Mr. SPARKMAN. Thus, in fiscal year 1968, Congress approved $307.4 million in funds for these loans, which are repayable to the Treasury in full with interest, more than three times the request made by the White House for the next fiscal year. This decline is in the face of repeated efforts during 1969 and 1970 by many of us in the Senate to stem this ebbing tide, which the Senator from Nevada (Mr. BIBLE) has reviewed in detail.

Because of these cutbacks, the direct loan program of SBA practically came to a standstill: 42 such loans were made throughout the country during all of fiscal year 1971, or less than one direct loan per State. SBA has attempted, in 1971, to breathe some life into this vital program but it cannot do so without cooperation from the President and the White House budget staff.

Accordingly, I joined with the Senator from Nevada (Mr. BIBLE), who is chairman of the Select Committee on Small Business, in again writing to the White House last year to urge respectfully that the level of funds for direct and participation loans be restored approximately to the figure approved in 1968.

We felt this was quite a conservative request, in view of the growth of the small business population and the onset of inflation in nearly every cost of doing business during the intervening time.

When the Federal Government stands still in its programs of assistance to small and new businesses, it is the little man in the cities and towns across the State of Alabama and across the country who suffers. Dun & Bradstreet figures show that 1970 business failures were up 17 percent to a 3-year peak of 10,748 firms. The owners and workers of many of these bankrupt firms had gone to swell the total of the unemployed. When 6 percent of a labor force of 80 million is unable to find work, as has been the case during most of this past year, that means over 4½ million persons are adversely affected, as well as their families and other dependents.

I for one feel that the SBA should be doing more than minimize the financial and human difficulties that we are seeing. We know very well from the past that SBA can do more to take up the slack in the economy—if it is given the tools and the funds it needs.

This amendment would add $100 million to direct loan funds, which would still not bring the total back up to the level of 1968, 4 years ago. However, it is a modest step in the desirable direction of helping SBA and 5¼ million American small businesses, and I strongly urge its adoption.

I yield to the Senator from North Dakota.

Mr. YOUNG. Would the Senator really advocate adding $100 million on the floor of the Senate, without anyone having appeared before the committee?

Mr. SPARKMAN. May we have order, Mr. President? I cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. YOUNG. I asked the Senator from Alabama if he really wants us to add $100 million on the floor of the Senate, with no one appearing before the Appropriations Committee for it. No estimate whatsoever. Does he think that is good fiscal policy? If there was a certain need—and I am sure there must be some need—someone should have appeared before the committee. What would be the need for maintaining an Appropriations Committee if the Senate itself makes a practice of bypassing its Appropriations Committee?

Mr. SPARKMAN. The Senator knows that, usually, we rely upon the agency that has the responsibility for doing it. But I say to the Senator that for the last several years this agency has been getting further and further away from the direct loans, until today there are practically no direct loans available for the small business out in the areas where banks are not available. I do not mean where banks are willing to participate or are willing to join in guaranteed loans. But where bank financing is not available, the situation is critical for smaller firms.

Mr. YOUNG. Is not the same true of practically every agency of Government—they are going more to guaranteed loans than to direct loans? This started 4 or 5 years ago.

Mr. SPARKMAN. Yes, that may be true; but there is a great deal of difference between most of those and small businesses. Remember, the direct loans are only for the purpose of helping small businesses which cannot find credit anywhere else on reasonable terms. The direct loan is only for that purpose; and this amendment would allow a reasonable amount of capital to go into that program.

Mr. WEICKER. I thank the Senator from Alabama.

It is important to point out, in connection with the comments he made, that some $3 billion is available for loan guarantees while only $37.5 million is available for direct loans. In the State of Connecticut, we have for general purpose direct loans by the Small Business Administration, $500,000. That is a ridiculous figure. The assistance that has gone to big business and big labor in my State goes far beyond that.

I do not dispute the many other aspects of the Small Business Administration loan program, but here we are talking about the general purpose direct loan program.

Let us be candid with each other. The Senator from Alabama is correct. This program has been cut back year after year, so that the small businessman or prospective businessman who finds it hard to get money under normal circumstances—never mind a tight economy—finds it virtually impossible to do with existent funding.

In the debate on the big economic package, we heard how important it was to give economic assistance to General Motors, Ford, and Chrysler. That is fine. But if we have governmental policy in this country that makes free enterprise sense, it should be to encourage businesses that some day might be another Ford, GM or Chrysler. That is one of the purposes of the small business program. Yet that fact is forgotten and so is the money.

I do not dispute the contention advanced by the distinguished Senator from North Dakota with respect to the need for order in fiscal procedures. On the other hand, there are too few opportunities when we can express ourselves on a matter of such vital concern to the economic game plan of this Nation.

I hope my colleagues would understand the plain fact of life that funds are not available today in this country to small businesses or those who want to start small businesses. Unless we put some financial muscle into it the purposes of the Small Business Administration will be impossible of fruition.

Listen to the reasons that were advanced in 1953 and see whether they apply to today:

The unmet credit needs of smaller firms in periods of extremely tight money;

The transition to a more civilian oriented economy;

The balance between rural and urban areas;

Assisting less advantaged Americans into the mainstream of commercial life; and

Helping small firms to adapt to new technology, and therefore to higher environmental and consumer standards.

Certainly, if anything applied to the situation we confront today, it is those standards; yet, there is no money to achieve our stated ideals.

Mr. President, I yield the floor.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, as recently as August 10 of this year, we passed a regular appropriation bill containing $275 million for all types of small business loans. Does anybody know how much money is left from the $275 million? They certainly have not spent all that since August 10. This is another reason why we in the Appropriations Committee do not want to consider an item this large on the floor, without a hearing, not knowing how much money is still available.

Mr. WEICKER. The figure the Senator has mentioned is applicable to programs other than the direct loan program.

Mr. YOUNG. Does the Senator know how much remains from the $275 million we appropriated on August 10 1971? The money could not have been available to them until at least a month later. They have had only about 2½ months to obligate $275 million.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I yield myself 3 minutes.

I do hope that the Senate will stand behind the committee. It must be recalled that this is a supplemental bill. In the original bill, we provided a huge sum for the very purpose that the distinguished Senator from Connecticut is talking about. He wants to add $100 million to the amount we appropriated in the regular bill over and above the budget. In addition this $100 million contained in the Senator's amendment is over the budget.

I wish to point out to Senators that with the amounts already added for various programs in this bill, the supplemental budget requests are exceeded by $615 million. The distinguished Senator from Connecticut wants to add another $100 million to that. My fear is that somebody will be dissatisfied at 1600 Pennsylvania Avenue; and when we add more and more to this supplemental, not only may we be faced with a veto, but also, if we add this $100 million, it will be impounded by the Budget Director.

As the distinguished Senator from North Dakota pointed out, we have had no evidence in the regular or supplemental hearings as to whether or not more was needed. We gave the amount that was asked for by the Small Business Administration for fiscal 1972.

I do hope that the Senate will reject this amendment.

INCREASING SMALL BUSINESS LOAN FUNDS WOULD MAKE A LARGE DIFFERENCE IN NEW HAMPSHIRE

Mr. McINTYRE. Mr. President, as chairman of the legislative Small Business Subcommittee, I have become increasingly concerned as the supply of dollars available for direct and participation lending by the Small Business Administration has declined sharply over the past 4 years.

As the Senator from Alabama (Mr. SPARKMAN) has pointed out, Congress approved $307.4 million for the section 7(a) lending program in fiscal year 1968; and the administration has requested only $99 million for fiscal year 1972, a cut of more than two-thirds. This is despite repeated attempts by Members of the Senate to get the White House to act favorably on SBA's business loan program request.

New Hampshire is definitely a small-business State, with 99 percent of the firms having less than 100 employees. It is somewhat remote from the larger centers of capital, which is needed to start businesses and fuel their expansion. Therefore, SBA's lending programs take on added importance.

The Senator from Connecticut (Mr. WEICKER) knows this, and is therefore proposing to increase the appropriation for SBA's direct lending from $99 million to $199 million for fiscal year 1972. This figure would still be below the amount approved by both Houses of Congress in 1968, 4 years ago. Furthermore, the loans which would be made from these funds are fully repayable to the Treasury with interest.

Therefore, this amendment could make very little difference to the Federal budget; but it will mean a very great difference to the small independent businesses in my State of New Hampshire, as well as their employees, shareholders, and the small community which they do so much to support.

This amendment is a modest step which will give substantial assistance and hope to the Nation's 5½ million

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small businessmen, and I firmly support its adoption.

Before concluding my remarks, however, I must express my reservations on the administration's past and present policies on direct loan and participation funds. They have reduced budgeted amounts dramatically over the past 3 years. And when the Congress has authorized and appropriated more funds, they have been held up, and are still held up, in the Office of Management and Budget.

There is no doubt in my mind that these funds are needed. And there is no doubt that they can be used even if additional funds, now held by OMB, are released. The question is whether the administration will see the light and allow SBA to do its job and use the funds provided by Congress.

Again, our economy is now sluggish. We just finished with a multibillion-dollar tax cut to spur business investment. This will help big business. The small businessman, however, has been left out in the cold. And this is a chance to help this sadly neglected sector of the economy.

I must therefore indicate that I do support the amendment. But I do want to make it clear that the administration must act to allow these funds to be used. It is my hope that the passage of this additional appropriation will serve notice that the small business investment needs of the Nation have been too long ignored.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, this will be my last statement on the matter, and I am prepared to yield back the remainder of my time.

We have spent 2 weeks in the Senate trying to devise legislation to get the economy moving again. During the course of that 2 weeks, we have given roughly $26 billion to big business and to big labor. The small amount which is now being requested is for that segment of our economy which is fully 50 percent of the economy—small business. This is not giving money away or throwing money away. We are talking about a direct loan program. The object of the amendment is to create the circumstances upon which we can have total economic recovery, and upon which we can once again reestablish the principle that small business in the United States deserves every bit of the attention, whether it be in words or money, that has been lavished on big business.

Mr. President, I am prepared to yield back the remainder of my time if the Senator from Louisiana is.

The PRESIDING OFFICER. Does the Senator from Louisiana yield back the remainder of his time?

Mr. ELLENDER. Yes; but I wish, first, to repeat that this is a supplemental bill and we have provided for the Small Business Administration in the original bill which became law on August 10, 1971. I do hope, therefore, that the amendment will be rejected.

Mr. WEICKER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Connecticut (Mr. WEICKER).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 40, nays 43, as follows:

[No. 434 Leg.]

YEAS—40

Allen	Hart	Pearson
Anderson	Hatfield	Pell
Bayh	Hollings	Randolph
Beall	Humphrey	Ribicoff
Bible	Jackson	Roth
Buckley	Javits	Schweiker
Byrd, W. Va.	Long	Sparkman
Cook	Magnuson	Stafford
Cranston	Mathias	Stevens
Dominick	McIntyre	Stevenson
Eastland	Mondale	Thurmond
Fulbright	Muskie	Weicker
Gravel	Packwood	
Hansen	Pastore	

NAYS—43

Aiken	Goldwater	Moss
Allott	Griffin	Nelson
Bellmon	Gurney	Percy
Bentsen	Harris	Proxmire
Burdick	Hruska	Scott
Byrd, Va.	Hughes	Smith
Case	Inouye	Spong
Chiles	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Symington
Curtis	Kennedy	Talmadge
Eagleton	Mansfield	Tunney
Ellender	McGee	Williams
Ervin	Metcalf	Young
Fannin	Miller	
Fong	Montoya	

NOT VOTING—17

Baker	Church	McGovern
Bennett	Cotton	Mundt
Boggs	Dole	Saxbe
Brock	Gambrell	Taft
Brooke	Hartke	Tower
Cannon	McClellan	

So Mr. WEICKER's amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. YOUNG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2248.

The PRESIDING OFFICER (Mr. BEALL) laid before the Senate the amendment of the House of Representatives to the bill (S. 2248) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments which was to strike out all after the enacting clause, and insert:

That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following potential water resources development projects:

(a) North Side Pumping Division Extension, Minidoka project, Jerome and Minidoka Counties, Idaho.

(b) Dickinson Unit, Pick-Sloan Missouri River Basin program, North Dakota.

(c) Upper John Day project, on the John Day River in Grant and Wheeler Counties, Oregon.

(d) A plan to rehabilitate the distribution system of the Red Bluff project, Texas.

(e) Rogue River Basin project, Grants Pass Division, Josephine and Jackson Counties, Oregon.

(f) Central Valley project, Delta Division, Montezuma Hills unit in southern Solano County, California.

(g) Gallup project in McKinley, Valencia, and San Juan Counties in New Mexico.

(h) Modification of the Seminoe Dam, Kendrick project, Wyoming.

(i) Butte Valley division, Klamath project in the Klamath River Basin, Klamath County, Oregon, and Siskiyou County, California.

(j) Billings Municipal Water Supply Unit, Yellowstone Division, Pick-Sloan Missouri River Basin program, Montana.

And amend the title so as to read: "An Act to authorize the Secretary of the Interior to engage in certain feasibility investigations."

Mr. JACKSON. Mr. President, this is the annual feasibility authorization bill that we have in connection with the reclamation projects. The House added four projects for which I have obtained the comments of the Secretary of the Interior.

Mr. President, I ask unanimous consent that my letter to the Secretary of the Interior and an explanation of the projects be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., November 10, 1971.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior, Department of the Interior, Washington, D.C.

MY DEAR MR. SECRETARY: On November 1, 1971, the House of Representatives amended S. 2248, a bill to authorize certain feasibility investigations of reclamation projects, by adding the following studies:

Upper John Day project, Oregon
Red Bluff project, Texas
Butte Valley Division, Klamath project, Oregon
Billings Municipal Water Supply, Pick-Sloan MRB program, Montana.

To assist the Committee in its consideration of this amendment, I would appreciate it if you would provide me with a description of each of the above projects and a statement of the reconnaissance studies which are available.

I would appreciate having this information as soon as possible to expedite further legislative action on the bill.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

UPPER JOHN DAY PROJECT, OREGON

Location: John Day River Valley above the confluence of the John Day River with Rock Creek, north-central Oregon, in Grant County.

Project Data: Reconnaissance February 1970.

Total construction cost	$10,007,000
Adjustments	
Total to be allocated	10,007,000
Allocations:	
Irrigation (6,580 acres)	1,363,000
Flood control	972,000
Fish and wildlife	$6,504,000
Recreation	759,000
Highway improvement	409,000
Total	10,007,000

Benefit-cost ratio, 1.04 to 1.

Description: The water resource functions included in the plan of development for the Upper John Day Project are irrigation, fish and wildlife enhancement, flood control, and recreation. The proposed plan also provides for highway improvement.

Project features include Hall Hill Dam and its 40,000-acre-foot capacity reservoir located on the John Day River just downstream from Prairie City. Reservoir releases would provide supplemental irrigation water to 6,580 acres lying between the dam and Picture Gorge. The reservoir operation plan includes storage space during winter and spring months to control floods at the site and reduce downstream flood damages. Improved streamflows resulting from reservoir releases would enhance the stream fishery resource. Anadromous fishery losses in the river above the dam would be mitigated by a hatchery near the dam. Campsites, a boat launch ramp, and other recreational facilities would be provided around the reservoir.

Status: Reconnaissance investigation and Upper John Day Project report completed February 1970.

In 1916 the U.S. Reclamation Service and the State of Oregon prepared to cooperative report on the John Day basin. This report dealt primarily with the irrigable lands along the Columbia River between the towns of Arlington and Hermiston, although damsites along the upper John Day River were also investigated. In 1945 the Bureau of Reclamation made a study of the John Day River which provided information for the 1950 Comprehensive Columbia Basin Report. The Hall Hill reservoir site, as studied at that time, would have had a capacity of 37,000 acre-feet of water for 14,200 irrigable acres in the Prairie City area. Other comprehensive basin-wide reports were prepared in 1948 by the Army Corps of Engineers, in 1961 by the U.S. Department of Agriculture, and in 1962 by the Oregon State Water Resources Board. The area was also covered by the State in an irrigability survey in the mid-1960's as a part of the Oregon Ultimate Needs Study.

Both the Corps of Engineers and the U.S. Forest Service are also studying the hydrology of the Upper John Day specifically as it applies to their areas of interest and administration. The Corps has made multipurpose studies in the area, emphasizing flood control measures, while the Forest Service is currently preparing a reconnaissance hydrologic survey of ways in which watersheds can be treated to increase their water yield.

Justification: Most of the arable land adjacent to the upper John Day River is irrigated, but much of it now receives an inadequate supply. There are summer irrigation shortages which could be reduced significantly with a storage project to store water for release during the dry season. A storage dam on the John Day River would also reduce the flood risk along the fertile bottom lands.

Since the primary source of income in the area is agriculture, the local people realize that one direct route to expansion of their economy is the improvement of agricultural output through irrigation and flood control. Most of the Hall Hill reservoir site is in privately owned hay and meadow grazing land. Loss of income from agricultural production on these lands would be offset by improved agricultural production throughout the project, reduced flood damages, and a general strengthening of the local economy.

Lakes are sparse in the upper John Day basin and a reservoir would attract considerable local use. Reservoir recreation potential also offers an opportunity to broaden the economic base by attracting recreationists to the area.

Storage releases from the reservoir would supplement dry season natural flows to contribute to an increase in runs of salmon and steelhead on the John Day River.

Local Interest: Strong interest has been shown by local ranchers and such groups as the Grant County Chamber of Commerce, Grant County Planning Commission, Grant County Junior Chamber of Commerce, and Grant County Water Resources Committee. There is local agreement that development of all water resource functions must be carefully studied in order to insure the area's economic growth.

RED BLUFF PROJECT

Rehabilitation of the Distribution System.

Location: On the Pecos River between Red Bluff Dam and Girvin, Texas, in Loving, Ward, Crane, and Pecos Counties, Texas.

Project data: (1963 prices), total cost, $12,400,000.

Benefit-cost ratio, 0.77:1.00 direct, 2.65:1.00 total.

Description: Since the late 19th century, the Red Bluff Project area has been under continuous irrigation farming by seven irrigation districts. In 1936 these districts joined in the Red Bluff Water Power Control District to build Red Bluff Dam and Powerplant under a Public Works Administration loan and grant. Harsh climatic, land, and water supply factors have alwaya made economic survival a trying task. High water salinity and low surface water supplies in recent years have caused many acres in the project area to become idle. Approximately 90 percent of the 200,000 irrigated acres within the Pecos River Basin between Red Bluff Dam and Girvin, Texas, now use ground-water supplies with a consequent lowering of the ground-water levels to the extent that this source of water supply is becoming uneconomical.

The proposed investigation will study the rehabilitation, reconstruction, and replacement of existing works of the Red Bluff Water Power Control District and the acquisition of lands necessary to carry out the plan for rehabilitation of the project distribution system.

Status: The Red Bluff Water Power Control District elected to try and obtain authorization of the development of a rehabilitation program without a feasibility study per se. Therefore, in May 1965, the Bureau completed an engineering report on the project. Economic aspects of the proposal were studied by the district and reviewed by the Bureau.

Legislation to authorize the rehabilitation of the project was introduced in both the 90th and 91st Congress. In a memorandum dated September 29, 1969, to the Legislative Counsel, Associate Solicitor Morthland agreed with Bureau of the Budget comments made earlier and questioned the advisability of the Department supporting authorization of the project prior to carrying out of a feasibility study.

In our May 1965 engineering report on the potential rehabilitation program, the cost was estimated to be $12,400,000 based on October 1963 price levels. Based on a 100-year period of analysis at 3⅛ percent interest, the benefit-cost ratio was computed to be 0.77 to 1 for direct benefits and 2.85 to 1 for total benefits. Since that time, construction costs have escalated 35 to 40 percent and the current interest rate for plan formulation and evaluation has increased to 5⅛ percent. Under current cost and present procedures for benefit evaluation, the proposal would not be economically justified.

Justification: The Red Bluff diversion distribution system must be rehabilitated to alter adverse economic trends in the project area. Without such improvement, the deteriorating situation will compound an already faltering agricultural economy. Depletion of oil and natural gas reserves in the near future will increase the economic burden on the agricultural sector. Without rehabilitation, only 12,000 acres of the approximately 42,000 potentially irrigable acres will continue to produce efficiently.

Local interest: The early studies covered an area of some 35,000 acres within seven districts which comprise the Red Bluff Water Power Control District. The Pecos River Commission and the Texas Water Development Board were kept fully informed of the investigation.

KLAMATH PROJECT, BUTTE DIVISION, CALIFORNIA-OREGON

Location: Siskiyou County in north-central California and Klamath County, Oregon.

Project data: Feasibility report, June 1960.

Total Estimated Cost	[1] $21,957,000
Adjustments	
Total to be Allocated	[1] 21,957,000
Allocations:	
Irrigation	21,957,000
Full, 31,900 acres.	
Supplemental, 12,000 acres.	
Total	21,957,000

[1] January 1971 prices.

Benefit-cost ratio, 1.40:1.00 direct, 1.80:1.00 total.

Description: Klamath River flows would be lifted through a series of pumps to a reshaped twin-cell Meiss Lake during the winter and irrigation season. From Meiss Lake, canals and pumps would convey and lift water to areas of use during the period of peak irrigation demand. Return irrigation flows would, depending on quality, be mixed or stored in the smaller Meiss Lake cell for disposal after the irrigation season.

Status: In June 1960, the Bureau completed an unsigned feasibility report which outlined a feasible project plan. However, due to lack of local support at that time, the report was not processed further.

Justification: In 1960, only about one-fourth of the productive land in Butte Valley was irrigated. Subsequently, there has been an increase in new wells to irrigate previously dry-farmed lands. Recently, local water users have complained of lowering ground-water tables early in the irrigation season with a loss of pumping capacity. A firm and dependable water supply would permit farm operators to increase their productive acreage, increase yields, and obtain increased income.

Local interest: The Butte Valley Irrigation District, the Butte Valley Soil Conservation District and the local congressman have shown interest in updating previous studies for their area.

PICK-SLOAN MISSOURI BASIN PROGRAM, YELLOWSTONE DIVISION, BILLINGS WATER SUPPLY UNIT, MONTANA

Location: South-central Montana in Yellowstone County at the city of Billings.

Project data: Reconnaissance studies of September 1971.

Total estimated cost	$25,400,000
Adjustments	
Total	25,400,000

Benefit-cost ratio, not determined.

Description: The purpose of this investigation is to develop detailed plans for furnishing municipal and industrial water supply to meet current water needs for the city of Billings (70,000 population in water-service area), and provide an assured supply for a future population of 300,000 people.

Under one plan being considered, the present pumping system from the Yellowstone River near the city would be replaced by a gravity supply system from the Yellowstone River. Water would be diverted from the river about 40 miles upstream and conveyed to the west end of the city by gravity. A storage reservoir would be required above the canal near the city to store water for peak summer demands and for winter demands when the canal would not operate.

Alternative plans of development would also be studied.

Status: A prereconnaissance evaluation of a gravity plan was made in 1971 and findings submitted to the city for consideration.

Justification: The Billings water supply system is inadequate to furnish water requirements for the present population and uses during summer months, requiring water rationing. Storage is inadequate to meet peak demands. Much of the system has been in use for many years and is subject to breakdown during overloaded operations. The city has also extended its water service area to the west and east, as it has grown, and the distribution system is inadequate in size. Winter icing problems at the pumping plant and pollution are problems. A gravity pumping system which would take better quality water from an upstream point on Yellowstone River, with storage in a large reservoir, has been proposed for many years.

There is also a need for an increase in water-associated recreation near the city which could be met by a storage reservoir.

Local interest: The city of Billings has urged the Montana Congressional delegation to seek authority for the Bureau of Reclamation to engage in a feasibility investigation of plans to provide a new water supply for the city.

Mr. JACKSON. Mr. President, I have cleared the matter with the ranking minority member, and there is no objection.

Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SUPPLEMENTAL APPROPRIATIONS, 1972

The Senate continued the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

Mr. JAVITS. Mr. President, I strongly support the supplemental appropriations for health manpower provided for in H.R. 11955. The appropriations dollars provided for in this bill by the Senate will go a long way toward implementing the comprehensive authorizing legislation for health manpower which we passed on July 14, 1971, and was enacted into law as Public Law 92-157 and Public Law 92-158.

The authorizing legislation was a bold new approach to dramatically increase our desperately needed physicians, dentists, nurses, and health professionals. At the same time, the legislation was designed to permit our schools to develop new programs responsive to national need in every area, from developing more physicians and dental assistance and nurse practitioners; to emphasis on family medicine; to increased professional training in the diagnosis, treatment, and rehabilitation of alcoholism and drug abuse; to greater development of computer technology, which I believe portends the greatest potential for overcoming many of our health care problems.

The appropriations levels provided for by this bill will, for the first time, allow us to overcome the severe shortage and maldistribution of health manpower and allow us to bring more physicians and other health professionals into our rural and inner-city areas.

Mr. President, if our goals are to be realized, we must put our appropriations where our authorization promises are, rhetoric must become reality and this, the Senate Appropriations Committee has sought to accomplish.

The increases Senator MAGNUSON and Senator COTTON's subcommittee have recommended in their budget not only reflect their deep concern with America's health care, but their understanding of how the authorizing legislation seeks to meet the basic need for more and the right kinds of health manpower.

As the ranking Republican member of the Senate Labor and Public Welfare Committee which had responsibility for the development of the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971, I am grateful to Senator MAGNUSON and Senator COTTON for seeing Senate action through to a reasonable conclusion by their recommendation of funding levels. I strongly recommend passage of this bill.

However, I am deeply concerned about the fate of this measure when it is in conference with the House. The House Appropriations Committee has held no hearings on the manpower and nursing supplemental requests and their bill has no dollar recommendations in this area. I am concerned that without a basis for independent judgment they may insist on accepting the administration's proposed budget which I regret did not adequately respond to health manpower needs; the basic underpinning for any reform of our health care system, with which we also are deeply concerned.

I urge my colleagues in the Senate to give their fullest support to Senators MAGNUSON and COTTON and arm them with our endorsement of their appropriations recommendations when they go to conference. I am confident Senators MAGNUSON and COTTON and the other Senate conferees will do everything in their power to represent the Senate's interest in conference with the House, they should be assured of our complete support to assure that the appropriations conference report funding levels are sufficient to carry out the purposes of this authorizing legislation.

For myself, I am prepared to oppose the acceptance of any conference report that fails adequately to fund these dramatic new health manpower authorizing laws.

Mr. KENNEDY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 12, after line 3, insert the following:

SOCIAL AND REHABILITATION SERVICE

SPECIAL PROGRAMS FOR THE AGING

For an additional amount to carry out, except as otherwise provided, the Older Americans Act of 1965, $45,750,000.

RESEARCH AND TRAINING

For an additional amount to carry out, except as otherwise provided, titles IV and V of the Older Americans Act of 1965, $9,500,000.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, for the benefit of Members of the Senate, there is a 1-hour time limitation. I do not think we will take much more, hopefully, than 15 minutes or so.

Mr. President, I call up my amendment to increase the funding for aging programs under the Older Americans Act to the $100 million level.

At the outset, let me say that I believe that I am doing so with the approval and concurrence of the President of the United States.

I say this because yesterday in a speech to the final session of the White House Conference on Aging, the President recommended bringing the current $44.75 million appropriation up to the $100 million level. My amendment would provide for an additional $55.25 million for the Older Americans Act, raising the level of funding for this year to $100 million.

Clearly this action today would carry out at the earliest possible date the recommendations of the President on this matter and would demonstrate to the White House Conference that the Congress is not willing to allow the needs of the elderly to be forgotten.

The amendment would bring the level of appropriations close to the $105 million ceiling authorized by the Congress in the 1969 Amendments to the Older Americans Act.

Now because I fully share the President's concern for the elderly and have each year supported increases in the administration budget requests in this area, I am introducing this amendment to do exactly as the President has suggested.

I would hope and I would expect that the President would indicate that the full weight of the administration is in support of this increase.

At this point, let me provide my colleagues with some history on this subject:

I recall in 1969, at a time when I was privileged to serve as chairman of the Senate Subcommittee on Aging, the subcommittee reported amendments to the 1965 Older Americans Act with a 3-year authorization. That measure then was passed by the full committee, approved by the Senate and the House and enacted into law on September 17, 1969.

Now, I am extremely pleased that slightly over 2 years after signing this measure into law, the President has announced his belief that the authorization levels are justifiable and should be funded.

In this regard, let me cite the previous years' requests submitted by the President. This assuredly provides us some evidence of the priority he has assigned to the Older Americans Act in the past.

In his budget message for fiscal year 1970, the President submitted requests which were $1 million less than the Johnson administration request. The $28.3 million request represented less than 46 percent of the level of authorization.

In fiscal year 1971, the President submitted his budget request for the AOA and the request was for $31 million, only 37 percent of the authorized level for fiscal year 1971.

And this year, the President submitted his budget request and it turned out to be for $29.5 million, 28 percent of the authorized level and $2.5 million less than the Congress appropriated the year before.

After a series of hearings by the Senate Subcommittee on Aging and the Senate Special Committee on Aging, the Secretary of Health, Education, and Welfare announced that he would ask that the budget request be amended to include an additional $10 million.

Subsequently, a Senate amendment added approximately $5 million additional moneys which brought the level of appropriations to $44.75 million, compared to an authorized level of $105 million.

I believe that these appropriations levels are essential and I suggest that the evidence that was contained in the hearings before my subcommittee some 2½ years ago demonstrated that need.

In addition, the overwhelming need that has been documented through the evaluation hearings conducted this year and the evidence submitted at the White House Conference on Aging show that this administration has consistently underfunded elderly programs.

Therefore, I applaud and support the President today in his decision to provide meaningful levels of funds for the Older Americans Act.

The President's decision to accept categorical programs for the aging represents a significant revision of his previous position. Hopefully, the speech yesterday will be turned into action today by support for this amendment and also by an end to the administration opposition to the nutrition for the elderly program which was passed by the Senate 88 to 0 on Tuesday. That opposition prevented the bill from being considered in the House Wednesday, but I am sure that if the administration follows the President's edict and supports this measure that it can be passed before the session is over.

Also, by approving this amendment today we can be sure that there will be a smooth transition to a full nationwide program since this will permit State offices on aging to carry out planning and coordination activities for that purpose.

Also, it will enable the communities now operating title III pilot projects to perhaps expand some of their activities, adding additional outreach and transportation aspects.

I might also note that the President's strong endorsement of the title III type community service programs is particularly encouraging. That is one of the areas that by amendment seeks to bring to full finding.

I only wish that the President now would drop his opposition to S. 555, the Older Americans Community Service Act, which would make the senior aide program nationwide. Administration spokesmen including the Secretary of Labor have testified in opposition to this measure because of its categorical nature.

However, with the President's strong support yesterday, I would expect that opposition to be removed.

The amendment provides: For title III: $18 million for community programs on aging, including Senior Aides and Green Thumbs; $1 million for State planning and operations, $4.5 million for areawide model programs.

For title IV—research and demonstration—the amendment provides an additional $4.5 million. For title V—training—the amendment provides an additional $5 million for training.

For title VI—the amendment provides $10 million for retired senior volunteer program, tripling last year's appropriation level, and $12.25 million for foster grandparents, doubling that appropriation.

I would emphasize that the priority item is title III's community programs for the aging, followed by the foster grandparents program, the retired senior volunteer program, and the State planning and operations office.

The areawide model program also deserves funding and the President's task force emphasized the research and training needs.

An eloquent source of evidence of the need for the additional level of funding was contained in the statement by William Hutton of the National Council of Senior Citizens who testified:

> The annual appropriations for AOA have not amounted to more than one dollar and fifty cents for each American over 65—only 75 cents a year when you properly count our older Americans—those over 55:
>
> With such puny appropriations it is not surprising that AOA has lacked clout in the bureaucracy of government.

Or we can go through the hearings and find time after time, eloquent statements by individuals urging that Congress increase their funding and stating that they are providing needed services to elderly Americans.

In Massachusetts, I have seen the Senior Aide program in New Bedford and Fall River. It is enormously successful and the only thing it lacks is adequate funding.

The Green Thumb programs in rural America, also have been remarkably free of criticism. Testimony at every hearing on the yearly requests of the administration have demonstrated the vital need for the expansion of these programs.

At this point, let me just add that the constituency needing service are the 20 million older Americans, 4.7 million of whom are poor, including a 100,000 rise in that number of poor older Americans since 1969.

The elderly have been ignored for far too long. We have denied them their dignity. We have denied them an opportunity to participate in the life of this Nation.

Passage of this amendment will be a step in remedying that record.

Mr. President, the amendment I have introduced is really to carry through what the President stated was his promise in comments to the White House Conference on Aging yesterday.

Yesterday the President spoke to the White House Conference on Aging and in that speech he said:

> We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.
>
> . . . . .
>
> I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents programs be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

Mr. President, this takes the President's statement yesterday and puts it in the form of an amendment to the supplemental. In effect, this would raise Older Americans Act funding close to its total authorization which is $105 million. At the present time there is a funding level of $44.75 million; initially requested by the administration was $29.5 million, but it was raised by Congress to $44.75 million. This amendment adds $55.25 million to that sum.

What we are doing is taking the President's pledge as he articulated it yesterday and turn it into actual programs for older Americans.

This is completely appropriate and justifiable. As the chairman of the Subcommittee on Aging that reported the Older Americans Act of 1969, the items that the President listed here conform neatly to the authorization in that legislation. We have had sufficient and adequate hearings. The administration has admitted time and time again that scores of requests remain unmet in the

areas that the President itemized, requests for funding, help, and assistance. This amendment would provide that funding.

Therefore, I hope we can help the President fulfill his commitment. I might note that, after contacting the White House, I have been informed through Assistant Secretary Kurzman at HEW, that the administration supports my amendment.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I am sorry I was not in the Chamber earlier but we have been having a policy meeting in the office of the majority leader.

I understand this amendment is to supplement the special program for aging in the Social and Rehabiliation Service in the amount of $45 million for special programs, and $9.5 million for research and training.

I wish to ask the Senator from Massachusetts a question. Is this a new item?

Mr. KENNEDY. I should like to respond to the Senator on this question. It is a new item on the supplemental bill; but permit me to provide some history regarding this matter. The Older Americans Act Amendments of 1969 in its provisions has provided for a variety of different senior citizens' programs to provide a focus for meeting the needs of the elderly. In that effort, the RSVP, the foster grandparent programs, the nutrition and senior aide programs—all form part of the Federal commitment to the dignity of the elderly.

Funds have been authorized for those programs, but the appropriations have fallen tragically short, some 28 percent of the authorization for 1972 and some 37 percent of authorization for 1971.

Instead of increasing the resources to meet the needs of the elderly, the administration annually has cut its budget requests. Only congressional action has prevented the disappearance of many of these Federal aging programs.

Also, the programs which would be included with this increased amendment, would be exactly the programs that the President itemized in his statement. They would be the retired senior volunteer program, the Green Thumb program, senior aides, the foster grandparents progam, as well as some home service for the senior citizens.

Mr. MAGNUSON. We provided in the regular fiscal 1972, appropriation bill $38,950,000 for the special programs for the aging the Senator is talking about. The foster grandparent program and retired senior volunteer program have been shifted, have they not, to what they call Action, the volunteer programs agency?

Mr. KENNEDY. That is right.

Mr. MAGNUSON. The $38.9 million that was appropriated is being used for these programs and half a year has gone by. I am in favor of adding something to this, and we can go to conference and see what we can do with it.

Mr. KENNEDY. All right. I mention to my good friend from the State of Washington the foster grandparent program, even though it is designated under——

Mr. MAGNUSON. The money has to come through this Older Americans Act.

Mr. KENNEDY. It has to come through this act. The work of the Senator from Louisiana, the Senator from Washington, and the Senator from New Hampshire has been vital in meeting the needs of the elderly in the past.

They have indicated time and time again their deep concern. But we are not asking for a tremendous increase. We simply are attempting to move this Nation closer to our pledge of providing dignity to the elderly of America. It seems to me that the added resources called for in this amendment could be used extremely effectively for the benefit of the older people.

Mr. MAGNUSON. I have no doubt about the motives and the principles of the Senator. How does the Senator arrive at $55.2 million.

Mr. KENNEDY. The way I arrived at it is by taking what the President indicated yesterday, and then bring the program levels closer to their authorized ceilings. He gave that figure at one time to those attending the White House conference. This is what he wanted. The President indicated that he had itemized it in great detail. I would like to support my President, just as the Senator from Washington would, whenever I can. I want to assure him we are going to fulfill that promise.

Mr. MAGNUSON. If I were to pay close attention, which I try to do, to all the suggestions that the President has made in the field of health and in this field, the budget would have provided about three times this amount on every item. I have listened to his speeches on health and I have listened to all the administration rhetoric, and then I sit down with the Senator from Louisiana and the Senator from New Hampshire, and here comes the budget. What a difference between what we hear promised, and what their budget requests would produce.

One day I had the experience of being down there and the budget came up 2 days after he made the speech on health and on what we should do. I listened to him closely on the nurse training, the capitation grants for nurses' part we have before us. The budget came up and there was a big round zero.

So I am in sympathy with what the Senator from Massachusetts has said. If this is what the President said he wants as far as I am concerned I am glad to give it to him in this field.

I hope that with respect to the ongoing programs there has been adequate planning so the money will not be spent unwisely. I do not know what my distinguished chairman feels about this, but we are going to the House with a new figure, and I do not have any illusions that the House is going to accept this total figure, but at least we have a starting point and that is the way I will explain it.

Mr. KENNEDY. I totally agree with the Senator from Washington when he recites the record of this administration in making promises and then submitting budget requests that contradict those promises. Well today, we are going to insure that yesterday's promise becomes tomorrow's reality.

This is the principal act that serves as the backbone from which all other programs for the aging come. The hearing that have been held demonstrate the need. I refer to not only the 1969 act, which provided the authorization for it at $105 million, but the President's task force report of 1970 which evaluated the various programs to be included under this provision and indicated strong support for it.

Mr. MAGNUSON. What is the authorization?

Mr. KENNEDY. $105 million.

Mr. MAGNUSON. That is about 60 or closer to 55 percent of the authorization. Is that correct?

Mr. KENNEDY. This amendment would provide $55,250,000. I have heard the Senator use a figure lower than the $44,750,000, which is the figure that I understand——

Mr. MAGNUSON. That is adding the amount under research and training.

I am willing to go to the House. Perhaps by that time we will have some more fine rhetoric from downtown. Maybe they will say this is a fine authorization and that Congress moved quickly on the matter.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 24 minutes.

Mr. KENNEDY. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I commend the Senator. While he was bringing up this amendment, I was privileged to be visiting with people who attended the White House Conference on Aging. Some of us were privileged to participate in some of the panels. The only thing we heard repeatedly was that we have many statements made about our senior citizens and the aged. They are sort of put under a microscope. Then those statements get neatly filed away, with the exception of some minor actions that are taken.

This is one place where the President of the United States, speaking to the Nation, went before the White House Conference on Aging and, without any ands, ifs, or buts, said:

> I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents Programs be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.
>
> I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under the program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income.

Mr. MAGNUSON. He just said that yesterday.

Mr. HUMPHREY. Yes. Here is our opportunity now to show our elder citizens that those remarks will be followed. Here is the President's recommendation. Let us take it lock, stock, and barrel. Really, it is under the authorization. We really ought to be fulfilling the authorization. If any of my colleagues had a chance to listen to the pleas of senior citizens and older Americans, their hearts would be touched and we would be moving into effective action here. It was a pathetic thing to hear some of the pleas these people were making.

I do hope and pray that the distinguished Senator from Washington and the chairman, the distinguished Senator from Louisiana, will accept this amendment wholeheartedly and stick with it in conference, because it is desperately needed. I hope and pray we will act on it promptly.

Mr. MAGNUSON. The Office of Management and Budget made it a trickle when they sent it up here. That is my point. I sometimes get a little impatient with appropriating money for programs and following some advice. Sometimes the President makes good speeches to do this and that, but when we get the money downtown, nobody spends it in the right manner. Who gets the devil then? It is those of us who are up here.

I want to say right here and now that I think one of the problems with the special programs for the aging is that there is too much administration and too little going down to where it should go.

In some places they are stumbling over one another trying to help out. I want to serve notice that if we put this in, and if we can get substantial agreement in the House, we are going to take a look at the departmental administration of these items. There is too much of it. I take this opportunity to suggest that there are now 717,000 people employed in HEW programs and I want to see that these programs are administered correctly, so it will not be a hoax on these older people who think something good is going to happen to them, we provide a program, and then it is bungled somewhere down the line.

I am willing to take this amendment to the House conferees.

I have listened to a lot of this, and I have to take a look at what comes up from the OMB. Sometimes they threaten to have a bill vetoed or say that they will not spend it if it comes to them. Congress gets blamed for it. I hope there are some people from that conference listening to what we have had to say.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I would like to first state that the administration does support the amendment. I am authorized to notify the Senate that the President stands foursquare behind the statement he made yesterday.

I think it would have been highly desirable to go through the ordinary processes, holding hearings and getting details of the program, but the need is so urgent that the Appropriations Committee has responded magnificently to legislation that has been sent to it to increase programs such as the foster grandparents with this added amount. The need for it has been clearly demonstrated. I think it presents no real problem, and I would hope the committee will accept the amendment. The President made a commitment. It has bipartisan support.

I ask the Senator to add me as a cosponsor of the amendment.

In the work I have done on the Committee on the Aged this type of program offers more hope, greater inspiration, a greater sense of belonging and feeling important and being needed and wanted in society than anything else.

In the city of Chicago's Division for Senior Citizens we now have 51 grandparents. It would like to take on 56 additional grandparents. It gives the parents something to do and someone to be responsible for. Hundreds of children are taken care of who would otherwise be in orphan asylums. They now have someone who cares for them. The cost to society is minimum. We get back many times over the investment we have made when, instead of putting children in institutions, we provide a small stipend for love, care, and affection.

In the city of Chicago, the division for senior citizens has asked for an increase in funding from $130,000 to $235,000. This pattern is repeated across the country.

I ask unanimous consent that a letter from me dated October 19, 1971, on this subject be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 19, 1971.

Mr. JOSEPH BLATCHFORD,
Director, Action,
Washington, D.C.

DEAR JOE: As a member of the Senate Special Committee on Aging, I have become increasingly concerned about the need for more employment and community service opportunities for older citizens. The Foster Grandparents Program, it seems to me, has accomplished a great deal in terms of providing worthwhile, meaningful job opportunities for elderly persons.

The program has proved to be very successful in Chicago, and this year, requests from participating agencies for grandparents, and from elderly persons for jobs, have risen substantially.

The Chicago program now operates with 51 grandparents. The City of Chicago's Division for Senior Citizens would like to be able to take on an additional 56 grandparents. To accomplish this, the funding level for Chicago would have to rise from $130,000 to at least $235,000. It is my understanding that the Division for Senior Citizens has already formally requested this increase.

In light of Chicago's very sizable elderly population—more than 516,000 persons over age 60—as well as the recent funding increase approved by Congress for the Foster Grandparents Program for Fiscal Year 1972, I wish to give my full endorsement to the request of the Division for Senior Citizens of the City of Chicago.

With warm regards.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD the President's speech of yesterday, which was a magnificent speech, and also an article entitled "No Cure Like Love," which I think will conclusively demonstrate the value of this type of program.

There being no objection, the speech and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 3, 1971]

YOUNGER AND OLDER AMERICANS NEED ONE ANOTHER

(Following is a partial text of President Nixon's prepared address to the White House Conference on Aging.)

In recent years a gulf has been opening between older Americans and the rest of our people. This gulf is the product, in large measure, of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

We must change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let me begin where most of you begin: with the problem of inadequate income. If we move on this front, all the other battles will be easier. If we fail to move here, the other battles will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill which is known as H.R. 1—and approve it without delay. For this legislation would revolutionize our whole approach to income problems among the elderly.

NATIONAL FLOOR

For the first time in our history, it would put a national floor under the annual income of every older American. For the first time in our history, it would make social security benefits inflation proof.

It would also allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. And I hope the Congress will also include in H.R. 1 my proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

H.R. 1—as it now stands—would provide some 5½ billion dollars in additional federal benefits to older Americans; 3 billion dollars in increased social security benefits—and, when it is fully effective—another 2.5 billion dollars in new benefits to persons with lower incomes. My proposal to eliminate the monthly Medicare fee would enrich this 5.5 billion dollar package by an additional 1.4 billion dollars—the equivalent of an additional 5 per cent increase in social security.

As we work to increase federal benefits for older Americans, we must also work to reduce the pressure of taxes. We are therefore supporting a series of tax reform proposals which would enable a single person age 65 or older to receive up to $5,100 of tax free income. A married couple, both of whom are 65 or older, could receive over 38,000 in tax free income if these changes take effect.

However, one of the most onerous of all taxes for older Americans is largely unrelated to income. I refer, of course, to the property tax—which keeps going right on up, even when an older person's income is going down. In fact, property tax collections have increased by some 40 per cent in the last five years alone.

Nearly 70 per cent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving. And yet, because of property taxes, the same home which has been a symbol of their independence often becomes a cause of their impoverishment.

Even older persons who rent their homes often bear an unfair burden, since property tax increases are often passed along in the form of higher rents. And the inequity of the property tax is often all the greater because it takes money from those who have already educated their own children and uses it largely for the education of others.

EMPTY DREAMS

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders, full of hope and pride. And over the years that followed they made their dreams come true.

But today—many years later—things have changed, so much so that Mrs. Ewing begins her letter to me by asking, "Was it just an empty dream after all?" Her father—at 73—is too ill and tired to work. His family is grown and scattered. And to meet his real estate taxes he is now being forced to sell the property for which he worked so hard and so long. "If this is really the country I grew up believing it to be," Mrs. Ewing continues, "these inhumane tax laws must be changed . . ."

I agree. We need a complete overhaul of our property taxes and of our whole system for financing public education. Our revenue sharing program can help relieve the pressure on property taxes and older Americans have a large stake in its enactment. But additional reform is also needed.

I am therefore preparing specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. It is clear that these remedies will involve large sums of money. We are prepared, however, to make the hard decisions we will have to make. The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

A second major problem affecting the income of older persons is the inadequacy of private pension plans.

I will therefore propose to the Congress a new program to reform our private pension system. This program will include measures designed to expand pension coverage and to ensure that pension funds are soundly and honestly managed. It will also recommend new laws to require the vesting of pensions—to ensure that the benefits which accumulate in a person's working years are paid to him when he is older.

COST OF LIVING

Lately, of course, we have been giving high priority to another effort that has special meaning for older Americans: the drive to curb the rise in the cost of living. When wages and prices rise unreasonably for the few, the result is an unreasonable decline in the purchasing power of the many. By holding wage increases to reasonable levels for those who are working, we will help protect the incomes of those who are retired.

I have appreciated the support that older Americans have given to this effort—and I am determined that as we achieve our new prosperity, it will be a new prosperity without inflation, and therefore without the hidden tax that hits so cruelly at those on fixed incomes.

As the income position of older Americans improves, so will their ability to cope with many of the other problems you have been discussing. But even with higher income, many older persons will still face problems beyond their individual control.

Take the one million Americans who live in nursing homes, for example. Many of them—like my 91-year-old aunt in California—receive excellent care in pleasant surroundings. But many do not—and there is little they can do about it. This is why I announced last summer an 8-point program for improving our Nation's nursing homes and for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes. But we will not hesitate to cut off funds from homes which are hopelessly substandard. Furthermore, we will take the initiative in making sure that public and private resources are available to provide alternative arrangements for the victims of such homes.

But nursing homes are only one part of the picture. The greatest need is to help more older Americans to go on living in their own homes. Income programs and tax reforms can help us achieve this objective. And so can a number of additional decisions which we already have made.

We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly.

We have made two additional administrative decisions which will also help older Americans to remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominium apartments and retirement communities. The second will require that federal grants which provide services for older persons also provide for the transportation they need to take advantage of these services.

Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis. I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents programs be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under the program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health education and community service projects even as they earn additional income.

Older persons can be proud of how well they have made all these programs work in recent years. These decisions mean they will not be able to work in more places and for more people.

Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

As you know, these proposals involve very difficult budgetary problems for the government.

However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this Conference—a message which must now be heard in every community in this land.

NEW ATTITUDE

The message is simply this: We need a new national attitude toward aging in this country—one which fully recognizes what America must do for its older citizens, and one which fully appreciates what our older citizens can do for America.

A few months ago I met with a remarkable man by the name of George Black. For more than 80 years, Mr. Black has been making bricks by hand in Winston-Salem, North Carolina. George Black is 93 years old but that does not mean that his productive days are over.

Recently our government sent George Black to the country of Guyana in South America, so that he could share his skills with people in that land. When he was asked about his trip, Mr. Black made this comment: "I have always asked the Lord," he said, "to let my last days be my best days. I feel like he's answering my prayers."

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them—as for him—its answer depends not only on what they are given but on what they continue to give.

[From Harvest Years, May 1969]

NO CURE LIKE LOVE

(By Helen Bottel)

"Love to a child is like water to a plant. When we Foster Grandparents offer it to these youngsters they thrive. Without it, they wither. They're scared and lonely—and we cure that."

The gray-haired woman untwined pipestem arms from around her neck, brushed a gentle kiss on the sleeping boy's forehead, then tucked him in his hospital crib.

"He was a battered baby . . ." she whispered. "If ever a child needed someone to empty their own life into his, this child does. In just a week, I'm amazed at his progress. He smiles now—he was so fearful in the beginning."

Love is truly potent medicine at the Robert B. Green Memorial Hospital, San Antonio, Texas, one of the first of the now national Foster Grandparents projects. Now over 8,000 children a year in hospitals and institutions all over the country receive the happiest medical treatment in the world—tender loving care. Some might not survive without it, for those who must spend long weeks or months in hospitals have real emotional needs.

"Doctors were skeptical at first," said a nurse in the pediatric ward. "They thought the Grandparents would be in the way; now they're all for them. They can see the delightful way elders share their love with children—and they know happiness is a two-way street."

Mrs. Elizabeth Finnigan, R.N., who has succeeded Mrs. Burke as the San Antonio project director, emphasized, "Our youngsters here need constant love and attention—a feeling of security. Nurses just don't have time to sit and hold one child for hours, but our Grandparents do."

Mrs. Finnigan told of Grandpa Walker, who literally willed polio-stricken Ramon out of his wheel chair. Assigning Mr. Walker to Ramon was no accident—therapists knew the pain involved in rehabilitation exercises and the determination it would take for him to learn and endure. They chose fun-loving Grandpa W. for his patience, ingenuity, and good humor. Great admiration developed between the two; Ramon wouldn't let Grandpa down. He slowly learned to walk again.

Some children have been deserted by their parents, and will be placed in foster homes when they are well again. Others come from such miserable hovels that they know little else but filth, fighting, hunger, rejection. Some are literally starving, like fourteen-month-old Martha who weighed seven pounds and was near death when admitted to an eastern hospital.

Physicians described her rigid bed position, listlessness, and wanness as "mirasmas," sometimes fatal condition caused by lack of demonstrated affection. They requested a Foster Grandparent. Martha's response to tender loving care was amazing: her stifled reactions changed to awareness . . . she became alert, almost happy . . . gained several pounds. Now, when her Grandmother enters the room, the baby's smile and upreaching arms say "Hold me," and Grandma does!

Sometimes mirasmas is tentatively diagnosed as mental illness. Such was the case with John, a little blind boy nobody wanted. He was sent from a shelter home to a mid-western hospital "because of head-dropping spells." He slept almost continuously and wouldn't swallow or talk.

The medical staff asked two Foster Grandparents for help. To everyone's surprise, the child snapped out of his near-vegetable state after a week of cuddling, crooning and hand-feeding.

He said later he could eat because "Grandpa cut my meat up real fine," but the staff believes it was because Grandpa's and Grandma's hearts were full of love.

There's a happy ending here. John is now adopted; the seven-year-old has "real live parents" who shower him with affection, but like many others, his Grandparents still keep in touch with him.

Not all children are so early won. A Foster Grandmother in San Francisco wrote:

"My 'granddaughter' was in protective isolation with a skin disease. She wouldn't talk or respond to any friendly overtures, but I visited her and stayed at least an hour a day.

"'Would you like me to read you a story?' 'No-No!' The head turned to the wall, the eyes closed. But I read and even showed pictures, although it was only to the back of a little head. Then I just sat and told her funny things about the other children and nature stories. No response . . . day after day the same time devoted to a silent, withdrawn child.

"One day I was surprised to see a little eye peeking out—but quickly closed. Then her mother came during story time, and Betty sat up and smiled. Her mother said, 'Oh, you must be Grandma. Betty has told me how you read and talk and tell her things. She really loves it!'"

. . . And Grandma never knew she had gotten through until Betty was almost well.

While most children in pediatrics clamor for the Grandparents' attention, some do not. One Grandmother—a widow with ten grandchildren and three great-grands of her own—remembers an unhappy lad who shouted, "Get out of here!" when she entered the room.

"I will not," she replied stoutly. Then, drawing up a chair, she began to read nursery rhymes. In a few minutes, the boy lifted his face to hers and buried his head in her shoulder.

A unique Foster Grandparent program is carried on by the California Department of Youth Authority at two Stockton correctional institutions, the D. H. Close and the Karl Holton Schools for Boys.

After two weeks of basic training, qualified Foster Grandparents (thirty-eight in the Stockton area) go into the schools four hours a day, and pretty well dispel the notion about a "generation gap." They act as teachers' aides, help with homework, sew on buttons, show the boys how to make beds or work at hobbies, organize games, even play basketball and football with them. But their biggest help is "just listening and being there when the fellows need to talk." Nearly 40 percent of the Grandparents here are men and over half are Negro or Spanish Americans, as are the boys at school.

Grandparents' concern extends beyond the gates. One woman was a "foster" to young Alden, whose time was nearly up. He needed a home placement, however, before he would be released on parole. Knowing this, Grandma R. invited him to spend Sunday at her house. There she introduced him to a neighbor who had a local store. Result? Alden now has a foster home and a job with her neighbor, and at last reports was doing fine.

Classroom essays on Grandparents are revealing. One boy at the Karl Holten School wrote:

"My Grandma is Mrs. L. T. She's helped me in these ways: She helped me get a room. She brought me four pies and a pack of Kool-aid. She talked with me whenever I had problems. She talks with me for enjoyment. She watches me play sports and she cheers for me. She helps me understand certain things that I didn't. She helps me write letters . . . talks to me about family life. She bought me three stamps for my letters. And she does everything she can to help me."

The benefits to both Foster Grandparents and children are innumerable. These are strikingly obvious as one goes through the wards or the schools and observes old and young together.

One Grandparent stated: "If all the Foster Grandparents (and I am sure they do) get this happiness from knowing they are wanted, they've spent four wonderful hours. My age can't hide the wrinkles, but the old heart is young and happy."

Since 1965, the number of Foster Grandparents has grown from about 800 in the first 22 projects to over 4,000 in 184 hospitals and institutions throughout the country. Grandparents serve 4 hours a day (usually 2 hours with each of two children), 5 days a week, at the Federal minimum hourly wage of $1.60. Nineteen percent of the Grandparents are male; 81 percent female. The oldest is aged 92.

The program nationally has been funded by the Office of Economic Opportunity and administered by the Department of Health, Education and Welfare's Administration on Aging since its beginning. (In his February message on poverty, President Nixon announced his intention of transferring all functions of the program to HEW.)

Grandparents don't substitute as nurses, but their services include feeding, diapering, and cuddling infants, assisting children with meals, reading and playing games with them. In a heart-warming way, the project brings together youngsters who need love, and affectionate seniors whose incomes need bolstering. "I like the feeling of being needed even more than the money," says one Grandpa.

To be eligible for Foster Grandparents, you must be at least age sixty with an income of no more than $1,600 a year for a single, $2,100 a year for a married person.

How did the national program start? Many persons, including Mrs. Vera M. Burke, Ph. D., social service supervisor of the Robert B. Green Hospital of San Antonio, Texas, contributed to its original development by the U.S. Office of Aging (predecessor of the present Administration on Aging) and OEO.

Mrs. Burke participated in early discussions during field visits of Washington officials in the planning stages of the program. When President Johnson announced on August 28, 1965, the funding of the first 22 pilot projects, the Robert B. Green was one of them.

Prospective grandparents are given a physical examination and an interview to establish their qualifications and their attitudes about children. Then they have a short training course before they go on the wards.

If you would like to become a Foster Grandparent inquire at your state employment office or write the State Agency on Aging in your State Capitol.

Mr. PERCY. Mr. President, I commend the President for his initiative, and I commend my distinguished colleague for his early response to that initiative, and I trust he will have overwhelming support for his amendment.

Mr. MAGNUSON. Mr. President, I may say to the Senator from Illinois that my subcommitee has increased the amount for foster grandparents and other special programs for the aging. I do not say anything was wrong with the President's speech yesterday. It was a good speech. I read it. He has made good speeches before, but my problem is that the speeches do not seem to get down to OMB. I do not know why. They are only across the street from one another. There is a tunnel that goes there. That is our problem.

I am glad we are all together on this, because now we are getting some action. I am a little like the fellow who saw Senator Borah riding in Rock Creek Park one day. His companion said, "No, that can't be Borah—the horse and the rider are going the same way." I am glad we are going the same way. We do not want older people to get their hopes up and then fail them.

Mr. PERCY. Mr. President, if the Senator will yield, let me say I talked to 150 of them yesterday, who I invited to the Senate for a reception.

The main message they gave to me was, "There is so much talk, and we never see action." Here we have a chance. They say, "Let us do it," the President said, "I will" yesterday, and in 24 hours, the Senate of the United States can respond and say, "We agree with you, and we will do it."

They would go home feeling, "We really accomplished something."

I think this is a tremendously important symbol to them. This is the swiftest action that we can take. I do not think we are taking precipitate action at all, and I certainly deeply appreciate the level of support that the senior members of the Committee on Appropriations have assured every time we have tried to meet needs of this type.

I do not think the Office of Management and Budget, much as they are needed in our total system of government, can always be left with the final and ultimate judgment. That is why we have been given final responsibility, and I thank the Senator for adding my name as a cosponsor.

Mr. KENNEDY. I thank the Senator from Illinois, who has been tremendously interested in all the problems of the elderly, and of course was instrumental in assuring the continuation of 18 nutritional projects for the elderly earlier this year.

I hope the administration will understand our very deep desire to support these programs that affect our elderly citizens. This past week, as the Senator from Illinois knows, we passed an authorization of some $250 million for nutritional programs for the aging, and I hope we will hear very shortly of the President's backing for funding on that program as well.

Mr. MAGNUSON. Mr. President, I should be very glad to have the Senator put his amendment to a vote. I think the Senate is sufficiently well informed as to how I feel about it and how our committee feels about it.

I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, in view of all that has been said, the attitude of the chairman of the subcommittee on HEW, and the fact that I am 18 years old backwards, I am sympathetic to the aging. I have consulted with quite a few members of the committee, and they are willing to accept the amendment and take it to conference.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from North Dakota.

Mr. YOUNG. I merely wish to say that, as ranking minority member, I fully support the proposal, and I am sure if the senior Senator from New Hampshire (Mr. COTTON), who handled this bill in the subcommittee, had been present, he would have approved it also. Senator COTTON couldn't possibly be here today.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the names of Senators EAGLETON, MCINTYRE, CHURCH, CRANSTON, STEVENSON, BENTSEN, BAYH, TUNNEY, PERCY, BEALL, HUMPHREY, and STAFFORD be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I also ask unanimous consent to have printed in the RECORD a telegram just received from Nelson Cruikshank, the president of the National Council of Senior Citizens, in support of the proposal.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DECEMBER 3, 1971.

National Council of Senior Citizens supports increasing appropriation for administration on aging to $100 million now. We have repeatedly urged appropriations at the level of the authorizations in the Older Americans Act which specifies $105 million for FY 1972. At White House Conference on Aging President supported $100 million for FY 1973. We ask for $100 million now.

NELSON CRUIKSHANK,
President, National Council of Senior Citizens.

Mr. WILLIAMS. Mr. President, I wish to express my strong support for the proposed amendment to the supplemental appropriations bill, H.R. 11955.

The effect of this amendment would be to increase appropriations for successful programs under the Older Americans Act—including community programs on aging, areawide model projects, research, training, the retired senior volunteer program, foster grandparents—from $44.75 million to $100 million.

For older Americans living on limited, fixed incomes, this additional funding can perhaps mean the difference between living independently and being institutionalized at a much higher public cost. For example, the community programs on aging—the lifeline of services for older Americans—have helped the elderly in a wide variety of ways, including transportation for the infirm and frail, home delivered meals, homemaker services, telephone reassurance calls and many others. And with the adoption of this amendment an additional 7,700 projects could be funded which would serve approximately 1.1 million more elderly persons.

Equally important, this measure would provide an increase of $12.25 million for the foster grandparent program. In my own State of New Jersey, I have personally observed the valuable supportive services rendered by foster grandparents for neglected, retarded or otherwise disadvantaged children. Adoption of this amendment could provide new employment opportunities for an additional 6,000 low-income persons 60 and over, raising the present total from 6,000 to 12,000. Moreover, 12,000 more young children would receive vitally needed services.

In addition, the foster grandparent is a very sound investment. For example, a recent report entitled "Cost-Benefit Analysis of the Foster Grandparent Program" stated:

> The funding rate of the Foster Grandparent Program is thus a sound investment having a rate of return of at least 200% or 300% in term of direct benefits and savings.

As a member of the Senate special committee since its founding and as immediate past chairman, I am especially concerned about chronic underfunding of the Administration on Aging. When Congress passed the Older Americans Act in 1965, we envisioned an AOA fully capable of serving as a focal point of Federal concern about aging and aged Americans. We also expected that the AOA would serve as an action agency capable of establishing service programs of its own or encouraging other Federal agencies to do so. Many of us have been concerned by recent administration actions which have downgraded the AOA to the point that it cannot possibly meet the expectations of Congress or of older Americans. And one of the biggest threats to the AOA has been the persistent refusal of this administration to make budget requests that would enable AOA to do the job. After all, Congress has authorized $105 million for this purpose. This year, the year of a White House Conference on Aging, the administration originally asked for only $29.5 million, a reduction of $2.5 million from the previous year.

But, possibly because of congressional pressures and the momentum provided by a White House Conference on Aging, President Nixon has reversed an earlier position. He now seeks $100 million. He should receive it, and he should receive it early enough to assure early implementation of several key recommendations made at this week's White House Conference on Aging.

MEETING THE PRESIDENT'S COMMITMENT TO OUR SENIOR CITIZENS

Mr. PACKWOOD. Mr. President, at this time I would like to add my brief endorsement of this amendment to increase funds for the Older American Act. I applaud the Senate for its speedy implementation of the President's request for additional funds for senior citizen programs under the sponsorship of the Administration on Aging, and am confident that the increase will be put to good use, in Oregon and elsewhere around the Nation.

This vote shows that the President and the Senate are serious in their commitment to our senior citizens and to meeting the needs which have been at least partially described during the past week of the White House Conference on Aging. I, for one, cast my vote for this amendment in a loud voice, and look forward to the further steps I hope the Senate will take in improving the lives of this Nation's 20 million senior citizens.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time, if the Senator from Louisiana is prepared to yield back his.

The PRESIDING OFFICER. Do both Senators yield back the remainder of their time?

Mr. ELLENDER. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BEALL). All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. JORDAN), and the Senator from Idaho (Mr. CHURCH) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Indiana (Mr. HARTKE), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 435 Leg.]

YEAS—80

Aiken	Bentsen	Cook
Allen	Bible	Cooper
Allott	Burdick	Cranston
Anderson	Byrd, Va.	Curtis
Bayh	Byrd, W. Va.	Dominick
Beall	Case	Eagleton
Bellmon	Chiles	Eastland
Ellender	Kennedy	Randolph
Ervin	Long	Ribicoff
Fannin	Magnuson	Roth
Fong	Mansfield	Schweiker
Fulbright	Mathias	Scott
Goldwater	McGee	Smith
Gravel	McIntyre	Sparkman
Griffin	Metcalf	Spong
Gurney	Miller	Stafford
Hansen	Mondale	Stennis
Harris	Montoya	Stevens
Hart	Moss	Stevenson
Hollings	Muskie	Symington
Hruska	Nelson	Talmadge
Hughes	Packwood	Thurmond
Humphrey	Pastore	Tunney
Inouye	Pearson	Weicker
Jackson	Pell	Williams
Javits	Percy	Young
Jordan, Idaho	Proxmire	

NAYS—0

NOT VOTING—20

Baker	Church	McClellan
Bennett	Cotton	McGovern
Boggs	Dole	Mundt
Brock	Gambrell	Saxbe
Brooke	Hartke	Taft
Buckley	Hatfield	Tower
Cannon	Jordan, N.C.	

So Mr. KENNEDY's amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 33, line 25, after "$250,000" add the following: ", to remain available until expended".

Mr. MONTOYA. Mr. President, this is merely a technical amendment to permit GSA to use these funds beyond the fiscal year. There is no addition to the item at all.

Mr. ELLENDER. Mr. President, there is no objection to the amendment.

Mr. MONTOYA. Mr. President, I yield back the remainder of my time.

Mr. ELLENDER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

AMENDMENT NO. 782

Mr. PERCY. Mr. President, I call up my amendment No. 782 and ask that it be stated.

The assistant legislative clerk read the amendment as follows:

> Page 4, after line 8, insert the following:
>
> SMITHSONIAN INSTITUTION
>
> THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS
>
> For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000: *Provided*, That these funds shall be available for obligation only upon enactment into law of S. 2900, Ninety-second Congress, or similar legislation.

Mr. PERCY. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the amendment: Senators BIBLE, RANDOLPH, COOPER, MANSFIELD, BOGGS, GRAVEL, MATHIAS, FULBRIGHT, TUNNEY, and COOK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield.

Mr. GOLDWATER. I recall last year, during debate on money for construction of the Center, we were told at that time there would be no costs devolving upon Congress for finances for the Kennedy Center.

I read the article in the newspaper yesterday that the Senator refers to, and now we are being asked for $1.5 million; so that I would like to know if there is any way of knowing that this will continue to be a cost that will have to be paid by the taxpayers, and if so, will the $1.5 million be the low level or the high level?

Mr. PERCY. I can only refer to the public testimony offered by Mr. Roger Stevens when he appeared before the committee chaired by the Senator from Louisiana (Mr. ELLENDER) in which he made it clear that, so far as the performing arts are concerned, the intention of the management of the Center is to have the performing arts pay for itself, which is a magnificent achievement because there is not a performing arts group, whether it be opera, symphony, the dance, or choral groups—no matter in what capital of the world—operating that can support itself just on ticket sales.

It is the intention of the Center to try to raise sufficient funds to match the cost of the ticket sales, including the lower cost to the low-income families and students. So they are not asking for any money for the performing arts.

Mr. Stevens made it clear at the time that he could not operate the Center and keep it open to the public 7 days a week, with the thousands of people going through each day—there were some 20,000 that went through the day after Thanksgiving—without incurring the costs of maintenance, guard service, and adequate security which have to be provided. Doors have to be opened and they have to be closed, and the building has to be heated and air conditioned during the public nonperforming hours, which is the area Mr. Stevens very clearly indicated. If we want to use the Center as a public memorial and keep the doors open, then the performing arts, those who will go to the theater, to the Eisenhower Theater, to the opera, and to the concert halls cannot be expected to pay enough for their tickets to attend these performances and to support the same kind of costs incurred by the National Park Service in maintaining other memorials dedicated to deceased Presidents.

Mr. GOLDWATER. The thing that concerns me is not the $1½ million this year but what it is going to become in later years. I was wondering whether it is going to be $1½ million now and then $2½ million later, or what. We were told if my recollection is correct, that when the building was going up it would be built at no expense to the taxpayer, that it would adequately maintain itself. It was last year that we talked about $7½ million. I may be wrong on that, but it was voted, and we were told that would be the end. So what I want to find out is, is this the beginning, and are we going to have to support maintenance on the building from here on in? If that is the case—and I do not say this in a demeaning way—we could have a baseball team in Washington, D.C., if we could support the RFK Stadium.

Mr. PERCY. Mr. President, I feel that the question is a very pertinent one. This is an amount fixed by the Bureau of Management and Budget. They have taken a very careful look at the budget for maintenance and security, which is about $2.5 million. Approximately $1 million is attributable to the performing arts and about $1.5 million—it goes up to $1.8 million—attributable by their figures simply for public use of the building. I would anticipate that this would be an annual request. May I say also that I am very willing, indeed, that the chairman and the ranking member of both the full Senate Public Works Committee and its subcommittees will have jurisdiction over this, and they are cosponsors of the amendment, because it is their intention to hold a full-scale set of hearings to analyze the appropriations and to oversee the responsibility needed, just as we do with the Smithsonian Institution and other agencies where title to the property is 100 percent held by the Federal Government and the people of the United States.

I would anticipate that it would be for this purpose as long as Congress intends to keep the Center as a memorial, and the money will be made available only for the nonperforming arts portion of the memorial in the form of an annual request. But it is conceivable that there could be a sufficient income for all functions, if the performances are successful enough.

I can tell the distinguished Senator from Arizona that Leonard Bernstein's "Mass" is so successful that it is highly possible the record sales alone will bring a substantial proportion of income to the Kennedy Center, with the possibility of a quarter of a million dollars or more involved there. So that certainly it would be the intention to repay, although there is no desire to make a profit on a nonprofit operation. They may be able to get a surplus of any amount by the sale of the "Mass" in other areas going into other States perhaps, with the royalties which might be paid back to the Kennedy Center. So that obviously they would be able to get an effective income generated, but I could not at this stage promise anything. It would be a miracle if that happened.

I simply would say that if the Senate does not support this endeavor, the Kennedy Center will simply have to be closed, except for times of performance and admit only people who have tickets. We would have an avalanche of criticism from people all over this country if that should happen.

Mr. GOLDWATER. Mr. President, I asked a bookkeeping question. Let us say that we are able to show a surplus and a

profit on the performance of the arts income would it be possible under corporate operation to transfer those funds to the needs of maintenance so that it might be possible that it become self-sustaining?

Mr. PERCY. Mr. President, I see no reason why it should not be, at all. And I can assure the distinguished Senator that, as a trustee designated by the Senate to serve on this board, I have probably put as much time into this activity as I have on any committee I have served on. I can assure the Senator that it was with tremendous reluctance that we came back to ask for another appropriation.

The distinguished Senator will recall that several times I spoke of the need of funds to keep us from mothballing the building—and that was the only alternative, to mothball two-thirds of the whole building. Had construction been halted, I suspect that it would have cost at least $12 million to get it started again.

When I came on the floor to request a final appropriation for construction costs, I never said that we would charge enough for the arts to support the public use of that building, which has been two or three times what anyone anticipated it would become.

Mr. GOLDWATER. Mr. President, is my understanding correct that the public use of it has become so great that it is going to become a very expensive thing to keep up? I have read of people cutting up the carpets and the drapes and stealing crystals off the chandeliers and faucets out of the restrooms.

Will this continue? I do not want to seem chintzy about a million and a half dollars. However, I could think of a lot of things we could use $1.5 million on. I am very interested in the aerospace museum in the Smithsonian. I would like to think that when we need money, I could make the same kind of impassioned plea that the Senator from Illinois makes and have a chance to get it.

I thank the Senator for answering the question, but I still have some doubts.

Mr. PERCY. Mr. President, the Senator's questions are very pertinent. I appreciate very much the fact that they have been asked.

The demand has been overwhelming. The management again admitted before the Public Works Committee that it did not anticipate the tremendous desire of the American people to somehow take back a piece of the Kennedy Center. As a matter of fact, there have been more faucets taken out of the ladies' restroom than out of the men's. People seem to have a desire for taking the crystals out of the chandeliers and for having a piece of the Center to take back home.

We now have mementos that can be sold. The demand is there and we think we can create good sales on the site. We simply did not anticipate the great interest of the American public in the Center which the American people have taken.

Mr. COOPER. Mr. President, may I have the floor in my own right?

Mr. PERCY. Of course.

The PRESIDING OFFICER. How much time does the Senator desire?

Mr. COOPER. Five minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, I intend to support the appropriation of $1.5 million for the fiscal year 1972. I had hoped that the chairman of the Public Works Committee would speak before I did. At the time I asked for the floor, I did not know that he was in the Chamber or I would have deferred to him. I had also hoped that the Senator from Alaska (Mr. GRAVEL), the chairman of the subcommittee, would speak.

I will be brief because I know the chairman of the committee will speak. As the Public Works Committee properly has jurisdiction of this subject I think it appropriate that we should provide the Senate our understanding of this matter. The senior Senator from Illinois, Senator PERCY, discussed with us the need of approximately $2.4 million for the operating costs of the Kennedy Center. According to the estimate he gave us, $1.5 million could be properly allocated as a Federal cost for the nonpaying guests of the Center.

I recommended that the Senator introduce a bill for reference to the Public Works Committee for proper authorization, which he did. Later the Senator from West Virginia (Mr. RANDOLPH), and I arranged for hearings before the subcommittee of the Senator from Alaska, Senator GRAVEL.

The hearings were held yesterday before the Subcommittee on Buildings and Grounds, of which the Senator from Alaska (Mr. GRAVEL) is chairman; and the Senator from Connecticut is ranking member. The subcommittee recommended that $1.25 million be authorized as an emergency measure. The Senator from Alaska (Mr. GRAVEL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. WEICKER) and I wrote a letter to the Appropriations Committee and informed it that a hearing had been held upon the merits and that we would support an appropriation.

I would like to respond to the inquiry of the Senator from Arizona. From the information we have received it cannot be accurately determined at this stage of the Center's operations what would be a correct allocation of operating costs between nonpaying public use and paying public use. And it cannot yet be determined what the extent of the operating costs are, and whether operating funds have been used for construction costs. It is simply a fact that the Center has been operating only a short time and the facts are not available.

The Senator from West Virginia and I suggested to the Senator from Illinois (Mr. PERCY) and to the committee that we believed it correct to ask for an authorization and appropriation, for the $1.5 million. Before action is taken as to funds required for future needs, hearings should be conducted by the Senate Committee on Public Works. With hearings and the testimony of the proper officers of the Center, and of the Bureau of the Budget, we could determine what the proper allocation of operating costs should be.

I should state to the Senate that I support an appropriation of $1.5 million, for this fiscal year. However, I want to ask the Senator from Illinois a question.

We have discussed this several times and with the Senator from West Virginia (Senator RANDOLPH). The Senator will recall that we talked about the need of $1.5 million for the emergency. I note the last sentence of the amendment:

Provided, That these funds shall be available for obligation only upon enactment into law of S. 2900, 92nd Congress, or similar legislation.

Does the Senator intend this language to be open end legislation for the future?

Mr. PERCY. We would certainly not want to do so in the future. I would think that having in a sense an emergency situation here and responding to it, we would have adequate time when we came back in January to go through the normal channels. I fully support that. I do not like any shortcircuit methods unless it is a true emergency. However, I can assure the Senate that we would have to close the Kennedy Center otherwise.

Mr. COOPER. I understand that. I am for keeping the Center open. That is why I support the $1.5 million appropriation. I was in the Senate when the Eisenhower administration approved the establishment of a center. I was on the Public Works Committee, when it authorized grants in 1964, and the second grants in 1969. I stood on the floor with the Senator and urged the approval of the second appropriation.

But, I am attempting to determine if the Senator's amendment is a $1.5 million emergency measure, or open-ended, for the future. That was not our understanding.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I yield the Senator 1 additional minute.

Mr. COOPER. Mr. President, I read from line 5:

Provided, that these funds shall be available for obligation only upon enactment into law of S. 2900, Ninety-second Congress, or similar legislation.

Is it intended to be open-ended for the future?

Mr. PERCY. The bill I offered would authorize an annual appropriation.

Mr. COOPER. I ask if it would be in order to strike the sentence on line 5 beginning with: "Provided, that".

I do not think that an annual appropriation was intended at this time, only an emergency authorization and appropriation. We have no testimony at all bearing on the costs, except as an emergency matter.

Mr. PERCY. I took the language from the House bill, feeling it was desirable to keep the same language which the House had. From my standpoint it is perfectly acceptable to limit this to 1 year and then to go through the orderly process of having hearings and exhaustively look at the budget and select an appropriate amount, whatever in the judgment of the Committee on Public Works would be best.

Mr. COOPER. My suggestion is that on line 5 after the colon, strike the remaining language.

The PRESIDING OFFICER. The Senator's amendment is not in order till all time has been consumed on this amendment. The amendment could be modified.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. Mr. President, I accept it and I would like to put it in as my own modification, if that would clarify it.

The PRESIDING OFFICER. The Senator has the right to modify his own amendment. Would the Senator state the modification?

Mr. PERCY. I accept the modification.

The PRESIDING OFFICER. Would the Senator send it to the desk so that it may be stated?

Mr. PERCY. I suggest the absence of a quorum.

The PRESIDING OFFICER. On the Senator's time?

Mr. PERCY. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. PERCY. Mr. President, I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, after the hearings yesterday we tried to solicit opinions from all parties, including Mr. STEVENS.

Mr. RANDOLPH. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. Senators will please cease to engage in conversations.

The Senator from Alaska may proceed.

Mr. GRAVEL. Mr. President, it was the spirit of the committee to accommodate the emergency situation which we thought was real. We think there is a situation now that, unless this money is forthcoming, we will see a different use of the Kennedy Center than has evolved or than has been legislated into existence.

It would be the intent of the subcommittee, first, to have hearings immediately on the bill. Speaking for myself and, I believe, for the Members, based on the opinions solicited in the committee, we would be willing to authorize and probably would have authorized it yesterday, had that been what was requested of us, but what subsequently came out was a letter, only because we did not think of an authorization. An authorization would have been passed had it been before us.

I hope Senators will keep in mind the concept here. We are talking about a monument. It happens to be a living monument. It has use extraneous to its use as a monument. We pay the money of taxpayers for the upkeep of monuments. That is the concept here—money to fund the operation of a monument.

In this case the monument is a living monument. It is testimony that we can place these mausoleums to a higher and better use.

I think we will find out what the sum will be as we get experience, but at least we can see this is the amount needed to meet the emergency that evolved, not from the operation of this monument as a theater or a cultural center, but the operation of a building that has attracted hundreds of thousands of Americans because they look upon this building not as a natural art center but a monument to one of our presidents, just as they go to the Lincoln Memorial or the Jefferson Memorial they go to this memorial. Since there are movable particles involved, we seek to assure greater security by putting some items in the center itself.

I think we have to face up to the problem. This is a monument, and it has acquired monumental status. I hope this body will vote this emergency money. The subcommittee would have come forward with authorizing legislation if we had had the time to do so.

I shall be happy to answer questions that may be directed to our subcommittee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, we share a concern about the subject matter now before us. Our concerns vary, of course, but essentially I think we realize the importance of this unique institution within the District of Columbia. The imprint has already been placed on the structure, and its purpose, by the Congress.

I share completely the thinking of my able colleague from Kentucky (Mr. COOPER), the senior minority member of the Committee on Public Works. He has explained the situation which led to certain action being taken, after consultation with interested parties who have jurisdictional responsibility.

I desire to indicate that the Committee on Public Works, through its Subcommittee on Buildings and Grounds, chaired by the diligent Senator from Alaska (Mr. GRAVEL), attempted to come quickly to a point of responsibility following the introduction recently of legislation by the Senator from Illinois (Mr. PERCY). In fact, we had yesterday a meeting of the subcommittee, and, as the Senator from Alaska has indicated, we were in a certain twilight situation. The committee, through its subcommittee, felt that we should address a letter, which we did yesterday, to the able Senator from Nevada (Mr. BIBLE) in reference to the situation as we understand it to be at the present time.

That letter, Mr. President, has not been read, but I ask unanimous consent that it be placed in the RECORD at this point of my remarks.

It is signed by Senators COOPER, WEICKER, GRAVEL, and myself.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 2, 1971.

Hon. ALAN BIBLE,
Chairman, Subcommittee on the Interior, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: Earlier today, the Subcommittee on Buildings and Grounds of the Committee on Public Works held an urgent hearing on S. 2900, a bill to authorize the appropriation of $1.5 million each fiscal year to defray certain operating and maintenance costs of the John F. Kennedy Center for the Performing Arts.

Because of the large number of non-paying tourists who have visited the Center since its opening, the Center's Board of Trustees contends that it is performing public memorial functions similar to that of the Washington Monument or the Lincoln and Jefferson Memorials. They state that this non-on Public Works would support the inclusion stantial outlays for security, maintenance, utilities and other services. The Board of Trustees has advised the Committee that the financial burden of this memorial function is such that without a subsidy, the Center may be forced to close its doors to the general public.

In light of this situation, the Committee on Public Works would suport the inclusion of 1.250 million dollars for this purpose in the Supplemental appropriations bill for fiscal year 1972 only. We are using this method in the knowledge that your Subcommittee is in mark-up this afternoon. It is our intention to hold further hearings during the next session to determine whether a permanent authorization is justified and to review the relationship of the Kennedy Center to the Congress. However, to avoid the closing of the Kennedy Center to public visitors, the Committee believes that an interim appropriation is proper.

Truly,

JENNINGS RANDOLPH,
Chairman.

MIKE GRAVEL,
JOHN SHERMAN COOPER,
LOWELL P. WEICKER, Jr.

Mr. RANDOLPH. We have felt strongly that the vandalism—and I use the word advisedly—which is being committed at the Kennedy Center must be increasingly the concern of the Members of the Congress.

If you visit the Center and check even in a cursory manner, you will see what has taken place in this structure. I am not going to place an estimate on the actual cost of replacement that has been caused by the vandalism, by the thievery, that has taken place in the Kennedy Center.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ELLENDER. I yield 2 minutes.

Mr. RANDOLPH. Now faced with that situation, Senator COOPER, Senator GRAVEL and I—those of us in the Senate Public Works Committee—recognize that there is a certain urgency as presented by the Senator from Illinois in the introduction of his legislation to hope for action that might, I must repeat, bridge the gap.

We are not attempting to provide money for a long period of time. We are only attempting now, because of the urgency of this situation, to support the $1.25 million, or the $1.5 million, for this 1 year. We are not attempting to have it be an open-ended operation, because those of us who ask for the 1-year appropriation are strong supporters of the Kennedy Center. Yet we believe that at

the expiration of the sum there must come not only a closer scrutiny, but there must be a security force provided.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ELLENDER. I yield 2 minutes.

Mr. RANDOLPH. I have joined in the presentation of the amendment with the belief that we must do something now, but not attempt to do more without the Public Works Committee holding hearings on the legislation, developing the facts, and understanding the program. The committee intends to hold further hearings in the next session to fully explore the operation of the Center and to do what may be necessary to strengthen its management. I think the Senate, very frankly, has an obligation to act now to take care of an emergency situation caused by vandalism and destruction. This is not the hour for us to move over a long period of time, as Senator COOPER and others of us believe, in providing money. If it is found necessary to provide additional funds, the Senator now would certainly stand with others in an attempt to bring that to fruition.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I associate myself with the remarks of the Senator from Illinois. We are both members of the Board of Trustees of the Kennedy Center. The Center has been open only 3 months and it has proved to be a greater attraction for tourists and visitors from all over the country than anticipated. The vandalism, which is like the littering of our streets, was not anticipated. The facility must have security on the one hand, and on the other, there is a requirement to keep it air-conditioned in the summer and heated in the winter. These are expenses not associated with the performing arts.

I do not see how we can possibly refuse the visitors to this city the opportunity to see the memorial, because it has proved to be more attractive than anyone anticipated. In fact, there are three times more people visiting the facilities, like the restaurants, than was foreseen. It has been at much greater interest to visitors than anyone expected.

The alternative to this proposal is to close it to visitors. I cannot believe that the representatives of the people wish to do that, when the public has demonstrated such a great interest in visiting the Center.

As the Senator has said, there was not a long enough history to justify a full hearing. We have had 3 months of experience. Who could have anticipated that a tourist inside an elevator would reach up and pull off the crystal from the light fixture?

As the Senator says, the vandalism that has occurred is incredible. I am sure it is not with evil intentions. It is like the people who steal towels from a hotel. They want a memento.

In any case, it is happening, and we have got to have greater security.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. One more minute.

There is no doubt if we keep it open for this purpose, we cannot expect the theaters to pay this kind of expense. A normal theater would close during most of the day. Two-thirds of the time the Center is open it is for the convenience of tourists, not for the purpose for which it was constructed, that is, for the performing arts.

I do not want to mislead anyone by saying this is not going to be a problem for solution in hearings. This is an interim measure, although I hope the Senate will approve further funds for this purpose in the future. I join the Senator from Illinois in urging Senators to pass this measure.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield myself 2 minutes.

I should like to notify my colleagues that it is my understanding that a point of order will be raised. In that event, it would be my intention, pursuant to the notice of intent I filed on December 2, to file a motion to suspend the rules. If the motion to suspend the rules is sustained, then it would be my intention to strike from the motion before us the words "provided that these funds shall be available for obligation only upon enactment into law of S. 2900, 92d Congress, or similar legislation," which would then clearly leave this an obligation of $1.5 million, period.

It is my understanding that the Public Works Committee will have hearings, and will thoroughly investigate and study this matter.

Mr. President, the amendment which I am now offering is to provide an appropriation of $1,500,000 for the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. This is a matter of great importance and of extreme urgency.

Yesterday, Mr. Roger Stevens, Chairman of the Board of the Kennedy Center, and I appeared before the Senate Public Works Committee to urge that these funds be authorized and appropriated at the earliest possible time. Unless these funds are made available, the Kennedy Center will soon be closed except for the performances.

Mr. President, the Kennedy Center represents a much needed investment in the performing arts in this country. This enterprise, begun by President Eisenhower, nurtured along by President Kennedy, further by President Johnson, and completed during this administration, has enjoyed as well the strong continuing assistance and interest of the Senate over these 14 years. The marble structure on the banks of the Potomac ranks among the greatest performing arts structures in capitals throughout the world and certainly is a showcase for the arts in this country.

The amendment presently under consideration will enable the Kennedy Center to fulfill its commission by providing much needed funds for the nonperforming arts aspects of the Kennedy Center program. By nonperforming aspects, I am talking specifically about expenses such as security, utilities, maintenance, and operation incurred because the Center is intended to be more than a performance hall; it is expected to be available as well as a tourist attraction for millions of visitors each year as a memorial to the late President Kennedy. In this respect it is similar to the Washington Monument and Lincoln and Jefferson Memorials. The expense of these memorials is of course borne by the Federal Government, and in my opinion, the same should hold true to this extent for the Kennedy Center. I should emphasize at this point that this amendment is intended in no way to subsidize performing arts expenses. It relates only to expenses connected with the nonperforming public or memorial aspects of the Center.

The funds which have been raised through private sources and ticket receipts have had to be channeled already in large portion to these nonperforming arts areas in order to keep the building open to the public. If this continues we will no doubt fall short of our requirements to carry out the performing arts and educational aspects of the Kennedy Center. Obviously, if this occurs, the quality of programs will be severely diluted.

Mr. President, if we fail to appropriate funds, there seems to be only one real alternative: close the building to the public, as is done in other theaters, keeping it open only at performance times. But, in my opinion, this would be both tragic and contrary to the important services attributable to the memorial aspect of the Center.

Mr. President, in 1969 on the floor of the Senate I spoke in favor of an amendment to the Kennedy Center Act which appropriated funds and created a borrowing authority to complete construction of the Center. At that time I reported the view of the other trustees of the Center indicating that if this amendment passed, as it eventually did, they felt there would be no need to return to Congress again for construction funds, and I indicated further that in such case I would have nothing to do with any later request for additional construction funds.

The Senate Public Works Committee requested GAO to make a full-scale fiscal examination of the Center in which it was estimated that the final construction cost would be $66.2 million. I am pleased to say that this figure has proven its reliability except for the delay damage claims asserted subsequent to the completion of the GAO report by contractors and subcontractors. The claims were brought to our attention by the General Services Administration, the Government's agent for design and construction, and are based on allegations that these damages are due to the delay in constructing the building. This controversy actually caused walk-outs by the workers and a threatened shut-down of the facility which certainly would have caused even greater costs. The trustees advanced over $2 million in private funds to prevent having to incur these costs and to continue construction of the building.

The trustees of the Kennedy Center are eager to keep the Congress fully informed of the full financial condition of the Center. This additional data should not distract us from our main objective of appropriating $1.5 million for the nonperforming arts aspects. Yesterday, in testimony before the Senate Public Works Committee I urged the committee to undertake a full review and study of the problems the delay claims have posed.

In asking the committee to undertake such a review I do not feel that I was acting inconsistently in light of my earlier statements on this matter. These delay damage claims cannot properly be considered as part of the construction costs discussed in the 1969 legislation. They grew out of labor problems rather than the construction itself. Without the delay claims the project would have been completed for the estimated $66.2 million.

The trustees insured the opening of the building in September by their stop gap action of advancing private funds but the time of reckoning has come as to the payment of these delay claims. It is my hope that the committee will act to clear up this question in the very near future.

In the meantime, the most immediate and critical need is for the $1.5 million provided by my amendment. Those of us entrusted with the responsibility for overseeing the successful operations of this great Center consider this need for funds to be of emergency proportions.

I urge that the Senate consider carefully Mr. Stevens' warning of yesterday that if the Kennedy Center were unable to stay open daily for tourists the public demand and interest expressed by our constituencies would be sufficient to reopen the Center within a week. Neither I nor any of my colleagues here would, I am certain, want to be in that kind of position.

Mr. President, my remarks today contain the essence of the testimony I gave yesterday before the Public Works Committee, so that we will have a full and complete picture, as complete as a trustee of the Center can give, as complete a picture as I can give of the financial status of the Center as it relates to past representations on the floor of the Senate by myself and by the distinguished Senator from Arkansas when we asked for assistance with the construction fund, so that we would not have to mothball the Center and put it away, and simply stop the construction, because we had reached an impasse.

Mr. President, I would like to express my deep appreciation for the comments that have been made this afternoon on this floor, and for the support that has been offered by the cosponsors of the amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. ELLENDER. Mr. President, I yield myself 10 minutes.

I wish to say that this matter was considered by the full committee, and a vast majority of the members of the committee were very sympathetic to the proposal. The only objections urged were that it was not authorized, and that it might be well that the Public Works Committee go into the matter before we start making appropriations for this purpose.

I am not trying to blame anyone for being delinquent in tending to this business, but I am informed that a similar bill was introduced in the House of Representatives last July, hearings were held on that bill, and the House committee has not yet reported that bill. Why I do not know. But I am informed that there was some opposition to it. This is a privately owned building, and why the Federal Government should spend any money to maintain it, was the question.

As far as I personally am concerned, I can well understand that this great structure for the performing arts was built, really, from Federal funds and from funds that were collected from private concerns and from citizens of our country, and that if ways and means can be found to operate the administration of the building and charge the Federal Government for moneys to administer it for the purpose of entertaining our visitors, the same as we do for the Lincoln Memorial, the Jefferson Memorial, and others, I can see no objection to that. My only objection is that the proposal is not before us in the proper form, that the money should be authorized and appropriated in the regular manner.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I have to take the same position as the distinguished chairman in this matter. It is not authorized. The amendment was offered in the Committee on Appropriations. Had we accepted the amendment, it could have been subject to a point of order, and the whole bill could have been sent back the committee.

One of the Members of the Senate visited the Kennedy Center just recently, and he said all the building was closed except at times of performances, except the corridors. He and his son visited them, and that is all that is open now. So, really, I cannot see that there is such an emergency right now. If there had been some real justification for it, this really should have been brought up at least a couple of weeks earlier. We always get these emergencies in the last 3 or 4 days of a session.

As the chairman has pointed out, the authorizing bill was introduced in the House of Representatives some 4 months ago, and has not been approved, and no consideration taken. If this amendment goes in the bill and it goes to conference, even though the House conferees agree to it, under their rules it automatically is subject to a point of order on the House side.

So there is a real problem involved, and I would hope that we could wait until the appropriation is authorized.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, will the Senator from Illinois yield me a minute?

Mr. PERCY. Mr. President, I yield whatever time the distinguished Senator from Arkansas may require.

Mr. FULBRIGHT. First, I ask unanimous consent that my testimony before the Subcommittee on Public Buildings and Grounds yesterday be made a part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR J. W. FULBRIGHT

Mr. Chairman, I would like to thank you for the opportunity of appearing before this distinguished Subcommittee in consideration of S. 2900, which would authorize an annual appropriation of up to $1.5 million for the public, memorial, or, in other words, nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. I appear today in a dual capacity: first as a concerned member of Congress and second as one of the three Senate designees to the Center's Board of Trustees.

This Committee can take particular pride in having authorized the building which now graces the banks of the Potomac. Many have helped to bring this project to fruition, but no group deserves higher praise than this Committee, which has monitored the entire project, lending critical assistance and advice to make the Center a reality.

Your work goes back to 1958 when you considered and approved a bill which I was honored to introduce, S. 3335, which was subsequently approved by the Senate. After similar action in the House on a bill introduced by the distinguished Congressman of New Jersey, Frank Thompson, and approved by President Eisenhower, the National Cultural Center was born. Though the National Cultural Center was conceived to be primarily supported by private funds, it nevertheless represented a truly historic milestone because of a national commitment to encourage the performing arts represented by a national institution.

The entire concept was vastly expanded in 1963, with greater federal participation, after the tragic death of President Kennedy, who had shown a genuine interest in the National Cultural Center.

When the Kennedy Center was renamed as such to memorialize the late President, the Congress vested in the Board of Trustees responsibilities greater than anyone had previously envisioned for the National Cultural Center.

It is for assistance in meeting these added responsibilities that the Board of Trustees of the Kennedy Center seek the authorizing legislation of S. 2900, of which I am a cosponsor. The justification for this annual appropriation is plainly evident. As a public memorial similar to the Washington Monument and Lincoln and Jefferson Memorials and as a public building of great interest to the millions of tourists who visit the Nation's Capitol yearly, the request of the Kennedy Center for operation and maintenance funds has strong precedent and, in fact, is quite reasonable under the circumstances.

The distinguished former Commissioner of Public Buildings, William A. Schmidt, who is now the Kennedy Center's Executive Director for Engineering, has thoroughly analyzed the costs of the Kennedy Center, which are comparable to those of these other memorials and public buildings, and has ascertained that a $1.5 million authorization is justified. I understand that his testimony will clarify for the Committee the basis for the estimate that $1.5 million is necessary for the nonperforming arts functions of the Kennedy Center.

The Trustees of the Kennedy Center have succeeded in creating an appropriate memorial to the late President, which has brought a series of successful performing arts attractions to our Nation's Capitol. On September 8, 1971, the Opera House of the Kennedy Center opened and on the 9th of September the Concert Hall had its first performance. And the third great theater, the

Eisenhower Theater, was opened on October 18, 1971. Numerous works, many original and involving the Nation's and the world's foremost artists have been presented in the Kennedy Center during the past three months, and have received both national and international acclaim.

Every building has its critics, and the Kennedy Center is no exception; however, no critic has raised a question about the functional superiority of the Kennedy Center's three halls. All have been said to have acoustics equal to those of any in the world.

Thus, at the cost of approximately $70 million, the Nation and its capital have been provided with a facility which is benefitting to their stature in the world, but, even more importantly has introduced a new dimension to our national cultural fabric. And, I should point out that the taxpayers did not pay the full cost since over $28 million of the total has been underwritten by private gifts and another $20 million of the total cost is attributable to loans from the Federal Treasury which the Trustees of the Kennedy Center are committed to repay from the receipts from the parking garage of the building. The grant of Federal funds thus far is only $23 million.

The $1.5 million requested will not be used for any of the performing arts and educational functions of the Kennedy Center. It will defray non-performing arts expenses incurred because of the Center's unique dual function. Therefore, I urge the Committee's prompt approval of S. 2900 so that the Trustees can appropriately direct their attention to the Center's performing arts and educational activities.

I also understand that the Committee has been advised that the Trustees have an urgent immediate need for an additional $3 million to meet delay damage claims which have been asserted by the contractors and subcontractors of the Kennedy Center, and which surfaced after the 1969 legislation. This revelation to the Committee has been made by the Trustees in the interest of sharing fully with the Congress problems of operation and construction of the facility. Our present preoccupation should be the appropriation of $1.5 million for the memorial, non-performing arts aspects of the Center. However, I would recommend that in the near future this Committee consider amending the Act to provide a $3 million additional borrowing authority which would alleviate the problem without an additional federal appropriation.

Such claims were unknown when the Congress first considered the 1969 amendments, the last amendments to the Kennedy Center Act. At that time, the Trustees indicated that the total budget for construction of the Kennedy Center was $66.2 million. However, since the Congress first considered the 1969 amendments, the General Services Administration, the government's experienced agent for construction of public buildings, which was utilized by the Board of Trustees for the Kennedy Center, disclosed that the subcontractors and general contractors intended to assert claims against the government for damages due to excessive delay.

The total of these claims as of this date is approximately $6 million and represents a cost item not contemplated at the time of the 1969 legislation. These were more than mere paper claims as critical subcontractors have walked off the job during the past two years in their efforts to obtain prompt settlement of the claims.

After reviewing all the claims and with the advice of General Services Administration, the General Accounting Office, and competent counsel, the Board of Trustees advanced from non-appropriated private funds money sufficient to let critical subcontractors complete their jobs in order to complete the building without further delay and escalation in cost. Now I hope this Committee will shortly consider an expanded borrowing authority to deal with this problem.

I believe we have achieved in the Nation's Capital a focal point for cultural activity in the United States of which we can be proud. But the energies of our Board must be directed to an ever improved and expanded performing arts program. This is why I support an appropriation by Congress to take care of non-performing arts aspects of the Center.

Thank you.

Mr. FULBRIGHT. The Senator from Louisiana said this was a private building. It is no more a private building than the Museum of Technology, which is under the Smithsonian Institution. The board of trustees——

Mr. ELLENDER. It was privately constructed.

Mr. FULBRIGHT. No, it was not privately constructed. It was mutual. There is $23 million in Government grants in this $70 million building. $27 million of it was given by private sources, and there is a loan balance of $20 million. I am speaking of the building itself. The land was originally Government land, dedicated for this purpose by an act of Congress in 1958. It belongs to the Government in the same sense that the Smithsonian Institution belongs to the Government. It has a board of regents, chaired by the distinguished Chief Justice. It is really a public building just as the National Gallery is a public building. This is just as publicly owned as is the Lincoln Memorial, except that private citizens did contribute to its construction, and surely that should not be held against it. $27 million was raised from private funds.

The Center is permanent. It was agreed, in the legislation passed by both Houses shortly after his assassination that this would be the memorial to President Kennedy. This was declared by law as the only memorial to President Kennedy, and we meant the only one, for which the Federal Government assumed responsibility. There are others, of course, administered by local authorities.

The Senator speaks of delay. I do not know what happened in the House of Representatives, but I can say for myself, we had no prior experience in this matter. The Center has been opened only since September. Such things as the Senator from West Virginia mentioned, no one could have believed. Even now it is hard to believe that American citizens going through a building like this would reach up and grab crystals off the chandeliers or would otherwise deface this beautiful building.

With respect to its being open, all the corridors are open, and they are enormous. All the public rooms for the restaurants, the cafeteria, the garages, are open. When they are having a rehearsal, say, in the Eisenhower Theater, of course, they cannot then open the theater to the public. What they expect to do, given sufficient money for guards, is to open it for regular tours, somewhat like the White House is open. The big problem is to supply enough guards to prevent vandalism from taking place. Imagine letting people on tour walk through the stage area of a theater. They could completely demolish it, and they cannot let them go in without supervision. The intention is to allow them to do that, with proper guards.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has no time remaining.

Mr. ELLENDER. I yield 3 minutes to the Senator.

Mr. PERCY. Mr. President, so that the RECORD may be perfectly complete, I ask unanimous consent to have printed at this point in the RECORD a memorandum from the general counsel of the Kennedy Center, Ralph E. Becker, dated December 3, 1971, in which he states very clearly at the Attorney General of the United States has rendered a letter of opinion indicating that the site of the John F. Kennedy Center is public land under the jurisdiction of the U.S. Park Service of the Department of the Interior. I also ask unanimous consent to have printed in the RECORD a letter from the Comptroller General, dated May 12, 1966, indicating that the Kennedy Center is an "executive agency" within the meaning of section 302 of the Federal Property and Administrative Services Act of 1949, and that the building is a "public building" within the meaning of the United States Code.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN F. KENNEDY CENTER
FOR THE PERFORMING ARTS,
December 3, 1971.

Re ownership of John F. Kennedy Center.

MEMORANDUM

The John F. Kennedy Center Act, 72 Stat. 1698, as amended, provides that the site of the John F. Kennedy Center is to be assembled by the National Capital Planning Commission (Sec. 3), which was accomplished prior to the commencement of building construction. Upon assembly, the subject lands were titled in the United States with jurisdiction in the United States Park Service of the Department of the Interior. A letter dated June 24, 1966 (copy attached) was sent by the General Counsel of the Kennedy Center to the Attorney General of the United States and requested an opinion in favor of title of the site for the Center. A letter dated August 3, 1966 from the Attorney General to Roger L. Stevens (copy attached) confirmed that valid title to be vested in the United States of America had been acquired for the site of the Kennedy Center. All lands constituting the site of the Kennedy Center remain titled in the United States. The building itself, pursuant to the Act (Sec. 3), was constructed for the Smithsonian Institution. The opinion of the Comptroller General, B–154459 dated May 12, 1966, is in concurrence with the position that the Kennedy Center is an "executive agency" within the meaning of Sec. 302 of the Federal Property and Administrative Services Act, 1949, as amended, 41 U.S.C. 252, and that the building is a "public building" within the meaning of 31 U.S.C. 682.

RALPH E. BECKER,
General Counsel.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., August 3, 1966.

Re: File No. 33–9–414. District of Columbia.

Hon. ROGER L. STEVENS,
Chairman, John F. Kennedy Center for the Performing Arts,
Washington, D.C.

MY DEAR MR. CHAIRMAN: An examination has been made of the title evidence and related papers pertaining to certain land in which interests have been acquired under authority of existing legislation. The land and estate acquired by the United States are more particularly described in Schedule A attached hereto.

The title evidence and accompanying data disclose valid title to be vested in the United States of America subject to the rights and easements noted in Schedule A which your Agency has advised will not interfere with the proposed use of the land.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,
Attorney General.

SCHEDULE A

Project: John F. Kennedy Center for the Performing Arts, located in District of Columbia.

Estate Aquired: Fee simple.

Description: All of Squares 10, 11, 12, South of 12, Lots 9, 10, 19, 21, 22, 24, 800, 801, 802, 803, 804, 805, 806, 815 in Square 20, the closed portions of New Hampshire Avenue, 26th Street, D Street, E Street, the alley in Square south of 12 and a portion of the alleys in Square 20, and the adjacent portion of the Rock Creek and Potomac Parkway as shown on a plat recorded in the Office of the Surveyor for the District of Columbia in Liber 133 at folio 29.

The title is subject to the following:

1. Existing easements for subsurface utility lines, water lines and sewer lines.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., May 12, 1966.

Mr. ROGER L. STEVENS,
Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, Washington, D.C.

DEAR MR. STEVENS: We have a letter dated March 1, 1966, from Mr. Ralph E. Becker, General Counsel for the Board of Trustees, who requests our advice upon the propriety of negotiating a contract for the construction of the John F. Kennedy Center for the Performing Arts, rather than proceeding by advertisement for bids. Mr. Becker notes that you and representatives of the General Services Administration (GSA), which agency is said to act as the Center's agent for the design and construction of the building, are members of a Committee to which the Board of Trustees has given authority and power with respect to the plans of the building, and that the Committee has recommended the contract be negotiated rather than advertised.

Mr. Becker asks if we concur in his opinion that the Trustees of the John F. Kennedy Center for the Performing Arts are by the terms of the John F. Kennedy Center Act, approved September 2, 1958, P.L. 85–874, 72 Stat. 1698, as amended, excluded from the requirements of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949, Ch. 288, 63 Stat. 377, as amended, and are therefore free to negotiate instead of advertise the construction contract for the Center building.

With respect to whether you are free to negotiate instead of advertise the subject contract, you have submitted at our request letters from the Chairmen of the Senate and House Committees on Public Works, the Senate Committee on Appropriations, and the House Subcommittee of the Committee on Appropriations, before whom you had earlier testified that contracts for the Center building would be awarded on the basis of competitive bidding, according to standard GSA procedures. The first two letters indicate that it was not the intention of those two Committees to impose a rigid or irrevocable requirement that the contract be awarded pursuant to the procedures of competitive advertising. The latter two letters reference letters from you to the Chairmen which mention the above noted testimony, and ascribe to our Office the opinion that on the basis of the present record we would have no legal objection to negotiation of the general construction contract for the Center building. The Chairmen indicate that under these circumstances their Committees have no objection to negotiating the subject contract if our Office has no objection to such procedure. We conclude from these four letters that the funds appropriated for the construction of the Center building were not intended to be irrevocably conditioned upon the use of competitive advertising procedures in awarding the contract for such construction.

Turning to the question whether the John F. Kennedy Center Act excluded the Trustees from the requirements of the Federal Property and Administrative Service Act, we note that the first mentioned Act created a bureau within the Smithsonian Institution, and authorized its Board of Trustees to solicit contributions for, and to construct, the Center building for the Institution. Section 302 of the Federal Property and Administrative Services Act of 1949, as amended, 41 U.S.C. 252, provides that "Executive agencies" shall make procurements in accordance with the provisions of Title 3 of that Act except when the subject Title is made inapplicable by other law. Although this Office has never ruled upon the question of whether the Smithsonian Institution is an "Executive agency," we are advised that it is the view of counsel in the General Services Administration that the Smithsonian Institution is considered an independent establishment in the Executive branch of the Government, and an "Executive agency," as those terms are used in the Federal Property and Administrative Services Act of 1949 and in the Reorganization Plan No. 18 of 1950. The General Services Administration has concluded that its basic authority to act as agent for the Center in the design and construction of the building depends upon the status of the Smithsonian Institution as a Federal and an Executive agency within the meaning of those terms as used in the Federal Property, and Administrative Services Act of 1949. We see no clear reason to disagree with these views, acceptance of which would appear to support the conclusion that any contract for construction of the Center should be made in accordance with the 1949 Act.

On the other hand, the John F. Kennedy Center Act, as originally approved on September 2, 1958, imposed no limitations or restrictions on the power of the Board with respect to the manner of carrying out its authority to construct what was then referred to as the "National Cultural Center." Section 5(c) of the Act, the language of which section has not been subsequently amended, provides that the actions of the Board, including any payment made or directed to be made by it from *any trust funds*, shall not be subject to review by any officer or agency other than a court of law. Moreover, in our decision of B–145878, dated September 1, 1961, we had occasion to consider the unique character and status of the Smithsonian Institution, of which the Center is a bureau, and concluded that the discretionary powers of the Board of Regents with respect to such functions as the management and control of the buildings of the Institution, which functions are generally financed with trust funds, are not subject to the statutes usually applicable to Government buildings. However, prior to the amendment to the John F. Kennedy Center Act, approved January 23, 1964, Public L. 88–260, 78 Stat. 4, which changed the name "National Cultural Center" to "John F. Kennedy Center for the Performing Arts," the only funds which were to be involved in the construction of the building were trust funds acquired through public contributions.

The amendment of January 23, 1964, authorized the appropriation of Government funds to the Board, in an amount to match public contributions up to $15.5 million. You will recall that by letter of November 27, 1964, your General Counsel, Mr. Becker, requested the decision of this Office as to the period of availability of the funds appropriated for construction of the Center, stating it to be his opinion, as well as that of counsel for the Bureau of the Budget and General Services Administration, that the amount appropriated as the Federal share of the cost of the Center "is an appropriation for construction of a public building which will remain available until completion of construction in accordance with the quoted statutory provision (31 U.S.C. 682)." This interpretation, which was accepted and agreed to by our decision B–154459, December 9, 1964, appears to be inconsistent with the view that the amount appropriated became automatically a part of the trust funds of the Board, subject to its control without review "by any officer or agency other than a court of law."

Since the Board of Trustees is a bureau within the Smithsonian Institution, it would appear to enjoy the same authority as the Institution's Board of Regents with respect to the management and control of the Center which it has been authorized to construct for the Institution. B–154459, dated October 30, 1964. However, in the absence of any contrary provision in the appropriation act, it is our opinion that purchases of equipment or facilities for the Institution for which funds have been appropriated by the Congress must be made in accordance with the general provisions of law governing the expenditure of appropriated funds. 41 Comp. Gen. 177. The amendment of January 23, 1964, did not exempt the Board from procurement laws which ordinarily apply to the disposition of Government funds. Moreover, the Report on the subject amendment explained that since the bill provided for the expenditure of Federal funds in connection with the Center, "it is clear that the Director of the Bureau of the Budget and the Comptroller General must and do have authority to examine and audit the financial records of the Board for all purposes." See House Report No. 1050, 88th Congress. Therefore, we believe the 1964 amendment should be construed as modifying the powers of the Board at least to the extent of requiring that expenditures involving the $15.5 million appropriation be in accord with general procurement laws governing the expenditure of such funds.

Mr. Becker asserts that even if the general procurement laws are applicable, the subject contract may be negotiated without advertising pursuant to section 302(c)(10) of the Federal Property and Administrative Services Act of 1949, which provides for such negotiation where it is impracticable to secure competition. In support of such assertion he has submitted numerous reasons why negotiation of the contract is desirable. GSA shares this opinion, and has supplemented the record to indicate the reasons for its agreement.

Section 1.3–305(b) of the Federal Procurement Regulations, issued in implementation of section 307 of the Act, provides that a determination and findings on the impracticality of securing competition shall set forth enough facts and circumstances to clearly and convincingly establish that the use of formal advertising would not be feasible or practicable. To date no determination or findings, as such, has been issued but on the basis of the facts, circumstances and conclusions in the record submitted to us by your office and the GSA it would appear that a substantial basis can be said to exist to justify a determination that the use of formal advertising would not be practical. Therefore, on the present record our Office would have no legal basis for questioning negotiation of the subject contract under exception 10 of section 302(b) of the Federal

Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(10)) and section 1.3–210 of the Federal Procurement Regulations, provided you and your agent in this matter, the GSA, issue a joint determination setting forth the facts and circumstances which clearly and convincingly establish that the use of formal advertising is neither feasible nor practicable.

If we may be of any further assistance to you in this matter, please do not hesitate to call upon us.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

JOHN F. KENNEDY CENTER
FOR THE PERFORMING ARTS,
Washington, D.C., June 24, 1966.

Hon. NICHOLAS DEB. KATZENBACH,
The Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Under the provisions of Title 40, United States Code, Section 255, a written opinion is required in favor of the validity of the title to land proposed to be used for the construction of public buildings. This letter is to request that such an opinion in favor of the title of the site of the John F. Kennedy Center for the Performing Arts be rendered.

Enclosed herewith are deeds, certificates of title and other evidences of title, including a copy of an order by the Commissioners of the District of Columbia closing certain streets and alleys and ordering their reversion to the abutting title-holder, the United States, as provided in Section 7–401, District of Columbia Code.

I would appreciate it if you would send your opinion to Roger L. Stevens, Chairman, John F. Kennedy Center for the Performing Arts, 1701 Pennsylvania Avenue, N.W., Washington, D.C., with one copy to me as General Counsel.

If you have any questions or desire any further data or information, I would be happy to furnish same.

Thank you for your consideration of this request.

Very sincerely yours,

RALPH E. BECKER.

ENCLOSURES

General Services Administration: Letter dtd. Dec. 10, 1965; Opinion of Atty. Genl. dtd. Oct. 14, 1948; Opinion of Atty. Genl dtd. Sept. 1, 1965.

National Park Service: Letter dtd. Dec. 20, 1965; Map No. 8746 from Surveyor's Office.

District of Columbia Government: Letter dtd. June 8, 1966; Order No. 66–131 dtd. Feb. 4, 1966 re closing streets and alleys.

John F. Kennedy Center for Performing Arts

Extract of Bd of Trustees Meeting—May 17, 1965.

Extract of Executive Committee Meeting—June 3, 1965.

Letter dtd. Jan. 28, 1966 from Title Co. to Center.

Deed of Gift dtd. July 19, 1965 from Heurich heirs to Kennedy Ctr.

Deed dtd. Dec. 2, 1965 from Kennedy Ctr. to U.S.A.

National Capital Planning Commission:

Land Acquisition Memoranda: #53, 64, 65, 72, 73, 74, 75–A.

Opinion of Atty. Genl. dtd. Jan. 7, 1963.

Opinion of Atty. Genl. dtd. May 3, 1966.

Deed dtd. Oct. 12, 1965 from Wards to U.S.A.

Deed dtd. Feb. 21, 1963 from Stokes to U.S.A.

Deed dtd. Feb. 19, 1963 from Gildenhorns to U.S.A.

Certificate of Title dtd. Jan. 23, 1961.

Certificate of Title dtd. Mar. 15, 1961.

Certificate of Title dtd. Dec. 14, 1964.

Certificate of Title dtd. Dec. 14, 1964.

Certificate of Title dtd. July 7, 1965.

Certificate of Title dtd. Sept. 4, 1965.

Mr. PERCY. So there seems to be no question whatever that this is a public building, public property built on public land, and it is owned by the people of the United States—no one else. The trustees simply act to operate it as best we can. They are appointed by the Senate, by the House of Representatives, and by the President of the United States. They function at the direction of Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the John F. Kennedy Center Act.

There being no objection, the act was ordered to be printed in the RECORD, as follows:

JOHN F. KENNEDY CENTER ACT

An act to provide for a John F. Kennedy Center for the Performing Arts which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. This Act may be cited as the "John F. Kennedy Center Act".

BOARD OF TRUSTEES

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the John F. Kennedy Center for the Performing Arts (hereinafter in this Act referred to as the "Board"), whose duty it shall be to maintain and administer the John F. Kennedy Center for the Performing Arts and site thereof and to execute such other functions as are vested in the Board by this Act. The Board shall be composed as follows: The Secretary of Health, Education, and Welfare, the Librarian of Congress, the Assistant Secretary of State for Public Affairs, the Chairman of the Commission of Fine Arts, the President of the Board of Commissioners of the District of Columbia, the Chairman of the District of Columbia Recreation Board, the Director of the National Park Service, the Commissioner of the United States Office of Education, the Secretary of the Smithsonian Institution, three Members of the Senate appointed by the President of the Senate, and three Members of the House of Representatives appointed by the Speaker of the House of Representatives ex officio; and thirty general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.

(b) The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of ten years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, (2) the terms of any members appointed prior to the date of enactment of the National Cultural Center Amendments Act of 1963 shall expire as designated by the President at the time of appointment, and (3) the terms of the first fifteen members appointed to the Board pursuant to the amendments made by the National Cultural Center Amendments Act of 1963 shall expire, as designated by the President at the time of appointment, three on September 1, 1964, three on September 1, 1966, three on September 1, 1968, three on September 1, 1970, and three on September 1, 1972.

(c) There shall be an Advisory Committee on the Arts composed of such members as the President may designate, to serve at the pleasure of the President. Persons appointed to the Advisory Committee on the Arts, including officers or employees of the United States, shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the John F. Kennedy Center for the Performing Arts. The President shall designate the Chairman of the Advisory Committee on the Arts. In making such appointments the President shall give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in the appropriate art fields. The Advisory Committee on the Arts shall advise and consult with the Board and make recommendations to the Board regarding existing and prospective cultural activities to be carried on in the John F. Kennedy Center for the Performing Arts. The Advisory Committee on the Arts shall assist the Board in carrying out section 5(a) of this Act. Members of the Advisory Committee on the Arts shall serve without compensation, but each member of such Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such Committee.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

SEC. 3. The Board shall construct for the Smithsonian Institution with funds raised by voluntary contributions, a building to be designated as the John F. Kennedy Center for the Performing Arts, on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south, Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the John F. Kennedy Center for the Performing Arts and related facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

DUTIES OF THE BOARD

SEC. 4. The Board shall—

(1) present classical and contemporary music, opera, drama, dance, and poetry from this and other countries,

(2) present lectures and other programs,

(3) develop programs for children and youth and the elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation,

(4) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts,

(5) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President.

POWERS OF THE BOARD

SEC. 5. (a) The Board is authorized to solicit and accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities or other property of whatsoever character for the benefit of the John F. Kennedy Center for the Performing Arts. Unless otherwise restricted by the terms of the gift, bequest, or devise, the Board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the John F. Kennedy Center of the Performing Arts. The income as and when collected shall be placed in such depositaries as the Board shall determine and shall be subject to expenditure by the Board.

(b) The Board shall appoint and fix the compensation and duties of a director, an assistant director, and a secretary of the John F. Kennedy Center for the Performing Arts and of such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board. The director, assistant director, and secretary shall be well qualified by experience and training to perform the duties of their office.

(c) The actions of the Board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

ADMINISTRATION

SEC. 6. (a) The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. The Board may function notwithstanding vacancies and twelve members of the Board shall constitute a quorum for the transaction of business.

(b) The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

(c) The Board shall submit to the Smithsonian Institution and to Congress an annual report of its operations under this Act, including a detailed statement of all public and private moneys received and disbursed by it.

(d) The Board shall transmit to Congress a detailed report of any memorial which it proposes to provide within the John F. Kennedy Center for the Performing Arts under authority of paragraph (5) of section 4 of this Act, and no such memorial shall be provided until the Board of Regents of the Smithsonian Institution shall have approved such memorial.

TERMINATION

SEC. 7. (a) This Act shall cease to be effective, and all offices created by this Act and all appointments made under this Act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the John F. Kennedy Center for the Performing Arts have been received by the Trustees of the John F. Kennedy Center for the Performing Arts within eight years after the date of enactment of this Act.

(b) If the offices of Trustees of the John K. Kennedy Center for the Performing Arts terminate under the provisions of subsection (a), all funds and property (real and personal) accepted by the Trustees of the John F. Kennedy Center for the Performing Arts under section 5(a), and income therefrom, shall vest in the Board of Regents of the Smithsonian Institution and shall be used by the Board of Regents of the Smithsonian Institution to carry out the purposes of the Act entitled "An Act to provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution," approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such Act; except that such funds or property, and the income therefrom, shall vest in an organization designated by the donor of such funds or property at the time of the making of the donation thereof, if, at such time, such organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and is exempt under section 501(a) of such Code, and if, at such time, a contribution, bequest, legacy, devise, or transfer to such organization is deductible under section 170, 2055, or 2106 of such Code.

APPROPRIATIONS

SEC. 8. There is hereby authorized to be appropriated to the Board for use in accordance with this Act, amounts which in the aggregate will equal gifts, bequests, and devises of money, securities, and other property, held by the Board under this Act, except that not to exceed $23,000,000 shall be appropriated pursuant to this section.

BORROWING AUTHORITY

SEC. 9. To finance necessary parking facilities for the Center, the Board may issue revenue bonds to the Secretary of the Treasury payable from revenues accruing to the Board. The total face value of all bonds so issued shall not be greater than $20,400,000. The interest payments on such bonds may be deferred with the approval of the Secretary of the Treasury but any interest payments so deferred shall themselves bear interest after June 30, 1972. Deferred interest may not be charged against the debt limitation of $20,400,000. Such obligations shall have maturities agreed upon by the Board and the Secretary of the Treasury but not in excess of fifty years. Such obligations may be redeemable at the option of the Board before maturity in such manner as may be stipulated in such obligations, but the obligations thus redeemed shall not be refinanced by the Board. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average rate on current marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of the obligations of the Board. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Board to be issued under this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Board's obligations under this section.

GIFTS TO UNITED STATES

SEC. 10. The Secretary of the Treasury is authorized to accept on behalf of the United States any gift to the United States which he finds has been contributed in honor of or in memory of the late President John F. Kennedy and to pay the money to such appropriation or other accounts, including the appropriation accounts established pursuant to appropriations authorized by this Act, as in his judgment will best effectuate the intent of the donor.

NATIONAL MEMORIAL

SEC. 11. The John F. Kennedy Center for the Performing Arts, designated by this Act, shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.

Mr. PERCY. Mr. President, to conclude the legislative history, I should like to advise Senators that yesterday, when I offered this amendment before the full Appropriations Committee, it prevailed by a 2-to-1 vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield 1 additional minute to the Senator.

Mr. PERCY. It was then pointed out to the Senator from Illinois that if this amendment were incorporated in the bill, the whole supplemental appropriation might be subject to a point of order. On that basis, not wishing, as a member of the committee, to endanger the work that committee has put in over a period of months, I then withdrew my amendment, with the understanding that the amendment would be fully supported on the floor by the distinguished chairman and by other distinguished members of the committee, except those who, for reasons of their own, have chosen to oppose this particular provision.

I think this completes the legislative history, and I would be happy to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ELLENDER. Mr. President, I yield to the Senator from Maine.

Mrs. SMITH. Mr. President, I raise the point of order that this is legislation without authorization on an appropriation bill.

The PRESIDING OFFICER (Mr. BEALL). In the opinion of the Chair, the point of order is well taken, because under rule XVI, paragraph 1, the amendment is subject to a point of order.

The amendment is also subject to a point of order because it involves a contingency. It provides that these funds shall be available by obligation only upon enactment into law of S. 2900, 92d Congress, or similar legislation.

The Chair sustains the point of order.

Mr. PERCY. Mr. President, pursuant to the motion of intent I filed December 2, to request suspension of the rules, I now move the suspension of paragraphs 1 and 4, rule XVI.

The PRESIDING OFFICER. How much time does the Senator yield himself? Twenty minutes is available on this motion—10 minutes to the proponent of the motion and 10 minutes to the Senator from Maine.

Mr. PERCY. I reserve such time as I have, and I will be happy to be preceded by the distinguished Senator from Maine.

Mrs. SMITH. Mr. President, on this motion I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. It is my understanding that it would take a two-thirds vote of the Senate.

The PRESIDING OFFICER. The Senator is correct. It will take a two-thirds vote.

Mr. PERCY. Mr. President, what is the question?

The PRESIDING OFFICER. The question is, Shall the Senate sustain the motion of the Senator from Illinois to suspend the rule?

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Maine yield back her time?

Mrs. SMITH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the motion has been yielded back.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is a vote "aye" a vote to suspend the rule?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion of the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay," and, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

On this vote, the Senator from Delaware (Mr. BOGGS) and the Senator from Massachusetts (Mr. BROOKE) are paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Massachusetts (Mr. BROOKE) would each vote "yea" and the Senator from Texas (Mr. TOWER) would vote "nay."

The yeas and nays resulted—yeas 55, nays 23, as follows:

[No. 436 Leg.]

YEAS—55

Anderson	Hollings	Percy
Bayh	Hughes	Randolph
Beall	Inouye	Ribicoff
Bentsen	Jackson	Roth
Bible	Javits	Schweiker
Burdick	Kennedy	Scott
Byrd, W. Va.	Magnuson	Sparkman
Case	Mansfield	Spong
Chiles	Mathias	Stafford
Cook	McGee	Stennis
Cooper	McIntyre	Stevens
Cranston	Mondale	Stevenson
Eagleton	Montoya	Symington
Eastland	Moss	Talmadge
Fong	Muskie	Tunney
Fulbright	Nelson	Weicker
Gravel	Packwood	Williams
Harris	Pastore	
Hart	Pell	

NAYS—23

Aiken	Fannin	Metcalf
Allen	Goldwater	Miller
Bellmon	Griffin	Pearson
Byrd, Va.	Gurney	Proxmire
Curtis	Hansen	Smith
Dominick	Hruska	Thurmond
Ellender	Jordan, Idaho	Young
Ervin	Long	

NOT VOTING—22

Allott	Church	McClellan
Baker	Cotton	McGovern
Bennett	Dole	Mundt
Boggs	Gambrell	Saxbe
Brock	Hartke	Taft
Brooke	Hatfield	Tower
Buckley	Humphrey	
Cannon	Jordan, N.C.	

The PRESIDING OFFICER. On this question, two-thirds of the Senators present having voted in the affirmative, rule XVI is suspended.

Several Senators addressed the Chair.

Mr. PERCY. I send to the desk a modification of my amendment. The modification is a very simple modification.

The PRESIDING OFFICER. Will the Senator suspend? The Senator from Illinois will have to submit the identical amendment which would then be open to amendment.

Mr. BYRD of West Virginia. Mr. President, except by unanimous consent.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 782

Mr. PERCY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

Page 4, after line 8, insert the following:

SMITHSONIAN INSTITUTION

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000: *Provided*, That these funds shall be available for obligation only upon enactment into law of S. 2900, Ninety-second Congress, or similar legislation.

Mr. PERCY. Mr. President, I ask unanimous consent to modify my amendment by striking out the words beginning with the word "Provided," on line 5 through the remainder of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment as modified reads as follows:

Page 4, after line 8, insert the following:

SMITHSONIAN INSTITUTION

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois as modified.

Mr. PERCY. Mr. President, I do not think there will be any occasion to debate the amendment as modified if the distinguished chairman of the committee is willing to accept the amendment as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois as modified.

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 11, line 6, strike out "$687,157,000" and insert in lieu thereof "$707,167,000"; and strike out "$197,816,000" and insert in lieu thereof "$217,816,000".

Mr. TUNNEY. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the names of the Senator from California (Mr. CRANSTON) and the Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, this amendment is a simple one, but one that is most important, I believe. It would add an additional $20 million for health profession school construction grants.

Mr. President, as the Appropriations Committee report on this bill states, the future success of the whole health manpower program may well depend on the construction of health educational facilities. Yet the administration requested only $82 million of the $225 million authorized, despite the fact that there is already a backlog of $840 million in approved but unfunded construction grant applications.

Through the able leadership of the Senator from Washington (Mr. MAGNUSON), the chairman of the HEW Subcommittee, the Appropriation Committee has increased the funds for construction grants by an additional $88.6 million.

Yet, in the face of the tremendous need throughout the country, I believe an additional increase is most necessary. For example, in the State of Washington there are at present $8.1 million in grant applications approved but unfunded. In Massachusetts, the figure is $32.7 million. In South Carolina, $27 million. And in California, $94.7 million. I might add, Mr. President, that of that amount, more than $13 million in California is at the stage where construction can begin immediately.

There is no need for any additional review by the agency. There are similar examples throughout the country.

Mr. President, I think it is particularly important, as we consider this amendment, to listen to the rhetoric of the administration on this very point. In an address today to the annual meeting of the Council of State Governments, Presidential Counselor Robert Finch is quoted as saying that the administration is now emphasizing the supply side of medical care because there is now a shortage of personnel. He said, according to the UPI wire story of today, that the country has lost five medical schools within the past 5 years and that about 40 percent of the medical personnel now in practice in the United States has been trained abroad.

Mr. President, I submit that out of the mouths of the administration, truth has come. In the face of those comments by Mr. Finch today, and in the face of the very great need for trained medical personnel in this country, this additional $20 million is most appropriate.

It is particularly important as we continue to debate the need for and means of achieving a health insurance program for all Americans at some date in the near future.

Mr. MAGNUSON. Mr. President, it all gets down to the fact that we are trying to have a real forward thrust toward providing more and better trained medical personnel throughout the country. We know that we have a shortage of 50,000 doctors. We know that the medical schools are in financial trouble. Some of them are not only in financial trouble but also do not have physical facilities so they can add to their usual quota of students.

We would like to start moving on this. I know that there is a great backlog of qualified applicants in the medical schools in the State of Washington and also in the State of California, and elsewhere.

The amazing fact to me is that the authorization, despite the fact that it states the figure the Senator has mentioned—which I believe was——

Mr. TUNNEY. $225 million.

Mr. MAGNUSON. It only authorized $225 million.

The administration request was $82 million and we went up to $170 million, almost double. We are getting pretty close to the authorization ceiling.

But I do not see any particular reason why we should not take this to conference, because if ever there was a crying need today it is the need to develop enough health personnel to take care of the health needs of America. We are 50,000 doctors short.

Two years ago we put extra money in this bill. We had testimony from the administration that they were going to try to enroll 1,200 more medical students than normally would be graduated from these schools. We gave them the extra money. I do not know what happened. They reported the next year they were able to add only 346 to help meet that shortage of 50,000.

Now, we are almost on a treadmill. We are not making any progress but we are hopeful. We are hopeful because of the cooperation of the medical schools all over the country and their administrators. We may be able to pick up more than we think. Many of the schools are shortening their curriculums. Many of them are going year around. Many of them are trying to train people as physicians' assistants and many are starting new and innovative programs.

I hope that the Senate approves the comprehensive nurses program, the capitation and other parts that we did not have any budget request for.

I do not need to tell Senators about the shortage of dentists. Just make an appointment with a dentist and miss it and see when the next appointment can be made. There will be a long wait. Fifty percent of all children under the age of 12 have never been seen by a dentist in this country and never have been in the office of a dentist.

These are the things we are trying to get at. I want to take it to conference and get as much as we can, and come as close as we can to the authorization.

I am glad to accept the amendment.

Mr. TUNNEY. I thank the Senator. I have had private conversations with the Senator about this matter. I can say that he has been most understanding of the needs of our medical schools and is aware of the particular needs of my own State of California.

Mr. MAGNUSON. I wish I could take even more but I know the practicalities of the matter. But if we are going to talk about the forward thrust in health in America it gets down to a matter of improving delivery. That is where the crisis is.

Mr. TUNNEY. The Senator is correct. There is not a Member of this body who is not aware of the fact that we must provide the resources to deliver adequate health care to all Americans.

Mr. MAGNUSON. Our biomedical research people are the best in the world but it is a question of delivery of health care.

Public health programs are also involved here. We have money here for the public health schools. In almost any city it is difficult to get a public health administrator, and that deals with preventive medicine, vaccinations, X-rays, and all these programs aimed at prevention of disease.

I am glad to take the amendment. I hope we can get the House to agree to the full amount.

Mr. TUNNEY. I thank the Senator.

Mr. MAGNUSON. The full committee and the subcommittee have been sympathetic with us in moving quickly on this matter.

Mr. TUNNEY. I deeply appreciate the Senator's statement and I appreciate his willingness to accept and support this much needed increase.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CASE. The Republican members of the subcommittee support the amendment and we are very happy to say so. On a personal note, I support it strongly. We need this money in southern New Jersey for a new medical school and I am sure for other things.

While I cannot make the speech our chairman made or add the weight his support will bring to the amendment, what little I can do I offer.

Mr. MAGNUSON. I did not mean to ignore the Republican member of the committee. I am so used to looking over and seeing the Senator from New Hampshire. He and I talked these things over. I presume the Senator from New Jersey is taking over for the Senator from New Hampshire.

Mr. CASE. I have been asked to do so. I am happy to be a member of the choir.

The ACTING PRESIDENT pro tempore. Who yields time? Do Senators yield back the remainder of their time?

Mr. TUNNEY. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time has been yielded back. The question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY).

The amendment was agreed to.

FUNDING FOR HEALTH MANPOWER PROGRAMS

Mr. CRANSTON. Mr. President, I would like to congratulate Mr. ELLENDER, chairman of the Committee on Appropriations and Senator MAGNUSON, chairman of the Subcommittee on Labor-HEW appropriations for the excellent supplemental appropriations bill they have reported from committee. Again they have shown their responsiveness to the needs of the Nation and have produced a supplemental appropriations bill which reflects the true needs of those programs of priority importance to the Nation.

I was particularly pleased with the committee's action on the appropriations for the health manpower programs of the National Institutes of Health. These programs provide the critically needed manpower resources for our Nation's health system, a high priority with Congress and with the President as he stated in his health message of February 18.

However, despite the avowals of firm commitment and dedication on the part of the administration to bend every effort to meet the health manpower needs of the Nation, when the opportunity was presented them to match this verbal zeal with money, they faltered and presented a request for funding of these programs well below the levels authorized.

In some cases, they asked for 60 percent of the amount authorized; in others even less. The committee is to be congratulated for its action in substantially increasing the amount requested by the President in almost every category.

One of the most critical areas is that of institutional grant support. The administration had suggested funding these programs at the level of 60 percent for health professions schools and had suggested not funding them at all in the case of nursing schools. In testimony before the Appropriations Subcommittee, I had urged that these programs be fully funded. I am delighted that the committee has recommended 80 percent support for institutional grants to schools of medicine—which includes my amendment in the law for physician's assistant capitation—osteopathy and dentistry, and 88 percent for the other schools of the health professions. In the case of nurse training schools, the committee has recommended funding at the level of 80 percent whereas the administration had requested zero funding.

Another area which I felt needed considerably more support financially than the administration requested and for which I urged the committee to recommend substantially higher funding is that of construction of health education and research facilities.

The committee, again, has recognized the critical need for support of construction and recommended an appropriation of $170,616,000, an increase of over $88 million more than double over the administration request for construction of health professions schools and health research facilities. I was also delighted that the committee is recommending an appropriation of $25 million for construction for nursing schools, an increase of $15.5 million over the administration request.

The need for additional funds in the area of student support has been one the Committee on Appropriations has recognized and acted upon generously and responsively in the past. Again, the committee has expressed its concern for the financial difficulties students are facing today by recommending increased funding for student loans and scholarships for both health professions and nursing students.

Adequate funding for student support programs is another issue upon which I

focused in my testimony before the committee, and I am glad the committee has recommended substantial increases in these areas. Of particular note is the committee's recommendation of full funding of student loan programs for nursing students, and of 80 percent for health professions students. Scholarship support was increased over the administration request by almost $20 million for health professions students and by almost $15 million for nursing students.

Among other programs for which I asked a funding increase over the administration request were the programs to encourage the recruitment and retention of disadvantaged students in both the health professions and nurse training schools.

While I am disappointed the committee accepted the administration suggested figure for these programs in nursing schools, and did not provide for funding above the earmarked level for this vital program in health professions schools, on balance the committee has done a most responsive and responsible job.

Mr. President, I covered these subjects in some depth in my testimony before the Subcommittee on Labor-HEW Appropriations, and ask unanimous consent that the full text of my November 29 testimony before the subcommittee be printed in the RECORD at this point.

There being no objection, the text of the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ALAN CRANSTON

Mr. Chairman, thank you for the opportunity to present this statement.

This century has seen a growing need for and acceptance of the involvement of the federal government in the creation and development of the nation's social institutions.

As little as 100 years ago, responsibility for the social environment and the alleviation of social ills was considered the province of the individual citizen. Since then, the rapid growth of the United States, in terms of population, land area, and increased knowledge and capability to deal with social problems has made reliance on such a system impossible.

With this growth, our nation has had to develop institutions and institutional systems to cope with the complexity of issues involved in creating a liveable social environment for our citizens. As these institutions grew, we resorted to organizational methods or as it is proudly called "good old American know-how" to provide social services to the people. In the process, organization itself became institutionalized and the intended beneficiary—the individual and his needs—became secondary rather than being the primary purpose and focus of the "system."

This process of institutionalization has brought with it new problems. Today all our social institutions are in a state of change in response to demands made by the rising expectations of a more aware and enlightened citizenry. Nowhere is this more so that with the institutions of health care and health manpower education.

CONGRESSIONAL RESPONSE TO NATIONAL NEEDS

Congress has manifested its recognition of heightened demand by a series of legislative initiatives over the past 25 years—from support of hospital construction, continuing through extension of health services to our retired citizens under Medicare as well as to those outside the mainstream of the system under Medicaid, to support of medical research and medical education. Currently, major legislation is being considered to change dramatically our nation's system of providing health care in order to correct the inequities that still exist.

Likewise, I believe Congress has responded to national needs in the development of the Comprehensive Health Manpower Training Act of 1971 (P.L. 92–157) and the Nurse Training Act of 1971 (P.L. 92–158). These two Acts extend the legislative authorities of the federal government for support of the training of men and women in the health fields, and, I believe, should lead to improved capacities in our training institutions to produce more professionals and to prepare them better to meet the increasing demands being made upon their skills and their time. I was privileged as a member of the Health Subcommittee of the Labor and Public Welfare Committee to be involved with the writing of this legislation from subcommittee through conference committee.

This legislation is indispensable to reaching the national goal of making health care accessible to all in our land, and its funding and implementation is crucial in developing the manpower resources needed to meet this goal. I urge you to be as generous as possible in recommending adequate appropriations levels for the statutory authorities in these two new public laws.

I would like to concentrate on just five specific categories in these training programs—construction; institutional support; student support; support of programs to broaden the makeup of student bodies economically, socially and ethnically; and training of family practitioners.

CONSTRUCTION

The new health professions legislation authorizes an appropriation of $225 million for construction grants for schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, public health, and health research facilities. An additional $8 million is authorized for subsidized interest payments on loans (either guaranteed or not) by the federal government to schools.

However, one critical aspect of these authorities is that the amount of loans which may be guaranteed and the amount of loans for which subsidy payments may be made are limited to the amount of grant funds obligated in any fiscal year. Thus, the amount appropriated for construction grants will set the ceiling for the amount available for guaranteed loans and the interest-subsidized loans. The maximum amount which may be provided for construction through grants and loans under this authorization would be $500 million, which sounds like a very generous sum of money. However, given the backlog of over $800 million in approved but unfunded construction grant applications, this total authorization is a realistic estimate of proven need. Of this $800 million, applicants for more than half, some $450 million, have already taken all the necessary steps to acquire local matching funds and to clear title to land and are ready to go to contract immediately.

Among these projects are three which are vitally necessary to my state of California: (1) $9.4 million for one of our new schools of medicine—the University of California at San Diego—which will provide for a clinical sciences building basic to the School of Medicine's building program; (2) $2.4 million for renovation and expansion of the Loma Linda School of Dentistry; and (3) $2.4 million for expansion of the California College of Podiatric Medicine.

California also has some $85 million in approved construction grants which are not quite ready to go to contract but which will be ready in the near future. Among these are a major construction program for the University of California at San Francisco's School of Dentistry. This school is at present operating at full capacity. I am advised that without the additional space which would be made available through a construction grant, it cannot add one more student. Thus, the school will be unable to meet the mandatory enrollment increase of the new legislative authority, thereby jeopardizing its eligibility for any form of federal financial support. This situation exists in many other health professions schools. In order for these schools to follow the expressed intent of Congress to increase their production of graduates, they must be able to rely on support of their construction programs by the federal government. I urge your subcommittee, Mr. Chairman, and the full Committee on Appropriations to recommend funding of the construction programs at the full level of the authorization.

The need for support for construction for nursing schools is no less urgent. Many of these schools are in obsolete facilities, severely restricting their ability to provide quality training programs for their current student load. The new authorities in the Nurse Training Act of 1971, as with the health professions schools, require a five percent increase in student enrollment for nursing schools to be eligible for federal financial support. Where facilities are already inadequate to student needs, they will be seriously delinquent with an expanded student body. Fiscal year 1971 saw 34 nursing schools' applications for construction programs meet with full DHEW approval, but remain unfunded due to budgetary limitations. These projects alone totaled almost $27 million with an additional $13 million worth of projects awaiting review. In view of these figures, the administration budget request of $9.5 million for FY 1972 is unrealistic. I would hope your committee will settle on a funding level more reflective of the national need for expanded production of nurses.

INSTITUTIONAL SUPPORT

Both the health professions and the nurse training legislation contain provisions for strong institutional support through capitation grants which will at the same time provide incentives to increase enrollments, shorten curricula, make needed improvements in methods of training, and develop new types of health professions assistants and nursing specialists. Through this combination of incentives the educational institutions should, I believe, be able to produce the professionals to fill the role that will be required of them as our nation moves more effectively and efficiently to provide health care to all.

But the great promise of these new authorities will be frustrated unless full funding of institutional support is provided to ensure a continuing level of federal support upon which hard pressed health professions and nursing schools can place reliance.

I wish to stress, Mr. Chairman, that although the authorized level of federal support of the schools through the capitation method will provide considerably more funding than in the past, this funding will be forthcoming only if those institutions meet certain criteria with respect to substantial innovations, which in themselves will be costly to the schools. The basic requirement is a mandatory enrollment of 5% or ten students in first year places for schools whose entering class size is more than 100 and of 10% if the entering class size is 100 or less. To qualify for bonus funding, an enrollment increase of 5% or 5 students over and above the mandatory increase or a shortened curriculum is required. On top of that, schools are required to submit plans to carry out innovative programs over the next three years—such as projects to:

Effect significant curriculum improvements.

Establish cooperative training among health professions schools in the various disciplines.

Train for new roles, types or levels of health personnel, including physicians assistants, dental therapists, nurse practitioners.

Make innovative modifications of existing programs of education in the health professions.

Increase significantly the supply of adequately trained personnel.

Increase admissions of qualified individuals who due to socioeconomic factors are financially or educationally disadvantaged.

In the case of schools of the health professions, establish increased emphasis on and training in the science of clinical pharmacology, drug and alcohol abuse prevention and treatment; the science of nutrition, and the efficiency of various therapeutic regimens.

In the case of schools of nursing, provide in-serve or other training to upgrade the skills of licensed vocational nurses, nursing assistants, aides and other paraprofessional personnel.

This plan requirement is the result of an amendment I offered and is an essential part of my rationale for substantially increased federal assistance. National needs require rapid change, not more of the same in health manpower training.

This plan requirement is the result of a requirement of a substantial investment of resources on the part of the schools. I think this is just; indeed, it is necessary. But it would be tragic if the federal government were to fail to live up to its obligations under this arrangement. The amount authorized for capitation grants is $200 million for schools of medicine, osteopathy and dentistry; $34 million for schools of veterinary medicine, optometry, pharamacy, and podiatry; and $78 million for schools of nursing.

These figures were based on projections provided the respective House and Senate committees by DHEW on the numbers of students who would be enrolled in these schools this school year. They are realistic projections of the respective capitation grants corresponding to the actual number of students in each discipline. A reduction in the amount appropriated from that authorized, will mean each school will receive commensurately that much less. A severe reduction such as the administration requests for FY 1972 funds ($120 million, $20.4 million and zero for nurses) would be tragic.

This administration proposed level of support, I feel, would be totally unacceptable, would thwart congressional intent, and would result in placing many of our health training institutions in positions of extreme financial distress. One of the deans of a California health professions school, took pencil to paper and computed the federal support he would receive under the new legislative authorities if they were funded at the administration level of appropriations. He discovered he would receive less than he had in previous years, and in order to receive this shortfall would be required to increase his enrollment by an additional 10 students. That ridiculous situation requires no elaboration.

Although the administration is willing to fund financial distress grants at the full level authorized, it is a poor strategy to cut basic institutional support to a level where more and more schools will be driven to the brink of disaster before they can receive adequate federal support. This kind of funding brinksmanship is not only disastrous from the standpoint of effective educational programming but is downright wasteful in terms of basic notions of economical management.

Underfunding of basic capitation support would serve to defeat the basic purposes of these bills. Mr. Chairman, I urge appropriation of the full authorizations for the institutional support grants.

TRAINING OF PHYSICIANS' ASSISTANT AND DENTAL THERAPISTS

Included in the new Health Manpower Act as a separate institutional grant is capitation for students in full-time programs for the training of physicians' assistants or dental therapists, a program I proposed in Committee. The training of these new types of health professionals may be the best investment America can make in health care. Where these new types of health personnel have been utilized to date, they have proven themselves to be indispensable extenders of the professional's ability to treat patients, they have received wide acceptance from patients as well as from other professionals, and in short, have measurably expanded the capacity of our health system to meet the growing demand for services. The development of these professional extenders is crucial to the expansion of the provision of adequate health services to a greater proportion of our population. For example, they offer one clear way to make rural or small town practice of medicine or dentistry more attractive by reducing appreciably the physical, mental and time demands made on the physician or dentist. These new professionals also offer a much needed opportunity for more intimate contact and interpersonal relationships between the health care provider and the patient since the health professional assistant will have more time to personalize the rendering of his services.

When Congress completes its consideration of various national health plans—a greatly enlarged supply of these valuable men and women will be essential. Without full funding of the capitation authorizations, I fear that development of these new types of professionals will be the type of program first sacrificed by our already strained health professions institutions. The legislation authorizes a capitation payment of $1,000 per student in these programs. The administration request of funding at 60% of authorizations would mean a reduction in this level of support to only $600 per student. The annual costs of training these young men and women is high. Studies have shown this cost to be comparable to the annual cost of training a physician because of the compressed-time nature of their education, although the total cost is considerably less due to far shorter training period.

STUDENT SUPPORT

The rising cost of living has also impacted on the student. Your committee gave full recognition to this critical situation when you recommended last summer, in the FY 1972 appropriations act, a $3 million and $5 million increase, respectively, over the budget request for scholarships for health professions and nursing students and a $5 million and $4 million increase, respectively, for direct loans for health professions and nursing students. The final appropriation represented a total increase of approximately $9.5 million over the administration's request in all student support categories. Without your leadership in this area, Mr. Chairman, this substantial increase in support to students in the health and nursing professions could not have been achieved.

I have long felt our students in these scarce professions, which also require a large personal financial investment, need greater support in their efforts to pursue a career in health. This is why I proposed an increase in the student support provisions in separate legislation well over a year ago when I introduced S. 4296 in the 91st Congress. This bill was reintroduced in January of this year as S. 372 and certain of its provisions are incorporated in P.L. 92–157 and P.L. 92–158. These provisions increase the amount of scholarships which can be provided an individual student from $2,500 to $3,500 for health professions students. Also nursing student scholarships are increased from $1,500 to $2,000. The legislation also provides scholarship funds to the health professions institutions on a formula basis. By projecting this formula it is estimated $56,700,000 should be allocated to schools of the health professions for scholarship funds, and that $55,500,000 should be allocated to nursing schools.

The FY 1972 appropriations act already includes appropriations of $15,500,000 for health professions student scholarships and $19,500,000 for nursing student scholarships. The administration has asked for no additional funds in either category. With the increased amounts which may be provided each scholarship student, and with the increased and highly laudable efforts health professions and nursing schools are making to attract more students from low-income and disadvantaged backgrounds, I believe the need for scholarship funds will be greater than it has ever been in previous years. One Medical School of the University of California alone currently has a backlog of one million dollars in actual scholarship assistance needed. I urge this Subcommittee, Mr. Chairman, to recommend substantially more funding in these student assistance categories than is currently appropriated.

At the same time, many students will still also be relying on loans to make ends meet. For the past two years, the administration has consistently obligated less than was appropriated for student loans. Such holdup of funds works an exceedingly severe hardship on the student from a disadvantaged family, since the alternative—loans from private sources—are exceptionally difficult for such an individual to obtain. The bills authorize an addition to the student loan funds of $50 million in the case of the health professions schools and $25 million for nursing schools. The FY 1972 appropriation bill last summer included an appropriation of $30,000,000 for health professions student loans and $21,000,000 for nursing student loans. I urge appropriation of the differences needed to bring the amounts made available up to the level of the authorization.

FULL UTILIZATION OF EDUCATIONAL TALENT

A component of both the Health Professions and Nurse Training acts is a provision, which I authored in the Senate, for the recruitment and retention of individuals with a high potential for training, who because of economic or socially disadvantaged backgrounds would not without special encouragement seek training in the health professions. Grants are authorized in both bills for the purpose of identifying such individuals, encouraging and assisting them to enroll in a health professions or nurse training school, or if they are not qualified to enroll in such school, to assist them in undertaking such training as may be required to qualify them for enrollment; to publicize existing sources of financial aid available to students; and to establish programs which will enhance and facilitate the enrollment, pursuit and completion of study by such individuals.

In the case of the nurse training bill, a specific authority is made to publicize to licensed vocational nurses and other nursing personnel sources of financial assistance available to nursing students. Hopefully, implementation of this provision will result in the movement of more licensed vocational nurses into the ranks of professional nursing (and nursing assistants to become licensed vocational nurses) and the eventual recognition of this well-qualified individual as a prime source of recruits to the nursing profession.

I believe these provisions will enable many highly qualified individuals to enter the health professions who currently are dissuaded from doing so because of seemingly insurmountable social and financial roadblocks. One of the greatest defects in our health system is the disproportionate representation of minority groups in the health professions. The Carnegie Commission on Higher Education stated:

"The need to train more minority-group physicians and dentists is crucial. They can play a leadership role in stimulating more emphasis on adequate health care services and health education for minority groups, and they can undoubtedly relate to patients of their own races more effectively than white practitioners."

As health services are extended to those low-income individuals not adequately served at present, many of them members of minority groups, this need will become more apparent and the lack of minority representation at the professional level will become even more glaring. The provisions in these bills will enable us to make a significant start toward rectifying this situation.

Funds to support these programs for the health professions are included in the $45 million authorized for the health manpower education initiative awards. Of funds appropriated under these authorities, no less than $2.5 million and no more than 7.5% of the amount appropriated is to be allocated to these programs. Thus, the greater the funding the higher the permissible level of expenditure for this vital program.

In the Nurse Training Act, $3.5 million is authorized for these purposes. The Administration has requested $20 million of the $45 million authorized under the health professions legislation, and $2 million of the $3.5 million authorized in the Nurse Training Act. Because of the language earmarking funds for these purposes in the health professions legislation, the amount requested by the administration will not severely limit the funds available to those schools but *will* result in a reduction of $875,000 from the maximum authorized for these purposes.

On the other hand, however, the administration request of only $2 million for support of these programs in nursing schools if approved would constitute a severe reduction which will seriously affect the nursing schools' ability to carry out effective recruitment and retention program for disadvantaged students.

The health education schools have looked at their enrollment figures honestly and have come to realize that they must make positive efforts to reduce the stark discrepancies in enrollment percentages of minorities. Whereas three years ago 95 percent of medical students were white, one year ago this figure had been reduced to 90%. In my state of California where the figure in 1968 had been 94.7% white, in 1970 it was 83%. Where schools have made an effort, the results have been outstanding, although I hasten to add that a great deal more progress is necessary to rectify the racial and ethnic imbalance which has pervaded health professions education for far too long.

The University of California at San Diego in 1970 had a minority representation in its entire school of medicine of 21%, while U.C. Davis had a minority representation of 17.4%. The University of California at San Francisco last year had minority representation in its first year class of 26%. Achievement of these percentages at these top flight universities, whose high educational standards are without question, is proof that the same percentages can be achieved at other schools. It was achieved at these schools however, only with a full commitment on the part of the schools' administration. The California Medical Association describes the efforts as follows: "Many medical schools have initiated minority student recruitment programs in recent years; however, few have been as highly committed to this effort as the U.C. School of Medicine at San Francisco. In addition to waiving application fees and occasionally, tuition for the minority student, UCSF has also designed summer programs offering special academic assistance and basic science courses for the entering medical student from a racial minority group. The school's admissions committee includes seven minority representatives from the faculty, four minority students, and three minority physicians from the community."

Moreover, representation of women in the enrollments of health professions schools is no less out of balance than is that of the economically and educationally disadvantaged. Actually, women suffer from a third type of disadvantage—they are disadvantaged as a result of social custom and practice. Congress has made a strong effort to correct this inequity by amending the legislation to prohibit discrimination on the basis of sex. Thus, any school discriminating on the basis of sex in admission to its training programs will be ineligible for any federal financial support.

I'd like to put in another plug for the achievements of my State of California in this field too. Whereas AMA figures indicate that the total percentage of women entering medical schools in the last decade has been limited to between 7 and 10 percent, the enrollment of women at the six medical schools of the University of California in 1971 averages out to almost 12 percent with a high of 16.5% at the San Diego campus.

Obviously, the success of these minority recruitment programs was not achieved without strenuous efforts and a significant investment of the school's financial resources. To make this same kind of achievement possible at other schools, considerable financial support will be needed from outside sources. I hope that this subcommittee will enable the federal share of these costs to be an adequate one by recommending appropriations generously for this item.

TRAINING OF FAMILY PRACTITIONERS

There is just one other item among several critical support categories which I would like to emphasize—the special support which the Comprehensive Health Manpower Training Act provides for programs for training in family medicine. The new authorities include a provision for grants to public or private nonprofit hospitals for the development of educational programs in the field of family medicine. Such programs would include training for interns, residents, practicing physicians, or medical students. Authority is also included for special financial assistance ot participants in such programs. This type of practice is the less glamorous side of medicine; there are no exciting breakthroughs creating a demand for public notice, there are no dramatic achievements which can attact heavy endowments to a hospital or university. Instead there is the steady trust and mutual satisfaction that develop in enduring close relationships with family units, and what is most important there is a continuing provision of preventive care—an all important factor in keeping a family and a nation healthy.

The special incentives of the recently enacted law will make it possible for hospitals to offer training in this critically needed specialty. The authorization is for $25 million, yet the administration has requested only $5 million. This pathetic response, given the grandiose dimension of the national need, is a far cry from the amount of the authorization of the Family Practice of Medicine Act of the 91st Congress, which the President failed to sign.

(That legislation authorized $50 million in grants for the first year of operation plus an additional $8 million for planning.) I hope your subcommittee will increase the budget request to a level more reflective of congressional intent and the national need for more family practitioners.

CONCLUSION

I am grateful to you, Mr. Chairman, for giving me the opportunity to present my deep concern for adequate funding for our health professions and nurse training schools. As a member of the Subcommittee on Health, and as chairman of the Subcommittee on Health and Hospitals of the Veterans Affairs Committee, I am deeply aware of the numerous obstacles (some of their own creation) these institutions must overcome and of the substantial changes they will have to make in order to keep up with the dynamics of our society. The two new public laws constitute Congress' recognition of the Federal responsibility to aid these institutions in their efforts to meet national needs, and I know you gentlemen will be just and generous in your decisions, just as you were in so many instances in making recommendations for health funding in the FY 1972 Appropriation Act.

Mr. COOPER. Mr. President, I note that the Senate Appropriations Committee, at page 12 of the committee report, has recommended for the Department of the Interior's Bureau of Mines an additional $975,000 for grants under section 503 of the Federal Coal Mine Health and Safety Act of 1969.

Section 503 authorizes Federal grants to assist States, first, for developing and enforcing effective coal mine health and safety laws and regulations; second, for improving State workmen's compensation programs and occupational disease laws relating to coal mines; third, for promoting better Federal-State coordination in improving coal mine health and safety.

Because of the many problems arising with respect to the administration and enforcement of the act and particularly with respect to the Bureau of Mine's regulations implementing the act, there is a need for greater State participation and coordination with the Bureau of Mines in administering the Federal and State laws. I support the committee's recommendation for these additional funds to strengthen our State programs. I would also hope that some of these funds would be available as authorized under paragraph 2 of section 503 to improve the administration of "black lung" programs.

I also note that the committee has authorized an additional appropriation of $1 million over the House allowance for the development and purchase of specialized equipment needed to detect and rescue trapped miners as a result of recommendations by the Bureau of Mines based on its research.

I would like to make a few brief comments concerning research programs for coal mine health and safety and the policies that the Bureau of Mines has adopted with respect to these programs.

Section 102(a)(1) of the act requires the Secretary of the Interior to appoint an Advisory Committee on Coal Mine Safety Research and section 102(a)(2) establishes the committee's responsibilities:

The advisory committee shall consult with, and make recommendations to the Secretary on matters involving or relating to coal mine safety research. The Secretary shall consult with, and consider the recommendations of such committee in the conduct of such research, the making of any grant, and the entering into of contracts for such research.

The Secretary's Advisory Committee has been appointed and has met several times this year. I am informed, however, that members of this important advisory group are not consulted nor is their advice sought by Bureau of Mines' officials with respect to the Bureau's decisions on particular research projects. In fact, the Bureau of Mines recently authorized some $10 million for research projects to improve techniques in coal mine safety without affording the Secretary's Advory Committee an opportunity to consider the feasibility and the desirability of the particular research projects, to review and suggest alternative projects that may have a more immediate effect in improving coal mine health and safety.

It is my view that the Bureau of Mines should undertake specific research before promulgating a particular regulation so as to determine the feasibility of the regulations and whether such regulations actually contribute to safety. Such research could also provide technical knowledge and improvements in technique and equipment to help the industry comply with the Bureau's regulations. I know, for example, that there is a need for greater research efforts for the prevention of falls of roof, rib, and face which cause a majority of the fatalities in the coal industry today. In addition to recommending and suggesting short-term research projects designed to facilitate compliance with the present law and regulations I would also hope that the Advisory Committee would have an opportunity to assist and to make recommendations in the development of long-term research programs.

Many members of the Secretary's Advisory Committee are experts in certain areas of coal mine safety and their advice and experience should be utilized to the fullest extent. I know that it will prove valuable to the Secretary in his consideration and determination of the types of research programs that will better advance the health and safety of all those who work in our underground coal mines. I believe it incumbent on the Bureau of Mines to carry out the intent of Congress as set forth in section 102 of the act and to provide the membership of the Secretary's Advisory Committee on Coal Mine Safety an opportunity for a full and active participation in the development of these important research programs. The Bureau of Mines should obey the intent of the law with respect to the Secretary's Advisory Committee. It is not doing so at this time.

Mr. JAVITS. Mr. President, I call up an amendment I have at the desk for myself and Senators NELSON, CRANSTON, MONDALE, and HUMPHREY.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The amendment was read as follows:

On page 6, line 20, insert the following: delete "$23,400,000" and insert in lieu thereof "$26,207,000."

On page 6, line 26, delete "$735,837,000" and insert in lieu thereof $817,597,000."

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. JAVITS. If that is agreeable to the Senator from Louisiana I would like to do that. I ask unanimous consent that these two amendments may be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the purpose of these amendments is the same. They represent an effort to bring to the budgeted amount—and I hope the Senate notes that carefully—that part of the manpower training appropriation which relates to poverty manpower training programs, programs which come under the Economic Opportunity Act.

Mr. President, this is an administration amendment. I have a letter from the Secretary of Labor and I ask unanimous consent that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., December 3, 1971.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I support your efforts to amend the 1972 supplemental appropriations bill scheduled to be on the floor of the Senate this afternoon by offering an amendment to restore the reductions made by the Senate Appropriations Committee in the EOA manpower programs.

The Appropriations Committee reduced our request for manpower training services by $81.8 million from $817.6 million to $735.8 million. I have identified in the attachment to this letter the effect of this reduction on manpower programs. As you can see from the attachment, some 67,200 fewer jobs could be provided to the EOA manpower programs if this reduction were to stand. This would have a serious impact on our NYC, Operation Mainstream, CEP, and New Careers programs.

In addition to the 10 percent reduction in the manpower training services appropriation, the Committee recommended a reduction of 10 percent in the Manpower Administration Salaries and Expenses appropriation from $26.2 million to $23.0 million, a reduction of $3.2 million. This 10 percent reduction corresponds with the 10 percent reduction made in the training services appropriation. It is important that these funds be restored along with the training services funds. These positions are absolutely essential to administering the manpower programs at our requested level. Moreover, since we have been operating at this staff level for the first six months of this year, we would be forced to reduce staff by 275 if this reduction were sustained by Senate action.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

Mr. JAVITS. Mr. President, I wish to read part of the letter which I have just had printed in the RECORD:

I support your efforts to amend the 1972 supplemental appropriations bill scheduled to be on the floor of the Senate this afternoon by offering an amendment to restore the reductions made by the Senate Appropriations Committee in the EOA manpower programs.

The Appropriations Committee reduced our request for manpower training services by $81.8 million from $817.6 million to $735.8 million. I have identified in the attachment to this letter the effect of this reduction on manpower programs. As you can see from the attachment, some 67,200 fewer jobs could be provided to the EOA manpower programs if this reduction were to stand. This would have a serious impact on our NYC, Operation Mainstream, CEP, and New Careers programs.

Mr. President, while Senators are in the Chamber I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, the other part of the amendment also covered by this letter relates to manpower administration salaries and expenses in connection with the administration of these various programs. The letter reads:

In addition to the 10 percent reduction in the manpower training services appropriation, the Committee recommended a reduction of 10 percent in the Manpower Administration Salaries and Expenses appropriation from $26.2 million to $23.0 million, a reduction of $3.2 million. This 10 percent reduction corresponds with the 10 percent reduction made in the training services appropriation. It is important that these funds be restored along with the training services funds. These positions are absolutely essential to administering the manpower programs at our requested level. Moreover, since we have been operating at this staff level for the first six months of this year, we would be forced to reduce staff by 275 if this reduction were sustained by Senate action.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The ACTING PRESIDENT pro tempore. Yes. The Senate is not in order. The Senate will be in order.

Mr. JAVITS. Mr. President, this program is designed to deal with problems of the disadvantaged, underprivileged, and the poor. Each are programs which this amendment would help to the extent of 10 percent, and is directed expressly to a special category. The programs focus principally on disadvantaged youth and cover exactly the group where the most severe unemployment is the case.

In addition, I am deeply moved in respect of making this amendment by the fact that our unemployment rate and the figures on that rate—which I will refer to—so very sharply underscore the need for making this precisely our target group.

Unemployment has gone up to 6 percent in November from 5.8 percent in October.

Mr. President, that does not begin to tell the story as far as this group is concerned. For teenagers the unemployment rate now is 17 percent, and in urban poverty neighborhoods that proportion goes up to 27 percent. The urban poverty neighborhoods and the youth from poor families are precisely and directly the groups that these programs reach.

The programs covered by this appropriation, in which I seek to make the 10-percent increase from the 10-percent reduction made by the committee, are the following:

They relate first, Mr. President, to public service careers, including new careers. That is a program for putting the disadvantaged into public service jobs which are sponsored by State and local governments, and giving them training, and supplementing what the State or locality is able to pay them with a Federal payment which covers, of course, the training and other supportive services to get them into a work pattern.

Another category which is of great importance, of course, is the Job Corps, with which we are all familiar, which deals with youth of the ages from 14 through 21, enrolling such youth, both from city and rural areas, in order to put them into a proper environment to give them an opportunity to learn work and learn work habits.

Also, this particular appropriation covers the Neighborhood Youth Corps in all of its aspects, that is, the in-school program, which relates to helping the young people who are anxious to earn their way through school; the summer program, which has been very, very often debated here, and which relieves the distress suffered by youths and poor families during the summer, and gives them an opportunity to learn work habits and to earn a little money—indeed, that is the major part of this whole appropriation that comes to $155 million—and out-of-school work programs dealing with school dropouts, again for youth.

The appropriation also covers Operation Mainstream, which is essentially applied to people 55 years of age and older who are participating in such projects as renovation of public recreation areas, the building of vestpocket parks, and improvement of homes for welfare recipients and for the elderly poor.

Finally, it covers the concentrated employment program which deals with an effort to organize the delivery of manpower and training services in poverty areas through community action agencies.

It will, therefore, be seen, Mr. President, how very directly and sharply this ties in with the most heavily impacted group with respect to both training and employment opportunities.

These slots, which were provided for by the budgetary request—and I emphasize that because this represents really an administration amendment, amounted to 817,600.

The slots granted by the committee bring the number down to 671,600. The biggest impact in the number of slots, Mr. President, falls in respect to the summer jobs for the Neighborhood Youth Corps, where a very appreciable contraction is made with respect to the jobs which could be available to young people in this year.

Mr. President, it may be said—or an effort may be made to contend—that the public service employment program should take up this slack, but there are two reasons why it does not and cannot. One is, it has its own troubles. It is already looking after 125,000 jobs of the unemployed generally and so is fully occupied in terms of its allocation of $934 million and really does not have anything more to put into these programs. Second, the group which is served is only to a very small extent related to the disadvantaged or the young teenagers who represent the main concern of the manpower services and training connected with our poverty program. These factors rule out the public service employment program as an alternative to what we offer here.

Mr. President, I ask unanimous consent that a chart showing the activities of the individual programs affected by this particular appropriation may be made part of my remarks, together with a chart showing the diminution in job slots caused by the cut which was made by the Appropriations Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, I also ask unanimous consent that a chart showing the operation of the public service employment program, and why it does not have the slack to take up what is cut out here, may be made part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. JAVITS. Mr. President, I think this really proves the case in the strongest way insofar as the Department of Labor is concerned which, in accordance with a letter from the Secretary which I read, fully supports this amendment.

Finally, Mr. President, may I say this. There are lots of differences of opinion about many things in this particular appropriation. Here it seems to me we are dealing with the most elementary of all: job training directly zeroed into the people whom we are most anxious to take out of welfare syndromes, or idleness, or out of other misapplied lives, mainly young people. We also deal directly with the most critical domestic situation we have—aside from drug abuse—the 5 million unemployed, and the fact that not only is the 6-percent unemployment rate unacceptable to all of us, but the pyramiding of this rate when you get into the very client group which is sought to be reached by the increase in the appropriation, in order to eliminate the cut made by the committee.

That is the youth group among the disadvantaged and the poor, and I have explained precisely how this particular appropriation is zeroed in to their particular needs.

For all of those reasons, Mr. President, which are of the most compelling social character, I hope that the Senate will approve this amendment.

EXHIBIT 1

EFFECT OF SENATE ACTION—FISCAL YEAR 1972 MANPOWER TRAINING SERVICES APPROPRIATION

MTS Supplemental Request	$817,600,000
Appropriation Committee action	735,800,000
Reduction	81,800,000

EFFECT OF REDUCTION [1]

	Amount (millions)	Job opportunities
Public service careers, including new careers	−$9.0	−4,600
Job Corps	−19.7	−2,500
NYC:		
In school	−7.0	−7,500
Summer	−16.6	−41,400
Out-of-school	−12.7	−3,700
Mainstream	−3.9	−1,200
CEP	−12.1	−4,300
Research and demonstration	−.8	
Total	−81.8	−67,200

[1] The Senate Committee action made a 10-percent reduction from the request. It would require reduction of the amounts and job opportunities.

Description: PSC * secures, within merit staffing principles, training and permanent employment for the disadvantaged and stimulates upgrading of employed persons in the public service fields. Projects are sponsored by State and local governments while the training and supportive services costs are borne by the Federal government.

The Public Sector On-the-Job Training Program is composed of five major plans:

Plan A operates in selected State, county, and local governments by providing entry jobs for disadvantaged persons and upgrade training for low income employees for "User" agencies. Agencies must first hire the employees and then are supplied with funds and technical assistance.

Plan B is designed to provide manpower training to disadvantaged employees of agencies receiving Federal Grants in Aid. Plan B also has an entry and upgrading component.

Plan C continues the New Careers Program which leads to career employment for disadvantaged persons in sub-professional human service occupations. Enrollees receive additional training and education and are trained and hired by participating public or private non-profit agencies.

Plan D is designed to provide manpower training and employment to disadvantaged persons in the Federal government. It is administered by the Civil Service Commission and contains entry and upgrade components.

Plan E—the Supplemental Training and Employment Program is designed to provide short term, supplemental employment for trainees unable to find jobs in areas of high unemployment.

Description: Job Corps provides a residential rehabilitation program for disadvantaged youth whose home or community environment is so culturally deprived that it inhibits success in other training activities, or who are located in rural or other areas where work and training opportunities are not available. Services include: vocational training, basic education, counseling, personal and cultural developments, recreational activities, and work experience training. The law limits enrollment to those between the ages of 14 through 21. As a matter of operating practice, Job Corps enrolls only youth 16 through 21.

Description: The Neighborhood Youth Corps In-School and Summer Programs assist disadvantaged students of high school age to remain in school by providing them part-time jobs during the school year and summer. Projects are sponsored by State and local public non-profit agencies, public schools and community action agencies. Enrollees work an average of 26 hours a week during the summer and 8 to 15 hours a week during the school year. Work assignments are typically connected with the school and other public agencies. Federal funds are used primarily to pay enrollees the hourly Federal minimum wage or the prevailing wage if it is higher. In addition, the funds are used to provide counseling, remedial education, skill-training and other supportive services.

Description: The Out-of-School program provides high school dropouts 16 and 17 years old and other low-income youth with remedial education, vocational training, supportive services and work experience to prepare them for subsidized employment in the public and private sectors of our economy. Out-of-School projects operate under one of two programs designs: the original design (NYC–1) in small communities and rural areas or the redesign (NYC–2) in Standard Metropolitan Statistical Areas and growth areas.

Description: Operation Mainstream is designed to provide jobs for poor adults, especially in rural areas. Although the program is for adults 22 years of age and older, special emphasis is placed on enrolling persons 55 years of age and older. Participants work on projects such as renovation of public recreation areas, the building of vestpocket parks, and the improvement of homes for welfare recipients and the elderly poor.

Description: The Concentrated Employment Program (CEP) provides for the delivery of a comprehensive array of manpower and supportive services to the disadvantaged residents of 82 special target areas that suffer from especially high unemployment and underemployment. Thirteen of the 82 target areas are rural, the balance are inner city neighborhoods.

* Public Service Careers.

EXHIBIT 2

MANPOWER ADMINISTRATION,
Washington, D.C., December 1, 1971.

Reply to attention of: MO.

Subject: EEA Pipeline Report; November 28, 1971.

To: Malcolm R. Lovell, Jr.

This report covers Agent information received through November 26, 1971 for funding and position levels under Sections 5 and 6 of the Emergency Employment Act of 1971.

	Allocated (millions)	Number of grants	Funded agents	Federal obligation (millions)	Number of funded positions
All sections	$934.3	1,200	613	$822.2	124,510
Sec. 5 total	720.0	675	613	638.9	95,838
Original	600.0	649	613	591.3	88,902
Discretionary	120.0	26	(1)	47.6	6,936
High Impact	65.0	18	(1)	41.0	5,454
Welfare	50.0	5	(1)	2.0	729
Other	5.0	3	(1)	4.6	753
Sec. 6 total	$214.3	525	(1)	$183.3	28,672
Original	200.0	365	(1)	183.3	28,672
Reserve	14.3	160	(1)	.0	0
Employment reported (as of Nov. 19)					53,864
Employment estimate for Nov. 26					58,000

[1] Not available.

Note: Indian allocations total $8,440,000. Allocations, obligations, and funded positions are distributed among sec. 5 and 6 in the ratio of each section's or subsection's allocation. Indian obligations are $7,400,000 for 1,313 positions with 485 employed. Nearly all agents were designated in the original sec. 5 distribution. This appears as 649 grants, equating with agents. All 22 Indian agents are designated in the original sec. 5 category.

Public employment program—Summary of participant characteristics
(Percent of total reporting)

Sex:	
Male	76
Female	24
Group:	
White	70
Negro	20
American Indian	1
Oriental	3
Spanish American	5
Other	1
Military service status:	
Special veteran	22
Vietnam era	19
Veteran	16
Total veteran	57
Nonveteran	43
Disadvantaged	37
Previously employed by agent	10
Public assistance recipient	10
Professional	7.5
Government unit of employment:	
State	11
County	36
City	49
Tribal council	0
Federal	0
Other	4
EEA wage:	
Less than $2	10
$2 to $2.99	43
$3 to $3.99	31
$4 to $4.99	12
$5 and above	4
Age:	
18 and under	2
19–21	12
22–44	67
45–54	13
55–64	4
65 and over	1
Education:	
8th or less	5
9th–11th	16
12th	42
13th–15th	21
16th or more	16
Handicapped	5

Note.—These statistics are based on characteristics summaries representing approximately 4,000 participants.

Source: Department of Labor Manpower Administration.

Mr. AIKEN. I would like to support the amendment offered by the Senator from New York, because I think this is one of the most important functions of Government that we can pursue at this time. The rapidly changing nature of jobs has left so many people who are not trained to take the jobs which are already available. It is necessary that we have adequate administrative personnel to carry on this work, as well as the money needed to carry it on.

I should also like to point out that the rural development program is almost in worse shape now as far as administrative personnel is concerned. The funds which have been appropriated, I understand, are totally inadequate to carry on the additional work which has been put upon the Farmers Home Administration. Not only are the rural water and sewage programs running way behind the several thousand applications which cannot be handled at the present time, but when we—last year, I believe it was—raised the definition of a rural area from 5,500 to 10,000, that really made difficulties, particularly in the eastern States. In addition to that, now they have a program for rural housing, which has become an extremely important part of the work of the Farmers Home Administration.

Of course, not all rural housing is for people who rely on the soil for their living.

In my State, there is a decrease directed which makes it impossible for the office there to begin to handle the work which they are required to do under the law. But the appropriation is inadequate. Some money has been withheld for some purposes, but I do not know how much; I think $56 million a year for the last 2 years, under rural water and sewage.

But the main thing is, if they do not have the personnel to handle the applications and to look at the sites where the money is to be expended, if it is ever to be made available, it is almost disastrous. I understand that applies all over the country, but in some areas rather more than it does in others.

It may be a little late to offer an amendment to this bill, but I would hope that at the beginning of the year we could try to make this Farmers Home Administration a workable program, because the demand for it is so great that they simply do have to have well-staffed offices, and those jobs are available as long as they get the funds to operate with. That is why I am in full agreement with the Senator from New York on this amendment. I have not been in full agreement with all the amendments offered here today, but with this one I am.

Mr. JAVITS. I am very grateful to my colleague from Vermont.

Mr. AIKEN. It is important to remember that every time someone invents a new pushbutton it throws a lot of people out of work, but makes other jobs available, only the people are not trained for them.

Mr. JAVITS. I am very grateful to my colleague for this support, coming from our dean over here.

Mr. President, I point out and call to the attention of the Senate, in view of

Senator AIKEN's support and his great advocacy of the cause of the farmer, that a number of these programs, indeed the principal ones, have a very strong impact upon the rural areas, and are designed to serve rural areas. That goes for the Job Corps, for the Neighborhood Youth Corps, certainly, in its in-school and out-of-school programs, and for Operation Mainstream. All of these are specially zeroed into rural as well as urban areas.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield myself 2 minutes.

Soon after this bill was presented, the members of the committee found bouquets flung in our direction for the good work we had done in providing funds for various programs such as the one of which the distinguished Senator from New York has been speaking.

Up to now, this bill is almost $700 million above the budget. If we add another $100 million, it will be $800 million above the budget.

I point out that in the regular bill, for the very program that the distinguished Senator from New York is speaking of, we have $748 million, and we have added to that, in the pending bill, $735 million, so that the total amount for the 1972 appropriation is $1.583 billion.

I think that that is quite a large sum for that purpose. If any more is needed within the authorization, we are going to have some supplementals early next year, I presume, and if a case is made whereby more money is needed, I feel confident that there will not be any difficulty in adding to the appropriation.

I repeat, we are sympathetic with this program—very sympathetic. But I feel that the amounts of money added in the regular bill and in this bill are ample for the time being, and I do hope that the Senate will sustain the committee.

I yield 5 minutes to the Senator from Washington.

Mr. MAGNUSON. Mr. President. I do not dispute the value of these programs at all. Some of them have very good names, and I have helped nurse them along. We have doubled them and tripled them. But it seems to me that whenever we decide to slow up a little on some of these programs, somebody downtown always gets all excited. As a part of this, they say they are going to lose 275 jobs.

If you have seen some of these programs as I have, you might feel that maybe they could well get along with fewer Federal jobs. These are the people who are always concerned.

No one is more concerned about jobs than the Senator from Washington, but, as the chairman has pointed out, we will have a total of $1,583,000,000 for this fiscal year—$748 million in the regular bill and $735 million in this bill.

On top of that, we have appropriated for the Emergency Employment Act another billion dollars, and they say they are going to work in combination with that, in their justifications.

That is $2.5 billion. And on top of that, in this bill, they are also going to work with all the programs in OEO. There is $780 million there.

I think this is sufficient to try to do the job. Let me state why.

We have looked pretty deeply into this program, if the Senator from New York will listen to me—he is sympathetic with me, and I am sympathetic with him—but we think we ought to take a deeper look, and we have asked the General Accounting Office to look at it, and they are going to report to us in February.

Therefore, as the chairman has well pointed out, we think we have enough money, and when this report comes in and we take a thorough look at it, and how they are doing, how they are spending their money, perhaps we can put some more in. But I am not willing to give these people this additional amount of money now, even though the Budget Bureau may agree to it in this particular case, until we take a better look, when we have $1.5 billion in this bill plus what is in OEO, and another billion dollars in emergency employment funds, which they are going to work with.

Let us just take one item, the public sector job training, which is a laudable item, and the motive is good.

Here is what they say they accomplished in 1971. They say they have a total of 36,000 enrollment opportunities, which were funded at a Federal cost of $91 million.

That is fine.

Funds obligated under the Manpower Development and Training Act were $21 million, which funded another 12,909 of what they call enrollments.

I said:

That's fine; how many people did you place in this program?

I can go on here; there are about six or seven programs. But what counts is how many people, finally, are placed.

In this case, 2,700 were hired out of 36,000. I think this is something we ought to take a look at, and we are trying to do so. We have given them a great deal of money. I am sure they can handle this program, and I think we ought to see what is going on.

I asked them: "Why don't you use some of this money?"

It is a funny thing about departments. If you give them a little cut, they always come along and tell you, "We have to cut this and we have to cut that." They never thought of switching money around once in a while or helping a good program against one that is shaky.

They have the Neighborhood Youth Corps summer employment program. I have helped that program for years, and I think they ought to spend the full amount. We have to take a look at some of these other programs.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I will yield in a moment.

Talking about the 275 people—how many people does the Senator think are employed through OEO? There are 118,000 employed by OEO grants and contracts. There are 717,000 employed under all of the HEW programs. But, in all fairness, that figure includes the social security offices.

All of these programs have laudable goals, but we had better see if they are getting down to the people where they belong, and that is all we are trying to do with this modest action. When the GAO comes back and reports to us about some of this we can take appropriate action. We do not question the motives and we do not question the dedication of the people who try to run these programs, but they have $1.5 billion to work with now, and that ought to be enough.

So I reluctantly oppose this amendment, much as I would like to see all these programs become more effective.

I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, first, I want to say that the Senator from New York is a man of great compassion. There is no question about that. But for all the years I have been in the Senate, I have been associated with the great Senator from the State of Washington; and when it comes to regard for human kind, I do not think he has a peer in this body. As a matter of fact, today we would not have the National Institutes of Health if it had not been for him.

All along, he has been a man who has been in the forefront. He is in the vanguard of those who have thought not only for the health of our people but also for the social, welfare, and other reforms that have meant so much to our people. I want the Senate to understand that if Senator MAGNUSON rises up to say that he considers this amount to be sufficient, he has a reason for saying it, and I think he ought to be supported in this.

I say to the Senator from New York that I have always supported him, too, in many of the amendments he has sponsored; but in this case, Senator MAGNUSON is right, and I hope we sustain him.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG. I should like to join in the comments made by the Senator from Rhode Island.

The Senator from Washington has been more generous on these programs than I would be. In this case, the Senator from New Hampshire, who handles it on the Republican side, agreed with him. When these two Senators agree—and they have been very considerate and very helpful on these programs—I cannot help but go along.

Mr. JAVITS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from New York has 12 minutes remaining.

Mr. JAVITS. I yield myself 5 minutes.

Mr. President, when we get along to this point in the afternoon, in the supplemental appropriations bill, it all depends on what time it is and how much money we have already added to the bill. It obviously does not depend so much upon what is in the amendment. That is exactly what I think is happening here, and I think this is very regrettable. If I had had the good fortune to be recognized first, I doubt that this would be the nature of the argument.

No one in the Senate has been more admiring and praising than I for years of the Senator from Washington and

the Senator from Rhode Island. We had worked together in many high causes. I would like to hear the speech he could make for the amendment I am proposing this afternoon. It would be great and convincing. I know how he feels, and I know the situation, and nobody can do it but the Senate. I understand that. You are not going to get the chairman to accept this amendment. I understand that situation. But the reason I offered it is that it is uniquely timely, and this happens to be a figure which zeroes in directly on the program.

What do we do about these summer jobs? It is interesting that Senator MAGNUSON spoke on that, because he is a great friend of that program. The fact is that $165 million was asked for, and the committee has cut that about $17 million. The difficulty is that when you cut it $17 million, you run it down by 41,000 jobs. The trouble is that the unit figure in the Neighborhood Youth Corps for summer jobs is so small that it has a very regressive impact, even though the amounts involved are not all that great.

The fact is that we have constantly been running after the bus on these summer jobs. The Senator from Washington and the Senator from Rhode Island and I always come along in May or June, and then there are complaints that the money was not spent well. That is exactly what the situation is here. Here is a relatively early supplemental, when we can tool up and do this job right and assign money to the localities in time for them to use it effectively. The same is true of the Job Corps, where some $20 million is cut.

Mr. President, let us visualize the number of jobs involved and the fact that these jobs involve people and that these people are the most depressed of all. That is the thing that commends this to us.

In addition, there is always the argument that even if you give it to them, they cannot spend it. But here is the Department of Labor itself, as an administration proposition, coming along and asking me, as the ranking Republican member of the subcommittee and as the ranking Republican member of the Committee on Labor and Public Welfare, to move this particular amendment.

It seems to me that that certainly should dispose of the argument that they cannot use it. They want it; they need it. It is in the President's budget request. It is literally as hard a thing, as bad a thing, to cut as one could encompass.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE. Mr. President, I think the Senator has just made the point which ought to be controlling and ought to be persuasive here. The administration is not generally thought to be overgenerous, and I am not now saying that I agree with that attitude about the administration or disagree with it. But, certainly, it is a strange situation in which the Secretary of Labor comes and literally begs us for $85 milion for programs which we are withholding from him, I know with the very best of intention. But, as the Senator from New York said, as much as I dislike to agree with our subcommittee chairman or with the chairman of the full Appropriations Committee, it seems to me that we ought to give the greatest possible weight to the Labor Department's expression of concern here and its strong urging for this bill.

Mr. JAVITS. Mr. President, I am grateful to the Senator from New Jersey for that statement.

Mr. MAGNUSON. Mr. President, I want the record to be clear that with this amount decreased, they can use it any place they want. They can upgrade a good program. It is not directed against or for any one program.

Mr. JAVITS. The Senator is correct. Nonetheless, he knows what happens in these Government departments. They have it all slotted, and that is the way it is going to go.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

This is what the Secretary of Labor says:

I have identified in the attachment to this letter the effect of this reduction on manpower programs. As you can see from the attachment, some 67,200 fewer jobs could be provided to the EOA manpower programs if this reduction were to stand. This would have a serious impact on our NYC, Operation Mainstream, CEP, and New Careers programs.

That is what I am going on, the finding of the department that it is materially adverse. In voting, I beg Members to visualize human beings, especially teenagers and black teenagers, where we have 33 percent to 40 percent unemployed, who are in this 67,200 which we will add at a time of the most serious unemployment we have had in recent years in this country. That is the only reason for making this amendment, as I say, expressly at the request of the Department of Labor. That is why, with all respect for the committee and understanding their exigencies and the fact that they are trying to keep the bill within the limits which they like to keep it, again I repeat, we could not make that argument against it in the amendment. We have got to be selective as to what deserves support and what does not. I hope, therefore, that the amendment will be approved.

Mr. President, the committee staff tells me that there is a technical problem in one part of the amendment, that someone has already got $400,000 more and that that has got to be rolled into whatever the Senate votes on. Will the Senator from Louisiana allow me to modify by amendment accordingly?

Mr. ELLENDER. Of course.

Mr. JAVITS. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The modification will be made.

The text of the amendment as modified is as follows:

On page 6, line 20, insert the following: delete "$23,400,000" and insert in lieu thereof "$26,607,000".

On page 6, line 26, delete "$735,837,000" and insert in lieu thereof "$817,597,000".

On page 6, line 20, delete "$23,000,000" and insert in lieu thereof "$26,207,000".

Mr. ELLENDER. Mr. President, I yield back my time.

Mr. JAVITS. I yield back my time.

The PRESIDING OFFICER (Mr. CHILES). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from New York, as modified.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also, the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 43 nays 30, as follows:

[No. 437 Leg.]

YEAS—43

Aiken	Hart	Nelson
Bayh	Hollings	Packwood
Beall	Hughes	Pearson
Bellmon	Inouye	Pell
Burdick	Jackson	Percy
Byrd, W. Va.	Javits	Randolph
Case	Kennedy	Ribicoff
Cooper	Mansfield	Schweiker
Cranston	Mathias	Scott
Dominick	McIntyre	Stafford
Eagleton	Metcalf	Stevens
Fong	Mondale	Stevenson
Fulbright	Montoya	Williams
Griffin	Moss	
Harris	Muskie	

NAYS—30

Allen	Ervin	Roth
Anderson	Fannin	Smith
Bentsen	Hansen	Sparkman
Bible	Hruska	Spong
Byrd, Va.	Jordan, Idaho	Stennis
Chiles	Long	Symington
Cook	Magnuson	Talmadge
Curtis	Miller	Thurmond
Eastland	Pastore	Tunney
Ellender	Proxmire	Young

NOT VOTING—27

Allott	Cotton	Jordan, N.C.
Baker	Dole	McClellan
Bennett	Gambrell	McGee
Bogge	Goldwater	McGovern
Brock	Gravel	Mundt
Brooke	Gurney	Saxbe
Buckley	Hartke	Taft
Cannon	Hatfield	Tower
Church	Humphrey	Weicker

So Mr. JAVITS' amendment, as modified, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCHWEIKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CASE. Mr. President, the supplemental appropriations bill includes a number of important additions to the original supplemental requests for health manpower.

Both the distinguished chairman of the Subcommittee on Labor-Health, Education, and Welfare Appropriations (Mr. MAGNUSON) and the ranking Republican member of that subcommittee (Mr. COTTON) put in a great deal of work in this area. They are to be commended for the improvements they have made in this section of the bill, and as a member of the subcommittee I was happy to work with them in this effort.

Perhaps the most noteworthy addition is that the supplemental recognizes the need for assisting nursing training by providing $63 million in capitation awards. This is a modest sum which provides a school of nursing with an amount of slightly more than $200 per student to offset the high cost of nursing training and to help offset the national shortage of qualified nurses.

The nurse training provision will also assist teaching hospitals and many community and junior colleges who are now providing or plan to provide nurse training. It will help to reduce the cost of medical care at teaching hospitals where some of the cost of training is necessarily passed on to the medical consumer—the patient.

The bill, as reported by the Appropriations Committee, adds additional funds for nursing schools faced with bankruptcy. This will prove to be important in assisting nursing schools that will not receive enough immediate benefit from the capitation awards provided for in this bill.

The subcommittee suggests increases in funds for construction. This is an important addition since the amount of expansion our existing schools can manage without construction is not great enough to meet the needs that are said to exist.

Another addition made by the subcommittee is the inclusion of funds for the Allied Health Professions Act. Allied health training—the training of X-ray technicians, laboratory assistants, and the like—is a profession that provides employment for many young people who want to work in the medical field. The law provides assistance especially to our community colleges that offer this training. The subcommittee has enlarged the amount of funding for institutional support and for traineeships.

Two significant contributions have been made by the Subcommittee for Health Manpower Act appropriations.

First, capitation awards for medical students have been increased and, second, more money was included in the bill for the construction of medical schools. This will help to meet an urgent need for medical schools, including in my own State. It may be possible, with the enlarged amounts, to start thinking about building new medical schools where they are needed. For example, there is a need for a medical school in the southern part of my State and it may be possible to get one off the planning boards with the funds made available in this bill.

Mr. COOPER. Mr. President, the fiscal year 1972 supplemental appropriations bill now before the Senate provides an additional $32.5 million for title I–A of the Elementary and Secondary Education Act. These additional funds are necessary to assure that no State will receive less in fiscal year 1972 for the local education agency programs than received in fiscal year 1971 under title I–A.

I would like to commend the members of the Appropriations Committee for their consideration of this problem.

Several weeks ago, 15 States, including my own State of Kentucky, were notified of a reduction in funds under title I–A. While the full $1.5 billion appropriated by the Congress earlier this year has been made available, this sum was not enough to meet the growing needs of the program and, without a floor provision to assure that no State would be reduced below its current operating level, several States experienced cutbacks in the program.

Approximately 226,800 children are served by the title I–A program in Kentucky and these funds represent 7 percent of the total money spent from all sources on elementary education in the State. The loss of these funds so late in the school year has placed a burden on these schools and I am glad that the bill reported by the committee provides the necessary funds. This will be good news to many local districts in Kentucky and throughout the country.

I was glad to have received communication from Kentucky on this subject and that I could urge action by the committee to secure the funds.

I hope the Senate-House conferees will retain the funds.

Mr. NELSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

On page 9, between lines 14 and 16, insert the following new paragraph:

ENVIRONMENTAL EDUCATION

For an additional amount for carrying out the provisions of the Environmental Education Act, $2,500,000.

Mr. NELSON. Mr. President, the distinguished Senator from Washington (Mr. MAGNUSON) wished to be on the floor when the amendment was called up. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, this amendment would simply add $2.5 million to the Environmental Education Act. I am offering the amendment at this time because the request from schools and colleges all over the United States for participation in this program have dramatically escalated. The appropriation is $3.514 million, thanks to the support of the Senator from Washington (Mr. MAGNUSON).

Earlier this year the Senate voted a $5 million appropriation for fiscal year 1972 for the Environmental Education Act—Public Law 91–516—which was unanimously enacted into law last year. This Senate support for environmental education was more than double the administration's requested figure of $2.014 million, which had been approved by the House. The Senate conferees were able to achieve a compromise figure of $3.514 million.

This additional $1.5 million over the administration's request will certainly be helpful in beginning to implement the congressional intent expressed in Public Law 91–516. However, in comparison with the initial experience with this program, this level of funding does not reflect the clearly demonstrated interest in environmental education which is being expressed in all parts of the Nation.

In the first year of this program, the Office of Education received some 2,000 applications under the provisions of the Environmental Education Act requesting a total of over $75 million in assistance grants. Of course, there will be much duplication with a number of those applications and we do not anticipate by any means going to that level.

Over 11,000 guidelines have just been sent out this month for the second year applications and current expectations are that there will be an increase in applications to a minimum of 4,000 or a maximum of 5,000 proposals with total requests easily reaching $150 million. Thus, the $3.514 million will not go very far in response to this increase in applications.

In addition, the administration just recently seems to be giving a higher priority to environmental education. Within the past month, the Commissioner of Education announced in a House hearing that the Office of Environmental Education will be formally created and an advisory Council on Environmental Education has been appointed with their first meeting scheduled for tonight. Both of these administrative actions now bring the Office of Education much closer to complying with the express provisions of the Environmental Education Act.

We are all aware of the need for judicious control of the appropriations process to keep Federal expenditures in line. This restraint can be best demonstrated by insuring that expenditures are devoted to their highest and best use. I think that a direct expression of this is efforts to establish a firm educational base to act as a necessary foundation for the long-term productive interests of this Nation.

The Chinese proverb by Kuan-tze—circa 390 B.C.—perhaps best expresses this philosophy:

If you plan for one year, plant rice; for ten years, plant trees; for a hundred years, educate men.

In a like manner this country can only achieve sound environmental policy and actions if the necessary decisions are based on sound environmental education.

Therefore, I am requesting in this amendment that an additional $2.5 million for implementation of the Environmental Education Act be included in the supplemental appropriations presently under consideration by the Senate. This $2.5 million will bring the total direct appropriations for fiscal year 1972 for environmental education to $6.014 million. This is still substantially short of the $15 million that has been authorized by the Congress for this purpose, but it would materially help in the effort to mount an effective environmental education program for the citizens of this country. It will provide for the funding of an additional 100 proposals at $23,000 per proposal with the amazingly low figure of $1,000 overhead cost each. Presently only 125 out of at least 4,000 applications can expect to be funded so this amendment will almost double the effort.

The level of funding at this point is particularly significant because of the coordinating role given to the Office of Environmental Education under Public Law 91–516. With authority to coordinate projects and funds under other Federal programs toward environmental education, a properly funded OEE can, therefore, have a multiplier effect and expand the impact on environmental education many times its particular dollar level.

Mr. President, another reason for this matter not having been included earlier is that the Office of Environmental Education was just announced by Commissioner Marland in testimony on October 28, 1971, just a month or two ago.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NELSON. Mr. President, the appointment of the Advisory Council on Environmental Education was announced by Commissioner Marland in testimony on October 28. The first meeting of the advisory council is being held in Washington this evening. They are prepared to manage more applications than they were in the last year. If this $2.5 million is added to this fiscal year budget they will be a little more than one-third of the amount of money authorized in the authorizing legislation.

Mr. MAGNUSON. Mr. President, I think the distinguished Senator from Wisconsin has stated very well the reasons why the committee was a little reluctant to go into his matter. The Office was just created, as the Senator pointed out, a short time ago. Actually, the request came up here very, very late and we were not quite sure what their plans were or what they were going to do.

Since talking to them, I believe we should start to make plans in this field because the demand for people who might be able to do something of this kind is getting greater and greater. I am glad to see the interest and the places where they are going to do this job. The Senator from South Carolina and I are pleased because it involves some of our pet projects in oceanography.

With the concurrence of the distinguished chairman of the committee I will be glad to take this to conference. I hope I can sustain it to make a beginning. When the regular budget comes up in a couple of months we will know where we are going.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the distinguished "Senator pro tempore from New Jersey."

Mr. CASE. It is nice to be included with the "big fellows."

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, on behalf of the members of the committee on the Republican side I am happy to join with the chairman of the subcommittee and the full committee in accepting this amendment. Speaking for myself, we have a very good school in New Jersey which is one of a number we hope to have. This is a very important matter and I think we are most happy with this amendment.

Mr. PACKWOOD. Mr. President, this Nation has at long last realized that humanity is but a single component in the ecological structure of the universe, and has begun taking steps to correct the imbalances which have resulted from man's abuse of his environment. We have approved and funded a variety of pollution control programs and are making headway toward cleaning up the mess our predecessors and our fellow Americans have made for the future generations. Perhaps more importantly, we are gaining an overall awareness of man's place in his world, or should I say, in the world he occupies with other forms of life. Young people have, I believe, a greater appreciation of man's relationship with his environment, and this is a most encouraging trend. We here in Congress, in recognition of both this trend and the need for new input and resources, last year approved the Environmental Education Act of 1971, Public Law 91–516. This landmark legislation established in the Office of Education a new Office of Environmental Education to administer a $45 million environmental and population education program, authorized over 3 years, fiscal 1971 to 1973.

In 1971, $5 million was authorized for this important educational program. Unfortunately, only $2 million was appropriated, in a supplemental appropriation. Therefore, although about 2,000 applications for funds were received in the new Office of Environmental Education, only 74 could be funded, at an average of $23,000. I was sorry and quite disappointed that additional funds could not be made available during fiscal 1971, and was also quite dismayed and disappointed that more attention was not given to the population component of the program, certainly one of the most fundamental and important aspects of environmental education.

This year, the budget request for environmental education was $3.5 million, enough to fund roughly 125 proposals at last year's rates. But I am advised that at least 4,000 proposals are expected, requesting in the vicinity of $150 million for environmental education programs. Hopefully, the new office will include in the funded projects a significant portion of population education programs and environmental education programs with strong population education components. Needless to say, it is difficult to be optimistic over prospects for any program when only a tiny fraction of the needed resources are made available by Congress; $3.5 million will not go very far, even if we start by funding the very most superior of the proposals.

Mr. President, I would, therefore, like to join with my distinguished colleague from Wisconsin (Mr. NELSON) in requesting the Senate to approve an additional $2.5 million for the environmental education program during fiscal 1972. This is such a small figure, and yet one which has the potential to do immeasurable good in furthering an awareness and appreciation of population growth, resource development, pollution, and in general man's interaction with and dependence upon his living environment. This supplemental is vitally important to get this program off the ground, to reassure this Nation's young people that we are serious in our commitment to restore ecological harmony in our lifetimes.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. NELSON. I yield back my time.

Mr. MAGNUSON. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. STEVENSON). The Chair recognizes the Senator from Florida.

Mr. CHILES. Mr. President, I call up the amendment I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 20 (between lines 9 and 10 insert the following): "Sums available to each Senator under "Stationery" and sums available to each Senator under "Telephone" and "Telegraph" and "Communications" shall be consolidated and used interchangeably."

Mr. CHILES. Mr. President, on the amendment I have submitted to the supplemental appropriation bill, I think the Committee on Appropriations has taken a significant step in the supplemental bill to give some much needed relief to members of larger States and really all Members of the Senate in respect to how we set up our offices and how our expenses are allocated.

When I realize the amount of constituency service that we perform, sort of acting as an ombudsman, this is some of the most valuable service we can perform, and certainly it has been a burden in some Senate offices in trying to perform the service that we have. So there has been an increase in the funds that were allocated. In addition to that, there has been some assistance in how we would allocate our funds. I am delighted to see in the committee report the recommendation that the Rules Committee lump the telegraph funds and the funds for telephone.

It has long been a mystery to the junior Senator from Florida why we have an allocation for telegraph and an allocation for telephone and why we would not be able to use these funds interchangeably, especially in today's day when we use the telephone to such an extent.

My amendment would go to further lumping of communications expenses into the stationery allowance. The committee has provided an increase in the stationery allowance. I am delighted, again, with the actions of the committee and of the distinguished Senator from Louisiana, and delighted with the actions of the subcommittee chairman for legislative expenses, the distinguished Senator from South Carolina.

I think that a number of junior Members of the Senate, especially, appeared before the committee and told the committee of the problems that they were having, and I am delighted that we were heeded. Much work has gone into this and a start has been made, but it seems to me again that, with the responsibilities of a Senator, with the millions and millions of dollars that we pass on for all the other agencies, we would be wise if we would free ourselves a little more and recognize the individual problems that we have in our respective States and allow a lumping of these funds, rather than let them be channeled, so that if I am short on telephone funds I have to go to a committee to write a letter, but if I have money in the telegraph fund I may use that, rather than use that money for the other purpose.

For that reason, I have offered this amendment to the bill.

Also, I emphasize the words that we are making a start, but there is more work to be done, especially in travel, where we allow our entire staff and Senators only 18 trips a year. I do not know of any other business that handicaps us as the Senate does here.

I shall be happy to hear the comments of the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to commend the Senator for the fine work he did in bringing to our attention the needs of the more populous States.

Referring to the Senator's amendment, which provides that "sums available to each Senator under 'stationery' and sums available to each Senator under 'telephone' and 'telegraph' and 'communications' shall be consolidated and used interchangeably," of course, in the supplemental bill we did not provide that. For one, it is not a matter of jurisdiction within the Legislative Appropriations Subcommittee.

Some 3 years ago, by law, the United States Senate passed that responsibility over to the Rules and Administration Committee and they have been handling telephone and telegraph for the past 3 years, and we did not want to infringe on its jurisdiction. So at the time this particular matter was raised we promised to take it up with the committee.

We did, in pursuance of that promise, meet with the Rules Committee. I talked to the Senator from North Carolina (Mr. JORDAN). He is not on the floor at the present time, but I think we ought to protect the Rules Committee. I do not want any Senator to make a point of order that we are calling for a consolidation of telegraph and telephone expense, which does not proceed under this heading, by inserting this language on page 20, between lines 9 and 10, because there is no such provision there. If the Senator is referring to permanent legislation, and if we pass this, the result might be that we would not have effectuated the purpose but caused confusion, because we have regular amounts for stationery and then lines for "communications," "telephone," and "telegraph." In a supplemental bill we could hardly make a change in the law which would come under the jurisdiction of the Rules Committee.

We want to join in what the Senator from Florida has brought to the attention of the Senate. We want to pursue it with the Rules Committee. The Rules Committee considered it again this afternoon, at my request. They discussed it and promised to have a hearing on it and try to bring about interchangeability of telephone, telegraph, and stationery funds in a regular appropriation bill, first through an authorization bill, next year.

I hope the Senator does not insist on pressing the amendment. It would not accomplish anything but would only confuse control.

Mr. CHILES. Mr. President, I am delighted the chairman recognizes the other views we have, and he has worked hard and diligently on that. With his assurance that he will continue his fight for our particular problem, I am willing to withdraw the amendment.

Mr. HOLLINGS. I certainly give that assurance.

Mr. CHILES. Before I withdraw the amendment, I would like to yield to the Senator from California.

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from Florida for yielding to me.

I would like to congratulate the Senator from Florida for bringing this point before the Senate. I would also like to thank the Senator from South Carolina and the other members of the Appropriations Committee for being considerate of Senators from large States in what has been to date a difficult problem. I agree with the Senator from Florida that Senators from large States face unique problems, and I think we are not being fairly treated.

There are days when I get 4,000 letters, and during those particular periods of time it takes as many as four of my employees to do nothing more than merely open the mail and direct it, not answer it; and I know the same thing is true of my colleague from California (Mr. CRANSTON).

During a period early this year when Ann Landers asked those who read her column to write their Congressmen and Senators about their support for a separate national institute for cancer research, my office was deluged with about 25,000 communications in the next week just on that subject.

When one considers that a State like California has 21 million people, that it is 1,000 miles long, that up until now we have been allowed to have only two district offices—and I have had one in Los Angeles and one in San Francisco, without any coverage in the Sacramento area or the San Diego area, and the San Diego area is a community of 2 million people, including the outskirts of the city and the county—it just demonstrates that those who represent large States are not able to give service to our constituents that Senators from the smaller States are able to do.

I just received in the mail recently a letter to the editor of a California newspaper written by one of my constituents. I do not want to give it publicity, but as long as we are on the subject, perhaps I should say something about it. It is headed "Disillusioned With TUNNEY." The reason the letter writer was disillusioned with TUNNEY was that, as a young American, he was interested in the smog problem getting into the trees in the San Bernardino Mountains. It took 2 weeks for him to get an answer, and when he did, it was not a personal communication that people like; it was a reprint of a speech that I sent to him. When he wrote another letter, he still did not get an answer, but got the same reprint.

The point is that when we have as many as 15,000 to 20,000 letters a week coming in, it is absolutely impossible, with the very limited resources we have, to do the kind of adequate job answering our constituents' mail that we should, and at the same time pay a legislative staff which can help a Senator do the things he was elected to do.

I thank the Senator from South Carolina for his concern and interest. Every time I have gone to him and talked to him about the problem, he has said that he understands the terrible problem we face in the big States, and has said he would be willing to do anything he could to help us. I wish him to know that I am most appreciative, and that I do not wish to bite the hand that feeds me.

Mr. HOLLINGS. But you have not been fed enough.

Mr. TUNNEY. We would like a little more.

Mr. HOLLINGS. That is right. We are trying in a supplemental bill to take care of those needs. The needs are genuine. The distinguished Presiding Officer (Mr. STEVENSON), the Senator from California, and the Senator from Florida represent very populous areas. We understand that, and we are trying to bring it right along. We have provided substantially in a supplemental bill at the time of a freeze, we believe, and we wish to reiterate our assurance to the Senator from Florida that we will try to get those funds commingled under the rules as a proper approach.

Mr. CHILES. Mr. President, I think one of the problems we have in Congress is that we often seem to equate funds for our Senate offices with personal funds for us, and we are always kind of leery that maybe the voters are going to look on that with some jaundiced eye. I think we are so leery that we deprive the people of the services that they are entitled to have, and that is where we really miss the boat. We fail to carry out the functions that constantly are required and should be carried out, and we actually deprive the people rather than do something for ourselves.

With the assurances that we have, Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

INTRODUCTION OF A BILL BY UNANIMOUS CONSENT

(The remarks of Mr. CHILES when he introduced S. 2948 are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

SUPPLEMENTAL APPROPRIATIONS, 1972

The Senate continued the consideration of the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The Chair recognizes the Senator from California.

Mr. TUNNEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 12, after line 11, insert the following:

"SMALL BUSINESS ADMINISTRATION

"DISASTER LOAN FUND

"For additional capital for the 'Disaster loan fund', authorized by the Small Business Act, $50,000,000, to remain available without fiscal year limitation."

Mr. TUNNEY. Mr. President, my amendment is very simple. It provides for an additional $50 million for the emergency loan fund of the Small Business Administration which has brought aid to thousands of Californians as a result of the February 9 earthquake disaster, as well as to citizens throughout the country. I think this amendment will be an important opportunity to call to the attention of Senators some very serious problems which have occurred in the SBA disaster loan program. I have discussed these with the distinguished chairman of the Appropriations Committee, Senator ELLENDER.

At the present time there are 37 disaster areas in which loans are made from this fund.

I am very deeply concerned about the program. Right after the earthquake occurred, I was able, through the cooperation of the distinguished Senator from West Virginia (Mr. RANDOLPH) to make plans to have the Public Works Committee hold hearings out in California in the earthquake area. Those hearings were chaired by the Senator from Indiana (Mr. BAYH) from June 10 through June 12 and we explored the problems of disaster relief, including the Small Business Administration program, in great depth. We heard from many citizens of the community, and we heard from SBA representatives. We learned that the SBA had moved very slowly in granting relief to citizens after the earthquake. We found evidence that the SBA had begun to move more quickly in processing these loan applications around the time the committee came to California in order to hold the hearings.

As I recall from our hearings, Senator BAYH announced that the staff of the committee had told him that, by March 16, 2,394 SBA loan applications had been accepted, but only 118 had been approved. In other words, at that point in time the SBA was moving very slowly. I have learned even more troubling news very recently. It has been demonstrated that the program has been widely misused, and some very recent hearings that were held by the Appropriations Committee have indicated that there is a great danger that the SBA has not monitored the program in the way that it should have.

The SBA came to the Apppropriations Committee and asked for an increase of $150 million. The agency says it needs these funds because loan applications have increased vastly. Whereas in February the SBA was processing applications at the rate of 100 per week, in October the application rate was 1,500 per week—this is just in California—and since November 12 the rate has been 4,000 applications per week.

Administrator Kleppe indicated in his testimony that the SBA would need about $150 million more in order to be able to process those loans that were outstanding and those that were expected. They estimated that for fiscal year 1972, the loan fund would need $326 million for California alone. They said that for the entire country, they would need $485 million for fiscal year 1972, which, using a little subtraction, would indicate that California would use up the $326 million, and the rest of the country would use up approximately $159 million.

Now, it is quite clear that the SBA is going to be short, and it is my understanding that the committee rejected any increase at all in the Disaster Loan Fund. It is equally clear to me that this program must be managed to aid all those who have valid claims—and that administrative safeguards are needed to protect against waste.

I would like to ask the very distinguished chairman of the committee some questions in this connection. It would be helpful if he could describe for the Senate the information available to the committee which led the committee to refuse any additional disaster loan funds. I think it would be useful to bring this article to the attention of the Senate.

Mr. HOLLINGS. Mr. President, will the distinguished chairman yield? Because the chairman of the subcommittee, the Senator from Arkansas, held those particular hearings. Since he is absent now and I was present at the hearings also, perhaps I can respond to the Senator's question.

Mr. ELLENDER. I yield.

Mr. HOLLINGS. Could I ask the Senator from California, when did you have that earthquake?

Mr. TUNNEY. In February, but I cannot remember the exact date.

Mr. HOLLINGS. Right. The answer is wrapped up in the facts just given by the distinguished Senator from California. SBA went right along, trying to respond to what were real disasters, until the fall period, in September and October, when for some unknown reason, some enterprising repairmen in the State of California came upon this forgiveness clause of $2,500 under the SBA formative law and went out and openly encouraged disaster loan applications.

They went out and said, "If you have a crack in your home, they cannot legally prove that it didn't occur in the earthquake back in February, and all we need to do is get an SBA man to come and take a picture of the crack, then you can get up to $2,500 from SBA that you don't have to pay back; in other words we can do a $3,000 job for $500."

It is a tremendous fraud on the people of America, and it ruins the SBA; it ruins their credibility in their other programs. There were 4,000 applications last month, $60 million last month alone. Instead of $150 million, you are going to need $6 billion.

As I said before to the Senator, the present disaster is not in California, it is right here in Washington. We cannot approve enough funds for that kind of disaster going on out there in California now.

Mr. TUNNEY. What the Senator is suggesting, then, is that the SBA has not administered the program the way Congress intended it?

Mr. HOLLINGS. Exactly. And the only way to get the SBA to do it is to get to the distinguished former Congressman Kleppe, who administers the small business program. When I mentioned it to him, he sort of looked lost. He said:

If we went out and followed through and tried to determine whether even the work was done, we would not have the staff and personnel, so we make no effort to find out whether the work is done. We find a crack, we get a picture, and give the money.

That is no disaster loan. That is a Christmas present.

Mr. TUNNEY. I agree. One thing I would like to make absolutely clear is that I certainly do not support the kinds of fraud and abuses which seem to have occurred, and which trouble the committee so deeply.

Mr. HOLLINGS. That is exactly right.

Mr. TUNNEY. And neither do I support the SBA mishandling a program so badly that they would allow people to get help who do not deserve it, while people who need help are ignored.

Mr. HOLLINGS. It ruins the credibility of the SBA in the needed programs

for the Small Business Administration.

Mr. TUNNEY. I have studied the transcript of the hearings with care, and I saw that in answer to a question by Senator McCLELLAN about repair loans, Mr Kleppe said:

We don't know whether they get the repairs or not.

Mr. HOLLINGS. That is right.

Mr. TUNNEY. Does that mean that there is no procedure to make a determination whether the funds are honestly used for repairs?

Mr. HOLLINGS. That was his answer.

Mr. TUNNEY. What kind of study is made?

Mr. HOLLINGS. A picture study. They run in with a camera and make a picture of the damage, and the fellow certifies this $2,500 windfall. It is a racket, an obvious racket.

What we should do—what we recommended to the subcommittee—is that we do away with the forgiveness clause of $2,500. That is too much. If we reduced it to $100 or $200, to a nuisance amount, there would be no more pictures, no more applications, and no more disaster mismanagement.

Mr. TUNNEY. I am interested and deeply concerned to hear the Senator report to the Senate what the hearings demonstrated—that there had been this very poor mismanagement by the SBA. The Senator says that $60 million——

Mr. HOLLINGS. $60 million last month. It will even exceed $60 million next month.

I hope the Senator would withdraw this amendment, as I understand he intends to do.

Mr. ELLENDER. Mr. President, I hope the Senator will withdraw the amendment.

The SBA came before the committee and requested $150 million for the disaster loan fund. At that time they informed us that a supplemental estimate would be submitted to us. As of now we still have not received a budget estimate. As the hearing record shows, all that the SBA has done is to take the word of homeowners that they had a crack in the roof or in a wall, a picture was taken; and when that was shown, an estimate was made of what it would cost to repair. Usually, the amount asked for was $3,000.

In fact, 70 percent of the applications are for loans just under $3,000. The reason is that if the applicant secures a loan for $3,000, he pays only $500 and the rest is forgiven.

There is no doubt that a great deal of fraud is being practiced; and if it keeps on as it is going now, it is going to develop into one of the biggest scandals we have had in a long time.

I am hopeful that the Senator will withdraw this amendment, so that we can have a chance to look into this matter. If a good case can be made, early next year we will be able to provide money to pay for just claims.

Another thing, Mr. President, the record shows that there is no followup, that many claims have been paid, and it is doubtful that any of the borrowed money was used in order to repair the alleged damage.

Mr. TUNNEY. One thing I would like to make absolutely clear: I discussed this amendment with the Senator from Louisiana before offering it, and I offer it simply to air the problem before the Senate. Personally, I feel that there is evidence that the SBA has totally mishandled this program, that they have not had the adequate checks and monitoring they should have had.

I am deeply worried about people in the 37 disaster areas presently extant in the country—in Mississippi, in Florida, in Corpus Christi the SBA is still processing loans. Many, many thousands of people in California have suffered loss and they deserve the assistance from our Government which the Disaster Act provides. It is an outrage that these people would be denied the help to which they are legitimately entitled because the SBA has had such loose procedures that other persons can come in and get $2,500 from the Government for putting up $500—in other words, $3,000 for $500—and ruin a program that was designed to help honest people in need.

When the SBA comes before the committee in the early part of next year, I hope the committee would require the SBA to show what they have done to tighten up these procedures, so that the people who are deserving of help are going to be able to get the help, and so that those who do not need help will be screened out.

Mr. ELLENDER. It is my belief that under the law as it is now written, if it were properly administered, much of this fraud could be prevented. But there is no followup. There is no doubt that there is a great deal of fraud.

As I have said, early next year, if a case can be made, there is no doubt that Congress will provide the funds for disaster relief.

Mr. TUNNEY. That is the point I want to make. I have no doubt that the law would work well if it were better managed. I would not want to see deserving people in California and other parts of the country denied the opportunity to get funds under the Disaster Relief Act.

I must say that I do not have any proof that there has in fact been wrongdoing in California. Certainly, however, Mr. Kleppe says on the record he does not know whether or not persons receiving loans actually get the repairs. Also, the record shows $60 million in claims each month. On these facts, it looks as though the program is being mismanaged.

Mr. ELLENDER. There is no doubt about that, and I hope the Senator will withdraw his amendment.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I was not at the hearings, so I am in no position to comment on the Administrator's testimony. However, he comes from my State and I consider him to be a very fine individual.

As long as you have a law so wide open that anyone is eligible for a $3,000 loan and gets $2,500 forgiven, unless the Administrator has a whole army to check on these borrowers, there is bound to be a misuse.

How can anyone tell, for example, whether an earthquake caused cracks in a building, and what is and what is not eligible for a loan? Under this kind of law, you would have to have a great number of inspectors. It seems to me that the basic law should be changed and tightened up.

Mr. BAYH. Mr. President, I associate myself with the remarks of the Senator from California on the problems which exist in the administration of disaster relief, an act which has only recently been passed by this Congress, and with the particular reference he made to the present problem existing in the Small Business Administration with the distribution of disaster relief funds made through that agency.

I became involved in the disaster business when dealing with the consequences of one of the horrible disasters which confront us annually several years ago when, on one Palm Sunday, 40 citizens were killed by a series of tornadoes. That was back in 1965. Since that time several of us have been involved in trying to overhaul the Nation's disaster laws. It has been like pulling teeth, to coin a phrase, but as of a year ago we were successful in getting a major reform and an overhaul and revision of the Nation's disaster laws. It has been a step-by-step process—a quarter of a loaf here and a quarter of a loaf there—in overhauling the Nation's disaster laws. It has not been perfect. Only recently, at the request of the Senator from California and other Senators, the Senate passed a bill to shore up one imperfection, namely, to make possible the distribution of funds to not-for-profit hospitals. When we took the Disaster Subcommittee, of which I had the good fortune to be appointed as chairman by the chairman of the Public Works Committee (Mr. RANDOLPH) to California to study the aftermath of the disaster there, two of the worst tragedies took place at Pacoima Lutheran Hospital, which suffered an $8 million to $10 million loss and at Holy Cross Catholic Hospital, which suffered about a $10 million loss. Why more people were not injured and killed in those two hospitals I do not know, but the law presently does not permit those hospitals to be rebuilt with public funds.

The bill which has been introduced by the Senator from California and other Senators has been passed by the Senate and is now before the House. Hopefully, it will be passed in short order, perhaps even by the first of the week. The SBA loan program which has been raised by the Senator from California grew from the insistence, primarily, on the part of the Senate, at an early date, that, if we are going to start or continue distributing large amounts of foreign aid for disaster relief to other nations, we ought to do a better job of dealing with our own citizens when they are hit with disaster.

So, in addition to the distribution of funds in the event of disaster to public institutions such as city halls, hospitals, schools, and that type of public reimbursement, for the first time we decided we would give some help to the average businessman and the average homeowner. So we provide, in the act as it is today, for reimbursement of $2,500 worth of loss beyond the first $500 worth of loss,

to be distributed through the Small Business Administration.

I am disturbed at the way in which the funds now apparently are being withheld. I think this is a direct result of an irresponsible administration of this program by Mr. Kleppe and his assistants in the Small Business Administration.

I remember going there after the disaster, on my own, after the Senator from California had been there earlier, and then coming back. We had great difficulty in getting the Small Business Administration to act. We had insufficient bilingual communication by administrators who went into a Mexican-American area to try to disburse small business loans, and I was particularly concerned about the slow initial response of the Small Business Administration.

We all remember this disaster very vividly. It was a dramatic upheaval that occurred on February 9 of this year.

As of March 16, only 2,394 SBA loan applications had been accepted, and only 118—118 out of 2,394—had been approved.

The same was the case as of April 16. That was more than 2 months after the disaster.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Indiana may proceed for an additional 5 minutes.

Mr. BAYH. Did the Senator ask for 3 minutes?

Mr. BYRD of West Virginia. We are operating under a period for the transaction of routine morning business.

Mr. BAYH. I appreciate the courtesy of the Senator from West Virginia. I was not aware of that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAYH. I ask unanimous consent to have printed in the RECORD some correspondence between the Senator from California and Mr. Kleppe, to show the tremendous backlog of cases that developed early on because the SBA just was not on the job.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 15, 1971.

THOMAS S. KLEPPE,
Administrator, Small Business Administration, Washington, D.C.

DEAR ADMINISTRATOR KLEPPE: I am deeply concerned to hear repeatedly from Californians that the Federal aid promised by the Small Business Administration, and directed by Federal law, has not been made promptly available.

To bring me up to date, and to confirm information given to my staff by telephone, I would like to have answers to the following questions:

(1) How many applications for emergency disaster loans were distributed in the disaster areas of Southern California as of the latest date for which information is available?

(2) How many such applications have been returned to S.B.A.?

(3) Of the returned applications, how many were accepted by S.B.A. as meeting its requirements with respect to documentation and completeness of information?

(4) What is the total of loans requested in applications accepted by S.B.A. as complete?

(5) How many loans have been approved?

(6) How much money has in fact been paid to loan applicants?

(7) What is the S.B.A. estimate of private property damage for which S.B.A. loans can properly be requested?

(8) How much money is currently available to S.B.A. apart from future supplemental appropriations to make the disaster loans projected in paragraph (7) above?

(9) What steps is S.B.A. taking to secure any extra funds needed to make the loans projected in paragraph (7) above?

(10) Does S.B.A. require an appraiser to visit each property which is the subject of an S.B.A. loan?

(11) How many such appraisers are in the Los Angeles area?

(12) How many appraisers are usually in the Los Angeles area under normal circumstances?

Because of the deep concern which has been expressed to me about the S.B.A. loan program in Los Angeles, I would especially appreciate a prompt response to the foregoing questions. I hope you will indicate the date at which your information is supplied. I also welcome any supplementary information you may wish to provide.

Yours very truly,

JOHN V. TUNNEY,
United States Senator.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., March 29, 1971.

Hon. JOHN V. TUNNEY,
United States Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: This is in reply to your letter of March 15, 1971, expressing concern that Federal aid promised by the Small Business Administration has not been made promptly available.

In attempting to answer the list of questions contained in your letter, we must point out that in a disaster of the magnitude of the Los Angeles earthquake, significant changes occur daily in the number and amount of applications distributed, received, approved, and disbursed, as well as in the number of persons assigned to the disaster staff. The information set forth here is taken from Agency records as of March 25, 1971.

(1) Since the earthquake occurred on February 9, 1971, 20,352 applications have been provided to disaster victims.

(2) A total of 4,251 applications have been returned to SBA.

(3) While some applications must be returned for additional information, we are informed that the majority of applications submitted have been accepted as complete or with minor deficiencies that can be corrected during processing. We do not have a mechanism for determining the number of applications not accepted as presented without requiring a special study by the disaster field staff that would interfere with their assistance effort in Los Angeles.

(4) The total amount of applications accepted is $28,649,333.

(5) A total of 305 loans have been approved for $1,883,950.

(6) At this early stage, 5 home loans have been disbursed for $11,986.

(7) It is estimated that private property damage as a result of the earthquake amounted to approximately $242 million.

(8) The Office of Management and Budget has apportioned for our use in Fiscal Year 1971, $240,688,479. Of this amount, $226,072,847 has been allocated to our various field offices leaving $14,615,632 currently available for all disasters.

(9) SBA has, with OMB's concurrence, submitted a request for a supplemental appropriation in the amount of $265 million. This supplemental has been transmitted to the Congress, and hearings will be held on March 29 with the House Appropriations Committee.

(10) Since legislation and Agency regulations require that the amount of disaster loans be limited to the amount of actual damage, plus eligible refinancing, verification of loss is required by an SBA appraiser in each case.

(11) and (12) There are presently 14 appraisers assigned to disaster duty in Los Angeles in addition to the normal appraisal staff of 2. This number will be increased in the next week to 10 days as additional applications are received.

I am sure you realize that in an operation of this size, some delays are experienced in the initial stages as an emergency field organization is established to efficiently handle a large volume of activity.

You may be assured that the Small Business Administration, while small in relation to many Federal agencies, is well experienced in handling disasters of major proportions. In fiscal 1970 SBA made over 17,000 disaster loans for an amount in excess of $175 million. In fiscal 1971, it is anticipated that this activity will increase to 40,000 loans for $400 million.

We hope this information will be of assistance to you, and if we can provide additional information, please let us know.

Sincerely,

THOMAS S. KLEPPE,
Administrator.

Mr. BAYH. Mr. President, when disaster strikes, the Federal bureaucracy ought to be able to respond with compassion and promptly, but this has not been the case with the SBA, and I am concerned that some of us in the Senate who have been in roles of, one might say, leadership in this disaster area, point out the real need not to unduly restrict the humane legislation which is now on the books, and to administer it so that it does not adversely affect the purpose of assisting the homeowner and the small businessman, and certainly that we resist the temptation to cut off all funds, which is what is in the process of happening, but rather strive to point the finger of accusation to place the guilt where it is.

It is not that the program is bad. Our trouble today is not the number of needy people in California, but the fact that the SBA, by its own admission, is not policing the program.

For example, Mr. Kleppe, in recent testimony before an appropriations subcommittee, in response to a question by the Senator from Arkansas (Mr. McCLELLAN) about repair loans, said:

We don't know whether they get the repairs or not.

In other words, there is no effort to check. There is no effort to verify; and as a result, what we find is that the needy citizens in California are being penalized because a few unscrupulous contractors are trying to make a fast buck.

For us to destroy 3 or 4 years of work and make it impossible for needy citizens in the future to get adequate disaster relief, all because the Small Business Administration is not able to police the program, is a result that the Senator for Indiana is not willing to stand still for.

I salute the Senator from California for his efforts. I say particularly to our

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distinguished President pro tempore, the Chairman of the Appropriations Committee (Mr. ELLENDER), that I appreciate the consideration he has in this area, and express the hope that we will be able to straighten out the program, and not let maladministration wreck it.

I close with the thought right now insufficient administration is creating problems such as those that exist in California, over past years, I have witnessed disasters in the home State of the present Presiding Officer (Mr. CHILES), Florida, in Texas, in Louisiana, and in my own State of Indiana; and I point out that although at the moment some of us might not want to get too deeply involved because the problem does not involve our own States, unfortunately, Mother Nature is rather erratic at times, and we do not know where disaster is going to strike next.

Mr. President, I want this program cleaned up.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection? The amendment is withdrawn.

The bill is open to further amendment.

If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I rise to express my appreciation to the Appropriations Committee for including several very important amendments in the supplemental appropriations bill at my request.

First, under the Labor, Health, Education, and Welfare title of the bill, the committee took affirmative action on my amendment, which will prevent 15 States, including West Virginia, from receiving $35,500,000 less in fiscal year 1972, in title I, Elementary and Secondary Education Act funds, than they received in fiscal year 1971. In some States, increases in State allocations have taken place due to the increase in the number of eligible pupils and the increase in per pupil expenditures. However, in 15 States, pupil enrollment and expenditures have remained constant, and the distribution formula has resulted in these States receiving less title I funds in 1972 than they received in 1971. To remedy this problem, the committee has included a floor provision, which will prevent reductions in State allocations from one year to another. Also included was an additional $35,500,000 to cover the costs of funding this provision.

In fiscal year 1971, West Virginia was allocated $20.5 million in title I funds, while the fiscal year 1972 allocation was $18.3 million. The amendment which I proposed, and which is included in the pending bill, will prevent my own State of West Virginia from losing $2.1 million in funds for educationally deprived children. I want to especially thank Chairman MAGNUSON and the other members of the subcommittee for their assistance in seeing to it that this amendment was included in the bill.

Second, the committee included, at my request, two other amendments, both of which are concerned with mine health and safety. One of these amendments would add $1 million for the Bureau of Mines, to enable it to develop, purchase, and test additional mine rescue equipment, which will increase the chances of miners to survive coal mine fires and explosions. The other amendment added $975,000 to fund the grants to the States program, to assist them in complying with the provisions of the Federal Coal Mine Health and Safety Act, and in developing their own complementary health and safety regulations in this field. I consider both of these amendments to be extremely important, and I believe that they will make substantial and lasting contributions to improving the health and safety aspects of the mining industry.

The last item concerns a subject about which I am vitally concerned—that is inclusion by the committee of $10,280,000 for acceleration of the coal gasification program. This program is needed nationally to meet future energy requirements and to solve natural gas shortages which are already facing this country.

Projections of future energy requirements in the United States clearly show a need for development of all energy resources. Thus, even if we develop all of our natural gas resources, we will still be faced with a serious gas shortage. The development of plants to produce synthetic natural gas from petroleum naphtha, or the importation of liquefied natural gas, is not an adequate solution because we then put ourselves in the undesirable position of being dependent upon foreign sources to meet our energy needs. I have consistently supported coal research programs because I believe that coal, as our most abundant fuel resource, is the resource from which our future energy requirements will have to be met.

I am grateful to Chairman BIBLE and the other members of the subcommittee for their thorough consideration, and approval of the items under the Interior subcommittee's jurisdiction.

I also want to express, to the Appropriations Committee, my appreciation for including these items in the bill, and to state my admiration for the committee's expeditious handling of this legislation.

Mr. COOPER. Mr. President, I am very pleased that the Bureau of the Budget submitted and the Appropriations Committee has recommended a supplemental request for an increase of $9 million in the proposed budget allowance for fiscal year 1972 for the Smithland Locks and Dam, Illinois and Kentucky on the Ohio River.

The Smithland project is of national importance and I consider it to be of the highest urgency as its completion will eliminate one of the most serious bottlenecks in the entire inland waterways system.

Just before markup on the public works appropriations bill earlier this year, the Corps of Engineers submitted a revised capability for this project for an additional $10 million. In response to my request, Senator JOHN STENNIS, chairman of the Appropriations Subcommittee on Public Works, and the manager of the bill on the floor, indicated that the project had merit and the Appropriations Committee would look favorably upon a supplemental request for funds later in the year. I then talked with Mr. Shultz, Director of the Office of Management and Budget, in company with the Senator from Ohio (Mr. TAFT) and supported also by my colleague from Kentucky (Mr. COOK) and all Senators who live in the States along the Ohio River, asking that the amount of $10 million be added to meet the revised capability of the Corps of Engineers.

I also wish to express my appreciation to the chairman of the Appropriations Committee (Mr. ELLENDER) for his long years of work for the Ohio River projects as well as the Senator from North Dakota (Mr. YOUNG) and the full committee.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN) the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also, the Senator from Arizona (Mr. GOLDWATER) and the Senator from Florida (Mr. GURNEY) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) would each vote "yea".

The result was announced—yeas 68, nays 5, as follows:

[No. 438 Leg.]

YEAS—68

Aiken	Griffin	Packwood
Bayh	Hansen	Pastore
Beall	Harris	Pearson
Bellmon	Hart	Pell
Bentsen	Hollings	Percy
Bible	Hruska	Proxmire
Burdick	Hughes	Randolph
Byrd, W. Va.	Inouye	Ribicoff
Case	Jackson	Schweiker
Chiles	Javits	Scott
Church	Jordan, Idaho	Smith
Cook	Kennedy	Sparkman
Cooper	Long	Spong
Cranston	Magnuson	Stafford
Curtis	Mansfield	Stennis
Dominick	Mathias	Stevens
Eagleton	McIntyre	Stevenson
Eastland	Metcalf	Symington
Ellender	Miller	Talmadge
Ervin	Mondale	Tunney
Fong	Montoya	Williams
Fulbright	Moss	Young
Gravel	Nelson	

NAYS—5

Allen	Fannin	Thurmond
Byrd, Va.	Roth	

NOT VOTING—27

Allott	Cotton	McClellan
Anderson	Dole	McGee
Baker	Gambrell	McGovern
Bennett	Goldwater	Mundt
Boggs	Gurney	Muskie
Brock	Hartke	Saxbe
Brooke	Hatfield	Taft
Buckley	Humphrey	Tower
Cannon	Jordan, N.C.	Weicker

So the bill (H.R. 11955) was passed.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. MCGEE, Mr. MONTOYA, Mr. HOLLINGS, Mr. YOUNG, Mrs. SMITH, Mr. HRUSKA, Mr. ALLOTT, and Mr. COTTON conferees on the part of the Senate.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO MAKE TECHNICAL CORRECTIONS IN THE ENGROSSMENT OF H.R. 11955

Mr. ELLENDER. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical corrections in the engrossment of H.R. 11955.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for several days I have been cogitating on the move which I am now expecting to make. After much thought and consideration, I think it is in the best interests of the Senate and all parties directly and indirectly concerned that the Senate go into executive session to consider the nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court.

It is my belief that by operating on that basis, the debate will not be as extended as it might well be. It is my further belief that there is to be no filibuster on either of the nominations. And it is my hope that, on the basis of my reasoning—which of course I took up with others, as well, on both sides of the aisle—this will be the most expeditiously procedure possible.

May I say that as far as the joint leadership is concerned, we intend to stay with these two nominations until they are decided one way or the other.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court.

The PRESIDING OFICER. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The legislative clerk read the nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court.

Mr. SCOTT. Mr. President, would the distinguished majority leader yield?

Mr. MANSFIELD. Yes indeed.

Mr. SCOTT. Mr. President, I think it important that we once more state what I hope is now fairly well understood, that the distinguished majority leader and I consult together at all times in an effort to keep the Senate on a straight course, moving responsibly toward the solutions of our legislative problems and that in doing so, we are also pointing to the fact that Senators, contrary to the impression of some cartoonists, are also human beings and that as human beings we have obligations to our families, our children, and our grandchildren and that there ought to be some occasion during the year when we can enjoy some of the simple pleasures which are those one normally associates with family life and a fuller enjoyment of the human expectation on this planet.

In doing that, there are temptations that have to be set aside. One of those here is the fact that under rule VIII, section 8.1, the calendar has to be called in order, and Senators on this side could have raised an objection and have made as the order of business the consideration of the name of Mr. Rehnquist; but to have done that would have in turn injected the political aspect into this whole operation.

There are recourses available to the majority of which we are well aware. As the Greek poet Menander said:

We live not as we would, but as we must.

Under those circumstances, a motion to postpone consideration of the nomination of Mr. Rehnquist at some point would have been in order and we would have gotten involved in an unseemly squabble, which to my mind, is not to the credit of the Senate.

So, I think the distinguished majority leader is doing the right thing, as he generally does, and almost always does; and on the rare occasions when he does not, I have a moment of joy to realize he is like the rest of us, and not perfect.

But I think this is the way to do it, seriously. In doing it this way, it is important we all show our mutual good will toward each other and toward each other's children and grandchildren, and in doing that, if we can dispose of the nomination of Mr. Powell on Monday, and then have a proper, legitimate, reasonable, and dignified examination of the qualifications of the other nominee, Mr. Rehnquist, I hope that bearing in mind the mutual concerns of all of us, which I think should be prior in our consideration of the singular advantage of any individual in this Chamber, perhaps we could find a way to reach next week an opportunity to vote on Mr. Rehnquist. I think most people's minds are made up and I think that the public's mind is largely made up.

However we may disagree at the end of it we will have a Supreme Court functioning, or we will not.

I congratulate the distinguished majority leader for having come to this solution, although it is not the same one I would have come to; but having come to this solution, it is our job, as the minority, to cooperate with him and show evidence of our good faith and our desire to get this matter disposed of.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield.

Mr. MANSFIELD. May I say that I am drenched with the balm of Gilead just bestowed on me.

Mr. SCOTT. No matter what he asks for, I give him Arpege.

Mr. MANSFIELD. I was thinking of some others.

But I do appreciate the statements of the distinguished Senator and what he has said about what could have been. It could have gone far back beyond the nominations, and it is within the rules to have done that, and dragged this down to the present time.

But the spirit of cooperation is deeply appreciated. I repeat that, in the long run, I think this will produce the most expeditious results: and I, too, would express the hope that every Senator be given a chance to express his opinions, but I state also that on the basis of statements made by interested Senators I do not expect in any way, shape, or form a filibuster.

ORDER TO VOTE ON POWELL NOMINATION AT 4 P.M. MONDAY, DECEMBER 6, 1971

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that the vote on the Powell nomination occur at the hour of 4 o'clock Monday afternoon next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BAYH. Mr. President, I come out second best in my remarks addressed to the distinguished majority leader after the remarks of praise delivered by the distinguished minority leader, but I would like to express my appreciation to

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the majority leader for handling these two nominations in the right sequence.

Little is to be gained by going into the facts that have led to their being placed on the calendar in the order referred to by our friend and colleague, the distinguished minority leader, but I have been concerned about getting that Court to a full complement as soon as we can, letting the legislative process work its will. It could have had a sitting judge for the last 3 weeks if there had not been a determined effort to tie these two men together. Now we are going forward and I think the Senate will work its will.

The Powell nomination is to fill the first vacancy, that of Justice Black, so it seems proper to consider it first in the Senate. The President said he intends to swear in Powell first, so he will be the senior Justice. It seems equitable for this reason that we would consider the Powell nomination first.

I realize the minority leader has been under considerable pressure from some sources to go the other way, and I salute him for resisting that pressure and considering them in this order.

I concur completely in the four descriptive words used by the distinguished minority leader with respect to the type debate which will precede the vote on both nominations, in which he said: proper, legitimate, reasonable, and dignified. That is certainly the criteria I feel are appropriate and I am sure our colleagues will all agree with the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

Mr. BYRD of Virginia. Mr. President, in accordance with article II of the Constitution, the Senate has been called upon to give its consent to the nomination of two Justices for the Supreme Court.

One of the nominees I do not know personally; the other I have known long and well.

The Senate's responsibility to advise and consent is a vital element in our constitutional separation of powers and in our system of checks and balances.

Members of the Supreme Court are subject to confirmation by the Senate, but once a nominee is confirmed, assuming his good behavior, there are no checks or restraints upon his lifetime appointment.

The decisions of the Justices of the Supreme Court are not reviewable. The only restraint on Supreme Court Justices, once confirmed, is their own self-restraint.

The Senate has a solemn obligation to examine Supreme Court nominations with utmost care. A court appointee differs substantially from a Cabinet officer, who is an administrative aide of the President. The Court is independent of the Executive and is co-equal.

In considering the nomination of William H. Rehnquist to be an Associate Justice, I find nothing in his record to justify an adverse vote.

Indeed, Mr. Rehnquist has distinguished himself both in private practice and in Government service. His legal credentials seem fully adequate to qualify him for the Supreme Court.

After an outstanding academic career, he was a clerk to the late Mr. Justice Jackson. He them commenced 16 years of successful private practice in the legal profession.

Since coming to Washington in 1969 as Assistant Attorney General in charge of the Office of Legal Counsel, he has served as the legal adviser to the Attorney General. Mr. Rehnquist drafted the official opinions of the Attorney General, and in that capacity, dealt with constitutional issues in much the same manner as does a justice of the Supreme Court.

His experience in the Justice Department, when coupled with his broad background as a trial and appellate lawyer, allow him to bring to the Supreme Court a balanced background.

Mr. Rehnquist has been forthright and candid in expressing his views before the Judiciary Committee.

He demonstrated great poise during the long hours of questioning by members of that committee and showed that he possesses the patient temperament demanded of a member of the judiciary.

Several days of sharp and probing questions produced nothing that was detrimental to Mr. Rehnquist, and indeed, his answers to these questions revealed that he is a man of personal integrity and professional competence.

I am pleased that the Judiciary Committee conducted such an exhaustive investigation into Mr. Rehnquist's background and beliefs, for the Senate's role of giving its advice and consent should never be taken lightly.

After considering committee testimony and committee action, I shall cast my vote to confirm Mr. Rehnquist.

Now we come to the second nomination, that of Lewis F. Powell, Jr., of Richmond, in the Commonwealth of Virginia.

Mr. Powell I have known for many years. He is a close friend.

Knowing him so well, I can speak with enthusiasm regarding his nomination.

In his chosen profession, he stands at the top. His entire adult life has been spent in the practice of the law.

He has lent his talents to the wide range of problems which confront the private practitioner.

He has participated in cases on every conceivable subject in the courts of Virginia, and in the Federal courts, including the U.S. Supreme Court. In so doing he has earned the admiration of his legal colleagues and the respect of the judges before whom he has appeared.

I think it it appropriate to say that Lewis Powell is a lawyer's lawyer.

He has a deep respect for the law and unlimited devotion to the legal processes.

He received one of the highest honors which could be bestowed upon him by his fellow lawyers. He was elected president of the American Bar Association, in which position he served with energy, imagination, and distinction.

To my knowledge, no one has questioned his qualifications to serve as a member of the Nation's highest court. Indeed, most of those with whom I have talked, or whose views I have read, regard his legal attainments as being of the highest degree.

Aside from the requisite knowledge of the law, it always has been my view that perhaps the most important single qualification for a judgeship is that the nominee possess judicial temperament.

This I feel Lewis Powell possesses in abundance. His entire career has shown him to be fair-minded and sensitive to equal rights under the law for all citizens.

In reviewing his testimony before the Senate Judiciary Committee, I find that no one questioned his knowledge of the law, or his legal qualifications.

Lewis Powell is a splendid lawyer, but he is far more than a lawyer.

Mr. Powell has recognized his obligations to the public and has given unfailingly of his time to serve the public interest.

In World War II he served for 33 months in the European theater, rising from first lieutenant to colonel in the Army Air Corps.

His role as a member of the State board of education and the city of Richmond school board during the trying desegregation period won him wide acclaim.

As a member of the National Advisory Committee on Legal Services for the Poor, he helped create the National Legal Services program.

Mr. Powell was a member of the Department of Defense study panel in 1969.

He has also lent his considerable legal talent to both the State and Federal governments. While a member of the commission on constitutional revision, he participated in the rewriting of Virginia's constitution.

In 1965 President Johnson appointed him to the National Commission on Law Enforcement and Administration of Justice. This Commission's work led to many of the provisions of the Omnibus Crime Control Act of 1968.

So it will be seen that Lewis Powell can bring to the Supreme Court not only a deep sense of responsibility and dedication, but also a wide acquaintance with public affairs which will enrich the Court.

Mr. Powell at the age of 64 did not seek the Supreme Court appointment. In fact, I have reason to believe that he accepted the nomination with some reluctance.

He recognizes full well the honor conferred upon him by the President of the United States. He has a deep reverence for the Supreme Court as an institution. He is ready and willing to serve his Nation in any position of responsibility.

But as he himself so frankly stated following his appointment by the President, he is not certain that the role of judge will be to his liking.

He is certain, however, of his own dedication to the law and to the good of his country. It is for these reasons that he has accepted the nomination of President Nixon to serve on the Supreme Court.

Mr. Powell will serve with ability, dedication, and distinction.

I hope, and believe, that he will be confirmed by unanimous vote.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. BAYH. I compliment the Senator for the statement he made, expressing the qualifications of and support for his fellow Virginian, Lewis Powell. I hope, on tomorrow, or the first of the week, to have the opportunity in more detail to debate and to try to follow the footsteps of the Senator from Virginia in support of the nomination of Lewis Powell. I do believe he would make an exceptional Justice. I just want to associate myself with that part of the Senator's statement.

Mr. BYRD of Virginia. I thank the distinguished Senator from Indiana for his comments. His support of Mr. Powell will mean a great deal to Mr. Powell in the matter of his nomination to the Supreme Court.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in adjournment until 10 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR BEALL TOMORROW

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Maryland (Mr. BEALL) will be recognized for not to exceed 15 minutes after any statements by the joint leaders are disposed of.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the remarks of the Senator from Maryland (Mr. BEALL) tomorrow there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate there will be no votes tomorrow. If through happenstance that possibility does become a reality, such votes will be put over until Monday.

The PRESIDING OFFICER. The Chair wishes to ask the majority leader whether after morning business is completed it is contemplated the Senate would go into executive session.

Mr. MANSFIELD. Yes, indeed. I make that request.

ORDER FOR EXECUTIVE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I make that a part of my request. I ask unanimous consent that at the conclusion of morning business the Senate return to executive session for the consideration of the nomination of Mr. Powell.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I take it it is the understanding we will continue in executive session until we have disposed of these two nominations.

Mr. MANSFIELD. Yes.

Mr. SCOTT. Subject to unanimous consent requests to the contrary.

Mr. MANSFIELD. And conference reports and the like.

Mr. SCOTT. Yes, such as conference reports.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS, 1972 (S. Doc. No. 92-45)

A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1972, in the amounts of $124,065,122 in budget authority and $5,000,000 in liquidation of contract authority (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

MAP OF NATURAL GAS PIPELINES AND SALES OF ELECTRIC POWER

A letter from the Chairman of the Federal Power Commission submitting a map of the major natural gas pipelines showing the sales of firm electric power for resale (with accompanying papers); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting a report entitled "Benefits Could Be Realized through Reuse of Designs for Public Housing Projects" (with accompanying report); to the Committee on Government Operations.

REPORTS OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of Immigration and Naturalization submitting, pursuant to law, reports concerning visa petitions which have been approved (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION INCREASING AUTHORIZATIONS

A letter from the Chairman of the Atomic Energy Commission submitting proposed legislation to increase the authorization for appropriations for operating expenses and plant and capital equipment (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution of the Legislature of the State of Minnesota; to the Committee on Finance:

"H.F. No. 66

"A resolution memorializing the President and Congress to enact legislation extending income tax benefits given married persons to single persons

"Whereas, there is inequality in the present income tax structure which places an unduly large financial burden on single taxpayers of this country; and

"Whereas, this problem is becoming more serious with each increase in taxation; and

"Whereas, fair income taxation to all people of this country, regardless of marital status, should be a prime concern of the United States Congress; now, therefore,

"Be it resolved, by the Legislature of the State of Minnesota that Congress should speedily enact legislation, such as H.R. 4219, H.R. 850, and S. 869, which would extend to all single taxpayers the full tax benefits now enjoyed by married taxpayers filing joint returns.

"Be it further resolved, that the Secretary of State of Minnesota transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairman of the Finance Committee of the Senate, the Chairman of the Ways and Means Committee of the House of Representatives, and the Minnesota Senators and Representatives in Congress.

A resolution adopted by the Saipan Legislature of the Trust Territory of the Pacific Islands; to the Committee on Veterans' Affairs:

"RESOLUTION No. 23-15-1971

"A resolution respectfully requesting the President of the United States to support and the United States Congress to enact, legislation to provide that citizens of the trust territory of the Pacific Islands who serve in the United States Armed Services be granted the same veterans benefits as citizens of the United States not otherwise applicable to the trust territory citizen

"Be it resolved by the twenty-third Saipan Legislature, that:

"Whereas, many citizens of the Trust Territory of the Pacific Islands have served and are serving in the United States Armed Forces; and

"Whereas, the hardships which may result from such service are as severe for citizens of the Trust Territory of the Pacific Islands and their families as for citizens of the United States and their families; and

"Whereas, citizens of the Trust Territory of the Pacific Islands should be provided the same benefits as citizens of the United States when they are willing to risk their lives in the service of the United States of America; now, therefore,

"Be it resolved by the Twenty-Third Saipan Legislature, Fifth Regular Session, 1971, that the President of the United States is respectfully requested to support and the United States Congress is respectfully requested to enact legislation to provide that citizens of the Trust Territory of the Pacific Islands who serve in the United States Armed Services be granted the same veterans benefits as citizens of the United States not otherwise applicable to the Trust Territory citizen; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President

of the Senate and Speaker of the House of Representatives, United States Congress, and to the Secretary of Defense.

"Passed and adopted this 24th day of September 1971."

A letter transmitting the results of a referendum in the City of Pittsfield, Mass., concerning the question of a ceasefire and withdrawal of troops from Southeast Asia; to the Committee on Foreign Relations.

A petition from citizens of Southeastern States expressing disagreement with proposed gun control legislation; to the Committee on the Judiciary.

A resolution adopted by the Knights of Columbus, Accokeek, Md., concerning proposed legislation regarding abortion; to the Committee on Labor and Public Welfare.

Resolutions adopted by the Utility Co-Workers Association, Newark, N.J., pertaining to matters of national interest; to the Committee on Labor and Public Welfare.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore on today, December 3, 1971, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes;

H.R. 6283. An act to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 6065. An act to amend section 903(c)(3) of the Social Security Act (Rept. No. 92-561); and

H.R. 10604. An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial (Rept. No. 92-552).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

Romana Acosta Banuelos, of California, to be Treasurer of the United States; and

Edgar R. Riedler, of New York, to be an Assistant Secretary of the Treasury.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STAFFORD:

S. 2942. A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY:

S. 2943. A bill to designate the Department of Health, Education, and Welfare South Building in Washington, D.C., as the "Mary Switzer Memorial Building. Referred to the Committee on Public Works.

By Mr. BUCKLEY (for himself, Mr. KENNEDY, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BROOKE, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. EASTLAND, Mr. FANNIN, Mr. GRIFFIN, Mr. GURNEY, Mr. GOLDWATER, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. HOLLINGS, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. MILLER, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. ROTH, Mr. SAXBE, Mr. SCOTT, Mr. SCHWEIKER, Mr. TOWER, Mr. YOUNG, Mr. WEICKER, and Mr. BYRD of West Virginia):

S. 2944. A bill to amend section 112 of the Internal Revenue Code of 1954 to excludes from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

By Mr. BUCKLEY (for himself, Mr. KENNEDY, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BROOKE, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. EASTLAND, Mr. FANNIN, Mr. GRIFFIN, Mr. GURNEY, Mr. GOLDWATER, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. HOLLINGS, Mr. JACKSON, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. MILLER, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. ROTH, Mr. SCHWEIKER, Mr. SCOTT, Mr. TOWER, Mr. TUNNEY, Mr. SAXBE, Mr. YOUNG, Mr. WEICKER, and Mr. BYRD of West Virginia):

S. 2945. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies. Referred to the Committee on Armed Services.

By Mr. NELSON (for himself and Mr. MONDALE):

S. 2946. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes. Referred to the Committee on Commerce.

By Mr. STEVENS:

S. 2947. A bill for the relief of Despina Papadopoulou. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S. 2948. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STAFFORD:

S. 2942. A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE MANPOWER TRAINING AND EMPLOYMENT ACT OF 1971

Mr. STAFFORD. Mr. President, I am today introducing a new comprehensive manpower act to accomplish the national objectives recognized by virtually every authority in the manpower training field as necessary to achieve an effective effort on behalf of those members of our labor force who are unemployed or underemployed.

Mr. President, as a result of the rapid advance in our technology and automation, there is a growing imbalance between the training and skills required of many of those who are seeking to join the active labor force. Because of this and other reasons there are many workers in our economy who are unemployed or employed below their potential capacity, and who with appropriate training could make a greater contribution to the labor economy and share more fully the rewards which our economy gives to those gainfully employed.

In addition, there is the problem of assuring meaningful employment opportunities to those seeking employment when we have a labor force that is undergoing sustained rapid growth. The education systems in this country have a responsibility to provide the academic, technical, and vocational training opportunities necessary to prepare students for adult living. However, where this system falls short of matching the employers needs and the prospective employee's qualifications in a viable economic framework, then supplementary and remedial services are essential and justified as a part of a national manpower program. The availability of jobs to the unemployed, underemployed, and low-income workers is restricted by the lack of sufficient unskilled entry-level positions in our technically progressive society. Such opportunities can be increased by assisting workers to learn or improve their skills so that their upward mobility in the labor market can be assured.

An improved program of training and retraining for the unemployed and underemployed can make a significant contribution toward obtaining this goal. The achievement of this objective will also produce a desired side effect of reducing the present heavy burden of welfare and unemployment costs.

It is the purpose of this bill to establish a comprehensive national manpower program which will engage the efforts of all sectors of the economy and all levels of government. This will help bring about the realization of an economy that is characterized by full employment

within a context of prosperity and economic stability.

Mr. President, my bill recognizes that the administration and implementation of effective manpower services can best be achieved by delivery of these services at the local level. The local manpower agencies are in the best position to secure the confidence and active cooperation of employers and employees and other public and private agencies which are essential in the establishment of an effective manpower program.

Mr. President, there is little doubt as to the pressing need for comprehensive reform of our Nation's manpower training programs. The bill I have introduced will go a long way in achieving this needed reform.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

Mr. President, one final comment on my bill. In section 3, the authorization section, I have not filled the amounts of money that should be authorized. I feel that, after extensive hearings and research by the Employment, Manpower, and Poverty Subcommittee, a more rational and comprehensive figure can be placed in the bill to meet the needs of our unemployed and underemployed.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2942

A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Manpower Training and Employment Act of 1971."

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) as a result of rapid advances in technology and automation, there is a growing imbalance between the training and skills of many of those in or seeking to join the active labor force and the requirements of production, service and supervisory tasks throughout the national economy, and there are many workers who are unemployed or are employed below their potential capacity and who, with appropriate training or retraining, could make a greater contribution to the national economy and share more fully in its rewards;

(2) the problems of assuring meaningful employment opportunities will inevitably be compounded by the continued rapid growth of the labor force. The public and private education system has the major responsibility to provide the academic, technical and vocational training opportunity necessary to prepare students for adult living. However, where this system falls short of matching needs and opportunities in a viable economic framework, supplementary and remedial services are essential and justified as part of a national manpower program;

(3) the availability of private employment to unemployed, underemployed, and low-income workers is restricted by the lack of sufficient entry level jobs opportunities. Such opportunities can be increased by assisting workers now in entry level jobs to improve their skills and move upward to more advanced positions;

(4) improved training and retraining programs and facilities for the unemployed and underemployed can make a significant contribution toward reducing the present heavy burden of welfare costs;

(5) the reduction of unemployment, underemployment, and excessive public assistance, payments, and the realization of an economy characterized by full employment within a context of prosperity and economic stability, are matters of major national concern. On the other hand, the administration and delivery at the local level of effective manpower programs are by nature primarily local matters, and local agencies are in the best position to secure and maintain the confidence and active cooperation of employers, employees and other public and private agencies, individuals, and organizations.

(b) It is the purpose of this Act to establish a comprehensive national manpower program to imploy the efforts of all sectors of the economy and all levels of government. It is the intent of Congress that the programs developed and carried out or assisted pursuant to this Act shall rely to a maximum degree on local initiative and responsibility, public and private, within a context of national need and purpose.

APPROPRIATIONS AND ALLOCATIONS OF FUNDS

SEC. 3. (a) In order to carry out the provisions of this Act, other than Title III, there are hereby authorized to be appropriated not to exceed the sums of $——— for the fiscal year ending June 30, 1972; $——— for the fiscal year ending June 30, 1973; $——— for the fiscal year ending June 30, 1974; and such amounts as may be necessary in succeeding fiscal years. Any amounts autorized by the preceding sentence but not appropriated during any fiscal year may be appropriated in subsequent years. Appropriations made pursuant to this subsection may provide that the funds so appropriated shall remain available for obligation until the close of the fiscal year following that for which the appropriation is made.

(b) The Treasury shall reserve eighty-five per centum of the amounts appropriated pursuant to subsection (a) to carry out the provisions of Title I of this Act.

(c)(1) The amounts reserved by subsection (b) of this section shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income persons in each such State bears to such total numbers, respectively, in the United States, but not less than three-fourths of one per centum of the amounts appropriated shall be apportioned to any State. Not less than one-third of one per centum each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of this paragraph the term states over not to include the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2) Not more than twelve and one-half per centum of the amounts reserved and made available for programs and activities authorized until Title I of this Act pursuant to such subsection (b) shall be available for use within any one State.

(3) The Secretary is authorized to make reallocations for the purposes of Title I of this Act of the unobligated amount of any apportionment under subsection (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsection (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) In addition to the amounts authorized in subsection (a) hereof, there are authorized to be appropriated such amounts as may be required for the administrative expenses of the Secretary in carrying out the provisions of this Act.

TITLE I—COMPREHENSIVE STATE PLANS AND MANPOWER GRANTS

USE OF FUNDS

SEC. 101. (a) Prime Sponsors approved pursuant to this title shall have broad discretion as to the various uses of funds as provided under this title for manpower programs which shall include any Comprehensive Manpower Development Activity set forth in paragraph (3) of section 401.

PRIME SPONSORSHIP

SEC. 102. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which has a population of 100,000 or more persons on the basis of the most satisfactory current data available to the Secretary and (i) which is a city or (ii) which is a county or other unit of general local government which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functioning labor market area; or

(B) which has a population of less than 100,000 persons on the basis of the most satisfactory current data available to the Secretary and which has the largest population of any unit of general local government meeting the requirements of clause (1) or (ii) of subparagraph (2)(A) in a State; and

(3) any combination contiguous of units of general local government which covers a geographical area which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functioning labor market area;

(4) any combination of contiguous units of general local government, Indian Reservation, without regard to the population requirements of clauses (2) and (3), in rural areas designated by the Secretary which have substantial out migration and high unemployment shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this title.

(b)(1) Any State or unit (or combination of units) of general local government, or Indian Reservation, which is eligible to be a prime sponsor under this section and which desires to be so designated shall submit annually to the Secretary a prime sponsorship plan in accordance with provisons in section 105 including provisions which evidence capability for carrying out a comprehensive manpower services plan. Each such prime sponsorship plan shall be submitted through the State Comprehensive Manpower Agency, established in accordance with the provisions of section 104, for comment and coordination.

(2) The State Comprehensive Manpower Agency shall be afforded an opportunity to comment upon such plan, within a period not to exceed 60 days of the submission of such plan. In any case in which the provisions of this paragraph are not met, the Secretary shall directly fund comprehensive manpower programs in the area proposed to be covered by that prime sponsorship plan in accordance with the provisions of subsection (d) of this section.

(c) In any State in which the Secretary has approved a State Comprehensive Manpower Plan, a program proposed by a prime sponsor shall not be approved for assistance by the Secretary unless such proposal has been determined by the comprehensive manpower agency of the State to be not inconsistent with such comprehensive manpower plan.

(d) In any area of a State for which a prime sponsorship plan has not been submitted, or in any case in which a submitted prime sponsorship plan or modification thereof has been disapproved by the Secretary, funds allocated to that State shall be made available for expenditures in that area shall be made available to qualified applicants in that State directly by the Secretary pursuant to applications approved by him for purposes of this subsection.

NONCOMPLIANCE OF A PRIME SPONSORSHIP

SEC. 103. (a) If the Secretary determines, after notice to the State and opportunity for hearing, that a prime sponsor which has been determined to be eligible for grants under section 102 is no longer complying with the requirements of the provisions of this title, he may determine that the State, or prime sponsor, is no longer eligible to receive assistance under this title and withhold such further assistance or portions thereof as may be appropriate.

(b) No determination of noncompliance under this section shall be made without concurrence of the Secretary of Health, Education, and Welfare respecting any matters approximately within the jurisdiction of the Department of Health, Education, and Welfare.

STATE COMPREHENSIVE MANPOWER AGENCY

SEC. 104. (a) Any State desiring to participate in the comprehensive manpower program shall establish a comprehensive manpower agency in the following manner:

(1) by statute; or

(2) by designation by the chief Executive of an existing appropriation State agency or of a new agency created for the purpose of this Act.

(b) The State comprehensive manpower agency shall develop a comprehensive manpower plan which shall contain assurances that the maximum extent possible of resources of existing State and local manpower and employment agencies will be used. The comprehensive manpower plan of each State shall be coordinated with the approved statewide plan under the Wagner-Peyser Act. Each such plan shall be submitted to the Secretary for approval.

(c) The State shall provide for a manpower coordinating council broadly representative of appropriate State and local persons involved in the manpower activities and local community action projects.

(d) Each State Comprehensive Manpower agency shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, and the adequacy of their mechanism for the delivery of services. Each such agency shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs assisted under this title.

APPROVAL OF PRIME SPONSORSHIP PLANS

SEC. 105. (a) The principal governing body of the area to be served by the prime sponsor shall submit a prime sponsorship plan in accordance with the requirements of this section. Each plan shall:

(1) provide for the conduct of programs financed under this Act including the furnishing of services to eligible prime sponsors, to the extent, in such manner, and in accordance with such rules, regulations, standards of performance, and annual guidelines as the Secretary determines are necessary for the purpose of (A) providing coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, (B) providing increased occupational opportunities and work experience for eligible individuals, (C) lessening the number of persons receiving public assistance or the amount of the payments made under the program, (D) providing intensified efforts to relieve skill shortages, and (E) providing for a more effective utilization of manpower in our economy;

(2) provide for the development or standards for evaluating the effectiveness of programs carried out under the State plan in achieving the objectives of this Act and provide adequate assurances that such standards will be considered in determining whether to renew or supplement assistance to agencies administering programs pursuant to such plan; and

(3) provide such other assurances or information as the Secretary may find necessary to carry out the purposes of this title.

(b) The Secretary shall approve a State or prime sponsor plan which meets the requirements of this title except that with regard to programs including basic education; institutional training; health, child care and other supportive services; new careers and job restructuring in the health, education, and welfare professions; and work-study programs, he shall secure the concurrence of the Secretary of Health, Education, and Welfare.

PLANNING GRANTS

SEC. 106. The Secretary is authorized to make grants to the States and prime sponsors for the purpose of establishing and maintaining State comprehensive manpower agencies and for developing comprehensive plans and prime sponsorship plans for submission to the Secretary pursuant to this title. Planning grants shall be made to a State from funds apportioned to such State under section 3 and available for the purpose.

ELIGIBLE INDIVIDUALS AND PRIORITIES

SEC. 107. (a) No financial assistance for any program under this title shall be provided to prime sponsors unless the Secretary determines that participants in such programs are for the benefit, except as otherwise disadvantaged persons sixteen years of age or over who are not adequately prepared for suitable employment in their area of residence.

(b) In referring individuals to any programs or services provided under this title priority shall be given to veterans, welfare recipients, disadvantaged, and other unemployed and underemployed persons.

SPECIAL CONDITIONS

SEC. 108. No financial assistance for any program or project may be made under this title.

(1) arrangements respecting compensation and allowances will be in accord with the provisions of this Act and applicable regulations of the Secretary consistent with the provision of section 109.

(2) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant.

(3) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained.

(4) no discrimination will be exercised or threatened in the operation of any program, against any applicant or program participant because of race, creed, color, sex or national origin.

(5) the project does not involve nor will any participant be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed.

(7) the program will not provide assistance in relocating establishments from one area to another, except where such establishments have been displaced by public action. This limitation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary, if the Secretary of Labor finds that assistance will not result in an increase in unemployment in an area where such business entity is located or conducts business.

(8) Funds utilized to carry out a prime sponsor plan will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this Act and not to supplant such other funds.

(9) the State Comprehensive Manpower Agency and the prime sponsors will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this Act.

(10) no services will be duplicated in the administration of the plan which are being provided under other federally funded manpower programs.

COMPENSATION AND ALLOWANCES

SEC. 109. (a) Workers in programs providing work experience under this Act shall be compensated at a rate not less than the applicable minimum wage rate, but in no case less than the rate prescribed by Section 6(b) of the Fair Labor Standards Act.

(b) Workers engaged in employer-compensated on-the-job training under this Act shall be compensated at a rate not less than the higher of (1) the applicable minimum wage rate, or (2) the prevailing wage paid to workers of like experience performing similar work in the locality.

(c) A participant undertaking training or work-experience or other manpower development activity described in subsection (f) on either a full-time or part-time basis, shall receive allowances for transportation, in addition to the applicable training allowance or wage. The amount of allowance provided under this subsection shall be determined in accordance with regulations prescribed by the Secretary.

(d) For the purposes of this section, a basic allowance shall be computed on the average weekly wage of all categories covered by the unemployment compensation law in the State in which an individual is referred for participation in institutional training or other manpower activities referred to in paragraph (8), without regard to any limitation on the amount of wages subject to contribution under such State law. The basic allowance shall be 65% of such average: Provided that a basic allowance shall in no case be less than 45 times the minimum hourly wage provided in section 6(a)(1) of the Fair Labor Standards Act of 1938.

(e) For the purposes of this section, a dependents' allowance shall equal $7.50 per week for each dependent.

(f) Persons, except those specified in subsection (d), who are participating on a full-time basis in the following programs assisted under Title I in (1) institutional training; or (2) other manpower development activities which are not compensated by an employer or subject to subsections (a) or (b); shall receive a basic allowance plus a dependents' allowance for his dependents as specified in subsection (c) for each week of full-time participation: Except, that no individual shall receive allowances under this subsection which are less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity.

(g) The following participants in full-time institutional training or other manpower development activities described in subsection (f) shall not be entitled to allowances provided in subsection (f):

(1) A public assistance recipient under programs assisted under titles I, IV, X, XIV, and XVI of the Social Security Act, who shall be paid, in addition to any public assistance payments to which he may be entitled, incentive payments of not more than $30 per month under regulations prescribed by the Secretary. (2) A participant who is not the head of a household, as defined by the Secretary. Such participant shall receive ¼ of the allowance computed under subsection (c).

(3) A participant receiving unemployment compensation under any Federal or State unemployment compensation law. Such participant shall receive for each week of training, allowances equal to the difference between (1) any allowance to which he would otherwise be entitled under subsections (f) and (g) of this section and (2) the unemployment compensation (including allowances for dependents) which he actually received for such week.

(4) A participant engaged in employer-compensated on-the-job training or work experience assisted under this title. The allowances of such participants shall be computed in accordance with subsections (f) and (g), as appropriate, and shall be reduced in accordance with rules and regulations prescribed by the Secretary, which shall take into account the hours of such work experience or on-the-job training and the amount of compensation therefore.

(h) The Secretary shall promulgate regulations for the fair and equitable compensation of those applicants participating in the program on a proportion basis.

(i) No allowance under subsections (f), (g) or (h) of this section may be paid for any portion of a training period which extends beyond one hundred and four weeks.

(j) Not to exceed eighty per centum of the compensation paid participants in on-the-job training projects shall be eligible for inclusion for assistance under this title.

(k) A participant who has successfully completed a program of full-time participation, of not less than fifteen weeks' duration, in institutional training or other manpower development activities described in subsection (f) shall receive upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under subsections (f) or (g) for his last week of full-time participation during such period and which there shall be an addition thereto.

PAYMENTS

SEC. 110. (a) In accordance with this section the Secretary shall pay from the applicable apportionment under section 3 the federal share of the costs of prime sponsorship plans and State Comprehensive Manpower Plans which have been approved in accordance with the provisions of this title.

(b) For the purposes of this title, the federal share shall be 80 per centum for the fiscal year ending June 30, 1972, and each fiscal year thereafter.

(c) The non-federal share of the costs of manpower programs assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities, reasonably evaluated.

(d) Payments to a State or prime sponsor under this title may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or a prime sponsor, as the case may be, or to one or more public agencies designated for this purpose by the State, or all three.

INTERSTATE AGREEMENTS

SEC. 111. In the event that compliance with provisions of this title requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such agreements to facilitate such compliance, subject to the approval of the Secretary.

TITLE II—SPECIAL FEDERAL PROGRAMS INFORMATION, RESEARCH AND DEVELOPMENT

SEC. 201. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences, and such other methods, techniques and knowledge as will aid in the solution of the Nation's manpower problems. This program may include, without being limited to, studies which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment; promotion of more effective manpower development, training and utilization; improved national, regional, and local means of measuring or forecasting labor demand and supply; enhancement of job opportunities; up-grading of skills; meeting of manpower shortages; and means of easing the transition from school to work, from one job to another, and from work to retirement.

(b) The Secretary may make grants to or contracts with State comprehensive manpower agencies, prime sponsors or other qualified public or private organizations or agencies, for experimental, developmental, demonstration, and pilot projects for the purpose of developing, testing and demonstrating new or improved techniques for meeting manpower, employment, and training problems. In carrying out this subsection the Secretary of Labor shall, where appropriate, consult with the Secretaries of Health, Education and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate.

LABOR MARKET INFORMATION

SEC. 202. The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local or other appropriate basis, including the following information:

(1) with respect to an individual labor market area—

(A) the numbers and characteristics of persons requiring manpower services;

(B) an inventory of job opportunities and skill requirements;

(C) labor supply in various skills; and

(D) occupational outlook and employment trends in various occupations;

(2) with respect to State, regional or national summary data—

(A) areas of short or excess labor supply by types of skills;

(B) in cooperation and after consultation with the Secretary of Commerce, economic and business development trends; and

(C) such other information as in his judgment will be of value to public and private officials concerned with planning and carrying out programs of industrial or commercial development or manpower training and development.

(D) maximum effective use shall be made of electronic data processing, telecommunications, and other tools of modern technology in the development and administration of the program. The Secretary shall develop and institute procedures for distributing and assuring the prompt and ready availability of information concerning manpower needs and resources as herein provided to employers, employees, public and private job placement agencies, unions and other interested individuals and agencies.

EXPERIMENTS, DEMONSTRATION, RESEARCH AND DEVELOPMENT

SEC. 203. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this title.

TITLE III—ACTIVE MANPOWER POLICY AS AN ECONOMIC STABILIZER

FINDINGS AND PURPOSE

SEC. 301. It is the purpose of this title to provide an automatic increase in manpower program resources in a timely manner when serious deterioration in the level of economic activity is reasonably anticipated.

EXTENDED APPROPRIATIONS

SEC. 302. (a) For the purpose of providing rapid action in situations involving excessive unemployment, until the Congress shall have an opportunity to act, there is hereby authorized to be appropriated $100,000,000 for fiscal year ending June 30, 1972, to remain available until expended.

(b) Funds appropriated under this title shall be utilized without regard to the apportionment formula prescribed in section 3, in financing, training and related activities for unemployed individuals, in addition to those authorized for title I of this Act, which afford the most effective opportunity to alleviate a local or regional situation of increasing unemployment.

(c) Subsection (a) shall become effective only when the Secretary determines that for each of the most recent three consecutive calendar months ending prior to the date on which a determination is made, the rate of unemployment in a prime sponsorship area is 5 per centum or higher. No further obligation of funds under this title shall be made in any such one subsequent to a determination by the Secretary that the rate of unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months.

TITLE IV ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 401. For the purposes of this Act, the term—

(1) "Secretary" shall mean the Secretary of Labor;

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) Comprehensive manpower activities includes the following—

(A) basic education, including literacy and communications skills which will assist individuals to become more employable or more suitable for participation in occupational training;

(B) outreach, counseling, testing, work evaluation and adjustment, work sampling,

recruitment, placement, and followup services;

(C) institutional and on-the-job occupational training, including training or employed workers for the purpose of upgrading their skills and improving the utilization of available manpower;

(D) supportive services, including health services, physical examinations, the furnishing of prosthetic devices, developmental child care, bonding, and other special services, including residential support, deemed necessary for enhancing the employability of participants in programs assisted under this title;

(E) work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the field of health, public safety, education, recreation, streets, parks and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment community improvement, including the establishment, operation, or strengthening of any such program;

(F) part-time work for student in ninth through twelfth grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational authorities to enhance, to the extent feasible, the educational growth of such students;

(G) relocation assistance, including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual to relocate in an area where he may obtain suitable employment;

(H) the development of job opportunities including activities designed to promote job restructuring and redesign for the purpose of providing more effective utilization of manpower;

(I) incentives for specialized or other personnel and technical assistance which is needed in connection with the programs established under this title or which otherwise pertain to the purposes of this title.

(K) "Dependent" means any spouse, parent, or offspring of a participant residing in the same household and not employed fulltime.

ADMINISTRATIVE PROVISIONS

SEC. 402 The Secretary may—

(1) make such grants, enter into such contracts or agreements, and make and publish such policies, rules and regulations as he may deem necessary to carry out the provisions of the Act;

(2) utilize, contract with, and act through, without regard to section 3709 of the Revised Statutes, any Federal, State or local public agency or instrumentality, educational institution, or non-profit agency or organization with the consent of the agency or organizations concerned, and make arrangements for payments to any such organization or agency by way of advance or reimbursement without regard to the provisions of section 3648 of the Revised Statutes; and

(3) accept and employ in furtherance of the purposes of this Act any money or property of any sort received by gift, bequest, devise or otherwise; and accept voluntary and uncompensated services notwithstanding the provisions of section 3679 (b) of the Revised Statutes (31 U.S.C. 665 (b)).

REPORTS

SEC. 403. The Secretary shall include in his annual reports to the President and the Congress a full and detailed account of activities taken pursuant to this Act and the results thereof, including a summary of the evaluations made pursuant to Title I of this Act, together with his findings and recommendations in connection therewith.

PAYMENTS TO PUBLIC ASSISTANCE RECIPIENTS

SEC. 404. Notwithstanding the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act, a State plan approved under any such title shall provide that no payment made to any person pursuant to section 109 (g) (1) or 109(h) of this Act shall be regarded (A) as income or resources of that person in determining his need under such approved State plan, or (B) as income or resources of any other person in determining the need of that other person under such approved State plan. No funds to which a State is otherwise entitled under titles I, IV, X, XIV, or XVI of the Social Security Act for any period before the first month beginning after the adjournment of the State's first regular legislative session which adjourns more than sixty days after the enactment of this section shall be withheld by reason of any action taken pursuant to a State statute which prevents such State from complying with the requirements of this paragraph.

LABOR STANDARDS

SEC. 405. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

PROVISIONS AFFECTING EXISTING AUTHORITIES

SEC. 406(a). The provisions of this Act shall be supplemental to and not in substitution for the provisions of the Emergency Employment Act of 1971 (Public Law 93–54). During any period of time when the Emergency Employment Act of 1971 is in effect, the Secretary shall provide for a coordinated and consistent administration of activities to be assisted under both Acts in order to end overlapping and duplication.

(b) The Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2517 et seq.), is hereby repealed.

By Mr. HUMPHREY:

S. 2943. A bill to designate the Department of Health, Education, and Welfare South Building in Washington, D.C., as the "Mary Switzer Memorial Building." Referred to the Committee on Public Works.

MARY SWITZER MEMORIAL BUILDING

Mr. HUMPHREY. Mr. President, I take great pleasure today in introducing legislation which will offer our Nation an opportunity to pay lasting and appropriate tribute to one of the great women of our Nation, Mary Switzer.

My bill provides for the South Building of the Department of Health, Education, and Welfare, Washington, D.C., to be named the Mary Switzer Memorial Building.

As far as can be determined, this will be the first Federal building to be named after a woman—and no woman is more deserving of this honor than is Miss Switzer.

Her distinguished career in the Federal Government spans 48 years—during which time she worked under eight Presidents and became the first person to head the Social and Rehabilitation Service in the Department of Health, Education, and Welfare.

This position gave her the largest administrative responsibility of any woman in Government and required that she combine and consolidate the work of five Federal agencies providing social and rehabilitation services to millions of Americans.

During the 3-year period that she held this post, she supervised the expenditure of $8 billion in Federal programs serving the aged, the poor, children and youth and the disabled.

When she accepted this challenging new assignment, her name was already synonymous with rehabilitation. For 17 years she had been engaged in this work—first, as head of the Federal-State program for the rehabilitation of the disabled—and later as Commissioner of the Vocational Rehabilitation Administration, where she remained until 1967.

Under her inspiration and direction the vocational rehabilitation program grew from one that rehabilitated fewer than 60,000 disabled persons a year for useful work in 1950 to 240,000 in 1969.

Such success prompted former Secretary of Health, Education, and Welfare Arthur Flemming, under whom she served from 1958 to 1961, to call her "one of the 10 career civil servants who has rendered the most to the Nation throughout its entire history."

And during her long career similar tributes have come from all levels of government and from the people whom she served.

At the time of her retirement she had received 16 honorary degrees and more than 40 awards, including the President's Certificate of Merit—the highest wartime award for civilians; the Albert Lasker Award in medicine; and the National Civil Service Award.

She also had the distinction of being the first woman to be appointed to the board of directors of Georgetown University and as trustee of Assumption College.

But such recognition only seemed to act as an impetus to further accomplishment and effort.

Each year, more vigorously than before, she would fight the battles necessary to make sure that her area of government was as responsive as possible to the people that it was meant to help.

Too many children and too many adults in this free society still live under the subtle but powerful tyrannies of ignorance, disease, want, discrimination, physical handicap or mental illness.

She maintained:

Those tyrannies keep them dependent. We want them to be free and strong.

We feel rehabilitated individuals have a right to work instead of to beg. We feel an individual is entitled to his place in the sun somehow.

I feel that Mary Switzer is also entitled to her "place in the sun" for her outstanding years of accomplishment in the field of social welfare and rehabilitation. And I ask my colleagues to join in assuring that the South Building of HEW bears the name of this "dedicated bureaucrat," as she laughingly, but proudly, referred to herself.

Now I ask unanimous consent to have printed in the RECORD as part of my remarks the New York Times story written following a Washington dinner in her honor the year before her death. It summarizes her career and acknowledges the high regard which the Nation felt for this courageous and able woman from Boston.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 1, 1970]

CAREER IN REHABILITATION: MARY E. SWITZER HONORED AT DINNER AFTER 48 YEARS AS PUBLIC HEALTH AIDE

(By Howard A. Rusk, M.D.)

WASHINGTON.—Public dinners for people and causes these days are generally a dime a dozen. However, last Tuesday night here in Washington, a tribute dinner was given, honoring a career, a cause and a lady who has made great contributions in public health and rehabilitation.

The woman was Mary E. Switzer; the occasion, her retirement after 48 years of public service. Her career began in 1922, as a junior economist in the Treasury Department. In 1934, she was given certain supervisory fiscal responsibilities over the United States Public Health Service.

This new responsibility "infected" her with a special concern for public health and rehabilitation services.

In 1950, when she was named head of the Federal-state program for the rehabilitation of the disabled, The New York Times commented editorially on the excellence of the appointment. When she was asked how she would like to be described, she replied, "A dedicated bureaucrat."

In the beginning there was no organized national training program for professional staff. Only 12 rehabilitation counselors graduated from American universities in 1950, and only three of the nation's medical schools had courses in rehabilitation methods. No organized rehabilitation research program existed.

5,000 GRADUATES LAST YEAR

Last year more than 5,000 rehabilitation counselors were graduated, and 98 schools of medicine and osteopathy routinely provide rehabilitation training.

The far-reaching research program today supports a wide variety of advanced research undertakings in universities and rehabilitation facilities.

In the early years, the total number of those rehabilitated annually in Federal and state programs reached 60,000. The public vocational rehabilitation program today is rehabilitating more than 240,000 disabled Americans a year for useful work, including 8,000 blind and 25,000 mentally retarded.

It has been documented over and over again that for every dollar spent in rehabilitation, $5 comes back in Federal income taxes alone. In the first five years after training, Congress and the people have learned that this is not only good medical and social practice but good economics. This is why the budget has increased from $20.5 million in 1950 for rehabilitation of the disabled to more than $500 million today.

A NEW DIMENSION

In 1960, a new dimension was added to the program: an international rehabilitation research program. Since the program began, 237 projects have operated in 12 countries, paid for with counterpart funds in the currency of the country owed to the United States for surplus commodities.

A number of these research projects have been "bread cast on the water." From them we have learned much to help the disabled in the United States. One of these is the new technique developed in Poland for the immediate fitting of an artificial limb with the patient on the operating table under anesthesia.

In late 1967, the Secretary of Health, Education, and Welfare, John W. Gardner, appointed Miss Switzer as first administrator of the newly constituted Social and Rehabilitation Service. Secretary Gardner said he wanted the spirit of rehabilitation transferred into all of the merging agencies.

Five major Federal agencies serving millions of Americans were brought under the new agency. Its functions included providing cash assistance (in 1967) to 7.6 million people—about 4 per cent of the population; supporting medical assistance for 6 million needy persons a year, providing rehabilitation services for the nation's disabled, extending Federal assistance for medical services for 450,000 crippled children each year, helping a quarter-million women a year obtain family planning services and assisting 700 projects in the course of a year in providing services for 19 million Americans over 65 years of age.

The Social and Rehabilitation Service, under Miss Switzer's guidance, has simplified procedures for needy people to obtain public assistance and social services, and has ameliorated the punitive aspects often associated with welfare. Experience has also proven that the overwhelming majority of welfare recipients prefer work and self-support to idleness and dependency.

More than a thousand persons came to this memorable event honoring Miss Switzer. They included co-workers, patients and families, and colleagues from every state in the union. The program was symbolic. Members of the National Theatre for the Deaf, a "Switzer project," recited poems in the wonderfully dramatic silent language they have created. Nanette Fabray sang "The Impossible Dream," not only with voice but also in the language of silence. Helen Francis Dunn, the 1969 Rehabilitant of the year for the District of Columbia, who is blind, told eloquently about the new life she has had through rehabilitation.

Six of the eight former Secretaries under whom Miss Switzer served attended and expressed their appreciation and affection. Secretary Robert H. Finch presented Miss Switzer with a flag of the department, the first time in history that this had ever been done.

MESSAGE FROM NIXON

Thousands of messages from all over the country were piled on the rostrum. The topmost was from President Nixon, expressing deep personal appreciation, and that of the people of the United States, to Miss Switzer for her services to the handicapped and disadvantaged.

The principles of rehabilitation were really practiced at the dinner, for there were 20 standing ovations to the guest of honor and the program participants. This secondary dividend of exercises prevented a lot of aching backs and postprandial somnolence.

In closing, Miss Switzer told of her new career as Vice President of the World Rehabilitation Fund, directing its work from her Washington office, in coordinating its worldwide programs with governmental, national and international voluntary organizations.

Evenings like this do not just happen. They are capstones of a lifetime of dedicated service to mankind. Those attending the dinner could not help but feel the aura of the unseen presence of the two million disabled throughout the United States who are walking, working and living lives of dignity because of the leadership of a great lady who cared.

By Mr. BUCKLEY (for himself, Mr. KENNEDY, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BROOKE, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. EASTLAND, Mr. FANNIN, Mr. GRIFFIN, Mr. GURNEY, Mr. GOLDWATER, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. HOLLINGS, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. MILLER, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. ROTH, Mr. SAXBE, Mr. SCOTT, Mr. SCHWEIKER, Mr. TOWER, Mr. YOUNG, Mr. WEICKER, and Mr. BYRD of West Virginia):

S. 2944. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

By Mr. BUCKLEY (for himself, Mr. KENNEDY, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BROOKE, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. EASTLAND, Mr. FANNIN, Mr. GRIFFIN, Mr. GURNEY, Mr. GOLDWATER, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. HOLLINGS, Mr. JACKSON, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. MILLER, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. ROTH, Mr. SCHWEIKER, Mr. SCOTT, Mr. TOWER, Mr. TUNNEY, Mr. SAXBE, Mr. YOUNG, Mr. WEICKER, and Mr. BYRD of West Virginia):

S. 2945. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies. Referred to the Committee on Armed Services.

Mr. BUCKLEY. Mr. President, I introduce for appropriate reference two bills. The first bill is designed to exempt from income taxation the compensation payable to prisoners of war and to those missing in action during the Vietnam conflict for the period in which such persons are held prisoner or are in a missing status. The second is designed to enable the sons of POWs and MIAs in the Vietnam conflict to compete for presidential appointments to the service academies. The overall purpose of this legislation, of course, is to express in some measure this Nation's gratitude to these men and its awareness of the very special sacrifice which they and their families have been called upon to make.

The lot of our prisoners of war in the Vietnam conflict has been particularly cruel. Aside from the broad evidence of the physical and mental duress to which they have been subjected by their captors, these men and their families have been denied the elemental rights and decencies which are supposed to be guaranteed to all prisoners of war by the Geneva Convention.

The families of these brave Americans have suffered, and courageously sustained, unusual hardships. Among the worst of these has been the fact that so many still do not know whether their husbands or brothers or fathers are among the living, or how those who are held captive are being treated. There is the further agony which results from the knowledge that the prisoners are being held as pawns in a political game being played by calculating men who have proven themselves to be impervious to the most elemental considerations of decency and humanity.

One of these days, God willing, the men now held captive in Southeast Asia will return to their homes; but even then, their lot will be quite different from that of prisoners taken in World War II and in the Korean war. These men will be returning as the victims of a war which has lost that broad base of public support which would make the memory of their sufferings easier to bear. This has become a war in which there are no heroes, no victory parades, no open-hearted expressions of public gratitude to those who have borne the brunt of battle.

The passage of this legislation would be a demonstration on the part of our Nation that the sacrifices of 1,599 sailors, soldiers, airmen, and marines who are prisoners of war or are missing in action have not been forgotten by a grateful people.

The public cost of the proposed legislation is modest, but the need for a national recognition of the special sacrifice of these men is large.

The National League of Families of American Prisoners and Missing in Southeast Asia enthusiastically supports this legislation.

I introduce this legislation on behalf of myself, Senator KENNEDY and 41 other Senators who cosponsor the legislation relating to income taxation, and 39 other Senators who cosponsor the legislation relating to additional Presidential appointments to the service academies.

Mr. KENNEDY. Mr. President, I would like to commend the distinguished junior Senator from New York for introducing this bill on behalf of the families of American prisoner's of war and missing in action in Indochina. I am pleased to join in cosponsoring this very concrete legislation to help bring at least financial relief to these families.

It is tragic that there is so little new to be said about the prisoner of war problem. The plight of these prisoners and missing remains as troubling today as ever before. Despite all that has been said and done in recent years, meaningful progress on the prisoners identification and treatment—let alone their release—has been extremely slow and too often filled with false hopes. And the understandable anguish felt in the hearts of relatives grows deeper with each passing day.

Each day also brings more tragedy—for the list of Americans missing in action and presumed captured, continues to grow. This year alone several dozens of new names were added to the list. So we must remember the hard reality—that as long as the Indochina war continues, more young American men will be added to the list. Let us also remember that the ultimate safety and return of the prsioners rests squarely on the ability of our Government to extricate this Nation from Indochina, and to negotiate an end to our part in the conflict.

Mr. President, we have all been moved by the courage and spirit shown by the wives and children, and mothers and fathers of these American men missing or captured. And we all certainly share in their frustration over the lack of progress that has been made in their behalf. Yet, despite frustrations and disappointments, the families continue their activities for the sake of their sons and husbands and fathers, and set an example for all of us.

The least we in Congress can do is to take those steps that will help make their anguish and trial less difficult. It is for this reason that I gladly cosponsor this bill introduced by the distinguished junior Senator from New York. I agree with him that the public cost of this legislation is modest, while the deed for a national recognition of the special sacrifice of these men is large.

Mr. President, whatever relief we can bring to the families of these men, even if only financial, we should be prepared to do.

I urge speedy passage of the bills introduced today.

Mr. BROCK. Mr. President, for a great many of us the war grows dimmer and occupies less of our concern as increasing numbers of servicemen leave Southeast Asia. Not so for the families of those men who are either prisoners of war or listed as missing in action in Vietnam, both North and South, Laos, and Cambodia. For them, the weeks, months, and years drag on endlessly, bringing very little if any news of their loved ones. I am sure this body assigns top priority to any and all efforts to improve the treatment of our men, assist the families here at home, and press for eventual release.

It must be admitted that most of our efforts to date have yielded little results. Yet those efforts must be continued. One such result can be accomplished, I believe, by enacting legislation being proposed by the distinguished Senator from New York (Mr. BUCKLEY) which would do two things:

First, Relieve POW's and MIA's from the burden of income tax for the years spent in captivity or in a missing status.

Second, Make it possible for the sons of POW's/MIA's to attend the service academies.

This is little enough to do for those who have suffered and sacrificed so much for so many. Let us not delay in reaffirming our commitment to them and to their families. I am delighted to join my distinguished colleague the Senator from New York (Mr. BUCKLEY) in support of this measure.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have the following cosponsors added to these two bills: Senators BYRD of West Virginia, JACKSON, NELSON, and ALLOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I want to thank the distinguished junior Senator from New York for inviting me to be a cosponsor of his two bills.

Above all is the fact that Senator BUCKLEY has introduced legislation which will give concrete, certain assistance to our fellow countrymen who are prisoners of war, and for whose early return to their families we fervently hope. I hope very much that it will be enacted into law.

By Mr. NELSON (for himself and Mr. MONDALE):

S. 2946. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes. Referred to the Committee on Commerce.

Mr. NELSON. Mr. President, Senator MONDALE and I are introducing today a bill to require that auto manufacturers recall and repair safety related defects free of charge, when the Department of Transportation determines that such a recall is necessary.

In the past 2 months, major safety related defects have been revealed in several domestic automobiles: faulty motor mounts, which can cause sudden jamming of accelerators on some 6 million Chevrolets built between 1965 and 1970; and defective heaters blamed for leaking carbon monoxide fumes in Corvairs built between 1961 and 1969. Some 760,000 Corvairs are still in use.

Under existing law, the National Traffic and Motor Vehicle Safety Act of 1966, auto manufacturers are required to notify car owners of safety related defects.

Senator MONDALE was the sponsor of the defect notification provision in the 1966 act.

However, manufacturers are under no obligation to recall the faulty equipment nor to repair it free of charge to the consumer. Thus, unless the manufacturer agrees to remedy such defects, the car owner must bear the cost himself. A provision, which would have remedied this problem by requiring auto manufacturers to recall and repair safety-related defects free of charge, passed the Senate in 1970 as part of a package (H.R. 10105) amending the National Traffic and Motor Vehicle Safety Act of 1966. The recall and repair provision, however, was dropped in conference.

The bill that we are introducing today restores the language that was dropped in conference.

Senator HARTKE, chairman of the Senate Commerce Committee Subcommittee on Surface Transportation, made it clear after the 1970 conference that Congress would be watching auto manufacturers closely to see if they honored their word to repair auto safety defects without charge to car owners. I ask that Senator HARTKE's statement explaining the conference action on H.R. 10105 be included in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The present situation indicates that manufacturers have not been true to their word.

The companies have not offered to recall the affected autos, or to pay for repairs as needed.

Douglas W. Toms, Director of the NHSTA, stated November 16:

We are pleased that GM agreed to send out defect notices [regarding Corvairs]. The one thing GM refused to do was pay for repairs. We asked them to do that, but they were firm and there didn't appear any way of changing them. It would be nice if we could get these corvairs repaired free of cost to the consumer, but, as I said, we don't have the authority.

Toms further stated:

We have been able to achieve everything that the law permits us to do. We have gone the full extent of the legal remedy. We have asked for recall authority because we think it is necessary to do our job.

The Department of Transportation strongly supported the recall and repair provision in 1969. In a letter to Commerce Committee Chairman Senator WARREN MAGNUSON, Under Secretary of Transportation James M. Beggs wrote:

We agree with the sponsors of the proposal that defect repair as well as defect notification is important if we are to achieve the safety goals Congress established in the act. We have learned from experience that unless notification of a safety related defect in a motor vehicle or equipment is accompanied by an offer to remedy that defect without expense to the vehicle owner, many persons will allow those defects to go uncorrected.

To cover this situation, we agree that the Secretary should be legally authorized to direct a recall campaign when he determines that the interests of motor vehicle safety make one appropriate.

It is clear that Congress must take the next step, if the auto industry does not act to protect the consumer.

Such legislative mandates would act as a stimulus to better manufacturing practices.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the CONGRESSIONAL RECORD.

Mr. President, I ask unanimous consent that, at the conclusion of my remarks, several articles describing this situation be printed in the RECORD following Senator HARTKE's statement explaining conference action on the 1970 bill (H.R. 10105), previously printed in the CONGRESSIONAL RECORD on April 23, 1970.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2946

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 113(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) is amended to read as follows:

"(c) The notification required by subsection (a) or (e) of this section shall contain a clear description of such failure to comply with applicable motor vehicle safety standards or such defect, an evaluation of the risk to traffic safety reasonably related to such defect, a statement of the measures to be taken to repair such failure or defect, and the commitment of such manufacturer to cause such failure or defect to be remedied without charge."

(b) Section 113 of such Act is further amended by redesignating subsection "(g)" as subsection "(h)" and inserting immediately after subsection (f) the following new subsection:

"(g) If—

"(1) any motor vehicle (including any item of original motor vehicle equipment) or tire is determined by the manufacturer under subsection (a) to contain a defect which relates to motor vehicle safety; or

"(2) any motor vehicle or item of motor vehicle equipment is determined by the Secretary under subsection (e) to contain a failure to comply with applicable motor vehicle safety standards prescribed under this title or a defect which relates to motor vehicle safety;

and the notification specified in subsection (c) is required to be furnished on account of such failure or defect, then—

"(A) the manufacturer or each such motor vehicle presented for remedy pursuant to such notice shall cause such failure or defect in such motor vehicle (including any item of original motor vehicle equipment) to be remedied without charge; or

"(B) the manufacturer of each such other item of motor vehicle equipment presented for remedy pursuant to such notice shall cause such failure or defect in such item of motor vehicle equipment to be remedied without charge.

"If a manufacturer can establish to the satisfaction of the Secretary that a failure to comply with an applicable motor vehicle safety standard is of such inconsequential nature that the purposes of this title and the public interest would not be served by requiring the applicable manufacturer to remedy such noncompliance, the Secretary may, upon publication of his reasons for such findings, exempt such manufacturer from the requirements of this subsection with respect to such failure."

STATEMENT OF SENATOR HARTKE EXPLAINING CONFERENCE ACTION ON H.R. 10105

AUTHORIZATION

The Committee adopted the following dollar amounts as authorization for the Department's motor vehicle safety program:

1970, $23 million.
1971, $40 million.
1972, $40 million.

Because the Administration will begin planning for its 1972 budget next fall, the conferees thought it advantageous to include a fiscal year 1972 authorization amount in this bill. Since the Department did not request or provide justification of appropriations for fiscal year 1972, the Committee set the authorization amount at 40 million dollars for both 1971 and 1972. However, the identical amounts for these two years are not intended to be a prohibition on the necessary growth of the safety program but rather reflect the Committee's best estimate of need at this time. The Department is invited to inform the Commerce Committees if it finds that its needs for the motor vehicle safety program for fiscal year 1972 can be justified at an amount higher than $40 million.

The Committee deleted the provision in section 121(c) which would have made available in 1970 2.8 million dollars for employment of additional personnel in the National Highway Safety Bureau to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966. This deletion was made because fiscal year 1970 had nearly ended at the time of the Committee's action, and the fiscal year 1970 appropriations had already been enacted.

The Committee's action is not meant to suggest that the Committee is no longer concerned about the level of staffing in the National Highway Safety Bureau. To the contrary, the Committee believes that this is one of the Bureau's most critical needs as was shown during the authorization hearings in 1969.

The Committee is hopeful that recent actions by the Department of Transportation will be satisfactory to meet manpower needs. In the fiscal year 1970 appropriations, there was an increase of 56 staff positions provided for the National Highway Safety Bureau, reaching a total of 518 positions. With the reorganization of the Bureau into a major operating element in the Department of Transportation, a step which the Committee heartily approves, the staff positions previously allocated to the Federal Highway Administration to provide support services for the Bureau were transferred to the Bureau's staff, making a total for fiscal year 1970 of 589 staff positions. The Committee understands that for fiscal year 1971 the Department is requesting an additional 254 positions for the National Highway Safety Bureau, reaching a total of 843.

In view of these steps the Committee believes that it is not necessary, as it appeared at this time last year, to specifically allocate a portion of the authorization for appropriations solely for the purpose of hiring additional staff. However, the Committee intends to continue its oversight and review of Bureau operations to make certain that this trend is not reversed or slowed down.

DEFINITION OF MOTOR VEHICLE EQUIPMENT

The Senate-passed bill had expanded the definition of "motor vehicle equipment" to authorize the setting of standards not only for motor vehicles and motor vehicles equipment but for automotive safety accessories and equipment such as motorcycle goggles, tire repair equipment and tire inflation equipment. The House conferees agreed with the thrust of the Senate amendment but they expressed concern that the Senate definition might be interpreted to include items which had only tangential relationship to automotive safety such as shoes or gloves. To clarify the intention of the conferees not to include such tangential items, the Senate amendment was limited to accessories intended for use "exclusively" to safeguard motor vehicles, drivers, passengers and other highway users from risk of accident, injury or death.

PROSPECTIVE PURCHASES—CONSUMER INFORMATION

The Committee amended the provisions of section 112(d) of the Act concerning consumer information to make it clear that manufacturers would be required to provide consumer information to prospective purchasers as well as to owners. Thus, the bill requires that the information be given to each prospective purchaser at each location where any such manufacturer of vehicles or items of equipment are offered for sale by a person with whom the manufacturer has a contractual, proprietary, or other legal relationship. The information must, as a minimum, include printed material which can be retained by the prospective purchaser or sent to him by mail at his request. For the purchaser, the printed material must be placed in the motor vehicle or attached to or accompany the item of equipment.

The Committee recognizes the great difficulty and complicated task facing the Department and the manufacturers in developing comparable technical safety information

which is useful for consumers. Nevertheless, the Committee believes that these requirements are essentials of the Safety Act. The Committee was impressed with the first effort made by the Department to collect and organize the vast amount of consumer information submitted by the manufacturers in December 1969 and urges the Secretary to continue and perfect the document entitled "Performance Data for new Passenger Cars and Motorcycles". Because of the importance of disseminating this information for all makes and models of vehicles sold in the United States, the Committee urges the Secretary to disseminate this booklet as widely as possible and require manufacturers to make it available at each dealership.

It has come to the Committee's attention that despite the promulgation of the first consumer information regulations on January 1, 1970, the vast majority of motor vehicle dealers have not been volunteering the information to consumers. In other words, the dealers are not posting the information at the dealerships or in other ways attempting to inform the consumer about the availability of this information. The Department of Transportation made a survey of dealers to determine the extent to which they made the consumer information available during the first months of 1970. The survey showed that only 1.8% of the dealers had the information on display although 85% were able to produce the information when specifically requested to do so by the survey team.

The Committee expects that the Department will, under the new language of this bill, issue regulations which specifically show the steps the manufacturers, distributors and dealers are expected to take in assuring that consumers are fully informed and have access to the consumer information provided in accordance with section 112(d) of the Act.

DEFECT NOTIFICATION AND RECALL

The Committee considered the addition to the bill of the Senate language which would have specifically required motor vehicle and tire manufacturers to remedy without charge the vehicle or equipment determined to be defective or not in compliance with Federal vehicle safety standards. However, the Committee did not believe it necessary at this time to adopt the Senate language. It is the Committee's understanding that it has to date been the general practice for the industry to remedy without charge any vehicle or equipment about which safety defect notification (concerning a defect or violation of standard) has been sent to owners. The Committee agrees that it is implicit in present law, in the requirements for notification of owners, that the manufacturer must remedy the defect or violation without charge.

Thus, the Committee emphasizes that this action is in no way intended to suggest that the Committee does not expect all manufacturers to remedy defective and non-complying vehicles and equipment without charge. It is obvious that unless the manufacturers accept this responsibility, there is little likelihood that owners will bring their vehicles to dealers for correction. It would be an intolerable situation if the manufacturers, after notifying owners that the product they manufactured was defective or in violation of a safety standard and in need of correction, would not also effect the correction without charge.

The Committee is not interested in needlessly adding legislative language to the National Traffic and Motor Vehicle Safety Act. However, the Committee fully intends to carefully watch the performance of all manufacturers and the extent to which they cooperate with the Department of Transportation in carrying out the intent of the Act. If it should come to the attention of the Committee that the manufacturers are not recalling any vehicle or equipment which is defective or in violation of the Federal standards nad remedying these without charge, we will not hesitate immediately to initiate legislation which would require manufacturers to recall and remedy such vehicles and equipment, to be penalized by the Government for failure to do so immediately, and to require payment of punitive damages to owners whose vehicles contain safety defects or fail to comply with safety standards.

The Committee believes that the National Traffic and Motor Vehicle Safety Act is of vital importance to the Nation, and expects that its benefits will be even more evident in reducing the death and injury rate within the next several years. Assurance that defective or unsafe vehicles are not travelling on the highways is a critical part of the Act, and the Committee expects that the Department of Transportation and the automotive industry will work jointly to assure that the millions of vehicles on the highways are in the safest possible condition at all times.

TIRE DEFECT NOTIFICATION

The bill requires tire manufacturers, as vehicle manufacturers are already obligated under present law, to provide defect notification of defective or noncomplying tires. As Senate Report 91–559 makes clear, the motor vehicle manufacturers will continue to be responsible for safety defect notifications to owners of original equipment tires sold with new motor vehicles, while the tire manufacturers under this bill will be responsibe for notification to owners of aftermarket tires.

The bill also requires the motor vehicle and tire manufacturers to maintain records of the names and addresses of first purchasers so that the company is able to provide notification as the present law requires by certified mail. Language adopted by the conferees authorizes the Secretary to establish procedures under which distributors and dealers must assist manufacturers in securing the names and addresses of first purchasers on the condition that such procedures do not affect the basic obligation of the manufacturer to keep records. The purpose of this provision is to assure that dealers and distributors whose efforts are important and necessary in securing the names and addresses of first purchasers, will cooperate fully with the manufacturers. However, the Committee also expects the Department in its regulations to take care not to compromise the competitive position of these small businessmen in their dealings with the manufacturers, and expects that the Department will penalize manufacturers if the lists of purchasers are in any way used for commercial purposes by the manufacturers to the detriment of independent distributors or dealers.

FACILITIES

The Committee gave thorough consideration to the need for research and development facilities as well as Bureau compliance testing facilities. The Committee believes that the provisions in the bill as reported by the conferees will provide the Department with the maximum flexibility in rapidly designing and constructing the needed facilities. Thus, the bill, as reported, provides an unlimited authorization for the Secretary of Transportation to plan, design and construct facilities suitable to conduct research, development and compliance and other testing in traffic safety.

The burden now rests with the Secretary of Transportation to provide the Senate and House Committees and the Senate and House Public Works Committees with an appropriate prospectus of his plans for requesting appropriations for design and construction of these facilities. The Conference Committee is cognizant of the great need for testing facilities both for the purpose of developing standards and other research information as well as for assuring compliance with these standards. The conferees pledged that they will provide every assistance to the Secretary in securing passage of the resolutions called for in H.R 12105 to expedite appropriations by the Congress. The conferees are anxious to assist the Secretary in dramatically reducing the enormous death and injury toll and stand ready to act on his own requests as soon as they are forwarded to the Congress.

WARNING OF RISKS IN OPERATION OF VEHICLES

The Department of Transportation's National Highway Traffic Safety Administration issued a special Consumer Protection Bulletin today, alerting motorists to potential risks in the operation of certain General Motors Corporation vehicles which may be subject to front engine mount failure.

Specifically involved in the risk "alert" are all 1965 through 1969 model year Chevrolets Novas, Chevelles, and Camaros.

The Traffic Safety Administration said the Consumer Protection Bulletin reflects the preliminary results of an intensive investigation that is still in progress to determine if a safety-related defect exists. The purpose of the alert is to warn owners of the potential hazard and to solicit further data for the investigation.

Owners of the Chevrolet models named in the Consumer Bulletin are advised to seek inspection by competent service personnel to determine the condition of engine mounts.

Engine mounts—two front and one rear—support the engine on the vehicle's frame and also serve to absorb noise and vibration. Failure of the left front engine mount may result in partial rotation of the engine within the engine compartment, during acceleration. Such failure may, in some cases, jam the accelerator and gear shift linkages and may also cause loss of power braking and power steering assist. The result is partial or total loss of vehicle control.

The Safety Agency said reports of engine mount failure, many of which involved loss of vehicle control, have been received from approximately 500 vehicle owners. There is evidence that many more such failures have occurred. Approximately 100,000 engine mounts have been replaced, for all causes, on 1965 through 1969 Chevrolet vehicles.

The failures noted occur when the engine mount (a "sandwich" composed of a layer of rubber bonded between two layers of metal) comes apart, allowing the upper and lower pieces to separate.

The Traffic Safety Administration recommends periodic inspection, and advises that replacement of defective or broken engine mounts is imperative. If an engine mount failure occurs while the vehicle is in use, the vehicle can be controlled by shifting into neutral (if possible), by turning off the ignition, and by braking.

Owners of all vehicles, regardless of manufacture, and including multipurpose vehicles and trucks, which experience engine mount failures are urged to report such failures to the National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C. 20590.

SPECIAL CONSUMER PROTECTION BULLETIN

(No. 2–71, October 15, 1971)

Subject: Alerting United States Motorists to specific use-risks in connection with the highway operation of certain General Motors Corporation vehicles which may be subject to front engine mount failure; and *inviting reports from motorists who experience such failures.*

General Motors vehicles potentially involved, according to current findings, are:

Year: 1965 through 1969.

Make: Chevrolet.

Model: Chevrolet, Nova, Chevelle, and Camaro.

Engine mounts—two front and one rear—serve to support the engine on the vehicle's frame and to absorb noise, vibration, and torque reaction forces generated during engine operation. Failure of the left front engine mount may result in partial rotation of the engine within the engine compartment, during acceleration. This lifting of the left side of the engine may, in some cases, jam the accelerator and gear shift linkages and may also cause loss of power braking and power steering assist. The result is partial or total loss of vehicle control.

Prior action background: Reports of engine mount failure, many of which have involved loss of vehicle control, have been received from approximately 500 vehicle owners. There is evidence that many more such failures have occurred. Approximately 100,000 engine mounts have been replaced, for all causes, on 1965 through 1969 Chevrolet vehicles.

Current conclusions: This Bulletin warns owners of the Chevrolet vehicles listed of the hazard which can result from engine mount failure. The failures noted occur when the engine mount (a "sandwich" composed of a layer of rubber bonded between two layers of metal) comes apart, allowing the upper and lower pieces to separate. Such failures can cause a loss of vehicle control as a result of jamming of engine control linkages and disconnection of power brake and power steering hoses.

Consumer action advised: Owners of the Chevrolet models listed should be alert to the possibility of engine mount failure. Inspection by competent service personnel will determine condition of mounts. Periodic inspection is advised, and replacement of defective or broken engine mounts is imperative. If an engine mount failure occurs while the vehicle is in operation, the vehicle can be controlled by shifting into neutral (if possible), by turning off the ignition, and by braking.

Consumer request: Owners of all vehicles, regardless of manufacture and including multipurpose vehicles and trucks, which experience engine mount failures, are urged to provide the Department of Transportation with a description of the failure and the make, model, model-year and serial number of the vehicle involved. This information is vital to the ongoing investigation of this matter and to the public safety. Such reports should be sent to:

National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C.

NOVEMBER 26, 1971.

Hon. JOHN VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: For over two years the National Highway Traffic Safety Administration (NHTSA) has been investigating defective engine mounts on Chevrolets, first on 1968 models, then on 1969 models, and most recently on 1965–1969 models. This matter came to my attention this summer when I received several consumer complaints describing the catastrophic consequences of broken engine mounts: a jammed accelerator, disengaged power brake vacuum house, and in some case a locked gear shift lever. The NHTSA was alerted to our concern on July 18, 1971, by Mr. Clarence Ditlow of my staff, and again on September 1, 1971, by my comprehensive letter to Mr. Douglas Toms, NHTSA Director.

The September 2 letter generated many letters from people who had experienced this defective behavior in Chevrolets and other General Motors cars. It also generated interest in further news stories which appeared throughout the months of October and November. Notable is the series by Mr. Robert Irvin which appeared in the Detroit News. As a result, I have received over 300 complaints concerning broken engine mounts on GM cars, mostly Chevrolets; Mr. Irvin has also received in excess of 300 complaints; the NHTSA has received at least 200 directly plus copies of hundreds of others; and General Motors has received at least 1500. The scope of the problem is also revealed in the statistic quoted from General Motors in early October 1971 that they had replaced under warranty alone some 100,000 engine mounts on 1965–1969 Chevrolets.

In recognition of the defective design of the Chevrolet engine mount, General Motors late in 1969 redesigned this item to include a metal interlock between the portion connected to the automobile's engine and the portion connected to the automobile's frame. This interlock prevents complete separation of the mount in the event of its failure, and precludes the possibility that the car will run amok, out of control, due to the failure. General Motors also recalled all of the old style mounts available on their dealers' shelves as replacement parts and substituted instead the newer, interlocking, type. The warranty for engine mounts on 1968 and 1969 models was unofficially extended beyond its normal duration, also in tacit recognition of the defect inhert in the design and construction of the engine mounts.

General Motors could have learned of this defect from at least two sources. First, the NHTSA, in response to a consumer complaint letter dated September 27, 1969, from Mr. Charles Combe, sent Information Request number 162 to General Motors on October 20, 1969. The letter questioned the company on the possibility of engine mount failure, and asked if General Motors has also received any letters concerning the defect on other 1968 Chevrolets. In its response of November 26, 1969, General Motors admitted the possibility of a defect, said that it had received fourteen similar complaints on engine mounts with jammed accelerators, but concluded that the problem could occur only under unusual circumstances and in limited numbers. The problem of jammed accelerators was not unknown to General Motors. At least one precedent was set in February 1969 when General Motors recalled 2.5 million cars with the defective fast idle cam on the Quadra jet carburetor which was causing the acelerator to jam. (It is interesting to note that there were only 48 known cases of failure at the time of this recall.

General Motors also learned of the engine mount defect from accidents involving these Chevrolets. For example, in June 1969 a 1969 Chevrolet sedan driven by an active 68 year old woman with her husband and two grandchildren as passengers, suddenly, and without warning, accelerated out of control on a Boston street. It collided with a telephone pole after the woman maneuvered so as not to strike other cars on the road. The woman suffered a skull fracture which has caused her permanent blindness prematurely ending her very successful professional career as a real estate agent. The car was sold by the insurance company to a junk dealer who promised to sell it to her attorneys for $500. This sale was never consummated, however, because the car was acquired instead by the Royal Globe Indemnity Company, a company which insures General Motors. Although the car has now been examined by the plaintiff's attorneys, certain key parts, such as the engine mounts, were found mysteriously to be missing.

In October 1969, a Michigan woman was driving a new Camaro when it began to accelerate wildly out of control. The car spun around and was struck by another car in the right rear. The driver was injured, and her passenger killed. It was found that the engine mounts were broken.

After receiving the November 1969 reply from General Motors, which should have sparked further interest and questions in the engine mount investigation, the NHTSA engineers recommended in June 1970 that the investigation be discontinued because of the small number of complaints. Apparently no further attempt was made to determine the nature or the extent of the defect and its effect on vehicle safety. General Motors, in flagrant violation of the National Traffic and Motor Vehicle Safety Act of 1966, did not inform the NHTSA of other instances of engine mount failure in 1968 Chevrolets or other Chevrolets of similar design which subsequently came to its attention and did not initiate a safety defect notification campaign. They did, however, act in late 1969 to substitute the interlocking mount on the production line for the defectively designed mount.

During the intervening two years thousands of motorists have been frightened by the spectre of their cars suddenly roaring forward at full throttle with the brakes considerably reduced in effectiveness, and the gearshift jammed. Most were lucky to have been only frightened. The unlucky ones crashed, suffering property damage, injury and death. Both General Motors and the Department of Transportation share in the responsibility for this tragic situation in which the toll of human suffering is being needlessly expanded.

In November 1970, a 1969 Impala sped out of control in a way fully reminiscent of the 1969 Camaro case in Michigan. In this case, however, the driver was lucky to have sustained only major property damage as her car plowed into the guard rail separating the lanes of the highway.

In April 1971, two high school girls in Los Angeles, California, were crushed between a parked car and a runaway Camaro—a car on which the engine mount had broken causing the loss of control. In May, a service manager of a McAllen Texas Chevrolet garage was revving up the engine of a 1967 Chevelle from under the hood, in an effort to determine the source of the strange underhood noises. The car was in neutral, and the emergency brake was engaged, but when the mount separated, the car was pulled into gear, and lept forward, pinning the man between that car and the car ahead of it in the shop. In September, perhaps the most tragic accident of all occurred in the Virgin Islands. A 1968 Camaro convertible in which four children were being driven to school went out of control and crashed, killing all of the children. The car's engine mounts were found to have broken, causing the accelerator to jam open so that the driver, the mother of three of the children, could not control the car. Last month in Richmond, Virginia, a 1969 Camaro went out of control after the engine mounts broke and crashed into a telephone pole. The passenger in the car is now a paraplegic as a result of his injuries. The owner had experienced engine mount failure previously, and after replacing the mounts had added a chain to prevent the engine from raising off the mounts should they break again. However, the force of the engine on its mountings was sufficient to break both the mount and the chain. Even more recently, a driverless runaway 1967 Chevrolet in Laredo, Texas, crashed completely through a school classroom, injuring 32 children, six so that they required hospitalization, and one critically. The car's engine mounts broke, causing the car to slip into gear and the accelerator to be held open, even though there was no one in the car as it sped into the school building.

These are examples of failures known to us. There are undoubtedly many many more unknown not only to us, but to owners as well. Indeed, most owners have stated that they initially thought the problem with their car was unique. How many times must these incidents be repeated before the Department acts?

When the Congress passed the National Traffic and Motor Vehicle Safety Act in 1966 the intent was to protect the public against the kind of corporate irresponsibility demonstrated by General Motors in the engine mount disaster by investing an agency of the

government with substantial corrective power. Congress provided that, in the event of a refusal of a motor company to notify owners of safety defects, you are empowered to have such defects investigated, and to order the manufacturers to notify owners. Although you have delegated this function to the NHTSA, Office of Defects Investigation, their excessive tardiness in this case and callous disregard for the safety of owners and passengers of these defective vehicles makes it incumbent upon you to personally review the issues immediately so that owners of these cars may be notified by certified mail in accordance with the statute. In my opinion, this investigation has not been concluded within a reasonable time within the meaning of the Administrative Procedure Act.

Under the pressure of your action and complaints from thousands of owners, General Motors might also be awakened to their responsibility to repair the remaining defective Chevrolets at their expense. Time is of the essence. You must act to halt the spread of this mechanical epidemic which may afflict as many as one in ten cars now on the Nation's highways.

Sincerely,

RALPH NADER.

[From the Detroit News, Nov. 3, 1971]

GM SHOULD REPLACE MOUNTS, SAYS HADDON

(By Robert W. Irvin)

Dr. William Haddon Jr., who was the first Federal traffic safety chief, said today the government or the courts ought to force General Motors Corp. to recall several million 1965–69 Chevrolets to replace engine mounts.

At the same time, it was learned GM in recent weeks has received more than 1,500 complaints of engine mount failures, with close to 100 of these reportedly involving accidents.

That report came as a surprise to the National Highway Traffic Safety Administration (NHTSA), which thus far has received from GM only about 500 names of people who have registered engine mount complaints.

(The NHTSA is investigating engine mount failures to see whether a defect notice should be issued. It already has issued a consumer warning alerting people that the mounts could break, sending their cars out of control.)

GM said it has not forwarded any more complaints to the NHTSA after an initial batch in mid-October because government officials have not asked for them.

Informed there are 1,000 or more additional complaints at GM, an NHTSA spokesman promised, "We'll be asking for them—you're darn right."

The NHTSA said it has received 270 complaints from citizens, with about 10 percent involving accidents.

The Detroit News has forwarded to the NHTSA another 250 complaints it has received in the last month since it made public the problems of engine mount failures on late model Chevrolet-built cars.

GM said its complaint file, which includes those forwarded to the auto maker by The News, totaled 1,530 through the end of last week. It said "fewer than 100" involved reports of accidents.

Haddon, the first director of NHTSA and now president of the Washington-based Insurance Institute for Highway Safety (IIHS), made it plain in an interview that he thought something should be done about the engine mount failures.

"If the information as reported in the press is accurate, a recall with full repair at manufacturer's expense should be forced by either the executive branch of government or the courts," Haddon said.

"In addition, I believe Congress should take a very close look at the whole episode. It seems that the original safety statute is not tough enough to prevent what appears to be a failure to act in the public interest."

Haddon criticized the Chevrolet engine mount design of the 1960's. When the mount fails, it can allow the accelerator to jam open and cut off the power brakes, an NHTSA consumer bulletin says.

"I think the public will notice and question whether this, in fact, is sufficient excellence of engineering," Haddon said.

He took exception to a statement by GM President Edward N. Cole, who likened engine mount failures to a tire blowout at a low speed.

"I know I sure wouldn't want this to happen to a car I was driving or, even worse, to happen to a car coming the other way," Haddon said.

He also said. "We have no idea and we will never know what tragedy may have been caused by these so-called light blowouts.

"This appears to be a nationwide environmental problem created by poor design."

He said the whole affair points up the need for not only a change in the federal safety law but also new administrative rules.

"One of the things which may be needed is a routine submission to the NHTSA or surveillance by the agency of claims against manufacturers' warranties," Haddon said. "There also should be surveillance of sales of replacement parts so problems can be more easily identified."

[From the Detroit News, Nov. 17, 1971]

SAFETY CHIEF WILL PRESS FOR CORVAIR RECALL LAW

(By Robert W. Irvin)

President Nixon's traffic safety chief said today Congress should amend the safety law so the federal government can order auto makers to recall cars with defects, such as Corvairs with faulty heaters.

Douglas W. Toms made the comment after the National Highway Traffic Safety Administration (NHTSA) which he heads announced General Motors will issue a defect notice about Corvair heaters.

GM will advise 760,000 owners of 1961–69 Corvairs by certified mail of an NHTSA definding. The agency said the heaters on 1965 Corvairs could allow deadly carbon monoxide fumes to enter the passenger compartment. The other years' models are suspected of having the same problem.

But GM did not admit the cars are defective—only to pass on the NHTSA finding. And GM is not recalling the cars. While owners are urged to have the cars inspected, they must bear the cost of the checkup and any repairs to the cars.

Auto critic Ralph Nader and Senator Vance Hartke, Indiana Democrat, whose Senate subcommittee oversees the NHTSA, issued separate statements attacking GM for not recalling the cars and demanding a change in the safety law to give the agency the authority to order a callback.

Toms, interviewed in Detroit where he was attending a safety conference, agreed with Hartke and Nader. "We have asked for recall authority because we think it is necessary to do our job," he said. "We still believe that, but it is hard to say whether this case will lead to a change in the law."

As the Corvair case now stands, he said, "we have been able to achieve everything that the law permits us to do. There wasn't one single thing more we could have gotten out of this. We have gone the full extent of the legal remedy."

The case has been under investigation for more than a year. The NHTSA issued a consumer warning earlier this year and followed that up last month with an initial defect notice on the 1965 Corvairs.

It said samples of several hundred of these models disclosed high carbon monoxide concentrations which could impair a person's health and driving ability. The NHTSA was planning further tests on 1961–64 and 1966–69 Corvairs.

It also had scheduled a meeting with GM in Washington today on the matter. Then, Toms said, GM came in early yesterday "and agreed to send out defect notices. I was surprised because I had anticipated a fight."

Toms said "we are pleased that they agreed to do it at this time because the winter months of high car heater usage are approaching. We would much rather see the heaters fixed now then spend months more investigating the matter."

"The one thing GM refused to do was pay for repairs," Toms said. "We asked them to do that, but they were firm and there didn't appear any way of changing them. It would be nice if we could get these Corvairs repaired free of cost to the consumer but, as I said, we don't have the authority."

Toms agreed that GM's approach of sending out defect notices but refusing to make a recall was unprecedented. He said "this has got to affect GM's legal position. It's going to be very interesting to watch what class action suits develop. There already are many suits pending because of the heaters."

For its part, GM would say nothing. "We have no statement to make," a spokesman said.

However, the NHTSA said that in the defect letter "General Motors urges prompt inspection for Corvair owners who detect noticeable odors or an eye-burning sensation, especially when accompanied by a hissing or spitting noise from the engine. Prompt inspection is also urged for owners who notice any damage or deterioration to the exhaust system itself.

"Owners who detect these indicators are advised to shut off their heaters and roll down a window until inspection and-or repair can be effected."

The safety agency said it is now going to close the case. But Hartke and Nader indicated that, as far as they were concerned, the matter was still open.

"It is clear that massive litigation will be necessary on behalf of Corvair owners," said Nader, long-time foe of the Corvair. The rear engine car was dropped from production after it became embroiled in the safety controversy

Nader also said "the value of most of these 760,000 Corvairs remaining in service is less than $500 each. So they are generally owned by people in lower economic brackets. Mr. Toms has established that the correction of this defect will cost around $170 to repair, which is probably close to the wholesale value of most pre-1966 Corvairs.

"Thus, in order to guarantee his own safety, an owner must either pay for major repairs or lose his investment in his car. This is in his choice after years of driver and occupant exposure to these harmful emissions."

Hartke charged a double cross. He said the Senate in 1969 tried to give the NHTSA the recall authority missing in the original 1966 safety law. He said the Senate-passed bill "required auto companies to fix defects without charge."

But, Hartke added, "the House, in conference with the Senate, said the provision was unnecessary, arguing that the auto companies had pledged to fix defects without charge voluntarily. What treachery was worked upon the American people by the auto companies that day!

"I call upon General Motors to honor its promise and fix Corvair heaters without charge. If they do not, I pledge that I will work for immediate passage of legislation that will not only require them to repair a defective car without charge but will also impose a penalty upon them for producing such a car.

"The human tragedy played out on the highways of this nation each day should not be heightened by corporate decisions which protect profits at the expense of human life."

[From the Washington Post, Nov. 17, 1971]

GM TO WARN ALL OWNERS OF CORVAIRS

General Motors Corp. agreed yesterday to notify some 760,000 owners of Corvair automobiles, from the 1961 through the 1969 models, of possible heater system defects.

The manufacturer will advise Corvair owners to have the cars inspected by a Chevrolet dealer and repaired, if necessary, to eliminate dangerous fumes.

The inspections and repairs will be made at the expense of the owners unless warranty provisions are still in effect.

Secretary of Transportation John A. Volpe announced the agreement one day before a meeting at which General Motors was to have appeared with regard to an Oct. 29 finding of the National Highway Traffic Safety Administration that a safety defect existed in the engine heater system of Corvairs of the 1965 year model.

In view of the new development, the meeting was cancelled. General Motors disputed the findings, but agreed to issue the notice to all Corvair owners over the nine-year span.

The agency noted that it does not have the authority to compel a manufacturer to recall and repair motor vehicles free of charge.

"General Motors is doing more than the law requires it to do by agreeing to conduct a search for the names and addresses of all present Corvair owners rather than limiting its notice to first purchasers or warranty owners, as the law requires," said Douglas Toms, administrator of the agency.

"This is especially significant when talking about vehicles sold as long as 10 years ago."

Ralph Nader said last night that GM's move was intended to prevent the government from making "an imminent official finding of a safety defect," and to shift the cost of repair, an estimated $170, to the owners. Most Corvairs are worth less than $500 each, he said.

[From the Washington Star, Nov. 28, 1971]

UNITED STATES WILL ISSUE NOTICE OF DEFECTS IN CHEVROLETS

(By Robert W. Irvin)

DETROIT.—Federal safety officials have decided to issue a formal defect notice against engine mounts on some Chevrolet-built cars and they believe General Motors will recall and fix the vehicles, it was learned yesterday.

The officials also have broadened their investigation to include most other domestic makes of cars because of reports of engine mount failures on these models, too. Some of these also may be ruled defective.

The government action will cap an intensive probe by the National Highway Traffic Safety Administration.

Government investigators have concluded the engine mounts are a hazard on some late-model Chevrolets and possibly other makes because when they fail the accelerator can be jammed open, sending the car speeding out of control.

The NHTSA issued a consumer protection bulletin Oct. 15 warning 5.8 million owners of 1965–69 Chevrolet-built cars that the engine mounts could be hazardous.

CAN'T ORDER RECALL

The agency continued its investigation to see whether there was enough evidence to find the engine mounts defective and press GM for a recall. (The agency cannot actually order a recall, only order GM to send out a defect notice to owners.)

The NHTSA has now received some 2,000 complaints, including more than 100 cases where accidents resulted from engine mount failures. The agency also believes some people have been killed in some of these accidents, although no one is willing to estimate how many.

Douglas Toms, NHTSA administrator, said he has a meeting scheduled Tuesday with White House officials now in San Clemente, Calif., to go over the matter and he expects an announcement on the defects late in the week or early the following week.

Toms said he was sure some models of Chevrolets would be ruled to have defective motor mounts. "I am certain of that," he said, "but how far we go on some other makes and models hasn't been decided."

MANY FAILURES

"We are getting into almost all domestic makes because engine mount failure is a very common thing. I wouldn't venture to guess how many cars on the road have failed motor mounts but it's very high."

Toms had originally thought GM would fight any defect notice but has now changed his mind. "My personal opinion is that they are not going to fight us on the large engines. But they are not going to say anything until they find out what we recommend.

"They have a fix in mind—something to do to the existing engine mounts to make them fail-safe," he said. "They have suggested some alternatives but whatever they decide will be a permanent fix."

By Mr. CHILES:

S. 2948. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

Mr. CHILES. Mr. President, today I am introducing a bill to amend the Internal Revenue Code to exclude from gross revenue the entire compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

The bill is a companion to Congressman VANIK's bill, H.R. 9900, which he recently introduced in the House. It seems to me such legislation is the very least we can do to express our Nation's concern for the welfare of missing and imprisoned servicemen. I am sure it would receive widespread support from all sectors of our Nation—and would be welcomed especially by relatives of these unfortunate people.

As a Department of Defense endorsement of this proposal to Congressman VANIK's office stated:

With respect to the servicemen involved, there is simply no way that they can be financially compensated for the deprivation of human dignity and the mental and physical torture to which we know they are being subjected. Viewed in this light, it seems grossly unfair for the government to insist on taxing their income while they are enduring unspeakable hardship. It is unfeeling and parsimonious for the United States to insist on the payment of income tax on a portion of the military pay of any service member in captivity. The forgiveness of the residual income tax is in part a token gesture to these men and their families in recognition of the very great sacrifices which they are making on behalf of this Nation.

Recently the wife of a serviceman of our country who was a prisoner of war asked me if I would wear a bracelet with his name on it. I know that other Senators and Representatives have these bracelets. They serve as a reminder that in this particular case Commander Hutton was captured in 1965. The bracelet serves as a reminder when people ask me what the bracelet is for and why I wear it. Then I remember that the man has been in captivity for over 6 years, I remember the amount of time he has missed with his family and the time that his family has missed his services. I know that in addition to this serviceman there are approximately 450 American prisoners of war and 1,204 missing in action.

Excluding from gross income the entire amount of their compensation is only a small gesture. And yet I think it is a significant one. It is a step we in Congress can take in the name of the American people. It expresses, if only in a small, symbolic way, our shared sense of anxiety over these men. They have loyally served their country and we must not forget them. While we must continue to direct every possible effort toward the release of prisoners of war, my bill would offer some expression of concern to their relatives now.

I hope the Committee on Finance will give this measure its early consideration. I think it is important that we make this gesture at the earliest possible time.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2465

At the request of Mr. CHILES, the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor of S. 2465, a bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2574

At the request of Mr. MCGEE, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 2574, the national voter registration bill.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. ALLOTT, the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor of Senate Concurrent Resolution 49, calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Monday, December 6, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Richard A. Dier, of Nebraska, to be U.S. district judge, district of Nebraska, vice Richard E. Robinson, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

NOTICE OF HEARINGS ON THE WIDER BUS BILL

Mr. BAYH. Mr. President, on December 13 and 14, the Subcommittee on Roads of the Senate Committee on Public Works will hold initial hearings on H.R. 4534, a bill which would authorize States to permit buses not in excess of 102 inches to operate on any part of the Interstate Highway System with 12-foot lanes.

Although current law restricts maximum width of vehicles on the Interstate System to 96 inches, the wider bus can be used legally now in nine States which were exempted by a "grandfather clause" in the 1956 act. They are also operated quite widely on some other State highways and city streets.

The hearings will begin at 10 a.m. each day in room 4200, New Senate Office Building. The subcommittee expects to receive testimony on Monday, December 13, primarily from proponents of the measure, while those who are opposed will appear on Tuesday, December 14.

Invited to testify at a later date yet to be determined, but probably in January, will be officials from various governmental agencies, including the Secretary of Transportation, the Federal Highway Administrator, the National Highway Traffic Safety Administrator, the Chairman of the National Transportation Safety Board, the Chairman of the Interstate Commerce Commission, and certain State toll road commission and highway safety directors.

ADDITIONAL STATEMENTS

THE FUTURE OF RURAL AMERICA

Mr. CRANSTON. Mr. President, the fact that the nomination of Dr. Earl L. Butz was, as expected, narrowly confirmed by the Senate yesterday as Secretary of Agriculture is overshadowed by the fact that 44 Senators of both parties voted against him. That kind of opposition is highly unusual for a Cabinet nomination.

The significance of this strong bipartisan opposition, in my opinion, extends far beyond the confines of the Department of Agriculture and the philosophy of its chief administrator. What it says to me—and what I hope it says to Secretary Butz—is that there is a deep, growing concern in Congress and the Nation over the social and economic implications of the corporate invasion of agriculture. The Senate vote is a further recognition of the need to reshape rural America, and of the basic interrelationship between the so-called farm problem and the problems of our cities.

Dr. Butz has been closely allied with corporate agriculture. His nomination symbolized the start of the battle we must wage against the encroachment of industro-agriculture in our national life. Many—including myself—voted against him because we feel we must reverse the economic trends that are revolutionizing the structure of American agriculture.

During the past decade we have been preoccupied with the problems of poverty and inequality, of hunger and malnutrition, of urban overcrowding and ghetto riots and pollution and overpopulation. And we have mistakenly ignored what has been happening in rural America. We have, by and large, failed to see the connection between our urban problems and a number of new and bewildering developments "down on the farm". We dutifully recorded the numbers of people fleeing rural America, content merely to document this vast human migration with graphs and charts and statistics. But we have failed to ask why millions of people are leaving the farm, whether they are leaving by choice, and, perhaps more importantly, we have not asked whether they should be leaving.

California has 21 million people and an agricultural economy that generated $4.8 billion last year. As a Senator from the Nation's most populous as well as richest agricultural State, I am in a position to appreciate perhaps better than some of my colleagues that urban and rural well-being are inextricably linked. While most States are either primarily urban or primarily rural, California is not only both, it is the most of both.

California agriculture reflects—often in exaggerated form—the trends and characteristics of agriculture nationwide.

Agriculture in California is big business. California produces more than 200 commercial farm commodities as compared with most agricultural States which produce only one or two major farm products. It supplies nearly 40 percent of the Nation's fresh produce; and some $900 million worth of livestock are produced annually on California's range land and irrigated pasture. This is a vast source of new wealth for the State each year. California's largest single source of agricultural income.

The annual harvest of California sugar beets totals nearly one-fourth of the national production; cotton production contributes some $200 million annually to California's diversified agricultural economy; the State produces nearly one-fourth of the Nation's domestic supply of rice, and nearly 40 percent of the world almond production—and virtually all domestic almond production—takes place in California.

Furthermore, a full 37 percent of the total land area of California is in farms, about half in full production.

Farm units are large and getting larger, and the number of farms is rapidly declining. It has been projected that another 20,000 farms in California will go out of business in this decade, bringing the number of farms in the State down to around 43,000 in 1980. At the same time, the size of the average California farm is expected to rise to 800 acres.

Though California's gross farm income was $4.8 billion in 1970 and is expected to rise this year, net farm income amounted to only $1 billion. Investment per farm is expected to reach $300,000 by 1980, but farm real estate values are declining.

California is also first in the number of farming corporations. A Department of Agriculture survey in 1968 found that California had 1,673 farming corporations. These accounted for 4 percent of the commercial farms in the State and 25 percent of the total farm sales. Furthermore, California farming corporations operated an average of 3,678 acres per farm, compared to an average of 349 acres for all commercial farms in the State.

Though the vast majority of these farming corporations are family owned, having incorporated for tax and inheritance purposes, California is home for some of the corporate giants in agriculture. Corporate farms in California account for 90 percent of the melon crop, 46 percent of the cattle sold, 38 percent of the cotton produced, and 30 percent of the citrus fruits. Two such corporate giants alone account for one-third of the green leafy vegetable production in the United States.

California clearly has a tremendous involvement in the programs and policies of the U.S. Department of Agriculture. The philosophy and leadership positions of the new Secretary of Agriculture are thus of critical importance.

But California's specific involvement in USDA programs is not my sole concern. The health and vitality of rural America is also of crucial importance. I am deeply concerned about what is occuring in the rural areas of America—what has been happening for the last 20 years and what is likely to happen in the future if present trends continue.

Mr. President, here is a picture of what has been happening in rural America:

First. The farm to city migration continues unabated, averaging some 500,000 persons a year during the 1960's. The 1970 census revealed that a mere one-quarter of our total population resides in rural areas. Of these, only 10 million are engaged in farming; 14 million poor remain in rural America, and nearly one-half of the farm families have annual incomes of less than $3,000. A million and a half farm workers received an average income of just $1,083 in 1970.

Second. There were 5.5 million farms in America in 1950. By 1960, the number of farms had dwindled to 3.9 million. Today there are only 2.9 million. USDA economists project there will be fewer than 2 million farms in 1980.

Third. There is a glaring disparity of farms with sales below $10,000 per year—about two-thirds of all farms—sold only 12 percent of the Nation's agricultural output in 1969. The USDA predicts an acceleration of this trend. By 1980, they say, 95,000 giant farms will supply more than half of the Nation's food and fiber.

Fourth. As the number of farms dwindles, the average size of the farm increases. Farms in 1960 averaged 215 acres compared to 380 today.

Fifth. While farm size increases, the total amount of cropland actually in use has dropped by 11 percent in the last two decades. At the same time, crop production has soared 34 percent due to better varieties of seed and a 240-percent increase in the use of fertilizer. We have, in essence, been substituting fertilizer for farmland.

Sixth. There has been a 50-percent reduction in the amount of agricultural labor during the last two decades, and a 36-percent increase in machinery. Carey McWilliams' "factories in the field" remains an accurate portrayal of modern agriculture—except that he compared farms to assembly lines. A more modern analogy would be the automation of agricultural production.

Seventh. Concomitant with all these trends has been a sharp rise in the capital investment per farm—from around $17,000 in 1950 to $91,700 today. This contributes to the economic pressure to obtain more land so as to reduce the unit costs of production.

Eighth. Most significant is the change in entrepreneurial status. The farmer's traditional role of owner, manager, and laborer in his own business is being replaced by the corporate form of ownership and clearly defined divisions of labor.

In response to criticisms about the lack of data on corporation farming, the Department of Agriculture in 1968 conducted a survey of the number, kinds, and general characteristics of corporations involved in farm production. The study found:

First. A total of 13,300 corporations directly engaged in farming.

Second. Eighty percent of these were family or individually owned.

Third. Taken together, these corporations accounted for only 1 percent of all commercial farms, but they owned or rented 7 percent of all farmland and accounted for 8 percent of all farm sales.

Fourth. Corporation farms owned or rented an average of 4,531 acres per farm in 1968. The average acreage per farm for all commercial farms was 380 acres.

Fifth. The percentage of farmland operated by corporations was highest in Florida and California. In California, corporate farms account for 4 percent of all commercial farms in the State and 25 percent of all farm sales.

We are witnessing the industrialization of agriculture. Not only are machines and technology and professional farm managers replacing the free spirit and enterprise of the small family farmer, but vast, impersonal food factories are destroying the rural communities and institutions that have been an integral part of our history.

The single most pervasive phenomenon in rural America today is the corporate invasion of the production phases of agriculture. Giant corporations like Tenneco, which is engaged in such diverse industries as shipbuilding, oil and gas production, farm machinery, and chemicals, are buying up acres of farmland and producing a tremendous volume and variety of farm products. Tenneco produces an enormous diversity of crops in Kern County, Calif., including corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears, and plums, and company officials frankly admit that their aim "is to accomplish integration from the seedling to the supermarket."

If Tenneco and similar corporations achieve their aim of total integration of the food production process, there will be no small family farms left in America. At best, small farmers will become little more than serfs in a modern feudal system that demands the production of cheap raw commodities for the benefit of giant conglomerates.

This corporate invasion of agriculture must be stopped. But it can be stopped only by specific congressional action, by the development of a farm program that makes sense and which can provide means by which the small farmer—and his way of life—can survive. While these goals are the primary responsibility of the U.S. Congress, they cannot be accomplished without the cooperation and involvement of the administration, and particularly, the Secretary of Agriculture.

Small farming, as both an economic unit and a way of life, is fast becoming an anachronism. The small independent farmer is falling victim to the technological, economic, and social revolution that has struck at the heart of rural America.

Small towns and communities that once teemed with life and vigor in the rural areas of every State now stand silent and deserted, ghostly reminders of a better time in rural America.

These towns, and the people who once inhabited them, have been forced out by the corporate invasion. In their place are absentee-owned farms—field of corn and wheat and lettuce and tomatoes stretching as far as the eye can see, broken only by the giant combines that make their lonely way across these vast acres.

Hundreds of thousands of small farmers, small businessmen and farm laborers continue their 25-year exodus from rural America. The rate of departure is now slightly reduced, but only because there are not many people left in rural America. Today, less than 10 million individuals are engaged in farming.

Mr. President, as the small farm dies, rural America dies too. The young cannot support themselves on the farm, so they leave as soon as they are able. Only those too young or too old to leave remain, the very people most in need of the community services which the dwindling rural tax base can no longer support. Churches, schools, hospitals, and community centers are boarding up their doors. Rural America is gasping for breath.

I raise this specter to suggest that time is running out. We must make our choice for rural America. We must decide whether to stand idly by while economic forces destroy the small farmer, or to stop this unseen hand by developing and implementing positive agricultural policies to assist the small family farmer, the farmworker and the small businessman of rural America.

If left unabated, economic forces will radically alter the structure of American agriculture. If we do nothing—and thus strengthen the myth that these forces are inevitable—we will have chosen an agriculture that is devoid of people and rural communities, an agriculture that resembles a giant, well-oiled food-producing packaging and processing assembly line. We would get our food, but at what human cost?

The social effects of corporate agriculture were eloquently stated in the well-known Dinuba-Arvin study done in 1947. This study focused on two California farming communities of equal size, both located in the great central valley. The point of comparison was the difference in the scale of farming—Dinuba is a community of family farmers and is surrounded by small acreages. Arvin is the center of large-scale agriculture, with a high percentage of absentee ownership.

The findings of this study were striking. The people living in the small farm community had a higher standard of living, better schools, churches, and civic associations, more small businesses and a higher volume of retail trade. Newspapers, parks, public recreation centers, Boy Scouts troops, and public services also were more plentiful in Dinuba and were of better quality. The more study came to the obvious conclusion that the small farm bears an important relationship to the character of American rural life.

The lesson is clear, Mr. President. We can ignore the economic and social implications of corporate agriculture only by risking the "the good life" for millions of rural Americans.

Senator HARRIS put it well in stating that we are at a "crossroads" in rural America. Are we going to endorse an agriculture which is little more than a giant food factory and which contributes to the demise of rural communities? Or are we going to develop and implement an agricultural policy which allows people to live and work in dignity?

I suggest that far more is at stake than efficient food production. At stake is the livelihood and welfare of small farmers, small businessmen and farmworkers who cannot compete with the agribusiness conglomerates with multibusiness resources.

It may be that farmer bargaining is the only tool by which small farmers can get their fair share of the final food price in the emerging food system. That is now being debated in the agriculture committees of the House and the Senate. It is essential that we take immediate action to stem this corporate invasion of agriculture and provide the small farmer with the tools he needs to survive.

It is high time we remembered these millions of rural Americans who operate efficient, family sized farms, who participate in the social life of their communities, and who have contributed so much to the well-being of America.

Now, let me turn to the interrelationship between the farm problem and the problems of our cities. The population of rural America is declining because corporations are snuffing out the economic base of our small towns. People move by necessity into the cities and the slums of America, placing a still heavier burden on urban areas at the very time we are attempting to achieve a better rural-urban balance. Three-quarters of our population is now concentrated on 2 percent of our land. This has a direct impact on the deterioration of our cities and the quality of our environment.

Our cities are decaying. Our air and water are hazardous to health and life. Our lands are polluted with chemicals and depleted of vital minerals. Our food is abundant but curiously tasteless—as

though the commodity is reflecting the loss of vitality experienced on the farm. Crime and congestion and pollution and frustration—these are the constants of city life today.

We must, therefore, bear in mind that the decisions we make today about the future of rural America—and the tools we enact to revitalize it—will relate directly on the fate of our cities. We cannot separate the two.

Unless we stem the farm to city migration; unless we reverse the increasing concentration of our population; unless we revitalize rural communities and halt the corporate invasion of agriculture, our efforts to solve crime, curt pollution and restore beauty and order to our cities will be largely in vain.

PAT SULLIVAN—OUTSTANDING COLLEGE FOOTBALL PLAYER

Mr. SPARKMAN. Mr. President, I had the privilege of watching two of the finest college football teams in the United States in action on Saturday, November 27, at Legion Field in Birmingham, Ala. But it was more than just another football game; it was an exhibition of courage and stamina by the participants.

On the field stood a man with No. 7 printed on his blue jersey, the recipient of the Heisman Trophy, which is awarded to the outstanding college football player in the United States. Some people may have doubted his ability, but I was not among them. For this young man with the eyes of the Nation upon him passed for more than 150 yards against one of the finest defense teams in the country.

This young man continued to rally his teammates until the final whistle sounded. He never gave up. With red jerseys clinging on his side, he completed pass after pass—this was the true test of a great athlete.

When the chips are down, he never gave up, and this has been true of Pat Sullivan during his entire career at Auburn University.

I talked with Pat after the game, and he was certainly disappointed that Auburn had lost; but he was not discouraged. He is a young man of tremendous ability and courage, and I salute him.

BULLISH OUTLOOK ON PHASE II

Mr. SCOTT. Mr. President, the Christian Science Monitor of December 1, contains a noteworthy article on what we can expect from phase II of the President's economic program. I commend the article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Dec. 1, 1971]

GIRARD'S ECONOMIST BULLISH ON PHASE II

(By Richard A. Nenneman)

If someone gave you good advice once when you were about to get a new car—or buy some stock—chances are you remember him. You'll remember someone who gave you bad advice, too—but when it comes time to make the next move, you will return to the person who was right the first time.

That's why I have been intrigued by the latest Girard Outlook, published by the Girard Bank of Philadelphia. The Outlook is extremely bullish on the economy. Its writer, Hugh L. Stokely Jr., vice-president and economist for Girard, is one of those fellows who plays around with an econometric model of the economy on a computer. (Playing around is too casual a description of this esoteric activity that very few outsiders can understand; he comes up with some very serious results.)

His present diagnosis of the economy is particularly interesting because for some time he had been saying that a wage-price freeze might be the only way to get the rampant inflation in the economy stopped. Thus, when Mr. Nixon made his Aug. 15 announcement of the freeze, this struck Mr. Stokely as "the right medicine at the right time. . . ."

Now, he argues, "confidence in the consensus forecast for 1972 is justified—confidence that gains of $100 billion in GNP and of more than 15 percent in corporate profits will take place. Given success in 1972, it is reasonable to believe the restrainta will prove temporary—with the price and pay boards eventually reduced to a purely symbolic role."

Furthermore, Mr. Stokely thinks the chances quite good, after a year of wage and price restraint, of getting the economy onto a long-term path of noninflationary growth.

He thinks the present fears about Phase 2 are unjustified. First, he notes that the freeze and incomes policy come at a time in the business cycle when they stand the best chance of success (the economy is not overheated, that is). Second, the economy can take a lot of both monetary and fiscal stimulus without becoming inflation prone. Third, he thinks "rapid progress" is being made in getting a new international currency agreement, and says, "The world financial system is not about to come unraveled."

Noting that stock prices are influenced by credit, confidence, and profits, Mr. Stokely says that credit will be ample in 1972 and that beginning late in 1971, quarterly profit reports will show year-to-year gains of 15 percent or more for several quarters. These factors should at some point rebuild confidence, which would supply the ingredient presently missing on the individual investor's part.

The most optimistic part of the outlook, though, is the long-term one. Mr. Stokely's econometric model tells him it should be possible to get the inflation rate back down to about 2 percent, unemployment down to 4 percent, with wage increases of about 5.7 percent a year. The problem has been to rid ourselves of inflation, to break out of what he calls "the present trap of business stagnation." This, he thinks, Phases 1 and 2 can accomplish.

It still remains to be seen, of course, whether the new economic policy will actually be that successful—if, as Mr. Stokely says, "stop means go" for the future of the economy. But one remembers that as long ago as 1969 he was saying privately that the traditional means of slowing down an inflation would be inadequate, and that a temporary freeze might have to be tried. It's natural now that that prediction has worked out, to pay some attention to what he thinks will come next. One hopes he is right this time, too.

TRIAL FOR GENOCIDE: OTHER NATIONS SUPPORT OUR VIEWS

Mr. PROXMIRE. Mr. President, article VI of the Genocide Convention deals with the trial of persons accused of genocide. The Foreign Relations Committee has recommended an understanding that, if accepted by the Senate, will put the United States on record as willing to exercise the right to try its own citizens for alleged acts of genocide that occur in other countries.

Will the other nations of the world respect this understanding? Yes, because they have the same understanding of article VI. In December 1948 the Legal Committee of the United Nations General Assembly adopted the following resolution.

The first part of article VI contemplates the obligation of the State in whose territory acts of genocide have been committed. Thus, in particular, it does not affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

The other nations of the world will honor the recommended understanding on article VI because it is also their understanding of article VI.

The Genocide Convention is not intended to deny the American people their rights, nor to destroy our Constitution, nor to subject us to any foreign power. It does not do any of these things. The Genocide Convention is to protect the people of the world, and that includes the American people, from the horrors of mass murder. If the Senate ratifies this treaty and if the Congress enacts the implementing legislation, then the United States will have done its share to prevent this crime from occurring.

Mr. President, I call upon the Senate to ratify the Genocide Convention.

THE C–5A AND THE BORN-YESTERDAY SYNDROME

Mr. PROXMIRE. Mr. President, on Monday, November 29, 1971, we learned that the Air Force had begun an investigation into the technical and structural problems of the C–5A.

The news must be received by the public with a certain amount of amazement. I know that I am amazed.

After all the Pentagon boasts about the superior performance of the C–5A, after the Air Force has denied on repeated occasions that there were any significant performance problems with the C–5A, and after completion of several Government studies of this program, at least three of which were done by the Air Force, we are now told that the Air Force has embarked on yet another C–5A investigation. The Joint Economic Committee heard testimony about the C–5A in 1968, and has been studying this program for the past 3 years. In addition to cost overrun problems, we have seen extensive evidence of technical and structural deficiencies in the C–5A. We learned about the first wing crack in 1969.

The Air Force response to this evidence has been simply to deny or cover it up. On several occasions Air Force and other officials of the Department of Defense have told us and have stated publicly that while the costs are perhaps higher than was originally estimated, the performance of the aircraft was exceeding

and was expected to exceed all expectations. The C–5A, as one high Air Force official testified, was performing at 101 percent of the original estimates.

When, in 1969, wing cracks began to appear on the C–5A in ground tests, the Air Force assured us that nothing unusual had happened. These kinds of tests, we were told, were designed to reveal defects and weaknesses early enough in the program so that they might be corrected. The wings on aircraft already accepted by the Air Force were modified in the hope that the problem would not recur.

But then other deficiencies began showing up and wing cracks continued to be produced in tests.

Finally, the Air Force established a special scientific advisory board in 1970 to study the C–5A wing structural problems. The board was headed by Dr. Raymond L. Bisplinghoff of the Massachusetts Institute of Technology.

It was a high-powered, well-staffed board, whose members included Dr. Alfred J. Eggers, Jr., of NASA; Brig. Gen. Carroll H. Bolender, of the Air Force; and Col. Harold A. Steiner, also of the Air Force.

In addition, subcommittees were established on avionics, landing gear, performance, and wing structure. These subcommittees were made up of representatives of the Pentagon and private industry. The Aerospace Corp., Bendix, Systems Technology, Inc., MIT's Lincoln Laboratory, the North American Rockwell Corp., Westinghouse, the Cornell Aeronautical Laboratories, Trans-World Airlines, Boeing, Grumman, General Dynamics, McDonnell Douglas, and the Federal Aviation Administration all participated in this study.

It took about 6 months to complete and the costs, so far as I know, have never been made known.

Although the report contained a few tepid criticisms, and although deficiencies were uncovered, it gave the C–5A program a more or less clean bill of health. I would describe the investigation, at best, as an off-white-wash.

There were, however, two interesting observations about the wing structure. The Bisplinghoff board noted that it was doubtful that the wing would be able to meet its fatigue life goal of 120,000 hours. The board also concluded that additional modifications to the wing structure would probably be required in order to provide an operationally useful vehicle.

Ironically, on June 18, 1970, just 2 days after the Bisplinghoff report was issued, new data from static tests indicated that there were still signs of structural weakness in the wings.

In light of subsequent events including new wing cracks and the fact that an engine fell off the plane while it was preparing to take off, the board's conclusion that the C–5A wing structure met its key performance requirements somehow missed the mark.

Nevertheless, the C–5A program was moved forward on a business-as-usual basis with the Air Force continuing to assure everyone that everything was fine.

But in March of this year, the General Accounting Office issued a staff study on the C–5A which painted a different picture.

GAO reported that:

Existing deficiencies restrict the aircraft to performance of its basic cargo mission in that it cannot perform its tactical mission until such time as certain deficiencies are corrected.

GAO also reported that the Air Force was accepting C–5A aircraft with significant deficiencies, a practice not followed by the commercial airlines. Finally, it was concluded that whether the C–5A would eventually meet all of its performance specifications could not even be determined until the completion of testing in 1973.

The major deficiencies in the aircraft which the Air Force was knowingly accepting are in the landing gear, wings, and avionics. In the first 15 operational aircraft alone, the Air Force had accepted an average of 130 agreed-upon deficiencies and 127 unresolved deficiencies in each plane.

On the wing problem, GAO learned that following the static test failures of June 1970, additional structural weaknesses were discovered in August of that year and additional structural modifications were requested by the Air Force at that time.

New structural defects in the C–5A wing structure have been revealed since the March 1971 GAO report. In mid-September, wing cracks turned up once again in static tests. In late September there was the engine rip off—concealed by the Pentagon for more than a week while the Senate was voting on the military authorization bill—and following that, the discovery of cracks in the engine pylons on seven C–5A aircraft.

We have in the C–5A history replete with, first, predictions of structural problems, and then actual structural problems, in the face of assertions by the Air Force that there were no structural problems.

Now, more than two years after the first of the wing cracks was reported publicly, and following a number of investigations, the Air Force has come forward with its tried and true formula for getting by difficulties with the C–5A program: it has announced a new study.

It is as if we were all born yesterday, as if the Air Force had never procured an expensive weapons system, as if Lockheed had never produced an aircraft for the Air Force, and as if Congress had never had to authorize or appropriate funds for such a program before. The problems in weapon purchases always seem to be presented as if they were occurring for the first time.

For the Air Force to find itself with an aircraft program that is estimated to cost about $2 billion more than was originally planned and that, in addition, is so ridden with deficiencies and structural defects that it cannot perform its tactical mission is both astonishing and scandalous.

The Air Force has known officially about the structural problems since at least 1969. At that point in the program it might have been able to do something, to take effective steps to correct the deficiencies, or to terminate the program if the problems could not be corrected. Instead, the Air Force did what it usually does—it launched a study in 1969 headed by Assistant Secretary Phillip N. Whittaker. As might have been expected, the Whittaker report glowed with favorable conclusions about the C–5A. "The outlook for the performance of the C–5A," the report found, "even considering the recent failure during the static test, is optimistic."

Now, more than 2 years later, most of the aircraft have been produced, delivered, and accepted by the Air Force. What does it expect to find out in the new study that it could not have learned 2 years ago, following the first wing crack, or a year and a half ago when it decided to set up its scientific advisory board?

More importantly, what recourse does the Air Force now have? By knowingly accepting deliveries of C–5A's with major deficiencies and by waiting so long before taking decisive and effective steps to correct them, the Air Force has completely dissipated whatever bargaining power it had to begin with.

At this late date, it will be unable, in my judgment, to require the contractor to absorb the costs of correcting the deficiencies. Indeed, with the cost-plus contract entered into earlier this year, the Air Force has obligated itself to pay to correct whatever is wrong with the plane, no matter whose fault it is.

How much will the correction of deficiencies cost the American taxpayer? I have attempted to obtain that information by requesting it from the Secretary of the Air Force. On November 2, 1971, I wrote to Air Force Secretary Robert C. Seamans, Jr., asking for a breakdown of costs of correcting the defects that have been revealed so far. I ask unanimous consent that my letter to Secretary Seamans be printed in the RECORD.

NOVEMBER 2, 1971.

Hon. ROBERT C. SEAMANS, Jr.,
Secretary of the Air Force,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: As you know, a number of deficiencies have turned up on the C–5A aircraft that have been delivered to the Air Force.

Is it possible for the Air Force to calculate the cost of correcting defects that have been revealed so far? I would specifically like to know the cost to the Government, including all R&D, of the following:

1. Correcting and retrofitting aircraft for cracks in wings;

2. Repairs to aircraft damaged in landings and tests;

3. Replacement of aircraft totally destroyed;

4. Correcting and retrofitting aircraft with defective engine mountings.

5. Excessive maintenance and servicing such as that reported by GAO in March 1971 in connection with brake systems of the first 15 aircraft delivered to the Air Force.

In addition, I would like to know the costs in terms of lost time and idled resources resulting from the grounding of C–5As, and all other costs not specified above that have been incurred or are anticipated to correct contractor deficiencies.

I would appreciate hearing from you at your earliest convenience.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommitte on Priorities and Economy in Government.

Mr. PROXMIRE. A few days after sending my letter, I received an acknowledgement from the Air Force stating that my requests were receiving attention. But I have yet to receive any answers to my questions. It is now about a month since I wrote my letter to the Secretary of the Air Force.

With unanimous consent, I am inserting in the RECORD newspaper stories reporting the recent announcement of a 1-year Air Force investigation of the C–5A, and other recent stories reporting on C–5A technical problems.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Nov. 30, 1971]

AIR FORCE STARTS PROBE OF C–5 WOES

WASHINGTON.—With 9 of 47 planes still grounded, the Air Force announced yesterday that a group of experts would undertake a year-long study of the C–5 transport and recommend ways to prevent future problems.

The Air Force said Brig. Gen. Warner E. Newby, the C–5 program director, and 130 military and civilian aviation experts would conduct the review at Lockheed Aircraft Corporation's Marietta (Ga.) facility where the plane is built. The study will cost $3,500,000.

The panel will evaluate structural tests now under way and recommend modifications within budget requirements to assure that the planes, costing $60 million apiece, are able to carry out their missions.

A series of structural and other problems have plagued the C–5's at a cost now estimated at $4.7 billion.

The 47 planes delivered to the Air Force so far were grounded recently after an engine fell off one of them and flaws were discovered in engine mounts on several other planes. All but 9 have been returned to duty.

[From the Chicago Tribune, Nov. 30, 1971]

AIR FORCE PLANS STUDY OF C–5A JET

(By Fred Farrar)

WASHINGTON, November 29.—The Air Force announced today it is forming a 130-member team of specialists to conduct a thoro one-year review of the trouble-plagued C–5A cargo plane.

The announcement followed the latest mishap in the history of the giant aircraft. Last Sept. 29, an engine tore loose from a C–5A when its engines were set to full power prior to take-off.

OTHER PROBLEMS

Earlier problems with the plane have involved wing cracks, trouble with its massive and sophisticated landing gear, and malfunctioning of its navigation equipment. There have been no crashes of the plane in the more than two years it has been flying.

The Air Force today said the job of the investigating team, which will be made up of technical specialists from the Air Force, the Lockheed Aircraft Corp., and other aerospace corporations, "will be to evaluate structural tests and procedures and to recommend operational refinements for aircraft modifications where necessary to assure that the aircraft is fully capable of effective mission performance."

SELECTION OF TEAM

The Air Fore said its specialists, as well as the experts from Lockheed, which builds the C–5A, will be men who have not been associated with the C–5A program.

The team, which is expected to be assembled by the end of next month, will evaluate each of the structural components of the aircraft—the wings, the fuselage, the engine mounts, the tail, and the landing gear.

[From the Washington Post, Oct. 8, 1971]

PENTAGON EXPLAINS DELAY IN C–5A MISHAP DISCLOSURE

(By Michael Getler)

The Air Force has grounded most of its giant C–5A jet transports after an accident Sept. 29 at Altus AFB, Okla., in which an engine fell from one of the planes preparing to take off.

On Wednesday—a week after the mishap—the Air Force belatedly announced the accident in Washington and said that seven of the planes had been grounded. Yesterday, the Pentagon said that 22 more of the 41 operational C–5As were being kept out of the air as a safety precaution pending more tests.

The announcement yesterday was made by Pentagon spokesman Jerry W. Friedheim, instead of the Air Force.

Friedheim, apologizing to newsmen for the delay in disclosing the incident here, said that the Defense Department's top-ranking civilian officials responsible for keeping the public informed also had not been told of the accident by the Air Force, until a press inquiry Wednesday forced the news out.

The disclosure in Washington of the incident involving the costly and controversial plane brought quick charges from Rep. Clarence Long (D-Md.) that the Pentagon intentionally held up the news here until after the $21 billion military procurement authorization bill—which includes $472 million for the C–5A—had passed the Senate Wednesday.

Friedheim strongly denied the charges, claiming "there was no intention to withhold information." Friedheim said the Air Force made a public statement about the accident at Altus on Sept. 29 but because of some foul-up, the information was not made known to top Pentagon officials.

Friedheim also pointed out that there still were several congressional votes that had to be taken before the Pentagon got its final appropriations bill through Congress.

The Pentagon spokesman described the accident, in which one of the plane's four engines tore loose at full power, as "spectacular," indicating that it must have attracted considerable attention at Altus. This apparently prompted the Air Force release of information in Oklahoma.

At the briefing, Friedheim said that the Pentagon's top public affairs official, Assistant Secretary of Defense Daniel Z. Henkin, "yesterday directed that a release be made across-the-board here within an hour after he first learned of the C–5 situation."

Air Force officials said they had no estimate of the cost to replace the pylons that hold each engine to the wings. A total of 81 C–5As, which cost almost $60 million each and which have suffered other technical problems, are scheduled to be built by Lockheed.

The Air Force said it hoped to absorb the cost within the existing total of $4.57 billion for the C–5A program, but officials noted that the C–5A contract with Lockheed recently has been restructured on a cost-plus basis so that any added expenses have to be paid by the government.

A spokesman for Lockheed yesterday said its engineers previously had notified the Air Force that the engine mountings were "an area of potential weakness" and proposed a structural change to strengthen them.

The Lockheed warning reportedly came last summer. The Air Force made inspections early in September of those C–5As that had accumulated a lot of flighttime and said it found no faults. But the Air Force says that about Sept. 20 it ordered a go-ahead for modifications required to strengthen the engine mounts. No grounding order was issued, however, and the Altus accident took place before the work was started.

[From the Wall St. Journal, Sept. 16, 1971]

LOCKHEED'S C–5A SUFFERS ANOTHER BLOW TO IMAGE AS WING CRACKS IN GROUND TEST

(By Richard J. Levine)

WASHINGTON.—Lockheed Aircraft Corp.'s trouble-dogged C5A cargo jet has run into yet another technical problem.

According to Air Force officials, a nonflying C5A test model suffered a wing crack during so-called "static" testing Tuesday at Lockheed's Marietta, Ga., facilities. The crack, near the fuselage, occurred as the wing was subjected to stress of "approximately 130% of design load," officials said. The Air Force requirement is 150%.

Test data are being evaluated to determine exactly when during the test the damage occurred, and "what effect it may have on the continuing test program," officials said. Despite the crack, Air Force officials said, "The test did verify that the current operating aircraft are adequately covered by margins of safety."

Until they get more information on the test failure, Air Force officials said it's impossible to know what, if any, corrective measures might be necessary. Nor would they speculate about the cost of any adjustments.

However, it seems clear that the latest technical problem will further damage the C5A's already poor image on Capitol Hill, thus making it more unlikely than ever that the Air Force would be able, at some future time, to win approval to expand the program beyond the current 81 planes.

Wing problems aren't new to the C5A, a giant plane designed to transport large, heavy weaponry and equipment for Army combat troops.

In July 1969 a failure occurred during a static test when the wing was subjected to stress of 125% of design load. In January 1970 cracks were discovered in the wing of the third C5A off the production line, a plane that had been used for severe in-flight structural tests. The cracks were found as the plane was being prepared for modifications required as a result of static-test failure.

The modifications, or "structural beefing up," involved reinforcing parts of the wing with aluminum plates. Deputy Defense Secretary David Packard, the Pentagon's procurement boss, told Congress last year that changes necessitated by static-test failure would cost about $185,000 an aircraft.

DEADLINE WAS SET

The latest failure occurred after the improvements had been made. Earlier this year, Lt. Gen. Otto Glasser, the Air Force's top research and development officer, said: "We have tested and installed a fix for the wing crack problem, and we now expect to complete structural static testing of the aircraft in August 1971."

Now it appears static testing will have to continue well beyond the target date, which had been missed even before Tuesday's failure.

The original wing crack prompted Air Force Secretary Robert Seamans to order a special technical review of the C5A program by the Air Force's Scientific Advisory Board.

The civilian-dominated advisory board that studied the C5A found the wing had "regions of high stress which are suspect for static strength." As a result, the panel said it believed "additional modifications to the wing structure in conjunction with other measures will be required in order to provide an operationally useful vehicle."

Among other things, it recommended that all wing testing be accelerated "so that most of the problems can be identified in the laboratory rather than in service." And it concluded that the Air Force "must choose one of several viable proposals which will enable the wing to more easily meet its static strength requirements."

ACTIONS WERE TAKEN

Last November, the Air Force took several actions recommended by the advisory board at a cost of $28 million, including $3 million for a faster static test. However, it said decisions on any major changes in the wing to increase static strength would await further test results.

Currently, the C5A is operating at 80% of maximum capacity. Air Force officials say this limitation is standard procedure for all new aircraft pending the completion of airborne tests.

[From the Washington Post, Sept. 21, 1971]

PROXMIRE HITS C–5A SAFETY MARGIN

Sen. William Proxmire (D-Wis.), chairman of the congressional Joint Economic Committee, said yesterday that the safety margin of the giant C–5A cargo plane was dangerously inadequate although costs had doubled.

He accused the Air Force of withholding from Congress information on the increased costs.

Following reports of a wing crack in one of the aircraft, the senator again called for the recall of all C–5A aircraft—the world's biggest plane—already delivered to the Air Force.

Proxmire, in a statement issued here, said the C–5A program was now expected to cost $4.9 billion, an increase of $300 million over the figures of a year ago.

"Taking into account that the program has been reduced from 120 planes to 81, we find an overrun of $2.2 billion," he said.

"On a unit basis, the costs have risen from $28 million originally estimated for each C–5A to $60 million, an increase of over 100 per cent," Proxmire added.

"What is most disturbing about this case is the fact that the Air Force has repeatedly concealed the truth about the C–5A cost overruns from Congress and the public.

"The disclosure that another C–5A wing has cracked and failed to meet ground tests indicates that neither Lockheed nor the Air Force has yet been able to solve this fundamental structural problem.

"The fact that the wing failed under stress of 130 per cent of design load when the Air Force equipment is for 150 per cent of design load shows that the margin of safety in this plane in dangerously inadequate.

"I repeat my suggestion that Lockheed be required to recall the C–5As already delivered to the Air Force. Obviously, if this structural problem still hasn't been corrected the Air Force is flying a deficient, unsafe aircraft," he said.

An Air Force spokesman said his initial reaction was that he was sure that none of the pilots now flying the C–5A had any fears, noting that the wing crack had come at 30 per cent more than the wing stress the plane would ever be required to undergo. He conceded that Lockheed's contract did call for 50 per cent more ability to withstand stress than the maximum that would be allowed and said he thought Lockheed would be asked to make good.

[From the New York News, Oct. 8, 1971]

AF GROUNDS 29 OF ITS C–5A'S AFTER MISHAP

(By Frank Van Riper)

WASHINGTON, October 7 (News Bureau).—The Air Force ordered today 29 of its fleet of 41 C–5A jumbo jet transport planes grounded amid congressional charges that the Pentagon had withheld news of a serious C–5A mishap until the Senate approved an additional $472 million for the plane.

Pentagon spokesman Jerry W. Friedheim vigorously denied charges by Rep. Clarence D. Long (D–Md.) that the Pentagon waited for seven days to announce that a huge engine had broken off the wing of a C–5A at Altus Air Force Base, Okla., as the plane was preparing to take off. No one was hurt, but the engine was ruined.

As a result of the mishap on Sept. 29 the Pentagon grounded seven C–5As Monday, and today announced the grounding of 22 more as a precaution.

Not until yesterday was the incident announced at the Pentagon—the same day that the Senate passed the Military Procurement Bill. Long, a member of the House Appropriations Committee, charged that the Defense Department had withheld word of the incident until after the bill had passed the Senate, so as not to endanger funds for the plane. The C–5A's technical and cost problems have made it a favorite target for Pentagon critics.

Friedheim said that a statement on the incident had been released at Altus the day of the mishap, but that his office did not learn of the accident until yesterday, when it promptly issued its own statement.

[From the New York Times, Oct. 19, 1971]

FIRST C–5A RETURNED TO SERVICE; PROXMIRE CITES A NEW ACCIDENT

(By William Beecher)

WASHINGTON, October 18.—The Air Force announced today the return to service of the first of 47 grounded C–5A transport planes.

But Senator William Proxmire charged that new technical difficulties were plaguing the giant aircraft.

The whole C–5A fleet was ordered temporarily grounded last Tuesday after an engine tore loose from one of the planes on Sept. 29 at Altus Air Force Base in Oklahoma. The cause of the problem was said to have been a faulty pylon connecting the engine to the left wing.

The Air Force said today that, after having passed extensive X-ray and ultrasonic inspections of its pylons, one of the planes was put back in service to fly from the United States to Southeast Asia with a load of military cargo.

At least 16 other C–5A's, the Air Force said, are expected back in service soon, after undergoing thorough inspections of their engine mounts.

NEW ACCIDENT ALLEGED

Senator Proxmire, Democrat of Wisconsin, asserted today that a new accident involving a C–5A occurred recently. He said that the accident was hushed up by the Air Force and the Lockheed Aircraft Corporation, manufacturer of the plane.

According to the Senator, the landing gear collapsed during tests of a C–5A last Friday at Marietta, Ga., where the planes are built and initially tested before being turned over to the Air Force. He said that the plane's fuselage fell to the ground and estimated the damage at from $70,000 to $100,000.

An Air Force spokesman conceded that there had been an accident but said it occurred while the C–5A was on the assembly line, not during powered tests.

As the landing gear was being retracted into the plane, the Air Force said, it struck and damaged the landing gear door. The plane's fuselage did not fall to the ground, the Air Force said.

An Air Force spokesman said that the area immediately around the accident was closed off as a standard precaution to check whether sabotage might have been involved.

STATEMENT BY LOCKHEED

In a statement, the Georgia Division of the Lockheed Aircraft Corporation described the incident this way:

"During a routine functional test of the landing gear and doors on an uncompleted C–5 fuselage on the prefinal assembly line Friday, a malfunction of part of the system occurred, and one of the gear doors was damaged. No one was injured.

"The door will be returned to the builder, disassembled, and reworked. The cost of the new door would be less than $17,000."

A spokesman said that the fuselage had been resting on jacks while the gear was put through its up-and-down cycle. He said the gear "brushed one of the doors." The incident was said to have taken place inside the Lockheed plant.

[From Newsweek, Oct. 25, 1971]

AVIATION: EDSEL OF THE AIRWAYS?

From the beginning, the Air Force's massive C–5A, the world's biggest airplane, seemed to be bidding for the dubious title of the Edsel of the airways. There was the day in June 1970, when a distinguished roster of government, military and civilian brass gathered at Charleston Air Force Base in South Carolina to celebrate Lockheed Aircraft Corp.'s delivery of the first C–5A to the Air Force. As the 700,000-pound leviathan lumbered in for a landing, one of its 28 wheels dropped from its mount and bounded down the tarmac. Besides, one plane has been destroyed by fire and another by an explosion, and a crack was found in the wing of a third plane during tests at Lockheed's plant in Marietta, Ga. Moreover, Lockheed ran up a whopping $2 billion cost overrun on its $2.3 billion contract to build 81 of the planes, and had to be saved from bankruptcy by a $250 million government loan guarantee.

POOMPF

Then last week came a new disaster: the Air Force announced that it was grounding its entire fleet of 47 C–5A's. The groundings were the result of an accident Sept. 29 at Altus Air Force Base, Okla., where C–5A crews train. A pilot preparing for take-off had taxied his plane to the end of the runway, where he applied his brakes and opened the throttle to maximum thrust. Suddenly the massive outboard engine tore loose from the left wing, cartwheeled 200 to 300 feet in the air and careened downfield.

The breakaway was caused by the failure of a rear support for one of the plane's four engines. The craft, with 1,300 flying hours and 3,400 landings in its flight log, was one of the senior citizens of the C–5A fleet. As a precaution, the Air Force promptly grounded six other planes with similar totals in flying time. But after new cracks turned up in a newer plane, the Air Force followed up with orders grounding the entire fleet.

After last week's grounding, Lockheed had no comment. But Pentagon sources were quick to defend the company. "Those guys were pushing the state of the art," one Air Force officer told Newsweek's Tom DeFrank. "Nobody ever tried to fasten a 40,000-pound thrust engine to a wing before. They did the best they could; it just turned out to be not good enough." The Air Force is not backing away from the plane itself, which can carry 265,000 pounds of cargo. "The Air Force continues to have complete confidence in the plane," a spokesman said. "There's not a pilot in the Air Force afraid to take off on a C–5A mission. We've had plenty of problems, but I haven't heard anybody call it a lemon yet."

[From the New York Times, Oct. 31, 1971]

AIR FORCE FINDS CRACKS IN SEVEN C–5's

(By Richard Witkin)

The Air Force disclosed yesterday that it had found cracks in seven engine pylons on seven C–5 cargo jets, all apparently due to "improper fabrication."

It said that the pylons—underwing structures on which each jet engine is mounted—would be replaced and the planes released for flight. It added that a new pylon design was under intense study and might be ready for installation within three to five months.

In a C–5 status report to interested Congressional committees, the Air Force also disclosed that a 16-month study of wing fatigue showed that "some type of strengthening" of the wing section close to the fuselage

would be needed in the life span of the cargo craft.

Meanwhile, the announcement said, the C–5, the largest aircraft in the world, could be expected to continue to operate without difficulty with only normal modifications and repairs for at least 6,000 hours of flight.

ONE-FIFTH OF LIFETIME

This is one-fifth the 30,000-hour lifetime the Air Force had been hoping to attain for the plane.

A spokesman for the manufacturer, the Lockheed Aircraft Corporation, said the company had high hopes that the 6,000-hour mark could be significantly extended with a relatively simple and inexpensive "fix." This would involve a change in the rigging of the wing controls, the ailerons, and would relieve the wings of some of the strain imposed on them.

A long-standing debate over the C–5 boiled up again about a month ago after an engine tore loose from a C–5 as it was about to take off from Altus Air Force Base in Oklahoma.

Twenty of the 47 C–5's delivered to the Air Force were grounded after the Altus incident. The rest were grounded Oct. 12 after cracks were discovered in a relatively new C–5 in the same pylon area that had given way in the Altus mishap. Twenty-three of the planes have since been returned to duty after close inspections.

The mass grounding was dictated by fear that the C–5 pylons might have an immediately dangerous fatigue problem that would cause other engines to fly loose in the air, as the first one had done on the ground in Oklahoma. In that incident, the left outboard jet flew off the wing as the engines were being revved up to full power, fell to the ground and skidded several hundred feet along the ground.

A STRUCTURAL WEAKNESS

An inquiry indicated that this pylon did have a structural weakness. A decision was then made to install new outboard pylons on a total of seven C–5's, which, like the plane involved in the mishap, had accumulated the most flying time—about 1,300 hours.

In the inspections of the C–5 fleet, no fatigue cracks indicating fundamental structural flaws have turned up. Metal fatigue is the phenomenon that, for example, causes the metal fastener of a manila envelope to break when it is bent back and forth too many times.

What the inspections did find were seven pylon cracks, which, according to the Air Force announcement, "all apparently derive from improper fabrication during pylon manufacture." The cracks were found in seven different planes. The generic designation of the craft is the C–5, although the Air Force has called it the C–5A to designate the first model. No follow-up model is envisaged.

The pylons are manufactured under subcontract to Lockheed by the Rohr Corporation of Chula Vista, Calif.

No cost estimate was given for the planned modification of pylons or wings.

THE PLIGHT OF THE ELDERLY

Mr. HOLLINGS. Mr. President as we approach the Christmas season, let us not forget our older Americans. Christmas is a time of giving, and these citizens have given so much of themselves; it is our turn to think of them. These are times of increasing awareness and determination to end prejudice and discrimination yet the elderly are consistently denied their rights. We must give them back the rights that are theirs.

There are more than 20.5 million aged Americans. That is the equivalent of the population of the 20 smallest states, and the number is increasing more than twice as fast as other age groups of our population.

According to the June, 1971, HEW Administration Report on Aging, one out of every four older people live in poverty. While the economic deprivation of the elderly has increased, that of other age groups has decreased. In 1970 the median income of an elderly person living was $1,951. Older people are twice as likely to be poor as younger citizens. Although the elderly comprise 10 percent of this country's total population, they constitute 20 percent of our poor.

There is a need for renewed commitment and implementation of a national policy on aging. We must assure our elderly that they shall enjoy the abundance of this Nation. In the wealthiest nation in the world, it is no longer necessary for 5 million older Americans to live in poverty.

It is not an either/or proposition now. Older Americans must have major advances in their present standard of living. Our chief priority should be raising the individual income to a decent level. The Social Security Act provides the means to assist the elderly, but there are several areas which need improvements.

Social security benefits constitute an annual income $300 below the poverty level of $1,852 per year for a family of two. We need a measure to keep pace with the rising cost of living that would insure proper food, housing, and medical care be provided to all.

A low-income elderly couple spends over 75 percent of its income on necessities of food, housing, and medical care, while a low-income family of four spends, on average, 56 percent for these items. There are also high property taxes which are especially damaging to the elderly who have fixed incomes. Moreover, these taxes have doubled or tripled in many communities during the last decade and reached a record high of $37.5 billion last year. Many who have managed to purchase their own home are unable to retain ownership because of such tax burdens. In the line of health care, medicare pays less than half of all health care costs, which have risen 64 percent in the past 4 years. The average health bill for the elderly is six times that of children and three times that of an adult.

My interest in the plight of the elderly is not new. It is an area that I have worked in constantly. Presently, I am a cosponsor of the Older Americans Rights Act of 1971. This proposal provides for an increase in benefits which has the potential of wiping out poverty among the elderly. I feel it is the best proposal now pending before Congress because new methods of financing the social security program result in much lower costs to the taxpayers.

I am also a cosponsor of S. 1163, the nutrition program for the elderly, which passed the Senate November 30. A large proportion of our elderly suffer from hunger and malnutrition because of poverty level incomes; inadequate nutritional education; lack of transportation to and from food stores and inadequate cooking facilities. The nutrition for the elderly bill authorizes $250 million over a 2-year period for funding programs that provide a daily meal that contains one-third the recommended daily dietary needs. These meals would be available in both urban and rural areas and would emphasize the social benefits of meals in a group setting for those with accessibility to community meeting places. This bill takes a giant step in providing for a nationwide nutrition program establishing low cost nutritious meals for persons over 60.

In our own State of South Carolina, we have approximately 190,000 to 200,000 citizens over 65 years of age. Compared to the rest of the country we have a very small percentage of the elderly. South Carolina recently received an areawide model project award of $234,705 for the Piedmont Life Enrichment for Aging. This is the first project of this nature in South Carolina and will be an innovative program designed for meeting the needs of the elderly. This project plans to focus on improving the level of physical and mental health of older people. the development of a system of links between existing health and related services, and the development of new services.

The Nixon administration has made little effort to reverse the plight of the elderly. President Nixon requested about $30 million for the funding of the Older American Act. This figure is dwarfed by expenditures like the Pentagon's public relations budget of $39 million, and the cost of the war. The money required to buy two C5–A airplanes each year would be sufficient to fund the Older Americans Act at $105 million annually through the end of the century.

The theme of the White House Conference on Aging held November 29 through December 2, 1971, was a call for "increased voluntary action to provide services for the elderly." This "self-help" is not the answer. As one conferee said:

What the hell does that mean, when you are talking about someone who is arthritic, who is deaf, who is partly blind, whose children have moved away, and who is not properly covered by Social Security.

While government should not carry the entire burden; it should provide a base of opportunity for the elderly to live decently. It will be up to the Congress to overrule the administration on its "moratorium" that seems to have been declared on action in this area. There has been enough money spent on study on the plight of the elderly. The majority of recommendations made by the 1961 White House Conference on Aging were never implemented, thus the conference failed; $1 million was spent in preparation for the 1971 conference. Enough preparation and study. Let us start getting some of these proposals working. The Older Americans Rights Act of 1971 of which I am a cosponsor does start the action rolling in an area that has reached a point of urgency.

It is the moral obligation of the Nation to provide for the needs of its older citizens in keeping with the dignity to which they are entitled.

STATE OWNERSHIP OF PROPOSED TRANS-ALASKA PIPELINE STUDIED

Mr. STEVENS. Mr. President, recently the Governor of Alaska, the Honorable William A. Egan, announced that he would explore the question of State ownership and operation of the proposed trans-Alaska pipeline, which will carry crude oil from the North Slope of Alaska to the ice-free port of Valdez. This proposal has generated a great deal of discussion in Alaska and elsewhere. In the following news release, the Governor has sought to answer some of the most commonly asked questions.

I ask unanimous consent that the release be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE OF WILLIAM A. EGAN, GOVERNOR OF ALASKA, NOVEMBER 19, 1971

Some good questions have been asked by the news media from time to time with respect to the State's proposal to own the Trans-Alaska pipeline. The Anchorage Times recently asked eleven well thought out and pertinent ones. I will attempt to answer them at this time.

Q. 1: Is it sound and practical for the state to own such a vast facility and what sort of precedent would state ownership set on future development opportunities or programs by private industry?

A. The size and importance of TAP to every aspect of Alaska's economy is such that the question of public ownership of the facility is a question distinct from any other question of public ownership. It appears at present that it will not only be sound and practical, but possibly even essential for the State to own such a vast facility. We are continuing to study these questions and will not make any final, firm proposal until we are satisfied our position is correct.

Since the TAP is unique, no precedent whatsoever will be set by this action. Some have questioned whether State ownership of other pipelines is implied. No such implication has been considered. TAP is not any pipeline, but "The" pipeline. It may well serve as a yardstick for some purposes, but it is not a precedent for ownership of pipelines generally where quite different principles may apply.

Furthermore, the State will provide Alyeska fair and just compensation for the Trans-Alaska pipeline, should continuing definitive analysis clearly indicate State ownership is in the interest of the people. Since such an action would not represent a loss to Alyeska, but probably, in fact, a certain reasonable amount of profit on its investment, nothing in the action would discourage future development programs by private industry.

It is the State's general policy to use funds, where possible, to take reasonable actions that will encourage developments by private industry.

Q. 2: What precisely would the financial requirements be, and could the state literally afford to handle the debt service and cover the cost of the borrowing or bond issues that would be required?

A. While we do not know the exact figure, the initial financial requirement would be much the same as that required to be raised from financial markets by the owners for this purpose. The debt service requirement should be significantly smaller. In general terms, the cost of buying the pipeline might range from $1 billion upward, but careful studies and accounting work will have to be done to determine the exact financial requirements, just as if the owners financed the project alone.

Whether the State can afford to handle the debt service and costs of borrowing is a matter depending upon the receptivity of the market. This is being explored by the seven major investment houses retained for this purpose. The cost of floating the bond issues necessary to purchase the pipeline, and the cost of debt service on them will be paid for from the gross revenues received from the operation of the pipeline, just as would be the case under private ownership. The State's profit on the pipeline will be a built-in part of the cost of transporting a barrel of oil, as will the cost of debt service.

While there are some challenges to putting together a bond issue of $1 billion or more, there do not presently appear to be insurmountable difficulties in marketing the bonds that cannot be worked out.

Q. 3: What are the short-term and long-term risks? What if the oil supply actually falls far short of projections in the Prudhoe Bay area? Private industry might weather such a setback—but could the state?

A. We are currently attempting to analyze and identify the real short-term and long-term risks in State purchase and operation of the pipeline.

A basic reason for considering public ownership of this pipeline is that, for better or worse, the destinies of the State of Alaska are bound up in its future. As the pipeline's fortunes rise or fall, so do the fortunes of Alaska.

It is extremely doubtful that the actual oil supply in Prudhoe Bay will fall far short of projections. In fact, I believe it is more likely that the supply is far greater than current reserve statements indicate. In addition, there are other reserves relatively nearby that can be developed and transported through the pipeline.

The extra cost to private industry in a shortfall in supply would be passed on to the State in any case in increased cost of transportation deducted from the well-head price.

Q. 4: What effect would world money market gyrations have on the State's economic prospects if it sank so much of its monetary future into this one venture?

A. Fluctuations in the dollar are something all Americans have to contend with anyway. The value of oil upon which the value of the pipeline ultimately depends, the State must live with anyway. Interests in oil actually are more likely to ride out international monetary fluctuations successfully than cash assets. The American market is our fundamental guarantee of price.

Q. 5: What would be the effect on requirements for borrowing for other purposes? What would Alaska's bond rating and bond prospects become if its full faith and credit were overextended on one issue?

A. No decision has yet been made whether to issue revenue bonds or general obligation bonds engaging the full faith and credit of the State. The State's bond rating depends very much on the success of TAP with or without public ownership. There would be very little effect on the State's bonding capacity since, as noted before, pipeline revenues would pay for the bonds used for the pipeline purchase. With successful operation of the pipeline, and the additional millions of dollars in State revenue that will be received from it, the State's bond rating will improve substantially, just as when a small company becomes a successful large company through the use of debt financing, its borrowing capacity is greatly increased.

Q. 6: If the State owned the pipeline, which is part of the transportation system to move the oil to market, would it also have to acquire ownership of the tanker fleets required to move the crude from Valdez to Puget Sound?

A. No, the State would not have to acquire tanker fleets to move North Slope crude to market. Alyeska Pipeline Service Corp. currently exists only to build and operate the Trans-Alaska pipeline; the State would assume the same role, acting as a common carrier for North Slope producers who will make their own arrangements to get their oil to Market from Valdez.

Q. 7: How does the state buy out Alyeska? Does it pay for its technology, for its environmental studies, for its engineering, for its pipe? Who determines a fair and equitable price?

A. The details of how the State buys out Alyeska must be worked out in negotiations with the company. Naturally, the State would pay for Alyeska's technology, environmental studies, engineering and pipe, insofar as they are part of the cost of the pipeline. A fair and equitable price would be determined through negotiations between the State of Alaska and Alyeska, based roughly upon acquisition costs and initial investment, plus interests on investment.

Q. 8: For that matter, what is the state's position if the oil companies won't sell?

A. It depends upon the reasons why the companies won't sell. A number of alternatives are available to the State in the event that there appears to be an overriding State interest in public ownership which the owners simply refuse to recognize.

Since there is no indication that the owners will refuse to sell under such circumstances, there is no purpose served in speculating on alternatives available to the State.

Q. 9: Assuming that the oil companies would agree to sell, how does the state buy the technical knowhow to complete the job? What if Alyeska—which is formed by men largely on loan from the various participating companies—simply dissolves, leaving no technical expertise for which the state could contract?

A. The State proposal is likely to include contracting with Alyeska for the completion of the job and an initial operating phase. The technical know-how is part of what the State would purchase, not just a pile of pipe and a few stacks of books and drawings. We realize the need for appropriate expertise in both the construction and the operation of the pipeline, and we will not shirk our responsibility to see that such expertise is available to the State should a purchase take place.

Q. 10: If, as the environmental extremists contend, the pipeline should ever break, the oil companies under private ownership would be subject to gigantic penalties, fines and assessments. If the state owned the pipeline, would it have the monetary resources to clean up a major spill without even more bonding?

A. Frankly, the possibility of such spill has been grossly overstated. The pipeline is overdesigned for the purpose of reducing this risk even further. The cost for disaster contingency preparations and for clean-up is part of the cost of pipeline operation. Money for these vitally necessary things will come from the tariff charged. The State will pay in the end anyway through the well-head price. Because of the State's responsibility to its people, I feel that we can do a better job of protecting the environment than could be done by private operators.

Q. 11: Where would the state acquire the manpower to operate the pipeline on a continuing basis once it was built? Would new political empires be built and huge patronage jobs created under a political system subject to a flip-flop every four years?

A. The State would acquire manpower initially as part of the pipeline purchase and operating contract with Alyeska. Although details have not been worked out as yet, among the considerations presently being employed by the State is the creation of a

quasi-independent pipeline authority that would be immune from such situations you describe in the event that after the original operating phase it was determined that Alyeska was not an appropriate operating contractor for the long term. The Marine Highway Division of the State operates a far more extensive transportation system in terms of employment. It does not appear to suffer from the drawbacks stated.

My proposal to explore State purchase and operation of the Trans-Alaska pipeline was based on the initial appearance of desirability of such an action. The proposal is continuing to evolve and take on greater definition as more information is gained on various aspects of it and various ideas are tested.

I appreciate this opportunity to answer these questions of general public interest, and I can assure you that my Administration is developing more questions and seeking more answers daily. When adequate concrete information becomes available, I shall certainly report to the people again on the status of a proposal that currently appears to provide a strong means toward building a better State for all Alaskans.

S. 2097—DRUG ABUSE PREVENTION BILL

Mr. MOSS. Mr. President, last night the Senate passed a piece of landmark legislation, S. 2097, the drug abuse prevention bill. This was the result of a bipartisan effort to combat one of our greatest national problems—drug abuse. With enthusiasm I voted "yea."

The Nation has been justly alarmed by the growing menace of drug abuse. The problem is not confined to one area of the country or a single segment of society. It is pervasive, affecting cities, suburbs, and rural areas; civilians and military personnel. It particularly affects the Nation's youth.

I am proud to have been a cosponsor along with more than half of my colleagues in the Senate.

The bill responds to the need for better organization and for increased funds for drug abuse programs. It attacks the drug problem on a broad spectrum—law enforcement, prevention, treatment, and rehabilitation. It is a constructive bill which I believe will lead to controlling the problem of drug abuse throughout the Nation.

The availability of drugs on the virtually open illicit market has been described before. The range of drugs being abused is long and well known; marihuana, amphetamines, barbituates, heroin, cocaine, LSD, mescaline. The characteristics of those abusing drugs have changed radically in the last few years. Once largely confined to the inner city poverty areas where, like all other problems there, it could be conveniently ignored by the rest of society, drug abuse now substantially involves young, middle-class residents of the suburbs, college students, and military personnel. In fact, it is quite clear that one of the most compelling forces behind the present initiative was the disclosure of widespread use of heroin among GI's in Vietnam.

The bill covers the ground which needs to be covered. It creates an office with high visibility to express the full extent of our concern. The language we have used is reserved because we understand how serious the problem is, how deeply it is tied to other problems of our society, and how unlikely it is to yield to quick solutions or emotional terminology.

Most important, the development of a national strategy will assure that at the highest levels of government, issues which have undermined the effort against drug abuse will receive considered attention. For the first time the policy basis for controlling and preventing drug abuse will receive the kind of comprehensive treatment that it needs.

The bill is a good one. It provides the authority needed to begin the job that needs doing.

I would also like to point out the work of several Senators whose contribution to this bill makes it the piece of constructive legislation which we need. From the Committee on Government Operations, high praise must be given to Chairman McCLELLAN and Senators MUSKIE, RIBICOFF, PERCY, JAVITS, and GURNEY. And from the Subcommittee on Alcoholism and Narcotics, we must express our gratitude to the chairman, Senator HUGHES, and the ranking minority member, Senator JAVITS.

They all deserve congratulations from the American people for fashioning this important legislation.

ECONOMIC IMPACT OF RETIREMENT

Mr. MUSKIE. Mr. President, Nelson Cruikshank has had a long and distinguished career, serving the best interests of the elderly. After holding various posts in Government, Mr. Cruikshank served for 10 years as director of the AFL–CIO Social Security Department. He is now president of the National Council of Senior Citizens, an organization that is in the forefront of the battle to secure greater justice for older Americans. In the November issue of Social Action, Mr. Cruikshank eloquently and succinctly discusses the economic impact of retirement. Mr. Cruikshank reveals that despite the best efforts of the citizens themselves and major programs such as social security and medicare, retirement for too many of our senior citizens is an introduction to poverty. As revealed by the Subcommittee on Aging, of which I am a member, today 4.7 million persons 65 and older fall below the poverty line, nearly 100,000 more than in 1968. More than 2 million older Americans are on welfare. And 60 percent of all elderly persons living alone are classified as poor or marginally poor.

Unlike most people, Mr. Cruikshank not only knows the problem but offers a solution. As Mr. Cruikshank observes, we must abandon the myth that social security provides only a "basic floor of protection." For most Americans the social security system is their only source of income during their retirement. This will continue to be true in the future. Therefore, if we are to provide true economic security and dignity for our elder Americans, there must be substantial and massive increases in social security benefits. I have long maintained that such increases can be achieved only by general revenue financing. Mr. Cruikshank shares this conclusion by noting in his article that the entire cost of an adequate system of old-age security should not be borne as it now is by a payroll tax. To quote Mr. Cruikshank:

There is every sound economic reason for the cost to be shared not only by employers and employees but by contributions from general revenues of the government.

General revenue financing will, of course, cost money, but the present system has a cost far greater than dollars. Our present system places an increasingly regressive tax on the working American, while failing to provide economic security for an increasing number of elderly Americans.

So that Senators may have the benefit of Mr. Cruikshank's observations, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ECONOMIC IMPACT OF RETIREMENT

(By Nelson H. Cruikshank)

The American worker born in 1906 reaches the normal retirement age, 65, this year. He was 23 years old and was getting started in his life work, preparing to assume the responsibilities of a family, when the 1929 crash triggered the complex chain reaction he learned to know in the next few years as the great depression.

If he had harbored the typical dreams and ambitions of most Americans of that time, the events of those years brought a rude awakening. Hard work, industry, savings, and prudent investment no longer were the sure road to success and security. He saw all around him older people, who had obeyed all the rules and lived up to all the precepts, suddenly deprived of the promised rewards and forced to seek assistance from whatever source they could—even the government.

By the time he reached the age of 30 he had learned the hard way some of the tough economic and political facts of life. Gradually, with his fellow citizens, he worked his way out of the depression, aided in no small measure by the massive government spending incident to World War II as well as by the changing attitudes with respect to government's responsibility for the general welfare—changes he himself helped develop as his own notions about such matters shifted.

Gradually the dream of individual success as entertained in the days of his innocent youth was replaced by another—the dream of a comfortable and relaxed retirement. He passed the 50-year mark in 1956—not a very good year in our economic history. But his children were grown or would soon be on their own. In a few years the house would be paid for. There was social security and his company was instituting a pension plan. He had even managed to lay aside a small nest egg: some government Savings Bonds and a modest amount in a savings and loan association. Fifteen more years of work and he could retire. No more getting up at the clang of the alarm clock, grinding through traffic with his car pool to report at the factory at 8 o'clock or at the office by 9. He could buy a little place on the lake or in Florida or California, do all the fishing and hunting he liked. He and his wife would spend their golden years in leisure. Every week would be one long weekend. What a life!

And now comes 1971 and age 65. Will the dreams of middle and later life be shattered as were those of his early 20s? For many, tragically, they will.

TRADITIONAL ROUTES TO OLD-AGE SECURITY

It's been a long time since the average worker looked to the traditional pattern of family security characteristic of an earlier agrarian society. Our modern worker remembered his grandparents who developed

160 acres of midwest farmland, raised and educated their family from its proceeds and their labor, and retired on the homestead in comfort and dignity with one of the sons taking over most of the work while the old man supplied the wise management out of years of experience. But our modern worker knew this was not for him. Among other things, his was a city way of life. When the great depression started there were over 6,000,000 farmers in the United States. Now there are only about one-third that number.

To save enough

Nor was our typical worker ever really convinced that he could save enough out of his earnings to meet the needs of retirement on a kind of do-it-yourself basis. Suppose he had tried, and suppose at retirement he was earning $8,000 per year. Considering the tax advantages arising from a smaller income and the special exemptions for the elderly, assume he was willing to settle for half that gross income. To buy an annuity that would yield $4,000 a year for the rest of his life and the same amount for his widow after his death, he would need better than $50,000 cash at the time of retirement. Even if he had been foresighted enough to start saving 25 years ahead of time, he would have had to make monthly payments of $166 all those years to accumulate such an amount. But remember, our typical worker would have been 40 years old in 1946 and at that time he was making not $8,000 a year but $5,000. His children were still in school, the home wasn't paid for, and there were always more calls on his paycheck than he could meet. Obviously he could not set aside nearly half his take-home pay to meet the needs of retirement 25 years in the future.

To allow for rising costs

Besides, our worker had no way of knowing then that his living standards and his earnings would rise in the 25 years ahead to the point where he would need as much as $4,000 a year to maintain a moderate standard of living.

One thing that he could not have foreseen was the dramatic rise in the cost of living that was going to take place in his later working years. From the 1957–59 base, the Consumer's Price Index for all items has risen by nearly 40%. But many of the items that most directly affect older people have seen even sharper rises. Physicians' fees, for example, have risen by 76.6%, property taxes by 47.3%, property insurance rates by 61.7%, maintenance and repairs by 60.3%. Local transit fares have doubled, and hospital daily service charges have more than tripled in that period.

PROTECTION THROUGH MEDICARE

Six years ago passage of the Medicare law improved security in old age by covering the greater part of the most unpredictable and burdensome threat to retirement budgets, namely, the cost of a hospitalized illness and high doctor bills.

In fiscal year 1969, the average annual medical bill for aged persons was $692, but the average older person's out-of-pocket outlay was only $163 according to Social Security Administration figures.

Hospital care constituted by far the largest health expenditure for the aged—approximately $6.5 billion in fiscal year 1969. Medicare paid $4.3 billion, or 66%, and an even higher proportion of large bills for individual cases. The program also paid about 72% of the $2.1 billion spent for physicians' services for the elderly.

Gaps in the program

There are still, however, large gaps in the program that constitute a heavy burden for people living on retirement incomes. The deductible and co-insurance features constitute a barrier to medical care, especially for the elderly poor. Out-of-hospital drugs, which are not covered, are frequently a costly item. Many drugs which older people use are of the most expensive kind, and frequently the elderly need these drugs in treating such disabilities as heart disease, diabetes, and arthritis—not just occasionally, but regularly. Their cost represents a steady drain, on low incomes. Furthermore, unless the attending physician agrees to the assignment method of payment under which the amount paid by Medicare is accepted as the total payment (minus the 20% co-insurance), the doctor is free to charge any amount he thinks he can get over and above the amount Medicare procedures establish as "reasonable" in terms of the going rates and past practice. So the elderly person is faced with an 87% increase in monthly premiums for Part B. Medicare since the start of the program, plus the burden of increasing charges by physicians over and above the insured amount.

PRIVATE PENSIONS

By the end of 1968, 28.6 million wage and salary workers were covered by private pension and deferred profit sharing plans. This represented nearly half (47.8%) of all wage and salary workers. However, the degree of protection afforded by these plans is in many respects illusory.

Shortcomings

In the first place, pension payments vary widely. The sample of 100 plans under collective bargaining published by the U.S. Bureau of Labor Statistics shows pensions as low as $13 per month for workers making $400 per month at retirement. Others range as high as $565 a month for workers retiring after 30 years of service who were earning $7,800 per year. Both of these, of course, are extremes—not at all typical.

Many plans require long unbroken service with a particular employer with no vesting provision (an equity in the plan for those not meeting service requirements). Some have been terminated when the employer went out of business, leaving workers stranded with no protection or with a fraction of the benefits they had expected. Frequently there is no protection for the worker who quits or is laid off just prior to the time he would become eligible.

While the total number now working under the provision of some private retirement plan is impressive, there are many more who are totally without such protection. The Senate Committee identified 40,592,000 such individuals including the currently unemployed, family workers, employees of local governments, self-employed, and agricultural workers; 26,187,000 were in private, non-agricultural, industries having no supplementary pension program.

Reduction of income

Even for those fortunate workers who are under liberal, solidly financial plans backed by major industries and supported by powerful unions, the reduction in income at time of retirement can be quite a shock.

Take, for example, an auto worker earning $9,000 a year. This would put him in the distinctly higher wage group. On retirement, if he and his wife were both 65, and he had been steadily employed over the years, they would together draw $306.80 a month social security benefits. His auto worker's pension would be $183. His annual combined income would therefore be $5,878. This seems liberal, but it represents a 23.5% reduction in income taking into account that even on his $9,000 working income he had only $7,684 left after taxes and social security deductions.

This is an example of the more favored worker at the time of retirement. There is, of course, an almost infinite variety of circumstances that determine a worker's economic situation in retirement. In the example both man and wife had reached age 65. If the wife were younger by three to five years (as is usually the case), the couple either would have a reduced social security benefit or would have to postpone one-third of the benefit for the number of years it takes the wife to reach 65.

Our example also assumes that both husband and wife were living during the period of retirement. Actually, in the vast majority of cases the wife outlives the husband by several years, and the typical private pension plan makes little or no provision to protect the surviving widow. Social security is also deficient in this respect. Under present law if the wife dies the surviving husband continues to draw 100% of his primary benefit. But if the husband dies his widow draws only 82½% of the primary. H.R. 1, passed early this summer by the House and now awaiting action by the Senate, would correct this inequity.

COMPARISON OF BENEFITS

There appears to be no comprehensive up-to-date study of private pension plans with respect either to their overall benefit structure or to survivor's benefits. The Bureau of Labor Statistics Digest of 100 selected pension plans under collective bargaining gives some indication of the better plans.[1] An analysis of this study by the Special Senate Committee shows that only 44 of the 100 plans had any provision for survivor's benefits and most of these benefits were very meager. Sixteen provide monthly payments after the death of the primary beneficiary for periods of 6 months to 5 years. Eleven of them pay back the worker's direct contributions plus interest—not very significant since most plans do not require workers' direct contributions. The indirect contribution workers make to plans, through a reduction in potential wage payments resulting from the institution of a pension plan, are never refunded. Nine of the plans pay lump sum death benefits ranging from $400 to $7,500 but only two pay amounts above $3,200. Only two of the plans continue the full benefit to the survivors after death of the beneficiary. Six more pay a percentage of the primary benefit.

SOCIAL SECURITY AS THE BASE FOR RETIREMENT SECURITY

The statistical information on private pensions, while meager, gives reason to believe that the outlook will not improve greatly in the immediate future. The Senate Committee on Aging reports this major finding: Projections to 1980, using relatively liberal assumptions with respect to increases in benefit levels under both social security and private pension plans, indicate that about half the couples and more than three-fourths of the unmarried retirees will receive less than $3,000 in total pension income.

There is also abundant evidence of the inadequacy of the overall protection we have afforded the elderly through all our efforts so far, including savings, pensions, home ownership, insurance, and social security. A study issued by the Senate Special Committee on Aging in 1969 showed that three out of ten people 65 and over were living in poverty in 1966. Though there have been substantial improvements in social security payments in the last 5 years, the rapid rise in living costs has kept about the same proportion below the poverty line. Older people living alone or with non-relatives were the worst off financially. In 1967 half of such persons had yearly incomes below $1,480 and a fourth had $1,000 or less. The study also showed that most of the elderly now in poverty had been able during their working years to keep themselves and their families out of poverty in the typical American self-reliant fashion. Poverty came only with old age.

Policy changes required

It now seems clear that if we are ever to make possible a reasonable degree of assurance of economic security for the great ma-

jority of working people, we are going to have to make some basic changes in policy.

First, if we are going to continue with the assumption—an assumption that has proven to be largely a myth—that social security is to provide only a "basic floor of protection" with personal savings, investment, and private pensions supplying the main part of the structure, we are going to have to take actions at the government level to see that these programs, in fact, fill that need. To do this would require mandatory vesting and portability of rights, and standards controlling the level of benefits. Coverage would also have to be made universally compulsory.

If we were to go that far in controlling private pension programs, we might just as well improve our basic social security system to the point where it could do the whole job. For most people it is already their chief reliance in old age. The only trouble is the benefits are too low. For the middle and upper wage and salary groups particularly, the ratio between benefits and past earnings is far too low—much lower than for the lower income groups. For example, a worker retiring at age 65 in 1971 with an average monthly wage of $200 is entitled to a primary benefit of $128.60 or 64.3% of his past wage. But a worker with an average wage of $800 a month has a primary benefit of $204.50 per month—only 25.5%.

Surely we would not wish to lower the benefits for the low-income workers. But we need to improve very substantially those for the middle and high paid workers simply because other means of economic security have been found seriously defective.

Paying the bill

All this, of course, is going to cost money—a great deal of money. But so do highway systems, schools, hospitals, and humane welfare programs and all the other necessary and desirable things—not to mention unnecessary and undesirable things like a big war in Southeast Asia. Nor should the entire cost of an adequate system of old-age security be borne, as is our present Social Security program, by a payroll tax. There is every sound economic reason for the cost to be shared not only by employers and employees but by contributions from general revenues of the government. It will be a huge and costly program but that consideration has not, throughout our past history, deterred America from doing whatever she really wants to do.

PROPERTY TAX RELIEF FOR THE ELDERLY

Mr. MOSS. Mr. President, yesterday at the White House Conference on Aging, President Nixon made a bold promise of relief to those older Americans suffering under what he called the "onerous" burden of property taxes. The President said:

> The time has come to stop talking about the impact of property taxes on older persons and to act in their behalf.

After hearing the President's words and thinking back on recent administration actions, it appears that Mr. Nixon has come up with another political "football."

On November 20, I supported an amendment by the Senator from Missouri to the 1971 tax relief bill which was aimed specifically at granting Federal income tax credits to these same elderly property owners. The legislation would have permitted up to $300 relief to those people over 65 years of age who are dependent on limited incomes.

When this proposal came to a vote in the Senate, however, the administration's floor manager opposed it. And only a few days ago we heard that the amendment had been removed, under strong White House pressure, from the House-Senate conference report.

It is difficult to attach much credibility to an administration which continues to make public promises to help the aging American and at the same time works against his interests when it comes to real legislation. Mr. Nixon talks like he wants to help the older American, but judging from his administration's opposition to the property tax credit, this football fan is nothing more than an "armchair quarterback."

WELFARE CHEATERS

Mr. RIBICOFF. Mr. President, the enclosed note, entitled "Welfare Lode," published in New York magazine for December 6, 1971, is self-explanatory. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

WELFARE LODE

About six months ago, Governor Rockefeller decided to do something about the fact that more than one million people in New York City were on welfare and he set up the office of Welfare Inspector General George Berlinger. According to state sources, the Inspector General has spent almost $200,000 of his $750,000 appropriation and to date has investigated thirteen cases and found three cases of welfare cheating.

TRAGEDY IN ULSTER—XII—GRAHAM GREENE ON THE SHAME OF THE CATHOLICS AND THE SHAME OF THE ENGLISH

Mr. KENNEDY. Mr. President, every so often, amid the turbulence and confusion of the horrors that confront the peoples of the world in so many places, an eloquent and moving commentary appears of such power that it serves to crystallize an issue. Such, I think, is the power of Graham Greene's magnificent recent letter on Ulster to the London Times, which was reprinted yesterday by the New York Times.

In a few remarkable paragraphs, Mr. Greene captures the hypocrisy and the hideous reality of the Compton report, the fruit of the official British inquiry into the allegations of torture in the Ulster internment camps.

If Mr. Greene sees the truth of Ulster more clearly than others, it is because, perhaps, he sees with the vision of the novelist and poet that he is. The quality of his vision here reminds me of the words President Kennedy once used, in commenting on the role of poetry in public life:

> When power leads man toward arrogance, poetry reminds him of his limitations. When power narrows the areas of man's concern, poetry reminds him of the richness and diversity of his existence. When power corrupts, poetry cleanses.

I hope that all who doubt the depth of the tragedy now unfolding in Ulster will read Mr. Greene's letter and reflect again about the views they hold.

Mr. President, I ask unanimous consent that Mr. Greene's letter as reprinted in the New York Times, may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 2, 1971]

SHAME OF THE CATHOLICS, SHAME OF THE ENGLISH

(By Graham Greene)

To be at the same time a Catholic and an Englishman is today to be ashamed on both sides. As a Catholic one is ashamed that more than a thousand years of Christianity have not abated the brutality of those Catholic women who shaved a young girl's head and poured tar and red lead over her body because she intended to marry an English soldier. As an Englishman the shame is even greater.

"Deep interrogation"—a bureaucratic phrase which takes the place of the simpler word "torture" and is worthy of Orwell's "1984"—is on a different level of immortality than hysterical sadism or the indiscriminating bomb of urban guerrillas. It is something organized with imagination and a knowledge of psychology, calculated and cold-blooded, and it is only half condemned by the Compton probe.

Mr. Maudling, in his blithe jolly style, reminiscent of that used by defenders of corporal punishment when they remember their school days, suggests that no one has suffered permanent injury from this form of torture, by standing long hours pressed against a wall, hooded in darkness, isolated and deprived of hearing as well as sight by permanent noise, prevented in the intervals of the ordeal from sleep—these were the methods we condemned in the Slansky trial in Czechoslovakia and in the case of Cardinal Mindszenty in Hungary.

Slansky is dead; he cannot be asked by Mr. Maudling how permanent was the inquiry he suffered, but one would like to know the opinion of the Cardinal on methods which when applied by Communists or Fascists we call "torture" and when applied by the British become down-graded to "ill treatment." If I, as a Catholic, were living in Ulster today I confess I would have one savage and irrational ambition—to see Mr. Maudling pressed against a wall for hours on end, with a hood over his head, hearing nothing but the noise of a wind machine, deprived of sleep when the noise temporarily ceases by the bland voice of a politician telling him that his brain will suffer no irreparable damage.

The effect of these methods extends far beyond the borders of Ulster. How can any Englishman now protest against torture in Vietnam, in Greece, in Brazil, in the psychiatric wards of the U.S.S.R., without being told, "You have a double standard: one for others and another for your own country."

And after all the British tortures and Catholic outrages, what comes next? We all know the end of the story, however long the politicians keep up their parrot cry of "no talk until violence ends." When I was young it was the same cliché they repeated. Collins was "a gunman and a thug." "We will not talk to murderers." No one doubts that it was in our power then to hold Ireland by force. The Black and Tans matched the republicans in terror. It was the English people who in the end forced the politicians to sit down at a table with "the gunman and the thug."

Now too, when the deaths and the tortures have gone on long enough to blacken us in the eyes of the world and to sicken even a Conservative of the right, there will inevitably be a temporary truce and a round-table conference—Mr. Maudling or his successor will sit down over the coffee and the sandwiches with representatives of Eire and Stormont, of the I.R.A. and the Provisional I.R.A. to discuss with no preordained conditions changes in the constitution and in the borders of Ulster. Why not now rather than later?

This letter, written from Paris by Graham Greene, the novelist, was published by The Times of London.

SOLAR ENERGY—THE FORD-KANE PROPOSAL

Mr. GRAVEL. Mr. President, if all the electrical power this country now uses could be provided, pollution-free, from the sunlight falling on just 2 percent of our deserts, we would be crazy to ignore the idea.

That is why I would like to call attention to the article called "Solar Power" in the October 1971 Bulletin of the Atomic Scientists. Written by two physicists at the University of Massachusetts at Amherst, Dr. Norman Ford and Dr. Joseph Kane, it proposes a method of using solar energy which does not require exotic processes or materials. Instead, it requires just "the consolidation of knowledge, ideas, and technologies which are at hand."

Mr. President, I ask unanimous consent to have that article placed in the RECORD.

TOO CHEAP TO METER?

While Drs. Ford and Kane believe the method of using solar energy which they propose would produce energy at reasonable cost, they are the first to agree that paper studies are not evidence enough. That is the lesson everyone must have learned by now from nuclear power, which was supposed to be "too cheap to meter."

The Ford-Kane solar energy proposal "is obviously subject to the often experienced fate of many technical ideas of our age: it may cost more in fact than anticipated * * * We believe," they say, "that the possible benefits are sufficient to merit serious consideration."

THE NEW BUDGET

New energy technologies cannot be fairly evaluated until feasibility studies have been adequately funded and completed.

This administration has shown remarkable patience when it comes to funding feasibility studies in one type of engineering, namely nuclear engineering. It showed $330 million worth of patience last year for a technology which is still seriously flawed after 20 years of effort and an investment of $3 billion tax dollars.

Therefore, if the White House Office of Management and Budget fails to give serious consideration and dollars in the new budget for solar energy studies like the Ford-Kane proposal and several others, Budget Director George P. Shultz will certainly owe the country a very detailed explanation.

On the other hand, I would be the first to cheer loudly for Mr. Shultz if he funds an honest competition between solar and nuclear energy.

THE GAS BUSINESS

Eventually the gas people might also press for funding of various solar technologies, like the Ford-Kane idea. The reason is that the Ford-Kane proposal would use solar heat to produce nonpolluting hydrogen gas from water, which could be transported and sold like natural and synthetic gas. Various windpower ideas would also produce hydrogen.

The combination of hydrogen gas and fuel cells could produce abundant, clean electricity all over the country, day and night. On July 8, when I first referred to the Ford-Kane solar proposal, I placed two articles on advanced fuel cells into the CONGRESSIONAL RECORD, volume 117, part 18, pages 24014–24016. These fuel-cell units will be on the market starting in 1975.

I fully agree with the concluding statement in the Ford-Kane article:

> We are indeed at a major juncture in our industrial history, and full analysis of all possibilities for energy production seems only prudent.

FOREIGN ADVENTURES

Moreover, a major moment is also occurring in our foreign policy. As long as the United States and Europe depend on foreign energy sources, we are likely to do desperate and nasty and dangerous things abroad. Another "Cuban missile crisis" over Middle East oil, for instance, is not inconceivable under present world leadership.

As a man of peace President Nixon should put the highest budget priority on developing inexhaustible, nonpolluting sources of energy both in Europe and at home. He should look to the sun. Now.

And if he sincerely wants to prevent the proliferation of nuclear bombs all over the world made with fissionable material from nuclear power reactors, he had also better stop the promotion and export of nuclear power plants.

There are more defensible ways for the Nation to make both money and electricity.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bulletin of Atomic Scientists, October 1971]

SOLAR POWER

(By Norman C. Ford and Joseph W. Kane)

["*We would like to propose a possible method of producing energy from solar radiation at a reasonable cost. . . By using plastics presently available it may be possible to solve the economic problems of collection . . . and the energy may be converted via thermal dissociation of water into hydrogen, an efficient, nonpolluting fuel.*" *Norman Ford, associate professor, and Joseph Kane, assistant professor, are members of the department of physics and astronomy, Hasbrouck Laboratory, University of Massachusetts.*]

The full industrial development of the world took place only when man learned to recover and use the energy concentrated in fossil or combustible fuels other than wood. The extent to which the maintenance and growth of these developed nations depend upon fuel is indicated by the fact that about 20 per cent of the American gross national product is directly related to energy usage.

Two developments in energy production are impinging on the consciousness of the industrialized world which makes a reexamination of our fuel resources imperative: (1) We are rapidly exhausting our finite fuel reserves. While coal is still available in large quantities, the United States is presently using the last half of its known crude oil and natural gas reserves at a rate which is still increasing. (2) As our energy demands grow, we are increasingly aware of the immense spoilage of our environment which using and recovering fossil fuels entails.

The degree of severity of either problem is the subject of some debate, but the outcome is not in serious dispute. Increased power rates, blackouts, oil spills and heating oil shortages are all examples of the disruptions which we face to an increasing degree. The most satisfactory response to these problems is to find an energy source which is not in short supply and which can provide a major fraction of our energy needs without causing major environmental deterioration

Many believe the most likely candidate for such an energy source is the nuclear power industry. Nuclear power generation, however, faces formidable problems. First, the industry cannot long provide our power needs without the development and wide use of power producing breeder reactors. (The present generation of uranium burners, if called upon to supply power as projected by the Atomic Energy Commission, would contain nearly our total uranium supply in their fuel elements by the latter part of the 1980s.) The breeder reactors, particularly the fast breeder which has top priority, are considerably more sophisticated and difficult-to-manage machines than present reactors and will contain very large inventories of highly toxic plutonium, an element with a half-life of 24,000 years. Second, the problem of reprocessing and storage of the huge amounts of fission products is still one which awaits solution. Realistically, it seems that nuclear power represents a new method with new problems, and the world will have to suffer the cost of these problems to benefit from the power.

However, one aspect of nuclear power production which does not receive wide attention may well prove to be the most important factor. Power generated in nuclear plants as well as in fossil fuel plants is going to cost more in real dollars. For example, the proposed 820 megawatt nuclear electric power plant at Shoreham, Long Island, N.Y., carries an estimated price tag of about $330 capital cost per kilowatt of generating capacity. This is about twice the present capital cost of a fossil fuel plant. Since fuel costs are not sufficiently different, nor is plant operating life different, the power cost implications of this decision by a public utility are clear. It is only the simultaneous rise in price of fossil fuel which has kept nuclear power competitive. We do not wish to boost one method of power generation over the others; we merely wish to make it clear that energy is going to cost more, a good deal more.

LOOK AT THE SUN

In view of the increasing cost of energy, both direct cost and environmental cost, and the possible exhaustion of our resources, we would like to propose the reexamination of an often disdainfully dismissed source of power—the radiant energy of the sun. To appreciate the reasons for the traditional lack of enthusiasm for solar energy production, it is useful to review briefly the developments in this field.

The direct use of solar radiation to replace fossil fuel energy has a long and rich history. The primary motivation for contemporary activity is the lack of fossil fuels in certain areas of the world. Considerable re-

search has gone into developing solar cookers, solar heating of individual dwellings, solar furnaces for various high-temperature applications, study of photo-induced chemical reactions and, more pertinent to our study, the use of solar energy for desalination and electric power production.

One can easily see why solar energy for power production and desalination, if viewed casually, is found to be expensive. The total incident solar energy is enormous, but it is available at very low densities. One must envision enormous arrays of collectors (mirrors or lenses), each costly to manufacture and maintain, driven by elaborate steering mechanisms. This energy, once collected, must then be converted to a useful form since storage or transportation of heat energy as such is prohibitively inefficient.

Various proposals have been made and demonstrated for attacking this conversion problem. An obvious one is to heat water and drive a turbine, producing electricity which can then be transported, but one immediately faces the day-night problem of uneven power production. Elaborate provisions would be necessary for overcoming this fluctuation, for example, pumped storage. Electric power is also expensive to transport for distances of more than about 500 miles. While work progresses on high voltage power transmission, the improvements are slow and expensive.

SOLAR CELLS

A second possibility is direct conversion of solar to electric power using solar cells. This has many of the drawbacks of turbine-generated electricity in addition to being a technology which is far from mature and the cost of an array of solar cells (which are also very inefficient) to produce any reasonable amount of electricity is again out of the question.

A third possibility is chemical storage of energy, for example in hydrogen-oxygen fuel cells. This also is a field of rapidly developing technology, but again one runs headlong into the high cost of such units.

It is perhaps worth mentioning a fourth possibility, that is, the collection of radiant energy in space and transmitting it to earth for use. One such scheme is to collect the energy, transport it (still in space) via a superconducting link to a microwave transmitter which would send it to earth. While the components to this stage are sufficiently exotic to give one pause, it is interesting to note that in order to keep the microwave power density on earth at a safe level, the microwave collector on the ground would need to be about the same size as a ground level solar energy collector. Thus, the benefits of an extensive operation in space seem small.

With the exception of the last, all of these methods of solar energy usage are technically possible but economically out of the question. The collectors and steering mechanisms alone may exceed the total cost of present energy sources, even the increasingly expensive nuclear power. The problems of conversion, day-night variations, storage and distribution are enough to make solar energy an indefensible source of power on a large scale.

We would like to propose a possible method of producing energy from solar radiation at a reasonable cost. It is important to keep in mind that this is indeed a proposal and hence subject to over-simplification and a certain vagueness regarding details, both technical and economic. Still, our investigations to date lead us to believe that the program has merit and deserves serious consideration.

Our proposal contains two main points: First, by using plastics presently available, it may be possible to solve the economic problems of collection by using large arrays of Fresnel lenses. These are similar to condensing lenses in optical projectors. Second energy may be converted via thermal dissociation of water into hydrogen. Hydrogen is an efficient, nonpolluting fuel (the combustion products being primarily water) which, when used under specified conditions, is no more dangerous than natural gas and is easily transported. The remainder of this article is devoted to a description of this proposal. The description is in three parts: the collection problem, the production of hydrogen and, finally, the utilization of hydrogen as a major energy source. We mention in passing that the solution of the collection problem alone would make large-scale desalination possible.

We have two unavoidable criteria to satisfy in collecting solar energy. First, in order to produce hydrogen or even steam for a turbine, the incident solar energy must be concentrated by some sort of a lens or mirror system. Second, the energy must be focused on a boiler of some sort, so that the lens or mirror system is capable of adjusting to the daily variation of the position of the sun. (Recall that only direct solar radiation can be focused; scattered light will be useless.) In order to understand why the collection problem becomes expensive we can estimate the surface over which one must collect solar radiation in order to have a commercially reasonable amount of energy.

Suppose we wish to collect the energy equivalent to the 24-hour output of a 1,000 megawatt (electric) power plant during the approximately eight hours per day that the sun shines. This amounts to 8.65×10^{13} (86.5 million million) joules per day. When the sun passes directly overhead at noon the energy flux at the earth's surface is about one kilowatt per square meter. If we correct this for the fact that the sun is not always directly overhead, we find that the average power incident on a square meter is 0.83 kilowatts during the eight-hour collection period. Finally, we must take into account that in some places the sun is never directly overhead. At 40° latitude (Boulder, Colorado) the sun is 17.5° below the zenith in summer and 62.5° below zenith in winter. If we split the difference and assume that the sun is at 45°, our average power during eight hours is about 0.585 kilowatts per square meter. So the energy collected per day per square meter would be about 1.68×10^7 (16.8 million) joules. Then the area upon which 8.65×10^{13} joules per day of solar energy is incident is about 5.15×10^6 square meters, 5.15 square kilometers, about two square miles, or a square area about 1.4 miles on a side. Since we cannot hope to use this energy 100 per cent efficiently, this represents a minimum estimate of the collection area. It is clearly a large and potentially expensive job to collect the energy.

COST OF LENSES

We would like to suggest that we now have available—in the form of mass-produced, plastic, Fresnel lenses—an economic means of collecting and focusing this energy. These lenses are available at a speed of f-1 at about $6 per square foot. The important property of such lenses is that the price increases linearly with an increase in area, and is largely a function of the cost of materials up to some maximum size. Other lenses or reflectors have a cost proportional, at least, to the radius cubed.

Under the conditions of mass production (to cover our two-square-mile area with lenses of about a 10-square-meter area would require about 0.5 million lenses), our discussions with industrial experts lead us to expect the price to be about $5 to $10 per square meter. We have made a crude estimate of the cost of the support and steering apparatus for such a lens array. This cost, $18 per square meter, just for collection is based on an array of circular collectors. We can use round lenses, with a tripod support, the three legs converging in a fixed ball joint. If a long east-west line of these lenses is coupled so that they rotate during a day about an axis parallel to the earth's axis (this means that during each day we must steer in only one direction), the day-to-day adjustment in the north-south direction is very small.

A single drive mechanism moves a large number of lenses so that the light is always focused on the fixed boiler. In practice we anticipate that land cost will be a small fraction of the cost of the system. Hence we picture the lens units spaced so that they directly face the sun during the entire collection period and no shadowing of one lens by the next occurs. We have assumed that the plastic lens unit can be fabricated so that it is self-supporting; one need only attach legs.

Now, assuming that we have focused the light as we need to we turn to the problem of producing hydrogen, keeping in mind that the details of the chemical and material properties of the boiler and its contents will ultimately determine the exact shape, size and cost of the boilers.

What we envisage is a boiler in which pure water is heated to a temperature of about 1500°C. At this temperature some of the water vapor thermally dissociates; inequilibrium about 0.07 per cent of the vapor is dissociated into hydrogen and oxygen. If we can selectively pump the hydrogen out as fast as it is produced, we will have accomplished our goal. The ideal membrane which is highly permeable to hydrogen can be made from a window of palladium metal. While palladium is expensive, we estimate that we would need 1/500 ounce per square meter of collection area, which would only cost about five cents. The low partial pressure of the hydrogen means that the hydrogen must be pumped out, and the details of the chemical kinetics are going to determine what fraction of the water we can convert. The remaining steam would be used to provide the power needed to steer the array and perform other necessary tasks. This could be done inexpensively, with very high efficiency, and the exhaust water vapor would be condensed, allowing collection of the oxygen.

HYDROGEN COMPOUND AS PUMP

The most difficult problem we expect to encounter arises because of the small fraction of water dissociated even at 1500°C. Since large quantities of hydrogen must be compressed to useful pressures, the pumping costs can become unreasonably high if conventional pumps are used. The problem can be reduced by increasing either the temperature or pressure of the water vapor, but at the risk of introducing difficult and perhaps costly materials problems in the construction of the furnace. A more attractive possibility would be to use an intermediate hydrogen compound as a pump. By forming the compound at greatly reduced temperature, and then dissociating the compound at high temperature, an increase in the partial pressure of the hydrogen by a factor of more than an order of magnitude can be obtained.

The major mechanism for reducing the efficiency of the system would be the thermal radiation from the boiler. Using the f-1 lens and assuming that the boiler, at a temperature of 1500°C, will have linear dimensions approximately equal to the radius of the sun's image at the focus, our calculations show that the radiation losses can be kept below 10 per cent.

The cost of boiler and associated equipment is somewhat difficult to estimate because it will depend upon the details of the conversion process. The major share of the cost will be for the fabricated boiler itself. The cost of the special materials, for example, palladium and ceramic, will be significantly smaller. Our estimate of $10 per square meter is, we feel, on the conservative side.

Now that we have estimated the production costs per square meter at $33, it is worthwhile to examine the possible income to be derived from the collected hydrogen. Starting from the assumption that each square meter of actual collecting apparatus can be used to collect one kilowatt during a period of eight hours each day, we conclude that in one day we would collect 2.88×10^7 joules. If we assume that about 10 per cent of this may be lost by reflection, etc., in the optical system, we are left with about 2.6×10^7 joules of collected and focused energy per day per square meter. If another 10 per cent is lost at various stages which we cannot accurately account for, the total energy which could actually be used to dissociate the water would be about 2×10^7 joules per square meter per day. Since it takes 2.42×10^5 joules to dissociate one mole of water (18 grams) into two grams of hydrogen and 160 grams (about 0.35 pounds) of hydrogen per day per square meter of lens area.

For convenience of discussion, we note from Table 1 that one pound of hydrogen is the energy equivalent of about 2.7 pounds of the conventional hydrocarbon fuels. The third column in Table 1 shows the approximate 1968 delivered costs of fuels. This ranges from about one cent per pound for natural gas to about three cents per pound for gasoline. If the hydrogen were to be sold at natural gas prices, each square meter of lens would produce about $3.50 worth of hydrogen per year. If it were sold at gasoline prices, the income would be about $10 per year. Assuming a 10 per cent return per year on investment, this means that one might reasonably spend between $30 and $90 per square meter. (We assume a cost of 10 per cent for delivery charges.) This, as we see from Table 2, compares very favorably with our estimates.

TABLE 1.—DELIVERED COST OF FUELS

Fuel	B.T.U. per pound	1968 price in dollars per pound
Hydrogen (H_2)	51,800	[1] 0.79
Gasoline	20,750	.03
Crude oil	19,500	.01
Natural gas	19,000	01
Anthracite coal	12,700	.01

[1] Liquid.

TABLE 2.—ESTIMATED SYSTEM COST PER SQUARE METER OF PRODUCING HYDROGEN BY SOLAR ENERGY

	Estimated cost per square meter	Cost per lens
Fresnel lens	$10	$100
Support rods	2	20
Rod ends and ball joints	2	20
Concrete	4	40
Furnace	10	100
Pipes, pumps, guidance, etc.	5	50
Total	33	330

Note: These figures are based on a series of parasol-like Fresnel lenses 10 square meters in area.

Even though the production of oxygen in the copious amounts discussed here would undoubtedly affect the price, the oxygen (nine times the weight of hydrogen produced) might be expected to increase these income figures. Hydrogen gas as a major energy source has been considered by others but has not received wide publicity. Hence we describe the possibilities for its usage.

Hydrogen gas at a cost competitive with natural gas would be an almost ideal fuel. As distinct from nuclear power, it would be usable not only for electric power production but for direct heating; in liquified form it might well be usable for transportation. Further, it is nonpolluting.

Economic hydrogen gas as a gradual replacement for natural gas would save premature retirement of plants (due to reduced natural gas availability), and existing pipelines and storage areas would be utilized. It could be used directly as a fuel, is perfect for fuel cell conversion to electricity, could be utilized in gas turbine generators, and following the coming use of bottled or cryogenic natural gas would serve also as the power source for motor vehicles.

The proposal outlined above is obviously subject to the often experienced fate of many technical ideas of our age: it may cost more in fact than anticipated. However, we are not talking about exotic processes or materials. The procedure requires the consolidation of knowledge, ideas and technologies which are at hand in diverse environments. The fundamental unknown is the final cost, and we believe that the possible benefits are sufficient to merit serious consideration. It should also be emphasized that in addition to the suggestions of Fresnel lenses and hydrogen production, the third necessary factor is size. The cost of such an enterprise could only be competitive if done on a very large scale.

Finally, such a project would be feasible only if it were located in a region that enjoyed a large fraction of sunny days. This suggests immediately the use of deserts as ideal collection areas. It is pertinent to note that only two per cent, approximately, of our major deserts are capable of producing enough hydrogen to equal all the electrical power we now use.

We are indeed at a major juncture in our industrial history, and full analysis of all possibilities for energy production seems only prudent.

THE TRAGEDY OF A RESCUE ATTEMPT

Mr. ALLEN. Mr. President, I want to share with Senators a tragedy that occurred in my home State of Alabama that helps to support my faith that all Americans are not callous to the needs of others. The heroism of the act to which I refer has a tragic ending which impels me even more to call it to the attention of the Senate. I ask unanimous consent that the story, "Man Who Couldn't Swim Drowns in Rescue Attempt" from the Saturday, November 27, 1971, issue of the Birmingham Post-Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham Post-Herald, Nov. 27, 1971]

MAN WHO COULD NOT SWIM DROWNS IN RESCUE ATTEMPT

GUNTERSVILLE.—A 29-year-old Guntersville man, who family members say couldn't swim, drowned in 30 feet of icy water in Lake Guntersville Thursday trying to save another man's life.

Marshall County Coroner Billy Dyar said Carlton Allen Thomas Jr., 29, of Albertville Rt. 5, drowned trying to save the life of James Breedlove of Albertville, who had lost control of his car and run off in the lake.

The accident happened at about 3:30 p.m. in the Spring Creek section of the lake off Alabama Highway 227.

Dyar and State Trooper Cpl. Larry Hardin said Thomas was traveling along the road behind Breedlove and saw him lose control and go off into the lake.

Thomas immediately stopped his car, his wife told officers, and said he was going to try and save the man whom he didn't know who had left the road. Mrs. Thomas said she urged her husband not to try the rescue because he couldn't swim, but he insisted he would be all right, she said.

Mrs. Thomas said her husband said he didn't think the water was too deep, and he was going to try and save the man.

A policeman who arrived on the scene in minutes was able to get Breedlove to shore but couldn't find Thomas.

A local rescue squad came and in their first dive, located Thomas' body.

Breedlove was taken to a Guntersville hospital where he was treated and released.

In addition to his wife, Audrey, Thomas is survived by his parents, Mr. and Mrs. Carlton Thomas.

Funeral arrangements will be announced by Adams Funeral Home in Albertville.

THE U.S. SPACE PROGRAM

Mr. ALLEN. Mr. President, I have long maintained that the United States must have a well-planned, long-range, stable program for space exploration and use. A prominent daily newspaper, the Huntsville, Ala., News, in its issue of December 1, 1971, had as its lead editorial, entitled "Outward Bound, We Have No Option," a discussion of our space program. I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Huntsville (Ala.) News, Dec. 1, 1971]

OUTWARD BOUND, WE HAVE NO OPTION

Pioneer II will be outward bound in the foreseeable future, its target the mysterious planet Jupiter.

Every morning men and women here in Huntsville return to the daily detail work which will culminate in an orbiting laboratory, Skylab.

Mars 2, the Russian unmanned space probe, zaps the Red Planet Mars with a hammer-and-sickle pennant, while the cameras in our own nation's Mariner click away, transmitting knowledge.

2001 is just around the corner.

Sunday night on television, a national audience watched a TV movie premier called "Earth II."

Miracles of model making made it seem as if we were really out there in space. A good bit of the technology was pioneered here when "2001: A Space Odyssey" was being filmed. The two movies even shared a common star.

It was a thought-provoking piece of drama. It did not question the fact that an orbital station is bound to be constructed. It did pose a dilemma, however: what will we do when we get out there?

Will we carry the virus of war outward to other planets and perhaps other star systems?

Can a world as divided as ours by conflicting ideologies peacefully explore space and share the wealth of dividends derived from new knowledge?

Can there be peace in space when there is no peace on earth?

The questions posed have the same probable answer, and we will not belabor the point.

But turning our backs on space is certainly no solution.

Not just this nation but mankind itself faces no real choice. Even if the environmaniacs have their way and the McCarthys of these United States cut our space program to the nub, Russia and other nations will continue man's outward-bound flight into the deeps of space.

The point of no return was passed when Sputnik circled the globe and threw the United States into a state of panic. Who can forget the jubilation when the mighty rockets engineered here finally boosted an American citizen into orbit? From that point to

this, achievements in outer space were inevitable as death.

One can easily be tempted to see a working out of things in apparently random events. It was population pressure which forced the Indo-European hordes across the European mainland. It was population pressure coupled with religious and political differences which hurled Europeans across an ocean to a brave new world, the Americas.

Is it blind chaotic coincidence or something else which has caused such a tremendous population that a planet no longer can house a race—that an end to usable resources lies ahead which is discernible and final?

The instinct to war and reproduction seem entwined with advances in technology and exploration. Population pressure and a demand for living room have always been rooted in each surge of humanity into new areas.

From the earth to the stars.

Is that so different a dream than the leap from one continent to another?

There was those in Spain who thought Columbus and his ships would sail right off the lip of the world. They didn't.

There were those who quoted scripture and everything else to prove that if God intended man to fly, he would have been created with wings. They were wrong.

And so are those who would wall us in upon ourselves and bind our feet to this ball of rock and vegetation.

A man running for President who announces a retreat from space as a plank in his platform is, to us, completely unacceptable.

And he misreads the omens if he thinks that the environmaniacs who would throw us back to the stone age espouse the majority—or even sensible and progressive—opinion of the nation.

As long as Huntsville retains its share in space and its future, then the future of Huntsville is assured.

For to go backward is not merely to regress; it is to court extinction. Stop and think about it for a moment. We have enough nuclear warheads stored in various silos over the globe to literally smash a planet, to reduce it to free-floating pieces of rock and rubble. If we can't find a better use for nuclear capacities soon than warheads and tests which literally tamper with the crust of the earth, we are going to bring on doomsday.

The space race has usefully defused a potential Armageddon which could have erupted between Russia and the U.S. So long as that race continues, it can absorb money and material which the inborn instinct to conflict—to compete—might divert to a war disastrous to the entire planet Earth.

This, of course, is the only one reason why we cannot—and will not—turn our backs on space.

Like most human events, the cause for the outward thrust from earth is not simple. But it is real.

What it comes down to, in the end, is not whether man will go to the stars, but which men.

Will they speak Russian, Chinese, or English?

At this juncture, America has a real edge in all the things that count: funds, minds, human and natural and scientific resources.

It is our firm conviction that we can keep this edge—so long as we keep our faith.

THE INDIA-PAKISTAN CONFLICT

Mr. STEVENSON. Mr. President, the news reports that fighting between India and Pakistani forces has broken out along the West Pakistan frontier, 1,000 miles from the scene of previous incidents, brings allout war on the subcontinent one step closer.

This prospect dictates major changes in U.S. policy. Although we have taken a number of positive steps in recent months—including Secretary Rogers' meetings with the Indian and Pakistani Ambassadors and the cessation of arms shipments to both parties—we have not tried to bring about an emergency meeting of the United Nations Security Council to consider the dispute.

Our policy of quiet diplomacy has not prevented the situation from deteriorating. It has not prevented the murder of countless thousands of innocent Bengalis and the displacement of 10 million more. And it has not prevented the conflict from spreading to the Kashmire frontier.

It is understandable that neither India nor Pakistan is enthusiastic about the prospect of an emergency session of the security council, for there is evidence that both have committed acts inconsistent with the principles of the United Nations Charter.

There are also reasons why the Soviet Union, China, and the United States have shied away from the Security Council. A Security Council session may force the Soviets to go further than they care to in support of India, just as we or the Chinese may be forced to become reluctant champions of Pakistan. The fact that China took its seat on the Security Council only weeks ago adds further uncertainty to an already confused situation.

But the fact that a conflict is delicate, dangerous, and complex is no reason to bypass the Security Council. On the contrary, it was to deal with just such conflicts that the Security Council was created. If we continue to hold back now, we will not enhance the prospects of peace, and we may permanently cripple the U.N.'s ability to resolve violent international conflicts.

Mr. President, someone has to be the first to live up to the spirit of the U.N. Charter by calling publicly for an emergency meeting of the Security Council—that someone should be the United States. I urge the President to bring the conflict before the Security Council now.

ALTERNATIVES TO THE NLRB

Mr. GRIFFIN. Mr. President, in an article which appeared in the July 1971 issue of the Labor Law Journal, Author Fritz L. Lyne wrote:

It is time to recognize that the system for dealing with unfair labor practice cases is unworkable from a practical standpoint.

For nearly a decade I have been sponsoring and advocating legislation to abolish the NLRB and replace it with a U.S. labor court patterned after the U.S. Tax Court.

I have long agreed with Mr. Lyne's conclusion that—

The question is . . . not *whether* something should be done about the Board, but rather *what* should be done.

Mr. Lyne's analysis is comprehensive and scholarly. I ask that the text of his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NATIONAL LABOR RELATIONS BOARD AND SUGGESTED ALTERNATIVES

(By Fritz L. Lyne)

"The National Labor Relations Board is presently in the midst of an ever-increasing backlog of cases, the volume of which is allegedly preventing the Board from taking just and efficient action upon them. In this article, the author sets forth various proposed solutions—his own as well as those of others—to the present dilemma."

Since its creation in 1935,[1] the National Labor Relations Board has been the object of continued criticism.[2] It has on varied occasions been accused of being pro-labor,[3] pro-management,[4] too politically oriented,[5] of failing to follow Congressional intent as set forth in legislation,[6] and of being structurally incapable of handling the responsibility assigned to it.[7] This latter criticism has received repeated emphasis in recent days, and an examination of the relevant facts reveals it to be valid.

The case load handled by the Board has increased annually in avalanche proportions in recent years The latest annual figures available are those for the fiscal year ended June 30, 1969.[8] In that year the Board disposed of 18,939 unfair labor practice cases and 12,658 representation petitions.[9] It has been noted "that (case) volume is not only at a record peak, but it is continuing to increase in this (1971) fiscal year at an unprecedented rate."[10] Board Member John H. Fanning forecast in late 1970 that "we expect the Board's case load to continue increasing at the rate of approximately 5 to 7 per cent a year for the foreseeable future and possibly reach 50,000 new cases every year by the 1980's."[11] At the very time that Mr. Fanning was forecasting the future case load increase of the Board, the actual figures were proving him to be much too modest in his anticipation of the severity of the problem. This has been brought sharply into focus by the latest figures available:

"One of the sharpest quarterly increases in the number of cases brought before the National Labor Relations Board is registered for the Three-Month Period July through September, 1970. The Board logged 9,498 cases of all types in the third period, according to its 'Statistical Summary for the Three-Month Period July through September 1970.' This was a record high in National Labor Relations Board's 35-year history and represents a 17 per cent increase over the 8,122 cases filed by individuals, employers and unions in the corresponding period a year earlier."[12]

The breakdown of the Board's capacity to handle this ever-increasing case load has been both acknowledged and admitted by Board Chairman Miller. In this regard he stated:

"Five Board Members simply cannot, I think, provide full and deliberate complete review of as large a volume of cases as is building up and will continue to build even further in the future. It will not be long before we are asked to review so great a volume of cases that I am at a loss to perceive how it will physically be possible for us to give each case the kind of time and attention which I think you and all the parties who have cases before us expect us to provide. . . . I fear that there will come a point in the not too distant future when all of the sifting and screening we can devise, and all of the administrative help which we can employ, will still not enable us to bring to bear upon the cases before us for review, that kind of careful judicious attention which is expected of us."[13]

It is doubtful that the Board can or will be allowed to function in a way that can reasonably be expected to cure the situation.

Footnotes at end of article.

"The Board simply lacks the personnel to handle its case load, and judging by the criticism to which it is subjected by both labor and management and its lack of friends in Congress, it seems unlikely ever to be allowed to build a staff large enough to handle 30,000 cases a year (its present annual intake) with anything like the dispatch and competence which would be required in order to make its administration of the Act effective."[14]

The question is, therefore, clearly focused not on *whether* something should be done about the Board, but rather *what* should be done. To do nothing is itself a solution; to commit the field to chaos. This was recognized by Board Chairman Miller, who early in 1971 stated:

"Mere inaction—will provide no solution at all. Inaction, I fear, will produce a jamming of our machinery of sufficient proportion that the parties appearing before us will not be able to secure that kind of standard of quality and promptness which is essential to an effective and acceptable decision making process."[15]

BOARD FUNCTION

Broad, general statistical information neither adequately pinpoints the problem nor provides the basis for solution determination. Of the 31,303 cases filed with the Board in the fiscal year ended June 30, 1969, 18,651 or 59.6 per cent of the total were unfair labor practice cases while 12,107 or 38.7 per cent were representation petitions, the balance being deauthorization petitions, amendments and clarifications.[16] The Board itself has characterized its function as primarily twofold:

"Under the statute the National Labor Relations Board has two primary functions—(1) to determine by Agency-conducted, secret ballot elections whether employees wish to have unions represent them in collective bargaining, and (2) to prevent and remedy unfair labor practices whether by labor organiaztions or employers."[17]

The first stated function is clearly the administrative function of the Board. In this and related areas, such as appropriate unit determination and the resolution of work claims in jurisdictional disputes, the expertise of the Board is called upon. In performing this function it operates within its specialized area as does the Civil Aeronautics Board in determining airline routes and the Interstate Commerce Commission in setting rail tariffs. However, when the Board states its second function to be "to prevent and remedy unfair labor practices" it fails to perceive what it is actually doing. This other function that the Board is actually performing is judicial. It is not even quasi-judicial as some writers have characterized it.[18] It is pure judicial. The Board considers evidence, makes findings of fact based upon such consideration and reaches conclusions of law, based upon said findings as to whether or not specific provisions of the law have been violated. In doing this it is acting as a court, and calling it a Board does not change the reality of the matter. It is in this judicial area that the Board is bogging down, and where its procedures and decision making ability are failing to meet the need.

In its administrative area, the Board had a recent median time, from the filing of a representation petition to the date of election, of 49 days.[19] In its judicial area, the Board had a median time for the same period, from the filing of a charge to the date of a Board decision, of 319 days.[20] This delay is emphasized when one realizes that of the thousands of unfair labor practice cases filed with the Board "Only 8 per cent of the cases will be tried and only 6 per cent will be appealed for decision to the Board—."[21] The fact that 75 per cent of all Trial Examiner's Decisions are appealed to the Board is evidence that the existing structure is not functioning at an optimum in resolving contested cases. In fiscal year ended 1969, the Board handed down 732 decisions in unfair labor practice cases,[22] and the appeals courts handed down 363 decisions in which the Board was a party.[23]

Recognizing an urgent need for change in the method of handling unfair labor practice cases, the balance of this paper will be directed to a consideration of various proposed alternatives, calculated to alleviate the problem of the Board's judicial function, as well as to suggest some additional alternatives. These suggestions are not intended as criticism of the individual Board Members nor of the hundreds of people working for the Board, all of whom are diligently trying to make the existing system work. It is the opinion of this writer that it is time to recognize that the system for dealing with unfair labor practice cases is unworkable from a practical standpoint.

LEGISLATIVE ALTERNATIVES

The subject of this paper is not new, nor has it been sudden in making itself manifest. It has been given careful thought and suggestions have been forthcoming from scholars, practitioners, legislators and Board Members themselves. As early as 1961, Reorganization Plan 5 was proposed to the Congress as a method to increase the judicial efficiency of the Board.[24] Under this plan, the Board could delegate its unfair labor practice functions to Trial Examiners whose decisions would be final, subject to a discretionary right of review by the Board in the nature of a certiorari proceeding with any two members of the Board possessing the right to grant such review. After a decade since its proposal, it is receiving renewed attention by Board Members themselves who also advocate automatic judicial enforcement of Board Orders unless the adversely affected party petitions for Court review within a limited, specified period of time.[25] These suggestions found support in the Report of the Committee on Labor Law of the Federal Bar Council issued on February 25, 1970.[26] The Report recommended that Board Orders be self-enforcing unless a petition for review is filed within 30 days after the order is served on the parties, and that review of Trial Examiner decisions be subject to discretionary review by the Board.[27]

There have been two recent bills introduced in the United States Senate in an effort to solve the problem. The Griffin Labor Court Plan[28] would create a "United States Labor Court," which would have jurisdiction over both unfair labor practice and representation cases. An Administrator would investigate and prosecute unfair labor practice charges, process representation petitions and conduct elections. The Court would be composed of 15 judges who would be appointed by the President for 20-year terms.[29] The trial of unfair labor practices would be conducted by Commissioners, similar to those presently used by the Court of Claims.[30] The Federal Rules of Procedure would be applicable.[31] Senator Robert P. Griffin, in a recent Article [32] supporting the reasons for his Bill, has observed that "Having followed the pattern of Board decisions since enactment of Landrum-Griffin, this author has come to the conclusion that the NLRB, as currently structured, is not an appropriate instrumentality to implement Congressional purpose in this vital field." [33] As a result he concluded that "the NLRB does not act like a judicial body because it is not a court. It is a politically appointed, politically oriented agency that is too close to political and other pressures—the time has come to replace it with a U.S. Labor Court patterned somewhat after the U.S. Tax Court." [34]

In attempting to pattern a Labor Court after the United States Tax Court, a Constitutional problem is encountered in that the Tax Court is not a judicial court created under Article III of the Constitution,[35] but rather is a Legislative Court created under Article I, Section 8, Clause 9 of the Constitution.[36] A United States Labor Court could not be created under the same Article of the Constitution as the Tax Court because the applicable Section there deals with the power of Congress to "lay and collect" taxes, etc. The Constitutional question of creating a Federal Labor Court that does not comply with Article III of the Constitution is discussed more fully at p. 413. However, it has been established that Congress may create a Constitutional Court under Article III of the Constitution, and limit its jurisdiction to a particular area.[37]

The Tower District Court Bill[38] would amend Section 10 of the present Labor Management Relations Act so that jurisdiction over unfair labor practice cases would be taken from the Board and vested in existing federal district courts. It provides that any person could petition the United States District Attorney to file a case, and if he declined, the petitioner could file his own case.[39]

BARTOSIC, PETRO SHUTKIN PROPOSALS

Scholars and writers have explored the advantages and disadvantages of the proposals discussed above and have come forth with criticisms, embellishments and alternates. Florian Bartosic [40] has, after criticizing both the Tower and Griffin Bills and discussing the proposals of other legal writers, suggested a hypothesis for an alternative.[41] Under his alternative the present composition of the Board would be left intact, but future appointments would be for a period of seven rather than five years.[42] He would adopt the recommendations of the Committee on Labor Law of the Federal Bar Council that Trial Examiner decisions would be subject only to discretionary, "certiorari-like" Board review, and that Board Orders be made self-enforcing "upon the denial of a petition to review a trial examiner's decision, upon failure to file for Board review in a timely fashion, or upon the issuance of the Board's final order." [43]

The essential feature of the Bartosic proposal, as he characterizes it, is the creation of a Labor Court to replace Appellate review of labor cases by the present U.S. Courts of Appeal.[44] This proposed Court would be composed of 15 judges, who need not be lawyers, and would be divided into a trial and an appellate division.[45] The trial division of the Court would "hear Section 301, fair representation, and Section 303 cases, applications for injunctions by the Board; and suits alleging that the General Counsel has arbitrarily or capriciously refused to issue a complaint." [46] The Appellate division of the Court would review Board and trial division decisions.[47] Under the proposal, decisions of the Labor Court would be reviewable by writ of certiorari to the United States Supreme Court.[48] Mr. Bartosic further suggests that jurisdiction of the Labor Court might be expanded to cover cases brought under the Landrum-Griffin Act,[49] and serve as an appellate body to review Equal Employment Opportunity Commission cases.[50]

Professor Sylvester Petro recommends that all judicial functions of the Board be transferred either to existing, or to-be-appointed life-time-tenure, federal district judges.[51] He contends that the present judicial function by the Board is both unconstitutional and impractical.[52] After a full analysis of the Board's procedure, practice, and decisions, he summarizes his reasons for his conclusions:

"It is unconstitutional because the Constitution confines the judicial power of the United States to an independent judiciary composed of life-tenure incumbents. It is impractical because competent judging cannot be expected from limited-tenure, politi-

Footnotes at end of article.

cal appointees who operate outside the long and sustained judicial tradition of subservience to law rather than to political exigency. The principal argument in favor of specialized, quasi-judicial, administrative tribunals —is based upon an erroneous and deceptive conception of 'expertise.' The relevant 'expertise' must be in the art of judging. The real experts in that art are the life-tenure judges who sit on Courts of general jurisdiction." [58]

Professor Petro's solution would be substantially met by adoption of the Tower Bill. The Griffin Bill calling for 20-year-term appointments, and patterned after the Tax Court would not meet his recommendation that federal judicial matters must be decided by life-time appointees in accordance with Article III of the Constitution.[54]

Joseph J. Shutkin has, in a recent article, proposed the creation of a tripartite United States Court of Labor Relations in each federal appeals circuit to which all appeals of labor cases would be taken.[62] Each such Court would sit *en banc*, would be composed of judges who are attorneys at law, one of whom would either have a background in economics or experience representing unions, one of whom would have "experience representing both labor and management" on one of whom would have "experience representing business as a house counsel or otherwise." [58]

The jurisdiction of this Court, as proposed by Mr. Shutkin, is to be expanded as he phrases it, to "an atomic age concept" by abolishing the standards of "interstate commerce" and "affecting interstate commerce" and assigning to the Labor Court all labor relations problems.[57] To do this, he proposes that we "recognize by effective legislation that the flexibility and mobility expected of the work force of our country plus the dependence of all elements of our work force upon each other, in one way or another in today's atomic age, make it imperative that the labor relations involving our work force be subject to uniformity of regulation" [59] Mr. Shutkin would further, through legislation, prohibit strikes and lockouts and would assign negotiation disputes to the United States Court of Labor Relations for settlement, with a right of appeal to the United States Supreme Court.[59] Mr. Shutkin's broad conclusions leave many unanswered questions, and fail to deal with the inability of the present Board to cope with the problem earlier discussed.

THE MORRIS STUDY

The most exhaustive study to date, of the procedural and organizational shortcomings of the Board, has been made by Professor Charles J. Morris,[60] who couples such study with a similar analysis of the Railway Labor Act.[61] Professor Morris, after fully exploring the tribunals, procedures and problems under both the Labor Management Relations Act and the Railway Labor Act, presents "A Working hypothesis for Procedural Reform." [62] Recognizing that the Board can handle representation matters better than a court but also that "it is a mistake to expect an administrative agency to accomplish tasks which only a court can perform," [63] Professor Morris recommends the establishment of a Constitutional [64] United States Labor Court, to have "jurisdiction over the enforcement of substantive rights and duties contained in the Labor-Management Relations Act and the Railway Labor Act." [65] The proposed Court, in addition to determining unfair labor practice cases, would also hear injunctions in national emergency disputes,[66] complaints involving enforcement of labor agreements,[67] injunction suits under sections 10(j) and 10(l) of the Labor Management Relations Act,[68] complaints alleging breach of duty of fair representation,[69] damage suits for secondary boycott activity,[70] and suits for violation of restrictions on payments to employee representatives.[71]

The Court would be composed of eleven life-term-appointed judges who would be appointed over a period of at least two presidential terms and would, in a step-by-step time basis, assume their ultimate full statutory jurisdiction.[72] The Court would be authorized to use Commissioners and to sit *en banc*, in panels or as single judges.[73] Cases could be initiated by the Board General Counsel or by a private party in a fashion similar to that provided in the Fair Labor Standards Act.[74] In this hypothesis, the General Counsel is retained as General Labor Counsel to prosecute violations of both Acts,[75] while the National Mediation Board under the Railway Labor Act and the Federal Mediation and Conciliation Service are merged into a single National Mediation Service.[76]

Professor Morris anticipates that "Under the Labor-Management Relations Act it is expected that the plan would: (1) virtually eliminate the pendulum-like shifts in decisional law which have characterized NLRB action in preceding years; (2) increase voluntary acceptance of the requirements of the Act; (3) speed up the enforcement process; (4) provide for instant judicial process when and where needed; (5) eliminate or substantially reduce the conflict between unfair labor practice jurisdiction and the arbitration process; (6) provide for joinder of actions, particularly in fair representation cases; (7) provide for a more efficient decisional process; (8) provide for pre-trial discovery; (9) eliminate the absolute power of the General Counsel to dismiss a charge without review; and (10) reduce the incidence of appellate review." [77] In addition, he anticipates 12 beneficial effects in the administration of the Railway Labor Act.[78]

HARRIS PROPOSAL

At the opposite end of the spectrum from the views of Professor Petro is the recent article [79] by Thomas E. Harris,[80] who characterizes Professor Petro as "Senator Tower's avowed intellectual mentor." [81] Mr. Harris advocates, "The most important step that can and should be taken is to provide for equal and effectual remedies against employers' unfair labor practices," [82] that is, injunctions. In this regard he recognizes that, "It is true that that would represent some further restoration of 'government by injunction' in that the role of the district court would be enlarged." [83] In addition, Mr. Harris supports Mr. Bartosic's proposals [84] that a Trial Examiner's Decisions "should be made final, subject to discretionary review by the National Labor Relations Board," [85] and "Board—decisions should automatically become legally effective after a short period, unless a respondent files a petition for review." [86] Mr. Harris' views are more critical of others who propose alternatives than they are constructive. With respect to the views of Profesor Morris, he states that, "I substantially disagree with him," [87] but he apparently fails to comprehend Professor Morris' distinction between substance and procedure.[88] After exploring various specific situations, including the Farm Workers and State, County and Municipal Employees, whom he states "have grown much more rapidly in recent years than those functioning under the supposedly protective umbrella of the NLRA." [89] Mr. Harris' only innovation is to advocate that more injunctive powers be granted to the Federal District Courts against employers' unfair labor practices.[90] His repeated reference to the Morris proposals fails to come to grips with the issues which Professor Morris strives to answer. His limited support of Mr. Bartosic relates only to the decade-old Proposal 5.[91]

It is noteworthy that all of who have given serious study to the problems attendant to the Board's performance of its statutory charge, none has defended the *status quo*. All have suggested change of one form or another. There appears to be a general consensus that the time for change is at hand.

There can be no answer that will prove satisfactory to all those who are affected by the complicated and far reaching laws that govern labor relations in this country. An effort can only be made to select a method that will provide a prompt disposition of controversies in a substantially uniform and equitable manner, and create a stability of decision that will provide reliable guidelines for the conduct of future actions. With these goals in mind the following suggestions are made. They will not bring Utopia to the field of labor relations. They will require much deeper study than the scope of this paper affords before being implemented. They are not intended to be submitted as a package. They are all subject to a variety of possible supplementation or variation.

SINGLE LABOR COURT

In summary, it is suggested that there be created a single United States Labor Court of Appeals; [92] that the trial of charges of unfair labor practices be transferred from the Board to the United States District Courts; that the Board continue all other matters now assigned to it; that the General Counsel be retained and that the National Mediation Board and Federal Mediation and Conciliation Service be merged into a single National Mediation Service, both of the latter as recommended by Professor Morris.[93]

The concept of a uniform, national, substantive labor law today finds few critics. This argument has been used to advocate the preservation of the Board as the decision-making body in unfair labor practice cases.[94] The reality of the situation is that beyond the limited number of cases [95] that are heard by the United States Supreme Court, federal labor law is being enunciated by 11 separate courts of appeals who often do not agree with one another on similar situations,[96] and whose decisions, in some instances, the Board elects not to follow.[97] These Courts, in fiscal year ended June 30, 1969, handed down 363 decisions in cases where the Board was a party.[98] It would appear that the goal of uniformity in labor law is more apt to be obtained by the use of a single appellate tribunal and multiple trial tribunals rather than vice versa.

The composition of such a court, and the geographical areas where it would sit, should be determined only after a detailed study of its anticipated case load.[99] In addition to these cases however, the Labor Court of Appeals could relieve existing Courts of Appeals of all other cases arising under the Labor Management Relations Act,[100] Railway Labor Act,[101] Fair Labor Standards Act,[102] Landrum-Griffin Act [103] and possibly cases arising under Title VII of the Civil Rights Act.[104]

The Labor Court of Appeals should be authorized to sit in panels as do the present Courts of Appeal, and its decisions would be subject to review by the Supreme Court on writ of certiorari. As suggested by Mr. Spann it should be required to sit *en banc* in the event of a conflict between its panels; [105] a requirement which would lead to uniformity. To avoid the problem of having all of its Judges appointed by a single President its implementation could be undertaken in a step by step manner as suggested by Professor Morris in his plan for a Labor Trial Court.[106] Under this type of plan the transfer of its jurisdiction from other Courts of Appeals could be accomplished in steps over the period of a time table, thus permitting the size of the Court to be increased as its jurisdiction and responsibility is increased. The time table could be established so that the full complement of the Court is not reached

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until the terms of two administrations have expired. If needed, primarily during the implementation period, the Labor Court of Appeals could be temporarily supplemented by the assignment of Judges from other Courts of Appeals or from District Courts for short lengths of time. This has been a successful practice used by the existing Courts of Appeals. To obtain the broadcast representation on the Court, it is suggested that as long as the Court is composed of ten or less judges no two shall be from the same geographical area of an existing Federal Court of Appeals (excluding the D. C. Circuit), and if the Court is increased to more than ten, but less than 20, no more than two judges will be from the same geographical Circuit. The appointment of the judges to the Labor Court, like other Courts of Appeals, would be for life-time terms.

It could be expected that the creation of a United States Labor Court of Appeals as suggested could (1) eliminate conflicts between existing Courts of Appeals; (2) bring greater uniformity to the field of labor law; (3) provide expertise considered by many to be a high priority criteria; (4) eliminate forum shopping between Circuits; (5) eliminate races to the courthouse to obtain a desired forum; (6) reduce the case burden on the Supreme Court; (7) eliminate non-acquiescence by the Board in decisions of the Courts of Appeals; and (8) hopefully provide more speedy disposition of the lengthy appellate stage of labor controversies.[107]

In selecting a forum for the trial of substantive labor controversies the choice of a to-be-created federal labor court or the existing federal district court appear more sound than retaining the Board as a judicial body. Basically, the only ones that argue for retention of this function by the Board are members of the Board itself.[108] Their arguments for adoption of Reorganization Plan 5 [109] not only fail to deal with the real issue, but their failure to innovate a better alternative during the decade since the Plan was first proposed, further evidences their inability or unwillingness to adjust to the changing world around them.

Given the alternatives of a labor trial court or the district court for the disposition of unfair labor practice cases, this writer prefers the district court. With the district courts, already in existence, the transfer of jurisdiction could more quickly and efficiently be accomplished. The district courts presently have a working knowledge of the law of labor relations as they handle all litigation arising under the Railway Labor Act,[110] injunctions under Sections 10(j), 10 (l), and disputes arising under Title II and Title III of the Labor Management Relations Act,[111] as well as disputes under related Acts such as the Fair Labor Standards [112] and Landrum-Griffin Acts.[113] A substantial body of substantive case law exists to serve as guidelines for future litigation of unfair labor practices. Some commentators argue that only a special court or administrative body with the expertise of the present Board could handle the complications of present day labor law.[114] This argument overlooks the fact that our present federal district courts have successfully managed to acquire the expertise necessary to decide the controversies arising under our complicated laws dealing with taxation, patents, anti-trust, utilities, transportation, broadcasting, admiralty, natural resources, etc. For the labor law practitioner to assert that the field of his endeavor stands uniquely alone among federal jurisprudence as the one field too complicated for comprehension by the ordinary federal district judge sounds both pompous and unreal.

OBJECTIONS

Objections have been voiced to the proposal of transferring unfair labor practice jurisdiction from the Board to the District Courts. Some have been too general to be of any assistance in evaluating the proposal,[115] while others have been more specific and offer an opportunity for analysis to test the validity of the objections. One such objection, joined in by a number of critics, was expressed as "—some 30,000 labor cases a year could potentially flood the district courts". (and) "—would tax the country's court system beyond tolerable limits and produce delay in non-labor cases." [116] Such a statement, if not analyzed, is alarming. Upon examination, its fallacy is made manifest. The figure of 30,000 cases relates to all unfair labor practice cases filed for investigation (most of which did not result in the issuance of a complaint) plus all representation matters. The Board's annual report for the year ended June 30, 1969, reveals that for that annual period the Board issued 732 decisions in unfair labor practice cases.[117] In early 1971, there were 354 district judges in the country.[118] This would result in an average of a little over two cases per year per court.[119] One could hardly characterize that as a flood, although it is true that in fact some courts would get more of such cases than others. The proposed Griffin Bill calls for 15 Labor Court judges [120] and the Morris plan calls for a tentative Labor Court of 11 judges.[121] The possible case load burden could be met by the appointment of an equivalent number of district judges in the areas where statistics indicate the greatest number of unfair labor practice cases may be anticipated to be filed.

Another voiced criticism to the proposed plan is that: "Conflicts would arise among districts within one circuit as well as among circuits." [122] This is answered by the proposed Labor Court of Appeals which would bring about greater uniformity of appellate decisions than presently exists and would resolve any such feared conflicts.

Since, under the proposal, all cases would be tried under the Federal Rules of Civil Procedure, the procedures of discovery and deposition would be made available. There has been mixed reaction to making these procedures available in labor cases. Mr. Bartosic opines that "Discovery is especially useless in 8(a)(3) cases which usually turn on credibility conflicts that can be resolved only by seeing and hearing the witnesses. Thus, in most cases, discovery would not only be time consuming but also redundant or useless." [123] It might be noted, that with few exceptions, all cases not subject to summary judgment turn on the resolution of creditability conflicts. In his proposed plan, Professor Morris reaches a different conclusion on this point than does Mr. Bartosic, i.e.; "The proposed Labor Court could also provide for discovery under rules comparable to the Federal Rules of Civil Procedure. This should eliminate the need for formal hearings in many cases, and voluntary settlements would also be encouraged." [124] The answer would appear to be that experience has taught us over a period of three decades that in other fields of the law, discovery and deposition use has brought about an increased deposition of cases by way of settlement, dismissal and summary judgment. It could be reasonably anticipated that it would accomplish the same results in the field of labor law.

For those who have urged that Board orders be made self-enforcing and final unless appealed within limited time periods,[125] the present proposal provides a solution more adequate than they seek. Saying that a Board order is self-enforcing and making it so are not the same. To make it self-enforcing requires a court proceeding or drastic implementation to provide an enforcement apparatus. Under the present proposal all District Court orders are self-enforcing and can be appealed only under the Federal Rules of Appellate Procedure,[126] which would require amendment to accommodate the proposed Labor Court of Appeals. An additional advantage of a Court over the existing Board is its flexibility to combine or sever causes of action, to grant interlocutory orders, to refer fact finding matters to a Master or concelvably to an Arbitrator, if the dispute involves a contract providing for one, or to the Board if the dispute involves a representation matter within the jurisdiction of the Board, to issue temporary restraining orders and injunctions where not prohibited by the Norris-LaGuardia Act,[127] and to use the full power and majesty of the Federal Judiciary to carry out its orders.

MORRIS PLAN'S GENERAL COUNSEL

This writer endorses the Morris plan with respect to retentiton of the General Counsel for the purpose of prosecuting unfair labor practice cases, as well as conferring upon him power to prosecute violations under the Railway Labor Act.[128] Further, the Morris proposal is sound in that it provides, in the event of a failure to prosecute by the General Counsel, the private party can initiate and prosecute his own case in court,[129] with power in the General Counsel to intervene if he deems it appropriate. This has proved workable under the Fair Labor Standards Act, and meets the objections of critics who assert that the present General Counsel has too much power to determine what cases shall be litigated. The Morris plan makes the services of the General Counsel available to, but not mandatory upon, parties in that they are not required to first go through the General Counsel.[130] This has the salutory effect of not allowing the General Counsel by inaction upon a charge to delay or prevent its litigation, as is now the case under Board practice.

The Morris plan's recommended merger of the National Mediation Board and the Federal Mediation and Conciliation Service [131] is likewise salutory, in that it will, in addition to the benefits recited by Professor Morris,[132] be a step toward ultimate repeal of the archaic and cumbersome Railway Labor Act, the proposed implementation of which is beyond the scope of this paper.

TEMPORARY SOLUTIONS

The above proposals are not, as pointed out above, a package. Each element is independent of the other and could be implemented with or without the other elements proposed, or could be adopted in conjunction with alternate proposals made by others. As an example, the Labor Court of Appeals could be adopted in conjunction with a Labor Trial Court as proposed by Professor Morris. Other combinations are equally available for consideration. All proposals, whether here set forth or not, should be given additional detailed study before adoption and implementation.

Until such time as the Congress is persuaded of the urgency for needed change and determines to act, the Board itself, instead of lamenting its plight, could take steps to alleviate the worsening situation. It could direct its Trial Examiners to limit their decisions to findings of fact and conclusions of law instead of vying with one another over the length of the multi-page recitations of minutiae, embellished with their stereotyped adjectives calculated to sell their version of the facts. Many of such decisions resemble more an advocate's brief than a trial judge's decision. Adoption of a system of simplified findings of fact and conclusions of law would surely shorten the time between hearing and Trial Examiner's Decision, and might conceivably reduce the high rate of appeal of Trial Examiner's Decisions [133] to the Board by gaining greater acceptance of the simplified non-embellished factual findings. Another suggestion to speed up the process between hearing and Trial Examiner Decision,

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is to provide that the filing of briefs with Trial Examiners be made discretionary with the Trial Examiner rather than a matter of right. Few Trial Judges hearing cases with no law issues and with only disputed facts involved seek trial briefs. Many such judges render a decision from the Bench at the close of the evidence and invite the parties to submit proposed findings of fact and conclusions of law consistent with the decision.

Many unfair labor practice cases could be handled in this fashion and, if not appealed to the Board, would not even require the transcription of the record. The mandatory requirement in every case of a written decision that is made only after the filing of written briefs or their filing has been waived is a gross waste of time, and frequently a financial burden upon the parties appearing before the Board. The accompanying economies resulting from this simple change might well encourage settlements as well as greater acceptance of Trial Examiner Decisions.

The Board could, without a doubt, in this writer's opinion, shorten the time of hearing and increase the incidence of settlement by adoption of discovery and deposition rules similar to those provided in the Federal Rules of Civil Procedure. In spite of the arguments of those who assert that such practice would increase the delay in Board proceedings, the known history of their use in federal and state courts evidence the contrary. The arguments, however, could be easily resolved by the Board's adopting them for a trial period. The Board, under Section 6 of the Act, has great flexibility in its rule making power.[134] They should use it, and if a certain adopted practice fails to meet expectations it can be as easily changed or abolished as it was created.

Another procedure well worth consideration for adoption by the Board is Rule 31(3)(1)[135] of the United States Tax Court that requires the government and the taxpayer to agree, prior to trial, upon a stipulation of undisputed facts. Surely this, in view of its past success, is worthy of a trial period. Failure of a party to comply with this Rule is subject to broad and effective sanctions.[136]

CONCLUSION

Others can make recommendations for additional time-saving procedures to the Board, but it is all of no avail unless the Board itself is willing to innovate, to change and to experiment. It can, if it elects inaction, become the administrative dinosaur destined for extinction. The time is short, the need is great.

It is hoped that all who labor in this field of endeavor will apply themselves to the end that those changes are made that will bring about more rapid disposition of controversies, greater uniformity of decision, a fairness that will gain greater acceptance by parties of the decisional process, and reliable guidelines for future conduct that will effectively reduce the number of controversies.

FOOTNOTES

[1] 49 Stat. 499 (1935).

[2] September 1966 Labor Law Journal 522, Gene S. Booker and Alan Coe, *The NLRB and Its Critics*.

[3] "The NLRB is supposed to be an unbiased adjudicating body, something like a court. It usually behaves like a department of the AFL–CIO and is about as neutral as George Meany." The Huntley-Brinkley Report, January 24, 1966, as quoted by Senator Robert P. Griffin, 47 Mich. State Bar Journal 9, 10 (Nov. 1968).

[4] "—George Meany charged the Administration with attempting to 'pack' the NLRB with individuals that had a pro-management attitude." *Supra*, footnote 2 at p. 526.

[5] "It (NLRB) is a politically appointed, politically oriented agency that is too close to political and other pressures." *Supra*, footnote 3 at p. 15.

[6] "Having followed the pattern of Board decisions since enactment of Landrum-Griffin, this author has come to the conclusion that the NLRB as currently structured, is not an appropriate instrumentality to implement congressional purpose in this vital field." Id.

[7] George B. Driesen to the Second Annual Collective Bargaining Forum at New York City on May 19, 1970, 74 LRR 87, 91.

[8] "Operations in Fiscal Year 1969" of NLRB's Thirty-Fourth Annual Report.

[9] Id.

[10] NLRB Chairman Edward B. Miller to the Labor Law Conference, Louisiana State University, Baton Rouge, La., on January 22, 1971, 76 LRR 89, 94.

[11] Address before the annual meeting of the Connecticut Bar Association at New Haven, Conn. on October 19, 1970. 75 LRR 168.

[12] "NLRB Statistical Summary for Third Quarter 1970," 75 LR 278.

[13] *Supra*, footnote 10 at p. 95.

[14] *Supra*, footnote 7 at p. 92.

[15] *Supra*, footnote 10 at p. 95.

[16] *Supra*, footnote 8.

[17] Id.

[18] *Infra*, footnote 51 at p. 1149.

[19] 75 LRR 123, 126.

[20] 75 LRR 168, 169.

[21] Address by Chairman Edward B. Miller to the Ninth Annual Corporate Counsel Institute of the Northwestern University School of Law on October 8, 1970. 75 LRR 123, 125.

[22] 76 LRR 33.

[23] Id. p. 34.

[24] Reorganization Plan No. 5 of 1961 was submitted to Congress by President Kennedy pursuant to the Reorganization Act of 1949, Ch. 26, 63 Stat. 203.

[25] *Supra*, footnote 11, p. 170. See also Address by Chairman Edward B. Miller to the Association of the Bar of the City of New York on November 12, 1970, 75 LRR 245, 250.

[26] 73 LRR 263.

[27] Id. p. 268.

[28] S. 103, 91st Cong., 1st Sess. (1969).

[29] Id., Sec. 2.

[30] Id., Sec. 10.

[31] Id., Sec. 17.

[32] 47 Mich. St. Bar Journal 9, *End NLRB and Create U.S. Labor Court*, (November, 1968).

[33] Ibid. p. 15.

[34] Ibid.

[35] *Infra*, footnote 54.

[36] "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States 'but all Duties, Imposts and Excises shall be uniform throughout the United States'—(Clause 9) to constitute Tribunals inferior to the Supreme Court;"

[37] *Glidden v. Zdonick*, 370 U.S. 530 (1962) dealing with establishment of the United States Court of Customs and Patent Appeals.

[38] S. 3671, 91st Cong., 2d Sess. (1970);

[39] Id., Sec. 6.

[40] Adjunct Professor, Catholic University Law School and House Counsel, International Brotherhood of Teamsters.

[41] 4 Georgia Law Review 647, *Labor Law Reform—The NLRB and a Labor Court* (Summer, 1970).

[42] Id. p. 662.

[43] Id. p. 664.

[44] Id. p. 666.

[45] Id. p. 667.

[46] Id.

[47] Id.

[48] Id. p. 668.

[49] Labor-Management Reporting and Disclosure Act, 29 U.S.C. Sec. 401–530.

[50] *Supra*, footnote, 41 p. 670.

[51] 14 Wayne Law Review, 1126, *Expertise, The NLRB, and the Constitution: Things Abused and Things Forgotten*, (1968).

[52] Id. p. 1161.

[53] Id.

[54] Section 1: "The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behavoir, and shall, at stated times, receive for their Services a Compensation, which shall not be dismissed during their continuance in Office."

[55] February 1969 Labor Law Journal 94, *One Nation Indivisible—A Plea for a United States Court of Labor Relations*.

[56] Id. p. 97.

[57] Id.

[58] Id. p. 95.

[59] Id. p. 99.

[60] Professor of Law, Southern Methodist University.

[61] 35 Journal of Air Law and Commerce 537, *Procedural Reform in Labor Law—A Preliminary Paper*, (1969).

[62] Id. p. 559.

[63] Id. p. 568.

[64] I. e. A Court established under U.S. Const. Art. III.

[65] *Supra*, footnote 49 at p. 561.

[66] 29 U.S.C. Secs. 178, 179, and 180, Labor Management Relations Act, Secs. 208, 209 and 210.

[67] 29 U.S.C. Sec. 185, Labor Management Relations Act, Sec. 301.

[68] 29 U.S.C.

[69] *Supra*, footnote 61 at p. 563.

[70] 29 U.S.C. Sec. 187, Labor Management Relations Act, Sec. 303.

[71] 29 U.S.C. Sec. 186, Labor Management Relations Act, Sec. 302.

[72] *Supra*, footnote 62 at p. 564.

[73] Id. p. 565.

[74] Id. p. 566.

[75] Id. p. 562.

[76] Id. p. 568.

[77] Id. p. 573.

[78] Id.

[79] The Southwestern Legal Foundation, Labor Law Developments 1971, p. 331.

[80] Associate General Counsel, AFL–CIO.

[81] *Supra*, footnote 79 at p. 331.

[82] *Supra* p. 338.

[83] *Supra* p. 341.

[84] *Supra*, footnote 41.

[85] *Supra*, footnote 79 at p. 343.

[86] Id.

[87] *Supra*, footnote 79 at p. 332.

[88] His statement that "Professor Charles J. Morris seems at one point, to say that the basic, or at least original, purpose of the NLRA has ben achieved, in that most employers recognize and accept that their employers have a right to join a union and bargain collectively," is certainly subject to question from a careful reading of Professor Morris's article.

[89] *Supra*, footnote 79 at p. 335.

[90] The present Act provides for such injunctions, but leaves the seeking of them solely to the Board's discretion. Sec. 10(j).

[91] *Supra*, footnote 24.

[92] Although not discussed above, this concept has already been suggested by Mr. William B. Spann, Jr. in 4 Georgia Law Review 643. *Foreword—A Labor Court of Appeals*, (Summer 1970). Mr. Bartosic *supra*, footnote 41, as part of his plan, advocates a single Labor Court of Appeals.

[93] *Supra*, footnotes 75 and 76.

[94] Address by Board Member John H. Fanning to Labor Law Seminar sponsored by the Kansas City Bar Association, March 25, 1970. 73 LRR 286, 289.

[95] Ten in fiscal year ended June 30, 1969. 76 LRR 29, 34.

[96] *Supra*, footnote 92 at p. 645.

[97] *Bangor Plastics, Inc.*, 156 NLRB 1165, 1966 CCH NLRB ¶ 20,175, rev'd 392 F. 2nd 772 (1967), 57 LC ¶ 12,607 (1968–CA–6).

[98] 76 LRR 29. In this regard the Board states that, "In the 363 decisions, NLRB was affirmed in whole or in part in 81 per cent." However, stated another way the Board's orders were set aside, modified or remanded in 43 per cent. See table at 76 LRR 34.

[99] This follows the suggestion of Mr. Spann, *supra* footnote 92.

[100] 61 Stat. 136 (1947), as amended, 29 U.S.C. Sections 151–168 (1964), Secs. 208, 209 and 210 relating to national emergency strikes, Sec. 301 relating to enforcement of labor agreements, Sec. 302 relating to restrictions on payments to employee representatives and Sec. 303 relating to suits for secondary boycott damages.

[101] 44 Stat. 577 (1926), as amended, 54 Stat. 785–86, 45 U.S.C. Sections 151–162 (1964).

[102] 29 U.S.C. Sec 201 et seq. (1964).

[103] 73 Stat. 519 (1959), as amended, 29 U.S.C. Secs. 401–531.

[104] 42 U.S.C. Sec. 2000 et seq. (1964).

[105] *Supra*, footnote 92 at p. 645.

[106] *Supra*, footnote 61 at p. 564.

[107] A median time of 630 days in fiscal year ended June 30, 1969. General Counsel Arnold Ordmans Testimony to the Senate Appropriations Committee, 71 LRR 519.

[108] *Supra*, footnote 11.

[109] *Supra*, foonote 10 at p. 95.

[110] 44 Stat. 577 (1926) as amended; 45 U.S.C. Secs. 151–88.

[111] 49 Stat. 449 (1935) as amended; 29 U.S.C. Secs. 151–68.

[112] 52 Stat. 1060 (1938) as amended; 29 U.S.C. Secs. 201–19.

[113] Pub. L. No. 86–257, 86th Cong., 2d Sess. (1959); 29 U.S.C. Secs. 401–531.

[114] "—direct court judges now have relatively little contact with Taft-Hartley and are ill-trained to administer it." *supra*, footnote 41, p. 661.

[115] Board Chairman Edward B. Miller: "—the proposal to transfer our unfair labor practice jurisdiction to the district courts are unworkable and present, in my opinion, more problems than they purport to cure." 76 LRR 89, 95.

[116] *Supra*, footnote 41 at p. 656. This particular criticism directed in opposition to the Tower district court plan was based in part upon the fear that allowing individuals, whose charges had been denied by the General Counsel, to file individual suits would substantially increase the court case load.

[117] *Supra*, footnote 22.

[118] 431 F. 2d.

[119] Mr. Bartosic attempts to distort this obvious fact by only referring to 86 district courts, *supra*, footnote 41, p. 661, overlooking the fact that it is Judges and not judicial districts that count.

[120] 47 Mich. St. B.J. 9 at p. 16.

[121] *Supra*, footnote 61 at p. 564.

[122] *Supra*, footnote 41 at p. 661.

[123] Id. p. 657.

[124] *Supra*, footnote 61 at p. 570.

[125] *Supra*, footnote 11 at p. 170.

[126] *Supra*, footnote 61 at p. 563.

[127] 47 Stat. 70 (1932), 29 U.S.C. Secs. 101, etc.

[128] *Supra*, footnote 61 at p. 566.

[129] Id. p. 563.

[130] Id.

[131] Id. p. 568.

[132] Id. pp. 572, 573 "A merger of the mediation functions of the FMCS and the NMB should provide an opportunity for both groups of mediators to share valuable experiences and techniques. Also, one mediation agency should be more economical to operate than two, and a single agency should provide for a more centralized and uniform direction to the service. Perhaps most important, however, there would be a separation of mediation from the adjudicatory functions of the NMB. If mediators can confine their efforts to mediation, which the NMB as an agency cannot do under the present RLA, their roles as neutrals may yield greater success in assisting parties in reaching bargaining agreements."

[133] 82%—*supra*, footnote 41 at p. 663.

[134] "The Board shall have authority from time to time to make, amend and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this Act."

[135] "*Stipulations required*—The Court expects the parties to stipulate evidence to the fullest extent to which complete or qualified agreement can be reached including all material facts that are not or fairly should not be in dispute."

[136] Rule 31(b)(5)—"Results of noncompliance by a party.—If at the date of issuance of trial notice in a case a party has failed to confer with his adversary, or has refused or failed to stipulate the facts and evidence which are not in dispute or fairly should not be in dispute, and after trial notice, still fails or refuses to stipulate, as required under paragraphs (1) and (2) hereof, the party proposing to stipulate may within 50 days, but not less than 35 days, prior to the date set for call of the case from a trial calendar, file with the Court a motion for an order to show cause why the facts and evidence covered in his motion should not be accepted as established for the purposes of the case. The facts and evidence of the proposed stipulation covered by the motion shall be shown with particularity and by numbered paragraphs. The motion shall contain adequate references to the sources of the matter set forth, and where such sources are in possession or under control of the moving party, the motion shall also show that the opposing party has had and has reasonable access thereto. The motion shall be accompanied by proof of service on the opposing party or his counsel. Upon the filing of such motion, an order to show cause as moved shall be issued forthwith, unless the Court, in its discretion, directs otherwise.

The party against whom the order to show cause has issued shall, within 25 days of the date of such order, file a response listing by numbers the paragraphs in the proposed stipulation in respect of which there is no dispute. Where there is disagreement with respect to any paragraph in party only, the response shall show the part admitted and the part denied. Where there is any disagreement with respect to any paragraph, either in whole or in part, or where the disagreement takes the form merely of a variance in the statement of the facts or evidence, the response shall show the basis for the dispute, an objection on the ground of materiality or relevance may be noted but is not to be regarded as just cause for refusal to stipulate. The response shall be accompanied by proof of service on the opposing party or his counsel.

The matters covered by the show cause order and response shall be heard at the call of the case from the trial calendar, or, if practicable, at such earlier time and at such place as the Chief Judge in his discretion may fix.

THE FARMERS HOME ADMINISTRATION AND ITS ACHIEVEMENTS IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, many thousands of words have been spoken in this Chamber on the subject of rural development and economic growth. Many of our efforts have been devoted to the countryside. We have sought to give help that is needed, and we have other measures under active consideration at this moment.

I think it is well if we pause and ask what all this is for, and I would like to provide an answer as I have seen it develop in my own State.

Finding water in South Carolina has seldom been a problem, and with the dams along the Santee and Savannah Rivers, and the rapidly growing reputation of my State as an area for water-based recreation, some may wonder that I even raise the question.

But good water—pure water—convenient water, flowing from pipes into our homes, schools, churches, and businesses—is needed before a community can grow and flourish.

Mr. President, Lancaster County in the Piedmont section of South Carolina is an example. Our first water system was built there nearly 10 years ago. Since then, seven more systems have followed, and now some 200 miles of pipeline convey water throughout the county—and provide a supply to five other water districts and one town.

All of South Carolina is the better because of these water systems.

Farmers Home Administration, which assisted with loans for these seven water systems, has also financed over 350 homes along these water lines in rural areas, and private lending institutions have more than doubled that number—over 500 homes for a total investment that exceeds $13 million.

Mr. President, with this increased financing have come expanded telephone and electrical service, new mail routes—and growth. As a result the county has lower fire insurance rates and more plentiful job opportunities. Population has grown 10 percent since the first system was established. The strengthened tax base has improved services and amenities and values have increased from 50 to 100 percent along the water lines.

One of our real good farmers points out that farming people are not interested in selling out at any price.

Mr. President, this is a quick, thumbnail sketch of results that already have come from the good work of the Congress in establishing and maintaining the Farmers Home Administration. I searched deeply into the program that the Farmers Home Administration has provided in South Carolina. As a result I found good work and strong programs that provide an essential foundation to this administration's goal of balanced growth.

We were proud to discover that South Carolina can now claim the No. 1 position in rate of progress in rural areas. Living conditions, quality of homes in the towns and countryside are rising to a general level of first class in South Carolina, faster than in any other State, and I compliment State FHA Director E. Whitson Brooks for his outstanding work.

Mr. President, in county after county in South Carolina water systems have opened the way. In this rural water program, 84 municipal and intercommunity organizations have developed some 75 water systems, large and small, plus nearly a score of sewage disposal systems for towns that had sanitation and pollution problems. All this has been achieved because of some $20 million of financing through the FHA in South Carolina.

Several hundred towns have benefited from the uplift that comes with the graduation to modern systems of water supply and sanitary waste disposal. The

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pipelines of a larger rural water system normally embrace several towns, as well as the farms, homes, businesses, and industries that lie in the open country between towns.

Mr. President, Lancaster County offers outstanding examples, but others will be found in every section of South Carolina. Two of Lancaster's neighboring counties—Chesterfield and Kershaw—account for 10 more thriving rural water systems. Union County in the northwest section of the State has a network of eight rural systems. In counties of the coastal areas of South Carolina, both water supply and drainage improvements are being achieved through Farmers Home Administration programs.

Aiken County typifies the surging development of industry and new, modernized communities along our southern boundary. Among eight new rural water systems in that county, the Breezy Hill system is now in the process of more than doubling its service load. More than 1,000 homes will be supplied by this system that started 2 years ago with less than 500. In Greenville County, the Blue Ridge rural water system was recently approved for $2 million of Farmers Home Administration loan financing. This system will begin with coverage of three towns and the intervening countryside, which accounts for a large rural portion of the county.

Mr. President, these examples are exemplary of progress in every sector of our State. Modern services and a prevalent pattern of desirable housing no longer stop at the city line. Every county of South Carolina is being reached by the rural water program. Forty-one more projects totaling $17 million are planned for development within the next 2 or 3 years.

With the solution of water supply and sanitation problems in a rural community comes rebuilding, renewal and growth. This is happening today in South Carolina. The real symbol of advancement for our people is found not so much in plants and storefronts as in homes—new homes of modern quality for the general population of middle and lower income families.

Mr. President, South Carolina is now the leading State in rural housing. In the fiscal year ended last June 30 we topped all States, including many much more populous States, with more than $97 million worth of homebuilding through the Farmers Home Administration rural housing program.

South Carolina produced 7,132 new or newly modernized homes—all for families who, until the inception of today's rural housing program, seldom found home financing within their reach.

Mr. President, in South Carolina the housing effort of 3 years ago produced only 1,500 homes, $13 million worth of building in fiscal year 1968. However, in fiscal 1971, more than 4,700 families of the low-income group alone—families who until now saw no way of escape from crude, old-fashioned, substandard housing—were able to step up to ownership of good, modern homes.

Rural homebuilding of itself has become one of the biggest industries in South Carolina, and one of the most important sources of new rural employment. Some 900 contractors are now producing homes in town and country areas. Homebuilding jobs provide a livelihood for some 20,000 rural South Carolina families.

The economic effect provided by increased homebuilding spreads through many lines of business and employment. To the nearly $100 million invested in 7,100 new rural homes last year, can be added some $15 million spent by homeowner families just for furnishings and modern appliances in their new homes. The combination of these investments has been a tremendous boost to the overall economy of South Carolina.

Mr. President, this transformation of housing is a profound improvement, long overdue in rural areas. The key to its accomplishment has been a conscientious and capable organization of State and county-based workers in the Farmers Home Administration. They have made the people of rural South Carolina aware of the new "second chance" now afforded them in housing. There now is ample FHA credit through the Farmers Home Administration, supplementing all private and conventional credit that may be available in a rural locality.

There also is fine and continuing cooperation between FHA and the homebuilders of our State, working to develop and produce in volume good modern homes that are fully adequate for the families who will live in them, but priced within reach of the family of modest means.

Mr. President, I offer the examples of Lancaster County and the record of accomplishments throughout our State as evidence that rural development is working in South Carolina. We commend Administrator James V. Smith on the immense improvement of services the Farmers Home Administration has achieved under his leadership.

Volume of credit for homes, farms and community improvements has increased from 4,400 loans of all types totaling $29 million in fiscal 1968, to more than 12,000 loans totaling $121 million the past year.

Credit needs of the small farm family also are being better served. FHA farm ownership and operating credit is up from $6.8 million 3 years ago to $7.5 million in the year just ended. Moreover, through new policies introduced by the present administration, private lenders who join with Farmers Home in serving the same borrowers are adding about one-third more to the rural credit picture.

Mr. President, I am proud to present this progress report from the rural areas of South Carolina. It is my belief that as these efforts continue, rural areas will fulfill their promise as the great realm of future community development in this country; the goals of rural development will be realized; and those who want to stay in the country, or turn to country life, will find decent work and living conditions in a better environment.

PRESIDENT NIXON'S ADDRESS TO THE WHITE HOUSE CONFERENCE ON AGING

Mr. FONG. Mr. President, the Second White House Conference on Aging has now come to a close. There are many significant recommendations for all Americans to study in the coming months as we begin to move to implement as many ideas as we can. I am especially delighted to see that the Conference Chairman, Dr. Arthur Flemming, will be continuing in his post to oversee the followup aspects of the Conference.

As ranking minority member of the Senate Special Committee on Aging, I have, of course, followed closely the issues facing older Americans. President Nixon in his remarks yesterday addressed himself to many of those issues. But even more significantly, he emphasized the need for a "new attitude toward the aging that can reopen the doors of opportunity which have too often been closing on older men and women."

To encourage my colleagues and all Americans to take notice of issues concerned with the aging, I ask unanimous consent to have the President's remarks printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO WHITE HOUSE CONFERENCE ON AGING

Dr. Flemming, Chief Justice Warren, all of the distinguished guests on the platform and all of the distinguished delegates to this conference:

First, I want you to know how very delighted we were to have you—2700, I understand—as guests last night at the White House. As I came in by helicopter from Chicago, after speaking to the 4-H Convention there, I saw many in the windows looking out. I only wish I could have come down; but I realized if I shook hands with 2700, that would be more than the four hours that Chief Justice Warren took on Monday night, and I wanted to be here this morning. I wish I could have, though, welcomed all of you from all of the States of this Nation, all of you with your deep commitment.

Now I want to talk about this conference, the White House conference. I want to talk about it very candidly, in terms not of the past or the present, the resolutions that you will present; but in terms of the future.

Down in the Library of Congress there is a whole floor, with many, many stacks of volumes of the records of White House conferences, conferences on the aged, conferences on young people, conferences on health. On almost any subject you can imagine, there has been a White House conference, and every President has participated in them. Every President opens them or closes them, as the case may be.

Those volumes, very many of them, when I have seen them down there, just gathered dust, and you wonder what happened; was it worth it? And all of you, as you come to the end of this conference, must wonder, after all the work you have done, after all the recommendations you have made: Is it going to end here, or is this a beginning?

That is what I want to talk about. I would be less than candid if I were not to say that many White House conferences are more cosmetics than the real thing. They talk about the problem, give people an outlet, and, of course, that is a good thing; but recommendations usually are not put into practices as often as they should be.

When this conference was called, as John Martin and Arthur Flemming will tell you, I told them I wanted to know what we could do. In preparing my remarks today, I wanted to speak specifically to the things that you recommended, and to speak also to how we could follow up.

I do not want the volumes—and there will be volumes on this conference—simply to gather dust in the Library of Congress or in the office of the President. As long as I am here, I will go over and shake off the dust myself to find out what was said. But Dr. Flemming told me before I came in here just what he said to you when he introduced me: that each one of you has made a very important pledge this morning, a specific commitment to action in the post-conference year. I am here to join you in that pledge.

CLOSE, PERSONAL ATTENTION PLEDGED

This means that I am going to give my close, personal attention to the recommendations of this conference. I have asked Dr. Flemming to stay on. We really cannot afford him, but he comes really as a volunteer. He is not only going to be chairman of the conference in the follow-up period; but also as a special consultant on aging, so that I can take up these matters personally with him, as well as John Martin, who, as you know, is my special assistant on aging.

Now, Dr. Flemming is known to you from having presided over this conference. He is also known as a great educator. I knew him as a member of the Cabinet. Beneath that very genteel exterior is one of the most tenacious men I have known. So you have a good representative there speaking up for your problems.

The second step I have taken is that I have directed that your recommendations be put at the top of the agenda of our Cabinet-level Committee on Aging, in which Dr. Flemming also plays a leading role.

Finally, I have asked Dr. Flemming to create a post-conference board to act as your agent in following up on your proposals. When matters that affect the interests of older Americans are being discussed in the White House, I am determined that the voice of older Americans will be heard. That is my commitment to you.

ENHANCE DIGNITY OF ALL AMERICANS

Now, as we consider your suggestions, we will be guided by this conviction: Any action which enhances the dignity of older Americans enhances the dignity of all Americans, for unless the American dream comes true for our older generation, it cannot be complete for any generation.

This is true, first, because we all grow old. The younger generation today will be the older generation tomorrow. But more than that, the entire Nation has a high stake in a better life for its older citizens simply because we need you. We need the resources which you, alone, can offer.

We are speaking, after all, of a proven generation, one that has brought this country through the most turbulent period in human history. Your skills, your wisdom, your values and your faith—these are among the most valuable resources this Nation possesses.

This country will have to be at its best if we are to meet the challenge of competition in the world of the 70's, and we cannot be at our best if we keep our most experienced players on the bench. I am not speaking of the Washington Redskins, either. Yet, in recent years all of us know a gulf has been opening between older Americans and the rest of our people. This gulf is the product of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

YOUNG, OLD AMERICANS NEED ONE ANOTHER

We have to change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let us begin where most of you begin—that is the problem of inadequate income. We have to begin there because if we move in this front, all the other battles will be easier, and if we fail to move in the income front, the other battles—and there are many others that I will discuss in my remarks this morning—will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill known as H.R. 1. Now, let me talk to you a bit about H.R. 1.

It is generally known as welfare reform. I presented it to the country in a radio-television address almost 2½ years ago. In that period, since it was presented to the country, it has been debated and talked about, passed one House, and still languishes in the Senate, no prospect for this session, and apparently not too much prospect even for the next session, unless something happens in terms of waking the Congress up to the fact that the American people want it.

Let me tell you what H.R. 1 does. You hear about welfare reform. Well, believe me, we need it. We have a system at the present in this country, a system in which, under our present welfare rules, in many States it makes it more profitable for a man not to work than to work, and it rewards a man for leaving his family, rather than staying with his family. When you have that kind of a system, you ought to abolish it and get something else.

So our new program provides for work incentives and work requirements. It also provides for needy children and provides for those needy children without the effect of the present welfare program, which is so degrading on those children and mars them for life.

But what is in it for older people? I think we have forgotten many of those things. Let me tell you how much is at stake for older citizens in H.R. 1 and why it must be a top priority.

WELFARE PLAN INSURES ELDERLY INCOME

For the first time in our history, it would put a national floor under the annual income of every older American. Now, some may say it ought to be higher, some may say it ought to be earlier; but the point is, it will be done. We need a national floor under the income of every older American. H.R. 1 does that.

Second, for the first time in our history, it would make social security benefits inflation-proof. This is something that I have always believed in. It does not make sense to have social security benefits constantly behind inflation. If we have inflation, the benefits should go up with it, and H.R. 1 provides for that.

It would allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. I have also asked the Congress to include in H.R. 1 a proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

Now let me get into the numbers. These numbers are so big that they may not, of course, be very impressive when we think of $200 billion budgets, and I am going to be working on that budget over this next weekend. But H.R. 1, as it now stands, would provide $5½ billion in additional Federal benefits for older Americans—$5½ billion more.

Let me point out something: If they had passed it two years ago, we would have had it then. You can see why the Congress needs to quit talking and start acting on H.R. 1. This would be $3 billion in increased social security benefits, and when it is fully effective, another $2½ billion in new benefits to persons with lower incomes. And a proposal to eliminate the monthly Medicare fee would enrich the $5½ billion package by an additional $1¼ billion, so that is the equivalent of an additional five percent increase in social security.

So you can see how much is at stake in this one proposal which has been there for over two years, which has not been acted upon, and which needs to be acted upon.

CALLS FOR HELP IN PASSING BILL

I have made a commitment to you. We need your help. Let your Congressman, let your Senator, know that before the next election you want action on H.R. 1. I think we ought to have it.

Now I would like to go to a second subject which is related to income. It is the other side of the coin. That is the subject of taxes. We are supporting a series of tax reform proposals which would enable a single person aged 65 or older, to receive up to $5 100 of tax-free income. A married couple, both of whom are 65 or older, would receive over $8,000 in tax-free income.

However—and now I come to one that will be very close, I am sure, to the hearts of most of the people here, because when I met with representatives of this group before this conference was convened, this subject was raised by every one of those present. That is the property tax. It is not related to income, but it is a tax which keeps going up and up and up; whereas, an older person's income may be even going down.

Property tax collections have increased by 40 percent in the last five years alone. Now, here is where older Americans come in. We have checked and found that 70 percent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving, and yet, because of property taxes, the same home which has been a symbol of their independence often becomes the cause of their impoverishment.

PROPERTY TAXES IMPOSE UNFAIR BURDEN

Take the 30 percent who do not own their homes. Those who rent their homes often bear an unfair burden because property tax increases are often passed along in the form of higher rents.

The inequity of the property tax is often the greater because it takes money from those who have already educated their own children, and uses it largely for the education of other children.

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders. They were full of hope and pride. Over the years that followed, they made their dreams come true. But today, many, many years later, things have changed so much that Mrs. Ewing begins her letter to me by saying, "Was it just an empty dream after all?"

Her father, at 72, is too ill, too tired, to work. His family is grown and scattered. To meet his real estate taxes, he is now being forced to sell the property for which he worked so hard and so long. Then she goes on to say, "If this is really the country I grew up believing it to be, these inhumane property tax laws must be changed."

COMPLETE OVERHAUL NEEDED

She is right, and they should be changed. That is why we need a complete overhaul of our property taxes and of our whole system of financing public education, because the property tax, as you know, in California as well as in many other States, is the primary

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tax which can and must be used at this time for financing public education.

Our revenue sharing proposals which were made a year ago, and which still have not been acted upon, can help relieve the pressure on property taxes, and older Americans have a large stake in enacting those proposals. But I believe we have to move in another front, more directly on the problem of property taxes. I am, therefore, working with our Domestic Council and working specifically with Secretary of the Treasury Connally in preparing specific proposals to ease the crushing burden of property taxes for older Americans and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. These remedies will involve large sums of money. But we are prepared, however, to make the hard decisions we are going to have to make to provide property tax relief.

The time has come, in this subject as in others, to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

Now, I want to go to another matter that I know has had consideration here, and one which I find very fundamental agreement with your conclusions. That is the inadequacy of private pension plans. One half of our work force is not even enrolled in such a plan and many of those who are enrolled have inadequate or unreliable coverage.

REFORM NEEDED IN PRIVATE PENSIONS

I will therefore propose to the Congress a new program to reform our private pension systems. Here are some of the reforms: They will include measures designed to expand pension coverage, to ensure that pension funds are soundly managed, and also, I will recommend new laws to require the vesting of pensions so that an individual who works in a job, has money invested in a pension, and then moves from that job doesn't lose what he has put in. He is entitled to that and he should get it.

Now, there is one other item where I am going to talk about something that involves not what the Congress and what the Administration can do for older Americans, but what you can do for the country and for yourselves.

I am sure you have been reading and hearing in your newspapers and on television and radio a lot about our new economic policy: with the freeze on wages and prices for 90 days, Phase II, some of the arguments that have taken place with regard to what the application should be. Let me say that as far as this program is concerned, its primary design is to stop the rise in the cost of living. As far as this program is concerned, it is inevitable that anything that we do is going to cause some sacrifice on the part of some Americans.

For example, some labor leaders, not all, but some of them object to the fact that labor increases and wage increases cannot be as high as they would like. Some business leaders are objecting to the fact that we have laid down regulations in which their profit margins are not allowed to be as high as they would like. Some stockholders are objecting to the fact that we have laid on regulations where their dividend payments cannot be as high as they would like.

Let me say, I would like to have a program that would satisfy them all, because it is not pleasant to have any segment of the population object to a program that we have adopted. But let me lay it right on the line. Where a wage increase or a profit increase or a dividend increase can be controlled and the result will be stopping the rise in the cost of living for all Americans, that is worth doing, and that is what we plan to do.

ASKS CONTINUED SUPPORT DURING PHASE II

The support for that program has been stronger perhaps, among older Americans, according to all the polls, than all the others. On the other hand, 70 percent of Americans do support it and we ask your continued support, because no matter how much the pensions may be, no matter how much the Social Security payments may go up, if the cost of living continues to go up it doesn't make any difference. That is why those who are retired and living on fixed incomes have the biggest stake of all Americans, and we hope that you will continue to support it right to the hilt.

Now, I have been talking about income and taxes and how we control prices, but even with higher income, we all know that many older Americans face problems beyond their individual control. I am going to talk for a moment about the one million Americans who live in nursing homes.

I can talk with great feeling about this because my mother was in a nursing home. She was very ill and had a stroke during the last two years of her life. It was a very good nursing home and I will always be thankful that the nurses there treated her just as I would have wanted to treat her, if I could have been there. Many of these nursing homes, like the one my mother was in and like the one my 91-year-old Aunt Edith is in out in Riverside, California, are ones where they receive excellent care from people who care about them. But many do not. There are some bad nursing homes, some inadequate ones. There is little that the people who are in them can do about it.

MUST UPGRADE NURSING HOMES

Partially, it is a question of money, being able to afford the payments, and partially it is a question of regulation. Where it is a question of regulation, we certainly can do something about it. That is why I announced last summer an eight-point program for improving our nation's nursing homes, for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes, but we are not going to hesitate to cut off funds from those which are hopelessly substandard.

Furthermore, we will take the initiative to make sure that public and private resources are available to provide alternative arrangements for the victims of such homes; to cut off the funds for the substandard ones and just let the people out, that is no answer. We must find an alternative and we are planning to do that.

But when we speak of the million who live in nursing homes, we want it realized that for every person in a nursing home, we have twenty times as many older people who are not in nursing homes. The greatest need is to help more older Americans to go on living in their own homes. Income programs, such as H.R. 1, tax reforms, they can help achieve this, because if the individuals have the funds, then they can retain their own homes. But so can a number of other additional decisions which we have already made.

$100 MILLION INCREASE IN AGING AGENCY

We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to $100 million. Now, you may wonder where I got that number. I must say, I heard from a number of you and I heard from Arthur Flemming. He didn't know about the number until this morning because it was $80 million last night, and I decided, why not $100 million. $100 million is needed for reasons that I am going to indicate as to what I expect from this.

But let me put it in another context. Let us put it in terms of priorities. The Congress, for example, at the present time, has under consideration a tax bill. It is a tax bill that has some very good provisions in it. It has one in which there is disagreement, honest disagreement, one where I take a different position from some others. But there is one provision in that bill that provides for between $50 and $100 million to go for the purpose of paying the campaign expenses of an individual who is running as the nominee of his Party for the Presidency of the United States. Now, my friends, just let me say this: It is very important that campaigns be adequately financed, but I say, rather than to have the taxpayers' money used for the purpose of financing a candidate's campaign for election, that money should be used for the purpose of allowing the elected President to keep his campaign promises once he gets into office.

Now, let's see what this $100 million is going to do. We can give special emphasis to services that will help people live decent and dignified lives in their own homes, services such as home health aides, homemaker and nutritional services, home-delivered meals, transportation assistance. Much of this new money will be used to help marshal existing and expanding resources more effectively at the local level.

INFORMATION CENTERS TO BE SET UP ON SOCIAL SECURITY

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly. These offices will, of course, supplement the State offices which already are doing a very fine job in this respect.

Then, there are two additional administrative decisions which will help older Americans remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominiums and retirement communities. Secretary Romney, who is also a very tenacious, evangelistic man in our Cabinet, is going to see that that is done, I can assure you.

The second will require that Federal grants provide services for older persons and also provide for the transportation they need to take advantage of these services.

Now, I turn to another subject and if I seem to be moving from place to place, believe me, you moved from place to place throughout this conference and I am trying to cover most of the major subjects in which you expressed an interest. Some of the best service programs for older Americans are those that give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals, churches, parks and schools gives them a new sense of price and purpose even as it contributes to the lives of others.

EXPANSION OF SENIOR VOLUNTEERS PROMISED

Federal programs to provide such opportunities have proved remarkably successful at the demonstration level, but that is all they have been up to this point. We are going to change them. We are going to move from demonstration to establish these programs on a broader national basis. Therefore, I am going to request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I have directed that the Foster Grandparents Program be doubled to $25 million, and I will ask that this program be altered so that Foster Grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under this program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education, and community service projects even as they earn additional income.

Let me say: Every older American can be proud that you have made these programs work in recent years. That is why we can double this one, triple that one, make a permanent program out of what was previously a trial or demonstration one. These decisions mean that you will be able to work in more places and for more people.

Now, I have spoken this morning about some of the immediate steps that I am taking as part of my commitment, with your commitment, to action. We are proud of these initiatives, but we are not content to rest on them. We are going to build on them. That is why I have outlined a mechanism for following up on this conference, one which will allow us to take the fullest advantage of the excellent work which you have done.

RECOGNIZES SUPPORT ON PRESCRIPTION DRUGS

Any discussion of the recommendations for dealing with the problems of the aged would not be complete without recognizing the strong support expressed at this conference for extending Medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

Now, as you know, these programs involve very, very substantial budget problems for the Administration. Therefore, they are ones that will need a great deal of consideration and study. Because of the interest which you have expressed in these programs, I have directed the Domestic Council, under John Ehrlichman, who has already addressed you, to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this conference, a message which must now be heard in every community in this land. Let me tell you what it is.

NEW NATIONAL ATTITUDE NEEDED

We need a new, national attitude toward older people in this country, and that attitude must be one which recognizes that America, whatever it does for its older citizens fully appreciates what our older citizens can do for America.

Only a new national attitude toward aging can end the throwaway psychology which I understand was so graphically demonstrated in the film you saw Sunday night. Only a new attitude toward aging can reopen the doors of opportunity which have too often been closing on older men and women.

To borrow another phrase from your multimedia presentation—only a new attitude toward aging can keep older Americans from "slipping through the cracks."

We are entering a period when people will be retiring even earlier from their regular jobs, and when it will, therefore, be more important than ever to recognize that retirement from work does not mean retirement from life. This concept must be at the heart of our new, national attitude toward aging.

I see a great number of people in the White House, young people, middle aged, older people, not nearly as many as I would like to see, but every day some come through to receive an award or recognition, and some just want to come in and see the President, for some reason. A few months ago I met with a remarkable man. His name was George Black. For more than 80 years, this man has been making bricks by hand in Winston-Salem, North Carolina, his own special way of doing it. He is a master craftsman.

When he came in to see me, he didn't look it, but he told me he was 93 years old. But his productive years were not over. So our Government, under one of the programs that we fortunately had, sent this remarkable man to a country that needed to learn about that almost forgotten skill of making bricks by hand. George Black went to Guyana, in South America, so that he could share his skills with the people of that less developed country.

When I asked him about his trip, this is what he said: "I have always asked the Lord to let my last days be my best days. I feel like He is answering my prayers."

MUCH STILL TO BE GIVEN BY ELDERLY

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them, as for him, its answer depends not only on what they are given, but on what they continue to give.

Older Americans have much to give this country. The best thing this country can give to them is the chance to be a part of it, a chance to play a continuing role in the great American adventure.

In a real sense, therefore, this conference is just beginning, for all of us are going home with promises to keep. As we keep those promises, as we fulfill our commitments to action, we will make this conference the great, new beginning that you have talked about this week. Let us make the last days the best days for all Americans.

THE NEED FOR ELECTRIC POWER

Mr. GRAVEL. Mr. President, Americans are being offered a false choice in the so-called power crisis. They are told that they either must accept construction of more powerplants without limit, or they must go without air conditioning, lights, elevators, and stereo sets.

The real choice may be different.

Suppose a utility announces that its service region needs another 1,000 megawatts of electricity. Suppose also that the utility reveals who is needing the additional megawatts and for what purposes. In other words, suppose the need is real.

That need, then, can be satisfied either by building additional powerplants, or by identifying ways in which 1,000 megawatts of present electrical consumption could be saved without reduction of living standards.

For instance, how much would the net need for electricity be reduced by recycling metals and other materials?

By designing all machinery for better electrical efficiency?

By building better insulated buildings?

If it is really possible by the year 2000 to reduce per capita energy consumption—electrical and other—to 62 percent of the 1968 levels without reductions in availability of material goods and comforts, it would certainly make the present utility spokesmen sound like self-serving alarmists.

A paper arguing that such a reduction is possible has come to my attention. Called "An Assessment of Energy and Materials Utilization in the U.S.A.," the paper is by A. B. Makhijani and A. J. Lichtenberg at the electronics research laboratory, College of Engineering, University of California at Berkeley. It was presented September 22, 1971, to the U.C. Berkeley Seminar on the Ecology of Power Production, and will be published soon in Environment magazine.

Naturally I assume there are some flaws in the paper, simply because there usually are in human efforts. However, if the paper is substantially valid, it is certainly a significant contribution to a vitally important subject. I hope that qualified people will study it, challenge it, elaborate on it, and take a much broader view about the need for every new powerplant.

Mr. President, I ask unanimous consent that the energy assessment paper, including the tables, be printed at the end of my remarks. The figures will be omitted, of course.

The paper is divided into the following seven sections:

ABSTRACT

I. The Reduction of Pollution and the Conservation of the World's Resources.
II. Analysis of Energy and Materials Usage.
III. A Comparison of Energy Consumption of Standards-of-Living in New Zealand and the United Kingdom.
IV. The Reduction of Energy and Raw Materials Consumption.
V. Conclusion.
References.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[Memorandum No. ERL-M310
22 September 1971]

AN ASSESSMENT OF ENERGY AND MATERIALS UTILIZATION IN THE U.S.A., ELECTRONICS RESEARCH LABORATORY, COLLEGE OF ENGINEERING, UNIVERSITY OF CALIFORNIA, BERKELEY

(By A. B. Makhijani and A. J. Lichtenberg)

[Figures mentioned in text are omitted]

The amounts of energy needed for the processing of unit weights of basic materials (such as steel, aluminium, glass etc.) are calculated. These data, in conjunction with industrial and statistical data are used to compute the amounts of energy and materials required for the production, consumption and/or use of specific items such as food, cars, housing construction, cans, heating, machinery manufacture and so on. These quantities are tabulated along with the corresponding total and per capita quantities.

It is shown that although an order of magnitude relationship exists between standards of living, GNP and energy consumption, little correlation exists between these quantities if comparisons are restricted to the developed nations. This assertion is substantiated by a study of GNP and energy consumption statistics and by a detailed comparison between New Zealand and the United Kingdom which have almost equal per capita GNPs, very similar material standards of living but vastly different levels of energy consumption.

A model of energy and materials assuming the same (or in some areas such as housing and urban transportation larger) availability of material goods and comforts, the recycling of metals, the limited application of solar power and better insulation to household and commercial usage and the use of reusable containers is presented. It is shown that per capita energy consumption can be reduced to 62% of the 1968 levels. The demands for nonrenewable resources such as mineral ores and fuels are also greatly reduced.

Today, there is a general consensus that the betterment of the human condition in the U.S.A. is intimately correlated with increases in per capita energy consumption. Since the utilization of energy and material resources has provided us with diverse necessities and comforts while at the same time contributing to the deterioration of the environment, it is felt that an evaluation of the efficiencies of the use of energy and materials is necessary. Upon analysis, it is shown that the present efficiencies of utilization of both energy and material resources are low and that their improvement is possible. This results both in the maintenance of current material standards of living and in the enhancement of the environment or at least a prevention of its deterioration at the current rapid rate.

I. The reduction of pollution and the conservation of the world's resources

Pollution can be reduced by two methods: (a) Control and reduction of the waste products of fuel and materials consumption and (b) Reduction in materials consumption

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(including fuels) and re-use of non-fuel resources where possible.

These methods are regarded as complimentary, though the emphasis here is on the latter method.

The effects of energy and materials consumption appear in the various forms of waste discharged to the environment. Air, thermal, water, radioactive nuclide, sound and solid wastes pollution are some of them. Fig. 1 [1] shows an approximate relation between energy consumption and solid waste generation. In Fig. (2) [1] we see that per capita production of solid wastes increased 84% between 1920 and 1970. In this same period energy consumption increased 90% per capita. To some extent this extremely close correlation is fortuitous, since not all components of solid wastes require artificial energy for production (e.g. leaves) and not all the wastes represented by energy consumption appear as solid wastes (e.g. air and thermal pollution). Nevertheless, a large portion (75% excluding food) of today's solid wastes are industrially processed materials [1]. Their abandonment is a measure of our disregard for the finiteness of our resources.

Increasingly, the raw materials and fuels used in the U.S. and developed nations in general are being imported ([2], [3]), chiefly from the underdeveloped nations of the world. This does to some extent mitigate the short term foreign exchange problems in poor countries ([4], [5]), but viewed from the point of their own development, if and when this occurs, a continued drain on irreplaceable mineral and fuel resources from these countries can hardly be considered desirable, especially if these resources are utilized in such a manner as to make their reutilization very difficult or impossible.

2. The marginal relationship of standard of living, GNP and energy consumption

Marginal relationship is defined as an order-of-magnitude relationship.

In studies on energy consumption, the terms "standard of living" and "Gross National Product" are often used interchangeably. Both of these terms are imprecise ([3], [4]), although for different reasons. The idea of a "standard of living" as related to consumption of goods is highly personal. However, it is possible at least to some extent to qualify this personal idea by the examination of the availability of food supplies, housing, clothing, medical, recreational, transportation and communication facilities and the like. To the extent that the GNP measures these facilities it is an indicator of this quantified standard of living [4]. GNP, however, includes such items as defense and government spending. Part of the nondefense government spending is in the form of direct monetary redistribution in the form of social security, G.I. bills and the like. These parts are counted twice in that the government only serves as the redistributing agent for the money, the "goods and services" are actually purchased by the recipients and counted in the item on consumer expenditures. In relation to trade, net exports are added to GNP, whereas net *imports* should be added since imports represent the items actually consumed.

One must be very circumspect in comparing GNPs of different countries and inferring relative standards of living primarily since the local buying power of currencies varies greatly from country to country. Since some form of energy (natural or artificial) is required to produce many of the items relating to these needs and comforts, energy consumption appears to have an order of magnitude relationship with per capita GNP.

It is manifest that in the poor countries of the world, the items that go to make up a "good" standard of living listed above, are in scarce supply. Simultaneously, the per capita energy consumption is low compared to that of the developed countries. One concludes therefore that energy consumption and the availability of human needs and comforts are at least quantitatively related and since GNP has an order of magnitude relation to energy consumption, GNP is at least marginally related to standards of living.

We now show that in comparing the developed countries, it is not possible to relate GNP with energy consumption to a degree of precision better than that indicated above. In Fig. 4 [2], we see that the U.K., Belgium, Australia, Germany, Denmark, Norway, France and New Zealand had GNPs within 10% of each other while the per capita commercial energy consumption (including industry, commerce and transport, but excluding household and miscellaneous uses) varied between 110×10^6 and 45×10^6 Btu (New Zealand). In section III a brief comparison is made between these countries from the points of views of standards of living and structure of the economy. Yet it is this same figure that has been used as a justification for the statement: "high energy consumption levels and high income levels go hand-in-hand" (reference [2], p. 4), thus implying a strong positive correlation between the two. In the light of the above comments it can be seen that that is an erroneous statement.

It is also pertinent to note that per capita GNP and per capita income represent averages and say nothing of the distribution of income levels. If a wide disparity in income levels—and consequently a large population segment that is poor—exists in any country, then per capita GNP can hardly represent the standard of living in that country. South Africa is a good illustration of this non-correlation.

Whether reductions in per capita energy consumption will be accompanied by a decline in the per capita GNP is beyond the scope of this study to answer. However, as noted above, this study demonstrates that reductions in energy consumption need not be accompanied by reductions in the availability of material goods and comforts.

II. Analysis of energy and materials usage

In this section, an analysis of the energy and materials consumption according to the goods consumed in the U.S. is made. The raw data were obtained largely from the various U.S. and U.N. statistical reference books listed in the reference section. Where such data were insufficient or not available, consultations with individual industries and design firms were made to determine the energy content of a given product.

The amounts of energy to produce unit amounts of basic materials (generally short tons) such as steel, aluminum, glass, cement, etc. are given in Table I. The units of energy are kilowatt hours thermal (kwht). Where electricity is used in the production process kilowatt hours electrical (kwhe) are converted to kwht by the formula kwht=kwhe/0.3. This includes generation as well as transmission losses. For example, it takes 12,600 kwht to produce a ton of rolled steel whereas it takes 67,200 kwht to produce a ton of rolled aluminum.

From Table I, it is at once apparent that while steel is the basic material that consumes the largest amount of energy, substitutions of aluminum for steel would (and do) result in large increases in energy consumption.

The energy content of various consumer goods and the total and per capita energy consumption as represented by each item are presented in Table II. A more detailed breakdown is certainly possible and a compromise has been made here between such a breakdown and the facility for the identification of large components of energy consumption. Data on materials usage breakdown for some important items is presented in Table III.

TABLE I.[1]—ENERGY CONSUMPTION IN BASIC MATERIALS PROCESSING

[All tons are 2,000 lbs.]

Item and material	Energy for unit production [2] (kw.-ht/ton)	Machinery depreciation [2 2] (kw.-ht./ton)	Transportation [3 4] (kw.-ht./ton)	Total [5] (10^3 kw.-ht./ton)	Percent of tons consumed, 1968 [5]	Total energy (kw.-ht.)	Percent of total energy consumption, 1968 [6]
1. Steel (rolled)	11,700	700	200	12,600	*90×10⁶	1.13×10¹⁰	6.2
2. Aluminum (rolled)	66,000	1,000	200	67,200	4.07×10⁶	2.74×10¹¹	1.49
3. Copper (rolled or hard drawn)	20,000	800	200	21,000	2×10⁵	4.2×10⁹	.228
4. Silicone metal and highgrade steel alloys	58,000	1,000	200	59,200	2×10⁶	1.19×10¹¹	.65
5. Zinc	13,800	700	200	14,700	1.5×10⁶	2.2×10¹⁰	.12
6. Lead	12,000	700	200	12,900	0.467×10⁶	6.05×10⁹	.035
7. Miscellaneous electrically processed metals	50,000	1,000	200	51,200	≈2×10⁵	1.02×10¹⁰	.056
8. Titanium (rolled)	140,000	1,000	200	141,200	≈16×10³	2.24×10⁹	.012
9. Cement	2,200	50	50	2,300	74×10⁶	1.7×10¹¹	1.0
10. Sand and gravel	18	1	[7] 2	21	918×10⁶	1.83×10¹⁰	.10
11. Inorganic chemicals	2,400	100	200	2,700	67×10⁶	1.8×10¹¹	.985
12. Glass (plate finished)	6,700	300	200	7,200	~10⁵	7.2×10¹⁰	.394
13. Plastics	~2,400*	300	200	2,900	~6×10⁶	1.74×10¹⁰	.095
14. Paper (finished, average)	5,900	300	200	6,400	50.7×10⁶	3.24×10¹¹	1.77
15. Lumber	[8] 1.47	[9] 0.02	[8] 0.02	[8] 1.51	†3.75×10¹⁰	5.66×10¹⁰	.309
16. Coal	40	2	----------	42	556.7×10	3.3×10¹⁰	.2

[1] References [3], [6] through [12].

[2] In kw.-ht. per short ton (2,000 lbs.) unless noted. Throughout the paper tons means short tons.

[2 2] These are order of magnitude numbers derived as follows: For steel calculations are on the basis of 1 ton of installed equipment excluding buildings) per annual ton of steel production. Depreciation is calculated on a 30 year straight line basis. For nonelectrically processed metals the depreciation is taken to be equal to that for steel. Production facilities involving predominantly electrical equipment are amortized over 20 years and therefore the depreciation per ton is 1.5 times that for steel. For nonmetals, the depreciation per ton allocation is about 5 percent of the energy required for producing 1 ton of product.

[3 4] Figures are the sum of average railroad shipping distance (286 miles) plus 200-mile trucking.

[5] Accuracy is ±15 percent except as follows. Numbers prepared with ≈ should be within 50 percent of the correct values and those prefaced with ~ are order of magnitude estimates.

[6] Assumed the same as inorganic chemicals for lack of information.

[7] Short distance hauling.

[8] Per board foot.

*Excluding alloys.

†Board feet.

TABLE II[1].—ENERGY CONSUMPTION BREAKDOWN

Item No. and finished product	Energy/unit product (kwht)	Consumption (1968)	Total energy (kwht)	Per capita [2] energy (kwht/hr.)	Comments
1. Food (excluding beverages)	1,600/ton	2×10^6 tons	3.2×10^{13}	0.185	
2. Beverages:					
(a) Carbonated	~3/gallon	$\sim5\times10^8$ gallons	1.5×10^{10}	.009	Excluding containers.
(b) Distilled	~15/gallon	$\sim2\times10^8$ gallons	3×10^{9}	.002	
3. Textiles (including leather goods)	[3]		6×10^{12}	[4] .035	Chlorine gas used in artificial fabric manufacture. Manufacture of chlorine gas is the major cause of mercury pollution.
4. Construction	[5]				
(a) Residential			[6] 3.02×10^{13}	.175	
(b) Nonresidential			[6] 8.04×10^{13}	.465	
5. Roads			[6] 1.2×10^{13}	.07	Includes street lighting.
6. Trucks:					
(a) Manufacture	89,000 [8]	1.896×10^9	1.69×10^{13}	.098	
(b) Operation			1.01×10^{14}	.575	Excluding transportation for basic materials (see table col. 5).
7. Passenger autos:					
(a) Manufacture	31 000 [7]	10.5×10^6	3.26×10^{13}	.189	
(b) Operation			2.67×10^{13}	1.545	
8. Ships:					
(a) Civilian:					
(i) Manufacture	4,500/gross ton [8]	0.44×10^6 gross tons	1.99×10^{9}	.001	25 percent oil tankers.
(ii) Operation			[9] 1.7×10^{10}	.010	
(b) Military:					
(i) Manufacture	4,500/gross ton	[10] 5.52×10^6	2.5×10^{10}	.015	Approximate values.
(ii) Operation (see item 10(c)).					
9. Trains:					
(a) Manufacture	20,000/ton dead weight. [11]	3.26×10^6 tons dead weight.	6.52×10^{10}	.038	
(b) Operation			1.8×10^{11}	.104	
10. Aircraft: [12]					
(a) Civilian:					
(i) Manufacture:					
Single engine	~2×10⁸ kwht	9,000 units	$\sim1.8\times10^{10}$	.010	Very approximate. Includes aluminium used. (See table III.)
Multiengine	~18×10⁸	1,500 units	$\sim2.7\times10^{10}$	.015	
(ii) Operation			2.9×10^{11}	.168	Domestic traffic only.
(b) Military:					
(i) Manufacture	~18×10⁸	1,000 units	$\sim1.8\times10^{10}$	.010	As above for civilian aircraft manufacture except that titanium is includable.
(ii) Operation (see item 10(c).					
(c) Military vehicles operation			1.42×10^{13}	.082	Approximately 80 percent for aircraft.
11. Industrial machinery	20,000/ton [13]	8.4×10^6 tons	0.68×10^{13}	.039	Steel (except high-grade alloys), lead, zinc used—total excludes basic materials processing machinery. See table I (i.e., excludes 10^{13} kwht).
	62,000/ton	4×10^6 tons	2.48×10^{13}	.144	High-grade steel alloys and electrically processed metals (except aluminium). See table III.
	75,000/ton	0.5×10^6 tons	3.75×10^{12}	.022	Electrical aluminium.
	29,000/ton	2×10^6 tons	5.8×10^{12}	.034	Electrical copper.
12. Household and commercial durables:					
(a) Steel	20,000/ton [13]	4.4×10^6	8.8×10^{12}	.051	
(b) Aluminium	75,000/ton	0.4×10^6	3.0×10^{12}	.017	
13. Defense related steel	20,000/ton [14]	2.06×10^6	4.12×10^{12}	.024	Direct production only.
14. Miscellaneous steel	20 000/ton [15]	26.6×10^6 tons	5.32×10^{13}	.31	Spare parts, nuts, bolts etc.
15. Agricultural implements	20,000/ton [16]	1.38×10^6 tons	2.76×10^{12}	.016	
16. Steel cans and packaging	1.0/12 oz. can (20,000/ton).	7.8×10^6 tons [17]	1.56×10^{13}	.090	55 percent cans and containers, 45 percent packaging. 10 cans/pound. Recycling energy approximately 0.5 kwht/12 oz. or 5 kwht/lb.
17. Aluminium cans and packaging	2.07/12 oz. can (82,000/ton).	0.4×10^6 tons [18]	3.3×10^{12}	.019	Growth rate is 10 percent per year (ref. [3]). 20 cans/pound. Recycling energy is approximately 0.5 kwht/12 oz. or 10 kwht/lb.
18. Miscellaneous aluminium	70,000/ton	1×10^6 tons	7×10^{12}	.041	
19. Glass:					
(a) Containers	4/lb	10^{10} lbs	4×10^{12}	.023	Recycling energy requirement is the same as for manufacture of new glass.
(b) Miscellaneous	4/lb	$\sim2\times10^6$ lbs	$\sim8\times10^{6}$	~.005	
20. Wooden crates	1.51 board feet	10.5×10^9 board feet	1.59×10^{10}	.009	
21. Plastics:					
(a) Packaging and containers	~3.5×10⁹/ton	≈10⁶ tons	~3.5×10⁹	.002	Mercury pollution due to use of CP gas. (See item 3.)
(b) Miscellaneous	~3.5×10⁹/ton	≈3.7×10⁶ tons	~1.3×10¹⁰	~.008	
22. Paper (average, including paperboard)	6,400/ton	46.2×10^6 tons	2.96×10^{13}	.172	43 percent in the form of paperboard and 5.6 percent in the form of newsprint is recyclable. This probably has no advantages in energy savings but obvious ones in forest conservation.
23. Nonenergy uses			1.2×10^{12}	.7	Excluding coke used for pig iron production. Includes carbon black production (NG), lubricating oils (lubricating oils for transport 4×10^{10} kwht for industry 4.9×10^{10} kwht) petrochemicals (1.73×10^{11})).
24. Inorganic chemicals	2,400/ton	67×10^6	1.6×10^{13}	.093	
25. Commercial lighting and miscellaneous electric (air conditioning).			5.18×10^{13}	.3	
26. Household lighting and miscellaneous electric			8.64×10^{13}	.5	
27. Household space heating			1.97×10^{14}	1.14	
28. Miscellaneous household heat			5.7×10^{13}	.33	Includes cooking.
29. Commercial space heat			2.24×10^{13}	.13	
30. Commercial miscellaneous heat			6.9×10^{13}	.4	
31. Miscellaneous space heat			1.2×10^{14}	.07	
32. AEC			≈3×10^{13}	.174	Operation of nuclear reprocessing plants, gaseous diffusion plants, and weapons R. & D. (See reference [3] ch. 10.)
33. Petroleum processing	44.5 per barrel	3.216×10^9 barrels	1.43×10^{13}	.083	
34. Coal processing	42/ton	556.7×10^6 tons	3.3×10^{13}	.018	
35. Miscellaneous industry			1.75×10^{12}	1.0	Electronic industry, rubber, paints, miscellaneous mining fertilizers, toys, instruments, ceramics, stone and clay products, etc.
36. Agricultural kerosene consumption			6.25×10^{9}	.004	
37. Public electric consumption			8.3×10^{13}	.048	Use by Federal, State, and local government excluding defense, AEC, and street lighting.

Footnotes at end of table.

TABLE II[1].—ENERGY CONSUMPTION BREAKDOWN—Continued

Item No. and finished product	Energy/unit product (kwht)	Consumption (1968)	Total energy (kwht)	Per capita[2] energy (kwht/hr.)	Comments
38. Natural gas processing:					
(a) Pipeline losses			1.59×10^{13}	.092	3 percent of ng production (average).
(b) Gases vented and wasted			2.12×10^{13}	.123	4 percent of ng production (average).
(c) Pipeline power			1.85×10^{13}	.107	3.5 percent of ng production (average).
Subtotals			17.2×10^{13}	9.98	
Unaccounted for			1.1×10^{13}	.62	
Total consumption (1968)			18.3×10^{13}	10.6	See reference [8].

[1] Figures are calculated by adding energy for manufacture and energy for processing the materials used. General accuracy limits ±20 percent.
[2] On the basis of U.S. population of 200,000,000.
[3] Too miscellaneous to compute 1 figure.
[4] On the basis of a 1-percent-per-year increase since 1950 during which year the consumption per capita (total for textile industry divided by the population in 1950) was 0.0294 kwht/hr.
[5] Total consumption electric power in construction $=0.7\times10^{13}$ kwht. This has been distributed to residential and nonresidential according to the percentage of total construction money spent in the 3 sectors (43 percent residential, 47 percent industrial, commerical and public, 10 percent highways). All construction aluminium, steel, cement, sand and gravel was assumed to be in items 4(b) and 5 according to table III. Construction plastics are divided equally between residential and nonresidential construction.
[6] On the basis of a 10,000-lb. truck with material processing, energy approximately equal to that for steel which constitutes about 80 percent of the weight of the truck.
[7] On the basis of a 3,300-lb. automobile (average including imports) calculated as in note 6 except that 0.2×10^{8} tons of Al (40 lbs./car) has been added.
[8] One-sixth ton of dead weight per gross ton. Assumed steel.
[9] Roughly the same tonnage carried as trucks at approximately 0.18 kwht/ton mile.
[10] About 10^{8} tons of steel were used for ship construction. Of this about 0.08×10^{8} tons was for civilian ships (gross weight divided by 6: note 8). The rest of this steel (0.92×10^{8} tons) is assumed to be military construction and the gross weight is obtained by multiplying this number by 6. Probably an underestimate since the weight of other materials is neglected
[11] Assuming the same energy/ton of steel as for car manufacture.
[12] Assumes that 50 percent of the aluminum used for transportation was used for aircraft. (See table III. Also see reference [3], table A 9–4.)
[13] Including all containering and packaging. About 50 percent in cans.
Note: References: [3], [6], through [12].

TABLE III.—MATERIALS USAGE BREAKDOWN

[Figures are percent of production (1968)]

Item and material	Construction	Automotive	Domestic equipment	Industrial equipment	Packaging and containers	Defense	Misc.
1. Steel	19	21 (cars and trucks only)	4.8	9.15	8.5	2.24	4.7 rail and ships, 1.5 agriculture, 29 percent miscellaneous.
2. Aluminum	22	20 (includes all forms of transportation) Assumed 5 percent cars, 5 percent mobile homes, 10 percent aircraft.		[1]13	10	(4)	25 including defense.
3. Plastics	~20				≈18		62.
4. Glass[2]	~40				≈50		10.
5. Paper	8				[3]40		5.6 newsprint, 21 other print, 6.8 tissues, etc.
6. Sand and gravel	{50 paving, 50 building}						
7. Cement[4]	{50 paving, 50 building}						
8. Lumber	{43.5 residential, 31.0 industrial and commercial}				[5]18.5		8.

Note: References: [3], [6], [8].
[1] Electrical equipment.
[2] Very approximate.
[3] Industrial paperboard.
[4] Assumed same as sand and gravel.
[5] Percent.
[6] Not available.

III. *A comparison of energy consumption and standards of living in New Zealand and the United Kingdom*

Table IV shows a comparison between New Zealand and the United Kingdom. These countries have been selected since their standards of living are comparable and their per capita energy consumptions differ by a factor of two.

The climate of both countries is approximately the same and though the population densities are very different this does not appear to be a factor—see item (2), col. (5) in Table IV.

The large differences in energy consumption between these two countries can be attributed to the basic differences in the structure of their economies—i.e. the components that go to make up their GNPs. The U.K. concentrates on the production and fabrication of primary metals, metals products and other manufactured goods. The economy of the U.K., can be called "energy intensive" [10] since the energy content of its products is high relative to their total value. (See Table V). The economy of New Zealand relies primarily on agrarian products such as butter, meat, wool, etc. These products have a high value relative to the amount of energy spent in manufacturing them even though the food processing industry is highly automated. (In the U.S. where the food industry is automated it takes 7½ times as much energy to make a ton of rolled steel than it does to produce a ton of food—see Tables I and II).

TABLE IV.—A COMPARISON OF NEW ZEALAND AND THE UNITED KINGDOM

[Quantities are for 1961]

Number and item	New Zealand	United Kingdom	Comments
1. Population	2.4×10^{6}	52.7×10^{6}	
2. Population density	9/km.²	217/km.²	Apparently not a major factor in energy consumption since Denmark has a population density of 107/km.² and an energy consumption about 1.3 times that of New Zealand. Population density of Australia is lower than both Denmark and New Zealand but the energy consumption is higher. See fig. 4.
3. Per capita GNP	U.S. $1,550	U.S. $1,400	
4. Energy consumption per capita:			
(a) Industrial, commercial, and transportation	18,000 kw.-ht.	32,000 kw.-ht.	The per capita energy for New Zealand includes energy for steel imports assuming all such imports were in the manufactured form.
(b) All other	2,400 kw.-ht.	6,000 kw.-ht.	Difference is probably due to the colder climate of the United Kingdom and the relatively inefficient space heating systems operative there.
5. Steel consumption per capita	0.256 ton	0.4 tons	The difference is a good indication of the plowback of metals into industry in manufacturing industries oriented economy.
6. Tin per capita	0.3 lb.	1 lb.	See comments for item 5 above.
7. Fertilizers per capita	210 lbs.	37 lbs.	
8. Cement per capita	600 lbs.	800 lbs.	
9. Net food supply per capita	3500 cal/day	3150 cal/day	
10. Wheat productions per capita	187 lbs.	160 lbs.	Both countries import approximately the same quantity of wheat per capita.

TABLE IV.—A COMPARISON OF NEW ZEALAND AND THE UNITED KINGDOM—Continued

[Quantities are for 1961]—Continued

Number and item	New Zealand	United Kingdom	Comments
11. Meat production per capita	685 lbs.	78 lbs.	
12. Butter production	216.6 tons	49.1 tons	New Zealand butter is 99.9 factory manufactured as compared with 90 percent for United Kingdom.
13. Rail freight per capita	910 ton km.	600 ton km.	
14. Unemployment	0.4 percent	1.5 percent	
15. Number of people per telephone	2.87	6.17	
16. Number of people per car	4.4	8.2	
17. Number of people per commercial vehicle	18.4	36	
18. Number of passenger-Km by aircraft per capita	114	132	
19. Education, number of school students per teacher	26 (1960)	29 (1959)	
20. Number of people per doctor	830	810	Dentists excluded. Data are for 1967.
21. Housing:			
(a) Number of people per house	4.26	3.84	Includes only those housing units that are occupied.
(b) Number of rooms per house	4.8	4.6	

Source: U.N. Statistical Handbook (1962, 1969) reference [12].

TABLE V

Item number and industry	Percent of the price of the final product spent on energy
1. Tobacco	0.9
2. Textile	3.1
3. Paper	6.9
4. Glass	11.2
5. Primary metals	22.6
6. Average for all industries	4.5

Note: Data are for the United States, 1950. Reference: [8].

IV. *The reduction of energy and raw materials consumption*

The methods by which energy and raw materials consumption can be reduced are discussed in this section. A proposed model of energy consumption for the year 2000 is presented in Table VII.

The discussion here is predicated on the basic assumption that the people of this country consider their current "standard of living" in terms of material facilities to be "good" and do not desire it changed in any basic way. Consequent to this is the retention of the industrial (rather than agrarian) structure of the economy.

(i) Five methods of reducing energy and/or raw materials consumption are outlined below. They are:

1. The use of solar energy.
2. The use of the "total energy" concept in industry.
3. Materials reuse and recycling.
4. The improvement of fuel usage efficiency in transportation.
5. Improvement in the thermal efficiency of electric power plants.

1. *The use of solar energy.* The ecological advantages of the use of solar energy are manifold. The scientific feasibility of solar energy use has been established and it currently has technological applications in the space program and to a small extent in miscellaneous low energy applications such as highway telephones. It is believed that the economic application of solar energy for household heating and for the partial substitution of household and commercial electrical energy requirements by the use of heat pumps could be developed within a few years, if the necessary funding for the R & D were to become available. Many houses using solar energy for heating are currently in existence. These must be considered as pilot projects and development is certainly required for large scale application.

2. *The "Total Energy" Concept* (see references (13), (14), (15)). This concept is built around the utilization of waste heat from the generation of electricity. It is applicable primarily to industries (or a group of contiguously located industries) and other establishments with large demands of heat, electricity and/or motive power. Electricity is generated locally. The waste heat (in the form of the combustion produced gases) is then utilized to run large turbines (generally larger than 1000 h.p., although smaller ones have been installed), or in such operations as preheating, drying, space heating or even desalination. The overall thermal efficiency of such establishments is claimed to be 75–85 percent (as compared with 40 percent or less for fossil fuel or nuclear power plants). This concept has been applied to industry on a limited scale and can be applied to hospitals and commercial establishments with nearly continuous power demands.

3. *Materials Reuse and Recycling:* The energy requirements for the recycling of metals are generally much smaller than those for their production from ore (See Table VII). Therefore, even if the energy for the fabrication of end products were to remain constant, the total energy requirements for a given end product are generally lower (See Table VII).

As regards cans and containers it is found that the differences in the energy of manufacture of new containers does not vary much between steel and aluminum containers (steel being lower per can than aluminum).

The weight of bottles is too variable for a direct comparison and the energy of manufacture for a bottle may vary between half and double that for a comparable steel container. While recycling of metal containers effects economies in both energy and materials consumption compared to the production of new ones, the most economical from the point of view of both energy and materials is the reuse of bottles as the energy requirements for cleaning are negligible compared to those for the manufacture of new containers. In Table VI, it has been assumed that containers will be of glass and will be reused. (Note: generally a 10% allowance for breakage and loss has been made in Table VII for items reused or recycled.)

4. *Transportation fuel economy:* On adding all the civilian usage of transportation energy in Table II, one finds that about one fourth of the total energy consumption is directly attributable to this sector. This does not include energy demands for gas stations, sales stores, petroleum processing, maintenance and repair shops and spare parts manufacture except at the factory of origin. Energy consumption for transportation can be reduced by increasing the fuel economy of automobiles, by partial replacement of commuter traffic by rapid transit and partial replacement of truck freight. The example of the automobile is illustrated below.

The average weight of an American car (including imports) is about 3000 lbs.; the average gasoline utilization is 13.9 miles/gallon; and the average life is about 5 years. On changing these numbers to 2000 lbs., 25 miles/gallon, and 10 years, diverting 30% of the mileage to mass transit (see Para. (ii) 1 below), maintaining production at the replacement rate (on the basis of 2 persons/car compared to 2.6 persons/car at present) and utilizing recycled materials (paragraph 2) below one has the following: Energy for production, 12,500 kwht/car (Note 3, Table VII); No. of cars produced, 11.25×10^{6}/yr. (Population 225×10^{6}); Energy for operation, 0.6 kwht/hr. per capita; Total per capita equals 0.67 kwht/hr. per capita (Compared with 1.75 kwht/hr. in 1968).

5. *The improvement of thermal efficiencies of electric power plants.* This can be achieved by the use of MHD topping cycles and/or an increase in maximum operating temperatures. Both of these fare serious materials problems.

Item 36 in Table VI illustrates the saving in energy that can be accomplished by increasing the thermal efficiency to 50%. While these savings are not very large, their consequences on the environment in terms of the reduction of thermal pollution are important.

TABLE VI.—COMPARISON OF PASSENGER TRANSPORTATION METHODS

Item number and transport mode	Energy[1] kw.-ht/passenger mile
1. Car (2 passengers/car)	1.47
2. Bus (U.S. average)	.37
3. (a) train (possible)	[2].22
(b) U.S. average	.58
4. Air (U.S. average 50 percent load factor)	2.0
5. Ship	4.4

[1] 44 kw.-ht per gallon of fuel oil.
[2] Mix of commuter and pullman trains.

Note: Reference: [6].

6. *Miscellaneous Methods.* The development of superconductor applications for the transmission of electrical energy and for electric motors will probably effect large savings in materials usage in the electric industry. For example it is estimated that a 3000 hp. superconductor motor would be about 1/10th the size of the present one [16]. The technical feasibility of these processes has not been established and they will not make any major impact on the energy picture in the near future.

(ii) A model for energy consumption in the year 2000.

Basic assumptions:

(1) The assumption as regards standards of living mentioned above applies. It is often argued that increased energy consumption is necessary to raise the standard of living of those who do not now fully partake of the material well being in the U.S. In a limited study on apartment houses in New York City (17), it was found that household electrical energy consumption was higher in the poor section studied than in the ones occupied by the more affluent. (A definitive study of energy consumption and income levels has not yet been conducted.) The indications are that direct energy consumption by households is fairly independent of income, although this must necessarily be regarded at this time as a qualitative judgment. The indirect consumption of electricity in the consumption of goods is undoubtedly lower for people with low income levels. Allowances for this have been made in Table VII. A 10% per capita increase in housing, increases in public transportation energy and a decrease in the ratio of number of people per car from 2.6 to 2 have been incorporated

TABLE VII—A PROPOSED MODEL FOR ENERGY CONSUMPTION FOR THE YEAR 2000[1]

	Item and finished product	Energy for production kw.-ht.	Consumption units	Total energy kw.-ht.	Per capita energy kw.-ht./hr.	Per capita reduction compared to 1968 kw.-ht./hr.[2]	Comments
1.	Food	1,600/ton	2.25×10^{4} tons	3.6×10^{11}	0.185	0	
2.	Beverages:						
	(a) Carbonated	3/gallon	5.6×10^{9} gallons	1.7×10^{10}	.009	0	
	(b) Distilled	15/gallon	2.25×10^{8} gallons	3.38×10^{9}	.002	0	
3.	Textiles	(3)		6.9×10^{10}	.035	0	
4.	Construction (all types)	(3)		1.3×10^{12}	.657	−.017	10 percent per capita increase in housing assumed. Could be reduced if construction metals are recycled. All new materials assumed.
5.	Roads	(3)		1.38×10^{11}	.07	0	It's assumed that energy reduction in road building will be counterbalanced by better street lighting.
6.	Trucks: [4]						
	(a) Manufacture	58,000	$^{5}1\times10^{8}$	5.8×10^{10}	.029	.069	
	(b) Operation			5.65×10^{11}	.285	.285	Excluding basic materials transport energy. See tables I and II.
7.	Passenger cars:						
	(a) Manufacture	12,000	11.25×10^{6}/year	1.35×10^{11}	.068	.121	As outlined in the text.[6]
	(b) Operation			1.19×10^{12}	.602	.943	
8.	Ships			5.15×10^{10}	.026	0	
9.	Aircraft:						
	(a) Civilian			3.50×10^{11}	.179	.016	(7).
	(b) Military			9.05×10^{10}	.046	.047	50 percent per capita decrease—assuming the war is over.
10.	Trains:						
	(a) Passenger			1.90×10^{11}	.096	−.096	(8).
	(b) Freight			3.72×10^{11}	.188	−.046	(8).
11.	Industrial machinery:						
	(a) Steel, Pb, Zn	13,250/ton [13]	9.7×10^{6} tons	1.3×10^{11}	.066	.033	All machinery including basic materials processing machinery.
	(b) Aluminum	27,800/ton [13]	0.28×10^{6} tons	7.8×10^{9}	.004	.018	50 percent per capita reduction in electrical at and on demand due to per capita reduction in energy consumption.
	(c) Copper	20,000/ton [13]	1×10^{6} tons	2×10^{10}	.010	.024	
	(d) Steel alloys	62,000/ton	4.5×10^{6} tons	2.84×10^{11}	.144	0	Assumed new.
12.	Household and commercial durables:						
	(a) Steel	13,250/ton [13]	5×10^{6} tons	6.6×10^{10}	.034	.017	
	(b) Aluminum	27,800/ton [13]	4.5×10^{6} tons	2.2×10^{10}	.006	.011	
13.	Defense related steel	13,250/ton [13]	1.16×10^{6} tons	1.55×10^{10}	.008	.016	50 percent per capita reduction in consumption.
14.	Miscellaneous steel	13,250/ton [13]	22×10^{6} tons	2.92×10^{11}	.148	.162	
15.	Agricultural implements	13,250/ton [13]	1.55×10^{6} tons	2.05×10^{10}	.011	.005	
16.	Steel packaging	13,250/ton [13]	4×10^{6} tons	5.3×10^{10}	.026	.064	(12).
17.	Aluminum packaging	27,800/ton	0.225×10^{6} tons	6.5×10^{9}	.003	.016	(12).
18.	Miscellaneous aluminum	27,800/ton	1.125×10^{6} tons	3.12×10^{10}	.016	.025	
19.	Glass:						
	(a) Containers: [14]						
	(i) New	8,000/ton	0.526×10^{6} tons	4.3×10^{9}	.002	.021	
	(ii) Reused	800/ton	4.734×10^{6} tons	3.78×10^{9}	.002	−.002	
	(b) Miscellaneous	8,000/ton	1.125×10^{6} tons	9×10^{9}	.005	0	
20.	Wooden crates	1.51/board-ft	1.285×10^{10} board-ft.	1.94×10^{10}	.010	0	
21.	Plastics	~3.5x10^{3}/ton	8.94×10^{6} tons	3.12×10^{10}	.016	−.006	Including containers at the 1968 per capita level. Increase due to substitution for miscellaneous steel.
22.	Paper and paperboard	6,400/ton	52×10^{6} tons	3.40×10^{11}	.172	0	(13).
23.	Nonenergy uses			6.9×10^{11}	0.35	.35	(15).
24.	Inorganic chemicals	2,700/ton	67×10^{6} tons	1.81×10^{11}	.093	0	
25.	Household heat and electricity			2.35×10^{12}	1.19	.785	(17).
26.	Commercial and miscellaneous space heat and commercial miscellaneous heat.			9.9×10^{11}	0.5	.1	Reduction due to improved insulation techniques.
27.	Commercial lighting and miscellaneous electricity.			5.95×10^{11}	.3	0	
28.	AEC			3.0×10^{11}	.152	.022	(18).
29.	Miscellaneous industry			1.48×10^{12}	.75	.27	A 25 percent reduction in per capita energy is assumed.
30.	Petroleum processing	44.5/barrel	1.83×10^{8} barrels	8.15×10^{10}	.042	.041	50 percent per capita of 1968 due to reduction in transportation requirements.
31.	Agricultural kerosene			7.0×10^{9}	.004	0	
32.	Public electric consumption			1.04×10^{11}	.053	−.005	10 percent increase per capita for running of sewage treatment facilities (fertilizer production).
33.	Natural gas processing:						
	(a) Pipeline losses			4.26×10^{10}	.023	.069	Production at 50 percent of 1968 per capita level. Loss rate at 50 percent of 1968 loss rate.
	(b) Gases vented and wasted			6×10^{10}	.031	.092	
	(c) Pipeline power			1.05×10^{10}	.054	.053	50 percent of 1968 level (per capita).
34.	Unaccounted for in 1968			9.2×10^{11}	.465	.155	25 percent per capita reduction assumed.
35.	Improvement in electric generation efficiency.				−.33	.33	(19).
	Total			13.2×10^{12}	6.7	4.0	

[1] Based on a population of 225,000,000; i.e., a 1¼ percent growth rate. Per capita consumption of items is assumed the same as for 1968 except as specifically described.

[2] Two miscellaneous to compute 1 figure.

[3] Negative number denotes an increase over the 1968 levels.

[4] 16,000 pound trucks calculated as in note 3.

[5] Assume that 50 percent of the present truck freight will be diverted to railroads. The production of 10^{8} trucks is equal to 50 percent of the per capita production of 1968. Similarly for fuel consumption.

[6] Energy for production is calculated as follows:
(a) Materials processing energy (fully recycled metals)
1. All metals except aluminium = 4,200 kwht./ton = 4,200 kw.-ht. ton.
2. Aluminium = 25,000/ton = 375 kw.-ht./40 lbs.
(b) Manufacture energy/ton 7,400 kwht. = 7,400.
Total 11,975.

[7] Includes manufacture of civilian and military ships and operation of civilian ships. Operation of military ships is included in item 9. No change in per capita energy consumption compared to 1968; i.e. materials assumed to be new.

[8] 50 percent new and 50 percent recycled aluminium. Per capita production and fuel consumption at 1968 levels. It is assumed that increases in per capita travel can be accommodated by improving the load factor which is only 50 percent at present—See table IV.

[9] Includes operation plus 10 percent for manufacture. Replaces 30 percent of the 1968 per capita car mileage.

[10] Increase is due to take over of 50 percent of truck ton mileage.

[11] In general machinery energy figures are calculated assuming 90 percent recycled and 10 percent new materials with the same energy per ton for fabrication as in 1968. Thus for steel 1 ton of end product requires 13,250 kw.-ht. of energy.

[12] Assumed that 25 percent of the per capita demand for miscellaneous steel will be replaced by nonmetals. These nonmetals are assumed to have one-half the density of steel so that the corresponding per capita consumption by weight of these items is reduced by half.

[13] All metal cans are assumed to have been replaced by reusable glass containers.

[14] All metal containers have been replaced by reusable glass containers. Therefore with a 10 percent breakage rate, 10 percent of the containers are new and 90 percent are reused. It is assumed that the average weight of the glass container will be reduced by 50 percent (see "Resources in America's Future" [3]) and that the energy required for reuse as represented by cleaning is 10 percent of the energy for the manufacture of a new container. Transportation has been accounted for in item numbers 6 to 10. The per capita requirements for containers is assumed to be at the 1960 level.

[15] It is assumed that paper and paperboard will be recycled, but that this will not result in energy savings.

[16] Since most of the nonenergy use is accounted for by lubricants, carbon black and petroleum pipeline losses, it is assumed that improvements in materials and reduction in pipeline losses and improvments in lubrication techniques will have the 1968 level of per capita energy use for this item.

[17] It is projected that in the year 2000, 53 percent of the dwelling units will have been built in the period 1980–2000. See reference [3]. Allowing 10 years for research and development of solar energy usage, it is assumed that dwelling units constructed after 1980 will get 75 percent of their heat and electricity requirements from a combination of solar energy, heat pumps and improved insulation techniques.

[18] It's assumed that no new nuclear power plants will be built.

[19] Assumes that 50 percent of the generating plants in operation in the year 2000 will have a thermal efficiency of 50 percent compared to about 35 percent at present, by the use of higher operating temperatures and cycles.

Note: References: [3], [10], [11], [18].

(2) Population growth rate of approximately ¼% per year. The columns on per capita energy are not affected by this assumption.

(3) Development of solar energy heat pumps for partial household and commercial applications. It is assumed that this will take effect starting 1980 and that the construction of households will incorporate the use of sound insulation techniques.

(4) Technological innovations other than the use of solar energy and heat pumps have not been incorporated. A major omission is the application of the "total energy" principle (See above). This has been omitted in the interest of accuracy as the application of this principle must be considered separately for each industry and the net savings (or lack thereof) will vary largely with the type of industry and size of the plant.

V. Conclusions

Table VII demonstrates that substantial decreases in fuel consumption and mineral ores can be effected whilst maintaining the availability of the goods to which this society has become accustomed and improving the availability of housing, mass transportation, street lighting and public services. Consequent to this is the reduction in the amounts of pollutants that are caused by fuel consumption. The recycling of metals substantially mitigates the problems of solid waste disposal and decreases the vast amount of metals discharged into the water systems of the earth by man.

Serious efforts need to be made in the implementation of programs that reduce pollution before it is made, since these efforts will yield a more livable environment and a conservation of our non-renewable resources and at the same time provide us with the paraphernalia of the modern civilized existence.

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NOMINATION OF WILLIAM REHNQUIST TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. BAYH. Mr. President, so that the information may be widely disseminated, I ask unanimous consent that the individual views of the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. TUNNEY), and myself, on the nomination of William Rehnquist together with the memorandum which accompanies those views, be printed in today's RECORD. I realize that the memorandum is lengthy, but I urge every Senator to read it carefully, for it summarizes the bases of the opposition to this nomination.

Mr. President, I also ask unanimous consent that a statement signed by 20 Harvard Law School professors urging the rejection of Mr. Rehnquist's nomination be printed in today's RECORD. These distinguished lawyers concluded that Mr. Rehnquist's narrow views of human rights and broad views of executive power are outside the mainstream of modern American thought. They are joined in this conclusion by a majority of the faculty of the Wisconsin Law School who also oppose Mr. Rehnquist's confirmation. I ask that their statement be printed in today's RECORD also.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MESSRS. BAYH, HART, KENNEDY, AND TUNNEY

It is no longer necessary to belabor the Senate's coequal role in appointments to the Supreme Court. The President has said that, with the possible exception of promoting world peace, few of his acts are likely to have as lasting an impact upon the American people as his choice of nominees. The same can be said of their confirmation by the Senate. This thought merits reflection as we pause in the rush of legislation to perform that task again.

Recent nominations have also underlined that our duty is truly to "advise" before we "consent"; we are bound to do more than cull nominees obviously flawed by impropriety or incompetence. Beyond evident excellence and integrity, there is a further dimension for the Senate to explore—although to recognize its significance is easier than to define its exact scope.

Under any theory of the Senate's task, our role inescapably includes weighing the nominee's attitude toward the fundamental values of our constitutional system: limits on government power, individual liberty, human equality. A man takes what he is, and believes, to the bench. Ultimately, it may be less important to debate the meaning of "judicial philosophy" than simply to acknowledge the inherent strand of discretion in judicial decision—especially Constitutional interpretation. The best intentions of restraint cannot erase the elements of value and judgment involved when the Court applies the majestic generalities of the Fourteenth Amendment and the Bill of Rights.

In the past, some of us have noted our reluctance to oppose a nominee merely because we disagree with the results he might reach in particular cases. And we have voted to confirm men of views markedly different from our own. But we have also made clear our reluctance to approve anyone whose overall record suggests a persistent insensitivity to the protection of individual liberties and equal rights.

William Rehnquist's record presents no threshold problem of integrity or excellence. But it does raise serious doubts about his sensitivity and commitments to these fundamental values. His numerous public positions on issues involving the Bill of Rights display a consistent discounting of those rights—an inadequate appreciation of the underlying interests at stake and of the danger of their erosion. His reluctance to disavow these views, with few exceptions, leaves us little alternative but to take the record as we find it; for we do not share his view that protecting the pride of the Justice Department takes precedence over the constitutional obligation of the Senate. And that record—on surveillance, wiretapping, inherent executive power, criminal procedural safeguards, dissent by public employees, and more—is a profoundly disturbing one.

That the nominee gives short shrift to individual liberty when it hinders the pursuit of order and authority cannot be explained as merely the result of "strict construction." On the contrary, his approach to Constitutional interpretation seems strangely elastic. The Bill of Rights, and decisions upholding them against competing interests, are read as narrowly as possible, with little heed to their underlying concerns. But provisions and precedents conferring Executive power and declaring the general purposes of government are read loosely and expansively, to justify the most intrusive kinds of official interference with those rights.

In the case of civil rights, Mr. Rehnquist viewed Judge Carswell's continued refusal to enforce the Constitution, even in the face of clear mandates from higher courts, as no more than the reflection of a "consistently applied judicial conservatism." Mr. Rehnquist's own attitudes in this area appear largely from his private actions taken prior to assuming his present position. His volunteered opposition to modest civil rights efforts in Phoenix, viewed in the context of its time, reflects either hostility to their purpose or a startling indifference to the injustice of discrimination. In 1964, as three-quarters of the Senate were agreeing to a nationwide public accommodations law, a man of his intellect and experience should have realized the concern of black Americans and other minorities for equal treatment.

Only five years ago, in 1966, he fought to delete two key sections from a Model State Anti-Discrimination Act under consideration by the Commissioners on Uniform State Laws. One would merely have permitted—not required—employers to reduce the effects of past discrimination by considering this factor in hiring new employees. The second provision would have outlawed racial "block-busting." And only four years ago, in 1967, he personally opposed modest efforts at voluntary school integration, stating his view that "we are no more dedicated to an 'integrated' society than to a "segregated' society."

Unrelieved by actions showing an affirmative commitment to racial justice, Mr. Rehnquist's record is one of persistent indifference to the evils of discrimination and an almost hostile unwillingness to accept the use of law to overcome racial injustice in America. President Nixon himself has called for judges to interpret our laws who are men "dedicated to the great principles of civil rights." The nominee's subsequent record, both in Arizona and Washington, is devoid of any significant reflection of such dedication.

No one can doubt the difficulty of predicting a nominee's future performance on the

Court. If Mr. Rehnquist is confirmed, we wholeheartedly hope our misgivings prove unfounded. But we must do our best on the basis of all the evidence available to us. On that basis, we cannot consent.

While each of us would put different emphasis on the various points developed in the investigation, we believe it would be helpful to the Senate to bring together in one place the specifics which underlie the conclusions stated in these views. For that reason, the following memorandum has been prepared. We urge the Senate to give it careful consideration.

BIRCH BAYH.
PHILIP A. HART.
EDWARD M. KENNEDY.
JOHN V. TUNNEY.

MEMORANDUM ON THE QUALIFICATIONS OF WILLIAM H. REHNQUIST TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

I. THE ROLE OF THE SENATE

A. Preliminary remarks

One of the questions which has been raised by the nomination of William H. Rehnquist concerns the proper role of the Senate in the confirmation process—particularly whether it is proper for the Senate to consider the philosophy of the nominee in reaching its decision whether to advise and consent. There is great deal of confusion about what is meant by a nominee's philosophy. A number of disparate notions are subsumed within this term. The phrase "judicial philosophy" traditionally refers to a Justice's view of his role in constitutional adjudication—judicial self-restraint in deferring to the judgment of the legislature, for example, or so-called "strict construction" of constitutional provisions. Apart from judicial philosophy in this sense, there is the separate question of a nominee's personal philosophy—although there is hardly a clean and clear line between these two aspects of a nominee's "philosophy."

For the reasons given below, it seems clear that philosophy in either sense is a fit inquiry for the Senate. But it is not necessary to agree on the precise role the Senate ought to play in the confirmation process, nor to agree on a precise definition of "philosophy" in this context, to deal with the nomination of Mr. Rehnquist. The opposition is not based on simple disagreement with the merits of Mr. Rehnquist's views on any particular issue of the day. The opposition is far more fundamental. Mr. Rehnquist has failed to show a demonstrated commitment to the fundamental human rights of the Bill of Rights, and to the guarantees of equality under law. No person of whatever philosophy—or what ever legal ability or personal integrity—ought to be confirmed who cannot pass this vital test.

B. The scope of the inquiry

Senator William E. Borah of Idaho, during the debate on the nomination of Judge John J. Parker—who was, in the end, defeated on philosophical grounds—described the unique nature of a Supreme Court Justice's role as follows:

"Upon some judicial tribunals it is enough perhaps, that there be men of integrity and of great learning in the law, but upon this tribunal something more is needed, something more is called for, here the widest, broadest, deepest questions of government and governmental policies are involved."

Precisely because the Supreme Court must decide some of the most fundamental questions of government, the philosophy of the nominee must be of concern to the Senate. This situation is wholly different from the nomination of a Cabinet Secretary or other executive official who serves at the President's pleasure. They are the President's men; Supreme Court Justices are the country's.

Senators cannot ignore the fact that if the nominee is confirmed, he will be called upon to breathe life into the grand promises of the Constitution: the separation and distribution of power among three equal branches of government, and the limitations on executive power this demands; the prohibitions against unreasonable searches and seizures, against arrests without probable cause, against compelled self-incrimination, and against cruel and unusual punishment; the guarantees of free speech and assembly and press; and the great promises of fundamental fairness and equality, the due process and equal protection clauses. The answers to the difficult constitutional questions the nominee will face cannot be found only in the intent of the framers or the Court's own precedent, important as those are. Try as he might to avoid it, the justice's own view of the world—his heart and soul—must become involved in this decision. This is why, in the words of Senator George Norris of Nebraska during debate over Judge Parker's nomination—

"When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of these qualifications—but we ought to know how he approaches the great question of human liberty."

There is more than ample historical support for the Senate's inquiry into a nominee's philosophy, both in the annals of the Constitutional Convention and in the Senate's own practice. These matters are discussed in great detail in a number of recent studies that have made available to the Senate. Black, *A Note on Senatorial Consideration of Supreme Court Nominees*, 79 Yale L.J. 657 (1970) (reproduced in 117 Cong. Rec. S 19014 (daily ed. Nov. 18, 1971)); Brest, Grey & Paul, "Memorandum To Senator Birch Bayh and Senator John Tunney on the Role of the Senate in Considering the President's Nominees For Appointment to the Supreme Court of the United States" (reproduced in 117 Cong. Rec. S 17788 (daily ed. Nov. 8, 1971)). Accordingly, this Memorandum touches only on the highlights of that history.

The proceedings of the Constitutional Convention reveal that the Senate's role in advising and consenting was to be an active one. Indeed, for much of the Convention, it appeared that Congress or the Senate alone would have the power to appoint Supreme Court Justices. It was not until a compromise was approved unanimously near the end of the proceedings that the existing practice was agreed to, whereby the President is given the power to "nominate, and by and with the Advice and Consent of the Senate . . . appoint" the members of the Court, Article II, section 2. As Professor Black has written, *supra*, 79 Yale L.J. at 661, the vote on this compromise "must have meant that those who wanted appointment by the Senate alone—and in some cases by the whole Congress—were satisfied that a compromise had been reached, and did not think the legislative part in the process had been reduced to the minimum. The whole process, to me, suggests the very reverse of the idea that the Senate is to have a confined role."

Nothing in the records of the Convention indicates that there is any limitation of the factors the Senate may consider in advising and consenting to Supreme Court justices. In fact, Alexander Hamilton spent much of Federalist Papers 76 and 77 explaining that the Senate was to play a major, unconstrained role in weighing Presidential nominations. Hamilton wrote that confirmation should be denied in the presence of "special and strong reasons for the refusal" without placing any limitation on the type of reason which would be the basis for refusal.

The Senate has regularly used its broad power to advise and consent to reject a nominee on philosophical grounds. In 1795, it refused to confirm President Washington's nomination of John Rutledge to be Chief Justice, primarily because of Rutledge's outspoken opposition to the Jay Treaty. To take but one more example, the Senate refused to confirm President Hoover's nomination of Judge John Parker in 1930. No one disputed Judge Parker's legal ability, but he was rejected because "(1) . . . he favored 'yellow-dog' contracts and was unfriendly to labor; (2) . . . he was opposed to Negro suffrage and participation in politics; and (3) . . . the appointment was dictated by political considerations." J. Harris, The Advice and Consent of the Senate 128 (1953). See also Abraham & Goldberg, *A Note on the Appointment of Justices of the Supreme Court of the United States*, 46 A.B.A.J. 147 (1960).

Thus if the Senate were to refuse to consider the philosophy of a Supreme Court nominee, it would abdicate its historic role in the selection process. The Constitution establishes a partnership of the Senate and the President to choose the men and women who will sit on the Supreme Court for life. To play its full role in this partnership, the Senate must, in Mr. Rehnquist's own words, "thoroughly infor[m] itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him." Rehnquist, *The Making of a Supreme Court Justice*, Harvard Law Record, October 8, 1959, p. 7.

An inquiry into philosophy is particularly appropriate in the case of the nomination of Mr. Rehnquist. First, the nomination comes from a minority President whose party controls neither House of Congress, so it cannot successfully be argued that he reflects the will of the people more accurately than does the Senate. Second, Mr. Nixon has now presented the Senate a nominee for the fourth vacancy during his first term of office. Only two other Presidents since Civil War have had the opportunity to influence the Court so much in a three-year period. We face the prospect that this President's particular philosophy may come to be reflected in not just one or two but in a substantial number of the Court's members. Third, the President has made it perfectly clear that he chose these nominees *because* of their philosophy. Thus on the President's own terms, philosophy is a fit inquiry.

II. LACK OF COOPERATION WITH THE COMMITTEE

The Majority Report states that "to draw sweeping generalizations from the positions an advocate has taken as a means of determining his fitness to be a judge is, in the view of the Committee, mistaken." To the extent that this statement implies that it is improper to base a decision about Mr. Rehnquist's judicial philosophy on the writing and speaking he has done as an Assistant Attorney General, it is mistaken.

Preliminarily, it should be noted that a good portion of the objections to Mr. Rehnquist are based on his views on equal rights for all, and conclusions about those views rest on writing and speaking he did before assuming government office. The views he expressed then, of course, must be taken as his own.

It is only in the area of civil liberties that one must rely primarily on statements Mr. Rehnquist has made while holding office to discern his philosophy. There are, at least two reasons why this is legitimate and proper. In the first place, the objections to Mr. Rehnquist's positions on civil liberties relate as much to the mode of reasoning and the openmindedness of the nominee as to the position he finally espoused. These reasoning processes, surely, are his own, whatever may be the advocate's use to which he puts them. Second, Mr. Rehnquist has said both at the hearings and before, *see* Rehnquist, *The Old Order Changeth: The Department of Justice under John Mitchell*, 12 Ariz. L. Rev. 251, 252–253 (1970), that his selection for his present position reflects his intellectual compatibility with the views that he advocates in that position.

Moreover, both the Majority Report and Mr. Rehnquist himself rely on his statement as an advocate when they feel it will help their cause. For example, the majority quotes from a speech Mr. Rehnquist gave on behalf of the Department entitled "Official Detention, Bail, and the Constitution" which is said to show his "sensitivity to the considerations on both sides of Bill of Rights questions." In that speech, discussed below, he defended the Administration's position on preventive detention. Interestingly enough, when Mr. Rehnquist was asked by Senator Fong whether he supported that position, his only reply was that he had supported it in public speeches. He did not give his personal views. Another example of the same phenomenon is Mr. Rehnquist's citation of his part in drafting the Opinion of the Attorney General upholding the Philadelphia Plan, 42 Op. Atty. Gen. No. 37 (Sept. 22, 1969), as demonstrating his commitment to civil rights—a citation which, as discussed below, is undermined by the views Mr. Rehnquist expressed in 1966 during the deliberations on the Model State Anti-Discrimination Act.

In short, the decision whether to confirm or reject Mr. Rehnquist's nomination must be made on the record before the Senate, and a portion of that record consists of statements the nominee made while an advocate—and architect—of controversial positions. Those on both sides of the dispute, including the nominee himself, have cited his statements as an advocate to show his philosophy. So long as the nominee declines to express his own philosophy on important matters, the record remains in its present state, and no Senator has an alternative if he wishes to make a rational decision.

One reason that the Senate is forced to rely on the nominee's statements as an advocate, of course, is that Mr. Rehnquist refused to give the Senate his personal views on those issues on which he had defended the Administration's position. These include some of the most important and controversial issues of the day: national security wiretapping; preventive detention; no-knock; the legality of the Subversive Activities Control Board Executive Order; the scope and extent of executive privilege; the scope and extent of government surveillance power; the desirability of the Equal Rights Amendment; the need for cease and desist power in the EEOC; and others. Mr. Rehnquist invoked the attorney-client privilege to refuse to answer questions on such topics. By his own admission, this privilege had never before been invoked by a Supreme Court nominee.

Indeed, Justice Thurgood Marshall at his confirmation hearing had the following exchange with Senator McClellan concerning *Miranda v. Arizona*, 384 U.S. 436 (1966), which was decided while Justice Marshall was Solicitor General:

Senator MCCLELLAN. . . .

I have a responsibility here, and I want to perform it conscientiously. . . . But I think it has become so critical that we who have this responsibility here of upholding confirmations need to have some idea, at least glimpse, some impression of the trend of the thinking and the philosophy of the one who is to receive confirmation.

Judge MARSHALL. . . .

Well, in this case you have the best evidence you could get, which would be the brief that I filed in the *Westover* case [a companion to *Miranda*], which not only gave the views of the U.S. Government. *It gave my personal views.* [emphasis added]

The purpose of the attorney-client privilege is to encourage the frankest and freest exchange of advice and information between lawyer and client. *See e.g.* McCormick on Evidence 181 (1954); 8 Wigmore, Evidence 628–29 (McNaughton rev. 1961). That purpose would not have been undermined at all had Mr. Rehnquist given the Committee his own personal views on the vital issues of the day. This is especially true since he did not invoke the privilege in other situations which are closer to traditional notions of its scope. For example, Mr. Rehnquist revealed to the Committee that he had advised the Justice Department to abandon its public position on national security wiretapping in favor of another position which, while substantively the same did not require advancing an argument based on inherent executive power. Yet advice to a client is something arguably covered by the privilege. *See* sources cited *supra*. And while revealing this piece of legal advice, he repeatedly declined to state his personal views on the same subject.

In any event, the matter could have been handled had the nominee's clients—the President and the Attorney General, by Mr. Rehnquist's own statement—waived the privilege. There can be no doubt as to their power to do so. *See e.g.* Cannon 4, A.B.A. Code of Professional Responsibility (1969); E. Conrad, Modern Trial Evidence § 1097 (1956). And there can be no doubt as to the importance of their doing so. As Mr. Rehnquist himself recognized in an article he wrote in 1959, *see* Rehnquist, *The Making of a Supreme Court Justice*. The Harvard Law Record, Oct. 8, 1959, p. 7, a Supreme Court nominee's philosophy ought to be of utmost importance to the Senate. On any rational scale of values, it surely should be more important that the Senate be fully informed before it votes on a Supreme Court nominee than that an Administration be shielded from the embarrassment, if any, which might result from an announcement that one of its members disagreed with its substantive position on a certain matter.

Nevertheless, the President and Attorney General refused to waive the privilege, and this has made the Senate's job even more difficult than it usually is. As Dean E. Clinton Bamberger, Jr., 18 of the 26 other members of the laws faculty of Catholic University said in a letter to the Committee:

No nominee may justify withholding from the Committee which must initially pass upon his qualifications and dispositions for handling this political power "in legal form" a frank expression of his political and legal philosophy. . . .

There is no such privilege which any nominee was so bold as to claim before against the Senate's right to know in fulfilling its responsibility to the . . . people.

Beyond the difficulties created by the fact that Mr. Rehnquist is a government official, and that he invoked the attorney-client privilege, was the excessive reluctance to the nominee at the hearings themselves. There were numerous examples of this. On national security wiretapping, to take one, the nominee spoke of his role in the formation of the government's position in the Supreme Court several times in general terms. Only at the end of the hearings, upon being asked again about his position, did he reveal that he had advised the Department to change its argument from reliance on inherent power to one phrased in terms of reasonableness. To take another example, Mr. Rehnquist was asked and described his role in the Pentagon Papers litigation, but neglected to mention until specific supplemental written questions were addressed that he had been the person who called the *Washington Post* asking them not to publish the documents. Such instances as these, combined with the invocation of the attorney-client privilege—combined too with the very proper refusal of the nominee in other situations to comment on specific fact situations or issues which may come before the Supreme Court—made it unnecessarily difficult to build a complete record of his views other than as contained in his writings and statements.

The proper perspective for this problem has been supplied by Mr. Rehnquist himself. He has stated his view that judicial philosophy is a proper inquiry for the Senate to make. When that inquiry is partially frustrated, the question arises, who must bear the burden? Mr. Rehnquist answered a similar question when testifying before Senator Ervin on executive privilege and the role of the Senate in ratifying treaties. Senator Ervin asked whether under some circumstances information accumulated during the negotiation of a treaty would have to be made available to the Senate at least on a confidential basis before the Senate voted on ratification. Mr. Rehnquist's policy was that "the Executive would fail to furnish that [information] at its peril. since . . . the Executive has the burden of proof of persuading the Committee and the Senate as a whole." Hearings Before the Senate Subcommittee on Separation of Powers, "Executive Privilege: The Withholding of Information By the Executive," 92d Cong., 1st Sess., July 27, 28, 29, Aug. 4, 5, 1971 (unprinted). The Executive has the same burden of proof when it comes forward with a Supreme Court nominee. Since the Executive is so largely responsible for the inability of the Senate to get the information it needs, it must run the risk that the Senate will act on the basis of the only substantive record available, and, on this "best evidence," reject the President's choice.

III. CIVIL RIGHTS

The Supreme Court has played a crucial and proper role in the last 20 years in securing the rights guaranteed in the Constitution for all citizens, particularly our racial minorities. For many of those to whom America has made unfulfilled promises, the Supreme Court has often been the one responsive institution which can be counted on to dispense equal justice under law. President Nixon himself, in accepting his party's nomination in 1968 recognized this when he said:

Let those who have the responsibility for enforcing our laws and our judges who have the responsibility to interpret them be dedicated to the general principles of civil rights.

Mr. Rehnquist's record, far from demonstrating such a commitment to civil rights, displays a consistent hostility toward efforts to secure rights for the victims of discrimination.

There are three specific episodes in the last seven years which show that Mr. Rehnquist is unwilling to allow law to be used to promote racial equality in America. These are his volunteered opposition in 1964 to a Phoenix public accommodations ordinance; his opposition in 1966 to two key provisions of a Model State Anti-Discrimination Act; and his public statement in 1967, offered in opposition to modest proposals toward integration, that "we are no more dedicated to an integrated society than to a segregated society." And these incidents are not offset in any way by an affirmative demonstration of commitment to equal rights.

A. The 1964 public accommodations ordinance

In June of 1964 the Phoenix City Council was considering a public accommodations ordinance which declared that—

It is . . . contrary to the policy of the City and unlawful to discriminate in places of public accommodation against any person because of race, color, creed, national origin, or ancestry.

The ordinance applied only to "public places" offering entertainment, food or lodging, and specifically excluded "any place which is in its nature distinctly private." In testimony before the City Council, Mr. Rehnquist called this ordinance so "far reaching" that it should be submitted to the people for a vote rather than being passed by the Council. He also said:

I am a lawyer without a client tonight. I am speaking only for myself. I would like to speak in opposition to the proposed ordinance

because I believe that the values that it sacrifices are greater than the values which it gives. . . . There have been zoning ordinances and that sort of thing but I venture to say that there has never been this sort of an assault on the institution where you are told, not what you can build on your property, but who can come on your property. This, to me, is a matter for the most serious consideration and, to me, would lead to the conclusion that the ordinance ought to be rejected.

The ordinance was passed unanimously by the City Council the next day. Mr. Rehnquist, still without a client save himself, then wrote a letter to the editor of the Arizona Republic calling passage of the ordinance "a mistake." Incredibly, the letter first equated the indignity suffered by a victim of discrimination barred from a lunch counter with the "indignity" suffered by the segregationist forced to serve a meal, and then concluded:

"It is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this."

The freedom to which he referred was the freedom of the property owner to do with his property as he wished. As Mr. Rehnquist recognized in the letter, this freedom has been impinged upon by a great many laws, such as zoning laws, and health and safety regulations. While Mr. Rehnquist thought that imposition on property rights was acceptable for purposes of zoning, he thought an impingement on property rights designed to assure equal access regardless of race to places which hold themselves out to the public was unjustified. In other words, in 1964 the nominee, as he agreed at the hearings, "felt that personal property rights were more important than individual freedoms, the individual freedom of the black to go up to a lunch counter."

It is important to understand the time at which this ordinance was being considered. The fight to end discrimination in public accommodations was in full swing across the nation. The encounters at Selma and Birmingham were recent history. The Congress was in the midst of considering the broadest and most significant piece of civil rights legislation it had ever passed, and that legislation included a meaningful public accommodations section. By the time Mr. Rehnquist spoke in Phoenix, the House had passed the bill, and the Senate had invoked cloture on it. Even more important, the most substantial objections to the federal act came from those who doubted the federal government's constitutional power to enact public accommodations legislation. This was not an argument the nominee used. He fought the measure solely on its merits.

When questioned at the hearings about his opposition to the ordinance, Mr. Rehnquist said he has changed his mind. Asked why, he replied:

I think the ordinance really worked very well in Phoenix. It was readily accepted and I think I have come to realize since it, more than I did at the time, the strong concern that minorities have for the recognition of these rights.

Subsequently, Mr. Rehnquist, perhaps recognizing that a pragmatic argument is weak where principle is involved, stated that even if the ordinance had been less readily accepted he would no longer oppose it. Thus the real reason for Mr. Rehnquist's change of heart is, according to him, his realization within the past 7 years of the "strong concern that minorities have for the recognition of these rights." Significantly, it is still not a matter of the nominee's feeling that such discrimination is an injustice, but only that he now realizes that *others* may so view it.

While it is encouraging in some ways that Mr. Rehnquist says that he has come to realize the depth of concern among members of minority groups to be treated as individual human beings by all persons, it is very distressing to imagine a person on the Supreme Court who just seven years ago, when he was 40 years old, was as unaware of the depth of this feeling as Mr. Rehnquist was by his own admission. The insensitivity which Mr. Rehnquist's own statement reveals is hardly offset by an announcement at confirmation hearings that he would no longer oppose public accommodations measures—particularly when other actions by the nominee after 1964 are taken into account.

B. The 1966 Model State Anti-Discrimination Act

The second example of Mr. Rehnquist's opposition to the use of law in the promotion of racial equality came in 1966, when as an Arizona representative to the National Conference of Commissioners on Uniform State Laws he participated in deliberations on a proposed Model State Anti-Discrimination Act. The Act forbade discrimination in certain aspects of employment, public accommodations, education, and real property transactions, and it created a State Commission on Human Rights to enforce its provisions. The Act was finally approved by the States 37–2 (Alabama and Mississippi dissenting), with Arizona and Mr. Rehnquist voting in favor of it. But this came only after the Act was relegated to the status of a "Model" instead of a "Uniform" act, thereby relieving the Commissioners of the personal duty to seek passage of the Act in their home states. See Handbook of the National Conference of Commissioners on Uniform State Laws 406 (1966). And it came after Mr. Rehnquist attempted unsuccessfully to delete two key provisions of the Act.

The first was a proposal which was, in the words of the Commissioners' Comments, "designed to permit the adoption [by an employer] of voluntary plans to reduce or eliminate" racial, religious, or sex imbalance in its workforce. No compulsory hiring to achieve racial balance was involved; the Act merely permitted voluntary efforts. These plans were to be subject to the approval of the Commission on Human Rights, and they could apply only to the hiring of new employees or the filling of vacancies. According to the debates, four states already had enacted similar laws: Indiana, Massachusetts, Illinois, and California. Mr. Rehnquist opposed this provision, and, in effect, moved to delete it. Another Commissioner called this motion "a direct attack upon the power granted in the statute to eliminate racial imbalance." The issue then came to a vote and Mr. Rehnquist's motion was defeated. The provision now appears as Section 310 of the Model Act, which reads as follows:

SECTION 310. [Imbalance Plans.] It is not a discriminatory practice for a person subject to this chapter to adopt and carry out a plan to fill vacancies or hire new employees so as to eliminate or reduce imbalance with respect to race, color, religion, sex, or national origin if the plan has been filed with the Commission under regulations of the Commission and the Commission has not disapproved the plan.

This opposition in 1966 reveals Mr. Rehnquist's unwillingness to allow law to be used in constructive ways to undo 200 years of discrimination in America. And it also reveals that the nominee's much heralded responsibility for the Opinion of the Attorney General upholding the lawfulness of the Philadelphia Plan—which required that specified numbers of minority employees be hired to redress the effects of earlier discrimination—cannot be given much weight, for the nominee's personal philosophy and policy preference are to the contrary. Indeed, the inconsistency is shown even more clearly by the fact that the Philadelphia Plan is mandatory on all those covered, while the provisions Mr. Rehnquist sought to delete from the Model Act were merely permissive.

The second proposal that Mr. Rehnquist opposed was one designed to prohibit vicious "blockbusting" tactics by which realtors sometimes play on racial fears for their own profit. As the Reporter-Draftsman of the Act, Professor Norman Dorsen of New York University, said during the deliberations, a number of cities and at least one state (Ohio) had anti-blockbusting provisions by 1966. Mr. Rehnquist moved to delete this section. He said:

"It seems to me we have a constitutional question and a serious policy question, and in view of the combination of these two factors, plus the fact that it doesn't strike me this is a vital part of your bill at all, I think this would be a good thing to leave out."

Mr. Robert Braucher, then Chairman of the Special Committee on the Model Anti-Discrimination Act and a Professor at Harvard Law School, and now a Justice on the Supreme Judicial Court of Massachusetts, replied with an eloquent defense of the anti-blockbusting provision:

"However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States— and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth, and then they go around to the neighbors and say: Wouldn't you like to sell before the bottom drops out of your market?

"And the notion that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit."

A vote was then taken on Mr. Rehnquist's motion to delete the section, and the motion failed. The section now appears as Section 606 of the Model Act, which reads as follows:

SECTION 606. [Blockbusting.] It is a discriminatory practice for a person, for the purpose of inducing a real estate transaction from which he may benefit financially

(1) to represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located, or

(2) to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

Some have argued that Mr. Rehnquist's vote in favor of the final Model Act which contained public accommodations provisions shows the nominee's change of heart from his 1946 position opposing a Phoenix public accommodations ordinance. But that is a vastly oversimplified view. In the first place, the Commissioners were dealing with model legislation, not a law about to be put into effect, so the situations are not comparable. And even more important, the nominee himself was twice asked to explain his change of heart, which was first announced at the confirmation hearings. Neither time did he mention his vote as a Commissioner in 1966. This means either that in the nominee's mind the vote approving the final draft was not significant in showing a change of heart or that he chose not to bring it up because of his opposition to the imbalance and anti-blockbusting provisions. Giving the nominee

the benefit of the doubt, one concludes that in his own mind the 1966 vote was not important. There is then no reason it should be important to the Senate. In any event, the final vote is far less significant than Mr. Rehnquist's earlier opposition to the two sections of the act discussed above.

C. The 1967 letter

The third incident was a letter to the editor Mr. Rehnquist wrote in September 1967 in response to a series of articles and a school official's proposals to deal with de facto segregation in Phoenix. The letter can be understood only in the context in which it was written.

Mr. Harold R. Cousland wrote a series of six articles for the *Arizona Republic* in late August 1967 concerning de facto segregation in Phoenix and what might be done to combat it. Mr. Cousland discussed the problem of racial segregation in the Phoenix schools, the reasons that segregation is self-perpetuating, the contention that minority group children are better off in integrated schools, compensatory education plans, and alternative proposals for integration: open enrollment, voluntary busing, school pairing, educational parks. Forced busing of students was not one of the proposals.

Just as Mr. Cousland's series was completed, the Superintendent of the Phoenix Union High School District, Dr. Howard Seymour, proposed a number of steps designed to combat de facto segregation in Phoenix. As reported in the Arizona Republic of September 1, 1967, at p. 19, these steps were:

Appointment of a policy adviser skilled in interpersonal relations and urban problems;

Organization of a citywide advisory committee representing minority groups;

Formation of a Human Relations Council at each high school;

Promotion of voluntary exchanges of pupils among racially imbalanced schools in various ways, including the location of special enrichment programs and extra-curricular activities;

In the long run, a series of seminars on the nature of prejudice;

Curriculum changes designed to accent the contributions of various ethnic groups and individuals;

Without setting a ratio of minority teachers at each school, the assignment of staff in a way which redressed the existing imbalance.

Mr. Rehnquist found the combination of Mr. Cousland's articles and Dr. Seymour's program "distressing" enough to write the following letter to the Arizona Republic:

"De Facto" Schools Seen Serving Well

[Editor, The Arizona Republic:] The combined effect of Harold Cousland's series of articles decrying "de facto segregation" in Phoenix schools, and the Republic's account of Superintendent Seymour's "integration program" for Phoenix high schools, is distressing to me.

As Mr. Cousland states in his concluding article, "whether school board members take these steps is up to them, and the people who elect them." My own guess is that the great majority of our citizens are well satisfied with the traditional neighborhood school system, and would not care to see it tinkered with at the behest of the authors of a report made to the federal Civil Rights Commission.

My further guess is that a similar majority would prefer to see Superintendent Seymour confine his activities to the carrying out of policy made by the Phoenix Union High School board, rather than taking the bit in his own teeth.

Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policymaking bodies who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.

The neighborhood school concept, which has served us well for countless years, is quite consistent with this principle. Those who would abandon it concern themselves not with the great majority, for whom it has worked very well, but with a small minority for whom they claim it has not worked well. They assert a claim for special privileges for this minority, the members of which in many cases may not even want the privileges which the social theorists urge be extended to them.

The schools' job is to educate children. They should not be saddled with a task of fostering social change which may well lessen their ability to perform their primary job. The voters of Phoenix will do well to take a long second look at the sort of proposals urged by Messrs. Cousland and Seymour.

Mr. Rehnquist was given several opportunities at the hearings to explain this letter. His reply always took the same line:

"I would still have the same reservations I expressed in 1967 to the accomplishment of this same result by transporting people long distances, from points where they live, in order to achieve this sort of racial balance, and what I would regard as rather an artificial way.

And later in the hearings:

With respect to the 1967 letter which I wrote in the context of the Phoenix School system as it then existed, I think I still am of the view that busing or transportation over long distances of students for the purpose of achieving a racial balance where you do not have a dual school system is not desirable.

And again in answers to supplemental questions, Mr. Rehnquist explained that a statement by Dr. Seymour that he would "not dismiss busing of students as a partial solution" lay at the heart of this letter.

Thus, Mr. Rehnquist has tried to cloak his 1967 letter in the current controversy over mandatory busing of students. But a fair reading of the letter itself and the articles on which it is based demonstrates that Mr. Rehnquist was opposed to much more. The letter itself does not even mention busing, or indeed, transportation of students in any form. And it is apparent from the cursory glance at the proposals Dr. Seymour made that—as Mr. Rehnquist admitted in answers to supplemental questions—virtually all of the proposals are "entirely consistent" with the neighborhood school concept Mr. Rehnquist wrote about. Yet the letter specifically suggested that "the voters of Phoenix will do well to take a long second look at the sort of proposals urged by Messrs. Cousland and Seymour." (emphasis added)

Moreover, the newspaper story from the Arizona Republic of September 1, 1967, out of which Mr. Rehnquist takes Dr. Seymour's statement that he would "not dismiss busing of students" when read in full shows that Dr. Seymour had an extremely moderate view of the problem:

He [Dr. Seymour] said he would not dismiss busing of students as a partial solution, but he discounted busing or the altering of district lines as complete approaches to the problem.

"It is much more preferable for us to demonstrate a willingness to broaden the spectrum of school populations through such actions as voluntary transfers, a local peace corps of students and teachers, . . . and other devices intended to lift the aspirations of those who live and learn without them.

"The research evidence tentatively supports the premise that minority pupils achieve more in an atmosphere of high motivation," he said.

And the *Phoenix Gazette* of August 31, 1967, reporting the same speech by Dr. Seymour makes the Superintendent's position equally clear:

But he [Dr. Seymour] said he opposes gerrymandering district boundaries or "busing" pupils from one part of town to another as means toward "true integration."

"There is nothing more artificial in my judgment than to load a group of pupils from one district and disgorge them at another without making it possible for full, active participation in learning, socializing, sports and activities, and without integrating the adults along with busing pupils," he continued.

Thus, far from being an advocate of forced busing, Dr. Seymour favored other ways of integrating the schools, such as encouraging voluntary transfers under a program already in effect. Viewed in this light, one sees rather clearly that just four years ago Mr. Rehnquist found "distressing" some rather minimal efforts of school officials to promote equality of educational opportunity. One also sees that his answers to the Committee's questions on this matter were more glib than candid.

The truly alarming aspect of this 1967 letter, however, is Mr. Rehnquist's statement, 13 years after *Brown* v. *Board of Education* that "we are no more dedicated to an 'integrated' society than we are to a segregated' society." As explained above, this statement cannot simply be written off by the nominee as made in the context of long-distance busing. It must stand on its own as representing his view of our society's obligation to its citizens. And Mr. Rehnquist has never disassociated himself from this statement. Yet at least since the Supreme Court declared that "separate is inherently unequal," this Nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed.

The statement is especially disturbing when put into context. The newspaper story which contains the quote by Dr. Seymour with which Mr. Rehnquist took issue reads:

Commenting on teaching minority members, [Dr. Seymour] said the district should make no attempt to establish ratios of one type of teacher to the pupils they serve.

"Since we are and must be concerned with achieving an integrated society," he said, "the Phoenix Union High School system recognizes an obligation to staff schools with personnel to help relieve cultural imbalance within the community. Pupils need to be exposed to the fine talents representative of all races."

Thus there is yet another part of a consistent pattern, complementing Mr. Rehnquist's opposition to the employment "imbalance" section of the Model State Anti-Discrimination Act, and to the public accommodations ordinance, of the nominee's hostility to programs which recognize 200 years of discrimination in America and take steps to rectify the tremendous burdens which that discrimination has imposed.

D. The absence of affirmative commitment to equal rights

Significantly, the disturbing inferences which flow from the incidents just described are not rebutted in any way by other, affirmative actions Mr. Rehnquist has taken to promote racial justice. Indeed, the absence of a demonstrated commitment to equal rights in the nominee's record is alone strong grounds for questioning his nomination.

Mr. Rehnquist was twice asked at the hearings to describe what in his record demonstrated a commitment to equal rights for all. His entire answer was as follows:

"It is difficult to answer that question, Senator. I have participated in the political process in Arizona. I have represented indigent defendants in the Federal and State courts in Arizona. I have been a member of the County Legal Aid Society Board at a time when it was very difficult to get this sort of funding that they are getting today. I have represented indigents in civil rights actions. I realize that that is not, perhaps, a very impressive list. It is all that comes to mind now.

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"I think that there are some paragraphs in my Houston Law Day speech which recognize the great importance of recognition of minority rights, that the progress is not as fast as we would like and that more remains to be done. I am trying to think of some other public statement that may contain similar—well, you know, I am just coming back, not back to isolated passages in public statements."

This was subsequently expanded and clarified by Mr. Rehnquist in response to additional questions by certain members of the Committee. Mr. Rehnquist added that he had been an Associate Member of the American Bar Association Special Committee on the Defense of Indigent Persons Accused of Crime in 1963; that he had testified on behalf of the Administration in favor of ratification of the Genocide Treaty and in support of the Equal Rights Amendment; and that he had participated in the preparation of the Opinion of the Attorney General upholding the legality of the "Philadelphia Plan." Mr. Rehnquist also explained in somewhat greater detail the sorts of civil rights actions in which he represented indigents.

This record, compiled over the course of an 18 year career, reveals little more than the routine activities which may be expected of any private lawyer who becomes a high-ranking government official. It cannot be called a demonstrated commitment to fundamental human rights.

Representation of indigents, for example, is considered one of the duties of every member of the bar, and in criminal cases is usually done at the request of the court. The civil rights actions Mr. Rehnquist described in his response to written questions could more accurately be called civil cases than civil rights cases in the usual meaning of that term. And in response to additional questions, Mr. Rehnquist admitted that his membership on the Maricopa County Legal Aid Society Board had been *ex officio*, by virtue of his position as an officer of the County Bar Association.

Nor is any particular commitment shown by his record in the Department of Justice since 1969. His testimony in support of the Equal Rights Amendment was less than wholehearted. And any reliance which might otherwise be placed on his authorship of the Opinion of the Attorney General upholding the lawfulness of the Philadelphia Plan is undermined by his opposition to a far less reaching proposal in the Model State Anti-Discrimination Act in 1966, discussed above. Further, once put in chronological sequence, the significance of that Opinion is somewhat suspect. In June of 1969 the Labor Department, with Administration approval, promulgated the orders for minority hiring commonly referred to as the Philadelphia Plan. In August the Comptroller General held the Plan illegal. In September, Mr. Rehnquist's office prepared the Opinion of the Attorney General which, unsurprisingly, upheld the Labor Department's—and the Administration's—well publicized proposal.

In sum, Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights.

E. Alleged harassment of voters

There have been a number of charges and denials concerning Mr. Rehnquist's role in voter challenges by Republicans during various elections in the early 1960's in Phoenix. One serious charge was that made in sworn affidavits by Mr. Jordan Harris and Mr. Robert Tate alleging that Mr. Rehnquist harassed and intimidated a voter and engaged in a scuffle with Mr. Harris at the Bethune precinct in 1964. Messrs. Tate and Harris charge that Mr. Rehnquist made an improper attempt to administer personally a literacy test to a would-be-voter. Mr. Harris says he approached Mr. Rehnquist, to whom he had been introduced, and "argued with him about the harassment of voters." A struggle ensued, in which Mr. Tate came to Mr. Harris' aid. A policeman, it is said, entered and took Mr. Rehnquist into an office, from which he soon left. Mr. Tate identified Mr. Rehnquist "from pictures I have seen lately in the papers . . . he did not, at that time, however, wear glasses."

These affidavits are corroborated by two additional ones sworn within the past few days. These came from the Rev. and Mrs. Snelson McGriff, who say that Mr. Rehnquist—or "his twin brother"—was at Bethune precinct in 1964. Rev. McGriff says that the challenger, Mr. Rehnquist, wore glasses while inside the voting place, but took them off when he came outside, before the scuffle took place. *See The National Observer*, Nov. 28, 1971, p. 4, col. 1.

Mr. Rehnquist has submitted a sworn affidavit which says that the affidavits of Messrs. Tate and Harris "insofar as they pertain to me . . . false." He has denied having been at the Bethune precinct in 1964, and he denied that he ever personally "harassed or intimidated voters."

The conflict in the evidence before the Committee is not resolved simply by reference to Judge Charles Hardy's letter, as the Majority would have us believe. Judge Hardy only confirms what was already documented by contemporaneous news accounts and by an FBI report: that there was voter harassment and a fight at Bethune in 1962, and that Mr. Rehnquist was not involved in it. But Judge Hardy's letter does not by any stretch of the imagination stand for the proposition that no scuffle occurred at Bethune in 1964. Thus Mr. Rehnquist's statements and Judge Hardy's letter do not "completely refute the charges" made by Messrs. Tate and Harris. Indeed, Judge Hardy's letter which states that the "events in question" occurred in 1962, could not have been intended as a refutation of their charges since it is dated before their affidavits were made and released.

Nor does the fact that the Federal Civil Rights Act of 1964, in effect at the time, prohibited oral literacy challenges "undercut the credibility of these allegations" as the Majority Report claims. That fact means only that the challenges, if there were any, violated federal law. And at least in some parts of Arizona, a Justice Department investigation has revealed that "challenges . . . based on . . . ability to read the Constitution in English" were made in 1964. *See Apache County* v. *United States*, 256 F. Supp. 903, 909 (D.D.C. 1966) (3-judge court).

Instead, it appears that the Committee lacks either the motivation or machinery to conduct the type of fact-finding which is needed to uncover which side of this dispute is mistaken. Therefore, each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial.

Whatever the actual facts are about the 1964 incident at Bethune, that dispute should not be permitted to obscure the larger question of the extent of Mr. Rehnquist's responsibility for the Republican efforts to intimidate and harass minority voters in Maricopa County from 1958 to 1964, Judge Hardy, whose letter is so heavily relied upon by the Majority, described those tactics as follows:

In 1962, for the first time, the Republicans had challengers in all of the precincts in this county which had overwhelming Democratic registrations. At that time among the statutory grounds for challenging a person offering to vote were that he had not resided within the precinct for thirty days next preceding the election and that he was unable to read the Constitution of the United States in the English language. In each precinct the Republican challenger had the names of persons who were listed as registered voters in that precinct but who apparently had not resided there for at least thirty days before the election. In precincts where there were large numbers of black or Mexican people, Republican challengers also challenged on the basis of the inability to read the Constitution of the United States in the English language. In some precincts *every* black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people awaiting their turn to vote to grow tired of waiting and leave without voting. In addition, there was a well organized campaign of outright harassment and intimidation to discourage persons from attempting to vote. In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. They were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging were highly improper and violative of the spirit of free elections.

In response to a written question from several members of the Committee, Mr. Rehnquist stated that he felt "that there was no connection between my role [in 1962] and the circumstances related by Judge Hardy." He also stated that the practices Judge Hardy described "did not come to my attention until quite late in the day of the election in 1962" and that is why he took no steps to curb practices such as indiscriminate use of literacy challenges, which he believes improper. But this disavowal of involvement in the 1962 practices must be placed alongside the facts, established by Mr. Rehnquist's own answers, that in 1960, 1962 and 1964 the nominee played an important role for the Republican Party in Phoenix in voter challenges.

In 1960, Mr. Rehnquist was designated by the County Republican Chairman as co-chairman of the Ballot Security Program; he supervised and assisted in the preparation of envelopes mailed to Democrats—largely in black and Mexican-American districts—which were the foundation of residency challenges; he recruited lawyers to serve on a Lawyers' Committee; he advised challengers on the law; and he supervised in assembling returns of the mailings for challenging purposes.

In 1962, Mr. Rehnquist was designated Chairman of the Lawyers' Committee of the County Republican Party, and he again taught challengers the procedures they were to use. And, as in 1960, he served as a trouble-shooter—going to precincts at which disputes had arisen, in order to help resolve them.

Finally, in 1964 Mr. Rehnquist was Chairman of the Ballot security Program, selected by the County Republican Chairman. As such, he had overall responsibility for mailing out envelopes, recruiting challengers and recruiting members of the Lawyers' Committee, and for speaking, or seeing that someone spoke, at a training session of challengers. In 1964, as well, Mr. Rehnquist was general counsel to the County Republican Committee.

Thus while Mr. Rehnquist has sought to disassociate himself from the tactics employed by the Republicans in 1962 and other years, it cannot be overlooked that he held a high and responsible position in the Republican party's election day apparatus from at least 1960 to 1964, a period that saw very substantial harassment and intimidation of voters in minority group precincts.

F. Conclusion

A review of the nominee's entire record on civil rights reveals a persistent unwillingness on his part to allow law to be used to overcome racial injustice. There are two significant implications of this which argue strongly against confirmation. First, Mr. Rehnquist's views are such that one must fear the interpretation he may give to the great promise of the Fourteenth Amendment: equal protection of the laws. Indeed, one must also fear the limits he would impose on a legislature's efforts to redress 200 years of racial injustice. Second, there is the question of the very appearance of fairness and impartiality. At a time when many Americans, young and old alike, doubt the responsiveness of our system of government, we cannot afford to put on the Supreme Court a man consistently insensitive to the role that law must play in achieving a fair and just society.

IV. BILL OF RIGHTS

Speaking of Mr. Rehnquist's approach to questions of civil liberties and the Bill of Rights, the Majority Report says that Mr. Rehnquist—sees both sides of the difficult questions in this area, which requires working out the delicate balance established by the Constitution between the rights of individuals and the duty of government to enforce the laws.

The record demonstrates that just the opposite is true. When it comes to dealing with civil liberties, Mr. Rehnquist uniformly takes a position which reflects the low value he places upon concerns of equality and individual freedom. He consistently gives these concerns far less weight than that to which they are entitled by their high place in the Constitution of the United States and their vital role in the fabric of contemporary American society. The nominee does not see "both sides of the difficult questions in this area." Rather, he reads provisions of the Constitution dealing with individual liberties, and decisions upholding them, as narrowly as possible, while giving the most expansive reading and generous extrapolation to those provisions and precedents granting the Executive power to impinge on these freedoms.

A. The early record

Mr. Rehnquist's public record on civil liberties before coming to his present post is sparse—save for some intemperate articles impugning the motives and Constitutional fidelity of the Supreme Court in precisely this area.

In 1957, Mr. Rehnquist wrote an article on the role law clerks play in Supreme Court decisions, and said:

Some of tenets of the "liberal" point of view which commanded the sympathy of a majority of the clerks I knew were: extreme solicitude for the claims of Communists and other criminal defendants, expansion of federal power at the expense of State power, great sympathy toward any government regulation of business—in short, the political philosophy now espoused by the Court under Chief Justice Earl Warren. Rehnquist, *Who Writes Decisions of the Supreme Court?* U.S. News and World Report, December 13, 1957, p. 57.

The following year Mr. Rehnquist attacked the Court for its decisions in *Schware* v. *Board of Bar Examiners*, 353 U.S. 232 (1957) and *Konigsberg* v. *California*, 353 U.S. 252 (1957), where the Court held that applicants for state bar examinations had been deprived of their constitutional rights when they were prevented from taking the examinations because of previous political beliefs. The cases may have been difficult and controversial, but surely the decisions, written by Mr. Justice Black, did not justify Mr. Rehnquist's accusatory closing remark. Referring to the defendants in the cases, one an admitted former Communist and the other an alleged Communist, he said:

A decision of any court based on a combination of charity and *ideological sympathy* at the expense of generally applicable rules of law is regrettable no matter from whence it comes. But what could be tolerated as a *warm-hearted aberration* in the local trial judge becomes nothing less than a *constitutional transgression* when enunciated by the highest Court of the land. (Emphasis added) Rehnquist, *The Bar Admission Cases: A Strange Judicial Aberration*, 44 A.B.A.J. 229 (1958).

At the hearing Mr. Rehnquist said he meant only to suggest that the Justices had great sympathy for "the plight of unpopular groups." But a person of Mr. Rehnquist's intelligence and careful expression does not refer to "ideological sympathy" when he means concern for the unpopular. The innuendo is clear.

Taken together, these articles reveal an antagonism toward opposing points of view on civil liberties which is in stark contrast to the "balanced" approach the Majority claims for the nominee.

B. Wiretapping

With respect to wiretapping, Mr. Rehnquist has been a stern defender of the Administration position, and he has refused to disassociate himself from it or to give the Committee any different personal views on the issue. This position is that the Attorney General may wiretap without prior judicial authorization whenever he concludes there is a threat to the national security, whether the threat comes from foreign agents or so-called domestic subversives. The courts, of course, have permitted executive wiretaps in the former but not in the latter situation. *Compare United States* v. *Keith*, 444 F.2d 651 (6th Cir.), *cert. granted*, 91 S. Ct. 2255 (1971), *with United States* v. *Clay*, 430 F.2d 165 (5th Cir. 1970), *reversed on other grounds*, 403 U.S. 698 (1971).

The answer to the argument that the Executive can engage in wiretapping whenever it believes there is a domestic threat to the national security was eloquently given by the Sixth Circuit Court of Appeals in *Keith*, *supra*, 444 F.2d at 665:

[T]he Fourth Amendment was adopted in the immediate aftermath of abusive searches and seizures directed against American colonists under the sovereign and inherent powers of King George III. The United States Constitution was adopted to provide a check upon "sovereign" power. The creation of three coordinate branches of government by that Constitution was designed to require sharing in the administration of that awesome power.

The Sixth Circuit concluded (*id.*):

The government has not pointed to, and we do not find, one written phrase in the Constitution, in the statutory law, or in the case law of the United States, which exempts the President, the Attorney General, or federal law enforcement from the restrictions of the Fourth Amendment in the case at hand.

The flaws in the wiretapping position Mr. Rehnquist has taken are so manifest that they suggest an insensitivity to Fourth Amendment principles. The purpose of that Amendment "is to safeguard the privacy and security of individuals against arbitrary invasions by government officials." *Camera* v. *Municipal Court*, 387 U.S. 523, 528 (1967). That purpose is secured by requiring the Executive to obtain a court order *before* it can invade a citizen's privacy. As the Supreme Court put it in *Chapman* v. *United States*, 365 U.S. 610, 614–15 (1961), quoting from *Johnson* v. *United States*, 333 U.S. 10, 13–14 (1948):

The point of the Fourth Amendment, which often is not grasped by zealous officers, is not that it denies law enforcement the support of the usual inferences which reasonable men draw from evidence. Its protection consists in requiring that those inferences be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime. Any assumption that evidence sufficient to support a magistrate's disinterested determination to issue a search warrant will justify the officers in making a search without a warrant would reduce the Amendment to a nullity and leave the people's homes secure only in the discretion of police officers. *Chapman* v. *United States*, 365 U.S. 610, 614–615 (1961), quoting from *Johnson* v. *United States*, 333 U.S. 10, 13–14 (1948).

If Attorneys General could decide on their own who is a domestic threat to the national security, and then tap without prior court order, the protection of the Fourth Amendment will have been badly eroded. For since *Katz* v. *United States*, 389 U.S. 347 (1967), held that wiretapping falls within the Fourth Amendment, there is no apparent reason why an Attorney General could not claim the power to make *other* intrusions of privacy without a warrant when he deemed the national security to be envolved.

In this connection, it is worth noting that the practice of previous Attorneys General with respect to wiretapping, on which Mr. Rehnquist places so much reliance, came before *Katz* made it clear that wiretapping was a search or seizure within the Fourth Amendment. So prior practice offers scant precedent for his position. Indeed, the memorandum from President Roosevelt to Attorney General Jackson dated May 21, 1940, reproduced in *United States* v. *Keith*, *supra*, at 669–70, which forms the basis for much of the argument, was written not only well before *Katz*, but also appears to be aimed at threats to the national security from foreign countries.

Mr. Rehnquist for his part seems to be willing to go even further than merely supporting wire taps without prior court order in this easily abused area. He took the position at Brown University, as reported in the Providence Journal of March 11, 1971, that the Justice Department "must protect against . . . subversive domestic elements, yet often does not have the evidence of imminent criminal activity necessary for wire tap authorization." In other words, Mr. Rehnquist argued that *because* the Executive does not have enough evidence to get a warrant against "elements" it deems in its sole discretion "subversive," it should not have to get one. This "analysis" turns the Fourth Amendment precisely on its head. If it were ever accepted, it would reverse the whole course of Fourth Amendment law in this country.

And this view raises questions about Mr. Rehnquist's statement that surveillance other than wiretapping, discussed below, is proper only when directed at the apprehension of a criminal or when the activity under surveillance has a "law violation potential." If Mr. Rehnquist has a loose view of the standard of probability the Executive must meet in the wiretap area, one would conclude that he has a similarly loose view of the standards applicable in the surveillance area. Thus, the limits he purports to place on government surveillance appear to be far more rhetorical than effective.

Much is made by the Majority of the fact that Mr. Rehnquist revealed that he had advised the Attorney General to abandon the Department's previous public position on wiretapping—that the Executive has the inherent power to tap—and take a new one—that such a tap is "reasonable" under the

Fourth Amendment. The change is more cosmetic than real, and even Mr. Rehnquist admitted it was made at least in part for tactical reasons.

Asked about this in supplemental written questions, Mr. Rehnquist replied that the change was significant because it amounted to a recognition "that the Executive is subject to the restraints of the Fourth Amendment in this area as elsewhere." But the restraints of the Fourth Amendment are, in Mr. Rehnquist's view, hardly any restraints at all, for he argues that a wiretap is "reasonable" when the Attorney General decides in his mind that it is necessary to protect the country from domestic opposition. Mr. Rehnquist's argument that the Attorney General, often a close political advisor of the President, is the kind of neutral, objective buffer between the police and the citizen that the framers of the Fourth Amendment envisaged reflects the low value he puts on individual freedom and privacy.

Mr. Rehnquist also said that the "practical result" of the change "was to recognize that the courts would decide whether or not this practice amounted to an unreasonable search which would violate the Fourth Amendment." Of course, that is precisely what the Sixth Circuit in Keith did: it decided that the "practice" was unconstitutional. Moreover, to the extent that Mr. Rehnquist's response implied that the courts will determine the "reasonableness" of each tap after the fact, it overlooks the crucial point that many "national security" wiretaps will never come to the attention of a court and thus occasional and random after-the-fact review does not provide an adequate restraining effect on the executive branch, an adequate deterrent to protect the right of privacy.

C. Government surveillance

Mr. Rehnquist has also taken an active role in presenting the Administration's views on the propriety of government surveillance of individual citizens. It was in this context, indeed, that Mr. Rehnquist made his now-famous statement that:

I think it quite likely that self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering.

But, as Mr. Rehnquist himself recognized at the hearings, the constitutional guarantees of the Bill of Rights were enacted precisely because our Nation was not prepared to trust our future to the "self-discipline" of those who happen to be in power at any given time. If a Supreme Court Justice were to believe that "self-restraint" on the part of the Executive could be relied on to prevent abuse—as Mr. Rehnquist plainly said—then that measure of our freedom which comes from judicial control of the Executive would be sorely threatened.

The Majority Report relies on Mr. Rehnquist's later explanation of his "self-restraint" statement as follows:

My remarks before Senator Ervin's Committe were in a context of the existence of the Bill of Rights, the existence of the statutory restrictions such as were contained in the 1968 Act. And the question, as I understand it, was what additional statutory restrictions should be placed on investigative processes.

But this is hardly an answer at all. In the first place, the statutory restrictions he refers to are applicable only to wiretapping in the detection of specifically enumerated crimes, not to government surveillance or other intelligence gathering. We are unaware—as is Mr. Rehnquist, apparently—of any statutory restrictions on government surveillance activities. In the second place, Mr. Rehnquist opposes any enforceable statutory controls, as he said in a speech entitled "Privacy, Surveillance and the Law" delivered on March 19, 1971:

I do not believe, therefore, that there should be any judicially enforceable limitations on the gathering of this kind of public information by the Executive Branch of the government.

Third, Mr. Rehnquist's reliance on the Bill of Rights as providing enforceable limitations on government surveillance activities is unconvincing, since he is of the opinion that the Constitution imposes virtually no such limits. This is shown by the colloquy he had with Senator Ervin on the question. Hearings Before the Senate Subcommittee on Constitutional Rights, "Constitutional and Statutory Sources of Investigative Authority in the Executive Branch of Government," 92d Cong., 1st Sess., March 9, 1971 (unprinted). Only a small portion of his statement is quoted in the Majority Report. The full colloquy is much more enlightening:

Senator ERVIN. Don't you think a serious constitutional question arises where any government agency undertakes to place people under surveillance for exercising their First Amendment rights

Mr. REHNQUIST. Senator, we discussed that briefly last week, I think and, as I say, I do not conceive it to be any part of the function of the Department of Justice or of any other governmental agencies to surveil or otherwise observe people who are simply exercising their First Amendment rights.

When you go further and say isn't a serious constitutional question involved, I am inclined to think not, as I said last week. Undesirable as this practice is and vigorously as it should be condemned. I do not believe it violates the particular constitutional rights of the individuals who are surveilled.

Senator ERVIN. I would agree with you to the extent that it would not constitute a violation of the Fourth Amendment where surveillance is had of people in public places because there is no search and there is no seizure, no search of a home or building and no search of papers and no seizure, but do you not concede that government could very effectively stifle the exercise of First Amendment freedoms by placing people who exercise those freedoms under surveillance?

Mr. REHNQUIST. No, I don't think so, Senator. It may have a collateral effect such as that, but certainly during the time when the Army was doing things of this nature, and apparently it was fairly generally known that it was doing things of this nature, those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one or two occasions to, you know, exercise their First Amendment rights, to protest the war policies of the President.

Indicative of Mr. Rehnquist's insensitivity to constitutionally protected interests threatened by government surveillance is his reluctance to recognize the chilling effect such surveillance has on the exercise of First Amendment freedoms. One example of this is the following colloquy the nominee had with Senator Ervin at the surveillance hearings cited above:

Senator ERVIN. Well, is it your position that the government could take and put somebody, I believe it is called, a tail on me, and this man could walk around and follow me everywhere I went, and because he didn't compel me to go to those places, and just observed me, that it would have no legal remedy?

Mr. REHNQUIST. Well, to say you would have no legal remedy, I think, is more than I would care to say. As I have said before, I think that is a waste of taxpayer's money, it is an inappropriate function of the executive branch. I don't think it raises to a First Amendment violation.

At the confirmation hearings, with the benefit of pointed questioning, Mr. Rehnquist conceded that even where some persons exercise their rights, others may be deterred from doing so. But his testimony as presented to Senator Ervin's subcommittee plainly discounted this critical interest near the core of the First Amendment. The Majority Report's own summary of the nominee's later concessions only underlines his attitude:

In summary, his testimony before Senator Ervin's subcommittee and before this committee establishes that Mr. Rehnquist is acutely aware that certain governmental information-gathering activity may raise First Amendment questions if it is proven that citizens are *actually* deterred from speaking out. [Emphasis in original.]

The difficulty of proving a specific chilling effect is obvious, and the notion that a First Amendment question isn't even *raised* until it is "proven that citizens are *actually* deterred from speaking out" (emphasis in original) is alarming. One can have little hope on this record that as a Justice the nominee would be vigorous in his protection of those First Amendment freedoms so vital to the functioning of the American democracy.

But it is not just Mr. Rehnquist's substantive positions which are distressing. Even more fundamental and more distressing is the way he approaches and analyzes civil liberties problems. In the area of government surveillance, Mr. Rehnquist rejects on the one hand the notion of judicial control over surveillance on the ground that the very process of litigation will impede the investigative activities of the Executive and will—in Learned Hand's borrowed phrase—"dampen the ardor of all but the most resolute" public officials. He does not explore the extent of the impediment, or consider available devices (such as *ex parte* or *in camera* judicial proceedings) which would minimize it. On the other hand, until pressed at his own confirmation hearings for a more reassuring answer, he denied that surveillance raises First Amendment questions, resolutely rejecting the argument that it may "dampen the ardor of all but the most resolute" of political dissenters. The acknowledged possibility of abuse of surveillance does not call for judicial controls; but the possibility of abuse of judicial process calls for executive immunity from judicial controls. The government's investigative interests must be protected from the "chilling effect" of litigation; but the First Amendment interests of political dissenters need no protection from the "chilling effect" of the investigation. *See generally* speech, "Privacy, Surveillance, and the Law" (March 19, 1971); Testimony on "Investigative Authority of the Executive," *supra;* speech, "Law Enforcement and Privacy" (July 15, 1971).

Obviously, such conceptions as "possibility of abuse" and "chilling effect" have differing application to the facts and values on the two sides of the surveillance controversy. Carefully analyzed, they may cut more heavily on one side than the other. But anyone who seeks fairly to resolve the controversy must fairly examine the applicability of these conceptions to the contentions on both sides, not just one. To be concerned with degrees of impairment of investigation that result incidentally from judicial supervision, but unconcerned with degrees of impairment of political expression that result incidentally from surveillance, bespeaks sensitivity to law enforcement values but none to the values of free speech.

That sums up Mr. Rehnquist's approach. He uncritically accepts—and expands—such notions as "dampening the ardor" of investigators; but, when it comes to the First Amendment, he is content to stand equally uncritically upon the proposition that: "No decided case of the Supreme Court of the United States has ever held or said that the 'chilling effect' of a governmental activity

by itself, unaccompanied by either an attempt to impose governmental sanctions to compel the involuntary divulgence of information or to impose criminal or other sanctions on the basis of the information obtained amounted to a violation of the First Amendment." Speech, "Privacy, Surveillance and The Law" (March 19, 1971).

This last proposition appears to be wrong. See *Bantam Books, Inc.* v. *Sullivan*, 372 U.S. 58 (1963). But even were it correct, Mr. Rehnquist's refusal to "extrapolate from decided Supreme Court cases" in the First Amendment area starkly contrasts with his far reaching extrapolation of a broad power of federal executive surveillance from the "faithfully executed" Clause as construed in *In re Neagle*, 135 U.S. 1 (1890) and the "Republican Form" Clause, see Testimony on "Investigative Authority of the Executive," *supra*. One who makes these extrapolations but limits *NAACP* v. *Alabama ex rel. Patterson*, 357 U.S. 449 (1958) and *Bates* v. *Little Rock*, 361 U.S. 516 (1960) to the adventitious circumstances that both involved a "government legal sanction" is treating the First Amendment as a constitutional stepchild.

D. Rights of public employees

The same scant regard for the First Amendment appears in Mr. Rehnquist's analysis of the free-speech rights of public employees. See *Public Dissent and the Public Employee*, 11 Civ. Serv. J. 7 (1971). Although it purports to employ a "balancing" approach, this article casts the balance very heavily against freedom of expression by describing the interest to be balanced against free speech as "the interest of the government in governing effectively." Closely examined, the various "factors [used] . . . to meet the balancing test" plainly appear designed to paint *Pickering* v. *Board of Education*, 391 U.S. 563 (1968), into the narrowest possible corner.

But once again the conclusions reached are less significant than Mr. Rehnquist's analytic method of "balancing." When he discusses the weights on the government employer's side, he examines in lavish and loving detail all of the justifications for stifling speech—" 'loyalty,' 'harmony,' . . . avoidance of 'dissention,' " the chief Executive "popular mandate," and the intolerability of "insubordination." On the other side, he aligns a "claim for freedom of speech" to which he devotes no such detailed analysis.

Surely this "claim" also has its several components, including not only the public employee's interest in speaking (which Mr. Rehnquist appears to see as the only First Amendment interest involved) but the public's interest in hearing—and, in particular, a self-governing people's interest in hearing about governmental policies from those most knowledgeable concerning them. About these concerns Mr. Rehnquist says nothing, because he reserves his "critical analysis" for the weights in the other plan. Indeed, he not only slights but also distorts the First Amendment interests involved: for example, he treats the expression of individual views by public employees as some sort of plebiscite which would "control" their employer. This sort of "critical analysis" and "balancing" manifests either a calculated stacking of the weights against the First Amendment or, at the least, a callous insensitivity to what the First Amendment is all about.

E. Right of accused persons

The Majority Report states that Mr. Rehnquist's statements on the rights of criminal defendants "show that he has been consistently aware of and sensitive to the competing considerations on both sides of these very difficult questions." Rather than balance and understanding, the record shows that Mr. Rehnquist has the same insensitivity to Bill of Rights guarantees in the criminal process as he does to rights of expression and association.

Discussing the May Day arrests, Mr. Rehnquist treats the problem of delayed preliminary hearings as though the function of a preliminary hearing were principally to prevent protracted investigative detentions. *See* speech, "Which Ones Have the White Hats? Conflicting Values In The Administration of Criminal Justice" (May 5, 1971). In fact, another major function of the preliminary hearing is to enforce the Fourth Amendment's prohibition of arrests without probable cause, by requiring the arresting officer to justify his arrest before a judicial examiner. Mr. Rehnquist stresses the point that preliminary hearings are more difficult to hold—but he ignores the point that they are also particularly important to hold—in a time of indiscriminate mass arrests.

His treatment of the Eighth Amendment—"[e]xcessive bail shall not be required"—is astounding. On the one hand, he reads it (together with the Fourth and Fifth Amendments) as broadly expressive of a "right to be let alone," which he then broadens into "the right to be free from robberies, rapes, and other assaults on the person by those not occupying an official position"—a concept which warrants governmental use of preventive detention as a device to prevent criminal depradations. Here, certainly, is an extrapolation which dwarfs even Mr. Rehnquist's extrapolation from the "Republican Form" Clause. But when the detained man points to the Eighth Amendment, Mr. Rehnquist replies that "the framers of this Amendment deliberately chose language confined to a relatively narrow set of circumstances", *see* speech, "Official Detention, Bail, and the Constitution" (Dec. 4, 1970); and that, read with proper narrowness, the Amendment "does not establish a right to bail; it forbids judges from requiring excessive bond in cases where the defendant has a statutory right to bail." The latter grudging construction ignores much history and logic (*see* Foote, *The Coming Constitutional Crisis in Bail*, 113 U. Pa. L. Rev. 959, 1125 (1965)). But if it were correct, it would surely render the Eighth Amendment unavailable as a source of Mr. Rehnquist's "right to be let alone." It appears that this amendment means whatever Mr. Rehnquist wants it to mean: viz., preventive detention.

Mr. Rehnquist also takes his own liberties with the Supreme Court's criminal procedure decisions. Whatever view one entertains upon the difficult question of the constitutionality of "no-knock" statutes, it is plainly misleading to assert that they are "actually nothing more than a codification of constitutional law, and of practices which were held not to violate the Constitution in a case decided a few years ago by the Supreme Court of the United States", *see* speech, "The Administration of Criminal Justice" (Dec. 2, 1970). Presumably, Mr. Rehnquist refers to *Ker* v. *California*, 374 U.S. 23 (1963), in which the Supreme Court split 4–4 on the relevant issue. (Mr. Justice Harlan's decisive vote was based upon another ground, which Justice Harlan had abandoned in deference to precedent several years before Mr. Rehnquist's speech.)

Another example of this proclivity is his treatment of the rule excluding unconstitutionally obtained evidence in criminal trials. The exclusionary rule is a controversial subject, to be sure. But controversial questions are not responsibly resolved by unbalanced analysis of the kind Mr. Rehnquist offers here. He concluded after attacking the exclusionary rule:

"Ultimately, decision is made by the balancing of the need of society for protection against crime against the need of the accused defendant for a fair trial and a just result." (Speech, "Which Ones Have the White Hats? Conflicting Values in the Administration of Criminal Justice," May 5, 1971.)

Mr. Rehnquist does not face up to the fact that the fundamental purpose of the exclusionary rule is to *deter unlawful police action*. Thus the balance is not between the need to protect against crime on the one hand and the need for a just result on the other—for as Mr. Rehnquist argued in the speech, illegally obtained evidence can be highly relevant and could, in one sense, lead to a just result. The true balance to be struck is between the need to protect society from crime and the need to provide a meaningful way to enforce the Fourth Amendment's prohibition against unreasonable searches and seizures, of the Fifth Amendment's prohibition against compelled self-incrimination, or other constitutional guarantees. Stated accurately, the final balance one chooses could be far different from the one Mr. Rehnquist, having loaded the scales, picked.

F. Conclusion—Abuse of legal analysis

As this analysis shows, a great deal of Mr. Rehnquist's legal writing reveals not the "balanced approach" the Majority hails but instead the use of an intellectual "double standard." This use of a double standard is apparent in a number of instances in addition to those mentioned above.

One example is Mr. Rehnquist's use of *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942). The Supreme Court there held constitutional a New York City ordinance which prohibited distribution of commercial advertising handbills on the streets. As described in Part III above, Mr. Rehnquist cited this case as posing a constitutional problem for an anti-blockbusting provision of a Model State Anti-Discrimination Act while he was a representative to the National Conference of Commissioners on Uniform State Laws. This is apparently the only time that Mr. Rehnquist has given the First Amendment wide scope—and, significantly, it is a time when his argument cuts against the interests of racial equality. On the other hand, he gave the First Amendment a very narrow scope—and *Valentine* v. *Chrestensen* a comparably broad sweep—when the interest on the other side was not racial equality but regulation of advertising of supposed salacious literature. Notwithstanding a concession that the literature was constitutionally protected—that is, that it was not obscene—Mr. Rehnquist argued that Congress could regulate its advertising. He said that commercial "advertising ranks low on the scale of values underlying the First Amendment. It may be suppressed when necessary to promote other legitimate interests." Statement at Hearings before Subcommittee No. 3 of the House Committee on the Judiciary on H.R. 11032 [relating to mailing of purient materials], 91st Cong., 1st Sess., September 25, 1969 (unprinted).

Consider also the following exchange which Mr. Rehnquist, said by the President to be a strict constructionist, had with Congressman Paul McCloskey, concerning 5 U.S.C. 2954 (1971). That statute reads as follows:

An Executive agency, on request of the Committee on Government Operations . . . shall submit any information requested of it relating to any matter within the jurisdiction of the Committee.

The exchange was as follows:

Mr. MCCLOSKEY. Mr. Rehnquist, the rule that permits you to look at the legislative history applies only when the wording of the statute is ambiguous, is that correct?

Mr. REHNQUIST. It's a rule, but has its exceptions.

Mr. MCCLOSKEY. Do you know of any legal exception in your experience which justifies looking behind the clear language of Section 2954, by the executive branch?

Mr. REHNQUIST. Yes sir. Well, the executive branch is simply trying to forecast what a court would say in interpreting it.

Mr. MCCLOSKEY. Is there any ambiguity in that statute? This is exceptionally clear language. Can you point to me any ambiguity

in that statutory section which would justify seeking explanation of that ambiguity?

Mr. REHNQUIST. I don't think it's that clear.

Mr. MCCLOSKEY. Is there any ambiguity in the section that you could find? Can you read the law specifically so the subcommittee at this point can be aware of the ambiguity, which, in your judgment, would require going to the legislative history of the statute?

Mr. REHNQUIST. • • • (Reads statute)

Mr. MCCLOSKEY. Is there any ambiguity there, Mr. Rehnquist?

Mr. REHNQUIST I don't think the words "any information" are necessarily that sweeping. Hearings before the House Subcommittee on Foreign Operations and Government Information, "U.S. Government Information Policies and Practices—the Pentagon Papers (Part III)," pp. 785–86, 92d Cong. 1st Sess. (June 30, 1971).

In sum, Mr. Rehnquist consistently overlooks or understates the nature and significance of whatever claim based on the Bill of Rights he purports to be assessing. Consequently, he consistently dismisses such claims without having given them a fair and adequate hearing. He regularly reads constitutional clauses which promote civil liberties interests narrowly; and he invariably reads constitutional clauses and judicial decisions which militate against civil liberties interests or in favor of executive power broadly. He accords the most painstaking and sympathetic analysis to all of those considerations which—he ultimately concludes—require the subordination of civil liberties values; but the competing civil liberties values themselves receive no such analysis. Confronted with a civil liberties claim, Mr. Rehnquist does not pause to consider it dispassionately. Instead his ample critical facilities are bent immediately toward the fashioning of reasons for its rejection.

V. CONCLUSION

Mr. Rehnquist's record reveals a dangerous hostility to the great principles of individual freedom under the Bill of Rights and equal justice for all people. He has persistently opposed the use of law to eliminate racial injustice in America, and he has just as persistently analysed legal problems in a way which minimizes the importance of civil liberties values and maximizes the importance of executive power.

Mr. Rehnquist said several times at the confirmation hearings that he will attempt to disassociate himself "to the greatest extent possible" from his personal views if he is confirmed. But such a promise, made no doubt in good faith, is simply inadequate, given the actual nature of the judicial process. For once confirmed the nominee will face questions arising out of the grand but vague promises of the Constitution, like "equal protection of the laws" and "due process of law." In reaching a decision in such cases, the nominee's own views must necessarily, if subtely, intervene. Mr. Rehnquist was honest enough to recognize this at the hearings when he said:

"And there is also no doubt in my mind that each of us, the Justices who have been confirmed in the past and I, if I were confirmed, would take to the Court what I am at the present time. There is no escaping it. I have lived for 47 years, and that goes with me."

Or as Mr. Rehnquist said in a different context in 1959:

"If greater judicial self-restraint is desired, or a different interpretation of the phrases "due process of law" or "equal protection of the laws", then men sympathetic to such desires must sit on the high court. *The Making Of a Supreme Court Justice, Harvard Law Record*, Oct. 8, 1959, at 10."

The evidence before the Senate suggests that Mr. Rehnquist is not "sympathetic" to the "desires" for racial justice and the fundamental protections of the Bill of Rights. His nomination ought therefore be rejected.

A number of recognized national organizations dedicated to civil rights and to civil liberties have reached the same conclusion. The National Association for the Advancement of Colored People, the Leadership Conference on Civil Rights, the AFL–CIO and the UAW have all opposed Mr. Rehnquist's—but not Mr. Powell's—nomination. The Congressional Black Caucus has also opposed the nomination, as has the National Bar Association, an organization of Negro lawyers; the National Legal Aid and Defender Association; the Washington Council of Lawyers; the National Catholic Conference for Interracial Justice; and a number of law professors. Opposition is uniformly based on Mr. Rehnquist's views on civil rights and civil liberties.

Professor Charles Black of Yale Law School has decribed the role of the Senate in the confirmation process this way:

"[A] Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful for him to sit and vote on the Court. . . . Black, *A Note on Senatorial Cansideration Of Supreme Court Nominees*, 79 Yale L.J. 657 (1970)."

Because Mr. Rehnquist's "views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court", his appointment should be rejected.

STATEMENT IN OPINION TO THE NOMINATION OF WILLIAM H. REHNQUIST BY 20 MEMBERS OF THE HARVARD LAW SCHOOL FACULTY

It is doubtless appropriate for the President to exercise his power of nomination to shift the Supreme Court in the direction of his constitutional philosophy. But history, from 1795 to the present, demonstrates that it is no less appropriate for the Senate to deny confirmation to a Presidential nominee, despite his personal integrity and professional competence, because the Senate believes that the addition of a man of the nominee's philosophy is, under the existing circumstances, against the best interests of the country and the effective functioning of the Court.

In deciding whether to confirm the Hon. William H. Rehnquist in this period of deep change and conflict, the Senate has a special obligation to preserve the position of the Supreme Court as an effective organ in our system of government. Recent changes have already shifted the consensus or balance of opinion in the Court. Within the central stream of contemporary constitutional thought exemplified by all present members of the Court and their predecessors for the past thirty years, there is a wide range for differences of constitutional view—and thus for Presidential and Senatorial choice. Our opposition to Mr. Rehnquist is based on our perception that his views on the relation between government and the individual in the area of security, and on the relation between established power and the disadvantaged in this area of human rights, are so exceedingly deferential to the former and so undervalue the latter as to place him outside that central stream. Twentieth century problems require Justices with a clearer sense of the ingredients of constitutional decision.

Accordingly, we urge that confirmation of William H. Rehnquist be denied.

Victor Brudney, Derrick A. Bell, Jr., Vern Countryman, Abram Chayes, Alan M. Dershowitz, Ruth B. Ginsbury, William B. Gould, Philip B. Heymann, Louis L. Jaffe, Andrew L. Kaufman.

Frank I. Michelman, Arthur R. Miller, Karen S. Metzger, David Rosenberg, Henry J. Steiner, Stanley S. Surrey, Laurence H. Tribe, James Vorenberg, Robert B. Washington, Jr., Lloyd L. Weinreb.

UNIVERSITY OF WISCONSIN LAW SCHOOL

We are a majority of the law professors at the University of Wisconsin Law School. We oppose the confirmation of William H. Rehnquist for a seat on the Supreme Court. His long held views on civil rights and civil liberties are in basic respects contrary to the Supreme Court's. He would have the Court go back to discredited ideas. In our opinion his views warrant rejecting him as a member of the Court which is the ultimate protector of constitutional rights. He is not a judicial conservative. Rather he is a political conservative, who was named for that reason.

Abner Brodie, Willard Hurst, George Bunn, Ted Finman, Samuel Mermin, Arlen C. Christenson, August Eckhardt, Allen Redlich, Thomas C. Heller, James E. Jones, Jr., Jean Love, Robert B. Seidman.

Neil K. Komesar, William H. Clune, Herman Goldstein, William C. Whitford, Carlisle P. Runge, Joel F. Handler, Shirley S. Abrahamson, Richard B. Bilder, John Stedman, Robert Shapiro, Marygold S. Melli.

Mr. MUSKIE. Mr. President, one of the Senate's most important constitutional obligations is to approve or reject nominations to the Supreme Court. The Supreme Court protects our liberties and the principles of due process of law. It has the ultimate responsibility for preserving and defending the Constitution. Our entire constitutional form of government depends upon a sensitive and wise Supreme Court. And the Court can only be as sensitive and wise as the Justices who are appointed to it.

Like the President, the Senate, as part of its assigned role in the selection process of Justices, must act to insure that each appointment to the Court will not weaken our constitutional system. Careful scrutiny of each nominee is vitally important, for a Justice may serve for decades and exercise a cumulative influence over the course of public affairs comparable to that of a President.

In considering nominations to the Court, it is proper for a Senator—and indeed absolutely necessary—to evaluate the judicial philosophy of the nominee. There is no other way to assess whether the proposed Justice will be equal to the task of preserving our constitutional system. A Law Review article by Prof. Charles Black of the Yale Law School—79 Yale Law Journal 657 (1970)—and a lengthier study done by professors at Stanford and Michigan Universities—CONGRESSIONAL RECORD, November 5, page 39591—both indicate that the Senate evaluation of a Supreme Court nominee's judicial philosophy was intended by the Founding Fathers and has been practiced by the Senate for nearly 200 years.

I now reaffirm what I said during the debates on the President's nomination of Judge Haynsworth:

It is the prerogative of the President, of course, to try to shift the direction and the thrust of the Court's opinions in this field by appointments to the Supreme Court. It is my prerogative and my responsibility to disagree with him when I believe . . . that such a change would not be in the best interests of the country. 115 Cong. Rec. 35368

This standard was also urged upon the Senate by one of the nominees now before the Senate. In an article in the October 8, 1959, Harvard Law Record, William Rehnquist called upon the Senate to restore "its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him."

We must remember that when we decide, we are determining the shape of the Court and the direction of the country for years beyond our own terms in office or perhaps even our own lifetime. One Justice still sits on the Supreme Court who was confirmed by a Senate, only one of whose members still serves in this Chamber. So let no one tell us that we cannot examine a nominee's judicial philosophy. Once we confirm a nominee, history will praise or blame us no less than the President for the resulting impact on the future of our law and our national life. With this in mind, I have examined the record of Mr. Rehnquist.

When President Nixon nominated William H. Rehnquist to the Supreme Court, the President said that Mr. Rehnquist is a judicial conservative who would restore balance to the Supreme Court. There is an old and honored tradition of judicial conservatism in American law and on the Supreme Court, a tradition which can be traced back to the time of John Adams. Many distinguished judicial conservatives have served on our highest court. Although I personally disagree with many of their conclusions, I believe that their tradition should continue to be represented. It was represented at its best for many years by Justice John Marshall Harlan, whom Mr. Rehnquist has been nominated to succeed.

My examination of Mr. Rehnquist's record convinces me that Mr. Rehnquist is not a judicial conservative at all, in the time-honored meaning of the term. Rather than being the views of a judicial conservative, they are those of a statist and authoritarian. Mr. Rehnquist exalts the powers of government over the rights and liberties of the individual. He exalts the executive branch over the coordinate branches of the Federal Government. He rejects some of the basic values that have characterized the conservative legal tradition in America. Far from bringing "balance" to the Supreme Court, Mr. Rehnquist would threaten to unbalance the Court.

Examine Mr. Rehnquist's views in detail and compare them to the authentic tradition of judicial conservatism in this country. His views drastically depart in major areas of constitutional law from that tradition.

First, true judicial conservatives in the United States have always given the highest value to the right of privacy—to what Mr. Justice Brandeis called "the right to be let alone—the most comprehensive of rights and the right most valued by civilized men." (*Olmstead* v. *United States*, 277 U.S. 438, 485 (1928)).

It was Mr. Justice Butler—one of the most conservative men who sat on the Supreme Court in this century—who summed up the traditional conservative attitude toward privacy in these strong words:

The Fourth Amendment forbids every search that is unreasonable and is construed liberally to safeguard the right of privacy . . . its protection extends to offenders as well as to the law abiding . . . the Amendment is to be liberally construed and all owe the duty of vigilance for its effective enforcement lest there shall be impairment of the rights for the protection of which it was adopted. (*United States* v. *Lefkowitz*, 285 U.S. 452, 464 (1932)); *Go-Bart Importing Co.*, v. *United States*, 282 U.S. 344, 357 (1931)).

It was this belief in the value of privacy that led a genuine conservative like Justice Butler to give a resounding "No" to the Federal Government's claim to the right to wiretap without constitutional limitations in the famous Olmstead decision. Likewise, privacy received the greatest priority and protection from Mr. Justice Harlan, who, as he wrote in one of his last opinions before his retirement, was deeply concerned to preserve "that confidence and sense of security in dealing with one another that is characteristic of individual relationships between citizens in a free society." (United States against White, decided Apr. 5, 1971.)

Yet I find only the most perfunctory recognition of this essential constitutional value in Mr. Rehnquist's public record. Far from valuing the right of privacy as authentic conservatives have, he has subordinated it to the powers of Government.

For example, Mr. Rehnquist believes that traditional judicial control over Government wiretapping is unnecessary whenever the executive chooses to label it a matter of national security. Wiretapping has been held by the Supreme Court to be subject to the fourth amendment's provisions requiring judicial supervision of searches and seizures. This requirement of a warrant for a wiretap, like a search warrant for a home, is designed to insure that invasions of privacy are limited by an independent tribunal to cases of demonstrated need. Yet during this administration, the Justice Department has claimed that the fourth amendment requirement of a judicially approved warrant does not apply to domestic cases involving alleged domestic subversion. In these instances, the Department claims the executive can wiretap without court authorization.

In a speech in London last July, Mr. Rehnquist supported this Justice Department attempt to downgrade the protections of the fourth amendment. Mr. Rehnquist said that judicial review could only serve to delay and to hamper criminal investigations. He did not even mention the purpose of the warrant procedure—to protect citizens from unreasonable search and seizure by interposing an impartial magistrate between them and Government. This fall, Mr. Rehnquist refused to retreat from his opposition to judicial review of domestic national security wiretaps during his testimony before the Senate Judiciary Committee. He admitted that the fourth amendment did apply—but he contends that its test of reasonableness should be applied by the Attorney General alone.

A second area in which Mr. Rehnquist rejects traditional judicial control over Government activities is surveillance. In a speech, "Privacy, Surveillance and the Law," given on March 19 of this year, and in testimony before the Senate Subcommittee on Constitutional Rights, Mr. Rehnquist stated that he believed that there were no constitutional limits upon Government surveillance in public places as long as it did not involve the threat of criminal sanctions. He argued that nothing in the Constitution would prohibit an agent of the Justice Department or a soldier of the Army from following an ordinary citizen, recording everything he did in public, and compiling dossiers from that information—even though the individual had no connection with any criminal activity.

In justifying such surveillance, Mr. Rehnquist draws a very fine distinction between surveillance with the threat of criminal sanction—which he concedes raises constitutional questions—and surveillance without that threat—which he feels is constitutional. This distinction ignores the constitutional right of privacy and the first amendment right to free speech, free association, and free petition for redress of grievances without the fear of surveillance or possible future sanction. And it denies the heart of key Supreme Court decisions, such as *Bantam Books, Inc.* v. *Sullivan*, 372 U.S. 58 (1963); *Bates* v. *Little Rock*, 361 U.S. 616 (1960); and *NAACP* v. *Alabama ex. rel. Patterson*, 354 U.S. 449 (1958).

The most disturbing part of Mr. Rehnquist's disregard for first amendment rights in this area is his rejection of their relevance. When asked at Senator ERVIN'S hearings if Government surveillance and the fear caused by that surveillance raised any serious threat of a chilling effect on constitutionally protected activities and rights, the nominee answered with an unqualified "No." Later Mr. Rehnquist testified that first amendment questions were not raised until citizens were actually deterred from speaking out—an alarming threshold for the protection of precious rights.

And Mr. Rehnquist not only downgrades constitutional protections, he also sees little reason for the independent judicial supervision mandated by the fourth amendment to enforce these protections. He argued that "no legitimate interest" is served by such judicial supervision. And he is unwilling even to test available procedures to minimize the difficulties of judicial safeguards while preserving their vitality. He asserts that the "self-restraint" of government officials is sufficient protection—and that assertion is nothing less than an outright rejection of our historic commitment to a governmental system of checks and balances.

Second, a vital part of the conservative legal tradition in this country is an insistence on governmental adherence to established procedure, especially in the enforcement of criminal law. Recall Justice Frankfurter's famous statement:

The history of American freedom is, in no small measure, the history of procedure. (*Malinski* v. *New York*, 324 U.S. 401. 414 (1945)).

Justice Frankfurter amplified this view in these words:

(We) must give no ear to the loose talk about society being 'at war with the criminal' if by that it is implied that the decencies of procedure which have been enshrined in the Constitution must not be too fastidiously insisted upon in the case of wicked people. Id.

Mr. Rehnquist's record shows no similar faith in the procedural safeguards of our law. In the last 3 years, the Nixon administration has tried to revise traditional constitutional procedures in the field of criminal law. The administration has virtually done battle with the Bill of Rights, claiming that constitutionally dubious measures were essential to the fight against crime. In recommending preventive detention and no-knock searches, the administration has made unwise and unnecessary infringements upon fundamental ideals of justice in order to fashion law enforcement tools that are ineffective and unreasonable. As I said in the Senate over a year ago, preventive detention and no-knock searches are "instruments of fear" and "tools of repression."

During the protracted controversy about these new procedures, Mr. Rehnquist indicated that he felt no constitutional qualms about the denigration of traditional rights. In a December 4, 1970, speech, he called the administration's preventive detention proposals "entirely consistent with the spirit and the letter of the U.S. Constitution."

And in September of this year, testifying before the Senate Subcommittee on Constitutional Rights on Senator ERVIN's speedy trial bill, Mr. Rehnquist urged the committee to consider new limits on other traditional procedural safeguards such as the right of habeas corpus and the fourth amendment's exclusionary rule. With respect to habeas corpus, Mr. Rehnquist suggested the most far-reaching revision in over 100 years of the availability of that writ in the Federal courts. Habeas corpus—often called the "great writ"—is at the center of our system of criminal procedure. Indeed, Winston Churchill, a great conservative in the Anglo-American tradition, once said that the difference between civilization and tyranny may be summed up in two words—habeas corpus.

Mr. Rehnquist has acknowledged that over a century ago, in the Habeas Corpus Act of 1867, Congress decided that "any constitutional violation could be the basis for the exercise by the Federal courts of habeas corpus jurisdiction." The Federal courts have increasingly exercised this jurisdiction in behalf of personal liberty. To Mr. Rehnquist, that constitutes "the present expansive use" of habeas corpus, and he has urged basic restrictions on the availability of the writ.

Thus, in criminal law, the most dramatic changes in constitutional protections are easily embraced by Mr. Rehnquist. He is willing to accept extreme and unprecedented constitutional interpretations without protest. It is clear that individual rights and the Bill of Rights would be weakened by Mr. Rehnquist's judicial philosophy. Instead of being a conservative committed to conserving the most vital procedures of our legal system, Mr. Rehnquist would modify them to reduce the basic rights of our citizens.

Third, the authentic conservative tradition in this country has always stood for the liberties of the individual as against the overreaching claims of Government. America had its origins in a revolution against government abuse of power, and it is fair to state that every major conservative figure in the history of the Court has spoken up on one occasion or another in behalf of private rights and against excessive public authority. This conservative judicial philosophy was eloquently expressed by Mr. Justice Sutherland—for many years the intellectual leader of the conservatives on the Supreme Court—in the following words about the Bill of Rights:

> No one can read the long history which records the stern and often bloody struggles by which these cardinal rights were secured, without realizing how necessary it is to preserve them against any infringement, however slight . . . A little water, trickling here and there through a dam is a small matter in itself, but it may be a sinister menace to the security of the dam, which those living in the valley below will do well to heed. (*Associated Press* v. *NLRB*, 301 U.S. 58, 135–136 (1937)).

It was this spirit which led a conservative like Justice Sutherland to uphold the rights of the press against prior restraint in *Grosjean* v. *American Press Co.* (397 U.S. 233, 250 (1936), and to uphold and extend the right to counsel for all criminal defendants in *Powell* v. *Alabama* (287 U.S. 45 (1932)). These are among the great libertarian decisions in the history of the Court, and libertarianism has been a powerful component in the conservative legal tradition.

I find in the record of Mr. Rehnquist none of this spirit, none of this conservative reverence for the Bill of Rights, none of this willingness to draw the line and say to government: "Thus far and no farther." He interprets the Constitution as giving the executive wide powers to tap telephones and to conduct surveillance. He argues that the decision to invade Cambodia was merely a tactical decision clearly within the constitutional powers of the Commander-in-Chief. In testimony before the House of Representatives, he has defended a sweeping interpretation of executive privilege, granting the President broad powers of secrecy. And he has included in the "inherent powers" of the Presidency the authority to grant to the Subversive Activities Control Board responsibilities that Congress did not grant by statute.

The one notable exception to this in his record—and it points up the spurious nature of his "judicial conservatism"—is his reliance on the claim of individual freedom in opposing the open accommodations law of Phoenix, Ariz. It is revealing and disquieting that this purported exponent of "judicial conservatism" should have given lip service to the principle of individual rights only in an effort to deny non-white citizens the free right of access to public places.

Fourth, another essential element of the conservative tradition in American law has been a commitment to the separation of powers in the Federal Government and a particular distrust for the assertion of unchecked executive power.

It was Mr. Justice McReynolds—perhaps the single most conservative justice since 1900—who wrote:

> If the phrase "executive power" enfolds the one now claimed, many others heretofore totally unsuspected may lie there awaiting future supposed necessity; and no human intelligence can define the field of the President's permissible activities. "A masked battery of constructive powers would complete the destruction of liberty." (*Myers* v. *United States*, 272 U.S. 160, 183 (1925)).

I find none of this adherence to separation-of-powers principle in the record of Mr. Rehnquist.

Mr. Rehnquist elevates executive power not only above the liberties of the individual but above the powers of the judiciary and the Congress. For example, he has said:

> As to the merits of proposed legislative or judicial curtailment of the investigative authority of law enforcement agencies, I simply do not believe that a limitation on these investigative activities of law enforcement officials engaged in seeking the solution to crime would be either desirable or workable. ("Law Enforcement and Privacy," July 15, 1971).

Mr. Rehnquist's conception of executive power is so broad that he rejects the traditional checks and balances provided by the three branches of government. For him, executive "self-restraint" plus the popular election of the President adds up to a sufficient safeguard against government overreaching.

This reflects a fundamental misunderstanding of our constitutional system. The check of the judiciary upon executive actions is crucial to the preservation of our liberties. Nor are general elections a sufficient safeguard against unconstitutional abuses of power. Our constitutional system rests upon fundamental rules that are unwaveringly enforced by the judiciary.

For Mr. Rehnquist, the efficiency of the executive branch is a transcendent value. He has opposed "any legislation which, whether by opening the door to unnecessary and unmanageable judicial supervision of such activities—executive investigative authority—or otherwise, would effectively impair this extraordinarily important function of the Federal Government." (Quoted in CONGRESSIONAL RECORD 42139.)

In his zeal for enhancing executive power, Mr. Rehnquist seems unmindful of the basic purpose of the separation of powers, as it has been understood by judicial conservatives and liberals alike:

> The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy. (*Myers* v. *United States*, *supra*, 272 U.S. at 293) (Opinion of Justice Brandeis).

Some have argued that Mr. Rehnquist's views on many questions involving the Bill of Rights were presented when he was the advocate of the administration and that they do not represent his own judicial philosophy. Mr. Rehnquist was repeatedly given a chance to differentiate his own views from those of the administration, but he declined in all but one instance, invoking the attorney-client privilege in an unprecedented manner. Both at the hearings and in previous writings, he stressed the compatibility of his personal views with those he has advocated in office. And Mr. Rehnquist at times relied upon his official statements as accurate reflections of his own beliefs.

What emerges from this analysis of Mr. Rehnquist's legal views is the picture of a nominee to the Supreme Court with a wholly unacceptable approach to interpreting the Constitution. In broad areas of the law, Mr. Rehnquist has repeatedly argued that constitutional protections for individual rights and liberties must be subordinated or limited. In some areas of surveillance and wiretapping, he has concluded that constitutional protections do not apply at all. Whenever executive power is balanced by Mr. Rehnquist against individual liberties, those liberties are found to be less important, and the reasons given to support those liberties are often abruptly dismissed.

To me, these are not the hallmarks of a judicial conservative who would bring balance to the Supreme Court. This is the record of a man who would reshape the American constitutional system in the name of Government efficiency, despite the cost in personal freedom to his fellow citizens.

In addition to Mr. Rehnquist's failure to respect and support basic constitutional protections—even when interpreted in the Supreme Court's most conservative tradition—he has also failed to demonstrate a commitment to fundamental principles of equal protection. During the past 2 decades, one of the most far-reaching changes in this Nation has been the movement toward racial equality. Equality in social justice and the constitutional law have expanded in ways that must never be undone. As all Americans know, the Supreme Court has played a central role in that effort. But Mr. Rehnquist, judged by his statements as a private citizen, did not believe that the law should have been used to secure racial justice.

In 1964, on his own initiative, he testified before the Phoenix City Council and wrote a letter to the Arizona Republic protesting a proposed public accommodations bill, a local version of the public accommodations section of the historic Civil Rights Act of 1964. He argued that the property right of a store owner to serve customers of his own choice was more important than the right of an individual regardless of race to patronize any store open to the public. Although the subordination of a store-owner's property rights for the purposes of health and safety regulations or even zoning was quite understandable to Mr. Rehnquist, it was for him "impossible to justify the sacrifice of even a portion of our historic freedom for a purpose such as this."

In testimony before the Judiciary Committee, Mr. Rehnquist said that he would no longer oppose an open accommodation ordinance. He attributed his change of heart to a realization of "the strong concern that minorities have for the recognition of these rights". In other words, his appreciation of the constitutional rights of individuals depends upon his perception of the strength of their feelings.

In 1966, Mr. Rehnquist represented Arizona at a National Conference of Commissioners on Uniform State Laws which considered a proposed model State Anti-Discrimination Act. At the conference, Mr. Rehnquist made a motion which, in effect, removed the section of the proposed act that would have permitted employers to adopt voluntary plans to reduce racial, religious or sex imbalances in their work forces. He also opposed a section of the model law which would have prohibited "block-busting"—the vicious use of racial fears to destroy neighborhoods and reap enormous profits.

And in 1967, only 4 years ago, Mr. Rehnquist wrote a letter to the editor of the Arizona Republic opposing modest steps toward voluntary school integration. In that letter he took issue with those who wanted to achieve an integrated society and concluded.

> We are no more dedicated to an "integrated" society than we are to "segregated" society.

That is a stunning and categorical rejection of the whole thrust of the civil rights movement.

The record before us contains no pattern of action or statement that refutes the evidence before us or validates Mr. Rehnquist's claim to a strong commitment to racial justice.

These clear indications of Mr. Rehnquist's rejection of the use of law to guarantee racial equality are from a period of years during his mature life. They are not the rhetoric of a campaigner or the opinions of a young man. Even worse, they demonstrate that each time Mr. Rehnquist weighed the social and constitutional values of a proposal for racial justice, he decided against the proposal. As America moved to change its laws and its national life to end racial discrimination, Mr. Rehnquist's constellation of values put equality below superficial property rights and included no commitment to publicly enforced integration. I find this lack of adherence to one of our Constitution's most vital concepts—equal protection—unacceptable in a Justice of the Supreme Court.

For me, the ultimate standard for judging a nominee to the Court is whether he will fulfill the responsibility outlined by James Madison, the Father of our Constitution:

> If they (the Bills of Rights) are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against any assumption of powers in the Legislative or Executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights. (1 Annals of Congress 439).

A careful consideration of Mr. Rehnquist's judicial philosophy reveals a consistent lack of regard for individual liberties, an enthusiasm for unrestrained executive power, and a willingness to embrace drastic changes in our Constitution. This is the consistent record of many years, and it remains uncontradicted by evidence from the nominee or from others.

I am not satisfied that as a Supreme Court Justice, William Rehnquist would consider himself a guardian of the Bill of Rights, that he would be a bulwark against abuse or overreaching by the executive and legislative branches or that he would resist encroachments on the liberties guaranteed to all of us by the Constitution. Therefore, I shall vote against the confirmation of his nomination as an Associate Justice of the Supreme Court.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will meet at 10 a.m.

Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Maryland (Mr. BEALL) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will go into executive session to resume the consideration of the nomination of Mr. Lewis Powell for the office of Associate Justice of the Supreme Court of the United States.

There will be no rollcall votes tomorrow. In the event any rollcall votes should be ordered on conference reports, et cetera, such rollcall votes will be put over until Monday next.

Under the order agreed to, the vote on the nomination of Mr. Powell will occur at 4 p.m. on Monday next. That will be a rollcall vote.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Saturday, December 4, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 3 (legislative day of November 29), 1971:

OFFICE OF ECONOMIC OPPORTUNITY

Roy E. Batchelor, of Tennessee, to be an Assistant Director of the Office of Economic Opportunity.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Ronald S. Berman, of California, to be Chairman of the National Endowment for the Humanities for a term of 4 years.

NATIONAL SCIENCE FOUNDATION

H. Guyford Stever, of Pennsylvania, to be Director of the National Science Foundation for a term of 6 years.

EXTENSIONS OF REMARKS

RACINE YOUTH REACH OUT TO PRISONS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ASPIN. Mr. Speaker, it is my privilege to call to the attention of my colleagues in the House the following article that appeared in the Racine Sunday Bulletin on October 24. The article has a lot to say about the very positive contribution the youth of our country can make in comprehensive programs of prisoner rehabilitation.

I am personally gratified that I have these outstanding young people residing in my district who are willing to use some of their talents to try and reach people who now find themselves on the outside of society.

The article follows:

STUPH! ENTERTAINS AT WISCONSIN STATE PRISONS

(By Alice Anne Conner)

The 12 Racine young people forming the traveling acting group, STUPH!, are all recent ex-residents of the Wisconsin School for Girls—even the guys.

And while they were there, they say they had "the time of our lives."

In the interest of clarity, honest reporting, and the hearts of the young actors' parents, note that the group was at the detention school as part of a "prison tour" they've been doing since August, and their stay—overnight—was the result of the weather's behavior, not their own.

"The state police warned us that power lines were down and that it was really bad out," said STUPH! member Bill Barke. "And you should have seen the treatment we got! We had a whole floor to ourselves. They treated us like royalty."

OUR BEST AUDIENCES

That's been the attitude of every prison or correctional institution the group has played, according to the four members who stopped in the Journal-Times office for an interview recently.

"Prison audiences are our best audiences," said John Tradewell. "They appreciate what we do. They aren't afraid to participate in our skits, and they don't hestiate to tell us how much they like us."

After the performances, if the prison officials permit, the actors fraternize with the prisoners.

"We didn't really ever talk about why they were in prison," said one of the players. "They mostly just asked us questions about ourselves—how we got started, how we liked it—and we answered them. They mostly want someone to listen to them."

MORE SHOWS SLATED

The group's tour has included Thompson's State Camp for Men, Oregon State Camp for Men, Wisconsin School for Girls, Kettle Moraine School for Boys, Walworth Correctional Center, Green Bay State Reformatory—their first maximum security prison—and Fox Lake, which they've been to three times, and others.

They have tentatively scheduled trips to the Milwaukee House of Correction for a Christmas show, the Wisconsin Home for Women in Taycheedah (a maximum security prison), and Wisconsin State Prison at Waupun.

"They finally granted us permission to go to Waupun," said Barkee. "It took us a long time to get them to come around, but the prisoners at the other places told us to keep trying—that the men at Waupun needed to see our show worse than they did."

SUBJECT MATTER

A lot of STUPH!'s material has to do with crimes, Barke explained. "But we don't side with anyone. We get the guards and we get the prisoners."

"We got the prisons to do a show," said Cindy Strathman. "We don't talk about social conditions. We're there to provide them with a relief from prison life."

The group has been asked not to refer to Attica in any of their sketches, they said.

LEARNING EXPERIENCES

Barke said the prison tours have been a learning experience for all of them. "The biggest thing that happens," he said, "is that the first time you do a show it smashes your stereotype idea of what prisons are and what prisoners are like. You can't help but come away with the attitude of being for prison reform."

Tradewell said that everyone he had talked to was mostly looking forward to getting out. He thinks their attitudes, for the most part, were good.

"This one guy at Fox Lake helped us out as stage manager the last time we were there," he said. "He had seen us all three times we'd been there. When we told him we'd see him next time, he said 'No you won't. I get out in two weeks.' He was in good spirits."

THE MONEY SITUATION

STUPH! isn't a non-profit making organization, but neither are they profit-making, they say. "We're in a sort of financial limbo," Miss Strathman commented.

They have received help from charitable groups, like the Sisters of St. Dominic who gave them $100, and they are hoping to receive money from other organizations.

"We mostly just need to meet expenses," Barke said. "And that's not always easy."

THE 18-YEAR-OLD VOTE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, there has been a great deal of speculation about the potential impact of the 18-year-old vote. Some have even gone so far as to suggest that it will cause a major turnover in the Congress and radical alteration of our society. This in turn has given rise to a lot of chop-licking and hand-wringing, depending on how one views such a prospect. But it seems to me that such speculation is predicated on the mistaken assumption that young people are of one mind, are considerably to the left of their elders as a whole, and will have a better turnout rate at the polls than any other age group. Thus far, I have seen no evidence to support any of these assumptions. If anything, I think it is an insult to the intelligence of these young people that they are treated by some as an amorphous mass that can somehow be magically captured by a leftist Pied Piper playing the proper platitudes on his flute.

What we do know for a fact is that these young people tend to be more politically independent than their elders, and this certainly does present a new challenge to both parties. But at this point it is a bit presumptuous to predict how this group might divide when confronted with a choice. Two observers who do not think the youth factor will radically alter electoral politics are Stephen Hess, chairman of the White House Youth Conference, and John Roche, columnist, professor and former chairman of the ADA. At this point in the RECORD I include their analyses as they appeared in the November 29th issue of New York Times, and November 30th issue of Washington Post, respectively.

[From the New York Times, Monday, Nov. 29, 1971]

CORRECTIONS PLEASE, ON THE YOUTH VOTE

(By Stephen Hess)

WASHINGTON.—A front page headline proclaims, "Young Voters May Change Make-Up of Congress In '72." A more accurate, if somewhat more cumbersome, headline would be, "Young Voters Probably Will Make Little Difference in the Make-Up of Congress in '72."

The substance of Times reporter Warren Weaver's story is that young voters next year have the potential to defeat 31 of 33 Senators up for reelection and 70 per cent of the members of the House of Representatives for whom figures are available. He reaches this conclusion by determining that in these districts "the number of newly eligible voters exceeds the margin by which the incumbent was elected the last time he ran. . . ."

Fortunately for these legislators (if not necessarily the nation), The Times article—and a good deal of the conventional wisdom about the youth vote—is hugely misleading.

With only a modest refinement of the figures, it is possible to contend that the onslaught of youth ballots is more likely to defeat two (not 31) Senators and fourteen members of the House of Representatives (not 280).

The only new factor in the 1972 election equation is the vote of those enfranchised by the Constitution's 26th Amendment. Next year the number of eighteen-, nineteen- and twenty-year-olds will be slightly in excess of eleven million out of a voting population of 139,563,000, or 8 per cent of the electorate.

Voting participation in our society seems like fine wine to ripen with age. Historically, younger people simply have not gone to the polls as frequently as their elders. For example, in a Maryland Congressional election last May to fill the seat vacated by Rogers Morton, the eighteen- to twenty-year-olds made up 2.5 per cent of the total vote cast, while comprising 8.6 per cent of the district's voters

Nevertheless, given the novelty of voting for the first time and given the special efforts that will be made to get youth registered, it is reasonable to assume that there will be a 50 per cent turnout among young voters in 1972.

Public opinion surveys consistently show a two-to-one Democratic preference among the young, although the links to both parties are weak. Ideologically youth also splits two to one liberal over conservative.

Thus, postulating a 50 percent turnout and two-to-one Democratic split, what is youth's likely impact on next year's Congressional races?

In Senate elections the application of this formula would produce the defeat of two Republican incumbents, Oregon's Mark Hatfield and John Tower of Texas.

Yet here we see the difficulty of trying to fit the youth vote into a statistical mold. Hatfield is a liberal. (Are young people liberals first and then Democrats?) Tower is a Southerner. (Are Southern youth as liberal as their Northern counterparts?)

Moreover, neither Hatfield at 49 nor Tower at 46 is a senatorial fuddy-duddy. And there is plenty of evidence that style may be more important than ideology or party label to young people. Take the considerable attraction to youth of conservatives William Brock of Tennessee and James Buckley of New York.

Excluding the House races in New York, where Census Bureau figures have not yet been compiled by age group, what is noteworthy about the fourteen Republican Congressmen who might be expected to fall victims to the youth vote is that twelve of them are first-, second- or third-termers. The only veterans to be threatened by the 26th Amendment are Alvin O'Konski of Wisconsin (second-ranking Republican on the Armed Services Committee) and Hastings Keith of Massachusetts (fourth-ranking Republican on the Interstate and Foreign Commerce Committee).

Allotting a two-thirds "liberal" youth vote in the South to the Republicans would likewise make virtually no difference on the make-up of the 93d Congress, although it could unseat James Haley of Florida, rated the most conservative Democrat in the House by Americans for Constitutional Action.

The right to vote assumes the self-protective obligation on the part of politicians to take youth seriously. They now become a force not only on Election Day but in the choice of candidates and issues. Yet the most apparent conclusion from the data at hand is that the youth vote, rather than being a "ballot bomb" as Kingman Brewster, president of Yale, has predicted, will have no explosive effect on the Capitol Hill power structure.

[From the Washington Post, Nov. 30, 1971]

AND SUDDENLY "YOUTH" ENDS

(By John P. Roche)

With an estimated 25 million new, young voters eligible to participate in the 1972 Presidential election, there has understandably been a great deal of interest, amounting in some instances of semi-hysteria, in the behavior of this huge bloc of votes. On one hand, it has been predicted that they will lead America to the promised land, rejecting the "old politics" in favor of a radical "reordering of national priorities." On the other, it has been argued that in overall political terms this new segment of the electorate will divide in roughly the same fashion as its elders, only with a significantly lower level of participation.

Obviously what is involved here is a conflict between two definitions of the average young American. One assumes that he or she possesses a high degree of ideological independence. Or, to use the catch word, "alienation" from the values of the older generations. The other believes that young Americans share their parents' values, that a certain amount of generational revolt is par for the course but does not add up to a radical rejection of traditional political patterns. The 1971 elections were subjected to intense scrutiny by partisans of both positions, but unfortunately they revealed absolutely nothing except what we already knew: that the younger the voter, the less likely he is to vote.

In the absence of solid evidence, everyone is free to speculate. For what it may be worth, I would like to suggest that those who think of American youth as "radical" are confusing activism with ideology. There has always been a tendency to equate youthfulness with liberalism, a tendency from which John Kennedy and the New Frontiersmen profited enormously.

For reasons that hardly need exploration, the young are more vital, more dynamic than their parents and grandparents. For other reasons, which out of respect for my generation will be passed over in silence, the young are encouraged to think that they invented sex, sensuality, and sin. Despite rumors that my generation was bursting with patriots volunteering to be riflemen, I suggest they are even wrong in thinking themselves to be the first young Americans who objected to being drafted.

The young then are traditionally vital and egocentric. Life is a ball until suddenly that first child is born and you face the moment of truth, you are now responsible for somebody else. It is at this point that "youth" ends; not at an arbitrary age. Some people, notably the very rich, never make it and drift through life as aging Peter Pans. Others, particularly among the 8,000,000 in the 18-to-21 category who do not go to college, leave "youth" behind well before their 21st birthday. A number of my childhood friends are grandparents several times over.

What this adds up to in practical terms is that there are two sub-groups within the abstraction called the "youth vote" which are politically strongly motivated. First, the handful of college ideologues (perhaps 3 per cent of 6,000,000), and, second, those who have in the old sense a strong stake in society; that is, those who are married, working, perhaps expecting a baby, and worried about paying bills. In between is the politically inert mass, whose political responses are somewhat wacky because they have neither an ideological compass nor a "ball and chain."

Fascinating evidence of this ambivalence can be found in Angus Campbell's superb study, "White Attitudes Toward Black People" (Institute for Social Research, Ann Arbor), which shows on the basis of careful statistically analysis that (1) young white males are far more sympathetic to black protest than their elders; and (2) they are far more favorable to white counter-riots! They are, in short, fond of action and will join whatever game happens to be in town. Perhaps it is just as well that they do not actively participate in politics.

A TRIBUTE TO THE MAYORS OF NEBRASKA'S SECOND DISTRICT

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McCOLLISTER. Mr. Speaker, in Nebraska's Second Congressional District, we have the good fortune to have a group of mayors who work particularly well together. These men represent about 30 towns throughout the district's five counties. Although the mayors have had a good relationship for a number of years, they last year made their informal contact official and formed an association called the East Central Nebraska Conference of Mayors.

This group meets at least quarterly for the purpose of discussing mutual problems and solutions and to keep informed on what is going on within the towns which are their neighbors. I generally meet with the mayors group to explain legislation and answer what questions I can about how Federal Government works.

Mr. Speaker, the group is composed of an exceptional group of men who give their time and energies to their towns often at personal sacrifice. It is a group of men exceptionally dedicated to their jobs, and this in itself deserves mention.

But today I want to call particular attention to four of the men who this year have retired from service as mayors. They are Renos G. Knuz of Eagle; Sam Wright of Kennard; Henry Gottsch of Springfield, and Harry P. Andersen of what was formerly Millard and what has now been annexed into Omaha.

It is men like these four, doing all the various jobs and troubleshooting that can affect a town, who are responsible for contributing a solidarity to our Nation today. In times when small towns are being told they are in trouble, it is men like these who will provide the leadership that will prove to be a town's greatest natural resource.

Today I pay tribute to these four men and the others throughout our country who have given and continue to give unselfishly to insure our small towns of strength and opportunity. Mayors Emeriti Kunz, Wright, Gottsch, and Andersen, we thank you.

HEALTH BILL OF RIGHTS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MITCHELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement before the House Ways and Means Committee:

HEALTH BILL OF RIGHTS

Mr. Chairman, I appreciate this opportunity to bring to the attention of this Committee a matter of grave concern regarding the delivery of health care in America. First, however, I wish to commend the Chairman and all Members of this Committee for moving forward with an analysis of health care in order to devise a workable, fair system of national health insurance for every man, woman, and child in America.

During the past several years, many proposals for a system of national health insurance, or universal health entitlement, have been discussed and outlined. Last year, 13 plans were placed in the Congressional hopper. During this Session of Congress, even more suggestions have been made, although the outlines of major plans seem to be getting clearer and clearer.

May I say, Mr. Chairman, that the Congress and the people of this Nation will owe this Committee a great debt, as its deliberations serve to clarify even further the issues at stake, the directions we must pursue, and the ultimate commitment this country will have to make.

This Committee already has before it the stark figures on the need for a bold revision of health care delivery in America. I will not, therefore, belabor the obvious. Nor do I come before this Committee as an advocate for any particular plan or plans proposed by my distinguished colleagues in the House of Representatives. Rather, I would draw your attention to a basic, fundamental, and all-important element that must be included in whatever plan the Congress ultimately approves.

Briefly stated, this element is the assurance that all health care will provide for the primary benefit of those in need and not for the benefit of those who provide health service. National health insurance must be a system that works best for patients, not merely a better reimbursement system for doctors and hospitals.

If that is to be the case—and I submit that it must be the case, if the people of America are to be well served—then it follows that all individuals who may need health care must be guaranteed certain rights. These guarantees, in addition, ought to be expressed by the Congress within the very legislation that will establish universal health care entitlement. In my review of the many health plans submitted by my colleagues thus far, I have been distressed to see no statement that recognized the rights of patients. I believe such a statement is essential at this time.

Mr. Chairman, I place this proposition before you not as mere rhetoric. We have had enough of that. But I am sure this Committee is aware as I am of the sense of distrust, the cynicism, that is growing among our fellow citizens towards the institutions and services of their own government.

Local public services, long regarded with respect or fear or wonder, are now under constant attack by our citizens. And in every case we can see, to a greater or lesser degree, a legitimate cause for complaint or distrust or cynicism.

Just three weeks ago, in community after community, voters turned down more money and power for local schools. They are demanding greater accountability and greater respect for the rights of students and taxpayers.

Civilian review boards are another growing issue in the area of public safety. The police themselves are having to re-examine their role in the community as the demands mount up for a greater concern for civil liberties and civil rights.

I need not tell this Committee of the chaos in our social services, particularly in welfare. Here, again, the reform of service delivery is closely tied in not just with fiscal reform but with the reform of professional conduct toward welfare recipients—a respect for human rights while a public service is rendered.

Now, Mr. Chairman, the Congress of the United States is about to embark on a broad-scale revision of public health service. This is a massive undertaking of fiscal reform. It will be a massive undertaking of the reallocation of resources. But it will also be a major re-statement, in terms of a particular public service, of the promise made by this country's Founding Fathers: that every person is entitled to Life, Liberty, and to Pursuit of Happiness and it is the job of government to protect that universal entitlement.

Therefore; whether we speak in terms of *1776* or of *1976*, the issue I raise with you today is the same: any law establishing a system of national health insurance must carry a clear statement of the rights and protections such a system will provide for all citizens in America.

Let me add that national health insurance is not only a boon to every American; it is a grave responsibility to be shared by every provider of health service—doctor, nurse, hospital administrator, technician, researcher, medical school faculty, nursing home proprietor, everybody in the health industry. It is imperative that all of them know what is expected of them under national health insurance, just as it is imperative for all citizens to know what kinds of service they are entitled to. For we have seen during these past five years of Medicare and Medicaid the shuttling of patients from private hospitals to overcrowded public facilities. We have seen conditions in nursing homes reach a point beyond human imagination; these conditions have been accurately and painfully described in the CONGRESSIONAL RECORD by our distinguished colleague from Arkansas, Rep. David Pryor. Surely, the Congress never intended that Medicare become an instrument of abuse for any needy, sick person.

But we know it has happened. We know that simple safeguards of human dignity and justice were left out of the Medicare legislation. Frankly, no one in 1965 would have thought it necessary to write such safeguards into the law.

Mr. Chairman, I know well the historic role played by you and the distinguished Members of this Committee in drafting and helping to pass H.R. 6675, the Medicare Amendments to the Social Security Act. I also know of the great struggles to resolve differences between the two Houses of Congress and among the many groups representing doctors, hospitals, insurance companies, and labor unions. But the differences *were* resolved and America took a great step forward in caring for its citizens.

Now we are all aware of an issue not discussed and never resolved in 1965—an issue that haunts Medicare to this day: the issue of the rights of patients, the beneficiaries of that great legislative achievement.

Several months ago, I was introduced to a "Health Bill of Rights," drawn up by the American Patients Association, a national organization representing consumers of health service and headquartered here in Washington, D.C. Since then, many individual doctors and hospitals administrators have indicated their support for such a statement. In addition, the National Dental Association and the Physicians Forum have come to me with expressions of support in principle for a "Health Bill of Rights" and have urged that such a "Bill" become part of national health insurance legislation.

They feel as I do: Unless the people of America—rich, poor, male, female, white, red, black, brown, or yellow—unless they all feel that this program is in effect for them, that it respects their rights, that it seeks to preserve their health and human dignity—unless this idea is put across, the great dream of national health insurance will be viewed with skepticism, cynicism, and distrust. Let me emphasize that without the trust of those it is intended to serve, a national health insurance system cannot possibly work.

At this time, Mr. Chairman, I would like to present to this Committee the 10 brief points in the proposed "Health Bill of Rights" that I introduced on November 1st. It is known as H. Res. 679.

1. Every resident of the United States has a right to the best health care available without regard to his or her race, religion, color, national origin, or ability to pay.

This is a categorical statement wholly consistent with the Civil Rights Act of 1964, with the decisions of the U.S. Supreme Court in desegregation and welfare cases, and would be covered by the "due process" and "equal protection" clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution.

I might note, Mr. Chairman, that President Nixon himself has said he thinks health is a right—one of the few times we both seem to agree. I would assume that the "strict constructionists" he has nominated to the High Court would keep this in mind as health rights cases come their way in the years ahead.

II. Neither a patient's age nor sex shall be used for discriminatory purposes in the provision of care, nor shall certain age or sex groups be used for experimentation without full medical justification and informed consent.

For years we have exploited the aged, the mentally retarded, Blacks and other minorities, the poor, and those in dentention centers for experimentation. Puerto Rican, Chicano, and Black women on welfare were the first guinea pigs for oral contraceptives 10 and 15 years ago. Only last year, the U.S. Food and Drug Administration had to put out new, stronger regulations to insure the getting of informed consent from patients being used by drug companies for a variety of dangerous tests.

Now, with the aged getting increased attention, a whole new frontier of drugs and devices for old people is opening up. We must make sure that such research and experimentation is carried out with the patients' rights fully protected rather than circumvented under a loose national health insurance system.

III. Health care, including medical assistance, shall in no way violate the constitutional guaranty of privacy and of protection against self-incrimination; these rights shall prevail during examination, diagnosis, and treatment and shall govern the maintenance of all health records, verbal or recorded.

Privacy is as important to a poor child from a welfare family as it is to a wealthy youngster. If they are to be poked and probed by a doctor, let it be done with the curtains drawn. Unfortunately, this simple courtesy—which can be translated into a human right—is less available to the poor and the middle-class and most available to the rich.

But I must call your attention to a more basic issue. If everyone is to be entitled to health care, then theoretically there can be a health record on every citizen—his heartbeat, drinking habits, sex life, blood type, rate of metabolism, and so forth. We must make plain to everyone that this is *private, privileged information that belongs to the patient.*

A system of national health insurance that does not have safeguards against invasions of privacy and self-incrimination will be considereded yet another hoax by the people of America. That must never happen. And let Congress say so.

IV. Except under emergency circumstances, each patient must be informed of the treatment he is to receive, of the persons who will provide that treatment, of the nature of the treatment (whether it is generally accepted procedure or experimental), and the anticipated risks and benefits of such treatment to the extent they are known. The patient has the right to give or to withhold consent to treatment.

On the one hand, this is a re-statement of what our Nation already agreed to at Nuremburg and Helsinki following World War II. We vowed, along with all other civilized States in the world, that the horrors of Nazi "experimental medicine" would never again take place. A sick person must have the right to know what is going to happen to him—and who will be responsible for it—and he must retain the right to say "No".

But I am not proposing this particular section because I think American doctors handle patients the way Nazi doctors handled concentration camp internees. What this statement recognizes is that, under national health insurance, everyone benefits, everyone pays, and everyone participates.

In America today, the average person has better than a high school education. That means our citizens—even under the stress of illness—can understand many details of sickness and treatment that might have been beyond the imagination of our fathers and mothers. So I think it is worth stating that patients—those who receive health care—have a right to participate as fully as possible in the delivery of that care. I offer this not as a dim ideal but as a practical, immediate reality.

V. Where an individual patient cannot give informed consent to recommended treatment because of medical disability, language barrier, or condition of confinement, such consent must be sought from next of kin, guardians, or others who would assume responsibility for the patient's legal and moral rights.

Universal entitlement means the gathering in of everyone and the government being responsible for everyone. We know that such a proposition is almost impossible to realize. However, it is not impossible—in fact, it is quite necessary—that government at least indicate to all citizens that their rights will be protected, regardless of the circumstances.

Such a statement, promulgated by the U.S. Congress, would be the signal to the ultimate administering agency of national health insurance to get its machinery moving on responsibility. We must affirm that no man is an island, nor will any man become an island as a result of a national health insurance plan.

I would remind this Committee that no fewer than one of every 10 Americans speaks, Spanish, Italian, Jewish, or a variety of Indian languages as a mother tongue. Yet all of them, along with the English-speaking Americans, would have a right to health care. Let's make sure—as we did not with Medicare and Medicaid—that neither language nor illness nor locality nor anything else will prevent a patient from maintaining his right to information.

VI. The relationship between the patient and the provider of care shall be free of any representatives of enforcement, investigative, financial, religious, or social agencies, except as specifically requested or approved by the informed patient and without duress.

If we are concerned with the health of the individual citizen and intend to cover his every health need, then we had better make sure these needs are not interfered with by persons who have other business in mind. We must let doctors and hospitals know that their primary duty under national health insurance would be to take care of the health problems of our citizens. And we must get police, insurance investigators, private detectives, shakedown artists, collection agencies, and the welfare department out of the way unless or until the patient himself allows them in.

VII. No person in need of medical assistance may be turned away or otherwise abandoned by any individual or organization, public or private, capable of providing such assistance. This shall not be construed to be in conflict with the principle of informed consent.

Here we would try to set the record straight for both the patient and the doctor. To the patient we say: "Look here, universal health insurance means just that: wherever you may be, in whatever condition, someone with medical knowledge will take care of you. You will receive whatever care is possible and needed, within the context of all your rights." And to the doctor we say: "Don't shrink from exercising your best medical judgment whenever it's needed. Do your job as best you can as a real professional and don't worry about 'getting involved.' We *want* you involved."

This provision would extend the so-called "Good Samaritan" law and free doctors and hospitals from the threat of suits where no such law now exists.

We cannot have a contradictory standard: national health coverage along with an abandonment loophole. Today, even under Medicare and Medicaid, no aged or poor person is guaranteed health service; a doctor or hospital may opt out of the plan and all their patients left to drift. I would hope this never happens under national health insurance.

VIII. All persons have the right to advocate and work for change in the provision of health care: such activity shall not be used to deny any person access to care at any time of need or the protections of all rights and guarantees.

This Committee knows far better than I the degree to which health is becoming a vast, complicated, growing industry. As such, it is suffering all the growing pains of a full-fledged industry: labor organizing, consumer pressures, nurses' strikes, intern protests, community action, and so on. And that's the way it's going to be for a long time to come, whether we like it or not. With the advent of national health insurance, the pressures for change will grow faster and stronger.

Today as in the past, hospitals can shut out union organizers, militant nurses and young doctors, community activists, poverty lawyers and others. I am told that some hospitals will refuse to treat or provide any care for such "troublemakers."

Maybe that sort of thing can exist when public health service is divided between public and private institutions. But with the advent of national health insurance, our health system will be *national and public.* Everyone will have a stake in it and—being Americans—some people may turn to militance. But they—even these "troublemakers"—must still be given the right of access to health care. They *cannot* and *must not* be abandoned by the health industry.

IX. Every person has a right to all information of a public nature which indicates the adequacy, efficacy, and economy of health care provided directly or through third parties by local, county, and state, regional, and national agencies.

Earlier in my testimony, Mr. Chairman, I noted that the people of this country are asking all public servants to be more accountable for their actions. The principle of "open books" is strongly rooted in America. I believe we must reaffirm this principle at the very time we enunciate a system of national health coverage.

For the past two years, committees of the Congress have heard witnesses from insurance companies, hospitals, and medical associations try to cover up their lack of information, indicate they just didn't know the facts about important aspects of health care and costs, and confess to not knowing things they promised the Congress they *would* know.

The disease of misinformation and noinformation has infected the Social Security Administration and most State health agencies as well. With your permission, Mr. Chairman, I would like to submit for the record an article from the Washington Post written by a medical reporter, Mr. Mal Schechter, and his experience with the secrecy of the Social Security Administration.

We cannot tolerate this sort of thing with present government health plans. Think how much worse off we will be if citizens do not have access to public information telling them how well—or how badly—the national health insurance plan is working. And think how much worse off the Congress will be if this ninth provision in our "Health Bill of Rights" is omitted from the overall legislation.

X. Health care in the United States is and shall be organized to benefit the general public; all policy-making bodies of institutions, organizations, or agencies devoted to health care and which draw support in any form from public revenues shall have a majority representation from the general public.

This may be the most controversial of the ten provisions and, hence, has been kept to the last. However, as this Committee knows, the Congress and the Executive Branch have already acceded to the principle of majority representation for consumers on health planning boards set up under the so-called "Partnership for Health" Act, Public Law 89-749. Neighborhood health centers set up by the Office of Economic Opportunity and continued under HEW have also had majority policy control by consumers. So the idea is not new. However, what would be new is the universal application of that idea to all agencies in a national health insurance system.

I think it is unnecessary now to go into particulars as to how this would be done. There are many models in the fields of education, urban planning, agricultural cooperatives, and housing to help the responsible agency work out details applicable to national health insurance. But now is the time for Congress to again enunciate the principle of public control of health delivery.

Mr. Chairman, these ten provisions of a proposed "Health Bill of Rights" were brought to my attention by their sponsor, the American Patients Association. However, I would like to add that responsible organizations representing organized medicine have also seen the need to lay out the rights of the patient.

With your permission, Mr. Chairman, I would submit for the record a very fine statement issued by the Joint Commission on Accreditation of Hospitals. The JCAH is composed of members representing the American Medical Association, the American Hospital Association, the American College of Physicians, the American College of Surgeons, the American Association of Homes for the Aging, and the American Nursing Home Association.

While this is an excellent statement, the JCAH can apply it to only about half the hospitals of the U.S.; the remainder are not JCAH-accredited. Further, the JCAH has no enforcement mechanism to make sure the ideas in this preamble are actually carried forward by accredited hospitals.

Therefore, Mr. Chairman, it is up to the Congress to come forward with a clear statement of patient rights at the very time we build a national health insurance system. Such a statement would not protect any one special group—the poor, the rich, doctors, or hospitals. A "Health Bill of Rights" is needed by *all* Americans, wherever they appear in the health delivery system. It is a basic statement of trust and justice, a recognition of the dignity of the individual regardless of the misfortune he may endure in illness. It will let every American know that his government is as concerned about human rights as about medical bills. Above all, it is a clear statement of shared responsibility, shared commitment, and shared trust between patient and provider.

Mr. Chairman, I again wish to thank you and this Committee for the chance to introduce the concept and language of a "Health Bill of Rights" into your deliberations on National Health Insurance.

MEDICARE'S SECRET DATA

Mr. Speaker, Mal Schechter, the Washington editor of Hospital Practice magazine, has recently brought to the public's attention the serious question of the prohibition of disclosure of medicare survey and inspection reports.

As one who has always believed that the ultimate safeguard in a democratic republic is the people's right to be fully informed and to make decisions based upon that information, I think that Members of the House should be concerned that older Americans are barred from information which is essential to them.

I am, therefore, including in the CONGRESSIONAL RECORD the article "Medicare's Secret Data," which appeared in the Washington Post on September 26, 1971.

The article follows:

MEDICARE'S SECRET DATA

(By Mal Schechter)

In 1939, the fledgling Social Security System warned Congress of a problem vitiating its objective of humane aid to the poor. Political candidates in some states acquired,

legally, the names of Old-Age Assistance recipients and deluged them with campaign propaganda, promises and warnings. Tradesmen also used the lists. A few states actually required publication of the names to deter the poor from seeking relief.

Social security Board Chairman Arthur Altmeyer asked Congress for authority to require confidentiality of records. Not only to protect assistance recipients but also individuals in the payroll tax program of old age and survivors insurance, Congress agreed.

Section 1106 of the Social Security Act to this day ranks as one of the most sweeping secrecy provisions in any federal program. It forbids disclosing "any file, record, or other paper or any information" obtained by the system or provided for official use, except as the Social Security commissioner expressly allows.

A quarter century after Altmeyer's plea, Medicare began.

There lies the rub. For Section 1106, implemented by Regulation No. 1, covers relationships hardly imagined in 1939.

Medicare deals with hospitals, nursing homes, clinical laboratories, physicians, health departments, and insurance companies. What Congress intended as protection of payroll taxpayers and benficiaries has been extended to Medicare's corporate servants. The "authority to refuse to disclose"—as Regulation No. 1 puts it—has mushroomed, and this restricts the public's right to know about the quality of care it receives and the quality of Medicare's administration.

Much information on specific facilities is not open to the public, such as reports on Medicare-financed inspections of nursing homes and hospitals. These surveys contain information bearing on patient health and safety which could be important to families trying to place a relative. Or to newsmen, students of health care and public administration, or anyone who wants to know how good or bad a community is served by the health establishment.

But nobody can get these reports from Social Security.

In New York State, on the other hand, information on institutional deficiencies gathered by the state is, by law, public information.

Social Security Commissioner Robert Ball says he realizes that deficiency disclosure could help the public and patients, but he emphasizes "undesirable effects." He insists Medicare doesn't certify a facility endangering the patient's health or safety. Therefore, public disclosure of lesser deficiencies in certified institutions "might create unwarranted concern" or an "adverse public reaction (that) could severely hamper an institution's efforts to maintain patient loads while effectuating needed improvements."

SHORTCOMINGS SHIELDED

That serious deficiencies exist under Medicare is hardly hallucination. Federal auditors repeatedly have found Medicare homes lacking complete fire protection programs, required nursing attention, required physician attention, necessary emergency electrical service, and complete nurses' call systems.

Which ones? Don't ask the Social Security Administration.

Medicare certification is hardly an infallible guide to quality. Of some 4,500 Medicare nursing homes mentioned in a Senate Finance Committee report, nearly 3,300 had significant deficiencies, some tolerated for years in the category of "substantial compliance" with standards. The public never is told which homes are in "full" and which in "substantial" compliance. The Finance Committee says administrative legerdemain permits disregard of many standards.

The nation has the word not only of auditors but also of President Nixon that something is seriously wrong with federally subsidized care in nursing homes. Much of the President's recently announced effort to tighten up federal supervision of nursing homes appears directed at officially tolerated abuses—perhaps in good measure tolerated behind a screen of nondisclosure.

Although Social Security has some good words for disclosure, it has backed off from an innovative proposal by the Finance Committee. Last year, the committee proposed that Medicare publish information on deficiencies if an institution fails to correct them within 90 days. The proposal is still pending. Social Security has come up with many reservations to the plan without acknowledging the public's right to information. Ball has argued that "widespread and indiscriminate dissemination of information about deficiencies" may have some undesirable effects.

The public's right to know may be forever in conflict with such official paternalism, whether altruistic or self-serving. Often considered one of the better bureaucracies, Social Security has a record on Medicare nondisclosure that goes beyond nursing homes. It was reluctant to name insurance companies that it found to be poor Medicare fiscal agents, including District of Columbia Blue Shield. It declined to disclose results of a Medicare survey of Boston City Hospital after disaccreditation by the Joint Commission on Accreditation of Hospitals; nondisclosure prevented an attempt to compare certification systems. Social Security is silent on revealing the names of Medicare nursing homes that have highly inflammable carpeting. It has stopped a state agency from describing the administrative process that permitted a leading clinical laboratory to be certified for four years without meeting key standards.

Even reimbursement information has been played close to the vest. When first asked for specific payments to hospitals, the agency said nothing doing: Regulation No. 1. Fortunately, Ball relented because "there is not the same validity in withholding information concerning the payment of public funds to institutional providers of Medicare services as there is in the case of information on Social Security payments to individuals."

Ball made the data available and amended Regulation No. 1—but only to disclose institutional payments, not deficiency data. Alas, the hospital payment data turned out to be inadequate for comparing institutions on costs related to patient load. This raised questions about Medicare's capacity to analyze costs and influence development of cost controls amid medical-hospital inflation. A promise that good comparative data would be punished regularly remains unkept.

Given specific hospital payment data, the extent to which Medicare financed certain racially discriminating Southern hospitals was assessed by Hospital Practice. The report led to tightening up of a Medicare loophole. There was no difficulty obtaining specific civil rights data from the Office for Civil Rights of the Department of Health, Education, and Welfare; that office said the records were public information.

SOOTHING THE INDUSTRY

The application of Regulation No. 1 to Medicare may be a historical result of the health industry's opposition to enactment of the program—and especially to its chief spokesman, Wilbur Cohen, then HEW under secretary. After enactment, Cohen, prodded by the White House, emphasized consultation and conciliation. Consumer representatives, including organized labor, followed Cohen. Much of the regulatory work was confidential from the very start. In this atmosphere, Regulation No. 1 was handy.

The bureaucrats who moved over from the cash-payments and disability payments programs had matured at the knee of Regulation No. 1. A history of early Social Security days points to the founding policy of shunning political controversy at almost all costs. This meant a tight lip on information that might stir things up even more for a young social program in the hostile 1930s. The system had to be above reproach and suffer its pains quietly.

These themes may have figured in the application of Regulation No. 1 to Medicare. The commissioner could have excluded the new relationships from nondisclosure. Psychologically, 1966 may have been 1936 all over again in the bureaucracy. Whatever the reason, frankness with the public has not been a Medicare hallmark where controversy portended—neither under the Democrats nor under the Republicans, who, the bureaucrats are aware, have special ties to protect in the health establishment, especially insurance companies.

Some officials argue that it is enough that congressional committees get information. Still, information on deficiencies does little practical good to the man in the street when deposited on the Hill under a "confidential" stamp. Nor, one might argue, should congressional oversight delimit the public's right to information. Medicare records probably are a mine of information for communities on the quality of medical-hospital care. Disclosure might generate healthy corrective pressures in localities.

The dangers of secrecy, some officials argue, are outweighted by the dangers of disclosing undigested technical information. Raw data might do the public little practical good. The proper rejoinder may be that government must provide the context to give data meaning, with other sources free to comment on the facts. The HEW Audit Agency has such a pattern so readers can judge for themselves.

THE CHANGES NEEDED

A few steps could give the public access to Medicare information. First, Section 1106 should be replaced by a simple statement limiting confidentiality to taxpayer-beneficiary-patient records. All other information should be subject to the 1967 Freedom of Information law.

This statute assumes that all information in federal hands belongs to the people and is disclosable, with certain exceptions—such as internal policy memoranda, trade secrets and patient records. Unfortunately, the 1967 law exempts any antedating statutory authority for secrecy, such as Section 1106. Also lamentably, the law has been laced with bureaucratic interpretations that have created or widened loopholes.

The information law should be amended to narrow the loopholes, especially to make clear that factual material must be disclosed on request in timely fashion. Where doubt exists about "confidentiality," the matter should be examined by a board including non-bureaucrats. For example, the President might name such a board from newsmen, public representatives and bureaucrats. Among other things, they might have power to release the substance of documents after "sanitizing" to preserve necessary patient-beneficiary confidentiality. The board should work rapidly. Its decisions should be subjected to immediate court review.

Further, in the current debate over national health insurance all proposals should carry an explicit requirement for freedom of information, avoiding secrecy from the start. The debate over forms of health insurance, quality of care, economics and efficiency of services, and governmental-versus-private roles might be better informed today if the people had the facts.

Finally, the Senate Finance provision on releasing deficiency information should be enacted without delay. Anyone seeking to learn about the quality of a facility should be able to look it up at a district Social Security office. The same information on institutions in Medicaid and other government programs should be public, as should results of hospital accreditation inspections which form the basis for joining government programs.

Thomas Jefferson once said, "Give the people the facts and they will know what to do."

Medicare should do no less.

JCAH PREAMBLE

"Equitable and humane treatment at all times and under all circumstances is such a right (of patients). This principle entails an obligation on the part of all those involved in the care of the patient to recognize and to respect his individuality and his dignity.

"This means creating and fostering relationships founded on mutua, acceptance and trust. In practical terms, it means that no person should be denied impartial access to treatment or accommodation which are available and medically indicated, on the basis of such considerations as race, color, creed, national origin or the nature of the source of payment for his care."

The preamble of the JCAH goes on to consider the rights to privacy: "Every individual who enters a hospital or other health facility for treatment retains certain rights to privacy, which should be protected by the hospital without respect to the patient's economic status or the source of payment for his care. Thus, representatives of agencies not connected with the hospital, and who are not directly or indirectly involved in the patient's care, should not be permitted access to the patient for the purpose of interviewing, interrogating or observing him, without his express consent given on each occasion when such access is sought. This protection should be provided in the emergency department and outpatient facilities as well as on the floors of the hospital. The hospital, like the church of old, must impart at least some sense of sanctuary.

"The individual's dignity is reflected in the respect accorded by others to his need to maintain the privacy of his body. To the extent possible, given the inescapable exposure entailed in the provision of needed care, the patient should be aided in maintaining this privacy."

I would like to quote from two more areas that are covered by the preamble of the Joint Commission on Accreditation of Hospitals. The first deals with confidentiality.

"Another important aspect of the patient's right to privacy relates to the preservation of the confidentiality of his disclosures. The setting in which the patient's history is taken, for example, should be such that he can communicate with the physician in confidence. This is true of emergency departments as well as other parts of the hospital."

Then the preamble covers consent. I quote:

"In many teaching hospitals, and particularly in those which are closely affiliated with medical schools, all patients, regardless of their economic status, may be expected to participate to some extent in clinical training programs or in the gathering of data for research purposes. For all patients, regardless of the source of payment for their care, this should be a voluntary matter. The level of the patient's participation in such activities should in no way be related to the nature of payment for his care."

It becomes apparent that the health field including the American Medical Association, the American Nursing Association, and the American Hospital Association share the feeling that patients rights must be guaranteed.

LETTING SAM PAY FOR IT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. DUNCAN. Mr. Speaker, the Knoxville, Tenn., News-Sentinel had an excellent statement in its November 27 issue on the campaign tax checkoff. I would like to share this with my colleagues by placing it in today's RECORD:

LETTING SAM PAY FOR IT

Congress is making another stab at finding a way to get taxpayer assistance in financing election campaigns.

In 1956, a plan which could have provided up to $30 million to each of the major presidential candidates was cleared through Congress. But the Senate later changed its mind and the law was nullified in 1967.

Now the Senate has changed its mind again and approved a new campaign finance bill which could provide as much as $20.4 million each to the Republican and Democratic nominees for president and up to $6.3 million to a third-party candidate like George C. Wallace.

Each taxpayer, if he wished, would check a box on his income tax return and divert $1 of his tax payment to his favorite political party—or he could earmark the dollar for a general fund for use by either party.

The plan has a good deal of superficial appeal. It could set a financial base for all candidates—rich or poor. It could lessen the influence of big givers. It would enable small donors to support the party of their choice.

The Democrats, $9 million in the hole since the 1968 campaign, hope this scheme would bail them out of debt and help match President Nixon's apparent resources for 1972.

So the campaign financing plan has been attached to the President's tax-relief bill—a bill he counts on to stimulate the economy and might hesitate to veto.

But the checkoff proposal has so many flaws and inconsistencies it creates as many problems as it might eliminate. For example, it would:

1. Weaken the two-party system by encouraging splinter candidates to run for the presidency with the promise of help from Uncle Sam.

2. Put the Government in the business of financing private political parties and induce citizens to state their political preferences on tax returns.

3. Take money away from legitimate Government functions by skimming off millions of tax dollars for political campaigns.

There is nothing in the bill to control spending in primary elections, or to prevent spending by independent political committees on a candidate's behalf.

That is why Congress would be wiser to pass a law limiting campaign spending and requiring full disclosure of political giving in all Federal elections.

An argument could be made for allowing a taxpayer to make personal contributions to candidates—and then claim a modest deduction on his tax return, just as he does for gifts to churches or charities.

But the bill passed by the Senate goes far beyond that—and should be vetoed by the President if it comes to him in its present form.

PROTECTION FOR FARMERS AND CONSUMERS DURING WORK STOPPAGES

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McMILLAN. Mr. Speaker, in South Carolina, we exported $57 million worth of tobacco in fiscal year 1971. We exported $22.7 million worth of soybeans; $10.4 million of cotton. We even sold to overseas buyers over $2 million worth each of wheat and feed grains.

This gives the farmers in South Carolina a pretty big stake in the current controversy over dock strikes.

Mr. Speaker, we do not like them.

South Carolina farmers have long known they must compete. They have done their share to make the United States the world's largest exporter of farm products. And as you know last year agricultural exports from the U.S. reached a new high of $7.8 billion. South Carolina's share of that was $122.2 million.

Now we are looking at the prospects for farm income from agricultural exports in fiscal year 1972. And what we are seeing does not look good.

What we are seeing is dock strikes and work stoppages. What we are seeing is workers going back on the job only when the court orders them to go—and not always then. During July and August an estimated $215 million worth of farm products which would have moved through west coast ports could not be delivered. East and gulf port stoppages during October affected farm exports that normally would amount to $70 million a week.

Taft-Hartley has been used both in the west and for east and gulf ports. At best, this is a stopgap measure. What is needed is effective legislation that will come to grips with the problem. We need legislation that will deal effectively with labor-management disputes in such a way that farmers and consumers are protected while the negotiations are underway.

Mr. Speaker, I urge the immediate consideration of H.R. 3596, or similar legislation, to accomplish this purpose.

SHORTAGES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BROWN of Ohio. Mr. Speaker, export markets are essential to the continued prosperity of Ohio farmers. My State ranks seventh in export value of soybeans, protein meal and soybean oil. It also ranks seventh in export value of dairy products, eighth in the value of feed grain exports, and Ohio farmers, while unranked, exported $28.9 million worth of wheat and flour in fiscal 1971. So when it becomes apparent that this year we are likely to fall way short of our U.S. farm export record of $7.8 billion achieved in fiscal year 1971, Ohio farmers are concerned. And I share their concern.

Dock strikes are the big villain. Farmers lost well over $200 million in the first 2 months of the dock strike on the West Coast. And they have been losing nearly $100 million a week due directly to East and Gulf Coast strikes.

Ohio corn and soybean farmers have seen their prices reduced by as much as 25 cents a bushel on beans and about a dime a bushel on corn.

The time is overdue for the Congress to take effective action.

H.R. 3596. The Emergency Public In-

terest Protection Act, or similar legislation, is needed to deal with labor-management disputes in a way that will protect the rights of negotiators, but will also safeguard the rights, aspirations and incomes of American agriculture.

I would like to point out, Mr. Speaker, for those of my colleagues who may have lost track, that this legislation to deal effectively with national emergency transportation stoppages, was proposed by the President more than 2 years ago. Neither it, nor similar legislation, has yet been reported from Committee for action by the Congress. It is time this Congress faces this issue head on and produces legislation that can bring about a long-range solution to nationally destructive transportation stoppages.

CAMPAIGN SPENDING REFORM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HORTON. Mr. Speaker, the campaign spending reform measure which passed the House this week with my full support represents a significant step forward in reopening Federal elective office to the ordinary American who has neither a great deal of wealth nor access to it. After more than two decades of inaction and unenforcement, the 92d Congress has set the stage for a top-to-bottom overhaul of Federal campaign financing rules.

Those of us involved in the political process know full well the tremendous costs of running for public office. The expense has become so out of hand that if you are not wealthy, your chances of being elected are seriously handicapped. These sad realities of political life have eroded public trust in the integrity and credibility of our electoral process.

Many of us in Congress have fought for years to restore faith in our system of government through campaign financing reform. I have introduced numerous campaign reform measures including provisions for a ceiling on total spending for basic campaign items and a limit on contributions by individuals and committees. To facilitate House action on these measures, I joined a bipartisan steering committee to provide the focus and organization needed to insure legislative success in time for the 1972 elections.

Though the bill passed by the House is an imperfect one, it is a tremendous step in the right direction. The legislation would set limits on major items of campaign expenditures, including radio and television, newspapers and magazines, billboards, computerized mail, and telephone campaigns. If the bill is enacted, a candidate could spend up to 10 cents per eligible voter for these items and not more than 6 cents per eligible voter for these items and not more than 6 cents per eligible voter on radio and TV, putting an end to the extravagant media blitz.

The bill also sets limits on the use of union and corporate funds to influence the general public during political campaigns and contains a provision designed to halt the abuse of credit privileges offered to candidates by Government-regulated industries such as the airlines and telephones. It also strengthens disclosure requirements so that the voting public will be better equipped to assess financial contributions.

The one glaring defect of the bill is its failure to set limits on a candidate's receipts from an individual contributor. Until we limit the amount individuals can contribute directly or indirectly to candidates and committees, money will remain an all-too-powerful element in our political process.

Despite this and other weaknesses, the bill approved by the House will go a long way toward reducing the dependence of candidates on wealth and encouraging broader citizen participation in our electoral process. If we succeed in gaining enactment of a House-Senate compromise bill, we will have accomplished one of the most meaningful and urgently needed reforms in our democratic system.

THE BLACK AGENDA OF THE SEVENTIES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CLAY. Mr. Speaker, the Congressional Black Caucus recently held a 2-day conference in Washington of black elected officials from around the country. I had the opportunity to serve as moderator of one of its panels dealing with black political power in the 1970's. There is a developing black political power and it will be operative in the 1970's. We met to devise a plan of single purpose to obtain through the exercise of black political power, the reality of economic equality, social justice, and political manhood.

Those of us participating in this panel had the benefit of hearing from Lerone Bennett, senior editor of Ebony magazine. In addressing the panel, Mr. Bennett explored some of the major challenges facing blacks in this decade and the need for developing long-range comprehensive plans not just for 1972 but for the years which lie ahead.

The major challenges discussed by Bennett were: the question of survival including such problems as employment, welfare, education, prison reform, and health; solidifying existing power in the cultural, political and economic fields and the fulfillment of the potential power of black people on the local, State, and Federal levels; renewing the structures, energies, and values of the black community; the need for massive mobilization of all the resources of the black community including, among other things, the registration of the unregistered voters and the political education of those both registered and unregistered and; finally, the transformation of American institutions which threaten or prevent fulfillment of any of the aforementioned.

I wish to share with my colleagues the enlightening remarks presented by Lerone Bennett. His statement follows:

THE BLACK AGENDA OF THE SEVENTIES

(Remarks of Lerone Bennett, Jr., Congressional Black Caucus, Black Elected Officials Conference, Washington, D.C., Nov. 20, 1971)

Let me say, first of all, that I am deeply honored by this opportunity to participate in this historical occasion. And it is an historical occasion. It may take you a little while to recognize it, but you are making history here, and you are making it the way all history is made—in the midst of controversy, passion, and alarms.

Let me say, secondly, that I am in total agreement with Congressman William Clay's famous statement, "We have no permanent friends in this country, and no permanent enemies—only permanent interests." And based on that statement I would like to say that at this hour one of the permanent interests of black people is the Congressional Black Caucus. And it seems to me that black people are obliged to say at this moment that nothing, *absolutely nothing*, should be permitted to break the bonds of this union which required so many years of mistakes, sacrifices, and blood to create.

For more than one hundred years, the barber shops and bars, in cotton fields and factories, black men and women have dreamed of this time. For more than one hundred years, black men and women have dreamed of the mystical hour when black leadership would link hands on the basis of common aspirations and common graves.

You honor these men and women by coming together in such black splendor, despite obvious difficulties—you honor Martin Luther King, Jr., and Whitney Young and Malcolm X, you honor Marcus Garvey and W. E. B. DuBois, you honor that long line of men and women, the slaves, the maids, the laborers, and the cottonpickers, all those who never ceased to live in combat in this land and who never cease to believe that a green time would come when black leaders would forget ego and petty pretensions and white parties and bind themselves to each other, brother to brother, brother to sister, and sister to sister.

You are to be congratulated for showing black America the way and for reminding us that no one will prepare himself for the battle if the trumpet of leadership gives an uncertain sound.

To be sure, the black millennium is not at hand. There are still problems, and there will be additional problems in the days ahead. The black millennium is not at hand. But we know now, largely because of your work, that this is the road, the only road, to that millennium.

We know now that words alone will not save us. We know now that only power can speak to power, that only a fact can contradict a fact, that only an institution can answer an institution.

This occasion is important, because it marks a fateful turning point in the institutionalization of the black experience.

It is important also because it embodies that spirit of self-determination of the pioneer blacks who knew that nothing is given to men in that world and that God, Allah, and all the prophets help those who help themselves.

Because of the creativity of the Congressional Black Caucus, because of the insight of the men and women who have gathered here in the name of black solidarity, we can at long last see some black light at the end of the white tunnel. And in the light of that black light, I want to spend a few moments tonight exploring some of the major challenges of the Black Agenda of The Seventies.

It will be my argument here that we can no longer avoid the challenge of creating and disseminating a common black agenda. And by a common black agenda I mean a list of priorities and black national goals based on a master plan for the social, political, and cultural development of the black community and the transformation of this society.

What I am concerned to emphasized here, at the very beginning, is the imperative need for analysis and long-range planning. It is imperative, it is a matter of life and death, for us to develop a series of comprehensive plans identifying the black interest and the black position in every field. We must plan now not only for the 1972 election but also for the 1976 election and the 1980 election. We must plan now not only for the Nixons and Agnews of today but also for the Nixons and Agnews and Rehnquists of tomorrow.

As so many speakers have said this weekend, there are at least five major items on the black agenda of the seventies.

First of all and most importantly of all is the question of survival. In order to plan for tomorrow, we must live today. And in order to live today, we must conceive and project emergency plans for employment, welfare, education, prison reform, and health.

A second major item on the black agenda, also identified by many speakers this weekend, is empowerment, the solidification of existing power in the cultural, political, and economic fields, and the fulfillment of the potential power of black people on the local, state, and federal levels. A complementary need is for development plans which increase the human capital and skills of the black community and which guarantee blacks a proportionate share of the gross national product. It goes without saying that this item includes black control of the resources and institutions of the black community and of all bureaucracies which vitally affect the lives of black people.

A third agenda item is black renewal. And by that I mean a renewal of the structures, energies and values of the black community.

There is a need, fourthly, for a massive mobilization of all the resources of the black community. Black labor, black capital, the black intellect, and the black ballot must be organized within and without existing structures within the perspective of the values and interests of the black community. There is also a desperate need for machinery to tap the rage and energy of black youth and the skills and resources of the black middle class. There are hundreds, even thousands, of black middle class people who can give from one hundred to five hundred dollars to support black politicians and black institutions. It is one of the crucial tasks of the seventies to reach these individuals and to make them realize that "freedom ain't free." For the first item on the black agenda of the seventies must be a resolve on the part of black people to support and defend their own institutions, interests, and needs. It is time, it is past time, for us to create national machinery for a United Black Appeal.

An additional and perhaps even more important task is the registration of the unregistered and the political education of the registered and the unregistered.

As so many people have said here, our only salvation is the precinct-by-precinct mobilization of the black community. But I hope that you will forgive me for adding that our only hope of salvation is the precinct-by-precinct mobilization of black people within a new political perspective. The traditional American idea of organizing people to trade their votes for garbage collection and petty patronage jobs is not only not power—it is the precise opposite of power. Political power is not garbage collection or petty patronage in a rotten political system but the ability to transform political structures so that people will not have to beg aliens and adversaries for resources and services that governments should provide routinely.

The fifth and final general area of importance on the black agenda of the seventies is the transformation of the institutions of American society which threaten or prevent the fulfillment of items one, two, three, and four.

Now, flowing with and out of these general strategic considerations are two or three tactical items which I would like to discuss in some detail.

The first tactical item, of course, is black unity, which is a precondition for the creation of a common black agenda. The creation of unity is our most immediate and urgent task because the basis of our weakness is disunity. The white man is strong not only because he has his own strength but also because he has our strength, and because we refuse to use our strength. And if disunity is the basis of our weakness, then unity is our only hope of salvation. If we pooled all our resources and energies, if we correlated all our forces and created one black superpower, we could end this thing, or this country, in a few weeks or a few months. A united black community, speaking with one voice and acting with one will on issues of politics, welfare, education, and housing, could turn this country upside down. And the question of the seventies is how can we turn ourselves upside down and face each other and our truth.

This is a question of primary importance, because we can no longer afford the false and artificial distinctions fostered by white America. It is very important now for us to transcend white divisions: Catholic vs. Protestant, Baptist vs. Methodist, professional vs. non-professional, Democrat vs. Republican. These divisions were inherited from white people. And it is necessary now for us to disengage ourselves from white people's arguments and redefine all concepts and associations in terms of the fundamental interests of black people. We are *one* people, and we shall survive as one people, or we shall go, one by one, Baptist, Methodist, Catholic, Protestant, Republican, Democrat, to that white doom this society is preparing for all black people.

It is necessary at the outset, however, for us to banish the idea of that "great getting-up morning" when all black people will suddenly say and think the same thing. That's not going to happen, certainly not immediately. And people who project that idea are confusing ideal unity, which has never existed anywhere, with operational unity, a unity that will make it possible for all forces in the community to agree on minimum goals and strategies and to act together in the interest of the common good.

The most pressing need of the seventies—to repeat—is operational unity.

A corollary of operational unity is integration and nonviolence *in* the black community. If we are serious about making a revolution together, we must begin the serious work of discipling ourselves together and respecting our brothers and our sisters.

The Congressional Black Caucus has broken new ground in this area. And one solution to our dilemma is the creation of black coalitions and black caucuses, similar to the Black Caucus, in every major city and every major region in this country.

A second item, under this general heading, is the development and dissemination of a black analysis. The forward motion of the Black Rebellion has created new problems which cannot be resolved until we clarify and define our tasks and rise to new levels of awareness and organization. And since no black person can fulfill himself if this movement goes astray, it is incumbent upon all black people to participate actively in the development of a radically relevant black analysis embracing a long-range strategy and a definition of goals, instruments, and agencies.

In this connection, it is crucially important for us to replace the illusion of instant revolution with the concept of long-range strategy. We must not think, we dare not think, that the wolves of the world will lie down and die when we stage a demonstration or put down a bad rap. The wolves of the world are wiser and stronger than that, and the ramparts they hold must be struck again and again and again in an infinite succession of blows.

The Revolution is not going to come Monday morning or the next Monday or the Monday after that. We are engaged in a long-range process involving phases and characteristics which cannot be foreseen at this time. And it is necessary to prepare for a struggle of five, ten, and even fifteen years.

A serious black analysis would deal with that question, and it would remind us that the black struggle is a house of many levels and rooms. We are fighting a desperate battle against desperate odds. Every weapon that bigotry can command is arrayed against us. Fighting against such odds, we cannot confine ourselves to any one weapon. We are going to have to work inside and outside, beneath and above. We are going to have to fight with sticks, pencils, computers, ballots, bullets, bibles, and anything else we can put our hands on.

A black analysis would clarify that problem and the related problem of levels of involvement. In my opinion, it is not necessary for everybody to do the same thing. But it is absolutely necessary for everybody to do something. It is equally important for the black community to judge individuals on the basis of their contributions. Some men can write, some men can fix cars, some men can cook, some men can raise hell: all—the writer, the mechanic, the cook, the hell-raiser—are valuable because their skills are complementary and not contradictory.

A major task of the seventies is to incorporate this insight into a strategy of concious and antagonistic participation. By this, I mean a strategy of working inside institutions with the express purpose of pushing them leftwards and blackwards. In general terms, this means using the legitimacy of the system to de-legitimize the system. It means working everyday in the midst of white society with the intention of transforming it.

It means using the system in order to destroy the system. To be more precise, and to speak specifically of politics, it means using the whole arsenal of parliamentary tricks to slow down, disrupt and stop proceedings which adversely affect the interests of black people. For one hundred years, white politicians have used the whole range of parliamentary weapons to deny black people human rights. It is time now for us to use the whole range of parliamentary weapons in a systematic campaign within the political process for human rights.

A black analysis would deal with that option, and it would warn us against the very white and the very artificial distinction men make between politics, culture, and economics. As we all know, politics, culture, and economics are complementary facets of the same reality. And a major task of the seventies is the development of a total perspective which stresses *development* which is "the correlative and complementary totality of matter and spirit, of the economic and the social, of the body and the soul."

This brings us to the third major tactical area, the development of mini-max plans not only in the areas of health, education, and welfare, but also in the areas of foreign policy and fiscal policy.

Some people will deride this suggestion that black people should concern themselves with foreign policy. But a large national group has a foreign policy, whether it knows it or not. A large national group has either a declared or a *de facto* foreign policy. When

a black man dies in Vietnam, we experience the foreign policy of black people who say they have no foreign policy. When a black man is maimed on foreign soil, when a black soldier is crippled or blinded, when black women and black children wither because of malnutrition and poor housing and poor schools, while this nation spends billions on foreign adventures, we experience in the flesh the foreign policy of black people who are scandalized by the idea of a black viewpoint on foreign policy.

A large national group has either a declared or a *de facto* foreign policy. And it will be one of our tasks in the seventies to orient black people around foreign policies which meet their peculiar needs and interests.

At this very moment, we are being committed by default to the disastrous foreign policy of that man in the White House who has just violated a treaty and the decent opinions of mankind by signing a bill authorizing the importation of chrome from Southern Rhodesia. Nothing indicates clearer the need for a black viewpoint on foreign policy. And it is not necessary really for us to wait until 1980 to develop it. In the wake of the unconscionable action of Nixon and the lovers of the fascist and racist regime of Southern Rhodesia, black people ought to declare an immediate and total boycott of every American firm which buys chrome from Southern Rhodesia.

It would help enormously in this connection if this organization and others would create task forces of black academicians and activists to draw up long-range development plans in the fields of foreign policy, health, education, employment, and fiscal management. The Congressional Black Caucus has already initiated programs in this area, and it is our task now to support this effort and to deepen it.

We are suffering at the moment from the disease of ad hocism, the disease of constant improvisation, the disease of constantly reacting to the initiatives and plans of our adversaries. I don't need to tell you that people who play the game of politics that way always lose. I don't need to tell you that the way to win in this game, as in any other game, is to devise your own plan and to force your adversary to react to you.

In the seventies, we must develop machinery for projecting our own comprehensive plans. We must become sophisticated enough in this decade to create master plans for the development of our own areas and resources. Not only that: We must rise to the level of creating plans for the development of whole cities and the whole country.

At the same time, we must come to grips with the dominant American mythologies, including the mythologies of private and public investment and the question of the redistribution of income and resources.

It is important also for us to deal with the structural problems of the economy. Somebody said once that Americans are great at small things. Americans are great mechanics and they love to tinker with the system. But the evil I see is deeper than mechanics. The evil I see is inherent in the system and can only be dealt with by transcending the system.

The white problem in America cannot be solved without a profound structural modification of American society, without real changes in the tax structure and the relation between the private and public sectors, without a redefinition of values, a redefinition of work, leisure, and private property, and a redistribution of income.

If we are serious about creating a new politics in this land, we are going to have to deal with the system.

The problem is not the poor; the problem is the powerful. The problem is not the distribution of contraceptives; the problem is the distribution of income. The problem is not the ghetto; the problem is the white system which created the ghetto and which perpetuates it. And if you meet a man who says he wants to deal with the problem without dealing with the system, *call the police*, for he is either a charlatan who needs arresting or an innocent who needs protection from himself.

Another crucial item, on the tactical level, is the development of counterplans to meet the subtle and not-so-subtle devices for minimizing black power by manipulating metropolitan government structures and voting districts. Time after time after time, the white man has changed the rules in the middle of the game when the rules contradicted his interests. Time after time after time, he has refused to pay the black winners of the political sweepstakes. Well, black people are about to win again by the old rules, and we need a common agenda and an unyielding determination to make sure the house pays off this time by the rules which were in force when the cards were cut.

Let me say in conclusion that the development of this agenda would be a service not only to black Americans but also to white Americans. For black people embody the most advanced social and economic interests of this society. And action on their behalf is action on behalf of the real interests of most Americans.

Black people are so situated in time and space that their vital interests cannot be satisfied by current political, economic, and educational arrangements. The black man must force change or go to the wall. He must burst the bonds of this society or perish. This means that the black man represents a different principle of social, educational, and political organization. And any man or organization which represents him truly inherits a mission of transformation and transvaluation.

There is no need really for anyone to apologize for his color or his aspirations or his interests. There is no need really for black intellectuals or black politicians to waste their time apologizing for their blackness. For it is precisely as black men, it is precisely as the carriers of certain tendencies and interests, that they are valauble to themselves and to the world. The fact that they are black and different is the most important thing about them. If they are not different, if they are not fundamentally different, from the men who created the Chicagos and the Atlantas and the Washingtons, then there is no hope here for black people or white people.

The white man errs today when he speaks in the name of the whole. It is the black man and not the white man who represents today the real interests of the commonwealth.

For this reason and others, it is very important for us to make no small plans. As John Hope said, "We have sat on the river bank and caught catfish with pin hooks. The time has come to harpoon a whale."

This, in sum, is not the time of the catfish—this is the time of the white whale. This is the time to go for broke, the time to redefine the mainstream from our stream, the time for black people to possess this land.

We must stop demanding partial reforms.

We must not content ourselves with sporadic opposition to the plans of others.

We must begin to exercise hegemony over this nation.

We must recognize and validate our role as the real protagonists of white American history.

In this spirit, with this determination, with this agenda, we can fulfill the dreams of our fathers and pave the way for the great day when the black living and the black dead and the black unborn will join hands to rebuild the destroyed shrines to the souls of black folk.

MEDICAL SCHOOL AT UNIVERSITY OF MISSOURI IN KANSAS CITY DEVELOPS NEW MEDICAL EDUCATION PROGRAMS

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HULL. Mr. Speaker, the innovative medical school at the University of Missouri in Kansas City was the subject of a recent article in American Medical News. At this time when means are being sought to increase the availability of medical services and expedite the training of skilled medical personnel, the Kansas City school merits recognition as offering an interesting alternative to existing educational programs.

Mr. Speaker, at this time I include an article which appeared in the November 15, 1971, issue of American Medical News in the RECORD.

Two highly successful businessmen and civic leaders—Nathan J. Stark and Homer C. Wadsworth—have helped develop one of the nation's most innovative medical schools—the U. of Missouri School of Medicine in Kansas City.

Stark is senior vice president of Hallmark Cards, Inc., chairman of the board of the Kansas City General Hospital, and a member of the American Medical Association's Advisory Committee on Undergraduate Medical Education and of the Liaison Committee on Medical Education.

Wadsworth, who established the Greater Kansas City Mental Health Foundation in 1950, is president of the Kansas City Assn. of Trusts and Foundations.

"If anyone tried to build the kind of medical school that is being built here in an established medical school area, it couldn't be done," Wadsworth said.

"That's right," agreed Stark. "This is the only school I know of in the country that is innovative throughout. And why? Because there are no traditional barriers to break down. I think our timing was right in putting up this medical school. But it's only a part of the program . . . an important part to be sure . . . but our idea is a total community health care program."

Wadsworth says the concept of the medical school is to "develop a physician who has a feeling for people and is not just aware of the anatomical aspects of people."

Situated in the heart of Kansas City, some 10 blocks from the downtown area, the medical school is in a region known as Hospital Hill. Stark said there are approximately 135 acres of land on which educational and health institutions, and housing facilities will be developed.

Both Stark and Wadsworth emphasize there is a commitment "not to locate everything on Hospital Hill but to tie in all of these facilities with other community institutions."

The registry of those who are active in the Kansas City health care program includes more than civic and business leaders. Said Stark:

"We deliberately avoided politicians and blue stocking members. Our board members represent all economic and ethnic levels. There are a few affluent on it but they aren't necessarily the giants of Kansas City."

Wadsworth said the theory was "to create a board that is representative of the people." He contended having a board composed of "well established figures" would not create an atmosphere conducive to bringing about change.

"We need," he said, "the kind of people who are for the first time active in community affairs. For the most part," Wadsworth asserted, "the American city is bankrupt for leadership in community affairs but I believe there's a large untapped pool of such leadership in every community."

The medical profession jumped headlong into the cooperative program. It is estimated that more than 200 physicians participated in the various task force committees which functioned in the formative stages of the new medical school.

Guiding the destines of the new school are E. Grey Dimond, MD, provost for health sciences, and Richardson K. Noback, MD, dean. About them, David Kleier, MD, assistant to the dean, says:

"It's amazing the things Dr. Dimond and Dr. Noback have done in the short time this school has been opened."

"Early in the game," said Dr. Noback, "we decided to establish an open medical school so that we could draw upon the total resources of our community and at the same time contribute to them."

Because of this open school philosophy, Dr. Noback says UMKC now has a faculty numbering around 350 and is affiliated with 10 hospitals. "The years of cooperative efforts," he suggested, "have given this new school an ability to move out with understanding, support, and clinical affiliations that are rather unique."

UMKC, according to Dr. Noback, "recognized that students come into medical education with different backgrounds, abilities, and practice plans. For that reason we decided we needed to have a program adaptable to the individual student needs. To help accomplish this we organized a medical school without departments. Instead we organized around functions and, as a result, have councils—on curriculum, on student and faculty selection, on evaluation, and on docents."

Edward Cross, MD, vice provost for health sciences, had been in the U.S. Public Health Service for 21 years and "thinking of retirement" when Dr. Dimond offered him his present post. "It was the type of community commitment and involvement that attracted me," Dr. Cross declared.

"I'm confident this will work; otherwise I wouldn't have invested a portion of my life into it," he said. "I don't think anyone has been on this route before. It will be difficult but I have no doubt it will succeed."

Acting as sort of a combination administrator-overseer for the UMKC operations is the school's office of medical education, under the direction of Michael Burgess, Ph. D. The office, supported by a federal grant from the Bureau of Health Manpower is responsible for evaluating the academic and clinical performance of the school, as well as providing support to the school's councils.

"The goal of our school," said Dr. Burgess, "is to produce and graduate a different kind of physician who is an expert clinician but who is also aware of the psychological and social needs of the patients.

"All too frequently," Dr. Burgess emphasized, "medical schools take the attitude that they have achieved their goals once a student earns his MD. That's not the case here. We want to see how our graduates are doing. We want to know if the patients are profiting from the services of our MD-graduates. That's the ultimate test. If the patients are profiting, then we have achieved our goal."

Assistant deans are chairmen of three of the school's councils. Charles Wilkinson, MD, heads the Council on Curriculum; Andrew McCanse, MD, is in charge of the Council on Selection; Ned Smull, MD, is chairman of the Council on Evaluation.

"Our council," said Dr. Wilkinson, "establishes the core curriculum for the medical school. All of the basic sciences," he said, "are taught in conjunction with the patient, beginning in the very first year."

Dr. Wilkinson points out that the emphasis in UMKC curricula "is on the fact that most students finish with a core of knowledge. But we hope that their education will be integrated so that when they finish here they will be aware not only of their limitations but at least have begun the process of problem solving.

"Our goals," Dr. Wilkinson concluded, "may not be too much different from most other schools. We just hope we can meet them."

Dr. McCanse says his selection council had to study 400 applications before filling the 76 year-one through year-five positions that were available this past fall. A total of 128 of the applicants were year-one candidates, he said.

Assisting the council in the selection of year-one students, Dr. McCanse said, was the Metropolitan Area Talent Search Agency. The MAT, according to Dr. McCanse, is a private agency headed by a high school counsellor whose duties are to search out persons of disadvantaged backgrounds with good academic potential. Five of the 40 year-one students were MAT students, according to Dr. McCanse.

As for the future, Dr. McCanse sees "the biggest problem we will face will be dealing with a large number of applicants. We've already faced this but we expect applications for next year will total well over 1,000. This will be a tremendous logistical problem."

Another problem, says Dr. McCanse, is "in the area of dealing with minority groups. We will need to provide ways for these people to get a medical education . . . to provide the necessary academic and financial support to such applicants."

Dr. Smull, who calls the UMKC program "a valid experimental design for the educational process," contends "it is important from the beginning that appropriate evaluatory procedures are put in place. We have a deep commitment," he said, "to be able to compare not only what is said is being done but what is in fact being done."

Dr. Smull says he and his council have "no magic answers," but that "our most basic assumption is a goal to graduate a safe, competent clinician with a commitment to continuing education."

Dr. Smull believes "we are going to be scrutinized by many skeptics who feel there is no way this program will work. So, I feel it is important that we have outside sources evaluate us, too."

According to present plans, students will be evaluated four times a year, with other evaluation procedures instituted as needed. "There's much baseline data to be obtained and accumulated," said Dr. Smull. "It will take several years to learn the things we need to know and our valuation program will be a continuing thing."

The docent program, another innovative feature of the new school, starts in the third year. The Council of Docents currently is composed of MDs Robert Mosser, an internist, and the husband-wife team of William and Marjorie Sirridge. The former is an endocrinologist; his wife a hematologist.

"I've been amazed at what these students have learned to date," said Dr. Kleier. "If I were in a position to choose the type of school I would like to attend, I would want to have an opportunity to choose an educational situation just like this."

Dr. Kleier says the first-year UMKC students, "more so than anywhere else I've seen, have an unbridled enthusiasm in what they are doing. Their learning process does not seem to be a burden to them. They want to study."

Ralph Hall, MD, coordinator for year-one and year-two students, said that "like many others I came into this program a bit skeptical but with considerable enthusiasm. Now I can say this is the practical way to teach and to conduct a medical education. The reaction of all the students to this has been one of excitement."

Dr. Hall says the program "teaches from the patient point of view and I like that." He points out, too, that while the program is six years in duration "we have not shortened the course at all. These students spend as much time in six years here as I did in a traditional eight-year school."

Nonetheless, Dr. Hall believes the program "will better equip our students to care for patients" because he believes the students will "know more, have a broader idea of medicine, and the docents will find the weak spots and be able to fill in the gaps."

That student enthusiasm Drs. Kleier and Hall spoke of is reflected in responses from four of the 18-year-old first-year students interviewed by *American Medical News*.

Says Alan Holmes of Lee's Summit, Mo.: "I think the program is terrific. We're not being swamped but we don't have to wait until we enter our third year to see whether or not we like medicine. We get a shot at it right away. And instead of the instructors taking the attitude—'O.K. you're in here and we're going to rip the hide off of you'—their attitude is —'O.K. you're in here, we believe in you, and we'll make you doctors.'"

Jackie Stotts of Sarcoxie, Mo., said she "didn't have the background for this that some others have. But they [the instructors] have reached all of us. I like it, too, because there are quite a few girls [10] in the program."

Michael Weaver of Kansas City said the thing that impressed him the most was "starting right in with medical education. It's not something that you have to wait two years for, before you get a chance to do it. We get to see patients right away. The program is exciting, not boring, and the people here really make you feel welcome and make you feel like you want to do more."

David John, also of Kansas City, said the program "helps you to see how things, such as chemistry, apply. If we didn't have classes in medicine we wouldn't be able to see firsthand how those things that we've read about and heard about in lectures apply to what we might have to do in practice. Seeing things—right now—is very important."

"We claimed," said Dr. Dimond, "that we were going to create an open medical school. And here it is, just a few weeks into the semester, and I think we've lived up to that claim in the sense that we have more than 300 physicians from the Jackson County (Kansas City) Medical Society on our faculty; our students are in 10 hospitals in town; our students range from the high school to Ph. D. level; and they come from all of the various social backgrounds."

Dr. Dimond said he believes the program is "doing the job that we hoped it would do up to now"; that it is in "remarkably good shape"; that the program is "being kept within the budget"; and that there is "no evidence, so far, that our students are having any problems but that rather they have only enthusiasm for what they are doing."

Dr. Dimond said he has "certain limited ambitions" for the program. These include having 400 students in the school by 1976 and occupying new medical building quarters by 1973. "We have launched the school," he said, "in old, modest facilities and we have convinced ourselves that the spirit is more than adequate to compensate for our physical plant."

Calling the program, at the moment, "an experiment," Dr. Dimond said he is certain that "one way or another it will prove very useful.

"If we are right," he concluded, "we may have proved that you can create people who want to practice medicine in a shorter time and at less cost. But our highest intent—our primary goal—is to develop a person who wants to practice medicine."

INTERSTATE COMMERCE COMMISSION JOINS THE NONSMOKERS RELIEF CAMPAIGN

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. YOUNG of Florida. The Interstate Commerce Commission is the latest organization to join the growing chorus of voices in support of my campaign to provide relief to the nonsmoker while traveling on public transportation. On November 17 the ICC issued a new regulation which states that all buses traveling interstate must provide separate seating arrangements for smoking and non-smoking passengers. This resolution falls in line with the spirit of my Non-Smokers Relief Act, H.R. 4776, which would provide separate areas for nonsmokers while traveling on planes, trains, and buses. Since the introduction of this bill on February 22, overwhelming responses have come to my office from the industries affected as well as from thousands of concerned nonsmokers. American Airlines, TWA, United Airlines, and the Long Island Railroad are among those who have voluntarily complied with these regulations.

The ICC resolution will be effective January 6, 1972, and will require the operators of all 23,000 interstate buses to set aside "no more than 20 percent" of the seats in the rear of each bus for passengers who wish to smoke. The average bus carries 50 passengers, which would mean 10 seats would be available for smokers. Smoking will not be permitted in the remaining portion of the vehicle.

After a thorough study of the problem, the ICC found that:

Affirmative action is required with respect to limiting smoking on interstate buses. In general, we find that such action is necessary in order to provide for a totally adequate interstate passenger service free from irritants and nuisances which adversely affect the riding public.

The Commission states that the evidence presented to them:

Overtly demonstrates that second-hand smoke is an extreme irritant to humans (particularly with respect to its effect upon eyes and breathing) within its range, and that therefore, smoking on passenger-carrying motor vehicles must be found to be a serious nuisance, capable of disrupting the orderly enjoyment of public transportation and adversely affecting the adequacy and availability of the service provided by passenger carriers operating in interstate commerce.

Those persons accepting the use of public transportation have no choice of their fellow passengers and their habits, and should not, where it can be avoided, be subjected to irritating annoying, and possibly dangerous habits of fellow passengers. However, neither my bill nor this resolution restricts smokers from smoking in public places or conveyances; that is, as it should be, an individual decision.

The fact that the many industries involved are aware of this problem and are willing to comply with the provisions of the Nonsmokers Relief Act, should be a mandate for action in and of itself. The ICC's report refers to my bill, which was subsequently introduced in the Senate by Senators GURNEY, BROCK, Moss, and THURMOND, as an encouraging action.

The need for relief has been proven. We should act promptly on this bill to provide relief for millions of American travelers.

THE CITIZENS LEAGUE OF GREATER CLEVELAND: 75 YEARS OF DOING GOOD

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MINSHALL. Mr. Speaker, on Tuesday, December 7, members of the Citizens League of Greater Cleveland celebrate three-quarters of a century of civic service. For 75 years the men and women of this public-spirited organization have done more than talk about good government, they have banded together to do all in their power to bring it about.

They are "Do Gooders" in all the finest sense of the expression. I would like to share with all readers of the CONGRESSIONAL RECORD the following historical sketch of the League's accomplishments:

CELEBRATING 75 YEARS OF "DOING GOOD"

Seventy-five years ago, in Cleveland's centennial year, a group of young men, politically and civic minded, got together and decided to do something about government instead of just talking.

That's how the Citizens League came into being.

The League will celebrate the 75th anniversary of its founding with a luncheon meeting, December 7, at the Statler-Hilton Hotel.

Harry A. Garfield, eldest son of the martyred president, James A. Garfield, was the principal leader in pushing for the organization of a non-partisan civic league.

On November 14, 1896, Garfield persuaded 25 of his young friends to meet with him in his office to talk about the need to do something about Cleveland's dirty politics. Prominent among his cohorts were Rabbi Moses J. Gries, Frederick C. Howe, Charles A. Nicola and John Sherwin.

On motion of Rabbi Gries it was resolved at that meeting "that an organization be affected on permanent lines for the purpose of promoting the betterment of civic and municipal conditions in the city of Cleveland." A committee was appointed to draft a constitution and call a meeting of interested citizens.

On December 5, there were 116 Clevelanders at the organization meeting. Some of those present at the meeting whose names will be recognized by present-day Clevelanders were: H. B. and C. W. Burrows of the Burrows Bros. Co.; H. J. Halle, of the Buckskin Fibre Co.; I. P. Lamson and S. W. Sessions of the Lamson & Sessions Co.; Samuel Mather of the Pickands, Mather Co.; W. G. Mather of the Cleveland-Cliffs Iron Co.; D. Z. Norton and E. W. Oglebay of Oglebay, Norton & Co.; H. A. Sherwin of the Sherwin-Williams Co.; and Thomas H. White of the White Sewing Machine Co.

Among the purposes of the new organization, as set forth in the constitution, were "to induce citizens and taxpayers to take a more active and earnest part in municipal affairs, to devise and advocate plans for improvements in government, to promote businesslike, honest and efficient conduct of municipal affairs, and to secure the choice of competent officials."

Those were the days of Mayor "Curley Bob" McKisson.

Politics were rough and ready. There was talk of graft and corruption.

Harry Garfield became the first president of the new organization, with George T. McIntosh and Martin A. Marks as vice presidents.

The League has had 36 presidents in its 75 years. Living past presidents of the League are Elmore L. Andrews, D. Robert Barber, Warren Bicknell, jr., F. J. Blake, George S. Case, jr., Wendell A. Falsgraf, John H. Gherlein, Walter C. Kelley, jr., Robert F. Longano, Robert H. Rawson, A. A. Sommer, jr., Seth Taft, Herman L. Vail, Robert A. Weaver and Ben D. Zevin.

David C. Fulton is president of the Citizens League in this, its 75th year. Vice Presidents are Charles R. Ault and Frank A. Monhart. Mrs. Tommie P. Patty is treasurer.

The League has had 14 secretary-directors. First full-time director was Mayo Fesler who came to Cleveland in 1910 from a position as director of the St. Louis civic league. For three and a half decades the League and Fesler were synonymous. He was a hard-hitting curmudgeon, who called them as he saw them.

Estal E. Sparlin is the present director of the Citizens League, having come here in 1953.

First recorded crackdown on public officials by the newly organized Citizens League came in 1897 when it accused county commissioners of "extravagance, carelessness and chicanery." A year later the commissioners got another drubbing for their wastefulness in connection with the grading and draining of a rural lane known as Brecksville Road, now Highway 21 through Independence and Brecksville.

As early as 1913, the Citizens League was pointing out the inequalities of representation in the Ohio legislature because of the famous Hanna Amendment which gave each county a representative regardless of size. Mal-apportionment of the General Assembly was battled continuously by the league for all the years until the U.S. Supreme Court finally declared the system unconstitutional with its one-man-one-vote decision in the 1960's.

The League was in the thick of the fight to get municipal home rule in the Ohio constitution in 1912 and worked closely with Mayor Newton D. Baker to draft Cleveland's Charter, the first home rule charter in Ohio, in 1913. Baker was chairman of the charter commission and Fesler secretary.

In that same year the League saw the beginning of the merit system in public offices with the implementation by the General Assembly of a civil service provision included in the 1912 state constitution.

It was in January 1917 that the League started its long campaign to do something about the organization and powers of Cuyahoga County and intergovernmental relations in the Cleveland metropolitan area.

There have been some victories as well as losses during this period. Victories occurred when Sunny Acres and Highland View hospitals were transferred from the city to the county in the 1940's. Other successes came in the 50's and 60's with the transfer of all welfare administration to the county, the turning over of City Hospital—now Cleveland Metro Hospital—to the county, and the acquisition of the zoo by the Metropolitan Park District.

Other accomplishments by the League over the years are: complete revision of the state election-laws, including the first requirement for reporting campaign expenses, in 1929; establishment of the Cuyahoga County administrative officer position in 1952; creation of the Cleveland personnel office in 1952; revision of Cleveland budget document in 1950;

work with the late William A. Stinchcomb (a long-time League board member) to establish the Cleveland Metropolitan Park system in 1917; Cleveland's conflict-of-interest ordinance in 1961; installation of computers for the county's tax and accounting activities in 1964; consolidation of Parkview and Fairview Park in 1962 and Westview and Olmsted Falls this year; and numerous others.

Both Director Estal Sparlin and his executive assistant, Blair R. Kost, are registered lobbyists in Columbus. Kost is often referred to as the "lonely lobbyist" because he doesn't have the finances to associate on equal terms with most other lobbyists.

Some of the bills being backed by the League in the current session of the General Assembly are: State code of ethics and conflict-of-interest bill; abolish mayor's courts; permit county commissioners to employ management consultants; require local hearings on liquor permit transfers; establish office of public defender; set primary election date later than May to reduce the long campaign; permit six jurors in civil cases; and nearly 20 others.

During all of its 75 years, the League's major program has been that of making recommendations on candidates for public office. This is probably the thing for which the League is most famous.

In spite of the League's disavowal of any intention to "tell you how to vote" it is well recognized by candidates for office that the "preferred" rating of the Citizens League is worth a sizable number of votes. Politicians may differ about the exact influence of the League but few question the importance of the league's approval.

The theme of the celebration "75 Years of Doing Good" is taken from the sometimes used expression that Citizen Leaguers are "Do Gooders".

DANGLING STATE DEPARTMENT DIRTY LINEN IN OTHER PEOPLE'S YARDS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ASHBROOK. Mr. Speaker, in the November 30 column of Willard Edwards, the Chicago Tribune's highly regarded reporter, reference was made to the State Department's dirty linen in an in-house memo between two State officials, Howard P. Mace, Director of Personnel, and his subordinate, Donald C. Tice. Mr. Mace, of course, is now being considered for the ambassadorship to Sierra Leone, and his case has been the subject of stories in several local Washington papers, Time magazine, the New York Times, the Des Moines Register, and perhaps others. What usually is regarded as a pro forma hearing before the Senate Foreign Relations Committee in the case of ambassadorial confirmations developed into a serious examination of the pros and cons of the Mace selection, supplemented by various letters to Senator FULBRIGHT, with copies to my office, which correspondence I have inserted into the CONGRESSIONAL RECORD.

One witness before Senator FULBRIGHT's committee who has played a major part in opposing the Mace confirmation is John D. Hemenway who was "retired" from State as a Foreign Service officer because he did not receive a promotion in a specified period of time which is grounds for retirement under State regulations. Mr. Hemenway is now near to completing his appeal for reinstatement before a State grievance panel, which proved to be the vehicle that brought the Tice-to-Mace "dirty linen" memo to light.

The Tice-Mace memo is of special interest to me for I introduced legislation in the last Congress and again in the present session to institute a fair appeals procedure for Foreign Service officers who are selected out, with the final determination being made by people outside of the Department. Bear in mind when reading the Tice-Mace memo that had an outside panel been in existence to review Hemenway's appeal, an honest resolution of his case would have been both pragmatic and mandatory.

Had such an objective panel existed in 1969 Mr. Hemenway would have been guaranteed due process and this sordid chapter in the maladministration of State Department personnel might have been avoided.

I insert at this point the covering letter to Senator FULLBRIGHT from Mr. Hemenway, a copy of which I received. In addition to the Tice-Mace memo enclosure, other material forwarded included a memo from Mr. Tice to Ambassador Steeves then Director General of the Foreign Service, a memo from Ambassador Steeves to Secretary Dean Rusk, the new regulations on promotion reform and finally, a letter from Mr. Hemenway to the Washington Post which paper never saw fit to share with its readers. The letter and enclosures follow:

JOHN D. HEMENWAY,

Washington, D.C., November 21, 1971.

Re: Mace Confirmation.

DEAR SENATOR FULBRIGHT: Reference is made to my earlier correspondence with you concerning hearings on September 30 and October 4 before the Senate Foreign Relations Committee on the nomination of Howard P. Mace to be ambassador to Sierra Leone. In this correspondence and in testimoney before your Committee I have submitted portions of transcripts of my Grievance Hearing before the Department of State, which still is in progress.

I have just learned that a petition was circulated in behalf of Mr. Mace on November 19 within the Department of State. I believe that your Committee should know that these signatures were prompted in part by comments during "Foreign Service Day" celebrations by Deputy Under Secretary Macomber and others. The petition was designed to be presented to your Committee in due course. It will be forwarded as a spontaneous gesture, but it is, in fact, merely a further attempt to pressure the Senate Foreign Relations Committee to report the nomination of Howard Mace out of Committee. During "Foreign Service Day", speeches in the Department of State by official participants described the handling of Mace's confirmation by your Committee as "outrageous". Deputy Under Secretary Macomber, in the context of discussing new Department grievance matters, reportedly asserted that "a small group of embittered individuals" had appeared to oppose the Mace nomination.

Three documents I enclose with this letter have come into my hands only recently, through official channels, and I will not be able to submit them into the record of my own Hearing until 7 Dec., the next session of the Hearing. I send you this material to supplement the testimony I have already provided your Committee; these documents clearly establish Mr. Mace's personal duplicity in denying me due process within the Department of State. My own case is merely illustrative; I speak of it, because I know of these things of my own personal knowledge—one could find many other such illegal acts.

I respectfully ask your Committee to consider the formal communication of Ambassador Steeves, Director General of the Foreign Service to Secretary Rusk in which he writes, "The [Hemenway] record is a very favorable one" (Oct. 25, 1968) and again, "I find it somewhat puzzling that he [Hemenway] has not been promoted" (December 31, 1968). I then ask your Committee to pay special attention to the memorandum of Mr. Mace's own Special Assistant (i.e., to Mace himself) dated February 11, 1969, which states on page 1: "The other danger is that he [Hemenway] might get a hearing in the new [Rogers] front office. I would assume, however, that we could short-circuit such a move."

Your Committee may wish to question Mr. Mace on this evidence which suggests: (1) that Mace denied me due process; (2) that Mace attempted to seal off avenues of appeal to higher authority; (3) that Mace combined in a conspiratorial fashion to deprive me of my rights; and (4) that Mace acted to take reprisal action against me for turning to the Secretary of State.

On this latter point, Congressman John J. Flynt, Jr., of Georgia testified at my Hearing on 4 November 1971 that he had looked into the matter of reprisal. His personal inquiry established that ". . . the severance period in Mr. Hemenway's [termination] notice was by far the shortest . . ." of that given to the last 100 persons terminated from the Foreign Service for any reason prior to the date he specified be checked (Hemenway Hearing transcript, November 4, 1971, page 51). Mr. Mace was one of three persons who hand-delivered the material that provided the basis of this statistic to Mr. Flynt's office. Could Mr. Mace have forgotten? Further, Congressman Flynt testified that he looked on the manner of Hemenway's termination "as harassment bordering onto real persecution" (page 53, Hemenway Hearing transcript of 4 November, 1971.)

Please note the memorandum of December 31, 1968 to Ambassador Steeves, Director General of the Foreign Service. It argues, in effect, that justice be denied Hemenway because such justice would have to be extended to other officers equally able (point no. 5 of Tice memo to Steeves of December 31, 1968)! Further, the memorandum of February 11, 1969 from Mace's Special Assistant Tice (who served both Steeves and Mace), considers and then rejects the expediency of changing rules to meet the obvious injustice in my case. This memorandum does not even note that reductions in time-in-class rules were the only stated cause of my selection out (page two, memorandum of February 11, 1969). I call to the attention of your Committee that, two and one-half (2½) years after my selection out, in July 1971, the Department of State personnel system, under that same Director, Howard Mace, promulgated new rules for time-in-class for officer classes 5 through 3. I enclose a copy of the Department's announcement for your ready reference. The effect of the adoption of these rules in July 1971 is to allow a total time of 20 years for an officer to progress through the grades 5, 4, and 3 without reference to a maximum time in any of these grades.

Thus, Foreign Service Officers no longer are to be dismissed as were Hemenway and the late Charles Thomas without pensions after more than 20 years of service. But what of the fact that Hemenway and Thomas were expelled on the basis of *ex post facto* changes in the regulations? (Evidently the Director of

Personnel is unable to admit having made an error in judgment or in law.) In fact, a precedent based on Hemenway's complaint to Howard Mace in 1969 would have spared the family of Charles Thomas the grief they have endured because of his suicide. It also would have saved Charles Thomas to work for the country he loved and served. In fact, under the "newest" new rules, Hemenway would be in the Foreign Service, even without promotion, guaranteed tenure until 1979 and Charles Thomas would be alive and in the service of his country until 1978. Neither Hemenway nor Thomas ever were rated in the low portion of their officer class, but officers were retained who were in the bottom of their class in the year Thomas and Hemenway were expelled.

I have marked portions of these memoranda I think you may find interesting. Your Committee should have all the facts, not merely exhortative petitions. Also enclosed is a copy of a letter I wrote to the Washington Post on 14 November, 1971, provided earlier to your assistant Mr. Kuhl.

Sincerely yours,

JOHN D. HEMENWAY.

FEBRUARY 11, 1969.

To: Mr. Mace.
From: Don Tice.
Subject: John D. Hemenway—Whither now.

It may be useful to sum up where we stand now with Hemenway and review our options and their potential consequences.

On the basis of Friday's conversation, it appears that Hemenway has two basic objectives:

1. To remain in the Department of State by staying in government employment until October of 1970; and

2. To eventually work in the private sector.

In the above framework, Hemenway has two collateral objectives:

1. To remain in the Department of State and, if possible, in his present job in GER; and

2. To do so in a higher salary status.

As was stated in the memorandum of your latest conversation with him, I would put Hemenway's desires, in descending order of acceptability, as follows:

FSR–3—EUR/GER; FSR–3—Other "meaningful" job in Department; FSR–3—Other Agency Detail; FSR–4—EUR/GER; FSR–4—Other "meaningful" job in Department; FSR–4—Other Agency Detail.

To be realistic, I believe we must eliminate the first four of the above alternatives. We would be setting a precedent we couldn't live with comfortably if Hemenway were to be given an FSR–3, and EUR will not have him. The choice really comes down, therefore, to whether he is assigned elsewhere in the Department or sent to another agency.

In effect, this means we will be meeting neither of Hemenway's collateral objectives, and I think we must expect him to raise a stink about it. I doubt, however, that the back-lash won't be something we can't live with. At the worst, he could go to the Hill and bring in influence. I doubt, however, that any of his Senators or Congressmen will back him to the hilt once they are briefed on the lengths to which we are prepared to go to help Hemenway, and the reasons we cannot go further. The other danger is that he might get a hearing in the new front office. I would assume, however, that we could short-circuit such a move.

Both of the remaining alternatives have advantages and disadvantages.

OTHER JOB IN THE DEPARTMENT

One of the primary advantages of keeping Hemenway in the Department would be that we would not be dangling our dirty linen in other people's yards.

A second advantage would be that, presuming a position could be found which took some advantage of Hemenway's background, his usefulness to the USG would continue.

A big disadvantage would be that Hemenway would probably continue to make a nuisance of himself.

A second disadvantage would be that, over the period of time, it would become widely known that we had temporarily "saved" a person selected out. This disadvantage could be minimized, however, were we to adopt as policy (either formally or informally) that persons within two years of qualifying for Civil Service retirement would, as in the case of persons within two years of meeting the 50–20 requirement, be extended. (I will check to see if PE has the figures which indicate the dimensions and implications of such a policy).

OTHER AGENCY DETAIL

The big plus to this would be that Hemenway would be out of the Department and out of our hair.

To Hemenway (if he would so view it) there would be the advantage that he would be accepted as a regular Foreign Service detailee by persons who were not aware of his having been bounced in State.

The big disadvantage of this solution would be the dirty linen aspect. Experience to date with Hemenway indicates beyond a reasonable doubt that he would be constitutionally unable to refrain from discussing his treatment in State, no matter where detailed. Since he has no desire to remain in Government, there would not be the incentive to keep his mouth shut for purposes of his own credibility. Regardless of how appropriate the job in another Agency, I'm afraid he would end up being a pain in someone's hippie. Frank Wile has expressed considerable concern about this, because he is afraid it could taint our exchange relationship with the Agency involved.

Recommended Action

1. CMA seek to identify an appropriate position in the Department, other than in EUR. INR might be the most appropriate place, but it would be doubtful that they would buy him, except perhaps as a freebie. We might have to try to absorb on an over-complement basis in PER. Maybe Jack Drew could find something for him to do.

2. Assuming a roosting place is found, Hemenway be told:

a. That he cannot be given a higher grade or salary.

b. That he cannot remain in EUR/GER.

c. That the job being offered him is the only one available.

d. That if he declines the offer, the Department will have no alternative to his termination at the expiration of the six months following his TIC date.

3. That the above course of action be discussed with Mr. Rimestad and, possibly, with Ambassador Johnson so that we close off in advance the most likely avenues of appeal (this assumes Johnson would be consulted if Hemenway gets his nose into the front office).

If we follow the above course I think we can expect an adverse reaction from Hemenway, even if he accepts the offered assignment. This may take the form of Hill pressure, and also may involve his going to court.

I don't know that this can be avoided anyway, so we might as well go ahead and take the plunge.

DECEMBER 31, 1968.

To: Ambassador Steeves.
From: Don Tice.
Subject: Notes for Your Briefing of the Secretary re John D. Hemenway.

BACKGROUND

Mr. Hemenway will be received by the Secretary the afternoon of Thursday, January 2, or on Friday, January 3. Following my conversation with Mr. Slauderman, an appointment was made for you to brief the Secretary at 10:00 a.m. today (January 2).

TALKING POINTS

1. Mr. Hemenway was not recommended for promotion by the most recent Selection Boards, and he therefore will be retired involuntarily for Time-In-Class (eight years in this case) in the first half of this year.

2. Based on a thorough review of his performance and development appraisal files, I find it somewhat puzzling that he has not been promoted. Each Selection Board which has considered Mr. Hemenway in Class FSO–4 has placed him in the mid area. He shows consistently good performance, rarely outstanding but with few notations of significant shortcomings. His most recent reports strongly recommend his promotion so that he would be retained in the Service.

3. I received Mr. Hemenway on December 19 at his request. Based on our conversation I believe I can see the element which may have entered into his failure to be promoted. Mr. Hemenway is confident to the point of being arrogant, and aggressive in a manner that approaches rudeness. While these qualities are only faintly hinted at in the written record, it is possible that they may have been known personally to a member or members of the boards which considered him during his crucial years in class, and may have had some influence on the boards.

4. At this juncture, Mr. Hemenway is challenging his retirement on two points: first, that it is not retirement in fact because he is not eligible for an immediate annuity; and second, that the time-in-class period has been shortened since he entered the Service. In our discussion he said that he intended to mount a legal challenge to the action, and implied that Congressional pressure would continue.

5. I see no reasonable alternative to allowing Mr. Hemenway's retirement to stand. Were he to be promoted without having been recommended by the Selection Boards, we would have set a precedent which would haunt us in the future. Were he to be simply extended, i.e., granted more time in his present class, there would be no guarantee that a future board would promote him, and this would involve an injustice to other equally able officers who were subjected to involuntary retirement on the same basis.

MEMORANDUM

October 25, 1968.

To: The Secretary.
Thru: S/S.
From: O/DG—John M. Steeves.
Subject: John D. Hemenway.

We have reviewed the file of John D. Hemenway. The record is a very favorable one. He has stood rather high in the evaluations over the years, but like many other good officers has unfortunately not stood high enough to get in the promotion zone in the very highly competitive system.

There are indications of personality problems, but certainly none of an exaggerated nature. I do not know how he will stand in this year's Board, but it will undoubtedly be high. It is of course his last chance before his 8 years expire. In going over the file I have noted that there are several prominent citizens interested in him, and their high opinion is reflected in the records left by his Foreign Service supervisors and inspectors. This brief review may not be of any great help in responding to the inquiry, but it at least indicates that he has not been in the problem area. We'll just hope for the best.

PROMOTION REFORM: THRESHOLD REVIEW AND MID-CAREER TENURE

The Secretary has approved promotion reform proposals recommended by the Board of the Foreign Service which significantly extends the time mid-career officers may remain in any one class without promotion. Also approved, was the concept of a "threshold review" for promoting class 6 Foreign Service officers to class 5.

These changes represent the consensus of the Task Forces and of a special promotion policy working group that studied how best to apply the reform proposals. Since December 1970, when it was convened, the working group has sought the views of the employee associations and of many individual officers of all classes.

NEW TIME-IN-CLASS PROVISIONS FOR MID-CAREER OFFICERS

With immediate effect, the total cumulative time that officers, now on active duty, may remain in any combination of classes 5, 4, and 3 shall be 20 years, with not more than 15 years in any one of the three classes. Thus, unless they fail to maintain an acceptable standard of performance, middle-level officers are essentially assured of a 20-year tenure after promotion into class 5. Officers now in those classes who are within the previous time-in-class limits, but who have been in the mid-career classes for 20 years or more, will not be penalized by the new provision.

This change is the initial response to the conclusion of the Task Forces that the highly competitive promotion system tends to make caution a virtue, inhibits such qualities as initiative, persistence, and creativity, and discourages officers from accepting training, assignments to other agencies, or other types of unusual "broadening" assignments needed for the development of senior executives. These initial changes are designed to reduce these pressures during mid-career.

THRESHOLD REVIEW

The concept of threshold review is related to the liberalization of time-in-class requirements; it helps insure that officers promoted to mid-career rank have the ability, aptitude, and temperament to serve usefully for at least 20 years more.

Class 6 officers will now participate in a threshold review before promotion to class 5. They shall be eligible for the review when they have served as an officer for at least 3 years and have received performance ratings for at least two different work assignments.

The review will give the Service an opportunity to assess an officer's career prospects before his "selection-in" to mid-career. For the candidates themselves, the review is a chance to reappraise their own career prospects and interests and to reconsider their initial choice of a functional speciality. (In the case of officers appointed by "lateral entry" into class 6, the BEX entry examination will also serve as the Threshold Review.)

PROCEDURES

Eligible class 6 officers will be interviewed by a Threshold Review Panel, consisting of two FSO's on assignment to the Board of Examiners and one other FSO from a bureau primarily concerned with the officer's professional interests and background. The Panel will also consider the full performance file and a summary report of his most recent career counseling interview.

A seven-member "Threshold Review Board," which will meet monthly, will review the Panel's findings and the officer's performance file and decide whether to recommend class 6 candidates for promotion. The Board, chaired by a senior FSO and comprising officers of the Department, of other agencies, and a public member, will also establish the officers' competitive positions on a threshold rank-order list.

About four times a year the Director General will propose promotions from these rank-order listings on the basis of the need for particular functional specialities at the mid-career level. Promotions will be offered within specific functional fields.

Every eligible class 6 officer will be reviewed at least annually by the Board.

NEW TIME-IN-CLASS REQUIREMENTS FOR JUNIOR OFFICERS

Under new time-in-class requirements, officers who enter at class 8 must now be nominated for promotion to class 5 within 7½ years.

Officers who enter at class 7 must be nominated for promotion to class 5 within 5 years.

Officers initially appointed by "lateral entry" to class 6 must be nominated for promotion to class 5 within 5 years.

The maximum time officers of classes 7 and 8 may remain in class remains unchanged at 4 years for each grade.

OTHER CHANGES PLANNED

Just as there is a threshold review from class 6 to class 5, there will be an executive-level threshold review for promotion from class 3 to class 2. This change is still being developed and will be discussed in future announcements.

This Bulletin provides for the implementation of Action Program Items Nos. 37, 39, and 45.

AN AMERICAN DREYFUS CASE?

JOHN D. HEMENWAY,

Washington, D.C., 14 November 1971.

DEAR WASHINGTON POST: On November 6, Post readers were provided with generalized summaries of several quite specific and serious charges against ambassador-designate Howard P. Mace. Until August of this year, Mace had been Director of Personnel in the Department of State, where he has held high personnel posts for years. The Post summarized testimony against Mace before the Senate Foreign Relations Committee quite accurately, i.e., Mace was described as "malicious, capricious, dishonest and arbitrary, among other things."

Does not the Post owe it to its readers to say exactly what the charges were? They were specific. They were capable of proof. Details were made available in the Congressional Record of October 1, 14, 15, 20, 21, and 28, inserted by Congressman Ashbrook of Ohio. The charges also are supported by documents on public record.

Why has the Post not investigated these charges? Accusations I personally made and the matters raised by others either must be true or untrue. Surely, a Post investigative reporter could establish in a few hours whether the charges are supported by substantial evidence. Why not lay the full facts before your readers so that they might judge for themselves? A more complete list of the charges, less generalized, might even shock them:

Perjury by high Department of State officials;

Falsification, tampering with, and "losing" records;

Dispensing false and unearned honors;

Nepotism and special payoffs for political favor;

Faked official explanations and back-dated records;

Appeals to false loyalties to dampen public outcry against evidence of corruption in the Foreign Service;

Cautious and belated high official support to shore up the "integrity" of one accused officer from another involved officer;

Manipulation of judicial procedures that offer some faint hope of administrative relief from injustice;

Defense of corruption in the Foreign Service by creatures spawned and protected by that corruption;

Cover-up upon cover-up extending over a period of years;

Personal prejudice and bigotry.

The discerning Post reader appreciates that, if the above charges are substantiated, the Department of State stands on the eve of the exposure of a massive scandal in its personnel management area. To those with a sense of history, a scandal on such a scale will recall the Dreyfus Case—can it happen in America? In fact, corrupt State Department personnel practices have already destroyed some individuals just as totally as Captain Alfred Dreyfus was ruined by a corrupt bureaucracy. Dreyfus, a French army captain at the end of XIX Century, was victimized by a totally analogous list of abuses. As his loyal family (loyal both to Dreyfus and France) looked on in horror, Dreyfus was stripped of reputation and career, publicly disgraced and ruined.

To its great credit the Post reported the highly significant Senate Committee deliberations concerning ambassador-designate Mace. Another "leading" newspaper published in New York City has ignored the State Department's current personnel problems. The Post also reported the Senate Foreign Relations Committee's decision of November 2, 1971 "to pass over the nomination, making no decision until an indefinite future meeting." (WP Nov. 6, 1971 p. 2)

However, the Post has not yet reported the reasons for the decision above, if known. Surely such reasons exist. The Senate Foreign Relations Committee consists of seasoned legislators pursuing a Constitutional duty. Individual Senators would be derelict in their duty if they ignored detailed charges by bona fide witnesses appearing in public in pursuit of a democratic constitutional process, i.e., a confirmation hearing. After all, it is in the examination of the detail of the charges that their verity is established. If the charges are false, they should be exposed as false, and if true. . . .

We should remember the Dreyfus Case and learn from it. It was in the examination of detail that Dreyfus was cleared. Of course, Dreyfus was assisted by the dedicated help of Zola and courageous newsmen who, in the process, exposed the serious misconduct and scandalous cover-ups of high officials.

Like their French colleagues in an earlier century, Post newsmen may feel that a great newspaper holds a public trust. Perhaps they will agree with me that this carries the duty of responsibility for getting at the facts in this matter.

Sincerely,

JOHN D. HEMENWAY,
"Retired" Foreign Service Officer.

OUTREACH PROGRAM OF THE SOUTHINGTON COMMITTEE ON AGING

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. GRASSO. Mr. Speaker, this week the White House Conference on Aging focused attention on the needs and concerns of the elderly in our Nation. Also, the Conference will leave behind recommendations on how to meet these needs. This is indeed an important event.

It seems appropriate on this occasion to note the enlightened efforts of local communities in their service to elderly residents. The Outreach Project of the Southington Committee on Aging has just completed a program of canvassing the community's elderly to determine their needs and to encourage them to take advantage of the committee's multi-service facility. This is one of many splendid activities of the Southington Committee on Aging which helps to ease the burdens and frustrations of older citizens. It also signifies a new and popular grass roots movement across the Nation which is based on the premise that we must provide for the elderly—the security, comfort and dignity they so richly deserve.

For the interest of my colleagues, a

recent article in the Southington News, which further explains this outstanding outreach project programs, follows:

OUTREACH PROJECTS SEEKS TO CONTACT ALL OVER 55

The Southington Committee On Aging through its newly started Outreach Project is attempting to contact all persons in the community over the age of 55 in order to learn their needs and to inform them of services available to them through Calendar House, the committee's multi-service facility.

A questionnaire has been developed covering major areas of concern. Ten volunteers from Calendar House are assisting Mrs. Margaret Furst, social worker, who is assisting with the Outreach Project.

The volunteers, assigned to various sections of the community will be going door to door seeking persons over the age of 55 and asking them to accept a questionnaire, to fill it out and mail it back to Calendar House within a week. A self-addressed envelope will be provided.

All volunteers will be wearing identification badges. All information will be treated as strictly confidential.

The project started Monday, Nov. 15, and will continue through Nov. 30. Anyone not contacted by Nov. 30 who would like to fill out one of the questionnaires may receive one by contacting Calendar House.

"The Committee On Aging will be most appreciative for any and all cooperation it can receive from the general public with regard to the Outreach Project and the volunteer workers.

"With this cooperation in the Outreach Project it may also help other Southington townspeople as well as yourself in a service to the community," according to a statement by James A. Fortier, project director, Southington Committee On Aging.

The 10 volunteers for the project include Adeline Piercey, Rose Nolan, Mary Palmieri, Mildred Page, William LePage, Herbert Moore, Joseph Barbier, Harry Kamp, Eliza Merriam and William Clark.

FDA REJECTS INGREDIENT LABELING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ROSENTHAL. Mr. Speaker, the Food and Drug Administration has rejected a petition by Label, Inc.—Law Students Association for Buyer Education and Labeling—that would have required the ingredients of all food products be listed on the package label.

That decision is further evidence of the FDA's proindustry, anticonsumer bias.

The agency said it "does not have the legal authority to promulgate" such a rule. That simply isn't so, for three reasons:

First. The Fair Packaging and Labeling Act of 1966 gives the FDA the broad power "to require the disclosure on labels of relevant ingredient information."

Second. Even if one takes a narrow view of the label ingredient regulation power, the FDA could certainly require the listing of ingredients under the provision that without such information the label is deceptive and the package is mislabeled.

Third. It has had the authority to administratively require full disclosure of all contents since passage of the Food, Drug, and Cosmetic Act of 1938.

Instead of acting, however, the agency over the years has created a labyrinth of regulations which allow manufacturers to conceal all ingredients, require that some be listed without specifying that it is only a partial listing, and which allow certain additives—such as colorings and seasonings—to hide behind generic names. There are relatively few products for which FDA requires a complete list of contents on the label.

The FDA prefers to call on industry to "voluntarily" list the ingredients of its products on its labels. I have seen too many times in the past the futility of the FDA's misguided reliance on industry self-regulation and voluntary compliance to believe that it can work in this area.

I have received many letters—as I am sure other Members of Congress and the FDA have—telling of serious reactions to eating a particular food because of hidden ingredients.

One of those was from a Maryland mother of a young boy allergic to hundreds of different foods and ingredients. One of the few things he could eat was tomatoes, so his parents raised them in their backyard and bought them at the market and canned them for the winter. When she ran out of home-canned tomatoes, the boy's mother bought some commercially canned ones. Knowing of her son's allergy problems, she was careful to read the labels closely and pick those marked only "tomatoes and water."

Her son became ill after eating these commercially canned tomatoes, something that never happened after eating home-canned ones. She contacted the company, which blithely told her that the can contained "additional Vitamin C" but they were not required to list it on the label. The boy's doctor confirmed that it was the additional Vitamin C that had made the lad sick. That could have been easily avoided with full disclosure of ingredients on the label.

The food industry, by refusing to voluntarily list all ingredients and vigorously fighting to conceal that information, simply demonstrates its contempt for its customers and its disregard for the principles of open, honest commerce.

I'm not talking about divulging trade secrets and special formulas, but simply a listing of all ingredients. This is vital to the health and safety of the American consumer.

There is a glimmer of hope, however. In its letter to Label, Inc., the FDA indicates it may be becoming disillusioned with voluntary industry self compliance, because it states that it is "preparing legislation" to amend the Food, Drug and Cosmetic Act to require full disclosure of ingredients in food products.

Since legislation is currently pending that would accomplish exactly that, I call on the FDA to immediately support that bill, H.R. 8670, the Truth In Food Labeling Act, which I have introduced with the support of 28 of my colleagues.

Similarly, I call on President Nixon, who has often expressed his desire to see the consumer fairly represented, to endorse this legislation and urge its passage. The President's own adviser on consumer affairs, Mrs. Virginia Knauer, wrote to HEW Secretary Richardson on July 2, 1971, that she "could not agree more" with the findings of the White House Conference on Food, Nutrition, and Health.

That conference, in its final report, noted that because of the current "maze of laws" regarding food labeling, "Consumers are presented with confusing or incomplete information about the products they purchase." It recommended reforms in the labeling laws, such as required statements of properties, a declaration about the amount of any characterizing agent, and simplification of ingredient designation."

The Label petition was submitted to the FDA in February calling for a full disclosure of all ingredients on the labels of food products. I have personally forwarded to the FDA hearing clerk nearly 2,000 letters from private citizens urging this action. They are still coming in. In fact, I have received several dozen already this week. The people want this information. They are entitled to have it.

Under the present system of labeling food cans and packages, it is easier to find out what you are feeding to your dog or cat than to your family.

Complete labeling—as called for in the Label petition and in my bill—would permit the consumer to make more informed choice. The present law is unclear as to what ingredients have to be listed and which do not. In the end, however, the consumer is unaware of exactly what he is buying. For example, on such items as mayonnaise, margarine, vinegar, ice cream, and cola drinks, no ingredient listing is required; on many other products, only a partial listing is needed.

Complete ingredient labeling should not be a difficult concept to comprehend. People have the right to know what they are eating. It is as simple as that.

The present ingredient labeling practices range from nonexistent to misleading. For far too long unsuspecting consumers have eaten foods which are harmful to them because the package label did not list all the ingredients. The advent of widespread usage of food additives, some of which might prove injurious to certain individuals, makes the matter even more urgent. Knowing ingredients is especially important to persons with allergies and other dietary problems. For instance, a person with high blood pressure must watch his intake of milk and cheese products; a diabetic must limit the amount of sugar he consumes.

If the Food and Drug Administration is unwilling to act, then the Congress must. It can do that by enacting H.R. 8670.

Mr. Speaker, I am inserting in the RECORD at this point the FDA's letter informing Label, Inc., of its decision, and the students' response to that action:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
FOOD AND DRUG ADMINISTRATION,
Rockville, Md., Nov. 22, 1971.

MR. GARY LADEN,
Label, Inc.,
Washington, D.C.

DEAR MR. LADEN: This will confirm my telephone call of November 22, 1971, in response to your letter of November 16, 1971.

After reviewing all the comments, we have reached the decision that we do not have the legal authority to promulgate the regulation LABEL, INC., petitioned for on February 25, 1971. An order ruling on the petition will appear in the Federal Register as soon as possible. That order will urge manufacturers to voluntarily declare the ingredients on standardized foods. Comments received indicate many manufacturers will voluntarily declare ingredients in such foods.

We are preparing a legislative proposal to amend the Food, Drug, and Cosmetic Act to require the declaration of ingredients on standardized foods.

Sincerely yours,

SAM D. FINE,
Associate Commissioner for Compliance.

STATEMENT BY ARTHUR KOCH, CHAIRMAN, THURSDAY, DECEMBER 2, 1971

My name is Arthur Koch, and I am the Chairman of LABEL, Inc., an acronym for Law Students Association for Buyers' Education and Labeling. LABEL is a group of five George Washington University Law Students who have been working together for more than a year to require complete ingredient labeling on all food products.

On February 25, 1971, LABEL filed a petition with the Food and Drug Administration requesting that a new regulation be issued stating that "for the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their product."

We are here today to announce that we have been informed in writing by the Food and Drug Administration that after reviewing the comments, they have decided to reject our proposal. This order, we are told, "will appear in the federal register as soon as possible." We think this is outrageous. The American public has a need and a right to know what is in the foods they are eating.

It was only after considerable pressure that the Food and Drug Administration published, without their endorsement, the LABEL proposal in the May 12, 1971 issue of the Federal Register and opened the matter for public comment. Consumers were amazed to learn that their foods were inadequately and often only partially labeled. More than 5,000 consumers voiced their opinion in favor of the LABEL proposal. Among these were numerous doctors, hospital administrators, dietitians, Senators, Congressmen, Consumer groups, University Professors and most of all, the housewives who prepare the daily meals for their families. Even business groups have endorsed the idea. Giant Food started a complete ingredient labeling program and the National Canners Association and the Grocery Manufacturers of America have recommended to their members that they do likewise. In contrast to the five thousand letters of support, only about two hundred letters were written by various industries who did not want to tell the public what chemicals or other additives they were putting into the foods they sold.

The millions of Americans with allergies, as well as those stricken with heart diseases and other physical ailments, those who feel that certain chemicals are harmful, and those with restricted religious diets, all have a right and a need to know all of the ingredients in a food product. However, under the present labyrinth of FDA regulations, the consumer has no way to ascertain the ingredients contained within the products under a Standard of Identity. Instead, the Standard of Identity has become a sanctuary for hidden ingredients and additives. We ask: Who should make the ultimate choice about the consumption of the ingredients in the foods he eats? By not requiring the labeling of all ingredients, and thus effectively hiding the presence of many of them from the public, the FDA has usurped the consumer's right to make that choice.

The Food and Drug Administration has not stopped at simply issuing regulations and allowing the consumer to be deceived. They have actively told the consumer that the situation is otherwise. In an FDA publication [Additives in our Food, FDA Publication No. 43, October, 1968] the Agency maintains that "food products are labeled with required information to guide and protect the consumer." Further, the FDA has said that "Food Standards are not a device to be used in the interest of industry to circumvent the consumer's right to choose." [Food Standards by L. M. Beacham, Reprint from FDA Papers, Sept. 1967] Even more deceiving, the FDA distributes a large number of posters urging consumers to "READ LABELS CAREFULLY." [FDA Poster Number 8] It seems ironic that the FDA has also issued rules under which a number of food product labels give the consumer no information at all, while others are clearly misleading.

The Food and Drug Administration has deceived the public long enough. It is time they took a careful look at what they are doing and who they are representing. The Food, Drug and Cosmetic Act gives the Agency power to take such action that "will promote honesty and fair dealing in the interest of consumers." The overwhelming favorable public comment leaves no question but that the consumers want and need complete ingredient labeling and that it is only the industry that is opposed.

We again challenge the FDA to be a voice of the people. As soon as the Food and Drug Administration announces publically in the Federal Register their denial of the LABEL Petition, we will request a public hearing. We will not let the FDA bury an issue that they do not want to contend with.

Finally, if the FDA still refuses to require complete ingredient labeling on its own, then we turn to Congress and hope that they pass the "Truth in Food Labeling Bills" introduced by Congressman Benjamin Rosenthal and Senator Harrison Williams which will effectively force the FDA to require that all food manufacturers and distributors list on their labels all of the ingredients which are contained in their products.

IN DEFENSE OF MOTHER BELL

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McCOLLISTER. Mr. Speaker, there were a number of charges leveled at A.T. & T. today, dealing with alleged job discrimination in its treatment of women, blacks and Spanish Americans. In a report submitted to the Federal Communications Commission, the EEOC charged A.T. & T. and its operating companies with "pervasive, system-wide and blatantly unlawful" bias.

Mr. Speaker, in my 18 years of involvement in various civic projects in Omaha, it has been my pleasure to work with many of the people from Northwestern Bell. I know them to be concerned with providing equal opportunities for women and minorities. I know them not only to be concerned, but to be actively seeking out ways to hire and promote these people. Mr. Speaker, Northwestern Bell has not only done a good job in this area, but has been one of the leaders in Nebraska and other parts of the Midwest.

Bruce Schwartz, the company's personnel vice president, candidly admits that more will and can be done. But the amount of progress the company has made in recent years is certainly commendable. Nine years ago, for example, the company had a total of 190 minority employees or slightly less than one percent of its total employees. By this fall, the number had reached 667, or 2.5 percent of the company's employees. This compares favorably with the 2.3 percent minority population in the five States Northwestern Bell serves.

According to Mr. Schwartz, any job at Northwestern Bell can be filled by either a male or female employee. About 55 percent of the company's employees are women, and about 30 percent of its management positions are held by women.

Northwestern Bell has worked hard to promote equal opportunity, seeking out minority applicants, counseling and implementing followup programs to give those hired every chance of success.

In four major cities in five States, it conducted or participated in extensive programs to qualify disadvantaged for employment. It has also loaned both executives and office space for National Alliance of Businessmen programs, and exceeded NAB objectives for hiring each year since it has been participating. It has hired some 649 employees under NAB programs.

Company officials have also expressed concern about another minority, the American Indian. It now employs 37 Indians, and while that number is not overwhelming, it reflects the fact that most do not live in cities and towns the company serves. Telephone people continue to visit Indian schools and reservations to encourage members of this minority group to apply for work.

In their major, metropolitan offices, the company has minority employees both interviewing and serving in the recruiting process. And women and members of minority groups also serve in the management of employment offices and in the overall review of equal opportunity employment matters.

Northwestern Bell has been actively involved in the Urban Coalition, Urban League, the Concentrated Employment Programs and other local programs and groups that work for equal opportunity employment.

I mention all the preceding things, Mr. Speaker, not to say that Northwestern Bell has attained all of its goals in equal opportunity, but to suggest that the facts do mean a continuing progress.

I think my colleagues in the House will agree that changes have long been needed in the field of equal opportunity for women and minorities. Many employers in the United States are suddenly awakening to the fact that perhaps they have not placed enough emphasis in this area or been scrutinizing enough in years past. While most are working hard now to correct that situation, change cannot be brought about overnight. I think Northwestern Bell has done a remarkable job in its efforts, and I'm proud to look to them as an example for other employers in my second district and throughout the United States.

WHAT DOES GEORGE MEANY MEAN WHEN HE TALKS ABOUT A "STACKED DECK"?

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BAKER. Mr. Speaker, George Meany, the President of the AFL–CIO, has created a few waves lately, not the least of which was his charge that the composition of the Pay Board is a "stacked deck" against Labor. He speaks, apparently, out of his concern for the welfare of the "working man."

The Chattanooga News-Free Press feels that a closer examination is necessary of just how representative the five "labor" members are of all working men inasmuch as only about 20 percent of the workers in America are unionized.

The News Free-Press makes the point in an editorial, "Stacked Deck?", that the Pay Board could actually be stacked against the 80 percent of the workers who do not belong to a union and therefore, have no representation on the Pay Board.

This is an interesting point and should be taken into consideration not only by Mr. Meany, but by all of us who are actually interested in the welfare of all working men.

The editorial follows:

"STACKED DECK"?

George Meany, president of the AFL–CIO, has been quite busy lately. In addition to insulting the President of the United States by bad manners when the President appeared at the AFL–CIO convention in Miami Beach, Mr. Meany has been charging that the Pay Board in the controls system is a "stacked deck."

Oddly, he's right—but not in the way he means.

Mr. Meany was claiming that the Pay Board is stacked against organized labor. The fact is that it is stacked in favor of organized labor—but against the great majority of American workers who do not belong to labor unions.

The board has 15 members. Five of them are supposed to represent the "public." Five of them are supposed to represent "industry." Five of them are supposed to represent "labor."

All five of the "labor" members are from unions, including Mr. Meany's crowd. But all the unions of the nation combined "represent" about 20 per cent of the workers. Eighty per cent of the workers do not belong to unions but certainly are "labor." Who represents them? By having all five "labor" members of the Pay Board from the unions, the board is stacked in their favor, not against them. The non-union people are the ones who might make a legitimate complaint about a "stacked deck."

And since only 19 states have Right to Work Laws that allow individual workers to decide freely for themselves for or against union membership without penalty, it is evident that many of the people who are in unions are members only because of rigged laws and contracts that force them to join or not be allowed to work to earn a living. So the voluntary union portion of workers in America is really a small fraction that has been given a big voice in labor affairs, in politics and on the Pay Board.

What Mr. Meany really seeks when he says "stacked deck" is not an even balance; he merely means he wants to rule or ruin.

FEDERAL VIOLENT CRIME COMMISSION

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, to be the victim of a violent crime is a tragic experience—for the individual who is the victim, and for his or her family. In addition to the tremendous psychological and physical pain that most victims must endure, many persons are faced with staggering hospital bills after recovering from an attack. Today, only six States in America offer any compensation for the victim of violent crimes.

I have introduced a bill—the Criminal Injuries Compensation Act of 1971 (H.R. 3963)—that would provide for the compensation of persons injured by certain criminal acts. My bill would establish a Federal Violent Crime Commission which would grant awards up to $25,000 for victims of assaults, robberies, arson, kidnapping, rape, attempted rape, and attempted murder. Families of murder victims would also be eligible for compensation.

The number of persons who are victims of violent crime is increasing daily—the time for compensatory legislation is now.

On November 30, the distinguished Senate majority leader, MIKE MANSFIELD, testified before the Subcommittee on Criminal Laws and Procedures in favor of a victimization bill, S. 750, which he has introduced in the Senate. Mr. MANSFIELD, in his testimony, clearly and convincingly argues for the immediate enactment of legislation which will establish "on the Federal level the principle that violent crime is a three party affair which includes the victim, the criminal, and the State."

Mr. MANSFIELD's testimony follows:

TESTIMONY OF SENATOR MIKE MANSFIELD

Mr. Chairman, distinguished members of the Committee.

I appreciate very much this opportunity to appear before you today. I do so in behalf of the countless thousands of innocent victims of crime. I do so as well out of a deep personal concern for the effects of violence upon society today. With S. 750, I have sought to revive the concept of compensating victims of violent crime. In doing that, I have approached the issue, not as a lawyer, which I am not, nor as a student of law. I have endeavored rather to view the matter as one who is deeply concerned that recent efforts to stimulate new approaches to stemming and even reversing the ever-rising rate of crime and violence have focused too little attention upon the innocent victims of crime.

By no means, Mr. Chairman, do I wish to diminish your superb record against criminal elements. No man, inside the Senate or out, has devoted more energy and effort to that end. Thanks in large part to you, Mr. Chairman, the United States Senate in the last Congress passed 18 or more anti-crime proposals. Societies, nevertheless, have suffered the ravages of violent crime and ours has been no exception. Chronicled daily by the press are crimes of the most heinous nature. To meet this situation it seems to me that there has been created a system of justice that too often presents an abstraction of the state versus the criminal, which in turn has left the victim unappeased, the government bogged down in court and the criminal becoming more expert at his trade.

To be sure, the accused is prosecuted for his crime, and if found guilty, punished by the state. But the victim's sole recourse, within our Federal jurisdiction, is to seek damages by instituting a civil action against the guilty criminal. At best, this has been an inadequate remedy, considering the financial condition of most perpetrators of violent crime. In fact, a recent survey of victims of violent crimes indicates a bare 1.8% of the victims ever collected anything from their attackers. Yet 74.2% of them suffered economic loss, not to mention the physical damage and suffering involved. And as the President's Commission on the Causes and Prevention of Violence has documented so well, this alarming increase in the rate of violent crime has persisted and with it, no doubt, the great disparity between those victims who are compensated and those who are not.

At the same time, the victims of this violence have been virtually separated from the crimes. That is a matter of policy.

It is a policy that abrogates any social contract that is thought to exist between the citizen and his society. The citizen pays his taxes, he obeys the laws imposed by society and in return he expects—some would argue on a contractual basis—to be protected by those laws from illegal acts which result in injury and suffering to himself. In short, if society fails in its efforts to provide basic protection then the social contract has been breached; the citizen has suffered. To him there is no particular nonpunishable recourse available other perhaps than overt apathy. Reflective of this growing apathy, in my judgment, has been the significant increase in the number of cases where victims simply refuse to become involved—not as witnesses, not to assist the prosecution, not in preventing the crime, not in assisting a police officer.

In my judgment, this overt apathy or nonparticipation by citizens in regulatory functions of society is about to become a most critical and pressing problem. Today, citizens must recognize that through their plain apathy, they are committing crimes against society. To combat such an attitude, it is my view that we—the elected representatives—ought to become more cognizant of the need for legislation that would encourage, and even reward, acts that are socially responsible.

Another aspect of the problem concerns the government's task of rehabilitating criminals. How much violent crime, it should be asked, is committed at the hands of the recidivist who has been released upon society from a penal institution that served only to mold him into a more hardened and bitter criminal than he was when first incarcerated? His innocent victim has been doubly cheated by society. Not only has it failed to protect him with sufficient police and safety facilities, its penal institutions have actually created a more serious threat to law and order by serving as graduate schools for criminals.

It has been said that the institutions of justice have become more concerned with the protection of the rights of the criminal than with the need for law and order in society. To an extent, I would agree. But I feel the major emphasis is misplaced. To me, a major liability with the present system of criminal justice is its utter failure to consider the innocent victim. This is the whole basis for my interest today in reviving the concept of victim compensation.

As a matter of public policy, social compensation programs are not revolutionary notions by far. Indeed, there is great similarity in rationale and origin between notions of compensating workers, assuring them of a reasonably safe place in which to work, and compensating victims of crime, assuring them a reasonably safe society in which to live. Just as the worker was historically frustrated in his attempts to recover damages, so, too, has the victim of crime today been frustrated. In many cases the offender is not apprehended. When he is, he is often destitute. Further, present penal methods do not offer the offender an ability to make restitution because he cannot earn a gainful living.

Along with the worker compensation concept, other steps have been taken in the past 30 years or more which manifest society's abandonment of its laissez-faire attitudes when facing matters of collective community need. Social security and medicare; aid to dependent children, assistance for the handicapped, the aged and the blind, notions of no-fault insurance and national health insurance all reflect a recognition of collective responsibility. Fulfilling this responsibility with regard to victim of crime is no easy task. Senate bill 750 attempts to face the problem. If adopted at the Federal level, however, it would by no means represent the first such step taken in modern times. Indeed, within the last ten years, New Zealand, England, particular provinces in Canada and Australia, have all enacted governmental programs of compensation for innocent victims of violent crimes. In addition, the states of California, Hawaii, Nevada, Maryland, Massachusetts, New York, and most recently, New Jersey, all have enacted some type of compensation program. I have asked some of these states for reports on their experience with the program and submit for the record the responses I have received.

Though I am not wedded to any particular procedure for achieving the task of recognizing the need for compensating the criminal victim, the main features of my bill do deserve some explanation. First of all, a three-man Violent Crime Compensation Commission would be created. The Commission would compensate innocent victims for injury or death resulting from 18 possible offenses. The 18 offenses could be grouped generally under the headings of homicide, assaults and sexual offenses of violence, all occurring within the Federal jurisdiction. There would be a maximum limit of $25,000 for each award.

It would be the Commission's duty to examine the evidence presented both to determine what level of compensation should be granted and whether in fact the person making the claim is truly an innocent victim.

With some limitation, the Commission could order the payment of compensation to or on behalf of the injured victim, to the person responsible for his maintenance, to his dependents or close survivors. The authority of the Commission to award compensation would not be dependent on prosecution or conviction of the accused for the offense giving rise to the injury. Obviously, however, the crime would have to be established.

As far as losses covered are concerned, the proposal would provide compensation for expenses incurred as a result of the victim's injury or death, for the loss of his earning power, for pain and suffering and for any other direct, crime-related losses which the Commission deems reasonable.

Compensation would be denied in cases where the victim was living with the offender or in any case where the Commission finds that unjust enrichment would result to or on behalf of the offender.

Decisions and orders of the Commission would be reviewed by the appropriate Court of Appeals.

A most important provision would allow the Commission, where possible, to recover over against a convicted assailant the amount of any awards granted on account of his crime.

There is also provided a grant program which would encourage states to establish Crime Compensation systems within their individual criminal jurisdictions.

With these hearings, Mr. Chairman, and the study that undoubtedly will follow, I am certain many of the features of this proposal will undergo close examination and undoubtedly changes for the better will be made. Merging the state programs under the existing Law Enforcement Assistance Administration is one suggestion that deserves merit. Improvement, may I say, is an essential purpose of the legislative process.

May I say, too, that I am pleased President Nixon's recommendations for a special compensation program for survivors of policemen killed in the line of duty are here being considered along with S. 750.

One final note. Before this Congress adjourns in 1972, it is my hope that the legislative process will have been completed and that there will be established on the Federal level the principle that violent crime is a three-party affair which includes the victim, the criminal and the state. In the last 100 years, the criminal and the state have dominated the arena of crime and punishment to the injurious exclusion of the victim. To revive at this time the proposition that citizens are entitled to protection, and failing such protection, that citizens are entitled at least to be compensated for the losses they suffer from violent criminal action, can only serve to strength the social fibre of our Nation.

Thank you very much.

COMMENDATION FOR THE VETERANS' ADMINISTRATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. YOUNG of Florida. Mr. Speaker, I am privileged to represent a district that is home for over 87,000 veterans and military retirees. Because of my close association with these fine people, I am acutely aware of the many unique problems which they face daily.

Appropriately, our Nation has long-since recognized its indebtedness to these men and women who have sacrificed so selflessly so that we all might enjoy the many benefits and opportunities we have here in America today. President Lincoln eloquently expressed this in his second inaugural address in March of 1864:

With malice toward none; with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in to bind up the Nation's wounds; to care for him who shall have borne the battle and for his widow and his orphan. . . .

Today, 107 years later, we find the Veterans' Administration fulfilling the promises of a greatful Nation. Through its vast hospital system, the GI bill education programs, home and business loans, compensation and pension systems, and insurance programs, veterans and families of veterans are receiving much needed assistance.

Probably one of the most worthwhile programs that the VA administers is the vocational rehabilitation program for veterans injured in combat. In this area the VA dedicates its talents and resources to restoring the disabled veteran to employability. To meet the needs of this veteran who has given so much for his country, the VA has specially designed vocational education and training and counseling programs to assist the veteran's return to society as a productive member. Throughout the Nation some 23,000 Vietnam era veterans have received training under this program.

I do not think we truly realize the impact this program, when properly handled, can have on the lives of these individuals. I am enclosing a letter which Mr. Thomas Fisher of Tallahassee wrote to Mr. Donald Johnson, Administrator of the VA, expressing his gratitude for the manner in which he was assisted during his rehabilitation. I have worked closely with the Veterans' Administration Office in Florida for the past 10 years and am very familiar with the high caliber of work which it provides under the leadership of Mr. Odell Vaughn, who is the Administrator of the State. In his letter Mr. Fisher specifically cites the services of Mr. Edward Osborne, a member of Mr. Vaughn's staff, for his understanding and "humanistic" approach in handling the problems of the veterans of Florida.

Since the Veterans' Administration Office which serves the entire State of Florida is in my district, I would like to take this opportunity, on behalf of all Florida veterans to join Mr. Fisher in saluting Mr. Vaughn, Mr. Osborne, and all other associates, for the splendid manner in which Florida's veterans' problems are handled. Mr. Fisher's letter to Administrator Johnson follows:

TALLAHASSEE, FLA., *October 19, 1971.*

DEAR SIR: I was recently certified for training under Chapter 31, Title 38, USC, at Florida State University. My contact at the Veterans Administration Regional Office at St. Petersburg has been Mr. Edward J. Osborne, who works in the Counseling and Training Section. I felt compelled to write to you and let you know that I have received outstanding service from Mr. Osborne. He answered every question that I posed, and I felt that I was receiving personalized treatment. During our contact he was also in the process of counseling other veterans and I observed that he had a similar humanistic approach to everyone. The veterans of this area are lucky to have such a person attending to their needs.

I want to assure you that this small testimonial to good service is entirely unsolicited and Mr. Osborne probably does not even remember my name. I just wanted to voice my personal thanks for a job well done. My C# is 26693474.

Yours Respectfully

THOMAS J. FISHER.

DETROIT'S INTERNATIONAL AFRO-AMERICAN MUSEUM: A BRIDGE OVER TROUBLED WATERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CONYERS. Mr. Speaker, today, more than at any other time in their history, black Americans appreciate the importance of evaluating themselves by their own criteria. The fact that the history books are bereft of the contributions made by black people recalls to mind that one of the prerogatives of the victors is to

fashion their own histories. Dr. Charles Wright and a few of his friends, disturbed by this void, hit upon a unique way of filling it. In March 10, 1965, they established the International Afro-American Museum, a venture whose beginning was as modest as its need was great. Dr. Wright and his colleagues knew that, for the black American to be truly understood, his history must be made intelligible. He himself must understand that his daily life and thought reflect his past. The black man of today is at one end of a psychological continuum which reaches back in time to his enslaved ancestors. For him to understand where he is headed, he must know where he has come from. That is the purpose of the museum—to fill in the historical gaps. As Dr. Wright himself has since described it:

Our purpose for creating I.A.M. was and is to increase one of the rarest commodities on the American market—racial pride among black people, and to help fill the information gap about black people for all Americans . . . We want to present the facts of events and stop the repetition of misinformation. I am convinced that distortion of history got us into our present situation, but we've got to deal with history to change people's attitudes.

The museum supplies the knowledge necessary to shatter the myths of the past. The black man is often compared inappropriately to other immigrant groups who came to America. But in making that comparison, others often forget his lack of cultural identity. He came enslaved to these shores while others came seeking freedom. The net result is that he was forcibly cut off from his past, his language, his culture, and his religion. He was literally a man without a past. He has led an existence which forbade him to be an African and never permitted him to be an American. His American experience was one of both oppression and anonymity. The International Afro-American Museum represents an attempt to penetrate that past and connect it with the present—an ambitious undertaking, to say the least.

The museum's message is simple and clear: 300 years of oppression were not enough to destroy the black spirit. We not only survived, but are now witnessing a new surge of black awareness in a variety of manifestations. Black culture, which thrived despite an alien environment, is rich and vibrant. There is much in the many exhibits from which all Americans can learn and profit. Through the efforts of Charles Wright and his associates, we in Michigan have begun that exciting rediscovery of things past. By relating our African roots to our American experience, we are beginning to generate a healthy concept of ourselves. The museum is more than just a link with the past. For many, in a personal way, it is a bridge over the gap in their own black experience. And thus a noble experiment has become a distinguished achievement.

Inspiration for the museum stemmed from a visit which Dr. Wright paid to Denmark's freedom museum in 1964 which commemorates the heroic Danish fight against Nazi occupation. It was from this point that he began to speculate on the impact of a freedom museum documenting the long history of the black struggle. From this inspirational beginning has grown a truly unique Afro-American museum.

From its founding in 1965, it was determined that the museum would be an independent, grassroots, nonprofit organization, one that would maintain itself by support from the black community. It now boasts a membership in excess of 2,000 people.

On a shoe-string budget, the IAM, acquired from the London Museum some replicas of heads and wall plaques of the Benin Kingdom. Next, a generous African art enthusiast—former Governor of Michigan G. Mennen Williams—donated several pieces. Hard work and many sacrifices in time and money brought in additional black art objects, paintings, carvings, documents and information which began filling the museum and attracting hundreds of interested visitors.

By 1967, the museum was ready to hit the road. It purchased a mobile home, converted it into a trailer-museum, and drove off to the Michigan State Fair. In only 10 days, more than 16,000 people visited the mobile museum. Since then, more than 200,000 visitors have benefitted from its contents. Today the mobile museum is an integral part of the IAM.

A museum primarily concerned with black history, the International Afro-American Museum presents a microcosmic overview of the black experience from Africa to America, revealing a history laden with some of the most exciting episodes found anywhere. Africa—whose early kingdoms had glory before Greece and grandeur before Rome—built large, complex empires, and perfected the art of government, while at the same time creating some of the most enduring and beautiful music, art, and sculpture that the world has known.

Other exhibits offer the viewer a chance to become better acquainted with little-known aspects of the black American experience. Few realize, for example, the invaluable skills which Africans brought to the Americas. The museum's galleries illustrate how these uprooted peoples used their knowledge of crops and soil, climate, stockbreeding, carpentry, to help keep the early colonists alive in the wilderness. Also told are the stories of Negro inventors, scientists, writers, statesmen, and artists, who, despite efforts to prevent their education or the development of their skills, became great men and women.

One such display recreates the life and times of the legendary Paul Robeson, renowned orator, singer, and actor. The museum portrays him as a forerunner of the civil rights movement since his sharp criticism of American society helped focus public attention on the injustices which black people suffer.

More recent exhibits depict the great contributions of Mrs. Rosa Parks and Mr. Whitney Young, Jr., to the civil rights revolution. The exhibit, Whitney Young, apostle of freedom, portrays the life story of this great leader. Mrs. Rosa Parks ignited the fires of resistance across America in a single gesture of defiance. Her exhibit is appropriately titled "Trial of a Black Woman."

Among other museum exhibits, one can see displays ranging from the Afro-American in the Soviet Union, civil rights panels, and Nellie Watts' testimonial, to the underground railroad. In an effort to reach further into the community, the IAM also broadcasts a weekly radio program, gives an annual series of lectures by outstanding authorities on aspects of black history, and publishes a quarterly newsletter. Two films were made for use in schools to promote the vocational interests of young people seeking to enter the professions. These films, titled "You Can Be A Doctor," and "The Bank is Open to You," are available to the public.

This thumbnail sketch tells only half a story, for a fund drive for a larger and permanent home is already underway. The museum's directors have approved plans, constructions for which should begin in 1974, which include an auditorium, a dining facility, and an art school.

Detroit is justifiably proud of the achievements of its International Afro-American Museum. It has instilled pride, kindled aspirations, and has pulled back the curtain of the past revealing the history of a creative and resilient people. One man's inspiration became the basis for an idea which has contributed a great deal to so many. In a way, that is the story of our people, and the story which the museum tells so effectively.

SECRECY AND HYPOCRISY: THE KEYNOTE OF THE NIXON ADMINISTRATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. RARICK. Mr. Speaker, the announcement that President Nixon has authorized the Export-Import Bank to extend credit to Communist Rumania to finance the purchase of American-made goods should remind us of the action taken last July 8 in extending and expanding the Export-Import Expansion Act. At that time and at the urging of the President, the obligations of the Export-Import Bank were exempted from both the budget and the debt ceiling. Congress also removed the prohibition of financing credit deals with any country aiding or abetting countries with whom we are in armed conflict. Such transactions were left to the discretion of the President when he determines such trade expansion to be in the national interest.

Now we learn that the U.S. Secretary of Commerce is in Russia winding up a trade mission—which must mean credit arrangements with that country to buy U.S. goods. With the President and Mrs. Nixon junketeering with Herr Kissinger to China to improve relations with that Communist country, we can expect, as a practical result, Ex-Im Bank loans to start trade with the Red Chinese. It certainly seems as President Nixon thinks such trade to be in the national interest.

In the meantime, the gross public debt of the United States is reported to have reached the grand total of $416,921,843,765.86, this with the permanent debt ceiling of $400 billion and a temporary debt limit of $430 billion which Congress passed last March 3. As a result of congressional action of July 8th, this figure does not include the Export-Import Bank obligations, which extend American credit based on the U.S. Treasury for the overseas development of both emerging and Communist countries.

Apparently the rationale to offset the whopping deficit in balance of payments resulting from foreign aid is an extension of the bankrupt domestic policy of "spend yourself rich," thinking that by giving more money away to foreigners and manipulating the books properly, we can improve our balance of trade losses which exceeded $861 million for the month of October alone.

With upside-down thinking and detrimental national policies like these, how can citizens have confidence in our U.S. negotiators and their instructions at the Strategic Arms Limitation Talks—SALT—with the Russians in Vienna? If we were unable to negotiate from a position of strength, how can we ever expect to accomplish anything from a position of weakness or ineptness?

And if this is not sad enough, on November 22, the President exposed from the heretofore secret embargo the so-called Law of Treaties signed for the United States on April 24, 1970. There can be little doubt to any informed person studying the Vienna Convention on the Law of Treaties arranged in conjunction with the U.N. that the entire convention is but a de facto detour to circumvent the Constitution of the United States and further endanger the constitutionally secured rights of every American.

Hypocrisy and secrecy have keynoted the Nixon administration. We now learn that the President had entered into a global strategy to lose the war in Vietnam before he went to the White House.

I insert related news articles and material in the RECORD following my remarks:

[From the Washington Evening Star, Dec. 1, 1971]

BAN ON CREDIT TO RED BLOC ENDED

President Nixon has authorized the Export-Import Bank to extend credits for the sale of American goods to Romania. This ended a three-year ban on U.S. government-backed credits to Communist-bloc nations.

The White House announced yesterday that Nixon acted under the terms of the Export Expansion Finance Act passed last summer, which allows the extension of credits to Communist-bloc nations if the President deems it in the national interest.

The President's move, which was not unexpected, was a further sign of the administration's desire to widen East-West trade. It came while Commerce Secretary Maurice H. Stans was winding up a trade mission to the Soviet Union which he hopes may lead eventually to a tenfold rise in trade above the current $200 million yearly total.

As another sign of the improved climate in Soviet-American relations, the Agriculture Department yesterday announced that a six-man delegation of Soviet farm officials, headed by Agriculture Minister Vladimir V. Matskevich, will visit the United States from next Wednesday through Dec. 19.

Soviet officials have stressed to Stans and other American officials that the administration must liberalize credit arrangements if there is to be a substantial rise in trade.

In 1968, Congress banned the Export-Import Bank from either extending or guaranteeing bank credits to Communist nations aiding North Vietnam. But this summer, the ban was limited to those countries at war with the United States—North Vietnam.

Administration officials were reported to be preparing to ask Congress to allow Romania to receive normal tariff treatment on goods sent to the United States—so called most-favored nation treatment. At present, Poland and Yugoslavia are the only Communist nations to receive this treatment.

The administration has indicated it would endorse most-favored nation treatment to Romania. Some officials believe that it might be granted to the Soviet Union as part of a trade package to be negotiated before and during Nixon's trip to Moscow in May.

[From the Washington Evening Star, Dec. 1, 1971]

MEETINGS TO RESUME ON ARMS LIMITATION

VIENNA.—Meetings of American and Soviet experts who hammered out the previous agreements at the Strategic Arms Limitation Talks are expected to resume this week, conference sources said yesterday.

The expert level meetings have been suspended since the first meeting of the current Vienna round two weeks ago. Instead, the only contact between the Soviet and American teams has been through formal statements read out at their twice-weekly full-scale meetings.

[From the Congressional Record, Nov. 22, 1971]

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Vienna Convention on the Law of Treaties signed for the United States on April 24, 1970. The convention is the outcome of many years of careful preparatory work by the International Law Commission, followed by a two-session conference of 110 nations convened under United Nations auspices in 1968 and 1969. The conference was the sixth in a series called by the General Assembly of the United Nations for the purpose of encouraging the progressive development and codification of international law.

The growing importance of treaties in the orderly conduct of international relations has made increasingly evident the need for clear, well-defined, and readily ascertainable rules of international law applicable to treaties. I believe that the codification of treaty law formulated by representatives of the international community and embodied in the Vienna Convention meets this need.

The international community as a whole will surely benefit from the adoption of uniform rules on such subjects as the conclusion and entry into force of treaties, their interpretation and application, and other technical matters. Even more significant, however, are the orderly procedures of the convention for dealing with needed adjustments and changes in treaties, along with its strong reaffirmation of the basic principle pacta sunt servanda—the rule that treaties are binding on the parties and must be performed in good faith. The provisions on judicial settlement, arbitration, and conciliation, including the possibility that a dispute concerning a preemptory norm of international law can be referred to the International Court of Justice, should do much to enhance the stability of treaty relationships throughout the world.

I am enclosing the report of the Secretary of State, describing the provisions of the convention in detail.

The Vienna Convention can be an important tool in the development of international law. I am pleased to note that it has been endorsed by the House of Delegates of the American Bar Association and I urge the Senate to give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *November 22, 1971.*

[From the Washington Evening Star, Dec. 1, 1971]

TWO PULLOUT VERSIONS OFFERED BY LAIRD

(By Orr Kelly)

Secretary of Defense Melvin R. Laird has given two different accounts, within the past week, of the way the Nixon administration's plan for ending American involvement in the war in Vietnam evolved.

In one account, the key decisions are said to have been part of a global peace plan made in the Fall of 1968, before President Nixon's election. In the other account, the key decisions are said to have been made in the Spring of 1969, after the new administration had a chance to look things over.

In a letter to Sen. ——— ———, written Monday and made public yesterday, Laird said the previous administration had no plan to reduce the American troop level in Vietnam and then added:

"You may recall that I disagreed with the inflexible policy of ever increasing troop levels at the time. I publicly predicted in September, 1968, that thousands of American troops could be withdrawn in 1969.

PREDICTION CITED

"The prediction was made on President Nixon's aircraft to representatives of the news media between Boise, Idaho, and Bismark, N. Dak. It was made after lengthy discussions with Mr. Nixon, in the preceding days and weeks, on the details of the plan—which he referred to in New Hampshire and which later, after he became President, came to be known as Vietnamization and the Nixon Doctrine."

Nixon made a number of references during the campaign to his "plan" to end the war, but never spelled it out, leading Democrats to charge that he had no plan.

(Press accounts of Laird's statements on Sept. 24, 1968, quoted him as saying that, "by next June the U.S. is likely to have 90,000 fewer troops in Vietnam," and that statement was interpreted at the time as an accusation that the Johnson administration was planning a withdrawal announcement.)

(Laird also was quoted at that time as saying he had made his predictions without consulting Nixon. The first 25,000-man step in the withdrawal program was announced by Nixon on June 8, 1969, and did not actually begin until July.)

OTHER VERSION GIVEN

Laird's other version of the genesis of the Vietnamization program was given in a Nov. 23 speech to community and military leaders at Leavenworth, Kan. In it, Laird said the possibility of cutting troops in Vietnam had been discussed in the autumn of 1968 but no firm decision had been made until after he visited Southeast Asia in March 1969, after the new administration had taken office.

"On my return from my visit to Vietnam in 1969, I recommended to President Nixon the formulation of the policy of Vietnamization—the orderly transfer to the Vietnamese themselves of the responsibilities for their security and development, borne until that time by the United States. As part of the Vietnamization program, I recommended that we begin to reduce American troop strength in Vietnam.

"I reported to President Nixon that I had told our leaders in Vietnam in accordance with all previous discussions that a satisfactory conclusion to the war meant the eventual disengagement of American men from combat.

NO PROGRAM FOUND

"Unfortunately, I found no program in existence for achieving this goal. Therefore, I recommended that developing such a program should receive our first priority.

"I said it would be possible to accelerate equipping and training of the South Vietnamese with the understanding that such action would permit the replacement of

American forces. And I was able to recommend that the withdrawal of American forces from South Vietnam begin in 1969 with the removal of a substantial number of troops—a step we had discussed in the autumn of 1968," Laird said.

The letter to ——— was part of an exchange between the Defense secretary and the senator which began Sept. 30 when Laird objected to a statement by ——— that "never has an American President lied so blatantly for so long as has Richard Nixon on the war in Vietnam."

"PLAN FOR PEACE"

Laird told ——— the administration had evolved a "plan for peace" before the election and that it had been followed, not only in Vietnam, but in all aspects of our foreign policy.

Laird said the administration had reduced the level of American involvement in Vietnam and declared that "this administration has never raised false hopes about Vietnam nor made promises it couldn't deliver."

——— responded Oct. 2, recalling Nixon's statement during the 1968 campaign that he had " a plan to end the war."

"As intended, this was interpreted by the public as a promise to end the war rather soon," ——— wrote. "Suppose, instead, that candidate Nixon had said throughout the 1968 campaign that he had a plan to end American ground forces combat in the war after four more years and 20,000 American lives. Do you thing for a moment that he would have been elected President?"

WAITS 2 MONTHS

Laird waited nearly two months to reply, until Monday this week. Then he accused ——— not only of being confused himself but of "confusing some sincere Americans around the country by giving wide circulation to the totally unfounded and unwarranted allegation that President Nixon has blatantly lied to the American people concerning Vietnam."

"I was frankly surprised to see you refer to the President's statement in 1968 in New Hampshire that he a 'plan to end the war' as further documentation of your charge," Laird wrote.

"He did indeed have a plan and we have been proceeding according to that plan not only in Vietnam but in all aspects of our foreign policy. . . .

"Basically, there are two concepts involved which are not difficult to understand unless one deliberately chooses to misunderstand them. One involves the Nixon administration's plan to terminate American combat involvement—ground, air and sea—in the war in Vietnam. The other involves our commander-in-chief's plan to bring about lasting peace.

STRATEGY CITED

At another point, Laird said:

"To put this in as straightforward a manner as I can, the Nixon plan to end the war is bound up in the entire fabric of the President's foreign policy and the complementary national security strategy of realistic deterrents.

"The new approaches have been conceived and implemented with the purpose of moving from an era of confrontation to negotiations and in order to foster conditions for what our commander-in-chief so often has referred to as a 'full generation of peace.'"

[From the New York Times, Nov. 6, 1971]

UNITED STATES TO LET RUSSIANS BUY $136 MILLION IN FEED GRAIN—TERMS DEAL "FIRST STEP" IN EXPANSION OF TRADE—MARITIME UNIONS WAIVE DEMAND FOR USE OF AMERICAN SHIPS

(By William M. Blair)

WASHINGTON, Nov. 5.—The Nixon Administration announced arrangements today for the commercial sale of nearly $136-million worth of corn and other livestock feed grains to the Soviet Union.

Nixon Administration officials termed the planned sale by two United States grain companies "the first step in the expansion of trade with the Soviet Union," and said that the impetus had been generated for more sales in the future. But they declined to speculate on whether such sales would extend to China in the near future. President Nixon will visit China after the first of the year.

According to Administration officials, the key to the sale was a waiver of American maritime unions' long-time demand that at least 50 per cent of grain shipments to the Soviet Union be carried in American ships.

The officials attributed the maritime unions' action to the Administration's efforts to revitalize American merchant shipping, which include a 10-year program of subsidies to enable domestic shipping to compete with foreign-flag ships.

The sale was expected to have a significant political effect in the big mid-Western corn states. Farmers have complained of depressed prices caused by increasing stocks of grain, including wheat.

There has been a record corn crop this year, and the Administration recently announced a program to combat the price slump—it was also designed to offset political unrest—by paying farmers $600-million more in subsidies to take more acres out of production next year.

The pending sale to the Soviet Union is the first since President Kennedy authorized a $100-million wheat sale to Russia in 1964, a move that stirred controversy.

The new sale will be made by the Continental Grain Company and Cargill, Inc. Spokesmen for the companies declined, for competitive reasons, to disclose how much of the total sale each company would handle. The sale covers 80 million bushels of corn, 28 million bushels of barley and 21 million bushels of oats.

Officials said that the shipments could start immediately, mainly from Great Lakes ports.

The grain deal was described as an indication of an improved climate of relations with the Ruslans, who were reported to want more trade with the United States to help overcome consumer problems, including the need for higher-protein foods.

The Russians are expected to use the grains particularly for greater pork and poultry production. The $136-million worth of grain exceeds by $18-million the total of $118-million representing all commodities exported to the Soviet Union last year.

Richard V. Allen, President Nixon's Deputy Assistant for International Economic Affairs, and Andrew E. Gibson, Assistant Secretary of Commerce for Maritime Affairs, said at a news conference that the grain sale arose from a series of developments that started last June.

UNION OFFICIALS SUMMONED

In June, Mr. Nixon lifted some of the barriers for trade with the Soviet Union and China. Theee included removal of special licensing requirements for shipments and the 50 percent requirement for American shipping.

Mr. Allen related that last week Continental Grain and Cargill told the White House that they had received offers from the Soviet Union for the feed grains. Earlier this week, at Mr. Nixon's direction, union officials were summoned to the White House and, according to officials, were convinced that the Administration intended to make American shipping competitive in world trade.

This, officials said, was in the spirit of the Merchant Marine Act of 1970, proposed by Mr. Nixon. The act provides for a subsidy program for construction of 300 merchant-marine vessels and for operating subsidies to offset lower foreign operating expenses.

At the first White House meeting were Paul Hall, president of the Seafarers International Union, and Jesse M. Calhoon, president of the National Marine Engineers Beneficial Union. Yesterday, at another meeting, those present were Joseph Curran, president of the National Maritime Union; Thomas W. Gleason, president of the International Longshoremen's Association; Thomas F. O'Callahan, president of the International Organization of Master, Mates and Pilots, and William R. Steinberg, president of the American Radio Association.

QUESTION SIDESTEPPED

In the news conference, Mr. Allen, Mr. Gibson and J. Phil Campbell, Under Secretary of Agriculture, referred to Mr. Nixon's "deep personal involvement" in the grain sale but sidestepped the question whether he had talked directly to the maritime-union leaders.

The unions reversed their position on shipping because they were convinced that in the long run more contracts and jobs would be gained by permitting competitive bidding for shipments to the Soviet Union and China.

In answer to questions, Mr. Gibson said that the grain sale "will not be used to put pressure on unions in their negotiations with management" to end current dock strikes on the East Coast and Gulf of Mexico. The Great Lakes are not affected by the strikes. Mr. Gibson and other officials said that the unions had not asked for anything in return for permitting the grain to be loaded on foreign vessels.

On Capitol Hill, Senator ———, said after a briefing by Administration officials on the sale that the Russians would probably transport the grain in their own ships although this had not definitely been decided.

According to the Agriculture Department, the corn will come from the free market and the barley and oats will come from Government supplies.

[From the Washington Post, Nov. 6, 1971]

UNITED STATES SELLS RUSSIA $185 MILLION IN GRAIN

A surprise deal between the White House and the big maritime unions has paved the way for sales of feed grains to the Soviet Union that could run as high as $185 million, it was announced yesterday.

Such a sale would not only exceed the total of all exports to the Soviet Union last year—$118 million—but would also top the historic and controversial shipment of $125 million worth of wheat to the U.S.S.R. in 1964.

In winning labor acquiescence to removing the requirement that 50 per cent of such shipments be moved in American bottoms, the Nixon administration pulled off a coup on several fronts:

The projected sale to Russia would help reduce the heavy surpluses from this season's bumper crop and firm up prices. The drop in corn from $1.45 a bushel a year ago to about $1.05 today has brought angry protests from farm groups and has become a serious political liability for President Nixon.

The White House House agreement not only puts American growers on a more competitive basis with other major exporters such as Australia and Canada, but would be of significant help to the critical trade and balance of payments situation of this nation.

American grain traders believe this would be only the first of continuing grain shipments to Russia, which is hard pressed to grow enough feed for its rapidly expanding livestock industry. The sale might also help pave the way for expanded export of other products to the Soviet Union, officials believe. And it could improve the atmosphere for trade talks between Secretary of Commerce Maurice H. Stans and Soviet officials in Moscow next week.

No American grain has been sold to Russia for the past eight years because of the problem of the 50 per cent shipping requirement. American shipping charges generally greatly exceed world rates and the Russians have balked at paying the extra cost ever since the big wheat deal of 1963–64.

In June President Nixon suspended the shipping requirement at the same time he liberalized trading rules for mainland China. There were loud protests from organized labor at the time and intimations that the International Longshoremen's Association might refuse to load any grain cargoes destined for Communist nations.

Administration officials said the union leaders had asked nothing in return for finally acquiescing to removal of the shipping preference. They praised the union chiefs' "statesmanship" for putting the interests of the nation first.

But speculation persisted, nonetheless, that some quid pro quo was arranged during the White House parley: the pledge of more vigorous prosecution of Mr. Nixon's expanded merchant marine program (which would mean more jobs for union members) or governmental efforts to help gain the dockworkers a favorable settlement and end the dock strike that has tied up East and Gulf Coast ports for the past five weeks, for example.

Principal negotiators for the White House in the accord were Peter G. Peterson, Mr. Nixon's special assistant for international economic policy, and Charles W. Colson, special counsel to the President. Mr. Nixon was kept continuously informed of the progress of talks, it was understood, and some sources indicated he talked to some union leaders by telephone.

The unions were represented by Presidents Thomas W. Gleason of the longshoremen, Paul Hall of the Seafarers International Union, Joseph Curran of the National Maritime Union, Jesse Calhoun of the National Marine Engineers Beneficial Association, Thomas O'Callahan of the Masters, Mates and Pilots Union, and William Steinberg of the American Radio Officers Association.

The sales arrangements were made directly with the Russians by two large American traders, Continental Grain and Cargill, Inc. It was understood shipments would begin shortly from unstruck Great Lakes Ports and continue through next spring.

The Agriculture Department reported that the commitments would amount to a total of $135 million.

But Continental said its part would amount to $140 million alone, to be paid in U.S. dollars. Cargill declined to reveal the size of its order for competitive reasons. But there were reports in trade circles that it amounted to $45 million.

Continental said its sale would include 2 million tons (80 million bushels) of corn and a total of 900,000 tons (36 million bushels) of oats and barley. The company said it might fill some of these requirements from foreign sources but intends to ship at least 2 million of the 2.9 million tons from American stocks.

Sen. ——— said the grain probably will be carried in Russian ships although this has not been definitely decided.

Many of the Great Lakes ports will be icebound in a matter of weeks and the East-Gulf dock strike might present problems for the grain shipping schedule if it persists much longer. Presumably some of the shipments could be loaded on the West Coast where a Taft-Hartley injunction has interrupted another longshore strike, at least until the new year.

[From the Chicago Tribune, Nov. 6, 1971]

LIST RUSS REASONS FOR GRAIN PURCHASE

(By George Beardsley)

Moscow's move to buy a minimum of $136 million in feed grains from the United States was prompted by a Russian drouth, increasing standards of living in the Soviet Union, and the fear created by the corn blight that hit the United States crop last year, trade sources said.

The sale would help reduce the large amount of corn available this year which is depressing the prices farmers are paid for their crop. Agriculture Secretary Clifford Hardin and other administration officials have been under pressure to do something about this corn surplus.

The Nixon administration announced Friday that Continental Grain Co. and Cargill, Inc., had firm offers from the Soviet Union for 2 million tons of corn, and 900,000 tons of barley and oats.

SEES MORE TRADE

Harold Vogel, executive vice president of Continental Grain, said that in the long run he anticipates more regular trade dealings with the Russians, but that for the "near future" he anticipates no further grain sales to the Soviets.

He said the Russians have said this is all the feed grain they will need thru next summer.

A Cargill spokesman, however, said that no one regards the announced agreement as the total deal.

"It is open ended and could be for more," he said.

He said there appear to be two reasons for the Russians seeking feed grain on world markets.

First, there is an increase in the amount of meat included in the Russian diet, and consequently a greater need for animal feed, he said.

"This is typical of other nations that have gone thru a history of increasing affluence. Human beings like meat, better than porridge.

He also said there is considerable evidence there has been drouth thruout the area where the feed grains are normally produced in Russia, decreasing the amount of feed available as the demand was increasing.

POOR RUSSIAN CROP

Lindley Finch, vice president and agricultural consultant for Continental Illinois National Bank & Trust Company of Chicago, also said indications were that the Russians hadn't had a good crop and are expanding their use of feed grains.

While an increasing demand for animal feed and a drouth put the Russians on the market, it was the devastation of Southern corn leaf blight last year that made the U.S. corn available at a competitive price in the world markets.

There was fear the blight could recur in the Corn Belt again this year, because seed corn firms were not able to supply all the blight resistant seed farmers desired.

OK'S GRAIN PROGRAM

The short crop and constantly shrinking supplies of corn prompted Secretary of Agriculture Hardin to approve a feed grain program for this year that actively encouraged farmers to plant more acres in corn.

This encouragement, coupled with one of the most favorable growing seasons in recent years and a small amount of blight damage have contributed to this year's bumper corn crop, now estimated at 5.4 billion bushels, up sharply from last year's blight damaged crop of 4.1 billion bushels.

The surge in the supply of corn then drove prices sharply lower, making the price attractive to the Russians.

[From the Washington Evening Star, Nov. 6, 1971]

AIM OF RUSSIAN GRAIN BUYING BELIEVED BETTER MEAT SUPPLY

State Department experts said today they were intrigued by Russia's decision to purchase nearly 3 million tons of feed grains in the United States at a time the Soviets are expecting a near-record harvest.

The situation contrasts dramatically, they said, with the disastrous Soviet harvest of 1963 which obliged Moscow to buy millions of tons of grain abroad, including 4 million metric tons from the United States. The Soviet Union paid approximately $250 million for that purchase of grain from U.S. suppliers.

The Nixon administration announced yesterday that an agreement was nearly complete for several U.S. suppliers to sell nearly 3 million metric tons of corn, barley and oats to the Soviet Union for the approximate sum of $136 million.

Specialists in the State Department and Agriculture Department believe the purchase signaled a decision by the Soviet political leaders to take steps to improve the meat supply in Russia.

For decades, the Soviet consumer has had to put up with poor quality meat, often in short supply. It is thought by specialists here that under the new five-year plan, Soviet leaders will make a greater investment in their meat-producing sector.

This could mean, officials said, that in the next few years the Soviet Union will have a continuing need to buy varying amounts of feed grains abroad.

Agricultural specialists said Soviet authorities have not yet released figures for the 1971 grain harvest in the Soviet Union. Estimates by experts here, however, placed the harvest at between 145 and 150 million metric tons of usable grain. The 1970 harvest brought in about 150 metric tons of usable grain.

The Nixon administration is quietly pleased with the projected deal because of its successful attempt to elicit the cooperation of U.S. longshoremen and maritime unions in loading U.S. and foreign ships.

The 1963 sale, announced by President Kennedy Oct. 9, 1963, was seriously complicated by union pressures. The administration finally had to agree that 50 percent of the sale should be carried in U.S. ships whose haulage rates were higher than those of foreign competitors.

Administration officials credited union leaders with a "statesmanlike" attitude in the present instance and noted that President Nixon was anxious to stimulate the U.S. merchant marine with various measures.

The officials said they believed that union cooperation would prevail if further deals for grain sales should be concluded with Communist China and Eastern European nations.

Sales to such Communist countries could ease the situation of the Midwest grain-growing states, which possess a considerable surplus but have not found sufficiently large markets in recent years.

ADJUSTMENT ASSISTANCE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. GIBBONS. Mr. Speaker, on Tuesday, Mr. Stanley Metzger, professor of law at the Georgetown University Law Center, gave an interesting and informative presentation on adjustment assistance to a bipartisan group of Congressmen concerned about our present drift toward defeatism and restrictionism in our trade policies.

Mr. Metzger is a former Chairman of the Tariff Commission and an authority on the serious deficiencies of our adjustment assistance program to provide Federal help to workers and industries that may be adversely affected by import

competition. He has also served as Assistant Legal Adviser for Economic Affairs at the Department of State and recently contributed the papers "Adjustment Assistance" and "Injury and Market Disruption From Imports" to the July 1971 report of the President's Commission on International Trade and Investment Policy.

Adjustment assistance is, of course, only one of the Government programs designed to facilitate the adjustment process which American workers and firms are continually making in response to changing economic conditions or consumer tastes. As Mr. Metzger pointed out so ably, there is strong evidence that major innovations or improvements are needed in adjustment assistance and in many of these other programs to make them truly effective and to help reduce unemployment and restore our economic well-being.

Mr. Metzger spoke informally to the bipartisan group and answered questions. I regret that I do not have the text of his comments for the reference of other Members who are interested in improvements in our adjustment assistance program. However, because I think it would be of interest to my colleagues, I insert in the RECORD at this point the text of Mr. Metzger's paper on adjustment assistance from the July 1971 report of the President's Commission on International Trade and Investment Policy:

ADJUSTMENT ASSISTANCE

(By Stanley D. Metzger)

I. ORIGINS OF ADJUSTMENT ASSISTANCE

The Weaknesses of the "Escape Clause" as a Remedy for Individual Firms and Groups of Workers Adversely Affected by Imports:

It was made clear at the outset of the Trade Agreement program in 1934 that the program's purpose was to assist American industry and agriculture, not to cause it serious injury. The Hull policy of freeing trade from artificial barriers was meant to expand international trade and thus benefit firms, workers, farmers and the general public, but in so doing to take into account, meaningfully, the interests of domestic industries which might face serious import competition as a result of the lowered trade barriers envisaged as a consequence of the program's operations.

The 1934 Act thus required that the President consult with those Government Departments which habitually speak for particular domestic industries that might be affected adversely by tariff and other trade concessions (Agriculture, Interior, Commerce, Labor, and (then) War and Navy) before any reductions in United States tariffs were negotiated. There was immediately established the inter-agency Trade Agreements Committee (composed of those agencies and chaired by the State Department) one of whose principal tasks was to undertake a precautionary review before a trade agreement was entered into, for the purpose of avoiding making concessions which in the official judgment of those most knowledgeable would likely result in serious injury to the domestic industry producing a like or directly competitive article. This review included an opportunity for industries affected by forthcoming negotiations (notice of which, including a description of the article likely to be the subject of U.S. concessions, had been made) to appear and present orally and in writing their views both as to what the United States should and what it should not be prepared to offer by way of tariff concessions. This precautionary review was later codified legislatively, and made more restrictive, in Section 3 of the Trade Agreements Extension Act of 1951 (the "peril points" provision). Still later, the 1962 Act eliminated "peril points" as such, but the review continued to operate in the same manner as it had since 1934.

Industries concerned about injury from imports were nontheless dissatisfied with it. They feared that despite advance precautions, trade agreement concessions once negotiated might be followed by an increase in imports caused by the concession, and the domestic industry caused, or threatened with, serious injury because of such increased imports. Accordingly, following the urgings of their Congressional spokesmen, an "escape clause" was inserted at United States request in the bilateral agreement with Mexico in 1942, specifically permitting the withdrawal of a concession under those circumstances.

Following the enactment of the 1945 Trade Agreements Extension Act and while preparations were being made for the negotiation of the General Agreement on Tariffs and Trade, including the first major multilateral tariff reduction negotiation, it became necessary for the Administration, in the words of former Secretary Acheson (*Present at the Creation* (1969), 200–201) to accept "some restrictions on executive power to reduce tariffs" in order to "save what we could of the trade-agreements program" from the ministrations of Senators Milliken and Vandenburg. President Truman issued an Executive Order (No. 9832) requiring that an "escape clause" be inserted in all future trade agreements.

Article XIX of the GATT contains the escape clause principle, which reads as follows:

"If, as a result of unforeseen developments and of the effect of the obligations incurred by a contracting party under this agreement, including tariff concessions, any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury to suspend the obligation in whole or in part or to withdraw or modify the concession."

The 1947 Executive order established a procedure pursuant to which the President would decide in any case whether to invoke the "escape clause" of a trade agreement (either the GATT or one of the remaining bilaterals which had been amended to include escape clauses). This American domestic procedure was later codified in Section 7 of the 1951 Act, which remained in effect, with relatively minor legislative modifications, until a major revision was made in the 1962 Act.

Under Section 7 of the 1951 Act, a domestic industry could apply to the Tariff Commission—

"To determine whether any product is, as a result in whole or in part of the duty or other customs treatment, reflecting such concession, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

"Your committee is persuaded that provisions for adjustment assistance should not be continued as a discretionary alternative action for the President in place of tariff adjustment action where the Tariff Commission has made an affirmative injury and remedy determination after an industry investigation."

The Tariff Commission, within six months, had to report to the President its findings and its recommendations. If it found that such injury had been caused or threatened, it was to recommend the tariff or quota relief necessary to remedy the injury—tariff relief being limited to a rate 50% above the rate existing on July 1, 1934. The President could accept or reject the findings and recommendation of the Commission in whole or in part; if he failed to agree with the Commission, he had to report to the Congress the reason why. The Congress, by a concurrent resolution adopted by a two-thirds majority of both houses which was procedurally "privileged," might overturn his negative action, thereby causing the Commission's recommendation to be put into effect. This latter never occurred. The President could of course, utilize whatever legislative authority there might be to assist the affected industry and its workers, and not accept the Tariff Commission's report and recommendations. In fact, he had done so in some cases. But the thrust of the escape clause procedure under the 1951 Act, until 1962, was tariff and quota relief, with no special injury-relief tools of other kinds available to the President.

The 1962 Act wrought extensive changes in the escape clause which were designed to make the tariff and quota relief available to domestic industries more difficult to obtain.[1] The basic reason for this step were the adverse economic consequences which had been seen during the 1950's to have ensued whenever escape clause actions were contemplated or taken. As the House Ways and Means Committee noted in its 1962 Report on the legislation[1] (No. 1818, 87th Cong., 2d Sess. 13), "The granting of tariff adjustments in particular cases necessarily had an impact on our total foreign economic policy." Such action "necessitates the granting of tariff compensation to our trading partners on other products in order to counterbalance whatever United States tariffs are raised," or evolves the retaliation of others through withdrawal of concessions which had been accorded to the United States, thus affecting adversely the American export trade.

Nor were the economic consequences the only adverse results of easy escape clause relief. Four years earlier, in 1958, the House Ways and Means Committee had emphasized that, "Escapes from international obligations authorized by the Congress in return for reciprocal obligations should not be lightly permitted." Contrary to those protectionists who wanted to deprive the President of discretion to refuse to accept a Tariff Commission inquiry finding, the Committee concluded that "the President must continue to have discretion in escape clause cases because their effect on foreign relations and other aspects of the national interest may outweigh the benefit to a particular industry." The Committee had been quite aware that any escape clause action looms much larger, politically and economically, to trading partners of the United States than it appears to us. It knew that when President Eisenhower had refused to take action in the Icelandic fish fillets case, the political repercussions contemplated were action to have been taken (with adverse consequences upon American retention of air bases) played a major role in his decision. It was also aware of the political tremors which occurred when escape action was taken on Swiss watches. Our friends and allies in Europe indeed were alarmed at the way in which a large country could act in seeming disregard of the economic consequences to a smaller country. During the 1947–62 period, the Tariff Commission had found injury in 33 cases, and split evenly in 8 more. The President had refused to invoke the escape clause in 26 of the 41 cases referred to him.

It is thus clear that a major weakness

[1] The manner in which this was accomplished, principally through tightening of the causation criteria between the concession increased imports and serious injury, is described in Metzger, *Trade Agreements and the Kennedy Round* (1964) at 44–55.

of the escape clause as a relief mechanism for individual firms and workers in an industry (an industry that could make a good case under it which could show that it was imports that were really causing injury, and not the myriad other reasons for industrial decline) was the inhibition upon its use which was a necessary consequence of the position of the United States as the largest industrial nation in the world and as the leading nation of a worldwide coalition designed to maintain the political freedom and factor the economic development of its members.

A second major weakness of the escape clause for individual firms and groups of workers was the fact that before industry-wide relief (raising of tariffs, imposition of quotas) could be secured, serious industry-wide injury, caused by concession-fed increased imports, had to be shown. Many firms, and groups of workers within them, might be seriously adversely affected by such imports yet receive no relief because the industry of which they were members as a whole was performing satisfactorily despite such increased imports. Average prices, wages, profits, sales volume, new investment—the normal indications of industrial health or sickness—might indicate no major discomfort, even though things might of course have been even better without imports. In those circumstances, neither the industry as a whole nor any component of it was eligible for the industry-wide relief provided by the escape clause; the "marginal" firms and workers in the industry were left unprovided for.

Finally, escape clause remedies were not tailored to the needs of import impacted individual firms or groups of workers. These remedies, temporarily tariff increases or quota restraints, might well fail to meet the problems of such firms and workers even if their industry as a whole secured escape clause relief.

The firm which was marginal might be expected to find difficulty securing new capital in order to achieve adjustment to new lines in the same or a related industry in view of both the temporary nature of the escape clause relief[2] and the doubts about its survival as a marginal firm even with such relief; it is likely that such relief even when given, will for the reasons already adverted to, be somewhat less than the maximum desired by an industry to shelter its most marginal members. The firm may also not know in which direction to shift its resources and not be in a position to find out at reasonable expense during the temporary period of partial relief afforded by the escape clause remedies.

Workers in such firms needed (1) training for new skills to be performed in a firm which was shifting to new lines, or to make themselves marketable independent of such a firm if it could not make the adjustment, (2) time (and unemployment compensation during that time if the firm shut down temporarily or altogether), and (3) relocation expenses to place themselves with new enterprises, if necessary. None of these benefits, or tools of adjustment, were available under the traditional escape clause remedies. The escape clause remedies were both inadequate for many individual firms and groups of workers and too upsetting of foreign relations if used more than sparingly. It was clear that something new was needed to remedy these weaknesses of the escape clause if the United States was to continue a liberal trade program designed to expand, rather than contract, international trade and at the same time avoid injury to important domestic economic interests.

[2] Under the 1962 Act there must be termination of relief in four years unless a fresh Presidential determination to continue is made.

The Effort to Secure Labor and Small Business Commitments to Expanded International Trade in the Trade Expansion Act of 1962:

The weaknesses of the escape clause were perceived early in the 1950's. The Randall Commission on Foreign Economic Policy noted in its 1954 report the proposal of David McDonald, then President of the United Steelworkers of America, for adjustment assistance for workers in the form of extended unemployment compensation and retraining and relocation benefits, and bills were introduced that year in both House and Senate (then Senator John Kennedy introduced the first Senate bill) incorporating these conceptions. Indeed, for the next eight years, adjustment assistance bills for workers were regularly dropped in the Congressional hopper but no hearings were held on them, nor any serious consideration given them in the 1955 or 1958 trade agreement extension act deliberations in the Congress. The Administration did not adopt the idea until 1962.

There were a number of interacting reasons for the adoption of the adjustment assistance conception in 1962. The Administration was determined to secure major new tariff reduction authority from the Congress in order to make a substantial tariff bargain with the European Economic Community, lowering the Common External Tariff of the EEC so as to preserve the large American export market in Europe. It sought 50% reduction authority—far more than had been sought in the period between 1945 and 1962.

At the same time, the Administration had been made aware of the uneasiness of the Europeans about the instability of tariff concessions once negotiated arising from the operations of the escape clause, and of their consequent reluctance to engage in substantial new negotiations without greater assurances that there would be tighter controls over these trade restrictive measures (quotas and tariffs)—which were the only remedies then available were the escape clause invoked. As earlier noted, while the President had turned down Tariff Commission findings and recommendations in 26 out of 41 cases, he had nonetheless over the years found favorably in the 15 cases. Moreover, the fact that the Commission had interpreted the 1951 Act so that an increase in imports any time after a Tariff concession was conclusively presumed to result "in whole or in part" from the concession, signified to the Europeans that the connection between the operation of the escape clause and its original object—to authorize an "escape" from an injury-causing trade agreement commitment—had become formal rather than real.

In consequence, it was apparent that the Administration had to seek a tightening of the escape clause in the 1962 legislation which would cut back its potential use and create more safeguards that, if used, it would be truly temporary in duration.

It was also quite clear to the Administration that neither of these objectives—substantial new tariff-reduction authority and tightening of the escape clause—could be obtained without some relief measures being made available which overcame the weaknesses of the escape clause remedies which have been described.

Adjustment Assistance to firms and workers was the apparent answer, and the Administration put it forward. By utilizing a variety of domestic economic means to ease the lot of firms and workers who might be impacted by imports, adjustment assistance avoided the foreign relations pitfalls of the escape clause's tariff and quota relief measures. By dealing directly with the adjustment problems of firms and workers regardless whether the industry of which they were a part was suffering serious injury attributable to concession-fed imports, adjustment assistance avoided the no-man's land in which individual firms and workers sometimes found themselves. Adjustment assistance to small firms and groups of workers in consequence promised to offer to them relief which appeared to be substantive, a net gain over what had been available to them theoretically under the escape clause. That their support for the 1962 legislation, or at least a diminution of their opposition to it, was secured through adoption of the adjustment assistance concept, cannot be considered to be an insignificant factor in the Administration's 1962 action.

Having once adopted the idea, however, there were divided counsels as to the degree in which it should be embraced. These were caused in part by the lack of experience here or elsewhere concerning its possible cost. While studies had indicated that the employment impact of increased trade was very moderate indeed,[3] they had been based on models from the early 1950's. So too, the observed extremely light effects of the entire trade agreements program, in terms of loss of jobs, had been based upon earlier and smaller incremental amounts of trade than might be envisaged from a large tariff bargain among the fully recovered and developed economies of Western Europe and the United States. Accordingly, as might be expected, the Treasury Department leaned in the direction of tight criteria for adjustment assistance, principally for budgetary reasons, while the Labor Department desired to see such assistance made available with a minimum of difficulty.

In addition, there was some concern about treating worker displacement because of imports on a plane different from that of displacement for other impersonal reasons, such as shifts in production from the Northeastern to the Southeastern part of the United States. While special treatment (retirement benefits, unemployment compensation, etc.), had been provided in the past to certain groups of workers, such as railway employees, this had been closely related to the special nature of the industries involved, not to the general economic factors which might possibly be isolated as the cause of the industry's discomfort. Similar concerns relating to firms, together with the lack of preparatory thinking and studies affecting them, other than the aids available generally through the Small Business Administration, were reflected in the adjustment assistance benefits accorded by the legislation to firms.

These tensions concerning the nature of adjustment assistance affected the answer to two basic questions: 1) To what extent should adjustment assistance be conditioned upon a showing of close connections a) between injury and the trade agreements program, or even b) between injury and imports generally, apart from trade agreements concessions, and 2) To what extent should adjustment assistance benefits be superior to those available under general legislation applicable to firms and workers impacted by impersonal economic forces. An Administration which was not very clear on the proper answers to these questions, and a Congress which was understandably cautious about a first effort at a new program concerning whose wisdom they sensed Administration doubts and added those of its own, combined to provide, in the Trade Expansion Act of 1962, concrete answers to these questions. To these must be added the supplemental answers provided by the administration of the adjustment assistance provisions of the Act.

It is to an analysis of these provisions, and this administrative experience, that we now turn. That analysis in turn, should indicate the weaknesses in the adjustment assistance program and point the way to appropriate reforms.

[3] See, for example, Import Liberalization and Employment, by Salant and Vaccara (1960).

II. EXISTING PROVISIONS FOR ADJUSTMENT ASSISTANCE FOR FIRMS AND WORKERS

Procedural requirements—Eligibility of workers and firms

Adjustment assistance procedures, for firms and workers, begin with a petition for a "determination of eligibility to apply for adjustment assistance" filed with the Tariff Commission by a firm, or by a group of workers or their certified or recognized union or other duly authorized representative. Such a petition may be filed independently, or together with a petition for "tariff adjustment" (escape clause relief).

If the Tariff Commission finds that the industry has been injured, under the Act's criteria for escape relief, the President may act by either providing tariff relief, or providing, respecting such industry, that firms may request the Secretary of Commerce for certification of eligibility to apply for adjustment assistance, or that workers may request such certifications of the Secretary of Labor, or take any combination of such actions.

If the President takes such action, then the Secretaries of Commerce and Labor, respectively, must certify as eligible to apply for adjustment assistance any firm or group of workers in such an industry upon a showing to his satisfaction that the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements have caused serious injury or threat thereof to such firm or group of workers.

If the Tariff Commission fails to find that the industry has been injured, where petitions for both tariff adjustment and adjustment assistance have been filed, or if only a petition for adjustment assistance has been filed, the President may still certify such firm or group of workers to be eligible to apply for adjustment assistance if the Commission has found that "as a result in major part of concessions granted under trade agreements, an article like or directly competitive with an article produced by the firm (or such worker's firm) "is being imported into the United States in such increased quantities as to cause or threaten to cause, serious injury" to such firms, or unemployment or underemployment of a significant number or proportion of the workers of such firm subdivision. While the Tariff Commission has six months to make its determination and report on "tariff adjustment," as it has had under prior law to make escape clause reports, the Commission must report its determination of eligibility to apply for adjustment assistance "not later than 60 days after the date on which the petition is filed."

This interrelated and complex procedure was caused in large part by two somewhat inconsistent legislative determinations: (1) a requirement that there be a showing of a real causal connection between concession-engendered imports and injury to firms or workers where their industries were not injured as a whole, or where the industry as a whole was injured but not each firm within it; and (2) a determination that adjustment assistance to firms and workers be made available within a relatively short period of time, for otherwise in Lord Keynes' famous phrase, "in the long run, we'll all be dead." Congress had decided that adjustment assistance was more appropriate than tariff relief, because it could be "specifically adapted to the individual requirements of those in an industry affected by imports" and because it avoided the adverse "impact on our total foreign economic policy" (H. Rept. No. 1818 p. 13). But it had reflected Administration uncertainties about the incidence of the new program by opting for its most conservative application in answering the first of the above noted basic questions (p. 13) In the sense of 1(a)—it tied adjustment assistance to a strong causal connection between a firm's or worker's injury and concession-engendered imports. And it underlined this extreme caution by tieing the forms of relief to the tightened escape clause causation criteria, which had been designed to make more difficult the extension of tariff relief.

This deliberate Congressional limitation upon eligibility to receive the new kinds of adjustment assistance to be made available was expressed in several ways. First, the same causation language in the section of the bill reported by the House Ways and Means Committee and passed by the House relating to "tariff relief" was applied equally in those sections relating to adjustment assistance to firms and workers; the Senate Committee, in changing this statutory language (adding "in major part," and "the major factor"), also did so identically for both tariff relief and for adjustment assistance to firms and workers. Secondly, the House Ways and Means Committee specifically stated, in its Report on the Bill, that it believed that it was "important that adjustment assistance in all instances be given only where it has been concluded that the conditions requiring assistance were caused by increased imports resulting from tariff concession made under trade agreements." (H. Rept. No. 1818, p. 23).

The parallelism thus disclosed led the Tariff Commission to conclude not long after the enactment of the 1962 Act, in the Cotton Sheeting Workers case, (T.C. Publ. 100, July 1963), that the "statute allows no room for any different interpretation or application" of the causation criteria for adjustment assistance as compared with tariff relief.

This meant that before adjustment assistance could be provided, the firm or workers had to show that (1) trade agreement concessions were the major cause (the cause more important than any other single cause) of increased imports, and (2) that such increased imports were the major cause of injury, i.e., unemployment or underemployment, or lowered prices, profits, etc., to the firm or workers involved. In concrete terms, this meant that from 1962 until November 1969, the Commission had decided 26 cases of adjustment assistance, six filed by workers, seven by firms and 13 by industries, and had made no affirmative findings of eligibility.

While beginning in 1968, some Tariff Commissioners questioned the necessity for identity of treatment as between adjustment assistance and tariff relief cases so far as connection with the trade agreements program is concerned, and during the last half of 1969 and early 1970 some closely-divided, and curiously reasoned cases departed from the Cotton Sheeting Workers doctrine, recent cases have indicated a clear split in the present 4-member Commission and hence great uncertainty as to its future guidelines.

Indeed, the very choice of the Tariff Commission to determine eligibility in adjustment assistance cases along with its task of making findings and recommendations in escape clause cases meant that it was in substantial degree inevitable that that Commission would act in substantially parallel fashion in both types of cases. With statutory causation language the same in both types of cases, any Commission would become concerned at charges of discrimination were they to be applied differently, and those Commissioners who were especially concerned that the tighter escape clause criteria of the 1962 act not be weakened would be more apt to apply the adjustment assistance criteria literally than to take a chance that an easy interpretation might also carry over to the escape clause whose criteria were identically worded.

At all events, it seems clear from the 1962 Act and its application that fresh Congressional action redefining eligibility criteria and changing the decision-making process in adjustment assistance cases is needed if a consistent application of easier eligibility criteria for adjustment assistance is to be achieved.

Substantive benefits for workers

Workers deemed eligible to apply for adjustment assistance may receive several forms of assistance: (1) readjustment allowances—a weekly cash allowance intended to supplement regular unemployment compensation and to be generally available for 52 weeks of unemployment; (2) training for vocational readjustment—failure without good cause to take training to which the worker is referred will terminate his readjustment allowances; and (3) relocation allowances, for workers unable to obtain suitable local employment, to cover the cost of moving the family to an area where a job is available.

Trade Readjustment Allowances.—The cash allowances under the Act are paid only for weeks of unemployment beginning not earlier than 31 days after enactment of the Act and after the date determined as the beginning of the import-caused unemployment problem. The separation itself must occur after the beginning date but within two years of a certification that workers of the firm or subdivision are eligible for worker assistance. This two-year period can be shortened by a Presidential determination.

A week of unemployment is a week in which the worker earns less than 75 percent of his average weekly wage and either works in the adversely affected employment for less than 80 percent of the average hours, or, if he has been totally separated from the adversely affected employment and is working at some other job, is not working on a full-time basis.

To be eligible for trade readjustment allowances, the worker must have been separated due to lack of work in an adversely affected employment; that is, in a firm or subdivision with respect to which there has been a certification of worker eligibility. This test of separation due to lack of work is stricter than under State law. A worker who leaves his job voluntarily may be eligible for State unemployment insurance if he had good cause but he would not be eligible for trade readjustment allowances if he left voluntarily no matter how good the cause.

To be entitled for trade adjustment allowances, a worker must have had substantial employment over the three years immediately preceding his separation from adversely affected employment. He must have earned wages of $15 or more in at least one-half the weeks of these three years and, in the 52 weeks preceding his separation, he must have had 26 weeks of employment, at wages of at least $15, in a firm or firms the workers of which have been found adversely affected by imports.

These employment requirements relating to entitlement to allowances are substantially stricter than those under the Manpower Development and Training Act of 1962 or under State unemployment insurance law. The Manpower Act requires only three years of gainful employment at any time in the worker's past. Of the 14 States where the unemployment insurance qualifying requirements are, or can be, expressed in terms of weeks or employment, none currently have a requirement of more than 20 weeks in a 52 week base period; 7 require less than 20 weeks and 7 require 20 weeks. (CCH Unemployment Insurance Rept. Para 4805).

Weekly Amount of Trade Readjustment Allowances.—The trade readjustment allowance for a week is 65 percent of the individual's average weekly wage but it cannot exceed 65 percent of the average weekly manufacturing wage. The individual's average weekly wage is determined on the basis of the so-called high quarter formula typical of most State unemployment compensation laws.

The maximum amount that can be paid to any worker for a week is 65 percent of the annual average weekly wage paid to production workers in manufacturing for the latest calendar year for which the figure has been published by the Bureau of Labor Statistics of the Department of Labor.

The worker's weekly allowance will be reduced by one-half of any remuneration that he receives for services performed during the week of unemployment. This formula gives him an incentive to find work.

The amount of the trade readjustment allowance is further limited by the requirement that the total amount that a worker receives as trade readjustment allowance, remuneration for services performed during the week, and unemployment insurance and training allowance under the Manpower Act or Area Redevelopment Act, cannot exceed 75 percent of his average weekly wage.

An adversely affected worker may receive his weekly trade readjustment allowance for those weeks during which he is attending training. The trade readjustment allowance would be in lieu of any training allowance he might receive under any other Federal law for worker training. If, under another Federal law for the training of workers, an adversely affected worker who is taking training could receive a higher weekly payment, his trade readjustment allowance for a week of training will be increased to such higher amount.

The Act provides that trade readjustment allowances will not duplicate benefits already available to the worker, but will merely supplement them, as necessary, to provide the designated level of weekly payments for a potential duration of 52 weeks in most cases. Moreover, a worker's trade readjustment allowance for a week is reduced by any unemployment insurance to which he is entitled for such week, whether or not he has filed a claim for the unemployment insurance. If, for any week in which the worker is not taking training, he is found ineligible for State unemployment insurance solely on account of his claim for a trade readjustment allowance, his trade readjustment allowance will be reduced as if he had received State benefits. With respect to a worker who is taking training, however, unemployment insurance for a week would be deducted from his trade readjustment allowance for that week only if the worker received the unemployment insurance.

The Act prevents a worker from obtaining duplicate benefits by first exhausting his entitlement to benefits under unemployment insurance or a Federal training law and then applying for trade readjustment allowances. The potential duration of trade readjustment allowances is reduced by the number of weeks for which the worker received such other benefits when he later files for a trade readjustment allowance. He is paid at that time the amount by which his trade readjustment allowance would have exceeded these other benefits for the prior weeks.

Time Limit on Trade Readjustment Allowances.—Under the Act, a worker may receive trade readjustment allowances for not more than 52 weeks, with two exceptions. A worker who is taking training may receive up to 26 additional weeks of allowances to assist him in completing his training. In view of the difficulty that older workers would have in finding jobs, a worker who was at least 60 years old when he was separated is entitled to 13 additional weeks if he remains unemployed, is available for work, and otherwise meets the requirements of the Act. No worker can receive both the additional 26 weeks and the additional 13 weeks.

The extra 26 weeks' duration for workers taking training will not encourage workers to put off training since a worker's referral to training is not within his control. If a worker refuses, without good cause, to accept training to which he may be referred early in the 52 week period, his allowance would be suspended.

The normal 52 week duration may be paid to a worker only for weeks of unemployment beginning within two years after the beginning of the appropriate week. The additional 26 or 13 weeks may be paid within three years. For a worker totally separated, the appropriate week is the week of his most recent total separation. For a worker partially separated, the appropriate week is the first week for which he received a trade readjustment allowance following his most recent partial separation.

Training.—The Act provides that every effort shall be made to turn adversely affected workers to full employment through whatever testing, counseling, training, and placement services are available under any Federal law. If the training provided is not within commuting distance of the worker's residence, his transportation may be paid, at not more than ten cents a mile, and while at the training facility, he may be paid subsistence expenses not to exceed five dollars a day. These limitations are the same as those provided in the Manpower Development and Training Act. An individual who goes away for training and for any reason does not complete the course will receive transportation home. In determining "commuting distance" account will be taken of the established labor market area, patterns of place of work and place of residence, and usual community practice.

Insofar as practicable, preference is to be given to training arrangements which coordinate the training program for workers with the readjustment program of the employers. Such arrangements would afford the worker an opportunity to preserve his seniority and other rights and would afford the employer an opportunity to rehire or retain his work force. The training offered to any worker should take his desires into account.

Training is of such importance under the Act that trade readjustment allowances are denied to a worker who, without good cause, refuses to accept suitable training to which he is referred, or fails to continue the course or to make satisfactory progress in it. The denial of allowances will continue until he accepts or resumes approved training.

Relocation allowances.—A relocation allowance is provided by the Act for a totally separated worker who is the head of a family to make it possible for him to take a job in another location if he has no reasonable prospects for suitable reemployment locally. A worker is a "head of a family" if he has dependents who would make the move with him.

A relocation allowance may be paid to a worker only if, for the week in which he applies for a relocation allowance, he is entitled to a trade readjustment allowance (or he would have been so entitled, except for certain circumstances, such as the fact that he has the new job, etc.).

A relocation allowance consists of both the reasonable and necessary expenses incurred in transporting the worker, his family and their household effects from their present location to that of the new job, and a lump-sum payment equivalent to two and one-half times the national average manufacturing wage.

The Act provides (as does the Manpower Training Act) that determinations as to the entitlement of individuals to assistance are final and conclusive, and subject to review, except as the Secretary of Labor may by regulation provide.

Substantive benefits for firms

As earlier indicated while the motive power for adjustment assistance was furnished by organized labor, some sentiment had also developed for special adjustment provisions for firms. Accordingly, the Administration put together and the Congress enacted a package which it hoped would prove to be an inducement to small business as well as labor to accept and perhaps support the continuation of a liberal trade policy.

The procedure which was established for securing adjustment assistance for firms was quite complex—even after there had been an eligibility determination, which had its own procedural difficulties. Following certification of eligibility to apply for the assistance, a firm may file its application with the Secretary of Commerce, indicating its need for assistance. It must then prepare and submit its adjustment proposal. Only after such a proposal is approved may the firm receive financial, technical, or tax assistance.

Adjustment proposals

The adjustment proposal must describe in some detail the nature and cost of the proposed adjustment effort, and the resources to be devoted to it from Federal and other sources. The firm may be furnished technical assistance in order to prepare an adequate adjustment proposal.

Adjustment proposals from firms applying for adjustment assistance are required to be certified by the Secretary of Commerce as: (1) giving reasonable assurance of contributing to successful adjustment (2) giving adequate consideration to the interest of workers involved; and (3) assuring a maximum self-help effort by the firm. No financial or tax assistance and no further technical assistance may be given until the adjustment proposal has been certified.

It is recognized that there may be some firms for which adjustment assistance is inappropriate and which could not adjust to their difficulties in this way. Even though such firms may have been certified as eligible to apply for adjustment assistance, the Secretary of Commerce may not authorize assistance unless he is satisfied that it will be of practical benefit to the applicant. Adjustment assistance, in short, is not to be treated as indemnification of past loss, but as constructive aid for the rehabilitation of a commercial enterprise. Adjustment plans that permit the rehiring of workers laid off due to increased imports resulting from trade agreement concessions are to be preferred.

The Secretary of Commerce is required to submit each firm's certified adjustment proposal to whatever Federal agency or agencies he determines to be appropriate to furnish the financial and technical assistance necessary to carry out such proposal. Such agencies may include the Small Business Administration, the Departments of Agriculture and Interior and the Area Redevelopment Administration. Each such agency determines whether any part of the assistance called for by the proposal comes within the legal authority, regulations, and policies of the agency, and whether it is prepared to furnish such assistance out of its own appropriations. If the agency, for any reason, is not prepared to furnish any or all of the necessary assistance, it must promptly notify the Secretary of Commerce, who may then furnish such assistance as remains necessary to carry out the adjustment proposal.

Financial Assistance—Financial Assistance may be furnished for plant and equipment, including modernization and conversion and, in exceptional circumstance, for working capital.

Loans made or deferred participations taken up are to bear interest at a rate no lower than 4 percent. As late as May 1970, which was before any adjustment assistance to firms had been rendered, the Secretary of Commerce informed the House Ways and Means Committee that the actual rate would be between 7 and 8 percent, the cost of money borrowed by the Treasury. Loans made, guaranteed, or covered by deferred participation agreements may have maturities of no more than 25 years (with a possibility of a ten-year extension for orderly liquidation). Private loans may be guaranteed or covered by participation agreements only

if they are made at a reasonable rate of interest. An interest ceiling is provided on the portion of any such loan guaranteed or covered. Guarantees and deferred participation agreements are to be limited to 90 percent of whatever portion of a loan is made for adjustment purposes.

No financial assistance is to be provided unless the Secretary of Commerce determines that there is reasonable assurance of repayment (although it is not necessary that collateral be required). Financial assistance is not to be furnished if it is otherwise available to the firm on reasonable terms from non-Federal sources.

Technical Assistance.—Technical assistance may include such aids as managerial advice, market analyses, research in and development of new or existing techniques and products, and any other technical service that would help promote adjustment to import competition. Subject to the requirement to make use of existing Government agencies to the maximum extent practicable or appropriate in extending technical assistance, the Act authorizes provision of technical assistance through non-Federal sources, on a contract basis or otherwise; it was believed that certain types of technical assistance, such as management studies, might better be handled outside of the Government. A firm may be required to share the cost of technical assistance as appropriate.

Tax Assistance.—The Act authorizes the Secretary of Commerce to certify eligibility for tax assistance when he determines that such assistance will materially help the firm to adjust and that the firm has sustained a loss which arose predominantly from a business seriously injured, in the loss year, due to increased imports resulting from a trade agreement concession. The existence and amount of such loss are to be determined under the Internal Revenue Code. This will permit a firm to carry back the loss for tax purposes two years beyond the three years normally allowed. A firm without sufficient profits for the three taxable years preceding the loss year to take full advantage of the present carryback provisions, may receive a refund out of taxes for the two additional preceding years. Under prior law, it would only be able to get a tax advantage of the loss against possible future income.

III. DEFICIENCIES IN EXISTING LAW, PROCEDURAL AND SUBSTANTIVE, FOR FIRMS AND WORKERS (INCLUDING DEFICIENCIES IN PENDING LEGISLATIVE PROPOSALS) AND SUGGESTED REMEDIES

Procedural deficiencies and proper remedies therefor

The long record of noneligibility of firms and workers for adjustment assistance between 1962 and 1969 convinced most people years ago that some relaxation was needed. Indeed, the almost uniform opinion to this effect—a rolling consensus such as is not often witnessed—is indicative that much more could have been essayed successfully in the direction of readily available adjustment assistance in the 1962 Act had there been a bit more boldness.

The major deficiency in the 1962 Act's eligibility criteria was in its insistence that adjustment assistance be tied tightly to the trade agreements program—its insistence that escape clause criteria, tightened to avoid excessive use of trade restraints, be applied to adjustment assistance, whose domestic relief measures eventuate in no such baneful results. By requiring that a trade agreement concession be the major cause of increased imports, and that such increased imports be the major cause of injury to firms or workers, the Act delivered a double-barreled blow to the hopes of labor and small business that adjustment assistance could be secured without making the camel go through the eye of a needle.

There was no foreign relations reasons for these limitations—they were based upon caution born of concern about costs of a new and experimental program. Unlike the escape clause, with its tariff and quota relief incident to an "escape" from—a derogation of—an international obligation, such as an agreement reducing tariffs reciprocally, there is no foreign relations need to limit adjustment assistance to injury caused by concession-engendered increased imports. The relief afforded by Adjustment Assistance—domestic in nature—has no relationship to whether the increased imports occurred in consequence of a trade agreement, or of economic conditions independent thereof. The only reason for such a connection, then, must rest upon considerations of cost, or perhaps some unspoken reluctance to embrace fully the conception of adjustment assistance itself.

So far as the relationship between increased imports and injury is concerned, there is a much better general case for requiring some connection. After all, if none were required, there would be no logical basis for differentiation between workers displaced by imports and those displaced by a movement from Northeastern to Southeastern United States. Moreover, requiring a connection need not defeat the program, since there is no necessity for making it so tight that adjustment assistance will be available only if increased imports are the major cause of injury, as under present law. Other, less self-defeating formulae can be found; indeed some have been identified in the years since the 1962 Act.

In the Automotive Products Trade Act of 1965 (P.L. 89–283), the Congress established eligibility requirements for adjustment assistance for firms and workers adversely affected by operations under the Agreement Concerning Automotive Products between the Government of the United States and the Government of Canada signed on January 16, 1965, which were considerably less rigorous than those set forth in the Trade Expansion Act of 1962. That Agreement required major American automobile manufacturers to increase markedly the production of vehicles by their Canadian subsidiaries, and it was believed by many that this would necessarily result in a substantial shift in production from the United States to Canada—which has in fact occurred. Adjustment assistance to workers, strongly urged by the United Automobile Workers of America, was permitted under much more relaxed standards. Thus, "if there is a decline in U.S. output of the product concerned and an adverse change (either by increased imports or decreased exports) in the flow of trade with Canada, a direct relationship between the dislocation and the operation of the agreement is presumed to exist, subject to being overcome only by a Presidential finding that the operation of the agreement has not been the primary factor in causing, or threatening to cause, the dislocation."[4]

Fourteen out of twenty-one petitions filed by groups of workers have been granted by a special Automotive Adjustment Board, covering 2,500 workers, following a Tariff Commission report of the facts concerning the firm or workers involved, with no "findings" or recommendations. No petitions by firms have been made. About four-fifths of the eligible workers received weekly payments totalling just under $4 million.

This record of assistance under the Automotive Agreement made organized labor ever more insistent that there be a general legislative change of the 1962 Act which would result in assistance being granted, not denied.

In early 1969, Special Representative for Trade Negotiations Roth issued a report, following advice from a broadly-based panel of businessmen, representatives of labor and farm organizations, which recommended changes in the adjustment assistance provisions of the 1962 Act. Pointing out that adjustment assistance for both firms and workers had "proved to be equally unworkable," the Report proposed that the first branch of causation required to be met—that tariff concessions must be the major cause of increased imports—be eliminated completely. And the second branch of causation—that increased imports be the major cause of serious injury—was proposed to be changed so that increase imports need be only "a substantial cause of serious injury." (Report, p. 47). It refused to loosen this causation link to the extent that the Automotive Agreement had done.

The Roth Report further urged that an interagency board within the Executive Branch, following the pattern of the automotive board under the U.S.-Canadian agreement, rather than the Tariff Commission, should be responsible for applying the new test for adjustment assistance to workers and firms. This was partly because the Commission's record had been a negative one, but also in recognition of the somewhat anomalous position in which the Commission would be put in being asked to differentiate in recommending adjustment relief to firms and workers, and tariff relief to industries, on essentially the same set of facts and circumstances. For this is essentially a policy differentiation, and should be made by responsible policy officers of the Government, not by a fact-finding Commission. The Commission could continue to find the facts, as under the Automotive Products Trade Act of 1945. (Report, pp. 42–3).

Finally, the Roth Report proposed that adjustment assistance be made available when potentially serious injury appeared, under flexible manpower programs involving better solutions than are now available to the problems of potential loss of pension and seniority rights which now reduces labor mobility; and that assistance be made available to separate units of multi-plant companies and to groups of workers in them, when the injury is substantial to the unit but not to the entire parent firm. (Report, pp. 44, 47).

The President's trade message of November 18, 1969, adopted and reaffirmed these recommendations of the Roth Report, pointing out that "direct aid to those individually injured should be more readily available than tariff relief for entire industries." The President emphasized that adjustment assistance "can be more closely targeted; it matches the relief to the damage; and it has no harmful side effects on overall trade policy." (White House Press Release, Nov. 18, 1969, p. 5.)

The proposals for changes in the adjustment assistance provisions of the statute advanced by the Roth Report of January 1969 and by President Nixon in November 1969 remedy a number of the deficiencies in existing law relating to eligibility of firms and workers for such assistance. The cutting of the link to the trade agreements program, while retaining a link to increased imports, represents one important remedial innovation based upon the one used an the Automission to a pure fact-finding role, as in the Automotive Agreement, represents another. The Report and the message might have gone further, however, in the direction of modifying the second link by adopting a formulation based upon the one used in the Automotive Agreement legislation: in increase in imports coupled with domestic unemployment, loss of profits, etc. in the same line creating a rebuttable presumption, for Presidential overcoming, of the necessary connection for eligibility.

On August 13, 1970, the House Ways and Means Committee reported out favorably, by a 17–8 vote, H.R. 18970, the "Trade Act of 1970". As of this writing, the fate of this variegated, "omnibus" act which amends not only the 1962 Trade Expansion but the Anti-Dumping Act, The Countervailing Duty Statute, and the Internal Revenue Code, is not known.

[4] See Metzger, "The U.S.-Canada Automotive Products Agreement of 1965," 1 J. World Trade Law 103, 106 (1967).

So far as Adjustment Assistance is concerned, it made five major changes in existing law, four of them designed to liberalize, or make easier, the securing of adjustment assistance. The first three sounded in terms of relaxed eligibility standards, and the fourth in increased substantive benefits. But the bill also made a fifth change which radically alters the conception upon which adjustment assistance is based, and thereby jeopardizes its very reason for being.

As anticipated in the Roth Report and President Nixon's Trade Message, the first causation requirement—that between the trade agreement concession and increased imports—was eliminated. Secondly, the second causation requirement of the 1962 Act—that such increased imports be "the major cause" of serious injury—was changed back to the pre-1962 escape clause formulation: increased imports must merely "contribute substantially", without being the major or primary cause, to such injury (Section 111(a) of H.R. 18970). Thirdly, the President, through any agency he may decide to utilize (for workers, presumably the Department of Labor, for firms, the Department of Commerce), will receive the petition for adjustment assistance and decide eligibility after receiving a factual report from the Tariff Commission within sixty days after it is filed. This means that the Roth Report's and President Nixon's recommendation has been adopted.

These three changes should mean, if enacted into law in the future—whether as part of the present bill, or separately later if the present bill should founder on the shoals of the Senate, or of a Presidential veto or pocket-veto—that the eligibility pains of firms and workers would be largely alleviated. It is hardly conceivable that the President, or his designees, would find, in the face of this quite clear legislative direction, that there was no eligibility for adjustment assistance unless there was no perceivable connection between imports and a domestic downturn in employment, profits, etc. of the petitioning concern or group of workers. The Congressional signal should be clear enough to solve the eligibility problem for some time to come.

The fourth change, increasing workers' benefits, will be described and discussed in the next section.

The fifth change portends grave difficulties. Under the 1962 Act, the President has discretion to provide adjustment assistance or tariff relief or nothing, when he receives an affirmative escape clause recommendation from the Tariff Commission. This was consonant with the idea that adjustment assistance would be utilized if feasible; tariff relief, causing the substantial international difficulties which all knew, was to be utilized only if adjustment through domestic measures appeared to be inadequate.

H.R. 18970 changes that conception, which is hardly surprising in view of the general protectionist thread of the bill. As the Committee Report states (H. Rept. No 91–1435, p. 32):

"Your committee is persuaded that provision for adjustment assistance should not be continued as a discretionary alternative action for the President in place of tariff adjustment action where the Tariff Commission has made an affirmative injury and remedy determination after an industry investigation."

This turns completely around the conception upon which adjustment assistance was based. Adjustment assistance, under the bill, becomes a kind of "booby prize", to which firms and workers are relegated after they have tried—with very large chances of success—to curtail imports through bringing escape clause cases.

For as an examination of the bill's changes in the escape clause shows (see the paper entitled "Injury and Market Disruption from Imports"), its greatly relaxed standards for securing tariff relief in escape clause cases has been combined with its sharp curtailment of effective Presidential discretion to refuse to grant such relief when it is recommended by the Tariff Commission. This will likely mean that a very substantial flow of injury determinations will call for affirmative Presidential action. With tariffs and quotas established in a position of primacy, and adjustment assistance only supplementary as relief mechanisms, it is fair to say that despite the relaxations in the procedures for securing adjustment assistance, such assistance would no longer serve as a necessary adjunct of a liberal trade policy. Rather, should H.R. 18970 become an Act, adjustment assistance would become a curious, almost anomalous, supplemental device in the administration of a protectionist trade policy.

Substantive deficiencies and proper remedies therefore

The major deficiency of the Roth report and the President's message lay not in the procedure of adjustment assistance, where they made marked improvements, but in the substance of such assistance.

In recent years, almost the entire attention of observers of the 1962 Act's adjustment assistance provisions has been focussed upon the failure of firms and workers to secure such assistance because of their inability to meet the stringent eligibility requirements of the 1962 Act. Naturally enough, this has tended to divert attention from an appraisal of the adequacy of the benefits themselves, both to "ease the transfer of factors of production from adversely affected industries"[5] and as an inducement to labor and industry at least to abate their opposition to, if not to support affirmatively, a continuation of a liberal trade policy. For even if every applicant were to be deemed eligible for adjustment assistance, if the assistance itself is insufficiently attractive or efficacious in helping to ease the transition to new endeavors, it is unlikely to deter firms and workers putatively vulnerable to import competition from seeking actively to undermine liberal trade.

This lack of attention on the part of those immediately affected by the scale and scope of the benefits afforded by the 1962 Act has meant that little is known of their views concerning the inadequacies of the substance of adjustment assistance now offered. It may be, of course, that nothing can be done by way of improving the scale of assistance will induce labor and small business to support liberal trade. Nonetheless, the nation having embarked upon the program, and the present Administration having put forward proposals designed to liberalize the eligibility requirement for receiving the assistance now available, it is desirable to point out the deficiencies in the substance of adjustment assistance, with a view to suggesting improvements.

It should be noted that all of the deficiencies in the substance of adjustment assistance hereinafter mentioned would remain were the President's trade proposals to be adopted legislatively, for the simple reason that neither he, nor the Roth Report of early 1969, proposed any significant changes in the substantive benefits available as adjustment assistance to eligible firms and workers.

Assistance to Workers.—The amount and kinds of assistance to workers under the adjustment assistance provisions of the 1962 Act looked fairly generous at that time. The basic benefit of 65% of the average weekly wage "trade adjustment allowance" for 52 weeks, was substantially superior to state unemployment compensation benefits. And the 26 weeks of training benefits beyond that 52 weeks, under certain circumstances, made it that much better. It was true, of course, that these benefits were hedged with technical limitations, earlier identified, which were often more onerous and always as restrictive as those which governed benefits under ordinary state and federal legislation, but these tended to be overlooked in view of the larger cash benefits provided.

Eight years later these benefits appear to be far less attractive. A maximum benefit of 65% of average weekly wages for 52 weeks, after there have been average annual rises in the cost of living of approximately 6 percent with no increase assured, is less imposing than it was, particularly when it is compared not with the level of state and federal benefits of 1962 but with those of today; both state and federal unemployment benefits have increased internally in amounts and duration during this 8 year period.[6] Moreover, this period has witnessed the growth of the Supplemental Unemployment Benefit in collective bargaining contracts, i.e. the automobile industry, which, when added to state benefits (aided by federal payments), make up a package of unemployment benefits for some workers which is considerably in excess of 65% for 52 weeks.[7] An increase in both the amount and the duration of adjustment allowances is thus clearly indicated if the adjustment assistance provisions are to serve their purposes. Indeed, despite the quietude of both the Roth Report and President Nixon's Trade Message of November 1969, and of the spokesmen for organized labor before 1970, the Ways and Means Committee surprised everyone by recommending in H.R. 18970 that the readjustment allowance, the major component of Adjustment Assistance, be enlarged from 65 percent of the worker's average weekly wage or 65 percent of the average weekly manufacturing wage, whichever is lower, to 75 percent for each. This is a significant step forward. While there appears to be little reason for not establishing the percentage 5 to 10 percent higher than that, the Ways and Means Committee has in this respect acted quite sensibly in the bill it has recently reported. Unfortunately, it did nothing positive in respect of the other worker's benefits which should have been improved, and nothing at all substantively for firms.

The training benefits likewise appear to be less than sufficient in 1970. A maximum of six months beyond the 52 weeks adjustment allowances period appears to represent an inflexibility short duration in light of the fact that the most effective adjustment of the "factors of production" (here, labor) in the United States is in the direction of technologically advanced industries, which require workers with much more extensive training than has been considered normal hitherto. (Undoubtedly, the six months maxi-

[5] Lester B. Pearson, *Partners in Development*, Report of the Commission on International Development Praeger, 1969, p. 91. See generally, *Adjustment Assistance Measures*, Report by UNCTAD Secretariat, TD/B/C. 2/86 November 20, 1969.

[6] 26 states currently offer benefits of 50% or more of average state weekly wage; in 18 states there is no percentage maximum limit. These are supplemented by Federal payments, and will be increased by some 50% once P.L. 91-373 (the Federal-State Extended Unemployment Compensation Program, Aug. 10, 1970) becomes fully effective. See CCH Unemployment Insurance Reporter ¶¶ 4805, 4081.

[7] The Ford Motor Company agreement which expired on Sept. 14, 1970, for example, provided that such supplemental benefits would bring a worker's total benefits to 95% of his weekly after-tax pay. 1 CCH Labor Law Reporter ¶ 59, 923, at 86,069.

mum period of training is inadequate for a substantial number of the jobs which are, and will be, made available in such industries.)

Finally, the technical limitations contained in the legislation shoud be relaxed so that they are more consistent with a genuine intention to provide adjustment assistance, than with the spectre of fraudulant claims.

Assistance to Firms.—The substance of adjustment assistance to firms provided for in the 1962 Act was much thinner than that which was to have been made available to workers: a highly complex, rather than an informal, "adjustment proposal" subprocedure following a determination of eligibility; financial assistance in the form of loans at an effective rate of between 7 and 8 percent, with no grace periods permissible in respect of either interest or principal; and relatively minor tax benefits, this was not by any means a package of benefits calculated to induce wildly enthusiastic support for a liberal trade program even in 1962. Today even the marginal producer who would like to move into another business with promise of something better than a hand-to-mouth existence, to say nothing of aggravation at work and at home, no doubt greets such an "assistance" program with a Gallic shrug.

A greatly simplified and informal adjustment proposal procedure would remedy one deficiency, but it would still be a procedural remedial measure. More needs to be done substantively. Here, the interest rate and duration and other terms on borrowing, and the prohibition on grants, appear to be the major current deficiencies. If the United States can make concessional loans for development purposes in less developed countries for terms up to 40 years, at a favorable interest rate of 3 percent, and with a 10-year grace period on principal repayment as it has been doing for many years in the interest of the successful conduct of the foreign relations of our country can it not offer analogous terms for the same basic reasons, to those whose successful domestic adjustment and development is important to the continuation of liberal trade? If some mix of grants with loans is deemed desirable, in the circumstances of particular cases, is it not desirable to have sufficient legislative flexibility to be able to furnish assistance in that form as well? Again, foreign aid legislation has for a long time permitted grants for technical assistance, and they have been utilized together with concessional loans in projects and programs looking toward economic development.[1]

Summary.—Even with relaxed eligibility standards, it is difficult to believe that a substantial increase in workers' readjustment and training benefits and the extension of much more favorable concessional finance to firms would be an unduly burdensome cost to the United States. It would be a small price to pay for a sensible trade and foreign policy, as well as a decent recognition of the equities of those affected by impersonal forces. Such a liberalization of benefits would be an expression of the Government's earnest intention to really ease the transitional path for firms and industries. It would speak at least as loudly in those accents as the proposed relaxation of eligibility requirements and together with that relaxation, would represent a significant effort (1) to wean labor from its recent reversion from its stout-hearted advocacy of liberal trade in the 1935–1967 period, to the short-sighted protectionism which has been embraced during the 1920's by the American Federation of Labor and (2) to give assurance to small business that extraordinary efforts to aid them to adjust to more economic endeavors would be forthcoming. Indeed, given the existing paucity of substantive adjustment assistance for firms, improvements along the lines suggested in all likelihood would be far more impressive of the Government's serious intention to facilitate the adjustment of firms than would be a mere relaxation of the eligibility requirements.

Conclusion

The improvements in the procedure and in the substance of adjustment assistance herein urged would, if effectuated, mark an impressive advance in our ability to assist firms and workers to adjust, as a dynamic society seeks to serve the needs of its people through the most efficient allocation of all of its resources, human and material. They would indicate that the Government is more prepared to recognize its obligation to provide for the general welfare by easing the path to economic health and well-being of those who are thrown out of work or enterprise by impersonal forces, regardless of the extent to which they are "internal" or "external", than it was in 1962. Eventually, it is believed, it should make no more difference in benefits or otherwise whether there is any alleged connection, however remote, between imports and adversity than when the cause of adversity lies elsewhere. These changes might hasten that day.

It must be added, however, that a fundamental condition of adjustment assistance—indeed its raison d'etre—is assistance to firms and workers to adjust to that increased import competition which a liberal trade policy attempts to encourage. In addition to the other multifarious casualties that a reversal or serious impairment of such a policy entails, such a reversal or impairment must inevitably make meaningless and eventually superfluous assistance which is not connected with such adjustment. In short, firms and workers have no moral case for adjustment assistance if they are unwilling to adjust to increased import competition—and what they have no moral case for they will stand an excellent chance of losing, as a democratic society progressively understands its processes.

[1] Secs. 234(c)–(e) Foreign Assistance Act of 1969, (P.L. 91–175) and predecessor legislation.

A LOVE STORY OF EXQUISITE PERFECTION

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. SULLIVAN. Mr. Speaker, the sad news today of the death of the beloved wife of former Speaker John W. McCormack grieves everyone in this body who has known the McCormacks as warm and personal friends and as the embodiment of a love story of exquisite perfection.

There are many couples who have shared long and happy lives together in loving companionship. But how rare and wondrous was the devotion of the Speaker and his lady—the devotion of a man who had achieved one of the very highest offices in the land, who was at one time a heartbeat from the Presidency, and who carried on his shoulders the most awesome public responsibility, yet never let his official duties come between him and the wife who claimed his loving attention every evening of their married life.

All of us in political life, and particularly in the Congress, know how demanding are the official claims upon our time and the interferences they bring to our personal lives. To understand the McCormack love story, one has to recognize that the devotion was completely mutual—that Mrs. McCormack lived for her husband, shared all of his burdens of national leadership, and made those burdens bearable by her love.

The long vigil is over. John McCormack has fulfilled his promise to his wife that he would always be with her to the end of their days together. After retiring from Congress, he remained at the hospital where his wife lay ill, sharing her pain as they had shared their many joys.

Mr. Speaker, we mourn the death of a gracious lady. Our hearts go out in sympathy to a fine gentleman who led us for so many years as our Speaker, and before that as majority leader. At the same time, we are comforted by the knowledge that the McCormacks lived their love story on such a high plane of decency, virtue, and faith that a merciful God will certainly welcome Mrs. McCormack in His hands, while fortifying the great courage of the bereaved husband in this deep valley of grief.

We have been privileged indeed to have participated on many occasions in the lives of this remarkable man and wife, an experience we shall never forget. May God grant our former colleague the strength he will now need, strength to match the magnitude of his loss.

DR. J. E. ROWAN

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SHRIVER. Mr. Speaker, Dr. J. E. Rowan, a distinguished Kansan and community leader of Lyons, Kans., passed away on Thanksgiving evening, November 25, 1971. He will be sorely missed in his profession which was optometry and in the civic life of Lyons.

It was my privilege to know and work with Dr. Rowan from the time we were both active in DeMolay. He was a loyal friend and supporter of mine. Mrs. Shriver and I join in extending our heartfelt sympathy to Mrs. Rowan upon her great loss.

Under leave to extend my remarks in the RECORD, I include the following editorial from the Lyons, Kans., Daily News which eloquently eulogizes Dr. Rowan. The editorial follows:

DR. J. E. ROWAN

The death Thursday evening of Dr. J. E. Rowan removes from our community one of its truly outstanding citizens.

Joe Rowan was outstanding not because of his successes or achievments in any one field, but because of the many different fields in which he became involved, and in which he contributed significantly. We count at least seven interests upon which he left his mark—profession, church, library, benevolence, social, education and health.

He served his profession, optometry, as president of the Kansas Optometrical association, and as a member and trustee of the American Optometrical association. And his fellow optometrists paid him a high honor when they recognized him as the Optometrist of the Year in Kansas several years ago.

He served his church for several terms as elder or trustee.

He was a past president and currently a member of the board of trustees of the Lyons Library board. He was a past-president of the South Central Kansas Library system.

He was a member and past president of the Community Chest board, and was always a strong supporter of the United Fund drives.

He was a past president of the Lyons Town and Country club.

He had been a member of the Lyons school board and had a large part in the drive for a new high school. He served as chairman of the group which petitioned for the formation of a hospital district in Rice county—a task which succeeded and eventually resulted in the fine District hospital on the west edge of Lyons, where Dr. Rowan died this week.

He was a leader, and a nice guy to boot. Few are those who contribute as much in as many areas as did Joe Rowan. He will be missed.—P.E.J.

SOVIET DESPOTISM

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MADDEN. Mr. Speaker, a year ago in several statements made by me on the floor of the House protesting the unfortunate and inexcusable surrender of the Lithuanian sailor, Simas A. Kudirka, I called upon the President and the State Department to demand of the Soviet Union the release of this unfortunate Lithuanian patriot from the Soviet tyranny.

I include with my remarks a resolution unanimously adopted by the Lithuanian American Council of Lake County, Ind., asking our Government to intercede with the Soviet Government on behalf of the imprisoned Lithuanian sailor, Simas A. Kudirka.

This resolution was signed by Albert A. Vinick, president, and Peter Indrcika, secretary, of the Lake County, Ind., Lithuanian American Council. The resolution follows:

RESOLUTION

We, the Lithuanian-American Community of East Chicago, Lake County, Indiana, assembled this 21st day of November, 1971, at 3905 Fir Street, East Chicago, Indiana, to:

Commemorate the one year anniversary of Lithuanian sailor Simas A. Kudirka who was refused political asylum after he defected to the United State's Coast Guard cutter, "Vigilant."

In the eyes of the American administration he was legally the private possession of Brezhnev, Stalin's successor, and had to be returned to him.

We honor the memory of the generations of Lithuanian freedom fighters who fought Tsarist Russian oppression and the monstrous Soviet Russia's occupation of Lithuania.

We express our indignation of the forcible return of Simas A. Kudirka to the Soviet ship after nearly ten hours of pleading for asylum, and subsequent Soviet Russia's Supreme Court sentenced to ten years in a forced labor concentration camp in Siberia and the arrest and placement in a slave camp of his wife and children.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon help free Simas A. Kudirka.

And we emphasize our confidence in the United States Government to raise direct issue to Soviet Russia's government of Simas A. Kudirka's freedom and permission to come to the United States.

WELFARE MOCKERY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. WALDIE. Mr. Speaker, a very interesting article by Guy Wright of the San Francisco Chronicle has been brought to my attention. It deals with one aspect of the present welfare systems in this country that needs closer scrutiny.

We have been right, Mr. Speaker, in trying to provide a means for living in this Nation to those people who are unable to take care of themselves. But we never intended welfare payments to become Government grants for vacation travel and poodle haircuts.

Mr. Speaker, I include this article by Guy Wright in the CONGRESSIONAL RECORD for the benefit of my colleagues:

CRUISING ON WELFARE

(By Guy Wright)

Home is where the heart is—or is it just a bigger welfare check?

Anyway, Melvin and Lorraine Stewart are coming back to California because Indiana is such a "lousy" state for welfare recipients.

"A disaster state," Mrs. Stewart called it. "In California they really take care of folks on welfare," she said.

So they are loading up their $10,000 air-conditioned land cruiser and returning to the land of milk and money.

Into the cruiser they will load four television sets, an upright deep freeze and a pair of elegant parlor chairs reupholstered in red velvet at a cost of $248.

All these goodies they have bought since January while on welfare in Indiana.

The $10,000 land cruiser they bought while on welfare in California, and are still paying $118.91 a month on it from welfare funds.

"We bought the cruiser brand new, two years ago, and had a ball," Mrs. Stewart said. "We joined a camper club and traveled all over California. It was really fun."

The Stewarts told their story to a reporter for the Indianapolis Star, which considered it worth front page play a few Sundays ago.

On their return to the promised land they will tow their 1966 Pontiac Bonneville behind the land cruiser.

And of course they will bring their handsomely groomed poodle, Sassay, whose tonsorial treatments, the reporter learned, cost $10 a snip.

Welfare money pays for that too, since the Stewarts say poor health won't permit them to work.

Mrs. Stewart says she is overweight, has high blood pressure and an enlarged heart.

She has been on public aid of one form or another since 1959, she said. She is now 49.

Her husband, 10 years her junior, says he has a bad back.

Although their house in Indiana includes an acre of land, they didn't plant a vegetable garden last summer because of their poor health.

"The weeds would get ahead of us," Mr. Stewart explained.

However, they did take a summer vacation trip to Mammoth Cave in Kentucky in their land cruiser.

Growing their own vegetables was rather pointless anyhow, since they receive free food from the surplus commodity program. But they don't like what they get.

"We've green-beaned to death," Mrs. Stewart said. "And my kids don't like oatmeal for breakfast."

Oh, yes, when they return to California they will also bring Mrs. Stewart's two children, 12 and 9.

When they were here before they received $232 a month in welfare for the children, plus their own aid as "totally disabled," plus $50 a month for a cleaning woman, plus other benefits that pushed their total take to well over $500 a month, Mrs. Stewart said.

In Indiana they get only $235 a month.

And when they went out and bought a copper-tone stove-refrigerator combination, the Indiana welfare people refused to pay for it. Now they may have to leave it behind.

But the last straw, Mrs. Stewart indicated, was the termites in their house.

When they complained about the termites, their case worker told them to get a bank loan for termite extermination and welfare would repay it.

The Stewarts never got the loan, and the case worker let the matter drop. Such poor service they find intolerable.

So. Mrs. Stewart is giving up her seat on the Citizens Advisory Council, which advises the welfare office in Owens County, and they are coming back to California, where "they really take care of folks on welfare."

BELLS ELEMENTARY SCHOOL—REFRESHING RESPECT SHOWN FOR FLAG AND COUNTRY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HUNT. Mr. Speaker, I would like to share with my colleagues a very unique exercise that was recently instituted by one of the elementary schools in the First Congressional District of New Jersey.

Bells Elementary School in Washington Township, N.J., has made a "big deal" of saluting the flag in lieu of the usual morning Pledge of Allegiance in homerooms. The newly established ceremony is now conducted outdoors by one grade while other students inside follow the proceedings on the public address system. Shortly after arrival at school in the morning, one preassigned grade assembles around the flagpole while, inside the school, the student selected to lead the Pledge of Allegiance and a small group of singers gather near the public address console. On signal, the flag is silently raised and this is followed by the Pledge of Allegiance and a stanza of "America the Beautiful" over the public address system.

Mr. Speaker, I regret that I cannot include pictures in the RECORD, but it is, indeed, a most impressive and gratifying ceremony to witness. I feel certain that the solemnity with which this exercise is conducted by the youth at Bells Elementary School reflects a love of and respect for their country which is far more meaningful and inspiring than the bleating of some adults who feel the pledge ought not be recited in school because it acknowledges that we are "one Nation, under God."

The administrators and educators at Bells Elementary School deserve commendation for their attitude and understanding of the reverence and inspiration this ceremony affords to the young people. The students themselves can be proud of being a part of this rekindled spirit which shows a refreshing respect for our flag and our country.

CAN U.S. BUSINESS BE SAVED?

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. DUNCAN. Mr. Speaker, many people are saying this country needs to sell better goods at lower prices as a solution to our economic problem. One such statement is detailed in an editorial in the November 27, 1971, Knoxville, Tenn., Journal. At this point I would like to place that editorial in the RECORD.

CAN U.S. BUSINESS BE SAVED?

The deteriorating position of the United States in world trade has raised concern among American businessmen, workers and the public. Industry Week magazine recently put the whole proposition in an interesting perspective.

The magazine said there is "undeniable evidence that our position as a world economic power is slipping." It cited these circumstances:

The American share of world automobile production in 1950 was 76 percent; in 1970 it had dropped to 33 percent. This trend is continuing.

The U.S. share of world steel production was 47 percent in 1950. In 1970 it was only 20 percent.

For many years the U.S. was the world's leader in production of machine tools, which are the master tools of industry. By the end of 1971 this country most likely will be in fourth place behind the Soviet Union, Japan and West Germany.

Nearly half of the people of the United States wear shoes that were made abroad.

More than half of the black and white television sets in this country are imported.

Nine of every 10 Americans listen to radios built in other countries.

One of every six cars on U.S. roads was built overseas.

If these circumstances are disturbing they ought to be.

As the article pointed out, the effects of the American decline will be felt throughout the entire country from the pocketbooks of American workers to the revenues of problem-plagued government, national, state and local.

The prospects were summed up with these questions:

"Are we about to become a vast warehouse for imported goods—goods we will be unable to buy because we will lack the purchasing power?

"Is the United States becoming an industrial dropout?

"Will U.S. industry be forced to continue to move to overseas locations to survive, causing a further loss of jobs for Americans?

"Will our crumbling competitiveness in the world market erode the tax bases on which our governments depend for their revenues, and thus further disrupt both the public services we need and the means by which we hope to solve our great public problems?

"Are we going to blow our position as the No. 1 industrial power and our world-envied standard of living—all in one generation?"

These questions are quite legitimate, especially in view of what has happened over the past 20 years. Japan, West Germany and Russia were still suffering from the devastation of World War II back in 1950. Today they rank ahead of the United States in many areas of industrial activity.

What is the answer?

Several were proposed in the article: making economic decisions for economic rather than political reasons; straightening out the welfare system; equalizing international tariffs so that the United States can compete abroad; increasing domestic productivity and other steps.

"That means," the article said, "that all sectors of our economy—industry, labor and government—must unite in making this country competitive in costs, competitive in quality and competitive in service."

In short, this country must get itself back on a sound basis so that it can sell better goods in increased amounts and at lower prices.

But even to start accomplishing this the American public in general and the American Congress in particular will have to wake up to what has been happening.

BARBER BUSINESS HURT BY FREEZE

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. STEPHENS. Mr. Speaker, during the past weeks we have all heard a great deal about the effect of the wage-price freeze on big business in our country. Small businesses have been similarly affected, however. I think the following article, which was placed in the Warrenton Clipper, Warrenton, Ga., by the local barbers, is a vivid example of the problems being experienced by barbers all over the country:

[From the Warrenton (Ga.) Clipper, July 30, 1971]

LOCAL BARBERS ANNOUNCE AND EXPLAIN PRICE RAISE POLICY

We admit that a haircut is not worth a dollar and seventy-five cents. Neither is a loaf of bread, a gallon of gasoline, a pair of shoes, a bottle of medicine, or anything else we purchase worth the price.

However, the cost of living is not the main reason we are increasing our prices. It's because most of the teenagers have quit getting haircuts altogether, and nearly everyone else have begun to put off their haircuts a couple weeks longer. Our business has been "cut in half" of what it was two year ago. It's the same in the barber business all over the Country. Perhaps the small town barber is about to pass from the scene as did the village blacksmith and the country doctor.

What it all boils down to is that you faithful few customers who still want regular haircuts will have to bear this added expense just to keep us around to cut it.

And—don't expect us to remodel or "fancy-up" the old Shop. It will still be the same crummy ole place. You'll still get the same lousy service and sorry haircuts. Nothing's changing but our prices. A loaf of bread, a gallon of gasoline, nor a pair of shoes never improves simply because the price goes up.

When the cost of living returns to comparable levels of 1960 or frequent haircuts come back in style, perhaps we can give you a dollar haircut again. Until then, in order to stay in business, we announce the following price increases, effective Labor Day:

All haircuts or "trims", $1.75 each.
Shampoo, $1.25.
Shave, $1.50.
Howell's Barber Shop.

CAMPAIGN FINANCING

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. RIEGLE. Mr. Speaker, earlier this week, our colleague, the gentleman from California (Mr. MCCLOSKEY) addressed an assembly of students and townspeople at Dartmouth College on the subject of campaign financing and its current impact on our political system. I believe his comments are well worthy of our careful attention.

REMARKS BY CONGRESSMAN PAUL N. MCCLOSKEY

I would like to discuss tonight what may be one of the two or three fundamental issues in the 1972 campaign. The issue is what John Gardner recently referred to as "The Dirty Little Secret that Everyone Knows"—the vast influence of money in politics.

The influence of money in political decision-making is not new—it has been with us since the inception of Democratic self-government. Under the Nixon administration, however, the threat of concentrated wealth, working secretly to influence governmental decision-making, has reached crisis proportions, and threatens the very existence of the nation itself.

Why should this be so? The reason lies in the fact that the faith of our people is the strength of our system of government. It is not just a desired aspect of our national stability and security—it is essential to that national stability and security.

We can never forget that we are a nation which operates by the consent of the governed. Our people must consent to file honest tax returns, consent to give honest judgment in jury cases, consent to serve in the armed services in time of conflict. That consent is and can only be based on faith in government—faith that the government is honest and faith that it is truthful.

What is the present measure of the faith of Americans that their government is honest, truthful and worthy of trust? A recent poll taken by the Center for Political Studies at the University of Michigan reflects specifically the trend which I believe all of us have instinctively sensed in recent years.

Since 1958, the faith and trust of Americans has been diminishing rapidly. During the past seven years, the number of Americans trusting the government to do what is right all or most of the time dropped from 63% in 1964 to 37% in 1970.

During the same time frame, the question was asked: "Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all the people?" The percentage of Americans believing the government was run for the benefit of all the people dropped from 63% in 1964 to 41% in 1970. By 1970, the second year of the Nixon administration, nearly half of the people interrogated stated their belief that the government was being run by a few big interests looking out for themselves.

There was ample reason for that belief in 1970. There is even clearer reason today. An increasing concentration of wealth working secretly to support political candidates and to influence government decisions is not only welcomed but encouraged by the Nixon administration. Let me define precisely the three evils which so endanger the nation.

First, the new concentration of wealth primarily in big business;

Second, the new importance of wealth in electoral politics;

Third, the administration's encouragement of secrecy in the application of that wealth in political campaigns and in governmental decision-making.

With respect to the new concentration of wealth, there can be no question. Attorney General Mitchell recognized the problem over two years ago. By June 1969, 200 large corporations controlled nearly 60% of the manufacturing assets of the nation. Corporate mergers had more than doubled in the previous year. The Attorney General said in a speech in June 1969, "The danger that this super concentration represents to our . . . political . . . structure cannot be overestimated."

He went on to mention "the unacceptable probability that the nation's manufacturing and financial assets will continue to be concentrated in the hands of fewer and fewer people,"—the very evil that the Sherman Act, the Clayton Act and other antitrust and anti-price-fixing laws were designed to combat.

What did the Attorney General mean when he used the words "danger to our political system" in connection with the concentration of economic power? In effect, he was recognizing the basic fact that the concentration of economic power also meant the concentration of political power.

The whole thrust of our constitutional form of government was to restrain the accumulation of power. James Madison had said "the accumulation of all power, legislative, executive and judicial, in the same hands may justly be pronounced the very definition of tyranny." An accumulation of economic power sufficient to control political decisions can likewise create tyranny.

Senator Kefauver once said: "Through monopolistic mergers the people are losing power to direct their own economic welfare. When they lose the power to direct their economic welfare they also lose the means to direct their political future."

Why, then, has the Nixon administration failed to provide leadership to reduce this increasing concentration of wealth and power?

The answer may lie in the second evil. The influence of big money on the political process. This Administration is the primary beneficiary of the economic power of big business. This is the Administration which has placed primary emphasis on the profits of big business as the goal of our economy—on the theory that those profits will ultimately "trickle down" to the public at large.

This Administration resurrected the SST after it had been abandoned by the Johnson Administration, supported the bail-out of the Penn Central Railroad, and urged the granting of a federal loan guarantee to Lockheed under conditions no small business in America could have hoped to obtain.

This administration's chief fund raiser, Maurice Stans, was named Secretary of Commerce. Now, for the next campaign, it is reported that he will resign his post in order to again raise funds chiefly from the big businessmen of America.

Who besides big businessmen can afford to attend $500 per plate dinners? The $5 million dollars raised from those nation-wide dinners several weeks ago was raised almost entirely from big businessmen. In Houston, Texas, nearly all of the 400 people in attendance (raising $200,000 for the President's re-election) were reported to be oil men. What does this bode for the hope of ending the oil import quota system as recommended by the President's task force over two years ago?

Three years ago, the Republican party was able to raise twice as much money from businessmen as was the Democratic party from all sources. As the administration in power, the Republican leadership is in a beautiful position to cash in on its enthusiasm for big business. A concentration of wealth unaccompanied by campaign spending and contribution reform merely makes is that much easier to raise more money than the opposition. The White House just announced that the President will veto the proposed public campaign financing bill just passed by the Senate. Getting $1.00 from each of 20,000,000 is far less beneficial than getting $20,000,000 from a few thousand corporate executives and oil men, particularly when the opposing party cannot hope to raise equivalent sums.

This administration has not hesitated to respond swiftly and helpfully to those who make large campaign contributions.

Consider the great milk boondoggle of last spring finally disclosed in the newspapers only a few weeks ago.

The government has long had the power to guarantee the price of manufactured milk. Last March that guarantee was $4.66 per hundred weight. The dairy farmer leaders came to Washington to seek an increase. Secretary of Agriculture Hardin denied the increase, finding no evidence to support it.

The dairy farmers, then, ten days later, on March 22, paid $10,000 to four Republican campaign committees. The next day, March 23, the dairy farmer leaders were granted an audience with the President himself at the White House.

The following day, March 24, the dairy farmers paid $25,000 to ten Republican committees for the re-election of the President. Lo and behold, the following day, March 25, Secretary Hardin announced that he would grant a price increase of 27 cents per hundred weight on the basis that "continuing research" had turned up new information on rising costs.

Ten days later, on April 5, $45,000 was given to nine additional committees. And by August 20, a total of $170,000 had been given to at least 68 committees by the milk farmers' political trusts, most, if not all of them based in Washington, D.C. where a loophole in the law permits them to go unrecorded as to the source and amount.

On September 3, 40,000 dairy farmers met for the biggest and perhaps happiest dinner in the history of Chicago. The President dropped by to pay his respects, and no wonder.

The importance of money to politics can be easily recognized when we look at last year's Senate races in seven large states. Fifteen candidates (New York had three) ran in those seven states. Eleven of the candidates were millionaires, and all seven of the winners were millionaires.

The cost of campaigning has skyrocketed. No candidate for public office today has even the remotest chance of winning unless he has either immense personal wealth or wealthy backers. This is a tragedy for the democratic process. Only 2½% of our people earned over $25,000 per year in 1969. Who, earning less than that sum, can afford more than a few dollars for the candidate of his or her choice? The importance of campaign financing is threatening to subvert the whole process of democracy. The concentration of the wealth necessary to campaign financing threatens to subvert our concept of a government of separated powers and to destroy that most priceless asset of all, our faith that our government is *not* controlled by a few big financial interests.

Let me give you an additional example of the *power* of wealth and the power of generous campaign contributions to President Nixon. This example came to light only recently in testimony before my own House subcommittee on Conservation and Natural Resources.

ARMCO Steel was the 69th largest corporation in the United States in 1970. Its corporate officers were reported by the *Washington Star* to have given $14,000 to the Nixon Campaign.

ARMCO Steel has also been one of the worst polluters of the Houston ship channel. Its Houston plant for years has been putting nearly a half ton of cyanide per day into the ship channel. Cyanide is one of the most toxic substances known to man.

On December 9, 1970, after all negotiations with the company had failed, the EPA filed a lawsuit to force a termination of the cyanide discharge.

On September 17, 1971, the federal district judge issued an order requiring that the discharge of cyanide cease forthwith.

On September 28, the President of ARMCO, Mr. C. William Verity, wrote a letter to President Nixon at the White House, asking him to look into the Court's decision. On September 30, Mr. Verity was reported to have commented that Secretary of the Treasury Connally had been contacted and that through his influence, high level consultations were going on at that moment between the Justice Department and the EPA concerning the decision.

On October 4, the Houston Business Journal quoted Verity as saying, "I pray every night for John Connally . . . if I could only have another son, his name would be John Connally Verity. At last there is reality in Washington and it changes the entire outlook for the steel industry and most gratefully ARMCO."

The letter Mr. Verity had sent to the President and the efforts of Mr. Connally were apparently successful, because a few days later on November 4, 1971, the EPA and the Justice Department stipulated to a modification of the Court's judgment of September 17, permitting ARMCO to continue the discharge of Cyanide until July 1, 1972.

The seriousness of this set of circumstances lies in the fact that after a lawsuit was in progress, after a judgment was obtained, the posture of the prosecution was relaxed not by the arguments of counsel for ARMCO, communicated to the government attorneys and the court, but by the direct intervention by the steel company president with the President of the United States. This sort of conduct is reprehensible. Any ordinary litigant who sought personally to stop a lawsuit by the Justice Department would be condemned or prosecuted.

Only recently, a Justice Department attorney, Richard Kleindienst, testified against an aide of Senator Fong who had suggested that a large campaign contribution might be forthcoming if a particular prosecution against constituent would be halted. This aide was convicted.

Since the inception of this country, attempts to interfere with the prosecution of the litigation by the parties themselves have been considered a violation of law and reprehensible. President Nixon is a lawyer. Nevertheless, his personal assistant Peter Flannigan admittedly contacted EPA and the Justice Department after the President received Mr. Verity's letter.

Mr. Flannigan is no stranger to big business. He was also a fund raiser for Mr. Nixon's 1968 campaign as the President of the Barracuda Tanker Corporation, owner of the Liberian flag tanker Sansinena. Under United States law, the tanker was ineligible for U.S. coastal shipping unless a waiver could be granted by the Treasury Department. Being ineligible for such trade, the

Sansinena was worth an estimated $4.5 million; if the waiver could be granted, it would be perhaps worth $11 million.

For several years, Mr. Fred Hartley, President of the Union Oil Company, had reportedly been trying to obtain a waiver for the Sansinena. The waiver could not be granted so long as U.S. tankers were available for the coastal trade. On February 25, 1970, Flannigan's 300 shares of stock in Barracuda were sold to others in the Barracuda venture. On March 2, the Treasury granted an unusually broad waiver for the ship, on the ground that the national security required it.

Senator Joseph Tydings disclosed these facts in a speech to the Senate on March 9th, stating that by a stroke of the pen, the government had made $6.5 million for Barracuda. My own Committee on Merchant Marine & Fisheries prepared to hold a Congressional inquiry on the subject, whereupon the White House called Treasury officials to the White House on the evening of March 9. The next day, Secretary of the Treasury David Kennedy announced that the waiver would be cancelled. The national security apparently no longer required the Sansinena for the coastal shipping of oil.

These examples merely illustrate the power of wealth applied to the governmental decision-making process.

By far the worst evil we face today is the secrecy of large financial contributions which are permitted by loopholes in the law. The Corrupt Practices Act passed in 1925 purports to limit both campaign contributions and spending. Yet, when I commenced this campaign for President, I found that the law has loopholes that a truck could be driven through. The law does not apply to primaries, for example. As mentioned earlier, it does not apply to committees based in Washington, D.C. One wealthy individual can give millions of dollars if he wishes, merely by limiting his gifts to a $5,000 contribution to separate committees. To receive the $170,000 kindness of the milk producers, for example, the Republican National Committee merely set up a whole series of Washington committees, with names like "The Committee for the American Dream," or "Committee for Sound Economy." But for the error of the attorney who thought the law applied, we might never have had the chronological relationship between the campaign contributions to the President and the Administration's change of heart on milk prices.

A funny occurrence in Chicago was disclosed recently. Vice President Agnew attended a $1,000 per plate dinner in Chicago in 1968. False listings of campaign contributions of at least $22,000 were then filed with the Clerk of the House of Representatives. Let me quote from the report of James R. Polk, a former Associated Press reporter who investigated 1968 campaign spending under a grant from the Fund For Investigative Journalism:

"Eighteen donors listed for $22,000 in the Victory '68 record confirmed in interviews that they didn't give the money. Bunched among the false listings were names of a dozen more persons who refused to answer questions, didn't remember, couldn't be found, or died."

Who *did* give the $22,000 in question remains a mystery. Chances are that they were big businessmen of considerable wealth.

The examples of secrecy in campaign contributions are legion. Within six months of my own first election to Congress in 1967, lobbyists from three large industries or associations of industries dropped by my Congressional office to pay their respects and leave me an envelope filled with five or ten $100 bills. Being new to the business, I politely inquired of each one as to the names and addresses of the donors—the gift bearer in each case indicated that the names would be furnished later, and in due course I received a list of names of people from Omaha to Baton Rouge who had each given me $100. I had the distinct impression my inquiry was not the usual practice.

In 1968, 181 Members of Congress filed statements that they had received no contributions and had spent no money on their campaign. Committees had done it for them.

The evil lies not in the gift, but in its secrecy.

I raise this issue tonight because the President has made it clear that he intends to veto the public campaign financing bill just passed by the Senate as he did the spending limitation bill last year. Only a few days ago his Congressional Liaison representative dropped by the Republican cloakroom in the House of Representatives to let it be known that the White House would not be unhappy if the campaign reform legislation now before the House is killed altogether this year.

This is a key issue to the future of America and the restoration of both the honesty and openness of government as well as public faith in government.

The answers are relatively simple. We need a new law which absolutely limits individual contributions, which provides a tax write-off for small contributions, which reasonably limits expenditures in the various media, which grants a reasonable chance for equal debate time to all candidates at the lowest available rates, and above all else requires complete disclosure of contributions and adequate enforcement powers and procedures. Many of these provisions are included in the Senate bill which the President has said he will veto and in the legislation now before Congress. As compared with the present system of secrecy and corruption, I strongly favor the Senate bill. If the President continues to oppose campaign contributions disclosure and reform, I believe he should be defeated on that basis alone in the March 7th primary. I hope, for the good of the country, he will withdraw his opposition.

RAY R. SIMPSON HONORED

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. O'KONSKI. Mr. Speaker, the Wisconsin Legislature recently honored Ray R. Simpson, founder of the Simpson Electric Co. of Lac du Flambeau, Wis. Mr. Simpson has completed 60 years of active participation in the electrical instrument business.

I am very pleased that the State legislature so honored Mr. Simpson on the occasion of the 25th anniversary of the operation of his plant at Lac du Flambeau. Mr. Simpson is to be commended for his sound labor practices and forward looking business philosophy, which has made his plant a success for so many years and has contributed so much to the local economy.

At this time, I would like to call Mr. Simpson's achievements to the attention of my colleagues. The citation from the Wisconsin Legislature follows:

THE STATE OF WISCONSIN CITATION BY THE LEGISLATURE

Know you by these presents:

Whereas, Ray S. Simpson entered the electrical instruments business in 1906 and has, in the course of over 60 years of active business life, paid the strictest attention to his products, customers, employes and friends;

Whereas, in 1946, Mr. Simpson, founder of the Simpson Electric Company, ended his search for a solid and capable labor force, choosing Lac du Flambeau as the site of his branch plant; and

Whereas, the past 25 years of operations in Lac du Flambeau have vindicated the wisdom of Mr. Simpson's choice as well as his whole some business philosophy; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Ellsworth K. Gaulke, under Joint Rule 26, take this opportunity to congratulate the Simpson Electric Company on this its 25th anniversary of Wisconsin operations, and to commend its founder, Ray R. Simpson, for his contributions to the Lac du Flambeau area.

ALASKA'S HIGHWAYS INADEQUATE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BEGICH. Mr. Speaker, presently the State of Alaska has slightly over 3,000 miles of paved highway. As you can well imagine, 3,000 miles of paved highway in an area that is more than 586,000 square miles is hardly adequate to meet the needs of Alaska's population. Because of the rough terrain, severe weather conditions, lack of Federal funding and unfavorable economic conditions throughout the country, road construction in Alaska is now at a minimum.

When citizens of one village or city wish to travel outside their home area they must, in practically all instances, travel by air. There are few roads in Alaska which connect major cities or villages with each other. It is impossible to travel by road from our capital city Juneau, to any other place in the State. All cities of southeast Alaska are inaccessible by road. The people of Nome cannot travel to Anchorage or Fairbanks by highway and the people of Anchorage can drive to few places in Alaska other than Fairbanks. As a matter of fact, the road that links Fairbanks with Anchorage is the only major artery in the State.

The roads within villages and Alaska's smaller cities are, at best, hazardous and incomplete. The frigid weather makes traveling in the winter months hazardous and the warm weather that melts the soft dirt makes spring and summer transportation difficult.

Because the lifeblood of any community and state is its system of communication and transportation, I believe greater efforts should be made to achieve development of a national state and local network of highways, streets, and roads in Alaska which are well planned, coordinated, and safe. Highways will always continue to be the principal mode of America's transportation system.

At the 63d annual meeting of the National Governor's Conference in San Juan, Puerto Rico, during September of this year, the Governors of all the States went on record supporting the continued development of our national highway systems. At that time, they passed a resolution which I believe has significance for Alaska and the United States. I am including a copy of that resolution for the interest of my colleagues in the Congress:

HIGHWAYS

The National Governors' Conference supports continued development of a national, state and local network of highways, streets and roads which are well planned, coordinated, and safe. Highways will continue to be the principal mode in America's transportation system.

The Governors urge the following action as part of the partnership between state and federal governments in highway construction:

1. Funds from the Highway Trust Fund should not be suspended or withheld; and we hereby endorse actions of the Executive Committee in seeking court action to challenge the authority of the Executive Branch of the federal government to withhold distribution of Highway Trust Funds.

2. Apportionments from the Highway Trust Fund should be made as soon as possible after the 1st of July for the following fiscal year to enable the States to adequately implement their highway construction program.

3. The revolving fund within the Highway Trust Fund, set aside for the advance purchase of right-of-way, should be made available as soon as possible, and continued as a measure of economy and planning.

4. Federal fuel taxes should not be increased to the detriment of the States' ability to use the fuel tax as a source of revenue for the construction and maintenance of the highway system.

5. Primary authority for coordination, planning and flexible distribution of trust funds within the States should continue to be at the state government level.

6. An unbiased study should be made to determine the sufficiency of the planned 42,500 mile Interstate System in fulfilling the intent of the system as described in the 1956 act and developed since that time.

7. After completion of the present Interstate System, the Highway Trust Fund should be continued as part of the flexible fund described above. The basic purpose of the Highway Trust Fund in the post-Interstate period should be to strengthen the primary and secondary system, as well as urban systems. Completion of the Interstate system links the nation together as never before, thereby encouraging additional travel which has placed a heavy burden on those portions of the urban primary and secondary streets and road systems that are outdated and inadequate.

8. We endorse the concept of developing a system of scenic highways to allow access to national and state parks and improved recreation areas.

9. We recommend that further study be given for methods by which States can implement the provisions of the Relocation Assistance Program contained in the Federal Highway Act of 1968. Intergovernmental cooperation is needed to overcome the many legal and administrative problems created by this program.

10. Transportation systems have a major role in implementing economic development and growth policies. Economic growth center highways can help reverse the depopulation of rural America and the overburdening of megalopolis, and we commend the Federal Government for its new program to construct such highways. However, the appropriation is totally inadequate and will be spent with little impact if limited funds are divided among all States. Instead, we urge these funds be spent on a small number of carefully selected demonstration projects.

NATIONAL GOVERNORS' CONFERENCE,
Washington, D.C., September 30, 1971.

Hon. NICK BEGICH,
House of Representatives
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BEGICH: Although I have already transmitted to you the complete text of all policy statements adopted at the 63rd Annual Meeting of the National Governors' Conference in San Juan, Puerto Rico, September 12–15, I want to particularly call your attention to the policy position on highways. Realizing your Committee is currently concerned with this subject, I hope the positions the Governors have expressed will be of assistance.

I look forward to the opportunity of continuing our working relation. If there are specific questions on the policy positions, please contact either myself or Michael Dye, the Special Assistant on my staff who works in these areas.

Sincerely,

CHARLES A. BYRLEY,

FULL EQUALITY FOR WOMEN UNDER ALL LAWS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. EDWARDS of California. Mr. Speaker, there appeared in the Washington Post of Monday, November 29, 1971, an editorial which should be brought to the attention of every Member of Congress. The editorial points out that last week's Supreme Court decision holding constitutionally invalid State laws giving preference to men over women for appointment as administrators for decedent's estates, although a commendable landmark decision applying the 14th amendment to invalidate archaic statutes discriminating against women in the administration of estates, does not remove the need for the Senate to act to pass the equal rights amendment in the form approved by the House of Representatives in order to provide full equality for women under all laws.

The editorial follows:

[From the Washington Post, Nov. 29, 1971]

SEX AND THE SINGLE ADMINISTRATRIX

The Supreme Court spoke with one voice on Monday in finding constitutionally invalid an Idaho law that gave preference to men over women for appointment as administrator of a decedent's estate. The one voice was the Chief Justice's and what it said was expressed with admirable precision, clarity and restraint. The nub of the decision is that while "the Fourteenth Amendment does not deny to states the power to treat different classs of persons in different ways," it does "deny to states the power to legislate that different treatment be accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute. A classification 'must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike.' "

A statute favoring men over women in the administration of estates rests pretty plainly on nothing more substantial than an antique prejudice that women are intellectually inferior to men. That prejudice is a relic of the period when men were able to look upon women as one of their more valuable indoor possessions. But it became untenable about the time that women demanded, and demonstrated an abundant capacity for economic independence.

Chief Justice Burger's opinion dealt, quite properly, only with the case before the court and dealt with it on the narrowest possible grounds. It does not in any way diminish the need for the constitutional amendment passed by the House of Representatives assuring full equality to women in all aspects of American life. That equality can best be established through the amendment procedure, rather than through a series of Supreme Court decisions striking down outmoded and irrational inequalities.

Senator Sam Ervin, a gentleman of a very old school, managed to win approval by the Senate Constitutional Amendments Subcommittee for a formulation of his own effectively scuttling the amendment approved by the House. Mr. Ervin's proposal would forbid "any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences" between the sexes. This is so naked a piece of nullification that it ought not to bemuse anybody old enough to be a senator. It amounts to saying that women should be treated as the equals of men except when it suits the whim or pleasure of some legislature to treat them as subordinates. One ought not to play games with the Constitution, or with the women of America, in that fashion.

Women are undoubtedly different from men. But that difference does not afford any rational basis for denying women the equal protection of the laws. Men may look upon women as they choose, individually—as sex objects, as interior decorations, as wives, mothers, co-workers, fellow-citizens. But in the United States, if the country is to remain true to itself, women must be accorded the same opportunity as men to pursue their own interests and to realize their own potentialities.

MINNESOTA'S EXPERIMENTAL CITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FRASER. Mr. Speaker, planning is now underway for one of the most exciting new urban development projects in the country—Minnesota's Experimental City. MXC, as it is known, envisages the creation of self-sufficient city of 250,000 located at least an hour's travel time by car from the Minneapolis-St. Paul metropolitan area.

The project's chairman, Otto Silha, discussed the progress of MXC in a recent address to an American Institute of Architects meeting in Minneapolis.

I am sure that my colleagues would want to learn more about this hopeful new effort to relieve the pressures on our trouble-ridden urban centers, and so I am inserting Mr. Silha's address at this point in the RECORD:

MINNESOTA'S EXPERIMENTAL CITY—AND THE NATION'S FUTURE URBAN DEVELOPMENT

The need for new cities has been recognized by virtually every serious student of urban problems and national growth policy. If one thing is clear in that complex of issues, it is that we cannot continue indefinitely to pack people into existing metropolitan areas. And because of the lead times involved, it is imperative that we begin as a nation to take corrective—and I would stress corrective as opposed to remedial—action now.

The leading indicators of serious problems are unmistakable; the storm warnings are flying. Environmentally we are developing

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the public mechanisms to contain the problem, but there is much to be learned about what to do. Politically, the breakdown of major social service delivery systems and the fiscal crises and bankruptcies of local governments tell us that we must be doing something wrong. Socially, the desperation seen in our judicial and penal systems is to me an all-too-clear indication of the urgent need for some basic actions. The common element among our national problems is that they all tend to converge in our major cities.

Barbara Ward has stated the rationale for new cities quite succinctly when she says ". . . excessive growth in very large cities can best be controlled not by any rigid attempt to set limits; rather, expansion can be checked only by attracting it to other centers." Our problem has been that we don't have any "other centers" or any effective way for creating them.

In its analysis of the problem of a national urban growth policy, the National Goals Staff in the White House outlined four alternatives:

The first is to continue with present policies which will result in more sprawl, more concentration into a few metropolitan areas, more patch-work redevelopment.

Second, we can try to create a higher rate of growth in rural areas, but we know that this approach, assuming we knew what to do, is only a part of the solution to the larger problem and that it can have almost no effect on the national pattern.

Thirdly, we can stimulate the development of growth centers by various governmental actions. This approach has its limitations as well as its pluses.

The fourth strategy, which has worked well abroad, is one which has been tried only to a limited extent in this country—the creation of new cities, both as parts of major metropolitan areas and as truly new cities.

New cities offer the opportunity for major advances in the state of the art in every facet of urban design, social and physical, to test and prove out both social and physical systems which can subsequently contribute to existing cities. The general experience of the U.S. new cities, however, has been an inability to realize inherent social goals and a difficulty in achieving significant innovation in both physical and social systems.

Their experiences suggest, in fact, a further hardening of patterns established in the suburban development since 1945 and very little contribution to the solution of the problems of the central city and its residents. Reasons for this situation include economic and financial constraints; an inability to deal with the entire process of innovation including technical, financial, political and market factors; and the absence of models of alternative systems on which to build.

I am convinced that a key strategic reason for the paucity of urban innovation is that we are sadly lacking in models for future development, for carefully spelled out and demonstrated alternatives to present patterns. This can be critical to unblocking other constraints.

Certainly we are not lacking for ideas. What we are lacking is an opportunity to put a series of ideas together in a systematic manner, then actually implement them in an integrated, experimental setting, designed to prove out our best thinking in an operational situation. We do this in virtually every phase of American industry, but when it comes to the most important thing of all—the environment in which we and succeeding generations will live—we somehow assume that serendipity will take care of us. The evidence, I would suggest, is to the contrary.

The current generation of new communities, both in this country and abroad, is a welcome addition to our urban development; they are badly needed to meet current needs and for the most part they represent a significant advance over urban developments of the immediate past. But the irony of the new communities—as fine as they are—is that they are tending to reinforce patterns which have proved to be unsatisfactory. They will become a part of the problem.

Let me illustrate: A new city of half a million people has been proposed for the meadowlands in New Jersey just west of Manhattan. I have every expectation that it will be well planned and well executed, and will represent an improved living condition for its inhabitants. But the question which must be asked is whether it is wise to put still another half million people into the heart of the most troublesome urban complex in the country. Should we not instead be finding ways to bring about a better balance of population and resource distribution on a national basis?

Most new cities are forced into obsolete technology. The pattern of new cities, I fear, will represent a great opportunity missed. One of the lessons of the British in their first generation of postwar new towns near London has been just that: that they were too conservative in building their new cities, that they were not sufficiently innovative; that they were willing too early to "accept the inevitable" and to abide by the convention wisdom of another era.

It is apparent that there is a wide gap between what we espouse as desired goals for urban growth for the next several decades and our capabilities to date in achieving these goals, that we are not making the best use of the technological and other resources which are ours. Clearly, the process of adapting and applying current technology into urban settings is more complex than it appears. The steps from "here" to "there" are not well understood.

Some of the basic concepts for the MXC project are to evaluate the current state-of-the-art in terms of a specific prototype situation, to advance that state-of-the-art, and to provide a "real" opportunity for testing and further advancing models of new city development and the application of technologies to these ends. That is to say, to learn how and to build a city better than we have done to date in this country.

When David Starr Jordan was president of Stanford University, he observed that wisdom is knowing what to do, knowledge knowing how to do it, and virtue, having done it. In a sense, that is the theme of the Experimental City. At least in a general way, we do know what the problem is and have some good hypotheses about what to do; we certainly have the technology and the resources; but up to now we are acting—when at all—at an almost minimal level.

The idea for an experimental city originated at the University of Minnesota in the mid-1960's. The University obtained funding from private sources and from three federal agencies (HUD, HEW, and EDA) to investigate the concept and to determine what some parameters would be. Grants of $80,000 each from these three agencies plus grants of $10,000 from a dozen private firms—largely, Minnesota-based—provided the funding for the first phase.

We arranged for a series of 14 workshop sessions which brought together almost 200 scholars and practitioners from across the country. In many cases issue papers were prepared beforehand, and after usually three days of discussion, reports and recommendations were issued. The output of these workshops has been published and has found widespread interest. The discussions were organized around major urban systems—education, transportation, energy sources, manpower, communications, city building technology, government, and so on.

In addition, a national steering committee was formed to develop the general conceptual framework for an experimental city and to provide overall policy direction. This committee includes nationally recognized physical and social scientists, engineers and humanists ranging from such diverse backgrounds as Buckminster Fuller to the late Whitney Young. The contribution of these people to the project has been invaluable.

The Phase I study arrived at a number of conclusions about the key parameters which will largely determine the location and some of the physical characteristics of the city. A population of 250,000 was determined to be "the right size" if the city is to be essentially self-sufficient or freestanding. (This turns out to be the same conclusion the British reached about their second generation new city—Milton Keynes.) Such a city will perhaps require 35,000 to 50,000 acres.

Environmental and economic analysis in Phase II will further refine that figure. Minnesota has thousands of acres of low-utilization, publicly-owned land, some of it in very large tracts, which could be logically acquired for an Experimental City. This would tend to minimize many of the dislocation problems, minimize the cost of acquisition, and suggest new concepts in the use and control of public lands.

The Phase I participants agreed that for the city to have maximum impact, it should be built largely in a relatively short period of time—10 to 15 years. And to ensure that it be truly freestanding and not adversely influenced by existing urban constraints, the City will be at least one hour's ground travel time from a major metropolitan area.

The second, and current, phase is concerned with the elaboration of the framework provided by Phase I and with the design of a planning process to permit implementation. Two major parts of the Phase II effort have been completed, and, as you will see, both are critical to our future success.

We recognized from the outset that government—at several levels—must be involved in the project as an active participant. Accordingly, we began working with the State of Minnesota two years ago. The Legislature created joint operating committees of the House and Senate which held extensive hearings to determine what the State's role should be. Their findings were presented to the 1971 Session which created and funded a Minnesota Experimental City Authority.

The Authority is charged with the selection of a site, recommending the manner of land acquisition and financing, and general approval of plans. It will report to the Governor in January of 1973, so that the Legislature can take action during the 1973 session. The Authority is made up of eleven citizens, appointed by the Governor. To provide needed liaison, the directors of the state departments of planning, economic development, pollution control, and natural resources are ex officio members. Most of those departments have already been involved in our deliberations.

As soon as a site has been designated, no later than October 15, 1972, all public improvements on the land will be frozen, effectively stopping any development until the decision can become final and the land assembly begun. To my knowledge, this is the first time such powers have been granted to a state agency, and we believe that it represents a major innovation.

Sometime next month, an economic base study for the experimental city will be completed. It was determined in Phase I that the city's economic base would be significantly different from that of most cities today, reflecting the structural changes which are occurring in our economy. Activity will be heavily oriented to the knowledge-based industries and will have a large services component and a relatively small basic manufacturing component.

Our current base study is identifying which industries are the most logical candidates for location in the city and what their locational requirements are likely to be. From that information, we are determining the character of the public and private infrastructure investment and staging, and the workforce which could be anticipated. This, in turn, tells us what kind of demographic mix is probable and provides a good initial base for planning. The information from the study is clearly of use to the Experimental City planning, but it can also be the basis for a better base of information for future urban planning elsewhere.

Our Phase II timetable calls for research and preliminary planning in the major systems areas, running in parallel with the site selection and land assembly process, which we hope can be completed by late 1973 or early in 1974.

It is significant to note that we are not talking about vast new expenditures to already overburdened public budgets. We are talking about a better, more rational expenditure of the billions which we will be spending anyway in this country over the next generation or so simply to house the millions of new Americans who will be arriving and to replace certain of our physical plant which has become obsolete.

In an all-too-real sense, our expenditures for urban development are the most critical ones to make, because they shape our environments conclusively for years to come. Yet, we invest less on research and development and planning on which to base those expenditures than in almost any other field of endeavor I know about. In the areospace industry, for example, it is usual to devote from five to ten percent of a total budget to research and development (and I am not suggesting that this is not appropriate). I am convinced that a much smaller investment in urban research and demonstration could be one of the most effective expenditures we could make. We must take what President Nixon has so aptly termed "the long view." We must "look down the road" not just at initial expenditures, but consider the total costs—economic, social, and environmental—we incur as we continue to build this country.

We are well aware of the magnitude and the complexity of the task we propose. We do not suggest that it is a panacea, rather a single but significant step toward a better America.

As this nation prepares to enter its third century, it is fitting that we question the values which underlie the way in which we live, to challenge assumptions and established practice, to ask why—and why not. It is an appropriate time to look at our national goals, to see how well they are reflected in the patterns of urban living which characterize our society today, to find if we like what we see, to re-set our sights.

We have a need to demonstrate—as Americans did two hundred years ago—that we can again articulate the American dream in ways which can motivate all our citizens toward the realization of our common goals. We must translate our disappointments and dissatisfactions of today into possible dreams and plans, and hence into a legacy, for tomorrow. And that is what the Minnesota Experimental City is really all about.

CONGRESSMAN PIRNIE: "SAVIOR OF THE COAST GUARD RESERVE"

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CHAMBERLAIN. Mr. Speaker, at the annual dinner of the New York Coast Guard Chapter, Reserve Officers Association, held on Governors Island, N.Y., on October 29, special and well deserved honor was conferred upon one of our ablest, most sincere and dedicated colleagues, the distinguished gentleman from the 32d District of New York, the Honorable ALEXANDER PIRNIE. At that time, the President of the United States and the Secretary of Transportation joined with the membership of the New York Coast Guard Chapter, ROA, to praise Congressman PIRNIE as the "savior of the Coast Guard Reserve." They did so knowing full well that had it not been for the inspired leadership of the gentleman from New York, the Coast Guard Reserve, one of the strong links in our chain of defense, might be no more. Those familiar with the situation will recall that for the past 2 years there have been attempts to eliminate the Coast Guard Reserve in the name of economy, despite the fact that there was no question that the mission performed by the Coast Guard Reserve remained and will continue to be valid. Those who advocated elimination suggested that the Naval Reserve would be able to absorb the Coast Guard mission. Congressman PIRNIE, and a great number of others who registered deep concern, did not share that view. They knew from past experience that often such realignment of responsibilities proves more costly than projected and less efficient than anticipated. The gentleman from New York led the fight in opposition to the elimination plan and he was successful in enlisting congressional support for the cause. As a result, the Coast Guard Reserve remains strong and stands ready to bring excellence to its assigned tasks.

At the ROA dinner, Congressman PIRNIE was named an honorary life member of the New York Coast Guard Chapter. In addition to the expressions of appreciation from all in attendance, the following messages were received:

THE WHITE HOUSE

It is fitting that Congressman Alexander Pirnie's many contributions to the security of our nation is to be further recognized this evening. For many years Congressman Pirnie has been a strong supporter of our military forces. The U.S. Coast Guard has benfited from the efforts of this distinguished Member of the Congress. May your salute to Congressman Pirnie be filled with conviviality and joy.

RICHARD M. NIXON.

DEPARTMENT OF TRANSPORTATION

I am pleased to add my congratulations and best wishes to those of the friends of Congressman Alexander Pirnie, who honor him this evening for his staunch support of the United States Coast Guard. As a senior member of the Armed Services Committee of the House of Representatives, Al Pirnie has been a firm and effective advocate of a strong Coast Guard as an indispensable component of a strong national defense. The Department of Transportation is proud to have the Coast Guard as one of its principal operating elements, and similarly proud and grateful that we can count on the continuing support of our respected friend from Central New York. Again, I applaud the recognition of Al Pirnie's friendship and support this evening.

JOHN A. VOLPE,
Secretary.

Having served with Congressman PIRNIE for a number of years on the House Armed Services Committee, I know of his special concern for the Coast Guard Reserve. These tributes are well deserved, and I commend the New York Coast Guard chapter for its recognition of Congressman PIRNIE's fine work.

ELDERLY WILL BE MOST ADVERSELY AFFECTED BY CHANGE IN FOOD STAMP REGULATIONS

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BERGLAND. Mr. Speaker, the White House Conference on Aging only today wound up its meetings here in Washington. One of the consequences of this conference is the House joint resolution I am introducing today with the bipartisan cosponsorship of every member of the Minnesota congressional delegation. Participants in the conference from Minnesota met with our delegation earlier this week to express their deep concern over the new Department of Agriculture regulations for the food stamp program to be implemented in January. The primary focus of our discussion that morning was on the food stamp program, as it related to senior citizens.

I have been among those critical of abuses in some instances of the food stamp program. Had I been in Congress in late 1970 when the bill amending the Food Stamp Act of 1964 was under consideration, I would have welcomed many of the improvements intended by this bill. It surely, however, was not the intent of Congress through its amendments to the act to encourage the Department of Agriculture through its regulations to substantially phase out the food stamp benefits for senior citizens. Rather the amendments were intended to improve and reform it.

The effect of the new regulations is substantially to discourage participation by those most in need of the program—in particular, our elderly. While attempting to bring about uniform standards, the regulations will have the effect of encouraging more participation by those in the higher incomes still eligible for the program and discouraging participation of those in the lower incomes—where the benefits of this program should have the most impact.

The Department, as part of its new food stamp program regulations, established national uniform income and resource eligibility standards for the program. While these new standards increased the allowable maximum income that individuals or couples can earn each month in most States, the new standard lowered the maximum income allowed in 12 States, including the State of Minnesota. Unless prompt action is taken, many of our elderly will find themselves ineligible for the program. The States affected are California, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Rhode Island, South

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Dakota, Vermont, Washington, and Wisconsin.

As a Congressman from one of the States affected, I am, of course, particularly concerned. I am equally disturbed by another provision—a provision which to my way of thinking will discourage most of the elderly from benefiting from the food stamp program. This new regulation would increase the minimum purchase requirements for individuals and couples and reduce the amount or value of the bonus stamps individuals and couples can receive under the program.

Under last year's food stamp program an elderly couple earning between $150 and $245 was required to spend $36 of their money in order to receive an additional $20 worth of food stamps as a bonus. Under the new regulations issued by USDA, couples earning between $210 and $222 will be required to spend $54 and will get only $6 in bonus stamps. And it should be noted again here that the maximum monthly income allowed for participation in this case has dropped from $245 down to $220.

These changes initiated by USDA and the administration are appalling and constitute an insult to the elderly of this nation who have spent their entire lives working and contributing to the welfare of this Nation as law-abiding taxpaying citizens. And now that many of them are required to live on low, fixed incomes—and during a time when inflationary pressures are driving the cost of almost everything upward—the Federal Government is reducing what meager benefits they have been receiving under this program.

In talking with one of the county welfare directors, in my Seventh Congressional District, he noted that the new regulations could very well have the consequence of killing the food stamp program for lack of participation. He cited the fact that many elderly now eligible to benefit from the program do not participate. The amount they are required to spend in order to obtain bonus stamps amounts to more than they require. To ask that they spend even more to obtain much less would mean that still more senior citizens would be discouraged from participating. The proportion of stamps bought in order to obtain bonus stamps should have been lowered, as it affects the elderly. The amount of bonus stamps received should have been raised, if anything, not lowered.

The joint resolution I am offering today does not, however, attempt to make these modifications, but rather to maintain existing standards in the 12 States and to maintain the present ratio of stamps bought to those obtained as a bonus.

The outcome of the new USDA regulations can only have disastrous effects on the food stamp program.

The resolution follows:

H.J. Res. 992

A joint resolution to assure continued eligibility of recipients of Food Stamp benefits and to maintain present levels of bonuses for these recipients

Whereas, rapidly escalating costs of living have made it increasingly difficult for low income families to pay for the basic necessities of life; and

Whereas, it appears that higher charges established by the Department of Agriculture for certain coupon allotments will create added strain on the limited financial resources of many thousands of needy families now receiving benefits under the Food Stamp Act of 1964; and

Whereas, it appears that many thousands of citizens will no longer be eligible for benefits under the Food Stamp Act of 1964 because of new eligibility standards established by the Department of Agriculture: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Food Stamp Act of 1964 is amended by adding at the end of subsection (c) a new subsection (d): "Notwithstanding the foregoing provisions of this section the standards of eligibility under any State plan of operation shall not make ineligible any household which would have been eligible under the standards of eligibility provided for by the State plan of operation in effect just prior to enactment of Public Law 91-671 which was approved January 11, 1971."

Sec. 2. The first sentence of section 7(b) of the Food Stamp Act of 1964 (which deals with the charge to be made for food stamps) is amended by inserting before the colon preceding the first proviso the following: "or more than would have been charged for a coupon allotment of similar face value prior to the enactment of Public Law 91-671 which was enacted on January 11, 1971."

SOVIETS GAINING WEAPONS LEAD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HOGAN. Mr. Speaker, over the past several years we have been receiving a growing number of reports documenting the Soviet Union's gains in weaponry.

A further documentation was provided in an article in the November 18 edition of the Washington Post detailing the latest findings of the British publication Jane's Weapon Systems.

I insert it in the Record at this point:

Soviets Gaining Weapons Lead

London, November 18 (Thursday)—The Soviet Union is outstripping the United States in the development of sophisticated weapons to an extent that may tip the relative balance between the major nuclear powers, it was reported today.

The latest 586-page edition of Jane's Weapon Systems, an authoritative though unofficial British publication on the world's arms, also reported that the Soviet Union was the only country in the world with an operational antiballistic missile system.

"Russia now has the initiative in weapons technology," the publishers said. "Whereas for a long time it was assumed—with considerable justification—that the NATO countries had a clear lead in the development of sophisticated weapons, it is now clear that the U.S.S.R. has extinguished that lead and is outstripping the West."

Recent advances in the Soviet early warning radar system editor's R. T. Pretty and D. H. R. Archer said, plus "the modern Soviet navy and the nature of its armament and equipment, and the existence of an operational antiballistic missile system around Moscow are evidence of the Soviet ability to take the initiative in weapon system development and deployment."

The editors added: "Fragmentary evidence is emerging of a number of other Soviet developments and programs, one of which is directly comparabale with, but ahead of a U.S. project. This is a new supersonic bomber, reported to carry the NATO designation 'Backfire,' and to be a swing-wing-machine with low-altitude supersonic capability. The Approximately equivalent U.S. BLA-bomber project is as yet only at the mockup stage.

"The strategic possibilities represented by the new technical competence revealed is considered a potential source of disturbance to the relative balance that exists between the major nuclear powers."

The publication also recorded speculation that India, Japan, and Israel would join the nuclear club.

It quoted reports that Israel had produced a new 300-mile missile capable of carrying a nuclear warhead.

Jane's said that according to reports emanating from Washington the missile, called Jericho, was in small-scale production in Israel with a warhead capability of between 990 and 1,540 pounds.

"From this it is argued that a nuclear payload is probable," the foreword said.

Noting that Israel had frequently stated that it would not introduce nuclear weapons into the Middle East and that the Jericho missile report had not been authenticated, the foreword added: "But there is little doubt that if it were considered by Israel that such weapons were needed, they would be forthcoming."

KEY CLUB WEEK 1971

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HOSMER. Mr. Speaker, as a Kiwanian and a former Key Club member in high school, I would like to take this opportunity to call the attention of my colleagues to Key Club Week, which is being observed from November 28 through December 4.

Starting with the first Key Club in Sacramento, Calif., in 1925, today more than 83,000 young men are Key Club members, dedicated to improving their hometowns and themselves as the future leaders of America.

And thousands of Kiwanis Club members unselfishly give of their time to sponsor and assist Key Clubs in hundreds of high schools in the United States, Canada, and the Bahamas.

Mr. Speaker, I am proud that I was once a Key Club member at Wilson High School in Long Beach and I am proud of the growth of this great movement, today encompassing more than 100 young men at Jordan, Polytechnic, Wilson, Lakewood, and Millikan High Schools in Long Beach.

Much like being a Member of Congress, being a Key Club member is an honor, an opportunity, and a responsibility to help uplift one's fellow man.

LEARNER VERIFICATION OF CURRICULUM MATERIALS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BRADEMAS. Mr. Speaker, among the witnesses before the Select Subcommittee on Education of the House Committee on Education and Labor, of which I have the honor to be chairman, one of the most controversial in the past year has been Mr. P. Kenneth Komoski, president of the Educational Products Information Exchange—EPIE.

Testifying before my subcommittee on legislation to create a National Institute of Education, Mr. Komoski was critical of the absence of what he called "learner verification" of the curriculum materials used in America's schools. Because of the interest in his statement on the part of a number of scholars, businessmen and educators, I take this opportunity to insert in the Congressional Record the text of Mr. Komoski's prepared statement before the Select Subcommittee on Education. The statement follows:

Statement of P. Kenneth Komoski, President of the Educational Products Information Exchange Institute Before Select Subcommittee on Education, Committee on Education and Labor, U.S. House of Representatives, May 11, 1971

Mr. Chairman, my name is Kenneth Komoski. I am President of the Educational Products Information Exchange Institute. The Institute, usually referred to as EPIE (pronounced "eppy"), was chartered in 1967 by the Regents of the State University of New York as a nonprofit corporation. It is a consumers' union for member schools and school systems in 50 states. With support from these schools, other members, and foundation grants, the Institute conducts independent studies of all types of educational materials and equipment. It publishes its findings in nine *Educational Product Reports* each year. At present, these reports reach about 3,500 educators in schools, colleges, and other institutions.

I believe that unless educational technology is focused first and foremost on the improvement of learning, it becomes simply a means of making education *seem* more efficient without being truly effective. Once the difficult goal of effectiveness is being consistently achieved, education can easily be made more efficient. To proceed in any other fashion means leaving the ultimate educational consumer—the learner—in a constantly vulnerable position.

FUNCTION OF NIE

One important function of the proposed National Institute of Education must be to conduct research and provide leadership that will guarantee all American citizens that every educational material from which children are required to learn is as effective as we know how to make it.

What I have to say to you this morning will clearly indicate that there is an enormous need for better educational materials, and an even greater need for procedures that will guarantee their continuous improvement. The proposed National Institute could provide many of the means and methods upon which that improvement depends.

Educational purchasers are being presented with a tremendous variety of options—even more than are offered to the American car buyer. Overall, the growth of all types of instructional materials since 1951 may be described conservatively as a twenty-fold increase—from approximately 10,000 items twenty years ago, to well over 200,000 in 1971. As is the case with so many of the present automotive options, the educator's options are too often trivial variations on overworked and, in the long run, ineffective themes. Today's teachers and students do not need an ever increasing quantity of options. What they do need, desperately, are high quality alternatives to the inadequately developed materials they are now required to use.

Futurists and economists predict that the education industry will grow into a major American industry in the years ahead. Assuming they are correct, now is the time, while the industry is still in its economic infancy, and schools spend relatively little on its products, to encourage it, cajole it, give it guidance, and, if necessary, manage Federal support in such a way that money is available to help develop and purchase products of proven worth.

ACTION NEEDED NOW

Everything that *can* be done *must* be done to get the education industry to fulfill its potential—not by continuing to provide schools with endless trivial options, but by supplying instead effective alternatives for individual learners. The potential impact of the industry's products is enormous. These products introduce (or fail to introduce) skills, concepts, facts and understanding to 50 million young Americans for twelve crucially important years of their lives. No industry in the country produces products of greater importance or potential.

I am in total agreement with the late Robert Locke of McGraw-Hill who wrote in the *Saturday Review*, "the chief contribution of industry may come through its ability to apply the findings of research to the development of products and services for education." But my analysis of the current state of product development within leading education companies indicates that the industry is a long way from doing so.

Research findings clearly indicate that the learning effectiveness of a product can best be improved through a process EPIE refers to as *learner verification and revision*. These terms are a researcher's way of saying that the learning effectiveness of a product will be improved if it is taken through a systematic cycle of tryouts with learners followed by revisions based on the feedback from those learners. Such evaluations need not always involve large groups of learners. Through appropriate sampling, a small group of "target" students can give the product developers ample opportunity to catch errors and trouble spots accordingly.

CONCEPT NOT NEW

The concept and application of learner verification is not new. It has been in use in the development of standardized tests for several decades. The researchers who developed programed instruction a decade ago were the first to apply learner verification and revision to the creation of learning materials. However, four years of research by the EPIE Institute into almost every type of instruction material, have convinced us that although this research-generated process is becoming more generally understood by educational producers, their capacity to apply it remains virtually untapped.

EPIE estimates that 99 per cent of the materials school children are now required to use have not been put through even the initial phases of the learner verification and revision cycle. If this statistic is disturbing, the picture in particular product areas is even more so. For instance, our investigation of textbooks indicates that *under one per cent* of the approximately 14,000 different textbooks being sold to schools has been systematically shaped through the learner tryout and revision process.

Our study included an analysis of the best-selling texts-plus-media-supplements in major elementary high-school curriculum areas. The best-seller list eventually grew to some sixty different texts and their related materials. Less than 10 percent of these had even been field-tested prior to publication: (I say "even" because the field-testing of textbooks is rarely synonymous with learner verification and revision).

In some cases, simply the reactions from salesmen in the field are considered field-testing. When field-testing actually refers to tests of materials with students, it is usually done just prior to publication with no chance of using the results to revise and improve the product. We believe that such testing is done with the hope that purchasers will be impressed with school "tested" materials. Thus, it is important not to confuse traditional field-testing of textbooks with the learner verification and revision process.

The amount of field-testing and/or learner verification and revision in educational films is apparently even less than it is for textbooks. In the area of broadcast video instruction, we discovered that only three of the two hundred and twenty-three materials used in over 85 percent of broadcast television instruction have been learner-tested. In other words, only a little over one percent of the television material used in schools has been learner-verified.

The Director of the National Center for Audio Tapes at the University of Colorado told EPIE that while he had no statistical data, it is his opinion that practically none of the 20,000 tapes now available have gone through the verification-revision process.

PROGRAMED INSTRUCTION

By far the most discouraging area we have investigated is that of programed instruction. As I have pointed out, research in programed instruction did much to develop and refine the process of learner verification and revision. Yet EPIE's examination of six hundred and thirty-three programed instruction materials now used in major curriculum areas reveals that evidence of learner-verification is available for only 7 percent of these materials. Some "field-testing" was claimed for another 8 percent. A cursory examination of the remaining 3,000 programs less central to the school curriculum indicates an even smaller percentage that appear to have been learner-verified.

Recently, EPIE did a telephone survey of a sampling of major educational producers. Some produce programed materials, and all have begun to move in the direction of *systems of materials* involving a multitude of media and methods. We interviewed them to ascertain their present attitude toward field-testing, learner-verification and product evaluation in general. Here are some of their comments:

Company A, Vice President and Editor-in-Chief:

"A couple of years ago, we wanted to do some field-testing, but scheduling wouldn't allow it . . . It takes too much time and we wouldn't have gotten the books out . . . It wasn't a question of money, but just scheduling. We're now working on a program we plan to field-test. I hope we can . . . Testing has lots of problems, you know . . ."

(This company has no information on field-testing available to schools.)

Company B, Editor-in-Chief:

"We don't do any real testing from the standpoint of content or pedology. . . . When

I was Editor-in-Chief at ——— we did a lot of testing . . . but we were testing the format, you might say. . . . We found that some difficult-to-produce stuff wasn't necessary. . . . This is the kind of testing most publishers do. It can lead to some improvements from the teaching standpoint, but that's just serendipity. . . . More testing is needed, but it costs a lot. . . . When I was teaching, I always wanted to know about classroom trials, but I never got any information. Publishers usually claim that their materials have been classroom tested, or used with thousands of students throughout the country, but no one should call what they do testing."

(This company has no information on field-testing available to schools.)

Company C, Senior Vice President, Editorial:

"We have about one hundred and sixty salesmen and consultants who report back what they pick up in the field; that's really our field-testing."

Company D, Vice President and Editor-in-Chief:

". . . mostly we depend on what we hear from people out in the field. . . . Sure, field-testing is good, but it can be overdone. . . . Some of the government-funded projects are needlessly complicated. . . . They do their own material and revise it and revise it. . . . Any good editor can do the same thing, just on the basis of his own experience. . . . Holt's Biology still sells (this company is *not* Holt) after all the money they (the government) spent on the BSCS materials. We didn't test ——— or ——— and they're still among the best sellers we have."

(This company's field-test information is for its own use only. We were told that if a school wants information on field-testing and the adoption is important enough, an appropriate editor will write a letter.)

LIMITED FIELD TESTS

EPIE also conducted an analysis of advertisements for the instructional materials that appeared in thirteen issues of seven major educational journals and magazines in recent months. In all, EPIE analyzed three hundred and forty-four advertisements. Only seventeen contained references to any type of field-testing. An EPIE researcher contacted the producers who had placed the seventeen advertisements. Only two of them refer to published research studies. Six others said they would be willing to supply information, which ranged from informal feedback from classroom trials to surveys of teacher comments. The producers responsible for the nine remaining advertisements were unable to refer us to (or send us) any evidence to back up the statements made in their advertisements.

In one case, it was quite evident that the producer had no data of any sort, even though his advertisement urged schools to get in touch with any regional office, "to learn how well these materials are working in schools like yours." (The exact wording of this portion of the advertisement has been altered.) A further investigation ascertained that when a school did, in fact, get in touch with a regional office, it would first be sent a list of schools in that region who had purchased the materials, then it would receive a visit from a salesman. This sort of sales strategy is disturbing to EPIE. It was even more disturbing to learn that during the months that this advertisement was being run intensively, the company received *only five* requests for their "field-test" information! Sales, nonetheless, were quite satisfactory during the same period.

When one examines the ways in which most schools select materials, this lack of attention to evidence of effectiveness resulting from learner-verification, or field-testing, is not surprising. EPIE learned this in 1969 when it cooperated with eight state education departments in surveying the evaluation practices used by schools and state agencies in the selection of instructional materials and equipment. The project identified and studied materials selection practices in nineteen school systems designated by specialists across the country as being more conscientious than many others in this task. In every case, these nineteen schools relied almost completely on examination and review of the materials plus (in some cases) discussions with sales representatives. Only occasionally did selection committees use the results of student performance data from pilot tests of the materials conducted in local classrooms. Only one state department of education included in the study strongly recommends local pilot testing of products, but we found little evidence that school systems in the state followed the suggestion.

A recent follow-up study of the nineteen school systems indicates that the practices identified in 1969 are still in use today. However, we are somewhat encouraged by the fact that one of these systems does press producers for evidence of the learning effectiveness of their products, and that others, at least sometimes, seek such evidence. As yet, none makes such evidence a purchasing specification.

When one remembers that these nineteen systems were designated as being more sophisticated than most others in the country in product selection, the nationwide picture remains pretty bleak. Nationally, we must still conclude that most schools fail to employ verification data from learners when selecting curriculum materials. A reason for this, it would seem, is that in evaluating products, school selection committees must devote most of their limited time to judging a product's content and pedagogical approach. Practically no time can be given to gathering evidence of a material's learning effectiveness. Committees assume that materials with "good content" and "the right approach" will, by definition, be effective with learners. Logical as this sounds, it is not necessarily true.

EXISTING RESEARCH

Fortunately, some research exists which has examined whether it is possible to infer learning effectiveness of instructional materials by simply examining them. This research raises serious doubts about the reliability of the practice of judging the quality of learning effectiveness without the help of student feedback (verification).

One of these research studies examined evaluation techniques of a group of teachers and a principal. They were asked to review and rank for effectiveness alternate versions of a set of materials on which evidence of effectiveness with learners had been gathered by the researchers, but was not made available to the educators. With no evidence of effectiveness available to them, the educators were strikingly unsuccessful in judging these materials accurately. The correlation between their judgments and the actual performance of the materials with learners was −.75.

This study is one of few in the educational research literature that has been replicated and had its results corroborated by a second researcher with a similar group of subjects. Despite this fact, most school people and members of the education industry continue to put their faith solely in examination and review rather than evidence of actual performance when judging educational materials.

TRYOUT AND REVISION

Any responsible effort to create or select materials of proven learning effectiveness must use the tryout and revision process. The real problem is that the question of learning effectiveness is not of great interest to most producers and purchasers of educational materials. This situation is not the result of collusion or conscious negligence on the part of companies and schools, but rather of habit, apathy and ignorance. The fact of the matter is this: many producers and purchasers feel that they know how to judge the learning effectiveness of materials. They become defensive when researchers suggest that their methods are less than reliable. Others, as we have seen, simply infer that materials examined and judged acceptable as to content and approach will also produce effective learning.

CORRECTIVE MEASURES

What then, can be done about the present practices of product development and selection? The first step is to admit honestly and candidly that these practices can and must be improved. What must be avoided at all costs is preaching a counsel of perfection ("Research can't tell us precisely what to do, so let's not change things until it can.") and becoming defensive about established practices ("These practices have been developed and refined through professional experience over the years.").

The credo of all *professionals*—in the education companies and in schools—must be: "There isn't a product we produce, or one now in use, that cannot be improved. Every product must continuously be revised in light of the growing knowledge and constantly changing needs of learners." Most producers of materials for young children will eventually be forced to revise their products for those who have been habitués of *Sesame Street*. This kind of extra-school learning is affecting the performance of every educational material in use in schools today.

As they now stand, the materials schools use are not good enough to meet the individual needs of learners. Nor are they good enough to expect our teachers to willingly be held accountable for what students fail to learn when they are required to use those materials.

NEED FOR NIE

A National Institute of Education is needed to institutionalize a continuing broad-based research program into the many problems surrounding the development, evaluation, selection and use of educational products.

The first task of the National Institute of Education in such a program should be the development and dissemination of *realistic* guidelines to help educational producers institute programs of verification and revision. These guidelines should be aimed at both commercial and non-commercial product developers. A second set of guidelines should be developed to assist schools in selection of materials. Here, too, great emphasis should be put on guiding the educational purchaser towards the productive use of verification information as a means of judging effectiveness of materials.

These guidelines should be implementable by any producer or school that wishes to improve present practices. They should be realistic enough to offer a number of routes to achieving improvement. Modest products could be verified modestly; more complex and expensive products more ambitiously. Products, such as total reading programs, or an entire K–12 curriculum, would receive thoroughly comprehensive verification and revision. It is most important that these guidelines be designed so as to be useful in continuously improving *both new and existing materials*.

NIE MACHINERY

The specific mechanism for formulating these guidelines would be an NIE Technical Task Force, made up of NIE staff and representative groups of specialists in product verification and revision. Such specialists employed in the education industry should be invited to participate as individuals. The working assumption of this task force should be that all educational materials should be continuously revised using data from learner verification.

The guidelines for school should help purchasers make maximum efficient use of verification evidence and should urge schools to refuse to purchase non-verified materials.

Once these guidelines have been developed and disseminated, producers would be expected to comply with them within a specific period of time. At the end of that period, each producer would be expected to publish a statement of learner verification of each of his products.

Obviously it will cost producers money and time to comply with these proposed guidelines. Producers will have a new item to add to their product development budgets; the cost of gathering and using feedback from learners. Sad to say, this will be a totally new experience for most producers. This increased cost must inevitably increase the cost of materials to schools. But continuously improved learner-verified materials must, by their very nature, reduce many important non-dollar costs that are now being passed on to the ultimate educational consumer—the learner.

FEDERAL AID

If these increased dollar costs are too great for producers and purchasers to absorb, then Federal aid should be offered. Federal aid to producers could take the form of research and development grants to be used to improve specific materials through verification and revision. Federal aid to schools could be in the form of increased Federal funds for school systems that use the proposed guidelines and institute purchasing policies that give clear preference to learner-verified materials. The outcome of such strategically managed Federal funding would be to drive out stagnant, unimproved materials and provide schools with useful and effective alternatives to what they are now using. But until such a system is instituted, schools should do two things: press producers to supply evidence of the learning effectiveness of their materials, and indicate their willingness to serve as sites where producers can carry out learner-verification studies.

Until such time as these recommendations, or some facsimile of them, are acted upon, the education companies that fail to verify their products with learners, and school boards that fail to demand evidence on learner-performance, share the responsibility for continuing the use of improved learning materials in schools.

I repeat my contention, that this situation is the result more of habit, apathy, and ignorance, than of collusion or negligence on the part of companies and schools, but I also state that *now* is the time to change the habits that have created the present situation. All parties—the industry, the schools, and the Congress must admit to having been ignorant. Now they must do what must be done to become wiser.

DO NOT CALL IT JUSTICE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SKUBITZ. Mr. Speaker. Perhaps few items emphasize today's permissive society as poignantly as does a "Letter to the Editor" in the New York Times of November 30, 1971. I call it to the attention of my colleagues who upon reading it will, I am sure, sympathize as deeply as I do with Mr. Robert L. Schleunes of Point Harbor, N.C. I include Mr. Schleunes' letter in the CONGRESSIONAL RECORD:

DO NOT CALL IT JUSTICE

To the Editor:

When most voices in the news media seem opposed to capital punishment it is some consolation to see that The Times is willing to look at the other side of the coin. I refer to two recent Op-Ed articles, Bernard Cohen's "On Behalf of Capital Punishment" and "In Memory of Seymour Schneider," who was murdered on Sept. 2.

On Jan. 7, 1970, my daughter was strangled to death in her Wilton, Conn., home. She preferred not to be raped. Age 33 years and three months. Her husband lost a wife, four small children lost their mother, we lost our only child and Carol Schleunes Diack lost all.

Louis Cafone, the murderer, was sentenced to death. In all probability the taxpayers of Connecticut will support him the rest of his wretched life. The murder rated a feature article in The Times of Jan. 15, 1970, titled "The Case of the Mistaken Parole." Louis Cafone, white, rapist, turned loose by the Connecticut Parole Board in July of 1969, never prosecuted for crimes committed in New York State, pronounced "stabilized" by the Connecticut board's psychiatrist, admittedly not supervised properly during his parole.

I am retired and live in a rather remote area, and so my circle of friends is limited. Here is what has happened to some of them: The 24-year-old daughter-in-law of our cleaning woman, mother of an infant, was found bludgeoned to death just a few weeks ago. Another friend's wife is hopelessly insane, the result of a rape. The rapist has since been freed.

How many lives must be sacrificed? A society that is willing to spend a million dollars to try the assassin of Senator Robert Kennedy and probably will never execute him will tolerate almost anything. Well, call it law, if you wish, but do not call it justice.

I have listened to many TV programs and read many editorials all deploring capital punishment. Yet never do the opponents of capital punishment have one word to say about revising the laws to make a life sentence mean just that. Neither do they take a serious look at the make-up of parole boards, many of whose members have no more competence in that field than I have in nuclear physics.

J. Bernard Gates, chairman of the Connecticut Parole Board, commented in The Times on the man who murdered my daughter, "I believe," he said, "that I've got to admit that we've made a mistake." Mr. Gates did not pay for the mistake, Carol Diack, her family and friends continue to pay for it.

ROBERT L. SCHLEUNES.

PENALIZING POLLUTERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HAMILTON. Mr. Speaker, the October–November 1971 issue of the Sierra Club Bulletin contains a pair of articles on the use of economic incentives, including taxes, to control pollution.

This approach to pollution control is efficient, effective, and easy to administer. It is the backbone of the Regional Water Quality Act of 1971, which my colleague, the gentleman from Wisconsin, LES ASPIN, and myself will be introducing prior to adjournment.

I urge my colleagues to read the articles which follow, and to consider cosponsoring our bill.

PART I: ECONOMIC DETERRENTS

(By Michael McCloskey and Julia Hillis)

Traditionally conservationists have been reluctant to consider economic factors in relation to controlling industrial pollution. They have been fearful that shifting the focus to these factors tends to move the discussion into an arena which is basically more favorable to the pleas of polluters. They have tended to associate economics with the efforts of polluters to maximize profit opportunities and to minimize interference in their operations. Believing that polluters are engaging in antisocial conduct, which is also immoral in many cases, conservationists have looked to legal solutions to curb this conduct. When private legal remedies such as the nuisance action failed to cope with the onslaught of pollution, they then looked to government to use its police power to devise regulatory schemes to abate excessive pollution, with prosecution authorized and penalties provided. The schemes that have been developed, which first looked to setting air and water quality standards and now look to specific discharge standards, continue to make disappointing progress. Despite years of work and continuing revision of the laws, the overall problems seem to be getting worse.

As a result, environmentalists are taking a fresh look at the relationship of economics to industrial pollution control. They are realizing that economic factors are a real part of the problem that must be understood, and that economic factors can be turned in a way to minimize pollution as well as to justify it. They are also recognizing that a great many distinctions need to be drawn between the various economic palliatives which have been suggested. Some of these proposals offer an opportunity to buttress standard-setting regulations and to provide incentives for obtaining an even cleaner environment than these standards would afford. Furthermore, they may be able to cure the deficiencies of standard-setting schemes that will never be fully effective because of administrative cumbersomeness, spottiness in prosecution, and the delays inherent in litigation.

Economic incentives to reduce pollution cover a wide spectrum. They run from fines, to tax penalties of various sorts, to conferring tax benefits, to offering subsidies, and to charging fees for licenses to pollute. Those at the beginning of this list offer the most hope, while those toward the end are generally unacceptable.

Traditionally the regulatory approach has relied upon the setting of minimum standards to be enforced by criminal or civil penalties. There has been widespread dissatisfaction, however, with the effectiveness of these penalties. Regulation enforced by penalty has been criticized as offering a polluter only the crudest form of economic incentive to stop polluting. Industry pressure on standard setters, lax enforcement by administering agencies, the necessity of individual legal proceedings against each polluter, the low level of penalties imposed, and delaying tactics by industry are among the reasons for the ineffectiveness of the regulatory approach. Other drawbacks include the lack of incentive to reduce pollution below the minimum standards and to research and develop optimum control technology.

The regulatory approach, however, should not be abandoned for substantial improvements are possible and continuous efforts must be made to strengthen the present system. Penalties should be made sufficiently severe to be noticed on corporate account books; they should exceed the cost of compliance in order to be effective. Standards should be set at very stringent levels so that pollution below that level would be minimal and industry would be forced to develop the necessary technology. Continuous effort is

needed to simplify and streamline administration, with lengthy delays eliminated. And, hopefully, agency attitudes could be changed so that a polluter faces the virtual certainty of enforcement action.

Regulations, though, must be supplemented with other measures designed to reach the economic self-interest of polluters. The withdrawal of various government-granted benefits and privileges from those who violate environmental laws and regulations is one approach which has great potential. For example, disqualifying polluters from doing business with the federal government—the largest single purchaser of goods and services—would provide a significant economic incentive to comply with environmental standards. Those violating environmental laws should be ineligible for government contracts, grants, leases, loans, subsidies, and the like. The Sierra Club has commended the Environmental Protection Agency for having recently developed an Executive Order along these lines; however, it fails to go beyond outlawing dealings with those who violate air pollution laws.

This principle could be extended to a wide range of government-granted or regulated benefits and privileges. For example, Sierra Club President Raymond Sherwin has recently purposed that environmental protection might be enforced through the withdrawal of special tax privileges (e.g., the oil companies' depletion allowances, and permission to treat foreign purchases as taxes paid to foreign governments), stock market trading privileges, interstate or international trading privileges, and others. It is only reasonable to make the exercise of privileges conditional upon compliance with environmental standards, and this would also provide a significant economic incentive for compliance.

Emission and effluent charges, or "pollution taxes," promise to be an effective economic incentive for pollution abatement. Such charges would place financial responsibility directly on a polluter according to the amount of pollution discharged. Thus the costs of pollution would be internalized at the source, rather than imposed on society by the polluter. Pollution taxes could be levied either on a flat charge basis, e.g., a certain sum per unit of pollutant, or on a graduated scale, with the charge per unit increasing with the amount of pollutant emitted from the source.

If the charges were set sufficiently high so that pollution would cost more than abatement measures, industry would be motivated to seek the most economical and efficient means of abatement. Competitive factors and cost-minimizing behavior will ensure in most cases that industries will choose the less costly alternative of abating pollution. A significant advantage of the pollution tax system is that the incentive to reduce pollution remains even after regulatory standards are met, encouraging continuous research and development toward the best long-term means of pollution control.

Though the product may cost more due to increased industry costs, *any* effective pollution control will cost the consumer more, either in higher prices or higher taxes. And products now are often artificially cheap; goods should reflect the *total* costs of production, including environmental costs. Pollution taxes, by encouraging the most economical means of control, will cause the least increase in cost consistent with pollution abatement.

One type of economic incentive already in use at both the state and federal levels is the granting of tax relief to encourage pollution abatement. Included among such measures are property tax exemptions, accelerated depreciation write-offs, tax credits, and sales and use tax exemptions. These incentive provisions, while imposing a financial burden on the public, have failed to achieve effective pollution control. They do not encourage the most effective means of pollution abatement. By giving credit for facilities and "hardware," they bias industry toward capital expenditures, often for end-of-the-line treatment, when process changes and related research often would achieve more significant and economically efficient results. Moreover, there is no requirement that the investment actually reduce pollution. Instead of the tax relief being tied to a measured reduction in the actual amount of pollution, the relief is conferred for the mere act of investing in control equipment regardless of whether it works or not.

The tax relief only reduces the cost of the investment; it does not make this investment the most economically attractive course of action, as with the pollution tax.

Even with the tax break, industry is still faced with a net expense for essentially nonproductive facilities. Companies will not usually be stimulated to make unprofitable investments just because the government promises to absorb part of the cost. Further, most tax plans are drawn so that profitable abatement measures do not qualify. In most states, a facility must be for the "primary purpose" of pollution control, and in some, for that purpose exclusively. The federal provision, section 169 of the Internal Revenue Code, disqualifies any property whose costs will be recovered over its useful life, by profits from recovery of wastes or otherwise in the operation of the property. Though basically commercial facilities should not be given a tax break, still, these provisions may discourage good pollution control programs which coincidentally produce reusable materials or marketable byproducts.

Expenditures necessary to comply with health or pollution laws and regulations cannot be considered public benefits gained through tax incentives. In helping to pay for facilities required by other laws, tax relief brings no gain to the public in exchange for the loss of tax revenues, which may be immense. Further, the tax relief aids only large or wealthy companies, which have the least need for public assistance, while failing to aid small or inefficient businesses without the capital to invest in control equipment. Finally, the basic objection to this approach is its philosophy of rewarding polluters for refraining from environmental contamination which they have no right to impose on the public in the first place.

Subsidies are another type of economic incentive which has been suggested. These might be in the form of outright payments for pollution control, or could involve low-interest loans or guarantees. If directly related to the reduction of emissions, payments might be more efficient than incentives related only to capital investments, and also could be channeled to financially hard-pressed companies. However, the award payment approach is largely unsatisfactory. It is subject to some of the same objections applicable to the tax relief approach, and it also has additional deficiencies of its own. Basically, a system that pays polluters to stop polluting is unacceptable. It imposes the burden upon the public, which already has been wronged, and either rewards recalcitrant and antisocial conduct, or distorts our economic system by keeping inefficient units afloat.

Among the economic incentives that are unacceptable are permit fees. These most closely fit the characterization of "licenses to pollute." A nominal fee under the new Refuse Act permit system to cover administrative costs might not be objectionable, but it would hardly provide much of an incentive to clean-up unless the amount of pollution under the permit is minimal and could be easily abated. If the fee were not a flat fee but graduated in terms of the type and amount of pollution, then it would more closely resemble an emission or effluent tax. Some have also suggested auctioning off a limited number of industrial discharge permits. In such a case, the auction market would set the price rather than the government. This approach requires that the total amount of discharges be held within permissible limits and that a competitive market exist to make the auction work. Under such assumptions, the permit price is assumed to rise high enough to induce competitors to reduce their discharges because they cannot afford to bid for a permit or because they can only afford a smaller permit. It is questionable whether these assumptions could actually be met in many cases.

Of all these proposals, the one that has the greatest number of advantages and the least liabilities is the emission and effluent tax. Properly applied, this tax can turn the economic tables on the polluter so that it is to his own self-interest to abate his pollution and to do so in the most efficient possible way. However, to have this effect it is essential that the amount of the tax be greater than the cost of abating the pollution. Moreover, it is essential that the tax be joined with a strengthened standards program which attempts to absolutely prevent all pollution beyond a permissible level. The feasibility of the approach also depends on a number of other carefully defined conditions. These are spelled out in a resolution recently adopted by the Sierra Club's Board of Directors, which sets forth our general policy on this subject:

"The Sierra Club advocates the establishment of pollution taxes which would make it less expensive for a polluter to adopt alternative processes or invest in additional equipment to curtail releases to the environment than it would be for him to continue as before. Such taxes would supplement, and not replace, standards on maximum permissible emissions. These taxes should be imposed when the following conditions are found to generally prevail:

(1) For competitive or other reasons, cost-minimizing behavior tends to exist in the company or industry;

(2) The cost of abatement is expected to be significant, both in relation to revenue from sales and in absolute terms; and

(3) The quantity of pollutant released to the environment can be determined with reasonable accuracy, either by direct monitoring of every source, statistical sampling of a small fraction of many similar sources produced by a few manufacturers, or by indirect means. The cost of monitoring should be small in relation to the tax revenue expected in the absence of abatement.

As a first step, a tax equal to 20 cents per pound should be imposed on sulfur contained in fuels intended for combustion (with a rebate given to those who demonstrate that the sulfur was not released to the environment), and on sulfur emitted from smelters, refineries, and sulfuric acid plants. The tax on lead contained in gasoline proposed last year by the Administration should also be promptly enacted. The feasibility of taxes on the emission of nitrogen oxides, particulate matter, carbon monoxide, and hydrocarbons should be investigated in the next few months, for possible action on these air pollutants; studies should also be conducted on the practicality of similar taxes for the various water pollutants."

PART II: THE EMISSION TAX

(By Laureuce I. Moss)

Environmentalists concerned with devising effective pollution abatement strategies must keep in mind that from the polluter's point of view it is cheaper in almost every case to pollute than to stop polluting. There are exceptions: pressures to abate pollution may lead to a search for new processes and occasionally one is found which is more efficient than the former process. But these have been few in number, as might be expected

when over the years industry has refined its processes to approach an economic optimum with little or no value attributed to environmental quality. Now, with increasing public emphasis on the value of the environment, a new factor, the social cost of pollution, must be included in arriving at a new optimum. This new social factor will frequently involve higher production costs for industry.

This is the reason that the leaders of industry generally oppose effective abatement measures. They are not evil men. Rather, they work within a system where their performance and that of their companies are judged by the corporate profit and loss statement. When the corporate self-interest is coincident with society's interest, as it often is, the result is satisfactory. When the two interests are separate, the result desired by society is not achieved. This unhappy situation, when it exists, is not the fault of industry. It is the fault of society for not devising and implementing effective constraints and forces which would modify the decisions of industry to make them more consistent with society's goals.

The most common form of such constraints and pressures is the imposition of standards and regulations by the government. This can work well, but normally a number of conditions are necessary to achieve success.

An instructive example is the recent abatement of water pollution by mercury from industrial sources. The diaphragm process was an alternative to the mercury-cell process for producing chlorine. Means were readily available to greatly reduce the effluent from other operations in which mercury had been released.

The costs were relatively small, at least on the scale of operations of most of the companies involved. The 1899 Refuse Act was available and the Environmental Protection Agency and the Department of Justice were willing to use it to shut down non-conforming producers. It would not have been credible for a defendant in such a case to plead that the government was making demands which were impossible to fulfill. Finally, the number of polluters involved and the staff time and energy required for each were low enough so that the administrative and legal resources of the federal government were not overtaxed. As a result, there has been a very substantial decrease in effluent from industrial polluters, though the problem of mercury in water has not yet been solved.

But contrast the mercury case with that of the emissions of sulfur oxides, to pick an example where the standards by themselves are likely to be neither effective nor efficient. Enormous quantities of sulfur oxides—about 35 million tons per year—are emitted from powerplants burning coal and and oil, smelters, oil refineries, sulfuric acid plants, furnaces burning fuel oil, and other sources. The cost of significant reductions in emissions of sulfur oxides is likely to be large, perhaps several billion dollars per year. A proven technology to achieve these reductions, according to the National Academy of Engineering, is not yet available for powerplants which emit 55 percent of all sulfur oxides. Research and development of abatement technology have long been neglected. Even now, after years of discussion of the importance of the problem and specific mention of it in the President's energy resources message, the efforts of the public and particularly the private sectors to find solutions are inadequate in light of the magnitude and urgency of the task.

Indeed, it could easily be argued that not finding solutions serves the economic self-interest of industry. If they are found, then industry will be obliged to implement them, thereby substantially increasing costs of production and perhaps even drastically changing the way in which business is done. If they are not found or if government regulators cannot prove they exist, then industry will be able to present government with a choice of shutting down an activity vital to the economic welfare of the United States or postponing the implementation of the standards. Does anyone seriously believe that EPA in 1975 will shut down all fossil fuel burning powerplants in areas having concentrations of sulfur oxides in excess of the national ambient air quality standard, if a substantial portion of U.S. electrical generating capacity lies within such areas? And even if EPA pressed ahead, it would be possible for industry to delay effective action for years by spending a small fraction of what would be necessary for abatement on administrative appeals and litigation. In short, in a case of this kind, every profit-making instinct of industry would be oriented towards conducting token research and development primarily for its public relations value, withholding any significant results of that research, and delaying implementation of the standards by various legal tactics.

Thus a need exists to supplement the conventional regulatory process in these difficult cases in order to establish a condition under which government and industry are similarly motivated. Pollution taxes will fill this need by making it more costly for industry to continue to pollute than to stop. Under such circumstances it would be expected that industry would greatly increase its investment in research and development and quickly apply any promising technologies, if for no other reason than its return on this investment would be higher than that from competing investments.

The level of the tax should be such that the desired environmental quality—determined by social and political decisions in which both the measurable and non-measurable benefits and costs of pollution abatement are assessed—is attained within a reasonable period. The decision regarding the level of the tax is the equivalent of a decision regarding the desired environmental quality. Because of its inherently value-laden nature, such a decision should be made by Congress, in the full light of public awareness.

Another important aspect of the pollution tax strategy is its efficiency. By encouraging marginal cost decision making, it has the potential of achieving the desired level of environmental quality at the lowest cost. The social and political consensus that has been reached on the need for improving environmental quality could be jeopardized if large, unnecessary costs were incurred. For a given expenditure, a greater degree of improvement in the environment can be attained if it is allocated efficiently. An example of the possible difference in costs is seen in the results of studies by economist Robert H. Haveman, who has calculated that the net budgetary cost for five years of water quality control under an effluent charge system is $4.3 billion, as compared with $12 billion for the Administration proposal and $14 billion for that of Senator Muskie.

With specific reference to the case of emissions of sulfur oxides, the Sierra Club applauds the President's endorsement of a charge on such emissions in his environmental message last February, and again in his energy resources message. We believe that the measure should include the following features:

—A charge of 20 cents per pound of sulfur, achieved in full by 1975. This is greater than the estimated costs of abatement, which for most emissions range from about 5 to 15 cents per pound, but it is less than the measurable health and property costs to society of pollution from sulfur oxides which are estimated by EPA to be 25 cents per pound;

—Uniform application of the charge in all areas of the nation, both for administrative simplicity and to avoid creating havens for polluters; and

—Revenue from the tax should go into the general fund, rather than to a trust fund. The purpose of the tax should be to abate pollution, not to raise revenue, and hopefully, revenue from the tax would quickly decline as effective abatement is achieved. Other environmental improvement programs should be funded on their merits and not be dependent on this source of funds. Obviously, the Administration and Congress should feel obligated to authorize and appropriate enough money for administration, auditing and monitoring, and enforcement of the tax; however, the required amount for these purposes will be small in relation to the expected revenue.

Pollution taxes can be powerful instruments in implementing the environmental quality standards desired by society. They are particularly valuable and fill a present vacuum in the strategy of implementation in cases where there are no obvious technological solutions available, the industry would undergo substantial change upon implementation of abatement, or where the costs of abatement are high. These are the conditions which encourage, under the present system, opposition to and delay of implementation. With a tax set higher than the marginal cost of abatement, this undesirable situation would be changed; industries would find it in their own economic self-interest to abate pollution quickly and efficiently.

CHARLES K. PARKER, AUTHOR, EAGLE COLUMNIST, DIES AT 73

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CONTE. Mr. Speaker, one of the truly unique personalities of western Massachusetts, Charles K. Parker, of Pittsfield, died suddenly last Sunday. An author, teacher and world traveler, his knowledge of the Orient was surpassed only by his affection for its peoples. At home, Charlie Parker brightened the days of many people through his witty, urbane columns in the Berkshire Eagle and, earlier, as a news commentator for WBRK radio. Charlie Parker could be a staunch ally or a formidable opponent, but, regardless of political viewpoint, he was always a pleasure to be with.

As a longtime personal friend of Charlie Parker, I would like to share the following article from the Berkshire Eagle of November 29, 1971, with my colleagues in the House of Representatives. It described the adventurous life of a colorful, engaging individual, who will be greatly missed throughout the Berkshires.

The article follows:

CHARLES K. PARKER, AUTHOR, EAGLE COLUMNIST, DIES AT 73

Charles Kenneth Parker of 63 Pomeroy Ave., retired Eagle columnist and newsroom assistant, author, former radio commentator and teacher for 23 years in the Orient, died yesterday afternoon after being stricken with a heart attack at his home. He would have been 74 on Thursday.

Known by most acquaintances as Charlie, although he preferred the nickname Ken of his boyhood and Williams College days, he was a familiar figure in downtown Pittsfield with his cigar and cane.

A bon vivant, he liked to engage in "light conversation," as he called it, with congenial souls, usually over libations or food

on both. He loved to talk with people of all walks of life and of varying shades of political, philosophical and religious persuasion.

A FLAIR FOR WORDS

Although some took exception to his views and philosophy, which were basically right-wing, they respected him for his erudition, unfailing congeniality and generosity. He had a flair for words which found expression not only in his conversation but also in his writing. It was not unusual for him to dash off a poem on a paper napkin or any piece of scrap paper that was handy.

His latest effusion was written a few days before Thanksgiving for Marcel E. Peltier, the Eagle Sunday Sampler's Inquiring Photographer. In answer to the question, "Do you think we have lost the significance of Thanksgiving?" he wrote:

"It's not that the Fourth of July and Thanksgiving Day have lost much of their significance, but that life no longer has the flavor it once had. The flavor caressed the heart as the pumpkin pie, walnut cake and canned raspberries of Thanksgiving dinner caressed the palate. Life has lost much of its flavor because we have been robotized in our tastes, devotees of insipid routines. Life is an adventure in taste. If we keep that spirit of adventure alive, our children's children will give thanks as most of us still give thanks in our hearts for a magnificent heritage."

AUTHORED TWO BOOKS

Mr. Parker was the author of two books and was writing a third. The first, "A Dictionary of Japanese Compound Verbs," in 1939 dealt extensively with the origin of the Japanese language. In 1950 "Dog Eats Moon" was published, a 500-page evaluation of the postwar situation in the Far East based on a series of radio talks the author gave on his WBRK program, "Rim of the Pacific."

A native of Pittsfield and graduate of Pittsfield High School, Mr. Parker was the son of the late Mr. and Mrs. Robert T. Parker of this city. As a youngster he was a member of Boy Scout Troop 1 of the First Methodist Church which, he proudly recalled, hiked to Saratoga, N.Y., and back.

AN EARLY ORATOR

At the age of 16 he made an impassioned speech excoriating the selling of ice cream on Sunday. He also exercised his oratorical abilities in denouncing the evils of drinking intoxicating beverages.

At Williams College, where he received his bachelor of arts degree in 1919, he was known as "Fuzzy" because of his crew cut. This term of endearment continued with his Williams classmates when they gathered with him at reunions.

Immediately after graduation he left for Foochow, China, where he lectured on French, English and modern history at Fukien Union University for two years. He then became a teacher at Osaka Higher School in Osaka, Japan, where he remained for 20 years.

While vacationing in Kobe, Japan, he met and married Shizu (Peace) Narishima, the daughter of a merchant, who had just returned from a year's trip to Europe. They observed their 49th wedding anniversary on July 11.

INTERNED IN JAPAN

Mr. Parker continued to teach at Osaka until five days before Pearl Harbor. He boarded the last ship to leave Japan for the United States on his 44th birthday, Dec. 2, 1941, but was forced to return to Japan and was interned from Dec. 15, 1941 until June 17, 1942 in Yokohama.

Mrs. Parker was not allowed to leave on the ship, but, when the couple were repatriated, she was permitted to come to the United States in June of 1942. Their daughter, June, had come to this country in 1941 to live with her grandparents and attend school here, later graduating from Wellesley College.

During World War II, Mr. Parker was attached to the Office of Naval Intelligence in Washington, D.C., for 3½ years, while Mrs. Parker taught Japanese to American military officers at Yale University.

After the war, Mr. Parker was sent with a group of ONI agents to take part in the bombing survey of Japan and also to serve in the military government under Gen. Douglas MacArthur for two years.

COMMENTATOR IN OHIO

On his return to Pittsfield, he was employed by radio station WBRK, leaving in 1951 to become a news commentator for radio station WLW and television station WLW–TV in Cincinnati, Ohio.

In 1954 he joined The Eagle and started writing a weekly column, "On the Other Hand," presenting the conservative point of view on national and international affairs. He also began a series of daily commentaries over station WBEC.

He retired from The Eagle on Sept. 30, 1964, but maintained an affiliation with this newspaper by writing the "Looking Back" column which appears on the editorial page.

POLITICAL BOMBSHELL

The Eagle was his office, especially after he had the telephone service to his home disconnected after engaging in a heated political campaign for a seat on the School Committee from Ward 4 in the fall of 1955. He tossed a bombshell at a PTA rally by charging the school administration with religious discrimination in its teacher-hiring policies and threatening court action under the Fair Employment Act.

An apology for the accusation was demanded by a member of the School Committee, and when it wasn't forthcoming, a cascade of vituperative phone calls, most of them anonymous, flooded the Parker home.

Soon afterward, he had the phone removed, and it wasn't restored until recent years. He lost the election by a substantial margin.

Besides his wife and daughter, Mrs. Max E. Goldman of Forest City, Iowa, and three grandchildren, he leaves two brothers, Claude A. of Stockbridge and Robert C. of Birmingham, Mich., and a sister, Mrs. Louis DeNagy of Hendersonville, N.C.

Funeral services will be Wednesday afternoon at 2 at St. Stephen's Episcopal Church. Calling hours at the Wellington Funeral Home will be Tuesday night from 7 to 9.

WHAT CONGRESS NEEDS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SCHWENGEL. Mr. Speaker, last Saturday's edition of the Washington Evening Star carried an article on how the White House is keeping track of Congress.

The point of the article is that it takes a computer to effectively keep track of all of the bills and other actions of Congress.

The point I make is that everyone else seems to be doing a better job of keeping track of what Congress is doing than Congress is doing.

The Committee on House Administration is making progress, but we need to accelerate our efforts.

The article in the Star tells us clearly how far behind we are:

WHITE HOUSE "AIDE": IT WATCHES HILL FOR NIXON

(By Robert Gruenberg)

Question: Who at the White House knows most what's going on in Congress?

Answer: He (it) isn't at the White House. He (it) is a computer, linked to a network called Systems Response One. The computer is located 10 miles away, in nearby Bethesda.

Clark MacGregor, President Nixon's adviser on Congressional relations, confesses that too much happens on Capitol Hill for the White House to keep easy track of things.

But this untidy state of affairs has been solved—or almost so—by the mechanical brain which, in its development and operation for about a year now, has cost approximately $200,000.

White House officials, asked about it by the Chicago Daily News, at first were reluctant to talk. "I'm not trying to conceal it—but there's a lot of bugs to work out," one said.

But they did explain it, summoning two top officials of the Office of Management and Budget for a demonstration as well.

It turns out that, "bugs" or not, flickering some keys on what looks like an outsized typewriter keyboard can summon answers from the Bethesda computer at the rate of 600 characters a minute.

Richard Cook, one of MacGregor's subordinates who concentrates mainly on House legislation for the White House, can find out within minutes (at the rate of $5 an hour for the computer leasing) up to 180 answers about any one of 800 to 1,000 pieces of legislation in the parliamentary maze of Capitol Hill.

Between 20,000 and 25,000 bills are introduced in Congress each year.

Information on only those bills that White House legislative assistants and OMB aides feel are significant enough to keep a record on is fed into the system—and drawn out again.

Such data as the name of the bill, its sponsor, his party, its subject, the date the proposal was introduced, the House or Senate committee action on it—all the way to a presidential veto and a vote on the veto—come out.

The computer, also keeps vote records of the number of Republicans and Democrats for and against a measure—and whether President Nixon is "I-A" ("in accord," computer language) with the proposed measure.

"It's not doing voting analyses or voting profiles," says Cook, but he adds, "This is not to say we might not eventually look into those areas.

"One of its potential capabilities will be to record the floor votes by name . . . to have a capability of building up voting patterns on issues by members . . . such as how many times they voted on a (similar) bill."

It might even be possible to "develop a pattern of voting by subject matter to the extent that you could attempt to predict the outcome of floor votes on a proposal," he said. He added, however, "It would be a very risky proposition."

Cook said he "would never attempt to predict" the outcome of proposed legislation but, he said, "to the extent that you could predict, you could eliminate from consideration the necessity to research the records of 60 to 70 percent" of the legislators, going back through reference material for the "past 5 to 10 years."

CRIES OF "1984"

His enthusiastic visions of the future—however qualified—cause shudders among other executive office officials.

Even the hint of an idea that Congress can be "programmed" to come up with what a president wants passed—as long as the planning for that result is based on the right "input" into a computer—has them climbing the walls with nightmares of public outcry over "1984" and "Big Brother."

They wont speak for the record, however.

Cook helped set up a somewhat simpler computer-indexing of bills for the House Banking and Currency Committee, a system now joined by the House Judiciary, Government Operations, and Interstate and Foreign Commerce committees.

He is enthusiastic over the time-saving capabilities of the White House "legislative tracking system," as it is officially known, and its possibilities for cutting down the payroll.

WHITE HOUSE WAS BEHIND

When he came to the White House legislative office, he recalled, he discovered that even the weekly legislative reports were "not reliable."

"Here was the White House—the presidency—even further behind than the U.S. House of Representatives!" he exclaimed.

"We were spending an hour a day out of 10 (hours) answering these dumb questions from congressional offices and legislative assistants wanting to find out where legislation is," he said.

All that, he said, led him to work up the present system.

"Hopefully," Cook said, "it will save time and money, but primarily it is to give more people on the staff accessibility to this kind of information.

"For instance . . . the press office would have accessibility to this, instead of calling us when we're in the middle of more important things like trying to get the votes.

"They'll be able to get the information themselves . . . if (Ron) Ziegler (Nixon's press secretary) wanted to know where such-and-such a bill was (in Congress)."

Among the machine's capabilities is locating legislation sponsored by individual House members or senators.

On a test run for a reporter, a search was made for legislation sponsored by Sen. Charles H. Percy, R-Ill.

Clickety-click-click-click, the machine ticked and soon nine bills sponsored by Percy were listed, ranging from one on historic preservation to a "Community Service Act" for middle-aged and older workers.

Another test run was made for Illinois Rep. Abner Mikva, a liberal Democrat who has introduced scores of proposals ranging from prison reform to abolishing detention camp legislation.

Clickety-click-click went the machine—and turned up blank.

THE POWER OF THE AGING IN THE MARKETPLACE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FRASER. Mr. Speaker, a recent article in Business Week discussed the power of the aging in the marketplace. This week the White House Conference on Aging, has set as its task the job of hammering out a national policy for what is fast becoming not only one of the country's largest and potentially most powerful minority groups but also one of the country's most troubling social issues.

The latest census figures show that the over-65 group is now expanding twice as fast as the under-65 group. These 20 million older Americans constitute 10 percent of the total population and, perhaps more significantly, 17 percent of the voting population.

I recommend the article to my colleagues:

THE POWER OF THE AGING IN THE MARKETPLACE

The over-65s are 10% of the population and increasing faster than under-65s, and they refuse to be ignored as consumers any longer.

"What we must build in this country—among all our people—is a new attitude toward old age; an attitude which insists that there can be no retirement from living, no retirement from responsibility, and no retirement from citizenship.' —President Nixon, June 25, 1971.

In President Nixon's America, a rather stark fact confronts society today: People are retiring earlier, living longer, and having fewer children. The result is that in a nation that has long worshipped the youth cult, the retirement ranks are swelling, and the over-all population is actually growing older.

This creates enormous strains on an economy and social structure geared toward the young. Yet this country lacks any all-embracing policy or mechanism for dealing with the 20-million Americans who are 65-and-over. Later this month, more than 3,400 delegates will converge on Washington, D.C., for a five-day White House Conference on Aging, the second in 10 years. They have set as their task the job of hammering out a national policy for what is fast becoming not only one of the country's largest and potentially most powerful minority groups but also one of the country's most troubling social issues.

The latest census figures show that the over-65 group is now expanding twice as fast as the under-65 group. These 20-million Americans constitute 10% of the total population and, perhaps more significantly, 17% of the voting population. What is more, they vote in much higher proportions (70%) than younger voters.

For all their numbers, however, older Americans remain one of the most alienated, neglected, and misunderstood minorities in the country. Fully one-quarter live below the poverty level. Almost two-thirds of those living alone or with nonrelatives are poor or near-poor. Nearly all feel a squeeze on their fixed incomes.

IT'S A $68 BILLION MARKET

They also feel slighted and ignored as consumers. While their individual incomes may be low, averaging about half those of the under-65 group, they still represent an enormous market for all the necessities that a younger family requires. As in every population segment, there is, as well, a higher-income layer at the top that lives quite comfortably. And it is bound to grow as private pension programs expand their coverage and benefits. This group travels, buys cars, dines out at fancy restaurants, buys presents for the kids and grandchildren, and spends a growing share of its retirement dollar on leisure goods and services. Altogether, the over-65 market adds up to $60-billion. This is far larger than the vaunted and highly amorphous youth market—variously estimated at anywhere from $20-billion to $45-billion.

Adam Charles F. Adams, executive vice-president of D'Arcy, MacManus-Intermarco, raises the questions that more and more businessmen are privately asking themselves. "Have American marketers gone overboard in their courtship of the youth market? Have we, as marketers, ignored and possibly offended mature America in our obsession with young America?"

For Adams and many others, the answer is undeniably yes. "As I watch television and read magazines and attend movies these days," Adams says, "I sometimes wonder if anybody besides myself is over 30. There seems to be a conscious denial of middle age—and certainly of old age." TV ads continue to feature shaggy-haired surfers and long-limbed golden blonds swigging Pepsi or dashing around in Detroit's latest scat-abouts. Seldom does an older face show up, except in those stultifying ads for laxatives and denture adhesives.

Arthur S. Flemming (box), chairman of the White House conference and, at 66, a major symbol of leadership in the old-age movement, stresses that today's older Americans want and deserve what most younger Americans simply take for granted. "They want to be involved in life in a meaningful manner," he says. "They want to be part of the mainstream." European nations long ago recognized these needs and have gone far ahead of the U.S. in providing broader pensions, more health care, and the other economic and social necessities of the older generation. Above all, the elderly want dignity. "Too often," Flemming feels, "we have acted as though we were willing to apply to the concept of dignity and worth only up to a particular age."

OLDSTERS ON THE MARCH

At this year's White House conference, scheduled for Nov. 28 through Dec. 2, Flemming hopes to complete the job that was only barely begun at the first White House conference, which he organized in 1961 as Secretary of Health, Education & Welfare under President Eisenhower. Altogether, that first conference generated 600 recommendations, some of which led to medicare, medicaid, and the Older Americans Act of 1965. This last act set up the Administration on Aging to coordinate federal old-age programs. Yet over-all, that conference fell far short of expectations. There was no planned follow-up at state and local levels, and many of the 600 recommendations were merely pious expressions of rights and wishes.

Neither Flemming nor anyone else going into the second White House conference expects instant miracles. Nothing short of a total reordering of national values would ever alter the elderly's place in American society. But Flemming does hope that the conference will help stem the depressing human erosion taking place among the aged. The conference could do this by simply helping to put more money in the pockets of the elderly, looking after more of their needs, and generally restoring their faith in a society that, up to now, has only frustrated and finally alienated them. "They recognize," Flemming says of his older constituency, "that society has made some attractive promises, but that our actions have not lived up to these promises."

Some of this will show up in policy and legislative recommendations that come out of the conference. These will touch on all the crucial areas of concern for the aged: industrial retirement policies, pensions, nutrition, health, housing, transportation, education, emotional problems, legal aid, employment, rehabilitation of the disabled, and the special problems of older blacks, Indians, migrant workers, and other disadvantaged minorities. At the same time, the conference should increase the pressure on Congress to pass some of the major old-age bills already pending, including the Administration's massive welfare reform bill.

White House conferences, of course, have a way of generating little more than soaring rhetoric. Even Flemming admits as much when he says: "I don't consider the White House conference an end in itself. It is part of an ongoing process." The conference will have done its job, he feels, if it just quickens the momentum.

Already, that momentum is gaining velocity. From city to city, older Americans are going on the march. In Boston, Chicago, Sacramento, and Philadelphia, the elderly are fighting for partial tax exemptions. In San Francisco and Philadelphia, they seek better housing. In Cleveland, Milwaukee, and New York, they want special transportation privileges. And in scores of other cities, they are campaigning for everything else from greater job opportunities and more liberalized benefits to reduced prices in movies, restaurants, and other private businesses.

To back up their demands, older Americans are also uniting on many election issues that

affect them, and often they cast the deciding vote. This might be against a property tax increase or a school bond issue, or against a politician like California's former Senator George Murphy, who committed the political blunder of opposing medicare, expanded Social Security benefits, and other programs dear to the hearts of older voters.

"Senior citizens are seething, angry, and ready for action," says Zena Smith Blau, assistant professor of sociology at Northwestern University and author of Aging in a Changing Society, to be published next year. "We can't take a whole age group and put it to pasture and not have that affect the entire society."

"Since time immemorial," adds Herman B. Brotman, chief statistician for the Administration on Aging, "we've wanted to live longer. Now that we've achieved this, our society and technology have pushed older people out of all the roles that gave them status and function in our society. In an agrarian society, the older person represented a wealth of advice and knowledge. Today, all of the roles have disappeared."

Typical of the new senior militants is Henry A. Sherman, a hard-boiled, 74-year-old retired Army colonel and a delegate to the White House conference. Sherman recently organized an old-age political action group in Houston, and last month the group chalked up its first major victory: the promise of a senior-citizen fare reduction on city buses.

"When we get the fare reduction," Sherman vows, "then comes the gas, telephone, and lighting companies, and then the stores. We will take one group at a time and get them to give a special rate for senior citizens." With a glint in his eye, Sherman shrugs off any suggestion of "political pressure." But the politics is inescapable. "The pressure that we have is that we represent 133,000 people in the county 62 and above who will be very disappointed if they don't get any help. And the politicians know that these 133,000 are all eligible to vote."

THE CLAMOR GROWS LOUDER

Such political facts are not lost on Washington. All through the planning for the White House conference, the Administration has harped on how much the Republicans have done for the elderly, while its critics rail about how little has been done. Among a growing list of congressional supporters, "senior power" now counts among its chief allies Senators Frank Church, Edward Kennedy, Edmund Muskie, Charles Percy, Frank Moss, and Jacob Javits and Representatives Wilbur Mills and David Pryor. Even consumer watchdog Ralph Nader has called for an "old people's liberation movement" and set up a "Retired Professionals Action Group" to champion the causes of the elderly."

As yet, senior power does not constitute a bloc. It is barely even a movement, since it lacks cohesion, strong central leadership, or even direction. What it consists of is millions of oldsters going their separate ways and hundreds of small local groups, some of which have affiliated with one of two major national organizations based in Washington: the National Council of Senior Citizens and the American Assn. of Retired Persons. The NCSC claims 3-million members and is largely labor-oriented, while the AARP, with its sister group, the National Retired Teachers Assn., claims slightly more than 3-million members, mostly retired white-collar workers.

The job that older Americans have set for themselves is one of stupendous proportions. It involves no less than exploding the countless die-hard myths that have grown up around the aged and that nourish the sense of neglect, frustration, and misery many of them feel.

Many retired people, for instance, want to go back to work. They need the money and psychological lift that can come from a job. But most employers are leery of hiring older workers. The complaints are common: "They get sick, cantankerous, forgetful. They are set in their ways. Their learning capacity drops with age. They have less commitment to a job than a younger man.'

Studies show, however, that in many clerical and production jobs, older workers do as well, and sometimes better, than younger workers. George Rosenberg, professor of sociology at Case Western Reserve University and author of *The Workers Grow Old*, published last year, insists that older workers would be a "gold mine" for many companies. "Old people are just as committed as young people," he claims. "Their absentee rates are lower. They are steady workers and are serious and conscientious."

Old people may also have a stake in a job that no younger worker could ever appreciate. The president of an old-age job placement company on the West Coast gives an example: "We have placed at least 3,000 older men and women in jobs and gotten them back into the mainstream of life. One woman told us we saved her from suicide."

As they get older, some men even seem to get more flexible and adaptable, judging by the current trend toward regular or early retirement and then a complete switch in careers. One exceptional example occurred at the very top of the executive ladder. Paul A. Gorman retired from the presidency of Western Electric Co., became president and chairman of Penn Central Co., then moved on to the same spot of International Paper Co.—all within the span of 14 months. With Gorman's appointment at International Paper, former Chairman Frederick R. Kappel, who himself had retired as chairman of American Telephone & Telegraph Co., became chairman of International Paper's executive committee.

Right now, one-quarter of the country's 65-plus men are working part-time or full-time. That compares with two-thirds of the population back at the turn of the century before compulsory retirement became common. More significantly, older women—like younger women—are moving deeper into the labor market. Nearly 10% of the country's women 65-and-over are now working. In 1900, it was 8% of a far smaller population.

The question is not really whether oldsters can work or not, insists Hiram J. Friedsam, director of the Center for Studies in Aging at North Texas State University. "We've never really faced the issue," he says, "of what kinds of jobs older people can perform and how to absorb them into the labor market. We need to take a hard look at this."

One company that has taken a look is Harris-Intertype Corp., a leader in hiring retired top executives as consultants, particularly in technical areas. "It's all related to know-how," says Loren Miller, assistant to the chairman. "We're in a know-how industry, and we see no reason to let this know-how go simply because a man has passed 65."

Some department stores hire older women to serve older customers. Deere & Co., the farm implement maker, employs retired former workers as tour guides. Hastings College of Law, a part of the University of California, has achieved a notably rare distinction in this area: all of its 22 full-time teachers are at least 65 years of age, and all are castoffs, or were about to become cast-offs, of colleges with compulsory retirement.

NOBODY WANTS TO BE OLD

The older American as consumer is also surrounded by myth. The biggest is that he wants his own individual style of apparel, shoes, food, and so on. The fact is that at a time when more and more consumer markets are being broken down by age, income, and other segments, the old-age market is actually blurring into the others.

"You have a psychological thing here," says John Howard, a Columbia University professor and co-author of *The Theory of Buyer Behavior*. "Many older people don't want to be reminded that they are old, and they often tend to react against advertising and marketing programs that separate them from the masses."

H. J. Heinz Co., for instance, discovered that many oldsters were eating the company's baby food. So Heinz packaged a special line of "senior foods." The product failed, largely because senior shoppers preferred to buy baby food and claim it was for the grandchildren. Some retirement communities face the same problem, partly because they isolate and all but ghettoize the aged. Partly for this reason, two of Del Webb Corp.'s three Sun City retirement communities, one near Tampa, the other in Riverside, Calif., are in trouble, and are even selling off part of their land. (On the other hand, Del Webb's third Sun City, located in Pheonix, is now up to 20,000 population and has just acquired another 11,000 acres for expansion.)

John A. Clausen, professor of sociology at the University of California, speaks for many when he describes the problem of housing for his 92-year-old father. Clausen does not want to isolate his father in an old folks' home. "There is nothing between the standard apartment and nursing home," he says. "There should be more apartments where meals are served. If my father had to go to a nursing home, it would kill him."

Older Americans are just as insistent when it comes to what they wear. "We find there is no such thing as an old woman any more," says Harry S. Robinson, president of Red Cross Shoe Div. of U.S. Shoe Corp., a big seller to the elderly. "From a style standpoint a few years ago, there was a much sharper demarcation between what grandmother wore and what mother wore."

Several women's wear manufacturers have also noticed this and have recently abandoned their lines of apparel for "mature tastes." Says the president of one such company in Dallas: "It was a shrinking market. People don't want older-looking clothes. Most of the older women want to look like their daughters, and generally they can."

The only answer is what one university professor calls a "trans-generational strategy"—marketing to several specific groups at once without alienating one or the other. Greyhound Corp., which does 35% of its business among the older set, has refined this to an art. Its ads feature both youngsters and oldsters having a great time aboard a bus. In the liquor industry, Roger M. Coleman, senior vice-president of Brown-Forman Distillers Corp., calls it "fence-straddling." Says Coleman: "You want to keep your old and valued customer, and yet you want to appeal to the new drinker who's turning 18 or 21."

One of the newest examples of trans-generational marketing is U.S. Foods Corp. of Houston, a shop-by-phone grocery and drug service set up last year. Though the company's best potential customers are 60 and over, its advertising never speaks to them as the elderly. "The aged don't want to be classified as old and helpless," says President William Rogers. "We just market to their needs." A typical ad reads: "If transportation is a problem, we are the company to solve it."

And is transportation a problem? "I got a call from a lady the other day who was just starting to use our service," says Rogers. "She said it was her 76th birthday and that we had made it the greatest birthday she had ever had, and she cried like a baby."

In their shopping, elderly consumers tend to be more cautious than younger consumers, more set in their preferences, and shrewder comparison shoppers. They buy nationally advertised brands. They will usually pass up new products and stick by the older, established ones. They favor larger chain stores and shun small specialty outlets, especially those that gain a name for catering just to the elderly. As Robert Sakowitz, executive vice-president of Houston's Sakowitz, Inc., notes: "It would be suicide to say, 'Come, old people, shop with us.' "

Joseph Reese, a 69-year-old retiree who lives in a grim, rundown area of North Chicago, says: "I don't buy imported shirts, and in the grocery line, I won't go for imported beef or products. I watch prices to see if they are raised, and I always read the ads in newspapers." While Reese generally shops with national chains, he will buy milk and produce from independents. "But I shy away from meats in the independents and watch the turnover of perishable products."

Higher-income retirees change in subtler ways. "I'm buying a Chevelle this year, instead of a bigger car," says Alfred Teplitz, a soon-to-be-retired research engineer at U.S. Steel Corp. "I don't need a big car and all that gas expenditure anymore." Now that he is retiring, Teplitz may postpone, as well, the purchase of a new dining room set.

David Bernstein, a 61-year-old former manufacturing executive, feels the same way. After retiring, he sold his home on Long Island and now he and his wife live in a posh Miami apartment. "Our spending pattern has definitely changed," he says. "An expensive apartment still costs less than a home and gives greater freedom for travel and entertainment." Bernstein expects entertainment to be his largest expense in the next few years. Travel will rank second, and clothing third. Cars, which he calls "an evil necessity," rank far back on his list. His only hope, he says, is to "find one that can stand up for a period of years without too many visits for replacements or servicing—a car that is safe and manageable to drive." His investment tastes run in the same direction. He is now more interested in high-yield securities, such as bonds. He shies away from stocks because of their uncertainties.

Bernstein, Teplitz, and other upper-income retirees are far less cautious when it comes to travel and other recreational activities. In fact, Samuel N. Mercer, a vice-president of Pacific Far East Line, notes a "marked difference" in the attitudes of his company's over-55 cruise customers from those of five or 10 years ago. This probably reflects their greater affluence. "They are a much younger feeling crowd," says Mercer, "more swinging and livelier. They seek more entertainment than they used to and more services too." Mercer also feels that today's seniors are "more sophisticated. They are more knowledgeable, have broadened their horizons, and are more willing to travel to new places. Since they have been conditioned to the world's unrest, an uprising that would have deterred them previously does not frighten them off now. They just barge right on out."

Following the lead of other companies, Pacific Far East does not aim its advertising directly at the over-55 crowd, though this represents the bulk of its business. "We show a mixture of people," says Mercer, "but not too many children. We tend to show a very old-looking lady of 75, though she might be in the background."

For the company that can meet the complex needs of the older market, there are rich dividends. Colonial Penn Group, Inc., which provides the aged with travel services, insurance, and temporary job placement, has built up a $100-million business that is growing 15% to 20% a year. The company works closely with the AARP, the NRTA, and more than 80 client organizations of older people.

"Back in the mid-50s," says its chairman and chief executive, John J. MacWilliams, Jr., "we spotted the need for group style health insurance and developed the first group-style program for retired people. It had been a neglected market. Companies had been frightened to get into it." Then, in the early 1960's, Colonial developed a direct mail, life insurance program tailored to the aged. Four years ago, it began mass marketing old-age auto insurance. "We find," says MacWilliams, "that older drivers are better drivers, particularly the ones who drive 3,000 to 4,000 miles a year. Their exposure to accidents isn't great. They seldom have accidents involving high speed, death, or drunken driving." MacWilliams will not discuss other areas, but does say: "We're not going to stop here."

Like all myths, those about the aging die hard. But even the largest and most persistent myth of all—that the elderly are quiet, sedentary, and hopelessly resigned to their obsolescence—is at last beginning to yield to a few realities. And this false picture will continue to undergo revision as the country faces up to a challenge that no nation has ever confronted before: how to function with a longer-living, shorter-working, and relentlessly aging population.

James E. Birren, director of the Gerontology Center at the University of Southern California and a delegate to the upcoming White House conference, describes the U.S. even now as "a nation of the retired"—if only because of the explosive growth of that segment of the population. In the future, he feels the problems of aging will be further complicated by a change in generations. "The present older generation continually seeks economic security and a place to live. But another generation is coming along very soon that is motivated differently. They have more education, better retirement benefits, and they are better consumers." The inference is that they will want, and demand, far more out of life than money in the bank, a roof over their heads, and a gold retirement watch.

This market is bound to grow not only in size but in the breadth of its needs. "We are a society now that is putting its whole security in the hands of bodies beyond ourselves—government, insurance, pensions, and so on," notes James F. Engel, a professor of marketing at Ohio State University. "So the security problem is being taken off the individual. This can only mean that in the future, it's going to be a market with a lot more discretionary income"—and a lot more ways to spend it. Engel predicts a greater emphasis on learning among the aged and "educational thrusts of all kinds."

THE COMING REVOLUTION

Yet there is also some question as to how willingly this new retirement generation will even retire. Some experts claim they will not go quietly at all, and within the next 20 years, they predict a labor problem of "crisis" proportions. "We have to reduce the nonfunctional reasons for retirement and find ways of keeping these people in the labor force," says one university professor. "It's a very serious problem, the kind of thing we can see coming over the horizon. Employers will have to think about redesigning jobs."

The average worker, for instance, now spends one-quarter of his life in school, one-half in work, and one-quarter in retirement, in that order. "Instead of dividing life into these distinct phases," suggests Chicago's senior-citizens division director, "we need to mix them up over the whole life span." He cites the example of Xerox Corp. Under a new program, certain Xerox employees are now permitted leaves of absence to teach handicapped children, to work in the ghettos, or perform any other nonpartisan good works they choose.

Some sociologists feel there should be a similar shakeup in the retirement process itself. For the present, at least, retirement will continue to be sudden phenomenon with full work one day and full retirement the next. "But during the next several decades," says Robert Wray, retired chairman of the University of Georgia's Council on Gerontology, "it would be desirable if retirement came about more gradually, perhaps with a shortened work week, work day, or longer vacations."

Something must also be done to resocialize the aged into other roles that give retirement years some meaning. This might involve more training programs for those who want part-time or full-time work. It might also mean more volunteer jobs, such as working with shut-ins, planting and beautifying community areas, acting as "foster grandparents" for retarded children, and so on.

In many ways, today's crisis of aging is simply a crisis of dignity and respect. "Older Americans represent an important economic segment, and they just don't want to be ignored anymore," says William Fitch, executive director of the National Council on the Aging, a private, nonprofit educational and training organization. "In the future, I don't think either industry or our politicians will be able to look the other way."

"What we have to bear in mind" adds Peter Dickinson, editor-in-chief of *Harvest Years*, a retirement magazine, "is that we are not just talking about some small minority. We are talking about all of us in the next 10, 20, or 30 years, assuming we don't depart the world ahead of our time. And this has got to give the problems of aging more urgency in the coming decade."

ARTHUR FLEMMING: AN OLD CHAMPION OF THE ELDERLY

There may be a generation gap between youth and the middle-aged, but between youngsters and oldsters? Not at all, says Arthur S. Flemming, the courtly, mild-mannered chairman of the upcoming White House Conference on Aging. "There's a real affinity between the aged and youth," he insists, "because they face a common enemy—the middle-aged. The middle-aged tell youth, 'You're too young to deal with the problems,' and they tell old people, 'You're over the hill.' "

While the White House conference may not bring the elderly back to the summit, Flemming hopes it will at least put them on higher ground. One answer, of course, is for the federal government to become more and more involved with the elderly. But it cannot stop there, "States won't be able to walk away from the issues," insists the 66-year-old former Secretary of Health, Education & Welfare. "And there should be increasing involvement of the private sector in voluntary assistance."

BACKGROUND

Flemming's own involvement with older Americans goes back to 1942, when President Roosevelt appointed him to the War Manpower Commission. There, Flemming helped mobilize old people for essential jobs in the civilian work force.

After a postwar stint as president of Ohio Wesleyan University, Flemming returned to Washington in 1951 to oversee manpower programs in the Office of Defense Mobilization. In 1958, President Eisenhower named him to head HEW. In that role, Flemming laid the groundwork for the 1961 White House Conference on Aging. Following the Eisenhower years, he became president of the University of Oregon and then, Macalester College.

Since his latest appointment in April, Flemming has been on a nonstop travel schedule, attending regional preconference planning sessions and dealing with all of the internal pressures and forces at work within the old-age movement. At one stage, blacks were claiming that the conference was being stacked in favor of whites; many oldsters claimed it was being stacked in favor of "professionals," and others complained it was being stacked with pro-Administration delegates. Dissension reached such a pitch that the National Council of Senior Citizens even threatened to pull out. With the skill and aplomb of a seasoned diplomat, however, Flemming quickly restored balance and calm.

SKILLS

"Arthur has the uncanny ability," says one Washington colleague who worked with him during his Eisenhower years, "to ferret out of a complicated jumble of arguments a course of action that will be acceptable to almost everyone. He's like a machine that can take in and weigh and integrate and balance conflicting pressures, then come up with a solution not way over on one side or the other."

In the regional conferences he attended, Flemming found oldsters particularly concerned about retirement programs in industry. "They're almost bitter toward personnel policies that require retirement at an early age," he notes. "Business and industry could profitably reexamine this policy of retirement at a set age." But Flemming acknowledges that oldsters "realize the tide is running very much against them."

At the same meeting, Flemming also heard pleas for "real" preretirement counseling. "They're not talking about programs which give them details of their pensions and a few essential facts," he says. "They're talking about programs that start years before retirement." Flemming found pensions themselves just as much a concern. "They are definitely asking for a national policy of vesting after a number of years, of portability, and federal supervision over payments. This will be one of the liveliest topics of discussion at the conference."

National old-age leaders give Flemming high marks for his planning and organization of the conference. "It's coming around to a potentially responsive activity," says Bernard E. Nash, executive director of the American Assn. of Retired Persons. "Dr. Flemming has done everything he can to open his conference and make it a people's conference." On the broader problems of aging, Nash adds, "We've just been changing light bulbs instead of the entire electrical system."

THE QUESTION

Nelson Cruikshank, president of the National Council of Senior Citizens, poses the ultimate question, however: "Assume for a moment that a good, dynamic, positive, and reasonable program comes out of the White House conference—and I'll say that's a big assumption—it's going to cost billions. Where will the Nixon Administration be then, and what will it do?"

Flemming has no doubt that the Administration will do its duty. Politically, there may be no other choice.

FLORIDA: THE IMPACT OF AN AGING POPULATION

Florida has long cherished its reputation as the playground of America. Now it is fast becoming the living room, bedroom, and kitchen for the aged of the country.

The 1970 census shows that Florida passed five other states in the last 10 years to become the nation's No. 1 haven for people over 65. They represent 14½% of the state's 6.8-million residents, or nearly 1-million people—almost double the number 10 years ago. Like a hurricane swirling out of the Gulf, the impact of this generation on the state's economy and politics has been shattering, and in many ways may foreshadow what is to come in other states as the number of older Americans inches higher.

THE NUMBERS

Miami Beach, for instance, may be loaded with lavish hotels and hordes of sun-worshipping vacationers. But the last census shows that its permanent population of oldsters is up to 42,000 or nearly half of the city's residents. In St. Petersburg, the over-65 crowd has grown to almost one-third of the population. Then there are the state's other meccas for the geriatric set. Cape Coral (24%), Clearwater (29%), Pompano Beach (22%), Port Charlotte (33%), and Sarasota (26%).

Two of these bustling cities, Cape Coral and Port Charlotte, barely existed in 1960. They were both developed by the big land companies that are cashing in on the boom and, in many ways, even feeding it with their huge promotions, easy financing, and hard-sell merchandising—Cape Coral by GAC Properties, Inc., and Port Charlotte by General Development Corp.

When they started out big in the 1950s, Florida's land companies were mainly in the business of selling just that: land. It was easier and the profits were bigger. But more and more, the land companies now feel that putting homes on the land adds "value" and is a good way to lure more customers. "Our whole pitch," says Neil E. Bahr, executive vice-president of Deltona Corp., "has always been to bring people to see for themselves what we have to offer. It certainly assists our sales efforts when they see homes and happy people living in them."

Not all retirees, of course, flock to the land companies. Over the last few years, more and more of the wealthier set have moved into condominiums. Arvida Corp., which sells high-rise, high-priced condominiums, estimates that up to 80% of its customers are 55 years or older. "I'd say at least half are retirees, 30%–35% are contemplating retirement, and the rest are still actively working," says Arvida President Brown L. Whatley.

Improved jet travel is one reason for the boom. "In the 1940s when an elderly couple moved to Florida," says an assistant vice-president at General Development, "they were separated from their children by at least 48 hours, the time it took to drive from the North. Now they're only two or three hours away." With improved pension and other retirement benefits, far more retirees can also afford to relocate in Florida. Then there are the biggest factors of all: the climate, which makes living cheaper and better, and the state's low taxes.

THE PROBLEMS

In their wake, however, the oldsters have brought some problems. Miami Beach hotelman Morris Lansburgh recently went before the Dade County Tax Adjustment Board and sought a tax cut on his hotels because of what oldsters were doing to his business. "With all deference to senior citizens," he testified, "regardless of how hard we try, we are on a downward trend [in the hotel business] because of the condominiums and the excess of housing and the people living on Social Security." On the one hand, the more well-heeled elderly are moving out of hotels and into apartments or condominiums. On the other: "The tourists who spend money don't want to come to an old folks' home for a glamorous vacation."

The influx of elderly is creating waves in politics, too. Older voters were the deciding factor in electing two political unknowns to major office: Democratic Lawton M. Chiles, Jr., to the U.S. Senate and Democrat Reubin Askew to the governorship. "The one thing the seniors have in common is fiscal conservatism," says Donald Petit, a veteran campaign manager. "They want more money out of Social Security and medicare, but they'll fight you over taxes they have to pay themselves. Askew had the perfect ploy. In promoting a corporate income tax, he offered a way to raise tax money that wouldn't come out of the oldsters' pockets."

One seasoned political observer in Miami adds: "The important thing is that the seniors' vote. They have time to study issues and candidates, and they love to be wooed. You go to them, and they don't forget it. Send them a letter and they're thrilled. They're getting more powerful in Florida each day, and the politician who takes them for granted can't win."

JUVENILE JUSTICE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. RAILSBACK. Mr. Speaker, the seriousness and enormity of our juvenile delinquency problem demands a new approach.

Statistics on juvenile crime are shocking. According to the FBI's recent Uniform Crime Report, the involvement of young persons in crime as measured by police arrests is escalating at a pace almost four times their percentage increase in national population.

Youngsters 18 and under are responsible for one-half of all serious crimes in the United States. This is particularly distressing since their acts generally represent only the beginning of a life at odds with society—50 percent to 75 percent will be arrested again.

I believe H.R. 45, legislation to be considered on Monday, December 6, under suspension of the rules, provides at least a partial answer to our crime problem. Briefly stated, this bill creates an Institute for Continuing Studies of Juvenile Justice. The primary functions of the legislation are threefold: First, to provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency, patterned after the FBI Academy; second, to provide a coordinating center for the collection and dissemination of useful data on treatment and control of juvenile offenders and the juvenile justice system in general: and, third, to prepare studies on juvenile justice including comparisons and analyses of State and Federal laws and model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The training program which the Institute would operate is a matter of the highest priority. As Judge Harold J. Wollenzien of Waukesha, Wis. explained:

There are inadequate facilities in many parts of the country to deal with the juvenile delinquent, and we need a major program to deal exclusively with the juvenile and provide expertise and training and education to all of the persons who deal with the juvenile daily.

Another priority of the Institute would be the coordination and gathering of information on the various programs dealing with juvenile offenders. Thomas G. Pinnock, Deputy Director of the Department of Institutions for the State of Washington, has called for "a central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of the information to those directly involved with the problems of youth." H.R. 45 establishes this clearinghouse.

Finally, the third priority of the Institute will be to analyze statutory provisions, develop model laws and codes, and make appropriate recommendations. This function holds much promise for steps to be taken to clear the existing confusion in our juvenile justice system. The American Bar Association and the American Law Institute have achieved striking results with a similar approach.

Support for H.R. 45 has been gratifying. Over 100 Members in the House are cosponsors of this bill, and 19 Senators have sponsored identical legislation. Support has also come from some of the best known authorities on the subject of juvenile delinquency in the country. I now insert a few of the many telegrams and letters that have been received from around the country in support of H.R. 45.

Milton G. Rector, Director, National Council on Crime and Delinquency, letter dated October 28, 1971:

We are writing to you to express our strong support for H.R. 45, the bill to establish an Institute for Continuing Studies of Juvenile Justice.

As you know we testified before your committee on July 29, 1970 concerning H. R. 14950, H. R. 45's predecessor in the 91st Congress. At that time, we strongly supported the concept of the bill and continue to do so. However, in our testimony before the committee we suggested that the Institute be lodged in either HEW or LEAA. This suggestion was based on the then existing plans of those two agencies.

Since that time our hopes for HEW and LEAA were not realized. In the last fiscal year LEAA only planned to spend 14.6% of their state block funds in the area of Juvenile Delinquency. Of this pitifully low amount only 14.1% was spent on training.

HEW's performance has been equally disappointing. In the last fiscal year they expended only 12.9% of their resources on training. We have been informed by officials from HEW/YDDPA that in the present fiscal year they do not plan to spend any funds in the training area. This decision, made apparently in the face of the 1968 Juvenile Delinquency Act, is most discouraging.

Therefore, we would like to modify our previous testimony and urge that the Institute as described in H. R. 45 be enacted by Congress.

Daniel P. Starnes, State Director for Georgia, National Council on Crime and Delinquency, letter of June 14, 1971:

I feel that the establishment of such an Institute is a positive approach to juvenile corrections. The system of juvenile justice is so fragmented now and inefficient that it will take federal legislation such as H.R. 45 to bring some order to a chaotic system.

Judge James H. Lincoln, president National Council of Juvenile Court Judges, telegram of October 26, 1971:

The National Council of Juvenile Court Judges is the largest association of judges in the nation with approximately 2,000 members. Our jurisdiction covers over 80 percent of the population of the nation. NCJCJ does not often support federal legislation. We do so when we are convinced that the legislation is of vital national concern and related to juveniles.

We have stated our position in detail by appearing before the subcommittee. Numerous letters have been written detailing our position.

It is not the purpose of this telegram to again make a detailed statement. It is my purpose as President of NCJCJ to again reiterate our very strong support of H.R. 45.

We have had long experience with dealing with the present departments and agencies in Washington concerning matters relating to juveniles. We have an abundance of grass roots knowledge of problems at the local level. We know that H.R. 45 is long overdue legislation. We urge favorable action.

Byron B. Conway, Wood County Judge, Wisconsin, letter of October 22, 1971:

I am a past president of the National Council of Juvenile Court Judges and that organization has taken a deep interest in the passage of this bill since it (H.R. 45) was introduced. The bill is also supported by the National Council on Crime and Delinquency, the Association of Parents and many other sincere organizations that deal with the problems of children.

The juvenile court has become a "whipping boy." People must realize that we do not have a magic wand to accomplish our purpose. We must have adequately trained personnel.

Orman W. Ketcham, judge of the Superior Court of the District of Columbia, letter of October 26, 1971:

At the request of the Committee on Family Law Judges (of which I am chairman) the Family Law Section of the American Bar Association adopted a resolution last July in New York City endorsing in principle H.R. 45, and urging the establishment of an independent Institute for Juvenile Justice.

An independent Institute for Juvenile Justice whose primary function is to find and impart improved ways to curb youth crime is greatly needed. H.R. 45 is a bill which, if enacted, will make a belated, but necessary beginning in this area where federal guidance has not previously been forthcoming.

Everett L. West, judge, Benton Circuit Court, Indiana, letter of October 22, 1971:

I sincerely appreciate your efforts on behalf of H.R. 45 which seeks to establish a National Institute for the training of juvenile court personnel and which further provides for the collection and dissemination of information concerning all programs that may be available to Juvenile Court Judges in the handling of children already adjudicated to have been delinquent.

I am writing this as a judge of general jurisdiction, including that of juvenile court jurisdiction. I find myself unable to find any method whereby probation officers may be trained or whereby standards for probation officers may be found. I have also had any number of instances where after I have made disposition of a case, I have learned that there is in existence Federal programs which would have assisted me in arriving at a better solution.

I am quite certain that the only method to upgrade juvenile court personnel and the handling of juvenile court problems is by the establishment of a judicially oriented training center that is independent of all other agencies. This should do for Juvenile Courts what the F.B.I. has been able to do in training police personnel.

Hope Eastman, acting director, the American Civil Liberties Union, letter of October 26, 1971:

The American Civil Liberties Union strongly supports H.R. 45, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

This legislation represents an imaginative effort to deal with (lack of resources) this problem. It would provide training programs and facilities for persons connected with the prevention, control and treatment of juvenile crime and delinquency. It would also establish a national clearinghouse of information and studies on juvenile delinquency and the juvenile justice system.

Trained personnel and greater knowledge are essential to achieving the specialized treatment and rehabilitation of juvenile offenders which is necessary to halt the alarming increase in juvenile crime and delinquency.

As the National Crime Commission reported: "One reason for the failure of the juvenile courts has been the country's continued unwillingness to provide the resources—the people and facilities and concern—necessary to permit them to realize their potential."

We, therefore, hope that both the House of Representatives and the Senate take early action on this important legislation.

Mrs. Barbara D. McGarry, executive director, American Parents Committee, letter of October 14, 1971:

The enormity of the problem (juvenile delinquency) clearly calls for a new approach, in view not only of financial drain, but, most importantly, in reclaiming the misdirected young lives of that segment of the nation's most important natural resource—its children. This new approach is soundly realized in H.R. 45.

Precisely because of lack of Departmental inertia toward the mounting problem of juvenile delinquency, it is necessary to establish an independent Institute of Juvenile Justice, where Federal funds can be targeted directly to alleviating this problem—both by the training of special probation officers, intake and aftercare personnel, and by determining which programs show the greatest promise in controlling juvenile delinquency and in effectively rehabilitating the youthful offender.

"Legislation Memogram" from Mrs. Walter G. Kimmel, PTA, Memogram issued September 20, 1971:

H.R. 45 is a proposal to establish a National Institute for Continuing Studies of Juvenile Justice.

We believe the bill contains many elements of juvenile treatment and control that are much needed, and we would like to see the bill reach the floor of the House for consideration.

David McCord and James Burton of the Georgia State Department of Family and Children Services, letter dated June 17, 1971:

As social workers with a total of over ten years experience in the Juvenile Justice System, we feel this (H.R. 45) is a needed resource.

Robert A. Kettel, Chief Probation Officer, Juvenile Court of De Kalb County, Decatur, Ga., letter dated June 16, 1971:

I am writing with reference to House Bill 45 which I wholeheartedly support. This bill establishing an Institute for continuing Studies of Juvenile Justice is one that has been needed for some time.

As a professional in the field of juvenile corrections, I welcome the opportunity to give my support to such an effort. House Bill 45 does so much in needed areas of Juvenile Justice. If passed, it will really give us help in finally reaching the real problem in the handling of the juvenile offender.

David L. Daniel, director, Cook County Department of Public Aid, Chicago, Ill., letter dated May 24, 1971:

I am writing you in the interest of the establishment of a National Institute of Juvenile Justice as sponsored by the House bill H.R. 45 and the companion bill S. 1428, now pending in the 92nd Congress. This bill was based upon a resolution of juvenile justice approved by the 1970 White House Conference on Children, and I am informed that it has bipartisan support.

The Department is very much concerned about the welfare and justice of youths and we recognize the need to coordinate, at least

on a federal level, all of the various and numerous fragmented programs and findings that are now in existence to help and improve the status of our young people. We believe that it will make in the long run, for a more uniform and planned administration if a National Institute of Juvenile Justice were established that would coordinate and direct all of these various programs.

The current definition of youth, related to chronological age, offense, and court procedures, is to a large extent obsolete. There is a vital need to have a National Institute which would research the entire problem in order to establish a body of knowledge that would indicate needed changes in law as well as qualifications for professional staff to work with offenders. It would offer all the States some uniform guidelines to follow instead of every State dealing with offenders by its own interpretations through numerous institutions.

I wish to express my support for the establishment of a National Institute for Juvenile Justice.

America's best hope for reducing crime is to reduce juvenile delinquency. I hope we begin this task by passing H.R. 45 on Monday.

MINNESOTA RABBI DELIVERS MOVING PLEA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. NELSEN. Mr. Speaker, at an open forum of the White House Conference on Aging chaired by former Supreme Court Chief Justice Earl Warren, Rabbi Noah Bernstein, of Minnesota, delivered a most eloquent plea for a changed public attitude toward the aging. Rabbi Bernstein, of Duluth, who is Upper Midwest Director of Merko's Chaplaincy Service as well as a social worker, stressed the primary need of all parents to provide their children with a sound religious education in order to foster respect not only for our Creator, but for all His creatures of whateaver age.

Under permission previously granted, I include Rabbi Bernstein's complete remarks at this point in the RECORD:

REMARKS OF NOAH BERNSTEIN, OF MINNESOTA, BEFORE THE WHITE HOUSE CONFERENCE ON AGING, 1971, SUPREME COURT CHIEF JUSTICE EARL WARREN, CHAIRMAN

Thank you Mr. Chairman. We have all gathered here in Washington because we realize that the attitude of society toward the aging must change.

We must reverse the current trend of utter disrespect for aging and build a society where one can age with dignity.

Children must be taught that respect due to parents and interest in their well being is not a two day a year affair—mothers day and fathers day, but a 365 day a year matter. This pertains to parents of any means—whether indigent or affluent, not only with regard to material help but also to their emotional well being.

I know of a case where a son provided a lavish meal for his aging parents and the parents felt degraded because he threw the food in front of them and said "eat"! I also know of a case where a son had nothing to offer his mother but a glass of tea but served it to her with love and care and a smile of satisfaction broke out on her lips. The name of the game is genuine concern.

How can we teach genuine concern? By teaching children while still young of the existence of G-d and that morals and ethics emanate from G-d. Children taught respect for G-d, the creater of the world, who sustains the world and cares about our well being will be taught G-d's command to respect their parents and the aging in general.

We should strive to give our children the maximum religious education but at the very least there should be a nondenominational regents prayer where one is taught of the existence of G-d and our reliance upon G-d for our daily sustenance and our well being.

We must also influence children by personal example. If parents treat their parents with respect and show concern for their well being then their children will learn from their example and show more respect for them.

Also funds for adequate programs must be made available in the public and private schools as well as through the multi-media, television, radio, newspaper, etc. on a daily or steady basis to educate and show how to respect, help and relate to the aging.

It should also be stressed that respect due to parents and aging is commanded by G-d and this will give greater mood to society to fulfill their obligation to the aging.

This will then reverse the trend of the utter disregard of children for parents and society for the aging and help build a society where one can age with dignity and where the aging will become the moral and ethical guides for the coming generations.

COMMUNITY DEVELOPMENT TESTIMONY AT WALNUT RIDGE, ARK.

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ALEXANDER. Mr. Speaker, I would like to make a part of today's record testimony from the community development needs hearing that I recently held in Walnut Ridge, Ark., which I believe will be of particular interest to my colleagues in the Congress who are interested in national growth and development problems.

This testimony will be of special interest for two reasons. The comments by Mr. Lawrence Hamilton, director of the Neighborhood Service Center of the Crowley's Ridge Development Council, Inc., concentrate on the problems facing low-income persons in First Congressional District. Mayor B. H. Johnson of College City, Ark., is a commercial airline pilot who chose to live in a small town and commute to his job in a metropolitan area. Mayor Johnson employed the knowledge and insight he has gained from his activities as a public official and as a frequent traveler to major cities in preparing his testimony.

The testimony follows:

STATEMENT BY LAWRENCE HAMILTON, NEIGHBORHOOD SERVICE CENTER, DIRECTOR, CROWLEY'S RIDGE DEVELOPMNT COUNCIL, INC.

(Prepared for Congressman BILL ALEXANDER, First District Field hearing on Proposed Community Development Bank, scheduled for October 23, 1971, at Walnut Ridge, Ark.)

Congressman Alexander, I am Lawrence Hamilton, Director of Neighborhood Service Center Program for Crowley's Ridge Development Council, Inc., serving Craighead, Greene, Jackson and Poinsett Counties in Arkansas, with community action programs that deal with the problems of poverty. I thank you for the opportunity to appear and present my views pertaining to the social and economic development of our area.

Our area has experienced a change over the past twenty years that has resulted in the loss of manpower and brain power. The struggle to establish an industrial basis in transition from a predominately agricultural economy was accompanied by an alarming loss of population by migration. This trend has stabilized and possibly reversed itself in some areas, sufficiently to reduce a great cause for alarm. The trend from a rural to an urban population continues, but at a reduced rate in recent months. The average per capita income in the area is rising, but not rapidly enough, especially in some areas. Per capita income statistics does not necessarily provide an accurate gauge as to the standard of living enjoyed by residents of the area.

The continuing of industrialization to bring a desired balance between agriculture and industry, will depend greatly in the future on federal assistance through loan and grant programs to assist state and local governments develop a comprehensive development program.

Crowley's Ridge, extending north and south through the entire area of East Arkansas Development District and including three of the four counties covered by this report, is a natural asset for pleasant living and for the attraction of tourists. It must be developed carefully and progressively. To accomplish this, there is a urgent need for a complete land use study. Thousands of acres of fertile lands composing the bulk of our area should be protected from flooding, wind and other erosion and used with increasing thought for the great potential of feeding our own and other residents of our country. By turning over lands to the production of foods and then insisting that all of our extracted land products be processed on these lands, we will be able to go far in providing profitable employment for a large segment of our people who are presently unemployed.

We need not capitulate to the philosophy that a large percentage of our residents must always be poor and live at the expense of the rest. There is sufficient brain power among us to devise and activate means to utilize presently wasted power, human and natural resources to produce for the common good. Our policy on poverty must be to relieve suffering only until the causes of poverty are diagnosed and removed. Of course, there will ever be pockets of poverty with which to cope, but the physically able must be shown the way to prideful, happy and remunerative productivity by providing them the opportunity to help themselves.

The Fact Sheet pertaining to this hearing stated that information should be given concerning the most urgent needs of cities and counties. I feel this can best be stated by the people who are the greatest affected by the problems that plague our area. A survey conducted by Crowley's Ridge Development Council, Inc. during July, August and September, 1971, indicated the following causes of poverty in priority order. This information was received from target area residents throughout the area served:

1. Unemployment.
2. Underemployment.
3. Deficient and inapplicable education.
4. Lack of opportunity for job training.
5. Inadequate Housing.
6. Poor Health and lack of purchasing power to provide health services.
7. Large families and need for expanded Family Planning and counseling.
8. Transportation relating to health services, employment and other personal needs.

9. High prices on consumer goods, food and services.
10. Low wages.

The respondents identified the contributing factors that cause the problems to exist as being:

1 and 2—Unemployment and Underemployment. A rapid change in agricultural methods has replaced manpower with machines, resulting not only in fewer available jobs, but those jobs that still exist are apt to be seasonal. Although some factories have moved into the area, there are not enough unskilled jobs to employ the worker displaced by machines on the farm, and people displaced do not have the training to fill skill jobs in factories, because:

(a) Their skills are based on an agricultural economy;

(b) Decreasing need for agricultural labor and an increasing need for second wage earner in families due to minimal wages paid in existing industries.

(c) Tremendous school dropout rate has placed a large number of youths into the labor market unprepared.

(d) Vocational training institutions are not designed so as to encourage the disadvantaged to participate.

(e) Failure of the public schools to adjust curricula to meet the employment demand of the community.

3-4—Education and Job Training.

(a) Target area children begin school at significantly lower levels of education and maturity than nontarget area children.

(b) Some school curricula are not relevant to target area needs in cultural, employment and learning potential, and as a result, target area children fall behind in all educational activities, particular in reading and math.

(c) Vocational programs are not reaching enough target area students, therefore dropouts and unskilled adults lack job skills and the opportunity to correct previous educational deficiencies.

(d) Many low income residents over eighteen years of age are uneducated and a high percentage have not completed the eighth grade.

(e) Continuing educational, cultural, social and recreational needs of the communities are not being served.

5. Housing. There is a limited supply of low and moderate cost housing in the area. The shortage is general throughout the area, but two groups have the greatest need. The elderly, because a high percentage of the target area residents are over 62, and large families, because of the overcrowded houses in the communities.

The problem was created by the following conditions:

(a) Lack of financial resources necessary to meet the cost of new housing or to provide for rehabilitation of substandard housing.

(b) High interest rates.

(c) Rising construction costs.

(d) Target area residents lack of income to meet monthly or yearly payments.

(e) A limited supply of developed land at reasonable costs.

(f) Codes and ordinances prohibiting the development of mass produced houses.

6. Health. Health conditions are a reflection of problems in all areas. Substandard, overcrowded housing, inadequate solid liquid waste management, etc. are related directly to all health problems.

Specific causes of health conditions are:

(a) Low educational achievement, unemployment and financial pressure contribute to the environmental, physical and mental health problems of the area.

(b) Health has traditionally received low priority in state and local budgeting.

(c) Health emphasis has been on treatment rather than preventive health services.

(d) Limited health facilities and manpower in the area.

(e) Lack of transportation to health services.

For the sake of time, I will not elaborate on the other causes that contribute to the problems of the area as indicated by the survey.

Crowley's Ridge Development Council is addressing these needs with a limited amount of funds to develop and administer programs to alleviate the existing problems. These efforts, coordinated with East Arkansas Planning Development District, North Central Arkansas Development District, State and local government, along with other agencies, are dedicated to bring about comprehensive economic development.

We realize that the many problems of the area must be treated as one gigantic obstacle that must be removed if we are to enjoy the healthy economic and social climate we desire. To do this, we must be able to establish an adequate financial basis—Water and Sewer Systems, Public Facilities, Health Facilities, Police and Fire Protection, Solid Waste Disposal, Industrial Parks, Recreational Facilities, Adequate Roads and Streets, and maintain a balance between our natural environment, both ecologically and economically.

I would like to mention some of the proposed Development Programs for the four county area. Perhaps some of these will be funded while many will not be, due to lack of funds. Others will be dependent on local tax and bond issues.

Some of the potential Development Programs are as follows:

Potential development program for CRDC area (Craighead, Greene, Jackson and Poinsett Counties)

Greene County:	
1. Greene County Courthouse	$900,000
2. Walcott, Stanford Water Users Association	200,000
3. Center Hill Sewer System	600,000
4. Greene County Rural Water System	650,000
5. Halliday Water System	475,000
6. Oak Grove Water System	169,321
7. Delaplaine Sewer System	84,000
8. Green County Library	350,000
Craighead County:	
1. Jonesboro Center Urban Renewal Project	8,016,600
2. Monette Water & Sewer System	281,824
3. Brookland Sewer System	182,000
4. Philadelphia Water Association	30,000
5. Craighead County Hospital	5,000,000
6. Jonesboro Civic Center	3,500,000
7. Craighead Vo-Tech School	1,000,000
8. Water & Sewer to Arkansas Children's Colony	113,000
Poinsett County:	
1. Tyronza Water System Expansion	36,000
2. Trumann Water & Sewer Expansion	233,500
3. Crowley's Ridge Water Association Water System	354,175
4. Lepanto Water System Expansion	150,000
5. Weiner Water System Improvements	156,000
Jackson County:	
1. Newport Sewer Improvements	85,000
2. Weldon Water System	439,000
3. Jacksonport Water	82,000
4. Newport Industrial Rail Spur	80,000
5. Newport Air Industrial Park	800,000
6. Grubbs Water	219,000
Multi-county potential development programs:	
Craighead-Greene: Thompson Creek Watershed Imp	$1,101,100
Poinsett-Cross: St. Francis Water Users Assn. Rural Water Systems	434,000
The total amount of these potential programs	25,371,520

Local governments are limited by the amount of revenue that can be generated. Existing laws make it almost impossible to raise matching money for improvements and development programs. Amendment No. 13 to the Arkansas Constitution permits Ad Valorem Bond Issues for capital improvements for a specific list of public improvements. Bonds cannot be issued for longer than 35 years and cannot bear interest at the rate of more than six percent per annum. With high interest rates and the federal threat to tax municipal bonds, very few cities have issued municipal bonds under Amendment No. 13 in the last few years. Cities are limited to a total of five (5) mills on 20 percent assessment for all capital improvements; with an additional five mills maximum for specific projects. Once a city makes a capital improvement and pledges its five mills for 20 or 30 years, then it cannot make another capital improvement until these bonds are paid off.

Your proposed plan for a community development program to provide funds for local government, would eliminate the present and ever-increasing stagnation of our communities.

Local governments in the past have taken advantage of funds available for community improvement projects, according to the local community ability to raise matching funds. Local government officials are too often discouraged by the almost daily increasing amount of red tape and paperwork and delays in the funding of applications.

East Arkansas Development District, North Central Economic Development District, Crowley's Ridge Development Council, Inc. and other service organizations have coordinated efforts for a united thrust to offer assistance in dealing with the problems mentioned in this report. However, other resources are needed to assist local government and communities develop and fund the needed economic development programs. I feel that your proposed plan for Economic Development would offer this assistance.

I want to again thank you for giving me this opportunity to present this testimony at your hearing.

REMARKS BY MAYOR B. H. JOHNSON, COLLEGE CITY, ARK., AT COMMUNITY DEVELOPMENT HEARING CONDUCTED BY REPRESENTATIVE BILL ALEXANDER IN WALNUT RIDGE, ARK., ON OCTOBER 23, 1971

Congressman Alexander, (Ladies) Gentlemen: I am B. H. Johnson, Mayor of the City of College City, Arkansas. College City is located in Lawrence County and had a population in 1970 of 645. I appear here today in support of Congressman Alexander's commendable efforts to establish a workable and effective community development program.

In addition to my duties as Mayor, I am a commercial airline pilot, employed by Southern Airways, Inc., flying twin-engine passenger jets out of Memphis. I am a native of Arkansas, but have spent several years in the cities of Tulsa, Memphis, New Orleans, and Atlanta. My duties as a pilot routinely take me to many other large metropolitan areas, such as St. Louis, Miami, and Chicago.

College City has many problems . . . and just as many, perhaps more, needs. But one important thing my travels have shown me . . . the big cities have their problems too,

I suspect most of you in this room today know of several people, living in one of our large cities, who would like very much to move to some small town or rural area. The reasons are many: to be back with family or friends, get away from pollution problems, escape those high taxes, lead a slower-pace life, get away from the confusion of mass busing, become a gentleman farmer, or . . . well, you know the reasons.

Why do people move to the cities? To find jobs!

Why do our fine young people go to the cities upon graduation from high school or college? To find jobs!

Imagine for a minute a city with: adequate fire protection, beautiful housing, clean, clear, cool water, dedicated schools, efficient hospitals, frilly libraries, great, giant airports, hilarious parks, ingenious industrial park, and, jumbo streets but no jobs.

Just what good, really, are all these refinements if the people can't work? Our people want the dignity of having jobs! They deserve the pride of being employed! They need the security of a regular paycheck!

The number one need for college city is jobs!

The number one need for Lawrence County is jobs!

The number one need for Arkansas is jobs!

The number one need for the entire United States is jobs!

The year 1972 can see all these needs filled! Congressman Alexander, with your leadership, with imagination and determination, we can have jobs!

The year 1972 can be the year of zero unemployment!

The zero unemployment goal can be attained by the following:

1. Establish locally directed and oriented public works projects. These projects would include:

a. Operating child care centers (up to 24 hrs./day).

b. Building and maintaining streets, parks, and playgrounds.

c. Clean-up of public areas.

d. Garbage pick-up, disposal.

e. Building, renovation, and maintenance of public buildings.

f. Working in public owned institutions, public owned factories, retail outlets, and service establishments.

2. Abolish unemployment benefits. Unemployed persons would report to a public works coordination center for assignment.

3. Abolish public welfare assistance to able-bodied persons under age 60 and over age 18. Able-bodied persons would report to a public works coordination center for assignment.

4. Adopt a maximum 40 hour work-week.

5. Restrict and adjust wages.

6. Offer tax incentives to businesses to increase employment.

7. Lower retirement age for Social Security benefits to 60.

8. Increase number of governmental employees at no cost by reduction of pay. Our government practices discrimination by giving all government payroll to such a few. Many of these relatively high paid persons came to the government with no particular skills or specialized training or education. They have been trained by the government, either in service, or on the job. They likely could not make the same money in business or industry. They are over-paid. 1,000 employees earning $12,000 per year could be transformed into 1100 employees earning $10,000.00 per year.

9. Establish a system of Federal Drainage and Flood Control to include all rivers, creeks, and drainages such as Coon Creek and Village Creek.

10. Substantially increase such Federal Agencies as the Federal Bureau of Investigation, Secret Service, etc.

11. Triple number of aviation weather observation points, and vastly improve the dissemination of this information, both to the general public and to pilots. This can be accomplished through wide use of modern computers and watts telephone systems, etc.

12. Undertake a massive crash program to bring our nation's airports up to date with the aircraft they serve. Airports and their associated facilities are up to 50 years behind the modern jet aircraft. It is nothing but sheer luck that we do not lose thousands of persons annually because of our lack of modern facilities.

There is no sound basis—no valid reason—for a 7 or 6 or 5% national unemployment rate. Job diversification essential.

For balanced economic development we must strive for a variety of jobs. A person desiring to engage in a particular occupation should not have to leave his geographical area to find employment. We do not need all farmers, or dressmakers, or mechanics. Heavy industries tend to pay more and would stimulate the economic growth of the area.

Tax incentives for industries and commercial enterprises needed . . .

To provide for the impetus to attract new industries and businesses to our area a substantial tax credit should be allowed for relocation expenses, training new employees, and moving old employees, and for a loss of business for a reasonable time.

GOVERNMENTAL TREND MUST BE REVERSED

Government offices and agencies providing primarily area or regional wide services must be located in small cities and towns. These offices can serve their function as well outside the large cities, their removal would create less congestion in the big cities, less burden on the cities to provide essential services, and workers in the rural areas could perform the jobs just as well. Of course, many present employees, living in the large cities would welcome a chance to relocate to the small town atmosphere. Some examples of the types of offices that should be relocated are:

1. FAA flight Service Stations (Jonesboro, Memphis, Oklahoma City, etc.).
2. Corps of Engineers (Little Rock, Memphis, etc.).
3. Internal Revenue Service Centers (Memphis).
4. U.S. Postal Service Sector Centers (Jonesboro).
5. FAA Air Route Traffic Control Centers (Memphis).
6. Air National Guard units (Memphis, Little Rock, Atlanta, Knoxville).
7. FAA Academy (Oklahoma City).
8. National Oceanic and Atmospheric Administration (commonly called the Weather Bureau) (Memphis, Little Rock, Tulsa, Atlanta, etc.).

The reason our country is great today—the reason you and I are free to choose—free to go—free to enjoy—is because our leaders back during those hard, trying days in the beginning sacrificed and worked. Due to the controls and influences of big government today, the situation is somewhat different than it was 50, 100, or 150 years ago. We must depend on some help from big government to make our environment right—to create jobs. More than that, to see that what money they spend is wisely spent, fairly spent, and that they do not over-pay someone for doing a task. They must correct flagrant discrimination against individuals in small cities in such programs as the Emergency Employment Act which leaves those persons in cities under 1,000 completely out of the program.

OTHER URGENT NEEDS OF AREA

1. Medical facilities.

A. Federal grants for more equipment, facilities, and to promote a program that will attract more doctors, technicians, and nurses.

2. Recreational facilities.

A. Develop additional park facilities.

B. Establish National Forest in Western section of county.

C. Build community centers.

3. Transportation.

A. Development of the present Walnut Ridge Municipal Airport into a regional jet port with a system of satellite airports is essential. The jet port would feature an instrument landing system, longer runways, and other lighting and approach aids. The satellite airports would each have a hard surfaced 3,000 foot runway, runway lights, a rotating beacon, Unicom, public telephone, aerve yourself gas and oil facilities, lobby, rest rooms, and a parking ramp.

4. Technical Training facilities.

A. Establish a technical school at College City, to provide needed skills to your young people and those who are underemployed, unskilled, or in a profession that is being phased out because of automation. The school would feature training for a Private Pilot License. All veterans can train for any other profession with the V.A. paying the entire bill. To train as a pilot, he must first pay $800 to $1,000 out of his own pocket. This prevents many from entering their desired field. With aviation such a growing field, this would be a great investment for our community. The school would provide dormitories and a cafeteria for the students.

5. Public Utilities.

A. Develop a county-wide water and sewer system.

6. Retail Outlet Development.

A. The Small Business Administration should provide a mobile field office and make frequent trips to the area, furnishing the following:

(1) Survey of needs.
(2) Site selection assistance.
(3) Train businessmen.
(4) Assist in loan applications.
(5) Speed up processing of loan applications.

(6) Give priority to areas of low income, areas without essential services, etc.

7. Fire and police protection and equipment.

A. Provide grants and low interest loans to buy equipment, build buildings, train personnel, etc.

8. Drainage and flood control.

A. Coon Creek and Village Creek should be placed under the Federal Drainage and Flood Control System and given top priority.

9. Communication and cooperation.

A. More efforts must be made to be certain all local governments are cognizant of Federal programs available to them.

B. Small cities and towns do not have the personnel and facilities to dig through all the "red-tape" required and compile the exhaustive reports necessary for many government programs. The government should determine simply if the town desires the program, then send in a government representative to take care of the paperwork.

10. Housing.

With the national housing situtaion in urban areas reaching crisis proportions, we feel that a partial solution to this problem is to attract many of those now living in cities to return to the rural areas from whence they came.

Many of these people are elderly and would welcome the opportunity to return to their native home place, but many do not possess the resources to do this and there are few places where they can find to live if they did return. Qualified applicants would be eligible for partial or total refund of moving expenses.

We propose a totally new community designed and constructed to be available to these people both here and away. A pilot program that would serve as a model to the entire nation. We suggest that it be limited to those 60 years and older that are still active and not infirmed.

There are many places throughout our nation where people of wealth can find conditions such as those outlined above.

The program we are outlining would serve to provide those hardest hit by age coupled with a program that will permit them to live out their lives both with usefulness and dignity.

We have the necessary land available that could be provided with existing public facilities such as sewer, water, natural gas, and so forth.

This program the "Interested not the Infirm" would be sponsored by a non-profit and/or limited profit group and would be located at College City, Arkansas, and would consist of a minimum of 500 dwelling units.

In addition the following would be proposed:

A. A community center for entertainment and cultural development to enlarge and promote community participation and individual talents.

B. A non-denominational chapel.

C. A central laundry facility.

D. A heated swimming pool.

E. Miniature golf course.*

F. Hobby shops of various kinds using safety equipment.

G. Greenhouse for year-round gardening and flower growing.

H. A community TV cable system.

I. Various games such as shuffleboard, croquet, and etc.

J. Small shopping mall.

K. A community transportation system for scheduled transportation.

L. Educational training—an extension of Southern Baptist College.

M. Infirmary staffed by a medic and/or registered nurse, an extension of all local doctors clinics and Lawrence County Memorial Hospital.

N. Guest rooms for visitors.

O. A management and/or control center.

P. Hostess to oversee and pre-plan activities.

Q. Small industry to provide scheduled, short workweeks for residents.

R. Exercise rooms.

S. Park and fishing facilities.

Mr. Speaker, this is the 10th insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my search for ways to assist community development in non-metropolitan areas. Other materials on this subject appear in the CONGRESSIONAL RECORDS of September 22, pages 32741–32742; October 1, pages 34505–34506, October 6, pages 35409–35410; October 13, pages 36133–36135; October 21, pages 37358–37361; October 28, pages 38121–38123; November 3, pages 39156–39158; November 11, pages 40813–40816, and November 17, pages 41882–41884.

* Regular golf could be played at a country club course only a short distance away.

REPORT ON THE PARIS NEGOTIATIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BINGHAM. Mr. Speaker, the course of our negotiations with the North Vietnamese in Paris is of constant concern to the Congress and to the American public. The following report on those negotiations, which appeared in the November 6 issue of the New Republic, is a most thoughtful one by an expert, Mr. George McT. Kahin:

NEGOTIATIONS—THE VIEW FROM HANOI

(By George McT. Kahin)

George McT. Kahin, former director of Cornell University's Southeast Asia program, is the editor of Governments and Politics of Southeast Asia. This article reflects conversations he had during a recent visit to Hanoi with various officials, including Prime Minister Pham Van Dong, Ambassador Ha Van Lau (a former delegate to the Paris talks who monitors the negotiations for the Prime Minister), and with the Provisional Revolutionary Government (PRG) Special Representation in Hanoi. The article also draws on a trip to South Vietnam which Mr. Kahin made shortly before going to Hanoi. During the past four years Mr. Kahin has talked with members of the American and Vietnamese delegations to the Pairs talks, and to representatives of the Democratic Republic of Vietnam (DRV) and National Liberation Front (PRG) in Phnom Penh, Djakarta, Rangoon and Vientiane.)

It is evident that President Nixon, has turned away from important negotiating opportunities which were offered by the NLF's Provisional Revolutionary Government at Paris four months ago in its new 7-Point proposal. Despite the desire of Hanoi and the NLF to discuss these points and their willingness to elucidate them in considerable detail, the President has been unwilling even to reconnoiter the much broader path to a negotiated settlement which they opened up. With respect to the release of American prisoners, the safe evacuation of American troops and protection of the South Vietnamese against political reprisals, there is no doubt that these proposals and the Communists' subsequent explanations of them offer much that is new and represent a considerable effort to meet many of the public objections made by Mr. Nixon to earlier proposals.

It has been as clear to the Communists as to the Nixon administration that with Nguyen Van Thieu at the head of the Saigon administration there would be no negotiated settlement of the war. Thieu's vested interest in a continuation of the conflict is much too strong for him to accept any sort of compromise so long as he can count on American backing. The only alternative to a continuation of the fighting which he has offered is the NLF's capitulation, with its individual members invited to lay down their arms and trust to his announced good intentions. Any possible doubt as to his position was removed by his reiteration, particularly during the months leading up to the election, of his "Four No's"—no coalition government, no participation of Communists in government, no neutralism, and no loss of territory (i.e. no acceptance of any political accommodation wherein the NLF would retain the areas it now controls).

However, President Nixon's repeated protestations of concern for the safety and welfare of American troops and prisoners led Hanoi and the NLF to conclude that these matters were of great importance to him and that if they made significant concessions on them he would become seriously interested in negotiating an end to the war. They realized that Nixon wanted to maintain Thieu at the head of an anti-Communist government in Saigon. But they did not believe that in pursuit of that objective he would be willing to subordinate the interests of American prisoners and soldiers if he were provided with the opportunity for negotiating their release and safe withdrawal. The Vietnamese Communists expected that out of concern for the welfare of these men President Nixon would be willing to accept a sufficient change of leadership in Saigon to permit such negotiations, although apparently they realized he would not be willing to accept a coalition government, even one with only token NLF participation, at least until after November 1972.

Many of the non-Communist South Vietnamese opponents of Thieu who backed General Duong Van Minh's candidacy in the elections shared this view. They believed that if the U.S. permitted reasonably free elections Minh would win, and that his election would meet at least the interim requirements of both the United States and the Vietnamese Communists. With General Minh in the Presidential Palace the way would be opened for serious negotiations, while at the same time Washington would be dealing with a non-Communist leader who acknowledged that substantial dependence on the United States would for a long time be essential to the viability of his regime. Washington could thus have a non-Communist government in Saigon which the Communists would be unlikely to subject to pressure, at least until after negotiations had been given a genuine try. This process, they argued, would take time and would therefore help ensure that such a regime would be still in place at the time of the American presidential elections—an objective which they believed ranked very high on Richard Nixon's scale of priorities.

Hanoi and the NLF would presumably have found little fault with the logic of this analysis. As they saw it, the Vietnam elections would make it possible for Nixon to leave it to the people of South Vietnam to replace Thieu themselves, thereby making it unnecessary for the US itself to arrange for his ouster. Moreover, by relying on the electoral process President Nixon could be regarded as acting consistently with Washington's oft-repeated pledge of self-determination for the South Vietnamese people.

The Communists' July 1 proposal was, therefore, attuned to the expectation that it would be attractive enough to the US to induce President Nixon to presa for a reasonably open election—one which would allow someone to come to power who was representative of the clearly overwhelming sentiment in South Vietnam for an end to the fighting and a settlement by negotiation. Appreciation of this point is essential to an understanding of the July 1 proposals. If one keeps in mind the distinction between agreements and their execution, and that some of the bilateral agreements between the United States and the Communists require trilateral (that is, including Saigon) cooperation in execution, then it is easier to appreciate why the Communists believe there is a necessary interdependence between the section in their proposal relating to military matters (Point One) and that relating to political power (Point Two). Without question Saigon's cooperation is essential with respect to the exchange of prisoners, and almost certainly it is needed with regard to the safety of withdrawing American forces. As these are the two provisions likely to be most highly prized by the United States, the Communists had reason to believe that it was in the US interests as well as theirs to have a regime in Saigon which would not be an obstacle to implementation of any agreements reached.

The proposal which the Communists offered on July 1 is that if the US will stipulate a terminal date for the withdrawal of all American and foreign allied troops from Vietnam, they are prepared to enter into an agreement with us providing for the safety of these forces as they withdraw and for the release of all war prisoners—the last prisoner to be released concurrently with the departure of the last troops. (The July proposal indicated that this should be accomplished "by the end of 1971," but they are flexible concerning the date, regarding it as negotiable and extendable.) Whereas a year ago the Communists were prepared merely to

engage in "discussions" concerning these matters, with this new formula they met one of President Nixon's major objections by being prepared actually to come to an agreement with us spelling out in detail the nature of the safeguards that are required.

At the level of actual implementation there is an inescapable interpedendence between agreements reached on military matters (withdrawal, cease-fire, and release of prisoners) and the question of political power in South Vietnam. Their proposal for a bilateral cease-fire with the forces of the US and its foreign allies as soon as the US gives a firm date for total withdrawal is something upon which an agreement can be negotiated directly with us, whether or not the Saigon government is in accord, although it might be very difficult to carry out this agreement without Saigon's cooperation. But with respect to the release of prisoners—"the totality of military men of all parties and of civilians captured in the war"—the problem is necessarily a three-sided one, and implementation of any agreements absolutely requires Saigon's assent and cooperation. Many of the prisoners involved are, of course, held by Saigon—both captured soldiers and political prisoners (non-Communist as well as Communist). And it is here that the consequences of past US military expediency have come back to haunt us. For we have given Thieu custody of the soldiers our forces have captured, and thereby we have made the problem of prisoner exchange much more difficult—necessarily a trilateral affair requiring Saigon's positive participation.

In talking with spokesmen of the NLF and the Hanoi government I gained the clear impression that the part of Point 2 that is essential to carry out if agreements on military matters are to be made operative is that calling for the United States to "respect the South Vietnamese peoples' right to self-determination, put an end to its interference in the internal affairs of South Vietnam," and specifically to cease its efforts to maintain Thieu in power. (With their proposals coming out three months before the South Vietnamese election, they added "and stop all maneuvers, including tricks on elections, aimed at maintaining" him.) The Communists are not, as the Nixon administration alleges, calling upon the United States to "overthrow" Thieu, but simply to stop propping him up in defiance of the opposing majority of South Vietnamese opinion. In the interval between their July 1 proposals and the election they hoped to see a sufficient reduction in American partisanship to permit the South Vietnamese electorate to vote Thieu out of office.

Most of the remainder of Point 2 is of less immediate interest to the United States and covers arrangements whereby three elements—a new Saigon administration, the NLF and those South Vietnamese elements not attached to either of these other two groups—can arrange for a cease-fire between the military forces of Saigon and the Communists and work out a South Vietnamese political settlement. However, there is one other matter under Point 2 which should be of more direct concern—that relating to guarantees against political reprisal. Believing that President Nixon advanced his "bloodbath argument" as an excuse for avoiding a negotiated settlement, the Vietnamese Communists have given special prominence and stronger emphasis to their long-held position that any settlement must provide for concrete measures and effective guarantees prohibiting reprisals against people who have collaborated with whatever party. It is, I think, an earnest of their concern that in response to my questions they indicated they would be in favor of exploring possibilities for international supervision as a means of providing such guarantees, the object, they emphasized, being to agree on "the most effective measures."

Although the NLF and Hanoi are adamant in their insistence that any political settlement in Vietnam must be fashioned by the Vietnamese parties themselves without foreign interference, one of the strikingly new features of the July 1 proposals is the emphasis accorded to an international guarantee of any settlement that is concluded. Indeed, they have introduced a separate point (Number 7) in order to give this matter prominence. A Hanoi spokesman stated to me that there was an important role for outside powers in guaranteeing the settlement reached, and that there should be discussions at Paris concerning this matter. There, he said, whoever has opinions concerning "the concrete details about organization, duty and competence, etc." of international supervision can raise and discuss them. Moreover, he gave me the impression that in his government's view the scope for international guarantees need not be limited to agreements between the several Vietnamese parties, but could possibly be extended to cover the accords which Hanoi and the NLF reached with the United States on matters of cease-fire, exchange of prisoners, and the safe withdrawal of American and Allied forces.

In an effort to ascertain which foreign powers the Hanoi government though might appropriately participate in guaranteeing a Vietnam settlement, I asked whether China, the Soviet Union, Great Britain and Japan might be possibilities. No comment, either positive or negative, was made concerning the first three countries, but it was made very clear that Hanoi would never accept Japan in such a role. Bitterness against Japan stems not merely from memories of the Japanese occupation, but also from their conviction that Japan has been a major ally of the US in its Vietnam intervention, providing what they term the "real logistical base" for American forces, while deriving great economic profit from the war. Moreover, Hanoi is profoundly repelled by Nixon's earlier suggestion that Japan assume military responsibilities in Southeast Asia.

The Communists argue that once the first two points in their July 1 proposal have been agreed upon there will be little difficulty in resolving the others, and they emphasize that, as with Points 1 and 2, they are open to discussion on all these points at Paris anytime the US wishes to raise them. (Points 3 to 6 follow closely similar points advanced by the Communists in their 1969 and 1970 statements; they are respectively headed: "Regarding the Question of Vietnamese Armed Forces in South Vietnam"; "Regarding the Peaceful Reunification of Vietnam and the Relations Between the North and South Zones"; "Regarding the Foreign Policy of Peace and Neutrality"; and "Regarding the Damages Caused by the US to the Vietnamese People in the Two Zones.") They repeatedly stressed to me that they are flexible and ready to discuss in Paris any aspect of their proposal, and in any order, that the US wishes; and that they are also prepared to discuss any points of its own which the United States wants to raise.

The extent to which spokesmen of Hanoi and the NLF were willing to elucidate and discuss details and nuances of the 7-Point proposal with me makes clear that if the US really wishes to talk substance, there is a great deal directly germane to a settlement that can be discussed at Paris, if only President Nixon will give his representatives there a mandate for doing so. Unless one equates "stubbornness" and "uncooperativeness" with the Communists' unwillingness to negotiate their own surrender, it is clear that major responsibility for the impasse at Paris lies with the Nixon administration.

Apparently President Nixon still believes that by heavy reliance on American air power and artillery, he can provide Thieu with the minimally necessary amount of support for ensuring the survival of his regime through 1972, while at the same time withdrawing American troops at a rate, and keeping their casualties down to a level, tolerable to most of the American public. As a fall-back position, in case American casualties again become numerous enough to enflame public opinion against him, the President retains the option of making a well-publicized move toward negotiation in the form of a proposal realistic enough to blunt domestic criticism, even if it did not at that late stage succeed in convincing the Communists that he is serious. At least for his American audience he might be able to develop a plausible argument that the time necessary to give such a new proposal a fair chance required patience, until after November 1972.

In the meantime, President Nixon has, of course, bought time with the American public because of expectations concerning a Vietnam settlement aroused by his projected trip to Peking. Past statements of his and of previous administrations have undoubtedly conditioned many Americans to assume Hanoi's subservience to Peking's wishes; and this myth is now useful to him. It is bound to take some time before Americans appreciate that the proposition that Peking can be relied upon to use its good offices in a Vietnam settlement in a way that favors the United States is no more realistic than the Nixon administration's earlier assumption that Moscow would do so. Whatever the President's expectations, Hanoi and the NLF are evidently not worried that his conversations in Peking are going to lead to any diminution of Chinese support in their struggle with the United States. Nor do they see him inducing China to sponsor an international conference on Vietnam or on Indochina as a whole against their wishes—and they do oppose any such conference unless it is for the purpose of guaranteeing agreements reached at Paris or by the Vietnamese parties themselves. There is no reason to believe that the Chinese could force such a conference on the Vietnamese Communists, and there is no evidence to indicate that they want to try. President Nixon cannot by-pass Paris by going to Peking.

Mr. Nixon can get a cease fire with the Communists in Vietnam covering American forces and those of our foreign allies; he can get all remaining Americans and foreign allied troops out safely; he can secure the release of all American and allied prisoners; and he can get safeguards to help protect the various Vietnamese parties against reprisals. But he cannot get these and also maintain Thieu in power. And he cannot maintain Thieu or any other anti-Communist government in Saigon much longer unless he is willing to commit more American lives to that proposition than the American public is likely to tolerate. For it has become increasingly clear that the withdrawal of American troops increases neither the ability nor the desire of Saigon's forces to protect the Americans who are left behind.

The NLF and Hanoi certainly have the capacity to upset the President's calculations and his timetable, but the propitious time for them to do so would be later, well into the dry season and after a larger number of American troops have withdrawn. A President who has talked so often in terms of negotiating from strength is then likely to find that his negotiating position has become much weaker, and he may well be reproached at home for not having followed up opportunities for saving American and Vietnamese lives offered in our adversaries' recent negotiating offer.

NEW JOB LEGISLATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining my distinguished colleague, the gentleman from Wisconsin (Mr. REUSS) in introducing legislation to create 500,000 new jobs for unemployed Americans and get our economy rolling again. The 500,000 jobs would be federally financed, locally administered public service jobs.

A large-scale Federal effort such as this is needed without delay to provide work for the unemployed, to make available public services which would otherwise not be provided, and to bolster the sagging economy.

This bill would mount a three-pronged attack on the financial ills which now plague our Nation. First, and most important, it will put unemployed Americans back to work. There are presently more than 5 million Americans who are unable to find a job, and without some type of firm, positive action, the rising rate of unemployment will continue to soar upward. According to one estimate, we will have to find 2.4 million new jobs in 1972 just to keep unemployment from getting worse.

This bill will provide our taxpayers with vitally needed public services and will simultaneously head off local tax increases. Earlier this year, as part of a constructive alternative to President Nixon's new economic policy, I urged that more Federal funds be used for programs such as this to aid State and local governments and to head off further increases in local taxes. This proposal would accomplish these purposes by utilizing Federal funds to place unemployed persons on the payrolls of local government agencies to provide badly needed services in the area of education, health care, day care, parks and recreation, libraries, pollution control, conservation, and public works.

This bill would give our sagging economy a badly needed shot in the arm. According to a recent Gallup poll, public concern over economic problems is greater today than at any other time since the job-lean years of the late 1930's when one-sixth of the total working force was unemployed. Since President Nixon has taken office, unemployment has risen constantly, from 3.3 percent up to around the 6-percent level. In my own State of Michigan the unemployment situation is even worse. For the past year it has been approaching 10 percent.

Mr. Speaker, this program is urgently needed because the economic policies pursued by the Nixon administration have been nothing but total failure. Ever since Mr. Nixon's inauguration this country has been plagued by inflation and continually rising unemployment. The President, in introducing his new economic policy, has finally acknowledged that something must be done about inflation.

I would hope, with the introduction of this bill, that he will also acknowledge that something must be done about unemployment. One year ago Mr. Nixon vetoed a job-creating bill similar to this and referred to the public service jobs it would have created as "dead-end jobs" and "WPA-type jobs." In that veto message, in December 1970, Mr. Nixon assured us that he believed his economic policies were working and that he believed the economy was moving up. He stated further that he was not satisfied with the unemployment rate, which was then 5.8 percent.

Today, almost 1 full year later, the unemployment rate is still 5.8 percent, and our economy has still not "gone up." It is time for Congress to provide this country with leadership which the Nixon administration has either been unable or unwilling to exercise.

Enactment of this bill would directly attack the problem of unemployment by immediately creating jobs for 10 percent of those presently unemployed. Furthermore, this program will stimulate the stagnant economy by putting money in the pockets of no-income and low-income persons which in turn will bolster the sagging consumer demand. More consumer demand in turn will lead to more business sales, more investment, and more jobs. The money to finance this program can be readily found simply by cutting back on some of the proposed tax reductions and tax credits for big business.

Mr. Speaker, the President has asked for our cooperation in restoring stability to our shattered economy. The best way to do this is to insure that every American has a job. This program is a step in the right direction. It is a step toward getting this country moving again. I would hope that it will receive the immediate endorsement of President Nixon, and I would hope that all of my colleagues on both sides of the aisle will offer their strong and immediate support.

At this point I would like to insert into the RECORD a short summary of some of the more significant provisions of this bill:

SUMMARY OF BILL

This bill would amend the Emergency Employment Act of 1971 (Public Law 92-54, July 12, 1971) as follows:

(1) Funding.—The present law authorizes $1 billion for FY 1972 and $1.25 billion for FY 1973. The proposed bill would authorize a total of $2 billion for FY 1972 and $4 billion for FY 1973.

(2) Distribution of funds to States.—The present law provides that 80 percent of the funds in the main section 5 program must be apportioned among the States: in an equitable manner taking into consideration the proportion which the total number of unemployed persons in each such State bears to the total number of such persons, respectively, in the United States.

The proposed bill tightens this formula to require that this money be distributed solely "on the basis of the proportion which the total number of unemployed persons in each such State bears to the total number of such persons in the United States."

(3) Distribution of funds within States.—the present law provides for distribution of funds within the States: in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such area bears to the total number of such persons, respectively, in that State.

Again, the proposed bill tightens this up to require apportionment based solely on the proportion of unemployed persons in the area.

(4) Eligible applicants.—Labor Department regulations presently do not allow units of general local government with populations lower than 75,000 to apply directly to the Secretary of Labor for funds, requiring them instead to go through their State governments.

The proposed bill would remedy this situation by allowing units of general local government, and voluntary combinations of such units, to apply directly to Washington for funds if there are at least 1000 unemployed persons within their jurisdiction. Funds would be "provided directly to" and "administered exclusively under the direction and supervision of, such units of general local government." Their applications would be acted on by the Secretary of Labor "without reference to, or approval of, any other agency in the State."

(5) Full Federal funding.—The present law limits the Federal share to 90 percent but allows states and localities to make up their 10 percent share "in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services." Furthermore, the Secretary can allow 100 percent Federal funding if "special circumstances or other provisions of law" warrant it.

The proposed bill would simply allow 100 percent Federal funding.

(6) More reliable funding.—The present law requires that the main Section 5 program be terminated when national unemployment falls below 4.5 percent for three consecutive months, and emphasizes throughout that the public service employment program is only to be temporary and transitional".

The proposed bill reduces the cut-off unemployment level to 4 percent and eliminates the word "transitional" wherever it appears. This will permit states and localities to run their public service jobs programs without the fear that funds will be cut off abruptly.

All other provisions of the Emergency Employment Act of 1971 would be left unchanged.

COMMUNITY REPORTER MARKS 25TH ANNIVERSARY OF ITS FOUNDING BY PUBLISHER ATTILLO J. MONACO

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ANNUNZIO. Mr. Speaker, I take this opportunity to congratulate Mr. Attilio J. Monaco, publisher of the Community Reporter, an outstanding neighborhood newspaper in the Chicagoland area and in my own Seventh Congressional District of Illinois, which is marking its 25th anniversary on December 5, 1971.

The Community Reporter has made a substantial contribution over the years by its forthright coverage of events affecting the citizens in our neighborhood. Ever since its founding by Mr. Monaco, this newspaper's policy has been and still is to render outstanding service to all races, nationalities, and creeds, and especially to the residents of the area it serves.

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Mr. Monaco, whom I know personally, is a dedicated civil leader who has given of himself, his time, his efforts and his funds in order to serve his fellow citizens. He has participated in countless humanitarian activities, and last year was selected as Man of the Year by the Marshall Square Chicago Boys Club. When Mr. Monaco was selected as Man of the Year, all of the proceeds from the banquet in his honor were given to the club and were used to good advantage in helping the boys and girls of the Little Village Community.

Additionally, he has received the Citation of Appreciation, Chicago Boys Club; the Award of Merit, Catholic War Veterans; the Citation of Appreciation, Infantile Paralysis; the Award of Distinguished Service, American Cancer Society; the Plaque for Outstanding Community Service from Citizens of Little Village Community; the Award of Merit, Home Owners Preservation and Enterprise; the Citation for Community Preservation, St. Casimir Post; the Citation for Outstanding Service, Father Flanagan's Boys Town; the Certificate of Appreciation, Kiwanis Club of Little Village; and a Certificate of Participation from the American Legion.

The youngest of 13 children, Attilio J. Monaco was born in Warrenville, Ill., on July 30, 1917, to immigrant parents, Dr. Giuseppe Monaco and Antoinette Colletta Monaco. His biography renews our faith in the American way of life, for by his own efforts, Mr. Monaco has achieved not only personal success but the rewarding opportunity to be of service to his fellow citizens.

He graduated from Morgan Park Military Academy, received a Bachelor of Science degree from Loyola University, and served as a commissioned officer with the U.S. Army Reserve. He began work in 1939 as an accounting clerk for the Chicago District Generating Corp. Subsequently, he served as senior auditor with Commonwealth Edison Co., and vice president of Mitchell Serdiuk, Inc. He founded the Community Reporter 25 years ago and is serving as chairman of the board and president of the Community Reporter newspapers. He is also president of CF Printing Service and chairman of the board and president of M & M Printing & Publishing Co. Additionally, he is one of three organizers of the official Chicagoland and Community and Suburban Newspapers Organization, which represents in excess of 100 publications.

Those who have had the opportunity to come to know Attilio Monaco are keenly aware of the tremendous contributions he has made over the years toward the betterment and well-being of his community. Again, I congratulate him, his devoted wife, Rosemary, and their five children, Michael Stephen, Suzanne Lou, Stephen Attilio, Diane Alice and Alicia Janet, as well as the staff members of the Community Reporter, on reaching this silver anniversary. I extend my best wishes to Attilio Monaco for abundant good health and continuing success in publishing the Community Reporter as well as in his many other worthy endeavors.

THE DESPERATE NEED FOR PRISON REFORM

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BELL. Mr. Speaker, because of my involvement in the effort for prison reform, I read a great deal of the ever-expanding literature on this crucial topic.

Few articles that I have read in recent months, however, have been as thought-provoking and informative as the report by Congressman MIKVA which appeared in the Chicago Sun-Times.

Mr. MIKVA, along with seven other members of Subcommittee No. 3 of the House Judiciary Committee, Congressmen CONYERS, DRINAN, RAILSBACK, BIESTER, FISH, COUGHLIN, and Chairman KASTENMEIER, inspected several jails and prisons throughout the Nation. Having made similar visits to various correctional institutions, I can attest to the accuracy of Mr. MIKVA's observations, and, therefore, urge a careful reading of my colleague's compelling commentary.

THE DESPERATE NEED FOR PRISON REFORM

(By Representative ABNER K. MIKVA)

"The degree of civilization in a society can be judged by entering its prisons"—Fyodor Dostoevsky.

Across the bay from San Francisco, in the Alameda County Jail, some of the prisoners are kept in "tiger cages." They are similar to the infamous prison cells on South Vietnam's Con Son Island except that, in Alameda County, lye is not thrown on the men to keep them quiet. Instead, tear gas is used.

The cells measure 7 feet by 7 feet. There are two men in each cell, and they take their meals there—next to the toilet, which seems to dominate the small space. The cells have no windows. The ceilings are wire mesh so the guards can patrol from a catwalk and peer down into the cells. Some of the prisoners have not been convicted yet; they just cannot raise bail money. The formal name of the county jail is the "Santa Rita Rehabilitation Center."

Last March, a federal judge ruled the maximum-security section at Alameda violated the Eighth Amendment to the Constitution. It amounted to "cruel and unusual punishment." The sheriff's office insisted on the absolute need for that part of the jail, and it was decided to improve the jail, instead of razing it, as the judge had suggested. Since then, a rather substantial amount of federal funds has been spent on the jail to make some rather insubstantial changes.

Since the rebellion at Attica State Prison in New York, there has been a great deal of discussion about prisons and rehabilitation centers and the desperate need for reform. The concern is not misplaced. That much was painfully evident as I visited jails and prisons in various parts of the country with the House Judiciary subcommittee working on prison reform. The visits were made to get a better idea of the problems of prisons, the problems of the prisoners, the guards and the prison officials, so that we can try to find the right legislation to help solve them. The three days we spent at California "correctional institutions" were the most compelling because California has at the same time the best and the worst of this country's prisons. The state has the most enlightened, the most progressive prison system in the United States, but it has been torn by some of the most violent prison rebellions.

The Alameda County Jail does not have the stature or the reputation of a prison like San Quentin. (Burt Lancaster and James Cagney never "did time" at Alameda.) San Quentin is the oldest and most formidable of the 13 state prisons in California. The first prisoners were brought there in 1852, six years before Illinois started putting stone and steel together to build the Old Prison at Joliet—the old prison where, last month, guards fought a five-hour battle with rebellious prisoners. Besides San Quentin and Joliet, there are 23 other fortress-like prisons in this country built before 1900.

As we drove into San Quentin, my first feeling—and that of the other seven Congressmen—was one of disgust and frustration. There is supposed to be a rehabilitative ideal at work, but how can people be rehabilitated when they are not treated as human beings? Walls and iron cages are for punishment and society's vengeance, nothing else. For most prisoners, rehabilitation is just a word.

The warden at San Quentin told us he was responsible for 2,800 inmates, 95 of them on death row, and he talked with pride about the 16 different vocational training programs the prison offers. Of course, only one of every eight prisoners can take part in the program because there are not enough instructors or facilities. A man has to stay in San Quentin about 18 months before he gets his turn at body and fender repair or meat cutting or offset photo process. There is also a clothing factory that would have delighted Lewis Carroll: it uses obsolete machinery to train men for jobs that do not exist.

We had not been in San Quentin 10 minutes when the prison official turned to us and said, "If you are taken hostage during this tour, you're going to be treated as a dead man.

"We tell the same thing to the guards," he said. "We don't bargain with the prisoners no matter what the stakes, and the prisoners know that." To make sure there are no bargains, the guards watch the maximum-security section with automatic rifles and shotguns.

I had never been afraid in prisons or jails, even when Warden Winston Moore let me walk through the worst sections of the Cook County Jail. But I was afraid at San Quentin. There was a look of quiet desperation and profound bitterness on the faces of some of the prisoners, and there was no question in my mind that they could kill without provocation, without even trying to escape. They could explode into violence because they had been there long and because they had nothing to lose.

San Quentin was never a pleasant place to begin with, and it is even worse now. The prisoners told us they feel brutalized. The guards told us they feel terrorized. The starting salary for a guard is $650 a month, and they are understandably reluctant to risk their lives. Some prisoners, on the other hand, would risk their lives on a dare. With polarization like that, prison riots should not be surprising. Things are not much different at prisons in other states, including Illinois.

In California prisons, the maximum-security section is called the Adjustment Center, and officials told us that the "revolutionary" and the "incorrigible" prisoners are sent there. The prisoners call it the "AC." The doctor who used to be the chief psychiatrist at Soledad says the AC should be destroyed: "I don't think a place more destructive of a man's mental health could be devised. . . ."

At San Quentin, death row is on the second floor of the AC, the gas chamber is in the building behind it, and the whole complex rests near the spot where they built the first dungeon at San Quentin 115 years ago. The cells are tiny and dirty, and the prisoners get coffee and milk in the morning and two meals a day—showers once or twice a week, at least theoretically. Instead of psychiatric help and rehabilitation, the men in the AC get discipline and punishment. We carried away two

sensations from the AC: the overpowering smell of humanity and the overwhelming sense of desperation.

One of the prisoners who spent time in the AC wrote the parole board:

"I'm tired, tired, tired and tired of being tired. I have spent the last 22 months in the hole, been starved, tear-gassed and beaten. In all honesty, I must say I'm bitter. But not at any individual. I'm bitter at this system. . . . Prison does not aid society or protect it, it breeds contempt for it . . . and I refuse to believe you people are so callous that you feel 10-, 15-, and 20-year sentences in this place aid anyone. Yet, if you are trying to murder us on the installment plan, I must commend you for the thorough job you are doing."

It does not really matter if all the claims of brutality are true. Prison has changed that man, and society is not the better for it.

The State Department of Corrections ordered a report on California prisons by an independent group of lawyers, lawmakers and citizens. It recently recommended that San Quentin be abandoned because "decent living conditions are most unattainable . . . it is ugly and depressing.

California always gets credit for having the best prison system in the country, and the state's achievements in prison reform are impressive, especially when compared with the other states. The prison population has decreased in the last 2½ years—from 28,600 to 20,800—and there are no more prisoners now than there were in 1960.

The state has special institutions for prisoners who need psychiatric help (of course, they cannot handle all the prisoners who need help), and it has begun to recruit more black and Mexican-American prison guards. California has a unique probation-subsidy program that pays counties up to $4,000 for each prisoner that a judge places on probation. The money is used to improve local probation services and rehabilitation within the community. As a result, only one of every 10 convicted felons is sent to prison, and the nine placed on probation not surprisingly tend to stay out of trouble.

The recidivism rate is an all-purpose statistic that indicates how many people released from prison end up there again, convicted of another crime. California's recidivism rate is probably the lowest in the country—just over 30 percent—and it is moving in the right direction. The director of the Department of Corrections, Ray Procunier, said it was difficult to pinpoint the reason for this decline. He mentioned stronger rehabilitation programs, an improved public attitude about ex-convicts and better work by parole agents as factors.

"However," he said, "a closer look often reveals other more likely reasons—a sympathetic and helpful correctional officer, a chance association with a legitimate citizen, or the love of a good woman."

Even with statistics, it is difficult to judge and compare the success of a rehabilitation program or a prison system. By their nature, prisons are not open institutions, and the evidence that comes from within, from both sides, is often intangible, emotional and almost impossible to prove. An attorney who has been working on the problems of prisons and prisoners described the dilemma for us:

"When the Department of Corrections tells us that correctional officers are caring, compassionate and professional, and the inmates tell us that they have been treated indifferently, callously and on too many occasions brutally, we have a credibility problem. . . ."

That is evident after the first hour behind prison walls. The statements from the prison officials, the statements from the prisoners—both seem to be extremes with elements of truth. The whole truth is somewhere between them.

California has pioneered programs that reduce the isolation of prison life. At some prisons, anyone in a prisoner's immediate family can visit with him for up to two days in the privacy of a small apartment. Since 1969, inmates within 90 days of parole have been permitted to make unescorted visits home, and that program is being expanded to prisoners with more than 90 days left to serve. The benefits are obvious—it eases the abrupt transition from prison to society. But the transition still is abrupt.

"When I get out of here," one man said, "the state will give me $68, less the cost of a suit of clothes and transportation. The first thing I'll do is find a woman.

"In a few days," he said, "the money will be gone and, even if I find a job, they wouldn't pay me for a couple of weeks. What the hell am I supposed to do?"

Not all California reforms have worked so well as its experimental programs of conjugal visits and weekend passes. The prisoners still complain about rampant homosexuality and the food. The food is better than we expected, though. There is an emphasis on starches and pork, and most prisons allow extra helpings of bread and potatoes while limiting the amount of meat and dessert.

In California, the biggest complaint of all is saved for the "indeterminate sentence." Convicted felons in the state get an indeterminate sentence, like 1 to 20 years for armed robbery, instead of a fixed sentence. Theoretically, they are eligible for parole after serving one-third the time of the minimum sentence. The idea is that prisoners who show a readiness to return to the community, prisoners who have been rehabilitated, will be able to get out earlier than would have been possible under a fixed sentence. Theoretically, a panel of skilled experts evaluates a prisoner's performance and record at least once a year, looking not so much at the crime as at the man and his development. Under this system, the parole board has the power of a god.

There is evidence that the power has been abused. One prisoner said serving time under the indeterminate sentence is like "going to school and never knowing when you are going to graduate." The indeterminate sentence can be a whip in the hands of prison guards and the parole board, a method to make sure prisoners "toe the mark." The parole board works from a prisoner's file when it considers his case, and a guard can put anything in that file without being challenged.

Until a recent court decision, there was no such thing as significant "due process of law" for prisoners, especially when they went before the parole board. The hearings are often curt and cursory, and when parole is denied, it is denied without an explanation.

"Before they will parole you," one prisoner said, "they must see something in your eyes, that certain look that signifies you are broken." If a prisoner doesn't pass the parole board, he doesn't get out. In most cases, a man convicted of a crime in California will stay in prison longer than if he had been convicted in any other state.

Members of the parole board staunchly defend the program. The chairman of the board said, "this law provides an essential flexibility to an administrative agency which treats each man as an individual within the framework of the law. Our failures are sometimes highly publicized; our success cases are almost never heard from."

Rehabilitation and the rehabilitative ideal are not new to this country. Before the 1800s, jails were just a place for keeping people before they were punished—thieves' hands were cut off and, in England, men were hanged for shooting rabbits. Many prisons even charged their "clients" money, so much for getting in and a bit more for getting out. In 1870, a group of prison "reformers" met in Cincinnati and recommended vocational training, indeterminate sentences and quick parole.

With some exceptions, prison reform in this country has not reached even 1870 standards. If there has been reform, it is only that physical degradation has been replaced with psychological degradation—sometimes. The prison system still is a failure at $1 billion a year.

In the exceptions to that trend, there is some hope. Pressure is building for prison reform. Prison guards are demanding more pay and better conditions. Prison officials are asking for more help and more money. And more attorneys have begun to work with prisoners to correct the abuse they see.

Reform and rehabilitation are not magic words. To begin with, only co-operative prisoners have access to vocational training. The revolutionaries, the hardened criminals get the AC. Yet these are men who may be the most dangerous when they are sent back to society.

Clearly, more psychiatric counseling and vocational training are necessary. But it will also take a monumental change in the public's attitude. A few years ago, a national poll showed that 72 per cent of the people favored significant prison reform, but only 43 per cent would hire an ex-convict to be a janitor. If a prisoner gets special job training or special help, some people think that's going too far; that, after all, prisoners have committed crimes and they ought to be punished. Retribution and vengeance—they have been part of the prison system for centuries, but people hate to admit it.

Retribution and vengeance don't protect society. The laws and the courts call for 20- and 40-year sentences for armed robbery, theoretically to keep these dangerous men off the streets. But what consolation is there if, when his time is up, the prisoner is going to be more bitter and more dangerous?

There are no easy answers. After visiting these prisons, I do not have any. The important thing is to begin, and begin with the small things—more rehabilitation, conjugal visits, shorter prison terms—because this country has never made a positive national commitment to solving the problems of the prison. I am convinced that we cannot delay that commitment any longer.

We can begin by tearing down the prisons that are nothing more than warehouses. It is possible to build prisons that are safe and secure without the emphasis on walls and locks and bars and darkness—without slapping a prisoner in the face with it, saying "You are inferior, and we are keeping you in a cage."

We need smaller penal institutions. It simply is not possible to handle 2,000 prisoners in one prison without treating them as animals. Until the prisons are small enough, rehabilitation will be a luxury for only a few. At Soledad, another California prison, we saw a good example of what decreasing the prison size can do. When the officials there decided to "cool things off," they started by moving 900 prisoners to San Quentin. Even with that modest decrease in size, Soledad became a different place.

At our hearing in California after the prison visits, one of the witnesses cynically observed that the current concern about prisons is a phenomenon that occurs every 30 or 40 years but disappears quickly. If he is right, if the present concern is superficial, prisons will continue to be a plague on society. I do not think the concern is superficial this time, but the country must become aware that prison reform does not come cheaply or quickly. After all, there really is no alternative: we cannot ignore the problem. If we do not find a way to correct people who break society's rules, those people may break society.

At the Alameda County jail, as we walked down one of the cellblocks, a prisoner thrust a note into my hand.

The note said he was 21 years old, and he

had been locked up in a 7-by-7-foot cell with another prisoner for almost a year. He had been involved in a "shootout" with the Oakland police, and the prison officials consider him a revolutionary. He is allowed out of his cell only four times a week and then only for short periods of time. The "shootout" was his first offense, and he pleaded guilty in exchange for a less serious charge. He said he has asked to be put with the other prisoners because he is no longer a revolutionary. But prison officials had refused. So he stays in that small cell. The note ended this way:

"If I live through this year, I never be the same, all I fine (sic)-myself think(ing) of is hate, hate, hate. They won't give me a chance to change."

If that is the best we can do for prisoners, this society ought to be judged even more harshly than Dostoevski suggested. I think we can do better. Indeed, we have to do better.

HIGH UNEMPLOYMENT—ILLEGAL ALIENS ARE A CAUSE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ANDERSON of California. Mr. Speaker, unemployment in our country is entirely too high.

In the United States, nearly six people out of every 100 are looking for work, but cannot find it.

In my area, Los Angeles, out of every 13 people seeking employment, one person cannot find a job.

And these figures represent only those who are looking for work. We must remember that many have given up trying to find a job.

REASONS FOR HIGH UNEMPLOYMENT

While the reasons for the high unemployment rate vary from area to area, in Los Angeles, people are generally out of work for four basic reasons.

First, the economy is stagnant. Business and industry, because of uncertainty, and a lack of confidence in the future, are not expanding. Rather, they have cut back production and, in fact, our plants and factories are not using approximately 25 percent of their facilities.

Secondly, foreign imports have taken a larger share of the U.S. market. American companies are locating their plants overseas in order to take advantage of low tax rates, low U.S. tariffs, and cheap labor. In addition, foreign companies, using U.S. technology, but with cheap foreign labor, are shipping billions of dollars worth of goods to the United States. This is especially true in the electronics, textiles, and automobile industries.

Third, Federal defense contracts have been cut back. Because of the winding down of the war in Vietnam, and because of a reordering of priorities, defense research and development funds have been cut back.

Fourth, illegal aliens are taking jobs from Americans seeking employment. According to the California State Department of Industrial Relations, 100,000 illegal aliens were employed in California in 1969, and they earned over $100 million in wages.

Mr. Speaker, hopefully, the Revenue Act of 1971 will correct part of the unemployment problem. This measure is designed to spur the economy and create approximately ½ million jobs. In addition, the Revenue Act of 1971, coupled with the 10 percent surcharge on imports, is designed to provide a degree of protection for our domestic industries.

But, today, Mr. Speaker, I am introducing legislation which would plug a loophole in our tax law in order to encourage U.S. employers to hire U.S. citizens rather than illegal aliens.

This measure would disallow a deduction, as a business expense, any salary or wage knowingly paid to aliens illegally employed in the United States. In effect, this bill would give the employers an incentive to hire U.S. citizens, for if he knowingly employed illegal aliens, he could not deduct their salaries from his Federal income tax.

California recently enacted a law which may help the local situation, but I feel that the Internal Revenue Service, working in close cooperation with immigration officials, could do much to solve a problem that is adding heavily to our unemployment, and increasing our welfare rolls.

By cracking down on employers who knowingly hire illegal aliens, this legislation could improve job opportunities for an estimated 100,000 Californians who earnestly seek employment.

NATURAL GAS SUPPLY CRISIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MURPHY of New York. Mr. Speaker, recent committee hearings on H.R. 2513, which I introduced early in this session, established three clear-cut reasons for the existing—and alarming—natural gas supply shortage.

One reason is the steadily increasing domestic consumer demand for a low-priced, clean-burning fuel such as gas. Another is the growing demand by industry for a clean-burning, efficient and economical fuel which enables industrial plants to comply with Federal, State, and municipal regulations governing environmental pollution. And a third reason is the sharp decline in recent years in producer exploratory efforts and discovery of new reserves.

The situation regarding increased consumer and industrial demand for gas is not expected to change. So we have to turn to the third reason for the supply shortage. The plain truth is that our hope for obtaining adequate supplies of natural gas lies in understanding the cause of the slowdown in exploration and development and undertaking to eliminate that cause or at the very least to soften it.

H.R. 2513 represents an effort to move in that direction. All the experts say the gas is out there in enormous quantities waiting to be found. Potential gas reserves of the United States, according to no less an authoritative source than the U.S. Geological Survey, are sufficient fully to meet the Nation's requirements for many years to come.

Unfortunately, present Federal law and regulatory policy have left producers with little incentive to find and develop these potential reserves.

The gas supply shortage, with the consuming public as the helpless victim, is traceable directly to this loss of incentive.

Too many uncertainties hem in the gas producer's operation. He can never tell what the rules of the game are going to be, because they may be changed at any time by order of the Federal Power Commission.

When he signs a contract to sell his gas to an interstate pipeline company, he does not know that he will actually receive the price stated in the contract or for how long a time he will receive it. Nor, under existing regulation, does he know how much gas he will be required to deliver to the pipeline or how long he must continue to make deliveries.

When new supplies are added to the Nation's proven reserves, the producer has every reason to seek to sell it in the intrastate market, where his sales contracts are not subject to such deadening uncertainties. But it is in the interstate market that the need is greatest. The most densely populated metropolitan areas are largely located in States where there is little or no gas production. It is the consumer in these areas who is faced with the threat of inadequate gas supplies.

Testimony during the recent committee hearings showed convincingly that H.R. 2513 offers a practical, affirmative way to help increase the supply of natural gas in the interstate market at a price acceptable to the consumer.

The bill proposes to remove some of the uncertainties by making contracts between gas producers and interstate pipelines binding on all parties concerned. The validity of contract provisions of the bill will enable a producer to determine quickly whether all of the terms and conditions of his contract are acceptable to the Federal Power Commission. He will know that once his contract has been reviewed and approved by the Commission, the document's provisions will not be changed during the term of the contract. This knowledge will do much to provide gas producers with the incentive needed to step up their exploration programs and to commit newly discovered gas supplies to the interstate market.

All major new producer contracts will still have to be submitted to the Commission. The Commission's authority to approve them, approve them subject to stated conditions, or to disapprove them will not be diluted.

If the Commission approves a contract as submitted, it is binding on all parties and is not subject to later revision, except in cases of certain indefinite pricing clauses permitted under H.R. 2513. If the Commission approved the contract subject to stipulated conditions, the involved parties may accept those conditions and the contract becomes binding. If they do not accept the conditions, the contract is null and void. And if the Commission disapproves the contract, it likewise becomes null and void.

The Commission thus will have every opportunity to protect the interests of consumers. H.R. 2513 was not written as a decontrol measure, and, in fact, it is not one.

Regulatory changes proposed in the bill have the object of helping to restore producer confidence—and investor confidence—in the future of gas exploration and development of new supplies. That encouragement is essential to keep the present gas supply shortage from turning into an irreversible disaster.

Representing, as I do, an area in which there is enormous consumption of natural gas, but no production of it, I am deeply concerned about this prospect. I believe that without question enactment by Congress of H.R. 2513 will serve to alleviate a situation which threatens the well-being of millions of Americans.

REMOVING THE VEIL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

REMOVING THE VEIL

(Sermon by Dr. Robert H. Mayo, First Presbyterian Church, San Diego, Calif., Navy Day Service, October 31, 1971)

II Corinthians 3:4–16

When Moses came down from Mount Sinai with the Ten Commandments, his face was veiled, presumably because the reflected glory of the Lord upon his face was so bright, the people could not gaze upon it. (Ex 34:33–35) But in our text (vs 13) which Adm. Walker read, the Apostle Paul adds the further suggestion that the face of Moses was veiled in order that people might not have to gaze upon the slow fading of that glory. It is a sad thing to see the fading glory of anything, whether it is a man past his prime, a nation in decay, or the fading glory of God in the life of an individual.

I have a thesis I want to suggest to you this morning—that the fading glory of a people is primarily a religious problem. The defeat of Athens in 404 B.C. was more than just a military defeat. Stripped of the things of which Athenians were once very proud, military power, Hellenic wisdom, and world leadership, Athens turned in upon herself and developed what Gilbert Murray, in lectures which he delivered at Columbia University in 1912, called "failure of nerve," compounded by a sense of guilt. During this period of her fading glory, Murray suggests the Athenian state developed four religious heresies: (1) Anti-nomianism, literally (anti-nomos from the Latin) anti-law, rebellion against the establishment. In the days of the Judges every man was described as doing what was right in his own eyes. (Judge 17 :6) Today we describe the anti-nomian spirit, "Every man does his own thing." (2) An Athenian form of Zoroastrianism which divided the world into two warring factions, black and white. (3) Astrology. Murray says that astrology fell upon the Athenian people like some exotic disease on a remote island. (4) Cynicism. Diogenes and his Cynics dropped out of the world and forsook their culture to live the life of a dog.

Does history repeat itself? I really don't know, but the similarities are striking. (1) Cynical and disillusioned young people drop out of society to lead the life of a dog in hippie communes. (2) The anti-nomian spirit in youth rebels against the establishment and reacts against authority in the home, on the streets and on our campuses in their disrespect for our police officers. (3) Neurotic national guilt feelings are illustrated by My Lai and the trial of Lt. Calley. (4) A new interest in the occult, as even Presidential aspirants like Senator Harold Hughes express their faith in astrology. (5) The division of the world (literally) into warring factions within the ghettos, of the blacks and whites. Heresies thrive in spiritual emptiness! In a period of fading glory people seek to redeem a blighted culture with shallow and second-rate solutions and begin to worship false gods.

I plead not guilty! I refuse to be caught up in this national neurosis which results in a failure of nerve, and I refuse to yield to masochistic feelings which condemn our country for being imperialistic, mercenary, or warlike. I would suggest this morning that we stand before our God with unveiled faces, (vs 18) and these are some of the veils which I suggest need to be removed in this hour.

First, there's the veil of gloom and doom. Even our American history today is being taught in this kind of atmosphere. We are the first generation of Americans to be taught to be ashamed of ourselves. It is time for us to quit apologizing for our greatness and begin to take pride in those things which have made this nation to be great. We have heard it said so many times that civilizations become decadent after 200 years that, as we begin to approach our own Bicentennial, we have almost come to believe our culture is over the hill.

Secondly, I would remove the veil which has clothed Communism in a halo of decency and has made an aristocrat out of a wanton harlot. Actress Jane Fonda told 2,000 students at Michigan State University last November 22nd, "I would think that if you understod what Communism was, you would hope. you would pray on your knees that we would some day be Communists." (Detroit Free Press, Nov. 22, 1970) I presume Jane Fonda knows what Communism really is. She has spent enough time and money propagating its doctrines. But do you know what it really is? Do you know Lenin's legacy to youth? On October 16, 1905, Lenin wrote these revolutionary instructions: "Go to the youth. Form fighting squads everywhere of 3, 10, 30 persons. Let them arm themselves at once as best they can, be it with a revolver, a knife, a rag soaked in kerosene for starting fires . . . let 5 or 10 percent make the rounds of hundreds of workers' and student study circles, and supply each group with brief and simple recipes for making bombs." This prescription for revolution was given when the Russian people were bitter over their Naval defeat by the Japanese at Port Arthur. The Encyclopedia Brittannica says, "Patriotic feeling began to turn against the government. The war grew extremely unpopular." Be warned, Christian America! War weariness is Communism's opportunism.

Thirdly, I would remove the veil which confuses anarchy with dissent. The freedom to dissent is one of our most precious American freedoms. But the patriot exercises this freedom within the framework of the law. The anarchist expresses his dissatisfaction outside the law. The one is constructive; the other is destructive. President Nixon said to the graduating class at the Air Force Academy last year, "A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges." I think it's time we began to believe in ourselves, to rally constructive support for our country, and to label the anarchist as the outlaw he really is.

Fourthly, I would remove the veil of military unpopularity, with the demonstrations outside recruiting offices, antagonism against recruiting officers on college campuses, and more recently, activities which sought to keep our ships from going to sea. The expulsion of Taiwan from the United Nations has greatly sobered me. The undisguised glee with which delegates from certain nations hailed the departure of Nationalist China is a very ominous sign that our U.S. diplomacy is at its lowest ebb. We cannot afford the luxury of fighting among ourselves, civilians against the military. We must recognize that we are all part of the same team.

A hundred years ago a British soldier wrote these words on a sentry box in Gibraltar.

"God and the soldier all men adore
In time of trouble and no more.
For when war is over and all things righted,
God is neglected and the soldier slighted."

There are no atheists in foxholes in wartime and no heroes at home in peace-time.

What if our military, fed up with their critics, vacated the perimeters of our national defense to the enemy and said, "All right, you armchair critics, you peaceniks, it's your war! You take it from here!" Military men don't initiate policy; they obey orders. They're not gangsters and assassins but patriots and Christians, of which this Navy Day service is one of the finest illustrations. We all fight under the same national ensign, and live beneath the same banner of faith. We have the same common goal, the same idealism, the same citizenship, the same love for our Lord and for our country.

Fifthly, I would remove the veil which suggests that the only road to peace is the road of withdrawal and retreat. Moshe Dayan, Israeli Defense Minister, has said, "We would not achieve peace by retreating . . . what has been offered to us is retreat without peace." The bleeding hearts in Congress and in the clergy seek to convince us that our only alternative for peace is pacifism. We chip away and we chip away at our military preparedness until we have lost our military superiority. I do not believe that we could afford another Cuban crisis today in the Near East or the Far East or in Berlin, Korea, or South America. In an eyeball-to-eyeball confrontation with the Russians, I believe we would blink. And when we do, we relinquish our place of leadership in the world.

As, Admiral Moorer, Chairman of our Joint Chief of Staffs, said to the graduating class at Annapolis a year and a half ago, "In international gamesmanship there is no prize for second place." Where did we ever get the idea that God can't operate through strength as well as weakness? Or that the solution to evil is to run from it, rather than stand and fight against it? Jesus said, "I have not come to bring peace, but a sword." (Mt 10:34) And if we remove from the Old Testament all the passages of Scripture in which God told the Israelites to fight against the enemy, we have a mutilated Scripture. On one occasion He ordered the complete destruction of the Canaanites, every man, woman and child in order to eradicate evil from Israel. No commanding officer would give an order as harsh as that today. Take out of our Psalms the military songs, and we remove some of our most beloved hymns, including the Twenty-third Psalm. It is a privilege to be an American. Our faith is worth fighting for. But we don't preserve freedom with a naked ideal. We have to beef up our freedoms with the strength to sustain them.

Sixthly, I would remove the veil from patriotism itself. I am grateful for a service like this one. It sends chills up and down my spine to hear the voices in this great Sanctuary sing in unison "The Star-Spangled Banner." I think we as clergy and churchmen err by our silence when we fail to affirm those things which made this nation great. Before our Pilgrim forebears ever set a single foot upon that stern and rockbound coast, they gathered together in the cabin of the Mayflower and signed a Compact: "In the Name of God, Amen. We whose names are underwritten . . . Having undertaken, for the glory of God, and advancement of the Christian faith and honor of our King and Country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, covenant and combine ourselves together into a civil body politic." That is how it all began. That was the beginning of our country. "In the Name of God, Amen." Men and women, for the glory of God and the advancement of their faith, combined in a civil body politic. Never has that civil body politic been more threatened than it is in this hour. Never has it needed men and women to stand up and affirm their faith in this body politic more than now. We all abhor war as useless slaughter and waste. But cannot we, as Christians, seek peace with honor and victory and prove to the entire world that we have recovered from this failure of nerve?

Shakespeare wrote in Julius Caesar (Act IV, Sc 3):

"There is a tide in the affairs of men,
Which taken at the flood leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current when it serves,
Or lose our ventures."

We stand at the flood tide and a failure of nerve now can cause us to lose the venture. This is no time for the faint-hearted. Jesus said, "Would that you were cold or hot! So because you are lukewarm, and neither cold or hot, I will spew you out of my mouth." (Rev. 3: 15–16) A vacillating people cry out, "Peace, Peace, when there is no peace" (Jer 8:11) because they have lost their pride, their honor, and their heritage. Jesus said, "Blessed are the peace*makers*." Peace is something that has to be made. We have to work at it. It occurs only when we make sacrifices for it. There are no panaceas, no bargains in peacemaking. It will take the blood, sweat, and tears of every Christian to emancipate us from this failure of nerve. And that's why I feel that our problems today are primarily religious problems.

When Jesus came down from the Mount of Transfiguration, He was greeted by the father of an epileptic boy who said, "I asked your disciples to cast the devil from my son and they could not." (Mk 9:18 T.E.V.) Will the world say to us, the Christian churchmen of America today "We asked you to cast out these devils which debilitate and destroy and you could not"?

There is an inscription on a 17th Century church in Leicestershire, England, "In the year 1653, when all things were throughout the nation either demolished or profaned, Sir Robert Shirley, Baronet, founded this church, whose singular praise it is to have done the best things in the worst times and hoped them in the most calamitious." What a tribute to a church! In an hour of crisis to do the best things in the worst times!

I believe we will rise to our challenge. Only a miracle can save our fading glory. Only a miracle can remove the veils caused by this failure of nerve. But within the church we believe in miracles. The Scripture which was read to you this morning said, "Where the Spirit of the Lord is, there is freedom," (Vs 17) and individuals filled with the Spirit of God will help us to recover our faith, preserve our freedoms, redeem the time (Eph 5:16), and accomplish "the best things in the worst times." It will take a miracle. But Christian statesmen, like those who sit on the platform with me in this hour, can pull it off. Then when we pledge allegiance to our flag, "One nation under God," it will not be blasphemous irony.

This is not the best possible of all worlds. There's room for improvement in the church and our nation, but I would rather be here, in this hour than any other place, at any other time, in the world's history. We can't rely solely upon our military leadership to provide the patriotism and they can't rely solely upon us to provide the faith. It's our privilege to serve both our God and our country in this hour. We will meet the challenge and we will solve our problems. I believe that this failure of nerve will become the foundation of our faith, and that through patriotic Americans and faithful Christians, we will recover our fading glory. But it is the flood time. As we sing, "Once to Every Man and Nation Comes the Moment to Decide" we invite you to make a decision for Christ, and to come forward and take your place in a church which we believe is trying to accomplish the "best things in the worst times."

NATIONAL GALLERY CONTINUES "CIVILISATION" SERIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MOORHEAD. Mr. Speaker, I am pleased to put into the RECORD today the schedule of events for the month of December, of the National Gallery of Art.

I might note that the gallery is continuing its outstanding series "Civilisation."

The gallery is to be congratulated for conducting this delightful tour through western history and development. I believe that my colleagues would spend an enjoyable afternoon viewing any of the fine shows in this series.

NATIONAL GALLERY OF ART

(Calendar of Events—December 1971)

MONDAY, NOV. 29, THROUGH SUNDAY, DEC. 5

Painting of the Week*—Manet. *The Dead Toreador.* (Widener Collection) Gallery 83, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*The Exhibition of Rodin Drawings: Rodin.* Central Gallery, Tues. through Sat. 1:00; Sun. 2:30.

Tour—*Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

"Civilisation," V—*The Hero as Artist.* Sat. & Sun. 12:30 & 1:30.

Sunday Lecture—*Rodin and Tradition,* Speaker: Horst W. Janson, Professor of Fine Arts, New York University, New York, Auditorium, 4:00.

Sunday Concert—Ann Zalkind, *Pianist,* East Garden Court 7:00.

*11" x 14" reproductions with text for sale this week—25c each. If mailed, 35c each.

MONDAY, DEC. 6, THROUGH SUNDAY, DEC. 12

Painting of the Week*—Monet. *Rouen Cathedral, West Facade, Sunlight.* (Chester Dale Collection) Gallery 84, Tues. through Sat. 12:10 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*The Exhibition of Rodin Drawings: True and False.* Central Gallery. Tues. through Sat. 1:00; Sun. 2:00.

Tour—*Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

"Civilisation," VI—*Protest and Communication.* Sat. & Sun. 12:30 & 1:30.

Sunday Lecture—*Eighteenth-Century Crèches.* Speaker: Loretta Howard, Artist and Collector, New York. Auditorium 4:00.

Sunday Concert—The Madison Madrigal Singers. Robert Shafer, *Conductor,* East Garden Court 7:00.

The gallery is open weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., and Sundays, 12 noon to 9:10 p.m.

MONDAY, DEC. 13, THROUGH SUNDAY, DEC. 19

Painting of the Week*—Jacob van Ruisdael. *Forest Scene* (Widener Collection) Gallery 46, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*Sculpture from the Middle Ages to Rodin.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour—*Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

"Civilization," VII—Grandeur and Obedience. Sat. & Sun. 12:30 & 1:30

Sunday Lecture—Poussin's *"Holy Family on the Steps".* Speaker: Howard Hibbard, Professor of Art History, Columbia University, New York, Auditorium. 4:00.

Sunday Concert—National Gallery Orchestra. Richard Bales, Conductor, with soloists. East Garden Court, 7:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

MONDAY, DEC. 20, THROUGH SUNDAY, DEC. 26

Painting of the Week*—Giorgione. *The Adoration of the Shepherds.* (Samuel H. Kress Collection) Gallery 21, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour—*Introduction to the Collection.* Rotunda, Mon., 11:00 & 3:00; Tues. through Thurs., 11:00, 1:00 & 3:00; Sun., 2:30 & 5:00.

"Civilisation," VIII—*The Light of Experience,* Sun. 12:30 & 1:30.

Sunday Films—The Year 1200 and Images Médievales. Auditorium, 4:00.

Sunday Concert—Loren Withers, *Pianist,* East Garden Court 7:00.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.

THREE NEW PAINTINGS

The acquisition of three paintings was announced last month. These pictures are hanging in galleries on the main floor. A genre piece entitled *The Unlikely Lovers,* painted by Quentin Massys (1465/6–1530) founder of the important Antwerp school of painting, shows an elderly man being robbed of his wallet while seeking the affections of a young girl. Joos de Momper's (1564–1635) *Landscape with a Vista through a Grotto,* a work rich in technical virtuosity and personal fantasy, was painted during the period that saw the full northern development of the art of landscape painting, a period formerly unrepresented in the Gallery's collections. *The Seine,* a landscape by the important black American artist Henry O. Tanner (1859–1937), was painted eleven years after he had moved to Paris and reflects his admiration for impressionism.

RODIN DRAWINGS-TRUE AND FALSE

Original drawings by the major late 19th-century French sculptor Auguste Rodin and forgeries of his work by Ernst Durig and two other forgers known as Hand A and Hand B are on view in the Central Gallery in a special exhibition designed to aid the viewer in discerning between the true and the false. An illustrated folder listing all the works in the exhibition is available. The visitor is invited to test himself on the True-False section of the show by filling in the blanks provided in the folder and comparing his score with the answers, also given in the folder. A book, *The Drawings of Rodin,* published concurrently with the exhibition, is on sale in the Publications Room. The exhibition will be on view through January 23, 1972.

(The identifications of the pictures used in the November Calendar are as follows: *Nude on Her Stomach,* which appeared on the right, is a true work by Rodin; the other drawing, *Seated Nude,* is attributed to the forger known as Hand B.)

EIGHTEENTH-CENTURY FRENCH PRINTS AND BOOKS

A selection of 18th-century French prints, books, and drawings from the National Gallery's Widener Collection remains on view in the Print Exhibition Room, ground floor, through January 6.

EIGHTEENTH-CENTURY CHRISTMAS CRÈCHES

On December 12 at 4:00 p.m., Loretta Howard, artist and collector, will speak on "Eighteenth-Century Crèches" in the Gallery Auditorium. The custom of creating crèches for the home became popular in Naples about 1670 as an exercise in seasonal worship, with precedents in the medieval mystery plays of the Nativity and in the sculptured devotionals in the churches at the Christmas season. Some of the figures are credited to the best 18th-century Neapolitan sculptors.

Nearly 150 baroque crèche figures, including the Holy Family, the shepherds and their flocks, the Magi and their retinue of Eastern figures and camels, peasants, burghers and merchants, and a miscellaneous group of animals, comprised one crèche which Mrs. Howard has given to the Metropolitan Museum of Art. Others in her collection have decorated the White House in recent years.

TWENTIETH-CENTURY GERMAN PRINTS

A selection of 20th-century German prints chosen from a group of 64 given to the United States by the people of the Federal Republic of Germany in 1955 is on view in the Northeast Corridor. There is a wide diversity in technique and subject matter. Woodcuts, lithographs, etchings, linoleum blocks, and monotypes, printed both in color and in black and white, are included.

NATIONAL GALLERY OF ART CHRISTMAS CARDS

Christmas cards of National Gallery works of art are being sold in an area adjacent to the Publications Room at the Constitution Avenue entrance. Prices range from fifteen to thirty cents each.

HOLIDAYS

The Gallery is closed Christmas Day and New Year's Day. No educational services will be offered on Friday, December 24, Christmas Eve.

SAVINGS AND LOAN ASSOCIATION VOICE THEIR OPINION ON H.R. 7740 AND S. 1671

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HANNA. Mr. Speaker, early next session the Committee on Banking and Currency is going to hold hearings on H.R. 7740, the Housing Institution Modernization Act. The Senate Committee on Banking, Housing and Urban Affairs is in the process of holding hearings on a companion bill, S. 1671. Both of these bills would allow a Federal mutual savings and loan association to convert to a Federal capital stock savings and loan association. While this sounds rather simple at first glance, it does open many questions which plague the minds of both the investors and the current managements of savings and loans.

Representatives of the different trade associations expressed their plan as to the best way to allow for this conversion. But I heard very little from the several thousand savings institutions that would be affected by this legislation.

With the aid of the Federal Home Loan Bank Board, I sent a questionnaire to every Federal mutual association and State mutual association which they insure. Approximately 4,700 questionnaires were sent out. The response was most gratifying. Very nearly 1,000 questionnaires were returned, many with long letters either explaining in detail reasons for particular views or giving suggestions for specific wording of the legislation. I am convinced, Mr. Speaker, that the responses represent the well thought out opinions of those who will be the most affected by the legislation.

The questionnaire contained three basic sections. The first asked for a reaction to some of the major arguments used by the partisans on each side of the issue. The second section dealt with specific parts of the legislation itself. The last part asked simply the respondent, speaking for his association, his overall opinion of the legislation and if he anticipates that his association would convert from its present organization format to a Federal capital stock association. Tables 1, 2, and 3, respectively, give the results to each of the above mentioned sections:

TABLE 1

[In percent]

	Federal mutual associations (n=637)				State mutual associations (n=348)			
	Very persuasive	Somewhat persuasive	Not persuasive	No response	Very persuasive	Somewhat persuasive	Not persuasive	No response
I. Supporters of the legislation have made a number of arguments for its passage. How do you rate the persuasiveness of the following assertions?								
(a) It would enable Federals to provide needed additional funds to the housing market	25.0	31.8	39.1	4.1	20.7	27.0	45.1	7.2
(b) It would permit the adoption by Federals of modern methods of operation	23.8	26.8	44.4	5.0	17.0	22.6	53.5	6.9
(c) It would eliminate the need for an existing association to relinquish its Federal charter to convert to a stock form of ownership	44.4	21.6	28.4	5.6	30.2	27.3	32.2	10.
II. Opponents of the legislation have listed a number of arguments against its passage. How would you rate the persuasiveness of these arguments?								
(a) Savers would receive a windfall which they neither earned nor bargained for	42.0	22.4	31.0	4.6	36.6	19.8	37.4	7.2
(b) Existing stock associations would be hurt by transfers of accounts to mutuals by savers seeking a windfall	18.2	23.2	54.7	3.9	17.8	25.6	49.4	7.2
(c) Mutual associations would be placed under great pressure to convert by savers seeking a windfall	43.8	26.4	22.3	7.5	42.3	29.0	25.3	3.4
(d) Existing mutual associations would become a battleground for corporate raiders bent on turning a fast profit on the conversion	41.1	28.1	26.2	4.6	41.4	23.8	27.6	7.2
(e) Existing management of mutual associations who are responsible for the growth of the association would, were Federal stock chartering and conversion possible, be vulnerable to replacement by the new shareholder owners	44.5	32.8	18.3	4.4	45.5	27.8	19.8	6.9

TABLE 2

[In percent]

	Federal mutual associations n=637			State mutual associations n=348		
	Approve	Disapprove	No response	Approve	Disapprove	No response
III. A number of modifications and refinements to the legislation have been suggested. Please indicate whether you approve or disapprove of the changes.						
(a) The net worth of an existing mutual association should, as an incident to the acquisition of a Federal stock charter, be (select 1 of the following):						
1. Disbursed to the FSLIC, the Treasury, or some other public purpose	2.0	74.7	23.3	2.3	72.4	25.3
2. Frozen, with a debenture being issued by the association to the FSLIC in the amount of the net worth to be followed by the sale of capital stock in the association; or	12.5	63.3	24.2	9.5	61.8	28.7
3. Frozen, in a segregated reserve to be available for distribution in the event of liquidation to those account holders in the association who, at the time of conversion, were depositors	56.2	30.5	13.3	60.7	25.8	13.5
(b) Deposits, for the purpose of establishing stock rights, should be frozen on a date certain reflecting either the date of enactment of the legislation or some date prior thereto	54.2	8.0	7.8	50.3	10.3	39.4
(c) Specific provisions should be made to (1) reward management through the distribution for nominal consideration of stock issues as in incident to chartering or conversion and (2) protect management from arbitrary removal for a specified period through mandatory voting trust or other arrangements	84.4	9.0	6.6	51.6	9.5	38.9
(d) Chartering of Federal stock savings and loan associations should be allowed only in those States whose laws provide for chartering of capital stock savings and loan associations	44.9	47.1	8.0	42.8	18.7	38.5

IV. Which of the following best describes your attitude toward legislation to permit Federal chartering of capital stock savings and loan associations?

[In percent]

	Federal mutual associations n=637	State mutual associations n=348
Favor	46.6	37.6
Oppose	35.7	43.5
Indifferent	13.0	12.6
No response	4.7	6.3

V. Would you be interested in converting to a capital stock savings and loan association if such legislation were enacted?

[In percent]

	Federal mutual associations n=637	State mutual associations n=348
Yes	29.9	23.6
No	33.4	44.3
Maybe	34.7	26.4
No response	2.0	5.7

ALASKAN FLIP-FLOPS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ASPIN. Mr. Speaker, Wednesday 18 other Members of the House joined me in introducing legislation that would delay the decision on the Alaskan pipeline until January 1, 1973, so that a full study of Canadian pipeline alternatives could be considered. Today I would like to include in the RECORD a recent article by former Secretary of the Interior, Stewart Udall and Jeff Stansbury entitled "Alaskan Flip-Flops."

The article discusses succinctly and accurately, realistic economic merits of the Canadian vs. Alaskan pipelines. That article follows:

[Release of Saturday, Oct. 16, 1971]

ALASKAN FLIP-FLOPS

(By Stewart Udall and Jeff Stansbury)

Somebody should award Interior Secretary Rogers Morton a gymnastics gold medal for his latest flip-flops over Alaskan oil. Within a month he has hinted that the Interior Department will approve a trans-Alaska oil pipeline, cozied up to an alternative Canadian route, spurned this same Canadian route and put off his final decision until next year.

Close observers of Interior, among them Rep. Les Aspin (D-Wis.), believe Morton has already made up his mind to issue a permit for an 800-mile pipeline between the vast North Slope oil fields and the Alaskan port of Valdez. An environmental statement due from his department in December will doubtlessly give short shrift to the Canadian alternative. This in turn will provoke fresh legal arguments from the Wilderness Society, Environmental Defense Fund and Friends of the Earth, whose lawsuit has blocked the Alaskan pipeline since April, 1970.

But with over $1.5 billion sunk into its arctic adventure, Alyeska, a consortium of 7 oil companies, enjoys the unstinting support of the White House. This alliance has led Interior's Office of Oil and Gas (OOG) to stack the statistical deck heavily in favor of an Alaskan pipeline.

For over a year, OOG has raised the specter of an oil famine in the seven westernmost states. Its estimate of the region's oil needs has jumped with every new wave of opposition to the pipeline. As environmentalists point out, OOG spelled backwards is GOO—which is precisely what may cost Alaskan tundra if the pipeline is built.

By 1980, says OOG, the seven western states will need 3.7 million barrels of oil a day. Without a daily transfusion of 2 million barrels from Alaska, these states will allegedly have to rely on heavy Middle East imports. This, declares Interior, is strategically indefensible.

The trouble with OOG's "oil famine" argument is that it is based on Alice-in-Wonderland numbers. The seven Western states now consume about 2 million barrels of oil a day. For this figure to reach 3.7 million by 1980, consumption would have to grow by 7% a year—double the national rate. This verges on the impossible. West Coast oil consumption is now growing at only *half* the national rate.

In reality, the Western states will not be able to absorb 2 million barrels of Alaskan oil in 1980. Why, then, does Interior refuse to consider a Canadian pipeline that would supply the oil-hungry U.S. Midwest and East?

The answer is that Alyeska fully intends to market much of its oil abroad, primarily in Japan. Alyeska President Edward Patton and Interior Undersecretary William Pecora concede that some of the North Slope deposits will find their way abroad from Valdez. Given OOG's souped-up data, the likelihood that the North Slope outflow will exceed 2 million barrels a day by 1980 and the great difficulty of marketing this oil on the U.S. East Coast, it is clear that up to 500,000 barrels a day will eventually be sold in the Far East.

If, as is likely, the Alyeska companies are allowed to bring an equal amount of foreign oil into the East Coast at the pegged-up price that prevails there under the Oil Import Quota Program, they will make a killing. The victims will be the Alaskan environment and consumers throughout the East and Midwest. The strategic argument for an Alaskan pipeline, moreover, will become a shambles.

Clearly, the regional inequities in the per barrel price of oil alone should rule out an Alaskan pipeline. Today the Eastern and Midwestern states pay 75 cents and 50 cents more respectively than the Western states. An Alaskan pipeline with transshipment across Prince William Sound and the Gulf of Alaska, would grossly exaggerate these inequities. A pipeline across Canada to the Midwest, however, would flatten out the costs considerably.

Environmentalists find no excuse for Interior's failure to study the Canadian alternative. Secretary Morton, they say, merely echoes Alyeska's propaganda when he claims that a Canadian pipeline would cost twice as much. Not only would it cost about the same as the Alaskan route (counting the tankers needed to haul oil from Valdez to the Pacific Northwest), but it would bring Alaska $95 million more in royalties each year from the higher price that oil commands in the Midwest. This bonus would vastly outweigh the short-lived employment advantages of an Alaskan pipeline.

Recently, Atlantic-Richfield circulated a memo among its allies in Alyeska and the Interior Department. Hinting that a *gas* pipeline would be built from the North Slope through Canada, the memo argued preposterously that Canada might someday cut off U.S. petroleum supplies if an oil pipeline crossed her territory.

Why would a gas pipeline be immune to the whims of Ottawa if an oil pipeline wouldn't? If Alaskan gas can be marketed in the Midwest, why not Alaskan oil? And if a gas pipeline is to be built through Canada, why not minimize the ecological damage by laying the oil pipeline alongside it? These are questions Alyeska conveniently brushes aside.

Meanwhile, neither Alyeska nor Interior can convince anyone that heavy oil tanker traffic across Prince William Sound will not endanger the richest salmon and halibut fishery in the Pacific Northwest. Last summer, Morton met with members of the Cordova District Fisheries Union, which opposes the shipment of Alaskan oil out of Valdez. "I don't think the politics are with you," he told them.

Indeed. There is not one ecological argument for the Alaskan pipeline. Not one economic argument. Not one strategic argument. There is only the political argument inherent in the great power of the U.S. oil industry, which enjoys the fattest subsidies known to capitalism. Along with his gymnastics award, Secretary Morton deserves a bronze medal for candor.

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THE HONORABLE SAMUEL DE PALMA ON U.S. CONTRIBUTIONS TO THE U.N.

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FRASER. Mr. Speaker, Thursday, December 2, 1971, Assistant Secretary of State for International Organization Affairs, Samuel De Palma, testified before the House Foreign Affairs Subcommittee on International Organizations and Movements. Secretary De Palma's statement on the financial assessments of United Nations members was one of the best the subcommittee has received on this subject.

The Secretary reviewed the method for establishing the assessments of U.N. members and he pointed out the "gross anomalies" that would be introduced by efforts to relate U.N. contributions to population alone, ignoring national income or national capacity to pay.

Mr. Speaker, Secretary De Palma also said that the United States "should continue to seek downward revision both in our assessment percentage and in the U.N. ceiling rate itself." He was not simply asking that the status quo be maintained. He looked forward to the time when it will be possible for the Federal Republic of Germany to enter the U.N. and make a substantial contribution to U.N. revenues.

The De Palma statement is informative and thoughtful. It is well worth a few moments of our time:

STATEMENT OF THE HONORABLE SAMUEL DE PALMA, ASSISTANT SECRETARY OF STATE

Mr. Chairman: I appreciate the opportunity to discuss the proposal to change the basis for paying U.S. contributions to the United Nations family of agencies and programs from the present system to one based on comparative population data.

It would be useful at the outset to review the method for establishing the assessments of U.N. members. This background will make clear what has been done to reduce the U.S. assessment rate in the past and will indicate what can most usefully be done to continue this process in the future.

Article 17, paragraph 2, of the Charter of the United Nations provides that "the expenses of the Organization shall be borne by the Members as apportioned by the General Assembly." What this provision means essentially, Mr. Chairman, is that the United States, so long as it is a member of the United Nations, is subject to the rate of assessment apportioned to it by the United Nations General Assembly and decided by a two-thirds majority.

To assist in making its apportionment, the General Assembly relies upon the technical advice of an expert Committee on Contributions. This body presently consists of twelve individuals, appointed on the basis of broad geographic representation, personal qualifications and experience. It includes one American. Rule 161 of the Rules of Procedure of the General Assembly provides that the Committee on Contributions shall advise the General Assembly "concerning the apportionment . . . of the expenses of the Organization among Members, broadly according to capacity to pay." The criterion, "capacity to pay," was adopted at the first part of the first session of the General Assembly in February 1946. Also included in the original terms of reference of the Committee on Contributions was the provision that "if a ceiling is imposed on contributions the ceiling should not be such as seriously to obscure the relation between a nation's contributions and its capacity to pay."

From the outset of the United Nations, the capacity to pay criterion has been applied by the Committee on Contributions through the use of comparative national income statistics. According to the Committee, these data have been progressively improved and the comparability of the data has been enhanced by the use since 1964 of comparative net national products at market prices. Net national product is defined as the total of personal and governmental consumption expenditures on goods and services, plus expenditures for investment. Net national product differs from gross national product by excluding depreciation allowance for capital consumption.

Acting according to its original criteria, the Committee on Contributions in its first apportionment set the U.S. rate of assessment for 1946 at 49.89%. The U.S. objected to this assessment. While recognizing the difficulty of other states in making contributions after the devastation of the Second World War, Senator Vandenberg pointed out that the U.S. did not think the Organization ought to rely unduly upon the contributions of a single member. This vigorous U.S. objection succeeded in persuading the Assembly to reduce the U.S. rate for 1946 to 39.89%, and it remained at that level through 1949.

Meanwhile, in 1948 the General Assembly, at the urging of the United States, accepted the principle of a ceiling to be fixed on the rate of contributions of the member bearing the highest assessment. The principle was that "in normal times no one Member State should contribute more than one-third of the ordinary expenses of the United Nations for any one year." Simultaneously, the General Assembly recognized that "the per capita contribution of any Member should not exceed the per capita contribution of the Member which bears the highest assessment." In 1954, the 33⅓% ceiling was brought into effect by a General Assembly Resolution.

In 1957, the General Assembly, again at our insistence, reduced the ceiling to 30% in principle, and the U.S. contribution has been moving toward that rate ever since. In 1970, when the Committee on Contributions made its apportionment for the years 1971–1973, the percentage contributions of the members which had entered the Organization during the previous three years, amounting to 0.16 percentage points, were distributed proportionately among the membership, with the United States receiving 0.05 percentage points. This process reduced the U.S. contribution from 31.57% in 1968–1970 to 31.52% in 1971–1973.

As a result of the criteria supplied to the Committee on Contributions by the General Assembly, five general classes of Member States exist for the purposes of apportionment. With respect to the criterion of capacity to pay, three of these categories are relatively advantaged, and two are relatively disadvantaged.

The three categories of United Nations Members who are specially advantaged in the determination of their assessment rates are:

1. Members with per capita incomes below $1,000 per year and assessment rates above the 0.04% minimum rate. These less-developed countries are given an allowance for low per capita income which reduces their assessment rate.

2. The second category of specially advantaged Members includes only the United States, whose percentage share is reduced below capacity to pay by the application of the ceiling principle. The UN Committee on Contributions pointed out with reference to the scale for 1968–1970 that if the rate of assessment of the United States were assessed on the basis of comparative national income statistics adjusted for low per capita income, its rate would have 39.48% instead of 31.57%.

3. A few countries have also benefited from the application of the per capita ceiling principle which holds that "the per capita contribution of any Member State should not exceed the per capita contribution of the Member which bears the highest assessment." Relatively small reduction in assessment rates have been applied to Canada, Kuwait, New Zealand and Sweden over the years in order that their per capita contribution not exceed the per capita contribution of the United States.

There are also two categories of specially disadvantaged Members who pay more than they would under the strict application of the capacity to pay criterion as measured by relative national product.

These are:

1. Members individually assessed at the minimum rate of 0.04% (which is the case for more than 60 of the poorest Members) who pay more because the minimum rate exceeds their assessment based on capacity to pay.

2. Members with per capita incomes above $1,000 per year (except for those affected by the ceilings) also pay more than their relative capacity to pay. This group of developed countries pays more because the assessment rate of each, based on capacity to pay, is substantially increased to pay for the benefits given the advantaged categories (including the United States).

If I may summarize, Mr. Chairman, because of the adoption of an arbitrary ceiling, for over twenty-five years the United States has paid less than it would have if it had been assessed according to the same criteria applied to the other main industrial states, including the Soviet Union, the United Kingdom, France and Canada.

The legislation you are considering, which relates assessments to population, implies a United Nations assessment rate for the United States which we estimate at 6.20% in place of the present U.S. assessment of 31.52%. On a strict capacity to pay basis we estimate that at the present time the U.S. rate, based on national income statistics when adjusted to benefit the low per capita states, would actually be 38.40%. Comparable figures for the Soviet Union, including Byelorussia and the Ukraine, would be 7.34% on a population basis as compared with 14.66% on the adjusted basis. In fact the Soviet Union is now assessed at 16.55%. The difference between 14.66% and 16.55% is the extra amount we estimate the Soviet Union is assessed because of the ceiling principle applied to the U.S. contribution.

Comparable figures for France are 1.54% on the basis of population as compared with its present assessment of 6.00%; and for the United Kingdom: 1.72% on the basis of population as compared with its present assessment of 5.90%. These figures show that other major industrial powers would also gain a significant advantage from an assessment based on population. Nevertheless, in our judgment there would be little or no support even from these countries for changing the apportionment pattern in the United Nations to one based on the criterion of comparative population. We strongly doubt that these other prospective beneficiaries would favor it because they would not want to take on the large majority that would oppose it on the grounds of its being unrealistic and unfair. The large population states like China which would be assessed at about 22.85%, or Pakistan at 3.34%, or Brazil at 2.67%, or Indian at 15.91%, or Indonesia at 3.43% would obviously find it unacceptable.

We are convinced it would be impossible to negotiate such a scale of assessment because of the gross anomalies it would introduce. Very poor countries would find themselves paying many times their present rate, while the rate of most affluent countries would be substantially reduced. Based on average per capita incomes, an Indonesian would contribute about 44 times more of his income than the average U.S. citizen; the average Nigerian would contribute 49 times more. In terms of time per capita worked to pay toward their country's UN assessment, under the population scale an American would work two minutes, an Ethiopian two hours, an Englishman four minutes and a Brazilian twenty-five minutes. In fact, under the population scale, everyone's per capita contribution, expressed in time worked to pay toward the UN assessment, would exceed that of the average American.

We could not defend such a scale on the grounds of reason or equity and certainly could not expect to gain a two-thirds majority for it.

I strongly hope the Congress would not decide that the United States should pay its UN assessment at a 6% rate. If we unilaterally paid on the basis of population, the United States would soon be sufficiently in arrears to lose its vote in the General Assembly and, even earlier, would have pushed the United Nations over the fiscal brink. This is not a formula for reducing the U.S. contribution; it is a formula for abandoning the United Nations.

Insofar as voluntary contributions are concerned, we now contribute at varying rates—depending on our interest in the programs—but generally at a rate not to exceed 40%. Were we to reduce our contributions to about 6% we would be contributing far less than our fair share to important peacekeeping, economic development and humanitarian activities.

Mr. Chairman, that having been said, our experience of the past twenty-five years demonstrates that we can and should continue to seek downward revision both in our assessment percentage and in the UN ceiling rate itself. This experience has shown in particular that reductions are most successfully accomplished when new members with substantial contributions enter the Organization. Under this condition, none of the old members would have their own contribution raised if the ceiling rate were lowered. Consequently, we are looking forward to the time when it will be possible for the Federal Republic of Germany to enter the Organization with a percentage assessment rate which has already been set by the Committee on Contributions at 6.80%. Should the U.S. get almost the full benefit of this amount, its rate of assessment could reach the 25% recommended by the Lodge Commission last April. You will recall that this Presidential Commission made the following recommendation:

"As new members are brought into the UN their assessed contributions to the regular budget, which may be substantial, will call for a redistribution of the financial burdens reflected in the scale of assessment. Furthermore, for its own independence and development, an international organization of 127 members should not depend upon one state for almost one-third of the contributions to its regular budget.

"The Commission recommends that the United States affirm its intention to maintain and increase its total contributions to the UN, but that, as part of a redistribution of responsibilities, it will seek over a period of years to reduce its current contribution of 31.52% to the assessed regular budget of the Organization so that eventually its share will not exceed 25%.

"In recommending that the United States seek a reduction of the percentage of its assessment for the regular budget, the Commission wishes to emphasize that it is in no way proposing any diminution of the overall commitment of U.S. resources to the UN system. Each reduction in the U.S. share of the regular budget must be clearly marked by at least a corresponding increase in U.S. contributions to one or more of the voluntary budgets or funds in the UN system."

Mr. Chairman, we have given this recommendation of the Lodge Commission the most serious consideration. We have decided that it is an appropriate and necessary goal for the U.S. to pursue and we shall work to achieve it as rapidly as we can, hopefully in connection with the admission of new members. We believe that a reduction of our assessment to 25% would be beneficial to the UN because the Organization ought not to be overly dependent on the contribution of a single member. Above all, we do not believe it is politically advisable for an organization of sovereign and juridically equal states, which is approaching universality of membership, to perpetuate such an extreme disparity between voting power and influence, on the one hand, and financial contributions on the other.

Mr. Chairman, a 25% ceiling for assessed contributions would achieve a better balance between voting power and capacity to pay, without abandoning capacity to pay as a major criterion. Finally, let me stress that we have had this matter under study for some time and our decision to work toward this goal has been taken as a matter of principle and not in retaliation for recent events in the General Assembly.

"THE GREAT AMERICAN BALLOON ADVENTURE"—A TV PRESENTATION OF AMERICAN GRANDEUR AND COURAGE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HANNA. Mr. Speaker, at a time in our national history when so much doubt is being expressed by cynics both at home and abroad about the greatness of America, it was a refreshing experience for me, as I am sure it was for millions of other TV viewers, to see "The Great American Balloon Adventure." This is a 1-hour Alcoa special filmed account on television of a young balloonist's voyage across our magnificent continent, beginning in San Francisco and completing the adventure with a landing in Central Park, New York City. The program was on TV coast-to-coast on Tuesday evening, November 30, in most areas.

Produced and directed by Dennis B. Kane for the editors of Life magazine and sponsored by Alcoa, the balloonist, 26-year-old Bob Wallgunda, showed amazing courage and great pride in the grandeur of America. His odyssey reminded me at once of the indomitable courage and spirit of adventure of our forefathers when they pushed westward in their covered wagons despite every obstacle and danger. "The Great American Balloon Adventure" is a fitting tribute to the great American pioneering spirit which is very much alive today.

The balloonist's voyage carries him and his red, white, and blue striped balloon across the Golden Gate Bridge, the Grand Canyon, the Kansas wheatfields, the Louisiana bayou country, the Gulf of Mexico, up to the green hills of Vermont and finally to New York City.

The music, which superbly catches the spirit of the balloon soaring through space and through its many adventures, was composed by Alden Shuman. It was magnificent.

Mr. Speaker, the heritage of America is great and its grandeur should serve to strengthen our morale when it begins to sag and to remind us of the necessity for vigilantly preserving America's beauty and conserving it, free from pollution and contamination.

To all those associated with a great TV presentation, we offer our heartiest commendation and thanks.

AN IMMEDIATE NEED TO CHANGE THE REGULATION OF NATURAL GAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. PICKLE. Mr. Speaker, some disasters, such as flood and drought and earthquakers, result from uncontrollable forces of nature. Others are made by man. A present, glaring example is the natural gas supply shortage, which is already forcing curtailment of the use of this economical, convenient and ecologically beneficial fuel in a number of areas in the United States, our Nation's Capital being one of these areas.

I say this gas supply shortage is manmade because it grows out of Federal regulatory policies which have been pursued over the past 15 years. These policies have simultaneously encouraged increased consumption of natural gas and discouraged the exploration which would have yielded the new supplies so badly needed.

The number of wells drilled declined sharply from 57,111 in 1956 to 28,088 in 1970, and another 10 percent drop is being experienced this year. At present, the United States is burning gas twice as fast as it is adding to known reserve supplies.

These facts add up to an extremely serious situation. According to information submitted recently to a House subcommitee by the Chairman of the Federal Power Commission, 12 out of 22 major pipeline companies will encounter problems, "ranging from minor to very serious" in meeting their commitments to customers this year. Service curtailments will cut back consumption of natural gas by 493 billion cubic feet this year, inconveniencing many, hampering normal operation of numerous industrial plants, and adding to the pollution of the atmosphere. Much more severe dislocations are expected in the future.

It should be clearly understood that the present gas supply shortage is not due to a lack of potential supplies to meet all the demands of the market. In fact, the potential reserves appear to be so great as to be almost incalculable. Informed estimates range up to 2,061 trillion cubic feet.

But potential reserves obviously cannot be used until they are discovered and developed. That is why it is so imperative to change the Federal policies which discourage exploration for and development of new gas supplies.

A first step is to inject stability into prices for gas approved by the Federal Power Commission. They do not at present possess that quality. Producers selling their gas to interstate pipelines have no guarantee that contract provisions regarding price, volumes of gas to be delivered, or length of deliveries will not be changed by a later FPC order.

H.R. 7144, which I introduced earlier in this session, would relieve these uncertainties by making producer-interstate pipeline contracts valid and binding, just as contracts are in other segments of the business community. This would be done without removing the authority of the Commission to pass judgment on all major new contracts. But it would keep prices from being subsequently reduced once they have been approved by the Commission.

The bill also would require the Federal Power Commission to give consideration to market and economic conditions as well as to competitive fuel prices in any determination of wellhead gas prices. The need for this provision is pointed up by the fact that during what has amounted to a 10-year freeze on gas prices inflation has added nearly 50 percent to the cost of bringing in a new well.

Mr. Speaker, I am from a gas producing State, but H.R. 7144 is not a producers' bill. That is clearly proved by the support it is receiving from consumer State Members. It is the consumer who is the main victim of the gas supply shortage, which is already bad enough and is certain to get worse before it gets better.

I make this sober statement because even prompt enactment of H.R. 7144 will not cure the shortage overnight or within a few months. The search for and development of new gas fields takes time. But passage of the bill would move us in the right direction and could well mark the beginning of a period of intensive exploratory activity by men who have demonstrated that they know how to find gas when they are accorded sufficient incentive to engage in this costly undertaking.

I hope Congress will take that step during the 92d Congress. It is of national importance.

HON. CHARLES C. DIGGS, JR.: "MY VISIT TO SOUTH AFRICA"

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 3, 1971

Mr. FRASER. Mr. Speaker, the November 1971 edition of Africa Report, a nonpartisan magazine of African affairs, features an article by our distinguished colleague, the gentleman from Michigan (Mr. DIGGS), chairman of the Foreign Affairs Subcommittee on Africa.

The article reports on Congressman DIGGS' recent visit to South Africa. It indicates that the reception he received from the black people of Pretoria and the southwestern townships—Soweto—deeply moved him. I am certain that his experiences in South Africa will make him an even more effective advocate for racial justice than he was before he made his latest fact-finding mission to Africa—and he has always been effective.

Congressman DIGGS is not unique in describing the South African apartheid system as "inhuman." The system is inhuman and vicious. Most Americans would agree with such a characterization. But, most would also agree with the words of Assistant Secretary of State for African Affairs David D. Newsom that "our hope is that it—change in South Africa—will come peacefully," words Newsom expressed in a September 21, 1971, speech aimed "for a wider audience, in Africa as well as at home."

It is too simple to voice this truism, as Secretary Newsom did, while waiting for economic and demographic pressure to produce change—positive change one hopes. For what exists in South Africa and southern Africa today, as Congressman DIGGS can testify, bears no relationship to peace. Daily violations of basic human rights—the right to travel, to work, to enjoy one's family, to live where one desires—are part of South African life. The daily violence is not always concealed by the velvet glove. The mailed fist, too, is much in evidence, especially when opposition to the existing system is openly expressed. And South Africa "legally"—through capital punishment—kills more people each year than any other "civilized" government.

The existing war of the South African Government against her black and colored citizens—and some whites as well—should not be characterized by our policymakers as peaceful progress. None of us wants open warfare in South Africa. But "peaceful progress" of the magnitude and type we see today should not be accepted as the pace of progress our Government finds acceptable. Present policies are not good enough. I join Congressman DIGGS in calling for American businesses in South Africa to "push beyond the permissible" in their efforts to facilitate change in South Africa.

The present pace of change should not be acceptable to us. We must continually push and probe, prod and protest until change for the better becomes a fact. Then we can—perhaps—say that our hope is that change in southern Africa will be peaceful. The change occurring today—and Mr. DIGGS points out that the situation of the black African is worsening—is neither peaceful nor positive. To believe it is either or both is to close our eyes to reality.

As Mr. DIGGS puts it:

The U.S. must end its hypocrisy in decrying violence as means of liberation on one hand and on the other, refusing to condemn the violence with which the South Africa government subjugates the majority.

The complete article follows:

MY VISIT TO SOUTH AFRICA

(By CHARLES C. DIGGS, JR.)

(NOTE.—With the exception of Namibia, Zimbabwe and the Sudan, CHARLES C. DIGGS Jr., U.S. Congressman from Detroit and Chairman of the House Subcommittee on Africa, has now personally visited each country on the continent. Congreasman Guy Vander Jagt of Michigan accompanied the Chairman on the biracial, bipartisan visit to Bissau, Cape Verde, South Africa, Mauritania, the Gambia and Algeria.)

On my arrival at Jan Smuts Airport, Johannesburg, I learned that the South African government, evidently alarmed over the unsettled situation in Namibia, had reneged on its unconditional granting of a visa and was interposing objections to my visit to Namibia.

My first decision was to abort the trip. I was profoundly moved, however, by the reception by the black people of Pretoria and Soweto, the black township near Johannesburg of nearly a million people. The yearning of the people to see blacks from outside and the common bond that unites us were compelling. I decided to continue the fact-finding trip to South Africa as a people-to-people mission.

We met and listened to many representatives of the blacks from different strategies. We met with the students, black and white, English and Afrikaner. We met with the Coloured (mixed origin) representatives, both those believing progress can be achieved working with the government and those opposing it. We met with Indian groups, with Progressives, with United Party leaders and with nationalists who are beginning to question their government's policy. We did not meet with South African officials. The government's position is well known whereas too little contact had been made with the majority of the people.

There is some ferment in South Africa. A few whites may be beginning to realize that, whether they like it or not, their self-preservation demands that they accept a multiracial society. Nevertheless, it is not clear that the ferment does not arise out of a concern with the degrading trappings of apartheid, "pretty apartheid," rather than out of a genuine disagreement with the basic policy of perpetuating minority rule. The present debate may well be on the means, and not the issue of maintaining white control. Moreover, I found no evidence that the ferment is being translated into action. The inhuman, pervasive restrictions on the majority of the people and the repressive laws, applicable against anyone, black or white, who opposes the system, are being mitigated not one iota.

In fact, the situation of the African is worsening. He has no right of political participation in the government, no right of movement, no right to work or even to live with his family. Resettlement projects, Terrorism Act trials, bannings by unchallengeable executive fiat continue.

I deeply deplore the recent action of the government in banning Mewa Ramgobin, the Indian leader and husband of Gandhi's granddaughter.

The government barred our visit to Dimbaza; so, we could not witness the "discarded people" sent to that resettlement area. We visited a squatter village and saw the squalor and persecution of the people and children. We attended the Pietermaritzburg trial, under the infamous Terrorism Act, of the members of the Non-European Unity Movement.

The essence of my visit was witnessing the indomitable spirit of the people, and I have returned with the conviction that majority rule in South Africa is inevitable. I am not prepared to start predicting when or how, but the countdown has begun.

The U.S. has no choice but to get on the side of freedom. Complicity with apartheid must be ended. As the leading power in the world the U.S. must act to avoid the holocaust which otherwise will surely come, and help all the people of South Africa, the blacks, the Coloured, the Indians, and the whites to a free South Africa. The U.S. must end its hypocrisy in decrying violence as a means of liberation on one hand and on the other, refusing to condemn the violence with which the South African government subjugates the majority. The U.S. must recognize that any means are legitimate so long as the recalcitrance of that government continues.

The U.S. must reform its employment practices in the embassy, the consulates and at the NASA tracking station, where I found callous racism. When it is considered that the justification for a tracking station in South Africa has not been—and in fact cannot be—given, it becomes clear that, at a minimum, NASA has no choice but to institute decent employment practices or terminate the contract.

It is inexcusable that the intention stated before the Subcommittee last year to place a ranking black foreign service officer at the U.S. Embassy in Pretoria has not been implemented. Several black foreign service officers, as well as staff, should be assigned to our embassy and consulates. A USIS office should be opened in Soweto.

My visit to the sugar plantations demonstrated that a sugar quota for South Africa is an abomination. It should be terminated.

The government should advise U.S. business that if they stay in South Africa they are on their own and, in the event of racial difficulties, will not receive protection. The facade that we do not encourage U.S. business investment in South Africa should be ended.

It is incontrovertible that U.S. business, representing the second largest foreign investment in South Africa and concentrated in the manufacturing and dynamic sectors, buttresses the South African economy and therefore, the present government and apartheid. Its presence not only renders the U.S. hostage to apartheid, it provides a stake in the status quo. Nevertheless, there are innumerable policy and legal difficulties in therefore, determined to direct present efforts against the exploitation of the blacks by U.S. business which uses the apartheid system as an excuse for slave labor practices.

I was shocked at the blatant racism of U.S. business in South Africa. U.S. business must be required to pay equal pay for equal work, to institute training programs, to throw off local coloration, to respect all employees and refuse to adhere to racial practices. The law of South Africa to a large extent does not limit wages, fringe benefits, training and educational programs, special services such as counseling, legal and educational assistance to the employee and his family. Institutions supportive of the majority, such as the distinguished Inanda Seminary, should be aided.

American firms must push beyond the permissible. It is inconceivable that the South African government would not, as it has in the case of the Japanese, find dispensations from the laws requiring discrimination in facilities and jobs, if that is the

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price of keeping American business. The "Whites—Only" signs, and the segregated facilities, which we witnessed both at the U.S. plants and at the NASA tracking station, must be eliminated. The enormous communications gap between the South African subsidiaries and U.S. parent companies must be closed. I am requesting meetings with the boards of major companies involved in South Africa toward this effort.

The U.S. government must use every legitimate means to bring U.S. business to dedicate itself to fair employment principles. I shall urge that fair employment practices in their South African enterprises be a condition of eligibility of U.S. firms for government contracts.

The basic fact found by our factfinding missions to South Africa is the unquenchable will of the people to be free. South Africa is not isolated from the tide of self-determination and freedom which revolutionized the world in the middle of this century and which, through the U.N. Charter, made majority rule, self-determination and human rights legal obligations of all countries, including South Africa and the United States. This tide of freedom is a surging undertow in South Africa that will overcome.

I have returned from the factfinding mission with a greater understanding of the situation in South Africa. My views on basic strategy have been reinforced. Direct observation has afforded new insight and has netted new weapons for the arsenal.

TRADE—A TWO-WAY STREET WE MUST TRAVEL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HANNA. Mr. Speaker, I rise to address the House on an issue of critical importance to the American economy. There is no need for me to review the long list of those economic ills confronting us today—we are all painfully aware of them. What I wish to call to the attention of the House is a developing problem which may, if Congress does not take appropriate action, stifle our economic development for years to come. I refer, Mr. Speaker, to the growing sentiment for economic isolationism. The rallying cry for trade restrictions is once again heard across the land and, as we might expect, voicing the same tired clichés and generalizations used for the last 100 years.

An economy in our present state of development simply cannot afford to withdraw from its involvement in international trade. Every Member of this House, I am sure, was concerned about the headline in the Washington Post: "U.S. Payments Gap Largest in History." I suspect that the trade restrictionists will attempt to use this headline to further their cause of economic isolation. Of course, the exact opposite should be the case. That the Nation's balance-of-payments situation is a serious problem is not in dispute here: what is in dispute is the proper course of action to redress the problem.

If we look at the historical components of our balance-of-payments situation, we find that the one consistently favorable element is international trade. Since 1946, the United States had chalked-up a trade surplus of $123 billion. After a 2-year lag in 1968 and 1969, our 1970 surplus was back up to $3 billion. These facts suggest that the worst thing we could do to our balance of payments is to put restrictions on trade. On the contrary, unless we are willing to drastically reduce our military installations abroad, our best and perhaps only chance of improving our payments position is to expand our trade activity.

In addition to improving our balance of payments, Mr. Speaker, there is a second reason why our economic prosperity requires expansion of our trade volume. The United States has 6 percent of the world's population and produces 44 percent of the world's industrial goods. This and similar data that has come to my attention in recent weeks indicate that our potential production of goods far exceeds our ability to consume or utilize. If we are to achieve and sustain full employment of labor and capital, Mr. Speaker, we must develop markets for our products beyond our shores.

In order to achieve this goal, we must allow underdeveloped countries to participate, unfettered, as our trade partners. We may need to make some concessions in the short run in order to make a handsome profit over the long haul. This is not to say that a flexible policy involves self-sacrifice. On the contrary, we are today very much dependent on the nations of Asia, Africa, and Latin America. Before people adopt the "Economic Fortress America" platform, they should consider the fact that one-fifth of the raw materials used by our factories today is imported. If we restrict trade, those factories will be idle and their employees out of work. I hasten to add at this point that anyone who thinks we can restrict imports and keep exports expanding is kidding himself. Trade is a two-way street and we have vital interests on both the export and import side of that street.

The trade restrictionists are often heard to say that the United States can live without trade, that it is only 8 percent of our gross national product. That may be true, but, if we look at the makeup of that small percentage, we find that several of our larger employer industries are dependent on foreign trade. Seven percent of all manufacturing jobs in America are directly dependent on export. In the aircraft industry, the figure is 10 percent; in computers, 12 percent; and in engine and turbine production, 20 percent. Looking at trade only in terms of U.S. jobs, our exports in 1970 supported 4,300,000 jobs and imports supported another million. The nation that trade is to blame for our unemployment today is simply fallacious. In actuality, the facts suggest that the best way to expand jobs is to expand our trade activity.

In conclusion, Mr. Speaker, I wish to say that our stake in international trade is both great and obvious. The urgency of expanding trade can be stated very simply—we need to improve our balance of payments, develop new markets for our produce, and expand job opportunities here at home. All three of these goals were be enhanced by greater—not lesser—trade activity.

Mr. Speaker, I am appending some data that I think the Members of the House will find well worth their time reviewing:

TABLE I. RAW MATERIAL IMPORTS OF THE UNITED STATES

[Material and percentage imported]

Tin	100
Industrial diamonds	100
Chrome ore	99
Bauxite	99
Cobalt	95
Beryllium	93
Nickel	93
Asbestos	91
Manganese ore	91
Crude rubber	100
Tantalum ore	85
Antimony	85
Fluorspar	77
Cadmium	70
Mercury	45
Zinc	40
Lead	37
Iron ore	35

Source: Department of State Publication, 8546; Commercial Policy Series, 206; January, 1971; and Office of Media Services, Bureau of Public Affairs.

TABLE II. PERCENTAGE OF U.S. GOODS PRODUCED FOR EXPORT

Recent U.S. exports:
52% locomotives.
49% tracklaying-type tractors.
31% agricultural chemicals.
30% construction and mining equipment.
27% sewing machines.
26% oilfield equipment.
26% refined copper.
25% pulp mill products.
24% office machines.
23% engines and turbines.
21% broadcast systems.
21% x-ray and therapeutic apparatus.
20% special industrial machinery.
20% lubricating oils.
20% carbon black.
20% gum and wood chemicals.
19% textile machinery.
18% food products machinery.
17% aircraft.
17% synthetic rubber.
16% paper industries machinery.
16% printing trades machinery.
15% scientific and mechanical measuring instruments.
15% pumps and compressors.
15% metal working, cutting, and forming machinery.
15% woodworking machinery.

Source: Department of State Publication, 8546: Commercial Policy Series 206; January, 1971; and Office of Media Services, Bureau of Public Affairs.

TABLE III. EXPORT OF U.S. AGRICULTURAL PRODUCE

In recent years we exported on the average:
59% of our wheat.
61% of our milled rice.
81% of our dried peas.
58% of hides and skins.
42% of soybeans.
42% of hops.
40% of tallow.
33⅓% of cotton.
33⅓% of tobacco.
33⅓% of grain sorghums.
33⅓% of nonfat dry milk.

SENATE—*Saturday, December 4, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we turn aside from the turbulent and tumultuous world without, to open our hearts to the quiet and peace of Thy presence.

We bring to Thee our work to be sanctified, our wounds to be healed, our sins to be forgiven, our hopes to be renewed, our better selves to be quickened.

O Thou in whom there is harmony, silence the discord of our lower selves and bring Thy harmony into our higher selves.

O Thou whose greatness is beyond our highest praise, lift us above our common littleness and our daily imperfections. Send us visions of the love that is in Thee, and of the good that may be in us.

In Thy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 3, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar beginning with Calendar No. 521.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CERTAIN PUBLIC LANDS HELD IN TRUST BY THE UNITED STATES FOR THE SUMMIT LAKE PAIUTE TRIBE

The bill (S. 952) to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to lots 1, 2, 3, 4, northwest quarter northeast quarter, south half northeast quarter, section 7, and the north half, section 8, township 41 north, range 26 east, Mount Diablo meridian, Nevada, containing six hundred acres, more or less, together with all improvements thereon, are hereby declared to be held by the United States in trust for the Summit Lake Paiute Tribe and shall hereafter conetitute a part of the Summit Lake Indian Reservation, Nevada, subject to the reservation of a right of access across said lands to the northeast quarter northeast quarter, section 7, township 41 north, range 26 east, Mount Diablo meridian, Nevada, for the benefit of the owner thereof.

SEC. 2. Notwithstanding any other provision of law, the Summit Lake Paiute Tribe is hereby authorized to negotiate a purchase of the northeast quarter northeast quarter, section 7, township 41 north, range 26 east, Mount Diablo meridian, Nevada, from the owner thereof and to cause the title to be conveyed to the United States in trust for the benefit of the Summit Lake Paiute Tribe.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-540), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill provides that all right, title and interest of the United States in 600 acres, more or less, of public domain land, together with all improvements thereon, will be held in trust for the Summit Lake Paiute Tribe. The bill further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the U.S. Government determined by the Commission.

NEED

The Summit Lake Paiute Reservation was established by Executive order on January 14, 1913. By the act of March 3, 1928, the area was enlarged and now consists of some 10,500 acres. The public domain land in this proposal was fenced with the reservation land by the Civilian Conservation Corps in the middle 1930's. There are two springs and a small excavated pond situated on the tract and they furnish much needed water for livestock grazing on the southern portion of the reservation.

These 600 acres have been used continuously with tribal land for grazing purposes to make a well-rounded range unit. In order to protect the value of the tribal range resources the tribe considers it imperative that this tract be made part of the reservation. The highest and best use of the property is for grazing of livestock during the spring and summer for about 6 months' use.

COST

No additional expenditure of Federal funds will result from the enactment of S. 952.

BILL PASSED OVER

The bill (S. 1115) to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony in Nevada, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

CERTAIN FEDERALLY OWNED LANDS IN THE STATE OF NEVADA HELD BY THE UNITED STATES IN TRUST FOR RENO-SPARKS INDIAN COLONY

The bill (S. 1218) to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in the lands described below and all easements, right-of-way, and other appurtenances thereto are hereby declared to be held by the United States in trust for the Reno-Sparks Indian Colony, subject to all valid, outstanding interests, and rights-of-way:

RENO-SPARKS INDIAN COLONY

Two tracts of land located in section 7, township 19 north, range 20 east, Mount Diablo base and meridian, Washoe County, Nevada, more particularly described as follows:

Beginning at a point on the north county road right-of-way fence line, as it existed on January 22, 1927, being 1,268 feet east and 30 feet north of the west quarter corner of said section 7, said point being at the intersection of the boundary fence between L. M. Christensen and A. L. Hensen, as it existed on January 22, 1927, with said north county road right-of-way line:

thence north 00 degrees 08 minutes west, 490.30 feet;

thence west, 787.74 feet;

thence south 0 degrees 12 minutes west, 490.30 feet to said north county road right-of-way fence line;

thence east along said fence line, 373.16 feet;

thence north, 104.35 feet;

thence east, 208.71 feet;

thence south 104.35 feet to said north county road right-of-way fence line;

thence east along said fence line, 208.71 feet to the point of beginning; containing 8.38 acres, more or less; also

Beginning at the intersection of the east line of the west half southwest quarter of said section 7 with the south line of Scott Street Road as it existed on March 8, 1917, said point begin 30 feet south of the northeast corner of said west half southwest quarter:

thence south 89 degrees 35 minutes west, along the south line of said Scott Street Road, 361.2 feet;

thence south and parallel with the east line of said west half southwest quarter, 2,326.18 feet to the north line of Glendale Road, as it existed on March 8, 1917;

thence south 64 degrees 30 minutes east, along the north line of said Glendale Road, 400 feet to the east line of said west half southwest quarter;

thence north along said east line 2,501 feet to the point of beginning; containing 20 acres, more or less.

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The above-described lands contain an aggregate of 28.38 acres, more or less, known as the Reno-Sparks Indian Colony site.

SEC. 2. The governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, may dedicate land to the public for streets, alleys, or other public purposes under those laws of the State of Nevada that are applicable to the dedication of land for public purposes.

SEC. 3. The governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, may contract with the State of Nevada, or its political subdivisions, for the furnishing of water, sewage, law enforcement, or other public services on terms and conditions deemed advantageous to the colony and its occupants.

SEC. 4. The governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, is hereby authorized to enact zoning, building, and sanitary regulations for the use of such colony site, and said governing body may contract with political subdivisions of the State of Nevada for assistance in preparing such regulations.

SEC. 5. In addition to any authority now existing, the governing body of the colony named in section 1 of this Act, with the approval of the Secretary of the Interior, may lease lands to members of the colony for homesite purposes for terms of not to exceed ninety-nine years, inclusive of all renewals.

SEC. 6. The governing body of the Reno-Sparks Indian Colony, with the approval of the Secretary of the Interior, may take such actions as may be necessary to quiet title to lands within he described boundaries of he colony including issuance of deeds for the purpose of extinguishing title to erroneous descriptions within the area and accept title in the name of the United States in trust for the Reno-Sparks Indian Colony in order to establish proper boundaries of the property.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–538), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill would grant to Reno-Sparks Indian Colony in Nevada the beneficial interest in and to 28.38 acres of land the colony has been using and occupying since it was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians. It would also authorize the governing body of the colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning, building, and sanitary regulations, and take actions to establish proper boundaries of the colony lands.

BACKGROUND

The colony site consists of two tracts of land one of which was acquired in 1917 and the other in 1927 pursuant to authority of and with funds made available by two acts of Congress for the purpose of procuring home and farm sites for the nonreservation Indians in the State of Nevada. Title to the land was taken in the name of the United States.

On June 10, 1935, the Indians residing in the colony voted to accept the Indian Reorganization Act of June 18, 1934, and later adopted a constitution and bylaws which was approved by the Secretary of the Interior on January 15, 1936. Article I of the constitution and bylaws provides that the organized colony shall have jurisdiction over all of the land within the boundaries of the colony site, except as otherwise provided by law.

The property since its purchase has been used almost exclusively for homesite purposes by the colony members. There are now located on the land over 100 cottages and mobile homes. The value of these improvements, which are in varying degree of repair and maintenance, has been estimated at approximately $125,000 to $150,000.

When purchased, the land was rural in character and location. In the intervening years the city of Reno has grown until the colony is completely surrounded on all sides. Nearly the whole acreage of the colony has been plotted into lots which have been assigned to members of an approved assignment form. Although the colony has domestic water and waste disposal facilities, which were completed in 1968, there is need for modernization and improvement of the housing and community facilities and services.

NEED

Although the land was purchased for the use and benefit of Indians, the legal title is in the United States. The need for the transfer of the beneficial interest, a compensable interest, from the United States to the Reno-Sparks Indian Colony, stems from the doubt of State, county, and city authorities as to the authority of the colony to contract for improvements on land owned by the United States. It is a point well taken as the Department of Housing and Urban Development has also questioned the authority of the colony to make an in-kind contribution toward the neighborhood facilities project even though only the use of the land is involved. Section 1 of the bill would effect a transfer of the beneficial interest in the land to the colony and resolve any doubt as to the interest in the land to the colony and resolve any doubt as to the interest and rights of the Indians in and to the land.

DEPARTMENTAL AMENDMENT

The proposed departmental amendment in section 4 is already in the bill as introduced and therefore is unnecessary.

COST

No additional expenditure of Federal funds will result from the enactment of S. 1218.

BILL PASSED OVER

The bill (S. 345) to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

THE SALE OF CERTAIN LANDS ON THE KALISPEL INDIAN RESERVATION

The bill (H.R. 8381) to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–542), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 8381 is to give the Kalispel Indian Community additional land management authority within the Indian reservation. The committee also considered S. 1101, a similar bill introduced by Senator Jackson.

EXPLANATION

Section 1 authorizes the Secretary of the Interior, on behalf of the Kalispel Indian Community, to acquire lands within the reservation, to sell tribal lands, and to exchange tribal lands. The committee amendment deletes the authority to acquire and to exchange, because the tribe already has such authority. This amendment follows the precedent established by Public Law 91–274 relating to the Tulalip Reservation.

Section 2 provides that any sale of tribal lands must be approved by the tribe in accordance with its constitution, and must conform to a land consolidation plan approved by the Secretary of the Interior.

Section 3 requires any land sale proceeds to be used to purchase other lands, or in furtherance of a land consolidation program.

Section 4 authorizes the Secretary of the Interior to sell or exchange "heirship" land on request of the owners of a majority interest in the land. The committee amendment limits a sale to the tribe, to a member of the tribe, or to an Indian who has an undivided interest in the land.

Section 5 permits the tribe to acquire land within the Reservation in trust notwithstanding any limitation in general statutes relating to the removal of land from the tax rolls. The committee deleted the section as unnecessary. A limitation of this kind was formerly carried in the annual Appropriation Act for the Department of the Interior, but the limitation has been dropped from recent Appropriation Acts.

Section 6 permits the mortgaging of tribal land.

Section 7 permits 99-year leases of tribal land.

COST

Enactment of the bill will involve no Federal cost.

BILL PASSED OVER

The bill (H.R. 9096) to amend chapter 19 of title 38 of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

USE OF DIVIDENDS TO PURCHASE ADDITIONAL PAID-UP NATIONAL SERVICE LIFE INSURANCE

The bill (H.R. 11334) to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–544), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The general purpose of the bill is to authorize holders of policies of national service life insurance (NSLI) on which dividends are payable to use their dividends to purchase additional paid-up insurance. The committee is advised by the Veterans' Administration that as of December 31, 1970, there were about 5,308,000 NSLI policies in force of which about 4,388,000 participate in dividends. Of the latter number, the Veterans' Administration advises that based on the experience of commercial insurance policies containing provisions permitting purchase of insurance with dividends that about 25 percent will avail themselves of this right.

38 U.S.C. 703 limits the issue of NSLI to multiples of $500 with a $1,000 minimum and a $10,000 maximum. It also provides that no person may carry a combined amount of NSLI or U.S. Government life insurance in excess of $10,000 at any one time. Similar limitations with respect to U.S. Government life insurance are contained in 38 U.S.C. 741. The first section of the proposal, if enacted, would amend 38 U.S.C. 703 and 741 to provide that the limitations therein shall not apply to the additional paid-up insurance, the purchase of which is authorized under the bill.

38 U.S.C. 707(a) currently provides that insurance dividends will be set aside and used to prevent the lapse of the insurance unless the insured, in writing, requests their payment in cash. Under section 2 of the bill dividends would continue to be set aside and used to prevent the lapse of insurance unless the insured elected any other dividend option authorized under his policy, including the use of dividends to purchase additional paid-up insurance as authorized by the bill.

The additional paid-up insurance authorized under the proposal would be issued only upon application in writing, but without proof of good health. For 6 months after the effective date of the bill insureds could use their dividend credits and deposits existing at the date of their application to purchase paid-up insurance. Thereafter, only dividends declared after the date of application could be used to purchase additional paid-up insurance. The holders of endowment policies could use their dividends only to purchase additional paid-up endowment insurance which matures concurrently with their basic policy. The holders of policies (other than endowment policies) could use their dividends only to purchase additional paid-up whole life insurance.

The paid-up insurance granted under H.R. 11334 would be in addition to any insurance otherwise authorized under present or prior provisions of law. The insurance would be issued on the same terms and conditions as are contained in standard NSLI policies except (1) the premium rates for such insurance and all cash and loan values thereon would be based on such table of mortality and rate of interest per annum as may be prescribed by the Administrator; (2) the total disability income provision authorized under section 715 could not be added to the paid-up insurance issued under the bill; and (3) the insurance would include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable. The Veterans' Administration is of the view that these exceptions are desirable to vest in the Administrator a broad discretion in developing the details of the new proposed paid-up insurance.

The committee is informed that the option to use dividends to purchase additional paid-up insurance is a right now enjoyed by most commercial life insurance policyholders and, therefore, it seems most appropriate to incorporate this new option in the NSLI program. Enactment of the bill would also constitute a further effective and sound approach in our continuing efforts to minimize the ever-increasing term insurance premium problem. It would establish a program under which the holders of NSLI term policies could acquire some permanent plan coverage on which no premium would be payable. The premiums on term insurance increase with the age of the insured on each 5-year renewal, and at the older ages are practically prohibitive. This creates financial hardship and dissatisfaction. The Veterans' Administration advises that their experience shows that it often results in a reduction or discontinuance of the insurance at a time when it is most likely to mature. The paid-up insurance authorized by the bill would alleviate some of these hardship cases.

COST

With respect to cost, the Veterans' Administration advises as follows:

If the proposal is enacted, the costs other than the administrative costs will be negligible. The Government's cost stemming from the extra hazards of service, for the first 5 years will average less than $5,000 per year. The administrative cost will be borne by the Government. Changes will be required in field procedures, in the Insurance Master Record, in actuarial records, and in procedures and reports. It is estimated that the initial cost of notifying the policyholders of the benefits of the bill will be approximately $450,000. The additional administrative costs will approximate $7,900 per 100,000 dividend option changes.

The committee has examined the cost estimate provided by the Veterans' Administration and finds no basis to question is authenticity and, therefore, adopts it as its own.

UNIFORM DEFINITIONS OF CERTAIN BENEFICIARIES OF SERVICEMEN'S GROUP LIFE INSURANCE

The bill (H.R. 9097) to define the terms "widow," "widower," "child," and "parent" for servicemen's group life insurance purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–545), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

Servicemen's group life insurance (SGLI) is payable upon the death of a serviceman in the active service. The man may designate any beneficiary he chooses; however, if he makes no designation, it is payable under the law to the widow or widower, the child or children, parent or parents, in that order of precedence and, in the absence of any of the above classes, to the executor or administrator of the deceased person's estate. If there is no executor or administrator, it is then payable to other next of kin entitled under the laws of the domicile of the deceased member.

Existing law does not define the terms widow, widower, child, or parent for SGLI purposes, thus presumably leaving such definitions to local State law. This has resulted in a lack of uniformity in the disbursement of what are in substantial part Federal funds. Under the law, the Federal Government bears the cost of SGLI traceable to the extra hazards of active duty in the uniformed services under a formula set forth in the statute.

Under H.R. 9097, the terms widow and widower mean a person who is the lawful spouse of the insured member at the time of his death. This definition is generally accepted by most States for the purpose of paying life insurance benefits. It is similar in text to the definition contained in 38 U.S.C. 701(2) applicable to national service life insurance.

The greatest need for uniformity is in the area of children and parents. In some States an adopted child can inherit from both the adopting and the natural parents. In others he can inherit only from the adopting parents. In some States an illegitimate child can inherit from the mother only. In others he can also inherit from the natural father. In at least two States, as the result of State statute, all children born out of wedlock are the legitimate children of their natural parents. With respect to persons inheriting from children as parents, the State laws are equally diverse.

Under the definitions in H.R. 9097, an adopted child could qualify for SGLI benefits based on the death of both his natural and adopting parents. This definition is in accord with our long-standing practice in paying death compensation benefits. On the other hand, under H.R. 9097, no person who consented to the adoption of a child may be recognized as a parent for SGLI purposes. This prohibition would eliminate consideration of a claim from more than one father or one mother in an adoption case.

Since in most States an illegitimate child can inherit from his natural mother, in all cases under H.R. 9097, an illegitimate child would be considered the child of its natural mother. On the other hand, the State laws and judicial precedents have placed many limitations on the establishment of a parent-child relationship where an illegitimate child is claiming benefits based on the death of his alleged father.

The bill adopts the most widely accepted criteria established by State law and the judicial precedents for establishing that an illegitimate child is the child of his alleged father.

Section 2 would make the new definitions applicable only to the settlement of SGLI by reason of the death of an insured member occurring on or after the date of enactment.

The committee believes that it is significant to note that for the purpose of the various monetary benefits administered directly by the Veterans' Administration, title 38, United States Code, sets forth uniform definitions of the terms "widow", "child", and "parent". Since the servicemen's group life insurance program is federally sponsored and to a very substantial extent financed by the Government, it is believed appropriate that there should be similar uniformity in determining the appropriate beneficiaries under that programs.

COST

It is the conclusion of the committee that enactment of the bill would not result in any additional cost to the Government.

NAMING OF VETERANS' ADMINISTRATION HOSPITAL AT SAN ANTONIO, TEX., FOR AUDIE L. MURPHY

The bill (H.R. 11220) to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–546), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

This bill would designate the new Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital. Audie Murphy was the most decorated soldier of World War II with 24 citations. Born and raised in Farmersville, Tex., Murphy joined the army at age 17. He fought in Casablanca, Sicily, and throughout the southern part of France. He rose from a private to lieutenant and among his 24 awards are the Medal of Honor, Distinguished Service Cross, the Legion of Merit, Service Star with Oak Leaf Cluster and the Bronze Star with Oak Leaf Cluster, and a "V" (for valor). He also received the Purple Heart with two Oak Leaf Clusters which represents three battlefield wounds and four medals from foreign governments. Perhaps the extraordinary courage of this man is best revealed by the official citation to the Medal of Honor which reads as follows:

Second Lieutenant Murphy commanded Company B, which was attacked by six tanks and waves of infantry. Lieutenant Murphy ordered his men to withdraw to prepared positions in a woods, while he remained forward at his command post and continued to give fire directions to the artillery by telephone. Behind him, to his right, one of our tank destroyers received a direct hit and began to burn. Its crew withdrew to the woods. Lieutenant Murphy continued to direct artillery fire which killed large numbers of the advancing enemy infantry. With the enemy tanks abreast of his position, Lieutenant Murphy climbed on the burning tank destroyer, which was in danger of blowing up at any moment, and employed its .50 caliber machinegun against the enemy. He was alone and exposed to German fire from three sides, but his deadly fire killed dozens of Germans and caused their infantry attack to waver. The enemy tanks, losing infantry support, began to fall back. For an hour the Germans tried every available weapon to eliminate Lieutenant Murphy, but he continued to hold his position and wiped out a squad which was trying to creep up unnoticed on his right flank. Germans reached as close as 10 yards, only to be mowed down by his fire. He received a leg wound, but ignored it and continued the single-handed fight until his ammunition was exhausted. He then made his way to his company, refusing medical attention, and organized the company in a counterattack which forced the Germans to withdraw. His directing of artillery fire wiped out many of the enemy; he killed or wounded about 50. Lieutenant Murphy's indomitable courage and his refusal to give an inch of ground saved his company from possible encirclement and destruction, and enabled it to hold the woods which had been the enemy's objective.

After having been wounded three times in later combat activity, young Audie Murphy returned home. He wanted to stay in the Army and become a career soldier but was turned down after being classified 50 percent disabled because of his war wounds. He died earlier this year at the age of 46 in a tragic plane crash.

The new $36 million San Antonio Veterans' Administration Hospital will be a fitting tribute to this outstanding war hero. Construction on the hospital began in October of 1970 and is scheduled for completion in December of 1973. The hospital will have a total of 760 beds and complete outpatient services will be available. The bill also authorizes the Administrator of Veterans' Affairs to provide such a memorial at the hospital as he may deem suitable to preserve the remembrance of Audie Murphy.

While it is not the general practice to name Veterans' Administration hospitals for individuals, there are exceptions. The first hospital named was for Royal C. Johnson, the first chairman of the Committee on World War Veteran Legislation. By Public Law 79-189 the hospital at Montrose, N.Y., was designated as the "President Franklin Delano Roosevelt VA Hospital." Finally, just last year, by Public Law 91-421, the hospital and domiciliary complex at Bonham, Tex., was designated as the "Sam Rayburn Memorial Veterans' Center."

There would be no additional expense to the Treasury, as the result of the enactment of the first section of the bill. When implemented by the Administrator, section 2 will involve some expense but it is obvious that it would be relatively insignificant.

NEW MODIFIED LIFE PLAN OF NATIONAL SERVICE LIFE INSURANCE WITH REDUCTION AT AGE 70

The bill (H.R. 11335) to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-547), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

The purpose of the bill is to authorize the conversion or exchange of national service life insurance (NSLI) to a new policy of insurance on the modified life plan under the same terms and conditions as is provided under existing law for modified life plan insurance except that the reduction of the face value by one-half occurs at age 70 instead of age 65.

Under existing law (38 U.S.C. 704 (b) and (c)), NSLI can be converted or exchanged to a modified life plan of insurance on the same terms and conditions as the insurance it replaces, except at the end of the day preceding the 65th birthday of the insured, the face value of the modified life insurance policy or the amount of extended insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium, and with certain other exceptions not here pertinent. If the insured so desired, he can upon application and payment of premiums at his then attained age 65, be granted ordinary life plan insurance to replace the amount of insurance reduced under his modified life policy on his 65th birthday. On modified life plan insurance issued under the bill, this reduction and replacement would occur at age 70.

The modified life plan of insurance was developed to encourage the term policy holders to convert to a plan of insurance on which the premiums remain the same throughout life. The premiums on term insurance increase with the age of the insured at each 5 year renewal and at the older ages are practically prohibitive. Thus, at the older ages, veterans who have paid premiums on term insurance for many years are confronted with the unhappy choice of either dropping their term insurance or continuing to pay the very high premiums which increase as indicated. Because of the reduction in the face value of the insurance by one-half at age 65 under existing law (age 70 under the draft bill), the premiums on the modified life plan at the age of issue are substantially less than the premiums on the other permanent plans of insurance. These lower premiums tend to encourage conversion of the term policies. Since May 1, 1965, the effective date of the modified life at age 65, that plan has been featured in informing insureds who have not reached their 60th birthday of the advantages of the plan over term insurance. The Veterans' Administration advises the committee that approximately 200,000 insureds have changed to that plan. The new proposed modified life at age 70 plan for a comparatively small additional premium, ranging from less than a dollar to $3.50 per month, will permit the insured to continue the full amount of insurance ($10,000) for an additional 5 years at ages during which the death rate is increasing.

If the bill is enacted, insureds may choose between the age 65 and age 70 modified life plans. Had both plans been available, it is quite possible that some insureds who chose the age 65 plan would have selected the age 70 plan. In most cases the age 70 plan will have a higher reserve or cash value than the age 65 plan. If an insured under the age 65 plan wishes to change to the new age 70 plan, he will have to pay in this additional amount.

There will be a small number of insured under the age 65 modified life plan who will have passed their 65th birthday. In that case, the face amount of their insurance may already have been reduced by one-half, or they may be paying the additional premium (over $5 per $1,000 insurance per month) required to avoid the reduction. In either case, the insured may feel that he has been disadvantaged because the new plan was not made available at an earlier date.

The committee concurs in the belief expressed by the Veterans' Administration that equity requires that these insureds be given an opportunity to change to the new age 70 modified life plan. Hence, under H.R. 11335 an insured having in force an age 65 modified life plan upon written application and payment of the required premiums, reserves, or other amounts made within one year from the effective date of the draft bill could exchange his age 65 modified life plan without proof of good health for an age 70 modified life plan policy in an amount equal to the insurance then in force or which was in force on the day before the insured's 65th birthday, whichever is the greater. Thus, if the amount of the insurance has already been reduced by one-half because the insured is past age 65, the amount of insurance in effect under the age 70 plan would be restored to the full amount. If the insured is paying an additional premium to avoid the reduction, there will be a reduction in the premium, and in some cases a reduction in the cash value, the amount of which will be refunded to the insured.

COST

The Veterans' Administration estimates that if H.R. 11335 is enacted, there will be no benefit cost to the Government. They estimate, however, that the administrative cost of the bill for the first year will be approximately $100,000, the large percentage of this being programming.

The committee examined the cost estimate provided by the Veterans' Administration and finds no basis to question its authenticity and, therefore, adopts it as its own.

AMENDMENT OF TITLE II OF THE SOCIAL SECURITY ACT

Mr. MANSFIELD. Mr. President, I understand that Calendar No. 534, H.R. 10604, has been cleared all the way around.

Mr. SCOTT. Mr. President, that is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 10604.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 10604, to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new section:

IMPROVEMENT OF WORK INCENTIVE PROGRAM

SEC. 2(a)(1) Section 402(a)(15) of the Social Security Act is amended to read as follows: "(15) provide (A) for the development of a program, for each appropriate relative and dependent child receiving aid under the plan and for each appropriate individual (living in the same home as a relative and child receiving such aid) whose needs are taken into account in making the determination under clause (7), for preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life, and for implementing such program by assuring that in all appropriate cases family planning services are offered to them, but acceptance of family planning services provided under the plan shall be voluntary on the part of such members and individuals and shall not be a prerequisite to eligibility for or the receipt of any other service under the plan; and (B) to the extent that services provided under this clause or clause (14) are furnished by the staff of the State agency or the local agency administering the State plan in each of the political subdivisions of the State, for the establishment of a single organizational unit in such State or local agency, as the case may be, responsible for the furnishing of such services;".

(2) Section 402(a)(19)(A) of such Act is amended to read as follows:

"(A) that every individual, as a condition of eligibility for aid under this part, shall register for manpower services, training, and employment as provided by regulations of the Secretary of Labor, unless such individual is—

"(i) a child who is under age 16 or attending school full time;

"(ii) a person who is ill, incapacitated, or of advanced age;

"(iii) a person so remote from a work incentive project that his effective participation is precluded;

"(iv) a person whose presence in the home is required because of illness or incapacity of another member of the household; or

"(v) a mother or other relative of a child under the age of six who is caring for the child;

and that any individual referred to in clause (v) shall be advised of her option to register, if she so desires, pursuant to this paragraph, and shall be informed of the child care services (if any) which will be available to her in the event she should decide so to register;".

(3) Section 402(a)(19)(C) of such Act is amended effective January 1, 1972, by striking out "20 per centum" and inserting in lieu thereof "10 per centum".

(4) Section 402(a)(19)(D) of such Act is amended to read as follows:

"(D) that training incentives and other allowances authorized under section 434 shall be disregarded in determining the needs of an individual under section 402(a)(7);".

(5) Section 402(a)(19) of such Act is further amended by striking out subparagraph (E).

(6) The parenthetical clause in section 402(a)(19)(F) of such Act is amended by striking out "pursuant to subparagraph (A) (i) and (ii) and section 407(b)(2)" and inserting in lieu thereof "pursuant to subparagraph (G)".

(7) Section 402(a)(19) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) that the State agency will have in effect a special program which (i) will be administered by a separate administrative unit and the employees of which will, to the maximum extent feasible, perform services only in connection with the administration of such program, (ii) will provide (through arrangements with others or otherwise) for individuals who have been registered pursuant to subparagraph (A), in accordance with the order of priority listed in section 433(a), such health, vocational rehabilitation, counseling, child care, and other social and supportive services as are necessary to enable such individuals to accept employment or receive manpower training provided under part C, and will, when such individuals are prepared to accept employment or receive manpower training, refer such individuals to the Secretary of Labor for employment or training under part C, (iii) will participate in the development of operational and employability plans under section 433(b); and (iv) provides for purposes of clause (ii), that, when more than one kind of child care is available, the mother may choose the type, but she may not refuse to accept child care services if they are available;".

(8) Section 403 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of this Act, the Federal share of assistance payments under this part shall be reduced with respect to any State for any fiscal year after June 30, 1973, by one percentage point for each percentage point by which the number of individuals referred, under the program of such State established pursuant to section 402(a)(19)(G), to the local employment office of the State as being ready for employment is less than 15 per centum of the average number of individuals in such State who, during such year, are required to be registered pursuant to section 402(a)(19)(A)."

(9) Section 403 of such Act is amended, effective January 1, 1972, by adding after subsection (c) the following new subsection:

"(d) Notwithstanding subparagraph (A) of subsection (a)(3) the rate specified in such subparagraph shall be 90 per centum (rather than 75 per centum) with respect to social and supportive services provided pursuant to section 402(a)(19(G)."

(b)(1) The first sentence of section 430 of the Social Security Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(2) Section 431 of such Act is amended (1) by inserting "(a)" immediately after "SEC. 431.", and (2) by adding at the end thereof the following new subsections:

"(b) Of the amounts expended from funds appropriated pursuant to subsection (a) for any fiscal year (commencing with the fiscal year ending June 30, 1973), not less than 40 per centum thereof shall be expended for carrying out the program of on-the-job training referred to in section 432(b)(1)(B) and for carrying out the program of public service employment referred to in section 432(b)(3).

"(c)(1) For the purpose of carrying out the provisions of this part in any State for any fiscal year (commencing with the fiscal year ending June 30, 1973), there shall be available (from the sums appropriated pursuant to subsection (a) for such fiscal year) for expenditure in such State an amount equal to the allotment of such State for such year (as determined pursuant to paragraph (2) of this subsection).

"(2) Sums appropriated pursuant to subsection (a) for the fiscal year ending June 30, 1973, or for any fiscal year thereafter, shall be allotted among the States as follows: Each State shall be allotted from such sums an amount which bears the same ratio to the total of such sums as—

"(A) in the case of the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, the average number of recipients of aid to families with dependent children in such State during the month of January last preceding the commencement of such fiscal year bears to the average number of such recipients during such month in all the States; and

"(B) in the case of the fiscal year ending June 30, 1975, or in the case of any fiscal year thereafter, the average number of individuals in such State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) bears to the average number of individuals in all States who, during such month, are so registered.

(3)(A)(i) Clause (1) of section 432(b) of such Act is amended—

(I) by inserting "A" immediately after "(1)"; and

(II) by striking out "and utilizing" and inserting in lieu thereof "and (B) a program utilizing".

(ii) Clause (3) of section 432(b) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(B) Section 432(d) of such Act is amended to read as follows:

"(d) In providing the manpower training and employment services and opportunities required by this part, the Secretary of Labor shall, to the maximum extent feasible, assure that such services and opportunities are provided by using all authority available to him under this or any other Act. In order to assure that the service and opportunities so required are provided, the Secretary of Labor shall use the funds appropriated to him under this part to provide programs required by this part through such other Act, to the same extent and under the same conditions (except as regards the Federal matching percentage) as if appropriated under such other Act and, in making use of the programs of other Federal, State, or local agencies (public or private), the Secretary of Labor may reimburse such agencies for services rendered to persons under this part to the extent such services and opportunities are not otherwise available on a nonreimbursable basis."

(C) Section 432 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) (1) The Secretary of Labor shall establish in each State, municipality, or other appropriate geographic area with a significant number of persons registered pursuant to section 402(a)(19)(A) a Labor Market Advisory Council the function of which will be to identify and advise the Secretary of the types of jobs available or likely to become available in the area served by the Council;

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except that if there is already located in any area an appropriate body to perform such function, the Secretary may designate such body as the Labor Market Advisory Council for such area.

"(2) Any such Council shall include representatives of industry, labor, and public service employers from the area to be served by the Council.

"(3) The Secretary shall not conduct, in any area, institutional training under any program established pursuant to subsection (b) of any type which is not related to jobs of the type which are or are likely to become available in such area as determined by the Secretary after taking into account information provided by the Labor Market Advisory Council for such area."

(k)(A) Section 433(a) of such Act is amended—

(i) by striking out "section 402" and inserting in lieu thereof "section 402(a)(19)(G)"; and

(ii) by adding at the end thereof the following new sentence: "The Secretary, in carrying out such program for individuals so referred to him by a State, shall accord priority to such individuals in the following order, taking into account employability potential: first, unemployed fathers; second, dependent children and relatives who have attained age 16 and who are not in school, or engaged in work or manpower training; third, mothers, whether or not required to register pursuant to section 402(a)(19)(A), who volunteer for participation under a work incentive program; fourth, all other individuals so referred to him."

(B) Section 433(b) of such Act is amended to read as follows:

"(b)(1) For each State the Secretary shall develop jointly with the administrative unit of such State administering the special program referred to in section 402(a)(19)(G) a statewide operational plan.

"(2) The statewide operational plan shall prescribe how the work incentive program established by this part will be operated at the local level, and shall indicate (i) for each area within the State the number and type of positions which will be provided for training, for on-the-job training, and for public service employment, (ii) the manner in which information provided by the Labor Market Advisory Council (established pursuant to section 432(f)) for any such area will be utilized in the operation of such program, and (iii) the particular State agency or administrative unit thereof which will be responsible for each of the various activities and functions to be performed under such program. Any such operational plan for any State must be approved by the Secretary, the administrative unit of such State administering the special program referred to in section 402(a)(19)(G), and the regional joint committee (established pursuant to section 439) for the area in which such State is located.

"(3) In carrying out any such statewide operational plan of any State, there shall be developed jointly by the Secretary and the administrstive unit of the State administering the special program referred to in section 402(a)(19)(G) in each area of the State an employability plan for each individual residing in such area who is participating in the work incentive program established by this part. Such employability plan for any such individual shall (i) conform with the statewide operational plan of such State, (ii) provide that the separate administrative unit referred to in section 402(a)(19)(G)(i) will provide the services referred to in section 402(a)(19)(G) (ii), and (iii) provide that the Secretary shall be responsible for providing the training, placement, and related services authorized under this part."

(C)(i) Section 433(e)(1) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(ii) Section 433(e)(2)(A) of such Act is amended by striking out "a portion" and inserting in lieu thereof "of 100 per centum (in the case of the first year that such agreement is in effect, if such agreement is in effect at least three years) and 90 per centum (if such agreement is in effect less than three years; or, if such agreement is in effect at least three years, in the case of any year after the first year that such agreement is in effect)".

(iii) Section 433(e)(2)(B) of such Act is amended by striking out "on special work projects of" and inserting in lieu thereof "in public service employment for".

(iv) Section 433(e)(3) of such Act is hereby repealed.

(D) Section 433(f) of such Act is amended by striking out "any of the programs established by this part" and inserting in lieu thereof "section 432(b)(3)".

(E) Section 433(g) of such Act is amended by striking out "section 402(a)(19)(A)(i) and (ii)" and inserting in lieu thereof "section 402(a)(19)(G)".

(F) Section 433(h) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(G) Section 434 of such Act is amended—

(i) by inserting "(a)" immediately after "SEC. 434."; and

(ii) by adding at the end thereof the following new subsection:

"(b) The Secretary of Labor is also authorized to pay, to any member of a family participating in manpower training under this part, allowances for transportation and other costs incurred by such member, to the extent such costs are necessary to and directly related to the participation by such member in such training."

(5)(A) Section 435(a) of such Act is amended, effective January 1, 1972, by striking out "80 per centum" and inserting in lieu thereof "90 per centum".

(B) Section 435(b) of such Act is amended by striking out "; except that with respect to special work projects under the program established by section 432(b)(3), the costs of carrying out this part shall include only the costs of administration".

(6) Section 436(b) of such Act is amended by striking out "by the Secretary after consultation with" and inserting in lieu thereof "jointly by him and".

(7) Section 437 of such Act is amended to read as follows:

"SEC. 437. The Secretary is authorized to provide to an individual, who is registered pursuant to section 402(a)(19)(A) and who is unemployed, relocation assistance (including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed individual who desires to relocate to do so in an area where there is assurance of regular suitable employment, offered through the public employment offices of the State in such area, which will lead to the earning of income sufficient to make such individual and his family ineligible for benefits under part A)."

(8) Section 438 of such Act is amended by striking out "projects under".

(9) Section 439 of such Act is amended to read as follows:

"SEC. 439. The Secretary and the Secretary of Health, Education, and Welfare shall, not later than six months after the date of enactment of the Revenue Act of 1971, issue regulations to carry out the purposes of this part, as amended by the Revenue Act of 1971. Such regulations shall provide for the establishment, jointly by the Secretary and the Secretary of Health, Education, and Welfare, of (1) a national coordination committee the duty of which shall be to establish uniform reporting and similar requirements for the administration of this part, and (2) a regional coordination committee for each region which shall be responsible for review and approval of statewide operational plans developed pursuant to section 433(b)."

(10) Section 441 of such Act is amended—

(A) by inserting "(a)" immediately after "SEC. 441.";

(B) by adding immediately after the last sentence thereof the following sentence: "Nothing in this section shall be construed as authorizing the Secretary to enter into any contract with any organization after June 1, 1970, for the dissemination by such organization of information about programs authorized to be carried on under this part."; and

(C) by adding after and below such section the following new subsection:

"(b) The Secretary shall collect and publish monthly, by State, by age group, and by sex, the following information with respect to individuals registered pursuant to section 402(a)(19)(A)—

"(1) the number of individuals so registered, the number of individuals receiving each particular type of work training services, and the number of individuals receiving no such services;

"(2) the number of individuals placed in jobs by the Secretary under section 432(b)(1)(A), and the average wages of the individuals so placed;

"(3) the number of individuals who begin but fail to complete training, and the reasons for the failure of such individuals to complete training; and the number of individuals who register voluntarily but do not receive training or placement;

"(4) the number of individuals who obtain employment following the completion of training, and the number of such individuals whose employment is in fields related to the particular type of training received;

"(5) of the individuals who obtain employment following the completion of training, the average wages of such individuals, and the number retaining such employment three months, six months, and twelve months, following the date of completion of such training;

"(6) the number of individuals, in public service employment, by type of employment, and the average wages of such individuals; and

"(7) the amount of savings, under part A of this title, realized by reason of the operation of each of the programs established pursuant to this part."

(11) Section 442 of such Act is amended effective January 1, 1972, to read as follows:

"TECHNICAL ASSISTANCE FOR PROVIDERS OF EMPLOYMENT OR TRAINING

"SEC. 442. The Secretary is authorized to provide technical assistance to providers of employment or training to enable them to participate in the establishment and operation of programs authorized to be established by section 432(b)."

(12) Section 443 of such Act is amended, effective January 1, 1972, by striking out "20 per centum" wherever it appears therein and inserting in lieu thereof "10 per centum".

(13)(A) Section 444(c)(1) of such Act is amended by striking out "section 402(a)(15) and section 402(a)(19)(F)" and inserting in lieu thereof "section 402(a)(19)".

(B) Section 444(d) of such Act is amended (i) by striking out "a special work project" and inserting in lieu thereof "public service employment"; (ii) by striking out "project" at the end of the first sentence and inserting in lieu thereof "employment"; and (iii) by striking out "402(a)(15)" and inserting in lieu thereof "402(a)(19)".

(c) The amendments made by this section shall, except as otherwise specified herein, take effect on July 1, 1972.

Mr. TALMADGE. Mr. President, last year the Committee on Finance and the Senate unanimously approved by amendment to offer a tax credit to employers hiring welfare recipients and to make a number of needed improvements in the work incentive program. This program was created by the Congress as a part of the Social Security Amendments of 1967. It represents an attempt to cope with the problem of rapidly growing dependency on welfare by providing welfare recipients with the training and job opportunities needed to help them become financially independent.

Unfortunately, last year's social security bill did not become law. I therefore offered my amendment to the Revenue Act of 1971, and again it was approved by the Finance Committee and the Senate.

I am pleased that the conferees on the tax bill agreed to that portion of my amendment allowing a tax credit for employers hiring welfare recipients who participate in the work incentive program. This should provide a needed incentive for the creation of jobs in the private sector for welfare recipients.

The other part of my original amendment was designed to improve the operation of the work incentive program. The House conferees said they could not consider these provisions, not because they lacked merit, but because they modified the Social Security Act and would thus be subject to a point of order in the House. I advised them that I would offer these provisions as an amendment to a social security bill at the earliest convenience, and that is what I am doing today.

Let me now describe the major features of my amendment.

First. A major criticism of the present work incentive program has been the lack of development of on-the-job training and public service employment. On-the-job training and public service employment offer the best opportunity for employment of welfare recipients because they provide training in actual job situations. Unfortunately, less than 3 percent of the welfare recipients enrolled in the work incentive program today are participating in on-the-job training and public service employment. My amendment would require that at least 40 percent of the funds spent for the work incentive program be used for on-the-job training and public service employment.

Second. My amendment would also simplify the financing and increase the Federal share of the cost of public service employment (formerly called special work projects) by providing 100 percent Federal funding for the first year and 90 percent Federal sharing of the costs in subsequent years—if the project was in effect less than 3 years, Federal sharing for the first year would be cut back to 90 percent.

Third. Under present law, all "appropriate" welfare recipients must be referred by the welfare agency to the Labor Department for participation in the work incentive program. Certain categories of persons are statutorily considered inappropriate. Persons may volunteer to participate in the work incentive program even if the State welfare agency finds them inappropriate for mandatory referral.

Another criticism of the program has been that the State application of those standards of "appropriateness" for the program have resulted in widely differing rates of referrals and program participation. My amendment would eliminate this situation with a series of amendments. First, it would require welfare recipients to register with the Labor Department as a condition of welfare eligibility unless they fit within one of the following categories:

First. Children who are under age 16 or attending school;

Second. Persons who are ill, incapacitated or of advanced age;

Third. Persons so remote from a WIN project that their effective participation is precluded;

Fourth. Persons whose presence in the home is required because of illness or incapacity of another member of the household; and

Fifth. Mothers with children of preschool age.

At least 15 percent of the registrants in each State would be required to be prepared by the welfare agency for training and referred to the work incentive program each year; States failing to meet this percentage would be subject to a decrease in Federal matching funds for aid to families with dependent children. The amendment would also establish clear statutory direction in determining which individuals would receive employment or training by generally requiring the Departments of Labor and Health, Education, and Welfare to accord priority in the following order, taking into account employability potential:

First. Unemployed fathers;

Second. Dependent children and relatives age 16 or over who are not in school, working or in training;

Third. Mothers who volunteer for participation; and

Fourth. All other persons.

Thus, under the amendment, mothers would not be required to participate until every person who volunteered was first placed.

My amendment would increase from 80 to 90 percent the rate of Federal matching for WIN training expenditures. Welfare agency expenditures for social, vocational rehabilitation, and medical services which are provided to directly support an individual's participation in WIN would also be matched at the 90 percent rate. Under existing law, these services are now generally matched by the Federal Government at the 75 percent rate.

The amendment would require the Secretary of Labor to establish local labor market advisory councils whose function would be to identify present and future local labor market needs. The findings of these councils would have to serve as the basis for local training plans under the work incentive program to assure that training was related to actual labor market demands.

My amendment also mandates coordination between the Departments of Labor and Health, Education, and Welfare and their counterparts at the local level. The amendment would require a separate WIN unit in local welfare agencies and joint participation by welfare and manpower agencies in preparing employability plans for WIN participants and in program planning generally.

Mr. President, the Senate will be acting next year on legislation to overhaul our welfare system. I do not know what form that legislation will take. But in the meantime, we must not delay in improving the present law to make it effective. I urge my colleagues to support my amendment.

Mr. LONG. Mr. President, I would ask that this amendment be agreed to. The committee has discussed the matter, and as the Senator from Georgia has just explained, the amendment was a part of the revenue bill passed by the Senate last week. The provisions of the amendment were passed previously on last year's social security bill. These provisions were not agreed to by the House last year because the House did not go to conference on the social security bill. This year, the provision had to be dropped in the conference on the revenue bill because the House conferees contended that the provision was not germane to that bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. LONG. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add the following new section:

SEC. —. Section 1007 of the Social Security Amendments of 1969, as amended, is further amended by striking out "1972" where it appears and inserting in lieu thereof "1973".

Mr. LONG. Mr. President, I would like for the RECORD to show that I propose this amendment on behalf of the distinguished Senator from California (Mr. TUNNEY). He came to the committee and directed this matter to our attention.

The Social Security Amendments of 1969 included a provision to assure that recipients of aid to the aged, blind, and disabled would be allowed to keep at least a portion of the social security benefit increases which that act provided effective in 1970. This provision prohibited States from offsetting the full amount of those increases with corresponding reductions in welfare grants. Instead, the act required that each recipient be assured that his total monthly income would be raised by at least $4 or (if less) by the amount of his social security benefit increase. Originally, this pass-along provision was to have expired at the end of June 1970. Subsequent legislation extended the provision through October 1970 and also made it applicable to welfare recipients who received an increase this year in railroad retirement benefits. Public Law 91-669 provided a further extension of the provision through the end of 1971.

The pending amendment would extend the provision 1 additional year, until the end of 1972.

I would ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I deeply appreciate the efforts of the distinguished Senator from Louisiana for displaying again the leadership and concern which has been so important to the senior citizens of this country.

When I first offered this amendment to H.R. 10604 and brought it to the attention of the Finance Committee, the chairman immediately understood its importance and agreed to support it.

I would like to thank him for that support and underline again the need for this amendment.

Without this amendment, hundreds of thousands of senior citizens in the country, including a quarter of a million Californians, would be subject to losing the important "pass through" benefits of at least $4 per month, which require the States to pass along that much of the increase in Social Security, which was voted in 1969.

Mr. President, if this "pass through" provision had been allowed to lapse, it would not only have affected detrimentally those hundreds of thousands of senior citizens, but also would have entailed heavy administrative costs to States, especially a State like California, which would have been particularly costly if the provision were allowed to lapse and were then revived when welfare reform legislation was passed in the next session of the Congress.

I am delighted, therefore, that the able chairman has included my "pass through" amendment in H.R. 10604. I wish to thank him for his leadership and urge the passage of the amended legislation.

Mr. BELLMON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, insert the following:

INCLUSION UNDER MEDICAID OF CARE IN INTERMEDIATE CARE FACILITIES

SEC. 3. (a) (1) Section 1905(a) of the Social Security Act is amended—

(A) by striking out "and" at the end of clause (14),

(B) by striking out the period at the end of clause (15) and inserting in lieu thereof "; and", and

(C) by inserting after clause (15) the following new clause:

"(16) intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902(a)(31)(A), to be in need of such care."

(2) Section 1905 of such Act is amended by adding at the end thereof the following new subsections:

"(c) For purposes of this title the term 'intermediate care facility' means an institution which (1) is licensed under State law to provide, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing home is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities, (2) meets such standards prescribed by the Secretary as he finds appropriate for the proper provision of such care, and (3) means such standards of safety and sanitation as are established under regulation of the Secretary in addition to those applicable to nursing homes under State law. The term 'intermediate care facility' also includes any skilled nursing home or hospital which meets the requirements of the preceding sentence. The term 'intermediate care facility' also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts, but only with respect to institutional services deemed appropriate by the State. With respect to services furnished to individuals under age 65, the term 'intermediate care facility' shall not include, except as provided in subsection (d), any public institution or distinct part thereof for mental diseases or mental defects.

"(d) The term 'intermediate care facility services' may include services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions if—

"(1) the primary purpose of such institution (or distinct part thereof) is to provide health or rehabilitative services for mentally retarded individuals and which meet such standards as may be prescribed by the Secretary;

"(2) the mentally retarded individual with respect to whom a request for payment is made under a plan approved under thia title is receiving active treatment under such a program; and

"(3) the State or political subdivision responsible for the operation of such institution has agreed that the non-Federal expenditures with respect to patients in such institution (or distinct part thereof) will not be reduced because of payments made under this title."

(b) Section 1902(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (29);

(2) by striking out the period at the end of paragraph (30) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (30) the following new paragraph:

"(31) provide (A) for a regular program of independent professional review (including medical evaluation of each patient's need for intermediate care) and a written plan of service prior to admission or authorization of benefits in an intermediate care facility which provides more than a minimum level of health care services as determined under regulations of the Secretary; (B) for periodic on-site inspections to be made in all such intermediate care facilities (if the State plan includes care in such institutions) within the State by one or more independent professional review teams (composed of physicians or registered nurses and other appropriate health and social service personnel) of (i) the care being provided in such intermediate care facilities to persons receiving assistance under the State plan, (ii) with respect to each of the patients receiving such care, the adequacy of the services available in particular intermediate care facilities to meet the current health needs and promote the maximum physical well-being of patients receiving care in such facilities, (iii) the necessity and desirability of the continued placement of such patients in such facilities, and (iv) the feasibility of meeting their health care needs through alternative institutional or noninstitutional services; and (C) for the making by such team or teams of full and complete reports of the findings resulting from such inspections, together with any recommendations to the State agency administering or supervising the administration of the State plan."

(c) Section 1121 of such Act is repealed.

(d) The amendments made by this section shall become effective January 1, 1972.

Mr. BELLMON. Mr. President, the amendment that my colleague, Mr. HARRIS, and I offered to the pending bill is noncontroversial. It has been passed in virtually identical form by both the House and the Senate separately.

Intermediate care was made available for the first time in 1968 to the aged, blind, and disabled who are eligible for cash assistance. It was designed to meet the need of those people whose physical and mental condition required them to be in an institutional setting which provided more than room and board, but less than skilled nursing home care.

Intermediate care was established because many thousands of assistance recipients were being classified as skilled nursing home patients even though they needed a lower level of care. That was done because Federal matching funds were available for skilled nursing care but were not available for institutional care below that level.

This amendment also makes medically indigent people eligible for intermediate care in addition to continuing the availability of such care for the indigent. This will help in bringing about the proper placement of patients without consideration of what level of care might be eligible for Federal matching and what might be ineligible.

The amendment is necessary now because the Department of Health, Education, and Welfare is requiring immediate proper patient placement. Without this amendment, Oklahoma and other States would be confronted with serious and immediate difficulties of compliance.

In addition, the amendment outlines the requirements and provides the basis for standard setting with respect to intermediate care facilities.

This amendment also permits, under certain circumstances, publicly operated facilities for the mentally retarded to qualify as intermediate care facilities.

Mental retardation is not, in most instances, a condition which responds to treatment. However, there are public institutions whose primary objective is the active provision of rehabilitative, educational and training services to enhance the capacity of mentally retarded individuals to care for themselves or to engage in employment. Public institutions whose primary objective is the provision of health services or rehabilitative services to the mentally retarded should be subject to Federal participation under adequate safeguards. It has accordingly defined such facilities as intermediate care facilities if certain statutory conditions are met.

The first of these conditions is that the institution meets standards of either health services, rehabilitation services or a combination of the two which are set forth by the Secretary of Health, Education, and Welfare. It is expected that the Department of Health, Education, and Welfare, in developing such standards, will take steps to assure that these standards are sufficient to achieve the purposes and to distinguish such facilities from those which are primarily residential. In the case of these facilities, it expects the Secretary's standards to relate not only to fire and safety, but also to sufficient qualified personnel to achieve the stated objectives of the institution.

The second condition is that the individual in such an institution who is mentally retarded, has been determined to need and is actually receiving the health or rehabilitative services which the institution sets forth as being provided. This condition is necessary because of the shortage of facilities, persons may be placed in such an institution even though they are not actually involved in the institution's program or could not benefit from it.

The third condition of the amendment is that the State government or the local political subdivision responsible for the operation of the institution agree that the Federal funds received by reason of these provisions will not be used to displace non-Federal funds which are already being expended for mentally retarded persons.

An intermediate care facility, under present law, must be an institution or a distinct part of an institution which provides intermediate levels of care.

The amendment removes the distinct part requirement so as to avoid mandating transfers of patients from a nursing home which might, in individual cases, result in a hardship or otherwise affect the physical or mental well-being of a patient adversely. Deletion of the distinct part requirement is not intended to encourage indiscriminate intermingling or inappropriate placement of patients. It is expected that the Secretary of Health, Education, and Welfare would, by regulation, require assurances that not more than a reasonable proportion of intermediate care patients be kept in skilled nursing homes. This would be necessary to avoid dilution of the skilled nursing services for the skilled nursing home patients.

Further, it is expected that there would be lower rates of reimbursement paid for the intermediate care patient who is in the skilled nursing home than would be paid for the skilled nursing patient.

Finally, the Secretary would also be expected to require safeguards, where skilled nursing and intermediate care patients were intermingled, to prevent the nursing home from agreeing to keep an intermediate care patient only until such time as it could find a skilled nursing care patient for the bed.

I urge adoption of this urgently needed amendment—which, again, has previously received Senate approval.

Mr. LONG. Mr. President, it was agreed by the committee that this amendment should not await action on H.R. 1 because the State of Oklahoma, and perhaps other States, need action on this matter immediately.

Mr. HARRIS. Mr. President, I compliment my distinguished colleague, Senator BELLMON, for his efforts in getting this amendment to this stage. I was pleased to be able to attend the Finance Committee meeting.

I am grateful to the chairman of the Finance Committee and to the members of the committee for their willingness to support the amendment. I hope it can be speedily adopted and enacted into law because we have a very serious situation in our State that needs to be corrected.

The Senate once passed the amendment, but it never got to conference because there was no conference on the bill.

The House passed this on H.R. 1, and as we have not gotten on the same vehicle through both Houses, this is our opportunity to do so.

INTERMEDIATE CARE—HARRIS-BELLMON AMENDMENT

Mr. LONG. Mr. President, the Senator's amendment is certainly appealing, inasmuch as it was basically developed in the Finance Committee, and as he has noted, has been approved separately by both the House and Senate.

In view of that fact, I certainly would be willing to agree to the Harris-Bellmon amendment.

If, in fact, the committee had added this amendment itself, it would have included the following statement as report language, which I ask unanimous consent to be printed at this point in my remarks. Again, I have no objection to taking this amendment.

There being no objection, the report language was ordered to be printed in the RECORD, as follows:

INTERMEDIATE CARE FACILITIES

In order to provide a less costly institutional alternative to skilled nursing home care, the committee and the Congress approved in 1967 an amendment to title XI of the Social Security Act which authorized Federal matching for a new classification of care provided in "intermediate care facilities." The provision was intended to provide a means for appropriate placement of patients professionally determined to be in need of health-related supportive institutional care but not care at the skilled nursing home, or mental hospital level.

The intermediate care benefit was not intended to cover care which was essentially residential or boarding home in nature. It was not intended to proved a refuge for substandard nursing homes which would not or could not meet medicaid standards. It was not intended as a placement device whereby States could reduce costs through wholesale and indiscriminate transfer of patients from skilled nursing homes to intermediate care without careful and independent medical review of each patient's health care needs.

Many thousands of patients are in skilled nursing homes who do not need that level of care, according to recent General Accounting Office and HEW audit reports. Thousands of those people are in skilled nursing homes because their States have not as yet established intermediate care programs.

The committee has therefore, included an amendment to clarify congressional intent with respect to intermediate care and to make such care, where appropriate, more generally available as an alternative to costlier skilled nursing home or hospital care.

The committee amendment is designed to make it clear that intermediate care coverage is for persons with health-related conditions who require care beyond residential care or boarding home care, and who, in the absence of intermediate care would require placement in a skilled nursing home or mental hospital.

The committee amendment would require an intermediate care facility to meet standards, prescribed by the Secretary, as are deemed necessary to assist in meeting the needs of the types of patients expected to be placed in such institutions.

The amendment also provides for the transfer of the intermediate care provisions from title XI of the Social Security Act to title XIX (medicaid). This action will enable the medically indigent, presently ineligible for intermediate care, to receive such care when it has been determined as appropriate to their health care needs. This change should also serve to end the practice, in some States, of keeping medically indigent patients in skilled nursing homes where they could more appropriately be cared for in intermediate care facilities. Such States do so because, under present law, Federal matching funds are available toward the costs of skilled nursing home care provided medically indigent persons but not for care of those people in intermediate care facilities.

The committee amendment would also authorize Federal matching under medicaid for care of the mentally retarded in public institutions which are classified as intermediate care facilities. Matching would be available only in a properly qualified institution meeting standards (in addition to those required of an ICF) established by the Department for mentally retarded persons (other than those primarily receiving custodial care) receiving an active program of health-related treatment or rehabilitation. States would not be eligible for the additional Federal matching funds unless they maintained the level of State and local funds expended for care of the mentally retarded. The purpose here is to improve medical care and treatment of the mentally retarded rather than to simply substitute Federal dollars for State dollars.

The committee agrees with the House of Representatives that intermediate care is by definition less extensive than skilled nursing home care and that the cost of intermediate care should generally be significantly less per diem than skilled nursing home care in the same area.

In view of the rapidly increasing expenditures for intermediate care and in view of the extension of intermediate care to the medically-indigent, the committee has added another provision to its amendment requiring regular independent professional review of patients in intermediate care facilities. Teams, headed by either a physican or a registered nurse, would regularly review, on site, the nature of the care required and provided to each intermediate care recipient. That review would be undertaken on a patient-by-patient basis on-site and may not be performed at a distance or without reference to the specific circumstances of the individual patient.

The committee reiterates the concern it has previously expressed with respect to the failure of many States to properly undertake the independent medical audit of skilled nursing home and mental hospital patients to assure that each patient for whom Federal funds is provided is in the right place at the right time receiving the right care. This shortcoming among the States has characterized placement and review of intermediate care patients heretofore. Each skilled nursing home, each mental hospital patient, and each intermediate care patient must be individually reviewed by an independent team to assure proper placement. Wholesale and general review for purposes of what is virtually cursory compliance with Federal requirements must not be permitted by the Department of Health, Education, and Welfare. Where such independent audits and other utilization review requirements are not properly carried out, the committee expects that the Secretary will promptly act to reduce Federal matching rates toward costs of the institutional care involved until proper compliance is forthcoming from a State.

The amendment is effective January 1, 1972.

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Mr. SCOTT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. SCOTT. Mr. President, I understand that all amendments have been cleared all the way around.

Mr. LONG. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10604) was read the third time and passed.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-552), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND AND PURPOSE OF THE BILL

Under present law, the social security lump-sum death payment is made to an insured person's surviving spouse, whether or not his body is available for burial, if they were living together at the time of his death. Where no eligible spouse survives, the lump-sum death payment is contingent upon there being burial expenses. The payment can be made directly to the funeral home for any unpaid burial expenses upon the request of the person who assumed responsibility for those expenses, or the payment can be made as reimbursement to the person who is equitably entitled to the payment by reason of his having paid the burial expenses. In the latter cases, when the body is not available for burial or cremation, there can be no burial expenses, and therefore the lump-sum death payment cannot be paid under the law.

While there may be no burial expenses incurred when an insured person's body is not recovered, the family often incurs expenses in connection with his death, such as expenses for a memorial service, a memorial marker, or a site for a marker. The committee believes that there is no valid reason for denying the lump-sum death payment to help defray the cost of such expenses. On the contrary, it is difficult to justify not paying the lump-sum in such instances, especially in those cases in which the death payment is the only social security benefit that could be payable on the deceased person's earnings record. Most of the current cases in which the body of the decedent is not recovered involve servicemen killed in action.

The committee believes that, because of the above considerations and because the cost of the change would be negligible, the social security lump-sum death payment should be provided for equitably entitled individuals to the extent that they incur expenses customarily connected with a death, even though the body may be unavailable for burial.

COST OF CARRYING OUT THE BILL AND EFFECT ON THE REVENUES OF THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, the following statement is made relative to the effect on the revenues of this bill.

It is estimated that the cost of the bill would be negligible.

VOTE OF COMMITTEE IN REPORTING THE BILL

In compliance with section 133 of the Legislative Reorganization Act of 1946, as amended, the following statement is made relative to the vote by the committee on reporting the bill.

The committee ordered the bill favorably reported by voice vote.

ORDER FOR RECESS TO 10 A.M. MONDAY, DECEMBER 6, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9 A.M. TUESDAY THROUGH SATURDAY OF NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that for the remainder of next week, up to and including Saturday, the Senate convene at the hour of 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF LEWIS F. POWELL, JR.

Mr. SCOTT. Mr. President, in the time allotted to me at this point, and I will not use the full 3 minutes, because the distinguished chairman of the Judiciary Committee is prepared to speak with reference to the nomination of Mr. Lewis F. Powell, Jr., I simply want to say that in the beginning of this administration and prior to the sending up of any nominations to the Congress, I had suggested to the Attorney General the name of Mr. Lewis F. Powell, Jr., as a highly qualified, suitable, potential nominee for service on the Supreme Court.

A little later I was advised that Mr. Powell had requested that at that time his name not be considered. I am glad that as time passed, Mr. Powell did agree to allow his name to be considered.

It will be a great pleasure to support him. I will have more to say about it at a later time.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized at this time for not to exceed 15 minutes.

(The remarks of Mr. BEALL when he introduced S. 2949 are printed in the Routine Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Senate will proceed to the transaction of routine morning business with statements limited to 3 minutes.

(The remarks of Mr. HARRIS when he submitted Senate Resolution 207 are printed in the RECORD under Submission of a Resolution.)

SENATOR RANDOLPH ADVOCATES NATIONAL ENVIRONMENTAL POLICY ON SURFACE MINING

Mr. RANDOLPH. Mr. President, the Senate Committee on Interior and Insular Affairs has been holding a series of hearings, through a subcommittee headed by the able Senator from Utah (Mr. Moss), inquiring into the need—and there is an urgent need—for the formulation of a national environment policy on surface mining. I testified before the subcommittee on December 2.

I know, as a Senator from the State of West Virginia, where mining is a major industry, and where more than 11,000 men are directly employed in surface coal mining, that there are adverse environmental effects through the improper mining of coal, in what is commonly known as the stripping process. We do know, however, that in West Virginia, this type of mining industry, separate from the deep mining industry which employs approximately 35,000 miners, is a very considerable part of our economy.

In 1966, the State Legislature of West Virginia addressed itself to this subject. The urgency then—and it continues now—was, in part, due to the response given by the State legislature to conservation and ecological concern. So a very stringent law was enacted, although it may have some defects, which attempted to govern surface mining of coal. There has been some criticism of the enforcement of this law, but I know personally, from investigations throughout the State, from viewing the land itself where the mining operations have been carried on, from knowing of the program of restoration of the stripped acreage, that there has been a very marked improvement in the practices of such mining in the State of West Virginia. The land abuses are much less severe than they were in the past.

The PRESIDING OFFICER. The Senator's time, 3 minutes, have expired.

Mr. BYRD of Virginia. Mr. President, I yield 2 minutes from my time to the Senator from West Virginia.

Mr. RANDOLPH. I appreciate the cooperation of the able Senator from Virginia.

We continue to have problems, of course, with the mining of coal, the deep mining of coal and the surface mining of coal. One of these problems is the acid drainage problem, which has to do not only with the drainage that comes from the mining operations but from abandoned and orphaned surface mined lands. This problem has been a considerable one and the attention being given by the Congress of the United States is necessary.

Under my sponsorship, the Congress has provided areawide demonstration programs to control and abate mine drainage pollution. These provisions were strengthened also, as my colleagues recall, in the recently passed Senate version of the Federal Water Control Act Amendments of 1971, which I cosponsored.

I believe that, as we think in terms of repairing the devastation resulting from past practices, and also the exploitation, in part, of some regions in the Appalachian area and in the watershed of the Monongahela River, we have restored orphaned and abandoned surface mines. But the problem, which is now being given very careful and continued consideration, as it should be, in the Senate, and as to which I have testified in recent days, requires Federal, State, and local commitment as well as regional planning.

Critical to the whole operation is continuing surveillance and monitoring of surface mining procedures and land reclamation projects. Implementation, however, should rely on strong State laws and effective enforcement consistent with Federal guidelines and minimum standards, which should provide sufficient flexibility to reflect regional characteristics of the potential problem.

Yet, the Federal Government should have sufficient authority to enjoin improper surface mining operations where State enforcement is inconsistent with Federal guidelines and minimum standards. There is ample precedent for this in Federal laws now in being for the control of air and water pollution.

I propose that careful attention be given to the question of whether or not surface mining legislation under consideration in the Congress should require that the Environmental Protection Agency or the Department of Interior promulgate criteria and minimum standards governing surface mining which would provide for the control of the adverse environmental effects.

I would support provisions modeled after national environmental statutes which provide for State formulated implementation plans. Such plans should provide for permit systems to implement Federal minimum standards. Unless disapproved by Interior and/or the Environmental Protection Agency, the State implementation plans also could serve as the Federal implementation plan.

I recognize that there is some disagreement on the respective roles of the Environmental Protection Agency and the Department of the Interior in the establishment of national criteria and minimum standards.

The Environmental Protection Agency, however, is this Nation's leading agency for the implementation of Federal environmental policy. But this does not preclude the establishment of the Federal permit program within the Department of the Interior. Such programs could be modeled after the administration's joint Environmental Protection Agency-Corps of Engineers permit system established under the 1899 Refuse Act.

In instances where a State program or implementation plan is inconsistent with the purposes of the act, the Federal plan should be established and administered similar to the program for Federal lands.

In the case of Federal and Indian lands, concern is for the depletion of a nonrenewable resource either publicly owned or in public trust. The Federal Government is acting as the administrator and steward for their development. Therefore, I recommend cessation of the Federal issuance of leases for surface mining pending the promulgation of Federal criteria and minimum standards. At that time, all applicants for leases to surface mine public lands should be required to file an environmental impact statement in accordance with the provisions of the National Environmental Policy Act of 1969.

Existing permittees and licensees should be allowed a maximum of 1 year to comply with the act. Otherwise, their permits or leases should be considered for revocation. It would be possible to obtain an economic advantage by devastating these lands in the absence of a requirement of proper management techniques.

In addition, the Secretary of the Interior probably should be required to prepare an environmental impact statement, in accordance with the National Environmental Act, on the cumulative regional effects of surface mining associated with the issuance of Federal permits and leases and Bureau of Reclamation water permits for coal stripping on public lands in the West.

Land, like air and water, is a basic natural resource. Without usable land, Mr. President, our society and our Nation cannot continue to be economically sound and physically healthy.

Reduction and prevention of the environmental devastation which can accompany improper surface mining is essential to improving the quality of life, and establishing the diversified savings that are essential to a sound economy.

Mr. SPONG. Mr. President, I yield 3 minutes to the Senator from Montana.

THE "PHASE II" ECONOMIC TAX PACKAGE

Mr. MANSFIELD. Mr. President, I am happy to note that the conferees have now completed work on the President's economic tax package. I wish at this time to commend them for the expeditious manner in which they addressed themselves to the task of constructing a measure that we all hope will put this Nation's economy back on its feet. Particularly, I am pleased that the conferees retained the concept of election financing.

Overall, in this endeavor, the conferees undertook an enormous task, thrashed out the differences, and pieced together what appears to be a reasonably balanced package; one that we hope will both stimulate productivity, encourage employment, and for the first time remove the primary dependency on election costs from the large economic interests of the Nation.

My personal view is that the measure is somewhat defective in at least one major respect. For the first 3 years of operation the permanent revenue loss under this measure will reach close to $16 billion; and the permanent loss of well into the billions will continue every year thereafter. Such losses will occur in my judgment at too great an expense to the consumer and lower income Americans and with too great a benefit to the large economic business interests of the Nation. Aside from this imbalance, however, for the sake of this Nation and its floundering economy, I hope and pray this program achieves the ends it seeks.

The ravages of inflation, unemployment, and the host of ills that have followed in their wake have been permitted to endure for too long. Too many Americans have been made to suffer. To put it plainly, the need for this tax bill is now, and I am pleased, indeed, that the veto talk which greeted its reference to conference has subsided.

Of course, it is the President's prerogative at any time to indicate to the Congress through his press secretary, or otherwise, his concern over various features of legislation passed by both Houses. Just as certainly, conferees meeting in such cases are not bound by such admonitions. Indeed, in the conference, the President's views may or may not be helpful.

What is clear is that the conference on the economic tax measure is now over and what must come first and foremost is this Nation's economy. It was out of a deep concern for the economy that the Congress—the Senate and the House alike—joined to expedite this measure as the President's No. 1 priority legislative item. It did so to help an economy that has been plagued for too long by worsening unemployment, increasing inflation, and a dollar that has been severely and permanently weakened.

In the process, other legislative business of the Senate—also most important and even vital to the American people—has been postponed, or otherwise moved aside to help turn the economic tide and get this Nation back on its feet. As a result, the economic tax bill went through in record time for a measure of such far-reaching dimensions. As was expected, to, the proposal underwent the give and take and working-out that is an essential part of the legislative process.

In that respect, I think a word ought to be said about those provisions of the measure which for the first time will permit the public to help finance election costs. Let me first dispel all doubts on this matter at this time: Election financing is here to stay as far as this Senator is concerned. The issue is larger than 1972. It is larger than any party as well. Much larger. If the law is placed on the books as a first step, commencing next year, all citizens, no matter their income status, will be encouraged to participate in the elective process with tax credits and tax deductions. They will benefit all candidates to whatever office—Federal, State, or local. It is only in this way, may I say, that a candidate can be able to overcome his becoming just another investment for some large economic interest. Only with such assurance can an end be put to the notion that this elected official or that is "labor's man" or "industry's man" or whoever else's man. Only with such a system can there be a man or woman elected by and for all people, insulated from dependency upon either his own personal fortune or that of some wealthy interest group that chooses to back him or, to state it honestly—to buy him.

For the presidential campaign the feature of this proposal that allows the people to participate is enormously important. It was most unfortunate that its effect was postponed. The sooner implemented, the better off will be this Nation and its ability to protect and pre-

serve the democratic institutions we love and cherish so much.

If by postponing its effective date a veto was avoided, that is well. In my judgment there is nothing sacred about the year 1972. But it is tragic that this matter was viewed by some in such political and partisan terms. The particular financial condition of one or another of the political parties at a given time should not be a factor. Whether it has $40 million in the bank obtained largely from enormous economic interests or whether it is in debt, the people should not be precluded from joining the elective process.

Beginning in 1973 what this proposal provides is that on a voluntary basis, citizens themselves can authorize the campaign funds for the presidential race. That is well. It would make it permissible for the American people—if they so choose—to absorb a portion of election costs that have skyrocketed beyond all reason. In turn, it would compel those seekers of this Nation's highest elective office to be beholden but to a single, solitary interest group—the American people themselves.

Indeed, this provision must remain. Without it, democracy as it has been heretofore constituted and as we have come to know and love it today, simply cannot endure.

I thank the distinguished Senator.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SCOTT, from the Committee on the Judiciary:

J. Blaine Anderson, of Idaho, to be a U.S. district judge for the district of Idaho; and

Clifford Scott Green of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, December 4, 1971, he presented to the President of the United States the following enrolled bill:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and refered as indicated:

By Mr. BEALL:

S. 2949. A bill to amend title 28, United States Code, to provide for a Judicial Conference of the United States and the States. Referred to the Committee on the Judiciary.

By Mr. PERCY:

S. 2950. A bill to amend section 4216(b) of the Internal Revenue Code (relating to constructive sale price) and to add a new section concerned with brand names. Referred to the Committee on Finance.

S. 2951. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 2949. A bill to amend title 28, United States Code, to provide for a Judicial Conference of the United States and the States. Referred to the Committee on the Judiciary.

Mr. BEALL. Mr. President, I introduce today a bill to establish a Judicial Conference of the United States and the States. This conference will be summoned annually into session by the Chief Justice of the United States, who will preside over its proceedings. In addition to the Chief Justice, the conference will be composed of the chief judge of each Federal judicial circuit; the chief judges or justices of 11 State supreme courts who will be selected by the National Conference of State Chief Justices; and 10 trial judges, five from the Federal district courts who will be appointed by the Chief Justice of the Supreme Court and five State trial judges chosen by the National Conference of State Trial Judges. The Federal district judges, the State chief judges or justices, and the State trial judges will serve for 3 years.

The duties of the conference, as spelled out in the legislation are: To carry on a continuous study of the problem of Federal and State jurisdictions, conflicts of jurisdictions, the effects of Federal legislation upon State courts, and the improvements of Federal and State systems of justice. An annual report of the proceedings, with recommendations for Federal and State legislation is required and copies will be forwarded to the President, the Congress, and the Governors of the respective States.

Mr. President, as a nonlawyer, I have observed that the backlog of criminal and civil cases is often cited as the single most pressing problem facing our State and Federal courts today. The results of delays in the administration of justice poses a serious threat to the confidence of the public in our judicial system. In criminal case after criminal case the delay between arrest and trial is far too long. The appeals process runs even longer with the average time in the State systems to process an appeal estimated to be as long as 18 months. The public deserves and should demand that our system of justice be able to operate in a timely manner.

As President Nixon stated in his March 11 address in Williamsburg:

> A system of criminal justice that can guarantee neither a speedy trial nor a safe community cannot excuse its failure by pointing to an elaborate system of safeguards for the accused. Justice dictates not only that the innocent man go free, but that the guilty be punished for his crimes.

The situation is even worse in civil cases which Chief Justice Burger said were becoming "the stepchild of the law." Our court system is expected to adjudicate conflicts between private citizens. The public has a right to expect such claims will be decided in a fair and timely fashion. Chief Justice Burger warned the American public is losing patience with a "cumbersome system that makes people wait 2, 3, or 4 more years to dispose of an ordinary civil claim." Continuing the Chief Justice said:

> Most people with civil claims, including those in the middle economic echelons, who cannot afford the heavy costs of litigation and who cannot qualify for public or government-subsidized legal assistance, are forced to stand by in frustration, and often in want, while they watch the passage of time eat up the value of their case. The public has been quiet and patient, sensing on the one hand the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights.

On all levels of national and local government, the problem has been attacked primarily from the point of view of creating additional judges under the theory that, if enough judges are appointed, "the speedy trial" guarantee of our Federal and State constitutions will be effectively realized.

Certainly more judges are often needed and Congress and the States should provide the necessary judicial manpower. Experience, however, has demonstrated that the "more judges" approach is not always the panacea, for the increase in the number of judges does not appear to be keeping up with the growing demands placed on the judiciary by the constantly increasing population, economy, and expanded judicial construction and definition of the substantive procedural rights of the accused.

A graphic illustration of the impact of expanded judicial rights can be seen by the large increase in the number of State prisoners filing habeas corpus petitions to test the validity of State convictions. From 89 in 1940, the number of such petitions has ballooned to over 12,000 in 1969. The genesis of this increase was a trilogy of cases before the Supreme Court in 1963 whose cumulative effect was to erode and some say to "emasculate" the exhaustion of State remedies doctrine embodied in 28 United States Code, section 2254. The Court held that this statute referred only to State remedies available when the application for Federal habeas corpus was filed.

Some have suggested that adequate postconviction remedies in the State courts would reduce the Federal court review of State convictions to a minimum. Chief Justice Burger expressed this viewpoint in his state-of-the-judiciary address in August 1970:

> There is evidence, however, that the desired reduction is not a automatic consequence of the availability of adequate post-conviction remedies.

To the contrary, Mr. George Cochran Doub contends in the April 1971 American Bar Journal:

> The report of the Committee on Habeas Corpus of the Judicial Conference of the United States . . . in September of 1966, recommending certain statutory amendments, demonstrated that even when fully adequate post conviction remedies are made available, to the state court prisoners, there is no reduction in the number of applications for writs of habeas corpus filed in the federal courts by state prisoners. The report pointed out that in Delaware, Florida, Kentucky, Missouri, New Jersey, North Carolina, Oregon, and West Virigina, applications for writs of habeas corpus to federal courts by state prisoners had continued to increase notwithstanding satisfactory post conviction remedies that had been provided those state prisoners.

Thus, it is Mr. Doub's thesis that adequate postconviction remedies are not the full answer, because "they do not result in any significant reduction in the burdens imposed on the Federal courts to review the factual or legal issues," in State criminal proceedings.

Mr. President, we in the Congress are not without our own contributions to the problem. On the one hand we create additional judgeships and shortly thereafter diminish or often nullify their effect on the problem by enacting laws whose effect is the addition of thousands or more cases to the already crowded court dockets. The Nation has looked more and more to the courts to resolve the conflicts. Yearly, the duties of the courts are enlarged, expanding into new fields such as environmental and consumer areas. These are areas where attention is needed and my only point is that we should know and take into account the impact of our actions on the judiciary.

The courts have responded remarkably well to the burden that society gives them. Their new duties are a reflection of the overall confidence that Congress and the country has in the judicial system. It is, however, imposing a heavy workload on our judicial system. New and different approaches are needed. The problem of administration, management and efficiency, are as the Chief Justice said, "the tool, not the goal of justice." It is a means to an end.

In his 1970 state of the judiciary address, Chief Justice Burger outlined various steps for future action in this area. Leading this list was his suggestion that "in each State there would be created a State-Federal Judicial Council to maintain continuing communications on all problems." The thrust of the suggestion was the reduction in the friction or tensions in relations between State and Federal courts primarily with respect to prisoner petitions.

In his 1971 Williamsburg address, the Chief Justice noted with pleasure that these suggested councils are now in actual operation in 33 States, many established by formal order of State supreme courts.

Following, but expanding on the subject, the measure I introduce today calls for the creation of a truly representative Federal-State judicial conference. Through this device, the State and Federal judicial and legislative system will receive a nationwide picture of a wide range of matters affecting the entire judiciary. They can then better evaluate the impact of proposed and recommended legislation on the judiciary insofar as the same may decrease or increase caseloads.

Mr. President, this suggestion originated with a distinguished Baltimore practicing attorney, Mr. George Cochran Doub. Mr. Doub is now practicing with one of Baltimore's leading law firms. He is a former Assistant Attorney General of the United States in charge of the Civil Division of the Justice Department from 1956 to 1960 and prior to that time, he was the U.S. attorney for Maryland from 1953 to 1956. He also has been a member of the Advisory Committee on Federal Civil Rules. In his American Bar Journal article, to which I previously referred, he concluded his article which basically dealt with habeas corpus procedures, by calling for the establishment of a Judicial Conference of the United States and the States. He said:

> More important than any suggested changes in federal habeas corpus, Congress should establish a judicial conference of the United States and the States, to be composed of the Chief Justice of the United States, the chief judges of the ten federal circuit courts of appeals and the chief Justices of ten state supreme courts.
>
> At the present time, the state judiciaries, which have the principal responsibility for the maintenance of law and order within their borders and are seriously affected by federal legislation, have no official forum where they may be heard. Such a judicial conference would provide an important place for their voice and the means for needed collaboration between the federal and state judicial systems.
>
> The Judicial Conference of the United States, composed entirely of federal judges, has been able to make signal contributions to federal practice and procedure, but in the field of federal habeas corpus the conference has felt compelled to accept not only the rulings but the dicta of recent Supreme Court opinions relating to habeas corpus practice. The proposed judicial conference of federal and state judges would bring to bear a far broader approach and perspective, and its recommendations might prove beneficial and constructive with respect to the perplexing problems of federal and state judicial relationships.
>
> If such a judicial conference is established, its first order of business should be to review the federal habeas corpus statutes and to make recommendations for amendments.

Mr. Doub has worked closely with me in the preparation of the legislation. I ask unanimous consent that his entire article in the American Bar Journal be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, I also want to express my appreciation to Chief Judge Hall Hammond of the Maryland Court of Appeals, the State's highest court, and Chief Judge Dulany Foster, of the supreme bench of Baltimore City for their help and suggestions.

As my colleagues will note, the bill I am introducing follows the suggestions of Mr. Doub with one addition. Because I believe it essential that the perspective and experience of trial judges be represented, I have added 10 trial judges, five from the Federal courts and five from the State courts.

Mr. President, since there would be no compensation to the participants other than ordinary expenses associated with the attendance at conference proceedings, the measure that I introduce will involve relatively small amounts of money. At minimal costs, this has great potential for bringing about improvements and reform in the administration of justice nationally.

The President called for new approaches in his Williamsburg speech when he stated:

> If we limit ourselves to calling for more judges, more police, more lawyers operating in the same system, we will produce more backlogs, more delays, more litigation, more jails, and more criminals. "More of the same" is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

I agree that new approaches, new devices and techniques must be explored and created if we are to avoid judicial anarchy. The present U.S. Judicial Conference has made outstanding contributions to the improvement of judicial practice and procedure in the Federal courts. I believe the establishment of a Judicial Conference of the United States and the States has the potential for similar judicial improvements in the State courts and for striking the proper delicate balances of Federal-State relations. By providing a form and a focus for the Federal and State for improvements of judicial administration, the proposed Judicial Conference of the United States and the States has the potential for bringing about "genuine reform." I urge that the Committee on the Judiciary give favorable consideration to this measure.

EXHIBIT 1

THE CASE AGAINST MODERN FEDERAL HABEAS CORPUS

(By George Cochran Doub)

The erosion of public respect for the judicial system has seriously harmed the effectiveness and credibility of this vital branch of government. As the courts become overwhelmed with backlogs of civil and criminal cases, concerned judges and lawyers have sought the development of new concepts of administration, the training and appointment of administrative officers, the better management and control of trial court calendars and the development of more efficient systems of record management.

These palliatives are helpful, but they cannot cure the disease of the patient; that can only be done by at least some minimal surgery. This is particularly true of the current distortion in the federal courts of the great writ of habeas corpus, which has debased the writ by making it nothing more than a routine vehicle for the review by the federal courts of state court criminal judgments.

THE PROBLEM IS A SELF-INFLICTED WOUND

The federal habeas corpus problem was not thrust upon the federal judiciary by the Constitution or the Congress. It was created by the Supreme Court in comparatively recent years under circumstances which suggest that the Court had no realization at the time of the crippled offspring it was unwittingly spawning. In retrospect, the resulting deluge of federal habeas corpus petitions of state prisoners, which has been suffocating district courts as well as the courts of appeals, has made clear that the problem is not congential. It is a self-inflicted wound.

The Constitution says no more than that "the Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it". The clause denies the power of the legislative and executive departments

to suspend the privilege except under the circumstances stated, but it does not define the scope of the privilege.

The power of the federal district courts to issue the writ is statutory because of the principle that they possess only such jurisdiction as is expressly granted to them by Congress. The Judiciary Act of 1789 provided that the courts of the United States should have power to issue writs of habeas corpus to inquire into the cause of commitment, provided that writs of habeas corpus should in no case extend to persons unless in custody under the authority of the United States. Thus the power of the federal courts to issue the writ was carefully circumscribed and limited to persons in federal custody. No jurisdiction was conferred to inquire into the legality of custody of anyone by a state.

It was not until 1867, during Reconstruction, that the jurisdiction of the federal courts was widened by a provision that the writ might issue "in all cases where any person may be restrained from his or her liberty in violation of the Constitution or any treaty or law of the United States". Then for the first time the federal courts obtained the power to inquire into the legality of state criminal judgments. This provision is now codified in 28 U.S.C. § 2241(c)(3).

When the Supreme Court solemnly proclaimed in *Harris* v. *Nelson*, 394 U.S. 288, 290 (1969), that "the writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action", the Court ignored the fact that during the first seventy-five years of our nation's history the federal courts had no power to review state court criminal judgments by way of habeas corpus.

From 1867 until about 1952 the Supreme Court manifested judicial discipline and restraint with respect to federal habeas corpus, a regard for state judicial processes and an intuitive sense of the dangerous disorders which would accompany successful collateral attacks upon the finality of state court judgments.[1] A question of fact or of law distinctly put in issue and determined by a court of competent jurisdiction could not be reviewed later on federal habeas corpus. State court judgments that rested on independent state grounds could not be reviewed although federal claims were present. Only if an applicant had not been afforded an opportunity in the state court to raise his federal claim could it be heard.

Since 1952 the principle of federal judicial restraint has not slowly eroded; it has been cast away by a majority of the Supreme Court in the appealing name of personal liberty.

EXPANSION OF FEDERAL HABEAS CORPUS CONCEPT BEGINS

The drastic expansion of the federal habeas corpus concept began in *Brown* v. *Allen*, 344 U.S. 443 (1953), in which the federal claims of a state prisoner had been presented to the highest court of the state on direct appeal from conviction, had been rejected by that court on the merits and certiorari had been denied by the Supreme Court. On appeal from the denial of a federal habeas corpus petition, the Supreme Court held that Brown was entitled to reconsideration of his constitutional claims on his later application to a federal district court.

In *Irvin* v. *Dowd*, 359 U.S. 394 (1959), Irvin's conviction was affirmed upon appeal by the supreme court of a state. In reversing dismissal of his later application for federal habeas corpus, the Supreme Court held that this state court decision had rested on the determination of Irvin's federal claim and therefore his claim should be considered by the district court on federal habeas corpus. Thus, under *Irvin*, as well as *Brown*, the federal district courts were deemed to be not only authorized but obligated to review decisions of state supreme courts on federal questions.

In 1963 in *Fay* v. *Noia*, 372 U.S. 391, the Supreme Court decided that federal habeas corpus for state prisoners lies, despite the existence of an adequate and independent nonfederal ground for the state judgment of conviction, pursuant to which the applicant was detained by the state. After conviction, Noia, with competent counsel, deliberately elected not to appeal his conviction and years later sought federal habeas corpus on the ground that a confession obtained from him was unlawful because coerced. Under *Noia*, even a deliberate and intentional choice not to assert a constitutional claim on appeal did not preclude its later assertion on federal habeas corpus; a failure to exhaust state remedies did not preclude federal habeas corpus. The Supreme Court emasculated the doctrine embodied in 28 U.S.C. § 2254, which requires the exhaustion of state remedies, by holding that the statute referred only to state remedies available when the application for federal habeas corpus was filed.

TIDAL WAVE OF APPLICATIONS IS "JUDGE-MADE BUSINESS"

Chief Judge Lumbard of the Court of Appeals for the Second Circuit said last September of the tidal wave of habeas applications:

"This is judge-made business, resulting principally from the 1963 Supreme Court decision in *Fay* v. *Noia*, which held in effect that there was no finality to any state court criminal case so long as the prisoner made Constitutional claims and some federal judge entertained doubts about whether these questions had been fairly resolved by the state courts."[2]

In *Jackson* v. *Denno*, 378 U.S. 368 (1964), the Supreme Court held unconstitutional the established New York state practice with respect to the admissibility of admission. This "New York rule", which had been followed in sixteen states and six federal circuits, is that, when there is a factual conflict in the evidence as to the voluntariness of a confession over which reasonable men may differ, the judge leaves the question of voluntariness to the jury. This decision was contrary to prior decisions of the Court rendered as recently as 1953, 1958 and 1959.[3]

This due process question had not been presented to the state trial court or on appeal. Indeed, experienced counsel for the defendant had not even objected to the admissibility of the statements made and had not requested a preliminary court hearing on voluntariness, which was permitted under the New York procedure. One would suppose that under these conditions the federal claim was not even germane to the case. But the Supreme Court directed that petitioner be released unless the state retried him or afforded him an independent court hearing on the voluntariness of his admissions. Understandably, the Court did not conclude that the admissions were involuntary.

The Supreme Court has held that the doctrine of *res judicata* does not apply in the federal habeas corpus field and the denial of a state prisoner's application for collateral relief on habeas corpus is not *res judicata*, this on the theory that conventional notions of finality of litigation have no place when personal rights are at stake and their infringement is alleged.[4] Separate and successive habeas corpus applications may be filed and heard, provided each presents a different claim for relief.

SUPREME COURT ENUNCIATES REQUIREMENTS

A perplexing problem for federal district judges on applications for habeas corpus has been the extent to which they must determine the merits of factual disputes forming the basis of the prisoner's federal question claim. 28 U.S.C. § 2243 provides: "The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require." In *Townsend* v. *Sain*, 372 U.S. 293 (1963), the petitioner had objected to the introduction of his confession in a state trial on the ground that it was the product of coercion. The confession was admitted, the petitioner convicted and his conviction affirmed by the state supreme court. After exhausting his postconviction remedies in the state courts, he filed a petition for habeas corpus in a federal district court. In reversing the denial of his application, the Supreme Court enunciated requirements relating to habeas corpus hearings. It declared that a federal district court must grant an evidentiary hearing to a habeas corpus applicant if (1) the merits of the factual dispute were not resolved in the state hearing, (2) the state factual determination was not fairly supported by the record, (3) the fact-finding procedure utilized by the state court was not adequate to afford a full and fair hearing, (4) there was a substantial allegation of newly discovered evidence, (5) the material facts were not adequately developed at the state hearing, and (6) for any reason the state trier of the facts did not afford the applicant a full and fair fact hearing.

In discussing each of these requirements the Supreme Court interpreted them broadly. It further said that when these tests were not applicable and the material facts were in dispute, the holding of a factual hearing was in the discretion of the district judge, and even if he concluded that the applicant had been afforded a full and fair hearing by the state court, resulting in reliable findings, he need not accept the facts as so found. "In every case [the federal district judge] has the power, constrained only by his sound discretion, to receive evidence bearing upon the applicant's constitutional claim." Although the district judge may, when the state court has reliably found the relevant facts, defer to the state court's findings of fact, he is not obliged to do so, and important factual determinations may be made on a new record.

When a federal trial judge may be required to hold an independent factual hearing and on a record totally at variance with that before the state trial court, and in effect reverse its decision, are not the elements of judicial anarchy present?

INCREASE IS ASTOUNDING BUT NOT SURPRISING

It is not surprising that as the result of the recent expansion of the federal habeas corpus concept, the federal district courts have been swamped with habeas corpus applications from state prisoners. The increase is illustrated by the fact that state prisoner habeas corpus petitions have increased from eighty-nine in 1940 to 12,000 in 1969, according to the figures of the Administrative office of the United States Courts. In a five-year period from 1939 to 1944, one person presented in the district court fifty petitions for writs of habeas corpus; another, twenty-seven; a third, twenty-four; a fourth, twenty-two; a fifth, twenty. One hundred and nineteen persons presented 597 petitions—an average of five per person.[5]

THE STATES: CAN THEY HELP?

In his admirable address, "The State of the Judiciary—1970", before the Annual Meeting of the American Bar Association in St. Louis in August, 1970, Chief Justice Burger, after pointing out that the federal district courts had been obliged to review more than 12,000 state prisoner petitions in 1969, as compared with eighty-nine in 1940, said:

"There is a solution for the large mass of state prisoner cases in federal courts—12,000 in the current year. If the states will develop adequate post-conviction procedures for their own state prisoners, this problem will largely disappear and eliminate a major source of tension and irritation in state-federal relations."[6]

This echoed a similar statement by Chief

Footnotes at end of article.

Judge Lumbard, Chairman of the Special Committee on Minimum Standards for the Administration of Criminal Justice of the American Bar Association, in May of 1966:

"We shall recommend adoption by the states of adequate remedies so that federal court review of state convictions will be reduced to a minimum and the facts on which such federal relief is sought will, so far as possible, be found and determined by the state court."[7]

The report of the Committee on Habeas Corpus of the Judicial Conference of the United States, known as the Phillips Committee, in September of 1966, recommending certain statutory amendments, demonstrated that even when fully adequate postconviction remedies are made available to state court prisoners, there is no reduction in the number of applications for writs of habeas corpus filed in the federal courts by state prisoners. The report pointed out that in Delaware, Florida, Kentucky, Missouri, New Jersey, North Carolina, Oregon and West Virginia applications for writs of habeas corpus to federal courts by state prisoners had continued to increase notwithstanding satisfactory postconviction remedies that had been provided those state prisoners.

The hopes expressed by the Chief Justice and Judge Lumbard may not be realized because they are based on the fallacious assumptions that when applications are filed, the federal district judges need do no more than examine the state postconviction findings of fact and that the district judges are bound by those state findings. In fact, under the directives of the Supreme Court, the federal district courts may be obliged to grant an evidentiary hearing to an applicant and to retry the factual issue involved in the state proceeding in order to meet the *Townsend* standards. Although adequate state postconviction findings of fact make it more likely that the federal courts will not overrule them and often they are accepted, those courts are not constrained to follow them. Adequate state postconviction remedies are not the full answer. They do not result in any substandard reduction in the petitions or the burden imposed on the federal district courts to review the factual and legal issues.[8]

FEDERAL LEGISLATION SEEMS TO BE THE ONLY METHOD

As Justice Clark pointed out in *Noia*, federal legislation seems to be the only method to restore the federal writ of habeas corpus to its proper place in the federal judicial system. That place is one of great importance—an ultimate, exceptional remedy against illegal restraint—but it should not be a substitute for an alternative to appeal, nor should it be a burial ground for state appellate rules or adequate state procedures.

Certain amendments were made to the habeas corpus statutes in 1966 at the instance of the Judicial Conference upon the recommendations of the Phillips Committee. These amendments integrated into the statutes most of the standards defined in *Townsend*.

Although the Phillips Committee's recommendations were designed to reduce habeas corpus applications, its report made clear that the members of the committee, as federal judges, considered that they were bound by the opinions of the Supreme Court in *Fay* v. *Noia*, *Sanders* v. *United States* and *Townsend* v. *Sain*. Accordingly, the amendments seem to integrate into the statute the expansive concepts of habeas corpus jurisdiction developed by the Supreme Court and to write into the statute, which can be changed only by the Congress, words from majority opinions of the Supreme Court that otherwise might later be modified by that Court.

Objections to this new expanded jurisdiction of the federal district courts are far more profound than case statistics.

WE HAVE LITTLE CONFIDENCE IN OUR JUDICIAL SYSTEM

Conviction in the state courts now has become merely the starting point of interminable litigation. State appeals are followed by successive petitions for federal habeas corpus and successive federal appeals. What is involved is a repetitious, indefinite, costly process of judicial screening, rescreening, sifting, resifting, examining and re-examining of state criminal judgments for possible constitutional error. The protection of constitutional rights is the cornerstone of our system of criminal justice, but are the state judicial systems so weak, so inadequate as to require discarding all the traditional principles of *res judicata* and estoppel? No other nation in the world has so little confidence in its judicial systems as to tolerate these collateral attacks on criminal court judgments.

Under *Denno* a state prisoner need not bother to assert his federal claims in the course of his state trial or on his state appeal from conviction. Even when he is represented by experienced counsel he need not accord the state trial judge or the state appellate judges an opportunity to hear and decide those claims as a precondition for federal habeas corpus. The hospitable federal system will hear his claims, although fair and reasonable state procedures are left in a shambles.

Under the new concept of federal habeas corpus, the state prisoner may now deliberately select not to appeal his conviction to a state supreme court and elect to have the validity of his conviction determined by habeas corpus in a federal district court. If he has appealed unsuccessfully to his state supreme court, he may then deliberately elect not to apply to the Supreme Court of the United States for certiorari and instead seek a writ of habeas corpus in a federal district court. Even if he has petitioned successfully for certiorari and the petition granted and the judgment affirmed, he may have the issue reviewed by the district court on habeas corpus if he alleges a fact not in the prior record.

This comparatively new concept of federal habeas corpus has dangerously prejudiced the delicate balance of federal-state relations and has seriously degraded the authority of the states and their judicial tribunals.

RESENTMENT BY THE STATE JUDICIARIES IS NOT HEALTHY

There is perhaps no single attribute of federal judicial power more abrasive of the relations of the states and the Federal Government than the over-expansion of the great writ of habeas corpus by the federal courts as applied to state prisoners. State judges who do not bitterly resent the new concept of habeas corpus jurisdiction of the federal district courts are few. When federal trial judges are required to reconsider and review decisions of state trial judges and even decisions of state supreme courts, state judges cannot fail to recognize that their status has been downgraded to one of increasing inferiority to the federal bench. With the multiplication of federal statutes dealing with matters that before had been left to the states, the expansion of federal jurisdiction has been inevitable. But in the case of federal habeas corpus jurisdiction state judges know that expanded jurisdiction has not been forced on the federal courts by Congress but that it is judicially expanded power. This resentment by the state judiciaries against the federal judiciary is not healthy or wholesome.

No valid criticism may be made of the patient handling of habeas corpus petitions by the federal district courts. Those judges have exercised admirable restraint in their almost daily and routine task of dealing with petitions from state prisoners. Each petition must be defended by the state attorney general. Successive applications may attack in turn each step in the state proceeding in addition to the police, trial judges and the competence of defense counsel. The burden on the states of defending these applications is costly. In Maryland three assistant attorneys general do nothing else.

WE ARE WITNESSING A TRANSFORMATION

We are witnessing a fundamental transformation by the decisional process in the relationship of the federal and state judicial systems. Federal district judges now exercise through their habeas corpus jurisdiction a power of review of state court criminal judgments far in excess of the power of any appellate court, including the Supreme Court of the United States. The procedural framework within which the federal review of state judgments operates is derived from a legacy of a time when federal review was rare and extraordinary. Even those who applaud federal court review of state court judgments concede that appellate review by a single federal judge is an anomaly, "the product not of design but of historical accident".[9]

Any discussion of this problem requires consideration of the human values involved and the recognition, as Learned Hand said, that "There is no democracy among human values, however each may cry out for an equal vote."[10] Does our dedication to the spirit of liberty and justice require these extensive review procedures for the protection of the innocent? Judge Lumbard has said, "For all our work on thousands of state prisoner cases I have yet to hear of one where an innocent man has been convicted. The net result for the non-existent needle in the ever-larger haystack has been a serious detriment to the administration of criminal justice by the states."[11] The question involved in a habeas corpus application is not guilt or innocence of the petitioner and, indeed, that issue is irrelevant to the federal inquiry. Nor is the fact that the evidence in the state case plainly established the guilt of the petitioner a relevant circumstance. On the contrary, the federal court is concerned solely with the malleable nuances of due process that now attach to every step in the criminal process—detection, search, interrogation, confession, arrest, arraignment, trial and appeal.

WHAT IS THE PROBLEM?

If one could believe that the overriding problem of our time is the conviction of innocent persons by the state courts, perhaps these endless review procedures are justified, but it is difficult to believe that this is so. Certainly state procedures are far superior to those of many decades ago when Justice Holmes said in *Kepner* v. *United States*, 195 U.S. 100, 134 (1904): "At the present time in this country there is more danger that criminals will escape justice than that they will be subjected to tyranny."

As the nation wallows in lawlessness, is not the overriding problem the detection and conviction of criminals within the framework of the new attributes of due process, a problem in which most constitutional theorists have no interest?

Under no circumstances should applications for habeas corpus continue to be a standard routine vehicle for collateral attack on and review by federal district courts of the validity of state court judgments. Nor should state prisoners be permitted to bypass reasonable state trial and appellate procedures. Nor should the great writ become a plaything or racket for penitentiary inmates.

CONSIDERATION SHOULD BE GIVEN TO REVISION

Since the Constitution is not a "suicide pact" (to quote Justice Jackson),[12] does not compel judicial anarchy and recognizes that the scope of federal habeas corpus is statutory, consideration should be given to the re-

Footnotes at end of article.

vision of 28 U.S.C. §§ 2243, 2244 and 2254 to make clear:

1. The federal district court may summarily hear and determine the facts only when they have not been determined by the state court in the course of fair proceedings.

2. An application for a writ of habeas corpus should not be granted when the applicant was afforded a fair and adequate opportunity to raise his claim in the course of the proceeding resulting in the judgment, but he elected or failed without justification to do so.

3. An application should not be granted when there exists an adequate and independent nonfederal ground for the judgment of conviction.

4. When the applicant was represented by competent counsel in the proceeding resulting in the judgment, it should be presumed that the applicant had knowledge of his federal claim and his failure to assert it in that proceeding should be deemed an abuse of the writ.

5. The burden of proof should be on an applicant to establish that his failure to raise a newly asserted federal claim in the course of the federal or state court proceeding resulting in the judgment is not an abuse of process.

6. When the court believes that an application may have merit, it should appoint counsel for the applicant, who must include in his application or amended application all federal claims. A subsequent application should be deemed an abuse of the writ.

7. The court should be entitled to consider whether the length of time that has elapsed between the facts complained of and the application, or between a previous application in a court of the United States or of any state under the corrective processes provided by the state and the present application, prevents a fair and reliable inquiry into the issues presented by the application or will prevent reprosecution or correction of the error complained of, and the court in its discretion may determine that the failure of the applicant to make the application within a reasonable time has resulted in an abuse of process.

These recommended changes in the federal habeas corpus statutes are self-explanatory and would seem constitutional because they relate to matters of practice and procedure. If they do not end the surrealist ballet, consideration may then be given to the adoption of the traditional and present practice in England precluding appeals from the denial of habeas corpus applications.

More important than any suggested changes in federal habeas corpus statutes, Congress should establish a judicial conference of the United States and the states, to be composed of the Chief Justice of the United States, the chief judges of the ten federal circuit courts of appeals and the chief justices of ten state supreme courts.[11] At the present time, the state judiciaries, which have the principal responsibility for the maintenance of law and order within their borders and are seriously affected by federal legislation, have no official forum where they may be heard. Such a judicial conference would provide an important place for their voice and the means for needed collaboration between the federal and state judicial systems.

The Judicial Conference of the United States, composed entirely of federal judges, has been able to make signal contributions to federal practice and procedure, but in the field of federal habeas corpus the conference has felt compelled to accept not only the rulings but the dicta of recent Supreme Court opinions relating to habeas corpus practice. The proposed judicial conference of federal and state judges would bring to bear a far broader approach and perspective, and its recommendations might prove beneficial and constructive with respect to the perplexing problems of federal and state judicial relationships.

If such a judicial conference is established, its first order of business should be to review the federal habeas corpus statutes and to make recommendations for amendments.

FOOTNOTES

[1] For example, Darr v. Burford, 339 U. S. 200 (1950).

[2] 25 Record N.Y.C.B.A. 516 (1970).

[3] Stein v. New York, 346 U. S. 156 (1953); Payne v. Arkansas, 356 U. S. 560, 568 note 15 (1958); and Spano v. New York, 360 U. S. 315, 324 (1959).

[4] Sanders v. United States, 373 U. S. 1 (1963). Although this decision involved the interpretation of Section 2255 of the Judicial Code, the principles defined are applicable to federal habeas corpus cases.

[5] Reviser's Note to 28 U.S.C. § 2244, citing H. Rep. 308, 80th Cong. See also, Dorsey v. Gill, 148 F. 2d 857, 862 (D.C. Cir. 1945).

[6] 56 A.B.A.J. 929, 931 (1970).

[7] New Standards for Criminal Justice, 52 A.B.A.J. 431, 434 (1966).

[8] United States ex rel. Rutherford v. Deegan, 406 F. 2d 217, 220 (2d Cir. 1969); Worts v. Dutton, 395 F. 2d 341 (5th Cir. 1968); Hamrie v. Bailey, 386 F. 2d 390, 393 (4th Cir. 1967).

[9] Mayers, Federal Review of State Convictions, 50 Judicature 168 (1967).

[10] Hand, The Spirit of Liberty 113 (3d ed. 1960).

[11] Supra note 2, at 516.

[12] Terminiello v. Chicago, 337 U. S. 1, 37 (1949).

[13] In his state of the judiciary address, supra note 6, Chief Justice Burger recommended a state-federal judicial council in each state and a national judiciary council with equal representation from each branch of government. The local state-federal judicial councils would be important, and the national judiciary council would have no representation from the states.

By Mr. PERCY:

S. 2951. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations. Referred to the Committee on Labor and Public Welfare.

INCREASE IN MAXIMUM TERMS OF OFFICE FOR LOCAL UNION OFFICIALS

Mr. PERCY. Mr. President, I am introducing a measure today which, though exceedingly brief in text, has major importance to millions of labor union members throughout the country.

The measure would amend the Labor-Management Reporting and Disclosure Act of 1959—Landrum-Griffin Act—to increase the maximum term of office for officers of local labor unions from 3 to 5 years. The amendment pertains to only one section of that act. Indeed, the change consists only of one word, substituting "five" for "three."

Title IV of the Landrum-Griffin Act currently requires the election of officers of national labor unions at least once every 5 years, and the election of local officers at least once every 3 years. The bill which I introduce today would result in a parallel tenure for union officers, whether they be national or local. If enacted, this bill would amend section 401(b) of the Landrum-Griffin Act to read as follows:

Every local labor organization shall elect its officers not less often than once every five years by secret ballot among the members in good standing.

Clearly, my bill does not compel local labor unions to adopt longer terms of office for their elected representatives, but grants them the option presently available under Landrum-Griffin to national unions. Landrum-Griffin merely specified an allowable maximum tenure. Unions may and frequently do, through their constitutions and bylaws, provide a tenure of office briefer than the present 5 years allowed for national officials and 3 years for local officials.

A recent report from the Department of Labor indicates that as of 3 years ago, only 25 of the 178 national unions participating in a survey elected officers for the maximum 5-year term. Of the remainder, 56 national unions opted for 4-year terms, 20 for 3-year terms, 59 for 2-year terms, and 16 for 1-year terms. Two unions preferred varying terms for the several elective positions. For the approximately 77,000 local unions in this country, there are, unfortunately, no comparable statistics to indicate how many elect officials for the maximum permissible period of 3 years as compared to briefer terms of office.

The reason for the difference in allowable terms for national and local officials can be traced to the investigatory disclosures into international union affairs in the late 1950's that resulted from the work of the Senate Government Operations Committee. Local union abuses that were documented by its chairman Senator MCCLELLAN included misuse of union funds, padded expense accounts, ballot-stuffing, job referral denials under union hiring halls, intimidation, and actual physical violence. Some local union officials were shown to have received kickbacks from employers in return for "sweetheart" contracts that provided for wages or working conditions below prevailing minimum standards.

The Landrum-Griffin Act proscribed these kinds of activities while attempting to increase the responsiveness of union officials.

Today, instances of alleged irresponsibility in local union affairs are relatively rare. No doubt, this is due in large part to the additional disclosure requirements that are imposed by Landrum-Griffin. Nevertheless, with the wisdom of experience as a guide, I believe that Congress may have overreacted in setting forth the additional statutory requirements of a 3-year maximum tenure for local officials.

The record shows generally responsible leadership on the part of local union officers, and a general lack of corruption in local union elections. For example, during the first decade of experience under Landrum-Griffin, the Secretary of Labor has judicially sought to overturn only 155 of more than 150,000 local union elections, a ratio of about one-tenth of 1 percent. Also noteworthy is the fact that during the past year there were only 78 criminal prosecutions brought against officers for embezzlement of union funds and related violations under the disclosure requirements of Landrum-Griffin. That number similarly represents less than one-tenth of 1 percent of the total number of unions and is almost negligible in the context of the total number of union officials.

Notwithstanding this admirable record on the part of organized labor, I would point out that we have on the books comprehensive legislation which effectively discourages those who would violate the law in the course of their official duties. These safeguards will remain intact irrespective of an increase in the terms of local officers. It is groundless to assume that the 5-year term would encourage abuse.

Our experience under Landrum-Griffin also indicates a very high degree of responsiveness on the part of both national and local union leaders to the peculiar needs of the rank and file membership. Much of the social progress that this country has witnessed over the decade in the areas of civil rights, minority enterprise, occupational safety, consumer protection, and preservation of the environment can be directly traced to enlightened union leadership concerned with long-run goals for the Nation as a whole. Responsible leadership—particularly where secure and, as a result, courageous enough to override the so-called nonnegotiable and emotion-laden outcries of the moment—has been able to persuade the rank and file membership to rethink its more radical positions, soften its demands, and be amenable to compromise. As a result, union leaders whose security is firm have frequently induced the membership to do an about face on makework strategems, racial restrictions, and unrealistic wage demands.

To the contention that a 5-year term will make for less responsive and less effective leadership, I can only say that I do not see any logical correlation between length of tenure and quality of leadership. The history of labor relations following enactment of Landrum-Griffin 12 years ago would appear to repudiate that thesis. The 5-year term has not led to any discernible unresponsiveness or ineffectiveness in union leadership at the national level. I see no reason, therefore, to assume that the 5-year term would lead to unresponsive or ineffective leadership at the local level.

The bill offered today to permit longer terms of office will help to stabilize the positions of local labor leaders. Stability should aid in toning down the sometimes intractable positions of local leadership. That is to say, I am afraid that too short terms almost require union leaders to become more vocal in their demands, more unyielding in their requests—in part to maintain their visibility and retain an aura of toughness and voter appeal amongst the rank and file. As Thomas J. Nayder, president of the Chicago Building Trades Council has testified:

I have been told by many local union officers that the members who actively urge the rejection of contracts recommended by the officers and negotiating committees are those endeavoring to take over the positions of leadership in the local union. With short three year terms of office, the campaigning for positions in the local union goes on throughout the term and contract terms become one of the leading campaign issues. The member who aspires to union leadership follows the technique of promising more and more and urging that responsible contract proposals be turned down. All of this politicking during the three year term has resulted in irresponsibility and has helped put upward pressure on the inflationary trends. A five year term of office would certainly contribute to greater responsibility and reasonableness on the part of local union officers.

Stability can also serve to counter overreaction born of inexperience on the part of union officials. In this regard, Teamsters' President Frank Fitzsimmons has commented that:

Experience under the Landrum-Griffin Bill, which limits the terms of office for a local union officer to three years, has proven to be harmful to labor, its members and also management.

"New officers find themselves in the position of spending a year or perhaps eighteen months becoming proficient in their positions and then are immediately faced with the prospect of standing for election. If this term of office were extended to five years, as in the case of international union officers, I am certain that it would lend a great deal of stability to the entire area of collective bargaining.

Particularly in view of the increasing complexity of labor-management negotiations, local union officials are constantly faced with new and perplexing difficulties to be resolved. They must have and should have a reasonable length of time to become acclimated to union affairs without concern about reelection if they are to represent effectively the rank and file. The 5-year term would facilitate this needed learning period and promote an atmosphere of more purposeful negotiations.

Moreover, permitting local elections to be held only once in 5 years should relieve many unions of needless expenditures of time and moneys which are occasioned by too frequent elections. Where a local union sees a benefit in conducting elections every 5 years, and in so doing elections costs are reduced significantly, I believe that the Federal Government ought not be a stumbling block to progress.

Finally, I would like to point out that the measure I am introducing today is entirely consistent with the recent trend of more enduring collective bargaining agreements. We have moved from a time during the late 1950's when the 1- and 2-year contract was the norm to a time, now, where the 3-year contract predominates—in nearly two-thirds of all collective bargaining situations. Another 6 percent of such contracts are for 4 years or more; while still another 4 percent extend for indefinite terms. These figures, reported by the Department of Labor, apply to contracts negotiated both by national and local unions.

Without doubt, most local unions with contracts of long duration would seek longer collective bargaining agreements if the tenures of their negotiating officials were to be extended. Such long-term agreements promote greater stability in labor-management relations. Similarly, I feel certain that longer tenure for local union officers would afford an increased opportunity for more civility and less dislocation in labor-management negotiations.

Again this amendment to the Landrum-Griffin Act is permissive only. It does not mandate a 5-year term, but merely allows it. The decision is one that will be and should be left to the rank and file. The local members themselves will be free to determine whether a 5-year term, or some lesser term, will be in their own best interest. As a result, they will have a greater voice in the very matter of their own union representation. To a U.S. Senator that holds a 6-year term, a 5-year term for a labor union official should not seem unreasonable.

Mr. President, I ask unanimous consent that the text of my bill to amend the Labor-Management Reporting and Disclosure Act of 1959 be printed in the RECORD at the conclusion of my remarks. I also request that excerpts from the statement of May 11, 1971, of Thomas Nayder, president of the Chicago Building Trades Council, presented to the Special Subcommittee on Labor of the House Committee on Education and Labor, be printed in the RECORD.

There being no objection, the bill and excerpts were ordered to be printed in the RECORD, as follows:

S. 2951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(b) of the Labor-Management Reporting and Disclosure Act of 1959 is amended by striking out "three" and inserting "five."

SEC. 2. The amendment made by the first section shall be applicable with respect to elections held after the date of enactment of this Act.

STATEMENT OF THOMAS NAYDER, PRESIDENT, CHICAGO BUILDING TRADES COUNCIL

Just briefly, I would like to go into the background of the Labor-Management Reporting and Disclosure Act, commonly known as the Landrum-Griffin Act, so that a better understanding may be had of the rationale behind the original proposition that local union officers should only hold office for a term of three years.

The Act came into being on September 14, 1959, as a result of investigations and hearings conducted by a Senate Committee known as the McClellan Committee. This Committee came to certain conclusions which, in my opinion, were not founded in fact and did not relate to the great majority of labor organizations, but which nonetheless resulted in the enactment of certain rather hastily conceived legislation. The Committee, in its first interim report issued in March 1958, found that there was a significant lack of democratic procedures in the unions studied and stated that constitutions had been preverted or ignored, one-man dictatorships thrived and there was fear and intimidation. The Committee did not indicate in any manner how extensive this was, or whether as later facts indicated, these allegations related only to a few labor organizations. A subsequent statement by the Committee in House Committee Report No. 741, said in part:

"Some trade unions have acquired bureaucratic tendencies and characteristics. The relationship of the leaders of such unions to their members has in some instances become impersonal and autocratic. In some cases men who have acquired positions of power and responsibility within unions have abused their power and forsaken their responsibilities to the membership and to the public."

XUM

This, then, was the rationale for severely limiting an incumbent's term of office in a local union.

There has now been a twelve-year experience under the Landrum-Griffin Act and it has become readily apparent that what was such a great cause of concern in 1959, namely, wide-spread corruption and denial of rights to membership, was not in fact a reality. On the contrary, it has, it seems to me, become clear that in the main, union leadership is responsible and concerned with the interests of the members. In addition it has become remarkably clear that in many cases the union leadership is more responsive and more concerned with the rights of the general public than the individual members of a particular bargaining unit may be.

The past twelve years have demonstrated that because of the constant pressure of remaining in office or obtaining reelection to office, union leaders have been placed in a position where they may no longer lead, but instead, have been forced to go along with what is oftentimes a raucous and unreasoning minority in a given bargaining situation. Thus, through fear of losing votes; through the knowledge that a new election is always just around the corner; union leaders have been forced to bow to demands for strikes, to claims for unusual concessions in collective bargaining agreements and to yielding on matters which properly should be handled by the leaders and not by the entire membership.

The Landrum-Griffin Act forced requirements upon union officials which are far more onerous than those borne by members of this Congress, for instance. Thus, they are required to post bonds, they are precluded from holding office for a variety of reasons, they are under constant scrutiny. I am not saying that this is wrong, I am merely indicating that the House of Labor is certainly one of the best kept and responsible houses to be found in this great Nation.

The question must inevitably arise, why should officials be seeking five-year terms instead of three, when members of the House must stand for election every two years. There is a difference I submit between the two situations. The House of Representatives is intended to be compromised of individuals, each of whom is representing certain small districts of constituents or special interest groups. But, in addition to the House, we have our elected Executive Officers and we have the Senate, with six-year terms of office.

There are, in other words, different responsibilities to different constituencies. The same is true of a labor leader. It is his duty to represent all of the members. As such, he is an executive; he is required to exercise leadership; he must do more than merely prepare the laws and contracts, he must implement them. In so doing, he is placed in a position where his ability to act should be as unimpaired as that of a public executive or the head of a corporation. This redounds both to the benefit of the membership and the general public. In addition, I believe that management will be quite pleased to deal with an individual who can effectively speak for the membership, rather than dealing only with uncertainty.

To conclude, the fears of the 50's were unfounded; the need of the 70's for responsible union leadership is great and can be to a large extent satisfied by extending the term of office for local executives to five years.

It is my experience in Illinois that there is a direct correlation between the three-year term of office and irresponsibility on the part of the membership and the shooting down of contract proposals recommended by the leadership. I have been told by many local union officers that the members who actively urge the rejection of contracts recommended by the officers and negotiating committees are those endeavoring to take over the positions of leadership in the local union. With short three year terms of offices, the campaigning for positions in the local union goes on throughout the term and contract terms become one of the leading campaign issues. The member who aspires to union leadership follows the technique of promising more and more and urging that responsible contract proposals be turned down. All of this politicking during the three year term has resulted in irresponsibility and has helped put upward pressure on the inflationary trends. A five year term of office would certainly contribute to greater responsibility and reasonableness on the part of local union officers

SENATE RESOLUTION 207—SUBMISSION OF A RESOLUTION RELATING TO THE THREAT TO PEACE IN SOUTH ASIA

(Referred to the Committee on Foreign Relations.)

Mr. HARRIS. Mr. President, the chapter of this administration's foreign policy historians are most likely to remember probably is being written this week in South Asia. Long after the press blitz about the President's trip to the Great Wall is forgotten, people will recall that in the last months of 1971 the Nixon administration stood by while an international disaster occurred which was totally unnecessary had commonsense and national interest been heeded.

For months both the friends and critics of this administration have pointed out that the new crisis center of danger to world peace was now South Asia. They warned that America's whole political future in Asia now hangs in the balance. For by our totally indefensible policy we have managed to offend both parties to the conflict. We offended Pakistan by not doing enough to aid it in its hour of need, for we could not without outraging our own people. Yet we also insulted India by our total disregard for its appeals that we at least halt military shipments to a Pakistani Army slaughtering innocent victims in East Pakistan.

In April, I called for an end to economic and military assistance to Pakistan. I discussed that view in very strong terms with Assistant Secretary of State Sisco, personally, all to no avail.

All in all, it was a remarkable performance. In defiance of national interest, pleas of allies and dictates of commonsense, this administration methodically continued a bankrupt, immoral policy until yesterday the ultimate reality—full scale war between India and Pakistan—struck. Only at the last possible minute did the United States act to halt the further delivery of arms to Pakistan. And then as if to provide a belated and spiteful balance to its policy, this week it announced that it would no longer continue military shipments to India, which long ago owing to American folly had turned to the Soviet Union as its main arms supplier.

Mr. President, the record of the past several months proves one thing. Supposed grasp of grand strategy is no substitute for commonsense and compassion. Dr. Kissinger is acknowledged to be a brilliant man and President Nixon asks to be remembered for his accomplishments in foreign policy. But while the President and his advisers have spent weeks worrying about the protocol of a symbolic trip to Peking, they apparently could not spare the time to understand the human drama unfolding in South Asia. And I believe that however symbolic that trip—which I myself approve—its results can scarcely offset the tragic setback for our nation and world peace which his administration's neglect of the India-Pakistan crisis has brought about. If the President had to visit China because some 750 million people live there, by similar reasoning he should not ignore South Asia since 690 million live in that region.

But now that war has broken out, what is to be done? Now that the mistake has been made and a whole generation of Indians and Pakistanis taught to mistrust us?

I say, let us begin with at last grappling with the realities of the crisis.

The first reality is that Pakistan in its previous form is dead. The date of death is not precise but it occurred sometime this summer as Pakistan continued on with the bloody suppression of the East, driven by its own intransigence and by the unwise counsel of friends like Communist China and the United States.

But the second reality is that Pakistan's separate parts continue to live. It may still not be clear how these two parts will evolve. They may move on to separate and independent status. Or despite rivers of blood, they may yet be able to come together under a new form of association which at last grants the East the freedom and self-determination it has sought for so many years.

My personal opinion is that an independent Bangla Desh is inevitable. But Pakistan should be given a last, peaceful chance to return to its former status of potential greatness.

The third reality in South Asia is that the cause of peace is not served by the international conspiracy to avoid U.N. involvement in this crisis. There is always one virtue of public debate. It places nations in a position where they must defend policies that in the full glare of publicity may prove to be indefensible.

By the international agreement to silence on the India-Pakistan crisis, it is safe to say that the conduct of virtually every interested party has been worse than it otherwise would have been.

Had the Security Council taken up the crisis at an early date, Pakistan would have been forced to defend large-scale crimes.

Had the U.N. debated this issue early, India—for which otherwise one has only sympathy—could not have continued so easily its seemingly callous game of exploiting the tragedy to weaken its hated opponent.

Had the United Nations seized the initiative, Communist China would have been compelled to explain how it squared its well-publicized support for the impoverished masses of the world with a policy of backing the brutal suppression of East Pakistan.

Had the world body demanded a public accounting, the United States and the Soviet Union would have been under an obligation to defend their immoral decision to continue big power politics as usual in the face of one of the greatest human tragedies of this century or any other.

Mr. President, writing in his diary of the Kennedy years and our policy in Vietnam and elsewhere, a great American, Chester Bowles, noted his fears that officials who downgrade morality in politics may find themselves without a directional compass in a period of fast-breaking events. In such a situation, information is always partial so that one is forced to take action at least in part on the basis of moral principle or political instinct. And he worried that the devotees of power politics, whose political instincts told them that considerations of morality were irrelevant, would lose their way.

Nowhere is Ambassador Bowles' observation more relevant than with regard to American policy toward this crisis. Both the President and his trusted advisers these past months have retreated to the clouds of global strategy while the human reality was millions in flight and hundreds of thousands dead.

As decent men, and I know they are, they should have listened to what their own moral sense told them. But they did not. And now they have brought lasting discredit on themselves and on the American Nation. They have indirectly permitted U.S. participation in one of the worst crimes of this century and they have not achieved peace. Instead they have helped to bring on a war, whose ultimate course no one in this Chamber can predict.

I am a strong believer, however, in the view that it is never too late to do right. Let us at last take this issue to the U.N. Security Council, as I and others urged weeks ago. There, all the interested great powers are now able to participate for the first time in the postwar period.

Without ruling on the merits of an independent Bangla Desh, let us call for its representatives to participate. On this score we simply must not allow events again to overtake us with tragic consequences for ourselves and the people directly involved in the conflict.

Finally, let us force everyone, ourselves included, to be honest about the bankrupt policies we have all been following.

Today, Mr. President, I am submitting a resolution, with Senators BAYH, CRANSTON, HART, HATFIELD, HUMPHREY, MCGOVERN, MONDALE, TUNNEY, and WILLIAMS, which would declare it to be the sense of the Senate that the United States follow precisely this course.

I ask unanimous consent that this resolution be printed in the RECORD at this point. I also ask unanimous consent that a letter which I and several other Senators sent to the President on November 24 on this subject be printed in the RECORD.

Mr. President, it is time that Members of this body and of the administration speak for the conscience of America in this hour of crisis.

There being no objection, the resolution and letter were ordered to be printed in the RECORD, as follows:

S. RES. 207

Whereas a full scale war between the Governments of India and Pakistan has developed out of the current hostilities on the sub-continent; and

Whereas a prolonged conflict between those two populous countries would be a major disaster for world peace and could involve outside powers; and

Whereas an immediate exchange of views in the Security Council by parties directly or indirectly involved in the menacing conflict in South Asia could improve the prospects for peace in that area; and

Whereas the continued political and military struggle in East Pakistan demonstrates that a state of civil war exists in that region; and

Whereas in the Security Council deliberations all parties to the conflict should be represented; and

Whereas the People's Republic of China, the Union of Soviet Socialist Republics and the United States of America are all gravely concerned at the heightening tension in South Asia: Now therefore be it

Resolved, That it is the sense of the Senate that (a) the United States delegation at the United Nations should propose the formal inscription on the agenda of the Security Council of an item entitled "The Threat to Peace in South Asia";

(b) the United States Delegation should at the same time call for an emergency session of the Security Council on this subject at the earliest possible date;

(c) the United States delegation should propose the formal participation in the Security Council debate of representatives of the Bangla Desh, and

(d) although the first order of business for the Security Council must be the cessation of hostilities between India and Pakistan, the United States delegation should press for rapid Security Council consideration of steps including the negotiated release of Sheik Mjuibur Rahman which will permit the vast majority of East Pakistani refugees now in India to return to their homes in East Pakistan in the very near future.

THE PRESIDENT,
The White House,
Washington, D.C.

The pending war between India and Pakistan may be the greatest threat to world peace since World War II. For not only would a war between these two states involve two enormous population masses, untold casualties and a possible religious and communal war; but there would also be grave danger that concerned outside powers—in particular China, the Soviet Union and the United States—might at some point be dragged in.

We, the undersigned Members of the Senate, strongly believe the world can no longer wait for conventional diplomatic discussions leading to an end to this menace to world peace. Both the powers directly involved, India and Pakistan, and those major powers indirectly involved must participate. And there is only one body where these discussions can be held rapidly and without loss of face for the parties concerned. That body is the United Nations Security Council.

Because the root cause of the conflict between India and Pakistan is the continued suppression of popular will in East Pakistan, the resulting flow of millions of refugees into India and the enormous burden which this had placed on that nation, we also believe that the Security Council should invite for participation representatives of Bangla Desh.

With these points in mind, we respectfully urge you to instruct the U.S. delegation at the United Nations formally to inscribe the item "the threat to peace in South Asia" on the agenda of the United Nations Security Council and at the same time to call for an emergency session of the Security Council on this subject.

The first order of business in the Security Council debate necessarily must be cessation of hostilities between India and Pakistan. But because the refugee problem lies at the heart of the tension between the two countries, we also urge the U.S. delegation immediately to press for rapid Security Council consideration of measures which will permit the vast majority of these refugees to return to their homes in East Pakistan in the very near future.

A war involving India, Pakistan and the three major powers concerned would affect more than 50 percent of the entire population of the globe. Whatever one's views on the likelihood of this possibility, the magnitude of such a catastrophe is so awesome that we firmly believe the United States must leave no door to peace untried at this crucial moment.

Walter F. Moudale, Bob Packwood, Frank E. Moss, Lee Metcalf, Birch Bayh, Philip A. Hart, Fred R. Harris, Alan Cranston, William Proxmire, John V. Tunney, Hubert H. Humphrey,

U.S. Senators.

ADDITIONAL STATEMENTS

CAMPAIGN REFORM BILL

Mr. SCOTT. Mr. President, barring any unforeseen roadblock, Congress, next week, will send to the President, for his approval, the most sweeping campaign reform bill in history. The Washington Evening Star of today, December 3, 1971, has published an excellent editorial which points up some of the differences between the Senate and House bills, in addition to the key factors which ought to be kept in mind. I commend this editorial to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Dec. 3, 1971]

PROGRESS IN CAMPAIGN REFORM

Congress, in shaping two separate pieces of legislation to reform campaign spending and to finance publicly presidential campaigns, is doing itself proud. Neither of these measures is perfect. But they are very good measures. And the way now appears clear to get them in final form and to the President well before the current session ends.

It would be difficult to overstate the significance of this legislation. As the costs of campaigning for office have soared over the years, so has the influence of the dollar and the wealthy contributor. Past efforts to control the trend have been feeble, and it is probably no mere coincidence that, as all the polls reveal, public trust in politics and politicians has been diminishing steadily. And so what is at stake is the integrity of our democratic electoral process.

Of the two proposals, by far the most controversial is the idea of financing presidential campaigns through an income tax checkoff. Although basically a good idea, its hurried introduction as an amendment to the President's tax-cut bill was a transparent move by Senate Democrats to alleviate their current money problems. As we said at the time, if the proposal had to come up now, far better that it stipulate an effective date after the 1972 campaign. Unlikely as it seemed, that's exactly what the Senate-House tax-bill conferees have approved—a 1976 effective date. By one stroke, they have removed a major source of partisan dissension from the measure. And though Democratic Chairman Larry O'Brien must be in tears with evaporation of a potential $20.4 million 1972

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campaign kitty, that compromise should remove the threat of a presidential veto or a series of poisonous court tests early next year.

The plan does leave some uncertainties. Besides the postponement, the conferees decided only to authorize payment in presidential candidates instead of automatically appropriating the money. This may have been done to make the plan more legally sound, but it opens the door to congressional blockage through refusal to appropriate money, every four years. It's something for Congress to wrestle with at a later date. Certainly it will have the time.

On the campaign-spending front, the House bill approved so overwhelmingly is very close in its particulars to one the Senate passed in August. Both seek to establish a balanced set of limits that will hold down campaign costs and reveal more of the sources of political contributions. They would for the first time set ceilings on what candidates for national office can spend on communications and advertising. And they would create a mandatory national requirement for public reporting of campaign money contributed and spent.

Two changes the House made in the Senate bill deserve comment. One would require financial reports to be filed with congressional employes or the Comptroller General rather than with a new, bipartisan Federal Elections Commission. This represents a weakening of the disclosure provisions and should be reversed in conference committee. The second change, more difficult to judge, would place mass mailing and telephone campaigning costs under the spending ceiling. On the surface, that makes sense. But those two campaigning techniques, unlike radio and television advertising, will be terribly difficult, perhaps impossible, to police. And what Congress should want to avoid is legislating regulations that are unenforceable and thus go ignored.

That last dilemma points up the essential problem in reform efforts like this. What is desirable isn't always attainable. Trying to fashion completely airtight rules runs the risk of backfire. The congressmen know all this, of course. If there's any subject on which all of them are expert, it's campaign financing and spending, and which limits might work and which can be circumvented. Their goal, then, should be the cleanest, most workable alternative possible to the current unregulated mess, one that curbs the worst excesses and sheds a maximum of light on the process. It's a goal that appears within reach.

PRESIDENT'S ADDRESS TO WHITE HOUSE CONFERENCE ON AGING DELEGATES

Mr. CHURCH. Mr. President, the President of the United States issued an important message to the delegates at the White House Conference on Aging. He outlined the administration's strategy for the Nation's elderly.

In many ways, these proposals represent a step forward. For example, the President recommended that funding for the Older Americans Act be substantially increased next year. He also indicated that he will propose reforms for our private pension system—including extension of coverage, vesting, and safeguards to help assure that pension funds are soundly managed.

However, even a preliminary analysis reveals that the President's statement lags far behind recommendations made by the conference participants on a number of key fronts. Today, I shall focus on only one of these fronts.

This concerns more adequate income for the aged—their No. 1 problem. Particularly disappointing was the President's failure to urge an earlier and higher social security raise than proposed under H.R. 1. That bill provides for a 5-percent increase, but it would not go into effect until June 1972.

Yet the elderly poor have increased in numbers by nearly 100,000 during the past 2 years. For this important reason, I believe that a more substantial increase—as outlined in my social security-welfare reform proposal, S. 1645—should be adopted. Briefly, this measure would authorize benefit raises averaging about 15 percent for all social security recipients, but they would be weighted to provide larger increases for persons who need them the most—individuals who now receive inadequate payments because of low lifetime earnings.

At a later date, I shall focus on other key issues in the Nixon statement.

Mr. President, I commend the President's aging message and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE WHITE HOUSE CONFERENCE ON AGING, WASHINGTON, D.C.

Many of you have made a very important pledge this morning, a very specific commitment to action in the post-Conference year. I have come here this morning to join you in that pledge.

This means I will give close personal consideration to the recommendations of this Conference. I have asked Dr. Flemming to stay on—not only as Chairman of this Conference in the follow-up period, but also as my special consultant on aging so that I can take up these matters personally with him, as well as with John Martin, my Special Assistant on Aging. I will put your recommendations at the top of the agenda of our Cabinet-level Committee on Aging—which is chaired by Secretary Richardson and on which Dr. Flemming also plays a leading role. And finally, I have asked Dr. Flemming to create a post-Conference board to act as your agent in following up on your proposals.

When matters that affect the interests of older Americans are being discussed, I am determined that the voice of older Americans will be heard.

As we consider your suggestions, we will be guided by this conviction: any action which enhances the dignity of older Americans enhances the dignity of all Americans. For unless the American dream comes true for our older generation, it cannot be complete for any generation.

This is true, first, because we all grow old. The younger generation today will be the older generation tomorrow. But more than that, the entire Nation has a high stake in a better life for its older citizens simply because it needs them. It needs the resources which they alone can offer.

We are speaking, after all, of a proven generation, one that has brought this country through the most turbulent period in human history. Its skills, its wisdom, its values, its faith—these are among the most valuable resources this Nation possesses.

This country will have to be at its best if we are to meet the challenge of competition in the world in the 1970s. And we cannot be at our best if we keep our most experienced players on the bench.

Yet in recent years a gulf has been opening between older Americans and the rest of our people. This gulf is the product, in large measure, of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

We must change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let me begin where most of you begin: with the problem of inadequate income. If we move on this front, all the other battles will be easier. If we fail to move here, the other battles will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill which is known as H.R. 1—and approve it without delay. For this legislation would revolutionize our whole approach to income problems among the elderly.

For the first time in our history, it would put a national floor under the annual income of every older American. For the first time in our history, it would make social security benefits inflation-proof.

It would also allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. And I hope the Congress will also include in H.R. 1 my proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

H.R. 1—as it now stands—would provide some 5½ billion dollars in additional Federal benefits to older Americans: 3 billion dollars in increased social security benefits, and—when it is fully effective—another 2.5 billion dollars in new benefits to persons with lower incomes. My proposal to elliminate the monthly Medicare fee would enrich this 5.5 billion dollar package by an additional 1.4 billion dollars—the equivalent of an additional 5 percent increase in social security.

As we work to increase Federal benefits for older Americans, we must also work to reduce the pressure of taxes. We are therefore supporting a series of tax reform proposals which would enable a single person age 65 or older to receive up to $5,100 of tax-free income. A married couple, both of whom are 65 or older, could receive over $8,000 in tax-free income if these changes take effect.

However, one of the most onercus of all taxes for older Americans is largely unrelated income. I refer, of course, to the property tax—which keeps going right on up, even when an older person's income is going down. In fact, property tax collections have increased by some 40 percent in the last five years alone.

Nearly 70 percent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving. And yet because of property taxes, the same home which has been a symbol of their independence often becomes a cause of their impoverishment.

Even older persons who rent their homes often bear an unfair burden, since property tax increases are often passed along in the form of higher rents. And the inequity of the property tax is often all the greater because it takes money from those who have already educated their own children and uses it largely for the education of others.

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders, full of hope and pride. And over the years that followed they made their dreams come true.

But today—many years later—things have changed, so much so that Mrs. Ewing begins her letter by asking, "Was it just an empty dream after all?" Her father—at 73—is too ill and tired to work. His family is grown and scattered. And to meet his real estate tax he is now being forced to sell the property for

which he worked so hard and so long. "If this is really the country I grew up believing it to be," Mrs. Ewing continues, "these inhumane tax laws must be changed. . . ."

I agree. We need a complete overhaul of our property taxes and of our whole system for financing public education. Our revenue sharing program can help relieve the pressure on property taxes and older Americans have a large stake in its enactment. But additional reform is also needed.

I am therefore preparing specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. It is clear that these remedies will involve large sums of money. We are prepared, however, to make the hard decisions we will have to make. The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

A second major problem affecting the income of older persons is the inadequacy of private pension plans.

I will therefore propose to the Congress a new program to reform our private pension system. This program will include measures designed to expand pension coverage and to ensure that pension funds are soundly and honestly managed. I will also recommend new laws to require the vesting of pensions—to ensure that the benefits which accumulate in a person's working years are paid to him when he is older.

Lately, of course, we have been giving high priority to another effort that has special meaning for older Americans: the drive to curb the rise in the cost of living. When wages and prices rise unreasonably for the few, the result is an unreasonable decline in the purchasing power of the many. By holding wage increases to reasonable levels for those who are working, we will help to protect the incomes of those who are retired.

I have appreciated the support that older Americans have given to this effort—and I am determined that as we achieve our new prosperity, it will be a new prosperity without inflation, and therefore without the hidden tax that hits so cruelly at those on fixed incomes.

As the income position of older Americans improves, so will their ability to cope with many of the other problems you have been discussing. But even with higher income, many older persons will still face problems beyond their individual control.

Take the one million Americans who live in nursing homes, for example. Many of them—like my 91-year-old aunt in California—receive excellent care in pleasant surroundings. But many do not—and there is little they can do about it. This is why I announced last summer an 8-point program for improving our Nation's nursing homes and for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes. But we will not hesitate to cut off funds from homes which are hopelessly substandard. Furthermore, we will take the initiative in making sure that public and private resources are available to provide alternative arrangements for the victims of such homes.

But nursing homes are only one part of the picture. The greatest need is to help more older Americans to go on living in their own homes. Income programs and tax reforms can help us achieve this objective. And so can a number of additional decisions which we already have made.

We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly.

We have made two additional administrative decisions which will also help older Americans to remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominium apartments and retirement communities. The second will require that Federal grants which provide services for older persons also provide for the transportation they need to take advantage of these services.

Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis. I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that additional 50,000 volunteers can be involved. I will request that the Foster Grandparents program be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under this program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income.

Older persons can be proud of how well they have made all these programs work in recent years. These decisions mean they will now be able to work in more places and for more people.

I have spoken this morning about some of the immediate steps I am taking as a part of my commitment to action. We are proud of these initiatives—but we are not content to rest on them. Instead, we want to build on them. That is why I have outlined a mechanism for following up on this Conference—one which will allow us to take the fullest advantage of the excellent work which you have done.

Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

As you know, these proposals involve very difficult budgetary problems for the Government.

However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this Conference—a message which must now be heard in every community in this land.

The message is simply this: We need a new national attitude toward aging in this country—one which fully recognizes what America must do for its older citizens, and one which fully appreciates what our older citizens can do for America.

Only a new national attitude toward aging can end the "throw away psychology" which, I understand, was so graphically demonstrated in the film you saw last Sunday night. Only a new attitude toward aging can reopen the doors of opportunity which have too often been closed on older men and women. And—to borrow another phrase from your multi-media presentation—only a new attitude toward aging can keep older Americans from "slipping through the cracks."

We are entering a period when people will be retiring even earlier from their regular jobs—and when it will therefore be more important than ever to recognize that retirement from work does not mean retirement from life. This concept must be at the heart of our new national attitude toward aging.

A few months ago I met with a remarkable man by the name of George Black. For more than eighty years, Mr. Black has been making bricks by hand in Winston-Salem, North Carolina. George Black is 93 years old—but this does not mean that his productive days are over.

Recently our Government sent George Black to the country of Guyana in South America, so that he could share his skills with people in that land. When he was asked about his trip, Mr. Black made this comment: "I have always asked the Lord," he said "to let my last days be my best days. I feel like he's answering my prayers."

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them—as for him—its answer depends not only on what they are given but on what they continue to give.

Older Americans have much to give to their country. The best thing this country can give to them is the chance to be a part of it—a chance to play a continuing role in the great American adventure.

In a real sense, this Conference is just beginning. For all of us are going home with promises to keep. As we keep those promises—as we fulfill our commitments to action—we will make this Conference the great New Beginning you have talked about this week. And we will help make the last days the best days for all of our countrymen.

QUALITY HEALTH CARE FOR RURAL AMERICA

Mr. HUMPHREY. Mr. President, a major aspect of bringing parity to rural American is improvement in health and medical facilities and services. Good health and medical care is essential to successful rural development.

I have just read the publication of a most informative and encouraging research study of rural hospitals, written by Dr. Neville J. G. Doherty, assistant professor of health care economics at the University of Connecticut Health Center. The study was published last week by the U.S. Department of Agriculture, Economic Research Service.

The report indicates that high quality health service can be brought to rural people through relatively small rural hospitals organized in a district network through local effort with the assistance of Federal programs.

I ask unanimous consent that the abstract, preface, and summary of this report on hospitals in rural Michigan be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

QUALITY HEALTH CARE FOR RURAL AMERICA

ABSTRACT

A composite method is developed and used for regional analysis of the distribution and efficiency of general hospitals. The study area is the Grand Traverse Region, an eight-county rural area in Michigan. The region had approximately the correct number of hospital beds to handle current and expected needs. Average costs were constant, indicating no economies of scale. Lower short-run costs than in comparable hospitals elsewhere indicated relatively productive techniques. Greater rates of use of the larger hospitals indicated that patients discounted the higher prices of larger hospitals by implicit evaluations of the higher quality of care and number of services they offered.

Key words: Health facilities, rural health, multicounty area, regional planning, Michigan.

PREFACE

The problem of rurality, poverty, and health is a circular one. In rural areas, incomes are generally lower and medical services generally poorer and less accessible than in urban areas. At the same time, the incidence of chronic illness, which limits work activity and thus reduces income, increases with both rurality and low-family income. Farmers in general experience a high rate of this type of illness. Also, the shortage of emergency services in rural areas is a definite contribution to the very high accident fatality rate in farming

Quantitative and qualitative factors intensify the rural health care problem. Low incomes and sparse populations prevent rural areas from competing effectively in the medical marketplace; consequently, deficiencies exist in both the quantity and quality of rural-located medical personnel and facilities. Although general practitioners are evenly distributed by population density throughout the country, areas of high population density and high household incomes attract more specialists and hospital-based physicians. As a result, rural people often do not get the quality of care available in urban areas.

Thus, in terms of both need for medical care and availability of medical services, the rural poor are often deprived of even minimally adequate health care. Programs are underway or being planned that will help solve the problem. They include increasing the supply of services, reorganizing existing services and developing new ones on the basis of regional needs, and removing income and other barriers which impede the ability of the poor to obtain medical care. These efforts are based on a concern for the plight of disadvantaged Americans and an awareness that all Americans should have the opportunity to receive good health care.

To contribute to the search for solutions to inadequate medical care in rural areas, this report presents methods to measure efficiency in the distribution, costs, and utilization of hospital services. The methods are applied to general hospitals in an eight-county, rural-oriented area in the northwestern part of Michigan's lower peninsula.

SUMMARY

General hospitals in Michigan's Grand Traverse Region operated as a reasonably efficient group in 1967, according to measurements of the distribution of their services and their costs and utilization.

The rural region's seven general hospitals had approximately the correct number of beds to handle current and expected needs at the minimum investment. To test the adequacy of bed numbers in terms of both service output and efficiency, actual 1967 numbers and hospital occupancy rates were compared with the number of beds that would be available under two alternative organizational structures. The alternatives considered the hospitals to be: (1) organized as seven autonomous units, each serving its own patients' needs, and (2) a group of fully cooperative hospitals fulfilling the function of one large hospital serving the entire region.

In addition, an appraisal was made of the subregional distribution of beds among four hospital service areas delineated in the 1968 Michigan State Plan for Hospital and Medical Facilities Construction. Although in some areas of the region, additional beds are needed to fulfill projected 1973 requirements, these needs can probably be met with existing facilities, provided there is sufficient cooperation among the hospitals.

A limited analysis of the hospitals' long-run average costs suggested that these costs were constant and equal to marginal costs. There seemed, therefore, no reason for concluding that fewer but larger facilities would provide services more economically than the existing hospitals.

Compared with average short-run costs in similar hospitals elsewhere, such costs in the region's hospitals were lower, indicating relatively efficient techniques. In 1967, the region's hospitals had approximately the same ratio of personnel to patients and the same length of patient stay as did hospitals in all of Michigan and the United States; but in the region, average costs, payroll per patient day, and average employee salaries were lower.

Finally, it was indicated that some of the higher total costs in the region's larger hospitals can be attributed to their ability to offer more and better services than do the smaller hospitals. This indication appears to be recognized by patients and doctors in the region because hospital occupancy rates increase with hospital size. Nevertheless, the smaller hospitals, by virtue of their geographic distribution and lower costs, were especially advantageous to the region's rural population.

A POEM ON ENVIRONMENT

Mr. ERVIN. Mr. President, my constituent Mr. Hamp Carter, of Walnut Cove, N.C., has written a poem on the environment entitled "America Bruised and Battered."

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

AMERICA BRUISED AND BATTERED

I was once America The Beautiful
The land of the brave and the free
But now friends take a look around you
And see what you're doing to me.

You spray me with your poisons
Kill the little fishes in my streams
Take away my vegetation
With your great big ugly machines.

Now I lie here bruised and battered
Beneath a dirty smoke-filled sky
Knowing man must help me soon
Or we both shall surely die.

Tho' man has treated me badly
I still believe man is my friend
So, come friend and help me
Become America The Beautiful again.

OLDER AMERICANS AND THE WHITE HOUSE CONFERENCE ON AGING

Mr. CHURCH. Mr. President, the White House Conference on Aging is now concluded.

Among the many articles published about subjects that received attention at the conference was an editorial published in the Washington Post of November 27. The editorial draws upon recent reports by the Senate Special Committee on Aging, and it makes the point that action is needed within the next few months, not at some distant date. As the Post points out:

Time is what the aged do not have.

Even while calling for action, however, the Post also recognizes that the root cause of many of the problems affecting the elderly may be a widespread negative attitude toward aging in the United States.

Mr. Colman McCarthy, a member of the Post editorial board, has written perceptively in the past on issues related to aging. In his article of November 28 Mr. McCarthy asks, "Why are the Old Put on Shelves?" He questions "a value system that plays down filial respect while playing up much that is passing and cheap."

Mr. President, I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 27, 1971]

THE WHITE HOUSE CONFERENCE ON AGING

Three White House Conferences have been held to date by the Nixon administration—on hunger in 1969, on children in 1970 and on youth in 1971. A fourth conference, on aging, begins its working sessions Monday. Some 3,400 delegates are scheduled to attend the meetings, discussions and debates that will last through Thursday. The reports of the three earlier conferences are now tucked away on quiet shelves, proverbial trees that fell unheard in a forest. Yet, 3,400 people would not be gathering here if they didn't share some feeling of hope that life for the nation's 20 million over-65 citizens can be improved.

What this life is often like, if the brush of statistics can adequately paint a detailed picture of frustration and anguish, is clear. Older people comprise 10 per cent of the U.S. population—but 20 per cent of all poverty victims. Thirty-three per cent of their personal income goes for housing, while younger citizens spend 23 per cent. They account for 25 per cent of annual admissions to mental hospitals. Elderly homeowners—two-thirds of all older persons—often live on steady incomes while unsteady tax rates soar. In 1970, Medicare met only 43 per cent of aged people's health bill, down from 45 per cent the year before. Some 24,000 nursing homes care for one million elderly, but as Representative David Pryor (D-Ark.) has reported, many are highly commercialized and dehumanizing.

Few of these facts are new to the delegates meeting here this week or to anyone who has been following the useful work of the Senate Special Committee on Aging. Its chairman, Senator Frank Church of Idaho, has stated: "I think there is no country, that has the means as we do, that has done as badly in providing for the elderly as we have here in the United States. This is one of the greatest travesties, I think, of the contemporary American way. It's one of the most conspicuous of our failures. We have our successes, we have much to be proud of in this country, but this treatment of the elderly is something that we ought by right, to be ashamed of, and I think that's why it cries out so for attention."

Getting the federal government to do more for the elderly will be extremely difficult in the years ahead but not impossible. Politically, the old have strength, even though attention is now on the youth vote. Business Week magazine, for example, points out that in Florida "older voters were the deciding factor in electing two political unknowns to major office: Democrat Lawton M. Chiles Jr., to the U.S. Senate and Reuben Askew to the governorship." Nationally, the old account for 17 per cent of the voting population.

Perhaps the most hopeful sign of this week's conference is that so many of the elderly themselves—both in Washington now and in their home communities—are eager to be involved in followup work that is fruitful. Time is what the aged do not have. As Dr. Flemming observed: "We are constantly saying, well, if we do some planning now, some years from now it may be possible for us to deal with a particular issue. But those who are elderly now haven't got the slightest interest in that kind of talk. My hope is that we see coming out of the conference action programs that can be implemented within 15 months . . ."

[From the Washington Post, Nov. 28, 1971]

HUMAN OBSOLESCENCE: WHY ARE THE OLD PUT ON SHELVES?

(By Colman McCarthy)

Everyone wants to live a long life, but there is one trouble—you have to grow old to do it. For many of America's 20 million citizens who make it past 65, the trouble is hardly worth it. Unless you are rich or have especially devoted children, chances are that old age may be a time of anguish, loneliness and sadness, worse for some than others. Perhaps the greatest torture of being old is that one must go about it surrounded by products and services that are ever new and ever fresh. Last year's model, last year's fashion, last year's wardrobe—this feverish custom of discarding what in many cases is only sightly old leads naturally to a throwaway mentality. Thus, easily put out of sight and out of mind are last year's people, the old.

The White House Conference on Aging, beginning today and running through the week, will likely have much to say on the cruel ways in which old people are neglected by the government and by institutions. But this running tragedy is not so much a planned horror as it is a reflection of a deep-set attitude. Along with racism and sexism, there is now "oldism," an intolerance of people too slow, too wrinkled and too tired for the American pace. Dr. Robert Butler, a Washington psychiatrist and one of the few in the country who practices "life-cycle therapy," believes a strong feeling exists "of not wanting to have all these ugly old people around."

How has this happened? Since abandoning another human being is not a natural instinct, the reason may be cultural. It is regularly pointed out, to the point of fatigue, that America is obsessed with the young, a fudge of idolatrous concern that thickens with each new fad. But saying the country is over-fascinated with a youth cult is only part of it, and even then it is inaccurate; if we care so much about kids, why must educators constantly beg for money, why are school lunch programs left unfunded, why are stores allowed to sell flammable sleepwear for children? The deeper cultural reality that allows the old to be the nation's resident castoffs is that American values have been largely shaped by both the Calvinist mystique of achievement and the American frontier notion of self-reliant individualism. These two creeds naturally exclude the elderly because old men and old women are seen as no longer achieving and no longer self-reliant. They are non-producers who should be stripped of their "we try harder" buttons; after that, what else can be done but stash them on a shelf? As Dr. Robert Butler has noted, "Our society serves the productive. We view ourselves as an organism that can all too easily dispense with its parts which are subject to facile replacement. Most of our national policy decisions are economic and technological rather than moral. The Office of Management and Budget decides. There is a Gross National Product, however important, that is closely watched but there is no Human Value Index."

If putting away old people—removing them from budget priorities, from family circles—fits in well with the American way, it is also true that this wasn't always the case or style with all Americans. One can visit ethnic families in the Northeast industrial towns—Italians, Poles, Slovaks, Greeks and others—and inevitably an old person is found to be an honored and wanted member of the family. Unlike others, many ethnics insist on keeping the parents and grandparents in the main path of travel, if only because the young know that one day they must go that way, too. If you are kind to your parents, Irish children are told, you will have a long life. But keeping to this tradition of respecting the old is not easy for ethnic Americans. Professor Michael Novak, soon to publish a book on ethnics ("The Rise of the Great Unwasped" from Macmillan), has written: "One of the more poignant prices ethnics had to pay to become Americanized was to learn not to care for one's parents or grandparents, to learn that life belongs most to those between the ages of 15 and 50, in the public schools, the ethnic child was taught to make fun of one's parents and grandparents—their accents, their gestures, their values. 'Old fashioned' became a word used not for the respect due of wisdom but for contempt due to inferiority or being different from Wasp America. It was silly to care for one's aging parents, to put up with their complaints, customs and needs. 'The American way' was to ship off the old folks to some sanitized rest home; but most ethnic people couldn't quite bring themselves to do that. For cattle maybe, but not for one's parents. The solution often was to find some small apartment, a separate room, in which the old folks could live in some compromised way, not quite in the center of the family as their parents had been, but assuredly not institutionalized as 'the Americans' were."

A word and concept now in heavy use is "community." Real estate men no longer build developments, they create communities, the young go off to found communes. But this talk of community is strange; how can you have a common unity when no place is given to the elders of the tribe. "Traditionally," Nathan W. Shock, head of NIH's Gerontology Branch, has said, "the older person in the community had a role in that he had lived longer, he therefore had more experience, he was wiser . . . he knew where the tigers were in the jungle."

The sources of this tradition are easily found, even without going to the East where the old have always been revered. In the 6th century Rule of St. Benedict, for example, one of the earliest charters for community living, the fathers and brothers of the monastery are told in chapter 37 that the old are worthy of special treatment. "Although human nature itself inclines us to show pity and consideration to the old . . . still it is proper that the authority of the Rule should provide for them. Let their weakness be always taken into account, and let the full rigour of the Rule as regards food be in no wise maintained in their regard. There is to be a kind consideration for them, and permission is to be given them to anticipate the regular hours." Even today, in the many European and American Benedictine monasteries and convents, old members of the community are cherished and honored for their wisdom.

These are rare enclaves of charity, however, and the spirit of compassion has not spread. But it persists at least. In the end, the main impact of this week's White House Conference on Aging must be less on American politicians or programs than on American values—the principal source of many of the elderly's sufferings. Some of these are inevitable, the results of sickness or family scattering. But many are not; they are caused by a value system that plays down filial respect while playing up much that is passing and cheap. In a recent book on the elderly, French writer Simone de Beauvoir asked, "What should a society be like that in his old age a man can remain a man?" The answer: "He must always be treated like a man."

This is not an easy goal, neither for wide-open conferences nor for closed-up minds. But if it is true that every country is entitled to a few mistakes, then perhaps we are now coming around to recognizing one. America, compared with other countries, is still young—exactly the time to see that the realities of aging do not become the horrors of aging.

NURSING HOME SUBSTITUTES

Mr. CHURCH. Mr. President, Sylvia Porter is a columnist who can write compellingly on personal economics, as well as national ecenomic issues.

In a column published in the Washington Star and in other newspapers on November 27, she discussed an issue which is of mounting concern to the elderly and to offspring of older Americans.

That issue is the high cost of nursing home care, and the persistent question which is raised again and again: Are not many nursing home patients needlessly placed in such institutions when they might better be served by far less expensive alternative care-giving arrangements?

Of course, for many nursing home patients, there can be no substitute for skilled, around-the-clock care. Old, ill people need attention.

But, as pointed out in a recent report to the Senate Special Committee on Aging, there is growing reason to believe that a sizable number of those in nursing homes would not have to be there if alternative forms of care were available.

Sylvia Porter comments on that report and on other encouraging evidence that many disabled or debilitated older Americans can be served in their own homes, rather than undergo the trauma that so often results from placement in an institution.

I ask unanimous consent that her article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Nov. 27, 1971]

YOUR MONEY'S WORTH—NURSING HOME SUBSTITUTES

(By Sylvia Porter)

Today, if you have to keep a patient in a nursing home, the cost will range from $200 to $1,000 a month—hardly what most people can afford.

On top of that, the horrors of many nursing homes have been widely publicized: patients tied to beds or chairs whether they need to be or not and "drugged into bed" with tranquilizers for the convenience of the staff; the pervasive stench; utter lack of privacy, dignity, fresh air, recreation; complete abandonment of the idea of rehabilitation. Many nursing homes are by no means way-stations to better health. They are the end of the line.

The biggest horror of all, though, and the ultimate irony, may be the fact that so many occupants—possibly a majority—don't belong there at all.

A new 1971 study of nursing home inhabitants in Massachusetts reveals that, of every 100 nursing home residents, only 37 actually need full-time skilled nursing care; 26 need just minimal supervised "living"; 23 could get by comfortably with periodic home visits by nurses; 14 do not need institutionalization at all.

A similar study in Buffalo concluded that, of every four patients now in nursing homes, one does not need to be there.

A new report by the Senate Special Committee on Aging, written by specialists at Brandeis University's Levinson Gerontological Policy Institute reports:

"Large numbers of the disabled are forced into nursing homes or into mental hospitals at a very high charge to the public treasury simply because public programs could not give attention to alternative ways of meeting their needs outside of intitutions."

Accuses the report: "While we pay generously for active treatment, we pay nothing to reinforce the natural life system arrangements to which the disabled can turn in their own communities. The entire burden is placed upon family and neighbors . . . until they are virtually bankrupted in money and energy; then the unfortunate individual is removed to a nursing home."

More money is not the answer. In the opinion of many, less money for fewer nursing homes will be closer to the solution.

"It is possible to resettle 70 percent of all ordinary admissions in their own homes or hostels," according to Dr. Lionel Z. Cosin, clinical director of England's United Oxford Hospital Geriatric Unit and a top authority in this field. Cosin insists that permanently bedridden patients and frail or confused long-term patients should represent a very small percentage of admissions to geriatric facilitiee.

In England, where a number of progressive elderly care systems are now being pioneered, the cost of "day hospital" care is only 6 percent of the cost of acute-care hospitals and only 1/10 of the cost of a nursing home.

Here are some imaginative alternatives offered one British hospital for elderly citizens and for the relatives caring for them at home:

1. The "holiday" admission—for a week or two during which the family is free to take a planned vacation—from home and from the dependent relative.

2. The short-term admission, also for two weeks or so—again to give families an occasional spell of badly needed relief from the stresses of caring for their aged charges.

3. The "floating bed system"—scheduled admission every fortnight for three or four days.

4. The Day Hospital—a unit offering medical and nursing care, physical and occupational therapy, plus luncheon.

Surely, we in the United States can experiment with similar solutions and come up on our own with alternatives to today's obviously rotten system. And surely what is needed in the United States, too, are major financial and other incentives to help the elderly and disabled remain in their own homes and communities.

THE NEED TO RATIFY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we are coming near the end of the first session of the 92d Congress. When Congress adjourns the Senate will have lost another opportunity to ratify the International Convention on the Prevention and Punishment of the Crime of Genocide. If this treaty is not acted on this session it will, of course, remain on the Executive Calendar to be considered next session.

Nevertheless, I am saddened to see this session end without the Genocide Convention being ratified. In the 22 years that the Convention has been before the Senate awaiting ratification it has been adopted by 75 nations of the world, including almost all of our NATO and SEATO allies. In these 22 years many articles have been written about it, many speeches have been made. All the arguments for and against this treaty have been made and remade. The American people have a right to expect the Senate to act on it in the near future, if not in the closing days of this session, then in the opening days of the next.

The Senate should give its consent to the ratification of the Genocide Convention because this treaty will help to prevent a recurrence of the horrors of mass murder. By ratifying the treaty the United States will go on record as opposing the crime of genocide. We will be extending to our citizens the protections this treaty has to offer. The Genocide Convention does not abridge the rights of the American people. It does not cede any authority from the United States to any world body or any nation. It does not diminish the powers of the several States.

Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

ON BEHALF OF THE POW'S

Mr. CHURCH. Mr. President, the plight of a prisoner of war is a sad, and sometimes desperate, one. All Senators, whatever our differing views toward U.S. military involvement in Vietnam, would not support a settlement that would not bring about a prompt release of American prisoners of war now held by the Government of North Vietnam and its allies.

Nevertheless, there are those who have been tempted to make political capital of the plight of our POW's. This is unfortunate and is properly rebuked by Shirley Culbertson, a member of an association of families of servicemen believed prisoners or missing in action. In a letter published in the Washington Post, she writes:

To think that after all the facts have been presented, there are still some representatives who still wish to place every conceivable obstacle in the path of any bill to end this war, using the same trite, inexcusable reason that our present administration knows best and should not be interfered with, is too tragic to be amusing. The American people should know better.

Shirley Culbertson's letter is wise counsel, and I wish to bring its contents to as many readers of the RECORD as possible. Therefore, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ON BEHALF OF THE POW'S

Last week another attempt was made in the House of Representatives to establish a termination date for all U.S. military operations in Indochina. It was Rep. Edward Boilings' Defense Appropriations Bill. We sent a letter in support because we believe, like so many of our fellow Americans, that it is now up to Congress and the President to terminate our role in Indochina.

The arguments for passage of this bill were some of the most sensible and heartrending I have ever heard. They reflected the opinion of the majority of the American people and indicated, most importantly, the desire of conscientious representatives to vote the will of their constituents.

The arguments against are still unbelievable to me. To think that after all the facts have been presented there are still some representatives who still wish to place every conceivable obstacle in the path of any bill to end this war, using the same trite, inexcusable reason that our present administration knows best and should not be interfered with, is too tragic to be amusing. The American people should know better.

POW/MIA Families for Immediate Release is angry at having to swallow the same story about the President's plan to help American POWs when every time a bill is offered and a door is opened to help us end this war and get our POWs the administration maneuvers and pressures with scare tactics to their key supporters in the House to slam it.

President Nixon has blatantly abandoned the prisoners and is creating two residual forces—one in Southeast Asia to continue the war, and one in this country consisting of POW/MIA families who are not going to remain quiet about these defenseless pawns. *Our* residual force is rapidly growing, and though the Southeast Asia residual force fights with bullets, we intend to fight with ballots to campaign against this administration and their loyal followers whom we accuse of deliberately abandoning the prisoners.

Bringing ground troops home is fine, but prisoners are troops too, and they are *not* coming home. This war is *not* over despite what the administration wants the American people to believe.

SHIRLEY CULBERTSON,
Pow Sister, POW/MIA Families for Immediate Release.

McLEAN.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

TRIBUTE TO SENATOR ELLENDER AND OTHER SENATORS ON YESTERDAY'S PASSAGE OF SUPPLEMENTAL APPROPRIATION MEASURE

Mr. MANSFIELD. Mr. President, it hardly needs saying that the Senate's excellent record concerning the disposition of appropriations measures this session has been due to the efforts of the dean of this body—the distinguished chairman of the Appropriations Committee and President pro tempore, the Senator from Louisiana (Mr. ELLENDER). Never has the Senate been able to address itself to the consideration of the Government's funding measure more efficiently. That there have been delays at anytime on any proposal has never once been due to action or inaction by the Committee on Appropriations of the Senate. It has been Senator Ellender, his determination, his amazing energy, his expertise and devotion that has made possible such an outstanding record.

The passage yesterday of the supplemental appropriations bill is a case in point. It is one of two major funding measures handled by the chairman himself. It received thorough and careful deliberation, and it was due to the groundwork prepared by the chairman that it resulted in such overwhelming Senate success. I only wish to thank once again Senator ELLENDER for his outstanding contributions to the Senate and the Nation.

The ranking minority member of the Appropriations Committee, the Senator from North Dakota (Mr. YOUNG) deserves similar commendation. His dedicated and untiring efforts in moving this and so many other funding measures along toward final approval have been indispensable. His work closely with the chairman has been a fine example of bipartisan spirit. We are grateful to Senator YOUNG for his cooperation, his support and his contributions on all of these bills, especially on the supplemental item passed yesterday.

Joining in yesterday's debate to assure a comprehensive bill were the Senator from Washington (Mr. MAGNUSON), the Senator from Illinois (Mr. PERCY), and many other Senators. Their sincerity and thoroughness in presenting their viewpoints are greatly appreciated by all of us. The importance of their advocacy cannot be overemphasized.

To be commended, as well, are the Senators from Wisconsin (Mr. NELSON), from California (Mr. TUNNEY), and from Connecticut (Mr. WEICKER). Their contributions, along with those of many other Senators, were invaluable in making our determinations overall. The Senate appreciates their attention and the quality of their arguments.

I wish to thank the entire Senate for the splendid cooperation of all Members this whole past week. It took hard work and immense effort on all measures passed. It was truly a yeoman's task.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session for the further consideration of the nomination of Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court of the United States.

SUPREME COURT OF THE UNITED STATES

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. EASTLAND. Mr. President, there have been very few men in the history of the country nominated to the Supreme Court whose nominations have been reported out by the Judiciary Committee with a unanimous vote. As I recall, the only other one in modern times was Mr. Byron White. I think that Mr. Powell can certainly be proud of the fact that he received the unanimous vote of the Judiciary Committee.

Personally, I am proud and happy to support the nomination of Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court of the United States. I urge the Senate to speedily and overwhelmingly confirm this splendid nomination.

In my judgment, Mr. Powell is a great gentleman, a great lawyer, a great southerner, and a great American.

I am confident that he will make a great Justice of the Supreme Court.

Mr. Powell is acknowledged by all to be one of the leading members of the Bar in the United States. He has been awarded the highest honors of his profession. He was president of the American Bar Association in 1964–65, president of the American College of Trial Lawyers in 1969–70, and president of the American Bar Foundation in 1969–71.

Mr. Powell has been engaged in the private practice of law since 1932 in Richmond, Va., except for service in our Armed Forces during World War II. He has enjoyed a highly successful practice.

The Standing Committee on Federal Judiciary of the American Bar Association, after stating that it was reaching no conclusions as to the philosophy or personal beliefs of the nominee, made the following unanimous findings as to Mr. Powell's qualifications:

The present unanimous conclusions of the Committee, limited to the area described above, is that Mr. Powell meets high standards of professional competence, judicial temperament, and integrity. To the Committee, this means that, from the viewpoint of professional qualifications, Mr. Powell is one of the best persons available for appointment to the Supreme Court.

The testimony given by the witnesses on this nomination, including Mr. Powell himself, and other evidence produced in the hearing record of the Judiciary Committee, substantiate this evaluation of the Standing Committee on Federal Judiciary of the American Bar Association.

As to Mr. Powell's reputation among those who know him best, the Standing Committee on Federal Judiciary made the following unanimous finding:

One hundred thirty-two lawyers and judges were interviewed in the seven states of the Fourth Circuit. In addition, seven law school deans were asked for their own views and to the extent possible the views of their faculties. The Comments received can only be described as unrestricted enthusiasm for Mr. Powell. He has received in most eloquent and emphatic terms the highest possible praise of the members of the profession who have known him and worked with him.

The hearings held by the Judiciary Committee also validate this finding of the American Bar Association committee.

Mr. Powell was enthusiastically endorsed for this nomination by both Senators from Virginia and the entire congressional delegation from that State, who were present for his presentation to the committee.

I hope and trust that the Senate will promptly confirm this nomination.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished chairman of the Committee on the Judiciary has mentioned the fact that a number of law schools endorsed the nomination of Mr. Powell without reservation. One of those law schools happens to be the law school of the University of Montana, which, in my opinion, is the best law school west of the Mississippi.

I am happy to join in what the distinguished Senator has said. Other lawyers from my State have written to me regarding Mr. Powell. They represent all persuasions so far as politics is concerned, both Democratic and Republican. They have been unstinting in their praise and their admiration of this man, and they are delighted that the President has seen fit to recognize this outstanding American and to nominate him for this most important post. I join the distinguished chairman of the committee in urging speedy confirmation of the nomination.

Mr. EASTLAND. Mr. President, I thank the distinguished majority leader. I have never known a nomination to receive the enthusiastic support of the legal profession that the nominee, Mr. Powell, has received.

Mr. BYRD of Virginia. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. I yield.

Mr. BYRD of Virginia. Mr. President, I spoke in the Senate last evening at some length in regard to Mr. Powell, but I join the Senator from Mississippi and the Senator from Montana this morning in stating again that I feel that Lewis F. Powell, Jr., of Richmond, Va., possesses all the qualifications so necessary for a Justice of the Supreme Court of the United States. He is a lawyer's lawyer. His entire adult life has been spent in the law. He loves the law. He has a deep reverence for the judicial system, and he possesses in abundance, I feel, the judicial temperament which is so vitally important for a Supreme Court Justice—or any judge, for that matter—to have.

I am pleased by the President's nomination of Lewis Powell to be a Justice of the Supreme Court. I feel that he will carry out his responsibilities with dedication, with ability, and with distinction. I hope that his nomination will be confirmed by unanimous vote. The fact that the Committee on the Judiciary reported his nomination to the Senate unanimously augurs well, I feel, that he will receive a unanimous vote when the roll is called in the Senate on Monday next.

Mr. EASTLAND. I say again that I think that with the exception of Mr. Justice Byron White, he is the only man in modern times who has received a unanimous vote by the Committee on the Judiciary.

Mr. BYRD of Virginia. The Senator from Mississippi has brought out an interesting fact. I had not been aware of that. I think it is a great tribute to Lewis Powell that he is the second man in recent history whose nomination has been reported unanimously by the committee so ably headed by the distinguished senior Senator from Mississippi.

Mr. EASTLAND. I thank the Senator from Virginia.

XUM

Mr. RANDOLPH. Mr. President, will the able Senator from Mississippi yield?

Mr. EASTLAND. I yield.

SENATOR RANDOLPH SUPPORTS POWELL NOMINATION

Mr. RANDOLPH. Mr. President, I join my colleagues, Senator MANSFIELD and Senator BYRD of Virginia, and with the chairman of the Committee on the Judiciary, Senator EASTLAND, in supporting the pending nomination of Lewis F. Powell, Jr., to the Supreme Court. I shall gladly vote for the nomination on Monday next, at 4 p.m.

Never before have I had so many letters from attorneys and others in the State of West Virginia endorsing a nominee for a position on the Court. In view of the recent history of contested nominations it is a pleasure to join in confirming a man who enjoys such widespread confidence as Mr. Powell.

The following quote is indicative of the comments I have received:

He is an outstanding man in every way and certainly would add brilliance, scholarly wisdom, and practical knowledge, integrity and compassion to the Supreme Court.

Mr. EASTLAND. Let me remark that the Committee on the Judiciary has received hundreds of letters from attorneys all over this country endorsing this nomination.

Mr. RANDOLPH. I hope that Mr. Powell will be given a substantial vote in the Senate, and that very few votes will be cast against him. I firmly believe that he will approach his duties as a member of the Supreme Court forthrightly and fairly; that we will have done a credit to ourselves as the Senate, advising and consenting to the nomination of this man by the President, and that his service in the future will be of a type that will insure the very finest justice being administered from that level of jurisprudence.

Mr. EASTLAND. I thank the distinguished Senator.

Mr. SPONG. Mr. President, initially, I should like to thank the chairman of the Committee on the Judiciary, the distinguished Senator from Mississippi (Mr. EASTLAND), for his splendid presentation this morning in behalf of Lewis Powell.

In the bitter aftermath of the Senate's rejection of the nomination of Judge Harrold Carswell, it was believed by many that a southerner could never be confirmed to a seat on the Supreme Court.

I contested that view. I have always believed that a qualified southerner should be nominated, and if nominated could be confirmed, and if confirmed would serve the Court and the Nation with great distinction.

At that time, in a Senate speech, I said:

Today the South has much to offer the Nation—experience, patience, and wisdom—qualities gleaned from military defeat, poverty and deprivation. It is in this region where blacks and whites, in nearly equal numbers, for better or worse, have coexisted for generations. A qualified southerner could give more than geographic and philosophical balance to the Supreme Court—he could give perspective.

Lewis F. Powell, Jr., of Richmond, Va., is such a man and I am proud to support the confirmation of his nomination to the Court and to commend him to the Senate.

Lewis Powell was born in Suffolk, Va., on September 19, 1907. He was graduated from Washington and Lee University magna cum laude and received his L.L.B. from the same university, graduating first in his law class of 1931. He received a degree of master of laws from Harvard Law School in 1932. Lewis Powell is a member of Phi Beta Kappa, Omicron Kappa Delta, and the Order of the Coif.

Mr. Powell has engaged in the practice of law since 1932 in Richmond. His career has included positions of high honor and great responsibility in the legal profession. He was president of the American Bar Association in 1964–65, president of the American College of Trial Lawyers in 1969–70, and president of the American Bar Foundation in 1969–71.

In its evaluation of Mr. Powell's qualifications, the standing committee on the Federal Judiciary of the American Bar Association called the nominee "one of the best qualified lawyers available for appointment to the Supreme Court," and concluded unanimously that he meets "in exceptional degree, high standards of professional competence, judicial temperament and integrity." That appraisal was echoed by the many hundreds of lawyers, judges, law school faculty members, and newspaper editors who have commented on the nomination and by the members of the Committee on the Judiciary who unanimously recommended the confirmation of Mr. Powell's nomination.

These are impressive credentials which commend this man to the Senate for confirmation. As a fellow lawyer and one who has worked with Lewis Powell in bar association matters, I might dwell at length on his accomplishments in his chosen profession. But I want to share with the Senate today some of my personal knowledge of his record as a citizen of Virginia and its capital city of Richmond during the difficult times following the decision of the Supreme Court in Brown against Board of Education.

During those years, I was chairman of a commission to study and make recommendations to improve public education in Virginia. I had an opportunity to observe Mr. Powell in action and to understand the full scope of his influence and sense of fair play. Mr. Powell conferred with me with respect to the commission's work, testified before the commission and strongly supported the recommendations our commission made to improve education throughout Virginia.

In his position as chairman of the Richmond Public School Board from 1952 to 1961 and later as a member of the State board of education from 1961 to 1969, including a term as president in his final year, Mr. Powell was in a position of complex responsibility during some very turbulent and confused times. His primary concern was to keep the schools open and to preserve the public education system for all pupils.

I shall not dwell here upon the problems that followed desegregation orders in many cities of the South. That a similar fate did not befall Richmond was in large measure due to the calm leadership, the perceptive judgment, and open-minded and fair-attitude which exemplified Lewis Powell's service as school board chairman. In a time of turmoil and agitation, his forceful, and moderating voice stood out to many Richmonders as the best hope to avoid serious disruption of their city's public school system.

Looking back to those days, in the perspective of history, men of reason and good will can suggest actions which Mr. Powell might have taken to speed up or slow down the process of desegregation, but none can question his courage, independent judgment, and intellectual honesty. I am pleased that the committee, after viewing Mr. Powell's entire record against the political context of the times, by their statements and their unanimous vote, concurred.

Similarly, on questions about Mr. Powell's record in the area of civil liberties, these members of the committee thoroughly studied the record and concluded that Mr. Powell "does, indeed, possess the strong dedication to preserving our basic civil liberties which we believe any nominee to the Supreme Court must have. We believe he is committed to guaranteeing, for every citizen, all the protections of the Bill of Rights."

Finally, Mr. President, I want to comment on the question of personal integrity which has become a central issue in recent nominations before the Senate. Because he is a competent and successful lawyer, Mr. Powell has acquired considerable personal financial holdings and has had a professional connection with a great many clients. These could present complications should any of these interests become involved in cases before the Court. Mr. Powell has demonstrated his sensitivity to this problem by voluntarily reducing his personal investments and assuring the committee that he "will lean over backwards" to avoid even the appearance of impropriety. His commitment to the highest ethical standards is beyond question.

I applaud Lewis Powell's candor before the Judiciary Committee and his readiness to disclose financial holdings. I am moved once again to say to the Senate, as I have on past occasions, that I do not believe we should continue to require public disclosure from judicial nominees, as well as appointees to executive positions in our Government, without requiring the same of ourselves.

Mr. President, Virginians are a proud people. It is sometimes suggested, and not without justification, that we are too often prone to dwell upon our past. I hope the Senate will indulge me if I do just that. We are proud of Thomas Jefferson and George Mason, authors of the very rights and liberties that concern us in our present-day examination of prospective Supreme Court Justices. We are proud, also, of Mr. Jefferson's cousin, John Marshall, of Virginia, who was perhaps our greatest Chief Justice. But it has been well over a hundred years since a Virginian sat on the Supreme Court of the United States. I am pleased and proud that a nominee who has received such unanimous approval by the Senate Judiciary Committee is a Virginian.

President Nixon is to be commended for turning to excellence in making this nomination. Lewis Powell represents excellence in character, excellence in ability, and excellence in qualification. His understanding of those rights guaranteed by his Virginia forebears will be of immeasurable aid to a Court no longer graced by Justice Hugo Black, whose seat he will occupy. Lewis Powell's service on the Supreme Court will, I believe, reflect credit upon Virginia, upon the South, and upon those who have supported his nomination.

Mr. SCOTT. Mr. President, I take great personal pride in the fact that I was born in Virginia and educated in the Commonwealth of Virginia and that I serve on the board of visitors of the University of Virginia by appointment of the present Governor, Linwood Holton.

Mr. President, as I have said earlier this morning, I have known Mr. Powell and have also known of him through many other members of the bench and bar. I have already testified to my very high regard for him.

I add this simply to note that it is good that the Virginia tradition is being carried on, a tradition of judicial excellence, of constitutional competence, and of awareness that the Commonwealth of Virginia after some lapse of time is again going to be represented on the Supreme Court of the United States.

Having lived for half a century in the Commonwealth of Pennslyvania, I can, of course, only express the hope that the time will come when one of our prominent lawyers or judges will also be a colleague of this High Bench.

Mr. HART. My comments shall be very brief for two reasons. First, in the form of individual views some of us on the Judiciary Committee have detailed as part of the committee report our reasons for support of Mr. Powell. Second, one of the signers of the individual views, the Senator from Indiana (Mr. BAYH), plans to speak more fully and will voice the reasons that persuaded me to join in this unanimous recommendation of the committee supporting Mr. Powell.

This morning I make comment on only one aspect of the career of Mr. Powell. One thing that early concerned some of us on the committee was the role which Mr. Powell played, first as the chairman of the Richmond School Board and later as a member of the State board of education. This was in the period immediately following the decision in the Brown against Board of Education.

In the magnificence of hindsight, it may well be true that Mr. Powell could have done more to achieve a more rapid integration of the schools in Richmond.

But the basic battle at that period of time was whether you tried to correct an unconstitutional school system or you closed the schools; whether you seek the goal of an integrated system or whether you shut the schools. And under pressure, which I am sure was intense, Mr. Powell gave constructive leadership in seeking to persuade his community and his Commonwealth to obey the law and conform to it.

I understand more clearly now than I might have had a year ago just how intense the pressure is when a community is required to correct a school system found to be segregated as a result of public policy, or de jure.

Mr. Lewis Powell stood up to that pressure. He took the right course—comply with the requirement of the Constitution and law; he rejected the popular course—close the schools. He has my respect and vote.

Mr. BYRD of Virginia. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. BYRD of Virginia. Mr. President, I want to thank the distinguished Senator from Michigan for his support of Mr. Powell. I do this not only as a Virginian, but also as a close personal friend of the nominee.

I realize that the Senator from Michigan is a man of strong convictions. I like men of strong convictions. I might say that the political philosophy of the Senator from Michigan and that of the Senator from Virginia is somewhat different, should we say. However, I do not know of any individual for whom I have higher personal esteem or one whom I regard as more dedicated to the strong views which he holds than the able senior Senator from Michigan. His support of Mr. Powell for confirmation to the Supreme Court will go a long way toward obtaining a unanimous vote for this confirmation. And I want to express my appreciation to the distinguished Senator from Michigan.

Mr. HART. Mr. President, I am grateful to the Senator from Virginia for his very kind reference.

PRIVILEGE OF THE FLOOR

Mr. HRUSKA. Mr. President, I ask unanimous consent that Mr. Stanley Ebner and Mr. Malcolm Hawk of my staff be allowed the privilege of the floor during the debate on this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, at the close of the session last evening I had the opportunity to hear the remarks of one of the distinguished Senators from Virginia (Mr. BYRD) commenting on the nomination of Mr. Powell. This morning it was my good fortune to hear the remarks of the other Senator from Virginia (Mr. SPONG) with reference to the nomination of Mr. Powell.

Indeed, I find great similarity, in the type leadership provided for the political process, between the man we now consider for the highest court in the land and the man who just spoke so eloquently in support of the nominee. Both have served in positions of leadership in the legal community, and have demonstrated the desire to innovate and move toward the solutions of problems.

I wish to emphasize the strong feeling of concurrence I have with my friend from Virginia. One item he mentioned, which I suppose is not the most popular thing to discuss in this body, is disclosure. I have felt for some time we should have disclosure, and this was reemphasized in the unforunate debate which was precipitated by a previous judicial nominee. I say unfortunate because that kind of acrimony surrounding a nominee for the Supreme Court is not good for the country. But out of that acrimonious debate I hope there may be a better understanding on the part of our colleagues as we look over conflicts of interest within the executive branch. We have become increasingly aware of the fact that these conflicts of interest also on occasion can occur in the judicial branch.

For the most part, I think these conflicts of interest, particularly in the judicial branch, are inadvertent. I cannot conceive of very many judges in this country sitting down and looking at their stock portfolio and saying, "How can I decide this case so that my stock goes up a point or two." I think most judges are above that. But if we are talking about the appearance of justice, as well as justice in fact, we also have to look at the appearance of impropriety, as well as impropriety in fact.

The Senator from Virginia this morning quite properly pointed out that the legislative branch has not been immune from charges of conflict of interest.

I hope in the near future our colleagues will recognize that few things that I know of could restore confidence and faith of the average citizen in the legislative process like complete disclosure of financial interest. I do not think many of us in this body have anything to hide.

Our constituents should be able to know our sources of income and our earnings, then we will be able to demonstrate once and for all that this system is as clean and as pure as it is possible for a system containing human beings to be.

I compliment the Senator from Virginia for emphasizing the fact that at the same time we are talking about how we prohibit conflict of interest in the judiciary and the executive branch we better take a look at our own house. Some of us have done that personally. I must say I cringe a bit when I read some of the headlines about "BAYH's disclosure." On the one hand some wonder how in the world I own so much or am able to make so much, making a few speeches on campuses and that type thing; and on the other hand there are those who wonder how a man with relatively few assets can sit in judgment in the U.S. Senate. Those are the horns of the dilemma with which we are faced.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. SPONG. I thank the Senator for his reference to what I have had to say about financial disclosure. I would not want to do anything to delay this body in proceeding toward what I hope will be the unanimous approval of Mr. Powell.

For the record, being aware of the efforts of the Senator from Indiana in favor of financial disclosure, we should be aware that we have now had hearings on this subject. Hopefully, next year there

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will be before the Senate a bill that will not only require disclosure for judicial nominees and executive appointees, but for Members of Congress, as well.

While I am standing, I wish to thank both the Senator from Indiana and the Senator from Michigan for what they have had to say about Mr. Powell's record, particularly in the individual remarks in the report on the nomination. I know they have been ever conscious in their duties and responsibilities to their beliefs in determining that Lewis Powell is a man who is sensitive to the rights and freedom of us all.

Mr. BAYH. I thank the Senator from Virginia. I know of his deep interest in this whole matter of congressional disclosure. I think we all can take heart, at least all of us interested in this matter of disclosure, that there is some progress being made. Hopefully we will move forward next year. I know that if we do, he will have a large part to play in this effort.

Mr. President, getting on to the question before the Senate today, I assure the Senator from Virginia that I in no way want to delay this nomination. In fact, for the last 3 weeks or a month I have been urging that we should go forward quickly with the Powell nomination. Some Senators on both sides, I suppose, will talk about the politics of the matter, but it seems to me if we are talking about Supreme Court nominees we have to talk about each man or woman on his or her own merits.

I thought the suggestion of the Senator from Illinois the other day that we consider both nominees en bloc was sort of an insult to the judicial process. We are talking about individual Supreme Court nominees. As Senators we act as individuals, each of us vote individually and not with a seat mate or a man elected the same day we were. So it must be in the case of two Supreme Court nominees.

Mr. President, I intend to vote to confirm Mr. Powell to be an associate justice of the Supreme Court. Because of some questions that were raised about Mr. Powell, which were discussed in hearings, I want to take this opportunity in the early stages of the debate over the Powell nomination to discuss with my colleagues exactly why I believe Lewis Powell's nomination should be confirmed and should have been confirmed some time ago.

I decided to vote for Lewis Powell's confirmation because I believe that he possesses the three qualifications which the Nation and the Senate should demand of a nominee to the Supreme Court. Those qualities are: outstanding legal ability, unimpeachable personal integrity and a demonstrated commitment to fundamental human rights.

I. LEGAL ABILITY

The obvious minimum quality for nomination to the Supreme Court is distinguished legal ability. The nominee should have broad legal experience, of course, and should have dealt with a variety of problems in a variety of roles.

I join my colleague from Virginia in congratulating the President for returning to excellence. When the statement was made that the Senate of the United States was discriminating against the South and no southerner could be confirmed, I was asked by some of our friends in the press if I disagreed with this whom would I be willing to support? And the first candidate who came to my mind was Lewis Powell, because I knew him and he could in no way be branded as mediocre—no way.

Here was a man with whom one could disagree on a point, but here was a man beyond question as far as intellectual capacity is concerned.

But experience alone is not enough if we are talking about legal ability and legal qualifications. We must demand distinction—distinction as a scholar, as a practicing attorney, a judge or a legislator. The nominee's record must show that he has the ability to be a legal craftsman of the first order. The hearings—and the time I spent working with Lewis Powell on the 25th amendment to the Constitution when he was president of the American Bar Association—have left me with complete confidence in his legal abilities.

Mr. Powell's record speaks for itself.

A number of people have spoken at length about this record. Permit me just to hit the high points.

He has literally been at the pinnacle of the legal profession, as a senior partner in one of Virginia's most prestigious firms, and as President of the American Bar Association, the American College of Trial Lawyers, and the American Bar Foundation. He has served his city and his State as chairman of the Richmond Public School Board, and as a member of the Virginia State Board of Education. He has also been a distinguished member of the President's Commission on Law Enforcement and Administration of Justice and of the National Advisory Committee on legal services to the poor.

But Lewis Powell does not have to be judged on the basis of a paper record alone. Few men in America could earn the active support of as many leading lawyers and law professors—representing a wide variety of views about the issues before the Court—as has Lewis Powell. The roster of individuals who attended the committee sessions in order to testify on Mr. Powell's behalf reads like a modern Who's Who of the legal profession. Included were Judge Lumbard of the Second Circuit, former Senator Joseph Tydings, Dean Neal of the University of Chicago Law School, and Dean Paulsen of the University of Virginia Law School, not to mention an array of former presidents of the American Bar Association, Virginia State officials, and other highly regarded members of the bar.

If you look at this array of legal talent throughout the country and the wide variety of philosophies involved, I must say I have never seen anything like the number of people who speak with authority on this nomination because of the personal relationship they have had with Lewis Powell.

Finally, the American Bar Association's standing committee on the Federal Judiciary was not content with finding that Mr. Powell meets "high standards of professional competence, judicial temperament and integrity," which is their highest rating, but they voted unanimously to indicate that Mr. Powell meets this standard "in an exceptional degree."

There is no need to dwell upon his legal abilities. No question of any kind was raised during the committee's hearings concerning Mr. Powell's competence as a lawyer.

II. PERSONAL INTEGRITY

The second quality is, as I mentioned a moment ago, unimpeachable personal integrity. This is a broad category, encompassing the ethics, the temperament, and the courage of the nominee. There must be no serious ethical flaws in the nominee's background. The Supreme Court cannot afford to have a member whose vote might be influenced by political or financial interest. Nor can it afford a member who is insensitive to the importance of the appearance, as well as the reality, of fairness and propriety. Only a record of good judgment and discretion in professional life can assure this.

Another aspect of personal integrity is the nominee's temperament. The important feature here is fairness and open-mindedness. All litigants must be confident that the nominee would listen without prejudgment to all arguments and then reach a decision in a reasoned way.

Yet another aspect of personal integrity is personal courage. The nominee must be willing to stand up and be counted for the principles of the Constitution, regardless of the personal or political cost. We can never allow a person to reach the Court who might be swayed by outside pressures to abandon our fundamental law.

I have no doubts about Lewis Powell's personal integrity. Because he has a great number of former clients—some of whom are apt to be involved in cases brought to the Supreme Court—and because he has substantial personal stockholdings, I asked him to outline his views on judicial disqualification at the hearings. I was more than satisfied with his answers.

Asked whether he would sit on cases involving former clients, he responded—and properly so—that while he was extremely sensitive to the problem, he felt it would be impossible to lay down any absolute rule; he said his decision in each case would take into account, among other factors, the nature and length of his previous services to the client, as well as the specific interest the former client has in the litigation then before the Court.

Even before the hearings started it was clear that Mr. Powell recognized that his stockholdings could cause problems for the Court. I was impressed with his active efforts to seek out the best solution for these potential conflicts. The new canons of ethics require a judge to disqualify himself if he has "any interest, however small" in the proceedings.

Lewis Powell is willing to guide his actions by these principles of the canons. As he said in the hearings:

> I would recognize as the binding principle, to which I will attempt to adhere, both to the letter and the spirit, the Canons of Judicial Ethics. I recognize they are not legally binding on the members of the judiciary but I think increasingly they will be so regarded.
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> I am aware also of 28 U.S.C.A. 455, and obviously I would comply with that.

And he went on to add that:

> I certainly can assure you that my own effort and every inclination would be to lean over backwards in this respect to avoid the appearance of impropriety. . . .

III. COMMITMENT TO FUNDAMENTAL HUMAN RIGHTS

I come finally to the third quality, which I have considered important in judging the ability, competence, and qualifications of Supreme Court nominees. In my judgment, it is, in many ways, the most important. It is a demonstrated commitment to fundamental human rights. The great struggle of our time has been to secure equal justice under law for all citizens. It goes without saying that demonstrated insensitivity to the problems of inequality and discrimination should disqualify a candidate for the Court. No person should be put on the Court whose views are inconsistent with securing equal rights and equal opportunity for all regardless of race, religion, creed, national origin, or sex. And equally important are the fundamental liberties of the Bill of Rights. Thus, a nominee should also have a record which shows that he is committed to preserving these basic individual freedoms.

Some people might ask, Mr. President, how in the world could anyone feel that a potential Supreme Court nominee should be examined about his concern for the individual liberties guaranteed by the Bill of Rights? I feel this is a matter which is increasingly relevant to us in the Senate today because there is a general lack of understanding in the country today over the importance of the individual freedoms of the Bill of Rights.

A year ago, one of the major networks commissioned a poll covering a wide variety of areas. They polled a broad cross-section of our national constituency on the question of the importance they placed on the Bill of Rights. I was appalled that 56 percent of those people polled said they would favor repealing the Bill of Rights.

Fifty-six percent. It is distressing that most of our citizens today, not having had to come face to face with the reality of what would happen to them if it were not for the protection of the Bill of Rights, feel that they are no longer important today.

Therefore, I feel it is most important that those of us in this body, and even more so those who reach the highest court in the land, recognize that today, almost 200 years after those measures were incorporated in the Constitution of the United States, these guarantees are equally as important, if not more so, than they were in a bygone age.

Thus, in my judgment, a nominee must also have a record which shows he is committed to preserving these most basic freedoms.

I believe that Lewis Powell's record demonstrates that he is personally and deeply committed to the concept that all our citizens are entitled to equal justice under the law. I think it can be fairly said that guaranteeing equal justice under the law was Mr. Powell's guiding principle while he was president of the American Bar Association. He announced soon after he took that office that one of his primary goals would be the funding of a comprehensive and scholarly study to formulate minimum standards for the administration of criminal justice. This project has produced thorough and provocative studies on many of these basic problems, including free press and fair trial, post conviction remedies, guilty pleas, review of sentences, pretrial release, and jury trial.

This was the organized bar's first serious attempt to deal squarely and responsibly with many of the difficult issues raised by the Supreme Court's recent criminal law decisions.

I have not agreed completely with all of these Supreme Court decisions. Most are realistic and necessary to assure justice for all of our citizens. Some may have gone too far. But I think little is to be gained by the use of tactics such as those of the people who, by the use of billboards, used to say, "Impeach Earl Warren." Much is to be gained by thoroughly studying the issues involved, and seeing how they can be dealt with, so that our laws can be enforced and criminals can be kept off of our streets. But individual citizens should not have to fear that they will run afoul of justice which is not equal for all of our citizens.

Mr. Powell must be given credit for bringing to fruition this bar association study of these crucial issues. The organized bar, including the ABA, has never been dominated by those who deal with criminal cases. Mr. Powell himself admits that his criminal trial experience has been almost "nonexistent." There were few "political" reasons to take on such a task. Therefore, I believe this project must be considered as an important measure of Lewis Powell's dedication to the rights of others.

While these studies were significant, his efforts as bar association president to bring legal services to the poor are even more important to my mind—if only because I know something about the opposition he faced and the extent to which Lewis Powell personally took the initiative, placing his own reputation on the line to overcome that opposition. I think it can be fairly said that Lewis Powell was largely responsible for generating the support among the organized bar the legal services program had to receive—and which it did receive. Jean Camper Cahn—one of the original architects of the OEO legal services program—told the committee of the crucial role Mr. Powell's initial support for the program played. She also praised his subsequent efforts, "broadening the organized bar's commitment to legal services," and commended his "fierce insistence on preserving the professional integrity of the program." According to Mrs. Cahn, Lewis Powell insisted on "insulating the program from any improper political pressures."

Some may not recall the intense pressures that existed at that time. It boiled down to this: "If a person cannot afford an attorney, we of the organized bar do not feel we need to go this far in including legal services in the OEO program." Some of this debate still exists, as one can realize if he has been in California and listened to the CRLA debate going on out there. At an early stage of that debate, Mr. Powell was willing to put his prestige on the line, and this, more than anything else, is responsible for the impressive progress we have witnessed in this area.

Despite this impressive evidence, Mr. Powell has received some criticism in the areas of civil liberties and civil rights, and I believe it is important to discuss the specific questions that have arisen.

A. CIVIL LIBERTIES

An article Mr. Powell wrote originally for the Richmond, Va., Times-Dispatch—which was later reprinted in the New York Times and elsewhere—raised several questions concerning his views on civil liberties. During the course of that article Mr. Powell appeared to defend certain positions which the present administration has taken, including their right to wiretap in certain cases without a prior court order, positions which I consider dangerous and potentially destructive of our constitutionally guaranteed right of privacy. Because of this article, I have been especially careful to study all of what Mr. Powell has said on the subject—in this article, in contemporaneous speeches and articles, and in response to questions at the hearings. Upon consideration of the record as a whole, I have concluded that the problems I originally had with the article are much less serious than I had first thought.

In that article, "Civil Liberties Repression: Fact or Fiction?", Mr. Powell's stated theme was that America is not a repressive society; while there are "some instances of repressive action," he wrote, these are generally "episodic departures from the norm" and not "part of a system of countenanced repression." As Mr. Powell explained at the hearings, this newspaper article was an answer—one might call it a rebuttal—to the assertion that America is becoming a repressive society. Because he was writing a journalistic answer to specific charges which had been published in the same newspaper several weeks earlier, he felt it unnecessary to spell out more than the general outline of his argument. He did not go into detail about all the factors he would take into acocunt as a lawyer—or as a judge—in deciding about the constitutionality of any specific course of action. As he told the committee, he was "not writing a law review article." He went on:

> I wrote that primarily on the issue of repression and I dealt in a shorthand way with some very complex issues and, as a lawyer, that is a dangerous thing for one to do.
>
> My thesis was that America, if viewed fairly, overall, is certainly not a repressive society, and I cite four or five examples.

Although in this article he seemed to blur the distinction between foreign and domestic threats to national security, I am convinced that Mr. Powell remains open to argument about the safeguards to privacy which the Constitution requires on wiretaps relating to internal

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threats to the security of the United States. He told the committee that "in most cases it would not be difficult to draw" the line between foreign threats and alleged domestic threats to national security. It is interesting to note that several months before he was nominated he also touched on this subject in a speech he gave to the Richmond Bar Association on April 15, 1971. He said then:

> But the President's authority with respect to internal security is less clear. There is an obvious potential for grave abuse, and an equally obvious need when there is a clear and present danger of a serious internal threat.

He concluded by saying that legislative action might well be contemplated to define the proper solutions more completely.

I think it is important for all of us to put this feeling which was expressed before the nomination in proper perspective with the perhaps more simplified version expressed in that Virginia newspaper article.

Mr. Powell's clear belief in and deep respect for each individual's constitutionally guaranteed right of privacy—a respect which manifested itself not only in the committee hearings but long before as well—also did much to alleviate the concern I had felt earlier. In 1967, for example, he said:

> We rightly cherish the privacy of citizens in their conversations. Indeed, unless substantial privacy exists, the very fundamentals of free speech are threatened. . . . Certainly, no serious thought should be given to granting an unlimited right to eavesdrop.

I repeat:

> Indeed, unless substantial privacy exists, the very fundamentals of free speech are threatened. . . . Certainly, no serious thought should be given to granting an unlimited right to eavesdrop.

More recently, at the hearings, he told us:

> I would say, not as a prospective judge but generally as a citizen, that I think all Americans have the right not to have their privacy intruded upon; there is no question about that.

After studying Mr. Powell's speeches and actions over the years, I have concluded that he does, indeed, possess the strong dedication to preserving our basic civil liberties which I believe any nominee to the Supreme Court must have. I believe he is committed to guaranteeing, for every citizen, all the protections of the Bill of Rights.

I think that as the debate on the next nominee commences and proceeds, we should remember that previous quotation from Mr. Powell's statements in bygone years. He said:

> Certainly, no serious thought should be given to granting an unlimited right to eavesdrop.

That is the Powell position. I think the record will also indicate that that is not the Rehnquist position.

a. CIVIL RIGHTS

It was also troubled by questions which have been raised about Mr. Powell's record in the area of civil rights. In particular, I was disturbed by the testimony which Representative JOHN CONYERS and Attorney Henry Marsh III of Richmond presented to the committee. Their complaints concern actions taken by the Richmond City School Board while Mr. Powell served as chairman and the Virginia State Board of Education while Mr. Powell was a member.

I expressed this concern to the distinguished Senator from Virginia (Mr. SPONG) and I discussed this with him at some length. I do not intend to try to justify or support each one of Lewis Powell's decisions in his past capacities. He certainly participated in programs on the Richmond board and the State board with which I would disagree. Perhaps he could have done more to disassociate himself from some of these programs. And, in the bright light of hindsight, some of his actions now seem unjustifiable. Perhaps Lewis Powell did not do everything humanly possible to end segregation in Virginia during the troubled decade following Brown against Board of Education. I wish to emphasize that if that were the test for appointment to the Supreme Court of the United States, for each of us, from the day we were born to the present day, to have done everything humanly possible to wipe out the vestiges of second class citizenship—which, unfortunately, today still exist—few of us in public life, North or South, could have passed the test. Unfortunately we must all share that indictment.

I do not suppose that any Member of this body, in examining his or her past history, can find perfection in every act and deed. I know that as I examine my own record, I would like to be able to change some things I have done. I would like to feel that I am now more sensitive to the significant problems that exist today, as I look at them, than I was 17 or 18 years ago, when I first became a member of the Indiana General Assembly.

I wonder how many of us can recall the climate of that period in the South, how many of us are aware of the tremendous pressures on those who sought in good faith to abide by the decision in Brown v. Board of Education. Perhaps Armistead L. Boothe put it best in his testimony is support of Mr. Powell when he said, "From July 1954 onward the issue in the State was just as sharp as the new knife blade" between keeping the schools open and massive resistance. Much as we would like to look back and suggest that there were better alternatives—and, indeed, there were—the only alternatives realistically available at that moment in Virginia appear to have been those described by Mr. Boothe.

Lewis Powell, like our colleague Senator SPONG, was one of the courageous men in Virginia who were determined to obey the law of the land, and not to engage in massive resistance to the school desegregation cases, and not to urge others to participate in this type of program. As he told the committee:

> The task of my Board, and my task as I conceived it, was to keep the schools open, and that we did, and finally they were integrated.

What his critics have all too often failed to realize, I believe, is that it would be unfair to judge his individual specific actions without reference to the political context—the environment and the attitudes of the times. I am convinced that Lewis Powell was bucking the tide of opposition to change, pushing slowly but steadily toward the time when all the schools could be integrated.

My belief is confirmed by the statements of other concerned persons. Mr. Powell's nomination is supported by several leaders of the black community in Richmond, including the first black member of the Richmond School Board, who served in that capacity with Mr. Powell from 1953 to 1961.

Jean Camper Cahn, the black woman attorney I referred to earlier in my remarks, who was instrumental in the inception of the legal services program—she and her husband wrote the first law journal article, or note, on this important concept—was spoken highly of Mr. Powell, based upon her close working relationship with him in implementing that program.

She wrote in a letter to me and to the committee, as follows:

> My support is based upon the fact that I am drawn inescapably to the sense that Lewis Powell is, above all, humane, that he has a capacity to empathize, to respond to the plight of a single human being to a degree that transcends ideologies of fixed position. And it is that ultimate capacity to respond with humanity to individualized instances of injustice and hurt that is the best and only guarantee I would take that his conscience and his very soul will wrestle with every case until he can live in peace with a decision that embodies a sense of decency and fair play and common sense.

The impression one gains from studying Lewis Powell's entire record comports with his own summary of his views about racial equality.

As he told the committee:

> I had a mother and father who had a deep conviction that all human beings were equal and that no one was better than anyone else; and I inherited that and have never departed from it.

That inheritance will serve Lewis Powell well on the Supreme Court.

Mr. President, Lewis Powell and I may disagree on some matters of judicial philosophy. Perhaps if the power of nomination were mine, I would have nominated someone whose views coincided more closely with my own. But that is not the issue here. Based upon my investigation of Mr. Powell and the records and testimony he gave before the Committee on the Judiciary, I am convinced that he is within a great American tradition of legal philosophy—the tradition of Holmes, Frankfurter and Harlan. This tradition has often been called conservative. But whatever it is called it has played a vital role in preserving and protecting the fundamental liberties of the Bill of Rights and according equal justice to all Americans.

For these reasons, I will, indeed, vote for the confirmation of Mr. Lewis Powell.

We have had a great deal of discussion, Mr. President, if I might add one note before concluding, over the past several months relative to judicial philosophy. This is not the first Senate to be confronted with such arguments. Historically about 25 percent of the nominations that have been made by past Presidents never reached the Supreme Court. They have been turned down for a wide variety of reasons, some of which—if one one would read the history of past Court nominations—have been purely political. Many of the disputes and debates have been philosophical in nature.

If some feel that the Supreme Court has not been subjected to a philosophical test in the past, they are not reading our history well.

More recently there has been a lot of talk about strict constructionist. I have not yet been able to determine what strict constructionist is.

More recently the President, in emphasizing the judicial philosophy of the two nominees which are now before the Senate, came up with another phrase entitled "judicial conservative." Mr. Powell and Mr. Rehnquist are said to be judicial conservatives.

Mr. President, I wish to say, as I look at the Powell nomination—and as I will in the future, and as I have over the past weeks been looking at the Rehnquist nomination—that I am not so concerned about whether this man or the next nominee is a strict constructionist or a judicial conservative—whatever those words may mean. I am concerned about what kind of man he is, and I have come to the conclusion that Mr. Powell is the kind of man described by Mrs. Cahn, who is concerned about humanity. Once he is placed on the Supreme Court of the United States, he will not rest until he is convinced in his own conscience that his vote on the Supreme Court will result in justice and humanity for the individuals involved in each case.

It is this feeling that compels me not just to vote for Lewis Powell but to argue as persuasively as I can that this man meets the standard which we in the Senate are duty bound to apply to any nominee, and, when the time comes, to argue equally as vigorously that the second nominee, William Rehnquist, does not.

The true test is not whether either or each of these nominees will agree with the Senator from Indiana on issues which come before the Court. That is not the question.

The question is whether Lewis Powell possesses that sensitivity and whether his mind and his background are free from philosophical roadblocks which, even with great legal integrity, great legal training, and great intellect, would make it impossible for him to come to a truly unbiased decision. I am convinced that Lewis Powell more than meets that standard.

I have grave reservations whether the other nominee does.

I want to say in closing that it is awfully easy for some of us who have been reared in some parts of this country to prejudge the action of others. I wonder if it is possible for a young man who was born in a community near Terre Haute, Ind., from a background of that kind, to judge the activities and actions and thoughts and decisions of someone who was born in Richmond, Va., at the same time.

Mr. President, if that is difficult, then how much more difficult it would be for someone born in the last 20 or 30 years to prejudge someone who was born 30 or 40 years earlier in that same community.

I am convinced that Lewis Powell, who was born in Richmond, Va., and rose in that legal community, faced with the most controversial issue of the age, has indeed been a source of progress and a force and a persuasive voice toward resolving these critical questions in a humane, dispassionate, and equitable way.

For that reason, I shall without reluctance vote for the confirmation of Lewis Powell to be an Associate Justice of the Supreme Court of the United States.

Mr. SCOTT. Mr. President, I ask unanimous consent that the two nominees to the bench of the U.S. district court, reported favorably today by the Committee on the Judiciary, be considered at this time.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. BYRD of Virginia. Mr. President, I assume that these nominations have been cleared with the majority leader?

Mr. SCOTT. The Senator is correct. They have also been cleared with the chairman of the committee and with the ranking minority member of the Judiciary Committee and hearings have been held and no objection was noted.

Mr. BYRD of Virginia. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT COURT OF THE UNITED STATES

The legislative clerk read the nomination of J. Blaine Anderson, of Idaho, tc be a U.S. district judge for the district of Idaho.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Clifford Scott Green, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PERSONAL STATEMENT BY SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, I have noted a column in today's Washington Evening Star carrying the headline "Vote on Powell Set Monday, With Rehnquist Ballot Next." I read with particular interest this column by Lyle Denniston, a Star staff writer—and specifically read with interest the last paragraph—which has reference to a meeting of the policy committee of the Democratic Party on yesterday in the office of the distinguished majority leader, during which meeting the question as to whether Mr. Rehnquist's name would be called up first or whether Mr. Powell's name would be called up first was considered at some little length.

The last paragraph reads in part:

> Only one participant in that meeting, Deputy Leader Robert C. Byrd, D-W. Va., who spoke last, argued in favor of starting with Rehnquist.

Mr. President, it is rather unfortunate, I suppose, that Mr. Denniston, appears to be possessed with an obsession for a misstatement of the facts. This is only the second time that I recall that he has participated in a column which misstated the facts with reference to me. I called the attention of the Senate to the first occasion not too long ago. And I think it nothing but proper that I call to the attention of the Senate and to the attention of Mr. Denniston his misrepresentation of the true facts again.

As to my having spoken last and argued in favor of starting with Rehnquist, I do not know where Mr. Denniston received his information in this instance. He did not say that it came from a Senate source. He stated it as a matter of fact and without any question.

As to my arguing in favor of starting with Rehnquist's name, the Senator from Michigan (Mr. HART) was at that meeting, and if I am in error, I hope he will rise on the Senate floor and correct me and correct the RECORD.

I did state that under normal procedure the name of Mr. Rehnquist, appearing first on the Executive Calendar, would be brought up before Mr. Powell.

I could have said that the name of Mr. Otepka, appearing even ahead of that of Mr. Rehnquist, would be called up first. But I stated that by unanimous consent or motion, of course, the majority leader could proceed to call up a nomination out of the order of its appearance, if he wished.

I never expressed any objection to calling up Mr. Rehnquist first, but I did indicate that I thought it would be well to try to seek an agreement to vote on Mr. Rehnquist at a specific date and time so that all Senators could be notified in advance as to when the vote would occur, and that by calling up Mr. Powell first, perhaps an agreement could be reached in accordance with which all Senators would be notified as to when Mr. Rehnquist would also be voted on.

So, I did not argue in favor of starting with Rehnquist, and every member of that policy committee who was present knows that the statement in the newspaper is not correct.

Mr. HART. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Michigan.

Mr. HART. Mr. President, I agree that the Senator from West Virginia did not argue in favor of starting with Rehnquist first.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator.

The second sentence in that paragraph reads:

> For several days, Byrd had been passing the word to Republicans that Rehnquist would be brought up first.

I will give Mr. Denniston $1,000 if he will bring to me the Republican to whom I stated that Mr. Rehnquist would come up first.

I did not know whose name would come up first. The majority leader never at any time told me that Mr. Rehnquist's name

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would come up first. How then could I say that Rehnquist would come up first?

It is the prerogative of the majority leader to make such motion or such unanimous-consent request.

The majority leader happens to be in the Chamber at this time and he can speak for himself. Whether he knew in his own mind, I do not know. I never made any such statement to any Republican that Mr. Rehnquist would be brought up first.

Mr. President, I will not call Mr. Denniston a modern Ananias. I will not call him a liar. I would simply say he is a purveyor of pathological inexactitudes.

Mr. BAYH. Mr. President, would the Senator yield?

Mr. BYRD of West Virginia. I yield.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. I have just been given by a staff person today's Star with Mr. Denniston's column. I have not had a chance to read it all.

I have not had the kind of personal experience with Mr. Denniston that the Senator from West Virginia has, insofar as pathological—whatever it was the Senator from West Virginia referred to.

I do not rise to deal with the substantiality of this report. I was not at that policy committee meeting. The general thrust of that meeting was described to me, with a full understanding on the part of the leadership that it would be, by the distinguished Senator from Michigan.

I think the Senator from West Virginia is aware, as a member of the Committee on the Judiciary, that there has been a tremendous amount of pressure—from what source I do not know—but a tremendous amount of pressure within the Committee on the Judiciary and within this body to have the Rehnquist nomination come first. If Mr. Denniston could not feel that, the Star should fire him. That pressure exuded out of every pore around here.

How in the world the Rehnquist nomination was placed on the calendar ahead of the Powell nomination I do not know. Both were reported the same day. If we look at the calendar we find that the Rehnquist nomination is No. 324 and the Powell nomination is No. 325. But we find that the message from the President sending down the Powell nomination precedes the Rehnquist nomination.

I hope the Senator from West Virginia will not get too excited about this, because I do not think Mr. Denniston did this maliciously. I am sure he can speak for himself, and I hope he will do that.

But the fact remains that the President sent the Powell message before the Rehnquist message, and the fact that the President nominated Powell to fill the Black vacancy and Rehnquist the Harlan vacancy, and the fact that the White House said that if the Senate confirms both nominees he will swear in Mr. Powell first so he will be the senior judge.

We could have had Mr. Powell on the Court 3 weeks ago if we had gone ahead with the Powell nomination. It seems to me obvious, therefore, that there has been some effort—from unknown sources—to delay Mr. Powell's confirmation until Mr. Rehnquist is approved.

There is sensitivity to these things that causes these stories to be written.

I do not have any question about the Senator from West Virginia. I have not been referring to the Senator from West Virginia, but to the forces which over the past several days have been trying to reverse the position of these nominations. I think we could have had a man on the Supreme Court, a sitting judge for some time now, if certain Members of this body had not been playing politics with this matter.

Mr. BYRD of West Virginia. I am not arguing one way or the other as to who should come first. That is not the point of my having taken the floor at all. I am sure the distinguished Senator from Indiana knows I have not tried to bring any pressure on him or anyone else to bring up the Rehnquist nomination first.

I am not "excited," to use the Senator's word, about what Mr. Denniston said. I am completing my 25th year in politics. I long ago became accustomed to newspapers making misstatements of fact, and in most cases I am sure that they are well intentioned and certainly not occasioned by malice.

I do not know whether that is the case in this instance or not, but here is a plain statement of fact that I told Republicans that Mr. Rehnquist's name was to be brought up first.

I do not intend to let Mr. Denniston drive a wedge between me and my majority leader or between me and my Democratic colleagues; and Mr. Denniston is going to have to quote chapter and verse any time he makes a statement of that kind, because I am going to challenge him.

That is all I am saying. I do not care whose name is brought up first, and I do not care if Mr. Rehnquist is confirmed. I intend to vote for him, but I do not intend to take 60 seconds to say why I intend to vote for him.

Mr. BAYH. If the Senator——

Mr. BYRD of West Virginia. I rose on a point of personal privilege and that is all I am addressing my remarks to.

Mr. BAYH. Permit me to say I have not read more of this article or examined it any further, because of what the Senator said, but things like this will not change the relationship that exists between me and the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. BAYH. I, too, am accustomed to some of these things that happen.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. PERCY. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. PERCY. Mr. President, my remarks are on this very point. I have just now read this article. From everything I know there is not a word of truth in what is said in the last paragraph.

If Mr. Denniston had just read the RECORD himself, he would know that I engaged in a colloquy with the distinguished assistant majority leader just a few days ago asking if it would be possible to have some understanding that we would vote for the two Supreme Court nominees one following the other. There are those of us who thought we would adjourn on the 4th of December and who have commitments out of town. We wondered if we could come back for one vote on both nominees and not come back twice.

The distinguished assistant majority leader said at that time it might be possible to do that, but that was the prerogative of the majority leader and he would defer to his judgment, indicating to this Republican that the assistant majority leader had not made up his mind at all, and that he was willing to work it out in whatever way is best for the Senate, but that he would defer to the majority leader on the sequence of business and the order in which they would be taken up.

Mr. BYRD of West Virginia. The Senator is correct. When any Senator addressed himself to me on the subject, I pointed out that the Rehnquist nomination was first on the calendar; it would normally be brought up first; but that the majority leader, under the procedures of the Senate, could make a unanimous-consent request or a motion to proceed to another nomination first, and any Senator would have to ask the majority leader as to his intention.

Mr. MANSFIELD. Mr. President, I, too, read the article in today's Washington Star. To the best of my knowledge, to put it mildly, it is inaccurate. The assistant majority leader did not make any promise; he was in no position to do so, or to make any such statement. He was in no real position to do so with respect to what would be done or not done in the calling up of nominations for the Supreme Court.

Under precedent and custom of the Senate that obligation happens to be the prerogative of the majority leader, to whom the Senate, as a whole, has assigned that responsibility.

As I indicated last night, I had given this matter a great deal of thought. There were a good many factors to consider.

Ordinarily, all things being equal, the nominees on the Executive Calendar are considered in sequence—in the order in which they appear. That procedure applies generally where nominess are disposed of by unanimous consent and where there is no controversy. Where there is a "hold" on one of them or when controversy is involved, other factors must be considered and the items must be scheduled accordingly. It should be said that there were no "holds" on either Mr. Rehnquist or on Mr. Powell.

I was somewhat perturbed and distressed because of the situation which had developed. I sought advice on the Republican side, without making any commitments. I called a special meeting of the Policy Committee on yesterday afternoon to seek their advice and counsel.

On the basis of my own judgment—and I think I stated that yesterday—and on the basis of my own responsibility, I decided that on balance it would be the best policy to call up the nomination of Mr. Powell first, to get that out of the way, and I thought that by so doing it would be possible overall to reduce the

amount of debate and bring these nominations to a head that much sooner. I think my judgment was correct. Time will prove whether it was or was not.

As far as pressures are concerned, in response to a question raised by the distinguished Senator from Indiana, no one—no one downtown or here in the Congress—came to me in any way, shape, or form and advised me to take up this one first or that one first. Not one single person approached me on that score. Therefore, I would have to disclaim any pressure in that respect as well.

So, in the final analysis, I did seek counsel. I did seek advice. I did not tell anyone what I was going to do. When the decision was made, it was made on my own volition, and I think the RECORD should contain that statement, because that statement is the factual and actual truth.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BAYH. I want to confess that I have been guilty of bringing pressure on one occasion. I said I would like to see the Powell nomination brought up. That is the only time.

Mr. MANSFIELD. That was the Senator's advice. Will the Senator report what my reply to him was?

Mr. BAYH. The Senator has already said what his reply was. If the Senator had been a member of the Judiciary Committee, in which there was an effort to tie the two together, he would probably be as sensitive to it as I am. I have no information about what went on in the policy committee. I am sure the majority leader made this decision on his own volition, as he does on all matters like this.

Mr. MANSFIELD. I seek advice and counsel. I need it quite often. As far as my relationships with the deputy majority leader are concerned, they are of the utmost trust. I have every confidence in him, and nothing that he does does he do on his own, but he does consider it with me first, and usually—always, I would say, so far as I know—with my approval.

Mr. BYRD of West Virginia. Mr. President, I close this little chapter simply by stating that I think the decision to call up the nomination of Mr. Powell first was the right decision.

NOMINATION OF MR. LEWIS F. POWELL, JR., TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. PERCY. Mr. President, I concur in the statement just made, and I would like to make a very brief substantive statement on the nomination of Lewis Powell.

I have known Mr. Powell for a number of years. I was with him at a business council meeting when he gave one of the most scholarly and thoughtful presentations I had heard for many years. I have followed his work through the years. We have shared many mutual friends. I have known him to be a man of great intelligence, scholarship, compassion, and understanding, a man eminently qualified through power of intellect and scholarship to be one of our most distinguished Supreme Court Justices.

I was extremely pleased when he was nominated. I know that he has had some reluctance, or did, at least, at that time, about accepting such a responsibility at this particular stage in his life. But as I have said to him, there is really no way that a lifetime record as fine as his has been could really be brought to the attention of the American people and the Congress of the United States other than by his offering his name in nomination for an appointment of this scope and magnitude. His work is known by everyone whose life he has touched, but now his work will be known by millions and millions of Americans.

It is a wonderful process we go through in analyzing and appraising the qualifications a man has for high office, particularly when the appointment is made by the executive branch and advice and consent is required of the legislative branch. And when there is a life as dignified, as fine, as worthwhile as this man's life has been, not only is it in tribute and testimony to him, but also it is an inspiration to every member of the bar, to every judge, as well as an inspiration to everyone who desires to lead a worthwhile life.

I did not object yesterday, though I was on the floor, when unanimous consent was asked by the majority leader for a vote at 4 o'clock on Monday afternoon, though I must say my heart sank a little because I knew I had a 6-month binding commitment to be in Illinois at that particular hour. However, I simply knew the people with whom I had that commitment would understand if I had to break it, even though it has been of such long standing.

I checked with the White House, asking if to their knowledge any Senator was in opposition to this nomination and, if so, I would request the courtesy of a live pair in the Senate. I was advised that, to the best of their knowledge, not one single Senator intends to vote against the nomination.

I at this time request of my colleagues to have a live pair with any Senator who intends to cast his vote against Mr. Powell, but I know of no such colleague.

Inasmuch as I have made known my strong feelings, both personally to Mr. Powell and to my colleagues several days ago, about this nomination, and how enthusiastic I am about Mr. Powell's potential contribution to the Court, and my feeling that he will truly be one of our great and most distinguished Justices of the Supreme Court, I hope his family will understand that, if there is one less vote cast, it will still be, in my judgment, a unanimous vote.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. SPONG. First, I want to thank the Senator for what he has had to say this morning in behalf of Mr. Powell's nomination. The Senator from Illinois is not a lawyer. In the eyes of some, what he has had to say would be given additional weight by reason of the fact that he is not a lawyer.

I want to tell the Senator that we are appreciative of the record he has made on this nomination this morning. I wish him no luck in finding any Senator who would pair with him on the nomination, because as Senator BYRD has earlier expressed, and as have I, we are hopeful and looking forward to a recorded unanimous confirmation. I do thank the Senator from Illinois.

Mr. PERCY. I might say that I tried to be, as I always do in Supreme Court nominations to study the nominee as exhaustively as I possibly can. I did not want to take even my own judgment in this matter and in addition to studying Mr. Powell's record, I talked with both distinguished Senators from Virginia, Senator SPONG and the senior Senator, Senator HARRY BYRD, just to have confirmation of Mr. Powell's ability and record. There was not any shadow of doubt of their love, affection, high regard, and the pride they have as Senators from the great State of Virginia in the nomination of Mr. Powell. Virginia has produced great men that have led this Nation, including the two distinguished incumbents in the Senate today. There was no question in their minds of the pride that all Virginians have in this great and powerful man and of the powerful intellect that he will add to the Supreme Court of the United States.

I thank my distinguished colleague (Mr. SPONG) for his comments and, noting the presence of the senior Senator from Virginia (Mr. BYRD) in the chair as Presiding Officer of the Senate, I express my appreciation to both of them for what they have always done to strengthen the institutions of this country; and certainly, by contributing to and encouraging the acceptance by Lewis Powell of this nomination, I think they have rendered invaluable service to the country. I hope, too, that I shall not be successful in finding one single colleague who would choose to render me a live pair in this particular instance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING THE CONFERENCE REPORT ON THE REVENUE ACT IN THE RECORD

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that the conference report on H.R. 10947, the Revenue Act of 1971, be printed in the CONGRESSIONAL RECORD of today's proceedings of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFERENCE REPORT (S. REPT. No. 92-553)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, having met, after full and

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free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 29, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 60, 65, 68, 70, 71, 72, 73, 74, 75, 77, 78, 80, 83, 84, 86, 93, 103, 106, 114, 115, 116, 117, 120, 121, 123, 125, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 8, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 45, 46, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 79, 82, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102, 104, 105, 107, 108, 109, 110, and 112, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—JOB DEVELOPMENT INVESTMENT CREDIT; DEPRECIATION REVISION
Sec. 101. Restoration of investment credit.
Sec. 102. Determination of qualified investment.
Sec. 103. Limitation of credit to domestic products.
Sec. 104. Definition of section 38 property.
Sec. 105. Regulated companies.
Sec. 106. Investment credit carryovers and carrybacks.
Sec. 107. Treatment of casualties and certain replacements.
Sec. 108. Availability of credit to certain lessors.
Sec. 109. Reasonable alowance for depreciation; repair allowance.
TITLE II—CHANGES IN PERSONAL EXEMPTIONS, MINIMUM STANDARD DEDUCTION, WITHHOLDING, ETC.
Sec. 201. Increase in personal exemption.
Sec. 202. Increase in percentage standard deduction.
Sec. 203. Low income allowance.
Sec. 204. Filing requirements.
Sec. 205. Certain fiscal year taxpayers.
Sec. 206. Election of standard deduction.
Sec. 207. Waiver of penalty for underpayment of 1971 estimated income tax.
Sec. 208. Adjustment of withholding.
Sec. 209. Changes in requirements of declaration of estimated income tax by individuals.
Sec. 210. Expenses to enable individuals to be gainfully employed.
Sec. 211. Levies on salaries and wages.
TITLE III—STRUCTURAL IMPROVEMENTS
Sec. 301. Unearned income of taxpayers who are dependents of other taxpayers.
Sec. 302. Limitation on carryovers of unused credits and capital losses.
Sec. 303. Amortization of certain expenditures for on-the-job training and for child care centers.
Sec. 304. Excess investment interest.
Sec. 305. Farm losses of electing small business corporations.
Sec. 306. Capital gain distributions of certain trusts.
Sec. 307. Application of Western Hemisphere Trade Corporation provisions under the Virgin Islands tax laws.
Sec. 308. Capital gains and stock options.
Sec. 309. Certain treaty cases.
Sec. 310. Bribes, kickbacks, medical referral payments, etc.
Sec. 311. Activities not engaged in for profit.
Sec. 312. Certain distributions to foreign corporations.
Sec. 313. Original issue discount.
Sec. 314. Income from certain aircraft and vessels.
Sec. 315. Industrial development bonds.
Sec. 316. Disclosure or use of information by preparers of income tax returns.
TITLE IV—EXCISE TAX
Sec. 401. Repeal or suspension of manufacturers excise tax on passenger automobiles, light-duty trucks, etc.
Sec. 402. Credit against tax on coin-operated gaming devices.
TITLE V—DOMESTIC INTERNATIONAL SALES CORPORATIONS
Sec. 501. Domestic international sales corporations.
Sec. 502. Deductions, credits, etc.
Sec. 503. Source of income.
Sec. 504. Procedure and administration.
Sec. 505. Export trade corporations.
Sec. 506. Submission of annual reports to Congress.
Sec. 507. General effective date of title.
TITLE VI—JOB DEVELOPMENT RELATED TO WORK INCENTIVE PROGRAM
Sec. 601. Tax credit for certain expenses incurred in work incentive program.
TITLE VII—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE
Sec. 701. Allowance of credit.
Sec. 702. Deduction in lieu of credit.
Sec. 703. Effective date.
TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS
Sec. 801. Presidential Election Campaign Fund Act.
Sec. 802. Miscellaneous amendments.

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(c) ACCOUNTING FOR INVESTMENT CREDIT IN CERTAIN FINANCIAL REPORTS AND REPORTS TO FEDERAL AGENCIES.—

(1) IN GENERAL.—It was the intent of the Congress in enacting, in the Revenue Act of 1962, the investment credit allowed by section 38 of the Internal Revenue Code of 1954, and it is the intent of the Congress in restoring that credit in this Act, to provide an incentive for modernization and growth of private industry. Accordingly, notwithstanding any other provision of law, on and after the date of the enactment of this Act—

(A) no taxpayer shall be required to use, for purposes of financial reports subject to the jurisdiction of any Federal agency or reports made to any Federal agency, any particular method of accounting for the credit allowed by such section 38,

(B) a taxpayer shall disclose in any such report, the method of accounting for such credit used by him for purposes of such report, and

(C) a taxpayer shall use the same method of accounting for such credit in all such reports made by him, unless the Secretary of the Treasury or his delegate consents to a change to another method.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to taxpayers who are subject to the provisions of section 46(e) of the Internal Revenue Code of 1954 (as added by section 105(c) of this Act) or to section 203(e) of the Revenue Act of 1964 (as modified by section 105(e) of this Act).

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

On page 6, line 7, of the Senate engrossed amendments, strike out "not more than 2 years".

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(D) COUNTRIES MAINTAINING TRADE RESTRICTIONS OR ENGAGING IN DISCRIMINATORY ACTS.—If, on or after the date of the termination of Proclamation 4074, the President determines that a foreign country—

"(i) maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or

"(ii) engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce,

he may provide by Executive order for the application of subparagraph (A) to any article or class of articles manufactured or produced in such foreign country for such period as may be provided by Executive order."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with the following amednments:

On page 9 of the Senate engrossed amendments, after line 7, insert the following:

(3) Section 488(a)(2)(B) relating to exceptions from rule for property used outside the United States) is amended by inserting after clause (viii) (as added by paragraph (2)) the following new clause:

"(ix) any cable, or any interest therein, of a domestic corporation engaged in furnishing telephone service to which section 46(c)(3)(B)(iii) applies (or of a wholly owned domestic subsidiary of such a corporation), if such cable is part of a submarine cable system which constitutes part of a communication link exclusively between the United States and one or more foreign countries; and."

On page 9 of the Senate engrossed amendments, beginning with line 8, strike out all through line 2 on page 10 and insert the following:

(d) CERTAIN PROPERTY USED TO EXPLORE FOR, DEVELOP, REMOVE, AND TRANSPORT RESOURCES FROM OCEAN WATERS AND SUBMARINE DEPOSITS.—Section 48(a)(2)(B) (relating to exceptions from rule for property used outside the United States) is amended by inserting after clause (ix) (as added by subsection (c)(3)) the following new clause:

"(x) any property (other than a vessel or an aircraft) of a United States person which is used in international or territorial waters for the purpose of exploring for, developing, removing, or transporting resources from ocean waters or deposits under such waters."

On page 10, line 12, of the Senate engrossed amendments, after "disposition," insert: then, unless such sale or other disposition constitutes an involuntary conversion (within the meaning of section 1033),

On page 10, line 24, of the Senate engrossed amendments, after "184," insert: 187,

On page 12, line 10, of the Senate engrossed amendments, strike out "(c) and" and insert: (c)(1), (c)(2), and

On page 12, line 12, of the Senate engrossed amendments, strike out "(c) and" and insert: (c)(1), (c)(2), and

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(b) DEFINITION OF PUBLIC UTILITY PROPERTY, ETC.—Section 46(c)(3) (relating to public utility property) is amended—

(1) by inserting "or" at the end of clause (ii) of subparagraph (B), and by striking out clauses (iii) and (iv) of such subparagraph and inserting in lieu thereof the following:

"(iii) telephone service, telegraph service by means of domestic telegraph operations (as defined in section 222(a)(5) of the Communications Act of 1934, as amended; 47 U.S.C., sec. 222(a)(5)), or other communication services (other than international telegraph service).";

(2) by adding at the end of subparagraph (B) the following new sentence: "Such term also means communication property of the type used by persons engaged in providing telephone or microwave communication services to which clause (iii) applies, if such property is used predominantly for communication purposes."; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) In the case of any interest in a submarine cable circuit used to furnish telegraph service between the United States and a point outside the United States of a taxpayer engaged in furnishing international telegraph service (if the rates for such furnishing have been established or approved by a governmental unit, agency, instrumentality, commission, or similar body described in subparagraph (B)), the qualified investment shall not exceed the qualified investment attributable to so much of the interest of the taxpayer in the circuit as does not exceed 50 percent of all interests in the circuit."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

On page 15, line 23, of the Senate engrossed amendments, strike out "paragraph (1)" and insert: "paragraphs (1) and (2)"

And the Senate agree to the same.

Amendment numbered 28:

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with the following amendments:

On page 19, line 12, of the Senate engrossed amendments, before "Property" insert: "Certain".

On page 19, lines 21 and 22 of the Senate engrossed amendments, strike out "which is not short term lease property (as defined in paragraph 4)" and insert: "other than properly described in paragraph (4))".

On page 20, line 11, of the Senate engrossed amendments, before "short" insert: "certain".

On page 20, line 14, of the Senate engrossed amendments, strike out "short term lease property" and insert: "property described in paragraph (4)".

On page 20, line 18, of the Senate engrossed amendments, strike out "which is new section 38 property"

On page 20, lines 23 and 24, of the Senate engrossed amendments, strike out "short term lease property" and insert: "property described in paragraph (4)".

On page 21, line 9, of the Senate engrossed amendments, strike out "short term lease property" and insert: "property described in paragraph (4)".

On page 22 of the Senate engrossed amendments, strike out lines 7 through 11 and insert:

"(4) PROPERTY TO WHICH PARAGRAPH (2) APPLIES.—"Paragraph (2) shall apply only to property which—."

"(A) is new section 38 property,

"(B) has a class life (determined under section 167(m)) in excess of 14 years,

"(C) is leased for a period which is less than 80 percent of its class life, and

"(D) is not leased subject to a net lease (within the meaning of section 57(c)(2))."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

Insert the matter proposed to be inserted by the Senate amendment, and on page 19, line 17, of the House engrossed bill strike out "110" and insert: 109

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with amendments as follows:

Strike the matter proposed to be stricken out by the Senate amendment, and on page 24 of the House engrossed bill, after line 20, insert the following:

(4) by inserting after subparagraph (B) the following new subparagraph:

"(C) Every individual having for the taxable year a gross income of $750 or more and to whom section 141(e) (relating to limitations in case of certain dependent taxpayers) applies;".

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate amendment numbered 47, and agree to the same with amendments as follows:

On page 35 of the Senate engrossed amendments, strike out the table after line 5 and insert the following:

"Percentage method withholding table

	Amount of one withholding exemption
"Payroll period:	
Weekly	$14.40
Biweekly	28.80
Semimonthly	31.30
Monthly	62.50
Quarterly	187.50
Semiannual	375.00
Annual	750.00
Daily or miscellaneous (per day of such period)	2.10."

On page 37 of the Senate engrossed amendments, strike out line 24 and all that follows down through line 2 on page 38 and insert in lieu thereof the following:

(b) FIFTEEN-DAY EXTENSION OF EXISTING WITHHOLDING PROVISIONS.—

(1) Paragraph (3) of section 3402(a) (relating to requirement of withholding) is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 16, 1972".

(2) Paragraph (2) of section 805(b) of the Tax Reform Act of 1969 (relating to percentage method of withholding) is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 16, 1972".

(i) EFFECTIVE DATE.—

(1) The amendments made by this section (other than subsection (h)) shall apply with respect to wages paid after January 15, 1972.

(2) The amendments made by subsection (h) shall apply with respect to wages paid after December 31, 1971, and before January 16, 1972.

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 210. CERTAIN EXPENSES TO ENABLE INDIVIDUALS TO BE GAINFULLY EMPLOYED.

(a) IN GENERAL.—Section 214 (relating to expenses for care of certain dependents) is amended to read as follows:

"SEC. 214. EXPENSES FOR HOUSEHOLD AND DEPENDENT CARE SERVICES NECESSARY FOR GAINFUL EMPLOYMENT.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1)), there shall be allowed as a deduction the employment-related expenses (as defined in subsection (b)(2)) paid by him during the taxable year.

"(b) DEFINITIONS, ETC.—For purposes of this section—

"(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

"(A) a dependent of the taxpayer who is under the age of 15 and with respect to whom the taxpayer is entitled to a deduction under section 151(e),

"(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself, or

"(C) the spouse of the taxpayer, if he is physically or mentally incapable of caring for himself.

"(2) EMPLOYMENT-RELATED EXPENSES.—The term 'employment-related expenses' means amounts paid for the following expenses, but only if such expenses are incurred to enable the taxpayer to be gainfully employed:

"(A) expenses for household services, and

"(B) expenses for the care of a qualifying individual.

"(3) MAINTAINING A HOUSEHOLD.—An individual shall be treated as maintaining a household for any period only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, is furnished by such individual and his spouse).

"(c) LIMITATIONS ON AMOUNTS DEDUCTIBLE.—

"(1) IN GENERAL.—A deduction shall be allowed under subsection (a) for employment-related expenses incurred during any month only to the extent such expenses do not exceed $400.

"(2) EXPENSES MUST BE FOR SERVICES IN THE HOUSEHOLD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a deduction shall be allowed under subsection (a) for employment-related expenses only if they are incurred for services in the taxpayer's household.

"(B) EXCEPTION.—Employment-related expenses described in subsection (b)(2)(B) which are incurred for services outside the taxpayer's household shall be taken into account only if incurred for the care of a qualifying individual described in subsection (b)(1)(A) and only to the extent such expenses incurred during any month do not exceed—

"(i) $200, in the case of one such individual,

"(ii) $300 in the case of two such individuals, and

"(iii) $400, in the case of three or more such individuals.

"(d) INCOME LIMITATION.—If the adjusted gross income of the taxpayer exceeds $18,000 for the taxable year during which the expenses are incurred, the amount of the employment-related expenses incurred during any month of such year which may be taken into account under this section shall (after the application of subsections (e)(5) and (c)) be further reduced by that portion of one-half of the excess of the adjusted gross income over $18,000 which is properly allocable to such month. For purposes of the preceding sentence, if the taxpayer is married during any period of the taxable year, there shall be taken into account the combined adjusted gross income of the taxpayer and his spouse for such period.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the deduction provided by subsection (a) shall be allowed only if the taxpayer and his spouse file a single return jointly for the taxable year.

"(2) GAINFUL EMPLOYMENT REQUIREMENT.—If the taxpsyer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

"(A) both spouses are gainfully employed on a substantially full-time basis, or

"(B) the spouse is a qualifying individual described in subsection (b)(1)(C).

"(3) CERTAIN MARRIED INDIVIDUALS LIVING APART.—An individual who for the taxable year would be treated as not married under section 143(b) if paragraph (1) of such section referred to any dependent, shall be treated as not married for such taxable year.

"(4) PAYMENTS TO RELATED INDIVIDUALS.—No deduction shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a) (relating to definition of dependent) or to a dependent described in paragraph (9) of such section.

"(5) REDUCTION FOR CERTAIN PAYMENTS.—In the case of employment-related expenses incurred during any taxable year solely with respect to a qualifying individual (other than an individual who is also described in subsection (b)(1)(A)), the amount of such expenses which may be taken into account for purposes of this section shall (before the application of subsection (c)) be reduced—

"(A) if such individual is described in subsection (b)(1)(B), by the amount by which the sum of—

"(i) such individual's adjusted gross income for such taxable year, and

"(ii) the disability payments received by such individual during such year,

exceeds $750, or

"(B) in the case of a qualifying individual described in subsection (b)(1)(C), by the amount of disability payments received by such individual during the taxable year.

For purposes of this paragraph, the term 'disability payment' means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 is amended by striking out the item relating to section 214 and inserting in lieu thereof the following:

"Sec. 214. Expenses for household and dependent care services necessary for gainful employment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 331. LEVIES ON SALARIES AND WAGES.

(a) WRITTEN NOTICE REQUIRED.—Section 6331 (relating to levy and distraint) is amended by redesignating subsection (d) as (e) and by inserting after subsection (c) the following new subsection:

"(d) SALARY AND WAGES.—

"(1) IN GENERAL.—Levy may be made under subsection (a) upon the salary or wages of an individual with respect to any unpaid tax only after the Secretary or his delegate has notified such individual in writing of his intention to make such levy. Such notice shall be given in person, left at the dwelling, or usual place of business of such individual, or shall be sent by mail to such individual's last known address, no less than 10 days before the day of levy. No additional notice shall be required in the case of successive levies with respect to such tax.

"(2) JEOPARDY.—Paragraph (1) shall not apply to a levy if the Secretary or his delegate has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to levies made after March 31, 1972.

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with the following amendments:

On page 52, line 18, of the Senate engrossed amendments, after the period insert: The burden of proof in respect of the issue, for purposes of this paragraph, as to whether a payment constitutes an illegal bribe, illegal kickbacks, or other illegal payment shall be upon the Secretary or his delegate to the same extent as he bears the burden of proof under section 7454 (concerning the burden of proof when the issue relates to fraud).

On page 52 of the Senate engrossed amendments, beginning with line 19, strike out all through line 10 on page 53, and insert:

"(3) KICKBACKS, REBATES, AND BRIBES UNDER MEDICARE AND MEDICAID.—No deduction shall be allowed under subsection (a) for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer."; and

On page 53 of the Senate engrossed amendments, beginning with line 14, strike out all through line 11 on page 56 and insert:

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to payments after December 30, 1969, except that section 162(c)(3) of the Internal Revenue Act of 1954 (as added by subsection (a)) shall apply only with respect to kickbacks, rebates, and bribes payment of which is made on or after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with the following amendments:

On page 60, line 4, of the Senate engrossed amendments, after "1969," insert: and before April 1, 1972,

On page 60, lines 6 and 7, of the Senate engrossed amendments, strike out "such date" and insert: May 27, 1969

On page 60, line 9, of the Senate engrossed amendments, strike out "on or after April 1, 1972" and insert: after March 31, 1972

On page 61, line 8, of the Senate engrossed amendments, after "1969," insert: and before April 1, 1972,

On page 61, lines 9 and 10, of the Senate engrossed amendments, strike out "such date" and insert: May 27, 1969

On page 62, line 18, of the Senate engrossed amendments, before "the" insert: and

On page 62, line 20, of the Senate engrossed amendments, strike out the comma.

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 314. INCOME FROM CERTAIN AIRCRAFT AND VESSELS.

(a) ELECTION.—Section 861 (relating to income from sources within the United States) is amended by adding at the end thereof the following new subsection:

"(e) ELECTION TO TREAT INCOME FROM CERTAIN AIRCRAFT AND VESSELS AS INCOME FROM SOURCES WITHIN THE UNITED STATES.—

"(1) IN GENERAL.—For purposes of subsection (a) and section 862 (a), if a taxpayer owning an aircraft or vessel which is section 38 property (or would be section 38 property but for section 48(a)(5)) leases such aircraft or vessel to a United States person, other than a member of the same controlled group of corporations (as defined in section 1563) as the taxpsyer, and if such aircraft or vessel is manufactured or constructed in the United States, the taxpayer may elect, for any taxable year ending after the commencement of such lease, to treat all amounts includible in gross income with respect to such aircraft or vessel (whether during or after the period of any such lease), including gain from sale or other disposition of such aircraft or vessel, as income from sources within the United States.

"(2) EFFECT OF ELECTION.—An election under paragraph (1) made with respect to any aircraft or vessel shall apply to the taxable year for which made and to all subsequent taxable years. Such election may not be revoked except with the consent of the Secretary or his delegate.

"(3) MANNER AND TIME OF ELECTION AND REVOCATION.—An election under paragraph (1), and any revocation of such election shall be made in such manner and at such time as the Secretary or his delegate prescribes by regulations.

"(4) CERTAIN TRANSFERS INVOLVING CARRYOVER BASIS.—If the taxpayer transfers or distributes an aircraft or vessel which is subject to an election under paragraph (1) and the basis of such aircraft or vessel in the hands of the transferee or distributee is determined by reference to its basis in the hands of the transferor or distributor, the transferee or distributee shall, for purposes of paragraph (1), be treated as having made an election with respect to such aircraft or vessel."

(b) CLERICAL AMENDMENT.—Section 862 (relating to income from sources without the United States) is amended by adding at the end thereof the following new subsection:

"(c) CROSS REFERENCE—

"For source of amounts attributable to certain aircraft and vessels, see section 861(e)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after August 15, 1971, but only with respect to leases entered into after such date.

And the Senate agreed to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with the following amendments:

On page 70, line 1, of the Senate engrossed amendments, strike out "316" and insert: 315

On page 70 of the Senate engrossed amendments, strike out lines 13 through 22 and insert:

(b) CERTAIN CAPITAL EXPENDITURES.—Section 103(c)(6)(F)(iii) (relating to exception of certain capital expenditures for purposes of the $5,000,000 limit) is amended by striking out "$250,000" and inserting in lieu thereof "$1,000,000".

"(c) EFFECTIVE DATES.—The amendments made by subsection (a) shall apply with

respect to obligations issued after January 1, 1969. The amendment made by subsection (b) shall apply with respect to expenditures incurred after the date of the enactment of this Act."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 316. DISCLOSURE OR USE OF INFORMATION BY PREPARERS OF RETURNS.

(a) CRIMINAL PENALTY.—Part I of subchapter A of chapter 75 (relating to crimes) is amended by adding at the end thereof the following new section:

"SEC. 7216. DISCLOSURE OR USE OF INFORMATION BY PREPARERS OF RETURNS.

"(a) GENERAL RULE.—Any person who is engaged in the business of preparing, or providing services in connection with the preparation of, returns of the tax imposed by chapter 1, or declarations or amended declarations of estimated tax under section 6015, or any person who for compensation prepares any such return or declaration for any other person, and who—

"(1) discloses any information furnished to him for, or in connection with, the preparation of any such return or declaration, or

"(2) uses any such information for any purpose other than to prepare, or assist in preparing, any such return or declaration,

shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution.

"(b) EXCEPTIONS.—

"(1) DISCLOSURE.—Subsection (a) shall not apply to a disclosure of information if such disclosure is made—

"(A) pursuant to any other provision of this title, or

"(B) pursuant to an order of a court.

"(2) USE.—Subsection (a) shall not apply to the use of information in the preparation of, or in connection with the preparation of, State and local tax returns and declarations of estimated tax of the person to whom the information relates.

"(3) REGULATIONS.—Subsection (a) shall not apply to a disclosure or use of information which is permitted by regulations prescribed by the Secretary or his delegate under this section."

(b) CLERICAL AMENDMENT.—The table of contents for part I of subchapter A of chapter 75 is amended by adding at the end thereof the following new item:

"Sec. 7216. Disclosure or use of information by preparers of returns."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment, and omit the matter proposed to be inserted by the Senate amendment.

On page 52 of the House engrossed bill, strike out lines 5 and 6 and insert the following:

(a) REPEAL OF AND EXEMPTIONS FROM TAX.—

(1) REPEAL.—Section 4061(a) (relating to tax on automobiles, etc.) is amended to read as follows:

On page 53, line 13, of the House engrossed bill, strike out the final quotation mark.

On page 53 of the House engrossed bill, after line 13, insert the following:

"Truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less (as so determined)."

(2) EXEMPTIONS FOR LOCAL TRANSIT BUSES, AND FOR TRASH CONTAINERS, ETC.—Section 4063 (a) (relating to exemptions for specified articles) is amended by adding at the end thereof the following new paragraphs:

"(6) LOCAL TRANSIT BUSES.—The tax imposed under section 4061(a) shall not apply in the case of automobile bus chassis or automobile bus bodies which are to be used predominantly by the purchaser in mass transportation service in urban areas.

"(7) TRASH CONTAINERS, ETC.—The tax imposed under section 4061(a) shall not apply in the case of any box, container, receptacle, bin, or other similar article which is to be used as a trash container and is not designed for the transportation of freight other than trash, and which is not designed to be permanently mounted on or permanently affixed to an automobile truck chassis or body, or in the case of parts or accessories designed primarily for use on, in connection with, or as a component part of any such article."

(3) TECHNICAL AMENDMENTS.—

(A) Section 4221(c) (relating to relief of manufacturer from liability in certain cases) is amended by striking out "section 4063(b)," and inserting in lieu thereof "section 4063 (a) (6) or (7), 4063(b),"

(B) Section 4222(d) (relating to registration in the case of certain exemptions) is amended by striking out "sections 4063(b)," and inserting in lieu thereof "sections 4063 (a) (6) and (7), 4063(b),".

(C) Section 6416(b)(2) (relating to specified uses and resales in case of which tax payments are considered overpayments) is amended—

(i) by striking out "described in section 4221(e)(5)." in subparagraph (R) and inserting in lieu thereof "described in section 4063(a)(6) or 4221(e)(5); or"; and

(ii) by adding at the end thereof the following new subparagraph:

"(S) in the case of a box, container, receptacle, bin, or other similar article taxable under section 4061(a), sold to any person for use as described in section 4063(a)(7)."

And the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment.

On page 58, line 16, of the House engrossed bill, after "imposed" insert the following: (without regard to the amendment made by paragraph (2) of subsection (a) of this section)

On page 58, line 16, of the House engrossed bill, strike out "(f)" and insert the following: (g)

On page 60, line 15, of the House engrossed bill, strike out "(a) and (f)" and insert the following: (a), (f), and (g)

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with amendments as follows:

On page 98, line 17, of the Senate engrossed amendments, strike out "403" and insert the following: 402.

On page 99 of the Senate engrossed amendments, strike out lines 20 through 24.

And the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with the following amendments:

On page 104 of the Senate engrossed amendments strike line 25.

On page 105, line 3, of the Senate engrossed amendments strike "group." and insert: group; and

On page 105 of the Senate engrossed amendments between lines 3 and 4 insert:

"(v) the uncommitted transitional funds of the group as determined under paragraph (4)."

On page 105, line 8 of the Senate engrossed amendments strike out "subparagraph (B) (ii)" and insert: subparagraphs (B) (ii) and (v)

On page 106, between lines 9 and 10, of the Senate engrossed amendments, insert the following:

"(4) UNCOMMITTED TRANSITIONAL FUNDS.—The uncommitted transitional funds of the group shall be an amount equal to the sum of—

(A) the excess of—

(i) the amount of stock or debt obligations of domestic members of such group outstanding on December 31, 1971, and issued on or after January 1, 1968, to persons other than United States persons or any members of such group, but only to the extent the taxpayer establishes that such amount constitutes a long-term borrowing for purposes of the foreign direct investment program, over

(ii) the net amount of actual foreign investment by domestic members of such group during the period that such stock or debt obligations have been outstanding; and

"(B) the amount of liquid assets to the extent not included in subparagraph (A) held by foreign members of such group and foreign branches of domestic members of such group on October 31, 1971, in excess of their reasonable working capital needs on such date.

For purposes of this paragraph, the term "liquid asset" means money, bank deposits (not including time deposits), and indebtedness of 2 years or less to maturity on the date of acquisition; and the actual foreign investment shall be determined under paragraph (3) without regard to the date in subparagraph (A) of such paragraph and without regard to subparagraph (D) of such paragraph.

On page 106, line 10, of the Senate engrossed amendments strike out "(4)" and insert: (5)

And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with the following amendment:

Omit the matter proposed to be inserted by the Senate amendment and insert on page 105, after the period in line 11, of the House engrossed bill, the following: For purposes of this section, a foreign corporation which qualified as an export trade corporation for any 3 taxable years beginning before November 1, 1971, shall be treated as an export trade corporation.

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with the following amendment:

On page 108 of the Senate engrossed amendment strike out lines 7 through 11 and insert:

"(3) LIMITATION.—No controlled foreign corporation may qualify as an export trade corporation for any taxable year beginning after October 31, 1971, unless it qualified as an export trade corporation for any taxable year beginning before such date. If a corporation fails to qualify as an export trade corporation for a period of any 3 consecutive taxable years beginning after such date, it may not qualify as an export trade corporation for any taxable year beginning after such period."

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And the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu thereof insert: of this title

And the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu thereof insert: of this title

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with the following amendments:

On page 115, line 14, of the Senate engrossed amendments, strike out "VII" and insert: VI

On page 115, line 17, of the Senate engrossed amendments, strike out "701" and insert: 601

On page 115, line 21, strike out "44" and insert: 42

On page 117, line 10, of the Senate engrossed amendments, strike out "and".

On page 117, line 12, of the Senate engrossed amendments, strike out the period and insert: , and

On page 117 of the Senate engrossed amendments, after line 12, insert:

"(E) section 41 (relating to contributions to candidates for public office).

On page 121, line 12, of the Senate engrossed amendments, strike out "or".

On page 121, line 19, of the Senate engrossed amendments, strike out "individual." and insert; individual, or

On page 121 of the Senate engrossed amendments, after line 19, insert:

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

On page 122 of the Senate engrossed amendment, after line 11, insert:

"(d) FAILURE TO PAY COMPARABLE WAGES.—

"(1) GENERAL RULE.—Under regulations prescribed by the Secretary or his delegate, if during the period described in subsection (c)(1)(A), the taxpayer pays wages (as defined in section 50B(b)) to an employee with respect to whom work incentive program expenses are taken into account under subsection (a) which are less than the wages paid to other employees who perform comparable services, the tax under this chapter for the taxable year in which such wages are so paid shall be increased by an amount (determined under such regulations) equal to the credits allowed under section 40 for such taxable year and all prior taxable years attributable to work incentive program expenses paid or incurred with respect to such employee, and the carrybacks and carryovers under subsection (b) shall be properly adjusted.

"(2) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

On page 122 of the Senate engrossed amendments, strike out lines 13 through 22, and insert:

"(a) WORK INCENTIVE PROGRAM EXPENSES.—For purposes of this subpart, the term 'work incentive program expenses' means the wages paid or incurred by the taxpayer for services rendered during the first 12 months of employment (whether or not consecutive) of employees who are certified by the Secretary of Labor as—

"(1) having been placed in employment under a work incentive program established under section 432(b)(1) of the Social Security Act, and

"(2) not having displaced any individual from employment.

"(b) WAGES.—For purposes of subsection (a), the term 'wages' means only cash remuneration (including amounts deducted and withheld).

"(c) LIMITATIONS.—

On page 123, line 11, of the Senate engrossed amendments, strike out "wages or salary of an employee" and insert: item with respect to any employee

On page 123, line 24, of the Senate engrossed amendments, strike out "or".

On page 124, line 5, of the Senate engrossed amendments, strike out "trust," and insert: trust, or

On page 124 of the Senate engrossed amendments, after line 5 insert:

"(C) is a dependent (described in section 152(a)(9)) of the taxpayer, or, if the taxpayer is a corporation, of an individual described in subparagraph (A), or, if the taxpayer is an estate or trust, of a grantor, beneficiary, or fiduciary of the estate or trust.

On page 124, line 6, of the Senate engrossed amendments, strike out "(c)" and insert: (d)

On page 124, line 17, of the Senate engrossed amendments, strike out "(d)" and insert: (e)

On page 125, line 9, of the Senate engrossed amendments, strike out "(e)" and insert: (f)

On page 125, line 19, of the Senate engrossed amendments, strike out "(f)" and insert: (g)

On page 126 of the Senate engrossed amendments, strike out the matter between lines 3 and 4, and insert:

"Sec. 40. Expenses of work incentive programs.

"Sec. 41. Contributions to candidates for public office.

"Sec. 42. Overpayments of tax.

On page 126, line 4, of the Senate engrossed amendments, strike out "of such Code".

On page 126 of the Senate engrossed amendments, after line 15, insert:

(4) Section 56(a)(2) (relating to imposition of minimum tax for tax preferences) is amended—

(A) by striking out "and" at the end of clause (ii),

(B) by striking out "; and" at the end of clause (iii) and inserting in lieu thereof a comma, and

(C) by inserting after clause (iii) the following new clauses:

(iv) section 40 (relating to expenses of work incentive program), and

"(v) section 41 (relating to contributions to candidates for public office); and".

(5) Section 56(c)(1) (relating to tax carryovers) is amended—

(A) by striking out "and" at the end of subparagraph (B),

(B) by striking out "exceed" at the end of subparagraph (C), and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) section 40 (relating to expenses of work incentive program), and

"(E) section 41 (relating to contributions to candidates for public office), exceed".

On page 132 of the Senate engrossed amendments, beginning with line 4 strike out all through line 2 on page 148.

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with the following amendments:

On page 157, line 18, of the Senate engrossed amendments, strike out "IX" and insert: VII

On page 157, line 21, of the Senate engrossed amendments, strike out "901" and insert: 701

On page 157 of the Senate engrossed amendments, strike out line 24 and insert in lieu thereof: section 40 (as added by section 601 of this Act) the following

On page 158 of the Senate engrossed amendments, strike out the first 12 lines and insert in lieu thereof the following:

"SEC. 41. CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed, subject to the limitations of subsection (b), as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of all political contributions, payment of which is made by the taxpayer within the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall be limited to $12.50 ($25 in the case of a joint return under section 6013).

"(2) APPLICATION WITH OTHER CREDITS.—The"

On page 158, line 20, of the Senate engrossed amendments, strike out "2" and insert: 3

On page 159, lines 5, 8, 12, 13 and 14, and 17, of the Senate engrossed amendments, strike out "election" and insert: nomination or election

On page 160, line 5, of the Senate engrossed amendments, strike out "election" and insert: nomination or election

On page 161, line 7, of the Senate engrossed amendments, strike out "42" and insert: 41

On page 161, line 8, of the Senate engrossed amendments, strike "902" and insert: 702

On page 161, line 17, of the Senate engrossed amendments, strike "42" and insert: 41

On page 161 of the Senate engrossed amendments, strike out lines 21 and 22 and insert:

(a) shall not exceed $50 ($100 in the case of a joint return under section 6013).

On page 162, line 8, of the Senate engrossed amendments, strike "42" and insert: 41

On page 162 of the Senate engrossed amendments, after line 19, insert the following:

(c) The table of sections of part VII of subchapter B of chapter 1 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Contributions to candidates for public office.

"Sec. 219. Cross references."

On page 162, line 20, of the Senate engrossed amendments, strike "903" and insert: 703

On page 163 of the Senate engrossed amendments, starting with line 3, strike out all through line 2 on page 187 and insert in lieu thereof the following:

TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

SEC. 801. PRESIDENTIAL ELECTION CAMPAIGN FUND ACT.

The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

"SUBTITLE H—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

"Chapter 95. Presidential election campaign fund.

"Chapter 96. Presidential election campaign fund advisory board.

"Chapter 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Condition for eligibility for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certification by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Examinations and audits; repayments.
"Sec. 9008. Information on proposed expenses.
"Sec. 9009. Reports to Congress; regulations.
"Sec. 9010. Participation by Comptroller General in judicial proceedings.
"Sec. 9011. Judicial review.
"Sec. 9012. Criminal penalties.
"Sec. 9013. Effective date of chapter.

"Sec. 9001. SHORT TITLE.

"This chapter may be cited as the 'Presidential Election Campaign Fund Act'.

"Sec. 9002. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'authorized committee' means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a)(2), the term 'candidate' means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 9006(a).

"(6) The term 'major party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(8) The term 'new party' means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

"(9) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(10) The term 'presidential election' means the election of presidential and vice-presidential electors.

"(11) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

"(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Comptroller General prescribes by rules or regulations.

"(12) The term 'expenditure report period' with respect to any presidential election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

"Sec. 9003. CONDITION FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request,

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) MAJOR PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

"(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

"(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"Sec. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL.—Subject to the provisions of this chapter—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to 15 cents multiplied by the total number of residents within the United States who have attained the age of 18, as determined by the Bureau of the Census, as of the first day of June of the year preceding the year of the presidential election.

"(2)(A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

"(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for

such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

"(b) LIMITATIONS.—The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

"(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a) (1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) RESTRICTIONS.—The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

"SEC. 9005. CERTIFICATION BY COMPTROLLER GENERAL.

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9007 the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9007 and judicial review under section 9011.

"SEC. 9006. PAYMENTS TO ELIGIBLE CANDIDATES

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. The Secretary shall maintain in the fund (1) a separate account for the candidates of each major party, each minor party, and each new party for which a specific designation is made under section 6096 for payment into an account in the fund and (2) a general account for which no specific designation is made. The Secretary shall, as provided by appropriation Acts, transfer to each account in the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous presidential election) to such account by individuals under section 6096 for payment into such account of the fund.

"(b) TRANSFER TO THE GENERAL FUND.—If, after a presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in any account in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) PAYMENTS FROM THE FUND.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the specific account in the fund for such candidates the amount certified by the Comptroller General. Payments to eligible candidates from the account designated for them shall be limited to the amounts in such account at the time of payment. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) TRANSFERS FROM GENERAL ACCOUNT TO SEPARATE ACCOUNTS.—

"(1) If, on the 60th day prior to the presidential election, the moneys in any separate account in the fund are less than the aggregate entitlement under section 9004(a) (1) or (2) of the eligible candidates to which such account relates, 80 percent of the amount in the general account shall be transferred to the separate accounts (whether or not all the candidates to which such separate accounts relate are eligible candidates) in the ratio of the entitlement under section 9004(a) (1) or (2) of the candidates to which such accounts relate. No amount shall be transferred to any separate account under the preceding sentence which, when added to the moneys in that separate account prior to any payment out of that account during the calendar year, would be in excess of the aggregate entitlement under section 9004(a) (1) or (2) of the candidates to whom such account relates.

"(2) If, at the close of the expenditure report period, the moneys in any separate account in the fund are not sufficient to satisfy any unpaid entitlement of the eligible candidates to which such account relates, the balance in the general account shall be transferred to the separate accounts in the following manner:

"(A) For the separate account of the candidates of a major party, compute the percentage which the average number of popular votes received by the candidates for President of the major parties is of the total number of popular votes cast for the office of President in the election.

"(B) For the separate account of the candidates of a minor or new party, compute the percentage which the popular votes received for President by the candidate to which such account relates is of the total number of popular votes cast for the office of President in the election.

"(C) In the case of each separate account, multiply the applicable percentage obtained under paragraph (A) or (B) for such account by the amount of the money in the general account prior to any distribution made under paragraph (1), and transfer to such separate account an amount equal to the excess of the product of such multiplication over the amount of any distribution made under such paragraph to such account.

"SEC. 9007. EXAMINATIONS AND AUDITS; REPAYMENTS.

"(a) EXAMINATIONS AND AUDITS.—After each presidential election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

"(b) REPAYMENTS.—

"(1) If the Comptroller General determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments to which candidates were entitled under section 9004, he shall so notify such candidates, and such candidates shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, he shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary an amount equal to such amount.

"(3) If the Comptroller General determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 9006(c), to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

"(c) NOTIFICATION.—No notification shall be made by the Comptroller General under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"SEC. 9008. INFORMATION ON PROPOSED EXPENSES.

"(a) REPORTS BY CANDIDATES.—The candidates of a political party for President and Vice President in a presidential election shall, from time to time as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) PUBLICATION.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"SEC. 9009. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Comptroller General shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) REGULATIONS, ETC.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9007 (a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"SEC. 9010. PARTICIPATION BY COMPTROLLER GENERAL IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCE BY COUNSEL.—The Comptroller General is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) RECOVERY OF CERTAIN PAYMENTS.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9007.

"(c) DECLARATORY AND INJUNCTIVE RELIEF.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) APPEAL.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"SEC. 9011. JUDICIAL REVIEW.

"(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMPTROLLER GENERAL.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) SUITS TO IMPLEMENT CHAPTER.—

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 9012. CRIMINAL PENALTIES.

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(g) CONTRIBUTIONS.—

"(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contributions to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002 (11).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidte and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(c) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(d) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(e) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES AND CONTRIBUTIONS.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the

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election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(g) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"SEC. 9013. EFFECTIVE DATE OF CHAPTER.

The provisions of this chapter shall take effect on January 1, 1973.

"CHAPTER 96. PRESIDENTIAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"SEC. 9021. ESTABLISHMENT OF ADVISORY BOARD.

"(a) ESTABLISHMENT OF BOARD.—There is hereby established an advisory board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act.

"(b) COMPOSITION OF BOARD.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, who shall serve ex officio;

"(2) two members representing each political party which is a major party (as defined in section 9002(6)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of the first presidential election following January 1, 1973, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a presidential election and expire on the sixtieth day following the date of the subsequent presidential election. The Board shall elect a Chairman from its members.

"(c) COMPENSATION.—Members of the Board (other than members described in subsection (b)(1) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) STATUS.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States be considered as service as an officer or employee of the United States."

SEC. 802. MISCELLANEOUS AMENDMENTS.

(a) DESIGNATION OF INCOME TAX PAYMENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND.—Effective with respect to taxable years ending on or after December 31, 1972, section 6096(a) (relating to designation of income tax payments to the presidential election campaign fund) is amended to read as follows:

"(a) IN GENERAL.—Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund for the account of the candidates of any specified political party for President and Vice President of the United States, or if no specified account is designated by such individual, for a general account for all candidates for election to the Offices of President and Vice President of the United States, in accordance with the provisions of section 9006(a)(1). In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to any such account in the fund."

(b) REPEAL OF CERTAIN PROVISIONS.—

(1) Sections 303, 304, and 305 of the Presidential Election Campaign Fund Act of 1966 (80 Stat. 1587) are repealed.

(2) The enactment of subtitle H of the Internal Revenue Code of 1954 by section 801 of this Act is intended to comply with the provisions of section 5 (relating to the Presidential Election Campaign Fund Act of 1966) of the Act entitled "An Act to restore the investment credit and allowance of accelerated depreciation in the case of certain real property", approved June 13, 1967 (Public Law 90-26, 81 Stat. 58). The provisions of section 6096 of the Internal Revenue Code of 1954, together with the amendments of such section made by subsection (a) shall be applicable only to taxable years ending on or after December 31, 1972.

And the Senate agree to the same.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN E. TALMADGE,
CARL T. CURTIS,
JACK MILLER,
Managers on the Part of the Senate.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
MARTHA W. GRIFFITHS,
JOHN W. BYRNES,
JACKSON E. BETTS,
HERMAN T. SCHNEEBELI,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

FARM MACHINERY AND EQUIPMENT

Amendment No. 4: Under the bill as passed by the House, the investment credit provided by section 38 of the Internal Revenue Code of 1954 is restored for property acquired after August 15, 1971, or acquired during the period April 1–August 15, 1971, pursuant to an order placed after March 31, 1971. Senate amendment no. 4 restored the investment credit for farm machinery and equipment acquired during the period January 1–August 15, 1971, pursuant to an order placed during the period January 1, 1971, through March 31, 1971.

The Senate recedes.

ACCOUNTING FOR INVESTMENT CREDIT IN FINANCIAL REPORTS

Amendment No. 7: The Senate amendment provides that, for purposes of accounting for the investment credit in financial reports, no taxpayer shall be required to use any particular method of accounting. The amendment also requires taxpayers to disclose in their financial reports, the method of accounting used for the investment credit.

The House recedes with an amendment. The conference agreement clarifies the application of the Senate amendment by providing that taxpayers for purposes of reporting to Federal agencies and for purposes of making financial reports subject to regulation by Federal agencies are to be permitted to account for the tax benefit of the investment credit either currently in the year in which the investment credit is taken as a tax reduction, or ratably over the life of the asset. This includes not only reports made to the Federal Government, but also reporting to stockholders to the extent any Federal agency has the authority to specify the method of such reporting. This treatment is to be available notwithstanding any other law or regulation under law. The method used after the date of the bill must be consistently followed unless permission to make a change in the method of reporting is obtained from the Secretary or his delegate. The requirements set forth in this provision are not to apply to reports of public utilities for which other rules are provided under section 105 of the bill.

USEFUL LIFE FOR INVESTMENT CREDIT PURPOSES

Both the bill as passed by the House and as passed by the Senate in section 102 provide that a taxpayer must use the same useful life with respect to an asset in determining the amount of the allowable investment credit as the taxpayer uses in computing depreciation or amortization on the asset. The conferees agreed that this was not the rule in the past.

The conferees also concluded that where a taxpayer uses a method of depreciation, such as the units-of-production method or the income-forecast method, which does not directly relate the useful life of the property in terms of a specific number of years, the determination as to what constitutes the useful life for purposes of the investment credit as required by the bill should be made by comparing the depreciation taken under the units-of-production method or income-forecast method at the end of 3, 5, and 7 years with the most liberal depreciation which would be taken under the double-declining-balance or sum-of-the-years digits method for an asset of the useful life of seven years. If the depreciation expected to be taken under the units-of-production method or income-forecast method at these time intervals does not exceed by more than 20 percent the depreciation taken under the most favorable of the other two methods, the useful life of the asset under the income-forecast method or units-of-production method will be assumed to be seven years. Similar comparisons may be made with other useful lives. If the depreciation actually taken is greater than anticipated, then rules achieving essentially the same result as the recapture rules with respect to the investment credit are to apply. The effect of this is to permit the taxpayer to obtain a tax credit where he utilizes a method of depreciation which yields results substantially equivalent to the double-declining balance or sum-of-the-years digits methods of depreciation for comparable useful lives. This, of course, does not prevent a taxpayer from showing on the basis of his particular facts or circumstances, that other treatment with respect to the investment credit should be made applicable.

LIMITATION OF CREDIT TO DOMESTIC PRODUCTS

Amendment No. 8: Under the bill as passed by the House, the investment credit was not to be available for certain property which is completed outside the United States or 50 percent or more of the basis of which is attributable to value added outside the United States, if the construction of the property begins before the termination date of Presidential Proclamation 4074 (which imposed the import surcharge) or is acquired before that date. Senate amendment No. 8 provides that the investment credit will not be denied for foreign property acquired pursuant to an order placed after March 31, 1971, and before August 16, 1971 (or the construction of which by the taxpayer began during this period).

The House recedes.

Amendment No. 9: The bill as passed by the House authorized the President by Executive order where he finds it in the public interest to exempt any articles or class of articles from the provision which denies the investment credit to certain foreign property in the case of acquisitions pursuant to orders after (or the construction of which began after) August 15, 1971. Any such exemption could be prospective only from the date of the Executive order. Under Senate amendment No. 9, the exemption could be retroactive for up to two years if the President determined it to be in the public interest.

The House recedes with an amendment under which the exemption can be made retroactive to any date after August 15, 1971, if the President determines it to be in the public interest.

Under the above provision, the House indicated that among the situations in which it believed it was in the public interest to waive the limitation with respect to the investment credit were: (1) where the United States market for a particular type of item tends toward a monopolistic one (i.e., is dominated by one or two domestic producers); (2) where there are practically no U.S. manufacturers of the type of products involved and substantially all items of these types are imported; and (3) where the foreign producer of an item can show that it is seeking to develop a market in the United States prior to transferring the manufacturing operations for the item to the United States. The Senate Finance Committee report expresses general agreement with these three illustrations of public interest but adds a fourths. It would also provide for the waiving of the limitation where so-called "free-list" non-duty items which have a long history of free trade (such as farm machinery) are involved. However, the Senate Finance Committee report also indicated that it is contemplated that the President would not terminate the limitation with respect to an article (or brand of article) if there is a finding that a corporation (or an affiliated group of corporations within the meaning of section 312(l)(2)) has increased the foreign production of that article while within a reasonable time before or after that increase there had been significant decreases in the production of that article (or substantially similar article) in the United States.

The conferees agreed as to the appropriateness of the fourth category added in the Senate Finance Committee report. However, they concluded that it was inappropriate to limit the application of the four exceptions referred to above where there had previously been a significant decrease in the domestic production of the article in question (or substantially similar article). The application of such a rule would be difficult to apply administratively and could result in undesirable consequences with respect to domestic consumers, where, for example, this would perpetuate a situation tending toward monopoly.

Amendment No. 10: The Senate amendment authorizes the President to continue the application of the foreign property provision of the bill, when he terminates Presidential Proclamation 4074, to any article or class of articles, or to any article or class of articles manufactured or produced in any foreign country, if he determines such action to be in the public interest.

The House recedes with an amendment. Under the conference agreement, if on or after the date of the termination of Proclamation 4074, the President determines that a foreign country maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce, he may by Executive order apply the foreign property provision of the bill to any article or class of articles manufactured or produced in such foreign country for such period as may be provided by Executive order. The trade restrictions and discriminatory acts referred to by this provision are the same as those contained in section 252(b) of the Trade Expansion Act of 1962.

DEFINITION OF SECTION 38 PROPERTY

Amendment No. 11: Section 104 of the bill as passed by the House made several changes in the definition of "section 38 property", that is, property which qualifies for the investment credit. Livestock and communication satellites (as defined in section 103(3) of the Communication Satellite Act of 1962), or any interest therein, of a United States person were made eligible for the credit. The bill as passed by the House provided that property for which a taxpayer elected rapid amortization under the various provisions of the Internal Revenue Code of 1954 would not be eligible for the credit. Among these provisions where only one of the two provisions would be applicable was section 187 relating to certain coal mine safety equipment.

Senate amendment No. 11 modified some of these changes and made several additional rules. In the case of livestock, the Senate amendment provided that horses would not be eligible for the investment credit and that, if livestock was acquired to replace substantially identical livestock sold or otherwise disposed of within a period beginning 6 months before and ending 6 months after the acquisition, generally the cost of the livestock acquired would be reduced, for purposes of the investment credit, by the amount realized on the sale or disposition.

Senate amendment No. 11 also provided that coal mine safety equipment would be eligible for the investment credit as well as for rapid amortization.

The Senate amendment clarifies the provision of present law relating to storage facilities (section 48(a)(1)(B)(ii) of the Code) so as to make it clear that such provision applies only to facilities for the bulk storage of fungible commodities, including commodities in a liquid or gaseous state.

The Senate amendment extends the investment credit to coin-operated washing machines and dryers located in apartment buildings.

Under present law, property used predominantly outside the United States generally does not qualify for the investment credit. Present law and the bill as passed by the House provide a number of exceptions to this rule. Senate amendment no. 11 provides two additional exceptions. The first is for property (other than a vessel or aircraft) of a United States person which is used in international or territorial waters for the purpose of exploring for, developing, removing, or transporting resources from ocean waters or submarine deposits. The second is for any cable, manufactured in the United States, or any interest therein, of a domestic regulated telephone company (or of a wholly owned domestic subsidiary of such a company), if the cable is part of any submarine cable system which constitutes part of a communication link with the United States.

Senate amendment no. 11 makes it clear that replacement track material of a railroad that uses the retirement-replacement method of accounting for depreciation of its railroad track qualifies for the investment credit if the replacement is made under certain specified conditions or circumstances. A special limitation applies if the replacement is made as a result of a casualty.

The House recedes with amendments. Under the conference agreement, the special rule provided by the Senate amendment for replacement livestock is not to apply if the replacement is due to an involuntary conversion (including an involuntary conversion on account of disease or drought to the extent provided in section 1033 of the Code). The conference agreement restores the provision of the bill as passed by the House relating to coal mine safety equipment for which rapid amortization is elected. The conference agreement includes the provisions of the Senate amendment relating to storage facilities, coin-operated washing machines and dryers located in apartment buildings.

The conference agreement also removes the permanent requirement that submarine telephone cable, in order to be eligible for the investment credit, must be manufactured in the United States and makes it clear that the provision applies only to cables, or interests in cables, used exclusively in communication links between the United States and foreign countries. No inference is to be drawn as to the treatment of such submarine telephone cable under prior provisions relating to the investment credit, either as a result of this provision or as a result of any other provision included in this section. Finally, the conference agreement includes the portion of the Senate amendment which provides that property (other than vessels or aircraft) used to explore for, develop, remove, or transport resources from ocean waters or submarine deposits under such waters is to be eligible for the investment credit. Certain types of drilling rigs used for these purposes have, under prior rulings, been held to be eligible for the investment credit as documented vessels. No change is intended to be made in the status of such rigs.

USED PROPERTY

Amendment No. 12: Under prior law, used property qualifies for the investment credit to the extent that the cost of such property placed in service by a taxpayer in any taxable year does not exceed $50,000.

Under the bill as passed by the House, this limit was increased to $65,000, but was required to be reduced by the amount of the qualified investment in new section 38 property placed in service by the taxpayer during the taxable year.

Senate amendment No. 12 struck out this provision of the bill as passed by the House, and restored prior law.

The House recedes.

PUBLIC UTILITY PROPERTY

Amendment No. 14: Under the bill as passed by the House, public utility property (i.e., section 38 property placed in service by certain regulated companies) qualifies for only four-sevenths of the investment credit

(three-sevenths under prior law). Included among the utilities subject to this limitation are regulated telephone companies and domestic telegraph companies. The bill as passed by the House extended this limitation to regulated international telegraph companies and other regulated companies providing communication services.

Senate amendment no. 14 restored international telegraph companies to their status under prior law but extended the definition of public utility property to include communication property of any taxpayer if it is of the type used by persons engaged in providing regulated telephone or microwave communication services and if the taxpayer uses the property predominantly for communication purposes.

The House recedes with an amendment. Under the conference agreement, the provisions of the Senate amendment are retained but in the case of submarine cable circuits of a regulated international telegraph company, the investment credit with regard to any circuit between the United States and a point outside the United States is to be limited to so much of the interest of the company in the circuit as does not exceed 50 percent of the total interests in the circuit.

TREATMENT OF INVESTMENT CREDIT FOR RATEMAKING PURPOSES

Amendment No. 15: The bill as passed by the House provides the following three basic elective options as to treatment of the investment credit for ratemaking purposes: (1) under the first option the credit may not be flowed through to income but may be used to reduce the rate base (provided that this rate base reduction is restored not less rapidly than ratably over the useful life of the property); (2) under the second option the credit may be flowed through to income (but not more rapidly than ratably over the useful life of the property) and there must not be any adjustment to reduce the rate base: (3) under the third option there would be no restrictions on the treatment of the credit for ratemaking purposes. All regulated companies may choose between option (1) and option (2) within 90 days after the date of the enactment of this bill. If no election is made in that time, option (1) applies. Option (3) (election of which must be made within 90 days after enactment) is to be available only with respect to property where under the accelerated depreciation rules enacted as part of the Tax Reform Act of 1969 the benefits of the credit were flowed through to the customers. If, after March 31, 1972, a company flows through to income an amount greater than that permitted under the option applicable to that company, or its rate base is adjusted by an amount greater than that permitted under its applicable option, then the company is to lose the investment credit with respect to its public utility property for all open years and all future years.

Senate amendment No. 15 adopts the basic structure of the House provision with several changes. First, it provides that a regulated company furnishing steam through a local distribution system or gas or steam by pipeline may elect to have neither flow through nor rate base adjustment where a Federal agency having ratemaking jurisdiction determines that the natural domestic supply of the product is insufficient to meet the present and future needs of the domestic economy; this election must be made within 90 days after enactment. Second, a company that elects the second option (ratable flow-through but no rate base adjustment) must use the same ratable flow through on its regulated books of account for any other purposes for which those books are used (thus, there may be no requirement that the company treat the investment credit in its reports to shareholders, or to the public, in any manner different from the manner the company treats the investment credit for ratemaking purposes). Third, ratemaking treatment of the credit must be conformed to the rules provided by the bill in the first final action taken by the regulatory agency after enactment of the bill, rather than by March 31, 1972, as provided under the House bill. Fourth, a denial of the credit under the bill because of a regulatory agency acting inconsistently with the rules of the bill will not apply to property placed in service after the agency puts into effect a determination which is consistent with the bill.

The House recedes with a clerical amendment.

LIMITATION ON CARRYOVERS AND CARRYBACKS

Amendment No. 23: When the investment credit was terminated in 1969 a limitation was imposed on the amount of carryovers and carrybacks of prior unused credits which a taxpayer could use in any taxable year after the termination. The bill as passed by the House removed this limitation for taxable years ending after December 31, 1971. The Senate amendment provides in effect that the limitation is to be removed for the portion of taxable years ending in 1971 after August 15.

The House recedes.

AVAILABILITY OF CREDIT TO CERTAIN LESSORS

Amendment No. 27: The bill as passed by the House provided that in certain cases the credit provided by section 38 of the Code is not allowed to noncorporate lessors of property. Senate amendment no. 27 makes it clear that, where the lessor is a partnership which has a corporate partner, this limitation does not deny to the corporate partner the credit which is otherwise allowable to it.

The House recedes.

CERTAIN PROPERTY LEASED FOR SHORT TERM

Amendment No. 28: Under prior law, a lessor of section 38 property could elect to "pass through" the investment credit to the lessee of the property. Senate amendment No. 28 adds a special rule applicable to a short term lease of property which is defined in the amendment as a lease for a term which is less than 80 percent of the class life of the property leased. In the case of such a lease, the Senate amendment limits the amount of the investment credit which can be passed through to the lessee to the same percentage of the credit which would be passed through under the general lease rule as the percentage which the term of the lease is of the class life of the property.

The House recedes with amendments. Under the conference agreement the special rule provided by the Senate amendment is not to apply to leases of property which have a class life of 14 years or less or to leases which are "net leases" (as defined in section 57(c)(2) of the Code).

CERTAIN PROPERTY PLACED IN SERVICE IN RURAL AREAS AND CENTRAL CITIES

Amendment No. 29: Under the bill as passed by the House, the amount of the investment credit is generally 7 percent of the qualified investment (as defined in section 46(c) of the Code). Senate amendment No. 29 provided that in the case of certain property placed in service in rural areas and central cities, the credit would be 10 percent instead of 7 percent.

The Senate recedes.

RAILROAD ROLLING STOCK

Amendment No. 30: Under present law (section 263(e) of the Code), certain expenditures incurred in connection with the rehabilitation of a unit of railroad rolling stock (except a locomotive) are treated as deductible repairs under section 162 or 212 of the Code.

Senate amendment No. 30 makes this provision elective and also in effect, permits the taxpayer to elect either this provision or the new repair allowance provision provided by the bill as passed by the House (new section 263(f) of the Code).

The House recedes.

TRANSITIONAL RULES FOR REAL PROPERTY AND SUBSIDIARY ASSETS

Amendment No. 33: The Senate amendment provides two transitional rules, one applicable to real property and the other to subsidiary assets, under the new class life depreciation system provided by the bill as passed by the House. These transitional rules are to apply to property placed in service during the period beginning January 1, 1971, and ending December 31, 1973, or if earlier the date on which class lives are subsequently prescribed by the Secretary of the Treasury or his delegate.

The House recedes.

INCREASE IN PERSONAL EXEMPTION

Amendment No. 35. Under existing law, the amount of the personal exemption is $650 for calendar year 1971, $700 for 1972, and $750 for 1973 and later years. Under the bill as passed by the House, the personal exemption would be $675 for calendar year 1971 and $750 for 1972 and subsequent taxable years.

Senate amendment No. 35 retained the $675 personal exemption for calendar year 1971, but the amount of the personal exemption for calendar year 1972 and subsequent taxable years would be $800.

The Senate recedes.

LOW INCOME ALLOWANCE

Amendments Nos. 38 and 39:

The House bill increased the low income allowance to $1,300 for calendar 1972 and subsequent years.

The Senate amendments made this change effective also for taxable years beginning in 1971.

The Senate recedes.

CERTAIN FISCAL YEAR TAXPAYERS

Amendment No. 45: Under the bill as passed by the House, section 21 of the Internal Revenue Code of 1954 was amended to provide for proration of the changes in personal exemptions made by the bill in the case of a taxpayer whose taxable year is not the calendar year.

Senate amendment No. 45 provides for both the changes in the personal exemption and the changes in the standard deduction to be prorated for these taxpayers.

The House recedes.

WITHHOLDING CHANGES

Amendment No. 47: Existing law provides a percentage withholding method for 1971, 1972, and 1973 which incorporates the personal exemption and the standard deduction provided by existing law for those years. Wage bracket withholding tables based on the percentage method are prescribed by the Secretary of the Treasury. Under existing law, there is significant underwithholding in many cases. The bill as passed by the House amended the withholding provisions to reflect changes made by the bill in the personal exemption and standard deduction and to minimize underwithholding. These changes in withholding would take effect in two stages, the first stage was to be effective with respect to wages paid after November 14, 1971, and before January 1, 1973, and the second stage with respect to wages paid after December 31, 1972.

Senate amendment No. 47 amended the withholding provisions to reflect changes made by the Senate amendments in the personal exemption and standard deduction and to minimize underwithholding. Under the Senate amendments, these changes would take effect in one stage, that is, with respect to wages paid after December 31, 1971.

The House recedes with amendments. Under the conference agreement with the withholding provisions are amended to reflect changes made by the action recommended in the accompanying conference report in the personal exemption and the standard deduction and to minimize underwithholding. Under the conference agreement, these changes are to take effect in one stage, effective with respect to wages paid after January 15, 1972.

DECLARATIONS OF ESTIMATED INCOME TAX BY INDIVIDUALS

Amendment No. 48: The bill as passed by the House would increase the income levels above which a declaration of estimated income tax by individuals is required. It would also increase the levels applicable in the case of those requirements for filing declarations which are based on final tax liability or on the amount of income from sources other than wages.

Senate amendment No. 48 would accept the House provision in this respect but would provide that it is to take effect with respect to taxable years beginning after December 31, 1971 (instead of with respect to taxable years beginning after December 31, 1972).

The House recedes.

CERTAIN EXPENSES TO ENABLE INDIVIDUAL TO BE GAINFULLY EMPLOYED

Amendment No. 49: Under existing law (section 214 of the Code) certain categories of taxpayers are allowed an itemized deduction for amounts they spend for the care of certain dependent children (under age 13) and also for incapacitated dependents where such amounts enable the taxpayer to be gainfully employed. The amount of the deduction for any taxable year is limited to $600 where there is one such dependent, or to $900 where there are two or more such dependents. Generally for married couples the amount of the deduction is reduced by the adjusted gross income in excess of $6,000.

Senate amendment no. 49 revises and broadens the existing provision by making the deduction available both for household service expenses and dependent care expenses incurred in order to permit the taxpayer to be gainfully employed. For services of these types provided in the home, a deduction for us to $400 a month is allowed. The $400 deductible amount may also consist of child care expenses outside of the home of up to $200 a month for the care of one child, $300 a month for the care of 2 children, and $400 for the care of 3 or more children.

The deduction under this provision is available for expenses for gainful employment where the taxpayer's household includes a child under age 15 who may be claimed as a dependent of the taxpayer, a disabled dependent (regardless of age), or a disabled spouse. In the case of disabled dependents, the eligible expenses are reduced by adjusted gross income and nontaxable disability payments (government or private) in excess of $750 received by the dependent; and in the case of a disabled spouse, by disability payments. For married couples, the deduction is fully available where their combined annual adjusted gross income is not above $18,000. For those with incomes above this amount the otherwise allowable deduction is reduced 50 cents for each dollar of income above $18,000. The deduction is available whether or not the taxpayer takes the standard deduction.

The House recedes with an amendment. The conference agreement essentially retains the Senate amendment. However, the deduction may be taken only as an itemized deduction and the $18,000 income limit, above which the allowable deduction is reduced, is made applicable to unmarried as well as married taxpayers. In addition, the conference agreement clarifies the fact that a deduction is allowed only for expenses incurred to enable a taxpayer to be employed on a substantially full-time basis (employed for three-quarters or more of the normal or customary work week or the equivalent during the month).

The conference agreement also makes it clear that a taxpayer maintains a household for any period, only if he furnishes over half the cost of maintaining the household during such period.

The requirement that the expenses be incurred to enable the taxpayer to be gainfully employed is not intended to include amounts paid to an individual who is employed, for example, predominantly as a gardener, bartender, or chauffeur.

In the case of the reduction of otherwise allowable deductions by the adjusted gross income or disability payments received by a dependent, the expenses to be offset are only those expenses solely attributable to the disability of the dependent and are not to include the household service expenses which would be allowable in the absence of such dependent.

In these cases, the adjusted gross income and disability payments received by the dependent are applied first against any expenses incurred on his behalf in excess of the $400-a-month limit. Then any remaining payment received is applied against the expenses coming within the $400-a-month limit. Next the reduction for adjusted gross income in excess of $18,000 is applied. Adjusted gross income in excess of $18,000 in the taxable year reduces the amount of eligible expenses incurred (after the imposition of the $400-a-month limit) by 50 cents for each dollar of adjusted gross income over $18,000.

For purposes of the reduction for adjusted gross income in excess of $18,000, expenses incurred during any month (regardless of when paid) are to be compared to the adjusted gross income properly allocable to such period. Generally, the period for this purpose will be the taxable year, but allocations to shorter periods (such as a month) may be necessary where there is, for example, a change in marital status.

Married taxpayers must file a joint return in order to be eligible for the deduction (except for a taxpayer who would not be considered to be married under section 143(b)(1) (relating to certain married individuals living apart) if such section referred to any dependent instead of only to a child). In the case of individuals whose marital status changes during the year, the availability of the deduction is determined with regard to the eligible expenses incurred and the income earned by each spouse during the period of each marital status in a manner similar to present regulations.

LEVIES ON SALARIES AND WAGES

Amendment No. 50: Senate amendment numbered 50 added a new subsection (d) to section 6331 of the Code (relating to levy and distraint) providing that levy may be made on the salary or wages of an individual under section 6331(a) of the Code only after the Secretary of the Treasury or his delegate has notified the individual of his intention to make such levy.

The House recedes with a substitute for the Senate amendment which adopts the substance of the Senate amendment but makes clarifying changes.

UNEARNED INCOME OF CERTAIN TAXPAYERS

Amendment No. 51: Under the bill as passed by the House, certain income of a trust required to be included in the gross income of a beneficiary of the trust was to be disregarded in computing the percentage standard deduction. In addition the sum of the personal exemptions and standard deduction of the taxpayer could not exceed the adjusted gross income computed without regard to such income of the trust.

The Senate amendment provides that in the case of a taxpayer who is dependent of another taxpayer, the percentage standard deduction is computed only with reference to his earned income and the low income allowance is not to exceed his earned income.

The House recedes.

LIMITATIONS ON CARRYOVERS OF UNUSED CREDITS

Amendments Nos. 54 and 55: The bill as passed by the House provides that in certain corporate reorganizations the rules of present law relating to carryover of net operating losses shall also apply to unused investment credits, unused foreign tax credits, and unused net capital losses. Senate amendment No. 54 applies this provision to unused work incentive program credits (added by section 601 of the bill). Under the bill as passed by the House, the new provision would apply to reorganizations and other changes in ownership occurring after the date of the enactment of the bill.

Senate amendment No. 55 limits the application of this new provision to reorganizations and other changes in ownership pursuant to a plan of reorganization or contract entered into on or after September 29, 1971.

The House recedes.

DEFINITION OF NET LEASE; EXCESS INVESTMENT INTEREST

Amendment No. 56: The bill as passed by the House clarified the definition of a net lease for purposes of the minimum tax on tax preferences and for the limitation of the deductibility of excess investment interest. Under present law, a lease is a net lease for these purposes if the trade or business deductions arising with respect to the property leased are less than 15 percent of the rental income produced by the property.

The bill as passed by the House also restricted the business deductions taken into account for this purpose to deductions of the lessor other than deductions for rents or reimbursed expenses with respect to the leased property.

Senate amendment no. 56 incorporates these changes and makes two additional changes in the definition of a net lease. The first change permits taxpayers to aggregate all leases on a single parcel of real property and treat the leases as a single lease for purposes of determining whether in the aggregate the real property is subject to a net lease under the 15 percent rule. The second permits a taxpayer to disregard real property improvements which are more than 5 years old for purposes of determining whether the property is subject to a net lease under the 15 percent rule described above. In addition, the Senate amendment provides that the amount of excess investment interest subject to the minimum tax or subject to disallowance under section 163 of the Code is to be reduced by the amount of any "out-of-pocket losses" of the taxpayer incurred with respect to the leased property. These losses are, in general, the amount by which the deductions for business (or investment) expenses, interest, and property taxes exceed the gross rental income from the property.

The House recedes.

CAPITAL GAIN DISTRIBUTIONS OF CERTAIN TRUSTS

Amendment No. 58: This Senate amendment postpones for one year the application of the capital gain distributions rule enacted by the Tax Reform Act of 1969 in the case of certain accumulation trusts in existence on December 31, 1969.

The House recedes.

WESTERN HEMISPHERE TRADE CORPORATIONS

Amendment No. 59: The bill as passed by the House provided that in determining whether a corporation qualified for the special Western Hemisphere Trade Corporation treatment of the Code, income derived from

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sources within the Virgin Islands of the United States would not be taken into account.

The Senate amendment provides that for purposes of the income tax law of the Virgin Islands of the United States, the Western Hemisphere Trade Corporation provisions of the Internal Revenue Code will be treated as having been repealed.

The House recedes.

CAPITAL GAINS AND STOCK OPTIONS

Amendment No. 60: Under present law stock options and capital gains derived from sources outside of the United States are not subject to the minimum tax for tax preferences if the foreign country in which the transaction occurs does not give preferential treatment under its tax laws. The bill as passed by the House provides that, for purpose of applying this provision, preferential treatment is accorded if the foreign country imposes no significant amount of tax with respect to the transaction. Under the bill as passed by the House, this new provision is to apply to taxable years beginning after December 31, 1969 (the effective date of the minimum tax for tax preferences). The Senate amendment provided that this new provision would only apply to transactions occurring after June 24, 1971.

The Senate recedes.

BRIBES, KICKBACKS, MEDICAL REFERRAL PAYMENTS, ETC.

Amendment No. 61: Under present law (section 162(c)(2) of the Code as amended by the Tax Reform Act of 1969) a deduction is denied for a payment which is an illegal bribe or kickback if the individual making the payment is convicted or enters a plea of guilty or nolo contendere, in a criminal proceeding. Present law also contains a special provision under which the statute of limitations for assessing deficiencies may be extended in these cases.

Senate amendment no. 61 denies a deduction for any payment which is an illegal bribe, illegal kickback, or other illegal payment under any law of the United States, or any State law which is generally enforced, if the applicable law subjects the payor to a criminal penalty or the loss of license or privilege to engage in a trade or business. For this purpose, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

The Senate amendment also amended titles XVIII and XIX of the Social Security Act to provide criminal penalties for kickbacks, bribes, and rebates made in connection with the furnishing of items or services to individuals for which payment is made under those titles (or is made out of Federal funds under a State plan approved under those titles).

The House recedes with amendments. Under the conference agreement, the provisions of the Senate amendment relating to illegal bribes, illegal kickbacks, and other illegal payments are retained but the burden of proof in respect of the issue as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment within the meaning of the Senate amendment is to be upon the Secretary of the Treasury or his delegate to the same extent as he bears the burden of proof under section 7454 of the Code, relating to fraud. The conference agreement eliminates the provision under which the statute of limitation for assessing deficiencies may be extended in these cases.

Also under the conference agreement, a deduction will be disallowed for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if the kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receiving of such payments. For this purpose, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

Under the Senate amendment, the changes made with respect to illegal bribes, illegal kickbacks, and illegal payments apply with respect to payments made after December 30, 1969. The conference agreement retains this effective date but provides that the provision relating to kickbacks, rebates, and bribes under the Social Security Act is to apply only with respect to payments made on or after the date of enactment of the bill.

ACTIVITIES NOT ENGAGED IN FOR PROFIT

Amendment No. 62: Under present law, in determining whether or not an activity is engaged in for profit for purposes of applying section 183 of the Code (added by the Tax Reform Act of 1969), there is a rebuttable presumption that an activity is engaged in for profit for a taxable year if there is a profit in the activity in two taxable years out of the five taxable years ending with the taxable year in question (in the case of breeding, training, showing, or racing horses, the period is 7 taxable years). This Senate amendment applies this presumption, in the case of a new activity, by using a 5 (or 7) taxable year period beginning with the year in which the taxpayer first engages in an activity. For this purpose, a taxpayer is treated as not having engaged in any activity before 1970.

The House recedes.

CERTAIN DISTRIBUTIONS TO FOREIGN CORPORATIONS

Amendment No. 63: This Senate amendment provides that, in the case of a distribution of property to a foreign corporation (if the amount received is not effectively connected with the conduct by the recipient of a trade or business within the United States), the amount of the distribution is the fair market value of the property.

The House recedes.

ORIGINAL ISSUE DISCOUNT

Amendment No. 64: This Senate amendment provides special rules for taxing (and withholding tax on) original issue discount in the case of nonresident aliens and foreign corporations if the income is not effectively connected with the conduct of a trade or business within the United States.

Neither the Senate amendment nor the report of the Senate Finance Committee is intended to imply how bonds held for six months or less are treated for tax purposes when held by United States persons.

The House recedes with technical and clerical amendments.

FOREIGN BENEFICIARIES OF ESTATES, TRUSTS AND REAL ESTATE INVESTMENT TRUSTS

Amendment No. 65: This Senate amendment provided special rules for taxing (and withholding tax on) certain income of nonresident aliens and foreign corporations from domestic estates, trusts, and real estate investment trusts which have income from property subject to depreciation, depletion, or amortization. The conferees concluded that this provision needed further study.

The Senate recedes.

INCOME FROM CERTAIN VESSELS AND AIRCRAFT

Amendment No. 66: This amendment provides that, if a taxpayer leases a domestically produced aircraft or vessel described in the Senate amendment to a United States person, he may elect to treat income derived with respect to the aircraft or vessel as income derived from sources within the United States. Such an election is to be irrevocable, unless the Secretary of the Treasury or his delegate consents to a revocation, and applies to all income with respect to the aircraft or vessel, including gain on its sale or disposition.

The House recedes with an amendment which incorporates the provisions of the Senate amendment with technical and clarifying changes. Some of these changes are designed to insure that, where an election is made, both the income as well as the losses from any such aircraft or vessel are treated as being from United States sources. The conferees indicated that if it should develop that taxpayers attempt to achieve United States source treatment for losses but foreign source treatment for income or gains, corrective measures will be considered.

INDUSTRIAL DEVELOPMENT BONDS

Amendment No. 67: Under present law, certain small issues of industrial development bonds are exempted from the rule which provides that industrial development bonds are not obligations the interest on which is excluded from tax. Generally, these are issues of $1,000,000 or less, but under certain conditions, can be as much as $5,000,000. Senate amendment no. 67 increased the $1,000,000 limit to $5,000,000, and eliminated the special provisions for issues of $5,000,000 or less.

Also present law exempts obligation issues for certain specified purposes from the industrial development bond rule. One of the specified purposes is facilities for the local furnishing of water. Senate amendment no. 67 eliminates the requirement that water facilities must be local and provides an exemption for facilities for the furnishing of water if the facilities are available on reasonable demand to members of the general public.

The House recedes with amendments. The conference agreement retains the provisions of the Senate amendment relating to facilities for the furnishing of water. The conference agreement retains the provisions of existing law with respect to the dollar limits (both the $1,000,000 and $5,000,000 limits) on small issues which are exempt from the industrial development bond rule, but increases from $250,000 to $1,000,000 the amount of expenditures which may be disregarded in applying the conditions relating to issues of $5,000,000 or less where the expenditures are required by circumstances which could not be reasonably foreseen or arise out of mistake of law or fact. Included in these expenditures are expenditures necessitated by erroneous cost estimates, by increases in costs due to inflation, strikes, delays, or architectural modifications but not increases due to expansions.

EXPENSES FOR HIGHER EDUCATION

Amendment No. 68: This Senate amendment provided an income tax credit (not exceeding $325) for certain expenses incurred by a taxpayer in providing an education above the 12th grade for himself or any other individual.

The Senate recedes.

DISCLOSURE OF INFORMATION BY PREPARERS OF INCOME TAX RETURNS

Amendment No. 69: This Senate amendment required a person who prepares an income tax return or declaration of estimated tax (other than his own return or declaration) to declare under penalty of perjury either (1) that he will not use, or make available to any other person, information furnished to him to prepare the return or declaration, or (2) that he has obtained the consent of the taxpayer to use, or make available, such information. The Senate amendment also provided a criminal penalty if any preparer used, or made available, any information furnished for the preparation of a return or declaration unless the taxpayer concerned had consented thereto.

The House recedes with an amendment. Under the conference agreement, a criminal penalty is provided if a person engaged in the business of preparing returns and declarations (or who does so for compensation), or in providing services in connection with the preparations of returns and declarations, discloses any information furnished to him for the preparation of a return or declaration or uses any such information other than for the preparation of such return or declaration.

This provision does not apply to certain specified cases, such as, use of information to prepare State tax returns and disclosures required by the Internal Revenue Code or by court order.

Under the conference agreement this provision is to become effective on the first day of the first month which begins after enactment of the bill.

PROPERTY TAX CREDIT FOR THE ELDERLY

Amendment No. 70. This Senate amendment provided an income tax credit (not exceeding $300) for real property taxes, and rent treated as real property taxes, paid by individuals age 65 or over whose income does not exceed $6,500.

The Senate recedes.

ADDITIONAL EXEMPTION FOR DISABILITY

Amendment No. 71: This Senate amendment provided an additional personal exemption for a taxpayer who is disabled and for a spouse who is disabled.

The Senate recedes.

SELF-PROPELLED OIL WELL SERVICE OR DRILLING EQUIPMENT VEHICLES AND MOTOR OPERATED CRANES

Amendment No. 72: This Senate amendment exempted from the highway use tax certain self-propelled oil well service or drilling equipment and motor-operated cranes.

The Senate recedes.

DEPOSIT OF EMPLOYMENT TAXES BY SMALL EMPLOYERS

Amendment No. 73: This Senate amendment provided that employers of 50 or less individuals would be required to pay or deposit only one time each quarter certain taxes imposed or deducted and withheld under subtitle C of the Code.

The Senate recedes.

BUDGET INFORMATION WITH RESPECT TO REVENUE LOSSES AND INDIRECT EXPENDITURES

Amendment No. 74: The Senate amendment amends the budget and accounting act to require the budget submitted by the President (or special analyses presented with the budget) to contain estimates of losses in revenue from provisions of the Federal income tax laws and also estimates of indirect expenditures through the operation of Federal tax laws.

The conferees concluded that it would be more appropriate to have such estimates of tax expenditures made by the Treasury Department and to have the estimates submitted annually to the Committee on Ways and Means of the House, the Committee on Finance of the Senate and the Joint Committee on Internal Revenue Taxation. It is expected that these tax expenditure reports to the tax committees will initially be modeled after similar reports previously made and included in the Annual Reports of the Secretary of the Treasury in 1968 and 1970. Modifications may, of course, be made from time to time in consultation with the tax committees. In addition to making these reports to the tax committees on an annual basis, the Treasury Department may desire to include these data on tax expenditures in the annual report of the Secretary of the Treasury. The Treasury Department has indicated its willingness to submit information to the tax committees in the manner indicated above and as a result the amendment no longer appears necessary.

The Senate recedes.

REPEAL OR SUSPENSION OF EXCISE TAX ON PASSENGER AUTOMOBILES, ETC.

Amendments Nos. 75 through 84: The House bill repealed the 7-percent excise tax on domestic and imported passenger automobiles, the 10-percent tax on domestic and imported light-duty trucks and buses of 10,000 pounds or less (gross vehicle weight), and the 7-percent tax on domestic and imported automobile trailers and semitrailers. In addition, it provided (in accordance with specified standards and procedures) for refunds of the excise tax paid by consumers purchasing passenger automobiles (or related articles) after August 15 or light-duty trucks or buses (or related articles) after September 22, 1971. Finally, it provided that any use tax paid by a manufacturer or importer with respect to an automobile or light-duty truck after the specified date is to be treated as an overpayment.

The Senate amendments followed the provisions of the House bill in most respects insofar as domestic vehicles are concerned, although they also repealed the tax on domestic truck trailers and semitrailers of 10,000 pounds or less which are suitable for use with light-duty trucks, the tax on domestic buses to be used predominantly in urban mass transportation service, and the tax on domestic containers to be used in conjunction with trucks for solid waste disposal. With respect to imported vehicles, however, the Senate amendments suspended rather than repealed these taxes, authorizing the President to reimpose them on a country-by-country basis (subject to the existing law phaseout) after considering whether the country involved restricts the sale or use therein of domestically manufactured vehicles.

As to consumer purchase refunds (and the treatment of use tax payments as overpayments) the Senate amendments followed the provisions of the House bill, except that with respect to light-duty trucks it changed from September 22 to August 15 the date after which a purchase (or use) will give rise to such a refund (or to such treatment).

In addition, the Senate amendments added to the House bill new provisions (1) subjecting to ta.. the original tires and tubes on imported vehicles, (2) requiring the Treasury Department to assure that the benefit of these repeals and suspensions will be passed on to consumers, and (3) transferring 7 percent of alcohol tax receipts to the Highway Trust Fund to compensate it for the revenues lost by these repeals and suspensions.

The conference agreement follows the House bill in repealing the taxes to which that bill relates (rather than repealing them in the case of domestic vehicles but only suspending them in the case of imported vehicles), and also repeals the taxes on the additional types of vehicles and related items included in the Senate amendments—trailers and semitrailers of 10,000 pounds or less which are suitable for use with light-duty trucks, urban mass transit buses, and containers for use in conjunction with trucks for solid waste disposal (specifically limiting the repeal in this case to *trash* containers for such use). It also follows the House bill in specifying the effective date of the repeal (September 23 for light-duty trucks and August 16 for passenger automobiles) for purposes of determining whether a person purchasing a vehicle or related article before the date of enactment is entitled to a refund of the tax paid and whether use taxes paid with respect to a vehicle before such date will be treated as an overpayment. Only "new" vehicles will qualify for consumer purchase (or floor stocks) refunds; and the conferees anticipate that the test of newness will be found to have been met in the case of any vehicle (other than one being resold) if (1) it is covered by a full manufacturer's warranty or more than 50 percent of the time and mileage of the manufacturer's warranty is unexpired on the day of the sale (or on the effective date of the repeal for purposes of floor stocks refunds) and (2) in the case of passenger automobiles, it has attached to it on that day the "new car label" required by the Automobile Information Disclosure Act of 1958.

The conference agreement includes the provision from the Senate amendment which subjects to tax (with the proceeds going into the Highway Trust Fund) the original tires and tubes on imported vehicles. It omits the Senate language specifically requiring the Treasury Department to issue regulations to assure that the benefits of the repeals are actually passed on to the ultimate consumers. However, this was done with the understanding that the Department is to exercise all possible diligence and surveillance to see that these benefits are in fact passed on, and that the Council on Economic Advisers is to review vehicle prices and report periodically to Congress regarding the extent to which the tax reduction is in fact being passed on. The Committees on Ways and Means and Finance will follow these reports in considering whether they should reimpose this tax. Finally, it omits the Senate language transferring alcohol tax receipts to the Highway Trust Fund.

CREDIT AGAINST TAX ON COIN-OPERATED GAMING DEVICES

Amendment No. 85: The Senate amendment added to the House bill a new provision allowing a credit against the Federal occupational tax on coin-operated gaming devices (up to a maximum of 80 percent of such tax) for similar State taxes imposed on legal gaming devices, but only where the State is imposing such tax (or a similar tax) on the date of enactment. Provision is included for prepayment of the Federal tax as reduced by the estimated amount of the new credit.

The conference agreement includes this provision, except that it omits the requirement of the Senate amendment that the tax (or a similar tax) be in effect in a State on the date of enactment of the bill in order to qualify for the new credit.

DOMESTIC INTERNATIONAL SALES CORPORATION

Amendments No. 86, 93, 106, and 116: The Senate amendments provide that the tax deferral made available under the bill with respect to the export-related profits of a DISC is to apply only to profits for taxable years beginning before January 1, 1977.

The Senate recedes.

Amendment No. 88: The Senate amendment provides that receipts by a corporation from a DISC which is a member of the same controlled group will not be treated as qualified export receipts.

The House recedes.

Amendments 89 and 90: The House bill provided that the term "controlled group" is to have the meaning given the term in section 1563(a) except that a 50 percent rather than an 80 percent test of ownership is to apply. The Senate bill broadened the definition by providing that section 1563(b) shall not apply. This has the effect removing limitations which would otherwise have excluded exempt organizations, foreign corporations, insurance companies and franchised corporations.

The House recedes.

Amendments No. 91 and 92: The House bill provided that export promotion expenses for purposes of applying the intercompany pricing rules include one-half of the cost of shipping export property aboard ships documented under the laws of the United States in those cases where law or regulations do not require that the property be so shipped.

The Senate amendments extend this rule to apply also to the cost of shipping export property aboard airplanes owned and operated by United States persons.

The House recedes.

Amendments No. 94, 95, and 96: Under the bill as passed by the House, it was provided that a DISC's export-related profits would not be subject to current taxation only to the extent the profits were attributable to exports of the controlled group of corporations of which the DISC was a member in excess of 75 percent of the average exports of that group for the years 1968, 1969, and 1970.

The Senate amendments deleted these provisions of the House bill and instead provided that 50 percent of a DISC's export-related profits would be subject to current taxation.

The House recedes.

In the situation where minerals of a taxpayer are sold by a related DISC on a commission basis, the conferees believe that to effectuate the purpose of the DISC provisions of the bill, the taxpayer should not be placed in any different position than if it had directly made the sale for purposes of determining its "taxable income from the property" for percentage depletion purposes. In other words it is intended that in this case the Treasury Department under its broad regulatory authority in this area will provide that the taxpayer is not required to deduct the amount of the commissions paid to the DISC to the extent they exceed the selling expenses of the DISC. Actual or deemed distributions from a DISC, however, are not to be considered "taxable income from the property."

Amendments No. 97, 98, 101, 102, 103 and 104: Under the bill as passed by the House, a DISC's tax-deferred income could be loaned to a United States manufacturer producing for export without causing the income to become taxable if certain requirements were satisfied. A qualifying loan is referred to as a producer's loan.

The Senate amendments provide generally for the termination of tax-deferral on DISC profits which are the subject of a producer's loan if the profits are considered to be invested in foreign plant or equipment. The amount considered invested in this manner generally is the net increase in foreign assets of members of the same controlled group as the DISC, but not more than the smaller of the actual amount transferred abroad by the domestic members or the outstanding amount of producer's loans to these members. The net increase in foreign assets would be the gross amount of assets (described in section 1231(b) of the Internal Revenue Code of 1954) located outside the United States acquired by members of the group in taxable years beginning after December 31, 1971, reduced by specified amounts of foreign funds attributable to periods after that date.

The House recedes with an amendment. The conference agreement follows the Senate amendments and in addition specifies two additional amounts which may be used to offset a controlled group's gross increases in foreign assets for purposes of determining the group's net increase in foreign assets. The first amount is the excess of the amount of stock or debt obligations issued by domestic members of the group on or after January 1, 1968, to unaffiliated foreign persons and outstanding on December 31, 1971, over the net amount of funds transferred by domestic members of the group to foreign members of the group (or foreign branches of domestic members) during the period the stock or debt was outstanding. This excess amount may be taken into account, however, only to the extent the taxpayer establishes that the foreign borrowing (i.e. the issuance of the stock or debt obligations) constitutes a long-term foreign borrowing for purposes of the foreign direct investment program administered by the Office of Foreign Direct Investment of the Department of Commerce. It is intended that a taxpayer ordinarily should establish that a foreign borrowing constitutes a qualified long-term foreign borrowing for this purpose by demonstrating that appropriate reports were filed with the Office of Foreign Direct Investment with respect to the foreign borrowing.

The second amount which under the conference agreement may be taken into account in determining a group's net increase in foreign assets is the amount of liquid assets held by foreign members of the group (and foreign branches of domestic members) on October 31, 1971, in excess of the reasonable working capital needs of such foreign members and foreign branches on that date. For this purpose, "liquid assets" includes only money, bank deposits (other than time deposits) and indebtedness which when acquired had a maturity of 2 years or less.

Amendment No. 111: The Senate amendment provides that a foreign corporation which fails to qualify as an export trade corporation because it fails to meet the 75 percent export receipts requirement may, if it has a substantial export business, transfer its assets to a DISC without any gain or loss, or immediate tax consequences, resulting to any of the parties involved.

The House recedes with an amendment.

Under the conference agreement it is provided that a foreign corporation which qualified as an export trade corporation for any three taxable years beginning before November 1, 1971, will be treated as an export trade corporation for purposes of the provision which allows a foreign corporation to transfer its assets to a DISC without tax consequences.

Amendment No. 113: The House bill repealed the export trade corporation provisions for taxable years beginning after December 31, 1975. The Senate amendment did not repeal these provisions but provided that a corporation which was not an export trade corporation for a taxable year beginning before November 1, 1971, would not be eligible for treatment as an export trade corporation for taxable years beginning on or after that date.

The House recedes with an amendment.

The conference agreement retains the provisions of the Senate amendment but also provides that a corporation which fails to qualify as an export trade corporation for any period of 3 consecutive years beginning after October 31, 1971, may not again be eligible for treatment as an export trade corporation.

Amendment No. 117: The Senate amendment provides that the President will furnish a report to Congress before December 31, 1975, on the effect tax structures and practices of the United States and foreign nations have on the establishment of manufacturing facilities in those countries and on the competitiveness of U.S. exports.

The Senate recedes. The conferees intend, however, that the President should furnish a comprehensive report of the type described in the Senate amendment to the Congress by February 1, 1973, and every three years thereafter.

PROTECTION OF BALANCE OF PAYMENTS

Amendment No. 121: This Senate amendment added a new title to the bill which conferred authority on the President to impose quotas and import surcharges on articles imported into the United States during a balance of payments emergency period (as defined in the amendment). The Senate amendment also directed the Secretary of the Treasury to exempt from the import surcharge piston-type internal combustion engines to be installed in snowmobiles.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

The conferees noted that the imposition of the surcharge on internal combustion engines to be installed in snowmobiles serves to emphasize the way in which the U.S.-Canadian Auto Products Agreement is, in practice, achieving unreciprocal results. Further, the conferees noted that an agreement providing ostensibly for free trade in automotive products ordinarily would not be expected to cover the tariff treatment of an article such as snowmobiles. In view of the fact, however, that the U.S.-Canadian Auto Products Agreement as implemented by the Automotive Products Trade Act provides for the duty-free treatment of snowmobiles from Canada, the conferees urge that the Secretary of the Treasury give full consideration to the competitive position of domestic manufacturers of snowmobiles by providing an exemption from the additional duty proclaimed by the President on August 15 for engines imported for installation in snowmobiles.

JOB DEVELOPMENT RELATED TO WORK INCENTIVE PROGRAM

Amendment No. 122: This amendment added a new title to the bill which provides an income tax credit for certain expenses incurred in the work incentive program. The amendment also contained a series of amendments to title IV of the Social Security Act designed to improve the work incentive program provided by present law. This portion of the amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

Under the portion of the Senate amendment which provides the tax credit, an employer who employs an individual whom the Secretary of Labor certifies as having been placed in employment under a work incentive (WIN) program established under section 432(b)(1) of the Social Security Act will be allowed an income tax credit equal to 20 percent of the wages paid to the employee during the first 12 months of his employment (whether or not such months are consecutive). The amount of credit which can be used in any taxable year is subject to limits similar to those applicable to the investment credit, and provision is made for carryback and carryover of unused credits similar to the carryback and carryover provisions of the investment credit.

Under the Senate amendment, an employer must retain a WIN program employee for at least 1 year after the completion of 12 months of employment, unless the employee leaves his employment voluntarily or becomes disabled. In the event of any other termination of employment of such an employee within the prescribed period, no credit is allowed for wages paid to that employee and any credit which has been allowed in a prior year for wages paid to that employee is recaptured.

The Senate amendment requires that, in order to be eligible for the credit, the wages paid to a WIN program employee must be incurred in a trade or business in the United States. No credit is allowable for wages paid to an employee who is related to the taxpayer.

The House recedes with amendments. Under the conference agreement, an employer is not to lose the credit for wages paid to a WIN program employee whose employment is terminated, if it determined under the State unemployment compensation law that the termination was due to the employee's misconduct. The credit is to be allowed with respect to any WIN program employee only if the Secretary of Labor certifies that his employment did not displace another individual from employment. The conference agreement makes it clear that the credit is to be allowed only for wages paid in cash. In addition, the conference agreement requires that the wages paid to a WIN program employee must be equal to wages paid non-WIN program employees of the employer performing comparable service.

EMERGENCY UNEMPLOYMENT COMPENSATION

Amendment No. 123: The Senate amendment added a new title to the bill which provided for the payment, under Federal-State agreements, of emergency unemployment compensation for up to 26 weeks to unemployed individuals who have exhausted their entitlement to both regular unemployment compensation and unemployment compensation payable pursuant to the Federal-State Extended Unemployment Compensation Act of 1970. In order for a State to be eligible to enter into such an agreement, the State law of such State must provide for the payment of extended compensation in accordance with the Federal-State Extended Unemployment Compensation Act of 1970. Emergency benefits would be payable only during periods of high unemployment, as determined under a formula prescribed in the amendment. The cost of providing emergency compensation would be financed entirely from Federal funds until June 30, 1973, and thereafter the financing would be 80 percent Federal and 20 percent State.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE; FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Amendment No. 124: This amendment adds two new titles to the House bill. The first of the new titles will allow an individual a credit against income tax for one-half of the political contributions made during a taxable year, with a maximum credit of $25 in the case of a joint return of husband and wife, and a maximum credit of $12.50 in the case of the return of a single person (or married person filing separately). The political contribution can be to a candidate for election to a Federal, state, or local office, in a primary, general, or special election, or it can be made to a political committee. In lieu of the credit, a taxpayer will be allowed to deduct from adjusted gross income the amount of political contributions made during the taxable year, except that the deduction in the case of a joint return cannot exceed $100, and in the case of the return of a single person (or a married person filing separately), the deduction cannot exceed $50. These provisions for a credit or deduction apply only to political contributions made after December 31, 1971.

The second of the new titles added to the bill by the Senate amendment provides public financing as an alternative way of financing the general election campaigns of Presidential and Vice Presidential candidates. Under the amendment, the candidates of each major party would be entitled to public financing in an amount equal to 15¢ multiplied by the number of residents in the United States who are age 18 years old or older as of the first day of June of the year preceding the presidential election. A major party is a party which in the preceding presidential election received 25 percent or more of the total number of popular votes received by all candidates for President in that election. A minor party (one that received more than 5 percent but less than 25 percent of the popular vote in the preceding presidential election) would be eligible to receive that percentage of the entitlement of a major party which the minor party vote in the preceding presidential election is of the average vote received by the two major parties in that election.

Under the Senate amendment, a new party can share in public financing after the election if it obtains more than 5 percent of the popular vote in the election. The new party would receive that percentage of the entitlement of a major party which the new party's vote in the current election is of the average number of popular votes received in that election by the major parties. Under this provision, a minor party can increase its basic entitlement if its proportion of votes in the current election exceeds its proportion of votes in the preceding presidential election.

Public financing is provided, under the Senate amendment, by a so-called check-off system, starting with income tax returns for the calendar year 1971. Under this system, an individual can designate that $1 of his tax liability be set aside in a special account in the Presidential Election Campaign Fund for the candidates of a political party specified by the taxpayer. Alternatively, the taxpayer can direct that the $1 will be set aside in a non-partisan general account in the fund. In the case of a joint return having a tax liability of $2 or more, each spouse may designate that $1 is to be paid into an account. If no designation is made, nothing would be set aside in any account by reason of the filing of the tax return.

If the candidates of a political party elect public financing, payments to the candidates can be made only out of the special account designated for that party. If at the beginning of the campaign period there is insufficient money in any account to satisfy the entitlement of the party, the money in the non-partisan general account will be allocated to all the special accounts in the ratio of the balances in those accounts. However, under the Senate amendment, no amount could be allocated to a special account in an amount greater than the smallest amount needed by a major party to bring it up to its entitlement.

If a major party elects public financing, it cannot spend on the general campaign more than its entitlement (15¢ times the number of residents of the United States who are 18 years old or older in the preceding year); and it cannot accept contributions for the general campaign if there is sufficient money in its special account to pay its full entitlement. If there is a deficiency in the account, contributions can be accepted but only to the extent of the deficit.

A minor party or a new party can accept contributions from private sources, but it must agree that it will not spend more in the general campaign than the amount of the entitlement of a major party, and that it will return campaign contributions to the extent they exceed the campaign expenses not covered by public financing.

Public financing provides funds for expenditures related to the campaign period (and establishes limits on total expenditures for such period), beginning with the date on which the first major party nominates its candidate for President and ending on the date 30 days after the election. The Comptroller General will certify the amount payable out of the accounts to the eligible candidates (candidates who elect public financing).

Candidates for President and Vice President (whether or not they have elected public financing) are required to furnish the Comptroller General, from time to time during the general campaign, with a statement of the amount spent—and proposed to be spent—on the campaign. The Comptroller General is required to publish in the Federal Register a summary of these expenses. These expenditure reports include the amounts spent by committees authorized or recognized by candidates whether or not eligible candidates.

The eligible candidates are to file with the Comptroller General a list of committees who are authorized to spend money on their behalf. It would be unlawful for any individual, or for any committee which is not an authorized committee, to spend more than $1,000 during the general campaign on behalf of the candidacy of the eligible candidates of a party.

A Presidential Election Campaign Fund Advisory Board is created to assist the Comptroller General in performing his duties.

Criminal penalties are provided for willful violations constituting prohibited transactions.

The House recedes with amendments. In the case of the provisions allowing a credit or deduction for political contributions, the Senate provision is adopted with only clerical amendments. With respect to the public financing of Presidential campaigns, the House accepts the Senate provision with clerical and technical amendments and with the following changes:

(1) The Senate amendment would have applied to the 1972 presidential campaign. Under the conference agreement, the provision will take effect on January 1, 1973, so the first election to which it will apply will be the 1976 presidential election.

(2) Under the Senate amendment the check-off system commences with income tax returns filed for the calendar year 1971. Under the conference agreement, the check-off system will apply only to tax returns filed for the calendar year 1972 and subsequent taxable years.

(3) The Senate amendment provided an automatic appropriation to the Presidential Election Campaign Fund of the amounts checked off by taxpayers. Under the conference agreement, the payments into the fund will be made only as provided by appropriation Acts, in amounts not in excess of the amounts checked off in tax returns.

(4) In lieu of the Senate provision for transfer of moneys in the fund from the non-partisan general account to the separate accounts, the conference agreement provides for the transfer, on the 60th day before the election, of not more than 80 percent of the moneys in the general account, based upon the entitlement at that time of the major parties and the minor parties. No amount, however, can be transferred to a special account which would bring the moneys in that account above the entitlement of the candidates to which such account relates. If the moneys in any separate account are insufficient at the end of the expenditure report period (30 days after the election) to satisfy any unpaid entitlement of the eligible candidates to which the account relates, the balance in the general account will be transferred to the separate accounts in accordance with the popular votes received by the parties in the current election.

(5) The conference agreement eliminates the provision in the Senate amendment that made it a criminal penalty for an "individual" to spend more than $1,000 on behalf of eligible candidates in the presidential election unless he was authorized by the candidate to make such expenditures. In addition, it was made clear that the prohibition against expenditures in excess of $1,000 by organizations which are not authorized committees does not apply to broadcasting organizations or newspapers (or other periodicals) in reporting the news or editorial opinions, or to tax-exempt organizations reporting to their members the views of the organization with respect to Presidential candidates.

(6) The conference agreement also adds a provision to allow the Comptroller General or other interested parties to bring court actions in order to implement or construe the new provisions. For this purpose the Comptroller General is authorized to employ his own legal counsel. Because the provisions of this title will have a direct and immediate

effect on the actions of individuals, organizations, and political parties with respect to the financing of campaigns for the offices of President and Vice President of the United States, these individuals, organizations, and political parties must know whether major and minor parties may expect to receive financing under the provisions of this title or whether political parties and others should continue to solicit, and individuals, organizations, and others should continue to make, contributions to provide such financing. Accordingly, the conference agreement makes provision for expeditious disposition of legal proceedings brought with respect to these provisions. The agreement provides for actions involving these provisions to be brought before a three-judge district court, to be expeditiously tried, and for appeals from decisions of that court to go directly to the Supreme Court.

FEDERAL IMPOUNDMENT INFORMATION

Amendment No. 125: This Senate amendment added a new title to the bill which required the President to transmit reports to the Congress and the Comptroller General containing certain information whenever any appropriated funds are impounded.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

PROMOTION OF RECIPROCAL TRADE AND PROTECTION OF AMERICAN JOBS

Amendment No. 126: This Senate amendment added a new title to the bill which authorized the President under certain conditions to impose quotas and other import restrictions on articles imported into the United States.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN E. TALMADGE,
CARL T. CURTIS,
JACK MILLER,
Managers on the Part of the Senate.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
MARTHA W. GRIFFITHS,
JOHN W. BYRNES,
JACKSON E. BETTS,
HERMAN T. SCHNEEBELI,
Managers of the Part of the House.

ORDER FOR THE RECOGNITION OF SENATOR PEARSON ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, as in legislative session, that on next Tuesday, following the recognition of the two leaders under the standing order, the distinguished Senator from Kansas (Mr. PEARSON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LEWIS F. POWELL, JR., TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HRUSKA. Mr. President, once again, the Nation, through its President, turns to the Old Dominion, the Commonwealth of Virginia, for a member of the Supreme Court.

One of the earliest occasions, perhaps the first occasion of such an appointment was that of John Marshall, a native of what was then Prince William County, Va.

The appointment of John Marshall occurred in 1801, by the hand of President John Adams. Marshall served for 34 years as Chief Justice, the longest holder of that office. He died in 1835, and it is written of him that on his demise, when the Liberty Bell tolled its mournful tones when news of his death was spread, it cracked and has never rung since.

John Marshall was 46 years of age at the time of his appointment; and it might be noted here that that is about the same age as another nominee presently under consideration by the Senate. Mr. William Rehnquist is about that same age, 47 to be exact, and a little later I shall comment on Mr. Rehnquist's nomination and the debate on that nomination which is going on right now; it started last night. Because really, in all candor and all fairness, it must be said that to engage in 2 days of debate, or almost 2 full days, on a nominee who has not a single declared opponent, would seem to have a meaning attached to indicate that something other than just the nomination and confirmation of the nomination of Mr. Powell is involved. But I shall return to that point in a moment.

Chief Justice Marshall's place in history has long been assured in the minds of students of the Constitution and of our Government. Oliver Wendell Holmes said of him:

> There fell to Marshall perhaps the greatest place that was ever filled by a judge.

Felix Frankfurter wrote of this distinguished jurist in his very impressive biography, "John Marshall and the Judicial Function." In part, in that work Frankfurter said of the fourth Chief Justice:

> When Marshall came to the Supreme Court the Constitution was essentially a virgin document. By a few opinions—a mere handful—he gave institutional direction to the inert ideas of a paper scheme of government. Such an achievement demanded an undimmed vision of the union of States as a Nation and the determination of an uncompromising devotion to such insight. Equally undispensable was the power to formulate views expressing this outlook with the persuasiveness of compelling simplicity.

The Chief Justice's most fundamental opinion was rendered in the case of Marbury against Madison, which was written only 2 years after he came to the Supreme Court. Here was established, once and for all, so far as American history was concerned, the right of the Federal courts to pass on the validity of congressional legislation; the right of judicial review.

The power of additional review was the foundation on which all the remainder of the Marshall court's constitutional doctrine rested. But once this power was established, it remained to assert the principle that the Federal Government could exercise not only those functions specifically authorized by the Constitution but those impliedly suggested by the language of that document as well. It has seldom since been forgotten by the Court that, as Marshall put it, "It is a Constitution we are expounding." That quotation comes from another of his famed opinions, McCulloch against Maryland, which was decided in 1819.

Had the Court chosen a narrow and literal reading rather than the broad construction expressed in the McCulloch case, it is doubtful that the Nation would have survived Marshall's tenure of office.

One of his biographers, Donald G. Morgan, said of Marshall:

> To a great degree, the measure of Marshall's influence . . . was in his qualities of character and personal leadership.
>
> The eminence acquired by the Supreme Court during that period and the strength imparted through the Constitution was less the work of Marshall the convinced Federalist, than of Marshall the man. Here was a statesman, not a zealot; an empiricist, not a dogmatist; a leader, not a tyrant.

We know the importance in the history of the early years of our country of the role of John Marshall, but it is no less important that the great work then done and then established be carried on in our time and in the years ahead.

One hundred and seventy years after the selection of Marshall, once again, the Nation turns through its President to a distinguished native citizen of Virginia for appointment to the Supreme Court. Lewis Powell has more in common with John Marshall than that of place of birth. Both engaged actively in the military history of their country—Mr. Marshall in the Revolutionary War, in which his contribution was not only long but also very distinguished—and Mr. Powell in a sustained period of service in the military which was constructive and significant.

Both Marshall and the present nominee have a record of practice of the law, a distinguished record which covers many situations; legal careers that have been constructive and successful. Both have a record of public service which gained for each of them international recognition and acclaim. Mr. Marshall's negotiations in Paris, for example, on the treaty, based upon the so-called XYZ papers, gained him the thanks of a very grateful Congress, because it set at rest a very provocative and a very unfortunate situation. He served also as Secretary of State and briefly in the House of Representatives.

In the history and in the biography of Mr. Powell we find similar international acclaim in the field of jurisprudence and in the field of law. Mr. President, he is one of 3 Americans who have been honored by being designated an Honorary Bencher of Lincoln's Inn.

My first real contact with the work and the significance of Mr. Powell came in 1964 or thereabouts at a time when he was either president or president-elect of the American Bar Association. The project to which he devoted himself with a great deal of energy and a great deal of skill was that of a public defender system for the Federal courts, and of course by extension from there to the State courts. The system was predicated upon the idea that every defendant would have a right to counsel as set out in amendment VI of our Bill of Rights.

I was very active in the discussion and debate on what became the Criminal Justice Act. That act was based on the idea that a system would be institutionalized to afford counsel for those who could not obtain counsel—for themselves—not only in the courtroom but also in the preliminary stages that are so important to anyone accused of crime, for they have such a great impact upon those events which follow in the courtroom. Had it not been for that foundational work done by Mr. Powell, which gave to the Nation an insight into the necessity for such a law, I am satisfied the statute could not have been enacted.

It is significant that the idea of a public defender had been advanced as long as 25 years before the time that it was actually enacted, and in one form or another had been introduced in a number of Congresses during that time. But it was not until this significant contribution by Mr. Powell that progress was made possible.

It is a great pleasure to support this nomination, President Nixon has nominated this distinguished attorney and leader of the bar to take the place of the late Justice Black. These are big shoes he is being asked to fill, but I have every confidence in his ability to do it well.

An honor graduate of Washington and Lee University and its law school, Mr. Powell ranked first in his law school class. Since entering the legal profession, he has been a member of one of Virginia's most distinguished law firms, Hunton, Williams, Gay, Powell & Gibson, of Richmond. Mr. Powell has a most impressive list of clients whom he has served faithfully and to the best of his ability.

Apart from his strictly legal career, this nominee served from 1952 to 1961 as chairman of the Richmond Public School Board. In this position he was intrumental in bringing the school system of Richmond into compliance with the requirements of Brown against Board of Education without strife or the need to close the doors of any school. From 1962 to 1969 Mr. Powell was a member of the Virginia Board of Education.

Within the organized bar in this country, Mr. Powell has held almost every office of importance that his colleagues could award him. Active in the American Bar Association, he has served as a member of the house of delegates and on the board of governors. He was president of that organization in 1964–65. He has also served as president of the American Bar Foundation and the American College of Trial Lawyers.

As the President said at the time he sent this nomination to the Senate:

> Everything that Lewis F. Powell has undertaken, he has accomplished with distinction and honor, both as a lawyer and as a citizen.

This Senator, and I believe all of my colleagues, feel that Mr. Powell will undertake service on the Supreme Court with the same spirit and with the same result.

Mr. President, this nominee is recognized in this Nation and in nations that ring the globe as one of the finest lawyers we have. The President has selected well and I know that the Senate will confirm this nomination without question, and without dissenting vote.

It is a most impressive and formidable team that the Senate is now considering for the Supreme Court. Mr. Powell is a distinguished leader of the bar who has behind him many years of service in a noted firm in his native State. He will bring a breadth of view and depth of experience to the Court which has recently lost two of its most thoughtful and scholarly members. His conominee, Mr. William Rehnquist, is an equally brilliant but younger man who comes to the Court after service as a law clerk to Mr. Justice Jackson, after practice in a small but fine firm in Phoenix, Ariz., and after experience as the "President's lawyer's lawyer" as Assistant Attorney General in the Office of Legal Counsel.

In that capacity Mr. Rehnquist has made frequent appearances before the Judiciary Committee of this body where I have had the opportunity to observe and consider his ability. He has a fine attribute of being able to put into words and into his writings persuasiveness of compelling simplicity, an attribute similar to that which the biographers of John Marshall—including Felix Frankfurter—mentioned concerning the career of John Marshall.

These two men, different in age, experience, and background, will make excellent additions to the Court and to the discussion and consideration of the cases that come before it.

The day of historically important opinions is not over. There will be other decisions of great magnitude that will be necessary. There will be other opinions perhaps equal to that of Marshall in the Marbury case that will need to be written. Ones which will have vast and profound effect on the growth and well-being of this Nation and, in turn, of the world. It is comforting to note that men of such excellence and quality as Rehnquist and Powell will be on the Court so that this important work may be carried on in a stable, progressive, and constructive fashion. Both nominees have developed a maturity of outlook and a respect for the Constitution which will serve them and the Nation well.

All of us can look forward to the time, just a few days hence, when these men will be confirmed and seated on our highest Court.

Mr. President, some remarks and some discussion has been had here this morning concerning the priority of the nominations being discussed and voted upon by the Senate.

I submit that the desires and the expressed suggestion of the senior Senator from Illinois have been achieved. It was his idea that we should have a joint discussion of the two nominees and, after the joint discussion was over, that a vote be taken on one and then on the other. Except for the intervention of a few days—we hope, that it will not be too many days after 4 p.m. on Monday next—we shall have an opportunity to vote on Rehnquist.

It is my hope that it will be made clear that the position taken by the Senator from Illinois is being substantially adhered to.

We are, right now, if the truth be known engaged in a discussion of Mr. Rehnquist and his nomination. In all candor, in all frankness, I say this most kindly. What is supposed to be a discussion of Powell is in substance the beginning of the debate on Rehnquist. There was reference by the majority leader last evening to the Senate rules which say that the items on the calendar shall be called up in the order in which they appear; but as the acting majority leader, the Senator from West Virginia (Mr. BYRD) rightfully pointed out, the name of a third person would have been entitled to priority if resort was had to the technicalities of that rule.

No effort was made on this side of the aisle, and certainly not on the other side of the aisle, to assert any technicality.

The substance of the present situation is that we have two very fine nominations for the Supreme Court before us, and the idea is to proceed with the work at hand in an orderly and expeditious fashion, and that is being done.

Certainly the majority leader, the Senator from Montana (Mr. MANSFIELD), did consult with Members on this side of the aisle. I am one of those privileged to have been consulted on that point. My views on it were expressed to him. As I said, I have no great preference. If it was a decision of the policy committee of the other party to have one before the other, that was perfectly all right; or if it was his decision, that was perfectly all right.

However, I invite the attention of the Senate to the fact, that this will probably be one of the first times in the history of this body that a nominee for the Supreme Court, who apparently is without a single dissenting vote, without a single enemy, without a single person in the 100 Members of this body to say nay, is being given the privilege of having the merits of his nomination discussed in depth and in extensive fashion, Friday, Saturday, and most of Monday next. This is most unusual, especially so when we have much work to do before adjournment. And yet, unanimous consent could not be secured to vote on this nomination prior to Monday afternoon.

There must be something more to it than simply allowing time for the purpose of extolling Mr. Powell's accomplishments, his achievements, and his distinctions. What could it be?

All of us know what it is. Let us be frank. Again, I say this in a spirit of kindliness, this delay is for no purpose except to gain just a little more time before the Senate will have to consider the merits, the distinctions and the achievements of Mr. Rehnquist.

To that extent, if it will serve any purpose, if it brings a ray or two of sunshine into the lives of those who are devoting a lot of energy and time in opposition to the confirmation of that nomination, then its purpose will be served. But, in all frankness, we should recognize the situation for what it is.

I look forward to the debate next week

when we enter into the formal designated debate on Mr. Rehnquist. If we consider that nomination in its historical perspective, and if we consider it in the light of similar nominations of similarly distinguished and talented men, there should be no trouble with the nomination at all.

During that debate there will be a lot of nit-picking, perhaps, and considerable distortion and, I regret, some actual misrepresentation, not by Members of this body but by members of the press, by members of the public, and by some representatives of some very powerful and vocal organizations. But these misrepresentations will not deceive the Senate, Mr. President. In my judgment, Mr. Rehnquist is brilliant, he has shown a depth of knowledge of the law and a practical application of it which is outstanding, and he has shown a warm human understanding of people and of institutions which augurs well for his service on the Court. He has shown in his writings and his speeches an understanding of the spirit of the law and of the Constitution of the United States that is intelligent, that is modern, and that meets the tests of today.

One area in which he has been criticized is his support of limited wiretapping. Mr. President, we must consider that wiretapping under some circumstances is our national policy. It became our national policy by an overwhelming vote of this body, and of the other body, and with the signature of the President of the United States. It is our national policy, which is well guarded, and well safeguarded by proper judicial review. The wiretapping which Mr. Rehnquist supports and which is present law cannot be engaged in indiscriminately, representations and statements to the contrary notwithstanding. Such charges are being made in editorials which reflect badly upon the editorial writers. When reference is made to indiscriminate wiretapping that can occur under the law today these writers are incorrect.

The most scrupulous care is taken to see that before any wiretapping can be legally used, there must be an application made to the court, the names and the circumstances must be set out, with justification for resorting to wiretapping as being virtually the last resort and a necessary resort in the premises, and limited only to designated situations by way of crime.

When all of these things have been satisfied and complied with, then the wiretapping may go forward, and the fruit of that wiretapping may be used in court. All of these safeguards and all of the things which have been set out in the law are in compliance with the Supreme Court's decision in the case of Berger against New York, and that is a lengthy opinion. The Supreme Court did not say that wiretapping was unconstitutional. It simply said that if it is engaged in, certain things must be done.

The bill that was fashioned principally under the authorship of the Senator from Arkansas (Mr. MCCLELLAN) was based on a checklist of the items contained in Berger against New York. And I still recall with pleasure the many conferences we had when we undertook the devoted task of seeing that every one of those safeguards were contained in the bill, and they are now in the law.

That is the basis for the issue of wiretapping that will be discussed here next week.

There is some idea that Mr. Rehnquist is in favor of wiretapping outside of situations covered by that law. Such a contention is incorrect except where it relates to national security.

The record that is contained in these printed pages before us on the hearings on William Rehnquist will make it quickly clear that that type of wiretapping without court approval, which Mr. Rehnquist approves and which he says is necessary for this country's well-being, is the type of wiretapping in cases involving only national security.

Is that something novel? Is it something that is reprehensible? Is it something for which he should be criticized and punished?

Mr. President, the answer to all of those questions is no. The fact is that that also has been a part of our national policy for over 30 years. Six Presidents and I do not know how many attorneys general have resorted to that practice—and it is a good and a necessary practice. There never has been any abuse of it that would be in any measure a counterbalancing factor against any precedent or any potential evils that might flow from that practice.

After all, the first duty of a nation is to survive. That is its first duty. And we should not so surround those who are in charge of the Nation's affairs with technical obstructions which will allow those who seek our destruction as a nation to succeed.

So, when it comes to wiretapping, which is one of the things which will be brought up, no real question is raised by those who seek to detract from Rehnquist's record.

Hardly a critical reference is made to Mr. Rehnquist which does not have in it a statement that he does not sympathize with the Bill of Rights, that he is not in sympathy with the goals of our Constitution, that he has a distinct and total disregard for the Bill of Rights. Those words are to be found in the hearings.

Those words, if they were deserved or true, should be used. They are neither deserved nor true.

Now, another area in which the attack will be made is the idea that he is in favor of no-knock search warrants, the procedure by which policemen can go to the door of a suspected felon and break it down and go in. But that they can do only under certain circumstances. Those also are spelled out in the law.

Until that law was passed by Congress last year, there was a dependence upon that procedure and on practices that had grown up during recent decades and over the last 100 years.

Those provisions are now in statutory form. Are they something new? When Mr. Rehnquist said he believed that to be a procedure that was proper and should be resorted to, is he some kind of maverick? Is he a person whon ventures into something rashly and in disregard for the constitutional rights of American citizens and the Bill of Rights?

The answer to that is a categorical and unequivocal no.

Here is the proof of it. Congress has spelled out the national policy on no-knock search warrants and has passed a law which has been signed by the President calling for this kind of procedure under certain limited circumstances.

Not only that, Mr. President, but no less than 32 States have either in their statutes or through their court decisions adopted it. They are using this type of no-knock search warrant under limited circumstances, well defined, and well safeguarded where they are authorized.

Does that make Mr. Rehnquist out of step, or does it make the detractors out of step?

Again, where we get into the proposition of the Nation surviving or of the Government surviving, we arm these officials with certain powers. There are people in the United States who say the 32 States are wrong, that Mr. Rehnquist is wrong, that the House and Senate are wrong, that the President is wrong, and that the Federal courts are wrong. What can we think about critics like that except that they want to misrepresent and distort the truth in disregard of the realities and the merits of the situation.

Those things and other propositions will be debated next week, and we should look forward to bringing out in the open air what is found in the covers of this green, printed version of the hearings on the nominations of Mr. Powell and Mr. Rehnquist.

When that is done, I have confidence that we will proceed well and in an enlightened fashion to cast our votes on the nomination of Mr. Rehnquist. His nomination should be confirmed because I believe he will have a most distinguished, a most productive, and a most constructive career as a member of that Court.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, today as the Senate considers the nomination of Lewis F. Powell, Jr. to the Supreme Court I wish to announce my support for his nomination.

Mr. Powell has been called a conservative. However, I concur with the view of several Senators who view Lewis Powell as a man who falls directly into the tradition of such men as Holmes, Harlan, and Frankfurter. And this tradition has been called conservative.

No matter how this tradition is viewed, it is one that has steadfastly been dedicated to the Bill of Rights and the provision of equal justice for all Americans.

For this reason I will support the Powell nomination. I have followed closely Mr. Powell's appearance before the Judiciary Committee. From his testimony there and from the testimony of those who supported his nomination, I believe that he has exhibited throughout his legal career a commitment to basic human rights and human dignity which are the cornerstone of a free society.

Mr. THURMOND. Mr. President, today we are considering the capability and suitability of Mr. Lewis F. Powell for the Supreme Court of the United States.

We have all heard of the educational achievements of Mr. Powell. He has broadened his early campus leadership into that of trustee for Washington and Lee University. This is an example of the great emphasis and concern Mr. Powell places on education for not only our young people but for all Americans.

It is also hardly necessary to touch on Mr. Powell's professional and civil achievements. Mr. Powell has long been regarded as one of Virginia's ablest lawyers, and his leadership in his field of law through the American Bar Association has had a profound effect on the whole profession.

Mr. President, having established Mr. Powell's ability and experience we must also analyze his concern for humanity. During his chairmanship of the Richmond public schools, he was in a unique position to help with desegregation. Not only did Mr. Powell contribute substantially to this task, but he helped to bring this transition about peacefully. Some of the lawyers interviewed by the Judiciary Committee were those completely committed to civil rights. These lawyers stressed Mr. Powell's fairness and "true breadth of outlook." Members of the Judiciary Committee also spoke with labor and civil rights organizations. None of these groups were opposed to the nomination of Mr. Powell.

A further insight to the depth of Mr. Powell's character was shown in 1964. At that time, programs of legal assistance or "legal aid" for the poor were first being discussed and developed. In spite of much opposition from within the American Bar Association, Mr. Powell used his own judgment on the subject. From his studies he reached the conclusion that Federal financing was necessary for such service to the poor to be adequate. He was able to convince the bar of the necessity for their becoming deeply involved if such a program was to be really responsive. Thus, he had a great deal to do with the legal aid needy people all over the United States today receive.

There is no question of his patriotic feeling for his country as shown by his service in World War II. Further, there is no question as to his reputation. He is calm, self-possessed, even tempered, and well endowed with an equitable nature. The American Bar Association's report describes the response from members of Mr. Powell's profession as one of "unrestricted enthusiasm." Mr. Powell has a sound objective viewpoint and has shown his ability to be able to weigh all facts with an unbiased "judicial eye" in reaching any conclusion.

Mr. President, in summary I would like to use the description of the Standing Committee of the Federal Judiciary of the American Bar Association. Their report states:

> That Mr. Powell meets, in an exceptional degree, high standards of professional competence, judicial temperament and integrity and that he is one of the best qualified lawyers available for appointment to the Supreme Court.

Mr. MONDALE. Mr. President, the nominations of William H. Rehnquist and Lewis F. Powell, Jr., to the Supreme Court of the United States have now been favorably reported by the Senate Judiciary Committee. A strong dissent on the Rehnquist nomination was filed by Senators BAYH, HART, KENNEDY, and TUNNEY.

After a careful examination of the entire record, I have concluded that I can vote to confirm the nomination of Mr. Powell—but that I must vote against the nomination of Mr. Rehnquist.

In the press and the general public, past confirmation debates have been viewed as a clash between a Republican administration and a Democratic Senate. But it is simply incorrect to view the last two confirmation fights as a partisan controversy. Republicans and Democrats alike joined together to defeat the two individuals because of profound questions about their fitness to serve on the Supreme Court.

Those of us who opposed the Haynsworth and Carswell nominations viewed our constitutional duty to "advise and consent" as a serious responsibility—one that could not be shrugged off in deference to a President's power to nominate Supreme Court justices.

Throughout these earlier debates, this administration and its supporters have acted on the assumption that Supreme Court nominations are the prerogative of the President; that the Senate's role in confirming these nominations is limited to questions of the nominee's integrity, character, and competence; and that to the extent the Senate goes beyond these criteria, it is interfering with a constitutional grant of authority to the President.

I believe this view is wrong on several counts.

To begin with, there is ample historical evidence that the framers of our Constitution did not intend the Senate to be a mere rubber stamp in giving advice and consent for Supreme Court nominations. In fact, the debates in the Constitutional Convention show that initially Supreme Court justices were to be appointed by the Senate without any participation at all by the President. As Senator JAVITS and others have pointed out, the provision ultimately adopted—combining presidential nomination with Senate advice and consent—was a compromise from the earlier position. But the framers certainly expected that the Senate would perform a complete and careful review of every Supreme Court nomination.

Beyond this historical precedent, it is obvious that the stakes involved in confirming Supreme Court nominees demand this same type of review. A Supreme Court Justice does not serve at the will of the President nor does he hold office to carry out the policies of the President. He is a lifetime appointee to an independent branch of government—which is often asked to review the legality of both congressional and executive actions.

As Senators BAYH, HART, KENNEDY, and TUNNEY stated in their individual views to the Judiciary Committee report on these nominations:

> It is no longer necessary to belabor the Senate's coequal role in appointments to the Supreme Court. The President has said that, with the possible exception of promoting world peace, few of his acts are likely to have as lasting an impact upon the American people as his choice of nominees. The same can be said of their confirmation by the Senate. This thought merits reflection as we pause in the rush of legislation to perform that task again.

From the 1968 presidential campaign to the present time, President Nixon has repeatedly emphasized his desire to change the Supreme Court's philosophical orientation and to mold the Court in a fashion acceptable to him.

I do not claim that this President—or any other President—is acting improperly by using his power to nominate Supreme Court Justices in this manner. That is his prerogative; and there is nothing in the Constitution which prevents him from doing so.

But it must be recognized that when the President himself has made a nominee's philosophy the prime issue for consideration, the Senate has a duty to carefully examine the philosophy of each of his nominees.

Prof. Charles L. Black of the Yale University Law School, one of our most distinguished constitutional scholars, best expressed the challenge facing the Senate in these situations.

He wrote:

> If a President should desire and if chance should give him the opportunity to change entirely the character of the Supreme Court, shaping it after his own political image, nothing would stand in his way except the United States Senate.

After a careful review of the historical evidence, Professor Black reached the following conclusion about the proper role of the Senate in the confirmation of Supreme Court nominees:

> A Senator voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by so doing.

A similar conclusion was reached by Profs. Paul Brest, Thomas Gray, and Arnold Paul in a memorandum analyzing the proper scope of the Senate's inquiry into the political and constitutional philosophy of Supreme Court nominees. These scholars concluded:

> First, it is the Senate's affirmative responsibility to examine a nominee's political and constitutional philosophy, and to confirm his nomination only if he has demonstrated a clear commitment to the fundamental values of our Constitution—the rule of law, the liberty of the individual, and the equality of all persons.
>
> Second, the Senate should consider a nominee, not in isolation but in the context of the President's other nominations, past and promised; and that the Senate performs a proper constitutional role in preventing the Chief Executive from distorting the Court in his own image.

The dissenting members of the Judiciary Committee accepted this view of the Senate's confirmation role. They stated:

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Under any theory of the Senate's task, our role inescapably includes weighing the nominee's attitude toward the fundamental values of our constitutional system: limits on government power, individual liberty, human equality. A man takes what he is, and believes, to the bench. Ultimately, it may be less important to debate the meaning of judicial philosophy than simply to acknowledge the inherent strand of discretion in judicial decision—especially Constitutional interpretation. The best intentions of restraint cannot erase the elements of value and judgment involved when the Court applies the majestic generalities of the Fourteenth Amendment and the Bill of Rights.

And Senator George Norris of Nebraska, during the debate over the Supreme Court nomination of Judge John J. Parker, eloquently argued that the Senate must not be oblivious to a nominee's philosophy and beliefs:

When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of the qualifications—but we ought to know how he approaches the great questions of human liberty.

The President may have a very clear idea of the type of Court he wants in the future—but individual Senators may not share his particular vision.

Those who disagree with the President have the right and the obligation to probe the philosophy of his nominees—and to make an individual and independent evaluation of the nominee's views on important legal issues. This is really what the separation of powers is all about.

What we have here is one branch of Government submitting nominations to another branch of Government designed to alter the course of a third branch of Government. If the Senate simply limits itself to an inquiry into a nominee's competence and integrity—without considering the nominee's philosophy—the Executive alone will determine the future of the Court while the Senate sits passively on the sidelines.

Whether the Senate will meet its constitutional responsibilities is the issue posed by the nominations of Lewis F. Powell, Jr. and William H. Rehnquist.

From the record of the Senate Judiciary Committee hearings and other sources, each of these men appears qualified to serve as Supreme Court Justices on the basis of legal competence and personal integrity. But since the President has emphasized the philosophy of each of these nominees in making his selections, the Senate must carefully evaluate their past and present views on important legal issues.

It was because of such an evaluation that I decided to vote for Mr. Powell's confirmation and to oppose the nomination of Mr. Rehnquist.

It may be argued that this is an inconsistent position; that since both men are considered conservatives, an individual Senator cannot vote for one and vote against the other.

But in evaluating a nominee's philosophy, labels are not very helpful. There must be a careful examination of the nominee's entire public record, including his expressions and views on major issues.

Such an examination convinces me that William Rehnquist should not be confirmed.

In their individual views, Senators BAYH, HART, KENNEDY, and TUNNEY aptly summarized the case against Mr. Rehnquist:

William Rehnquist's record presents no threshold problem of integrity or excellence. But it does raise serious doubts about his sensitivity and commitment [to the protection of individual liberties and equal rights]. His numerous public positions on issues involving the Bill of Rights display a consistent discounting of those rights—an inadequate appreciation of the underlying interests at stake and of the danger of their erosion.

What I find most disturbing about Mr. Rehnquist's record is his attitude toward the use of the law for the protection of minority rights. The nominee's record demonstrates a persistent insensitivity and indifference to human rights. During a period when this country has tried to ensure equality under the law, Mr. Rehnquist often went out of his way to oppose legal efforts to end various types of racial discrimination.

A memorandum filed by the dissenting members of the Judiciary Committee documents the nominee's record on important civil rights issues. There are two incidents which I believe most clearly indicate Mr. Rehnquist's firm belief that the law should not be used to eliminate racial injustice in America.

In June, 1964, the nominee vigorously opposed a proposed Phoenix ordinance barring discrimination in places of public accommodation. After the ordinance was passed unanimously by the city council, Mr. Rehnquist wrote a letter to the Arizona Republic in which he concluded that it was: "Impossible to justify the sacrifice of our historic individual freedom for a purpose such as this."

To Mr. Rehnquist, property rights were clearly more important than human rights. Fortunately, neither the Phoenix City Council nor the Congress shared his views.

In 1966, while representing Arizona at the National Conference of Commissioners on Uniform State Laws, Mr. Rehnquist made an unsuccessful effort to delete two key provisions of a proposed model State Anti-Discrimination Act.

According to the records of this Conference, the first of these provisions was "designed to permit the adoption by an employer of voluntary plans to reduce or eliminate" racial, religious, or sex imbalance in its workforce. Despite the fact that no compulsory hiring to achieve racial balance was involved, Mr. Rehnquist moved to delete this provision. His motion was defeated.

The second provision opposed by Mr. Rehnquist was designed to prohibit "blockbusting" tactics—used by unscrupulous realtors to play on racial fears for their own profit. In moving to delete this provision, Mr. Rehnquist observed:

It seems to me we have a constitutional question and a serious policy question, and in view of the combination of these two factors, plus the fact that it doesn't strike me this is a vital part of your bill at all, I think this would be a good thing to leave out.

Mr. Robert Braucher, now a justice of the Supreme Judicial Court of Massachusetts, opposed the Rehnquist motion and defended the outlawing of blockbusting.

The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they go around to the neighbors and say: "Wouldn't you like to sell before the bottom drops out of your market?"

And the notion that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit.

Again, the Rehnquist effort to dilute this model act was defeated.

These episodes, and others cited in the memorandum submitted by Senators BAYH, HART, KENNEDY, and TUNNEY, raise serious doubts about Mr. Rehnquist's commitment to ending discrimination in America through legal means. Mr. Rehnquist seems to believe that the law must be neutral in these matters—even though such neutrality will inevitably result in the perpetuation of racial discrimination.

Some will argue that Mr. Rehnquist's views on these civil rights issues is a logical result of his belief as a "conservative" in the limited power of Government. If this were true—if Mr. Rehnquist consistently came down on the side of limiting Government's power over the actions of private citizens—then I would tend to view the Rehnquist civil rights record in a different light.

But this is not the case. Throughout his career—and while serving as an Assistant Attorney General—Mr. Rehnquist has consistently advocated strong Government action to the detriment of individual rights on issues involving surveillance of private citizens, wiretapping, criminal procedural safeguards, and dissent by public employees.

Thus, the nominee has staunchly defended the administration's position on wiretapping, arguing that the Attorney General may wiretap without prior judicial authorization whenever he concludes that there is a threat to national security either from foreign agents or from "domestic subversives."

The nominee has advocated and defended extensive Government surveillance of individual citizens, arguing that:

Self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering.

And in the past, he has strongly attacked the Supreme Court for decisions holding that individuals could not be prevented from practicing law because of previous political beliefs.

After reviewing his record on a variety of civil liberties issues, the Ripon Society, a progressive Republican organization, concluded that to confirm nomination Mr. Rehnquist would be "a dangerous mistake." They argued that:

Approval of William Rehnquist's nomination will for the first time give credence to what has until recently seemed an alarmist fear: that we are moving into an era of repression. The entire scenario of repression consists of measures that Rehnquist, on the record, has strongly and explicitly invited.

Thus, when it comes to interests which he believes are important—such as widespread surveillance of private citizens—Mr. Rehnquist takes an expansive view of government power: but where elimination of racial discrimination is the interest involved, Mr. Rehnquist suddenly becomes a "conservative," arguing that the power of government must be limited.

William Shannon put it best when he observed that:

The Rehnquist record is not that of a true conservative. It is the record of an aggressive ideologue with combative impulses and strong commitment to a harsh, narrow doctrine concerning government and individual.

Mr. Rehnquist's strict adherence to a particular ideology is in sharp contrast to the record of the other nominee before the Senate—Lewis F. Powell. Throughout his career, Mr. Powell has displayed on open-mindedness on major issues which is absent in the Rehnquist record.

This does not mean that I agree with everything Mr. Powell has said or done during the course of his career. On the contrary, I disagree with his position on several basic issues. For example, he has expressed views on wiretapping similar to those of Mr. Rehnquist which I find most disturbing.

But the total record indicates that Mr. Powell is not an aggressive idealog—that he is, in short, what William Shannon called a true conservative in the tradition of Justice Harlan.

There is one important aspect of Mr. Powell's career which demonstrates this open-mindedness—and indicates a sensitivity to and concern for the rights of the poor and the powerless in this country.

In 1965, OEO wanted to establish a national legal services program to vastly expand legal representation for the poor. Crucial to the creation of this program was the support of the organized bar—and particularly the ABA.

Mr. Powell was president of the ABA at that time. And in that capacity, he was among those most instrumental in convincing the ABA of the vital need for this program—and of the necessity for strong ABA support.

As a result of his leadership, the program was established—and in its brief existence, it has managed to protect the rights of millions of Americans previously unable to obtain legal assistance.

And whenever that program's lawyers have come under attack for providing effective legal representation to their clients, Mr. Powell has consistently come to their defense—arguing that the independence and integrity of these lawyers must be insured if the poor are really to receive equal representation under the law.

There is no question that without the strong support of Mr. Powell and other leaders of the organized bar, the ability of legal services lawyers to provide full and effective legal representation would have been severely restricted. Instead, the program is still a viable one—and many of this Nation's poor are, for the first time, beginning to have faith in the law and legal institutions.

Because of Mr. Powell's clear commitment to the principle of affording equal representation under the law—and because of the lack of dogma in his views on important issues—I have concluded that his nomination to the Court should be confirmed.

But I cannot find these redeeming qualities in Mr. Rehnquist's record. His is a commitment not to a broadening of human rights—but to their circumscription. His is a record not of growth and enrichment in public service—but of narrow ideological instincts.

These are not easy distinctions for any of us to make. As with judgments of integrity and intellectual competence, evaluations of a nominee's philosophy cannot be infallible. But I am convinced that the Constitution and the public interest charge us to make the best judgments we can.

It is on that basis that I will vote for Mr. Powell and oppose Mr. Rehnquist.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, following the recognition of the two leaders and prior to the resumption of the executive session and the resumption of the consideration of the nomination of Mr. Lewis Powell for the Office of Associate Justice of the Supreme Court of the United States, there be a period of the transaction of routine morning business for not to exceed 30 minutes with the statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. at the conclusion of a recess. Upon the completion of the remarks of the distinguished majority and minority leaders under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with the statements therein limited to 3 minutes.

At the conclusion of the routine morning business, the Senate will return to executive session, and the debate on the nomination of Mr. Lewis Powell to be an Associate Justice of the Supreme Court of the United States will be resumed.

A rollcall vote on the confirmation of Mr. Powell will occur at 4 o'clock p.m. on Monday.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. And then, the further business of the Senate will concern itself with the nomination of Mr. Rehnquist at that time, subject to such items of priority or preference.

Mr. BYRD of West Virginia. That is the understanding. This would be a matter for the majority leader.

Mr. HRUSKA. I simply wanted to confirm what was discussed yesterday.

Mr. BYRD of West Virginia. Yes.

Mr. HRUSKA. And to review and refresh ourselves.

Mr. BYRD of West Virginia. Yes. In the meantime, as the distinguished Senator from Nebraska has pointed out, unless there would be conference reports or equally privileged matters, I know of no other matter that would be called up except by unanimous consent. As far as I know now, there will be no rollcall votes prior to 4 p.m. on Monday.

RECESS TO 10 A.M. MONDAY, DECEMBER 6, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. Monday.

The motion was agreed to; and (at 1 o'clock and 21 minutes p.m.) the Senate took a recess until Monday, December 6, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 4, 1971:

U.S. DISTRICT COURTS

J. Blaine Anderson, of Idaho, to be a U.S. district judge for the district of Idaho.

Clifford Scott Green, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

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HOUSE OF REPRESENTATIVES—*Saturday, December 4, 1971*

Pursuant to an order of the House on Thursday, December 2, 1971, the conference report on the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, is herewith printed, as follows:

[Submitted by Mr. MILLS of Arkansas]

CONFERENCE REPORT (H. REPT. No. 92-708)

The committee of conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 29, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 60, 65, 68, 70, 71, 72, 73, 74, 75, 77, 78, 80, 83, 84, 86, 93, 103, 106, 114, 115, 116, 117, 120, 121, 123, 125, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 8, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 45, 46, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 79, 82, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102, 104, 105, 107, 108, 109, 110, and 112, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—JOB DEVELOPMENT INVESTMENT CREDIT; DEPRECIATION REVISION

Sec. 101. Restoration of investment credit.
Sec. 102. Determination of qualified investment.
Sec. 103. Limitation of credit to domestic products.
Sec. 104. Definition of section 38 property.
Sec. 105. Regulated companies.
Sec. 106. Investment credit carryovers and carrybacks.
Sec. 107. Treatment of casualties and certain replacements.
Sec. 108. Availability of credit to certain lessors.
Sec. 109. Reasonable allowance for depreciation; repair allowance.

TITLE II—CHANGES IN PERSONAL EXEMPTIONS, MINIMUM STANDARD DEDUCTION, WITHHOLDING, ETC.

Sec. 201. Increase in personal exemption.
Sec. 202. Increase in percentage standard deduction.
Sec. 203. Low income allowance.
Sec. 204. Filing requirements.
Sec. 205. Certain fiscal year taxpayers.
Sec. 206. Election of standard deduction.
Sec. 207. Waiver of penalty for underpayment of 1971 estimated income tax.
Sec. 208. Adjustment of withholding.
Sec. 209. Changes in requirements of declaration of estimated income tax by individuals.
Sec. 210. Expenses to enable individuals to be gainfully employed.
Sec. 211. Levies on salaries and wages.

TITLE III—STRUCTURAL IMPROVEMENTS

Sec. 301. Unearned income of taxpayers who are dependents of other taxpayers.
Sec. 302. Limitation on carryovers of unused credits and capital losses.
Sec. 303. Amortization of certain expenditures for on-the-job training and for child care centers.
Sec. 304. Excess investment interest.
Sec. 305. Farm losses of electing small business corporations.
Sec. 306. Capital gain distributions of certain trusts.
Sec. 307. Application of Western Hemisphere Trade Corporation provision under the Virgin Islands tax laws.
Sec. 308. Capital gains and stock options.
Sec. 309. Certain treaty cases.
Sec. 310. Bribes, kickbacks, medical referral payments, etc.
Sec. 311. Activities not engaged in for profit.
Sec. 312. Certain distributions to foreign corporations.
Sec. 313. Original issue discount.
Sec. 314. Income from certain aircraft and vessels.
Sec. 315. Industrial development bonds.
Sec. 316. Disclosure or use of information by preparers of income tax returns.

TITLE IV—EXCISE TAX

Sec. 401. Repeal or suspension of manufacturers excise tax on passenger automobiles, light-duty trucks, etc.
Sec. 402. Credit against tax on coin-operated gaming devices.

TITLE V—DOMESTIC INTERNATIONAL SALES CORPORATIONS

Sec. 501. Domestic international sales corporations.
Sec. 502. Deductions, credits, etc.
Sec. 503. Source of income.
Sec. 504. Procedure and administration.
Sec. 505. Export trade corporations.
Sec. 506. Submission of annual reports to Congress.
Sec. 507. General effective date of title.

TITLE VI—JOB DEVELOPMENT RELATED TO WORK INCENTIVE PROGRAM

Sec. 601. Tax credit for certain expenses incurred in work incentive program.

TITLE VII—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE

Sec. 701. Allowance of credit.
Sec. 702. Deduction in lieu of credit.
Sec. 703. Effective date.

TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Sec. 801. Presidential Election Campaign Fund Act.
Sec. 802. Miscellaneous amendments.

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(c) ACCOUNTING FOR INVESTMENT CREDIT IN CERTAIN FINANCIAL REPORTS AND REPORTS TO FEDERAL AGENCIES.—

(1) IN GENERAL.—It was the intent of the Congress in enacting, in the Revenue Act of 1962, the investment credit allowed by section 38 of the Internal Revenue Code of 1954, and it is the intent of the Congress in restoring that credit in this Act, to provide an incentive for modernization and growth of private industry. Accordingly, notwithstanding any other provision of law, on and after the date of the enactment of this Act—

(A) no taxpayer shall be required to use, for purposes of financial reports subject to the jurisdiction of any Federal agency or reports made to any Federal agency, any particular method of accounting for the credit allowed by such section 38,

(B) a taxpayer shall disclose, in any such report, the method of accounting for such credit used by him for purposes of such report, and

(C) a taxpayer shall use the same method of accounting for such credit in all such reports made by him, unless the Secretary of the Treasury or his delegate consents to a change to another method.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to taxpayers who are subject to the provisions of section 46(e) of the Internal Revenue Code of 1954 (as added by section 105(c) of this Act) or to section 203(e) of the Revenue Act of 1964 (as modified by section 105(e) of this Act).

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

On page 6, line 7, of the Senate engrossed amendments, strike out "not more than 2 years".

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(D) COUNTRIES MAINTAINING TRADE RESTRICTIONS OR ENGAGING IN DISCRIMINATORY ACTS.—If, on or after the date of the termination of Proclamation 4074, the President determines that a foreign country—

"(i) maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or

"(ii) engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce,

he may provide by Executive order for the application of subparagraph (A) to any article or class of articles manufactured or produced in such foreign country for such period as may be provided by Executive order."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with the following amendments:

On page 9 of the Senate engrossed amendments, after line 7, insert the following:

(3) Section 48(a)(2)(B) (relating to exceptions from rule for property used outside the United States) is amended by inserting after clause (viii) (as added by paragraph (2)) the following new clause:

"(ix) any cable, or any interest therein, of a domestic corporation engaged in furnishing telephone service to which section 46(c)(3)(B)(iii) applies (or of a wholly owned domestic subsidiary of such a corporation), if such cable is part of a submarine cable system which constitutes part of a communication link exclusively between the United States and one or more foreign countries; and".

On page 9 of the Senate engrossed amendments, beginning with line 8, strike out all through line 2 on page 10 and insert the following:

(d) CERTAIN PROPERTY USED TO EXPLORE FOR, DEVELOP, REMOVE, AND TRANSPORT RESOURCES FROM OCEAN WATERS AND SUBMARINE DEPOSITS.—Section 48(a)(2)(B) (relating to exceptions from rule for property used outside the United States) is amended by inserting after clause (ix) (as added by subsection (c)(3)) the following new clause:

"(x) any property (other than a vessel or an aircraft) of a United States person which is used in international or territorial waters for the purpose of exploring for, developing, removing, or transporting resources from ocean waters or deposits under such waters."

On page 10, line 12, of the Senate engrossed amendments, strike out "(c) and" and insert: then, unless such sale or other disposition constitutes an involuntary conversion (within the meaning of section 1033),

On page 10, line 24, of the Senate engrossed amendments, after "184," insert: 187,

On page 12, line 10, of the Senate engrossed amendments, strike out "(c) and" and insert: (c)(1), (c)(2), and

On page 12, line 12, of the Senate engrossed amendments, strike out "(c) and" and insert: (c)(1), (c)(2), and

And the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(b) DEFINITION OF PUBLIC UTILITY PROPERTY, ETC.—Section 46(c)(3) (relating to public utility property) is amended—

(1) by inserting "or" at the end of clause (ii) of subparagraph (B), and by striking out clauses (iii) and (iv) of such subparagraph and inserting in lieu thereof the following:

"(iii) telephone service, telegraph service by means of domestic telegraph operations (as defined in section 222(a)(5) of the Communications Act of 1934, as amended; 47 U.S.C., sec. 222(a)(5)), or other communication service (other than international telegraph service),";

(2) by adding at the end of subparagraph (B) the following new sentence: "Such term also means communication property of the type used by persons engaged in providing telephone or microwave communication services to which clause (iii) applies, if such property is used predominantly for communication purposes."; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) In the case of any interest in a submarine cable circuit used to furnish telegraph service between the United States and a point outside the United States of a taxpayer engaged in furnishing international telegraph service (if the rates for such furnishing have been established or approved by a governmental unit, agency, instrumentality, commission, or similar body described in subparagraph (B)), the qualified investment shall not exceed the qualified investment attributable to so much of the interest of the taxpayer in the circuit as does not exceed 50 percent of all interests in the circuit."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

On page 15, line 23, of the Senate engrossed amendments, strike out "paragraph (1)" and insert: paragraphs (1) and (2)

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with the following amendments:

On page 19, line 12, of the Senate engrossed amendments, before "Property" insert: Certain

On page 19, lines 21 and 22, of the Senate engrossed amendments, strike out "which is not short term lease property (as defined in paragraph 4)" and insert: (other than property described in paragraph (4))

On page 20, line 11, of the Senate engrossed amendments, before "short insert: certain

On page 20, line 14, of the Senate engrossed amendments, strike out "short term lease property" and insert: property described in paragraph (4)

On page 20, line 18, of the Senate engrossed amendments, strike out "which is new section 38 property"

On page 20, lines 23 and 24, of the Senate engrossed amendments, strike out "short term lease property" and insert: property described in paragraph (4)

On page 21, line 9, of the Senate engrossed amendments, strike out "short term lease property" and insert: property described in paragraph (4).

On page 22 of the Senate engrossed amendments, strike out lines 7 through 11 and insert:

"(4) PROPERTY TO WHICH PARAGRAPH (2) APPLIES.—Paragraph (2) shall apply only to property which—

"(A) is new section 38 property,

"(B) has a class life (determined under section 167(m)) in excess of 14 years,

"(C) is leased for a period which is less than 80 percent of its class life, and

"(D) is not leased subject to a net lease (within the meaning of section 57(c)(2))."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

Insert the matter proposed to be inserted by the Senate amendment, and on page 19, line 17, of the House engrossed bill strike out "110" and insert: 109

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with amendments as follows:

Strike the matter proposed to be stricken out by the Senate amendment, and on page 24 of the House engrossed bill, after line 20, insert the following:

(4) by inserting after subparagraph (B) the following new subparagraph:

"(C) Every individual having for the taxable year a gross income of $750 or more and to whom section 141(e) (relating to limitations in case of certain dependent taxpayers) applies;".

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate amendment numbered 47, and agree to the same with amendments as follows:

On page 35 of the Senate engrossed amendments, strike out the table after line 5 and insert the following:

"Percentage Method Withholding Table

"Payroll period:	*Amount of one withholding exemption*
Weekly	$14.40
Biweekly	28.80
Semimonthly	31.30
Monthly	62.50
Quarterly	187.50
Semiannual	375.00
Annual	750.00
Daily or miscellaneous (per day of such period)	2.10"

On page 37 of the Senate engrossed amendments, strike out line 24 and all that follows down through line 2 on page 38 and insert in lieu thereof the following:

(h) FIFTEEN-DAY EXTENSION OF EXISTING WITHHOLDING PROVISIONS.—

(1) Paragraph (3) of section 3402(a) (relating to requirement of withholding) is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 16, 1972".

(2) Paragraph (2) of section 805(b) of the Tax Reform Act of 1969 (relating to percentage method of withholding) is amended by striking out "January 1, 1972" and inserting in lieu thereof "January 16, 1972".

(i) EFFECTIVE DATE.—

(1) The amendments made by this section (other than subsection (h)) shall apply with respect to wages paid after January 15, 1972.

(2) The amendments made by subsection (h) shall apply with respect to wages paid after December 31, 1971, and before January 16, 1972.

And the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 210. CERTAIN EXPENSES TO ENABLE INDIVIDUALS TO BE GAINFULLY EMPLOYED.

(a) IN GENERAL.—Section 214 (relating to expenses for care of certain dependents) is amended to read as follows:

"SEC. 214. EXPENSES FOR HOUSEHOLD AND DEPENDENT CARE SERVICES NECESSARY FOR GAINFUL EMPLOYMENT.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1)), there shall be allowed as a deduction the employment-related expenses (as defined in subsection (b)(2)) paid by him during the taxable year.

"(b) DEFINITIONS, ETC.—For purposes of this section—

"(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

"(A) a dependent of the taxpayer who is under the age of 15 and with respect to whom the taxpayer is entitled to a deduction under section 151(e),

"(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself, or

"(C) the spouse of the taxpayer, if he is physically or mentally incapable of caring for himself.

"(2) EMPLOYMENT-RELATED EXPENSES.—The term 'employment-related expenses' means amounts paid for the following expenses, but only if such expenses are incurred to enable the taxpayer to be gainfully employed:

"(A) expenses for household services, and

"(B) expenses for the care of a qualifying individual.

"(3) MAINTAINING A HOUSEHOLD.—An individual shall be treated as maintaining a household for any period only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, is furnished by such individual and his spouse).

"(c) LIMITATIONS ON AMOUNTS DEDUCTIBLE.—

"(1) IN GENERAL.—A deduction shall be allowed under subsection (a) for employment-related expenses incurred during any month only to the extent such expenses do not exceed $400.

"(2) EXPENSES MUST BE FOR SERVICES IN THE HOUSEHOLD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a deduction shall be allowed under subsection (a) for employment-related expenses only if they are incurred for services in the taxpayer's household.

"(B) EXCEPTION.—Employment-related expenses described in subsection (b)(2)(B) which are incurred for services outside the taxpayer's household shall be taken into account only if incurred for the care of a qualifying individual described in subsection (b)(1)(A) and only to the extent such expenses incurred during any month do not exceed—

"(i) $200, in the case of one such individual,

"(ii) $300, in the case of two such individuals, and

"(iii) $400, in the case of three or more such individuals.

"(d) INCOME LIMITATION.—If the adjusted gross income of the taxpayer exceeds $18,000 for the taxable year during which the expenses are incurred, the amount of the employment-related expenses incurred during any month of such year which may be taken into account under this section shall (after the application of subsections (e)(5) and (c)) be further reduced by that portion of one-half of the excess of the adjusted gross income over $18,000 which is properly allocable to such month. For purposes of the preceding sentence, if the taxpayer is married during any period of the taxable year, there shall be taken into account the combined adjusted gross income of the taxpayer and his spouse for such period.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the deduction provided by subsection (a) shall be allowed only if the taxpayer and his spouse file a single return jointly for the taxable year.

"(2) GAINFUL EMPLOYMENT REQUIREMENT.—If the taxpayer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

"(A) both spouses are gainfully employed on a substantially full-time basis, or

"(B) the spouse is a qualifying individual described in subsection (b)(1)(C).

"(3) CERTAIN MARRIED INDIVIDUALS LIVING APART.—An individual who for the taxable year would be treated as not married under section 143(b) if paragraph (1) of such section referred to any dependent, shall be treated as not married for such taxable year.

"(4) PAYMENTS TO RELATED INDIVIDUALS.—No deduction shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a) (relating to definition of dependent) or to a dependent described in paragraph (9) of such section.

"(5) REDUCTION FOR CERTAIN PAYMENTS.—In the case of employment-related expenses incurred during any taxable year solely with respect to a qualifying individual (other than an individual who is also described in subsection (b)(1)(A)), the amount of such expenses which may be taken into account for purposes of this section shall (before the application of subsection (c)) be reduced—

"(A) if such individual is described in subsection (b)(1)(B), by the amount by which the sum of—

"(i) such individual's adjusted gross income for such taxable year, and

"(ii) the disability payments received by such individual during such year,

exceeds $750, or

"(B) in the case of a qualifying individual described in subsection (b)(1)(C), by the amount of disability payments received by such individual during the taxable year. For purposes of this paragraph, the term 'disability payment' means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B or chapter 1 is amended by striking out the item relating to section 214 and inserting in lieu thereof the following:

"Sec. 214. Expenses for household and dependent care services necessary for gainful employment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 211. LEVIES ON SALARIES AND WAGES.

(a) WRITTEN NOTICE REQUIRED.—Section 6331 (relating to levy and distraint) is amended by redesignating subsection (d) as (e) and by inserting after subsection (c) the following new subsection:

"(d) SALARY AND WAGES.—

"(1) IN GENERAL.—Levy may be made under subsection (a) upon the salary or wages of an individual with respect to any unpaid tax only after the Secretary or his delegate has notified such individual in writing of his intention to make such levy. Such notice shall be given in person, left at the dwelling or usual place of business of such individual, or shall be sent by mail to such individual's last known address, no less than 10 days before the day of levy. No additional notice shall be required in the case of successive levies with respect to such tax.

"(2) JEOPARDY.—Paragraph (1) shall not apply to a levy if the Secretary or his delegate has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to levies made after March 31, 1972.

And the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with the following amendments:

On page 52, line 18, of the Senate engrossed amendments, after the period insert:

The burden of proof in respect of the issue, for purposes of this paragraph, as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment shall be upon the Secretary or his delegate to the same extent as he bears the burden of proof under section 7454 (concerning the burden of proof when the issue relates to fraud).

On page 52 of the Senate engrossed amendments, beginning with line 19, strike out all through line 10 on page 53, and insert:

"(3) KICKSACKS, REBATES, AND BRIBES UNDER MEDICARE AND MEDICAID.—No deduction shall be allowed under subsection (a) for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer."; and

On page 53 of the Senate engrossed amendments, beginning with line 14, strike out all through line 11 on page 56 and insert:

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to payments after December 30, 1969, except that section 162(c)(3) of the Internal Revenue Act of 1954 (as added by subsection (a)) shall apply only with respect to kickbacks, rebates, and bribes payment of which is made on or after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with the following amendments:

On page 60, line 4, of the Senate engrossed amendments, after "1969," insert: and before April 1, 1972,

On page 60, lines 6 and 7, of the Senate engrossed amendments, strike out "such date" and insert: May 27, 1969

On page 60, line 9, of the Senate engrossed amendments, strike out "on or after April 1, 1972" and insert: after March 31, 1972

On page 61, line 8, of the Senate engrossed amendments after "1969," insert: and before April 1, 1972,

On page 61, lines 9 and 10, of the Senate engrossed amendments, strike out "such date" and insert: May 27, 1969

On page 62, line 18, of the Senate engrossed amendments, before "the" insert: and

On page 62, line 20, of the Senate engrossed amendments, strike out the comma.

And the Senate agree to the same.

Amendment numbered 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 314. INCOME FROM CERTAIN AIRCRAFT AND VESSELS.

(a) ELECTION.—Section 861 (relating to income from sources within the United States) is amended by adding at the end thereof the following new subsection:

"(e) ELECTION TO TREAT INCOME FROM CERTAIN AIRCRAFT AND VESSELS AS INCOME FROM SOURCES WITHIN THE UNITED STATES.—

"(1) IN GENERAL.—For purposes of subsection (a) and section 862(a), if a taxpayer owning an aircraft or vessel which is section 38 property (or would be section 38 property but for section 48(a)(5)) leases such aircraft or vessel to a United States person, other than a member of the same controlled group of corporations (as defined in section 1563) as the taxpayer, and if such aircraft or vessel is manufactured or constructed in the United States, the taxpayer may elect, for any taxable year ending after the commencement of such lease, to treat all amounts includible in gross income with respect to such aircraft or vessel (whether during or after the period of any such lease), including gain from sale or other disposition of such aircraft or vessel, as income from sources within the United States.

"(2) EFFECT OF ELECTION.—An election under paragraph (1) made with respect to any aircraft or vessel shall apply to the taxable year for which made and to all subsequent taxable years. Such election may not be revoked except with the consent of the Secretary or his delegate.

"(3) MANNER AND TIME OF ELECTION AND REVOCATION.—An election under paragraph (1), and any revocation of such election, shall be made in such manner and at such time as the Secretary or his delegate prescribes by regulations.

"(4) CERTAIN TRANSFERS INVOLVING CARRYOVER BASES.—If the taxpayer transfers or distributes an aircraft or vessel which is subject to an election under paragraph (1) and the basis of such aircraft or vessel in the hands of the transferee or distributee is determined by reference to its basis in the hands of the transferor or distributor, the transferee or distributee shall, for purposes of paragraph (1), be treated as having made an election with respect to such aircraft or vessel."

(b) CLERICAL AMENDMENT.—Section 862 (relating to income from sources without the United States) is amended by adding at the end thereof the following new subsection:

"(c) CROSS REFERENCE.—

"For source of amounts attributable to certain aircraft and vessels, see section 861(e)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after August 15, 1971, but only with respect to leases entered into after such date.

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with the following amendments:

On page 70, line 1, of the Senate engrossed amendments, strike out "316" and insert: 315.

On page 70 of the Senate engrossed amendments, strike out lines 13 through 22 and insert:

(b) CERTAIN CAPITAL EXPENDITURES.—Section 103(c)(6)(F)(iii) (relating to exception of certain capital expenditures for purposes of the $5,000,000 limit) is amended by striking out "$250,000" and inserting in lieu thereof "$1,000,000".

(c) EFFECTIVE DATES.—The amendments made by subsection (a) shall apply with respect to obligations issued after January 1, 1969. The amendment made by subsection (b) shall apply with respect to expenditures incurred after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 316. DISCLOSURE OR USE OF INFORMATION BY PREPARERS OF RETURNS.

(a) CRIMINAL PENALTY.—Part I of subchapter A of chapter 75 (relating to crimes) is amended by adding at the end thereof the following new section:

"SEC. 7216. DISCLOSURE OR USE OF INFORMATION BY PREPARERS OF RETURNS.

"(a) GENERAL RULE.—Any person who is engaged in the business of preparing, or providing services in connection with the preparation of, returns of the tax imposed by chapter 1, or declarations or amended declarations of estimated tax under section 6015, or any person who for compensation prepares any such return or declaration for any other person, and who—

"(1) discloses any information furnished to him for, or in connection with, the preparation of any such return or declaration, or

"(2) uses any such information for any purpose other than to prepare, or assist in preparing, any such return or declaration, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution.

"(b) EXCEPTIONS.—

"(1) DISCLOSURE.—Subsection (a) shall not apply to a disclosure of information if such disclosure is made—

"(A) pursuant to any other provision of this title, or

"(B) pursuant to an order of a court.

"(2) USE.—Subsection (a) shall not apply to the use of information in the preparation of, or in connection with the preparation of, State and local tax returns and declarations of estimated tax of the person to whom the information relates.

"(3) REGULATIONS.—Subsection (a) shall not apply to a disclosure or use of information which is permitted by regulations prescribed by the Secretary or his delegate under this section."

(b) CLERICAL AMENDMENT.—The table of contents for part I of subchapter A of chapter 75 is amended by adding at the end thereof the following new item:

"Sec. 7216. Disclosure or use of information by preparers of returns."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

And the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with amendments as follows:

Restore the matter proposed to be stricken out by the Senate amendment, and omit the matter proposed to be inserted by the Senate amendment.

On page 52 of the House engrossed bill, strike out lines 5 and 6 and insert the following:

(a) REPEAL OF AND EXEMPTIONS FROM TAX.—

(1) REPEAL.—Section 4061(a) (relating to tax on automobiles, etc.) is amended to read as follows:

On page 53, line 13, of the House engrossed bill, strike out the final quotation mark.

On page 53 of the House engrossed bill, after line 13, insert the following:

"Truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less (as so determined)."

(2) EXEMPTIONS FOR LOCAL TRANSIT BUSES AND FOR TRASH CONTAINERS, ETC.—Section 4063(a) (relating to exemptions for specified articles) is amended by adding at the end thereof the following new paragraphs:

"(6) LOCAL TRANSIT BUSES.—The tax imposed under section 4061(a) shall not apply in the case of automobile bus chassis or automobile bus bodies which are to be used predominantly by the purchaser in mass transportation service in urban areas.

"(7) TRASH CONTAINERS, ETC.—The tax imposed under section 4061(a) shall not apply in the case of any box, container, receptacle, bin, or other similar article which is to be used as a trash container and is not designed for the transportation of freight other than trash, and which is not designed to be permanently mounted on or permanently affixed to an automobile truck chassis or body, or in the case of parts or accessories designed primarily for use on, in connection with, or as a component part of any such article."

(3) TECHNICAL AMENDMENTS.—

(A) Section 4221(c) (relating to relief of manufacturer from liability in certain cases) is amended by striking out "section 4063(b)," and inserting in lieu thereof "section 4063(a)(6) or (7), 4063(b),".

(B) Section 4222(d) (relating to registration in the case of certain exemptions) is amended by striking out "sections 4063(b)," and inserting in lieu thereof "sections 4063(a)(6) or (7), 4063(b),".

(C) Section 6416(b)(2) (relating to specified uses and resales in case of which tax payments are considered overpayments) is amended—

(i) by striking out "described in section 4221(e)(5)," in subparagraph (R) and inserting in lieu thereof "described in section 4063(a)(6) or 4221(e)(5); or"; and

(ii) by adding at the end thereof the following new subparagraph:

"(S) in the case of a box, container, receptacle, bin, or other similar article taxable under section 4061(a), sold to any person for use as described in section 4063(a)(7)."

And the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with amendments as follows:

Restore the matter proposed to be stricken out by the Senate amendment.

On page 58, line 16, of the House engrossed bill, after "imposed" insert the following: (without regard to the amendment made by paragraph (2) of subsection (a) of this section)

On page 58, line 18, of the House engrossed bill, strike out "(f)" and insert the following: (g)

On page 60, line 15, of the House engrossed bill, strike out "(a) and (f)" and insert the following: (a), (f), and (g)

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with amendments as follows:

On page 98, line 17, of the Senate engrossed amendments, strike out "403" and insert the following: 402.

On page 99 of the Senate engrossed amendments, strike out lines 20 through 24.

And the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with the following amendments:

On page 104 of the Senate engrossed amendments strike line 25.

On page 105, line 3, of the Senate engrossed amendments strike "group." and insert: group; and

On page 105 of the Senate engrossed amendments between lines 3 and 4 insert:

"(v) the uncommitted transitional funds of the group as determined under paragraph (4).

On page 105, line 8 of the Senate engrossed amendments strike out "subparagraph (B)(ii)" and insert: subparagraphs (B)(ii) and (v)

On page 106, between lines 9 and 10, of the Senate engrossed amendments, insert the following:

"(4) UNCOMMITTED TRANSITIONAL FUNDS.—The uncommitted transitional funds of the group shall be an amount equal to the sum of—

"(A) the excess of—

"(i) the amount of stock or debt obligations of domestic members of such group outstanding on December 31, 1971, and issued on or after January 1, 1968, to persons other than United States persons or any members of such group, but only to the extent the taxpayer establishes that such amount constitutes a long-term borrowing for purposes of the foreign direct investment program, over

"(ii) the net amount of actual foreign investment by domestic members of such group during the period that such stock or debt obligations have been outstanding; and

(B) the amount of liquid assets to the extent not included in subparagraph (A) held by foreign members of such group and foreign branches of domestic members of such group on October 31, 1971, in excess of their reasonable working capital needs on such date.

For purposes of this paragraph, the term "liquid assets" means money, bank deposits (not including time deposits), and indebtedness of 2 years or less to maturity on the date of acquisition; and the actual foreign investment shall be determined under paragraph (3) without regard to the date in subparagraph (A) of such paragraph and without regard to subparagraph (D) of such paragraph.

On page 106, line 10, of the Senate engrossed amendments strike out "(4)" and insert: (5)

And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with the following amendment:

Omit the matter proposed to be inserted by the Senate amendment and insert on page 105, after the period in line 11, of the House engrossed bill, the following: For purposes of this section, a foreign corporation which qualified as an export trade corporation for any 3 taxable years beginning before November 1, 1971, shall be treated as an export trade corporation.

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Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with the following amendment:

On page 106 of the Senate engrossed amendment strike out lines 7 through 11 and insert:

"(3) LIMITATION.—No controlled foreign corporation may qualify as an export trade corporation for any taxable year beginning after October 31, 1971, unless it qualified as an export trade corporation for any taxable year beginning before such date. If a corporation fails to qualify as an export trade corporation for a period of any 3 consecutive taxable years beginning after such date, it may not qualify as an export trade corporation for any taxable year beginning after such period."

And the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu thereof insert: of this title

And the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken out and in lieu thereof insert: of this title

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with the following amendments:

On page 115, line 14, of the Senate engrossed amendments, strike out "VII" and insert: VI

On page 115, line 17, of the Senate engrossed amendments, strike out "701" and insert: 601

On page 115, line 21, strike out "44" and insert: 42

On page 117, line 10, of the Senate engrossed amendments, strike out "and".

On page 117, line 12, of the Senate engrossed amendments, strike out the period and insert: , and

On page 117 of the Senate engrossed amendments, after line 12, insert:

"E) section 41 (relating to contributions to candidates for public office).

On page 121, line 12, of the Senate engrossed amendments, strike out "or".

On page 121, line 19, of the Senate engrossed amendments, strike out "individual." and insert: individual, or

On page 121 of the Senate engrossed amendments, after line 19, insert:

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

On page 122 of the Senate engrossed amendment, after line 11, insert:

"(d) FAILURE TO PAY COMPARABLE WAGES.—

"(1) GENERAL RULE.—Under regulations prescribed by the Secretary or his delegate, if during the period described in subsection (c)(1)(A), the taxpayer pays wages (as defined in section 50B(b)) to an employee with respect to whom work incentive program expenses are taken into account under subsection (a) which are less than the wages paid to other employees who perform comparable services, the tax under this chapter for the taxable year in which such wages are so paid shall be increased by an amount (determined under such regulations) equal to the credits allowed under section 40 for such taxable year and all prior taxable years attributable to work incentive program expenses paid or incurred with respect to such employee, and the carrybacks and carryovers under subsection (b) shall be properly adjusted.

"(2) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

On page 122 of the Senate engrossed amendments, strike out lines 13 through 22, and insert:

"(a) WORK INCENTIVE PROGRAM EXPENSES.—For purposes of this subpart, the term 'work incentive program expenses' means the wages paid or incurred by the taxpayer for services rendered during the first 12 months of employment (whether or not consecutive) of employees who are certified by the Secretary of Labor as—

"(1) having been placed in employment under a work incentive program established under section 432(b)(1) of the Social Security Act, and

"(2) not having displaced any individual from employment.

"(b) WAGES.—For purposes of subsection (a), the term 'wages' means only cash remuneration (including amounts deducted and withheld).

"(c) LIMITATIONS.—

On page 123, line 11, of the Senate engrossed amendments, strike out "wages or salary of an employee" and insert: item with respect to any employee

On page 123, line 24, of the Senate engrossed amendments, strike out "or".

On page 124, line 5, of the Senate engrossed amendments, strike out "trust." and insert: trust, or

On page 124 of the Senate engrossed amendments, after line 5 insert:

"(C) is a dependent (described in section 152(a)(9)) of the taxpayer, or, if the taxpayer is a corporation, of an individual described in subparagraph (A), or, if the taxpayer is an estate or trust, of a grantor, beneficiary, or fiduciary of the estate or trust.

On page 124, line 6, of the Senate engrossed amendments, strike out "(c)" and insert: (d)

On page 124, line 17, of the Senate engrossed amendments, strike out "(d)" and insert: (e)

On page 125, line 9, of the Senate engrossed amendments, strike out "(e)" and insert: (f)

On page 125, line 19, of the Senate engrossed amendments, strike out "(f)" and insert: (g)

On page 126 of the Senate engrossed amendments, strike out the matter between lines 3 and 4, and insert:

"Sec. 40. Expenses of work incentive programs.

"Sec. 41. Contributions to candidates for public office.

"Sec. 42. Overpayments of tax.

On page 126, line 4, of the Senate engrossed amendments, strike out "of such Code".

On page 126 of the Senate engrossed amendments, after line 15, insert:

(4) Section 56(a)(2) (relating to imposition of minimum tax for tax preferences) is amended—

(A) by striking out "and" at the end of clause (ii),

(B) by striking out "; and" at the end of clause (iii) and inserting in lieu thereof a comma, and

(C) by inserting after clause (iii) the following new clauses:

"(iv) section 40 (relating to expenses of work incentive program), and

"(v) section 41 (relating to contributions to candidates for public office); and".

(5) Section 56(c)(1) (relating to tax carryovers) is amended—

(A) by striking out "and" at the end of subparagraph (B),

(B) by striking out "exceed" at the end of subparagraph (C), and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) section 40 (relating to expenses of work incentive program), and

"(E) section 41 (relating to contributions to candidates for public office), exceed".

On page 132 of the Senate engrossed amendments, beginning with line 4 strike out all through line 2 on page 148.

And the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with the following amendments:

On page 157, line 18, of the Senate engrossed amendments, strike out "IX" and insert: VII

On page 157, line 21, of the Senate engrossed amendments, strike out "901" and insert: 701

On page 157 of the Senate engrossed amendments, strike out line 24 and insert in lieu thereof: section 40 (as added by section 601 of this Act) the following

On page 158 of the Senate engrossed amendments, strike out the first 12 lines and insert in lieu thereof the following:

"SEC. 41. CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed, subject to the limitations of subsection (b), as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of all political contributions, payment of which is made by the taxpayer within the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall be limited to $12.50 ($25 in the case of a joint return under section 6013).

"(2) APPLICATION WITH OTHER CREDITS.—The"

On page 158, line 20, of the Senate engrossed amendments, strike out "2" and insert: 3

On page 159, lines 5, 8, 12, 13 and 14, and 17, of the Senate engrossed amendments, strike out "election" and insert: nomination or election

On page 160, line 5, of the Senate engrossed amendments, strike out "election" and insert: nomination or election

On page 161, line 7, of the Senate engrossed amendments, strike out "42" and insert: 41

On page 161, line 8, of the Senate engrossed amendments, strike "902" and insert: 702.

On page 161, line 17, of the Senate engrossed amendments, strike "42" and insert: 41

On page 161 of the Senate engrossed amendments, strike out lines 21 and 22 and insert:

(a) shall not exceed $50 ($100 in the case of a joint return under section 6013).

On page 162, line 8, of the Senate engrossed amendments, strike "42" and insert: 41

On page 162 of the Senate engrossed amendments, after line 19, insert the following:

(c) The table of sections of part VII of subchapter B of chapter 1 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Contributions to candidates for public office.

"Sec. 219. Cross references."

On page 162, line 20, of the Senate engrossed amendments, strike "903" and insert: 703

On page 163 of the Senate engrossed amendments, starting with line 3, strike out all through line 2 on page 187 and insert in lieu thereof the following:

TITLE VIII—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

SEC. 801. PRESIDENTIAL ELECTION CAMPAIGN FUND ACT.

The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

"SUBTITLE H—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

"Chapter 95. Presidential election campaign fund.
"Chapter 96. Presidential election campaign fund advisory board.

"Chapter 95—PRESIDENTIAL ELECTION CAMPAIGN FUND
"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Condition for eligibility for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certification by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Examinations and audits; repayments.
"Sec. 9008. Information on proposed expenses.
"Sec. 9009. Reports to Congress; regulations.
"Sec. 9010. Participation by Comptroller General in judicial proceedings.
"Sec. 9011. Judicial review.
"Sec. 9012. Criminal penalties.
"Sec. 9013. Effective date of chapter.

"SEC. 9001. SHORT TITLE.

"This chapter may be cited as the 'Presidential Election Campaign Fund Act'.

"SEC. 9002. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'authorized committee' means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a)(2), the term 'candidate' means with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under the chapter set forth in section 9003.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 9006(a).

"(6) The term 'major party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(8) The term 'new party' means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

"(9) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(10) The term 'presidential election' means the election of presidential and vice-presidential electors.

"(11) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

"(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Comptroller General prescribes by rules or regulations.

"(12) The term 'expenditure report period' with respect to any presidential election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

"SEC. 9003. CONDITION FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request,

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) MAJOR PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

"(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (c) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES.—In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

"(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

'SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL.—Subject to the provisions of this chapter—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to 15 cents multiplied by the total number of residents within the United States who have attained the age of 18, as determined by the Bureau of the Census, as of the first day of June of the year preceding the year of the presidential election.

"(2) (A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

"(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

"(b) LIMITATIONS.—The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

"(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) RESTRICTIONS.—The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

"SEC. 9005. CERTIFICATION BY COMPTROLLER GENERAL.

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9007, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9007 and judicial review under section 9011.

"SEC. 9006. PAYMENTS TO ELIGIBLE CANDIDATES.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. The Secretary shall maintain in the fund (1) a separate account for the candidates of each major party, each minor party, and each new party for which a specific designation is made under section 6096 for payment into an account in the fund and (2) a general account for which no specific designation is made. The Secretary shall, as provided by appropriation Acts, transfer to each account in the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous presidential election) to such account by individuals under section 6096 for payment into such account of the fund.

"(b) TRANSFER TO THE GENERAL FUND.—If, after a presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in any account in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) PAYMENTS FROM THE FUND.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the specific account in the fund for such candidates the amount certified by the Comptroller General. Payments to eligible candidates from the account designated for them shall be limited to the amounts in such account at the time of payment. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) TRANFERS FROM GENERAL ACCOUNT TO SEPARATE ACCOUNTS.—

"(1) If, on the 60th day prior to the presidential election, the moneys in any separate account in the fund are less than the aggregate entitlement under section 9004(a)(1) or (2) of the eligible candidates to which such account relates, 80 percent of the amount in the general account shall be transferred to the separate accounts (whether or not all the candidates to which such separate accounts relate are eligible candidates) in the ratio of the entitlement under section 9004(a)(1) or (2) of the candidates to which such accounts relate. No amount shall be transferred to any separate account under the preceding sentence which, when added to the moneys in that separate account prior to any payment out of that account during the calendar year, would be in excess of the aggregate entitlement under section 9004(a)(1) or (2) of the candidates to whom such account relates.

"(2) If, at the close of the expenditure report period, the moneys in any separate account in the fund are not sufficient to satisfy any unpaid entitlement of the eligible candidates to which such account relates, the balance in the general account shall be transferred to the separate accounts in the following manner:

"(A) For the separate account of the candidates of a major party, compute the percentage which the average number of popular votes received by the candidates for President of the major parties is of the total number of popular votes cast for the office of President in the election.

"(B) For the separate account of the candidates of a minor or new party, compute the percentage which the popular votes received for President by the candidate to which such account relates is of the total number of popular votes cast for the office of President in the election.

"(C) In the case of each separate account, multiply the applicable percentage obtained under paragraph (A) or (B) for such account by the amount of the money in the general account prior to any distribution made under paragraph (1), and transfer to such separate account an amount equal to the excess of the product of such multiplication over the amount of any distribution made under such paragraph to such account.

"SEC. 9007. EXAMINATIONS AND AUDITS; REPAYMENTS.

"(a) EXAMINATIONS AND AUDITS.—After each presidential election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

"(b) REPAYMENTS.—

"(1) If the Comptroller General determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments to which candidates were entitled under section 9004, he shall so notify such candidates, and such candidates shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, he shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary an amount equal to such amount.

"(3) If the Comptroller General determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 9006 (c)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

"(c) NOTIFICATION.—No notification shall be made by the Comptroller General under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"SEC. 9008. INFORMATION ON PROPOSED EXPENSES

"(a) REPORTS BY CANDIDATES.—The candidates of a political party for President and Vice President in a presidential election shall, from time to time as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) PUBLICATION.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"SEC. 9009. REPORTS TO CONGRESS; REGULATIONS

"(a) REPORTS.—The Comptroller General shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) REGULATIONS, ETC.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"SEC. 9010. PARTICIPATION BY COMPTROLLER GENERAL IN JUDICIAL PROCEEDINGS

"(a) APPEARANCE BY COUNSEL.—The Comptroller General is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) RECOVERY OF CERTAIN PAYMENTS.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9007.

"(c) DECLARATORY AND INJUNCTIVE RELIEF.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) APPEAL.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"SEC. 9011. JUDICIAL REVIEW.

"(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMPTROLLER GENERAL.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) SUITS TO IMPLEMENT CHAPTER.—

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provisions of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 9012. CRIMINAL PENALTIES.

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(b) CONTRIBUTIONS.—

"(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002 (11).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(c) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or,

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(d) FALSE STATEMENT, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter, or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(e) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts

any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 *percent* of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES AND CONTRIBUTIONS.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(g) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"SEC. 9013. EFFECTIVE DATE OF CHAPTER.

The provisions of this chapter shall take effect on January 1, 1973.

"Chapter 98. PRESIDENTIAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"SEC. 9021. ESTABLISHMENT OF ADVISORY BOARD.

"(a) ESTABLISHMENT OF BOARD.—There is hereby established an advisory board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act.

"(b) COMPOSITION OF BOARD.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, who shall serve ex officio;

"(2) two members representing each political party which is a major party (as defined in section 9002(6)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of the first presidential election following January 1, 1973, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a presidential election and expire on the sixtieth day following the date of the subsequent presidential election. The Board shall elect a Chairman from its members.

"(c) COMPENSATION.—Members of the Board (other than members described in subsection (b)(1)) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including travel-time, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) STATUS.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States be considered as service as an officer or employee of the United States."

SEC. 802. MISCELLANEOUS AMENDMENTS.

(a) DESIGNATION OF INCOME TAX PAYMENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND.—Effective with respect to taxable years ending on or after December 31, 1972, section 6096 (a) (relating to designation of income tax payments to the presidential election campaign fund) is amended to read as follows:

"(a) IN GENERAL.—Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund for the account of the candidates of any specified political party for President and Vice President of the United States, or if no specific account is designated by such individual, for a general account for all candidates for election to the offices of President and Vice President of the United States, in accordance with the provisions of section 9006(a)(1). In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to any such account in the fund."

(b) REPEAL OF CERTAIN PROVISIONS.—

(1) Sections 303, 304, and 305 of the Presidential Election Campaign Fund Act of 1966 (80 Stat. 1587) are repealed.

(2) The enactment of subtitle H of the Internal Revenue Code of 1954 by section 801 of this Act is intended to comply with the provisions of section 5 (relating to the Presidential Election Campaign Fund Act of 1968) of the Act entitled "An Act to restore the investment credit and allowance of accelerated depreciation in the case of certain real property", approved June 13, 1967 (Public Law 90-26, 81 Stat. 58). The provisions of section 6096 of the Internal Revenue Code of 1954, together with the amendments of such section made by subsection (a) shall be applicable only to taxable years ending on or after December 31, 1972.

And the Senate agree to the same.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
MARTHA W. GRIFFITHS,
JOHN W. BYRNES,
JACKSON E. BETTS,
HERMAN T. SCHNEEBELI,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN E. TALMADGE,
CARL T. CURTIS,
JACK MILLER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

FARM MACHINERY AND EQUIPMENT

Amendment No. 4: Under the bill as passed by the House, the investment credit provided by section 38 of the Internal Revenue Code of 1954 is restored for property acquired after August 15, 1971, or acquired during the period April 1–August 15, 1971, pursuant to an order placed after March 31, 1971. Senate amendment no. 4 restored the investment credit for farm machinery and equipment acquired during the period January 1–August 15, 1971, pursuant to an order placed during the period January 1, 1971, through March 31, 1971.

The Senate recedes.

ACCOUNTING FOR INVESTMENT CREDIT IN FINANCIAL REPORTS

Amendment No. 7: The Senate amendment provides that, for purposes of accounting for the investment credit in financial reports, no taxpayer shall be required to use any particular method of accounting. The amendment also requires taxpayers to disclose in their financial reports, the method of accounting used for the investment credit.

The House recedes with an amendment. The conference agreement clarifies the application of the Senate amendment by providing that taxpayers for purposes of reporting to Federal agencies and for purposes of making financial reports subject to regulation by Federal agencies are to be permitted to account for the tax benefit of the investment credit either currently in the year in which the investment credit is taken as a tax reduction, or ratably over the life of the asset. This includes not only reports made to the Federal Government, but also reporting to stockholders to the extent any Federal agency has the authority to specify the method of such reporting. This treatment is to be available notwithstanding any other law or regulation under law. The method used after the date of the bill must be consistently followed unless permission to make a change in the method of reporting is obtained from the Secretary or his delegate. The requirements set forth in this provision are not to apply to reports of public utilities for which other rules are provided under section 105 of the bill.

USEFUL LIFE FOR INVESTMENT CREDIT PURPOSES

Both the bill as passed by the House and as passed by the Senate in section 102 provide that a taxpayer must use the same useful life with respect to an asset in determining the amount of the allowable investment credit as the taxpayer uses in computing depreciation or amortization on the asset. The conferees agreed that this was not the rule in the past.

The conferees also concluded that where a taxpayer uses a method of depreciation, such as the units-of-production method or the income-forecast method, which does not directly relate the useful life of the property in terms of a specific number of years, the determination as to what constitutes the useful life for purposes of the investment credit as required by the bill should be made by comparing the depreciation taken under the units-of-production method or income-forecast method at the end of 3, 5, and 7 years with the most liberal depreciation which would be taken under the double-declining-balance or sum-of-the-years digits method for an asset of the useful life of seven years. If the depreciation expected to be taken under the units-of-production method or income-forecast method at these time intervals does not exceed by more than 20 percent the depreciation taken under the most favorable of the other two methods, the useful life of the asset under the income-forecast method or units-of-production method will be assumed to be seven years.

Similar comparisons may be made with other useful lives. If the depreciation actually taken is greater than anticipated, then rules achieving essentially the same result as the recapture rules with respect to the investment credit are, to apply. The effect of this is to permit the taxpayer to obtain a tax credit where he utilizes a method of depreciation which yields results substantially equivalent to the double-declining balance or sum-of-the-years digits methods of depreciation for comparable useful lives. This, of course, does not prevent a taxpayer from showing on the basis of his particular facts or circumstances, that other treatment with respect to the investment credit should be made applicable.

LIMITATION OF CREDIT TO DOMESTIC PRODUCTS

Amendment No. 8: Under the bill as passed by the House, the investment credit was not to be available for certain property which is completed outside the United States or 50 percent or more of the basis of which is attributable to value added outside the United States, if the construction of the property begins before the termination date of Presidential Proclamation 4074 (which imposed the import surcharge) or is acquired before that date. Senate amendment No. 8 provides that the investment credit will not be denied for foreign property acquired pursuant to an order placed after March 31, 1971, and before August 16, 1971 (or the construction of which by the taxpayer began during this period).

The House recedes.

Amendment No. 9: The bill as passed by the House authorized the President by Executive order where he finds it in the public interest to exempt any article or class of articles from the provision which denies the investment credit to certain foreign property in the case of acquisitions pursuant to orders after (or the construction of which began after) August 15, 1971. Any such exemption could be prospective only from the date of the Executive order. Under Senate amendment No. 9, the exemption could be retroactive for up to two years if the President determined it to be in the public interest.

The House recedes with an amendment under which the exemption can be made retroactive to any date after August 15, 1971, if the President determines it to be in the public interest.

Under the above provision, the House indicated that among the situations in which it believed it was in the public interest to waive the limitation with respect to the investment credit were: (1) where the United States market for a particular type of item tends toward a monopolistic one (i.e., is dominated by one or two domestic producers); (2) where there are practically no U.S. manufacturers of the type of products involved and substantially all items of these types are imported; and (3) where the foreign producer of an item can show that it is seeking to develop a market in the United States prior to transferring the manufacturing operations for the item to the United States. The Senate Finance Committee report expresses general agreement with these three illustrations of public interest but adds a fourth. It would also provide for the waiving of the limitation where so-called "free-list" nonduty items which have a long history of free trade (such as farm machinery) are involved. However, the Senate Finance Committee report also indicated that it is contemplated that the President would not terminate the limitation with respect to an article (or brand of article) if there is a finding that a corporation (or an affiliated group of corporations within the meaning of section 312(l)(2)) has increased the foreign production of that article while within a reasonable time before or after that increase there had been significant decreases in the production of that article (or substantially similar article) in the United States.

The conferees agreed as to the appropriateness of the fourth category added in the Senate Finance Committee report. However, they concluded that it was inappropriate to limit the application of the four exceptions referred to above where there had previously been a significant decrease in the domestic production of the article in question (or substantially similar article). The application of such a rule would be difficult to apply administratively and could result in undesirable consequences with respect to domestic consumers, where, for example, this would perpetuate a situation tending toward monopoly.

Amendment No. 10: The Senate amendment authorizes the President to continue the application of the foreign property provision of the bill, when he terminates Presidential Proclamation 4074, to any article or class of articles, or to any article or class of articles manufactured or produced in any foreign country, if he determines such action to be in the public interest.

The House recedes with an amendment. Under the conference agreement, if on or after the date of the termination of Proclamation 4074, the President determines that a foreign country maintains nontariff trade restrictions, including variable import fees, which substantially burden United States commerce in a manner inconsistent with provisions of trade agreements, or engages in discriminatory or other acts (including tolerance of international cartels) or policies unjustifiably restricting United States commerce, he may by Executive order apply the foreign property provision of the bill to any article or class of articles manufactured or produced in such foreign country for such period as may be provided by Executive order. The trade restrictions and discriminatory acts referred to by this provision are the same as those contained in section 252(b) of the Trade Expansion Act of 1962.

DEFINITION OF SECTION 38 PROPERTY

Amendment No. 11: Section 104 of the bill as passed by the House made several changes in the definition of "section 38 property", that is, property which qualifies for the investment credit. Livestock and communication satellites (as defined in section 103(3) of the Communication Satellite Act of 1962), or any interest therein, of a United States person were made eligible for the credit. The bill as passed by the House provided that property for which a taxpayer elected rapid amortization under the various provisions of the Internal Revenue Code of 1954 would not be eligible for the credit. Among these provisions where only one of the two provisions would be applicable was section 187 relating to certain coal mine safety equipment.

Senate amendment No. 11 modified some of these changes and made several additional rules. In the case of livestock, the Senate amendment provided that horses would not be eligible for the investment credit and that, if livestock was acquired to replace substantially identical livestock sold or otherwise disposed of within a period beginning 6 months before and ending 6 months after the acquisition, generally the cost of the livestock acquired would be reduced, for purposes of the investment credit, by the amount realized on the sale or disposition.

Senate amendment no. 11 also provided that coal mine safety equipment would be eligible for the investment credit as well as for rapid amortization.

The Senate amendment clarifies the provision of present law relating to storage facilities (section 48(a)(1)(B)(ii) of the Code) so as to make it clear that such provision applies only to facilities for the bulk storage of fungible commodities, including commodities in a liquid or gaseous state.

The Senate amendment extends the investment credit to coin-operated washing machines and dryers located in apartment buildings.

Under present law, property used predominantly outside the United States generally does not qualify for the investment credit. Present law and the bill as passed by the House provide a number of exceptions to this rule. Senate amendment no. 11 provides two additional exceptions. The first is for property (other than a vessel or aircraft) of a United States person which is used in international or territorial waters for the purpose of exploring for, developing, removing, or transporting resources from ocean waters or submarine deposits. The second is for any cable, manufactured in the United States, or any interest therein, of a domestic regulated telephone company (or of a wholly owned domestic subsidiary of such a company), if the cable is part of any submarine cable system which constitutes part of a communication link with the United States.

Senate amendment no. 11 makes it clear that replacement track material of a railroad that uses the retirement-replacement method of accounting for depreciation of its railroad track qualifies for the investment credit if the replacement is made under certain specified conditions or circumstances. A special limitation applies if the replacement is made as a result of a casualty.

The House recedes with amendments. Under the conference agreement, the special rule provided by the Senate amendment for replacement livestock is not to apply if the replacement is due to an involuntary conversion (including an involuntary conversion on account of disease or drought to the extent provided in section 1033 of the Code). The conference agreement restores the provision of the bill as passed by the House relating to coal mine safety equipment for which rapid amortization is elected. The conference agreement includes the provisions of the Senate amendment relating to storage facilities, coin-operated washing machines and dryers located in apartment buildings. The conference agreement also removes the permanent requirement that submarine telephone cable, in order to be eligible for the investment credit, must be manufactured in the United States and makes it clear that the provision applies only to cables, or interests in cables, used exclusively in communication links between the United States and foreign countries. No inference is to be drawn as to the treatment of such submarine telephone cable under prior provisions relating to the investment credit, either as a result of this provision or as a result of any other provision included in this section. Finally, the conference agreement includes the portion of the Senate amendment which provides that property (other than vessels or aircraft) used to explore for, develop, remove, or transport resources from ocean waters or submarine deposits under such waters is to be eligible for the investment credit. Certain types of drilling rigs used for these purposes have, under prior rulings, been held to be eligible for the investment credit as documented vessels. No change is intended to be made in the status of such rigs.

USED PROPERTY

Amendment No. 12: Under prior law, used property qualifies for the investment credit to the extent that the cost of such property placed in service by a taxpayer in any taxable year does not exceed $50,000.

Under the bill as passed by the House, this limit was increased to $65,000, but was required to be reduced by the amount of the qualified investment in new section 38

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property placed in service by the taxpayer during the taxable year.

Senate amendment No. 12 struck out this provision of the bill as passed by the House, and restored prior law.

The House recedes.

PUBLIC UTILITY PROPERTY

Amendment No. 14: Under the bill as passed by the House, public utility property (i.e., section 38 property placed in service by certain regulated companies) qualifies for only four-sevenths of the investment credit (three-sevenths under prior law). Included among the utilities subject to this limitation are regulated telephone companies and domestic telegraph companies. The bill as passed by the House extended this limitation to regulated international telegraph companies and other regulated companies providing communication services.

Senate amendment no. 14 restored international telegraph companies to their status under prior law but extended the definition of public utility property to include communication property of any taxpayer if it is of the type used by persons engaged in providing regulated telephone or microwave communication services and if the taxpayer uses the property predominantly for communication purposes.

The House recedes with an amendment. Under the conference agreement, the provisions of the Senate amendment are retained but in the case of submarine cable circuits of a regulated international telegraph company, the investment credit with regard to any circuit between the United States and a point outside the United States is to be limited to so much of the interest of the company in the circuit as does not exceed 50 percent of the total interests in the circuit.

TREATMENT OF INVESTMENT CREDIT FOR RATE-MAKING PURPOSES

Amendment No. 15: The bill as passed by the House provides the following three basic elective options as to treatment of the investment credit for ratemaking purposes: (1) under the first option the credit may not be flowed through to income but may be used to reduce the rate base (provided that this rate base reduction is restored not less rapidly than ratably over the useful life of the property); (2) under the second option the credit may be flowed through to income (but not more rapidly than ratably over the useful life of the property) and there must not be any adjustment to reduce the rate base; (3) under the third option there would be no restrictions on the treatment of the credit for ratemaking purposes. All regulated companies may choose between option (1) and option (2) within 90 days after the date of the enactment of this bill. If no election is made in that time, option (1) applies. Option (3) (election of which must be made within 90 days after enactment) is to be available only with respect to property where under the accelerated depreciation rules enacted as part of the Tax Reform Act of 1969 the benefits of the credit were flowed through to the customers. If, after March 31, 1972, a company flows through to income an amount greater than that permitted under the option applicable to that company, or its rate base is adjusted by an amount greater than that permitted under its applicable option, then the company is to lose the investment credit with respect to its public utility property for all open years and all future years.

Senate amendment No. 15 adopts the basic structure of the House provision with several changes. First, it provides that a regulated company furnishing steam through a local distribution system or gas or steam by pipeline may elect to have neither flow through nor rate base adjustment where a Federal agency having ratemaking jurisdiction determines that the natural domestic supply of the product is insufficient to meet the present and future needs of the domestic economy; this election must be made within 90 days after enactment. Second, a company that elects the second option (ratable flow-through but no rate base adjustment) must use the same ratable flow through on its regulated books of account for any other purposes for which those books are used (thus, there may be no requirement that the company treat the investment credit in its reports to shareholders, or to the public, in any manner different from the manner the company treats the investment credit for ratemaking purposes). Third, ratemaking treatment of the credit must be conformed to the rules provided by the bill in the first final action taken by the regulatory agency after enactment of the bill, rather than by March 31, 1972, as provided under the House bill. Fourth, a denial of the credit under the bill because of a regulatory agency acting inconsistently with the rules of the bill will not apply to property placed in service after the agency puts into effect a determination which is consistent with the bill.

The House recedes with a clerical amendment.

LIMITATION ON CARRYOVERS AND CARRYBACKS

Amendment No. 23: When the investment credit was terminated in 1969 a limitation was imposed on the amount of carryovers and carrybacks of prior unused credits which a taxpayer could use in any taxable year after the termination. The bill as passed by the House removed this limitation for taxable years ending after December 31, 1971. The Senate amendment provides in effect that the limitation is to be removed for the portion of taxable years ending in 1971 after August 15.

The House recedes.

AVAILABILITY OF CREDIT TO CERTAIN LESSORS

Amendment No. 27: The bill as passed by the House provided that in certain cases the credit provided by section 38 of the Code is not allowed to noncorporate lessors of property. Senate amendment no. 27 makes it clear that, where the lessor is a partnership which has a corporate partner, this limitation does not deny to the corporate partner the credit which is otherwise allowable to it.

The House recedes.

CERTAIN PROPERTY LEASED FOR SHORT TERM

Amendment No. 28: Under prior law, a lessor of section 38 property could elect to "pass through" the investment credit to the lessee of the property. Senate amendment No. 28 adds a special rule applicable to a short term lease of property which is defined in the amendment as a lease for a term which is less than 80 percent of the class life of the property leased. In the case of such a lease, the Senate amendment limits the amount of the investment credit which can be passed through to the lessee to the same percentage of the credit which would be passed through under the general lease rule as the percentage which the term of the lease is of the class life of the property.

The House recedes with amendments. Under the conference agreement the special rule provided by the Senate amendment is not to apply to leases of property which have a class life of 14 years or less or to leases which are "net leases" (as defined in section 57 (c) (2) of the Code).

CERTAIN PROPERTY PLACED IN SERVICE IN RURAL AREAS AND CENTRAL CITIES

Amendment No. 29: Under the bill as passed by the House, the amount of the investment credit is generally 7 percent of the qualified investment (as defined in section 46(c) of the Code). Senate amendment No. 29 provided that in the case of certain property placed in service in rural areas and central cities, the credit would be 10 percent instead of 7 percent.

The Senate recedes.

RAILROAD ROLLING STOCK

Amendment No. 30: Under present law (section 263(e) of the Code), certain expenditures incurred in connection with the rehabilitation of a unit of railroad rolling stock (except a locomotive) are treated as deductible repairs under section 162 or 212 of the Code.

Senate amendment No. 30 makes this provision elective and also in effect, permits the taxpayer to elect either this provision or the new repair allowance provision provided by the bill as passed by the House (new section 263(f) of the Code).

The House recedes.

TRANSITIONAL RULES FOR REAL PROPERTY AND SUBSIDIARY ASSETS

Amendment No. 33: The Senate amendment provides two transitional rules, one applicable to real property and the other to subsidiary assets, under the new class life depreciation system provided by the bill as passed by the House. These transitional rules are to apply to property placed in service during the period beginning January 1, 1971, and ending December 31, 1973, or if earlier the date on which class lives are subsequently prescribed by the Secretary of the Treasury or his delegate.

The House recedes.

INCREASE IN PERSONAL EXEMPTION

Amendment No. 35: Under existing law, the amount of the personal exemption is $650 for calendar year 1971, $700 for 1972, and $750 for 1973 and later years. Under the bill as passed by the House, the personal exemption would be $675 for calendar year 1971 and $750 for 1972 and subsequent taxable years.

Senate amendment No. 35 retained the $675 personal exemption for calendar year 1971, but the amount of the personal exemption for calendar year 1972 and subsequent taxable years would be $800.

The Senate recedes.

LOW INCOME ALLOWANCE

Amendments Nos. 38 and 39: The House bill increased the low income allowance to $1,300 for calendar 1972 and subsequent years.

The Senate amendments made this change effective also for taxable years beginning in 1971.

The Senate recedes.

CERTAIN FISCAL YEAR TAXPAYERS

Amendment No. 45: Under the bill as passed by the House, section 21 of the Internal Revenue Code of 1954 was amended to provide for proration of the changes in personal exemptions made by the bill in the case of a taxpayer whose taxable year is not the calendar year.

Senate amendment No. 45 provides for both the changes in the personal exemption and the changes in the standard deduction to be prorated for these taxpayers.

The House recedes.

WITHHOLDING CHANGES

Amendment No. 47: Existing law provides a percentage withholding method for 1971, 1972, and 1973 which incorporates the personal exemption and the standard deduction provided by existing law for those years. Wage bracket withholding tables based on the percentage method are prescribed by the Secretary of the Treasury. Under existing law, there is significant underwithholding in many cases. The bill as passed by the House amended the withholding provisions to reflect changes made by the bill in the personal exemption and standard deduction and to minimize underwithholding. These changes in withholding would take effect in two stages, the first stage was to be effective with respect to wages paid after November 14, 1971, and before January 1, 1973, and the second stage with respect to wages paid after December 31, 1972.

Senate amendment No. 47 amended the withholding provisions to reflect changes made by the Senate amendments in the personal exemption and standard deduction and to minimize underwithholding. Under the Senate amendments, these changes would take effect in one stage, that is, with respect to wages paid after December 31, 1971.

The House recedes with amendments. Under the conference agreement the withholding provisions are amended to reflect changes made by the action recommended in the accompanying conference report in the personal exemption and the standard deduction and to minimize underwithholding. Under the conference agreement, these changes are to take effect in one stage, effective with respect to wages paid after January 15, 1972.

DECLARATIONS OF ESTIMATED INCOME TAX BY INDIVIDUALS

Amendment No. 48: The bill as passed by the House would increase the income levels above which a declaration of estimated income tax by individuals is required. It would also increase the levels applicable in the case of those requirements for filing declarations which are based on final tax liability or on the amount of income from sources other than wages.

Senate amendment No. 48 would accept the House provision in this respect but would provide that it is to take effect with respect to taxable years beginning after December 31, 1971 (instead of with respect to taxable years beginning after December 31, 1972).

The House recedes.

CERTAIN EXPENSES TO ENABLE INDIVIDUAL TO BE GAINFULLY EMPLOYED

Amendment No. 49: Under existing law (section 214 of the Code) certain categories of taxpayers are allowed an itemized deduction for amounts they spend for the care of certain dependent children (under age 13) and also for incapacitated dependents where such amounts enable the taxpayer to be gainfully employed. The amount of the deduction for any taxable year is limited to $600 where there is one such dependent, or to $900 where there are two or more such dependents. Generally for married couples the amount of the deduction is reduced by the adjusted gross income in excess of $6,000.

Senate amendment No. 49 revises and broadens the existing provision by making the deduction available both for household service expenses and dependent care expenses incurred in order to permit the taxpayer to be gainfully employed. For services of these types provided in the home, a deduction for up to $400 a month is allowed. The $400 deductible amount may also consist of child care expenses outside of the home of up to $200 a month for the care of one child, $300 a month for the care of 2 children, and $400 for the care of 3 or more children.

The deduction under this provision is available for expenses for gainful employment where the taxpayer's household includes a child under age 15 who may be claimed as a dependent of the taxpayer, a disabled dependent (regardless of age), or a disabled spouse. In the case of disabled dependents, the eligible expenses are reduced by adjusted gross income and nontaxable disability payments (government or private) in excess of $750 received by the dependent; and in the case of a disabled spouse, by disability payments. For married couples, the deduction is fully available where their combined annual adjusted gross income is not above $18,000. For those with incomes above this amount the otherwise allowable deduction is reduced 50 cents for each dollar of income above $18,000. The deduction is available whether or not the taxpayer takes the standard deduction.

The House recedes with an amendment. The conference agreement essentially retains the Senate amendment. However, the deduction may be taken only as an itemized deduction and the $18,000 income limit, above which the allowable deduction is reduced, is made applicable to unmarried as well as married taxpayers. In addition, the conference agreement clarifies the fact that a deduction is allowed only for expenses incurred to enable a taxpayer to be employed on a substantially full-time basis (employed for three-quarters or more of the normal or customary work week or the equivalent during the month).

The conference agreement also makes it clear that a taxpayer maintains a household for any period, only if he furnishes over half the cost of maintaining the household during such period.

The requirement that the expenses be incurred to enable the taxpayer to be gainfully employed is not intended to include amounts paid to an individual who is employed, for example, predominantly as a gardener, bartender, or chauffeur.

In the case of the reduction of otherwise allowable deductions by the adjusted gross income or disability payments received by a dependent, the expenses to be offset are only those expenses solely attributable to the disability of the dependent and are not to include the household service expenses which would be allowable in the absence of such dependent.

In these cases, the adjusted gross income and disability payments received by the dependent are applied first against any expenses incurred on his behalf in excess of the $400-a-month limit. Then any remaining payment received is applied against the expenses coming within the $400-a-month limit. Next the reduction for adjusted gross income in excess of $18,000 is applied. Adjusted gross income in excess of $18,000 in the taxable year reduces the amount of eligible expenses incurred (after the imposition of the $400-a-month limit) by 50 cents for each dollar of adjusted gross income over $18,000.

For purposes of the reduction for adjusted gross income in excess of $18,000, expenses incurred during any month (regardless of when paid) are to be compared to the adjusted gross income properly allocable to such period. Generally, the period for this purpose will be the taxable year, but allocations to shorter periods (such as a month) may be necessary where there is, for example, a change in marital status.

Married taxpayers must file a joint return in order to be eligible for the deduction (except for a taxpayer who would not be considered to be married under section 143(b)(1) (relating to certain married individuals living apart) if such section referred to any dependent instead of only to a child). In the case of individuals whose marital status changes during the year, the availability of the deduction is determined with regard to the eligible expenses incurred and the income earned by each spouse during the period of each marital status in a manner similar to present regulations.

LEVIES ON SALARIES AND WAGES

Amendment No. 50: Senate amendment numbered 50 added a new subsection (d) to section 6331 of the Code (relating to levy and distraint) providing that levy may be made on the salary or wages of an individual under section 6331(a) of the Code only after the Secretary of the Treasury or his delegate has notified the individual of his intention to make such levy.

The House recedes with a substitute for the Senate amendment which adopts the substance of the Senate amendment but makes clarifying changes.

UNEARNED INCOME OF CERTAIN TAXPAYERS

Amendment No. 51: Under the bill as passed by the House, certain income of a trust required to be included in the gross income of a beneficiary of the trust was to be disregarded in computing the percentage standard deduction. In addition the sum of the personal exemptions and standard deduction of the taxpayer could not exceed the adjusted gross income computed without regard to such income of the trust.

The Senate amendment provides that in the case of a taxpayer who is a dependent of another taxpayer, the percentage standard deduction is computed only with reference to his earned income and the low income allowance is not to exceed his earned income.

The House recedes.

LIMITATIONS ON CARRYOVERS OF UNUSED CREDITS

Amendments Nos. 54 and 55: The bill as passed by the House provides that in certain corporate reorganizations the rules of present law relating to carryover of net operating losses shall also apply to unused investment credits, unused foreign tax credits, and unused net capital losses. Senate amendment No. 54 applies this provision to unused work incentive program credits (added by section 601 of the bill). Under the bill as passed by the House, the new provision would apply to reorganizations and other changes in ownership occurring after the date of the enactment of the bill.

Senate amendment No. 55 limits the application of this new provision to reorganizations and other changes in ownership pursuant to a plan of reorganization or contract entered into on or after September 29, 1971.

The House recedes.

DEFINITION OF NET LEASE; EXCESS INVESTMENT INTEREST

Amendment No. 56: The bill as passed by the House clarified the definition of a net lease for purposes of the minimum tax on tax preferences and for the limitation of the deductibility of excess investment interest. Under present law, a lease is a net lease for these purposes if the trade or business deductions arising with respect to the property leased are less than 15 percent of the rental income produced by the property.

The bill as passed by the House also restricted the business deductions taken into account for this purpose to deductions of the lessor other than deductions for rents or reimbursed expenses with respect to the leased property.

Senate amendment No. 56 incorporates these changes and makes two additional changes in the definition of a net lease. The first change permits taxpayers to aggregate all leases on a single parcel of real property and treat the leases as a single lease for purposes of determining whether in the aggregate the real property is subject to a net lease under the 15 percent rule. The second permits a taxpayer to disregard real property improvements which are more than 5 years old for purposes of determining whether the property is subject to a net lease under the 15 percent rule described above. In addition, the Senate amendment provides that the amount of excess investment interest subject to the minimum tax or subject to disallowance under section 163 of the Code is to be reduced by the amount of any "out-of-pocket losses" of the taxpayer incurred with respect to the leased property. These losses are, in general, the amount by which the deductions for business (or investment) expenses, interest, and property taxes exceed the gross rental income from the property.

The House recedes.

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CAPITAL GAIN DISTRIBUTIONS OF CERTAIN TRUSTS

Amendment No. 58: This Senate amendment postpones for one year the application of the capital gain distributions rule enacted by the Tax Reform Act of 1969 in the case of certain accumulation trusts in existence on December 31, 1969.

The House recedes.

WESTERN HEMISPHERE TRADE CORPORATIONS

Amendment No. 59: The bill as passed by the House provided that in determining whether a corporation qualified for the special Western Hemisphere Trade Corporation treatment of the Code, income derived from sources within the Virgin Islands of the United States would not be taken into account.

The Senate amendment provides that for purposes of the income tax law of the Virgin Islands of the United States, the Western Hemisphere Trade Corporation provisions of the Internal Revenue Code will be treated as having been repealed.

The House recedes.

CAPITAL GAINS AND STOCK OPTIONS

Amendment No. 60: Under present law stock options and capital gains derived from sources outside of the United States are not subject to the minimum tax for tax preferences if the foreign country in which the transaction occurs does not give preferential treatment under its tax laws. The bill as passed by the House provides that, for purpose of applying this provision, preferential treatment is accorded if the foreign country imposes no significant amount of tax with respect to the transaction. Under the bill as passed by the House, this new provision is to apply to taxable years beginning after December 31, 1969 (the effective date of the minimum tax for tax preferences). The Senate amendment provided that this new provision would only apply to transactions occurring after June 24, 1971.

The Senate recedes.

BRIBES, KICKBACKS, MEDICAL REFERRAL PAYMENTS, ETC.

Amendment No. 61: Under present law (section 162(c)(2) of the Code as amended by the Tax Reform Act of 1969) a deduction is denied for a payment which is an illegal bribe or kickback if the individual making the payment is convicted, or enters a plea of guilty or nolo contendere, in a criminal proceeding. Present law also contains a special provision under which the statute of limitations for assessing deficiencies may be extended in these cases.

Senate amendment no. 61 denies a deduction for any payment which is an illegal bribe, illegal kickback, or other illegal payment under any law of the United States, or any State law which is generally enforced, if the applicable law subjects the payor to a criminal penalty or the loss of license or privilege to engage in a trade or business. For this purpose, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

The Senate amendment also amended titles XVIII and XIX of the Social Security Act to provide criminal penalties for kickbacks, bribes, and rebates made in connection with the furnishing of items or services to individuals for which payment is made under those titles (or is made out of Federal funds under a State plan approved under those titles).

The House recedes with amendments. Under the conference agreement, the provisions of the Senate amendment relating to illegal bribes, illegal kickbacks, and other illegal payments are retained but the burden of proof in respect of the issue as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment within the meaning of the Senate amendment is to be upon the Secretary of the Treasury or his delegate to the same extent as he bears the burden of proof under section 7454 of the Code, relating to fraud. The conference agreement eliminates the provision under which the statute of limitations for assessing deficiencies may be extended in these cases.

Also under the conference agreement, a deduction will be disallowed for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if the kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receiving of such payments. For this purpose, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

Under the Senate amendment, the changes made with respect to illegal bribes, illegal kickbacks, and illegal payments apply with respect to payments made after December 30, 1969. The conference agreement retains this effective date but provides that the provision relating to kickbacks, rebates, and bribes under the Social Security Act is to apply only with respect to payments made on or after the date of enactment of the bill.

ACTIVITIES NOT ENGAGED IN FOR PROFIT

Amendment No. 62: Under present law, in determining whether or not an activity is engaged in for profit for purposes of applying section 183 of the Code (added by the Tax Reform Act of 1969), there is a rebuttable presumption that an activity is engaged in for profit for a taxable year if there is a profit in the activity in two taxable years out of the five taxable years ending with the taxable year in question (in the case of breeding, training, showing, or racing horses, the period is 7 taxable years). This Senate amendment applies this presumption, in the case of a new activity, by using a 5 (or 7) taxable year period beginning with the year in which the taxpayer first engages in an activity. For this purpose, a taxpayer is treated as not having engaged in any activity before 1970.

The House recedes.

CERTAIN DISTRIBUTIONS TO FOREIGN CORPORATIONS

Amendment No. 63: This Senate amendment provides that, in the case of a distribution of property to a foreign corporation (if the amount received is not effectively connected with the conduct by the recipient of a trade or business within the United States), the amount of the distribution is the fair market value of the property.

The House recedes.

ORIGINAL ISSUE DISCOUNT

Amendment No. 64: This Senate amendment provides special rules for taxing (and withholding tax on) original issue discount in the case of nonresident aliens and foreign corporations if the income is not effectively connected with the conduct of a trade or business within the United States.

Neither the Senate amendment nor the report of the Senate Finance Committee is intended to imply how bonds held for six months or less are treated for tax purposes when held by United States persons.

The House recedes with technical and clerical amendments.

FOREIGN BENEFICIARIES OF ESTATES, TRUSTS, AND REAL ESTATE INVESTMENT TRUSTS

Amendment No. 5: This Senate amendment provided special rules for taxing (and withholding tax on) certain income of nonresident aliens and foreign corporations from domestic estates, trusts, and real estate investment trusts which have income from property subject to depreciation, depletion, or amortization. The conferees concluded that this provision needed further study.

The Senate recedes.

INCOME FROM CERTAIN VESSELS AND AIRCRAFT

Amendment No. 66: This amendment provides that, if a taxpayer leases a domestically produced aircraft or vessel described in the Senate amendment to a United States person, he may elect to treat income derived with respect to the aircraft or vessel as income derived from sources within the United States. Such an election is to be irrevocable, unless the Secretary of the Treasury or his delegate consents to a revocation, and applies to all income with respect to the aircraft or vessel, including gain on its sale or disposition.

The House recedes with an amendment which incorporates the provisions of the Senate amendment with technical and clarifying changes. Some of these changes are designed to insure that, where an election is made, both the income as well as the losses from any such aircraft or vessel are treated as being from United States sources. The conferees indicated that if it should develop that taxpayers attempt to achieve United States source treatment for losses but foreign source treatment for income or gains, corrective measures will be considered.

INDUSTRIAL DEVELOPMENT BONDS

Amendment No. 67: Under present law, certain small issues of industrial development bonds are exempted from the rule which provides that industrial development bonds are not obligations the interest on which is excluded from tax. Generally, these are issues of $1,000,000 or less, but under certain conditions, can be as much as $5,000,000. Senate amendment No. 67 increased the $1,000,000 limit to $5,000,000 and eliminated the special provisions for issues of $5,000,000 or less.

Also present law exempts obligations issues for certain specified purposes from the industrial development bond rule. One of the specified purposes is facilities for the local furnishing of water. Senate amendment No. 67 eliminates the requirement that water facilities must be local and provides an exemption for facilities for the furnishing of water if the facilities are available on reasonable demand to members of the general public.

The House recedes with amendments. The conference agreement retains the provisions of the Senate amendment relating to facilities for the furnishing of water. The conference agreement retains the provisions of existing law with respect to the dollar limits (both the $1,000,000 and $5,000,000 limits) on small issues which are exempt from the industrial development bond rule, but increases from $250,000 to $1,000,000 the amount of expenditures which may be disregarded in applying the conditions relating to issues of $5,000,000 or less where the expenditures are required by circumstances which could not be reasonably foreseen or arise out of mistake of law or fact. Included in these expenditures are expenditures necessitated by erroneous cost estimates, by increases in costs due to inflation, strikes, delays, or architectural modifications but not increases due to expansions.

EXPENSES FOR HIGHER EDUCATION

Amendment No. 68: This Senate amendment provided an income tax credit (not exceeding $325) for certain expenses incurred by a taxpayer in providing an education above the 12th grade for himself or any other individual.

The Senate recedes.

DISCLOSURE OF INFORMATION BY PREPARERS OF INCOME TAX RETURNS

Amendment No. 69: This Senate amendment required a person who prepares an income tax return or declaration of estimated tax (other than his own return or declaration) to declare under penalty of perjury either (1) that he will not use, or make available to any other person, information furnished to him to prepare the return or declaration, or (2) that he has obtained the consent of the taxpayer to use, or make available, such information. The Senate amendment also provided a criminal penalty if any preparer used, or made available, any information furnished for the preparation of a return or declaration unless the taxpayer concerned had consented thereto.

The House recedes with an amendment. Under the conference agreement, a criminal penalty is provided if a person engaged in the business of preparing returns and declarations (or who does so for compensation), or in providing services in connection with the preparation of returns and declarations, discloses any information furnished to him for the preparation of a return or declaration or uses any such information other than for the preparation of such return or declaration.

This provision does not apply to certain specified cases, such as, use of information to prepare State tax returns and disclosures required by the Internal Revenue Code or by court order.

Under the conference agreement, this provision is to become effective on the first day of the first month which begins after enactment of the bill.

PROPERTY TAX CREDIT FOR THE ELDERLY

Amendment No. 70: This Senate amendment provided an income tax credit (not exceeding $300) for real property taxes, and rent treated as real property taxes, paid by individuals age 65 or over whose income does not exceed $6,500.

The Senate recedes.

ADDITIONAL EXEMPTION FOR DISABILITY

Amendment No. 71: This Senate amendment provided an additional personal exemption for a taxpayer who is disabled and for a spouse who is disabled.

The Senate recedes.

SELF-PROPELLED OIL WELL SERVICE OR DRILLING EQUIPMENT VEHICLES AND MOTOR OPERATED CRANES

Amendment No. 72: This Senate amendment exempted from the highway use tax certain self-propelled oil well service or drilling equipment and motor-operated cranes.

The Senate recedes.

DEPOSIT OF EMPLOYMENT TAXES BY SMALL EMPLOYERS

Amendment No. 73: This Senate amendment provided that employers of 50 or less individuals would be required to pay or deposit only one time each quarter certain taxes imposed or deducted and withheld under subtitle C of the Code.

The Senate recedes.

BUDGET INFORMATION WITH RESPECT TO REVENUE LOSSES AND INDIRECT EXPENDITURES

Amendment No. 74: The Senate amendment amends the budget and accounting act to require the budget submitted by the President (or special analyses presented with the budget) to contain estimates of losses in revenue from provisions of the Federal income tax laws and also estimates of indirect expenditures through the operation of Federal tax laws.

The conferees concluded that it would be more appropriate to have such estimates of tax expenditures made by the Treasury Department and to have the estimates submitted annually to the Committee on Ways and Means of the House, the Committee on Finance of the Senate and the Joint Committee on Internal Revenue Taxation. It is expected that these tax expenditure reports to the tax committees will initially be modeled after similar reports previously made and included in the Annual Reports of the Secretary of the Treasury in 1968 and 1970. Modifications may, of course, be made from time to time in consultation with the tax committees. In addition to making these reports to the tax committees on an annual basis, the Treasury Department may desire to include these data on tax expenditures in the annual report of the Secretary of the Treasury. The Treasury Department has indicated its willingness to submit information to the tax committees in the manner indicated above and as a result the amendment no longer appears necessary.

The Senate recedes.

REPEAL OR SUSPENSION OF EXCISE TAX ON PASSENGER AUTOMOBILES, ETC.

Amendments Nos. 75 through 84: The House bill repealed the 7-percent excise tax on domestic and imported passenger automobiles, the 10-percent tax on domestic and imported light-duty trucks and buses of 10,000 pounds or less (gross vehicle weight), and the 7-percent tax on domestic and imported automobile trailers and semitrailers. In addition, it provided (in accordance with specified standards and procedures) for refunds of the excise tax paid by consumers purchasing passenger automobiles (or related articles) after August 15 or light-duty trucks or buses (or related articles) after September 22, 1971. Finally, it provided that any use tax paid by a manufacturer or importer with respect to an automobile or light-duty truck after the specified date is to be treated as an overpayment.

The Senate amendments followed the provisions of the House bill in most respects insofar as domestic vehicles are concerned, although they also repealed the tax on domestic truck trailers and semitrailers of 10,000 pounds or less which are suitable for use with light-duty trucks, the tax on domestic buses to be used predominantly in urban mass transportation service, and the tax on domestic containers to be used in conjunction with trucks for solid waste disposal. With respect to imported vehicles, however, the Senate amendments suspended rather than repealed these taxes, authorizing the President to reimpose them on a country-by-country basis (subject to the existing law phaseout) after considering whether the country involved restricts the sale or use therein of domestically manufactured vehicles.

As to consumer purchase refunds (and the treatment of use tax payments as overpayments) the Senate amendments followed the provisions of the House bill, except that with respect to light-duty trucks it changed from September 22 to August 15 the date after which a purchase (or use) will give rise to such a refund (or to such treatment).

In addition, the Senate amendments added to the House bill new provisions (1) subjecting to tax the original tires and tubes on imported vehicles, (2) requiring the Treasury Department to assure that the benefit of these repeals and suspensions will be passed on to consumers, and (3) transferring 7 percent of alcohol tax receipts to the Highway Trust Fund to compensate it for the revenues lost by these repeals and suspensions.

The conference agreement follows the House bill in repealing the taxes to which that bill relates (rather than repealing them in the case of domestic vehicles but only suspending them in the case of imported vehicles), and also repeals the taxes on the additional types of vehicles and related items included in the Senate amendments—trailers and semitrailers of 10,000 pounds or less which are suitable for use with light-duty trucks, urban mass transit buses, and containers for use in conjunction with trucks for solid waste disposal (specifically limiting the repeal in this case to *trash* containers for such use). It also follows the House bill in specifying the effective date of the repeal (September 23 for light-duty trucks and August 16 for passenger automobiles) for purposes of determining whether a person purchasing a vehicle or related article before the date of enactment is entitled to a refund of the tax paid and whether use taxes paid with respect to a vehicle before such date will be treated as an overpayment. Only "new" vehicles will qualify for consumer purchase (or floor stocks) refunds; and the conferees anticipate and that the test of newness will be found to have been met in the case of any vehicle (other than one being resold) if (1) it is covered by a full manufacturer's warranty or more than 50 percent of the time and mileage of the manufacturer's warranty is unexpired on the day of the sale (or on the effective date of the repeal for purposes of floor stocks refunds) and (2) in the case of passenger automobiles, it has attached to it on that day the "new car label" required by the Automobile Information Disclosure Act of 1958.

The conference agreement includes the provision from the Senate amendment which subjects to tax (with the proceeds going into the Highway Trust Fund) the original tires and tubes on imported vehicles. It omits the Senate language specifically requiring the Treasury Department to issue regulations to assure that the benefits of the repeals are actually passed on to the ultimate consumers. However, this was done with the understanding that the Department is to exercise all possible diligence and surveillance to see that these benefits are in fact passed on, and that the Council of Economic Advisers is to review vehicle prices and report periodically to Congress regarding the extent to which the tax reduction is in fact being passed on. The Committees on Ways and Means and Finance will follow these reports in considering whether they should reimpose this tax. Finally, it omits the Senate language transferring alcohol tax receipts to the Highway Trust Fund.

CREDIT AGAINST TAX ON COIN-OPERATED GAMING DEVICES

Amendment No. 85: The Senate amendment added to the House bill a new provision allowing a credit against the Federal occupational tax on coin-operated gaming devices (up to a maximum of 80 percent of such tax) for similar State taxes imposed on legal gaming devices, but only where the State is imposing such tax (or similar tax) on the date of enactment. Provision is included for prepayment of the Federal tax as reduced by the estimated amount of the new credit.

The conference agreement includes this provision, except that it omits the requirement of the Senate amendment that the tax (or a similar tax) be in effect in a State on the date of enactment of the bill in order to qualify for the new credit.

DOMESTIC INTERNATIONAL SALES CORPORATION

Amendments No. 86, 93, 106 and 116: The Senate amendments provide that the tax deferral made available under the bill with respect to the export-related profits of a DISC is to apply only to profits for taxable years beginning before January 1, 1977.

The Senate recedes.

Amendment No. 88: The Senate amendment provides that receipts by a corporation from a DISC which is a member of the same controlled group will not be treated as qualified export receipts.

The House recedes.

Amendments No. 89 and 90: The House bill provided that the term "controlled group" is to have the meaning given the term in section 1563(a) except that a 50 percent rather than an 80 percent test of ownership is to apply. The Senate bill broadened the definition by providing that section 1563(b) shall

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not apply. This has the effect removing limitations which would otherwise have excluded exempt organizations, foreign corporations, insurance companies and franchised corporations.

The House recedes.

Amendments No. 91 and 92: The House bill provided that export promotion expenses for purposes of applying the inter-company pricing rules include one-half of the cost of shipping export property aboard ships documented under the laws of the United States in those cases where law or regulations do not require that the property be so shipped.

The Senate amendments extend this rule to apply also to the cost of shipping export property aboard airplanes owned and operated by United States persons.

The House recedes.

Amendments No. 94, 95, and 96: Under the bill as passed by the House, it was provided that a DISC's export-related profits would not be subject to current taxation only to the extent the profits were attributable to exports of the controlled group of corporations of which the DISC was a member in excess of 75 percent of the average exports of that group for the years 1968, 1969, and 1970.

The Senate amendments deleted these provisions of the House bill and instead provided that 50 percent of a DISC's export-related profits would be subject to current taxation.

The House recedes.

In the situation where minerals of a taxpayer are sold by a related DISC on a commission basis, the conferees believe that to effectuate the purpose of the DISC provisions of the bill, the taxpayer should not be placed in any different position than if it had directly made the sale for purposes of determining its "taxable income from the property" for percentage depletion purposes. In other words it is intended that in this case the Treasury Department under its broad regulatory authority in this area will provide that the taxpayer is not required to deduct the amount of the commissions paid to the DISC to the extent they exceed the selling expenses of the DISC. Actual or deemed distributions from a DISC, however, are not to be considered "taxable income from the property."

Amendments No. 97, 98, 101, 102, 103 and 104: Under the bill as passed by the House, a DISC's tax-deferred income could be loaned to a United States manufacturer producing for export without causing the income to become taxable if certain requirements were satisfied. A qualifying loan is referred to a producer's loan.

The Senate amendments provide generally for the termination of tax-deferral on DISC profits which are the subject of a producer's loan if the profits are considered to be invested in foreign plant or equipment. The amount considered invested in this manner generally is the net increase in foreign assets of members of the same controlled group as the DISC, but not more than the smaller of the actual amount transferred abroad by the domestic members or the outstanding amount of producer's loans to these members. The net increase in foreign assets would be the gross amount of assets (described in section 1231(b) of the Internal Revenue Code of 1954) located outside the United States acquired by members of the group in taxable years beginning after December 31, 1971, reduced by specified amounts of foreign funds attributable to periods after that date.

The House recedes with an amendment. The conference agreement follows the Senate amendments and in addition specifies two additional amounts which may be used to offset a controlled group's gross increases in foreign assets for purposes of determining the group's net increase in foreign assets. The first amount is the excess of the amount of stock or debt obligations issued by domestic members of the group on or after January 1, 1968, to unaffiliated foreign persons and outstanding on December 31, 1971, over the net amount of funds transferred by domestic members of the group to foreign members of the group (or foreign branches of domestic members) during the period the stock or debt was outstanding. This excess amount may be taken into account, however, only to the extent the taxpayer establishes that the foreign borrowing (i.e. the issuance of the stock or debt obligations) constitutes a long-term foreign borrowing for purposes of the foreign direct investment program administered by the Office of Foreign Direct Investment of the Department of Commerce. It is intended that a taxpayer ordinarily should establish that a foreign borrowing constitutes a qualified long-term foreign borrowing for this purpose by demonstrating that appropriate reports were filed with the Office of Foreign Direct Investment with respect to the foreign borrowing.

The second amount which under the conference agreement may be taken into account in determining a group's net increase in foreign assets is the amount of liquid assets held by foreign members of the group (and foreign branches of domestic members) on October 31, 1971, in excess of the reasonable working capital needs of such foreign members and foreign branches on that date. For this purpose, "liquid assets" includes only money, bank deposits (other than time deposits) and indebtedness which when acquired had a maturity of 2 years or less.

Amendment No. 111: The Senate amendment provides that a foreign corporation which fails to qualify as an export trade corporation because it fails to meet the 75 percent export receipts requirement may, if it has a substantial export business, transfer its assets to a DISC without any gain or loss, or immediate tax consequences, resulting to any of the parties involved.

The House recedes with an amendment.

Under the conference agreement it is provided that a foreign corporation which qualified as an export trade corporation for any three taxable years beginning before November 1, 1971, will be treated as an export trade corporation for purposes of the provision which allows a foreign corporation to transfer its assets to a DISC without tax consequences.

Amendment No. 113: The House bill repealed the export trade corporation provisions for taxable years beginning after December 31, 1975. The Senate amendment did not repeal these provisions but provided that a corporation which was not an export trade corporation for a taxable year beginning before November 1, 1971, would not be eligible for treatment as an export trade corporation for taxable years beginning on or after that date.

The House recedes with an amendment.

The conference agreement retains the provisions of the Senate amendment but also provides that a corporation which fails to qualify as an export trade corporation for any period of 3 consecutive years beginning after October 31, 1971, may not again be eligible for treatment as an export trade corporation.

Amendment No. 117: The Senate amendment provides that the President will furnish a report to Congress before December 31, 1975, on the effect tax structures and practices of the United States and foreign nations have on the establishment of manufacturing facilities in those countries and on the competitiveness of U.S. exports.

The Senate recedes. The conferees intend, however, that the President should furnish a comprehensive report of the type described in the Senate amendment to the Congress by February 1, 1973, and every three years thereafter.

PROTECTION OF BALANCE OF PAYMENTS

Amendment No. 121: This Senate amendment added a new title to the bill which conferred authority on the President to impose quotas and import surcharges on articles imported into the United States during a balance of payments emergency period (as defined in the amendment). The Senate amendment also directed the Secretary of the Treasury to exempt from the import surcharge piston-type internal combustion engines to be installed in snowmobiles.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

The conferees noted that the imposition of the surcharge on internal combustion engines to be installed in snowmobiles serves to emphasize the way in which the U.S.-Canadian Auto Products Agreement is, in practice, achieving unreciprocal results. Further, the conferees noted that an agreement providing ostensibly for free trade in automotive products ordinarily would not be expected to cover the tariff treatment of an article such as snowmobiles. In view of the fact, however, that the U.S.-Canadian Auto Products Agreement as implemented by the Automotive Products Trade Act provides for the duty-free treatment of snowmobiles from Canada, the conferees urge that the Secretary of the Treasury give full consideration to the competitive position of domestic manufacturers of snowmobiles by providing an exemption from the additional duty proclaimed by the President on August 15 for engines imported for installation in snowmobiles.

JOB DEVELOPMENT RELATED TO WORK INCENTIVE PROGRAM

Amendment No. 122: This amendment added a new title to the bill which provides an income tax credit for certain expenses incurred in the work incentive program. The amendment also contained a series of amendments to title IV of the Social Security Act designed to improve the work incentive program provided by present law. This portion of the amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

Under the portion of the Senate amendment which provides the tax credit, an employer who employs an individual whom the Secretary of Labor certifies as having been placed in employment under a work incentive (WIN) program established under section 432(b)(1) of the Social Security Act will be allowed an income tax credit equal to 20 percent of the wages paid to the employee during the first 12 months of his employment (whether or not such months are consecutive). The amount of credit which can be used in any taxable year is subject to limits similar to those applicable to the investment credit, and provision is made for carryback and carryover of unused credits similar to the carryback and carryover provisions of the investment credit.

Under the Senate amendment, an employer must retain a WIN program employee for at least 1 year after the completion of 12 months of employment, unless the employee leaves his employment voluntarily or becomes disabled. In the event of any other termination of employment of such an employee within the prescribed period, no credit is allowed for wages paid to that employee and any credit which has been allowed in a prior year for wages paid to that employee is recaptured.

The Senate amendment requires that, in order to be eligible for the credit, the wages paid to a WIN program employee must be incurred in a trade or business in the United States. No credit is allowable for wages paid to an employee who is related to the taxpayer.

The House recedes with amendments. Under the conference agreement, an employer is not to lose the credit for wages paid to a WIN program employee whose employment is terminated, if it determined under the State unemployment compensation law that the termination was due to the employee's misconduct. The credit is to be allowed with respect to any WIN program employee only if the Secretary of Labor certifies that his employment did not displace another individual from employment. The conference agreement makes it clear that the credit is to be allowed only for wages paid in cash. In addition, the conference agreement requires that the wages paid to a WIN program employee must be equal to wages paid non-WIN program employees of the employer performing comparable service.

EMERGENCY UNEMPLOYMENT COMPENSATION

Amendment No. 123: The Senate amendment added a new title to the bill which provided for the payment, under Federal-State agreements, of emergency unemployment compensation for up to 26 weeks to unemployed individuals who have exhausted their entitlement to both regular unemployment compensation and unemployment compensation payable pursuant to the Federal-State Extended Unemployment Compensation Act of 1970. In order for a State to be eligible to enter into such an agreement, the State law of such State must provide for the payment of extended compensation in accordance with the Federal-State Extended Unemployment Compensation Act of 1970. Emergency benefits would be payable only during periods of high unemployment, as determined under a formula prescribed in the amendment. The cost of providing emergency compensation would be financed entirely from Federal funds until June 30, 1973, and thereafter the financing would be 80 percent Federal and 20 percent State.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR PUBLIC OFFICE; FINANCING OF PRESIDENTIAL ELECTION CAMPAIGN

Amendment No. 124: This amendment adds two new titles to the House bill. The first of the new titles will allow an individual a credit against income tax for one-half of the political contributions made during a taxable year, with a maximum credit of $25 in the case of a joint return of husband and wife, and a maximum credit of $12.50 in the case of the return of a single person (or married person filing separately). The political contribution can be to a candidate for election to a Federal, state, or local office, in a primary, general, or special election, or it can be made to a political committee. In lieu of the credit, a taxpayer will be allowed to deduct from adjusted gross income the amount of political contributions made during the taxable year, except that the deduction in the case of a joint return cannot exceed $100, and in the case of the return of a single person (or a married person filing separately), the deduction cannot exceed $50. These provisions for a credit or deduction apply only to political contributions made after December 31, 1971.

The second of the new titles added to the bill by the Senate amendment provides public financing as an alternative way of financing the general election campaigns of Presidential and Vice Presidential candidates. Under the amendment, the candidates of each major party would be entitled to public financing in an amount equal to 15¢ multiplied by the number of residents in the United States who are age 18 years old or older as of the first date of June of the year preceding the presidential election. A major party is a party which in the preceding presidential election received 25 percent or more of the total number of popular votes received by all candidates for President in that election. A minor party (one that received more than 5 percent but less than 25 percent of the popular vote in the preceding presidential election) would be eligible to receive that percentage of the entitlement of a major party which the minor party vote in the preceding presidential election is of the average vote received by the two major parties in that election.

Under the Senate amendment, a new party can share in public financing after the election if it obtains more than 5 percent of the popular vote in the election. The new party would receive that percentage of the entitlement of a major party which the new party's vote in the current election is of the average number of popular votes received in that election by the major parties. Under this provision, a minor party can increase its basic entitlement if its proportion of votes in the current election exceeds its proportion of votes in the preceding presidential election.

Public financing is provided, under the Senate amendment, by a so-called check-off system, starting with income tax returns for the calendar year 1971. Under this system, an individual can designate that $1 of his tax liability be set aside in a special account in the Presidential Election Campaign Fund for the candidates of a political party specified by the taxpayer. Alternatively, the taxpayer can direct that the $1 will be set aside in a non-partisan general account in the fund. In the case of a joint return having a tax liability of $2 or more, each spouse may designate that $1 is to be paid into an account. If no designation is made, nothing would be set aside in any account by reason of the filing of the tax return.

If the candidates of a political party elect public financing, payments to the candidates can be made only out of the special account designated for that party. If at the beginning of the campaign period there is insufficient money in any account to satisfy the entitlement of the party, the money in the non-partisan general account will be allocated to all the special accounts in the ratio of the balances in those accounts. However, under the Senate amendment, no amount could be allocated to a special account in an amount greater than the smallest amount needed by a major party to bring it up to its entitlement.

If a major party elects public financing, it cannot spend on the general campaign more than its entitlement (15¢ times the number of residents of the United States who are 18 years old or older in the preceding year); and it cannot accept contributions for the general campaign if there is sufficient money in its special account to pay its full entitlement. If there is a deficiency in the account, contributions can be accepted but only to the extent of the deficit.

A minor party or a new party can accept contributions from private sources, but it must agree that it will not spend more in the general campaign than the amount of the entitlement of a major party, and that it will return campaign contributions to the extent they exceed the campaign expenses not covered by public financing.

Public financing provides funds for expenditures related to the campaign period (and establishes limits on total expenditures for such period) beginning with the date on which the first major party nominates its candidate for President and ending on the date 30 days after the election. The Comptroller General will certify the amount payable out of the accounts to the eligible candidates (candidates who elect public financing).

Candidates for President and Vice President (whether or not they have elected public financing) are required to furnish the Comptroller General, from time to time during the general campaign, with a statement of the amount spent—and proposed to be spent—on the campaign. The Comptroller General is required to publish in the Federal Register a summary of these expenses. These expenditure reports include the amounts spent by committees authorized or recognized by candidates whether or not eligible candidates.

The eligible candidates are to file with the Comptroller General a list of committees who are authorized to spend money on their behalf. It would be unlawful for any individual, or for any committee which is not an authorized committee, to spend more than $1,000 during the general campaign on behalf of the candidacy of the eligible candidates of a party.

A Presidential Election Campaign Fund Advisory Board is created to assist the Comptroller General in performing his duties.

Criminal penalties are provided for willful violations constituting prohibited transactions.

The House recedes with amendments. In the case of the provisions allowing a credit or deduction for political contributions, the Senate provision is adopted with only clerical amendments. With respect to the public financing of Presidential campaigns, the House accepts the Senate provision with clerical and technical amendments and with the following changes:

(1) The Senate amendment would have applied to the 1972 presidential campaign. Under the conference agreement, the provision will take effect on January 1, 1973, so the first election to which it will apply will be the 1976 presidential election.

(2) Under the Senate amendment the check-off system commences with income tax returns filed for the calendar year 1971. Under the conference agreement, the check-off system will apply only to tax returns filed for the calendar year 1972 and subsequent taxable years.

(3) The Senate amendment provided an automatic appropriation to the Presidential Election Campaign Fund of the amounts checked off by taxpayers. Under the conference agreement, the payments into the fund will be made only as provided by appropriation Acts, in amounts not in excess of the amounts checked off in tax returns.

(4) In lieu of the Senate provision for transfer of moneys in the fund from the non-partisan general account to the separate accounts, the conference agreement provides for the transfer, on the 60th day before the election, of not more than 80 percent of the moneys in the general account, based upon the entitlement at that time of the major parties and the minor parties. No amount, however, can be transferred to a special account which would bring the moneys in that account above the entitlement of the candidates to which such account relates. If the moneys in any separate account are insufficient at the end of the expenditures report period (30 days after the election) to satisfy any unpaid entitlement of the eligible candidates to which the account relates, the balance in the general account will be transferred to the separate accounts in accordance with the popular votes received by the parties in the current election.

(5) The conference agreement eliminates the provision in the Senate amendment that made it a criminal penalty for an "individual" to spend more than $1,000 on behalf of eligible candidates in the presidential election unless he was authorized by the candidate to make such expenditures. In addition, it was made clear that the prohibition against expenditures in excess of $1,000 by organizations which are not authorized committees does not apply to broadcasting organizations or newspapers (or other periodi-

cals) in reporting the news or editorial opinions or to tax-exempt organizations reporting to their members the views of the organization with respect to Presidential candidates.

(6) The conference agreement also adds a provision to allow the Comptroller General or other interested parties to bring court actions in order to implement or construe the new provisions. For this purpose the Comptroller General is authorized to employ his own legal counsel. Because the provisions of this title will have a direct and immediate effect on the actions of individuals, organizations, and political parties with respect to the financing of campaigns for the offices of President and Vice President of the United States, these individuals, organizations, and political parties must know whether major and minor parties may expect to receive financing under the provisions of this title or whether political parties and others should continue to solicit, and individuals, organizations, and others should continue to make, contributions to provide such financing. Accordingly, the conference agreement makes provision for expeditious disposition of legal proceedings brought with respect to these provisions. The agreement provides for actions involving these provisions to be brought before a three-judge district court, to be expeditiously tried, and for appeals from decisions of that court to go directly to the Supreme Court.

FEDERAL IMPOUNDMENT INFORMATION

Amendment No. 125: This Senate amendment added a new title to the bill which required the President to transmit reports to the Congress and the Comptroller General containing certain information whenever any appropriated funds are impounded.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

PROMOTION OF RECIPROCAL TRADE AND PROTECTION OF AMERICAN JOBS

Amendment No. 126: This Senate amendment added a new title to the bill which authorized the President under certain conditions to impose quotas and other import restrictions on articles imported into the United States.

This amendment was not considered on its merits because of questions raised as to its germaneness under the House rules.

The Senate recedes.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
MARTHA W. GRIFFITHS,
JOHN BYRNES,
JACKSON E. BETTS,
HERMAN T. SCHNEEBELI,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN E. TALMADGE,
CARL T. CURTIS,
JACK MILLER,
Managers on the Part of the Senate.

EXTENSIONS OF REMARKS

JOINT BOARD FUR, LEATHER AND MACHINE WORKERS UNION RESOLUTION ON ATTACKS ON THE FOREIGN-BORN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. ABZUG. Mr. Speaker, the tide of outcry against the foreign-born which was seen in this country in the 1920's and the 1950's is, I am grieved to observe, rising again. Not all of those who are speaking out on this question are consciously attempting to incite prejudice against the foreign-born, but their comments do have this effect nevertheless.

My friend Henry Foner, who is president of the Joint Board Fur, Leather and Machine Workers Union, has been good enough to send me a copy of the resolution on this subject adopted by the union's executive board on November 20, 1971, and I include it at the conclusion of my remarks.

Mr. Speaker and my colleagues, let us never forget that with the possible exception of the Indians, we are all immigrants or the descendants of immigrants and that it is the foreign-born and their children who have built this Nation of ours.

ADOPTED BY THE EXECUTIVE BOARD OF THE FLM JOINT BOARD

We are deeply disturbed by the campaign being conducted by some newspapers against the foreign-born in our midst. Scare headlines trumpet the charge that "illegal aliens" are depriving Americans of jobs and inflating relief rolls.

That there are some aliens who are here illegally or who have overstayed their authorized time is certainly true—but the extent of the problem is by no means as great as the headline writers would have us believe. Even the Immigration and Naturalization Service has conceded that 97% of the so-called "illegals" are Mexicans, who have been induced to come here by unscrupulous employers. Nevertheless, the House of Representatives Subcommittee on Immigration is holding hearings on an Administration bill that would impose criminal penalties on *all* employers knowingly hiring noncitizens in illegal status.

Since the early days of our republic, the reactionary forces in our country have tried to make the foreign-born scapegoats for the failure of our government to solve the problems of the people. In Jefferson's day, it was the Alien and Sedition Laws. Today, it is the Walter-McCarran Act and other legislation that persecutes the aliens in our country.

Unemployment and rising relief costs are real problems. They will not be solved by pitting the native-born workers against the foreign-born, but rather by measures that will provide jobs and security for *all* Americans. Such a program has nothing in common with the Nixon Administration's program for economic depression and political repression. We urge the defeat of any measure that would further intensify the second-class status of foreign-born Americans.

THE LARGE FEDERAL FUNDS DEFICIT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Saturday, December 4, 1971

Mr. BYRD of Virginia. Mr. President, the President of the United States and his administration are gathered at Key Biscayne, Fla., this weekend to consider the size of the budget which the President will submit to Congress next month.

I hope this important group will have in mind the smashingly large Federal funds deficit.

This is a matter of grave concern to the senior Senator from Virginia. I realize that many Senators do not share my deep concern.

But the figures, I believe, justify the assertion that our Nation is headed for great trouble as a result of these continued deficits.

I have prepared a tabulation showing Federal funds deficits, 1953 to 1972, inclusive.

I ask unanimous consent that the tabulation be published in the Extensions of Remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS, 1953-72, INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)
1953	$64.7	$74.1	−$9.4
1954	64.4	67.5	−3.1
1955	60.2	64.4	−4.2
1956	67.9	66.2	+1.7
1957	70.6	69.0	+1.6
1958	68.6	71.4	−2.8
1959	67.9	80.3	−12.4
1960	77.8	76.5	+1.3
1961	77.7	81.5	−3.8
1962	81.4	87.8	−6.4
1963	83.6	90.1	−6.5
1964	87.2	95.8	−8.6
1965	90.9	94.8	−3.9
1966	101.4	106.5	−5.1
1967	111.8	126.8	−15.0
1968	114.7	143.1	−28.4
1969	143.3	148.8	−5.5
1970	143.2	156.3	−13.1
1971	133.6	163.8	−30.2
1972 [1]	143.0	178.0	−35.0
20-year total	$1,853.9	$2,042.7	188.8

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

ATTICA AND THE KERNER REPORT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. ABZUG. Mr. Speaker, Dan Crystal, who is an active and respected attorney in the State of New Jersey and a dear friend of mine, has written an article on the Attica incident and the unlearned lessons of the Kerner report. Although it is primarily addressed to the members of the Passaic County Bar Association, in whose journal it appeared, it is worthwhile reading for anyone concerned about our criminal justice system. I include it at this point in the RECORD and commend it to each of you:

ATTICA AND THE KERNER REPORT

(By Daniel Crystal)

"Life is a maze in which we take the wrong turning before we have learned to walk."—Cyril Connolly.

The recent riot at the Attica Prison in New York cost 43 lives.

Once again this country has been afforded an opportunity to take a long, hard look at a festering social problem which erupted in violence and bloodshed.

The summer of 1967 brought racial disorders to American cities, and with them shock, fear and bewilderment. The worst came during a two-week period in July—first in Newark and then in Detroit. Each set off a chain reaction in neighboring communities.

President Johnson established a National Advisory Commission on Civil Disorders chaired by Otto Kerner, Governor of Illinois. That Commission wrote a report, popularly known as the Kerner Report.

The Commission minced no words about the prime necessity to solve the ugly racial tensions revealed by its studies.

"Only a commitment to national action on an unprecedented scale can shape a future compatible with the historic ideals of American society. The major need is to generate new will—the need to tax ourselves to the extent necessary to meet the vital needs of the nation."

The Kerner Report was received, noted—and largely ignored. Its fate gives bitter confirmation to the sombre words at the conclusion of the Commission's summary of its report (Bantam Book edition, p. 29):

"One of the first witnesses to be invited to appear before this Commission was Dr. Kenneth B. Clark, a distinguished and perceptive scholar. Referring to the reports of earlier riot commissions, he said:

"I read that report . . . of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee on the Harlem riot of '35, the report of the investigating committee on the Harlem riot of '43, the report of the McCone Commission on the Watts riot.

"I must again in candor say to you members of the Commission—it is a kind of Alice in Wonderland—with the same moving picture re-shown over and over again, the same analysis, the same recommendations, and the same inaction.

"These words come to our minds as we conclude this report.

"We have provided an honest beginning. We have learned much. But we have uncovered no startling truths, no unique insights, no simple solutions. The destruction and the bitterness of racial disorder, the harsh polemics of black revolt and white repression have been seen and heard before in this country.

"It is time now to end the destruction and the violence, not only in the streets of the ghetto but in the lives of people."

The Kerner Report was issued in March 1968.

The Attica Riot occurred in September 1971, more than three years later.

Once again a Study Commission has been appointed. Once again, we run the danger of substituting analysis for action, of restudying familiar facts, of procrastination, face saving, and sweeping the problem under the rug.

We in the legal profession play our appointed roles in the machinery of justice and and of the adversary process of law enforcement that sends men to prison. We respect the laws. We tend all too often to wipe out of our mind what happens to a defendant who is convicted and sentenced to prison.

Attica is a blunt reminder that the men who are sent away, black and white alike, still live, still have their individual problems to work out; that something is horribly wrong in our penal system and our prisons.

We must soberly consider why there is such a high rate of recidivism, whether there is any meaningful rehabilitation of prisoners in our prisons and jails, whether the reality of white racism so candidly pointed up in the Kerner Report is inseparably interlinked with the problems of prison inadequacy, of drug addiction, of poor education, of all the unsolved problems that plague our society.

In short, we must consider whether what occurred in Attica is but one of the many symptoms that show us again and again that fundamental changes must be made the urgent business of our society.

The Kerner Commission concluded that the only possible course for a sensible and humane nation was "a policy which combines ghetto enrichment with programs designed to encourage integration of substantial numbers of Negroes into the society outside the ghetto."

Whatever may be said about some of the demands of the prisoners involved in the Attica riots (for example, the demand for amnesty), it is difficult to read other demands without a feeling of shame that a great State could possibly permit any prison to deprive a prisoner of basic essentials to human dignity contained in those demands.

Attica, of course, is in New York. We, as New Jersey attorneys, have primary responsibility to do all that we can to assure that there are humane, progressive penal practices followed in the prisons of our own State. Each bar association ought to make it a major field of interest to assure that there are no Atticas in New Jersey—either in terms of the conditions that caused the riot, or of the danger of a parallel riot in any of our State prisons and jails.

But keeping the lid on our prisons and jails will simply not do the job. It will be like using a band-aid where the diagnosis requires radical surgery.

Suppose that Attica or our own prisons in New Jersey were to be rebuilt completely. Fantasize that all the reasonable and legitimate demands of the inmates had been met. Let your imagination run freely. There are Spanish-speaking and black guards; censorship has eased; there is full freedom of religion, including freedom for those inmates who are Black Muslims; the food is decent and nourishing; daily showers are available, the screens between visitors and inmates have been removed.

Suppose too that this reform of our prisons brings classrooms, counseling with trained psychologists and an opportunity for personal rebuilding through group therapy sessions, even release programs or other methods of providing the opportunity for a normal sex life for the inmates, a good library, vocational training that means something more than learning to make license plates, for example—a skill for which the prisoner has absolutely no use on the outside. Suppose too that prison officials are attempting in good faith to remember that inmates are human beings with dignity and self-respect.

Will that cure the problems of our prisons and jails?

It will help tremendously, certainly.

But unless we are prepared to continue to ignore the lessons so painfully learned in the 1967 civil disorders, and so painstakingly set forth in the Kerner Report, we shall once again be dealing with symptoms rather than with fundamental causes.

What is the road to Attica? To Rahway State Prison? To the New Jersey State Prison at Trenton? Read the Kerner Report. Start with families uprooted, with bad housing, with slumlords, with racial prejudices, with pushers and drug addiction; with overcrowded schools and overworked or indifferent teachers, with unresponsive social agencies; with the pervasive feeling in the mind and heart of a child growing up in the urban or rural slum, or in the black ghetto that he is left out and unwanted. This is not a matter of race completely, for underprivileged whites are subject to somewhat similar pressures.

Doing something about the conditions we all know exist would have a decisive effect in reducing the number of ghetto residents who commit the crimes that consign them on the Atticas of our nation.

Can something be done to bring about rehabilitation and end recidivism?

Most certainly, much more can be done than is now being implemented.

Imaginative use of plans that restore the dignity of men in places like Attica, instead of degrading their self-respect, can be of immeasurable service.

For example, there could be prerelease of the convict to a structured work environment in the community. Such an environment is provided in New York City by Pioneer Services, a corporation which hires a man only if he has a criminal record, a history of drug abuse or alcoholism, and has been unable to hold a job anywhere else.

Pioneer has had encouraging success, according to reports of its first undertaking—a messenger service employing 25 ex-heroin addicts now on methadone. This is a nonprofit, low-stress work program with supportive services. The men have stuck to the program. Out of 10,000 messages delivered since April when the program started, not one has been lost. Morale is high and the men are helping to sign up new clients.

Atticas with all their violence do not happen overnight. The inmates of Attica had been petitioning for many months trying to secure remedial action for the conditions there. The prison officials did nothing concrete to alleviate the conditions. The riot ensued.

Unless we are to have more Atticas, with only the names of the inmates, the guards, and the prisons changed, we must learn from the lesson of Attica.

The Kerner Commission recommended the following objectives for national action:

. . . Opening up opportunities to those who are restricted by racial segregation and discrimination, and eliminating all barriers to their choice of jobs, education, and housing.

. . . Removing the frustrations of powerlessness among the disadvantaged by providing the means for them to deal with the problems that affect their own lives and by increasing the capacity of our public and private institutions to respond to these problems.

. . . Increasing communications across racial lines to destroy stereotypes, to halt polarization, end distrust and hostility, and create common ground for efforts toward public order and social justice.

It is in these fundamental recommendations that ultimately the answer to the Atticas of our nation lies. So long as we divert our national resources to the waste of war the job will simply not be done.

It is a simple choice that we face: The waste of war or a commitment to the needs of peace.

Attica is like a bolt of lightning lighting up the night sky with a warning of what can happen.

Do our prisons in New Jersey rehabilitate those sent there?

Are there things that can be done in New Jersey to send prisoners back on the street, not as hardened criminals, but as useful members of society, with a feeling of dignity and self-worth?

Are we in New Jersey chargeable with ignoring readily ascertained problems in our prisons that can and must be corrected?

There is no pat answer to these basic questions. Realistic, meaningful solutions must be found.

Unless we, as a State and as a nation, finally do something about the recommendations contained in the Kerner Report, reforms in our prisons and jails will not provide a fundamental solution to the problem.

Prison reform is but one aspect of a far more serious problem. That problem was

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stated with utmost candor in the Kerner Report:

"This is our basic conclusion: Our nation is moving toward two societies, one black, one white—separate and unequal.

"Reaction to last summer's disorders has quickened the movement and deepened the division. Discrimination and segregation have long permeated much of American life; they now threaten the future of every American.

"The deepening racial division is not inevitable. The movement apart can be reversed. Choice is still possible. Our principal task is to define that choice and to press for a national resolution."

Forty-three men, both black and white, prisoners and guards, died at Attica this September.

Attica was emphatically not a racial confrontation so far as the relationship of the inmates with each other was concerned. White prisoners were as deeply involved as were blacks and Puerto Ricans. There was unparalleled unity * * * the prisoners. But to the extent that a very large number of the inmates were black, and most, certainly, came from disadvantaged backgrounds, regardless of race or ethnic background, the problems analyzed in the Kerner Report are the ones which explain how these inmates came to be in prison, and why their feeling of utter frustration and degrading loss of human dignity erupted into the confrontation which cost so many lives.

The lessons of the Kerner Report cannot be ignored much longer.

SENATE—*Monday, December 6, 1971*

(Legislative day of Saturday, December 4, 1971)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou King of Kings and Lord of Lords, our Creator and our Judge, we thank Thee for the season of great expectation and for Thy first advent. Keep us ready in our worship and our work for any sudden divine appearance when Thou shalt come to judge the world. O Lord make us strong but gentle, thorough in discipline but gracious in bearing, resolute in purpose, impatient with evil, and merciful toward all people. Keep alive the radiant hope when all men shall seek first the kingdom of God and His righteousness. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Saturday, December 4, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations under the Department of the Treasury, as reported to the Senate last Friday. They have evidently been cleared all the way around. There is no "hold" on them, so I call them up.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, under the Department of the Treasury, will be stated.

The second assistant legislative clerk read the nomination of Romana Acosta Banuelos, of California, to be Treasurer of the United States.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Edgar R. Fiedler, of New York, to be an Assistant Secretary of the Treasury.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of these two nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

WEATHER MODIFICATION REPORTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 519, H.R. 6893.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 6893, to provide for the reporting of weather modification activities to the Federal Government.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Commerce with amendments on page 1, line 10, after the word "nonprofit", strike out "which" and insert "who"; in the same line, after the word "is", strike out "not"; on page 2, line 1, after the word "activities", insert "except where acting solely"; in line 3, after the word "any", strike out "intentional, artificially produced change" and insert "activity performed with the intention of producing artificial changes"; at the top of page 3, insert:

(c) In carrying out the provisions of this section, the Secretary shall not disclose any information referred to in section 1905 of title 18, United States Code, and is otherwise unavailable to the public, except that such information shall be disclosed—

(1) to other Federal Government departments, agencies, and officials for official use upon request;

(2) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding; and

(3) to the public if necessary to protect their health and safety.

And, at the beginning of line 14, insert "whose activities relate to weather modification".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–537), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the legislation is to require all persons engaged in nonfederally sponsored weather modification activities in the United States to report those activities to the Secretary of Commerce.

BACKGROUND AND NEED

Field experiments in scientific weather modification were first attempted in 1946. During the past 25 years basic research in the field has brought scientific weather modification to an operational state in the areas of precipitation augmentation and supercooled fog dispersal. The areas of destructive storm modification, hail and lightning suppression, warm fog dispersal, and more accurate weather prediction methods have also progressed dramatically.

In 1958 the National Science Foundation was given the authority by Public Law 85–510 to require persons engaging in weather modification activities to report such activities. They were also given the responsibility to set up a program of research and evaluation in weather modification and make annual reports on their findings to the Congress and the President. Ten years later in 1968, Congress enacted Public Law 90–407, which repealed the powers of the National Science Foundation to require persons to report all weather modification activities. Since then, no other Federal department or agency has been given that authority.

At present there exists no central information source to provide a complete picture of the "state of the art" in weather modification. Since the expertise in this field, like so many scientific endeavors, is created through an eclectic process, a central information source to which all scientists and environmentalists can refer to in order (1) to compare their results against those of others, (2) to prevent unnecessary duplication of research, (3) to check undesirable atmospheric changes against records of weather modification activities, and (4) to prevent territorial overlapping of weather modification operations, is necessary. Enactment of H.R. 6893 would help solve these problems by allowing the Department of Commerce to keep records of all weather modification activities in the United States.

This legislation in no way attempts to control or regulate any weather modification activities on a Federal or State level. The regulation of weather modification activities is, at present, in the hands of State and local jurisdictions. At present, only the State of Maryland prohibits any form of weather modification activities and 28 other States have statutes concerning reporting and licensing thereof.

The main concern of this legislation is to create an information-gathering mechanism. Such an information source will also provide means for assisting in the administration and enforcement of State statutes.

At present, with no reporting requirement in existence, it is possible that large sums of money are being expended on research that could produce far more accurate results if data were more easily accessible on other research projects that may possibly be territorially convergent. To develop a capacity to modify atmospheric conditions successfully it is imperative that long-range "mapping" of those conditions, as well as development of new theories of air quality, be done. For a scientist to predict his results accurately he must be able to include all of the variables in his equations. While many of those variables remain unknown, his percentage of error remains large. If we are to establish guidelines eventually for environmental protection and damage control in weather modification, we must now construct an archive to record those variables as they are discovered.

The United States, as the most advanced technological country in the history of the world, is beginning to realize the dire need to facilitate some form of social management of its technology. As scientific expertise and operational capabilities grow in the field of weather modification we must develop responsible, and yet not unduly repressive, public policies thereto. An accurate and complete data bank in this field is an essential element in the construction of such policy.

LEGISLATIVE BACKGROUND

Recognizing the need to require reporting of weather modification activities to the Federal Government, Senator Magnuson introduced S. 1258, the companion bill of H.R. 6893, on March 16, 1971, at the request of the Department of Commerce. The bill was referred to the Committee on Commerce. No action was taken on S. 1258 while awaiting hearings, debate, and passage of the companion bill in the House or Representatives. After the House passed H.R. 6893, the committee held no hearings, but discussed the bill in two executive sessions of the full committee. The committee ordered the bill reported favorably, with amendments, on November 23, 1971. Most of these amendments were suggested by the General Counsel of the Department of Commerce in his letter of November 12, 1971, a copy of which appears hereafter under "Departmental Reports."

COMMITTEE AMENDMENTS AND SECTION-BY-SECTION ANALYSIS

The first unnumbered section defines the terms "Secretary" (which means the Secretary of Commerce), "person," "weather modification," and "United States."

The first committee amendment redefined the term "person" to clarify that the only people excepted from the reporting requirements of the act are those "acting solely as an employee, agent, or independent contractor of the Federal Government." As originally defined the term excepted those who are concurrently engaged in weather modification activities on their own behalf and on behalf of the Government. Insertion of the word "solely" limits exceptions from the reporting requirements to Federal departments, agencies, employees, and those contractors whose sole weather modification activity is on behalf of the Federal Government.

The second committee amendment redefines "weather modification," to mean any activity performed with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere. As amended the definition excludes inadvertent weather modification, such as might result from discharge of particle-laden smoke from a factory chimney.

Section 2 requires any person engaging or attempting to engage in weather modification activities in the United States to submit reports prescribed by the Secretary of Commerce. The third committee amendment would permit the Secretary to require reports during, as well as before and after weather modification activities. In some cases weather modification activities may extend over a prolonged period. To insure adequate reporting, it is desirable to permit the Secretary to require reports during such prolonged periods of weather modification activity. Only departments and agencies of the United States, and their contractors, would not be subject to the reporting requirements of this act. However, such departments, agencies, and contractors would be required to detail their weather modification activities and evaluate the environmental impact of those activities pursuant to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Under section 3 the Secretary is required to keep records of weather modification activities in the United States, and periodically to publish summaries of them. The Secretary is also required to make all reports, documents, and other information he receives under this act available to the public to the fullest practicable extent.

The fourth committee amendment adds a new subsection (c) to section 3 and provides specifically how reports, documents, and other information received by the Secretary will be made available to the public "to the fullest practicable extent" as required in section 3(b). The subsection relates to trade secrets and other proprietary information, and is intended to clarify and protect the legitimate rights of owners of such information and to provide for full use of such material within the Federal Government. The subsection provides that such information shall be disclosed (1) to other Federal Government departments, agencies, and officials for official use upon request; (2) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and (3) to the public if necessary to protect their health and safety.

Section 4 defines the processes the Secretary may use to obtain information on weather modification activities. The fifth and final committee amendment applies the provisions of the section to any person whose activities relate to weather modification. Under this amendment the Secretary would have access, as necessary, to the records of persons who are collaterally involved in weather modification, such as suppliers of equipment and chemicals to a weather modifier. On the other hand, it would place bounds on the power of the Secretary by requiring that there be some reasonable relationship between the records and weather modification activities.

Section 5 sets a maximum fine of $10,000 for knowing and willful violation of section 2 of any rule issued under the act.

Section 6 authorizes $150,000 to be appropriated for the fiscal year ending June 30, 1972, and $200,000 each for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out the provisions of the act.

ESTIMATED COST OF THE LEGISLATION

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510), the committee estimates that the cost of H.R. 6893 to be $150,000 for fiscal year 1972 and $200,000 each for fiscal years 1973 and 1974. Cost estimates are not made for succeeding fiscal years since the appropriation authorization terminates after the fiscal year ending June 30, 1974.

The committee is not aware of any estimates of costs made by any Federal agency which are different from those made by the committee.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with as it applies to unobjected-to measures.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE INDIA-PAKISTAN WAR

Mr. SCOTT. Mr. President, the war between India and Pakistan is deplorable. I have twice on the floor of the Senate urged Senators to maintain strict neutrality. I repeat that. We are, of course, disappointed in the veto in the United Nations, in view of the large number of members of the Security Council who obviously wanted to do what they could to bring a restoration of peaceful relationships.

Our economic program in that area is being reviewed, although, of course, this does not apply to our humanitarian efforts, which are greater than all the efforts of other nations combined.

The important thing for all of us to remember, I think, is not to take sides, not to involve this controversy in legislative debate, and to hope that within or without the United Nations ways to peace can be explored and, hopefully, discovered.

So I again repeat my hope that the United States will not become involved in South Asia and in this unfortunate conflict, that it will be remembered that our services as a peacemaker are always available, and that the best chance for peace lies through the collective action of many nations.

Mr. MANSFIELD. If the distinguished minority leader will yield, just for the purpose of saying that I concur completely with what he has said and I compliment him for his initiative.

Mr. SCOTT. I thank the distinguished majority leader.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

The Senator from Maryland is recognized.

(The remarks of Mr. BEALL when he introduced Senate Joint Resolution 181 are printed in the RECORD under State-

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ments on Introduced Bills and Joint Resolutions.)

NOTICE OF PHOTOGRAPH TO BE TAKEN OF THE SENATE IN SESSION ON THURSDAY, DECEMBER 9, 1971, AT 3 P.M.

Mr. SCOTT. Mr. President, for the benefit of all Senators, at 3 p.m. on Thursday next, December 9, a photograph will be taken of the Senate Chamber, with the Senators in attendance at that time.

It is hoped that Senators will make their plans accordingly in order to be present for this photograph.

I make this statement at this time on the record so that all Senators may be duly apprised and may proceed accordingly.

I thank the Chair.

THE U.N. SECURITY COUNCIL VETO BY THE SOVIET UNION

Mr. BYRD of West Virginia. Mr. President, last Wednesday, December 1, I expressed apprehension that the India-Pakistan quarrel seemed to be headed in the direction of all-out war, and I called for positive action by the United Nations to avert what promised to be a bloodbath.

Though reports from India and Pakistan are still conflicting, it seems certain that my worst fears have been realized and caution on both sides has been thrown to the winds. According to radio reports this morning, the Government of India has officially recognized the Bangla Desh as the government of East Pakistan—a move certain to infuriate the Pakistanis and add fuel to the fires of war.

The attempt last night by the Security Council of the United Nations to adopt a resolution calling for a cease-fire was vetoed by the Soviet Union. While it is by no means certain that India and Pakistan would have heeded such a resolution, it seems to me unforgivable and reprehensible that the Soviet Union should use the veto to ruin whatever chance there was of ending the hostilities.

I can only express the hope, Mr. President, that this negative action by the Russians will be regarded by the world body as the obstructionism that it is and that further efforts will be made to persuade India and Pakistan to stop the bloodletting and settle their differences by intelligent negotiation.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPONG when he introduced S. 2952 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

(The remarks of Mr. CURTIS when he submitted Senate Resolution 208 are printed in the RECORD under Submission of a Senate Resolution.)

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of calendar order Nos. 518, 520, 522, and 524.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR RESTORATION, RECONSTRUCTION, AND EXHIBITION OF THE GUNBOAT "CAIRO"

The Senate proceeded to consider the bill (S. 1475) to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment. On page 2, at the beginning of line 10, strike out "such sums as may be necessary" and insert "$2,481,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve an object having national significance as part of the history of the Civil War, for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall, in such manner as he deems advisable, utilize the authorities contained in the Act of August 21, 1935 (49 Stat. 666) to provide for the restoration, and reconstruction of the gunboat "Cairo," formerly of the Union Navy, sunk in action in the Yazoo River, Mississippi, and for its exhibition at the Vicksburg National Military Park.

SEC. 2. At such time as the restoration and reconstruction of the "Cairo" shall have been completed, and it has been located within the boundaries of the Vicksburg National Military Park, the "Cairo" shall be administered in accordance with all laws, rules, and regulations applicable to such park.

SEC. 3. There are hereby authorized to be appropriated $2,481,000 to carry out the purposes of this Act.

Mr. STENNIS. Mr. President, I rise to urge passage of S. 1475 which authorizes the Secretary of the Interior to provide for the restoration, reconstruction and exhibition of the gun boat *Cairo*. This will enable the display of a famous U.S. Navy vessel which has a colorful and remarkable history. It authorizes the expenditure of $2,481,000 to restore the ship and to construct a building to house certain artifacts taken from it.

The Union gunboat *Cairo* was sunk by naval torpedoes in the Yazoo River, Miss., during the siege of Vicksburg in 1862. It sank quickly—with its cargo, weapons, equipment, and fittings almost intact. It was covered deeply by silt, and for over 100 years was preserved with remarkably little deterioration. It was raised during the period 1960 to 1963, with money contributed privately by interested individuals together with county and State funds. It is now at the shipyard at Pascagoula, where intensive care is necessary to prevent deterioration prior to restoration.

The Department of the Interior has looked carefully at the gunboat, and concludes that it is restorable, and would be a very valuable adjunct to the National Military Park at Vicksburg, as a naval museum. It is estimated that visitation to the *Cairo* would be heavy, and that the income to the Federal Treasury from additional admission fees would be applied toward amortizing the initial investment as well as covering operating costs.

This historic vessel, with its many artifacts, will be a unique exhibit of great historic value. The vast numbers of Americans, from all areas of our country, who visit it in the years to come will have a highly interesting and educational experience in viewing this chapter from our Nation's past.

Mr. President, I am informed by persons expert in this field that the gunboat *Cairo* and its artifacts constitute new source material to such a degree that they will be essential references for students and historians working in the fields of naval history, naval architecture, and the history of the War Between the States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–533), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

To display, for the benefit and education of the visiting public, a restoration of the original gunboat, using as much of the original wood and metal as possible, and certain significant artifacts recovered in the salvage operation. The gunboat and artifacts will be displayed in a visitor-center type construction near the National Cemetery in Vicksburg National Military Park, on the Park's one-way tour route, almost within sight of the spot from which it was recovered. The building would contain, in addition to the display room, storage space to house and protect the extensive and valuable collection of artifacts salvaged with the vessel, an office for the curator and interpretive staff, rest rooms for the public, and a small auditorium for presentation of a short motion picture relating the *Cairo* to the war on the Mississippi and to Vicksburg, as well as such other areas as Shiloh and Fort Donelson.

HISTORICAL BACKGROUND

One month before *Virginia* and *Monitor* were commissioned, and seven weeks before they fought their epic battle in Hampton Roads, the first seven ironclads built in the Western Hemisphere were commissioned at Cairo, Illinois. They were the "city class" gunboats, one of which was the *Cairo*. On February 6, 1862, five weeks before the Hampton Roads battle, they proved their worth by bombarding the Confederate stronghold of Fort Henry into surrender.

In the following months, the Mississippi Squadron, of which these ironclads were the core, cooperated closely with General Grant's army at Fort Donelson, Shiloh, and in the Vicksburg Campaign. The object of these campaigns was to regain control of the lower Mississippi and split the Confederacy.

Cairo and her sister ships, along with other vessels of the Mississippi Squadron, insured the success of General Grant's campaign. Without them, Grant would have been unable to supply his army as it knifed through the Confederacy, and hammered at Vicksburg.

The manner by which *Cairo* was sent to the bottom of the Yazoo helps to illustrate Winston Churchill's statement that the Civil War was the first modern war. Many technological innovations were introduced in the Civil War, and two of the more important of these were involved in the *Cairo* story—the ironclad warship and the submarine mine or torpedo, as it was called in the 1860s. On December 12, 1862, *Cairo* became the first warship in history to be sunk by mines.

For 93 years the *Cairo* lay buried in the mud of the Yazoo River. Then in 1956, after several previous efforts had failed, the boat was located, and thereafter raised. Not only was the sinking itself an event of historic significance, but the degree of preservation of the boat, and the artifacts and relics aboard it have afforded an outstanding opportunity for the study and presentation of naval history and practices. No other armored gunboat survives to illustrate the exact design and construction of this important innovation in naval warfare, and documentation is both incomplete and inaccurate.

The boat was raised through the efforts of the State of Mississippi, the City of Vicksburg and Warren County. Initially, it was believed that the boat could be restored and displayed at Vicksburg. However, facilities were unsuitable for such an undertaking and, in 1965, the remains of the boat were shipped to the yards of the Ingalls Shipbuilding Corporation, Pascagoula, Mississippi. Since that time, the State of Mississippi has been paying for storage and continuing preservation costs. Pursuant to a 1965 agreement with the Warren County Board of Supervisors, the National Park Service has had custody of the artifacts, some of which are at Vicksburg National Military Park, and some of which are at the museum facility at Springfield, Virginia. In 1966, the State, which had obtained title to the boat from the Treasury Department, determined that it had neither funds nor facilities to effect the restoration, and thereafter offered it to the United States.

NEED

Cairo is the only one of the first seven ironclads which is still in existence.

"The . . . gunboat . . ., and the objects recovered with it, comprise a unique document for the study and presentation of naval history and practices. No other armored gunboat survives to illustrate the exact design and construction of this important innovation in naval warfare, and the written and pictorial documentation is both incomplete and inaccurate. The artifacts found aboard the boat offer for the first time the opportunity to visualize and comprehend in depth the activities and practices aboard a commissioned vessel of the period. Some of these objects are well known and immediately recognizable to students because similar pieces have survived from other sources. Other objects can be recognized because their existence was known from documentary sources even though no actual specimens had been found prior to the recovery of those aboard the *Cairo*.

COSTS

The Senate Subcommittee on Parks and Recreation took the position that a full-size replica of the gunboat "Cairo" would be the most desirable and practical manner in which to display this spectacular Civil War memorial. Their reasoning was that a controlled atmosphere building to house the vessel was too expensive. Also they felt that such a restoration would be vulnerable to both time and usage.

A replica of the boat on the other hand, constructed mainly of new timbers and using as much of the old material as practical, would be much more durable. It is conceivable that the vessel could be situated on dry land or in the nearby river.

The exhibit structure would be considerably reduced in size, with the temperature and humidity control requirements much less exacting. This smaller building would be for interpretation, display, and storage of artifacts and for visitor facilities.

It is estimated that this lesser scope structure would cost approximately $300,000. Therefore, a breakdown of the estimated cost for this proposal is as follows:

Roads and trails:	
Entrance drive, parking for 100 cars, and walks	$200,000
Ship approach route to landberthing site, grade and repair existing road	60,000
Buildings, utilities, and miscellaneous:	
Water, sewer, power and telephone	81,000
Structure for interpretation, exhibits, artifacts storage and visitor facilities	300,000
Construction of full-size replica of ship	1,500,000
Interpretive exhibits	120,000
Security fencing	40,000
Dredging for landing of ship	130,000
Planting and grounds improvements	130,000
Grand total	2,481,000

The estimated annual maintenance ranges from a low of $85,000 to a high of $100,000.

AMENDMENT

The final cost figure arrived at in the bill ($2,481,000) was the result of discussions and deliberations on the part of the Committee and representatives of the National Park Service. Again, the Committee concluded that the original figure of $4,490,000, including over $2 million for the exhibit storage building, was excessive.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAJO COMMUNITY COLLEGE ACT

The bill (H.R. 5068) to authorize grants for the Navajo Community College, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–548), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 5068 is to authorize a Federal financial contribution to the construction and operation of the Navajo Community College, which is a college established and operated by the Navajo Tribe. The Committee also considered a similar bill, S. 2250, introduced by Senators Anderson, Fannin, Goldwater and Montoya.

EXPLANATION

The bill as amended by the committee authorizes the appropriation of $5.5 million as a grant to the Navajo Tribe to assist the tribe in the construction of the college. The bill also authorizes the appropriation of an annual sum as a grant to the Navajo Tribe to assist in the operation and maintenance of the college. The latter sum may not exceed the average amount of the per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type.

The Navajo Community College is the first college established on an Indian reservation, and it is the only college established and operated by an Indian tribe.

The college has been in operation since January 1969. It is presently using available space in the Many Farms High School building, which is a Federal school located on the reservation. Construction of the college buildings has begun, however, and construction will be undertaken in three stages as funds are available.

The total estimated cost of construction, and the anticipated sources of funds, are as follows:

Housing and Urban Development ($2,600,000 presently committed)	$5,500,000
Bureau of Indian Affairs	5,500,000
Navajo Tribe	1,000,000
Economic Development Administration	3,000,000
Industry and individuals ($700,000 presently committed)	1,000,000
Foundations ($280,000 presently committed)	1,000,000
Total	17,000,000

The annual cost of operation will vary with the number of students that are enrolled. The tribe has asked the Bureau of Indian Affairs to contribute $1,200,000 based on an enrollment of 400 students, and $3,380,000 based on an enrollment of 1,500 students. Both of these figures are within the formula adopted by the committee. The average per capita cost for Indian students attending three schools of higher learning that are operated by the Bureau of Indian Affairs is $3,700.

The Office of Economic Opportunity contributed the major portion of the funds used for the operation of the college to the present time. The grants totaled $2,292,899, and they were made as a part of a demonstration and research program. The OEO's evaluation is that the demonstration was a success, that the college is functioning, and that it should be continued on a permanent basis.

The Navajo Community College is different from the ordinary community college. It is tailored to meet the unique needs of the Navajo people, adults as well as children. The student body includes people of all ages, and the curriculum includes academic, vocational, and adult education subjects. The college is intended to supplement, and not be a substitute for, other college opportunities. Some students may prefer to attend off-reservation colleges. Some of them may prefer to start at the community college and continue elsewhere. Others will not wish to leave the reservation and will want an education fitted to their reservation way of life.

Enactment of the bill bill involve the appropriation of $5,500,000 for construction money in fiscal years 1973 and 1974; and the appropriation of annual sums for the operation of the college that would not exceed $5,500,000 per year on the basis of present cost figures. For purposes of comparison, it should be noted that in connection with the elementary and secondary educational programs on the Navajo Reservation the Federal Government has spent more than $117,500,000 for construction during the past 10 years, and the current operation expense is more than $53 million per year. The proposed expenditures for the Navajo Community College are modest in comparison.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommend that the bill be enacted.

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CERTAIN FEDERALLY OWNED LANDS HELD BY THE UNITED STATES IN TRUST FOR THE PAIUTE-SHOSHONE TRIBE OF THE FALLON RESERVATION AND FALLON COLONY, NEVADA

The bill (S. 1115) to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in land described as the south half northwest quarter northwest quarter and the southwest quarter northwest quarter section 29, township 19 north, range 29 east, Mount Diablo meridian, Nevada, is hereby declared to be held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada, subject to the right of the United States to use, without compensation, for so long as necessary, as determined by the Secretary of the Interior, four acres, more or less, of such land for irrigation canal purposes.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent of which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–541), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill provides that two tracts of public domain land will be held in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nev., subject to the right of the United States to use, without compensation, for so long as necessary, as determined by the Secretary of the Interior, 4 acres for irrigation canal purposes. It further provides that the Indian Claims Commission will determine the extent to which the value of the trust title conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

One tract of this land contains 40 acres and the other 20 acres. The Fallon Colony is involved in certain improvement projects, and this legislation will provide a land base that will enable the Indians to participate in a much-needed Mutual-Help Housing program.

BACKGROUND

This land has been the home of these Indians for more than 50 years. The 40-acre tract was eliminated from a Reclamation withdrawal and reserved on August 23, 1971, for the benefit of the Indians who at the time were occupying part of the tract and were earning their livelihood in and around the town of Fallon, Nevada. Subsequently, some of the Indians by mistake constructed their homes on the 20-acre tract described in the bill which is contiguous to the north boundary of the 40-acre parcel. This 20-acre tract was withdrawn from further entry on March 14, 1958, in aid of legislation. These two parcels comprise the Fallon Colony.

The Indians are mostly Paiute and a few Shoshone. Some 12 miles to the west another group of Indians live on their allotments on the Fallon Reservation. They, together with the colony Indians, have organized and have a common construction and bylaws. They are known as the Paiute-Shoshone Tribe of the Fallon Reservation and Colony.

The Fallon Colony is an established community of 45 Indians. These Indians have brought electricity and water to their settlement at their own expense.

There are 16 homes located on approximately 25 acres of the 40-acre tract. Eleven acres are under subjugation with water deliveries from the Truckee-Carson Irrigation Project. This parcel is under lease to a member of the Fallon Reservation. Approximately, 4 acres are in the Truckee-Carson Irrigation District's irrigation canal that bisects the property. There are 11 homes on the 20-acre parcel.

The 28 buildings located on the property are classified from good to poor with a value of $85,000. Most of these buildings have been constructed and are maintained by the Indians at their own expense. The land described in the proposal has a current market value of $31,000.

About 90 percent of the Indians of the Colony earn their livelihood working in and around the town of Fallon; therefore, if they were required to move, in order to take advantage of the Mutual Help Housing program, it would mean a considerable hardship to them. There appears to be no use for this property that would surpass the Indians' need for it, nor is there any other property available for their housing program.

Even though there is some tribal land remaining on the Fallon Reservation, all of the good land has been allotted and that remaining would not be desirable for a housing project.

NEED

The Indians of the Fallon Colony have an application before the Housing Assistance Administration for 40 units of Mutual-Help Housing. Up to this time, six new concrete block houses, two mobile homes, and an addition to the church building have been completed. A necessary prerequisite to this housing program is that the Indians have vested property rights in the land, which will be accomplished by this legislation.

COST

No additional expenditure of Federal funds will result from the enactment of S. 1115.

THE SALE AND EXCHANGE OF CERTAIN LANDS ON THE COEUR D'ALENE INDIAN RESERVATION

The bill (S. 345) to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting consolidations of land situated within the Coeur d'Alene Indian Reservation in the State of Idaho into the ownership of the Coeur d'Alene Tribe and its individual members and for the purpose of attaining and preserving an economic land use for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal and individually allotted lands on the Coeur d'Alene Reservation, the Secretary of the Interior is authorized in his discretion to:

(1) Sell or approve sales of any tribal trust lands, any interest therein, or improvements thereon,

(2) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands or interests in lands situated within such reservation.

SEC. 2. The acquisition, sale, and exchange of lands for the Coeur d'Alene Tribe pursuant to this Act shall be upon request of the business council of the Coeur d'Alene Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a consolidation plan approved by the Secretary of the Interior.

SEC. 3. Any moneys or credits received by the Coeur d'Alene Tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land consolidation program, approved by the Secretary of the Interior.

SEC. 4. The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands or interests therein on the Coeur d'Alene Reservation held in multiple ownership to the Coeur d'Alene Tribe, to any member thereof, or to any other Indian having an interest in the land involved, if the sale or exchange is authorized in writing by owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than is any other statute of general application approved by Congress.

SEC. 5. Title to any lands, or any interests therein, acquired pursuant to this Act shall be taken in the name of the United States of America in trust for the Coeur d'Alene Tribe or individual Indians and shall be subject to the same laws relating to other Indian trust lands on the Coeur d'Alene Reservation.

SEC. 6. The business council of the Coeur d'Alene Tribe may encumber any tribal land by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed or trust in accordance with the laws of the State of Idaho. The United States shall be an indispensable party to any such proceedings with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, United States Code: *Provided,* That the United States shall have the right to appeal from any order of remand in the case.

SEC. 7. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is further amended by inserting immediately after "the Fort Mojave Reservation", the words "the Coeur d'Alene Indian Reservation,".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–539), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interest in such lands. It would also provide authority for long term leasing of trust lands up to 99 years.

NEED

The Coeur d'Alene Reservation, located in the northwestern part of Idaho and Benewah and Kootenai Counties, originally consisted of approximately 345,000 acres of tribal land. In 1909 approximately 102,570 acres were

allotted to members of the tribe, 330 acres were reserved for administrative purposes, and the remaining lands comprising an area of over 242,000 acres were opened to settlement. Since allotment of the reservation lands and opening the surplus lands to settlement approximately 80 percent of the land has passed from Indian ownership. As of June 30, 1969, there were 53,063 acres of trust land in individual ownership and 16,236 acres in tribal ownership.

The Coeur d'Alene Tribe adopted a land acquisition, consolidation, and development program in 1965 and put it into effect on the reservation at that time. To implement this program the Indians need additional authority for the acquisition and disposal of lands or interests in lands. The Coeur d'Alene Indians voted to reject the application of the Indian Reorganization Act of June 18, 1934, to their affairs. Consequently, the authorities contained therein with respect to acquisition, sale, and exchange of trust lands are not available to them.

The tribe set aside $1,150,000 from a 1958 award of the Indian Claims Commission in Docket No. 81. During the past 5 years the tribe has purchased over 3,000 acres of land at a cost of a little over $450,000. Thirteen purchases are presently pending which will require an expenditure of about $300,000. The tribe is now planning a farming enterprise, and land consolidation is of much importance.

At the time of the approval of the land program the tribe owned 13,362 acres of trust land which consisted primarily of acreages restored pursuant to the act of May 19, 1958. This act also contained authority for the sale or exchange of the restored lands. However, the restored land is outside the general farming area and is not useful for trading and unitization purposes. The authority contained in S. 345 will enable the tribe to dispose of these parcels and use the funds to acquire other tracts within the farming enterprise area or elsewhere on the reservation and assist tribal members in consolidating and unifying their individual interests thereby alleviating to some extent the heirship problem. Further, it will be able to exchange lands with tribal members so that both the tribe and the members will have more economical and manageable units.

Although the tribe does not now have an urgent need for long term leasing authority, it does anticipate this authority will be needed within the foreseeable future. The tribe will endeavor to lease land for industrial purposes and has in mind that eventually it is going to become involved in some enterprises in the Coeur d'Alene Lake area.

COST

No additional expenditure of Federal funds will result from the enactment of S. 345.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended September 30, 1971; to the Committee on Armed Services.

REPORT ON CERTAIN FACILITIES PROJECTS PROPOSED FOR ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on certain facilities projects proposed for the Army National Guard (with an accompanying report); to the Committee on Armed Services.

REPORT ON THE STATE OF THE FINANCES

A letter from the Secretary of the Treasury, transmitting, pursuant to law, his report on the State of the Finances, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Finance.

LIST OF REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports of the General Accounting Office, for the month of November, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT ON THE UNFINISHED EDUCATION

A letter from the Chairman and Members of the United States Commission on Civil Rights, tranmitting, pursuant to law, part II of a report investigating the nature and scope of educational opportunities for Mexican Americans in the public schools of the States of Arizona, California, Colorado, New Mexico, and Texas, dated October 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON STATUS OF PERMANENT RESIDENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on the status of permanent residence for certain aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on temporary admission of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of the Territory of Guam; to the Committee on Interior and Insular Affairs:

"RESOLUTION No. 157

"Relative to expressing the extreme indignation and opposition of the people of Guam on the proposed acquisition by the U.S. Navy of one of Guam's most prized possessions, that unspoiled and virgin land in the south of Guam known as Sella Bay

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the Commander Naval Forces Marianas has indicated that the Navy intends to go through with the controversial acquisition of Sella Bay and the surrounding lands for use to unload ammunition, thereby seizing from the people of Guam over 4,000 acres of the very limited land of the territory and thereby depriving them of the continued use of a great natural resource; and

"Whereas, the territory of Guam can only cease being a dependency of the military when the relatively little land remaining in civilian control is developed for use of our burgeoning tourist economy, and Sella and Cetti Bays represent the last unspoiled beaches and environs suitable for such development, the loss of these lands denying the territory of Guam its lawful right to develop a viable civilian economy; and

"Whereas, the proposal that lands be exchanged with the Navy so that the territory ends up with as much land after as before the taking is unacceptable since the Sella Bay area is unique in the entire Pacific, maintaining the only pristine Pacific coral reef structure under the American flag and not being capable of duplication anywhere else, the loss to the people of Guam and to the future generations of the territory being so great as to be beyond compensation; now therefore be it

"Resolved, That with the Eleventh Guam Legislature does hereby on behalf of the people of Guam express its ineradicable opposition to the proposed taking of Sella Bay and its environs for a Navy ammunition wharf; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Secretary of Interior, to the Secretary of Defense, to the Secretary of the Navy, to the Attorney General of the United States, to the Chairmen of the Interior and Insular Affairs Committees, Senate and House, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 28th day of October, 1971."

A letter from several citizens of California expressing concern for American prisoners of war; to the Committee on Foreign Relations.

A resolution adopted by the Norfolk, Va., Jaycees, expressing disapproval of school busing solely for the purpose of achieving a racial balance in schools; to the Committee on the Judiciary.

A letter from James Talmadge Moore, of Springfield, Mo., praying for a redress of grievances; to the Committee on the Judiciary.

A letter from Mr. and Mrs. Dale B. Smtih, of Long Beach, Calif., regarding the celebration of November 11 as a legal holiday; to the Committee on the Judiciary.

A letter from Otto L. Gutowsky, of Birmingham, Mich., regarding the AFL–CIO convention in Miami; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK (for Mr. Moss) from the Committee on Interior and Insular Affairs, with an amendment:

S. 978. A bill authorizing the conveyance of certain lands to the University of Utah, and for other purposes (Rept. No. 92–555).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. 2676. A bill to provide for the prevention of sickle cell anemia (Rept. No. 92–557).

By Mr. ERVIN, from the Committee on the Judiciary, with amendment:

S. 1438. A bill to protect the civilian employees of the executive branches of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy (Rept. No. 92–554).

PROTECTION OF THE FUNDAMENTAL RIGHTS OF FEDERAL EMPLOYEES

Mr. ERVIN. Mr. President, I am filing today the Judiciary Committee report on

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S. 1438 to protect civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy. This bill was approved by the committee on November 16 without amendments and is identical to S. 782 which was passed by unanimous consent of the Senate in the 91st Congress.

CONTINUED OPERATION OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS—CONFERENCE REPORT (S. REPT. NO. 92-556)

Mr. KENNEDY, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, submitted a report, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska.

By Mr. McGEE, from the Committee on Post Office and Civil Service:

Elmer T. Klassen, of Massachusetts, Frederick Russell Kappel, of New York, Theodore W. Braun, of California, Andrew D. Holt, of Tennessee, George E. Johnson, of Illinois, Crocker Nevin, of New York, Charles H. Codding, of Oklahoma, Patrick E. Haggerty, of Texas, and M. A. Wright, of Texas, to be Governors of the U.S. Postal Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPONG (for himself, Mr. BAKER, Mr. BIBLE, Mr. NELSON, Mr. DOMINICK, Mr. PELL, Mr. EAGLETON, Mr. BELLMON, and Mr. CHILES):

S. 2952. A bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road. Referred to the Committee on Commerce.

By Mr. YOUNG:

S. 2953. A bill for the relief of Isabelle Gannat. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2954. A bill to authorize the establishment of the Knife River Indian Villages National Historic Site. Referred to the Committee on Interior and Insular Affairs.

By Mr. COOK:

S. 2955. A bill to amend certain provisions of title 18, United States Code relating to the release of certain Federal prisoners. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. STENNIS, Mr. EAGLETON, and Mr. SPONG):

S. 2956. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S. 2957. A bill to amend the Economic Opportunity Act of 1964 to provide comprehensive legal services for the elderly, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS:

S. 2958. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TAFT (for himself and Mr. FONG):

S. 2959. A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S.J. Res. 181. Joint resolution to establish a Joint Committee on Aging. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPONG (for himself, Mr. BAKER, Mr. BIBLE, Mr. NELSON, Mr. DOMINICK, Mr. PELL, Mr. EAGLETON, Mr. BELLMON, and Mr. CHILES):

S. 2952. A bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road. Referred to the Committee on Commerce.

Mr. SPONG. Mr. President, I am today introducing a bill with Senators BAKER, BIBLE, NELSON, DOMINICK, EAGLETON, PELL, BELLMON, and CHILES to authorize the Department of Transportation to undertake construction of a rapid rail line to Dulles International Airport.

Dulles International is one of the finest airports in the world and perhaps the only one specifically planned with the needs and problems of the jet age in mind. Yet, one of its greatest virtues—its removal from the densely populated city center—is also the greatest obstacle to its full utilization. It is a problem aggravated by the continued competition of the more centrally located National Airport.

The missing link in the development of the federally owned Dulles has been a means of quick, convenient and inexpensive mass transportation and that is what this bill would authorize. It provides for an extension of the main metro system from just north of Falls Church to the airport utilizing the median strip of the Dulles Access Highway. When completed and tied in with the main metro system, the airport line would make it possible to travel from downtown Washington to the Dulles Airport Terminal Building in approximately 35 minutes during peak traffic conditions or inclement weather at an estimated fare of $1.35. That is roughly half the cost and half the travel time of the best transportation to the airport now available.

A feasibility study of this project undertaken by Day & Zimmerman Consulting Services for the Department of Transportation this year recommended that at least two intermediate stations be located on the line to serve the needs of commuters in the airport area. Experience with the Cleveland, Ohio airport rapid transit line—the only one in operation in this country today—has shown that these commuter stops in no way detract from airport service, averaging in the neighborhood of only 30 seconds lost per stop.On the other hand, it was found that they generated fully two-thirds of the revenue on the line enabling it to cover full maintenance and operating costs.

The bill authorizes construction of appropriate intermediate stations with costs and details of the location of facilities of such stations to be worked out through negotiations among the local jurisdictions. Metro, and DOT officials.

Total cost of the airport line, exclusive of the intermediate stations, but including all construction, equipment and terminal stations, would not exceed $90 million. That allows for inflation over the schedule of construction.

Mr. President, 2 years ago, I chaired a Senate hearing at Dulles Airport exploring ways of improving utilization of Dulles. Every major witness at the hearing endorsed the idea of rapid rail service to Dulles, including the Federal Aviation Administration, the Air Transport Association, local jurisdictions, and the Metro authority itself. Subsequently, my amendment to provide for a $150,000 feasibility study of the project was strongly endorsed by the Department of Transportation.

That feasibility study was completed in July of this year. It concluded that there were no engineering or economic obstacles to early construction of such a line and that it would be a "vital link with what will be the area's most important airport and an important branch of the metropolitan Washington rapid transit system."

Mr. President, this rail link is critically needed to improve access to the airport. Without it, Dulles will continue to be underutilized and the Federal Government will continue to spend millions in subsidizing its operation. Since it was opened in 1962, the average annual deficit at Dulles has been about $7 million. For as far ahead as projections have been made, there will continue to be substantial losses.

I would note also that present Metro plans provide for construction of a rapid transit at National Airport by the mid-1970's. Without also facilitating travel to Dulles, the already serious imbalance in the use of the two airports would be aggravated.

Mr. President, it is my hope that this bill can be enacted in this Congress, and work begun on the line—from the airport in—as soon as construction contracts can be let. It is an investment in the future of air service to the Nation's capital which cannot afford to wait.

I send the bill to the desk for appropriate reference, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320), is hereby amended by adding at the end thereof the following new section:

"SEC. 9. (a) The Secretary of Transportation shall make payments to the Transit Authority in such amounts as may be requisitioned from time to time by the Transit Authority sufficient, in the aggregate, to finance the cost of designing, constructing and equipping a rail rapid transit line in the median of the Dulles Airport road from the vicinity of Virginia Highway Route 7 on the K Route of the Adopted Regional System to the Dulles International Airport; except that the aggregate amount of such payments shall not exceed $90,000,000.

"(b) The transit line authorized in subsection (a) of this section shall include appropriate station facilities at the Dulles International Airport and at the point of intersection with the Adopted Regional System, but the cost of any intermediate stations on such a transit line shall not be included in this authorization.

"(c) Upon completion of the transit line authorized in this section, all transit facilities and the underlying real estate interests appurtenant thereto shall become the property of the Transit Authority and shall be operated by such Authority.

"(d) It is the intent of the Congress in enacting this section that the transit line authorized in this section be designed and constructed as soon as practicable following the date of the enactment of this section.

"(e) There is authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, not to exceed $90,000,000 to carry out the purposes of this section. The appropriations authorized in this subsection shall be in addition to the appropriations authorized by section 3(c) of this Act.".

By Mr. COOK:

S. 2955. A bill to amend certain provisions of title 18, United States Code relating to the release of certain Federal prisoners. Referred to the Committee on the Judiciary.

Mr. COOK. Mr. President, today I am introducing a bill which will alleviate a statutory inequity directed at a group of individuals which our society is for the most part unconcerned about, the parolee, or more specifically, the parole violator. This bill affects both classes of individuals who are released from our Federal correctional institutions: First, the mandatory releasee, an individual who has served the full term of his sentence, less good time deductions, and who is deemed "as if on parole" until the maximum term to which he was sentenced has expired, less 180 days; and second, the parolee, an individual who the Board of Parole feels has sufficiently indicated during his incarceration that he is prepared to reenter society without necessarily having to serve behind bars the full term to which he was sentenced.

Section 4082 of title 18 of the United States Code provides that when an individual falls under one of the two categories above, he "shall be allowed in the discretion of the Board, to return to his home, or to go elsewhere, upon such terms and conditions, including personal reports from such paroled persons, as the Board shall prescribe, and to remain, while on parole, in the legal custody and under the control of the Attorney General, until the expiration of the maximum term or terms for which he was sentenced." Thus, section 4082 clearly indicates that the parolee, though no longer incarcerated, is indeed still "in the custody of the Attorney General." This legal custody requires the parolee, among other things, to make a complete written report to his probation officer on a monthly basis, to notify his probation officer immediately of any change of residence or change of employment, to abstain from drinking alcoholic beverages to excess or from associating with persons who have a criminal record. In short, although the individual is no longer behind bars he is still far from being a free man. As a parolee he remains both in theory and fact, very much in the custody of the Attorney General.

Should this man violate his parole, however, and be returned to an institution, he receives no credit whatsoever for the length of time he has spent on parole. For instance, if the individual was originally sentenced to 5 years and served 2 of those years and then was paroled and after 2 additional years he violated parole he would be recommitted to an institution to serve the remaining 3 years of his original sentence, receiving no credit at all for the 2 years spent on parole.

Thus, just with this one hypothetical case, we see that the individual above who violates parole will spend 7 years in the legal custody of the Attorney General although he was only sentenced to 5 years. It is possible that the situation might arise where the parolee merely failed to make his monthly written report to his probation officer or was guilty of some other minor technical violation and as a result he would have to return to prison and serve the 2 years of parole time over again plus the remainder of his original sentence.

The bill which I am introducing today, amending sections 4205 and 4207 of title 18 of the United States Code, enables a parole violator to receive credit for one half of the time he spent on parole against his original sentence. Therefore, using the example of the violator above, when he is returned to prison after serving 2 years on parole he would have only 2 years to serve on his original sentence as opposed to the 3 that he would now have to serve under the present provisions of sections 4205 and 4207.

Certain authorities in the field of crime, including the Brown Commission on the Revision of the Federal Criminal Laws, have recommended that the present provisions of 4205 and 4207 are inherently unjust and the parole violator should receive full credit for the time spent on parole should he violate and be recommitted. I feel the realistic solution to this problem, however, is to allow a 50-percent credit since otherwise a parolee could violate near the end of his sentence knowing that if recommitted he would only have a very short time to serve.

Under the provisions of the bill I am introducing today however, such an incentive for violating parole toward the end of custody is negated by the fact that instead of having only a few months to serve on recommitment he could look forward to serving over again at least one half of the time spent on parole. The chances are that any parolee that close to completing his parole requirement would not be tempted to abscond in the last few months of his custody since in all likelihood one half of the time spent on parole to that point would be a substantial figure and would serve as a definite deterent for such last second violations.

In addition, to compensate for special instances where the violation is of a very minor or technical nature, my bill would allow the U.S. Board of Parole to give the violator full credit for the time he had spent on parole. In other words, in all cases the parolee would receive credit for 50 percent of the time he served on parole and, in certain special cases, the Board of Parole, in its discretion, could give the parolee credit for the full amount of time he was on parole.

Mr. President, the purpose of this bill is by no means to aid those who break the law avoid a lawful sentence. No one is more disturbed than I am about the ever-increasing crime rate in this country. However, while doing all we can here in Congress to combat this lawlessness, we must not lose sight of the fact that the very foundation of our great Nation is its body of law, and, hopefully, justice. As Daniel Webster said:

Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together.

Let us not forget, therefore, that, since justice is the very fabric of our society, it must be available to all of our citizens, rich and poor, white and black, the educated and the illiterate, and even the convicted criminal. Law and justice should be synonymous, but experience has indicated that, in many cases, they are not. Mr. President, it is my hope that the bill which I am introducing today will serve to bring these two concepts just a little closer. I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 4205 of title 18, United States Code, is amended to read as follows: "The unexpired term of imprisonment of any such prisoner shall begin to run from the date he returned to the custody of the Attorney General under said warrant, but the amount of time which such prisoner shall be required to serve as a result of his retaking shall be reduced in all cases by a period of time equal to one-half of that period commencing with his release pursuant to sections 4163, 4164, 4202, or 4208 of this title, and ending with the date of the issuance of such warrant for his retaking. In addition, the Board of Parole shall have the discretion, when the circumstances warrant it, to diminish the period which such prisoner was sentenced to serve by the full amount of time he spent on parole prior to his retaking.

SEC. 2. Section 4207 of title 18 United States Code, is amended by revising the third paragraph thereof to read as follows: "If

such order of parole shall be revoked and the parole terminated, the said prisoner may be required to serve the remainder of the term for which he was sentenced subject to the provisions of section 4205 of this title.

SEC. 3. The amendments made by this Act shall be applicable with respect to any person who, on or after the date of enactment of this Act is on parole pursuant to sections 4163, 4164, 4204, 4208 of chapter 311 of title 18, United States Code, or is released pursuant to such sections or chapter.

By Mr. JAVITS (for himself, Mr. STENNIS, Mr. EAGLETON, and Mr. SPONG):

S. 2956. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress. Referred to the Committee on Foreign Relations.

WAR POWERS ACT OF 1971

Mr. JAVITS. Mr. President, I send to the desk, for myself, for the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. EAGLETON), and also for the Senator from Virginia (Mr. SPONG) a bill entitled "The War Powers Act of 1971." I believe that this legislation will prove to be of historic importance and may, in retrospect, be viewed as the most constructive legislative by-product of our Nation's tragic Vietnam experience.

This measure deals with the issue of undeclared war, which has become the great constitutional and legal battleground of recent years. In my judgment, it provides a badly needed, carefully drawn, and wholly constitutional remedy for what presently appears to be a constitutional lacuna—applying the war powers of Congress enumerated in article I, section 8 to the phenomenon of "undeclared" war.

I am greatly honored to be associated in this effort with the distinguished chairman of the Armed Services Committee (Senator STENNIS) and the distinguished Senator from Missouri (Senator EAGLETON). I introduced my original war powers bill on June 15, 1970. To my deep gratification, my original submission stimulated the thinking of Senators STENNIS and EAGLETON, both of whom subsequently introduced war powers legislation, along the basic lines provided in my bill, but containing many excellent provisions which were not in my pilot measure. I am very indebted to Senator STENNIS and Senator EAGLETON for their interest, cooperation and, most importantly, for their contributions to the measure as it now stands. Senator SPONG was on the floor when I introduced my original bill, took an immediate interest in it, and has played an important and constructive role throughout the hearings on this measure.

The Senate Foreign Relations Committee, under the leadership of Chairman FULBRIGHT, conducted an extensive—and I believe truly historic—set of hearings on the war powers bills before it. The printed record of those hearings will be available shortly. I am confident that these comprehensive hearings will become an important point of reference for years to come, for all who are interested in this great issue. At the completion of the hearings, I approached Senators EAGLETON and STENNIS to see if we could all agree on one comprehensive redraft of the original bill, incorporating the important ideas contained in their measures, as well as the best suggestions made by the distinguished witnesses who tetified before the Foreign Relations Committee. One of my most gratifying experiences in the Senate has been working with Senators STENNIS and EAGLETON on this comprehensive redraft.

I am hopeful, now, that the matter is ready for final consideration by the Committee on Foreign Relations under the Senator from Arkansas (Mr. FULBRIGHT). We hope to be able to bring it soon to the Senate and to the country, so that everyone may think about it, discuss it, and consider it further during the weeks ahead. I think we have a war powers bill worthy of the great issue which faces our Nation so urgently in view of our traumatic experience in Vietnam.

Mr. President, I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2956

A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act of 1971."

PURPOSE AND POLICY

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States, and ensure that the collective judgment of both the Congress and the President will apply to the initiation of hostilities involving the Armed Forces of the United States, and to the continuation of such hostilities. Under Article I, Section 8, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also "all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." At the same time, the Act is not intended to encroach upon the recognized powers of the President, as Commander-in-Chief, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to respond to attacks or the imminent threat of attacks against the Armed Forces of the United States, and, under proper circumstances, to rescue endangered citizens of the United States located in foreign countries.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States shall be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(a) to repel an attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(b) to repel an attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(c) to protect while evacuating citizens of the United States, as rapidly as possible, from any country in which such citizens, there with the express or tacit consent of the government of such country, are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control: *Provided*, That the President shall make every effort to terminate such a threat without using the Armed Forces of the United States: And provided further, that the President shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States; or

(d) pursuant to specific statutory authorization, but authority to use the Armed Forces of the United States in hostilities shall not be inferred from any Treaty or provision of law, including any provision contained in any appropriation act, unless such Treaty or provision specifically authorizes the use of such Armed Forces in hostilities and exempts the use of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such forces are engaged, or there exists an imminent threat that such forces will become engaged, in military hostilities. No Treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the use of the Armed Forces of the United States in hostilities, within the meaning of this section.

REPORTS

SEC. 4. The use of the Armed Forces of the United States in hostilities pursuant to section 3 of this Act shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such hostilities were initiated, the estimated scope of such hostilities, and the consistency of such hostilities with the provisions of section 3. Whenever Armed Forces of the United States are engaged in hostilities outside of the United States, its territories and possessions, the President shall, so long as such forces continue to be engaged in such hostilities, report to the Congress periodically on the status of such hostilities as well as the scope and expected duration of such hostilities, but in no event shall he report to the Congress less often than every six months.

THIRTY-DAY AUTHORIZATION PERIOD

SEC. 5. Hostilities commenced pursuant to section 3 of this Act shall not be sustained beyond thirty days from the date of their initiation except as provided in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

TERMINATION WITHIN THIRTY-DAY PERIOD

SEC. 6. Hostilities commenced pursuant to section 3 of this Act may be terminated prior to the thirty-day period specified in section 5 by statute or joint resolution of Congress.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 7. (a) Any bill or resolution, authorizing the continuation of hostilities under subsection (a) (b), or (c) of section 3 of this Act, or the termination of hostilities under section 6 of this Act shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the Members of such House otherwise determine by yeas and nays; any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported to the floor of the House referring it to committee within one day after it is so referred, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(b) Any bill or resolution reported to the floor pursuant to subsection (a) shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after it has been reported, unless such House shall otherwise determine by yeas and nays.

EFFECTIVE DATE

SEC. 8. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act.

Mr. EAGLETON. Mr. President, I am extremely pleased to join with the senior Senator from New York (Mr. JAVITS) and the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) in proposing the consensus "war powers" bill.

The Senator from New York and I have been working in this area for over 2 years and the Senator from Mississippi has long expressed concern over ever-increasing executive discretion in this area.

"Historic" and "momentous" are words that are often used loosely in politics. But, Mr. President, I honestly believe that they are applicable to this consensus bill which was worked out by Senators STENNIS, JAVITS, and myself over the past 5 months.

The bill represents a broad-based consensus of Senators, ranging the ideological and party spectrum, that the unchecked and constant flow of "war powers" from Congress to the President must be stopped.

A democracy cannot allow the single judgment of one man to take the entire Nation to war. No more important decision is made in a democracy than to commit its blood and treasures to a test of force. The Javits-Stennis-Eagleton bill assures that this life-and-death decision will be a collective judgment reached after congressional deliberation.

And that, especially in view of recent history, is "momentous" and "historic," indeed.

Mr. STENNIS. Mr. President, I want to speak briefly on the bill introduced by the distinguished Senator from New York (Mr. JAVITS). I am pleased to be a cosponsor of this measure.

The bill represents the result of a joint effort by the Senator from New York, the Senator from Missouri (Mr. EAGLETON), and myself. Like all such results of somewhat different approaches, it can be improved. I would hope that the Foreign Relations Committee would scrutinize it carefully to insure that the drafting accurately reflects the bill's purpose.

The principles embodied in the bill are, I believe, sound. Under its provisions the President would have the authority, initially, to introduce U.S. Armed Forces in hostilities on his own authority only to repel or forestall attacks on U.S. territory or U.S. Armed Forces, or to protect U.S. citizens while they are being evacuated from danger. In all other cases specific congressional authority would be required—not only a treaty or an appropriation. Procedures are provided so that Congress will be able to act quickly to approve or disapprove the continuation of hostilities begun by the President on his own authority.

I believe that it should be very clear that this bill does not apply to our current efforts to disengage in Southeast Asia. That is, we must make a new start with this bill—not refight old arguments about the legality of the war in Vietnam. By the same token, care should be taken to draft the bill in such a way that it is clear that only the war in Southeast Asia is exempted—that is, hostilities in other areas in which U.S. military men are engaged in delivering weapons or in some other indirect way are clearly not excepted from the bill's provisions.

I believe it should also be quite clear that the President has the authority to deploy forces, for example, on the high seas in an area in which there is tension. Congressional authorization should be necessary in the future before there is a commitment to U.S. participation in war in any form—including the use of U.S. advisers with combat units. But the Congress should not restrain the President's powers, as Commander in Chief, to deploy forces to crisis areas and, for example, "show the flag" by sending a carrier to stand offshore.

Finally, I believe it is quite clear that Congress has the authority to legislate in this area of affairs. Some have claimed that the President's powers as Commander in Chief are so exclusive that they prohibit Congress from legislating in this field. I respectfully, and very strongly, disagree. As the resolution points out, article 1, section 8, of the Constitution specifies that Congress has the power not only to make all laws necessary and proper to carrying into effect its own powers, but also "all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

I am pleased with the study and consideration already given to the like measures by the Committee on Foreign Relations and I trust that after further study and consideration, the committee will include the benefits of their own thought and favorably report a bill soon.

By Mr. HARTKE:

S. 2957. A bill to amend the Economic Opportunity Act of 1964 to provide comprehensive legal services for the elderly, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE LEGAL SERVICES FOR THE ELDERLY

Mr. HARTKE. Mr. President, a serious problem confronting the elderly American is that he is constantly bewildered by the governmental bureaucracy he encounters in his retirement years. Unfortunately, the elderly citizen has limited expertise in coping with the intricacies of programs like social security, medicare, and medicaid. The situation is serious because these programs are essential to the quality of life of the older American.

Although we often think of social security benefits as supplemental, statistics have shown that one-fourth of the couples and two-fifths of the nonmarried elderly depend on Government programs for almost their entire support.

It is clear to all who investigate the matter that the elderly need assistance to secure benefits under Government programs. Yet they rarely find assistance available. Unfortunately the elderly have limited means to pay for aid. This lack of aid often results in the loss of benefits. For example, a number of programs provide for the right to appeal the decisions of the respective agencies. However, since the elderly rarely have the necessary funds to hire counsel, a substantial number do not request hearings.This is of no small importance when one considers a recent study that showed one agency had a 64-percent reversal rate at appeal hearings.

Today most elderly persons live close to the poverty line. Recent Bureau of Labor Statistics found that of 4.4 million retired couples over the age of 65, 56 percent had incomes below $3,857—just above the poverty level currently used by the Office of Economic Opportunity. It goes without saying that these members of our society cannot afford costly legal services and advice to insure that they are not denied their rightful benefits.

Like many of my distinguished colleagues, I receive letters from my senior citizen constituents expressing their frustration with the operation of Government programs. Unfortunately they do not all possess the extraordinary abilities of a 69-year-old widow who took on the Government in a social security case. This determined and articulate Queens, N.Y., native acted as her own counsel and prevailed over the awesome legal resources of the Federal Government. See attached article. It is sad that this case is the exception rather than the example. Most aged citizens are compelled to accept agency action.

To remedy this deplorable situation Congress must take appropriate steps. I propose that Congress act immediately to implement a comprehensive program to alleviate the legal problems afflicting the elderly. This action must span a broad spectrum; including courtroom and administrative advocacy, simplification of the technicalities of Federal and State programs, and research and implementation remedies to problems emanating from governmental programs which do not allow the elderly to live in dignity. In essence, the Federal Government and the States must take coordinated action to develop a national program of forceful advocacy on behalf of senior citizens.

It is necessary to call for a multidimensional approach because of the diversity of need confronting the aged of our society. For example, attempts to amend the Economic Opportunity Act to insure that the elderly poor have the assistance of counsel would not remedy the fact that many current programs lack procedural safeguards. Only one thing is clear, and that is, there must be comprehensive research to develop new knowledge to resolve the issues facing the aged. This new knowledge must be turned immediately toward practical application.

XUM

The comprehensive approach must be developed because past attempts in this area have been fragmented and insufficient. This is not to infer that insignificant contributions have been effected by past programs. The facts show quite the contrary. It is common knowledge that the performance of programs like OEO Legal Services has been excellent in serving the elderly where they constitute part of the OEO client community. However, it is equally acknowledged that attemps to discern and alleviate the problems of the elderly as a class have been inadequate. Legal Research and Services for the elderly—sponsored by the National Council of Senior Citizens under an OEO grant—is the only project in the Nation which deals exclusively with the legal difficulties encountered by senior citizens. In 1970 the funding for Legal Research and Services for the Elderly was cut, and the number of LRSE projects was reduced from 12 to five. In essence we have seen a reduction while there should have been an expansion.

To overcome the inadequacies of the past, massive efforts must be made. The first step is to allocate resources specifically for immediate action. The type of action that is necessary must extend far beyond our current efforts. In addition, it is imperative that all governmental agencies affecting the elderly have input into this program. The expertise and knowledge of these agencies can be invaluable in formulating appropriate activity. To cite an example, the experience and knowledge that the Administration on Aging has gained in analyzing the impact of the retired senior volunteer program—now under ACTION—would provide valuable insight into the future development of the legal paraprofessional. Also it goes without saying that the Social Security Administration would also contribute most effectively in developing solutions to difficulties the elderly face with that agency.

There will be those who say that the advocacy role is not proper for Government agencies. I submit that the Government must administer its programs in a way that will encourage and support the participation of the senior citizen.

To coordinate this effort the Office of Economic Opportunity would seem most appropriate. The primary advantage is that within the OEO framework there is an existing vehicle that can be easily adapted to this task. That vehicle is the legal services program. The existence of legal service programs serving the aged has significant advantages in facilitating the development of substantive action. The primary advantage is that many of the necessary changes will no doubt be implemented through legal service programs. Therefore, by having OEO act as the coordinating agency, the implementation of necessary changes and modifications will be eased. Furthermore the establishment of a central coordinating agency will overcome the fragmentation of past efforts. Hopefully the coordinating agency will be able to bring the diverse groups and programs together to enable each to share the knowledge of the other. This is the only way that repetition can be avoided, and accomplishments be made.

The key to this effort to identify and resolve these legal problems is experimentation and innovation. There must be no hesitancy to develop new concepts, as well as to expand those that have worked well in the past. For example the use of the paraprofessional in many programs has provided the vitality and expertise to enable those efforts to survive. This type of activity must be expanded with constant searching to determine new ways to incopropate the use of the paraprofessional. One course of action might be to investigate the use of paraprofessionals as ombudsman. These could be persons who would provide a wide variety of information, given guidance to senior citizens, and act on their behalf in the dealings of the aged with the Government.

This innovation and experimentation I call for must transcend agency and department delineation. All agencies affecting the elderly must be involved to make the programs successful. Experimentation would undoubtedly entail the funding of private as well as public efforts to work on specific areas of concern.

Senior citizen groups should also have input into this activity. The number and variety of senior citizen organizations is constantly on the increase thus creating innumerable repositories of interest and expertise to be used.

The academic community is another area to look to for assistance. Although the program is largely oriented toward the resolution of legal problems, disciplines other than law might offer considerable assistance in developing programs. Within the past few years we have witnessed substantial change of direction in many institutions regarding their awareness of the need of our senior citizens.

In recognizing that the elderly may have unusual legal needs, some law schools have developed programs to provide for legal assistance to the aged. Furthermore, there has been some curriculum change to recognize the special situation of the elderly. Although such action has not been substantial, it is an indication that law schools can rise to the challenge of recognizing the legal needs of the elderly. To cultivate this change of attitude, attempts should be made to include the law schools as well as the rest of the academic community in the efforts to research and resolve these pressing issues.

The suggestions that I have made are in no way to be deemed the exclusive methods to insure that these legal problems are identified and resolved. Rather, it is my hope that the suggestions I have made might serve as a springboard for additional ideas and approaches. The possible course, or courses, of action are unlimited. Activity could range from programs designed to develop methods of informing the elderly of their rights under Federal and State law; to drafting legislation providing procedural safeguards against the arbitrary denial of benefits. The need is overwhelming. We must take affirmative steps to correct the injustice that daily befalls our elderly Americans. The existing fragmented and underfinanced approaches to these legal needs must be supplanted by coordinated and immediate action.

In closing I would like to say that there may be those who feel that this action is superfluous in light of pending legislation to establish a National Legal Services Corporation. My action today does not supplant nor detract from the development of such a program. The purpose of this legislation is to focus attention and action on a very crucial need of the aged of our society. In the event that a National Legal Services Corporation is established it is my hope that a coordinated effort can still be maintained to identify and resolve the legal needs of the elderly. To fail to do so would mean that we continue to have haphazard and insufficient efforts to resolve the bureaucratic problems they face. We must make a national commitment to achieve justice for the aged. The achievement of that commitment requires a well-funded, coordinated effort.

Mr. President, I ask unanimous consent that a copy of this bill and a selected article on this issue be printed in the RECORD immediately following my remarks.

There being no objection the bill and the article were ordered to be printed in the RECORD, as follows:

S. 2957

A bill to amend the Economic Opportunity Act of 1964 to provide comprehensive legal services for the elderly, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 222(a)(3) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "The Director in carrying out the program authorized under this paragraph shall take appropriate action to meet the legal problems of the elderly by providing—

"(A) for the development of programs of training, technical, legal and paraprofessional assistance to identify and resolve the legal problems of the elderly;

"(B) for the collection and dissemination of information to coordinate and evaluate the effectiveness of activities and programs affecting the legal problems of the elderly;

"(C) offer advice and assistance to all to all agencies and programs providing legal services and assistance to the elderly;

"(D) take all other necessary action to identify and provide for the resolution of legal problems affecting the elderly."

Section 2. There is authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1972, and $1,000,000 for the succeeding fiscal year to carry out the provisions of section 222(a)(3) relating to legal services for the elderly.

A WIDOW TAKES UP LAW AND BEATS UNITED STATES

(By Robert E. Tomasson)

"He that pleads his own case has a fool for a client."

A determined and articulate 69-year-old Queens widow who acted as her own lawyer has provided a notable exception to that old English proverb by taking on the awesome legal resources of the Federal Government in a complicated Social Security case—and winning the verdict of a three-judge appeals court.

The case, which spanned nearly 18 months, was argued in two Federal Courts and required scores of pages of complex legal briefs. It involved the widow's claim for $900 in Social Security death benefits after her husband died in 1964.

It pitted Mrs. Persis S. Widermann, a grandmother who has no legal training, against the Secretary of Health, Education and Welfare, Elliot L. Richardson.

In court, her arguments prevailed over those of his legal representatives—Robert A. Morse, United States Attorney for the Eastern District of New York, and Robert Rosenthal and David G. Trager, assistant United States attorneys.

WINS JUDGES' PRAISE

And her arguments won the rare lavish praise by the Federal Judges who ruled in her favor—William H. Mulligan, Harold R. Medina and Walter R. Mansfield of the Second Circuit Court of Appeals, who handed down their decision last Wednesday.

Asked in an interview yesterday why she had chosen to act as her own lawyer, Mrs. Widermann said: "I didn't know any, and considering the amount of money due me I didn't think any lawyer would really be interested."

"I was probably foolish," she added, "but I thought I was right and I thought I would win."

Her case, involving numerous technicalities in the vast thicket of Social Security regulations, required long days of writing and research in the legal tomes of the New York and Brooklyn Public Libraries and the law library of New York University.

THIRTY-SIX-YEAR APPENDIX

The research produced a 27-page brief, a 36-page appendix of notes and legal citations and, after the Government lawyers had submitted their arguments, a 13-page memorandum of reply.

The Government's main argument was that Mrs. Widermann had been denied retroactive death benefits because she waited more than one year to submit her claim.

Her counterargument, in effect, was that she had met the substantial if not the procedural requirements for claims-filing by submitting numerous letters and statements in the year following the death of her husband, Roman, on April 4, 1964.

Her writing style was not the formal epistemological labyrinth of the legal profession, but it was a combination of clear English and well-documented argument.

In her brief, for example, she wrote:

"The intention to claim monthly benefits need not be expressed (Section 2021A of the Claim Manual) and in cases where some doubt exists about the intent to file, the doubt should be resolved by finding an intent to file (Section 2021C of the Claims Manual)."

Legal citations obscure to the laymen included: "Haberman v. Finch, 418 F.2d 664, 667 (2d Cir. 1969); Walston v. Gardner, 381 F.2d 580, 585 (6th Cir. 1967); Rodriguez v. Celebrezze, 349 F.2d 494, 496 (1st Cir. 1965)."

"At first, I started writing 'the applicant' and all that jargon, but I soon gave that up and just wrote 'I,'" Mrs. Widermann recalled. "They knew what I meant."

The court allowed Mrs. Widermann to submit typewritten legal papers, rather than having them printed, which could have cost her hundreds of dollars.

Mrs. Widermann, who lives with two of her four daughters at 120-20 Ocean Promenade in the Rockaway Park section of Queens, first filed suit in Federal Court in the spring of 1970. Last May, Federal Judge Anthony J. Travia denied her claim, but she appealed to the Second Circuit Court of Appeals, which reversed Judge Travia's decision.

PATIENT AND DILIGENT

In doing so, Judge Mansfield wrote: "This appeal unveils the travail of a patient and diligent widow seeking to penetrate a labyrinth of complicated Social Security regulations in a frustrating effort to obtain payment of less than $1,000 in survivors' insurance benefits."

He went on: "The standard should be whether the claimant has met the essential substantial requirements of the regulations rather than whether she has complied with non-essential procedural requirements."

Thus, the judge wrote, "the significant fact is the failure of the Administration to tell her, after she had clearly expressed her intention to claim survivors' insurance benefits, that unless she filed promptly on the prescribed form she would be limited to the 12-month period immediately preceding such filing. We have no doubt that if she had been advised of the time limitation, she would have filed a formal application at once."

Outside of court, Judge Mansfield said: "This lady had the ability to limit herself to essentials and be very calm about it. I've seldom seen anyone before who had the qualities to present an application so that we gained something from it."

Judge Medina called Mrs. Widermann "intelligent, right on the ball, extraordinary."

"She doesn't give in very easily," he said. "She made a perfectly splendid argument."

And Judge Mulligan commented: "She was determined, very meticulous. I think it's a great thing that somebody can persist and can end up in the Circuit Court of Appeals on her own."

Mrs. Widermann, a former teacher of the visually handicapped who now is a teaching supervisor in the city school system, graduated from Smith College in 1924 with a degree in history and later earned a master's degree in business administration from the University of Chicago.

The widow, who was called on for oral arguments in court, said afterward: "I enjoyed working on the case. I enjoyed working on the brief. But I didn't enjoy appearing in court.

"I was very nervous. It was too exciting."

By Mr. JAVITS:

S. 2958. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

URBAN TRANSPORTATION EMERGENCY RELIEF ACT

Mr. JAVITS. Mr. President, I send to the desk a bill to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas and ask that it be referred to the appropriate committee. Mr. President, this measure has been introduced in the other body by Mr. KOCH and 28 of his colleagues.

This bill is entitled "The Urban Transportation Emergency Relief Act." It is designed to allow the Federal Government to help maintain and repair existing roadbeds and rights-of-way, which include such things as the existing tunnels, elevated structures and tracks, signal systems and power transmission lines. The bill would authorize $1 billion to be spent for such purposes, earmarking $200 million for each of the next 5 years. If it passes, for the New York City area and I expect other urban areas, it could offer sufficient funds to help keep the fares on the subways and commuter lines from running away.

This bill represents a bipartisan recognition that the time has long passed for the Federal Government to offer, at a minimum, certain maintenance subsidies, if not operating subsidies generally, to our mass transportation and commuter operations—just as it does for our Nation's highways. The Federal Government should support its "rail-highways" as it supports its "auto-highways" and its waterways and airways. The purpose of this bill is not to provide funds for additional construction of transit lines; its aim is merely to help insure that the lines we have stay alive. The Federal Government must not stand by negligently, watching transit arteries deteriorate, watching the costs become prohibitive, especially for the poor who must rely almost exclusively on such transportation in the cities.

This bill would provide emergency relief at a time when it must be provided. In no way is it a substitute for more comprehensive, long-term solutions to mass transportation and commuter line problems. My view is that we must proceed to the consideration of transportation trust funds to include mass transit and comprehensive regional transportation planning—which I expect Congress will be doing next session.

I see no reason not to examine also the feasibility of a system of "no-fare operation" of public transit systems. In the meantime the assistance this bill seeks must be made available. This bill is merely an interim measure, but a vital one which we need to pass quickly.

Truly, transportation, especially public mass transportation and commuter service, has become the life-blood of urbanized society. Seventy to 80 percent of the population of our country live in these areas and we cannot allow our transportation systems to deteriorate. To refuse aid to these crippled systems is to neglect those who must use them now, especially the poor, and to restrict job opportunities; such refusals means commerce, too, will suffer and considering the size of urban commerce it means the commerce of the Nation will suffer drastically; additional deterioration of our urban mass transit and commuter lines allows the automobiles to pollute and congest our urban areas even more.

There is a great imbalance between the amounts the Federal Government spends on mass transit and commuter service and what it spends on highways. By authorizing $1 billion more to be spent on mass transit, this bill takes a step to correct this imbalance, but still it hardly matches what has been and will be spent on highways. The $3.1 billion authorized for Federal obligation on mass transit over the five fiscal year period 1971–74 is but a small percentage of the close to $50 billion in Federal funds spent on highways since 1956 or even the estimated $4.7 billion that will be spent this fiscal year alone.

In large measure this imbalance in fundings results from the Government's piecemeal consideration of transportation. We have established a trust fund for highways, one for airports, and a separate system for urban mass transportation. By this method, the lobby with the strongest muscle walks away with the biggest piece of the pie.

Mr. President, our States and local governments are strapped with fiscal problems. The costs of local services have be-

come almost insurmountable, to the extent that in New York we are facing a real fiscal crisis. We are fast approaching the point in New York when there will be no money left to keep existing public transportation services operating and in good repair, let alone to provide new services. Even though Federal funds—though limited—exist to provide additional mass transit structures it may prove too difficult for State and local governments to raise the required matching funds and there is no Federal authority nor money available to at least keep the present systems operating smoothly.

New York's transit and commuter services are in desperate financial condition. Many urban areas face a similar crisis and I am sure still others are fast approaching this condition.

For 1972, the New York transit system will require revenues of approximately $190 million above revenues now derived from the present 30-cent fare. In 1973 the deficit will increase to approximately $250 million. The anticipated cash need for commuter services in the New York City area will amount to $57 million over amounts generated by the present fares. The Governor is now calling a special session of the State Legislature in an effort, among other things, to help offset these deficits and I know the State and city will be contributing significantly. If this bill I am introducing today passes, it should provide funds, together with State and local contributions, sufficient to keep the rapid transit fares from rising and to limit increases in communter fares. It is certain we can no longer rely on passenger fares to offset these enormous costs.

Great benefits have accrued to this country—both to urban and rural areas—from our highway and airways expenditures. I do not dispute that. But no longer can one form of transportation be considered in isolation from the other. Clearly, a single unified transportation trust fund is needed; we must have comprehensive planning.

The Department of Transportation on November 22, 1971, in a report entitled "Feasibility of Federal Assistance for Urban Mass Transit Operating Costs," disappointingly rejected the idea that the Federal Government should subsidize operating costs. Rather the report recommended that the Congress pass the President's transportation revenue sharing proposal.

It is unlikely that the transportation revenue-sharing proposal will be enacted quickly. Accordingly, it should not be considered a substitute for the urgent assistance which is needed now to check the deterioration of our public transportation systems. Some interim measure such as the bill I am introducing is needed at least to keep our present systems in repair. Even the release of the mass transit money the President has impounded—money which I have strongly urged him to release—would not help this situation, for it is money to be used essentially to build new capital structure.

The Senate is beginning to recognize that the time has come when a greater proportion of the Federal transportation funds should be made available to mass transportation. Recent efforts to delete a provision from the Revenue Act of 1971 which would have shifted certain general revenues into the highway trust fund, narrowly failed. Similar efforts to have those funds earmarked for mass transit uses also narrowly failed. Fortunately, that provision shifting the funds was deleted in conference. The Senate votes on these provisions, however, signify the increasing dissatisfaction with the "monopoly" highway trust fund concept and indicate a growing desire to apply more money to urban mass transit and commuter services.

The bill I introduce today does not try to subsidize all operating expenses; it merely tries to maintain and keep in good repair those systems we have, and it appears to me that such concept would appropriately complement the Federal present law.

I firmly believe that healing our cities' transportation woes would go a long way to help solve many of our other urban problems. For cities like New York an improved transportation network would add immeasurably to the quality of life. This bill may keep us at least at status quo until we have the opportunity to develop the programs and devote the money to putting transportation systems in the shape we would like to see them.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2958

A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Urban Transportation Emergency Relief Act".

FINDINGS AND PURPOSES

SEC. 2. The Congress finds—

(1) that the continued operation of existing rapid transit and commuter railroad facilities in urban areas is threatened by the lack of resources;

(2) that the Federal Government has a responsibility to help support the operations of these facilities until more adequate long-term programs can be enacted; and

(3) that immediate Federal assistance is needed on an emergency basis to avoid the shutting down of some of these facilities and to prevent fares from escalating beyond the reach of rapid transit and commuter railroad users.

EMERGENCY GRANTS TO MAINTAIN RIGHT-OF-WAY

SEC. 3. The Urban Mass Transportation Act of 1964 is amended by redesignating sections 6 through 16 as sections 7 through 17 and inserting after section 5 a new section as follows:

"EMERGENCY GRANTS TO MAINTAIN RIGHTS-OF-WAY

"SEC. 6. (a) Notwithstanding any other provision of this Act, the Secretary shall make grants to States and local public bodies and agencies thereof in an amount equal to all or a part of the total cost incurred on and after January 1, 1972, of the regular maintenance and repair of the right-of-way of a rapid transit or commuter railroad facility serving a city or the metropolitan area surrounding a city.

"(b) Payment of such grants shall be made quarterly, in arrears, based upon such interim proof as shall be required by the Secretary of Transportation that the said costs have in fact been incurred, subject to subsequent verification and adjustment by the Secretary of Transportation upon the completion of detailed post audits.

"(c) Regular maintenance and repair of the right-of-way shall include maintenance and repair of (1) grade, tunnels, subways, bridges, trestles, culverts, and elevated structures; (2) track, including replacement of ties, rail, other track material, and ballast; (3) signal systems, interlockers (including operation thereof) and grade-crossing warning and protection systems (including operation thereof); and (4) power substations (including operation thereof) and power transmission and distribution systems, including replacement of third rail. Where the cost of maintenance and repair as aforesaid reflects the salary of an employee of such facility, such salary shall be augmented by a factor to approximate payroll taxes, fringe, pension, and retirement benefits, and general overhead and supervision expense attributable to such employee.

"(d) A State or local public body or agency shall be considered to have incurred costs of the regular maintenance and the repair of a right-of-way of a rapid transit or commuter railroad facility if such State or local public body or agency is charged by law or contract with the responsibility to operate or to provide at least 80 per centum of any annual deficit arising from the operation of the rapid transit or commuter railroad facility. Even if a State makes an emergency grant to a local public body or agency comparable to the grant authorized under subsection (a) of this section, the Secretary shall nonetheless make the grant under such subsection (a).

"(e) To finance grants under subsection (a) of this section, there is authorized to be appropriated $200,000,000 for each of the fiscal years 1972, 1973, 1974, 1975, and 1976. Any amount appropriated pursuant to this subsection shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year."

By Mr. TAFT (for himself and Mr. FONG):

S. 2959. A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes. Referred to the Committee on Labor and Public Welfare.

EMERGENCY LABOR DISPUTES ACT OF 1971

Mr. TAFT. Mr. President, the distinguished chairman of the Labor and Public Welfare Committee has scheduled hearings on the 9th of December relative to my proposal for emergency strike legislation.

Since I introduced my amendment No. 765 to the Economic Stabilization Act legislation I have redrafted this proposal by making certain technical changes that I believe will strengthen this approach. Today I introduce for appropriate reference a bill embodying these changes and I ask unanimous consent that the text of this bill appear at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2959

A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Labor Disputes Act of 1971".

SEC. 2. (a) Congress hereby finds—

"(1) that the present procedures established by sections 206–210 of the Labor-Management Relations Act, 1947, and section 10 of the Railway Labor Act for dealing with labor disputes which threaten the health or safety of the Nation or a substantial part of its population or territory, or deprive any section of the country of essential transportation services need to be amended to provide greater flexibility in preventing national or regional emergencies created by labor disputes;

"(2) present procedures for resolving such labor disputes need to be amended to prevent serious disruptions in operations and services essential to the health or safety of the Nation or a substantial part of its population or territory; and

"(3) additional procedures need to be made available to permit prompt action to deal with national or regional emergencies created by labor disputes is necessary to prevent imperiling the health or safety of the Nation or a substantial part of its population or territory by such disputes and to encourage and maintain free collective bargaining.

"(b) It is the purpose of this Act to make available a range of flexible procedures to be utilized in taking emergency action, to prevent the interruption of operations or services essential to the health or safety of the Nation or a substantial part of its population or territory because of actual or threatened strikes or lockouts.

"SEC. 3. Sections 206–209 of the Labor-Management Relations Act, 1947, are amended to read as follows:

"'SEC. 206. (a) Whenever in the opinion of the President of the United States a threatened or actual strike or lockout or other labor dispute in an industry affecting commerce may, if permitted to occur or to continue, imperil the health or safety of the Nation or a substantial part of its population or territory, or deprive any section of the country of essential transportation services, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its own position, and, if the President so directs at any time, there shall be included in such report the recommendations of the board of inquiry for the settlement of some or all of the issues in dispute. The President shall file a copy of such report with the Secretary of Labor and shall make its contents available to the public.

"'(b) Upon receiving the report from a board of inquiry, the Secretary may initiate one or more of the following actions:

"'(1)(A) He may issue an order for a specified period not to exceed thirty days that work shall resume or continue, but otherwise no change in the conditions out of which the dispute arose shall be made except by agreement. During such period the parties to the dispute shall be under a duty to bargain collectively, but neither party shall be under a duty to accept in whole or in part any recommendations of the board of inquiry.

"'(B) The Secretary's order shall be conclusive unless found arbitrary or capricious by a three judge Federal district court, pursuant to section 2284 of title 28, United States Code. The judgment of the court shall be subject to review by the Supreme Court in accordance with section 1253 of title 28, United States Code.

"'(2)(A) He may issue an order for partial operation specifying the extent and condition of partial operation that must be maintained: *Provided,* That in no event shall his order place a greater economic burden on any party than that which a total cessation of operations would impose.

"'(B) The parties shall not interfere by resort to strike or lockout with the partial operation ordered by the Secretary. The Secretary's order shall be effective for a period determined by the Secretary, but not to exceed one hundred and eighty days.

"'(C) The Secretary's order shall be conclusive unless found arbitrary or capricious by a three judge Federal district court, pursuant to section 2284 of title 28, United States Code. The judgment of the court shall be subject to review by the Supreme Court in accordance with section 1253 of title 28, United States Code.

"'(D)(i) The Secretary shall issue his order for partial operation no later than thirty days from the receipt of the report from the President, unless the parties, including the Government, agree to an extension of time.

"'(ii) On notice to the parties, the Secretary may at any time during the period of partial operation modify its order as it deems necessary to effectuate the purposes of this section.

"'(E) Until the Secretary makes his determination and during any period of partial operation ordered by the Secretary, no change, except by agreement, shall be made in the terms and conditions of employment. If the Secretary determines that the implementation of any particular term of the existing terms and conditions of employment is inconsistent with the conditions of partial operation, he may order the suspension or modification of that term but only to the extent necessary to make it consistent with the conditions of partial operation.

"'(3)(A) He may direct each party to submit to him within three days a list of all resolved and unresolved issues in the dispute. The Secretary shall, within four days after the expiration of the three day period, prepare a complete list of the unresolved issues, and within three days send a copy of such issues to each party. After receipt of the issues from the Secretary, each party shall within five days submit to the Secretary a final offer covering each of the unresolved issues. Each party may at the same time submit one alternate final offer covering all the unresolved issues. The Secretary shall forthwith transmit the final offers and any alternative offers to the parties.

"'(B) The parties shall continue to bargain collectively for a period of five days after the Secretary has transmitted the final offers and any alternative offers, during such five days the Secretary may act as a mediator. If no settlement is reached during such five day period, the parties shall within two days thereafter mutually appoint a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, the President shall appoint the panel.

"'(C) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

"'(D) The provisions of sections 207(b) through 207(e) of this Act shall apply to the panel.

"'(E) The panel shall conduct an informal hearing and shall select a final offer within thirty days from the date when the panel was appointed. The government shall not participate in the hearing or in the selection of the offer.

"'(F) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

"'(G) From the time of selection of the panel until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

"'(H) Beginning with the direction of the Secretary to submit final offers and until the panel makes its selection, there shall be no change, except by agreement of the parties, in the terms and conditions of employment.

"'(I) The panel shall consider only the final offers and alternative offers made pursuant to this subsection A of this section. The panel shall not compromise or alter any final offer or alternative offer. Selection of a final offer shall be based on the content of the final offers and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in this dispute including offers of settlement not contained in the final offers.

"'(J) The panel shall select the final offer or alternative offer which it determines to be the most reasonable. The panel shall take into account the public interest, and any other factors normally considered in the determination of wages, hours, and conditions of employment. If any party has failed or refused to submit a final offer, the panel shall forthwith and without a hearing select the final offer of the other party.

"'(K) The final offer selected by the panel together with the resolved issues shall be binding between the parties, whether or not subsequently signed by both parties thereto.

"'(L) The determination of the panel shall be conclusive unless found arbitrary and capricious by a three judge federal district court, pursuant to section 2284 of title 28, United States Code. The judgment of the court shall be subject to review by the Supreme Court in accordance with section 1253 of title 28, United States Code.

"'(4)(A) Upon receiving the report from the board of inquiry, the Secretary may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lockout or the continuation thereof for a period not to exceed 80 days. If the court finds that such threatened or actual strike or lockout:

"'(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

"'(ii) if permitted to occur or to continue, will imperil the health or safety of the Nation or a substantial part of its population or territory, or deprives any section of the country of essential transportation services;

it shall have jurisdiction to enjoin any such strike or lockout, or the continuation thereof for a period not to exceed 80 days. The court additionally shall issue such other orders as may be appropriate for the enforcement of this subsection.

"'(B) In any case, the provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be applicable.

"'(C) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in section 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, sec. 1254).

"'SEC. 207. (a) The board of inquiry shall

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be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

"'(b) Members of the board of inquiry or panel appointed under section 206(b)(3) shall receive compensation, at the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each working day on the board or panel, together with necessary travel and subsistence expenses.

"'(c) For the purpose of any hearing or inquiry conducted by any board or panel appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of the board and panel.

"'(d) Any board or panel established under this Act shall act by majority vote.

"'(e) A vacancy on any such board or panel shall not impair the right of the remaining members to exercise all of the powers of such board or panel. Such vacancy shall be filled by the same procedure as provided for initial appointment outlined in this Act.

"'SEC. 208. (a) The provisions of this title and orders or determinations issued thereunder shall be enforceable upon suit by the Attorney General, through such orders as may be appropriate by any court having jurisdiction of any of the parties.

"'(b) Any action brought under this section shall be heard and determined by a three-judge district court in accordance with section 2284 of title 28, United States Code. The order or orders of the court shall be subject to review by the Supreme Court in accordance with section 1253 of title 28, United States Code.

"'SEC. 209. (a) Notwithstanding any other provisions of this Act, whenever any employer proposes a change in work rules affecting employees as contained in any labor agreement, unless such work rules relate principally to the health or safety of employees, the employer may make such change effective as proposed, if (1) any cost savings realized as a result of such change affecting rules will be shared 50 per centum each by the employer implementing such a change and the nonprofessional and nonsupervisorial employees, as defined in title I of the Labor Management Relations Act of 1947, and (2) any reduction in the number of operating employees of such employer contemplated by the proposed change affecting rules will be accomplished by attrition.

"'(b) Nothing in this subsection shall be construed to prevent carriers and representatives of the employees from entering into an agreement affecting work rules.

"'(c) For the purposes of clause (1) of subsection (a) of this section, payments to employees shall be on a per capita basis and shall be made not later than four months following the end of each fiscal year. In the event that any employee was not employed by an employer for the entire fiscal year preceding the payment date, the payment to such employee hereunder shall be prorated to cover the period of employment.

"'(d) In the event that any representative of affected employees contests the amount of cost savings as determined by the employer under clause (1), subsection (a) of this section, said representative and the employer shall mutually designate and compensate a certified public accountant, whether an individual, partnership, or corporation, which accountant shall make a determination of the cost savings, which determination shall thereupon be final and binding.'".

"SEC. 4. Section 210 of the Labor-Management Relations Act, 1947, is repealed.

"SEC. 5. Section 212 of the Labor-Management Relations Act, 1947, is amended to read as follows:

"'REPEAL OF SECTION 10 OF THE RAILWAY LABOR ACT

"'SEC. 212. Section 10 of the Railway Labor Act is hereby repealed: *Provided*, That such section shall continue in effect with respect to any emergency board in existence on the effective date of this Act. Disputes heretofore subject to section 10 of the Railway Labor Act shall be subject to provisions of this title.'

"SEC. 6. Title II of the Labor-Management Relations Act, 1947, is amended by adding at the end thereof the following new section:

"'RIGHTS OF EMPLOYEES

"'SEC. 213. Nothing in this title shall be construed to limit the right of any employee to resign from his position of employment.'

"SEC. 7. INAPPLICABILITY OF THE NORRIS-LaGUARDIA ACT.—The provisions of the Act of March 23, 1932, entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', shall not be applicable to any judicial proceeding brought under or to enforce the provisions of this Act."

By Mr. BEALL:

S.J. Res. 181. Joint resolution to establish a Joint Committee on Aging. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, it is said with some justification that perhaps the most neglected minority in the country today are our senior Americans. Perhaps to no group of people do we owe more of a debt of gratitude than to our senior citizens, for they are responsible, in the main, for the many privileges and opportunities which we as Americans enjoy today.

Hopefully, this neglect will shortly be a thing of the past. I am happy that the White House Conference on Aging was called and that it has now been successfully concluded.

The problems discussed at the conference attracted national attention. They show that there is a great responsibility among those who serve in Congress to see to it that that attention is not allowed to sag, as it were. Suggestions have been made as a result of the White House Conference on Aging that deserve the attention of the executive and the legislative branches. It is our responsibility as members of the legislative branch to see that these suggestions are transmitted into meaningful legislative proposals.

It has been my observation recently that, although our intentions are good, the efforts of Congress so far have been fragmented when it comes to dealing with the problems of the aging. Those problems deserve the undivided attention of all of us who serve in Congress.

We must erect a structure so that we can deal with these problems which will result in meaningful solutions.

Therefore, so that Congress can deal effectively with the problems which face the aging, so that we can come up with the kinds of solutions necessary, I send to the desk a joint resolution to establish a Joint House-Senate Committee on the Aging. It seems to me that if we can give these problems the kind of attention they deserve, through concentration of our efforts and through the establishment of a committee which will have the undivided, the sole responsibility of bringing the problems of the aged to the attention of Congress, then we can come up with meaningful legislative solutions, and with meaningful suggestions to carry out the ideas which were born during the recent White House Conference on the Aging.

I send this resolution to the desk in the hope that it will be favorably considered.

This new joint committee will consist of 22 members, 11 Members from the Senate, appointed by the President of the Senate; and 11 Members from the House of Representatives, selected by the Speaker. A similar resolution was introduced in the House by Congressman QUIE. The mandated duties of the joint committee will be:

First, to conduct a continuous study and review of the problems of the senior Americans. This will include income, housing, health—including medical research—welfare, employment, recreation, crime prevention; transportation, and greater participation in family and community lift.

Second, to study methods of encouraging the development of public and private programs which would assist older Americans to take a full part in national lift. These senior Americans have had a lifetime of learning and they have a knowledge of skills and abilities to contribute to help make a better America.

Third, to develop policies encouraging the coordination of both governmental and private programs dealing with the problems of aging; and

Fourth, to review the recommendations made by the President on the White House Conference on Aging.

This latter point is most important for senior Americans are tired of hearing only promises of improvements and no action implementing them. I am particularly pleased that President Nixon has indicated that Arthur Flemming, who heads the White House Conference on Aging, will not only be around to follow up the White House Conference but will be retained even beyond that point as a personal consultant on aging matters to the President.

The responsibility for substantive legislation dealing with senior Americans is fragmented both in the executive branch and in the legislative branch. For example, at the executive level, the Department of Health, Education, and Welfare, the Department of Labor, the Department of Agriculture, and the Office of Economic Opportunity and the Department of Housing and Urban Development all have programs involving senior Americans. President Nixon, in order to help coordinate senior citizens programs at the executive level, has created a Special Cabinet Committee on Aging, as part of the domestic counsel. This action is needed and helpful.

In the Congress, we have a similar fragmentation problem. The Senate Finance Committee has jurisdiction over social security, tax matters, and health insurance, while the Labor and Public Welfare Committee has jurisdiction over such areas of interest to the aged as the Older American Act, health, poverty, and education programs. The Banking, Housing, and Urban Affairs Committee has jurisdiction over housing matters. The Agriculture Committee handles food stamps. It would be very difficult to restructure the jurisdiction of the respective committees because the problem of older Americans crosses committee jurisdictional lines. The Joint Committee envisioned by this joint resolution would not be given legislative authority. In many ways it would be like the Senate Select Committee on Aging, but it would have the additional asset of bringing the House and Senate together for a joint examination and study of the problems of Senior Americans.

Mr. President, there are 20 million Americans age 65 and over. I can think of no group that is more deserving of increased attention. They have through their working years earned the right to live their retirement years in security, independence, and dignity. These citizens are largely responsible for the prosperity and greatness that is America today.

These citizens through hard work and determination pulled themselves and their country from the depths of a great depression. Many of them fought in either World War I or World War II. Thus we owe this segment of our society special obligations. The joint committee that I propose today could be the forum for the needed increased attention to the problems of senior Americans by the Congress. The first White House Conference in a decade is now taking place and hopefully the recommendations will lead to action by the executive and legislative branches and the country as a whole on the problems of the aged.

Mr. President, through the creation of the Special Cabinet Committee on Aging, and the retention of Dr. Flemming, the President and the executive branch have indicated that they are geared to action. The establishment of a joint committee, as I proposed today, whose first order of business will be to focus on the recommendations of the White House Conference on Aging would similarly signal a readiness to redress the longstanding grievances of senior Americans, the largest and most forgotten minority in the Nation.

SENATE RESOLUTION 208—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE COMMITTEE ON FINANCE TO ENGAGE IN STUDIES ON UNITED STATES-CANADA TRADE

(Referred to the Committee on Finance.)

Mr. CURTIS. Mr. President, I submit a resolution authorizing the Senate Committee on Finance or an appropriate subcommittee of that committee to engage in studies and make other inquiries which can result in recommendations to the Congress to assure this Nation and our neighbor, Canada, a continuation of amicable and mutually satisfactory relations in trade and commerce throughout the decade of the 1970's.

I do this with a deep sense of gratitude for the warm and friendly relations which have characterized the United States-Canadian posture in the years of our national histories. The bonds of a common heritage, a common language and, for most purposes, common goals, have been significantly beneficial to both nations.

I submit this resolution with an awareness of problems and of stresses within the current trends of both nations which, if left unheeded, might result in even a minor degree of deterioration of those wholesome and mutually beneficial relations in trade and commerce so important to both nations.

The United States has, indeed, some difficult decisions to make in matters of trade balances and capital outflow which are vital to the domestic economy. Proposals to aid in the making of these decisions are before this Congress in substantial volume and the volume will increase within the next few years.

It is my belief that particular attention should be given to United States-Canada relations. Canada is zealous to preserve its national integrity and Canada rightly deserves status among the formidable nations which will shape the world's destiny. Yet Canada has been enhanced, and I hope it will continue to be enhanced, by the technological and capital support of the United States.

To me it is abhorrent to politicize some of the problems which are inevitable in the courses of both the United States and Canada. Durable solutions cannot result from decisions made with a lack of understanding by either nation of the internal problems of the other nation.

Canada deserves to develop, to fashion, and to market its resources for the fullest benefit of its citizens. The employment of U.S. technology and capital investment need not deter this attainment. Canada will export its resources as finished goods or as raw materials depending on the needs, both present and future, of its domestic economy. But, in such important objectives as exploration for and production of energy resources, it will require substantial investment of U.S. capital and substantial access to U.S. markets to underwrite these developments. Needless to say, investors within the United States need to be advised of the policies within Canada which may support or impede the attainment of the objectives sought in the making of capital investments.

For example, Northern Natural Gas Co., a transmission and distribution company headquartered in Omaha, Nebr., has become, in the past 3 years, a substantial investor in exploration for and discovery of gas in the Province of Alberta. Northern's activity has been important to the economy of the Province. Its investment of $80 million has resulted in Northern acquiring rights to more than 3 trillion cubic feet of natural gas. While discovery in Canada is no guarantee for a license to export, there was never any doubt of Northern's purpose to bring Canadian gas into its system.

Northern anticipated Canadian concerns about foreign investment and created a subsidiary operation under Canadian control. Despite Northern's success in discovery of natural gas in Alberta, it has twice been denied an application to export any gas to the United States. Northern's second application, designed more closely than its first to meet prevailing Canadian attitudes and objectives, would have benefited the Canadian consumer of natural gas to an extent at least equal to benefits flowing to the U.S. consumer.

The Northern Co. experience is an example of an area which needs clarification in United States-Canadian trade relations. Policies of the two governments on trade in energy resources must be clarified before U.S. investors can be expected to make further capital commitments, commitments which will provide benefits over the long term for both nations.

It is my purpose, with this resolution, to meet some of the problems which exist or may come into being in United States-Canadian relations in trade and commerce. I believe that, if we were to pursue a favored-nation policy, Canada would richly deserve our favor. I think we deserve a like measure of favor from Canada. My purpose is an enhancement of our historically good relations to the benefit of both nations.

The resolution reads as follows:

S. RES. 208

Resolved, That the Committee of Finance or any subcommittee thereof, is authorized, under section 134(a) and 136 of the Legislative Reorganization Act, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a complete and full study and investigation of the means necessary to improve, within the next ten years, the relations between the United States and Canada with respect to the investment of domestic capital funds, and to trade and commerce. Such study and investigation shall include, but not be limited to, the investment of domestic capital funds in the exploration for, and discovery of, energy resources within Canada and shall include inquiry into policies within Canada for the disposition of energy resources acquired with domestic capital funds.

SEC. 2. The Committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with its recommendations for any necessary legislation.

SENATE RESOLUTION 209—SUBMISSION OF A RESOLUTION RELATING TO THE PLIGHT OF JEWS IN THE SOVIET UNION

(Referred to the Committee on Foreign Relations.)

Mr. CHILES submitted the following resolution:

S. RES. 209

Whereas the President has announced his intention to meet with the leaders of the Soviet Union in Moscow in 1972;

Whereas the Government of the Soviet Union has unjustly discriminated against its Jewish citizens and denied them the right to emigrate to other countries; and

Whereas the plight of Jewish people in the Soviet Union is of deep concern to the people of the United States: Now, therefore, be it

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Resolved, That the President is urged and requested to give high priority to a discussion of the plight of Jews in the Soviet Union at his upcoming meeting with Soviet leaders.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 203

At the request of Mr. HATFIELD, the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of Senate Resolution 203, calling for a fishing industry representative in the delegation of the United States to the United Nations Law of the Sea Conference.

ADDITIONAL STATEMENTS

THE POLITICAL SITUATION IN EUROPE

Mr. BUCKLEY. Mr. President, the cornerstone of our worldwide system of collective security is what NATO Secretary General Manlio Brosio has described as the first line of defense of the United States, our alliance with the nations of Western Europe in the North Atlantic Treaty Organization. In the 1940's and 1950's, the NATO alliance served as a military bulwark against the very real prospect of unalloyed Soviet military aggression against the nations of Western Europe following the subjugation of the nations of Eastern Europe by the Soviet Union in the years following World War II. In the 1960's, the NATO alliance served as the military "umbrella" beneath which the political and economic freedom of Western Europe was assured. In recent weeks, however, there have been some disquieting signs on the political horizon which raise questions about the continued viability of the Western alliance.

There have been two keys to the continued success of NATO as a force for the security and stability of Europe. One has been the steadfast support—diplomatic, economic, and military—of these alliance by the United States. The second has been the political integrity and independence of the Federal Republic of Germany. Because of her economic importance and strategic geographical position at the very heart of Europe, a West Germany strongly committed to the political independence of NATO and her constituent nations is vital to the very existence of the alliance.

There is some preliminary evidence that the political "cement" of NATO unity is weakening as a consequence of the recent negotiations over the status of Berlin.

U.S. policy in Europe since World War II has been most closely identified with preserving the political status of West Germany in general, and the city of Berlin in particular. It has been the position of the United States as well as the other NATO powers, that the United States, France, and the United Kingdom should retain ultimate authority over Berlin. Moreover, it has been emphasized over and over again that Berlin should be integrated into the political and economic life of West Germany. In support of this principle—a principle spelled out in postwar allied documents as well as the West German Constitution—we have committed the resources and prestige of the United States on scores of occasions since World War II.

Berlin has become politically important, because it is the litmus paper of American and European resolve. Failure to support those rights with respect to Berlin which we have supported in the past, mixed up in the incredible subtlties of secret diplomacy as it is, would be taken as an unmistakable signal to the Soviet Union and her Warsaw Pact client states that the time was ripe to initiate a political offensive designed to achieve the destruction of West European unity and the dissolution of the NATO alliance. Should such a political offensive succeed, the inevitable result would be the "Finlandization" of Europe. Because without a spirit of unity and without a strong American military presence, the nations of Western Europe—especially Germany—could retain all of the outward manifestations of national identity and political independence, but they would be unable to act in concert in a manner which would run counter to important Soviet objectives.

There are elements of the recently signed Quadrapartite Agreement on the status of Berlin which concerns me deeply. It is my view that the trend of events which may follow the Quadrapartite Agreement merits the closest congressional scrutiny. Indeed, the terms of the Quadrapartite Agreement strongly suggest that there should be congressional study of the agreement itself since this agreement may be the first in a series of far-reaching agreements affecting the character of European and NATO security arrangements and the relationship of the United States to Europe.

The agreement appears to make a number of crucial concessions concerning the status of Berlin—particularly the establishment that Berlin is not a part of West Germany—in exchange for an extended list of assurances that the Soviet Union will not harass traffic between West Germany and West Berlin. It seems that the heroic diplomatic and military efforts which have been made since World War II to preserve the association of West Berlin with West Germany may have come to naught if we surrender through negotiation what the Soviet Union could not win by intimidation and blackmail.

There is evidence that there is a growing realization among Germans that the consequences of the Quadrapartite Agreement may not be in their interests either. In a recent address before the National Press Club, West German Publisher Axel Springer observed that the West had conceded important political ground. He goes on to state:

> For instance, it diminished the influence of the Federal Republic in West Berlin by accepting that no sessions of the Bonn Parliament nor the Congress, which elects the Federal President, may take place in West Berlin.
>
> On the other hand, the situation in East Berlin was not even mentioned, where, contrary to earlier agreements, the East German regime has installed its governmental offices and its mock parliament, not even to speak of the East German troops which are stationed there. No West German soldier may—of course—enter West Berlin.
>
> Completely incredible is the concession to establish a Soviet consulate general in West Berlin, a concession granted upon German urging. The Berliners already call this the future home of all spies who were kicked out of Britain recently.

I ask unanimous consent that the complete text of Mr. Springer's remarks and the full text of the Quadrapartite Agreement be printed in the RECORD.

It is my intention to continue to examine the character of this and future agreements with a view toward their consistency with American interests in Europe, lest we one day, find that our interests have been severely compromised by a series of small steps.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY AXEL SPRINGER

Ladies and gentlemen, your chairman asked me to be brief. I think he was right. Because as you know we Germans write the longest articles in the world and make the longest speeches—with the possible exception of the Russians and the Cubans.

The duty to be brief reminds me of a very pleasant ceremony at the Chaim Weizmann Institute in Rehovot, Israel. Before we, the designated Honorary Fellows of the Institute, got our caps and gowns, there were several speakers; they all were asked to be brief.

One of them, the British Ambassador, solved this problem in a very humorous way: he purposely spoke so fast, that nobody understood him. But he stuck exactly to the given time, and the results were waves and waves of laughter in the audience.

Don't be alarmed. I cannot speak English that rapidly.

Seriously, I am grateful and happy to be here today to talk to you about Berlin.

Before I get to Berlin allow me to introduce myself by telling you the four basic principles to which all journalists of our newspapers are bound.

(1) Reunification of Germany in freedom, if possible within the framework of a United Europe.

(2) Reunification between Jews and Germans, which includes strong support for the life-rights of the people of Israel.

(3) Rejection of any kind of political dictatorship.

(4) Defense of the free market economy with social responsibility.

When I said before that I am grateful to be here at this time, my main reason is that I believe we are witnessing today not the oeginning of a Berlin solution, as many want us to believe, but the beginnings of a new future Berlin crisis, different from earlier ones.

Many who compared the building of the Wall in 1961 to a painful amputation, now fear that in the meantime the city has been infected by a dangerous creeping illness.

It is, therefore, not a matter of accident that people are leaving Berlin these days in great numbers. The census officials of the city are alarmed. Many more Berliners, they say, have left the city in the past months than those who left even after the building of the Wall.

For years and years I have been calling attention to this danger.

I remember especially a dinner in Bonn, ten years ago, on Friday, August 11th, 1961. Next to me sat the late Edward R. Murrow, then head of the USIA.

At that time, once again, access routes to Berlin were under discussion, and Mr. Murrow asked for my opinion.

"You are all looking in the wrong direction. Watch out for a move to cut off West Berlin from the East by barbed wire and military units."

Mr. Murrow seemed more than interested and urged a detailed continuation of our talk a few days later, when he planned to be in Berlin.

One night later the barbed wire was actually strung, the Western powers reacted only reluctantly, and a short while afterwards a very excited and agitated Ed Murrow sat in my Berlin home.

In a long, extremely serious talk I warned him that this period may some day be regarded as the starting point of a neutralism which might embroil Germany at some future date and break up the NATO alliance.

You all remember, that soon thereafter President John F. Kennedy sent his Vice President, Lyndon B. Johnson, and the, in Germany, very popular General Clay to Berlin, to bring reassurance to the threatened city and to its people.

But the doubts remained.

It seems that especially Willy Brandt, the former Mayor of Berlin and present German Chancellor, never got over the shock caused by Western inaction in face of the Wall. It may be that the seeds for his new dangerous policy towards the East were already laid on this fateful August 13th, 1961.

During a recent discussion in the Bonn parliament, Herbert Wehner, the strong man in the SPD, said: "We must not forget that this Wall was accepted, even though with protest, by those who solemnly signed with us mutually binding treaties:—meaning the Western powers.

Brandt underlined this statement by almost jumping from his seat and three times in a row nodding his head in approval.

Ladies and gentlemen, we spoke of the days when the Berlin Wall was built. Those were trying times. But all this did not in any way change my earlier decision to move the headquarters of my publishing group from Hamburg to Berlin. I felt at that time, as I am convinced now, that in Berlin the future not only of Germany will be decided, but the future of Europe, possibly even the future of modern Western society.

Our move to Berlin was a deliberate decision motivated by politics and not by economy. Almost five years ago we opened our 20-story publishing house, a stone's throw from Checkpoint Charlie and seemingly astride of the ugly and dangerous Berlin Wall.

West Berlin, by the way, is not a small enclave. It covers an area in which you could put the cities of Munich, plus Frankfurt, plus Duesseldorf, plus a large hunk of Hamburg too.

From my office window I look deep into the other, the Eastern part of the city, and I invite each and everyone of you here to come, visit us in Berlin, and share with me this depressing but illuminating view.

A few years ago Willy Brandt said: "Berlin exists for the vision, some day once again to be the capital of a free and united people. The note of alarm from Berlin will continue to exist, even if people elsewhere should get tired."

Let me add two other quotes from earlier speeches of the present German chancellor:

"We must get used to the fact that Russia insists on treating and denouncing Berlin as an alleged focus of danger, a cancer, as they say, a fuse in the powder barrel, a foreign body. But behind the Soviet demand for a treaty with the two forms of state on German soil there is not merely the—understandable—desire on the Soviet part to pocket Berlin, immediately or bit by bit; there is also the idea of globally fixing the results of World War II as the Soviet Union sees them."

Nobody could have put it more clearly. Nor this: "For anyone who put up with the partition of Germany, Berlin would become unnecessary. Berlin upsets the all too comfortable concepts. For it is clear that that miserable Soviet satellite regime which is neither German, nor democratic, nor a republic cannot be consolidated as long as the reddening evening skies over the free part of Berlin light up the hopes of men on the other side of the Wall."

Willy Brandt spoke like this for many, many years. But in the past two years something almost unthinkable has happened in Germany:

After the last federal election campaign in 1969, during which no political party was planned, the traditional, generally accepted, common political basis of all three democratic parties in the Bonn parliament *vis-a-vis* the communists broke apart. (As an aside let me add, that this reported by a man who in past elections has given his vote to everyone of these parties, as the occasions demanded.)

Let me make something else clear: I am not here to criticize my government or its policies. This my political friends and I do at home. And be assured, what I am saying here has been said and printed again and again back in Germany.

But because our papers are printed in German, I play the role of the interpreter to you today.

As to the Nobel prize given to Willy Brandt, I don't know exactly what my papers have written because I have been away from home for two weeks.

Personally, I am very happy that a German chancellor got this prize. Peace in connection with the new Germany I like very much. For me, in this respect, Willy Brandt is a link in the chain of all German chancellors since the foundation of the Federal Republic, all of whom worked for peace.

I do not like the prize, though, as approval of Brandt's new policies towards the East because I consider these policies very dangerous. I shall explain why in detail in the course of this speech.

Many are warning who, like myself, have all respect for Willy Brandt's political past.

One out of many of these I quote:

"The future of the Federal Republic is dependent upon its ties with the West. Therefore, the new Eastern policies of the present government must be criticized again and again. I foresee a sad ending."

This warning was given just last week by Margarete Buber-Neumann on her 70th birthday. Mrs. Buber-Neumann, a former communist, is an important German political writer. In 1945 she was freed from a Nazi concentration camp. She now lives in Frankfurt.

Some politicians in Germany never stop arguing behind closed doors that the United States is preparing withdrawal from Europe, and that therefore Germany must make arrangements with the Soviets. This German flirting with the communists in turn strengthens the hand of those in America who want to pull back the troops. And this again gives new arguments to the proponents of the German "Ostpolitik." This goes on and on—a vicious circle.

When I discuss today here in Washington the trends of the present West German policies towards Communist Europe, I do so, because I feel and fear that by these policies the whole West is endangered. If this goes on unchanged, the result will not be a peaceful, prosperous, quiet, united Europe, which is a partner of the United States, the result will be rather a Europe whose total resources would be at the disposal of the Soviet Union.

I know others are less alarmed and believe once again in "peace in our time."

Who is right? Those who believe that the Soviets have changed their aims and that we can trust them? Or those who, while admitting that the Soviets have at times modified their methods, are convinced that their aims are the same?

I belong to the latter group, and with good reasons. We in the West focus our eyes on measures of disarmament, arms limitations, manpower cuts, etc. The Soviets however give only lip service to such intentions, and at the same time build up their armed forces. They rearm in such a way and with such speed, that soon they may be the world's number one military power.

This, by the way, is not only the opinion of a disillusioned publisher from Berlin, it has been confirmed to me by top intelligence officers from my own country as well as from yours, from Britain, from Switzerland and from Israel.

What is to be done?

Maybe the question to be answered is a very simple one: Will we see in the last third of our century a *pax americana* or a *pax sovietica*?

One excludes the other. *Pax americana* would mean continued hope for all mankind; *pax sovictica*, new dark ages in our times.

You, our American friends, after your victory in 1945, had the wisdom to help rebuild the destroyed countries of Europe, including my own, your former enemy. This is never forgotten.

When shortly after the war the Soviet Union resumed its aggressive policies, you brought together worldwide alliances. Especially in Europe, they stopped the aims of the communists and allowed the countries protected by the NATO shield to live through years of unheard-of prosperity and growth.

The question, as I said, is: Do we want to work for this *pax americana*, or are we willing to let the other side win?

These are the only alternatives—a compromise is not possible. Even the Soviet term for international compromise—peaceful coexistence—does not mean cooperation, but continuation of the confrontation on other levels.

Piotr Abrassimov, until a few weeks ago Soviet Ambassador in East Berlin, calls peaceful co-existence "a form of the 'class struggle' on an international level."

"Trybuna Ludu," the communist party paper in Poland, makes it still clearer, saying:

"The policy of peaceful co-existence aims at taking away from the capitalists by peaceful means all positions they still hold."

Aggression and peaceful co-existence, disarmament talks and rapid build-up of the armed forces, subversion and cooperation, trade negotiations and trade war—all these and many other seeming opposites are for the Soviets only two different sides of one coin. As long as we refuse to realize this, we are in great danger.

In this worldwide gamble for final victory by the communists, Berlin is one of the most important pawns for the Soviet Union.

The Soviets still quote Lenin who said: "Whoever controls Berlin will rule Germany, and whoever controls Germany rules Europe."

Up to this time, in the struggle for Berlin, the communists have not won. The blockade in 1948, the Khrushchev ultimatum in 1958, the Wall in 1961, the constant intimidations and the shootings—all were a combination of naked power and blackmail. But they did not succeed.

Should the Soviets and their friends now obtain by sweet talk what they failed to get by threats.

Sweet talk? What am I saying?

In the Berlin agreement of the third of September of this year, the four powers condemned the use of force. But of course we continue to hear the shots and also the cries of those who try to flee from the East. Their number has even increased.

Ladies and gentlemen, just about ten years ago Robert Kennedy told me in Berlin that the Wall was the most effective propaganda against communism. I answered:

"I am afraid, in time, people will get used

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to this monstrosity. And if we keep quiet, if we fail to create permanent worldwide moral pressure, ten years from now the Wall will still be here, will be an accepted "reality."

Today, ten years later, the Wall *is* still there. Worse: its existence has been silently tolerated by the West in the Berlin agreement, which was signed only a few weeks ago.

What was really gained by the West in this agreement? I know the Western representatives invested immense good will and the greatest efforts. But the so-called concessions from the Russians are all self-understood and accepted among decent nations.

Travel simplified from and to West Berlin. Visits by West Berliners to East Berlin and East Germany, of course *not* vice versa. All this is emotionally important to individuals, but politically unimportant.

The West, however, conceded important political ground.

For instance, it diminished the influence of the Federal Republic in West Berlin by accepting that no sessions of the Bonn parliament nor the Congress, which elects the Federal President, may take place in West Berlin.

On the other hand, the situation in East Berlin was not even mentioned, where, contrary to earlier agreements, the East German regime has installed *all* its governmental offices and its mock parliament, not even to speak of the East German troops, which are stationed there. No West German soldier may—of course—enter West Berlin.

Completely incredible is the concession to establish a Soviet consulate general in West Berlin, a concession obviously granted upon German urging. The Berliners already call this the future home of all the spies who were kicked out of Britain recently.

You may be interested to hear how a member of the Western negotiation team sees the future of this institution. He said:

"At first the Soviets will do nothing. But after two years at the latest, they will press for their own liaison officer at the seat of the West Berlin government. Then we shall have Four Power Rule for West Berlin."

The West also gave a deathblow to all hopes for eventual reunification of Berlin and Germany. I mean, of course, reunification in freedom. This new policy will most likely bring in its wake international diplomatic recognition for the East German regime. The run has already been started.

This is, of course, not admitted in such terms by the involved Western representatives. But these are the facts, and the Soviets and their allies already speak and act accordingly.

Believing that self-determination is a basic political right, I, for one, would have been happier, had it been possible to put the Berlin agreement up for a referendum vote to the people of West Berlin.

Ladies and gentlemen! "Berlin exists for the vision some day to be the capital of a free, and united people," said Willy Brandt in former times, as I have quoted earlier. This has also been the policy of all American Presidents from Harry S. Truman to Richard M. Nixon.

Without this vision, what will Berlin be? To this city, also, the aphorism applies: "It shall not live by bread alone."

Are these the words of a German nationalist? Certainly not.

If I speak of reunification, I think mainly of bringing freedom and civil liberties to the Germans in the other part of my city and my country. Reunification on other terms is for me unthinkable.

For a long time I have been content, because at last Germany has found itself on the right side in world politics. It was on the side of the free world, on the side of the United States, on the side of Israel.

The German Chancellor claims that this will continue. But I am not so sure.

What will be the next moves?

The Soviets, and probably also my own government, will press for a speedy accord among the two parts of Germany to fulfill the Berlin agreement. They will also press for a speedy ratification of the Moscow and Warsaw treaties.

Concerning these treaties, a friend of mine, a high official in a country which is also under pressure from the Soviets, asked me recently: "Please explain to me the Russian 'Westpolitik,' which in your country is called German 'Ostpolitik'."

These treaties, in my mind, are so dangerous, not only because they give away German rights without getting anything back in return, but because they are the first sign of a new "renversement des alliances", reversal of alliances, as Bismarck called it.

And this would most certainly be a catastrophe. Without the alliance of the West, which was built with your help and with America as the leading member, the free world would be doomed.

The next step, according to the Soviet timetable, will be the so-called European Security Conference. Here the often-told, long-range aim is to find a political and a legal justification for the demand, that "all troops return home from foreign soil." This in effect would mean that the Soviet units might retire beyond the new Polish eastern border, and that the American units retire beyond the Atlantic.

The Russians plan to have the European Security Conference by spring 1972. During his visit in the Crimea, near Yalta, Willy Brandt accepted this timetable. Or, so I have been informed.

The Soviets expect that next spring President Nixon will be so involved in the elections that only little energy can be spared by him for other matters. This the Russians hope to exploit.

It appears that the British government has chiefly recognized this situation and tries to at least postpone this conference. I hope it succeeds.

If the Moscow and the Warsaw treaties and the Berlin agreement become effective, and if the Soviets reach their goal at a European Security Conference, Russia would become the dominant power over all of Europe.

However, the majority of Europeans and most certainly the majority of my German countrymen still hope for the *pax americana*. In a recent poll 70 per cent of all West Germans considered continued friendship with the U.S.A. as the most important foreign policy issue. And I know that the *pax americana* can only be reached with the full and enthusiastic cooperation of all the friends and allies of the United States. And this, of course, also includes the fair sharing of financial burdens.

Finally: A last word about Berlin. Almost exactly 25 years ago today the first free, secret and direct elections under the Four Power Statute were held in all of Berlin. Shortly before election day, Hans Wallenberg, then an American Major and chief editor of the "Allgemeine Zeitung", wrote an important article. It was entitled "Have No Fear" and, among other things, killed the viciously-spread rumors that American and British troops soon were to leave Berlin.

The elections brought an overwhelming victory for freedom against the darkness of a new, a Soviet dictatorship. Hopes were high.

But never again have there been free elections in all of Berlin. Instead we have had set-back after set-back.

We must recover lost ground and, once again, together build something new, so that it never again will be necessary to say: "Have No Fear."

THE BERLIN ACCORD

The governments of the United States of America, the French Republic, the Union of Soviet Socialists Republics, and the United Kingdom of Great Britain and Northern Ireland,

Represented by their ambassadors, who held a series of meetings in the building formerly occupied by the Allied Control Council in the American sector of Berlin,

Acting on the basis of their quadripartite rights and responsibilities, and of the corresponding wartime and postwar agreements and decisions of the four powers, which are not affected,

Taking into account the existing situation in the relevant area,

Guided by the desire to contribute to practical improvements of the situation,

Without prejudice to their legal positions

Have agreed on the following:

PART I—GENERAL PROVISIONS

1. The four governments will strive to promote the elimination of tension and the prevention of complications in the relevant area.

2. The four governments, taking into account their obligations under the Charter of the United Nations, agree that there shall be no use or threat of force in the area and that disputes shall be settled by peaceful means.

3. The four governments will mutually respect their individual and joint rights and responsibilities, which remain unchanged.

4. The four governments agree that, irrespective of the differences in legal views, the situation which has developed in the area, and as it is defined in this agreement as well as in the other agreements referred to in this agreement shall not be changed unilaterally.

PART II—PROVISIONS REGULATING TO THE WESTERN SECTORS OF BERLIN

A. The government of the Union of Soviet Socialist Republics declares that transit traffic by road, rail and waterways through the territory of the German Democratic Republic of civilian persons and goods between the Western sectors of Berlin and the Federal Republic of Germany will be unimpeded; that such traffic will be facilitated so as to take place in the most simple and expeditious manners; and that it will receive preferential treatment.

Detailed arrangements concerning this civilian traffic as set forth in Annex I, will be agreed by the competent German authorities.

B. The governments of the French Republic, the United Kingdom and the United States of America declare that the ties between the Western sectors of Berlin and the Federal Republic of Germany will be maintained and developed, taking into account that these sectors continue not to be a constituent part of the Federal Republic of Germany and not be governed by it.

Detailed arrangements concerning the relationship between the Western sectors of Berlin and the Federal Republic of Germany are set forth in Annex II.

C. The government of the Union of Soviet Socialist Republics declares that communications between the Western sectors of Berlin and areas bordering on these sectors and those areas of the German Democratic Republic, which do not border on these sectors will be improved. Permanent residents of the Western sectors of Berlin will be able to travel to and visit such areas for compassionate, family, religious, cultural or commercial reason, or as tourists, under conditions comparable to those applying to other persons entering these areas.

The problems of the small enclaves, including Steinstuecken, and of other small areas may be solved by exchange of territory.

Detailed arrangements concerning travel, communications and the exchange of territory, as set forth in Annex III will be agreed by the competent German authorities.

D. Representation abroad of the interests of the Western sector of Berlin and consular activities of the Union of Soviet Socialist Republics in the Western sectors of Berlin can be exercised as set forth in Annex IV.

PART III—FINAL PROVISIONS

This quadripartite agreement will enter into force on the date specified in a final quadripartite protocol to be concluded when the measures envisaged in Part II of this quadripartite agreement and in its annexes have been agreed.

Done at the building formerly occupied by the Allied Control Council in the American sector of Berlin, this 3d day of September, 1971, in four originals, each in the English, French and Russian languages, all texts being equally authentic.

Annex I

Communication from the government of the Union of Soviet Socialists Republics to the governments of the French Republic, the United Kingdom and the United States of America.

The government of the Union of Soviet Socialists Republics, with reference to Part II(A) of the quadripartite agreement of this date and after consultation and agreement with the government of the German Democratic Republic, has the honor to inform the governments of the French Republic, the United Kingdom and the United States of America that:

1. Transit traffic by road, rail and waterways through the territory of the German Democratic Republic of civilian persons and goods between the Western sectors of Berlin and the Federal Republic of Germany will be facilitated and unimpeded. It will receive the most simple, expeditious and preferential treatment provided by international practice.

2. Accordingly,

(A) Conveyances sealed before departure may be used for the transport of civilian goods by road, rail and waterways between the Western sectors of Berlin and the Federal Republic of Germany. Inspection procedures will be limited to the inspection of seals and accompanying documents.

(B) With regard to conveyances which cannot be sealed, such as open trucks, inspection procedures will be limited to the inspection of accompanying documents. In special cases where there is sufficient reason to suspect that unsealed conveyances contain either material intended for dissemination along the designated routes or persons or material put on board along these routes, the content of unsealed conveyances may be inspected. Procedures for dealing with such cases will be agreed by the competent German authorities.

(C) Through trains and travel buses may be used for travel between the Western sectors of Berlin and the Federal Republic of Germany. Inspection procedures will not include any formalities other than identification of persons.

(D) Persons identified as through travelers using individual vehicles between the Western sectors of Berlin and the Federal Republic of Germany on routes designated for through traffic will be able to proceed to their destinations without paying individual tolls and fees for the use of the transit routes. Procedures applied for such travelers shall not involve delay. The travelers, their vehicles and personal baggage will not be subject to search, detention or exclusion from use of the designated routes, except in special cases, as may be agreed by the competent German authorities where there is sufficient reason to suspect that misuse of the transit routes is intended for purposes not related to direct travel to and from the Western sectors of Berlin and contrary to generally applicable regulations concerning public order.

(E) Appropriate compensation for fees and tolls and for other costs related to traffic on the communications routes and between the Western sectors of Berlin and the Federal Republic of Germany, including the maintenance of adequate routes, facilities and installations used for such traffic, may be made in the form of an annual lump sum paid to the German Democratic Republic by the Federal Republic of Germany.

3. Arrangements implementing and supplementing the provisions of paragraphs 1 and 2 above will be agreed by the competent German authorities.

Annex II

Communication from the governments of the French Republic, the United Kingdom and the United States of America to the government of the Union of Soviet Socialist Republics:

The governments of the French Republic, the United Kingdom and the United States of America, with reference to Part II(B) of the quadripartite agreement of this date and after consultation with the government of the Federal Republic of Germany, have the honor to inform the Government of the Union of Soviet Socialist Republics that:

1. They declare, in the exercise of their rights, and responsibilities, that the ties between the Western sectors of Berlin and the Federal Republic of Germany will be maintained and developed, taking into account that these sectors continue not be to a constituent part of the Federal Republic of Germany and not to be governed by it. The provisions of the basic law of the Federal Republic of Germany and of the constitution operative in the Western sectors of Berlin which contradict the above have been suspended and continue not to be in effect.

2. The federal president, the federal government, the Bundesversammlung, the Bundesrat and the Bundestag, including their committees and Fraktionen, as well as other state bodies of the Federal Republic of Germany will not perform in the Western sectors of Berlin constitutional or official acts which contradict the provisions of paragraph 1.

3. The government of the Federal Republic of Germany will be represented in the Western sectors of Berlin to the authorities of the three governments and to the senate by a permanent liaison agency.

Annex III

Communication from the government of the Union of Soviet Socialist Republics to the governments of the French Republic, the United Kingdom and the United States of America.

The government of the Union of Soviet Socialist Republics, with reference to Part II (C) of the quadripartite agreement of this date and after consultation and agreement with the government of the German Democratic Republic, has the honor to inform the governments of the French Republic, the United Kingdom and the United States of America that:

1. Communications between the Western sectors of Berlin and areas bordering on these sectors and those areas of the German Democratic Republic which do not border on these sectors will be improved.

2. Permanent residents of the Western sectors of Berlin will be able to travel to and visit such areas for compassionate, family, religious, cultural or commercial reasons, or as tourists, under conditions comparable to those applying to other persons entering these areas. In order to facilitate visits and travel, as described above, by permanent residents of the Western sectors of Berlin, additional crossing points will be opened.

3. The problems of the small enclaves, including Steinstuecken, and of other small areas may be solved by exchange of territory.

4. Telephonic, telegraphic, transport and other external communications of the Western sectors of Berlin will be expanded.

5. Arrangements implementing and supplementing the provisions of paragraph 1 to 4 above will be agreed by the competent German authorities.

Annex IV

A. Communication from the governments of the French Republic, the United Kingdom and the United States of America to the government of the Union of Soviet Socialist Republics:

The governments of the French Republic, the United Kingdom and the United States of America, with reference to Part II (D) of the quadripartite agreement of this date and after consultation with the government of the Federal Republic of Germany, have the honor to inform the government of the Union of Soviet Socialist Republic that:

1. The governments of the French Republic, the United Kingdom and the United States of America maintain their rights and responsibilities relating to the representation abroad of the interests of the Western sectors of Berlin and their permanent residents, including those rights and responsibilities concerning matters of security and status, both in international organizations and in relations with other countries.

2. Without prejudice to the above and provided that matters of security and status are not affected, they have agreed that:

(A) The Federal Republic of Germany may perform consular services for permanent residents of the Western sector of Berlin.

(B) In accordance with established procedures, international agreements and arrangements entered into by the Federal Republic of Germany may be extended to the Western sectors of Berlin provided that the extension of such agreements and arrangements is specified in each case.

(C) The Federal Republic of Germany may represent the interests of the Western sectors of Berlin in international organizations and international conferences.

(D) Permanent residents of the Western sectors of Berlin may participate jointly with participants from the Federal Republic of Germany in international exchanges and exhibitions. Meetings of international organizations and international conferences as well as exhibitions with international participation may be held in the Western sectors of Berlin. Invitations will be issued by the senate or jointly by the Federal Republic of Germany and the senate.

3. The three governments authorize the establishment of a consulate general of the USSR in the Western sectors of Berlin accredited to the appropriate authorities of the three governments in accordance with the usual procedures applied in those sectors, for the purpose of performing consular services, subject to provisions set forth in a separate document of this date.

B. Communication from the government of the Union of Soviet Socialist Republics to the governments of the French Republic, the United Kingdom and the United States of America:

The government of the Union of Soviet Socialist Republics, with reference to Part II (D) of the quadripartite agreement of this date and to the communication of the governments of the French Republic, the United Kingdom and the United States of America with regard to the representation abroad of the interests of the Western sectors of Berlin and their permanent residents, has the honor to inform the governments of the French Republic, the United Kingdom and the United States of America that:

1. The government of the Union of Soviet Socialist Republics takes note of the fact that the three governments maintain their rights and responsibilities relating to the representation abroad of the interests of the Western sectors of Berlin and their permanent residents, including those rights and responsibilities concerning matters of security and status, both in international organizations and in relations with other countries.

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2. Provided that matters of security and status are not affected, for its part it will raise no objection to:

(A) The performance by the Federal Republic of Germany of consular services for permanent residents of the Western sectors of Berlin;

(B) In accordance with establishd procedures, the extension of the Western sectors of Berlin of international agreements and arrangements entered into by the Federal Republic of Germany provided that the extension of such agreements and arrangements is specified in each case;

(C) The representation of the interests of the Western sectors of Berlin by the Federal Republic of Germany in international organizations and international conferences;

(D) The participation jointly with participants from the Federal Republic of Germany and permanent residents of the Western sectors of Berlin in international exchanges and exhibitions, or the holding in those sectors of meetings of international organizations and international conferences as well as exhibitions with international participation, taking into account that invitations will be issued by the senate or jointly by the Federal Republic of Germany and the Senate.

3. The government of the Union of Soviet Socialist Republics takes note of the fact that the three governments have given their consent to the establishment of a consulate general of the USSR in the Western sector of Berlin. It will be accredited to the appropriate authorities of the three governments, for purpose and subject to provisions described in their communication as set forth in a separate document of this date.

FINAL QUADRIPARTITE PROTOCOL

The governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic.

Having in mind Part III of the quadripartite agreement of Sept. 3, 1971, and taking note with satisfaction of the fact that the agreements and arrangements mentioned below have been concluded, have agreed on the following:

1. The four governments, by virtue of this protocol, bring into force the quadripartite agreement, which, like this protocol, does not affect quadripartite agreements or decisions previously concluded or reached.

2. The four governments proceed on the basis that the following agreements and arrangements concluded between the competent German authorities shall enter into force simultaneously with the quadripartite agreement

(To be filled in after agreements concluded)

3. The quadripartite agreement and the consequent agreements and arrangements of the competent German authorities referred to in this protocol settle important issues examained in the course of the negotiations and shall remain in force together.

4. In the event of a difficulty in the application of the quadripartite agreement or any of the above-mentioned agreements or arrangements which any of the four governments considers serious, or in the event of nonimplementation of any part thereof, that government will have the right to draw the attention of the other three governments to the provisions of the quadripartite agreement and this protocol and to conduct the requisite quadripartite consultations in order to ensure the observance of the commitments undertaken and to bring the situation into conformity with the quadripartite agreement and this protocol.

5. This protocol enters into force on the date of signature. Done at the building formerly occupied by the Allied Control Council in the American sector of Berlin this 3rd day of September, 1971. In four originals each in the English, French and Russian languages, all texts being equally authentic.

AGREED MINUTE I

It is understood that permanent residents of the Western sector of Berlin shall, in order to receive at appropriate Soviet offices visas for entry into the Union of Soviet Socialist Republics, present:

(A) A passport stamped "Issued in accordance with the quadripartite agreement of Sept. 3, 1971";

(B) An identity card or other appropriately drawnup document confirming that the person requesting the visa is a permanent resident of the Western sectors of Berlin and containing the bearer's full address and a personal photograph.

During his stay in the Union of Soviet Socialist Republics, a permanent resident of the Western sectors of Berlin who has received a visa in this way may carry both documents or either of them, as he chooses. The visa issued by a Soviet office will serve as the basis for entry into the Union of Soviet Socialist Republics, and the passport or identity card will serve as the basis for consular services in accordance with the quadripartite agreement during the stay of that person in the territory of the Union of Soviet Socialist Republics. The above-mentioned stamp will appear in all passports used by permanent residents of the Western sectors of Berlin for journeys to such countries as may reqiure it.

AGREED MINUTE II

Provision is hereby made for the establishment of a consulate general of the USSR in the Western sectors of Berlin. It is understood that the details concerning this consulate general will include the following. The consulate general will be accredited to the appropriate authorities of the three governments in accordance with the usual procedures applying in those sectors. Applicable Allied and German legislation and regulations will apply to the consulate general. The activities of the consulate general will be of a consular character and will not include political matters related to quadripartite right or responsibilities.

The three governments are willing to authorize an increase in Soviet commercial activities in the Western sectors of Berlin as described below. It is understood that pertinent Allied and German legislation and regulations will apply to these activities. This authorization will be extended indefinitely, subject to compliance with the provisions outlined herein. Adequate provision for consultation will be made. This increase will include establishment of an "office of Soviet foreign trade associations in the Western sectors of Berlin," with commercial status, authorized to buy and sell on behalf of foreign trade associations of the Union of Soviet Socialist Republics, Soyuzpushnina, Prodintorg and Novoexport may each establish a bonded warehouse in the Western sectors of Berlin to provide storage and display for their goods. The activities of the Intourist office in the British sector of Berlin may be expanded to include the sale of tickets and vouchers for travel and tours in the Union of Soviet Socialist Republics and other countries. An office of Aeroflot may be established for the sale of passenger tickets and airfreight services.

The assignment of personnel to the consulate general and to permitted Soviet commercial organizations will be subject to agreement with the appropriate authorities of the three governments. The number of such personnel will not exceed 20 Soviet nationals in the consulate general; 20 in the office of the Soviet foreign trade associations; one each in the bonded warehouses; six in the Intourist office; and five in the Aeroflot office. The personnel of the consulate general and of permitted Soviet commercial organizations and their dependents may reside in the Western sectors of Berlin upon individual authorization.

The property of the Union of Soviet Socialist Republics at Lietzenburgerstrasse 11 and at Am Sandwerder 1 may be used for purposes to be agreed between appropriate representatives of the three governments and of the government of the Union of Soviet Social Republics.

Details of implementation of the measures above and a time schedule for carrying them out will be agreed between the four ambassadors in the period between the signature of the quadripartite agreement and the signature of the final quadripartite protocol envisaged in that agreement.

(Note from the three ambassadors to the Soviet ambassadors).

The ambassadors of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America have the honor with reference to the statements contained in Annex II of the quadripartite agreement to be signed on this date concerning the relationship between the Federal Republic of Germany and the Western sectors of Berlin, to inform the ambassador of the Union of Soviet Socialist Republics of their intention to send to the chancellor of the Federal Republic of Germany immediately following signature of the quadripartite agreement a letter containing clarifications and interpretations which represent the understanding of their governments of the statements contained in Annex II of the quadripartite agreement. A copy of the letter to be sent to the chancellor of the Federal Republic of Germany is attached to this note.

The ambassadors avail themselves of this opportunity to renew to the ambassador of the USSR the assurances of their highest consideration.

(Signed by the three ambassadors.)

(Attachment to Note).

His Excellency the Chancellor of the Federal Republic of Germany, Bonn.

Your Excellency:

With reference to the quadripartite agreement signed on Sept. 3, 1971, our governments wish by this letter to inform the government of the Federal Republic of Germany of the following clarifications and interpretations of the statements contained in Annex II, which was the subject of consultation with the government of the Federal Republic of Germany during the quadripartite negotiations.

These clarifications and interpretations represent the understanding of our government of this part of the quadripartite agreement, as follows:

A. The phrase in Paragraph 2 of Annex II of the quadripartite agreement which reads: ". . . will not perform in the Western sectors of Berlin constitutional or official acts which contradict the provisions of Paragraph 1" shall be interpreted to mean acts in exercise of direct state authority over the Western sectors of Berlin.

B. Meetings of the Bundesversammlung will not take place and plenary sessions of the Bundesrat and the Bundestag will continue not to take place in the Western sectors of Berlin. Single committees of the Bundesrat and the Bundestag may meet in the Western sectors of Berlin in connection with maintaining and developing the ties between those sectors and the Federal Republic of Germany. In the case of fraktionen, meetings will not be held simultaneously.

C. The liaison agency of the Federal Government in the Western sectors of Berlin includes departments charged with liaison functions in their respective fields.

D. Established procedures concerning the applicability to the Western sectors of Berlin of legislation of the Federal Republic of Germany shall remain unchanged.

E. The term "state bodies" in paragraph 2 of Annex II shall be interpreted to mean: the federal president, the federal chancellor, the federal cabinet, the federal ministers and ministries, and the branch offices of those ministries, the Bundestrat and the Bundestag, and all federal courts.

(Soviet Reply Note.)

The ambassador of the Union of Soviet Socialist Republics has the honor to acknowledge receipt of the note of the ambassadors of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America, dated Sept. 3, 1971, and takes note of the communication of the three ambassadors.

(Formal Close.)

THE AIR WAR IN VIETNAM

Mr. GRIFFIN. Mr. President, some Americans have been under an erroneous impression that there has been no de-escalation of the air war in Southeast Asia.

A recent article in the authoritative Christian Science Monitor makes clear that the air war, as well as the ground war, in Vietnam has been winding down.

I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Dec. 2, 1971]

UNITED STATES CUTS BACK VIET AIR WAR

(By George W. Ashworth)

WASHINGTON.—This air war in Southeast Asia is declining steadily.

Official and unofficial figures on bomb tonnages and sortie raids by attack and fighter planes, as well as by B-52's operating out of Thailand, show a continuing drop.

The air war is falling off at a much slower pace than the involvement of Americans in the ground war in South Vietnam. But its intensity is being lowered.

The decline can be seen in South Vietnam, Cambodia, and Laos. Only along the trail leading out of North Vietnam and into Cambodia and Vietnam through Laos does the air war seem to be holding at a relatively constant level.

However, the continued withdrawal of U.S. Air Force and Navy attack and fighter planes, plus B-52's, will inevitably mean that the war along the Ho Chi Minh Trail must also decline.

Critics of President Nixon's war policies have charged that air warfare is being substituted for ground warfare as American troops are withdrawn.

In one sense, this is true, as it has been announced administration policy to keep the air capability of allied forces up, to cover the withdrawal process.

However, any impression that the air war has been increased because of the decrease on the ground seems to be groundless, from evidence available here.

In a study sponsored by the Center for International Studies at Cornell University, it was concluded that "U.S. air activity in Indo-China as a whole, measured either by sortie raids or bomb tonnages, has declined substantially in the years since the air war reached its greatest intensity."

ONE CARRIER ON STATION

One graphic illustration of the drop in the air war is simply the number of planes available now to carry it out. At one point, when the war was at its hottest, the U.S. Navy regularly had three carriers operating on Yankee Station, off the coast of Vietnam. Now there is only one.

At one point, B-52 strikes were launched from both Guam and Thailand. Now there are, reportedly, only a few more than 40 B-52's available for air missions in Southeast Asia, and all of them are flying out of UTAPAO Air Base in Thailand.

In all, fighter and attack aircraft strength maintained by the U.S. for use in Indo-China has dropped by more than one half.

In a press release accompanying the Cornell report, it was charged that "by the end of this year, the Nixon administration will have deployed in three years as much tonnage of bombs as the Johnson administration did in four."

WINDING DOWN DRAGS

The figures on bomb tonnages indicate that winding down the war is a slower process than escalation. The main reason the charge can be made is that it is taking longer to bring the U.S. war effort to a close than it did to intensify it in the late 1960's.

Tonnage figures made available here by the Pentagon cover all air-delivered munitions expended in Southeast Asia by the allies, including South Vietnam.

The figures disclose that the allies expended 496,310 tons in 1966, 932,119 in 1967; 1,437,370 in 1968, 1,387,259 in 1969, and 977,446 in 1970. Through October of 1971, tonnage came to 651,678 tons. A projection through the end of the year indicates that roughly 750,000 tons will be dropped in 1971.

SORTIES DROPPED

Information in the Cornell study illustrates some of the declines. In North Vietnam, for instance, annual fighter-bomber sorties (one mission by one plane) have dropped from a high of more than 100,000 in 1967 to the hundreds in 1969, 1970 and 1971, following the bombing halt.

After the bombing was stopped in North Vietnam, much of it was shifted to Laos where annual sorties topped 140,000 in 1969. The roughly 100,000 sorties of 1970 will apparently be roughly equaled in 1971.

In South Vietnam, rates have dropped from a peak of around 230,000 in 1968 to 50,000 to 60,000 now. In Cambodia, sortie raids are running at between 25,000 and 30,000 per year. The Cornell study predicts 1971 will be slightly higher than 1970. Unofficial sources estimate a sortie-raid total approaching 30,000 for 1971.

The decline in sorties and tonnages has brought a shift of the destruction away from populated areas, which many sources consider an encouraging trend.

FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, for some weeks, the Subcommittee on Constitutional Rights of the Senate Judiciary Committee has been holding hearings on the freedom of the press. I ask unanimous consent that the following articles and editorials relating to these hearings be printed in the body of the RECORD:

An editorial entitled "Senator ERVIN Fights For People's Freedom," which appeared in the Salisbury, N.C., Post of October 3, 1971.

An article by Peter Lisagor entitled "Nixon Commands News Coverage," which appeared in the Washington Star of October 5, 1971.

An article by Crosby S. Noyes entitled "First Amendment Is Already Strong Enough" which appeared in the Washington Star of October 5, 1971.

An article by Carl T. Rowan entitled "What's at Stake at Press Freedom Hearings," which appeared in the Evening Star of October 6, 1971.

An article by James J. Kilpatrick entitled "Freedom of the Press Is Alive and Healthy," which appeared in the Washington Star of October 10, 1971.

An article entitled "Protecting Privilege," which appeared in Time magazine for October 11, 1971.

An editorial entitled "The Public's Right To Know," which appeared in the Alexandria, Va., Gazette for November 3, 1971.

There being no objection, the articles and editorials were ordered to be printed in the RECORD as follows:

[From the Salisbury (N.C.) Post, Oct. 3, 1971]

SENATOR ERVIN FIGHTS FOR PEOPLE'S FREEDOM

North Carolina's Senator Sam Ervin, generally appraised as a conservative, has established himself as one of history's greatest statesman-defenders of the United States Constitution.

Senator Ervin's continuing battle with the federal establishment is refreshing and much needed in this day when many bureaucrats stamp "confidential" on purchase order contracts covering thumb stacks.

Tuesday, Senator Ervin spoke his opinion as plainly as it could be put into words: "Freedom is in peril—not only in the press, but in the Congress of the United States."

Senator Ervin, a former justice of the North Carolina Supreme Court, blasted attempts by the Nixon administration to call the press before grand juries and to prevent publication of classified documents. He just as plainly denounced "executive privilege" to hide information from Congress.

Every American should share Senator Ervin's concern that the Nixon administration has implied that it may prosecute Sen. Mike Gravel of Alaska for releasing portions of the Pentagon papers.

Through use of his subcommittee on constitutional rights, Senator Ervin is attempting to re-examine and re-assert constitutional guarantees of the press because of these recent developments:

—The administration's attempt to prevent The New York Times and other papers from publishing the Pentagon's study of the Vietnam War.

The growing number of subpoenas trying to compel newsmen to testify and turn over their notes, tapes and films to grand juries.

—The attempt by Congress to compel CBS to produce unused film from its controversial documentary about Pentagon public relations.

—The widespread use of false press credentials by government investigators.

The North Carolina Senator had only harsh words for President Nixon and Vice President Agnew. And Norman E. Isaacs, editor in residence at the Columbia Journalism School told the subcommittee: "There is a deep hostility on the President's part toward the Press and I do not consider it a healthy thing for the country."

President Nixon's allergy for the press is well known to anyone familiar with American history of the last two decades. Possibly it started following his much-ridiculed "Checkers speech," which he made in 1952 to blunt criticism of the fact that as a U.S. Senator he was receiving more than $18,000 per year from a group of millionaires. Dwight Eisenhower had just threatened to kick Nixon from the ticket as his running mate when the pavola exposé came to light. Mr. Nixon's explanation satisfied the General—but all of America has never been satisfied with his documentary or alibi—depending on the point of view.

After Mr. Nixon's defeat by John Kennedy in 1960, he returned to California to rebuild his political fortunes by capturing his home state's gubernatorial post. When he was beaten by Democrat Pat Brown, he put on

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one of the most peevish press interviews ever conducted by a responsible national leader during this century.

He blamed the press for his defeat. Paraphrastically he said he was retiring to private life to deprive the press of a whipping boy.

Of course since Mr. Nixon became President, he has seen quite restrained in open criticism of the news media. There was no necessity, because Vice President Agnew's tirades are too familiar to need repeating.

The press and particularly television have their many imperfections to which this newspaper lays claim to its share.

To Mr. Agnew's credit, we agree that many of his criticisms of the news media have been valid.

We believe the upsetting facet to Senator Sam Ervin is that they have been said by a man who is but a heart beat away from the Presidency of the United States. Mr. Agnew by constant repetition of his criticisms has led many people to believe Senator Ervin's charge that "Freedom is in peril—not only in the press but in the Congress of the United States."

We think that much of what Mr. Agnew has said should have been said, but not by the Vice President of the United States.

If it had been said by the chairman of the National Republican Committee, it would have seemed much less like a threat to suppress free speech and a free press.

[From the Washington Star, Oct. 5, 1971]

NIXON COMMANDS NEWS COVERAGE

(By Peter Lisagor)

To most people in the news business, it is virtually impossible to be too sensitive, too vigilant or too outspoken about government attempts to censor or discredit their professional performance.

They don't even want to have their courage tested in withstanding federal actions that seem intimidating. They don't want to reveal confidential sources, yield up their notebooks or unused film. The Federal Communications Commission has no better yardstick for measuring the fairness doctrine than any other agent.

Besides, the founding fathers in writing the First Amendment, as well as the rest of the Constitution, felt that government as they knew it tended toward tyranny and they wanted to protect the people.

All of this is being argued before the Senate Subcommittee on Constitutional Rights by the corporate heads of the networks and newspapers and by those folk heroes who broadcast the nightly news. They know that freedom of the press is a commodity of great delicacy in an open society; the media can anger and confuse, as well as inform and entertain. Neither the print nor the broadcast media believe themselves sacrosanct, beyond the law or legitimate criticism. But they oppose the government's right to meddle, to apply subtle pressures that intimidate the craven or those beholden to the FCC for license approval.

In any case, they know that by a switch of the dial or cancellation of a subscription, the public can do them in quicker than a dozen Agnew speeches.

The Nixon administration didn't invent the ceaseless struggle to influence and cajole the news media into favorable reportage. Many Nixon men genuinely believe newsmen are more hostile toward their man than toward past Presidents, ignoring the virtual vendetta that existed between Lyndon B. Johnson and certain members of the press establishment.

But the cold fact is that the President and his works have been treated fairly on the whole, and many in the current White House grudgingly admit this in private. One need only ask those Democrats eyeing the White House as a domicile about this fairness doctrine now being scrutinized by the panel headed by Sen. Sam Ervin, D-N.C.

On the day that Sen. Fred Harris, D-Okla., introduced a bill to break up most of the nation's large manufacturing firms, the nation's front pages featured a picture of President Nixon sitting with Soviet Foreign Minister Andrei Gromyko in the Oval Room office beneath a portrait of George Washington. It was a miserable match up.

Harris, an announced presidential candidate, had planned to add a dash of drama to his antitrust bill by holding a news conference on the steps of the General Motors Building in New York City. But he could have stood on his head directing traffic in Times Square without making the kind of splash the President makes on a relatively routine day in the White House.

Earlier in the day of the Gromyko visit, the President pinned the Medal of Freedom on Manlio Brosio, the retiring secretary-general of NATO. In the East Room audience were some of the fiercest and most steadfast cold warriors of the post-war world, including at least three former supreme commanders, former Secretary of State Dean Acheson and other notables. The President could speak feelingly of peace and freedom, and NATO's value in support of both, before returning to his office to await the Soviet representative.

And so it goes. Sen. Hubert Humphrey, D-Minn., introduced a bill to provide a daily free meal to every school child from high school down. The President visits with the leaders of the top education associations in America to plump for his views, visions and programs, and then in the afternoon, receives Prince Souvanna Phouma of Laos.

It's no contest, in fact, and the fairness doctrine is a laugh to those hustling presidential contenders struggling to get a few sticks of type in the paper or to insinuate their ways into the television newscasts.

The President's command of the news media is awesome. He can time events to suit his political timetable, manage his moves for maximum impact. And he, like the media, will be judged by the arbiters who really matter in this society, the people. And that's the way it should be.

[From the Washington Star, Oct. 5, 1971]

FIRST AMENDMENT IS ALREADY STRONG ENOUGH

(By Crosby S. Noyes)

Right-on, Sen. Sam J. Ervin Jr., D-N.C.

The First Amendment of the Constitution—the inalienable right of each of us to shoot his mouth off and publish what he pleases—is said to be in danger. And there is no man, since the lamented departure of Supreme Court Justice Hugo Black, more eloquently qualified to leap to its defense.

Ervin's leap takes the form of hearings, now in progress before the Senate Subcommittee on Constitutional Rights. And the prefatory comments on the problem offered by the senator leave little doubt where the investigation will lead and what the conclusions will be.

According to Ervin: "These hearings have been organized because it is apparent in today's America that many people doubt the vitality and significance of the First Amendment's guarantee of freedom of the press.

"Recent developments," he says, "have brought into sharp relief existing concern about the relationship between government and the working press."

Noting that confrontation has replaced negotiation" and referring to attacks on the news media by "high government officials," Ervin adds:

"Some government officials appear to believe that the purpose of the press is to present programs to the public in the best possible light."

The senator is strong on constitutional history and the intentions of our forebears. "Our founding fathers," he says, "were wise enough to know that there is no way to give freedom of speech and press to the wise and deny it to fools and knaves." He even extends this right to the vice president of the United States, leaving it up to his audience to judge into which category of protected free speakers Spiro T. Agnew falls.

With much of this, no newspaperman in his right mind would disagree. The confrontation exists. The rights also exist and it is true that in some cases they have been abused.

In the view of most newspapermen, including this one, it is preposterous to claim, as some do, that the protections of the First Amendment do not apply to the broadcast and television media. We also do not believe that newsmen, except perhaps in cases of extreme gravity, should be required to reveal their sources or divulge unpublished confidential information.

We willingly go along with the Supreme Court in denying the right of the Justice Department to forbid in advance the publication of any news. And we would argue that the practice of issuing fake press credentials to undercover government investigators is indefensible.

This said, however, we can get back to the central theme of Ervin's investigation: The fact that there is a "growing deterioration of the relationship between the press and government" and the implication that the responsibility for this state of affairs is entirely on the government's side.

I doubt, very frankly, that this is so. On the contrary, it seems to me, the attitudes toward the war in Vietnam held by a large segment of the press have exaggerated and distorted the traditional adversary relationship between the press and the government. And this, in turn, has stimulated a reaction of antagonism and hostility toward the press by some members of the government, the Congress and the public.

It can be argued, of course, that in opposing the war in Vietnam, the press was simply doing the job that it is supposed to do in criticizing and, where possible, changing public policy. But the distortion of the adversary relationship goes beyond this today. To a large extent, the press is beginning to assume a posture of systematic opposition to the executive branch of the government, regardless of the result so far as the effectiveness of government itself is concerned.

In the confrontation that has ensued, it is the government and not the press which is on the defensive. The effective weapons are very largely on the side of the media. In the recent past, we have seen these weapons used with devastating effect to frustrate the policies of the government and to destroy an elected president as an effective political leader.

In this situation, the reaction of the press to any official criticism may strike some people as little short of hysterical. Newspapers, certainly, have no reason whatever to be intimidated by anyone. And the need for new legislation to reinforce the guarantees provided by the First Amendment remains most obscure.

[From the Washington Star, Oct. 6, 1971]

WHAT'S AT STAKE AT PRESS FREEDOM HEARINGS

(By Carl T. Rowan)

Small wonder that much of the public is confused by the current Senate hearings on freedom of the press; even some of my colleagues don't seem to comprehend what is going on.

With a swashbuckling declaration that "I'm not intimidated," one compatriot claims that newsmen have let criticism by Vice President Spiro Agnew turn them into crybabies. The issue, as he sees it, is that press people who can't stand the heat had better get out of the kitchen.

Then there is the fear expressed by a smattering of newsmen that Sen. Sam Ervin is going to kill the free press with kindness. Someone presumably worries that Ervin, from his vantage point as chairman of the Constitutional Rights Subcommittee, will get a law through Congress guaranteeing the freedom of the press; that one dark day some nasty Congress will repeal it; and that the press will thereafter be left to the mercies of the politicians.

Well, I think Old Senator Sam is doing one great service—for the press, yes, but more so for the country, by turning the spotlight on some ominous assaults on the freedom and independence of the press in recent years.

These hearings may also strengthen press liberties by helping the public to understand that it is *their* right to honest government, and *their* right to knowledge of the actions of the people who run that government that is at stake—and not some right of anyone with a press card to flout laws that ordinary citizens must obey.

The Ervin hearings have nothing to do with the oratorical assaults on the press by Agnew in the sense that any newsman is afraid Agnew can do him in. Most newsmen regard that as a joke. But the Senate hearings do flow out of the possibility that certain politicized and polarized Americans could decide that they like Agnew more than either the First Amendment or the press and thus applaud as the Justice Department chips away at the independence of the Fourth Estate.

Assorted denials to the contrary, this Justice Department has orchestrated a campaign to crush the Black Panthers. When efforts to do it by "legal" killings backfired in Chicago and elsewhere, a decision was made to "get" the Panthers through grand jury indictments.

That is bad enough, but Justice had the audacity to try to force reporter Earl Caldwell of the New York Times to be its accomplice.

Caldwell, a black man, had ingratiated himself with some of the Panthers, establishing contacts essential to his being able to report meaningfully on a group that is of both social and political significance. The government decided it would be easier to indict Panthers if it could force Caldwell to tell a grand jury everything he knew, including things journalistic ethics forbade him to write.

"No, you don't," the 9th Circuit Court of Appeals has told the government. It said freedom of the press is in jeopardy if the government can force reporters to testify in secret grand jury hearings about their sources of news.

If Ervin can get the Congress to pass a law telling the executive branch to leave the press alone, to stop trying to make reporters its agents; and telling the legislative branch that even it must not try to be a super-editor of TV news and documentaries, I say hooray for Ervin!

Passage of such a law would be a dramatic reaffirmation by this generation of Americans that our forefathers were wise when they envisioned a free press, full of faults and imperfections, as an absolutely essential bulwark against tyranny.

So some unlikely Congress does come along that is blind enough to repeal such a law? The press would not be left high-and-dry. It would still have that First Amendment protection.

Some say the First Amendment is all we need. Maybe. But that amendment is only as strong as the Supreme Court says it is. And in this era when nominees to the court must all fit the philosophy of the President, who knows how the "revamped" court might construe this constitutional safeguard on press freedom?

It will do no harm to the press or the nation to have the people say through the Congress that "strict construction" is not a license to invade these hallowed precincts.

[From the Washington Star, Oct. 10, 1971]

FREEDOM OF THE PRESS IS ALIVE AND HEALTHY

(By James J. Kilpatrick)

Sen. Sam Ervin sent me an invitation several weeks ago to testify before his subcommittee on freedom of the press. This was just before I was heading abroad, and I stalled: My return was uncertain; there wouldn't be time to make the required 75 copies of a statement; maybe a letter would suffice. . . .

The truth was that I didn't want to testify. For a working newspaperman to abandon the press table, and take to committee microphones instead, is an act against nature, like a lady wrestler or a horse on stilts. If we have something to say to senators, we ought to say it in print; and if senators want to talk to us, okay, let 'em put it in the Record.

At the same time, Senator Sam is the wisest man in the Senate; he is deeply concerned—just as all of us in the press are deeply concerned—about the survival of a free press. Perhaps a few observations would be useful.

Taking one thing with another, and looking back to the bad old days of John Adams, this much is clear: The patient is remarkably healthy. Freedom of the press has not merely survived, it has flourished. Americans today have access to more information and opinion than they have ever had. This material is presented far more readably and attractively than it was in the days of the "party press." It is timely. Most of it is objective.

Over the thirty-odd years of my own professional experience, First Amendment freedoms have expanded, not contracted. We no longer are "chilled," in the word of art, by the threat of ruinous libel suits. When I came on the scene, an editor could write gingerly of "planned parenthood" and "social diseases." Now even the girl reporters are writing of contraceptives and syphilis and nobody blinks.

Changes in law and in public attitudes have been accompanied by fantastic changes in the technology of communications. We have tools now—satellites, and computers, and high-speed Telex—that permit us to serve up more information than the ordinary reader can digest. We have network television, a tool of incalculable power. We have greater freedom, better equipment, and a more informed audience than journalists have ever known.

As the Senator proceeds with his examination, listening to the heartbeat, thumping on our lungs, he will discover that freedom of the press is in the good hands of a bunch of health nuts. We are obsessed—some of my colleagues are—to the point of hypochondria. When Spiro Agnew coughs, we tend to yell "TB." If Dean Burch mops his brow, up at the Federal Communications Commission, CBS runs a fever. Some over-zealous prosecutor demands a reporter's notes, and we cry that gangrene is setting in.

This jealous vigilance has its good aspects: As power increasingly is centralized in our society—in government, in labor, in industry, even in communications—it becomes all the more important that a free press maintain its freedom. But when vigilance turns into caterwauling, some of our spokesmen cease to be gladiators and come through as cry-babies. The public is not impressed by the notion that it is "free speech" when CBS belabors the government, but "intimidation" when the government snaps back.

We do have worries: television, mainly. Surely, it is said, TV is entitled to the "freedom of speech and of the press" entrenched in the First Amendment; but the matter is not so simple. In its technical limitations, its history of public licensing, and in the sheer magnitude of its potential audience, TV is significantly different from the printed media. It must be free; and it must be restrained. In a free society, such a problem is not unusual. Few such problems are perfectly solved, and the problem of TV will not be perfectly solved either.

We have other worries. Our magazines, starved for advertising revenue, are dying of malnutrition. Public broadcasting continues to grope uncertainly for an audience. Our craft desperately needs to attract young men and women who are literate, thoughtful, and curious; we are getting some, but not enough.

These are ailments that cannot be neglected, but they are minor aches and pains. I myself am just back from Brazil, and would say to anxious colleagues: Gentlemen, let us look to our troubles, of course; but let us count our blessings, too.

[From Time magazine, Oct. 11, 1971]

PROTECTING PRIVILEGE

Journalists cheered when the Supreme Court ruled last June that the New York *Times* and others could not be restrained from publishing the Pentagon papers under the First Amendment's guarantee of press freedom. Since then the initial euphoria has faded. The *Columbia Journalism Review* rates the decision as a "severely qualified victory," and most editors agree. After all, three of the Justices thought prior restraint of publication was called for in that case, and individual opinions showed that a majority might favor its use in other circumstances. With the death of Justice Hugo Black, who felt the First Amendment gave the press blanket protection, future court votes might go even farther in the direction of restriction.

BUREAUCRATIC MERCY

Editors are concerned at this possibility and so is the United States Senate's leading libertarian, Sam Ervin Jr. of North Carolina (TIME, March 8). A Southern conservative politically, Ervin has made a personal crusade of defending individual freedoms from Government encroachment. Last week, in the first of a series of Senate Judiciary Subcommittee hearings, Chairman Ervin and his colleagues heard the testimony of a parade of communications executives and experts.

New York *Times* Executive Vice President Harding Bancroft recalled that before the favorable Supreme Court decision on the Pentagon papers, the press was in fact restrained for 15 days until it was allowed to publish. Representative Ogden Reid, former publisher of the now-defunct New York *Herald-Tribune*, emphasized that "this is the first time . . . that prior restraint has been sought by the Federal Government." As for the broadcasting industry, Walter Cronkite of CBS charged that because it is beholden to the Government for its right to exist, "it is at the mercy of politicians and bureaucrats. Its freedom has been curtailed by fiat, by assumption and by intimidation and harassment." But perhaps the most eloquent plea for First Amendment freedoms came from Ervin himself.

MORTAL BLOW

Said he in an opening statement: "Some Government officials appear to believe that the purpose of the press is to present the Government's policies and programs to the public in the best possible light. They appear to have lost sight of the central purpose of a free press in a free society." Noting that "there are some Americans who apparently think they know what is good and what is bad for other Americans to hear on the radio and to see on television," Ervin charged that the "sweeping Government regulation of broadcasting implicit in this view foreshadows the end of a free broadcast media and with it a mortal blow to the First Amendment."

Ervin is also concerned about the increasing use of false press credentials by Govern-

ment investigators and about the number of subpoenas on journalists by grand juries and congressional committees. He will watch closely how the Supreme Court rules on three pending subpoena cases in which the Justice Department is seeking to force reporters to reveal confidential sources for stories. *Times* Reporter Earl Caldwell and Newsman Paul Pappas of WTEV in New Bedford, Mass., refused to discuss Black Panther activities for grand juries, and Reporter Paul Branzburg of the Louisville *Courier-Journal* balked at identifying, for yet another grand jury, marijuana and hashish peddlers he had interviewed for a story on drugs.

Ervin's hearings are ostensibly to determine whether a Newsmen's Privilege Bill should be submitted to Congress. Its purpose would be to protect the reporter-informant confidential relationship. Ervin hopes its enactment will not be necessary and that the Supreme Court will provide a "ringing reaffirmation of First Amendment protection that will serve the same purpose.

[From the Alexandria (Va.) Gazette, Nov. 3, 1971]

THE PUBLIC'S RIGHT TO KNOW

Democratic Senator Sam Ervin of North Carolina made the following observation recently when he stated, "I am concerned that many Americans, including some government officials and members of the press, have forgotten the central issue. It sometimes appears that some government officials assume that the role of the press is to present news about government policies and actions only in the best possible light. And it sometimes appears that some members of the press unjustifiably interpret any official response to their criticism, other than acquiescence, as a threat to their freedom to criticize. It is my belief," he continued, "that robust criticism of government by the press and the consequent skepticism of the press on the part of government are the necessary ingredients of the relationship between the press and the government in a truly free society."

More recently, J. Irwin Miller, the president of Cummings Engine Company made the following observations at a new plant dedication of the Columbus (Ind.) Republic where he said the following: "There is little reason to believe that the groups who today have less than complete access to equal justice in our society will be less determined to obtain it than were those revolutionary ancestors whom we revere so greatly, or that they will in the end use less threatening methods, if all else seems to fail. Prudence would therefore seem to be on the side of radical overhaul of the machinery of justice to make the application of justice truly equal."

In Miller's remarks about newspapers, he said: "A newspaper is something a very great deal more than a profit-making institution. A newspaper, whether it likes it or not, is inescapably saddled with the proud and exciting responsibility of leading the thought, of influencing the goals, of determining the character and direction of the community it serves. If then it be true that we stand today as a rare and truly critical point in the history of the nation, each of its newspapers can dedicate itself to no higher service than that of bringing the citizens to a full awareness of the new forces in the society with which they must contend. How is this to be done? I suggest that it is to be done through the device of local issues. It is through a genuine grasp of each local issue of importance that a citizen gains his perception of the great concerns of the nation."

Both Ervin and Miller carry a most powerful message. Each in their own right state the conditions of local problems and great national issues as they exist today in our society.

We at this newspaper shall, as we have in the past, continue to weather recurrent challenges by reporting on our city government and its actions and how those actions directly affect the community it serves. Although press power is not absolute nor infinitely secure, it is our duty to constantly stress the need for Freedom of the Press by reporting the news as it happens and constructively exposing that which is wrong. The point which is sometimes ignored today is that the original demand for a guarantee of press freedom came not from those who were engaged in the business of publishing newspapers or other types of publications. The demand came from persons in all walks of life who knew from recent experience the threat to all individual liberties if there is no freedom of the press and no freedom of speech.

In this age of deception, the public's interest is always at stake. We shall continue to dedicate ourselves to do everything we can to support the public's right to know the truth.

THE PRESIDENT'S POLICY COURSE IS ON THE PLUS SIDE

Mr. SCOTT. Mr. President, the Nashville Banner of December 1 contains a noteworthy editorial entitled "Nixon's Policy Course on Nation's Plus Side." I invite the attention of Senators to the editorial and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MANSFIELD'S ANALYSIS—NIXON'S POLICY COURSE ON NATION'S PLUS SIDE

Political candor and intellectual honesty are becoming attributes for any in position of public responsibility, and in most of his utterances on public affairs—particularly those bearing on matters of vital national importance—Sen. Mike Mansfield, of Montana, has employed both. He does not let his role as Senate Majority Leadear outweigh that inclination of straight talk.

Thus it was that in an interview with the U.S. News & World Report he gave forthright answers to some pertinent questions:

Yes, President Nixon has increased his prestige because of his foreign policy—including the contemplated visits to Peking and Moscow; and on progress toward agreement in the strategic-arms-limitation talks.

Yes, he has changed the direction of the Vietnamese war, the Indo-China war, from in to out. Yes, he has substantially reduced the number of men in the armed forces, and is bringing these American sons home.

Yes, he is on the right track in the field of domestic policy, engaging in reasoned controls to combat inflation.

"So," said Senator Mansfield, "I think that, over-all, Mr. Nixon has done a good job, and it's made him stronger, and according to the latest polls, it appears that the people think so, too."

So they do. The Gallup Poll reported this week that "Nearly half of union members' families figures showed 42 per cent approval in that category, 45 per cent disapproval, with 13 per cent expressing no opinion.

For the total constituency the approval was wider than that—fifty per cent, an increase over last summer's 49 per cent. But the remarkaL.e thing about the first statistics mentioned is not only that these are union member families, but that the approval percentage there has dropped only one point—an obvious indication that these union members have not followed the thinking of their top leaders who so bitterly assailed President Nixon in their Miami Beach convention.

Just as obviously, there are millions of American citizens—in and out of the organized labor movement, and on both sides of the political aisle—who believe, with Senator Mansfield, that partisanship should stop not only at the water's edge, where foreign policy is concerned; but at that precise point where the nation's security and welfare are at stake as in the war on inflation.

For the initiative and courage he has addressed to the prooiems thus directly involving the whole nation, President Nixon has earned the plaudits thus candidly bestowed.

STATISTICS ON UNEMPLOYED VIETNAM VETERANS DO NOT TELL THE HUMAN STORY

Mr. McINTYRE. Mr. President, I continue to read the periodic figures telling the story of unemployment in our Nation, particularly the lack of jobs for those who have served our Nation in Vietnam.

The latest figures I have seen indicate that unemployment among Vietnam veterans is still running many percentage points above the national unemployment rate.

I know how much is being done to try to alleviate this problem. Recently I had the privilege of attending a job fair for veterans in Manchester, N.H. Industry and business from throughout New Hampshire came to this fair and met with veterans to discuss job possibilities. Many veterans came away from the fair with chances for employment.

The American Legion, VFW, and other veterans groups are working hard to try to help find jobs for Vietnam veterans.

But the real nature of what is meant by unemployment among Vietnam veterans occurs when you face up to individual problems and what this means to the human being who served his Nation in Vietnam and is now home trying to find a job.

A case in point is a bright young man in New Hampshire. Without specifically naming him, I ask unanimous consent to have printed in the RECORD this young man's letter to me and a brief résumé he attached to his letter. I do this because I believe it so clearly and meaningfully goes beyond the statistics and brings home the need for us to act to help the Vietnam veterans.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Senator THOMAS MCINTYRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCINTYRE: It is with sincere regret that I find it necessary to write to you of my problems, but it seems one of my few remaining alternatives. To state the problem simply, I can not find employment.

In 1967, I left school and entered the Army, where I served three years, one of those in Vietnam. After being honorably discharged I returned to the University of New Hampshire under the GI Bill and received a Bachelor of Science degree this past June. Since that time I have filed at least thirty applications for employment in positions representing widely divergent areas of business. I have been completely unsuccessful in finding work.

I have been living on unemployment payments received from my military service and soon these payments will conclude. I am at a loss as what steps to take next and am therefore writing this letter.

I would appreciate any help or suggestions you could give me. Enclosed is my résumé. I am sincerely hoping you can assist me in some way. Thank you very much.

Sincerely,

———.

RÉSUMÉ

Personal: Engaged, 5'11", 175 pounds, 25 years old.

Education: B.S., 1971, University of New Hampshire. Major: Business Administration. General business courses with considerable work in Marketing and Economics. Some courses in Accounting.

Summer Work: Earned personal and clothing expenses by working summers and vacations as a retail clerk and in general delivery in a department store.

Military Service: United States Army, 1967 to 1970; Aircraft Parts Specialist. Enlisted in the service following third year of college. One year in Vietnam. Supervised large warehouse of aircraft parts upon return from overseas.

Background: Brought up in Southern New Hampshire area. Preparatory school at Mount Hermon in Western Massachusetts. Member of social fraternity in college. Have traveled throughout Eastern and Midwestern parts of the United States.

Interests: Primarily interested in outdoor activities, e.g. swimming and bicycling. Also enjoy listening to music, reading and tinkering with automobiles.

References: References will be furnished upon request.

RESUMPTION OF WEST COAST DOCK STRIKE MUST BE AVOIDED

Mr. JORDAN of Idaho. Mr. President, once again Idaho farmers, businessmen, and consumers are faced with the prospect of a devastating dock strike. It is quite likely that when the 80-day Taft-Hartley cooling off period expires on December 25, the West Coast longshoremen will again walk off the job.

As I stated on the floor of the Senate on August 6, the work stoppage in West Coast ports has had a disastrous effect on Idaho farmers and on American agricultural exports. Markets which the farmers of the Pacific Northwest have slowly built up over the years are now being supplied by Canada, Australia, and other countries. Foreign buyers are losing confidence in the ability of U.S. producers to deliver the goods.

Once more it becomes apparent that Congress must act on legislation to provide means for the settlement of disputes in the transportation industry before work stoppages occur. The harmful economic effect of such stoppages on the public is too great to allow. It is up to Congress to take action to insure that the public interest does not suffer at the expense of the private interests of the parties to such disputes.

I am pleased that the labor subcommittee has been conducting hearings on the legislation (S. 560) proposed by President Nixon to provide new means for dealing with such disputes. Hopefully, positive action on this legislation will be forthcoming in the near future.

Mr. President, I ask unanimous consent that a representative sample of the letters which I have received from my constituents and an article published in the Wheat Growers News regarding a resumption of the dock strike be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DUMAS SEED COMPANY,
Moscow, Idaho, November 29, 1971.

Hon. LEN B. JORDAN,
United States Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: The alarming possibility that the West Coast dock strike is now expected to resume on December 26th would be a Christmas present that none of us want. I feel that a reasonable solution will not likely be reached under the present efforts for collective bargaining. In fact, informed sources report that the two sides of the table are further apart now than before the Taft-Hartley injunction was invoked.

I believe that the provisions of the Administration Bill (Senate No. 560–H.R. 8020) provides the needed changes to the Taft-Hartley Act to make the Transportation industry operative again. I support the passage of the amendments and I hope you will support it vigorously and bring it to a vote at the earliest possible opportunity.

There have been various estimates of the economic loss to the West Coast caused by this strike. No one knows the total nor do I. All that I can say is that the directly affected me so adversely that I sincerely request that you do something constructive about it. I will be closely attentive to the efforts put forth in Washington.

Sincerely,

E. A. DUMAS,
President.

IDAHO PEA AND LENTIL COMMISSION,
Moscow, Idaho, November 24, 1971.

Senator LEN B. JORDAN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: The dry pea and lentil industry is fast approaching a critical point, which threatens to ruin the entire industry, as a result of the present dock strike situation. As you know, our industry depends to a great extent, on exports with most of our products being shipped during the first six months following harvest. With the West Coast Longshoremen going on strike July 1, we were unable to ship any of our products until the President invoked the Taft-Hartley law in early October.

Even after the ports opened, there was such a backlog at the ports that we have yet to catch up with shipping orders created by the last strike. Although the ports are working at this time, there is at present a slow down in effect by the Longshoremen which further complicates our problem. The price of dry peas has now dropped from $4.50 a hundredweight in June to $2.90 a hundredweight. This is largely because even if sales can be made, ship space is not available to ship our products. Buyers are also reluctant to buy because we cannot guarantee delivery.

The industry has spent five years developing markets in Japan and Europe, which are now being supplied by Australia, New Zealand, and other countries, strictly because we cannot deliver. These markets will be hard to regain even if we could ship our products today.

We have asked USDA to purchase dry peas and lentils for the school lunch program, which would help in keeping our industry alive. They responded by putting out an offer for 1,087,728 pounds of dry peas. With 300 million pounds being produced this past year, this is like throwing crumbs to a starving man.

Many of our processing plants have already notified their people that they will be forced to close their door if the Longshoremen resume the strike on December 26. There appears to be little chance of settlement at this time, as they are not even meeting to try to negotiate a settlement. No talks are going on now, and there are no indications that any are contemplated in the near future. As the situation stands, no one is winning, particularly the innocent pea and lentil farmer and processor.

One needs only to look at the last figures on our balance of payment deficit to understand what this strike is doing to our economy. Must we wait until a few individuals bring this country completely to its knees before Congress acts? Something has to be done now before it is too late.

Very truly yours,

HAROLD BLAIN,
Administrator.

NORTHWEST PEA & BEAN CO., INC.,
Spokane, Wash., November 23, 1971.

Hon. LEN B. JORDAN,
U.S. Senate
Washington, D.C.

DEAR SENATOR JORDAN: Enclosed is a clipping from yesterday's Spokesman-Revise concerning a severe cold wave hitting Europe. If this is the forerunner of a cold winter in Europe, then we can expect increased European demand for our Peas and Lentils.

Primarily because of the mild winter last year, the United Kingdom, for example, imported only 57.4 million pounds of Peas as compared to 80.9 million pounds in 1969–70. Weather has a tremendous effect on eating habits, and cold weather greatly increases consumption of our products.

Unfortunately, it seems to be the opinion of people in ocean shipping that at the end of the 80 day cooling off period, the longshoremen will again quit work. If this happens, our industry will again be hard hit, especially when one considers that on October 31, the stocks on hand of Peas was 345.5 million pounds against 254.9 million pounds on October 31, 1970.

Some constructive action is needed to forestall another long period of inactivity in shipping abroad.

Very truly yours,

H. J. ROFFLER.

[From the Wheat Growers News, Nov., 1971]

TAFT-HARTLEY INTERRUPTS 3-MONTH DOCK STRIKE—WEST COAST PORT TIE-UP COSTS GROWERS MILLIONS

An estimated $88 million worth of Pacific Northwest wheat that would normally have been exported to the Far East remained in storage or on the ground while longshoremen tied up West Coast ports from July 1 until President Nixon invoked the Taft-Hartley Act in early October.

With grower groups, Wheat Commissions and Western Wheat Associates standing by virtually powerless to do anything about the crippling walkout, export sales went to competitors in Canada, Australia and U.S. growers shipping from Gulf ports. The Idaho Wheat Commission and Idaho Transportation Council kept in close touch with the adversaries in strike negotiations and made an intensive effort to alert government officials and the public on damages being inflicted on wheat growers and the Idaho economy.

President Nixon moved to halt the West Coast strike when, on October 1, longshoremen on the East Coast and Gulf also walked out. After a few days of hesitation, the President invoked provisions of the Taft-Hartley Act to meet what was then considered a national emergency.

The Idaho State Wheat Growers Association board of directors, meeting in Boise on October 1, sent a telegram to the President, urging him to use the powers of government in bringing some relief to hard-pressed Western agriculture.

About this same time, news media in Idaho and other Northwest states began

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recognizing the strike's impact on the inland economy, and editorials started appearing in support of the grower position.

A few days after the Taft-Hartley action began, Western Wheat Associates delegates met in Lewiston, and Executive Vice President Dick Baum reported the first WWA estimates of damages inflicted on Northwest wheat growers by the three-month-long port tie-up.

During the same three months of 1970, Baum explained, about $88 million in wheat exports went to buyers in Japan and other Far Eastern countries. This represented a total of 54.7 million bushels.

Baum guessed that 20 to 25 million bushels of the loss could be recovered, thus leaving total damages from the strike amounting to perhaps $48 million or more.

Idaho Wheat Commission Administrator Harold West added that growers will also be hit for losses as a result of depressed prices, carryover stocks and damages resulting from improper storage.

Western Wheat officials cautioned that West Coast ports are not operating yet under normal conditions and probably will not until a settlement is reached. Disgruntled longshoremen have so far made no effort to get port operations back to full capacity, so there is been no opportunity to make up for huge strike losses. There is also a danger of the walkout resuming at the end of the Taft-Hartley 80 days cooling off period.

Observers are now concerned about the strike's long-term effects on exports. Confidence built up with foreign buyers over the years has been undermined, and trade relationships have been further complicated by extended tariffs on goods imported by the U.S.

BILL TO EXEMPT THE BASKETBALL LEAGUES FROM ANTITRUST LAWS

Mr. ERVIN. Mr. President, during recent weeks I have presided over the hearings of the Antitrust and Monopoly Subcommittee of the Senate relating to the bill to exempt the basketball leagues from antitrust laws. I ask unanimous consent that the following articles and editorials related to these hearings be printed in the body of the RECORD:

First. An editorial entitled "ERVIN Eyes Professional Sports", which appeared in the Durham, N.C. Morning Herald for September 28, 1971.

Second. An article by John F. Steadman entitled "Senator ERVIN No Puppet for Pro Basketball," which appeared in a recent issue of the Baltimore, Md., News and other newspapers.

Third. An article entitled "ERVIN Terms Merger Plan Worthy of Racketeers' Envy," which appeared in the Washington Post for November 16, 1971.

Fourth. An article entitled "Congress vs. Sports," which appeared in the New York Times for November 22, 1971.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From Durham (N.C.) Morning Herald, Sept. 28, 1971]

ERVIN EYES PROFESSIONAL SPORTS

Sen. Sam J. Ervin Jr., D-N.C., has given the professional sports organizations something to think about in his promise to try to put in an amendment to place major professional sports under federal control if legislation to relax antitrust laws for merger of the American and National Basketball Associations reaches the Senate floor.

The amendment would create a federal athletic commissioner to regulate baseball, football, basketball and hockey. Also, Senator Ervin has said he has in mind regulations dealing with the common draft and option clause which limit a player to negotiate with only one team and bind him to it. In addition, he would support legislation outlawing television blackouts of sold out games in cities where they are played.

Senator Ervin, a champion of individual rights, has charged that the basketball merger proposed would lead to the "economic enslavement" of the players. And he has argued that if Congress relaxes the antitrust laws to permit merger, "It should have the right to determine such things as rates of return, ticket prices, territories, and it should supervise the draft of new players."

Also, "If the owners of professional sports teams ask to be treated as a monopoly, they should expect government regulation. Otherwise, the federal government, without any strings, is giving a handful of extremely rich men millions of dollars and giving them the right to drop chains around the neck of every professional basketball player and potential player in the nation."

Senator Ervin has raised pertinent points concerning special privileges professional sports enjoy, as in baseball (granted immunity by the Supreme Court in 1922) and football (congressional approval of a merger in 1966), and as is now sought in the proposed basketball merger.

Professional sports are big business enterprises, he has pointed out, and numerous questions are to be asked about their operations, with what he has termed "modern peonage" for players at the forefront. It would be good to see a full-scale review of professional sports, to see the issues put in better perspective.

In the foreseeable future, however, federal control of professional sports would appear to be a highly unlikely prospect. Much valid argument against such a move could be presented. But Senator Ervin has spoken a warning not to be taken lightly by professional sports.

[From Baltimore (Md.) News]

SENATOR ERVIN NO PUPPET FOR PRO BASKETBALL

(By John F. Steadman)

If the other 49 states aren't careful, there's going to be a mad rush to North Carolina just so the citizens can brag on having a certain elected official who isn't the star of a trained-seal act.

They have a venerable and courageous senator from there by the name of Samuel J. Ervin, who may not be able to identify a basketball from a pumpkin but is showing he certainly ain't no country bumpkin when it comes to searching out the facts.

Senator Sam is acting chairman of the Antitrust and Monopoly Subcommittee and, thus, is sitting in judgment of the attempts by the two professional basketball leagues to bring about a merger.

In the past, some of our legislative trustees in government have been nothing more than bowing, obedient heroworshippers any time some smooth-talking linguist came in from the world of sports to ask for special legal exemptions as pertains to the laws of the land.

It got so you wondered if they had been promised free tickets, tips on the stock market, or were taken out to lunch, the way some sports writers can be handled when it comes to getting them to go along with opinions favorable to management.

But it's obvious at this point in the discussion that Senator Sam is not a company man. He's for the country and what's best for the masses.

Ervin has listened to the testimony from the basketball franchise owners. They are crying the blues, naturally, over losing money because the players have the right to use one league as a bargaining tool against the other.

The owners want to get Federal permission to merge so their game will be all the more accommodating in fulfilling their financial desires.

Professional management is contending that if it doesn't get the green light to bring the National Basketball Association and the American Basketball Association together that it will go broke.

So right now it's sending up distress signals. Crying towels are all over the place.

GREATER NEEDS ELSEWHERE

Ervin is listening but he's not too impressed. He knows all about poverty programs and believes there's more need for help in Appalachia than in major basketball arenas.

Since the basketball moguls have been asking for merger permission, Ervin has wanted to know why and his questioning has been more than superficial. He's putting an elbow in their ribs and blocking them off under the basket, so to speak.

Ervin has asked the 28 pro basketball owners to provide their personal income tax records so he can check on their claim that a merger is an economic necessity.

But the counsel for the opposition pointed out that in the past Congress only asked for such statements from racketeers . . . hoods . . . the element.

So what did Ervin next tell them?

"Attempting to hide behind the defense that Congress looks only at income-tax returns of racketeers is laughable and it is irrelevant when you consider that the basketball owners are asking for control over the lives of human beings that would make a racketeer green with envy that he hadn't thought of the scheme first."

Ervin said he keeps reminding his fellow members of the Senate that the owners are afraid of the truth.

"They feel they can come to Congress and pat us on the head like little boys and tell us any story they please," said the straight-talking, two-fisted Democrat who is certainly not a patsy.

The North Carolina lawmaker, who was one of this country's most decorated soldiers in World War I, had some other pertinent things to say.

"They (the owners) base their request, an antitrust exemption on economic necessity; that is they say their teams are losing money.

"I am not sure this is the legitimate concern of Congress because I don't believe that is our function to bail out every business that is losing money in this country."

OWNERS CREATED OWN PROBLEMS

Ervin is right on the target. The Congress didn't request the owners of franchises in the ABA and NBA to organize teams. They went in of their own volition.

Now that the players' salaries have gotten to astronomical heights they are begging for a merger. And who allowed the contracts to climb?

Why, the same owners who are asking for government relief. They played Santa Claus to the boy athletes and now they want Congress to come to their rescue.

Senator Sam Ervin likes sports. But he doesn't want to hear a lot of crying and pleading for a cause that to him has weak and questionable merits.

When it comes to oratory and sharp infighting, Ervin is no pushover. He knows that the basketball owners will "cop a plea" to get what they want.

Right now, Senator Sam ain't buying their story. That's why he suddenly slammed the gavel and postponed the hearings until next year for what he said was "pressing business in the Senate."

It's maybe only the end of the first half but Ervin has played strong defense. The owners haven't even gotten within shooting distance of their goal.

[From the Washington Post, Nov. 16, 1971]

ERVIN TERMS MERGER PLAN WORTHY OF RACKETEER'S ENVY

(By Mark Asher)

Sen. Sam Ervin (D-N.C.), a staunch advocate of the bargaining rights of players opposing the pro basketball merger, declared yesterday that terms of the proposed merger "would make a racketeer green with envy that he hadn't thought of the scheme first."

Acting chairman of the Senate Antitrust and Monopoly subcommittee, Ervin resumed hearings on the proposed NBA-ABA merger with the owners proclaiming that the merger—and its resulting common draft—was "in the public interest."

"With the exception of the United States government, which can draft people to serve in the armed forces, there is no other business that can draft employees except professional sports," Ervin said.

ERVIN VS. OWNERS

"Now a man can get two bids—one from each league," the senator added. "You say you're doing this for the benefit of entertainment in the public interest. That's exactly what they said in Rome when they threw the Christians to the lions."

The day's testimony, starting at 10 a.m. and ending at 6:15 p.m. with five recesses for roll-call votes on the Senate floor, was mainly a standoff between Ervin and the owners. And Ervin, with intensive and repetitive cross-examination, left little doubt that he was perturbed with the owners' refusal to produce personal income-tax records for him.

Only three of yesterday's seven witnesses were heard. Today's scheduled hearings were postponed because the full Judiciary Committee has scheduled a meeting. The owners suffered a setback when Ervin said the hearings could not be reconvened before the first of the year.

Former Sen. Thomas Kuckel, counsel for the owners, called the postponement "a grave additional problem" as the owners seek passage of legislation that would enable them to merge in time to hold a common draft of college talent and avoid another bidding war for untested rookies. The draft is usually held in March.

As acting chairman of the subcommittee, Ervin has the power to schedule the next round of hearings and Capitol Hill sources noted it is up to the North Carolina senator when, or if, the subcommittee votes on the bill.

TAX RECORDS SOUGHT

Ervin wants the 28 pro-basketball owners to provide their personal income-tax records to back up their claim that a merger is a economic necessity. He has asked for them three times and been turned down on each occasion, Ervin said.

The owners claim that in the past only racketeers were asked by the Judiciary Committee for personal income tax records. Ervin produced examples of precedent.

Wendell Cherry, owner of the Kentucky Colonels, testified he would make his personal income-tax return available, but that he could not speak for others.

Cherry also produced a profit-loss statement for the Colonels that showed losses of $466,747 in fiscal 1970 and $526,104 in fiscal 1971, plus projected losses of $402,837 for fiscal 1972.

$20 MILLION LOSS CITED

If the merger is not allowed, "you've signed the death warrant of the ABA," Cherry said. Economist Robert Nathan, testifying in behalf of the owners, said the 11 ABA teams had lost more than $20 million cash in four years.

Commissioners Walter Kennedy of the NBA and Jack Dolph of the ABA and owner Abe Pollin of the Baltimore Bullets did not get to the witness chair, for the second straight set of hearings.

Nathan testified that Earl Foreman, owner of the ABA Virginia Squires, and Arnold Heft, an area builder, each made a profit of about $400,000 when they sold their one-third interest in the Bullets to Pollin in 1968. The three men bought the team in 1964.

[From the New York Times, Nov. 22, 1971]

CONGRESS VS. SPORTS: FIVE BASIC ISSUES ON ANTITRUST THEME, FACE LEGISLATORS AFTER LONG HEARINGS

So far during 1971, at least 18 bills have been introduced in Congress to deal with some anti-trust aspect of professional sports. When duplications and consolidations are worked out, five issues will remain to be considered:

Should baseball lose its special status as the only sport not subject to the Federal antitrust laws?

Should a merger of the National and American Basketball Association be permitted?

Should television practices now permitted, such as the local blackout, be continued?

Should all the traditional monopolistic privileges sports has enjoyed, including reserve-option control of players and player drafts, be made specifically legal?

Should there be a Federal boxing commissioner?

Of the five subjects in which Congress has shown interest, the first is under fire from two directions. The Curt Flood suit, accepted by the Supreme Court for consideration next year, is on exactly that question: Should the special exemption granted baseball by a Supreme Court ruling in 1922 be extended or removed?

Whatever the court rules, of course, a specific law passed by Congress will take precedence.

MORE HEARINGS NEXT YEAR

The second question, concerning the basketball merger, has received most attention. There have already been two rounds of hearings before a Senate subcommittee headed by Senator Sam J. Ervin, Democrat of North Carolina, and more are scheduled for early next year.

Considerable light has been shed in these hearings on the larger issues of sports-in-general and most illuminating of all is the particular road block the merger has run into.

The National and American basketball associations have made it their main argument that only a merger can save several teams from financial collapse, because competing for top players (especially rookies) is too costly.

Congress tends to be receptive to such a plea, because "the public interest" is served by having a big league sport continue to function in the largest possible number of cities.

But in trying to prove that they face financial hardship, the basketball club owners have put themselves into a box by making the figures they submitted too convincing: Taken at face value, their financial statements indicate that many teams can't survive even with a merger.

The figures show that for "rich" clubs, the increase in player costs over the last four years (since competition began) does not threaten their financial stability; but that the increase for "poor clubs" is not the determining factor either.

In other words, the financial picture given of "poor" clubs is such that they wouldn't be succeeding even if their player costs were drastically reduced.

And the only significant way "weak" members could gain from association with "strong" members would be if the total number of teams were smaller. With 28 teams, the "hot attractions" can't possibly visit the weak spots often enough to put them in the black; with 16 to 20 teams, there would be a better chance, since only the "weak" ones would have gone out of existence and the proprotion of "strong" teams left would be much greater.

But reducing the number of teams is exactly what Congress is against—and exactly what the merger is supposed to prevent. By the end of last week's hearing, the key questions being put by Senator Ervin and Senator John Tunney, Democrat of California, who is a co-sponsor of the bill to permit the merger, were:

If your financial plight is so bad, can you really be saved by being allowed to merge? And if the weak can't be saved, but only the strong made stronger, what justification is there for having the United States Government grant an antitrust exemption to one group (club owners) at the expense of another (players)?

HARD QUESTIONS TO ANSWER

The questions seem hard to answer. There are only two possible ways, even theoretically, that a merger could help "poor" clubs. One would be a really drastic—50 per cent or more—reduction in player salaries. The other would be increased income from association with "strong" teams. But the owners say that wouldn't do the first (and if they tried, they would merely provoke a players strike); and the second, to be meaningful, involves reducing the number of teams. Neither course is palatable to Congress.

What is true in basketball is true, in varying degrees, in all sports. The other two sports issues that generate heat in the halls of Congress—franchise shifts and television policies—are intimately related to the question being pressed hardest by Senator Ervin. He wants to know the real financial picture in major sports, as distinct from the self-selected statements of teams pleading for special consideration, and he is seeking income tax information to get that picture.

Here is a summary of the bills introduced this year:

House of Representatives—Four bills to include baseball specifically under the Sherman Antitrust Act; Two to forbid pro football telecasts on Friday night and Saturday in competition with high school and college games; four to permit the basketball merger; two to place all sports specifically under the Sherman act; one to put all sports under the Sherman act, but to specifically permit reserve-clause, exclusive franchise and other traditional arrangements; one to create a Federal Commissioner of Boxing.

Senate—Two bills to place baseball under the Sherman act; one to forbid local television blackouts for any event that is sold out at the gate; one to permit the basketball merger.

LEONARD KOPPETT.

THE COMMITTEE OF CONCERN

Mr. PACKWOOD. Mr. President, the Committee of Concern, presided over by Gen. Lucius D. Clay, U.S. Army, retired, is an organization held in high regard in this country whose credentials are beyond repute. Recently they have focused their attention on the plight of the Jewish Community in Syria. The Committee of Concern has issued a "Statement of Concern" detailing many of the problems faced by Syrian Jewry.

I ask unanimous consent that their "Statement of Concern" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMITTEE OF CONCERN

STATEMENT OF CONCERN

The distressing and increasingly alarming reports which we have received in recent days from most reliable sources concerning the threat to the survival of the remnants of Syrian Jewry prompts us once again to speak out. Following are details concerning the plight of the Jewish community in Syria:

1. The Syrian authorities are holding in jail twelve young Syrian Jews, charged with having attempted to flee the country. The names of eleven of them are: Isaac Hamra, Sheila Hamra, Misses Badio Dibbo, Boukehi, Melles and Yachar; Messrs. Abdo Saadia, Simon Bissou and Azur Blanga. The last named is 27 years old and was arrested with his wife (24) and his four year old son. The others are all believed to be in their late teens or early twenties.

2. The Syrian security police have interrogated the relatives of the twelve Jews and the relatives of others who have either succeeded in fleeing the country in the past or who were suspected of planning an escape and going to Israel. There are reports that they have been interrogated under torture and held under strict solitary confinement for periods up to three months.

3. All who have been released after confinement are, without exception, reported to be physically ill or bodily maimed or mentally deranged. Jews who did succeed in escaping to Israel or other countries in the free world report that those who have fallen into Syrian hands are being subjected to electrical torture, the ripping off of fingernails and cigarette burns on various extremities of the body. Jewish girls have been abducted, raped and thrown naked into the streets of the Jewish ghetto in Damascus. Recently, Jewish homes were set on fire in the Damascus Ghetto.

4. The desperate attempts of groups of Jews to flee the country are prompted by the cruel conditions to which the community has been subjected for years. Among the restrictions imposed upon the Jews of that country are:

a. A total ban on Jewish emigration. Jews are also forbidden to leave the country for visits to relatives or for medical treatment. Moslem Syrians are readily able to visit neighboring countries; and more than 500,000 Syrians have visited Lebanon thus far this year. Moreover, the property and assets of Jews who succeed in fleeing Syria are automatically confiscated.

b. Even within Syria itself, travel by Jews is restricted to three kilometers from one's home address. Further movement requires a special permit which is generally not granted.

c. Distinctive Jewish identity cards are marked with a red stamp, "Member of the Mosaic faith."

d. Prohibition for employment in government offices, public bodies or banks. Except for doctors and pharmacists, Jewish professionals are banned from practice.

e. Other restrictions on the normal conduct of their personal lives, such as noninstallation of telephones and non-issuance of new driving permits.

f. The authorities have turned over houses in the Jewish quarter to occupation by Palestinian Arabs who harass the remaining Jewish residents in the section.

g. A Higher Committee for Jewish Affairs (composed of representatives of the Interior Ministry and the security services) maintains a constant surveillance over the Jewish community and carries out frequent arrests interrogations and sudden house searches invariably at night.

h. Jews are prohibited from selling their houses or other real estate. Also, army personnel and government employees may not make purchases in Jewish owned stores.

i. When a Jew dies, his property is transferred to a Government authority for Palestinian Affairs. His family must then pay rent for the continued use of the home or business property.

j. Jews have become convinced of the futility of bringing petitions against Moslems to the law courts, since the rulings are always in favor of the latter.

k. Most Jews who worked for Moslems have been dismissed without compensation. Most Jewish vendors have had their licenses revoked. The majority of the community has been reduced to abject poverty.

l. Jewish schools have been taken over by the state. Moslem principals have been appointed and Jewish religious studies have been drastically reduced. General school examinations are now always held on Saturday, the Jewish sabbath. Only a very few Jews are permitted to pursue university studies.

m. The Jewish cemetery in Damascus has been almost entirely destroyed and a highway has been built through it. The petition for a new cemetery has been turned down and in the small area that remains, graves have to be opened to accommodate new burials.

We call on the Syrian authorities to cease their persecution of the Jewish minority, to free those unjustly imprisoned and to permit those Jews who wish to emigrate to do so.

Mr. PACKWOOD. Mr. President, for too long the Jews of this world have been discriminated against by almost every other major religion. The history of man's inhumanity to man throughout the world can be seen in microcosm in the history of the treatment of the Jews. If the "Statement of Concern" that I have placed in the RECORD accurately describes the unconscionable treatment of a small minority in Syria, then we have indeed learned nothing from the history leading up to World War II. For how long must a relatively small religion be made to suffer in this world because of imagined wrongs by the rest of us in which the Jews have had no hand in creating. I pray that we do not replay in Syria the same scenario of discrimination the world has watched too often.

In fulsome disgust we justifiably declaim the discrimination against blacks by whites in Africa, against Bengalis on the Indian subcontinent. The least we can do in this litany of wailing is to extend our protection to the Jews of Syria who ask nothing more than to live and let live.

PROTECTION OF AMERICAN SHIPPING

Mr. McGOVERN. Mr. President, I note with some concern and consternation that last week the House passed a bill, H.R. 11589, which would authorize the sale of five U.S. passenger ships to foreign buyers. I believe that this was a hasty action and I urge my colleagues in the Senate to give serious consideration to some of the adverse implications to our own merchant marine and to the economy in general if the sale as authorized by H.R. 11589 is consumated.

The disposal of these five ships at cutrate prices will have an unfavorable effect on American citizens in two ways. First, it would dissipate their tax dollar commitment in the ships. Second, it would replace American seamen with foreign seamen and contribute all fares from American passengers to foreign economies, thereby adversely effecting our balance of payments. This does a disservice to the American taxpayer and to American seamen.

A portion of the American shipping industry has unfortunately given up on making the cruise business a paying proposition. But there is no reason why American ingenuity and enterprise could not devise an effective course of action which would result in our merchant fleet recapturing a fair share of the seagoing vacation trade.

I hope that every effort will be made to find American buyers for these ships and that diversified uses for them will be explored. Let us not foreclose an alternative until all possibilities to keep the five merchant marine ships flying under the American flag are exhausted.

REHABILITATION OF PRISONERS

Mr. MATHIAS. Mr. President, earlier today it was my privilege to attend the National Conference on Corrections now in session in Williamsburg, Va. This is the first time that we have attempted to bring together representatives of all the public agencies that relate to prisons and the rehabilitation of prisoners. The fact that over 40 percent of all crimes are committed by second offenders is clear warning that our present penal system suffers from a high rate of failure. The fact that over 98 percent of all prisoners return to society makes it imperative that our correctional system be improved to save society from this biggest single source of crime as well as for the sake of the prisoners themselves.

A comprehensive program initiated by President Nixon should bring early and substantial help. That plan was both explained and expanded by the Attorney General in addressing the Corrections Conference. The problem is so urgent, the solutions advocated by Mr. Mitchell so promising, and the necessity of public understanding so great that I ask unanimous consent to have printed in the RECORD the speech made today in Williamsburg by the Honorable John N. Mitchell.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW DOORS, NOT OLD WALLS

(An address by John N. Mitchell, Attorney General of the United States)

Let me join the others in welcoming you to this National Conference on Corrections. As many of you know, this conference stems from the continuing concern over prison reform by the President of the United States, and is a part of the national corrections program that he set in motion two years ago.

In 1969 President Nixon directed his Administration to pursue correctional reform along 13 specific avenues. He also appointed a Task Force on Prisoner Rehabilitation, which made a number of significant recommendations in April 1970.

Together, these directives and recommendations represent the most determined and comprehensive approach to corrections ever made in this country. I refer not only to Federal corrections, but insofar as the Federal Government can provide funds, training and leadership, this approach is a Magna Carta of prison reform for all levels of government.

We are here to review how far we have come in implementing the reforms already proposed by the President and others, and to chart a course over the vast sea of problems remaining.

Until the last two years, it could be said of prison reform what Mark Twain is supposed to have said about the weather: "Everybody talks about it, but nobody ever does anything about it."

Some of the talking was done at a National Congress on Penitentiary and Reformatory Discipline, meeting in Cincinnati. Among other things, it recommended that:

The prime goal of prisons is not to punish, but to reform.

Prison personnel should be much better trained and developed to professional status.

Prisoners should be classified and treated appropriately and separately.

They should be handled with incentives and moral suasion, not physical punishment.

They should be given hope of reduced sentence and parole for good behavior.

Their academic education and vocational training should receive primary emphasis.

They should be helped to find their way in society after release.

When were these enlightened ideas proposed? Not last month or last year, but in 1870—more than a century ago.

Forty years ago a National Commission on Law Observance and Enforcement, known as the Wickersham Commission, devoted an entire volume of its report to the subject of corrections. Among its recommendations were the very same ones that had already been recommended in 1870.

Nearly five years ago a President's Commission on Law Enforcement and Administration of Justice devoted a chapter of its final report to corrections. Among its recommendations were ones previously made in 1870 and 1931.

What was the result of this century of recommendations?

In state after state, most of the prisons have no programs for correcting the prisoner. Only a fraction of inmates in the country are exposed to such programs.

Only from 10 to 20 percent of all prison system budgets in this country is spent on actual programs to correct the inmate; the rest is spent on custody and administration.

Only 20 percent of institutional personnel are assigned to correctional-type programs.

In many states, first offenders are mingled with hardened criminals; in many cases, juveniles are mingled with adults.

In any other profession this kind of neglect would be unthinkable. How would we react if a hospital put accident victims in the Communicable Diseases Ward—and at that, a ward in which the patient received a bed, but no treatment? We should be just as appalled at the situation in many of our prisons today. Little wonder that, in sounding the call for prison reform, President Nixon declared, "The American system for correcting and rehabilitating criminals presents a convincing case of failure."

There are, of course, some outstanding exceptions. But in characterizing most American prisons I need only use the same language that the Wickersham Commission used 40 years ago:

"We conclude that the present prison system is antiquated and inefficient. It does not reform the criminal. It fails to protect society. There is reason to believe that it contributes to the increase of crime by hardening the prisoner."

Today we have figures to confirm that belief. According to the FBI, those arrested on Federal criminal charges in 1970 had an average of four prior criminal arrests and an average of nearly 1½ convictions at the local, state or Federal level. The nearly 38,000 arrested on Federal charges in 1970 had a total of more than 22,000 prior imprisonments of six months or longer in one type of institution or another.

These and many other studies with similar results should not surprise us. It is as simple as the words of the novelist, Dostoyevsky: ". . . neither convict prisons, nor prison ships, nor any system of hard labor ever cured a criminal."

The fact is that other trends in American life are going to make this corrections problem even more pressing in the future. The trend toward improved law enforcement systems will not only deter crime in the long run, but in the near term one of its effects should be to increase the arrest rate. Moreover, if the court reform movement proceeds as we hope, it will speed the prosecution of more defendants. Together, these two factors will send many more offenders through the criminal justice system, thus putting added strain on the corrections program.

We must be prepared for this new wave of offenders coming into the prison system—ready not just with added beds and benches, but ready to make the most of an opportunity to reach a larger number of offenders with modern corrections techniques.

At the same time, the rising level of education in the United States is leaving a bigger gap between the undereducated offender and society at large. So our job training and educational programs in the prisons must be pushed even harder to keep up with successes in other aspects of society.

Recognizing that there are many successful corrections programs by various jurisdictions, I would like to examine briefly the particular program developed in response to President Nixon's directions two years ago.

First, the President's program has received growing financial support from Congress, thanks to some dedicated leaders in the corrections crusade such as Senator Roman L. Hruska of Nebraska. Funds specifically earmarked for corrections, over and above the other corrections grants, have been added to the program of the Law Enforcement Assistant Administration, part of the Department of Justice.

Second, in 1970 the Inter-agency Council on Corrections was created to focus the work of all relevant Federal agencies on prisoner rehabilitation. This consists of representatives from a dozen agencies within the Departments of Justice, Labor, Defense, and Health, Education, and Welfare, as well as from the Department of Housing and Urban Development, the Office of Economic Opportunity, and the U.S. Civil Service Commission.

Third, the United States Board of Parole was reorganized in 1969 to enable Parole Hearing Examiners to conduct many of the hearings in correctional institutions across the country. This permits the Board members to devote more time to the decision-making process and to hold more appellate reviews.

Fourth, the Federal Bureau of Prisons within the Department of Justice developed a comprehensive 10-year master plan to improve the effectiveness of the Federal Prison System and hopefully to make it a model of correctional endeavor for other agencies in this country to follow. This plan emphasizes individualized treatment and community orientation. The Bureau has already made a good start in achieving these goals, particularly in two vital areas—personnel training and new facilities.

The first regional staff training center was opened last January. It provides professional training to develop the correctional officer as an agent for change rather than as primarily a custodian or keeper. The second regional training center will be opened the first of this coming year, and three more are planned for the future. As soon as possible, these facilities will also be made available to state and local correctional personnel.

This month the Bureau plans to break ground for its first Metropolitan Correctional Center in New York City. This multipurpose facility will provide pre-sentence and post-sentence short-term detention, diagnostic service to the courts, pre-release services to offenders returning to the city from other institutions, and correctional services for parolees and probationers. Construction will begin on a similar center in Chicago in June 1972, and six other centers are scheduled for urban areas where the need is most acute.

Construction will begin early next year on a facility unique in correctional practice. This is the Behavioral Research Center at Butner, North Carolina, which will provide treatment for and research on special groups of offenders, including the mentally disturbed. And in the fiscal 1972 budget, Congress provided for construction of a West Coast complex of facilities in four metropolitan areas to provide better correctional techniques for youthful offenders.

Fifth, the Law Enforcement Assistance Administration has greatly increased its funding for correctional aid to the states and localities. In fiscal 1971 this reached $178,000,000, which included more than $47 million in Part E funds that Congress, for the first time, especially earmarked for corrections, at the urging of President Nixon. This Part E funding has been more than doubled in the current 1972 fiscal year, bringing the total LEAA funding for corrections in this current year to nearly a quarter of a billion dollars. For the first time, substantial funds are available for a coordinated program to bring American penology into the 20th Century.

From its inception, the entire LEAA corrections program has had a common theme—preparing the offender for assimilation into society. One reason is that community-based programs are within the financial reach of the Federal assistance program and of the states and localities. If these correctional programs are as successful as we hope, we may not need to build all the new facilities that now seem to be required by the antiquated condition of most penal institutions. Some funds are being used for construction, but on a very selective basis which emphasizes corrections, not just detention. Already, as a result of LEAA funding, we can see some visible areas of progress. To cite only a few:

Kentucky has begun its first organized pre-release program for prison inmates.

Arizona has begun treatment programs in county jails.

Michigan is developing a million-dollar model program to treat young offenders in community-based programs.

Missouri is opening 12 new community treatment centers for offenders and ex-offenders and 36 group homes for juveniles.

Louisiana is building a state institution for women and two regional centers for offenders.

Indiana has opened two new regional centers for juveniles in the past two years and will open four more.

Florida is implementing a major probation program for juveniles directed by the state.

New York is launching a massive series of professional training programs for existing correctional personnal at all levels.

Those programs are only a fraction of the whole picture.

Last fiscal year LEAA put over $2 million into job training and placement programs operated by private industry.

LEAA has also made direct grants to cities and counties to finance community treatment centers, narcotics and drug treatment, job placement, juvenile probation, work release, group homes, rehabilitation of alcoholics, halfway houses, volunteer aid programs, psychiatric care, and a host of other offender rehabilitation efforts.

We are also aware that many states need technical advice on how their facilities need improving, and even on how their new build-

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ings should be designed to make maximum use of modern correctional methods. I am able to announce that, to meet this need, LEAA has funded a National Clearinghouse for Criminal Justice Architecture at the University of Illinois.

Professional assistance in planning and implementing education programs for inmates is also a need of many states and localities. For this purpose I am today directing LEAA to establish a National Clearinghouse for Correctional Education, using such funds as are now available for its initial phase of development. This Clearinghouse will give technical help, including curriculum planning and classroom and correspondence course materials, to correctional agencies establishing education programs for primary through college level.

These are only a few highlights, and they do not include numerous research programs to advance the science of corrections.

Already, because this large LEAA funding is now available, state and local correctional administrators have begun to press for change. They are documenting their needs, with new confidence that those needs will be met. No longer are they voices in the wilderness.

In addition, other Federal agencies are providing strong support. At three Federal institutions, the Office of Economic Opportunity has funded programs to prepare selected inmates for advanced educational opportunities. A number of vocational training courses for handicapped inmates have been sponsored by the Rehabilitation Services Administration of HEW. The Manpower Administration of the Department of Labor has made numerous grants to provide occupational training for inmates of Federal, state and local institutions. And the Manpower Administration is also participating with United States Attorneys and the Federal Courts in a program to provide jobs and correctional guidance to selected defendants, without trial.

Recently, steps have been taken to bring even closer coordination of Federal and state corrections programs.

A National Advisory Commission on Criminal Justice Standards and Goals, chaired by Governor Russell Peterson of Delaware, has been established by LEAA. Among the standards it will consider and establish are those for corrections. I trust that when these are forthcoming, correctional institutions at all levels will give them the most serious consideration, to the end that all such American institutions can work toward the same goals.

In addition, the cabinet heads of the Departments of Justice, Labor, and HEW last week joined in sending a letter to the governors of all states and territories, offering fresh technical and financial assistance in a coordinated Federal-state program for correction of offenders. Grants for preparation of plans will be made to all participating states before the end of this fiscal year. Some time in February the representatives designated by the Governors will meet with Federal officials in Washington to agree upon guidelines for the program plans. The result will be that the states can make comprehensive plans with the assurance that they will receive substantial Federal financial support starting in fiscal 1973.

So we have here the first major step in articulating and implementing a national program—Federal, state and local—on the correction of offenders. I hope that your deliberations here will provide a body of professional recommendations that will guide state and Federal planners.

In short, a number of factors have combined to give us the best opportunity in this century to bring some genuine reform to the most neglected aspect of our society.

We have concerned and enlightened leadership—a President who has made prison reform one of the priorities of his Administration.

We have significant funds available and a viable program for allocating them.

We have some outstanding examples of progress in both state and Federal prison institutions.

We have a higher level of public support than ever before.

For the first time, we can mount a national corrections program that does not simply repair old buildings, and is not based only on old concepts of restraint and deterrence. Instead we can make use of the imaginative corrections principles that have been advocated for at least a century.

More than this, we can be bold enough to consider new ideas. Let me close by sharing just a few with you.

First, as you know, the need for better training and common performance standards among correctional officials is shared by all government levels. In this connection I am today directing the Federal Bureau of Prisons and the LEAA to work with the States and localities in establishing a National Corrections Academy. This would serve as a national center for correctional learning, research, executive seminars, and development of correctional policy recommendations. It would cover the whole range of correctional disciplines, from the new employee to the management level. Besides giving professional training of the highest quality, it would provide a continuing meeting ground for the exchange of advanced ideas on corrections. I believe it will be the most effective single means of upgrading the profession and assuring that correction is more than a euphemism for detention. I hope that the members of this Conference will give us the benefit of their ideas on implementing this Academy in the most effective way.

Second, I call upon all agencies to increase minority employment among professional correctional personnel. In my opinion this would greatly increase the effectiveness of counseling and guidance at all stages of the corrections process. Practically all prison systems, including the Federal system, have a long way to go in this record. I am pleased to report that the Director of the Federal Bureau of Prisons has directed all 28 Federal institutions to work toward a goal of one-third minority employment in all new hiring. I urge corrections institutions at all levels to make an extraordinary effort to find and recruit minority personnel—not only because it is the law, not only because it is fair, but because it can genuinely benefit the corrections process. LEAA is already funding a program to aid police departments in increasing their proportion of minority officers, and I am today directing LEAA to expand this program to include the same aid for correctional systems.

Third, let us recognize that correction should begin, not with the prisons, but with the courts. Let us ask whether in every case we need to achieve "the object so sublime" of the *Mikado's* Lord High Executioner—"To make the punishment fit the crime." In many cases, society can best be served by diverting the accused to a voluntary community-oriented correctional program instead of bringing him to trial. The federal criminal justice system has already used this formula in many juvenile cases—the so-called Brooklyn plan. I believe this program could be expanded to include certain offenders beyond the juvenile age, without losing the general deterrent effect of the criminal justice system. I am therefore directing the Executive Office of United States Attorneys and the Criminal Division of the Justice Department to study the feasibility of enlarging the area of criminal cases in which the prosecutor might be justified in deferring prosecution in favor of an immediate community-oriented correctional program.

Finally, I propose for your consideration a more general problem—the need to elevate public attitudes toward the releasee. Studies have shown an appalling resistance to hiring ex-offenders, even by many governmental agencies at different levels, thus frustrating other efforts at correction. Some state laws prohibit the hiring of ex-offenders by government agencies, however well adjusted or corrected they may be. When such a releasee is thus denied the means of making an honest living, every sentence becomes a life sentence. The attitude of each citizen toward salvaging offenders as valuable human beings is one of the obvious cases covered by the popular saying, "If you're not part of the solution, you're part of the problem."

It is my hope that as the rehabilitation approach to penology begins to work, the public will begin to change its archaic feeling about ex-offenders. The public's predominant impression of penology will be, not of old walls, but of new doors. And this in turn can be the final breakthrough in the centuries-old battle to reclaim and assimilate the ex-offender.

Winston Churchill once said that attitudes toward the treatment of criminals are "one of the unfailing tests of the civilization of any country." Let us do all in our power to assure that our country may yet be able to meet this test, not in shame, but with pride.

Ladies and gentlemen, I wish to thank you for your participation in this Conference. We are counting on your counsel as we enter a new phase in a national correctional program, and I trust that your dedication to this cause will produce some truly inspired guidance that is equal to the challenge.

CONFERENCE ON CAMPAIGN REFORM LEGISLATION

Mr. SYMINGTON. Mr. President, Congress has made a valiant effort this year to reform our campaign laws, and I hope that effort will not be wasted in legislation that offers less than the promise of meaningful reform.

The Senate and the House have approved somewhat different versions of the Federal Elections Campaign Act of 1971, and these bills are now in conference.

To a considerable degree the campaign reform measure approved by the Senate relies on publicity to accompany the disclosure of campaign finances as an indirect but a potentially effective means to counter the influence of money and to reduce the pressures on candidates to obtain and spend heavy amounts of money.

A central element in that Senate concept is the creation of a Federal Elections Commission to administer and enforce the proposed new requirements for disclosure of campaign finances. By placing the responsibility in an independent bipartisan commission, the Senate legislation offers needed assurance that a fresh start will be made and that the old "business as usual" filing of statements will be abandoned. The Senate bill also provides for the required financial statements to be filed not only in Washington with the Federal Elections Commission but also in Federal district courts in the home States of the candidates where such statements would be readily available to local newsmen on the scene actually reporting on campaigns. Under the provisions of the House bill financial statements would continue to be filed, as now they are, with the Clerk of the House of Representatives and the Secretary of the Senate. The House also does not provide for filing copies of these statements in home areas of the candidates.

If the tightened requirements for disclosure of campaign funds proposed by both Houses are to receive the respectful attention of all candidates and thereby command the needed confidence of the American people that the facts are being made available to them, it would be highly beneficial to rely on an independent commission separate from Congress to administer the campaign reporting system. I also believe that some provision should be included to require the filing of copies of financial statements of the candidates in their home areas so that they will be readily available for the local media.

Therefore as they consider all the differences in the two measures, I would respectfully urge the conferees not to lose sight of the important purposes of these two elements in the Senate legislation and to retain such or similar provisions in the legislation they recommend to the House and Senate.

FEDERAL AID TO EDUCATION PROGRAMS

Mr. TUNNEY. Mr. President, as we approach the third year of the new decade, we should look ahead to July 4, 1976, the 200th anniversary of the Nation's founding, and ask:

What progress have we made toward those ideals for which the Nation was founded? And more importantly, what should we do to make those inspiring ideals into living realities?

No American ideal has inspired our own people and the people of the world more than the ideal of equal opportunity. No greater testament of the Nation's commitment to equal opportunity exists than our educational system. Although greatly needing reform and revitalization, it still represents an unparalleled commitment to the achievement of equal opportunity through the establishment of equal educational opportunity.

We must continue our quest to provide equal educational opportunity. But we must do so in light of future needs, striving to reform and revitalize our educational system by July 4, 1976, as a major goal of public policy.

Despite today's overwhelming crises in American education, I believe this goal is attainable, and that the future greatness of the Nation depends upon the Federal Government making a substantial investment in our Nation's greatest resource: the desire and ability of our people to learn.

I know that many of my colleagues who voted for the higher figures of the Senate version of the fiscal year 1972 education appropriations bill, share my regret that the higher Senate figures were not enacted into the final form of the bill. That is why I feel deeply that next year the President must budget and the Congress must appropriate the necessary funds to meet full authorizations for existing programs, while initiating new measures to shape our system to the needs of the 1970's and beyond.

It is time for the Congress to end its overdependence on the Executive for educational leadership, which, all too often, has not been leadership at all. It is time for the Congress to sharpen the cutting edge of its historic imperatives and enact the foundations of an educational system that will sustain us during the knowledge explosion and the computer and communications revolution. Such a system requires a built-in sensitivity and flexibility for adaptation to change, a quality sorely lacking in American education today. Before Congress is legislation of the kind that is needed, and I urge its swift enactment.

PRESCHOOL EDUCATION

Preschool education programs are vital if we are to equalize educational opportunity. It frees children of their present deficiencies and equips them for their futures with basic learning skills that have broad application. I support preschool education programs, and I was delighted when the Senate this year adopted an amendment to increase the fiscal 1972 appropriations for Headstart to $398 million.

However, many of the best features of the Headstart program have been incorporated into Senator MONDALE'S Comprehensive Child Development Act. I have cosponsored this legislation, which provides for more adequate educational, nutritional, health and other developmental services to children during their preschool years. S. 1512 also provides day-care and after-school services to communities to meet the needs of older children up to age 14, if their mothers are working. This bill provides the additional advantage of parental involvement in its programs, a revival of an older feature of American education, blending with present needs as an investment in our Nation's future. I am pleased that the basic provisions of S. 1512 were included in the OEO conference report which I voted for last week.

ELEMENTARY AND SECONDARY EDUCATION

The California Supreme Court recently called dramatic attention to the archaic way that our public schools are financed. Clearly, when education is so crucial to our Nation's future we can no longer afford outmoded financing methods for our public schools.

It is said that the administration is delaying adequate budgeting for existing educational programs in the hope that more effective programs will emerge through research and pilot projects. I share that hope and I support such research and projects. But we can apply known learning methods now, while continuing to find effective ones. The Federal Government should immediately begin to play a role in developing and funding new forms of financing for our public school systems so that the quality of education offered low and middle income districts will be comparable with those offered in an affluent one.

Unfortunately, the administration's budget request for elementary and secondary schools for fiscal 1972 was only $1.85 billion. The Senate, however, had the foresight to increase this amount by $290 million, and I am proud to have supported the Senate version of the bill. But next year Congress must look neither to the Courts nor to the administration, but should appropriate the full authorization for elementary and secondary schools and enact new legislation to close the educational gap between poor and rich school districts.

FEDERAL AID TO IMPACTED AREAS

The Federal Government wisely assists in the construction, maintenance and operations of schools in areas where Federal activities affect school enrollment. The Senate recognized the Government's obligation to assist schools in such areas by appropriating $237 million more than the Administration's request for the impacted aid program. The full funding of this program would demonstrate the willingness of the Federal Government to carry its fair share of the expenses for educating our children.

The supplemental appropriations bill which we enacted last week provides $200,000,000 for construction of school facilities under Public Law 81–815 and $65,000,000 for the initial funding of the low-income housing provision authorized under Public Law 81–874. Appropriations for these programs are needed and should be enacted by the Congress.

However, I also believe that additional funds are desperately needed under Public Law 81–874 for A and B category students. Local school districts are presently receiving much less than full entitlement and the quality of their education programs has suffered greatly. I feel that the Congress should fund these programs so that each school district can receive up to its full entitlement and when the fiscal year 1973 budget comes to the Congress we should provide full funding for these programs.

LIBRARIES

During the next few years, we must also provide for greater use of our libraries. The Senate recognized this by appropriating $70 million more than the administration's budget request for libraries and educational communications, including $7 million more for college libraries. A strong library system increases flexibility in education.

HIGHER EDUCATION

The administration has failed to adequately budget funds for important student assistance programs such as NDEA title III, EOP, and work study. I have long supported these programs. We not only need to expand existing forms of student aid. We also need to establish a flexible program that will meet a broad range of situations during the next decade.

Such flexibility is offered by S. 1161, which I cosponsored. This bill, introduced by Senator MONDALE, would assist higher education in a number of ways. It provides for special efforts to identify and encourage disadvantaged youths. It establishes a higher education loan bank, and it creates a new program of Federal fellowships for graduate students of exceptional ability and demonstrated financial need.

Finally, it moves in the direction of providing more student educational grants rather than depending on a burdensome loan program.

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The administration's view of higher education also fails to see that, without institutional support for operating expenses, student aid will only aggravate the problems of our colleges.

Consequently, I have cosponsored S. 659, which was reported by the Senate Labor and Public Welfare Committee and has passed the Senate in substantially the same form. This bill incorporates some of the features of S. 1161 and offers a promising formula for channeling Federal dollars to where they will be most effectively used in higher education. Succeeding again where the administration fails, S. 659 authorizes assistance to strengthen developing institutions by increasing their academic and administrative capacities and the quality of their student services.

VOCATIONAL AND ADULT EDUCATION

Sections of S. 659 also provide assistance for vocational and adult education, a vital area of education, for which the Senate wisely appropriated more than $45 million more than the administration's budget request for fiscal 1972. These funds go for special programs to attack youth employment, for work-study programs, and for research to upgrade vocational education. Interest in vocational schools is at a new high. Enrollment is expected to jump 9 percent next year. Congress must help to meet the economy's need for skilled craftsmen, technicians, and paraprofessionals in industry, medicine, law enforcement, and other fields. It is my hope that an effective higher education bill will come out of conference as quickly as possible.

NATIONAL SCIENCE FOUNDATION: STUDENT SCIENCE TRAINING PROGRAM

The contributions of science education were apparently overlooked earlier this year when the administration shortsightedly announced cancellation of the National Science Foundation's student science training program.

I wrote to Senator JOHN PASTORE, chairman of the Appropriations Subcommittee dealing with the NSF budget. I urged him to insure the student science training program would be reinstated and funded. The subcommittee wisely increased funding for the NSF to provide for this needed program, which contributes to the Nation's leadership in the advance of science.

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

To some, the disciplines of science must constantly be at war with the arts and humanities. That viewpoint may have served educational advancement in the past. But today, and in the future, it is outmoded. The educational system for the future must embrace knowledge as a whole. That is why I strongly supported the request of the National Foundation for the Arts and Humanities for the more than $63 million it needs for grants to assist artistic endeavors and to support innovative approaches to humanistic learning.

Mr. President, I have touched upon a number of current programs and new legislation that I believe are vital toward revitalizing and reforming our educational system. They are aimed at providing equal educational opportunity in a system that must be responsive to diverse educational needs of our people. The past seedings of Congress in the fields of learning have resulted in a bumper crop of new knowledge. And we would be unwise indeed, if at a time when knowledge is flourishing, we did not provide all our people with the tools of education to harvest and distribute that knowledge to where it can nourish our every endeavor.

SENATE NEEDS FREEDOM OF SPEECH

Mr. ERVIN. Mr. President, the Washington Star of October 9, 1971, contains an article entitled "Senate Needs Freedom of Speech," written by Milton Viorst, which constitutes a thoughtful discussion concerning the recent action of the Department of Justice in attemping to have a Federal grand jury sit in the U.S. District Court in Boston to investigate Senator MIKE GRAVEL'S exercise of his constitutional right of freedom of speech under the debate clause of the Constitution. Inasmuch as I have considered this effort a serious affront to the constitutional rights and duties of Members of the Congress, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Oct. 9, 1971]

SENATE NEEDS FREEDOM OF SPEECH

(By Milton Viorst)

The Senate won an important, but incomplete, free-speech victory on Monday when a federal judge in Boston rebuked the administration for its continued campaign of retribution against those involved in publishing the "Pentagon Papers."

U.S. District Judge Arthur Garrity ruled that the Justice Department could not call either Sen. Mike Gravel or his assistant, Dr. Leonard Rodberg, before a grand jury to discuss Gravel's reading of the papers into the public record on June 29.

He did, however, say that Rodberg had to appear to answer any such other questions—including those related to the impending publication of the papers by a private, nonprofit publisher.

Gravel, a bitter opponent of the Vietnam war, provoked the episode while the Supreme Court was deciding whether the New York Times and the Washington Post had a right to print the papers. He called a one-man subcommittee meeting and laid out a portion of the papers for the world to see.

The Justice Department then brought a legal action, claiming the power to proceed against Gravel, though the Constitution unequivocally forbids the executive to challenge a senator or congressman for official statements.

In fact, the Supreme Court in 1966 said the executive could not even prosecute a congressman for a floor statement made in return for a bribe—though it might, and did, uphold the conviction of a congressman on a bribery charge alone.

The administration ignored its ruling and asserted that Gravel, in his committee speech, was guilty of a common crime. But it actually zeroed in with a subpoena on Rodberg, presumably because an assistant is an easier target.

Oddly, the Senate seemed to be oblivious to this threat to its prerogatives of free speech, perhaps because Gravel is not only a junior member but an iconoclast whose irreverent ways may keep him indefinitely out of the "club."

Gravel, after all, had taken it upon himself to conduct minifilibusters against the Cambodian invasion, the proposed Aleutian nuclear test and the extension of the draft. Many senators, furthermore, disapproved of his all-night subcommittee session to get out the Pentagon Papers.

Only Sen. Sam Ervin, a Southern conservative who has become the most consistent constitutionalist in the body, bothered to speak out against the administration attack.

"The administration's motives in pressing this action," said Ervin, who is counted among the Senate hawks, "are aimed at a senator who dared oppose it on the war, and who had the effrontery to use information the administration desired to keep from the people.

"If the administration were to have its way, we must remain in total ignorance of what has transpired in Vietnam, and anything else the government does, unless it chooses to tell us. By suppressing this information, the executive branch has tried to keep the Congress and the nation in total ignorance.

"Now it tries to dictate what the scope of a senator's business is, and where and when and how he may conduct it.

"The tendency, if not the intent, of this effort is to harass the senator from Alaska, and thereby to silence him and other critics in this body, along with those who are outside these halls."

But Gravel, though gratified by the partial victory that Judge Garrity handed to him, does not think he has won enough. He is going to appeal the ruling.

He argues that if the administration can go after a senator's speechwriter, it is intimidating the senator himself and influencing what he will say. As his brief puts it:

"No member of Congress who fears retaliation against himself or his staff can represent his constituents in a manner intended by the framers (of the Constitution)."

As for Judge Garrity's ruling on Rodberg, he says that publication is an integral part of a senator's right of free speech. He argues that if a staff assistant cannot be questioned about the preparation of a speech, the assistant cannot be challenged for a role in getting it published.

In backing Gravel, Ervin has pointed out that the Senate's right of free speech is fundamental to its independence. If it is denied to Senate aides, he said, it is "stripped of its value."

What is really at stake is the constitutional right of dissent. Ervin says he has "considerable doubts" about whether the administration appreciates that.

PRACTICAL SPINOFFS FROM OUR SPACE PROGRAM

Mr. HATFIELD. Mr. President, I have spoken several times about the practical spinoffs from our space program. As a member of the Aeronautical and Space Committee here in the Senate for 4 years, I know from first-hand discussions the many ways in which all our lives have been enriched by the activities connected with our space program.

In the Parade section of yesterday's Washington Post, Dr. Wernher von Braun addressed some very lucid comments on some of the spinoffs. His thoughts should be of interest to all of us, and I know I read the article at home yesterday with great interest. Much of what is said about our space program is concentrated in the few days immediately before certain amendments having to do with our space program.

Mr. President, I certainly enjoyed reading Mr. von Braun's article. I call it to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW THE SPACE PROGRAM IS HELPING YOU

(By Wernher von Braun)

(EDITOR'S NOTE.—Some Americans question the wisdom of our multibillion-dollar space program. They ask: What do we get out of it? Here is the opinion of NASA's associate administrator, former director of the Marshall Space Center at Huntsville, Ala.)

Space flight is expensive. Thus you may not believe me when I say that the benefits have already far exceeded the costs. And much more is yet to come. Let me give a few examples.

Until about 10 years ago, a favorite target of comedians was the weatherman. Today he is usually right. Why? Because satellites in the sky look down at the whole earth and tell him what the weather will be.

Hundreds of thousands of lives have been saved by accurate predictions of the course of hurricanes. For example, the U.S. National Oceanic and Atmospheric Administration has estimated that 50,000 people would have died when Hurricane Camille hit the Gulf Coast in 1969 if they had not been evacuated. The warning was possible because of satellite pictures. How do you put a price tag on that?

Projected experiments give promise of weather forecasts accurate for up to two weeks. A National Academy of Sciences report estimates the U.S. will benefit by billions of dollars a year in farming, construction, transportation and preventing flood and storm loss. A bit farther in the future is the exciting concept of tests in weather modification and control.

Or how about communications? Today satellites carry about half the world's international telephone, telegraph and television load. The prospects are so good that many companies and government agencies here and abroad are trying to get into the satellite communications business.

COMPUTERS BOOM

Or take computers. The demands of space flight pushed computer technology forward so fast that it is an $8-billion-a-year industry that employs more than 800,000 people.

Thousands of new products and industrial processes have been introduced as the result of the space program. They include long-wearing paints, metal alloys, electronic components and industrial tools as well as devices and techniques useful in medicine and in our daily lives. Coming into use are instruments developed for space research and adapted to combat pollution and to protect the consumer.

What is yet to come? With the help of special reflectors for laser beams placed on the moon by our astronauts, astronomers all over the world are measuring the distance to the earth to accuracies of inches. With these measurements they can detect wobbles in the earth's rotation. The knowledge of when these wobbles occur may help to predict earthquakes. Such warnings would reduce the toll in lives from earthquakes just as they have from hurricanes.

PROBLEM SOLVING

In 1969, a group of leading scientists reported to the National Academy of Sciences that there are a number of ways that space technology can contribute to human welfare and solve some of the world's problems.

Let me tell you about some of these things. One is navigation. The U.S. Navy already uses satellites to pinpoint the location of its ships and submarines. They provide a considerable improvement over the time-honored method of navigation by the stars, which cannot be followed when the sky is overcast. U.S. and European government agencies are now considering the use of navigation satellites to increase the safety of flight in the crowded air lanes over the Atlantic.

Potentially, the most useful of all the applications of space flight is to observe and measure the resources of the earth, to help manage them properly and to deal with the problems of the environment.

For example, aerial observations in New York City have shown it is possible to detect, measure, and map water pollution. An instrument developed by NASA can detect and determine the size of oil slicks at sea. And with slight modification, weather satellites can report worldwide air pollution.

Scientists at Purdue University measured from the air the widespread infestation of Midwestern crops by a rare fungus blight. Off the coast of Iceland, airborne infrared sensors found the new location of the Gulf Stream, which had meandered a considerable distance. This enabled fishermen to continue hauling good catches.

Photographs of the Saudi Arabian desert from Gemini spacecraft identified hills of the type that often indicate the presence of large reserves of oil and natural gas. Similar indications were found in pictures of Australia taken from Mercury spacecraft.

SATELLITE USES

By the end of the decade, we can expect satellite systems to:

Monitor the results of international efforts to protect the environment.

Support the planning and allocation of world food supplies from agriculture and the oceans.

Aid the search for oil and mineral reserves.

Track glaciers and ice floes.

Keep track of the distribution of wildlife as well as human habitation.

Support disaster warning systems and search and rescue operations.

But all of the uses of space flight depend, of course, on the cost. In 1958, the first U.S. satellite, Explorer I, cost more than $100,000 a pound to place in orbit. When we use the largest present launch vehicles, the cost now is less than $1000 a pound. But we can do much better than that.

Technology now makes it possible to return entire space vehicles from orbit and use them again. As a result, U.S. industry and government are working on a vehicle that can be flown 100 times or more before it wears out. It is called the Space Shuttle, and it should cut the cost to about $100 a pound. It will take off vertically like a rocket and land horizontally on a runway like an airplane, avoiding the cost of recovery at sea by ships, aircraft, helicopters and frogmen.

SERVICE IN SPACE

Even larger savings will result in the satellites themselves. At present, most of the expense of building satellites is for repeated tests to make sure they will work properly in space. There are no service stations up there. As a result, we pay around $20,000 a pound to manufacture and test them. Some are even more expensive. With the Space Shuttle, we will return them to earth for periodic maintenance, repair and reconditioning and eliminate most of these costs.

The Space Shuttle will have a large cargo bay that can be converted to a passenger compartment. The acceleration forces will be limited to three times earth gravity, so that passengers in ordinary good health can be carried. They will include scientists, technicians, television crews, journalists, and many other kinds of people who have business in space.

DOCTOR GOES, TOO

On the 1973 flights in the Skylab experimental space station, a medical doctor will go into space with the astronauts. He will carry out a comprehensive program of experiments. The aim will be to establish how well men live and work in weightless conditions in an enclosed space as big as a three-bedroom house. The first flight is planned to last four weeks. Later flights will extend this to eight weeks.

As I have indicated earlier in this article, people on earth can realize many benefits from the use of space flight in the years to come. With low costs and detailed knowledge ow how human beings go about their daily business in the space environment, we can achieve these benefits in a few years and make them available to people everywhere.

NATIONAL HEALTH INSURANCE

Mr. BROCK. Mr. President, Congress recognizes that there is already a health-care crisis in our Nation and has set upon an enormous task in trying to create a national health-care system that is sufficient for the times. The House Ways and Means Committee is heading up the legislative consideration and hearings were just recently concluded. Although the committee plans to begin drafting a bill early in the new year, no one at this point seems to have the remotest idea of just what shape the bill will take. I am fearful. I am fearful that in our anxiety to alleviate this crisis, we may turn to a totally Government-controlled, nonresponsive program which will destroy the third largest industry in America and leave the health consumer helpless.

We have seen an appalling rise in medical care expenditures in the United States—Americans are now spending about $70 billion per year, or some 7 percent of the gross national product, on health and health care. This is a larger commitment to health than made by any other nation in the world. And yet, too often the average American citizen cannot afford the prohibitive price of quality health care—particularly in catastrophic situations.

This is what prompted President Nixon to declare that the Nation faces a crisis in medical care. To many, his plea simply means that all-inclusive legislation must be passed overnight, covering the entire population under one governmental program, and virtually eliminating private health insurance. Such action would surely be a disaster.

One need not look too far into the past to note a similar parallel in the instance of medicaid. Literally rammed through Congress, with inadequate consideration of long-term effect and implications, medicaid has, to be charitable, not measured up to the claims of its advocates. To pursue a similar course in national health legislation affecting every citizen would be the height of folly.

A plethora of proposals has been introduced in the Congress and now pend before the House Ways and Means Committee and the Senate Finance Committee, and these bills embody every conceivable approach to our current problems. But not one bill in its entirety meets the goals I seek and which I feel are critical to a comprehensive national health strategy. And it follows that I have not sponsored or endorsed any one bill. The fundamental aim of our health strategy must be to improve the health status of all citizens in this Nation by

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expanding and improving the quantity, quality, and distribution of health-care services, as we vigorously seek to reduce this cost to the American family.

Of the 13 approaches before the Congress, there are four major ones—and each fails in one or more critical areas: reduction of costs, incentives to do so, adequate coverage, broader availability, such as in the field of mental health, and so forth.

First, National Health Insurance Partnership Act—S. 1623, H.R. 7741—proposed by President Nixon and introduced by the Senator from Utah (Mr. BENNETT) and Representative BYRNES.

The bill has two parts. First, the National Health Insurance Standards Act—NHISA—would require employers to make group health insurance available to their employees and to contribute to its cost. The House bill provides for limited subsidies to some employers. Second, the family health insurance plan—FHIP—subsidizes health insurance premiums and provides for lower copayments and deductibles for most low-income families. The administration estimates the Federal cost of the proposal at about $3.7 billion to the Federal Government. Increased expenditure on health insurance by employees and employers is estimated at $7 billion. Both estimates, in my opinion, are low.

CRITIQUE

The administration plan contains some desirable features. In its present form, however, there are serious shortcomings. First, it contains a work disincentive in that employed persons and unemployed persons would be eligible for different benefits at different costs. The principal difference is that the unemployed would be subject to the lower FHIP premiums, copayments, and deductibles, while the employed, under NHISA, would receive greater coverage for catastrophic expenses. It is probably true that, for many low-income individuals, the expected value of the FHIP benefits would be greater than the expected value of the NHISA benefits. Since the cost of FHIP to the individual is less than the cost of NHISA, there would be a definte incentive to become or remain unemployed. We have seen enough of this "work disincentive" in our current welfare system.

Second, and perhaps more important, will employers really pay the "employer's share" of NHISA or will they shift the burden of the tax to someone else? Every profit-maximizing employer will try to shift the tax either to his employees or to his customers. If he can increase his prices by the amount of the tax, then the tax is shifted to consumers. If he reduces his worker's wages below what they otherwise might be by the amount of the tax, then the tax is shifted to the workers.

I am also disturbed at coverage exemptions under this plan including persons married or single without children who are poor or indigent, students, self-employed individuals, and persons working less than 25 hours a week. As a result, overuse by higher income families would probably be encouraged, while lower income families would receive little protection against losses which, for them, may be catastrophic.

Second. Health Security Act—S. 3, H.R. 22—introduced by the Senator from Massachusetts (Mr. KENNEDY) and Representative MARTHA GRIFFITHS and supported, among others, by the Committee of One Hundred for National Health Insurance—United Auto Workers—and the AFL–CIO.

This proposal would repeal medicare and provide a program of compulsory national health insurance covering almost all medical expenses, without limitations, copayments or deductibles, for all Americans. It would be financed out of payroll taxes and general revenues. The plan also calls for a Health Resources Development fund to be used to develop health manpower. The sponsors estimate program costs at $67 billion in fiscal 1974 when it is fully operational.

CRITIQUE

While no one can argue that changes are long overdue in the delivery of health care in this country, to judge from this Nation's previous experience with the far less comprehensive medicare and medicaid program, the objectives of the bill can never be achieved. Certainly the Federal Government cannot be expected to keep costs down.

Simultaneously with the implementation of medicaid and medicare in 1966, the rate of inflation in medical prices, which had consistently been higher than that of the general price index, began to increase at an even greater rate. With the Government acting as a major purchaser of medical care, higher unit prices meant higher tax costs for the public programs, or more simply, higher taxes for everyone.

To some extent, an attempt to offset these rising costs was made by benefit reductions, but to reduce benefits once they have been offered is never very popular and can only result in considerable controversy and criticism. Nevertheless, the costs of medicare and medicaid continued to rise and continued to be underestimated, and now Congress finds itself facing the laborious task of seeking the solution. I hardly think it lies in simply enlarging upon errors of the past.

One of the most absurd aspects of the bill is that it encourages people to believe that, just 2 years after passage of this bill, complete health care for all will become a reality.

This is just not going to happen in 2 years—medical manpower cannot be trained and relocated in so short a period. And it is obvious that enough physical facilities could not be constructed in a 2-year period to meet the demands of the entire Nation. In fact, the overload on the system could cause its complete breakdown.

One of the cosponsors of Senator KENNEDY's bill, Senator ALAN CRANSTON, of California, has recently stated his reservations about a totally governmental controlled program:

> Our experience with medicare and medicaid warns us to beware of untried national health care programs. And we must avoid building a demand for care that far outstrips the capacity of our medical personnel and institutions.

I agree.

Most disconcerting is the fact that consumers would have no incentive to seek less costly arrangements, because there are no deductibles or coinsurance, and, therefore, no interest in cost control.

This program would not only add $18 billion to the Government's budget deficit, it would triple the average American's tax bill. Secretary Richardson of the Department of Health, Education, and Welfare has said the approach taken in the Health Security Act would increase the average tax bill for a family of four from $405 to $1,271 per year. Such a taxload is intolerable.

Third. Health Care Insurance Assistance Act, the "medicredit" plan—S. 987, H.R. 4960—introduced by the Senator from Wyoming (Mr. HANSEN) and Representative FULTON and supported by the American Medical Association—AMA.

Medicredit would provide for 60 days hospitalization subject to $50 deductible, other medical services subject to 20 percent copayment with certain stipulations and limitations, and catastrophic coverage of additional hospitalization subject to an income-conditioned deductible. It would be financed out of general revenue for those with no income tax liability and by means of tax credits for others. The AMA estimates annual costs at $14.5 billion when the program is fully operational.

CRITIQUE

Although the medicredit plan scores highly in providing incentives to participants to choose the most efficient form of organization, the AMA approach envisions no change in the way in which producers of care are reimbursed. Hospitals would continue to be paid on the basis of realized costs of charges, and physicians on the basis of charges. Again, this system precludes cost control.

Fourth National Health Care Act—S. 1490—introduced by the Senator from New Hampshire (Mr. MCINTYRE) and Representative BURLESON, and supported by the Health Insurance Asssociation of America.

Under this plan, medicaid would be repealed, and the poor, near-poor, and uninsurable would be covered by State health plans, others by private insurance. Minimum standards are set which include copayments and deductibles. Welfare recipients would receive their insurance free, the near-poor and uninsurables would receive insurance subsidies financed from State and Federal general revenues, and others would be entitled to a greater income tax deduction if they purchase a policy meeting the minimum standards. The Health Insurance Association of America estimates the program would cost $2.4 billion in the first year. The estimate includes medicaid cost offsets but not government revenue loss from tax deductions.

CRITIQUE

The HIAA approach is a very comprehensive plan and I am impressed with its attempt to affect the availability and financing of health care as well as the methods of delivery of health care. However, I do feel that it would be difficult to administer in that each State would set up a State agency designed to approve annual budgets for the health care institutions. There is no indication of the cost of setting up and operating these rate-setting commissions complete with the staffs necessary to review the annual budgets of qualified providers.

The program would be administered by private carriers with minimal control over the insurance industry and no guidelines for employer-employer cost sharing. Because the plan is completely voluntary, I fear that not everyone would be covered—only the larger employers would be likely to provide adequate coverage for their employees.

Let me add one final critique to be levied against each of these bills. There is simply no proposal today which incorporates sufficient incentives to deal with the cost root of our health crisis. Medicredit sponsors, among others, rightly call for new means to encourage more efficient, and more logical, utilization of available facilities and health delivery personnel. This is obviously a first and critical step in cost reduction. Even so, no one takes that step.

Rather than dealing with the disease, most suggest the symptomatic treatment of a mass infusion of Federal dollars so that the consumer, or patient, does not feel the pain. It is fair to ask, will the crisis be cured or choked by such a process? It is my firm conviction that a bill which fails to deal with cost control may prove worse than no bill at all.

The issue of NHI is complex and sensitive, and the proposed solutions can have a pervasive impact not only on our entire system of medical care, but also on the relationship of the private sector and the individual—both physicians and patients—to our Government. The last thing we need now is dogmatic adherence to a specific scheme that could stifle the resiliency needed by the health care industry and government in order to work cohesively.

One of my great fears about the whole prospect of Congress taking on the responsibility of legislating the system into being more responsive to the needs of the health consumer is that few legislators have the experience or expertise in this highly technical area to judge the merits of one proposal as opposed to another. In an attempt to educate myself for the upcoming senatorial deliberations on NHI, I arranged several meetings with over 30 representatives from all areas of the health care industry. I learned not only a great deal about our existing system—its shortcomings and its tremendous accomplishments—but I was thoroughly convinced as to the overwhelming complexity and importance of this problem. There is no magic solution, no panacea.

Congress must hold exhaustive hearings on these proposals. And, most importantly, Congress must rely on the views and expertise of all those affected by the plan during the hearing and drafting process.

Too, priorities must be established. In my opinion, we should focus on a program which meets the following objectives:

First, protect all Americans from catastrophic costs of illness;

Second, help those who cannot pay for their health needs; and

Third, control costs of care to both government and the consumer.

How?

First, we must develop a program for catastrophic illness coverage, one which I hope would reflect a sliding scale insurance plan based on a percentage of a family's income. The medicredit proposal, for instance, contains such a provision based on taxable income. The deductibles would be 10 percent of the first $4,000; 15 percent of income between $4,000 and $7,000; and 20 percent of income above $7,000. The formula is designed to insure that a family of four with an adjusted gross income of $3,000 or less would not be required to make any expenditure before receiving catastrophic benefits. A family of four with an adjusted gross income of $10,000, on the other hand, would have to pay $775 before receiving catastrophic benefits. The deductible and copayment expenses incurred in securing basic benefits could be credited toward the catastrophic deductible. I strongly believe the health consumer, whenever possible, should bear some fraction of the cost, regardless of income. If he has a stake in the matter, he is more likely to seek ways of holding down expenses and will be discouraged from overusing the system at a time when it is straining under current levels of demand.

Second, in addition, I favor a broader definition of catastrophic illness to include illness-related costs, such as prescription drugs, skilled nursing care, and outpatient and inpatient psychiatric treatment. Once the dollar limitation or deductible under the catastrophic part of the plan has been met, all illness-related care should be covered. This, I believe, would go a long way toward providing truly comprehensive medical care.

Along these lines, the bills presently under consideration, in my opinion, fall far short of basic coverage needed for mental illness, which in too many cases deals a catastrophic blow. Because mental illness is one of our greatest and most costly health problems and because it afflicts far more Americans than any other single illness, I support the inclusion of psychiatric/psychological services in any national health insurance plan. The use of these vital services should also be viewed as a necessary component of preventive medicine.

Third, to control costs we must stimulate competition, and the hospital segment of the health industry—as well as other segments such as insurers—should operate within a competitive system. For example, I believe institutional providers should be reimbursed on the basis of competitive charges or costs determined by classification by size and scope of service in the area. This would stimulate competition among providers, whereas reimbursement based on individual budgets results in competition against oneself. The use of the "reasonable cost" and "reasonable charge" approaches to reimbursement have failed to control costs as illustrated by our experience with medicare and medicaid. To hold down hospital costs we should move toward prospective reimbursement—a target rate which encourges competition and rewards efficiency.

Other ways of effectively curbing skyrocketing medical costs would be NHI coverage of outpatient care; that is, the service of a doctor in his office rather than hospital/inpatient care. We must encourage the use of ambulatory and recuperative care facilities, designed to care for the patient recovering from illness or surgery, who no longer needs all the specialized facilities among hospitals with-free a bed in a general hospital for an acutely ill patient while cutting the recuperative patient's cost per day almost in half.

We must employ the use of other cost-cutting techniques such as centralized purchasing, better coordination, and specialized facilities among hospitals within the same community; more efficient utilization of professional staffs and facilities. We need to encourage more doctors, especially more paramedical personnel, and importantly, we need to provide incentives to channel these medical personnel and facilities into our rural areas, where oftentimes health care is nonexistent.

Fourth, to meet our objectives we need to limit government bureaucracy and its administration of NHI, and get away from the current governmental maze of redtape. Again, this can only be done by encouraging a pluralistic, competitive system. A monolithic approach must be avoided at all cost, and I plan to work vigorously for legislation that will encourage innovation and competition among health care providers in both the nonprofit and the proprietary sector.

Fifth, we must stress the importance of health maintenance and disease prevention. A good example of this exists in my own State of Tennessee with TVA's automated system of disease detection, termed the Medical Information System. It became operational in 1967 and today, most employee medical data including history, diagnoses, laboratory data, and work restriction information is recorded and stored on magnetic tape. The system is programed to provide immediate information to user medical offices by teletype, to automatically schedule medical follow-up and periodic examinations, and to provide special and routine reports about medical service activities, and status of employee health. This automated laboratory operating out of Chattanooga has demonstrated the practicability of using a centrally located facility to process laboratory specimens from a wide geographical area. Centralization such as this has made possible the maximum utilization of automated laboratory equipment and reduced the unit cost of the service.

Congress should take a look at TVA's system and other sophisticated health screening techniques. Often referred to as multiphasic health testing, this approach can help separate the entry mix of patients into the well, asymptomatic sick, and the sick. This separation makes

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possible optimum use of physician services, which can be devoted to the area where they are most needed—the care and the cure of the sick.

In this same area, I feel that the development of health maintenance organizations as well as other delivery systems should be encouraged. HMO's—as they have been labeled by users of governmental alphabetese—are public or private organizations which provide health services to enrollees on a per capita prepayment basis.

HMO's are supposed to play a major role in the administration's program, and I do feel that their use could serve as a valuable competitive stimulus as well as an important tool for providing comprehensive health care services. Loans and grants made available for the development of HMO's should be awarded to any organization, whether it be nonprofit or investor oriented, which can effectively do the job and demonstrate its ability, both from a medical proficiency point of view as well as an economic point of view. There is inadequate evidence, however, to the effect that a capitation plan is less costly in terms of services rendered, or that it lessens morbidity or mortality, and Congress should thoroughly experiment with the concept before financing a network of HMO's.

I hasten to add that I believe each patient should be free to select the setting in which he receives his care. If he prefers a capitation plan or a hospital outpatient clinic to a solo practitioner or a group of physicians, that should be his choice to make.

Legislation is certainly one method for eliminating some of our current problems, but alone it will be woefully inadequate. We must strive to solve the problem of education of the consumer as to good health habits in his everyday life. I seriously doubt that a Federal law will keep people from overeating or overdrinking, and it is obvious that no combination of Federal, State, and local legislation has prevented Americans from making accidents the No. 1 killer of people under 40 in this country.

In conclusion, while our goals are many, I believe we unanimously strive for improvement for every citizen. To reach our goals will require action by every facet of our society. The role of Congress will be a vital one—but it also must be a limited one, and one based upon exhaustive study, complete with a commitment to expanding the choice and the coverage of a health plan for the individual.

Certainly improved health insurance is an idea whose time has come, but to be the least bit effective, it must be done in an orderly, efficient, economical, and reasonable manner.

In the coming year, I urge Members of the House and Senate to divorce themselves from emotion and partisanship, to view the whole concept of national health insurance with integrity, discretion, and responsibility—and in the context of a free society with free choice.

BREAKING DOWN THE ZONING BARRIER

Mr. HARTKE. Mr. President, the problems of the urban poor are legion. Various agencies of government have time and time again announced panaceas, but they have failed. Instead of curing the problems of the city, they have only added to the bitterness and frustration of all Americans.

We search for the answers, but ignore the basic problem. There is no escape from the ghetto. We have seen how the ghetto feeds upon itself, and becomes a self-fulfilling prophecy for its inhabitants. Yet we do nothing. Inner-city residents cannot leave the ghetto because of the exclusionary zoning laws of the suburbs. Corporations flee the city, searching for a lower tax rate, and more peaceful surroundings. In their flight, they leave a wake of unemployed, and a dearth of tax revenue—revenue that our cities desperately need.

The poor cannot follow the jobs; suburban zoning laws will not let them. If they have no jobs, they must turn to welfare programs which are financed by taxes. To avoid ever-increasing taxes, the remaining corporations leave the city—and so it goes. Unless something is done, this vicious circle cannot end in anything but disaster.

Mr. President, recent articles from the New York Times magazine and from the Christian Science Monitor explain the full implications of exclusionary zoning laws, and offer some possible solutions. I ask unanimous consent that the text of these articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SUBURBS HAVE TO OPEN THEIR GATES

(By Linda and Paul Davidoff and Neil N. Gold)

A few years ago, socially conscious residents of the New York suburbs joined in a project that occupied several spring weekends: they chose blocks in the East Harlem and Bedford-Stuyvesant ghettos and traveled to them in teams, equipped with paint, brushes, buckets and mops, for cooperative clean-up, fix-up sessions with the residents. This was a way for middle-class people to experience and, at the same time, try to help solve the neighborhood problems of the ghettos.

A few weekends and some paint had little effect on the crumbling structures and festering economic and social problems of the ghetto neighborhoods. But these efforts, worthy enough in themselves, skirted the reality: that it is the exclusionary practices of the suburbs themselves that help create the poverty and ugliness of the slums, and that well-motivated suburbanites could do more for poor and working-class people trapped in the inner cities by opening up their land, job markets and tax resources to them.

The 1970 Census revealed what had begun to dawn on urbanists in the nineteen-sixties: that the suburbs contain the largest share of America's population. In 1970, 36 per cent of the people lived in suburban parts of metropolitan regions, 30 per cent in the central cities and 34 per cent in rural areas. Some time in the current decade, more people will be employed in the suburbs than in either the cities or rural areas. And according to all predictions, the suburbs will continue to have the largest number of Americans for a long time.

Although the suburbs have provided housing and jobs for millions of new families since 1950, many suburban communities have maintained controls over the kinds of families who can live in them. Suburban values have been formed by reaction against crowded, harassed city life and fear of threatening, alien city people. As the population, the taxable income and the jobs have left the cities for the suburbs, the "urban crisis" of substandard housing, declining levels of education and public services, and dried-up employment opportunities has been created. The crisis is not urban at all, but national, and in part a product of the walls that have been built by the suburbs to discourage outward movement by the poor and blacks in the cities.

Opening the suburbs will not only reduce race and class tensions in our society but bring economic gains to all our people—through better use of the resources these communities have to offer: *land* for housing (and with it the opportunity for a decent public education), *jobs* and *tax revenues*. To bring this about, we need *action* to convince the communities—as well as Federal and state courts and legislators—that change must come, plus imaginative *planning* for an era of housing construction that will meet the needs of an expanding suburban population.

LAND

The new ecological consciousness in America and the cityward movement of our population have led to a widespread belief that we are exhausting our most precious resource: the land. Nothing could be further from the truth. America is land rich. "Megalopolis," the concentration of population along the Eastern seaboard from Boston south to Washington, consists largely of unbroken expanses of open space. Settlements along the Boston-Washington corridor are mostly thin strips along major roads and railroads; off the beaten path, woods and farms predominate. Outside the great metropolitan complexes, the land is open and unused, and places that once were farm land or villages are losing their populations and returning to the wilds. Out of 3,000 counties in the U.S., 1,000 have had a net loss in population during the last 30 years; the move from country to city, and the mechanization of agricultural production, are leaving larger and larger portinos of the continent's land to open space.

Within metropolitan areas, population growth has exhausted the supply of developable open land only within the older inner cities. Vacant land is plentiful within 20 to 30 miles of the centers of every major city in the nation. Without restrictive laws, it would be possible to develop commercial and industrial properties at relatively low land costs in the outer suburbs of metropolitan regions. Moreover, only restrictive zoning, building codes and other antidevelopment legislation prevent the construction of a large number of housing units in these same areas.

The zoning laws cover a large proportion of vacant developable land in the suburbs. In the New York region, 90 per cent of all such land is zoned for single-family residential use; in eight counties of New Jersey, 82 per cent of it is zoned for lots of a half-acre or more; in the portion of Connecticut closest to New York City, three-fourths of the open residential land is zoned for an acre or more. While many older suburban towns either have no significant tracts of vacant land or already have a large population of working-class and minority families, the communities that control the bulk of the vacant land have enacted exclusionary laws.

If housing could be built in an open-market situation in the suburbs, the structure of the housing market in metropolitan America would change sharply. It would be possible to build many more houses on quarter- and half-acre lots, the accepted pattern of construction in the nation since World War II. And it would be possible to build row houses and garden apartments, the least expensive form of housing for families of moderate means.

The land supply in metropolitan areas is being kept off the market not by private acts, but by public enactment. In creating private preserves for the wealthy, law has become the instrument of those who want to keep out moderate- and low-income families. This leads to a paradox that has been called "Ivy League Socialism": excessive government intervention, on behalf of not the poor but the rich. The protected property owners are precisely those most able to protect themselves from undesired neighbors by their own wealth. They can buy large tracts of land, build high fences around them and put their houses in the middle of their estates at the end of long driveways. They do not need the help of the law.

The exclusionary laws are not completely explicit: there are no zoning maps divided into racially or economically restricted areas, so labeled. But there are thousands of zoning maps which say, in effect: "Upper Income Here"; "Middle-to-Upper Income Here"; "No Lower-Income Permitted Except as Household Employes"; "No Blacks Permitted." The practical effect of the maps and codes is to prohibit all but the most costly forms of housing development.

Why do we call the result *de jure* segregation? Because the racial consequences have been understood for a decade or more by anyone familiar with patterns of population movement. It is a certainty that the planners and public officials who draft and enact zoning ordinances restricting land development to single-family, detached structures on plots of an acre or more do so in full awareness that, as a consequence, almost all blacks will be excluded from such zones.

In many areas, acreage zoning is the preferred exclusionary device. The bulk of the land in a municipality is held off the market except for purchasers who are able to afford a house on a tract of one, two, three or more acres of land. Since a single-family home on an acre or more of land cannot be constructed in most suburban areas for less than $35,000, including the lot, families with incomes under $17,000 cannot afford to buy a house built on this land (under the generally accepted rule of thumb that a family can afford to buy a house that costs twice the annual household income). Thus the housing market in the community is effectively closed to the 80 per cent of the population which earns under $17,000—and to the 90 per cent of the blacks.

In other areas—and in some communities that also have acreage-zoning regulations—housing-construction codes have been devised which require extremely expensive forms of residential development: wide lot frontages, costly materials and equipment, square-footage requirements for house interiors—all beyond what is needed for health and safety.

In almost all suburban municipalities tax laws undergird the structure of land-use controls and provide a rationale for exclusion. The real-property tax pays the bulk of local costs for public education, the biggest item in the budget and a major factor in maintaining the status of the community. If a dozen housea are built at costs within the reach of low-income or moderate-income families, the entire community suffers because the taxes realized from the new houses will tend to be below the additional expense to the school system of educating the children from the new families.

(In New Castle, a Northern Westchester community, a 1968 League of Women Voters study showed that local school costs were so high that a new house would have to cost $58,500 in order to yield enough taxes to educate the average number of children per household—$1,688 in taxes for 1.6 children.)

As expenses for education have become the last straw on the suburban taxpayer's back, the impetus toward ever-higher barriers to moderate-cost housing construction has been almost irresistible. Even if motivated by the best and most democratic public instincts, a community must finance its schools; and the easiest way to make the burden bearable is to keep the community costly and exclusive.

What would happen if the exclusionary land-use controls were eliminated? In the private market, the effect would be to dramatically increase the supply of building lots, both for single-family homes and for garden apartments and row houses. The increase in supply would lower the price per lot; the result would be a sharp reduction in the cost of a new home and an increase in the number of families that could afford one. The construction industry would boom, and lower-cost housing could be produced as the market demands.

Putting aside for the moment the moral questions raised by suburban exclusion, another argument against the regulations adopted over the past decade or more by suburban communities is that they have stifled the natural development of the home-building industry. Today, most of the vacant residential land around New York and in other metropolitan areas is zoned for homes on lots 5 to 10 times larger than Levittown's. Zoning has operated to slow down and spread out development. In a nation that has highly valued growth, it is strange to find growth disdained as a matter of policy. Particularly at a time of recession, the multiplier effect of a sustained form of new community development—which would require large capital investment—cannot be ignored. A reinvigorated residential building industry would not only create jobs for unemployed construction workers but lead to enlarged investment in all industries required to serve new suburban developments—and to other urgently needed jobs.

Even if a construction boom produced mostly middle-class or luxury housing, it would help to ease the pressures throughout the housing market that keep moderate-income housing consumers bottled up in city neighborhoods. This is because the "filtering" process—lower-income consumers moving into housing left behind by more affluent consumers moving into bigger and better homes—could begin to operate again. The result would be some improvement in the housing situation for low-income families. The favorite argument of real-estate operators against Government housing subsidies to the poor used to be that "filtering" would satisfy this group's needs. In fact, filtering alone will never provide enough used housing to meet the needs of the lowest-income families. But the current virtual halt in the construction of new, moderately priced housing in suburbia has made the absence of a normal used-house, or "filtered," market acutely noticeable to moderate-income families who would normally be able to afford such homes.

When, in the late nineteen-forties and fifties, it was possible for a family earning a moderate income to buy a new small house in Levittown or its equivalent, the houses and apartments these families vacated went on the market at reduced prices to families earning below the median level. Now that no Levittowns are being built, mobility in the housing market has been sharply reduced and families that should have been able to move are staying put. Obsolescent housing that should have been torn down decades ago is still in use, often at exorbitant prices; city neighborhoods that should have been torn down for urban renewal are still desperately needed for families that have nowhere else to go. It is as true as it ever was that the private market in housing, whether in new or used units, cannot provide housing for the families at the bottom of the income ladder. Subsidies, either in the form of cash to families or Government outlays for housing construction, must be provided. But the costs of such programs has become exorbitant because the private construction market for new housing has been closed off in the suburbs by artificial means.

Since the Industrial Revolution began dumping rural families into big-city slums, housing planners have recognized that public subsidy is needed to enable working-class families to live decently. Every industrial nation provides some form of subsidy for workers' housing; the United States has been in the housing business on a large scale since the thirties.

The 19th-century English garden-city movement laid down the principle that the cheapest—and most wholesome—form of housing for working-class families was the attached cottage, or row house, built so that each unit would have access to common open space. But in America, housing built for low-income and moderate-income families has generally been "projects" in the central cities: massive apartment towers built on the sites of destroyed ghettos, on land that is close to the city's hub and therefore so expensive that building at lower densities is not possible. In the nineteen-thirties the housing pioneers Henry Wright and Lewis Mumford decried the trend to housing for the poor in the inner cities; they pointed out that cheap housing at livable densities requires cheap land, and they urged public-housing authorities to build at the city's fringes. Urban-Renewal experts in the Federal Government and city authorities ignored the experts. Suburban land was locked up, and housing for the poor built at choking densities on the sites of the old ghettos.

Opening up suburban land would mean that Federal money, rather than being used to build absurdly expensive high-rise structures in inner cities, could be spread to a far larger number of units. In New York City, it costs more than $30,000 per unit in Federal and local funds to build public housing. Row houses and garden apartments could be built in the suburbs for well under $20,000 per dwelling unit, if the land costs were reasonable and if lot-size and square-footage requirements were not excessive. Not the least of the savings in time and money would come from working through the manageable governments of the towns, instead of the tangled and near-paralyzed bureaucracies of the cities.

JOBS

If the growth of the suburbs in sheer numbers of people has not yet been fully recognized as a fact of national life, suburban dominance of the metropolitan—and national—job markets has been barely noticed. Yet in "bedroom" suburbs like Westchester County in New York, as many workers now commute into the county each day as travel to the city in the customary pattern.

The service sectors of the job market—the shopping centers and colleges, for instance—have followed the roads and the population. One example is the Cherry Hill Mall shopping center in Philadelphia, which employs 2,000 workers and occupies 80 acres of land about eight miles from the center of the city (accessible via three major highway bridges).

The demand for cheaper land for single-floor assembly-line and warehousing operations has brought more companies—and jobs—to the suburbs. The long, low building requires land; parking lots for employes' cars and for truck storage require land; and land that is far from the streets of the central city costs less. In Mahwah, N.J., for example, the Ford Motor Company purchased about 200 acres just off a New York State Thruway interchange, about 25 miles from the center of New York City and about the same distance from downtown Newark, for a plant which now employs 4,200 workers.

Traditionally, companies that are prestige-conscious or need a communications network near their headquarters have occupied space in downtown skyscrapers. Increasingly, however, they have been able to enhance their

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prestige and satisfy the residential preferences of their executives by moves to long, low buildings in parklike settings in far-out suburbia. For instance, Pepsico, Inc., has just completed a corporate headquarters in Purchase, N.Y., which employs 1,250 people on a 112-acre site.

The decentralization of the metropolitan job market means that the working population must be permitted to decentralize too, if workers are to be matched with jobs. The unemployment rate in this recession period may be hovering around 6 per cent for the society at large, but inside the urban ghettos it has been at the Depression level of 12 per cent for years. To end the acute problem of unemployment and underemployment, ghetto workers must be permitted to follow the blue-collar jobs out of the central cities.

The remoteness of the job market for relatively low-skilled workers from the ghetto areas aggravates the employment problem. So does the lack of coordination between job-finding agencies in the cities and the suburbs, which makes it difficult for the low-skilled worker living in the ghettos to find out about and apply for low-skilled but decently paid jobs in suburban manufacturing plants. The United States Employment Service and other job-finding agencies must be reorganized along metropolitan lines, so that information about openings can be transmitted to the unemployed in the ghettos. But this will not be enough. Workers must be able to travel to the jobs, which means in the case of blue-collar jobs that they must be permitted to find homes near enough to the jobs so that commuting does not take an excessive bite out of their incomes.

If the ghettos are viewed as underdeveloped areas—an approach that became fashionable in the sixties—the need for movement of workers to jobs in suburbia is even more sharply evident. Economists who were once captivated by the notion of pouring capital investment into depressed regions in order to create new factory jobs are now beginning to recognize that by far the cheapest solution to the problem is to give unemployed workers information about jobs in thriving industrial areas, help them to learn about the unfamiliar customs and housing patterns of the new area, pay them resettlement allowances and get them moved. Only in rare cases does it pay to invest heavily in declining areas rather than help families left behind by changing patterns of industrialization to move into the economic mainstream.

TAXES

Of the 4,200 workers employed at the Ford plant in Mahwah, many live in Newark and New York, and only 88, or 2 percent, in the town where they work. Despite the important role that this factory plays in the metropolitan economy, the local property taxes paid by Ford benefit only Mahwah residents. Taxes on industrial and commercial property that are paid to suburban communities are another example of a metropolitan resource that could be—but is not—used to help solve inner-city problems.

The tax rate on business property reflects the needs only of the suburban jurisdiction that levies it. If the suburb has a relatively small public-school enrollment, and few low- and moderate-income families, its local tax rate will be much lower than the rate that would be necesary if the business property were situated in a poverty-ridden central city. The tax rate is further reduced when, as in the case of Mahwah, the suburb uses its zoning powers to keep out children and to exclude low- and moderate-income households, including those whose breadwinners work in the plant.

Mahwah's successful effort to lure new companies and to exclude the companies' employes has resulted in a 1970 tax rate on industrial and commercial property of 1.55 per cent of full value. By comparison, the city of Newark, which houses and educates nearly 1,000 of Ford's black workers and their families, is compelled to tax business property at the rate of 7.14 per cent of full value.

Mahwah's tax base included $104,000,000 of business property and yielded $1,612,000 in revenues. If this $104,000,000 were taxed at the rate levied on similar property in Newark, it would bring $7,426,000 in added funds to the city. The comparison, of course, is a rough one, since a bigger tax base in Newark might permit the city to lower its rate somewhat. But it does demonstrate the fiscal gains that induce corporations to relocate from poverty-ridden central cities to restrictively zoned suburbs.

Suburban towns and cities use the taxes generated by the coming of large new business properties to reduce residential property taxes or to increase the quality of public services, or both. On the other side of the coin, the movement of industry to the suburbs weakens the tax bases of central cities, requires an increase in their tax rate and cripples their capacity to respond to the social and educational needs of the disadvantaged groups, many of whose members are forced to commute at great cost in money and time to the very suburban plants which are no longer on the city's tax rolls.

ACTION

The movement to open the suburbs has begun. The thorny legal, financial and moral questions will be settled not only by debate but by legislative and court action and by economic pressure.

The first step may well be the establishment of a clear connection, in the public mind and in public law, between jobs and housing for workers. The decentralization of the job market is, as we have noted, one of the least appreciated phenomena of metropolitan life; it is time that voters and public officials became aware of it and acted accordingly. Rather than assuming that a corporation moving its plant or offices from the central city to the suburbs is a tax bonanza for the lucky municipality that succeeds in attracting it, we must require that the company have a clear policy of relating jobs to workers' housing and commuting patterns. The rule must therefore be: no corporation hiring a significant number of workers can move to a location in a suburban community where the housing market is closed to families earning what the workers in the plant will earn.

In effect, this will mean that the tax benefits to a town which welcomes new industry will be balanced by the costs to that community of educating the workers' children, policing their neighborhoods, providing them with municipal services. If a community has all its vacant land zoned for single-family houses on five acres of land, then if it permits a zoning variance for the construction of Jones Corporation's new international headquarters, it must also rezone land for sufficient new garden apartments to house Jones's 300 janitorial, service and lower-level clerical workers; create sufficient quarter-acre plots so that Jones's 250 executive secretaries and junior managerial personnel have a chance of buying homes, and make sure that land and construction costs do not make housing prohibitively expensive in the five-acre zones for its 100 middle-management people.

Both state and Federal action will be needed to promote the rule. In Washington, Senator Abraham Ribicoff is working for just such an approach by reintroducing the proposed Government Facilities Location Act of 1970, which provides that no Federal installation may move to a community which refuses to provide land for workers' housing. Though it does not cover private industry, the bill would have significant impact on communities bidding for Federal largess in the form of shipyards, research facilities and other economic jackpots. (The bill did not emerge from committee last year; this year hearings are scheduled for late fall.)

If a community enforces zoning laws which in effect keep out blacks, can the Federal Government continue to provide water and sewer grants, open-space acquisition loans and other forms of aid to them? Does not such aid violate the antidiscrimination guidelines imposed by the Civil Rights Act of 1964? The clamor against suburban exclusion has led to sharp questioning of the President on this point, and a now-famous statement issued by the Administration last June was meant to answer the questions by establishing a distinction between economic and racial discrimination. A community cannot be punished, in the Administration's view, for keeping out the poor, only for overtly keeping out the black. This distinction is, to say the least, far from firmly established; and lawsuits will soon be brought to challenge the point. The suits will argue that the racial discrimination in the suburbs is the direct and calculated result of zoning laws.

In New York State, Assemblyman Franz Leichter has introduced a package of anti-exclusionary bills which include a prohibition against establishing state facilities in exclusionary communities. Such a prohibition would affect the location plans of state university branches, hospitals, state schools and other major service installations, as well as—under some interpretations of the bill—state-assisted elementary and secondary schools (meaning all schools, now that the barriers to state aid to parochial schools have largely fallen).

Massachusetts enacted in 1969 its "anti-snob zoning law," which provided that at least 0.3 per cent of every community's vacant land must be made available for the construction of low- and moderate-cost housing in each of five years. Other states, including New York, New Jersey and Connecticut, are considering similar legislation to exempt at least a portion of suburban land from the exclusionary regulations.

Our own organization, Suburban Action Institute, is seeking to induce Federal regulatory agencies to set against corporations planning moves to exclusionary suburbs. We have filed complaints with three agencies—the Federal Equal Employment Opportunity Commission, the Federal Communications Commission and the Office of Federal Contract Compliance—against R.C.A., American Telephone and Telegraph and General Electric, for taking steps to relocate to the acre-age-zoned communities of New Canaan, Conn., Bernards Township, N.J., and Fairfield, Conn.

By moving to communities within which their minority-group employes cannot find housing, we charge, these corporations are creating conditions of employment discrimination. We believe that they are not simply acquiescing in a discriminatory situation, but affirmatively aiding the creation of segregated employment. (Because of the complaint against RCA before the Equal Employment Opportunity Commission, the company has temporarily withdraw its proposal to build offices in New Canaan for 1,000 people.)

Making laws to restrict corporations from moving jobs to exclusionary communities will not remove the basic incentive for such moves: the tax laws. As long as the costs of educating suburban children are borne by the local real property tax, a community will try to enhance its tax base by luring industry, and will try to keep out housing developments that attract families with children. A radical restructuring of the tax system for financing education is needed, both to end exclusion and to assure every child, whether born in a rich or a poor community, equal educational opportunity.

A statewide income tax for education is the remedy now advocated by the Regional

Plan Association of New York, by the Lindsay administration, and even by suburban taxpayers who can no longer pay educational costs in newly developing communities. Gov. William G. Milliken of Michigan, a Republican, moved to establish a statewide tax for education. New York's State's Fleischman Commission is about to conclude a study of school financing by calling for "full state assumption" of the cost of educating children. Political pressure to relieve local property owners of the burden of school costs is building up around the country as record numbers of local school budgets are defeated.

A recent decision in the California Supreme Court may signal the beginning of the end of the present system of financing local schools. In *Serrano* v. *Priest*, the court said that the local property tax "invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors. Recognizing, as we must, that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing."

The Supreme Court has not ruled on the fundamental issues raised by the zoning since 1926 when, in the case of *Euclid v. Ambler*, it declared that comprehensive zoning ordinances are a reasonable and constitutional method of controlling land use. But the lower courts have begun to rule on the contention that the zoning frequently denies racial minorities the equal protection of the law guaranteed by the 14th amendment. In one recent Pennsylvania Supreme Court case, the justices declared:

"We fully realize that the over-all solution to [housing and growth] problems lies with greater regional planning; but until the time comes that we have such a system, we must confront the situation as it is. The power currently resides in the hands of each local governing unit, and we will not tolerate their abusing that power in attempting to zone out growth at the expense of neighboring communities."

The Justice Department and the American Civil Liberties Union have raised questions of suburban-exclusion with their suit against Black Jack, Mo., on behalf of a group of black residents in St. Louis who wanted to build housing in the town. The group charged that Black Jack incorporated itself into a municipality for the purpose of denying the needed zoning change.

Court cases challenging exclusionary laws are in preparation against a number of suburban communities around the nation and the biggest initial victory has just been won in New Jersey. Judge David Furman of the Middlesex County Supreme Court 10 days ago declared invalid an ordinance in Madison Township, N.J., that called for one- and two-acre lots, required a minimum floor-area that was excessive and placed limitations on multifamily dwellings. The ordinance, the judge said, had the effect of preventing 90 per cent of the people in the area from living in the township and directly contributed to the ghettoization of neighboring cities. (The suit was brought in behalf of a group of black and Spanish-speaking residents of Elizabeth, Plainfield and New Brunswick.)

The judge did not reach the constitutional questions, basing his ruling instead on the state zoning law, which says that localities must zone for the public welfare. Under this law he said, a community when it passes land-use regulations must in the future take into account not only its own needs but those of the region.

The direction the U.S. Supreme Court may take has been hinted at in recent rulings on the need for school busing to achieve integration. Despite the negative decision in the recent Valtierra case in California, which dealt with a referendum that was designed to prevent construction of housing for an *economic* minority, the record of the court on matters relating to *racial* discrimination has been quite uncompromising. It is fair to expect that proof of the racially discriminatory effects of exclusionary zoning will carry great weight with the court.

PLANNING

The massive spurt in suburban housing construction which followed World War II occurred at a time when new young families were desperate for homes—in a full-employment economy and following the end of war-related restraints on building. The decade of the seventies has brought the beginnings of another market of this kind (as those born in the postwar baby boom come into their own child-rearing years), but without the economic conditions which made the housing surge possible after the war.

Housing construction is now at a low ebb. Even if the vise of exclusionary zoning is removed, government subsidies and controls will be required to see to it that the combined public-private housing market actually produces the needed housing. The Kaiser Commission has called for the construction of 600,000 units of Federally-assisted housing each year for the next decade, at a cost of $2.8-billion per year. Aid to the housing market of this magnitude, *combined with* the opening up of vast acreages of suburban land, can insure the construction of the housing that is needed to eliminate the slums and ghettos of the central cities and to permit rebuilding on their land at decent densities.

If suburban land resources do become available, new residential development can be of a far higher quality than that of the nineteen-fifties, which gave rise to fears about "urban sprawl." Levittowns and endless identical rows of shoddily built bungalows. Critics of America's suburbs have led us to fear the terrible sterility of look-alike suburbs. But the suburbs have offered a very satisfactory form of life to those who live in developments that do look alike in many respects. Suburbanites in Levittown and Scarsdale have found that deepite the similarities of dwellings and ways of life in their communities, they still like to live there. Of course, suburbs have many problems; what form of human community does not.

We should not prohibit development because it may have some undesirable aspects, unless we develop alternatives that provide suitable housing for all classes of the population.

The garden-city movement and the new towns of Europe as well as the best examples of new development in this country—Columbia, Md., and Reston, Va.—have demonstrated that amenable communities open to all classes can be constructed at far higher standards than those of today's expensive suburban developments, in which each house sits on a plot of one, two or more acres. Present acreage development saves no open space for the public. It calls for cookie-cutter development writ large. It demands that every inch of space be devoted to a private lot—even land not suitable for development.

But if new housing in the suburbs need not follow the pattern of Levittown, it also need not conform entirely to the rules of the garden-city movement in Europe and America. Housing can be built in small developments in existing towns, or in new towns, or in larger developments around highway interchanges and commercial projects. Towns, moreover, can assure the preservation of large amounts of open space through such devices as "cluster zoning" and "planned-unit development," which permit higher densities on portions of a tract if a certain amount of acreage is set aside for public recreational use. Nor would elimination of suburban exclusion prevent those who wish to own large amounts of land from doing so—a privilege guaranteed them by our economic system.

As the prospect of intensified development of the suburbs comes closer, private groups, sniffing profits, are investing in land for eventual massive building. One hopes that these developers will be guided by the principles of balancing industrial and commercial growth with new housing, and of a wide mixture of housing types and costs in open neighborhoods.

Nonprofit groups and public agencies should also be preparing for the future by negotiating for tracts of suburban land, on the theory that when the exclusionary laws are struck down, they had better be ready with plans for construction of low- and moderate-cost housing, or they will risk leaving the whole ball game to the private developers.

ZONING: AMERICA'S HIGH WALL "RIGHTS"
BATTLE SHAPES IN CITIES
(By Richard L. Strout)

WASHINGTON.—The next big battle on the civil-rights front will be not busing, but zoning. The problem deals with economic, not racial, segregation.

Politicians here watch preliminary engagements already under way in dozens of communities. Cases are coming to the Supreme Court.

Action of the House of Representatives last week forbidding the use of emergency desegregation funds for school busing will, it is believed, if upheld in the Senate, increase the internal pressure in the big cities to break through the zoning barricade that walls them from the suburbs.

The issue was raised in the House debate on bussing.

INSTABILITY SEEN

Big-city pressure is growing and is compounded of these factors:

While the United States is the wealthiest nation on earth, 24 million Americans are below the poverty line, or about one in nine. About one out of 11 Americans is black. Mechanized agriculture in the last century drive blacks into the big cities in one of the biggest migrations of the world, and there today the unemployment rate is about twice that of the 5.8 percent national average. It rises to 20 percent or more for teenage blacks.

The social instability of this division is typified by the separation of city ghettos from leafy suburbs. The agency for maintaining this explosive separation is zoning, some city planners now declare; ordinances that make it impossible for city dwellers of medium or low income to buy homes out in the country near the migrating city factories.

The deeply emotional issue of bussing would be mitigated if the city dwellers could move out into the country when, obviously, say advocates, it would not be necessary to bus a black child 15 miles from the heart of Detroit—if she lived out in the suburbs already.

The California Supreme Court ruled last August that state schools must be financed by some fairer method than varying property taxes, and the revolutionary case, Serrano v. Priest, has sent shock waves over the country. Statistics noted that poor neighborhoods with low valuations had to pay more proportionately for poorer schools, than rich suburbs did for better schools where a relatively modest tax easily raised more money. Minnesota's high court now has followed California's.

Now comes another move to open the suburbs in Sen. Abraham A. Ribicoff's bill, "government facilities location act," originally introduced last year and reintroduced this year. It would forbid a federal installation to move to a suburb which refused to provide land for houses for workers.

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TESTS EXPECTED

Tests in federal courts are expected, too. The Civil Rights Guidelines Act of 1964 forbade discrimination; but is it discrimination where a factory moves from city slums into suburbs if the town continues to enforce zoning restrictions that make it impossible for workers to follow, save by daily busing?

A recent vivid example involved the Ford Motor Company, which bought 200 acres in Mahwah, N.J., a town of 10,500 where it proposed to move its Newark facility, with 4,200 workers. But the workers found exclusionary zoning ordinances requiring them to buy lots of half an acre or more which only a few could afford. This case is now in the courts.

Two years ago Massachusetts required that three-tenths of 1 percent of a community's vacant land must be made available for medium- and low-cost housing in each of five years. Other states propose similar measures.

An organization, Suburban Action Institute, offers legislation to encourage federal regulatory agencies to act against corporations proposing to move into so-called exclusionary suburbs.

Last month a New Jersey state court threw out exclusionary zoning laws in Madison Township, N.J. A similar celebrated struggle is going on over the area known as Black Jack, Mo., where the federal government has intervened actively in a test case.

Presently America divides up like this:

City enclaves, 59 millions.

Suburbs, 76 millions.

Rural, 71 millions.

More people live in the suburbs than anywhere else, and the proportion is growing. Great social, moral, and historical forces make almost irresistible pressure for a breakdown of barriers between city and suburban areas. The busing controversy seems to many to be only the first round.

IMMIGRATION PROBLEMS IN THE COMMONWEALTH OF MASSACHUSETTS

Mr. BROOKE. Mr. President, I have today forwarded to Senator MCCLELLAN, chairman of the Subcommittee on State, Justice, Commerce, and the Judiciary Appropriations, of the Committee on Appropriations, a report of my findings on immigration problems in the Commonwealth of Massachusetts.

The problems revealed in my report may well be typical of the problems in other States and it is my hope that this report will lead to effective remedies to what appears to be a national problem. To provide my colleagues with an opportunity to review this report, and I ask unanimous consent that it be printed in the RECORD.

There being objection, the items were ordered to be printed in the RECORD, as follows:

REPORT OF SENATOR EDWARD W. BROOKE, THE SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE, THE JUDICIARY OF THE COMMITTEE ON APPROPRIATIONS ON IMMIGRATION PROBLEMS IN THE COMMONWEALTH OF MASSACHUSETTS, DECEMBER 6, 1971

I. PURPOSE

The purpose of the two-day hearings was to review the budget and operating procedures of the Boston District Office of the Immigration and Naturalization Service and to evaluate their impact on the Commonwealth of Massachusetts. It was our further purpose to investigate special problem areas related thereto.

The first day of hearings was held on May 27, 1971 in Room 2003A, John F. Kennedy Federal Building in Boston, Massachusetts. The second day of hearings was held on May 28, 1971 in Room 252, Post Office Building, New Bedford, Massachusetts.

Testimony was received from a total of 27 witnesses, 25 of whom appeared at the hearings. The remaining two submitted their statements for the record subsequent to the hearings.

II. BACKGROUND

The Commonwealth of Massachusetts presently ranks fourth among the 50 states in the total number of registered aliens residing therein. And during fiscal year 1970, about 15,477 aliens were admitted through Boston for permanent residence. This brought the total number of registered aliens residing in Massachusetts to 172,454. It is also worth noting that 10,208 temporary visitors entered through Boston during the fiscal year ending June 30, 1970.

During my service in the Senate, I have received hundreds of complaints from citizens and aliens alike on a wide range of immigration matters. However, during the past year my office experienced a tremendous upsurge in the number of complaints. After confering with other Senators, I concluded that the practical application of the Immigration Naturalization Act of 1965, as amended, was causing similar problems in other states. While it would be impossible to conduct a complete review of the multi-faceted application of our immigration and naturalization laws in two days, the hearings held by the Subcommittee were able to highlight some of the most critical problem areas.

III. BUDGET AND OPERATING PROCEDURES OF THE BOSTON DISTRICT OFFICE OF THE IMMIGRATION AND NATURALIZATION SERVICE

The testimony during the hearings revealed that the current operating budget of the Boston District Office for FY '70 was approximately $1,575,000. Of that amount, $1,450,000 was expended on a staff of 106 people located in two offices. The second office, regional in nature, is located in Springfield and employs only three people. In reviewing the staff breakdown, two specific areas deserve special attention.

In the first instance, it should be noted that there is only one special inquiry officer in the Boston and Springfield offices. It should be further noted that at present there are no plans to assign additional personnel in this area. During FY 69, the last year for which figures are available, the Boston District Office conducted 682 deportation hearings, which resulted in 115 deportations. During the same period, the Boston District Office handled 33 exclusion hearings. This latter procedure is invoked when a person applies for admission to the United States and the primary officer rules him or her inadmissable. The case is then referred to the special inquiry officer for a hearing to determine the admissability of the applicant. In sum, we had a situation where one special inquiry officer conducted over 700 hearings on merits in one year. Consequently, it appears that at least one, if not two, more special inquiry officers are needed so that each case can be fully developed to insure a fair and accurate adjudication. We must remember that the initial decision of the special inquiry officer will affect the opportunity of individuals and families to participate in our American democratic process. This is particularly true in the case of an exclusion hearing. It is my understanding that after an exclusion hearing there is an appellate review by the appropriate Federal Circuit Court as is the case in a deportation hearing. In other words, the administrative decision reached by the Board of Immigration Appeals stands as final.

In the second instance, it should be noted that of 106 people in the two offices, only 16 field investigators and they have one supervisor. It should be further noted that the geographical area expected to be covered by these field investigators extends beyond the boundaries of Massachusetts and include Rhode Island and portions of New Hampshire and Vermont. Without going into a detailed job description of field investigators, the hearings were, nevertheless, able to highlight to some degree the heavy caseloads that these men are expected to carry. In addition to the some six-hundred odd deportation cases that required an investigation, it was brought out that the Boston District Office receives anywhere from 100–125 complaints a month from residents concerning aliens alleged to be here illegally. Each complaint requires a comprehensive investigation. Testimony revealed that there is a current backlog of several hundred such investigations.

Moreover, the District Director indicated that, at one time, the Service was divided into specific geographic areas, and field investigators were sent out to check places where aliens, alleged to be here illegally, were known to be employed. This included, among other places, restaurants, construction work sites, and fishing vessels. At the present time, however, he indicated that the field investigators were limited to working only on the basis of leads or complaints that are sent into the Office. In essence, they have been placed in a position merely of responding to complaints rather than conducting their own investigative work.

The problems in this area do not stem solely from an inadequate number of field investigators. The testimony developed that as unemployment increases, complaints are centered around employment; many U.S. citizens or resident aliens feel that they have been displaced in their jobs by individuals who may be here illegally. Another area of complaint centered around the housing shortage; many individuals likewise feel that they have been displaced from their housing by aliens alleged to be here illegally.

The testimony also indicated that the Immigration and Nationality Act of 1965, as amended, has itself contributed to the increase of complaints over aliens alleged to be here illegally. Prior to the 1965 Act, there were no numerical restrictions placed on Western Hemisphere immigrants. The 1965 Act placed a limitation of 120,000 on those immigrants coming from independent countries of the Western Hemisphere. This has apparently caused a significant backlog of applications. Testimony indicated that there is presently a waiting period of approximately 13 months for persons applying from the Western Hemisphere. An additional responsibility is placed on immigrants coming from Western Hemisphere nations. Unless they are joining immediate relatives, they are required to obtain labor clearances before entering the United States. The District Director testified that with our present unemployment situation, a large number of the Western Hemisphere people find it difficult to obtain job clearances within the United States, yet they find it relatively easy to get temporary visitors' visas. Thus, many are able to come here and lose themselves in the population, where they can find work and remain here in an illegal status.

As the testimony continued, it became apparent that though staffing shortages may be contributing to the problems we are facing in Massachusetts, other factors such as the unemployment situation, and the impact of the 1965 Act, are interrelated and make it difficult to measure accurately the impact of budgetary restrictions. While the officials from the Immigration and Naturalization Service were unable to accurately predict how many aliens may be illegally residing in the Commonwealth, their testimony indicated that the number may well be in the thousands.

Aside from the heavy caseloads that field investigators are expected to carry, it is worth noting some of the procedural aspects of their jobs. The testimony indicated that a field investigator has a considerable amount of discretion in the conduct of a routine investigation. Upon the receipt of a complaint, the investigator is assigned to the case by the supervisor. The investigator must then go into the field to gather sufficient information, which he reports back to the supervisor. At this point he is called upon to make a recommendation one way or another as to the status of the alien in question. In this regard, there was testimony to the effect that deportation is always considered as the last resort.

It is encouraging to learn that the policy of the field investigators is to exhaust every opportunity for adjustment before considering the option of the alien's voluntary departure. Even with voluntary departure, a visiting alien who has overstayed can return at some future time without prejudice. We were told that only after it becomes apparent that voluntary departure will not take place, does the Service move toward invoking the deportation process.

The testimony also indicated that illegal aliens are most often found in occupations which are either low-paying or where the physical strain of the job diminishes its appeal.

In a related area, we heard testimony on the proper role of attorneys in immigration cases and the proper role of voluntary social agencies. The Subcommittee heard from Mrs. Esther Kaufman, President of the Association of Immigration and Nationality Lawyers, who was accompanied by Mr. Robert Juceam, Co-Chairman of that Association's Ethics Committee, and Mr. Marshall Medoff, Chairman of the Boston Chapter of the Association. In preliminary questioning, it was revealed that the Immigration and Naturalization Service issues standards for practice before that body and these are contained in the Code of Federal Regulations. It was also brought out that the Code of Professional Responsibility of the American Bar Association has preliminary rules in draft form pertaining to this particular area. Mr. Juceam informed the Subcommittee that the Ethics Committee of the Association of Immigration and Nationality Lawyers has now focused on whether it is possible to develop a specialized code of ethics that relates to an immigration or naturalization practice. The President of the Association further informed the Subcommittee that they are now setting up a national network of attorneys, perhaps not entirely manned by Association members, but at least under the authority and supervision of the Association, so that if an alien in any outlying district wishes to have counsel, he will be able to find counsel or representation at no cost to himself. Mrs. Kaufman pointed out that without legal counsel, mistakes and/or misstatements on the part of an alien acting on his own behalf can create perhaps lifetime ineligibility or general problems that will impede his entry into the United States.

It is important to contrast the role of the attorney with that of the contact representatives supplied by the Immigration and Naturalization Service. The Subcommittee heard testimony indicating that the contact representatives are supplied by the Service for the purpose of assisting aliens who have questions with respect to particular forms to be filled out and submitted by the alien. The large majority of cases are processed in this manner and with this form of assistance. Mr. Juceam pointed out two problem areas for the Subcommittee's consideration. The first is the amount of time that the immigration contact representative can give to any alien. The second is the alternative problem that may be presented, not of any immigration nature, by an alien or an employer who is paying for an alien's application. He went on to cite an illustration:

If an employer is interested in having an alien come to the United States to take training with his company so that the alien may return at the end of the year to head up the operation of the foreign subsidiary, it would appear straightforward that he could use one classification and one form supplied by the Immigration Service to accomplish that end. However, if the employer then indicates that he wants the alien here in a shorter period of time, perhaps because something important is happening in his business, then a different form for a different type of training program will be filled out on behalf of the alien. The difference in this case might be that there is a tax consequence to the alien or that there is a selective service consequence or even a corporate problem that affects the decision as to which of these approaches should be utilized. Mr. Juceam indicated that if the employer were to go to the immigration contact representative, he would learn that there are three types of forms to be used and he would be given assistance in filling out the form he chose. He would not, however, be given assistance in analyzing the collateral problems raised by the use of the different forms.

It is here that the association feels an attorney is needed. While the testimony did not offer any criticism of contact representatives of Immigration and Naturalization, it was pointed out that they are generally employed at the GS–7 level. It was further pointed out that while these contact representatives are given some "in-house" training, they do not participate in the same training course conducted for field investigators in which immigration and nationality law is extensively reviewed. In essence, the contact representative was described as an individual who does not give advice to an alien on a case-by-case basis but rather hands out forms, inspects completed forms, and assists in answering specific questions only when raised. Further, it is possible that a representative of the Immigration and Naturalization Service might not have the alien's best interests at heart since his primary allegiance is to the Service. What is needed in addition to more training is some assurance that aliens with special problems will have the benefit of the true spirit of advocacy.

All of the testimony seemed to indicate a need to provide more extensive training of the contact representatives and/or more stringent requirements for those who wish to serve in that capacity. Even though the Service has a lawyer referral list, they do not provide any legal advice for aliens who may need consultation at an early stage in their application. Mrs. Kaufman in her testimony, suggested that one approach might be to set up a program whereby attorneys could serve in rotation and undertake to spend a specified period of time, one day a month, for example, at the clinic. That way, an alien would know that by going to a specific address at a specific time he would be able to obtain competent legal counsel. Other alternatives were suggested. Notably, the expanded use of legal aid societies and the like.

In another area, Mrs. Kaufman commented on her experience in a voluntary social agency. She indicated that, in all but a few cases, the people in these agencies, no matter how good their intentions, do not have the necessary legal expertise. This testimony was in sharp contrast to that heard later from Mrs. George S. Tattan, Supervisor of Social Services, of the Division of Immigration and Americanization of the Commonwealth of Massachusetts, who indicated that the case workers in her agency are well versed in immigration law. However, it should be poined out that there are no staff attorneys employed by her agency nor do they have a list of lawyers available for referral. The division which she represents was established in 1917. Its original purpose was to protect in-coming immigrants who had difficulty with the English language. The Division's primary purpose was, and is, to assist immigrants in their adjustment to the American way of life. In her testimony, Mrs. Tattan indicated that her agency last year assisted over 21,000 persons with special immigration problems. Mrs. Tattan also indicated that five of the 17 members of her agency serve as representatives of the social service. In that capacity they accompany aliens to the Boston District Office of the Immigration and Naturalization Service to assist them in their dealings with the Service. However, she indicated that they do not go to Washington and appear before the Board of Immigration Appeals, though her agency has assisted aliens in the preparation of forms and the appeals themselves, which have ultimately been sent to Washington to be reviewed by the Board of Immigration Appeals.

It is interesting to note that this particular voluntary social agency has a total of five offices throughout the Commonwealth whereas the Immigration and Naturalization Service itself has only two.

The sum of Mrs. Tattan's testimony suggests the strong feeling that voluntary social agencies play a vital role in the handling of special immigration problems. Nevertheless, it is worth mentioning that we are dealing with a very technical area of the law. Accordingly, it seems that somewhere along the line our procedures should provide adequate provision for aliens to obtain competent legal counsel when the need presents itself. Whether this should come from the Immigration and Naturalization Service, some voluntary social agency, or from some independent source, is a question that needs more attention. Insofar as it affects the practices and procedures of the Immigration and Naturalization Service, it is the proper concern of this Subcommittee.

IV. SPECIAL PROBLEM AREAS

A. Attorneys and private bills

There has been considerable discussion in recent years, both in and out of Congress, about the proper role of an attorney when a private bill is sought on behalf of an alien. Many persons firmly believe that an attorney is not necessary for this purpose. Those who hold this view place their confidence in the professional competence of Congressional staffs, feeling that each office is able to evaluate properly the facts that are brought to its attention by the alien seeking this extraordinary relief. As was developed in the hearings, it is obvious that the record of abuses committed by attorneys in this area has no doubt contributed support for this position. Mrs. Kaufman and the Association of Immigration and Nationality Lawyers believe otherwise. Mrs. Kaufman, in her testimony, indicated that an attorney is not necessary in every instance where private legislation might be sought. Nevertheless, she indicated that the standard by which most members of Congress begin to consider the introduction of a private bill is whether any administrative relief is available. She stressed that this is something that an attorney is especially qualified to evaluate. She went on to testify that an attorney can and should interview a client on every aspect, every fact, every facet of the alien's case to determine whether there exist alternatives to pressing for the introduction of a private bill. If, after such an investigation and consideration of the facts, it is determined that there is no remedy, and the attorney feels that this is a situation in which a private bill can properly be sought, then the attorney's function is to present the case so that the member of Congress to whom it is presented fully understands: why the private bill is being sought; what the merits of the case are; and that no other administrative route can be pursued. This was the sum of Mrs. Kaufman's testimony on this point.

This appears in theory to be the proper role of the attorney. However, Congressional experience has shown that many requests for private immigration legislation are not ac-

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companied by the detailed legal analysis suggested by Mrs. Kaufman. Apparently, many attorneys handling immigration cases have failed to present a fully documented case. A collateral issue to this point is whether an attorney has the right to sell his services based in part on his understanding of the governmental process and perhaps his friendship with people who presently are serving in various governmental posts. As was pointed out by Mr. Juceam of the Association of Immigration and Nationality Lawyers, the United States Court of Appeals for the Fifth Circuit recently addressed this point in a case entitled *Troutman, Jr.* v. *The Southern Railway Company*. The thrust of the Court's decision is that it is not against public policy for a lawyer to utilize personal influence to gain an audience with a member of government, provided that in doing so he does not obtain or seek to obtain relief based on that influence, but that he does present something on the merits of the case. This is a vague area of the law and one in which it is difficult to distinguish what constitutes an attorney's use of personal friendship to obtain a hearing on the merits. Mr. Juceam, in his testimony, indicated that the Ethics Committee of the Association of Immigration and Nationality Lawyers is concerned with this area of the law and is presently reviewing alternative approaches to dealing with it. Their initiative is to be applauded and encouraged. It is clear that the Bar has responsibility for keeping its own house in good order.

Very briefly, it is worth stressing again that this is another problem area stemming from the need for an adequate system of available assistance for aliens upon their entry into our country.

B. TRAVEL AGENCIES AND VISA CONSULTANTS

The background of another special problem area was explained by Mr. Juceam in his testimony. He focused our attention on the role that travel agencies and visa consultants have been and are playing in the area of immigration law. By way of illustration, he produced a newspaper advertisement that had appeared in a newspaper on a Caribbean Island, announcing the availability of employment in the United States and the way to obtain appropriate visas. The announcement listed a number of job categories which at the time were certifiable by the U.S. Department of Labor. The ad gave an address on that island where aliens could go to seek more information. No doubt to make the ad more attractive, a connection was suggested between the office on the island and a New York, English or Canadian corporation. According to Mr. Juceam, the services rendered by this firm and others consist primarily of processing the papers required for labor certification and entry into the United States. Presumably, this work is done by non-attorneys. We were told that evidence suggests that similar firms are cropping up all along the East Coast. We should be concerned as to whether these visa consultants firms or travel agencies are performing a legitimate and useful function with regard to the administration of the 1965 Immigration and Nationality Act, or whether they have been established for the purpose of circumventing the spirit, if not the letter, of our immigration statutes solely to profit from many non-English speaking aliens who may be seeking legitimate entry into the United States. Aside from the potential abuse that may be emerging in this area, it is important for us to understand the role which these firms can and do play with respect to the services presently offered by the Immigration and Naturalization Service and those functions which the Service could conceivably fulfill in the future.

By way of illustration, the Committee heard testimony from Mrs. Joyce Walshaw, a young housewife who, along with her husband, was induced to come into the United States by one of these so-called "visa-consultant" firms. In outlining the facts of her case, Mrs. Walshaw indicated that she and her husband responded to an advertisement in an English newspaper. The article suggested that persons interested in obtaining employment as a "ship fitter" in the United States should arrange for an interview to learn more about the particulars. When Mr. Walshaw went for his interview he was told that, at no cost to him, he would be provided with the following through use of the consulting service.

The husband was promised a job as a "ship fitter." They were told of suitable housing for the entire family in the $125.00 per month range; they were promised permanent residence status and a roundtrip ticket for the husband back to England as well as a one-way ticket for his wife plus $300.00 in cash, after the husband was employed for one year. According to Mrs. Walshaw's testimony, she and her two children did not wish to remain separated from Mr. Walshaw for the one-year period and, since they were financially able to do so, made arrangements for their children to follow them to the United States shortly after their own arrival. Mrs. Walshaw testified that the consultant firm that she and Mr. Walshaw dealt with was one called Penn Consultants of Philadelphia. From their testimony as to the relationship between her husband, his employer and Penn Consultants, what happened is this.

The employer, located in Massachusetts, entered into a contractual relationship with Penn Consultants, located in Philadelphia, whereby the latter agreed to supply foreign-born manpower on a per-head fee basis. Mrs. Walshaw testified as to her belief that approximately three-hundred men came over from England alone at the inducement of the advertisement. She indicated that, to her knowledge, only a handful of these three-hundred men are presently employed here in the United States. The remainder have, to her knowledge, returned to England. Each of the men in question apparently entered the United States on a temporary six-month working permit. Many of these men no doubt left when they failed to either achieve permanent residence status or obtain extensions on their temporary working permits from the U.S. Department of Labor.

According to her testimony, the largest problem facing Mrs. Walshaw and the others from England was housing. They were told that the housing in the United States and in the particular area where her husband would be employed was more than adequate and was reasonably inexpensive. They were told that for a family of four it would be possible to obtain suitable housing for approximately $125.00 per month. After they arrived, she told us that she and her husband were unable to find housing to accommodate their family for a sum even close to $125.00. She felt that this problem alone no doubt prompted many of the families to return to England.

Mr. Walshaw has been employed since his arrival here in the United States, but because of the restrictions placed on Mrs. Walshaw by our immigration statutes, she is legally unable to accept any employment and thus unable to contribute to the family income.

Many of the other men from England ran into a troublesome tax consequence as well. According to Mrs. Walshaw, many of these men were required to pay taxes as single men if they were from Britain. In other words, the married men from England were unable to claim tax relief for their families. In further testimony, Mrs. Walshaw indicated that her husband's take home pay was in the neighborhood of $125.00 per week. With many of the other men placed in this similar pay range, one can easily see why the increased tax burden made it difficult for many of them to pay rent for suitable housing and to live comfortably.

Mrs. Walshaw was queried as to what had been done on her behalf and/or her husband's behalf relative to obtaining permanent visas. She indicated that when the first six-month temporary permit had expired, Penn Consultants applied for an extension. The extension was granted. While the second permit was active, the consultant firm put through or filed on Mr. Walshaw's behalf an application with the U.S. Department of Labor for labor certification. Subsequently, labor certification was granted. Thus eligible to apply for permanent residence status, Mr. and Mrs. Walshaw prepared to do so. They were then advised by the consulting firm not to do so at the particular time for the alleged reason that there were no quota numbers presently available. Acting on the advice offered by the consulting firm, Mr. and Mrs. Walshaw proceeded no further on their application for permanent residence status. At a much later date, Mrs. Walshaw testified; it occurred to them that they should go ahead and file anyway, contrary to the advice given to them by the firm. The day before Mrs. Walshaw testified before the Subcommittee, she was informed by mail that her application for permanent residence had been rejected. The basis of the rejection, she told us, was that her husband entered the U.S. on a temporary basis to work temporarily and was now applying for permanency at the same job. It appears that Mr. and Mrs. Walshaw will have to leave the country.

Mrs. Walshaw indicated by her testimony that the total cost incurred by her and her husband in coming to the United States, relocating their family, and undergoing the hardships forced upon them, exceeded $3,000.

It is worth pointing out that the Subcommittee heard testimony with respect to only one of these consultant firms and involving only one employer here in the United States and employees from only one country. If we give any credence to the claim that there are literally hundreds of these consultant firms presently in operation involving many countries, the dimensions of this problem could be far-reaching.

C. LABOR CERTIFICATION

Another special problem area that was brought to our attention prior to the hearings was the issue of labor certification. The question we focused upon was whether the requirement of labor certification is contributing to the burden of illegal entries into the U.S. Mr. Lawrence W. Rogers, New England Regional Manpower Administrator, the U.S. Department of Labor, testified on this point along with his deputy, Mr. William M. White.

By way of background, Mr. Rogers testified that when the U.S. immigration statutes were overhauled in 1965, preferences were set up within the law specifically for people to come to the United States to work. As a part of the establishment of these preferences, the labor certification provision was installed in its present form to prevent adverse effects on our labor market through lower wages and/or working conditions by a competitive labor force willing to come to this country and willing to work in substandard conditions for lower wages. Certification by the Department of Labor, in essence, means that the immigrant entering the U.S. seeking employment will not displace an American worker who could conceivably be a candidate for the same job.

Mr. Rogers testified that for the period from January 1, 1970 to the middle of May, 1971, a total of 16 and a half months, the New England Regional Office acted on 8,550 applications for labor certification. Of the 6,550 applications received, the Regional Manpower Office approved 3,496 for labor certification. Accordingly, they disapproved 3,054.

To put this in its proper pretext, the 3,496 approved applications represent less than one-tenth of one percent of the average work force in New England. This latter figure, according to Mr. Rogers' testimony, is in the neighborhood of 5,200,000 persons.

In a further breakdown, Mr. Rogers testified that during the same 16-month period, the Department of Labor approved 1,592 applications for aliens in Massachusetts alone. During this same period of time, his department disapproved 1,236 applications. The total number of applications in Massachusetts during this time period came to 2,828. The 1,592 applications approved in Massachusetts should be contrasted with the Massachusetts work force which, in March of 1971, was 2,555,000 persons.

Mr. Rogers also indicated in his testimony that the cost of administering the labor certification requirement comes to approximately $2 million annually.

In later testimony, Mr. Rogers pointed out that the law only requires the Department of Labor to certify the availability of U.S. workers and possible adverse effects on our domestic labor market. From a practical standpoint, this means that an alien can be in the U.S. illegally and apply for and receive labor certification. As a matter of policy, however, we were told that when a labor certification request comes in, if the labor officials ascertain that the applicant is either working illegally or is here in the U.S. illegally, they forward such information to the Immigration and Naturalization Service. The point was made, nevertheless, that the fact that an alien is here working illegally is not by itself cause for denial.

Mr. Rogers went on to point out that the labor certificate, as such, is not recognized by most employers as a formal type of working document as it might be in a country such as England. Of greater significance, he testified, is the fact that anyone can obtain a social security card. U.S. citizenship is not a requirement for social security benefits. The result of this is that an English-speaking alien, armed with either a labor certificate or social security card, will have little or no difficulty in obtaining employment in the U.S. Under the present application of our immigration statutes, an alien is able to enter this country on a temporary 30-day visitor's visa.

According to the earlier testimony of Mr. Coomey, the District Director of the Boston District Office of the Immigration and Naturalization Service, 3,645,328 non-immigrants were admitted into the U.S. in fiscal year 1970. The bulk of these were temporary visitors. This figure, according to Mr. Coomey's testimony, is increasing at the rate of approximately 12 percent each year. Mr. Coomey also indicated that the Service is fairly liberal in the number of extensions that they will grant to temporary visitors. On the average, a temporary visitor can probably remain in the U.S. for a period of approximately six months. During his visit, he can obtain a social security card and present himself for employment at a job site where the need for workers has been indicated. The point to be made here is that with millions of aliens entering the U.S. yearly as visitors, we presently have no accurate measure of the number who choose to remain here illegally and risk the consequences of deportation.

The question at this point is whether the intent of the labor certification requirement is being circumvented by the practical application of our immigration statutes. It would seem that the effectiveness of the labor certification requirement is being compromised by the practical application of our immigration statutes. It would appear that the effectiveness of the labor certification requirement can be measured presently only by the number of aliens who are seeking legitimate entry into our domestic work force.

Mr. Rogers went on to testify that as the unemployment rates have risen in New England the rate of labor certification approvals have decreased correspondingly. In the last four and a half months, he told us that his department has approved only 374 cases. This would, if projected ahead, amount to 1,200 cases on an annual basis or approximately 32 percent of those approved in the past period.

It is at least arguable that this present backlog is encouraging more and more Western Hemisphere immigrants to enter the U.S. as temporary visitors and to remain here working contrary to the labor certification requirement.

One additional factor worth considering. Under our present statutes, there is no way of checking as to whether a labor certified alien remains on the job for which he has been certified. It is conceivable that an alien can be certified for one job and, having obtained the necessary certification, move into another area for which he has not been, nor could be, labor certified. One possible answer to this problem was suggested by Mrs. Kaufman, the President of the Association of Immigration and Nationality Lawyers. In essence, she suggested that a system should be developed whereby aliens can enter the country to seek employment based on estimates of the Department of Labor as to how many can be absorbed. They should then come randomly and without any requirement for a particular job. Mr. Rogers, in his testimony, was in general supportive of this concept, based on his own personal experiences. However, he deferred final judgment on this matter to his superiors in the national office in Washington. Mrs. Kaufman told us that it is her information that the national office of the Department of Labor is, in fact, considering a change in this area along the lines she suggested.

On one final point, it is my understanding that the labor certification requirement does not take into account the seasonal influx of great numbers of people across the border. The present system may be creating hardships for immigrants who are not generally threatening our domestic labor market.

The last special problem area on which we heard testimony in Boston involved the case of Mr. Alphonso Reisgo. The facts in this particular case are fairly representative of a number of allegations which have been brought to my attention reflecting unethical and, perhaps in some cases, illegal conduct on the part of the attorneys.

According to Mr. Reisgo, the following transpired: Mr. Reisgo entered the United States in June, 1968 on a temporary visitor's visa. He was traveling from Spain and was on his way to Canada where he intended to permanently reside. His intention upon entering the U.S. was not to seek permanent residence here. Shortly after he arrived, however, Mr. Reisgo met a friend who told him that he knew a lawyer who could get him permanent residence status. Thereafter, and on the advice of his "friend," Mr. Reisgo went to see the attorney. Mr. Reisgo testified that the lawyer told him that for $1,500 the attorney could obtain permanent residence status for Mr. Reisgo. On this first visit, Mr. Reisgo gave the attorney $200.00 in cash for which Mr. Reisgo did not get a receipt. In October, 1970, approximately four months later, Mr. Reisgo paid an additional $800. At this time, the attorney gave him a receipt for $1,000. The attorney assured Mr. Reisgo that everything would be taken care of within the next six months. Unsure of the progress of his application with the Immigration and Naturalization Service, Mr. Reisgo went by himself to the Boston District Office of the Service. This was on or about November 15, 1970. At that time, he was told by Immigration officials that no papers had been filed in his behalf. He then returned to the attorney and requested an explanation. The attorney responded that his papers were over in "the social security office" and everything was being taken care of. Mr. Reisgo has not seen the attorney in question since November of 1970 nor does he have any evidence that services were performed in his behalf by the attorney either prior to or subsequent to November of last year.

This case represents what may be a common situation in which an alien comes to the U.S. with little or no understanding of our immigration statutes and is taken advantage of by those in whom he has placed his trust. This is clearly an area that is deserving of more attention on the part of the respective bar associations. In this particular case, there may be further evidence that will support an indictment.

E. NEW BEDFORD

As the hearings shifted to New Bedford on the second day, we focused our attention on two major areas. First we heard testimony bearing on fraud and unethical conduct on the part of at least one attorney. Second, we received information outlining the impact of aliens on the economy, housing, health care, and other social services in the Commonwealth. This latter area is directed to the problem of allocating available resources in the most efficient manner.

As to the first issue, my office began to receive an increasing number of complaints in the early spring of this year (1971) from aliens in New Bedford and Fall River who felt that they had been taken advantage of by at least one attorney. On one occasion, the designated representatives of many of these aliens, accompanied by a representative of Governor Francis W. Sargent, came to Washington to meet with my staff. As time went on more and more complaints came to my attention and the needs for some sort of action became evident. While the total number of aliens involved with one attorney in particular has yet to be determined, the testimony supported the contention that well over 200 have been involved.

The first witness was Mr. Paul Andrade, who is presently employed at WGCY Radio Station. Prior to his employment at the radio station, Mr. Andrade was employed at the Migrant Education Project of the Commonwealth of Massachusetts. While so employed, a number of aliens came to him with their own complaints. Though the stories varied somewhat, a common theme was outlined by Mr. Andrade in his testimony. The following is a typical account: A foreign national who visited the United States and expressed a desire to immigrate as a permanent resident would be referred to one particular attorney by friends or relatives, and, it was suggested, possibly paid runners. The attorney would assure the new client that he could arrange to have him remain in the U.S. permanently and legally. The attorney, the testimony indicated, often represented himself to be a member of the U.S. Department of Immigration staff as well as "Consul General of the United Nations" with administrative authority superseding all other attorneys in the United States. The attorney would request in cash a $500 retainer fee from each client. It was further stated that, upon payment, the alien was taken to the Post Office or some other appropriate place, either by the attorney in question or one of his staff, for the purpose of obtaining a social security card. Each client, the testimony indicated, was informed that this card was evidence of his right to work in the United States and that the alien could now find a job, purchase a car, or buy property. Each applicant whose family was not in the U.S. was advised by the attorney to dispose of his possessions in his country of origin and to send for his family as they could now reside in the U.S. permanently and legally, once they were admitted as visitors.

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It was suggested by Mr. Andrade that the attorney was often dealing with unsophisticated and often uneducated people awed by his apparent position of influence and prestige. On such occasions as the attorney accompanied them to the offices of the Immigration and Naturalization Service, the courtesy and deference tended to corroborate his claims in their eyes.

When in the course of time, communications of any nature came from the Immigration and Naturalization Service, the clients immediately took them to the attorney in question. Their testimony indicated that the attorney almost invariably advised them that he was handling the whole matter and that they need not take any action to comply. Even when third parties translated the notices and advised the aliens of the seriousness of their situation, and in some cases of their imminent deportation, the attorney would assure them that this was just an administrative mix-up in the large governmental machinery and that they could pursue their normal lives without any fear or hindrance. Their testimony indicated that a number of aliens stated to the attorney in question that they would rather leave the country than be a party to any illegal act. On these occasions, testimony indicated that they were reassured by the attorney that all of his actions in their behalf were completely legal and that they were not violating any law of the United States. One witness testified that, on at least one occasion, the attorney in question acted angered and hurt by the implications that any of his actions were outside the law. This particular witness did not pursue the question any further since she felt intimidated by the sight of the attorney who happened at the time to be armed with two pistols. Her testimony indicated that when the attorney took his jacket off she saw him carrying one gun on his hip and the other lodged in a shoulder holster.

In the fall of 1970, the attorney introduced a new tactic. On October 16, 1970, over 100 of his clients were summoned to his New Bedford office and told, in essence, that there was now a legal mechanism available that would allow them to be not only bona fide immigrants and permanent residents of the United States but American citizens as well. The testimony indicated that he presented each client with a mimeographed form in the nature of an affadavit, the purported effect of which was to enable the aliens to renounce their citizenship in their native land and to declare themselves to be stateless persons. Their forms were witnessed and notarized. The testimony indicated that the fee for this service was $300 and would, according to the attorney, entitle his clients to American citizenship within six to eight months. Some of the people who were presented with this "opportunity" had already paid the attorney amounts ranging from $500 to more than $1,000, but, on this particular day (October 16) we were told that 104 of them paid an additional $300 in cash, for a total of $31,200.

Some time later, the aliens' visitor's visas began to expire, the Immigration and Naturalization Service began to institute deportation procedures against a number of this attorney's clients. The strength of their reliance on the advice of this attorney was highlighted in the testimony of Mr. Antonio Gomes Cruz. Mr. Andrade was kind enough to act as the interpreter for Mr. Cruz and a number of the other witnesses who are unable to speak English. Mr. Cruz testified that in May of 1970 he received his first deportation notice. He had been instructed that any time he received correspondence from the Immigration and Naturalization Service, he was to take it to a particular woman who had been acting as an intermediary between him and the attorney. Upon receipt of the deportation notice, as instructed, Mr. Cruz took the notice to the woman and was informed by her of its nature, but was told not to worry and to go out to sea (Mr. Cruz was employed as a fisherman) as scheduled. When Mr. Cruz returned from his fishing trip, he returned to the woman. He testified that she said she had talked with the attorney and that he had said that everything was running along very well and not to worry.

Approximately two months later, he received a second notice from the Immigration and Naturalization Service notifying the entire Cruz family, which included his wife and two children, to appear at the Boston District Office of the Immigration and Naturalization Service. When Mr. Cruz and his family appeared at the Boston District Office with their attorney, he testified that there was a conversation between the Immigration officials and his attorney which he could not understand. He was instructed by the attorney that everything was all right and that he was to go back home. The attorney further indicated that if the officials were to call him again, he (the attorney) would be available to take care of it. In August, Mr. Cruz received another notice from the Immigration and Naturalization Service requesting that he appear on a given date at the Boston District Office. The same thing happened again and again. There was a conversation between the attorney and the immigration officials which Mr. Cruz did not understand, and again the attorney instructed him to return home and not to worry. Mr. Cruz testified that he went through this routine approximately five times.

Mr. Cruz went on to testify that on or about November 14, 1970, he was arrested by immigration officials as he was about to board a fishing boat to go out to sea. He was handcuffed and taken to the New Bedford House of Corrections. He was held there for four days and then transferred to the Charles Street Jail in Boston. Mr. Cruz spent five days at the Charles Street Jail until he was released on bail pursuant to a restraining order issued from the U.S. District Court in Boston. Mr. Cruz testified that he saw the attorney in question when he was released from the Charles Street Jail, but that he only saw him at a distance and when the attorney saw Mr. Cruz coming he turned his back to him and did not speak. At the conclusion of Mr. Cruz's testimony, I asked Mr. Andrade if he would be kind enough to ask in Portuguese how many people in the hearing room had the same or similar testimony to give with regard to their involvement with the same attorney. 56 people stood and raised their hands, indicating a factual pattern (excluding the arrest sequence) similar to that outlined by Mr. Andrade and Mr. Cruz. While the total number of aliens similarly situated has yet to be determined, it is clear that we are dealing with a number in the hundreds.

It is worth pointing out that many of the witnesses who testified at the hearing indicated openly and willingly that their present status in the U.S. was illegal. They were not obligated in any way to step forward and present their evidence for the record. Nevertheless, they did so without attempting to avoid any of my questions. It seemed evident that these people had acted in good faith and had not knowingly sought to circumvent our immigration statutes. At another point, Mr. Andrade was asked if he would request a show of hands so that we could determine what sums of money had been paid by the people present in the hearing room to this one attorney. We were then able to determine that one had paid $1,100; two had paid $1,000; one had paid $900; 17 had paid $800; 5 had paid $700; one had paid $600; 14 had paid $500; 4 had paid $400; 4 had paid $300; one had paid $200; and 3 had paid $100.

Again asking the entire group how many had received a permanent resident visa card, no one raised his hand. On the question of how many had received labor certification through the efforts of the attorney, the answer again was none. Finally, as to how many had signed the renunciation of citizenship form that had been described in the earlier testimony of both Mr. Andrade and Mr. Cruz, 52 people present in the hearing room raised their hands to indicate that they had done so. Many of the people present had receipts to show the amounts that they had paid to the attorney and/or his secretary.

Midway through the afternoon session, we heard testimony from Attorney Murray H. Rittenberg, of 11 Beacon Street, Boston. Mr. Rittenberg appeared at the hearing voluntarily and testified on his own free will. While his testimony at times was at variance with the facts outlined by the witnesses who had preceded him, the substance of his comments generally supported the earlier testimony.

There are two or three areas that are worth looking at more closely insofar as Mr. Rittenberg's testimony is concerned.

In a discussion of the procedures that Attorney Rittenberg employed to keep aliens in this country, the following testimony transpired:

Senator BROOKE. Now, what procedure did you adopt?

Mr. RITTENBERG. I looked around. People—they came to me. Most of them came to me, their time had run out. Now, I had talked this over with Immigration—I'm trying to think who the men's names are. I'll tell you in private, not now.

And I was told the people came in and the time is up on their I-94's, that I could let them go to work because actually, it's the same thing with the card. That don't make any difference anyway: it makes no difference anyway; it makes no difference at all, because they already broke the law by staying beyond their time period.

So I advised them all to go to work and get social security cards. To get a social security card—does not mean they are going to work. Everyone who works has the right to it.

Senator BROOKE. Stop, if you will, right there. You are very well familiar with immigration law (earlier in his testimony Attorney Rittenberg testified that he considered himself to be a specialist in immigration law). Don't you know that if a person comes in here on a visitor's visa that he is in violation of the law if he goes to work?

Mr. RITTENBERG. Certainly.

Senator BROOKE. Well, how could you advise someone to break the law?

Mr. RITTENBERG. After their time is over.

Senator BROOKE. It doesn't make any difference. You are a member of the Bar. If I went out and advised someone to commit larceny, I would be advising them to commit a crime, would I not? As a member of the Bar, I would be in violation of the law myself?

Mr. RITTENBERG. Maybe so.

Senator BROOKE. What prompted you, as a member of the Bar, number one, fully familiar with immigration law, to advise your clients to go out and get a job in violation of the law you are sworn to uphold as a member of the Bar?

Mr. RITTENBERG. They were already in violation of the law.

In further testimony, related to the use of renunciation of citizenship forms, Attorney Rittenberg outlined the legal theory upon which he acted. His belief was, and apparently is, that the United States is a signatory to some treaty which in effect would permit an alien to renounce his citizenship in his native country and thereby become stateless. Then, the United States would not be able to deport him and would in fact be obligated, if not compelled, to grant him residency. Mr. Rittenberg indicated in his testimony that he did not know or was not informed until much later by an assistant U.S. attorney in Boston that the United States is not a signatory to the treaty upon which he based his legal claim.

On the question of advising his clients to ignore deportation orders, it is worth nothing more of the testimony.

Senator BROOKE. When a client came to you and showed you a deportation notice, why did you tell him to ignore the notice?

Mr. RITTENBERG. Why? Because I wanted to talk to Immigrations to see if I could get it changed. Very simple. No matter what anybody says to me, that is the answer.

At another point, the dialogue went as follows:

Senator BROOKE. Have you ever represented a client that jumped ship?

You understand jumping ship?

Mr. RITTENBERG. Ya.

Senator BROOKE. You couldn't be in the immigration business and not understand that. Now, a person jumps ship and you advise them to get a job and not worry about anything, you'll take care of it. Do you know that jumping ship in this country is a violation of law?

Mr. RITTENBERG. I imagine it is.

Senator BROOKE. You don't need to imagine. You are an expert on immigration law.

Mr. RITTENBERG. Of course it's a violation.

Senator BROOKE. Number one, to jump ship is a violation of law and number two, to work after you enter the country by jumping ship is another violation of law, is it not?

Mr. RITTENBERG. Uh huh.

Senator BROOKE. Then, why would you advise the client to go to work?

Mr. RITTENBERG. Probably at the moment I just thought that way.

At another point in his testimony, Mr. Rittenberg offered evidence supporting the contentions raised in the Boston segment of the hearings with regard to the need for more investigative personnel in the Boston District Office of the Immigration and Naturalization Service.

The testimony on that point went as follows:

Senator BROOKE. Is that within the law, for example, when a visitor's visa expires, say, in June, 1969, and nothing is ever received by the alien, say, for a year, a year and a half, until 1970, or even still longer?

Mr. RITTENBERG. It's the system. The system, that's all it is.

Senator BROOKE. What is wrong with the system?

Mr. RITTENBERG. The system. In other words, when these people's time comes up they have the I-94, they have a record of it. But there is no way for the Immigration really to know each day what people should be approached and told to leave if they haven't left.

Senator BROOKE. Even after a year?

Mr. RITTENBERG. Oh, ya. There is no way. They have no work force. The only way they can do it is somebody—and they are doing a lot of that—calls up and reports the facts that so and so is working in this place or living here over his time. They they go out and they get him and they do get him.

Senator BROOKE. People come here as visitors and stay in this country forever, is that right?

Mr. RITTENBERG. I know one case, a man's been here for eight years.

At the conclusion of Mr. Rittenberg's testimony, the presence of Mr. Marshall Medoff, Chairman of the Boston Chapter of the Association of Immigration and Nationality Lawyers, was noted. Mr. Medoff was asked if he and members of his association would agree to review all of the cases involving aliens from the New Bedford-Fall River area who felt that they had been disadvantaged by their association with Attorney Rittenberg. Mr. Medoff agreed to provide such a review and to furnish us reports thereon. As immigration proceedings continue, Mr. Medoff will be providing reports, and it is my hope that these reports will assure us that a full review has been conducted and that no one is being deported who has not exhausted every administrative remedy available.

F. IMPACT OF ALIENS ON ECONOMY

The second area on which we focused our attention in the New Bedford portion of the hearings involved the impact of aliens on the economy of Massachusetts and on the range of social services that are available. In this area we heard testimony from Mr. William R. Lapre, Supervising Manager, State Division of Employment Security.

Mr. Lapre testified that unemployment in New Bedford amounted to 12.3 percent in January; in February it was 12.2 percent; and in March it was 12.0. He indicated that New Bedford had not previously had a 12 percent rate for more than 10 years. He went on to testify that he took a survey for the last quarter of 1970 which showed 17,707 new and reopened cases. In essence, his testimony indicated that 24 percent of the unemployed in New Bedford in the last quarter of 1970 were either aliens or immigrants. Geographically, he was discussing the Standard Metropolitan Statistical Area which includes the communities of Dartmouth, Acushnet, Fairhaven, and the city of New Bedford itself. He went on to testify that this 24 percent figure amounts to a substantial increase over previous years. To handle the increase, he hired four Portuguese-speaking claims clerks, and one Spanish-speaking claims clerk. Additionally, he was forced to use two of his regular junior clerks, who are Portuguese, and one supervisor as interpreters during this period.

When queried on the number of complaints that he has received so far in 1971 with regard to aliens taking over the jobs of permanent residents and U.S. citizens, Mr. Lapre indicated that they had received some 100, perhaps 110, complaints. By way of comparison, Mr. Lapre indicated that his office, during the 1970 period, received no more than a dozen.

In further testimony relating to the impact of alien labor on the work force, Mr. Lapre indicated that his office administered the 6th preference part of the Alien Employment Certification Act to the extent that they certified whether there were skilled people available. Since the Act went into effect in December 1965, his office has processed 574 cases. Of those, the Department of Labor has certified 347; they rejected or did not certify 210 and there are now 18 pending.

We also heard testimony from Mr. George N. Maravell of the New Bedford Welfare Service Office, Department of Public Welfare. When queried as to what, if any, impact aliens in the New Bedford area had on the public welfare roles, Mr. Maravell testified that during the period of February 16, 1971 to May 7, 1971, the specialized family unit received a total of 475 family applications for general relief and aid to families with dependent children. Of this total, 71 were families who had emigrated to the United States from Portugal during the past year. Of the 475 applications, 266 were for aid to families with dependent children, and 209 were for general relief. That means that some families were technically eligible for one category; they weren't eligible for another category.

Of the 209 general relief applications taken during that period of time, 50 were immigrants who had come to this country within the last year.

In another breakdown, Mr. Maravell testified that one out of every six families that applied for public assistance between the dates of January 14, 1971 and February 12, 1971 were Portuguese immigrants. In terms of actual figures, 40 of the 240 applicants were non-English-Speaking people from Portugal who had arrived in the city in the past year, and who, because of poor economic conditions in New Bedford, were dependent upon public assistance.

Mr. Maravell testified that his report may appear to be overly critical of the immigrants but it was not intended to be so. The thrust of his testimony, he said, was to point out that the city of New Bedford is only geared toward referring immigrants to the Welfare Department; and the Welfare Department is not geared for such problems without adequate manpower, funds and community resources to deal with the increased case loads that they are expected to handle.

In another part of his testimony, Mr. Maravell indicated that there is a tremendous housing shortage in New Bedford at the present time. A look at his testimony tells the story.

Mr. MARAVELL. When a family—we have had reports from our workers that—is on the way over, some friend or relative has a home or tenement waiting for him. The reason that it is waiting is someone who did live there was evicted.

And it is impossible to find another place to live. And that thing is going on continuously. We have reports, even last night, that people were sleeping in automobiles. They didn't have a house to sleep in.

Senator BROOKE. The situation is that bad?

Mr. MARAVELL. It is.

Mr. Maravell indicated that his agency has no way of determining whether an alien is here in a legal or illegal status. He indicated that the policy is to assist anyone who is needy, regardless of their status.

It is clear that his heavy caseload has overtaxed the agency tremendously.

Mr. Maravell testified that, although they have a fairly large agency, he could estimate that they are understaffed by about 30 people at the present time. His present staff amounts to 126 people. In round figures, he testified, his agency is expected to deal with 10,000 families, or 20 percent of the population. His agency spent close to $24,000,000 each year in New Bedford, Acushnet and Dartmouth.

While Alphege Landreville, Director of Public Health, attended the hearings in New Bedford, he was unable to remain to testify. Thereafter, he submitted his comments in writing and requested that they be included in the hearing record.

Director Landreville indicated that the City of New Bedford provides not only a tuberculosis control program for New Bedford but for six of the surrounding communities as well; namely, Acushnet, Dartmouth, Fairhaven, Freetown, Mattapoisett, and Rochester, comprising a total population of approximately 150,000 people.

In tuberculin testing of the non-English-speaking children from the public and private schools, he found that 15 percent of this group had a positive reaction, denoting that either they or their families in the countries from which they came had, without any doubt, been in contact with cases of active tuberculosis. The entire families of those children who reacted were then tuberculin tested and all persons showing reaction were then X-rayed and put on medication which was provided by the State Department of Public Health. This meant that in 1970, more than 1,000 persons were receiving medication.

Director Landreville also indicated that public health nurses as well as the nurses in the public school system have found a large number of these immigrant children with inteatinal parasites causing serious malnutrition. He went on to assert the belief of the Department of Public Health that immigration authorities in Portugal are not adequately screening the people who are coming to this country from the point of view of determining whether they are suffering from any contagious disease or determining what their health problems may be. On a practical level, Director Landreville told

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us that the public health nurses who are traveling in the field find they are barred from many of the homes of immigrants who are illegally within this country because many of these people, knowing that they may be deported, fear officials of any kind. This fear makes the work of the field nurses doubly difficult, particularly when there is also a language barrier that is not easy to overcome.

In the related area of education, I received a subsequent communication from the New Bedford Superintendent of Schools, Mr. James R. Hayden. In describing the impact of immigrants on the New Bedford School System, he indicated that in 1965, prior to the enactment of our present immigration statutes, the public school system had 29 immigrant children enrolled. Thereafter and every year since, over 300 children have been enrolled.

What has emerged in essence is a bleak picture of inadequate resources being overtaxed. The people who suffer as a result are not only immigrants but also citizens of the Commonwealth. At the present, we have no accurate measure of the number of illegal aliens in the Commonwealth. We can, however, measure their impact by the burden they add to presently available social services. To this extent, we must begin to supplement existing resources while we continue to search for ways to stem the flow of illegal aliens into the United States.

The aliens who are here illegally have been drawn to our land by the freedoms and opportunities which abound. They came not to thwart the law but to live within its promise of justice. Owing to the fact that they have been generally unfamiliar with our complicated immigration statutes, they have all too often fallen victim to employers and attorneys eager to profit from their ignorance of the law.

They entered this country not only in the wrong way but at the wrong time—during a recession when unemployment was high and social services were severely over-taxed. Their plight cannot be ignored. While the Nation's laws must be upheld, our compassionate tradition must be continued. In response to their illegal status, we must be firm in the application of our laws and understanding as to the individual needs of each alien.

V. CONCLUSIONS AND RECOMMENDATIONS

1. *Conclusion:* In the face of the responsibilities that the Boston District Office of INS is expected to handle, the office is very much understaffed in key areas.

Recommendation: For a beginning, the budgetary authority for the staff positions of field investigators be at least doubled for the Boston District Office for the next fiscal year. This would provide 32 field investigators and two supervisors where there are now only 16 investigators and one supervisor.

2. *Conclusion:* The "contact representatives" with the Immigration and Naturalization Service play an important role assisting aliens in selecting and filling out the appropriate INS forms. To the extent that "contact representatives" offer limited and/or inadequate services, many non-English speaking aliens are left subject to the prey of the unscrupulous.

Recommendation: That the job of "contact representative" in the Immigration and Naturalization Service be upgraded and coupled with a more vigorous training program to include extensive training in immigration law.

3. *Conclusion:* An English-speaking alien who enters the United States on a temporary visitor's visa and thereafter decides to remain in an illegal status, has little or no difficulty in securing a social security card for the purpose of violating other Federal laws relative to alien employment.

Recommendation: I have asked the Commissioner of the Social Security Administration, Robert M. Ball, to determine if it is administratively possible to modify the social security application form in such a way as to obtain from it sufficient information for a cross-check with immigration officials. If this cannot be done administratively, I shall seek to amend the Social Security Act to provide for such an alteration of the application form and to establish the necessary administrative machinery.

4. *Conclusion:* The number of aliens here illegally appears to be significant and may be producing an adverse impact on the economy of Massachusetts and the distribution of the available social resources.

Recommendation: The appropriate federal and state agencies have been requested to assist in documenting the extent of this impact and to prepare specific legislative recommendations to deal with the problem on the federal level.

5. *Conclusion:* That a number of employers have actually invited and encouraged aliens on expired visitors' visas to work in an illegal status. An additional number of employers have acted with reckless disregard as to the status of their employees under our immigration statutes and have thereby encouraged the aforementioned violations. Estimates as to the loss of earning power that has resulted to American citizens run as high as $5 billion each year.

Recommendation: I have asked Attorney General John Mitchell to explore alternative methods by which employers could be made more aware of their responsibilities and immigration laws. In addition, I have requested that the Attorney General review existing statutes and determine whether additional authority is needed to take action against those employers who knowingly hire illegal aliens.

6. *Conclusion:* The requirement of labor certification is costly and is not addressing the problem at hand—that is, insuring that qualified domestic workers are not displaced by aliens. Furthermore, this requirement appears to be exacerbating the problem by encouraging aliens to circumvent the spirit, in many instances, the letter of the law.

Recommendation: Since this issue is currently being reviewed by the appropriate Congressional committees, we should await their findings and recommendations.

7. *Conclusion:* That a number of Portuguese aliens in the New Bedford-Fall River area, as a result of their dealings with at least one attorney, have suffered substantial hardship. Nevertheless, this hardship, by itself, is not sufficient, in my opinion, to justify the introduction of private bills in Congress.

8. *Recommendation:* Where additional hardship can be shown though not sufficient itself to justify the introduction of private legislation, such hardship should be considered cumulatively with the "attorney hardship" for the purpose of introducing the appropriate private measures. In addition, I have requested the Commissioner of the Immigration and Naturalization Service, Raymond F. Farrell, to exercise the greatest leniency permitted under existing immigration statutes in handling those cases that cannot otherwise be adjusted during the interim period. Finally, I have asked Marshall Medoff, Chairman of the New England Chapter of the Association of Immigration and Nationality Lawyers to continue his review of individual cases to insure that the full benefit of counsel is afforded.

TRIBUTE TO KABC–TV, CHANNEL 7, LOS ANGELES, ON THE CREATION OF A LOS ANGELES POLICE MEMORIAL

Mr. CRANSTON. Mr. President, now at a time when militants are directing such great volume of fire—both verbal and real—at police departments throughout our country, I would like to call attention to the efforts of a Los Angeles broadcasting company which has taken a very positive step toward the appreciation of law enforcement.

Channel 7, KABC–TV, Los Angeles, has been instrumental in the creation of a police memorial honoring those officers of the Los Angeles Police Department who have lost their lives in the line of duty. The project was nearly 3 years in planning and preparation, under the direction of John J. McMahon, vice president and general manager of KABC–TV and chairman of the Los Angeles Citizens Committee responsible for the memorial's construction and dedication

While the fundraising was conducted by KABC–TV, the memorial was truly a gift from the people of Los Angeles, with contributions received from private citizens from all walks of life. The memorial, one of the very few—too few—in our Nation, is designed not only as a tribute to fallen policemen, but also as a reminder to the community of how very much all officers may be called upon to give.

The engraved granite monument, 20 feet in height, was dedicated on Friday, October 1, at Parker Center, the police headquarters in Los Angeles, with Attorney General John Mitchell as dedication speaker.

I join the people of Los Angeles and police officers everywhere in commending channel 7 KABC–TV for its contribution to the image of law enforcement.

THE DANGER OF CORPORATE AGRICULTURE

Mr. McGOVERN. Mr. President, the controversy surrounding the confirmation of the nomination of Secretary of Agriculture Earl L. Butz focused a great deal of public attention on the future of American agriculture. Many of us who opposed his confirmation called attention to a genuine fear in rural America, the fear of corporate domination of American agriculture. Despite the claims of the U.S. Department of Agriculture, large corporations are producing more and more of our Nation's food and fiber.

Secretary Butz' longtime association with many of these firms precipitated unprecented grass roots opposition to his confirmation. During the hearings on his nomination conducted by the Senate Agriculture Committee, Secretary Butz implied that corporations now active in agricultural production were curtailing their farming operations. But at the same time, many of these corporations are telling their stockholders of plans to dominate the food industry "from the seedling to the supermarket," as one of the corporations put it in its annual report. These corporations are able to take unconscionable advantage of tax provisions originally intended for the family farmer. I have long advocated that the laws should be revised to eliminate tax-bonanza farming. It is also time to rewrite the antitrust laws to prevent the spread of corporate agriculture.

If we fail to take measures to turn back the corporate invasion of American agriculture, the entire Nation will feel the results. Not only will rural-to-urban migration continue, but with the demise of the family farm we can expect to see an unhealthy increase in the cost of food in the supermarket.

In the New York Times of December 5, 1971, R. Drummond Ayres, Jr., has depicted with considerable success the extent of corporate inroads into American agriculture. Significantly, the article describes how large firms were able to administer consumer prices once they became the dominant interest in the market. Because the article shows the scope of the corporate threat to American agriculture and what it means for the Nation, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RISE OF CORPORATE FARMING A WORRY TO RURAL AMERICA

(By B. Drummond Ayres Jr.)

KANSAS CITY, MO., December 3—Few things are growing faster down on the farm these days than corporate influence.

All across the United States, from the wide-open prairie surrounding this cattle and grain center to Maine's fertile potato fields and California's irrigated grapefruit groves, big business is diversifying and moving in on what once was strictly a family enterprise, a way of life.

International Telephone and Telegraph now produces not only transistors but also Smithfield hams.

Greyhound now runs not only buses but also turkey processing plants.

John Hancock now sells not only insurance but also soy beans.

Corporate farming or conglomerate farming or agribusiness—by any name it strikes deep fear in rural hearts, such deep fear that the new Secretary of Agriculture, Dr. Earl Butz, was almost rejected by the Senate after he had espoused the advantages of agricultural giantism and had disclosed membership on the boards of such super farm firms as Ralston Purina and Stokely-Van Camp.

Senator Gaylord Nelson called Dr. Butz's views "brazen" and has begun to investigate corporate influence in agriculture Legislation. The Wisconsin Democrat says: "Corporate farming threatens an ultimate shift in power in rural America, a shift in control of the production of food and fiber away from the independent farmers, a shift of control of small town economies away from their citizens."

The Agribusiness Accountability Project a non-profit study group with headquarters in Washington, has been looking into corporate farming for more than a year and reports:

"Corporations generally have become the dominant force in rural America. Their concentration of agricultural markets and their power over rural people is increasing every day. Control of American agriculture has moved from the fields to the board rooms of New York, Kansas City, Los Angeles and other centers of big business."

Farmers themselves speak even more directly the problem. Summing up the position of one of the largest farmer associations, the National Farmers Organization, Rogers Blobaum of Creston, Ia, said:

"A corporate takeover of the food industry would be a national disaster."

Corporations everywhere deny any takeover is threatened.

"We're not trying to run anybody out of business," says George Kyd, a spokesman for Ralston Purina.

A MISLEADING PICTURE

At first glance, corporations do not seem to loom large on the agricultural scene. Of the 2.7 million farms left in the United States, only about 1 per cent are carried on the Agricultural Department's books as incorporated or owned by corporations. And most of the incorporators still insist they are "family farmers."

But that picture is misleading.

Corporate farms are big farms. Many consist of thousands of acres of the best land obtainable. Their owners often have backlogs of development capital and, if diversified, obtain numerous tax advantages.

On the other hand, the average American farm, the unincorporated farm, consists of only about 400 acres, some of them nonproductive. The man who owns this relatively small plot probably has no big capital backlog, often is deep in debt, and seldom receives any special tax breaks.

Eventually, he may have to sell out, flee to the already jammed city, surrender to those who have the capital to compete in a business where $6,000 deals have replaced $60 mules.

This surrender, in one form or another, takes place 2,000 times a week all across America. That is the average number of farm sales weekly, according to the Agriculture Department. Often, a well-heeled corporation names in to fill the void, or maybe a wealthy city doctor looking for a tax deal or maybe a neighboring farmer who has somehow found the means to expand and is on the brink of incorporation.

Actually, not all farming corporations own land. Some only lease and thus do not show up in farm statistics.

Other farming corporations neither own nor lease land. They simply contract for crops, an operating method that now accounts for about a fifth of the country's total agricultural output.

METHODS COMBINED

A few corporations use a combination of operating methods.

For instance, the Tenneco Oil Corporation owns and farms about 35,000 acres of Southern California's best crop land. It leases 100,000 acres more. And it contracts for the crops of dozens of other farms in the area.

The overall effect is to make Tenneco one of the dominant agriculture forces in one of the biggest farming areas of a state that provides more than a third of all vegetables eaten in the United States.

Tenneco has no monopoly on the vegetable market. But in some other agriculture sectors, corporations have achieved dominance or near dominance.

Three companies—Purex, United Brands and Bud Antle—produce a large share of the lettuce eaten in America, a situation that has led to a rare agricultural antitrust investigation by the Federal Trade Commission. Many Government officials contend that a corporation cannot grow lettuce any cheaper than a family farmer, a point farm economists have frequently made, not only about lettuce but also about most other crops.

Another sector of agriculture dominated by corporate America is the broiler industry. There, 20 or so corporations are in control, producing everything from chicks to feed to packaged drumsticks. Among these companies are Pillsbury, Perdue and Ralston Purina, with which Secretary Butz was associated.

CHANGE AFTER WORLD WAR II

Until shortly after World War II, many broilers were raised in the barnyards of family farms. Small flocks of chickens, though always underfoot, supplied added income, cash for birthday presents or a winter weekend in the city.

Today, there is virtually no market for barnyard chickens. Instead, the family farmer is usually growing broilers under contract for one of the big agrigiants.

In a shed built with a loan from a corporation, he feeds mash produced by the corporation to chicks hatched in the corporation's incubators. When the birds are mature, the corporation takes them away, slaughters them in its own processing plant, packages them prettily, then ships them off to a supermarket—perhaps its own.

The farmer is paid $50 or so for every 1,000 chickens raised. But in any year, if times are hard or management particularly tough, the corporation may cut the growing fee in half.

Should the farmer refuse to sign a new contract, fine—so long as he pays off his loan on the corporation-financed chicken house.

Only last week, chicken farmers on the Delmarva Peninsula—comprising parts of Delaware, Maryland and Virginia—threatened court action when some broiler corporations proposed cutting growing fees in half.

And two years ago, in northern Alabama, growers became so incensed about reduced growing payments that they refused to sign new contracts and began to picket the offices of broiler companies. The companies refused to negotiate, however, and eventually the strikers gave in and returned to work.

Commenting on the strike's failure, one grower, Crawford Smith of Cullman, said:

"Us folks in the chicken business are the only slaves left in this country."

George Kyd of Ralston Purina counters:

"Chicken is cheaper to eat today than it was after World War II, and besides, a lot of farmers have been given work."

THE LESSON IS THERE

To which Harrison Wellford, one of Ralph Nader's agriculture "raiders," replies:

"Poultry peonage. One economist cranked in every applicable factor and concluded that most chicken farmers make minus 36 cents an hour. The broiler industry is the most corporatized in American agriculture and the lesson is there."

Foes of corporate farming refer to the broiler industry as being "vertically integrated"—that is, the corporations control almost everything from field to table. Few other segments of agriculture are so thoroughly integrated. But the trend is in that direction.

Tenneco recently told stockholders:

"Tenneco's goal in agriculture is integration from seedling to supermarket."

In fact, the corporation has almost achieved its goal. Not only does it own land, but it also makes tractors, tractor fuel and pesticides. Furthermore, it packages farm products and sells them in little groceries attached to its service stations.

In the potato industry, some companies have achieved full integration. This became evident several years ago when Idaho farmers tried to get more money for their potatoes by withholding them from processors for several months.

The processors refused to give in. Instead, they dipped into storage houses filled with spuds they had quietly grown themselves or had quietly obtained through growing contracts.

Eventually, the growers surrendered. Their potatoes were beginning to rot.

In the hog and cattle industries, vertical integration remains limited. But corporate influence is being felt.

For instance, some concerns like Ralston Purina now rent gilts and boars to farmers, sell the farmers grain to feed the resulting pigs, then offer to market the pigs once they reach maturity.

In the cattle business, a few petroleum corporations have set up huge feed lots in the Southwest, some with 50,000 heads or more. As a result, old companies are steadily becoming an influential force in cattle feeding, encroaching on the family farmer, the man trying to pick up a little extra income by raising a dozen steers out in the barnyard where the chickens used to scratch.

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Big food chains often buy directly from feed lots or set up their own feeding operations. Thus, they reduce the need for stockyards, the one place where the family farmer can always be sure of getting the best price for his cattle because the bidding there is always competitive.

Victor Ray, an official of the National Farmers Union, a large farmers association, contends that several years ago Denver supermarkets whipsawed steer prices down from 29 cents a pound to 21 cents a pound simply by repeatedly shifting purchases from feed lot to stockyards and back to feed lots. Mr. Ray says:

"When the chains weren't buying at the yards, prices naturally would drop. Of course, the chains denied any connection. But interestingly enough, all the while that wholesale meat prices were going down, retail meat prices stayed the same. I figure the people of Denver paid at least $4 million more for food during that period than they should have."

Here in Kansas City, there is a company that specializes in investing the excess capital of wealthy corporations or individuals into cattle and other agriculture operations. Called Oppenheimer Industries, it takes on no client with a net worth of less than $500,000 or an income tax bracket of less than 50 per cent.

Its specialty is "cowboy arithmetic," tax savings for the rich through depreciation, favorable capital gains levies and other legal loopholes. One of its clients is Gov. Ronald Reagan of California, who paid no state taxes in 1970.

The president of Oppenheimer Industries, H. L. Oppenheimer, argues that the money he steers away from the United States Treasury and into farming actually helps keep the family farmer in business and does not contribute significantly to the corporate invasion of rural America.

Federal tax records indicate that at least three out of every four people with annual incomes of $100,000 or more are involved in farming in some way, most of them reporting agricultural losses that can be written off against taxes on nonfarm income.

If Federal tax laws seem to help the city corporation that farms on the side more than the family farmer who farms full-time, they are not the only ways in which Federal programs tend to work against the little man.

The biggest farms—the ones with the wealthiest owners—receive the biggest agriculture subsidies. The biggest farms also get the biggest dollops of Government-supplied irrigation water.

Recently, Congress placed some limits on subsidies. And the courts are beginning to crack down on the big water users, particularly those who do not live on the land they farm.

But still the gap widens between the rich and the poor.

"We lost the battle against Earl Butz but the struggle sure swung attention toward the farm issue. I've never seen Washington so upset over an agricultural thing. Maybe Earl Butz will turn out to be the best thing that ever happened to us."

AUDIE L. MURPHY MEMORIAL VETERANS HOSPITAL

Mr. TOWER. Mr. President, I am extremely pleased that the Senate Committee on Veterans' Affairs has acted with such dispatch concerning H.R. 11220, which is the same as S. 2694, introduced by me on October 15. The bill designates the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans Hospital. The entire Texas delegation in the House of Representatives introduced H.R. 11220, indicating the strong bipartisan support which this measure has evoked.

I feel that the dedication of the San Antonio Veterans Hospital is a fitting and proper memorial to a great American and a great man. Audie Murphy was a fellow Texan. Lieutenant Murphy, according to the Defense Department, was the most decorated soldier of World War II. He received 24 medals from the American Government, three from the French, and one from the Belgian. Besides the Medal of Honor, his awards included the Distinguished Service Cross, the Legion of Merit, the Silver Star with oak leaf cluster, the Bronze Star, the Purple Heart with two oak leaf clusters, and the Croix de Guerre with palm. After being wounded three times, young Audie Murphy was brought home, to receive the admiration and affection of the American people which he had truly earned.

The United States suffered a great loss on May 28, 1971, when Audie Murphy was killed in the crash of a light plane near Roanoke, Va. The dedication of the San Antonio veterans hospital is an appropriate tribute to such a brave and courageous man who sincerely loved his country.

WELL DONE, JUDGE HUGH BOWNES

Mr. McINTYRE. Mr. President, the media carries continuing reports of leniency on the part of our courts towards those who are convicted of trafficking in hard drugs—heroin, morphine, opium, and others.

I have been devoting much of my time to combating drug abuse. We must cut off the sources of drugs in foreign nations. We must crack down on the production of speed-type drugs in our Nation.

And, we must make certain that our court system is able to move swiftly to bring to trial those who are alleged to deal in illegal drugs.

Finally, when the drug pushers are convicted in court I hope they will receive the kind of judgment that will keep them from going back on the streets in a hurry to begin pushing drugs once more.

A distinguished U.S. district court judge, Hon. Hugh Bownes, in Concord, N.H., has just meted out two concurrent 20-year prison terms to a man convicted in his court on two counts of selling heroin in bulk in Nashua, N.H. This same individual had been arrested 2 years ago in connection with the beating death of a young boy in Rhode Island and is wanted in the same on kidnap charges. He is "president" of one of the motorcycle gangs in New Hampshire.

The Manchester Union Leader in a front page editorial says:

Well done, Judge Bownes.

I join the Union Leader in praising my friend, Judge Bownes and, Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WELL DONE, JUDGE BOWNES!

This paper on Wednesday, November 17, reported the fact that U.S. District Court Judge Hugh Bownes sentenced Donald J. Picard, 29, to two concurrent 20-year prison terms after he had been convicted on two counts of selling heroin in bulk quantities from his Nashua residence.

In passing sentence, Judge Bownes termed Picard, who is president of the Lowell Hell's Angels motorcycle gang, "a dangerous menace to society."

This newspaper congratulates Judge Bownes not only for handing out this stiff sentence to someone convicted of pushing heroin but also for the fact that bail was revoked and the defendant remanded to Federal custody.

According to the records, Picard was arrested July 24, 1970, in Nashua in connection with the beating death of Dennis Mulhearn, 17, of Bristol, Rhode Island. Picard also is wanted by Rhode Island on kidnap charges.

In contrast to Judge Bownes vigorous action, unfortunately a great many courts and judges have administered only a slap on the wrist to convicted criminals. This, of course, is not the way to discourage drug traffic. It can only be accomplished by having most severe penalties for selling drugs or using drugs.

Judge Bownes has set a good example. We hope other judges throughout the State and throughout the nation will observe and follow it.

A NEW LOW IN AMERICAN DIPLOMACY

Mr. HARRIS. Mr. President, a new low in American diplomacy was reached yesterday. A senior State Department official, who refused to be identified, called in reporters to declare India primarily responsible for the war with Pakistan and to threaten a reduction in aid to the Indian economy.

This action must rank as one of the shabbiest in our diplomatic relations. It is hypocritical in the extreme for our Government ever to issue such a statement. The only possible justification for it is to hide the total failure of the administration's own policy over the past several months.

For nearly a year, the Congress has pointed to the slaughter in East Pakistan, the contribution which American arms and aid were making to it, and the grave danger of a war between India and Pakistan. Administration officials, almost alone in the country, remained unconvinced.

Even the reality of hundreds of thousands dead and millions in flight did not persuade them. They claimed that by continuing aid to Pakistan the United States gained "leverage" with officials there. They urged others, despite the new high in human misery caused by the flow of refugees, to show patience so that their policy could bear fruit.

Now it has. We have not saved Pakistan. We have contributed to its death. We have not only offended India. We have driven that country, now to emerge as the unchallenged great power in South Asia, firmly into Soviet arms.

I doubt we have suffered such a diplomatic reversal since the fall of China. And what will compensate for this? The President's trip to a country which because of its system of government proclaims that it must remain our eternal enemy?

Let us be honest. Nothing can compensate for this defeat. President Nixon has met his Bay of Pigs.

And it was all so unnecessary. Months ago there was a wave of warnings from the press, the Congress and other governments. Months ago there was widespread agreement by numerous observers that the only way to bring Pakistan to its senses was for the rest of the world to halt economic and military aid to Pakistan, to stop what amounted to an international subsidy for the slaughter of innocent people in East Pakistan. But this administration would not listen and now we see the results.

I do not contend that in this crisis India has been blameless. No sovereign state ever is. And in my statement issued December 4 I noted that India may have exploited this crisis in order to weaken Pakistan. But because of our shameful neglect of India's plight caused by the refugee flow, we should be the last to condemn India. Or if we do condemn Indian aggression, then we must at the same time grapple honestly with the root cause of the war—the cruel suppression of the East Bengalis by a ruthless Pakistani army. This, I and nine other Senators attempted to do on December 6 when we introduced a resolution calling for Bangla Desh participation in the Security Council proceedings.

At this point I ask unanimous consent that an article by Anthony Lewis in the New York Times, December 6, be printed in the RECORD. Mr. Lewis rightly points out that American policy toward the Indian subcontinent is "as much a disaster by standards of hard-nosed commonsense as of compassion." For however difficult at times, India does "happen to be the largest nation in the world following our notions of political freedom."

I also request unanimous consent that the Washington Post editorial of December 6 be printed in the RECORD. It also calls for the adjustment in U.S. policy which I believe any objective observer must agree we now need.

Mr. President, I do not believe that Congress can remain a silent observer of this crisis. Something is drastically wrong with our foreign policy machinery when a mistake of this magnitude occurs in the face of repeated pleas from the Congress for a policy change. I, therefore, urge the Committee on Foreign Relations to open hearings on U.S. policy in South Asia at the earliest opportunity so that we may at last understand why this has all happened. We must make every effort to see that this never happens again.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE WRINGING OF HANDS

(By Anthony Lewis)

LONDON, December 5.—Suppose that Britain, in the 1930's, had responded to Hitler's savagery by the early threat or use of military force instead of appeasement. If the Nixon Administration had been in power in Washington at the time, it would presumably have sent some official out to wring his hands in public and charge Britain with "major responsibility for the broader hostilities which have ensued."

So one must think after the American statement over the weekend blaming India for the hostilities with Pakistan. Few things said in the name of the United States lately have been quite so indecent. The anonymous state department official who made the comment matched Uriah Heep in sheer oleaginous cynicism about the facts of the situation and about our own moral position.

Consider first the immediate origins of this dispute. They are exceptionally clear as international relations go.

The military junta that rules Pakistan under President Yahya Khan held an election. The largest number of seats was won, democratically, by a Bengali party that favored effective self-government for East Pakistan. Yahya thereupon decided to wipe out the result of the election by force.

Last March West Pakistan troops flew into the East in large numbers and began a policy of slaughter. They murdered selected politicians, intellectuals and professionals, then indiscriminate masses. They burned villages. They held public castrations.

To compare Yahya Khan with Hitler is of course inexact. Yahya is not a man with a racist mission but a spokesman for xenophobic forces in West Pakistan. But in terms of results—in terms of human beings killed, brutalized or made refugees—Yahya's record compares quite favorably with Hitler's early years.

The West Pakistanis have killed several hundred thousand civilians in the East, and an estimated ten million have fled to India. The oppression has been specifically on lines of race or religion. The victims are Bengalis or Hindus, not Czechs or Poles or Jews, and perhaps therefore less meaningful to us in the West. But to the victims the crime is the same.

This record has been no secret to the world. Firsthand accounts of the horror inside East Pakistan were published months ago. The refugees were there in India to be photographed in all their pitiful misery.

But President Nixon and his foreign policy aides seemed to close their eyes to what everyone else could see. Month after month the President said not a word about the most appalling refugee situation of modern times. Private diplomacy was doubtless going on, but there was no visible sign of American pressure on Yahya Khan for the only step that could conceivably bring the refugees back—a political accommodation with the Bengalis.

Pakistan's argument was that it was all an internal affair. Yes, like the Nazi's treatment of German Jews. But even if one accepts as one must that Pakistan was bound to defend its territorial integrity, this issue had spilled beyond its borders. The refugee impact on India very soon made it clear that the peace of the whole subcontinent was threatened.

It was as if the entire population of New York City had suddenly been dumped on New Jersey to feed and clothe—only infinitely worse in terms of resources available. Yet when Indira Gandhi went to the capitals of the West for help in arranging a political solution in East Pakistan, she got nothing.

The Indians can be sanctimonious. Mrs. Gandhi acts for political reasons, not out of purity of heart. India has helped the Bangla Desh guerrillas and, in recent weeks, put provocative pressure on East Pakistan. All true. But given the extent of her interest and the intolerable pressure upon her, India has shown great restraint.

After all, India has not intervened in a civil conflict thousands of miles from her own borders. She has not destroyed one-third of a distant country's forests, or bombed that land to such a point of saturation that it is marked by ten million craters. The United States has done those things and is still doing them; it is in a poor position to read moral lectures to India.

American policy toward the Indian subcontinent is as much of a disaster by standards of hard-nosed common sense as of compassion. India may be annoying and difficult, but she does happen to be the largest nation in the world following our notions of political freedom. In position and population she is by far the most important country of Asia apart from China. To alienate India—worse yet, to act so as to undermine her political stability—is a policy that defies rational explanation.

AS THE INDIA-PAKISTAN WAR DEEPENS

As the terrible war betwen India and Pakistan deepens, the war aims of both countries broaden. India, from its initial desire to stuff the refugees back into East Pakistan, now seems intent on destroying Pakistan's hold on the East and seating there an autonomous or perhaps independent Bengal political authority. Delhi may also be using the crisis to rip off part or all of Pakistan-held Kashmir. And so for Pakistan, the stakes become not merely its hold in the East, but its integrity in the West. A total war between the two countries is in progress. Communal strife, involving the Moslem minority in India and the Hindu minority in Pakistan, may flare accordingly. Who can predict the eventual toll of dead, and the devastation that awaits the survivors on both sides?

A cease-fire, then, becomes not merely a bow to the diplomatic amenities, but an absolute essential for the welfare for the entire subcontinent. It is plain that India and Pakistan will not themselves conclude a cease-fire; one will have to be imposed on them, and mere appeals—no matter how urgently or unanimously pressed—will make no more difference than a whisper in a hurricane. The elemental national and ethnic forces loose in the subcontinent will not be subdued by rhetoric.

What is needed is not only a strong United Nations call for a cease-fire but a strong United Nations proposal to begin to set right the legitimate political grievances which ignited this phase of the India-Pakistan fire. So swiftly has the crisis expanded in recent days that no one can be sure even this will work, but surely nothing else will. By legitimate political grievances, of course, we mean the return of the refugees and the establishment of an East Pakistan political authority which reflects the aspirations of the people who live there. India's invasion of the West and its apparent designs on Pakistan-held Kashmir deserve no support anywhere; on the contrary, they must be condemned.

It is precisely by these minimal standards that the American approach over the weekend—not to mention before the weekend—has been so grievously wanting. The State Department condemned India and introduced at the Security Council a cease-fire resolution almost entirely favoring Pakistan. The fault was not merely that the United States was wrong on the merits, though we believe that to be the case. The real fault was that the resolution could not conceivably fill its ostensible purposes of relieving Pakistan. No resolution so unbalanced and one-sided had a prayer; a third grader could have predicted the Soviet Union would have protected India with its veto. Merits aside, the only kind of resolution that can pass and that can stand a chance of implementation is one that deals not only with the shooting but with the East Pakistani political situation.

The administration's astonishing and so far largely unsupported charges against India are one thing. The naivete of its approach in the Security Council is quite another. We urge the administration to adjust its policy so as to deal with real tragedy that exists in the subcontinent. Empty words no longer serve.

DEATH OF ED HUSSIE, VETERAN NEWSPAPER REPORTER

Mr. SCOTT. Mr. President, an outstanding newspaper reporter, Ed Hussie, of the Philadelphia Inquirer, has died

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after a 2-year battle with cancer. He was a friend for many years. He was a devoted family man and the father of nine children.

For more than 30 years he was a reporter on Pennsylvania newspapers. For the last 20 years he was regarded as one of the Philadelphia area's top crime reporters. He was a reporter's reporter. Such a tribute was offered by his city editor when he said:

When it was a big story and there was little time, you called on Ed Hussie.

Mr. President, I ask unanimous consent to have printed in the RECORD the story in the Philadelphia Inquirer of December 6, 1971, reporting on the death of Ed Hussie, a great newspaper reporter.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Dec. 6, 1971]

EDWARD HUSSIE DIES, INQUIRER REPORTER, 54

Edward J. Hussie, veteran reporter and rewriteman for The Inquirer, died Sunday at his home, 1611 Spring ave., Noble, Montgomery county. He was 54.

Mr. Hussie, a native Philadelphian, was regarded as one of the area's top crime reporters and he was involved in virtually every breaking story of importance in the Philadelphia area for the past 20 years. He died of cancer after a two-month illness.

STAR PITCHER

A graduate of Germantown High School, he was a star southpaw pitcher in local sandlot baseball leagues.

He began his career in 1940 with United Press and worked for the old Philadelphia Evening Ledger, the Seattle Post Intelligencer, the Uniontown (Pa.) Morning Herald and the Philadelphia Daily News before joining The Inquirer in 1954.

"He was one of that vanishing breed of great rewritemen, who could work with unbelievable speed and accuracy on a big story at deadline," Inquirer city editor Robert Greenberg said. "When it was a big story and little time, you called on Ed Hussie."

UNCANNY REPORTER

His colleagues knew him as an uncanny reporter on murder stories, frequently pinpointing the guilty person or persons long before they were arrested or charged.

Some of his more recent major stories were the Mrs. Mary Mamon murder trial in Doylestown for the slaying of a Levittown housewife, a series of articles with reporter Acel Moore on "Terror in the Streets," and coverage of the slaying of Mrs. Laura Carpi, Princeton, N.J., socialite whose body was found in New York's East River last June 8.

His coverage of the Mamon trial in Doylestown was typical, admired by his editors and his competing reporters. Mr. Hussie covered the trial and wrote it, dictating his story to The Inquirer by telephone.

He had an advantage over his colleagues, however, because he had covered for The Evening Ledger, Mrs. Mamon's murder trial more than two decades earlier for the fatal beating of a West Oak lane child.

M'CLOSKEY SHOCKED

Last fall, Mr. Hussie wrote for The Inquirer's Today Magazine an article on Philadelphia builder Matthew McCloskey, which readers said made the prominent millionaire seemed like a next-door neighbor.

Reached at his Palm Beach, Fla., home, McCloskey was shocked to learn of Mr. Hussie's death, recalling the reporter had spent last Christmas Eve with McCloskey's family as part of his research on the biography.

"He was really a great reporter, a fine writer, and a wonderful man," McCloskey recalled. "First of all, he was able to get your confidence. You'd believe when he wrote it down that it would be exactly the way you told it.

"He was a great fellow. He was honest and he could write. In public life, he had a great place."

NINE CHILDREN

Hussie is survived by his wife, the former Anne Wall; four sons, Edward, Peter, Andrew and Terrance; five daughters, Mrs. Deanie Guggino, Christine, Barbara, Marian and Judy; his mother, Mrs. Mary Hussie, of Washington, D.C.; two brothers, William and Owen; three sisters, Mrs. Mary Tomkins, Barbara and Grace, and two grandchildren.

The viewing will be Wednesday evening at the Campbell Funeral Home, 500 E. Benner st. A Mass of the Resurrection will be at 10 A.M. Thursday at the Church of the Immaculate Conception, Jenkintown, Pa.

Burial will be at Holy Sepulchre Cemetery.

AGAINST CRANSTON AMENDMENT

Mrs. SMITH. Mr. President, the December 2, 1971, editorial of WGAN–AM–FM–TV was most admirable. My only disappointment in it is the failure to note that I was present and voted against the Cranston amendment to exempt the news media from the wage-price guidelines being enacted for all Americans.

I wish that the editorial had been timed for delivery before the vote on the Cranston amendment instead of subsequent to the vote. In contrast, Mr. Malcolm Forbes, president and editor in chief of Forbes magazine, provided much better timing in his telegram of November 19, 1971, that preceded the vote by 11 days and which letter I placed in the RECORD on November 22, 1971, and characterized as "most refreshing and unusual." He gave me courage to vote the way I did.

I ask unanimous consent to place the WGAN–AM–FM–TV editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATE VOTE TO EXEMPT NEWS MEDIA FROM WAGE-PRICE GUIDELINES

We were astonished at yesterday's Senate vote to exempt the news media from the wage-price guidelines being enacted for all Americans.

As broadcasters, we don't want such an exemption.

If we were purely selfish, of course, we'd be pleased to be able to raise our prices and make bigger profits than any other industry. And, we'd be pleased to think we could get bigger raises than anyone else, because of increased prices.

But, that's an attitude we find distasteful. We don't think we're better than anyone else. Also, we suspect, favored treatment from government carries as great a threat to Freedom of the Press as does government interference. Further, we believe in sharing in the responsibility of all Americans to win the fight against inflation.

Therefore, we hope the House will reject the Senate amendment.

Beyond that, we pledge that even if Congress should vote to exempt the news media from Phase Two Guidelines . . . the Guy Gannett Broadcasting Stations in Portland, Maine, and Springfield, Massachusetts, will comply with them voluntarily in 1972.

ASSESSMENT OF FUTURE OF REPUBLICAN PARTY

Mr. HATFIELD. Mr. President, the Senate has wisely devoted a great amount of time and effort this year to reforming the political campaign process in this country. Action by the Congress was clearly overdue, but legislation, unaccompanied by the active concern of most Americans, cannot guarantee that either of our two great parties will be truly responsive, responsible, or representative of the best interests of the American people.

Last Saturday evening, the senior Senator from Maryland (Mr. MATHIAS) addressed the annual dinner of the national Ripon Society, held at the Radisson Center, in Minneapolis, Minn. The Senator appraised the state of our party, suggested a number of steps to help our party and our country, and urged responsible Americans to get more involved with the political process.

I think the Senator's remarks merit the attention not only of Republicans, but also of all Americans interested in improving our political system.

I therefore ask unanimous consent that the Senator's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CHARLES MCC. MATHIAS, JR. (R–MD.) PREPARED FOR DELIVERY TO THE RIPON SOCIETY'S NATIONAL DINNER, RADISSON CENTER, MINNEAPOLIS, MINN., TOPIC: "THE DIMINISHING REPUBLICAN MINORITY"

I have come to Minneapolis to ask your help—for the Ripon Society, for our Party, and for our country. As we reaffirm the spirit of our Party's founders, we also assert our conviction that the national government which under their leadership overcame the crises of slavery, westward expansion, and industrialism can under like leadership surmount our current difficulties. And so we meet tonight to commit ourselves as strongly as did our forefathers to building a progressive Republican Party that has the capacity for leadership and the will to lead.

As we meet, the forces shaping national affairs are in an even, but uneasy balance. The left and the right tug at each other within the Congress and the Administration. And soon we will plunge into a national election which seems destined, unnecessarily, to polarize Americans even more.

Much of the nation's future will depend—not simply on who wins the election next year—but on how the issues of that election are defined. I sincerely believe that Americans can in the next twelve months reorder international and national affairs so as to assure both peace and prosperity for at least a decade. But I think our country will capitalize on this opportunity only if responsible, responsive and representative Americans seize the leadership in defining the issues that face us now. As holders of the balance of power between the left and the right, Republican progressives have the unique opportunity to clarify public debate, unite our country and move her forward.

The past year has been one of both promise and frustration for progressive Republicans. On the one hand, we have seen the President pull together into a coherent package—which he terms the New American Revolution—a number of programs pioneered by Ripon:

Family Assistance: A plan which would provide both the incentive and the means for impoverished Americans to achieve real independence, and would lift some of the enormous financial strain placed upon our state and local governments.

Revenue Sharing: Over the past decade, there has been a revitalization of state and local governments—principally under Republican Governors and mayors like Nelson Rockefeller, George Romney, William Scranton, Linwood Holton, William Milliken, Richard Lugar, and John Lindsay—whose Party left him before he left the Party.

But the responsiveness of these state and local governments continues to be inhibited by an inadequate and regressive tax system. Revenue sharing offers the first real hope for achieving the effective and creative local governments that were the dream of the Founding Fathers of our country and our Party.

Executive Reorganization: As Congressman Frenzel has undoubtedly learned this year in Congress, a very large amount of our time is spent helping Mayors, Governors, and private citizens find their way through the maze of the Washington bureaucracy. The Executive Reorganization plan proposed by President Nixon would simplify and rationalize that bureaucracy—making it serve our citizens more effectively at less cost.

The Volunteer Army: A century after the enactment of the Thirteenth Amendment, we still require involuntary servitude from over 400,000 men each year. Euphemistically we term this system "selective service," and we tell ourselves that it is necessary to our national security—despite the fact that the morale of our fighting men is at an all-time low, and that 70% of our soldiers quit the military within 18 months after finishing their training. Study after study has supported the President's call for a more capable, less expensive military force of volunteers.

Just as we have cheered these and other proposals of the President for a New American Revolution at home, so too have we applauded the President for his initiatives abroad—toward China and Russia, in the Middle East, at the SALT talks, and in Southeast Asia. These delicate maneuvers offer real hope for a more peaceful, secure and just world order.

Taken together, the domestic and international initiatives of the New American Revolution respond not only to their separate problems, but also to the imperative need to restore confidence in our government.

Yet I know that many of you still feel frustrated and uneasy. For the great promises of this past year remain unfulfilled. While the sores in America remain unhealed, our remedies languish in Congress, while Dr. Kissinger is welcomed in Peking, B–52's drop a record number of American bombs in Southeast Asia; while SALT resumes over chocolate and pastries in Vienna, MIRV's and ABM's are deployed in North Dakota; while the President speaks of a New American Revolution, poll after poll shows that the voters identify our Party with the vested interests which seem to profit from war, pollution, discrimination, and income mal-distribution.

And so we ask, where have we failed? What must we Republicans do in the coming year to fulfill for all Americans the great promise of the past year?

I suggest that there are two major steps which we Republicans must take:

First, we must convince the White House to adopt a political strategy as forward-looking as its most important substantive programs. Second, Republicans who are as responsive and as responsible as yourselves must develop far greater clout at the grassroots level.

I want to elaborate on both of these points.

It is a fact which seems to have gone largely unrecognized by the White House that positive Republicans constitute the only major political force in the country which is both willing and able to support Richard Nixon on *all* these programs in the coming election year.

Look, for example, at the response to the President's initiatives toward China or his Family Assistance Program.

Our friends on the right don't support the President. William Buckley, Young Americans For Freedom, the American Conservative Union, have all denounced these key initiatives and publicly oppose President Nixon.

Our friends in the other Party either refuse to discuss these initiatives—hoping the voters will forget them—or else they wage a war of attrition against them.

So the Republicans represented here are the unique center that will consistently go to bat for the President on these parts of his New American Revolution. If we want national action on these programs, we must persuade both the President and the Democratic contenders to confront the problems which they address. Yet some White House staffmen have pursued a political strategy which betray substantive Nixon political supporters and may destine the Republican Party to a permanent minority status.

This strategy—evidenced by the divisive exploitation of the so-called social issue, and by the use of hard-line rhetoric on crime, civil rights, civil liberties, and student unrest, was discredited in the election returns of 1970. We cannot rally a responsible political majority behind the New American Revolution by appealing only the fears and insecurities of a group which is all-white and prematurely aged.

In Washington today, there are many Republicans who confidently proclaim that our Party is strong and growing stronger. Their optimism is buoyed by polls showing that President Nixon would defeat all rivals if an election were held today, by a Party treasury bulging in anticipation of the coming campaign, and by the obvious disarray of the other party.

I would warn Republicans to guard against over-confidence based on these facts. While the President leads all rivals, he still receives the support of only 43% of the electorate—the same percentage he received in 1968. A Gallup Poll found recently that only 25% of Americans identified themselves as Republicans. This is a smaller percentage than at any time in the past decade.

Four years ago 72% of the blacks in this country thought they could count on the Federal Government to help them a great deal. After three years of Republican Administration, only three percent feel that way.

The percentage of new young voters who register Republican is so low that many Republican organizations are afraid to mount new registration drives.

Today Republicans control fewer Governorships, state legislatures and mayoral offices than they did before the 1968 election. And we still hold only a minority of the seats in both Houses of Congress.

In a recent *Fortune* article entitled "That Elusive Political Majority," political analyst James Reichley concludes that "progressive Republicans" are more likely to "serve as the instrument for a new age" than any other group in the country. Among the many reasons Reichley offered for this conclusion was this:

Since the progressive Republicans do not share the legacy of past Democratic administrations, they have the important advantage of being free from the precedents as well as the guilts of recent decades.

They emphasize social reconciliation rather than class struggle. Most crucially, the progressive Republicans . . . are committed to a policy of harmonious collaboration in the public interest between government and business. They thus not only avoid politically exhausting strife with business, but actually can draw on business support and expertise.

Yet our Party's support among professionals and businessmen has steadily declined over the past thirty years. In 1940, 49% were Republicans while only 29% were Democrats. Today, more businessmen and professionals are Democrats or independents than Republicans.

In the next three weeks, the President will decide the substance and tone of his legislative strategy for 1972 and thereby his campaign strategy for reelection. The state of our party and the mood of the nation dictate that the President take these seven basic steps:

(1) to place his highest priority on working cooperatively and forcefully for Congressional action on his New American Revolution, recognizing that our Constitution enables each coordinate branch of government if it so desires to paralyze the system and that only the lubricant of good will and positive leadership can avoid hopeless stalemate;

(2) to replace the unsuccessful strategy of the 1970 campaign with a positive strategy emphasizing unity, equity, peace and prosperity;

(3) to appoint only men and women of unquestioned excellence who embody this positive appeal to key campaign and government positions;

(4) to stake out his position on the high road for the campaign—so he can run as President of all Americans;

(5) to lead efforts to reform the internal allocation of delegates among the states, the selection of delegates within each state, the procedures at the Convention. If the GOP is going to attract new members, it must be able to promise complete participation in Party government;

(6) to demonstrate an unequivocal commitment to the spirit of the Bill of Rights and the Fourteenth Amendment;

(7) to end the tragic war in Southeast Asia. As Senator Mark Hatfield wrote in the *Forum*, referring to leaders of both Parties: "I have seen more of a commitment to ending the war as a political issue in America than to actually ending the war in Indochina." A scheme by which American casualties are reduced but American bombings and civilian casualties are increased is neither politically or morally acceptable.

These are some measures which are necessary and proper for the White House to adopt.

But let me warn you tonight, you cannot sit on your hands and wait for the Republican leaders in Washington to remake the Party in your image.

Senator Barry Goldwater understood that when he told the Republican Convention in 1960:

This country is too important for anyone's feelings. This country in its majesty is too great for any man, be he conservative or liberal, to stay home and not work just because he doesn't agree. Let's grow up, Conservatives. If we want to lead this Party, let's go to work. I am a Conservative and I am going to devote all my time from now until November to electing Republicans from the top of the ticket to the bottom of the ticket, and I call upon you to do the same.

There are a number of Republicans today who suspect that the Ripon Society and all its fellow travelers are anti-Nixon almost by reflex. And, to an unfortunate extent, it would appear they are sometimes right. If you want a greater voice in the Republican Party, you must make it perfectly clear that there are no nattering nabors of negativism amongst your ranks. You must give the same commitment to Republican politics as you have given to issue development in the past. You must school yourselves in practical party politics and in so doing reach out to all groups within the Party as well as to those groups currently alienated from the politics of the status quo.

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There are plenty of campaigns around the country in which you can hold a responsible position and get practical experience—whether it be with an incumbent like Mark Hatfield, Ed Brooke or Chuck Percy, or with a prospective Senator like Bob Smylie in Idaho, David Cargo or Pete Domenici in New Mexico, John Chafee in Rhode Island, or Tom Reardon in South Dakota, or with an outstanding Congressmen such as Bill Frenzel or candidates such as John Price in New York. Find a candidate and work for him or her. Or, in the words of the first Ripon book—if you cannot find one, be one. Go to the Convention as delegates or alternates. Become ward and state committeemen and committeewomen. Run for the city council, the state legislature, and the Congress.

One hundred and seventeen years ago a small band of men, fearful for their country's future, frustrated by political fragmentation, and fired by the conviction that principled politics was essential to solving national problems, came together in a small white schoolhouse in Ripon, Wisconsin, to form a political party that could build a progressive America.

The times were not auspicious for their undertaking. Amidst growing division and strife, almost a score of political parties had sprung up in the previous 16 years, only to wither away. At the time Free-Soilers, Know-Nothings, Barnburners, Radical Whigs, Abolitionists, Conservative Whigs, Anti-Nebraskans, Union Democrats and Normal Democrats were all competing for public attention. It took the founders of our party two years to agree on the name "Republican." In some states the new party participated in its first election with no name at all. When the founders of the party first approached an obscure, small town lawyer named Abraham Lincoln and asked him to lead the Illinois party, he flatly refused, predicting that the country's future lay with the Whigs.

But the men persevered. Lincoln reconsidered, and they forged a political coalition that forced the country to face up to its most fundamental problems, that led the union through the bloodiest war in its history into a new era of peace, and that dominated national politics for the next three quarters of a century.

Today, our Party and our country need the faith and spirit of those men in Ripon. To rekindle the Ripon-Lincoln tradition is your mission. It is a very large and difficult undertaking, but a challenge worthy of great men and women. I know you have the ability to meet that challenge, if you have the will.

As James Reichley wrote,

The progressives have little chance of leading the Republican party, let alone the country, before 1976—if then. A few more years of maturing experience, however, will give the younger generation of progressive Republicans time to develop their program. Just possibly, some future Lincoln sits in a governor's chair, in the back rows of Congress or at some lesser post. If so, the shape of the next national majority probably depends, as much as on anything else, on the thoughts and dreams now passing through his head.

That is your opportunity and your responsibility.

CHILD DEVELOPMENT

Mr. MONDALE. Mr. President, on Thursday, December 2, 1971, by a vote of 63 to 17, the Senate agreed to the conference report on S. 2007, a bill to extend the Economic Opportunity Act, and for other purposes.

During the debate on that measure, under which a time limitation granted 3 hours to those opposing the conference report, and only 15 minutes to those supporting it, a number of misleading statements were made concerning the comprehensive child development provisions.

I have reviewed the record of the full debate with the distinguished Senator from Wisconsin (Mr. NELSON), chairman of the Subcommittee on Employment, Manpower, and Poverty from which this measure arose. In order to correct any misunderstanding about the purpose of this child development program, we would like to answer four of the concerns expressed about it.

First, and of greatest importance, are the allegations that this child development program represents child control. It was charged, during the debate, for example, that the program would concentrate on the inculcation of collectivist attitudes on helpless children; that it is somehow based on the notion that the parent is a failed experiment; that it is totally alien to traditional American values.

Charges and implications of this kind could not be further from the truth. Neither we, nor any of the other 30 Senators and over 100 Congressmen who introduced this legislation, would support a measure of that nature.

The simple truth is that this program is totally voluntary, is designed to strengthen the family, and vests the major responsibility for the operation and control of child development efforts in the parents of the children these programs serve.

This measure specifically requires that programs or services under this title shall be provided only for children whose parents or legal guardians have requested them.

It expressly states that—

Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children.

And it deliberately requires that parents of children served by child development programs will compose at least one-half of the membership of both the governing boards created to administer these programs. These parent governed boards—the Child Development Councils and the Project Policy Committees—will decide which programs to fund, and approve the content, curriculum, and policy of each individual project.

Finally, to the extent consistent with the capacity of local governments, these programs will be administered locally—like the public school system—to assure that they operate as close as possible to the parents and the people concerned.

Rather than establishing Federal or State control of children, as some opponents contend, this measure returns tax dollars to localities and States to help them develop and strengthen day care programs in community centers, schools, churches, and Headstart programs.

We believe these provisions are absolutely consistent with the traditional American value on parental responsibility. The emphasis we placed in the bill on parental decisionmaking and parent governed councils reflects our belief in the strength and wisdom of parents and families—not, as some have charged, on any "notion that the parent is a failed experiment."

Second, a number of our opponents criticized the delivery system in the bill, and argued that there was not a sufficient role for the States. We disagree.

This bill unquestionably puts a priority on local administration—wherever a locality is, in the determination of the Secretary of Health, Education, and Welfare, capable of providing high quality, comprehensive services. We placed this priority on local administration precisely in order to assure that these programs will be accessible and responsible to the concerns of parents, and will avoid the danger of remote governmental control.

Yet within this framework the measure provides a significant role for the States:

Every local application must be submitted to the Governor for review and comment.

Five percent of the funds are reserved for States for technical assistance, coordination, and review of these local applications.

And States, as well as other public and private nonprofit agencies, may serve as prime sponsors where localities do not apply, or where the HEW Secretary finds that a locality is incapable of providing comprehensive services.

Moreover, States can administer programs for migrant children, programs in areas where a city or county is not adequately meeting the needs of preschool children, or programs under the Secretary's additional 5-percent reservation for model programs.

These roles, and the Secretary's responsibility to determine whether localities are capable of administering programs are spelled out in the bill, and clarified by a colloquy between Senator NELSON and Senator JAVITS during the debate on the conference report. See CONGRESSIONAL RECORD of December 2, 1971, pages 44117–44119.

As Wilbur J. Cohen, dean of the University of Michigan School of Education and former Secretary of Health, Education, and Welfare, said in a recent telegram to us supporting the child development program in the conference report:

In my opinion, and from my past experience, I believe that the various provisions of Sections 512(2)(0), 513(9), 517(3)(4), 534, 535, 572 would enable the Secretary of HEW and the Governors of the various States to establish appropriate State coordinating arrangements to assure effective statewide planning and review of local projects.

Reasonable men may disagree with the initial priority this measure places on local administration which we believe is essential to assure maximum parental involvement and responsbility. But no reasonable man who has read this legislation carefully can deny that the Secretary of Health, Education, and Welfare, has substantial discretion with respect to which prime sponsorship applications are approved, or that States have a significant role in the planning and operation of these programs.

Third, the suggestion was made that this measure had not received sufficient consideration by the Congress and the public. The facts just do not support that conclusion.

President Nixon, in February 1969, brought public attention to this issue when he called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

And since 1969, when the original bills were introduced, over 200 witnesses have been heard by the Senate and House committees considering this legislation. The Labor and Public Welfare Committee in the Senate held 12 days of hearings, and numerous executive sessions on this legislation; the House Education and Labor Committee held 20 days of hearings and several executive sessions.

Moreover, this issue has been the subject of numerous public discussions, conventions, conferences, and studies. The 1970 White House Conference on Children considered this issue, and the delegates to that conference voted as their top national priority the provision of "comprehensive family-oriented child development programs including health services, day care and early childhood education." The Joint Commission of the Mental Health of Children recommended a proposal of the nature as one of its top priorities for children.

And Project Headstart, which has now been in operation for over 5 years, and on which this measure seeks to build, has given the Congress, the executive branch and the public ample opportunity to review and assess child development efforts.

To question or disagree with elements in this measure or with purpose of the entire measure itself is clearly legitimate and indeed helpful to those of us who want to improve it; but to imply that this measure has not received careful and lengthy consideration by the Congress is just plain wrong.

Finally, the suggestion was made that child development and education experts are uncertain about whether a program of this kind should be undertaken. Yet the facts reveal that the professional organizations experienced in the education, health, and welfare of children are nearly unanimous in the opinion that this measure represents one of the soundest investments our country can make.

In addition to the White House Conference on Children, and the Joint Commission on the Mental Health of Children, the following organizations especially experienced in and concerned with the needs of children have urged the adoption of this conference report:

American Academy of Pediatrics.
Black Child Development Institute.
Child Welfare League of America.
Children's Lobby.
Council for Exceptional Children.
Day Care and Child Development Council of America.
National Association for the Education of Young Children.
National Education Association.

The entire list of national organizations representing parents and citizens concerned about children that are supporting this measure—many of whom were involved in the drafting and refinement of the legislation—includes:

AFL–CIO.
Amalgamated Clothing Workers.
American Bar Association.
Americans for Democratic Action.
Americans for Indian Opportunity Action Council.
American Public Welfare Association.
Committee for Community Affairs.
Common Cause.
Friends Committee for National Legislation.
International Ladies Garment Workers Union.
Interstate Research Association.
Leadership Conference on Civil Rights.
League of Women Voters.
NAACP.
National Association for Catholic Women.
National Association of Social Workers.
National Board of YWCA.
National Conference of Catholic Charities.
National Conference of Christians and Jews.
National Council of Churches.
National Council on Hunger and Malnutrition.
National Council of Jewish Women.
National Council of Negro Women.
National League of Cities—U.S. Conference of Mayors.
National Organization of Women.
National Welfare Rights Organization.
Southern Christian Leadership Conference.
United Auto Workers.
United Methodist Church.
Urban League.
U.S. Catholic Conference.
United Steel Workers of America.
Washington Research Project Action Council.

Mr. President, we are heartened and encouraged by the bipartisan and overwhelming Senate vote to agree to the conference report, and are hopeful that the House of Representatives will take a similar position in support of this program when it votes on the conference report tomorrow.

THE JOSEPH MACDONALD FAMILY HELPS VIETNAM ORPHANS

Mr. McINTYRE. Mr. President, when the American people are asked to help, they do. In a recent newsletter to my New Hampshire constituents, I printed a letter from Father Morris F. Wells, chaplain for the 196th Infantry Brigade in Vietnam. Father Wells, whose parents live in Hampton, N.H., asked me a special favor. He said:

During my tour here, I have become involved with a Catholic orphanage, Phuoc Tien Orphanage, in a small hamlet of the same name, located near Da Nang. There are 190 children with six Vietnamese Sisters taking care of them. One of our battalions, 4/31st Infantry, has unofficially "adopted" the orphanage and the men are doing everything they can to make life a little more pleasant for these children. The children need everything, and anything, but especially summer clothes, toys (there isn't a ball or a doll in the entire orphanage) and food (especially baby food). My request is that perhaps you could put in a "plug" for help in one of your newsletters to your constituents. They could send any used clothing, toys, food, etc., to me and I would be happy to hand carry them to the orphanage. I am hoping that it will be possible to extend the arm of friendship from the USA to this unknown orphanage in Vietnam. God bless you.

The response from New Hampshirites has been overwhelming.

The Joseph MacDonald family of 360 Winnacunnet Road in Hampton, N.H., responded to Father Wells' request with so much enthusiasm and generosity when they mailed a package on November 15.

With all the talk about people being afraid to get involved and unwilling to give their time to help others, it certainly has been heartwarming to me to see this kind of response from people in New Hampshire. I am proud to serve them in the U.S. Senate.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD the following articles and editorials relating to the Subversive Activities Control Board:

First. An editorial by Carl T. Rowan entitled "Do-Nothing SACB Should Keep on Doing Just That," which appeared in the Washington Star of July 25, 1971.

Second. An editorial entitled "The Sense of the Senate on Subversion," which appeared in the Washington Post of August 10, 1971.

Third. An article by Henry Raymont entitled "Publishers Warned of Threats to United States Freedoms," which appeared in the New York Times of September 23, 1971.

Fourth. An editorial entitled "Faith in One Another," which appeared in the Washington Post of October 3, 1971.

Fifth. An article entitled "Plan Drawn To Fire U.S. 'Subversives,'" which appeared in the Evening Star of October 29, 1971.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Star, July 25, 1971]

DO-NOTHING SACB SHOULD KEEP ON DOING JUST THAT

(By Carl T. Rowan)

It seems such a shame to have the United States Congress tied up for days in argument about a do-nothing relic of the postwar witch-hunts called "The Subversive Activities Control Board."

Unfortunately, such action by Congress is necessary if we are to prevent the use of the SACB to impose another spell of McCarthyism and ease the country a little further into police statism.

As things stand, the SACB is no big threat to the people's liberties. The courts long ago clipped the boards' wings to the extent that it is just a $450,000-a-year boondoggling sop to those conservatives who still see Communists under every bed.

The board now rarely meets, and, according to testimony by its chairman, interviewed only three people last year. So it is hardly the great protector of the nation's security.

But the SACB has been of convenience to presidents. When Lyndon B. Johnson wanted to favor one of his secretaries, he named her groom to a seat on this board.

When Richard Nixon wanted to curry favor with the right-wingers, he named one of their favorites, Otto F. Otepka, to a $36,000-a-year seat on the board. The Senate has yet to confirm Otepka, who is a sort of Daniel Ellsberg in reverse. Whereas Ellsberg leaked the "Pentagon papers" out of liberal, anti-war convictions, Otepka was fired by the

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State Department for leaking secret documents to senators known to share his right-wing sentiments.

With liberals (and conservative Democrats like Sen. Allen J. Ellender of Louisiana) complaining about spending half a million dollars a year for such a moribund outfit, President Nixon decided to give the SACB at least the appearance of doing something.

On July 2 he issued a little-noticed executive order that would empower the SACB to "determine whether any organization is totalitarian, fascist, Communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any state or which seeks to overthrow the government of the United States or any state or subdivision thereof by unlawful means."

Thanks to that ever-surprising civil libertarian, Sam J. Ervin Jr., D.-N.C., the Senate has voted that SACB may use nary a dollar of its $450,000 appropriation to carry out the broad duties that Mr. Nixon wants to give it.

Ervin and others in Congress know that SACB's proposed new role would carry us back into that ugly era of punishment by smear and guilt by association.

When scores of groups are screaming for peace, who are these five members of SACB to decide that one organization is true-blue American and another subversive?

Who are they to decide which civil rights group is "too militant" and is to be labeled "totalitarian, fascist, Communist, or subversive"?

What worthwhile purpose does it serve in a free society for the attorney general or SACB to draw up a list telling me that the Ku Klux Klan or the Black Panthers are "subversive"? Let their deeds speak. If anyone in either group violates the law, let him be indicted, tried fairly, and if convicted, punished according to the law. This business of punishment by government blacklisting has no place in this society.

With a shift of four votes the Senate would have cut off funds and abolished SACB completely.

But if the board must continue, let it doze in do-nothing splendor the way it has for years. In which case I promise not to ridicule the SACB ever again, having learned the painful way that it is wise to let sleeping ogres lie.

[From the Washington Post, Aug. 10, 1971]

THE SENSE OF THE SENATE ON SUBVERSION

Sen. Sam Ervin has apparently just begun to fight against the President's order exalting and aggrandizing the Subversive Activities Control Board. The senator served notice on Friday, just before the Senate went off for its vacation, that he means to raise the issue again as soon as it returns. He introduced a bill which would forbid federal employees to engage in the new activities propounded for the SACB by the President. And, in addition, he has proposed a resolution expressing the sense of the Senate that Mr. Nixon's executive order is "an attempt to usurp the legislative powers conferred on Congress by the Constitution" and "an infringement of the First Amendment rights of all Americans."

This is strong language. In our judgment, it is precisely right on both counts. Congress created the SACB to do one thing. President Nixon, without any enabling or authorizing legislation from Congress, has now directed it to do something entirely different. It is as though the Civil Aeronautics Board, established by law to discharge certain specified functions in regard to aviation were suddenly told by an executive order to go far beyond those functions and regulate the railroads. The President has supervisory authority over all executive agencies, of course, and a responsibility to see to it that the laws enacted by Congress are faithfully executed. But the President has no lawmaking powers whatever. Lawmaking is exclusively the province of the legislative branch of the government.

Senator Ervin seems to us to be quite right not only in his view that the President has breached the constitutional separation of powers but also in his view that the President has done so in a way that seriously jeopardizes the freedom of expression and the freedom of association guaranteed by the First Amendment. Under Mr. Nixon's executive order, the SACB would be empowered to tell the American people which groups and organizations were officially approved for membership and which were deemed unsuitable by the federal authorities. The SACB would be empowered, in short, to tell you that it is all right for you to join some committees, but not others.

Committees and associations to espouse this and oppose that, to pressure the government in one direction or another, are the dynamos of democracy. They are the chosen instruments for self-government in America. It is dismaying that President Nixon should be so indifferent to the restraints which his order would impose on political action and expression in this country. The idea of an American Republic was conceived in committees of correspondence which flourished among the English colonists in this new world—and which would have been condemned as subversive by any Subversive Activities Control Board appointed by King George III.

The President got funds for his new-fangled SACB by a clever legislative maneuver. His executive order was issued after the House had passed a major appropriation bill in which the controversial agency played no more than a trivial role. The Senate approved an amendment forbidding use of any part of the appropriated funds to carry out the executive order. That amendment was eliminated in conference; and the appropriation passed in its deleted form because Congress wanted to get out of town and knew the departments and agencies had to have money to carry on their work.

Sam Ervin is now offering Congress a clear chance to express its convictions and to deal with the SACB on its demerits. Congress' own honor and authority are at stake. And so is an essential freedom of the American people.

[From the New York Times, Sept. 23, 1971]

PUBLISHERS WARNED OF THREATS TO U.S. FREEDOMS

(By Henry Raymont)

The Association of American Publishers held its fall meeting yesterday amid warnings that Government censorship and radical pressure groups are increasingly threatening the nation's First Amendment freedoms.

A report by the association's Freedom to Read Committee likened the situation to the McCarthy era of the early nineteen-fifties, "when attacks on intellectual freedom by the Government and various pressure groups were at their peak."

Senator Sam J. Ervin Jr., chairman of the Senate Subcommittee on Constitutional Rights, in a speech delivered to the closing dinner at the end of the day-long meeting at the Biltmore Hotel, said:

"If America is to be free, her Government must permit her people to think their own thoughts and determine their own associations without official instruction or intimidation."

MORALISTS ASSAILED

At a luncheon session the association heard Homer D. Babbridge Jr., president of the University of Connecticut, assail what he called "a virulent new version" of American moralists, who he said were interfering with free cultural exchanges among nations.

He cited the Jewish Defense League's disruption of concerts by Soviet artists, groups on campuses who thwarted speakers from Greece and Portugal and critics who urged a pullout from Olympic competitions in South Africa because of the country's racial policies.

Senator Ervin's speech was the high point of a day in which more than 300 chief executives from literary and educational publishing houses and university presses discussed such diverse subjects as international copyright problems, dwindling funds for libraries and Government pressures against the publication of controversial materials.

In an extensive analysis of the First Amendment, Senator Ervin, a North Carolina Democrat, developed arguments he has been using against the Nixon Administration on such issues as the use of lie detectors on Federal employes, Army surveillance of private citizens and President Nixon's Executive order expanding the mandate of the Subversive Activities Control Board.

CONCERN IS EXPRESSED

The Senator's speech reflected a concern that leading members of the publishing community have frequently expressed and that was often a factor in yesterday's panel meetings and general discussions—namely, that Government attempts to interfere with such publishing ventures as the Pentagon study of the Vietnam war or the dissemination of radical books in libraries represented a threat to freedom of speech and press.

"It is a critical fact that we are now faced with the necessity of defending the First Amendment," W. Bradford Wiley, chairman of the association, said at a morning meeting. "Nothing like this had happened since the days of Senator Joseph R. McCarthy."

Kenneth D. McCormick, vice president of Doubleday and chairman of the association's Freedom to Read Committee, reported that, among other activities this year, the committee had protested a contempt citation against the Columbia Broadcasting System for refusing to supply out takes, or unused film, from its documentary "The Selling of the Pentagon" and had filed a brief opposing the Government action against The New York Times and other newspapers for publishing the Pentagon Papers.

Mr. McCormick said the association would also file a brief in behalf of the Rev. Phillip F. and the Rev. Daniel J. Berrigan, supporting the rights of Federal prisoners to disseminate their writings and recordings to publishers and the public.

PRESSURES HELD WIDENING

Declaring that pressures from private groups to have certain titles removed from public and school libraries were no longer confined to pornography and sex education, he said:

"It is more and more the book that really talks about the war and gives two sides of it, that presents the race problem as more than an unfortunate spat between two regions, that presents the United States as a country that's been right sometimes and wrong at others."

Other speakers who expressed concern that the political acrimony was interfering with the free exchange of ideas were John C. Frantz, executive chairman of the National Book Committee; Whitney North Seymour, a former president of the American Bar Association, and Harrison E. Salisbury, editor of the Op-Ed page of The New York Times.

In introducing Senator Ervin, Robert L. Bernstein, president of Random House, who is vice chairman of the association, noted that the Senator's subcommittee planned to start hearings on Sept. 28 on "the meaning of the First Amendment's prohibition against abridgement of freedom of the press" and that publishers, newspaper editors and government officials had been invited to testify.

Pounding away at a favorite theme, Senator Ervin said that the First Amendment "is based upon an abiding faith that our country has nothing to fear from the exercise of its freedom as long as it leaves truth free to combat error."

If the right to express dissent is respected, he declared, "violent revolution has no rational or rightful place in our system."

Mr. Ervin, a political conservative who is considered the leading constitutional law expert in the Senate, said President Nixon's order strengthening the mandate of the Subversive Activities Control Board was "beyond the constitutional power of the President," too broad to have any legal value and in violation of the First Amendment.

Mr. Nixon's order, issued July 2, gave the board the power to hold hearings to help determine which organizations should be classified as subversive by the Attorney General.

Before the order, the board, an independent, semijudicial agency created in 1950, had had little work to do for several years.

[From the Washington Post, Oct. 3, 1971]

FAITH IN ONE ANOTHER

When the founders of the American Republic dissolved the political bands that connected them with the British people and signed their names to the Declaration of Independence, they had as yet no country to which they could pledge their allegiance. For the support of this Declaration, they declared instead, "we mutually pledge *to each other* our Lives, our Fortunes, and our sacred Honor." That kind of faith in each other served as the cement of the American society for 175 years.

In the 1950s, however, Sen. Joseph McCarthy began to make a cult of distrust among Americans. Fear of communism, fear of subversion, fear of non-conformity—fear of each other—replaced mutual confidence to a terrifying degree. The superb self-confidence that had been an identifying trait of Americans all but disappeared. Instruments such as the Subversive Activities Control Board and the House Committee on Un-American Activities were forged to keep an official eye on Americans, to search out disloyalty among them, to penalize unpopular opinions and associations, in short, to protect the people from themselves.

It was always a funny thing about the heresy hunters that they never supposed that they themselves were going to be subverted by Communist propaganda or by other dangerous ideas; it was always and only the loyalty and good sense of their fellow-countrymen that they doubted. They had so little confidence themselves in the gospel according to Thomas Jefferson that they were forever fearful that "ordinary" Americans would easily be won over to the gospel according to V. I. Lenin. They had so little faith in freedom as a way of life that they could never bring themselves to rely upon the free institutions established by the American Constitution.

The bluntest instrument of the heresy hunters was the Subversive Activities Control Board. A menace to individual liberty at its inception, this clumsy agency collapsed of its own ineptitude as soon as the political health of the American people began to be restored. It was in a state of innocuous, if costly, desuetude when President Nixon, for some unexplained reason, chose this summer to revive it by giving it a thoroughly totalitarian duty to perform—the compilation of lists of officially disapproved organizations which Americans could join only at their own political peril.

That inveterate believer in freedom, Sam Ervin, has taken another swing at the Subversive Activities Control Board and the odious task the President has assigned to it. In a recent speech to the Association of American Publishers the senator gave a moving expression of his own faith in Americans and in the American dream. "I affirm my faith," he said, "in the sanity and steadfastness of the overwhelming majority of all Americans. I shall not fear for the security of my country as long as love of liberty abides in their hearts, and truth is left free to combat error."

That faith needs to be restored to America. It is time for us to take a new pledge of allegiance to each other.

[From the Evening Star, Washington, D.C., Oct. 29, 1971]

PLAN DRAWN TO FIRE U.S. "SUBVERSIVES"

(By Joseph Young)

The Nixon administration is drafting plans for the automatic firing of all federal employees who are members of any organization the government decides is "subversive" or "revolutionary-terrorist."

The plan would abolish present legal safeguards adopted following the witch-hunts of the Joseph McCarthy era in the 1950s and the loyalty programs of the late 1940s.

It would apply to both "sensitive" as well as "non-sensitive" jobs in government.

Mere membership in a group listed by the attorney general as "subversive" is not now grounds to fire a federal employee. The government must prove that an employee is an "active and knowing" member of such an organization.

The proposed new standards would bring the dismissal of an employee if the government decided his continued employment "would not promote the efficiency of the service."

Apprised of the administration's proposed changes, federal employee union leaders expressed alarm that this could result in a new witch-hunt in the federal service.

They also express concern that the proposal would mean virtually any employee could be fired on vague charges.

The union leaders ask who is to determine in these rapidly changing times of social stress and upheaval which organizations are "subversive" or "revolutionary" and which are not?

Federal union leaders say there is a grave danger that government employees belonging to groups demanding an end to the fighting in Vietnam or in the cause of school and housing integration and other social issues would stand to lose their jobs if the plan becomes effective.

Asst. Atty. Gen. Robert G. Mardian, chief of the Justice Department's internal security division, referred to the proposal in remarks prepared for an Atomic Energy Commission security conference. Mardian has also indicated the administration's thinking on the matter in testimony before Congress.

Mardian described as "legalisms" federal court decisions which carefully circumscribed operations of internal security programs.

He said that "legal distractions . . . have placed an onerous, if not impossible, burden on government and industrial security officers," and that the new standards are part of several proposals to correct this.

Among others he named was a July 2 executive order from President Nixon authorizing the Subversive Activities Control Board to hold hearings and designate groups that fall into the "subversive" or "revolutionary-terrorist" category.

This order is under attack in Congress. There have been bills introduced by Sen. Sam Ervin, D-N.C., to bar use of federal funds to enforce the order.

Mardian argued that evaluating the membership in groups "dedicated to revolutionary-terrorist" principles would offer a "more realistic" test than present standards.

Mardian argued that government agencies should be able to fire employees if member ship in an offending group would diminish his agency's efficiency.

Mardian added that "the vast majority of Americans would . . . agree that persons who are knowing members" of such groups "should not be employed in even non-sensitive positions, not simply because they are disloyal, but because such people are not likely to improve the delivery of governmental services of a government system they are trying to destroy."

SICKLE CELL ANEMIA

Mr. TUNNEY. Mr. President, I invite the attention of Senators to an article describing a new approach to the treatment of sickle cell anemia.

I introduced S. 2676, the National Sickle Cell Anemia Prevention Act, which was cosponsored by a bipartisan group of 44 Senators. It is the purpose of the bill to conduct testing, counseling, treatment, public education, and research in regional and community centers.

Sickle cell anemia has been tragically neglected in the past and new approaches for effective treatment and cure have been developing much too slowly. The funding of research efforts has been almost negligible, and it has been a continuing tragedy that no hope could be extended to those with the disease. The research on cyanate treatment at Rockefeller University is a most hopeful development.

Mr. President, I ask unanimous consent that the article, published in the November 19, 1971, issue of the New York Post, and entitled "A Weapon Against Sickle Cells," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WEAPON AGAINST SICKLE CELLS

(By Barbara Yuncker)

A new approach to treating sickle cell anemia, the severe, incurable hereditary blood disease of blacks, is being tested here, it was revealed today.

At Rockefeller University 25 volunteer patients with the life-shortening disease are being given a chemical called sodium cyanate in the hope that it may do in their blood what it does in the test tube—inhibit the deforming "sickling" of oxygen-carrying red blood cells.

The work has already produced the hopeful clue that the survival of abnormal red cells treated outside the body, then replaced appears to be prolonged to near normal (about 120 days) from the variable but much shorter span that is typical of sickle cells. The report was made today by chemist Dr. James M. Manning, a member of the four-man Rockefeller team to a Symposium on Sickle Cell Disease at the Commodore Hotel.

The two-day meeting which has attracted 1200 doctors and allied professionals, about half of them white, is the first major conference in the U.S. devoted to the long-neglected genetic disease.

Nearly 10 per cent of American blacks are believed to be sickle carriers, having one mutant gene. About one in every 400 to 500 blacks inherits the mutant from both parents and suffers the overt disease. It is virtually unknown in whites.

The Rockefeller report represents 11 months of crash research following a 1970 report from Dr. Robert M. Nalbandian of Grand Rapids, Mich., that a body waste chemical, urea, could be used as a drug to ease pain and apparently to desickle deformed red cells in some patients.

That report has been greeted with considerable professional caution. (The sponsors of the present meeting did not invite Nalbandian to be on the program.) But at least four other clinics are now trying to certify or disprove his urea treatment.

And it prompted Dr. Arthur Cerami, a cell biologist at Rockefeller, working with

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Manning, to hypothesize that a simple component of the urea solution—cyanate—might be getting whatever results were showing up in Nalbandian's patients.

"And indeed we found cyanate did inhibit sickling in the test-tube," Cerami said in an interview. They were also able to pin point the exact location on the hemaglobin portion of the red cell where the cyanate hooked on and stayed, making the reversal of the sickling permanent for that cell.

Much of the damage of the disease process arises because the misshapen cells snag in the capillaries between the outgoing arteries and incoming viens, slowing blood cell traffic like a jack-knifed truck on a turnpike. Not only does blood flow get snarled, cells die young in the process.

"If sodium cyanate ever works as therapy," Cerami pointed out, "treatment will have to be continuous throughout life, because each new red cell would have to be doctored."

"REASONABLE" TOXICITY

Safety tests on animals indicated cyanate is "no more than three times as toxic as aspirin," regarded as a reasonable range for proceeding to human trials.

Dr. Peter Gillette, assistant professor at Rockefeller and Dr. Charles Peterson, a Harlem Hospital resident on loan to the project, are now treating the 25 sickle cell anemics, from 7 to 50 years old, either by mouth, by intravenous injection or by taking out blood, treating it and putting the red cells back.

The patients are treated continuously. "We don't wait for a sickle cell crisis," Cerami said. "The hope is to use sodium cyanate to prevent the disease process." The tests, under Food and Drug Administration experimental drug rules, are expected to yield answers in about six months.

Cyanate is a comparatively cheap industrial chemical ($400 a ton) in powder form, easily dissolved. It is a three-atom molecule of nitrogen, carbon and oxygen. The Rockefeller team has been using material from an American firm which is giving up production because German and Japanese firms make it more cheaply.

FULL OF IMPURITIES

The unsolved problem for future medical use, Cerami said, is that "much of the stuff bought for industrial use is full of junk, impurities," which could damage patients and foul up experiments so the true value of the pure drug would be hard to determine.

But if the pure drug works and is adequately safe, it would be the first specific therapy for an ailment that can now be treated only symptomatically in most cases.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION—NOMINATION OF LEWIS F. POWELL, JR., TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session for further consideration of the nomination of Mr. Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court, with the vote coming at 4 o'clock p.m.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 1 p.m. today.

The motion was agreed to; and (at 10 o'clock and 44 minutes a.m.) the Senate took a recess until 1 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. McINTYRE).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

A PERSONAL EVALUATION OF LEWIS E. POWELL, JR., AND WILLIAM H. REHNQUIST, NOMINEES TO BE ASSOCIATE JUSTICES OF THE U.S. SUPREME COURT

Mr. FONG. Mr. President, I support the nominations of Lewis E. Powell, Jr., and William H. Rehnquist to be Associate Justices of the Supreme Court of the United States.

Because of the questions which have been raised in connection with these nominees, I should like to state my analysis of the qualifications of these candidates and my reasons for reaching the conclusions I have.

Mr. Powell is a person of unusual professional competence. His outstanding legal ability is universally recognized.

His personal integrity is unimpeachable.

His sensitivity to the problems which his stockholdings present under the Canons of Judicial Ethics and his efforts to minimize these problems, even where it will probably be at considerable financial cost to him, so as to avoid even "the appearance of impropriety," is further indication to me of his sensitivity to and commitment to the concept of assuring not only equal justice under law to all Americans, but of avoiding any appearances which may lead to questions as to the basis of his actions.

Senators are well aware that I am most concerned about preserving our constitutional rights and especially the rights of the people guaranteed under the first 10 amendments to our great Constitution—our Bill of Rights.

I am one of only four Senators who voted against final passage of the omnibus crime bill. I did this because of its provisions which I am convinced are in derogation of these most sacred constitutional rights.

At the hearing on Mr. Powell's nomination before the Judiciary Committee, I very carefully and at length questioned Mr. Powell as to his position in regard to these most valuable and valued guarantees of the liberty and very safety of minorities—and we are all members of some minority in these United States—against the oppression and tyranny of the majority or of the Government.

The Supreme Court of the United States is the last bulwark of freedom and justice for all our peoples.

I am fully satisfied of Mr. Powell's complete and sincere dedication to the preservation of these vital, constitutional rights and of his ability to so interpret our great Constitution as to assure equal justice under law to all persons in this country.

I urge my brethren to confirm the nomination of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court of the United States.

Now I turn to the nomination of William H. Rehnquist, which is also before us for confirmation, to be Associate Justice of the U.S. Supreme Court. In Mr. Rehnquist, we have before us a much younger man, one likely to serve in that exalted capacity for many, many years.

Fortunately, in Mr. Rehnquist, we have a person of outstanding legal ability and scholarship and unquestioned personal integrity. Even his most severe critics have not questioned these qualifications, which he so abundantly has demonstrated.

What four of the distinguished Senators who opposed Mr. Rehnquist's nomination in the Judiciary Committee and various witnesses questioned was largely Mr. Rehnquist's interpretations of and dedication to the concepts contained in the Bill of Rights.

In fairness to Mr. Rehnquist, his various utterances on these subjects should be put in context of time and circumstances.

Much is made of his opposition in 1964 to a proposed Phoenix public accommodation ordinance and to a letter to the editor published in the Arizona Republic on the proposals of the Phoenix school officials to eliminate de facto segregation in that city.

Little is made of the nominee's actions at those times or his very humble and human confession of error of an earlier judgment.

Throughout the period in question, Mr. Rehnquist's own children attended fully integrated schools in the downtown area of Phoenix. Surely, his recognition of the benefits of integration to the children he loved and cared for most—his own children—must give credence to his recognition of the value of equality of opportunity for all, else he could readily have chosen to live in one of the suburban areas where de facto segregation was almost assured. In view of his actions in this regard, I feel compelled to conclude the nominee does not endorse or practice segregation.

It takes a big man to reverse himself—a bigger one to admit in public that he was wrong—and a still bigger one to alter his course of conduct.

While Mr. Rehnquist did oppose a proposed public accommodations ordinance in 1964, in 1966 as a member of the Arizona delegation to the National Conference of Commissioners on Uniform State Laws he supported the proposed public accommodations provision of the draft model State antidiscrimination act.

When he appeared at the confirmation hearings before the Judiciary Committee, he admitted he was wrong in his 1964 opposition; that he was aware of that error of judgment; and that his understanding of the significance of, the need for, and the scope of the concept of equality had changed and broadened since that time.

As the distinguished senior Senator from Pennsylvania (Mr. SCOTT) brought out at the hearing, Mr. Rehnquist altered his course of thinking, and he reflected this in his conduct.

In 1969, the opinion of the Comptroller General of the United States was that the Philadelphia plan was unconstitutional. The Philadelphia plan, as Senators well know, required, as a condition of receiving a Government construction contract, a commitment to achieve certain goals of minority hiring. This was to overcome the fact that certain unions did not have minority race members.

Through the efforts of Mr. Rehnquist, the Attorney General upheld the legality and constitutionality of such plans. This was a major breakthrough in the fight for equality in employment opportunity—a basic right to be afforded all men equally under law.

On the subject of civil rights, I am fully satisfied as to the nominee's position and commitment to equal rights.

Insofar as Mr. Rehnquist's approach to civil liberties and the Bill of Rights is concerned, I questioned Mr. Rehnquist very carefully on the subject of wiretapping and electronic surveillance, and on the subject of certain Federal grand jury practices which I fear are in violation of the fifth amendment.

I spelled out to him at considerable length my long and firmly held conviction that if wiretapping and eavesdropping practices were allowed on a wide scale, we would soon become a nation in fear—a police state. I also indicated that, whether based on fact or fancy, many people in all walks and areas of life fear they are under surveillance, so in my opinion we are coming close to being a nation in fear.

While Mr. Rehnquist as the attorney to the Attorney General had spoken in support of positions of the Justice Department, his response to my questions and his prior statement when he addressed a symposium on law and individual rights held in December 1970, at the University of Hawaii, clearly indicated to me that despite his advocate's position and the attorney-client relationship with the Justice Department, the nominee himself is fully aware of the, as he put it, "chilling effect on one's feeling of freedom of certain alleged Government procedures and is capable of disassociating himself therefrom.

Again, I quote his response, in part:

> I believe that I could divorce my role as an advocate from what it would be as a Justice of the Supreme Court, should I be confirmed.

When I pressed him on comments made by a Phoenix Democrat, but representative of other such comments, that he was a "retrograde" in terms of race relations, "a supporter of police methods," "restrictive" on free speech, and so forth, his response, even under the pressure he was subjected to, showed his humaneness, a sense of humor, and the approach to be expected from him to problems presented to him as a Justice of the Supreme Court.

He stated at page 144 of the hearings before the Committee on the Judiciary:

> My first comment would be I can defend myself from my enemies but save me from my friends.

But then in a most serious vein, he continued:

> I think that that is not a fair characterization even of my philosophical views. My hope would be if I were confirmed to divorce as much as possible whatever my own preferences, perhaps, as a legislator or as a private citizen would be as to how a particular question should be resolved and address myself simply to what I understand the Constitution and the laws enacted by the Congress to require.

I am satisfied Mr. Rehnquist is a man of esteemed legal and intellectual ability, a man of great integrity, whose personal philosophy as shown by his actions may, in fact, prove to be not too far removed from that of his critics.

In any event, I feel that as a Justice of the Supreme Court he would apply his great talents "simply to what (he) understood the Constitution and the laws enacted by Congress to require."

I will, therefore, vote for the confirmation of his nomination.

I urge the confirmation of his nomination to be Associate Justice of the Supreme Court of the United States, for I am certain he will serve all the people of this great country with distinction.

THE NOMINATION OF LEWIS F. POWELL, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. JACKSON. Mr. President, the Senate will vote today on the nomination of Lewis F. Powell, Jr. to be an Associate Justice of the Supreme Court.

It is no surprise that this nomination has been unanimously reported by the Senate Judiciary Committee. Mr. Powell's reputation was well known to many of us in the Senate, even before his nomination. Since then, the widespread endorsement of his nomination by those of differing political and philosophical viewpoints has confirmed that Mr. Powell is a man of exceptional ability and character. Indeed, the reception accorded his nomination is a rebuff to those who suggested that the Senate would not confirm a Southerner to serve on the Supreme Court. One wonders why it has taken so long to propose a man of Mr. Powell's stature.

Quite aside from his competence and integrity, Mr. Powell meets another basic test of fitness to sit on the Supreme Court. He has shown by what he has done and what he has been that those who bring causes to him for judgment will have the fullest confidence that their cases will be heard and decided on the law and the merits and not otherwise.

Of course Justices come to the Supreme Court influenced by their pasts. But to be fit to serve there, a nominee must inspire faith that he can overcome these influences when he must. No group—not the organized bar, not business, not labor, not the law schools, not the politicians of any party or region, no racial group—has the right to veto a nominee because they would prefer someone more sympathetic to their side of particular issues. But they do have a right to expect fair treatment and to expect the nomination of those who will justify belief that disputes which come to be settled through the courts will be settled by law and justice alone. I believe that Lewis Powell meets this test: that he will bring to high judicial office the qualities of decency and fairness that are a crucial component of judicial decision-making.

Because Mr. Powell has shown in his life and work those qualities of distinction which we should expect in every Justice of the Supreme Court, I hope the Senate will vote—overwhelmingly—to confirm this nomination.

Mr. HOLLINGS. Mr. President, ordinarily I would take this occasion to speak in behalf of the appointment of Lewis Powell to the Supreme Court of the United States. He is a southerner. He is noncontroversial; and he is certain to be approved. But a speech in his behalf would only be an exercise in headlinemanship. Mr. Powell needs no defense from me. The man I rise to defend today, on the other hand, is not from my section of the country. He is controversial; and his nomination is being contested. It would be unfair to William Rehnquist and to his record to remain silent today.

I have studied the record. I have looked closely at the man. And I am convinced that his appointment to the Supreme Court is not merely satisfactory—it is excellent. I know Bill Rehnquist, and I have worked alongside him. I know his beliefs and his reactions. I know he is no racist. Everyone who knows him knows that. I recently received a letter from Mr. Ben Holman, the Director of the Community Relations Service, in Mr. Rehnquist's behalf. The Community Relations Service is a civil rights agency charged with working for the improvement of minority groups in America. As Mr. Holman points out, Bill Rehnquist "has been highly supportive of our cause and on several occasions sought to broaden our statutory mandate." Mr. President, I ask unanimous consent that the full text of Mr. Holman's letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Mr. President, of all the tasks which come before the Senate, none is more important than its constitutional duty to act on the President's appointments to membership on the Supreme Court.

Throughout most of its history, the Court has held a rightfully exalted position in the esteem of the American people. And because it had the trust of the people, it worked for the inestimable benefit of the Nation. The Supreme Court lacked a bureaucracy, yet it became a powerful force for good. Fragile in form yet enduring in substance, it be-

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came a strong pillar for the support of the Republic.

Today—among a sizable, and growing, percentage of our people—the Court has lost ground. The loss is not sectional, nor is it generational. It is North and South. It is young and old. This is simply a statement of fact. No Member of the Senate who has recently been among his constituents is likely to claim that this is the heyday of the Court's prestige. We hear no chorus of praise for the highest tribunal. While its past is still occasionally sung, celebrations of its present are few and far between. The question is obvious—Why? Why this declining esteem for an institution which depends for its success on the public trust?

I believe that the past successes of the Court resulted from its adherence to the activities prescribed by the founders and the Justices themselves. It succeeded because it seldom strayed very far from those activities. And when it did stray, it did not stray for long. The Court usually was in the mainstream of our national life. It saw nothing to be gained from lagging far behind or racing swiftly ahead of America's other institutions.

In recent years, however, the Court seems to have forgotten the lessons of its successful past. It has gone far beyond its normal activities—far beyond its jurisdictions of even a quarter century ago. And, without getting into a lengthy and detailed exposition, there are those who believe the Court has gone into the business of legislation rather than adjudication. There are those who believe that the Court is enforcing practices which the Constitution does not prescribe nor the Congress authorize. I am among the number who so believe.

Mr. President, when a person runs out on his past, forsaking old ways for new, he is the object of at least temporary suspicion. And when a politician promises one thing and does another, his integrity is questioned and his credibility vanishes. So it is with an institution such as the Court. When it goes beyond the normal range of its activities, and does so over a period of many years, it is playing with the fires of suspicion. This is what the Supreme Court has done. And now it has reaped the ashes of discord and distrust.

We are all quick to point out the credibility gaps of the executive branch. And, whether we admit it or not, we are equally aware of the skepticism in which the legislative branch is held. That hardly leaves time to worry about the problems of the judiciary. But today we must find time. Public confidence in the Nation's highest tribunal—in the arbiter of its basic law—is essential if this system of ours is to survive. The Constitution, both as actual law and as popular symbol, is the cement which has bound America together. Weaken the cement by twisting and torturing, and tearing and bending and breaking—and watch the Nation come apart.

Mr. President, the clear imperative of the Constitution is the necessity for balance. The success of our Federal Government has always depended upon balance: balance between the State and local governments; balance between the three separate branches of the Federal Government; and, within the judicial branch, a large measure of self-balance and impartiality. The Constitution is not an ideological brief for today's liberals, or, for that matter, for today's conservatives. It is a complex and diverse document, written by a varied people, and surviving all the many changes of nearly two centuries of national life. Yet there are those who would throw that balance—that richness of experience—that diversity of history—overboard. There are those who argue not for diversity, but uniformity; not for judgment, but for advocacy; not for right versus wrong, but for left versus right or right versus left.

And that, Mr. President, is what this debate today is all about. All the President has to do is nominate someone whose beliefs do not accord with the insistent mood of the establishment, and the establishment rides to the chase with the scent of blood in its nostrils.

The debate over Mr. Rehnquist is not over Arizona polling booths or memberships in such-and-such an organization. It is not over the handling of Mayday or the tapping of a criminal's telephone. A cursory glance at the record suffices to set any impartial observer's mind to rest on all those accounts. No, Mr. President—those are simply smokescreens sent up by those who would remake the Supreme Court in their own image. They know Bill Rehnquist will not help them do that. So Bill Rehnquist becomes to them public enemy, No. 1.

Mr. President, I have been down this road before, 2 years ago, with Judge Haynsworth. The smokescreens went up then, too. "Appearance of impropriety" was the howl of the pack, and a promising high court career was snuffed out before it could begin. Now—with the possibility of Judge Haynsworth's going to the Court gone—many of his opponents admit how flimsy those charges were. The charges against William Rehnquist are just as flimsy.

He is closed-minded, some say. He starts out with the conclusion and works backward toward justifying evidence. Even more serious, he places no value on individual rights and would give the stamp of judicial approval to police-state tactics. The attack on this nominee is a display of dizzying gymnastics the likes we have not seen for a long, long time. He is a conservative, therefore, too individualistic—conservatives want too much freedom for the individual. Then the critics turn right around and attack Mr. Rehnquist for lack of concern for the individual and for glorification of the state. "Now you see it, now you don't" seems to be the motto of the pack in their desire to do Bill Rehnquist in.

Mr. President, there is just no truth in the charge that Mr. Rehnquist is insensitive to civil liberties. His statements abound with references to the rights of the individual. He has thought long and hard about the necessity of protecting the rights of the individual and the necessity for balancing the rights of the individual in relation to the Government's obligation to enforce the law. His statements show a rational balanced, and constitutional position from which the Court can only benefit. As the nominee himself put it:

> A government which does not restrain itself from unwarranted official restraints on the persons of its citizens would be a menace to freedom; but a government which does not or cannot take reasonable steps to prevent felonious assaults on the persons of its citizens would be derelict in fulfilling one of the fundamental purposes for which governments are instituted among men. A society as a whole has a right, indeed a duty, to protect all individuals from criminal invasions of the person.

Would Mr. Rehnquist put a microphone under every table and desk, a wiretap on every phone, an agent in the footsteps of every citizen? Ridiculous. Again, I quote from the nominee,

> I do not conceive it to be any part of the functions of the Department of Justice or any other governmental agency to surveil or otherwise observe people who are simply exercising their First Amendment rights.

The record demonstrates very clearly that the nominee would never be willing to sacrifice the constitutional protections afforded our people simply in the interest of governmental efficiency. For him, the Constitution clearly places restraints on the activities of government. On the other hand, the record also makes clear that he would use the powers afforded the Government by the Constitution-makers at Philadelphia to preserve, protect and defend the safety and well-being of the American people. Any judge who is too shallow to raise the question of how to maintain order is ignorant of one of the basic questions of all government, and ignorant of one of the enduring themes of political philosophy.

The record shows William Rehnquist to be superbly qualified for service on the Supreme Court. His educational and professional career is a long string of our society's highest accolades. His academic honors testify to an acute and profound intelligence. His professional citations mirror the confidence of his associates and the breadth of his experience. Anyone who seriously expects Bill Rehnquist to be the slave of some narrow ideology or defunct theoretician simply does not know the man or his record.

There is not the slightest doubt in my mind that as Associate Justice of the Supreme Court Justice Rehnquist's allegiance will be to the Constitution, and his dedication to making it the honored and revered fountain of law and trust that it deserves to be. He will be there to research, to question, to study, to analyze, and ultimately, to judge. Justice Rehnquist will not need a law clerk to do his homework for him, or to write his opinions. He knows how to do these things himself. And he does them with a precision and a clarity and a brilliance which command respect.

It is the charge of the jurist to judge just as it is our charge in this chamber to legislate. Mr. Rehnquist has the discernment to keep the two functions separate. His opponents cannot make the same claim.

I commend the President of the United States for the excellent choice he has made. And I urge my fellow Members of the Senate to vote "aye" when the moment of decision is upon us.

EXHIBIT 1

DEPARTMENT OF JUSTICE,
COMMUNITY RELATIONS SERVICE,
Washington, D.C., November 4, 1971.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLINGS: You have asked that I share with you my regard of William H. Rehnquist who has been nominated by the President to be an Associate Justice of the United States Supreme Court.

I have personally worked in close association with Bill Rehnquist during my 2½ years as Director of the Department of Justice's Community Relations Service. I always found him to be of impeccable integrity and of gentlemanly conduct.

On many occasions Bill Rehnquist and I have discussed issues relative to the welfare of the Community Relations Service, which, as you know, is a civil rights agency whose sole direction is guided by the improvement of the status of minorities in America. He has been highly supportive of our cause and on several occasions sought to broaden our statutory mandate.

His "conservative" philosophy while practicing law in Arizona was unknown to me until I read about it in the newspapers. As a black man sensitive to the various forms of racist behavior I can assure you that Bill Rehnquist will judge minorities fairly if he is confirmed to the Court.

I hope this information will be helpful to you in your deliberations.

Sincerely,

BEN HOLMAN.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. COOK. Mr. President, I commend the Senator from South Carolina for his remarks. I want to say that the remarks which I will make either late today or on tomorrow will be in respect to what the Senator from South Carolina has said.

I would like to have printed in the RECORD an article in this morning's Wall Street Journal entitled, "Rehnquist and Critics: Who's Extreme?" However, first, I would like to read for the RECORD a portion of that article. It reads:

> The minority report argues that "Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights." The evidence the report discusses at greatest length is a letter Mr. Rehnquist wrote to The Arizona Republic in 1967, responding to remarks on school integration by Phoenix School Superintendent Howard Seymour.
>
> The minority report says, "The truly alarming aspect of the 1967 letter, however, is Mr. Rehnquist's statement, 13 years after Brown v. Board of Education that 'We are no more dedicated to an "integrated" society than we are to a "segregated" society'. . . Yet at least since the Supreme Court declared that 'separate is inherently unequal,' this nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed."
>
> A FREE SOCIETY
>
> The statement in the original letter that must be located with respect to the mainstream runs, "Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' . . . But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an 'integrated' society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities."
>
> Mr. Rehnquist's extremist position on civil rights, then, turns out to be nothing more than the familiar proposition that the Constitution is color-blind. On surveillance he believes that at this moment the scales are not tipped in such a way that dissent is "chilled." On wiretapping he believes the government side of the national security question deserves its day in court. These opinions, the minority report suggests, are so outrageous the nominee should be defeated.

Then, the most important paragraph of the editorial in relation to the remarks of the distinguished Senator from South Carolina:

> As the Senate debates the nomination, it seems, it will have to decide more than whether it's proper to weigh a nominee's philosophy. It also needs to weigh whether words like "extreme" and "out of the mainstream" better describe Mr. Rehnquist's philosophy, or the position his critics have been forced to take to oppose him.

Without objection the article was ordered to be printed in the RECORD, as follows:

REHNQUIST AND CRITICS: WHO'S EXTREME?

(By Robert L. Bartley)

WASHINGTON.—The most powerful impression to emerge from the microscopic public analysis of the life and works of Supreme Court nominee William H. Rehnquist is that his critics are pretty desperate. At one point the arguments and innuendos offered by critical witnesses proved too much even for the most critical Senators, and Sen. Edward Kennedy upbraided the witnesses for creating "an atmosphere which I think is rather poisonous."

Now the critical members on the Senate Judiciary Committee—Sens. Bayh, Hart, Kennedy and Tunney—have filed their minority report setting out the responsible case against the nomination. As Sen. Kennedy's remark suggests, it judiciously avoids the less substantial allegations that have appeared in the press in recent weeks. There is, for example, no suggestion that Mr. Rehnquist is guilty until proven innocent of membership in extremist organizations because his name appears on a list compiled by a little old lady and willed to someone else.

OUTSIDE THE MAINSTREAM

The minority report, rather, focuses mostly on Mr. Rehnquist's views on certain issues, and as such is an intriguing document. It volunteers that there is no question about Mr. Rehnquist's qualifications in terms of legal standing or personal integrity. On the widely debated question of whether the Senate should consider a nominee's judicial philosophy, it makes the case that indeed the Senate should.

The minority, of course, argues that on this third test Mr. Rehnquist flunks. It says he "has failed to show a demonstrated commitment to the fundamental human rights of the Bill of Rights, and to the guarantees of equality under the law." While not every detail of a nominee's philosophy ought to bear on his Senate confirmation, it suggests, so extreme a deviation should. At one point the text puts it simply: The nominee "is outside the mainstream of American thought and should not be confirmed."

A fascinating proposition, this. How can someone with legal standing and personal integrity fit to grace the Supreme Court be that far out of the mainstream? What would be the opinions of a man who is such a pillar of the bar and still fails to understand the Bill of Rights?

So it is with no little anticipation that one turns to the issues discussed in the minority report to find just which of Mr. Rehnquist's opinions bar him from the Court service. One expects not merely that he will have debatable opinions on debatable topics. Certainly the four Senators disagree on many things with Lewis F. Powell Jr., the other Supreme Court nominee before the Senate, but they voted to approve him. So in Mr. Rehnquist's case one expects more extreme opinions, those further out of the mainstream on the right, say, than Justice William O. Douglas is on the left.

As sort of a benchmark, recall Justice Douglas' popular book arguing, "We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution." What right-wing outrages has Mr. Rehnquist uttered, one wonders, that are further from the mainstream than *that?*

As the confirmation hearings started, the best bet for that sort of outrage seemed to lie in the Justice Department position on wiretapping. As the department's chief legal adviser, Mr. Rehnqueet must bear no small responsibility for that position, and the department has argued that the Executive Branch has an "inherent right" to wiretap without court order in national security cases. This is tantamount to an assertion that neither Congress nor the courts can control executive wiretapping, and certainly does suggest an insensitivity to the spirit of the Bill of Rights.

Alas for Mr. Rehnquist's critics, though, it turns out that on his advice the Justice Department has dropped the "inherent right" argument in current briefs before the Supreme Court. It now merely argues that in the particular instances of the case, the tap in question was not an "unreasonable" search barred by the Fourth Amendment. He says that the effect of the change is "to recognize that the courts would decide whether or not this practice amounted to an unreasonable search."

Mr. Rehnquist declined to give his personal views, as opposed to the Justice Department position, but he did defend the department's current arguments on the grounds that there are substantial legal questions unresolved, and the Executive is obligated to make its side of the case. "Five preceding administrations have all taken the position that the national security type of surveillance is permissible . . . one Justice of the Supreme Court has expressed the view that the power does exist, two have expressed the view that it does not exist . . . one has expressed the view that it is an open question . . . the government is entirely justified in presenting the matter to the court for its determination."

WIRETAPPING OF RADICALS

This did not satisfy the four critical Senators. They noted that the current issues are somewhat different from those of preceding administrations, not least because the current argument is about wiretapping not of foreign agents but of domestic radicals. The change in the department's position is "more cosmetic than real," they argued, because it is still defending wiretapping rules that would not "provide an adequate restraining effect on the Executive Branch, an adequate deterrent to protect the right of privacy."

For those who may find this particular dispute a matter not of extremist opinions but of reasonable men differing, the minority also delves into Mr. Rehnquist's widely quoted opinion on government surveillance of individuals, that is, not wiretapping but the recording of their activities in public

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places. In warning against overly restricting such surveillance, he once said, "I think it quite likely that self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

During the hearings, Mr. Rehnquist noted that in his remark he was addressing the question of whether new legislation is needed in addition to the Bill of Rights and laws already on the books, and that the remark must be understood in that context. In colloquy at the time, he conceded that widespread surveillance should be "condemned," and that an individual might already have legal recourse against a government tail. But in considering the argument that surveillance is unconstitutional because it has a "chilling effect" on freedom of expression, he said any such effect is a question not of constitutional law but of fact. And, "those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one or two occasions to, you know, exercise their First Amendment rights, to protest the war policies of the President. . . ."

The minority report argues that even if 250,000 appeared, others may have been deterred by surveillance. It agrees that the committee's majority report correctly describes Mr. Rehnquist's attitude: "Information-gathering activity may raise first amendment questions if it is proven that citizens are *actually* deterred from speaking out." The minority argues that this is precisely the problem, "the difficulty of proving a specific chilling effect is obvious, and the notion that a First Amendment question isn't even *raised* until it is 'proven that citizens are *actually* deterred from speaking out' (emphasis in original) is alarming."

But if Mr. Rehnquist's opinions here are outrageously extreme, it would seem, so are the opinions of the majority of the Senate Judiciary Committee. Similarly if his defense of the constitutionality of such laws as "no-knock" raids and "preventive detention" in the District of Columbia are out of the mainstream, the mainstream does not include the majority of both houses of Congress. So what mostly remains is the question of Mr. Rehnquist's attitudes on the racial issue.

The minority report does not make too much of allegations that Mr. Rehnquist harassed black voters when he was involved in Republican voter challenging teams in Phoenix, but it also does not dismiss them as the majority did. Some of his black opponents have come up with affidavits charging he was personally involved in harassment, and his supporters have come up with a defense of his challenging activities and attitude by a sometime counterpart on the Phoenix Democratic challenging team. The minority report says, "Each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial."

On the nominee's general racial attitudes, the majority report also came up with a letter from the principal of the elementary school Mr. Rehnquist's children attended in Phoenix. "Mr. Rehnquist became known to me when I was a teacher here at Kenilworth School. He had moved his family into Phoenix Elementary School District from one of the outlying suburban, and predominantly middle socio-economic, school districts. He wanted his children to have experience and associations with children from minority groups, as well as with the different socio-economic groups."

The minority report argues that "Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights." The evidence the report discusses at greatest length is a letter Mr. Rehnquist wrote to The Arizona Republic in 1967, responding to remarks on school integration by Phoenix School Superintendent Howard Seymour.

The minority report says, "The truly alarming aspect of the 1967 letter, however, is Mr. Rehnquist's statement, 13 years after Brown V. Board of Education that 'We are no more dedicated to an "integrated" society than we are to a "segregated" society'. . . Yet at least since the Supreme Court declared that 'separate is inherently unequal,' this nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed."

A FREE SOCIETY

The statement in the original letter that must be located with respect to the mainstream runs, "Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' . . . But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an 'integrated' society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities."

Mr. Rehnquist's extremist position on civil rights, then, turns out to be nothing more than the familiar proposition that the Constitution is color-blind. On surveillance he believes that at this moment the scales are not tipped in such a way that dissent is "chilled." On wiretapping he believes the government side of the national security question deserves its day in court. These opinions, the minority report suggests, are so outrageous the nominees should be defeated.

As the Senate debates the nomination, it seems, it will have to decide more than whether it's proper to weigh a nominee's philosophy. It also needs to weigh whether words like "extreme" and "out of the mainstream" better describe Mr. Rehnquist's philosophy, or the position his critics have been forced to take to oppose him.

Mr. ERVIN. Mr. President, for many years I have followed the career of Lewis Powell, of Richmond, Va., as one of the leaders of the American bar. It will afford me much pleasure to vote for his confirmation as an Associate Justice of the Supreme Court of the United States. I predict that in that post he will exhibit some of the finest legal acumen and some of the most profound learning that has ever been shown by any member of the Court.

I have found in the decisions of the Supreme Court only one ruling which sets forth the qualifications which the Constitution requires of a member of the Supreme Court bench. This statement appears in the ruling of the greatest jurist of all time, Chief Justice John Marshall, in what was, perhaps, the most famous of all his decisions, that of Marbury versus Madison. In that case Chief Justice Marshall pointed out that the Constitution of the United States obligates every Supreme Court Justice to take an oath or to make an affirmation to support the Constitution. This clearly means that it is the duty of a Supreme Court Justice to lay aside his own notions of what he thinks the Constitution ought to provide and to be guided solely in his decisions by what the Constitution actually does provide.

Chief Justice Marshall made this abundantly clear when he said that the oath of a Supreme Court Justice to support the Constitution requires him to accept that instrument as the rule for his official action as a member of the Court.

I am confident that Lewis Powell possesses this qualification and that he will adhere faithfully to his oath as a Supreme Court Justice to support the Constitution. For this reason I look forward with confidence to seeing him assist the Constitution of the United States in performing its function as a rule for the guidance of Supreme Court Justices.

Mr. President, for these reasons I shall take delight in voting for the confirmation of the nomination of this distinguished American lawyer.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a nomination reported earlier today, which is at the desk, and which has been cleared all around, be stated.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered. The nomination will be stated.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolution of the Senate:

S. 962. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes; and

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year."

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NATCHER, Mr. GIAIMO, Mr. PRYOR of Arkansas, Mr. OBEY, Mr. STOKES, Mr. MCKAY, Mr. MAHON, Mr. DAVIS of Wisconsin, Mr. SCHERLE, Mr. MCEWEN, Mr. MYERS, and Mr. BOW were appointed managers on the part of the House at the conference.

NOMINATION OF LEWIS F. POWELL, JR.

The Senate continued with the consideration of the nomination of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court of the United States.

Mr. COOK. Mr. President, after 5 days of extensive and exhaustive hearings in November, and after a long and thorough debate of the qualifications of the two nominees in executive session, the Senate Committee on the Judiciary favorably reported to the Senate the nominations of Lewis F. Powell and William H. Rehnquist to be Associate Justices of the Supreme Court.

In light of the events of the past 4 years, these nominations cannot be considered by themselves but must be regarded as a continuing series of events resulting from the Senate's scrutiny of Justice Abe Fortas' nomination to be Chief Justice. While not a member of this body at that time, it was my privilege to be a part of the nominations of Warren E. Burger, Judge Clement Haynsworth, Judge Harrold G. Carswell, and Justice Harry Blackmun. While not agreeing with all of the Senate's actions on these nominations, I am strongly committed to the Senate's constitutional duty of advising and consenting to the President's Supreme Court nominations.

In my examination of these nominees, I developed certain standards to apply to Mr. Rehnquist and Mr. Powell. On May 15, 1970, in a Senate speech, "Haynsworth, Carswell and Blackmun: a New Senate Standard of Excellence," I set forth my criteria. In part, the statement read:

First, the nominee must be judged competent. He should, of course, be a lawyer, to my way of thinking, although the Constitution does not require it. Judicial experience might satisfy competence, although I would certainly not restrict the President to naming sitting judges. Legal scholars as well as practicing lawyers might well be found competent.

Second, the nominee must be judged to have obtained some level of achievement or distinction. After all, it is the Supreme Court of the United States we are considering—not the police court in Hoboken, New Jersey, or even a U.S. district or circuit court. This can be established by writings, but lack of publications alone would not be fatal. Reputation at the bar and bench would be significant. Quality of opinions if a sitting judge, or appellate briefs if a practicing attorney, or articles and other publications if a law professor, might establish distinction. Certainly, the acquisition of expertise in certain areas of the law would be an important plus in establishing the level of achievement of the nominee.

Third, temperament could be significant in some cases. Although difficult to establish and not as important as the other criteria I am suggesting, temperament might become a factor where, for example, a sitting judge was hostile to a class of litigants or abusive to lawyers in court.

Fourth, the nominee, if a judge, must have violated no existing standard of ethical conduct. If the nominee is not a judge, he must not have violated the canons of ethics and statutes which apply to the standard of conduct required of members of the bar.

Mr. President, fifth, and finally, the nominee must have a clean record in his nonjudicial or nonlegal life. He should be free of criminal conviction and not possessed of debilitating personal problems, for example, alcoholism or drug abuse. However, this final criteria would rarely, if ever, come into play, due to the intensive personal investigations customarily employed by the executive before nominations are sent to the Senate.

LEWIS F. POWELL

1 AND 2. COMPETENCY; ACHIEVEMENT OR DISTINCTION

In 1929, Mr. Powell graduated magna cum laude from Washington and Lee University, and in 1931 he received his law degree from the same university. He earned his masters in law from Harvard the very next year.

From that time until the present, Mr. Powell has been engaged in the general practice of law in Richmond, Va. The only break in this period was his service from 1942 to 1946 as a combat and staff intelligence officer.

The nominee is recognized throughout the Nation as a lawyer of outstanding ability and has served as president of the American Bar Association, president of the American Bar Foundation, president of the American College of Trial Lawyers and vice president of the National Legal Aid and Defender Association.

He was also appointed by President Johnson in 1965 to the President's Commission on Law Enforcement and Administration of Justice. President Nixon appointed him to serve on the President's blue ribbon defense panel in 1969.

The American Bar Association's committee on the Federal judiciary said that he met the "high standards of professional competence, judicial temperament and integrity" necessary for this high position. The committee also noted that he met the standard in an "exceptional degree."

The list of outstanding lawyers who have enthusiastically endorsed his nomination is indeed impressive. I would like to list just a few of these lawyers and legal scholars:

Orison S. Marden, former president of the American Bar Association.

Bernard G. Segal, former president of the American Bar Association.

Hicks Epton, president, American Trial Lawyers.

Maynard J. Toll, former president of National Legal Aid and Defenders Association; O'Melveny and Myers, Los Angeles.

Dean Phil C. Neal, University of Chicago Law School.

Geoffrey C. Hazard, Jr., Yale University Law School.

William T. Gossett, former president of American Bar Association.

E. Smythe Gambrell, former president of American Bar Association.

Earl F. Morris, former president of American Bar Association, Columbus, Ohio.

Dean Monrad G. Paulsen, University of Virginia Law School.

Dean James P. White, Jr., William and Mary Law School.

Dean Roy L. Steinheimer, Jr., Washington and Lee University Law School.

Charles S. Rhyne, former president of the American Bar Association.

Whitney North Seymour, former president of the American Bar Association, New York City.

Sylvester Smith, former president of the American Bar Association, New Jersey.

David F. Maxwell, former president of the American Bar Association, Pennsylvania.

Bernard Segal, in his statement before the committee summarized the thinking of everyone who has been associated with Mr. Powell when he said:

It is therefore with profound satisfaction that I speak in support of a nominee who in my judgment is as eminently qualified to serve on our highest judicial tribunal as anyone who has come before the committee since I have been concerned with such matters, and I daresay for many years before that as well. In legal education, legal experience and legal competence, he ranks among the elite of the Nation's bar.

Mr. Lewis Powell is quite obviously one of the most distinguished nominees to come before the Senate in some time. No one has been more highly recommended. Further documentation would surely be redundant. The committee hearings and the Senate report speak for themselves.

3. TEMPERAMENT

I believe that all members of the committee were impressed with the manner in which the nominee handles himself at the hearings.

In a statement urging favorable consideration, Andrew P. Miller, the attorney general of Virginia declared that—

But more importantly, Lewis F. Powell, Jr. possesses the judicial temperament for the great task to which the President of the United States has nominated him. He has the quality of mind which will enable him to serve with distinction as a Justice of the Supreme Court of the United States.

It is not given to all men to have that quality of mind, yet I know of no man better endowed with it than Mr. Powell. Many men exhibit a knee-jerk reaction to the issues of the day, and render cliched treatment in response, but not the nominee before you.

Of course, like Mr. Rehnquist, we would expect such comments from his friends who not only know him, but generally agree with him. Therefore, I would once again like to turn to those who come from different backgrounds and who have different philosophies.

Jean Camper Cahn, director of the Urban Law Institute of Antioch College, knew Mr. Powell personally through their work together on the legal services pro-

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gram for the poor. While admitting a disagreement with him on many matters, she based her support of this nomination on the qualities that I believe are very important. She said:

In the context in which I have known him he has come to symbolize the best that the profession has to offer—a man imbued, even driven, by a sense of duty, with a passion for the law as the embodiment of man's ordered quest for dignity. Yet he is a man so curiously shy, so deeply sensitive to the hurt or embarrassment of another, so self-effacing that it is difficult to reconcile the public and the private man—the honors and the acclaim with the gentle, courteous, sensitive spirit that one senses in every conversation, no matter how casual. And it is an unceasing source of wonder to me that so much seems to get done without any sense that the man is ever burdened, hurried, under strain or unable to give you his full and undivided attention.

In questioning the nominee, Senator HART stated:

I think I should also add for the record a communication which was brought to the attention of the Senate through its introduction in the Record on November 2, by Senator BYRD, who was sitting here with you, of a letter from a member of the Virginia House of Delegates representing Richmond and Henrico County, Doctor William Ferguson Reed. Doctor Reed is the first Negro elected to the Virginia General Assembly during this century, and that letter, written by Doctor Reed to Senator BYRD, strongly recommends your confirmation and makes reference to the fact that all regard you as a fair-minded man. I think it is well that you be aware of that comment by Doctor Reed.

4 AND 5. ETHICAL CONDUCT; PERSONAL CONDUCT

Mr. Powell's life has been subjected to intense scrutiny by the Government and by private citizens alike. His personal and ethical conduct, if anything, is above reproach. There is absolutely nothing in the record to indicate that the nominee has ever been guilty of any impropriety or indiscretion. To the contrary, there is much to recommend him.

Mr. Powell is a man of substantial personal wealth including stock in major corporations which are potential parties to litigation ultimately to be decided by the Supreme Court. Mr. Powell has agreed to divest himself of all but a few of these holdings, and to disqualify himself from cases where he may still retain an interest, however small. He also said that in regard to these and other major corporations that he has represented that he would "lean over backward" to avoid the appearance of impropriety. The committee, very properly, was satisfied with his past and future ethical and personal conduct.

CONCLUSION

Last some believe that there may be something missing or lacking from my examination of the candidates, I would like to make a few remarks concerning philosophy or ideology.

Concerning this, as criteria, I said in my speech of May 15, 1970, the following:

At the outset, let us discard the philosophy of the nominees, philosophy should not be considered by the Senate. This happened quite often in the 19th century and the result was to make a political football out of the Supreme Court. The President is elected by the people presumably to carry out a certain program. The Constitution gives to him the power to nominate. If the nomination power had been given to the Senate, as was once considered during the debates at the Constitutional Convention, then it would have been proper for the Senate to consider philosophy. The Senate's role, as I see it, is to advise and consent to the nomination, and thus, as the Constitution puts it, "to appoint." This, I believe, taken within the context of modern times, means an examination into the qualifications of the President's nominee.

I must confess that this concept is not original on my part. It was mentioned at least once before by the Senator from Massachusetts (Mr. KENNEDY) during the Senate's consideration of Justice Thurgood Marshall, when he said:

I believe it is recognized by most Senators that we are not charged with the responsibilities of approving a man to be associate justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue, or on a given issue of fundamental importance; we are interested really in knowing whether the nominee has the background, experience, qualifications, temperament and integrity to handle this most sensitive, important, responsible job.

Mr. President, I believe that to be as sound now as it was then. Furthermore, the President is the only person who is elected by all the people, and who is chosen to represent all of the people. He alone reflects the views of the majority of the people of this country at a given time. Senators are elected by smaller groups of people at different points in time.

I do not seek to persuade all of my colleagues to my position. I merely wish to state it, and say that it has stood me well in considering previous, as well as the current, Supreme Court nominations.

In conclusion, after attending the Judiciary Committee hearings, and examining the record, I wish to give my unqualified endorsement to this very distinguished lawyer and legal scholar. I believe him to be uniquely qualified to sit on the Supreme Court of the United States.

Mr. President, I urge the immediate confirmation of Mr. Lewis F. Powell, Jr. to be Associate Justice of the Supreme Court.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. BAYH. I suggest to my friend from Kentucky that I am deeply impressed by the reference that he made to the letter of Jean Camper Cahn. I found that to be one of the most emotional, persuasive bits of correspondence that I have seen relative to the human qualities of the man. Certainly the fact that the Senator from Kentucky used it in support of the nominee from Virginia I think is a point well taken.

I just might interject one observation about the feeling of the Senator from Kentucky—he and I agree on many things and disagree on a few, and each of us arrives at his own conclusion as to what criteria we use; I am sure the Senator from Kentucky is aware that should the Senate totally disregard in its consideration the philosophical views of a prospective Supreme Court nominee, we would be at odds with the strong and eloquent position taken by the other nominee, William H. Rehnquist, in a very persuasive article that he had published in one of the Harvard Law Journals, in which he suggested that it was not only the right but the responsibility of the Senate to consider the philosophy of the nominee.

Mr. COOK. I thank the Senator from Indiana. I must say to him I am one Senator who does speak for himself. I lost any tendency toward a dogmatic attitude a long time ago, and I should think to a considerable degree one's attitude is one's own criterion; and that would reflect itself on any other individual.

I thank the Senator for commending the distinguished jurist from Virginia. I look forward to being on the same side with him at 4 o'clock.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. SPONG. I thank the Senator from Kentucky for the splendid presentation he has made to the Senate today in behalf of the nomination of Lewis Powell. I know from observing the actions of the Senator from Kentucky on past occasions that he speaks on these nominations only after a thorough review of the qualifications of a nominee. He and I have been through judicial nomination wars together. I should also like to say that the Senator has again rendered the Senate a service by spelling out his own views, which parallel mine, on the Senate's role of advice and consent.

I recognize, as has been demonstrated by the remarks of the Senator from Indiana, that there is some difference of opinion as to how this role should be played by Senators, but I think since his coming to the Senate, the Senator from Kentucky has rendered a conspicuous service in trying to outline what he conceives to be the constitutional role of the Senate in considering advice and consent to these nominations.

Mr. COOK. I thank the Senator from Virginia very much, Mr. President, and I yield the floor.

Mr. FANNIN. Mr. President, during the weekend a columnist observed that it was a difficult task for the Senate to sustain a 2-day discussion on the nomination of Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court.

Debate is not very exciting when—as in this case—there is nothing to debate. After the first round of wonderful praise for Mr. Powell, all else is repetition.

Nevertheless, I am pleased to join in this discussion and to add my voice to those who have cited the excellent qualifications of Mr. Powell.

He is a legal scholar; he has had a distinguished career as an attorney, including service as president of the American Bar Association; he has been a leader on a number of important boards and commissions.

It is significant that Mr. Powell has been deeply involved in the educational affairs of an important Southern city during a very trying time in history. He carries to the Supreme Court some practical knowledge of the problems which face schools, school officials, parents, and children. We need this experience on the Supreme Court.

Mr. Powell is a man of high intelligence, unquestioned integrity, vast experience, and total devotion to law and to the Constitution of the United States.

Mr. President, it is without reservation that I support the confirmation of the nomination of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m.

The PRESIDING OFFICER. Is there objection?

There being no objection, at 1:51 p.m. the Senate took a recess until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BUCKLEY).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a number of nominations at the desk be called up at this time. It is my understanding that they have been cleared all the way around.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, the nominations will be stated.

GOVERNORS OF THE U.S. POSTAL SERVICE

The legislative clerk read the following nominations, which had been reported earlier:

Elmer T. Klassen, of Massachusetts, Frederick Russell Kappel, of New York, Theodore W. Braun, of California, Andrew D. Holt, of Tennessee, George E. Johnson, of Illinois, Crocker Nevin, of New York, Charles H. Codding, of Oklahoma, Patrick E. Haggerty, of Texas, and M. A. Wright, of Texas, to be Governors of the United States Postal Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, the Post Office and Civil Service Committee, without objection, this morning, reported the names of the Board of Governors. These names were sent to the committee a little over a year ago. The committee read about their appointment in the various newspapers, the first notification it had. Because the new Postal Reorganization Act of 1970 specified that the Board of Governors would be selected with the advice and consent of the Senate, the members of the Senate Post Office and Civil Service Committee felt that the administration had been less than forthright in its procedures in this regard. The consequence was, only now has the Senate committee seen fit to approve the nominations.

Why now, rather than some other time? The answer is that there are now changed circumstances in the Postal System. Some of the elements that contributed to the lack of communication, or the "iron curtain," whatever we want to call it, between the Senate and the operation of the system have since been removed or changed in other ways.

The committee was delighted to approve this panel of nominations for the Board of Governors. They are all very astute gentlemen, distinguished individuals in their own right in their various pursuits. They are of many persuasions and of many talents. I think it is urgent that their approval be followed without delay in their pursuit of the responsibilities of getting the new Postal System off the ground. It is an awesome task and will take time yet, and the patience of this body, as well as the patience of users of the mails which will still be taxed heavily in the psychological sense, as well as in the monetary sense, for the reason that a transition with new structuring is a relatively slow process and yet the ultimate goal is laudable, indeed, both in the saving of money for the taxpayers as well as in the improvement of service for all who use the mails. We are getting there. It will take a while yet before we reach the goals we have set in the reorganization. But we are happy to report the approval of the nominees for the board of governors.

My colleague, the ranking minority member of the committee, who shared with me the responsibilities for the legislation in the first place, and seeking its implementation in the many months since, has been one of the leaders looking ahead to a constructive and responsible U.S. Postal Service which will serve all the people.

Mr. FONG. Mr. President, I join my distinguished colleague from Wyoming in saying that I am very pleased that the Senate has confirmed the members of the Board of Governors of the U.S. Postal Service.

We have been working on these confirmations for a long time and we are very happy that their confirmations have now come to pass.

We, as Members of Congress, should not expect too rapid progress in curing the ills of the Post Office Department, or in believing that many of the criticisms that have been leveled at it will end immediately by having the members confirmed at this time; but we hope that, given time, and given a little more effort, this group will be able to work out a very efficient postal service for this country.

The President has selected an able and capable group for the Board of Governors. They seem to be quite experienced in the field of business operations. We are hopeful that in tackling the big problem of operating the Postal Service, which is a $7 billion a year business, employing approximately 740,000 employees, these Board of Governor members will produce a very efficient Postal Service.

We hope that with a little patience and much hard work, we will achieve the efficient and responsible postal system, we sought when the bill to reorganize the Postal Service was passed.

INDEFINITE POSTPONEMENT OF S. 2722, COMPARABILITY PAY OF FEDERAL EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent, as in legislative session, that Calendar No. 422 (S. 2722), the comparability pay of Federal employees bill, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, as in legislative session, with no Senator seeking to speak on the pending nomination at this moment, that the distinguished Senator from Idaho (Mr. CHURCH) be recognized on that basis.

The PRESIDING OFFICER. Without objection, the Senator from Idaho is recognized.

WAR BETWEEN INDIA AND PAKISTAN AND THE INEPTITUDE OF U.S. POLICY

Mr. CHURCH. Mr. President, the war that has erupted between India and Pakistan is no affair of ours. Whichever side prevails, we can live with the result. Our vital interests as a nation are not at stake on the Indian subcontinent, as long as the great powers refrain from direct intervention in the conflict.

The American role, therefore, should be confined to the efforts within the international community to restore peace, as taken in the Security Council or through the office of the Secretary General of the United Nations. We should also contribute—as no doubt we will—to humanitarian relief efforts on behalf of the millions of refugees who have fled from the war zone. Beyond this, however, we should withhold our hand. The American people have been satiated with too much war already, without mixing in another.

This calls for neutrality, something we have not practiced for a long while. Neutrality means that we keep our Navy out of the way; it means that we refrain from sending our merchant ships into the harbors of either country; it means an arms embargo applied even-handedly for the duration of the hostilities; and it means scrupulous avoidance of favoritism toward either side.

Already the postulate of nonfavoritism had been breached. The Nixon administration, speaking through the State Department, has declared that India bears the major responsibility for the war, while the President's personal spokesman, Ronald Ziegler, charges In-

dia with having launched an extensive movement of forces into East Pakistan.

"When you take into account the human problems that exist in the area," Ziegler is reported to have said, "it is difficult for the Americans to understand a resort to force."

As an American, I find it difficult to understand how any Presidential spokesman, with knowledge of the problems that exist in the area, could make such an unctious statement. I have just returned from India, where I traveled the road to Jessore from Calcutta to the Bengal border. I saw for myself the endless stream of refugees fleeing East Pakistan, 1 day's part of the multitude that has inundated the bordering states of India during the past 8 months.

I visited a field hospital near the border, where wounded refugees were brought for treatment. Half of the patients were laid out on the floor, for lack of beds, and the surgery was crude—like that which took place during our own civil war a century ago—due to the limited facilities and the incapacity to administer blood transfusions. Every complicated gunshot wound could be treated only by amputations. Patients were surviving who would have died a century ago only because of sulfa and penicillin.

These refugees were the victims of Pakistan fire. Most were Hindus but many were Muslims who supported Sheikh Mujibur Rahman in the elections which took place in East Pakistan last year. In those elections the people of East Pakistan had spoken in one voice. They had massively elected the candidates of the Awami League, endorsing a platform which called for an autonomous East Bengal. "Bangla Desh" was the rallying cry in those elections, as it remains the rallying cry today.

I wandered through the refugee camps, questioning men, women, and children on every side. Invariably, their story was the same, the same sad tale of villages pillaged, families decimated, young girls raped. Mothers spoke proudly of their sons of fighting age who had escaped and had now returned to fight in the ranks of the Mukti Bahini guerrilla forces to free their country.

Words cannot describe the sorrow, the outrage, the hatred engendered by the brutal repression of the Pakistan army. I shall not soon forget the passion of a "holy man" I met in a crowded camp. Tears streaked down his creased face, as he kept repeating, "we voted for freedom; we were the majority in the whole country, East and West. We voted for freedom and we were killed."

I came away from that scene of tragedy and despair, knowing in my bones two things: That the people of East Pakistan would never again submit to the rule of the West Pakistan Government in Islamabad, and that, as between India and Pakistan, we Americans should have the humility not to pass a hurried judgment on who is right and who is wrong.

Yet, by implication, we have already branded India the aggressor. It comes with ill grace considering the circumstances. How long would we have waited to strike back had a bloody massacre in Mexico led to the influx of 10 million Mexican refugees into southern California, New Mexico, and Arizona? Would we have waited 8 months? Eight weeks? Eight days?

I do not maintain that India has been blameless nor that she does not now seek advantage in alining herself with the people of East Pakistan against her old enemy in the west. But as long as she resists the temptation to annex East Pakistan and limits her objective to that of supporting the Bengali people in their struggle for independence, there is a large measure of justice in India's cause.

If India has intervened in the civil war of her neighbor, we did the same in Vietnam with far less provocation. Indeed, we dispatched our Army to intervene in a civil war 8,000 miles away from our homeland, against an enemy that could not even reach, let alone threaten, the United States. For the past 7 years, we have fought to sustain in Saigon a government whose latest claim to legitimacy rests upon a dubious election, in which the incumbent President, Mr. Thieu, ran uncontested. Yet, we have fought the war in the name of giving the right of self-determination to the people of South Vietnam.

It must follow that if self-determination is right for South Vietnam, it is also right for East Pakistan, where the people, in an open, free, and contested election, voted overwhelmingly for autonomy. If intervention on their behalf causes India to be accused of "aggression," the Government of the United States should be the last in the world to cast that stone.

I find it hard to understand why there has been such a persistent pro-Pakistan bias in American policy. India's position in the war which has now broken out is not only consistent with our professed ideals, but it is also the position which is most likely to prevail. By showing such favoritism toward West Pakistan, we side with the probable loser, and we forfeit the good will of the freedom fighters in East Pakistan as well as the people of India.

Unless one believes that West Pakistan represents the wave of the future on the subcontinent, it is impossible to reconcile this administration's obvious bias toward Yahya Khan's government with the real national interest of the United States.

Mr. BAYH. Will the Senator yield just briefly?

Mr. CHURCH. I am happy to yield to my good friend, the Senator from Indiana.

Mr. BAYH. I have the greatest respect for my friend, the Senator from Idaho, and I am aware that he has just returned from that trouble spot of the world. I listened with great interest to the remarks and logic of the Senator from Idaho, which were, as usual, very persuasive.

There is one point the Senator from Idaho raised upon which I wonder if he could just expand a bit, in which he mentioned that so long as India restricts its effort to the support of the rebel Bengali regime, he would not be concerned. I know that is a poor paraphrasing.

I watched the special over one of the networks last evening, and noticed the military maneuvers and the strategy that appeared to bring sizable Indian forces into East Pakistan in a very convincing and overwhelming way.

Having just returned from that part of the world, and being familiar with the situation, plus the tradition and the past animosity, does the Senator feel that once the Indian forces have been placed in such a manner as to control East Pakistan that it would be relatively easy to have them removed.

Mr. CHURCH. This question was very much on my mind as I discussed the possibility of impending war with leaders of the Indian Government in New Delhi.

I spoke with the President, Mr. V. V. Giri, with Prime Minister Gandhi, with the Foreign Minister, the Foreign Secretary, the Defense Secretary, and others. And I raised with each of them the question of India's objectives, should war come. All of them stressed that India's only objective was to support the effort of the Bengali people to achieve independence, in accordance with the results of the election that had taken place a year ago.

I asked them if India entertained any ambition to annex East Pakistan and make it a part of India. They denied this categorically. They said repeatedly that the purpose of the Indian Government was simply to help the people of East Pakistan achieve Bangla Desh, which means a free East Bengal. Every Bengali leader I have talked with has expressed his determination that Bangla Desh be a free and separate nation. So I have no reason to believe otherwise; my remarks are predicated upon the assumption that a new nation is in the making. Should it later develop that India, once having occupied East Pakistan, comes to take a different view, then will be the time to pass adverse judgment on Indian motives, and to brand her with the label of "aggressor." But on the basis of the present facts, as we know them, India is doing no differently in intervening in this Pakistan civil war than we ourselves did when we intervened in the Vietnamese civil war or when we invaded Cambodia last year, except that, in India's case, the provocation was much greater, and the necessity for taking some action much more acute.

India cannot possibly support 10 million refugees indefinitely. She is a poor country to begin with. A person has to go out there and witness the tragedy to appreciate its true dimensions. Not only had an enormous economic burden been imposed upon India, but the most severe political and social strains as well. It is the very existence of these refugees, some of whom actually outnumber the indigenous Indian residents in the bordering states of Meghalaya and Tripura, that is creating for the Indian Government a very serious political problem; and the longer this festers, the more radicalized the politics become.

Calcutta is already a seething caldron, largely as a result of the fallout effects of the tremendous influx of refugees following partition in 1947. Now this new burden. So India really had to do something and, it is to her credit, first of all, that she compassionately took in these refugees and attempted, at great cost, to administer to them, to shelter them, and to furnish them with food, medicines, and hope.

But clearly, having waited 8 months for the problem to disappear, it was apparent in New Delhi when I was there that some action had become essential, that India could not wait much longer.

I came away realizing that war was imminent, but I did not think within the week; otherwise, I would not have left my wife and son in India. They came out on the last airplane, leaving just under the wire.

Mr. BAYH. I appreciate the additional thoughts of the Senator.

I have been amazed in reading and in studying, and, on the one opportunity I had, to visit India as a member of our delegation a year or so ago, at the way in which our relationship with India was not what I would like for it to be. I do not know if acrimony is a proper word to use but it is close to some of the comments that have been passed.

So, without belaboring his remarks, would the Senator, for the benefit of those of us who would like the Senator's opinion, give an appraisal of the assistance we have given to try to help the refugees in that situation, whether the Senator feels there is more we could be doing from a humane standpoint, and whether there is any appreciation on the part of Indian officials relative to assistance we already have given?

Mr. CHURCH. I am glad to respond to the Senator. I saw evidence of the assistance we are giving through the United Nations relief agencies, for instance, there are many trucks in the area bearing the UNICEF symbol. Some of them had come from the United States, others from Japan, and still others from Europe. The amount of food and medical supplies we have given is substantial. I kept making the point that the United States had contributed more to the relief of the refugees than all other foreign countries combined.

I must say, however, that although India recognizes this and expresses its appreciation, there are limits to gratitude in a situation of this kind. Likewise, the economic aid we have given India is recognized and acknowledged. Over the years, it has been by far the largest amount of aid India has received from any country.

Yet here again, the gratitude that comes from programs of this kind fades away, at a moment of crisis. All that India can think about now is the dreadful plight of 10 million refugees, the imminence of war, the outrage over what the Government of Pakistan had done in turning its army upon its own people, and the terrible consequences that have flowed from the genocide practiced in East Pakistan.

Also, Indians just cannot understand why, in the face of such a hideous tragedy, there has never been a single word of official condemnation or concern uttered by the Government of the United States; and, of course, they focus on those acts which in their minds indicate that we favor Yahya Khan's military government in West Pakistan, such as our reluctance to cut off military and economic aid to Pakistan after the repression began, and the continuation of military transfers after we announced these had been cutoff.

Mr. BAYH. Mr. President, if the Senator will permit me to interrupt him, will the Senator yield further?

Mr. CHURCH. Yes.

Mr. BAYH. It is impossible for one removed from the foreign policy area to understand, if, indeed, our policy was to cutoff assistance to both adversaries, how we could let that amount of assistance slip through to one side. I still have not had that explained.

Mr. CHURCH. Well, actions of this kind on our part, followed, in the last three days by statements from the Department and the White House, both to the effect that India is principally to blame for the present war, is interpreted by India that the United States is against her; that we clearly favor Pakistan; and, given the character of the root cause for this war, it is exceedingly difficult for India to understand how the American Government can take that attitude, and it is difficult for me to understand it, too. The people of Bengal will prevail. Anyone who believes the status quo can be restored has not faced up to reality on the subcontinent, and I am afraid we have ended up siding with a loser, once again.

Mr. BAYH. I thank the Senator.

Mr. CHURCH. I thank the Senator for his questions.

All of this seems to me a tragedy. India is the only major democracy on the continent of Asia, yet we lack close and cordial relations with her. Our top leaders just have never taken the time to appreciate India's diversity. For sure the United States refuses to recognize India's political significance in Asia. Instead, we have conducted ourselves in such a way as to lose the goodwill of the Indian people, the Bengal freedom fighters, and all those elements that will come to govern East Bengal when this war is over. I think this is an example of gross ineptitude in the conduct of American foreign policy.

WHITE HOUSE CONFERENCE ON AGING: A TRIUMPH FOR THE PEOPLE

Mr. CHURCH. Mr. President, thousands of delegates to the White House Conference on Aging have completed their work and began their journeys back home.

They left behind a report which is a triumph for all older Americans and for every other American as well.

Included in that report are many recommendations which are almost identical with recommendations made, at one time or another, by the Senate Committee on Aging, or harmonious in concept with committee goals.

As chairman of that committee, I feel that the conferees have provided the committee, the entire Congress, the executive branch, and every citizen of this land with a stirring declaration, not only of need, but of confidence that the need can be met.

Even in its preliminary form, the 176-page mimeographed report is a formidable document. It cannot be analyzed in this statement. I will, however, comment on segments of the report in future statements, as perhaps will other members of the committee.

Today, I will merely point to certain key conference recommendations, which give solid support to proposals made earlier by the Senate Committee on Aging:

Adequate retirement income—the No. 1 problem of older Americans—is described as an immediate goal of older Americans, and a basic floor of income is sought through a combination of payments from the social security system and payments from the general tax revenues.

Medicare should be improved by elimination of deductibles, coinsurance, and copayments, and a coordinated delivery system for comprehensive health services should be developed, legislated, and financed to insure continuity of both short- and long-term care for the aged.

Housing funds now impounded by the administration should be released and the highly effective direct loan section 202 of the Housing Act with its special guidelines related to space, design, construction, and particularly favorable financing restored. Minimum production of federally assisted housing was put at 120,000 units annually, a goal identical with that expressed by the Committee on Aging.

A President's Commission on Mental Health and the Elderly should be established at an early date, as recommended in a committee report issued early this month.

The Administration on Aging should be strengthened, and a special Office on Aging established in the White House.

The Federal Government was urged to act immediately to increase support for the development of transportation for all users, with special consideration given to the elderly, the handicapped, rural people, the poor, and youth.

Earmarked funding for manpower training of older workers was urged.

Conferees asked for major increases in funding for research and training related to aging and programs for the elderly.

Mr. President, these preliminary comments have not touched upon many other heartening recommendations, including those made by participants in 16 special concerns sessions. Much more analysis is needed, and I am sure that Congress will take a great interest in providing its share of followup action.

However, I ask unanimous consent to have just one section report from the Conference reprinted in this RECORD today. It deals with income of the elderly, and it emphatically expresses the high priority the conferees placed upon this vital subject.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

INCOME SECTION

INTRODUCTION

There is no substitute for income if people are to be free to exercise choices in their style of living.

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The income of elderly people in the past left the greater number of them with insufficient means for decent, dignified living. During the sixties the elderly as a whole enjoyed improvements through greater employment opportunities and better old age security and other public and private benefits. The last two years may have witnessed the reversal of these trends toward improvement as inflation continued to erode the purchasing power of fixed incomes, and rising unemployment reduced job opportunities for older workers. The economic situation of the elderly if past experience is repeated, will improve more slowly than that of younger groups aven with an upturn in the national economy. Direct action to increase the income of the elderly is urgent and imperative.

RECOMMENDATIONS

Income adequancy.—The immediate goal for older people is that they should have total cash income in accordance with the "American standard of living."

We therefore recommend the adoption now, as the minimum standard of income adequacy, of the intermediate budget for an elderly couple prepared by the Bureau of Labor Statistics (nationally averaging about $4500 a year in Spring 1970). This level must be adjusted annually for changes in both the cost of living and rising national standards of living. For single individuals the minimum annual total income should be sufficient to maintain the same standard of living as for couples (not less than 75 percent of the couple's budget). For the elderly handicapped with higher living expenses, the budget should be appropriately adjusted.

Providing floor of income.—The basic floor of income for older people should be provided through a combination of payments from the Social Security system and payments from general tax revenues.

This proposal would retain the basic features of the Social Security program. In addition, there should be a supplementary payment system based on an income test to bring incomes up to the minimum, financed entirely from Federal Government general revenues and included in a single check from the Social Security Administration.

Liberalizing the retirement test.—Many older persons work in order to supplement their retirement income.

The exempt amount of earnings under the Social Security retirement test should be increased to no less than $3,000 a year (adjusted periodically to changes in the general level of wages).

The offset formula of $1 reduction in benefits for each $2 of earnings should apply to all earnings in excess of the exempt amount.

Elimination of the test would cost an additional $3 billion, and there are more urgent needs to which this sum could be applied than paying benefits to persons who are still employed at more than the exempt levels.

Widow's benefits.—Increasing numbers of women without dependent children who have not been regularly employed are becoming widowed before age 60. We recommend that they be eligible to receive widow's benefits starting at age 50 to help fill the income gap until they are eligible at the later age to receive their Social Security benefit.

Extending "special age-72" benefits.—Certain residents of the Commonwealth of Puerto Rico, Samoa, the Virginia Islands, and Guam are presently excluded from special benefits which are otherwise applicable to persons over the age of 72 who reside in the United States.

We recommend that the 1965 amendments to the Social Security Act, providing for special benefits to all persons 72 years of age and older not otherwise receiving benefits, be applied without discrimination to all residents of Puerto Rico and the territories and possessions of the United States.

Position of disadvantaged groups under Social Security.—Studies should be made to determine whether there are disadvantaged groups within the population whose age at retirement or benefits under the Social Security system may be inequitable because of shorter life expectancy due to social and economic conditions or racial discrimination.

Financing Social Security.—The financing of the Social Security system should include a contribution from general revenues. The whole structure of payroll taxes should be reviewed to lighten this burden on low-income workers.

Private pensions—Social security benefits provides a basic protection which should continue to be improved but which can be augmented through private pension plans.

The Federal Government should take action to encourage broader coverage under private pension plans and insure receipt of benefits by workers and their survivors. It should require early vesting and/or portability, survivor benefits, and complete disclosure to beneficiaries of eligibility and benefit provisions of the plans. In addition, Federal requirements should assure fiduciary responsibility, minimum funding requirements and protection, through reinsurance and other measures, of the promised benefits.

Remission of property taxes.—It is desirable that older persons be enabled to live in their homes.

States and localities should be encouraged to remit part or all of the residential property taxes on housing occupied by older persons as owners or tenants who qualify on the basis of an appropriate measure of income and assets. Remission is to be achieved by Federal and State grant programs to State and local taxing authorities to compensate for reduced revenues.

Meeting health needs.—This Nation can never attain a reasonable goal of income security so long as heavy and unpredictable health costs threaten incomes of the aged.

Priority consideration should be given to the establishment of a comprehensive national health security program which would include the aged as well as the rest of the population. Financing the program solely through wage and payroll taxes and contributions from Federal general revenues would insure that health care expenses would be a shared responsibilty of the Government, employers, and individuals. There should be not deductibles, copayments, or coinsurance.

Until such a system is established, the benefits of medicare-medicaid should be increased immediately to include, at a minimum, out-of-hospital drugs, care of the eyes, ears, teeth, and feet (including eyeglasses, hearing-aids, dentures, etc.); and improved services for long-term care, and expanded and broadened services in the home and other alternatives to institutional care. Here, too, there should be no deductibles, copayments, or coinsurance.

Government should assume responsibility for assuring an adequate supply of health manpower and essential facilities and for improving the organization and delivery of health services.

We support the establishment of a special committee of the House of Representatives which will devote its attention to all social and economic problems of the aged, including income, health, housing, and other needs areas reflected in the organization of this Conference.

Our Nation has the resources to effectively carry out the proposals made by this section provided there is a reordering of national priorities.

NOMINATION OF LEWIS F. POWELL, JR.

The Senate continued with the consideration of the nomination of Lewis F. Powell. Jr., to be Associate Justice of the Supreme Court of the United States.

Mr. WEICKER. Mr. President, despite the fact that he went to Washington and Lee University and I to the University of Virginia, and he went to Harvard and I to Yale, it is with a great deal of pride and affection that I speak on behalf of Lewis Powell to my colleagues this afternoon.

I came to know this distinguished American 25 years ago when he and my father returned as comrades in arms and friends from World War II. I was 15 years of age and he almost 40.

So when I commend Lewis Powell to the favorable attention of the Senate it is done not just by the evaluation of a U.S. Senator, but also done through the eyes of a youngster, college student, Army lieutenant, law student, lawyer, mayor, Congressman, and constant friend. From whatever view, Lewis Powell has always lived for the America that was dreamt to be.

To him, patriotism and compassion have not been just words. They have meant courageous activism. Sometimes the battlefields were Europe; other times they were Richmond and Virginia.

As I have watched Lewis Powell through the gaze of different ages and different occupations, I always knew that to him love of country involved heart, brains, and guts in equal measure. I knew that he believed in our political system as the greatest not because it could protect the status quo but because it could bring about change without tragedy. And he has been in the forefront of such change.

Loose talkers will never have much in common with this man from Richmond. Americans who have been, are, or could be wronged, will.

I yield the floor.

Mr. COOPER. Mr. President, it seems to me that the confirmation of Mr. Powell is certain, and I shall not take the time of the Senate to speak at length on his superior qualities. I simply would like to note that in 1964, during the tenure of the President's Commission to Investigate the Assassination of Late President Kennedy, more familiarly known as the Warren Commission, I had the duty of serving as one of the members of that Commission. Mr. Powell was one of the advisers of the Commission. During the hearings of the extensive and at times complex evidence, many difficult questions arose. His advice and counsel, and the trust that we held in him, proved of the greatest value. One could not only understand his great legal ability, his competence and his own confidence in his great ability, which great lawyers have, but one could learn also of his intellectual qualities, his sympathy in the subject of our investigation, and judicial restraint in dealing with the issues. I was glad I had that experience with him, and I am happy to join with Members of the Senate in voting to confirm the appointment of one who I am sure will make a great Justice of the Supreme Court.

ORDER OF BUSINESS

Mr. COOPER. Mr. President, may I speak on another subject?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may speak as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR BETWEEN INDIA AND PAKISTAN

As in legislative session,

Mr. COOPER. Mr. President, a full-scale war has broken out between India and Pakistan—a war caused by the internal conflict in East Pakistan and Pakistan and the flight of 9 to 10 million refugees to India. There are already reports of mounting casualties on both sides, as the armies of India and Pakistan go into battle against each other armed with modern weapons of war.

This is the third time since the independence of India and Pakistan that a war has broken out. The war between India and Pakistan is the final step in the series of devastating human tragedies in East Pakistan. It is my view that an end to the present conflict between India and Pakistan will not take place until a settlement is reached which will assure that the 9 to 10 million refugees now in India will be able to return in safety to Pakistan, from which they fled, because of the repressive action of the Government of Pakistan.

I support the President's efforts to secure action by the Security Council of the United Nations, which, it is hoped, will bring the war in the Indian subcontinent to an end.

The primary purpose of the Security Council is to take action for the "maintenance of international peace and security."

The Charter of the United Nations, provides under article 33 that, upon the request of any member of the United Nations in the event of war, "the continuance of which is likely to endanger the maintenance of international peace and security," shall first of all, "seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

It is my hope that the Security Council will act, and the Governments of India and Pakistan will accept the good offices of the Security Council, and the United Nations as a whole, to bring the war to a quick end.

The United Nations was created to provide a way for the nations of the world to resolve their disputes peacefully, and to prevent disputes between nations from developing into war. It has this responsibility which it should assume, if it is to maintain the faith of peoples through the world—this is the central issue, rather than the problem and interests of the Soviet Union, the United States, or the Peoples Republic of China.

The United States should continue to urge the United Nations to carry out its great responsibility in the Security Council if possible, and in the General Assembly if efforts in the Security Council fail.

I repeat what I said a minute ago. I have kept up with the problems of India and Pakistan. I have said that the cause of the flight of the refugees to India is the result of the Government of Pakistan's repression in East Pakistan. But now that they are at war, the real question is whether the United Nations will undertake the responsibility which belongs to that body. I hope very much that it will do so.

NOMINATION OF LEWIS F. POWELL, JR.

The Senate continued with the consideration of the nomination of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court of the United States.

Mr. STENNIS. Mr. President, a thorough knowledge of the basic and essential fundamentals of our legal system is of course necessary for a member of the Supreme Court of the United States if that member is going to effectively fill the role of a Justice. However, it is not merely learning in the law that makes a member of that Court a capable member. Rather, it is the knowledge of the law and the fundamentals of the system properly applied to a given set of facts—this is the true test of the contribution any given member may be able to make to the Court.

Mr. Powell is unusually well qualified in this manner through his many years of active and extensive law practice. This included personal and direct participation in hundreds of major courtroom trials before juries and capable judicial officers.

The trial courtroom is the place where the better judicial timber is grown for any court, including the Supreme Court of the United States.

This qualification, along with many others that Mr. Powell possesses, will make him an outstanding member of the Court. His experience and other qualities will strengthen the Court greatly in this highly important field. I am pleased to support his confirmation and predict for him a splendid judicial career of value and consequence to the Nation.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the nomination.

The yeas and nays were ordered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to speak as in legislative session.

The PRESIDING OFFICER. The Chair did not understand the Senator's request.

Mr. BYRD of Virginia. I ask unanimous consent to speak as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REPORT ON THE UNITED NATIONS

As in legislative session,

Mr. BYRD of Virginia. Mr. President, a factual report as to the financial condition of the United Nations seems in order. The United States has been the largest contributor to the United Nations since its founding 26 years ago on June 26, 1945.

During the 25 years that contributions have been made, the U.S. taxpayers have contributed $4.1 billion to the United Nations and its affiliated agencies and programs.

This $4.1 billion contributed by the taxpayers of this country represents approximately 40 percent of the total contributions by all members during the period 1946 through 1971.

U.S. contributions over the years is enumerated as follows:

	Total U.N. assessments	U.S. share	Percent
United Nations operation and maintenance (mandatory)	$4,400,800,000	$1,248,309,000	28.3
U.N. peacekeeping forces (mandatory)	719,600,000	276,905,000	38.5
Special programs (voluntary)	5,168,300,000	2,581,182,000	49.9
Total	10,288,700,000	4,106,396,000	39.9

In addition the United States has purchased in excess of $141 million of United Nations bonds. Sixty-five million dollars interest free and $76.3 million at 2 percent.

The 1971 calendar year expenditures of the United Nations are estimated at a total of $1,115,000,000. This is an alltime high and is 17.7 percent higher than last year's expenditures.

Of this $1.1 billion which the United Nations will expend in 1971, the U.S. contributions and assessments total $335,443,000 or approximately 31 percent.

An article in the New York Times dated April 19, 1969, stated:

The United States, Britain and France told Mr. Thant in separate identical notes that the United Nations budget must be frozen at its present level for the next two years except for small adjustments that are inevitable because of past commitments.

Yet, the total budgets rose from $821,500,000 in 1969 to $1,115,000,000 in 1971, an increase of over 35 percent in that 2-year period.

One hundred seventeen of the 131 members of the United Nations collectively pay less than the single contribution of the United States in a 1-year period.

So that my colleagues in the Senate

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may be familiar with the exact figures surrounding the financial condition of the United Nations, I will quote from Secretary General U Thant's address October 6, 1971, before the Budget Committee.

Secretary U Thant stated:

It would be foolish in the extreme to fail to take account of the melancholy fact that the Organization (United Nations) is, as of now, in a state of near and hopeless insolvency . . . The Working Capital Fund of $40 million has been fully utilized. More than $50 million of debts incurred for past and present peace-keeping operations remain unpaid.

Further, Mr. Turner, Controller of the United Nations, when questioned by my office on Friday, November 5, 1971, as to the exact cash position of the United Nations, indicated that he was unable to state the exact cash position. He could, however, state that the organization—United Nations—did not at present have sufficient liquid assets to meet the mid-month payroll.

Eighty-eight members of the United Nations are in arrears on their payments for a total of $186,867,884 as of January 1, 1971.

Secretary General U Thant when appearing before the Budget Committee of the General Assembly placed much of the blame for the insolvency of the United Nations on:

Russia which is in arears on its payments as of Jan. 1, 1971	$86,864,900
France which is in arrears on its payments as of Jan. 1, 1971	21,780,942
11 Communist members (other than Russia) which are in arrears on their payments as of Jan. 1, 1971	32,731,785

Article 19 of the United Nations Charter denies a country in serious arrears its vote in the General Assembly. This has never been invoked.

I ask unanimous consent that the tabulation of 88 countries in arrears be published in the RECORD, together with other financial figures.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

United Nations family of agencies and programs, Nov. 30, 1971

Total estimated budget for 1971	$1,115,500,000
United Nations, specialized agencies and International Atomic Energy Agency	443,200,000
United Nations peacekeeping force, Cyprus	12,400,000
Special programs	659,900,000
Total	1,115,500,000
Total estimated U.S. contributions for 1971	335,443,000
Regular budget assessment	$111,859,000
U.N. peacekeeping force pledge	4,800,000
Special programs pledges	218,784,000
Total (30.7% of total estimated U.N. budget)	335,443,000

(The aforementioned pledges are partly contingent on other member contributions.)

Arrears due from 88 members as of January 1, 1971	$186,867,884
Arrears due from 75 members for regular budget	55,222,425
Arrears due from 66 members for Middle East (U.N.E.F.) operations	49,546,212
Arrears due from 56 members for Congo (U.N.O.C.) operations	82,099,247
	186,867,884

In connection with these arrears, Article 19 of the United Nations Charter states:

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

SUMMARY AS OF JAN. 1, 1971, COLLECTIONS AND ARREARAGES FOR 1970 AND PRIOR YEARS OF UNITED NATIONS ACCOUNTS FOR THE REGULAR BUDGET, WORKING CAPITAL FUND EMERGENCY FORCE AND THE CONGO[1]

Year	Gross assessments	Credits and reductions	Net assessments	Amount received	Balance due
Working capital fund	$40,064,000		$40,064,000	$40,064,000	
United Nations regular budget:[2]					
Calendar year 1967	118,073,337	$8,654,686	109,418,651	109,379,371	$39,280
Calendar year 1968	130,571,361	10,203,755	120,367,606	118,661,489	1,706,117
Calendar year 1969	143,467,257	12,528,441	130,938,826	123,266,929	7,671,897
Calendar year 1970	159,833,395	12,987,123	146,846,272	101,041,141	45,805,131
Balance due					55,222,425
United Nations Emergency Force:					
Calendar year 1957	15,028,988		15,028,988	11,472,402	3,556,586
Calendar year 1958	25,000,000		25,000,000	18,221,833	6,778,167
Calendar year 1959	15,205,000	41,226	15,163,774	11,060,304	4,103,470
Calendar year 1960	20,000,000	3,553,223	16,446,777	11,896,113	4,550,664
Calendar year 1961	19,000,000	1,754,991	17,245,009	12,623,668	4,621,341
January–June 1962	9,750,000	1,467,296	8,282,704	6,055,740	2,226,964
July–December 1963	9,504,784	691,893	8,812,891	6,369,648	2,443,243
Calendar year 1964	17,770,056	1,656,356	16,113,700	11,714,728	4,398,972
Calendar year 1965	$18,556,141		$18,556,141	$13,690,978	$4,865,163
Calendar year 1966	18,550,000		18,550,000	13,045,944	5,504,056
Calendar year 1967	17,315,000		17,315,000	10,817,414	6,497,586
Balance due					49,546,212
United Nations Congo Account:					
July–December 1960	[3] 48,500,000	3,900,000	44,600,000	29,348,616	15,251,384
January–October 1961	100,000,000	15,575,036	84,424,964	56,877,769	27,547,195
November 1961–June 1962	80,000,000	11,457,858	68,542,142	44,735,145	23,806,997
July–December 1963	33,029,108	2,965,256	30,063,852	19,409,766	10,654,086
January–June 1964	15,068,090	1,207,115	13,860,974	9,021,389	4,839,585
Balance due					82,099,247
Total amount due, Regular budget, UNEF, and UNOC					186,867,884

[1] Source: Information as of Dec. 31, 1970, supplied by the United Nations.
[2] Contributions to the regular budget prior to 1967 are fully collected.
[3] Total costs, including initial airlift, amounted to $60,000,000.

BALANCE DUE, 1970 AND PRIOR YEARS, JAN. 1, 1971

Members (126)[1]	Regular budget	Middle East (UNEF)	Congo (UNOC)	Balance due 1970 and prior years
Afghanistan		$29,499	$37,603	$67,102
Albania	61,343	45,299	43,602	150,244
Algeria	591	8,932		9,523
Argentina	145,756			145,756
Australia		63,227		63,227
Austria				
Barbados				
Belgium	148,367	144,583		292,950
Bolivia	148,259	41,905	34,883	224,997
Botswana				
Brazil	751,705		248,838	1,000,543
Bulgaria	472,890	181,155	190,746	844,791
Burma				
Burundi	109,570	11,278	10,471	131,319
Byelorussian S.S.R.	696,113	911,964	1,357,881	2,965,958
Cambodia	106,252	1,689		107,941
Cameroon		1,689		1,689
Canada				
Central African Republic	$48,817	$2,256	$6,589	$57,662
Ceylon				
Chad	59,547	8,385	9,832	77,764
Chile	123,475	165,903	224,847	514,225
China, Republic of	11,934,547	5,274,569	6,687,207	23,896,323
Colombia	433,361			433,361
Congo (Brazzaville)	8,519	9,249	9,938	27,706
Congo (Kinshasa)				
Costa Rica	138,855	13,853	7,218	159,926
Cuba	488,816	249,811	260,259	998,886
Cyprus				
Czechoslovakia	1,447,167	1,814,845	2,759,408	6,021,420
Dahomey	105,314	5,530	6,994	117,838
Denmark				
Dominican Republic	165,495	22,898	54,503	242,896
Ecuador	105,555	10,129	4,120	119,804
El Salvador	106,243	7,411	3,349	117,003
Equatorial Guinea	72,227			72,227

Footnotes at end of table.

BALANCE DUE, 1970 AND PRIOR YEARS, JAN. 1, 1971—Continued

Members (126)[1]	Regular budget	Middle East (UNEF)	Congo (UNOC)	Balance due 1970 and prior years
Ethiopia				
Finland				
France	$3,984,135	$765,655	$17,031,152	$21,780,942
Gabon	4,117			4,117
Gambia	55,612			55,612
Ghana	112,513			112,513
Greece	56,605			56,605
Guatemala			38,209	38,209
Guinea	149,940	19,410	9,938	179,288
Guyana				
Haiti	165,469	25,661	33,916	225,046
Honduras	78,308	691	5,677	84,676
Hungary	1,147,451	898,298	995,024	3,040,773
Iceland				
India	187,545			187,545
Indonesia	478,179			478,179
Iran				
Iraq	98,449	100,407	22,362	221,218
Ireland				
Israel	349,938			349,938
Italy	219,418			219,418
Ivory Coast		1,689		1,689
Jamaica	26,418			26,418
Japan				
Jordan	56,256	45,299	43,602	145,157
Kenya	56,256			56,256
Kuwait				
Laos	152,478			152,478
Lebanon	70,321	19,850	12,108	102,279
Lesotho				
Liberia				
Libya		1,689		1,689
Luxembourg				
Madagascar				
Malawi				
Malaysia				
Maldives	56,256			56,256
Mali	74,236	5,469	24,259	103,964
Malta				
Mauritania	59,000	10,673	17,215	86,888
Mauritius				
Mexico	136,352	679,491	786,193	1,602,036
Mongolia	32,303	12,387	17,215	61,905
Morocco				
Nepal				
Netherlands				
New Zealand				
Nicaragua	$117,666	$1,288	$33,915	$152,869
Niger	63,296	1,906		65,202
Nigeria				
Norway				
Pakistan	140,000			140,000
Panama	56,256	15,648	33,915	105,819
Paraguay	151,205	31,661	24,229	207,095
Peru	287,825	77,441	89,184	454,450
Philippines	690,627	15,632		706,259
Poland	1,177,581	2,528,364	2,466,010	6,171,955
Portugal	311,759		201,673	513,432
Rumania	390,402	682,212	641,015	1,713,629
Rwanda	5,510	11,278	10,471	27,259
Saudi Arabia		74,890	69,487	144,377
Senegal	39,936	9,814	20,418	70,168
Sierra Leone	38,595	5,469		44,064
Singapore				
Somalia		11,191	17,445	28,636
South Africa	352,402	80,862	1,503,337	1,936,601
Southern Yemen	46,256			46,256
Spain		1,089,981	985,159	2,075,140
Sudan	132,805	89,332	5,860	227,997
Swaziland				
Sweden				
Syria	56,256	46,654	20,379	123,289
Tanzania				
Thailand		9,026		9,026
Togo	5,613	16,174	25,324	47,111
Trinidad and Tobago	5,644			5,644
Tunisia				
Turkey				
Uganda	116,997	9,589	10,471	137,057
Ukrainian S.S.R.	1,759,080	3,476,580	5,185,697	10,421,357
U.S.S.R.	19,976,184	27,665,631	39,223,085	86,864,900
United Arab Republic		351,946	48,387	400,333
United Kingdom		283,300		283,300
United States	2,500,000	[2] 1,188,096		3,688,096
Upper Volta	92,258	19,936	14,145	126,339
Uruguay	223,298	54,388	97,662	375,348
Venezuela	632,885	32,298		665,183
Yemen	165,750	45,299	43,602	254,651
Yugoslavia		7,598	333,269	340,867
Zambia				
	55,222,425	49,546,212	82,099,247	186,867,884
Members in arrears	75	66	56	88

[1] The number of members (126) excludes Fiji, admitted to membership by the 25th General Assembly, Oct. 13, 1970.
[2] This amount is the difference between the original apportionment for 1967 and the amount paid by the United States toward its share of revised estimates of 1967 costs.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed as in legislative session.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

(The remarks of Mr. JAVITS when he introduced S. 2596 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

NOMINATION OF LEWIS F. POWELL, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. HATFIELD. Mr. President, in a few minutes, the Senate will vote on the nomination of Lewis Powell to the U.S. Supreme Court.

I plan to vote for his nomination. I would like to repeat what I said earlier, on November 15, when I first announced I would support the nomination of Mr. Powell.

During the consideration of the nomination of G. Harrold Carswell to the Supreme Court, I said:

I stand ready to support a nominee from any geographical section of the country. Just as every section should be open for consideration for an appointment, so should any nominee represent the best in professional excellence and personal integrity.

In my opinion, Mr. President, Lewis Powell meets these standards, and is a man I support completely.

Mr. DOLE. Mr. President, the nomination of Lewis F. Powell, Jr. to be an Associate Justice of the Supreme Court, provides a clear sign of President Nixon's continuing commitment to bring Americans of the very highest personal and professional qualifications to the Court as well as his recognition of the great importance of a nomination to the Court.

In his statement announcing the nomination of Lewis Powell the President pointed out the significance of a nomination to the Court. A Justice's appointment is for life. Once seated, his only obligation is to the Constitution and to the people of whom the Government is constituted. A President has more influence—by design or by happenstance—through a Supreme Court appointment than by any other act in the domestic area. If a President's deeds can be said to endure beyond his term in office they do so in the men he places on the Supreme Court. Thus, a great opportunity and a great responsibility is given a President and consequently to the Senate in considering those who might be chosen to fill one of the nine seats on the world's most powerful and important judicial body.

Distinction and honor have been the hallmarks of Lewis Powell's lifetime of service to the law, his State, and his Nation. Both in private practice and in public service he has consistently exemplified the qualities of intellect and character required of those who would sit on the United States highest tribunal. In addition, he is an individual possessing the judicially conservative attitudes the President seeks to have represented on the Court.

He will bring to the Supreme Court the same assets and strengths which have already propelled him to high positions of responsibility and respect among his colleagues and fellow citizens.

His philosophical dedication and practical devotion to our system of "equal justice under law" give every indication that he will emerge as a powerful influence within the Court.

President Nixon has been afforded a unique opportunity to reshape the prevailing attitude of the Supreme Court. Four vacancies within a 3-year period have made it possible for him to move directly and decisively toward fulfillment of his commitment to the American public that he would provide the Court a conservative judicial outlook.

The records of Chief Justice Burger and Associate Justice Blackmun illustrate the impact President Nixon has had in his campaign to balance and redirect the Court. Lewis Powell, I am sure, will make further contributions of significant value to the Court's work of interpreting the Constitution and laws in such a way as to preserve the fullest measure of freedom for all citizens without sacrificing the rights of the majority of peaceful, law-abiding and conscientious Americans.

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The number of individuals who have spoken in behalf of Lewis Powell's nomination has been impressive. But even more impressive is his own record which provides persuasive and extremely encouraging evidence that he is ideally suited for service on the Supreme Court. It is a pleasure to support his nomination, and I urge the Senate to confirm the nomination so he may, as soon as possible, assume his share of the Court's heavy work load and begin what will quickly be recognized as an outstanding judicial career.

Mr. TOWER. Mr. President, I support the nomination of Lewis F. Powell, Jr. of Virginia, to be an Associate Justice of the U.S. Supreme Court. Mr. Powell is one of the most distinguished attorneys, not only in the South, but also in the Nation as a whole. He was graduated from Washington and Lee University in 1929, magna cum laude, and received his LL.B. from that same institution in 1931. In the next year, he received a Master of Laws from Harvard Law School. The achievements of Mr. Powell in the field of judicial education are most impressive, and I know that he will add to the expertise of the Court in many areas.

Mr. President, Mr. Powell has practiced law in his native Virginia since 1932, with the exception of time that he spent in the service in World War II. He has distinguished himself in his practice and has been honored in nearly every possible way by his fellow attorneys. He has served as President of the American Bar Association, as president of the Legal College of Trial Lawyers, and as the president of the American Bar Foundation. He most probably knows more about the every day practice of law than anyone on the Court and will be of a tremendous help to the Chief Justice in his attempt to modernize court procedures so that the very great backlog of many cases in certain areas can be cleared up. The expertise of a practicing attorney sitting on the Court will be most beneficial. Not only will the South now have a representative, but the American trial lawyer will likewise have someone who is intimately familiar with his problems.

Lewis F. Powell, Jr. also has expertise in one of the judicially most volatile areas today, the control of local schools. Having served as chairman of the Richmond Public School Board from 1952 to 1961, and as a member of the Virginia State Board of Education from 1968 to 1969, Mr. Powell well understands the problems that our Nation's schools are facing today. In fact, Mr. Powell wrote very cogently on this problem just last year when he stated in a brief on the Swan decision:

> The effort to attain racial balance promotes resegregation and movement to the suburbs. These results defeat the goal of racial balancing, adversely affect education and contribute to urban deterioration. The goal of the desegregation movement must be to achieve the highest quality of education.

In Mr. Powell, quality education will have an effective spokesman on the High Court.

Mr. President, President Nixon has fulfilled his promise that he would nominate and see confirmed a southerner to the Supreme Court. Mr. Powell is a judicial conservative who has all of the qualifications of expertise and sensitivity that one could ask for in a member of the Supreme Court. I believe that Lewis F. Powell, Jr. will make an outstanding successor to the late Justice Hugo Black and I give him my unhesitating support.

Mr. GRIFFIN. Mr. President, as we know our colleague, the distinguished Senator from Utah (Mr. BENNETT) is absent because of illness. I ask that his statement on the pending nomination, together with a letter, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENNETT

When President Nixon recently announced his nominees to the Supreme Court he prefaced it by saying that during a President's term of office he makes over 3,000 major appointments to high government positions. Because of the finality of the Supreme Court decisions and their far-reaching impact on this generation and future generations, it is evident that none is more important than the Supreme Court nominations sent to the Senate for its advice and consent.

The names of Justices Marshall, Holmes, Hughes, Frankfurter and others all bring to mind decisions or opinions which have helped to shape this nation and its legal system. Any review of the Court provides ample evidence of the fact that while there is no single background common to these outstanding jurists, there are common traits which can be used in providing a workable criteria to evaluate the nominees which are before the Senate for consideration.

Of prime importance in the consideration of a nominee to the Supreme Court is his judicial philosophy. President Nixon summarized this when he said, ". . . it is the duty of the judge to interpret the Constitution and not to place himself above the Constitution or outside the Constitution. He should not twist or bend the Constitution in order to perpetuate his personal, political and social views."

Those of us who have had an opportunity to read past statements of Mr. Powell feel confident there is nothing more important to him, professionally speaking, than the law and its relationship to the Constitution. He has demonstrated a genuine respect for the Supreme Court and a willingness to alter his actions if he felt it necessary for him to be in compliance with the Constitution as interpreted by the Court. This high regard for the Court and its decisions reflects the attitude expressed by Justice John Marshall Harlan when he said, "Let it be said that I am right rather than consistent."

A second issue of prime importance is the legal expertise demonstrated by Mr. Powell. Since the Supreme Court is the highest judicial body in this country its members should be among the very best lawyers in the nation. There can be no question that Lewis Powell is one of the most distinguished legal scholars in the United States. Lewis Powell's career has been marked with distinction since his days as a student at Washington and Lee, where he was Phi Beta Kappa and first in his class at Law School. It is worth noting that he has served as President of the American Bar Association, President of the American College of Trial Lawyers, and President of the American Bar Foundation. As further evidence of the respect this man has, Mr. President, I would like to place in the record at the conclusion of my statement a letter which is representative of the mail I have received from my constituents in Utah who have had an opportunity to associate with Mr. Powell. The letter is from Mr. Dallin Oaks, who is presently serving as President of Brigham Young University. As I mentioned, this letter is only one of the many I have received in support of this man, and I could go on to cite numerous examples of how Lewis Powell has distinguished himself in the legal profession. However, after the extensive hearings conducted by the Judiciary Committee, it would only serve to be repetitious.

There is one additional comment I would like to make regarding the Court and its relationship to Congress. Those of us who are students of history are aware of the conflicts Andrew Jackson had with the Supreme Court. In an attitude of dissatisfaction with the Court, Andrew Jackson said, "The authority of the Supreme Court must not be permitted to control the Congress or the Executive, when acting in their legislative capacities." While I certainly would agree with that position, I think the opposite to this statement is also true, particularly as it applies to the Congress. In our legislative duties we have the opportunity and often times the duty to enact legislation which will accomplish certain objectives; but in our consideration of this nominee, it should not be our goal or our position to impose our individual philosophies on the Court. It is the role of the President to nominate these men he feels are qualified to serve on the Court, and it is the role of the Senate to pass on the qualifications of those nominees, not their philosophies.

The President has sent to the Senate a nominee who is not only an outstanding legal scholar, but a great American as well. I strongly and enthusiastically support his nomination.

BRIGHAM YOUNG UNIVERSITY,
October 28, 1971.

Re Appointment of Lewis F. Powell, Jr. to the United States Supreme Court.

Hon. WALLACE F. BENNETT,
U.S. Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: I am writing in strong endorsement of the appointment of Lewis F. Powell, Jr., to the United States Supreme Court. On the basis of my thorough knowledge and acquaintance with Lewis Powell, I am certain that his service on the United States Supreme Court will add quality, prestige, and balance to that great tribunal. I consider him among a handful of truly distinguished appointments of the past two decades.

Since my evaluation of Lewis Powell is a comparative matter, I believe it is appropriate for me to state something of my own experience and basis for comparison. I served for one year as a law clerk to Chief Justice Warren. I then worked for three years as an associate in Chicago's largest law firm, for ten years as a professor of law at the University of Chicago Law School, and for a year as Executive Director of the American Bar Foundation. Since August 1, 1971, I have been President of this University. In the course of the employments just described I have had occasion to work intimately with the most distinguished federal and state judges in our nation, with high government officials (particularly while I was doing a study of the Criminal Justice Act for the United States Department of Justice), with leaders of the Bar, and with top legal scholars.

By comparison with the best legal minds I have encountered, Lewis F. Powell is a nominee of preeminent qualifications and ability for the United States Supreme Court. You will have full information on his wide experience, so I will not review that here. What is important to me is that his wide experience is matched by a breadth of vision. What he sees, he understands, and what he understands, he has the courage to confront, resolve and improve. He has a keen mind, with the extraordinary gift of identifying and resolving the basic issues. He is not led aside by minutia or technicalities. He has a consummate skill in working in groups, combining insight, understanding, and a firm momentum toward the goal.

Lewis F. Powell is a brilliant lawyer, with deep sensitivity and understanding of the problems of individuals and society. He has an excellent grasp of all that is modern and advanced in legal thinking, including techniques and uses of empirical research. Yet, more important he has a deep and abiding loyalty to the principles of our Constitution and to the fundamentals of character and integrity and honor that undergird all of our social institutions.

I urge you to vote for his confirmation, and do all in your power to hasten the day when he can assume his position and commence his service in what I am certain will be an illustrious career on the United States Supreme Court.

Sincerely,

DALLIN H. OAKS.

Mr. BROOKE. Mr. President, I am pleased to vote to confirm the nomination of Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court.

Since President Nixon nominated Mr. Powell on October 21, I have had the opportunity to meet with him and to carefully review his record. I find Mr. Powell to be exceptionally well qualified to serve on the Nation's highest court. He is unquestionably a man of great intellect and integrity. But I believe he is much more. I believe he is an intensely human man, aware of and concerned about changing social tensions.

During the confirmation proceedings on past Supreme Court nominees, I have said I could vote to confirm a conservative though I am a moderate; a southerner though I represent a Northern State; and a strict constructionist though I favor a liberal interpretation of the Constitution. I meant what I said then and I mean it now. And I shall vote to confirm Mr. Powell.

I do so with the confidence that he will uphold the sacred dictum of the Supreme Court: Equal justice under law

The PRESIDING OFFICER (Mr. SPONG). The hour of 4 o'clock having arrived, under the previous order the question now is, Will the Senate advise and consent to the nomination of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), and the Senator from Utah (Mr. Moss), are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Utah (Mr. Moss), and the Senator from Minnesota (Mr. HUMPHREY), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY) and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. PERCY), and the Senator from Iowa (Mr. MILLER) would each vote "yea."

The yeas and nays resulted—yeas 89, nays 1, as follows:

[No. 439 Ex.]

YEAS—89

Aiken	Ervin	Montoya
Allen	Fannin	Muskie
Allott	Fong	Nelson
Anderson	Fulbright	Packwood
Baker	Goldwater	Pastore
Bayh	Gravel	Pearson
Beall	Griffin	Pell
Bellmon	Gurney	Proxmire
Bentsen	Hansen	Randolph
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brock	Hatfield	Saxbe
Brooke	Hollings	Schweiker
Buckley	Hruska	Scott
Burdick	Hughes	Smith
Byrd, Va.	Jackson	Sparkman
Byrd, W. Va.	Javits	Spong
Cannon	Jordan, N.C.	Stennis
Case	Jordan, Idaho	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Symington
Cook	Magnuson	Taft
Cooper	Mansfield	Talmadge
Cotton	Mathias	Thurmond
Cranston	McClellan	Tower
Curtis	McGee	Tunney
Dole	McGovern	Welcker
Eagleton	McIntyre	Williams
Eastland	Metcalf	Young
Ellender	Mondale	

NAYS—1

Harris

NOT VOTING—10

Bennett	Inouye	Percy
Dominick	Miller	Stafford
Gambrell	Moss	
Humphrey	Mundt	

So the nomination was confirmed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mr. SPONG). Without objection, the President will be notified forthwith.

THE NOMINATION OF WILLIAM H. REHNQUIST TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the nomination of William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The second assistant legislative clerk read the nomination of William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States.

AMENDMENT OF SECTION 903(c)(2) OF THE SOCIAL SECURITY ACT

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Senate turn to the immediate consideration of Calendar No. 533, H.R. 6065.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none.

The Senate proceeded to consider the bill.

Mr. LONG. Mr. President, this is a bill to extend for an additional 10 years, the period through which the States may obligate for administrative purposes certain funds transferred from excess Federal unemployment tax collections. The committee report is available.

Mr. President, I ask unanimous consent that an explanation of the bill be printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF H.R. 6065

A bill to extend for ten years the period during which certain unemployment funds may be used for State administrative expenses.

Prior to 1954, one-tenth of the 3-percent Federal unemployment tax, or 0.3 percent (called the net Federal tax), was intended to pay the cost of Federal and State administration of the unemployment insurance and employment service programs. However, the net Federal tax was not earmarked for this purpose and, since the revenues had been exceeding administrative costs by about $65 million annually, the excess merely served to increase the general funds of the Treasury.

The Employment Security Administrative Financing Act, signed into law August 5, 1954, earmarked revenues from the net Federal tax for the employment security system, with this order of priority for their use: (1) funds would first be used for current Federal and State administrative expenses; (2) additional funds, if any, would be placed in a special loan account (until the account reached $200 million) from which States could get advances when the cost of benefits became particularly heavy; (3) any remaining funds would be credited to State accounts in the unemployment trust fund either for benefits or (with the specific approval of the State legislature) for additional administrative purposes. If a State wished to use the excess funds for administrative purposes, Federal law required them to use the funds within 5 years of their transfer.

During the next few years, revenues continued to exceed administrative expenses as in the years preceding the 1954 Act. In those years, no State needed to use the loan fund, which quickly reached the $200 million limitation. In 1956, 1957, and 1958, a total of $138 million was credited to State unemployment trust fund accounts. (Table 1 on page 3 of the House report shows amounts credited for each State).

In 1959, three States received advances from the loan fund. Since the excess of revenues over receipts had to be used to replenish the loan fund, no additional funds were transferred to the State accounts.

The $138 million transferred in 1956, 1957, and 1958 represents the only funds transferred thus far to State accounts; no additional transfers are anticipated in the foreseeable future. These transferred funds have been used by the States primarily to buy the necessary land and construct buildings for

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use in the employment security program. Thirty-eight States have obligated funds transferred to their State accounts for land and buildings, and one State (Alaska) has also spent funds for benefits.

Purpose of H.R. 6065.—Each year the Congress has appropriated funds for State administration of the unemployment compensation program; these grants have included amounts to cover the cost of rent. These portions of the $138 million transferred to the States which have been spent for land and buildings may be replenished over time out of these annual Federal administrative grants for rent, and the replenished funds may then be used again for land and buildings—but only within the period specified in the law. That period has been extended twice, and is now due to expire in 1973; H.R. 6065 would extend the period for ten years until 1983.

Mr. LONG. Mr. President, this bill is one which passed the House of Representatives and was on the consent calendar, I understand. I do not believe there is any objection to the bill.

The Senate was in conference with the House conferees. The conference was unable to agree to the unemployment insurance amendment agreed to by the Senate for the reason that the germaneness rule which was imposed upon the Senate by the Reorganization Act requires that an amendment to a House-passed bill cannot be accepted in the conference report except as a separate matter and separately voted on by the House of Representatives unless that amendment is germane to the bill under the rules of the House of Representatives.

By virtue of that germaneness rule that was imposed upon the Senate by the Reorganization Act which was recently passed by the Senate, we were unable to persuade the House conferees to agree to the trade amendments, to the unemployment insurance amendment, or to the amendment related to the Highway Trust Fund.

Therefore, Mr. President, I understand an amendment will be offered. One of the reasons the bill is being called up at this time is in order that an unemployment insurance amendment, of the nature which the Senate agreed to, may be offered to the bill, which could be regarded under the House rules, as I understand those rules.

Mr. MAGNUSON. Mr. President, I send to the desk an amendment, on behalf of myself, Senator RIBICOFF, Senator JACKSON, and Senator TUNNEY.

The PRESIDING OFFICER (Mr. BUCKLEY). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill add the following:

TITLE II—EMERGENCY UNEMPLOYMENT COMPENSATION

SHORT TITLE

SEC. 201. This title may be cited as the "Emergency Unemployment Compensation Act of 1971".

FEDERAL-STATE AGREEMENTS

SEC. 202. (a) Any State, the State unemployment compensation law of which is approved by the Secretary of Labor (hereinafter in this title referred to as the "Secretary"), under section 3304 of the Internal Revenue Code of 1954, which desires to do so, may enter into and participate in an agreement with the Secretary under this title, if such State law contains (as of the date such agreement is entered into) a requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1970. Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) Any such agreement shall provide that the State agency of the State will make payments of emergency compensation—

(1) to individuals who—

(A) (i) have exhausted all rights to regular compensation under the State law;

(ii) have exhausted all rights to extended compensation, or are not entitled thereto, because of the ending of their eligibility period for extended compensation, in such State;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada.

(2) for any week of unemployment which begins in—

(A) an emergency extended benefit period (as defined in subsection (c)(3)); and

(B) the individual's period of eligibility (as defined in section 205(b)).

(c)(1) For purposes of subsection (b)(1)(A), and individual shall be deemed to have exhausted his rights to regular compensation under a State law when—

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

(B) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(2) For purposes of subsection (b)(1)(B), an individual shall be deemed to have exhausted his rights to extended compensation under a State law when no payments of extended compensation under a State law can be made under such law because such individual has received all the extended compensation available to him from his extended compensation account (as established under State law in accordance with section 202(b)(1) of the Federal-State Extended Unemployment Compensation Act of 1970).

(3)(A)(i) For purposes of subsection (b)(2)(A), in the case of any State, an emergency extended benefit period—

(I) shall begin with the third week after a week for which there is a State "emergency on" indicator; and

(II) shall end with the third week after the first week for which there is a State "emergency off" indicator.

(ii) In the case of any State, no emergency extended benefit period shall last for a period of less than 26 consecutive weeks.

(iii) When a determination has been made that an emergency extended benefit period is beginning or ending with respect to any State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(B)(i) For purposes of subparagraph (A), there is a State "emergency on" indicator for a week if—

(I) the rate of unemployment (as determined under subparagraph (C)) in the State for the period consisting of such week and the immediately preceding twelve weeks equaled or exceeded 6.0 per centum; and

(II) there (a) is a State or National "on" indicator for such week (as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970), or (b) there is neither a State nor National "on" indicator for such week (as so determined), but (1) within the 52-week period ending with such week there has been a State or National "on" indicator for a week (as so determined), and (2) there would be a State "on" indicator for such week except for the provisions of section 203(e)(1)(A) of the Federal-State Extended Unemployment Compensation Act of 1970.

(ii) For purposes of subparagraph (A), there is a State "emergency off" indicator for a week if, for the period consisting of such week and the immediately preceding 12 weeks, the rate of unemployment (as determined under subparagraph (C)) is less than 6.0 per centum.

(C)(i) For purposes of subparagraph (B), the term "rate of unemployment" means—

(I) the rate of insured employment (as determined under section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970), plus

(II) the 13-week exhaustion rate (as determined under clause (ii)).

(ii) The "13-week exhaustion rate" should be equal to—

(I) 25 percent of the sum of the exhaustions, during the most recent 12 calendar months ending before the week with respect to which such rate is computed, of regular compensation under the State law, divided by

(II) the average monthly covered employment (as that term is used in section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970) of the State with respect to the 13-week period referred to in subparagraph (B)(ii).

(d) For purposes of any agreement under this title—

(1) the amount of the emergency compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to him during his benefit year under the State law; and

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall (except where inconsistent with the provisions of this title or regulations of the Secretary promulgated to carry out this title) apply to claims for emergency compensation and the payment thereof.

(e)(1) Any agreement under this title with a State shall provide that the State will establish, for each eligible individual who files an application for emergency compensation, an emergency compensation account.

(2) The amount established in such account for any individual shall be equal to the lesser of—

(A) 100 per centum of the total amount of regular compensation (including dependents' allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation; or

(B) twenty-six times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

(f) No emergency compensation shall be payable to any individual under an agreement entered into under this title for any week prior to the week following the week in which such agreement is entered into, or if later, the first week beginning more than 30 days after the date of enactment of this Act; and no emergency compensation shall be payable to any individual under such an agreement for any week which ends after June 30, 1973.

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY COMPENSATION

SEC. 203. (a)(1) There shall be paid to each State which has entered into an agreement under this title an amount equal to 100 per centum of the emergency compensation paid to individuals by the State pursuant to such agreement.

(b) No payment shall be made to any State under this section in respect of compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than this title.

(c) Sums payable to any States by reason of such State's having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which would have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 204. (a)(1) Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this title.

(2) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(b) Section 3301 of the Internal Revenue Code of 1954 is amended—

(1) by inserting "(except as otherwise provided in the succeeding sentence)" immediately after "equal"; and

(2) by adding at the end thereof the following new sentence: "In applying the preceding sentence for the calendar year 1972 and the calendar year 1973, the rate of tax shall, in lieu of 3.2 percent, be 3.29 percent.".

(c) Effective with respect to wages paid in any calendar quarter commencing after December 31, 1971, section 6157(b) of the Internal Revenue Code of 1954 (relating to computation of Federal unemployment tax) is amended by striking out "0.5 percent" and inserting in lieu thereof "a percentage equal to the excess of the percentage specified in section 3301 over 2.7 percent".

(d) The first sentence of section 905 (b)(1) of the Social Security Act is amended by striking out "and in the case of any month after March 1972, to one-tenth," and inserting in lieu thereof "in the case of any month after March 1972 and before April 1974, to nineteen fifty-ninths, and in the case of any month after March 1974, to one-tenth,".

(e) Section 901 (a)(1)(B) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (iv);

(2) by striking out the period at the end of clause (v) and inserting in lieu thereof "; and";

(3) by inserting after clause (v) the following new clause:

"(vi) an agreement entered into under the Emergency Unemployment Compensation Act of 1971.".

DEFINITIONS

SEC. 205. For purposes of this title—

(a) the terms "compensation", "regular compensation", "extended compensation", "base period", "benefit year", "State", "State agency", "State law", and "week" shall have the meanings assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

(b) the term "period of eligibility" means, in the case of any individual, the weeks in his benefit year which begin in an extended benefit period or an emergency extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period or in such emergency extended benefit period; and

(c) the term "extended benefit period" shall have the meaning assigned to such term under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

REPORT BY SECRETARY OF LABOR

SEC. 206. (a) The Secreary of Labor shall conduct a continuing and comprehensive study and review of the program established by the Emergency Unemployment Compensation Act of 1971, with a view to submitting to the Congress the report required to be submitted under subsection (b). Such study and review shall be conducted with particular regard to (1) the benefit payments made under such program, (2) projections of benefit payments which will be payable under such program after the period covered by such report, (3) the desirability of continuing such program after June 30, 1973, and (4) the funding of the benefits payable under such program and the funding of benefits thereunder if such program should be continued after June 30, 1973.

(b) On or before July 1, 1972, the Secretary of Labor shall submit to the Congress a full and complete report on the study and review provided for in subsection (a). Such report shall cover the period ending May 31, 1972, and shall contain the recommendations of the Secretary of Labor with respect to such program, including but not limited to, the operation and funding of such program, and the desirability of extending such program after June 30, 1973.

Amend the title to the bill to read as follows: "An Act to amend section 903(c)(2) of the Social Security Act, and for other purposes."

Mr. MAGNUSON. Mr. President, it will be recalled that on November 12 the Senate overwhelmingly approved an amendment to the Revenue Act which I had introduced together with Senator RIBICOFF, Senator TUNNEY, Senator JACKSON, and many other Senators. That amendment would have provided 26 weeks of emergency unemployment compensation benefits to workers who have exhausted all other unemployment benefits and who live in States where unemployment is 6 percent or higher. You will also recall, Mr. President, that this amendment received the support of the distinguished chairman of the Finance Committee, and I wish at this time to thank Senator LONG for his strenuous efforts in behalf of this amendment in the conference held on the Revenue Act.

Tragically, Mr. President, some of the House conferees, working under the President's threat to veto the Revenue Act, invoked a technical House rule to strip my amendment from the Revenue Act. That was a terrible blow, Mr. President, to the 100,000 workers in my State who have exhausted all of their unemployment benefits and to the 1.78 million workers throughout the Nation who have exhausted all of their benefits. This is not to imply, of course, that this was the intent of those House conferees for I know that they are just as concerned about those unemployed people as am I.

But the desperate plight of these unemployed Americans is too great to be ignored or to be left unattended until after the Congress returns from the Christmas recess. It is to the great credit of my very good friend and colleague, Senator LONG, that he made a very special effort to bring H.R. 6065 to the floor today, so that the Senate would have an opportunity to pass this amendment prior to the recess. I can think of no action which would be more appropriate at a time when Christmas is so near than would be the Senate's approval of the amendment we are offering today to H.R. 6065.

Mr. President, with one exception, the amendment which Senator RIBICOFF, Senator TUNNEY, Senator JACKSON, and I are offering to H.R. 6065 is the same as that which the Senate overwhelmingly approved just a few short weeks ago. This is a very simple amendment and I would like to briefly summarize its basic provisions:

It would provide 26 additional weeks of unemployment compensation benefits to eligible workers.

All States that have enacted an extended unemployment compensation law pursuant to the Federal-State Extended Unemployment Compensation Agreement would be eligible.

A State unemployment rate of 6 percent, computed by counting both the insured unemployed and those who have exhausted their benefits, would trigger the emergency benefits.

To finance these emergency benefits, section 3301 of the Internal Revenue Code of 1954 would be amended to increase the tax rate from 3.2 to 3.29 percent.

Finally, under this amendment, the participating States would not be required to pay any portion of the costs of the emergency benefits. Senators will recall that the amendment to the Revenue Act would have required participating States to have assumed 20 percent of the cost in the third and following fiscal years.

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Mr. President, in closing I want to emphasize three important points:

First, every State which would have been eligible to participate under the amendment which I proposed to the Revenue Act would also be eligible under this amendment.

Second, this amendment will not impose any financial burden upon participating States.

Third, and I wish to underscore this final point, the distinguished chairman of the Finance Committee and the distinguished chairman of the House Ways and Means Committee have both been consulted and both have personally assured me that this amendment will have their strong support in conference if it is passed here today by the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the amendment and two charts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAGNUSON AMENDMENT

The Magnuson amendment would add a new emergency unemployment compensation title to the Revenue Act of 1971 with the following provisions:

1. Additional Benefits.—Provides an additional 26 weeks of unemployment compensation benefits to persons who have exhausted their rights to 26 weeks of regular benefits plus 13 weeks of extended benefits.

2. Temporary Program.—Benefits under the new program would be payable only until July, 1973.

3. Unemployment Rate Triggering Benefit.—Additional 26 weeks of benefits would be available only in State in which insured unemployment plus rate of exhausting benefits exceeds 6.0 percent.

4. Federal Share.—Additional benefits would be 100 percent Federal.

5. Financing Provisions.—Increases net Federal tax 0.09 percent in calendar years 1972 and 1973 (net Federal tax is now 0.5 percent).

6. Cost.—Estimated at $471 million for calendar year 1972.

States in which benefits would be payable under Magnuson amendment:

Alaska, California, Connecticut, Maine, Massachusetts, New Jersey, Puerto Rico, Rhode Island, Washington, Michigan, Nevada, New York, Oregon, and Vermont.

States in which benefits might be paid if unemployment rises to early 1971 rates:

Arkansas, Kansas, Montana, New Mexico, North Dakota and Wisconsin.

Mr. MAGNUSON. Mr. President, the amendment is the same amendment the Senate passed overwhelmingly, but as pointed out by the distinguished chairman of the committee, the Senator from Louisiana, it was discussed with the House conferees and they must abide by their rules.

But this is a measure they sent over and they agreed this amendment should be on this bill. I have had a long informal conference with members of the Committee on Finance and Members of the House, and the chairman of the appropriate committee over there this morning, and on Friday.

They agree that this is the proper language, and as far as I know they will accept the amendment over there, not only as being germane but as an amendment that should be on the bill.

I hope we do not need a rollcall vote on this matter; it already has been passed by the Senate overwhelmingly.

SEVERAL SENATORS: Vote. Vote.

Mr. SCOTT. Mr. President, before that is done, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Washington.

Mr. CURTIS. Mr. President, reserving the right to object, and I shall not object, may we have a brief statement in reference to this proposal?

Mr. MAGNUSON. Mr. President, I am sorry the Senator had another matter he had to take care of. This is the same amendment the Senate passed in November. The Senator will recall the trouble in connection with the germaneness rule in the House. Chairman MILLS and other members of the Ways and Means Committee in the House intimated that if we would add this amendment on the extension of unemployment insurance to a bill which would not violate their germaneness rule—which is a little different than ours, and they use it frequently—they would be glad to accept it. The particular bill that the Senator's distinguished committee reported is perfectly germane and they are willing to accept the amendment. They wanted us to pass a bill which would extend the benefits for 26 weeks. It may be that they want to recommend it for a quick conference. It will not take too long, if it goes for 13 weeks, which would be all right, because we are going to have to go into it early in the spring, anyway.

Mr. CURTIS. May I ask further, at what percentage of the unemployment rate this additional unemployment compensation will be triggered?

Mr. MAGNUSON. Six percent or over, just as it was as we passed the bill.

Mr. CURTIS. How many States will that affect?

Mr. MAGNUSON. About 15 right now. I have the list. I shall put it in the RECORD.

Mr. CURTIS. We have the basic unemployment systems in our States. Then we have the permanent law for an additional period. I take it that in the State which the distinguished Senator represents that has been exhausted?

Mr. MAGNUSON. Oh, yes. We have 1,000 a week who have exhausted their benefits in three counties. By February 1, it will be 120,000. I do not like to see them go on welfare, as I am sure the Senator does not.

Mr. CURTIS. How does the cost compare of this proposal compare with the cost if a family has to go on welfare?

Mr. MAGNUSON. All I know about welfare—I probably should know more than I do, but I know something about it, because I handle the appropriation—is that it costs us $4,025 per capita for every person in the United States on welfare. That is their figure, and the Senator knows they are pretty low. We have 118,717 employees down there, but it is hard to get that figure. I think the extension for unemployment insurance for people who want to work but are not able to get it will cost us less in the long run. Second, I just do not like to see good people pushed on to welfare, because they have no place else to go. It breaks their dignity and spirit. If a person exhausts his unemployment compensation and is at the age of 50 or 55, it breaks his spirit, and he says, "Oh, well, so what?" And he stays there. His dignity is lost.

I think this is a good compromise of the situation with the House. I think the Senator knows, and he probably wants us to do this, that come next spring, we are going to have to get into the whole matter again, and perhaps basically change the laws. This is an emergency matter. That is what it amounts to.

Mr. CURTIS. I have no further questions.

Mr. RIBICOFF. Mr. President, on November 12 the Senate approved the Magnuson-Ribicoff amendment, as modified by the distinguished Senator from California (Mr. TUNNEY), to extend emergency unemployment compensation benefits to individuals in States with high unemployment. Expanded benefits would have been provided to workers in States with an unemployment rate of 6 percent or more who have exhausted their existing regular and extended unemployment benefits.

Unfortunately, the conferees on H.R. 10947 eliminated this provision from the final version. Today, however, the need is even greater for this legislation. Last week the Labor Department revealed that unemployment in this country had again risen—from 5.8 percent to 6 percent. In many areas unemployment is far above the national average. In Connecticut, September figures revealed that unemployment now exceeds 9 percent and is over 10 percent in three of its major cities.

Today, I ask that the Senate again approve this vitally needed measure to assist American workers. The long-term economic reforms recently approved by the Senate will hopefully create thousands of new jobs. But the sad reality is that there are over 5 million unemployed men and women in this country, many of whom have exhausted their unemployment benefits.

In the first 6 months of 1971, an estimated 1,062,423 workers exhausted their benefits under the regular unemployment insurance program, a national increase of 83 percent over the same time last year. Of these men and women, 34,139 were in my home State of Connecticut. Thousands of other workers exhausted their regular insurance rights before that time. Since extended benefits run for only an additional 13 weeks, benefits have also now been exhausted for those whose regular insurance terminated before July.

Unemployed Americans without unemployment compensation face a bleak New Year unless legislation is enacted immediately to provide emergency unemployment assistance.

I hope that the Senate will accept this vital amendment to the pending unemployment compensation legislation, H.R. 6065, which changes the formula limiting the amount obligated to a State for the administration of unemployment compensation programs.

Mr. President, the Senate has already gone on record in support of this program. Because there is no decrease in sight to the high unemployment rate, I hope that my colleagues will again act to assist those men and women who have exhausted their benefits before they could find another job.

Mr. President, I ask unanimous consent to include an article from the Hartford Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOBLESS PAY GONE, MOMS TURNING TO WELFARE

(By James N. Mason, Jr.)

The unemployment checks have run out for Mrs. Mary Carney of 208 Farmington Ave.

A few days ago she became one of the 2,400 mothers who have applied for public welfare assistance since the fiscal year began in July. Total caseload in aid to dependent children jumped from 27,000 in June to about 29,400 in October, the State Welfare Department reports.

Mrs. Carney put off her trip to the Welfare Department as long as she could. Her last unemployment check came on Oct. 2, but she had $50 saved at the time, and got an income tax return of $102.

This money, plus $10 per week child support from her 13-year-old son's father, kept them going for several weeks while Mrs. Carney kept combing the want ads and taking babysitting jobs or brief typing jobs.

But the cupboard is now bare. She's a month behind on her $120 monthly rent. There was nowhere to go but the State Welfare Department.

Nobody knows how many men and women like Mrs. Carney have reached the end of their unemployment benefits. The State Labor Department said it was so deluged with paperwork during the heavy unemployment period that its computer could not keep up-to-date records on how many people were expiring their benefits.

But the claims for unemployment benefits have been dropping since August, either because people are finding new jobs, partly because they were on brief vacation lay-offs in August (which pushed up the statistics), and partly because benefits have run out, and they don't have jobs.

In September, the Department of Social Services in Hartford anticipated an increase in the number of residents needing emergency assistance because their benefits had run out.

So far, the number is small, but the figure for November (available in early December) may indicate a trend. In September, said a Hartford official, 19 persons who applied for emergency assistance said their unemployment benefits had been exhausted and they still couldn't find a job.

In October, the figure jumped more than twice as high, up to 52 cases.

A spokesman at the State Welfare Department said the increase in mothers receiving aid to dependent children doesn't necessarily mean that they were previously in jobs.

"They may just have been recently deserted," he said. But one of the major reasons cited for a man deserting his family is that he can't find a job to support them. He gets discouraged and takes off, assuming his wife and children will get better support from the Welfare Department.

Mr. TUNNEY. Mr. President, I am pleased to join with Senator MAGNUSON, Senator RIBICOFF, and Senator JACKSON in offering once again to the Senate an emergency program of federally financed unemployment compensation for States hard hit by joblessness.

Senators will recall that on November 12, the Senate adopted a proposal substantially identical to the one we offer today. That proposal was an amendment to the Revenue Act of 1971, and it would have allowed 26 additional weeks of unemployment compensation in States where joblessness—weighted to take account of those who have exhausted all benefits—reached 6 percent or more. The program would have been financed through the Federal Government by an increase in payroll taxes from 3.2 to 3.29 percent.

This amendment would have reached up to 330,000 unemployed persons in California alone, who have exhausted all available unemployment benefits during the past year. It would have allowed 26 further weeks of aid at an average of $54 weekly. Without this additional help, those people who have exhausted unemployment compensation and do not yet have jobs would have no choice but the indignity of welfare.

I was deeply disappointed that the overwhelming will of the Senate, to establish this program, was frustrated by procedural technicalities in the House-Senate conference, and by the administration's threat to veto the entire tax bill. Under these pressures, this emergency program was dropped from the Revenue Act, and thousands of jobless persons in California and throughout the country were left unprotected.

Under the distinguished and imaginative leadership of Senator LONG and Senator MAGNUSON, we have been able to bring to the floor today H.R. 6065, a House-passed bill to which our amendment can be attached. The Senate can reaffirm its decision of last November 12 to establish this emergency aid program.

This program will provide a new bridge to a time of economic recovery for thousands who want jobs and can find no work. It will reduce our welfare rolls as well, and lift a disastrous financial strain from local governments and property taxpayers. As the distinguished Senator from Connecticut, Senator RIBICOFF, pointed out in discussing this proposal on November 12 over 800,000 persons were receiving welfare in June 1971 solely because the father of the family was unemployed. This represents a 53-percent increase above the number of welfare recipients in July 1970, 12 months earlier. In Los Angeles alone, one in eight persons receives welfare. We know that 1.8 million people exhausted their unemployment benefits last year and that the average cost of welfare per family of four is $3,000. Public assistance costs for putting these unemployed workers on welfare would require as much as $3 billion of local and State tax revenues. We cannot afford this burden. We cannot hold local communities hostage, because of the failure of national economic policies.

Mr. President, our amendment does the following:

Provides 26 further weeks of federally funded unemployment compensation to eligible persons, payable until July 1973;

Would be available to any State in which the unemployment rate, computed by a formula taking account of those who have exhausted all benefits, reaches or exceeds 6 percent;

Would be funded through an increase in the payroll tax rate from 3.2 to 3.29 percent;

Would be funded through the Federal Government for all years, unlike our proposal of November 12 which would have shifted some financial burden to States following the first year.

I urge Senators to join us in opening once again the opportunity for meaningful additional aid to hundreds of thousands of unemployed persons.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? [Putting the question.]

The bill was passed.

Mr. LONG. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes thereon; and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. CURTIS, and Mr. MILLER conferees on the part of the Senate.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands;

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations;

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to

postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek;

H.R. 9097. An act to define the terms "widow," "widower," "child," and "parent" for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes; and

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of National Service Life Insurance policies to insurance on a modified lief plan with reduction at age 70.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued in executive session with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. EASTLAND. Mr. President, I rise to support the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States. In my judgment, the hearings on his nomination conducted by the Judiciary Committee clearly demonstrate that Mr. Rehnquist is a man of great legal ability and impeccable character. I am certain that he will be a distinguished addition to the Supreme Court.

The record shows that Mr. Rehnquist has had a distinguished career in at least four areas of the law: as a law student at Stanford University, as a clerk to Mr. Justice Robert Jackson, as a successful private practitioner, and since January 29, 1969, as Assistant Attorney General in charge of the Office of Legal Counsel in the Department of Justice.

Mr. Rehnquist was born on October 1, 1924, in Milwaukee, Wis., and attended the public schools of that State. He enlisted in the U.S. Army in 1943 and served his country in that capacity for 3 years. After his honorable discharge from the Army, he enrolled in Stanford University and received his undergraduate education at that institution. In 1948 he was awarded a bachelor of arts degree "with great distinction." He received a master of arts degree in history from Harvard University in 1950. Mr. Rehnquist then returned to Stanford University and entered the law school, from which he was graduated first in his class in 1952. After graduation from law school in February 1952, he served as law clerk to Justice Jackson for about 18 months. After completing his clerkship, Mr. Rehnquist moved to Phoenix, Ariz., and actively engaged in the practice of law in that city from June 1953 until his appointment as Assistant Attorney General in January 1969. Mr. Rehnquist quickly attained the reputation of a great lawyer among the members of the Arizona bar. The esteem in which his fellow lawyers held him is attested by the fact that in 1966 he received an "a.v." rating in Martindale's Legal Directory. This rating is made by one's fellow lawyers and is the highest rating given by Martindale's. One must have practiced law for at least 10 years before receiving an "a.v." rating, and Mr. Rehnquist received it shortly after the expiration of the minimum period. This is an exceptional tribute to a young lawyer.

In January 1969, President Nixon nominated Mr. Rehnquist to be Assistant Attorney General in charge of the Office of Legal Counsel, a position he presently holds. By all accounts he has served in that office with great dedication and ability. The quality of his legal mind and his skill in presenting arguments in favor of the administration's position on legislation are acknowledged even by his opponents.

I can add my own personal testimony as to Mr. Rehnquist's great legal ability. As chairman of the Judiciary Committee, I have had occasion to personally observe his work. It is outstanding. I did not know Mr. Rehnquist until he assumed his position in the Department of Justice. Based on almost 3 years of personal knowledge of this man, I can assure the Senate that he is of the highest character and intellect.

Mr. President, those who know Mr. Rehnquist best know that he is a very fair-minded person of great legal and intellectual capacities. A number of persons have written letters to the Judiciary Committee in support of his nomination. These letters were not printed in the hearings. I ask unanimous consent that these letters be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EASTLAND. The opponents of this nomination cannot and do not say that Mr. Rehnquist lacks the legal and intellectual credentials which are prerequisite to becoming a great Justice of the Supreme Court.

They cannot and do not say that his nomination presents any questions or problems of ethics or conflicts of interest.

They cannot and do not say that he does not possess a high character and the proper judicial temperament.

In my judgment, there is not much left for the opponents of this nomination to go on.

The opposition to this nomination has boiled down to dislike for alleged personal and philosophical views of Mr. Rehnquist. The first series of attacks on the Rehnquist nomination were made shortly after President Nixon made the nomination on October 21, 1971. These attacks consisted of desperate and irresponsible efforts on the part of so-called "liberals" in the news media and the academic community to charge that Mr. Rehnquist, in his personal actions and associations, had shown himself to be an "extremist" and "hostile to the rights of minorities."

These charges and attacks were given wide circulation in the press and on TV. They are untrue.

First, it was charged that Mr. Rehnquist was a member of the John Birch Society.

Next, it was alleged that he had been instrumental in challenging black voters in Phoenix at various elections, including those of 1962, 1964, 1966, and 1968.

Lastly, it was charged that Mr. Rehnquist had been a member of For America and/or Arizonans for America, which were alleged to be right-wing extremist groups.

These charges were made and publicized by those in the academic community and in the news media, who are horrified at the prospect that the Supreme Court might not be dominated by liberal judicial activists in perpetuity.

The Judiciary Committee carefully investigated all of these untruths and smears. Each of these charges designed to show that Mr. Rehnquist was or is an "extremist" or a bigot were exploded.

Mr. Rehnquist gave sworn statements to the committee that he had never been a member of the John Birch Society or of For America or Arizonans for America.

I say further, Mr. President, that I have had access to the files of the FBI, and that the Bureau, after a full field investigation, completely exploded each of those charges.

Here is a letter that I received on November 20 from Phoenix, Ariz. It says:

Re William H. Rehnquist.

DEAR SIR: I was on the board of Arizonans for America from its inception to its end, and was its last president.

To my knowledge, Mr. Rehnquist was never a member of Arizonans for America. He did make a speech to us, and was subsequently put on our mailing list.

Sincerely,

GEORGE HEARN WOOD,
An Optometrist.

He also gave the same statement to the Bureau when its agents called upon him.

Mr. Rehnquist further gave testimony to the committee that he had never acted as a challenger to voters in elections. He further testified that as a legal adviser to the Republican Party in Phoenix, Ariz., he had instructed a party worker who was overzealous in challenging voters to refrain from such actions. Judge Charles L. Hardy, of Phoenix, who was chairman of a committee of Democratic lawyers in the 1962 elections, gave a statement to the committee which confirms the fact that Mr. Rhenquist did not engage in any improper activities in this respect.

There was no testimony obtained by the Judiciary Committee to support these irresponsible and baseless charges against Mr. Rehnquist. Every opportunity was given to those with any evidence to produce it before the Judiciary Committee. The fact that some members of the academic community and the news media chose not to present any evidence to the committee, but chose rather to broadcast fresh charges to the press gives a strong indication of the motivation, responsibility and veracity of such persons.

The hearings conducted by the Judiciary Committee thoroughly discredited these allegations. So now the opponents of the Rehnquist nomination have had

to fall back on the issue of the judicial philosophy of the nominee.

Each Member of the Senate has the right and responsibility to determine what weight, if any, to give the personal or judicial philosophy of a nominee in making a decision of whether to advise or consent to a nomination.

Thus, I do not quarrel with my colleagues who oppose Mr. Rehnquist on the basis of his supposed judicial philosophy.

I do think it is very important, however, to recognize that judicial philosophy can and should be a large consideration in all future nominations for the Supreme Court.

During the hearings those who wished to use what they supposed to be Mr. Rehnquist's judicial philosophy against his nomination made repeated efforts to distinguish the Rehnquist nomination from other Supreme Court nominations. What these opponents of Mr. Rehnquist's nomination said to him in essence was:

It is especially appropriate for us to inquire into your judicial philosophy because you wrote an article in the Harvard Law Review in which you stated that the Senate should carefully inquire into the judicial philosophy of a nominee for the Supreme Court before giving its advice and consent to the nomination, and because President Nixon has publicly stated that judicial philosophy was one of the criteria used by him in making your nomination.

In all honesty, I do not believe that this distinction withstands analysis. If this distinction were valid, suppose that a future nominee for the Supreme Court had written an article in which he stated his opinion that it was improper for a Senator to inquire into the judicial philosophy of a nominee for the Supreme Court, and suppose that the President who nominated such a person stated that the judicial philosophy of the nominee had no bearing on the nomination.

Would this mean that it would not then be proper for the Senate to attempt to ascertain the judicial philosophy of such a nominee? Of course not. The Senate cannot allow its constitutional responsibility to advise and consent to Supreme Court nominations to depend upon such fortuitous circumstances as the past writings of a nominee and the statements or silence of a President who makes the nomination.

As a matter of fact, it is common knowledge that Presidents usually take the judicial philosophy of nominees into account when they make nominations. Strangely enough, until the present administration there has been no outcry among so-called liberal elements of the news media and academic community against this fact of life. They appeared to enjoy having like-minded persons put on the Supreme Court.

The truth is that Presidents have taken the judicial philosophy of nominees into account even when a nomination will further unbalance the Supreme Court. The nomination speaks for itself. The President does not need to tell us that he took judicial philosophy into consideration; it is a self-evident fact.

We do not have to speculate as to the reasons President Johnson twice nominated Mr. Abe Fortas to the Supreme Court. The former President has recently written a book entitled "The Vantage Point" dealing with his tenure as President. Excerpts from this book have appeared in various newspapers. I will quote from the New York Times of October 27, 1971, which contained excerpts from President Johnson's book dealing with the Fortas appointment. First, President Johnson reveals the reason why he appointed Mr. Fortas to be an Associate Justice of the Supreme Court to succeed Mr. Justice Goldberg:

I was confident that the man would be a brilliant and able jurist. He had the experience and the liberalism to espouse the causes that both I and Arthur Goldberg believed in. He had the strength of character to stand up for his own convictions, and he was a humanitarian.

In discussing his nomination of Mr. Fortas to be Chief Justice of the United States, President Johnson tells us:

When I nominated Fortas to succeed Chief Justice Warren three years later, I did so for the same reasons I had first appointed him to the Court.

This is what the former President said of Mr. Fortas' rejection by the Senate:

In the end, Abe Fortas' chief assets—his progressive philosophy, his love of country, his frank views always spoken from the heart and his service to his President—brought his downfall.

A consideration of what appears to be the judicial philosophy of Mr. Rehnquist leads me to the conclusion that his service as a member of the Supreme Court would be highly beneficial to the Nation.

On the basis of the record of the hearings on his nomination, I believe it is fair to say that Mr. Rehnquist possesses what might be termed a conservative judicial philosophy. However, the record amply indicates that he is not the prisoner of any judicial philosophy, and that he will decide cases on the basis of the application of his first-rate legal mind to the question of the proper result as mandated by the Constitution and laws of the United States and applicable judicial precedents. He is certainly not blinded by ideology.

I would like to read from a letter written by Mr. Martin F. Richman, former law clerk to Chief Justice Earl Warren, and Deputy Assistant Attorney General in the Office of Legal Counsel under the previous administration, who gave the following assessment of the cast and quality of Mr. Rehnquist's approach to legal issues:

The key question for inquiry here, in my opinion, is whether as a Justice Mr. Rehnquist will bring to the decision of the cases not only his own views, however long held and well thought out, but an open mind. Will he approach each case on the basis of the facts in the record, the briefings by counsel, the arguments of his Brethren in conference, and his best judgment of all the available legal materials. In short, will he act like a Judge?

Based on my experience with him my own answer is in the affirmative.

* * * * *

But . . . I am confident that his votes will be based on the merits of the cases, that his opinions will illuminate the issues, and he will make a constructive contribution to the on-going work of the Court in the development of our law.

Mr. Robert H. Bork, professor of law, Yale University, wrote a letter to me as chairman of the Judiciary Committee, in support of Mr. Rehnquist's nomination. He stated, in part, as follows:

My support is based not merely upon Mr. Rehnquist's professional reputation, which is extremely high, but upon my opportunities to talk with him and to observe him in debate concerning legal matters. There can be no doubt whatever concerning his intellectual qualifications. He possesses a brilliant and analytical mind. More than that, however, Mr. Rehnquist is a deeply thoughtful man with respect for the requirements of intellectual honesty. I am sure, therefore, that in the decision of constitutional cases he will be guided not by his personal philosophy but by a commitment to the commands of the Constitution, interpreted in the light of its text and its history. This does not mean that he will be a wooden internalist but rather that he will attempt to discern the meaning of the Constitution in new circumstances by the document's fundamental principles instead of in accordance with whatever legislative views he might entertain if he were in the Congress rather than upon the Court. This is a difficult task, requiring the utmost in self-discipline and thoughtfulness. I believe that Mr. Rehnquist has those qualities in abundance.

I believe that the record as a whole validates these appraisals of the nominee. Mr. Rehnquist's own testimony clearly shows that he will approach all legal and constitutional issues on this basis.

Mr. President, in considering the personal and intellectual qualities of Mr. Rehnquist, it is very pertinent to consider the judgments of spiritual and religious leaders who have known Mr. Rehnquist and his family.

Mr. Louis B. Early, chairman of the church council and Rev. William B. Schaeffer, pastor of the Emmanuel Lutheran Church, Bethesda, Md., the church presently attended by the Rehnquist family, have written me a letter on behalf of the Rehnquist nomination, I quote from this letter:

Since the Rehnquist family became members of Emmanuel in July, 1969, they have given a clear witness to the centrality of the Christian faith in their life and home. Their regular presence on Sunday at worship services, the obvious closeness and mutual respect within the family circle, and the readiness to share in the life of the congregation reflect the values which are held in highest regard by the head of the household.

Mr. Rehnquist's unfailing kindness and innate modesty give testimony to the genuineness of his concern for others and his understanding of viewpoints contrary to his own. His clarity of thought and firmness of conviction demand respect. Such characteristics seem to us to be of special importance for one who is being considered for the highest court in the land.

The Right Reverend Joseph M. Harte, the Bishop of Arizona wrote the following letter:

DIOCESE OF ARIZONA,
Phoeniz, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
Senator, Chairman of the Judiciary Committee, The New Senate Building, Washington, D.C.

MY DEAR SENATOR: The Hon. William Rehnquist from Arizona is a man of enormous ability and, speaking as the Bishop of Arizona, I can assure you and your Com-

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mittee that he is "his own man," a man of independent thought and not one to go blindly down the "Right-wing Conservative Path."

Mr. Rehnquist, with a superb judicial background, is flexible, understanding and full of compassion. He is not a person to simply follow without a rational and highly reasonable criteria. His reputation from our part of the country is unblemished and I want to speak out in his favor.

Faithfully and sincerely,

JOSEPH M. HARTE,
The Bishop of Arizona.

Based on the hearing record and all the facts available to us, I urge that the Senate overwhelmingly give its advice and consent to the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States.

EXHIBIT 1

EMMANUEL LUTHERAN CHURCH,
Bethesda, Md., October 25, 1971.

Hon. JAMES O. EASTLAND,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: We, the Church Council and Pastor of Emmanuel Lutheran Church, wish to give this testimony to the integrity and Christian character of our fellow member, William H. Rehnquist.

Since the Rehnquist family became members of Emmanuel in July, 1969, they have given a clear witness to the centrality of the Christian faith in their life and home. Their regular presence on Sunday at worship services, the obvious closeness and mutual respect within the family circle, and the readiness to share in the life of the congregation reflect the values which are held in highest regard by the head of the household.

Mr. Rehnquist's unfailing kindness and innate modesty given testimony to the genuineness of his concern for others and his understanding of viewpoints contrary to his own. His clarity of thought and firmness of conviction demand respect. Such characteristics seem to us to be of special importance for one who is being considered for the highest court in the land.

We urge your approval of his nomination for the Supreme Court of the United States.

LOUIS B. EARLY, *Chairman.*
WILLIAM B. SCHAEFFER, *Pastor.*

CHRIST CHURCH OF THE ASCENSION,
Paradise Valley, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
Chairman, of Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing to commend to your Committee favorable action on the nomination of Mr. William Rehnquist to the United States Supreme Court.

This recommendation is based upon the enviable reputation which Mr. Rehnquist enjoys in this community as a man of interrity, intelligence and the highest moral character.

I am pleased to be able to write to you in his behalf.

Yours very truly,

THE REV. DAN GERRARD,
Rector.

GRACE LUTHERAN CHURCH,
Phoeniz, Ariz., November 2, 1971.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: A group of persons interested in the nomination of William H. Rehnquist to the Supreme Court, and who are anxious for his approval by the Senate, and who heard the enclosed "Youth Sermonette" have asked me to submit a copy of it to you. The copy is enclosed.

Bill has always been, since I have known him for the past nine years, a good example to hold before the youth of our congregation. He and I were personal friends besides enjoying a pastor-parishioner relationship.

If there were other ways to urge his approval for the Supreme Court, I would like to make them!

If there is further information you would like from me, please feel free to call upon me.

Sincerely yours,

CHARLES L. STRUBEL.

YOUTH SERMONETTE

(NOTE.—The Youth Sermonette was given at the morning worship of Grace Lutheran Church, Phoenix, Arizona, on Sunday, October 24, 1971, as a regular part of the morning worship. A Sermonette is given each Sunday. This copy of the Sermonette was transcribed from a tape made at the time. A request was made to distribute copies to the above. The request was made by persons interested in supporting W. H. Rehnquist in his nomination to fill a vacancy in the Supreme Court.)

To all of my young friends this morning:

The Bible tells us that each one of us is a citizen of two kingdoms: first, we are members of the Kingdom of God, and second, we are members of the kingdoms of men, or, in our case, citizens of the United States of America. So, we have to learn how to be good citizens of the Kingdom of God; and that is why you attend Sunday Church School, the catechetical classes, come to Church Worship; that is why you are Confirmed. Confirmation means a prescribed course of study on the Bible, the Catechism, and on churchmanship has been completed, and you become members of the adult community of the church.

In the same way, you learn in school about our country: about its history, the philosophy behind our democracy, the Constitution and our kind of politics. You learn the laws of our land and to obey them. If you don't like the laws, you learn that they can be changed by the will of the people. Therefore, we learn to be aware of what is going on in all of the areas of our government and to vote intelligently.

Since we are members of the Kingdom of God, and citizens of the world—the United States—we are living parts of the two! We are members of both of these kingdoms at the same time!

Now, these two kingdoms, although different, with different purposes, are not separate. For instance, you are not a member of the Kingdom of God on Sunday, and then, on Monday through Saturday, drop that membership to become citizens of our country, only to change back to being a member of the Kingdom of God on Sunday!

Rather, what you learn on Sunday, and through all of our educational groups, you use every day of your life. You take the Christian values and put them into the political situation!

I have known many people in the political life who have done just that. During my seminary days, I supplied a parish in Tennessee. One of my parishoners who had been a member of the congregation since birth was the former governor of the state, Prentiss Cooper. In Louisville, Kentucky, Judge Brachy was judge of the City Court; and also, in Louisville, Marvin Sternberg is the judge of the Court of Conciliation. I have known mayors of cities, city councilmen, and so on and so on. These men and women are using their Christian values in almost all of the political positions in our nation.

This last week, President Nixon made an announcement. He stated that he was proposing two men to fill the two vacancies on the Supreme Court of our country, which Court is a most important judicial body. I was surprised to hear the name of Mr. William H. Rehnquist. When I first heard his name, I could not believe my ears; and when I heard and saw the announcement on television a little later, I could scarcely believe my eyes! But, it was true! President Nixon had asked Bill Rehnquist to serve on the Supreme Court! You remember Bill, don't you? He spoke from this Lectern many times when he was a member of our congregation. You remember the "Temple Talks" he made for several years on Stewardship, when he was the chairman of that committee.

It is difficult, even after a person has been nominated for such a position, to be approved for the position on the Court, because he must have the approval of the Senate of the United States. Sometimes that is a high hurdle to jump! Then, there are those who like to defame any person who may be selected for such a position, and sometimes, even in the case of a Christian, ugly names are called, unwarranted charges, unsustained, are made against the person. I have already heard some of these untruths and half-truths and accusations which are not documented. Yet, a Christian's place is in the political arena, to do his best for his God and for his country.

You see, if you say that politics is crooked, or that there is much graft, or anything else like that, then it is up to the likes of you and me to vote in Christian people, or support Christian people, who will change the scene, and change the scene by a witness to a faith in Jesus Christ.

I am sure that we were thrilled to hear our President's announcement! I telephoned the Rehnquists' home the evening that I heard it. Bill was not at home. But Nan was! You remember Bill's wife, Nan, don't you? She taught a class in our Sunday Church School, as Bill did, and she also taught a class in our Vacation Church School. The family was deeply involved in the life of our congregation: Bill was on our church council and he was the vice-president of the congregation for several years. Nan was very excited; she said that they were very proud that President Nixon had nominated Bill, and that she was pleased that their friends in Phoenix were thinking about them.

I do not know whether or not Bill Rehnquist's nomination will be approved; I hope so. I do know that we need some people to speak out. For sure, some of you boys and girls here this morning should be where Mr. William H. Rehnquist may be. The Bible tells you this: you are members of two kingdoms, the Kingdom of God and the Kingdom of Men—the United States of America, and you can use the values of the first to make the second a better place in which to live!

ADMINISTRATIVE CONFERENCE OF
THE UNITED STATES,
Washington, D.C., November 2, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

MY DEAR SENATOR EASTLAND: I am writing in support of the President's nomination of William H. Rehnquist as an Associate Justice of the Supreme Court of the United States. As a former law clerk to the Honorable Harold H. Burton, a law professor for many years, and a friend of a number of Justices, including the late Justices Black, Frankfurter and Harlan, I have been a keen student of the Court for many years. I have a deep conviction that appointees to the Court should be men of the personal integrity with extraordinary intellectual qualifications.

Bill Rehnquist easily surpasses these high standards. His quick wit, shining intelligence, and legal acumen are evident from the most casual contact. What emerges after deeper acquaintance, which I have had the good

fortune to have had with him, is balanced objectivity, a scholarly detachment, a rooting in the basic values of the Western tradition that are likely to make him in time one of the great Justices of the Court. The power of his intellect, when combined with his rhetorical skills and personal charm, will make an immediate contribution to the Court; and over the years he will become, I believe, one of its intellectual leaders.

I have worked closely with Bill Rehnquist since 1969 in my capacity as consultant and then as Chairman of the Administrative Conference of the United States, an independent Federal agency which has been greatly assisted by Bill Rehnquist's presence on its Council. Although Bill Rehnquist is a man of convictions—a deeply "principled man"—his convictions are reasoned ones which are likely to be highly responsive to changing conditions and circumstances. Moreover, he is a man of compassion and humanity, who will respond to the uniqueness of particular controversies with the appropriate degree of flexibility.

In short, I believe that William H. Rehnquist is admirably qualified for appointment to the Supreme Court of the United States. I hope that the Senate will confirm him promptly. If I can be of any assistance to the Committee on the Judiciary in connection with this matter, I hope you will call upon me. In any event, I ask that this letter be included in the record of the hearing on the confirmation.

Sincerely yours,

ROGER C. CRAMTON,
Chairman.

TUCSON, ARIZ.,
October 30, 1971.

Senator JAMES EASTLAND,
Chairman, Senate Judiciary Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: In reference to your Committee's examination of the qualifications of William Rehnquist as a nominee to the Supreme Court of the United States, I wish to inform you that some of the news releases emanating from Arizona covering Mr. Rehnquist's activities on the Civil Rights question are in error either deliberately or inadvertently.

During the 1965 debates in the Arizona Legislature on Civil Rights I was the Majority Leader in the Arizona House of Representatives, a majority put together at that time by a coalition of Democrats and Republicans. In my capacity as Majority Leader I was primarily responsible for the Civil Rights Legislation and headed the House of Representatives Conference Committee which dealt with the Senate on that subject.

Demonstrations did take place before the State Capitol. Some demonstrators also tried to invade the Senate side of the Capitol mall, attempted a sit-in, and were ejected by members of the State Highway Patrol. In my recollection, Mr. Rehnquist had no involvement in any of these proceedings.

The demonstrators and their cohorts including then Representative, now Senator Clovis Campbell, were determined to have a piece of legislation which was highly punitive and far beyond the language and purpose of the 1964 Federal Civil Rights Legislation which we tried to approximate. During that tense period some legislators were threatened with death; we had the building evacuated for a bomb scare; and the orderly processes of government were threatened continuously by roving radicals from out-of-state who managed to be influential among Arizona sympathizers to the view that the Federal Act was weak and insufficient and the legislature controlled by bigots and racists. Again, Mr. Rehnquist had no part in the matter either directly or indirectly.

In terms of personal evaluation I watched Mr. Rehnquist in action long enough during my career within the Arizona political scene to make the following judgment:

He is a man of tremendous balance. His judgment is not casually given and when it is given it will be humane, considerate, intelligent, and sound. Any charges that he is a racist will have been made by people who are themselves separatists, political opportunists, chronic trouble makers, or some remainder of those emotionally overcharged people of 1965 whose tunnel vision rendered them incapable of good judgment then or now.

When the Chairman of both the major political parties in this state endorse Mr. Rehnquist, it is a clear indication of the acceptance he has in Arizona. To give any important consideration to the highly personalized opposing reactions of a few of our Arizona citizens whose minds and emotions run in a very narrow channel would be an unfortunate injustice to Mr. Rehnquist. It would also result in an injustice to the well being of our country.

Very truly yours,

JOHN H. HAUGH.

BILBY, THOMPSON,
SHOENHAIR & WARNOCK,
Tucson, Ariz., November 5, 1971.

Hon. JAMES O. EASTLAND,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: I have been a member of the Bar of Arizona for over thirty-five years, having served my state and its Bar Association in various capacities during that time.

I am well acquainted professionally with William Rehnquist, presently under consideration for the Supreme Court.

In my opinion, integrity, intellect and legal skill are, in that order, the essential requisites for judicial office, and Mr. Rehnquist meets the highest standards in these respects.

It would be impossible for a lawyer of Mr. Rehnquist's experience, standing in the community, and interest in his state and nation, not to have assumed some philosophical stance by the time he had attained professional maturity. In my opinion, a man is not qualified to become a judge if he has not taken a philosophical position, whether it be liberal or conservative.

I can state with confidence that there is no person in Arizona worthy of credence and familiar with his career, who would have the slightest doubt that Mr. Rehnquist could be swayed from an unbiased interpretation of the law by his personal philosophy.

I sincerely urge the Senate to approve President Nixon's appointment of Mr. Rehnquist.

Very truly yours,

H. C. WARNOCK.

SUPERIOR COURT OF PIMA COUNTY,
Tucson, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: I support the confirmation of William H. Rehnquist as Associate Justice of the Supreme Court of the United States. It is my feeling that he is eminently qualified for the office in every respect.

Among his colleagues in the legal profession, Mr. Rehnquist's legal scholarship and professional skill are highly respected.

It is urged that the Senate act promptly to confirm the appointment of Mr. Rehnquist as Associate Justice.

Very truly yours,

J. RICHARD HANNAH.

SNELL & WILMER,
Phoenix, Ariz., November 3, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judicial Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: In support of the confirmation of the nomination of William Rehnquist for the Supreme Court I wish to express my unqualified and whole-hearted endorsement. I have known him through law school, in legal practice, and personally in civic, social, and church settings for more than twenty years. He has rare legal talent in depth, humor, balance, integrity, exemplary moral character, wide practical experience, and great courage. I whole-heartedly believe him to be ideally suited in ability, temperament, and background for the office. So, I believe, will feel anyone, of whatever affiliation or group, who will look into his qualifications deeply, fairly, and objectively.

Yours very truly,

FREDERICK K. STEINER, JR.

TOWN OF PARADISE VALLEY,
Paradise Valley, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
U.S. Senator, Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: William H. Rehnquist served as our Town Attorney for four years from 1965 thru 1968 when he moved to Washington, and we would like to encourage approval of this great attorney as an Associate Justice of the United States Supreme Court.

In all cases, Mr. Rehnquist handled the legal problems of our Town efficiently and effectively. Even tho this was a part-time job for him, Mr. Rehnquist never slighted any of our requests regardless of how busy he might be with his regular law practice—which reflects his helpful attitude and his sincere public spiritedness. He was industrious and thorough at all times yet never was he pedantic; he truly was a problem-solver for our Town Council and never, not even once, did he mislead us.

From our close association with Mr. Rehnquist we know that it would be a credit not only to the Town of Paradise Valley, Arizona but to the nation as a whole to have him appointed to the United States Supreme Court.

Sincerely,

JACK B. HUNTRESS,
Mayor.

O'CONNOR, CAVANAGH, ANDERSON,
WESTOVER, KILLINGSWORTH & BESHEARS,
Phoeniz, Ariz., November 1, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR: I am writing to you in connection with the nomination of William H. Rehnquist to the Supreme Court of the United States, and to express my opinion as to the merits of the appointment.

Let me briefly describe my background and legal qualifications, so far as they may be pertinent to my evaluation of Mr. Rehnquist: I am a past-president of the Maricopa County Bar Association; I am a member in good standing of the following organizations: American College of Trial Lawyers, International Society of Barristers, International Association of Insurance Counsel, International Bar Association, Maricopa County, Arizona State and California State Bar Assns.; Board of Visitors, Arizona State University and University of Arizona; lawyer delegate, Ninth Circuit Judicial Conference, since 1968.

I have known Bill Rehnquist for approximately twelve years: I have known him well,

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and have tried a lawsuit against him; as a friend, I have talked with him on the subject of law in general, about cases, and the practice of law. As a registered Democrat—I am not the least bit concerned about Bill Rehnquist's allegedly ultra conservative Republican views. Most significant to me as a lawyer are his two overriding characteristics—exceptional scholarly ability and complete integrity, that fit him superbly for this position.

Very truly yours,

JAMES H. O'CONNOR.

LESHER & SCRUGS,
Tucson, Ariz., November 1, 1971.

Senator JAMES O. EASTLAND,
Chairman, Senate Judicial Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: I am writing you with reference to Senate confirmation of Mr. William Rehnquist's nomination to the Supreme Court. I have been reading newspaper and magazine accounts of reaction to Mr. Rehnquist's nomination that have renewed in me a deep and growing concern for the whole process of Senate confirmation, which I am taking this occasion to express to you.

I am unable even in my imagination to conceive any basis for legitimate attack on this nomination or this nominee. I know enough of the man and his record to be confident that no attack can be made on his scholarship and intellectual excellence, his professional competence or his personal integrity. I now read, nevertheless, of opposition to his nomination, opposition based, presumably, on his failure to share the political, social or economic philosophies that seem to motivate his detractors. He is reportedly a "judicial conservative." So, I suspect, am I. In my lifetime I have watched Presidents nominate to the Supreme Court lawyers cherishing the most liberal judicial philosophies, and I have sat silent when, as in the case of Justice Goldberg, for example, the nominee was a man whose professional qualifications I could not challenge.

I deeply respect the function that the United States Senate performs in giving or withholding its consent to these nominations. It seems to me quite clear that any group degrades that function when it attempts to convert your hearings on a nominee's character, competence and professional qualifications into a contest of extra-judicial philosophies.

Such I take to be the nature of much of the effort now made in opposition to Mr. Rehnquist's nomination.

I believe that nomination to be a credit both to him and to the President. I hope and trust that the Senate in considering it will focus its attention on the relevant issues—the quality and competence of the lawyer nominated.

Yours very truly,

ROBERT O. LESHER.

ALLEN MCCLENNEN AND FELS,
Phoenix, Ariz., November 2, 1971.

SENATE JUDICIARY COMMITTEE
Senate Office Building,
Washington, D.C.

GENTLEMEN: Charges are being made that Mr. William H. Rehnquist should be disqualified from serving on the Supreme Court because of racial prejudice. My opinion on this question may be of assistance to the Senate Judiciary Committee.

You will need to know something about me and my knowledge of Mr. Rehnquist.

I am a life-long Democrat, and from September, 1963 until April, 1966, I was State Chairman of the Democratic Party of Arizona. I consider myself and am considered to be a "liberal" Democrat; for example, it is well known in Arizona that I supported Bobby Kennedy's presidential campaign even before President Johnson announced that he would not be a candidate for re-election. It is difficult to fully define "liberal" in the present political context, but in my case it has included unqualified support for all civil rights legislation and the Supreme Court decisions requiring integration and forbidding segregation.

I have practiced law in Phoenix since 1949 and have known Mr. Rehnquist both professionally and socially since 1953. We have had frequent contact over these years, politically, professionally and socially, and he has never given me any reason to believe that he was prejudiced in matters of race or color, and I believe that the truth is to the contrary.

I am aware that Mr. Rehnquist has opposed civil rights legislation and Supreme Court decisions in this area, but I believe that this springs entirely from his philosophical belief (which I hope has moderated) that the government should not attempt to intervene in the relationships of people.

My support for Mr. Rehnquist's nomination—and I do support it—arises primarily from the fact that Mr. Rehnquist is first and foremost a *lawyer*, and a very fine and very honest one. His devotion to the law and its proper practice is so strong that he could not possibly be other than completely impartial in trying or deciding a case before him. For example, if I were defending Angela Davis, I would be happy to have Mr. Rehnquist serve as the trial judge.

I realize, of course, that the role of the Supreme Court Justice is not that of the trial judge, and that philosophical bias can affect the Justice's opinion. However, what may be lost here (from my standpoint) will, in my opinion, be more compensated for by Mr. Rehnquist's ability, devotion to the law and complete integrity.

Respectfully,

ROBERT H. ALLEN.

BARRIE H. GROEN & ASSOCIATES,
ARCHITECTS,
Phoenix, Ariz., October 28, 1971.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I had the pleasure of knowing Mr. William H. Rehnquist personally some 15 years ago when he and I were members of the same toastmasters club in Phoenix over a two-year period. During that time our club met weekly and I had the opportunity of hearing Mr. Rehnquist give many, many extemporaneous and prepared speeches on every conceivable topic. I, therefore, was exposed to a very broad spectrum of his views and philosophies of life.

Even in those early years I could not help but be impressed with Mr. Rehnquist's brilliant analytical mind. I always suspected that he was destined for a great future and time has proven me correct. He has a tremendous respect for the law and I have never detected any prejudice in his thinking. Detractors who are trying to brand him as a "racist" obviously do not know him. These charges are pure "bunk".

In my opinion President Nixon could not have picked a better man for a Supreme Court nominee. I urge you to support the president in his wise choice of Mr. Rehnquist.

Respectfully yours,

BARRIE H. GROEN.

DEMOCRATIC PARTY OF ARIZONA,
Phoenix, Ariz., October 28, 1971.

Re appointment to the U.S. Supreme Court of William H. Rehnquist.

Hon. JAMES EASTLAND,
Chairman, Senate Judiciary Committee, The
U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: Although I am Chairman of the Democratic Party in Arizona, I am not writing this letter on behalf of the Party, but solely to express my own opinion regarding Mr. Rehnquist's nomination to the Supreme Court. I am writing this letter because I have been requested to state my opinion concerning Mr. Rehnquist.

So that the Committee understands my background and orientation, I offer the following. I have been a practicing attorney in Phoenix for approximately fifteen years and have served as State Chairman of the Democratic Party since January, 1970.

In addition, I have been involved in the civil rights movement in Arizona for a number of years, and especially during the first ten years of my residency here. I was one of the drafters of the Arizona Civil Rights Act and was involved in several organizations seeking improved human and race relations in the state. In the past I served as counsel for the American Civil Liberties Union, Arizona Branch, and was one of the founders of the state organization.

I know William Rehnquist personally and have debated with him on several occasions on such subjects as dissent in a free society, and the issue of civil disobedience. In essence, Mr. Rehnquist represented the conservative point of view, and I the liberal point of view on these subjects, if one can generalize in such a fashion. William Rehnquist's superb intellect and competency cannot be legitimately questioned. While I have not seen Mr. Rehnquist since he moved to Washington, when he was in Phoenix, he was regarded as probably one of the ablest lawyers and most brilliant legal scholars practicing law in Phoenix. So far as I know, he has the respect of all of the members of the bar for these legal abilities.

If I were a Senator, even given my own political biases, I would confirm the President's nomination. I have said to others, and repeat here, that I wish the President would not select conservative, "strict constructionist" Judges, but as I understand the Constitution and the custom which bears thereon, the President has a right to select nominees of his own political persuasion. William Rehnquist is a strict constructionist. He is not a radical, not a reactionary, not an extremist, and I have absolutely no evidence to suggest that he is a bigot or a racist. He is a genuine conservative without rancor, and a man of absolute honesty and integrity.

Cordially,

HERBERT L. ELY.

JERRY H. GLENN,
Phoenix, Ariz., October 28, 1971.

Senator JAMES EASTLAND,
Chairman, Senate Judiciary Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: The attached resolution was adopted by the Judges of this Court on this date.

Same is passsed on to you and your committee for your consideration.

I recall knowing quite well your good friend, Attorney General Joe Patterson of Jackson, with whom I served in the air corps.

I am,

Very truly yours,

JERRY H. GLENN,
Presiding Judge.

RESOLUTION

Whereas, William H. Rehnquist, a member of the State Bar of Arizona, has been nominated by the President of the United States as an Associate Justice of the United States Supreme Court, and

Whereas, the Judges of the Superior Court in Maricopa County are well familiar with his legal ability by reason of professional association with him or of having had the opportunity to observe him while practicing before this Court, and

Whereas, the Superior Court Judges in Maricopa County believe that Mr. Rehnquist is well qualified to be an Associate Justice of the United States Supreme Court and believe that his nomination should be speedily confirmed by the United States Senate.

Now, therefore, it is resolved that the Judges of the Superior Court of Arizona, in and for the County of Maricopa, do hereby approve the nomination of William H. Rehnquist as an Associate Justice of the United States Supreme Court and do hereby urge the United States Senate to take speedy action to confirm his nomination.

Dated this 28th day of October, 1971.

OFFICE OF THE ATTORNEY GENERAL,
Phoenix, Ariz., October 29, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New
Senate Wing, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing this letter to support the nomination of William H. Rehnquist for appointment to the United States Supreme Court.

As an attorney, I can attest to Mr. Rehnquist's capabilities as a practicing attorney of the highest caliber. Those of us who have been associated with him as an attorney recognize his ability, his dedication to the law, and the high ethical standards that he evinced in the private practice of law.

Very truly yours,

GARY K. NELSON,
Attorney General.
FRANK SAGARINO,
Chief Assistant Attorney General.

SUPREME COURT, STATE OF ARIZONA,
Phoenix, Ariz., October 29, 1971.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New
Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I should like to indicate to you and to your committee my ardent support for William Rehnquist who has been nominated by the President for a Supreme Court vacancy.

I have known Mr. Rehnquist for many years and have a very high opinion of his personal integrity and ability. Not only is he an outstanding legal scholar, but he is a man dedicated to the rule of law. When I was on the trial bench in Maricopa County, Mr. Rehnquist appeared before me numerous times which gave me an opportunity to evaluate his ability. Since that time, I have also had the opportunity to see him in various other capacities in the legal field. His reputation in the Phoenix area is outstanding. He can certainly make a great contribution to the U.S. Supreme Court. I urge you and your committee to support his confirmation.

Very truly yours,

JACK D. H. HAYS,
Vice Chief Justice.

SUPREME COURT, STATE OF ARIZONA,
Phoenix, Ariz., October 29, 1971.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New
Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I am enclosing a petition in support of William H. Rehnquist as Associate Justice of the Supreme Court of the United States, containing the signatures of all the members of the Arizona Supreme Court, as well as the members of the Court of Appeals. These judges and justices are members of both political parties and by signing this petition wish to indicate to your committee the high esteem in which they hold Mr. Rehnquist.

Very truly yours,

JACK D. H. HAYS,
Vice Chief Justice.

TO THE JUDICIARY COMMITTEE,
U.S. Senate,
Washington, D.C.

Each of the undersigned is a member of the State Bar of Arizona and engaged in the practice of law in that state. We have signed this petition in support of the confirmation of William H. Rehnquist as Associate Justice of the Supreme Court of the United States and as an expression of our unequivocal conviction that he is in every respect eminently qualified for the office.

Mr. Rehnquist is possessed of unquestioned legal scholarship. His academic record, clerkship for the late Mr. Justice Jackson and practice in the widest spectrum of difficult areas of legal challenge attest to this. Among his colleagues at the bar he is known as a master of professional skills.

We urge the Senate to act promptly to confirm the appointment of Mr. Rehnquist so that the important business of the Court may move forward with dispatch.

JACK D. H. HAYS,
(And 10 others).

SUPERIOR COURT OF ARIZONA,
Phoenix, Ariz., October 22, 1971.

Hon. JAMES EASTLAND,
Chairman, Senate Judiciary Committee, Senate Office Building, Washington, D.C.

DEAR SIR: The President's appointment of The Honorable William H. Rehnquist to the Supreme Court is one of the best possible.

Mr. Rehnquist is a man of exceptional legal ability and high integrity. I can think of no other member of the Arizona Bar who is better qualified than he for this important position.

I urge that prompt and favorable consideration be given to Mr. Rehnquist's appointment.

Yours very truly,

CHARLES L. HARDY.

THE SECRETARY OF STATE,
Phoenix, Ariz., October 22, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee, U.S. Senate,
Washington, D.C.

DEAR SENATOR EASTLAND: The nomination of William H. Rehnquist to the United States Supreme Court by President Nixon prompts me to write you.

Mr. Rehnquist was on the bar committee when the Uniform Commercial Code was adopted by Arizona, and I cannot thank him enough for the help he gave us, he did a magnificent job. Due to his work on the Code we have had no problems.

In my estimation, Mr. Rehnquist would make a very fine addition to the Supreme Court. I have found him to be highly intelligent and a very fine person in every respect. He is held in high regard by the legal profession of this State and we would all like very much to see him get the appointment.

Very sincerely,

WESLEY BOLIN,
Secretary of State.

OFFICE OF THE GOVERNOR,
Phoenix, Ariz., October 26, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New
Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: May I commend without reservation Mr. William H. Rehnquist for confirmation as Associate Justice of the Supreme Court of the United States?

His record of service in our State, his scholastic achievements, and lately his federal service all combine to affirm his qualifications for such confirmation.

During his career in Arizona, I appointed him to our Commission on Uniform State Laws in which work he rendered yeoman service.

Your favorable consideration and action will be appreciated.

Sincerely,

JACK WILLIAMS.

WITTENBERG UNIVERSITY,
Springfield, Ohio, October 26, 1971.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New
Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: As a citizen deeply concerned that our Supreme Court justices be men of highest character and of the finest judicial ability I hereby express to you and your Committee my unqualified support for the nomination by President Richard Nixon of William H. Rehnquist.

During the period from 1958 to 1962 I was pastor of Grace Lutheran Church in Phoenix, Arizona. During that time the Rehnquist family were regular worshippers and workers in our congregation. Their participation was not a matter of mere convention but of earnest conviction. The Rehnquist's were loved and respected by all who got to know them in our parish.

Through our numerous personal contacts, as friends visiting in their home and they in our home I got to know Bill Rehnquist very well. I know him to be an intelligent and sensitive man, one whose integrity is unquestioned, whose honesty is uncompromising and whom his fellow men can trust unreservedly. Bill Rehnquist will bring to the Supreme Court qualities of moral uprightness, thoughtfulness and fairness that will make him stand tall and respected among his associates and trusted by the citizens of our land.

Reliable, intellectually keen, a man of conscience and compassion . . . these are qualities of Bill Rehnquist. This I know from personal experience, not from hearsay. Our nation and our Supreme Court need the dedicated service of this man and to this end I support him with all my being and urge his approval by you and the Judiciary Committee.

Sincerely yours,

DAVID J. HARTMAN,
Associate Professor,
Department of Religion.

SUPREME COURT
STATE OF ARIZONA,
Phoenix, Ariz., October 27, 1971.

Hon. JAMES O. EASTLAND,
U.S. Senate, New Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: As Chairman of the Senate Judiciary Committee, you probably are receiving innumerable letters regarding President Nixon's most recent nomination of William H. Rehnquist for the United States Supreme Court bench.

May I take advantage of this opportunity to endorse this recommendation. As Clerk of the Arizona Supreme Court and, prior to that, 17 years with the Clerk of the Superior Court of Maricopa County in and for the State of Arizona, I had considerable opportunity to work with and observe the abilities of William H. Rehnquist. Although I am a life-long Democrat, I can only say that this man has always had my deepest admiration and respect and will, without a doubt, be a tremendous asset to the United States Supreme Court.

Sincerely,

CLIFFORD H. WARD,
Clerk of the Supreme Court.

COURT OF APPEALS,
STATE OF ARIZONA,
Phoenix, Ariz., October 27, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
U.S. Senate, New Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: May a citizen of Arizona presume to speak on behalf of Mr. Rehnquist?

Mr. Rehnquist was admitted to the practice of law not long before I commenced my judicial service first as a trial judge and then as a member of this Court. Mr. Rehnquist appeared before me while I was on the trial bench and he has appeared in this Court. One case I recall is the complex case of Arizona Water Company v. City of Yuma, 7 Ariz. App. 53, 436 P.2d 147 (1968).

Mr. Rehnquist has always been well prepared. He has the fine capacity for objective

analysis. His presentations have been quiet and respectful and at the same time thorough and effective.

We have been neighbors, though not close friends. He has an excellent personality.

Mr. Rehnquist has devoted himself to the service of his profession. He is a past president of the Maricopa County Bar Association. The County Bar was then one of the chief financial supporters of Legal Aid. There was an important recruiting of volunteer lawyer service. As an officer of and as president of the County Bar Mr. Rehnquist gave full devotion to the needs and services of Legal Aid.

As a sidelight and as an insight to Mr. Rehnquist's personal equation with people I mention that Mr. Rehnquist and I traded at the same neighborhood gas station. The people there knew him as a man and as a customer. I bought gas there shortly after the nomination was announced. The enthusiasm of these men for Mr. Rehnquist was genuine and heartwarming.

In my opinion based upon my great respect for Mr. Rehnquist as a man and as a lawyer, it is my sincere recommendation that his nomination be given favorable consideration by the United States Senate.

Because Senator Paul Fannin and Senator Barry Goldwater, I am sure, share my views I am taking the liberty of sending each of them a copy of this letter.

Respectfully yours,

HENRY S. STEVENS.

SUPERIOR COURT OF ARIZONA,
Phoenix, Ariz., October 27, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: Supreme Court nominee William H. Rehnquist has been known to me for approximately twelve years. I feel confident in stating that Mr. Rehnquist is a lawyer of outstanding learning and ability. He has an excellent reputation in the community and enjoys high standing in the State Bar of Arizona. His moderate temperament and willingness to consider all viewpoints equip him very well for appointment to the United States Supreme Court.

Respectfully yours,

DONALD F. FROEB.

SUPERIOR COURT OF ARIZONA,
Phoenix Ariz., October 27, 1971.

Senator JAMES EASTLAND,
Senate Judiciary Committee,
Washington, D.C.

DEAR SENATOR EASTLAND: I would like to add a word in support of William H. Rehnquist as Justice of the Supreme Court.

Mr. Rehnquist has actively practiced law in our courts and has appeared before me on various occasions. I consider him a man of absolute integrity and I believe him to possess unusual ability in the legal field.

Sincerely yours,

LAURENS L. HENDERSON.

STATE TAX COMMISSIONER OF ARIZONA,
Phoenix, Ariz., October 26, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

GENTLEMEN: Please use this letter as my unqualified support of Wm. H. Rehnquist for appointment to the United States Supreme Court based upon his recent nomination by President Richard M. Nixon.

Bill Rehnquist represented the State of Arizona in impeachment proceedings of certain of our elected officials during which trials he presented a masterful case against a very astute defense.

I feel his handling of this case and his respect for the individual rights of our citizens is terrific. I thoroughly recommend this appointment.

Respectfully submitted.

JOHN M. HAZELETT,
Member.

PHOENIX, ARIZ.,
October 28, 1971.

Hon. JAMES O. EASTLAND,
Chairman of Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I was Bill Rehnquist's law partner for almost ten years. His appointment to the Department of Justice ended an association that was about as satisfying as could ever be hoped for.

Bill has intellectual equipment of the very highest order, a deeply felt respect for his calling, and a fundamentally judicial temperament. Our substantially divergent political views never once led me to doubt his willingness, or his capacity, to consider and decide any question, of any kind, on its own merits.

He will make an outstanding member of the Supreme Court.

If I can provide any assistance at all to the deliberations of your committee, please call on me.

Very truly yours,

JAMES POWERS.

COURT OF APPEALS,
STATE OF ARIZONA,
Phoenix, Ariz., November 2, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing this letter to express my personal support of the proposed appointment of William H. Rehnquist to the position of Associate Justice of the United States Supreme Court. I am well acquainted with Bill Rehnquist on both a professional and a personal basis.

Recent newspaper articles have made much of Mr. Rehnquist's conservative political philosophy and the statements which he has made in the past relative to his political views on various subjects. Let me express the hope that the question of Mr. Rehnquist's appointment to the United States Supreme Court does not degenerate into a political popularity contest. His integrity is beyond question. His extreme intelligence and sound legal scholarship, combined with his varied professional experience would, in my opinion, enable him to contribute immensely to the solution of matters brought before the Supreme Court.

Sincerely yours,

LEVI RAY HAIRE.

MCCUTCHEN, DOYLE,
BROWN & ENERSEN,
San Francisco, Calif., October 29, 1971.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing in support of the President's nomination of William H. Rehnquist to the Supreme Court. From 1961 to 1965 I practiced law in Phoenix and knew Mr. Rehnquist. He was in my opinion an able, effective lawyer whose intellect was well respected by the legal profession in Phoenix. He was known to be a sound counsel and advocate. I believe that he has a high understanding and respect for the rule of law and the integrity of the legal process. Although my political views differ sharply from his as a lawyer I have no hesitancy in urging his confirmation.

Sincerely,

ROBERT A. MILLS.

Mr. HRUSKA. Mr. President, after long and thorough hearings, the Senate Judiciary Committee reported the nominations of William Rehnquist and Lewis Powell to the Senate for confirmation as Associate Justices of the Supreme Court of the United States. Mr. Powell has now been confirmed.

As a member of that committee who has followed the confirmation hearings carefully, I feel compelled to answer what I consider mistaken and unfair attacks upon William Rehnquist.

To begin, let me say that that there is no challenge to the legal ability or integrity of the nominee. The attack directed at Mr. Rehnquist is focused principally on his alleged shortcoming in the field of civil rights which, in the words of the Senator from Indiana, "displays a dangerous hostility to the great principles of equal justice for all people." Such a sweeping accusation must be carefully examined in light of the facts. Certainly it cannot be allowed to go unchallenged.

Mr. Rehnquist is accused of "persistent unwillingness to allow law to be used to promote racial equality in America." To support that charge, three occasions are cited on which Mr. Rehnquist opposed a civil rights proposal, ignoring altogether that the nominee had supported a public accommodations provision as well as other civil rights provisions in 1966; that he played a major role in developing the Nixon administration's Philadelphia plan to end race discrimination in the building trade unions; and that he supported school integration efforts in Phoenix until compulsory busing to achieve racial balance was suggested.

Obviously the record does not support a charge of "persistent" opposition to civil rights. At most, it suggests that the nominee was cautious and concerned about racial changes in the law, even though directed at noble ends. Too often changes which are prompted by the most praiseworthy sentiments unhappily create greater harm than good.

The first occasion mentioned on which Mr. Rehnquist opposed a civil rights measure was in 1964 when the nominee expressed grave reservations about the advisability of a public accommodations ordinance. He was not alone in his concern that a certain amount of harm in the nature of greater governmental control over an individual's life would accompany whatever good would come of the Phoenix public accommodations ordinance. He suggested that passing laws would not eliminate either the racial animosity or the indignity to the customer which arose because of that animosity.

Mr. Rehnquist argued at the time that there was no widespread discrimination in Phoenix as there may have been in the Deep South. What practical good might come of the Phoenix public accommodations ordinance in the way of "whipping a few recalcitrants into line" was far outweighed, in Mr. Rehnquist's mind, by the serious harm that could come of widening the range of governmental controls.

I urge my colleagues to note that Mr. Rehnquist has said that his opposition to the 1964 public accommodations ordinance was ill-advised, principally because he did not fully appreciate in 1964 that the minorities wanted symbolic recognition of their right to equal treatment, if nothing more. This change of heart did not come after Mr. Rehnquist's nomination, as some have suggested. In 1966, for example, Mr. Rehnquist supported the public accommodations provision of the Model State Anti-Discrimination Act while he was serving as a member of the Arizona delegation to the National Conference of Commissioners on Uniform State Laws.

The second incident relied upon was Mr. Rehnquist's attempt in 1966 to amend two provisions of that same Model State Anti-Discrimination Act. I find the suggestion that this demonstrates "a dangerous hostility to equal justice" altogether unfair. Have we reached the point at which any opposition to a civil rights proposal, no matter how thoughtful and sound, is to be taken as opposition to civil rights and equal justice? Is it not possible that valid doubts can be voiced about the wisdom or constitutionality of a particular civil rights measure without being opposed to civil rights? I would urge those of my colleagues who are still troubled by the 1966 incident to look to the actual transcript of the proceedings of the National Conference of Commissioners on Uniform State Laws which has been inserted in the RECORD on November 24. I suggest that Mr. Rehnquist's opposition to those two provisions was thoughtful, level headed, and devoid of anti-civil-rights sentiment. It was based—as the transcript will demonstrate—entirely on the grounds that there were possible constitutional problems with the proposal as then drafted and that these sections of the act were not relevant or essential to the topic then under discussion.

It is also important to put this 1966 episode into perspective. After his initial reservations about part of the Model Act, Mr. Rehnquist joined with all other members of the Arizona delegation in voting for the entire act. The chairman of the conference, Albert Jenner, a Chicago lawyer widely recognized as a civil rights advocate, wrote to the committee on November 5 that he endorsed Bill Rehnquist's nomination. He pointed out that while the nominee was a commissioner, he actively supported the proposals of the conference once they were finally adopted.

The third occasion relied upon is Mr. Rehnquist's 1967 letter to a Phoenix newspaper criticizing a suggestion by the superintendent of the Phoenix Union High School District that compulsory busing of students might be used to achieve a better racial balance in the schools. It is not Mr. Rehnquist's defense of the concept of neighborhood schools which offends the nominee's opponents on the committee as much as his statement in that letter that—

> We are no more dedicated to an "integrated" society than we are to a "segregated" society; . . .

In fairness, the rest of that sentence said should also have been quoted. Mr. Rehnquist went on to say that—

> We are instead dedicated to a free society, in which each man is accorded a maximum amount of freedom of choice in his individual activities.

Mr. Rehnquist's opponents contend that he has never dissociated himself from this statement. Indeed, he has not. Instead he agrees with the famous statement of the elder Justice Harlan who said that "the Constitution is color blind." He also agrees with Mr. Justice Holmes that the Constitution does not embody any particular social, economic or political theory. His obligation as a Supreme Court Justice will not be to advocate a social view, no matter how laudable and widely held. His obligation will be to apply the language of the Constitution to the facts of the case before him. To go beyond that and infuse his own political or social views is to ignore the proper role of a Supreme Court Justice.

Interestingly, the four members of the Judiciary Committee who oppose Mr. Rehnquist ignore the nominee's testimony that his children receive an integrated education and benefit from it.

We have some reason to question whether every Member of this body is in that same happy circumstance.

Mr. Rehnquist demonstrates the clarity of thought and careful analysis that every judge should possess. He recognizes a distinction between what may be socially desirable or morally good, and what the Constitution requires. He does not confuse his own philosophy with the provisions of the Constitution.

When Mr. Rehnquist wrote that letter to the editor in 1967 on the subject of neighborhood schools, he was hardly displaying a "dangerous hostility to equal justice." He was insisting that there are limits to the reliance upon force and legislative edict to accomplish the goal of integration. Ultimately, the solution to race problems, he suggested, would be found in the free choices made by the citizens of this country.

The faulty reasoning of those opposing Mr. Rehnquist can be seen in the memorandum accompanying the minority views in the committee report. On page 39 in a discussion of the 1967 letter to the editor, one finds the following comments:

> The truly alarming aspect of this 1967 letter, however, is Mr. Rehnquist's statement, 13 years after *Brown* v. *Board of Education* that "we are no more dedicated to an 'integrated' society than we are to a 'segregated' society." As explained above, this statement cannot simply be written off by the nominee as made in the context of long-distance busing. It must stand on its own as representing his view of our society's obligation to its citizens. And Mr. Rehnquist has never disassociated himself from this statement. Yet at least since the Supreme Court declared that "separate is inherently unequal," this Nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed.

I challenge the statement that "this Nation has not been neutral as between integration and segregation." Surely this country has not been silent on the subject of segregation. We have condemned segregation. But to fall into the trap of either-or reasoning is to miss a significant point. The Supreme Court has required desegregation; it has not ordained integration. It has ruled that States and local communities which have resorted to de jure segregation must now take affirmative steps to undo that segregation. Yet it has not said that racial balance is constitutionally required in classrooms or neighborhoods, for example. Congress and the legislatures of the various States have passed statutes to prohibit discrimination and to insure equal opportunities for all Americans regardless of race, sex, religion, or national origin. But no one has decreed racial balance. The predominant social view in this country certainly is that integration is desirable, but the prevailing social philosophy is not necessarily the law.

Mr. Rehnquist is not opposed because he is personally against integration, because he is not. Indeed, he chose to live in an integrated neighborhood in Phoenix and to send his children to integrated schools. Mr. Rehnquist is challenged because he has not been a civil rights activist, because he has expressed concern about the wisdom of particular civil rights approaches—although not the goal of such measures—and because he has urged caution in passing civil rights laws.

Far from being a disqualifying factor, Mr. Rehnquist's consistent refusal to permit his personal views to affect his view of the proper role of law in our society is a characteristic which suggests that he will ignore his own philosophy in interpreting the Constitution.

The Senate has already confirmed Lewis Powell.

Mr. Rehnquist's opponents on the committee chose to support Lewis Powell. I commend them for that. But these opponents fail to explain why they chose to credit the statement of one supporter of Mr. Powell as proof of his acceptability on civil rights, while on the other hand they utterly ignored the strong statements from a number of Mr. Rehnquist's supporters to the effect that he possessed a sensitivity to civil rights. Some of these supporters harbor political views diametrically opposed to those of Mr. Rehnquist.

The record of both Lewis Powell and William Rehnquist in the field of civil rights demonstrates a cautious approach, without taint of racial animosity. Both men possess the sensitivity and humanity which are essential qualities for Supreme Court Justices.

Mr. President, there is one aspect of this nomination and this debate which I would particularly like to emphasize—Mr. Rehnquist's fairness, openmindedness, and lack of bias. In doing so, I quote from the penultimate paragraph from my individual views in the committee report:

> The Committee during the course of its hearings heard from a number of witnesses on this nomination—some endorsed Mr. Rehnquist while others opposed his con-

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firmation. I think it interesting to note that those who know him well including those who differ with him philosophically, have had the best things to say concerning him. In the absence of any ability to reach into a person's mind and determine with certainty his thinking and reasoning on a given subject, I submit that we must rely on the evaluations of those who are personally acquainted with him. This is certainly a more reliable guide to the objectivity and openmindedness of a man than hearsay once or twice removed. On this ground I believe that William H. Rehnquist is an extraordinarily competent, thoughtful scholar and student of the law and in addition is a most compassionate and understanding human being.

The committee report dealt at length with the favorable testimony of several witnesses, and correspondence in support of this nominee, including that from Martin Richman, formerly Deputy Assistant Attorney General, Dean Pedrick of the Arizona State University Law School, Dean Neal of the University of Chicago, Jarril Kaplan, of the Arizona Bar, U.S. District Judge Walter Craig, and Prof. Benno Schmidt of Columbia Law School. Each of these men, while indicating that they might have different philosophical views than Mr. Rehnquist, affirmed their conviction that he was a man of fairness, ability, and judicial temperament. These men who know the nominee well are the best evidence we can have of his outstanding qualities, abilities, and openmindedness.

Mr. Rehnquist has throughout his career exemplified the finest attributes of a citizen and attorney. A brilliant student, skilled and careful practitioner of his profession, involved member of his community, warm and compassionate person, Bill Rehnquist will make an outstanding member of the Supreme Court. I am confident that he will be confirmed by the overwhelming vote of this body.

Mr. BAYH. Mr. President, will the Senator yield.

Mr. HRUSKA. I yield.

Mr. BAYH. Mr. President, I have listened with great interest to my friend, the Senator from Nebraska. Inasmuch as he has referred to the Senator from Indiana in his eloquent remarks, I thought that it might be helpful for the record to show in broader perspective what the views of the Senator from Indiana are.

The Senator from Nebraska suggested that the best way to judge the nominee would be to study his attitudes and the testimony of those who have been personally associated with him.

Does the Senator from Nebraska feel that this is better than to rely on what the nominee himself has said or on what the nominee has written?

Mr. HRUSKA. Is the Senator's question whether I have taken those factors into consideration?

Mr. BAYH. Mr. President, I am just referring to what the Senator has said, that the best way to judge a nominee would be to study the testimony of those who personally associated with him. But if we can get the specific words of the nominee, we do not have to go to any intermediary, because we can see what he thinks and hear what he says.

Mr. HRUSKA. Mr. President, by all means. And the nominee was extraordinarily compliant and obedient to the wishes of one committee. All the speeches he has made are on file, as well as a number of other products of his pen and tongue. The committee considered those. That is right.

Mr. BAYH. The committee did consider them. But I must say that at least a minority of the committee, including the Senator from Indiana, have come to a different conclusion than did the majority.

The Senator from Nebraska referred to that magnanimous and open-hearted gesture that the nominee made when he supported that uniform antidiscrimination statute. Has the Senator from Nebraska read the transcript of the discussion and debate during the time that particular uniform antidiscrimination code was being formulated?

Mr. HRUSKA. I reviewed the transcript, and I read it carefully and with great interest.

Mr. BAYH. I am glad that to hear that, inasmuch as I can point to at least two significant passages in which the nominee opposed parts of that statute. I hope the Senator from Nebraska can point to at least one instance in the debate and the transcript in which the nominee was for something positive. Did he testify or argue in support of any of the provisions? If so, I would like to know. I have studied the transcript and I cannot find one instance where he used his great intellect to get his colleagues on that Commission to support such legislation.

Mr. HRUSKA. The fact is that after the report of that Commission was completed he voted in favor of it as his entire delegation did. I do not know what else the Senator from Indiana would ask him to do.

Mr. BAYH. We have ample testimony to his opposition to the antiblockbusting provision. Blockbusting is an insidious tactic which the Senator from Nebraska knows of, and which I am sure he opposes, in which realtors go into a neighborhood and play on the racial frustrations of people and make a fast buck. He was opposed to outlawing this. We have chapter and verse, and I would be glad to put it in the RECORD. The Senator heard it in the committee. There was not a single word from Rehnquist supporting any single provision of the proposed antiblockbusting statute. The Senator mentioned that in the end he voted for it. That is not much proof of anything to me. Only two votes were against it during the final tabulation, Alabama and Mississippi.

I wish the Senator would—or could—find one statement by Mr. Rehnquist in the transcript which can fairly be interpreted to say, "I am in favor of civil rights."

Mr. HRUSKA. The testimony in the transcript is clear on that. He has done that several times. Given a little time, the Senator from Nebraska will respond by page and line.

I might suggest Mr. Rehnquist's opposition to that blockbusting provision during debates on provisions of the uniform law was based on constitutionality, in the first place; and second, relevance to the legislation being considered by the Commissioners. It was not, as I understand it, based on the merits. A perfectly frank argument was made. He was outvoted and he abided by the result.

Now, perhaps the opponents of Mr. Rehnquist want someone who will respond and be in their image, and in the activist ranks of civil rights, without reference to the constitutional bases that should be considered in any civil rights legislation.

Mr. BAYH. Mr. President, will the Senator yield at that point?

Mr. HRUSKA. And they also would want him to correspond to their mold so that there would be no objection on their part.

Let me suggest that a long time ago we have come to that bridge and crossed it back and forth. The plain fact is, as the Senator from Mississippi pointed out a little while ago, that Presidents over a long period of time have made the personal philosophy and political philosophy of their nominees one of the tests as to whether they would be chosen.

Mr. BAYH. How can the Senator from Nebraska make the assessment in light of the fact that only 1 hour ago, on the Powell nomination, only one Senator dissented. I voted for Lewis Powell. He is not exactly in the mold of the Senator from Indiana, and neither is the distinguished Chief Justice, Mr. Burger, but I voted for him and Justice Blackmun. How can the Senator say you have to have someone who marches along in lockstep?

Mr. HRUSKA. Because the Senator from Indiana persists in making a big point out of the two instances in which Mr. Rehnquist opposed what eventually turned out to be the final word of the Commissioners on the uniform law. Because of his initial opposition to those two provisions he is therefore unqualified to be a President's nominee. That is the argument as I understand it.

To finish my thought, I recall when Justice Whittaker retired in the spring of 1962 and two very distinguished and well-known brothers sat down to discuss the proposition of who should be nominated as Justice of the Supreme Court. The President and the Attorney General sat down and studied the matter. This is the way James E. Clayton, in his book "The Making of Justice—The Supreme Court in Action" describes it on page 51:

> As the two brothers studied the situation, they realized that they wanted the new Justice to be one who looked at the problems he would face from the same perspective as they did. Thinking back on the process months later, the Attorney General tilted back in his chair and said:
>
> You wanted someone who generally agreed with you on what role government should play in American life, what role the individual in society should have. You didn't think about how we would vote in a reapportionment case or a criminal case. You wanted someone who, in the long run, you could believe would be doing what you thought was best. You wanted someone who agreed generally with your views of the country.

Mr. President, my purpose in reading that excerpt is simply this. It describes an effort to try to measure up a nominee by a President, with some of the thoughts that were expressed by the man I just quoted. That is the privilege of the one who appoints the nominee. That is the proof of the proposition in the excerpt which I just read from Mr. Clayton's book.

So I say here there is opposition to a Supreme Court Justice based on statements he made in a debate during the consideration of a uniform law, raising contentions which were not finally agreed to. In the last analysis, however, he supported the final result of the Commissioners and made that report to the State of Arizona. But I think we are a little off base in asking for complete unanimity and conformance to that artificial mold in regard to qualifying a man to be a nominee for the Supreme Court.

Mr. BAYH. My colleague apparently misinterprets what I said, or maybe I cannot articulate my thoughts precisely enough for him. I have never said that the President should not consider philosophy. It is an accepted fact that he does. All Presidents do. I think we have laid to rest the proposition that the Senate should not consider philosophy; indeed, the nominee himself has stated repeatedly that he feels philosophy should be considered.

If one looks at Rehnquist's position, particularly in light of the Newsweek article and the memorandum that the then clerk, William Rehnquist, wrote for then Justice Jackson, in which he opposed overruling Plessy against Ferguson, he is far to the right of Richard Nixon. The President of the United States is against blockbusting, but Mr. Rehnquist was not.

What concerns the Senator from Indiana is that we have a situation that goes beyond getting agreement on everything, which I would not require. We have a man who has been consistently opposed to the direction which this country ought to go in the broad area of human rights.

Since the Senator from Nebraska referred to the 1966 joint meeting of the Commissioners as evidence of his support on civil rights—I suggest the record will show otherwise—let me point out he vigorously opposed two provisions of that act. I want to read what the distinguished reporter, Prof. Robert Braucher, who was a distinguished professor in Harvard and who is now on the Supreme Judicial Court of Massachusetts, had to say about the blockbusting provision Mr. Rehnquist wanted to root out of there. The majority of those Commissioners shared the opposition. He said:

> However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth; and then they go around to the neighbors and say: Wouldn't you like to sell before the bottom drops out of your market?

And the notion that that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit.

This is why the Senator from Indiana is concerned about the nominee. I am convinced that he is a very intellectual man. I am convinced he is honest. I am convinced he is articulate. Indeed, his appearance before the committee showed that. But everything I have seen and everything I have read indicate that there are some very unscrupulous practices that Mr. Rehnquist will not use the Constitution to prohibit, and blockbusting is one of them. I do not think that our guarantees of free speech entitle one to go down and ruin a neighborhood and put white people against black people. Yet that was Mr. Rehnquist's position. And if there is an instance in the record in this commissioners' meeting that would lead me to feel otherwise, I wish the Senator from Nebraska would ferret it out for me. I have read every word of the transcript, and there is not one word in favor of civil rights. In fact—I have not mentioned it; I do not want to beat this to death—the fact is very clear that, in addition to opposing these two provisions of the uniform act, Mr. Rehnquist led a successful effort which prohibited those two provisions from being put into a uniform act, but made it a model act. A model act does not have the same force and effect and does not represent the same unanimous, dynamic commitment to the subject of the act. There is not one single word in those hearings to controvert that, and if the Senator from Nebraska has any, I hope he can give it to me because it would certainly make the Senator from Indiana rest a bit easier.

Mr. HRUSKA. The Senator from Nebraska will just make this observation: One of the statements in his principal remarks was that the opponents of Mr. Rehnquist find fault with him because he has not been a rabid activist in the field of civil rights. They have come to expect that a nominee to the Supreme Court should be such an activist, Mr. President, and for 30 years—certainly since 1961—that has been one of the qualifications in the appointments that have been made. That is one of the propositions with which I dealt in my principal remarks.

Inasmuch as there are others who wish to speak yet tonight before the hour gets late, I shall yield the floor to give them an opportunity.

Mr. BAYH. I hope that the Senator from Nebraska will permit me to examine some of the other statements he made with reference to the Senator from Indiana.

Mr. HRUSKA. Not at this time, because obviously it is a rehash of many of the things which we have debated before. Out of consideration and out of courtesy to some of my colleagues I propose to give them a chance to make opening statements. At a later time if the Senator from Indiana still desires further colloquy with this Senator, the Senator from Nebraska will be here all week, and all next week if need be.

Mr. BAYH. And maybe the week after that. Does not the Senator from Nebraska feel that perhaps it would be more helpful to those who are trying to study this, since he has made certain charges, for the Senator from Indiana to have a chance to have a colloquy right now?

Mr. HRUSKA. I am convinced that the Senator from Indiana will embrace the situation where the debate and discussion will be sufficiently extended that he will not be foreclosed at a later time from going into enlightening briefs. For the time being I think it would be only fair to our colleagues to yield to their desire to be in on the opening statements, to which the opening hours of a debate normally are dedicated.

I yield the floor, Mr. President.

Mr. GOLDWATER and Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I thank the Chair. I do not intend to indulge in the colloquy that just went on. I am not a lawyer, but I do have some feelings about this matter, because Mr. Rehnquist is not only a resident of my State, he is a friend of mine of long standing.

To get to my point quickly, Mr. President, I wish to read paragraph D from a statement that was just given us by the distinguished Senator from Indiana. Paragraph D on page 2 reads:

> *Alleged Harassment of Voters.* There are competing affidavits before the Senate as to whether Mr. Rehnquist personally harassed voters in 1964. The factual dispute is not resolved by any evidence before the Senate. Therefore, each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denials. But this uncertainty should not obscure the fact that Mr. Rehnquist, although he has tried to disassociate himself from the tactics used, held a high and responsible position in the Republican election day apparatus during several election years which saw very substantial harassment and intimidation of minority groups voters.

Mr. President, I will just comment briefly on that. I happen to live in Arizona. I have spent my whole life there. I know something about the political processes there. I have been deeply involved in them, as have my family for over 120 years, and anybody who makes the statement "which saw very substantial harassment and intimidation of minority groups voters" does not know what he is talking about, because this is not the case. It is as far from the truth as the truth can be.

To set the stage, Mr. President, I want to read the State law and the State constitution, even though I have to admit that rightly it has been affected by the Voting Rights Act of 1964 and subsequent decisions.

Article I, section 16–101, is "Registration Requirements":

> QUALIFICATIONS OF ELECTOR
>
> A. Every resident of the state is qualified to become an elector and may register to vote at all elections authorized by law if he:
>
> 1. Is a citizen of the United States.
>
> 2. Will be twenty-one years or more of age prior to the regular general election next following his registration.
>
> 3. Will have been a resident of the state

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one year and of the county and precinct in which he claims the right to vote thirty days next preceding the election.

4. Is able to read the Constitution of the United States in the English language in a manner showing that he is neither prompted nor reciting from memory, unless prevented from so doing by physical disability.

5. Is able to write his name, unless prevented from so doing by physical disability.

I will admit, and we all admit, that in a Federal election the State had to conform to the Civil Rights Act of 1964 which required that a literacy test in writing not be given unless it applied to each and every voter. Thus, it was given to no one, in practice in 1964 or later.

Continuing to read from our laws, Article II:

SEC. 16–921. GROUNDS FOR CHALLENGING VOTER

A person offering to vote may be orally challenged by any registered elector of the county upon any of the following grounds:

1. That he is not the person whose name appears upon the register.

2. That he has not resided within the state for one year next preceding the election.

3. That he has not resided within the county or precinct for thirty days next preceding the election.

4. That he has voted before at that election.

5. That he has been convicted of a felony and has not been restored to civil rights.

6. That he has made a bet on the result of the election.

7. That not being prevented by physical disability from doing so, he is unable to read the constitution of the United States in the English language in such manner as to show he is neither prompted nor reciting from memory, or he is unable to write his name.

Again, this was affected by the 1964 Civil Rights Act, which requires that the test be applied to every voter in writing, or none at all. Also, the 1965 Voting Act requires that a sixth-grade education shall constitute literacy. But it was in effect without qualifications in elections prior to 1964.

Mr. President, we do have challenges in Arizona. I imagine most States have them. I think it is very wise.

Section 16–922, entitled "Challengers Representing Political Parties," reads as follows:

At each voting place, one challenger for each political party may be present and act, but no challenger may enter a voting booth except to mark his ballot.

Mr. President, that is a matter of our law, and each election year it is customary for a county chairman to submit a list of members of his party who are willing to act as poll watchers at each polling place, some 800 in the case of the county in which I live, and those poll watchers are to be found, usually in every single polling place, and they act as interested Democrats and interested Republicans. And, Mr. President, notwithstanding the size of the State, and the fact that we have Indians, Mexican-Americans, Negroes, and other minority groups living in the State, we have had no serious disputes arising from that. I will have to admit that in New Mexico, in one election, there was a problem that arose relative to the Indian voters, but it had no bearing on Arizona.

Mr. President, I think that constitutes enough of our law to indicate that having political watchers is not something unusual. In my State, it has been practiced pursuant to law for many years.

Mr. President, I wrote a letter to the Washington Post the other day. I hope they will print it, because I would like to see the record kept clear, both in the public print and in the CONGRESSIONAL RECORD. It involved a letter that had been written by Mr. Mitchell on this supposed violation of a person's voting rights. The letter I wrote says:

Dear Sir:

The time is long past due that the lie be put to the repeated observations of people who should know better relative to the supposed action of Mr. Rehnquist in preventing a person from voting.

Contrary to what Mr. Mitchell, Senator Bayh, Mr. Rauh and others might contend, this supposed event did not take place as they describe. Mr. Rehnquist has so stated many times and furthermore, Mr. Editor, I was there so I can speak with considerably more authority than any of the supposed experts can.

And, Mr. President, I was there. I remember a few incidents we had where a team of lawyers gathered in a central office, and Mr. Rehnquist happened to be one of those lawyers, together with some other very prominent members of the Arizona Bar from both parties. The lawyers were gathered in this office so that a watcher who had a suspicion that something might be wrong could, if he challenged and the challenge met with opposition, phone into the central office and get a legal opinion.

There were occasions, not including the incident mentioned, where lawyers would drive to the polling place to settle the thing as amicably as possible.

To continue the letter:

Let's develop the history of this whole situation. Under Arizona's Constitution prior to the Civil Rights Voting Act, a man had to be literate to vote and the test generally was to read the first line of the Constitution and write one's name. Although this was a part of the Constitution, I cannot recall more than a few instances of it ever being brought into play at the polling place. The matter that both parties in Arizona became concerned with this grew from our antiquated registration laws which have long since been changed.

Under these laws a person would not have his voting precinct automatically changed when he moved from one place to another. Because of this it was possible to find some voters registered in as many as six different precincts. It was the practice in some isolated instances for these people to be looked up and taken to the places where they could vote and if they were not challenged, they could have their vote recorded as long as they were not challenged.

Mr. President, the main purpose of our watchers in Arizona has been, in the past, to determine whether or not the person voting—whether he was a Republican or a Democrat, white, black, or brown, did not make any difference—had previously voted in that election. I might say that since that time, as I shall recite, our registration setup has been changed, and now it is impossible, although we do require poll watchers to check and see if the name that is signed coincides with the name in the registration book.

To continue with the letter:

Before going into the watcher setup, let me tell of another practice that prevailed in Arizona in some precincts before we changed our paper ballot. The ballot used to be printed with the names appearing in the same order throughout, so it was a simple task for someone to take a string and tie knots in it so that when placed beside the names to be voted it would show who to vote for, and this string would be given to the illiterate voter who merely went into the voting poll, placed the string beside the ballot and marked his X where each knot appeared. This was subsequently corrected by alternating the names on about every two hundred ballots as they came off the press, so the string trick didn't work after that.

I recite that as a rather humorous illustration. It has been done in other States as well. But this is another reason why I think it is wise for both parties to provide watchers.

To get on with the letter:

Now to prevent unqualified voters from casting a ballot each party, the Democrats and Republicans, set up what we call poll watchers. At each polling place, even today with voting machines we have them and they are applied to every polling place in the State regardless of whether they may be in a predominantly Mexican-American neighborhood, Negro neighborhood or White neighborhood. We are interested in honest voting regardless of race, creed, color or location and that is the whole purpose of watching teams in each party, and they are approved by the County Board of Supervisors in Arizona.

Now to correct the allegations being brought out by his detractors concerning the specific operation in which Mr. Rehnquist was involved, he was appointed along with several other attorneys from both parties by the County Chairman of both parties to give advice and guidance to assure that voting was done only by properly registered voters. The statutes of Arizona recognized the need for polling challengers to assure that only properly registered voters cast a ballot so Mr. Rehnquist and others were seated at a central location. When a challenge was called in from a poll watcher, legal advice was given, not only by him, but by other lawyers gathered for this specific purpose.

I don't believe that Mr. Mitchell, Mr. Rauh or Senator Bayh stretching their liberal thoughts as far as they can can find anything wrong with this as illegal voting, whether it touched upon a man's right to vote because of literacy or illiteracy or his right to vote in more than one precinct or his right to use a string with knots in it. I don't believe these three gentlemen would condone dishonest voting in their precincts anymore than the Republicans and Democrats in Arizona would condone it in their precincts.

I offer this letter, and I hope you will publish it, because if I ever heard a repetition of an outright lie day after day by the newspapers and in Senate speeches, it is this, and if it is raised on the Senate floor it will be charged precisely as that.

Mr. President, to make this part of the RECORD abundantly clear—and I shall not address myself to anything else tonight—I want to move into this matter of how Mr. Rehnquist supposedly got involved in all of this.

There was an affidavit offered by a Mr. Jordan Harris, of 1825 Appache Street, Phoenix. He testified that on Tuesday, November 3, 1964:

I was present as a deputized challenger for the Democratic Party in Bethune Precinct, a predominantly black precinct in South Phoenix, and witnessed the following incident.

Keep this date, 1964, in mind. It has a great bearing upon whether we should pay any attention to this or not.

I appeared at the polling place, Bethune Precinct, at approximately 11 a.m. on the above mentioned date, deputized, by Judge Flood. When I arrived at the precinct I met with the election board committee and presented my official papers to them as a challenger for the Democratic Party. I met the Party challenger for the Republican Party, Mr. William Rhenquist at that time. I met with Mr. Rhenquist because I noticed him harassing unnecessarily several people at the polls who were attemping to vote. He was attempting to make them recite portions of the Constitution, and refused to let them vote until they were able to comply with his requests. The persons involved were Mrs. Mitchell, Mrs. Campbell and Mrs. Miller. When I noticed he was pulling these people out of the line I then approached him and argued with him about his harassment of the voters. We then engaged in a struggle and the police were called in. Mr. Bob Tate came to my assistance during the struggle. The police then escorted him into the principal's office, Mr. Rhenquist and the police then left by the side door. I know that this man was Mr. Rhenquist because the election board introduced him to me as a challenger for the Republican Party. I believe that he did not leave the polling precinct altogether because I saw him across the street a short time later. He remained at the polling place well after 5 p.m.

JORDAN HARRIS.

It is signed "Jordan Harris," and it is witnessed by a notary public. I think the notary's signature is "Jeanne Warner," but I cannot read it very well.

Mr. President, this affidavit is followed by another affidavit from Mr. Robert Tate, describing about the same actions, and I will not bother to read that at this time. But he goes on to say, in the last paragraph of his affidavit:

I now remember him from pictures I have seen lately in the papers as the same one involved in the above incident at Bethune Precinct. He did not, at that time, however, wear glasses.

That is the end of the affidavit from a Mr. Robert Tate, and it is witnessed by the same notary public.

Mr. President, it is interesting, because, as I said, Mr. Rehnquist was not at that polling place at all.

The AP had a story out of Arizona. The AP reported that Judge Hardy, who was a very prominent and fine judge of our State, said in an interview he had advised Democratic Party challengers and poll watchers in the same years that Rehnquist advised Republicans. Judge Hardy said there was an incident at Bethune precinct in which a Republican challenger got into a scuffle and was escorted from the polling place by two sheriff's deputies, but the judge said it was 1962, and not 1964, and the challenger was not Rehnquist.

Mr. President, I know it was 1962. I was there. I was called because we felt that any attempt—even though our statutes applied at that time—that involved a bodily effort to refuse the right of a person to vote would reflect badly upon the party, and we were not pleased with it, and we made public announcement of it at the time. But this is 1962; it is not 1964. In 1964, a different set of rules applied, and our Attorney General ruled the State practices must conform to the Civil Rights Act of 1964, something which all our attorneys and watchers knew.

"I have nothing to hide," Harris told the Arizona Republic, although he declined to tell his age or to answer a number of other routine questions about himself. I find nothing wrong with that. This is from the newspaper story, which continues.

Some of the details of his life came to light upon examination of files of past news stories published in the Republic and the Phoenix Gazette.

One showed that in March, 1964, Harris, then 52, admitted in Maricopa County Superior Court that he had sold beer to a 19-year-old youth. At the time Harris was the owner of the Friendly Seven Food Market, at 1853 South Seventh Avenue.

He was fined $500 on a plea of guilty to selling spirituous liquor to a minor. Judge Henry S. Stevens sentenced Harris and allowed him to pay off his fine at the rate of $50 per month.

At the time of his plea, Harris acknowledged a prior conviction for a similar offense in 1960.

Newspaper records then showed that Harris had been a railroad cook. Last night Harris said he had once worked for the Atchison Topeka and Santa Fe Railroad, but he declined to tell a reporter what kind of a job he had at the railroad.

Again, that is his right.

Another story in the Republic shed more light on Harris' past.

The article reads: "It was a September 15, 1961 news account of his being severely wounded in the abdomen by a bullet fired by an irate, 21-year-old woman whose $107 welfare check Harris cashed, withholding $81 he said the woman owed on her grocery bill.

Mr. President, I offer all this material merely as background; because if we are going to hear a repetition of the charge that Mr. Rehnquist denied or attempted to deny anyone of his right to vote, I am going to have to repeatedly stand up on this floor and challenge the veracity of it, because I was there, and it is just not true.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. BAYH. I had not intended to interject this incident into the debate. However, one Member of this body did include it in the RECORD. It was one point, and we said the evidence was quite inconclusive. However, since the Senator from Arizona has gone very close to suggesting that some of us were not being kind with the truth, I ask unanimous consent to put the clippings of that era into the RECORD, for all Senators to read, and then they will judge for themselves whether there was any voter intimidation or alleged harassment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Nov. 4, 1962]

CHALLENGERS TO WORK AT POLLS

Maricopa County voters yesterday were urged to make sure they are properly registered, and that they vote at the right polling place to avoid a slow-down in voting.

George Erhardt, director of the County Election Bureau, said election boards have been schooled in handling challenges to avoid as much delay as possible. But Republican Party officials have warned they will challenge every Democratic voter whose qualifications can be questioned.

Erhardt said inspectors have been instructed to take any challenged voter from the line so it can continue to move while the judges handle the challenge.

Meantime, Democratic Party officials said they will have watchers at the polls for the purpose of seeing that voters' rights are protected.

A spokesman for the Republicans said a return address letter has been mailed to many registered Democrats in some areas of Maricopa County, and the challengers will be on hand to question eligibility of every voter where this letter came back undelivered.

Vince Maggiore, Democratic county chairman, an attorney said the Democrats have organized a committee of some 100 attorneys to try to protect the right of every citizen to vote, and he accused the Republicans of using the challenge to delay voting and keep Democrats from the polls.

Under the law, Arizona voters who change their place of residence from one precinct to another before the deadline for registration and do not reregister are disqualified, but if the residence change occurred after the deadline, they may vote in their old precinct.

Under general procedure, a challenged voter is questioned by the election board officials, and he may be required to sign an affidavit that he is a resident of the precinct and eligible to vote under threat of prosecution for perjury.

Republican officials denied any intent to hold up or delay voting, and said they are merely seeking to prevent abuse of voting laws.

[From the Phoenix Gazette, Nov. 6, 1962]

CHALLENGERS TEST VOTERS' LITERACY

(By Bill Herman)

Balloting was slowed down for a while this morning in at least three South Phoenix precincts by challengers who demanded that voters read from portions of the U.S. Constitution to prove they were literate.

Two assistant U.S. district attorneys, an FBI agent, a deputy county attorney, and attorneys for both political parties investigated the incidents.

The challenges were based on an Arizona law which requires a person to be able to read and write in the English language as a condition of voting.

There were no arrests, and the challengers withdrew after conferring with the lawyers.

The county elections bureau said the incidents were reported at Bethune Precinct, 1510 S. 15th Ave.; Okemah, 3146 E. Weir, and Sky Harbor, 3801 E. Washington. There was also an unconfirmed report that similar activity took place at Broadway Precinct, 1701 W. Roeser.

George Erhardt, county elections chief, called the challengers "over zealous."

At Bethume School precinct, Carl Sims, 1821 W. Madison, a former state legislator, said a Republican challenger "was trying to disenfranchise our citizens down here by subjecting voters to a literacy test."

When the U.S. attorney's representatives arrived, Sims told them: "If you don't get that man out of there I'll get some people up here to get him out. He's stopping us from voting."

Mrs. Bessie Bass, 1213 S. 12th Ave., the election marshal, said 13 voters out of 565 had been challenged by 11:30 a.m.

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Another voter was challenged on the literacy basis by Jordan Harris, 1825 W. Apache, a Democratic challenger.

Twelve voters were challenged, most of them on their ability to read the U.S. Constitution, by Wayne Bentson, a Republican challenger, of 3550 W. Seldon Lane.

Mrs. Lillie Mae Hall, 1317 W. Pima, an inspector, said none of the challenged voters failed the test though one did refuse to take it and left the polls.

"We also did not hold them to exact pronunciation of the harder words, like tranquility,' Mrs. Hall said.

Mrs. Bass said many of those challenged were upset or angered by the request.

The precinct has a total registration of 1,119.

Most of those being challenged were Negroes and persons of Mexican descent.

J. D. Holmes, a Negro and member of the Arizona House of Representatives, charged that Republicans were "using Mississippi tactics."

He said they were trying to "thwart the minority vote in the state."

Holmes claimed 15 to 20 persons, angered at the delay, left the polls without voting.

[From the Arizona Republic, Nov. 7, 1962]

VOTER CHALLENGES BRING PROBE

A number of Negroes and Spanish Americans attempting to vote in south Phoenix yesterday were challenged on their literacy and residential qualifications.

The challenges, made by Republicans, led to a brief scuffle in one precinct.

The challengers in seven south side Phoenix precincts were so aggressive that Sen. Carl Hayden, D-Ariz. asked the FBI and the U.S. district attorney's office to investigate.

A Democratic official claimed such tactics have been used in Maricopa and Pima counties for several years. Challengers demanded that would-be voters read a portion of the U.S. Constitution to prove their literacy and show proof of legal residence.

Some persons said the challenging obstructed their right to vote and caused delay for those waiting to vote.

The scuffle came at the polling place in Mary McLeod Bethune School, 1510 S. 15th Ave., where opposing party pollwatchers struggled briefly inside and an angry crowd gathered outside.

Police hustled the combatants inside the nurse's office and Mrs. Ellen Jane Greer, deputy county attorney, restored order.

The U.S. district attorney's office made two checks at the polling place after receiving repeated complaints. The first was made at 11 a.m., and the second—at the request of Sen. Hayden—at about 4:30 p.m.

The first investigation was made by William J. Poudsen Jr. and James J. Brosahan, assistant district attorneys on reports that the voting line was being delayed by the challenge.

Several of the voters, mostly Negroes, declared they felt discrimination was involved, it was reported.

About 17 potential voters had been challenged. Witnesses said many were asked to read parts of the U.S. Constitution.

Shortly after the first inquiry, word of the situation reached Sen. Hayden in Washington.

Carl Muecke, U.S. district attorney here, said last night that his office was then contacted by Hayden's Phoenix office. The latter relayed Hayden's request to join the FBI in a further check of the incidents.

Muecke said he and two FBI agents went to the school and "talked to people who wished to make statements." He said the investigation included talking to those involved "on both sides."

The district attorney said it was reported that 50 would-be voters had turned away from the polls without casting ballots. He said their reasons were not known. They apparently did not include rejection for failure to pass the literacy test, however.

Muecke said the FBI is continuing the investigation and should make its report to his office by the weekend. He said his office will then evaluate the report to see if any federal law or laws have been violated.

In the middle of the fracas at The Bethune School were Wayne C. Bentson, 3550 W. Seldon Lane, a Republican challenger, and Pat Marino, 6439 S. Fourth Ave., a Democratic party representative.

Bentson told police he wanted to file an assault complaint. He insisted Marino intercepted him as he left the nurse's office after making a phone call to party headquarters.

"He grabbed me by the arm and twisted me around," Bentson said. "He grabbed me by the belt and pulled me up against the wall. I hit at him and I meant to."

Marino claimed it all happened when Bentson shoved him as he was entering the nurse's office.

"He hit me in the mouth," Marino said. "I didn't lay a hand on him."

Police made no arrests, suggested both see the county attorney today.

Mrs. Greer, making her second call of the day at the precinct, advised the election board it could exclude anyone of either party who was causing a disturbance.

The board voted to exclude both men, along with another Democrat and another Republican challenger. Both challengers were quickly replaced with substitutes acceptable to the board.

Republican challengers were reported active in seven south side precincts. Mrs. Greer reported she responded to complaints from three others, Sky Harbor, Parkview and Okeman.

Other troubles were quickly settled.

Richard G. Kleindienst, state GOP chairman, guessed that 90 per cent of some 300 challengers in Manicopa and Pima counties were Republican.

"These challengers are the same persons, under the same instructions, who have been doing this is Maricopa and Pima counties since 1956," he said.

But Vince Maggiore, county Democratic chairman, insisted that some Republican challengers were assuming authority reserved to election board officials.

"The tactics being used by Republican challengers in minority areas reflect discredit on a great national party," he said.

"There should be no place in Arizona for deliberate attempts to impede the voting of groups which have fought so hard for their rights."

Responded Kleindienst:

"We challenge in precincts where it has been demonstrated in the past that some parts of the Democratic organization in Maricopa County try to crowd into the polls at the last minute people who are not qualified to vote.

"Our success is the thing that's got them upset. I should think they'd be a little bit embarrassed to point at us."

He challenged Democrats to show where one qualified voter was kept from the polls by challenges.

Democrats claimed that in one or more precincts Republican challengers were calling upon voters to read sections of the constitution "containing a lot of big and difficult words."

They also were demanding an explanation of the word "tranquility," and challenging voters who hesitated, Democratic poll watchers claimed.

Under state law, voters must be able to read from the U.S. Constitution unless they are physically unable to do so. Typed passages are provided for election officials, who are the sole judges of the voter's qualifications.

[From the Arizona Republic, Nov. 8, 1962]

TEMPERS COOL, PROSECUTIONS FADE IN WAKE OF INCIDENTS AT POLLS

Nobody asked for prosecution yesterday in the wake of interparty incidents at the polls during Tuesday's election, Ellen Jane Greer, deputy county attorney, said.

"I guess tempers cooled when the polls closed," she said.

Mrs. Greer said the law prohibits anyone from illegally interfering with the election process.

She declined to say whether anything reported to her during the hectic events of Tuesday would be deemed unlawful.

Meanwhile, the FBI had nothing to report on its investigation into claims of intimidation of electors by one or more Republican challengers at one polling place.

Carl A. Muecke, U.S. attorney, said he hadn't received an investigation report from the FBI. He ordered the probe at the request of Sen. Carl Hayden, D.-Ariz.

In Tucson, the chairman of the Pima County Democratic Central Committee charged harassement and abuse of the right of challenge by Republicans Tuesday.

But the Republican county chairman defending it, and the county attorney reported finding no law violations.

Joe Huerta, Democratic chairman, claimed Republicans challenged as a "slow-down tactic" to discourage voters waiting at heavy turnout precincts.

In Spanish-American areas it drove many voters from the polls, he claimed.

"They are proud people," Huerta said, "and this embarrassed many of them."

The GOP chairman in Tucson, John Leonard, denied the law was abused while saying that 30 to 45 challengers were successful in one area.

County Attorney Jack Podret of Tucson said his office investigated dozens of complaints from both parties, "just the same complaints we get every election day."

Most challenges were made on the voters ability to read the U.S. Constitution, as required by state law, or the claim the voter no longer lives in the precinct he wants to vote in.

[From the Arizona Republic, Oct. 21, 1964]

BALLOT SECURITY OFFICER NAMED

William H. Rehnquist, Phoenix attorney, has been named chief ballot security officer in the Nov. 3 election by the Maricopa County Republican Committee.

"We intend to challenge voters in some of the precincts in which claimed irregularities have occurred in the past," said Wayne E. Legg, committee chairman.

Rehnquist, cochairman of the 1960 ballot security program, said schooling sessions have been scheduled for Oct. 29 and 30 to train workers who will be assigned to the polls.

[From the Phoenix Gazette, Oct. 22, 1964]

GOP PLANS CHALLENGE SCHOOLING

Voters will be challenged in some precincts where irregularities have been claimed in the past, Wayne E. Legg, chairman of the Maricopa County Republican Committee, declared today.

Legg announced the appointment of William H. Rehnquist, Phoenix attorney, as the chief ballot security officer.

Rehnquist, who is also general counsel for the county GOP committee, said two schooling sessions have been scheduled to train workers who will be assigned to various precincts for challenging purposes. He said one school will be held Oct. 26 and the other Oct. 29.

In 1960 Rehnquist was cochairman of the ballot security program and in 1962 headed a committee of lawyers formed to protect legal ballot procedures. Don Froch heads the lawyer group this year and Fritz Randolph, also a Phoenix lawyer as well as a former aide to Senator Goldwater, is serving as coordinator of the program.

[From the Arizona Republic, Nov. 4, 1964]

MOST MARICOPA VOTERS PLAY THE WAITING GAME—BALKING MACHINES CAUSE COMPLAINTS

It was a waiting day and night of aching feet and frustration at many polling places in Maricopa County yesterday.

Voters stood in line for as long as four hours as election officials grappled with the problem of malfunctioning voting machines and charges of harassment of voters.

At 10 p.m., at least 500 voters still waited to cast their ballots at a half-dozen precincts in Phoenix and suburbs, all that were left after as many more quit the waiting game in disgust when their radios projected Lyndon Johnson as the presidential winner.

Attendants at Glendale Precinct 4 said the discouraged voters went home, convinced that their votes were not needed to determine the winner.

Precinct 4 was still pushing a line at 10:30 p.m. with more than 200 voters to go. Some had waited since shortly after 6 p.m. Many had not eaten their evening meal and lightly clad women complained of the evening chill. One couple said they had come to the polls, in the Civic Center, three times during the day in hopes of avoiding the long lines.

At Tempe No. 7, there were 253 voters lined up at 10:30 p.m. and voting was expected to continue for at least three hours.

Everywhere during the evening, reporters and election officials said voters were fighting the boredom of waiting with guessing games and good-natured joking, while they swallowed hot coffee from thermos jugs and snuggled in coats and parkas to ward off the cold.

Democratic Party leaders Charged "substantial harassment of Democratic voters" in six Phoenix precincts. State Chairman Robert H. Allen said reports reached his office indicating the harassment consisted mainly of "indiscriminate mass challenging of voter residency."

He named the precincts as Murphy, Riverside, Butler, Sierra, Vista, Sullivan and Glendale No. 4, all with a substantial percentage of voters in Negro and Mexican-American categories. He indicated that most of the trouble caused by the complaints was resolved.

Republican voters in Brown Precinct were among the first to charge that a voting machine was not registering properly. A woman voter said that when she pulled the lever for Goldwater, the Johnson lever kicked out and she presumed her vote went to Johnson. The next voter in the booth came out without complaint.

The third voter made a complaint similar to the first—the machine voted Democratic when the Republican lever was pulled. The trouble was soon corrected.

At the West High Precinct, more than 100 voters were forced to wait when one machine would not function at all. • • •

Complaints of malfunctioning were fairly common. Republican headquarters in Phoenix said many elderly persons had to stand in line for two hours at Youngstown Precinct because of trouble with the machines.

By scheduled closing time, only 1,302 of 1,800 registered voters had pulled the levers at the Sungold Precinct in Palo Verde School.

Avalon and Suncrest Precincts had long lines at closing time and the two machines at Deer Valley Precinct in Church of the Nazarene had not yet served more than 200 voters at 7 p.m.

At Deer Valley, the two machines handled 35 voters an hour during the long day and

Some precincts reported smooth sailing all day with no complaints or problems. Long Precinct had only 350 voters to go at 2:30 p.m. out of 946 registered, and Alhambra Precinct had only 300 out of 1,060 voters on the yet-to-vote list by 3:30 p.m.

The Maricopa County Registration and Elections Bureau looked at the day of heavy voting and some confusion with a less-than-worried air.

Complaints were "unusually light," officials said, in view of the tremendous outpouring of voters. The chief complaints involved voters whose affidavits had not been filed with the bureau. The bureau blamed registrars for the oversight.

Mr. GOLDWATER. I will put them into the RECORD at a further point. In case the Senator cared to dwell on this at greater length, and he evidently has intended to——

Mr. BAYH. The Senator brought it up.

Mr. GOLDWATER. Mr. President, I have the floor.

He outlines that as one of the reasons, and has three pages on it in his minority report memorandum, I want to establish a firm understanding among Senators as to what took place. There are some allegations that I cannot support because I do not have any knowledge of them. But I do know in this case what happened, and, from personal knowledge, know that nothing happened that could in any way reflect on Mr. Rehnquist.

Mr. BAYH. The Senator from Arizona said there was no voter harassment.

Mr. GOLDWATER. That is right.

Mr. BAYH. Is the Senator not aware, since he was there, that there was sufficient harassment to have the FBI called into the Bethune precinct? If he would like to read the FBI field report—it is about a 36-page document—I am sure the chairman of the Judiciary Committee will make it available. If there was no harassment, why did the FBI do that?

Mr. GOLDWATER. The Senator does not understand what I have been trying to talk about. We have had the right in Arizona—and I think most States have it—to appoint two poll watchers to every precinct or to any precinct we care to. If these poll watchers see some person in line who they suspect has voted before or is voting not in consonance with the law, they have the right to challenge. This will happen. The entire line stops while that challenge is corrected.

But I will say this: We have found in the predominantly Republican districts at times, not often—neither side has abused this—the Democrats would challenge a Republican because they knew the whole line was going to vote Republican. When we challenged down in these districts, or up north in the districts where we had reason to believe, in the days before the 1964 Civil Rights Act and the 1965 Voting Act, that a man could not read or write, we had the legal right to challenge that. I think it was demanded upon us to make sure that no illegal votes were cast.

I will go back one more step: There may have been incidents at Bethune—the only case I can recall was a case of a man—certainly not Mr. Rehnquist—being moved out of the polling place by the police. There is no record of this man ever having been booked; there is no record of any charge being made against him. It was merely to settle an argument that had arisen between a Democratic watcher and a Republican watcher, before either took the trouble to call into headquarters and say, "What should we do?"

Mr. BAYH. Looking through some of the statements supporting Mr. Rehnquist, I find the name of Judge Charles Hardy. Is the Senator from Arizona familiar with Judge Hardy?

Mr. GOLDWATER. I know him very well.

Mr. BAYH. What is his capacity? Could the Senator tell the Senate what it is now?

Mr. GOLDWATER. He was judge of the superior court at that time, I believe. I think he possibly has been elevated now, but I would not swear to it.

I have great confidence in him. He is a Democrat. We think very highly of him. He is the one that stated, and I read it, that the alleged incident in question took place in 1962 and not 1964.

Mr. BAYH. I would like to read the statement in the brief that was referred to by the Senator from Arizona. In fact I was sufficiently unimpressed with this particular incident compared to everything else that I have not included it in my speech which I shall make tomorrow. I rise only because the Senator from Arizona takes issue here, and this is the only point he stressed. He seems to have indicated that anyone who thinks otherwise is not telling the truth. If there was no intimidation during the period in which Rehnquist was involved as a ballot security officer, then why did Judge Hardy write this?

In 1962, for the first time, the Republicans had challengers in all of the precincts in this county which had overwhelming Democratic registrations. At that time among the statutory grounds for challenging a person offering to vote were that he had not resided within the precinct for thirty days next preceding the election and that he was unable to read the Constitution of the United States in the English language. In each precinct the Republican challenger had the names of persons who were listed as registered voters in that precinct but who apparently had not resided there for at least thirty days before the election. In precincts where there were large numbers of black or Mexican people, Republican challengers also challenged on the basis of the inability to read the Constitution of the United States in the English language. In some precincts *every* black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people awaiting their turn to vote to grow tired of waiting and leave without voting. In addition, there was a well organized campaign of outright harassment and intimidation to discourage persons from attempting to vote. In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. There were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging

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were highly improper and violative of the Spirit of Free elections.

That is not BIRCH BAYH, that is Judge Hardy.

Mr. GOLDWATER. The Senator made a very important observation when he quotes Judge Hardy's letter in 1962; but that was in 1962, remember. And Judge Hardy made clear that Mr. Rehnquist never attempted to challenge voters at any polling place. The Republican watchers—not Mr. Rehnquist—had made challenges. We had to challenge them to get the Democratic boards of supervisors to approve of the watchers, and we finally did. Remember that in 1962, under the Arizona constitution and statutes, a man could be challenged as to whether he could read or write or there was reason to question whether he was registered in more than one precinct. I do not know Judge Hardy well enough to know what he would call harassment. There was only one incident that I can recall, and it may have been in Bethune where one man, I do not remember whether he was a Democrat or a Republican, was questioned and the police got him outside.

The Senator will notice, if he reads Judge Hardy's letter, that in 1962 the statutes of Arizona at that time had not been changed by the Civil Rights Act of 1964, so it still prevailed. The Republican Party, being the minority party in those days by, I would judge, 3 to 1, wanted to see that no votes were cast against us that should not legally be. We wanted to make every vote count, naturally, just as the Democrats put watchers in Republican districts.

Mr. BAYH. The Senator is relying on the rather strong letter from Judge Hardy. He does not question the judge's qualifications when he suggests that Mr. Rehnquist should be on the Supreme Court.

Mr. GOLDWATER. That is right.

Mr. BAYH. That same man testifies here about the blatant and unauthorized intimidation. Yet the Senator from Arizona says is a lie to make the accusation that there was intimidation going on in the precinct.

Mr. GOLDWATER. It is definitely a lie that Mr. Rehnquist was ever involved. I can only take Judge Hardy at his word, and can only rely on my own personal observations. He thinks highly of Mr. Rehnquist and has approved of him for the Supreme Court. I have respect for Judge Hardy. I do not know him intimately. I am not a lawyer, but I have great respect for him. If my memory serves me correctly, I believe I voted for him, even though he was a member of the other party. Occasionally we do that.

I would say this as to what the Senator says, which I believe to be correct, that this will not be made an issue so that we have then eliminated one little facet of this debate and perhaps we can close the door on that, if the Senator will tell his comrades in arms who want to debate this. If he will do that, I will be happy to sit down and say that this evening has been well spent.

Mr. BAYH. I believe that both sides have presented this clearly. The only reason I rose to engage in this colloquy was that I thought I heard the Senator say that he would say it was a lie if anyone on this floor said there had been any voting harassment in those precincts.

Mr. GOLDWATER. I intend to do that every time Mr. Rehnquist's name is brought into it. Mr. President, I ask unanimous consent to have the entire letter from Judge Hardy printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ.,
November 11, 1971.

HON. JAMES EASTLAND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: I am informed that at a hearing conducted by the Senate Judiciary Committee on Tuesday, November 9, 1971, Mr. Clarence Mitchell appeared in behalf of the National Association for the Advancement of Colored People and testified in opposition to the confirmation of the appointment of the Honorable William H. Rehnquist as an Associate Justice of the Supreme Court. I am also informed that in the course of his testimony Mr. Mitchell stated that Mr. Rehnquist had in the past been guilty of improper challenging of black voters during a general election a number of years ago and that his organization had received information from me which contradicted the statements which Mr. Rehnquist may have made regarding this matter.

In fairness to all concerned, I feel that I should inform you of my recollection of the events in question. I have also inquired of a number of friends who were Republican party workers in an effort to obtain further information.

To my knowledge, no one representing the National Association for the Advancement of Colored People has ever discussed Mr. Rehnquist with me.

I am informed that Mr. Mitchell testified that the events in question occurred during the general election of 1964. It is my recollection and the recollection of a number of others, both Democrats and Republicans, that actually 1962 was the correct year.

In 1962, for the first time, the Republicans had challengers in all of the precincts in this county which had overwhelming Democratic registrations. At that time among the statutory grounds for challenging a person offering to vote were that he had not resided within the precinct for thirty days next preceding the election and that he was unable to read the Constitution of the United States in the English language. In each precinct the Republican challenger had the names of persons who were listed as registered voters in that precinct but who apparently had not resided there for at least thirty days before the election. In precincts where there were large numbers of black or Mexican people, Republican challengers also challenged on the basis of the inability to read the Constitution of the United States in the English language. In some precincts every black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people awaiting their turn to vote to grow tired of waiting and leave without voting. In addition, there was a well organized campaign of outright harassment and intimidation to discourage persons from attempting to vote. In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. There were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging were highly improper and violative of the spirit of free elections.

Arizona Statutes provide grounds for challenging voters, appointment of challengers, proceedings on challenge and rules for determining the residence of a voter upon challenge. In addition to having a challenger at each voting precinct, each political party is also entitled to have a party representative present at all times. In every general election disputes arise concerning the interpretation of the Arizona Statutes or their application.

During the past several years both of the major political parties have had a committee of lawyers available at party headquarters on election days to assist in resolving any disputes which arise. Usually when a party headquarters is notified of a dispute in a voting precinct, one of the lawyers is dispatched to the scene to discuss the matter with the party representative there and to provide him with legal advice and assistance.

In 1962 I was in charge of the lawyers who acted in behalf of the Democratic party and Mr. Rehnquist in charge of the Republican lawyers.

I never observed Mr. Rehnquist attempting to challenge voters at any polling place. I understand that there was testimony that he had challenged voters at Bethune and Granada precincts. I can state unequivocally that Mr. Rehnquist did not act as a challenger at Bethune precinct. Because of the disruptive tactics of the Republican challenger at that precinct I had occasion to be there on several occasions. The same Republican challenger was there continuously from the time that the polls opened at 6:00 o'clock a.m. until about 4:00 o'clock in the afternoon. About that time, after a scuffle, he was arrested and removed from the polling place by sheriff's deputies. Thereafter there was no Republican challenger at Bethune.

With respect to Granada precinct, I cannot give credence to any charge that Mr. Rehnquist was challenging black voters there. In 1962 there were relatively few black voters residing within that precinct.

Challenging voters was not a part of Mr Rehnquist's role in 1962 or subsequent election years, nor did he have anything to do with the recruitment of challengers or their assignment to the various polling places. The person who was in charge of recruitment and assignment was Mr. Gordon Marshall who is not a lawyer and obviously was not under Mr. Rehnquist's direction as a member of the committee of lawyers. I have confirmed this by talking to Mr. Marshall.

I am informed by Mr. Marshall and others that before election day, Mr. Rehnquist met with all of the challengers to explain the voting laws to them. All of these persons insist that the instructions given by Mr. Rehnquist did not in any way suggest that challenging be conducted in a manner to prevent properly qualified persons from voting.

A day or two after the election Mr. Rehnquist and I had lunch together and discussed the events of election day. He expressed strong disapproval of the tactics which I have mentioned above. I felt then and I feel now that his expressions of disapproval were genuine.

Yours very truly,

CHARLES L. HARDY,
Judge, Superior Court.

Mr. COOPER. Mr. President, I am very much interested in this colloquy. I am sure that this sort of thing goes on in many States of the Union, and possibly in the State of the Senator from Indiana. I have served as an election officer and a challenger at polling places in Kentucky. We do that to protect the interests of our own party. So do the Democrats. There is nothing wrong with that.

Mr. GOLDWATER. There is nothing wrong with that. It is done, in my opinion, in most of the States of the Union. It is customary.

Mr. COOPER. I may say that I had to make some difficult challenges many years ago. We did not make many friends doing that, but it was our duty to do so. I recall in a precinct in western Kentucky where there were not many Republicans and in some counties there were less than 100 Republicans. Of course, we had to protect ourselves and we depended upon the honesty, in many cases, of the other party, to preserve the purity of the election, and in other counties we had to send people in from other precincts and sometimes people from other precincts would come into ours. There were precincts where we had to have poll watchers. That is true in every State, unfortunately.

The adoption of voting machines has helped in that regard to remedy many of those conditions, but I repeat that poll watchers and challenging are not only common practices but are proper practices.

Mr. GOLDWATER. The Senator is so correct. I can recite one instance that took place in a State adjoining ours where some Indians were allowed to vote merely by making a mark with their thumb print, or an X, and one of the Republicans who spoke their language very well stood the legal distance from the polling place and in a loud voice told the Indians that the man they were going to vote for had destroyed their horses. I do not say that that was right, but had there been a Democratic challenger there he would have challenged that. The man made the statement.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAYH. Mr. President, the Senator from Kentucky is such a legend across the river from my home State of Indiana that I wonder if I might ask him a question. He has been a judge, an ambassador, and a Senator.

I am very well aware of the fact that we all have to take certain precautions to keep the other side from stealing the election. I wish I could say that our side is pure on this matter. However, it is not.

When I first ran for the Senate, I became very distressed that in the small towns they would say that the big cities are stealing all the votes and in the cities they would say that the small towns are stealing the votes.

It seems to me that we have to have protection in both places. In the case to which the Senator from Kentucky alluded, has there ever been anything that in his judgment could be categorized as a well-organized campaign of outright harassment and intimidation to discourage persons from attempting to vote?

Mr. COOPER. I am sure that the Senator from Indiana has been in many races. I do not know how many but, he has been in a number of them. I think I have been in 20 campaigns, beginning with my race for the State legislature.

I have been through elections where we used to come to the precincts and bring the ballot boxes back to the courthouse. I have been in elections when we had voting machines.

I have never seen an election when there was not some feeling and some emotion. Of course, there is a great interest in the candidates and in the parties. However, we come sometimes to situations where passions are aroused and fights take place at the polls. I am sure that the Senator knows that this happens. There are great feelings on the part of both parties to protect their rights.

There have been times when efforts would be made to transport voters, who would first vote in their own precincts, and try to have them vote in a second and third precinct. Unfortunately, those practices have occurred.

I suppose that in many cases one side or the other does feel itself being harassed. If the poll watchers are doing their duty, it cannot be properly called harassment. I should note that Kentucky voting laws did not require a test—such as a literacy test. The use of poll watchers and the practice of challenging at the polls can be called an effort to protect the rights of both parties and to insure their equal treatment.

Mr. GOLDWATER. Mr. President, one important part of Judge Hardy's letter which has not been read aloud states:

A day or two after the election, Mr. Rehnquist and I had lunch together and discussed the events of election day. He expressed strong disapproval of the tactics which I have mentioned above. I felt then and I feel now that his expressions of disapproval were genuine.

Thus, Mr. President, these practices may have existed, but it had never been under Mr. Rehnquist. He has never been associated with it. And he has expressed strong disapproval of any challenge that might involve any physical force or intimidation at any time that I can think of. There is only one time in my memory that this took place and he definitely was not involved.

Mr. BAYH. Mr. President, I appreciate the statement, but there was a time when Judge Hardy's letter makes it rather clear that it did occur.

Mr. FANNIN. Mr. President, I could speak at length on the outstanding qualifications of William H. Rehnquist and also of his record which refutes all the accusations that have been made against him. But I think it would be repetitious. The CONGRESSIONAL RECORD is replete with this coverage. I will just speak for a few minutes this evening.

President Nixon has stated that Mr. Rehnquist has "one of the finest legal minds in the whole Nation." In the past few weeks since his nomination this conclusion has been overwhelmingly seconded by his former professors, his colleagues in private practice and in public service, and significantly, from those who have been his legal and political adversaries through the years. Throughout his career this relatively young man has demonstrated again and again that he has exceptional intellectual and professional competence. In addition, those who have been the closest to him attest to his strong character, fairness, and objectivity.

His intellectual excellence was first demonstrated by outstanding academic accomplishments as an undergraduate and as a law school student. When he received his B.A. degree from Stanford in 1948, it was "with great distinction" and as a member of Phi Beta Kappa. He also received an M.A. in political science from Stanford in 1949 and an M.A. in government from Harvard in 1950.

He returned to Stanford to attend law school from which he graduated first in his class in 1952. While there he served as an editor of the Law Review and was elected to the Order of Coif. In its report to the Judiciary Committee, the American Bar Association's standing Committee on the Federal Judiciary stated of his law school record:

"[H]e was highly respected by the faculty and fellow students as a gifted scholar. A classmate who is now a partner in a leading west coast firm, at our request, interviewed several other members of Mr. Rhenquist's class. Their evaluation, in part, is as follows:

"Mr. Rhenquist is of exceptional intellectual and legal ability. He was a law student among law students. * * *. From the atandpoint of intellectual and legal ability, there cannot be question among reasonable men on his exceptional qualifications.

"His personal integrity is not subject to challenge. While various of the interviewees, including myself, by no means agree with some of the political and social views of Mr. Rehnquist, each of us is completely satisfied, that he will approach his task with objectivity, that he will decide each case that comes before him on the thorough analysis of applicable law and a careful study of the facts."

Mr. Rehnquist's former professors share the opinions voiced by his fellow classmates. One has stated that "he has that all important capacity for steady continual growth" and another that "He was the outstanding student of his law school generation." Among the several letters to the Judiciary Committee on behalf of Mr. Rehnquist the following one from Phil C. Neal, a former professor at Stanford, and now dean of the University of Chicago Law School, is typical:

Rehnquist was a student of mine at Stanford Law School. He was not only the top student in his class but one of the best students in the School over a number of years. He has remained in my mind as one of the most impressive students I have had in some twenty-two years of teaching.

I believe he would be an independent judge and that he would bring to the Court an unusual capacity for understanding and responding to all dimensions of the difficult problems the Supreme Court must confront. In my judgment his appointment would add great strength to the Court.

Following law school, Mr. Rehnquist came to Washington where he served as law clerk for Mr. Justice Robert H. Jackson during the years 1952–53. Typically, the ABA found that his fellow clerks during this period respected his ability.

In 1953, Mr. Rehnquist moved to Arizona and entered private law practice in Phoenix. He was a partner in various Phoenix law firms from 1955 to 1969. In addition to his varied legal practice in Phoenix, Mr. Rehnquist was quite active in bar association activities. These in-

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cluded a term as president of the Maricopa County Bar Association which includes the Phoenix area and at that time had a membership of approximately 1,200. He was also active in the State bar association and its many activities including the Arizona Law Institute and membership on the Committee on Uniform Laws. When he left Phoenix his rating in Martindale-Hubbell was the highest, and as the ABA report states:

He was clearly a person of recognized professional quality who, for his age, was highly regarded.

This conclusion is supported by the statements of fellow practitioners who came to know and admire Mr. Rehnquist's legal abilities during his 16 years as a practicing attorney in Phoenix. C. A. Carson III, a former law partner and a member of the ABA board of governors and House of Delegates, characterized the nominee as "a wonderful man, a great lawyer, and a scholar with a fine mind." Another former law partner, James Powers, described Mr. Rehnquist as "a first rate legal scholar," adding:

He is the ultimate reasonable man. • • • I'm sure he'll make an excellent Justice.

I think that the views of the Arizona legal community are aptly summarized by the statement to the Judiciary Committee of Howard Karman, president of the Arizona State Bar Association:

I have known Bill Rehnquist professionally for a number of years. After his nomination by President Nixon, I talked to a great many people in Arizona, Republicans and Democrats, liberals and conservatives. To a man they had nothing but praise for Bill Rehnquist. I was surprised that no lawyer I spoke with had an unfavorable comment to make, even those who find themselves at the opposite end of the political spectrum.

He concluded his statement as follows:

I believe that Mr. Rehnquist is admirably qualified by virtue of intellect, temperament, education, training and experience to be confirmed • • •.

The collective views of Arizona attorneys on this nomination are also reflected in the unanimous endorsement given Mr. Rehnquist by the board of governors of the State Bar of Arizona. They praised him for having "continually demonstrated the very highest degree of professional competence, integrity, and devotion to the ends of justice."

At the national level, the conclusion of the American Bar Association's standing Committee of Federal Judiciary speaks for itself:

The present conclusion of the Committee, limited to the area described above, is that Mr. Rehnquist meets high standards of professional competence, judicial temperament, and integrity. To the Committee, this means that from the viewpoint of professional qualifications, Mr. Rehnquist is one of the best persons available for appointment to the Supreme Court.

The qualities that earned these plaudits for Mr. Rehnquist from practitioners were also known to the academic community in Arizona. Dean Willard H. Pedrick of the Arizona State University College of Law felt that these qualities would make him an excellent professor of law and approached him on the subject about a year ago. Because of his commitment to the Department of Justice, Mr. Rehnquist declined to consider such a post. Dean Pedrick wrote to notify the Judiciary Committee of the intelligence and integrity of the nominee and warmly endorsed his nomination to the Court. He stated:

The qualities that would, in my judgment, have made him an excellent law professor should make him an excellent Justice of the United States Supreme Court. On that Court, charged with responsibility to serve the interests of all of the people in interpreting the Constitution of the United States and the laws of Congress, I am confident he will serve his country with great distinction.

In addition to the support of colleagues who have worked closely with him in the daily practice of law, public officials throughout the State of Arizona have added their warm support for Mr. Rehnquist. Arizona Gov. Jack Williams described Mr. Rehnquist as a "real scholar, an outstanding attorney." Vice Chief Justice Jack D. H. Hays, of the Arizona Supreme Court, noted that Mr. Rehnquist is "a very outstanding young man, a tremendous legal scholar." Former Arizona Supreme Court Judge Charles Bernstein stated:

I couldn't think of a better choice. • • • He has an extremely well-balanced philosophy. • • • A sense of feeling for human beings, especially for the little man.

Gary Nelson, attorney general of Arizona, noted:

I was ecstatic at the announcement of his nomination. • • • I think he's outstanding.

State Senator Sandra D. O'Connor, a law school classmate, stated:

He has the potential to become one of the greatest jurists of our highest court.

She noted that as a law student:

He quickly rose to the top of the class, and, frankly, was head and shoulders above all the rest of us in terms of sheer legal talent and ability.

Arizona State Republican Chairman Harry Rosenzweig remarked:

The President • • • has made a very fine selection. He is not only a lawyer but a student of the law.

Herbert L. Ely, the State Democratic chairman, also supports the confirmation of William Rehnquist as do the Arizona Republic, the Phoenix Gazette, and the Tucson Daily Citizen newspapers.

As the hearings and the letters to the Judiciary Committee on this nomination make clear, the tributes to Mr. Rehnquist from his fellow Arizonans go on and on. It is also clear that the tributes have flowed equally from those who have worked with him in his capacity as Assistant Attorney General in the Office of Legal Counsel. The principal area of expertise of this Office is in matters of constitutional law. As you know, the Office—often called the President's law firm—assists the Attorney General in serving as legal adviser to the President and his staff. It also drafts the formal opinions of the Attorney General and gives informal opinions and advice to agencies within the executive branch of the Government. In short, Mr. Rehnquist is, as President Nixon described him, the President's lawyer's lawyer.

As I indicated earlier the endorsement by the people who have worked with the nominee in this position is as strong as that given by those who knew him in Phoenix. Mr. Rehnquist's first assistant in the Office of Legal Counsel, Martin Richman, a former clerk to Chief Justice Earl Warren, and who was in the Office during Ramsey Clark's tenure as Attorney General, but who stayed on during the first 4 months when Mr. Rehnquist came to the Office, had this to say:

I need not dwell on Mr. Rehnquist's legal abilities. He has an incisive grasp for the key issues in a complex problem, the ability to learn a new subject quickly and an exceptional gift for expressing legal matters clearly and forcefully in writing. Though long out of the academic atmosphere, he has a fine scholarly bent, with an inquiring mind on subjects ranging beyond legal matters.

In terms of character, he is strong, honorable, straightforward in his actions and positions. I thought he showed exceptional sensitivity and decency in his decisions on administrative and personnel matters within the Office. While these traits do not necessarily bear on legal ability, they speak deeply of the character of a man.

Mr. Rehnquist approaches legal problems thoughtfully, with careful personal study. He is responsive to persuasive argument, and contributes to it by the articulate preentation of his own views. He brings his considerable legal ability to bear when the issues are broad questions of constitutional law, as well as on more technical matters.

Mr. Richman's successor as first assistant, Thomas E. Kauper, who is now a professor of law at the University of Michigan Law School, also notified the committee that he believed Mr. Rehnquist to be "exceptionally well qualified" for the Court, adding:

William H. Rehnquist is as fine a lawyer as I have encountered. He has a scholarly, intellectual approach to legal problems which is not found in many practicing lawyers. While he and I did not always agree on the resolution of legal issues, I always received a fair hearing and found him eager to learn all that he could before making a decision. In addition to a powerful legal mind, and perhaps equally as important, Mr. Rehnquist has abiding interest in and concern for the development of the law and legal institutions. He has all the qualities to become a truly great judge, and to assume a substantial degree of intellectual leadership on the Court for a number of years to come.

These conclusions are echoed by members of the career legal staff in the Office of Legal Counsel.

Mr. President, I think it is worth emphasizing that those who have known the nominee personally and have worked closely with him throughout his legal career have been unanimous in their praise. Whether they are former classmates, former professors, fellow practitioners in Phoenix, or colleagues in the Justice Department, these people, regardless of political or philosophical persuasion, have given their full support to his nomination and recommend his speedy confirmation.

Mr. President, the qualifications, character, and philosophy of William H. Rehnquist have been under microscopic examination for more than a month. Members of the Senate Judiciary Committee had ample opportunity to probe his background and his performance as an attorney and as an administration official.

The most ardent of investigators and investigative reporters have left no stone unturned in examining Mr. Rehnquist's past.

There has been a concerted effort by opponents of the nomination to turn up some tangible evidence why Mr. Rehnquist should be rejected.

These efforts have failed.

Nothing has been put forward that casts any doubt on the qualifications of William H. Rehnquist to be an Associate Justice of the Supreme Court. His qualifications are superb.

It has been proven that William Rehnquist has not involved in any voter harassment as has been alleged by his opponents. Mr. Rehnquist has denied the charge. Others who were connected with the elections in question also have said that Rehnquist could not have been involved.

Allegations that William H. Rehnquist was a member of an extremist group in the early 1960's are without foundation. He has denied belonging to the group in question, and no evidence has been offered to support the vicious rumor spread by opponents of the nomination.

There has also been a thorough investigation of the legal philosphy of William H. Rehnquist.

Opponents say he lacks an appreciation of civil rights and that he is prone to support more police powers for the government.

Mr. President, neither of these is true.

Mr. President, some interesting observations concerning the debate over the Rehnquist nomination were made by Tom Wicker in the Sunday editions of the New York Times. He places in perspective the question that we are considering here today.

I ask unanimous consent to insert Mr. Wicker's column in the RECORD at this point:

There being no objection, the column was ordered to be printed in the RECORD, as follows:

IN RE REHNQUIST

(By Tom Wicker)

WASHINGTON.—The Senate apparently will confirm Lewis Powell next week as an Associate Justice of the Supreme Court. After that, it will either face up to or delay the far more controversial and difficult matter of William Rehnquist, President Nixon's other nominee to the Court.

As it now appears, Mr. Rehnquist will be confirmed, too, unless those who oppose him are determined enough and able to put together something like the filibuster that, in 1968, prevented confirmation of Abe Fortas as Chief Justice.

This is at least a long-shot possibility because of Mr. Rehnquist's comparative youth (47) and his reputation as a skilled, active and intent champion of strongly conservative causes. Liberals fear he may become for many years the vigorous leader of a reactionary Court, but their dilemma is that no ethical or professional charges sufficient to warrant Mr. Rehnquist's rejection have so far been proved.

That means that the battle has to be fought, if at all, on the tricky ground of Mr. Rehnquist's political views—whether it is called his "judicial philosophy" or his "constitutional approach." The view was put forward in this space on Nov. 11 that this kind of opposition was "dangerous business"—that it suggested the existence of a kind of political orthodoxy, would tend to politicize the Court, would punish some people for their ideas while frightening others out of having any and would lead inevitably to political retaliation.

On balance, with full awareness that Mr. Rehnquist's views on the Bill of Rights seem antilibertarian, and despite weighty arguments from many who disagree, it still is "dangerous business" to reject him for his political views. Is it seriously to be asserted that conservative—even arch-conservative—views disqualify a man for service on the Supreme Court? If so, then what prevents some other Senate from disqualifying a man for strongly liberal views or for being a "new leftist" or a "neo-isolationist" or some other stereotype?

This is not to deny that the Senate has a duty to consider the qualifications of a nominee to sit upon the Court. Or that among the qualifications it ought to consider is his general political, constitutional and judicial view of things. Judge Carswell, for instance, was judged to be lacking in intellectual and legal competence, a judgment that could be solidly documented.

But can it be shown that Mr. Rehnquist lacks fidelity to the Constitution? No, only that in his view it allows more power to the state and less to the individual than many other Americans believe to be the case.

Can it be shown that Mr. Rehnquist's views are factually in error or substantively wrong? No, it is a matter of interpretation, and it is late in the day for liberals to start asserting that the Constitution is an absolute document not subject to interpretation or differing ideas. It is, in fact, the prime duty of the Supreme Court to decide what the Constitution means, on given subjects at given times in history.

Nor is the political aspect of the Rehnquist nomination an open-and-shut affair. No doubt Mr. Rehnquist will be a formidable conservative force on the Court (although that remains a supposition that only time can justify). Even so, the damage he might do to liberal causes could well be less than the political consequences of a third rejected Nixon nominee, a third defeated conservative, in a Senate dominated by liberal Democrats. Just as the Court itself must sometimes practice "judicial restraint," so it may be that the Senate ought to practice some political restraint. This, of course, is a value judgment that each Senator must make for himself.

That also is true of the really crucial question about Mr. Rehnquist, which can best be explained by reference to Mr. Powell. Those who know the Virginia lawyer, a former American Bar Association president, concede that his views in many ways are as conservative as those of Mr. Rehnquist—and that fact was documented in an article by Mr. Powell recently reprinted on this page.

But Mr. Powell, it is said, is an experienced and fair-minded man of judicial temperament who, in deciding legal and constitutional questions, will put aside any personal or political preferences and prejudices that can't be squared with the law and the facts of a case. He might, for instance, generally approve wiretapping as a law-enforcement tool—yet be willing to rule against it when, in some particular case, the facts showed that the law and the Constitution had been violated.

It is to be hoped that that is true—of Mr. Powell and of any nominee, liberal or conservative. Whether or not it is true of William Rehnquist is the vital question about his nomination, and one that each Senator must judge for himself. If Mr. Rehnquist can put his personal views aside when they can't be fairly justified by the law and the facts, then those views should not be the deciding factor; but if any Senator feels that Mr. Rehnquist, or any other nominee, could not so discipline himself intellectually, voting to reject him would surely be a duty.

Mr. FANNIN. Mr. President, William H. Rehnquist is a very human person. A man who has a deep respect for human rights and human dignity. If anyone is in the mainstream of American thought when it comes to the rights of man, it is William H. Rehnquist.

He has stated clearly that he believes in the Bill of Rights. He has said that the Government must be restrained in exercising police powers which could threaten our rights as free men.

Mr. President, I could go on at great length and delve into the reams of material that have been produced in the past month concerning the nomination. I do not think that this is necessary. It is obvious that the overwhelming mass of the material produced makes it clear that the nomination should be confirmed.

William H. Rehnquist is equipped as legal scholar, and as man of human compassion to be an outstanding Associate Justice of the Supreme Court.

It is with great pleasure that I recommend his confirmation.

MR. WILLIAM REHNQUIST AND BROWN AGAINST BOARD OF EDUCATION

Mr. BAYH. Mr. President, new and disturbing information concerning Mr. William Rehnquist's commitment to equal justice in this country was revealed today. According to Newsweek magazine, Mr. Rehnquist, while a law clerk to Mr. Justice Jackson, wrote a memorandum which argued that the rule of "separate but equal" of *Plessy* vs. *Ferguson* should be "reaffirmed." Fortunately for the Nation, Mr. Justice Jackson disregarded his law clerk's advice and voted with the rest of the Court to overrule Plessy and hold in *Brown* vs. *Board of Education* that segregation in the public schools was "inherently unequal."

That case, Mr. President, was perhaps the most significant decision the Court made this century. It was the decision which at long last made the great promise of the 14th amendment—"no State shall deny to any person the equal protection of the laws"—into a realizable goal. And, importantly, it was a unanimous decision.

Mr. Rehnquist was a 28-year-old law clerk when he wrote to Mr. Justice Jackson a memorandum entitled "A Random Thought on the Segregation Cases." In it, he argued that Plessy "was right and should be reaffirmed." He responded to the appellant's argument—made by the present Mr. Justice Thurgood Marshall—this way:

To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John, Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are. One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such

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rights have been sloughed off, and crept silently to rest. If the Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be reaffirmed. If the Fourteenth Amendment did not exact Spencer's *Social Statics*, it just as surely did not exact Myrdahl's *American Dilemma*.

It is distressing indeed that Mr. Rehnquist placed property rights on the same plane as human rights in this memorandum. But it is more distressing that he had the same view 10 years later when, in 1964, he opposed a local public accommodations ordinance on the ground that it was an unjustified imposition on the property rights of owners who wished to discriminate on racial grounds. And Mr. Rehnquist insisted even at his confirmation hearings that property rights are as important as human rights.

Perhaps even more distressing, however, is Mr. Rehnquist's view that the Court's efforts "to protect minority rights of any kind" were doomed to failure. His prediction about the Brown case itself—that the Court "must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men"—was, fortunately, quite inaccurate. But the plain implication of the statement is that Mr. Rehnquist does believe the Supreme Court has a significant role to play in protecting the rights of individuals and minority groups. This sadly fits into the later pattern of Mr. Rehnquist's actions with respect to civil rights. He has persistently been hostile to efforts by court or legislature to use law to correct the racial injustices of the past two centuries.

Mr. Rehnquist realized even in 1953 that his was "an unpopular and unhumanitarian position." And so it was. But more important, it is a position which reflects a cramped and narrow view of the role of the Supreme Court in modern American life. It reflects a view of the Court inconsistent with its high role in the protection of the constitutional rights of every American citizen.

Mr. President, I ask unanimous consent that the full text of the memorandum by Mr. Rehnquist to Mr. Justice Jackson which has been made public by Newsweek be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A RANDOM THOUGHT ON THE SEGREGATION CASES

(Memorandum by Mr. Rehnquist to Mr. Justice Jackson)

One-hundred fifty years ago this Court held that it was the ultimate judge of the restrictions which the Constitution imposed on the various branches of the national and state government. *Marbury* v. *Madison*. This was presumably on the basis that there are standards to be applied other than the personal predilections of the Justices.

As applied to questions of inter-state or state-federal relations, as well as to interdepartmental disputes within the federal government, this doctrine of judicial review has worked well. Where theoretically coordinate bodies of government are disputing, the Court is well suited to its role as arbiter. This is because these problems involve much less emotionally charged subject matter than do those discussed below. In effect, they determine the skeletal relations of the governments to each other without influencing the substantive business of those governments.

As applied to relations between the individual and the state, the system has worked much less well. The Constitution, of course, deals with individual rights, particularly in the First Ten and the Fourteenth Amendments. But as I read the history of this Court, it has seldom been out of hot water when attempting to interpret these individual rights. *Fletcher* v. *Peck*, in 1810, represented an attempt by Chief Justice Marshall to extend the protection of the contract clause to infant business. *Scott* v. *Sanford* was the result of Taney's effort to protect slaveholders from legislative interference.

After the Civil War, business interest came to dominate the Court, and they in turn ventured into the deep water of protecting certain types of individuals against legislative interference. Championed first by Field, then by Peckham and Brewer, the high water mark of the trend in protecting corporations against legislative influence was probably *Lochner* v. *NY*. To the majority opinion in that case, Holmes replied that the Fourteenth Amendment did not enact Herbert Spencer's Social Statics. Other cases coming later in a similar vein were *Adkins* v. *Children's Hospital*, *Hammer* v. *Dagenhart*, *Tyson* v. *Banton*, *Ribnik* v. *McBride*. But eventually the Court called a halt to this reading of its own economic views into the Constitution. Apparently it recognized that where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases.

In these cases now before the Court, the Court is, as Davis suggested, being asked to read its own sociological views into the Constitution. Urging a view palpably at variance with precedent and probably with legislative history, appellants seek to convince the Court of the moral wrongness of the treatment they are receiving. I would suggest that this is a question the Court need never reach: for regardless of the Justice's individual views on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction. If this Court, because its members individually are "liberal" and dislike segregation, now chooses to strike it down, it differs from the McReynolds court only in the kinds of litigants it favors and the kinds of special claims it protects. To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John, Marshall, that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the conatitutional rights of the minority are. One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

THE NATIONAL CONFERENCE OF BLACK LAWYERS OPPOSES THE NOMINATION OF WILLIAM REHNQUIST

Mr. BAYH. Mr. President, I received today an eloquent and persuasive statement by the National Conference of Black Lawyers in opposition to the confirmation of William Rehnquist to be an Associate Justice of the Supreme Court. The group concluded:

There exists today a great crisis of confidence in the American judicial system. If those who are striving for justice through the use of the legal system are to continue to hope, that system must give them reason to hope. In these critical times, such hope is not served by placing on the Nation's highest court a man of Mr. Rehnquist's background and views.

I commend to every Senator this entire statement, and I ask unanimous consent that it be printed in today's RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL CONFERENCE OF BLACK LAWYERS ON THE SUPREME COURT NOMINATION OF WILLIAM REHNQUIST

The National Conference of Black Lawyers (NCBL) wishes to go on record as firmly opposed to the confirmation of Mr. William Rehnquist as an Associate Justice of the United States Supreme Court. NCBL is an organization of Black attorneys formed to challenge racism in our legal system and to provide the legal expertise necessary in the Black American's struggle for justice. We number in our ranks attorneys representing the entire spectrum of both the private and public bar, as well as elected government officials from the local, state and national levels. It is the view of our organization that Mr. Rehnquist is fit neither professionally nor personally to sit on the nation's highest court.

Perhaps to a greater extent than any other single community of persons in the United States, the Black community knows the need for persons of quality on the bench. We have known judges without humanity or wisdom who could look at fellow human beings and find them less than human because their skins were Black. We have suffered the predations of greedy slaveholders who had as their ultimate support the approval of the highest court in the land. We have been long suffering. We suffer still. But we have also known the power of justice in this country. We have felt the exhilaration of seeing the courts vindicate truth crushed to the earth. In our struggle we have on numerous occasions been heartened by the performance of the Supreme Court, which through the wisdom and courage of some of its judges has dared to protect the rights of the poor, the Black, politically unpopular in the face of hostile national opinion.

Mr. Rehnquist, in our view, does not possess the qualities we have a right to expect from a member of the United States Supreme Court, in whose hands may rest the freedom of future generations. He is a man of technical intelligence without sound judgment; a man of deeply held prejudices, apparently, without the capacity to recognize them. In short, this proposed appointee to the high bench is a man without vision. In support of this judgment we ask that the Senate take note of the following examples of Mr. Rehnquist's views and actions.

In 1964, the City Council of Phoenix, Arizona was considering passing an ordinance guaranteeing to all minority groups equal rights of access to public accommodations. Mr. Rehnquist's position vis a vis the ordinance was that it would be an indignity to the proprietors of such public facilities to require them to open their doors to Black people. Said he, "It is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this."

Despite this position, Mr. Rehnquist purports to be dedicated to a free society in which every person is equal before the law. These professions of belief in equality, however, do not stand up very well in the light of the relative weights Mr. Rehnquist accords to the white proprietor's right to discriminate racially, as against the right of Blacks to equal access to public accommodations. When confronted with this conflict, Mr. Rehnquist has made it quite clear that it is his view that if the white man desires to discriminate against the Black, it is acceptable because "each man (should be) accorded a maximum amount of freedom of choice in his individual activities." (Letter to the Editor, Arizona Republic, September 9, 1967.) What of the Black man's rights? What of the rights of the Mexican-Americans, the American Indian, the Puerto Rican, the Chinese, Japanese or Filipino-American?

Even if, in the face of controversy over his nomination, Mr. Rehnquist has now modified his public views on the question of race and the law, his overall record and long standing insensitivity in this area make him an inappropriate choice for the Supreme Court of the United States.

M. Rehnquist's lack of vision is not limited to the area of race. Nor is the damage such lack of vision can do confined to Black Americans. Consider his views on First Amendment freedoms. Mr. Rehnquist has expressed his view in support of government surveillance of persons engaged in political expression—including lawfully protected activity. The "Big Brother" state in which the decision to engage in surveillance of anyone and everyone is secret and unexamined will not, Mr. Rehnquist maintains, "chill" political dissent (See, Speech, "Privacy, Surveillance, and the Law," March 19, 1971). Since we operate in this society on the theory that more police "surveilling" neighborhoods will deter or chill crime, it is difficult to see why surveillance would not have a similar effect on political dissent. Apparently, Mr. Rehnquist's answer to this is that political dissenters have nothing to fear since dissent itself is not outlawed. But this is an insufficient response. The specter of more unlawful arrests such as those involved in the May Day Demonstrations, where mass arrests were in Mr. Rehnquist's view justifiable (although his would-be brothers in the District of Columbia Courts strongly disagreed) would in fact "chill" almost anyone. Secondly, even assuming that the demonstrators' fear of unlawful prosecution is unjustified, the question remains whether the government may use fear of prosecution, even if not the reality of it, to stifle protest. The heart of the Constitution centers around the First Amendment freedoms. This government is built on the right of the people to petition the government for change when that government no longer serves them. To "chill" or destroy this is to destroy the very foundation on which this society is supposed to be built. If Mr. Rehnquist does not see and honor this, the society should not dare take the risk of letting him play havoc with our democratic form of government.

Consider, as well, Mr. Rehnquist's views in the criminal justice area. Basically his formula for dealing with the complexities of this country's burgeoning crime and law enforcement problems is only to strengthen the hand of the people. No one disputes, least of all Black people who are most frequently the *victims* of serious crimes, that crime is a dread malignancy which must be cut from the body politic. The question is how to do so. Any thinking person, any unbiased person, sees that there are several levels of problems involved and that fairness cannot be attained simply by giving more power to the police. Furthermore, preventive detention and curtailment of bail privileges for "dangerous" offenders (whoever they are and however identified) is no answer to the underlying ills which cause crime.

The experience of many Black Americans in this society is that of deprivation, disrespect by whites, social ostracism, and political persecution. Can it seriously be expected that in any scale of values that a Black person treated so lawlessly will respect the very law he views as an instrument of his oppression? And what of the lawlessness which police operating without meaningful constraints engage in and foster? Is there no value to be placed on keeping the hands of the state clean? Little or no consideration is given these concerns by Mr. Rehnquist in any of his writings. Instead his views in this area betray more blind spots, more lack of vision.

It is the view of NCBL that it is imperative that a Justice of the Supreme Court have the capacity to analyze and weigh competing values fairly, with an eye to doing justice. Through his prejudice, his authoritarianism, his mechanical approach to serious social problems Mr. Rehnquist has demonstrated that he lacks this capacity—this judgment. We do not maintain that opinions which vindicate civil liberties are *ipso facto* opinions reflecting vision, but we do insist that a person who sits as a Supreme Court Justice possess that critical faculty necessary to judge issues openly and freely. A person as wedded to ideology as Mr. Rehnquist does not possess that faculty. Under the guise of not "rewriting" the Constitution, he misconstrues its function in an evolving society, and seeks the solace of a simpler day when simple shortsightedness such as his dictated simplistic analyses of events and laws.

There exists today a great crisis of confidence in the American judicial system. If those who are striving for justice through the use of the legal system are to continue to hope, that system must give them reason to hope. In these critical times, such hope is not served by placing on the nation's highest court a man of Mr. Rehnquist's background and views. Those who have historically suffered the pains of legally sanctioned and legally implemented class, caste, and political bias, view with alarm the possible ascendance to the bench of a man so cruelly insensitive to the legal rights of the poor, the Black and the politically unpopular. Those who, throughout the world, respect the American effort at constitutional democracy look on in wonder as the nation appears to be moving in a direction that will diminish the stature of the Supreme Court and diminish the role of the Supreme Court as an Institution on the side of liberty.

For all the foregoing reasons, the National Conference of Black Lawyers vigorously urges the Senate of the United States to disapprove the nomination of William Rehnquist as an Associate Justice of the United States Supreme Court.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R.11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service insurance;

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Kansas (Mr. PEARSON) tomorrow, the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from Delaware (Mr. ROTH) tomorrow, the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Massachusetts (Mr. KENNEDY) tomorrow, the junior Senator from West Virginia, now speaking (Mr. BYRD), be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the junior Senator from West Virginia (Mr. BYRD) tomorrow, there be a period for the transaction of routine morning business for not to exceed 15 minutes, statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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ORDER FOR EXECUTIVE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow the Senate go into executive session to resume its consideration of the nomination of Mr. William Rehnquist for the office of Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAYH. For the information of the Senate, as well as the Senator from Indiana, will our distinguished deputy majority leader be so kind as to give us a rundown on the parliamentary situation tomorrow? I have had several Senators inquire whether it would be possible for them to make speeches which would not be germane to the subject of the executive matter before the Senate.

Mr. BYRD of West Virginia. In response to the inquiry of the distinguished Senator from Indiana, once the 3 hours under the Pastore rule have elapsed—if my understanding of the rules and procedures of the Senate is correct—the Senate could not proceed, while in executive session, to the consideration of legislative business without unanimous consent or by motion. However, one can speak on a nongermane subject in executive session without a point of order being raised, after the Pastore rule of germaneness has expired.

Mr. BAYH. I thank the Senator. I am just trying to be in a position to advise Senators. So that 3 hours after the speaking orders, anyone who wants to make a speech on India, for example, it would be the perfect time for speaking. Is that correct?

Mr. BYRD of West Virginia. It is not necessarily 3 hours after the conclusion of orders for the recognition of Senators to make 15-minute speeches. It is 3 hours following the triggering of the Pastore germaneness rule, whatever the trigger may be—the transaction, for example, of some business by unanimous consent on the legislaitve calendar the first thing tomorrow morning; if the leader calls up and disposes of a bill on the legislative calendar by unanimous consent, that would trigger the Pastore rule, and the 3 hours would start to run; or if no business is transacted until the conclusion of the routine morning business and the Senate then goes into executive session to resume debate on the Rehnquist nomination, at that point the 3 hours under the Pastore rule would be triggered. During the course of that 3 hours one could not speak on a nongermane subject, except by unanimous consent; but once the Pastore rule expires, as I stated—and I would like to ask the Chair if I am correct—although one could proceed in executive session to take up legislative business only by unanmious consent or by motion, there is no rule of germaneness in executive session and one may speak on a nongermane subject at that time without unanimous consent.

May I ask the Chair if I am correct?

The PRESIDING OFFICER. The rule of germaneness would apply in the first 3 hours, whether it be an executive session or a legislative session.

Mr. BYRD of West Virginia. That is what I have stated.

The PRESIDING OFFICER. That is what the Senator from West Virginia stated. The Senator is correct.

Mr. BYRD of West Virginia. And once the Pastore rule has expired, is there any rule of germaneness in executive session?

The PRESIDING OFFICER. There is no rule of germaneness at that point.

Mr. BYRD of West Virginia. Although legislative business cannot be taken up in executive session except by unanimous consent, or by motion, a Senator may speak on a nongermane subject once the Pastore rule of germaneness expires.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. I thank the Senator.

QUORUM CALL

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. PEARSON, Mr. ROTH, Mr. KENNEDY, Mr. BYRD of West Virginia; at the conclusion of which orders there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

When morning business has been concluded, the Senate will go into executive session to resume consideration of the nomination of Mr. William Rehnquist for the office of Associate Justice of the Supreme Court of the United States.

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 33 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 7, 1971, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 6 (legislative day of December 4), 1971:

SUPREME COURT OF THE UNITED STATES

Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States.

DEPARTMENT OF THE TREASURY

Romana Acosta Banuelos, of California, to be Treasurer of the United States.

Edgar R. Fiedler, of New York, to be an Assistant Secretary of the Treasury.

U.S. DISTRICT COURTS

Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska.

U.S. POSTAL SERVICE

The following-named persons to be Governors of the U.S. Postal Service for the terms indicated, to which offices they were appointed during the last recess of the Senate:

Elmer T. Klassen, of Massachusetts, for a term of 1 year.

Frederick Russell Kappel, of New York, for a term of 2 years.

Theodore W. Braun, of California, for a term of 3 years.

Andrew D. Holt, of Tennessee, for a term of 4 years.

George E. Johnson, of Illinois, for a term of 5 years.

Crocker Nevin, of New York, for a term of 6 years.

Charles H. Codding, of Oklahoma, for a term of 7 years.

Patrick E. Haggerty, of Texas, for a term of 8 years.

M. A. Wright, of Texas, for a term of 9 years.

HOUSE OF REPRESENTATIVES—*Monday, December 6, 1971*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. TEAGUE of Texas.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

DECEMBER 6, 1971.

I hereby designate the Honorable OLIN E. TEAGUE to act as Speaker pro tempore today.

CARL ALBERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Mrs. James Wyker, D.D., the Union Church, Berea, Ky., offered the following prayer:

Our Father, we thank Thee for responsible freedom, for a nation demanding its right to worship, assemble, and speak, according to the dictates of conscience.

We ask Thee today to hallow our freedom of yesterday in the enactments of tomorrow. May we dedicate our wealth and leadership to one world, under God.

We pray for our Representatives in the Congress as daily they must make far-reaching decisions for 200 million people. "There is no loneliness in all the world like the loneliness of command." Bless them as they serve, we pray.

May clergy in all religious faiths not only pressure our Government for social justice but minister, in the deepest sense, to those who carry such heavy burdens. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of forty hours in a workweek;

H.R. 9097. An act to define the terms "widow," "widower," "child," and "parent" for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance; and

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 10604. An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial;

H.R. 11932. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 11955. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11932) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. EAGLETON, Mr. PERCY, Mr. BOGGS, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11955) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. MCGEE, Mr. MONTOYA, Mr. HOLLINGS, Mr. YOUNG, Mrs. SMITH, Mr. HRUSKA, Mr. ALLOTT, and Mr. COTTON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2248. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1116) entitled "An act to require the protection, management, and control of wild free-roaming horses and burros on public land."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes;

S. 1218. An act to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes;

S. 1857. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended;

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse;

S. 2262. An act to permit a home mortgage loan by a federally insured bank to a bank examiner;

S. 2824. An act to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes;

S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child; and

S.J. Res. 75. Joint resolution to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology.

The message also announced that Mr. ROTH was appointed as a conferee on the bill (H.R. 9961) entitled "An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes," in lieu of Mr. BENNETT.

APPOINTMENT OF CONFEREES ON H.R. 11932, DISTRICT OF COLUMBIA APPROPRIATIONS, 1972

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. NATCHER, GIAIMO, PRYOR of Arkansas, OBEY, STOKES, MCKAY, MAHON, DAVIS of Wisconsin, SCHERLE, MCEWEN, MYERS, and BOW.

THE REVEREND MRS. JAMES WYKER

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute.)

Mrs. GREEN of Oregon. Mr. Speaker, today marks another first, I am told. According to Dr. Latch, our regular Chaplain, today is the first time in the history of the House of Representatives that the invocation has been given by a woman. I count it a special privilege, because she has been a longtime friend of mine and, as I see it, she is one of America's most outstanding women. She is an ordained minister in the Christian Church. She was the first woman to receive an honorary doctor of divinity degree from Transylvania University of Lexington, Ky. She served as the acting president of the International Assembly of the Christian Church. The Christian Church was represented by Mrs. Wyker at meetings of the World Council of Churches at Amsterdam, Holland. She served as a member of the Commission on the World Council of Churches for 6

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years, attending meetings in Germany, Denmark, and Scotland.

She was the national president of the Church Women United from 1950 to 1955.

She served as the leader of an international team sent by Church Women United on a mission of good will around the world.

She spent 7 weeks in Europe speaking in Scotland, England, Spain, Morocco, Italy, and Germany for the Protestant Women of the Chapel—wives of our servicemen stationed in these countries. She also served as a member of the Commission on the Status of Women from the State of Kentucky.

So, Mr. Speaker, I consider it a very special privilege to have this friend Moosie Wyker, here today to give the invocation in the House of Representatives.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

RELATING TO THE TRANSPORTATION OF MAIL BY THE U.S. POSTAL SERVICE

The Clerk called the bill (S. 996) relating to the transportation of mail by the U.S. Postal Service.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

EXTENSION OF AUTHORITY OF AGENCY HEADS TO DRAW CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS TO OTHER CLASSES OF RECURRING PAYMENTS

The Clerk called the bill (H.R. 8708) to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 8708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 492 of title 31 of the United States Code 3620 of the Revised Statutes, as amended (31 U.S.C. 492), is amended by adding below subsection (c) thereof the following new subsection:

"(d) EXTENSION OF AUTHORIZATION FOR DRAWING CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS TO OTHER CLASSES OF RECURRING PAYMENTS.—Procedures authorized in subsection (b) of this section, for the making of a payment in the form of a check drawn in favor of a financial organization, may be extended to any class of recurring payments, upon the written request of the person to whom payment is to be made and in accordance with regulations to be prescribed by the Secretary of the Treasury under authority of such subsection."

With the following committee amendment:

Page 1, line 3, strike out "That section 492 of title 31 of the United States Code is" and insert in lieu thereof "That section 3620 of the Revised Statutes, as amended (31 U.S.C. 492), is".

The committee amendment was agreed to.

Mr. MONAGAN. Mr. Speaker, H.R. 8708 will extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments.

Public Law 89–145, enacted in 1965, provided authority for heads of Federal agencies to authorize disbursing officers to draw checks in favor of financial organizations, such as banks, savings banks, savings and loan associations or similar institutions, or Federal and State chartered credit unions. This permissive statutory authority for classes of payments other than salaries and wages was inadvertently dropped when 31 U.S.C. 492 was amended by Public Law 90–365 in 1968. This act, originating in the House Banking and Currency Committee, provided for savings allotments and inadvertently, the previous authority for retiree direct check deposits was omitted.

The House Government Operations Committee has been greatly interested in this employee-optional method of payment of salaries and wages because of its enormous potential for reducing the cost of disbursing operations throughout the Government. Recurring payments, the subject of this bill, involve social security recipients, veteran's pensioners, civil service retirees and recipients of railroad retirement benefits. Included in the approximately 600 million checks issued by the Government annually are 264 million social security checks, 60 million VA checks, 12 million railroad retirement checks and approximately 900,000 civil service retirement checks. The cost savings potential involved by adoption of the composite check procedure for such large numbers of recurring payments is truly substantial.

In hearings before the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations in August 1970, the Treasury reported a significant increase in the numbers of Federal employees availing themselves of the direct-deposit option; and in May of this year, the Commissioner of Accounts of the Treasury reported to us the results of a Government-wide census taken in December 1970. That study showed that almost 650,000 Federal employees had elected to be paid by direct deposit in their checking accounts. Further, the use of the composite check procedure in their applications where sufficient numbers of employees on a given payroll designated the same financial organization made possible the avoidance of over 2.5 million checks annually. This equated to annual cost savings of $223,000.

H.R. 8708 would allow extension of the direct-deposit technique to recurring payments made to the public—such as those for social security benefits, veterans' benefits, and civil service and railroad retirement benefits. It does not require implementation but merely paves the way for voluntary adoption if and when the Treasury and the program agencies determine it to be feasible. We think it desirable, however, to have the option available at the earliest possible time so that the procedure could be readily implemented if and when the joint agency-Treasury studies showed it to be possible. I want to emphasize quite strongly that there would be nothing mandatory on the part of the beneficiaries in these programs if the direct-deposit option were authorized; that is, individuals receiving benefits would be permitted to submit a written request to the program agency to have their payments credited directly to their accounts in financial organizations.

Finally, while cost estimates are difficult to obtain, the protection from theft and forgery afforded by the direct credit procedure, including the potential for composite checks, is an important consideration in evaluating the need for this legislation. The incidence of check thefts, involving primarily mail bags of checks in transit, and raids on apartment mail boxes on the established and well-known pay dates, is an ever increasing problem. Such thefts cause extreme hardship for the payees and they create costs at every point—in the program agency, the Treasury—in its check insurance, check payment, and law enforcement operations—the Post Office, and in the banking system.

Mr. Speaker, the Committee on Government Operations unanimously reported out H.R. 8708 on November 11, 1971, and directed that it be placed on the Consent Calendar. I urge my colleagues to support the measure.

Mr. FASCELL. Mr. Speaker, H.R. 8708 will restore the authority of agency heads to draw checks in favor of financial organizations when requested by individual retirees and annuitants. The passage of Public Law 90–365 in 1968, the savings allotment legislation originating in the Banking and Currency Committee, omitted the permissive statutory authority which will be restored by the passage of H.R. 8708.

The authority set forth in H.R. 8708 is permissive in nature to enable each agency to work out its own problems. Each individual retiree and annuitant must request the direct-deposit check procedure in writing. Under no circumstances can any individual be compelled to utilize this procedure when adopted by the agency, should the retiree desire to continue to receive directly his or her individual check.

The Government Operations Committee has encouraged for many years the adoption of the composite check procedure beginning with the Air Force as far back as 1951. Frequent hearings have been held, the result of which has been to encourage the civilian agencies to adopt the system perfected by the military. Of the over 600 million checks issued annually by the Government, over 300 million are for retirees and annuitants, the subject of H.R. 8708.

The passage of H.R. 8708 is still another step toward achieving greater cost savings by a significant reduction in the number of checks issued each year.

I urge my colleagues to support this measure.

Mr. THONE. Mr. Speaker, as has been indicated, H.R. 8708 merely restores the authority to the various agencies to permit the use of direct deposit and composite checks for retirees, inadvertently dropped with the passage of Public Law 90–365. During hearings on this measure, representatives of the Treasury Department indicated in response to my questioning that they did not have an opportunity to testify on the savings allotment legislation—Public Law 90–365—and as a consequence authority permitting composite checks for annuitants and retirees was omitted.

In addition to the compelling points made by Chairman MONAGAN, I wish to emphasize the difficulties financial institutions are having in processing the ever-increasing number of social security checks, over 270 million annually. Since the checks are generally received in the first 5 days of each month, this has led to long lines and inconvenience to the general public. As a result, the American Bankers Association has consistently supported the efforts of this committee to make it possible for the large number of individual checks to be reduced. The American Bankers Association's statement of support is set forth in the printed hearings.

Since the authority set forth in the bill is permissive in nature, there will be no cost to the Government until such time as each individual agency works out its own problems and elects to make the composite-check procedure available. Clearly, however, at such time as the conversion is made, the obvious cost savings involved will far outweigh any administrative costs required for changeover.

Mr. Speaker, it was my privilege before the full Committee on Government Operations to move for the unanimous adoption of H.R. 8708 on November 11, 1971. It was so adopted. I now urge adoption of H.R. 8708 by unanimous consent.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF DEFENSE TO LEND CERTAIN EQUIPMENT AND TO PROVIDE TRANSPORTATION AND OTHER SERVICES TO THE BOY SCOUTS OF AMERICA IN CONNECTION WITH BOY SCOUT JAMBOREES

The Clerk called the bill (H.R. 11738) to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 11738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 151 of title 10, United States Code, is amended by adding the following new section, and a corresponding item in the analysis.

"§ 2544. Equipment and other services: Boy Scout Jamborees

"(a) The Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Boy Scouts of America, for the use and accommodation of Scouts, Scouters, and officials who attend any national or world Boy Scout Jamboree, such cots, blankets, commissary equipment, flags, refrigerators, and other equipment and without reimbursement, furnish services and expendable medical supplies, as may be necessary or useful to the extent that items are in stock and items or services are available.

"(b) Such equipment is authorized to be delivered at such time prior to the holding of any national or world Boy Scout Jamboree, and to be returned at such time after the close of any such jamboree, as may be agreed upon by the Secretary of Defense and the Boy Scouts of America. No expense shall be incurred by the United States Government for the delivery, return, rehabilitation, or replacement of such equipment.

"(c) The Secretary of Defense, before delivering such property, shall take from the Boy Scouts of America, good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

"(d) The Secretary of Defense is hereby authorized under such regulations as he may prescribe, to provide, without expense to the United States Government, transportation from the United States or military commands overseas, and return, on vessels of the Military Sea Transportation Service or aircraft of the Military Air Transportation Service for (1) those Boy Scouts of America, Scouters, and officials certified by the Boy Scouts of America, as representing the Boy Scouts of America at any national or world Boy Scout Jamboree, and (2) the equipment and property of such Boy Scouts, Scouters, and officials and the property loaned to the Boy Scouts of America, by the Secretary of Defense pursuant to this Act to the extent that such transportation will not interfere with the requirements of military operations.

"(e) Before furnishing any transportation under subsection (d), the Secretary of Defense shall take from the Boy Scouts of America, a good and sufficient bond for the reimbursement to the United States by the Boy Scouts of America, of the actual costs of transportation furnished under this section.

"(f) Amounts paid to the United States to reimburse it for expenses incurred under subsection (b) and for the actual costs of transportation furnished under subsection (d) shall be credited to the current applicable appropriations or funds to which such expenses and costs were charged and shall be available for the same purposes as such appropriations or funds.

"(g) Other departments of the Federal Government are authorized, under such regulations as may be prescribed by the Secretary thereof, to provide to the Boy Scouts of America, equipment and other services, under the same conditions and restrictions prescribed in the preceding subsections for the Secretary of Defense."

With the following committee amendments:

On page 3, line 2, delete the words "Sea Transportation Service" and insert in place thereof the words "Sealift Command".

On page 3, line 3, delete the words "Air Transportation Service" and insert in place thereof the words "Airlift Command".

On page 3, line 9, delete the word "Act" and insert in place thereof the word section".

The committee amendments were agreed to.

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of H.R. 11738, authorizing certain Federal assistance for the Boy Scouts jamborees in 1973. Representing the State which has been privileged to host the first world jamboree held in America, as well as a national Jamboree 2 years later, with an international encampment sponsored by the Boy Scouts within the L.D.S. Church in the intervening year, and all at Farragut State Park, and as an advocate of the program and principles of the Boy Scouts of America, I enthusiastically support this action in their behalf. One-half of the 1973 jamboree will again be held at Farragut State Park in Idaho which has unique facilities for handling the 40,000 Scouts.

Under the dynamic leadership of Chief Scout Executive Alden G. Barber, the Boy Scouts of America are engaged in a program relevant to the needs of today's boy in all the areas and sections of our country. The program is of vital interest not only to the Boy Scouts, but to all of America.

In granting a Federal charter to the Boy Scouts of America, the Congress placed itself strongly behind their patriotic endeavors, and the Scouts have responded in a manner befitting their responsibilities. It is a part of our national heritage that during the conflict in the two world wars and our country's involvement in Korea and Vietnam, the Boy Scouts have participated in and contributed to every bond drive, every Red Cross campaign, and everything, in sum, that they were asked to do. They often volunteer before the asking. In times of natural disaster of any kind, the Scouts extend their services to the victims, and have won the admiration of a nation and a world.

In keeping with the spirit of the Federal charter granted by the Congress to this superb organization, I wholly approve and recommend the purposes of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING AN ADDITIONAL DEPUTY SECRETARY OF DEFENSE

The Clerk called the bill (H.R. 8856) to authorize an additional Deputy Secretary of Defense, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to know why an additional Deputy Secretary of Defense is needed?

Mr. HÉBERT. Mr. Speaker, if the gentleman will yield, I will tell the gentleman from Iowa the present situation is that there is one Secretary of Defense and one single Deputy Secretary of Defense. The workload of the Deputy has become so enormous, it becomes necessary that a portion of this workload be vested in another Deputy Secretary. Thus, for example, one could be involved in procurement and the other in administrative work.

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Mr. GROSS. How many Deputy Secretaries are there?

Mr. HÉBERT. There is only one.

Mr. GROSS. How many Assistant Deputy Secretaries?

Mr. HÉBERT. There are eight Assistant Secretaries and one Deputy Secretary.

Mr. GROSS. This is an additional Deputy Secretary?

Mr. HÉBERT. This will increase the Deputy Secretaries to two instead of the one, and the Assistants will be increased by one, from eight to nine. They requested originally two Assistants, and we deleted one.

Mr. GROSS. This is confirming the fears I have had from the beginning of the creation of the Department of Defense, that it would grow and grow and grow, and simply constitute another layer of fat added to the military establishment. I do not recall any cutbacks in any of the Secretaryships in the various departments such as the Departments of the Army, Navy, and Air Force. Congress, in establishing the Defense Department, simply added another layer of fat on top of the departments we already had.

I note on page 5 that this is not supposed to result in any increased budgetary requirements to the Department of Defense. How is it possible to create another Deputy Secretary and not create additional expense, or is the answer that the Defense Department is funded to such an extent that it can support another office of this high nature?

Mr. HEBERT. Mr. Speaker, I thank the gentleman for his comment. His observation is an observation which I share about the spread of the Department of Defense, and I think the gentleman and I are among those who opposed the expansion heretofore. Here is the typical example of the earnestness and the attitude of the Committee on Armed Services in watching these things very closely. As I indicated before, they came up with a request for two Assistant Secretaries, and we deleted one but retained the other which was recommended by a Special Subcommittee of the House Armed Services Committee.

Now, as to the fiscal aspects. Very simply, the attrition rate of civilian personnel of the Department of Defense makes it possible, through funds realized through not filling these vacancies caused by attrition, to utilize that money for the payment of these extra secretaries.

Mr. GROSS. I am not going to pursue this discussion, but I just do not understand how, considering the cost that goes with the creation of an assistant secretary and office staff, it can be taken out of funds already appropriated unless the Department of Defense has a lot of funding flexibility or is overfunded.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 8856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of title 10, United States Code, is amended as follows:

(1) Section 134 is amended to read as follows:

§ 134. Deputy Secretaries of Defense: appointment; powers and duties; precedence

"(a) There are two Deputy Secretaries of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as a Deputy Secretary of Defense within ten years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) The Deputy Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Deputy Secretary designated by the President shall act for, and exercise the powers of, the Secretary when the Secretary is disabled or there is no Secretary of Defense.

"(c) The Deputy Secretaries take precedence in the Department of Defense immediately after the Secretary."

(2) Sections 135(c) and 136(e) are each amended by striking out "Deputy Secretary" and inserting in place thereof "Deputy Secretaries".

(3) Section 136(a) is amended by striking out "eight" and inserting in place thereof "ten"

(4) The item in the analysis relating to section 134 is amended to read as follows:

"134. Deputy Secretaries of Defense: appointment; powers and duties; precedence."

SEC. 2. Section 171(a)(2) of title 10, United States Code, is amended by striking out "the" and inserting in place thereof "a".

SEC. 3. Section 5313(1) of title 5, United States Code, is amended to read as follows:

"(1) Deputy Secretaries of Defense (2)."

SEC. 4. Section 5315(13) of title 5, United States Code, is amended to read as follows:

"(13) Assistant Secretaries of Defense 10."

SEC. 5. Section 303(c) of the Internal Security Act of 1950 (50 U.S.C. 833(c)) is amended to read as follows:

"(c) Notwithstanding section 133(d) of title 10, United States Code, only the Deputy Secretaries of Defense and the Director of the National Security Agency may be delegated any authority vested in the Secretary of Defense by subsection (a)."

With the following committee amendments:

On page 1, line 8, delete the word "are" and substitute the words "shall be" in lieu thereof.

On page 2, line 14, delete the word "ten" and substitute the word "nine" in lieu thereof.

On page 3, line 1, delete the number "10" and substitute the number "9" in lieu thereof.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WATER SUPPLY STORAGE IN BENBROOK RESERVOIR

The Clerk called the bill (H.R. 9886) to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservoir.

There being no objection, the Clerk read the bill as follows:

H.R. 9886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632), as amended by Public Law 91-282, is further amended by inserting immediately after the end of the Act the following:

"The Secretary of the Army is authorized to contract with the city of Arlington, Texas, for the use of water supply storage in the Benbrook Reservoir for municipal water supply for any storage not used by the city of Fort Worth or the Benbrook Water and Sewer Authority, for a period not to exceed four years or until such time as the water supply storage is needed for navigation purposes, whichever first occurs."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISASTER LOANS

The Clerk called the joint resolution (H.J. Res. 893) to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes.

Mr. HALL. Mr. Speaker, inasmuch as this joint resolution is excessive in amount, according to the criteria for the Consent Calendar, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ORDER OF BUSINESS

(Mr. ASPINALL asked and was given permission to address the House for 1 minute.)

Mr. ASPINALL. Mr. Speaker, I take this time for the purpose of pointing out that the next six bills on the Consent Calendar fall by 1 day for eligibility on the Consent Calendar. However, they have been publicized. Members of the House have had an opportunity to see the reports. They are noncontroversial.

Mr. Speaker, unless there is objection, I ask unanimous consent for immediate consideration of each one of these bills as they come before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, the distinguished chairman of the Committee on Interior and Insular Affairs and the chairman of his subcommittee, as well as the ranking minority member, have seen fit to discuss these bills with me last week, which we ordinarily refer to, on the Consent Calendar, as the Indian tribal judgment bills.

At that time we knew they would not be eligible according to the Consent Calendar rules. We have had an opportunity to review them.

Inasmuch as the proper courts have found these judgments, and they simply make in order under the Subcommittee on Interior Affairs of the Committee on Interior and Insular Affairs the necessary action on the part of the Congress, I see no objection, and I believe it would expedite the business of the Congress and certainly of that committee, and perhaps of adjournment sine die. So the official objectors will not object.

Mr. Speaker, I withdraw my reservation.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Pennsylvania.

Mr. SAYLOR. In addition to the comments which have been made by the gentleman from Missouri (Mr. HALL) I should like to say that these bills all have been reported by the House Committee on Interior and Insular Affairs unanimously.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONSENT CALENDAR

The SPEAKER pro tempore. The Clerk will call the next bill on the Consent Calendar.

DISPOSING OF JUDGMENTS RECOVERED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, FLATHEAD RESERVATION, MONT.

The Clerk called the bill (H.R. 3333) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 3333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 and docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the Tribes shall not be subject to Federal or State income tax.

With the following committee amendments:

Page 1, line 8, after "expenses," insert "shall be used as follows: 90 percent thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder".

Page 2, after line 5 insert a new section as follows:

"SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 3333 is to authorize the use of two judgments against the United States recovered in the court of claims by the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana. One of the judgments for $6 million has been appropriated, and the other one for approximately $20 million is contained in the pending supplemental appropriations bill.

The bill as amended by the committee provides that 90 percent of the two judgments, after paying attorney fees and other litigation expenses, shall be distributed in equal per capita shares to each member of the tribe who is enrolled or entitled to be enrolled on the date the bill is enacted into law. The remaining 10 percent of the money will be used for program purposes on the reservation.

The tribe contains approximately 5,600 members. About half of them live on or near the reservation, and half live elsewhere. Because the off-reservation members receive little benefit from reservation programs, there is an insistent demand that most of the judgment money be distributed per capita. At the hearing before the committee, tribal representatives submitted a tribal council resolution proposing the 90 percent distribution, and the representatives of the Department of the Interior concurred.

The money retained for program purposes will be divided equally between a land purchase program, a credit program, and an educational program. The tribe is presently conducting these three programs with other tribal funds, and the additional capital proposed from the judgment fund should be adequate to supplement those funds.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 602).

To provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill as follows:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the tribes shall not be subject to Federal or State income tax.

SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves to strike out all after the enacting clause of S. 602 and insert in lieu thereof the provisions of H.R. 3333 as passed, as follows:

That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, shall be used as follows: 90 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the Tribes shall not be subject to Federal or State income tax.

SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3333) was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS TO PAY JUDGMENT IN FAVOR OF JICARILLA APACHE TRIBE

The Clerk called the bill (H.R. 9019) to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket No. 22-A, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 9019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to pay a judgment to the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22-A, together with the interest thereon, after payment of attorney fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior de-

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termines appropriate to protect the best interests of such persons.

SEC. 3. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes or to any lien, debt, or attorney fees except delinquent debts owed to the tribe or to the United States.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendment:

Page 2, line 9, delete "taxes" and insert "taxes." and strike out the remainder of the sentence.

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 9019 is to authorize the use of a judgment against the United States recovered in the Indian Claims Commission by the Jicarilla Apache Tribes in New Mexico. The net amount available is $9,232,709, subject to the payment of attorney fees and litigation expenses. The money has been appropriated.

The bill permits the money to be used for any purpose requested by the tribe and approved by the Secretary of the Interior. The tribe has adopted a resolution calling for the following uses, and the Department of the Interior concurs:

First, community improvement: $1,500,000 to be invested and the interest drawn upon as needed to provide capital or matching funds for construction of detention and correctional facilities, expansion of the domestic water system, paving of streets, and construction of new systems.

Second, capital improvement: $3,135,000 to be invested for income and job-producing purposes, including the development of additional lakes to complete the planned recreation program; improvement of a tribal livestock operation; creation of additional game parks; construction of a tribal sawmill; and the acquisition of stocks and bonds.

Third, per capital payments: $4,515,000 to be used to make a quarterly per capita payment until each tribal member has received a total of $2,000—$800 initial payment and $200 each quarter thereafter.

The tribe has a membership of 1,888, and 250 of them live away from the reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS TO PAY JUDGMENT IN BLACKFEET TRIBE OF BLACKFEET INDIAN RESERVATION, MONT., AND GROS VENTRE TRIBE OF FORT BELKNAP RESERVATION, MONT.

The Clerk called the bill (H.R. 9325) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279–A, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 9325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

SEC. 2. The entire amount of funds credited under the first section of this Act to the Blackfeet Tribe shall be distributed by means of one per capita payment to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe living as of the date of this Act. A share or interest payable to enrollees less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The provisions of the Act of June 10, 1896 (29 Stat. 336), to the contrary notwithstanding, the Secretary of the Interior may make available to the Blackfeet Tribal Council for disbursement by a duly appointed agent of the Blackfeet Tribe such sum from the funds credited hereunder to the Blackfeet Tribe as may be necessary to make the per capita payment provided for in section 2 herein.

SEC. 4. The remainder of the fund shall remain in the Treasury of the United States or be placed in commercial banks or other depositories which will, in the discretion of the Secretary, be most advantageous to the tribe, and to remain there until the Gros Ventre Tribe has adopted plans satisfactory to the Secretary and approved by the Congress.

SEC. 5. Any part of such funds that may be distributed per capita shall not be subject to Federal or State income tax, and shall not be considered in determining eligibility for public assistance.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendments:

Page 2, lines 6 through 15, strike out all of section 2 and insert a new section 2 as follows:

"SEC. 2. The sum of $5,671,156.00 from the funds credited to the Blackfeet Tribe under Section 1 of this Act shall be distributed per capita to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe, and who was born on or prior to and is living on the date of this Act. The sum of $2,100,000 from the funds credited to the Gros Ventre Tribe under Section 1 of this Act shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on the date of this Act and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are descended from a person whose name appears on said roll. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons."

Page 2, lines 16 through 22, strike out all of Section 3 and renumber succeeding sections accordingly.

Page 2, lines 16 through 22, strike out all of Section 3 and renumber succeeding sections accordingly.

Page 2, line 23 through page 3, line 4, strike out the text of Section 4 and insert the following:

"The balance of each tribe's share of the funds may be advanced, expended, invested or reinvested for any purposes that are authorized by the respective tribal of governing bodies and approved by the Secretary of the Interior."

Page 3, lines 5 through 8, strike out the text of Section 5 and insert the following:

"None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 9325 is to divide a $8,679,814 judgment, plus accumulated interest of about $1,152,578, between the Blackfeet Tribe and the Gros Ventre Tribe, and to authorize the use of the money. The money has been appropriated.

The bill as amended by the committee divides the money between the two tribes on a 73.2/26.8 percent basis, which is a formula agreed to by the two tribes. The bill also provides that after paying attorney fees and litigation expenses, a specified portion of the money shall be distributed in equal per capita shares to the members of each tribe, and that the remainder shall be used for program purposes in each reservation. This use has also been requested by the two tribes and endorsed by the Department of the Interior. The funds distributed per capita will amount to about 89 percent of the total.

The Blackfeet Tribe has an estimated membership of 10,000 of whom 4,000 live away from the reservation. Because the off-reservation members receive little benefit from reservation programs, there is an insistent demand that most of the judgment money be distributed per capita. The tribe requested a 100-percent per capita distribution, but after departmental urging it agreed to a 90-percent distribution. It plans to use the program money to acquire additional land and to finance educational improvements.

The Gros Ventre Tribe has an estimated 2,500 members, about half of whom live outside the reservation. The tribal governing body and the off-reservation members support the proposed legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 671) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279–A, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum of the Gros Ventre Tribe.

SEC. 2. From the funds so credited to the Blackfeet Tribe, a per capita payment of $150 shall be made to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe living as of the date of this Act. A share or interest payable to enrollee less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The provisions of the Act of June 10, 1896 (29 Stat. 336), to the contrary notwithstanding, the Secretary of the Interior may make available to the Blackfeet Tribal Council for disbursement by a duly appointed agent of the Blackfeet Tribe such sum from the funds credited hereunder to the Blackfeet Tribe as may be necessary to make the per capita payment provided for in section 2 herein.

SEC. 4. The remainder of the fund shall remain in the Treasury of the United States or be placed in commercial banks or other depositories which will, in the discretion of the Secretary, be most advantageous to the tribe, and to remain there until the Blackfeet Tribe and the Gros Ventre Tribe have adopted plans satisfactory to the Secretary and approved by the Congress.

SEC. 5. Any part of the funds that may be distributed per capita shall not be subject to Federal or State income tax, and shall not be considered in determining eligibility for public assistance.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves to strike out all after the enacting clause of S. 671 and insert in lieu thereof the provisions of H.R. 9325 as passed, as follows:

That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of this Act, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe.

SEC. 2. The sum of $5,671,156 from the funds credited to the Blackfeet Tribe under section 1 of this Act shall be distributed per capita to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe, and who was born on or prior to and is living on the date of this Act. The sum of $2,100,000 from the funds credited to the Gros Ventre Tribe under section 1 of this Act shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on the date of this Act and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are descended from a person whose name appears on said roll. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 3. The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 5. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9325) was laid on the table.

DECLARING PUBLIC LANDS HELD IN TRUST BY UNITED STATES FOR SUMMIT LAKE PAIUTE TRIBE

The Clerk called the bill (H.R. 9702) to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 952, be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado.

There being no objection, the Clerk read the Senate bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to lots 1, 2, 3, 4, northwest quarter northeast quarter, south half northeast quarter, section 7, and the north half section 8, township 41 north, range 26 east, Mount Diablo meridian, Nevada, containing six hundred acres, more or less together with all improvements thereon, are hereby declared to be held by the United States in trust for the Summit Lake Paiute Tribe and shall hereafter constitute a part of the Summit Lake Indian Reservation, Nevada, subject to the reservation of a right of access across said lands to the northeast quarter northeast quarter, section 7, township 41 north, range 26 each. Mount Diablo meridian, Nevada, for the benefit of the owner thereof.

SEC. 2. Notwithstanding any other provision of law, the Summit Lake Paiute Tribe is hereby authorized to negotiate a purchase of the northeast quarter northeast quarter, section 7, township 41 north, range 26 east, Mount Diablo meridian, Nevada, from the owner thereof and to cause the title to be conveyed to the United States in trust for the benefit of the Summit Lake Paiute Tribe.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. ASPINALL. Mr. Speaker, the purpose of S. 952 is to convey to the Summit Lake Paiute Tribe in Nevada the beneficial interest in 600 acres of federally owned land. The conveyance will be without consideration, but the value of the land will be considered by the Indian Claims Commission for setoff purposes in any claims award made by the Commission.

The land is vacant, unappropriated, public domain, and is contiguous to the south boundary of the Summit Lake Reservation. The reservation is a small one of only 10,500 acres, and the tribe consists of only 50 members. The land was fenced in the 1930's by the Civilian Conservation Corps as a part of the reservation, and the land contains water that is essential to grazing on the southern part of the reservation.

The value of the land is $9,000. It has no mineral value.

The 600 acres completely surround a 40-acre tract that is owned by a non-Indian. The owner is interested in selling it to the Indians, but a transfer of title in trust is prohibited unless specifically authorized by statute. The bill contains this authorization.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9702) was laid on the table.

DECLARING CERTAIN FEDERALLY OWNED LAND HELD BY THE UNITED STATES IN TRUST FOR THE FORT BELKNAP INDIAN COMMUNITY

The Clerk called the bill (H.R. 10702) to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community.

There being no objection, the Clerk read the bill as follows:

H.R. 10702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in lands described as the southeast quarter

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southeast quarter southeast quarter northwest quarter section 14, township 26 north, range 25 east, and the southwest quarter southwest quarter northwest quarter northwest quarter section 29, township 27 north, range 26 east, principal meridian, Montana, comprising five acres, more or less, are hereby declared to be held by the United States in trust for the Fort Belknap Indian Community of the Fort Belknap Reservation, Montana.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1964 (60 Stat. 1050), the extent to which the value of any lands and improvements placed in a trust status under the authority of this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD).

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 10702 is to convey to the Fort Belknap Indian Community in Montana the beneficial interest in 5 acres of federally owned land. The conveyance will be without consideration, but the value of the land will be considered by the Indian Claims Commission for set-off purposes in any claims award made by the Commission.

The land consists of two tracts that were purchased by the United States in 1914 as the sites for two Indian schools. The purchase price of both tracts was $50. They have a present value of $200. Although the land has some potential value for coal, oil, and gas, the Department of the Interior reports that this potential value is slight.

The Indian schools were closed in 1937 and the children were sent to other schools. The land is excess to the needs of the Department of the Interior, but is desired by the Fort Belknap Indian Community for use in conjunction with other tribal lands.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE APPORTIONMENT OF FUNDS IN PAYMENT OF JUDGMENT IN FAVOR OF THE SHOSHONE TRIBE

The Clerk called the bill (H.R. 10846) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets No. 326–D, 326–E, 326–F, 326–G, 326–H, 366, 367 before the Indian Claims Commission, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 10846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone–Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendedent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorneys' fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of the Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per capita distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax, and shall not be considered income, revenue, or expendable funds under the provisions of the Social Security Act.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendment:

Page 7, line 21, after "tax" insert a period and strike out the remainder of the sentence.

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 10846 is to divide a $15,700,000 judgment, plus accumulated interest of about $2,665,388, between the three parts of the Shoshone Tribe, and to authorize the use of the money. The money has been appropriated.

The three parts of the Shoshone Tribe that are entitled to share the judgment are the Shoshone-Bannock Tribes of the Fort Hall Reservation in Idaho, the Shoshone Tribe of the Wind River Reservation in Wyoming, and the Northwestern Band of Shoshone Indians in Utah.

For more than 3 years the three groups were unable to agree on a division of the judgment. After extended negotiations an agreement was finally reached, and that agreement is incorporated in H.R. 10846.

The bill provides that the entire share of the Northwestern Band will be distributed per capita, because they have no reservation and no formal organization. The bill provides that the Fort Hall Indians will distribute 75 percent of their share per capita and use the remainder, with secretarial approval, for reservation program purposes. The Wind River Indians will use their money as provided in a 1947 statute, which requires 85 percent to be distributed per capita and the remainder to be used for tribal purposes.

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of H.R. 10846, which provides for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe. This bill is cosponsored by my distinguished colleague from Idaho, the Honorable JAMES MCCLURE. An identical bill, S. 2042, as amended, sponsored by Idaho Senators FRANK CHURCH and LEN B. JORDAN, was passed by the Senate October 13, 1971.

The purpose of the legislation is to distribute a judgment in the sum of $15,700,000 which was entered by the Indian Claims Commission in consolidated dockets 326–D through 326–H, 366, and 367. Funds to cover the award were appropriated by the act of June 19, 1968 (82 Stat. 239).

The judgment represents compensation to the Shoshone-Bannock Tribes in compromise of claims for the taking in 1868 and 1869 of about 38 million acres of land in Idaho, Wyoming, Utah, and Nevada from the Shoshone Tribe; the use of funds of the Shoshone-Bannock Tribes of Fort Hall Reservation for irrigation purposes; the taking of about 297,000 acres of Fort Hall Reservation land in 1889; the taking of about 407,000 acres of Fort Hall Reservation land in 1898; and failure of the United States to provide a reservation for the Bannock Tribe as promised by the Treaty of February 16, 1869.

No previous judgments or compensation have been granted to the Shoshone-Bannock Tribes of Fort Hall Reservation or to the Northwestern Band of Shoshones.

Fort Hall Reservation was first established by an Executive order dated June 14, 1867, for various Shoshone groups in southern Idaho. A subsequent Executive order, on July 30, 1869, provided a reservation for the Bannock Indians "within the limits of the tract reserved by Executive order of June 14, 1867, for the Indians of southern Idaho." The 1867 order provided for a reservation of 1,800,000 acres, but before any allotments or extensive settlements were developed, there were two major cessions of land to the United States. These occurred in 1889 and 1898, and resulted in a reduction of the reservation to its present area of 523,168 acres.

The Shoshone-Bannock Tribes, with an estimated membership of 2,300, are governed by a tribal business council of seven members elected from the reservation at large. Income is derived mainly from mineral and surface leasing. A substantial portion of this income is used in the tribal land acquisition program.

In recent years, council members have exerted extensive efforts in attempts to improve conditions on the reservation. Primarily through their endeavors, the Shoshone-Bannock Tribes have established very helpful relationships with several Government agencies—in addition to the Bureau of Indian Affairs. For example, they have promoted a VISTA program, Headstart, Upward Bound, and Neighborhood Youth Corps. They have worked with the Economic Development Administration and Federal Water Pollution Control Administration in expansion of existing businesses, and for a community water and sewer project. However, there still is considerable unemployment on the reservation and a relatively low educational level. The Indians are unable to compete successfully for industry with non-Indian communities near the reservation; consequently, industrial development on the reservation is practically nonexistent.

The delay in bringing this legislation before the Congress has been occasioned by a longstanding dispute among the various tribal bands as to the manner in which the judgment funds should be divided. Now that an agreement has been reached, funds remaining after the per capita distribution, as provided in the bill, will be used for the benefit of the tribes at large. Although the Fort Hall Business Council has not yet made a definite decision in this respect, studies are being undertaken as to possible cattle programs, housing, education, and industrial development.

I urge that prompt action be taken so that these much needed funds may be put to useful purpose for the benefit of these people. May I again stress—no new money is involved. The appropriation was made more than 2 years ago. This distribution has the approval of the Department of the Interior and the Office of Management and Budget.

To have this money available before Christmas is not only possible, but would enable many individuals and families to enjoy this special time through the addition of comforts which most of us take for granted, and to begin planning immediately for many improvements in areas now sorely deficient.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2042) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2042

An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

XUM

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll rated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorney's fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of this Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per capita distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax, and shall not be considered income, revenue, or expendable funds under the provisions of the Social Security Act.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of the Senate bill S. 2042 and insert in lieu thereof the provisions of H.R. 10846, as passed, as follows:

That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $161,732 shall be credited to the Northwestern Bands of Shoeshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they posses one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls:

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorneys' fees, and expenses due the attorneys representing the Northwestern Band under an approved contract effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of this Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per captia distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10846) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on any of the Indian bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

INTERNATIONAL BOOK YEAR

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 149) to authorize and request the President to proclaim the year 1972 as "International Book Year".

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, does this resolution require the expenditure of any Federal funds in any way?

Mr. EDWARDS of California. Mr. Speaker, if the gentleman will yield, this does not require the expenditure of any Federal funds in any way.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S. J. RES. 149

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of (1) the fact that the United States, during its entire history, has recognized importance of universal education in a free society and the commitment of the people and Government of the United States to the free flow of information, (2) the fact that books are basic to both universal education and the free flow of information, and (3) the designation by the United Nations Educational, Scientific, and Cultural Organization of the year 1972 as "International Book Year", the President is authorized and requested to issue a proclamation designating the year 1972 as "International Book Year", and calling upon executive departments and agencies, the people of the United States, and interested groups and organizations to observe such year with appropriate ceremonies and activities both within and without the United States.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman amplify what is proposed to be filed?

Mr. YOUNG of Texas. Mr. Speaker, if the gentleman will yield, the Committee on Rules is meeting this afternoon at 3:30, and plans to take up the foreign assistance appropriations and the Strategic Storable Agricultural Commodities Act, H.R. 1163.

Mr. GROSS. I presume that at least in the case of the foreign handout bill that will come in under a closed rule insofar as waiving points of order is concerned.

Mr. YOUNG of Texas. No, it would not be under a closed rule, but I am sure that the purpose in getting a rule is that there must be some point of order that would lie against it.

Mr. GROSS. I thank the gentleman for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MAYNE. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Texas with regard to the so-called Strategic Storable Agricultural Commodities Act if a rule is granted will this waive points of order to permit the offer of the $20,000 limitation of payments amendment which the gentleman from Illinois (Mr. FINDLEY) advised the committee he wishes to offer?

Mr. YOUNG of Texas. If the gentleman will yield, this action has nothing to do with the type of rule. That has not been voted on yet. Of course, when the Committee on Rules finishes hearing the testimony, which it is anticipated it will this afternoon, then the type of rule would be decided on then, and then the House would have to adopt it. This is just procedural to allow the Committee on Rules to file the privileged reports.

Mr. MAYNE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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SECRETARY BUTZ ANNOUNCES THAT USDA TO BUY CORN IN THE OPEN MARKET

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, the announcement by Secretary of Agriculture Earl Butz of last Friday, December 3, that the Department of Agriculture will soon begin purchasing corn in the open market is good news indeed for the American feed grain farmer. Coming as it did less than 24 hours after the new Secretary was sworn in, this action proves him capable of moving promptly and decisively in the farmers' interest.

The purpose of this purchase operation is to improve corn prices which declined sharply earlier this year as a result of serious overproduction of corn, the 1971 crop now being estimated at 5.54 billion bushels. This action combined with the already strengthened and broadened commodity loan program as well as the recent large sale of U.S. corn to the Soviet Union gives farmers a wide choice of alternatives in handling and marketing this year's corn crop.

Record quantities of corn are going under loan earlier in the season this year than ever before. A preliminary report indicates that nearly 240 million bushels of 1971 crop corn had gone under loan through November 26. This is more than 2½ times the previous record amount of corn put under loan from the beginning of harvest through November. It is hoped that additional extensive use of the loan program by farmers plus the on the market purchases ordered Friday will substantially strengthen the market price of corn.

BOBBY LANGSTON, CEREBRAL PALSY VICTIM, SHARES UNIVERSITY OF TENNESSEE VICTORY CELEBRATION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, there is little that I can say which would more dramatically show the high character of the University of Tennessee football team and its coaches than an article from the Knoxville News-Sentinel.

This story tells of how the players invited a courageous, young newspaper boy named Bobby Langston to the dressing room to share in their celebration following the team's tremendous upset victory over Penn State.

Bobby Langston is afflicted with cerebral palsy but despite his handicap, he is always cheerful and willing to help others. He puts in long hours each day selling newspapers at the athletic dormitory to support himself and he is certainly admired and respected by all who know him.

The Tennessee football team gave the game ball to Bobby Langston, showing not only that they appreciated the support of a loyal fan, but also and perhaps more importantly, that even in their own moment of glory, they would take time out to pay tribute to another.

THE FARMER PAYS FOR STRIKES IN TRANSPORTATION

(Mr. NELSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, how long must we sit before something can be done here in the Congress about these disastrous dock strikes that have so disastrously depressed feed grain prices and tied up U.S. agricultural exports? To date, legislation that would lead to the permanent settlement of these national transportation strikes has been pending in Congress for 23 months.

The farmers of Minnesota depend on export markets for a large portion of their farm income. In fiscal year 1971 they ranked seventh among the States in dollar value of all commodities exported. Out of a national total of $7.8 billion, the Minnesota farmers' share was $356.6 million.

We are important soybean exporters—last year the value of Minnesota soybean exports was $92.3 million, plus another $29.3 million in protein meal and another $17.7 million in soybean oil. Our dairy products exported last year topped the Nation with a value of $36.8 million; and we exported $25.6 million worth of wheat and flour.

Mr. Speaker, 80 percent of the soybean exports and 75 percent of the corn exports ordinarily move through gulf ports. Imagine what happens to Minnesota prices for these commodities when gulf ports are closed down and the normal movement is stopped and begins to back up along the river, rail, and highway arteries of trade.

American agriculture depends on the export of one out of every four acres of production. Obviously this is not possible if the ports are closed.

Equally obvious is the fact that the farmer winds up on the short end of any situation that blocks sales at the seacoast and then backs up the movement of commodities along inland routes all the way to the farmstead.

We must act now to prevent situations like the one we are experiencing this year. We can do this by enacting H.R. 3596 or similar legislation in the 92d Congress.

ANOTHER SPIKE IN THE U.N. COFFIN

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the weekend activity in the United Nations Security Council should offer a disenchanting eye opener to those adherents who somehow believe that the United Nations is an instrument of world peace.

Russia, in twice vetoing cease-fire resolutions, has again proven to the world that she does not believe in peace when she or her pawns are winning. Quite noteworthy, her veto of the U.S. middle-of-the-road resolution, which simply called for a cease-fire by both India and Pakistan and a return to their frontiers, is exactly the opposite of the Russian position in the Middle East.

The real peacemaker in the U.N.-thwarted action was the United States, who in trying to favor neither side lost both and is now being linked with Pakistan on the strange rationale that we do not support India. The Soviets' siding with India in this aggressive issue should surprise no one since the Soviets always back the side with the largest population and for some reason the minority-conscious media goes out of its way to throw the U.S. support behind the nation with the least number of people.

But the big loser was the United Nations, which has become but a debating society for the major Communist parties to harangue over dialectic issues while innocent people are again victimized by the ravages of war.

I feel the American people support the President's reported position, that as a sovereign nation we do everything in our power, first, to stay out of the war, and second, to employ every diplomatic pressure to stop the conflict.

With the United Nations again proving to be a failure, the United States will find that it can accomplish more on its own than could ever be accomplished through the U.N. burcaucracy.

I again remind my colleagues that discharge petition No. 10 to discharge H.R. 2632, a bill to rescind and revoke U.S. participation in the United Nations is at the clerk's desk awaiting signatures.

INDIA-PAKISTAN CEASE-FIRE RESOLUTION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, tragically, the fighting between India and Pakistan intensifies while efforts to bring about a cease-fire and a mutual troop pullback are blocked in the United Nations Security Council by the Soviet Union.

Mr. Speaker, it is imperative that the United States take the lead in shifting the India-Pakistan cease-fire resolution away from the Security Council and placing it before the General Assembly. Only there can the peace-loving nations of the world work their will.

If this tragic war is to be ended, it is clear that there must be a withdrawal of Indian and Pakistani troops to their own territories. In short, we must implement the provisions of the U.S. resolutions introduced in the United Nations. The Soviet veto does not alter the facts of the situation. Any political settlement between India and Pakistan can only come about after the fighting stops.

Mr. Speaker, there is $184,350,000 in economic assistance for India in the pending foreign aid bill. I am sure India will appeal to the United States for aid in dealing with problems she herself is now creating. I do not believe that the American public and its representatives in the Congress will be receptive to such appeals should India continue to employ her troops in efforts to take over Pakistani territory. In other words any nation that refuses to cooperate with the U.N. in its peace-keeping efforts should not expect a receptive atmosphere in the Congress or by the American people.

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 45) to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice, as amended.

The Clerk read as follows:

H.R. 45

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Part IV of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 404.—INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

"Sec.
"5041. Establishment; purpose.
"5042. Functions.
"5043. Director and staff.
"5044. Powers.
"5045. Advisory Commission.
"5046. Location; facilities.
"5047. Curriculum.
"5048. Enrollment.

"§ 5041. Establishment; purpose

"There is hereby established an Institute for Continuing Studies of Juvenile Justice (hereinafter referred to as the 'Institute'). It shall be the purpose of the Institute to provide a coordinating center for the collection, the preparation, and the dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, juvenile welfare workers, juvenile judges, and judicial personnel, probation personnel, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

"§ 5042. Functions

"The Institute is authorized—

"(a) to serve as an information bank by collecting systematically the data obtained from studies and research by public and private agencies on juvenile delinquency, including, but not limited to, programs for prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders;

"(b) to publish data in forms useful to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

"(c) to disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

"(d) to prepare, in cooperation with bar associations, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to juvenile justice and related matters including comparisons and analyses of State and Federal laws and model laws and recommendations designed to promote an effective and efficient system of juvenile justice;

"(e) to devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

(f) to devise and conduct a training program of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for law enforcement officers, juvenile welfare workers, juvenile judges and judicial personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders; and

"(g) to develop technical training teams to aid in the development of training programs within the several States and with the State and local agencies which work directly with juveniles and juvenile offenders.

"§ 5043. Director and staff

"(a) The Institute shall be under the supervision of an officer to be known as the Director of the Institute who shall be appointed by the President, by and with the advice and consent of the Senate, to serve for a term of four years. The Director of the Institute shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(b) The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Advisory Commission. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

"(c) If the Office of Director is left vacant, by resignation or otherwise, the President shall appoint a successor who shall serve for the unexpired portion of the term of office.

"§ 5044. Powers

"The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere or within any executive department unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute is authorized—

"(a) to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute;

"(b) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel or facilities or equipment of such departments and agencies;

"(c) to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

"(d) to enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any of the functions of the Institute;

"(e) to compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director of the Institute but not exceeding $75 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

"(f) to report to the President and the Congress annually on programs which have been implemented with the cooperation of the Institute within and among the several States, and to recommend to the Congress further legislative action which may appear desirable.

"§ 5045. Advisory Commission

"(a) The overall policy and operations of the Institute shall be under the supervision of an Advisory Commission.

"(b) The Advisory Commission shall consist of:

"(1) the following officials of the Federal Government:

"(A) the Director of the Institute;

"(B) the Administrator of the Law Enforcement Assistance Administration;

(C) the Director of the Bureau of Prisons;

(D) the Administrator of the Youth Development and Delinquency Prevention Administration;

(E) the Director of the National Institute of Mental Health;

(F) the Director of the United States Judicial Center; and

"(2) 15 persons having training and experience in the area of juvenile delinquency appointed by the President from the following categories:

"(A) law enforcement officers (two persons);

"(B) juvenile or family court judges (two persons);

"(C) probation personnel (two persons);

"(D) correctional personnel (two persons);

"(E) representatives of private organizations concerned with juvenile delinquency (five persons); and

"(F) representatives of State agencies established under the Juvenile Delinquency Prevention and Control Act of 1968 or under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (two persons).

"(c) Members appointed by the President to the Advisory Commission shall serve for terms of four years and shall be eligible for reappointments, except that for the first composition of the Commission, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each of these member's terms shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Any member appointed to the Commission may be removed by the President for inficiency, neglect of duty, or malfeasance in office.

"(d) While performing their duties, members of the Commission shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full time by the Federal Government shall receive in addition a per diem of $100 in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The Director shall act as Chairman of the Advisory Commission. The Commission shall establish its governing rules of procedure.

"§ 5046. Location; facilities

"(a) A suitable location for the Institute shall be selected by the Advisory Commission.

"(b) Following the section of a location for the Institute, the Director, with the approval of the Advisory Commission, shall—

"(1) acquire such property as has been selected pursuant to subsection (a), and

"(2) make such arrangements as may be necessary or desirable for the construction, equipping, and physical organization of the Institute.

"§ 5047 Curriculum

"The Advisory Commission shall design and supervise a curriculum utilizing multidisciplinary approach (to include law enforcement, judicial, correctional, and welfare as well as probation disciplines) which shall

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be appropriate to the needs of the Institute's enrollees.

"§ 5048 Enrollment

"(a) Each candidate for admission to the Institute shall apply to the State agency established under the Juvenile Delinquency Prevention and Control Act of 1968 (82 Stat. 462; 42 U.S.C. 3801 et seq.), or the State agency established under title I of the Omnibus Crime and Safe Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.), in the candidate's State. The State agency or agencies shall select an appropriate number of candidates and forward their applications for admission to the Director of the Institute. The Director shall prescribe the form of all applications for admission to the Institute and shall make the final decision concerning the admission of all students or enrollees.

"(b) While studying at the Institute and while traveling in connection with his study, including authorized field trips, each student or enrollee in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code."

SEC. 2. The table of contents to "PART IV—CORRECTION OF YOUTHFUL OFFENDERS" of title 18, United States Code, is amended by inserting after

"403. Juvenile delinquency---------- 5031"

the following new chapter reference:

"404. Institute for Continuing Studies of Juvenile Justice---------- 5041".

SEC. 3. There are authorized to be appropriated $2,000,000 during fiscal year 1972, and $2,000,000 annually for the three succeeding fiscal years to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. DELLENBACK. Mr. Speaker, I demand a second.

Mr. DEVINE. Mr. Speaker, is the gentleman opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Oregon opposed to the bill?

Mr. DELLENBACK. I am not, Mr. Speaker.

Mr. DEVINE. Mr. Speaker, I am opposed to the bill and I demand a second.

The SPEAKER pro tempore. The gentleman from Ohio demands a second. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin will be recognized for 20 minutes, and the gentleman from Ohio will be recognized for 20 minutes. The Chair recognizes the gentleman from Wisconsin.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Speaker, I would like to ask the gentleman if this institute is intended to set up provisions for schooling or instruction for State juvenile judges?

Mr. KASTENMEIER. Yes, it is, indeed. One of the principal functions is to do that, and we have a number of State judges who have asked previously for this sort of training.

Mr. RARICK. Mr. Speaker, if the gentleman will yield further, having been at one time a State judge with juvenile jurisdiction, in the late fifties, I am wondering if this is a similar program to the one which at that time, was being funded by seed money from various tax-free foundations, and which has now been accepted to the point where it is going to be funded by taxpayers' dollars?

Mr. KASTENMEIER. On that I yield to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I would just say to the gentleman that I think the difference in this approach is that we are trying, I think with a rather modest expenditure—modest as compared to most other government programs—modest expenditure—modest as compared to most other government programs—to bring together at one central training institute people who have been nominated by the State or local government officials, but it would be more than just juvenile court judges. It would be law enforcement officers and probationary officers and judicial and correctional personnel, the idea being obviously that if we attack it from a multidiscipline approach, they will each be able to see what the others are doing. In other words, they will share their expertise, but it is meant to be patterned after what I consider to be the very successful FBI Training Academy, which with modest expenditure has been able to train 200 law officers each year from State and local places, who have been able to go back and teach their colleagues.

Mr. RARICK. Mr. Speaker, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Louisiana.

Mr. RARICK. Mr. Speaker, I am sympathetic to the training of correctional and law enforcement officers, but the juvenile court judges in my State, at least, are elected officials. Will there be any matching State funds for participating in this program in order for these elected judges to attend this training school?

Mr. KASTENMEIER. If they attend this training school, there is a per diem allowance for them. It would not be duplicating money. It should be conceded that many of these judges may be participating in local or State programs which are presently funded by the Law Enforcement Assistance Act or some other Federal agency. This is possible at the local level. If they attend a particular academy, they would be granted a per diem for that purpose from the academy.

Mr. RARICK. Mr. Speaker, if the gentleman will yield further, I would assume then that the overall objective of this bill and this proposed institute would be that the State-elected juvenile judges would become sensitive to what the federally programed professors and "experts" would regard as essential to the national programs affecting the juveniles of our country.

Mr. KASTENMEIER. In responding to the gentleman I do not know if that precisely characterizes it. It would make them sensitive to the information gathered here from the standpoint of the agency. It would enable them to get the sort of training which a Federal agency—the Department of Justice or HEW and others—could cooperate in as well as the ability, perhaps, to participate in some local programs.

Mr. RARICK. Mr. Speaker, if the gentleman will yield further, of course, my only concern was it would give the impression we are now federalizing State juvenile court judges who are elected and who should work for and be sensitive to the needs of their people as well as their communities.

Certainly I am sure the gentleman would agree that the problems and the environment in New York City differ from those in Los Angeles, or New Orleans, La., or some other suburban area. This was the reason why I asked if the program was mainly to sensitize these judges to and to unify their thinking behind national programs.

Mr. KASTENMEIER. I must say to the gentleman, not necessarily, any more so than the Federal Bureau of Investigation necessarily nationalizes law enforcement. It is merely a source of expertise. It is not that controlling. A relatively small amount would be spent in connection with the total spent nationwide in this effort.

Nevertheless, I appreciate the gentleman's question.

Mr. RARICK. Mr. Speaker, will the gentleman yield for one more question?

Mr. KASTENMEIER. I yield for one more question. I do have a time problem.

Mr. RARICK. I just wonder if the gentleman would be sympathetic to the establishment of State-funded programs to create training schools for Federal judges to make them sensitive to local, State, and individual human problems?

Mr. KASTENMEIER. I appreciate the gentleman's comment.

Mr. DEVINE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Members know, I am not a member of the Judiciary Committee, and it may be presumptuous of me to speak in opposition to this legislation. But, having examined the committee report, having looked over the bill, and having talked with some of our colleagues, I believe we could very well be setting another dangerous precedent by established a so-called Institute for Continuing Studies of Juvenile Justice.

First let me point out that by reviewing the committee report one can readily see the Justice Department wrote a letter opposing this legislation as being duplication and overlapping, something we do not need. If there is anything in this Government that we have too much of, it is duplication and overlapping now. More we do not need.

In addition, it may surprise some to know that the Secretary of the Department of Health, Education, and Welfare, Mr. Richardson, also wrote a letter saying there was no need for this legislation, and they oppose it.

Here are the two key Departments of government responsible for the study of juvenile delinquency, and juvenile problems, opposing the legislation which is proposed here in the House.

Let us look this over, to see just what this does.

First of all, the Institute would collect, prepare, and disseminate data bearing on juvenile justice. We have just about all of that we can stand already, I believe.

And it would provide training to personnel in the juvenile justice area. I do not know where we have more personnel than those who are expert or who claim expertise as to the study of juvenile justice and juvenile problems.

And it says we will be dealing with the problems of the aberrant young. I believe that is nothing new.

We would establish an Institute to provide a data-coordinating center and to provide training for personnel connected with the treatment and control of juvenile offenders.

We would create an information bank, publish data, disseminate data and studies, including a periodic journal, prepare studies, devise and conduct a training program, and develop training teams.

I believe all of us who have had any experience in this body for any length of time can see that this is the foot in the door approach.

The initial cost would be $2 million a year for each of the next three succeeding fiscal years.

There will be certain appointments made. The Director would be appointed by the President.

These people would be taken from the various phases of law enforcement—the Bureau of Prisons, and so forth—to create this organization.

But again, there would be a group paid at the rate of $100 a day plus reimbursement for travel and expenses.

They would acquire property and arrange for construction of the institute.

Then people would begin making applications for the institute.

I believe, as the gentleman from Louisiana (Mr. RARICK) pointed out, that this thing could develop to a point where the only persons qualified to become juvenile justices in the State courts over the Nation would be those who had been trained in this Government organization, this Government institute, and they would use this as a qualification for the job.

They would use this as a qualification for the job. To quote specifically from Attorney General Kleindienst, he said:

> The department is of the opinion that enactment of this legislation would result in overlapping and duplication of efforts in the juvenile delinquency field by federally funded organizations, because all of the functions proposed for the Institute of Continuing Studies of Juvenile Justice presently can be performed under existing law.

Mr. KASTENMEIER. Will the gentleman yield?

Mr. DEVINE. Yes. I yield to the gentleman.

Mr. KASTENMEIER. Of course, that is the reason for this legislation. I think both the Department of Justice and the Department of Health, Education, and Welfare know that. They had representatives before our committee, and in terms of the cooperation they were supposed to promote they both thought prospectively about it and hoped that they could get together. It was their plan to work together.

If you talk to the people who must work in the field, such as the juvenile judges and the other independent associations like the American Parents Committee and the National Congress of Parents and Teachers, they will tell you that they cannot get this information. The very coordination that is presently missing is the reason for the bill.

Mr. DEVINE. I thank the gentleman for his contribution.

Let me point out in the letter from the Department of Justice, Deputy Attorney General Kleindienst also points out that already an award of $68,000 has been made to the Federal Bureau of Prisons to conduct a series of workshops on innovative programs for youthful offenders. A $200,000 award has been made to the Massachusetts Department of Youth Services to develop a training center in that State for the New England area.

There is another one. He says in addition to these examples of discretionary grants, $20,314,000 has been allocated by the States in their funding for fiscal year 1971 for training and educating in the juvenile field.

It seems to me that is far enough.

I am now happy to yield to the gentleman from New Jersey, who has a rich background in law enforcement matters.

Mr. HUNT. I thank the gentleman for yielding.

I want to commend the gentleman on his dissertation at this point. You have put in the RECORD the figures that I have been looking at over the past weekend. Insofar as criminal justice studies for juveniles is concerned, we have them running out of our ears at both ends. What we need somewhere in the line of action with regard to criminal justice for juveniles are judicial bodies who will enforce the law and do something about the trouble we are having with them.

Insofar as the Federal Government once more becoming big brother to look over the shoulders of 50 States, I think this is unfortunate. We have had this happen for many years where studies have been made and people have been trained. Many juvenile departments have been set up. I only find this bill to be another duplication of effort and a boondoggle to get people to travel for $100 a day so that they make more recommendations. Without due regard for the studies that have been made over the past 50 years.

Criminal justice, so far as juveniles are concerned, is not a real complicated problem unless you desire to make it one. In my estimation, this committee, if they were empowered to set it up, would do exactly that.

We have had juvenile justice going on for years at the expense of the taxpayers, and it is about time to stop duplicating efforts where criminal justice or juveniles is concerned, it would be appropriate to consider the use of good, common, ordinary sense. What we need is proper application of present law to each individual case utilizing the expertise of our experts in the judicial fields.

I thank the gentleman for yielding.

Mr. DEVINE. I thank the gentleman for his contribution.

I would like to point out for the purpose of the record you were a New Jersey State trooper for how many years?

Mr. HUNT. Twenty-nine years.

Mr. DEVINE. And you were in an advisory or administrative capacity as a lieutenant in the State troopers. Is that correct?

Mr. HUNT. I was the commanding officer of the Criminal Investigation Section in Troop A New Jersey State Police for a number of years. I have spent my adult life in criminology. I have handled juveniles of all ages and sizes. Juvenile handling and juvenile justice as administered in the State of New Jersey, and in many other States by our juvenile judges—we have a fine juvenile system in New Jersey and they are doing an excellent job. We in the law enforcement field agree with the Department of Justice on this legislation. It is not needed and overlaps many other projects. If we administer the present laws properly with firmness on the part of our judges, that will take care of our juvenile problem.

Mr. DEVINE. I thank the gentleman from New Jersey for his contribution. I have had occasion to examine the gentleman's background in this field from the Congressional Directory and I appreciate having the benefit of the gentleman's knowledge on this important matter.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, I want to oppose here, as I did in the Judiciary Committee the impression which I believe has been left that this Institute would be similar to and, therefore, should be wrapped in the mantle of the FBI National Academy for law enforcement officers.

As I stressed in the committee's deliberations on this bill, the FBI Law Enforcement Academy is entirely different from the Institute for Studies of Juvenile Justice proposed in this bill. It is operated entirely with existing FBI personnel. The trainees come from the police and sheriff departments from all over the country. During a part of the training period, they live in the barracks at the FBI Academy in Quantico, Va. Until recent years when Law Enforcement Assist Administration funds became available, all travel, living, and salary expenses were borne by the trainees themselves or by their local departments back home, rather than the Federal Government. And even today this training at the FBI National Academy does not involve the kind of very expensive per diem and travel allowance paid by the Federal Government that this bill now before us would set up.

I think it is not fair to wrap this proposal in any way in the mantle of the success that has been earned by the FBI National Academy. The proposed Institute should stand or fall on its own merits as it has little or no similarity to the FBI Academy.

The proposed Institute would not have a faculty available and would have to

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build its entire facility from the ground up. The students of the proposed Institute will not live the comparatively spartan existence of law enforcement officers who come here and to Quantico to attend the FBI Academy. Rather under section 5048(b) they will be allowed travel expenses and full per diem allowance of $25 just as if they were Federal Government employees. You may be sure that the lawyers, judges, and law professors who will be coming from all over the United States to attend will not be living in barracks at Quantico and those who become members of the Commission will receive per diem of $100 per day. I think it is obvious this is going to be a much more expensive thing than the FBI Academy. It is going to create another layer of bureaucracy which will cause great duplication and is not at all needed, as shown by the record made during the deliberations of the committee. This is also the view of the Departments of Justice and HEW, both of whom oppose the bill.

Mr. DEVINE. I thank the gentleman for his contribution and I am aware also of his FBI background, also having attended Quantico for training at the FBI Academy.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding.

I, too, think that there is a necessity for coordinating the Federal effort and the Federal-State relationship insofar as the direction of the studies and the actions taken insofar as juveniles are concerned, as well as in the expenditure of the money. But this act, rather than doing that job, apparently proliferates further the expenditures.

I think the gentleman in the well has made an excellent statement and I would vote for a provision which would, in fact, centralize our efforts and the expenditure of money at one place so that we could get better results than we have in the past.

Mr. DEVINE. I thank the gentleman from Iowa; and I also know of his background and personal dedication in fighting juvenile crime, and know of the time which the gentleman has spent in riding with youth aid division law enforcement officials in the District of Columbia, and his taking many delinquent youths to the ball games.

Mr. Speaker, I would like to conclude my remarks by again quoting from the committee report and from the letter from the Secretary of Health, Education, and Welfare in which he says as follows:

> In summary, we believe that the authority now existing in the Department as well as that existing in the Department of Justice under the Omnibus Crime Control and Safe Streets Act is sufficient to carry out the objectives of H.R. 45. We are working with the Department of Justice in determining the types of training to be carried out by each of our authorities and the type of data collection and dissemination in which department should be involved. The establishment of another independent agency in the form of an Institute would fragment Federal efforts in the field.
>
> We would therefore recommend against passage of this piece of legislation.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. Yes; I yield to the gentleman from Louisiana.

Mr. RARICK. I certainly thank the gentleman from Ohio for yielding and thank the gentleman for placing in the RECORD the statistics on juvenile crime.

I can assure you that this shows the tremendous caseload our juvenile judges at the State level have to contend with. They are extremely busy people, and have large staffs and of necessity have to delegate much of their fact-finding work and then coordinate the findings with their decisionmaking.

In view of this workload, the question that arises is: Who is going to be taking care of the juvenile caseloads handled by these judges when they are given these vacations to attend these training schools staffed by Federal bureaucrats? Does the gentleman from Ohio have any insight into that question?

Mr. DEVINE. I have no insight nor information that would answer the gentleman's inquiry.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I want to make further comment on the remarks made by my learned colleague, the gentleman from Iowa (Mr. MAYNE). The gentleman spoke concerning the FBI National Police School. I am a graduate of that academy, and one of the reasons there is no difficulty insofar as expenses are concerned is that a member who goes to that academy, after he has been selected by the director and the staff, is because the salaries and expenses of the attendees are all paid for by each individual department. In effect, there is no cost to the Federal Government for having selected police officers to attend the academy except for the academy itself, for the barracks and the food. All the rest of these expenses are taken care of.

In fact, when I attended the academy, I lived at 506 East Capitol Street, and paid my own way. So we did not get $100 a day to attend the school. We went there because we were selected, and because we wanted to do something in the law enforcement field, and in many, many instances it has been reflected, in my estimation quite favorably in the handling of juvenile cases.

These are just some of the things I wanted to call to your attention. And I also wish to further commend both the gentleman from Ohio and the gentleman from Iowa who were former FBI agents, and, as one of your colleagues in fighting crime, may I say that you are both doing an excellent job.

Mr. DEVINE. Mr. Speaker, I thank the gentleman for his comments.

Mr. KASTENMEIER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, the soaring crime rate is of overriding concern to all Americans. In 1970, one murder took place every 33 minutes; a forcible rape every 14 minutes; an aggravated assault and a robbery—both—every minute and a half. In the last 10 years, the number of serious crimes has almost tripled while our population has increased by only 13 percent.

The most distressing aspect of all of this is the number of young people who are involved. Almost 50 percent of the persons arrested in connection with serious crimes in 1969 were 18 or under. Also, youth crime continues to increase rapidly. In the last decade, the population of persons 18 or under increased by 27 percent, while the number of arrests in this age group jumped by almost 100 percent. Further, the recidivism rate among young offenders is significantly higher than for older ones. An FBI study revealed that 72 percent of those arrested who are under 21 will be rearrested within 5 years.

It is obvious that until we solve our juvenile delinquency problem we will make little progress in overcoming the national crime problem.

In the past decade, Federal efforts to control delinquency have come from several sources. Two Presidential Commissions were appointed to study the problem and make recommendations.

The Youth Development and Delinquency Prevention Administration of the Department of Health, Education, and Welfare, and the Law Enforcement Assistance Administration of the Department of Justice were awarded generous funds from Congress to combat crime.

However, the statistics on juvenile crime cited earlier talk of the disappointing failure of present programs to have any measurable positive effect on juvenile crime. According to the National Council on Crime and Delinquency, which analyzed the 1970 programs in this area by Justice and HEW:

First. There is a lack of coordination and concerted planning among the Federal agencies;

Second. The continual shifting of organizational structure and requests for small appropriations has shown little commitment by HEW leadership over the years to mount and sustain a Federal delinquency program commensurate with the problem;

Third. In 1970, about one-third of the limited HEW appropriations were spent for planning and supportive services and the remainder were scattered throughout the country in small, underfunded, and uncoordinated programs;

Fourth. It was the expectation and possibly the intention of many that LEAA would pick up on the priority of delinquency where HEW had failed; but, in 1970, LEAA committed only 14.3 percent of its resources to plans for delinquency programs. Because many approved plans do not develop into programs, far less than even this small amount was actually spent to control juvenile delinquency;

Fifth. Of all LEAA funds spent on crime by the State of Illinois, only 6 percent were spent on juvenile delinquency programs.

Although the National Council on Crime and Delinquency has not as yet completed its investigations of the 1971 programs, early indications are that nothing more promising will be reported.

Originally, the National Council on Crime and Delinquency recommended that an Institute on Juvenile Justice could be lodged in either the Department of Health, Education, and Welfare, or the Department of Justice. However, since the performances of these two agencies have been so discouraging in the area of juvenile delinquency, the Council recently endorsed the creation of the independent institute proposed in H.R. 45. On October 28, Milton Rector, Director of the National Council on Crime and Delinquency, wrote subcommittee chairman ROBERT KASTENMEIER the following letter:

> NATIONAL COUNCIL ON CRIME AND DELINQUENCY,
> *Paramus, N.J., October 28, 1971.*
>
> Congressman ROBERT W. KASTENMEIER,
> *Chairman, Subcommittee No. 3, Committee on the Judiciary, House of Representatives, Washington, D.C.*
>
> DEAR CONGRESSMAN KASTENMEIER: We are writing you to express our strong support for H.R. 45, the bill to establish an Institute for Continuing Studies of Juvenile Justice.
>
> As you know we testified before your committee on July 29, 1970, concerning H.R. 14950, H.R. 45's predecessor in the 91st Congress. At that time we strongly supported the concept of the bill and continue to do so. However, in our testimony before the committee we suggested that the Institute be lodged in either HEW or LEAA. This suggestion was based on the then existing plans of those two agencies.
>
> Since that time our hopes for HEW and LEAA were not realized. In the last fiscal year LEAA only planned to spend 14.6% of their state block funds in the area of Juvenile Delinquency. Of this pitifully low amount only 14.1% was spent on training.
>
> HEW's performance has been equally disappointing. In the last fiscal year they expended only 12.9% of their resources on training. We have been informed by officials from HEW/YDDPA that in the present fiscal year they do not plan to spend any funds in the training area. This decision, made apparently in the face of the 1968 Juvenile Delinquency Act, is most discouraging.
>
> Therefore, we would like to modify our previous testimony and urge that the Institute as described in H.R. 45 be enacted by Congress.
>
> Sincerely,
>
> MILTON G. RECTOR,
> *Director.*

Mr. Speaker, briefly stated, the primary functions of the Institute for Continuing Studies of Juvenile Justice as envisioned in H.R. 45 are threefold:

First. To provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency;

Second. To provide a coordinating center for the collection and dissemination of useful data on the treatment and control of juvenile offenders and the juvenile system in general; and

Third. To prepare studies on juvenile justice including comparisons and analyses of State and Federal laws and model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The institute would be under the supervision of a Director appointed by the President. Overall policy and operation would be set by the Director and his Advisory Commission composed of members of appropriate Federal agencies and experts on juvenile crime from the private sector.

The training program which the institute would operate is a matter of the highest priority. One of our greatest problems is the lack of adequate training for those who deal with young people who have run afoul of the law.

The first contact with the juvenile justice system for most offenders is usually the policeman. His role is an important one for it is he who must make the initial decision as to how to treat the juvenile offender. He has a range of options—arrest, warning, dismissal, meeting with the parents to name but a few. It is imperative, therefore, that the police officer be aware that arrest is not his only option.

Unfortunately, according to a recent survey conducted by the International Association of Chiefs of Police, the average police recruit receives only 7½ hours of training on the problems of juveniles and delinquency. This says nothing, of course, about the quality of that training.

On-the-street contact with juveniles is a daily occurrence—and in-depth understanding of the particular problems of this age group is critical. Yet little in-service training is provided. In the cities with populations of one-quarter to one-half million surveyed by the police chiefs, only 15 percent of the officers assigned to special juvenile units had received any specialized training necessary for them to function effectively in their assignments.

This lack of special training in handling juvenile offenders is also true of juvenile court judges and probation officers, both of whom play a critical role in the young offender's first contact with the law.

The National Crime Commission reported that—

> Less than 10% of all juvenile court judges in the country were full time, three-fourths devoted less than one-fourth of their time to juvenile matters.

Further, half of the juvenile court judges have no undergraduate degree; one-fifth no college education at all, and one-fifth were not even members of the bar.

Probation personnel, perhaps more than any other segment of the juvenile justice system, need specialized training to provide each and every offender with an opportunity to become a well-adjusted and productive member of his community. Unfortunately, education and training requirements for probation officers vary from jurisdiction to jurisdiction. Many require high school diplomas, some require college degrees, and some have no educational requirements at all.

The American Parents Committees questioned each of the State directors of juvenile justice programs on their priority needs for delinquency prevention and control. Almost without exception it was found that States desperately need trained probation officers for juvenile courts.

An offender's contact with the juvenile justice system can mark a turning point in his life. In far too many cases it marks the beginning of a life of crime.

Under H.R. 45, the institute will conduct short-term courses on modern methods of dealing with delinquent youth. The enrollees would return to their States and communities with valuable information they can mold to their particular needs and circumstances.

Another priority of the institute would be to provide a center to gather and disseminate information on the various programs. In the past, we have been plagued by existing fragmentation of Federal and State agencies and programs dealing with juvenile offenders and the lack of coordination among them. As Judge James Gulotta of the National Council of Juvenile Court Judges succinctly said:

> Historically, there has been a lack of organization among the states in the areas of coordinated research, planning, communication, and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information—or even completely misunderstood the resources and knowledge available to only a few.

Thomas G. Pinnock, deputy director of the department of institutions for the State of Washington, has called for "a central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of the information to those of us directly involved with the problems of youth." H.R. 45 provides this clearinghouse.

Finally, the institute is directed to analyze State laws on juvenile crime and develop model laws and codes. The American Bar Association and the American Law Institute have achieved striking results with a similar approach.

Support for H.R. 45 has been gratifying. Over 100 Members in the House are cosponsors of this bill, and 21 Senators have sponsored identical legislation. Congressmen BIESTER and MIKVA were instrumental in the drafting of H.R. 45, and Senator PERCY led cosponsorship on the Senate side.

Congressman CLAUDE PEPPER of the Select Committee on Crime has held extensive hearings on the juvenile delinquency problem, and lent his efforts to support developing the idea of an institute.

Support has also come from some of the best known authorities on the subject of juvenile delinquency in the country. I now read a few of the many telegrams and letters that have been received from around the country in support of H.R. 45.

Judge James H. Lincoln, president, National Council of Juvenile Court Judges, telegram of October 26, 1971:

> It is not the purpose of this telegram to again make a detailed statement. It is my purpose as President of NCJCJ to again reiterate our very strong support of H.R. 45. We have had long experience with dealing with the present departments and agencies in Washington concerning matters relating to juveniles. We have an abundance of grass roots knowledge at the local level. We know that H.R. 45 is long overdue legislation.

Byron B. Conway, Wood County judge, Wisconsin, letter of October 22, 1971:

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I am a past president of the National Council of Juvenile Court Judges and that organization has taken a deep interest in the passage of this bill since it (H.R. 45) was introduced. The bill is also supported by the National Council on Crime and Delinquency, the Association of Parents, and many other sincere organizations that deal with the problems of children.

Orman W. Ketcham, judge of the Superior Court of the District of Columbia, letter of October 26, 1971:

At the request of the Committee on Family Law Judges (of which I am chairman) the Family Law Section of the American Bar Association adopted a resolution last July in New York City, endorsing in principle H.R. 45, and urging the establishment of an independent Institute for Juvenile Justice.

Hope Eastman, acting director of the American Civil Liberties Union, letter of October 26, 1971:

The American Civil Liberties Union strongly supports H.R. 45, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

This legislation represents an imaginative effort to deal with this problem (lack of resources). It would provide training programs and facilities for persons connected with prevention, control and treatment of juvenile crime and delinquency. It would also establish a national clearinghouse of information and studies on juvenile delinquency and the juvenile justice system.

Trained personnel and greater knowledge are essential to achieving the specialized treatment and rehabilitation of juvenile offenders which is necessary to halt the alarming increase in juvenile crime and delinquency.

Mrs. Barbara McGarry, executive director, American Parents Committee, letter of October 14, 1971:

The enormity of the juvenile delinquency problem clearly calls for a new approach, in view not only of financial drain, but most importantly, in reclaiming the misdirected young lives of that segment of the nation's most important natural resource—its children. This new approach is soundly realized in H.R. 45.

Precisely because of lack of departmental inertia toward the mounting problem of juvenile delinquency, it is necessary to establish an independent Institute of Juvenile Justice, where Federal funds can be targeted directly to alleviating this problem—both by the training of special probation officers, intake and aftercare personnel, and by determining which programs show the greatest promise in controlling juvenile delinquency and in effectively rehabilitating the youthful offender."

"Legislation Memogram" from Mrs. Walter G. Kimmel, PTA, memogram issued September 20, 1971:

H.R. 45 is a proposal to establish a National Institute for Continuing Studies of Juvenile Justice.

We believe the bill contains many elements of juvenile treatment and control that are much needed, and we would like to see the bill reach the floor of the House for consideration.

I would also like to read a letter I just received from the criminal law section of the American Bar Association. While the letter does not constitute an official endorsement by the ABA, it is nonetheless very encouraging.

The letter follows:

AMERICAN BAR ASSOCIATION,
Chicago, Ill., December 3, 1971.

Hon. THOMAS F. RAILSBACK,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: This letter is in response to your inquiry concerning consideration and action on the part of the ABA Section of Criminal Law regarding H.R. 45, 92d Congress, 1st Session, a bill introduced by you to amend Title 18 of the United States Code to establish an Institute for Continuing Studies of Juvenile Justice. Your interest is greatly appreciated.

You will be pleased to know that this bill and the amendments favorably reported by the full Committee on the Judiciary October 28, 1971, were assigned for analysis to our Section's Committee on Juvenile Delinquency which is chaired by Monroe J. Paxman, National Council of Juvenile Court Judges, University of Nevada, Reno, Nevada 98507.

At a meeting of our Section's governing Council held at San Francisco, California, November 13, 1971, Chairman Paxman reported favorably on the bill as amended and our Council unanimously approved a motion to support this legislation in principle. Based thereon, our Section will submit a report to the ABA Board of Governors with a recommendation that the legislation be endorsed in principle by the House of Delegates at the Association's Midyear Meeting, New Orleans, Louisiana, February 3–8, 1972.

Until the Board of Governors and House of Delegates act, ABA policy precludes any official endorsement of legislation in its name or in the name of any section or other representative. I am sure you can appreciate the soundness of such policy. In the event the House of Delegates approves our recommended endorsement, representatives of our Section will then be authorized to testify in favor of and otherwise support this legislation in principle.

I shall continue to follow this matter and will, of course, advise you as soon as we are able to act.

Sincerely,

WILLIAM H. ERICKSON,
Chairman.

Mr. Speaker, America's best hope for reducing crime is to reduce juvenile delinquency. I hope we begin this task by passing H.R. 45 today.

Now when I say that this is patterned after the FBI training academy I do not mean to mislead. It is patterned after it in some respects.

I am not sure what the cost figure is going to be, but it was estimated at $2 million. It was our intention to provide a multidisciplinary approach that would involve law enforcement and probationary personnel, judicial personnel and correctional personnel who would come to Washington where they could be provided some expert training and could learn what some of the other States are doing in the juvenile delinquency field.

I know right now the States are going in every which direction.

Let me say to my friend from Louisiana that this particular legislation has the strong support of the juvenile court judges.

Judge James Gulotta of the National Council of Juvenile Court Judges, a former president, said this:

Historically there has been a lack of organization among the states in the areas of guaranteed research, planning, communication and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information or even completely misunderstood the resources and knowledge available to only a few.

This is not another research organization. The purpose of it is very simple—to provide training on a short-term basis and to provide and act as an information disseminator.

Right now, as I mentioned before, the States are going in every which direction.

Talking about your law enforcement personnel. The gentleman from Colorado (Mr. MCKEVITT) has several years of training as a prosecutor and he is a strong advocate of this legislation as well as the other persons I mentioned.

I just received a letter from the American Bar Association and although this cannot be considered as an endorsement—here is the action that has been taken to date.

They said in a letter dated December 3 at a meeting of the section's committee on juvenile delinquency governing council held in San Francisco, Calif., on November 13, 1971:

Chairman Paxman reported favorably on the bill as amended and our Council unanimously approved a motion to support this legislation in principle.

Mr. MAYNE. I do not believe the gentleman has made clear what section of the American Bar Association it is to which he refers.

Mr. RAILSBACK. Let me——

Mr. MAYNE. The letter mentions a committee of a section of the ABA without identifying the section.

Mr. RAILSBACK. No, I said this could not be considered an endorsement. You asked me to yield when I was about to finish reading the letter.

What I was about to read, if I may read that:

You will be pleased to know that this bill and the amendments favorably reported by the full Committee on the Judiciary, October 28, 1971, were assigned for analysis to our Section's Committee on Juvenile Delinquency which is chaired by Monroe J. Paxman, National Council of Juvenile Court Judges, University of Nevada, Reno, Nevada 98507.

Let me make it very clear that there has been no final action taken by the board of governors.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. RAILSBACK) has expired.

Mr. MAYNE. If the gentleman will yield at that point, you still have not said what section is involved.

Mr. KASTENMEIER. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. RAILSBACK. I think I made it very clear—it says:

Section's committee on Juvenile Delinquency which is chaired by Monroe J. Paxman.

Mr. MAYNE. What is the section? It is the section's committee—but what section of the bar association?

Mr. RAILSBACK. Oh, I see what you mean. I believe it is the family law section, but I would like to check on that. In checking I find that it is criminal law section.

Mr. MAYNE. I thank the gentleman.

Mr. RAILSBACK. Let me just say there are other organizations I want to pay credit to—particularly the American Parents Committee represented by Mrs. Barbara McGarry which has been very helpful and the National Council of Juvenile Court Judges.

Mrs. DWYER. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentlewoman.

Mrs. DWYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in our continuing and increasing battle against crime, it becomes more important than ever that we identify our goals and recognize the need to develop a strategy adequate to reach those goals. At the heart of any such strategy must be the effort to prevent future criminal activity before it gets started. This means reaching young people and understanding what leads some young people into delinquency and then into crime.

Reducing the crime rate, increasing the personal security of the people and enabling them to focus attention and energies on problems external to themselves—these goals will not be accomplished by cosmetic attempts to hide surface manifestations of deep-seated problems. Unless we learn how to deal with conditions that turn kids into criminals, we will be fighting a losing battle.

H.R. 45, of which I am pleased to be a cosponsor, is designed to help provide the understanding we need. I urge its approval by the House today.

Mr. DEVINE. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, here we go again with a $6 million expenditure on the premise that all Congress needs to do is throw some money at a problem and it will disappear. And this despite the fact that neither the Health, Education, and Welfare nor the Department of Justice support this bill. In fact, both Departments are opposed to it.

I should like to ask the gentleman from Wisconsin where his committee got the authority to go into title V of the United States Code and set up a level-5 director of the proposed institute. Does the committee have no regard for the committee in Congess that is supposed to pass upon the top level officials that you set up in the institutes and commissions that you create?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Is the gentleman suggesting that we cannot set up legislation providing for a level 5 director?

Mr. GROSS. That happens to be within the purview of the Post Office and Civil Service Committee. Moreover, you do not conform in this bill to the law which requires, in creating an institution or other agency, calling for the expenditure of a million dollars or more of the taxpayers' money, to provide the staffing requirements, estimated manhours and other related information that goes with a proposition of this kind.

Mr. KASTENMEIER. If the gentleman will yield further, if he will refer to pages 24 and 25 of the hearings, he will see the detailed staffing.

Mr. GROSS. That is not what the law requires. The law requires that it be provided in the report accompanying the bill. I notice, too, that on page 6 of the bill the committee originally made the Attorney General or his designee a member of the Advisory Commission. Apparently when the Department of Justice said it wanted nothing to do with this bill, the committee struck the Attorney General from the Advisory Commission.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, I will yield briefly.

Mr. KASTENMEIER. The gentleman will note that the Administrator of the LEAA, and the Director of the Bureau of Prisons, who is responsible to the Department of Justice——

Mr. GROSS. But why did you eliminate the Attorney General or his designee? I will put the question very bluntly. Why did you strike him out?

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am yielding to the gentleman from Wisconsin at the moment. Apparently the gentleman does not have the answer to the question.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. DEVINE. Mr. Speaker, I yield the gentleman 1 additional minute.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 1 additional minute.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Let me say to the gentleman in the well that it was our original intent to have the Attorney General, and then it was felt, after the hearings and after we met, that it would be better to pinpoint the very people to serve in the executive branch that have the most to do——

Mr. GROSS. After the Attorney General said he did not want any part of this and the Department said that they did not want any part of it——

Mr. RAILSBACK. If the gentleman will yield——

Mr. GROSS. No, I have the gentleman's answer. I do not care to yield any further. I am just saying that it is proposed to send another $6 million down the drain, and according to the reports of the Department of Health, Education, and Welfare and the Justice Department, there is no real need for the expenditure of this kind of money. In the State of Iowa we have a little regard—I do not know about Illinois—but we have a little regard for the expenditure of millions of dollars these days. I urge that this bill be voted down.

Mr. KASTENMEIER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Speaker, I rise in support of H.R. 45. I feel that those who oppose this legislation really must ask themselves two or three important and significant questions. The first question would be: At the present time do we as a country—I do not mean the Federal Government, the State government, or local government but all of them together and our whole society—do we face the problem of juvenile delinquency successfully? If your answer is "Yes," to that question, there is no reason to go further in the consideration of this legislation. But if your answer is "No," to that—and I would imagine that the figures that show recidivism on the increase and the figures that show the increasing problems that occur from juvenile crime would indicate a definite "no" to that question.

The second question then is, assuming that our present approach to the juvenile delinquency problem is deficient as a society, do we need as a society to do somewhat better than we have to train ourselves to be more effective than we have been and to work somewhat more in synthesis than we have in the past to produce a better response to this problem?

And if the answer is yes, that is the very best reason for supporting this legislation, for this legislation admits that our approach has not been perfect in the past and admits that there are different programs handled by different entities of the Government and proclaims that it is essential we synthesize these efforts rather than leave them as they are, dangling often at the end of a particular point of view as exemplified by the fact that the Justice Department obviously has a different point of view in the matter of juvenile justice than does the Department of Health, Education, and Welfare.

Mr. DEVINE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, of course, it is difficult to oppose anything that might possibly solve the problem of juvenile delinquency, but we cannot approach these things on an emotional basis. We have to do it objectively, and we have to look at the actual facts. Let me reiterate what the Department of Justice has said:

The Department is of the opinion that enactment of this legislation would result in overlapping and duplication of efforts in the juvenile delinquency field by federally funded organizations because all of the functions proposed for the Institute of Continuing Studies of Juvenile Justice presently can be performed under existing law.

HEW says the following:

. . . we believe that the authority now existing in the Department as well as that existing in the Department of Justice under the Omnibus Crime Control and Safe Streets Act is sufficient to carry out the objectives of H.R. 45. . . . The establishment of another independent agency in the form of an Institute would fragment Federal efforts in the field.

Mr. Speaker, they recommend against passage. I think that speaks for itself.

I urge defeat of this bill.

Mr. KASTENMEIER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA) to conclude the debate.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I would like to commend the authors of this bill, in par-

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ticular, the gentlemen from Illinois (Mr. RAILSBACK and Mr. MIKVA) for their efforts in the drafting and the shepherding of this legislation.

The juvenile's contribution to crime in this country is astronomical. No one knowledgeable in the area of crime in our streets would question the statistics that tell us that:

Seventy percent of the young people living in the inner city find themselves in trouble with the law before they are old enough to vote;

Seventy-two percent of the youth arrested are rearrested within 5 years;

Nearly half of those arrested for criminal offenses are under the age of 18.

It would be improper to contend that overnight H.R. 45 would materially change the recidivism rate with regard to the juvenile offender. However, it is proper to contend that whatever is being done today has not changed the serious problem of the juvenile lawbreaker—a problem that was clearly brought to this Nation's attention by the President's Commission on Law Enforcement and the Administration of Justice in 1967. H.R. 45 is a beginning at meeting a major crime problem. Its focus is on that age group which ultimately swell the population of our prisons.

H.R. 45 is a redirection. It would provide a coordinating and unifying force that would bring together what is now a multifarious and disjointed attack on a very serious enemy of society—crime.

H.R. 45 is an experiment and a relatively inexpensive one when balanced by the gravity and the importance of the situation which it confronts.

Mr. Speaker, support for H.R. 45 has been expressed by numerous authorities and organizations including the American Parents Committee, the National Congress of Parents and Teachers, the American Civil Liberties Union, and the National Council of Juvenile Court Judges.

I hope the Members will support the enactment of H.R. 45.

Mr. MIKVA. Mr. Speaker, let me say to the distinguished gentleman from Iowa that I went back and did a little research. I have to tell the gentleman when the FBI first proposed its Institute for Law Enforcement, it was opposed on very many of the same grounds that are being offered today against the Institute for Continuing Studies of Juvenile Justice. Indeed, it included a more serious one that was offered; namely, that it would be a takeover of the local law enforcement and would create all kinds of overlapping. I think the track record of that Institute for Law Enforcement speaks for itself. I would only hope this academy would be half as successful as the FBI Academy has been.

I would point out too when these problems do not yield to easy solution, we ought to look for new ways to find some solutions rather than to object there might be some overlapping. Let us not be content with what we have when we know what we have is insufficient.

Just last week the Appropriations Committee of this House severely chastised the District of Columbia Corrections—rightly, I might add—for not having sufficient statistics on recidivism and all the other statistics that correctional agencies do not have, because there is no central gathering place for those statistics. With respect to juvenile delinquency, this service would be provided in this bill. I could enumerate other ways in which there are lacks.

Of course, $6 million, or whatever the amount the distinguished gentleman from Iowa estimates would be the cost of this bill, is a great deal of money; but the cost of letting juvenile delinquency continue unchecked and unabated, the cost of letting the juvenile delinquents turn into the adult delinquent, the cost of having a person start out with juvenile crime and end up as a murderer is a very great cost.

Mr. Speaker, I support H.R. 45.

Passage of this bill today by the House will be a tribute to the efforts of my friend and colleague from Illinois (Mr. RAILSBACK). His continuing concern over the alarming increases of juvenile crime, and his dedication to doing something to deal with the problems behind the grim statistics, has been the driving force behind this bill.

TOM RAILSBACK has not been alone in his concern and his dedication. This legislation comes to the floor with the support of more than 100 Members of the House—Republicans and Democrats, liberals and conservatives, representing urban, suburban, and rural districts.

The bill enjoys considerable support in the other body as well, thanks to the leadership of the senior Senator from Illinois (Senator PERCY), and the junior Senator from Indiana (Senator BAYH). More than 20 Members have cosponsored the bill in the Senate, and Senator BAYH plans to hold early hearings next session before his Juvenile Delinquency Subcommittee.

Mr. Speaker, it should not be necessary to debate the urgency of improving our efforts to reduce juvenile crime, if we are to make any headway in the war against crime. The FBI's Uniform Crime Report for 1970 shows that fully two-thirds of all arrests in major crimes involve people under 21 years old. And juvenile crime continues to increase—42.2 percent since 1965, and a starting 113.7 percent since 1960.

We are missing an important opportunity. When a teenager gets in trouble with the law, it is an early warning signal. These young people—14, 15, 16, and 17 year olds—have not turned to a life of crime after years of unemployment, alcoholism, or dope addiction. They are starting life as criminals, and many if not most of them will have long years of criminal activity ahead of them if something is not done to straighten them out early in the game. The FBI statistics bear this out. On the whole, 63 percent of those people released from prison are rearrested within 4 years. For juveniles, the figure is even higher—nearly 75 percent of those under 21 at the time of their release get in trouble again. The need for action is clear. Reducing juvenile crime will produce a disproportionate reduction in total crime, by taking out of criminal circulation youngsters who might otherwise commit numerous additional crimes through their lifetime.

We do not have all the answers by a long shot. But we do have some. The problem is that we are not making effective use of the knowledge we have.

There are many programs scattered throughout the Federal bureaucracy, dealing with different aspects of juvenile crime. The Department of Labor, the Department of Health, Education, and Welfare, the Department of Justice—all have proliferating programs under various legislative mandates, seeking to develop effective new techniques to stem delinquency.

But the knowledge gained through their efforts is of little use if it does not get out into the field. That is what H.R. 45 will do.

In the hearings before the Judiciary Committee in April, one witness—a juvenile court judge—spoke of the frustration of judges and probation officers who must recommend treatment programs for juveniles without ever being sure whether a more appropriate program is available for a particular individual. "I believe," said the judge, "that there are many million-dollar programs which offer solutions to juvenile problems that are not being used simply because we judges are not aware of their availability." He strongly endorsed H.R. 45, for it would provide a central source of information on what programs are available and what approaches have proven effective.

A second important function of the proposed Institute for Continuing Studies of Juvenile Justice would be the training of personnel working in the field. Too many judges and probation officers and juvenile corrections people around the country are years behind the current state of knowledge in their field. Every study of the needs of the juvenile justice system has pinpointed lack of trained personnel as a serious problem. In searching for a vehicle to meet this need, the model which stands out is the Federal Government's FBI Academy. It has been a model for law enforcement professionalism, training thousands of State and local law enforcement officials. If we are to begin solving the serious problem of juvenile crime which we now face in this country, we must make a comparable effort in training, motivating, and providing information to juvenile justice specialists.

In 1966 the Task Force on Juvenile Delinquency and Youth Crime of the President's Crime Commission recommended that juvenile "specialists" should be present and aid in the disposition of juvenile first offenders. Yet the Commission found that barely 5 percent of all the personnel employed in State juvenile facilities in 1965 were professionally trained treatment personnel. This is the challenge which H.R. 45 is designed to meet.

H.R. 45 offers a kind of revenue sharing plan for redistributing to the States and local governments the wealth of knowledge collected by the Federal Government in the juvenile-justice field. Through the various action and research programs spread throughout the Federal bureaucracy, we are finding answers to some of the problems. But we are not getting this new knowledge back to the

people who must apply it—the judges and probation officers who must deal with juvenile offenders on a daily basis. The Institute for Continuing Studies of Juvenile Justice will bring that knowledge to the people who need it, through continuing education programs and a centralized information source.

Mr. Speaker, this is a good bill, and a desperately needed bill. I urge my colleagues to vote to suspend the rules and pass H.R. 45.

Mr. COUGHLIN. Mr. Speaker, I rise in support of this legislation to establish an Institute for Continuing Studies of Juvenile Justice.

Juvenile crime in this country, as we all know, has skyrocketed in the past decade. During the 1960's, violent crime by children under 18 has increased by 148 percent. Property crimes, such as burglary, larceny, and auto theft, have increased by 85 percent.

Despite all our efforts to curtail delinquency, the repeat rate for offenders under the age of 20 is around 74 percent. While children between the ages of 10 and 17 make up only 16 percent of our population nationally, they account for more than 48 percent of all arrests for serious crimes. This is the largest percentage for any group in the country.

The toll from this crime is enormous. In 1970, for instance, the material cost was more than $4 billion. Even more costly were the losses in human terms by both the victims of juvenile crime and the juvenile offenders themselves. The intangible effects in terms of public fear and private despair are immeasurable.

All this is familiar to you, but it bears repeating if only to emphasize the need for this legislation.

In 1968, in response to the rise in juvenile crime, Congress passed the Juvenile Delinquency Prevention and Control Act. This act sought to help States and local communities strengthen their juvenile justice programs, including courts, correctional systems, police, and other law enforcement agencies. It also provided for the training of personnel employed or about to be employed in the area of juvenile delinquency prevention and control, and for developing new techniques and services in the field. The act also sought to emphasize the importance of the community-based approach in its prevention, rehabilitation, and training programs, as well as to coordinate its efforts with other Federal assistance programs relating to the prevention and control of juvenile delinquency.

However, in its 3 years of operation, it has become clear that the act has not lived up to expectations. The fault, it seems to me, has been one of execution rather than any weakness in conception. Our juvenile justice system, much like the correctional system, is characterized by overlapping jurisdictions, different points of view, insufficient coordination among the agencies, lack of dynamism, and not enough money.

In its operation our current juvenile justice system functions so that the total is less than the sum of its parts.

That is to say, most State systems are made up of several interrelated parts, usually separately administered at different levels of government. As a result, no single body oversees the entire system to coordinate the allocation of funds for programs and personnel.

This legislation is designed to remedy the situation.

The purpose of this legislation is threefold: first, to provide training programs and facilities for personnel involved in the field; second, to provide a coordinating center for the collection and distribution of useful information on the subject on a nationwide basis; and third, to prepare studies and recommendations designed to promote an effective and efficient and humane juvenile justice system.

Put another way, this legislation is meant to be a two-pronged attack on juvenile crime. The Institute would provide education and training for persons working to combat juvenile delinquency at the State and local level. The training would be patterned after the very respected and successful FBI Academy, and would offer training by experts for local law enforcement officers, judicial personnel, welfare officials, correctional officers, probation officers, and others connected with the treatment and control of juvenile offenders.

The second attack concentrates on the dissemination of information presently existing but not found conveniently in a central location. The problem of juvenile delinquency, as we all know, is primarily a local one. But, to the extent there are 50 States and countless local communities approaching the problem in their own individual ways, there is need for some central help and coordination.

This legislation goes beyond that providing for studies and recommendations. This is an action program and there can be no doubt that we desperately need positive action in this field.

I hasten to point out that it would not be the purpose of this Institute simply to be another Government agency telling everyone what to do. The key words, I believe, are "help and coordination." There is no question in my mind that the establishment of this Institute would greatly benefit State and local agencies and organizations concerned with preventing and controlling juvenile delinquency, and it is for this reason that I urge my colleagues to vote in favor of this legislation.

Mr. FINDLEY. Mr. Speaker, the bill before us today would create an Institute for Continuing Studies of Juvenile Justice. I first introduced this bill with my colleague from Illinois (Mr. RAILSBACK) on December 8, 1969. I did so, because of the tremendous upsurge in juvenile crime that our country has experienced in the past decade. It is clear to me that the programs that presently exist do not deal effectively with this problem and that new approaches must be found. In my judgment, H.R. 45 is such an approach.

As has already been stated, the Institute for Continuing Studies of Juvenile Justice created by this bill has three purposes. First, it will provide badly needed training for those who deal with young people who have gotten in trouble with the law. Policemen, judges, and probation officers will be able to receive specialized instruction to better enable them to cope with youthful offenders.

Second, the institute will act as a clearing house for information about juvenile delinquency and its control. State and local programs will be monitored and information about them supplied to other jurisdictions for their consideration.

Finally, the institute will develop model laws on juvenile delinquency. Drawing on the experience and legislation of all 50 States, as well as that of other countries, the institute will attempt to write a modern penal code for juvenile offenders to serve as a model for all States.

The cost of this proposal—about $2 million annually—must be measured against the tremendous cost of juvenile delinquency. In 1968, all public institutions for delinquent children in the country spent a total of $227 million—about $4,516 per child.

The cost of the crime committed by juvenile offenders is also tremendous, and in many cases it goes unreported. For example, in 1969, the city of Chicago spent over $1 million just to replace broken windows in the public schools.

The National Council on Crime and Delinquency estimates that approximately 100,000 children are locked up each year by the police. Obviously, this is not the answer to the juvenile delinquency problem. A better answer must be found, and I am hopeful that the Institute for Continuing Studies of Juvenile Justice can help provide that answer.

Mr. MICHEL. Mr. Speaker, as one of the cosponsors of this legislation to establish an Institute for Continuing Studies on Juvenile Justice, I want to emphasize that a major objective of such an institute would be to provide professional, comprehensive training for juvenile court personnel.

In a recent, nationwide survey, State directors of juvenile delinquency prevention and control programs repeatedly expressed the need for more and better trained probation officers. Probation is recognized as one of the most vital and important programs in the rehabilitation of young offenders. Only with properly trained probation officers, however, can we effectively undertake such programs and at the same time assure the adequate protection of the public. When we realize that 50 to 75 percent of these young offenders will be arrested again for crimes as adults, it is clearly time that such training be made widely available.

Juvenile justices have also repeatedly expressed their desire for a continuing legal education program in juvenile studies for themselves and their court personnel. Insufficient knowledge of new programs and research in juvenile justice have meant in the past that delinquents who have come before these judges have not received the best opportunity for rehabilitation and reform. This, indeed, is a heavy burden for justices to bear.

The institute proposed in H.R. 45 has been modeled along the lines of the FBI National Academy. In the past 36 years the Academy has been highly successful

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in professionalizing law enforcement through the training of experienced law officers, and it has done so far more comprehensively and economically than would have been possible if the States had undertaken independent training institutes. There is every reason to believe that a national institute on juvenile justice would prove equally beneficial and would be highly welcomed by communities and States alike.

The need for a better solution to the juvenile delinquincy problem in this country is all too well recognized. It is my firm belief that the training which can be provided by the Institute proposed by H.R. 45 will be a vital first step toward that solution.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today in support of H.R. 45, a bill to create an Institute for Continuing Studies of Juvenile Justice, and to congratulate my esteemed friend and colleague TOM RAILSBACK for his well-wrought efforts in designing and introducing this bill.

With the passage of this legislation, the Institute in question would collect, prepare, and disseminate data on juvenile justice, as well as train personnel in the juvenile justice area.

The penal system of the United States is, as we have all recently witnessed, deeply and immediately in need of reform. The percentage of "rehabilitated" criminals in this country remains at a shamefully low 5 percent. The blame for this obvious lack of successful reform can be equally distributed among various influences in our society. Yet, it is evident that when given the opportunity to reform offenders, we have, more often than not, disgracefully neglected it.

Mr. Speaker, the juvenile offender must be given a meaningful chance for rehabilitation. If we are to be successful in our fight against crime; if we are to make an honest commitment toward a constructive overhaul of the present system, then we must first make a realistic appraisal of the sorry situation that confronts us. We must then begin to constantly and forcefully alter the present penal system in the hopes of constructing something, anything, that works.

The creation of an agency which will study the problems of juvenile delinquency and unify the juvenile justice system of this country is a vital progression toward such change.

I am proud to be a cosponsor of H.R. 45 and I urge all of my distinguished colleagues to support the passage of this bill and its immediate enactment into law.

Mr. LLOYD. Mr. Speaker, I believe one of the greatest responsibilities an elected representative has to discharge is to make efficient use of existing agencies and to eliminate those which are performing duplicated services. Consequently, I oppose this bill, not because I do not recognize the problems of juvenile crime but because there are already so many listed existing agencies, both public and private, which are conducting in-depth study into the means whereby we can combat juvenile crime and help juveniles live productive lives.

I formerly served as a member of the legislature of my State and at that time I was quite heavily involved in legislative approaches to crime and to juvenile crime. I authorized legislation establishing a nonpaid, completely volunteer council on the administration of criminal justice. In the field of juvenile delinquency, I authored the legislation which established juvenile detention homes with joint State-county responsibility and am pleased to be told that the juvenile detention system established under that legislation is working well to provide essential services for the particular problems existing in Utah. I mention these matters to illustrate that I have some experience in the problems of crime and juvenile delinquency. If the bill before us were to offer new services to meet a national demand, it would justify support, but in my opinion those conditions do not exist.

Our overriding responsibility is to prevent new and unnecessary Government services to be established in the first place so that the expense of maintaining such unnecessary services will not skyrocket as those employed by such services become lobbyists for more and more expansion under the false guise of necessity. While these employees can spend great amounts of time drawing up pin maps and bar charts to justify the continuance and expansion of their jobs, there are few, if any, who are spending comparable time pointing out the reasons why these services should not be expanded or eliminated altogether. In this as in many other proposals which are brought before us, our clear responsibility is to prevent the birth of unnecessary and duplicating services, which will grow into expensive, unnecessary bureaucracies. I, therefore, oppose the bill.

Mr. DRINAN. Mr. Speaker, I rise in support of H.R. 45, to amend title 18 of the United States Code to establish an Institute for Continuing Studies of Juvenile Justice. I am a cosponsor of this measure and have supported it in the Judiciary Committee. I want to highly commend my friends and colleagues, Congressmen TOM RAILSBACK, ABNER MIKVA, and ED BIESTER for their leadership on this issue.

Only yesterday, in her New York Times magazine article, "When Children Collide With the Law," Gertrude Samuels described a study which indicates that each year more than 100,000 children of juvenile court age are held in adult jails or prisons. Another study shows that 79 percent of all offenders under the age of 20 released from institutions in 1963 were rearrested by 1969. Between 1960 and 1969 juvenile arrests increased 90 percent. In many States individuals younger than 20 are not accorded any youthful offender status.

We know that four out of five adults who commit serious crimes have previously been convicted. We know that a majority of adults imprisoned will be recidivists. There is much evidence of a population of adult criminals who return to prison again and again. The growing literature on prison reform, by and about convicts, indicates that the criminal "style" is often, if not invariably, defined during youth. This bill, which would establish an independent institute to study juvenile justice, is an essential part of a reform movement which must be undertaken if we are to cope with the pattern of perpetual criminality which tragically characterizes the prison population of our country.

I greatly regret that this bill comes here today in an atmosphere of controversy. The executive agencies which are involved with control of juvenile crime—the Departments of Justice and Health, Education, and Welfare—claim they have been doing, or are capable of doing, an adequate job in this area. Unfortunately, the statistics belie their claims. Indeed, it is no exaggeration to state that many aspects of our treatment of juvenile offenders more closely resemble the social conditions described in Dickens' "Oliver Twist" than rehabilitative control.

This bill would provide training programs for individuals involved in the juvenile delinquency control and treatment fields. It would provide facilities to collect and disseminate data on juvenile crime. It would fund studies of the operation of the juvenile justice.

These functions are not presently being performed in a coordinated or adequate way. As I listened to the testimony regarding this measure in Subcommittee No. 3 of the Judiciary Committee, the frequent descriptions of the gap between prudent proposals and the current state of juvenile justice made a deep impression on me. In short, we simply do not have a responsive institutional framework to train individuals or to study and propose reforms in this field.

The Judiciary Committee has studied existing programs with great care and has concluded that we need a new approach. I urge my colleagues to support that recommendation.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 45, which would establish an Institute for Continuing Studies of Juvenile Justice. Having been a cosponsor of this legislation in both the 91st and 92d Congresses, I am pleased that the measure has finally reached the floor of the House for consideration.

Legislative hearings were conducted earlier this year to evaluate the status of current juvenile delinquency programs at the Federal level. These hearings brought out the fact that no single individual within the various departments involved in this area is charged specifically with sole responsibility for juvenile delinquency programs. Nor is any one individual charged with coordinating these programs with other departments' efforts in order to prevent overlapping and duplication.

At a time when juvenile crime is reach staggering proportions, a unified, coordinated Federal effort is clearly called for.

Juveniles arrested for serious crime increased 78 percent from 1960 to 1968. Moreover, studies have shown that almost three-fourths of youths once arrested are being rearrested within a few years.

That is why I wholeheartedly endorse the two-pronged approach embodied in the bill. The first will provide a means of disseminating information and expertise in the field of juvenile delinquency treatment and control. The second will provide an academy to offer training by experts for local law-enforcement officers, judicial personnel, welfare officials, correctional officers, probation officers, and others connected with the treatment and control of juvenile offenders.

As a needed answer to an urgent social problem, the bill merits our immediate endorsement.

Thank you, Mr. Speaker.

Mr. MATSUNAGA. Mr. Speaker, as a cosponsor of an identical bill, I am pleased to express my strong support for H.R. 45, which would establish an Institute for Continuing Studies of Juvenile Justice.

Expressing alarm over the increase in juvenile crime has become almost a cliche in recent years, but the figures are truly alarming. In our inner cities, an almost incredible 70 percent of our young people find themselves in trouble with the law before they reach the age of 19. Furthermore, about three-fourths of these youngsters are arrested a second time within 5 years.

One other fact deserves mention: almost one-half of those arrested in 1968 for serious criminal offenses were under the age of 18; in other words, juvenile crime constitutes about half of the total crime problem.

In the face of these figures, the conclusion is inescapable that existing programs to combat juvenile delinquency are not working. Experts tell us these efforts are fragmentary and ineffective. What is needed is not new and harsher laws, but better coordination of existing laws and programs.

Mr. Speaker, H.R. 45 is well suited to that end. It would initiate a two-pronged attack on juvenile crime. The proposed Institute for Continuing Studies of Juvenile Delinquency would establish a clearinghouse for existing information about juvenile crime, information that up until now has not been properly analyzed or disseminated. Uncoordinated studies and programs at various levels of government have accumulated substantial amounts of relevant data, but we have not been able to put that data to its best use.

The second function of the Institute would be to provide training and education to those directly involved in State and local efforts to control juvenile delinquency. The training would be patterned after a similar, highly successful program for regular law enforcement personnel at the FBI Academy.

Mr. Speaker, H.R. 45 would go far toward achieving these two necessary objectives in the field of juvenile justice. I urge its overwhelming adoption.

Mr. RYAN. Mr. Speaker, I support H.R. 45—also introduced as H.R. 7352 which I have cosponsored. It would create an Institute for the Continuing Studies of Juvenile Justice. As a member of the Judiciary Committee, which has reported out this bill, I can attest to the need for this legislation.

Juvenile crime is a pressing and threatening aspect to the crime problem. Arrests of juveniles for serious crimes increased 78 percent from 1960–68, while the number of persons in the under 18 age group increased by only 25 percent.

To attempt to meet this problem, H.R. 45 would establish an Institute for Continuing Studies of Juvenile Justice. The Institute would provide a coordinating center for the collection and dissemination of data regarding the treatment and control of juvenile offenders and provide training for representatives of Federal, State, and local personnel connected with the treatment and control of juvenile offenders.

The Institute would be under the operational supervision of a Director appointed by the President, who would appoint a staff.

Overall policy of the Institute would be under the supervision of a 21 person Advisory Commission appointed by the President. This Commission would be composed of persons having experience or responsibility in the area of juvenile delinquency.

An important facet of this Institute would be its independence of the Federal agencies currently charged with the administration of juvenile justice. Currently the system of juvenile justice is administered by the Departments of Justice and Health, Education, and Welfare. The present state of that system suggests that some new input is needed. I believe that the administration of juvenile justice should be studied in an independent framework with a view toward developing effective new methods for dealing with the problem of juvenile offenders. This legislation provides for an Institute to help fulfill this function. I urge the House to support it.

Mr. RARICK. Mr. Speaker, I entertain serious reservations as to the purpose of H.R. 45 in its intent to establish an institution for continuing studies of juvenile justice which include sending our State-elected juvenile court judges to a Federal training academy.

My reservations apply mainly to the State juvenile judges themselves and not so much to the officers of the court inasmuch as the staff operates under the eyes of the juvenile court judge.

But, I do fear that State-elected officials brought together from all over the United States to a laboratory school and exposed to the persuasions and influences of college professors, psychiatrists, and social workers would be so sensitized on national needs and goals as to end up betraying their electorate at home.

I feel very strongly that this bill crosses the forbidden line which separates the Federal Government from our States under the Federal system and is a direct violation of our constitutional position.

It is utterly irreconcilable to compare a Federal school for elected State juvenile court judges with an FBI Acadamy. Juvenile judges are not in law enforcement or subject to uniform procedures for apprehension of criminals or in carrying out court decrees. Juvenile court judges are to dispense justice.

A national juvenile academy for indoctrination of elected State judges should be considered an insult by the voting electorate of this country. The voters elect as juvenile court judges men trusted for their sense of fairness, honesty, and morality, and who they believe will take into account family traditions and customs of the area in arriving at their decisions and judgments. To subject elected judges to an impressive training and indoctrination course administered by "authorities and experts" unfamiliar with local family conditions would constitute an indignity not only to the judges but to the voters as well. The people want the men they elect to be their juvenile court judges, not the alter ego of Federal bureaucrats and collegiate experts whose philosophy and theories of social justice are foreign to them and their area of the country.

Justice cannot be taught or legislated. Its main teacher is experience and maturity. And, our juvenile court judges do not need any Federal reviewing board or unelected examiners to check their productivity and efficiency. Their score card is graded by the voters in their districts and is always subject to review by the supreme court of their state.

Recently this body by a narrow vote enacted the comprehensive child development programs which indicate that there are many who do not trust parents to raise and control their children. Now if we pass this bill, we will be telling the parents that we do not trust their selection at the polls to elect a fair and impartial juvenile court judge unless his activities and mental approach to social problems has been conditioned by a Federal institute for continuing studies of juvenile justice.

I reiterate my question to the chairman of the committee as to whether he would have any opinion as to the feasibility of the States creating training schools for Federal judges to help condition and sensitize the Federal judiciary to local and State problems.

At most, H.R. 45 represents another unnecessary committee, additional unnecessary spending, another bureaucratic program which would expand, and delivering only unneeded, officious intermeddling.

I still hold confidence in the juvenile court judges of my State and in the electorate who selects them. I plan to cast my people's vote "no."

Mr. BIAGGI. Mr. Speaker, I rise in support of this bill to provide an independent Institute for Continuing Studies of Juvenile Justice. As a cosponsor of the bill, I strongly urge its passage as a necessary tool in reversing the upward trend of juvenile crime.

Over three-fourths of the juvenile offenders arrested this year will return to our criminal justice system within the next 5 years. As a second offender, they will then be headed toward a life of crime. Clearly we must reverse this cycle of juvenile crime being a takeoff point for a life of arrest and imprisonment. This legislation provides that means. It is not just a study, but real action. All studies in the past, including the President's Commission on Law Enforcement and the Administration of Justice, point to the need for reducing juvenile crime.

This bill provides a two-pronged action attack on juvenile crime. First it provides a centralized source for pertinent information on control of juvenile delinquency. Second, it will be a train-

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ing center for those who will deal with juveniles in the criminal justice system.

The closest parallel we have to this proposed institute is the Federal Bureau of Investigation Academy. No one will dispute the effectiveness of this academy in disseminating information and expertise on law enforcement techniques to our State and local law enforcement agencies. It has been well received on all levels of government as an important tool in the overall attack on crime.

Now we wish to extend a similar tool to the problems of juvenile crime. With proper training, law enforcement officers, corrections officers, social workers and court personnel who come into contact with juvenile offenders will have a better opportunity to turn these youths away from a life of crime. Also by strengthening our local and State ability to deal with juvenile crime they will become a more potent deterrent force.

Mr. Speaker, the measure deserves the unanimous support of this body. I sincerely hope all my colleagues will vote for it.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill H.R. 45, as amended.

The question was taken.

Mr. DEVINE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. ASPINALL. Mr. Speaker, I ask the gentleman from Ohio to withhold his point of order at this time for a unanimous-consent request.

Mr. DEVINE. Mr. Speaker, I will withhold my point of order until the gentleman from Colorado states what the unanimous-consent request is.

Mr. ASPINALL. Mr. Speaker, the unanimous-consent request will be to lay over this matter until the funeral party comes back from Boston.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I agree with what the gentleman from Colorado has said. There is a sizable number of Members who are attending the funeral in Massachusetts. The gentleman is trying to protect them until they get back, which we had hoped would be about now. It was agreed that the unanimous-consent request would be made.

I know there is a fear that a rollcall will not be obtained when the vote is taken. I can only say I will cooperate in getting a vote if there is a quorum present.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, I thought the understanding was that votes might be taken after 1 o'clock this afternoon, in conformance with the request made. It is now 1:20.

Mr. ASPINALL. Mr. Speaker, if I have the time, or if my friend from Iowa will yield to me, I understand the services were postponed from 10 o'clock until 11 o'clock. This is the reason for the request.

I would hope we are not going to be foreclosed from a vote on this bill.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I have indicated that I will cooperate to make certain that a vote is taken.

I understand the weather was bad in Massachusetts. I am told it was not the best flying weather from here to Boston. I hope we can arrange to take a vote at a subsequent time.

Mr. GROSS. On that understanding, Mr. Speaker, I withdraw my reservation.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DEVINE. Is the Chair in a position to make an announcement at this time that a quorum is not present and that a rollcall is in order, and that the actual rollcall will be withheld until such time as the parties in question have returned to the House floor?

The SPEAKER pro tempore. The gentleman from Colorado may include that in his request.

Mr. ASPINALL. Mr. Speaker, inasmuch as there is a reasonable doubt that a quorum is present, and inasmuch as many of our colleagues are absent at this time in attendance at the services in Boston, I ask unanimous consent that the further proceedings on this particular matter—that is, the further consideration of H.R. 45—be postponed until the funeral group returns from Boston.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. HOSMER. Mr. Speaker, reserving the right to object, does the gentleman further request that a rollcall vote be taken at the time the vote is taken?

Mr. ASPINALL. Mr. Speaker, may I suggest that inasmuch as I stated that it is likely that a quorum was not present, and a rollcall vote would be in order at this time, that is of course a part of my request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. The point of order that a quorum is not present is withdrawn.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON FOREIGN ASSISTANCE APPROPRIATIONS, 1972

Mr. PASSMAN. Mr. Speaker, so as to expedite the business of the House on sine die adjournment, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the foreign assistance and related agencies appropriation bill for 1972.

Mr. SHRIVER reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I hope I shall not have to object, what kind of a bill in terms of money is the gentleman going to present to the House? Can he enlighten us at this time?

Mr. PASSMAN. The cuts are the largest dollarwise and percentagewise, ever made on a foreign aid bill.

Mr. GROSS. That sounds reasonable. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 45.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

INTERIM EXTENSION OF CERTAIN HOUSE AND BANKING LAWS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, as amended.

The Clerk read as follows:

S.J. RES. 176

Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "January 1, 1972" and inserting in lieu thereof "June 30, 1972".

(b) With respect to any area where the Secretary of the Department of Housing and Urban Development shall determine that cost levels so require or that such action is necessary to avoid excessive discounts on federally insured and guaranteed mortgages, the Government National Mortgage Association may, for a period of six months after the enactment of this Act, issue commitments to purchase mortgages with original principal obligations not more than 50 per centum in excess of the limitations imposed by clause (3) of the proviso to the first sentence of section 302(b)(1) of the National Housing Act, and it may purchase the mortgages so committed to be purchased.

SEC. 2. (a) Section 404(g) of the National Housing Act is amended by striking out "1¾" and substituting in lieu thereof "1⅞".

(b) Section 702(c) of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102(c)) is amended by striking out "October 1, 1971" and inserting in lieu thereof "June 30, 1972".

SEC. 3. (a)(1) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(2) Section 1315 of such Act is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(b) Section 1338(a) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(c) The provisions of section 1314(a)(2) of the Housing and Urban Development Act of 1968 shall not apply with respect to any loss, destruction, or damage of real or personal property that occurs on or before December 31, 1973.

(d)(1) Section 1305(a) of the Housing and Urban Development Act of 1968 is amended by striking out "and" after "families" and inserting in lieu thereof ", church properties, and".

(2) Section 1306(b)(1)(C) of such Act is amended by inserting "church properties, and" immediately before "any other properties which may become".

SEC. 4. Section 303(b) of the Small Business Investment Act of 1958 is amended—

(1) by inserting the following in lieu of the first sentence thereof: "To encourage the formation and growth of small business investment companies the Administration is authorized (but only to the extent that the necessary funds are not available to said company from private sources on reasonable terms) when authorized in appropriation Acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by such companies. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.";

(2) by inserting "or guaranteed" following "purchased" each time it appears in paragraphs (1) and (2) thereof and in the second sentence thereof;

(3) by inserting "or guarantees" following "purchases" in the last sentence or paragraph (2) thereof; and

(4) by inserting "or guarantee" following "purchase" in paragraph (3) thereof.

The SPEAKER pro tempore. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WIDNALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WIDNALL. Mr. Speaker, at the time these bills were combined by suggestion of the chairman of the committee (Mr. PATMAN) four bills which are included in the matter now before the House, an agreement was actually made that five bills would be included. That has been changed without consultation with the minority and, as far as I know, without consultation with any other Members of the House.

The bills all came out of the committee at the same time by a vote of 22 to 4. This one particular bill, which is not included on the list now, was approved by the committee and the same instructions were given to the chairman to proceed to the immediate consideration of all five of these bills. Now, for some unknown reason, one has been removed.

I do not think this is in order, and I frankly would like to object to the four other bills being considered at this time without this one.

Mr. PATMAN. Mr. Speaker, may I answer the parliamentary inquiry?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, these bills did not all come out of the committee at the same time. The gentleman is mistaken about that.

The administration is urging the passage of some of these bills. They were put together because some of them expire in a few days or by December 31 of this year, at any rate. The flexible interest rate authority expires December 31. The temporary waiver of certain limitations applicable to purchase of GNMA is very important. That must be done now. With regard to the Federal savings and loan insurance, that amendment provides that the funds, instead of being paid into this Federal savings and loan insurance corporation, may be used for housing. It involves $450 million. I think it is very much needed for housing at this time. This would be impossible if this bill were not considered now and passed. As to the flood insurance provisions, very many Members of the House are interested in it. It is going to expire. This bill has the purpose of extending it, among other things, for a period of 2 years.

Most of these bills are being taken up for the benefit of the administration, to protect the administration, by extending these acts which are about to expire.

The small business insurance companies have an important amendment pending in this bill which would help small business generally all over the Nation.

They have been stymied for some time and this would get them off dead center.

I do not believe that many Members want to prevent the consideration of that provision. Unless something is done during the month of December, and if we do not pass a bill today, I doubt very much that we will have an opportunity before December 31 to take further action, at which time at least two or three of these provisions will expire.

Mr. Speaker, I certainly hope that there is no point of order raised against it. This is just a parliamentary inquiry on the part of the gentleman from New Jersey.

Therefore, I suggest, Mr. Speaker, that we proceed with the consideration of the bill.

Mr. WIDNALL. Mr. Speaker, may I continue with my parliamentary inquiry?

It had been my understanding, as the ranking minority member on the committee, that all 5 of these bills would be brought up today. There was no objection on my part or on the part of any other member of the committee about which I know, and the full committee was told by the chairman that we would proceed on all of the bills.

Mr. Speaker, three of these bills came out exactly the same day as the national bank taxation bill, and a fourth bill, namely the Small Business Investment Corporation bill, came out the following day. That bill is one of three of the bills and this one has been eliminated.

My query is: Why was it eliminated and why was the agreement violated and what right did the gentleman from Texas have for violating the agreement?

Mr. PATMAN. Mr. Speaker, may I answer that?

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. PATMAN. The bills were passed out with the understanding that the chairman would take such action as may be necessary to get early, favorable and expeditious consideration of these bills.

When we considered the five bills, there was one on the agenda that would bring down all of them, and they would have no chance to pass and the whole package would fall and none of them would pass. That bill was one on which many Members wanted a rule and application was made for a rule. Therefore, we left it out because we did not want to have them all fall because one failed. I would not be doing, as the chairman of the committee, what I should do in order to expedite favorable consideration of these bills if I put a bill in there that would bring them all down to defeat.

Mr. WIDNALL. The gentleman from Texas has substituted his judgment for the judgment of the committee. It was voted out of the committee by a vote of 22 to 4. There was no clamor to get a rule on this.

Mr. Speaker, what I really object to is bringing up these bills today as a result of the violation of the agreement on the part of the gentleman from Texas.

The SPEAKER pro tempore. The gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes and the gentleman from New Jersey (Mr. WIDNALL) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, Senate Joint Resolution 176 with the proposed amendment is a bill containing provisions which the Committee on Banking and Currency reported out on November 16.

FLEXIBLE INTEREST RATE AUTHORITY

Section 1 of the proposed amendment to Senate Joint Resolution 176 would amend section 3(a) of Public Law 90-301 to extend for 6 months from January 1, 1972, to June 30, 1972, the authority of the Secretary of Housing and Urban Development to set the maximum interest rates for FHA mortgage insurance programs at rates he finds necessary to meet the mortgage market. Enactment of this section would also operate to remove the present interest rate limitations on VA guaranteed loans which are tied by statute to the rate for FHA insured home mortgages under section 203 of the National Housing Act.

TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY GNMA

Section 1(b) would permit the President, until June 30, 1972, to authorize

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the Government National Mortgage Association to issue commitments to purchase, and to purchase, mortgages under section 305 of the National Housing Act—the special assistance program—with the original principal obligation of not more than 50 percent in excess of the limitations imposed by clause (3) of the first sentence of section 302(b)(1) of the National Housing Act. Before the President could so authorize GNMA, he would have to find and declare that such action was necessary to assure a greater availability of mortgage credit to federally insured or guaranteed mortgages without increasing the maximum interest rate then in effect. Under section 302(b)(1), GNMA cannot purchase mortgages with a principal amount in excess of $22,000—$24,500 for four-bedroom or larger units.

This temporary authority, expiring at the end of this fiscal year, is necessary in order to permit the special tandem plan instituted by GNMA for the purchase of nonsubsidized FHA and VA mortgages to operate effectively and equitably. This plan was established in August of this year to meet the problem of deep discounts being charged for FHA and VA mortgages at the 7-percent interest rate level. These discounts were more than an average seller of a home could absorb. It is estimated that this provision would cost approximately $15 million of GNMA special assistance funds in carrying out this liberalized purchase authority.

FSLIC INSURANCE PREMIUMS

Section 2(a) of the proposed amendment is designed to prevent an unintended call for prepaid premiums to the Federal Savings and Loan Insurance Corporation by member savings and loan associations. Unless amended the present law, that is section 404(g) of the National Housing Act, would require savings and loan associations to divert up to $400 million of housing funds into payment of prepaid insurance premiums.

Present law requires that if the ratio of the Federal Savings and Loan Insurance Corporation reserves to insured savings falls below 1.75 by December 31, of a given year, member savings and loan associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. It was not anticipated that FSLIC reserves would fall to 1.75 until 1973 or 1974—by which time the Congress would have worked out a more permanent and stable method of maintaining an adequate FSLIC financial structure. There has been, however, an extraordinary increase in insured savings in 1971—which has been extremely helpful in stimulating homebuilding—and the reserve ratio may drop to 1.75 or slightly below by December 31, 1971. The reserve ratio decline is solely the function of the increase in savings and does not reflect a reduction of dollar reserves.

By changing the 1.75 in existing law to 1.60, the triggering of the prepaid premiums can be postponed for a year, giving Congress enough time to review this matter and time to devise a permanent system for generating FSLIC reserves. This amendment would leave the FSLIC reserves at a very adequate level—substantially above the 1.25 reserves existing for the Federal Deposit Insurance Corporation.

The effect of this bill is simply to prevent an unanticipated diversion of several hundred million dollars of housing funds from prepaid premiums which are not necessary.

Section 2(b) would extend for 9 months—until June 30, 1972—the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an areawide system, though under preparation, has not been completed.

This extension is necessary to allow those communities who are in urgent need of water and sewer facilities grant assistance to remain eligible for the grant while completing the requirements for comprehensive planning.

FLOOD INSURANCE PROVISIONS

Section 3(a) of the amended bill extends for 2 years until December 31, 1973, the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage. Many communities just now being covered by flood insurance face a much too early time within which to make adequate provisions for land use and control measures, so the committee believes that additional time should be given those communities so that they may be able to develop and implement strong land use and control measures which should be an important element in making proper use of land in flood prone areas.

Section 3(b) would extend the authority for emergency implementation of the flood insurance program for 2 years from December 31, 1971, to December 31, 1973. Under the emergency program authorized by section 1336 of the National Flood Insurance Act, flood insurance may be made available to owners of residential and small business properties without actuarial determination of risk premiums. Under existing law this authority will expire on December 31, 1971. Without congressional action to continue this authority, no new properties can be insured, and no existing policies can be renewed in communities where actuarial rates are undetermined. It is estimated that some 450 communities would be adversely affected by the determination of this emergency flood insurance program. Despite the efforts of the Army Corps of Engineers and other agencies to prepare the necessary rate studies, it is expected that actuarial rates will be available for only 350 of the estimated 800 communities eligible for the Federal flood insurance program by the end of 1971. The committee believes that the determination of this program in communities where flood risk studies have not been completed would be both unjust and unwise. The committee therefore has recommended that the emergency flood insurance program be extended for an additional 2 years in order to provide the needed program to communities during the period that the required studies are being completed.

Section 3(c) suspends until December 31, 1973, the provisions of section 1314(a)(2) of the Housing and Urban Development Act of 1968.

Current law prevents Federal disaster assistance from being made available for any loss to the extent it could have been covered by flood insurance under the national flood insurance program if flood insurance had been available in the area involved more than 1 year prior to the loss.

Section 3(c) would provide a limited deferral of 2 years in the application of this provision relating to the duplication of flood insurance and disaster relief benefits.

It was reported to the committee that severe hardships had been encountered by citizens of several States who, having suffered extensive property losses due to recent flooding, were yet forestalled from securing any form of Federal disaster assistance inasmuch as flood insurance had been available in their communities for at least 1 year prior to the disaster. Despite the reasonably priced premiums, the number of those securing coverage under the insurance program has been slight, indicating to the committee that the availability of the program and its requirements are not yet generally or widely known by those who inhabit the Nation's flood-prone areas.

The committee believes that the 2-year deferral provided in section 3(c) will offer relief for those who have been declared ineligible in recent months for disaster assistance due to their lack of flood coverage. In addition, the Federal Insurance Administration will have further time to work closely with local governing bodies and private insurers in exercising every effort to apprise those who live and work in flood-prone areas of the benefits of the program and of the consequences should they not avail themselves of its protection.

Section 3(d) amends the act to make it clear that church properties be included in the definition of those properties eligible to be covered. It is the purpose of this provision to cover church properties actively used for church activities and not those properties owned by churches for income producing purposes. Our distinguished colleague from Texas, JOHN YOUNG, testified before the committee urging us to provide flood insurance coverage for churches. He impressed the committee with the urgency to enact this provision because he felt that such coverage was absolutely necessary.

SMALL BUSINESS INVESTMENT COMPANIES

Section 4 would clarify a situation that has been left in limbo for several years. In 1967 when the Small Business Investment Act was amended, the words "or deferred—standby," were mistakenly deleted. Because of this, the Small Business Administration has had problems obtaining private funds for small business investment companies. The lenders feel that the deletion of these words from the act means that SBA cannot guarantee the payment of the principal and interest on such loans. Consequently, it has been difficult for small business investment companies to obtain private funds and with the administrative cutback in Government funding of this program, the small business investment company industry has been severely handicapped.

This provision would merely restore the deleted words and make it clear that the Small Business Administration does have the authority to provide guarantees for private loans to small business investment companies. Similar legislation has already passed the Senate.

Mr. Speaker, Senate Joint Resolution 176, as amended, is basically an extension of time for certain flood insurance provisions and certain Federal housing programs. All of these provisions were reported favorably by the Committee on Banking and Currency and, in most cases, noncontroversial. I urge that the House adopt this resolution, as amended.

Mr. WIDNALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the bills now before the House as amendments to Senate Joint Resolution 176. These bills contain for the most part extensions of dates which are due to expire, and which, if not extended, will seriously impair the Federal flood insurance program, FHA and VA mortgage insurance programs and the water and sewer grant program.

There are four bills here which we are now considering all of which were favorably reported by the Banking and Currency Committee.

The first bill is H.R. 11452 which extends for 2 years the emergency flood insurance program which has proved invaluable since its creation in 1969. This extension should be sufficient to allow the Army Corps of Engineers and other agencies to prepare the necessary rate studies so that by the end of 1973 all communities eligible for flood insurance will be in the regular flood insurance program with their premiums based on actuarial rates.

This bill also contains a suspension until the end of 1973 of the date from which flood insurance coverage becomes a condition of Federal disaster assistance. The current law prevents Federal disaster assistance from being made available for any loss to the extent the loss could have been covered by flood insurance under the national flood insurance program if flood insurance had been available in the area involved more than 1 year prior to the loss. This has resulted in hardship to many citizens who have suffered extensive property losses during recent hurricanes and flooding and who were forestalled from securing Federal disaster assistance inasmuch as flood insurance had been available in their communities for at least one year prior to the disaster.

Many people were not aware of the existence and availability of flood insurance nor of the consequences for failure to purchase such coverage. It was clearly not the intention of Congress to effect such a severe hardship as the denial of Federal disaster relief for the failure to purchase flood insurance during a time when the flood insurance program was in its infancy with limited public awareness of its availability.

This suspension should be sufficient to put all on notice as to the requirement and to give all those who have an opportunity to purchase flood insurance a chance to do so. Unfortunately, the flood insurance amendments contain one extension that will be extremely harmful to the progress of this program and to its ability to function on a sound actuarial basis. This extension deals with the deadline for the adoption of land use and control measures by local communities. The current deadline is December 31, 1971. H.R. 1145 would extend this deadline until December 31, 1973. This extension will completely undermine the effort and the credibility of the Federal Insurance Administration which has published regulations and set up guidelines to accommodate all cities now eligible for flood insurance both in the regular program and in the emergency program. These regulations make it clear that no community will be expected to adopt a higher standard than is permitted by the amount of technical data which is available to the city. They also make it clear that a community is not required to obtain any additional technical flood plain data beyond what the Federal Insurance Administration has provided to the city. A community that has little or no technical data on the limits of its flood plain or its mud slide-prone areas or on the extent of the hazard is asked simply to require the issuance of building permits on all new construction and to review its permit applications on a case-by-case basis to determine whether the sites chosen are reasonably safe from flood or mudslide hazards.

If the proposed construction would not be safe, then the community is expected to impose certain minimum protective requirements as a condition of approving the building permit application.

An extension of the December 31 deadline will simply postpone the date when flood-prone communities will have to take an already overdue and vital step to protect the lives of their citizens. Every eligible community has long known about the land-use requirements of the program and has formally committed itself to comply with them. A postponement of the deadline for the adoption of these measures is likely to benefit only those few communities who do not seriously intend to honor their legislative commitments to adopt such measures.

The Federal Insurance Administration does not seek this postponement and has gone on record against it. It must be remembered that the flood insurance program is a highly subsidized program in which approximately 90 percent of the cost of flood insurance coverage is borne by the Federal Government. The only way this program can remain viable is to require that the protective measures in the program are observed and these protective measures include prohibition or restrictions on building in those areas that are proven to be the most susceptible to flood and mudslide damage.

The second bill is H.R. 11488 which would change the ratio of insurance reserves held by the Federal Savings and Loan Insurance Corporation to insure the savings held by member savings and loan associations from 1¾ to 1⅝ percent. The present law requires that if the ratio of the Federal Savings and Loan Insurance Corporation reserves to insured savings falls below 1.75 by December 31, of a given year, member savings and loan associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. The year 1971 has seen an extraordinary increase in insured savings accounts and the reserve ratio may drop to 1.75 or slightly below by December 31, 1971. This reserve ratio decline is solely a function of the increase in savings and does not reflect a reduction of dollar reserves.

This change in the ratio merely prevents the possibility of prepaid premiums being required because of the inordinate increase in savings deposits. These prepaid premiums would not in any way reflect the need for increased reserves and would be comprised of money which otherwise would be used in the home mortgage market.

Section 2 of 11488 extends until June 30, 1972, the date upon which grants for basic water and sewer facilities must be consistent with comprehensive planning requirements. This is needed because some communities are in desperate need for federal water and sewer grant assistance and are not part of a comprehensively planned areawide water and sewer program. It is expected that by June 30 all those communities that fall within this exception will be able to satisfy the planning requirement for areawide facilities.

The third bill, House Joint Resolution 944, extends for 6 months from January 1, 1972, to June 30, 1972, the time in which the Secretary of Housing and Urban Development may set the FHA mortgage insurance rate levels he deems necessary to meet the mortgage market. Under existing law, the rate set for FHA mortgages also governs the VA rate. This is certainly the most essential extension in these bills. Without it, the FHA and VA maximum mortgage rate would revert to the statutory six percent ceiling which is far below current market rates on conventional mortgages. Without this extension, one can safely predict that not a single FHA insured or VA guaranteed mortgage would be available.

Section 2 of this bill provides that for 6 months the President may authorize the Government National Mortgage Association to purchase mortgages under section 305 of the National Housing Act—the special assistance program—which are 150 percent of the limits that otherwise apply to the purchase of such mortgages. This would mean that the maximum mortgage eligible for this special assistance would go from a current $22,000 with $24,500 for a four-bedroom or larger unit up to a new ceiling of $33,000 with $36,750 for the larger unit. It must be remembered that this program is now providing support to keep the maximum FHA and VA interest rates at 7 percent. Unfortunately, this program does not discriminate between a recipient in need of the assistance and one not in such need. There are no income limits on the mortgagors who are being assisted nor is there any limitation to assure that the mort-

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gages are on primary residences rather than on vacation homes or second homes.

I would hope that the Department of Housing and Urban Development and the Government National Mortgage Association, in administering this program, make every effort to keep the mortgages within the middle or lower ranges of those eligible to be purchased with the hope that the lower mortgage amounts are being used to finance homes purchased by those in more need of Federal mortgage subsidy.

The single and most important factor that has prevented the expansion and growth of the Small Business Investment Company industry under the Small Business Investment Act of 1958 has been the lack of continuity of leverage funds which is vital.

The Small Business Investment Company program is the only source of equity capital and long-term funds to the Nation's small business concerns. It is their only institutional source of venture capital. This legislation, H.R. 8634, would significantly aid the development of the Small Business Investment Company industry by providing for a statutory basis under an effective SBA guarantee program of private loans to small business investment companies.

It is important to recognize the basic factors which require a market-financed guarantee program for the SBIC industry: that is, SBIC access to lenders through the public securities markets for Government-guaranteed obligations rather than through individual privately negotiated sales between an SBIC and a private lender.

It has become clear after extensive investigation, discussion, and experience that, even with an SBA guarantee, SBIC's cannot generally obtain long-term financing from private lenders on a private and individual basis. There are many reasons for this. Most SBIC's, particularly smaller independent ones and those away from the large financial centers, do not have contacts with the large insurance companies, banks, and pension funds who might be interested in such an investment. Financial institutions are generally unwilling to evaluate the portfolio small businesses of the SBIC to determine their value, which they consider significant even though the loan to the SBIC would be guaranteed by SBA. Moreover, financial institutions are generally unwilling to make long-term loans, which, of course, SBIC's must have in order to provide their long-term and equity financial assistance to small concerns.

A stable and ready source of funding for SBIC's is essential if the SBIC industry is to develop and grow as an institutional source of capital for small business. The only adequate available source is the financial markets. It should be recognized that SBIC's are financial intermediaries, and that like S. & L.'s and farm credit institutions they need a means of access to the financial markets.

If this pending legislation is enacted, a major step will have been taken to facilitate private sector participation in the long term debt capitalization of the SBIC industry. Such private sector participation would be in accordance with the congressional mandate contained in the policy statement of the Small Business Investment Act. With such a funding program, a source of consistent future funding for SBIC's may be in the making. With such a stable source of funds, new SBIC's can be created throughout the country and, more importantly, private venture capital will be made available when such funds are needed in the economy to promote the growth, expansion, and modernization of small business concerns.

The guaranty authority would be utilized by SBA in one or more of the following ways, so as to assure the SBIC industry of a continuing source of funding at interest rates generally in line with contemporary market rates for other Federal agency paper:

First. One or more lenders could offer to lend a given sum to unspecified SBIC's and SBA would distribute this fund among eligible SBIC's wishing to borrow, extending the guaranty of these funds to the lender or lenders.

Second. SBA could form a pool of SBIC debentures, and make a public offering, backed by its guaranty.

Third. In the event of the SBIC's insolvency, or if SBA experiences serious regulatory or other difficulties with the SBIC, SBA would continue to make periodic payments to the lender under the terms of the guaranty agreement, and become subrogated to the lender. SBA would then proceed against the SBIC in its own behalf, and all collections would be paid into the revolving fund created by section 4(c)(1)(B) of the Small Business Act, in the same manner as any other debenture payments.

The program would be subject to the following additional controls:

First. No guaranty would be extended to a lender with respect to an SBIC affiliate if it holds as much as 10 percent of the voting power thereof, and SBA would also make every effort to preclude guarantees on cross-dealing among lenders with SBIC affiliated.

Second. It would be subject to the overall ceiling for the SBIC revolving fund of section 4(c)(4)(B) of the Small Business Act, which is currently $450 million and would be increased to $650 million by H.R. 10792, now pending.

Third. In any given year, it would be subject to a guaranty program level approved my OMB, the Appropriations Committees and enacted by the Congress.

Fourth. As to any given SBIC, the guaranteed amount would be presently limited by section 303(b) of the SBI Act to a ratio of 2 to 1, not to exceed $7½ million, plus additional third-dollar leverage on every private dollar in excess of $1 million, for venture-capital oriented SBIC's only, the overall total not to exceed $10 million.

Accordingly, the pending legislation is not only vital to the future of the SBIC industry but it is sound legislation in accordance with the original intent of the Congress. I heartily support and recommend its enactment.

Mr. PATMAN. Mr. Speaker, I yield such time as he consumes to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, I rise in support of Senate Joint Resolution 176 as amended. I wish to limit my discussion to the provisions of this resolution which deals specifically with the Federal flood insurance program. On November 13, the House Committee on Banking and Currency reported out H.R. 11452, a bill to amend and extend certain provisions of the Federal Flood Insurance Act, by a vote of 24 to 0.

The national flood insurance program was enacted in 1968 as part of the Omnibus 1968 HUD Act after almost 15 years of consideration by the Congress. Prior to 1968, no insurance coverage for losses due to floods was available in this country. In order to qualify for flood insurance under the 1968 act, a comprehensive 100-year flood study of the community by the Corps of Engineers would have to be undertaken and completed so that an acturial basis upon which to write the flood insurance policies could be determined. For many communities this would represent many years before they could qualify for this coverage.

In the 1969 housing bill with the cooperation of our distinguished ranking minority member, BILL WIDNALL, we enacted the emergency flood insurance program, which waived the comprehensive flood study for flood prone communities and permitted the Federal Flood Insurance Administration to determine a proper premium rate to be charged. This program has proved very popular, but most important it has provided essential flood insurance for many areas of our country who need the coverage immediately. At the present time, some 653 communities have Federal flood insurance coverage, of those 653 some 433 are covered under the emergency flood program. This program expires on December 31, 1971, and must be renewed for another 2 years, if these communities are to be able to keep their flood insurance. Section 3(b) of Senate Joint Resolution 176 as amended extends this program.

Section 3(a) extends for 2 years—until December 31, 1973—the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage. Many communities just now being covered by flood insurance face a much too early time within which to make adequate provisions for land use and control measures.

Section 3(c) suspends until December 31, 1973, the existing provisions contained in the National Flood Insurance Act which prohibits Federal disaster assistance to the extent that flood insurance is available in an area. It has been brought to our attention that in a number of areas around the country that have experienced serious flood damages, those communities who did not purchase Federal flood insurance policies did not qualify for any Federal disaster assistance relief. In order to give the Federal Flood Insurance Administrator additional time to more widely publicize this program, we are suspending this provision which inflicts undue harm on those citizens who are not aware of the flood insurance coverage.

Section 3(d) amends the Flood Insurance Act to make it clear that church properties be included within the definition of those properties eligible for flood insurance coverage. This provision is strictly limited to those church properties which are actively being used for specific church activities and this insurance will not be available for properties owned by churches for income producing purposes. The Subcommittee on Housing heard in August from our distinguished colleague from Texas, Congressman JOHN YOUNG, testifying on behalf of this much-needed provision and he convinced the subcommittee and the full committee of the need this expanded flood insurance coverage.

Mr. Speaker, the flood insurance program has proved to be a very important insurance program providing for the first time insurance coverage against flood damages. The passage of these provisions will continue to extend coverage under this program and make coverage easier and more widespread for our citizens who are threatened with losses due to floods. I urge the adoption of this resolution.

Mr. WIDNALL. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding. I am somewhat at a loss to speak on the legislation before us—at a loss not because I do not understand the legislation but rather at a loss because I do not understand the action of the chairman of the Banking and Currency Committee in bringing this legislation before us in the form that it presently possesses. The chairman of the Banking and Currency Committee, at the time the committee took action on these several bills, indicated to the committee without equivocation that he would, with all deliberate speed, attempt to have the Speaker place all of these measures on the next Suspension Calendar. The bill that he has omitted from the list of those that are included in the resolution on the Suspension Calendar at this time is a measure providing for a continuation of the interim provisions contained in the legislation we passed 2 years ago involving the uniformity of taxation of national banks by States.

The chairman has indicated that this legislation, House Joint Resolution 838, was removed from the list of those bills included in the subject suspension because it might fail of support, and in the course of it failing to obtain the votes necessary for passage, might drag the whole package of bills down.

Mr. Speaker, I think this is pure hogwash. The chairman himself, in the course of the committee session in which these bills were debated, indicated his support for the very resolution which he has omitted to include in the suspension before us.

In addition, after the vote in committee was taken on this particular measure, House Joint Resolution 838, and after announcing the vote of 22 yeas, 2 nays, and 2 passes, the chairman said—and I beg the forgiveness of the House in quoting from an executive committee transcript, but this is essential to the discussion—the chairman said:

The bill passed, and every effort will be made to get it on Suspension, and if we cannot, we will make an effort to get a rule from the House.

In view of those words, without yielding other than for the purpose of answering the question, I would ask the chairman if he has attempted to obtain a rule from the Rules Committee with respect to House Joint Resolution 838.

Mr. PATMAN. Yes.

Mr. BROWN of Michigan. What is the progress of that effort?

Mr. PATMAN. We have not received a reply from them yet.

Mr. BROWN of Michigan. When did the gentleman make that request?

Mr. PATMAN. Last Friday.

Mr. BROWN of Michigan. That is with respect to House Joint Resolution 838?

Mr. PATMAN. Yes, the measure, concerning State taxation of national banks. The ranking minority member of the committee, on the gentleman's side, is for this bill. He would rise in support of it. I do not think he would be willing to cause the defeat of all of these bills on account of one bill if left in with the others. But that is up to him.

Mr. BROWN of Michigan. Mr. Speaker, with due respect to my chairman, I would only say that this is a bill that has passed the House Banking and Currency Committee by a vote of 22 to 2, and a bill that there was little controversy on in committee—one or two members being opposed to it, but other than that, none—and it is legislation which the Federal Reserve Board has recommended as necessary. It is legislation which even prompted the chairman to put a statement in the CONGRESSIONAL RECORD on November 19, explaining these several measures. On page 42417, he described House Joint Resolution 838, what it does, explained how the Federal Board of Governors had concluded it was necessary to have more time and, concluding, the chairman said:

The House Banking and Currency Committee has not had the time to delve into this matter in detail. It is, therefore, for this reason that this extension has been recommended by the committee.

Then on the same page the chairman said:

Mr. Speaker, as indicated initially, my reason for making this statement is to provide the Members of this body with the basic information necessary to consider various proposals which, hopefully, the Speaker will place on the suspension calendar for December 6. Certainly at that time, if recognized for this purpose, as chairman of the committee, I shall endeavor to fully explain these proposals and attempt to answer any questions that may be raised.

Mr. Speaker, I think this is a gross violation of the trust placed in the chairman of our committee. We of the committee had every right to believe all of the suspensions, all of those described in the chairman's statement, would be before us today. We had a right to rely on his statement.

From the parliamentary standpoint there is nothing we can do. This one piece of legislation, House Joint Resolution 838, is terribly important. Unnecessary confusion and inequity will result in our bank taxing system if this is not passed. There probably will not be another opportunity to get to it again. I just cannot believe the chairman would have done this. I will say this, another time there will be a commitment from the chairman of this committee that if he is going to do something, he is going to do it, and we will not find ourselves in this situation once again.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, the chairman is obligated to expedite committee action and secure favorable consideration. The chairman was for it. He wanted it done. But when the chairman sees that, if he puts this in the package, it will cause the defeat of every one of these other bills—and some of them must be extended—so, in looking at it from the interest of the side that the committee represented and that I represented, I certainly would not do something that would bring them all down to defeat.

Mr. BROWN of Michigan. Mr. Speaker, I do not further yield to the gentleman.

Mr. Speaker, I will say to the gentleman from Texas that the gentleman from Texas very well knows the ranking minority member of the committee was not present the day we took action upon House Joint Resolution 838. The chairman of the committee knows the gentleman from Michigan—I—was the moving party in the committee to get this resolution before the committee and passed by the committee, and it was in response to my urging and my request that the chairman made a commitment that I feel was one made to the committee, that he would take all the action necessary to make sure that this resolution was on the next suspension calendar.

The gentleman from Texas did not contact me. The gentleman from Texas, to my knowledge, contacted no one but exercised an independent judgment to remove this legislation from the suspension calendar, and I think it is deplorable.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I would like to clear up a matter that has come before the Members of the House: The question is the taxing of national banks.

I have a letter from the Governor of my State, Mr. Speaker, and I ask unanimous consent that the letter from the Governor of my State, Governor Ogilvie, be printed at this point in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter is as follows:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, December 1, 1971.

Hon. FRANK ANNUNZIO,
U.S. House of Representatives, House Office Building, Washington, D.C.

DEAR CONGRESSMAN ANNUNZIO: In 1969, Congress passed Public Law 91-156 which contained tax provisions to become effective January 1, 1972. These provisions ended years of inequitable state tax treatment of national banks vis-a-vis state banks, by granting to the states the authority to tax national banks in the same manner as they

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currently tax state banks. Until this time, Congress explicitly supported the privileged status accorded national banks under the limitations of section 5219, revised statutes, which define the power of states and their subdivisions to tax national banking associations.

The intent of Congress in enacting Public Law 91–156 was to end this inequity. However, the legislation providing the remedy is now being threatened by H.J.R. 839 and S.J.R. 176. Both of these resolutions seek to postpone granting states the tax authority contained in PL 91–156 for one or two years. I urge you to permit all the tax provisions of PL 91–156 to go into effect as scheduled and to vote *against* both H.J.R. 839 and S.J.R. 176.

Illinois has planned for the receipts of annual revenues of $10–$12 million from corporate income taxation of national banks (the same income tax that generates revenues from state banks). The further delay of national bank taxation will worsen an impending fiscal crisis in our state.

This past year state tax revenues have fallen below levels which would have resulted from normal growth in the tax base. This problem has been aggravated by increases in expenditures attributable to the recession, e.g. Public Aid. The failure of Congress to pass both welfare reform and revenue sharing has denied the states immediate fiscal relief.

The economy is recovering since the recession, but the recovery in state tax sources lags behind this recovery. Tax incentives designed to stimulate the economy by granting to businesses an investment tax credit and accelerated depreciation rates have been proposed. Both of these incentives to business are, in part, at the further expense of state tax revenues. It is estimated that the impact this fiscal year will cause a corporate income tax loss of up to $17 million. This loss will continue to grow each year until about 1975.

Now, Congress is considering House and Senate resolutions which would further diminish our state tax base by another $10–$12 million through delay in the implementation of Public Law 91–156. In Illinois, this means we cannot tax the net income of national banks through the state's corporate income tax. The sum of these losses carry forward year after year, and critically affect our ability to continue to provide necessary services to the people of our state.

In addition to these issues of tax yields, your committee also has a major issue of tax equity before it. Congressional enactment of PL 91–156 would end the preferential treatment granted national banks. Many states, however, had already found legal loopholes which permitted them to circumvent the federal limitation through special financial institutions taxes which included the income from national banks in the tax base. While Illinois does not impose a financial institutions tax, other states have been forced to consider separate tax treatment of financial institutions largely because Congress has withheld the authority from the states to tax national banks as state banks are taxed. Effective January 1, 1972, the incentive to tax financial institutions differently from other businesses will be largely removed if Public Law 91–156 becomes effective.

Illinois basically supports the intent of the recommendations by the Board of Governors of the Federal Reserve in its report to the Committee on Banking, Housing and Urban Affairs to move away from intangible personal property taxation of all commercial banks. The new constitution of our state goes even further and requires the removal of all personal property taxes on both businesses and individuals. The movement away from the intangible personal property tax in Illinois will be facilitated by the authority to tax national bank income.

Illinois also supports the Board's recommendation to apportion fairly between the states, national bank income deriving from business activity in many states. This problem is of great concern to all business sectors being taxed by the states. Properly, the question of intangible personal property taxation and taxation of interstate business income are separate and distinct from the taxation of one business sector alone, national banks. Both recommendations require a more general consideration and, if Congress so desires, legislation applicable to all businesses taxed by the states. These are not, therefore, grounds for delaying the effective date of the tax provisions under Public Law 91–156.

Congress can reaffirm its commitment to equitable state taxation of state and national banks by allowing legislation already passed to become effective as scheduled.

Sincerely,

RICHARD B. OGILVIE, *Governor.*

Mr. ANNUNZIO. Mr. Speaker, the Governor wrote to me pointing out that in the anticipated budget for the State of Illinois the loss of revenue to my State alone would be anywhere from $10 million to $12 million. The loss of this revenue at a time when my State is faced with a welfare crisis and with a crisis in the schools, as the Governor pointed out in his letter to me, would make it impossible for him to meet all of the obligations he has in our State. I ask the Members of this House to read this letter.

I want the record also to show that I contacted a great number of Members in this House. I became worried about the pending legislation on the floor of the House. I informed the chairman of the Banking and Currency Committee that if a whole package of banking bills came up under the suspension of the rules procedure and House Joint Resolution 838 were included, I thought the entire package would go down to defeat. I am one of those who favors flood insurance and who favors the extension for SBIC. and felt that these valuable pieces of legislation should prevail.

Public Law 91–156 was duly enacted into law during the 91st Congress and established January 1, 1972 as the effective date for liability of national banks for certain taxes. Governor Ogilvie's budget for Illinois was based on revenues anticipated as a result of enactment of Public Law 91–156.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. PATMAN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ANNUNZIO. Thank you, Mr. Speaker.

Mr. Speaker, this law becomes effective on January 1, 1972. I do not see any reason why anybody should stand on this floor defending national banks against the best interests of the welfare recipients and the schools in my State, as well as many other States in the Union.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. REES.)

Mr. REES. Mr. Speaker, this is another masterpiece from the Committee on Banking and Currency. It is really confused.

This is the committee that argues in debate not about the bill before the House but what happened in the committee, and I am still trying to figure out what happened in the committee. I do know that we voted out four separate bills.

As of last Thursday four separate bills were going to be considered under the suspension of the rules procedure, so that we could separately debate each of four bills. Now we find that the bills are all tied into one amendment to a Senate resolution under suspension.

If a Member tries to find the bills, he will not find them, because there are not any bills available to the Members, to read to find out what the bills do.

Of course, there is not any report, to find out what the thinking of the committee was when they approved the bills. So it is very confusing.

I find the situation is difficult for me, because one of the bills now in the package had to do with the national flood insurance program. During the hearings there was no opposition to the bill. After approval of the bill, I received a letter from the administration, written by the Federal Insurance Administrator, Mr. Bernstein, saying that the administration was violently opposed to the amendments which we approved which at that time we did not think were very controversial.

After reading the letter, I find that their opposition was very well taken, because what the amendments would do is to extend for 2 years the time a community does not have to come up with a land use plan dealing with flood control.

We are allowing a community can receive coverage of the Flood Insurance Act even though that community does not have to come up with a land use plan for another 2 years. I think this is terrible.

Do Members know why it is so terrible? It is because it is an "open sesame" to the Treasury of the United States, because 90 percent of the flood insurance program is subsidized by the Treasury—90 percent.

If we do not come up with decent land use standards to suggest to the planners and the subdividers where they can build or cannot build, and if we do have a disastrous flood, we will find the exposure of the taxpayers could go into the billions of dollars.

I believe this is an unsound provision. There is enough flexibility today with the flood insurance administration to allow any community which does not have money, which does not have expertise to draw up a plant, to come into the program. There is enough flexibility to allow that community to come into the program.

I do not like this bill. If it came up as a separate bill not under suspension, I would vote "no," because it is a bad bill.

However, what do we do now, since it is all neatly tied up in one package since last Friday, so that if you do not vote "aye" on the entire package, you will be voting against most of the bills, some dealing with HUD and motherhood? I think this is a ridiculous procedure, and I would like to add to my remarks a letter from the national flood insurance Administrator, Mr. Bernstein.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION,
Washington, D.C., November 23, 1971.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. PATMAN: In view of the action taken last week by the Committee on Banking and Currency favorably reporting H.R. 11452, we believe it is necessary for us to reiterate the previously expressed opposition of both the Administration and the Federal Insurance Administration to any legislation which would defer by even one day the time by which an area must adopt adequate land use and control measures in order to qualify or continue to qualify for Federal flood insurance.

As you know, the date originally specified for the adoption of "permanent" land use and control measures by local communities in the National Flood Insurance Act of 1968 was June 30, 1970. In the 1969 Housing Act that date was changed to December 31, 1971, and "adequate" rather than "permanent" controls were specified. The same Act authorized the Emergency Flood Insurance Program, which enabled us for the first time to process community applications rapidly and to begin providing flood insurance in a substantial number of communities.

The basic criteria that participating communities were expected to follow in their local ordinances were published in the Federal Register, after extensive technical comment and coordination, as early as June 1969. They were revised (partly for the sake of clarification but primarily to incorporate the changes made by the 1969 Housing Act), again after formal opportunity for public comment, in March 1970. Every community that applied for flood insurance eligibility was made fully aware of our statutory land use requirements and formally agreed (by City Council or County Board resolution) to meet them by the December 31, 1971, deadline. From the inception of the program, moreover, our engineers and other knowledgeable staff members have made field trips and held innumerable discussions with State and local officials to elaborate on our statutory requirements, to explain our 100-year flood standard, and to make clear that we had no intention of restricting a community's economic growth and development beyond what is prudently required to avoid needless losses to life and property. We clearly stated that individual community circumstances would be taken into consideration in our review of the land use and control measures each community actually adopts.

Our present regulations, which became effective September 10, 1971, essentially retain the criteria originally published but formally set forth the standards by which local ordinances will ultimately be evaluated. The new regulations make clear that no community will be expected to adopt a higher standard than is permitted by the amount of technical data available to it. They also make clear that a community is not required to obtain any additional technical flood plain data beyond what we ourselves have provided to it. Thus, our regulations do not require that a community undertake any significant expenditures of time or money to comply with our requirements. It may, of course, adopt a higher standard than the minimums we require, but such action is entirely discretionary with the local community in relation to the December 31, 1971, deadline.

In particular, our current regulations are worded in such a way as to permit every eligible community to retain its coverage beyond December 31 if it chooses to do so. Both Section 1910.3, dealing with flood hazards, and Section 1910.4, dealing with mudslide hazards, specify standards that vary in accordance with the quantity and quality of information available. A community that has little or no technical data on the limits of its flood plain or its mudslide-prone areas or on the extent of the hazard is asked simply to require the issuance of building permits on all new construction and to review its permit applications on a case-by-case basis to determine whether the sites chosen are reasonably safe from flood or mudslide hazards.

If the proposed construction would not be safe, then the community is expected to impose certain minimum protective requirements as a condition of approving the building permit application. As the amount of technical data made available to the community is augmented, certain further protective steps must be taken, but none beyond what is generally regarded as legally, architecturally, and economically feasible for such a community under the existing conditions.

In addition, the regulations explicitly provide in Section 1910.5 that any community which believes that adoption of the standards imposed by the regulations would be premature or uneconomic may elect standards of protection which do meet the requirements of Sections 1910.3 and 1910.4 if it explains the reasons for the variances and submits supporting data to justify the exception.

Section 1910.5 also makes clear that all such reasonable variances will be accepted in fulfillment of the December 31 deadline, whether or not the Federal Insurance Administration ultimately concurs in the standards adopted. A community which does not sufficiently justify its departure from the criteria contained in our regulations will be given a reasonable time after the deficiency is discovered in order to correct it, during which period the sale of flood insurance within the community will be continued.

In light of the foregoing, the reasons for our opposition to any extension of time for a community's adoption of at least minimum land use and control measures become evident.

First, our current regulations are drafted in such a way that no currently eligible community will be precluded from meeting the December 31 deadline unless it deliberately neglects to make a good faith effort to do so. Communities applying for eligibility after December 31 will not be delayed, since they will have time to adopt the minimum required land use and control measures while their application is being processed.

It should be noted that even under existing procedures, a resolution by the local legislative body (agreeing to adopt land use controls) is required. The local resolution actually adopting our minimum standards should take no longer than a resolution formally committing the community to adopt them at a later date. An extension of the December 31 deadline would simply postpone the date when flood-prone communities would have to take an already-overdue and vital step to protect the lives of their citizens.

Second, an extension of the December 31 deadline would accomplish no useful purpose. Every eligible community has long known about the land use requirements of the program and has formally committed itself to comply with them. No new information will become available to such communities that is not available now to assist them in meeting the land use requirements.

Moreover, a postponement of the deadline for the adoption of these measures is likely to benefit only those few communities that do not seriously intend to honor their legislative commitments to adopt such measures. We believe that most communities fully intend to meet the December 31 deadline as promised. Since we have repeatedly stated that no such postponement would be sought and since the statutory deadline has been spelled out clearly, such a postponement would constitute evidence that the Federal Government's commitments to meaningful land use and control measures are not serious.

Finally, there is no reason to believe that communities that do not meet the December 31 deadline have any greater likelihood of meeting a June 30, 1972, or any other deadline, since all of the information necessary to meet the requirement is already available to them. Another postponement now would simply increase the probability of another postponement when the June 30, 1972, deadline approaches.

Third, it should be remembered that the flood insurance program is a highly subsidized program in which approximately 90 percent of the cost of flood insurance coverage is borne by the Federal government. It is based upon a 1966 feasibility study by HUD which recommended that such coverage should be made available to stimulate the adoption of land use and control measures by local communities in order eventually to reverse the pattern of ever-increasing annual flood losses. If our mutual resolve to implement that essential purpose becomes weakened, particularly without any demonstrated or urgent necessity, the significance and worth of the whole program, with its very substantial potential costs to the nation's taxpayers, may also come into question.

We have formally communicated these views previously both to you and Mr. Widnall, and we have discussed the matter by telephone with various staff members. Our position in this matter has been consistent and unequivocal.

We strongly urge that the December 31, 1971, deadline for the local adoption of land use and control measures not be deferred, and that Section 1 of H.R. 11452, which would do so, be eliminated from the bill.

Sincerely,

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker and gentleman of the House, all the gentlemen you heard, I believe, did support all of the bills that are included in Senate Joint Resolution 176 as proposed in the amendment offered. Some object only to the fact that one bill—which they also supported and which I also supported—is not in this bill before us.

Let me point out the situation to you in regard to my feelings about this matter.

For 2 years I have been trying to get my bill, H.R. 8634, dealing with the Small Business Administration, considered by this House. This is the first chance that I have ever had to get a vote on the bill, and I cannot jeopardize this one chance in 2 years now.

I repeat that the arguments you have heard are not arguments made in opposition to any of the bills which are included but only to the fact that one bill is not included. So I urge you to understand that the arguments you have heard do not go to the merits of the legislation before us whatsoever. All of us support this legislation. The arguments only go to the fact that one bill was not included.

The bills that are included in this pro-

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posal were voted out overwhelmingly by the members of the committee, every single one of them. All have been fully considered by the committee.

My special interest is in the amendment that includes my bill, H.R. 863.

My bill, H.R. 8634, has been consolidated as part of Senate Joint Resolution 176. H.R. 8634 is very simple—it provides a means for the Small Business Administration to make loans to qualified small business investment companies—SBIC's. Under the law, SBA is authorized to lend $2 to $3 for each $1 of an SBIC's private capital. The SBIC utilizes SBA loans to make further investments in small and new businesses. The law indicates that SBA will usually have appropriated funds available to make these loans, but budgetary strictures for the past 4 or 5 years have meant that the administration has not asked appropriations for this purpose—or for other SBA loan programs, either.

For that reason, SBA and the administration are seeking to fund the SBIC program by raising money from private enterprise. H.R. 8634 is necessary to make this way work. This bill says that SBA shall have the power to place a "full-faith-and-credit" guarantee on SBIC debentures and to sell such debentures to private lenders. If the bill is passed, SBA will receive applications for loans from SBIC's in the same manner as if direct loan money were available. If SBA approves the application, that debenture issued by the SBIC will be sold with a guarantee. Without the guarantee, experience shows, no SBIC could raise money on reasonable terms.

It is apparent, then, that SBA will have complete control over which, whether, or even, SBIC's can issue, and sell, debentures and at what rate. Furthermore, both the Office of Management and Budget and the Treasury Department will give authority to SBA for debenture sales and will monitor the entire operation. Finally, the amount of the debentures sold will be restricted to a dollar ceiling set by Congress in SBA's Appropriation Act.

The cost of the loans to SBIC's will be somewhat higher under this guarantee route than under direct lending, but most SBIC's are willing to pay the increment, since they recognize that direct funding is so uncertain—and because small businesses need more dollars than SBIC's can now supply.

This legislation is urgently needed for several reasons. First of all, a number of SBIC's have already left the industry because of the unavailability of Federal loans and other licensees are now studying whether or not they should remain in the program. Second, a number of older loans to SBIC's are maturing within the next few months and total assets of the SBIC industry will contract unless SBA can extend new loans through the guarantee route. Finally, some potentially strong sponsors of new SBIC's would enter the business of investing in small business if they could be assured that SBA would have the ability to extend loans to them when they qualified for such leverage.

We had hearings on this legislation and have the following letter from SBA Administrator Thomas S. Kleppe, urging adoption.

JULY 15, 1971.

Hon. ROBERT G. STEPHENS, Jr.
Chairman, Subcommittee on Small Business of the Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. STEPHENS: This is in response to your letter of July 6, 1971, requesting the views of the Small Business Administration on H.R. 8634, a bill to amend the Small Business Investment Act of 1958.

H.R. 8634 would clarify and strengthen the authority of SBA to enter into guarantee agreements on loans made by private lending institutions to SBIC's, including MESBIC's. A clear and adequate guarantee authority is essential to allow the development of a stable system for helping to fund the SBIC program through access to private capital markets.

The legislative history of the Small Business Investment Act of 1958 indicates that SBA has implied authority to extend such guarantees. The Comptroller General has so ruled, and the Chairmen of the Banking Committees in both Houses have concurred in that ruling. However, a recent opinion issued by the Attorney General suggests that he may be of a different view. In any case, investors have generally been unwilling to make loans for SBIC's in the absence of specific statutory guarantee language.

It has become apparent, too, that institutional investors making loans to SBIC's need to be assured not only that they will be protected against loss, but assured also that SBA has authority to guarantee timely payment of principal and interest on SBIC debentures—without delays or unscheduled prepayments in the event of regulatory or financial problems involving the particular SBIC.

The enactment of H.R. 8634 would clearly permit SBA to guarantee that, in the event of default by the SBIC, the debt would be assigned to SBA and SBA would continue regular uninterrupted payments of interest and principal to the investor for the full maturity of the loan. SBA would then become the holder of the debenture and would collect the debt from the SBIC.

By providing such assurances to investors, we can open to SBIC's a vitally important source of financing hitherto denied them.

Let me express my appreciation to you, and to the four colleagues participating with you, for sponsoring this legislation. I hope it will be promptly enacted.

Sincerely,

THOMAS S. KLEPPE,
Administrator.

Mr. STEPHENS. To explain further, the terms of H.R. 8634 are simple and holds great promise for the sorely pressed small businesses of our Nation.

Over the past 12 years, small business investment companies have disbursed almost $2 billion to some 40,000 American small businesses. That this SBIC financing has been most welcome to the firms which received it, has been proven by a recent survey undertaken by the Small Business Administration.

The SBA study brought forth these results, among others: First, 95.5 percent of these small businesses said their firm benefited from SBIC financing; second, 85 percent said they were satisfied in their dealings with the SBIC; and third, 89.7 percent said they would use SBIC assistance again under similar circumstances.

As a supporter of the SBIC program, I was gratified by this concrete evidence that SBIC's were carrying out the mandate given them by Congress. Passage of H.R. 8634 will enable SBIC's to increase their loans and investments in new and growing small firms which can get this sort of financing nowhere else.

Attached is the breakdown of the recent study by SBA.

FIRST-TIME SURVEY CONDUCTED OF SBIC PORTFOLIO SMALL BUSINESS CONCERNS

During June-July, SBA completed a first time sample survey of the small business concerns which have received financing from SBICs. The survey was intended to supply answers to the following principal questions:

Are the small businesses that are recipients of the SBIC assistance the type of firms to which the program mission is directed?

Is the assistance being furnished to the small concerns the type of assistance intended?

Are the small businesses benefiting from the assistance and to what degree?

Would these small firms seek SBIC assistance again under similar circumstances?

In addition to the broader issues covered by the above questions, however, certain additional questions in the survey were designed to provide SBA with insight into other aspects of the small concern's quest for venture capital. For example, SBA asked the small concern to indicate sources it sought for financing before contacting the SBIC, and the reasons the initial source gave for its refusal.

In order to assure that the sample survey be representative of the small business concerns in the portfolios of SBICs, as a whole, SBA staff members consulted with the statistical experts at the Office of Management and Budget (OMB). Aside from SBA's desire to have a representative sample, OMB consultation was necessary since by law that Agency must approve the sampling technique and any questionnaire to be used. SBA is confident that its questionnaire reached a representative sample of the small business concerns in the total SBIC industry portfolio.

Shown below are the questions received by the respondents together with their answers:

Question No. 1—Where did you seek financing prior to contacting an SBIC?

[Percent of all responses]

Answers:	
Bank	42.9
Went to SBIC first	21.4
Individuals	17.9
Non-SBIC venture cap. co	7.1
Other	7.1
SBA	3.8

Question No. 2, part A—Why did you seek financing from an SBIC?

Answers:	
Terms available from SBIC not available elsewhere	28.7
Refused by others	25.1
Other	18.0
Reputation of SBICs (in general)	14.4
Undesirable terms elsewhere	13.8

Question No. 2, part B—If refused by others, which of the following best describes the reasons for refusal?

Answers:	
Unsuitable terms	30.7
Too risky	30.7
Exceed Lending limits	28.4
Other	10.2

Question No. 3—What was the purpose (use) of the funds received from the SBIC?

Answers:	
Increase business capacity	33.8
Start-up	31.8
Other	19.2
New product or process development	8.8
Modernization	6.8

Question No. 4, part A—Did your business benefit from the SBIC financing?

Answers:	
Yes	95.5
No	4.5

Question No. 4, part B—If "yes" (benefit received), how much?

Answers:	
"Considerable"	55.5
"Moderate"	36.8
"Outstanding"	7.7
"Very little"	0

Question No. 5, part A—Were you satisfied in your dealings with the SBIC?

Answers:	
Yes	85.0
No	15.0

Question No. 5, part B—If "no" (not satisfied), why?

Answers:	
Full financing requirements not met	39.1
Unsatisfactory terms	17.4
Poor service	8.7
Other	34.8

Question No. 6, part A—Under similar circumstances would you use SBIC assistance again?

Answers:	
Yes	89.7
No	10.3

Question No. 6, part B—If "no" (not use SBIC assistance again), why not?

Answers—Where the small business was not satisfied in its dealings with the SBIC and/or where it indicated that it would not use SBIC assistance again, candid comments were made by certain of these small businessmen. Because of their subjective nature, these comments are not reproduced here.

Question No. 7, part A—Other than financing, was additional assistance furnished by the SBIC?

Answers:	
Yes	36.0
No	64.0

Breakdown of the type of additional assistance furnished, where "yes" (by percent of respondents):

Accounting	25.0
Marketing	21.0
Legal	18.4
Production	5.3
Distribution	2.6
Other	27.7

Question No. 7, part B—Was there a charge for this service?

Answers:	
Yes	35.8
No	64.2

Question No. 7, part C—If "yes" (charged for nonfinancial service), how did this charge compare to like services available elsewhere?

Answers:	
Same	34.8
Lower	26.1
Higher	21.7
Not available elsewhere	17.4

Question No. 8—Do you feel you received venture capital (based on definition furnished in questionnaire)?

Answers:	
Yes	72.4
No	27.6

Question No. 9—In your opinion what type of assistance is most needed by the small businessman today?

Answer—So that the answers would contain elements of originality and candor, no menu of possibilities was supplied for this question. The answers could be classified generally as financial, management, or other. Of the businesses answering this question, 60 percent indicated financial assistance was needed, 27 percent said management assistance, and 13 percent gave other areas of need. Both within the financial and management categories, most of the answers indicated a "general" type of assistance. Lower interest rates were an issue on only 12 percent of the "financial" answers. In the "management" answers, 18 percent said planning was an issue.

In the category of "other" answers, 33 percent indicated tax was an issue; another 28 percent indicated government paperwork requirements were an issue.

CONCLUSION

It is apparent from these replies that the SBIC program is reaching and assisting the firms to which the program mission is directed, and that the firms believe that they have realized considerable benefit.

For the future, the sampling technique offers the potential of expanding SBA's insight into the characteristics of the small business clientele, and its need for the type of assistance offered by SBICs.

Mr. GETTYS. Will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman.

Mr. GETTYS. Mr. Speaker, I rise to support the passage of Senate Joint Resolution 176 which includes the terms of H.R. 8634, since I believe that it rectifies an error Congress made in 1967 when it last amended the Small Business Investment Act of 1958.

Between 1958 and 1967, the Small Business Administration had been able to raise money for the SBIC program through the guarantee route. When SBA attempted to follow the same course in 1968, its authority was challenged by lawyers specializing in financial matters, since the 1967 amendments had inadvertently dropped several words from the SBIC Act of 1958.

The Johnson administration attempted to remedy the problem by legislation in 1968, but Congress adjourned before action could be taken. The Nixon administration has also supported remedial legislation in the President's small business messages of 1970 and 1971. Carrying out this completely bipartisan approach, H.R. 8634 was sponsored by Members of both parties.

The other body has unanimously passed legislation carrying out this purpose on three occasions; I believe we should give our support to it today.

Mr. GRIFFIN. Will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman.

Mr. GRIFFIN. Mr. Speaker, before I decided to support H.R. 8634 whose terms are included in the pending resolution, I checked its impact on the Federal budget, since I believe these are days when the Government should limit its expenditures to the greatest possible extent.

I can assure my colleagues that enactment of H.R. 8634 will not result in one dollar of cost to the Government. As a matter of fact, this legislation is designed to substitute private financing for direct Government loans to small business investment companies, so it means that Federal outlays can be reduced.

From 1958 through 1967, the Small Business Administration on several occasions resorted to use of its guarantee authority under the Small Business Investment Act to tap institutional sources of funding for SBIC's.

Unfortunately, however, Congress made an unnoticed mistake in amending the SBIC Act in 1967 and SBA no longer has the power to utilize an indirect lending process for the SBIC industry. H.R. 8634 will restore a meritorious and useful tool to SBA. I strongly support the legislation.

Mr. PATMAN. Mr. Speaker, I yield as much time as he may desire to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Speaker, I thank the gentleman for yielding to me.

I want to rise in support of this legislation and put particular emphasis on the emergency loan aspects and the need for correcting inequities.

Everyone admits these inequities should never have been in the flood insurance program. Mr. Bernstein has urged me to state his strong opposition to this, and I do not think it ought to be confused with the other proposition as to the extension planning aspects of this insurance program, which has to do with granting communities time to qualify under this act. There are communities in my area that are desperately in need of this extension of time in order to make a judgment about whether or not they want to be under the program at all.

I am impressed, as I am sure many of us are, with reference to the anticipated cost of this extension. Mr. Speaker, I submit that those are highly speculative figures. I think they are not borne out by the experience of building in these flood plains in anticipation of the cutoff date at the end of this year. The opposition to extending the time for compliance is based on factors imagined and magnified.

Mr. Speaker, I commend the gentleman from Texas (Mr. PATMAN) for bringing this progressive and much needed legislation before the House and I strongly support it.

Mr. WIDNALL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Speaker, while the pending resolution is designed to serve several important purposes, I should like to emphasize one such purpose which I think is especially important.

This is extension and improvement of the Federal flood insurance program—a program of great potential in flood-prone areas of my own congressional district and State as well as many others. For several reasons, however, the program has not been fully utilized and the protection it offers has not yet reached many of the people who need it most.

Part of the reason may rest in a general failure to promote, advertise, or sell this program adequately, but surely a more specific reason can be found in the existing program itself, and the objective of the bill our committee has reported is to correct these deficiencies.

Our bill—and I am proud, Mr. Speaker, to be a cosponsor both of the corrective legislation and of the original bill—will extend for 2 years the authority to continue the emergency flood insurance program without actuarial determination of

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risk—a provision which will enable communities not yet qualified and persons not now covered to obtain protection at the earliest possible time.

The bill will also suspend for 2 years the provision which requires that persons obtain flood insurance coverage, where it is available, as a condition of eligibility for Federal disaster assistance. This existing provision has been the source of considerable hardship in the aftermath of the severe flooding which followed Hurricane Doria this year. While its purpose was laudable, it took effect before people had a reasonable opportunity to equip themselves with insurance, and so, in effect, such persons were triply victimized: By costly flooding, by the absence of insurance, and by the unavailability of disaster loans.

Our bill, Mr. Speaker, will correct this unfortunate situation, and I urge its approval.

Mr. WIDNALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Illinois earlier suggested that his Governor had written a letter saying that the State of Illinois would lose about $10 million in taxes if this legislation were passed. This is not news, the gentleman made that statement in the committee. The gentleman voted against the bill in the committee.

Mr. Speaker, neither the gentleman from Illinois nor the gentleman from Texas constitute the judgment and will of the committee or of the House.

As a practical matter, I do not know what the Governor's letter said, but I would suggest that there is no possibility that the State of Illinois can lose something it has not had.

What we are suggesting in this resolution, Mr. Speaker, is to continue the existing interim provisions relative to State taxation of national banks until the Board of Governors of the Federal Reserve Bank can have an opportunity to file recommendations, as the original legislation called for.

I would like to further say that since most of my remarks heretofore have been statements addressed to the bill that is not on the Calendar.

I think the other measures in the resolution on the Suspension Calendar at the present time, by and large, constitute legislative measures which should be passed. However, I do concur with the gentleman from California (Mr. REES) in his criticism of one bill and his right to have an opportunity to vote against it.

In conclusion, Mr. Speaker, although I disagree with his right to unilaterally do so, if the chairman of this committee decided not to include House Joint Resolution 838 along with other suspensions in the amendment to the Senate joint resolution, he could very easily have put it on the Suspension Calendar as a separate item. In failing to do so he was acting contrary to the wishes and the directions of the committee.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I would like to respectfully state that no one has made a statement in opposition to this bill. The statements that have been made usually were preceded by the statement, "I rise in support of the resolution," but so and so, and the criticism would be of a little part of one bill.

There is no Member who has arisen and said that he was against the bill to my knowledge.

Now, a Member who voted against this bill, I respectfully submit would be running the risk of voting against his convictions in certain cases about which I know.

First, he wants to support the administration if he is on the minority side. The minority has at least two provisions in here that the administration thinks absolutely vital. One of them allows HUD to fix flexible rate of interest on housing.

That is what you would get if you vote against the bill, and your vote prevails, you just get a whole lot of nothing. So the bill contains provisions here that I am sure many Members of this House would feel very unhappy about if their positions were to prevail and they vote against the bill.

GENERAL LEAVE

Mr. Speaker, My time has expired. I would like to ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this bill and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas.

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask for a vote.

Mr. WIDNALL. Mr. Speaker, since my time has not expired I would like to make a point of order that a quorum is not present.

Mr. PATMAN. Mr. Speaker, I want a vote on this. The Speaker will remember that he stated that each one of us had 4 minutes remaining, and I wanted the minority to finish their time before I concluded, because we have just had one speaker on this side. I cannot understand this, because I thought the gentleman from New Jersey (Mr. WIDNALL) had consumed his entire 4 minutes, because he yielded to the gentleman from Michigan (Mr. BROWN) and the gentleman from Michigan (Mr. BROWN) used the time.

The SPEAKER pro tempore. The Chair will state that the Chair announced that the gentleman from Michigan (Mr. BROWN) had consumed 2 minutes.

Mr. PATMAN. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Texas has 1 minute remaining, and the gentleman from New Jersey has 2 minutes remaining.

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent to withdraw my point of order that a quorum is not present.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. In conclusion, Mr. Speaker, I would just like to urge the enactment of the bills that are before this House. I am just keenly disappointed that the agreement that the chairman had with our committee, as stated in the RECORD as to procedure, as to pushing for all five bills that came out of the committee at relatively the same time, has been violated. And there is no reason on earth that I can think of why that one other bill could not have been brought up separately under suspension of the rules today. I just feel it is a travesty on congressional procedure to have this sort of a thing take place.

I support the bill.

Mr. PATMAN. Mr. Speaker, I stand by every statement I made to the committee. I do not believe the members of the committee would feel very kindly toward me if I were to knowingly fix up a package that would be defeated just on account of one bill. Certainly I was asked to expedite the passage of these bills, to get favorable action, not unfavorable action——

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. No, I cannot yield. I do not have time.

So, Mr. Speaker, in order to get favorable action they were prepared in this way so that we would get favorable action, we hope, at least we have the best chance this way.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I refuse to yield.

The SPEAKER pro tempore. The gentleman from Texas refuses to yield to the gentleman from Michigan.

Mr. PATMAN. If we had done like one of the gentlemen suggested we would have had no hope of favorable action at all. So we at least have a chance of getting something.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. No, I do not yield.

And I repeat, instead of getting a whole lot of nothing. Every bill that passes this Congress represents a compromise of views and a sacrifice of opinion on the part of practically every Member of the U.S. Congress. We know that. If it is a major bill. You cannot have everything exactly your way. So I am glad that the gentleman from New Jersey has taken——

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield now?

Mr. PATMAN. That the gentleman from New Jersey has taken the sensible position, even though he objects to some part, he supports the other.

Mr. ST GERMAIN. Mr. Speaker, I am vitally concerned about the future of the Small Business Investment Company program. I have grave doubts as to whether it is meeting the lofty objectives which Congress set out for the program in its inception.

This is one of the reasons why I voted against H.R. 8634 in the committee and is now being considered as part of Senate Joint Resolution 176. I am also concerned that the SBIC program, which was designed to help small businesses, is actually being operated to benefit small

business investment companies at the expense of small business concerns. This belief is heightened by the loose regulatory administration of the industry by the Small Business Administration as well as the large number of favorable regulations that SBA has published to benefit SBIC's. For instance, the Small Business Investment Act provides that SBA shall determine the amount of interest that an SBIC can charge on a loan. SBA has allowed the SBIC's to charge a maximum interest rate of 15 percent; and Congress, by its action in approving H.R. 8634 to make more money available for SBIC's, is in effect putting its stamp of approval on a 15 percent interest rate. I fail to see how this is helping small business.

The SBA has also ruled that a small business investment company cannot gain a controlling interest in a small business concern through the equity route and has in effect limited equity participation to roughly 50 percent. But, SBA has allowed the SBIC's to completely circumvent this regulation by allowing SBIC's to form operating companies which, in effect, can hold 100 percent of the stock of any SBIC portfolio company. This regulation was published without any notice to, or guidance from, the Congress. And, although Congress has passed legislation limiting the amount of stock that a commercial bank can own in an SBIC to 49 percent, SBA has found numerous ways to get around that regulation.

Mr. Speaker, it is time that we had a fullscale, completely objective, investigation of the Small Business Investment Company program to determine whether or not the Government should continue to provide funds through a middleman rather than making them available directly to small businessmen.

I am today asking that fullscale investigative hearings be held on the SBIC program, including the role that the Small Business Administration has played in allowing the SBIC's to charge what I consider to be usurious interest rates and to grab complete control of any promising small business concern. We must find out what types of loans are being made, the purpose of the loan, the interest rate being charged and any other features involved in the financing. Only then will we be able to ascertain whether the SBIC program is indeed helping small business.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong support of section 4 of Senate Joint Resolution 176, as amended. This section would restore to the Small Business Investment Act the authority it lost in 1967 when several words were inadvertently dropped as Congress amended the act. This section would amend title 15 of the United States Code to again allow small business investment companies to authorize the purchase or guarantee of all principal and interest as scheduled on debentures as was originally planned under the Small Business Investment Act of 1958.

It is necessary legislation, because small business investment companies cannot carry out the responsibilities given them by Congress unless they obtain the loans which they are entitled to under the 1958 act. The eight active SBIC's in Chicago have assisted hundreds of small and independent businesses during the past dozen years. For the past 4 years, however, these SBIC's have been limited in their ability to provide dollars to well-qualified small firms, because SBA has not been able to lend the SBIC's the money which they were promised.

This change should go a long way toward remedying that serious shortcoming. The administration and SBA strongly favor this bill; the SBIC industry supports it wholeheartedly; and small businesses themselves will be the beneficiaries of our favorable vote today. I urge its passage.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas, that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 176.

Mr. ASPINALL. Mr. Speaker, inasmuch as there has been a request for a rollcall on this matter, I would like to advise my colleagues that the plane containing the members of the funeral party is now on the ground, and that it will be, undoubtedly, approximately 30 or 40 minutes before they arrive back at the Capitol. Therefore, I would ask unanimous consent that further proceedings under this legislation go over until that time.

Mr. PATMAN. Mr. Speaker, reserving the right to object, and I certainly have no intention to object, with all due respect, I would say to the gentleman that this request is premature. No one is asking for a rollcall vote on this bill. If a rollcall vote is asked for, I would be in favor of the gentleman's unanimous-consent request, but why make the request when it has not been asked for.

Mr. ASPINALL. If the gentleman will yield, it so happens that a request has been made for a rollcall.

Mr. PATMAN. No; it was withdrawn.

Mr. ASPINALL. No; it was not withdrawn.

Mr. PATMAN. Why not wait and see, because it is just premature and we could get through with this bill.

Mr. ASPINALL. Mr. Speaker, I renew my request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado that further proceedings on the bill be postponed until the arrival of the gentleman from Massachusetts (Mr. BURKE) and our other colleagues from Massachusetts.

There was no objection.

MANPOWER DEVELOPMENT AND TRAINING ACT EXTENSION

Mr. DANIELS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11570) to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year.

The Clerk read as follows:

H.R. 11570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out "1972" both times it appears and inserting in lieu thereof "1973".

The SPEAKER pro tempore. Is a second demanded?

Mr. ESCH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. DANIELS) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. ESCH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Speaker, this bill was unanimously approved by the Education and Labor Committee. It provides for a 1-year extension of the Manpower Development and Training Act.

We were unsuccessful in our efforts to enact comprehensive manpower legislation in the last Congress. We are trying again this year, but it would be unrealistic to think that the Education and Labor Committee could report a bill—and much less that the Congress could enact one—before the upcoming expiration of the Manpower Development and Training Act. We must deal with this crisis immediately so that we can deal with the comprehensive manpower legislation properly.

The MDTA expires this June and new authorizing legislation is needed so that the Appropriations Committee can consider the request for next year's funding as part of its regular proceedings on the Labor-HEW appropriations bill.

Programs under the MDTA, including the jobs program, are currently funded at about $750 million, and as of September had almost 150,000 enrollees. Unless we enact new authorizing legislation quickly, authorization for these programs will expire next June.

There is another and just as pressing need to act on MDTA extension quickly. Section 310(b) of the act provides that no funds can be disbursed after December 30, 1972. The practical effect of this provision is that no training agreement extending beyond next December can be signed and the whole program will grind to a halt because realistic commitments cannot be made. This December limitation will start to have a real impact on the program by next January when it will no longer be possible to sign agreements lasting even 1 full year.

Mr. Speaker, we need comprehensive manpower reform legislation, and I have publicly committed myself to doing all in my power to get such legislation reported out of the subcommittee and the full committee at the earliest possible date.

But we want sound and constructive legislation and one cannot write a bill properly while a crisis grows with each additional day of deliberation. Let us take care of the crisis. Let us extend the MDTA. And then we can give the comprehensive manpower legislation the consideration that it deserves.

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Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I am happy to yield to the distinguished gentleman from Kentucky, the chairman of the full committee.

Mr. PERKINS. Mr. Speaker, first let me compliment the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS) for bringing this bill to the floor for our consideration.

Mr. Speaker, H.R. 11570 is a bill to extend for 1 year title II of the Manpower Training and Development Act of 1962.

This extension is necessary to allow the Department of Labor to continue to fund such ongoing programs as opportunities industrialization centers, on the job training and institutional training programs, and area skill centers. These programs are currently serving 150,000 enrollees and are funded at $750 million.

Last year the Congress adopted a comprehensive manpower bill that restructured the character of manpower delivery systems. Unfortunately that bill did not become law and we are facing a further reevaluation of the entire manpower program. In order to carry out the necessary comprehensive review of all of these programs we must extend the existing law for at least 1 year. This extension does not diminish the need for prompt consideration of the comprehensive legislation, but is an interim action to allow the committee sufficient time to hold adequate hearings to properly develop legislation responsive to the Nation's manpower needs.

I urge the Members to adopt this needed legislation.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I rise in support of H.R. 11570, which I cosponsored with the Senator from New Jersey (Mr. DANIELS), and urge my colleagues to pass this 1-year extension of the Manpower Development and Training Act of 1962.

At the present time there are nearly 150,000 enrollees being trained with various skills under nearly 15,000 projects in local communities across the Nation. Unless H.R. 11570 is passed, these programs will disappear. The Department of Labor estimates that the number of training opportunities to be funded under title II of MDTA in fiscal year 1973 will be 308,500. During these difficult times for the unemployed and underemployed, we must not allow our single most successful manpower training program to end.

There is legislation pending designed to coordinate our national manpower efforts and resources, and which provides for continuation of the vital training programs conducted under title II of MDTA. While 11 days of hearings on this current legislation have been held by the Select Subcommittee on Labor, it will require additional time to permit all interested parties to testify and to develop legislation responsive to the Nation's manpower needs. MDTA programs are generally funded for periods of 40 to 50 weeks and some are funded up to 104 weeks. As the expiration date for title II, June 30, 1972, approaches, funds cannot be obligated for programs extending beyond that date. As a result, ongoing programs lose momentum and in some cases are being phased out. A 1-year extension of title II would permit ongoing MDTA programs to continue during the pendency of comprehensive manpower legislation and allow an uninterrupted delivery of vital training services on the local level.

Numerous witnesses appearing before the Select Subcommittee on Labor during hearings on comprehensive manpower legislation indicated the need to extend ongoing MDTA programs while current legislation is pending.

Dr. Garth L. Mangum, a noted manpower expert, strongly advocated some form of extension of MDTA while the current comprehensive bill is pending. Dr. Mangum indicated that local MDTA programs are grinding to a halt and losing momentum. He stated:

> The failure to extend [MDTA] without something replacing it in the form of some of the bills you are talking about would be that the most effective, and I say that without qualification, the single most effective program of all the programs we have had in the manpower field would simply disappear.

Malcolm Lovell, Assistant Secretary of Labor for Manpower, also urged the extension of MDTA. He testified that:

> In view . . . of the scheduled expiration of MDTA authority on June 30, 1972, it will be necessary to extend the life of that law, as is provided in H.R. 11570. . . .

Ray Torquanto, director of manpower training programs for the Commonwealth of Pennsylvania, appeared before the subcommittee solely to urge extension of the MDTA and "to bring to everyone's attention the problems of administering this fiscal year's funding appropriation without an extension, because of the way the act must be administered."

The American Vocational Association, through its Executive Director Lowell Burkett and a panel of four State vocational educational administrators, also urged extension of MDTA. One member of the panel very eloquently expressed the problem:

> I believe the Congress should continue MDTA through extension of the present Act until such time as a lasting decision [concerning pending legislation] can be made. With the expiration of MDTA scheduled for July 1, 1972 it is imperative that some action be taken. In case of new legislation, provisions for orderly transition should be included. *As the July 1 date approaches, more of our instructors will be leaving. These people represent an investment of time and money, and we are reluctant to see our program personnel ranks depleted because of the uncertainty of the future.* (emphasis added)

The projected funding of title II is based upon current year operation levels and includes realistic compensation for known variations. The $693.1 million projection represents substantially the same funding level as fiscal year 1972, as indicated in the following table:

MDTA

[In millions of dollars]

	Fiscal year 1972 (appropriation)	Fiscal year 1973 (projection)
Title II	677.5	693.1
Private sector on job training	260.5	260.5
Institutional	324.852	336.452
Special targeting	52.0	52.0
Camps	11.290	15.390
Manpower administration salary and expense	28.8	28.8

Note: The cost difference for institutional training reflects only changes in allowances levels—no changes are anticipated in program levels. The $750,000,000 figure is the "MTS" appropriations figure ($748.8) which also includes: Public sector OJT (PSC–MDTA title I), 35.4. Program support (MDTA title I and III), 42.5, made up of: TA&T, 15.9, LMI, 6.815, RD&E, 19.768. Computerized job placement (title I)—22.3.

As noted above, the only programmatic increase in funding is institutional training, and that increase is only for changes in training allowances and not in program levels. The training allowance formula under MDTA is linked to State unemployment insurance benefit payments. Section 203(a) of MDTA states that training allowance payments to States for trainees "shall not exceed $10 more than the amount of the average weekly unemployment compensation payment. . . ." Thus, as State payments to trainees increase, due to changes in State law, the training allowance paid by the Federal Government under MDTA is automatically increased.

The small increase reflected in the fiscal year 1973 projection for CAMPS is a result of two things. First, several programs which had been funded for less than 1 year were annualized, proportionately increasing their funds commensurate with the extension of their duration. Second, CAMPS has picked up the costs of youth coordinator positions previously funded by the President's Committee on Youth Opportunities.

The unemployed and underemployed workers of this country need training opportunities to acquire necessary skills. The chairman of our subcommittee (Mr. DANIELS) has moved with diligence and dispatch to conduct extensive hearings on the total area of manpower training, but it is obvious that we will not finish that task this year. While comprehensive legislation is being developed to coordinate our total approach to manpower needs and human resources, we must not allow our one successful ongoing program to expire. I urge my colleagues to support H.R. 11570 and vote for extending MDTA for 1 year.

I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

Mr. Speaker, I rise in support of this legislation, H.R. 11570. In the committee report the section which is most important for us in extending this program are the sentences found on page 3 of the committee report:

> The extension of MDTA is not intended to diminish the need for prompt consideration and development of comprehensive manpower legislation by the committee. This extension is merely an interim action to allow the committee sufficient time in which to conduct adequate hearings and to attempt to develop legislation responsive to the Nation's manpower needs.

There is no question, Mr. Speaker, as Dr. Garth L. Mangum, one of the Nation's most recognized manpower experts has stated in a letter that the MDTA is the foundation of U.S. manpower policy, and he concluded by saying—

> It remains to be seen whether the authors of comprehensive manpower legislation can build even a better superstructure.

I think it is important that we allow this most fundamental and perhaps most successful of our manpower programs to be extended in order both to give the MDTA programs a full chance to continue and the Congress the time necessary to develop the kind of comprehensive manpower legislation which, in my judgment, is so important. I urge adoption of H.R. 11570.

Mr. ESCH. Mr. Speaker, I have no further requests for time.

Mr. DANIELS of New Jersey. Mr. Speaker, I have no further requests for time, but before I yield back the balance of my time, I do wish publicly to reiterate once again that I propose as the chairman of the Select Subcommittee on Labor to proceed with all due speed to conduct further hearings on manpower legislation and to endeavor to the utmost of my ability to mark up the bill at the earliest possible moment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. DANIELS) that the House suspend the rules and pass the bill, H.R. 11570.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IMPACT AID AND U.S. POSTAL SERVICE PROPERTY

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11809), to provide that for purposes of Public Law 874, 81st Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the U.S. Postal Service shall continue to be treated as Federal property for 2 years.

The clerk read as follows:

H.R. 11809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred.

The SPEAKER pro tempore. Is a second demanded?

Mr. BELL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, I move that the House suspend the rules and pass H.R. 11809. This bill would grant a temporary reprieve to hundreds of school districts whose payments under the impact aid program this year are being drastically reduced or terminated altogether. H.R. 11809 was reported unanimously with bipartisan sponsorship from the Committee on Education and Labor.

Under the present impact aid program school districts having Federal property which is transferred to other ownership during a school year continue to receive their impact aid payments for that school year and for 1 additional year after the transfer has occurred.

When the U.S. Postal Service was created earlier this year and the General Services Administration transferred the post offices under its jurisdiction to this new corporation, over 700 school districts unexpectedly lost property which the Office of Education had considered Federal property for purposes of the impact aid law. And then the General Counsel of the Department of Health, Education, and Welfare compounded the problem by ruling that these particular transfers of Federal property could not qualify for the normal "grace period" because of a quirk in the definition of Federal property contained in Public Law 81–874.

The simple purpose of this bill is to correct the inequity caused by this opinion and to make these districts eligible for the same kind of grace period as all other impact aid districts. This period will allow them to finish this year with the impact money which they have already budgeted and to continue 1 more year while they make plans to lessen their reliance on impact aid or to eliminate their participation in the program altogether.

Therefore, Mr. Speaker, I urge the House to suspend the rules and pass H.R. 11809.

Mr. GROSS. Mr. Speaker, will the gentleman from Kentucky yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Do I understand that the way to get impacted aid is to have Government property in one's congressional district?

Mr. PERKINS. A couple of years ago we extended the maintenance and operations statute—Public Law 874, 81st Congress—to include employees working in post offices which were under the jurisdiction of the General Services Administration.

Of course, the Postal Corporation was thereafter created. It was the opinion of the General Council of HEW which brought about the necessity for this legislation. This only restores the right to be counted for the next 2 years, for Government employees working in post offices which had been under the jurisdiction of the General Service Administration.

Mr. GROSS. Why were Postal employees included in the first place?

Mr. PERKINS. Let me say to my distinguished colleague that this will only continue under this legislation for 2 years.

Mr. GROSS. This seems to me to be legislative gimmickry at its worst to justify impacted school aid on any such premise as that. I am surprised to learn about it.

Mr. PERKINS. The question would not have been raised had the Postal Corporation not come into existence.

Mr. GROSS. Then some of us would have gone right on without ever knowing about it, I guess.

Why 2 years?

Mr. PERKINS. That is the time we felt was needed for these districts to phase out. They have all budgeted the money this year, and then next year they can begin to phase out.

Mr. GROSS. Of course, this is an abnormal situation, in that there is no reason for including these people in the first place.

The school districts affected ought to be able to work out of this by the end of the current year, rather than to add another full year to this kind of rooking of the taxpayers.

Mr. PERKINS. Let me say to my distinguished colleague that this amount was already included in the budget for this year.

Mr. GROSS. So, just because it is there, let us go get it?

Mr. PERKINS. And the Members of both bodies voted to include this type of Federal property.

Mr. GROSS. Can we not admit that mistakes are made around here, and try to rectify them when they are discovered?

Mr. PERKINS. Yes, at the proper time in the future. But I do not believe it would be equal justice for the school districts to make plans and these children to be counted, and then, at this late hour, after the money is in the budget, change it. I believe it could upset a lot of planning.

Mr. GROSS. It is the old story: There is the money. Let us spend it. It does not make any difference whether they are entitled to it or not; let us get rid of it.

I thank the gentleman for yielding.

Mr. BELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 11809.

Ordinarily, when Federal property is sold or transferred, school districts receiving funds related to such property under Public Law 81–874 are accorded a phase-out period during which they can prepare for the reduction of the impact aid money.

Due to a fluke in the law, however, school districts containing post offices transferred by GSA to the new U.S. Postal Service have found themselves ineligible for impact aid they had counted on receiving.

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This situation causes unnecessary hardships which would be remedied by the bill before you.

This measure would simply provide those school districts essentially the same phaseout procedure to which they would be entitled if other Federal property were involved.

Mr. Speaker, this is a bipartisan bill and it was reported unanimously by the Committee on Education and Labor.

I urge my colleagues to support it.

Mr. GROSS. Will the gentleman yield?

Mr. BELL. I yield to the gentleman.

Mr. GROSS. Could it be possible that impacted school aid would be paid in a school district 16 years after the military installation was closed and the reason for the aid removed?

Mr. BELL. Not according to this bill.

Mr. GROSS. I am not talking about this bill. Could it be possible that this could happen in this allegedly enlightened world of where there is so much money spent on education?

Mr. BELL. I suppose my answer would have to be that it is possible.

Mr. GROSS. It is possible?

Mr. BELL. But not under this law. Of course, anything is possible.

Mr. GROSS. No one seems to know why postal employees ever got into this thing, because they are not impacting any schools. Are they?

Mr. BELL. I agree with the gentleman from Kentucky on that. I would not favor that, either.

Mr. GROSS. So why are we today compounding the mistakes of the past?

Mr. BELL. As far as this bill is concerned, it is just getting some equity.

Mr. GROSS. Equity?

Mr. BELL. Yes. Equity for people who have been expecting this money and who have been expecting it for quite a while and all of a sudden it is cut off. You have to have a budget and programs planned for a school year. When the budget is upset this way, you have to have some phasing out. That is all this is. It is a phasing out.

Mr. GROSS. Each of these school districts could meet now and revamp their programs before next fall and before another school year starts. There is nothing so cumbersome that they could not hold a meeting and do what they should have done in the first place, which is to pay for this education themselves. They had a hand in the Federal Treasury but they want to get it in clear up to the elbow.

Mr. BELL. The money goes to help the youngsters and the school districts now. I suppose over a period of time they can get together and do this, but this gives them time to do it. Unfortunately, these things take time to plan and to budget. We are trying to avoid a definite hardship for school districts the same as you do in other areas similar to this.

Mr. GROSS. I suppose everyone should go out and get a chunk of Government property of some kind and then get a few mailmen involved in order to raid the Treasury.

Mr. BELL. I do not know. I think probably the Government investments are pretty good investments.

Mr. GROSS. You do not see this coming to an end at any time in the foreseeable future, do you?

Mr. BELL. I think with the fine work that you and others have done maybe we can bring a lot of foolishness to an end.

Mr. GROSS. Thank you.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

Mr. BELL. I have no further requests for time.

The SPEAKER pro tempore. If there are no further requests for time, the question is on the motion offered by the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 11809.

The question was taken.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. BROOMFIELD. Surely.

Mr. ASPINALL. Mr. Speaker, I make the same request that I have made heretofore on the prior two bills. The funeral party is on the way to the House floor. I ask unanimous consent that further proceedings on this legislation be passed over until the funeral party arrives.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, we are getting votes piled up to the point that if they come in succession I do not know whether we will be able to obtain rollcalls. The gentleman from Colorado has been here for a good many years, and he knows how this thing can mushroom and how we can fail to obtain votes on some of these issues on which some of us would like to get on record.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Yes, I yield to the gentleman from Colorado.

Mr. ASPINALL. I think it is the understanding of the leadership that there will be votes under such conditions as have arisen here this afternoon.

Mr. GROSS. On all of these issues?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield further, these three issues that I have suggested. However, with reference to the one that was passed by a voice vote, there is no reason for that.

Mr. GROSS. I agree with the gentleman on that one.

Mr. ASPINALL. With reference to these three bills on which I have made the special request, it is my understanding that there will be rollcall votes if they are desired.

Mr. GROSS. I guess I am getting mellow in my old age, but I will go along with this just once in order to see how it works.

Mr. ASPINALL. May I say to the gentleman, again I appreciate his mellowness and his willingness to go along with this unanimous-consent request.

PARLIAMENTARY INQUIRY

Mr. TALCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TEAGUE of Texas). The gentleman from California will state his parliamentary inquiry.

Mr. TALCOTT. Mr. Speaker, I would like to inquire if indeed there is a quorum present when this bill is called up, whether or not we can have a rollcall vote because right now we are entitled to it?

The SPEAKER pro tempore. It is the understanding of the Chair that the leadership on both sides of the aisle have agreed that there will be rollcall votes on these matters on which they are demanded.

Is there objection to the request of the gentleman from Colorado?

There was no objection.

AUTHORIZING CERTAIN NAVAL VESSEL LOANS

Mr. HÉBERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9526) to authorize certain naval vessel loans, and for other purposes, as amended.

The Clerk read the bill, as follows:

H.R. 9526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend five destroyers and two submarines to the Government of Spain; one destroyer and two submarines to the Government of Turkey; two destroyers to the Republic of Korea; and two submarines to the Government of Italy in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this Act shall be charged to funds programed for the recipient government as grant military assistance under the provisions of the Foreign Assistance Act of 1961, as amended, or sucessor legislation, or to funds provided by the recipient government. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1974.

SEC. 2. Loans executed under this Act shall be for periods, not exceeding four years, at the end of which, each ship shall be returned to the United States Navy at a location to be designated by the Secretary of Defense. Loans executed under this Act shall be made subject to the condition that the loan may be terminated by the President if he finds that the armed forces of the borrowing country have engaged at any time after the date of such loan, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Loans shall be made on the condition that they shall be terminated at an earlier date if the President determines they no longer contribute to the defense requirements of the United States.

SEC. 3. No loan may be made under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

SEC. 4. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. ARENDS. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, is the gentleman from Illinois opposed to the bill?

Mr. ARENDS. No, I favor the bill, Mr. Speaker.

Mr. GROSS. Mr. Speaker, I am opposed to the bill and I, therefore, demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Louisiana (Mr. HÉBERT) will be recognized for 20 minues, and the gentleman from Iowa (Mr. GROSS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I rise in support of H.R. 9526, as amended, and recommend its approval by the House.

This legislation, will, if enacted, authorize the loan of 16 naval vessels to nations having a long history of friendship with the United States. The loans involve the following nations:

Spain—5 destroyers and 2 submarines.
Turkey—1 destroyer and 2 submarines.
Greece—2 destroyers.
Italy—2 destroyers.
Korea—2 destroyers.

In summary, therefore, this bill will authorize the loan of 14 vessels to our allies in the European area and two vessels to our good friends in South Korea—a total of 16 vessels.

At this point, I think it important to emphasize that none of these loans are being made to countries with whom we have disagreement as to fishing rights or jurisdiction of territorial and international waters.

Stated another way, these loans are not being made to any of the Latin American countries such as Equador or Chile.

The bill as submitted by the Department of Defense would have authorized the loan of these vessels for 5 years with a provision that they could be extended by mutual agreement between the two countries for an additional 5 years. However, this provision was changed by the Committee on Armed Services to limit the loan perior to 4 years and to preclude any extension of these loans without concurrent action by the Congress approving such extensions.

The committee added this modification to the bill so as to insure congressional control over the future use of these vessels beyond the 4-year period authorized in the legislation.

The ships involved in this legislation will be used by recipient countries to discharge naval responsibilities assumed by them in their respective areas of the world.

All of the vessels scheduled for transfer to the recipient countries will come from ships no longer required for our own forces. The transfer of these ships will involve costs approximating $32½ million. These costs will be charged to funds programed for the recipient government under the Foreign Assistance Act of 1961, as amended, or in the case of certain of these countries, to funds provided by the recipient government.

The ship loans authorized by this legislation are those strongly recommended by the Department of Defense and State Department. The execution of these loans are in the national interest.

The Committee on Armed Services approved this legislation as reported by a vote of 29 to 3. I, therefore, urge approval by the House of this bill as reported by the committee.

Mr. Speaker I include the following letter in support of this legislation.

DEPARTMENT OF STATE,
Washington, D.C., December 3, 1971.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I am writing you with regard to the FY 1972 Ship Loan Bill (HR 9526) which will shortly be presented for a vote in the House. I understand that some Members are reluctant to support it because of the fact that some loaned ships, notably those in Ecuador, have been used to seize or harrass American fishing vessels in the high seas and that these loans have not been recalled.

As you are aware, there are no loans for Ecuador in HR 9526; however, we can readily understand and agree with the need to protect American fishermen and to preserve the United States interest in freedom of the seas.

In point of fact, the recall of our loans to Ecuador in itself would not prevent future harassment of American fishing vessels. Ecuador has other craft with which to patrol its coast, some of which are modern, high performance boats.

Seeking recall of our vessels would serve no useful purpose as a gesture of disapproval of Ecuadorian conduct. You will recall that we terminated all foreign military sales (FMS) and military assistance to Ecuador earlier this year. These measures have only served to gain sympathy in Latin America for Ecuador's position. Far from resolving the overall problem, they have made a negotiated solution more complicated and difficult.

The central difficulty in using pressure of this sort is the impact such measures have in other areas involved in the complex fishing question—the broad range of our foreign policy, economic and security interests in the hemisphere as well as the position of the US with regard to the Law of the Sea.

We have concluded that additional sanctions against Ecuador at this time would harm these other interests involved and have thus decided not to seek the return of the ships at this time.

We believe the better course for the United States to follow is to persist in the effort to find the basis for a negotiated solution which respects all of our interests. This is a difficult course and one which, as you know, has not yet borne fruit. It does not, however, carry with it the disadvantages that are associated with the application of additional sanctions, a course which also has not produced a solution.

I would like to take this opportunity to stress that the ship loans proposed in HR 9526 to Spain, Italy, Greece, Turkey and the Republic of Korea, are important to our overall security assistance program and directly affect US security interests. In particular, the proposed loans to Spain have already been discussed with that country as part of a *quid pro quo* (subject to authorizing legislation) for the use of major US bases in that country. I urge you to give this legislation your support.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I rise in support of the bill as reported by the committee and urge the approval of the House.

I would like to emphasize that the ship loan program is only one part of the overall military assistance program and that these ships would otherwise be held in our inactive reserve fleet at our own expense. The program, therefore, permits these ships to continue to contribute to the defense of our Nation as well as those nations allied with us without any significant monetary contribution on our part.

Seven of the 16 vessels in the bill before the House will be loaned to NATO allies and will be used, for the most part, in the strategic Mediterranean area.

The seven vessels for Spain are part of a Spanish agreement to guarantee the U.S. use of some of its most important military bases anywhere in the world.

The Spanish loans will be used heavily in the Mediterranean and will thus increase friendly naval strength in that area.

The two destroyers for Korea will help that area along toward self-sufficiency and will be important evidence of the firmness of our intentions to fulfill treaty obligations in the East Asian nations.

The ship loan program is an excellent example of the Nixon doctrine in action. It allows us to keep in service ships which would otherwise have to be deactivated and it provides an economic and effective way for our friends and allies to defend themselves and make a greater contribution to our collective security.

These are the considerations that prompted the Committee on Armed Services to concur in this request of the executive branch. I strongly share this point of view and believe that this legislation deserves the support of every Member of this body.

Mr. GROSS. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I have great respect for the members of the Committee on Armed Services, and I have always looked to them for leadership in providing for greater national security, but I remember one time when our colleague, the late Mendel Rivers, twisted my arm and persuaded me to remove my objection to a unanimous-consent request so that he could get a vessel loan bill through, and that was for the Latin American countries. We have a lot of our older vessels down there, both Coast Guard and Navy, and they have been used against our fishing fleet.

Now many of them are not on loan but under what I would call seizure be-

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cause the loan authorization has expired. I do not know where these vessels will end up and whether we can ever get them returned after 4 years. Frankly, I have just become disillusioned with this loan program.

Mr. Speaker, I will vote for any programs to enlarge our Navy and to build up our national security and to provide for a U.S. ship construction program to deter war by strength, but I cannot get myself to support these loans, after our bitter experience with the naval vessels that have been loaned to Latin Americans.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. HÉBERT. I will say to the gentleman that nobody could be more in accord with what the gentleman has just said than the chairman of the Committee on Armed Services. I feel very keenly about the situation in Latin America and have always looked with dismay on the prostitution of our good graces by the seizure of our ships. It is a most disgraceful act and it is a matter on which I have so expressed myself in committee.

However, I will say to the gentleman that this is no time to bring this matter up.

Mr. Speaker, I will not only call this matter up for a hearing, but I shall vigorously support any such legislation which places limitations on the actions of Latin American countries which have abused our friendship in the manner in which they have handled our largesse.

However, at this particular time, it is of special importance that this bill be passed because of our association with the nations mentioned and particularly with the Spanish Government where we are overdue in carrying out our agreement on the renewal of our base agreement in Spain.

I hope the gentleman would understand the situation in which we find ourselves, and of course I can well understand the gentleman's feeling in the matter, and his reference to our late colleague, Mr. Rivers.

As a matter of fact, the last conference I had with Mr. Rivers, which was a few days before he died and it was in Birmingham, on the ship loan bill. I know his feelings in the matter and I know exactly how he felt and I share those feelings now.

Mr. Speaker, I think in the light of what has happened, he would stand here with the gentleman and myself and decry what has happened in the Central American countries.

This can be corrected by legislation which I will support and bring before the Committee on Armed Services as quickly as possible.

Mr. PELLY. Mr. Speaker, again I want to express my great admiration and respect for the chairman and the other members of the Committee on Armed Services.

However, you cannot pass a bill and compel some foreign nation to return these vessels.

I would like to see a stronger U.S. Navy. under our own control. I feel once we have transferred these vessels under a loan, we have no assurance that they will ever come back and I doubt whether in many instances they will.

Could I ask the gentleman—has there been any transfer of these vessels heretofore? Is this just to authorize action that has already been taken or are we under control of these vessels?

Mr. HÉBERT. No, sir, these are new loans. These ships have not been transferred before. I anticipate the gentleman's concern, however, and again stand with him. We have never asked for and have never seen the return of a single ship—which is wrong—it is as dead wrong as it can be and shows a weakness on our part that should not be.

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, this is the annual ship loan bill. Under the provision of section 7307 of title 10, United States Code, this section requires the consent of Congress for the sale, transfer, or other disposal of any battleship, aircraft carrier, cruiser, destroyer or submarine that has not been stricken from the Naval Vessel Registry. In accordance with the requirements of section 7307 the Armed Services Committee has approved the following transfers:

Spain: five destroyers and two submarines; Turkey: one destroyer and two submarines; Greece: two destroyers; Republic of Korea: two destroyers; and Italy: two submarines.

Over the past 2 years the United States Navy will have gone from 769 ships on June 30, 1970, to 657 ships on June 30, 1972, for a decrease of 112 ships. Of the ships that have been retired from active duty some have been judged to be valuable enough to be kept on the Naval Vessel Register for possible future use by the Navy. It is from these ships that the loans are being made.

Although section 7307 was first enacted in 1951, it is an example of the Nixon doctrine of supplying our allies with hardware while having our allies supply the manning. Instead of mothballing these ships which have been retired from active duty, they will be continued in service with foreign crews. This will not only allow the foreign countries to have more modern ships than they have now, but it will also keep these ships in better condition than they would if they were in mothballs.

Four of the recipients of these ships are located in the Mediterranean. Spain, standing at the entrance of the Mediterranean, is receiving five destroyers and two submarines. Turkey, which stands astride the Bosporus, is receiving one destroyer and two submarines. Greece, which is close to the Bosporus, is receiving two destroyers, and Italy, which bisects the Mediterranean, will receive two submarines. All of these ships will strengthen the ability of our allies to meet the increased Soviet threat in the Mediterranean. Recently the Soviets have been sailing fleets of 55 to 60 ships or more in the Mediterranean—and doing it far more frequently than they ever did before. Included in those fleets are large numbers of submarines.

Of course, Turkey, Greece, and Italy are members of NATO. Our transfer of the ships involved here to these countries will help strengthen the southern tier of our NATO allies at a time when there is an increased threat to that side of NATO from the Soviets.

Mr. Speaker, the question has been raised as to what the United States is going to do with the ships it has supplied to Ecuador. The Department of State has just written to the committee as follows:

As you are aware, there are no loans for Ecuador in H.R. 9526; however, we can readily understand and agree with the need to protect American fishermen and to preserve the United States' interest in freedom of the seas.

In point of fact, the recall of our loans to Ecuador in itself would not prevent future harassment of American fishing vessels. Ecuador has other craft with which to patrol its coast, some of which are modern, high performance boats.

Seeking recall of our vessels would serve no useful purpose as a gesture of disapproval of Ecuadorian conduct. You will recall that we terminated all foreign military sales (FMS) and military assistance to Ecuador earlier this year. These measures have only served to gain sympathy in Latin America for Ecuador's position. Far from resolving the overall problem, they have made a negotiated solution more complicated and difficult.

The central difficulty in using pressure of this sort is the impact such measures have in other areas involved in the complex fishing question—the broad range of our foreign policy, economic and security interests in the hemisphere as well as the position of the U.S. with regard to the Law of the Sea.

We have concluded that additional sanctions against Ecuador at this time would harm these other interests involved and have thus decided not to seek the return of the ships at this time.

We believe the better course for the United States to follow is to persist in the effort to find the basis for a negotiated solution which respects all of our interests. This is a difficult course and one which, as you know, has not yet borne fruit. It does not, however, carry with it the disadvantages that are associated with the application of additional sanctions, a course which also has not produced a solution.

With respect to the overall importance of the ship loan bill, the State Department has also advised the committee as follows:

I would like to take this opportunity to stress that the ship loans proposed in H.R. 9526 to Spain, Italy, Greece, Turkey, and the Republic of Korea, are important to our overall security interests. In particular, the proposed loans to Spain have already been discussed with that country as part of a *quid pro quo* (subject to authorizing legislation) for the use of major U.S. bases in that country. I urge you to give this legislation your support.

Mr. Speaker, I urge the House to pass this legislation.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Speaker, I am one of those who voted against this legislation in committee.

I have voted for it in the past, but I share with the gentleman from Washington (Mr. PELLY) certain reservations about what happens to these ships.

I share with the gentleman from Washington (Mr. PELLY) certain reservations about what happens to these ships, and not only in connection with South America, but today, for example, there are 16 American naval vessels under the jurisdiction of Pakistan. What do you think is happening to the 16 American naval vessels under the jurisdiction of Pakistan today?

The hearings on this legislation run for page after page after page detailing all the ships which American taxpayers have paid for and which are today in the hands of other nations. This bill includes ships to Turkey, for example, and in the hearings from pages 7077 to 7079 we list 121 ships which Turkey has which American taxpayers paid for. Now, they are not all big ships. They are mostly small ships—patrol craft, patrol boats, landing vessels. But there are submarines in there. There are a lot of submarines in there.

This particular bill calls for a lot of ships to Spain, and there are about 50 or 60 ships which Spain already has under her jurisdiction.

If you look at the rationale set forth in the report on this legislation, it says that it is going to accomplish things like getting them to accept our doctrines of the sea, getting these recipient nations to accept our doctrines. Well, one of our principal doctrines has always been the 3-mile limit, which we will extend to 12 miles for purposes of conserving fish resources. But nation after nation which has gotten these ships has ignored this 3-mile limit and is demanding 200 miles of jurisdiction. Our vessels are being used against us all over the world to guarantee to foreign countries that they will take jurisdiction 200 miles out to sea.

The chairman said that these ships are going to remain under our control. The trouble is it just is not so. The bill is probably a pretty good bill as far as the language is concerned, but it is not as strong as the language which we have had in bills in the past.

For example, in connection with Peru, Peru today has two ships of ours on which the legislation has expired. The authority to have these ships has expired. And they do not give the ships back. They keep the ships. The testimony we had before the hearing revealed that not once has a ship which has gone out on "loan"—and "loan" is in quotes—from the United States of America has ever come back to the United States of America.

In connection with a loan which we made to Peru of a ship, a destroyer named the *Isherwood*, the language when we extended the loan, said:

Any agreement for a new loan or an extension of a loan executed pursuant to this Act shall be subject to the conditions that the agreement will be immediately terminated upon finding made by the President that the country with which such agreement was made has seized any United States fishing vessels.

Peru, everybody knows, has seized U.S. fishing vessels. So what does the State Department say in justification of this this? They say:

The diplomatic note proposing the terms for the loan extension of *Isherwood* was presented to the Government of Peru after passage of the law. The Peruvians have not responded.

In view of our experience with the *Isherwood* and the delicate state of our relations with Peru at present, we do not believe it is in the best interests of the United States to press the matter of these loans at this time.

One of the ships for which the loan has already expired is a submarine held by Pakistan, and that submarine is in Pakistan right now and the loan has expired. We keep saying, "Well, in view of the delicate nature of our relations with this country we ought to let them keep the ship."

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GROSS. Mr. Speaker, I yield 5 additional minutes to the gentleman from New York.

Mr. PIKE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the hearings on this bill are good hearings, and I recommend that the Members take a look, not just at the report, but also at the hearings, because beginning on page 7018 of the hearings, there is listed the country of Brazil; and we go from Brazil to Burma; to Cambodia; to Canada; to Chile; to Colombia; to Denmark; to the Dominican Republic; to Ecuador; to Egypt; to El Salvador; to Ethiopia, which has about 20 ships; France, which as of last year still had three pages worth of ships which the American taxpayers have paid for and which are still set forth as being on hand last year in France; Burma, which has about 10; Greece, which has about 90, and they are on pages 7034 and 7035 of the hearings. There are just page after page after page. Guatemala has our ships; Haiti has our ships; Indonesia has our ships; Iran; Israel has one, by the way; Italy has two and a half pages worth; Panama has three; Japan has one and a half pages worth. And I have only gotten to the J's. There are literally hundreds and hundreds of ships paid for by the American taxpayers.

It is true, Mr. Speaker, they may be obsolete, but again, the justification given by the Navy for the submarines, for example, which are going to Turkey in this bill, is that they are going to be modernized, going to be used to modernize the Turkish submarine fleet. If they can modernize their submarine fleet with those ships, those ships ought to be of some use to us.

I would suggest we cannot control what happens in any of these countries once they get our ships. Chile has two cruisers in addition to some destroyers, and by an election Chile decided to go Communist, and Chile maintains the cruisers and maintains the destroyers, and if anybody tells me that having American cruisers and American destroyers paid for by the American taxpayers in the hands of the Chileans at this time contributes to our national defense—I just cannot believe it, that is all.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, in the case of Peru, they still have not made settlement for the confiscation of millions of dollars worth of American-owned property. The leases on the vessels loaned to Peru have expired, and yet we cannot get those vessels back.

Mr. PIKE. The gentleman is absolutely correct. I would say most of the ships we have loaned out are today in the hands of dictatorships either of the right or of the left.

Mr. GROSS. I certainly agree with the gentleman.

Mr. PIKE. And once they get their mitts on the ships we do not get the ships back, and we do not control them, and they do not help our national defense in any manner.

Mr. GROSS. The distinguished chairman of the commitee, Mr. HÉBERT, made a point of the fact that the term of the loan or lease terms in this bill have been reduced from 5 to 4 years. As far as I am concerned—and I do not know the reaction of the gentleman from New York—this simply is window dressing. We are not going to get the ships back anyway unless we force their return.

Mr. PIKE. I would like to think it is a little more than just window dressing, because it was my amendment that cut it down to 4 years. However, the gentleman is correct. It does not matter what the term of the loan is, because, as with all these ships, we never get them back anyway. They are gone, they are out of our hands, they are out of our control. They may be used in civil wars in which both sides may come to hate us, because it is the American ships that are killing on each side, and they may be used against us as they have been in the past.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, did the committee consider the possibility of converting this to a sale instead of a loan? In other words, would it not be a much cleaner issue if we simply sold or donated the vessels?

Mr. PIKE. I would say to the gentleman this bill only scratches the surface of how we get ships into the hands of other countries.

This is a loan program. There is also a lease program. There is a grant program. And there is a sale program. We have more ways of getting ships into the hands of other nations than the world has ever seen.

Mr. HÉBERT. Mr. Speaker, I yield to the distinguished majority leader, Mr. BOGGS, for a unanimous-consent request.

HON. WILLIAM P. CURLIN, JR.

Mr. BOGGS. I thank the gentleman from Louisiana.

Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky, Mr. WILLIAM P. CURLIN, JR., be permitted to take the oath of office now. The certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

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Mr. GROSS. Mr. Speaker, reserving the right to object, I do so only for the purpose of asking: This will not foreclose the time allotted for the purpose of debate under the suspension of the rules procedure?

The SPEAKER. It will not.

Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. CURLIN appeared at the bar of the House and took the oath of office.

Mr. HÉBERT. Mr. Speaker, I yield myself 1 minute.

I would like to have the attention of the gentleman from Iowa, with reference to a question he asked in connection with the amendment to the bill, on the 4-year limitation as related to the 5-year limitation and to the extension.

The distinguished gentleman from New York (Mr. PIKE), I am sure inadvertently, did not identify himself as the author of those two amendments in the committee. From his dissertation here today and the statement Members heard him make I believe the House Members may be under the impression he was opposed to the whole bill. His amendments were accepted by the committee after he offered them.

Now, Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I rise in support of the bill, although certainly with some trepidation, because I was one of those who voted against the bill in the committee.

Mr. Speaker, on July 26, we passed the Foreign Assistance Act amendments, H.R. 9910, which contained the following addition to Section 620 of chapter 1 of part III of the Foreign Assistance Act of 1961:

(V) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may no be waived pursuant to any authority contained in this Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding.

An attempt to delete this prohibition on the floor was overwhelmingly defeated 122 to 57, the bill was passed, it is now in conference, and we can be virtually certain that the prohibition will be included in the bill which emerges from conference.

Now on page 4 of the report on H.R. 9526, the bill we are now discussing, it says in part—

Enactment of this measure will involve the expenditures of approximately $32.5 million. In the case of . . . the Government of Greece . . . these costs will be charged to funds programed for the recipient government under the Foreign Assistance Act of 1961, as amended, or its successor legislation, or to funds provided by the recipient government.

I want to be very clear about this. Assuming the House language regarding Greece contained in H.R. 9910, is enacted into law, no funds will be authorized to be appropriated for the transfer of these two destroyers to Greece unless the President notifies the Congress in writing that national security requirements justify waiving the restriction specified in H.R. 9910.

In short, these ship loans to Greece are covered by the same restrictions as other military aid.

I share some of the reservations which the gentleman from New York (Mr. PIKE) on the committee has.

While there are a number of ways in which ships can get to alleged allies and friends around the world, this House has participated with respect to grants and loans respecting perhaps some 17 countries. When we look at that record, I believe it is rather dismal.

There are three destroyers to Argentina. That is a military dictatorship.

There are two submarines and six destroyers to Brazil. That is a military dictatorship which is renowned for its recent evidences of torture, for which columnist Bill Buckley indicted them the other day.

We have two submarines and two destroyers in Chile, which has a Marxist government. Of course, the only reason for having those kinds of ships would be an altercation with Peru.

Of course we balanced that, because we have two destroyers given to Peru, which is a military dictatorship though strongly leaning toward socialism.

We have given a destroyer to the democracy of Colombia.

We have given five destroyers to the democracy of Germany.

In this bill we have some ships programed for Greece. Greece already has two submarines and six destroyers, and two more programed. I will address that situation in a minute.

I would like to add that Italy, a democracy, was given five submarines; Japan, two submarines; Korea, two destroyers and two DE's.

Of course, in Pakistan we knew when we gave them ships some years ago that they would probably only use them against India. Bombay was bombed this morning. Pakistan has one of our submarines which they will undoubtedly use in their effort against India.

The Philippines has one destroyer escort. Spain, admittedly a Fascist state, is getting two submarines under this bill. It already has a helicopter carrier and five destroyers. Nationalist China, which is no paragon of democracy, has six destroyers and one destroyer escort. Thailand, which just recently opted for a military dictatorship, is getting a destroyer escort. Turkey is getting two submarines and a destroyer escort under this bill, but there is no doubt that they will be using these submarines and destroyers not to help us in our NATO effort but against Greece, which is also getting ships under this bill because they have a major problem over Cyprus. Of course, Vietnam got two destroyer escorts in the previous legislation.

So, Mr. Speaker, I would like to ask a question of the chairman of the committee. Considering the fact that there has been some major concern with respect to the use of our ships that we have already approved in this House, as to whether or not those ships have really been used pursuant to a plan which has been helpful to the United States and considering the fact that we have problems with these ships in Ecuador and South America, and so forth.

Mr. Speaker, at the end of my remarks, I want to insert three tables. First, a list of our ships confiscated this year by Ecuador; second, a list of U.S. ships loaned to Ecuador over the past 15 years, many of these ships participated in the confiscation; third, a table of total U.S. seizures through 1970 in South America.

I am wondering if perhaps it might be well if our committee held hearings and actually looked into what the Navy is doing not only with the ships we have approved but those that they have put out on lease and loan without our consent. Of course, they do not always need our approval for smaller ships under the other provisions of the law. Have you thought about our committee holding a general review of this situation and coming up with further recommendations?

TABLE I.—FISHING VESSEL SEIZURES, 1971

Seized	Name	Amount paid to obtain release	Released
	PERU		
Mar. 30, 1971	Puritan	$12,000	Mar. 31
	ECUADOR		
Jan. 11, 1971	Lexington	33,800	Jan. 14
Jan. 15, 1971	Bold Venture	49,950	Jan. 16
Do	Anna Maria	52,000	Do.
Jan. 17, 1971	Apollo	86,650	Jan. 19
Jan. 18, 1971	Antonia C	39,840	Do.
Do	Ocean Queen	69,100	Do.
Do	Cape Cod	44,169	Jan. 20
Do	Capt. Vincent Gonns	52,550	Jan. 19
Do	Blue Pacific	56,550	Jan. 20
Jan. 20, 1971	Hornet	37,800	Jan. 22
Jan. 21, 1971	Quo Vadis	48,150	Do.
Jan. 22, 1971	Neptune	42,950	Jan. 23
Do	Day Island	46,500	Do.
Jan. 23, 1971	Caribbean	41,200	Do.
Jan. 27, 1971	Coimbra	17,750	Jan. 29
Do	Western King	38,050	Jan. 28
Do	Jeannette C	65,550	Do.
Feb. 10, 1971	John F. Kennedy	45,000	Feb. 11
Feb. 20, 1971	West Port	32,150	Feb. 21
Feb. 24, 1971	Nautilus	40,250	Feb. 25
Feb. 27, 1971	Concho	41,550	Feb. 28
Do	United States	41,550	Do.
Do	Lois Seaver	24,750	Do.
Do	Sun Europe	23,050	Do.
Mar. 3, 1971	Apollo [1]	155,340	Mar. 4
Mar. 27, 1971	Caribbean [1]	74,160	Mar. 28
Nov. 10, 1971	Venturous	46,100	Nov. 11.
Do	Blue Meridian	32,400	Do.
Do	Trinidad	59,662	Do.
Nov. 12, 1971	Royal Pacific	24,700	Nov. 14.
Do	Endeavor	17,150	Do.
Do	Cheryl Marie	50,900	Do.
Do	Mary S	45,900	Do.
Do	Eastern Pacific	37,450	Do.
Nov. 13, 1971	Lexington	60,840	Do.
Do	Cabrillo	44,950	Do.
Do	Elsenore	17,200	Do.
Do	A. K. Strom	73,050	Do.
Nov. 18, 1971	Ecuador	22,250	Nov. 19
Do	Wiley V. A	22,350	Do.
Nov. 19, 1971	Anna M	45,050	Nov. 20.
Nov. 23, 1971	Vivian Anne	37,703	Nov. 24.
Do	Larry Roe	41,250	Do.
Do	Missouri	41,200	Nov. 26.
Nov. 24, 1971	John F. Kennedy [1]	80,460	Do.
Do	J. M. Martinac	38,350	Do.
Do	Connie Jean [1]	68,030	Do.
Nov. 25, 1971	Bernadette	19,000	Do.
	Total	2,200,000	

[1] Fines doubled, 2d time seized.

TABLE II.—SHIPS LEASED (NAVY TO NAVY)

Name	Date leased	Date expires
ANL-27 (net laying boat)	November 1965	July 1965.
ARD-17 (auxiliary repair dry dock)	January 1961	January 1971.
ATF-155 (fleet ocean tub) U.S.S. Cusabo	November 1960	November 1970.
AFS-525 (combat store ship)	July 1964	July 1974.
YR-34 (floating workshop)	July 1962	July 1972.
YW-131 (water barge)	January 1963	January 1973.
ADP-66 (transport) U.S.S. Enright	November 1966	January 1972.

Note: Terms of lease: Can be terminated by either party on 30 days' notice. Neither leases nor loans are subject to specific legislation per 10 USC 2667. Destroyers, submarines, and major combatant ships require congressional authorization to loan.

SHIPS LOANED (GOVERNMENT TO GOVERNMENT)

Name	Date loaned	Date expires
PCE-846 (patrol craft) U.S.S. Eunice	November 1960	November 1965.
PCE-874 (patrol craft) U.S.S. Pascagoula	December 1960	December 1965.

Note: 48 seizures this year.

TABLE III.—DATA ON SEIZURES OF U.S. FLAG TUNA CLIPPERS DURING PERIOD JANUARY 1961 TO DECEMBER 1970

STATISTICAL SUMMARY

	Resume	By year									
		1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Total number of seizures	92	1	10	11	2	10	14	16	10	14	4
Total estimated fishing days lost from seizures	374	4	75	59	2	51	54	63	35	25	6
Total fines paid for release of vessel	$757,021.90	$2,500.00	$17,427.90	$20,688.00	0	$19,312.00	$80,636.00	$105,768.00	$288,960.00	$67,578.00	$154,2520.00
Total licenses and matriculas paid for release of vessels	[1] 151,786.10	[1] 0	[1] 5,180.00	[1] 8,350.70	[1] 0	[1] 28,942.20	[1] 2,900.00	[1] 39,988.20	[1] 40,001.00	[1] 26,514.00	[1] 0
Total other costs	[1] 24,377.12	[1] 714.85	[1] 240.30	[1] 157.00	[1] 0	[1] 1,517.86	[1] 5,039.68	[1] 8,443.60	[1] 6,287.50	[1] 1,976.33	[1] 5,0900.0
Total costs	933,184.12	3,214.85	22,848.20	29,195.70	0	49,772.06	88,575.68	154,109.80	335,248.50	95,968.33	160,152.00

[1] Estimated.

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961-68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Shamrock	253 836	Mar. 21, 1961	Mar. 24, 1961	4	Panama:		Filed: May 29, 1961	Vessel at anchor repairing anchor, 9.25 miles (98° True Isla Pelado, at 08° 39.4′ latitude, (north) 78° 51.5′ west longitude. Name of foreign vessel unavailable.
					Fine	$2,500.00	Acknowledged: (1)	
					License	None	Certified: July 10, 1961	
					Matricula	None	Paid: (1)	
					Etc	714.85		
					Total	3,214.85		
San Joaquin	270 154	Feb. 12, 1962	Feb. 24, 1962	13	Colombia:		Filed: May 8, 1962	Vessel in set, net in water, seized by warship Arc Gorgonia 7.9 miles SW Pt San Francisco Solano, at 06° 03′ north latitude 77° 32′30″ west longitude.
					Fine	2,277.90	Acknowledged: May 21, 1962	
					License	None	Certified: Jan. 7, 1963	
					Matricula	None	Paid: June 3, 1963	
					Etc	40.30		
					Total	2,318.20		
Western Ace	263 848	Mar. 28, 1962	Mar. 31, 1962	4	Ecuador:			Near Manta, Ecuador, vessel seized while fishing Name of seizing vessel not available, exact position of seizure not available.
					Fine	None		
					License	4,830.00		
					Matricula	350.00		
					Etc	(1)		
					Total	5,180.00		
Lou Jean	249 580	Apr. 28, 1962	May 3, 1962	6	El Salvador:			Traveling homeward, seized by warship G.D.-2, about 15 miles off Rio Tempa River, at 12° 58′ north latitude, 88° 50′ west longitude.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	200.00		
White Star	249 335	Aug. 3, 1962	Sept. 10, 1962	35	Ecuador:			Vessel traveling when seized. Name of seizing vessel unavailable, exact position of seizure unavailable.
					Fine	None		
					License	(1)		
					Matricula	(1)		
					Etc	(1)		
Larry Roe	278 930	Aug. 24, 1962	Aug. 24, 1962	1	Ecuador:			Vessel fishing when seized by Ecuadorean warship, off Galapagos Islands. Name of seizing vessel not available, exact positions of seizure not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	(1)		
Evelyn R	230 063	Sept. 10, 1962	Sept. 13, 1962	4	Ecuador:			Vessel entered port and was then seized. No seizing vessel. Location was Galapagos Islands.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	(1)		
Western Ace	263 848	Oct. 28, 1962	Nov. 1, 1962	5	Peru:			Vessel fishing when boarded by armed soldiers from Peruvian warship, "Angel", about 11 miles off Peru, at 03° 50′ south latitude, 81° 08′ west longitude.
					Fine	5,000.00	Filed: not applicable	
					License	None	Acknowledged: not applicable	
					Matricula	None	Certified: not applicable	
					Etc	(1)	Paid: not applicable	
Chicken of the Sea	248 779	do	do	5	Peru:			Vessel fishing when seized and boarded by Peruvian warship, "Angel", about 11 miles off coast of Peru, at 03° 50′ south latitude, 81° 08′ west longitude.
					Fine	10,000.00	Filed: not applicable	
					License	(1)	Acknowledged: not applicable	
					Matricula	(1)	Certified: not applicable	
					Etc	(1)	Paid: not applicable	
Elsinore	271 490	Nov. 18, 1962	Nov. 18, 1962	1	Ecuador:			Vessel fishing North of Cape Berkely, San Isabella (Galapagos Islands). Name of seizing vessel not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Larry Roe	278 930	Nov. , 1962	Nov. , 1962	1	Ecuador:			Vessel fishing when seized by Ecuadorean warship off Wreck Bay, San Cristobal, Galapagos Islands.
					Fine	150.00		
					License	None		
					Matricula	None		
					Etc	None		

Footnotes at end of table.

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LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
San Juan	289 819	May 22, 1963	May 22, 1963	1	Ecuador:			
					Fine	None		Vessel fishing when seized by Ecuadorean warship about 8 miles off Manta, at 00° 44′ south latitude, 88° 53′ west longitude, ship's document converted.
					License	None		
					Matricula	None		
					Et cetera	None		
Ranger	253 538	May 25, 1963	June 11, 1963	18	Ecuador:			
					Fine	$9,504.00		Vessel fishing when seized by Ecuadorean warship "D.O.–2; Jambeli: D.O.1" 13 miles, 260° True, Cojimes Island, at 00° 22′ north latitude, 80° 17′ west longitude.
					License	2,232.20		
					Matricula	350.00		
					Et cetera	78.50		
					Total	12,164.70		
White Star	249 335	May 25, 1963	June 11, 1963	18	Ecuador:			
					Fine	11,184.00		Vessel traveling when seized by Ecuadorean warship, "D.O.–2; Jambeli; D.O.1", 13 miles, 260° True, Cojimes Island, 00° 22′ north latitude, 80° 17′ west longitude.
					License	2,652.30		
					Matricula	350.00		
					Et cetera	78.50		
					Total	14,264.80		
Espiritu Santo	248 755	June 13, 1963	June 18, 1963	4	Ecuador:			
					Fine	None		Vessel entered port to buy license, at Salinas, Ecuador, when seized by Ecuadorean warship, name not available.
					License	2,416.00		
					Matricula	350.00		
					Total	2,766.00		
Ranger	253 538	June 29, 1963	June 29, 1963	½	Ecuador:			
					Fine	None		Seized in error about 50 miles off coast of Ecuador. Name of seizing vessel not available.
					License	None		
					Matricula	None		
					Et cetera	None		
Ruthie B	252 612	June 1963	June 1963	1	Peru:			
					Fine	None		Seized by Peruvian warship, 27 miles off coast of Peru, seizure in error. Exact position not available.
					License	None		
					Matricula	None		
					Etc	None		
Freedom	262 968	do	do	1	Peru:			
					Fine	None		Vessel traveling about 27 miles off coast of Peru when seized by Peruvian warship, exact position unavailable.
					License	None		
					Matricula	None		
					Etc	None		
Ruthie B	252 612	Aug. 19, 1963	Aug. 19, 1963	1	Peru:			
					Fine	None		Vessel traveling about 38 miles off coast of Peru when seized by Peruvian warship. Exact position unavailable
					License	None		
					Matricula	None		
					Etc	None		
Intrepid	254 297	do	do	1	Peru:			
					Fine	None		Vessel traveling 38 miles off coast of Peru, seized by Peruvian warship. Exact position not available.
					License	None		
					Matricula	None		
					Etc	None		
Western Sky	241 122	Dec. 20, 1963	Dec. 30, 1963	11	Ecuador:			
					Fine	None		Seized at Wreck Bay, San Cristobal, Galapagos Islands, by Ecuadorean warship. Seizure in error.
					License	None		
					Matricula	None		
					Etc	(1)		
West Coast	249 369	Dec. 29, 1963	Dec 30, 1963	2	Ecuador:			
					Fine	None		Seized at Wreck Bay, San Cristobal, Galapago Islands. Seizure in error.
					License	None		
					Matricula	None		
					Etc	(1)		
Santa Anita	258 646	Feb. 4, 1964	Feb. 4, 1964	1	Ecuador:			
					Fine	None		Vessel entered port in Galapagos Islands seeking aid for injured seaman. Vessel seized upon entry into port.
					License	None		
					Matricula	None		
					Etc	None		
Agnes C	262 870	Dec. 5, 1964	Dec. 5, 1964	1	Ecuador:			
					Fine	None		Vessel on anchor, Galapagos Islands. Name of seizing vessel not available, exact position of seizure not available.
					License	None		
					Matricula	None		
					Etc	None		
Nautilus	285 304	Feb. 17, 1965	Feb. 17, 1965	1	Peru:			
					Fine	None		Entered Port of Talara, Peru, seeking aid for hurt man. Vessel seized upon entering port.
					License	4,734.00		
					Matricula	350.00		
					Etc	(1)		
					Total	5,084.00		
Western King	273 287	do	do	1	Peru:			
					Fine	None		Vessel entered Port of Talara, Peru for provisions and was taken under seizure.
					License	4,278.00		
					Matricula	350.00		
					Etc	(1)		
					Total	4,628.00		
Clipperton	285 518	June 4, 1965	June 14, 1965	11	Peru:			
					Fine	7,128.00	Filed: July 29, 1965	Vessel entered Port of Chimbote, Peru to perform emergency repairs and was taken under seizure.
					License	3,214.00	Acknowledged: Aug. 4, 1965	
					Matricula	350.00	Certified: Sept. 27, 1965	
					Etc	1,517.86	Paid: Nov. 24, 1965	
					Total	12,209.86		
Clipperton	285 518	June 16, 1965	June 16, 1965	½	Peru:			
					Fine	None		Seized about 60 miles off coast of Peru by Peruvian warship, B.A.F. Calvez #68, at 09° 00′ south latitude and 80° 00′ west longitude. Seizure in error.
					License	None		
					Matricula	None		
					Etc	None		
Sun Jason	251 946	June 4, 1965	June 6, 1965	3	Peru:			
					Fine	None		Vessel entered Port of Talara, Peru, to seek aid for ill fisherman and was taken under seizure.
					License	1,976.00		
					Matricula	None		
					Etc	(1)		

Footnotes at end of table.

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
San Juan	289 819	June 11, 1965	June 13, 1965	3	Peru:			
					Fine	None	Filed: [1]	Vessel fishing, seized about 44 miles off Huanocape Island, at 9° 05′ south latitude, 79° 36′ west longitude, by Peruvian warship, B.A.F. Calvez #68.
					License	$5,538.00	Acknowledged: [1]	
					Matricula	350.00	Certified: [1]	
					Etc	(1)	Paid: Claim	
					Total	5,888.00	Denied	
Hornet	289 761	June 13, 1965	June 14, 1965	2	Peru:			
					Fine	None	Filed: [1]	Vessel traveling about 96 miles off coast of Peru, at 09° 32′ south latitude, 80° 11′ west longitude, by Peruvian warship B.A.F. Calvez #68.
					License	4,686.00	Acknowledged: [1]	
					Matricula	350.00	Certified: [1]	
					Etc	(1)	Paid: [1]	
					Total	5,036.00		
Concho	270 585	July 29, 1965	July 29, 1965	1	Ecuador:			
					Fine	None		Seized in error near Salinas, Ecudeor. Name of seizing vessel not available. Exact position not available.
					License	None		
					Matricula	None		
					Etc	None		
White Star	249 716	OcL 5, 1965	Nov. 1, 1965	28	Ecuador:			
					Fine	11,184.00	Filed: [1]	Drifting, working on engine near Salinas, Ecuador, about 17 miles from shore, at 02°41′ south latitude, 80°56′ west longitude. Name of seizing vessel unavailable.
					License	2,416.20	Acknowledged: [1]	
					Matricula	350.00	Certified: [1]	
					Etc	(1)	Paid: [1]	
					Total	13,950.20		
Mary Barbara	275 716	Dec. 30, 1965	Dec. 30, 1965	1	Peru:			
					Fine	1,000.00	Filed: [1]	Entered Port of Callao, Peru to obtain engine parts and was taken under seizure.
					License	None	Acknowledged: [1]	
					Matricula	None	Certified: [1]	
					Etc	(1)	Paid: [1]	
Day Island	288 260	Feb. 3, 1966	Feb. 18, 1966	16	Colombia:			
					Fine	5,000.00	Filed: May 12, 1966	While traveling toward Panama, seized by Colombian warship, the Almirante Padilla, 8.5 miles between Cape Marzo and Pta Cruces at 06°37′2″ north latitude, 77°40′08″ west longitude.
					License	None	Acknowledged: June 1, 1966	
					Matricula	None	Certified: Oct. 27, 1966	
					Etc	2,058.62	Paid: June 6, 1967	
					Total	7,058.62		
Sun Europa	247 979	Mar. 3, 1966	Mar. 4, 1966	2	Panama:			
					Fine	10,000.00	Filed: Apr. 18, 1966	Vessel in set with net in water, boarded by armed soldiers aboard private yachts, about 5½ miles from Pta Caracoles, at 07°36′ north latitude, 78°21′ west longitude.
					License	None	Acknowledged: Apr. 29, 1966	
					Matricula	None	Certified: Mar. 2, 1967	
					Etc	None	Paid: June 6, 1967	
Mauritania	250 236	Apr. 29, 1966	Apr. 30, 1966	2	Pecu:			
					Fine	None		Vessel traveling, seized about 40 miles from Pta Picos, by Peruvian warship B.A.F. Diez Conseco #69, at 03°19′ south latitude, 81°25′ west longitude.
					License	None		
					Matricula	None		
					Etc	340.49		
Day Island	288 260	May 12, 1966	May 14, 1966	3	Panama:			
					Fine	10,000.00	Filed: Sept. 13, 1966	Vessel traveling, seized by armed soldiers from aboard private yachts, about 29 miles from shore, at 07° 42′ north latitude 78° 42′ west longitude.
					License	None	Acknowledged: Sept. 21, 1966	
					Matricula	None	Certified: Mar. 2, 1967	
					Etc	588.36	Paid: June 5, 1967	
					Total	10,588.36		
Day Island	288 260	May 23, 1966	May 25, 1966	2	Peru:			
					Fine	12,160.00	Filed: Sept. 13, 1966	Just completed set, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pte Sol at 03° 44′ south latitude, 81° 06′ west longitude.
					License	None	Acknowledged: Sept. 21, 1966	
					Matricula	None	Certified: July 24, 1967	
					Etc	805.41	Paid: June 25, 1968	
					Total	12,965.41		
San Juan	289 819	May 23, 1966	May 24, 1966	2	Peru:			
					Fine	11,776.00	Filed: Jan. 10, 1967	Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, at 03° 44′ south latitude, 81° 06′ west longitude.
					License	None	Acknowledged: Jan. 24, 1967	
					Matricula	None	Certified: July 24, 1967	
					Etc	(1)	Paid: June 5, 1968	
Pilgrim	291 488	May 23, 1966	May 24, 1966	2	Peru:			
					Fine	11,512.00	Filed: July 18, 1966	Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, 03° 44′ south latitude, 81° 06′ west longitude.
					License	None	Acknowledged: July 29, 1966	
					Matricula	None	Certified: July 17, 1967	
					Etc	(1)	Paid: June 5, 1968	
Chicken of the Sea	248 779	May 23, 1966	May 23, 1966	2	Peru:			
					Fine	2,900.00		Fishing, seized by Peruvian warship #25 about 17 miles from Pta Picos and Pta Sol, at 03° 44′ south latitude, 81° 06′ west longitude.
					License	2,900.00		
					Matricula	None	Certified: Jan. 15, 1969	
					Etc	(1)		
City of Tacoma	295–035	June 14, 1966	June 15, 1966	2	Ecuador:			
					Fine	None		Seized in error by Ecuadorean warship, B.A.E. Quito LC–71 near Salinas, Ecuador. Exact position not available.
					License	None		
					Matricula	None		
					Etc	None		
Clipperton	285 518	June 14, 1966	June 15, 1966	2	Ecuador:			
					Fine	None		Seized in error by Ecuadorean warship, B.A.E. Quito LC–71, near Salinas, Ecuador. Vessel released.
					License	None		
					Matricula	None		
					Etc	None		
Ronnie S	255 975	Oct. 2, 1966	Oct. 6, 1966	5	Peru:			
					Fine	7,384.00	Filed: Jan. 14, 1967	Vessel looking for fish, seized by Peruvian warship B.A.P. San-Tillan No. 22, 24 miles by radar bearing off shore. West ¼ north of Zorritos, Peru.
					License	None	Acknowledged: Feb. 2, 1967	
					Matricula	None	Certified: June 30, 1967	
					Etc	599.66	Paid: June 25, 1968	
					Total	7,983.66		

Footnotes at end of table.

XUM

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Sun Europa	247 979	do	do	5	Peru:			Traveling, seized by Peruvian warship B.A.P. Santillan No. 22, 28 miles, radar bearing offshore, 160° True of Zorritos, Peru.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Eastern Pacific	500 099	Oct. 3, 1966	do	5	Peru:			Vessel drifting, seized at 5:30 a.m., by Peruvian warship, B.A.P. Velarde No. 21, about 20 miles by radar bearing, 306° Magnetic, Pt. Picos, Peru.
					Fine	$9,904.00	Filed: Jan. 31, 1967	
					License	None	Acknowledged: Feb. 14, 1967	
					Matricula	None	Certified: Aug. 1, 1967	
					Etc	647.14	Paid: June 25, 1968	
					Total	10,551.14		
Shamrock	253 836	Oct. 10, 1966	Oct. 13, 1966	4	Mexico:			Vessel seized in error near Cedros Island. Released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
New Era	250 382	Jan. 7, 1967	Jan. 13, 1967	7	Ecaudor:			Traveling towards Peru, seized by Ecuadorean warship, B.A.E. Cayambe, 35 miles 35° True from Cape Santa Elena, at 02° 40′ south latitude, 81° 21′ west longitude.
					Fine	7,200.00		
					License	3,000.00		
					Matricula	None		
					Etc	(1)		
					Total	10,200.00		
Endeavor	258 022	do	do	7	Ecuador:			Traveling toward Peru, seized by Ecuadorean warship B.A.E. Cayambe, 51 miles from Cape Santa Elena, at 02° 50′ south latitude, 80° 45′ west longitude.
					Fine	8,064.00	Filed: Mar. 9, 1967	
					License	2,016.00	Acknowledged: Mar. 20, 1967	
					Matricula	200.00	Certified: Mar. 31, 1967	
					Etc	900.00	Paid: June 6, 1967	
					Total	11,180.00		
Victoria	249 539	do	do	7	Ecuador:			Traveling toward Peru, seized by Ecuadorean warship B.A.E. Cayambe 50 miles from Port of Salinas, 02° 42′ south latitude, 81° 40′ west longitude.
					Fine	8,448.00	Filed: Mar. 13, 1967	
					License	2,112.00	Acknowledged: Mar. 20, 1967	
					Matricula	200.00	Certified: Mar. 31, 1967	
					Etc	1,000.00	Paid: June 6, 1967	
					Total	10,760.00		
Sea-Prince	263 220	Jan. 20, 1967	Jan. 26, 1967	7	Ecuador:			Traveling toward Peru, seized by Ecuadorean warship B.A.E. Quito LC–71, about 6 miles west of Santa Clara Is. at 02° 42′ south latitutde 80° 40′ west longitude.
					Fine	12,528.00	Filed: Mar. 22, 1967	
					License	3,138.20	Acknowledged: Mar. 30, 1967	
					Matricula	200.00	Certified: Apr. 10, 1967	
					Etc	206.08	Paid: June 6, 1967	
					Total	16,072.28		
Caribbean	291 814	Jan. 26, 1967	Jan. 28, 1967	3	Peru:			Drifting at night, seized by Peruvian warship #24, about 15 miles from Pta Picos, Peru, at 03° south latitude, 80° west longitude.
					Fine	10,888.00	Filed: Mar. 30, 1967	
					License	None	Acknowledged: Apr. 21, 1967	
					Matricula	None	Certified: Aug. 1, 1967	
					Etc	664.67	Paid	
					Total	11,552.67		
Hornet	289 761	Jan. 26, 1967	Jan. 28 1967	3	Peru			Traveling, seized at 2220 hours, by Ecuadorean warship B.A.P. Velarde $21, about 24 miles from Pta Picos, Peru, at 03° 27′ south latitude 81° 02′ west longitude.
					Fine	10,072.00	Filed Mar. 30, 1967	
					License	None	Acknowledged Apr. 21, 1967	
					Matricula	None	Certified Aug. 1 1976	
					Etc	637.56	Paid	
					Total	10,709.56		
Defense	240 796	Jan. 7, 1967	Jan. 7, 1967	1	Mexico			Seized in error near Tres Marias Islands, name of seizing vessel and exact position not available. Vessel released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
City of Los Angeles	247 156	Jan. 7, 1967	Jan. 7, 1967	1	Mexico			Seized in error near Tres Marias Islands, name of seizing vessel and exact position unavailable Vessel released.
					Fine			
					License	None		
					Matricula	None		
					Etc			
Ronnie S	255 975	Feb. 15, 1967	Feb. 18, 1967	4	Ecuador			In set, net i water, seized by Ecuadorean warship B.A.E. Guayaquil LC–72, by radar 25 miles from Pta Picos at 03° 27′ south latitude 81° 03′ west longitude.
					Fine	12,768.00	Filed Apr. 12, 1967	
					License	3,192.00	Acknowledged Apr. 21, 1967	
					Matricula	200.00	Certified June 28, 1967	
					Etc	927.77	Paid June 25, 1968	
					Total	17,087.77		
Determined	261 420	Feb. 15, 1967	Feb. 18, 1967	4	Ecuador:			Set, net in water, seized by warship (Ecuador) B.A.E. Guayaquil LC–72, by radar 25 miles from Pta Picos at 03° 27′ south latitude 81°04′ west longitude.
					Fine	8,784.00		
					License	1,896.0 (		
					Matricula	500.00		
					Etc	1,000.00		
					Total	12,180.00		
Ranger	253 538	Feb. 15, 1967	Feb. 18, 1967	4	Ecuador:			Vessel traveling, seized by warship (Ecuador) B.A.E. Guayaquil LC–72, about 32 miles from Peruvian coast at 03° 05′ south latitude 81° 24′ west longitude.
					Fine	9,504.00	Filed: Sept. 4, 1968	
					License	2,176.00	Acknowledged: Sept. 10, 1968	
					Matricula	200.00	Certified: Sept. 24, 1968	
					Etc	1,016.52	Paid: Oct. 25, 1968	
					Total	12,896.52		
Sun Hawk	249 270	May 5, 1967	May 5, 1967	1	Mexico:			Seized in error 9 miles Southwest of Todos Santos, Baja California. Vessel released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		

Footnotes at end of table.

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Data claim—	General remarks
Western King	273 287	July 4, 1967	July 12, 1967	9	Ecuador:			Ecuadorean aircraft spotted vessel traveling at 1730, later Ecuadorean warship B.A.E. Esmeraldes seized it 24 miles off Cabo Pasado, 00° 19′ south latitude 80° 53′ west longitude.
					Fine	$17,512.00		
					License	4,128.00		
					Matricula	350.00		
					Etc	691.00		
					Total	22,681.00		
Day Island	288 260	Aug. 3, 1967	Aug. 4, 1967	½	Ecuador:			Seized in error by B.A.E. Esmeraldes, 10½ miles SSE of Isla La Plata, at 01° 26′ south latitude 80° 58′ west longitude, released.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
American Queen	258 201	Aug. 3, 1967	Aug. 4, 1967	1	Ecuador:			Seized in error by B.A.E. Esmeraldes (Ecuador) 9 miles off Isla Salango, Ecuador, released. Exact position not available.
					Fine	None		
					License	None		
					Matricula	None		
					Etc	None		
Puritan	286 673	Oct. 20, 1967	Oct. 22, 1967	3	Ecuador:			At 0500 hours fired upon, seized and boarded by armed soldiers from warship (Ecuador) Orion II, 70 miles off coast of Ecuador, at 03° 15′ south latitude, 81° 39′ west longitude.
					Fine	None		
					License	15,890.00		
					Matricula	350.00		
					Etc	1,400.00		
					Total	17,640.00		
Navigator	250 182	Mar. 2, 1968	Mar. 4, 1968	3	Ecuador:			At about 2050 hours, Mar. 2, 1968, an Ecuadoreau warship, the Esmeraldas, "E–2", seized the Navigator 23 miles west of Cabo de San Francisco, Ecuador. Navigator held at sea until about 1625 Mar. 4, 1968, a license was bought ($6,982.50) by masters wife, and fact confirmed by Quito.
					Fine	None	Filed: May 21, 1968	
					License	6,545.00	Acknowledged: May 24, 1968	
					Matricula	350.00	Certified: Denied	
					Etc	87.50		
					Total	6,982.50		
City of Tacoma	295 035	Mar. 13, 1968	Mar. 14, 1968	2	Peru:			About 0915, Peruvian: me, a Peruvian warship, No. 22, seized the City of Tacoma at 03° 30′ south latitude, 81° 24′ west longitude. City of Tacoma forced to chase Ecuadorean tuna vessel, Venus by Ecuadorean boarding party who fired upon Venus, which also was seized.
					Fine	None		
					License	5,226.00		
					Matricula	350.00		
					Total	5,576.00		
Paramount	250 688	Mar. 20, 1968	Mar. 23, 1968	4	Ecuador:			About 5:30 a.m., Ecuadorean warship, Esmeraldas, E–2 seized the Paramount at 1° 40′ south latitude, 81° 40′ west longitude, 46 miles off coast.
					Fine	21,700.00		
					License	5,425.00		
					Matricula	350.00		
					Etc	2,600.00		
					Total	30,075.00		
Western King	273 287	Apr. 4, 1968	Apr. 5, 1968	2	Peru:			At 4 pm, Western King was seized by Peruvian warship, at 3°35′ south latitude, 80°57′ west longitude. Approximately 15 miles off coast, while drifting.
					Fine	None		
					License	5,130.00		
					Matricula	350.00		
					Total	5,480.00		
Royal Pacific	286 263	Aug. 8, 1968	Aug. 11, 1968	4	Ecuador:			0930 EST, Aug. 8, 1968, Royal Pacific seized by Ecuadorean warship, 25 de Julio at 0°34′ south latitude, 80°52′ west longitude (21 miles off coast of Ecuador).
					Fine	34,580.00	Filed: Sept. 20, 1968	
					Etc	750.00	Acknowledged: Sept. 24, 1968	
							Certified: Nov. 6, 1968	
					Total	35,330.00		
Connie Jean	503 056	do	do	4	Ecuador:			1114 EST, Aug. 8, 1968, Connie Jean seized by Ecuadorean warship Presidente Alfaro at 00°23′ south latitude, 80°55′ West longitude, (25 miles off Ecuadorean coast).
					Fine	52,640.00	Filed: Sept. 23, 1968	
					Etc	750.00	Acknowledged: Sept. 26, 1968	
							Certified: Nov. 6, 1968	
					Total	53,390.00		
Eastern Pacific	500 099	do	Aug. 12, 1968	5	Ecuador:			1120 EST Aug. 8, 1968, Eastern Pacific seized by Ecuadorean warship 25 de Julio at 00°36′ south latitude, 80°58′ west longitude (21 miles off Ecuadorean coast).
					Fine	51,940.00	Filed: Sept. 10, 1968	
					Etc	750.00	Acknowledged: Sept. 16, 1968	
							Certified: Nov. 6, 1968	
Pacific Queen	512 151	Aug. 8, 1968	Aug. 11, 1968	4	Ecuador:			1130 EST Aug. 8, 1968, Pacific Queen was seized by Ecuadorean warship Presidente Alfaro at 00° 23′ south latitude, 80° 56′ west longitude (23 miles off Ecuadorean coast).
					Fine	63,000.00	Filed: Sept. 10, 1968	
					Etc	750.00	Acknowledged: Sept. 16, 1968	
							Certified: Nov. 6, 1978	
					Total	63,750.00		
Ecuador	263 017	Sept. 18, 1968	Sept. 18, 1968	1	Peru: Fine	None		0630 EST Sept. 19, 1968, Ecuador was seized by Ecuadorean warship, Santilian No. 2, at 03° 18′ South Latitude, 81° 03₀ West Longitude. Forced into Port of Talara, papers examined, found in order. Ecuador released.
Day Island	288 260	Dec. 10, 1968	Dec. 15, 1968	6	Ecuador:			0640 EST Dec. 10, 1968, Day Island seized by Ecuadorean warship, Bae "Esmeraldes", at 00° 00 South Latitude, 80° 38′ West Longitude (19 miles off coast of Ecuador).
					Fine	65,100.00	Filed: Jan. 30, 1969	
					License	16,275.00	Acknowledged: Feb. 5, 1969	
					Etc	600.00	Certified: Mar. 12, 1969	
					Total	31,875.00		
Mariner	255 346	Feb. 14, 1969	Feb. 14, 1969	1	Peru:			February 14, 1969, Peruvian warship No. 23 damaged hull, demolished speedboat. Same warship shot up San Juan. Location of seizure 29.6 miles off coast. San Juan 1st shot at about 60 miles off coast.
					Fine	7,216.00	Filed: May 2, 1969	
					License	3,108.00	Acknowledged: May 8, 1969	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	405.38	Paid: Jan. 8, 1970	
					Total	11,229.38		
San Juan	289 819	Mar. 19, 1969	Mar. 19, 1969	1	Peru:			Mar. 19, 1969, about 0550 hours Peruvian time, Peruvian patrol vessel No. 22 seized the San Juan 23 miles NW of Punta Sal, Peru (Gulf of Guayaquil). Forced into Talera, Peru. Upon payment of fine and costs, vessel was released.
					Fine	11,776.00	Filed: May 1, 1969	
					License	5,888.00	Acknowledged: Mar. 19, 1969	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	396.98	Paid: Jan. 8, 1970	
					Total	18,560.98		

XUM

LISTING OF SEIZURES OF U.S. TUNA CLIPPERS, 1961–68, BY DATES OF SEIZURE AND RELEASE, FINES AND OTHER COSTS PAID, CLAIM HISTORY AND GENERAL REMARKS—Continued

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
Cape Ann	249 520	do	do	1	Peru:			
					Fine	$5,488.00	Filed: May 1, 1969	Mar. 19, 1969, Peruvian warship No. 22 seized the Cape Ann approximately 23 miles NW of Punta Sal, Peru (Gulf of Guayaquil). Forced into Talara, Peru. Released upon payment of fine and costs.
					License	2,744.00	Acknowledged: May 12, 1969	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	74.31	Paid: Jan. 8, 1970	
					Total	8,806.31		
Western King	273 287	May 16, 1969	May 16, 1969	1	Peru:			
					Fine	10,048.00	Filed: NA	Location of seizure—0.3°28′ south latitude, 80°56′ west longitude.
					License	4,524.00	Acknowledged: NA	
					Matricula	500.00	Certified: Sept. 18, 1969	
					Etc	1,099.66	Paid: Jan. 8, 1970	
					Total	16,171.66		
Alphecca	255 005	June 18, 1969	June 18, 1969	½	Ecuador:			
					Fine	None	(1)	Stopped and seized by Ecuadorean gunboat No. 71 about 6 to 7 miles offshore. Alphecca headed into port to check license.
					License	None	(1)	
					Matricula	None		
					Etc	None		
Caribbean	291 814	June 19, 1969	June 28, 1969	10	Ecuador:			
					Fine	32,950.00	(1)	Seized at 01° 8′ south, 86° 45′ west, about 184 miles off coast of Ecuador near Galapagos Islands. Purchased license and matricula with promise of release. Held 9 days until fine assessed and paid.
					License	8,250.00	(1)	
					Matricula	None	Certified: Oct. 31, 1969	
					Etc	N/A		
					Total	41,200.00		
Neptune	505 674	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea. Neptune fired upon, 2 bursts from machinegun, damage to house only.
					License	None		
					Matricula	None		
					Etc	None		
Marietta	517 099	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Etc	None		
Bold Venture	513 392	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Etc	None		
Queen Mary	520 243	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador. Released at sea.
					License	None		
					Matricula	None		
					Et cetera	None		
Royal Pacific	286 263	June 20, 1969	June 20, 1969	½	Ecuador:			
					Fine	None	(1)	Seized about 22 miles offshore about 6 a.m. Boarded by armed guards, forced to head toward Salinas, Ecuador, Released at sea.
					License	None		
					Matricula	None		
					Et cetera	None		
Dominator	268 896	July 3, 1969	July 3, 1969	½	Peru:			
					Fine	None	(1)	Boarded and seized about 25 miles off coast by Peruvian warship. Released about 1:15 p.m. at sea. No fine imposed
					License	None		
					Matricula	None		
					Et cetera	None		
Seafarer	252 486	July 3, 1969	July 3, 1969	½	Peru:			
					Fine	None	(1)	Boarded and seized about 25 miles off coast by Peruvian warship. Released about 1:15 p.m. at sea. No fine imposed.
					License	None		
					Matricula	None		
					Et cetera	None		
Invader	236 946	Oct. 31, 1969	Nov. 6, 1969	7	Ecuador:			
					Fine	None	(1)	Seized at San Cristobal, Galapagos Island. Vessel had valid license No. 015. Left Costa Rica after unloading on Oct. 16. On 21st entered Ecuadorean 200-mile area, then on 29th purchased second license. Captain of port felt vessel operated in violation for 8 days on expired license. Vessel forced to Salinas, then released without fine or penalty.
					License	None		
					Matricula	None		
					Et cetera	None		

1970

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
City of Panama	514 567	February 14	February 15	1	Ecuador:			
					Fine	$49,650.00	(1)	LC–72 (Guayaquil) seized vessel 17 miles SW Pt. Ancon—02°29′ (south) latitude, 81°08′ (west) longitude. Reported 2 Ecuadorean pilots killed in crash on patrol.
					License			
					Matricula			
					Etc	(1)		
					Total	49,650.00		
Western King	273 287	February 23	February 24	1	Peru:			
					Fine	15,072.00	(1)	Seizure 37 miles from Pta. Pecos, 03°20′ south latitude, 81°12′ west longitude.
					License			
					Matricula			
					Etc	(1)		
					Total	15,072.00		
Day Island	288 260	February 25	March 1	3	Ecuador:			
					Fine	84,050.00	Filed: June 1, 1970	Seized by "25 de Julio", 36 miles off Ecuador; 02°53′ south latitude, 81°12′ west longitude.
					License		Acknowledged: June 5, 1970	
					Matricula		Certified: June 15, 1970	
					Etc	2,600.00	Paid: January 20, 1971	
					Total	86,650.00		
Western Ace	263 848	April 17	April 17	½	Peru:			
					Fine	5,480.00	Not Authorized	Seized on high seas, taken into Talara. No further information.
					License			
					Matricula			
					Etc	(1)		
					Total	5,480.00		

Footnotes at end of table.

Name of vessel	Official number	Seizure date	Release date	Days not fishing	Foreign country and costs	Amount	Date claim—	General remarks
1971 (Preliminary)								
1. exington	249 877	Jan. 11	Jan. 14	3	Ecuador	$33,150.00		Anchorage episode resulting in damage to vessel, 02°45′ S. Latitude, 81°45′ W. Long.
2. Bold Venture	513 392	Jan. 15	Jan. 16	1	do	49,550.00		50 Miles S.S.W. of Salinas, Ecuador.
3. Anna Maria	523 633	do	do	1	do	52,000.00		
4. Apollo	529 833	Jan. 17	Jan. 18	1	do	92,000.00		Seized by LC–71 (Quito).
5. Antonina C	525 457	Jan. 18	Jan. 19	1	do	39,850.00		Seized 2°49′ S. Latitude, 81°35′ N. Longitude by "25 de Julio".
6. Ocean Queen	527 550	do	Jan. 20	1	do	69,100.00		Seized 2°38′ S. Latitude, 81°10′ W. Longitude by "25 de Julio".
7. Cape Cod	291 488	do	do	1	do	44,150.00		Seized 3°8′ S. Latitude, 81°30′ N. Longitude by "Guayaquil".
8. Captain Vincent Gann	527 923	do	do	1	do	52,550.00		Seized 2°51′ S. Latitude, 81°21′ W. Longitude by "25 de Julio".
9. Blue Pacific	509 115	do	do	1	do	56,500.00		Seized 2°38′ S. Latitude, 81°20′ W. Longitude by "25 de Julio".
10. Hornet	289 761	Jan. 19	Jan. 20	1	Ecuador	41,200.00		(1).
11. Quo Vadis	528 822	do	do	1	do	48,150.00		(1).
12. Neptune	505 674	Jan. 22	Jan. 23	1	do	42,954.00		(1).
13. Day Island	288 260	do	do	1	do	46,500.00		(1).
14. Caribbean	291 814	Jan. 23	Jan. 24	1	do	41,200.00		(1).
Total				16		708,854.00		
Other cost						16,000.00		
Total						[2] 724,854.00		

[1] Not available.
[2] Estimate.

TABLE II.—AMOUNTS PAID TO FOREIGN COUNTRIES UNDER THE ACT OF AUG. 27, 1954, AS AMENDED

[Distribution of all claims by year of certification, number, country and by amount]

Year and number:	Country	Amount
1955: 2	Ecuador	$55,481.20
1956: None.		
1957: 7	Mexico	8,400.00
1958:		
1	do	1,200.00
1	Ecuador	5,881.10
1959: 2	Mexico	2,400.00
1960: 11	do	24,400.00
1961:		
3	do	6,400.00
1	Ecuador	9,906.60
1	Panama	2,500.00
1962: 4	Mexico	10,400.00
1963:		
1	Colombia	$2,277.90
1	Ecuador	9,504.00
2	Peru	15,000.00
12	Mexico	33,600.00
1964:		
1	Ecuador	11,184.00
5	Mexico	16,000.00
1965:		
1	Peru	7,128.00
2	Mexico	6,400.00
9	Honduras	45,000.00
1966:		
1	Colombia	5,000.00
3	Mexico	5,600.00
1967:		
2	Panama	20,000.00
5	Ecuador	59,904.00
7	Peru	73,696.00
1968: 5	Ecuador	211,664.00
1969:		
5	Peru	$55,692.00
2	Ecuador	122,575.00
1970:		
1	Peru	15,072.00
2	Ecuador	133,700.00
Total fines paid or certified:		
Ecuador		619,799.90
Peru		166,588.00
Mexico		114,800.00
Honduras		45,000.00
Panama		22,500.00
Colombia		7,277.90
Total paid		975,965.80

Note: Fines imposed upon and paid by owners but claims not filed as yet in connection with seizures by Ecuador of vessels determined ($8,784) and paramount ($21,700), for a total of $30,484.

Source: American Tuneboat Association.

Name of vessel, country and claimant	Amount paid	Date of certification	Date of seizure	Congress and session	Public law, number and chapter	Document No.
Sun Streak, Ecuador, Sun Pacific, Inc	$12,000.00	May 20, 1955	Sept. 4, 1954	84th, 1st	Public Law 219, Ch. 541.	H.R. 184
Artic Maid, Ecuador, Artic Maid Fisheries, Inc	43,481.20	July 19, 1955	Mar. 27, 1955	85th, 1st	Public Law 85–58	H.R. 156
Captain Mac, Mexico, Sea Garden Corp	1,200.00	Aug. 3, 1957	Mar. 26, 1956	85th, 1st	Public Law 85–170	S. 60
Lucky Star, Mexico, O. W. Franks	1,200.00	Sept. 3, 1957	Unavailable	85th, 2nd	Public Law 85–352	H.R. 321
Captain Scotty, Mexico, William L. Hardee	1,200.00	Sept. 19, 1957	do	85th, 2nd	do	H.R. 321
Sea Otter, Mexico, N. A. Hardee, Jr. and I. D. Hardee	1,200.00	Sept. 21, 1957	do	85th, 2nd	do	H.R. 321
Princess, Mexico, William Hardee	1,200.00	do	do	85th, 2nd	do	H.R. 321
Ranger, Mexico, Noble A. Hardee, Jr	1,200.00	Sept. 25, 1957	do	85th, 2nd	do	H.R. 321
Scotsman, Mexico, Sea Garden Corp	1,200.00	Oct. 28, 1957	do	85th, 2nd	do	H.R. 321
Captain Wilson, Mexico, Mrs. Agnes S. Authement	1,200.00	Jan. 27, 1958	do	85th, 2nd	do	S. 80
Santa Anna, Ecuador, John Gradis, et al	5,881.10	Jan. 29, 1958	do	85th, 2nd	do	S. 80
Valley Sun, Mexico, Oliver J. Clark	1,200.00	Mar. 4, 1959	do	86th, 1st	Public Law 86–30	S. 20
Ann Carinhas, Mexico, Frances J. Carinhas	1,200.00	Mar. 11, 1959	do	86th, 1st	do	S. 20
Gail–D, Mexico, Producers Marine Ser	1,600.00	Apr. 7, 1960	do	86th, 2nd	Public Law 86–722	H.R. 452
Little Man, Mexico, Henry W. Humphreys	2,400.00	May 31, 1960	do	86th, 2nd	do	H.R. 452
Captain Hansi, Mexico, Curlen J. Kiffe	1,600.00	Mar. 20, 1961	do	87th, 1st	Public Law 87–14	S. 25
Cavalier, Mexico, Harry S. Hirst	2,400.00	Dec. 29, 1960	do	87th, 1st	do	S. 25
Georgia Pine, Mexico, Elizabeth B. DeRick	2,400.00	Sept. 6, 1960	do	87th, 1st	do	S. 25
Green Wave, Mexico, Samuel M. Snodgrass	2,400.00	do	do	87th, 1st	do	S. 25
Miss Port Isabel, Mexico, E. W. Catedra and C. H. Langford	2,400.00	Oct. 19, 1960	do	87th, 1st	do	S. 25
Saratoga, Mexico, O. P. Smith and O. D. Henslee	2,000.00	Sept. 6, 1960	do	87th, 1st	do	S. 25
Sherry Ann, Mexico, A. E. Kern and J. Cerneka	2,400.00	Sept. 15, 1960	do	87th, 1st	do	S. 25
Two Friends, Mexico, Earl Lemaire	2,400.00	Oct. 25, 1960	do	87th, 1st	do	S. 25
Valley King, Mexico, Darrow Tregre	2,400.00	Dec. 13, 1960	do	87th, 1st	do	S. 25
Valley Sky, Mexico, Valley Fisheries Inc	1,600.00	Sept. 6, 1960	do	87th, 1st	do	S. 25
Jerry Ann, Mexico, R. LeLoup Shrimp Co	2,400.00	Aug. 21, 1961	do	87th, 1st	Public Law 87–332	H.R. 229
Judy S., Ecuador, Pacific Clippers, Liel Bjorly and Blue Pacific Inc	9,906.60	Apr. 4, 1960	do	87th, 1st	do	H.R. 229
Shamrock, Panama, E. V. Monteiro and Elvera V. Monteiro	2,500.00	July 20, 1960	Mar. 21, 1961	87th, 1st	do	H.R. 229
Southern Pride, Mexico, V. F. Crotts and W. R. Lackey	2,400.00	June 28, 1961	Unavailable	87th, 1st	do	H.R. 29
Lucy Rae H., Mexico, S. D. Hughston	2,400.00	May 28, 1962	do	88th, 1st	Public Law 88–25	H.R. 90
Ramos Ace, Mexico, W. D. Gooding	2,400.00	do	do	88th, 1st	do	H.R. 90
Captain Jingle, Mexico, Sea Garden Corp	2,400.00	do	do	88th, 1st	do	H.R. 90
Valley Act, Mexico, Valley Fisheries Inc	3,200.00	Nov. 30, 1962	do	88th, 1st	do	H.R. 90
San Joaquin, Columbia, F. M. Medina, et al	2,277.90	Jan. 7, 1963	Feb. 12, 1962	88th, 1st	do	H.R. 90
Valley Gold, Mexico, Darrow Trege	2,400.00	Feb. 8, 1963	Unavailable	88th, 1st	do	H.R. 90
Queenie B., Mexico, Oscar D. Henslee and Francis H. Henslee	2,400.00	June 6, 1963	do	88th, 1st		H.R. 182
O. W. Burton, Mexico, Joaquim Gomes Carinhas	3,200.00	June 7, 1963	do	88th, 1st		H.R. 182
Lyco X, Mexico, F. K. Lytle	3,200.00	June 21, 1963	do	88th, 1st		H.R. 182
Captain, Mexico, Hattie B. Cateora	3,200.00	July 8, 1963	do	88th, 1st		H.R. 182
Captain Scotty, Mexico, William Love Hardee	2,400.00	July 11, 1963	do	88th, 1st		H.R. 182
Valley Wave, Mexico, Valley Fisheries, Inc	2,400.00	July 12, 1963	do	88th, 1st		H.R. 128
John O'Callaghen, Mexico, Sea Garden Corp	2,400.00	July 16, 1963	do	88th, 1st		H.R. 182
Valley Rio, Mexico, Edward Joseph Jones	2,400.00	Sept. 3, 1963	do	88th, 1st		H.R. 182
Georgia Fine, Mexico, Elizabeth B. DeRick	3,200.00	do	do	88th, 1st		H.R. 182

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Name of vessel, country and claimant	Amount paid	Date of certification	Date of seizure	Congress and session	Public law, number and chapter	Document No.
Chicken of the Sea, Peru, Ponce Fishing Co., Inc.	$10,000.00	Sept. 9, 1963	Oct. 28, 1962	88th, 1st		H.R. 182
Western Ace, Peru, Western Act Co., Inc.	5,000.00	Sept. 17, 1963	do	88th, 1st		H.R. 182
Ranger, Ecuador, Harbor Boat & Yacht Inc.	9,504.00	Oct. 18, 1963	May 25, 1963	88th, 1st		H.R. 182
C. V. Nugent, Mexico, Irene Nugent	3,200.00	Dec. 17, 1963	Unavailable	88th, 2nd	Public Law 88-317	H.R. 300
Butchie Boy, Mexico, James E. Wade	3,200.00	Dec. 27, 1963	do	88th, 2nd	do	H.R. 300
Southern Glory, Mexico, John Bunny Mills, Sr., Raymond Chester Canada, John Bunny Mills, Jr.	3,200.00	Jan. 28, 1964	do	88th, 2nd	do	H.R. 300
Lyco IX, Mexico, F. K. Lytle	3,200.00	Feb. 7, 1964	do	88th, 2nd	do	H.R. 300
White Star, Ecuador, White Star Fishing Co.	11,184.00	Feb. 20, 1964	Oct. 5, 1965	88th, 2nd	do	H.R. 300
Nanco, Mexico, P. D. LaBove	3,200.00	Oct. 2, 1964	Unavailable	89th, 1st	Public Law 89-16	H.R. 113
Jean Frances, Mexico, B. K. Galloway, et al.	3,200.00	Oct. 28, 1964	do	89th, 1st	do	H.R. 113
Arlene, Mexico, R. LeLoup Shrimp Co.	3,200.00	Nov. 2, 1964	do	89th, 1st	do	H.R. 113
Davey Boy, Honduras, Norman Jamsen	5,000.00	Mar. 24, 1965	do	89th, 1st	do	S. 19
Jo Frances, Honduras, S. T. Tringali	5,000.00	Mar. 16, 1965	do	89th, 1st	do	S. 19
Dave W., Honduras, S. T. Tringali	5,000.00	do	do	89th, 1st	do	S. 19
Sugar Daddy, Honduras, Gulf Shrimp Co. Inc.	5,000.00	Mar. 23, 1965	do	89th, 1st	do	S. 19
Thomas Michael, Honduras, Gulf Shrimp Co. Inc.	5,000.00	do	do	89th, 1st	do	S. 19
Southland, Honduras, Pioneer Shrimp Co.	5,000.00	Mar. 24, 1965	do	89th, 1st	do	S. 19
Big Daddy, Honduras, Pioneer Shrimp Co.	5,000.00	do	do	89th, 1st	do	S. 19
Miss Yvonne, Honduras, Pioneer Shrimp Co.	5,000.00	do	do	89th, 1st	do	S. 19
Earline-G, Honduras, L. A. Cejka, et al.	5,000.00	Mar. 23, 1965	do	89th, 1st	do	S. 19
Valley Grande, Mexico, J. M. Pafford	3,200.00	July 13, 1965	do	89th, 1st	Public Law 89-309	H.R. 283
Clipperton, Peru, Clipperton, Inc.	7,128.00	Sept. 21, 1965	June 4, 1965	89th, 1st	do	S. 64
Captain Nuggent, Mexico, Deep Sea Trawlers Inf.	3,200.00	Oct. 13, 1965	Unavailable	89th, 2nd	Public Law 89-426	H.R. 414
Captain Ramos, Mexico, W. D. Parker, et al.	1,200.00	Feb. 28, 1966	do	89th, 2nd	do	H.R. 414
Sea Eagle, Mexico, S.D. Augusta	1,200.00	Mar. 9, 1966	do	89th, 2nd	do	H.R. 414
Day Island, Colombia, M/V Day Island Inc.	5,000.00	Oct. 27, 1966	Feb. 3, 1966	90th, 1st	Public Law 90-21	H.R. 109
John O'Callaghan, Mexico, Sea Garden Corp.	3,200.00	Nov. 2, 1966	Unavailable	90th, 1st	do	H.R. 109
Day Island, Panama, M/V Day Island Inc.	10,000.00	Mar. 2, 1967	May 12, 1966	90th, 1st	do	H.R. 109
Sun Europa, Panama, S. Crivello, et al.	10,000.00	do	Mar. 3, 1966	90th, 1st	do	H.R. 109
Endeavor, Ecuador, V.L. Morton, et al.	8,064.00	Mar. 31, 1967	Jan. 7, 1967	90th, 1st	do	H.R. 109
Victoria, Ecuador, Victoria Fishing Co.	8,448.00	do	do	90th, 1st	do	H.R. 109
Sea-Preme, Ecuador, D. A. Marks, et al.	12,528.00	Apr. 10, 1967	Jan. 20, 1967	90th, 1st	do	H.R. 109
Ronnie S., Ecuador, T. J. Santos, et al.	12,768.00	June 28, 1967	Feb. 15, 1967	90th, 2nd	Public Law 90-253	H.R. 254
Ronnie S., Peru, T. J. Santos, et al.	7,384.00	June 30, 1967	Oct. 2, 1966	90th, 2nd	do	H.R. 254
Pilgrim, Peru, United States Tuna Inc.	11,512.00	July 17, 1967	May 23, 1966	90th, 2nd	do	H.R. 254
San Juan, Peru, M/V San Juan, Inc.	11,776.00	July 24, 1967	do	90th, 2nd	do	H.R. 254
Day Island, Peru, M/V Day Island Inc.	12,160.00	do	do	90th, 2nd	do	H.R. 254
Caribbean, Peru, Sultana Fishing Co.	10,888.00	Aug. 1, 1967	Jan. 26, 1967	90th, 2nd	do	H.R. 254
Hornet, Peru, Mayaguez Fishing Co.	10,072.00	do	do	90th, 2nd	do	H.R. 254
Eastern Pacific, Peru, J. S. Martinac, et al.	9,904.00	do	Oct. 3, 1966	90th, 2nd	do	H.R. 254
Western King, Ecuador, Peter Pan Caribe Inc.	18,096.00	Dec. 4, 1967	July 4, 1967	90th, 2nd	do	H.R. 254
Ranger, Ecuador, Harbor Boat & Yacht Inc.	9,504.00	Sept. 23, 1968	Feb. 15, 1967	90th, 2nd	Public Law 90-608	H.R. 393
Royal Pacific, Ecuador, J. S. Martinac, et al.	34,580.00	Nov. 6, 1968	Aug. 8, 1968	91st, 1st	Public Law 91-47	H.R. 91-101
Eastern Pacific, Ecuador, J. S. Martinac, et al.	51,940.00	Nov. 8, 1968	do	91st, 1st	do	H.R. 91-101
Connie Jean, Ecuador, Connie Jean, Inc.	52,640.00	Nov. 6, 1968	do	91st, 1st	do	H.R. 91-101
Pacific Queen, Ecuador, Cape San Vincent, Inc.	63,000.00	do	do	91st, 1st	do	H.R. 91-101
Day Island, Ecuador, M/V Day Island, Inc.	81,375.00	Mar. 12, 1969	Dec. 10, 1968	91st, 1st	do	H.R. 91-101
Chicken of the Sea, Peru, White Star Fishing Co., Inc.	2,900.00	Jan. 15, 1969	Oct. 23, 1968	91st, 1st	do	H.R. 91-101
Cape Ann, Peru, Mayflower, Inc.	8,732.00	Sept. 18, 1969	Mar. 19, 1969	91st, 1st	Public Law 91-166	H.R. 91-199
Mariner, Peru, Mariner, Inc.	10,824.00	do	Mar. 14, 1969	91st, 1st	do	H.R. 91-199
San Juan, Peru, M/V San Juan, Inc.	18,164.00	do	Mar. 19, 1969	91st, 1st	do	H.R. 91-199
Western King, Peru, Peter Pan Caribe, Inc.	15,072.00	do	May 16, 1969	91st, 1st	do	H.R. 91-199
Caribbean, Ecuador, Sultana Fishing Co., Inc.	41,200.00	Oct. 31, 1969	June 19, 1969	91st, 1st	do	H.R. 91-199
Western King, Peru, Peter Pan Caribe, Inc.	15,072.00	May 8, 1970	Feb. 23, 1970	91st, 2nd	Public Law 91-305	S. 91-86
Day Island, Ecuador, M/V Day Island, Inc.	84,050.00	June 17, 1970	Feb. 25, 1970	91st, 2nd	Public Law 91-569	S. 91-420
City of Panama, Ecuador, Caribe Master, Inc.	49,650.00	Nov. 3, 1970	Feb. 14, 1970	91st, 2nd	do	S. 91-420

Mr. HÉBERT. Will the gentleman yield?

Mr. LEGGETT. I yield to the chairman.

Mr. HÉBERT. Yes. There will be a great deal of concern, because I have challenged the use of these ships in the past. I deplore the fact that we have wandered so far away from the bill which is before us here and are talking about other matters which have no direct relationship to this particular bill under consideration.

As I indicated before, in private discussions and in conference after the hearings, if any legislation is brought before the Committee on Armed Services relating to this subject and asking for a full exploration of the uses of our vessels, the Armed Services Committee will have a searching and indepth investigation made, as I pointed out, and come up with proper and constructive recommendations. I will give it my full support.

However, I want to emphasize now that the business before the House is the passage of this particular piece of legislation. While there is validity to the other argument, with which I agree and which I have already decried, let us get along and not be misled as to what is to take place here.

Mr. LEGGETT. Will the gentleman yield for another moment?

Mr. HÉBERT. I cannot. I have other requests for time. I have yielded to the gentleman as much as I can. He knows my position on this matter, and I thank him for his contribution and his support of the legislation under these conditions.

I yield 3 minutes, Mr. Speaker, to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I simply want to take this time to reinforce what the chairman of the committee, the gentleman from Louisiana (Mr. HÉBERT) said a moment ago.

There has been a good deal of attention focused in the last few minutes on people who have used American ships for preying on our fishing fleets in South America. There has been a good deal of analysis as to whether the countries getting these particular ships are dictatorships or democracies.

I think we are forgetting the fact that countries spelled out in this particular piece of legislation, with one exception, are countries that are directly involved in the Mediterranean. These ships are going to be used in NATO. These ships are going to be used in backing up our naval commitment there. We are already reducing our U.S. Fleet because of severe budgetary limitations, many imposed by the Congress.

The 6th Fleet in the Mediterranean is no exception. If we turn these ships over to these countries, as specified in this bill, then we will be getting more ships in the Mediterranean supporting the NATO naval position. Already the Soviets outnumber us in ships, at times even 2 to 1 in the Mediterranean.

Mr. Speaker, we have just had here in the city of Washington the very distinguished Prime Minister of the State of Israel, Mrs. Golda Meir. We have assured her once again of our support against the various threats of aggression that have been directed toward the State of Israel in the Middle East. But, the only real manifestation of our ability to back up Israel lies in the strengh of our 6th Fleet. The only real edge we have to deter aggression by the Soviets in the Middle East is the power of our 6th Fleet, and that power is gravely threatened by Russian submarines in the Mediterranean. These anti-submarine-warfare ships will be used to support our defenses against these Soviet submarines.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. KOCH. I would like the gentleman's response to this situation: We recently passed a bill which has a provision which bars the sale of military equipment to Greece, subject to a condition which permits the President to remove the bar if he believes it is in the national interest of the United States to do that.

It is my understanding that the Senate accepted that provision in conference and that it will be in the bill which will finally come before this House.

Therefore, my question is, does it make any sense to bar the sale of military equipment but at the same time lease destroyers to Greece?

Mr. STRATTON. The gentleman has already answered his own question. This bill provides for the lease of ships, not for the sale of them. Therefore, it is not covered by the amendment to which the gentleman refers.

I do not think the gentleman feels, and I am sure the gentleman would not support, the elimination of Greece from our NATO naval structure in the Mediterranean. If we eliminate Greece or Turkey, both of which lie along the soft underbelly, if I may use that expression, of the Russian flank on the Mediterranean, then we might as well throw NATO out altogether.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HÉBERT. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. KOCH. Mr. Speaker, if the gentleman will yield further, in 1970 on this House floor 10 of us sought to ban the leasing of a submarine to Greece which was regrettably leased to them.

I say to the gentleman that in 1971 I am still opposed to being a party to a transaction which will place blood on our hands by giving the Greek junta arms and ships which they ultimately use against their own citizens.

Mr. STRATTON. Let me say to the gentleman for whom I have a great deal of respect and admiration, that we are not talking here about ideology but about hard reality, and if we really intend to maintain peace in the Middle East and to deter aggression, the only basic way we will be able to do it is with the strength of our 6th Fleet and the NATO naval forces in the Mediterranean. Whether one likes or does not like the Government of Greece, these ships are going to contribute to our overall ability to defend our 6th Fleet carriers against the Soviet submarine threat in the Mediterranean.

Mr. KOCH. Mr. Speaker, if the gentleman will yield further, the security of Israel which is very important to the United States and to me personally will be insured I hope by the presence of the U.S. 6th Fleet and the security of Israel will not be enhanced by supporting the Greek junta and the gentleman knows that.

Mr. STRATTON. No; these ships going to Greece will be under the command of our U.S. Navy Mediterranean commander, Adm. Gerald Miller, in the event of NATO action.

Mr. PIKE. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. PIKE. I ask the gentleman from New York (Mr. STRATTON) on the hard reality of the four NATO allies who get ships under this particular legislation, did one of them vote with us on the Albanian resolution admitting Red China to the United Nations?

Mr. STRATTON. The gentleman is quite aware of what the answer to that question is or he would not have asked it in the first place, being a very knowledgeable attorney. These countries did not support us in the U.N. on the final Red China vote. But we still have our NATO alliance in effect in Europe and the Mediterranean, and I hope the gentleman does not suggest that we should now repudiate that important alliance for peace simply because those countries did not vote with us in the U.N. on one particular vote, important as that vote may be regarded by many of us.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. I know that the bill that is on the floor today does not concern Ecuador or any of the recipients of naval and Coast Guard vessels in South America. But I must express my thanks to the chairman for promising us that he will conduct hearings on the validity of this program for providing naval vessels that have been used repeatedly against our fishermen on the high seas.

It is more than can be justified, trying to explain to one's constituents how it is that we place our surplus vessels in the hands of these foreign-flag nations, which then use them against our citizens. In correspondence with the Secretary of State and conversation with his subordinates, I learned that there is no likelihood these vessels will be recalled. And the reason? There is no assurance that this would result in a reduction of the Ecuadorian Government's campaign against our fishing fleet.

Then one asks, "Why did you cut foreign aid last January?" And they say, "Because Congress mandated the reduction in foreign aid."

"Then will there be no recall of these vessels unless it is mandated by Congress?"

And in State Department language, that is what we are talking about. I do look forward to the time when Congress will take such action—will mandate that when our own former American-flag vessels are on loan to a nation that is harassing our people, that the State Department will demand their recall.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from California.

Mr LEGGETT. Mr. Speaker, I would like to commend the gentleman from San Diego for the great work he has done in presenting this issue to this body, and the need to develop some kind of reasonable international law with respect to fishing.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, may I again inquire how much time I have remaining?

The SPEAKER. The gentleman from Iowa has 3 minutes remaining.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, it is so highly unusual that I find myself on the same side of an issue with the gentleman from Iowa (Mr. GROSS) that I will seize the opportunity to commend his wisdom in recognizing the utter foolishness of our continuing to supply naval ships, willy-nilly, to various countries scattered around the globe. These destroyers and submarines end up more often than not being used by military dictators in either putting down democratic aspirations in their own countries, or in opposing other countries to which we have also supplied armaments.

This issue must be viewed not as a simple question of loaning 16 vessels, as the distinguished chairman of the Committee on Armed Services has suggested, but rather as part and parcel of what our overall foreign policy should be; and when examined in this light, the bill before us should be rejected.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, this bill reads like something that has been lying around on the calendar since 1955, for it is a loud and unpleasant echo of the cold war philosophy. It asks us to authorize the President to give warships to two of the most undemocratic governments in the world—Greece and Spain—so that we may help to protect democratic ideals.

At a time when we are taking a long, close look at our foreign aid program, especially the military part of it, it is astounding to find this bill before us, for it represents all that is wrong with our approach to foreign aid. Our practice of giving out arms as freely as if they were political leaflets, is one that I thought was put to rest when the Senate defeated the foreign aid bill at the end of October; at the very least, I would have thought that our own vote to cut off military assistance to Greece would have put our Armed Services Committee on notice that we do not wish to give further arms to the junta there.

A few days after the Senate defeated the foreign aid bill, I introduced in the House a bill which would redesign our foreign aid program. As I said then:

> The time has come, as the era of the Cold War draws to an end, to redefine our foreign policy objectives, to end our insistence on "the containment of communism," and the attendant predominance of military assistance in our foreign aid programs.

Our basic policy with regard to foreign aid should be to provide economic aid freely, but to provide military aid only where a democratic nation absolutely must have it in order to insure its survival. Greece and Spain are not democratic by any stretch of the imagination; furthermore, neither has demonstrated any need for these warships in order to protect itself.

We are told that this bill will only cost the taxpayers $32.5 million, which is not much of an addition to a $73 billion defense appropriation. But that measly $32.5 million, my friends, is twice what we spent last summer—over the President's objections—for food programs for our children. It is over 30 times what we are going to authorize to plan the programs under the new Child Development Act.

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This bill would continue the misguided direction of our national priorities generally and would rejuvenate a foreign assistance policy which most Americans have come to recognize as wasteful and backward. I strongly urge its defeat.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Speaker, the title of this exercise might well be "here we go again."

Despite what we have been told about the revolutionary impact of the Nixon doctrine, this bill, and the testimony adduced by the administration in support of it, represents the sterile cold-war approach to foreign policy that has characterized our efforts in Europe since World War II. With the change of a few dates, the entire record on this bill could be inserted in the appropriate documents for 1952 or 1962 without appearing out of place.

I had hoped that we would begin to benefit from our experience in international relations over the past 20 years, and that we would learn that indiscriminately arming any nation that asks for weapons makes no sense whatever in terms of our own interests, or a rational and peaceful world. Those who wonder what the result of this kind of program really is have only to look at today's headlines to see how well India and Pakistan are using American arms to kill each other off.

The notion that supplying antisubmarine vessels to the Spanish or Greek dictatorships somehow enhances our security, or that it makes any political or even linguistic sense to include these regimes in something the administration persists in calling the "free world" is so farfetched that not even the supporters of this bill will defend it.

What we have before us today is a clear example of the force of inertia in public policymaking. No other explanation accounts for the kind of myopia which is necessary to believe that a few rusty submarines in the hands of some Mediterranean nations has any serious relation to our national security.

Mr. HÉBERT. Mr. Speaker and Members of the House, in closing this appeal in behalf of the Committee on Armed Services for the adoption of this legislation, let me again direct your attention to the fact that there is nobody on the committee, including its chairman, who decries more what has happened in the Latin American countries with our ships. Certainly, there is nobody who decries the fact more than the chairman of the House Committee on Armed Services that democracy does not flourish throughout the world. There is nobody, who realizes more than the chairman of the House Committee on Armed Services that we do not have a utopia on earth and that Heaven is not here with us, but that indeed we have a little bit of hell surrounding us. These are the realities of life—these are the matters with which we must deal.

Now I could not state what I have said more emphatically. The criticism that has been raised has been most valid. I have agreed with it. But this is not the time nor the place to attempt to solve these difficulties.

Each of these matters must come up in its own time. Each must have its own day in court and each matter must be resolved by reasonable men in a reasonable fashion and not through these emotional outcries some of which you have heard repeatedly, with the words changed very little.

I believe now is the time when the days are growing short for this session of the Congress. We have a commitment to one country that is over a year old. Whether we like that country's government or do not like it, we are committed to Spain—a commitment that we place on Spanish soil our bases to defend NATO and to defend our own Nation in time of war. We have made this commitment. It is a sacred commitment and we are a year late in delivering on our part of the bargain. Time is running out on us. I urge you and plead with you this evening as the session closes, as the days grow shorter and the year comes to an end—I plead with you to pass this bill at this time and I reassure you again and again that this entire matter will be thoroughly ventilated and thoroughly explored in depth as soon as the committee comes back in January and we hope to come up with some answers.

My colleagues, I think the record of the House Committee on Armed Services speaks for itself. I think its actions cry out loudly that we keep our word—and I pledge that word to you again today.

Mr. ANDERSON of California. Mr. Speaker, I rise in opposition to H.R. 9526, a bill which would authorize the loan of 16 U.S. naval vessels to foreign governments, and I would like to associate myself with the remarks of my colleague (Mr. VAN DEERLIN).

This bill perpetuates the policy of loaning our U.S. Navy vessels to governments considered to be friendly. I have no doubt that the administration considers the foreign governments involved in this bill as friendly.

But, Mr. Speaker, what happens to these vessels when they are out of our hands? What happens if one of these governments becomes antagonistic and uses the U.S. naval vessels against us?

This is not an impossible scenario. This has happened, in fact, with the U.S. Navy vessels that we loaned to the Government of Ecuador which, at the time, was friendly.

Thus far, in 1971, 50 of our tuna vessels have been illegally seized while fishing in international waters off the coast of South America. Many of our tuna vessels have been seized by naval vessels which we have loaned to the "pirate country."

In February, when the Merchant Marine and Fisheries Committee, of which I am a member, conducted hearings in San Pedro, Calif., testimony revealed that of the 25 U.S. vessels seized by the time of the hearings, all but four of the seizures involved former U.S. naval warships.

Mr. Speaker, we should look at the past record. Two Ecuadorian Navy ships, the *Quayaquil* and the *Quito*, were former U.S. Coast Guard vessels. The Ecuadorian Navy ship, the *Esmeralda*, was formerly the U.S. patrol escort craft, the *Eunice*. These former U.S. vessels have been involved in the seizure of our tuna vessels.

This is the greatest insult, Mr. Speaker, to have our fishermen—many of who are former Navy men—being seized, harassed, and shot at by vessels on which they have served while in the U.S. Navy.

Mr. Speaker, we must reevaluate the policy which allows the Department of Defense to loan U.S. warships to foreign governments. We must either discard this policy or we must enact a provision which provides for the immediate return of our U.S. vessels if they are abused in the same method as has the Ecuadorian Government.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. HÉBERT) that the House suspend the rules and pass the bill H.R. 9526, as amended.

The question was taken.

Mr. HARRINGTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. KOCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 260, nays 116, not voting 55, as follows:

[Roll No. 431]

YEAS—260

Abernethy	Cleveland	Giaimo
Addabbo	Collier	Goldwater
Alexander	Collins, Tex.	Gonzalez
Andrews, N. Dak.	Colmer	Goodling
Annunzio	Conable	Gray
Archer	Cotter	Griffin
Arends	Coughlin	Hagan
Ashbrook	Crane	Hall
Aspinall	Daniel, Va.	Hamilton
Baker	Daniels, N.J.	Hammer-schmidt
Bell	Davis, Ga.	Hanley
Bennett	Davis, S.C.	Hanna
Betts	Davis, Wis.	Hansen, Idaho
Bevill	de la Garza	Hansen, Wash.
Biester	Delaney	Harvey
Blackburn	Denholm	Hastings
Blanton	Dennis	Hébert
Boggs	Dent	Heinz
Bow	Devine	Henderson
Bray	Dickinson	Hicks, Wash.
Brinkley	Donohue	Hillis
Brooks	Dorn	Hogan
Broomfield	Downing	Horton
Brown, Mich.	Dulski	Hosmer
Brown, Ohio	Duncan	Hull
Broyhill, N.C.	Dwyer	Hungate
Broyhill, Va.	Edmondson	Hunt
Buchanan	Edwards, Ala.	Ichord
Burke, Fla.	Erlenborn	Jarman
Burke, Mass.	Esch	Johnson, Calif.
Burleson, Tex.	Eshleman	Johnson, Pa.
Byrne, Pa.	Fascell	Jonas
Byrnes, Wis.	Fish	Jones, Ala.
Byron	Fisher	Jones, N.C.
Cabell	Flood	Jones, Tenn.
Caffery	Flowers	Kazen
Camp	Flynt	Keating
Carter	Ford, Gerald R.	Kee
Casey, Tex.	Frelinghuysen	Keith
Cederberg	Frenzel	Kemp
Chamberlain	Frey	King
Chappell	Fulton, Tenn.	Kyl
Clancy	Fuqua	Kyros
Clausen, Don H.	Gallagher	Landgrebe
Clawson, Del	Garmatz	Latta
Leggett	Perkins	Stanton, James V.
Lennon	Pettis	Steed
Lent	Pirnie	Steele
Lloyd	Poff	Steiger, Ariz.
Long, La.	Preyer, N.C.	Steiger, Wis.
Lujan	Price, Ill.	Stephens
McClory	Price, Tex.	Stratton
McCollister	Pryor, Ark.	Stubblefield
McCulloch	Quie	Stuckey
McDade	Railsback	Symington
McDonald, Mich.	Randall	Talcott
McEwen	Rarick	Taylor
McFall	Roberts	Teague, Calif.
McKinney	Robinson, Va.	Teague, Tex.
McMillan	Robison, N.Y.	Terry
Macdonald, Mass.	Rodino	Thompson, Ga.
Mahon	Roe	Thomson, Wis.
Mailliard	Rogers	Thone
Martin	Roncalio	Tiernan
Mayne	Rooney, N.Y.	Ullman
Michel	Rooney, Pa.	Van Deerlin
Miller, Calif.	Rousselot	Vander Jagt
Miller, Ohio	Runnels	Veysey
Mills, Md.	Ruppe	Waggonner
Minish	Ruth	Wampler
Minshall	St Germain	White
Mollohan	Sandman	Whitehurst
Monagan	Satterfield	Whitten
Montgomery	Saylor	Widnall
Morgan	Schmitz	Williams
Morse	Schneebeli	Wilson, Charles H.
Murphy, Ill.	Schwengel	Winn
Murphy, N.Y.	Sebelius	Wyatt
Myers	Shoup	Wydler
Natcher	Shriver	Wylie
Nedzi	Sikes	Wyman
Nelsen	Sisk	Young, Fla.
Nichols	Slack	Young, Tex.
O'Neill	Smith, N.Y.	Zablocki
Passman	Snyder	Zion
Patten	Spence	
Pepper	Staggers	
	Stanton, J. William	

NAYS—116

Abourezk	Ford, William D.	Moorhead
Abzug	Forsythe	Mosher
Adams	Fraser	Moss
Anderson, Calif.	Gaydos	Nix
Anderson, Ill.	Gibbons	O'Hara
Anderson, Tenn.	Grasso	O'Konski
Ashley	Green, Oreg.	Patman
Aspin	Green, Pa.	Pelly
Badillo	Griffiths	Peyser
Barrett	Gross	Pickle
Begich	Grover	Pike
Bergland	Gude	Podell
Biaggi	Haley	Quillen
Bingham	Harrington	Rangel
Boland	Hathaway	Reed
Bolling	Hawkins	Reid, N.Y.
Brademas	Hays	Reuss
Brasco	Hechler, W. Va.	Riegle
Brotzman	Heckler, Mass.	Rosenthal
Burlison, Mo.	Helstoski	Roush
Burton	Hicks, Mass.	Roy
Carey, N.Y.	Holifield	Roybal
Carney	Hutchinson	Ryan
Celler	Jacobs	Scherle
Clark	Karth	Scheuer
Conyers	Kastenmeier	Seiberling
Corman	Koch	Skubitz
Culver	Link	Smith, Calif.
Danielson	Long, Md.	Smith, Iowa
Dellenback	McKay	Stokes
Dingell	Madden	Thompson, N.J.
Dow	Mathis, Ga.	Udall
Drinan	Matsunaga	Vanik
Edwards, Calif.	Mazzoli	Vigorito
Eilberg	Meeds	Waldie
Evans, Colo.	Melcher	Whalen
Findley	Mikva	Wolff
Foley	Mink	Yates
	Mitchell	Yatron

NOT VOTING—55

Abbitt	Fountain	Poage
Andrews, Ala.	Galifianakis	Powell
Baring	Gubser	Puciński
Belcher	Halpern	Purcell
Blatnik	Harsha	Rhodes
Burleson, Tex.	Howard	Rostenkowski
Chisholm	Kluczynski	Sarbanes
Clay	Kuykendall	Scott
Collins, Ill.	Landrum	Shipley
Conte	McCloskey	Springer
Curlin	McClure	Sullivan
Dellums	McCormack	Ware
Derwinski	McKevitt	Whalley
Diggs	Mann	Wiggins
Dowdy	Mathias, Calif.	Wilson, Bob
du Pont	Metcalfe	Wright
Eckhardt	Mills, Ark.	Zwach
Edwards, La.	Mizell	
Evins, Tenn.	Obey	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rostenkowski and Mr. Fountain for, with Mrs. Chisholm against.

Mr. Andrews of Alabama and Mr. Burleson of Texas for, with Mr. Halpern against.

Mr. Abbitt and Mr. Kluczynski for, with Mr. Diggs against.

Mr. Wright and Mr. Ware for, with Mr. Rhodes against.

Mr. Whalley and Mr. Mizell for, with Mr. Howard against.

Mr. Kuykendall and Mr. Derwinski for, with Mr. Clay against.

Mr. Dowdy and Mr. Landrum for, with Mr. Dellums against.

Until further notice.

Mr. Blatnik with Mr. Belcher.
Mr. Shipley with Mr. Conte.
Mrs. Sullivan with Mr. du Pont.
Mr. Evins of Tennessee with Mr. Gubser.
Mr. Galifianakis with Mr. Powell.
Mr. Purcell with Mr. Harsha.
Mr. Collins of Illinois with Mr. McCloskey.
Mr. McCormack with Mr. McClure.
Mr. Mills of Arkansas with Mr. McKevitt.
Mr. Metcalfe with Mr. Puciński.
Mr. Baring with Mr. Mathias of California.
Mr. Mann with Mr. Scott.
Mr. Eckhardt with Mr. Springer.
Mr. Sarbanes with Mr. Wiggins.
Mr. Zwach with Mr. Bob Wilson.

Mr. MOORHEAD changed his vote from "yea" to "nay".

Messrs. HUNGATE, RARICK, and DEVINE changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRANSPO '72 AUTHORIZATION

Mr. HÉBERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11624), to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

The Clerk read as follows:

H.R. 11624

A bill to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 709 of the Military Construction Authorization Act, 1970, as amended (83 Stat. 317, 84 Stat. 1224), is further amended by deleting from the penultimate sentence thereof "$3,000,000" and inserting in its place "$5,000,000".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, this bill, H.R. 11624, under consideration today will amend the Military Construction Authorization Act for fiscal year 1970 (P.L. 91-142), as amended. In section 709 of Public Law 91-142, the Congress authorized the President of the United States to establish and conduct an international aeronautical exposition. The law provided that the exposition should be held at such time as the President might deem appropriate but not later than 1971. It also authorized such sums, not to exceed $750,000, as might be necessary to carry out the exposition.

Secretary Volpe wrote our committee on May 7, 1970, and requested an amendment. In his request, Secretary Volpe stated:

Of utmost and urgent importance is the matter of budget. The exposition must be the best of its kind the United States can produce to compare and compete with the Paris Air Show and other similar international events. Because of the high cost and long lead time required for most of the preparations necessary for the exposition, the $750,000 presently authorized to be appropriated is not adequate to meet expenses prior to the time additional funding can be derived from exposition incomes. I am therefore requesting the committee to raise the appropriation authorization to $3 million. We will seek this funding from our own appropriations committee.

Therefore, in Public Law 91-511, section 609, the Congress amended Public Law 91-142 by deleting "1971" and inserting in its place "1972"; and deleting "$750,000" and inserting in its place "$3 million."

The purpose of the bill before us is to increase from $3 to $5 million the funds currently authorized to be appropriated. The exposition, now referred to as "Transpo '72" is scheduled to be conducted at Dulles International Airport beginning next May 27. The President assigned responsibility for the conduct of the exposition to the Secretary of Transportation, who determined that the exposition will exhibit all forms of transportation and not be strictly an aeronautical exposition.

The current authorization level of $3 million was based on preliminary cost estimates made by the Department of Transportation last year. Based upon final engineering studies they have now made a more precise cost estimate and are recommending that the present authorization be increased to a total of $5 million.

Our committee passed this bill without objection, and we recommend the House approve the increase in authorization for this great transportation exposition.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I rise in strong support of this measure. I commend the gentleman and his committee for bringing this legislation before the House. It is very hard to hold this kind of exposition. It is fitting to hold it at Dulles.

Over 3 years, I asked that we initiate an air show at Dulles similar to the exposition in Paris. At that time, I stood nearly alone. I am glad, however, that the idea has not only been kept alive, but actually expanded. We can learn from project; we can swap ideas and technology; we can look beyond the invention of the wheel and, hopefully, even into the future.

XUM

I want Members to know I think this is a good bill and I think it should pass.

Mr. HÉBERT. I thank the gentleman from Texas.

Mr. Speaker, I yield the gentleman from Illinois, (Mr. ARENDS) such time as he may consume.

Mr. ARENDS. Mr. Speaker, I rise in support of H.R. 11624.

The purpose of this bill is to increase from $3 to $5 million the funds authorized for appropriation under the fiscal year 1970 Military Construction Authorization Act, as amended, for the conduct of an international aeronautical exposition. The exposition, referred to as Transpo '72, is scheduled to be conducted at Dulles International Airport on May 27, 1972, through June 4, 1972. The responsibility for the conduct of the exposition has been delegated to the Department of Transportation.

When the President assigned responsibility to produce this event to the Secretary of Transportation, the Secretary ordered a review of all factors involved in such an event. It immediately became clear that a simple aeronautical exposition would not satisfy the basic objectives as they were interpreted. The Secretary of Transportation, therefore, sought and received permission to expand the concept of the exposition to include all modes of transportation. As Chairman HÉBERT told you, the Secretary also requested Congress to increase the authorization from $750 thousand to $3 million and to change the date from 1971 to 1972. Congress approved this request and it is included in the fiscal year 1971 Military Construction Authorization Act as section 609 (Public Law 91–511).

The Department of Transportation advises that they anticipate that the exposition will make a considerable contribution to the domestic economy through stimulating the sale of new transportation concepts and systems within our own economy as well as internationally, and, therefore, that the additional funds to be expended pursuant to the additional authorization would be a most productive investment.

I believe this is meritorious legislation and it should receive the support of every Member of this body.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the Members of the House ought to be interested in the fact that the authorizing legislation was enacted in the 91st Congress for this transportation show at Dulles Airport. It came in with a request for $750,000. That apparently was the camel's nose under the tent, because we are now confronted with a bill for $5 million.

Not $750,000, but $5 million.

Somebody, somewhere—perhaps over in the Department of Transportation—has a real T-bone steak appetite. A few of us in Congress are trying these days to get this Government on a hamburger diet until we can stop the huge deficits and the inflation brought about by these extravagances and deficits.

I wonder if today, without any "ifs, ands, or buts," the House is going to increase from $750,000, the amount authorized for this transportation show at Dulles Airport, to $5 million, in this short space of time and with no more justification than we have heard?

If the Members want to jump through the hoop, hop to it. If there is to be a nonrecorded vote, I want the record to show I do not go along with the proposition of coming to the House one day and saying, "All we want, all we need, is $750,000" and then turning around almost the next day and asking for $5 million for the same purpose.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

We went into this matter in the committee. I certainly share the gentleman's concern that the nose of the camel did get under the tent and we evidently have the whole camel there now.

Looking back as to the purpose for this, every 2 years there is a great cry and a great to-do about the Paris air show. It is automatically suspect because it is in Paris.

Some time ago some of the members of the Armed Services Committee, and our chairman at the time, decided it would be a good idea to have an air show over here. It has expanded, and it includes not only air transportation but all forms of surface transportation.

The Secretary has certainly assured our committee he would not see us embarrassed by not being able even to provide transportation control for automobiles to see the exhibits on transportation.

I believe it would be money well spent, and I will support the bill.

Mr. GROSS. I thank the gentleman.

Why did they not, at the inception of this thing, come in with a realistic figure? The answer is, of course, that they might have had some difficulty in getting it through.

This is the old, old game that is played here all the time. They come in and ask for $750,000, and then kite it up to $5 million in a matter of a few months. This is what I take exception to.

Mr. DICKINSON. If the gentleman will yield further, I can only say I have no defense for it. I realize this happens. The gentleman is absolutely right.

I believe even at this figure it would be a good thing, and I will support the bill.

Mr. GROSS. I will say to the gentleman, I have not attended any of the Paris air shows, so I have no debts to pay to the French.

Mr. Speaker, I yield back the remainder of my time. Evidently almost everybody on this side of the aisle is satisfied with this raid on the Treasury.

Mr. HÉBERT. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana that the House suspend the rules and pass the bill H.R. 11624.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 202, nays 173, not voting 56, as follows:

[Roll No. 432]

YEAS—202

Abernethy	Gettys	Mosher
Adams	Giaimo	Murphy, N.Y.
Alexander	Gonzalez	Myers
Anderson, Tenn.	Grasso	Natcher
Annunzio	Gray	Nedzi
Arends	Griffin	Nichols
Aspinall	Griffiths	O'Hara
Bell	Grover	O'Neill
Bennett	Gude	Passman
Boggs	Hagan	Patten
Boland	Hall	Pepper
Bolling	Hammer-schmidt	Perkins
Bow	Hansen, Idaho	Pettis
Brasco	Hansen, Wash.	Peyser
Bray	Harrington	Pike
Brinkley	Harvey	Pirnie
Brooks	Hastings	Poff
Brotzman	Hathaway	Preyer, N.C.
Brown, Ohio	Hébert	Price, Ill.
Broyhill, N.C.	Heckler, Mass.	Quie
Broyhill, Va.	Heinz	Randall
Buchanan	Henderson	Rees
Burke, Mass.	Hicks, Mass.	Reid, N.Y.
Byrne, Pa.	Hicks, Wash.	Roberts
Cabell	Hillis	Robinson, Va.
Caffery	Hogan	Rogers
Carter	Holifield	Roncalio
Casey, Tex.	Hosmer	Rooney, N.Y.
Cederberg	Hunt	Ruppe
Chamberlain	Ichord	St Germain
Chappell	Jarman	Sandman
Clancy	Johnson, Calif.	Saylor
Clark	Johnson, Pa.	Scott
Clausen, Don H.	Jonas	Sebelius
Cleveland	Jones, Ala.	Shriver
Conte	Karth	Sikes
Corman	Kee	Sisk
Cotter	Keith	Smith, Iowa
Coughlin	Kemp	Staggers
Culver	King	Stanton, J. William
Daniel, Va.	Kyros	Steed
Davis, Ga.	Landgrebe	Steele
Davis, S.C.	Leggett	Stephens
de la Garza	Lennon	Stratton
Dellenback	Link	Stubblefield
Devine	Long, La.	Stuckey
Dickinson	McClory	Symington
Dingell	McCormack	Thompson, Ga.
Dorn	McDade	Tiernan
Downing	McDonald, Mich.	Udall
Duncan	McFall	Ullman
Dwyer	McKay	Veysey
Edmondson	McKinney	Waggonner
Edwards, Ala.	McMillan	Wampler
Erlenborn	Mahon	Whalen
Esch	Mailliard	White
Fascell	Matsunaga	Whitehurst
Fisher	Meeds	Widnall
Flood	Melcher	Williams
Flowers	Miller, Calif.	Wilson, Charles H.
Flynt	Mink	Winn
Foley	Minshall	Wolff
Ford, Gerald R.	Mollohan	Wyatt
Forsythe	Monagan	Wyman
Fountain	Montgomery	Young, Tex.
Frelinghuysen	Moorhead	Zion
Fulton, Tenn.	Morgan	
Fuqua	Morse	
Garmatz		

NAYS—173

Abourezk	Biaggi	Collier
Abzug	Biester	Collins, Tex.
Addabbo	Bingham	Colmer
Anderson, Calif.	Blackburn	Conable
Anderson, Ill.	Blanton	Conyers
Andrews, N. Dak.	Brademas	Crane
Archer	Broomfield	Daniels, N.J.
Ashbrook	Brown, Mich.	Danielson
Ashley	Burke, Fla.	Davis, Wis.
Aspin	Burlison, Mo.	Delaney
Badillo	Burton	Denholm
Baker	Byrnes, Wis.	Dennis
Barrett	Byron	Dent
Begich	Camp	Donohue
Bergland	Carey, N.Y.	Dow
Betts	Carney	Drinan
Bevill	Celler	Dulski
	Clawson, Del	Edwards, Calif.
	Cleveland	Eilberg
	Eshleman	Roy
	Evans, Colo.	Roybal
	Findley	Runnels
	Fish	Ruth
	Ford, William D.	Ryan
	Fraser	Satterfield
	Frenzel	Scherle
	Frey	Scheuer
	Gallagher	Schmitz
	Gaydos	Schneebeli
	Gibbons	Schwengel
	Goodling	Seiberling
	Green, Oreg.	Shoup
	Green, Pa.	Skubitz
	Gross	Slack
	Haley	Smith, Calif.
	Halpern	Smith, N.Y.
	Hamilton	Snyder
	Hanley	Steiger, Ariz.
	Hanna	Steiger, Wis.
	Hawkins	Stokes
	Hays	Talcott
	Hechler, W. Va.	Taylor
	Helstoski	Teague, Calif.
	Horton	Terry
	Hull	Thompson, N.J.
	Hungate	Thomson, Wis.
	Hutchinson	Thone
	Jacobs	Van Deerlin
	Jones, Tenn.	Vander Jagt
	Kastenmeier	Vanik
	Kazen	Vigorito
	Keating	Waldie
	Koch	Whitten
	Kyl	Wydler
	Latta	Wylie
	Lent	Yates
	Lloyd	Yatron
	Long, Md.	Young, Fla.
		Zablocki

NOT VOTING—56

Abbitt	Goldwater	Powell
Andrews, Ala.	Gubser	Pucinski
Baring	Harsha	Purcell
Belcher	Howard	Rhodes
Blatnik	Jones, N.C.	Rostenkowski
Burleson, Tex.	Kluczynski	Sarbanes
Chisholm	Kuykendall	Shipley
Clay	Landrum	Spence
Collins, Ill.	McCloskey	Springer
Curlin	McClure	Stanton, James V.
Dellums	McKevitt	Sullivan
Derwinski	Mann	Teague, Tex.
Diggs	Mathias, Calif.	Ware
Dowdy	Metcalfe	Whalley
du Pont	Mills, Ark.	Wiggins
Eckhardt	Mizell	Wilson, Bob
Edwards, La.	Obey	Wright
Evins, Tenn.	Pickle	Zwach
Galifianakis	Poage	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Burleson of Texas and Mr. Teague of Texas for, with Mr. Diggs against.

Mr. Pickle and Mr. Rostenkowski for, with Mrs. Chisholm against.

Mr. Rhodes and Mr. Mizell for, with Mr. Metcalfe against.

Mr. Bob Wilson and Mr. Kuykendall for, with Mr. Clay against.

Mr. Spence and Mr. Abbitt for, with Mr. Ware against.

Mr. Andrews of Alabama and Mr. Kluczynski for, with Mr. Zwach against.

Mr. Wright and Mr. Dowdy for, with Mr. Dellums against.

Mr. Howard and Mr. James V. Stanton for, with Mr. Collins of Illinois against.

Mr. Goldwater and Mr. Landrum for, with Mr. Belcher against.

Until further notice:

Mrs. Sullivan with Mr. Gubser.

Mr. Shipley with Mr. Harsha.

Mr. Blatnik with Mr. Derwinski.

Mr. Mann with Mr. du Pont.

Mr. Purcell with Mr. McClure.

Mr. Galifianakis with Mr. McCloskey.

Mr. Jones of North Carolina with Mr. McKevitt.

Mr Evins of Tennessee with Mr. Mathias of California.

Mr. Pucinski with Mr. Powell.

Mr. Mills of Arkansas with Mr. Springer.

Mr. Eckhardt with Mr. Whalley.

Mr. Baring with Mr. Wiggins.

Mr. HOSMER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. DEVINE. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. DEVINE. Mr. Speaker, earlier in the day a point of no quorum was raised on H.R. 45, at which time an agreement was made that a yea-and-nay vote would occur on H.R. 45, and later two subsequent bills, as soon as the delegation had returned from the funeral.

I make the point of order that the delegation has returned, and demand the yeas and nays on H.R. 45.

The SPEAKER. The Chair will state that a point of order does not lie to this matter, although the Chair will honor the agreement that was made. However, the Chair would prefer, with the indulgence of the House, to proceed and do it at the end of suspension of business.

Mr. DEVINE. I would point out, Mr. Speaker, that a number of Members who would like to vote on this legislation have commitments and wish not to be delayed. They were here at the time the bills came up.

The SPEAKER. Will the gentleman withhold until the Chair recognizes for a unanimous consent request?

Mr. DEVINE. Yes, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. THOMPSON of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON of New Jersey. I happen to have been here all day. My parliamentary inquiry is this, and I have no argument with my friend from Ohio: I think it is an unusual procedure on which the gentleman made his point of order. I wonder if it is not a matter of comity as distinguished from a matter of parliamentary right to make such a demand?

The SPEAKER. The Chair will honor the request that has been made, because the agreement was made and understood between those who were present and in charge of the proceedings in the House. The Chair intends to honor that as soon as the unanimous consent request relating to the previous bills is made by the gentleman from Louisiana.

GENERAL LEAVE ON H.R. 9526 AND H.R. 11624

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to extend their remarks on H.R. 9526 and H.R. 11624, bills just acted on.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

The SPEAKER. The unfinished business is the question on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill H.R. 45, as amended.

The Clerk read the title of the bill.

The SPEAKER. Under the unanimous-consent agreement, the yeas and nays have been ordered on this particular bill.

PARLIAMENTARY INQUIRY

Mr. CORMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CORMAN. Is it possible at this point, by unanimous consent, to take these votes by recorded tellers instead of by rollcall?

The SPEAKER. The yeas and nays were ordered on this bill under the unanimous-consent agreement, so the Chair has no discretion on that.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Is this the bill, H.R. 45, relating to the Institute for Continuing Studies of Juvenile Justice?

The SPEAKER. The gentleman is correct.

The question was taken; and there were—yeas 240, nays 135, not voting 56, as follows:

[Roll No. 433]

YEAS—240

Abourezk	Donohue	Johnson, Calif.
Abzug	Dow	Jones, Ala.
Adams	Drinan	Karth
Alexander	Dulski	Kastenmeier
Anderson, Calif.	Dwyer	Kazen
Anderson, Ill.	Edmondson	Keating
Anderson, Tenn.	Edwards, Calif.	Kee
Andrews, N. Dak.	Eilberg	Kemp
Annunzio	Erlenborn	Koch
Archer	Esch	Kyros
Ashley	Eshleman	Leggett
Aspin	Evans, Colo.	Link
Badillo	Fascell	Long, Md.
Barrett	Findley	Lujan
Begich	Fish	McClory
Bell	Flowers	McCormack
Bergland	Foley	McDade
Biaggi	Ford, William D.	McDonald, Mich.
Biester	Forsythe	McFall
Bingham	Fraser	McKinney
Blanton	Frelinghuysen	Macdonald, Mass.
Boggs	Frenzel	Madden
Boland	Frey	Mailliard
Bolling	Fulton, Tenn.	Matsunaga
Brademas	Fuqua	Mazzoli
Brasco	Gallagher	Meeds
Brooks	Garmatz	Melcher
Broomfield	Giaimo	Mikva
Brotzman	Gibbons	Miller, Calif.
Brown, Mich.	Gonzalez	Minish
Buchanan	Grasso	Mink
Burke, Mass.	Gray	Mitchell
Burlison, Mo.	Green, Pa.	Mollohan
Burton	Griffiths	Moorhead
Byrne, Pa.	Gude	Morgan
Byrnes, Wis.	Halpern	Morse
Carey, N.Y.	Hamilton	Mosher
Carney	Hanley	Moss
Cederberg	Hanna	Murphy, Ill.
Celler	Hansen, Idaho	Murphy, N.Y.
Clark	Hansen, Wash.	Myers
Cleveland	Harrington	Nedzi
Collier	Harvey	Nelsen
Collins, Tex.	Hastings	Nix
Conte	Hathaway	Obey
Conyers	Hays	O'Hara
Corman	Hechler, W. Va.	O'Neill
Cotter	Heckler, Mass.	Patman
Coughlin	Heinz	Patten
Culver	Helstoski	Pepper
Daniels, N.J.	Hicks, Mass.	Perkins
Danielson	Hicks, Wash.	Pettis
Davis, S.C.	Hillis	Peyser
de la Garza	Hogan	Podell
Dellenback	Holifield	Poff
Dickinson	Horton	Preyer, N.C.
Dingell	Hosmer	Price, Ill.
	Hungate	Quie
	Jacobs	Randall

XUM

Pryor, Ark.	Schwengel	Thompson, N.J.
Quie	Selberling	Thone
Railsback	Shoup	Tiernan
Randall	Sikes	Udall
Rangel	Sisk	Ullman
Rees	Skubitz	Van Deerlin
Reid, N.Y.	Slack	Vander Jagt
Robison, N.Y.	Smith, Iowa	Vanik
Rodino	Smith, N.Y.	Vigorito
Roe	Staggers	Waldie
Rogers	Stanton,	Whalen
Roncallo	J. William	White
Rooney, Pa.	Stanton,	Whitehurst
Rosenthal	James V.	Widnall
Routh	Steed	Wilson,
Roy	Steele	Charles H.
Roybal	Steiger, Wis.	Winn
Ruppe	Stephens	Wolff
Ryan	Stokes	Wyatt
St Germain	Stratton	Yates
Sandman	Stuckey	Yatron
Scherer	Symington	Young, Tex.
Schneebeli	Terry	Zablocki

NAYS—135

Abernethy	Flynt	Minshall
Addabbo	Ford, Gerald R.	Monagan
Arends	Fountain	Montgomery
Ashbrook	Gaydos	Natcher
Asphall	Gettys	Nichols
Baker	Goldwater	O'Konski
Bennett	Goodling	Passman
Betts	Green, Oreg.	Pelly
Bevill	Griffin	Pike
Blackburn	Gross	Pirnie
Bow	Grover	Price, Tex.
Bray	Haley	Quillen
Brinkley	Hall	Rarick
Brown, Ohio	Hammer-	Roberts
Broyhill, N.C.	schmidt	Robinson, Va.
Broyhill, Va.	Hébert	Rooney, N.Y.
Burke, Fla.	Henderson	Rousselot
Byron	Hull	Runnels
Cabell	Hunt	Ruth
Caffery	Hutchinson	Satterfield
Camp	Ichord	Saylor
Carter	Jarman	Scherle
Casey, Tex.	Johnson, Pa.	Schmitz
Chamberlain	Jonas	Scott
Chappell	Jones, N.C.	Sebelius
Clancy	Jones, Tenn.	Shriver
Clausen,	Keith	Smith, Calif.
Don H.	King	Snyder
Clawson, Del	Kyl	Steiger, Ariz.
Colmer	Landgrebe	Stubblefield
Conable	Latta	Talcott
Crane	Lennon	Taylor
Daniel, Va.	Lent	Teague, Calif.
Davis, Ga.	Lloyd	Thompson, Ga.
Davis, Wis.	Long, La.	Thomson, Wis.
Delaney	McCollister	Veysey
Denholm	McCulloch	Waggonner
Dennis	McEwen	Wampler
Dent	McKay	Whitten
Devine	McMillan	Williams
Dorn	Mahon	Wydler
Downing	Martin	Wylie
Duncan	Mathis, Ga.	Wyman
Edwards, Ala.	Mayne	Young, Fla.
Fisher	Miller, Ohio	Zion
Flood	Mills, Md.	

NOT VOTING—56

Abbitt	Gubser	Pucinski
Andrews, Ala.	Hagan	Purcell
Baring	Harsha	Reuss
Belcher	Hawkins	Rhodes
Blatnik	Howard	Riegle
Burleson, Tex.	Kluczynski	Rostenkowski
Chisholm	Kuykendall	Sarbanes
Clay	Landrum	Shipley
Collins, Ill.	McCloskey	Spence
Curlin	McClure	Springer
Dellums	McKevitt	Sullivan
Derwinski	Mann	Teague, Tex.
Diggs	Mathias, Calif.	Ware
Dowdy	Metcalfe	Whalley
du Pont	Mills, Ark.	Wiggins
Eckhardt	Mizell	Wilson, Bob
Edwards, La.	Pickle	Wright
Evins, Tenn.	Poage	Zwach
Galifianakis	Powell	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mrs. Chisholm and Mr. Kluczynski for, with Mr. Andrews of Alabama, against

Mr. Rostenkowski and Mr. Diggs for, with Mr. Abbitt against.

Mr. Howard and Mr. Clay for, with Mr. Burleson, of Texas, against.

Mr. Blatnik and Mr. Dellums for, with Mr. Rhodes against.

Mr. Hawkins and Mr. Collins of Illinois, for, with Mr. Spence against.

Mr. Reuss and Mr. Metcalfe for, with Mr. Bob Wilson against.

Mr. Pucinski for, with Mr. Teague of Texas, against.

Until further notice:

Mrs. Sullivan with Mr Kevitt.
Mr. Shipley with Mr. Belcher.
Mr. Evins of Tennessee with Mr. du Pont.
Mr. Galifianakis with Mr. Mizell.
Mr. Mills of Arkansas with Mr. Gubser.
Mr. Mann with Mr. Kuykendall.
Mr. Wright with Mr. Harsha.
Mr. Landrum with Mr. Derwinski.
Mr. Pickle with Mr. McClure.
Mr. Dowdy with Mr. McCloskey
Mr. Baring with Mr. Mathias of California.
Mr. Purcell with Mr. Powell.
Mr. Wiggins with Mr. Springer.
Mr. Hagan with Mr. Ware.
Mr. Zwach with Mr. Whalley.

Messrs. DOWNING, DENHOLM, MAHON, DUNCAN, MINSHALL, and WILLIAMS changed their votes from "nay" to "yea."

Messrs. SCHWENGEL and BARRETT changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 11955, SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROGERS. Mr. Speaker, reserving the right to object—and I shall not object—I do want to bring to the attention of the House, and particularly to the attention of the chairman and the members of the Appropriations Committee, the concern which people all over this country have as to proper funding of the Health Manpower legislation which has just passed this Congress and which the President has just signed, asking that it be adequately funded.

The supplemental came up, and the OMB set the figure at about 44 percent of what this Congress has authorized, a very inadequate sum which simply will not meet the needs of the people of this Nation as to getting doctors and getting nurses trained.

If we do not start now we will never get on top of the medical shortage in this country, nor will we be able to get involved in raising the quality and standards of health care in this Nation. We must have the necessary manpower.

The Senate in its bill has raised that sum to about 72 percent of what the Congress has already authorized and the President has signed.

I am not asking to instruct the conferees at this time, but I would ask the chairman and the members of the committee to give favorable and I would hope concurring consideration to the figures as set by the Senate.

I wish the chairman of the committee would comment further to some degree, if he would.

Mr. MAHON. The other body increased the supplemental appropriation bill above the budget by about three-quarters of a billion dollars, overall. That is a very considerable sum. There are many items included in this amount, all of which of course are subject to conference. I am sure the conferees will give sympathetic consideration to all of the additions above the budget and otherwise that were added in the other body. However, in view of the desperate financial situation confronting this country, it is just not practical for the Congress to try fully to fund all legislative authorizations.

Mr. ROGERS. I understand that, and I am not asking for full funding and I do not think anyone is. However, we are asking in its consideration in this conference that you do give special consideration to proper funding of health manpower. I think this is essential.

I yield to the gentleman from Minnesota.

Mr. NELSEN. I thank the gentleman for yielding.

I would like to point out this is probably one of the most important bills we will have passed in this Congress. So many of the needs are so extensive. There was such complete agreement in our committee as to that. I join with my colleague from Florida in calling this to the attention of the committee. I am sure they will give attention to it in their judgment.

Mr. MAHON. Will the gentleman yield further?

Mr. ROGERS. I am glad to yield to the chairman.

Mr. MAHON. I am pleased to have these views and suggestions. I think my friend from Florida knows that we on the Committee on Appropriations try to cooperate with the House in doing what we can do reasonably. Since our Federal finances are in such bad shape, we do have to weigh all of the claims on our limited Federal funds. We just try to do the best we can do under the circumstances. The views that have been expressed here will be helpful to the conferees in connection with this measure.

Mr. ROGERS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, WHITTEN, ROONEY of New York, BOLAND, NATCHER, FLOOD, STEED, SMITH of Iowa, Mrs. HANSEN of Washington, Messrs. MCFALL, BOW, CEDERBERG, RHODES, MICHEL, SHRIVER, and MCDADE.

APPOINTMENT OF CONFEREES ON S. 18, RADIO FREE EUROPE AND RADIO LIBERTY

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FASCELL, MAILLIARD, FRELINGHUYSEN, and BROOMFIELD.

INTERIM EXTENSION OF HOUSING AND BANKING LAWS

The SPEAKER. The further unfinished business of the House is the question on the motion of the gentleman from Texas (Mr. PATMAN) that the House suspend the rules and pass the Senate Joint Resolution—Senate Joint Resolution 176—as amended.

The Clerk read the title of the Senate joint resolution.

TELLER VOTE WITH CLERKS

Mr. PATMAN. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. PATMAN. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. PATMAN, WIDNALL, ANNUNZIO, and HALL.

The Committee divided, and the tellers reported that there were—ayes 357, noes 4, answered "present" 1, not voting 69, as follows:

[Roll No. 434]

[Recorded Teller Vote]

AYES—357

Abernethy	Burke, Fla.	Dow
Abourezk	Burke, Mass.	Downing
Abzug	Burlison, Mo.	Drinan
Adams	Burton	Dulski
Addabbo	Byrne, Pa.	Duncan
Alexander	Byrnes, Wis.	Dwyer
Anderson,	Byron	Edmondson
Calif.	Cabell	Edwards, Ala.
Anderson, Ill.	Caffery	Edwards, Calif.
Anderson,	Camp	Eilberg
Tenn.	Carey, N.Y.	Erlenborn
Andrews,	Carter	Esch
N. Dak.	Casey, Tex.	Eshleman
Annunzio	Cederberg	Evans, Colo.
Archer	Celler	Fascell
Arends	Chamberlain	Findley
Ashbrook	Chappell	Fish
Aspin	Clark	Fisher
Aspinall	Clausen,	Flood
Badillo	Don H.	Flowers
Baker	Clawson, Del	Flynt
Barrett	Cleveland	Foley
Begich	Collier	Ford, Gerald R.
Bell	Collins, Tex.	Ford,
Bennett	Colmer	William D.
Bergland	Conable	Forsythe
Betts	Conte	Fountain
Bevill	Corman	Fraser
Biaggi	Cotter	Frelinghuysen
Biester	Coughlin	Frenzel
Bingham	Crane	Frey
Blackburn	Culver	Fulton, Tenn.
Blanton	Daniel, Va.	Fuqua
Boggs	Daniels, N.J.	Gallagher
Boland	Danielson	Garmatz
Bolling	Davis, Ga.	Gaydos
Bow	Davis, S.C.	Gettys
Brademas	Davis, Wis.	Giaimo
Brasco	de la Garza	Gibbons
Bray	Delaney	Goldwater
Brinkley	Dellenback	Gonzalez
Brooks	Denholm	Goodling
Broomfield	Dennis	Grasso
Brotzman	Dent	Gray
Brown, Mich.	Devine	Green, Oreg.
Brown, Ohio	Dickinson	Green, Pa.
Broyhill, N.C.	Dingell	Griffin
Broyhill, Va.	Donohue	Griffiths
Buchanan	Dorn	Gross
Grover	Mahon	Ruth
Gude	Mailliard	Ryan
Hagan	Martin	St Germain
Haley	Mathis, Ga.	Sandman
Hall	Matsunaga	Satterfield
Halpern	Mayne	Saylor
Hamilton	Mazzoli	Scherle
Hammer-	Meeds	Scheuer
schmidt	Melcher	Schmitz
Hanley	Michel	Schneebeli
Hanna	Mikva	Schwengel
Hansen, Idaho	Miller, Ohio	Scott
Hansen, Wash.	Mills, Md.	Sebelius
Harrington	Minish	Selberling
Harvey	Mink	Shoup
Hastings	Minshall	Shriver
Hathaway	Mitchell	Sikes
Hays	Mollohan	Sisk
Hechler, W. Va.	Monagan	Skubitz
Heinz	Montgomery	Slack
Helstoski	Moorhead	Smith, Calif.
Henderson	Morgan	Smith, Iowa
Hicks, Mass.	Morse	Smith, N.Y.
Hicks, Wash.	Mosher	Snyder
Hillis	Moss	Staggers
Hogan	Murphy, Ill.	Stanton,
Holifield	Murphy, N.Y.	J. William
Horton	Myers	Stanton,
Hosmer	Natcher	James V.
Hull	Nedzi	Steed
Hungate	Nelsen	Steele
Hunt	Nichols	Steiger, Ariz.
Hutchinson	Nix	Steiger, Wis.
Ichord	Obey	Stephens
Jarman	O'Hara	Stratton
Johnson, Calif.	O'Konski	Stubblefield
Johnson, Pa.	O'Neill	Stuckey
Jonas	Passman	Symington
Jones, Ala.	Patman	Talcott
Jones, Tenn.	Patten	Taylor
Karth	Pelly	Teague, Calif.
Kastenmeier	Pepper	Terry
Kazen	Perkins	Thompson, Ga.
Keating	Pettis	Thompson, N.J.
Kee	Peyser	Thomson, Wis.
Keith	Pike	Thone
Kemp	Pirnie	Tiernan
King	Podell	Udall
Koch	Poff	Ullman
Kyl	Preyer, N.C.	Vander Jagt
Kyros	Price, Ill.	Vanik
Landgrebe	Price, Tex.	Veysey
Latta	Pryor, Ark.	Vigorito
Leggett	Quie	Waggonner
Link	Railsback	Wampler
Lloyd	Randall	Whalen
Long, La.	Rarick	White
Long, Md.	Reid, N.Y.	Whitehurst
Lujan	Roberts	Widnall
McClory	Robinson, Va.	Williams
McCollister	Robison, N.Y.	Wilson,
McCormack	Rodino	Charles H.
McCulloch	Roe	Winn
McDade	Rogers	Wolff
McDonald,	Roncallo	Wyatt
Mich.	Rooney, N.Y.	Wylie
McEwen	Rooney, Pa.	Wyman
McFall	Rosenthal	Yates
McKay	Roush	Yatron
McKinney	Rousselot	Young, Fla.
McMillan	Roy	Young, Tex.
Macdonald,	Roybal	Zablocki
Mass.	Runnels	Zion
Madden	Ruppe	

NOES—4

Carney	Van Deerlin	Waldie
Rees		

ANSWERED "PRESENT"—1

Quillen

NOT VOTING—69

Abbitt	Galifianakis	Mills, Ark.
Andrews, Ala.	Gubser	Mizell
Ashley	Harsha	Pickle
Baring	Hawkins	Poage
Belcher	Hébert	Powell
Blatnik	Heckler, Mass.	Pucinski
Burleson, Tex.	Howard	Purcell
Chisholm	Jacobs	Rangel
Clancy	Jones, N.C.	Reuss
Clay	Kluczynski	Rhodes
Collins, Ill.	Kuykendall	Riegle
Conyers	Landrum	Rostenkowski
Curlin	Lennon	Sarbanes
Dellums	Lent	Shipley
Derwinski	McCloskey	Spence
Diggs	McClure	Springer
Dowdy	McKevitt	Stokes
du Pont	Mann	Sullivan
Eckhardt	Mathias, Calif.	Teague, Tex.
Edwards, La.	Metcalfe	Ware
Evins, Tenn.	Miller, Calif.	Whalley
Whitten	Wilson, Bob	Wydler
Wiggins	Wright	Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

IMPACT AID AND U.S. POSTAL SERVICE PROPERTY

The SPEAKER. The further unfinished business is the question on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 11809.

The Clerk read the title of the bill.

The SPEAKER. Under the unanimous consent agreement, the yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 259, nays 113, not voting 60, as follows:

[Roll No. 435]

YEAS—259

Abernethy	Dorn	Kyros
Abourezk	Dow	Leggett
Abzug	Downing	Lennon
Adams	Drinan	Lent
Addabbo	Edmondson	Link
Alexander	Edwards, Calif.	Lloyd
Anderson,	Eilberg	McClory
Calif.	Erlenborn	McCollister
Anderson,	Esch	McCormack
Tenn.	Fascell	McCulloch
Andrews,	Fisher	McDade
N. Dak.	Flood	McEwen
Annunzio	Foley	McFall
Aspin	Ford, Gerald R.	McKay
Aspinall	Ford,	McMillan
Badillo	William D.	Macdonald,
Barrett	Forsythe	Mass.
Begich	Fountain	Madden
Bell	Fraser	Mahon
Bennett	Frey	Mailliard
Bergland	Fulton, Tenn.	Matsunaga
Bevill	Fuqua	Mayne
Biaggi	Garmatz	Mazzoli
Biester	Gaydos	Meeds
Bingham	Gettys	Melcher
Blanton	Giaimo	Mikva
Boggs	Gibbons	Miller, Calif.
Boland	Goldwater	Minish
Bolling	Gonzalez	Mink
Brademas	Grasso	Minshall
Brasco	Gray	Mitchell
Bray	Green, Oreg.	Mollohan
Brinkley	Green, Pa.	Moorhead
Brooks	Griffiths	Morgan
Brotzman	Gude	Morse
Broyhill, Va.	Hagan	Mosher
Burke, Mass.	Haley	Moss
Burlison, Mo.	Halpern	Murphy, Ill.
Burton	Hamilton	Murphy, N.Y.
Byrne, Pa.	Hammer-	Natcher
Byron	schmidt	Nedzi
Camp	Hanley	Nelsen
Carey, N.Y.	Hanna	Nichols
Carney	Hansen, Idaho	Nix
Casey, Tex.	Hansen, Wash.	Obey
Celler	Harrington	O'Hara
Clark	Hathaway	O'Konski
Clausen,	Hawkins	O'Neill
Don H.	Hechler, W. Va.	Patten
Clay	Helstoski	Pelly
Cleveland	Hicks, Mass.	Pepper
Collier	Hicks, Wash.	Perkins
Colmer	Holifield	Pettis
Conable	Horton	Peyser
Conte	Hosmer	Pike
Conyers	Hull	Pirnie
Corman	Jacobs	Podell
Cotter	Jarman	Poff
Culver	Johnson, Calif.	Preyer, N.C.
Daniels, N.J.	Jones, Ala.	Price, Ill.
Danielson	Jones, Tenn.	Price, Tex.
Davis, Ga.	Karth	Pryor, Ark.
Davis, S.C.	Kastenmeier	Quie
de la Garza	Kazen	Railsback
Delaney	Keating	Randall
Denholm	Kee	Rangel
Dent	Keith	Rees
Dingell	Kemp	Reid, N.Y.
Donohue	King	Robinson, Va.
Koch		

XUM

Robison, N.Y.	Snyder	Vanik
Rodino	Staggers	Vigorito
Roe	Stanton,	Waldie
Rogers	James V.	Wampler
Roncalio	Steed	Whalen
Rooney, N.Y.	Steele	White
Rooney, Pa.	Stephens	Whitehurst
Rosenthal	Stokes	Widnall
Roush	Stratton	Wilson,
Roybal	Stubblefield	Charles H.
Ryan	Stuckey	Winn
St Germain	Symington	Wolff
Scheuer	Teague, Calif.	Wyatt
Schwengel	Thompson, Ga.	Wyman
Scott	Thompson, N.J.	Yates
Seiberling	Thomson, Wis.	Yatron
Shriver	Thone	Young, Tex.
Sisk	Tiernan	Zablocki
Skubitz	Udall	Zion
Slack	Ullman	
Smith, N.Y.	Van Deerlin	

NAYS—113

Anderson, Ill.	Findley	Miller, Ohio
Archer	Fish	Mills, Md.
Arends	Flowers	Monagan
Ashbrook	Flynt	Montgomery
Ashley	Fountain	Myers
Baker	Frelinghuysen	Passman
Betts	Frenzel	Quillen
Blackburn	Gallagher	Rarick
Bow	Goodling	Roberts
Broomfield	Griffin	Rousselot
Brown, Mich.	Gross	Runnels
Brown, Ohio	Grover	Ruppe
Broyhill, N.C.	Hall	Ruth
Buchanan	Harvey	Sandman
Burke, Fla.	Hastings	Satterfield
Byrnes, Wis.	Hays	Saylor
Cabell	Heinz	Scherle
Caffery	Henderson	Schmitz
Carter	Hillis	Schneebeli
Cederberg	Hogan	Sebelius
Chamberlain	Hungate	Shoup
Chappell	Hutchinson	Sikes
Clancy	Ichord	Smith, Calif.
Clawson, Del	Johnson, Pa.	Smith, Iowa
Collins, Tex.	Jonas	Stanton,
Coughlin	Jones, N.C.	J. William
Crane	Kyl	Steiger, Ariz.
Daniel, Va.	Landgrebe	Steiger, Wis.
Davis, Wis.	Latta	Talcott
Dellenback	Long, La.	Taylor
Dennis	Long, Md.	Terry
Devine	Lujan	Vander Jagt
Dickinson	McDonald,	Veysey
Duiski	Mich.	Waggonner
Duncan	McKinney	Williams
Dwyer	Martin	Wydler
Edwards, Ala.	Mathis, Ga.	Wylie
Eshleman	Michel	Young, Fla.

NOT VOTING 60

Abbitt	Harsha	Pucinski
Andrews, Ala.	Hébert	Purcell
Baring	Heckler, Mass.	Reuss
Belcher	Howard	Rhodes
Blatnik	Hunt	Riegle
Burleson, Tex.	Kluczynski	Rostenkowski
Chisholm	Kuykendall	Roy
Collins, Ill.	Landrum	Sarbanes
Curlin	McCloskey	Shipley
Dellums	McClure	Spence
Derwinski	McKevitt	Springer
Diggs	Mann	Sullivan
Dowdy	Mathias, Calif.	Teague, Tex.
du Pont	Metcalfe	Ware
Eckhardt	Mills, Ark.	Whalley
Edwards, La.	Mizell	Whitten
Evans, Colo.	Patman	Wiggins
Evins, Tenn.	Pickle	Wilson, Bob
Galifianakis	Poage	Wright
Gubser	Powell	Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Bob Wilson.
Mr. Burleson of Texas with Mr. Kuykendall.
Mr. Blatnik with Mr. Rhodes.
Mr. Kluczynski with Mr. Harsha.
Mr. Hébert with Mr. Hunt.
Mr. Andrews of Alabama with Mr. Belcher.
Mrs. Sullivan with Mrs. Heckler of Massachusetts.
Mr. Landrum with Mr. Derwinski.
Mr. Evins of Tennessee with Mr. Mathias of California.
Mr. Galifianakis with Mr. Mizell.
Mr. Purcell with Mr. du Pont.
Mr. Pickle with Mr. McClure.
Mr. Reuss with Mr. Riegle.
Mr. Rostenkowski with Mr. Gubser.
Mr. Mills of Arkansas with Mr. McKevitt.
Mr. Wright with Mr. Powell.
Mr. Baring with Mr. McCloskey.
Mr. Shipley with Mr. Diggs.
Mr. Blatnik with Mr. Metcalfe.
Mr. Reuss with Mrs. Chisholm.
Mr. Howard with Mr. Collins of Illinois.
Mr. Roy with Mr. Dellums.
Mr. Mann with Mr. Spence.
Mr. Eckhardt with Mr. Whalley.
Mr. Dowdy with Mr. Springer.
Mr. Evans of Colorado with Mr. Ware.
Mr. Pucinski with Mr. Wiggins.
Mr. Patman with Mr. Zwach.
Mr. Sarbanes with Mr. Whitten.

Messrs. SMITH of Iowa, ARCHER, and BUCHANAN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISASTER RELIEF FOR CERTAIN MEDICAL CARE FACILITIES

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1237) to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical facilities which are damaged or destroyed by a major disaster, as amended.

The Clerk read as follows:

S. 1237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Disaster Relief Act of 1970 is amended by adding at the end thereof the following new section:

"PRIVATE MEDICAL CARE FACILITIES

"SEC. 255. (a) The President is authorized to make grants for the repair, reconstruction or replacement of any medical care facility which is owned by an organization exempt from taxation under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954 and is operated to carry out the exempt purposes of such organization, and which is damaged or destroyed by a major disaster. Such assistance shall be made available only on application, and subject to such rules and regulations as the President may prescribe.

"(b) A grant made under the provisions of subsection (a) shall not exceed—

"(1) 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with applicable codes, specifications, and standards; or

"(2) in the case of any such facility which was under construction when so damaged or destroyed, 50 per centum of the net cost of restoring such facility substantially to its condition prior to such disaster, and of completing construction not performed prior to such disaster to the extent that the cost of completing such construction is increased over the original construction cost due to changed conditions resulting from such disaster.

"(c) For purposes of this section, 'medical care facility' includes, without limitation, any hospital, diagnostic or treatment center, or rehabilitation facility as such terms are defined in section 645 of the Public Health Service Act, and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operating of such medical care facilities although not contiguous thereto."

SEC. 2. The amendment made by the first section of this Act shall take effect as of January 1, 1971.

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, the purpose of S. 1237 is to authorize Federal assistance for the repair or replacement of any nonprofit medical care facility damaged or destroyed by a major disaster after January 1, 1971. It would amend the Disaster Relief Act of 1970 by adding a new section 255 to make available to nonprofit health-care organizations the same kind of assistance for which publicly owned medical care facilities are now eligible under the 1970 act. It has the unanimous bipartisan support of the committee and was passed unanimously by the Senate on November 3, 1971. Only one technical amendment has been made by the committee to refer to the correct provision of the Public Health Service Act.

I support S. 1237 to amend the Disaster Relief Act of 1970. I personally viewed the earthquake damage along with other colleagues of the House, Mr. CORMAN and Mr. GOLDWATER, and members of the Public Works Committee, including our chairman, Mr. BLATNIK, Mr. KLUCZYNSKI, Mr. DORN, Mr. ANDERSON, Mr. HARSHA, Mr. DON H. CLAUSEN and Mr. MCDONALD of Michigan.

We made an aerial view of the disaster area as well as an on-the-ground inspection of some of the most severe disaster sites. We saw the damage to a dam, highways, public utilities, water, sewer, gas, and electric power. We saw damage to businesses, shopping centers, private homes, as well as to some of the hospitals.

In addition, we held hearings in Los Angeles on February 24 at which we heard testimony from some 45 witnesses to learn how effectively the new emergency disaster law was working.

In general we found it was fulfilling its purpose in providing an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities. We were impressed by the effectiveness and speed in which the coordinating effort between the Federal agencies through the Office of Emergency Preparedness and the State took place. Much of the cleanup had already been completed and some restoration was underway when we viewed the area 2 weeks after the disaster.

We did find, however, that although the act provided Federal assistance to State and local governments for damage to public facilities, including public hospital facilities, it had not contemplated the need for like assistance for medical facilities not publicly owned.

Several hospitals had been severely damaged, among which were private nonprofit facilities that provided medical services to large segments of the population.

For example, we visited Holy Cross Hospital in San Fernando operated by the Sisters of the Holy Cross that had been severely damaged. Another nonprofit hospital severely damaged was the Pacoima Memorial Lutheran Hospital.

We received testimony from the administrators of both of these facilities. Both hospitals were built partially with Hill-Burton grants about 10 years ago. These grants were based upon definitive proof of public need and necessity.

Damage to the Lutheran hospital reduced its operation from a 110-bed facility to 28 beds. It was estimated that approximately $6.5 million would be needed to restore all of its facilities.

Damage to Holy Cross Hospital, according to the best estimates of the engineers, indicated that it would not be economical to repair these facilities and that the cost of the repair would exceed the cost of replacement. Both hospitals had outstanding mortgages on the existing structures.

Obtaining funds to rebuild these facilities by public subscription was remote. The state of the economy in the area was poor. Damage to businesses and private homes gave little hope that the funds could be obtained from the general public. The testimony indicated that the problem of financing was so great that unless there was assistance from OEP or a related agency, there was no way that they could continue to serve the community.

We are all familiar with the problems facing health care facilities in this country. Disasters such as occurred in California only magnify these problems. Ninety-three percent of the private community hospitals of the Nation are nonprofit. These provide for approximately 547,000 beds, which result in an annual admission total of at least 20 million persons.

In many communities the only medical facility available to serve the area is a nonprofit facility. If such a facility is destroyed by a disaster the community is left without medical care.

Many of these nonprofit hospitals have been constructed at least in part with Federal funds through the Hill-Burton program. It is just as essential to help restore these facilities when they are damaged by a national disaster as it is to participate in their original construction.

I sincerely hope and urge my colleagues to act favorably on this bill.

Mr. JOHNSON of California. Mr. Speaker, at this time I yield to the gentleman from California (Mr. CORMAN) such time as he may require.

Mr. CORMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say to this House that you cannot fully appreciate the role of the Federal Government in a national disaster until you see what they can do.

The 1970 act with reference to public facilities was absolutely essential to the health of the disaster area following the earthquake of February 9, 1971. A substantial part of my district was without water and sewerage facilities and without fire protection. The Federal Government stepped in immediately however and within a matter of hours, emergency facilities were provided.

S. 1237 which we are considering today will take care of a problem which was overlooked when the Disaster Relief Act of 1970 was originally drafted and that is the problem of nonprofit medical facilities. We had four large hospitals totally destroyed and two of them cannot be rebuilt unless this measure is adopted.

The Holy Cross and Pacoima Memorial Lutheran Hospitals which are both in my congressional district suffered a combined loss of $19 million as a result of the February earthquake.

Holy Cross which had a 259 bed capacity was rendered inoperable as a result of the disaster and has been restricted in recent months to providing only outpatient and emergency services.

Pacoima Lutheran which had a 110 bed capacity prior to the quake has had to rely on makeshift facilities in order to restore itself to full capacity and has incurred serious indebtedness providing for these facilities.

Without Federal assistance these facilities, which were originally built with the aid of Federal Hill-Burton funds, will be left with no way to repair the destruction wrought by the earthquake and some one million citizens of the San Fernando Valley will be left with inadequate medical facilities.

Realizing the busy schedule under which they are working, I would like to thank the committee for acting to ensure consideration of this measure before our adjournment and for coming to my district to see first-hand the terrible problems which resulted from the earthquake.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. I thank the gentleman.

Mr. Speaker, I rise in support of S. 1237 and I would like to thank Chairman BLATNIK and the Public Works Committee members for their expeditious handling of this legislation.

The bill, S. 1237, introduced by Senator TUNNEY, was adopted by the Senate on November 3, 1971, and is similar to the bill, H.R. 6834, introduced by my friend and colleague, Mr. CORMAN, who has been most effective on behalf of this legislation.

As a cosponsor of H.R. 6834, I have worked with both Mr. CORMAN and Mr. GOLDWATER to bring the need for this bill to the attention of my colleagues on the Public Works Committee, and I commend both JIM and BARRY for working so diligently in pressing for the enactment of this bill which would provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which were damaged or destroyed by the February 9 earthquake in the San Fernando Valley and Los Angeles areas.

Mr. Speaker, the earthquake which struck on the morning of February 9, nearly completely destroyed the medical care facilities that were available to the residents of the San Fernando Valley. The Olive View Hospital, a $36 million Los Angeles County facility, was a total loss. As many as 15 private hospitals were damaged, two of which were major nonprofit facilities.

First, the nonprofit Holy Cross Hospital incurred an estimated $9 million damage. Although limited emergency and outpatient services have been continued in a relatively undamaged three-story wing, the main portion of the hospital has not been usable since the earthquake.

The second major nonprofit facility severely damaged by the earthquake was the Pacoima Memorial Lutheran Hospital which suffered such severe damage to its main structure that it had to be demolished and removed.

Mr. Speaker, shortly after the earthquake, I, along with several of my colleagues on the Public Works Committee, went to Los Angeles and directly investigated the situation. From that investigation, the legislation before us today was brought forth.

The bill, S. 1237, would allow the administration to make grants for the post-disaster repair, reconstruction, or replacement of the nonprofit medical care facilities that were damaged or destroyed by the February 9 earthquake. The bill before us today will bring the same Federal protection to the privately owned, nonprofit medical care facilities as is presently available to publicly owned facilities.

Mr. Speaker, I urge my colleagues to join me in supporting this necessary legislation.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to speak in behalf of S. 1237—a very vital bill—which would correct a serious omission in the existing Disaster Relief Act. In April of this year I introduced H.R. 7754, which is essentially identical to the legislation now before us. S. 1237 would include nonprofit medical care facilities as eligible recipients of Federal disaster assistance in the same way as publicly owned medical care facilities are now provided for. Surely there is no doubt in anyone's mind that this provision is both necessary and desirable. No one can disagree that a major medical facility is a most important part of any community, or that medical facilities take on even greater significance in times of disaster.

On February 24, this year, within 2 weeks of the devastating California earthquake, our committee held hearings in Los Angeles to review the damages, the administration of relief programs under the Disaster Act, and to give special attention to any need for new legislation in the field. As the ranking minority member of the Flood Control and Internal Development Subcommittee and as a representative of the State of California, I was intensely interested in the first full-scale test of the Disaster Act of 1970.

I particularly noted the destruction of the health care facilities in the San Fernando area—over a dozen hospitals dam-

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aged or destroyed. Forty-six lives were lost because of the collapse of the Veterans' Administration hospital at Sylmar. The new Los Angeles County Olive View Hospital was a total loss. These two hospitals are able to receive disaster assistance, but many other nonprofit hospitals, such as Holy Cross and Pacoima Memorial Lutheran, are not provided for under the act.

S. 1237 would provide for the restoration of nonprofit medical facilities. It was reported unanimously by the committee with one technical amendment to refer to the correct provision of law. It is not the intent of the committee that disaster relief assistance be granted to such facilities without regard to a consideration of the public benefit to be derived. I would like to comment on that intent which was developed during the committee's deliberations on this legislation, and point out that clarifying language concerning the administration of the program is included under committee views in the report accompanying the bill.

The term "any medical care facility," as it is used in this legislation, is somewhat broad and could, conceivably, include certain facilities which might not really benefit the public at large. It is the intent of the committee that an eligible nonprofit medical facility be one that was in active use and providing significant medical services to the general public prior to the disaster, or be an eligible medical-care facility under construction. Replacement would be made on the basis of need to insure the community's health care, and consistent with the comprehensive plans for the affected area.

There is one other point I would like to make in connection with the administrative procedures for this program. S. 1237 authorizes the President to make grants, however, it does not specify to whom the grants are to be made directly. I want to make it clear that it is the intent of the committee that this grant money is to be provided through State or local governments. This would be consistent with section 252 of the Disaster Relief Act of 1970 which provides the same type of Federal disaster assistance for public facilities damaged or destroyed by major disasters.

Mr. Speaker, having made these points clear for the record, I urge my colleagues to support S. 1237.

In order to make some legislative history on the question of precedent and guidelines, I will read from the committee report the following:

> The congressional intent in this legislation is that eligible nonprofit medical facilities should not replaced unless there is a need for them to insure the health care of the community and unless such facilities are consistent with the comprehensive plans for the affected area. Federal aid for such eligible, nonprofit medical facilities is to be provided through local or State governments in the same manner as for public facilities under section 252 of the Disaster Relief Act of 1970.
>
> The Congress recognized that, in extending Federal aid under this legislation to eligible nonprofit medical facilities, questions would arise as to the precedent established. The extension of like Federal disaster aid to other types of nonprofit facilities is not now contemplated.
>
> The committee intends that a "medical care facility," to be eligible for this Federal disaster aid, should have been in active use and providing significant medical services to the general public prior to the disaster, or be an eligible medical care facility under construction.

I further urge the Office of Emergency Preparedness in concert with other agencies to write regulations that are reasonable but would also protect against abuse of this new provision.

Mr. Speaker, I yield such time as he may require to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Speaker, on February 9, 1970, millions of Californians were shaken out of bed at 6 o'clock in the morning by one of the worst earthquakes that California has experienced, and by far in terms of dollars amounts the most expensive. The beholder after awakening could not really believe what he saw unless he was there. There was tremendous, widespread damage to private homes, hospitals, and public facilities. Congress in 1970 passed the Natural Disaster Act, which provided relief for States in which natural disasters are experienced. In California the February 9 earthquake brought a half billion dollars in damages of all types—$200 million of damage was done to public facilities such as schools, electricity, water, sewer and gas, and also public hospitals.

But no provision was made in the 1970 National Disaster Act to help private hospitals. This bill as an amendment to the National Disaster Act will remedy that situation. I ask the unanimous support of all Members for the amendment.

Mr. JONES of Alabama. Mr. Speaker, the bill before us. S. 1237, has great merit and is urgently needed to authorize necessary Federal assistance to nonprofit medical facilities which were damaged or destroyed in the Los Angeles area as a result of the California earthquake in February of this year.

The bill would amend the Disaster Relief Act of 1970, which was enacted into law December 31, 1970, by adding a new section to the act.

This section would authorize the President to make grants up to 100 percent of cost for the purpose of repairing or replacing any medical-care facility which is damaged or destroyed by a major disaster and which is operated on a nonprofit basis by an organization exempt from taxation under section 501 of the Internal Revenue Code of 1954.

The bill would also authorize Federal grants up to 50 percent of cost to restore to predisaster conditions nonprofit medical care facilities which were under construction when damaged by a major disaster. Payment of up to 50 percent of increased construction costs due to the disaster would also be authorized.

The bill is made effective retroactively to January 1, 1971, in order to make this assistance available to those facilities damaged or destroyed in the California earthquake.

This legislation has bipartisan support and was reported unanimously out of committee. With the exception of an amendment of a technical nature to correct a reference to the Public Health Service Act which would define the scope of medical care facilities eligible for assistance, this bill is identical to S. 1237 passed by the Senate by voice vote on November 3, 1971.

The need for this amendment to the Disaster Relief Act became apparent when the committee visited California shortly after the earthquake occurred to inspect the damage and to hold hearings.

The California experience was the first application of the Disaster Relief Act of 1970. In reviewing the problems encountered as a result of this disaster, it became apparent that the committee had overlooked the situation where facilities providing needed medical services for the general public were operated by nonprofit organizations rather than by State or local governments.

The existing legislation had contemplated the need for assistance to repair or reconstruct facilities belonging to State or local governments. Public hospitals damaged or destroyed in the disaster were eligible for Federal assistance under the existing legislation.

What we are doing in this bill is simply to make similar assistance available to the nonprofit institutions that equally serve the public and, in fact, are less able to obtain necessary funds to restore their facilities to predisaster conditions.

I request my colleagues to support this legislation so that the medical services needed in this stricken area may be restored without further delay and that the same assistance offered public hospitals will be available in future disasters to nonprofit hospitals serving the same public need.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill S. 1237, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RIVER BASIN MONETARY AUTHORIZATION ACT OF 1971

Mr. DORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2887), authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes, as amended.

The Clerk read as follows:

S. 2887

An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes as amended

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Act of Congress	Amount
Alabama-Coosa River	Mar. 2, 1945	$38,000,000
Arkansas River	June 28, 1938	57,000,000
Brazos River	Sept. 3, 1954	20,000,000
Central and southern Florida	June 30, 1948	18,000,000
Columbia River	June 28, 1938	130,000,000
Mississippi River and tributaries	May 15, 1928	97,000,000
Missouri River	June 28, 1938	101,000,000
North Branch, Susquehanna River	July 3, 1958	17,000,000
Ohio River	June 22, 1936	62,000,000
Ouachita River	May 17, 1950	1,000,000
San Joaquin River	Dec. 22, 1944	44,000,000
South Platte River	May 17, 1950	37,000,000
Upper Mississippi River	June 28, 1938	2,000,000
White River	do	4,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed $628,000,000.

SEC. 2. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to perform such work as may be required, including the construction of dikes, to prevent shoaling near the pumping plant intake of the Frazer-Wolf Point irrigation unit on the Fort Peck Indian Reservation, located on the north bank of the Missouri River about thirty miles downstream from the Fort Peck Dam, at an estimated cost of $335,000 subject to the provision that the Bureau of Indian Affairs, Department of the Interior, obtain all necessary lands, easements, and rights-of-way, and maintain the project after completion.

SEC. 3. (a) That in connection with the improvements authorized by section 6 of the Act approved October 3, 1962 (76 Stat. 704, 706), to be undertaken on the Crow Creek Sioux Reservation in South Dakota, the Secretary of the Army is authorized and directed to provide the following under plans approved by the Crow Creek Sioux Tribal Council, at an estimated cost of $800,000:

(1) in connection with the community center building which serves as the Crow Creek Tribal Council offices: offices or conference rooms for visiting Bureau of Indian Affairs personnel, auditorium facilities, sufficient offices and conference rooms for tribal offices, and an adequately sized and equipped kitchen to serve community gatherings;

(2) adequate water, sewer, and drainage facilities;

(3) a street lighting system throughout the townsite;

(4) widening of streets and provision of offstreet residential parking;

(5) sufficient parking near the community center for community gatherings;

(b) The Secretary of the Interior is hereby authorized and directed to reimburse the Crow Creek Sioux Tribe, from appropriations authorized by subsection (a) of this section, for all attorneys' fees and engineering fees, and expenses related thereto, as approved by the Secretary of the Interior, that the tribe has incurred or will incur in obtaining and implementing legislation to remedy difficulties arising from implementation of the Act of October 3, 1962 (76 Stat. 704), but such reimbursement shall not exceed a total of $22,500.

SEC. 4. Section 221 of the Flood Control Act of 1970 (84 Stat. 1624, 1631) is amended by striking the period at the end of subsection (f), substituting a comma therefor, and adding the following: "or to the assurances for future demands required by the Water Supply Act of 1958, as amended."

SEC. 5. The Secretary of the Army, acting through Chief of Engineers, is hereby authorized to cause a survey to be made for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects on Chiltipin Creek at and in the vicinity of Sinton, Texas.

SEC. 6. The project for flood protection on Fourmile Run, city of Alexandria and Arlington County, Virginia, approved by resolutions of the Committees on Public Works of the United States Senate and House of Representatives, dated June 25, 1970, and July 14, 1970, respectively, in accordance with the provisions of section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall replace the George Washington Memorial Parkway bridge over Fourmile Run, at Federal expense, substantially as recommended by the Chief of Engineers in his report dated March 2, 1970, published as House Document Numbered 91-358.

SEC. 7. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified to provide that local cooperation to be hereafter furnished in connection with the Obion River Diversion aspect of the Tiptonville to Obion River, Tennessee project, authorized by the Act approved June 22, 1936, and amended by the Act approved July 24, 1946, shall consist of the requirement that local interests agree to maintain the completed works in accordance with the provisions of section 3 of the Act of May 15, 1928, and hold and save the United States free from damages due to the construction works.

SEC. 8. Nothing in any prior Act of Congress, committee report, or congressional document, shall be construed as requiring the State of West Virginia, in connection with the construction of the Stonewall Jackson Lake, West Fork River, West Virginia, and the Rowlesburg Lake project, Cheat River, West Virginia, to furnish assurances that it will hold and save the United States free from any claims for damages from storage of water.

SEC. 9. The Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632) as amended by Public Law 91-282, is further amended by inserting immediately after the end of the Act the following:

"The Secretary of the Army is authorized to contract with the city of Arlington, Texas, for the use of water supply storage in the Benbrook Reservoir for municipal water supply for any storage not used by the city of Fort Worth or the Benbrook Water and Sewer Authority, for a period not to exceed four years or until such time as the water supply storage is needed for navigation purposes, whichever first occurs."

SEC. 10. (a) In order to protect the environment, promote safety, and provide access to the public use recreation area around Perry Reservoir, Kansas, the Secretary of the Army, acting through the Corps of Engineers, is authorized and directed, notwithstanding any other provision of law, to take such action as may be necessary to improve the following roads in the vicinity of the Perry Reservoir area, Kansas:

(1) The road leading north from United States Highway Numbered 24, at Perry, Kansas, to an intersection with a black top road east of the dam, consisting of approximately three miles;

(2) The road on the west side of Perry Reservoir beginning at the north end of Delaware State Park running north and west and intersecting State Highway K Numbered 92 approximately one and one half miles west of Ozawkie, Kansas, consisting of approximately six miles; and

(3) The road beginning on State Highway K Numbered 92, one mile east of Old Town Public Use Area, and running north approximately eight miles to intersect with State Highway K Numbered 4 and State Highway K Numbered 16 east of Valley Falls, consisting of approximately nine miles.

(b) In carrying out such improvements, the Secretary of the Army shall be authorized to realign and grade such roads, and to pave such roads with a plant-mix bituminous surface (including chemical stabilization), in accordance with secondary road standards of the State of Kansas.

SEC. 11. (a) In order to provide adjustments in the lands or interests in land heretofore acquired for the Berdigris River portion of the McClellan-Kerr River Navigation Project in Oklahoma to conform such acquisition to a lesser estate in lands now being acquired to complete the real estate requirements of the project the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to reconvey any such land heretofore acquired to the former owners thereof whenever he shall determine that such land is not required for public purposes, including public recreational use, and he shall have received an application for reconveyance as hereinafter provided, subject to the following limitations:

(1) No reconveyance shall be made if within thirty days after the last date that notice of the proposed reconveyance has been published by the Secretary in a local newspaper, an objection in writing is received by the former owner and the Secretary from a present record owner of land abutting a portion of the reservoir made available for reconveyance, unless within ninety days after receipt by the former owner and the Secretary of such notice of objection, the present record owner of land and the former owner involved indicate to the Secretary that agreement has been reached concerning the reconveyance.

(2) If no agreement is reached between the present record owner of land and the former owner within ninety days after notice of objection has been filed with the former owner and the Secretary, the land made available for reconveyance in accordance with this section shall be reported to the Administrator of General Services for disposal in accordance with the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377).

(b) Any such reconveyance of any such land or interests shall be made only after the Secretary (1) has given notice, in such manner (including publication) as regulations prescribe to the former owner of such land or interests, and (2) has received an application for the reconveyance of such land or interests from such former owner in such form as he shall by regulation prescribe. Such application shall be made within a period of ninety days following the date of issuance of such notice, but on good cause the Secretary may waive this requirement.

(c) Any reconveyance of land therein made under this section shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest, except

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that no mineral rights may be reserved in said lands unless the Secretary finds that such reservation is needed for the efficient operation of the reservoir project designated in this section.

(d) Any land reconveyed under this section shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements made thereon by the United States (the Government shall receive no payment as a result of any enhancement of values resulting from the construction of the reservoir project specified in subsection (a) of this section), or (2) any decrease in the value thereof resulting from (A) any reservation, exception, restrictions, and condition to which the reconveyance is made subject, and (B) any damage to the land caused by the United States. In addition, the cost of any surveys or boundary markings necessary as an incident of such reconveyance shall be borne by the grantee.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify that notice has been given to the former owner of such land or interest as provided in subsection (b) and that no qualified applicant has made timely application for the reconveyance of such land or interest.

(f) As used in this section the term "former owner" means the person from whom any land, or interests therein, was acquired by the United States, or if such person is deceased, his spouse, or if such spouse is deceased, his children or the heirs at law; and the term "present record owner of land" shall mean the person or persons in whose name such land shall, on the date of approval of this Act, be recorded on the deed records of the respective county in which such land is located.

(g) The Secretary of the Army may delegate any authority conferred upon him by this section to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(h) Any proceeds from reconveyances made under this Act shall be covered into the Treasury of the United States as miscellaneous receipts.

(i) This section shall terminate three years after the date of its enactment.

SEC. 12. The project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $40,031,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Appalachian Regional Commission and the President.

SEC. 13. (a) The Lower Monumental Lock and Dam Project, Snake River, Washington, authorized by the River and Harbor Act approved March 2, 1945 (59 Stat. 10), is hereby modified to provide that the United States shall perform, or pay the cost of performance of, such measures as the Secretary of the Army determines are or may have been necessary to protect any railway bridge or structure from damage caused by the project.

(b) The Secretary of the Army in making the determination required by subsection (a) of this section shall charge to the owner of any such bridge or structure an amount equal to the net value to such owner of any direct and special benefits accruing to the owner from any improvement or addition to or betterment of the bridge or structure, including any expectable decrease in repair, maintenance, or operating expense.

SEC. 14. This Act may be cited as the "River Basin Monetary Authorization Act of 1971".

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, I yield myself such time as I desire.

Mr. Speaker, I urge support of S. 2887 as an essential continuation for development of this Nation's water resources to benefit all the people.

S. 2887 provides increased authorizations for the prosecution of river basin plans for flood control and related purposes by the Secretary of the Army and the Chief of Engineers. This bill provides additional monetary authorizations for projects which have been authorized over the years with monetary limitations.

Monetary authorizations were first put into effect by the Flood Control Acts of 1936 and 1938. They limit authority to appropriate and expend funds within specified basins or specified major projects, to levels below the total costs of the authorized basin or project developments. In this way they give the Congress opportunity to review and control the rate of accomplishment of the basin plans and major projects to which they apply.

In these plans, the Congress has approved an entire plan for development of a river basin in the interest of flood control, navigation, power, and allied water uses, but limited the amounts of funds to anticipated appropriations for a specified period of years, allowing accomplishment of only part of the plan.

Subsequently, the Congress has augmented some of the previously approved plans, by authorizing additional projects, or modifications of projects, and increased the monetary authorization to provide for additional appropriations. When the monetary authorization limit of a plan is approached, legislation is required to provide additional authorization so that appropriations can be made to permit the plan to continue. If such legislation is not forthcoming when needed, construction of projects in the basin plan cannot proceed, even if funds have been appropriated for this purpose.

At the present time there are 29 basin development plans or projects which are subject to monetary authorization limitations. The authorization provided to date, including that provided last year in passage of Public Law 91-282, is, in most instances, adequate for work to be performed through the 1971 construction season, but it is not sufficient to cover the work to be performed during the 1972 and 1973 construction seasons.

Deficiencies in monetary authorization will exist in nine basins, totaling around $201 million through the end of calendar year 1972. Based on projection by the Corps of Engineers for calendar year 1973, the deficiencies for the 2 years would involve 14 basins and the total deficit would amount to approximately $628 million.

S. 2887 contains a table giving a list of the basins, the dates of original authorization, and the amount of increased authorizations needed for the work to be performed through calendar year 1973. The table contains 14 basins as listed in section 1 of the bill. The total amount of increased authorizations needed for work to be performed through calendar year 1973 is approximately $628 million.

A description of the basins and the status of the monetary authorizations involved in S. 2887, as well as the specific projects on which these increased authorizations are intended to be used, are shown in the report on S. 2887, House Report No. 92-691.

The details of the monetary needs for the Columbia River Basin as furnished the committee and included on page 6 of the committee's report had projected a potential funding need for planning on the Asotin project in Idaho and Washington. The committee has been subsequently informed by the Corps of Engineers that this projection is in error, and that the Corps has no plans for funding the Asotin project at this time.

Sections 2 through 13, in general, modify existing projects and general legislation and include authorization of one project. Section 2 authorizes construction of dikes on the Missouri River to protect pumping plant intake of the Frazier-Wolf Point irrigation unit. Section 3 would provide additional community facilities at the Crow Creek Sioux Tribe Indian Reservation in South Dakota. Section 4 excludes assurances for future water supply storage from general authority provided in section 221 of the Flood Control Act of 1970.

Section 5 provides for a flood control survey of Chiltipin Creek in the vicinity of Sinton, Tex. Section 6 provides for the replacement of the George Washington Memorial Parkway bridge over Four-Mile Run at Federal expense. Section 7 eliminates certain items of local cooperation for the diversion channel feature of the Tiptonville-Obion River levee project. Section 8 eliminates an item of local cooperation relating to furnishing water rights for the Stonewall Jackson and Rowlesburg Dam and Reservoir projects, West Virginia. Section 9 authorizes use of future navigation storage in Benbrook Reservoir for emergency water supply for Arlington, Tex., for a period not to exceed 4 years. Section 10 authorizes recreation area access road improvements in the vicinity of Perry Lake, Kans. Section 11 authorizes reconveyance to former owners of certain lands, or part interest in certain lands acquired in fee along the Verdigris River portion of the McClellan-Kerr Arkansas River navigation project. Section 12 authorizes Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, subject to approval by the Appalachian Regional Commission and the President. Section 13 modifies the Lower Monumental lock and dam project, Snake River, Wash., to provide for Federal performance or pay cost of protecting a bridge or structure from damage caused by the project.

Finally, section 14 would cite S. 2887 as the "River Basin Monetary Authorization Act of 1971."

Mr. Speaker, this legislation is urgently needed to carry out the highly important water resource development program of this Nation. It was unanimously reported out by the committee.

At this time I would like to express my appreciation for the leadership given by the gentleman from Minnesota (Mr. BLATNIK), and the gentleman from Alabama (Mr. JONES), and the splendid cooperation given by the ranking minority Members, the gentleman from Ohio (Mr. HARSHA), and the gentleman from California (Mr. DON H. CLAUSEN), and for the participation of Members on both sides.

Mr. Speaker, I yield to the distinguished ranking minority Member (Mr. DON H. CLAUSEN) such time as he may consume.

Mr. DON H. CLAUSEN. Mr. Speaker, I am in complete agreement with the gentleman from South Carolina, I also urge support of S. 2887. It provides an essential increase in the monetary authorizations for 14 comprehensive river basin plans which were previously approved by Congress. It also makes additional, necessary modifications to 12 other existing authorizations.

The added funds for the 14 previously approved basins total $628 million. These funds are to be used to continue work on the 14 basins during calendar years 1972 and 1973.

This $628 million authorization will allow completion of a part of the broad basin plans. The total estimated cost of the 14 projects in the plan is almost $13 billion. These projects have provided and will continue to provide needed flood control, navigation, and other waterway needs. These projects are an important national asset. The Congress can feel justifiably proud of the accomplishments to date and the expectations for the future.

The 12 modifications to existing projects in sections 2 through 13 are also needeed to carry out the regional and national water resource development program.

Mr. Speaker, the leadership of the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Alabama (Mr. JONES), and the gentleman from Ohio (Mr. HARSHA), as well as the fine participation and cooperation of the Members from both sides are most appreciated. This legislation has the unanimous support of the committee, and I urge the support of the House.

Mr. DORN. Mr. Speaker, I yield to the gentleman from Washington (Mr. MCCORMACK) such time as he may consume.

Mr. MCCORMACK. Mr. Speaker, I thank the gentleman for yielding.

I would like to have it made perfectly clear, whether there is any money to be used from this authorization for the Asotin Dam on the Snake River. Will the gentlemen respond to that?

Mr. DORN. I would be delighted. The details of the monetary needs for the Columbia River Basin, as furnished to the committee are included on page 6 of the committee's report for the projected potential funding needs, and there is listed the Asotin Dam in Washington. The committee has been subsequently informed by the Corps of Engineers that this project is in error, and that the corps has no plans for funding the Asotin project at this time.

Mr. MCCORMACK. What you are saying, then, is that, consistent with the announced intentions of the Corps of Engineers, this bill authorizes no funds for the Asotin Dam?

Mr. DORN. None whatsoever.

Mr. MCCORMACK. I thank the gentleman for clarifying this matter.

Mr. MCCLURE. Mr. Speaker, the proposed Asotin Dam on the Snake River is the subject of considerable controversy, and it is necessary that we have a very clear legislative record on this pending measure. I take this time for that purpose.

When authorizations for activities of the Corps of Engineers are given, the Congress lumps together all of the proposals within several areas. The committee, of course, goes into considerably more detail and requires that the Corps of Engineers justify its request by detailing its proposals for work to be done.

When their supporting statement revealed plans for work on the Asotin Dam, I immediately made inquiry, because they know of my oft-stated and unchanged position in opposition to any construction of this dam. While the dam was authorized many years ago by the Congress as a part of a comprehensive navigational and power development plan for the Lower Snake, I do not think it is now justified. I am, also, certain that it is strongly opposed by a great majority of the people in the area, as well as an overwhelming number of the citizens of the entire State of Idaho. It cannot be justified for power alone, the navigational need is a myth, and alternative uses of the river at this point are much more important. Recreational use by pleasure boaters is great and increasing. The only real commercial navigation on the river would be destroyed—not enhanced—by the dam. Esthetic values alone outweigh the values of the dam.

When I inquired, I was assured that the Corps of Engineers really does not plan to spend any of the money even though it was included in their request. I am told the committee received similar assurances. I am sure this does nothing to enhance their credibility in the eyes of an increasingly suspicious citizenry. It certainly does not increase my own confidence in their integrity or the honesty of their budget request. If the parliamentary situation were different today, I would seek to amend this measure to remove this item specifically and to reduce the authorization accordingly. Since that option is not open to me today, and I have no desire to hold up the entire measure, I ask only that the record be clear that the committee understands the situation as I have outlined it and that no money will be, in fact, spent on this dam—not even planning funds. I will, of course, ask that no money be appropriated for this purpose.

I have, in the past, received assurances from the Corps of Engineers that they have no plans for construction of a reregulating dam on the Clearwater River below Dworshak Dam. However, in view of their actions on the Asotin Dam, I must again state my adamant opposition to the Lenore Dam or any alternative to it. It is my understanding that absolutely no funds authorized in this measure will be used for the planning of any such dam; otherwise, I would be forced to oppose it today. I have been assured that this is true and want the record to reflect that fact.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of S. 2887, the River Basin Monetary Authorization Act of 1971, and especially support of section 6, which modifies the Four Mile Run flood control project in Alexandria and Arlington, Va., to provide for Federal construction of the bridge located south of the Washington National Airport on the George Washington Memorial Parkway.

May I take this opportunity to express my deep gratitude to my friends and colleagues on the Committee on Public Works for recognizing the inequity which would have been created had the city of Alexandria and the County of Arlington been required to bear the cost of replacement of a bridge located on Federal land, and my even deeper gratitude to them for consistently supporting since 1966 our somewhat uphill efforts to obtain the Federal help essential to avoiding the recurrent tragedies which have plagued the Four Mile Run area for more than a decade.

Back in 1963 we first attempted to obtain approval from the Corps of Engineers for a federally assisted program. I honestly believe it was with the best of intentions that the Corps of Engineers at first failed to take into account major factors in determining, after a flood which caused a little more than a million dollars in damage, that flooding was not likely to recur often. In 1963, high water extended from the mouth of Long Branch Run downstream to U.S. Highway 1, building a flood head at railroad culverts and blocking the Mount Vernon Avenue Bridge with sediment and flotsam. But prior to that deluge we had had only two major floods, in 1942 and in 1933 from a hurricane tide, with only minor flooding in between.

After the 1963 flood, Alexandria and Arlington enlarged the streambed, and since then they have devoted many hours to various attempts to improve the runoff. But some of these improvements have actually increased the potential of flood damage to one section of Arlandria while relieving it in other areas. So in spite of these efforts Four Mile Run flooded in 1965, 1966, and five times in 1969. Alexandria officials were called out four times in 1970 to alert citizens to danger of flooding, and so far this year there have been three flood watches, one flood warning, and one full assembly of troops and partial evacuation.

As I said before, I believe the Engineers overlooked a big factor in deter-

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mining the frequency of floods in a developed area like northern Virginia. They had to take a whole new look at the tremendous increase in runoff along streambeds in suburban areas created by the construction of the impervious covering in paved areas upstream due to tremendous development of housing and other facilities. I do not believe the frequency studies the corps made in earlier years are at all representative of the frequency we can expect in the future, not only under present conditions but also under conditions that are bound to worsen with increasing development and more rapid runoff into rain-swollen streams.

Mr. Speaker, I am proud to have supported and worked for another type of project in northern Virginia last year. One approved by the Committee on Agriculture, which will provide for carefully controlled development of a suburban watershed, Pohick Creek, to prevent it from becoming another Four Mile Run as our community continues to grow I hope that suburban communities across the Nation will use Pohick Creek as an example of a way in which potential disasters such as we have along Four Mile Run can be avoided.

But it is too late to do more than build a flood control project along Four Mile Run. The conditions existing there, including proliferating home and industry construction, a peculiar set of circumstance involving railroad culverts, and other obstacles actually placed by the Federal Government in the way of proper drainage, call for special action by the Corps of Engineers to help us solve the problem. I am proud to say our committee colleagues agree and have directed that they do help us.

At the time the Four Mile Run project was authorized by our committee colleagues under the provisions of section 201 of the 1965 Flood Control Act, they knew it was imperative that the project be authorized as quickly as possible in view of the disaster potential along Four Mile Run. The section 201 procedure was chosen because it required only committee action in order to get the project underway. Since section 201 limits committee authorization to projects having an estimated Federal cost of $10 million or less, it was necessary for them to approve the project with the assumption that replacement of the George Washington Memorial Parkway Bridge would be considered a local responsibility. On this basis the estimated Federal cost was $9,926,000 and the local cost $6,709,000. Had the bridge been considered a Federal responsibility, the Federal cost would have exceeded the monetary level under which the Committees on Public Works can authorize small water resource projects, and delays in this vital project would have resulted.

Again I thank my colleagues for now recommending that in equity we provide that the Federal Government shall bear the cost of replacing the federally owned and operated structure. They have recognized the urgency, the fear of those who live and work along the streambed of even greater disasters if we delay action, and as they have done consistently since 1966, they have acted in our behalf. Mr. Speaker, I urge the Members of this House to support the action of our committee colleagues. And for every resident of northern Virginia I say thank you.

Mr. EDMONDSON. Mr. Speaker, I support S. 2887 and urge its adoption.

This bill is essential to continued development of our major river basin projects, including the great Arkansas River project, which was opened to navigation to Catoosa early this year.

The measure represents an authorization for further investment in America's most important natural resource—water—and is in the best interest of the country.

I urge its overwhelming approval.

Mr. JONES of Alabama. Mr. Speaker, I support S. 2887 and urge its adoption. The basin authorization bill is needed to maintain this Nation's major water resources programs on schedule and assure that we have adequately provided for the safety and comforts of our future generations. The Congress has never failed to meet this responsibility and I am certain that it never will fail now or in the future.

S. 2887 is a comprehensive measure to authorize the Corps of Engineers to carry forward vital programs for the development and improvement of waterways and harbors as an essential element of the Nation's transportation system, for the protection of lives and property of our citizens against the ravages of floodwaters, for the protection of our valuable coastal resources from erosion, for the generation of low-cost hydroelectric power, for the development of water supplies of suitable quantity and quality to serve our Nation's cities and industries, for the conservation and enhancement of fish and wildlife resources, for providing increased opportunities for our citizenry to enjoy healthful outdoor recreation opportunities, and, in general, for inducing economic development as a means of enhancing the general welfare.

This legislation would continue and strengthen the civil works program of the Corps of Engineers; a program which had its beginning in 1824 when Congress first assigned responsibility to the Corps of Engineers for the development of our rivers and harbors for navigation. In 1936, the program was broadened to encompass a nationwide flood control program. From time to time, the various navigation and flood control acts have been amended to broaden their scope and provide needed related work and improvements. Today, therefore, the civil works program includes virtually all aspects of water and related land resources development. The need for comprehensive development of the Nation's river basins has long been established, dating back to the conservation crusade led by President Theodore Roosevelt, and has had the support of many commissions and other similar bodies in the ensuing years.

Planning efforts for water resources development must consider not only the mushrooming needs of an expanding population and economy for water resources development, but also the more intangible needs of preserving and enhancing the environment in which we live. The legislation we have before us today is an important step forward in that endeavor. I am convinced that the proposed legislation is essential to the continuing economic development of the United States.

The projects that would be continued by this legislation produce many important values in addition to the large monetary benefits that have been evaluated to justify Federal expenditures. The opportunities that the program provides for industrial development along navigable waterways, changes in land uses, relief of unemployment, saving of lives, improvement in health conditions, and the economic and social security of urban communities and farm areas, further enhance its value to the American people. I am convinced that continued and accelerated progress is necessary in the interest of the national economy and of the welfare and well-being of its people.

Mr. Speaker, I would like to take a moment to thank the gentleman from South Carolina (Mr. DORN) for his efforts in bringing this bill through the committee and to the floor. He is an outstanding member of the Committee on Public Works and of this body. I would also like to express my thanks to the gentleman from Ohio (Mr. HARSHA) and California (Mr. DON H. CLAUSEN) for their excellent cooperation.

Mr. BROTZMAN. Mr. Speaker, I am pleased that we can consider S. 2887 before the end of this session of Congress. The authorizations contained in the bill represent a major additional step in securing positive flood control for the Second Congressional District of Colorado and also for the city of Denver.

Under the authorizations contained in S. 2887, the following important matters can be expedited in 1973.

The major construction phase of the Mount Carbon flood control project on Bear Creek near Morrison can begin. The bill anticipates that $17.5 million will be utilized by the end of calendar year 1973. Of that total, $16.2 million is authorized by S. 2887.

The additional $18.9 million authorized for the Chatfield Dam and Reservoir will permit the closure of the dam at the confluence of Plum Creek and the South Platte River southwest of Littleton, Colo. The new authorization brings the total now authorized for the Chatfield project to $78.9 million, or only about $6 million short of the $85 million which the Army Corps of Engineers estimates to be the grand total project cost.

A new authorization of $1.3 million will facilitate major levee and channel improvements in the Boulder Creek flood control project at Boulder.

An additional $160,000 is authorized for the ongoing South Platte River levee and channel improvement project.

These figures, Mr. Speaker, do not represent exact expenditures which will take place by the end of calendar year 1973. The Corps of Engineers would be authorized to make some modifications in the $36.5 million which would be authorized for Colorado flood control projects by the passage of S. 2887. Also, it will still be necessary for Congress to make the appropriations which fund today's authorizations. However, the monetary authorizations are very important. They demonstrate the ongoing concern of Congress in ending, for all time, the ever-present threat to lives and property in Colorado which is posed by flash floods spilling onto the populous plains from mountain rivers and creeks.

I urge the passage of this bill, Mr. Speaker.

Mr. PICKLE. Mr. Speaker, S. 2887 could have both an immediate and long-range affect on projects throughout the Nation. Specifically, it would benefit two Corps of Engineer projects in my district which are very much in need of funding.

This bill extends the authorization for funding of the San Gabriel reservoirs, which after long years of waiting in the wings, is substantially underway now. We've experienced disastrous floods in the San Gabriel; floods which came one year, paused barely long enough for the farms and businessmen to regroup their heavy losses, and then they came back another year later like the tide. The weather clock is running in our area and we are only a heavy rain away from another disaster. This may sound ironic in light of our drought this year, but as sure as night follows day—floods follow droughts.

Therefore, this additional authorization is very much needed to keep our project on a steady course of progress.

This bill also recognizes the pressures on an existing project—Somerville Reservoir. This is an immensely popular facility—so popular, in fact, that the actual attendance far outdistanced the original visitor estimates. We had so many people coming to Somerville that our basic health systems were overrun.

While this bill does not put the money in the bank, it does give us hope that Somerville can receive funds for additional recreational facilities, which would include long-needed additions to our sanitation system.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina (Mr. DORN) that the House suspend the rules and pass the bill S. 2887, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill S. 2887.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MARINE MAMMAL PROTECTION ACT OF 1971

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, as amended.

The Clerk read as follows:

H.R. 10420

A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Mammal Protection Act of 1971".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of disappearance or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they contribute effectively to the health and stability of the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish beyond the point at which they can maintain that equilibrium at which they may be managed on an optimum sustained yield basis. Further, measures should be immediately taken to replenish any species or population stock which has already diminished beyond that point;

(3) there is inadequate knowledge of the population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken, as soon as possible, to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and management of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest possible extent commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, a secondary objective should be to obtain an optimum sustained yield.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the number of individuals within a species or population stock has declined to a significant degree over a period of years and, if that decline were to continue, would result in that species or population stock being threatened with extinction and therefore subject to the provisions of the Endangered Species Conservation Act of 1969.

(2) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(3) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the animal involved.

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, and Pinnipedia, and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(5) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(6) The term "optimum sustained yield" means the sustained yield that results in a population of an optimum number of animals, keeping in mind the health of the ecosystem of which they form a constituent element.

(7) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(8) The term "population stock" or "stock" means a group of interbreeding marine mammals of the same species or smaller taxa in a common spatial arrangement.

(9) The term "Secretary" means—

(A) the Secretary of Commerce as to all responsibility, authority, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, and duties under this Act with respect to all other marine mammals covered by the Act.

(10) The term "sustained yield" means a harvest equaling the net population growth of a species or stock at any selected population level.

(11) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(12) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(13) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908, 16 U.S.C. 1091–1094).

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

PROHIBITIONS

SEC. 101. (a) Except as provided in sections 103 and 107 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States except as expressly provided for by an international agreement to which the United States is a party and which was entered into before the effective date of this title;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with acts prohibited under paragraphs (1) and (2) of this subsection; and

(4) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or

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(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal.

(b) Except pursuant to a permit for scientific research issued under section 103(c), it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted or endangered species or stock; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this title; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection; or

(B) the sale in commerce of such product in the country of origin of the product is illegal.

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner determined by the Secretary to be injurious to marine mammals, whether or not any such mammals were in fact taken incident to the catching of the fish.

(d) Subsections (b) and (c) of this section shall not apply—

(1) with respect to any article imported into the United States before the effective date of this title;

(2) in the case of articles to which subsection (b)(3) of this section applies, to articles imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(3) in the case of article to which subsection (c)(1)(B) or (c)(2)B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such articles unlawful.

LIMITATIONS ON TAKING OF MARINE MAMMALS

SEC. 102. (a) The Secretary, on the basis of scientific evidence demonstrating the need for limitations, shall prescribe such limitations with respect to the taking of animals from each species of marine mammal (including limitations on the taking of individuals within population stocks) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species or population stocks and will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such limitations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken, including but not limited to the effect of such limitations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine escosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The limitations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken in any calendar year pursuant to permits issued under section 103.

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken; and

(4) the manner and locations in which animals may be taken.

(d) Limitations prescribed to carry out this section must be made on the record after opportunity for agency hearing, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe limitations under this section—

(1) a statement of the existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed limitations on such species or population stock;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such limitations; and

(4) any studies or recommendations made by, or for, the Secretary or the Marine Mammal Commission which relate to the establishment of such limitations.

(e) Any limitation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems necessary to carry out the purposes of this Act.

PERMITS

SEC. 103. (a) The Secretary may issue permits which authorize the taking of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable limitation established by the Secretary under section 102, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transfer a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Any permit issued by the Secretary which authorizes the taking of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking. Any person authorized to take a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d)(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views or arguments with respect to the taking proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable limitations established under section 102.

(4) Upon written request of any interested party, if such request is filed within thirty days after the date of publication of notice pursuant to paragraph (2), the Secretary may grant a hearing of record with respect to the application. If granted, such hearing shall be conducted on an expeditious basis.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, views, and arguments may be submitted pursuant to paragraph (2), the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant or party opposed to the permit may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section, or his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the plaintiff resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e)(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable limitation prescribed under section 102, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) Any modification, suspension, or revocation of a permit under this subsection shall take effect at the time notice thereof is given to the permittee. The permittee shall then be granted opportunity for expeditious hearing by the Secretary with respect to such modification, suspension, or revocation. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5).

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized taking;

(2) the period of any transit of such person or agent which is incident to such taking; and

(3) any other time while any marine mammal taken under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) No permit shall be issued pursuant to this section for the taking of any marine mammal during the sixty-day period commencing on the effective date of the initial limitations prescribed pursuant to section 102 with respect to the species or population stock concerned.

(h) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(i) Consistent with the limitations prescribed pursuant to section 102 and to the requirements of this section, the Secretary may issue general permits for the taking of marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

SEC. 104. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000, or imprisoned not more than one year, or both. The Secretary of the Treasury shall pay to any person who furnishes information which leads to a conviction for violation of this subsection an amount equal to one-half of the fine incurred, but not to exceed $2,500 for each violation.

VESSEL FORFEITURE

SEC. 105. Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title. For the purposes of this section, the term "vessel" includes its tackle, apparel, furniture, appurtenances, cargo, and stores.

ENFORCEMENT

SEC. 106. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel or conveyance and to arrest such person;

(3) seize any vessel or other conveyance subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

(e)(1) Whenever any marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 104 (a) or (b). All marine mammals or marine mammal products so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 104 (a) or (b), in lieu of holding any marine mammal or marine mammal product, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3)(A) Upon the assessment of a penalty pursuant to section 104(a), all marine mammals and marine mammal products seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 104(b), all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, in the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product so seized—

(A) a civil penalty is assessed under section 104(a) and no judicial action is commenced to obtain the forfeiture of such mammal or product within 30 days after such assessment, such marine mammal or marine mammal product shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 104(b), such marine mammal or marine mammal product shall immediately be returned to the owner or consignee if the Secretary does not, within 30 days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 104(a).

EXCEPTIONS FOR CERTAIN NATIVES

SEC. 107. (a) The provisions of this title shall not apply with respect to the taking of any marine mammal (other than a marine mammal classified as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes and in accordance with traditional customs,

(2) is not accomplished in a wasteful manner, and

(3) is not done for purposes of direct or indirect commercial sale.

(b) Notwithstanding the provisions of this section, when the Secretary determines it to be in the interests of any species or stock of marine mammal, he may prescribe limitations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in subsection (a) of this section. Such limitations may be established with reference to species or stocks, geographical description of area included, season for taking, or any other basis related to the reason for establishing such limitations and consistent with the purposes of this Act. Such limitations shall be removed as soon as the need for their imposition has disappeared.

INTERNATIONAL PROGRAM

SEC. 108. The Secretary, through the Secretary of State, shall—

(1) encourage the entering into of bilateral or multilateral agreements with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(2) encourage the amendment of any existing international treaty for the protection of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this title;

(3) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, and included in the business of that meeting shall be (A) the signing of a binding international convention for the protection and management of marine mammals, and (B) the implementation of paragraph (2) of this section; and

(4) provide to the Congress by not later than one year after the date of the enactment of this Act a full report on the results of his efforts under this section.

FEDERAL PREEMPTION; COOPERATION WITH STATES

SEC. 109. (a) Except as provided in subsection (b), no State may adopt any law or regulation relating to the taking of marine mammals or attempt to enforce any State law or regulation relating to such taking.

(b) The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the protection and management of marine mammals; except that any such arrangements must be consistent with the purposes and policies of this title.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the

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protection and management of marine mammals.

(b) The Secretary is authorized to make grants or provide other financial assistance to any State agency to enable such agency to develop and implement a State program for the protection and management of marine mammals which is consistent with the purposes and policies of this title.

(c) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States.

There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $1,000,000, one-half of such sums to be available to each Secretary.

REGULATIONS AND ADMINISTRATION

SEC. 111. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest and in a manner consistent with the purposes and policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 112. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty or convention which may otherwise apply to the taking of marine mammals.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska waters", approved June 16, 1934 (16 U.S.C. 659), is repealed.

AUTHORIZATIONS

SEC. 113. (a) There are authorized to be appropriated the sum of $1,500,000 for each of the five fiscal years following the date of enactment of this Act to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated the sum of $700,000 for the first fiscal year following the date of enactment of this Act and the sum of $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b)(1) The Commission shall be composed of three members who shall be appointed by the President, The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, of individuals knowledgeable in the fields of marine ecology and resource management and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their management, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications made pursuant to section 103 of this Act for permits for scientific research;

(3) undertake or cause to be undertaken such studies as it deems necessary or desirable in connection with the protection and management of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and management of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the conservation and management of marine mammals, and suggest appropriate international arrangements for the conservation and management of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be rereferred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman with the advice of the Director of the National Science Foundation, the Chairman of the National Academy of Sciences, and the Secretary of the Smithsonian Institution.

(b) Members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications made pursuant to section 103 of this Act for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202, together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000. Not less than three-fourths of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 202(a) (2) and (3).

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

Mr. PRYOR of Arkansas. Mr. Speaker, is the gentleman from Washington opposed to the bill?

The SPEAKER. Is the gentleman from Washington opposed to the bill?

Mr. PELLY. Mr. Speaker, I voted to report the bill to the floor of the House.

The SPEAKER. Is the gentleman from Arkansas opposed to the bill?

Mr. PRYOR of Arkansas. Yes, Mr. Speaker, and I demand a second.

The SPEAKER. The gentleman from Arkansas qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

I strongly support the bill H.R. 10420. It is the best and most responsible legislation that our committee could develop for the protection of marine mammals after extended hearings and executive sessions. It represents what the committee believes to be a workable compromise among the various interests concerned with marine mammals, and yet preserves an essential scheme whereby these animals will be protected from exploitation for man. In essence, the bill requires that marine mammals be managed in the future for their benefit.

It has been said that a working definition of a good compromise is one that leaves all parties equally unhappy. I am aware that there are representatives of animal protection groups that object to this bill, and I am also aware that there are representatives of organizations which make use of marine mammals who are also unhappy with the bill in its present form. I would say to them, as the committee has said, that this bill provides that level of protection and responsibility which is most in line, not with the interests of these groups, but with the interests of the animals themselves.

As reported by the committee, H.R. 10420 gives to the Secretaries of Commerce and the Interior responsibility and instructions to develop programs to determine to what extent marine mammals should be permitted to be taken, and then to issue permits to authorize that taking. With the single exception of Eskimos and Alaskan Natives, no U.S. citizen will be permitted to capture, harass, or kill a marine mammal without that permission.

The bill assures to the public the right and the opportunity to participate in the permit granting process, in order to make certain that the discretion which this bill provides to the executive branch will not be abused. Representatives of some animal welfare groups have protested the basic conceptions underlying this proposal, saying in effect that they do not trust the Secretaries of Commerce and Interior to handle this program responsibly, and therefore the only way to deal with marine mammals is to impose a flat, absolute ban across the board—with one very important exception—on all taking of marine mammals.

The exception which they are forced to recognize is that of the Alaska fur seal, thousands of which are taken each fall in the Pribilof Islands, off the coast of Alaska in the Bering Sea. It happens that the management of the fur seals is one of the most impressive examples of the benefits of responsible management in history. This species of animals was almost extinguished by uncontrolled hunting early in the 20th century. I think that it is fair to say that if the countries involved had not developed a treaty to restrict the taking of these animals, there would be none today. But a treaty was developed, providing for the management of the fur seals and their survival today is a direct result. A result, if I may say, of management on the basis of solid information.

I am not saying that the management of this animal population has been without problems, and occasional errors on the part of the managers. Our hearings on this legislation went into considerable detail on this point. I am saying that the answers to this and similar problems lie not in discarding the management of resources, but rather in improving our management techniques, and of making them more responsive to the needs of the animals themselves and to the ecological understanding which we are slowly developing.

The criticism of the protectionists, if I may call them that, turns on the discretion which the Congress vests in the Secretaries. Their criticism can be met quite easily, I think. If we assume, as we must, that these groups are sincere in their declarations of concern for the marine mammals, we provide to them every opportunity to review the discretionary acts of the Secretaries, and to see that they measure up to the very strict standards of the bill. Before issuing any permit for the taking of a marine mammal, the Secretary must first have it proven to his satisfaction that any taking is consistent with the purposes and policies of the act—that is to say, that taking will not be to the disadvantage of the animals concerned. If he cannot make that finding, he cannot issue a permit. It is that simple.

Further, he must announce to the public what actions he proposes to take, and must detail the evidence upon which he proposes to act. He must hold public hearings on his proposed actions; he must publish recommendations of agencies which may be critical of his actions—in all of these he has no discretion whatever.

Once he establishes these limitations, he must thereupon go through another public review process in order to grant permits for the taking of marine mammals. At this point, public hearings are discretionary, although the committee is strongly of the opinion that this discretion should continue to be exercised in the direction of full disclosure and open hearings in controversial cases. If the interested public is of the opinion that his discretion has been abused at any point in the process, it is given the right and opportunity to appeal under the Administrative Procedures Act.

Still further safeguards are built into title II of the bill, which authorizes the establishment of an independent Marine Mammal Commission, charged with responsibility for reviewing the entire program, and for considering and recommending ways in which that program may be improved. The commission is given further powers, which I have never seen in any other legislation enacted by Congress: Recommendations which it makes to Federal agencies must be considered carefully by them, and recommendations which are not followed must be returned to the commission with a detailed explanation of the reasons that they were not followed.

The bill goes even further, and requires the creation of an independent scientific review panel, to which the commission may, and indeed must refer for advice on scientific questions relating to the mammals in question. This committee is given similar powers to make recommendations, in the form of formal recommendations from the committee or in the form of recommendations from any member.

I simply do not believe that any administrator, forced to operate in that

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kind of goldfish bowl, can abuse the discretion that the committee has given him. The concern expressed by the protectionists just does not take account of these extensive safeguards.

It is an important element of the package which we have brought to the House today that the burden of proof in every case rests upon those who propose to capture or take a marine mammal. In order to obtain a permit, they must show that the proposed taking is consistent with the act and is not to the disadvantage of the animals concerned. If they cannot show this, they get no permit.

Efforts were made during the course of the committee's consideration of this measure to have the bill include a limited moratorium upon the taking of all marine mammals. While I can say that we are not unsympathetic with the concern embodied in this proposal, it was nonetheless the judgment of the committee that it was basically inconsistent with the mechanisms which this bill would create to develop a scheme of controls, or lack of controls, unrelated to the needs of the animals themselves. It may be that some animals are well enough studied today to begin a permit program before a moratorium period has run—it is clearly the case that with respect to many animals and population stocks, a 2-year period will not be sufficient to develop the kind of information upon which an effective permit program may be based.

As a practical matter, the legislation before the House today will provide a de facto moratorium for many years with respect to many of the animals which the bill covers. This conclusion follows the provisions of the bill requiring adequate information before a permit can be issued, and the essential lack of hard data on almost every one of the animals covered by the bill. Further, as to those animals such as the polar bear and the great whales, all of which are in a depleted or endangered state, the bill will provide a total moratorium on taking for commercial purposes for a considerable period of time—certainly far longer than would be provided by a 2-year moratorium as proposed by some.

Certainly the protectionists cannot say that they were not given an opportunity to present their case. Of 4 days devoted to hearings on this legislation, one was given almost entirely to advocates of the simpler, absolute proposal represented by H.R. 6558 and similar bills—the legislation that they clearly prefer. That day of hearings was distinguished by its lack of solid scientific evidence and factual testimony supporting any sort of absolute ban.

The protectionists could, or at least did, not succeed in successfully attacking the premise upon which H.R. 10420 is based: that under some circumstances it is actually to the advantage of the animal species and stocks to permit some culling of excess members. Animals can suffer from overpopulation, just as they can from overtaking. We can and we do respond to the problem of overtaking through the extensive techniques which I have described above—we also give the managers the tools with which they may deal with the problems confronted by animal stocks which suffer their own population explosions, and which exceed the carrying capacity of their environment. The committee was told by several witnesses of the problems confronting the seals on the British Farne Islands, which are in the process of destroying their environment. I find the idea of a baby seal dying of disease or starvation even more distressing than that of an adult member killed quickly and painlessly. If killing there must be, it should be as humane as possible—the bill before the House permits this to take place, and the bill of the protectionists does not.

I do not claim that man's hands have been spotlessly clean in the past with respect to marine mammals—they have not. Polar bears have been killed by methods which few would accept as sporting, manatees have been poisoned or run down by motorboats, walrus herds have been decimated, and we have played a part in the destruction of herds of the largest animals ever to have lived on the earth—the whales. All of these activities will be affected by this bill, to the extent that they are engaged in by U.S. citizens, or in U.S. waters.

Opponents of any legislation claim that it is essentially meaningless to attempt to deal with these problems on less than a global basis; and it is undeniable that many of these animals are found in areas not within the jurisdiction of the United States, and are hence open to taking by nationals of other countries. It is certainly our hope that the enactment of strong legislation by this country will serve as a strong example to other countries—just as it is our hope that the ocean dumping legislation, which earlier was acted upon by this body, will serve as such an example. More basically, however, it seems to the committee that a start must be made on the question, and that this, at least, is one thing that we can do. And, I might add, should do.

The committee did not rest here. We included strong language in the report to require the Secretaries to cooperate with the Secretary of State to develop more effective and broader treaties for the protection of marine mammals on a worldwide basis. We also incorporated specific dates by which action had to be taken. I think that I can safely assure this body that we will be watching the development of these activities with great interest.

I would not wish to leave the House with the impression that this bill is opposed by the environmental and conservation community. It is true that there are groups which oppose enactment of this bill today; it is also true that few of these have acquired any recognition as responsible and informed experts in these areas.

The bill is supported, on the other hand, by many recognized conservation organizations. A partial listing of those organizations would include the Rachel Carson Trust for the Living Environment, the National Audubon Society, the Wilderness Society, the Wildlife Society, the Society for Animal Protective Legislation, the Izaak Walton League, and the Wildlife Management Institute.

I have here a letter in support of the bill signed by Mrs. Christine Stevens, Secretary of the Society for Animal Protective Legislation. Mrs. Stevens, who is well known to many of us as a prime mover in the adoption of the Animal Welfare Act, says:

> The bill represents an important advance in controlling the capture and killing of these remarkable animals.

I ask that the letter in its entirety be included in the RECORD.

Contrary to what the opponents of this legislation may say, it is not true that the principal support for this legislation comes from the exploiters. Instead, it comes from those who have a sincere and long-term interest in the welfare of the animals involved. I think I am safe in assuring this body that without this kind of support it would never have been possible to have developed the strong bill which is here before you today.

I am aware that this bill has been criticized as being a weak bill. In all candor, I must say that those who have criticized it in this way have not fully grasped the nature of the protection which we have provided. While it is not a simple bill, it is a strong bill, related not to an emotional attitude that cannot accept the thought of an animal suffering, but rather to a positive attitude that man must change his relationship to animals, and must take positive steps to see that they do not suffer unreasonably at his hands.

It is not at all a weak bill. It is indeed a strong bill, providing extensive and ample protection for marine mammals. I recommend its approval.

Mr. Speaker, this bill was reported unanimously from the Committee on Merchant Marine and Fisheries recently. The bill was reported after extensive hearings, at which many hundreds of pages of testimony were taken.

The bill represents the careful judgment of the Committee on Merchant Marine and Fisheries, which has worked very hard on this measure as being the best solution to the difficult problem of providing an adequate level of protection for our marine mammals.

I would commend to my colleagues the language of the report of the committee at pages 18 and 19 in order that all of our colleagues may have a clear understanding of precisely what the bill does.

Before a marine mammal may be taken the Secretary must establish general limitations on the taking and must issue a permit which would allow the taking.

It requires that a strong regulatory responsibility will be exercised after appropriate hearings and provide that no marine mammal may be taken except pursuant to a permit. The public is invited and encouraged to participate fully in these proceedings.

The bill permits and requires the development of an extensive agency management program and sets up the basis on which there will be Federal-State cooperative programs for the management of these species.

The bill creates an independent Marine Mammal Commission to be aided by a scientific advisory body charged with the responsibility for reviewing existing national and international programs.

The bill requires the Secretary of State and the State Department to initiate, prior to a fixed date, a series of international negotiations to protect not only the species of marine mammals, but also to protect their habitat, which is the most important part of the problem. The bill sees to it that the habitat of these species are preserved and protected.

The bill goes still further. It establishes reasonable controls over native taking and it sees to it that the taking by natives is not conducted in an irresponsible, wasteful fashion.

The bill does something else. The bill requires that the taking of these species be done in a humane fashion.

I should like to read again to my colleagues, the great conservation organizations which support the bill now before us:

The Rachel Carson Trust for the Living Environment.
The National Audubon Society.
The Wilderness Society.
The Wildlife Society.
The Wildlife Management Institute.
The Sports Fishing Institute.
The Society for Animal Protective Legislation.
The Izaak Walton League.
The National Wildlife Federation.
The Humane Society of the United States.
The Citizens' Committee on Natural Resources.

Mr. Speaker, the bill was reported unanimously from the Committee on Merchant Marine and Fisheries and unanimously from the Subcommittee on Fisheries and Wildlife Conservation, which handled the bill.

I should like to pay tribute to the members of the committee, particularly my dear friend the ranking minority member, Mr. PELLY, for his invaluable help, and also to the author of the bill, Mr. ANDERSON of California.

I should like to point out that the gentleman from Arkansas (Mr. PRYOR), our good friend and colleague, was also a sponsor of similar legislation which was considered carefully by the committee but which, although found to be very desirable, in many of its particulars did not measure up to the needs of protection of these species as found necessary by the committee.

Mr. Speaker, the bill is an excellent one. It should be passed at this time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Iowa, my good friend, to answer a question.

Mr. GROSS. Why did you have to establish another new commission in Government?

Mr. DINGELL. I am glad the gentleman raises that question. The reason is we do not trust the Interior Department and the Commerce Department to do the complete job of administering this program as should be done. We have therefore set up a panel of experts who are supposed to advise them and superintend research.

I would point out to my good friend he will find this is novel, in that we have required three-fourths of the very limited $1 million budget be expended entirely on research and not on the development of bureacracy. We are as apprehensive as my good friend from Iowa about creating bureacracy.

Mr. GROSS. If you were apprehensive, why establish it? I cannot understand, with all the bureacrats we now have, why you should institute a brandnew commission.

Mr. DINGELL. For one thing, the administration happens to like the idea; but so did we. To accomplish our goals we felt a commission with an appropriate scientific advisory body was important.

We also set this up so that the whole thing will be handled in a goldfish bowl, with maximum public information and participation.

Mr. PRYOR of Arkansas. Mr. Speaker, I yield myself such time as I may consume.

My objection to H.R. 10240 is not only one of procedure but also one of substance.

Traditionally, Mr. Speaker, the suspension calendar has been used as a vehicle to consider noncontroversial legislation. Today we find a very comprehensive and, I must say, extremely controversial piece of legislation that we are being asked to vote up or down without the right to offer an amendment and with only 40 minutes of debate and after only a few hours of study of the committee report and of the legislation itself that the full committee reported out on last Thursday.

Mr. Speaker, first of all, I want to say that the committee and its chairmen have labored very long and very diligently on this legislation to protect our ocean mammals. As to the motives of the chairmen, Mr. DINGELL, and Mr. GARMATZ and the intent of the committee itself—there is no reason to question whatsoever what they had in mind and had to do. Their motives were extremely high and well founded. However, it is my feeling, in the final hours of this session and in an attempt to draft some legislation, that the end result of this committee bill would not have gone and will not go far enough.

Today our basic question must be what is to be gained by considering this particular piece of legislation under these circumstances. Secondly, what damage would accrue should we wait until January when we have adequate time to allow this House of Representatives to work its will on this very comprehensive piece of legislation?

As for the substance of the legislation, Mr. Speaker, I would like to point out a very few areas of H.R. 10240 which I feel could be and should be strengthened.

One, the committee bill which we are considering tonight transfers what should be congressional responsibility into the bureaucracy, for example, and more specifically into the Department of Commerce and the Department of the Interior.

Two, it establishes, yes, another commission downtown to study how and when ocean mammals need to be slaughtered. Mr. Speaker, we do not need another study to know that our ocean mammals are so decimated now and so depleted that many are in danger of complete extinction and have been depleted at a very, very rapid rate in the last 10 years.

For example, with regard to seals, there are arguments made that these seals are killed to prevent overcrowding. I think this argument is nonsense. The press releases from the Canadian Department of Fisheries and Forestry which announced the opening of the hunt last month admitted that there had been an overkill in the North Atlantic in recent years. The herd arriving off Labrador was seriously depleted, they said. They were indicating the size of the herd has been reduced in the last 20 years from 5 million to 1.5 million, a depletion of over 80 percent.

Mr. DINGELL. Will the gentleman yield?

Mr. PRYOR of Arkansas. I will be happy to yield in just a moment, I will say.

As to the treaties which must be a very central and crucial issue, Mr. Speaker, in this debate, H.R. 10240 is much too weak as the initiatives for new treaties to protect ocean mammals are not mandated under this legislation.

Mr. Speaker, I could list other objections to the substance of this legislation, but basically I am saying that this legislation falls far too short of what we must do and what we know we must do.

As a people, I think we are doing some very serious soul-searching.

Mr. Speaker, this legislation may well be a reflection of the American conscience. I am hopeful it will be a reflection of this body's conscience and that it will be a conscience dedicated to the preservation and protection of all of our mammals everywhere.

Hopefully, our action will not represent this great body having gone on record as compromising on this question as a result of the severe time limitation, in the final hours of this legislative situation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. Yes, I yield to the gentleman from Michigan.

Mr. DINGELL. I think in fairness it requires me to go into these questions of the gentleman who has read the bill and the report with reference to the question of the taking of the immature white young seals to which he alludes——

Mr. PRYOR of Arkansas. I think the legislation refers to any seal under 8 months of age which would be protected, is this correct?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, first of all, I would bring to the attention of my good friend from Arkansas the fact that the seal killing that is being referred to is done by the Canadians. The bill now pending before us would prevent the taking by American citizens of the animals or parts of the same either for processing and selling to which the gentleman alludes. So the question of the type of taking of seals to which the gentleman has alluded is absolutely and irretrievably prevented by this legislation by American citizens.

XUM

Mr. PRYOR of Arkansas. I would say that I have not seen any of the films of the methods by which the taking of the baby seals is done, but I would say I would doubt very seriously that those people who are involved in the seal killing are not going to inquire as to whether that seal is 2 months old, 8 months old, 1 year old, or 2 years old.

Mr. DINGELL. Mr. Speaker, If the gentleman will yield further, we cannot control what the Canadians do, but those animals which they take unlawfully cannot be imported into the United States.

I think more reference should be made to the fact that the bill requires that wherever a species or immature mammal is taken, that it must be taken in a humane manner, and if it is very young and is not taken in this manner it cannot be killed. It cannot be imported; it cannot be processed and it cannot be sold within the United States.

Indeed, the Secretary cannot issue a permit until he defines the fashion in which the species is going to be taken insofar as arriving at a determination and definition of what is humane taking.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I would be glad to yield to my friend from Iowa.

Mr. GROSS. I think the bill has some merit, but it seems to me the committee went off the deep end. It not only calls for a brand new Commission in Government, the members of which would be paid at the rate of $138.48 a day, plus all expenses, but it also creates an advisory committee, the nine members of which would be paid at the rate of $138.48 per day, plus expenses.

Mr. DINGELL. I would be glad to address myself to that question.

Mr. GROSS. Also, there is created an Executive Director of the Commission at a grade level of GS–18, the highest pay in the classified service.

Moreover, I think the committee has walked right into the jurisdiction of the House Committee on Post Office and Civil Service, the committee that allocates supergrades.

I do not know why the committee would go into all of this business of another commission in Government and another advisory committee in Government.

Mr. PRYOR of Arkansas. I would say to the gentleman from Iowa that sometimes we do simple things in very complicated ways.

Mr. GROSS. And expensive ways I would say.

Mr. PRYOR of Arkansas. And expensive ways.

Mr. KYROS. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from Maine.

Mr. KYROS. I would like to say as a member of the subcommittee that I would first like to commend the subcommittee chairman, the gentleman from Michigan (Mr. DINGELL) whom I think has a feel for marine mammals and all animals in general. I think he has a comprehensive scheme here for taking care of them, but the fact remains that in the preamble of this very bill it says that we simply do not know enough about marine mammals.

We do not know what their value is to us, what their intelligence is to us, or whether they are becoming extinct. I see no reason for anyone to kill harmless seals and sea otters, or to kill walruses. It would seem to me, particularly in this bill, that if the chairman could assure us that we could obtain a public hearing each time a permit was issued, then, in that event it would seem to me that much of the complaints about this legislation to protect the marine mammals could really be an effectively fashioned piece of legislation.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, there is a clear requirement that before any regulations are issued that there will be full public hearings pursuant to the Administrative Procedures Act. There is no requirement that there be a public hearing held for every single permit being taken out, and I do not think that the gentleman from Maine would wish to insist upon a big public hearing in this way on every single permit that is issued, unless the gentleman wants to bring the effect of the legislation to a halt.

Mr. KYROS. Mr. Speaker, I agree with the gentleman in that respect. However, if someone were going to begin to start taking a certain class of sea otters, perhaps we ought to have the right that there should be a public hearing.

Mr. DINGELL. If the gentleman will yield further, we have taken care of the otter problem by requiring that before otters be taken that steps be made to transport them fully throughout their range, so we have covered that situation.

Mr. KYROS. What about walruses?

Mr. DINGELL. If the gentleman will yield still further, as to walruses there is very little actual taking of walruses by American citizens, except the natives, and we are allowing them to continue, but we have tried to control it as carefully as we can by requiring that they be taken humanely, and that the only ones who can take them without a permit are the natives, who have traditionally been taking them, and by humane means.

Mr. KYROS. What about the polar bears?

Mr. DINGELL. Polar bears, it is my judgment, that under the bill that probably the taking of polar bears will be halted in the foreseeable future because of the enactment of this bill.

Mr. KYROS. I had originally hoped that this legislation would provide a 2-year moratorium on the taking of any mammals, and particularly on the importation into this country of any part of marine mammals, because this would indicate to the rest of the nations of the world that the United States stands foursquare in its efforts to make sure that before we touch these natural resources any more that we know precisely what we are doing.

Mr. Speaker, I rise in support of H.R. 10420, the Marine Mammal Protection Act, feeling that while far from being perfect legislation, this bill is the best we can do at this time in extending protection to marine mammals.

While H.R. 10420 constitutes a much-needed and unquestionably well-intended effort to preserve and protect the marine mammal population of the world, that effort should have been strengthened in two vital areas: the extent of the moratorium, and the question of imports.

I believe that a 2-year moratorium should have been contained within the bill, and that the 60-day moratorium provided on the taking of marine mammals is insufficient. We do not know enough about these animal species' levels of intelligence or how useful they may be to man. We do not know how many animals may be taken, or killed, before we do irreparable damage to our ecological system. Further, most, if not all, animal species need the chance to replenish their stocks; we are fast making diminishing species out of virtually all animals, with particularly telling effects upon ocean mammals. Exploitation of our marine mammals must first depend upon an adequate study of the living animals and their ecological relationships; only then can sound management practices ensue.

Second, I believe that H.R. 10420 should have contained an across-the-board ban on importation, possession, or transportation of ocean mammals or their products, except for scientific research as expressed under the terms of the act. Much of the killing for the sake of import is done unnecessarily—there is no indication whatsoever that the products from any of these marine mammals are in any way needed by American citizens. By discouraging the use of luxury furs from animals in danger of becoming extinct, the United States would set an admirable precedent and humane example for the entire world.

Finally, I should like to state that contrary to reports in the newspapers, the bill requires the appropriate Cabinet Secretaries to publish through the Federal Register, notice of all applications for permits, inviting within 30 days, public statement and comment on the advisibility of granting each and every permit requested. H.R. 10420 thus does provide the legislative machinery needed to bring pressure on the agencies authorizing permits, as well as on those individuals for whom the permits are required.

Hopefully, in the not-too-distant future, H.R. 10420 can be strengthened to provide complete protection to all ocean mammals. At this time, however, I feel that only full support can be given this bill to provide the necessary groundwork.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. KOCH. Mr. Speaker, I am going to vote against this bill.

(Mr. KOCH asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. KOCH. Mr. Speaker, I would like, with the permission of the Speaker, to read a short editorial that appeared in the New York Times of today. I could use other words and paraphrase the editorial but they would not be as succinct and as well said as the language used in this editorial which I shall now read:

NOT MUCH PROTECTION

The plight of dolphins, sea otters, whales, polar bears and other ocean mammals has caught the public imagination in recent months. Television films which depicted the bludgeoning to death of baby seals in the Gulf of St. Lawrence last spring during the annual "harvest" evoked an outcry in this country as well as Canada.

The House Merchant Marine and Fisheries Committee has now approved a bill sponsored by Representative Dingell of Michigan, a leading conservationist, which would strike directly at the trade in baby harp seal pelts by forbidding importation of the skins or products of sea mammals less than eight months old.

In other significant ways, however, the bill falls short of the promise implied in its title, "Marine Mammal Protection Act of 1971." It is not a conservation measure aimed at saving species, some of which are dwindling toward early extinction. It is, rather, a wildlife management bill. Its aim is to manage these mammals on "an optimum sustained yield basis . . . to insure the continuing availability of those products which move in interstate commerce."

Wildlife management is a valid approach in some circumstances, but it is not the sensible way to protect marine mammals which are of negligible commercial importance but of immense scientific and humane concern. There is no reason to set up a permit system to govern the killing of polar bears, walruses, sea otters, sea cows, sea lions, and dolphins.

Instead, there should be a moratorium for five or ten years on the killing of these interesting creatures in American waters and on the importation of products made from them until scientists can arrive at a more complete picture of their prospects for survival.

Because there are omissions and ambiguities as well as good features in the Dingell bill, the House would do well not to rush through its passage this week under a "suspension of the rules" procedure which permits no amendments. Since the Senate in any case will take no action before next year, the House has time to debate the bill under regular procedure and consider amendments which would strengthen and improve it.

Mr. Speaker, for those very cogent reasons, I shall vote "no" on this bill. When this bill is defeated I urge the committee to report out a bona fide Marine Mammal Protection Act, and then I will vote "yea."

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I rise in support of H.R. 10420, introduced by the gentleman from California (Mr. ANDERSON) and cosponsored by myself, which would provide for protection and conservation of marine mammals, establish an independent Marine Mammal Commission, and for other purposes.

In view of the lateness of the hour, I shall only relate the highlights of the legislation for the benefit of my colleagues and ask that I be permitted to revise and extend my remarks at this point in the RECORD.

I know of no one single legislative area in this session of Congress which has drawn more attention from a great many of my colleagues, and from the general public at large, than measures pertaining to the protection and conservation of marine mammals. Your committee considered approximately 38 different legislative concepts embodied in bills introduced by more than 100 Members of this body. Such concepts ranged from a simplistic approach of a complete ban or "moratorium" on the taking of marine mammals, to measures providing for the convening of international treaty meetings or to authorization of large research programs.

Your committee, since the first day of hearings on this legislative area in September 1971, has carefully, studiously, and impartially evaluated and digested the pros and cons of all these approaches, received and considered expert helpful testimony from just about every major environmental and conservation organization, conducted a detailed investigation as to the type, extent, and success of current and planned marine mammal programs administered by the Departments of Interior and Commerce, fully evaluated the extent of protection and conservation measures on an international scale, and have established an impressive scientific and technical record as to the current and anticipated status of each of the marine mammal species. These efforts have culminated in the measure pending before you now—H.R. 10420, which initially formed the basis for the committee's deliberations and has been expanded considerably as a result of your committee's efforts. Excellent assistance was provided by the administration in assisting this committee in its work during the last 3 months. To the extent that the recommendations of the administration have been consistent with your committee's objectives, these comments and legislative suggestions have been embodied within the conceptual framework of the bill, H.R. 10420.

As a result of these hearings, your committee has concluded that the range of animals to be included in the legislation should include all marine mammals species known to man; that is, whales, seals, walruses, sea otters, polar bears, and sea cows. All of these mammals are found on the high seas, in territorial waters, and on U.S. lands with existing protection and conservation mechanisms varying from jurisdiction to jurisdiction and from species to species. We concluded that existing levels and emphasis on research funding are fragmented and in need of revision and expansion. We concluded that, due to the national and international importance of these mammals moving in interstate and foreign commerce, action by the Federal Government was warranted and necessary. We concluded that the moratorium or complete ban on the taking of marine mammals should be just one of the many protection and conservation devices which should be utilized, and that a properly balanced species management approach would give the regulatory agencies the flexibility to insure the protection of each species in light of specific environmental factors affecting such species. In short, your committee concluded that it was imperative that the proper legislative and regulatory framework be established now—not at a time in the future when many or most of these species have joined the "endangered" or "extinct" list. In this case, the old adage that "an ounce of prevention is worth a pound of cure" is quite applicable, for in the absence of this comprehensive legislative approach and regulatory scheme on an international, national and State level—these species shall go the way others have due to the past inability of man to accept the environmental and historical concept that the living natural resources of this planet are irreplaceable and should be protected and conserved for the benefit of future generations and the delicate balance of our fragile marine and ocean ecosystem.

Consequently, in the legislation pending before you, your committee has provided that it shall be unlawful to take any marine mammal except pursuant to a permit. Prior to the granting of a permit, the Secretary of the Interior and the Secretary of Commerce, within their specific areas of species responsibility, must establish specific limitations on the taking of mammals in that species on the basis of sound scientific evidence, and only after evaluating and establishing the impact which such a proposed level of taking would have on the marine ecosystem, the marine mammal species itself from the standpoint of population dynamics, on other natural resources of the oceans such as fish, and the economic and technological feasibility of actual implementation of such taking level. Violations of the act are punishable by a civil penalty of $10,000 or a criminal penalty of $20,000 and/or 1 year's imprisonment. Vessel forfeiture is also provided. Enforcement is provided by both Federal and State officials. Recognizing the fact that complete and total protection and conservation must be provided worldwide if the U.S. program is to have any impact, the legislation requires the Secretary of State to seek an international convention on the subject of marine mammal protection in addition to other bilateral or multilateral international treaties which are consistent with the purposes and policies of the act. Recognizing the fact that any such regulatory and conservation program must be based on sound scientific and technical data, the legislation authorizes the Secretaries to make research grants for research and/or program administration. Authorization level is $500,000 to the Secretary of Interior and a like amount to the Secretary of Commerce.

An independent Marine Mammal Commission, appointed by the President, will provide an additional research capability and perform a value advisory function to both the Federal agencies and Congress. The required scientific expertise which the Commission needs is provided by a Committee of Scientific Advisors appointed by the Commission Chairman. The Commission is provided a 5-year authorization of $1 million per year with the proviso that at least three-fourths of this annual amount must be spent on research. The Secretary of Interior is authorized $700,000 for the first year's administration of the program and $525,000 thereafter for each of the next 4 fiscal years. The Secretary of Commerce is authorized $1,500,000 for the next 5 fiscal years for administration.

XUM

Mr. Speaker, in the case of many of these species, such as the porpoise, there is not a great deal known as to the world population levels, the current level of taking either in conjunction with the utilization of other marine resources or otherwise. Thus, the importance of the research provisions of the legislation cannot be overemphasized. Certainly, where there is a lack of scientific information as to whether or not a current level of taking is harmful to the species and the marine ecosystem, it would be advisable to approach the issuance of permits from a conservative standpoint.

However, this is not to say, and I believe it is not your committee's intention, that the Secretary of the Interior or Commerce should establish arbitrary low or high levels of permissible taking solely from a fear of the unknown expressed on the part of the regulatory agency or the general public. The Secretary, in section 102 of the bill, must base his levels of limitations on sound scientific and technical evidence and consequently has the burden of proof of justifying his decision from all of the evidence presented and available. Then, once the general limitations for each species have been established, the burden of proof shifts to the person applying for a permit to take marine mammals, who must demonstrate that the perimeters of the permit are consistent with the purposes and policies of the act and the established limitations.

Mr. Speaker, this measure now pending before this body is landmark legislation, and I urge its overwhelming passage.

Mr. VANIK. Mr. Speaker, after considerable review of the matter, I will vote against passage of H.R. 10420, the Marine Mammal Protection Act of 1971. The bill has been weakened considerably, and I do not believe it will meet its ostensible purpose.

The bill before the House today is being brought to the floor under parliamentary conditions which prevent amendments designed to improve the legislation.

The bill does not establish enough of a definite moratorium on the taking of ocean mammals to allow many of the depleted species to recover. Further, part of the act will be administered by the Department of Commerce—an agency of the Government which has always been dedicated to the development and exploitation of a resource—never its conservation. Throughout the bill, more emphasis appears to be given to the "harvesting" of animals on a "sustained yield basis" than to the actual proper place of these animals within the environment.

Mr. FISH. Mr. Speaker, the Marine Mammal Protection Act before us certainly is in the right direction, but is simply not comprehensive enough. It has, as the enclosed editorial from the Washington Post of December 5, states, several excellent features "but improvements need to be made if adequate mammal protection is to be provided." A no vote will return this measure for further consideration and strengthen along the lines of the Harris-Pryor bill.

There must be an end to widespread killing of defenseless ocean mammals. Only strong legislation will accomplish this. The exemptions in the measure before the House will not provide the needed protection.

Mr. Speaker, I believe this is one of those areas where Executive discretion and vague standards are not enough.

I think the editorial that I now insert in the RECORD is a sound approach:

AN SOS FOR OCEAN MAMMALS

Last March, Senator Fred Harris and Representative David Pryor offered sensible and strong legislation calling for an end to the widespread killing of defenseless ocean mammals. The idea behind the proposal was sound; large numbers of whales, baby seals, porpoises, sea otters, walruses, sea lions, sea cows, dolphins, polar bears and others were being pursued, harassed and slaughtered, on land and sea, by hunters, commercialists and "sportsmen." Many of these animals have endured so much brutality that their number has declined to the point that they are threatened with extinction. The Harris-Pryor bill received support from such groups as Friends of the Earth, Defenders of Wildlife, the Fund For Animals and the World Federation for the Protection of Animals; in addition, 26 members of the Senate and some 90 members of the House became cosponsors.

The ocean mammals seemed about to receive the kind of protection that in the balance of nature they should receive. But then, following hearings in September, the House Merchant Marine and Fisheries Committee put aside on December 1 the Harris-Pryor bill and reported out a bill—the Marine Mammal Protection Act—sponsored by Representative Glenn Anderson (D-Calif.) and nine cosponsors. The latter has the support of the fur industry, various hunting groups and the Nixon administration. It is strange that the committee did not join those supporting the Harris-Pryor bill, which offered solid protection to ocean mammals; but stranger still is the way the Anderson bill is now scheduled to be brought to the House floor on Monday on what is called the suspense calendar. This procedure, used mostly for non-controversial bills, is an odd choice since the bill is obviously the object of heated controversy. On Monday, the House has one option—approve or disapprove—with no amendments allowed.

Clearly, though, amendments are needed if the bill is to be effective. A main weakness is that the killing of mammals would not be stopped in itself; instead, the Secretaries of Commerce and Interior would be given authority to issue permits to allow the continued taking of the mammals. In other words, the Secretary of Commerce, for example, would be subjected to the usual and ever-persistent pressures of vested interests and lobbies. The past record—if current conditions in the mammal world tell us anything—suggests that the mammal interests have seldom been given high priority. Perhaps a turnabout will occur and the Secretary of Commerce will become less commerce minded; but why risk this? Why not merely offer legal protection for the mammals rather than offer legal permission for federal officials to decide their fate?

The Anderson bill has several excellent features but improvements need to be made if adequate mammal protection is to be provided. Since no amendments can be offered Monday, it will be no large loss if the House votes down the bill and allows it to be deferred for action until the next session begins in January. The House will then have a better chance of considering strengthening amendments, ones that will not only make a strong law but will also strengthen the chance for survival among the mammals. They need help.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 10420.

The importance of this legislation cannot be overemphasized. In light of the existing precarious state of many of the ocean's mammal species, in light of the almost complete lack of scientific information on such species, in light of the apparent fragmentation of existing protection and conservation programs for marine mammals, and in light of the strong need for a concerted national effort to insure complete compatibility of program objectives and conservation measures, failure to enact such legislation as is now pending before this body will result in further degradation of marine mammal species and the role they play in assisting to maintain the delicate balance of our ocean atmosphere.

In attempting to resolve conflicting philosophical approaches between a total "hands off" position and one of species management for the benefit of the species and the entire ecosystem, the hearing record and the committee report amply illustrate the fact that the moratorium technique is just one of many which man must and should use to further the laudable goals of marine mammal protection, conservation, and development. To illustrate this point, I would like to quote the remarks of Dr. Lee Talbot, Council on Environmental Quality, when he testified before the committee. His remarks may be found on page 143 of the committee hearing record—92-10.

Dr. TALBOT. Total protection is a necessary tool of management when the objective of management is as we have described it, the broad maintenance of the balance, the stability of the environment, and the avoidance of the depletion or extinction of species. There are a number of situations where total protection for a time and in some cases perhaps relatively permanently is required, but because environmental conditions are dynamic, it is frequently necessary to subsequently apply some other form of management in order to assure our original objective. We have a number of situations on land where total protection of some species—for example, of the deer—has resulted in what amounts to a population explosion of that species, which has adversely affected its own environment and that of many of the other organisms, plants, and animals, with the ultimate damage to the species we were trying to protect.

What I am saying is that total protection is a very important management technique, but it is not the only management technique.

Mr. PELLY. You want a flexible system of protection, is that it?

Dr. TALBOT. Yes, sir; based on adequate scientific knowledge of the situation and of the principles of management.

The bill H.R. 10420 embodies this species management concept—but built into it is the approach that when it is necessary to do so on the basis of scientific evidence demonstrating that conclusion, a total or partial ban on the taking of a particular marine mammal species is within the expressed and implied authority of the Secretaries.

Mr. Speaker, the philosophical approach in the bill is meritorious. The research provisions are comprehensive, and the authorization levels are conservative, supported by a strong factual basis of need, and will serve to materially assist Federal, State, and local conservation efforts in a well-coordinated program of complementary research, administration, and enforcement. I urge its final passage and subsequent enactment into law.

Mr. FORSYTHE. Mr. Speaker, I rise in support of passage of the bill, H.R. 10420.

The merits of the specific provisions of the bill have been aptly explained, and I shall not belabor the point only to indicate that I concur completely in the remarks of the distinguished chairman of the Subcommittee on Fisheries and Wildlife (Mr. DINGELL) and our ranking minority member of the Committee on Merchant Marine and Fisheries (Mr. PELLY).

The important point which I feel is embodied in this legislation is that now, for the first time in the history of man's utilization of marine mammals, there will be a firm, sound, statutory program which will:

First, recognize that uncontrolled continued exploitation is environmentally unsound;

Second, attempt to insure that the mistakes which this Nation, and others in the world community, made in regard to such species as whales, will not occur again; and

Third, insure that any future utilization of marine mammal species must be controlled on a sound scientific basis supported by a comprehensive marine research program, not only from the standpoint of traditional management concepts of "maximum sustained yield" but also from the standpoint of the impact which a level of taking will have on the particular species involved and its relationship with the marine environment of which the species is an integral and important part.

The success of the international treaties prohibiting the high seas unrestricted taking of fur seals is notable. However, at best, few successes have occurred in regard to other management programs pertaining to the other marine mammal species. The sea cow is almost extinct, some subspecies of whales are on the border of extinction, the polar bear is in danger of becoming depleted, the porpoise or dolphin may be depleted unless we develop more scientific data through a massive research program which will support control and protection measures. From that standpoint, the efforts of the American tuna industry, in direct contrast to the fishing industries of other nations who do not yet share our concern for sound conservation practices, in establishing a joint industry-Government research program and the development and implementation of new fishing techniques and innovative gear to conserve marine mammals accidentally and nonwillfully taken in conjunction with fishing activities is commendable.

To a great extent, the credit for eventual enactment of such legislation should go to the general public of the United States, who through their increased environmental awareness have called on local, State, and national leaders in the executive and legislative branches of Government to enact and implement environmentally oriented programs designed to correct a number of mistakes which man has made in the past in failing to live harmoniously with the natural environment. Enactment of this legislation will correct the mistakes we have made in the past in regard to marine mammals, and insure that our actions in the future are based on sound environmental principles of species management.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 10240 which has been amended in several respects since I first introduced it in August. It represents what I believe to be a strong and significant step in the direction of a more responsible relationship between men and animals. This bill would establish a national program designed to preserve and protect marine mammals such as the whale, walrus, seal, polar bear, sea otter, sea cow, and porpoise.

I know that the bill has been attacked by members of some organizations on the basis that it is too weak. I may say that it has also been attacked by representatives of other groups as being too strong. The commercial fisherman of southern California, some of whom I have in my own district, have indicated that it could create impossible burdens upon them in the carrying out of their traditional activities.

I do not believe that either group is correct in its assessment of this bill or its implications. The protectionists, who claim that the bill is defective because it vests too much discretion in the Secretaries of Interior and Commerce, fail to perceive the very considerable checks and balances built into the bill to prevent abuses of that discretion. It would prove, I believe, impossible for an agency head to disregard the clear mandate which permeates the bill and to grant permits to exploiters with no consideration of the effects of their activities upon either the marine environment or upon the populations of the animals involved.

When the Merchant Marine and Fisheries Committee conducted hearings on legislation to protect marine mammals, there were two basic schools of thought. First, some conservationists contend that the best way to enhance a species of marine mammals is to totally prohibit their killing. Other conservationists feel that a total ban would be disastrous to the specie, and that a scientifically managed program is the only way to assure the perpetuation of marine mammals.

The bill before us today, H.R. 10420, combines these schools of thought by prohibiting the killing of any marine mammal unless it is scientifically proven that such killing will, in fact, benefit the specie of marine mammals.

How does the bill, H.R. 10420, conserve and protect marine mammals?

First, without a permit issued by the Secretary of the Interior, or the Secretary of Commerce, no person under the jurisdiction of the United States may import, sell, harass, hunt, capture or kill a marine mammal. In addition, this bill would specifically prohibit the importation of any marine mammal which is pregnant, less than 8 months old, endangered, or taken in an inhumane manner.

With regard to porpoises, on the basis of scientific evidence, the Secretary of Commerce may prohibit the importation of any fish which were caught in a manner which would be injurious to marine mammals.

Second, in order to meet the desires of those conservationists who feel that the professional wildlife scientists should be permitted to manage and obtain the maximum number of a particular specie, a permit system is authorized.

How would the permit system operate? In order to obtain a permit to import, kill, capture, sell, or hunt a marine mammal, a person must apply to the Secretary of Commerce or Interior for a permit.

Upon his receipt of the application, the Secretary is required to publish a notice in the Federal Register, and to invite interested parties to submit their views or arguments with respect to such application.

Those who seek the permit must show that taking a selective number of marine mammals will not work to the disadvantage of the stock of the mammal involved. In fact, if overpopulation of a specie is the reason for the application, rather than allow the taking, the Secretary is required to consider whether or not it would be more desirable to transfer a number of such mammals to another location.

After considering the application and its effect on existing levels of the stock and the divergent views, and after considering the recommendations of the independent three-member Marine Mammal Commission—established under title II of the bill—the Secretary must determine that such a permit will not endanger the health and stability of the marine ecosystem.

A person who knowingly violates this act may be fined up to $20,000 and may be imprisoned for up to 1 year.

Admitted, Mr. Chairman, we do not have enough scientific knowledge of the marine mammals. Thus, the bill H.R. 10420 establishes an independent, three-member Marine Mammal Commission, appointed by the President from a list submitted by the Chairman of the Council on Environmental Quality. None of the members of the Commission may be "in a position to profit from the taking of marine mammals."

This Commission is required to undertake a study and review of the stocks of marine mammals, of the methods for their management, of research programs, and of the permit system.

They shall recommend such steps as are necessary to protect and manage marine mammals. Any recommendations of the Commission which are not followed must be answered in detail by the Secretary of the Interior or Commerce, depending on the recommendation.

In addition, the bill establishes a nine-member Committee of Scientific Advisers on Marine Mammals. This committee, chosen by the Chairman of the Commission, shall be knowledgeable in marine ecology and marine mammal affairs. Any of their recommendations, not followed

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by the Commission, shall be transferred to the appropriate Federal agencies and to Congress with a written explanation of the Commission's reasons for not accepting such recommendations.

In order to develop knowledge relevant to the preservation of marine mammals and to develop State programs to conserve marine mammals, $20.3 million is authorized under H.R. 10420.

No one can say that the committee has moved irresponsibly on this proposal. We held 4 days of public hearings, and many days of executive sessions, working on and strengthening the language of the bill. I have never been involved in legislation which has been so thoroughly discussed and examined. The subcommittee and full committee both ordered the bill reported unanimously. The bill that we reported is a good one and I urge its adoption.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of my bill, H.R. 10420, the Marine Mammal Protection Act of 1971.

This measure is a strong one that establishes a two-pronged attack on the problem of the depletion of marine mammal populations. It provides the essential Federal protection of these mammals and additionally vastly increases our support of research programs to improve our understanding of these animals and their relationship to the marine and terrestrial ecosystems.

Man's wanton slaughter of these marine mammals has been sometimes purposeful and sometimes inadvertent but its result has been to jeopardize the existence of many species and to threaten the viability of others.

This bill does not provide for a flat ban against the taking of marine mammals—although such a result could be obtained if it is determined necessary to preserve and foster any particular species. The basic philosophy of the bill is to insure that the best policy for preserving the animals is adopted.

The bill has a number of important features. First, it prohibits the taking of marine mammals without a permit. This permit may not be granted without a showing that the proposed taking will not be disadvantageous to the animal population or its future development.

Second, the bill designed the administrative process so that the public has full access to the decisionmaking procedures and an opportunity to participate therein.

Third, the bill establishes for the first time an adequate and extensive program of research on these animals through the creation of an independent Marine Mammal Commission which, with the assistance of a scientific advisory board, will review national and international programs affecting marine mammals to insure that they will further the objectives of protecting these animal populations.

And, finally, the legislation contains a section requiring the Department of State to undertake necessary actions to begin working for international conventions and treaties that would insure other nations begin to take appropriate means to extend the policies adopted in this measure to other nations.

The bill's provisions cover whales, porpoises, dolphins, seals, sea lions, polar bears, walruses, manatees, and sea cows. All these groups need its protection.

This bill is realistic, it will effectively meet the problems of marine mammals and I strongly urge its approval by the House today.

Mr. RYAN. Mr. Speaker, there is a significant need for the Congress to enact legislation to protect ocean mammals. Many species of these mammals face immediate, or longrun, danger of extinction.

Unfortunately, the legislation before us today (H.R. 10420) falls short of living up to its title "The Marine Mammal Protection Act of 1971." As an editorial in today's New York Times pointed out:

> It is not a conservation measure aimed at saving species, some of which are dwindling toward early extinction. It is, rather, a wildlife management bill. It's aim is to manage these mammals on 'an optimum sustained yield basis . . . to insure the continuing availability of those products which move in interstate commerce.' "

Although there are some beneficial features in this legislation, I believe that it could be improved considerably. However, since this measure has been brought up under suspension of the rules, Members of the House have been denied the opportunity to offer amendments to strengthen this bill.

Since the Senate will not take action of this legislation before next year, I can see no reason for the House to rush this bill through under this parliamentary maneuver. Rather, we should debate this legislation under normal procedure and consider amendments which would make this legislation live up to the promise of its title.

Therefore, I intend to cast my vote against the Marine Mammal Protection Act of 1971, this afternoon.

On September 22, I testified before the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marines and Fisheries, in favor of H.R. 7556; the Ocean Mammal Protection Act of 1971—of which I am a cosponsor, and of which our distinguished colleague from Arkansas (Mr. PRYOR) is the chief sponsor, and House Concurrent Resolution 77—which I introduced on the first day of this Congress. At that time, I detailed the imperative need to protect marine mammals. I am including the text of that testimony at this point in the RECORD:

TESTIMONY OF CONGRESSMAN WILLIAM F. RYAN BEFORE THE SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION OF THE HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, SEPTEMBER 22, 1971

I appreciate the opportunity to appear before the distinguished subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries to testify with regard to various bills concerning the preservation of ocean mammals.

Many species of ocean mammals face immediate, or long run, danger of extinction. Essential components of the delicate balance of nature, these animals have been hunted down and destroyed throughout the world. Marvels of adaptation to their environment, possessed of highly developed intelligence, often characterized by an acute sense of protectiveness for their fellows, the mammals of the world's oceans are irreplaceable.

Yet, man's arrogant rapaciousness continues. Instead of perceiving this planet as a world we share with our fellow living creatures, we plunder its wealth. Within the last 200 years, nearly 75 species of mammals alone have become extinct. Only lately has an increasingly aroused public begun to rouse itself to our common folly.

These hearings which you are now holding are particularly timely, because it is the sad lot of many species of ocean mammals that they face—in a frighteningly short time, unless strong actions are taken very quickly—being added to the list of creatures no longer to be seen on this earth.

You have before you numerous bills and resolutions which take cognizance of this disaster in the making which faces many of the mamalian species which populate our oceans and seas. There are two in particular which I want to discuss. One of these—House Concurrent Resolution 77—I introduced on the first day of the 92nd Congress. In the 91st Congress, I had introduced this legislation as House Concurrent Resolution 495 (and companion bills). The other is H.R. 7556, the Ocean Mammal Protection Act of 1971, of which I am a co-sponsor, and of which our distinguished colleague from Arkansas, (Mr. Pryor), is the chief sponsor. This bill has been reintroduced in modified form as H.R. 10569, Ocean Mammal Protection Act.

Title I of the Ocean Mammal Protection Act of 1971 provides a statement of findings and declaration of policy. I think this Title particularly apt, because it accurately articulates the situation we face at this very moment and which demands aggressive action on the part of this Committee to avert. Section 101 states the finding that "ocean mammals are being ruthlessly pursued, harassed, and killed, both at sea and on land by hunters of many nations of the world." Further, "many ocean mammals will become rare, if not extinct, unless steps are taken to stop their slaughter."

Thus, it is declared to be the public policy of the United States "to protect all ocean mammals from harassment or slaughter;" and, in addition, to enter into negotiations with foreign governments and through interested international organizations "with a view to obtaining a worldwide ban on the further slaughter of ocean mammals."

Title II of the Ocean Mammal Protection Act of 1971 sets up the prohibitions which will help achieve the end to the slaughter which now occurs. Section 202 (a) bars, first, the taking of ocean mammals by persons or vessels subject to the jurisdiction of the United States; second, the use of any port, harbor, or other place for any purpose connected in any way with such taking; and third, the transportation, importation, offering for sale, or possession of ocean mammals or parts thereof.

Section 203 (a) properly makes exception for the indigenous populations along the ocean coasts—that is, Indians, Aleuts, and Eskimos—to take ocean mammals for their own use but not for sale. Thus, the Ocean Mammal Protection Act in no way seeks to destroy the native cultures which have developed the hunting of ocean mammals and the use of the products obtained from these mammals, as a part of their way of life.

Additional provisions of Title II provide strong penalty provisions, which are, I believe, essential to make this legislation more than just compassionate rhetoric.

Why must this legislation be enacted? First, let me discuss the slaughter which we, along with other nations of the world, have conducted against whales. The whales are among creation's most intelligent creatures. They communicate with each other, using numerous sounds in their language. They demonstrate an intense loyalty to each other, so that a school of whales will beach itself and thereby commit mass self-destruction in its efforts to come to the aid of a captured or beached brother. Certainly, man's rapaciousness in hunting down these creatures cannot be condoned. We are involved, not in the extermination of a vicious, disease-carrying animal such as the rat, but rather, in the slaughter of a complex, intelligent and harmless animal of the highest order.

What has man succeeded in doing? In December, 1968, the Committee on Rare and Endangered Wildlife Species of the Department of Interior's Bureau of Sport Fisheries and Wildlife compiled a list of "Rare and Endangered Fish and Wildlife of the United States." This compilation listed 6 large whale species of just American waters which are in jeopardy. Of the Gray Whale, 8,000 were estimated to be left in the California herd, as of 1965. The compilation listed "perhaps a few hundreds in the Atlantic" as remaining of the Blue Whale, and less than 1,500 in the Pacific herd. Less than 5,000 Humpback Whales remained in the north Pacific. As for the Atlantic Right Whale, the compilation stated that "possibly only a few hundreds persist." The same dire situation existed for the Pacific Right Whale. As for the Bowhead Whale, there were an estimated 1,000 in the Bering-Chukchi-Beaufort Sea population, with lesser numbers elssewhere.

The fate of the Blue Whale is a tragic object lesson of this pillage which we have been committing upon nature. The Blue Whale is the largest creature ever to inhabit the earth. An adult Blue Whale measures up to 98 feet long and weighs perhaps as much as 160 tons. Even its new-born young are larger than a full-grown elephant and are reputed to consume more than ½ ton of milk daily.

At the beginning of this century, the Blue Whale population was over 100,000. Today, only a few hundred Blue Whales, perhaps as many as 3,000 according to some estimates, populate our entire planet. As Lewis Regenstein has written, in a recent article entitled "The Vanishing Whales: Long Odds Against Survival," which appeared in the August 22 edition of the Washington Post:

> "There is serious doubt that enough males and females will be able to find each other over the great expanse of the ocean to enable the species to breed and perpetuate itself."

James Fisher, Noel Simon, and Jack Vincent have starkly identified the cause of the Blue Whale's demise in "Wildlife in Danger," at page 60:

> "The demise of the dinosaurs remains veiled in mystery and surmise, but there is no need to speculate on the reasons for the disappearance of the Blue Whale; the rapaciousness of man is wholly responsible. Seas and oceans comprise 70 per cent of the earth's surface, and one would have thought this ample habitat allowed more than enough space for the whale's survival, but pursuit of the whale has been so persistent that nowhere on the face of the sea or in its uttermost depths, however remote or vast or forbidding, is there any longer a true sanctuary beyond the reach of man's ruthless exploitation."

It may well be late for the Blue Whale. The Asiatic Gray Whale population has apparently disappeared. The largest known colony of nominally protected Southern Right Whales was wiped out in 1962. Threatened with imminent extinction are the Humpback, the Sei, the Finback, the Bowhead, the Sperm, the Gray, and the Right Whales. The frightening pace at which extinction is coming upon these species is indicated just by examining the figures for the estimated average population size of the Fin Whale, published by the International Whaling Commission:

1955–6	110,000
1956–7	101,700
1957–8	89,000
1958–9	88,600
1959–60	65,700
1960–1	59,700
1961–2	45,300
1962–3	40,000
1963–4	32,400

This need not be. Whales do not threaten man. There is no need of self-defense to kill them. They do not endanger our crops, crowd our territory. The commercial products which are derived from them are not unique: whale meat, used for dog and cat food and on mink farms, can easily be replaced by other meats; whale oil can easily be replaced by other products.

In simple terms, then, we are embarked on destruction—pure and simple. This is why the Ocean Mammal Protection Act of 1971 must be enacted into law.

Another creature which would be protected by this legislation is the polar bear. The male polar bear averages about 900 pounds, although specimens twice as heavy have been recorded. It stands about 5 feet at the shoulders and is 7 to 8 feet or more long. The polar bear is found in the Arctic, distributed around the Pole. For much of the year, it lives on the pack ice of the Arctic Ocean. A magnificent animal—and again an animal which in no way threatens man—the polar bear, like the whales, is endangered. The largest and most flourishing white bear population is found in the Canadian Arctic where only 6,000 or 7,000 exist—possibly more than half the world's total. The bear population of Greenland, once high, has severely declined as a result of excessive hunting. Similar over-hunting has reduced the population in the Soviet sector of the bear's range.

The decline of the polar bear is traced in "Wildlife in Danger," by James Fisher, Noel Simon, and Jack Vincent, at pages 71–72:

> "The decline of the polar bear dates from the seventeenth century, when the opening up of Arctice waters to shipping led to vigorous hunting. During the next centuries white bears were heavily hunted in Spitsbergen, Novaya Zemlya, islands in the Bering Sea, Baffin Bay, Hudson Bay, and many other places. The decline of the whaling industry in the latter part of the nineteenth century caused the whalers to transfer their attention to sealing, which in turn led to mounting pressure on the polar bear, notably in the Canadian Eastern Arctic, the Greenland Sea, Franz Josef Land, and Spitsbergen. As the fur trade developed, the exploitation of the bear was further stimulated . . .
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> "For countless years the Arctic seas have provided the polar bear with adequate security; but it is practically defenseless against hunting with precision weapons from powered boats (which are growing very popular in some parts of the animals' range) or from aircraft. Hunting from aircraft has recently become a favorite sport in Alaska, where polar bears are fairly common on the ice that lies north of the Bering Straits. . . . This form of hunting has now been banned over the mainland and territorial waters; but there is at present nothing to prevent the technique from being employed in international waters beyond the three-mile limit.
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> "Dr. S. M. Uspensky, the Russian authority on the species, believes that in recent decades the range of the polar bear has been gradually reduced, as a result of the onset of milder climatic conditions in the Arctic. . . . A contributory factor has been the increase in the numbers of humans and domestic livestock in the Arctic in recent years, which has resulted in a higher incidence of disease, notably from the Trichinella parasite, which has inevitably affected the bear."

Thus, we see a magnificent creature declining. He does not threaten man. He offers no commercially essential products for man. He is, however, a handsome trophy, and so he is sacrificed to those who mark their accomplishment by the number of heads over their mantle.

Now it is clear that the United States, and the United States' citizens, do not bear the sole blame for the devastation of ocean mammals. Japan and the Soviet Union, in fact, account for most of the world's whaling. Not all hunters of polar bears are Americans. But, even given that it is not within this country's exclusive control to halt the slaughter of whales, polar bears, walruses, and other species, our actions can have an enormously powerful trickle-down effect. For example, while we engage in little whaling, we do account for about one-third of the consumption of whale products. If we close our doors to the importation of ocean mammal products, therefore, we inevitably must decrease the profitability of their destruction, and in turn, we increase the likelihood of cessation of that destruction.

Thus, we must ban the import of all ocean mammal products. The Ocean Mammal Protection Act does this.

Since we do participate directly in the destruction, we must also ban this, as the Ocean Mammal Protection Act does. There must be no loopholes, no exemptions, save the ones provided in the Act for the native populations and limited so that the taking must "be done in accordance with customary traditions and as an adjunct to the native culture." Thus, we cannot allow a loophole for tuna fishermen, in whose nets some 250,000 porpoises die annually.

Third, we must encourage the Secretary of State to negotiate international agreements for the protection of the ocean mammals. Some international activities do exist—the International Whaling Commission, established pursuant to the International Whaling Convention, is one example. Another example of international cooperation was the First International Conference on Polar Bears, held at the University of Alaska in September, 1965. However, international organizations and agreements are thus far too weak. The International Whaling Commission, for example, has no enforcement powers, and in many respects its efforts at preservation have been stymied. Consequently, our government must undertake efforts, through the United Nations, for example, to achieve binding international accords.

In fact, I would recommend working towards a mortatorium on all killing of ocean mammals, not only by means of the Ocean Mammal Protection Act, which only applied to the United States, but worldwide. At the least, this moratorium must run for 15 years, so that our scientists can determine what chances of survival remain for ocean mammals, and what can be done to assure this survival before these magnificent creatures are banished by man, through his arrogance and stupidity, from the face of the earth.

During the moratorium we must work for Title III's prescription: "International agreement or agreements" which "should seek to outlaw all killing of these mammals for any reason."

HOUSE CONCURRENT RESOLUTION 77

I now want to turn to House Concurrent Resolution 77, of which I am the chief sponsor and in which 17 of my colleagues have joined in sponsoring. These 17 are:

Mr. Halpern, Mr. Hanley, Mr. Horton, Mr. Hosmer, Mr. Koch, Mr. Kyros, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. Obey, Mr. Rosenthal, Mr. St Germain, Mr. Symington, Mr. Vigorito, Mr. Waldie, Mr. Whitehurst, and Mr. Wolff.

I have delayed discussing House Concurrent Resolution 77 until first discussing the

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Ocean Mammal Protection Act because my resolution's aim is very relevant to that expressed in Title IV of the latter Act. Both of which concern the slaughter of Northern fur seals on the Pribilof Islands.

House Concurrent Resolution 77 has two operative provisions. The first of these expresses the sense of the Congress that the Secretary of the Interior shall prescribe and shall implement with all possible speed and urgency regulations for the harvesting of Northern fur seals which insure that the seals are quickly and painlessly killed before skinning. The second clause provides that penalties be prescribed by the Secretary for violation of the regulations which he shall prescribe and implement in accordance with this resolution.

Once again, we have a tragic example of a cruel practice employed to accomplish an unneeded end. The seals are slain solely for their furs, which in turn are employed to satisfy the market for an unneeded luxury. The seals do not threaten man, nor do they threaten his food supplies. No product which they supply is irreplaceable. The reason why they are victims of slaughter is because they fill an acquired desire for seal fur garments—a desire which can be satisfied in other ways.

Unfortunately, international circumstances would appear to bar any immediate cessation of the seal harvest. The premise for the harvest is an international Convention, first agreed to in 1911 by the United States, Great Britain, Japan, and Russia. The aim of this Convention was to end pelagic sealing—that is, seal hunting at sea—which had contributed so greatly to the enormous decrease in Northern fur seals. Should the international agreement which now exists be unilaterally terminated by the United States, it is very likely that at least some of the other parties to the Convention would resume large scale pelagic sealing—an eventuality which would be very detrimental to the Northern fur seal.

In this regard, I want to refer to the Ocean Mammal Protection Act, as modified, which I have previously discussed. Title IV of that Act expresses the sense of the Congress that the Secretary of State should immediately notify the other parties to the North Pacific Fur Seal Convention, signed on February 9, 1957, as the latest successor to the 1911 Convention, that the United States does not intend to extend its life beyond 1976. Further, Title IV expresses the sense of the Congress that the Convention should be permitted to expire in 1976, after its current termination date in 1975.

In light of the past history of the Northern fur seal—that is, the great depradations following upon the pelagic sealing method which used to be employed—I must oppose any termination of the Convention unless we have an international binding agreement that such sealing will not be resumed. While Title IV of the Ocean Mammal Protection Act does express the sense of the Congress that the Secretary of State should immediately initiate negotiations with the parties to the Convention and other interested nations for the purpose of achieving an international ban on all killing of Northern fur seals, I do not believe that we can unilaterally terminate our participation in the Convention prior to the obtaining of such a ban. Thus, I particularly stress the importance of Section 403 of the modified Ocean Mammal Protection Act, which provides for renewal of the Convention if a new treaty cannot be negotiated.

The Ocean Mammal Protecton Act in the interim prior to a new treaty calls for termination of that portion of the harvest—70 per cent of the seals killed—which is allocable to the United States under the Convention. In principle, I am in accord with the step of at least terminating the United States' percentage of the kill. However, I am fearful that this step might be interpreted—purposefully—by one or more of the parties to the Convention as being an abrogation or violation of the Convention, justifying their resumption of pelagic sealing, and I stress the importance of this consideration.

Now I want to return to the thrust of House Concurrent Resolution 77, which is not cessation of the seal harvest or even its decrease, but rather, revision of the practices employed in that harvest.

The Fur Seal Act of 1966 charges the Secretary of the Interior with the management of the fur seals on the Pribilof Islands. His Department's Bureau of Commercial Fisheries supervises the harvest. The kill is largely limited to 3 and 4 year old bachelor males that congregate on the edge of the seal rookeries.

The Department of the Interior claims that this harvest serves conservation ends, stating in a publication entitled "Fur Seals of Alaska's Pribilof Islands," issued by the Department, that:

"The Pribilof rookeries can support only so many seals. The Bureau of Commercial Fisheries maintains the seal herd at its maximum level of productivity. Animals surplus to the needs of the herd are harvested each summer. If Man does not do it, Nature steps in. Some persons, who have the best of intentions, have the impression that Man could simply leave the fur seals alone and Nature would see to it that they lived happily ever after. It is not true. Nature would see to it that the surplus was killed off. And when Nature sets about redressing a population imbalance there is no place for mercy in the natural process. Nature has no compunction over killing pups slowly with parasites or starvation or any other way. People need to recognize this inescapable biological fact in considering what the consequences would be if Man were to abandon his management responsibilities."

This reasoning is very dubious. The same publication states that the Pribilof Islands herd is now estimated at some 1.5 million animals. This number is nowhere near former totals, and clearly disputes the contention that increased numbers would be detrimental to the animals. According to Mr. Seton H. Thompson, United States Fish and Wildlife Service, writing in the 1969 edition of Encyclopedia Americana on the subject of "Seals and Sealings," (Vol. 24, pages 480–83), at the time of the seal herd's discovery in 1786, there were at least 5 million seals. In 1968, there were 3,837,131 animals in the herd. Thus, under the supposedly enlightened conservation concerns of the Department of the Interior, the herd has decreased in the last 22 years by approximately 2 million—even allowing for inclusion in the earlier totals of the Japanese and Russian herds—without any specified diminution in territory available to the animals.

Unfortunately, so long as other nations do not enter into an international accord banning both pelagic sealing and killing of all seals, or at least allowing cessation of the killing of those seals currently allocable to the United States, under the existing Convention, it would seem that the harvest must continue. But, let us be clear. This harvest stems from the world's demand for fur seals, and the even more disasterous consequences which would occur were pelagic sealing resumed. Its merit does not lie in maintenance of the vitality of the Pribilof seals, as the Department of Interior indicates.

The annual harvest commences with the bachelor seals being driven from the shore to the fields beyond. The distance varies from a few hundred yards to over half a mile to sites where the killing takes place. The actual killing is performed by men armed with hard wood clubs 155 cm. long. They are assisted by one or two men who divide off small pods, or groups, of seals, about 10 in number, from the main herd, driving them toward the killers who then club them on the top of the head. Men known as stickers go around the clubbed animals and cut their skins in the mid ventral thoracic region, followed by pushing the knife into the thorax. The heart is then punctured by the knife. After sticking, other groups of men come to skin the seal.

According to the report prepared by Dr. Elizabeth Simpson for the World Federation for the Protection of Animals and published in 1967, about 13.6 per cent of the animals showed evidence of the animal having received two or more blows with the club, which is supposed to kill them instantaneously with one blow. Dr. Simpson also noted that the length of the drives of the seals to the slaughter grounds is in some locations too long, resulting in "unnecessary distress on the part of some of the seals."

Clearly, then, the so-called merciless seal harvest is not quite as beneficial as it has at times been portrayed. I do want to be frank, however, and acknowledge that Dr. Simpson did conclude that the present clubbing technique is probably the best, in comparison with the use of the captive bolt pistol, electrical stunning, and carbon dioxide stunning prior to sticking. She so concluded on the basis of the premise that "any method involving more handling of the animals would . . . be a step in the wrong direction."

Another study of the Pribilof Islands harvest reached similar conclusions. This study was made by the Task Force to Study Alternate Methods of Harvesting Fur Seals, and was issued in 1968.

We are, it appears, left with a difficult conclusion. Clubbing has been supported by studies. However, there are some directions towards which we should be pushing. First, we should be seeking international accord on totally banning seal killing. Second, we should be impressing upon the Secretary of the Interior the importance of developing more humane methods of killing so long as the harvest continues. To this end, I think it particularly appropriate that House Concurrent Resolution 77 be enacted into law.

I would like, before closing, to make reference to a very real concern which has been voiced. This is the economic situation of the individuals involved in the Pribilof Islands harvest. The total population of the Pribilof Islands is approximately 600 people. Their only income producing industry is the seal hunt. However, I want to stress that this industry is not the result of indigenous cultural patterns: the Russians, who originally owned the Pribilofs, brought Aleutian people from the Aleutian chain of islands to the Pribilofs, where they were kept in bondage as slaves for the purpose of conducing the slaughter. Secondly, I want to stress that I believe it entirely appropriate that should more humane methods of harvest be instituted, the people presently employed be trained to carry out these methods. Should the harvest be terminated, I believe federal assistance to develop new industry, to assist in moving the natives, should they wish to leave, and to retrain them, would be entirely in order.

Finally, I believe similar assistance should be provided the employees of the Fouke Fur Company, in Greenville, South Carolina, which is the only American company engaged in processing and preparing the seal pelts.

Mr. BADILLO. Mr. Speaker, the need for Congress to enact strong legislation to protect ocean mammals has been well documented. But bringing before the House H.R. 10420 is, unfortunately, the illusion of the kind of action that is needed, not the reality. This legislation, which I oppose, is not nearly strong enough to provide the protection that is needed. It is, as the New York Times pointed out in an editorial:

A wildlife management bill (whose) aim is to manage these mammals on "an optimum sustained yield basis . . . to insure the continuing availability of those products which move in interstate commerce."

I think it was a mistake to bring this legislation up under suspension of the rules, thus denying Members the opportunity to offer strengthening amendments. In view of this, those of us who have been fighting for real protection for ocean mammals have been presented with no alternative but to reject H.R. 10420.

The real failings of this bill are its failure to establish a definite moratorium on the taking of ocean mammals so that many of the species which have been depleted may recover, and the granting of administrative power under the bill to the Department of Commerce—which traditionally has been more devoted to exploitation than to conservation.

It is my sincere hope that in the second session we will be able to enact a bill based on the protection and conservation of ocean mammals, and not on the "harvesting on a sustained yield basis" concept.

The SPEAKER. The question is on the motion of the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 10420, as amended.

TELLER VOTE WITH CLERKS

Mr. PRYOR of Arkansas. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. PRYOR of Arkansas. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. DINGELL, PRYOR of Arkansas, PELLY, and DOWNING.

The Committee divided, and the tellers reported that there were—ayes 199, noes 150, not voting 82, as follows:

[Roll No. 436]

[Recorded Teller Vote]

AYES—199

Abernethy, Adams, Anderson, Calif., Andrews, N. Dak., Annunzio, Arends, Aspin, Barrett, Begich, Bergland, Betts, Bevill, Blackburn, Boggs, Bow, Bray, Brinkley, Brooks, Brown, Ohio, Broyhill, N.C., Broyhill, Va., Burke, Mass., Byrne, Pa., Byrnes, Wis., Cabell, Caffery, Camp, Carney, Casey, Tex., Cederberg, Chamberlain, Clancy, Clark, Clausen, Don H., Clawson, Del, Cleveland, Colmer, Corman, Crane, Daniel, Va., Daniels, N.J., Danielson, de la Garza, Delaney, Dennis, Dent, Devine, Dickinson, Dingell, Donohue, Dow, Downing, Dulski, Dwyer, Edwards, Calif., Eilberg, Esch, Eshleman, Fisher, Flood, Foley, Ford, Gerald R., Ford, William D., Forsythe, Fountain, Fraser, Frelinghuysen, Fuqua, Gallagher, Garmatz, Gonzalez, Goodling, Gray, Green, Oreg., Green, Pa., Griffin, Griffiths, Grover, Hagan, Haley, Hammer-schmidt, Hanley, Hanna, Hansen, Idaho, Harvey, Henderson, Holifield, Horton, Hosmer, Hungate, Hutchinson, Jarman, Johnson, Calif., Johnson, Pa., Jonas, Jones, Ala., Karth, Kazen, Keating, Keith, Kyl, Kyros, Latta, Leggett, Lennon, Lent, Link, Long, La., Long, Md., McClory, McCollister, McCulloch, McDonald, Mich., McFall, Macdonald, Mass., Madden, Mahon, Mailliard, Martin, Mathis, Ga., Matsunaga, Meeds, Melcher, Mills, Md., Mink, Minshall, Mollohan, Monagan, Moorhead, Morgan, Morse, Mosher, Moss, Murphy, Ill., Murphy, N.Y., Nedzi, Nelsen, Nix, Obey, O'Neill, Patten, Pelly, Perkins, Pirnie, Podell, Poff, Price, Ill., Price, Tex., Quie, Randall, Rarick, Roberts, Robinson, Va., Roe, Rogers, Roncallo, Roybal, Ruppe, St Germain, Sandman, Satterfield, Saylor, Scherle, Schneebeli, Schwengel, Sikes, Sisk, Smith, Iowa, Smith, N.Y., Snyder, Stanton, J. William, Steed, Steele, Steiger, Ariz., Stratton, Stubblefield, Taylor, Teague, Calif., Thone, Ullman, Van Deerlin, Waggonner, Waldie, Wampler, White, Whitehurst, Whitten, Widnall, Williams, Winn, Wyatt, Wydler, Wylie, Wyman, Yatron, Young, Fla., Young, Tex., Zablocki, Zion

NOES—150

Abourezk, Abzug, Addabbo, Alexander, Anderson, Ill., Anderson, Tenn., Archer, Ashbrook, Ashley, Aspinall, Badillo, Baker, Bell, Bennett, Biaggi, Biester, Bingham, Boland, Brademas, Brasco, Brotzman, Brown, Mich., Buchanan, Burke, Fla., Burlison, Mo., Byron, Carey, N.Y., Carter, Chappell, Collier, Collins, Tex., Conable, Conte, Conyers, Colter, Coughlin, Culver, Davis, Ga., Davis, S.C., Davis, Wis., Dellenback, Denholm, Dorn, Drinan, Duncan, Edmondson, Edwards, Ala., Fascell, Fish, Flowers, Flynt, Frenzel, Frey, Gaydos, Gettys, Gialmo, Gibbons, Goldwater, Grasso, Gross, Gude, Hall, Halpern, Hamilton, Hansen, Wash., Harrington, Hastings, Hays, Hechler, W. Va., Heckler, Mass., Heinz, Helstoski, Hicks, Mass., Hicks, Wash., Hillis, Hogan, Hull, Ichord, Jacobs, Jones, N.C., Jones, Tenn., Kastenmeier, Kee, Koch, Landgrebe, Lloyd, Lujan, McCormack, McDade, McEwen, McKay, Mayne, Mazzoli, Michel, Mikva, Miller, Ohio, Minish, Mitchell, Myers, Natcher, Nichols, O'Hara, O'Konski, Passman, Pettis, Peyser, Pike, Preyer, N.C., Pryor, Ark., Railsback, Rangel, Rees, Reid, N.Y., Robison, N.Y., Rooney, N.Y., Rooney, Pa., Rosenthal, Roush, Rousselot, Runnels, Ruth, Ryan, Scheuer, Schmitz, Scott, Sebelius, Seiberling, Shoup, Shriver, Skubitz, Slack, Stanton, James V., Steiger, Wis., Stephens, Stuckey, Symington, Talcott, Terry, Thompson, Ga., Thompson, N.J., Thomson, Wis., Tiernan, Udall, Vander Jagt, Vanik, Veysey, Vigorito, Whalen, Wolff, Yates

NOT VOTING—82

Abbitt, Andrews, Ala., Baring, Belcher, Blanton, Blatnik, Bolling, Broomfield, Burleson, Tex., Burton, Celler, Chisholm, Clay, Collins, Ill., Curlin, Dellums, Derwinski, Diggs, Dowdy, du Pont, Eckhardt, Edwards, La., Erlenborn, Evans, Colo., Evins, Tenn., Findley, Fulton, Tenn., Galifianakis, Gubser, Harsha, Hathaway, Hawkins, Hébert, Howard, Hunt, Kemp, King, Kluczynski, Kuykendall, Landrum, McCloskey, McClure, McKevitt, McKinney, McMillan, Mann, Mathias, Calif., Metcalfe, Miller, Calif., Mills, Ark., Mizell, Montgomery, Patman, Pepper, Pickle, Poage, Powell, Pucinski, Purcell, Quillen, Reuss, Rhodes, Riegle, Rodino, Rostenkowski, Roy, Sarbanes, Shipley, Smith, Calif., Spence, Springer, Staggers, Stokes, Sullivan, Teague, Tex., Ware, Whalley, Wiggins, Wilson, Bob, Wilson, Charles H., Wright, Zwach

Messrs. PASSMAN and BOLAND changed their votes from "aye" to "no."

So (two-thirds not having voted in favor thereof) the motion was rejected.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RECREATIONAL DEVELOPMENT AT FISH AND WILDLIFE AREAS

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10384) to amend the Act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k–460K–4), to release certain restrictions on acquisition of lands for recreation development at fish and wildlife areas administered by the Secretary of the Interior, as amended.

The Clerk read as follows:

H.R. 10384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress amended, That section 2 of the Act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k–1), is further amended to read as follows:

"SEC. 2. The Secretary is authorized to acquire areas of land which are suitable for—

(1) fish and wildlife-oriented recreational development, or

(2) the protection of natural resources,

and are adjacent to the said conservation areas; except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps. Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent."

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 10384 is to increase public recreational opportunities on lands adjacent to areas within the national wildlife refuge system, national fish hatcheries, and other conservation areas administered by the Secretary of the Interior for fish and wildlife purposes.

Mr. Speaker, the Committee on Merchant Marine and Fisheries in 1962 re-

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ported legislation that resulted in the enactment of what is commonly known as the Refuge Recreation Act. This act authorizes the Secretary of the Interior to administer, for public recreation, the areas within the national wildlife refuge system, national fish hatcheries, and other conservation areas under his administration.

However, the act further requires him to administer such areas in such a fashion that the recreational uses are incidental or secondary and not inconsistent with the primary objective for which each area is established.

The 1962 act also authorizes the Secretary of the Interior to acquire lands for recreational development adjacent to the aforementioned areas under his jurisdiction administered for conservation purposes. The need for H.R. 10384 arises from the fact that the 1962 act limited acquisitions for recreational purposes only to those areas adjacent to conservation areas in existence in 1962. Furthermore, the act provided that such adjacent lands should be acquired only when needed to avoid adverse effects upon fish and wildlife populations and management operations of such conservation units. Also, the 1962 act placed another unrealistic restriction on acquisitions; it, in effect, limited acquisitions to not more than 100 acres adjacent to each of about 20 refuges in existence in 1962, and to not more than 3 acres adjacent to each of 20 fish hatcheries in existence in 1962.

Mr. Speaker, briefly explained, H.R. 10384 would merely rewrite section 2 of the Refuge Recreation Act to remove these unrealistic restrictions. There would be no limitation on the number and size of areas authorized to be acquired; there would be no requirement that the conservation unit need to be in existence in 1962; nor would there be any requirement that acquisitions would be limited only to those areas needed to avoid adverse effect on fish and wildlife values within a conservation unit.

Mr. Speaker, the Department of the Interior has identified 44,000 acres of land that are desirable for inclusion under this program over the next 5 years. For example, there are about 5,000 acres of gulf shoreline adjacent to the San Bernard Refuge in Texas that would provide wildlife-oriented recreation use which cannot be provided now because of inadequate access and restrictive ownership. There are almost 400 acres adjacent to the Desert Game Range in Nevada that are needed to preserve public use of a subheadquarters area. There are about 600 acres adjacent to the Sand Lake National Wildlife Refuge in South Dakota which are vitally needed to overcome an undue harassment problem on geese in that area caused by intensive goose-hunting activity during the peak of the hunting season.

Mr. Speaker, in all a total of 21 projects have been identified by the Department of the Interior for carrying out over the next 5-year period.

Mr. Speaker, with increasing public demand for more recreational opportunities such as sightseeing, picnicking, camping, swimming, fishing and hunting, boating, and observation of wildlife in its native habitat, I think it is imperative that this legislation be passed promptly so that we can proceed to acquire these areas as soon as possible before they are diverted to other uses.

Mr. Speaker, H.R. 10384 was introduced by the distinguished chairman of our Committee on Merchant Marine and Fisheries, Mr. GARMATZ and myself, as a result of an executive communication from the Department of the Interior. It was unanimously reported by our Committee on Merchant Marine and Fisheries, and I would like to urge its prompt passage.

Mr. HALL. Will the gentleman yield?

Mr. DINGELL. Yes. I yield to the gentleman.

Mr. HALL. Do I understand that this involves not only enclaves in the refuges but also it may allow for the expansion of marine protection areas and wildlife and conservation areas and fish hatcheries, and so forth, by the Department of the Interior?

Mr. DINGELL. The gentleman is correct but only for the purposes set out in the 1962 act. It certainly is not to expand the refuges broadly and generally but simply to enable the refuges which are acquired by Government funds principally to be expanded for recreational uses by appropriated funds where we are receiving visitors in the fields of water recreation, swimming, picnicking, and things of that kind.

Mr. HALL. Does the gentleman propose the use of water conservation funds as recommended by BOR, that would be appropriated funds?

Mr. DINGELL. That is correct. That would be possible under this bill.

Mr. HALL. Let me ask the gentleman further if this changes the Federal land acquisition laws or involves land condemnations?

Mr. DINGELL. I would have to say that only to the degree as indicated in my earlier remarks.

Mr. HALL. Now, Mr. Speaker, if the gentleman will yield further, the gentleman spoke rather vehemently on the last bill which was sunk like a waterlogged log in an Ozark cistern, that he distrusted the Department of the Interior. Does this act not repose this responsibility and trust in the Department of the Interior? As I read it, the Secretary of the Department of the Interior is referred to repeatedly as the party who will prescribe the rules for this operation.

Mr. DINGELL. Subject to the approval of the Appropriations Committee. The Interior Department does have the power to administer this bill, but if the gentleman will permit I would like to observe that this only applies to the acquisition of a limited amount of areas for the protection of endangered species and for the purposes of better management of the refuges, and recreational purposes.

Mr. HALL. The gentleman has repeatedly said, Mr. Speaker——

Mr. DINGELL. Mr. Speaker, may we have the regular order. I would like to give the gentleman a fair answer, and I will. This would authorize the Secretary of the Department of the Interior to acquire certain small areas adjacent to the refuges for purposes of handling visitor traffic and things of this kind.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, does not my distinguished friend who is a great conservationist and has had unlimited experience in Government, think we ought to have an executive director at a GS–18 level and an advisory council and commission in order to accomplish this?

Mr. DINGELL. If the gentleman wants to suggest that to the committee, the committee would certainly be willing to take it under consideration.

Mr. HALL. Far be it from me to ever suggest it, but I am amazed at the inconsistency.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 10384, which would correct some deficiencies noted in the prior administration of existing law by releasing certain restrictions of acquisition of recreational development lands at fish and wildlife areas administered by the Secretary of Interior.

The gentleman from Michigan (Mr. DINGELL) has aptly described the provisions of the legislation and the reasons for its enactment. I wholeheartedly concur in his remarks. The legislation is an administration bill which was unanimously reported out by your committee. I urge its passage.

Basically, the bill would amend section 2 of the 1962 Refuge Recreation Act (76 Stat. 653), as amended (16 U.S.C. 460k-460k–4). Section 2 of that act authorizes the Secretary to acquire limited areas of land for recreational development adjacent to areas of the national wildlife refuge system, national fish hatcheries, and other conservation areas administered by him.

The act, and its legislative history, requires that such land acquisition must be adjacent to a conservation area in existence in 1962, and that such areas must be limited in size—as indicated in the legislative history—1962 United States Code, Congressional and Administrative News, pages 2723—to very small areas adjacent to only 20 refuges and 20 fish hatcheries.

Since 1962, the Department of the Interior has gained a great deal of experience in the administration of this program and has found that a great number of areas can provide compatible wildlife-oriented recreational opportunities without interfering with the basic management program on the adjacent conservation areas acquired pursuant to the 1962 Refuge Recreation Act. Consequently, limitations on the number and size of the areas which could be acquired for such purposes is unrealistic, and tends to unduly restrict the administration of the basic act in accordance with the principles therein. Upon enactment of this legislation, it is my understanding that the Department of the Interior has identified approximately 21 projects amounting to 44,000 acres on which acquisition could be scheduled for fiscal years 1973 to 1977. The estimated initial cost for land acquisition of these 21 projects is approximately $17 million. The funds for such acquisition, as indicated from Department of the Interior, would come from existing and future financial resources and moneys placed within the land and water conservation fund. This bill simply would relieve the existing limitation which the Department must live under in regard to area size of the lands to be acquired. Your committee amended the bill to provide specific authority for the Secretary to acquire lands which are suitable for fish and wildlife-oriented recreational development and for protection of natural resources. This latter category would enable the acquisition of lands adjacent to conservation areas for the purposes of establishing a buffer zone of protection. Such acquisition could be in the form of outright purchase of lands in fee simple or in other proprietary interests such as restrictive easements, and so forth.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 10384, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to release certain restrictions on the acquisition of lands for recreational development and for the protection of natural resources at fish and wildlife areas administered by the Secretary of the Interior."

A motion to reconsider was laid on the table.

SAFER TOYS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise, and extend his remarks and to include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, as the holiday season approaches, millions of Americans will be purchasing toys for their children. It is unfortunate that many consumers will be unconcerned with the potential danger of some of those toys which appear on the pre-Christmas market.

The Food and Drug Administration's Bureau of Product Safety has been making an all out effort to remove unsafe toys from that market, either by Government order or by voluntary compliance by manufacturers. Government's role in the control of unsafe toys is an important one, but we must understand that Government cannot be completely successful in this effort without the cooperation of the consumer. This is an area in which consumer education and consumer participation together with Government inspection and control can provide meaningful protection and reform.

A recent editorial in the Long Island Press, entitled "Safer Toys: A Big Job" states the case clearly and to the point. I call the attention of my colleagues to this editorial from the November 16, 1971, edition of the Long Island Press:

SAFER TOYS: A BIG JOB

The Food and Drug Administration dragged its feet on toy safety last year—banning a few dangerous gadgets just five days before Christmas, after most shopping had been done. But it is doing much better this year, thanks to increased funding.

With a $6 million budget and more than 200 inspectors, the FDA's Bureau of Product Safety has already removed 187 suspect toys from the market and by so doing convinced the toymakers to voluntarily design many others to increase safety.

This is more like it, but the fact that 5,000 new toys are dumped on the Christmas market every year means that the BPS has made just a bare-bones beginning.

It also means that government, no matter how hard it tries, cannot do the entire job of protecting children from unsafe toys. Parents must choose toys more carefully, particularly such big sellers as stuffed animals and dolls, darts, noisemakers, toy guns and rattles. Together, government, safety-conscious parents and manufacturers can remove most of the danger from toy shelves.

EXEMPTION FOR NEWSPAPERS OPPOSED

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the fact that three major daily newspapers in Chicago are demanding equal treatment, along with all of the other segments of labor and industry in the United States, under the extension of the Economic Stabilization Act.

The Economic Stabilization Act expires on April 30, 1972, and bills passed by both the Senate and House Banking and Currency Committees would extend the provisions of this act to April 30, 1973. However, the Senate bill includes an exemption for newspapers and news media, while the House bill does not include such an amendment.

With reference to the proposed exemption, the Chicago Tribune commented editorially on December 3: "A Favor We Don't Want." Furthermore, in a telegram addressed to me, the publisher of the Chicago Sun-Times and the Chicago Daily News, Marshall Field, opposed the exemptions. And editors of various weekly and suburban newspapers in the Chicago area have contacted me to express their opposition to the Senate amendment providing this exemption.

The House is expected to take action on the Economic Stabilization Act extension very shortly, and I urge the Members of this body to maintain the position of the House Banking Committee and vote down any exemptions for newspapers and news media. The editorial and telegram follow:

[From the Chicago Tribune, Dec. 3, 1971]

A FAVOR WE DON'T WANT

We appreciate the solicitous thoughts of the senators who voted to exempt the information media from wage and price controls, but this is a favor that THE TRIBUNE, for one, would prefer to do without.

The exemption was approved by the Senate in the form of an amendment to the wage and price control bill sponsored by a coalition of senators led by Alan Cranston of California. Their argument is that the press was exempted from controls during World War II and that, in Mr. Cranston's words, the present controls would give the government "economic life-or-death power over every publishing and broadcasting operation in the country."

THE TRIBUNE has a long tradition of opposition to special privileges for special interests, whether for the newspapers or anybody else. There is only one special privilege we demand, and that is the privilege of freedom granted to the press under the First Amendment to the Constitution. We have fought for this privilege and will continue to do so, because in fighting for this privilege we are fighting for the public's right to know and are not seeking to set ourselves apart from the public.

We don't consider that the present wage and price controls constitute a threat to the freedom of the press. We think Mr. Cranston exaggerates the danger. The Pay Board and the Price Commission are autonomous bodies, unlike the wartime control boards; and while we may not always approve of their decisions, there is no evidence that they are subject to improper political influence.

As finally passed by the Senate, the Cranston amendment does call on the press to abide by the guidelines on a voluntary basis. Even so, the appearance of favoritism is ill-becoming to the press at a time when the rest of the country is being urged to make sacrifices. If the amendment is approved by the House and the President, THE TRIBUNE will strive to live within the framework of the existing regulations and assume the same burdens and responsibilities as we expect of other businesses.

The country is facing a serious economic challenge. We have urged business and labor to subordinate their interests to the national interest. We are willing to do the same ourselves.

[Telegram]

CHICAGO, ILL.,
December 2, 1971.

Hon. FRANK ANNUNZIO,
House Office Building,
Washington, D.C.:

Hope you can help eliminate Cranston amendment exemptions for newspapers when wage-price legislation reaches House. I believe no one should be exempt if we are to win war on inflation. Have also wired Rep. Mills. Many thanks. Regards

MARSHALL FIELD,
Publisher Chicago Sun Times and Chicago Daily News.

HONORARIA PAID CAMPUS SPEAKERS

(Mr. ICHORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, last year the House Committee on Internal Security, which I chair, conducted a voluntary survey into honoraria paid campus speakers to ascertain whether honoraria might be a substantial source of revenue for the "revolutionary movement."

I believed at the time and I believe now, Mr. Speaker, that every taxpayer and every citizen who pays tuition at a college or university has a perfect right to know how and to whom his tax money and tuition fees are being spent.

If my tuition fees and taxes are furnishing large incomes for people like

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David Dellinger, Rennie Davis, and Abbie Hoffman, I think I have a right to know that.

Our 47-page report was, as I said, of a limited nature, but apparently quite on the mark. However, we might have done well to probe the subject actively rather than conduct a voluntary survey.

I find a most interesting Associated Press article in the Washington Star of November 4, 1971, concerning this matter of honoraria paid to speakers espousing extremist views.

The AP story notes that the Rev. James E. Groppi, a Roman Catholic priest from Milwaukee, Wis., who embraces a wide range of radical causes, had a rather staggering increase in his income from 1966 to last year.

According to the Internal Revenue Service, as quoted in the AP story, Father Groppi's income went up from $2,198 in 1966 to an adjusted total of $14,747 in 1967. It more than doubled from the 1967 figure the following year to $30,550; however, he suffered something of a setback in 1969, earning only $20,087.

But 1970, according to the story, was a year of most dramatic significance to Father Groppi. He dragged in $211,111 that year. That is not a bad income for anyone—especially a gentleman of the cloth.

And, according to the AP:

> The source of most of the income was identified as fees for speaking engagements.

The amount of $211,111 could do much good if applied to the work of the church this man represents. But it is my understanding the gentleman has refused these funds to his diocese and, instead, insisted that they must be used to finance the "movement" of radical leftists who support his extracurricular endeavors.

But it is also gratifying to note, in another AP story in the Star on November 25, 1971, that the future of honoraria income for the Father Groppis and David Dellingers of this world does not look bright.

This second story quotes Robert Walker, whose American Program Bureau in Boston books more than half the speakers on American college campuses, as saying:

> The radical speakers are off now. They had their run. Abbie Hoffman and Jerry Rubin are still getting dates but they are not in demand like last year.

Mr. Walker further notes that recently Black Panther leader Bobby Seale drew in a speaking engagement at Stanford University only 200 persons in a hall seating 500. That must have outraged Seale, who has a remarkably foul temper and tongue.

The news articles follow:

[From the Evening Star, Nov. 4, 1971]

HECTIC, TAXING DAYS

The Rev. James E. Groppi paid $1,247 extra in income taxes and penalties in 1967 after the Internal Revenue Service told him that he had understated his income by $7,531, an assistant Wisconsin attorney general says.

Charles Black disclosed the action this week after subpoenaing the Roman Catholic priest's records. The state is gathering data for a civil suit against Groppi, not dealing with taxes. The suit involves a take-over of the state Assembly chambers in 1969 by Groppi and demonstrators who were protesting welfare budget reduction. The state wants reimbursement for alleged damage to the chambers.

Groppi said he paid the additional taxes without challenging the IRS, remarking "Those were very hectic days then, and I wasn't keeping very good records."

Tax returns presented at a court commissioner hearing in Milwaukee showed Groppi's income increased from $2,198 in 1966 to an adjusted total $14,747 in 1967, $30,550 in 1968, $20,087 in 1969 and $211,111 in 1970. The source of most of the income was identified as fees for speaking engagements.

CAMPUS BOOKINGS FOR RADICALS DECLINE

(By Terry Ryan)

NEW YORK.—Abbie Hoffman is down, Buffalo Bob is up and Ralph Nader reigns as superstar this year on the college lecture circuit.

"The radical speakers are off now. They had their run," said Robert Walker, whose American Program Bureau in Boston books more than half the people who speak on American college campuses. "Abbie Hoffman and Jerry Rubin are still getting dates, but they are not in demand like last year."

Politics—radical or straight—usually won't fill an auditorium. Black Panther Bobby Seale and former Tennessee Sen. Albert Gore recently spoke at Stanford University in California. Seale drew 200 people in an auditorium that seats 500; Gore drew 200 in a 400-seat hall.

ISSUES ALONE DON'T DRAW

An issue alone won't draw too well. Georgia Tech has had programs on birth control and abortions without name speakers. They drew 100 to 150 people," said Program Director David K. Neff. "A name speaker will draw 800 to 1,000 people anytime."

A name speaker with an issue is the best bet to pack the house. Nader on consumerism, Dick Gregory on racism and Dr. Benjamin Spock on the war have filled campus auditoriums from Maine to Oregon.

The American Program Bureau reports a long list of dates for pro-abortion speaker William R. Baird Jr. The University of Pittsburgh is using $5,000 from its $25,000 annual speaker budget this month for a four-day session on prison reform with authorities who normally travel the lecture circuit.

LONGER STAYS POPULAR

"I think there is a trend away from having a guy come in and do his one-hour bit and leave," said Dennis Concilla, Pittsburgh's program commissioner. "It is rather unproductive. We are looking for something more from our speakers."

Black poetess Nikki Giovanni is one of the hotter properties on the college circuit. Her fee went from $750 last year to $2,000 this fall, said Richard Fulton, head of the New York agency that handles her. Charles G. Hurst Jr., president of Malcolm X College in Chicago, is strong on campuses throughout the country, especially with black student groups.

"A couple of years ago, the South would have been reluctant to book a black personality," said Fulton. "Now the barriers are down. Across the board, on all speakers, things have loosened up."

$4,000 FOR APPEARANCE

The fees garnered by campus speakers range from a few hundred to a few thousand dollars. Nader, Gregory and Georgia State Rep. Julian Bond, the top attractions on campus, get up to $4,000 an appearance, said Walker, whose agency handles all of them, but they will often scale down fees or appear for free.

The nostalgia kick has hit the colleges. Pinky Lee, zany children's television star of the 1950s, draws well with a lecture on the art of slapstick. Buster Crabbe is doing well with a package that includes his early Tarzan and Flash Gordon movies.

"We could not get Howdy Doody, so we had Buffalo Bob Smith. He was tremendous," said John Fahey, director of student union activities at the University of Hartford in Connecticut. "The students really get into it. They enjoy seeing someone who was important to them when they were children."

Smith was the puppet's sidekick on the popular children's television show in the 1950s.

RECORD SALES IN TWO MAJOR RETAIL CHAIN STORES

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, it is going to be a merry Christmas, at least according to the heads of two major retail chain stores. The chairmen of Sears, Roebuck & Co. and J. C. Penney Co. told President Nixon that Christmas sales this year should be the best in history. Record sales during the month of November were reported by both chains, as well as S. S. Kresge Co., Montgomery Ward & Co., and F. W. Woolworth Co. The Sears and Penney executives indicated these sales gains were attributable for the most part to sale of appliances and other "big ticket" items, which in their opinion indicates consumer confidence in the economy is strengthening.

Other indications of rising consumer confidence have recently appeared. During the month of October consumer installment credit increased $924 million, seasonally adjusted. While this was somewhat below the record $999 million increase during September, it remains a larger increase than any since October 1968.

This increasing confidence in the economy by consumers is shared in the business community. A recent survey by the Department of Commerce and Securities and Exchange Commission indicates the business community plans strong increases in outlays for new plant and equipment during the first half of 1972. Outlays have been projected at a rate approximately 9 percent above outlays during the first half of 1971. According to Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs, this increase in capital expenditures will "have a major expansionary impact on the economy." Such spending for plant and equipment generally has a powerfully beneficial effect on the economy because it stimulates both borrowing for construction and demand for material and manpower. This causes strong secondary activity throughout the rest of the economy.

It is obvious that the increasing confidence of both consumers and the business community will be further strengthened if, as expected, the President's tax package is enacted in the near future.

CANADA, THE CARIBBEAN, AND LATIN AMERICA: TIME TO REMOVE THE IMPORT SURCHARGE

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, 3 weeks ago we entered phase II of President Nixon's new economic program. The beginning of phase II presented a splendid opportunity to restore mutual confidence and goodwill in the hemisphere by ending the unjust imposition of the 10-percent surcharge on imports from Canada, the Caribbean, and Latin America. President Nixon did not avail himself of this opportunity—apparently choosing instead to continue to use our neighbors as pawns in an attempt to pressure those responsible for our international economic problems into taking corrective actions.

These are harsh words but when it is realized that our Latin American and Caribbean friends buy much more from us than we do from them, it is difficult to reach any other conclusion.

The case for removing the surcharge on Canadian products is different but no less compelling. We do have a deficit in our trade with Canada but a trade balance in Canada's favor is essential to that nation's ability to finance the return on our massive investments in Canada. Even if ending the surcharge was not justified on economic grounds alone, it makes sense on political grounds. Canada is not just a neighbor. It is our closest friend and ally. No amount of short-term economic advantage can possibly be worth undermining the goodwill basic to our close friendship.

Mr. Speaker, I have supported the President's overall economic program. I hope its goals will be achieved but I continue to believe that the international parts of that program which punish the innocent along with the guilty are sheer folly.

Tomorrow the leaders of both the other largest nations of our hemisphere will be in Washington at the same time. What better opportunity could the President have to demonstrate the U.S. continued interest in the welfare of our friends and neighbors? I urge the President to use this unique occasion to announce an end to the surcharge on hemisphere imports.

Mr. Speaker, since I last spoke on November 4 of the damage being done to our neighbors by this arbitrary surcharge several letters and articles have come to my attention which I would like to include at this point in the RECORD:

[From the Miami (Fla.) Herald, Nov. 16, 1971]

SURCHARGE IS UNFAIR TO LATINS

The president of Mexico, Luis Echeverria, has articulated the attitudes of the developing world with perhaps the greatest clarity for a chief of state.

"There will be no peace in the world until there has been a basic readjustment of the economic relations among nations," he said at the United Nations last month.

"The menace of increasing inequality between the rich countries and the poor is as serious today as the threat of atomic war . . .

"No country, or group of countries, powerful as they may be, may take upon themselves the exclusive guidance of world affairs and even less the guardianship of other nations."

The speech ranged across all of Mexico's foreign policies, but the strongest language dealt in unmistakable terms with the United States and its economic policies, particularly the 10 percent import surcharge.

President Echeverria's comments, as well as those of many other leaders of developing countries, now have been formalized in the U.N. with a proposal to the General Assembly that industrialized countries recognize that there can be no political security until there is economic stability.

Brazil made the proposal and 21 Latin American nations endorsed it. Asian and African countries are expected to follow with similar resolutions.

The effect is a kind of peaceful rebellion against the economic power wielded by the United States, Japan, or the European Common Market and the Soviet Union.

In the Western hemisphere, of course, the principal target of such protest is the United States. Unhappily, the United States feels besieged with problems at home and it ability to respond is limited. Thus the problem will persist and probably worsen before meaningful solutions emerge.

Some relief is possible in the short run, however, if the United States would lift the surcharge against Latin nations. U.S. Rep. Dante B. Fascell, chairman of the House subcommittee on Inter-American Affairs, already has proposed that action in Congress.

He has called on the President to end what he calls "the unjust treatment of our neighbors." He bases this on the fact that the United States had a $917 million favorable trade balance with Latin America in 1970. He suggests it is unfair to punish Latin America for problems brought on by Europe and Japan.

The administration, we are told, is looking for ways to keep its promises for better Latin trade relationships. They are urgently needed. Meanwhile, it seems to us that Mr. Fascell's suggestion offers an opportunity for a meaningful demonstration of good faith.

CHAMBER OF COMMERCE
OF THE AMERICAS,
November 19, 1971.

Hon. DANTE B. FASCELL,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR MR. FASCELL: The enclosed statement of position was approved by our Board of Directors on September 18, 1971 while in regular session at Port-au-Prince, Haiti. Transmittal of the statement was withheld pending revelation of later phases of President Nixon's economic plans. We had hoped the special significance of the relationship between the United States and these countries would be recognized in those plans.

We are most concerned, as I know you must be, over the serious consequences of the 10 percent surcharge applied to all imports from the Caribbean and Latin American countries—which our statement explains.

For these reasons, we hope the comments we make will allow you to verify the severe effect of this extra duty on the economy of those countries. With all due respect, we ask you to give our statement your utmost consideration.

Allow me to take this opportunity to thank you for your excellent help, while in my recent visit to Washington, D.C. in the company of our mutual friend, Frank P. Gatteri.

Respectfully yours,
JOHN O. MILLER, President.

RESOLUTION

Be it resolved by the Board of Directors of the Chamber of Commerce of the Americas that the Government of the United States of America is hereby respectfully urged to remove the 10 percent surcharge applied to all imports from the Caribbean and Latin American Countries now in effect, which is causing irreparable damage to the economy of those countries.

The Board takes this action because:

1. For years the Government of the United States has encouraged all Caribbean and Latin American nations to believe that they have a special relationship with the United States and that their democratic traditions and history bind all together, including their economies.

2. More than ½ of all Caribbean and Latin American exports, $5.2 billion in 1970, were to the United States. Almost $1 billion worth of this total will be affected by the surcharge.

3. According to the U. S. Department of Commerce, the U. S. sold $917 million more in goods to Latin America and the Caribbean than the U. S. bought from them in 1970.

4. The facts are clear. Trade with almost all of the United States' neighbors to the South is helping, not hurting the U. S. balance of payments.

5. The United States, for years, have urged export expansion and pledged to open markets more to Latin and Caribbean products by enactment of a system of general tariff preferences for the developing nations. Yet, just at the time when many Hemisphere nations are beginning to expand their exports of manufactured products so that they can earn money with which to repay the U. S. developments loans, the U. S. has levied an extra 10 percent duty, and this after agreeing to reduce import duties.

6. It certainly is not a good foreign policy to erect trade barriers between the U. S. and their closest friends and allies with whom for so long the U. S. has had a policy of open frontiers and close military and economic cooperation.

7. The direct effects on the economy of those countries and in business in general are serious and threatens National emergency in some of them.

8. The solution to this unjust treatment can be achieved by immediately exempting all Carribbean and Latin American products from the 10 percent import surcharge.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Secretary of State, the Secretary of Commerce, the Speaker of the House of Representatives and the Senate, as well as to the Secretary General of the Organization of American States and all other appropriate persons and organizations.

CHAMBER OF COMMERCE OF
THE AMERICAS
Curacao, Neth. Antilles,
November 29, 1971.

Hon. DANTE B. FASCELL,
Rayburn Office Building,
Washington, D.C.

HONORABLE MEMBER OF CONGRESS: Our Board of Directors, while in regular session at Port-au-Prince, Haiti, September 18, 1971, agreed to request of the U.S. Government the removal of the 10 percent surcharge applied to all imports from the Caribbean and Latin American countries now in effect.

We are most concerned, as we know you must be, over the serious consequences of this 10 percent surcharge applied to all imports from the above mentioned areas which is causing irreparable damage to the economy of those countries.

For these reasons, we urge that you verify the severe effect this extra duty will have on

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these countries which, for years, the Government of the United States of America has led to believe that they have a special relationship with the United States and that their democratic traditions and history bind all together, including their economies.

With all due respect, we ask your utmost consideration in repealing the 10 percent surcharge which will create a barrier between the United States and their closest friends and allies which for many years have enjoyed a policy of open frontiers.

Respectfully yours,

LIONEL CAPRILES,
Director from the Netherlands Antilles.

CRISIS AT SEA: THE THREAT OF NO MORE FISH

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. KEITH) is recognized for 5 minutes.

Mr. KEITH of Massachusetts. Mr. Speaker, the December 3 issue of Life magazine features a magnificently done photo report entitled, "Crisis at Sea: The Threat of No More Fish."

The report is so excellent, so directly to the point of this very real crisis, that I have directed a letter of appreciation to Life's publisher, Mr. Garry Valk.

As I have told him, the article constitutes a distinct public service in that it focuses attention to the fact that the world, simply, is running out of fish.

This article tells the story so well, and so much to the point, that I commend it to the attention of all of my colleagues. It goes directly to the heart of the cause of an exploding world population's loss of a major source of badly needed protein—as well as to the heart of the plight of "the men of Gloucester and New Bedford and other east coast ports where the unemployment rates are among the highest in the country," of "the veteran fishermen who no longer can expect their sons to follow in a tradition as old as the country," and of "owners who see their means of livelihood rotting away uselessly beside a wharf."

As a Member of Congress whose constituency includes the badly threatened fishing industry of New Bedford, Cape Cod, and the islands, I have long been gravely concerned with the fact that, as the Life story warns, the world's fish "are being plundered by overfishing so great that some stocks may be on an irreversible voyage to extinction."

It was this very concern that caused me to request my assignment to the House Committee on Merchant Marine and Fisheries. It is this same awareness that has impelled my emphasis on the importance of the Law of the Sea Conference, to be held in Geneva in 1973.

For, as the Life article puts it, quite properly, this vital international Conference may well be man's last chance to reverse the threat of no more fish.

A preparatory committee for the 1973 Conference met twice in 1971. Last summer's session was the most productive to date. Several position papers were placed on the table in support of concepts such as coastal states' rights, strict coastal zones, and jurisdiction over the seabed, particularly as it relates to oil and hard minerals.

The developing nations are seeking strict coastal zones extending to 200 miles. The developed maritime powers prefer to recognize coastal states' rights in which the territorial seas would be extended to 12 miles. The United States position is not to favor an exclusive coastal state zone but, rather, a coastal zone in which the abutting nations are the jurisdictional body controlling the exploitation of the resources in that zone.

Obviously, the United States is attempting to find an acceptable middle ground between these points of polarization.

Obviously, too, this is not a simple matter.

Perhaps even greater concern to me as a Member of the Congress, however, is the proper representation at the Conference of our commercial fishing industry and in particular its views on fisheries conservation. This year, our commercial fishing industry will commemorate 100 years of fisheries conservation. From its point of view, there is little to celebrate. If drastic action is not taken to assure this proper representation and consequent conservation at the 1973 United Nations Law of the Sea Conference, there will be no bicentennial. Long before that time course there will be no more American fishing industry. And so, Mr. Speaker, our fishing industry's adequate participation in any future planning sessions and the Conference itself is imperative.

I would like to call my colleagues attention to an article which appeared in the December 3, 1971, issue of Life magazine. I wholeheartedly concur in its conclusion and, especially, invite your attention in its conclusion relating to our posture on the Law of the Sea Conference in 1973.

It is very apparent that this Conference is our last chance to preserve for posterity the rich resources of the world's oceans.

The full text of this Life article and its cutlines follows:

CRISIS AT SEA: THE THREAT OF NO MORE FISH

The world is on its way to running out of fish. The endless riches of the sea that were supposed to mean salvation for the world's multiplying population turn out to be far from endless. They are being plundered by over-fishing so great that some stocks may be on an irreversible voyage to extinction.

For most of the earth's history, fish have had more than an even break. They could shelter in places fishermen could not go, or evade crude tackle with relative ease. But in the past two decades such automated marvels of electronic fish catchery as the American tuna seiner *Captain Vincent Gann* have radically altered the balance. Adopted by small nations as well as large, the new technology has led in the space of 20 years to a worldwide doubling of the quantity of fish caught. Today the haddock is gone from Georges Bank off the coast of New England and the yellowfin flounder from Alaskan waters, just as the herring was hunted out of the Baltic.

There is no good reason for any fish to become extinct. Actually, the world could safely catch twice as many fish as it does now, provided some simple rules of conservation were followed. But seaboard nations, including the U.S., are so tangled in tradition, in 18th-century concepts of "freedom of the seas" and in three-mile territorial limits that they have not been able to agree on sensible laws of fishery. In 1973 they will get another chance It may be the last one.

The American "super seiner" *Captain Vincent Gann* is a year-old $2.5 million air-conditioned example of all that's new and deadly efficient in fishing. The *Gann* has captured as much as 250 tons of tuna in one set of her giant net. She stays at sea until her tanks are loaded with 1,100 tons of frozen tuna, and at the rate she's been catching fish she will pay off her total cost in only six more years—if the tuna don't run out first.

The old method of fishing for tuna with bamboo poles and barbless hooks allowed many to escape. The modern seine net, when all goes well, captures every fish in the school. But seining for tuna was never practical until synthetics came along after World War II to provide fibers strong enough to hold the fish. Then a Yugoslav immigrant to the U.S. invented a hydraulic power block to hoist the acres of net back aboard, and the "super seiners" were born. Though the U.S. was first to build them, the rest of the world is catching up. The international fleet already must chase from Peru to west Africa and back to the mid-Pacific to find fish.

The U.S. may lead in tuna fishing for the moment, but in most other kinds of fishing we rank as an underdeveloped country. Behemoths like the *Boevaya Slava* (below), a 575-foot Soviet factory ship, have outclassed our efforts and have brought the Russians within striking distance of the Japanese as the world's leading food-fishing nation. Fitted with all the processing and freezing equipment of a big onshore plant, the great ship is like a moving island, going wherever she is needed, taking in fish from her fleet of two dozen smaller catcher boats. She also offers the men from the smaller vessels an opportunity for a kind of floating shore leave, with medical care, movies, a library and showers.

Having built their fishing fleet from scratch in the last 20 years, the Soviets have been able to borrow or buy the best of the new technology. They have also surpassed other countries in another way: the officers of their vessels must pass through a university-level technical training program that makes them the best-educated fishermen in the world.

The *Blue Surf* is typical of what's left of the Gloucester fleet. Rusting, flaking, shivering with the vibrations of her 25-year-old diesel, she still dares the North Atlantic even in midwinter when good sense would dictate that she ought to be tied to the wharf. She is one of 96 vessels left in a fleet that once numbered nearly 400. For the past year the *Blue Surf* has fished for cheap nickel-a-pound ocean perch, not because that's what her crew wants to do—some weeks they have earned less than $60 apiece—but because there isn't anything else. The haddock, cod and flounder she was built to catch have been swept from the New England banks by foreign vessels that will now move on to different seas. For the small New England vessels with limited range, there's no place left to go.

Just to the south of the rocky undersea canyons where the *Blue Surf* seeks a living, the fertile Georges Bank extends in sandy shallows 160 miles out from Cape Cod. A generation ago, New England fishermen were taking thousands of tons of haddock and cod and flounder from Georges every year, and hardly denting the supply. Ten years ago the Russians appeared, then the Poles, the Germans (East and West), the Spaniards and even the Bulgarians. At times their fleets totaled more than 500 vessels, many of these the new factory ships able to freeze everything they caught and to stay at sea for months.

In this situation the Americans never had a chance. Most of the foreign vessels were either state-owned or built with subsidies that ranged from 50% to 100%. For Americans, it was—and is—the other way around. Since 1792 federal law has subsidized the U.S. boat-building industry by stipulating that all American fishing vessels must be built in this country. Today our fishermen have to pay twice as much for a vessel as their foreign competitors do. Considering the low duties charged on most fish, it is thus possible for foreign vessels to fill their holds almost within sight of the American coast, carry the fish back home and then ship it right back here at a profit. In 1970, the excess of fishery imports over exports cost the U.S. $700 million in our balance of payments.

In the U.S., the immediate damage has been to people: to the men of Gloucester and New Bedford and other East Coast ports where the unemployment rates are among the highest in the country, to the veteran fishermen who no longer can expect their sons to follow in a tradition as old as the country, to owners who see their means of livelihood rotting away uselessly beside a wharf.

The long-term loss has been to the fishing grounds. Some biologists estimate that if all fishing stopped tomorrow, the haddock would never return to Georges Bank in the numbers that existed there just ten years ago. Like huge mechanical combines harvesting a field of wheat, the foreign vessels have raked over the grounds until they are now little more than a wasteland. One Canadian study defined the problem: "What is everybody's property is nobody's responsibility."

By 1970, when it was perfectly apparent they had wiped out nearly every living thing on the North Atlantic banks, the fishing nations involved got together and agreed on a quota system. It was no more than an admission of damage already done and is not likely to reverse the process of destruction. The foreign fleets came to the North Atlantic after they had cleaned out the Baltic and the North Sea. When they clean out the banks near our shores they will go elsewhere.

American fishermen have been powerless to halt the rape of their own fishing grounds, partly because the U.S., as a maritime power, has insisted on the three-mile territorial limit as a guarantee of free passage through all the world's oceans and straits. On this point we have the unfamiliar but wholehearted support of the Russians. Our dogged insistence on narrow limits is a major cause of the uncontrolled slaughter of fish. But this doesn't have to be the case.

In 1973 the U.S. will take part in a worldwide "Law of the Sea" conference in Geneva. We could lead a return to sanity by sponsoring three measures there:

Dual seaward limits for all coastal states: 12 miles as the limit of sovereignty, with an additional fishery conservation zone extending out to the point where the continental shelf slopes off into the ocean depths. Most fish live on the shelf, not in the depths. By placing responsibility for the world's fish stock in the hands of the nations bordering the seas, the world would take a practical step toward preservation and regulation. A coastal state should not be able to restrict all fishing to its own boats. But it should be able, through licensing, to limit the total catch to a sustainable yield.

International limits on the different species of tuna that would cut off the fishing worldwide when a set quota is reached. Tuna range through all the world's oceans, and tight conservation measures in one area mean nothing if it's open season at the fishes' next port of call.

Agreement that river-spawning fish such as salmon should never be caught on the high seas but only at the mouths of the rivers in which they are born and where they return to spawn and die. If salmon are netted during the oceanic part of their life cycle, it may well mean that when the time comes for them to return to their native rivers, none are left to strike up certain streams, while other rivers are glutted. Two improbable villains in the present situation are Denmark in the Atlantic and South Korea in the Pacific. Neither nation has a salmon river of its own and both insist on the right to catch salmon on the high seas. If their attitude wins out in the name of "freedom of the seas," the salmon may go the way of the whale.

There is no reason why laws cannot be written that would acknowledge the basic right of free passage and still allow for the conservation of the world's fisheries. In fact, unless such laws are written, we will be preserving only the right of passage over a dead sea.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

There are 865 species of trees native to the continental United States, including a few imports that have become naturalized to this country, according to the American Forestry Association.

CLOSING A LOOPHOLE IN OUR DRUG CONTROL LAWS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, today I have introduced a bill which would close a serious gap in the Controlled Substances Act enacted last year. A brief description of an incident that took place earlier this year in Rochester, N.Y., will demonstrate the need for this legislation.

A surgical supply company, registered under the Controlled Substances Act to distribute drugs, sold its warehouse to the city of Rochester for an urban renewal project. When it removed its inventory from the warehouse, the company left behind large quantities of amphetamines, barbiturates, and assorted drug paraphernalia which were out of date and had lost their commercial value. Shortly thereafter, these drugs and supplies found their way into the illegal drug scene in Rochester.

Thanks largely to the efforts of Mr. George W. Finegan, a volunteer with the middle earth youth project, personal contact was made with drug users to alert them that these drugs were chemically unstable and highly dangerous. As a result, 30,000 doses of destro amphetamine and more than a case of lethal procaine were recovered and destroyed.

Mr. Finegan filed a complaint against the supply company with the U.S. attorney for the Western District of New York. The U.S. attorney, however, determined that no violation of Federal law had occurred. In fact, there was apparently no ground even for the revocation of the company's Federal registration under which it was authorized to distribute controlled substances.

The bill I have introduced today would correct this deficiency in the law in two ways. First, it would empower the Attorney General to revoke or suspend a Federal registration where a registrant "has abandoned or otherwise failed to maintain effective controls against the diversion of any controlled substance," or where he "failed to provide a standard of control consistent with the public health and safety." The Attorney General is directed to apply such standards when determining whether to register an applicant to manufacture or distribute controlled substances. Surely these applicants should be held to the same standards after they have received their registration and are dealing in dangerous drugs.

Second, my bill provides for criminal penalties where, as in the case cited above, registrants simply abandon controlled substances rather than taking responsibility for their destruction or end destination.

Mr. Speaker, the primary purpose of our registration system is to insure that dangerous drugs move only in authorized channels. The incident that occurred in my congressional district clearly demonstrates that our present laws do not provide adequate safeguards. I believe the legislation I have introduced will significantly enhance our chances to fight and win the battle against drug abuse. An identical measure has been introduced in the Senate by Senator THOMAS EAGLETON and I hope that each of my colleagues in the House will join us in this effort.

At this point, Mr. Speaker, I would like to include for the RECORD a letter I received from Mr. George Finegan and the letter to Mr. Finegan from the U.S. attorney.

MIDDLE EARTH YOUTH PROJECT,
Rochester, N.Y., December 1, 1971.

Hon. FRANK HORTON,
Cannon House Office Building,
Washington, D.C.

DEAR MR. HORTON: Under existing Federal law, abandonment of, or gross negligence in the handling of a dangerous drug, such as amphetimine is not a crime.

For the past 6 months, I have been on the street, as a youth worker in Rochester and in my judgment, Amphetimine is a greater public health and public safety problem than is heroin.

A speed freak, (amphetimine user) will kill. I've seen enough chemically induced paranoia as a result of amphetimine to be outraged by the drug industrys wanton disregard of their public responsibility.

Early this summer, while recovering from a heart attack, I began spending my time with teen agers, most of them white, middle class and all of them drug oriented.

Two of them, who were runaways found a warehouse which was scheduled for demolition under urban renewal and which contained an estimated 500,000 units of amphetimine and barbituates as well as needles, syringes and worst of all, a case of procaine which if injected could be lethal.

The owner of the drugs had abandoned them because they were out of date and had lost their commercial value.

I was able to intervene and recover some 30,000 units, a case of procaine which we turned over to Mr. John Sullivan of the U.S. Attorneys office. He was most cooperative and

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interested to the point of spending his own free time to learn of our project and what we were attempting to do.

His research into this matter elicited the fact that abandonment is not now a violation of federal law. While the particular case that I cited is relatively rare, it does point up a deficiency in the law and we are most grateful for your interest in the matter.

The bill which you propose to sponsor in the house would be a small but I think significant step in the drug control effort.

Respectfully,

GEORGE W. FINEGAN.

U.S. ATTORNEY,
Rochester, N.Y., October 20, 1971.

Re Complaint Against Local Drug Wholesale Supply Company

Mr. GEORGE FINEGAN,
Middle Earth Youth Project,
Rochester, N.Y.

DEAR MR. FINEGAN: This letter is in regard to your complaint against the Monroe Surgical Supply Company. I have, in the vault at the United States Attorney's Office, Rochester, New York, the material that you caused to be turned over. That material being various needles, syringes, vials of narcotic drugs and sundry pills.

Under the facts alleged in this complaint, there appears to be no violation of a federal criminal statute. Aside from the evidentary problems that would be inherent in the direct proof of this case in relationship to Monroe Surgical Supply Company's original ownership and abandonment of these articles, there is no statute under which this office can proceed. The mere fact of abandonment of control substance narcotics does not give rise to a criminal violation. This opinion is based on my research and consideration of the statutes and on the advice of the regional office of the Bureau of Narcotics and Dangerous Drugs in Buffalo and New York City. An investigation of this matter has been conducted by the Bureau of Narcotics and Dangerous Drugs.

In this type of situation, there is a possibility that a wholesale drug supplier in abandoning this type of material may violate State registration and record keeping requirements and in that manner, their application for a renewal of license might be denied for failure to comply with State requirements.

In this instance case, Monroe Surgical Supply Company has now voluntarily withdrawn from the narcotic drug wholesale supply business.

I wish to thank you for your continued cooperation and concern in drug related matters with this office.

Very truly yours,

H. KENNETH SCHROEDER, Jr.,
U.S. Attorney.

By: JOHN T. SULLIVAN, Jr.,
Assistant U.S. Attorney.

PROVIDING FOR THE SAFEKEEPING OF THE HOLY CROWN OF ST. STEPHEN

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I am today reintroducing my resolution providing for the safekeeping of the Holy Crown of St. Stephen until such time as a constitutional government freely elected by the Hungarian people once again functions in Hungary.

This resolution was originally introduced on July 30 of this year when I was joined in cosponsorship by 25 colleagues. Similarly, Senator ROBERT DOLE introduced Senate Concurrent Resolution 48 on October 29 and was joined by six colleagues in the other body.

Joining me in the reintroduction of this resolution today are:

Mr. COLLIER of Illinois.
Mrs. GRASSO of Connecticut.
Mr. HOSMER of California.
Mr. HUNT of New Jersey.
Mr. KUYKENDALL of Tennessee.
Mr. MINSHALL of Ohio.
Mr. PRICE of Texas.
Mr. RARICK of Louisiana.
Mr. SCHMITZ of California.
Mr. THOMSON of Wisconsin.

Mr. Speaker, I am pleased by the support of my colleagues for this resolution. I believe it indicates that many Members of this body are gravely concerned with the fate of the Hungarian Holy Crown and with the American role in its preservation.

Mr. Speaker, I have written to President Nixon expressing this shared concern, particularly in light of recent news stories that the Holy Crown may have been used as the negotiating tool to secure the resettlement of Joseph Cardinal Mindszenty in Rome and Vienna. I have asked the President to clarify the intent of these negotiations since I recently received a letter from Cardinal Mindszenty expressing his gratitude for our efforts to safeguard the Holy Crown.

Mr. Speaker, I include these documents in the RECORD at this point:

DECEMBER 3, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Once again, news reports indicate that the United States is negotiating with the Hungarian Government for the return of the Hungarian Holy Crown of St. Stephen, which was entrusted for safekeeping to the United States in 1945.

I am enclosing for your further information the translation of an article which appeared in the October 21, 1971 issue of the *Salzburger Nachrichten*, entitled "Secret Exchange of Mindszenty for St. Stephen's Crown?", as well as a copy of The Scott Report which appeared in the November 11, 1971 edition of *The Wanderer* newspaper. These articles allege that negotiations for the return of the Crown are under way, and even go so far as to indicate that the Crown has been promised in exchange for the safe resettlement of Joseph Cardinal Mindszenty in Rome and Vienna. Despite these allegations, the enclosed copy of a letter which I received from Joseph Cardinal Mindszenty indicates that the Cardinal himself wishes the Holy Crown to be retained in the United States at this time.

To date, thirty-nine members of the House and seven Senators have co-sponsored my resolution providing for the safekeeping of the Holy Crown until such time as a constitutional government freely elected by the Hungarian people once again functions in Hungary. This support is, I believe, indicative that many members of the Federal legislature are gravely concerned with the fate of this symbol of constitutional government and of the American role in its preservation.

I have called on Chairman Thomas E. Morgan of the House Committee on Foreign Affairs to initiate hearings on this important resolution. Prior to any public hearings, I would appreciate having your comments about these reports of alleged negotiations concerning the return of the Crown.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

VIENNA, *November 20, 1971.*

Representative Mr. LAWRENCE J. HOGAN,
U.S. House of Representatives, Washington, D.C. U.S.A.

SIR: It is with the deepest sense of gratitude that I received the information about a resolution action for the preservation of the Holy Crown of St. Stephen, for trying to prevent its being delivered into the hands of our worst enemies.

I express my feelings of hope in the success of your endeavors for this noble cause.

With the expression of my thanks,

I am sincerely yours
JOSEPH CARDINAL MINDSZENTY,
Primate of Hungary,
Archbishop of Esztergom.

SECRET EXCHANGE OF MINDSZENTY FOR ST. STEPHEN'S CROWN?

München [Munich] October 20, 1971 (DPA). According to information received by the CSU organ "Bayernkurier", secret negotiations between the American and Hungarian Governments are underway concerning the crown of Saint Stephen, which is on deposit at Fort Knox in the United States.

As the Bavarian Party organ writes in its latest issue, "the return of the crown of the founder of the Hungarian Kingdom was one of the conditions which the Hungarian Government had made for the granting of safe conduct for Josef Cardinal Mindszenty during his recent resettlement to Rome. Allegedly, the negotiations concerning the departure of the Cardinal who had enjoyed asylum in the USA Embassy in Budapest since 1956, resulted in Pope Paul VI's "strict order" for the Cardinal to come to the Vatican, while the Budapest Government had given its approval of the exchange of St. Stephen's crown for Mindszenty's departure".

[From the Wanderer, Nov. 11, 1971]

WILL REDS GET ST. STEPHEN'S CROWN?

(By Paul Scott)

WASHINGTON.—Secret diplomatic maneuvering is now underway for the State Department to turn over the Holy Crown of St. Stephen's to the Communist Government of Hungary.

The historic crown, the oldest Christian symbol of freedom and authority in Europe, was entrusted to the U.S. Government in 1945 to keep it out of the hands of attacking Russian armies and until Hungary is a free nation again.

The return of the Holy Crown and its jewels is being engineered by Dr. Henry Kissinger, the President's chief foreign-policy adviser, and is an integral part of President Nixon's new policy of accommodating Moscow and Peking to obtain a lowering of East-West tensions.

Under the Kissinger plan, the Holy Crown is to be returned to Hungary before the President visits Moscow. The return could come as early as this Christmas if a U.S.-Hungary claims settlement agreement can be worked out before then.

The return of the Holy Crown is to serve as a public gesture to Moscow and the other Soviet-bloc nations that the U.S. Goverment fully recognizes Communist control over Hungary and the other captive nations of Eastern Europe.

Given to King Stephen of Hungary by Pope Sylvester II in the year 1000 A.D., the Holy Crown is a national treasure of immense historic and symbolic significance to Hungarians and American Hungarians who believe that government power is inherent in the Holy Crown itself. To many Hungarians, the Holy Crown represents that Hungary always would be a Christian nation.

Discussions on the arrangements for the return of the Holy Crown are now going on in Budapest between Hungarian officials and U.S. Ambassador Alfred Puhan. The arrangements are expected to be completed soon unless Congress bars the move.

Twenty-five lawmakers led by Representative Lawrence Hogan (R., Md.), a leading Catholic layman and former FBI agent, have introduced a concurrent resolution in Congress designed to block the return. Their resolution expresses the sense of Congress that the Holy Crown should remain in the United States until Hungary once again functions as a constitutional government established through free elections.

The House legislators, who are from politically strategic States ranging from New York to California, and Massachusetts to Pennsylvania, are now pressing for public hearings before the House Foreign Affairs Committee. The Hogan group's objective is to expose the Kissinger plan before it can be consummated and rally public and Congressional support against the return.

Their argument against the return is that it would be taken by persons behind the Iron Curtain as a breaking of a sacred trust and a sign that the United States has given up hope that Hungary and the other captive nations will ever be free. As one member of the Hogan group put it:

"The return of the Holy Crown would be a symbol that the United States believes Communist rule will go on indefinitely in Hungary and the other Eastern European nations."

State Department officials so far have been able to delay public hearings by declining to answer the committee's request for the Nixon Administration's position on the resolution.

THE NEW POLICY

The significance of the present U.S.-Hungarian talks to return the Holy Crown is that they began shortly after President Nixon made his decision to support the legalization of Communist control over all the people and nations seized during and since World War II.

Although never announced by the President, this new doctrine of writing off the captive nations of Europe and Asia was secretly made known to Soviet and Chinese lesders several months ago and shortly after the decision was made.

Administration insiders say the new Nixon policy had a lot to do with those invitations from Moscow and Peking for President Nixon to visit those countries next year. Another sign of the policy is the red-carpet treatment that the White House accorded President Tito when the Communist boss of Yugoslavia visited Washington last week.

It was Tito who encouraged Nixon during their meeting last year in Belgrade to give "legal recognition" to the territorial changes that took place in Europe after the Second World War.

MINDSZENTY EXILED

The pressured exile of aging Cardinal Mindszenty recently from his self-imposed asylum in the U.S. Embassy in Budapest was part of the new Nixon policy toward the Communists. As a symbol of a free Hungary, the Communist government there wanted Cardinal Mindszenty removed from the country. The Nixon Administration agreed and put pressure on Rome to force Mindszenty to leave.

Significantly, one of the charges leveled against Cardinal Mindszenty, when he was jailed after the Communists took over Hungary, was that he had urged the United States to protect the Holy Crown or turn it over to Rome for safekeeping. Cardinal Mindszenty was freed from jail by the Hungarian Freedom Fighters during the October, 1956, uprising. He was forced to seek asylum in the U.S. Embassy when Soviet troops crushed the rebellion.

Now living in exile in Austria, Cardinal Mindszenty's private plea to his supporters here is to do everything possible to keep the Holy Crown out of the hands of the Communists. One of his long-time supporters here, former Speaker John McCormack, is telling members of Congress that "the return of the Crown to the present Hungarian government must be stopped."

FRENCH HEROIN PROCESSING AND TRAFFICKING MUST BE TERMINATED

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, the illicit traffic in heroin continues to increase at an alarming rate with a corresponding increase in human suffering as a result.

Today, Mr. RANGEL and I are introducing a bill designed to communicate to France the intense desire of the United States that French heroin processing and trafficking be terminated. The legislation we are introducing would raise the surcharge on French products from the present 10 percent to 25 percent. In order to make it more attractive to French authorities and to encourage them to show good faith, we are giving the President the discretionary authority to reduce or remove such a surcharge when it is proven to his satisfaction that the French Government is realistically demonstrating an ability to stop the illicit flow of drugs from their country into ours.

France must make more than the token effort it has been making to put the drug producers and drug smugglers out of business. The political pressure from Paris has already resulted in the ouster of John Cusack, the most active American drug fighter in France and European desk chief of the Bureau of Narcotics and Dangerous Drugs. A top-level French official has been indicted and now refuses to come to the United States and stand trial on narcotics charges. An officer at the French consulate in New York, implicated in an international dope smuggling ring, has refused to appear before a Federal grand jury. A former French ambassador has publicly admitted knowledge of diplomatic complicity in heroin traffic. Yet the French Government wants the American people to naively believe they are doing their best.

It is our hope that economic leverage will work where protocol has failed. The lives of too many of our young people are at stake for the United States to knuckle under to French political power. Through this legislation being proposed today, we hope to show France that the United States means business.

We are joined in this effort by 11 of our colleagues: Mr. BARING, Mr. BRASCO, Mr. CLEVELAND, Mr. DANIEL of Virginia, Mr. DIGGS, Mr. FORSYTHE, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HORTON, Mr. SCHWENGEL, and Mr. STOKES.

DISTURBING DEVELOPMENTS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, the events of the past few days on the Indian subcontinent promise deep trouble, not only for East Pakistan but for all concerned. No matter how swiftly military operations may develop, it is hard to envisage any victor in the conflict now underway.

The role of India in this conflict is most disheartening. Admittedly India has been under heavy and increasing pressure because of the millions of refugees from East Pakistan which she has been caring for. Admittedly also, it would have been difficult prior to the outbreak of war, to argue about the urgent need for Pakistan to develop a political accommodation which would have relieved that pressure.

However in seeking a military solution for her problems India has released a whirlwind. It has made a political accommodation impossible and may well affect her own future adversely. Furthermore, India's unilateral action in recognizing the independence of a so-called People's Republic of Bangla Desh makes India the architect of a policy which, if successful, could have far-reaching consequences.

A People's Republic of Bangla Desh, described by Mrs. Gandhi as following "the basic principles of democracy and socialism," is certainly not what the people of East Pakistan were voting for just a year ago when they so overwhelmingly supported Sheikh Mujibir Rahman. This new socialist People's Republic smacks strongly of Soviet influence on India. This is not unnatural perhaps in view of the treaty signed last August between the U.S.S.R. and India, but at the same time India's decision is a disturbing indication of what may lie ahead on the subcontinent.

CONGRATULATIONS TO THE ECONOMIC DEVELOPMENT ADMINISTRATION

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 5 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I noted with interest an announcement which was made recently by the Economic Development Administration that the agency's investment in economic planning and development on Indian reservations had passed the $100 million mark.

The achievement of this milestone is noteworthy for two reasons. The first is that it indicates the fulfillment of the promise made by President Nixon to expand the Federal Government's role in helping the Indians.

The second, of equal importance, is the effect this financial support has had in encouraging the Indians to view their reservations in a new light—one that reflects the opportunity for new jobs and better family incomes.

The Economic Development Administration is the U.S. Commerce Department agency that helps communities develop their resources to enable them to reach their full economic potential. EDA has designated more than 100 Indian reservations around the country as eligi-

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ble for this support and has received enthusiastic responses from tribal members to its offer of assistance.

The many projects which have received grant and loan support range from the installation of basic sewer and water services to land preparation and the construction of buildings for use by industry.

They represent the true meaning of a partnership between the Federal Government and a local community—in this case the Indian reservation.

EDA offers financial help to the tribes in the form of planning grants to prepare an overall economic development program. It supports technical studies on the feasibility of certain industries operating on reservations and follows up this preliminary work with grants and loans to install the utilities and prepare the land for industry to use. Business loans are made to the tribes or to businessmen to start the work going.

The success of the program can be measured in the number of jobs created and the Indians employed.

One example is the Fairchild semiconductor plant on the Navaho reservation at Shiprick, N. Mex., which EDA assisted in establishing. Indians were trained for the work and there are now more than 800 employed at the production center.

Another project, and of far-reaching potential for the Nation as a whole, involves sea-farming by the Lummi Tribe of Washington. The program was established with the aid of $2 million in public works and technical assistance funds from EDA. The tribe expects the production of oysters and fish to employ 600 persons by the end of the fifth year. And Lummis believe the project will develop into a $4 million annual industry.

There are many other projects which are equally noteworthy—tourist centers, training schools, industrial parks, lumber mills, cattle raising cooperatives—to name a few.

Much work is still to be done, but these EDA programs have already been a key element in assisting the American Indian build a better life based upon economic growth from the Indian's own initiative and labors.

EDA's support to the Indians passed the $100 million mark on September 30, 1971, when it approved a $460,000 grant for an industrial park on the Swinomish Reservation in the State of Washington.

It is my understanding the EDA has set a goal of approving grants and loans totaling $26 million for the Indian programs in fiscal 1972. I am pleased that this program continues to reflect the increasing desires and abilities of the American Indian to obtain a full share of economic growth.

I have some designated EDA Indian reservation areas in my congressional district and they are working on programs and economic development proposals that I am hopeful will lead to job opportunities, business opportunities, and an overall economic, social, and cultural enhancement of our Indian community.

I am pleased with the progress and commend Mr. Podesta and his very able staff for their very beneficial efforts on behalf of our American Indians.

ATTACK ON THE SOUTH CAROLINA COMMISSION FOR FARM WORKERS

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 15 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I think it is somewhat fitting that the Office of Economic Opportunity has chosen a date so close to the infamous attack on Pearl Harbor to begin their own attack on the South Carolina Commission for Farm Workers. Mr. Speaker, this morning the OEO has undertaken the task of stripping away funds for this State commission. I submit that, like the lynch laws of the early West, they would like to give the South Carolina Commission for Farm Workers a fair trial and then hang them. I further submit that, like that infamous attack on Pearl Harbor, the OEO has operated under the cloak of secrecy, and has now struck with little warning. Even to this hour, the OEO has yet to officially notify me of their actions, despite my concern. Despite the fact that radio and television accounts of my concern have run throughout the First District—the OEO has not heard. Despite headline after headline that have appeared in newspapers around the First District—the OEO has not seen. Despite my speeches in this Chamber previously—the OEO does not respond.

The hearings are officially underway and I would like at this point to comment on the morning session. I went to these hearings with an open mind and the thought that we might really get a semblance of justice. I felt that, with the hearings out in the open, the OEO would have to keep the proceedings "above board." Mr. Speaker, this is far from the case. We have underway—in the name of "defunding hearing"—a regular kangaroo court with an in-house judge. The South Carolina Commission for Farm Workers has been pitted against the bureaucratic army—armed with a peashooter. The OEO is not allowing things like truth and objectivity to stand in their way of a conviction. I really half-expect to hear someone on the panel to yell—"Off with their heads" before the day is over.

I would give the South Carolina Commission for Farm Workers about as much chance of standing this onslaught as a crippled chicken in a field full of foxes.

Even though the South Carolina Commission for Farm Workers has truth on their side, they are in the process of being devoured. I would like, for the record, to submit the reasons the OEO has brought about this action—followed by the 11-page reply of the South Carolina Commission for Farm Workers. This, I feel, states the case for and against much better than all of the rhetoric that could be advanced in this hearing:

STATEMENT OF SPECIFIC REASONS FOR TERMINATING GRANT CG–0774 TO THE SOUTH CAROLINA COMMISSION FOR FARM WORKERS

This statement sets forth the reasons for terminating the Office of Economic Opportunity ("OEO") grant CG–0774 to the South Carolina Commission for Farm Workers ("SCCFW") and identifies the facts relied on as justifying termination and the OEO requirements which it is contended SCCFW has violated.

A. DEFICIENCIES IN PROGRAM OPERATIONS

(1) The work program in the grantee's CAP Form 7 provides for a program of Adult Basic Education (ABE) which includes both General Education Development (GED) preparation and pre-vocational job orientation to be conducted at each of the Commission's four target county multi-purpose centers which would be set up to train some 200 potential trainees. The centers are the Charleston Center, the Williamsburg County Center, the Dorchester Center, and the Sumter Center. However, the grantee has not conducted any Adult Basic Education classes and there is no indication of any formally structured ABE classes having been conducted during this program year F.

An evaluation of SCCFW conducted during the period August 2–6, 1971, concluded that there were no ABE activities from April 1, 1971, the beginning of the program year F, to August 2, 1971. The reviewing team headed by Mr. Jose Garcia of the Migrant Division, determined that the ABE program was at a virtual standstill, that is, there were no classes of any type for farm workers in the SCCFW organization.

During the period September 21–24, 1971, a follow-up visit was made by a Migrant Division fact-finding team, at which time all of the area offices were visited. Again, there was no indication, as observed by the fact-finding team and through talks with SCCFW people, that any ABE classes were being conducted or had been conducted during the program year F as required by the grant terms and conditions. There was, however, some follow-up activity on ABE participants from the previous program year E which ended on March 31, 1971. But this follow-up activity to previous participants ended on July 1, 1971.

As further substantiation that no ABE classes have been conducted, it should be noted that there is a special condition of the grant entitled "Pre-vocational and Skills Services and/or Training Fund" which allows for some $60,000 to be used, with prior OEO approval, to assist in the grantee's training program. This special condition specifically provides for contracting of services to perform the necessary training in the program. Since there has been no request for the use of this fund to contract services, it is further evidenced that no ABE activities were being conducted.

(2) The work program calls for migrant day care services designed to meet the basic needs of migrant infants while their parents are working. A child care program was started in April 1971, but ended on August 6, 1971, and has not resumed as yet. At the time of the September 21 through 24 visit, it was noted that the year-round day care program supported by Title III–B funds had not been started up again after a recess in August.

(3) The work program outlines an Economic Development program to organize the rural poor in target counties into cooperative endeavors such as: buying clubs, sea food processing and marketing, credit unions, handicraft marketing, farm purchasing and marketing, and child care services. However, the only economic development project attempted has been that of the buying clubs.

(4) The work program of the CAP Form 7 provides for a Job Follow-up program. However, it is reported by the Migrant Division's reviewing team of September 21–24, 1971, that all Job Follow-up activity ceased on or about July 1, 1971.

(5) The grant to SCCFW included special conditions entitled "Special Reporting Requirements" which the grantee was required to comply with. For our purposes here, the more pertinent special conditions required the following: (a) Special Condition No. 5 required that the grantee submit a plan and implementation schedule for the restructuring of the Board to reflect the multi-county nature of the agency (SCCFW) and the need to provide representation for target area populations not then covered; the plan was to have been submitted by July 1, 1971, and (b) Special Condition No. 6 which in conjunction with the restructuring of the Board, required the grantee, by the same date, July 1, 1971, to submit a plan and implementation schedule for the relocation of centers, outreach staff, agency support resources, etc., to better reflect the seasonal and migrant worker target area population of South Carolina; also, this special condition required the grantee to develop working relationships with other agencies serving the poor. However, (a) the grantee did not submit the plans required by these special conditions within the allotted time, (b) the grantee requested and gained an extension of time from OEO to August 12, 1971, for the submission of the plans, (c) OEO, on June 29, 1971, requested the grantee to set up a Special Committee to negotiate with it in order to seek compliance with the special conditions on behalf of the grantee, (d) the grantee established the Special Committee on July 8, 1971, and it met on July 20, 1971, to resolve the questions raised by the Migrant Division for compliance with the special conditions, (e) the plans were submitted by the Special Committee to the Migrant Division and were considered adequate to meet the grant special reporting requirements; and the Migrant Division, in a letter to the grantee dated September 8, 1971, indicated an acceptance of the recommendations made by the Special Committee to meet the OEO special conditions.

Notwithstanding the above, the grantee (SCCFW) met on September 9, 1971, and the board, by motion, unanimously voted to dissolve the Special Committee and to replace it with an Executive Committee for purposes of negotiating on the special conditions with the Migrant Division. They also moved to repudiate and reject the work accomplished by the Special Committee, thereby resulting in the grantee's non-compliance with the special conditions of the grant.

Although the grantee failed to be in compliance with the conditions outlined in the "Special Reporting Requirements", the Executive Committee of the grantee forwarded to OEO on September 16, 1971 its own responses to the above requirements. These responses have been reviewed and have been judged inadequate and inappropriate for the following reasons:

(a) The restructuring of the grantee's board calls for the election of grantee staff members from the several program centers "to serve in a non-voting advisory capacity to the Governing Board." Such a provision further weakens the role of the grantee's Executive Director as the principal advisor to the board.

(b) A provision is made for at least one-third (⅓) of the board to be made up of migrants and seasonal farm workers and/or their elected representatives even though the grantee was informed of the current Migrant Division requirement that at least fifty-one percent (51%) of Title III–B grantee board members be so designated.

(c) The grantee persists in allowing the presence of only one-third (⅓) of its board members to constitute a quorum although advised by OEO that the percentage must be raised to fifty percent (50%), in accordance with OEO Instruction 6005–1.

(d) The Executive Committee argues that the persistent failure of the grantee to comply with the terms of the "Special Reporting Requirements" is proper grounds for a further delay in the relocation of program centers. OEO does not recognize non-compliance as an adequate justification for the continued failure to properly relocate program centers.

(e) The Executive Committee further suggests the establishment of satellite centers as an acceptable modification of the OEO relocation requirement. Such an expansion of the existing network of centers rather than the relocation of existing centers is both unnecessarily costly and programmatically unacceptable.

The foregoing items (1) through (5) constitute grounds for termination under clauses (1) and (3) of General Condition 9 of the grant.

B. DEFICIENCIES IN ADMINISTRATION

(1) A financial report entitled "South Carolina Commission for Farm Workers, Inc., Report of Financial Systems and Management Technical Assistance Needs," dated September 28, 1971, was made by an independent certified public accountant (CPA), Joseph A. Chesanek. The CPA states that "a review of the Commission's financial and accounting systems and procedures revealed that the systems and procedures in use are inadequate with regard to meeting OEO's minimal requirements." The condition of the accounting system violates CAP Guide Vol. II, Part 1.13. and fails to meet the standards set forth in section 243 of the Economic Opportunity Act of 1964, as amended.

Among the other financial and management deficiencies noted are (a) that the time and attendance records are lacking in administrative or fiscal controls, which are required by CAP Guide DI, II, Part 1.2.a. and OEO Instruction 6900–01, Part Vo.2, and (b) that the procedures for the approval of travel vouchers lack the necessary accurate accountability, which is prescribed by OEO Instruction 6910–1, and (c) that no accurate record is maintained as to the location and disposition of non-expendable property, as is required by OEO Instruction 7001–01. Additional deficiencies are noted in the attached excerpts from the CPA's report on SCCFW called "Report of Financial Systems and Management Technical Assistance Needs."

(2) The Special Condition of the grant entitled "Pre-vocational and Skills Services and/or Training Fund" which provides for some $60,000 of earmarked funds to supplement the Pre-vocational and Skills Services and/or Training Fund requires that special and separate accounting procedures be set up for this fund. The special requirement has not been implemented.

(3) The current senior staff person is described as the grantee's "Acting Administrator", a position not authorized or funded by the terms of the present grant.

C. GRANTEE BOARD OF DIRECTORS

(1) Article 2, Section 3 of the grantee's by-laws, which were last revised July 11, 1968, requires that two persons from each advisory council serve on the grantee board. However, this requirement of the by-laws has not been met since there are only three persons from the advisory councils. (See clause 4 of General Condition 9 of the grant and the attached excerpts from the Summary Report by the consultant, Mayfield K. Webb, from the Educational Systems Corporation).

(2) Article 2, Section 5 of the by-laws provides for a maximum of two consecutive terms of two years each for board members.

A memo sent to all board members on July 2, 1968 containing proposed changes to the by-laws of the SCCFW, including the change limiting the term of office of board members to two (2) years which was subsequently adopted on July 11, 1968, identified the following persons whose terms should end on December 31, 1969:

1. Thomas Duffy.
2. Marybelle Howe.
3. John T. Enwright.
4. James Adamson.
5. Virgil Dimery.
6. Leon Walker.

In addition, the terms of the following members were noted as scheduled to end December 31, 1970:

1. Willis Goodwin.
2. Lynn Rhodemeyer.
3. McKinley Washington.
4. James Martin.
5. Henry Grant.
6. Saul McBride.
7. D. L. Culver.
8. Irvin Drayton.

No evidence has been presented to show that the above persons ended their terms as indicated and that they were elected or selected to new terms. Their presence as board members therefore appears to be in violation of this provision of the agency's by-laws (see clause 4 of General Condition 9).

(3) Article 2, Section 6 of the by-laws provides that three consecutive absences from board meetings constitute voluntary resignation from the board. (See the Summary Report by Mayfield K. Webb.)

Persons whose presence as board members appears to be in violation of this section are:

1. Thomas Duffy.
2. Raymond Stoddard.
3. Henry Grant (PR).
4. Robert Hurst.
5. Paul Mathias.
6. Suzanne Pendarvis.
7. Harold Simmons.
8. Gray Temple.
9. John Enwright.
10. Herbert Fielding.

(4) Article 2, Section 3 of the by-laws provides that all sections of the state are to be represented on the board. Since the grantee has failed to meet this requirement, it is in violation of its own by-laws and clause 4 of General Condition 9 of the grant.

(5) The minutes of the Board of Directors meeting show that since as early as June 29, 1971, the Board has been unable to effectively address itself to the important question requiring its attention regarding the programmatic needs of the program.

The minutes show that a large part of the time has been spent in discussion of things other than programmatic concerns of the agency to the exclusion of much of the important business pending for the Board's attention. As a result the Board has not provided adequate leadership in setting policy, meeting conditions of the grant and supervising the program. The conditions have isolated the program from the community influence and control which the Board of Directors was intended to represent, and significantly impaired the grantee's capacity to enlist community support.

The situation so seriously impeded the carrying out of the grant work program that the OEO Migrant Division found it necessary to request, and did request on June 29, 1971 that a Special Committee be appointed to act for the board in the grantee's dealing with the Migrant Division. On September 9, 1971, in Kingstree, South Carolina, the meeting of the board was summarily adjourned by the Chairman after a board member allegedly engaged in denouncing fellow board members for racial prejudice and other name calling. In addition, at least one board member was reportedly manhandled at the meeting by a staff member. The events of September 9, 1971, were described in a Charleston, South Carolina newspaper by a reporter who was present at the meeting.

The foregoing items (1) through (5) all involve changes which significantly impair the representative character of the Board, which are grounds for termination under clause 4 of General Condition 9.

XUM

The facts described above require termination of the grant. On numerous occasions during the past several months the Migrant Division has expressed its concern to the grantee regarding the serious deficiencies in the program. Several meetings were held in Charleston and in Washington at which problems with the grantee's program board and administration were discussed and possible solutions were offered. All efforts to reach a mutually acceptable solution have either been resisted or rejected outright by the grantee.

As a result, Title III–B program operations in South Carolina are at a standstill. OEO funds are being expended to support a staff without measurable benefits accruing to the Title III–B target population. As a result of vacancies in key leadership positions, the present staff of the program has shown neither the professional qualifications to operate a Title III–B program nor the fiscal competence to maintain proper control of six hundred thousand dollars of Federal funds. In addition, grant funds have been expended in violation of the special conditions of the grant. Under these circumstances OEO can no longer permit Federal grant funds to be expended by the grantee.

SOUTH CAROLINA COMMISSION FOR FARM WORKERS—MIGRANT DIVISION

The South Carolina Commission for Farm Workers, Inc. (SCCFW) offers the following information in response to the allegations made by the Migrant Division of OEO against the SCCFW concerning OEO Grant CG–0774, Program Year "F".

The SCCFW has continued to serve the migrants and seasonal farm workers despite the problems created by the Migrant Division of OEO. Namely, the problems are:

1. Grant was not approved until May 26, 1971.

2. Funds were not received until July 7, 1971, which is over three months after the beginning of Program Year "F" and after the major migrant season in South Carolina.

3. A letter from the Migrant Division dated June 29, 1971 restricted III–B funds to current operational costs.

4. On September 15, 1971, the Migrant Division revoked the Commission's Letter of Credit.

5. A continuous threat of defunding by Migrant representatives and through the news media.

6. A letter dated October 28, 1971 informs the Commission of the Letter of Credit revocation over six weeks after the action.

7. The same letter informs the SCCFW that its funds are not frozen and that monies are available on a month-to-month basis for program operations. This is the first correspondence received by the Commission stating that we had operational funds. At this time the Commission proceeded to put its educational center program into full operation.

These and other hardships placed on the SCCFW by the Migrant Division have hampered our efforts to serve the migrants and seasonal farm workers as well as impair our support program efforts (six additional programs funded for $656,000), but the following activities indicate what the ability of the SCCFW is in spite of the lack of cooperation and support of the Migrant Division of OEO. With their support and cooperation, the SCCFW can continue an expanded, more complete program to serve the migrant and seasonal farm worker families.

A.(1) All centers were advised in late June by representatives of the Migrant Division and ESC not to implement the ABE program, planned for FY/F and delayed by the lack of funds. The centers were told that a survey would be conducted, pursuant to the reorganization of SCCFW. When the issue was not resolved by mid-September, the centers opened classes on a voluntary basis. When funding was received in November, additional stipended classes were begun on November 29. The classes are as follows:

(a) Adult Basic Education:

(Center, class, enrollment, and counties served)

Dorchester: Typing; 5 (Stipend), 12 (Non-Stipend); Dorchester.

GED; 19 (Stipend), 11 (Non-Stipend); Dorchester, Berkeley, N. Charleston.

Handicrafts; 30 (Non-Stipend); Dorchester, N. Charleston.

Pre-vocational training; 28; Dorchester, Berkeley, N. Charleston.

Sumter: ABE; 12 (Stipend), 9 (Non-Stipend); Sumter, Clarendon, Lee.

GED; 14 (Stipend), 10 (Non-Stipend); Sumter, Clarendon, Lee.

Handicrafts (Economic Dev.); 6 (Stipend), 5 (Non-Stipend); Sumter, Clarendon, Lee.

Pre-vocational training; 29; Sumter, Clarendon, Lee.

Williamsburg: GED; 15 (stipend); Williamsburg, Georgetown, Florence.

ABE; 9 (Stipend); Williamsburg, Georgetown, Florence.

Handicrafts; (3 sites); 32 (Non-stipend); Williamsburg, Georgetown, Florence.

Pre-vocational training; 24; Williamsburg, Georgetown, Florence.

Yonges Island: GED-vocation training with CEP; 32 (Stipend); Charleston.

ABE; 11 (Stipend); Charleston.

Handicrafts; 8 (Non-stipend); Charleston.

Pre-vocational training; 31; Charleston.

Total 240 Trainees.

From July 16 to August 6, 1971, all center staffs were ordered by OEO to conduct a survey of seasonal and migrant farm workers, industry and support agencies in 26 counties of South Carolina.

Mr. Garcia was misinformed or neglected to check his information carefully. In August there is no Adult Education program due to the farm season. Normally, our Adult Education starts in September, but due to the lack of funds and the threat of termination, it was not feasible to implement a fall program, although limited voluntary education programs were conducted.

Our program does not call for a year-round educational program. Classes are in progress on a stipended basis to carry out the education component of the grant. We have been unable to carry out the program due to the fund limitations imposed by the Migrant Division.

In reference to the fact-finding team of September 21–24, we have received no information that this team even visited our Sumter and Williamsburg Centers.

PREVOCATIONAL AND SKILLS SERVICES AND/OR TRAINING FUND

Because the Migrant Division informed SCCFW that no new programs were to be implemented, SCCFW was unable to use these funds previously. A contract has been drawn up between SCCFW and the Manpower Development Training Center (MDTA) in Charleston and will be submitted to OEO within ten days. This contract provides that MDTA will provide 36 weeks of full-time training in construction trades for 20 seasonal farm workers from Dorchester County. SCCFW will recruit the trainees and provide the stipends. CEP will provide two weeks of assessment and pre-vocational training, as well as full-term transportation. MDTA will provide the skills training in carpentry, masonry, floor-covering, roofing and electricity. SCCFW and CEP will work together to provide job placements upon completion of the course. Plans are being developed with the Technical Education Center in Sumter for a skill training contract in construction skills.

(2) Day Care:

Although no migrant funds have been obtained, year-round day care centers have been organized by SCCFW staff, VISTA volunteers and community members and are operating or ready to open in all areas served by the Commission:

(a) Charleston County:

1. Yonges Island Day Care Center—65 children of seasonal farm workers.

The center was built through community efforts with technical assistance in construction and organization from SCCFW. Funds are provided by the Episcopal Church ($10,000), volunteer contributions and fund-raising projects. Food reimbursement is provided by USDA.

CHILD CARE SERVICES

Plans are being made for seasonal farm workers in Dorchester and Charleston Counties to form a cooperative to provide furnishings and materials for day care centers. This is an adjunct of the handicraft program operating in the centers.

BUYING CLUBS

1. Sumter County—High Hill Buying Club—38 members, and Spring Grove Buying Club—44 members.

2. Williamsburg County—Bloomingvale Buying Club—50 members; Lanes Buying Club—30 members; and Nesmith Buying Club—32 members.

3. Handicraft Co-ops:

As a direct outgrowth of the III–B center operations, members of handicraft classes at the Centers are organizing co-ops to market their products which include quilts, sweaters, hats, rugs, shawls and ties.

(a) Dorchester Center—10 members.

(b) Sumter Center—35 members.

(c) Williamsburg Center—42 members (have already marketed some products).

(d) Yonges Island Center—30 members.

4. Job Follow-up:

Contrary to the Migrant Division's allegations, Job Development has been actively pursued by the Center staffs in the time period since July 1, 1971.

(a) Dorchester Center:

1. 135 youths placed in NYC jobs at 16 day camps operated by SCCFW as part of summer feeding and educational program.

2. 5 seasonal farm workers placed on full-time permanent jobs.

3. 38 businesses contacted for job openings.

(b) Sumter Center:

1. 7 seasonal farm workers placed on full-time permanent jobs.

2. 72 businesses contacted for job openings.

The Center staff is paid by CEP and New Careers. The day care is located at the SCCFW Yonges Island Center until its building is completed.

2. Technical assistance and support services are provided by SCCFW for the Parker's Ferry Day Care Center and the River Road Child Development Center.

(b) Dorchester County: Dorchester County Day Care Center, Ridgeville—78 children of seasonal farm workers.

The center was organized by SCCFW and community members and receives USDA food reimbursements. Staff members are volunteers and WIN trainees. The building was provided by Dorchester County Council. Other funds are received through contributions and fund-raising events. The SCCFW staff helped to write and to submit a proposal for funding to OEO.

(c) Sumter County: The High Hill Day Care Center—30 children of seasonal farm workers.

The center has been approved for USDA food reimbursement and operates solely through volunteer efforts and contributions.

(d) Williamsburg County: Three day care centers—85 children of seasonal farm workers.

Organized by SCCFW staff, VISTA volunteers and the community, the centers receive USDA food reimbursements. Volunteer efforts, contributions and a small grant from the United Methodist Church assist operations. A fourth day care center is planned for the SCCFW I. H. Bonner Center in Kingstree.

(e) Day care services were provided to 184 children of migrant workers at six sites in three counties. This was operated in conjunction with the public schools, who use Title I money.

All the Day Care Centers provide a full-day program of nutritional, health, and educational services.

(3) In addition to organizing and sponsoring a number of buying clubs, SCCFW is directly involved in organizing and providing assistance to several other areas of economic development, as follows:

AGRICULTURAL CO-OPS

1. John's Island Vegetable and Farm Co-op.

2. Sea Islands Vegetable Co-op—330 members.

(c) Williamsburg Center:

1. 13 seasonal farm workers placed on full-time permanent jobs.

2. 10 youths placed in NYC jobs at summer recreation camps organized by SCCFW.

3. 61 businesses contacted for job openings.

(d) Yonges Island Center:

1. 5 seasonal farm workers placed on full-time permanent jobs.

2. 13 youths placed in NYC jobs at summer recreation camps organized by SCCFW.

3. 41 businesses contacted for job openings.

(5) During Program Year "F", the SCCFW has served 410 migrant families representing 876 individuals with emergency aid which included food, medical and travel assistance in cooperation with the North Carolina Council of Churches.

Twenty-two self-help houses are now under construction. Fifty-seven persons are benefiting from these homes being built in Sumter, Charleston and Williamsburg Counties. As of September, SCCFW has processed twenty-seven home loans for contract built houses in Charleston County with eight contracts built in Williamsburg County, one in Dorchester County and three in Berkeley County.

In the pre-construction period, classes are held in construction techniques, tool use and safety, decorating, home management, family economics, maintenance, carpentry, masonry, plumbing, etc. Classes are held for the women in making curtains and drapes, care of the new home, advice and guidance in taxes, insurance and debt paying, furniture refinishing and repair.

VISTAs work in the area of housing by assisting housing groups and individuals in the completion of work agreement forms, income tax forms, sewing instructions and other home management areas.

The SCCFW is applying to HUD for a Home Ownership Counseling Service for low-income families, and the Commission is sponsoring a self-help housing project for Midlands Community Action Agency in three counties located in target area III.

There are 17 VISTA Volunteers assigned to the SCCFW (six were assigned in November, 1971). VISTAs work primarily in the support programs of the Commission, but they attempt to coordinate their efforts with the programs of III–B. They work in Talent Search and the Emergency School Assistance Program as recruiters, tutors, counselors, fund raising for various youth activities, to help in defraying the application costs for students entering college and providing transportation to youth related activities. Also, they work in organizing youth groups, sponsoring youth programs as drama groups, Black history classes, arts and crafts activities and recreational activities.

The SCCFW is a member of the Coastal Plains Coordinating Council, which is working with the S.C. Planning and Grants Division to develop and support local groups in Planning District #5 and #10 (the southwestern part of the state) for economic development, health and sanitation and housing endeavors. Through Talent Search we are working with Wilberforce University and a silk screening factory in Akron, Ohio to establish a similar plant in Charleston County which will be youth owned and operated.

The Commission works with the Sea Island Vegetable Co-operative in attempting to set up a local farm produce market as a means of getting better prices and contracts for farm produce. The Commission was instrumental in getting a small grant of $7,500 to support this co-op in its initial stages. The SCCFW works with the planning group of Rural Missions in the development of a Comprehensive Rural Health Program for the five major islands of Charleston County. This center will be in the heart of the migrant work area and will serve migrants as well as seasonal farm workers. Health programs are also conducted in Dorchester and Williamsburg Counties.

Three members of the Governing Board of the SCCFW serve on the State Committee to Study the Problems Confronting Migrant Laborers—LaNue Floyd, Marybelle Howe and McKinley Washington.

The Board on September 22, 1971 adopted plans which answer the Special Conditions of the grant. These plans are the will of the Board and are in agreement with the program as approved by OEO on May 26, 1971. These plans would have been sent in on July 1, 1971 if the Migrant Division had not insisted on rewriting the program in such a manner that seemed unfeasible, inoperable and completely removed from the people for whom it was intended to serve. This interference from the Migrant Division against the wishes of the majority of the Board must stand as the major reason for the difficulties of the SCCFW. The Special Committee of the Board was not representative of the elected seasonal farm worker Board contingent and did not have the support of the communities served by the four centers nor the staff of these centers. In fact, the various community groups were not allowed any say in determining the Migrant Division plan. A meeting was held with the Center Directors by Robert Lunz and Ray Robinson in which staff was told that the Migrant Division plan would be implemented or the grant would be terminated.

The September 9th Board meeting was the first opportunity that seasonal farm workers had had to express their wishes and opinions to the whole Board, and the action of the Board on this date represents the desires of the people; the Board has always attempted to run programs which are responsive to the needs of the people rather than the dictates of those who are not familiar with the problems of migrants and seasonal farm workers in South Carolina.

The compliance suggestions mailed from the Migrant Division were adopted by the full Board on September 22, 1971.

(a) The election of staff members in an advisory role to the Board was a staff suggestion in order to increase communication efforts and coordination for a multi-county program. We feel that it would strengthen the program and the role of the Executive Director, as well as give the Board members a greater opportunity to become more familiar with the on-going workings of each center and other components. We are not wedded to this idea and if the Migrant Division sees this as undesirable, it can be dropped.

(b) The plan submitted to the Migrant Division does not provide for one-third seasonal farm workers, but rather, that 51% of the Board members will be elected. OEO instruction COO 5–1 does not make this a requirement of governing boards.

(c) The SCCFW has used one third (⅓) of its Board members as a quorum since this is a part of the by-laws and approved by Noel Klores. If we must have fifty percent (50%) of the membership for a quorum, we will do so.

(d) The Board opinion is that the SCCFW non-compliance is the direct fault of the Migrant Division, not of the grantee. The SCCFW has attempted for nine months to gain compliance with the Migrant Division as to the terms of the grant as approved and according to the wishes of the seasonal farm worker community.

(e) The Executive Committee does not suggest satellite centers as a modification of the grant. Satellite centers are provided for in the general body of the approved grant.

B.(1) The SCCFW has a regular C.P.A. who audits all of the Commission's books and grants. He has submitted with each annual audit a statement that the SCCFW has an adequate accounting system with adequate internal controls. Plans are for the SCCFW to set up its books in accordance with OEO Guidance 6806–1 in the next program year. The present system has been used for several years and it was found adequate by Peat, Marwick, Mitchell and Company.

(a) The time and attendance sheets are checked periodically each week and are approved each week by the component head and verified by the bookkeeper. The vast majority of our staff spends most of the time in the field and are not considered office workers. Three support programs use Neighborhood Youth Corps members, College Co-op students and other volunteers for the newspaper, crafts and other youth activities . . . There are always a number of people in the office working on a voluntary basis or in some special capacity. I do not believe any of the employees in question in Mr. Chesanek's report were III–B employees.

(b) Travel vouchers are properly approved by the various component heads or the Director and certified by the bookkeeper.

(c) The records during the present year are in compliance with OEO CAP Grant Financial Policy and Procedures Guides, Volume V, Property and Supply Management.

(2) The instructions for complying with the Pre-vocational and Skills Services and/or Training Fund special conditions are unclear, and the SCCFW has asked for clarification from at least two Migrant Division representatives with no results. Also, if the conditions require a separate bank account, this would be impossible to date since the SCCFW has not had the necessary $60,000 to open an account.

(3) The Migrant Division has apparently accepted the "Acting Administrator" title for the senior staff position as we have received correspondence addressed from the Migrant Division using that title.

C.(1) The by-laws of the Commission, Article 2, Section 3, require three elected members from each of the four Advisory Councils, not two as you state. There are at present three members on the SCCFW Governing Board from each of the four Advisory Councils. Each Advisory Council is at present in the process of electing two additional seasonal farm workers to the Board.

(2) The SCCFW by-laws were revised on July 11, 1968 (copy of minutes enclosed). The Board members cited in Section C, paragraph 3 were elected until December 31, 1969, with eligibility for an additional two-year term. They were re-elected to serve until December, 1971. Board members whose terms expired December 31, 1970, were re-elected to serve until December 31, 1972.

XUM

The by-laws were revised by Peat, Marwick, Mitchell and Company in 1970 as part of the Peat, Marwick, Mitchell MIP. These by-laws were approved with the PMM MIP by Noel Klores on February 16, 1970. (Copy of letter enclosed.)

Our records show that Father Duffy, Raymond Stoddard and Suzanne Pendarvis have never missed three consecutive meetings. The SCCFW does accept valid excuses for not attending Board meetings. From June through August there were on the average three Board meetings per month, which made it impossible for many members of the Board to attend. Normally, the Board does not meet in August.

(4) All sections of the state are represented on the Board. The great concentration of members are from Areas I and II since this is the area in which most of the III-B efforts are concentrated, as most of the migrants and seasonal farm workers are located in the Coastal Plains region of the state. (Enclosed are Board list and areas of representation.)

(5) The confusion, lack of support for the Board by the Migrant Division, conflicting statements from Migrant Division representatives to staff, Board members and the press, and the unavailability of Miss Graves during this period created the dissension within the Board. The SCCFW analyst from the Migrant Division took it upon himself to change the program as approved to an entirely different program and he also took it upon himself to attempt selection of the employees of the SCCFW. He waged personal vendettas against several SCCFW employees. The past programs and efforts of the SCCFW Board prove the effectiveness of the Board if they are supported rather than dictated to and coerced by Federal officials.

The SCCFW Board includes many of the areas' most industrious and selfless members of the communities the SCCFW serves. Their ability, concern for migrants and seasonal farm workers and the efforts that they expend on behalf of the poor is exemplary. They have proved their worth.

The Migrant Division seems to be unaware of the community and the people who are served by the SCCFW if they are of the opinion that the community is not involved in SCCFW efforts and that they do not support those efforts of the Commission.

The Board and all of the component programs of the SCCFW strive to involve the community and continue to do so despite the efforts of OEO officials who work against the community representatives and the involvement of the Commission with the larger community. Examples of the Commission's community efforts are a $326,000 summer feeding program for 20,000 youths in a ten-county area with 32 agency and community groups participating. In many areas we were successful in setting up the actual youth programs for the feeding program. 453 high school graduates were placed in 35 colleges in September, 1971, with a total of $750,642 in financial aid through our HEW Talent Search Program. Working with community groups in seeking funds for economic development, health, day care, etc., Board members, staff, VISTAs have been directly involved in program development for over $250,000 (already funded) which will serve migrants and seasonal farm workers, as well as the rural poor.

The implementation of the grant was impeded by several factors prior to June 29, 1971, none of which were due to the Board. Namely, the factors were conflicting information from the Migrant Division, threats from the Migrant Division, lack of cooperation from the Migrant Division, grant approval was not received until June 4, 1971, and no funds were in Charleston until July, 1971. Prior to June 29, 1971, two special committees had been named to go to Washington to meet with Ruth Graves. These arrangements could not be concluded due to the Migrant Division. The Board named another special committee in July at the request of Miss Graves. The composition of this committee was made up entirely of different Board members than the previous Committees. Several Board members were pointedly overlooked. There is a general opinion that the Committee was selected by the Migrant Division.

The Kingstree meeting was not adjourned—the Chairman just walked out because of the objections by the people to Washington's taking over the SCCFW through its appointed special committee. There were several hundred seasonal farm workers and other community people in attendance to voice their objections to the Washington takeover and its statewide plan, which they considered unfeasible. The fact many seasonal farm workers came to support the SCCFW program is indicative of the grass root support held by the Board, and the participants should have been welcomed and encouraged rather than dismissed as a mob.

The vacancies in the SCCFW have seriously affected the efforts of the Commission, but we have overcome most of these deficiencies by getting the existing staff to take on the extra work. These vacancies were not filled due to the lack of funds, the uncertainty of the SCCFW, as created by the Migrant Division, and the freeze placed on our operations by the Migrant Division in June.

Mr. Speaker, it appears to me as though an agency has dropped the ball in this instance. It looks as though administration policies of the OEO are sufficiently suffering. It also takes on the unsavory flavor of a vendetta.

If this defunding attempt survives, a cruel blow will have been dealt to the progress being made on the migrant level. The migrant worker, who has worked long and hard and has asked very little, will have once again been treated shabbily.

The South Carolina Commission for Farm Workers—who had set sail on the sea of hope, with hard times behind them, and progress dead ahead—will have been scuttled by a scurrilous, bureaucratic attack. When the time for the pat on the back was at hand—the OEO chose to fill its palm with a knife. One can only hope faith will survive.

ADL—SUPERPRESSURE GROUP—GESTAPO OF THE ESTABLISHMENT

The SPEAKER pro tempore (Mr. BOGGS). Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

(Mr. RARICK asked and was given permission to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, much has been said lately about snooping, confidential files, and dossiers—violations of the individual's right to privacy and intimidation of civil rights and free expression.

Most of the attacks against such activity have been leveled at public bodies such as the FBI, House and Senate Internal Security Committees, the military and police files. In the last Congress we even enacted H.R. 15073, now Public Law 91-508, which was amended to include the Consumer Credit Protection Act to curtail and regulate such activity by private concerns dealing in credit and employment.

But the world's largest spy network, the ADL—the Antidefamation League—is either too powerful to be curbed or too well imbedded to be mentioned or to come under public scrutiny.

What is the ADL? It is a private investigative organization engaged in spying and preparing secret dossiers and reports which it uses to suppress free speech and discussion and to influence public thought and sentiment of an unsuspecting citizenry.

I, too, believe that anti-Semitism is amoral and un-American. I also feel that anti-Christianism and anti-Americanism are as amoral and un-American.

The late Senator Jack B. Tenney of the California Un-American Activities Committee, in his book, "Zion's Fifth Column," of Standard Publications, Tujunga, Calif.—1953—came to the following conclusions with regard to the Anti-defamation League:

Many of these political activities are un-American in that they seek to pervert our Republic and our government and make it something never intended by the Constitution.

It is un-American to seek foreign control over our domestic laws by the ratification of *United Nations* treaties—such as the *Genocide Convention* and the *Declaration of Human Rights*—which, under our own Constitution, become the supreme law of the land.

It is un-American to assume the re-education and reorientation of American thinking in accord with the design of a foreign minority bloc;—especially when that bloc seeks to preserve its separate entity internationally and nationally.

It is un-American for a so-called minority group to create and maintain a vast espionage system; to establish and maintain a network of national and international organizations and agents for its own particular purposes—*whatever they may be.*

It is un-American for any segment of American society to use the facilities of communication and information by controlling its "lay members" in such facilities, advertising mediums, or by other devices of pressure, for the dissemination of its own particular propaganda to an unsuspecting public.

It is un-American to apply *"book-stifling"* and *"quarantine treatments"* to writers and speakers with the attendant coerced "cooperation" of newspapers and other media of communication indicated in such process.

The CIA and FBI are tinker toys compared to the ADL.

So that our colleagues may have a better understanding of this monstrous gestapo of the establishment, the ADL, its activities and the use of its intelligence dossiers as a private super pressure group, I ask that selected portions of Senator Tenney's book be read into the RECORD at this point.

ZION'S FIFTH COLUMN

INTRODUCTION

Zionism may be said to be as un-American as Communism or Fascism.

In its political racism it patterns Nazism.

In the United States Zionism threatens not only the American people as a whole, but

American Jewry in particular. *"Jewish communities"* are being organized wherever Jewish populations can support them. Here the Zionist doctrines of the *"oneness of the Jewish Nation"* and the separateness of Jewish culture and historical heritage are being emphasized. Some of the *"authority"* of the ancient ghetto is being revived by *"official Jews"* for *"disciplinary"* purposes and American Jews are being isolated from the normal flow of American life.

A network of Zionist espionage and propaganda organizations operate within the United States and throughout the world, spying on Jews as well as Gentiles, and propagandizing both. American Jewry is exploited continuously, contributing tens of millions of dollars annually for the support of multitudinous agencies whose budgets rival governmental bureaus.

Criticism of organized Jewry is always countered by the cry of *"anti-Semitism"*—and it makes no difference that the critic happens to be a person of the Jewish faith.

The appearance of this work will be greeted with the same cry. The admitted fact that Zionism is strictly political and economic will not, in the least, deter the *Anti-Defamation League* from countering with name-calling based on religious and racial implications.

Zionism, like Communism, is an international menace. While Zionism does not propose to destroy the government by force and violence, it professes no loyalty or allegiance to the United States. Its loyalties are in Israel and it considers the Jews of the world subjects of the Jewish State.

The general public knows little or nothing of organized Jewry, its purposes and operations. Jewish groups, such as the *American Council for Judaism,* who oppose the un-American activities of the Zionists and their agencies, receive scant publicity through the ordinary channels of communication. American Jews, such as Rabbi Elmer Berger, have little opportunity to inform either the public in general or American Jewry in particular concerning the stand of patriotic American Jews on the subject of Zionism and its operations.

It is hoped that this work will supply needed information on the subject.

The section, "Notes on Zionism," is intended as background material. Much of this section is historical in nature and not essential reading for an understanding of various contemporary Jewish organizations and their operations. It does, however, offer some explanation as to why these organizations have come into existence and why they operate as they do.

This book would have to be written whether the organizations involved were composed of Swedes, Irish or English, just as books had to be written about the Italians in Fascist Italy, the Germans in Nazi Germany, and the Russians in the Soviet Union. In the case of Italians, the Germans, and the Russians there is no spirit of hatred against the Italian, the German or the Russian as individuals, their race, religion or ethnic origin. And there is none in this treatise on so-called Jewish organizations. It is the things that men do that merit condemnation. All of the German people cannot be charged with the crimes of Hitler; all of the Italian people are not responsible for Mussolini, and the Russian people as a whole are not answerable for Stalin.

By the same token all Jews are not to be blamed for the fanaticism of Zionism, nor held responsible for the policies and un-American activities of its agencies. As a matter of fact the Jew is directly a victim of the Jewish bureaucracy. Morris S. Lazaron, writing in Council News, April, 1952 (official publication of the American Council for Judaism) states:

"The individual Jew has no personal right to make decisions, according to nationalist thinking; but all right and wrong, good and bad, derive from whether what is said or done tends to promote the welfare of the Jewish people and the State of Israel. Such ideas are unpleasantly familiar. They bring to mind Italian Fascism, German Nazism, and Kremlin Communism."

It is to be hoped that the organizations dealt with in this work will attempt to answer on the basis of the issues involved, if indeed, they have answers. They must know by now that the thread-bare charge of "anti-Semitism" is not quite as effective as it once was. It will not now even suffice for a smoke-screen.

The American people are beginning to ask questions and they are beginning to demand answers. They are not to be satisfied with name-calling.

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

The *Anti-Defamation League of B'Nai B'Rith* is referred to in many quarters as *"the Jewish Gestapo."* While it is obvious that its activities are concerned with spying and snooping;—ferreting out "anti-semitism",—it is unfair to label it "Jewish."

Very few American Jews know much about the actual operations of the *Anti-Defamation League.* Its leaders, both on the national and local levels, maintain a double policy in public relations. The picture presented to *B'Nai B'Rith* membership is different from the picture held up to the general public.

It is quite obvious to anyone with knowledge of the facts that the ADL is the creature of the ambitious clique that controls it. There is a report that certain executives in some of the *B'Nai B'Rith* Lodges are presently making an attempt to disassociate their organizations from the ADL, and that the ADL bureaucracy is threatening to leave the *National Community Relations Advisory Council* rather than consent to a reduction of its area of operation. (Since the foregoing was written, both the *Anti-Defamation League* and the *American Jewish Committee* have withdrawn from the *National Community Relations Advisory Council.*)

While the ADL bureaucracy emphasizes its Jewish character for defensive purposes it does not speak for American Jews. The political nature of its work is not revealed to the average Jewish contributor, and its activities in this field are carefully concealed from American Jewry and the general public under either ethnic or religious cloaks.

Therefore the *Anti-Defamation League* may be properly termed a *"private Gestapo."*

The word "Jew" is used loosely by Jews and Gentiles alike. There are those who attach a religious connotation to the term. Most dictionaries define "Jew" as a member of the Hebraic division of the Semitic race; a Hebrew; an Israelite. The word comes from Judah, meaning the son of Jacob and originally was used to indicate a member of the tribe, or the Kingdom of Judah. It is also used to indicate the adherents of the religion of Judaism.

It is apparent that most Gentiles use the term in its ethnic, rather than in its religious sense, as, indeed, do many Jews. Communists are, of course, atheists and oppose Judaism as they oppose Christianity and other religions. When a Communist refers to himself as a "Jew" it is clear that he is referring to his Hebraic origin rather than the faith of Judaism.

Anti-Semitism

The term "Jew", then, as popularly used has no relationship to religious faith, and the term "anti-Semitism" carries no connotation of religious hatred or persecution.

The word "Semite" originally meant one of the people believed to be descended from Shem, the son of Noah. Today the term includes the Arabs, the Akkadians of ancient Babylonia; the Assyrians; the Canaanites (including the Amorites, Moabites, Edomites, Ammonites, and Phoenicians); the various Aramaean tribes (including Hebrews); and a considerable portion of the population of Ethiopia. An "anti-Semite", therefore, is one who is opposed to the Semites.

Before the French Revolution anti-Semitism had its basis in religious hatred against European Jewry. Because the Jews were restricted to unpopular trades, such as usury, the sentiment also had an economic undercurrent. Since the dawn of the Eighteenth Century, however, anti-Semitism cannot be said to have its roots in other religion or economics as such.

Prior to 1930 the term "anti-Semite" was almost unknown to the average American. Not one in 10,000 would have been able to define it. In school, on the job—the American Jew was a fellow whom you liked or disliked in the same way you liked or disliked Pat or Tony. Like every other person you grew up with, the Jews were just Americans. They had their faults, their prejudices and their virtues. Like Pat and Tony they were sometimes obnoxious, petty and disagreeable, but more often, like Pat and Tony, they were pleasant, kind and friendly.

The average American Jew is much the same today as he always was. Left to himself he integrates into the American pattern. Unlike Pat and Tony, however, the American Jew has the memory of centuries of persecution and discrimination of his race in his thinking. Unlike Pat and Tony he is indoctrinated with a racial superiority complex and a sense of international brotherhood with Jews everywhere. The horrible treatment of the Jews in Germany under Hitler is fresh in his mind. But he would be content to be simply an American if the clever men of his race would let him.

His fear and his complexes are exploited by the bureaucracies that control and direct the net-work of organizations set up in his name and ostensibly for his protection. The laws of America are not sufficient, he is told. There must be a multitude of committees and councils—a vast interlocking series of organizations that will work for his interest alone.

The *Anti-Defamation League* is one of the most aggressive of these Jewish agencies. Through its exploitation methods in its appeals for funds many American Jews have become obsessed with the idea that all non-Jews are either consciously and actively anti-Semitic or passively and potentially anti-Semitic. The scare-propaganda of the ADL has created a persecution complex in the collective Jewish mind. Confidential material mailed to American Jews by organizations appealing for funds is marked *"to be destroyed after reading"*—thus creating an atmosphere of terrifying secrecy and pending doom; the futility of appealing to the ordinary governmental agencies, and effectually cutting the Jew off from his American fellows.

This technique tends to build the ADL into the *"only"* champion of the Jew; the *"only"* power that stands guard between the Jews and the "Fascist" Gentile anti-Semites. On the other hand the ADL and other Jewish organizations picture the Jews as the paragons of all virtue while the Gentiles are cast in the role of persecutors and villains;—the sum total of all that is evil, vicious and mean.

"It is currently estimated," declares a spokesman for the *Joint Jewish Appeal,* "that 25%—or more than 20 million Americans—have an already rooted prejudice against their fellow citizens. Fourteen independent polls, conducted by impartial research organizations—reveal that, out of every four adults questioned, at least one has been infected with anti-Semitism . . .

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one is opposed to anti-Semitism . . . while a third . . . and a fourth are, as yet, undecided."

Thus 75 percent of the adult population, according to this statement, is either actively or potentially anti-Semitic. The one in four or 25 percent opposed to anti-Semitism,—and this group must necessarily include the American Jewish population—indicates that nearly every adult Gentile American—including American Negroes are actively or passively anti-Semitic. Whether the Jewish organizations behind the *Jewish Appeal* intended to convey this impression is probably irrelevant, but the conclusion is inescapable.

If the statistics quoted are true, the ADL and its sponsoring *B'Nai B'Rith* Lodges should engage in some soul-searching. Either the universal anti-Semitism indicated is deserved or the ADL and similar organizations are doing a thoroughly miserable job in public relations.

It is obvious to any student of the problem that the latter is the case.

Jewish exploitation of Jews

Under date of July 7, 1952, A. E. Kraus and Paul L. Rolston, on the letterhead of the *United Jewish Welfare Fund*, addressed a mimeographed letter to Jewish insurance underwriters.

Paul L. Rolston is the Chairman, and Arthur E. Kraus associate Chairman of the Insurance Division of the *United Jewish Welfare Fund* of the *Los Angeles Jewish Community Council*.

The letter follows:

"Dear Fellow-Underwriter:

"May I apologize for our failure to contact you personally relative to your contribution to the *United Jewish Welfare Fund?* I know you will understand because we, like you, have a living to make.

"Although the worthiness and the need of this cause need no amplifying, let me give you one example—the attached is a true and shocking story. It touches everyone of us, whether we are in Life, Casualty or any other type of insurance business. The anti-Semites who publish the dangerous filth described herein are well-financed. They have no trouble raising funds. But the source of funds to combat them—your *United Jewish Welfare Fund*—finds it much harder to get support.

"We are critically behind schedule in meeting this year's minimum quota, not only to combat anti-semitism, but to support such other agencies as: taking care of the Jewish needs of men and women in uniform; supporting over 30 of our local agencies; saving lives of Jews in Israel, Europe and the Moslem World.

"Will you do your part? At this writing your contribution has not been received. I join with your colleagues in the Insurance Division in urging that you read the attached folder, then *promptly* make your gift to the *United Jewish Welfare Fund*—and make it generous enough to enable us to conquer the hate that threatens us all.

"Your pledge card is enclosed. Sign it for the maximum amount, keeping in mind that you may pay your contribution in monthly or quarterly installments. Please take care of this matter today so that we may all go back to the business of selling insurance."

Enclosed with the letter is an expensive—and alarming—five-page folder. In red and white ominous lettering against a black background over a mass of wriggling arrow-pointed white lines is a red curling, snake-like figure. The overall effect is designed to be frightening. The recipient of the folder is led to believe that the drawing is the work of some sinister, blood-thirsty anti-Semite rather than the propaganda "art-work" of the *United Jewish Welfare Fund*.

Reproduced throughout the folder are the title pages of a number of booklets dealing with Jewish questions. *Not a single title page reproduced indicates violence against the Jews.* The overall effect of the folder, however, conveys the terrifying idea that all Jews are in deadly peril.

The second page of the folder warns: *"Make No Mistake: on every side there is DANGER to our homes and families."* The word *"danger"* is in inch-high, blood-red quivering letters.

Under the name of Leslie G. Cramer, Chairman of the *United Jewish Welfare Fund*, is a further warning and appeal for "generous" contributions. "Read this evidence of an organized and terrible threat to America," declares Mr. Cramer, "and to the cherished freedoms enjoyed by yourself and those you love."

Stamped across the center page of the folder is the admonition: "Confidential. Please destroy after reading."

On another page, in black and red lettering, is the following: "Today—and every day—the vicious peddlers of *anti-Semitism* are active and . . . only you . . . can stop them!" The word "anti-Semitism" is underscored with a blood-read smear

The last page of the folder informs the reader: "These Agencies work day and night for you—for all America—to quell the hatemongers."

Following are listed the *American-Jewish Committee*, the *Anti-Defamation League of B'Nai B'Rith*, the *American-Jewish Congress*, the *Jewish Labor Committee*, and the *Jewish War Veterans*.

The psychological reaction to this sort of propaganda is obvious. The average uninformed American Jew is immediately confronted with visions of pogroms and mob violence;—terrorized by the thought that the ordinary protections of government will be denied him;—that only the Jewish agencies stand between him and doom!

It is this technique of exploitation of the American Jew that is creating anti-Semitism in America.

The troublemakers

Benjamin R. Epstein is the National Director of the *Anti-Defamation League of B'Nai B'Rith*. Arnold Forster is general counsel. The policies of the organization are made by these men.

It is apparent from even a cursory study of the ADL and its methods that Epstein and Forster, together with a handful of professional Jews, constitute a self-perpetuating dictatorial bureaucracy, more powerful than the sponsoring *B'Nai B'Rith* Lodges.

The vast spy network is allegedly under the direction of Arnold Forster.

Forster and Epstein have recently published a new book on anti-Semitism, *"The Troublemakers"* (Doubleday & Company, Inc., Garden City, N.Y., $3.50). Skimming rapidly through the pages an impartial reader comes to the conclusion that the authors must have had themselves in mind when they came up with the title for the book. It would appear that the contributors to Mr. Forster's 1951 budget of allegedly one million, eight hundred thousand ($1,800,000.00) dollars had a right to expect a little more for their money than they receive in *"The Troublemakers."* If the authors intend to scare American Jewry into greater contributions and larger annual budgets for Mr. Forster, the book is understandable. If the authors had any intention whatever to ameliorate racial intolerance and anti-Semitism in the United States, then their effort must be marked zero-minus—and the book is incomprehensible.

The *Anti-Defamation League of B'Nai B'Rith* maintains regional offices in New York; Chicago; Columbus, Ohio; Miami, Florida; Boston, Mass.; Portland, Oregon; San Francisco; Atlanta, Georgia; Los Angeles; Denver, Colo.; Washington, D.C.; Seattle, Washington; Milwaukee, Wis.; Indianapolis, Indiana; Kansas City, Mo.; and Houston, Texas.

Arnold Forster, in addition to acting as general counsel for the organization, is also designated as National Civil Rights Director. In 1947 the Civil Rights Committee of the ADL consisted of the following: Jacob Grumet, Chairman, New York; Hon. David A. Rose, Vice-Chairman, Boston, Mass.; Leo Abrams, Chicago, Ill.; Alan Altheimer, Chicago, Ill.; Joseph Cohen, Kansas City, Kan.; Hon. Martin M. Frank, Bronx, N.Y.; Lester Gutterman, New York City; John Horwitz, Oklahoma City, Okla.; Frank Kaplan, Pittsburgh, Pa.; Samuel Kramer, New York; Charles W. Morris, Louisville, Ky.; Bernard Nath, Chicago, Ill.; Louis A. Novins, New York City; A. N. Pritzker, Chicago, Ill.; and Benjamin Samuels of Chicago, Ill.

In addition to Forster and Epstein the National Commission of the organization (1947) included: Hon. Meier Steinbrink, Chairman; Harold Lachman and Max J. Schneider, Vice-Chairmen; Richard E. Gutstadt, Executive Vice-Chairman; Barney Balaban, Phillip W. Haberman, Hon. Herbert H. Lehman, honorary Vice-Chairman; A. C. Horn, honorary Treasurer; and Jacob Alson, Treasurer. J. Harold Saks is designated "Community Service Director," while Frank N. Trager is National Program Director. I. B. Benjamin of Los Angeles was a member of the National Commission in 1947.

Founder of the ADL

Sigmund Livingston is credited with founding the *Anti-Defamation League*. For better than thirty years he acted as national chairman. An Illinois lawyer, he appears to have approached some of the problems of anti-Semitism constructively, attacking the myths and libels against the Jewish people with facts and reason.

The *Anti-Defamation League* was incorporated into the *B'Nai B'Rith shortly* after its founding.

Sigmund Livingston attacked anti-Semitism almost wholly from the religious point of view. Although this basis for anti-Semitism became negligible after the French Revolution, Mr. Livingston succeeded in dissipating many of the fragmentary myths that tended to persist. In his approach to and disposal of other facets of the problem, however, he lost much of his objectivity and judicial appraisement. Avowedly a partisan, as far as the subject matter was concerned, he became almost fanatically so when dealing with factual questions. The organization he founded is living proof of this statement.

His approach to the *"Protocols of the Elders of Zion"* as a literary forgery does not, in any sense, dispose of the context of the document. Although Henry Ford apologized to Jewry for the publication of the *"Protocols"* in *The Dearborn Independent* in a letter addressed to Louis Marshall of the *American Jewish Committee* in 1927, the apology did not wipe out his statement published in *The New York World* of February 17, 1921. In this article Mr. Ford was quoted as saying:

"The only statement I care to make about the Protocols is that they fit in with what is going on. They are sixteen years old and they have fitted the world situation up to this time. They fit it now."

Sigmund Livingston disposes of the *main question*—the context of the *"Protocols"*—with the following:

"Others may base their antagonism upon their belief in the absurd charge that the Jews are part of an international conspiracy, as outlined in the infamous 'Protocols.' This chrage has been the 'leader' of all the merchandise of hate offered by the anti-Semitic propagandists. The folly of this charge must be apparent to anyone who seriously investigates. The 'Protocols,' the foundation for this anti-Semitic charge, as has already been shown, are a fraudulent invention. Even a superficial view of world Jewry should convince anyone that there is no truth at all in this charge. The Jews have no recognized organization or world affairs. They have not even a chief rabbi. They have no bishops, no archbishops, no pope, or any other office of comparable dignity or power. Jewry is divided as much as Christendom, if not more. The Orthodox and the Reformed faiths are as far apart as are the Catholic and Protestant division of Christianity. Even on the question of nationalism they have no real unity, for there are Zionists, non-Zionists and anti-Zionists. Furthermore, the numerical strength of the Jews compared to the population of either Europe, America or the world is inconsequential. The story of a Jewish 'world conspiracy' to overthrow existing governments is one of the greatest hoaxes ever perpetuated."

The fallacy of Mr. Livingston's reasoning in this statement is quite apparent. In the first place he *assumes* that one form of anti-Semitism is the result of an imagined "Jewish international conspiracy";—that all Jews are allegedly involved and, therefore, hated. This premise is simply not true. There is no general hatred of the Russian people because Stalin and his Politburo contemplate the conquest of the world. Conspiracies are never made by an entire people; they are always made by a few leaders.

This argument does not dispose of the context of the *"Protocols."*

Nor does the statement that the *"Protocols"* are a "fraudulent invention", together with the proffered proof, cancel out their contents.

The averment that "the Jews have no recognized organization or world affairs" was not a true statement when Mr. Livingston wrote it unless the use of the world "recognized" was deliberate. It is not true today.

The assumed premise that anti-Semitism is founded in *religious feeling* is the basis of a major portion of Mr. Livingston's reasoning and this premise, as we have seen, is false. Therefore the fact that the Jews do not have a chief rabbi, bishops, archbishops or a pope, proves nothing.

The final disposition of "the question of nationalism" is particularly injudicious and borders on argumentative trickery. Again Mr. Livingston lays down the false premise that a "Jewish conspiracy" involves *all* Jews, and then quite logically "explodes" the fallacy he, himself, has created.

No person in possession of the ordinary faculties of reasoning would condemn an entire people, either as an ethnic group or as a religious sect, for the actions or utterances of some of its members. It is obvious that a plan by a few Irishmen for the subjugation of the world is not a conspiracy by all the Irish people,—even though the conspirators might base their plans on Irish psychological, ethnic and religious reactions. The guilt of the handful of conspirators is not disproved by arguing that no "Irish conspiracy" could possibly have existed because the Irish are divided by religious faiths and are numerically weak "compared to the population of either Europe, America or the world."

The real question involved in any document is the truth or falsity of the contents. Whether the author was John Doe or someone else, is of little moment in the final analysis. It isn't like a facsimile of Jonh Doe's signature on a check,—where it is the signature that counts. It is merely a question of fact or fiction.

The real issue involved in the "Protocols" is unanswered by Mr. Livingston. The real question is whether or not a hand full of Jews have an organized world system; whether or not a self-appointed Jewish bureaucracy, using word Jewry as its pawn, seeks world domination.

The B'Nai B'Rith

The *B'Nai B'Rith* is the oldest and largest Jewish membership organization in the United States. It was founded in New York in 1843. In 1939 it had 85,000 members in 520 lodges in the United States and Canada, besides 40,000 women and girls in 300 auxiliaries. Today (though statistics are lacking) it is reported that *B'Nai B'Rith* membership in the United States exceeds 300,000. In 1882 it organized internationally. By 1930 there were *B'Nai B'Rith* lodges in forty countries. During the early thirties the lodges in Germany, Austria, Danzig, Czechoslovakia, Brazil, Rumania, Poland, Turkey and Algeria were liquidated or otherwise forced into inactivity by governmental action. There are lodges now in more than twenty foreign countries.

The *B'Nai B'Rith* sponsors the *Hillel Foundation* at many American Universities; the *Aleph Zadik Aleph*, junior *B'Nai B'Rith* for non-college youth; a *Vocational Guidance Bureau* to further the occupational redistribution of Jews, and the *Anti-Defamation League*.

In 1859 American Jews established the *Board of Delegates of American Israelites*, a protective agency against discrimination. This organization was succeeded by the *Board of Delegates of Civil and Religious Rights* in 1878. The *B'Nai B'Rith* interested itself in this organization and aided it in its objectives and undertakings.

In 1906 the *American Jewish Committee* came into existence. This group is said to reflect the more conservative point of view of American Jewry.

The *American Jewish Congress* was launched in 1922. It became the spokesman of the Zionist organizations and purports to express the viewpoint of middle class metropolitan American Jews. It is alleged to be the proponent of "a more democratic American-Jewish life"—whatever is meant by this pharse. It is an affiliate of the *World Jewish Congress*.

The *Jewish Labor Committee* was born in 1924. It was designed to represent organized American Jewish labor.

In 1938 the foregoing organizations united with the *B'Nai B'Rith* to form a *General Jewish Council*. The chief purpose of the Council was to create and uniformity of policy and action among the several affiliated organizations. The *American Jewish Conference* was a 1943 development for the same purpose. The *National Community Relations Advisory Council* serves the same objective.

The *National Jewish Welfare Board* was founded in 1917 and is authorized by the United States government to serve the religious, welfare and moral needs of Jews in the U.S. armed forces and Veterans administration hospitals. In 1951 it created new local armed services committees; recruited 75 Jewish chaplains; served 135,000 men in the U.S. and overseas; and helped in the reorganization of the United Service organizations (U.S.O.) taking responsibility for 25 clubs. The membership in 1951 included 331 Jewish community centers and Young Men's Hebrew associations with 502,000 members and 40 national affiliated organizations.

Jacob R. Marcus, Encyclopaedia Britannica expert on the subject, declares American Jewry "is highly organized." He estimated (1947) that the Jews of the United States spend at least one hundred million ($100,000,000) dollars a year to maintain their various agencies. "If every branch of every lodge were to be included," says Mr. Marcus, "there would be at least 25,000 individual clubs, societies, groups and synagogues in the United States."

"I have an abiding faith," declared Sigmund Livingston, "that religious prejudice and mass hatred will be vanquished, in time, by reason and truth."

It is the considered opinion of most students of the subject that religious prejudice *has* disappeared as a basis for mass hatreds. Here and there isolated individuals and groups of individuals indicate an unreasoning hatred for the persons of other faiths, and the Jews are not excluded from this category. Anti-Semitism does still exist and it is apparently increasing and expanding but it is not based upon dislike of Judaism. It appears to be confined to Zionists and to have its roots in opposition to Jewish organizational and political activities. It does not appear to extend to the Jewish people as individuals but is directed at the bureaucracy that controls and directs the amazing network of Jewish organizations.

Arnold Forster and Benjamin R. Epstein of the *Anti-Defamation League of B'Nai B'Rith* answer Livingston's fervent prayers with *"The Troublemakers"*, nearly forty years later.

Under the white searching light of reason and truth the fog of bigotry, intolerance and hatred melt away.

Under the direction of Epstein and Forster anti-Semitism appears to be on the upgrade.

As a matter of fact anti-Semitism is the ADL's stock-in-trade. Should it wither and die the ADL brass would be out of business,—and Epstein and Forster, *et al.* would be out of jobs.

Livingston's purpose appears to have been constructive; building good will and friendly relations between Jew and Gentile; the puncturing of anti-Jewish myths and libels;—the application of reason and truth to the dark places of ignorance and prejudice. Although he could not escape his own prejudices concerning Gentiles, he did what he could to enlighten them as to their prejudices against the Jews. While the organization was a psychological mistake in the field of race relations it appears to have been sincere.

The ADL's present policy is far afield from Livingston's laudable objectives. It now hurls anti-Semitism in political campaigns and links candidates, marked for destruction, with the boogy-men it dramatizes in its publications.

Whatever Mr. Livingston's plans were for the *Anti-Defamation League of B'Nai B'Rith* the fact remains that it has become the world's most powerful gestapo; the brain center of a vast spy network and the intelligence unit of a myriad of Jewish organizations. Ostensibly this intelligence center only concerns itself with "anti-Semitism". The thousands of nerve-fibres connecting the center with Gentile activities throughout the world appear to be stimulated only by the catch-phrases of anti-Semitism.

But there are those who say that the organization serves other and more sinister purposes.

Certainly its activities are not curbing anti-Semitism.

Inside the Anti-Defamation League

Beyond the double doors of the *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* is a single door. On it is lettered: "Fact Finding, Legal and Investigative Divisions."

Shall we enter?

"We are unwilling to guess about anti-Semitism," an ADL spokesman tells us. "These offices have long maintained a close watch on the activities of Democracy's bigoted enemies."

In spite of the double-talk involved in the use of the term "Democracy" we understand what the spokesman is saying.

Our glance follows banks of filing cabinets and, for a moment we believe we are in the Record Department of the *Federal Bureau of Investigation* in Washington, D.C. Clerks are busy at the cabinets, sorting and filing papers.

Our ADL spokesman is very frank and in-

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formative about the entire operation, although we find that we must occasionally interpret his propaganda double-talk in order to understand clearly. We are curious to examine some of the papers and cards contained in the banks of cabinets, but we are not afforded the opportunity. We are told that "carefully and painstakingly documented evidence" is piling up in these files.

'What does it tend to prove?" we inquire innocently.

'It proves that the amazing parallel between the Nazi climb to power in Germany and the present-day tactics of the enemies of human rights within our own borders can no longer be denied!" declares our guide.

His vehemence and emotionalism mark his sincerity. He apparently is a victim of his own propaganda. We know that he is talking about himself.

What is done with all the information on anti-Semitism contained in the ADL's banks of filing cabinets?

We are shown a roomful of girls pounding away at typewriters. Automatic teletype tickers beat a machine-gun racket. Linotype machines pour out molded lines of metal words and phrases. We learn that the printing presses are disgorging tons of newsprint while hundreds of thousands of propaganda books roll through automatic binderies. Clerks and more clerks; busy telephone switchboard. Motion picture sets spring into action at the command of the brain center; Mitchell cameras swing into focus. Miles of film developing in laboratories. Newscasters and commentators at radio microphones; radio towers flashing the ADL's propaganda to the four quarters of the globe . . .

All this to off-set anti-Semitism, we are told.

"Ceaselessly tirelessly," boasts our guide, "through one of the largest mass education and public relations programs ever attempted by private groups, the *Anti-Defamation League of B'Nai B'Rith* and the *American Jewish Committee* are engaged in an all-out determination . . ."

His voice is lost in the roar of the presses, the clatter of typewriters, linotype-machines and the automatic teletype tickers.

The Press

We enter a door marked "Press Division, Feature Services." A man is at a desk dictating to his secretary. He pays no attention to our presence.

"Release number 61," he dictates. "The following constitutes additional background material on . . . "

"What do the newspapers do with the material you feed them?" we ask.

"Information supplied to the newspapers reaches the public in the form of editorials," is the answer.

We pass on through a door marked: "Press Division, Pulp Section." We discover a large work table in the center of the room around which are several copy readers busily at work. The table is piled high with magazines, among which we see copies of *"Famous Western Stories"*, *"Ideal Love"* and *"Crack Detective Stories."*

We are not aure whether the copy readers are searching the pages of the magazines for tell-tale indications of anti-Semitism or cataloguing the articles and stories planted by the ADL. We are informed, however, that the *"Pulp Magazine Section"* is charged with the responsibility of utilizing the pages of the pulps; planting stories and articles glamorizing the Jews. Our guide does not elaborate on how the job is done; whether or not the ADL articles and stories are ever returned with polite rejection slips.

"Pulp magazines," he declares with a note of finality, "—with their enormous circulation carry true stores of American-Jewish heroism in peace as well as in war."

What other handful of private individuals in the world's history has had such power at its fingertips? What private group of individuals can maintain *Fact-finding Divisions, Legal Divisions, Investigative Divisions, Press Divisions?* What other private organization can say with assurance that its propaganda reaches the public in the form of newspaper editorials; that it can utilize the pages of the pulp magazines?

We are in another room.

"This is the 'Comic Book Section'," we are told.

"Does the ADL plant propaganda in children's comic books?" we ask.

"Comic books," our guide replies, ignoring the form of the question," carry strips denouncing native fascists and their use of inter-group tension as a weapon against Democracy."

The phraseology is reminiscent of the *Daily People's World* and the *Daily Worker*. *"Native fascists," "inter-group tension," "Democracy"*—brain-blinding slogans from the dialectical lexicon of Marx and Lenin.

We enter a studio through a door lettered "Press Division, Cartoon Section." Men are working at drawing boards. Cartoons by Carl Rose and Eric Godall are prominently displayed on the walls.

"Cartoons are very useful," explains our guide, "Some are prepared by the nation's most popular artists and decorate the newspapers of the land—pointing the fingers of ridicule and scorn at bigotry and the purveyors of radical hatred."

Passing on down the corridor we come to a door marked "Press Division, Books," Our ADL spokesman tells us that the Book Section is charged with "exposing the fascist trick of using anti-Semitism in its 'divide and conquer' campaign." We are told, that efforts of the Book Section are reaching America's bookshelves in ever-increasing numbers.

"The fact is," declares our guide, "that, today, a great percentage of all material prepared by the Press Division is done so at the request of publications previously serviced."

We observe some of the titles of the volumes that fill the book cases. *"They Got the Blame," "Out of the Many—One," "We Who Are America," "These Are our Neighbors," "Living Together in Today's World," "Brothertown," "United We Grow," "Strong as The People", "This is Our Town", "These Are Our Friends", "Early American Life", "This is Our Heritage", "One God",* and *"Under Cover."*

We are hurried along to the *"Research Division"* and into the *American Jewish Committee* library. We are told that we are in "an arsenal of information"; that the library contains over twenty-one thousand volumes, and "more than two million additional items dealing with Jewish problems and anti-Semitism in America."

"And what is done with all this information?" we ask.

"A special division channels this authenticated material to that group of men and women whose opinions are certain to have a deciding effect on America's future. . . ."

Mass organizations

We are now before a door on which is lettered "Veterans Division."

"It is of vital importance," our guide is explaining, "that the American veteran—he who has already risked his life in the struggle against fascism—has come face to face with it and knows it for what it is—should be forewarned of the same danger at home . . . so that he will not have to risk his life again. The fight is being carried on in the *American Legion*, the *Veterans of Foreign Wars* and other large Veteran's organization."

No segment of American life seems to have been overlooked by the enterprising ADL and the *American Jewish Committee*.

We are now in the "Labor Relations Division."

"This Division," our guide is saying, "works closely with both the C.I.O. and the A.F. of L. on a local as well as national scale, determined to prevent the promoters of intergroup tension from spreading their poison through these ranks."

We are beginning to understand something of the magnitude of the ADL's operations. We are beginning to appreciate its vast spy-network sprawling across the nation and throughout the world. Our imagination is staggered by its apparent control of the avenues of communications. We pause to remember that we are dealing with a *private* organization, financed by contributions wrung from American Jews;—American Jews cut off from the healthy intercourse of American life by the alarm-trumpets of fear and suspicion.

We remember the provocative phrases of our ADL spokesman: *"native fascists", "bigots", "racial hatred", "anti-Semites,"* etc., and we suddenly recall that He who loved all mankind said: *"These things I command you, that ye love one another."* (John XV, 17). We ponder the psychological reaction of one who is branded *"a native fascist"* and a *"bigot"*; whether or not such a person is hardened in his bigotry or suddenly transformed into the quintessence of brotherly love. Robert Herrick paraphrased Ausonius (*ut ameris, ama*) when he declared that *"love begets love."* It would appear that the ADL is more motivated by Econchard Lebrun-Pindare's harsh admonition *"let us be brothers—or I'll cut your throat"*, than the gentle command to *"love one another."*

Book stifling

Our hurried visit to the "Book" section of the "Press Division" gave us little opportunity to examine the full scope of the work of this department. We were shown the propaganda product and told that such volumes as "Under Cover," "They Got the Blame", etc., were reaching America's bookshelves in ever-increasing numbers.

Nothing was said concerning "book burning"—that hysterical pastime of Herr Hitler and Comrade Stalin.

The ADL does not go in for book-burning as yet. Obviously, such bonfires contemplate a degree of force only found in lawlessness or in the hands of a dictator. Pending such direct and conclusive action—or perhaps we should say in lieu of such action—the ADL indulges in what it calls "book stifling". Applied to books displeasing to ADL bureaucracy the "stifling" method appears to be quite as effective as applying the torch;—perhaps more so, as it catches the books at the source, cutting off the channels of publicity and destroying retail markets.

"The Conquest of a Continent" by Madison Grant is a book in point—and it is undoubtedly illustrative of many others that experienced the "stifling" method of the ADL. "The book was driven from the market," writes Mr. Franklin Hichborn. "Sales were not only restricted, they were stopped."

How was it done?

The following is a letter signed by Richard E. Gutstadt, Director-Secretary of the ADL, on the League's stationary, dated December 13, 1933 at Chicago:

"To the Publishers of Anglo-Jewish Periodicals:

"Gentlemen:

"Scribners & Sons have just published a book by Madison Grant entitled 'The Conquest of a Continent.' It is extremely antagonistic to Jewish interests. Emphasized throughout is the 'Nordic superiority' theory, and the utter negation of any 'melting pot' philosophy with regard to America.

"Scribners, in a sales circular concerning the book, points to Herr Hitler as the man who has demonstrated the value of 'racial purity' in Germany. The author insists that American development depends upon the elimination of unassimilable alien masses in our midst. This book is considered by some as even more destructive than Hitler's 'Mein Kampf'. Mr. Grant also avers that 'national problems are in the end racial problems.'

"We are interested in stifling the sale of this book. We believe that this can best be accomplished by refusing to be stampeded into giving it publicity. Every review or public criticism of a book of this character brings it to the attention of many who would otherwise know nothing of it. This results in added sales. The less discussion there is concerning it, the more sales resistance will be created.

"We, therefore appeal to you to refrain from comment on this book, which will undoubtedly be brought to your attention sooner or later. It is our conviction that a general compliance with this request will sound warning to other publishing houses against engaging in this type of venture."

Mr. Franklin Hichborn, mentioned above, has written a very interesting analysis of this case. In reference to the "Nordic superiority theory" he says:

"There is a tendency among all peoples to regard themselves as superior. The American Indians were quite sure they were that. The Jews enjoy for themselves the same modest opinion. Mr. Samuel Untermeyer, outstanding among his people, was quite sure of it, and so expressed himself the very year that Madison Grant's *'Conquest of a Continent'* was suppressed. Mr. Untermeyer proclaimed in speech and print that the Jews are the 'Aristocrats of the World'. (See Mr. Untermeyer's radio address published in the *New York Times* for August 7, 1933.)"

Commenting on the ADL's charge that Madison Grant's book was the "utter negation of any 'melting pot' philosophy with regard to America," Mr. Hichborn quotes from a foreword written by Dr. Paul Hutchinson to Rabbi Elmer Berger's book *"A Partisan History of Judaism"*. Dr. Hutchinson, Editor of the *Christian Century*, after showing that American people expect their melting pot to melt, comments:

"In the light of this historic development—plain enough whether or not one regards it as justified or wise—I find it tragic to see so many of our Jewish citizens electing for an attempted separate existence within our American society. While they insist that the idea of a divided allegiance is as repugnant to them as to any of their neighbors, they nevertheless denounce the principle of cultural amalgamation. They proclaim that the focus of their emotional and spiritual longing is elsewhere, and they show themselves ready in the discharge of their duties as American citizens to subordinate all other considerations to the interests of a foreign nation. The very word 'assimilation' has become a reproach on their lips. *They insist that the melting pot must not be allowed to melt.*" (Emphasis on the concluding sentence supplied by Mr. Hichborn.)

We are not here concerned with the merits or demerits of books. We are presently interested in *how* the ADL operates.

Foreign language groups

"The Foreign Language Division" of the *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* concerns itself with translating ADL propaganda into foreign languages and planting articles in the foreign language press.

"In addition," explains our ADL spokesman and guide, "this division keeps a constant check on foreign language papers, representing some sixteen different languages. This check makes possible an accurate evaluation of trends of thought taken by this special group of America's citizens."

Radio

In the "Radio Division" we are told that "there is no single road to the American mind," and "that every road must be utilized". Consequently the *American Jewish Committee* and the *Anti-Defamation League* makes extensive use of radio. In 1946 an average of 216 individual radio stations broadcast ADL material daily. The average is alleged to have doubled since 1946.

"We reach all faiths," declares our guide. "Programs like *"The Battle of the Warsaw Ghetto'*, starring Raymond Massey, and *'Behold the Jews'*, starring Aline McMahon reach millions of Americans . . . Where material prepared by this division has been judged pertinent, it has been sought for use by programs such as *'Kate Smith'*, *'We, The People'*, *'The Doctor Fights'*, *'Mr. District Attorney'*, *'Treasury Salute'*, *'Reunion, U.S.A.'*, and others enjoying the largest listening audience in the country!"

Christian churches

"What about other religious denominations?" we ask. "Are you able to get to them?"

"More than 8,000 thoughtful men of God of many Christian sects and denominations, disquieted by the hostility stirred up against the Jews, have been able—through this channel—to get the facts for their congregations—ammunition to help in their part of the fight against race hatred. Prominent among the men of religion concerned by this problem, is forward looking Rev. William C. Kernan, of the *Institute of American Democracy.*"

Institute for American Democracy

"Just what is the *Institute for American Democracy?"* we inquire.

"The *Institute for American Democracy* sponsors hard-hitting Democratic propaganda appearing on billboards from coast to coast. Stirred to enthusiasm by this program, civic leaders like the Hon. Maurice J. Tobin, Governor of Massachusetts, have backed it by personally presenting these democratic arguments to their communities. In the transportation systems of twenty-four cities sixteen thousand billboard messages are being displayed, Supplementing its billboard and car-card program, the IAD has produced a series of one-minute films—dramatizing its message, shown as part of the regular feature presentation in theatres patronized by people in all walks of life."

We had run across this organization in our studies (see *The Tenney Committee: The American Record*) and had learned that it was, like the *Institute for Democratic Education*, a "front" or subsidized organization of the *Anti-Defamation League of B'Nai B'Rith*. Our ADL friend would have liked us to believe that the two *Institutes* were independent of ADL control—just two organizations "cooperating fully in this vital battle against bigotry."

The Rev. William C. Kernan, we are told, headed up the "cooperating" *Institute for American Democracy*. We don't know very much about the Rev. Kernan except that a script writer for the *Joint Jewish Appeal* wrote a few lines for him. "It is no longer possible for *any* American," declares the script writer via Rev. Kernan, "regardless of race, color or creed, to sit idly by in the belief that the purveyors of racial hatreds and disunity do not mean them. Who attacks one minority group, attacks all groups. The public must be made to understand this!"

Page 1667 of Appendix IX of the Reports of the *House Committee on Un-American Activities* lists William C. Kernan as a member of the Executive Board of the *Council of United States Veterans, Inc.* His name appears among others, on a letterhead of the organization marked *"Exhibit 1."*

Following Rev. Kernan's name (under the geographical designation "New Jersey" is *"Past Post Chaplain, A. L."* (*American Legion*).

"It should be noted," comments the *House Committee on Un-American Activities*, "that exhibit No. 1 which follows, a letterhead of the *Council of U.S. Veterans*, bears union label No. 412 . . . For the significance . . . see this report entitled *'Prompt Press'* (sec. 187)".

Turning to page 1511 of Appendix IX under the title *"Prompt press"* we find the following: "The bulk of the literature of the *Communist Party* is printed under union label 412 by the *Prompt Press* . . . Union label 412 appears on work done by the *New Union Press*. The latter is a dummy organization which uses the presses and other fixtures of the *Prompt Press."*

What was the *Council of United States Veterans, Inc.*?

Says the *House Committee on Un-American Activities*, Appendix IX page 1661f:

"The *Council of United States Veterans*, the latest form of Communist-controlled veterans' organization, has embodied in its statement of purpose (see certificate of incorporation, New York, March 22, 1937), aims which easily conform to those of the *Communist Party* and the *Workers Ex-Service-Men's League*, streamlined in accordance with the Trojan horse policy adopted at the Seventh Congress of the *Communist International* in 1935."

After comparing a section of the organization's statement of purpose with a section of the Constitution of the *Communist Party of the United States* adopted May 27 to 31, 1948, the Committee goes on to say:

"The foregoing weasel-worded provisions did not prevent either the *Communist Party* or Gardner Jackson, the legislative representative of the *Council of U.S. Veterans* and sponsor of the *Washington Committee for Democratic Action*, from defending those who, in obedience to the line of the *Communist Party* after the signing of the Stalin-Hitler pact in August 1939, led devastating strikes in defense industries, opposed the national defense program, opposed investigation into subversive activities among Government employees by the Department of Justice and other agencies, and picketed the White House. Both the *Council of U.S. Veterans* and the *Workers Ex-Servicemen's League* provided in their statements of purpose for cooperation with international veterans' organizations like the *Internationale Des Anciens Combattants* and opposed any discrimination regarding membership toward Communists."

All of which goes to prove that the Rev. William C. Kernan apparently found himself in some pretty bad company. It does not prove that the Rev. Kernan was a Communist, a Communist fellow-traveller or even a Communist sympathizer. It may well be that the Rev. Kernan was only naive; that he was fooled;—that his good intentions and idealism were taken advantage of for purposes never revealed to him.

It may well be that his name was used without his consent.

And it may be possible that the ADL was pulling his leg when he was induced to head its dummy organization, the *Institute for American Democracy.*

"All of this must cost a lot of money," we observe. "Does the ADL subsidize the *Institute for American Democracy?"*

Our ADL guide ignores the question. He covers his failure to answer by launching into an account of a Chicago organization—"joined in the battle for unity."

Appreciate America

"It has a simple but all impressive title," he is saying. "It is called *'Appreciate America'*. It was founded by an ex-Marine Corps Major Paul H. Douglas—wounded at Peleliu and Okinawa fighting fascism abroad—nonprofit making *'Appreciate America'* has plunged into the fight against fascism at home . . . Through this agency, to the steadily swelling arguments against bigotry have

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been added the civic-conscious voices of Hollywood stars whose faces are as familiar to most Americans as their own."

"What about this Chicago organization—*Appreciate America?*" we ask. "How is it financed? Is it part of the ADL set-up? Is it subsidized?"

"I want to tell you about another cooperating organization," continues our ADL spokesman, again disregarding our questions. "It is the *Institute for Democratic Education*. It is headed by . . ."

While waiting for our ADL spokesman to tell us about the *Institute for Democratic Education*—"another cooperating organization—we are trying to recall what we knew about Paul H. Douglas,—the founder of "*Appreciate America*." Our ADL friend had only touched on the glamorous highlights of the Professor's career.

Then we remembered!

Professor Douglas had been connected in one way or another with quite a number of non-profit organizations. As a matter of fact we recalled that the professor seemed to have had a marked predilection for joining up with non-profit organizations. Through the years he was a member of the Executive Committee of the *America Committee for Democracy and Intellectual Freedom*; member of the National Advisory Board of the *American Friends of the Chinese People*; member of the Committee of the *American Friends of Spanish Democracy*; sponsor of *American Investors Union, Inc.*; member of a sponsoring committee for a dinner promoted by the *American Student Union* in 1937; member of the National Advisory Board of the *American Youth Congress*; member of the Arrangements Committee of the *Chicago Conference on Race Relations;* sponsor of the *National Emergency Conference*; member Board of Sponsors of the *National Emergency Conference for Democratic Rights*; and a member of the *Non-Partisan Committee for the Re-election of Congressman Vito Marcantonio*. (Dies Reports Appendix IX).

Many of the foregoing "non-profit organizations" are as unknown to the average American as is Professor Paul H. Douglas' "*Appreciate America.*" The following from Appendix IX of the Dies Reports on Un-American Activities are thumb-nail sketches:

"*The American Committee for Democracy and Intellectual Freedom* is a Communist front organization operating among College teachers and professors." (Page 323).

"*The American Friends of the Chinese People:* The word "American" was added to the title in 1935 as a part of the general streamlining process during the Popular Front period. This organization faithfully reflected the current policies of the *Communist Party* on Chinese questions, on the general question of loyalty to the Soviet Union, and on the question of war in relation to America. . . ." (Page 1477).

"*American Friends of Spanish Democracy* . . . For a full discussion of the place of this organization among the Communist-front organizations, see Chapter entitled *Spanish Aid Committees*." (Page 38 and page 1611f).

"*American Investors Union, Inc.*, was a Communist front organized under the aegis of *Consumers Union* . . ." (Page 386).

"*The American Student Union* was formed at a convention held at Columbus, Ohio, in December, 1935, and resulted from the merger of the *National Student League* (Communist) and the *Student League for Industrial Democracy* (Socialist) . . . The combined organization was under Communist control from its inception and followed the official objectives of the *Communist Party.*" (Page 514).

"*The American Youth Congress*—for a period of 7 years—from 1934 to 1941—was one of the most influential front organizations ever set up by the Communists in this country. The Communist control of the organization was so adroitly handled (at various periods during its life) that a large number of unusually prominent persons were drawn into the circle of its supporters. In the end, however, it was all but universally recognized that the Communists were in complete control." (Page 525.)

"The *Chicago Conference on Race Relations* had such well-known and publicly avowed leaders of the *Communist Party* among its sponsors as John Schmies, William Patterson, and Joe Weber. Interlocked through their personnel with the Chicago conference were such well-known Communist front organizations as the following: *National Negro Congress, League of Women Shoppers, American League for Peace and Democracy, International Workers Order, Workers Alliance*, and the *German-American League for Culture.*" (Page 608.)

"A *Conference on Pan-American Democracy* was held on December 10 and 11, 1938, at the Hotel Washington, Washington, D.C., marking the establishment of the *Council for Pan-American Democracy*. The conference was announced in the *Daily Worker* of November 29, 1938, in a column edited by Harry Gannes, at the time a Communist 'expert' on Latin-America . . . The purpose of the conference was to send delegates to a Communist-inspired Latin-American Congress of Democracies at Montevideo, March 20 to 24, 1939." (Page 672.)

"*The National Emergency Conference* met in Washington, D.C., May 13–14, 1939. The personnel of the sponsors of the conference indicates clearly that it was a Communist-front organization." (Page 1205.)

"The *National Emergency Conference for Democratic Rights* teemed with confirmed fellow-travelers and sympathizers of the Communist Party." (Page 1209).

"The *Non-Partisan Committee for the Re-election of Congressman Vito Marcantonio* was organized during the congressional election campaign of 1936 . . . On the Non-Partisan Committee will be found the names of such publicly avowed members of the Communist Party as Langston Hughes and Louise Thompson . . . A check of the names . . . will reveal the extraordinarily large proportion of veteran Communist fellow-travelers who were members of the *Non-Partisan Committee for the Re-Election of Congressman Vito Marcantonio.*" (Page 1374.)

Yes, it appears that we remembered Professor Paul H. Douglas—the founder of "*Appreciate America*"—"joined in this battle for unity;"—the man who fought "fascism" abroad—and who fights "against fascism at home. . . ."

Rabbi Philip R. Alstat in the *Jewish Examiner* for August 8, 1952 tells us that Col. Jacob M. Arvey selected Professor Paul Douglas for the Democratic nomination for Senator from Illinois in 1948. Louis Cohen, a Chicago attorney, had already launched a "*Stevenson for Senator*" *Committee*, but Boss Arvey "persuaded Stevenson to accept the gubernatorial nomination."

Christian friends of the Anti-Defamation League

Our ADL spokesman speaks of the formation of the "*Christian Friends of the Anti-Defamation League*" as though the organization was a spontaneous movement prompted by "8,000 thoughtful men of God of many Christian sects and denominations"—and that the ADL had nothing to do with its creation.

"This is one of the clearest signs," he declares, "that all of America is slowly but surely becoming increasingly aware of the true nature of anti-Semitism—and the threat it constitutes to the country as a whole."

We are becoming familiar with the propaganda tag-lines: "—the threat it constitutes to the country as a whole"; "*who attacks one minority group attacks all groups*", etc. In psychological warfare it is known as the "amalgamation technique." It is very effective. In advertising, the clever ad-writer places the prospective buyer in the pyorrhea category by declaring that "you, too, may have pink tooth-brush." The Communist Party employs the amalgamation method in wholesale quantities. "The Smith Act and the McCarran Act," declare Communist Party propagandists, "are not really directed at the Communist Party! They are directed at labor organizations and minority groups!"

Whether or not the busy boys in the ADL had anything to do with the formation of the *Christian Friends of the Anti-Defamation League*, it is quite certain that both the *Institute for American Democracy* and the *Institute for Democratic Education* were its babies. (See *The Tenney Committee: The American Record.*)

Institute for Democratic Education

"The IDE," our ADL guide is explaining, "is headed by Dr. Howard LeSourd, Director of Boston University's Radio Institute. Their program embraces bringing the lessons of Democracy home by means of electrical transcription. . . . These transcriptions—titled 'Lest We Forget'—dramatize the stories of great Americans of every race, color and creed. They now comprise a library of hundreds of records . . . featuring such personalities as Melvyn Douglas, Donald Cook, John Carradine, Quentin Reynolds, and others whose services have been enlisted in the fight. After being broadcast these transcriptions are then made available to school systems all over the country."

Dr. Howard M. LeSourd, heading up the ADL's *Institute for Democratic Education*, was a sponsor of a dinner on "*The Century of the Common Man*", held at the Astor Hotel in New York City on October 27, 1943, under the asupices of the *Joint Anti-Fascist Refugee Committee*. (*House Un-American Activities Reports*, Appendix IX, page 941). Says the Committee (page 940): "The Chairman of the *Joint Anti-Fascist Refugee Committee* was Edward K. Barsky, well-known Communist leader of a number of the Communist Party's front organizations which worked in the Spanish field. This organization held a dinner at the *Hotel Astor*, New York City, on October 27, 1943. Among the prominent Communist sponsors of this dinner were the following: Max Bedacht and William Gropper. Listed as trade-union sponsors of the organization were the following: Ernest De Maio, Ben Gold, Donald Henderson, and Herbert March."

Dr. LeSourd apparently has not been much of a joiner, as the record does not disclose other organizational affiliations or connections. And his sponsorship of a single affair by the *Joint Anti-Fascist Refugee Committee* does not prove that he was, or is, a communist, a communist fellow-traveler, or even a communist sympathizer. And like many other good intentioned men, he may not have known anything about the organization or its leaders and fell for the sales talk of those who induced him to sponsor the dinner. And it may well be that he never gave his consent for the use of his name. Like so many other University profs he may know nothing whatever about Marx and Engels—or Communism. In short, it is quite apparent that the good professor didn't know what the organization or the affair was all about. Although Paul Robeson was listed as one of the dinner speakers, it is quite possible that Dean LeSourd believed him to be an "agrarian reformer." After all, the dinner was on "*The Century of the Common Man*"—and a quote from Henry A. Wallace on the invitations set the theme to which Dean LeSourd probably subscribed. "Everywhere," Henry was quoted, "the common man must learn to build his own industries with his own hands in a practical fashion. Everywhere the common man must learn to increase his productivity so that he and his children can eventually pay to the world community all that they have received. . . . The methods of the nineteenth century will not work in the people's century which is now about to begin."

And it is equally possible—although highly improbable—that Dr. LeSourd had no knowledge that the *Institute for Democratic Education* was a front for the *Anti-Defamation League.*

We catch sight of a door labeled "International Activities" but our guide rushes us along without an explanation. We are before the department of "Intercultural Activities."

"This work in school systems," says our guide, "is coordinated by a special division given over to the development of intercultural relations. Working specifically with *The Bureau For Intercultural Education* and with educators and leaders of all culture groups, this division services public and parochial schools, teachers' workshops, and the publishers of textbooks used in all school systems. The work of every division is subject to constant tests to determine its effectiveness."

We move rapidly down the corridor and pause at an oak-paneled door labeled "Institute for Social Research."

"The division of *Scientific Research and Analysis*," our guide is telling us, "uses campus-tested techniques in measuring the value of methods employed. Trained sociologists—experts in the field of inter-group tensions are employed. Based on findings, constant revisions of conception and approach are made."

Without pausing in his running account of AJC and ADL activities our guide pauses before another door on which is lettered "Community Service Division."

"It remains for the *Community Service Division*"—pointing to the door—"to assure that this vast national program will reach every single one in the country."

Leading us to another door marked "Speakers Bureau", he continues:

"One means of accomplishing this is the maintenance of a Speakers' Bureau . . . which furnishes more than 7,000 *Rotary, Kiwanis*, and other types of audiences with speakers of national reputation, carrying the message of Democracy into individual communities. Spread coast to coast, the *Community Service Division* is subdivided into 14 regional offices, and maintains an additional 2,000 key men in 1,000 cities through the country."

"What do these 2,000 key men do?" we ask innocently.

"They helped handle more than 4,000 individual cases of anti-Semitism during the past year. . . . The American Jewish Committee and the Anti-Defamation League of B'Nai B'Rith are forming a protective shield across the nation . . . an armor plate of educated thought . . . proof against the lies of subversive forces stabbing at America's vitals. . . . A first line of defense in the battle to preserve the lives, the liberty, and the happiness of every single one of us!"

Our ADL guide and spokesman waxes eloquent as he conducts us to the double doors.

"The *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* are confronting these attackers at every turn; attacking it now—this minute. . . . The fight costs money. Full continuation of it requires contributions. . . . I shall not insult your intelligence by repeating countless reasons why you should contribute to this year's Joint Defense Appeal. Suffice it to say that as Jews you will want to give. As Americans you can do no less. It is your duty."

We were back in the clear, clean air of America as the double door marked American Jewish Committee and Anti-Defamation League of B'Nai B'Rith close behind us. We had just seen the inside workings of a private espionage and propaganda agency; an agency organized with and maintained by, private contributions; the nerve center of a world-wide net-work whose tentacles reach into every Gentile activity.

It is probably the largest and most efficient private gestapo in the world today and, without doubt, the largest of its kind in the history of the world. And—amazing as it may be—this vast interlocking system of departments, sections and divisions, is devoted to but one issue—and only one issue in spite of propaganda to the contrary;—political conquest in the name of racism!

Its operations and purposes differ from the Federal Bureau of Investigation in every important aspect. . . The FBI is a national governmental agency, created by the representatives of all the citizens of America for the specific purpose of safeguarding all the people of the United States. The FBI is directed by a great American concerned with the preservation of the Constitution of the United States, the security of the Republic and the peaceful happiness and personal safety of every man, woman and child, regardless of color, creed or ethnic origin.

The ADL and the AJC are the antithesis of the FBI.

There should be no place in America for private gestapos.

Summation of ADL Activities

We have seen the world's most elaborate private gestapo at work and have learned something of its operations.

Through their interlocking and coordinated agencies the *Anti-Defamation League of B'Nai B'Rith* and the *American Jewish Committee*, shielded by their so-called "minority" character, are able to emotionally stir and activate American Jewry and a considerable portion of American Gentiles to ideological or political programs. Criticisms and protests are effectively silenced by the cry of "*anti-Semitism.*"

The national headquarters of the two organizations direct a vast army of informers in its network of regional offices throughout the country, tabulating, evaluating, cataloguing and filing information on "anti-Semitism."

The following is a summation of ADL and AJC activities:

Propaganda is furnished to certain radio commentators throughout the country, who, in turn, incorporate the planted material in their broadcasts.

Similar propaganda is planted in the nation's press.

So-called "programs of community action" are subtly "put into operation" by regional offices.

"Nationalist" movements are particularly watched and reported by ADL agents.

The "*Civil Rights Division*" of the ADL is charged with gathering information on "anti-Semitism" and exposing it as "undemocratic activity."

The ADL's *Radio Department* supplies script material and "guidance" to many of the nation's most popular networks.

Transcribed "singing commercials" were broadcast "many times daily by stations all over America.

Eight hundred and fifty radio stations broadcast the *Lest We Forget* programs produced by the *Institute for Democratic Education.*

The transcribed programs of *Lest We Forget* are used as "educational aids by 2000 schools and school systems in all parts of the country."

Billboards and car-cards "created" by the *Institute For American Democracy* are seen in more than 200 cities.

Half a million indoor posters have been displayed in schools, churches and union halls.

A million and a half blotters were distributed to children in a six-month period.

Over 3400 advertisements have appeared in 700 newspapers and national magazines.

Cartoons are sent regularly to 3100 leading publications.

The ADL serves as a "*consultant*" in the motion picture field and takes credit for having "helped" promote such films as "*Gentleman's Agreement*", "*Crossfire*", and "*Till the End of Time.*"

In the field of literature, the ADL acts as pre-publication "*adviser*" to many publishers. Where "*advice*" is ignored the ADL acts as "*book stifler*". Books like "*All About Us*", "*One God*", *and* "*Gentleman's Agreement*" are promoted extensively with the cooperation of *B'Nai B'Rith* lodges and chapters.

Each year the ADL distributes more than a million reprints of newspaper and magazine articles.

Through the *American Lecture Bureau*, 300 speakers indoctrinate 7000 audiences with ADL propaganda.

The ADL arranges to have Rabbis invited to Christian camps to answer questions about Jews and Judaism.

Nation-wide tours are arranged by the ADL for celebrities such as Harold Russell, star of "*The Best Years of Our Lives.*"

ADL's *Foreign Language Department* reaches 22,000,000 people in the United States in their mother tongue, through their "own stories and articles" in 16 languages in 900 foreign language publications.

Posters are distributed in clubs and neighborhood meeting halls.

Sixty radio programs have been transcribed in six languages and broadcast by foreign language stations throughout America.

The syndicated articles of ADL's *Education Department* appear in leading educational journals.

The ADL agents infiltrate organizations of teachers and parents.

The ADL's *Women's Department* activates *B'Nai B'Rith* women in its programs.

The *Veteran's Relations Department* infiltrates verterans' organizations.

The *Christian Friends of the Anti-Defamation League*, said to include 8500 clergymen, is an ADL channel into innumerable Christian organizations. The ADL propagandizes this group with a monthly newsletter containing "*material*" for sermons and other activities.

Each ADL regional office is an "ADL miniature." Each office "represents the Jewish community." Each office probes "local discrimination" and encourages and attempts to direct "community action." Each office sponsors community projects that reach into the smallest hamlets. Each office seeks to establish *Fair Employment Practices Boards.* Each office seeks to influence organizations such as the *American Legion.*

Each office, in brief, is repugnant to every cherished American tradition, and a disservice to American Jewry.

In purporting to combat anti-Semitism the ADL actually engenders anti-Semitism. In advocating extension of freedom it would curtail freedom.

Thus, the ADL is in the paradoxial position of creating that which it would destroy, and destroying that which it would create.

ADL Bureaucracy

We have learned that the *American Jewish Committee* and the *Anti-Defamation League of B'Nai B'Rith* are ostensibly concerned with propaganda and information on anti-Semitism and anti-Semites. That their purposes are strictly political is obvious. The first activity takes many forms. We have seen a few of its operations as we visited the various sections of the "*Press Divsion.*"

In the "*Fact-Finding, Legal and Investigative Divisions*" we learned of the organizations' second,—and perhaps most impor-

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tant,—activity;—the collection of files on so-called *"anti-Semites."* We had a glimpse of the extensive rows of cabinets containing data on thousands of individuals who, for one reason or another, qualify by ADL standards as anti-Jewish, actually or potentially.

ADL files are of three categories. The first set consists of newspaper and magazine clippings supplied from many sources. The second set of files are designated *"confidential"*—and *your* name may be included. A third set of files—not housed at ADL headquarters—are kept by secret or undercover agents. These files cannot be easily reached by Congressional subpoenas,—because Arnold Forster declares there are no secret agents or secret files.

The *United Jewish Welfare Fund* of the *Los Angeles Jewish Community Council* published a year book containing an "Honor Roll" of those who contributed $25.00 or more to the UJWF the year previous. The 1952 publication contains 88 pages without the cover. At page 7 under *Joint Defense Appeal of the American Jewish Committee—Anti-Defamation League of B'Nai B'Rith* appears the following:

"These two oldest and largest national Jewish agencies combatting anti-Semitism and promoting intergroup harmony—are financed through the *Joint Defense Appeal.*

"Believing that the most effective way to safeguard the welfare of Jewry is to preserve and extend the democratic liberties of all American, the AJC and ADL: (1) seek to educate the American people on the need for more adequate protection of human rights through the law, and (2) endeavor to create a climate of opinion hostile to hate and prejudice.

"Through 38 AJC Chapters and 27 ADL regional offices, the two agencies seek to reach the American people at every stage where attitudes are formed: through all the media of mass communication, through work with church groups, labor groups, labor unions, veterans organizations and other influential, opinion-moulding groups; through action in the legislative field and through scientific study of the causes of bigotry. In foreign affairs the AJC–ADL, working closely with the U.N. and through offices in Washington and overseas, seek to strengthen support of Israel, work for enforcement of the human rights provision of the U.N. Charter and help to liberalize America's immigration laws."

AJC and ADL received an allocation of $98,000 in 1951 from the *United Jewish Welfare Fund* of the *Los Angeles Jewish Community Council.*

The Pacific Southwest Regional Office of the ADL is located at Suite 217, 590 North Vermont Avenue, the new headquarters of the *Los Angeles Jewish Community Council.* Milton A. Senn is the Executive Director.

Hon. Meier Steinbrink of New York is National Chairman, Philip M. Klutznick, Chicago; Maurice Dannenbaum, Houston; and Edmund Waterman, New York, are National Vice-Chairmen. Richard E. Gutstadt of Chicago is National Executive Vice-Chairman. Jacob Alson of New York is National Treasurer. Benjamin R. Epstein is National Director.

The Pacific Southwest Advisory Board is composed of the following: Hon. Stanley Mosk, Los Angeles, President; Jack Y. Berman and Harry Graham Balter, Los Angeles, Vice-President; Isaac Sukmann, Long Beach, Treasurer, and I. B. Benjamin, member, National Commission.

The Executive Committee is chairmaned by the Hon. David Coleman of Los Angeles. David Goldman, Pasadena, is Vice-Chairman. Sam Faber, Los Angeles, is Treasurer. Mrs. Henry Levy of Los Angeles is Secretary. Executive Committee members are as follows: Harry Graham Balter, Stanley Bergerman, Jack Y. Berman, David Blumberg, Harry Braverman, Erward Brietbard, Donald Breyer, Hyman O. Danoff, Mrs. Gilbert Denton, Norman Godell, Charles Goldring, Mrs. Charles Goldring, J. Leo Gordon, Irving Hill, Lawrence Irell, Moe Kudler, Mrs. Moe Kudler, Jules Lindenbaum, Hon. Stanley Mosk, O. H. Prinzmetal, Aaron Riche, Mrs. Ben Rosenthal, Irving Schulman, Joseph D. Shane, Larry Simon, Edward Stodel, Jacob Stuchen, Isaac Sukmann, Mrs. George Taussig, Philip Wain and Mrs. Morris Wesser.

Militant Arm of Zionism

The secret political police of the Czars were the terror of Russia. The secret political police of Stalin is no less terrifying. The secret police of European nations were a continuous nightmare to the people. If they had, or have, any excuse whatever for existence, it is on the basis of governmental operation for internal and external security reasons. They have never created or preserved loyalty.

The *Anti-Defamation League of B'Nai B'Rith* and the *American Jewish Committee* do not have any excuse whatever for their operations. Their secret agents spy upon American citizens. Extensive files and dossiers are compiled on those whom they dislike; those with whom they disagree, and those who, in any way, criticize their activities or the ambitions of Zionism. They penetrate the political field injecting racism into political campaigns. Through their multitudinous controls of the media of communication they are capable of destroying reputations and silencing all rebuttal. By *"book stifling"* and the *American Jewish Committee* technique of *"quarantine"*, critics are denied a public audience for either attack or defense.

While these organizations do not have the governmental power to penalize their victims they possess equally effective powers. In heavily populated Jewish political districts a candidate for public office is completely at their mercy. A memorandum from the local ADL office charging that a particular candidate is "anti-Semitic" or supported by someone else alleged to be anti-Semitic is sufficient to insure the defeat of the candidate. And it makes no difference that the candidate may be completely free of such bias.

In certain fields of endeavor, both professional and nonprofessional, where employers are predominantly Jewish, a word from the regional office that John Doe is "anti-Semitic" is sufficient for ending John Doe's career. The terror carries over into Gentile concerns where the Gentile employer is persuaded to "go along."

The press is extremely sensitive to ADL "suggestions" and "recommendations." "Gentlemen's agreements" are made whereby certain ADL pet-hates are never to be mentioned in print.

The amazing part of the whole sordid story is the fact that Americans—including American Jews—know so little about it. Those who have had occasion to learn a little of ADL and AJC operations are fearful to do or say anything about them. Legislators who have some knowledge of the facts are fearful of taking any action because they well know that they would be smeared as *"anti-Semites"* in the next election. No newspaper will risk its advertising contracts by telling the story.

Most American Jews would be happy to integrate into American life; to be Jews only in matters of conscience—and Americans in all else. If left to themselves, the great majority of American Jews would resent implication that they owe allegiance to a foreign state.

No reasonable person can find legitimate fault with the deep sense of concern and warm compassion exemplified by American Jews over the plight of persecuted Jews, a concern and compassion shared by every person of good will and decent instincts—regardless of race, color or creed. These instincts are among the highest virtues of both Judaism and Christianity. It is the *perversion* of them that is objectionable.

Under the broad protective shield of the Constitution of the United States the Jew has every right accorded every other person—*but no more.* There is no right claimed by a Gentile that should be denied a Jew or any other person, and it follows that no Jew or any other person should be given *preferential rights.*

No group of citizens, regardless of race, color or creed, should constitute itself a private agency for a foreign government. No group of American citizens may take unto itself the characteristics of a police state and retain the affection and respect of other American groups. Propaganda breed counter-propaganda, and espionage results in counter-espionage. Both activities create distrust and suspicion. There can be no peace nor brotherhood in an atmosphere of distrust and suspicion.

The United States, breaking away from the police states of Europe, establishing human dignity and personal freedom became a beacon light of hope to the oppressed Jews of the world. They trickled into the colonies from Spain and Portugal; from Germany and Holland after the American Revolution, and from eastern Europe by the hundreds of thousands at the turn of the century. They joyfully left the lands of their birth, happy to breathe the clear, clean air of freedom and opportunity. Gone were the secret political police, the hateful preachers of pogroms, and the accumulative dossiers. A Benjamin Franklin would be first among Gentiles with a generous contribution for a Philadelphia synagogue, and, one by one, the shop-worn prejudices of the Old World would fall away.

The only ghettos in America were the ghettos built by the Jews themselves. They were understandable ghettos;—colonies of people who spokes the same mother tongue, and adhered to the same traditions, customs and religion. But there were the "official" Jews who remembered the power and the authority of the "official Jews" of Europe's walled ghettos;—"official Jews" who fought individual emanicpation and insisted on a new type of ghetto they call the "Jewish nation." They became the spirit of American Zionism;—the driving force of the *Anti-Defamation Leagues* and organized Jewry.

American Jewry must carefully examine the operations and activities of the many organizations it supports. Because these organizations are labeled "Jewish" the general public assumes that their leaders speak for all American Jews. It is, therefore, the responsibility of American Jews to determine what these leaders are saying and what the organizations are doing;—determine whether or not the *Anti-Defamation League* is within the American tradition;—whether or not the ADL, in its alleged fight for the preservation of *"democracy"*, is actually treading in totalitarian footsteps.

The cry of *"anti-Semitism"* has ceased to be an effective smoke-screen.

Activities strictly political

This is the story, in brief—and largely in its own words from its own documents—of the amazing *American Jewish Committee.* That it is an almost incredible story is conceded.

To have told it is to be called an "anti-Semite"—which, of course, completely begs the question. It is a shop-worn retort that knows no better answer. The story should be told whether the organization be Irish, Swedish or Jewish. Race and religion have nothing to do with it.

These activities are political. Semitism and Judaism are mere shields which have effectively cloaked these activities. The deceit must be torn aside so that the American people may see what it hides.

Many of these political activities are un-American in that they seek to pervert our Republic and our government and make it something never intended by the Constitution.

It is un-American to seek foreign control over our domestic laws by the ratification of *United Nations* treaties—such as the *Genocide Convention* and the *Declaration of Human Rights*—which, under our own Constitution, become the supreme law of the land.

It is un-American to assume the re-education and reorientation of American thinking in accord with the design of a foreign minority bloc;—especially when that bloc seeks to preserve its separate entity internationally and nationally.

It is un-American for a so-called minority group to create and maintain a vast espionage system; to establish and maintain a network of national and international organizations and agents for its own particular purposes—*whatever they may be.*

It is un-American for any segment of American society to use the facilities of communication and information by controlling its "lay members" in such facilities, advertising mediums, or by other devices of pressure, for the dissemination of its own particular propaganda to an unsuspecting public.

It is un-American to apply *"book-stifling" and "quarantine treatments"* to writers and speakers with the attendant coerced "cooperation" of newspapers and other media of communication indicated in such process.

In short, the activities, methods and techniques of the *American Jewish Committee,* in the opinion of this writer, are repugnant and obnoxious to every American tradition and practice.

It is obvious that the *American Jewish Committee* is not *American.* It remains for American Jewry to say whether or not it is *Jewish.*

NURSING SCHOOLS DESPERATELY NEED HELP

The SPEAKER pro tempore (Mr. DINGELL). Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, in light of the critical shortage of trained nurses and other health personnel in our country today, it is indeed sad to note the closing of qualified schools of nursing due to the lack of adequate funding. America's existing schools of nursing are in desperate need of help.

One such school is the Queen of Angels School of Nursing in Los Angeles, Calif., which has carried on its important work for many years as an adjunct of the world-renowned Queen of Angels Hospital. As the director, Mrs. Eva Stockonis, stated to me in a recent letter:

> It is indeed regrettable that for lack of about $150,000 support yearly, a good strong school like ours is going to close—especially when we graduate such good nurses, about 50 a year.

Director Stockonis advises me that they have been forced to apply for Federal aid to enable them to phase out the school of nursing program within 2 years. But can we stand by and permit such a thing to happen? It is tragic when, for the lack of only $150,000 per year, we will lose such a critically important element of our educational and medical capability.

In Congress, we have passed the Comprehensive Health Manpower Training Act and the Nurse Training Act, and these, fortunately, have been signed into law by the President. The administration is asking for a new supplemental appropriation which would bring the total spending for health manpower programs to $530 million for fiscal year 1972, $100 million higher than last year.

These efforts should help to expand the present numbers of health personnel, but much more needs to be done. Is it not bad policy and bad economics to permit outstanding existing facilities to close, while the taxpayers are called upon to provide new schools in order to meet our growing needs? The fact that nursing schools with such fine credentials cannot be kept open, when there is a demand for more trained nurses, points out the glaring fact that we have not been doing enough, and are not now doing enough, to assure the continued existence of this form of training.

We must do everything possible to provide health manpower. This requires us to support adequately the continuing operation of hospital-related schools of nursing as well as nursing programs in other educational institutions.

CANADA AND THE ALASKA PIPELINE ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today I am including in the RECORD an excerpt from the record of debate in the Canadian House of Commons on November 19, 1971, as further evidence of Canada's keen interest and readiness to consider a Canadian oil pipeline as an alternative to the proposed trans-Alaska pipeline. I particularly draw my colleagues' attention to the remark by Mr. Chrétien that the Canadian Government is "ready to entertain any application" for a Canadian pipeline.

The excerpt follows:

OIL—PROPOSED MACKENZIE VALLEY PIPELINE—AFFIRMATION OF GOVERNMENT SUPPORT—ENVIRONMENTAL AND SOCIAL STUDIES

Mr. R. J. Orange (Northwest Territories): I have a question for the Minister of Indian Affairs and Northern Development. Would the minister please advise whether statements are correct which are attributed in the press to Secretary Morton of the United States to the effect that the Canadian alternative oil pipeline route is not being considered because it does not appear to have the support of the Canadian government?

Mr. Speaker: Order, please. I am sure the hon. member knows that a question cannot be asked in those terms. Would the hon. member resume his seat. The hon. member is asking the government to confirm a report in the newspapers. I do not think that a question asked in those terms is in order. The hon. member could rephrase the question.

Mr. Orange: Can the minister say whether the suggested alternative oil pipeline down the Mackenzi Valley still has the support of the Canadian government?

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, I should like to advise and confirm to the House the continuing interest and willingness of the government of Canada to examine and discuss any proposals relating to the transport of Alaskan petroleum resources through Canada to market in the United States. Together with the Minister of Energy, Mines and Resources I announced guidelines to northern pipelines on August 13, 1970.

Some hon. Members: Oh, oh!

Mr. Chrétien: Those guidelines—

Some hon. Members: Oh, oh!

Mr. Speaker: Order, please. The minister knows that if he wants to make a statement in the House he should be prepared to do so on motions.

An hon. Member: What a smuggling job!

Mr. Chrétien: Mr. Speaker, I have only one more line.

Mr. Speaker: Order, please. If the Minister has only one more line he might be allowed to finish.

Mr. Chrétien: I should like to thank members who have given me the opportunity to practice my English. Those guidelines made it clear that, in principle, oil and gas pipelines were acceptable to the government of Canada but on the conditions stated in the guidelines.

Mr. Orange: Can the minister indicate the degree of priority which has now been given by the government to the environmental and social studies necessary before such pipelines are constructed?

Mr. Chrétien: Mr. Speaker, the House knows very well that the government has given the highest priority to the environmental and social studies on which we have spent millions of dollars. We have made a lot of progress and are ready to entertain any application.

PROPOSED MACKENZIE VALLEY PIPELINE—RESULTS: OF ENVIRONMENTAL STUDIES

Hon. Robert L. Stanfied (Leader of the Opposition): Mr. Speaker, I should like to ask the Minister of Indian Affairs and Northern Development whether the studies have now been completed with regard to environmental protection and environmental risk resulting from such a pipeline through the Canadian north and, if so, is the minister prepared to be open with the results of this research?

[Translation.]

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, I cannot verify that all studies are completed. I said earlier that we made considerable progress in that regard and that we could examine any application we would receive. Then decisions would probably be taken after completion of the studies.

[English.]

PROPOSED MACKENZIE VALLEY PIPELINE—DISCUSSION WITH INDIANS ON SETTLEMENT OF CLAIMS

Mr. Erik Nielsen (Yukon): I have a supplementary question for the minister since he seems to be so well prepared to answer these questions today. Has he yet had any consultations with the Indian people whose lands, which any proposed route must traverse, are involved with respect to settling their land claims? If he has not had such discussions, when does he intend to commence them?

[Mr. Chrétien.]

[*Translation.*]

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, the hon. member should know that Indians have had their own committee to study their rights and treaties for two years already and that they are examining that problem while Commissioner Barber is doing the same work for the government.

[*English.*]

Mr. Nielsen: Since the minister did not answer my question I can only assume that he did not hear it. Has the minister had any discussions with the Indian people concern-

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ing their land rights in these areas of the north and, if not, when does the government intend to commence them?

Mr. Chrétien: Mr. Speaker, I have explained to the House that there is a mechanism in place. Probably the hon. member was not aware of it.

Mr. Nielsen: That is still no answer.

Mr. Speaker: Order, please. The Chair will recognize the hon. member for New Westminster for a last supplementary on this subject. We will soon be running short of time and I have to seek the co-operation of hon. members to limit the number of supplementaries.

PROPOSED MACKENZIE VALLEY PIPELINE—CONSTRUCTION BY GOVERNMENT WITH CANADIAN FUNDS

Mr. Douglas A. Hogarth (New Westminster): I should like to ask the minister whether the government will give consideration to the possibility of the construction of such a pipeline by the Canadian government with Canadian funds?

Some hon. Members: Hear, hear!

An hon. Member: You are in the wrong party, Doug.

[*Translation.*]

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development): Mr. Speaker, the matter of Canadian participation in the construction of the pipeline was dealt with in statements made in August 1970. In fact, we would be happy that Canadians take part in it to the greatest extent possible.

AMERICAN LEGION MASSACHUSETTS DEPARTMENT COMMANDER ROBERT LEO ENG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, in the United States where so much attention is focused on conflict, tragedy, and crime, and where to read the daily newspaper is a depressing event, it is a welcome change and most heartening to be able to bring to the attention of my colleagues a man who has unselfishly devoted himself to service to his community and fellow man, American Legion Massachusetts Department Commander Robert Leo Eng. I was privileged to be a guest at a recent dinner in his honor, and can honestly say that I could not be prouder of anyone from my district than Bob Eng and his accomplishments.

Department Commander Robert Leo Eng is a lifelong resident of Quincy, Mass., where he was born on December 20, 1925, the third son of the late Mr. and Mrs. Yee Han Eng, in a family of nine children. He was educated in the public schools in Quincy, graduating from Quincy High with the class of 1944.

He joined the Air Corps Reserve in August of 1943 and was called to active duty on March 14, 1944, at Fort Devens and received basic training at Greensboro, N.C. Bob was assigned to service schools in radio, electronics, and radar at Truax Field, Madison, Wis., Chanute Field in Illinois, and Boca Raton in Florida. Further assigned to duty at Westover Air Base, Chicopee Falls, Mass., with B–24's serving overseas flights to England. He was discharged from Fort Devens, Mass., on May 7, 1946, with the rank of corporal.

Awaiting acceptance to GI bill schooling, Bob took courses in radio at MIT and attended the School of Photography at Yale University campus, New Haven, Conn. He is a gold medal winner in portraiture. He also completed graduate courses in commercial and color photography and camera repair. Opening his photography and camera repair business, he has been self-employed since, servicing many newspapers and accounts throughout the State.

Robert Leo Eng's 21 consecutive years of membership in the American Legion began in 1950, in appreciation for receiving the GI bill of rights via the Legion, when he joined Quincy Post No. 95, the World War I and city's original Legion post, of which there are now five in a populace of 87,000.

Bob served his post as third, second, and first vice commander before becoming commander in 1954. Later he served 10 consecutive years as post historian, during which the post won, on several occasions, second place, statewide in the department community service competition, based on his scrapbook. His interest in public relations resulted in a post newsletter for 9 years, of his 10 as PRO. Among the other related positions he held was president of the building association. Numerous committees kept him involved and interested in post activities.

As a delegate to the Norfolk County District Six Council for 18 years, he served as an assistant sergeant-at-arms, executive committeeman, historian, assistant adjutant, finance officer, junior and senior vice commander and as commander in 1966–67. During these years, he was Americanism chairman for 9 years; newsletter editor, 3 years; publisher, 4 years, and publicity chairman for 3 years.

Elected a department vice commander in 1967, Robert Leo Eng was reelected in 1968, and for both terms served as department community service chairman. He sought reelection as a department vice commander in 1970 and received an overwhelming 52 vote plurality at the Hyannis department convention.

Eng served a third term as department community service chairman during his third term as a department vice commander in 1970. He was appointed department Americanism chairman in 1961 and was a committee member for 10 years. His outstanding record of 16 years on the department community service committee included nine terms as a vice chairman.

He served on the department public relations commission for 2 years and was State convention publicity chairman in 1963 at Quincy. An original organizer and vice president of MALPA, the Massachusetts American Legion Press Association, he has been a member for 8 years.

Bob has served national committees for over 15 years. He has been a member of the national ALPA organization for the past 12 years.

Bob served as a staff member of the department boy's State committee for 2 years in the capacity of official photographer. He was formerly public relations director for the city of Quincy civil defense for 7 years.

Robert Leo Eng is the first of Chinese descent to attain the high office of department commander of Massachusetts.

I would like to include in the RECORD the address of the principal speaker at that recent occasion honoring Robert Eng, Mr. Harold Putnam, a longtime friend of mine who had an outstanding career in the State Legislature of Massachusetts and is now continuing this fine career as regional director of the Department of Health, Education, and Welfare in Boston.

ADDRESS OF HAROLD PUTNAM

Comrades of the American Legion, friends of Bob Eng, several weeks ago, when I returned to my office, my secretary reported that Bob Eng's office had called, but she didn't know what they wanted.

I asked her to return the call at once, and to say that whatever Bob Eng wanted, he could have it! In my job, it is not safe to make such promises usually, but I felt safe in making it to Bob Eng because I knew he would not be seeking a million dollar grant or anything else that it might be difficult for me to deliver.

Bob Eng never asks anything for himself. His whole life has been marked by a dedication to others, so I am honored to be joining with you tonight in this salute to Bob. All he wanted was for me to be the principal speaker tonight; I am delighted to be a part of this significant occasion.

And I am delighted to share this head table with officers of the State Department of the American Legion, and with my old friend, Congressman James A. Burke, whom I have known since boyhood and with whom I had the honor to serve in the Massachusetts Legislature.

Your guest of honor tonight and I are reaching the age when many of our friends are ascending to important positions in public life. Many of my friends are taking positions on the benches of the Commonwealth, and they are apt to regale me with judge stories, of which this is typical:

A forlorn old man appeared before the bench of a local district court, and despite his obvious age and poverty, he had a certain dignity about him.

My judge friend noted the defendant's poverty, and remembered his duty to notify him he was entitled to counsel, so he said:

"It is my duty to advise you that you have the right to counsel."

To which the poor, old man replied: "I have counsel, your Honor,"—pointing heavenward.

The judge was taken aback by this unorthodox reply, yet thinking quickly and not wanting to offend the poor, old man, said:

"That's all very well, sir, but how about somebody local?"

We honor tonight "somebody local." In my book, Bob Eng has been the first citizen of Quincy since I first knew him over fifteen years ago. I join you tonight in saluting him for—

His loyalty to the Legion;
His loyalty to his friends;
His courage on public issues; and
For the example that he sets for every minority person in our country that a good man or a good woman can make it in America.

There has been much speculation throughout the country as to whether a minority person can be elected President or Vice President of this country. One candidate has decided that he could not make it with a black running mate. If I were faced with that intriguing dilemma, I think I would give serious consideration to a certain Chinese-American!

Bob Eng didn't tell me what to say here tonight, but knowing me as he does I am satisfied he would like to have me say something serious, to talk with you frankly about some of the problems that face veterans and therefore that face the American people.

The hour is late, but I would like to comment briefly upon two matters confronting the State Department of the American Legion—the need for revisions in the State personnel system and the question of the State bonus. And then I would like to invite you to dedicate yourselves to some community service projects that might make this dinner tonight a living and continuing tribute to our friend, Bob Eng.

The Massachusetts State personnel system is one of the worst in the land. As one who has studied the State Civil Service system for years and is now a part of the Federal Civil Service, I hope I can be excused for believing that the Federal Civil Service system works in the public interest, and the State Civil Service does not.

The State Civil Service system does not attract qualified young leaders. It does not provide challenging promotional opportunities. It discriminates inexcusably against blacks and Spanish speaking—and against women. And the salaries offered to professional and managerial personnel are shamefully inadequate. We have reached the tragic but natural end of a personnel policy that rewards "Indians" but does not have a very high regard for "chiefs."

I hope the Legion will re-examine the State personnel system. It has new reasons to do so in the light of recent decisions of our courts—one requiring that veterans' preference be made available to out-of-state veterans, as well as to in-state veterans, and the other striking down police examinations as not job-related. Surely, these decisions will force the Legislature to re-study the system, and hopefully the Legion can cooperate in achieving some constructive changes.

Everybody suffers when public positions are filled by applicants whose success is based upon examinations found not to be job-related. Did you every look at a police examination? How would you do? Or how would your son do upon his return from Vietnam?

The exam asks you to define "fortnight,"—perhaps not so hard if you spring from an Anglo-Saxon origin, but definitely not a *job-related* question.

Define "inveterate"—what does that have to do with the hard tasks of being a police officer?

"From what country did the United States acquire the Louisiana Territory?" The answer may not be much help to you when you face the point of a criminal's knife!

How are you doing on this test? If you are not doing well, you join the good company of almost all the blacks in the Commonwealth, all the Spanish speaking, and a large per cent of the white population as well.

It is no accident that police and fire departments wind up with a racially discriminatory result. The courts have now decreed that the test-makers planned it that way. The American Legion should not be a party to this practice, but should examine more closely the Federal Civil Service.

The Federal Civil Service works; the State Civil Service does not. The Federal Civil Service produces a competent work force, giving good services to the public; a work force secure in its jobs and fairly paid.

The Commonwealth of Massachusetts should do as well, and it must begin by paying professional and managerial personnel salaries commensurate with their training and experience. The other day the Legislature and the Governor differed over a requirement that the heads of the several regional welfare offices have five years of management or accounting experience.

This seemed like such a sound idea that I inquired as to why it could not be enacted into law. Why was it opposed at the last minute? The answer: because it would be impossible to hire such qualified people at the salary proposed. What was the salary proposed—about one-half what the person would be paid for similar work in the Federal service and slightly above what Uncle Sam gladly pays a top secretary.

Is it any wonder that the Massachusetts welfare system is in deep trouble?

As to the State bonus, I share the unhappiness of the Legion that funds were not made available to complete the payment of the State bonus. I have a rather simple standard for judging this issue, and World War II veterans from the Greater Boston region will understand my thinking.

When we went into the service, new little Cape Cod houses in Westwood were selling for about $4,000. When we returned the price was around $9,000.

When the Korean veterans left, the same houses were selling for about $12,000 and when they returned the price was up to $16,000.

When Vietnam rolled around, the price of the same houses was around $16,000, and now that those veterans are returning, the price has reached about $25,000.

By his loyal service to his country, the veteran has been priced out of the home market. The house which he might have occupied by staying home has appreciated during his absence at the rate of around $2,000 per year.

I can understand the anguish of public officials who must appropriate the money and vote the taxes, but I can't escape the conclusion that the State bonus is little enough to recompense the veteran for that loss.

But tonight should not be just a chance to discuss a few important public issues. I would like to have it be a tribute to Bob Eng—in the area of concern dearest to his heart—community service.

I am convinced that the future of the American Legion lies in community service. If its membership is to be built and if its image is to be strengthened, then these results must be earned through effective community service. This has been Bob Eng's example; this should be our tribute to him.

I urge an expanded community service program, and I recommend these features:

1. More concern for the aged and the young. There is no place in American life for an "age gap." As Secretary Richardson of my Department points out, we must treat the whole person, and we must demonstrate our concern for the whole people, not just the working population, but our aged and our young.

4. I urge the Legion to help us with prison reform. Secretary Mitchell said yesterday that we "are turning out criminals faster than they can be rounded up," and he called our penal institutions "a national shame."

No one can disagree with his conclusion that no civilized society can allow this shame to continue. No solvent democracy can afford to continue paying more than $5,000 per man per year for the kind of prison care that inmates receive today.

Some leaders are beginning to produce some needed change, and the best I have seen is what Sheriff John J. Buckley is doing at the Middlesex County House of Correction in Billerica. He has a hospital for his inmates, but little or no medical care. And for his entire budget for education and recreation for more than 200 men, he is allowed $178 per year—not per man, but a total appropriation for the year!

Yet he is turning the system around. He is creating a spirit and a morale unknown previously in prison life. He is re-educating and retraining a dedicated guard force. And he is rehabilitating many of the inmates.

I visited the prison last week with Jim Nance, the great fullback of the New England Patriots, and we agreed that it was one of the most satisfying days we had ever spent. Legionnaires could make such visits; and Legionnaires could accomplish much good by showing their concern and by rendering this type of community service.

Oratorical contests, Legion baseball,—prison inmates need all such ideas, and all such programs.

I offer these suggestions to you tonight, because I believe they would be a fitting tribute to the man we honor.

A testimonial dinner is nice, but it is over and done when this microphone goes dead and the last car drives away from this armory. But this type of community service will live—in an inspired organization, in a more responsible citizenry, in a healthier community.

These are the goals for which Bob Eng has worked all his life. I can think of no finer and more enduring tributes than the achievement of some of these objectives in Bob's name.

For these purposes, and for Robert Leo Eng, we should all be glad to pledge "our lives, our fortunes and our sacred honor."

1,250 ATTEND TESTIMONIAL TO ROBERT ENG

QUINCY.—About 1,250 people attended a testimonial dinner Saturday in the Quincy Armory for American Legion Massachusetts Department Commander Robert Leo Eng of Quincy.

Among those attending were Congressman James Burke (D-Milton); state Rep. Joseph Brett (D-Quincy), U.S. Department of Health, Education and Welfare regional director Harold Putnam, Mass. National Guard Assistant adjutant general William Molla, national Legion Vice Commander Roy Sweet, former national legion Vice Commander Soleng Tomm, and Republic of China consul general Hugh O'Yong.

Mr. Putnam, a longtime friend of Mr. Eng, was the principal speaker.

Mr. Putnam praised the Legion's junior baseball program. He said half of the athlete's on major league baseball teams today got their start in the program.

Mr. Putnam asked the legionnaires to extend their athletic program to football and basketball.

Before the dinner, the state legion executive committee met in Houghs Neck Post 380, of which Mr. Eng is a member.

OEO EXTENSION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, last Thursday the Senate voted to accept the conference report on S. 2007, the OEO Extension Act. Tomorrow, the House will be asked to accept that same report. Attached to this bill are provisions for so-called "child development"—an entirely new series of programs, to be funded individually and to operate independently from the Office of Economic Opportunity.

The programs of child development, and the funding of it, are drastic departures from the generally agreed-upon duties of Government. They are considerably at odds with our national tradition of family life. Ostensibly to solve some problems, and remedy some deficiencies that occur in childhood, these proposals would vitiate the family of its cohesiveness, of its loyalties and internal love and discipline.

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It is contended by the proponents of this legislation that there are millions of deprived children, deprived, one assumes, of established child development services. For the sake of argument, let us assume the proponents have correctly assessed the situation, though I should point out that the proponents extravagantly overstate the need. But let us assume they are correct. Will child development programs, when instituted as outlined in this bill, help them, or will it further retard them?

Evidence of psychology indicates that the children would not be helped. Significant psychological research is pointing to the proposition that institutionalized child care is dangerous for the child's mental well-being. Findings have indicated over and over again that the younger the child, the more danger such programs could be to his psychological development. It has also been shown that it is dangerous to the mental health of a child for him to be shifted from one center to another, to be cared for by one nurse after another, to be administered to by one technician after another. This could lead to the development of an insecure, unloving child and could foster a destructive adult personality.

Dr. Konrad Lorenz calls this syndrome the "disease of nonattachment." It takes the form of an inability to cope with one's aggression, and of a profound emotional stultification. And its cause is the lack of a strong family atmosphere.

Dr. Dale Meers has recently completed a study of "International Day Care: A Selective Review and Psychoanalytic Critique." Some of his observations and conclusions are deeply unsettling, and I wonder that the advocates of child development can so blithely fail to take them into account. Let me quote a few passages from this report:

Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. . . .

The early years from birth through three appear developmentally as the time of maximum psychiatric risk, and failures of psychobiologic adaptation are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies. . . .

. . . clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure . . .

This is indeed a dreadful panorama of possibilities to spread before ourselves, and to wish to undertake upon our shoulders. We do not wish this fate to anyone, much less to hosts of innocent children. For the benefit of my colleagues, I insert the Report of the Emergency Committee for Children and the entirety of Dr. Meers' report to be printed at the conclusion of my remarks.

The articles follow:

INTERNATIONAL DAY CARE: A SELECTIVE REVIEW AND PSYCHOANALYTIC CRITIQUE

(By Dale R. Meers)

INTRODUCTION

Historically, social concern for the welfare of children is interrelated with the tenuous, often tortuous evolution of scientific knowledge of child development. The relationship is inevitably reciprocal. Social conscience has sometimes pushed the scientist where he has been hesitant to venture. Alternatively, scientific documentation has been the gadfly or social conscience, though society often has proven resistantly imperturbable where scientific clarity has presented a too discomforting mirror to social indifference.

Currently in the United States, social concern is reflected in legislative considerations of the special fate of children—often those of minority groups—whose home circumstances or natural parents have suffered so drastically that the young are not afforded optimal conditions for normal, healthy maturation of body and mind. The progression of social responsibility reflects, in some measure, advances in scientific comprehension of the fundamental importance of adequate nurture in the earliest years of childhood.

For example, just as the publicly maintained poorhouses once represented a significant advance in social commitments to child welfare, so the ensuing development of congregate child care institutions were a corrective response to limitations of the poorhouse. Once established, the congregate institution remained, for want of better solutions, and with it came the unforeseen consequences of hygienic institutionalization, particularly the continuous tragedy of marasmatic[1] deaths of infants and the pseudo-defectiveness of older children—outcomes that become the subjects of extended international research.

Consequently, by the 1920's a quiet social revolution came to pass in the federal state support of family nurture via foster home and adoption services that emptied the congregate institutions of the U.S. As appears true in all modern, industrial nations, however, social values of "the family" appear to dissipate with increasing options for economic and geographic mobility. With smaller families for the upwardly mobile, and decreasing community support for the direction of child activities, the qualitative base for foster home care in the U.S. now appears less than adequate. The "racial" prejudices of the nation, moreover, have further taxed the program for foster care. Massive migrations of our Negro population into urban visibility have simultaneously brought a belated concern for fragmented lives, a situation that was earlier ignored.

The inequities of foster home care have hit the Black child hardest, and we have seen his disadvantage exacerbated by his grossly disproportionate placement in our returning congregate institutions. There are parallel concerns with the stigmata suffered by the welfare-mother, and current social policy considerations suggest a new synthesis in which child Day Care might simultaneously diminish the need for foster/institutional placements and also permit the training of mothers for employment outside the home. Nationally, the over-sell of the Head Start Day Care type programs has been accepted by the public with convictions that are not shared by the scientific community that sponsored Head Start. For those families where there is no question of the adequacy of home life, the matter has been complicated further by the position statements of the American Educational Association on the presumed salutary qualities of ever-earlier education, and these appear to have escalated popular interests in Day Care.

Popularized reports of the reputed virtues of international child care programs, particularly those of the U.S.S.R. and the Kibbutzim of Israel, appear as major contributions to present U.S. legislative proposals for national support of Day Care. One may speculate that the anomic phenomenon of our urban depersonalization has added to the romantic aura that surrounds the reputed virtues of the Kibbitzim. The extraordinary advances of Soviet atomic and space technology appear popularly, if obscurely, linked to that nation's innovations in education—as though technological advances were ultimately derivative of the early child care programs. In the absence of extended documentation, which is essential to scientific assessment of the effects of programs, imagination has colluded with scant observations, and some western observers have concluded that the Day Care of other nations is a singular blessing.

With such preconceptions, this author began his research explorations in 1964.[2] Review of the scant available literature led, subsequently, to reports of the National Academy of Science and then to correspondence with a number of prominent research and administrative directors of child care programs in the U.S.S.R., Hungary, German Democratic Republic (East Germany), Czechoslovakia, Greece, Israel and France. The study of these particular countries was a function of available literature, the responsiveness of the countries' research communities, and the character of particular types of child care programs. Professional visits were made to selected child care centers in each of these countries, other than the U.S.S.R., by Dr. Allen Marans in 1963 and by this author in 1965. Both tours included personal observations of centers, extended discussions and consultation with policy makers, administrative directors and child care staff. Because of the apparent importance of the Soviet Union's programs, and increasing uncertainty of their scope and purpose, support was requested and provided by the U.S. Public Health Service, under the U.S.-U.S.S.R. scientific exchange program, for this author and a colleague[3] to study in Moscow, Leningrad and Reiga (1967).

No claim is made here that the observations in these several countries provide some representative sampling, nor is it suggested that programs and centers are necessarily similar. Indeed, as a first generalization, one may note that greater differences appear to exist between some child care centers in the same country than between the best of each country. Extreme dissimilarities in any one country, however, appear as historical accidents in which older facilities have been bypassed because budget priorities have been given to the development of new improved centers. In the effort to highlight the characteristics and directions that seem most relevant to U.S. concerns, many differences of quality care are ignored here. Since the U.S. has little to learn from inadequate foreign centers, such facilities are discussed only where it seems important to illustrate particular programmatic or policy problems. The worst of U.S. urban Day Care occasionally may be equaled, but not easily exceeded, by the worst of those observed abroad by this author; however, the intent here is to studiously avoid any implication of invidious comparisons of the U.S. with other nations' programs. The following discussion is predominantly concerned with the best of international centers and technical management such that the ensuing critical evaluation relates to those special problems inherent in even the best of Day Care programs. Particular types of institutional experience and research is directly relevant to Day Care for the very young. Accordingly, this paper also makes selective reference to problems of "institutionalization" and "hospitalism."

The subject of child care cannot be readily separated from the philosophical/ideological commitments of the several countries reviewed. The collectivistic orientation of Kibbutzin child care is dramatically different from that of Greece or France, and surprisingly different from official policies of the Soviet Union. Philosophic views are inherently reflected, purposefully or unwittingly, in the social/economic priorities that underpin funding for child care staff, physical facilities, resources for the children, etc. Emphasis here is given to the programs of communist countries because their extended experience covers both decades and millions of children in Day Care. Administratively, their programs are not unlike those seemingly envisioned by U.S. legislation, i.e., with policy funding and standards nationally established yet with considerable regional and local latitude for the administration of the individual centers. The sheer magnitude of existing communist child care programs, which entail a radical departure from the conventions of family nuture, constitutes an extraordinary social experiment (with a fascinating range of scientific implications).

THE SOVIET MODEL AND EAST EUROPEAN ADAPTATIONS

The geographic span that separates the U.S. and the U.S.S.R. is less formidable than the ideological and conceptual distance that must be bridged in scientific dialogue. For Pavolov is to Soviet education, child care and psychiatry as Lyschenko was to agronomy and genetics (e.g., see: Tur, 1954; Barkoczi, 1964; Tardos 1964). Since Pavolovian conceptions do not entertain the possibility that mental illness can be a consequence of adverse infant and childhood nuture, psychiatric research on the relationship of early Day Care and psychopathological disorders is notable only for its non-existence. During Stalin's life, both social psychiatry and social psychology were politically interdicted, presumably on the rationalization that social is a synonym for class and that, in a classless society, there were no differences to study. Similarly, with the establishment of the Communist state in Czechoslovakia, foster care and adoptions were replaced by state sustained Day Care and residential care for children and research on the complexities of these Czech programs was forbidden at the university level,[4] but indirectly possible in psychiatric settings.

The difficulties in reviewing Soviet research, such as there is, are compounded by their limited internal budgets for journal publications in the behavioral sciences; literature proves far more available via the East Europeans. The literature review that preceded these field students began with a series of documents obtained in the U.S.S.R. by members of the President's Panel on Mental Retardation (1964) and the Child Psychiatry Mission to the U.S.S.R. (Lourie, 1962; Report of the Medical Exchange Mission, 1962). Our study was enriched by the translation of Schelovnaova and Aksarina's basic text (1960), which had been made available in Russian by Professor Zaporozhets who had consulted in Washington in 1964. Bronfenbrenner's several papers (1963a, 1963b, 1964) were fascinating and we were prepared to see, in East European adaptations of Soviet models of Day Care, a coherent effort in which the state used the Day Care nursery to produce the "new Communist man."

It was a considerable surprise, therefore, to find that East European programs, in 1965, appeared to be not only prosaic but also struggling with such a multitude of organization and administrative problems that it was difficult to perceive anything in the way of nursery centered, conditioning. Self-consciously as aware of their problems as they were proud of their achievements, East European administrators made continued recommendations that one should see the truly successful Day Care centers in the U.S.S.R., where extended experience is matched by optimal funding. In the two years that preceded personal study of the Soviet centers, this author contributed a number of conclusions, from inferential data, as to Soviet programs that have since proved to be singularly erroneous (Meers and Marans, 1968).

We wrote at that time: "In 1965, Khrushchev introduced a nationwide program aimed at the creation of a new Soviet man's (Bronfenbrenner, 1963). To accomplish this objective a major portion of the responsibility for child-rearing was deliberately shifted from the family to the children's collectives, the U.S.S.R. day nursery." (*Ibid.*, p. 239). Inherent in this (erroneous) formulation was the conclusion that the contemporary generation of Soviet parents, having been deprived of a "proper" upbringing, could not be expected to rear this new Soviet man without help from appropriately educated, state-supervised staff. The state thereby purportedly recognized the role of the "upbringer" as the purveyor of the new culture, since mother substitutes were nominally selected and trained to induce the political ideas of the state.

Whatever the political goals of social planners in the East European countries, however, it was clear in 1965 that the extraordinary complexities of staffing and developing massive programs precluded any systematic induction of political-cultural values. Surprised by the absence of ideological implications in programming, this author raised the question repeatedly. As a typical response, Pikler (Budapest) advised that in three decades of close and cooperative working relationships with Soviet child care specialists, she was quite unaware of any such state policy.

During the author's three weeks of study in Moscow, Leningrad and Reiga, there were continuous occasions to discuss Soviet Day Care policy, from the ministerial level, through administrative and research staffs down to the various Day Care centers' personnel. It is clear that the Soviet Union would indeed like to provide the best-of-all-possible worlds for their children, so that their new Soviet man would have every advantage that a modern industrial nation might provide. The status of the Soviet child is considered unique and there is a presumption, not unlike that held in the U.S., that the best is being done for their children. It is humorously suggested that children are the new "upper class" of the classless society. And, indeed, part of the Soviet claim appears merited by the extraordinary priorities and investments that sustain the multiplicity of child care programs.

The Soviet Day Care programs, however, appear anything but revolutionary in their intent. They are designed to provide the type of comprehensive care that has been depicted in the U.S. as "Head Start." The term, in U.S. usage, is a misnomer since our programs, like those of the U.S.S.R., are intended to provide a *better* start and not an accelerated introduction to intellectual/academic matters. In the vast Soviet federal state, which encompasses disparate nationalities and ethnic peoples, the provision of basic, high-quality health and social services continues as a fundamental problem. The provision of early Day Care has the explicit intent of ensuring the best health and nurture that can be uniformly provided. If there is an unstated, implicit political intent in these programs, this author would conclude that it has to do less with the creation of the ideal communist than with the creation, in the younger generation, of a "national citizen" who is free from regional and ethnocentric biases.

Parenthetically, one should add that the Soviet Day Care centers are hardly oriented to the introduction of reading, writing, and arithmetic at ever younger years. On the contrary, only scant and incidental "educational" material is introduced in the last year of nursery school, and formal education is only started at age seven, a year later than in the United States.

Day Care programs of the East European nations differ most in the intent and rationalizations of their separate cultural, economic and political status. The Hungarian programs evolved from an organic community need to provide for homeless, parentless children who were incidental victims of the Nazi siege of Budapest. Economic dislocation from western Europe and the attempt to industrialize provided powerful government incentives to adopt and implement Soviet models of Day Care and the frugal conditions of the post war economy provided substantial incentives for mothers to place their children in Day Care and secure work. From meager beginnings in Budapest, Day Care centers were established wherever possible, e.g., in unused factories, and these centers proliferated through the following decades with an express government intent to provide equal and adequate services in rural as well as urban centers.

While pleased with their continued upgrading of building design, staff ratios, etc., Hungarian Day Care of infants under the age of three has been viewed as a regrettable side effect to the necessary employment of mothers and therefore has been considered a program that should be progressively limited and eventually terminated as economic conditions might permit. This conviction appeared to be based less on any question of possible damage or retardation of the children concerned, than on humanitarian responses to the manifest unhappiness that substitute care creates for the small child separated from home and mother (Laslow, 1965).

In East Germany[5] a different confluence of factors has affected the characteristics of Day Care. Under Communism, a "feminist" movement appears to present a powerful, government-sustained reaction to the residual patriarchal dominance of the old-time German family. Day Care provides not only for children, but also gives women an alternative to the domesticity that has carried a cultural aura of subservience.

East Germany suffered a massive loss of manpower in the war and was further plagued by the succession of Nazi extermination of "liberal" professionals, the postwar exclusion of established pro-Nazis from responsible positions, and the exodus to West Germany. Massive displacement of populations and extended war damage led the country into an austerity program from which it has yet to emerge. Extended efforts to industrialize a previously agrarian area only added to the chronic and severe manpower shortage, adding urgency to the need for the labor of women. The establishment of Day Care centers on a mass scale, however, placed the Day Care programs in direct competition for the already short supply of woman power. With the inception of the programs, it appeared that many of the older and least suitable women, who were unable to find better employment in industry, secured employment in child care. Recruitment, staffing and training continue as major problems.

Czechoslovakia was spared much of the war devastation suffered by Germany and Hungary. Its industrial base and professional population were left relatively intact. Economic reorientation to the East and severe planning/production limits on luxury goods contribute to a continuing austerity and provide strong economic motivations for families to secure a second income through the work of mothers. Government support and encouragement of the use of Day Care has

Footnotes at end of article.

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appeared more doctrinaire than economically motivated. The best of Czech Day Care appeared hygienic, sterile and depressing; the worst seemed melancholically, fatalistically sorrowful. Czechoslovakia in transition may reflect severe anomic reactions to the enforced and extended readaptations of cultural values to the changed political and economic ways of communism.

THE SCOPE AND COSTS OF COMMUNIST DAY CARE

In 1964, some 10% of the Soviet Union's pre-school child population were cared for in various types of child care facilities; five of seven million children were in (non-residential) nurseries and Kindergartens. Consonant with Zaporozhets' (1964) projections, 1967 estimates (provided in the U.S.S.R.) indicated that 30% of the nation's pre-schoolers were then enrolled, and that the figure was as high as 60% in major Soviet cities. In 1964, Zaporozhets had anticipated that a goal of 100% would be achieved by the 1980s. East European estimates in 1965 approximated those of the U.S.S.R., i.e., some 30% of these nations' children were in Day Care. By 1970, East Germany had between 30% to 45% of under-threes in Day Care, and 51% of the older children in Kindergarten. Schmidt-Kolmer (1970) projected that by the 1980's nearly all of the four to six year olds, and some 50% of the under-threes, would be in Kindergarten/Day Care. Czechoslovakia, in surprising contrast, as a result of governmental policy responses to research evidence of emotional injury to the very young child, has systematically reduced its Day Care for children under three, and current estimates indicate an enrollment of only 12% of these children in 1970 (Langmeier and Matejcek, 1970; Matejcek, 1970).

In the Communist nations, financial support for both capital construction and operational expenses depends upon sponsorship, e.g., of factories, co-ops, urban micro-units, etc. The state is usually responsible for basic costs. The *capital* expenses for Day Care centers in East Germany approximate 11,000 Marks/per child, i.e., about $2,600 (as an under-estimate based on an official 4.2 rate of exchange). This represents a *quarter of a million dollars* in construction costs for each prefabricated unit that houses some 100 infants.

Operation budgets of both Czech and East German centers approximate one-quarter to one-third of the earned income of the average working parent, e.g., East German costs are 155 Marks per month per child (Schmidt-Kolmer, 1970) and Czech costs are 526 Crowns per month per child (Matejcek, 1970). Since the East German incomes, as a high estimate, are about 630 Marks per month and Czech incomes are about 1600 Crowns per month, the placement of three children from one family in Day Care would involve operating expenses equal to the income of a working mother. The costs to families remain low only because of state subsidization. Bronfenbrenner's estimate that Soviet expenditures equal the total cost of Soviet space exploration appears quite plausible.

In the continuing, philosophic commitments of the U.S.S.R., enormous expenses are involved in the construction of rural new-town communities and in the beginning ultra modernization of cities such as Moscow. Planners make use of the "micro-unit," an extended complex of modern, high-rise apartments (prefab) that are relatively self-contained as a neighborhood. These units include shopping, medical, and Day Care centers, plus related schools. Emphasizing the *family* as the core of the Soviet state, i.e., the child's first "collective" (Makarenko, 1954), Day Care is seen as but one of the adjunctive services provided by the state to sustain the uniqueness of each family.

Footnotes at end of article.

QUALITATIVE DIFFICULTIES IN COMMUNIST DAY CARE

However philosophical their dedication to the new generation, Communist allocations of salaries and status to the child caregiver are marginal. Moreover, the vast extension of the programs appears to have made recruiting demands that do not permit the quality of staff selection aspired to by planners. Training, subsidized rather liberally by Western standards, aims at a continual upgrading in quality of service (Schmidt-Kolmer, 1970). Yet the self-selection of caregivers usually brings young, unmarried girls or women who cannot obtain better paying industrial employment. In 1965, the child caregiver population had a high mobility rate even after training. This experience is not peculiar to the Communist states, as is indicated by Israeli data showing that only 18% of Kibbutzim caregivers had worked for ten years or more, and that in a single year 28% had left their group of children (Gerson, 1970).

Communist literature tends to idealize the participation of parents, who purportedly participate actively with Day Care staff out of a sense of duty to child and country. Options for parents are clearly available for both conferences and staff lectures on child care and the desirability of continuing at home the routines established in the centers (Robinsin, 1965). The realities of Communist life do not readily match the idealization of active parental participation. It is a long and arduous day for both working parents and one must question whether the educational options offered are in fact realistic. Informal Soviet humor suggests that Ivan's parents listen to free advice with closed ears.

One criterion of the adequacy of Day Care programs is the degree to which planning and administrative staff make use of them for their own children. While many senior staff appeared to be beyond child-rearing ages, it was notable that this author did not meet any such professionals who had their children in early Day Care nurseries. On the contrary, the few who did discuss this noted the preference to use their incomes to employ someone to care for their children at home.

MULTIPLE AND INTERMITTENT "MOTHERING"

The child caregiver is an employee, and there are prerogatives that derive from that status that are denied to most biological mothers, such as, coffee breaks, sick leave, holidays and the option to leave one's charges if the conditions of work are not sufficiently gratifying. Continuity of care, however, provides two major advantages for the child: (1) his mother will know him with sufficient intimacy so that, in his pre-verbal months of life, she can understand and alleviate his needs so he will not experience undue pain; and (2) the baby is afforded an option to accommodate to a consistency of care that evokes his continuing interest in and attachment to an emotionally responsive person. It has been this author's experience that nursing staff covertly resist continuity of care of any one or more babies. Indeed it was a common experience, internationally, that caregivers often could not readily identify their children by name and, with babies, did not know with certitude whether each one had been fed. Schmidt-Kolmer (1970), citing a study done in Leipzig, reaffirms experience elsewhere, namely, that the younger and less active the child in the day nursery, the smaller the amount of attention he received.

Education, as Schelovanova and Aksarina (1960) have commented, begins in the earliest of life experiences as the child grows in his mother's arms. Multiple mothering, all too frequently, provides an uncoordinated octopus. The multiplicity of caregivers, their overlapping of shifts, their replaceability for illness or holidays, their departures for other employment, all leave the very young child accommodating first to one and then to another. And infants and young children do adapt to all environments. Once they have exhausted the repertoire of genetic responses of crying and kicking, they are notoriously accommodating to adult wishes for untroubled, relatively passive responsiveness.

Zaporozhets (1964) has noted that consideration was given in the U.S.S.R. to providing each employed mother a full year's pay following the birth of her child, a consideration that was raised because of the obviousness of babies' adverse response to deprivation. Few people question that the infant in group care suffers in some degree. Since accommodation is so rapid for most children, however, the controversy continues as to whether the consequences are ultimately significant to personality, intellectual capability, or psychopathology. In this author's experience in both Eastern Europe and the U.S.S.R., children seen in group Day Care were singularly lacking in verve and spontaneity; they consistently appeared depressed. The most quietly dramatic event of the tours of various Soviet centers occurred in Leningrad, in a Kindergarten.

While walking through empty play rooms, as children dressed elsewhere to await their parents' arrival, we heard laughter! Our hosts joked that we must be used to the dourness of the Moscovites. When we saw the children later, however, the explanation appeared more logically to relate to the older children's excitement upon greeting their own parents. Evidence of smiling is a poor criterion by which to question programs, yet it is not without interest that of the many photographs[7] taken in the course of the author's tours, there is only one picture of one smiling child—one whose mother proved to be the group's caregiver (taken in Prague in 1965).

COMMUNIST RESEARCH CONCERNING THE DAY CARE CHILD

Social psychological and social psychiatric research, as noted, were interdicted in the Soviet Union until after Stalin's death. Both Tur (1954) and Schelovanov (1964) have conducted physiological research directed in part to circumvent the development of "hospitalization psychic disorders." Their programs for massage and exercise of babies appear widely used in the Communist Day Care nurseries. While Schelovanova and Aksarina (1960) refer to "hospitalism" in poorly organized nurseries, publications of research on this subject are either not available or are nonexistent.

Further, the limited Soviet research that concerns environmental influence on maturational processes have centered on residential care, only.[8] The findings are worth noting: (1) that institutionally reared children are "better" adapted to subsequent formal schooling, i.e., they are more responsive and obedient to teachers; and (2) a percentage of those children suffer from some type of minimal yet specific verbal retardation. In 1967 such studies had continued through the age of 11 and the verbal retardation was still manifest (Koltsova, 1967).

East German data (Schmidt-Kolmer, 1970) suggest that nursery reared children scored higher on development tests at the time of entry into kindergarten than those reared at home. This is a significant finding, though tests at such an early age are strikingly unstable and not good predictors of subsequent intellectual development. Like their Soviet institutionally reared counterparts, these nursery reared children also adjusted more easily to Kindergarten life. Pikler (1965) has indicated that data from her (exceptional) institution (Budapest) document that even residentially reared children can compare adequately with U.S. and U.S.S.R developmental norms.

In the last few years, a number of conferences have been called by the communist nations to confer and plan collaborative, comparative research on the problems and consequences of their Day Care programs. Regrettably, theoretical orientations of the communist professional world continue to exclude psychiatric evaluations, except in the most global descriptive sense. Their research data have consistently reflected concern with relative maturational levels of motor and intellectual achievement (Schmidt-Kolmer and Hecht, 1964; Langmeier and Matejcek, 1965). It will be another decade or more before social psychiatric evidence will begin to become available, and by that time over 50% of their child populations will have been exposed to this social experiment.

As an incidental but unresearched clinical finding, some East Europeans have noted the tendency of the very young, group reared children to indiscriminately damage their playthings, without manifest anger, when not supervised closely. An abundance of toys and play material are usually conspicuous, but customarily neatly placed out of the children's reach. One Communist child care specialist reflected that they may need to reassess the chronology of "dialectic materialism" since, in the absence of private property (teddy bears), the toddlers have little respect for collective ownership.

Inhibition of aggression, however, in the early years of character formation may be clinically more significant. However meritorious the physical inhibition of agression in the well-mannered older children, or adult, there is an extremely important question as to the age at which inhibition takes place and the degree to which aggression can thereafter be purposefully, consciously exploited (e.g., for proper, socially acceptable purposes.)

Whatever the reservations of those child care staff in Communist countries who do not use Day Care for their own children, it is clear that the respective governments, Czechoslovakia excepted, strongly support and encourage the use of Day Care. The preponderance of the Communist scientific publications consider this work a significant advance, and the general public responds with enthusiasm and preparedness to use facilities that are so readily available.

SELECTED INSTITUTIONS: LOCZI, METERA AND KIBBUTZIM

There are specific characteristics of "institutional" types of experiences that are directly relevant to Day Care programs, particularly to difficulties in staffing. Loczi, the National Methodological Institute for Infant Care (Budapest), has a distinguished professional staff and excellent options in staff selection and training. Pikler, the director, has noted that conventional staff recruiting was anything but satisfactory and that it took years of experience to intuitively arrive at criteria for staff selection. August Aichorn is reported to have observed that emphatic women could not stand the work of Loczi's caregivers and the Pikler's staff were "paternalistic" young women (Pikler, 1965).

The Metera Baby Center (Athens) was sustained by a socially powerful group that included the Greek Queen. Founded as an urban refuge for illegitimately pregnant girls who might find physical safety for themselves and their babies, Metera was intended as a neonatal, residential nursery that worked towards adoption of their charges. As a model institution with an extraordinary "well baby" nursing and training program (1963–65), unique staff selection opportunities were matched by staff ratios of one adult per child. Traditional academic training was extended for the nurses via courses in language, art, dancing, music, etc. Among Metera's selection criteria was the condition that nurses could not marry because marriage was a necessary impairment of the nurse's capacity for emotional investment in her babies. Yet, it is clear that the "objectivity" required of these nurses in evaluating adoptive parents demanded either a great deal of pain for the nurse, or an earlier disengagement from emotional mutuality with that baby. It is notable that almost all babies who remained at Metera beyond eight months demonstrated developmental lags.

The collective rearing of Kibbutzim children is discussed elsewhere[9] and is noted here only in reference to (1) the high turnover of care-givers (Gerson, 1970) and (2) the staffing peculiarities of semi-institutionalization. Twenty of 200 Kibbutzim now have private arrangements for children to sleep in their parent's apartments, so that child care in these settlements approximates the conventions of Day Care. However idealized the Kibbutz in popular imagination, aspects of the original Spartan philosophy persist. In a study limited to an intergenerational sample of grandmothers, mothers and present children, Marburg (1970) has recently provided a powerful psychiatric statement on the internal debates that continue to trouble Kibbutzim child care planners. As a particular example of current practices that have possible psychiatric consequences, Marburg notes that for all their dedication: "To this day, the progressive educationalists and psychologists have found no response to their claim that children should not be left alone at night, without an adult being present. The night watch is restricted to an hourly inspection and the operation of the intercom system."

FRANCE: THE PARISIAN CRECHE[10]

The economic stress of the majority of lower socioeconomic families of Paris has been a powerful inducement for full time employment of both parents. Day Care for babies from two months to three years of age has been provided as a social service to working mothers for over 50 years. In exceptional cases, babies from families with specific social problems are also accepted. Parents are required to meet part of the costs and a sliding scale is used to relate fees to family income. Government allowances for working mothers offset this expense, at 2.3% of her salary (Davidson, 1962).

As of 1963, the Paris Administration of Public Assistance has established, or supervised, a total of some 180 creches. Limited availability and extended public interest contributed to long waiting lists. In older neighborhoods, both indoor and outdoor space requirements of the creches were inadequate. In the newer, suburban areas, housing developers customarily build creches, but usually turn the management over to the Administration of Public Assistance (Administration Generale, 1956–60).

The Paris creches are open for a 12 hour day. They are somewhat smaller than the East European versions, and accommodate about 40 to 60 babies. The quality of care appears to vary considerably from one center to another, depending more on the attitudes of staff than on particular physical options or limitations. Some nursing staff cannot be induced to provide rudimentary types of care that are indispensable to the babies' well-being. (This is not a peculiarity of Parisian nurses, one must add, since the same problem is demonstrable with some staff in Washington, D.C.). In particular inadequate centers, babies were kept in bathinette cribs all day, except for feeding. With cribs placed close together, blankets were draped over the sides permitting the baby to observe little more than the ceiling and a few hanging toys.

Such nursing practices have extended to a rejection of handling babies, on the rationalization that they might be accidentally bruised. Some nurses have rejected instructions that they turn babies on their stomachs for part of the day, out of nominal fear the babies might suffocate. Despite strict regulations prohibiting premature toilet training, some caregivers have attempted to induce compliance of tying three month old infants on a pot. While such nursing attitudes are not general, their open continuation documents the difficulty a supervising agency faces in attempting to guarantee minimal standards. Even in the best of creches, there seemed relatively little attempt to provide infants with "stimulation" either by use of toys or visually attractive objects such as mobiles (Marans, 1963).

The director customarily has an apartment in the creche, and if she has children they are usually enrolled there. The director is responsible, usually without secretarial help, for a surprising range of activities: she must decide whether a child is too ill to stay and she must check health certification on return; she is responsible for contacts with welfare agencies and clinics to which babies may be referred; she is supposed to supervise her staff and be available to the mothers who wish and need to know how their children fare; she controls creche finances and receives payment of weekly fees; she is supposed to select and purchase food from local stores while bearing in mind nutritional needs of the children and the available budget; from the selection of equipment and play materials made available by the Administration of Public Assistance, she selects those appropriate, in her judgment, for her center; etc.

Directors appear quite overburdened. While allowed some measures of autonomy, the caregivers usually reflect attitudes of the director. As a general observation, the caregivers have appeared skilled in customary functions of child care, reasonably warm and gentle with babies, and within limits, responsive in some measures to individual differences. As in Leipzig, and elsewhere, the creche staffs prefer the active, aggressive, more independent child. Parisian staff ratios appear enviable by East European standards since there is one adult to six to ten children. Even so, nursing assistants find little time for relaxed involvement with individual children. Staff ratios may be misleading, with respect to free time, since it is unknown whether the creche caregivers, like those of the communist nations have an extended back-up staff for housekeeping and maintenance.

Babies accommodate to the system very quickly. From the staff's point of view, a baby does not customarily overreact to his mother's departure, unless she appears hesitant and conveys to the child some of her uncertainty. Staff would prefer to have mothers leave quickly since the quiet child facilitates their work. Incongruously, there seems to be no recognition of the possibility that babies who are sufficiently sensitive to sense maternal uncertainty, might also respond to their caregivers relative indifference.

As would be expected, the Administration of Public Assistance was less than satisfied with the creches or the standards of training, yet the continuing demand for more placements appear to consume available finances such that budgets remain too limited to replace those centers that are demonstrably inadequate. Staff shortages undoubtedly reflect the demanding nature of the work, the low status, and the low salary scale. Research on the effects of early Day Care appeared notable only for its absence.

CONCLUSIONS: A CRITICAL OVERVIEW

This less than complete review of some international child care programs permits a number of conservative conclusions that are relevant to present U.S. interests in Day Care. As a first consideration, one may review assumptions about Day Care that are either irrelevant or demonstrably untrue; secondly, there are lessons that derive from organiza-

Footnotes at end of article.

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tional experiences abroad; and thirdly, there are highly significant questions relating to the psychiatric dangers of early Day Care.

It is easiest to start with those assumptions that are irrelevant or untrue. Analogies made between proposed Day Care in the U.S. and the system of Kibbutzim child care are simply illogical since the Kibbutzim are typically a unique configuration of self-selected families who are deeply committed to an experiment in social living that is almost totally unlike anything in the U.S. (other than our few rural, religious settlements). The Kibbutz child programs are organic part of life, and not an ancillary service for distressed or underprivileged families.

It has been argued that U.S. federal funding of Day Care would eventually lead to a decrease in spending for welfare, via the training and subsequent employment of welfare mothers whose children would be placed in Day Care. That Day Care could lead to economies in government expenditures seems contradicted by the evidence of the Communist nations. The capital investments of these nations for adequate centers approximate a quarter of a million dollars per center, and the operating expenses have equaled one-quarter to one-third of the earnings of the mothers of each child, with the state typically funding 85% of operating expenses. Where government support and authority have been given, this has been understood as an assurance of the adequacy and desirability of Day Care. Under such circumstances, Day Care has become "socially acceptable" and the public has pressed for even greater expansion and expenditure, even in Czechoslovakia at the very time that research evidence was leading to a reversal in national policy (for the under-threes).

We sometimes assume that recruitment staffing and training of Day Care personnel should be elementary. The assumption is most questionable. The status of mothers, and their substitutes (whether babysitters or caregivers), is minimal in the hierarchy of U.S. social conventions. Since we lack the emotional zest of the Kibbutzim or the ideological thrust of the Communist world, it appears singularly unlikely that U.S. recruitment of caregivers could be maintained at a level much beyond that of France or East Germany. One might expect that the principle of lesser employability would determine the caregiver's self-selection and that, in lieu of high pay or high status, mobility of caregivers would be considerable.

Motives that were persuasive in the establishment of Day Care in Communist countries appear much less relevant in the U.S. The Communist nations have been hard pressed in their industrial development and have needed the labor skills that working mothers provide. The U.S. appears to have a diametrically opposite problem since our technological revolution has made many jobs obsolete and gives promise of an eventual reduction in the work week. Given the U.S. "generation gap," and ever increasing crime, drug and delinquency rates, a powerful argument can be offered in the opposite direction, that is, that there is a profound need for increasing direct maternal/parental involvement with children, particularly in the early years when social attitudes and conscience are formed.

The philosophical rationale that Day Care provides women with equal rights with men (to work) appears at first blush persuasive and reasonable. The psychoanalytic clinician would certainly be among the first to concur that some women would greatly relieve themselves and their children by the use of Day Care, when such mothers are miserable or distraught in the normal course of "mothering" and homemaking. This, however, does not solve the problem of the right of infants to proper nurture and care. The problems inherent in group care have profound developmental implications and it is anything but clear that men of intellect and determination can provide programs that nurture half so adequately as even the uneducated, unconflicted mother. Nor does the provision for equal rights to work take into account sufficiently the right of a mother to independently provide nurture and love to her own infant, in her own home, if she so chooses. There are many women who prefer to care for their own children at home, and yet find themselves unable to do so for economic reasons. The social planner must ask, therefore, if the psycho-biological process of gestation and maternity confer special rights on mothers, namely, for optimal social support in the nurture of our young—a right that has never been realized under existing welfare programs. Planners also need to ask whether such support ought not to extend to direct assistance to the family as well as to public programs such as Day Care.

It is argued that provision of state supported Day Care could be of immediate benefit to many disadvantaged mothers who are overburdened with large families and excessive responsibilities in the absence of a husband. If Congressional concern, however, is to extend programmatic supports to the stability of disadvantaged families, then one may question whether Day Care should be the solution of choice. Day Care may free a woman to work, but it does not follow that it enhances her authority, or her availability to her children, or her acceptability in marriage. Income maintenance programs, when analyzed in terms of costs and benefits, might be a more logical alternative than Day Care.

There are a number of uncontroversial findings that seem clear in the assessment of organization, administrative and staffing experience of international programs. Medical regimes have appeared inappropriate, wanting, and often damaging. The traditional educational model is equally inappropriate to the nursery and the "pedagogical" label of the Communist departments proves somewhat of a misnomer. Although these programs are increasingly administered in educational departments, these administrative units appear to be a new and continuing synthesis of professional ideas and practices that derive from pediatrics, nursing, education, and psychology, and this synthesis is far from complete.

The ineffectiveness of French supervising authority in maintaining minimal standards clearly illustrates a major administrative problem. Bureaucracies are hardly well known for their intrepid enforcement of even important regulations, and their dilatory action presents critical hazards in child-rearing programs that are less consequential elsewhere. Those who are familiar with the plight of other populations who suffer state care and supervision, such as the mentally ill, would urge that every Day Care center should have its Ombudsman.

If Day Care is to be used widely and beneficially, the "recognition" of the value of the caregiver must be extended in clear terms of status and income. Otherwise, the child in care remains the helpless victim of the lesser-employables. Physical characteristics of the Day Care centers are particular staff ratios, moreover, are as important to the staff as to the children. Empathic, sensitively tuned-in women do not continue in employment when the conditions of care leave children chronically upset or passively miserable.

In its selection of caregivers, Metera opted for the emphathic-intuitive, (nominally) materialistic woman. Pikler's benevolently paternalistic "professionals" appear as the polar opposite of a continuum on which caregiving qualities may be described. Metera may have erred in its screening policy that demanded a choice between marriage, with the prospects of biological motherhood, and the substitute of nursing care. Women who can opt for a profession to the exclusion of martial intimacy, may prove unprepared for the emotional intimacy and intuitive spontaneity that provide a communication bridge for the infant and preverbal child. Moreover, if economics dictate staff ratios of ten babies per adult, as occurs commonly elsewhere, it is doubtful that empathic staff can endure the consequent depersonalization of babies and the pain the babies will manifest. Under these circumstances, staff may seek a solution in the alternative emphasis on professionalization and technical management of routines.

The most consequential and controversial question of early Day Care is that of potential danger and damage to the very children for whom the centers are designed. From a psychoanalytic viewpoint, the dangers of psychiatric damage are inversely related to chronological age: the younger the child, and the more vulnerable he is to genetically determined, involuntary, automated adaptations.

Marasamus is a rarity today in the U.S., the U.S.S.R. and other modern states. Hospitalism, a childhood debility first described and defined by Brenneman (1932) however, can usually be found in the lesser of contemporary institutions of any nation. The phenomenon merits further comment since it is too often assumed that, in the absence of gross symptomatology, children are not otherwise effected. Hospitalism is an omnibus descriptive label that has had a varied professional usage, one more recently used as a synonym for *anacitic depression* (e.g., Hinsie and Campbell, 1970). The latter term, however, has a regressive clinical history that is relatively explicit as to age of onset. The range of development failures and arrests of early childhood that are subsumed under the term *hospitalism* are not well studied and psychiatric nomenclature lacks appropriate diagnostic labels for them (Sachs, 1970).

Irrespective of whether the dysfunction is a developmental failure or a regressive process, some measures of retardation and depression are typical (see Joffee and Sandler, 1965). The term *hospitalism* is a professional invention, a misnomer in its semantic, guilt reducing implications. The physical structure of hospitals or residential institutions have, in fact, little bearing on the pathology. Children who live with their families within the physical structure of an institution simply do not suffer from this malady. The significant casual variable appears to be the depersonalization of human relationships that are vital to the child's healthy maturation.

Other professions have seen psychiatry as the *bete noire* of the hospital and institution since its clinicians, of necessity, challenge the anonymity and professional detachment that proves so necessary, for example, to medical staff who individually and collectively (via routines) defend their own psychological equilibria from empathic responsiveness to the pains so constantly in evidence in their patients.

Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. The typical concatenation of variables include (1) a multiplicity of caregivers who (2) are interchangeable, a problem that becomes greater where the dispersion of caregiving interests is to groups (rather than individual babies) who are (3) so young that they make spontaneous psychological adaptations that may not be totally reversible. Maturational adaptations that may be pathological, it should be noted, are not necessarily evidenced as developmental failures, e.g., Kanner (1949) and James (1960) have described exceptionally precocious skills that reflect such severe pathological illnesses as autism.

The early years from birth through three

appear developmentally as the time of maximum psychiatric risk, and failures of psycho-biological adaptation are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies, e.g., impulse disorders, non-congenital retardation, psychopathic and schizoid personality disorders, etc. Since these severe pathologies are not directly evident in present Day Care populations of the Communist world, or in the experimental nurseries of the U.S., many academically oriented child development researchers presume that mental change is an all or nothing phenomenon. Yet one may confidently, dogmatically assert that no one knows enough about childhood developmental deficits to be completely certain of their presence or their remediation.

However, clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experiences constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure, such as flattened feelings (schizoid personality), asocial attitudes (psychopathic tendencies), defense against emotional intimacy (fear of marriage), etc.

Anacitic depression is a universal phenomenon that toddlers suffer when separated from mothers for any appreciable length of time (Spitz, 1946). The Soviets have recognized the greater difficulties of accommodation after seven months of age and place many babies earlier. The adaptational, psychiatric consequences of early placement can prove extreme, though the process is subtle. Where a baby's aggressive hurt and anger in response to separation is not mitigated, and his anger is afforded little option for external expression, such recriminations may be internalized and "turned back on the self" and thus provide a base for clinical depression in later years. In time, the Communist nations will inevitably provide epidemiological evidence of the behavioral and emotional effects of group care.

In emphasizing the potential damage of early Day Care, there is a danger of implying that there is little risk for the three to five year olds. From the psychoanalytic viewpoint, the maturational vulnerabilities of that age span include (only) the risk of phobic, hysteric and obsessional neuroses and these risks certainly should be taken into account. Nevertheless, the child who is emotionally secure in his third year exudes intellectual curiosity and evidences a hunger for experience with his contemporaries and, in this instance, part-time Day Care offers delight and a momentous learning experience, i.e., so long as the option for daily attendance remains, more or less, with the child.

Child care by experts seems to have found a ready audience in both Congress and the general public. With Moynihan (1969) one may comfortably state that science is at its best as a critical tool, and that the scientist has lost his perspective when he commends modifications of such complex social-cultural-psycho-biological processes as child-rearing. Given the present state of our ignorance about psychiatric damage, massive Day Care programs appear all too much like Pandora's box. Those who would convey the idea that Day Care is unproblematic should review the programmatic, compensatory routines of Soviet texts (Tur. 1954; Schelovanova and Aksarina, 1960; Schelovanova, 1964) and the U.S. literature of child development research (e.g., Escalona and Leitch, 1952; Skeels, 1964; McV. Hunt, 1964; Bloom, Davis and Hess, 1965; A. Freud, 1965).

In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.

Some clinicians and child development researchers, such as this author, are presently in an anomolous position. They have long and fervently recommended and supported the establishment of Day Care centers of special cases for the very young; yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start. Group Day care entails for greater risks and these should be taken only where the alternatives are patently worse.

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FOOTNOTES

[1] *Marasmus*, from the Greek "to waste away." Ribble (1944, p. 634) noted that five decades ago, marasmus/infantile debility was responsible for nearly half of the infant mortality rate. While marasmatic deaths are rare today, other psycho-biological failures of infancy include developmental dwarfism (Silver and Finkelstein, 1967) and the "failure to thrive" babies. Current research is suggestive that deficiencies in growth hormone and ACTH may be significantly modified by correction of emotionally disturbed environments (Powell, *et al.* 1967).

[2] The Committee on Day Care for the Maternal and Child Health Section of the American Public Health Association and the National Institute of Mental Health provided initial encouragement and sustenance for this research.

[3] Halbert B. Robinson, then Chairman, Department of Psychology, the University of North Carolina.

[4] The Czech national psycological association, which might have provided research evaluations, was also disbanded.

[5] The German Democratic Republic is not well known in the U.S. by its proper title and hence is referred to, for purposes of clarity, as East Germany.

[6] In its retreat from infant Day Care, the Czech government provides paid leave for maternal absence for one year and a reemployment guarantee of 18 months (Matejcek 1970),

[7] Taken with a miniature camera, with super sensitive film to avoid "flash."

[8] It should be noted, however, that Soviet researchers apparently concur that the subjective experience of the under-threes in Day Care, who necessarily spend the predominance of their waking hours in group care with multiplicity of mothers, approximates that which occurs in the regime of a residential institution. Day Care infants, of course, experience more continuity of care at night and on week-ends.

[9] See Section III in this chapter.

[10] These observations are dated (1936–65) and hopefully only portray problems of the past. This section is included to illustrate the problems of a central administration in limiting or modifying child care practices that are indisputably inappropriate.

A REVIEW AND REPORT OF THE PROPOSED FEDERAL PROGRAM OF "CHILD DEVELOPMENT"

The Emergency Committee for Children has released a review and report on the proposed federal program to establish "child development" centers and a "child advocacy" corps.

The report concludes that the comprehensive "child development" program constitutes a real and major threat to the American family as a basic institution of our society. The Committee report also warns that the "provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow" and that when the program is in operation this will undoubtedly mean a gross invasion of the privacy of the American family.

The Emergency Committee is made up of scholars and religious leaders concerned with the fundamental concepts premising the program regarding the upbringing of children. Quoted in the report are advocates of "child development" programs who contend that family life is dangerous and harmful to children; also that institutionalized and communalized childrearing is superior "to all other forms" of raising children. The Committee noted that no evidence exists to warrant those conclusions, or for much which is asserted in the bill as Congressional findings.

The Committee charged that establishment of so-called "child development" centers would necessarily mean the stressing of "group conformity" if for no other reason than the institution has to be manageable. Such "impressed conformity" is a necessary condition for this type of center and hence is dangerous, *per se*, to the future independence of the American personality.

THE BILL

This bill provides for the establishment of "Child Development Programs" (comprehensive childrearing centers), "Child Development Councils" (to govern the programs), and a "Model Federal Government Child Development Program" (to try out the idea on the children of civilian government employees). It also provides guidelines and money for "National Child Advocacy Projects" (to draw attention to the needs of children), "Neighborhood Offices of Child Advocacy", and "Neighborhood Councils on Child Development". A permanent HEW Office of Child Development would also be established.

The Bill would see, in a few years, that the Federal government will have assumed a major role in the mental, physical, and social examination, diagnosis, identification, and treatment for every child under 15 years of

age in the nation. As a matter of the child's right shall the government exert this control over the family, because, as one proponent of the bill has said, "We have recognized that the child is a care of the State." It would seem that the supporters of this legislation are interested in a Federally-cared for and governmentally-nurtured child.

"CHILD DEVELOPMENT" ADVOCATES

"Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country."

Dr. Urie Bronfenbrenner, a leader at the White House Conference on Children, quotes such statements in his book *Two Worlds of Childhood: U.S. and U.S.S.R.*, one of the popular authorities cited in defense of the child development proposals presently in Joint Conference and shortly to go before the President for approval or veto. The public relations of this bill presented it as strictly a beneficient day care program, to facilitate the employment of poverty-level mothers. The provisions of the bill are somewhat more wide. And the supporters of the legislation indicate their support in such ways as to cause trepidation regarding the eventual course of some of their provisions.

Statements like one by Siv Thorsell, a Swedish child development expert: "It is unreasonable to demand that the parents should meet all the child's needs, still less that the mother should accept responsibility for the child's upbringing to the extent she does now" reflect a lack of proper respect for certain fundamental institutions of society. Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, is openly opposed to the family: "there is serious thinking," he says, "that maybe we can't trust the family . . . to prepare young children for his new kind of world which is emerging."

The child development bill is obviously more than another anti-poverty measure; it is blatantly a social experiment scheme to change the nature of American society by undermining the basic unit of that society: the family. It falls well beyond the range of necessary and proper legislation into the discolored realms of orwellianism and mind-control. It is more than a violation of the rights of citizens: it is an assault on the already weakened fortifications of Western civilization.

In examining the legislation, the intent of its framers and supporters must be carefully scrutinized. We find the first section (501) of the Senate bill (S. 2007) particularly revealing in this regard. This section purports to reveal "Congressional findings", namely:

That "millions of children . . . are suffering unnecessary harm from the lack of adequate child development services";

But there is no evidence that anywhere near such numbers of children suffer such harm. Since the beginnings of the Republic, there have been laws governing mistreatment of children. Some children may, indeed, suffer deprivation or cruelty—but they do not suffer the lack of government services. And what are "child development services" anyway? "Comprehensive physical and mental health, social and cognitive development services necessary . . . to profit fully from . . . educational opportunities", says the bill elsewhere [§ 512(2)(A)]. That provides little clarification. What is meant by "mental health services"? Mandatory examination and treatment? Experimental therapy? The bill does not indicate.

That "Comprehensive child development programs . . . should be available as a matter of right to all children."

The language of the legislation as it passed the House established in law that children have a "right" which they formerly did not possess. The nature of that right/rights is not explained other than by implication, e.g., the various programs and projects created by the Department of Health, Education, and Welfare and institutionalized through the HEW Office of Child Development will be available to children as a matter of "right."

Let us presume for a moment that a parent is against a program or unwilling to permit his child to be incorporated into it. The result will be that the parent was/is depriving the child of "rights" established by law, and could be potentially confronted by some remedial action to "restore" to that child his "rights" under the child development act. One could envision the future in which a "child advocate", in an attempt to restore a child's "rights", could obligate the parent to appear before some board or court for purposes of reviewing his qualifications for parenthood.

Even if such a formal mechanism is not established, the child development act, by its nature, when operational, would establish a *de facto* situation in which those operating the program could cause significant turmoil between the program and the parent, and between the parent and the child.

That "It is essential that such programs be undertaken as a partnership of parents, community, and State and local government with appropriate assistance from the Federal Government";

But it is not at all "essential" that every level of government become involved in the training of the children of private citizens. History invariably shows that "partnerships with the government soon become greatly imbalanced." The Child Advocacy section of this bill might be a classic example of that "partnership". Child Advocacy Officers, positions established by this bill to find and satisfy otherwise undiscovered needs of children, will seek to defend the child's right against his parents' ignorance or reluctance to submit him to federal assistance. Professionally-trained, overzealous staffers will be no match for simple parents whose instincts are right, but who are not educated or prepared to argue with program operatives. A *de facto* situation of coercion will be created.

That "it is the purpose . . . to provide every child with a fair and full opportunity to reach his full portential";

It is good for children to have opportunities for self-improvement; in America today such opportunities exist in multitude, probably more so than anywhere else in the world. The nation's children, from A. Lincoln on, have certainly reached great potential, and have done so without "child development services". The fact of the matter is that such extensive governmental intervention will probably accomplish precisely the opposite of the stated intent. Large institutions, as opposed to parental initiative, tend to stifle the child's imagination and expressiveness. Government intervention can make the deeply personal experience of growth and education a massive bore, and forget that it is trying to provide opportunities as it becomes preoccupied with standardizing results.

And "to establish the legislative framework of the future expansion of such programs to universally available child development services."

What is perhaps most alarming is the provision for these programs to be universal. Such a provision discloses that the framers implicitly content that, whatever maladies may exist among the nation's children, they are not limited to the economically deprived. The premise is that practically every child is deprived in some way. But every child in America does not suffer otherwise irremediable wrongs; in fact, most children are well cared for and well provided for by their parents, with adequate amounts of love and generally sufficient amounts of discipline. The demand for universal application of any program to *all* American children leaves far too much room for irresponsible social experimentation with the nation's youth by excessively idealistic or ideologized executors.

LIMITED HEARINGS

The fallacious contentions and erroneous conceptions of this bill should have been revealed and publicized in the Committee hearings. But the investigative function of the Committee hearings was largely ignored with this bill. The House Committee on Education and Labor, Subcommittee on Education, held a total of three hearings on the bill, with only five main witnesses. Two of them, Congresswomen Chisholm and Abzug, aired some rhetoric on the sufferings of women in need of day care. Two Governors and one former Governor also testified, but their discussion focused almost exclusively on technicalities of administration. Many times before, Federal administration of Federal programs on local levels has created duplication of these efforts with State efforts, squandering considerable money on the process. Governor Moore of West Virginia cautioned in his testimony that " . . . the proposed system . . . would spawn so cumbersome and conflicting a bureaucracy that the needs of children—and of quality services for children—would be overshadowed by political and bureaucratic concerns."

RIGHT NOT TO PARTICIPATE

That the proposed legislation would spawn anything more than an inefficient bureacracy was not considered in the Hearings. Discussion of the substance of the bill was carefully avoided. With one exception, the written testimony submitted to the Committee was invited and devoted itself to praising the legislation. The one exception was C. Ross Cunningham, of the Christian Science Committee on Publication, who stated that "specific language in the statute itself is necessary to protect those with religious scruples from over-zealous workers at the local level." A clause to exempt children from treatment on grounds of religious objection was later added to S. 2007, perhaps in direct response to this testimony. Testimonies from other religious leaders were evidently not solicited.

Furthermore, there is reason to believe that the limiting provision to permit religious objections might be unconstitutional as a denial of equal protection of the law. Regardless, the provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow. The right to rear the child rests exclusively with the parent, and the law in the interests of family structure ought to reflect that relationship. While in the minds of many, religion may be the foundation of the parental right, it should be expressed in the law that as a matter of right the parent is not required to either participate in any "child development" program or even explain his reason.

PARENTAL RELATIONSHIP

Included in the report of the hearings was a recent report of the Educational Commission of the States, Task Force on Early Childhood Education. This report supported the adoption of more extensive child development programs, but in one respect it differs significantly from Federal concepts. The first priority of the States regarding child development services was "strengthening of the role of the family as the first and most fundamental influence on child development."

To the Emergency Committee for Children this seems an entirely proper emphasis to maintain. The Bill adopted by the House, like that by the Senate, mentions scarcely anything to indicate respect for this basic institution. The Education Commission of the States was not preoccupied with promoting the "emotional and social adjustment" of children, as seems to be the case with legislative proposals from the Congress.

The potential of this piece of legislation is clearly and definitely the revolutionizing

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of the traditional family structure in America. The parental role in children's upbringing will be deemphasized and the role of government greatly expanded. As government assumes parents' responsibilities, parents' rights over their children will tend to be sacrificed, *de facto* or *de jure*. Such a government, in our opinion, is contrary to the best interests of our society and not in concert with the Western tradition. It is disastrous and tragic. The family is the cornerstone of emotional stability and strength, the first educator and strongest influence toward decent human natures and relationships. To replace the rich, loving family with depersonalized bureaucracy would be to destroy the most valuable social institution in America, and to weaken immeasurably the strength of the American nation.

COMMUNALITY FOR CHILDREN

Central to the arguments of certain advocates and sponsors of the child development bill is an implicit direction toward a total revamping of American society, beginning with the popularization of one or another form of collective child-bearing. Occasionally this direction becomes explicit, as in the writings of Dr. Urie Bronfenbrenner. Bronfenbrenner's contention is that Soviet society is worth more than American society because the concern of one generation for the next is so much greater there. This concern is exemplified for him in the "children's collectives", where infants from three months of age are brought for communal upbringing.

The most lauded advantage of communality is the facilitation of discipline. The greatest virtues of a Soviet child are obedience and self-discipline, both developed through skillful fostering of the earnest desire to conform to the group, which, in turn, accepts its values from adults or other authoritative figures, eventually the State. Conformity, thus, is the paramount virtue in collectivized children, and, of course, in collectivized adults.

Yet the Soviet Union seems more than satisfied with its crop of programmed citizens. Plans for the future are burgeoning to make a child's life a series of transitions from nursery to day and night kindergarten, to boarding school, to independent life, in the hopes that, in time, the family "will dissolve within the context of the future social commune."

Dr. Bronfenbrenner is, of course, entitled to his views. But what he advocates is, fortunately, so alien to our culture that any attempt to impose the Soviet system here would be doomed to disastrous failure. However, the proposals of this bill definitely encourage the attitudes necessary for such a system to ever be adopted. This country does not want Soviet childbearing. Conformity has never been regarded as a supreme virtue by the American people; in fact, individuality from diversity within and among families is much sounder and more reflective of American institutions. Parents love their children and are dedicated to their welfare. Privacy and personal intimacy are the keynotes of American family life. Congress may write lists of contrived complaints about American childbearing, but such complaints will not reconcile the American public or the traditions of American life to surrendering children to government agents.

CONCLUSION

We of the Emergency Committee for Children are grateful for the individualistic streak in the American personality, believing that it is the greatest possible protection against the utopian schemes of misguided collectivists. We of the Committee, whose backgrounds are in the Academy and religious life, are united in our concern and opposition to what we see as a significant threat to Western civilization and American society as we presently know it.

INDIA'S NAKED AGGRESSION AGAINST PAKISTAN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am certain that America and the world are shocked by India's naked aggression against Pakistan. The open invasion of East Pakistan by India's military forces has destroyed efforts by our country and others to maintain peace in that part of the world and to restore order and sound government to East Pakistan. Short of the examples of communist aggression in Korea and Indochina this open act of war by India is the most flagrant example of the violation of another nation's neutrality that we have seen in recent years.

We are observing the process of the setting up by armed force of a new nation which is to be a satellite of India and Russia. Pakistan does not have the armed strength or the resources to prevent it. The United Nations is going to do nothing as is its wont. The United States cannot be expected to take a hand militarily. However, it will be noted that there was scheduled for inclusion in the current foreign aid bill about $400 million of additional U.S. aid for India. It is well to remember that in the past quarter century our Nation has given $8 billion of the taxpayers' money from the American treasury to India. This has freed Indian funds for the creation of military might and the purchase of modern weapons principally from Russia. It is no secret except to the American people that the Russian fleet enjoys special privileges in Indian ports in its move toward the domination of the Indian Ocean. The very least we in the Congress can do is to express our disapproval of these tactics by cutting off aid to India.

I believe we in the Congress should forthwith take steps to assure the world that U.S. foreign aid is not going to be used flagrantly, either directly or indirectly, for the enslavement of other peoples and for unjustifiable acts of war. Language has been written into the foreign aid appropriation bill which is intended to bring about a suspension of aid other than for refugee relief and rehabilitation and humanitarian assistance while India and Pakistan are involved in armed conflict with each other. This will accomplish the purpose but possibly not in terms as strong as are justified.

In view of these facts, I do not consider that it is proper to mute the obvious fact that India is an aggressor and that Pakistan has been invaded or that India's objective apparently is the dismemberment of the Pakistani Republic. This should be spelled out and impressed on the American public.

The reporting on this deplorable situation and the events leading up to it has been biased and it has served to disguise the step-by-step approach by India to open warfare without provocation against her neighbor. Now the facts are clear and at the very least, they should serve to prevent further waste of American funds in assistance to India.

THE ABM AND THE B–1: HAVING YOUR CAKE AND EATING IT, TOO

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, a recent Air Force policy letter for commanders from Gen. John C. Meyer, the Air Force Vice Chief of Staff, included this statement:

(The Soviet Union) might choose to attack simultaneously our (bomber bases and) missile fields with large yield ICBMs (directed at the missile fields) to be launched approximately 15 minutes ahead of the SLBMs (directed at the bomber bases). In this case, our alert bombers, responding to the ICBM warning, could escape destruction by launching under positive control.

Conversely, if the Soviets elected to time their attack primarily against bomber bases, they would have to delay launch of their ICBMs to insure they were not detected earlier than the SLBMs. In this case, there would be adequate time for national decisions and execution of our own ICBM force.

In short, it is impossible for the Russians to destroy our ICBM's and our manned bombers in the same attack.

Mr. Speaker, this is exactly the point many of us made during the ABM debates. We were told we needed Safeguard to protect our ICBM's from Soviet attack. We answered that the Soviets wouldn't attack our ICBM's because if they tried we would get our bombers off the ground first; if they tried to hit the bombers first, we would get them with the ICBM's. To this the ABM people responded that Soviet SLBM's could not only destroy our bombers on the ground, but could keep our Minuteman ICBM's pinned down until the Soviet ICBM's got there. We were skeptical that this was feasible, but the ABM people insisted it was.

Now General Meyer and his bomber people tell us pin-down is not feasible. At the same time, the ABM people tell us pin-down is feasible.

If pin-down is feasible, we would be wasting our money to build the B–1 bomber. If it is not feasible, we would be wasting our money to build Safeguard. But what the Defense Department does is to sing one tune when we are considering antiballistic missiles.

As a result, it gets the money for both. It is a case of B–1 versus ABM and both winning. Unfortunately, the losers are the effectiveness of our deterrent, our national economy, and the American citizen.

ABM CRITICS' CRITICS LEAVE THEMSELVES OPEN TO CRITICISM

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, there has been some discussion in recent weeks of a report by an ad hoc committee of the Operations Research Society of America. This report severely criticizes the quality and integrity of a number of the arguments made by prominent scientists who opposed the Safeguard anti-ballistic-missile system. To a much lesser extent, it also criticizes a few of the arguments made by proponents of the system.

Despite the fact that the inquiry leading to the report was instigated by one of the more prominent advocates of Safeguard, the report has received a great deal of public notice and is possibly becoming generally accepted as an authoritative and impartial commentary. This is most regrettable.

The argument made most strongly by those of us who oppose Safeguard, and the most basic point of contention in the Safeguard debate is this: Safeguard is not an effective weapons system. It is incapable of accomplishing its primary mission, which is to significantly increase the survival of our Minuteman deterrent against a heavy sophisticated Soviet ICBM attack.

Amazingly, the ORSA report, which purports to be the voice of competence and objectivity on the ABM issue, did not take up this question at all. Instead it confined itself to the secondary question of the magnitude of the threat to Minuteman. Obviously, if Safeguard cannot do its job it does not matter how serious the threat is; Safeguard remains a waste of money.

Mr. Speaker, I hope this ORSA report is not typical of the level of operations research being conducted for the Department of Defense these days. If it is typical, I doubt it will frighten the Russians but it certainly frightens me.

I insert in the RECORD two letters on the subject recently written by anti-ABM scientists and published in the Washington Post:

LETTERS TO THE EDITOR ON THE OPERATIONS RESEARCH COMMITTEE REPORT AND THE ABM DEBATE

Joseph Alsop's column of November 8 for the most part accurately reflects the findings and tone of the recent critique by the Operations Research Society of America of the role of myself and others in the ABM debate. What Mr. Alsop failed to appreciate or convey to his readers was the fact that the ORSA report is a technically incompetent critique—based on bizarre procedural arrangements, selective use of evidence, and remarkably uncritical acceptance of administration assumptions, many of which had little or no foundation in fact.

This is not the place to discuss all of the deficiencies of the ORSA report—we have done that in some detail elsewhere—but have readers be misled by Mr. Alsop's column it is perhaps useful to comment on two issues in the ABM debate: the possible vulnerability of the U.S. Minuteman force to a Soviet SS-9 "first strike" in the mid-70's, and whether the Safeguard ABM deployment would make a significant difference in Minuteman survivability.

Although the second question was really what the ABM debate was all about, ORSA focused its attention almost exclusively on the first, a hardly surprising fact since Albert Wohlstetter who instigated the inquiry, and whose lead it slavishly followed, had largely avoided commenting on Safeguard's utility in both his testimony and his specification of changes.

As regards Minuteman vulnerability, I would point out that estimates necessarily had to be based on interpretation of intelligence information and technical judgment of what the situation would be six years later. Various participants in the debate made quite different judgments, and such differences, not mathematical manipulation which was essentially trivial, nor the application of esoteric operations research techniques, accounted for my estimating that 25 per cent of the Minuteman force would survive while Mr. Wohlstetter and Defense Department spokesmen estimated 5 per cent. I leave it to the reader to draw his own conclusion as to whose judgments were more reasonable, pointing out that I would now revise my estimates of Minuteman survivability upward as it now seems even less likely than it did two years ago that the U.S.S.R. could fully equip its SS–9 force with highly effective multiple independently targettable reentry vehicles (MIRVs) by the mid-70's. Reports such as those by Michael Getler of a recent DOD/CIA sponsored study by TRW (The Washington Post, June 17), General Ryan's March 9 testimony before the House Appropriations Committee, and Secretary Packard's remarks of October 21 lead me to believe that the administration too might now estimate very substantial survivability.

The administration seems also to have largely come around to the views of its opponents with regard to the question of Safeguard effectiveness. Thus, it is now recognized, even in the Defense Department, that the missile site radar is the Achilles' heel of Safeguard, and there are serious efforts under way to design a dedicated hard-site defense employing less expensive radars as many of us recommended. And it is now considered, as we had suggested, that Safeguard as originally planned will be an inadequate defense if a build-up in Soviet missile capabilities continues, whereas originally it was argued that it was needed in case of such a build-up.

Mr. Alsop points out that we admitted mistakes. A single example will perhaps put that admission in perspective. I had argued that Messrs. Laird, John Foster and Wohlstetter had made unrealistic assumption in imputing to the Soviet Union the capability, in executing an attack against us, of compensating for all their missile failures by replacing the failures with other warheads aimed at the same targets. In fact, Mr. Wohlstetter had, unlike Messrs. Laird and Foster, apparently assumed that 15 per cent of the failures could not be so replaced. I was in error and was criticized by ORSA for the mistake. It is to be noted that neither Mr. Wohlstetter nor the Defense spokesmen offered any analysis to support their contention that such tactics were feasible. Yet, the ORSA committee did not criticize this omission. Rather, it attempted the back-up analysis for them, in so doing finding it necessary to use assumptions about Soviet MIRV technology totally at variance with observations!

Finally, Mr. Alsop alleges that I charged Howard Berger, one of the ORSA committee, with harboring personal animus against me; that Dr. Berger has claimed I was guilty of prevarication in making such a charge and that there is solid evidence to that effect. I made no such charge and challenge Mr. Alsop and Dr. Berger to produce evidence that I did, much less evidence that I lied in making it! What I and my colleagues did suggest was that since Dr. Berger had previously been relieved by me of a position of responsibility, he should have been disqualified either by himself or by ORSA from participating in the inquiry. In suggesting this, we were not charging animus on his part, but rather lack of sensitivity and appreciation of reasonable professional and ethical norms by him and ORSA, a charge which the style of the ORSA inquiry fully substantiates.

As has been the case with so many of his columns, Mr. Alsop has again regrettably elected to accept uncritically those arguments consistent with his deep-seated biases rather than to attempt to understand and elucidate the issues involved in a complex question—in this case, those relating to the Safeguard deployment question.

G. W. RATHJENS.

CAMBRIDGE, MASS.

In September 1971, an Ad Hoc Committee of the Operations Research Society of America (ORSA) issued a report censuring, as not being up to the standards of the Society, the congressional testimonies in opposition to the Safeguard ABM system of Dr. Jerome Wiesner, president of MIT; Drs. George Rathjens and Steven Weinberg, professors at MIT, and to a lesser extent, Professor Wolfgang Panofsky, Stanford University. Predictably, this was put in the Congressional Record by Senator Jackson, the strongest proponent of Safeguard in the Congress. On October 13th, Donald Rumsfeld, Counsellor to the President, wrote from the White House a letter to Robert Machol, president of ORSA, stating that the report had been discussed personally with President Nixon, that Admiral Zumwalt, Chief of Naval Operations, discussed the work in a most favorable way, and that "you and the Society have performed a magnificent service." To cap it off, on November 8th, in a column which you carried, the columnist, Joseph Alsop, extolled the report and decried the dishonesty of the opponents of Safeguard.

Just to keep the record straight, we think it should be known that five members of the ORSA Council issued a minority report questioning the propriety, impartiality, and ability of the Ad Hoc Committee to carry out such an investigation. This minority report was not mentioned by Senator Jackson and others. More importantly, this unprecedented investigation was carried out at the request of Professor Albert Wohlstetter, the leading non-governmental protagonist for Safeguard, confidant of Senator Jackson, and consultant to Admiral Zumwalt. Professor Wohlstetter, who was praised in the report, is a member of ORSA; the other witnesses who were censured are not members and did not participate in the work of the Committee.

Although the primary purpose of the congressional hearings was to determine the need for Safeguard, and whether, indeed, it would work, the ORSA Committee study never even addressed the testimony on these central issues, but instead concentrated its attention on several sub-issues such as (1) the vulnerability of our Minuteman deterrent to an administration postulated Soviet threat, and (2) the Soviet ability to destroy both our Minuteman missiles and bombers in a simultaneous attack. These sub-issues were suggested to ORSA by Professor Wohlstetter, one of the protagonists in the debate whose standards the ORSA Committee was, in theory, investigating. This action by the Committee would appear highly unethical, and the ORSA Council's sensitivity to such a charge is demonstrated by the fact that it excised from its published version of Professor Wohlstetter's letter those portions directing their attention to these sub-issues.

We think everyone should ask whether a group which employs such standards in its investigations has demonstrated the competence to evaluate the standards of such eminent scientists with a record of dedication to public service as Drs. Wiesner, Rathjens, Weinberg and Panofsky. We think one must conclude that the ORSA Ad Hoc Committee—and those Council members who endorsed the report—have just become additional protagonists in the continuing ABM debate along with Professor Wohlstetter, Senator Jackson, the White House and Joe Alsop.

GEORGE B. KISTIAKOWSKY.

CAMBRIDGE, MASS.

HERBERT SCOVILLE, JR.

MCLEAN, VA.

HERBERT F. YORK.

LA JOLLA, CALIF.

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THE ADVOCATES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the award-winning television program, "The Advocates," which is aired weekly on the Public Broadcasting System and is coproduced by WGBH Boston and KCET Los Angeles, has done another outstanding job of presenting the pros and cons of a pressing social issue. In this case the issue is gun control, which the advocates explored on November 16 in a program entitled "Should Congress Ban Private Ownership of Handguns?"

One of the key witnesses on that program, Mr. Speaker, was our colleague from Illinois (Mr. MIKVA) who has become a leader in the Congress in support of stronger gun control legislation.

The gentleman from Illinois did an outstanding job on The Advocates program of representing the views of the increasing number of us in the House who support a ban on the further manufacture, transfer, and importation of firearms except for police, military, and organized sporting purposes. I know that a great many Members of the Congress who missed seeing the November 16 Advocates program will welcome an opportunity to read the transcript of the program, which follows, and will want to join me in congratulating the Advocates and the participants.

THE ADVOCATES

This is an unofficial public service transcript. The Advocates is not responsible for errors of omission or commission.

Topic: Should Congress ban private ownership of handguns?

November 16, 1971.

Participants: Former Senator Joseph Tydings (Pro); with U.S. Rep. Abner Mikva (D. Ill.); Charles Gain, Chief of Police, Oakland, Calif.; Lt. Joseph McNamara, New York City Police Dept.

Senator Ted Stevens (Con): with Harlon Carter, Former President, National Rifle Assoc., Former Chief, U.S. Border Patrol; Colin Greenwood, Chief Inspector of Police, West Yorkshire, England; Professor Ernest Van Den Haag, Psychologist, Professor of Social Philosophy, New York University.

Moderator: Victor Palmieri; Executive Producer: Greg Harney; Executive Editor: Peter McGhee; Producer: Tom Burrows; Director: Alan Muir.

This Public Broadcasting Service (PBS) program originated at KCET, Los Angeles.

ANNOUNCER: Tonight, from Los Angeles, The Advocates. With special guests, Senator Ted Stevens, former Senator Joseph Tydings, and the moderator, Victor Palmieri.

PALMIERI: Good evening. Welcome to The Advocates. Each week we look at an important issue in terms of a practical choice. Tonight the issue concerns the increasing use of handguns in violent crimes. Specifically, our question is this: "Should Congress Ban Private Ownership of Handguns?" Our special advocate, former Democratic United States Senator from the State of Maryland, Joseph Tydings, says "yes."

TYDINGS: Yesterday the House of Representatives approved $1.6 billion to expand research efforts against cancer in the next three years. Tonight, we advocate the expenditure of substantially less money to reduce the most dangerous domestic cancer of our society—the gun crime and violence in our streets. We attack that cancer by banning pistols. And with me tonight to support the ban on private ownership of pistols and revolvers are Congressman Ab Mikva of Illinois, Chief Charles Gain of the Oakland Police Force here in California, and Lt. Joseph McNamara of the New York City Police Department.

PALMIERI: Our other special advocate, Republican United States Senator from the State of Alaska, Ted Stevens, says "no."

STEVENS: With the increase in riots and lawlessness in our nation in the last few years, millions of law-abiding citizens have purchased handguns for their own protection. Others use them for sporting purposes. The proposition that we face tonight is based on the premise that if these guns are taken away from you and me, lawlessness, accidents and crime rates will decline. With me tonight to tell you that gun laws don't take guns from criminals are Harlon Carter, past President of the National Rifle Association, Chief Inspector Colin Greenwood from England, and Dr. Ernest Van Den Haag, New York University sociologist.

PALMIERI. Thank you, Senator Stevens and Senator Tydings. Ladies and gentlemen, before we begin tonight's program, we'd like to take just a moment and ask you to share with us an important event in the field of public broadcasting, because this week KCET, the Public Broadcasting station in Los Angeles, will dedicate its new production and broadcasting facilities on Sunset Drive here in Hollywood. These studies have a very long and varied history in motion pictures and television, dating back to 1912. Here pioneer film makers produced a continuous series of westerns, slapstick comedies, and melodramas. Then in 1970, KCET purchased the site and soon began the process of turning the old sound stages with their memories and histories into large, modern television production facilities. And tonight, our program originatea live and in color from the newly completed Studio A. The Advocates is proud to salute KCET for its continuing contribution to public broadcasting. From these new studios, the staff of KCET will continue to bring public television audiences more programs in the sucessful Hollywood Television Theater series as well as the upcoming film odyssey series of film classics. So the studio we dedicate tonight and the question we consider both have roots in the American western movies.

It is part of the folklore of America that it was won by the gun. And in many parts of America, ownership of a gun by a boy is a right of passage to manhood. But in many other parts of America, the cities most of all, the gun has become a symbol of crime, for guns increasingly are involved in violent crime—in 65 percent of all murders, in 40 per cent of all robberies, in a quarter of all aggravated assaults. And the gun most often used for these crimes was the handgun. One hundred law enforcement officers were murdered last year—93 by guns, and of those, 73 by handguns. In short, the handgun has become the choice of the armed criminal.

Nonetheless, the American tradition of gun ownership and the passionate defense of that right by organized gunowners have combined to oppose further government regulation of firearms. The last major piece of legislation was the Gun Control Act of 1968 which banned mail order sales of guns and ammunition to private individuals and forbade dealers to sell guns to known felons, drug users, fugitives, or mental defectives.

While the law has made it difficult for sportsmen carrying their guns from state to state, it does not seem to have affected the illegal flow of guns across state lines or illegal transactions within states.

Well tonight, therefore, we consider what some people urge must be the next step in gun regulation—an outright ban on the private ownership of all handguns. Let me emphasize that we are talking about handguns only, not long guns. Senator Tydings, will you begin.

TYDINGS. Well, last January the National Commission for the Reform of Criminal Laws recommended a ban on the private ownership of pistols. This proposal would prohibit the sale, manufacture and possession for all, except law enforcement officers and private security guards. The only exception would be target handguns kept at a local club or antique pistols. We advocate this ban at a time in history when there are 30 million pistols in private ownership today, when we are manufacturing and importing an additional 2½ million pistols every year, when last year 8 thousand Americans were murdered with handguns. We must halt this rush to a violent and an armed society. By 1980, if we continue as we're going today, there'll be a pistol for every adult male in this country.

PALMIERI. Well, thank you very much, Senator. Now with your first witness.

TYDINGS. We have tonight to speak in support of the National Commissions Report a very fine congressman from Illinois, Congressman Ab Mikva. (applause)

PALMIERI. Congressman, welcome.

MIKVA. Thank you. Nice to be here, Mr. Palmieri.

TYDINGS. Congressman, you served on the National Commission. What did the National Commission recommend with respect to a pistol gun law?

MIKVA. Well, we recommended many things, but specifically as far as the pistols are concerned, we specifically recommended that the private ownership of pistols and further manufacture for private ownership purposes be abolished.

TYDINGS. Was this a new idea? A new proposal?

MIKVA. No, the idea is a very, very old one. We poached off of the reports of the Eisenhower Commission and previous studies have been made by two presidents, by—

TYDINGS. By the Crime Commission of 1967—

MIKVA. By the Crime Commission in 1967. We had our own consultants. We've studied the results—

TYDINGS. Kerner Commission on Violence—

MIKVA. Kerner Commission. We studied the results in every other country. It's not a new idea.

TYDINGS. Congressman, in your proposal, it would cost over a period of years some billion and a quarter dollars. How do you justify this expenditure?

MIKVA. Well, First of all, that's a one time expenditure, and when you think of the thousands and thousands of lives that are now being lost, the price per head is just one that has to be very reasonable. President Nixon just suggested that we ought to pay $50,000 for every policeman that's killed in the line of duty. Well, there were over a hundred policemen killed last year alone, and most of them by hand guns.

PALMIERI. Excuse me, Congressman. What would all that money be spent for in gun control?

MIKVA. Well, it would be spent for the guns that would be turned in to the government. They would be paid for either at their value or under a proposal that I have—$25 per gun, whatever they're worth.

PALMIERI. I see. Thank you.

TYDINGS. Now, Congressman, what are the prospects for an average American family if we don't reverse this trend of 2½ million pistols being purchased every year in this country?

MIKVA. Well, I think the prospects are frightening. I don't know any big city resident in the country these days who isn't already worried about crime in the streets and is worried about their children and themselves walking on the streets of our cities.

When you project what's going to happen if we don't get the handle on the pistol problem, it literally will be an armed camp.

TYDINGS. Do you feel that we can overnight eliminate private ownership of pistols in the United States?

MIKVA. No, but I think that if we can get the handle on the new supply, we can begin to turn around on what so far has been a headlong rush to disaster.

TYDINGS. Congressman Mikva, why hasn't the government acted on any of these prior recommendations—the 1967 National Crime Commission recommendation, the Eisenhower Commission of Violence in 1969. Why hasn't Congress acted in this field of gun control?

MIKVA. Well, there's been a very well organized lobby that represents a clearly . . . a minority of the people in this country . . . but they have been so well organized and so well financed and up to recently were even subsidized by the federal government, to the extent that they have been able to persuade the Congress not to act on this pressing problem. I hope that's changing, You've been one of the great battlers for that, Senator Tydings, and I think we're on the side of turning that around.

PALMIERI. All right. Let's go to cross examination, Senator Stevens.

STEVENS. Yes, Congressman, I hope that you agree—we all agree—that criminals shouldn't have guns. I don't think that we have anyone in Congress who wants to give criminals guns, but what about this? This is a *Washington Daily News* headline: "Only 15 per cent of all gunslingers in the District of Columbia are sent to jail—85 per cent, under the existing strong laws in the District of Columbia, are set free." Now, why would this new law give us any better law enforcement as far as guns are concerned?

MIKVA. Well, what it would do, Senator, is that it would cut off the new supply which represents some 2½ million handguns per year and it's this increasing number . . . we've always had a gun problem in this country. It's just gotten so bad in recent years because the supply of handguns has gone up so . . .

STEVENS. You don't really believe . . . you don't really believe that this law is going to take guns from criminals. do you?

MIKVA. Well, of course it will. Every year tens of thousands of guns are confiscated by the police. The problem today is that for every one that's confiscated, Senator, is, you know, two new ones are manufactured or imported. And until we get the handle on supply, we aren't going to be able to do anything about the ones that are outstanding.

STEVENS. Well what about New York City? The strongest gun control laws in the United States and guns continue to flow into illegal sources, but the legal use of guns in New York City has practically been stalled. What about that?

MIKVA. Senator, you make the point as to why we need a national law. The poor states and cities by themselves just can't try to solve this problem, and every time I hear somebody say let the local governments do it, let the states do it, they can't. It's belying the real issue because you know that you cannot solve this problem on a state-wide basis.

STEVENS. Well, now, you seem to imply that it's an organized gun control lobby. What about Montana, Alaska and Texas and Wyoming? Don't you think those of us who live in these areas where we enjoy the outdoors—don't you think we have the right to have handguns if we want them?

MIKVA. Senator, I can't believe that anybody who lives in those states really feels that that right, that theoretical right, or that target-shooting right is worth the lives of thousands and thousands of our fellow citizens that have been killed in the big cities and in the small cities. Your own state, Senator, has a pretty high . . .

STEVENS. We have a high death rate all the way. We have a high death rate all the way, it's a wild country . . .

MIKVA. Well, I think with a few less guns there might be a few more Alaskans living there.

STEVENS. There also might be . . . if there were a few more guns, maybe there are a few more people in the cities living. Who do you think are buying these guns?

MIKVA. Well, this is what's so tragic, Senator. Everybody is buying guns these days.

STEVENS. And why?

MIKVA. The fear goes up. The fear of guns. So as we are more afraid of guns, we buy more guns and we end up killing more of our . . .

STEVENS. The fear of guns? Or the fear of lawlessness and riot? Or lack of law enforcement?

MIKVA. But, Senator, the two tie together, and unfortunately, as there are more guns in this society, there is more lawlessness.

STEVENS. Let me put it this way. Did you ever try to fly fish in a stream with hip boots and carry a rifle, Congressman?

MIKVA. No, I've never carried a rifle while I was doing that, Senator.

STEVENS. Yeah, but did you ever do it in bear country without a gun?

MIKVA. No, but I want to emphasize that nothing in our proposal is going to take away the rifle or the shotgun from any of the hunters. We don't want to interfere with the hunters; we're not interested in overregulating. All we're trying to do is save some American lives, and I'm sure you're with us in that.

STEVENS. But the sportsmen, the fishermen, who want handguns. Why do you want to take them away from them?

MIKVA. Senator, I don't know a sportsman or a fisherman who really feels that his right to pack a handgun, which he doesn't really use to shoot fish or shoot bears with, is more important than the lives of policemen or the other citizens who are being killed.

STEVENS. If you were ever in the woods without a gun, you'd wish you had one.

PALMIERI. Congressman, thank you. (Applause.)

STEVENS. Our second witness tonight is a man with twenty-five years experience in law enforcement up through the ranks, the Police Chief of Oakland, California, Chief Charles Gain.

PALMIERI. Chief Gain, welcome to the south land.

GAIN. Thank you.

TYDINGS. Chief, is the handgun an effective means of self-protection for the average homeowner?

GAIN. No, sir, it is definitely not. Most home burglaries occur when the occupants are not at home at all. The burglar does not want to confront people within a home. And in addition to those facts, there's the matter that handguns are used too much for murders within the family, or they're involved too much in accidents within the family, so they do not provide good self-protection in the home.

TYDINGS. It is true that four out of five homicides in this country result from family altercations—altercations between persons who know each other?

GAIN. Tragically, it is true.

TYDINGS. And the availability . . . what does the availability of a pistol in a situation like that mean?

GAIN. Too available. When one is in the heat of passion he turns to that instrument which is available and most effective, and too much it's that handgun—the pistol.

TYDINGS. Let me ask you this, Chief. What about the handgun as a means of protection for the businessman?

GAIN. Tragically, it is not good protection there either. The one who would perpetrate a robbery, for example, of a store plans it, he catches the owner when he is off guard, when he has an element of surprise. The police advise merchants not to try to use force to repel robberies. They say submit and give the money. If a businessman would try to grab a gun, it might precipitate a nervous perpetrator to use a handgun, resulting in the death of the businessman. There are other alternatives . . . alarm systems, there's insurance, there's detection devices . . . and things of this nature for the businessman.

TYDINGS. And you have very strong recommendations to the businessmen of your city with respect to keeping pistols . . .

GAIN. We state: "Stay alive. Do not try to resist."

TYDINGS. Now, Chief, what about the argument that only law-abiding citizens buy most of these pistols, and they ought to be able to. What happens when those pistols are brought into a private home? Are they avail . . . I mean, how often is a home robbed with a pistol?

GAIN. Very frequent. Sometimes a pistol is the very object of a burglar itself. So it's very, a very frequent occasion to have pistols stolen from within the home which will later be used for the perpetration of a crime.

TYDINGS. What about the argument, Chief Gain, that only law-abiding citizens would turn their guns in, and therefore, the criminals would keep their guns, and therefore, the crime rate would stay up that we really shouldn't curb the sale or possession of pistols.

GAIN. Very fallacious and misleading argument. As has been mentioned, the market would eventually dry up. Thousands of handguns are confiscated. As there are fewer guns, they become more expensive; therefore, harder to obtain. In time, we would see criminals neither would have guns.

TYDINGS. Chief, could you think of any better way to spend money than to try and dry up or bring back or bring out of circulation pistols and handguns in the area?

GAIN. No, Senator, I cannot. Because it is, in fact, a realistic way to reduce the tragic amount of violence within this country . . .

TYDINGS. And what about money for more policemen or . . .

PALMIERI. I'm afraid we're going to have to let Senator Stevens take over at this point.

STEVENS. Chief, I've checked up on you and you've done a pretty good job in Oakland without these additional gun control laws. You've actually had a reduction in guns in your area, haven't you?

GAIN. No, we have not.

STEVENS. It's my understanding that you've had a very successful time as Chief of Police and have a reduction in crime rates.

GAIN. Last year, we had a 7 per cent deacceleration in the crime rate. This year, we have an increase in the crime rate.

STEVENS. Well, maybe I was looking at last year's statistics. Tell me, what do you think about the Detroit experience? The *Detroit News* reported on July 20, 19671 that Detroit grocery store hold-ups showed a sharp reduction since the Grocer's Organization began conducting gun clinics. You don't believe in that, I suppose?

GAIN. I don't know all the facts. Let me mention something else about Detroit, though. There's a study that demonstrates that as there's been increased private ownership of guns, there's been an increase in homicide, an increase in accidents involving guns, an increase in suicides—a direct correlation.

STEVENS. Well, how about Orlando? I assume that you do know about Orlando in view of the fact that I understand that San Diego is going to follow their approach, Orlando, Florida's, where police trained 2,500 women in the safe handling of firearms in late 1966 after a series of robberies and attacks on women in their own homes—forceful rapes, aggravated assaults, and burglaries.

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They were reduced 90 per cent, 25 per cent and 24 per cent, respectively, in the first nine months after the police, co-operating with the citizenry that was disturbed, did in fact give the leadership that was required. Now you don't believe in that approach?

GAIN. My reaction to that is this. What we must do, Senator, is to save lives. We do not want to train people and have a gun-slinging nation. Orlando was one little city. Let's look at the experience of New York and other cities. Let's look at the 30-million guns, the tragic number of policemen who have been killed by pistols, the tragic number of murders within the family, the tragic number of accidents. Let's look at the larger picture realistically.

STEVENS. Let's look at those accidents for a minute. Six-tenths of one per cent of all accidents in the country happen from guns. Now, is that really a significant part of your argument? That this new law will reduce those?

GAIN. Let's translate that into actual figures. That would be . . .

STEVENS. 1,150 nationally . . .

GAIN. Annually, and in thirty years we're talking about 30,000 deaths of American citizens, 30,000 deaths . . .

STEVENS. It's twenty . . . as I recall, fifty times as much with an automobile. Shall we ban automobiles?

GAIN. Why such an odius comparison? A person who drives an automobile is involved in a voluntary, healthful-type activity, and an accident may result, but handguns . . .

STEVENS. But a person who owns a handgun are not . . .

GAIN. A person who owns a handgun owns an instrument that has one purpose, Senator, and that is to kill. It has no healthy thing such as giving a person mobility from one place to another.

STEVENS. Protection. How about the Eisenhower Report? The Eisenhower Report said let the shopowners keep their guns. You disagree with that?

GAIN. It did not say it that emphatically. It suggested that perhaps as compared to the home owner, a shopkeeper might have a little bit more safety. Suggested. It did not say it.

STEVENS. Well, let me go to another country. In the Belgian Congo, when Mobutu took the arms from Belgians the *New York Times* reported robbers have had a field day in Belgian homes in the Congo since the Belgian firearms were ordered confiscated. Why won't that hapepn here?

GAIN. I think we should confine our grieved concern to the United States of America. What happens in the Congo may not have relevancy at all here. We know what the facts are within this country and I think we should stay to the national picture here.

PALMIERI. Senator, let me take the last question. Very shortly, why are policemen against gun control?

GAIN. We are against gun control because of the tragic numbers of murders within the home, accidents . . .

PALMIERI. Wait a minute. Wait a minute. The question I asked was too quick. Why are policemen often the chief opponents of gun control? You are not one of the opponents. Can you give me a quick answer on that, then we'll turn to Senator Steven's case.

GAIN. Opponents? I would have to say, in fairness to my colleagues, that if they're for handguns and so on, then they do not know the facts or they do know them and they're not acting upon the facts.

PALMIERI. Fair answer. Thank you, Chief. (applause) Senator Tydings we're going to come back to you later and give you a chance for rebuttal, but now we'll go to Senator Stevens for his side of the case.

STEVENS. Thank you. The toughest gun control laws in this country exist in New York City and in Washington, D.C., yet the crime rate in each continues to soar. In New York, less than one-half of one per cent of all the guns involved in crime were illegally registered. In Washington, D.C., as we've seen, only 15 per cent of the criminals apprehended with guns end up in jail. Congressional action to outlaw handguns will only take guns away from law-abiding citizens. It will have little or no effect on criminals. Rather than pay to condemn and sieze all handguns, many of us agree we should increase the penalty for the abuse of the right to bear arms . . . That the use of a gun in committing a crime should be a separate offense in and of itself, with a mandatory jail sentence. Also, we've learned from the experience of prohibition that Americans will refuse to obey a law which prohibits them from doing something they believe they have the right to do. Policemen in Orlando, Florida, and Royal Oak, Michigan, trained citizens to use handguns for self-defense. And criminals knew the law-abiding citizens were working with the police to stop crime. Crime stopped dramatically. Handguns have legitimate uses. Let's hear what they are from a sportsman and National Rifle Association past president, and life member of its executive council, Harlon Carter. (applause)

PALMIERI. Mr. Carter, we're glad to have you on the show.

CARTER. Glad to be here.

STEVENS. Mr. Carter, why do sportsmen use handguns?

CARTER. Senator, in the great outdoors, there are many legitimate uses for a handgun. The big game hunter, for example, has a use in that it's very important for him to have an auxiliary arm. He uses it to finish wounded animals, to control rattlesnakes or other vermin, coyotes, a rabid fox, perhaps. The fisherman needs a handgun in wild areas. In the north, there's a bear to scare away, in the south, a water moccasin to kill. Lately, handguns are being used as a primary gun on the hunt. Coyotes, jack rabbits, even wild boar. They provide more challenges in the hunt; it's a more interesting kind of thing. The handgun hunter has to be more skilled in terms of the hunt itself. He has to be a better stalker, and he has to be a better hunter and a better shot.

STEVENS. Then handgun hunting is really more sporting.

CARTER. Definitely. It has, as I indicated, more challenges, more skill is required. It's a better game, a better sport all around for good people.

STEVENS. And game have a more equal chance, too.

CARTER. And game . . . game definitely do have a more equal chance.

STEVENS. What's wrong with this proposal to keep all target guns in shooting clubs, Mr. Carter?

CARTER. It makes the target arms of law-abiding citizens a target for criminals. We've had hundreds of thousands of firearms stolen out of our arsenals, chiefly military, here in the last few years. And this imposes a burden on law-abiding and good people which is not imposed upon the criminals.

PALMIERI. Final question.

STEVENS. Sport shooting is an international competitive item, isn't it, in the Olympics, for instance?

CARTER. Definitely. Yes sir.

STEVENS. How are those people to be trained for that if we can't have our guns?

CARTER. I don't know how you would do it.

PALMIERI. Senator Tydings.

TYDINGS. Mr. Carter, there was a film that just ran which while you testified . . . which showed someone shooting a boar with a pistol?

CARTER. I think he shot at the boar.

TYDINGS. Shot at the boar. Where was that . . . where was that taken?

CARTER. That was at Teleco Junotion, Tennessee.

TYDINGS. Now, is it a fact it's against the law to shoot boar with a pistol in the State of Tennessee?

CARTER. No, sir.

TYDINGS. Well, I would like to refresh your recollection. It is against the law; and as a matter of fact, you couldn't shoot a boar in the State of Tennessee if you didn't shoot in a private preserve.

CARTER. Teleco Junction is this town. Teleco National Forest encompasses parts of North Carolina, parts of Tennessee and adjacent areas.

TYDINGS. How much does it cost to shoot in one of those private preserves?

CARTER. I don't really know, sir.

TYDINGS. Mr. Carter, in 1967 the President's Crime Commission recommended a strong national gun control law. You opposed that . . . the conclusions . . . and the National Rifle Association did, did you not?

CARTER. Yes, we did.

TYDINGS. In 1969, the Eisenhower Commission on Violence proposed strong national gun controls, specifically, registration and licensing of pistols, and you opposed that, did you not?

CARTER. That's correct.

TYDINGS. And the National Rifle Association opposed it.

CARTER. May I tell you why we opposed those?

TYDINGS. Well, let me ask my questions, and then you can make your answers. In 1971, the President's Commission on Recodification of the Federal Criminal Code . . . they have proposed now the ban on the manufacture and sale of pistols . . . you've opposed that, have you not?

CARTER. We do oppose that.

TYDINGS. Have you ever advocated . . . have you ever supported any type of broad, national, comprehensive anti-crime gun control?

CARTER. Let me answer the first question first. We opposed those provisions to which you referred because, without exception, they imposed burdens on law-abiding people, and not upon criminals. They exact requirements of me, as though I were a suspect, and you . . .

TYDINGS. You didn't weigh the consideration of the protection of the public, the need to help reduce the crime rate . . .

CARTER. We're deeply concerned about the crime rate in this country because it's used chiefly as an argument against us, unfortunately.

TYDINGS. Do you support the ban on ownership and sale of sawed-off shotguns?

CARTER. Oh, surely, and on submachine guns and weapons of that . . .

TYDINGS. And submachine guns, handgrenades. Why, sir? Why?

CARTER. Because they come under a category defined in the Act as "destructive devices," and we are all . . .

TYDINGS. With no logical, reasonable use. They're dangerous, aren't they?

CARTER. Well, they don't have any sport . . .

TYDINGS. You could use . . . you could use a submachine gun . . .

CARTER. They have no . . . they have no sports use.

TYDINGS. Well, now, I've seen advertised back in '67 the use of a bazooka to shoot a deer and you saw it was advertised in the National Rifle Association magazine, remember? There was a big furor about it?

CARTER. I never saw that, and there never was a bazooka advertised in the *American Rifleman* for hunting. We don't take that . . .

TYDINGS. But the fact of the matter is the bazooka and the sawed-off shotgun have no real legitimate reason to be in a home, do they?

CARTER. None of us advocate bazookas.

TYDINGS. But it would be useful for self-defense, couldn't it?

CARTER. No. Not logically and not reasonably, Senator.

TYDINGS. Well, why . . . why is there a difference between a handgun, which is based . . . solely built to kill human beings . . . why do you support the possession, the wide-open ownership of 30 million handguns in private possession, 2½ million sales every year, and yet you say you can't have a sawed-off shotgun? Or you can't have a bazooka?

CARTER. In the first place, as I pointed out earlier, the handgun is not built particularly for killing human beings. It is a very challenging sport. It exacts more in terms of concentration and ability than any other sport that I know. It demands more an eye, co-ordination, and muscle. It is a magnificent test of men.

PALMIERI. Gentlemen, it's now my duty to intervene. I thought for a moment we'd have to grant you immunity when the Senator opened his questioning but we enjoyed having you on the program very much. (applause) Will you continue?

STEVENS. Well, that's all very well. We're really not trying to keep guns in the hands of criminals; we're trying to protect the rights of individuals to have guns. Let's hear from a man who lives under strict gun controls—Chief Inspector Colin Greenwood, of West Yorkshire, England. (applause)

PALMIERI. Welcome, Inspector.

STEVENS. Could you tell us . . . you just completed six months of study at the Institute of Criminology at Cambridge University. What type of guns does England have? What gun laws, that is.

GREENWOOD. Since 1920 we've had the very strictest controls on handguns and rifles, and they've been very rigidly enforced for those fifty years.

STEVENS. Do criminals still have guns?

GREENWOOD. Oh yes.

STEVENS. What about the experience on the rest of the Continent? What about Switzerland, for instance? We've heard stories about Switzerland.

GREENWOOD. Well, during my research, I had to look at Switzerland, and an unusual situation exists in that every man in Switzerland is a member of the Swiss Army, and he is required by law to keep his weapon, which may be an assault rifle, a submachine gun, or a pistol, in his home, with ammunition. So that in every house in Switzerland, there are guns and ammunition. And when I tried to get the rate of armed crime in Switzerland, the official answer is that it's so low that it's not recorded.

STEVENS. Well, tell us about your gun laws in England. What's been the cost in terms of manpower and law enforcement?

GREENWOOD. Well, the purely administrative work . . . the clerical work . . . is done by non-police staff, but in terms of field inquiries done by regular police officers, the time spent amounts to the full time of two hundred police officers each year.

STEVENS. Now you're a Chief Inspector in your constabulary as I understand it. Do you feel that strict gun laws do, in fact, keep guns from criminals?

GREENWOOD. No, they don't. And the situation in England was that, prior to control, the rate of armed crime in England, as an example, was running about 18 crimes a year.

In a city of some seven thou . . . seven million people, just 18 crimes each year in which a gun was involved. The strict controls came in, and this continued about that level until by 1960 there were 39 crimes—robberies in London in which a firearm was used. In 1970, there were 274. That's to say that in a decade, there was a 700 per cent rise in the use of guns in robbery, within a regime of the strictest possible controls.

STEVENS. And what have these strict laws meant to your public generally?

PALMIERI. Excuse me, I was just saying to the Senator this has to be the last question.

GREENWOOD. Fine. It appears that there's an element of being misled. The public believed that the gun controls will reduce armed crime, and because of this, they lose sight of the real problem, which is an increasing willingness to use violence, of which firearms is just a part—and a relatively constant part.

PALMIERI. Inspector, let's hear from Senator Tydings.

TYDINGS. Inspector Greenwood, we had 8,000 pistol murders in the United States last year. How many did you have in all of Great Britain?

GREENWOOD. A minute proportion.

TYDINGS. How many? Three? Four?

GREENWOOD. Well, pistol murders . . . it's not easy . . .

TYDINGS. Less than ten, wasn't it?

GREENWOOD. Less than ten.

TYDINGS. In all of Great Britain. Now, what's your population in Great Britain?

GREENWOOD. 48 million.

TYDINGS. And the population of this country is roughly four times as much.

GREENWOOD. Yes, it is.

TYDINGS. How many armed robberies with pistols did you have in all of Great Britain last year?

GREENWOOD. In all of Great Britain. Four hundred and some.

TYDINGS. And we had 200,000 in our country.

GREENWOOD. I'm not suggesting that there's anything but the fact that England has a minute proportion, but in anybody's language, a rise of 700 per cent . . .

TYDINGS. Would you care to take the responsibility of putting 10 million pistols in private ownership in Great Britain today? As a law enforcement officer?

GREENWOOD. Well, I don't have that responsibility . . .

TYDINGS. Yes, but would you take that responsibility? As a law-enforcement officer? Because that is the proportion . . . That's the proportion to our 30 million in circulation in the United States today. Would you take that responsibility?

GREENWOOD. You pose an impossible question.

TYDINGS. No, but as a law-enforcement officer? Of course you wouldn't. It would expose many of your officers to great danger.

GREENWOOD. May I . . .?

PALMIERI. Yes, you may.

GREENWOOD. You can't turn the clock back fifty years at a stroke. We'd just introduced shotgun controls which had the effect of doubling the use of shotguns in crime.

TYDINGS. No, but would you take responsibility?

GREENWOOD. I would withdraw shotgun controls immediately. I would substantially . . .

TYDINGS. We're not talking about shotgun controls. We're talking about pistols and whether or not, as a law-enforcement officer, you would accept responsibility with your federal law-enforcement officers for 10 million pistols in private ownership in Great Britain today.

GREENWOOD. Now may I answer?

TYDINGS. Yes, yes you may . . . would you?

GREENWOOD. There isn't a . . .

PALMIERI. Senator, I don't think you gave him an even chance. Now, I'm going to give you an even chance. Inspector . . .

GREENWOOD. There is no yes or no to this sort of question. I've tried to answer your question . . . only . . . if you'll allow me to do so. What I would do would be to immediately reduce the tremendous amount of police time that is spent on administering gun controls. I would not at one fell swoop remove fifty years of ingrained habit. You can't do that sort of thing, no matter what the subject. The evidence is that removing controls on guns would not have a noticeable effect on armed crime.

TYDINGS. What evidence?

GREENWOOD. My evidence from six month's research.

TYDINGS. Would you care to take the responsibility, just say, for 350,000 additional pistols a year in Great Britain?

GREENWOOD. Well, I've answered that. It can't be done in one fell swoop.

TYDINGS. You would not wish to take that responsibility. Do you think it would raise or lower the crime rate?

GREENWOOD. At one fell . . . I don't think that it would significantly affect the crime rate, but crime isn't the only problem.

TYDINGS. Would you care to have a police officer in Great . . . Would you care to remove the present restrictions against the ownership and possession of handguns in Great Britain today?

GREENWOOD. Not at . . .

TYDINGS. You would not, would you?

GREENWOOD. I've answered that three times. Not at one fell swoop, no.

TYDINGS. Why not?

GREENWOOD. Because you can't change fifty years of experience overnight.

TYDINGS. Because it would endanger the lives of police officers and citizens, wouldn't it?

GREENWOOD. There's no evidence. The shooting of police when there were no controls at all in England were less than they are today, and today they are minute.

TYDINGS. You mean to stand there and say with less than ten pistol murders in Great Britain, as against 8 million in the United States last year, you don't think your laws against the ownership possession have some effect?

GREENWOOD. I don't know about the position in the United States. I'm not speaking about that. I'm telling you the results . . .

TYDINGS. You're here testifying . . .

PALMIERI. Just one moment. I'll leave you the last word.

GREENWOOD. I'm telling you the result of six months' research in England. Now, you may apply that to the position in the United States, but that's for an American to do . . . not for an Englishman.

PALMIERI. Inspector, thank you very much. (applause)

STEVENS. I don't know where you got that 8 million from, Joe, but it's a nice figure.

TYDINGS. Eight thousand.

STEVENS. Eight thousand would be closer to it. We've heard from England. Now what will it cost the United States taxpayers to outlaw handguns? The Treasury Department estimates it will cost one and a quarter billion dollars to condemn and seize all handguns. And that's just the beginning. The FBA . . . FBI says we now spend about 4.4 billion dollars on all law enforcement, including local, state and federal agencies. But Inspector Greenwood suggests that British experience shows that outlawing guns does not cut down crime. And the 1968 Presidential Commission on Violence three years ago told us that crimes of passion and suicides won't be materially affected either. Then there's accidental death. To put this in proper perspective, the National Safety Council and the FBI provided these figures, on accidental death rates based on accidental deaths for one thousand: Automobiles, falls, alcoholism, drowning, fires, poisons, even airplanes, are greater risks than handguns to you. Should we spend over a billion dollars with the hope of keeping some of these people from accidentally killing themselves? Surely that money could be better spent on safety education through the police, through television and gun clubs. Let's hear more about the relationship of guns to violence in our society from a professor of philosophy and a psychoanalyist, Dr. Earnest Van den Haag, of New York City. (applause)

PALMIERI. Welcome, Doctor.

STEVENS. I think that means I'm going too fast, Doctor, so I'll have to slow down here

XUM

a little bit. Tell me . . . with your studies . . . as a lecturer of sociology, as a psychoanalyist from New York University, would prohibition against handguns reduce gun accidents and suicide?

VAN DEN HAAG. Well, such accidents happen if these people leave such guns carelessly around. I should think that a person who leaves a gun carelessly around so that his children will have access to it and has not trained his children will also leave matches carelessly around or household cleaners or drugs. And accidents can happen with these, too, and I'm not in favor of prohibiting all of these things, so I think that instead of one accident, you may have another accident, but the basic reason for these accidents happening is the carelessness of parents. You cannot avoid all dangerous substances. The reason is we leave these dangerous materials around. It doesn't matter what they are.

STEVENS. So will handgun prohibition reduce crime rates, in your opinion?

VAN DEN HAAG. Well, let me, if I may, make one other point which I forgot to make. It's often pointed out that many people commit suicide with handguns, which indeed they do. But here again, I would like to reinforce a point I made . . . A person who wishes to commit suicide wishes to commit suicide, and will find a means to do so. In fact, I would think if he doesn't have a gun, he may turn on the gas, in which case he would not only take his own life but also endanger those of his neighbors. In a sense, I think guns are better, if you have to commit suicide.

STEVENS. Well, they're saying we should prohibit guns to reduce crime rates. Now, do you really believe that'll happen?

VAN DEN HAAG. Well, if you prohibit guns, of course, law-abiding citizens will obey the law and comply with the prohibition. Criminals, by definition, are people who don't obey the laws. So criminals would not hand in their guns. Then the result would be basically will be that law-abiding citizens will be disarmed and criminals will be armed, which will increase the crime rate, not decrease it.

STEVENS. What can we do to reduce crime in this country?

VAN DEN HAAG. Well, Senator, only about 3 per cent of all our crimes are being punished, in any way at all. Of violent crimes, only between 10 and 14 per cent are punished. Crime, in other words, pays. The cost of crime is one of the few things that has not gone up . . . inflation and so on. My opinion is that the way to reduce crime is to make it more costly to the criminal by making it more certain that he will be apprehended, convicted and punished.

PALMIERI. Professor, let's hear from Senator Tydings.

TYDINGS. Professor Van Den Haag, Senator Stevens asked one question which I didn't . . . I don't know whether you actually answered. If there . . . let me rephrase the question . . . If there were no handguns in private possession in the United States, do you feel that the pistol murder rate would be lower?

VAN DEN HAAG. Well, you have answered your question. If there were no pistols, would the crime rate be lower?

TYDINGS. In private ownership.

VAN DEN HAAG. Obviously, because without pistols, you can't murder anyone with pistols.

TYDINGS. So it would be substantially lower.

VAN DEN HAAG. But forgive me . . . this is not a question. It's a proposition. You have said if there are no pistols, then people can't use pistols.

PALMIERI. Well, what he's . . . Professor, if the handgun were outlawed, which is the question . . .

VAN DEN HAAG. I think that was the question Senator Stevens asked . . . that was a reasonable question.

TYDINGS. I want to start from a point of zero. If there were no handguns, we would have substantially less . . .

VAN DEN HAAG. If you had no people, you would have no murders either. I mean . . .

TYDINGS. If we had half . . . If we had half . . . If we had half as many . . .

VAN DEN HAAG. If you had half as many, then if you had half as many people, you'd probably have half as many murders.

TYDINGS. But if we had half as many handguns in private circulation today, that effect would that have upon the pistol murder rate?

VAN DEN HAAG. None.

TYDINGS. None at all?

VAN DEN HAAG. I don't think so. Forgive me, the point that I was trying to make . . . just for the sake of clarification, let me repeat it . . . that the prohibition would not reduce the number of handguns in illegal possession by criminals. And the murder rate depends, in general, on the number of criminals and the murder rate by guns depends on the number of guns criminals have, not the number of guns in general.

TYDINGS. All right, let's take the problem of gun murders . . . the homicides which are not committed by professional criminals . . . the 80 per cent of those 8,000 homicides which were committed in violent passion between members of the same family or friends. Do you feel that if there had been a pistol present in only half of those fatal accidents or fatal shootings, if there had been no pistol, that those shootings would have been reduced?

VAN DEN HAAG. Senator, you have a peculiar way of asking the question. There is no way of shooting without a pistol.

TYDINGS. Right. And the point I'm trying to make . . .

VAN DEN HAAG. No, forgive me . . . you are really asking about murders, not about pistols. If you ask about murder, the answer is that if you want to kill your wife and you don't have a pistol, you use a knife.

TYDINGS. But the fact of the matter is, Professor, that you're five times more likely to kill your wife if you use a pistol, and the statistics show, than if you use a knife.

VAN DEN HAAG. You misinterpret the statistics.

TYDINGS. Well, that was the conclusion reached at by the Eisenhower Commission on Violence.

VAN DEN HAAG. Well, that shows a great deal about the Eisenhower Commission. Forgive me. If you want to kill your wife, you don't want to kill her because you have a pistol handy. You want to kill her because there's something about her you don't like.

TYDINGS. You don't feel then . . . You don't feel that the pistol is any more dangerous or lethal to have around . . .

VAN DEN HAGG. I think it's less lethal, because with a pistol, you can shoot and miss. With a knife, you usually don't.

TYDINGS. Well, that's completely contrary, you know, Professor, to every, every single study on criminal research that's been done.

VAN DEN HAAG. Sir, I know plenty studies that are completely contrary to the evidence.

TYDINGS. Now, you say . . . you state that guns left carelessly around, or like other dangerous materials left carelessly around . . . where would you leave a gun if you were going to keep it in your house?

VAN DEN HAAG. So that it is accessible to me, but not to my children.

TYDINGS. Yes, but where would you leave it so that it's accessible to you but it's not accessible to your children and still at the same time use it (quote) (unquote) for self-defense? It's an impossible situation, isn't it?

VAN DEN HAAG. Well, if you answer the question, I don't have to. Do you want me to answer it?

PALMIERI. Very quickly.

VAN DEN HAGG. All right. Well, I've never been in that situation because I live in New York City, and being a law-abiding citizen, I'm not allowed to have a gun.

TYDINGS. You don't have one?

VAN DEN HAAG. No, since I do obey the law. But if I had one, I wouldn't find it very hard to put it in a drawer, near my bed, say, and lock that drawer and keep the key.

PALMIERI. Doctor, thank you for being on The Advocates. (applause)

STEVENS. We don't want criminals to have guns. We do believe that the right to have guns is so ingrained in our heritage that we should give up our guns only if the criminals give theirs up first. If we thought this law would work, we would support it. It won't work, and taking guns from sportsmen and those who need and want guns to protect themselves won't reduce crime. The most I can say for this proposal is God save America from the do-gooders who believe the deterrent in guns laws will work but won't enforce criminal laws against criminals. (applause)

PALMIERI. Okay, Senator Stevens. Now we'll hear from Senator Tydings. He has a chance for rebuttal.

TYDINGS. I would like to say that we'd be very delighted to have the British system, the British statistics in this country today. If we could have a rate which was less than ten persons killed with gun murders in all of last year, compared to eight thousand in the United States, we'd be delighted to see it, no matter what the Inspector may say about the effect of the ban of ownership of pistols and revolvers in Great Britain. And I might like to point out with respect to the Professor. The Professor can expostulate all he wishes, but the fact of the matter is that with a pistol, when you pull that trigger, you're far more likely to kill somebody than if you pick up a hammer or a knife or any other type of weapon. And the facts are absolutely conclusive—the pistol is five times more deadly than any other type of weapon. When you consider that 80 per cent, four out of five of all homicides in this country, are committed in altercations involving people who know each other, members of the same family, and then you throw the pistol in, the availability of the pistol, it's just too great a risk to take. I'd like to wind up our presentation this evening by calling on a lieutenant with fifteen years experience in the New York City Police Force, Lt. Joe McNamara. (applause)

PALMIERI. Glad to have you with us, Lieutenant.

MCNAMARA. Thank you.

TYDINGS. Lt. McNamara, you've heard Inspector Greenwood. How would you like to take on, or take the British portion of crimes of violence . . . pistols, pistol deaths, in New York City?

MCNAMARA. Well, sir, I'd like to offer my English colleague a little advice, if I may. The time that he spends or saves in investigation of gun applications will be only a mere fraction of the time the English police will spend investigating the murders and armed robberies if they did indeed let people have handguns.

TYDINGS. What does the . . . does 30 million guns in circulation in private owners . . . in private hands in the United States mean to the police officers on the beat? The day-to-day responsibility?

MCNAMARA. We must remember that the handgun is five times more likely to cause death than a knife attack. It is also easily concealable. To the American policeman, this means that at any moment, he may be shot and killed. And this, subsequently, affects his ability to protect the public.

TYDINGS. Lt. McNamara, If we continue to import and manufacture 2½ million pistols a year and they go into private ownership, would you care to comment on the type of society that we're going to have ten years from now, say by 1980, with an additional 10 or 20 million handguns in circulation.

MCNAMARA. Senator, if we continued at that rate of circulation, that would be roughly one for each male adult.

It would be living in an armed camp on the brink of chaos. Even today, we find school children who would have settled their differences a few years ago with a fistfight, go home, come back witht a handgun, and commit murder.

PALMIERI. Let's go to cross-examination, Senator Stevens.

STEVENS. Lieutenant, the Sullivan Law has reduced dramatically the number of guns in legal hands, what's it done in New York . . . those in illegal hands?

MCNAMARA. Senator, we, despite all the publicity to the contrary, have a much lower murder rate than those states with lax gun controls; but even despite the fact that our laws are undermined . . .

STEVENS. Now New York City?

MCNAMARA. Yes, sir, New York's murder rate . . . (interruptions) . . . statistics just came down comparing New York City's murder rates to southern cities, we find that they're more than double, because the use of handguns in those cities is permitted.

STEVENS. Now, you want prohibition of handguns, right?

MCNAMARA. Yes, sir.

STEVENS. Well, we prohibit heroin don't we?

MCNAMARA. Yes, and I would like to comment. That's a false analogy, Senator, for this reason.

STEVENS. Why?

MCNAMARA. Heroin has different physical qualities than handguns. The amount of heroin that we could equate with the size of a handgun is worth a couple hundred of thousand dollars on the streets of New York. And the need for the addict to get the handgun is so strong and the profit is so great that it's very difficult to control. Now, firearms are not that difficult. In terms of that gross volume that we're talking about of 24, 30 million handguns . . .

STEVENS. Who are buying those guns? Criminals?

MCNAMARA. But that doesn't make any difference to the victim of a crime. If I'm going to be murdered, I don't care who bought the gun originally, whether a citizen bought the gun or . . . (interruption) . . . Half the guns . . . over half the guns used in crime are originally purchased lawfully, and that's the crux of the matter. If you're going to lower the handguns in circulation, you must have complete control. You cannot be selective. I would have to agree with you that sportsmen don't abuse their handguns, but it doesn't make any difference, because they do lose them.

STEVENS. How about the British experience? They ban . . . they increase the controls on shotguns, and twice as many shotguns are used.

MCNAMARA. All right, how about the British experience? I read an article some three weeks ago by the English coroner, who told . . . who spoke . . . about 30 or 40 homicides in a metropolitan area of some 14 million people, and he was quite blunt about saying the reason it is so low is the handguns, the policy on firearms in England. Now, 30 or 40, compared to an equivalent area in the United States where we would run up around 1,500 or 2,000 homicides . . .

STEVENS. We haven't produced Colin Greenwood to say we should follow the British example. As a matter of fact, they don't have . . . their bobbies don't have guns. Would you like to take the guns away from all your people in New York?

MCNAMARA. I think it's a great idea. If we had as little violence and as few guns in circulation as England does, I think that would be wonderful.

STEVENS. How about Switzerland? Would you like to put a gun in each house? They have no gun . . . rate . . . crime . . . gun rate. What about that?

MCNAMARA. Well, as I understood that testimony, the people that have guns are part of the armed forces.

GUEST CHAPLAIN OF TODAY

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. GREEN of Oregon. Mr. Speaker, earlier today, I spoke about the guest chaplain who gave the invocation today. I had been advised that this was the first time that a woman had given the opening prayer in the House of Representatives. Later this afternoon, I was told that research showed a woman had given the invocation back in 1948.

My own pride and pleasure in having played a part in the invitation, extended to Mrs. James Wyker by Dr. Latch, is not decreased one iota by the new knowledge—to me—that another woman minister gave the invocation in the 1940's. It is my hope that another 23 years will not pass before another woman is invited. However, the national reputation which Mrs. James D. Wyker has attained is not tied to her sex—but based on her record of achievement through her years as president of the National Council of Church Women, her leadership in the Committee of One Hundred, her service as the acting president of the International Convention of Christian Churches, her speaking tour to seven countries to meet with the chaplains and wives of chaplains stationed overseas. Her dedication is known to countless thousands; hers has been a voice of reason and a life of service. Those of us privileged to know her have had our lives enriched by her friendship.

WELCOME TO THE UNITED STATES EXTENDED TO HIS EXCELLENCY EMILIO GARRASTAZU MEDICI, PRESIDENT OF THE REPUBLIC OF BRAZIL

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FASCELL. Mr. Speaker, it gives me great pleasure on behalf of the Congress to welcome to the United States His Excellency Emilio Garrastazu Medici, President of the Republic of Brazil, who will be in Washington on a state visit from December 7 to 9. Brazil, the largest and most populous nation of Latin America, has historically been one of our closest friends in the Western Hemisphere. Our countries were allies in the two world wars and have cooperated in both the Organization of American States and United Nations peacekeeping missions in the hemisphere, the Congo, and the Near East. Our positions on many issues of mutual concern have been similar, but where differences have arisen, we have respected one another's views and sought to resolve them in a friendly fashion.

The visit of President Medici gives us our first opportunity in nearly 10 years to welcome a Brazilian chief of state. In the interim, Brazil has made great strides in developing its enormous potential. As a result of what has been termed an "economic miracle," Brazil's economy has been expanding at an annual rate of nearly 9 percent during the last 3 years. At the same time, conscientious fiscal reform has reduced the rate of inflation from nearly 90 percent to under 20 percent a year. President Medici and his countrymen can take rightful and just pride in their accomplishments. We share in their satisfaction and wish them every continued success.

I am confident that the visit to Washington by the head of state of the great nation of Brazil will contribute much to the ties that have bound us together in friendship over the course of our respective histories.

IZAAK WALTON LEAGUE PUTS "FINGER" ON EXPERTS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, just as the once-mighty buffalo herds in the West fell prey to hunters under contract to feed workers building railroad tracks to the west coast, the once plentiful and beautiful scenic areas in the East—particularly West Virginia—are falling prey to certain special interest exploiters of our natural resources.

One of the great and highly respected defenders of the public interest—the Izaak Walton League of America—recently presented its recommendations to the U.S. Forest Service for management of the Cranberry-Williams River area of the Monongahela National Forest in West Virginia. I have introduced H.R. 3973 to designate three sections of the Monongahela National Forest—Cranberry Back Country, Otter Creek, and Dolly Sods—as wilderness areas. Since the Izaak Walton League recommendations, presented through my good friend, Keith Taylor, pertain to many other national forest areas, I would like to insert in the RECORD for the benefit of my colleagues, the following statement by Mr. Taylor:

STATEMENT OF KEITH TAYLOR

Mr. Chairman, I am Keith Taylor, national director and member of the National Executive Board of the Isaak Walton League of America. I am here at the request of our national staff in Washington. Less than two years ago our national president and staff reviewed the Cranberry-Williams area and were greatly impressed with its uniqueness and wilderness-like quality.

The Izaak Walton League is a lay organization made up of individuals from all walks of life, professional and otherwise, and we certainly applaud public meetings of this nature. We are here to make recommendations and suggestions in this wilderness beginning in West Virginia. It is a pleasure for us to see this public imput being demonstrated here today in seeking and supporting a wilderness area in the Cranberry back country of West Virginia.

I know I can speak for many in the League who become completely nauseated when they hear someone say, "let's leave it to the experts." We would not be in the trouble in many areas of government today if we had not left things to the experts.

XUM

We would have completed the Florida Barge Canal, built the SST, crossed Alaska haphazardly pipelines, if we had left things to the experts. In West Virginia, we would have lost recreation on the New River to the Blue Ridge project, covered the Smoke Hole with water and completely ravaged the West Virginia hills with strip mining—and, yes, we would have had a policy of clearcutting on the Monongahela National Forest which, to us, is not compatible and unworkable on a multiple-use forest: if we had left this to the experts.

We are sure that special interests have pleaded with our legislative committee in Charleston and our delegation in Washington to leave the timbering policy on Monongahela to the timbering experts.

The League is pleased that we have elected Representatives in Charleston and Washington that listen to the public and respond to the thinking of citizens of West Virginia such as in the recent controversy on the Monongahela. This issue demonstrates that public input and participation in this wilderness discussion is vital and necessary.

Recently at a wilderness conference in Washington, John R. McGuire, Associate Forest Service Chief, extended an invitation to conservationists to set down and help develop the criteria and standard for the protection of a system of primitive areas in the east and south. The Izaak Walton League enthusiastically welcomes this opportunity and commends the forest service for this public spirited, long awaited action.

We are here to say full speed ahead and would like to make the following recommendations regarding the cranberry wilderness area proposal:

I. Recommendations of the West Virginia Legislatures Timber Management Commission be adhered to by the United States Forest Service. Specifically, we refer to recommendation nos. 5 and 6. These points call on the United States Forest Service to abandon even-age management as a policy and implement uneven-age timber management as the policy on the general forest zone.

II. WILDERNESS

A. We recommend a wilderness area with exact figures of acreage to be determined at a later date, from the cranberry glade Botanical Area, north and west to include the drainages of the north and south forks of the Cranberry River and all of the drainage of the middle fork of the Williams River that lies within the present Cranberry back country.

B. We also recommend that a buffer zone under the forest service "pioneer zone" concept be implemented to surround and protect this wilderness area and that as few roads as possible be constructed in this buffer zone. Most of the road construction here would be administered for fire protection. Timber cutting would be limited to select cutting only in this zone with, perhaps, a few small patch cuts to improve wild life habitat. Other methods of extracting timber from the buffer zone should be implemented such as by helicopter, balloons, and aerial tramways. Other methods of extracting timber has to be instituted. We simply do not need a road up every hollow, around every ridge and down every mountain top. Look at the acreage taken out of production, the erosion that takes place and the piecemeal, checkerboard elimination of good game and wildernesslike areas.

III. SCENIC RIVERS

A. That the Williams River be initiated into the scenic river protection as now provided to the Cranberry and zoned to protect the adjacent lands of the streams.

IV. ACQUISITION

A. All mineral deposits contained in the subsurface of the proposed wilderness and buffer zone area should be purchased outright.

May I call your attention to the fact that part of the right of way for the highland scenic drive was purchased with land and water conservation funds. Whether this is legal or not, I don't know, but I am sure the Congress didn't have highway right of way acquisition in mind when the land and water conservation funds were set up. Then, on Saturday, November 6, 1971, Governor Arch A. Moore, Jr. of West Virginia announced to a Delegation from Huntington, who were seeking to build a modern highway from the west end of Huntington into the city over the old B & O Railroad right of way, that he would get the money from the land and water conservation fund to purchase this land and pay this back later, which I seriously question.

Now, if purchasing right of way for road construction with funds from the land and water conservation funds is legal, then it seems to me that the mineral rights under the Cranberry back country can be purchased with the same funds.

Being from the Huntington area, I can tell you we need that road which is proposed; but being from West Virginia, I can tell you that it is just as important for us to secure the mineral under the Cranberry back country.

Some may say we don't have that kind of money. If the tax records were examined and the declared value noted on the mineral under the Cranberry back country on which taxes have been paid in the past, I don't think we would find a figure of value that would be out of the question as far as the purchase is concerned.

This reminds me to say that Izaak Walton League of America believes that the 1872 mining laws which we now have on the Federal statutes is obsolete and out of step with present day thinking and planning, and must be repealed.

V. WILDLIFE

A. We vigorously support the continuation of the black bear sanctuary.

B. That fish stocking be carried out in a manner consistent with regulation protecting wilderness areas.

C. That small patch cuts would be encouraged in the buffer zone to improve the wild life habitat.

VI. TRANSPORTATION

A. Strict regulatory measures be provided that would prevent travel in wilderness or pioneer zone by trail vehicles.

VII. BACK COUNTRY

A. The Izaak Walton league under no circumstances will compromise the present gate arrangements now in effect in the cranberry back country. They must not be removed.

B. We would encourage development of a limited recreation area at the three forks of the Williams river. Such recreation facilities to be consistent with the natural characteristics now prevailing in the cranberry back country.

Thank you for the opportunity of presenting our views in this matter. The Izaak Walton League of America wholeheartedly supports the wilderness area proposal for the Cranberry Back Country.

AUGUSTA MILITARY ACADEMY

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MICHEL. Mr. Speaker, in my capacity as the ranking Republican on the Subcommittee of the Appropriation Committee which funds the Office of Education, I have the opportunity on many occasions to meet with administrators, teachers, and students associated with many of our public high schools, colleges, and universities all over the country. While conditions have been somewhat calmer in recent months on the college campuses, all of us know and are concerned that many high schools around the country are now experiencing the unrest and in some cases even the violence which was so commonplace on the college campuses in recent years.

While there are many reasons which can be cited for conditions of this kind, the two which were mentioned by almost everyone that I have met with were the appalling lack of self-discipline and the disrespect for authority which so many young people attending these public institutions have exhibited.

These are standards of character which must be instilled in young people at home but in all too many cases parents have neither the desire nor ability to provide the necessary guidance for these youngsters. Then when they are thrown in the atmosphere of permissiveness which permeates so many of our public educational institutions, these undesirable traits become even more exaggerated.

Thus, in this day when there is so much concern about the youth of our country, it was a distinct pleasure for me to be in the company recently of six young cadets from one of the Nation's outstanding military preparatory schools, the Augusta Military Academy at Fort Defiance, Va., located in the beautiful and historic Shenandoah Valley. What young men learn in the classroom may be forgotten but the intangible qualities of integrity, reliability, courtesy, and self-discipline are traits which, once instilled, stay with a man all of his life and these cadets exhibited these qualities in such a high degree as to rekindle our faith in the generation that will follow us.

Through the years, fine institutions such as Augusta have molded young men into leadership roles. While everything a man possesses may be swept away by the tides of fortune, nothing destroys the character of a boy whose well-trained mind can react to the vagaries of life. In addition to the superior academic programs of these military prep schools, they provide unparalleled training of young minds and promote a discipline of thought and action not to be achieved elsewhere.

Mr. Speaker, I salute these worthwhile institutions which are doing so much to prepare the next generation of our Nation's leaders for their calling. Augusta military academy and the other fine military elementary and high schools deserve special appreciation for their contribution to our Nation's vitality of leadership.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. KLUCZYNSKI (at the request of Mr. TEAGUE of Texas), for today, on account of official business.

Mr. EVINS of Tennessee (at the request of Mr. TEAGUE of Texas), for Monday, December 6, and the balance of the week on account of illness.

Mrs. SULLIVAN, for this week, on account of business.

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD), on account of illness in family.

Mr. FOUNTAIN (at the request of Mr. TEAGUE of Texas), for today, on account of death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SEBELIUS) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. KEITH, for 5 minutes, today.

Mr. HORTON, for 10 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 5 minutes, today.

(The following Members (at the request of Mr. DAVIS of South Carolina) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. DAVIS of South Carolina, for 15 minutes, today.

Mr. GRAY, for 15 minutes, today.

Mr. RARICK, for 30 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. WAGGONNER, for 15 minutes, today.

Mr. MATSUNAGA, for 60 minutes, December 8.

Mr. HUNGATE, for 60 minutes, December 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HANSEN of Idaho to extend his remarks prior to vote on H.R. 11738 (Defense Department Aid to Boy Scouts).

Mr. MONAGAN, to extend his remarks prior to vote on H.R. 8708, No. 96 on the Consent Calendar.

Mr. FASCELL, at the request of Mr. MONAGAN, to extend his remarks on H.R. 8708 prior to vote.

Mr. THONE, at the request of Mr. MONAGAN, to extend his remarks on H.R. 8703 prior to vote.

Mr. YATES and to include extraneous matter.

Mr. MATSUNAGA prior to the passage of H.R. 45.

(The following Members (at the request of Mr. SEBELIUS) and to revise and extend their remarks and include extraneous matter:)

Mr. HORTON.

Mr. REID of New York.

Mr. BROWN of Michigan.

Mr. PELLY in three instances.

Mr. MCCLORY.

Mr. FISH.

Mr. PRICE of Texas in two instances.

Mr. HOGAN in 10 instances.

Mr. VEYSEY in two instances.

Mr. BURKE of Florida in two instances.

Mr. HOSMER in two instances.

Mr. BRAY in two instances.

Mr. MCKINNEY.

Mr. CHAMBERLAIN in two instances.

Mr. MCDONALD of Michigan.

Mr. SCHERLE.

Mr. BROYHILL of Virginia in two instances.

Mr. FINDLEY.

Mr. SCHWENGEL.

Mr. FREY.

Mr. DERWINSKI.

Mr. FRENZEL in two instances.

Mr. LLOYD.

Mr. SANDMAN.

Mr. WYMAN in two instances.

Mr. BROWN of Ohio.

Mr. MIZELL in two instances.

Mr. CRANE in five instances.

Mr. TALCOTT in five instances.

Mr. LUJAN.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mrs. HICKS of Massachusetts in four instances.

Mr. EILBERG.

Mr. HAWKINS.

Mr. BEGICH in five instances.

Mr. RARICK in three instances.

Mr. ROGERS of Florida in five instances.

Mr. KLUCZYNSKI in three instances.

Mr. FOUNTAIN.

Mr. MAHON.

Mr. RYAN in four instances.

Mr. MINISH.

Mr. SYMINGTON in four instances.

Mr. HÉBERT in two instances.

Mr. O'NEILL in two instances.

Mr. EDWARDS of California in three instances.

Mr. SIKES in five instances.

Mr. BADILLO in two instances.

Mr. BIAGGI in three instances.

Mr. JACOBS.

Mr. MITCHELL in three instances.

Mr. CELLER.

Mr. BURKE of Massachusetts in four instances.

Mr. ROONEY of New York.

Mr. FASCELL in four instances.

Mr. JAMES V. STANTON.

Mrs. GRIFFITHS in two instances.

Mr. DULSKI in five instances.

Mr. ANDERSON of California in three instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1218. An act to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1857. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended, to the Committee on the Judiciary.

S. 2097. An act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse; to the Committee on Interstate and Foreign Commerce.

S. 2262. An act to permit a home mortgage loan by a federally insured bank to a bank examiner; to the Committee on the Judiciary.

S. 2824. An act to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child; to the Committee on Post Office and Civil Service.

S.J. Res. 75. Joint resolution to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology; to the Committee on Interstate and Foreign Commerce.

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes.

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek;

H.R. 9097. An act to define the terms "widow", "widower", "child", and "parent" for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Texas, as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid up national service life insurance;

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age seventy.

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

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S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands;

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on December 3, 1971, present to the President, for his approval, bills of the House of the following titles:

H.R. 6283. A bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

H.R. 10383. A bill to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. A bill to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 7, 1971, at 12 o'clock noon.

OATH OF OFFICE OF MEMBER

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 92d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C. title 2, sec. 25), approved February 18, 1948:

WILLIAM P. CURLIN, JR., Sixth District of Kentucky.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

[*Pursuant to the order of the House on Dec. 2, 1971, the following report was filed on Dec. 3, 1971*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10384. A bill to amend the act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k—460k-4), to release certain restrictions on acquisition of lands for recreational development at fish and wildlife areas administered by the Secretary of the Interior, with amendment (Rept. No. 92-706). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on Dec. 1, 1971, the following report was filed on Dec. 4, 1971*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10420. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes; with amendment (Rept. No. 92-707). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on Dec. 2, 1971, the following report was filed on Dec. 4, 1971.*]

Mr. MILLS: Committee of conference. Conference report on H.R. 10947 (Rept. No. 92-708). Ordered to be printed.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1334. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Special benefits for disabled coal miners," for fiscal year 1972, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1335. A letter from the Deputy Assistant Secretary of Defense (Installations and Logistics), transmitting a report of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1336. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, covering the quarter ended September 30, 1971, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1337. A letter from the Assistant Secretary of the Interior, transmitting copies of an order and supporting documents covering cancellation of reimbursable charges existing as debts against individual Indians or tribes of Indians for the fiscal year 1971, pursuant to 47 Stat. 564; to the Committee on Interior and Insular Affairs.

1338. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting the second in a series of reports investigating the nature and scope of educational opportunities for Mexican Americans in the public schools of Arizona, California, Colorado, New Mexico, and Texas, pursuant to Public Law 85-315; to the Committee on the Judiciary.

1339. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1340. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered under the authority of section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

1341. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 18, 1971, submitting a report, together with accompanying papers and illustrations, on Saugus and Pines Rivers Basin and adjacent coastal areas, Massachusetts, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted August 16, 1949 and June 23, 1964, respectively; to the Committee on Public Works.

1342. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend Public Law 92-84 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

RECEIVED FROM THE COMPTROLLER GENERAL

1343. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released during November 1971, pursuant to Public Law 91-510; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service Report on improved manpower management in the Federal Government (Rept. No. 92-709). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. House Joint Resolution 838. Joint Resolution to defer until January 1, 1974, the effective date of an amendment to section 5219 of the Revised Statutes relating to the taxation of national banks by the States; with amendments (Rept. No. 92-710). Referred to the House Calendar.

Mr. PASSMAN: Committee on Appropriations. H.R. 12067. A bill making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-711). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 727. A resolution waiving points of order against the bill H.R. 12067. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes. (Rept. No. 92-712). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 728. A resolution providing for the consideration of H.R. 1163. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes. (Rept. No. 92-713). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS of Arkansas:

H.R. 12043. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 12044. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 12045. A bill to provide for Federal collection of State individual income taxes, to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. BLACKBURN (for himself, Mr. RANGEL, Mr. BARING, Mr. BRASCO, Mr. CLEVELAND, Mr. DANIEL of Virginia, Mr. DIGGS, Mr. FORSYTHE, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HORTON, Mr. SCHWENGEL, and Mr. STOKES):

H.R. 12046. A bill to increase the duty applied for balance-of-payments purposes to 25 percent ad valorem in the case of products of France until such time as the French Government takes certain actions to stop the flow of narcotic druga from France into the United States; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 12047. A bill to provide for Federal collection of State individual income taxes to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. BYRON:

H.R. 12048. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

H.R. 12049. A bill to require the National Railroad Passenger Corp. to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents on the same basis that such transportation was available to such employees and dependents on the date of enactment of the Rail Passenger Service Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 12050. A bill to amend the National Flood Insurance Act of 1968 to require flood insurance coverage under that act for all properties covered by federally insured or guaranteed mortgages; to the Committee on Banking and Currency.

By Mr. FRASER:

H.R. 12051. A bill to extend for an additional 12 months the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 12052. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GUBSER (for himself, Mr. ANDERSON of Illinois, Mr. COLLINS of Texas, Mr. EDWARDS of California, Mr. FISHER, Mr. FORSYTHE, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mrs. HICKS of Massachusetts, Mr. KEMP, Mr. KUYKENDALL, Mr. MANN, Mr. MAZZOLI, Mr. SCHWENGEL, Mr. WAGGONNER, Mr. WARE, and Mr. RHODES):

H.R. 12053. A bill to establish a commission to encourage, process, and make awards with respect to citizens' suggestions for the improvement of Government operations, and for other purposes; to the Committee on Government Operations.

By Mr. HORTON:

H.R. 12054. A bill to amend the Controlled Substances Act; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 12055. A bill to amend the Interstate Commerce Act to give the Interstate Commerce Commission the same power respecting intrastate motor carrier rates as it now has over intrastate railroad and freight forwarder rates; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 12056. A bill to extend for an additional 6 months the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; to the Committee on Ways and Means.

By Mr. McDONALD of Michigan:

H.R. 12057. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself and Mr. CORMAN):

H.R. 12058. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. MORSE:

H.R. 12059. A bill for the relief of residents of northern Ireland; to the Committee on the Judiciary.

By Mr. O'KONSKI:

H.R. 12060. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 12061. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. RAILSBACK (for himself and Mr. BEVILL):

H.R. 12062. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 12063. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

By Mr. SEBELIUS (for himself, Mr. ADAMS, Mr. ASHLEY, Mr. BARING, Mr. ESHLEMAN, Mr. FINDLEY, Mr. HAGAN, Mrs. HICKS of Massachusetts, Mr. KEMP, Mr. KING, Mr. MATSUNAGA, Mr. MONTGOMERY, Mr. PICKLE, Mr. ROBINSON of Virginia, Mr. ROE, Mr. ROUSH, Mr. SCHEUER, Mr. SCHMITZ, Mr. SEIBERLING, Mr. SNYDER, Mr. UDALL, and Mr. ZION):

H.R. 12064. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. JAMES V. STANTON:

H.R. 12065. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, to provide death benefits to survivors of certain public safety and law enforcement personnel, and public officials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. CHARLES H. WILSON, Mr. THOMPSON of New Jersey, Mr. BEGICH, Mr. HARRINGTON, Mrs. CHISHOLM, Mr. YATRON, Mr. HELSTOSKI, Mr. HALPERN, Mr. RANGEL, Mr. MILLER of California, Mr. ST GERMAIN, Mr. CLAY, Mr. OBEY, Mr. COLLINS of Illinois, Mr. EILBERG, Mr. GAYDOS, Mrs. HICKS of Massachusetts, Mr. HAWKINS, Mr. DRINAN, Mr. HATHAWAY, Mr. EDWARDS of California, and Mr. CORMAN):

H.R. 12066. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PASSMAN:

H.R. 12067. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. FISHER (for himself, Mr. BRINKLEY, Mr. BURLESON of Texas, Mr. CABELL, Mr. CLEVELAND, Mr. COLLINS of Texas, Mr. EDWARDS of Alabama, Mr. FLOWERS, Mr. FLYNT, Mr. GRIFFIN, Mr. HALEY, Mr. HENDERSON, Mr. JONES of North Carolina, Mr. LENNON, Mr. MCMILLAN, Mr. NICHOLS, Mr. PIRNIE, Mr. RARICK, Mr. ROBERTS, Mr. SCHMITZ, Mr. SEBELIUS, Mr. SIKES, Mr. THOMPSON of Georgia, Mr. WAGGONNER, and Mr. WINN):

H.R. 12068. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. FOLEY:

H.R. 12069. A bill to provide for the setting aside of certain lands for the purpose of making available additional food and cover for wildlife; to the Committee on Merchant Marine and Fisheries.

By Mr. SEIBERLING:

H.R. 12070. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Tennessee:

H.J. Res. 995. Joint resolution to designate the week which begins on the first Sunday in March 1972, as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri:

H.J. Res. 996. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the Presi-

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dent and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SLACK:

H.J. Res. 997. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. FASCELL:

H. Con. Res. 475. Concurrent resolution to seek relief from restrictions on Soviet Jews; to the Committee on Foreign Affairs.

By Mr. HOGAN (for himself, Mr. COLLIER, Mrs. GRASSO, Mr. HOSMER, Mr. HUNT, Mr. KUYKENDALL, Mr. MINSHALL, Mr. PRICE of Texas, Mr. RARICK, Mr. SCHMITZ, and Mr. THOMSON of Wisconsin):

H. Con. Res. 476. Concurrent resolution expressing the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice; to the Committee on Foreign Affairs.

By Mr. MORSE:

H. Res. 726. Resolution expressing the sense of the House of Representatives relating to the situation in northern Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HICKS of Washington presented a bill (H.R. 12071) for the relief of Djordje Kovac, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

171. By the SPEAKER: Petition of the Senate of the Episcopal Theological Seminary, Cambridge, Mass., commending the action of the House in defeating the proposed amendment to the Constitution on prayer in public schools; to the Committee on the Judiciary.

172. Also, petition of the City Council, New York, N.Y., relative to allowing servicemen scheduled for discharge to take the civil service examination at their military bases; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

PHARMACISTS TO BE HONORED BY U.S. STAMP

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, December 6, 1971

Mr. GRIFFIN. Mr. President, last April 26, I spoke on the Senate floor and urged that a commemorative postage stamp be authorized to honor the Nation's pharmacists.

Happily, this has come to pass.

In a release issued over the weekend, the U.S. Postal Service announced that such a stamp will be featured in the 1972 series of new stamps.

As one who worked in a drug store for a number of years, I am personally delighted by this news. It is most appropriate that tribute will be paid in this way to the Nation's 100,000 pharmacists.

Having been associated with many people on this project, I wish in particular to commend former Postmaster General Winton M. Blount, Acting Postmaster General Merrill A. Hayden as well as the members of the Postal Service's advisory committee who approved the recommendation for the issuance of this stamp to honor the pharmacists.

In addition, I wish to recognize the dedicated efforts of Mr. Irving Rubin of Port Washington, N.Y., editor of the Pharmacy Times, who provided untiring support.

Mr. President, I ask unanimous consent that an article published yesterday in the Washington Sunday Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Star, Dec. 5, 1971]

A STAMP FOR PHARMACISTS

(By Belmont Farley)

A commemorative stamp will be issued next year in tribute to the service role played by the nation's 100,000 pharmacists, the U.S. Postal Service announced yesterday.

There will also be two new denominations in the regular series, a 7-cent and a 14-cent for the preferential rate for educational materials.

The pharmacy stamp will be keyed to the theme "Partners in Health," the announcement said. Design of the stamp and date and place of issuance will be announced later.

Requests for a stamp honoring the druggists of America reached the Post Office Department at least as early as 1934, and there have been several campaigns by organizations in the field since.

The effort that led to the 1972 stamp was initiated by Irving Rubin of Port Washington, N.Y., publisher of Pharmacy Times, who enlisted the aid of such major pharmacy organizations as the American Pharmaceutical Association and the National Association of Retail Druggists and an even more effective advocate, Senate Minority Leader Robert P. Griffin.

Sen. Griffin, who worked for seven years as a drug store clerk while still a student and knew, as he noted in a Senate speech, something about the important role of the retail pharmacist in his neighborhood and community, took up the matter personally last April with Postmaster General Winton M. Blount. He later entered his letter strongly urging a stamp honoring the nation's pharmacists in the Congressional Record.

As used in the stamp request, the "Partners in Health" theme referred to the role of the pharmacist in the community. The Postal Service announcement, however, seemed to relate it to the other health professions, mentioning that a stamp honoring doctors had appeared in 1947, dentists in 1959, nurses in 1961 and a postal card for hospitals this year.

Mr. GRIFFIN. Mr. President, in addition, I ask unanimous consent that the text of the U.S. Postal Service release be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

U.S. POSTAL SERVICE PRESS RELEASE

A postage stamp in tribute to the service role played by the nation's 100,000 pharmacists will be issued next year, the U.S. Postal Service announced today. Two new regular stamps also will be issued.

The commemorative stamp will be keyed to "Partners in Health." A stamp honoring doctors appeared in 1947. There was a stamp in 1959 to salute the 150th anniversary of the American Dental Association. In 1961, nurses had their stamp, and earlier this year American hospitals were commemorated with a postal card.

Design of the pharmacy stamp and date and place of issuance will be announced later.

Two regular postage stamps intended to meet the preferential rate for educational materials also will be issued next year.

The stamps will honor:

Benjamin Franklin. His myriad interests included advancement of education and service as the first Postmaster General. The denomination will be 7 cents.

Fiorella La Guardia, who in three terms as New York City mayor brought sweeping reforms to the city and reorganization of its government. New Yorkers called him with affection "The Little Flower." This will be a 14-cent stamp.

The special fourth class rate which the new stamps in the Prominent American series will cover is 14 cents for the first pound, 7 cents for each additional pound or fraction. Mailed under this rate are books, non-commercial films and similar educational materials.

The Postal Service also announced that the Family Planning stamp planned for issuance this year will be postponed until 1972 and that the Folklore series, reported as a set of two stamps for 1972, will consist of only one stamp, featuring Tom Sawyer.

DEVALUATION OF THE DOLLAR AND OUR FOREIGN TRADE POLICY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, the world marketplaces and currency exchanges seem to be confirming in a way that no administration official seems willing to do, reports that emerged last week from Rome that the American mission had indicated its willingness to devalue the dollar by as much as 10 percent. A Congressman in such a situation is invariably torn between a desire not to say or do anything which will further encourage speculation and sow the seeds of doubt about something as delicate as the stability of a currency and at the same time a constitutional obligation to participate in such an obviously important decision on the part of this Government as to devalue our currency. That is why I did not rush to judgment last Thursday or Friday; but since the bankers and businessmen of the world seem to have taken the rumors at face value and seem to be making such a devaluation near inevitable, I think it is time for those in positions of responsibility in this area to at least underline the seriousness of what has been going on this past week. Actually, what has transpired these few days is only the culmination of what has been apparent for some time now; namely, a complete erosion of this country's trading position. Last week's moves have in fact been forced upon a government which has been unwilling until now to face reality and rethink wornout policies and practices in the area of international trade. No nation, not even the powerful United States, of seemingly unlimited wealth, can afford to import more than it exports month after month while at the same time maintaining year after year one of the largest handout programs known in the history of mankind. No nation can fight a war year after year to the tune of billions, demand the domestic economy to make sacrifices long overdue and at the same time continue to allow the multinational corporations, the currency speculators, and the international bankers to operate completely free of restraint, untouched by political considerations of the 20th century, allowed to live in a world as close to the 18th century idea of "laissez faire" as is humanly possible. The international business community has got to address itself to the fact that the primary obligation of a government responsible to the people who elect it is to preside over a healthy domestic economy. No political party today can eschew a policy of full employment. The 1930's saw to that and yet day after day we are being asked to do just that, to refrain from doing anything to attack the staggering unemployment in this Nation that might possibly interfere with the completely one-sided free-trade world we live in. I know of no other nation in the world whose political leaders can afford such a policy. How much more will the dollar have to be devalued? How many more years of trade deficit are we going to have to endure? How many more jobs in this country are going to be lost to cheap, foreign imports? Before this country adopts a measure of restraint—that is all we are asking for—and ask the rest of the world to cooperate with us in a period of sacrifices and austerity on the international front to match that being asked of our people on the domestic front under phase II and, before that, phase I. I am telling you today that phase I and phase II are doomed to failure unless we have a phase I and a phase II on the international front. What is so sacred about foreign trade that it cannot be touched, while domestic trade is subjected to all kinds of regulations in the name of a healthy economy? These are some of the things which I hope are being discussed in Rome while the dollar is being devalued, because a nation in our position cannot make such concessions every day of the week without getting a very definite and tangible quid pro quo.

Mr. Speaker, let there be no mistake about it. We are living through days that will shape the very future of our economy for years to come. The stuff of which history is made. Let us live through it—Congress and the Executive—with our eyes wide open. Let the public know the implications of these high level meetings. If it is time for the Nation to pull its belt in, and the President said it was on August 15 and many times since, let our actions live up to our words and let us leave no stone unturned, even those along the international boundaries, in our efforts to bring order out of chaos and restore our economy to a healthy condition. Moderation is the order of this day instead of the runaway unemployment figures, the runaway import figures, and the runaway balance of payment deficits we have been experiencing for some months now. Let us not be accused in years to come of lacking the determination and follow-through to take all of the measures necessary to achieve our objective. Let us not be content with halfway measures. A 10-percent surcharge or a 10-percent devaluation is nothing more than a stopgap reaction to a crisis situation years in the making and which demands far more farseeing solutions and systematic treatment than such knee-jerk reactions. It is time for Congress to begin deliberating forthwith about the economy in toto. It is time we ended this sorry spectacle of having one committee making its own way in the area of wage and price controls for our domestic economy while the committee with responsibility for trade matters is tied up on other matters and cannot concurrently explore what needs to be done at the same time as far as foreign trade is concerned. Time is running out and we are not seizing opportunity today the way we should be. We will have more than the historians to answer to if such is the case, for not going after the whole picture and settling for dramatic gestures and token moves on a couple of fronts.

NEW OPPORTUNITIES FOR THISS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FRENZEL. Mr. Speaker, we in Minnesota are very proud of the high regard accorded our politicians. George Thiss, who served as chairman of the Minnesota Republican Party from 1965 until June of this year, has exemplified, and helped to maintain that tradition.

Being State chairman of a political party is a trying, and often unrewarding job. I was delighted to see the Minneapolis Star recognize the contribution of Mr. Thiss in the following editorial which appeared on December 1:

NEW OPPORTUNITIES FOR THISS

Minnesotans quite rightly take pride in the generally high level of politics this state enjoys. One of the reasons for this solid standard is that both major parties have had articulate, savvy state chairmen.

It is a difficult task to speak day in and day out for either party. The job requires both a grasp of basic issues and surface intraparty rivalries. A state chairman must be diplomat as well as a partisan spokesman, able to put the best face on any situation.

But to be effective in Minnesota he must have integrity, especially in dealing with the news media and the general public. George Thiss, who left the Republican state chairmanship last June, met those exacting requirements.

In his new job as executive director of the Upper Midwest Research and Development Council, he will draw on his practical knowledge of regional economics and sociology and his past academic background as assistant headmaster of Breck School. Thiss will be able to apply his talents over the larger Upper Midwest of which Minnesota is but a part.

We wish him well in his new nonpartisan enterprise.

CONCERN OVER INCREASED UNEMPLOYMENT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SYMINGTON. Mr. Speaker, I would like to call my colleagues' attention to an article dealing with the critical and continuing unemployment problem which appeared in the St. Louis Post-Dispatch on Friday, November 26, 1971. On August 6, 1971, I placed in the RECORD results of a poll of my constituents that indicate inflation and unemployment were their most serious concerns. This article, written by William H. Kester, the Post-Dispatch's financial editor, documents their concern over increased unemployment. Mr. Kester notes that the unemployment rate for the Nation and St. Louis was 3.5 percent in 1969 when Mr. Nixon took office. The unemployment rate for the first 10 months of this year averaged 6.2 percent in the St. Louis area and 5.9 percent in the Nation.

Mr. Speaker, in addition to the results of my questionnaire I have received a number of letters urging my support of the President's plan. Judging from the vacillation of the Pay and Price Board, I am not quite reassured that there even is a plan to support at the moment. It seems mere trial, error, and wishful thinking. Unemployment continues to rise, and in the St. Louis area has now risen above the national rate. I insert in the RECORD at this point the St. Louis Post-Dispatch article which documents that sad fact:

UNEMPLOYMENT RATE HERE ABOVE NATIONAL AVERAGE

(By William H. Kester)

With the number of jobs in the St. Louis area declining in the last 12 months, the unemployment rate has risen and is above the national rate, a comparison shows.

The Missouri Division of Employment Security reports that there were 975,400 jobs in the metropolitan area in October, down 17,100, or 1.7 per cent, from the year-earlier total of 992,500.

The number of jobs is employment plus those workers on strike. Workers involved in work stoppages are not counted as employed or unemployed in the report, but are counted as part of the labor force.

There were 975,100 employed and 300 on strike last month. A year earlier, the employment figure was 982,200 and the number on strike was 10,300, primarily those at General Motors and the Alton Box Board plants in the area.

Unemployment last month totaled 53,600, or 5.2 per cent of the labor force, compared with 50,400, or 4.8 per cent a year earlier, the agency said.

Because these figures are not adjusted for seasonal variations, they cannot be compared with seasonally adjusted ones for the nation—the rates usually reported.

The seasonally adjusted unemployment rate in the St. Louis area, based on adjustment factors calculated by the Federal Re-

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serve Bank of St. Louis, was 6.2 per cent last month and 5.8 per cent a year earlier.

By comparison, the national unemployment rate, adjusted for seasonal variations, was 5.8 per cent last month and 5.5 per cent a year earlier.

In the first 10 months this year, the adjusted unemployment rate averaged 6.2 per cent in the St. Louis area and 5.9 per cent in the nation.

Reflecting the slow economic growth of the St. Louis area in recent years, the unemployment rate has risen faster than the national rate. For example, the local jobless rate was below the national average in 1966, 1967 and 1968, equal to it in 1969, but above it in 1970 and 1971.

Here are the unemployment rates by years:

[In percent]

Year	St. Louis	United States
1966	3.3	3.8
1967	3.4	3.8
1968	3.4	3.6
1969	3.5	3.5
1970	5.4	4.9
1971	6.2	5.9

(a) average for 10 months of seasonally adjusted rates.

In April and May 1970, unemployment in the St. Louis area soared as a result of layoffs at plants affected by the strike of Teamsters against truck lines. Apparently, the relative impact of the truck strike was greater here than in the nation as a whole. Unemployment rose sharply here in those two months.

Nonfarm employment here has grown about 19 per cent from the 1957–59 average, compared with an increase of 35 per cent for the nation as a whole, the Federal Reserve Bank of St. Louis reports.

While employment has declined in the last year in the St. Louis area, it has increased nationally. The national October employment total was 80,065,000, an increase of 1,140,000, or 1.5 per cent, over the year-earlier level of 78,916,000. The national employment figures include workers on strike.

Reflecting the decline in job opportunities in the St. Louis area in the last 12 months, the labor force has declined 13,900, or 1.3 per cent. The labor force consists of those employed, unemployed and on strike.

As was reported earlier, the decline in employment here in the last two years has been widespread. Only one of 21 manufacturing industries had more workers in September than two years earlier. Employment in September 1969 was a record high.

THE WAGE-PRICE FREEZE PROVES EFFECTIVE

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SANDMAN. Mr. Speaker, uncertainty by many Americans as to the effectiveness of the freeze phase of President Nixon's new economic policies has been reflected in the letters of hundreds of my constituents.

As with most tasks of analysis, it has taken time for all of the economic indicators to be reported.

Now that they are in, it is clear for all who have eyes to see, that the freeze has had a positive effect in our economy; that it has worked.

The stated goals of the freeze were to stabilize prices, restore consumer confidence, improve the employment picture, and to stimulate the economy generally without increasing the rate of inflation.

From all of the indicators I have seen, the President's program has worked and the Nation is now on its way to the goal of prosperity with peace, without inflation.

Here are the facts:

DATA

PRICES

The Wholesale Price Index (WPI) dropped .3% in September and again by .1% in October.

The important industrial commodities component of the WPI dropped by .1% in September, and by .3% in October (seasonally adjusted)—the October drop was the largest decline in 11 years.

Of 3885 prices tabulated in a special Department of Commerce wage-price freeze survey, 87% showed no change in price from August to September during the freeze. 6% actually declined, while fewer than 8% increased.

The rate of inflation as measured by the GNP deflator has been dropping steadily. In the first quarter of 1971 it was at a 5.2% annual rate; 2nd quarter, 4.1%, and third quarter, 3.0%.

CONSUMER CONFIDENCE

The Sindlinger Consumer Confidence Index shows that consumer confidence is steadily increasing. It was 117.7 immediately before the imposition of the freeze; 120.6 on October 6; 123.0 on October 20; 126.7 on November 3; and 127.9 on November 10. It continues to climb.

The McGraw-Hill Survey of Plant and Equipment Spending Plans for the Fall of 1971 shows an anticipated increase in capital spending of 7%—representing the first real increase in capital investment since 1969.

EMPLOYMENT

Total employment since June increased by 1.4 million jobs. Unemployment rate in the survey week immediately prior to the freeze was 6.1%—presently 5.8%.

—All important married men category reached a low 3.0%—the lowest in a year.

—Total employment increased by a substantial 300,000 jobs from September to October.

INTEREST RATES

Interest rates have been declining over a broad front during the freeze, indicating a lower level of inflationary expectation.

[In percent]

Item	Rate before freeze	Present rate
Treasury bills	5.37	4.12
Corporate bonds (AAA)	7.71	7.26
Municipal bonds	6.17	5.24
Prime rate	6.00	5.50

RETAIL SALES

Retail sales for October running close to 12% over October of 1970.

Extension of consumer installment credit for September reached a $12 billion annual rate—an all time high record.

Consumers are now buying more and saving less. Saving as a percent of disposable personal income dropped from 8.2 to 7.7% from the 2nd to the 3rd quarter of this year.

HOUSING STARTS

Private housing starts in 3rd quarter were at annual rate of over 2.1 million. Rate of housing starts in first 10 months of 1971 is at a higher annual rate than any year in history. This means more sales of consumer goods like furniture and appliances.

AUTOMOBILE SALES

Automobile sales reached a record all-time high during month of October—more than 1 million new cars sold.

Mr. Speaker, we all agree that the freeze was strong medicine. I think the President deserves tremendous credit for having the courage to proscribe it.

As important has been the spirit of cooperation of the American people to make the wage-price freeze as effective as it has been.

There is every reason to predict that the postfreeze initiatives will work as well, if not better.

All Americans are desirous of prosperity in a full generation of peace. To me, the foregoing data suggests that we are on the right road toward that goal.

AMERICAN AIRLINES HAILS PROBABLY THE WORLD'S BEST SKIING

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. LLOYD. Mr. Speaker, the New York Times of Sunday, December 5, carried a ski advertisement by American Airlines reporting on the excellent skiing which exists in Utah along with the facilities which exist in my State.

For the benefit of so many of my colleagues and their families who are becoming very sophisticated in their skiing preferences, I am submitting here part of the American Airlines ad:

AMERICAN AIRLINES WOULD LIKE TO TAKE YOU OFF THE BEATEN TRACK—UTAH

Utah isn't one of those places thousands of skiers fly to each winter.

It's one of those places they fly over. What most people don't know is that Utah probably has the world's best skiing.

One reason is the snow. A light, dry powder that most professional skiers consider the best in the world. (As much as 40 feet of it falls each year.)

Then there's the ski runs; some of the best in the country. For beginners as well as experts. And practically all of them are within a 45-minute drive of Salt Lake City.

But what's nicest of all about Utah are the prices. They're unbelievably low. A lift ticket, for instance, runs $4 to $5 less than at most major ski areas.

FEDERAL CIVILIAN EMPLOYMENT, OCTOBER 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. MAHON. Mr. Speaker, I include a release highlighting the October 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, OCTOBER 1971

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of October was 2,872,638 as compared with 2,883,908 in the preceding month of September. This was a net decrease of 11,270, due primarily to seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of October totaled 2,833,064. This was a net decrease of 11,475 as compared with employment reported in the preceding month of September. Employment by months in fiscal 1972, which began July 1, 1971, follows:

Month	Employment	Increase	Decrease
July 1971	2,903,151	20,157	
August	2,890,160		12,991
September	2,844,539		45,621
October	2,833,064		11,475

Total employment in civilian agencies of the Executive Branch for the month of October was 1,698,188, a decrease of 10,478 as compared with the September total of 1,708,666. Total civilian employment in the military agencies in October was 1,134,876, a decrease of 997 as compared with 1,135,873 in September.

The civilian agencies of the Executive Branch reporting the largest net decreases were Agriculture Department with 3,123, Department of HEW with 1,762, Interior Department with 1,721 and Postal Service with 1,222.

In the Department of Defense the largest decreases in civilian employment were reported by the Navy with 754 and Army with 510. The largest increase was reported by Air Force with 529.

Total Executive Branch employment INSIDE the United States in October was 2,643,149, a decrease of 9,528 as compared with September. Total employment OUTSIDE the United States in October was 189,915, a decrease of 1,947 as compared with September.

The total of 2,833,064 civilian employees of the Executive Branch reported for the month of October 1971 includes 2,582,253 full time employees in permanent positions. This represents an increase of 2,263 in such employment from the preceding month of September. (See table 2 of accompanying report.)

The Executive Branch employment total of 2,833,064 includes some foreign nationals employed abroad, but in addition there were 97,173 foreign nationals working for U.S. agencies overseas during October who were not counted in the usual personnel reports. The number in September was 97,736.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of October totaled 31,512, an increase of 109 as compared with the preceding month of September. Employment in the Judicial Branch in the month of October totaled 8,062, an increase of 96 as compared with September.

DISADVANTAGED PERSONS

The total of 2,872,683 reported by the Committee for October includes 23,426 disadvantaged persons employed under Federal opportunity programs, a decrease of 2,146 from the preceding month of September. (See table 4 of accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full time in permanent positions by executive branch agencies during October 1971, showing comparisons with June 1970, June 1971, and the budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	October 1971	Estimated June 30, 1972 [1]
Agriculture	82,912	84,252	84,267	87,300
Commerce	25,427	28,435	28,035	29,600
Defense:				
Civil functions	30,297	30,063	30,142	31,300
Military functions	1,129,642	1,062,741	1,068,118	1,061,600
Health, Education, and Welfare	102,297	104,283	106,463	102,100
Housing and Urban Development	14,661	16,030	15,989	16,700
Interior	59,349	57,570	57,956	59,100
Justice	38,013	42,662	42,936	46,800
Labor	10,217	11,352	11,928	12,100
State	23,618	23,398	23,224	23,700
Agency for International Development	14,486	13,477	13,175	11,100
Transportation	63,879	68,482	68,532	71,900
Treasury	86,020	90,135	91,629	100,400
Atomic Energy Commission	7,033	6,920	6,887	7,000
Civil Service Commission	5,214	5,324	5,279	5,900
Environmental Protection Agency [2]		5,959	6,489	8,900
General Services Administration	36,400	38,076	37,709	41,600
National Aeronautics and Space Administration	31,223	29,478	28,591	28,400
Office of Economic Opportunity	2,387	2,478	2,086	2,500
Panama Canal	14,635	13,967	14,020	14,900
Selective Service System	6,665	5,569	5,730	6,500
Small Business Administration	4,015	4,004	4,008	4,200
Tennessee Valley Authority	12,657	13,612	13,780	13,300
U.S. Information Agency	9,989	9,773	9,675	9,900
U.S. Postal Service	565,618	564,782	563,122	590,500
Veterans' Administration	148,497	158,635	159,948	160,800
All other agencies	27,420	28,838	30,024	31,200
Contingencies				10,000
Total	2,552,571	2,520,295	2,529,832	[3] 2,589,300
Public Service Careers (Disadvantaged persons in Federal opportunity programs—see table 4, p. 14)		1,899	2,421	
Total	2,552,571	2,522,194	2,532,253	

[1] Source: As projected in 1972 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council, and Atomic Energy Commission.

[3] Does not reflect Presidential order of Aug. 15, 1971 for 5-percent personnel reduction estimated by the Director of Office of Management and Budget on Sept. 9, 1971 at 100,000 governmentwide exclusive of the Postal Service.

NEW DIMENSIONS FOR CAREER TRAINING

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HAWKINS. Mr. Speaker, we are frequently reminded by journal articles about unemployed college-graduates and Ph. D.'s that our educational system is sadly out of balance. For some time now, our young people have been placed under tremendous pressure from parents, teachers, and society in general to "go to college." Our youth has been brainwashed into thinking that the only educational alternatives after high school are college or nothing. There is, of course, a wide range of alternatives available to most of our Nation's youth in 1- or 2-year courses in both public and private institutions.

Two steps must be taken immediately to bring our educational system into balance and maximize the utilization of our vast pool of talented manpower. We must somewhow see to it that the full range of post high school educational options are well known and, second, we must begin to remove the ridiculous stigma attached to not "going to college."

I am submitting for the Members' attention an article that elaborates on these points and suggests one approach to a solution:

NEW DIMENSIONS FOR CAREER TRAINING

(By Galal J. Kernahan)

Some people think they can see themselves in a mirror. They are mistaken. They can best see themselves when gazing out a window.

What they want to be—or fear they might become—in the world somewhere out there reveals more than a looking glass ever could.

A 17-year-old girl waits outside the counselor's office. Within her view across the school grounds, the world rushes by on an expressway.

She sees herself going to college, but she can't really see herself in college. The expense. The tedium. She wants to be out. She wants to be making a living. She wants to make her own way. And she needs to . . . for herself, her family and, in ways she hasn't even thought of, for American society and this nation's economy.

A job soon? But what marketable skills has her college-bound academic program provided her?

The young, black Marine is off-duty at Da Nang in Vietnam. He has time on his hands. When he isn't looking vaguely out the window, he mechanically turns over one card after another from the deck on the table. Commercial transports lift into the sky and wheel off toward Okinawa, first leg of the journey home for returning servicemen.

In six months, he'll be on one of those planes. Going home to what? A good job? Or a long, indeterminate stretch of unemployment? What has he got to sell to an employer? Service in a controversial war? Some ribbons and a good conduct discharge? With that, and luck, he might be able to push a broom.

Can he withstand the resentment eating at him . . . resentment that, multiplied, builds into racial bitterness or an unremitting pressure toward the bottle . . . or the needle?

The son of the government official in a city in India watches what flows down the street

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in front of his home. He is 20 and soon will be leaving for America for technical training. This is what his family wants so, as has always been natural for him, this is what he wants.

But it will be a very different life. His excitement is tempered with misgivings. He knows others who have come back trained, yet, but hurt and disillusioned.

The American consulate has been helpful, but it is hard for him to conceive of doing all the things he must do in a strange land without the advice and guidance of his family. Find a place to live? Buy some kind of transportation, get a license, learn to cope with freeways? Open a bank account? Get properly started in the right school? Understand language and customs "from the inside" where words and actions mean things quite different from their face value?

These three situations point up dimensions of American education until recently too little understood. Each could easily move toward an unhappy ending. Each could produce deep, angry frustration marking the persons involved for life and hurting this country.

It is not that America is without educational resources to give these stories endings full of success and satisfaction. The resources are here, but the process of making available precisely the right educational experiences for the person involved is where problems lie.

American Educational Dimensions, Incorporated, of Orange, California, in solving these problems performs a remarkably effective service for our country.

How is this being done? Think, again, of the girl waiting near the administrative offices for her interview. Her counselor knows that about four-fifths of the students are in traditional academic programs, that only about two fifths will matriculate and only one-tenth will earn a bachelor's degree. Last year, nationwide, two-fifths of the graduates left college to face unemployment or severe underemployment.

Speaking of the huge numbers of young people going on to college, U.S. Commissioner of Education S. P. Marland, Jr., says, "Too many take this step, I fear, because a pernicious conformism infecting our society forces them to flock to campuses to get credentials many really don't need—or, at least, shouldn't need. Given the inflexible law of supply and demand, the flood of bachelor's degrees has inevitably reduced their value as an entree to a good, professional job primarily because there simply aren't that many jobs in the American economy that require a college education."

But the high school guidance personnel are in a bind. They are caught between a discipline-related workload and the demand (from parents, to a large extent) for higher education-oriented counselling.

Fortunately, more and more are turning to A.E.D. for help. One way American Educational Dimensions responds is to provide "Career Days" presentations on high school campuses. Students learn about a wide variety of careers where there are jobs and short-term special training—not four years or more of college—are needed.

A.E.D. administers career interest and vocational aptitude tests on the basis of their own top work choices to students, and then offers individual interviews to those students and their parents to interpret test results. Complete guidance and assistance in everything from the securing of financial aid—if necessary—to placement in accredited technical schools is offered.

These schools have an excellent record of steering their students to jobs. They have to or they don't survive. They are finely attuned to the job market.

The girl waiting to talk with the counselor is lucky. A.E.D. will put a wide window on the future before her at her high school's "Career Day." And she will see herself more hopefully and clearly than she ever imagined.

The Marine in Vietnam will see an end to his boredom and anxiety, too. Through the services of A.E.D., it won't be long before he will get a clear picture of good jobs for which he can train. He has not only the opportunity for thorough testing but, once his choice is made, he can go into a "prestart program" of correspondence instruction that will be topped off with technical training at an accredited school.

Such a procedure benefits everyone. Base commanders know that the more of their men planning and studying for a specific civilian career the less succumb to resentment, racism, alcoholism and narcotics—the curses of military life in too many places. And for every veteran who can end-run what happens in too many cases—the mustering-out line that automatically merges with the line going into the unemployment office—Americans can feel pride in another inroad on one of our most shameful problems: young veterans coldly rejected from earning opportunities for lack of saleable skills.

As the War in Southeast Asia winds down and the men assigned to bases both in the U.S. and overseas continue to turn over, it is absolutely essential that young men have the opportunity to match themselves to and train for jobs that will really be there when they enter civilian life. This is one of the tasks to which A.E.D. has dedicated itself with programs which include, in some cases, bringing civilian career training schools right on to U.S. military installations.

A.E.D. offers a unique range of services to the America-bound foreign student. It includes steps that will halt a phenomenon which has tended to damage both the countries from which overseas students have come and our own nation. Too many satisfied and successful students have stayed in the U.S. creating a "brain drain" for home countries in need of their educated skills. Those experiencing frustration and unnecessary failures in American schools and society have gone home with a bitter picture to share.

Not only will A.E.D. provide aptitude, language proficiency and other testing and counseling, but it will establish acceptance by the preferred institution, coordinate air transportation and lodging—within the rental range desired—before the foreign student leaves for America.

On arrival, he is met, taken to his lodgings, introduced to banking services, presented to officials of his school, aided in getting a driver's license and given four days of special orientation to everything from supermarket shopping to Americanisms that might be a complete mystery to him on the basis of formal English instruction he might have had before. All this is designed to assure his student days will be pleasant and successful.

To assure that he meets his obligation to return with his talents to his native land, two steps can be taken in accord with his government. The air ticket he purchases can be a non-redeemable round-trip ticket. A bond may be posted to be refunded to him or his family only on his return.

William Anthony, president of American Educational Dimensions, Incorporated, believes that a better job of matching educational resources to the needs of students and of society will provide the answer to a host of personal as well as larger economic problems.

"I find myself in agreement with so much of the diagnosis being given today. Men in Congress, business and educational leaders, manpower specialists and economists all concur that too few of our systems and career-preparation patterns harmonize well. Their maladjustment leads to great economic and social loss—to say nothing of the personal toll taken on individuals of the generation now seeking to enter the civilian work force.

"Our A.E.D. programs are precisely designed to defer to all the human factors while applying practical systems to help people prepare for and enter the kind of productive careers that will provide them with satisfaction and strengthen society."

BURLINGTON NORTHERN HEAD SAYS AMTRAK TRAINS ARE STAGECOACHES

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. PELLY. Mr. Speaker, Louis Menk, chairman of Burlington Northern Railroad and an Amtrak board member, has said Amtrak long distance trains are "stagecoaches" and should "die an honorable death," according to the December Newsletter of the National Association of Railroad Passengers. This organization suggests that Burlington Northern is running its trains so late that "perhaps Menk is helping to kill passenger service."

This is strange to us in Congress, Mr. Speaker, because Mr. Menk is not adverse to seeking Federal aid for the freight operation of the railroads. Yet, he makes such statements when serving on the board of an organization, Amtrak, which is charged with promoting passenger train service.

I insert the NARP editorial at this point in the RECORD.

The editorial follows:

ABOUT BURLINGTON NORTHERN'S "STAGECOACHES"

Louis Menk, chairman of Burlington Northern (BN) Railroad and an Amtrak board member, has told *Forbes Magazine* that "The long-distance passenger train is in the same position now as the stage-coach once was to railroading; it is time to let it die an honorable death."

Perhaps Mr. Menk is helping to kill it. Data released by Amtrak shows the BN Chicago-Seattle trains to have a 61.1% on-time (within six minutes of schedule) performance record. The other 38.9% of the time, BN's trains are late an average of 76 minutes per train.

In testimony before the House Interstate & Foreign Commerce Committee, NARP Chairman Anthony Haswell said that such on-time performance is "incredibly poor" and "nothing less than 95% should be considered acceptable."

Maybe Menk and BN want the trains late. Maybe if trains are run like stagecoaches, they will indeed die.

While Menk makes sounds like an ever-eager pallbearer, he is readily accepting cold cash from the supposed corpse. By Menk's own admission to the *Chicago Sun-Times*, Amtrak will save BN $42 million annually. For this reason alone, Menk should be more gracious to Amtrak and its long-distance passenger trains.

Presidents of freight-hauling railroads should call Mr. Menk and politely ask him to shut up. The problems that confront passenger trains—such as high terminal costs, antiquated work rules, worn-out equipment, and a grotesque imbalance in government transportation policies—are also hurting freight operations. Any improvements that can be made in the context of passenger service are bound to benefit freight service.

To say that passenger trains have no future is to suggest that railroading has no future. If that is Mr. Menk's belief, then he should get out of railroading and become president of a coal-hauling barge line. Chances are the barges won't run on time, either.

DANGEROUS TOYS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HARRINGTON. Mr. Speaker, I bring to your attention the following two articles concerning the product safety of children's toys. The first article is written by Carol Young, staff writer for the Bureau of Product Safety concerning bicycles and other toys and the hazards related to these toys. The second is written by Nancy L. Ross, Washington Post, Sunday, December 5, 1971, and discusses the delays in banning toys by the Food and Drug Administration.

Along with the information that I presented in the CONGRESSIONAL RECORD previously—Monday, November 29, 1971, pages 43349 through 43352—and these two new articles, I hope that parents and gift givers alike will be able to make better decisions concerning this problem.

Mr. Speaker, I urge that all who have problems concerning harmful toys will report them to the Food and Drug Administration Bureau of Product Safety—Mr. Malcolm W. Jensen, Director—and that people of Massachusetts contact Mr. Robert W. Kilpatrick, Product Safety Control, U.S. Food and Drug Administration, 585 Commercial Street, Boston, Mass. 02109 or by calling Mr. Kilpatrick, telephone number: Area Code (617)–223-3171.

The material follows:

PLAYING SAFE IN TOYLAND

(By Carol Young)

Gifts of toys are tokens of love. It is important that they be chosen with care. It is tragic when a toy, meant to bring happiness, seriously injures a child.

Protecting children from unsafe toys is one of the responsibilities of FDA's Bureau of Product Safety. The Child Protection and Toy Safety Act of 1969—which became effective in January 1970—empowers the Food and Drug Administration to remove and keep from the market toys and other children's products with electrical, mechanical, and thermal hazards.

How big is the hazardous toy problem? How many children are injured? Toy-associated injuries accounted for less than 5 percent of over 120,000 reported injuries in and around the home compiled for a year's period from FDA's injury surveillance system. This system includes reports from 130 hospitals in 31 States.

Bicycles were involved in the majority of the toy-associated injury cases. Other vehicle-type toys, such as roller skates, sleds, and tricycles were linked with most of the rest of these injuries. Dolls, homemaker items such as toy stoves and irons, stuffed animals, chemistry sets, and molding equipment accounted for less than 1 percent of the reported cases.

Almost half of the total reported injuries to persons involved live animals, personal use items, and environmental factors. Next in number were injuries associated with buildings and their fixtures and furnishings.

No law can protect a child completely from all dangers. Complete surveillance of the toy market is impractical due to its size. There are approximately 1,200 toy manufacturers in the country producing an estimated $2.5 to $3 billion in toys each year and there are approximately 83,000 entries of imported toys each year.

With limited money and manpower resources diverted from other product safety programs to toy safety activities, FDA has obtained voluntary modifications or removal of 24 toys from the market. In addition, about twice this number are now under investigation for possible voluntary action. FDA also conducted a retail level toy survey across the country in December which reaulted in the banning of 39 toys from sale.

Protecting children from unsafe toys is a parental as well as a governmental responsibility. Consumers should exercise sound buying judgment. Consideration should be given to the age and size of the child, his ability, and the area in which he plays with his toys. The ages of other children in the family also should be considered. A toy that is safe for one child may be dangerous in the hands of an unsupervised and less skillful younger brother or sister.

Toy buyers in the family should reject those with obvious hazards—sharp points; rough or unfinished surfaces; small, detachable parts that may be swallowed; brittle plastic or glass that breaks easily and leaves sharp edges that may cut; poorly constructed toys with sharp spikes or pins that are exposed when the toy is pulled apart by a curious child; toys with triggers, gears, or other parts activated by a spring or motor that may pinch fingers or catch hair.

Toys that feature exposed flame in use or are made of combustible materials should be avoided. Chemistry sets, rocket kits, and similar toys should be bought only for children old enough to handle them wisely. The minimum age recommended by the manufacturers of such toys should be heeded.

Since wires can wear through, electric toys such as trains and "home appliances" for little girls should be checked periodically. Such toys should not be purchased for the very young. A child should be shown how to insert a plug safely into an electrical outlet and how to unplug the cord.

Special care must be taken with toys that have trailing loops and cords. A child should be taught never to put these loops or cords around him in such a way that they may trip or choke him. Toy arrows should be tipped with some soft substance that cannot be removed. Care must be taken with suction tips. They can come off and expose dangerously sharp ends.

Care also must be taken with balloons—they can choke a child if accidentally taken into the windpipe. Whistles and toy instruments should not have parts (mouthpieces for example) that can be easily detached. Children should be taught to sit or stand still when playing toy musical instruments. A push or fall can cause serious mouth or throat injury.

A large number of bicycle injuries result from misuse and could be prevented if parents took the time to teach their children some of the commonsense rules for riding. Bicycle riders should be taught to obey all appropriate traffic regulations, lights, stop signs, and one-way streets; to slow down at intersections, look both ways, and proceed with caution; to give pedestrians the right-of-way; to ride single and single file; to "play it straight" in traffic and leave stunt riding and racing for open areas free of traffic; and to never hitch a ride on other vehicles.

In a special study conducted on bicycle injuries, "horseplay" and colliding with obstructions were the two leading factors found to contribute to accidental injuries among the group studied.

Parents should make certain that a bicycle is the right size for the child to handle properly and that it's equipped with headlight and reflector, if it's to be ridden after dark. It also should have a bell or horn, chain guard, brakes, pump, and mirror. And it should be kept in good condition.

FDA currently is developing safety standards for electrical, mechanical, and thermal toys and will insure compliance by monitoring factories and retail outlets where toys are sold. The Agency also is working with manufacturers to correct possible structural or design hazards reported by consumers.

With these activities, and with consumers exercising sound judgment in making their selections, and giving proper instruction to children to use toys and games as they were intended to be used, toys can be the source of enjoyment instead of tears.

[From the Washington Post, Dec. 5, 1971]

PLAY ANYMORE THE FDA'S SEARCH FOR TOYS THAT HURT

(By Nancy L. Ross)

Last year at this time Consumers Union was engaged in an eleventh-hour court battle to force the Food and Drug Administration to remove eight toys it deemed particularly dangerous from store shelves before Christmas. The FDA finally issued a list of 39 banned toys, including several named by CU, on Dec. 21, 1970.

Stung by public criticism, the agency set up a comprehensive program to find, review and, where necessary, recall or ban outright hazardous playthings. During the past twelve months, its Bureau of Product Safety, working under the Child Protection and Toy Safety Act, which went into effect in January 1970, has passed on nearly 1,000 toy samples. Of these it has either banned or asked the manufacturer to redesign some 250.

In addition manufacturers have voluntarily corrected 100 more toys. For example, Etch-A-Sketch, a popular toy whose glass surface shattered, injuring children on at least 22 reported occasions, was redesigned with a shatter-proof plastic top. Thus it does not appear on the banned list.

In some cases only relabeling was required. Lawn darts, for example, which are known to have caused two deaths through piereced skulls, were not withdrawn from sale; rather, they were simply relabeled for adult use.

How effective has this voluntary program been in eliminating dangerous toys from among the 5,000 new ones that come on the market each year, from stores whose inventory may list 12,000 separate play items? How effective has this program been in reducing the number of toy-related injuries which the U.S. Public Health Service estimates total 700,000 annually. And what about the millions of possibly dangerous toys still in home toy boxes?

At a press conference Nov. 5, FDA Commissioner Charles C. Edwards summed up his agency's efforts thus: "I would not presume to say that we are satisfied with our accomplishments, but I do think we have made a significant start."

An antipodal viewpoint is that of Edward M. Swartz, the Ralph Nader of the toy industry. In a telephone interview from his Boston law office, the author of "Toys That Don't Care," said, "The situation is no better. (The FDA) has moved against certain toys, but others just as dangerous have replaced them." He called manufacturers' response to the question of safety "totally self-defensive and totally irresponsible."

The toy industry, which recently put Swartz's picture on a trade magazine with the caption, "Will the Spoiler Spoil Christmas for 1971?" has begrudgingly started to change its attitude. Toy Manufacturers of America, Inc., whose members account for more than 65 per cent of the approximately $3 billion plus annual dollar volume of toys sold in the USA, now points with pride to its 10-month-old Toy Safety Assurance Program.

XUM

With the aid of Arthur D. Little Co., consultants, TMA will establish standards to be submitted late this year or next to the National Bureau of Standards. Once reviewed by consumer, retailer and federal groups, these standards will form the basis of a voluntary product standard issued by the Commerce Department. The process is slow and bureaucratic, the final result inevitably a compromise.

With the same breath TMA maintains toys are not as dangerous as the government estimates indicate. (The accuracy of the 700,000 figure will be tested scientifically for the first time next year when the FDA's National Electronic Injury Surveillance System becomes fully operational. The system, inaugurated last July, receives daily reports of home accidents from the emergency rooms of 119 hospitals and uses the data to make projections for the entire country.)

Toy wholesaler and retailer Lloyd Raport feels caught in between government, consumer and industry pressures. Raport, who is president of Juvenile Sales, a suburban Washington chain, criticized some public interest groups for acting last year "without adequate research." He is now cooperating with four groups to spot unsafe toys. He faulted the FDA, once it had done its own testing, for not notifying him and others like him of which toys it had found dangerous. He promised to get a copy of the FDA list and remove any offending toys from his own stock.

Raport has gone a step farther and of his own accord banned from his shelves projectiles like slingshots and peashooters which he considers dangerous even though they do not now appear on FDA's list. (The agency is still working on velocity and sharpness standards for projectiles, and punctures as well as standards for cribs, bicycles and other toys.)

Consumers Union, unlike last year, is adopting a "wait and see" attitude on enforcement of the FDA ban. The organization has decided instead to press the agency of what it considers long overdue regulations on thermal-electrical toys.

FDA engineers cite the very technical nature of the standards as a reason for the delay. The standard, as now proposed, would allow, for example, a maximum of 140 degrees F. for unmarked metal surfaces, higher for non-heat conducting materials like wood. Eighteen months ago Consumers Union called public attention to children's ovens in which the temperature can rise to 660 degrees. Such items are still on the market.

With its equivalent of 15 toy inspectors nationwide, the FDA cannot police Christmas shopping. Malcolm Jensen, director of Product Safety, admits some of the banned toys are probably still being sold in the stores. So, unless consumer vigilantes take it upon themselves to clear the shelves of unsafe toys a la Carrie Nation, the burden of trying to assure safety falls this year as it always has on parents.

Fortunately, all parties interviewed agree, the publicity on this issue has made the buying public more aware this year. The major TV networks have carried stories as have newspapers. Swartz helped put together a four-page color spread in Life magazine. And consumer groups have put out guidelines on what to avoid when buying toys.

LABOR UNIONS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, a constituent of mine, Mr. Arthur J. Grice, of Falls Church, Va., who recently retired from Federal service after 36 years of combined military and civilian service, has asked that I insert in the RECORD the text of a letter he wrote recently to the President expressing his concern about the excesses of certain leaders of the labor movement in the country. While I do not agree completely with Mr. Grice's position, I do believe he has made some excellent points that will be of interest to all who read this RECORD.

FALLS CHURCH, VA.,
November 22, 1971.

President NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: I want to commend you for your Forthright speech to the Labor Union Leaders at their Convention last Friday, and especially your remarks to Mr. Meany (that's a good name for his Disposition). Sometimes I think that He thinks that He is President of the U.S. and he gets so upset if anyone dares speak of him or his unions in a derogatory manner.

I recently Retired from the Federal Government Services, (22 years 3 Months in the U.S. Navy and 14 years in the Library of Congress) so I never became a Union member. I was in favor of the Labor Unions and what they were doing back in the thirties, because they were trying to get the Employees better working conditions; Shorter Hours, Outlaw Child Labor, better lighting and air conditions in Industry Buildings, more and better Safety Controls and the like. These progressive moves did not make the Management go Broke or cause Inflation.

For the past twenty years or more the Labor Union Leaders have become Big Bosses and keep demanding More and More and usually its Pay Raises. They aren't as interested in working conditions and safety precautions as they are the Pay Hikes every year or so. When I refer to the pay raises I don't mean an average decent raise, I mean they want from 20 to 40 percent raises each time a year or so rolls by. So it turns out that the only Reason for the big Labor Union Leader to stay in office is to Obtain high Raises for the Employees. That's why they get so angered anytime someone mentions Wage and Price Controls or Guidelines. I think that the Management could have an agreement directly with the Employee Guaranteeing them a continuous Raise according to the climb in Prices (Monitored by the Government) then there would be no need for the employees to Support those Expensive Labor Leaders. Can anyone imagine the cost to the employees in Union dues to take care of all the numerous buildings, the Ivory Towers of the Heads of the Labor Union Leaders and most of all the Disgraceful Salaries The Leaders receive.

If the Union Leaders really want to help the country, why don't they get together and say to the Management "we want a Decrease in pay of 30% and we want Management to lower the prices of his Product or Fares 30%. His employees would then have the same purchasing power; in addition the Management would be able to sell more of his Products abroad and this would enable him to Hire more people, aiding the Unemployment situation. This would also ease the Inflation Problem.

It seems to me that The Labor Union Leaders have gotten too big for Their Britches and are causing too much anguish for the country by continuously demanding high Raises every Year or eighteen months. I have often said that I believe the Labor Union Leaders have caused the Presidents more worry and fret during the last twenty years than Russia with all its Mighty Power for War. It's a shame that because of the High Wages Demanded by the Union Leaders, we are unable to sell our products abroad, and in fact the man on the street has to buy many of his Products that were made in: Italy, Germany, Japan and elsewhere because the Producer here in the U.S. cannot sell his products at such low prices and pay the high Wages demanded by the Labor Union Leaders.

What the Union Leaders Realize but never tell their Employees is that when they go out on strikes demanding such high raises they are contributing Much to the Misery and Poverty Problems Because: Millions who are not getting these raises in pay suffer. People with low incomes, Retired people, people on Social Security and those who worked hard all their life to have a few savings for their old age find they can afford very little at present day prices. If the Doctors, Nurses, Hospital attendants, and the Armed forces went on a Long Strike I can imagine the Loud Grumbling of the Union Leaders "Those People have no regard for Humanity".

Now; when one complains about a Situation, He or She should always come up with a Solution if possible. I know that my Recommendations will Scare the Pants off Congressmen and probably the administration, because the Big Union Leaders have tried to convince all political Leaders that they cannot win an election without the backing of the Union Leaders. (I am sure this is not so if the Congress and the Administration would explain to the Unions what is really being done to them by the Union Leaders) My solution is "outlaw the unions, they have out lived their Services to the Nation and are Making a Mockery of our Government. The same way that the Government can Control Monopolies from Merging and becoming too big for the good of the Nation, they can Do away with the Unions or at least Outlaw Many of their Actions. Why should one Union go on Strike in Support of another. I know the Union Leaders Must have a System because it seems that they arrange the Strikes Consecutively, and at least every eighteen months it's time for the first Union Striking to start the whole shebang again.

The Union Leaders even take it upon themselves to Decide who should sit on the Supreme Court. They say the Nominees are not Qualified. Well what are the Union Leaders qualified for. Why don't they spend some of their time in the Plants, Factories, or other places where their Members are employed and ask them to do a better job. Has anyone bought a automobile, had an Electrical job performed, purchased an appliance or used the transportation Systems and gotten one hundred percent Perfection? Usually when you buy a car you can bet your life you will make several trips back to the Dealer before the car runs and performs well. I have heard of the Labor Union Leaders making no Statements regarding the half-Vast performance of the union members who are building these Products and maintaining the Services such as the Teamster Union.

As a closing note, I would say that the Congress, the Administrations, and yes, all of us are partially to blame for this Growth of Power of the Labor Union Leaders. We have let them go from "asking for Raises etc" to "I Demand that you Give me this, that and the other" or I will Close down The Country. In the same way that the Police Force in Washington Showed the Demonstrators Recently that they were not going to shut down the Government work, The Federal Government should show the Union leaders that They are not going to Shut down the progress of this Nation.

Respectfully yours,

ARTHUR J. GRICE.

VENEREAL DISEASE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BADILLO. Mr. Speaker, I was recently impressed with the action of station WNEW in New York City which, under the direction of Bob Kivelson, has devoted approximately $16,000 worth of prime time during the week of October 17-23 to bring to the public's attention the alarming increase in venereal disease.

The station devoted its entire Sunday news closeup hour to the subject of venereal disease on October 17. During that time Dr. Vernal G. Cave, director of the Bureau of Venereal Disease Control, New York City Department of Health, and two of the bureau's epidemiologists, George Buynoski and Mrs. Barbara Spillane, discussed the problem with Mike Stein, the news director. The panelists also took calls from listeners which were aired live. Moreover, after the program was off the air, the panelists stayed on the phone for another hour to answer questions from concerned listeners.

Throughout the week of October 18 through October 23, the questions and answers on the subject of venereal disease were aired every hour around the clock, 24 hours a day on WNEW–AM/FM. The material for the campaign was provided by five or more members of the venereal disease staff who were brought in from the various clinics in New York City to man the phones and answer the listeners' questions. Each of the station's normally scheduled programs participated in the campaign by announcing that the department of health representatives were available during their show. In addition, to give this material the largest possible exposure, Metromedia promoted it on its own air, on its television station WNEW–TV, and in newspapers and magazines.

The result—an estimated 15 million listeners that week received the venereal disease message.

I believe that WNEW deserves a public commendation for its action. I am certain that much good was accomplished during its week-long campaign in New York City and I believe that other stations throughout the Nation could profitably emulate the station's example.

For the information of my colleagues, I am inserting in the RECORD the introductory material used by WNEW to kick-off this outstanding program:

VENEREAL DISEASE

Good evening, I'm Bruce Charles and this is Sunday news close-up. Tonight WNEW begins a week-long examination of the problem of venereal disease. And calling venereal disease a problem is putting it mildly. For the blunt truth is that venereal disease today has reached *epidemic* proportions. Someone is infected by it every two minutes. Or, to put it another way, thirty people will have contracted some form of V.D. before this program is over. Some of them will go blind. Others become insane. Some may even be killed by venereal disease. And the real tragedy is that none of it *needs* to happen. V.D. is easily prevented. Once contracted, the cure is simple and painless if caught early enough. Then why is V.D. on the increase? One of the reasons is that it's the disease no one wants to talk about. The social disease that people are ashamed to discuss. Well, we intend to break through that barrier tonight and all this week on WNEW. Joining our news director, Mike Stein, in the studio tonight are three people whose careers are devoted to the prevention and cure of V.D. They are Doctor Vernal Cave, director of the Bureau of Venereal Disease Control of New York City's Department of Health; George Buynoski, senior epidemiologist of the bureau, and Barbara Spillane, also an epidemiologist with the bureau. We're going to talk to them about V.D. But far more important, we're going to let you talk to them about V.D., to call us here in the studio and ask your own questions. Now here's Mike Stein.

THE INTERNATIONAL COMMISSION OF JURISTS, VIOLATIONS OF HUMAN RIGHTS AND THE U.N.

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 3, 1971

Mr. FRASER. Mr. Speaker, John Salzberg, executive secretary of the American Association for the International Commission of Jurists, has addressed himself to the human rights violations inherent in the tragic East Pakistan situation. In a letter to the editor of the New York Times printed September 20, 1971, and in a statement delivered before the Consultation on the American Response to Events in East Pakistan held in Washington, D.C., November 10 to 12, Mr. Salzberg expressed the International Commission of Jurists' resolve to press for more effective United Nations action when violations of human rights are reliably indicated.

Mr. Speaker, I commend this action. The New York Times' comment cited in Mr. Salzberg's statement illustrates that the grossest human rights violations can be forgotten. The Times referred to the rights violations in East Pakistan as "crimes against humanity unequalled since Hitler's time." A November 10, 1971, Times dispatch from Jakarta, Indonesia says:

In 1965, more than 100,000 suspects were believed jailed and as many as 300,000 killed following the Suharto take-over and the banning of the Communist party.

One hesitates to compare crimes against humanity when dealing with incidents involving hundreds of thousands of deaths; but it is sad but true that we do not have to look back to Hitlerian Germany for inhumanities on the scale now occurring in South Asia.

This points up the fact that there must be an effective U.N. institutional mechanism to, in Mr. Salzberg's words, "utilize the techniques of quiet persuasion, mediation and conciliation which are generally not available. . . ." Concern over human rights violations must be institutionalized. Otherwise the positive benefits of the nongovernmental organizations' intervention mentioned by Mr. Salzberg not only will be for naught but even the fact of a gross violation of human rights and lessons we can learn from such incidents—such as that of 1965 in Indonesia—will be overlooked even by those—such as the Times—sympathetic to improved U.N. performance in the area of human rights.

The several articles follow:

[From the New York Times, Sept. 20, 1971]

PAKISTAN AND THE U.N.

TO THE EDITOR: The tragic developments in East Pakistan dramatize the weakness of the United Nations in situations in which gross violations of human rights are alleged to have occurred. The U.N. has persisted in treating the problem as solely a humanitarian one, providing relief assistance to the victims. Such relief assistance is, of course, an immediate necessity, but as long as the human rights of the people of East Pakistan are ignored, a solution of the problem will be impossible.

As representative of the International Commission of Jurists I spoke before the U.N. Subcommission on the Prevention of Discrimination and Protection of Minorities last month, urging that it consider whether there was a consistent pattern of violations of human rights in East Pakistan, from whatever source. The Economic and Social Council has authorized the subcommission to report such situations to the Commission on Human Rights. Earlier, 22 international nongovernmental organizations made the same request.

The subcommission's response to my statement was disappointing. Although officially a body composed of independent experts, most members were bound by their governments' wishes. Branimir Jankovic of Yugoslavia was the only member to assert that the subcommission could not ignore a situation involving the lives of so many people. The Pakistani member argued that the situation was political and therefore outside the jurisdiction of the subcommission. Don't all massive violations of human rights have political implications?

I believe the U.N. must improve its capacity to investigate massive violation of human rights, a capacity now subject to the whims of international politics. The U.N. has thoroughly investigated racial discrimination in South Africa and the alleged violation of human rights in the Israeli-occupied territories. These were considered politically acceptable topics. Yet in other situations of at least comparable magnitude in terms of human suffering the U.N. remains mute.

What hope is there that the U.N. will take a more forthright stand on the question of massive violations of human rights? It has finally adopted procedures for reviewing the communications on human rights sent by individuals and groups. However, the subcommission will be responsible for the initial recommendation, and the political factors that led to its reticence in the case of East Pakistan may prevail.

The General Assembly will be considering at this session a proposal adopted by the Economic and Social Council for a High Commissioner for Human Rights. The independence of his office may enable such a commissioner to take initiatives the political organs would hesitate to do. In the long run, member states of the U.N. must recognize that governments are not immune from criticism when they flagrantly violate the rights of their citizens. Otherwise the U.N. will lose the support of its real constituency, the peoples of the United Nations.

JOHN SALZBERG,
Executive Secretary, American Association for the International Association of Jurists, Inc.

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[From the New York Times, Nov. 10, 1971]

JAKARTA OPENING POLITICAL PRISONS

(By James P. Sterba)

JAKARTA, INDONESIA, Nov. 9.—The Indonesian Government, appearing confident of political stability, says that it is speeding the release of thousands of political prisoners jailed without trial in 1965 when General Suharto assumed power following an abortive Communist coup.

Government officials say that by the end of December, they will have released this year about 50,000 people suspected of having been Communist sympathizers, leaving 35,000 suspected Communist leaders and activists still jailed.

In 1955, more than 100,000 suspects were believed jailed and as many as 300,000 killed following the Suharto take-over and the banning of the Communist party.

Since then, the Command for Security and the Restoration of Order has made almost daily arrests of persons suspected of being Communists or believed associated with the attempted coup.

CATEGORIES OF PRISONERS

Since 1965, the prisoners have been classified in categories—A, B or C, depending on the Government's degree of suspicion. Minor suspects, forming category C, will all be released by the end of the year, according to the Attorney General, Brig. Gen. Sugih Arto. Two years ago, General Arto said, 69,000 prisoners were in category C.

President Sukarno, the Indonesian independence leader, surrendered his powers to General Suharto, the Defense Minister at the time, after an attempted coup of 1965. President Suharto has since then officially followed a policy of nonalignment and has sought accords with the West and with China. Mr. Sukarno died last year.

About 5,000 prisoners in category A, having had "prime suspect" roles in the attempted take-over, will remain in jail awaiting trial. Over the last six years, only about 30 of these suspects have been tried every year.

The 25,000 to 30,000 others are classified as category B, "hard-core activists," or are unclassified.

A THIRD SENT TO ISLAND

Because there were too many of these prisoners to try, and also because the Government appears to have little evidence on them, about a third have been transferred to Buru Island in the remote eastern region of Indonesia. Government officials say the rest will be screened and either moved to Buru or gradually released.

On Buru Island, the prisoners have reportedly been given land and equipment to set up farming communes. The Attorney General said their wives would be allowed to join them soon but that many of the wives were afraid to go because they did not think they could ever return.

About half the wives, General Arto said, told him that they planned to divorce their husbands. Two officials of the International Red Cross visited Buru Island earlier this year and pronounced the prisoners in good health and well fed. Thus far, reporters have not been allowed to visit the island.

General Arto said that the Buru Island prisoners were growing food on more than 1,000 acres and had built a hospital staffed by six doctors and 24 nurses.

THE UNITED NATIONS RESPONSE TO HUMAN RIGHTS VIOLATIONS IN EAST PAKISTAN: A CASE STUDY OF THE UNITED NATIONS CAPABILITY TO DEAL WITH HUMAN RIGHTS VIOLATIONS

(The following speech was delivered by John Salzberg, Representative to the United Nations for the International Commission of Jurists, before the Consultation on the American Response to Events in East Pakistan which was held in Washington, D.C., November 10–12, 1971. The speech outlines the efforts to bring before the UN the reports of violations of human rights in East Pakistan. The failure of the United Nations to respond to these efforts illustrates the critical need for the UN to improve its capacity to deal with violations of human rights.)

Since March 1971, an estimated 200,000 persons have been killed in East Pakistan as a consequence of the dispute between the elected leaders of East Pakistan, the Awami League and its leader Sheikh Mujib Rahman, and the government of Pakistan. *The New York Times* has referred to the violations of human rights in East Pakistan as "crimes against humanity unequalled since Hitler's time." The press has been replete with various accounts of the atrocities. If these accounts be true, then it is apparent that the Pakistan army has pursued a deliberate policy of brutality against the peoples of East Pakistan, particularly Hindus, members of the Awami League, and students and faculty members of the universities. Responsible journalists and political leaders, such as Senator Edward Kennedy have termed the Pakistan army's policy as one of genocide. This policy, according to recent press accounts, is continuing in effect at the present time. In fairness, it should be mentioned that it has also been reported that Awami League militants have been responsible for atrocities committed against sympathizers with the government of Pakistan.

What has been the response of the United Nations to these various reports of gross violations of human rights in East Pakistan? What has been the response of this world organization, which was established by the peoples of the United Nations with one of the basic reasons for its establishment being "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." The United Nations is committed under Article 55 of the Charter to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." Furthermore, under Article 56, "All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55." Are the United Nations human rights Articles applicable to the situation in East Pakistan? Has the United Nations in the course of its twenty-five year history developed machinery for the effective application of these human rights Articles in cases such as East Pakistan? This speech describes the United Nations response to the reports of human rights violations in East Pakistan since March 1971 and suggests possible future United Nations action.

NONGOVERNMENTAL ORGANIZATIONS' APPEAL TO THE SUBCOMMISSION ON DISCRIMINATION AND MINORITIES TO CONSIDER HUMAN RIGHTS VIOLATIONS IN EAST PAKISTAN

Ambassador S. Sen, the Permanent Representative of India to the United Nations, brought the question of respect for human rights in East Pakistan before the United Nations for the first time in a speech he delivered to the Economic and Social Council on May 12th, 1971. Ambassador Sen stated that "the large-scale massacre, senseless killings of unarmed civilians, including women and children, brutalities and atrocities committed on a massive scale, widespread burning and destruction of property and the multitude of indignities inflicted on the people of East Bengal constitute a problem of such magnitude that international conscience must be roused and international effort must be made to restore some semblance of civilized existence in this part of the world." He called on the Economic and Social Council to express its opinion on the events in East Pakistan. The Economic and Social Council did not respond to India's appeal, nor have other organs of the United Nations responded to similar appeals by India.

Certain international non-governmental organizations in consultative status with the Economic and Social Council thought that perhaps an intervention on their part regarding the situation in East Pakistan might evoke a different response. India's intervention could be interpreted as being motivated by political purposes vis-a-vis Pakistan, whereas a non-governmental intervention could only be interpreted as a humanitarian action.

Twenty-two international non-governmental organizations (NGO's) submitted on July 20th a written communication to the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities, calling upon that organ to examine at its session to be held in August "all available information regardless the allegations of the violation of human rights and fundamental freedom in East Pakistan" and "to recommend to the Commission on Human Rights [its parent body] measures which might be taken to protect the human rights and fundamental freedoms of the people of East Pakistan" This nongovernmental initiative was led by Donald Keys, Representative to the United Nations for the World Federalists, and by the International Commission of Jurists. The twenty-two international organizations represented a variety of religious, educational, youth, legal, social and civil organizations. Dr. Homer Jack, Secretary-General of the World Conference of Religion for Peace, lobbied persuasively on behalf of the NGO petition at the Sub-Commission's session.

The Sub-Commission on the Prevention of Discrimination and Protection of Minorities was the most appropriate United Nations organ to consider this communication. The Commission on Human Rights had authorized the Sub-Commission in 1967 "to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms." In addition, the Commission authorized the Sub-Commission to prepare a report "containing information on violations of human rights and fundamental freedoms from all available sources." The Economic and Social Council approved these decisions and, in addition, authorized the Commission on Human Rights "to make a thorough study of situations revealing a consistent pattern of violations of human rights and to report, with recommendations thereon, to the Economic and Social Council." Surely, in the light of these resolutions and the Sub-Commission's special concern for discrimination and minorities, that organ was obliged to give serious consideration to the reports of human rights violations in East Pakistan.

The Sub-Commission was also an appropriate organ to consider in East Pakistan situation in terms of its composition. Most United Nations organs are composed of representatives of states: the representatives are, of course, bound to follow their governments' instructions. The Sub-Commission is composed of individuals serving in their personal capacity. Hopefully, they are less influenced by political considerations which all too often influence the views of representatives of governments when considering human rights questions at the United Nations.

As the Representative of the International Commission of Jurists I spoke before the Sub-Commission on August 16th and appealed to the members to consider the reports of violations of human rights in East Pakistan. Reports of violations from various sources were cited, but no judgment was made on the actions of the government of Pakistan or of the Awami League. I emphasized that the Sub-Commission did not have to make a final judgment on the situation, but in terms of its authorization by the Economic and Social Council was only obliged to decide whether the situation appears to reveal a consistent pattern of violations of human rights on the basis of available information.

The Sub-Commission responded with silence. Although officially a body composed of independent experts, most members were apparently influenced by their governments' positions. The only member to speak in favour of considering the events in East Pakistan was Mr. Branimir Jankovic of Yugoslavia who said that:

"It did seem . . . that when faced with a situation affecting tens of thousands of persons, members were inclined to suppress their feelings and consciences. But in such a situation, the Sub-Commission should not remain silent. It was true that, being a body of experts on human rights, it could not deal with the political aspects of the question. Nevertheless, it could not ignore the mass destruction of human life, particularly when women, children and old people were involved."

One member noted in private that members could not take action necessary to their government's position without jeopardizing their chances for renomination to the Sub-Commission by their governments.

The NGO intervention was not without some benefits both in connection with the situation in East Pakistan and with respect to the general capability of the United Nations to deal with violations of human rights. In connection with East Pakistan, the oral intervention of the International Commission of Jurists forced the Pakistan member of the Sub-Commission to answer the charges of violations of human rights and, to that extent, made the Pakistan government accountable to the United Nations for its actions in East Pakistan. The report of the Sub-Commission to the Commission on Human Rights describes the discussion which took place, and the Commission on Human Rights might decide to give the matter further consideration when it meets in February.

In connection with the general capability of the United Nations to deal with violations of human rights, the NGO written communication and oral intervention establishes a precedent for NGO's in the field of human rights violations. Generally, NGO's are not permitted to submit as official UN documents statements referring to violations of human rights in specific member states of the United Nations. This type of communication is normally treated as a confidential communication, seen only by the UN Secretariat and the member state concerned. In this case, however, the NGO statement was circulated to all member states of the United Nations.

The oral intervention by the International Commission of Jurists went further than the written statement in that it cited specific reports of violation of human rights. The NGOs will want to make judicious use of this precedent when situations occur that are similar to the situation in East Pakistan. In view of the reluctance of governments to report on human rights violations by other states, in many cases, NGO interventions may be the only way in which some situations of gross violations of human rights are brought to the attention of the United Nations.

PAKISTAN'S RESPONSIBILITIES AS A STATE PARTY TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Completely unnoticed by the press and critics of Pakistan's policies is the fact that Pakistan is a state Party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention which has been hailed by scholars in the field of international human rights as the most advanced UN convention in the field of human rights. The Convention defines the term "racial discrimination" as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." The Convention clearly applies to the situation in East Pakistan whose people are of a different ethnic origin from the people of West Pakistan. Under the Convention each state Party "undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation." The Convention specifies a variety of rights that state Parties are obliged to guarantee including "the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution." The Convention also guarantees political rights such as the right to vote and to stand for election and equal treatment before the courts.

The Convention provides for a Committee on the Elimination of Racial Discrimination which consists of eighteen experts who serve in their personal capacity. The Committee is to review reports submitted every two years by the states Parties to the Convention and may request additional information from the states Parties. Furthermore, the Convention provides that "if a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee." If the dispute between the two states Parties is not resolved, an *ad hoc* Conciliation Commission may be established which will investigate the situation and make "such recommendations as it may think proper for the amicable solution of the dispute."

Indian and Pakistan are both states Parties to the Convention. The Committee on the Elimination of Racial Discrimination has met twice since the events of March 1971 and will meet again in February 1972. The Committee considered the Pakistan report at its April session and decided the report was inadequate and requested the government of Pakistan to submit additional information. The Committee did not specify in what particular areas the Pakistan report was deficient. Pakistan failed to submit the supplementary report requested in time for the September session of the Committee. The Committee did not make any mention of this omission in its report to the General Assembly. Clearly, the Committee could have given detailed instructions to Pakistan on the information desired, as it did with Greece. Also, it could have drawn attention to the General Assembly the fact that Pakistan had not submitted its supplementary report. In contrast, the Committee did draw to the General Assembly's attention the situation in Israeli-occupied Golan Heights, as reported by Syria; and the situation in the U.S. Panama Canal Zone, as reported by Panama.

The states Parties to the Convention (now totaling fifty-six) have also been remiss, since none of them have submitted a complaint that Pakistan is not respecting the Convention. If any of the states Parties were to initiate such a complaint it would bring into being the Conciliation Commission which would investigate the facts fully and make recommendations. One wonders why India has not made such a complaint. A complaint under the Convention is certain to bring about an investigation since the Conciliation Commission would be established even if Pakistan objects to its creation. Furthermore, the Commission's recommendations would have greater influence with Pakistan as compared with recommendations by UN organs (which in any case are not forthcoming) since the Commission is provided for under a Convention of which Pakistan is a state Party.

SELF-DETERMINATION FOR EAST PAKISTAN

The UN Secretary-General noted in his recent introduction to the report of the Secretary-General on the work of the Organization that problem "to which as yet no acceptable answer has been found in the provisions of the Charter, is the conflict between the principles of the integrity of sovereign States and the assertion of the right to self-determination, and even secession, by a large group within a sovereign State. Here again, as in the case of human rights, a dangerous deadlock can paralyse the ability of the United Nations to help those involved."

The United Nations has been a fervent advocate for the right of self-determination for colonial territories but has refused to consider the application of this right to peoples living within a sovereign independent state. The UN did make an exception in the case of the Black Africans in the Republic of South Africa who have been subjected to gross discrimination including the exercise of their political rights. Should not the United Nations make provision for the exercise of the right of self-determination for similar situations in which the persistent persecution of a people voids a state's claim to its territorial integrity?

Krishna Menon, the former Foreign Minister of India, spoke in September before the UN's Special Committee on Colonialism as the representative of the World Peace Council. He appealed to the Committee to consider the situation in East Pakistan which he considered a case of one country oppressing another. He asserted that the people of East Pakistan have the same right of independence as do any other people. The Special Committee did not respond since the General Assembly has not classified East Pakistan as a colonial territory.

PROSPECTS FOR THE FUTURE

The United Nations has so far failed to give any serious attention to the human rights implications of the events in East Pakistan. The UN has taken various measures to provide relief both to East Pakistan and to the East Pakistan refugees in India. These measures, however, are not directed at the *fundamental* requirement for resolving the conflict, which is *respect for the human rights of the peoples of East Pakistan.*

NGO representatives to the UN can continue to press for UN consideration of the reports of violations of human rights in East Pakistan. The Committee on Racial Discrimination will be meeting in February and should require Pakistan to file a full report. The Commission on Human Rights will also be meeting in February. The Sub-Commission on the Prevention of Discrimination and Protection of Minorities will be meeting in August. A working group of that organ will meet just prior to the session to sift through the communications from individuals and groups alleging violations of human rights and to indicate to the Sub-Commission whether any situation appears to reveal a consistent pattern of violations of human rights. The Sub-Commission may refer such situations to the Commission on Human Rights, which can conduct a thorough study of such situations and make recommendations to the Economic and Social Council. To make these procedures operative for East Pakistan, it is important that communica-

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tions be sent to the UN from persons who have witnessed atrocities in that area.

The International Commission of Jurists continues to press for a more effective UN in the field of violations of human rights. We are presently urging the UN to create an Office of High Commissioner for Human Rights. This proposal is presently before the General Assembly. The High Commissioner would be able to take initiatives with respect to difficult human rights situations. He would utilize the techniques of quiet persuasion, mediation and conciliation which are generally not available to a legislative body. He would be less susceptible than other UN organs to political considerations.

Secretary-General U Thant has expressed his own personal conviction on the importance of the respect for human rights in the work of the United Nations and the need for a more effective UN in the field of violations of human rights:

"I feel more strongly than ever that the worth of the individual human being is the most unique and precious of all our assets and must be the beginning and the end of all our efforts. Governments, systems, ideologies and institutions come and go, but humanity remains. The nature and value of this most precious asset is increasingly appreciated as we see how empty organized life becomes when we remove or suppress the infinite variety and vitality of the individual.

"In this connexion I feel obliged to mention a problem which has been almost daily in my mind during my time as Secretary-General. I refer to the violation of human rights within the frontiers of a State. Theoretically the United Nations has little standing in such situations—and they are all too common. Legally the membership of the United Nations has done an admirable job on human rights. The necessary texts exist. But practically where does an individual or a group of individuals find recourse against oppression within his own country? World public opinion has become an increasingly important factor in such problems. I myself have privately done the best I could in many such situations, knowing full well the weakness of my own position, and I know that many national leaders have done the same. But this can never be enough, and the time has surely come when Governments in the United Nations must make a determined effort to give justice a world-wide dimension."

PRAYER FOR THE POW'S AT CHRISTMAS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HOSMER. Mr. Speaker, at the request of the Armed Forces Journal the Armed Forces Chaplains Board has written a special prayer for the prisoners of war who cannot be with their families this December to celebrate the Festival of Lights and the Birth of Christ. This is the Prayer:

CHRISTMAS AND CHANUKAH IN HANOI

Our Father God, as you are mindful of our POW'S and the daily burden they bear, Grant them an equal measure of courage and hope in their God and County. Hasten their release and Return them safely to family and home. Hear the prayers of your people Who ask that even amid the din of conflict We may keep step with the distant drumbeat of Your promise of Peace on Earth among men of Good Will. Amen.

The prayer is the Journal's December editorial and it makes a request in which I join that this be brought to the attion of the reader's chaplain, rabbi, or minister or priest. It suggests that he be asked to include the prayer and his own thoughts on our prisoners of war and their families in the Chanukah or Christmas services at each reader's church or synagogue.

The Journal continues as follows:

This December, as many as 1,499 American Servicemen will spend Christmas in Communist prison camps: 785 in North Vietnam, 254 in Laos, 560 in South Vietnam and Cambodia. Of these, we *know* that 378 have been captured in North Vietnam: but the North Vietnamese admit to holding only 338 prisoners. We know that 82 men have been captured in South Vietnam and Cambodia: the Viet Cong will admit to holding only one. We know that three men were taken prisoner in Laos: the Communists will not admit to holding any.

What these numbers mean is that, while you and we are observing our Christmas or Chanukah, one thousand two hundred and sixty other American families will *not* know whether or not their husbands, their sons, or their fathers are alive—or dead. Fourteen hundred and ninety-nine Americans: 1,136 missing in action, 339 acknowledged to be prisoners, and 124 whom we know were captured, but of whom no further word has been heard.

Some of these men, like Navy LCdr Everett Alvarez, will be spending their *seventh* Christmas in Hanoi. Seven years . . .

Even for the few families who know that their loved one *is* imprisoned, this December will be bleaker than any in years.

The mail getting through from (and presumably to) our prisoners of war is at its lowest ebb since 1968. Each month, now, the trickle of letters gets smaller and smaller. So far this year (as of 28 October, the last date for which an authenticated count could be made as we went to press 23 November), only 469 letters have been received by the families of our POWs. Only 170 letters have gotten through in the last six months! Even though the Communists admit holding 339 men prisoner, only 195 have been heard from this year, and only 50 of them in the last six months. Even though the Communists admit holding 339 men prisoner, only 331 have *ever* gotten a letter through to their families.

Even forgetting that fewer and fewer letters are getting through as 1971 draws to a close, the mail POW families are getting this year is only *one-fifth* of what got through in 1970 (2,646 letters from 330 different POWs). It is only *half* the mail they received in 1969 (942 letters from 293 different men). Only *one letter* has *ever* been received from any of the 91 men known to have been captured in South Vietnam, Cambodia, and Laos. (In case you didn't know, North Vietnamese and Viet Cong held prisoner in South Vietnam are allowed to receive, not only mail, but *visitors* as well.)

The mail our POW families are now getting is only *one-eighth* of what they should be receiving by North Vietnam's own commitment at the Paris peace talks early last year, when they announced that they would let each prisoner send one letter every month. It is less than *one-forty-third* the number of letters POW families should be getting under ground rules agreed to by the North Vietnamese when they signed the 1949 Geneva Conventions (which provide for two letters and four postcards from each prisoner every month). Yet the flow is getting thinner as Christmas and Chanukah draw near . . . .

Christmas isn't getting any brighter for the 1,499 families who wonder when their Serviceman will be home, *if* he is still alive. Nor is it very pleasant for the men held prisoner in Hanoi.

Talk, as we did just before this issue went to press, with Air Force Capt Wesley Rumble. He was captured in April of 1968 when his F-4D was hit over North Vietnam. He was released in August of 1969: that was *two and a half years ago, the last time North Vietnam released on American prisoner of war.*

Captain Rumble had a "good" Christmas in Hanoi three years ago. He and his three cellmates got to play ping pong—for about one minute, while Japanese press photographers took pictures of "Christmas in Hanoi." As soon as the pictures were shot, the ping pong table was taken back to the guards' recreation room and Captain Rumble was taken back to his cell.

He had a "great" Christmas dinner: an orange, a bowl of soup, some bread, a salad plate, and "something else"—meat? "I don't remember, I don't think so. It's been so long. There *was* something else. Actually, it was a pretty good meal, one of the best I had there, including the ones before they let me out. I wasn't used to so much food; I couldn't eat all of it."

Captain Rumble remembers one other detail: his Christmas dinner was cold. "Far colder than normal. But after we saw the Japanese photographs of it, taken before we got to the mess hall, we figured out why: the dinner was really for their benefit. We just got to eat it."

Christmas decorations? Yes, POWs have those, too—the ones they make on their own. Captain Rumble and his cellmates made some. But they had to take them down, and the guards took them away. All of the 30 to 45 American POWs in his compound got to enjoy them later—for about one minute each, as each man had his photo taken by the Japanese press in a special, gaily decorated room—the one where the guards had hung Captain Rumble's Christmas decorations.

A minute of ping pong, a minute of Christmas, a cold meal—Christmas in Hanoi. For 1,499 Americans. Or is it 339? Or 473?

There's so little any one of us can do. But maybe if *all* of us did *something* . . . if *all* of us prayed together for these 1,499 men and their families. If *you* took the "editorial" above to your chaplain, your priest, your minister, your rabbi . . .

Maybe, just maybe, Christmas and Chanukah would be a little brighter in Hanoi this December. And maybe, *next* December . . .

Mr. Speaker, I hope that all Americans will ponder upon these words and give their special prayers this year for the prisoners of war, the men missing in action and their loved ones.

LUCIA EVANGELISTA HINES AND JEROME HINES DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. MINISH. Mr. Speaker, on November 22, 1971, the friends of Lucia Evangelista and Jerome Hines, the renowned opera stars, held a testimonial dinner in their honor. The occasion was an impressive outpouring of their fellows citizens' deep affection and admiration for this remarkable couple who have given so generously of their superb talents and precious time to countless charitable causes over the years.

In recognition of their selfless service, the Board of Trustees of the village of South Orange proclaimed November 22

as Lucia Evangelista Hines and Jerome Hines Day. I am pleased to insert at this point in the RECORD the proclamation designating the day as a tribute to these outstanding citizens and residents of South Orange:

LUCIA EVANGELISTA HINES AND JEROME HINES DAY, NOVEMBER 22, 1971

Whereas, The Board of Trustees of The Village of South Orange has been advised by The Friends of Mr. and Mrs. Jerome Hines Committee that on November 22, 1971, the Committee, with appropriate ceremony will honor Lucia Evangelista Hines and Jerome Hines;

Whereas, as artists, citizens and benefactors of innumerable charities of all races and creeds; and

Whereas, they have given unselfishly of themselves to raise funds for the many schools of our district; and

Whereas, they have furthered the causes of the Salvation Army, New Jersey Association for Retarded Children (Essex Unit), Marylawn of the Oranges, B'nai B'rith and Hadassah, etc.; and

Whereas, as artists and citizens of our town for the past fifteen years, they have also worked to bring concerts and operas to our Village in the endeavor to raise funds for the Salvation Army, Hadassah, B'nai B'rith, Marylawn, New Jersey Association for Retarded Children and the underprivileged children of Newark;

Now, therefore, I, John J. Francis, Jr., President of The Village of South Orange, on behalf of the Board of Trustees and the Residents of the Village in recognition of the honor bestowed on Lucia Evangelista Hines and Jerome Hines, do hereby proclaim that Monday, November 22, 1971, be designated as Lucia Evangelista Hines and Jerome Hines Day, as a tribute to outstanding citizens and residents of South Orange.

RECENT PRICE LEGISLATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a monthly newsletter at my own expense to keep my constituents advised of my activities in their behalf. The following is the text of my latest Washington Report:

CONGRESSMAN BOB PRICE, WASHINGTON ACTION REPORT

RECENT PRICE LEGISLATION

A bill to sever all U.S. connections with the United Nations, including getting the U.S. out of the organization and moving the headquarters out of the U.S.

A Constitutional amendment to prohibit busing as a means of achieving racial balance in schools. This would preserve the neighborhood school concept.

A welfare bill which would require able-bodied individuals to take a job or job training rather than a guaranteed annual income.

A bill to reinstitute the bracero program which allows Mexican citizens to cross the border and work for farmers and ranchers who are unable to find employees elsewhere.

Legislation to repeal the 10 percent excise tax on farm trucks, under 10,000 pounds gross weight.

The domestic Exploration Investment Tax Credit which would provide a tax credit to encourage additional domestic oil and gas exploration and secondary recovery operations.

Combatting animal waste pollution is a growing problem for many rural communities. Thus, to obtain the advice of many concerned individuals, Congressman Price took the lead in convening a nationwide symposium on the problem. More than 200 individuals attended the symposium including Tom Herrick of Amarillo, Doug Florence of Stratford, A. L. Black of Friona.

Among conclusions of the symposium participants were recommendations for instituting systems of federal and state tax credits for animal pollution abatement; intensifying academic, private, and government pollution control research programs; and emphasizing the need for all levels of government to cooperate better with the private sector regarding animal waste disposal problems.

With the help of U.S. financial, industrial, and military assistance, the Republic of Korea has become the showcase of Democracy in Asia. Its ability to maintain and safeguard its hard won freedoms from renewed aggression, however, depends heavily on the strength and effectiveness of its armed forces.

Bob Price is an expert on air weapons systems. His experience, which includes combat service in Korea as a jet fighter pilot, enables him to evaluate the capabilities of strategic aircraft.

A life-long farmer and rancher, Bob Price is not a stranger to the problems and challenges of agriculture. As a member of the House Agriculture Committee, he makes a special point of meeting at every opportunity with farmers, ranchers, and agri-businessmen.

These many different discussions enable Congressman Price to speak authoritatively in Committee and on the floor of the House about the role of government in solving the varied problems facing farmers and ranchers today.

Area residents come to Washington individually and in groups to discuss legislation with Congressman Price. He is always interested in hearing the views of those who are directly affected by laws enacted by Congress.

In deciding how to vote, Congressman Price listens to testimony in committee, reads letters from home, and carefully studies all possible consequences of proposed legislation.

Congressman Price is now working to obtain the first Economic Development Administration business development loan for Moore County.

The proposed American Beef plant in Moore County will process 2,000 head of cattle a day, employ up to 1,100 people and have a payroll of $10 million a year when it reaches full capacity. This is the type of industrial development Congressman Price is bringing to our area.

When American Zinc Company announced closing of its Dumas plant, almost 400 industrial jobs were lost.

With area and business leaders Bob Price helped get Moore County an eligibility rating for special government industrial financing programs provided solely to counties with high unemployment.

In record time, Congressman Bob Price pushed the eligibility rating through the Departments of Labor and Commerce.

The Northwest Texas Congressman is also a sponsor of legislation which will give business an income tax credit to relocate in rural areas and provide job training for local residents.

WHEELOCK WHITNEY NAMED INVESTMENT BANKER OF THE YEAR

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FRENZEL. Mr. Speaker, another Minnesotan has been recognized for leadership in the Nation's business community.

Wheelock Whitney was recently named by Finance magazine as the "Investment Banker of the Year." Wheelock Whitney has made many important contributions to the Twin Cities as a businessman and a humanitarian. I commend to my fellow Members the article in the Minneapolis Tribune which was printed on December 5 highlighting many of Wheelock's interests and activities including the efforts contributing to his latest award:

WHITNEY ESCAPES THE "STOCK" IMAGE—"INVESTMENT BANKER OF YEAR" DARES TO BE UNCONVENTIONAL

(By Jim Fuller)

Wheelock Whitney somehow does not seem the sort of man that a national magazine would choose to honor as "Investment Banker of the Year."

He sometimes prowls his Downtown Minneapolis office not only in shirtsleeves, but also shoeless. He is given to bright ties and wide suspenders patterned in brilliant primary colors. Someone gave him some incense, so he lit a stick in his office one recent day for the appreciation of a visitor.

A life-long Republican with a silver-spoon background, Whitney has frequently and sometimes very publicly denounced Vice-President Spiro Agnew as a threat to world peace and domestic tranquility. He has appeared at rallies and worn black armbands to attest to his longstanding opposition to the Indochina war.

On the other hand, Whitney also is chief executive officer of Dain, Kalman & Quail, Inc., one of the most successful regional investment firms in the business. And last week he closed out a year as president of the prestigious Investment Bankers Association of America (IBA), having accomplished something that seemed unlikely at best a year ago.

That major accomplishment was the merger—to take place Jan. 1—of the 634-member IBA and the 457-member Association of Stock Exchange Firms (ASEF), by far the biggest and most important trade organizations in the investment field.

It was largely that achievement that led slick, but sturdy, old Finance magazine to name Whitney Investment Banker of the Year last week.

To outsiders, the merger of a couple of trade associations won't mean much. But to the investment business, it is a major step toward ending what has been regarded as a dangerous confusion of positions.

The industry was hit hard by the bear market of the past two years. Some firms collapsed and others merged, and there were howls from investors, regulatory agencies and Congress. For some time, industry leaders have known that some unity of thought had to be achieved if they were to put their house in order—and save themselves from what they feared might be harsh new governmental regulations.

Instead of a united front, however, the industry has so far met its critics at congressional hearings and elsewhere with a babble of conflicting voices and opinions.

Whitney, a self-confessed "sports nut," put it this way: "We've been like a football team with 11 quarterbacks. Such a team wouldn't win many games—and neither do we."

In spite of the general agreement on the need for better coordination—and the economies a consolidation of organizations would bring—there was considerable opposition a year ago to the Whitney merger proposal. The IBA, largely representing securities underwriters, and the ASEF, representing brokers, both were founded in 1913, and their parallel but separate traditions were highly regarded in many executive offices, despite some overlap in membership.

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More important, ASEF members were at first adamant against merger as long as commercial banks were to be members of the proposed new organization, and the IBA had a number of commercial banks on its rolls.

Whitney enlisted support from influential members of both organizations and named IBA Vice-President Philip Baker to head that group's merger study committee, while Baker's counterpart in ASEF, Dwight Faulkner led a similar study unit.

A compromise was reached under which bank bond departments could remain in the new organization, and Whitney, aided by Baker and Faulker (both top New York investment men) and others, did a selling job that ended last Wednesday. On that day the IBA voted 377–27 to approve the merger, a move that followed by a few weeks a similar vote by the ASEF membership.

Whitney said he hopes the new organization, named the Securities Industry Association, will be joined by the National Securities Traders Association within a year. That would complete the unification of the industry's major trade groups.

At the start of his year as IBA president, Whitney set himself another goal—to revive the flagging spirits of the country's stock brokers. He began by arranging talks before groups of registered representatives, but as the securities business picked up during early 1971, Whitney found the brokers "going from 1970 despondency to 1971 euphoria."

"Instead of enthusiasm, they needed dampening down, if anything," he observed, so he switched his speaking efforts to college campuses.

The year produced, he said, "many interesting scenes in the campus setting."

Whitney said he was encouraged by the fact that "young people are getting less turned off by business" than they seemed to be a couple of years ago, although he conceded that "maybe that's because jobs are scarce."

In addition to the college appearances, monthly executive board meetings, frequent trips to sell the merger idea and handle other normal IBA presidential duties, Whitney's appointment calendar shows that he attended 17 major meetings, most of them district IBA meetings, between March 14 and last week.

If the hectic schedule has had any physical effect on the 45-year-old Whitney, it doesn't show. He looks younger than he is, and he moves, intellectually and physically, with the energy of a man in his twenties.

However, he admitted that the year as IBA head took some toll. Harder than the traveling, he said, "was what happens when you're home." He spoke of constant interruptions while trying to concentrate on the business of Dain, Kalman & Quail, and the frequent calls to travel on short notice.

He usually was able to continue his twice-weekly squash matches ("I like competition"), but his other sports, civic and business activities suffered somewhat. He is a director and a great fan of both the Twins and the North Stars, and was instrumental in getting both teams going in the Twin Cities, but he hasn't seen his usual quota of games this year.

To make time for the IBA duties, his family and his own business, he admitted, he cut back on his attendance to the business of the 12 or 13 other companies he serves as a director. His involvement in civic and political activities also slipped considerably.

Despite his absences, Dain, Kalman had what Whitney termed "an excellent year," a fact he attributed to the firm's other executives. In fact, the company earned $1.4 million in the first nine months of this year, compared with $396,740—most of that in the fourth quarter—for all of 1970. Last year was, of course, a very bad one for most investment houses.

Now, while he feels the industry as a whole is "still a long way from solving its problems," Whitney is looking forward to turning much of his considerable energy back into some favorite activities closer to home.

He is concerned about human rights and about the environment—to the point that he recently wrote and forwarded to John Gardner, head of Common Cause, a "presidential speech" in which he suggested that "pollution stamps" be sold and used in the manner of Christmas Seals, but to fight pollution.

His "pet project," he said, is the Johnson Institute, an organization that offers help to alcoholics and drug users ("a perplexing problem") and which he serves as president. He intends to spend more time now selling fellow executives on the need for establishing rehabilitation programs for alcoholic employees, he said.

And then there is politics.

Whitney ran unsuccessfully against Eugene McCarthy for the U.S. Senate in 1964, and he has served as mayor of Wayzata. He calls himself "an independent Republican"—and there is no doubt that his refusal to follow a straight party line has won him considerable animosity among GOP regulars. His mail after an anti-Agnew speech last year proved that.

Nevertheless, he admitted that he has not given up on politics. While generally satisfied with the performance of Democratic Sen. Hubert Humphrey and Walter Mondale, Whitney said he is "disappointed" with the "anti-business" stance of Gov. Anderson. When pushed, he conceded that "I wouldnt foreclose the possibility of my seeking office again and added that "if I do, it probably would be for governor."

He does not expect to get Republican endorsement for any statewide office, he said, but would run as a Republican in a primary election.

Whether or not he seeks office again, he said, he will push for a stronger system of primaries for both parties "so that we can let the people decide who the candidates will be, instead of letting a handful of party officers make the decision."

THE GREEK DICTATORSHIP—A MATTER FOR NATO

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. EDWARDS of California. Mr. Speaker, when the NATO Council of Ministers meet in Brussels this week, an effort will be made to admit on the agenda the question of the Greek dictatorship.

A sorely troubling aspect of American policy on Greece, a policy which generally supports the junta, is that we again seem indifferent to the destruction of democracy and fundamental human rights as long as military loyalty is assured. Our policy shrugs off the announced purposes of NATO in a manner which is, to say the least, short-sighted.

Now comes Sir Hugh Greene, Chairman of the European Atlantic Action Committee on Greece, with a probing memorandum which penetrates to fundamentals and is well worth our attention.

I insert the memorandum in the RECORD.

The memorandum follows:

THE GREEK DICTATORSHIP—A MATTER FOR NATO

In this memorandum we present a collation of separate arguments, some of them nonetheless substantial for having been used before, others relatively new to the discussion of this problem. Together they amount in our view to an unanswerable case for the NATO Council of Ministers to give serious and immediate consideration to the existence in their midst of an intransigent dictatorship, and to make it known that they do so. At the same time we believe that this memorandum effectively refutes the well-worn argument that NATO (and the USA at its head) has no legitimate basis for interesting itself in the Greek problem or that such interest would be interference in the internal affairs of another country. On this issue, the Danish and Norwegian Governments, who have pressed for action within NATO and will do so again, are right.

A. THE PURPOSES OF NATO

1. The words of the Preamble to the North Atlantic Treaty are well-known and eloquent:

The Parties to the Treaty "are determined to safeguard the freedom, common heritage and civilization of their peoples, *founded on the principles of democracy, individual liberty and the rule of law*".

(In Greece, democracy has been destroyed, individual liberty does not exist, and the only law is martial law, in force for nearly five years now without a break.)

2. In Article 2, the Parties make a specific undertaking:

They "will contribute toward the further development of peaceful and friendly international relations *by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded*, and by promoting conditions of stability and well-being."

(In 1971 Greece has no free institutions, and innumerable utterances of the junta's leaders have served only to obscure the principles of democracy. We refer later in this text to the question of stability.)

3. The President of the United States of America reaffirmed these ideas on the 20th anniversary of NATO (1969):

"NATO means more than arms, troop levels, consultative bodies, treaty commitments. All of these are necessary. But what makes them relevant to the future is what the alliance stands for. To discover what this Western Alliance means today, we have to reach back not across two decades but through the centuries, to the very roots of the Western experience.

"When we do, we find that we touch a set of elemental ideals, eloquent in their simplicity, majestic in their humanity; ideals of decency and justice, and liberty, and respect for the rights of our fellow men. Simple, yes; and to us, they seem obvious. But our forbears struggled for centuries to win them, and in our own lifetimes we have had to fight to defend them.

"These ideals are what NATO was created to protect."

4. President Nixon's words are a useful reminder that NATO is more than a simple defence alliance which might be expected to be indifferent to the regimes of its members so long as their military loyalty was assured. The NATO information service itself has stated unequivocally that NATO "is not solely a military alliance designed to prevent aggression or to repel it should it occur; it also provides for continuous co-operation and consultation in political, economic and other nonmilitary fields." (January 1971).

5. Clearly the North Atlantic Treaty constitutes an expression of faith in Western civilization. NATO exists to ensure the conditions necessary for the protection of that civilization. It is toward that end that the military defence of the geographical area is intended to be a means.

6. These points have been underlined in two official NATO reports:

(a) In May 1956 the Committee on Non-Military Co-operation ("The Committee of Three") stated that the successful accomplishment of NATO's task "will depend largely on the extent to which member governments, in their own policies and actions, take into consideration the interests of the Alliance."

(b) Later in its Report the same Committee made it clear that (i) "in developing their national policies, members should take into consideration the interests and views of other governments, particularly those most directly concerned, as expressed in NATO consultations, even where no community of view or consensus has been reached in the Council"; and (ii) "both individual member governments and the Secretary-General should have the right to raise for discussion in the Council any subject which is of common NATO interest and not of a purely domestic character". (See (d) below.)

(c) In December 1967 the "Harmel Report" on Future Tasks of the Alliance stressed again that where the allies do not agree "the practice of frank and timely consultations needs to be deepened and improved." Obviously this practice is impeded if the very issues on which the allies disagree are excluded from the agenda of the Council of Ministers. Certainly there are pressures in the direction of unanimity, but the existence of a formal veto is not well established and disagreed positions have more than once been recorded in communiques.

(d) The two extracts (b) and (c) above appear in the respective reports in the context of foreign policy. However, the Greek dictatorship is emphatically NOT a purely domestic matter, since concern has been expressed throughout the NATO countries and by some NATO governments at Greece's violations of the terms of the Treaty, to the extent that this problem could be viewed as a disruptive force within the Alliance. The problem therefore has foreign policy implications for the other members of the Alliance, and the statements of the two reports above may properly be extended to cover it.

B. THE DILEMMA OF GREECE

7. The State Department of the USA has felt this dilemma most acutely:

(a) In a letter addressed to members of Congress in August 1969 it was put this way: "On the one hand we see an autocratic government denying basic civil liberties to the citizens of Greece. We think such an internal order does not coincide with the best interests of Greece, whose stability in the long run, we believe, depends upon the free play of democratic forces . . . On the other hand, Greece is a NATO ally which has scrupulously fulfilled its treaty obligations . . ." (in the military sense only of course).

(b) The dilemma was stated again in the first paragraph of the official State Department publication "Greece—US Policy" (in the GIST series): ". . . how to support our mutual interest in Western security in the Eastern Mediterranean, while encouraging the return to representative government we believe is necessary for Greece's long-term stability and progress."

(c) Thus, although reasons of short-term stability have been adduced for friendly treatment of the regime (in the vain hope that this would lead to some kind of normalisation), it is in fact recognized clearly that a threat to long-term stability is involved.

8. Up to the present date, in spite of its awareness of this dilemma, NATO has chosen the view that it has to do with military realities alone, and has failed to attach due importance to the need, observed in Para. 7 above, to assist in the restoration of the freedom of the people of Greece who themselves (and not their self-imposed dictators) are the true allies of NATO. For we must not forget that it was a democratic government in Greece that signed the Treaty and that committed the country to participation in all the NATO programme.

C. WHY NATO CAN AND SHOULD ACT

9. For a guide we could do worse than to consult parliamentary opinion in the NATO countries. During 1971 two events greatly clarified the direction in which this was moving:—

(a) On 3rd August the United States House of Representatives voted by 122 to 53 to suspend military aid and arms sales to Greece under the present regime. The final position of Congress as a whole is not yet clear owing to the disenchantment which has led the Senate to throw out the entire foreign aid programme. Several Senators expressed their revulsion at a programme which served to prop up repressive regimes in different parts of the world, and the Chairman of the Senate Committee on Appropriations is on record as saying (November 1971): "Congress will insist on a foreign aid programme that aids people, instead of dictatorships". The NATO Council of Ministers could draw useful inferences from these events.

(b) In September 1971, at its annual meeting in Ottawa, the North Atlantic Assembly (regarded by the NATO Committee of Three in 1956 as making a valuable contribution "to the development of public support for NATO and solidarity among its members") passed a resolution on Greece which went further than previous ones, first in stating that policies of friendly persuasion have failed, and second in recognizing the threats that the continuing dictatorship poses both to the moral credibility and to the internal cohesion of the Alliance. This resolution explicitly recognized too that "Greece's membership of the North Atlantic Alliance gives Greece not only rights but also responsibilities, one of the most important being to end the political injustice which characterizes Greece's internal situation". The weight of this resolution, with its request to the Governments and Parliaments of the NATO countries to use their influence for the restoration of democracy in Greece, should serve as a pointed reminder to the NATO Council of Ministers that the Greek dictatorship is indeed a matter for NATO.

10. The interests of NATO are affected in several ways, and it should be pointed out that the matter of military aid to Greece, on which the U.S. House of Representatives has set an example, does fall clearly within the domains of NATO. In December 1966 the Council of Ministers recommended wide participation in a programme of aid to Greece and Turkey. It was agreed that this programme should be extended to cover the period 1966–70, and since then there has been no further extension. Thus the sanction for providing aid within the framework of NATO would appear to have lapsed—if this is so, a formal acknowledgement of it would be in order, while if there is any doubt about it a call to reconsider the recommendation would equally be in order. In this latter context, the threat to the long-term interests of the alliance (see above), could be aired for discussion in a way which would show that the NATO Ministers had fully faced their responsibilities. As stated above, (Para 6.c) the recording of a disagreement on the subject would not be at variance with precedent.

11. More than once, the NATO Ministers have stressed that peace and security in Europe depend inter alia upon "the rights of its peoples to shape their own destinies". This was reaffirmed in the Declaration attached to their communique of December 1969. The people of Greece do not have this right; and this fact alone demands the attention of the Council of Ministers.

12. In spite of a remark made earlier in 1971 by the new Secretary-General of NATO that the present Greek leaders "are not bent on exporting their system", it should be remembered that there have been intermittent signs of a revival of fascism in Greece's NATO neighbours. The people responsible have without doubt derived comfort from the type of regime in Greece (witness the slogan "Ankara—Athens—Rome" that appeared in the streets of some Italian cities at the beginning of 1971), and it is not for lack of effort on the part of that regime that these clumsy attempts, unthinkable a few years ago, have failed to gain much momentum. In this context, we quote again from the Harmel Report of 1967: "The ultimate political purpose of the Alliance is to achieve a just and lasting peaceful order in Europe accompanied by appropriate security guarantees."

13. Another cause for NATO's concern is the effect that the dictatorship in Greece has had upon a) the armed forces and b) public opinion within Greece itself. Detailed analysis and documentation on these points exists, but here a few brief quotations will serve to show the implications for NATO.

(a) The following is from a speech made in the United States (and subsequently written into the Congressional Record: October 1971) by one of the most highly decorated Greek officers and most loyal servants of NATO, now living in exile and deprived of his nationality, General Orestis Vidalis:

"The Armed Forces are thus transformed from a national institution, the servant of all the people, to a political instrument serving the dictator in enslaving the people by force. This all leads to an unbearable burden that the Armed Forces cannot carry without sacrificing their military competency, cohesion and efficiency. At the same time, they lose the support of all political shades of a frustrated population and, as a result, the reserve potential of the Nation becomes worthless."

(b) Given the role of America in Greece since World War II, it is natural that the majority of Greeks regard NATO as very nearly synonymous with the United States. Thus we make no excuses for including the following extract from the October 1971 Declaration of 183 former Greek Deputies in Athens, including the leading members of both main political groupings, on the occasion of the visit to Greece of the Vice-President of the USA:

"This friendship (between the Greek and American peoples) is based on common ideals. It has been strengthened in our own century in common struggles in the cause of democracy and against totalitarian systems. Yet this friendship, indispensable for the security of the Free World, has been shaken in the heart of the Greek people and is in danger of disappearing, on account of the support given by the United States to the present regime in Greece."

(c) In May 1971, Newsweek quoted a foreign diplomat in Athens on the same subject:

"Greeks from all walks of life believe that the USA is behind their unpopular regime. . . . For the first time in their lives they are becoming hostile to America."

Similarly, the propaganda use to which the Greek regime puts every manifestation of NATO co-operation with Greece (official visits by high-ranking officers etc.) plays an important part in demoralizing the people, sowing the seeds for their antipathy to NATO, and thus undermining the Alliance itself.

14. Much has been made of the principle of "non-intervention in the internal affairs of any state by any other state". But there is more than one interpretation of this phrase, as the following quotations eloquently attest:

(a) "We have adopted an Alice in Wonderland approach in which we believe that we stop interfering by giving (the Greek regime) arms. I would like to think that the

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proper way to stop interfering is to stop giving them arms." (Senator Claiborne Pell in the US Senate, October 29th, 1971).

(b) "We reject any interference in the internal affairs of Greece. But even more so do we reject the support given—on the pretext of non-intervention—to a regime which has deprived the Greek people of their freedoms. This is the most dangerous kind of intervention in the internal affairs of a country, since it undermines the system of security of the Free World. When this system is turned into a system of protection of governments that do not spring from the free will of the people, the very existence of the Free World crumbles." (Declaration of 183 former Greek Deputies in Athens, 15th October 1971).

We believe that these two arguments speak for themselves, and clearly point up the moral duty and practical need for the NATO ministers to place on record that they have at least directly confronted the problem of Greece.

D. CONCLUSION

It is generally recognized that the policy of friendly persuasion of the Greek junta has already failed. We are convinced that the above arguments a) provide all the necessary "legal" justification for the matter of Greece to be examined by the NATO Council of Ministers, b) to show it to be imperative for the Ministers to accept that the Greek dictatorship thus falls within their responsibility and for them to go on record as expressing their concern, and c) touch on the reasons why such an expression may have really positive consequences. In this latter context we would underline two points. First, informed commentators have repeatedly stressed that the great majority of the officer corps of the Greek armed forces are more deeply committed to the Western alliance than they are to the leaders of the present regime; if made to understand that the alliance has reservations about continued full co-operation with the junta as such, they in their turn will opt for full co-operation under a more healthy system of government. Second, as indicated by the Declaration of former Deputies twice quoted above, which concludes with a resolve "to work together for the restoration of free institutions", there does exist today the necessary solidarity in the political world of Greece to ensure a smooth transition to a new democracy, in which Greece will again be able to conform to the Preamble and Article 2 of the North Atlantic Treaty.

CELLER PROPOSES MAJOR ANTITRUST REFORM

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. CELLER. Mr. Speaker, on December 2, 1971, I introduced H.R. 12004, a bill to amend the Sherman and Clayton Antitrust Acts, to create an Office of Industrial Organization to Control Concentration of Economic Power.

The bill proposes a major reorganization of antitrust law enforcement to insure the maintenance of competition.

I am today inserting into the RECORD a copy of a detailed press release I issued simultaneously with the introduction of the bill.

The release follows:

CELLER PROPOSES MAJOR ANTITRUST REFORM

Representative Emanuel Celler (D.-N.Y.), Chairman of the House Committee on the Judiciary, and of its Antitrust Subcommittee, today introduced a bill that would bring a sweeping revision in antitrust law enforcement. In introducing the bill Chairman Celler said, "We must at this moment in our economic history take every measure to insure the maintenance of competition within a truly free enterprise system." Mr. Celler's bill, the "Corporation Control Act," repeals some parts and amends other sections of the antitrust laws. In addition, Mr. Celler's bill would transfer to an agency, to be created, all outstanding authority in the Federal system over corporate combinations, mergers, acquisitions, or joint ventures.

The new agency will be the "Office of Industrial Organization" to be headed by an Administrator, appointed by the President and confirmed by the Senate, and who will rank at Cabinet level.

Chairman Celler said his bill would consolidate and simplify the Government's organization to attain antitrust policy objectives by the centralization of functions that are now fragmented. The powers that are transferred to the new Administrator will enable him to foster competition, and, at the same time, to prevent and to dissipate undue concentration of economic power in interstate and foreign commerce.

Chairman Celler's bill is a result of the Antitrust Subcommittee's investigation in the 91st Congress of mergers and acquisitions by conglomerate corporations. The report, "Investigation of Conglomerate Corporations," dated June 1, 1971, contained an outline of the legislation recommended by Chairman Celler. The report contains a detailed analysis of mergers and acquisitions, and other business practices of the six companies selected by the Subcommittee for intensive study.

The "Corporation Control Act" would add to the traditional prohibitions of the antitrust laws a new administrative control that would be lodged in the Office of Industrial Organization. This positive administrative safeguard would require approval by the Administrator in advance of any merger and acquisition in commerce, and for any combination or joint venture by corporations.

The "Corporation Control Act" deals with problems of "aggregate" concentration in the economy generally, was well as problems of concentration of economic power in particular markets. Mergers, acquisitions, and combinations among "major companies" are a primary concern. A "major company" is a company that falls in any one of the following classes:

(a) Any company engaged in manufacturing or mining included in a list of the largest two hundred (200) corporations, ranked according to sales or assets;

(b) Any company engaged in banking, insurance, transportation or utilities included in a list of the largest one hundred (100) corporations, ranked according to revenues or assets;

(c) Any company with annual sales or assets in excess of two hundred fifty million dollars ($250,000,000);

(d) Any company with assets in excess of twenty-five million dollars ($25,000,000) that has in excess of fifteen percent (15%) of total annual sales in any concentrated market.

A "concentrated market" is one in which total sales exceed $100 million in a year when any four companies account for combined sales in excess of 50 percent of such market.

The "Corporation Control Act" prohibits four classes of action:

1. Monopolization or attempts to monopolize. Any corporation that accounts for 50 percent of the annual sales in any market, or which has the power to exclude competitors, or to fix prices in such market is deemed to have monopoly power.

2. Mergers or acquisitions where the effect may be substantially to lessen competition or tend to create a monopoly in any line of commerce in any section of the country.

3. Corporate combinations or joint ventures whose effect may be to restrain trade or commerce unreasonably.

4. Interlocks by common directors, officers, or employees between competing corporations, or between corporations that are customers, suppliers, or sources of credit or capital.

In addition to his approval power, the Administrator is charged with enforcement of the "Corporation Control Act." He will investigate and hold hearings for this purpose. Judicial enforcement of the "Corporation Control Act" is in United States District Courts, in actions brought by the Attorney General, when authorized by the Administrator. Actions brought in the District Courts are required to be expedited in every way, and appeals from a District Court decision are only to the United States Supreme Court.

Inasmuch as the "Corporation Control Act" supplements antitrust prohibitions with affirmative administrative controls, private actions by third parties are not authorized. The provisions of section 1 of the Sherman Act, applicable to contracts, combinations and conspiracies in restraint of trade, as well as the provisions of the Clayton Act against exclusive dealing and discriminatory pricing, however, remain in force under the Department of Justice and will continue to be the basis for private antitrust actions.

It is anticipated that extensive hearings will be held on the proposal so that all points of view may be reflected in the testimony.

WOMEN'S MARCH FOR LIFE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HOGAN. Mr. Speaker, I have become increasingly troubled in recent years by the growing disrespect for human life and disregard for our Constitution. I refer specifically to the opinion that existing abortion laws should be liberalized to allow abortion on demand. Such a view contradicts a fundamental constitutional principle that no citizen shall be denied his rights without due process of law. There can be no more basic right than the right to life and yet abortion proponents seek to abolish that right in favor of abortion on demand.

Opposition to this abortion on demand psychology and concern for the sanctity of life were demonstrated on the steps of the Capitol recently by the men and women who participated in the Women's March for Life. At the end of the march they presented me with an antiabortion resolution and I now insert the resolution and accompanying statement into the RECORD:

Congressman Hogan, We are marching today to defend the rights of those who cannot defend themselves—the unborn babies. In all the medical textbooks—up until the present time, when they are being "revised" and rewritten—it is stated that life begins at conception. We know that a baby's heart beats at three weeks after conception—that at six weeks his internal organs are present, and his nervous system is intact and he can feel pain at seven weeks—before most mothers are even sure they are with child. Yet there are those who would kill him because he is an inconvenience to them.

Some women say he is a part of their bodies, but he is a unique human being, who, by eight weeks even has his own unique fingerprints. *His* cells, which all contain *his* genetic code, are completely different from her cells, which all have her genetic code.

If, after he is born, these mothers still do not want their offspring, I can assure them that there are many couples who would welcome him.

Society is facing many serious problems today. But a just society cannot solve social problems by killing human beings. Therefore, we of the Women's March For Life, would like to present you with this Resolution:

Whereas, Women are traditionally the guardians of life; and

Whereas, Today, as never before, our concern and compassion are needed, for often it seems that life was never cheaper; and

Whereas, Both the Fifth and Fourteenth Amendments to the United States Constitution specifically protect the right to life in that both amendments declare that no person shall be deprived of life without due process of law; and

Whereas, the Fourteenth Amendment guarantees to every person the equal protection of the laws; and

Whereas, the Constitution of the United States no where qualifies life as being of any specific age, state of dependency or degree of genetic perfection or acceptability in order to share in the promise, pledge and protection of the Republic; and

Whereas, the Federal law criminally prohibits all abortions in Washington, D.C. not necessary for the preservation of the life or health of the mother; and

Whereas, The Supreme Court of the United States has recently held that this Federal law protecting the unborn in the District of Columbia is not unconstitutionally vague; and

Whereas, Abortion on demand has become rampant in Washington, D.C. during the last nine months, with more than two thousand unique and irreplaceable human lives currently being destroyed by criminal abortion each month; and

Whereas, Bills are pending before the 92nd Congress of the United States to deprive the unborn child of his constitutionally protected right to life and equal protection of the laws; and

Whereas, The Constitution has placed a duty on members of Congress to protect inalienable rights of life, liberty and the pursuit of happiness; and

Whereas, President Richard M. Nixon, as Chief Executive of the United States, is responsible for the enforcement of the Constitution and all Federal laws, including the law to protect the unborn child from death by abortion in the District of Columbia; now, therefore, be it

Resolved, Women's March For Life petitions members of the 92nd Congress of the United States of America and the President of the United States of America to be solicitous of the rights of the unborn child and to emphatically reject all bills which invidiously discriminate against the constitutional right to life of the unborn child, and Women's March For Life petitions members of Congress and the President of the United States of America to demand that the law to protect the unborn child be enforced in the District of Columbia; and, be it further

Resolved, That a copy of this Resolution be delivered to all members of the 92nd Congress of the United States of America and to the President of the United States of America.

Congressman Hogan, We know that you have been prominent in the defense of the unborn baby. We are confident that you will work to see the defeat of any bills which would allow a baby to be killed in his mother's womb. We thank you for your continued fight and for meeting us here today.

LET US FREEZE GOVERNMENT, TOO

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SCHERLE. Mr. Speaker, this administration has asked the American people to join in the fight against inflation by accepting stringent Government controls on wages and prices. On the whole, the public has responded admirably. But if the Government can demand the cooperation of individuals, it must be prepared to keep faith with them by tightening its own belt and applying the same stringent standards to Federal expenditures.

Following is an editorial originally published as a full-page advertisement in three major Washington, D.C., newspapers by the U.S. Chamber of Commerce, and reprinted in the Chamber's Washington Report on October 31, 1971. Mr. Speaker, I will insert it in the RECORD. It is my belief that everyone involved in policymaking decisions in Government should read it.

The material follows:

LET'S FREEZE GOVERNMENT, TOO—

A MESSAGE ADDRESSED TO THE PRESIDENT AND MEMBERS OF THE CONGRESS

Under the current program of controls and freezes, you are:

Asking working men and women to make sacrifices in holding down wage demands.

Asking businessmen to make sacrifices in holding down prices.

What sacrifices will government make? Government surely doesn't want to ask others to make sacrifices it isn't prepared to make itself. If your program to control inflation is to succeed, government must do two things:

1. Cut federal spending.

2. Restrain the creation of money through the Federal Reserve System.

It is unfair to control the economic decisions of people—while letting federal spending run rampant. Government must do its part—it, too, must show self-discipline.

To halt inflation, Federal Government spending must be frozen—better yet—CUT, and the money supply restrained. Economic controls deal with the result of inflation. Frozen or reduced spending is one sure way to reduce inflationary pressures. As wage and price increases are deferred, so too should spending for new federal programs be deferred.

It is also time for Congress and all agencies of government to evaluate existing programs by their measurable results and get rid of the deadwood programs that have a proven record of ineffectiveness. Congress too seldom reviews the need for legislation previously enacted.

Will you, Mr. President and Members of Congress, face up to these needs?

Only *you* have the authority to investigate, hold hearings, ask questions and sit in judgment of these spending questions. If *you* don't know where and how to stop spending, then you should set up the proper mechanism to find the answers.

If the citizens of the United States must struggle under economic controls then government should, in all equity, retain its own actions, with emphasis on reduced spending and a restrained money supply.

It is time for government to cooperate with the American taxpayer in this fight against inflation.

Mr. President and Members of Congress, the responsibility is yours.

VETERANS DAY

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. MIZELL. Mr. Speaker, on November 11, I joined with several of my colleagues in introducing legislation to restore November 11 as the official date for observance of Veterans Day, one of this Nation's most important memorials.

At that time, I cited the historical significance of the date as being a principal reason for its official redesignation, and I mentioned the lack of meaning and symbolism that many people, especially veterans, felt when Veterans Day was celebrated this year on October 25.

Meaning and symbolism are two of the most important elements in a national observance of this kind, and in my recent remarks I sought to persuade my colleagues that all symbolism and almost all meaning had been removed from this memorial when Congress voted—before I was privileged to serve here—to make Veterans Day a day of convenience rather than a day of respect and gratitude and reflection.

No words of mine can be so persuasive, however, as those spoken by Mrs. Lucius Majette of Winston-Salem, a constituent of mine who was in Paris at the time the World War I armistice was signed on November 11, 1918. On November 11, 1971, Mrs. Majette said, rather defiantly:

Nobody is going to tell me November 11 isn't Veterans Day.

Changing it, she said, would "be like changing Judgment Day."

Similar opinions were expressed all across the country this year by veterans' groups, people like Mrs. Majette who can still attach personal significance to the date, and thousands of other Americans for whom Veterans Day just did not mean as much this year as they thought it should have.

At this time, I include in the RECORD two articles that appeared in recent editions of the Winston-Salem, N.C. Journal, one dealing with Mrs. Majette, the other reporting various reactions to this year's Veterans Day observance:

SHE WAS THERE—SHE KNOWS: "NOVEMBER 11 IS ARMISTICE DAY"

(By Joe Pichirallo)

"Why, I put my big old flag out there the other day," she said, "and everybody wanted to know why."

Her puffed, white cheeks turned pink.

Nov. 11 is Armistice Day, she said, "and it'll always be, as far as I'm concerned."

Mrs. Lucius Majette of 1924 Brantley Street is mad at President Nixon—so mad that at

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the age of 75, she's going to write him a protest letter. He's made a dreadful mistake.

He signed a bill which has moved Veterans' Day to the fourth Monday in October. Rep. Wilmer Mizell, D-N.C., has introduced a bill to return the observance to Nov. 11.

Neighbors of Mrs. Majette put up their flags this year on Oct. 25.

But not Mrs. Majette. She displayed her flag last Thursday—Nov. 11.

"Nobody's going to tell me Nov. 11 is not Veterans' Day," she said yesterday at her home.

"He like changing Judgment Day."

Besides, she said, she was there, in Paris, "when they signed it."

Mrs. Dodge Glenn Majette served with the Red Cross for 14 months, mostly at a canteen for U.S. soldiers in Lyons, France, during World War I.

Her late husband, an employe of Imperial Tobacco Company for 45 years, served there at the same time with the 81st (Wildcat) Division.

Yesterday, the chunky, peppery old woman sat against the edge of her easy chair, a satin black and white bow in her gray hair. ("My only problem," she said, "is I can't stop talking.")

Staring as if she could see Paris right there in her living room, she recalled the commotion caused by the signing of the Armistice on Nov. 11, 1918. ("Most exciting day I ever had.")

She had been about to get a new assignment and had gone shopping in Paris with a girl friend when "all of a sudden, it sounded like all hell had broke lose."

There were loud cheers as people—"so many, looked like they came out of the ground"—jammed Paris streets. Cars were overturned, windows smashed, all kinds of noise, she said.

"And I never got kissed so much in my life. From men, women, children. Why, I was fixing my hat every 10 minutes," she said, a merry twinkle in her light blue eyes.

She interrupted her reminiscencing to get out her flag.

She's very proud of the American Flag.

She placed the flag gently in its holder outside her house—just as if it were last Thursday.

She refused help to furl it.

"I'm used to doing it," she said, neatly rolling up the 3x5 foot flag. "We don't want to get him wrinkled," she said in warm motherly tone.

On the flag's box is a list of holidays to display it.

One of them is "Veterans' Day, Nov. 11."

"That's what it is," said Mrs. Majette. "Why don't they leave Armistice Day like it was."

FOR MANY, ARMISTICE DAY STILL NOVEMBER 11

"Our Armistice Day is Nov. 11," said Paul Andre, Ohio quartermaster of the Veterans of World War I. "It always was, and it always will be."

Members of Andre's group and many other veterans, particularly those who fought in World War I, are marking Veterans Day on Thursday even though the legal date of the holiday was Oct. 25.

Veterans Day—called Armistice Day until a few years ago—traditionally marked the anniversary of the end of World War I. Congress changed the date to the fourth Monday in October to provide an extra three-day weekend.

The official ceremonies held Oct. 25 were highlighted by a wreath-laying at the Tomb of the Unknowns at Arlington National Cemetery in Washington. Some antiwar groups also demonstrated that day, joining veterans' parades in about a dozen large cities.

BOYCOTTED CELEBRATION

Many veterans' groups, however, boycotted the Oct. 25 celebrations.

In Cambridge, Mass., Chapter 464 of the World War I veterans announced ceremonies for Thursday and a spokesman said: "This organization does not intend to allow a great day to be juggled around to a date that means nothing. Our services may be simple, but they will be held. To hell with phony holidays."

The Department Council of Maine Veterans of World War I planned a wreath-laying ceremony in Portland at 11 a.m.—the exact time the armistice took effect.

"You have to be one of us to realize what this really means," said William P. Shapleigh, the council adjutant. "One hour before noon the curtain came down, and it looked like we'd all be going home."

MEANS NOTHING

Shapleigh said his group didn't participate in Oct. 25 ceremonies. "That means nothing to us," he said. "Any move . . . to change history by legislating new dates for the observance of patriotic holidays is a tragic mistake."

The convention of the Indiana Department of the American Legion passed a resolution urging that Nov. 11 be kept as Veterans Day and a group spokesman said most Indiana towns would observe the holiday on Thursday. "Oct. 25 was a holiday only for governmental offices and schools," said Art McDowell, legion spokesman, on Wednesday.

"The business and industries didn't take a day off. There was no three-day holiday as promised. So in Terre Haute, Fort Wayne, New Albany and other cities, the parades and speeches will be tomorrow."

MICHAEL J. HARRINGTON ON THE SUBJECT OF NATIONAL HEALTH INSURANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. KOCH. Mr. Speaker, the Ways and Means Committee has recently completed its hearings on the subject of national health insurance. I would like to bring to the attention of our colleagues the comprehensive statement delivered before the committee by the distinguished gentleman from Massachusetts (Mr. HARRINGTON).

In preparing for his committee appearance, Representative HARRINGTON made an exhaustive study of two major areas of health care that have not been given adequate attention in any of the major health care proposals: Care for the mentally ill and custodial care. The information he provided the committee reveals the critical need in this area and suggests how serious the omission of such coverage would be in any national health insurance program. In his statement, Representative HARRINGTON has also made some cogent comments on the crisis in health care delivery in the United States and provided an interesting analysis—with recommendations—on why hospital care costs have skyrocketed in the past decade.

If indeed we are to enact legislation that will relieve Americans of ruinous personal health care costs we must include adequate provisions for mental and chronic care. It is tragic enough for a family to have a member suffer from a mental illness, mental retardation, cancer, or any of the other afflictions requiring long-term medical care, without also having to suffer a protracted and devastating financial hardship.

Congressman HARRINGTON offered the Ways and Means Committee a number of recommendations. He urged that the following provisions for mental illness should be included in any bill reported out of the Ways and Means Committee:

1. Full coverage of 90 days of hospitalization, per benefit period;
2. Further hospitalization if the patient's doctor of peer group review determines it is necessary;
3. A review every 30 days of extended hospitalization;
4. Coverage of "active" treatment only;
5. A minimum of 20 visits to a psychiatrist on an outpatient basis, per benefit period;
6. Full coverage of all prescription drugs;
7. Full coverage of community mental health center assistance, and strong provisions providing federal funding for continuance of such centers;
8. Full coverage of home visits by qualified staff members of clinics or comprehensive mental health centers;
9. Full coverage for 90 days stay in day mental hospital with same provisions for extension as full time hospital, per benefit period.
10. Full coverage for 90 days stay in night mental hospital with same provisions for extension as full time hospital, per benefit period.
11. A five year study to determine costs of mental health insurance with an eye toward removing restrictions if data demonstrates feasibility.

In the area of chronic care, Representative HARRINGTON has recommended:

1. That national health insurance provide unlimited nursing-home care.
2. That national health insurance provide for transient and permanent half-way house care.
3. That national health insurance pay for the care of the severely and mildly retarded and that such insurance cover the cost of special training and education.
4. That national health insurance be redefined to include social services necessary for decent health care.
5. That the chronically ill—not in custodial care—be provided with the at-home constant services, medication and equipment they require to maintain themselves, and that such services be provided to everyone regardless of ability to pay.

Like Congressman HARRINGTON, I am a cosponsor of the Health Security Act of 1971 introduced in the House by our distinguished colleague from Michigan (Mrs. GRIFFITHS) and by the senior Senator from Massachusetts (Mr. KENNEDY). But, I agree with our colleague from Massachusetts that this legislation falls short of providing adequate treatment for the mentally ill and provisions for custodial care for the chronically ill.

I recommend Representative HARRINGTON'S statement to our colleagues, and I am submitting its full text for printing in the CONGRESSIONAL RECORD. I hope that the Ways and Means Committee is able to act on his recommendations.

STATEMENT OF HON. MICHAEL J. HARRINGTON BEFORE HOUSE WAYS AND MEANS COMMITTEE ON NATIONAL HEALTH INSURANCE

INTRODUCTION

Mr. Chairman, thank you for allowing me to appear before you today.

You are holding extensive hearings in an area of primary concern to every American—health, and I am hopeful that the information you have compiled will result in legislation which will give all Americans the decent health care they deserve.

I have co-sponsored the Kennedy-Griffiths bill because I believe the problem of health care is so acute that only a comprehensive, compulsory national health insurance system will solve it. The abysmal failure of the present system to give proper health care to the poor, the elderly, and the middle class at reasonable cost necessitates a dramatic change. The Kennedy-Griffiths bill is a start in the right direction and I commend Senator Kennedy and Congresswoman Griffiths for the leadership and initiative they are showing on this critical matter. I intend today to suggest several areas where their bill should be expanded—but none of these suggestions are in any way intended to detract from their achievement in putting together a first-rate piece of legislation in an area of great complexity.

I do not intend to take up the Committee's time with a repetition of the statistics which demonstrate the overwhelming need for the Kennedy-Griffiths bill. Instead, I will address myself to three areas where I believe further attention is needed. They are adequate treatment for the mentally ill, provisions of custodial care for the chronically ill, and comprehensive health care planning.

MENTAL ILLNESS

The majority of those suffering from mental illness are the poor. They have been the subject of much discussion before the Committee, since it is they who also receive the worst health care. Discussion has centered on ending discrimination against general health care for the poor but little has been said about mental health.

Those with the least education and the lowest income have the highest rates of admission to state and county mental hospitals and to out-patient psychiatric services. Within this group, older citizens (those over 55) have the highest rate of mental illness with women at a rate almost double that of men.

Nor are the poor the only group in need in this area. To an increasing degree our large labor unions have gotten involved in the problem of mental illness among their members. The United Auto Workers Health program is a model in this field, and as International President Floyd Smith of the IAM points out. . . .

"As industry becomes increasingly automated more jobs become monotonous, boring and frustrating. They not only provide no satisfaction, but, by decreasing the worker's sense of personal contribution, undermine his sense of individual worth. As the environment for humans in industry becomes more sterile the climate for alcoholism, drugs and antisocial behavior becomes more fertile. This entails a significant loss not only for workers individually but for the nation's productive capacity as a whole. . . .

"Along with other labor organizations, our union has tried to negotiate pre-paid psychiatric care provisions in collective bargaining contracts. We have had some success. But our efforts are little more than a band-aid where major surgery is required. Just as physical health care is too enormous for privately negotiated insurance plans the problems of mental health cannot be solved without establishing a comprehensive base of government support for a wide range of services."

The simple fact is that very few Americans today can afford private psychiatric care out of their own incomes.

In fact, 10 per cent of the total population—or 20 million people—have been or will be hospitalized for mental illness at some time during their lifetimes. In 1969, one out of every three hospital beds in the United States was a psychiatric bed. It has also been estimated that up to 25 per cent of the population will need some kind of psychiatric care during their lifetimes. We are therefore talking about between 20 and 50 million people.

Why then is it that every bill before your Committee discriminates against the mentally ill? The answer is twofold.

First: American society does not like to think about mental illness. It is not considered a "real" illness. If the sick person would only "exercise some self control and pull himself together" he'd be fine. This arrogant, frightened, ignorant viewpoint is false and unjust. The advances made in medicine—particularly in pharmacology—linking mental illness with physiological problems and the evidence of the effectiveness of psychotherapy demonstrate that mental illness is indeed real.

Second: There is a great fear that the cost of treatment for mental illness—if it were available to everyone—would be prohibitive. Studies made of different national health insurance plans have shown no marked increase in the use of psychiatric facilities. The increases have been offset by a corresponding decrease in the number of visits to the regular family physician. (Doctors report that a high percentage of their patients are suffering from psychosomatic complaints.)

Studies of the various group practice prepayment plans providing comprehensive outpatient psychiatric care have shown that about 5 to 20 persons per 1,000 enrollees receive some out-patient psychiatric care each year. Average number of visits per patient ranges generally from 7 to 15, and total visits per 1,000 enrollees range from about 50 to 170. Total visits for psychiatric care comprise from 1 to 4 per cent of total visits for all conditions, including preventive care.

Hospital admissions for mental conditions generally range from about 2 to 4 per 1,000 covered population annually and comprise about 2 to 3 per cent of all hospital admissions. Days of care for mental conditions range from about 25 to 60 days annually per 1,000 population, and comprise about 5 to 7 per cent of the days of care for all conditions. The average per diem cost of care for mental illness is *lower* than that for all conditions (since there are no charges for operating room, anesthesia, x-ray and laboratory examinations) and the overall cost of hospital care runs about 3 to 5 per cent of that for all conditions.

There is no good reason—from the data shown—why insurance coverage of hospital and outpatient care for mental conditions should not be as extensive as that for general illness.

The problem is that such coverage is now limited to a small percentage of the population. And in many cases, persons with a history of mental illness cannot receive adequate coverage.

I have received several letters from the parents of mentally ill children. These letters show so clearly the need for adequate coverage, that I would like them to be placed in the hearing record at this point. The unnecessary pain and suffering to which our present health care system subjects children and their parents is so horrible that it must be changed. The letters speak for themselves.

Your Committee, Mr. Chairman, has a unique opportunity to do a service to Americans by allowing them the same right to mental health as is now claimed for physical health.

Let me briefly summarize the provisions for mental health care in the National Health Insurance Partnership Act, the National Healthcare Act of 1971, the AMA Medicredit Plan, and the Health Security Act.

THE NATIONAL HEALTH INSURANCE PARTNERSHIP ACT OF 1971

The National Health Insurance Partnership Act of 1971, does not require than an approved basic health care plan include outpatient or inpatient psychiatric services. Section 603 of the bill, setting forth the benefits which must be included in an approved employer-employee-financed health plan, states that a plan must include "physician's services (except when provided by a psychiatrist) to an inpatient of a hospital," and "physician's services (except when provided by a psychiatrist), . . . for a person who is not an inpatient of a hospital." Similar restrictions on coverage of psychiatric services would apply to benefits under the Family Health Insurance Plan, proposed under Title II of the bill.

THE NATIONAL HEALTHCARE ACT

The "Minimum Health Care Benefits" spelled out in the National Healthcare Act of 1971, include three visits per year to a physician in his office or in an ambulatory health care center. Presumably, these visits could be used for treatment by a psychiatrist. This plan also covers the first 30 days in a general or psychiatric hospital per illness and full charges for physicians' services while institutionalized. Over a six-year period following enactment of the proposed legislation, additional benefits would be phased-in. Additional visits to a physician for treatment of mental disorders would be unlimited in number and would be subject to a 50 per cent copayment by the patient.

THE AMA "MEDICREDIT" PLAN

The Health Care Insurance Assistance Act of 1971 embodies the "Medicredit" approach to health care financing supported by the American Medical Association. Under the bill, a qualified private health insurance policy eligible for Federal income tax credits would have to include at least the following benefits relating to mental health care: (1) 60 days of inpatient hospital care for psychiatric treatment; (2) outpatient diagnostic tests and emergency services; and (3) psychiatric care by a physician regardless of where the services were provided—number of visits unspecified.

HEALTH SECURITY ACT

The Health Security Act of 1971, introduced into the House by Representative Martha Griffiths and into the Senate by Senator Edward Kennedy, would provide for 45 consecutive days of psychiatric inpatient care during a benefit period. Covered services do not include institutional care of a person as a psychiatric patient unless that person is receiving *active* treatment (as opposed to maintenance or custodial care) for an emotional or mental disorder.

Psychiatric services to an ambulatory patient are covered only for active preventive, diagnostic, therapeutic, or rehabilitative service with respect to mental illness. If the patient seeks care in the organized setting of a comprehensive health service organization, or a hospital outpatient clinic, or other comprehensive mental health clinic, there is no limit on the number of consultations. The care of a psychiatric patient in a mental health day care service is covered for up to 60 days. If the patient is consulting a solo practitioner, there is a limit of 20 consultations per benefit period. Psychologists' services are covered if they are part of institutional services or are furnished by a comprehensive health service organization. Services of independently practising psychologists are not covered.

Of all the legislation the Health Security Act has the best mental health provisions. I am in full sympathy with the requirement that time in a mental hospital should be spent on "active" treatment. Custodial care, which I shall discuss elsewhere, should no longer be tolerated for the mentally ill. I can understand why a 45 day limit has been placed on hospitalization, but I cannot wholeheartedly approve. There is no such limit for physical illness. If a patient requires active treatment after 45 days why should he be penalized. I would suggest that ideally,

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no limit be placed on the number of days allowed in a mental hospital. However, I realize that one reason for such a limitation is to create an incentive for moving people out of the hospital and to encourage the use of community mental health centers. I applaud these objectives and endorse them.

Nevertheless, there will be some small number of persons who will require extended hospitalization. I would therefore suggest a minimum of 90 days of active treatment. If the limit were 90 days almost every patient (not just a majority) would be covered. If the patient cannot respond at the end of 90 days, I further suggest that either on the doctor's recommendation or by some type of peer group recommendation or some other method, the patient be allowed to continue active treatment, subject to a review every 30 days. I know that there are problems in peer group review, and I am not advocating this as a solution to the problem. I don't have enough expertise to offer the ultimate answer to the proper review mechanism. I hope the Committee will look into it.

Mr. Chairman, the number of patients being discussed here is very small, the cost is very small—to us—but it would be disastrous to their families if they had to bear the burden. Statistics clearly show that the number of hospitalized patients is dropping, and gives further evidence that the cost of adequate hospitalization for those who need it is not beyond the resources of this nation.

The number of inpatients in State and county mental hospitals as of June 1970 was 338,592. This represents a drop of 35,192 patients, or a 9.5 per cent decline over the past year. Thus, for the 15th consecutive year, the population of these institutions has declined. Accompanying this trend is the number of net releases from mental institutions. The number has tripled from 126,000 in 1955 to 395,000 in 1970. 1970 was the first year that the number of net releases exceeded the number of admissions.

The cost per day for the average resident patient in State and county mental hospitals has risen from a figure of $12.59 per day in 1969 to $14.89 per day in 1970. Compare this to a cost of approximately $85 per day in our best private mental hospitals, and we can see that the treatment in the mental hospitals cannot possibly be as good as the average patient needs. Yet, there are many families that cannot afford even the cost of the state hospital, who are afraid to put a member into a state hospital, but have no choice. When the cost for a year's stay in such a hospital is $5,434.85 it is clear that most families simply can't afford to pay.

A second area in the coverage of mental illness also concerns me. This is the restriction on the number of visits allowed to a psychiatrist. The Kennedy bill places no limit on the number allowed if the psychiatrist is part of a health maintenance organization. The limit is 20 if he is in private practice. I recognize that this provision seeks to provide incentives for the formation of HMO's, and that is an effort I fully support. This recognition of the worth of HMO's is one of the important innovative features of the Kennedy-Griffiths bill. But it will take us some time to reach that goal and in the interim I am concerned at the plight of those who find no HMO available to them, or who for some other reason will be continuing treatment with a single practitioner. Ideally, there should be no limit on private visits in these circumstances. If the person is sick he should be allowed to see his doctor.

Realistically, I know that there are strong inclinations to limit the visits. As I have demonstrated, when the private plans began covering subscribers for psychiatric visits there was no overwhelming increase in the number of persons seeking such visits, and the cost did not become staggering. If the Committee is convinced that some control is necessary, I would ask two things—first, limit the visits to no less than 20, as we see in the Kennedy bill. Second, require that a study be made within 5 years of the cost and utilization of psychiatric services. At that time revise the restrictions in light of the data. I think we will see a considerable loosening of restrictions against mental health coverage. Let us not shut the door once and for all in this Congress.

Finally, Mr. Chairman, we must at all costs preserve the community mental health centers. Approximately 400 mental health centers are or will be in operation in the near future. At the present time, funding for these centers is on an extremely tenuous basis, with legislation providing such funding running out in the next two years. It is essential for progreesive and good mental health, that these centers remain open. They have contributed immeasurably already to keeping patients out of the hospital and to providing adequate outpatient care. If national health insurance does not provide some form or reimbursement to these facilities, and does not make it a clearly mandated goal that these facilities shall continue in operation, we will have lost one of the best, most economical, and most farsighted health organizations in existence.

To summarize, at a minimum the following provisions for mental illness should be included in any bill reported out of this Committee:

1. Full coverage of 90 days of hospitalization, per benefit period;
2. Further hospitalization if the patient's doctor of peer group review determines it is necessary;
3. A review every 30 days of extended hospitalization;
4. Coverage of "active" treatment only;
5. A minimum of 20 visits to a psychiatrist on an outpatient basis, per benefit period;
6. Full coverage of all prescription drugs;
7. Full coverage of community mental health center assistance, and strong provisions providing federal funding for continuance of such centers;
8. Full coverage of home visits by qualified staff members of clinics or comprehensive mental health centers;
9. Full coverage for 90 days stay in day mental hospital with same provisions for extension as full time hospital, per benefit period.
10. Full coverage for 90 days stay in night mental hospital with same provisions for extension as full time hospital, per benefit period.
11. A five year study to determine costs of mental health insurance with an eye toward removing restrictions if data demonstrates feasibility.

Mr. Chairman, President Kennedy in his Message on Mental Illness and Mental Retardation in 1963 stated:

"Mental Health Services should be financed in the same way as other medical and hospital costs. At one time this was not feasible in the case of mental illness, where prognosis almost invariably called for long and often permanent courses of treatment. But tranquilizers and new therapeutic methods now permit mental illness to be treated successfully . . . within relatively short periods of time—weeks or months, rather than years."

President Kennedy was right eight years ago. Is the Congress ready to act now? I hope so.

CHRONIC ILLNESS

The second area of concern to me is the care—particularly custodial care—of the chronically ill. The image conveyed to the American public is that the Congress is seriously considering legislation which will provide comprehensive health benefits for everyone. That image is false. These bills do *not* cover everyone, and it is my intention today to bring to light and to discuss the fact that those needing custodial care are *not even being considered* for coverage under any national health insurance proposal.

Let's not fool ourselves, but most of all let's not fool our constituents. Some people are not going to get the right diseases. Some people are going to need longer term care than the Congress or the President wants to give them. And these are generally the people with the least political clout—the aged living in nursing homes, the mentally retarded, the mentally ill who require a sheltered environment and have no home to return to. If it is indeed too expensive to provide these individuals with adequate health coverage, let's drop our mantle of hypocrisy and admit that there are limits to what we can do. If we can afford to provide them with coverage then let's demolish once and for all the idea that "custodial" care is not "health" care.

Our society has consistently differentiated between health services and social services. It is time to take another look at our definition of services and determine how and why we ever got into such a silly bind. It is increasingly clear that better health—and less expensive health care—may come for many in a middle ground between home and hospital. It has been estimated that 10 per cent or more of the chronic long-term patients in the Massachusetts state mental hospitals could be released if they had foster homes or half-way homes to which they could go. Studies of the severely retarded have demonstrated that with adequate training and education, most can learn to function on a minimal level. Yet we spend twice as much as we need to keep such individuals in state facilities simply because we lack the funds and imagination to look for and use the alternatives.

I would like to see any health care bill reported out of this Committee include unlimited coverage for custodial care—defined as nursing homes, half-way houses, foster homes, and where necessary institutionalization. The emphasis should be permanently on alternatives to institutionalization.

A look at the statistics of the numbers of chronically ill proves the need for both home care and "custodial" care coverage.

It is evident that Americans are living longer. Since 1900, the life expectancy for the American male has risen from 48 years to 67 years and for American females from 51 to 74 years. Yet the United States currently ranks 22nd in the male life expectancy and 7th in the female life expectancy of all the major industrial nations of the world. A male in Sweden can expect to live five years longer than the average American male and a female in the Netherlands can expect to live nearly two more years than the average American female. Of course, part of this is due to American affluence and our way of life, but the major reason for their longevity is their nation's health care system.

Since 1901, the United States has had 40 Nobel prize winners for medicine. We have prevented or controlled formerly fatally infectious diseases such as pneumonia, typhoid fever, and tuberculosis. Yet, these other nations have a more comprehensive health care and health delivery system which provides their people with adequate care at a cost that is not prohibitive. To these nations, health is of the first priority.

With these advances in medical sciences, more and more Americans are reaching the ages at which they become vulnerable to arthritis, emphysema, rheumatism, heart disease, cancer, multiple sclerosis, Parkinson's disease and other chronic illnesses.

Of the 22 million Americans suffering limitations from chronic illnesses over 12 million are severely enough affected that they had to discontinue their major activity (job, housework, or studies). An additional four million are disabled to the degree that they could hold no job at all.

Nearly 11 million Americans suffer from arthritis alone. Rheumatism afflicts another 6 million. Heart diseases have stricken nearly 15 million Americans with another 13 million suspected sufferers. Over 500,000 people suffer from multiple sclerosis. Parkinson's disease which is primary among the crippling neurological diseases afflicts over one million individuals, and 50,000 more Americans will be afflicted with this disease every year.

Diseases such as diabetes, which afflicts nearly three million citizens, can be controlled if diagnosed—but nearly half of the sufferers do not know they have it.

The incidence of chronic respiratory diseases, particularly emphysema, has been recognized by health authorities as a growing menace because of the increasing contamination of our environment. In the last five years, emphysema cases have risen over 109 per cent. People affected by bronchitis and/or emphysema number well over four and a half million. The number of deaths per 100,000 caused by emphysema has increased from 5.4 in 1960 to 11.1 in 1970, more than a two-fold increase in just one decade. Because their disease is progressive and their ability to breathe is affected emphysema patients need continuous care, beyond the hospital. Home care is essential and expensive. In time, with enough research, there might be a cure. Until then, the needs of the afflicted must be met.

Over 800,000 persons suffering from chronic illnesses are strictly confined to their homes. A typical case was related to me in a letter from Mrs. Eva M. Rees, Executive Director of the Visiting Nurse Service of New York. Mrs. Rees wrote:

"Mrs. D., a woman of 45, has multiple sclerosis. Her illness has progressed to a point where she is unable to do any self care. She is completely dependent on helping persons for bathing, toileting and nutrition. Her husband works, her 3 sons are of school age, and with no other family members available, a home health aide was essential for her care. Mr. D's income was inadequate to meet medical expenses and they were therefore able to qualify for Medicaid assistance and home health aid services was provided 8 hours a day, 5 days a week. With changes in eligibility, however, the Ds no longer qualified for Medicaid assistance and although several voluntary agencies tried to provide assistance, this 45 year old woman had to be sent to a nursing home where she will likely remain until she dies."

This kind of governmental insensitivity is cruel to both the patient and her family, and results in a much more costly form of treatment. It would be both more humane and less expensive to stay at home.

This Committee has already heard the projected cost of hospitalization for the next few years. People who suffer from the chronic illnesses will be forced to meet these costs. Yet, the incomes of families with a severely chronically ill person are less because of the inability to work. When the chronically ill person is the head of the family, disruption of earned income may be acute. When another member of the family is the one afflicted, earning losses may not be quite as severe, although other expenses may be incurred in the forms of attendant care, housekeeping, or special equipment.

According to the Social Security Survey of the Disabled, the median family income of disabled adults in 1965 was $5,270—compared to an average family income of $6,817. And families with a severely disabled adult had incomes of $3,156—an amount bordering on the poverty level. These people must meet costs estimated at between $900 and $1,000 a month.

Home health care must be provided for the chronically ill. But adequate custodial care deserves equal consideration and action. More than one million Americans are in nursing homes.

270,000 mentally retarded individuals are confined to institutions.

Ten per cent of all persons suffering from multiple sclerosis will need the full range of custodial care.

A percentage of individuals suffering from other illnesses which I have discussed will need custodial care.

Let me use cancer as an example. Victims of cancer, which kills two out of every three people it attacks, in almost all cases undergo a long-term treatment period and they or their families must face astronomically high costs.

In a letter that I received from Mr. Richard T. Mayes, Treasurer of the Children's Cancer Fund of America, he says:

"The problem of how families of average means can pay for custodial care of the critically or chronically ill short of help from the national Treasury is beyond the scope of this organization to even suggest a solution. Private or charitable organizations could not even scratch the surface of meeting the expense of medical and custodial care for the millions of children threatened or afflicted with cancer in its many forms.

"I can say quite frankly that all the funds that this small but devoted hard working group can generate in a single year would not be adequate to pay the expenses for more than few victims being treated for any serious cancer illness, of children up to age 14 years."

The initial tests and follow up diagnosis and treatment for children suspected of cancer costs between $1,000 and $5,000 in New York City. Therapy alone in a hospital will cost $200 a day for a period of two or three weeks. That, Mr. Chairman, will cost a family around $4,000. After the therapy is the survival period, this may last two, maybe three years. This will include numerous visits to the hospital and much custodial care. The cost for the family if the child will survive two and a half years, which is the average, is $35,000. In any NHI proposal, there must be adequate provision for custodial care for the victims of these diseases. The costs are too prohibitive for adequate care.

For elderly patients, help is no easier to find. Dr. Lichtman, director of the DeWitt Nursing Home in New York, has reported that not more than twelve people in all of New York City were certified by the Social Security Administration for any type of custodial care in an extended care unit.

The costs of care cannot be counted in terms of pure dollars. Over 224 million days of work were lost in 1963 due to chronic conditions. A total of 6.2 million man years were lost that year because of death illness. The value of this work in terms of 1963 price value minus one-fourth of the man years that would probably be non-productive was $23.8 billion.

Mr. Chairman, there is a special area of chronic illness that I would like to discuss now. This is the case of the mentally retarded—who under all NHI proposals are not adequately covered. Over 6 million Americans are mentally retarded. A mentally retarded child is born every five minutes. Over 20 million family members are affected directly—that is almost one in every five families.

Yet, Mr. Chairman, at least one third of the mentally retarded presently in institutions, if they receive the proper care soon enough, can be productive self-supporting members of society. But institutional care with costs nearly ten dollars a day and there are 270,000 retarded persons in institutions. This money goes for food, clothing and shelter. Little, if any, effort is made at education or training. A father making thirty dollars a day might have to pay one-half of his wages just to keep his child alive. To expect parents to meet these costs at the expense of the rest of the family—which in three-fourths of cases is poor—is incompre-hensible. The mentally retarded have a fundamental human right, to proper health care. The fact that he needs more help, both financially, educationally and medically, is all the more reason to help him.

Most mental retardation originates in the prenatal period or in early childhood. The need for increased prenatal and well-baby care is covered under the Griffiths bill and the other proposals. The question is what happens when the retarded baby grows up. Will the family have to assume all costs. Or will the State simply pay to put him away in an institution where there is little or no hope of improvement.

RECOMMENDATIONS

1. That national health insurance provide unlimited nursing-home care.
2. That national health insurance provide for transient and permanent half-way house care.
3. That national health insurance pay for the care of the severely and mildly retarded and that such insurance cover the cost of special training and education.
4. That national health insurance be redefined to include social services necessary for decent health care.
5. That the chronically ill—not in custodial care—be provided with the at home, constant services, medication and equipment they require to maintain themselves, and that such services be provided to everyone regardless of ability to pay.

Chronically ill Americans have been one of the most neglected groups in our history. With over a million Americans in nursing homes, over 250,000 mentally retarded receiving custodial care, with over 22 million Americans limited in their activities by chronic illnesses, it is time that we end the discrimination against those who are sick. Any health legislation must include measures for them. Any program that will purport to end the crisis in the health system and does not include adequate health care for the chronically ill, the mentally ill, and the mentally retarded—any one who needs custodial care—is betraying the confidence of the American people.

Mr. Chairman, I ask that: in any health insurance legislation that this Committee proposes you remember the American people—the working man who has a family to support—and include an amendment that would adequately cover those Americans in need of custodial care. The structure of the health care system and any requirements of the financial support mechanism must be subject to the needs of the patient whether they be physical, mental, emotional, or socio-economic.

HEALTH PLANNING

The third area I wish to discuss is that of proper health planning. We now face a crisis in health delivery. For too long we avoided dealing with the inadequacies of our health care delivery system by simply pricing health care beyond the means of a substantial segment of our population. Now that we have begun to recognize our national responsibility to overcome financial barriers to proper medical treatment, we find that we do not have a system capable of furnishing treatment to all of those who need it.

The Kennedy-Griffiths bill's emphasis on HMO's is a critical first step in establishing this system. I believe that other steps must be taken as well to create a genuine system in place of the uncoordinated, archaic, unresponsive machinery we now have.

WBZ Radio and TV in Boston have put forth two editorials on health care entitled the National Urban Coalition "Counterbudget and Our National Health." Both editorials are concerned with health planning and I would like to quote them:

"'Counterbudget' sets two fundamental objectives which we agree should guide the hunt for a new national health program. One

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is to assure access to adequate health-care facilities to all Americans. The second is to provide more efficient organization and utilization of those facilities, to control costs.

". . . Simply adopting an insurance program won't do anything to assure a change in the distribution of health care. Very simply the spread of manpower and facilities is more important than financing in determining the number of people who get health services and the quality of the care they receive.

"'Counterbudget' notes that the most pressing supply need is for manpower. There just aren't enough trained people to care for Americans today. The poor suffer most because doctors and other health personnel are less willing to practice in the inner cities and rural areas. But everyone suffers at least somewhat, due to higher costs for health care.

"The Coalition recommends steps to increase the supply to doctors and dentists. But it feels the most urgent manpower requirement is for more nurses and so-called paramedical personnel—doctors' assistants, dental technicians, mental health workers and neighborhood health aides.

"This is something that involves government at every level and private interests as well. But in the federal budget alone, the Coalition study urges an 80 per cent increase in support for health manpower development over the next five years. It also means a chance for better health for millions of Americans. Let's get moving on it."

The problem is more than inadequate manpower utilization. It is also improper utilization of existing facilities.

For instance, the North Shore Children's hospital in Salem has many empty beds and has had to close an entire floor. Yet, this is one of the finest children's hospitals in New England. The reason is not that children are healthier than ever before. The reason is that other hospitals which may be a few minutes closer to home are taking children, while they delay admission of adults who also need care. Many hospitals in the Salem area could simply convert their children's wings into adult care units and transfer the children to the North Shore Children's Hospital.

What we have here is in fact a form of "competition" between hospitals which results in an under-utilization of a very fine hospital and a downgrading of health care for adults in the area. The hospitals in an area should coordinate their services so that costs can be cut and the quality of care can be improved. The situation which the North Shore Children's hospital finds itself in is patently absurd, and until we as consumers demand that the narrow self-interest of the medical profession give way to sound management and planning, we will pay the price.

There are complaints from other sections of the country that hospital beds are empty. We also hear the cry that there is a tremendous doctor shortage. Both of these facts are true. But, here again, sound planning would alleviate a lot of the problem. With an increased emphasis on ambulatory, preventive medicine, fewer hospitals will have to be built and an increasing number of hospitals will have empty beds. We could save millions of dollars by determining those areas where increased out-patient care will cut the number of hospital beds needed, and by planning for the utilization of the money previously spent on construction, we would use existing facilities to their better ends.

I am no expert in the field of health planning. I can't pretend to offer the Committee any concrete solutions. Several people, including Professor Elliott Krause at Northeastern University, are working on the solutions and I suggest that the large and complex body of information on this be studied by the experts and implemented. It is possible to point to failures in the health care system and to lessons we might learn from those failures. The August 1970 issue of Hospitals, the Journal of the American Hospital Association, provided the following information about the true reasons for the rise in hospital costs.

Hospital per diem costs rose continuously throughout the decade, but during the post-Medicare period, they rose 34 percent more rapidly than during the pre-Medicare period. While labor costs rose more rapidly than non-labor costs during the pre-Medicare four years, they rose substantially less rapidly than non-labor costs during the post-Medicare period. The rate of growth of hospital assets also sharply accelerated in the post 1965 years.

Admissions to hospitals also rose throughout the decade, by 21 percent over the 1961–69 period. But the supply of hospital beds (certainly one major indicator of the supply of hospital services) more than kept pace, rising 25 percent over the same period. While the rate of increase in supply of beds was about the same during the four year periods before and after Medicare (12.4 percent after), the rate of increase in admissions to hospitals sharply declined in the years after Medicare and Medicaid took effect (admissions in 1965 were up 13.2 percent over 1961; in 1969 they were up only 6.8 percent over 1965). In other words, during the post-Medicare period, the number of beds increased substantially more rapidly than admissions.

Occupancy rates have risen throughout the sixties, reaching 78.8 percent in 1969. But almost two-thirds of the increase has come in the last four years, i.e., since Medicare. The Hospitals statistics indicate, however, that the increased occupancy rates of the latter period are virtually entirely due to a sharp hike in the average length of stay of patients in the hospital (7.6 days in 1961, 7.8 days in 1965, 8.3 days in 1969). It may be possible to speculate that with Medicare or Medicaid insuring that a patient's full stay in the hospital would be paid for, the hospitals took advantage of the situation and hold onto patients longer, thus increasing their income. (It costs the hospital almost as much to maintain an empty bed as a full one, but with an empty bed, there is no income to offset the expense). In any case, hospitals' patient loads are still far below capacity, even after the increase in occupancy rates of the last decade. One would not expect the relatively small hike in occupancy rates of the last few years to have had a major impact on prices.

From the Hospitals figures, it seems clear that hospital prices did not rise under the impact of a soaring demand. Rather the critical feature of the post 1965 period was that Medicare and Medicaid, like Blue-Cross and other insurance plans, paid hospitals whatever they claimed as their true costs for providing patient care. The costs (the "price" paid by the reimbursement agencies and the basis for the price paid by patients who pay their own bills) were not set in a free marketplace, where the supply and demand argument might have some relevance. Instead, the hospitals were able to set their cost virtually arbitrarily. Equipment, higher salaries for everyone, building renovation and expansion—hospitals can add them into their "costs" and get reimbursed.

Medicare and Medicaid have driven hospital costs up. But not by stimulating consumer overuse (relative to supply) of hospitals. Costs rose because the hospitals appropriated money for their own benefit.

Obviously, we need far greater controls over the costs of medical care. We must develop some kind of standard by which to judge the validity of medical charges. Because health care is complex—no two people react exactly alike to the same illness—we cannot have standards that are so rigid they allow for no leeway. But we cannot maintain a blind, unquestioning attitude toward medical costs.

One solution—and this is simply a suggestion from a lay man—might be the one stressed by the National Advisors Commission on Health Manpower in 1967. This would be for insurance organizations—whether they be private or the Federal government—to provide incentives to economize by their payment schedule so that the most efficient producers of care receive the greatest net income. Conversely, those who are least efficient should be penalized for their inefficiency. By setting reasonable standards, those who exceed them would receive a bonus and those who cannot reach would have fees reduced. Such economic incentives might have startling and pleasing results.

I urge the Committee to include a good planning program in any legislation reported out. Without decent planning we will be throwing money down the drain and will perpetuate a health system which does none of us any credit. It is time for the overview. We have done enough one-step problem solving with the result that our health care system is fragmented and crumbling. Let's put it back together again on a stronger foundation.

Thank you.

THE AMERICAN LEGION

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HÉBERT. Mr. Speaker, my good friend, E. Davis McCutchon, of Pass Christian, Miss., was one of Louisiana's delegates at the historic convention which founded the American Legion.

Recently he gave a speech about this convention to the Joe Graham Post in Gulfport, and because I feel it is a rare firsthand account of the event, I want to insert Mr. McCutchon's remarks in the RECORD at this point:

THE FORMATION OF THE AMERICAN LEGION

(By E. Davis McCutchon)

Thank you, Mr. Commander and Founding Member of the Legion—It was my pleasure and privilege to have been one of the twelve delegates, appointed by Governor John M. Parker, to represent the state of Louisiana at the Caucus of the American Legion held in the Shubert-Jefferson Theatre in St. Louis in May of 1919.

It was at the Caucus that the Legion was born—but the actual beginning took place in a historic meeting held in Paris shortly after the signing of the Armistice. In his book, *The American Legion Story*, Raymond Moley, Jr. says:

"There can be no question as to the fatherhood of the idea or to the initiator of the chain of circumstances which led to the formation of The American Legion. The honor belongs to Theodore Roosevelt, Jr."

The honor belongs to Theodore Rosevelt, Jr., eldest son of the Illustrious "Teddy" Roosevelt, President of the United States, 1901–1909, who called the Paris meeting which was attended by twenty officers of various divisions of the Army. It was at this meeting that plans were formulated for the organizational meeting in St. Louis which was attended by 1100 delegates from all parts of the United States.

The greatest tribute that I have ever seen paid to any one man occurred at the St. Louis Caucas. The name of Roosevelt was placed in nomination to be the First Temporary Commander. The nomination was seconded by Colonel Luke Lee of Tennessee. Roosevelt was on his feet immediately to say "I wish to withdraw my name." His words were drowned out by the deafening roar of applause from the 1100 delegates. For twenty minutes the ovation continued, but Roosevelt was firm in his decision. When he was finally able to talk after the noise subsided, he said:

"We must never give the impression that any one would use this great organization for personal political gain. I know that no one in this audience has any such feeling but we must create the impression all over the country today on which this organization will carry on and serve a great purpose for years in the future."

Roosevelt stood by his declared decision and Lieutenant Colonel Henry D. Lindsey, of Texas, became the First Temporary Commander—a Southern Democrat, nominated by a Yankee from Maine and seconded by a Yankee from Ohio.

The first National Commander was Franklin D'Oller, of Pennsylvania, 1919–1920.

Later in the St. Louis Caucas, the following preamble to the Constitution was adopted:

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America;

To maintain law and order;

To foster and perpetuate a one hundred per cent Americanism;

To preserve the memories and incidents of our Associations in the great war;

To inculcate a sense of individual obligation to the community, state, and nation;

To combat the autocracy of both the classes and the masses;

To make Right the master of Might;

To promote peace and good will on earth;

To safeguard and transmit to posterity the principles of justice, freedom and democracy;

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

The St. Louis Caucas had its moments of excitement, turmoil, dispute and self-expression. I remember, on one occasion, when a former high ranking officer took the stand to nominate someone for office and started out by saying, "I place in nomination the name of a man who distinguished himself on the field of battle, a man who . . ." and on and on until a former buck private in the balcony cried out "Cut out all that stuff—name the man."

I think it may interest you to know how the name "Post" was adopted as a designation of individual group units of the Legion. The Army representatives wanted the name to be "Dugout"—for instance "Dugout Number 114" or "Dugout No. 127" etc.—but the Navy ex-service men present said "No—let's call them Lookouts!" It appeared that a deadlock would develop until one of the delegates suggested the name "Post" which could not be identified with either the Army, the Navy, or the Marine Corps. This was the name that was adopted.

Let's go now to the National Convention of the Legion that was held in New Orleans in 1922 during the Prohibition Era. I was one of a group sworn in by Chief of Police Guy Molony, an ex-service man. Our job was to aid the police department in the preservation of law and order. At our first assembly, Guy Molony told us "If you see anyone point a pistol at another person, pull the trigger, and kill him, it shall be your duty to put the offender under arrest—anything short of that, use your own judgment."

I remember well an incident that attracted nation-wide publicity. At 11:00 A.M. on the first day of the convention a delegate stood at each of the windows on one side of the Roosevelt Hotel (then known as the Grunewald Hotel) on each of the twelve floors of the hotel. At a given whistle signal, probably blown by a top Sergeant, each man by each window took a sharp knife and ripped the bottom of a pillow taken from the room of the hotel. The resulting snow storm of feathers was beautiful. Today this would be called damaging to the ecology.

Again in 1968, a National Convention of the American Legion was held in New Orleans and many of you here present probably participated in it. By now the delegates had reached the age of maturity and understanding and the Convention, under the able guidance of Albert La Biche, was very business like and very successful.

To go back to the formative days of the Legion, it should be recorded that it was built on a solid foundation as shown by the fact that it has survived and prospered for more than fifty years and is still a dominant force for good in the daily activities of our American Way of Life.

The Washington Star welcomed the Legion "as an agency for the promotion of the best in our national life."

The New York Times exclaimed "Justice, Freedom and Democracy, without partisanship. The idea is noble. It should prevail!"

And Woodrow Wilson said:

"I am happy to have this opportunity to address a word of greeting and comradeship to the men who have served in the Army, Navy, and Marine Corps and are now banding themselves together to preserve the splendid traditions of the service . . . the spirit of their service, and the continuation of that spirit in the American Legion, will make it always an inspiration to the full performance of high and difficult duties."

The American Legion—a great organization—dedicated to unselfish principles, was born in St. Louis 52 years ago—may it always continue to grow in the perpetuation of the high ideals on which it was founded.

A NEW LANDOWNER

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. ABOUREZK. Mr. Speaker, because of my involvement in the effort to preserve the family farm and restore economic stability in rural America, I was particularly interested in an article written by Peter Barnes which I am inserting into the RECORD today.

I fully endorse Mr. Barnes' excellent article both for its overview of rural problems and for its suggestions for reform. The article follows:

A NEW LANDOWNER

(By Peter Barnes)

Not long ago the Bureau of the Census published some disconcerting statistics. The number of poor Americans in 1970, it reported, was 25.5 million—more than the number in 1960. The incidence of poverty was particularly high in rural America, where 19 percent of farm families and 10 percent of non-farm families were earning less than $3,100 a year.

These statistics come as no surprise to anyone who has travelled through the small towns and backwaters of northern New England, Appalachia, central California or the South. Yet they should cause all of us—particularly Democrats—to sit up and take note.

We applauded the ringing promises of Lyndon Johnson to build a Great Society, and the pledge of Sargent Shriver to wipe out poverty by 1976. But something obviously went wrong—something more fundamental than the election of Richard Nixon. Despite billions spent by the federal government on social programs, despite the longest uninterrupted period of economic growth in America's history, very little new wealth trickled down to poor people, least of all to the rural poor.

What went wrong, or rather was wrong from the very beginning, was the basic assumption that poverty in affluent America is primarily a cultural, racial and geographic problem. This assumption underlay the various anti-poverty and regional development programs of the 1960s.

The failure of these programs makes unmistakable what should have been recognized long ago: that poverty in America is above all an economic problem, a result of flaws in the distributive system that prevents the nations' vast productive wealth from being equitably shared.

These flaws can perhaps be boiled down to a few short sentences: wealth in America flows to those who own capital and land, and to those who have economic power. Most poor Americans do not own anything that produces income, and are not employed in industries where labor unions have demanded a healthy slice of the economic pie. Hence they remain poor.

This analysis leads to an inescapable conclusion: if poverty in America is ever to be eliminated, there must be a fundamental restructuring of the economy so that ownership of land and capital, and power in the economic marketplace, are much more widely distributed

Let's look again at rural America. Not only did poverty fail to disappear in the 1960s; the economic conditions necessary to make poverty disappear actually worsened. Thus, the number of independent farm owners decreased dramatically, while the accumulation of land by giant corporations markedly increased. By the end of the decade nearly 10 million persons had been economically driven from rural areas to the slums and barrios of our cities. Despite the rhetoric of the war on poverty, in other words, the total impact of federal policies in rural America was actually to create more poor citizens.

RURAL AMERICA

Tax laws, crop subsidies, water subsidies and labor policies also encouraged the emergence in some parts of the country of a form of social and economic organization that can only be described as corporate feudalism. This form of social organization, if allowed to persist and expand, will not only perpetuate a kind of serf-like status for millions of poor Americans. It will also hasten the demise of small town businesses and the rural middle class, remove control of rural communities from the communities themselves to far-off corporate board rooms, and generally preclude the revitalization of rural America along democratic lines.

What should the Democratic Party do? It should propose and seek enactment of a comprehensive program for land reform. The guiding principles behind this program should be these: land should belong to those who work and live on it; holdings should be of reasonable, not feudal proportions; and small-scale farming should be made economically viable.

These are not revolutionary concepts, nor are they alien to the Democratic Party. They are squarely in the tradition of Jefferson, Jackson, Bryan and Roosevelt. They were recognized in the Homestead and Reclamation Acts, and have been urged by the United States upon Japan, South Vietnam, and dozens of other nations in Asia and Latin America.

A comprehensive land reform program should include at least the following principal elements:

Enforcement of the 160-acre limitation in reclamation areas by federal purchase and resale of excess landholdings. Legisla-

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tion to this effect has been introduced by Senator Fred Harris, Representatives Robert Kastenmeier, Jerome Waldie and others, and been endorsed by the AFL–CIO, the National Farmers Union, the Sierra Club, the National Education Association and Common Cause.

Establishment of appropriate acreage limitations for landholdings outside reclamation areas. The size of the acreage limitation would vary with the type of crop grown. All land owned or controlled by a single individual or corporation in excess of the appropriate acreage limitation would be subject to a federal excess land tax. Revenues from the excess land tax would be used to help poor persons acquire land.

Vigorous application of existing antitrust laws to agriculture and enactment of new laws barring vertically integrated conglomerates from engaging in farming.

Restructuring of tax laws and subsidies to favor small-scale rather than corporate farming.

Greatly increased credit and technical assistance for agricultural cooperatives.

New laws assuring small farmers and cooperatives a fair return for their labor and greater power in the economic marketplace.

The long-term benefits of land reform would be so enormous as to defy simple categorization. Racial tensions would be eased; urban overcrowding would be reduced; welfare rolls would shrink; alienation of workers from their work would diminish; more citizens would enjoy economic independence; the environment would be protected and democracy strengthened.

CBS NEWS ON THE BLOOD CRISIS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. VEYSEY. Mr. Speaker, every time a surgeon performs an operation requiring a blood transfusion he takes a chance that the patient may contract hepatitis. Since the best practical test for the presence of this disease is only 25 percent effective, the doctor is forced to choose between the risk to his patient of contracting hepatitis, or the risk of not providing the blood he needs.

The CBS radio network program "Outlook" recently featured a story which dealt concisely with this operating room dilemma, and the shortage of voluntary blood in general. Through articles and comments such as this, the public's awareness of this serious condition is growing, but nothing has been done about it yet.

The National Blood Bank Act, H.R. 11428, which I recently introduced attacks this problem head on. It would establish a national program to recruit voluntary donors so we can phase out commercial blood. It would also require the labeling of blood so that doctors can understand more fully the risks involved.

I intend to reintroduce this bill this week, and will be happy to include any of my colleagues who may care to join me.

The article mentioned above follows:

CBS OUTLOOK

The other day at Cook County Hospital in Chicago, I watched an eighteen-year-old girl undergoing an operation to enlarge a faulty heart valve. During the two-hour surgery, she was transfused with three pints of blood. The chances were, with blood from a commercial blood bank, one in ten that she would contract hepatitis. Dr. Constantine Katoulis, Chief of Cardiovascular Surgery, who was in the operating room with me, said, 'It's the lesser of two evils. The risks of not operating are greater than the risks of contracting hepatitis.'

"But why does there have to be such a risk? Well, for the past quarter century, the American Red Cross at the government's request has tried to organize blood banks with voluntary donors. They have managed to collect less than half of the seven million pints needed annually. Hospitals supplement that with replacement blood from patients and their families, and 20% of the blood supply comes from commercial banks which buy it for $5.00 a pint and up from people who need the money. Such donors conceal past illnesses. The spread of drug addiction has increased the danger of hepatitis. Skidrow blood, drug-addict blood, does find its way into the nation's blood supply. Why doesn't the United States have, as other Western countries do have, an adequate supply of voluntary blood? Many say, 'Because of the apathy of the American public.' But that is disputed by some, like Leo Purlis, the Community Services Director of the AFL–CIO. He says that no real effort has ever been made to mobilize the American public and that, he says, is at least partly because it's been resisted by organized medicine. Well, why should organized medicine resist? Dr. Aaron Josephson, who runs the Red Cross Blood Bank in Chicago, a blood bank that was prevented for four years from starting because of opposition of the local medical society—Dr. Josephson says that members of the medical society, themselves involved in blood banking, have insisted that paid donors could meet the need, although they have now admitted that they can't. And so today, fewer than 10% of the potential blood donors among the 200,000,000 Americans give blood and Purlis says that if the Red Cross undertook a dynamic nationwide program, the Red Cross would be flooded with free blood. Now the Red Cross admits that the resistance of the supporters of free enterprise has slowed its efforts. And under the pressure of the growing hepatitis menace, the Red Cross has now moved to expand the supply of voluntary blood. Last week, it announced an intensive nationwide campaign for more donors, calling on its Chapters to help recruit donors for community non-profit blood programs, whether or not they're Red Cross programs. This has been long in coming, and if it succeeds, then the United States will finally join the other Western countries where blood is considered a necessary service and not a commodity to be bought and sold."

WAYS OF ALIENS TO ENTER THE UNITED STATES

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the alien wishing to enter the United States has numerous ways of achieving his goal.

Perhaps one of the easiest is by jumping ship. Every year, the figures go higher and higher in this area.

And the ship jumper may not necessarily be a person only seeking a good job in America. Not long ago, a mainland Chinese who had joined a ship's crew in Hong Kong deserted in Vancouver.

American and Canadian authorities trailed him constantly as he made "drops" of packages across the continent. He and a companion finally were apprehended in New York.

The fact that the man was from mainland China and was apparently smuggling in narcotics gives us another dimension of the problem of illegal immigration—the possibility that Communist spies are entering America and bringing with them narcotics.

In fiscal year 1970, according to the Immigration and Naturalization Service's official statistics, 8,548 crewmen are known to have deserted ship in the United States. How many more deserted in Canada and were unreported to Canadian authorities is anybody's guess.

Of the known deserters from ships in American ports, 5,699 were from Europe and 1,962 from Asia, principally Taiwan and Hong Kong.

Curiously, however, INS keeps records on deportations to Taiwan and Hong Kong, but does not break down the number of deserters who started out from Hong Kong, on the doorstep to Red China.

The number of known deserters is not high, but it is steadily rising and poses another problem to the American economy.

THE NEED TO BAN LEAD-BASED PAINT: THE FAILURE OF LABELING LAWS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. RYAN. Mr. Speaker, the children of this Nation are being plagued by a devastating yet totally preventable disease. It is known as childhood lead poisoning. And its primary cause is the ingestion of lead-tainted paint and plaster fallen from dilapidated dwellings.

The Department of Health, Education, and Welfare's own figures underscore the extent of this dread disease. In its May 1971 report entitled "Towards a Comprehensive Health Policy for the 1970's: A White Paper," the Department revealed these grim statistics:

Paint with lead in it poisons about 400,000 children (predominantly poor) annually. It is estimated that 16,000 of these children require treatment; 3,200 incur moderate to severe brain damage; and 800 are so severely brain damaged that they require care for the rest of their lives.

To this we must add yet another somber statistic: the 200 youngsters who die each year as a result of this deadly menace.

On November 2, the Food and Drug Administration published in the Federal Register a petition intended to get at the root cause of childhood lead poisoning. This petition, submitted by five child health advocates and myself, would ban lead-based paint from all household uses, under the authority of the Federal Hazardous Substances Act.

At the same time, however, the FDA published another proposal as well. This one, initiated by the FDA itself, would merely require that paint with a lead content in excess of 0.5 percent bear a warning label.

Interested persons have been given until December 28 to comment on either or both of these proposals.

It is my firm belief that a mere labeling requirement is totally insufficient to protect the health of our children. The inadequacy of labeling laws has been well evidenced by the recent findings of the New York City Bureau of Lead Poisoning Control. Under the provisions of the New York City Health Code, it is unlawful to sell paint with 1 percent lead unless specific warning labels are attached. Yet, on November 17, Health Services Administrator Gordon Chase announced that one out of every 12 New York City retail stores recently checked by the Bureau of Lead Poisoning Control was in violation of this ordinance.

Add to these violations the fact that once a paint is used on a wall the occupant does not know whether or not it contains lead, and the result is a tragic likelihood that this disease will continue unabated.

What is needed is clear: Lead-based paint must be banned.

At this point I include in the RECORD some recent press releases from the New York City Bureau of Lead Poisoning Control detailing violations of section 173.3 of the New York City Health Code pertaining to lead-based paint:

HEALTH SERVICES ADMINISTRATION,
The City of New York, September 1971.

DEAR FRIEND: As I wrote you in July, the regular printed edition of HSA's Newsletter is a casualty—we hope a temporary one—of New York City's financial crisis. But our belief that you would still want to know about our programs and progress was substantiated by the interest you showed in my informal July report to you on HSA's latest activities. Since then, we've launched some new programs, like ambulatory detoxification for heroin addicts, and revised some old systems, like restaurant inspections, as well as confirmed, dramatical improvement in the efficiency and effectiveness of our rat control program.

In my last letter, I reported that HSA had prepared a list of important phone numbers telling you where to call for information on health services, from abortions to vital statistics. We've had over 300 individual requests for some 1,500 copies of the list. For those of you who already have the directory, the new number for Family Planning (Information on Family Planning Projects) is: 966–3828, ext. 68. This is also the number for Maternity & Infant Care. If you don't have the directory, but would like a free copy, send a postcard asking for "Where to Go," to HSA, Public Information, Room 620, 125 Worth Street, New York 10013.

Lead found in paint: Since most children who contract lead poisoning have eaten chips of paint containing lead, the Health Department regularly tests interior household paints for excessive lead content as part of its lead poisoning prevention program. A series of recent tests of various household paints found 22 out of 146 cans tested with a lead content above the legal level of 1.0%. (Under Section 173 of New York City's Health Code, it is illegal to sell paints with a lead content above 1.0% unless the label on the paint can warns that the paint contains lead and should not be used for interior surfaces.) The cans, representing 16 different brands of paint, had levels of up to 13.5%. We informed the manufacturers of the paints by letter of the Health Department's findings and told them to remove the paints from the market. All have agreed to do so. At the same time we released a list of paints to the press. The paints found to have an excessive lead content are as follows:

Brand name	Color	Manufacturer	Lot/Code number
1. Adelphi	Rich orange	Adelphi Paint & Color Works, Inc	None.
2. Adelphi	Black enamel	do	Do.
3. Mirrolac	Bonfire red	Devoe Paint—Division of Celanese Coatings Co	1034.
4. Magicote Enamel	Lettuce green	Eaglo Paint & Varnish Corp	053082.
5. Frisco	Tangerine	Frisch & Co., Inc	None.
6. Japalac	Bud green	Glidden Co	2C27A/Y 1212.
7. Interlux	Green	International Paint Co	65C/0C77.
8. Mercury	Buttercup yellow	Mercury Paint Co	3084.
9. Kot-A-Tile	Brite cherry	Paint Fair	None.
10. Florflux	Tile red	Patterson-Sargent	4038A/23891.
11. Peerlux	Orange	Peerless Paint & Varnish Corp	9873.
12. Pleasant	Flame orange	F.O. Pierce Co	0525A3.
13. Pleasant	Autumn yellow	do	0524A5.
14. P.V.A	Olive green	Pentagon Chemical & Paint Works	146Z.
15. P.V.A	Golden yellow	do	LJ23.
16. Seal Luxe	Tropical orange	Seal Rite Paint & Chemical Corp	3013SG–8G–HF.

Ambulatory detoxification program: In July, HSA launched an ambulatory detoxification program aimed at reaching 36,000 heroin addicts a year—the largest program of its kind in the nation. The program will be in full operation by early 1972, with 13 clinics each performing 5,000 detoxifications annually, plus three mobile units with a combined capacity of 7,500 detoxifications annually. The program will provide approximately 72,500 detoxifications annually and will reach 36,000 addicts a year, on the assumption that each addict will be detoxified an average of two times a year. Two clinics are already in full operation, one run by St. Mary's Hospital in Brooklyn, the other by the New York Medical College Department of Psychiatry in Manhattan.

Patients treated in the program will be given decreasing daily doses of methadone over a seven-day period, until they are drug-free. Patients who come to be detoxified will be encouraged to seek longer-term treatment.

The entire program is supervised by HSA, which negotiates contracts with hospitals and other medical institutions that wish to set up detoxification clinics. Jim Kagen is overall director. Carl G. Hooper is the program's Director of Operations. Overall medical supervision is by the Department of Health.

Rats: Six-month report: A six-month report on HSA's Rat Control Program shows that we have made impressive productivity gains over last year. The increase in efficiency and effectiveness is due to our comprehensive program of inspections, garbage removal, extermination and community education. The Rat Control Program operates in five target areas of the city—Harlem, the Lower East Side, South Bronx, Bedford-Stuyvestant, and Brownsville.

Comparing the first quarter of 1970 (January–March) with the month of June 1971, the premises inspected per man day dose from 5.5 to 17.7, while the cost per premise inspected dropped from $10.00 to $3.11. The number of premises exterminated per man day rose from 2.3 to 9.8, with the cost dropping by about four-fifths. The number of man days per ton of refuse removed dropped from 10.8 to 3.5, with the cost per ton removed dropping from $216 to $70.

In addition, the actual work accomplished by the program increased impressively. Comparing January–June 1970 with the same six month period in 1971, the number of premises inspected went from 11,575 to 30,281; the number of premises exterminated went from 15,648 to 34,207; and the number of tons of refuse removed went from 2,412 to 8,449.

HSA is now putting into operation a number of new procedures to make further improvements in the Rat Control Program's effectiveness. These include a block recidivism study to determine the rate at which blocks deteriorate after being treated by the program; computerization of the reporting and billing system; and a career ladder program for field personnel.

Comprehensive approach to alcoholism: This summer, the city's first comprehensive alcoholism treatment service involving a voluntary hospital was created. The new system combines under single management facilities for the initial detoxification stage of treatment, and facilities for long-term outpatient care. In the past a major problem in treating the city's 300,000 alcoholics has been the fragmentation of facilities, which meant that many alcoholics who were detoxified never went on to receive long-term treatment.

The new system was made possible by combining the facilities of Columbus Hospital, at 227 East 19th Street, and the ACCEPT clinic of the New York Council on Alcoholism, at 29 East 22nd Street. Columbus Hospital has set up a ten-bed detoxification unit which can handle 500 patients a year. The ACCEPT clinic handles approximately 1,000 people a year on an outpatient basis. The program is financed by private, city and state funds.

New restaurant inspection system: A new inspection system, designed to increase speedy compliance by restaurants with New York City's Health Code, went into effect July 26. Any restaurant which does not quickly correct significant violations will have its name released to the public, another major innovation of the new system.

Under the new procedures, a Health Department Sanitary Inspector who, during an initial inspection of a restaurant, discovers major Health Code violations—for example, the presence of roaches around food, or inadequate food storage conditions—will inform the restaurant owner that there will be a compliance inspection at a fixed date one to three weeks later. If the violations have not been corrected by then, the owner will have to attend an administrative hearing.

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Following the hearing, the names of all restaurants without a valid reason for noncompliance will be released to the press, along with the nature of the violation, and a final date for compliance will be set. Failure to correct the violations by that date will result in closing down the restaurant.

The new system contains fewer compliance inspections than previously, cutting the time restaurants have to correct violations by one-third. It is just the first step in the direction of tougher enforcement. Another step planned for the end of 1971 is a posting system, in which all restaurants will have to show a "scorecard" of the latest inspection to anyone who asks to see it.

Times reprint: Enclosed with this report is a reprint of an article which appeared in the New York Times in July, analyzing President Nixon's health insurance bill. If you agree with our analysis, and are concerned about the question of health insurance, you should write your Congressmen and let them know, since Congress will be considering several health insurance bills this year.

Sincerely,

GORDON CHASE,
Administrator.

THE CITY OF NEW YORK,
HEALTH SERVICES ADMINISTRATION,
August 22, 1971.

HSA LISTS SIX HOUSEHOLD PAINTS WITH EXCESS LEAD

Several more household paints have been found by the Health Department to contain lead levels above the 1.0 percent legally permissible level for paints intended for use on interior surfaces, Health Services Administrator Gordon Chase announced today.

Dan H. Still, Director, Control Unit, Bureau of Lead Poisoning Control, said the results of the recent tests show that the problem of excessive lead in paint is widespread. "The problem really is national in scope, as many of the paints sold in New York are manufactured outside the city," Mr. Still said. "In the absence of federal regulations prohibiting the manufacturing of paint containing lead, all we can do is continue our testing program to make sure that paint with excessive lead is not offered for sale in the city."

The Health Department regularly tests household paints for excessive lead content. An earlier check showed three companies manufacturing paint with excessive lead. All three companies agreed to remove those paints from the market.

The paint testing program is part of an overall effort to prevent lead poisoning in children. Most children contract lead poisoning as a result of eating chips of paint containing lead.

For further information contact: Naomi Felgelson—566-8040.

Mr. Chase said that certified letters have been sent to all the paint companies, informing them of the findings of the Health Department tests. "If the companies do not voluntarily remove the paints from the market, we will take legal actions against them," Mr. Chase said. "In the meantime, we are releasing the names of the paints containing excess lead in order to protect anyone who has already purchased these brands."

Of 70 cans tested, representing 24 companies, 16 cans contained more than 1.0% lead. Some paint had a lead content of up to 13.5%. Under section #173.13 of the New York City Health Code, it is illegal to manufacture paints with a lead level above 1.0% unless the label on the paint can warns that the paint contains lead and should not be used on interior surfaces.

The paints containing excess lead are:

	Brand name	Color	Manufacturer	Lot/Code Number
1.	Adelphi	Rich orange	Adelphi Paint & Color Works, Inc.	None.
2.	Adelphi	Black enamel	do	Do.
3.	Mirrolac	Bonfire red	Devoe Paint—Division of Celanese Coatings Co.	1034.
4.	Magicote Enamel	Lettuce Green	Eaglo Paint & Varnish Corp.	053082.
5.	Frisco	Tangerine	Frisch & Co., Inc.	None.
6.	Lapalac	Bud Green	Glidden Co.	2C27A/Y 1212.
7.	Interlux	Green	International Paint Co.	65C/0C77.
8.	Mercury	Buttercup	Yellow Mercury Paint Co.	3084.
9.	Dot-A-Tile	Brite Cherry	Paint Fair	None.
10.	Norflux	Tile Red	Patterson-Sargent	4038Q/23891.
11.	Peerlux	Orange	Peerless Paint & Varnish Corp.	9873.
12.	Pheasant	Flame orange	F. O. Pierce Co.	0525A3.
13.	Pheasant	Autumn Yellow	do	0524A5.
14.	P.V.A.	Olive green	Pentagon Chemical & Paint Works	146Z.
15.	P.V.A.	Golden yellow	do	LJ23.
16.	Seal Luxe	Tropical orange	Seal Rite Paint & Chemical Corp.	3113SG-8G-HF.

HEALTH SERVICES
ADMINISTRATION OF THE
CITY OF NEW YORK,
October 27, 1971.

HSA ANNOUNCES EMBARGOING OF LEADED PAINT, PLUS LIST OF NEW VIOLATORS

Health Services Administrator Gordon Chase announced today that HSA's Bureau of Lead Poisoning has embargoed paint supplies sold in retail stores containing unacceptable levels of lead according to the New York City Health Code. The Health Code, section 173.3, stipulates that paints containing in excess of 1.0 percent lead are in violation of the law, unless specific warning labels are attached.

Mr. Chase said that earlier this year 23 paint manufacturers were informed by the Health Department that certain colors produced by their companies were in violation of the law for containing unacceptable lead levels, and they were asked to remove the paint from the market and stop distribution voluntarily. Previous spot checks had not uncovered violations. However, a recent Health Department spot check revealed that illegal paint was still on sale despite warnings to the industry as well as the companies. Five paint manufacturers were repeat offenders, and seven new companies were also found in violation.

"The industry was put on notice to remove this paint from the market three months ago," Mr. Chase said. "It is both disappointing and shocking that a number of paint companies continue to show such a lack of concern for the law and for the health and well-being of city residents."

Dr. Vincent Guinee, Director of HSA's Bureau of Lead Poisoning, said the Bureau's new survey showed 20 of 89 cans of paint contained greater than 1.0 percent lead. The five repeat offenders are: Patterson-Sargent; F. O. Pierce; Pentagon Chemical; Frisch and Co.; Adelphi Paint. The seven new violators are:

	Brand	Color	Manufacturer	Lot/code No.
1.	Magic Lux	Jade green	Hoboken Paint Co., Inc.	None.
	Do	Sunbeam	do	Do.
2.	Adams [1]	Burnt orange	Pentagon Chemical & Paint Co., Inc.	Do.
	Do	Golden yellow	do	GR-23.
	Do	Olive green	do	G-46S.
3.	Rite-on-Green	Green	Sapolin Paints, Inc.	35544.
4.	Pittsburgh	Lawn green	PPG Co.	3543.
	Do	Chartreuse	do	98606E.
	Do	Lagoon green	do	60457K.
	Do	Jonquil yellow	do	95024E.
5.	Art-Tex	Canary	Art-Tex Adhexive Products, Inc.	5066799.
6.	World of Color	Forest green	T. C. Dunham Co.	None.
7.	Vitaloid	Tangerine	Four Square Paint Co.	Do.

[1] Label shows only "Adams" without mention of Pentagon as manufacturer.

The Health Department regularly tests household paints for excessive lead content. To date the Bureau of Laboratories has tested 234 cans of paint, 43 of which were found to have illegal lead levels. The paint testing program is part of an overall effort to prevent lead poisoning in children, Mr. Chase said. Most children contract lead poisoning as a result of eating chips of paint containing lead.

For further information contact: Naomi Felgelson, 566-804.

HEALTH SERVICES
ADMINISTRATION,
THE CITY OF NEW YORK,
November 17, 1971.

HSA ANNOUNCES LEAD PAINT EMBARGOES

Health Services Administrator Gordon Chase announced today that one out of every twelve retail stores checked recently by the Bureau of Lead Poisoning Control was found in violation of the Health Code, section 173.3. Five hundred forty-one stores have been inspected to date.

As a result of store inspections by the Bureau from October 13 through October 28, 1971, paint was embargoed at 44 locations. Of those 44, Chase said, 40 embargoes were placed against three repeat offenders. They were Adelphi Paint and Color works, 18 embargoes; Pentagon Chemical and Paint Works, 12 embargoes; and Frisch and Company, 10 embargoes. (A summary of embargoes by company and a breakdown of inspections by borough is below.)

All of these companies have been notified by letter that they were violating the Health Code and were given the chance to remove the paints voluntarily, Chase explained. When subsequent checks showed that the companies had not complied voluntarily, the embargoes were issued.

"According to the New York City Health Code, it is unlawful to sell paint with 1.0% lead unless specific warning labels are attached," Chase said. "Continuing surveys on our part show that the sale of such paint is widespread. Lead poisoning is a serious problem in New York and we would hope that manufacturers and store owners would willingly remove paints with an excess of 1.0% lead from the shelves. If they don't, however, we will continue to embargo the paint."

According to Dr. Vincent Guinee, Director of the Bureau of Lead Poisoning Control, its primary goals are to locate children who are at high risk of getting lead poisoning and to keep parents informed concerning sources of lead which are potentially dangerous to children.

"Last year," Guinee said, "more than 2,600 children in New York got lead poisoning, most of them from nibbling on paint chips peeling off apartment walls. Lead poisoning can cause brain damage, and in severe cases can lead to death. There are no noticeable symptoms in the early stages of the disease, and the only sure way to find out if a child has lead poisoning is to take a blood test.

The Bureau of Lead Poisoning Control, established January 1970, regularly tests household paints for excessive lead content.

To date, The Health Department's Bureau of Laboratories has tested 234 cans of paint, 433 of which have been found to have illegal lead levels.

The paint testing program is part of an overall effort by HSA and the Bureau of Lead Poisoning Control. Chase pointed out that New York City's Health Department gives free blood tests to children at city clinics and urged parents who think their child may have lead poisoning to bring him or her for a free blood test right away. The public should call 349-2255 for information on lead poisoning tests.

SUMMARY OF EMBARGOES OF ILLEGAL PAINT FROM OCT. 13, 1971, TO OCT. 23, 1971

Name of company	Number of embargoes	Number of cans
Adelphi Paint & Color works	18	299
Pentagon Chemical & Paint Works	12	62
Frisch & Co	10	122
Hoboken Paint Co	2	8
Glidden-Durkee	1	2
Benjamin Moore & Co	1	2
Total	44	495

	Stores inspected by borough	Embargoes in each borough
Manhattan	150	15
Bronx	147	10
Brooklyn	80	4
Queens	129	15
Richmond	35	0
Total	541	44

"COLLECTIVE SECURITY IN ASIA," AN ADDRESS BY ADM. JOHN S. McCAIN, JR., COMMANDER IN CHIEF, PACIFIC

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HÉBERT. Mr. Speaker, Adm. John S. McCain, Jr., the dynamic U.S. commander in chief, Pacific, made a very thought-provoking address at the American Legion Convention in Houston, which I think is worthwhile reading for all Members of Congress.

I am, therefore, placing his speech in the RECORD, so all Members may have an opportunity to see it:

COLLECTIVE SECURITY IN ASIA

(By Adm. John S. McCain, Jr.)

The United States of America has always had lovers of liberty. We can thank God that we have had in this great land men and women who understand that we must fight, toil, and sacrifice for freedom, to pass the torch of liberty intact to the next generation of Americans. The rights enjoyed by all Americans are a legacy secured by such men and women. And in the forefront are members of the American Legion, other distinguished veterans' organizations, the Armed Forces of our Nation, and especially the men and women who have given their lives or personal freedom for their fellow men.

I think our greatest asset as a people and country is the tradition of citizen-soldier defense. Service to country is the foundation of our democracy and the fulfillment of America's promise of freedom for mankind. For 195 years a tide of courageous countrymen and women have honored a common cause in our continuing struggle for national existence, human liberty, social decency, and political equality. Our nation's faith and confidence in the Armed Forces was shaped on the anvil of the American Revolution. A timeless tradition was forged in the freedom fires of our Independence to keep our people safe and vigilant against marauding forces.

Today the United States leads an alliance of free nations of the world. Its purpose is to achieve peace through maintenance of a strong deterrent force unless or until effective arms control agreements that reduce the threats we face are concluded. It is obvious any country with the global interests of the United States has to be interested in an issue anywhere that could plunge hundreds of millions of people into war. We live in this troubled world, and we cannot get out of it. We will not survive if we do not rise to the security challenges facing our nation.

Never before in the history of mankind has the world been more dependent upon the acts of men of peace, or more reliant on brave men to defend it. This is the foremost reason why our nation must maintain vigilant, realistic war deterrent forces.

The stark reality is that man faces a perpetual problem—a problem that man has faced from the stone age and through the centuries. And that problem is finding a way that all nations and all households can be free from the scourge of war, so that the men, women and children of this planet can live in peace.

The threat of communist aggression in Asia affects the peace of the area and the problem of collective security throughout this vast region. Its significance is underscored by the fact that in my area of responsibility, the United States Pacific Command, live more than one-third of the people on earth. It is also an area of riches and poverty, of peace and war, of ancient civilizations, nationalism, and competing ideas.

Its political spread surprises many. For there are actually 27 different national flags represented in this area . . flags of large and powerful nations, and flags that few of us have ever seen; flags of nations friendly to us and those of nations openly hostile; flags of long and firmly established nations and flags of newly created and politically unstable nations.

As the Commander in Chief of all United States Pacific Forces, I have the responsibility for the defense of our national interests from Southeast Asia to Northeast Asia and in the entire Pacific. I constantly move about this vast area of the world to visit all the subordinate commands. In geography, the Pacific Command covers about two-fifths of the earth's entire surface, some eighty-five million square miles of ocean, continents, and islands. It extends from the shores of California to India, an East-West span of about ten thousand miles. Its North-South axis extends from the Bering Sea to Antarctica.

The Pacific Command headquarters in Honolulu has been set up as a fully integrated "team" representing all the services—for no longer can sharp lines of distinction be drawn between "land warfare," "sea warfare", and "air warfare." The Pacific Command "team" utilizes the specialized skills of Army, Air Force, Navy and Marine personnel. It is the first such unified command to conduct major command operations.

I might point out that this concept has worked in practice far beyond the expectations of those who originally set it up to deal with the complex problems of the Pacific area. I also want to stress that this "team" includes dedicated, skilled civilians.

Before reviewing the security situation in East Asia, I should like to add a most heartfelt word of appreciation of the caliber, loyalty, patriotism, and skill of the more than 800,000 servicemen and women who compose our nation's largest unified military command.

The American in uniform has youth, intelligence, aggressive curiosity, and a firm determination to defend his heritage. He is a skilled, resourceful, and disciplined individual. He has a lasting spirit of pride and honor—in himself, his fellow soldiers, sailors, marines and airmen and in his country. He possesses stamina and courage, a fearless virility and a sacrificial heart. Whether on Yankee Station in the Tonkin Gulf, in South Vietnam, or in Korea, he is carrying out and supporting the policies of our Government.

In the Pacific, we are facing the whole gamut of threats, both active and potential, that the communists have at their disposal. A glance at a map shows that, of the communist nations in the world, the four which present threats to Free World security—Communist China, the Soviet Union, North Vietnam and North Korea—border the Western Pacific.

As President Nixon indicated in his 1970 foreign policy report to the United States Congress, "The balance of nuclear power has placed a premium on negotiation rather than confrontation." At the same time, however, we must be aware of the continuing global threat from the ambitions, goals and activities of communist countries. Only a firm, positive posture backed by adequate military capabilities can assure the security of this region, and with it, that of the Free World.

There have been many "trouble spots" across the globe since VJ-Day in 1945, a day we thought would bring peace to the world.

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But what may be surprising to many is that there have actually been some one hundred "shooting wars" during that period, and countless additional "incidents" and "crises." In 1970 alone there were 30 trouble spots. The United States was directly involved only in those conflicts that threatened our national interests or that of our allies.

Today we have the war in Southeast Asia, the border conflict between the Soviet Union and Communist China, the very dangerous situation that exists in the Middle East, and the continuing question of the two Germanys. Another challenge is the expanding projection of Soviet power worldwide through military, political, psychological, and economic means. Especially foreboding is the challenge provided by the recent emergence of Soviet seapower throughout the oceans of the world. And finally, the critically important effort of the forum for the Strategic Arms Limitation Talks in which the United States and the Soviet Union are participating at the conference table has great significance.

The strategy of Realistic Deterrence is designed to systematically diminish the likelihood of outbreak or continuation of conflict. A new defense policy, the strategy takes a prudent middle course between the two policy extremes of world policeman and new isolationism. It is a positive, active policy. Realistic Deterrence emphasizes measured, meaningful involvement and vigorous negotiation from a position of strength. The strategy focuses major attention on a Total Force Concept. In practical terms, it means spending for new weapons and systems and manpower requirements for our Armed Services will be carefully weighed against anticipated needs. In this context, the strategy places greater reliance on the willingness and capabilities of "friends and allies" to play a larger role in their own defense. The U.S. will maintain sufficient strength which will be meshed with other nations in a partnership to make peaceful settlements of disputes more profitable than a shooting war, for both friends and their adversaries.

In an area as vast as the Pacific Command, the United States deterrent posture demands a high degree of mobility and a carefully planned deployment. It calls for a flexibility and a versatility that allows for discriminating application of military force. Finally, we must have adequate strength in forces and weapons, for in some areas in this world that is still the only language that is fully understand and respected.

There have been a number of examples in recent history when U.S. deployed military capabilities have served to anuff out incipient explosive situations. In the Near East the landing of our Marines at Lebanon is one such example. In the Far East, the firm action of our Seventh Fleet during the attacks on Quemoy and Matsu was another. Much closer to our own shores, our military depoyment to the Dominican Republic was a major factor in resolving that situation.

But the most dramatic—and possibly the most critical—example in recent history was the so-called "Cuban confrontation" in which the two major nuclear powers faced each other eyeball to eyeball, each knowing that the other could press the nuclear trigger.

Here we virtually mobilized our forces. Our air power took to the skies on a 24-hour alert. We moved Army and Marine units to within easy striking distance of Cuba. Our Navy formed a quarantine cordon around the island. All of this the Russians knew. They knew as well that we would not back away from our stance. It was the physical deployment of our air, land, and sea forces—just as much as the readiness of our long-range missiles—that led the Russian leadership to order their missile-carrying ships to turn back.

To understand the threat we face in the Pacific fully, it is necessary to review three major developments that have virtually rewritten the textbooks on both military strategies and on political alignments.

The first of these developments is the revolution in military weaponry resulting from the much publicized "technological explosion" of the past few decades.

The second is the rapid segmentation of the world's peoples in more and ever more independent nations.

The third is the continuing aim of some communists to impose their system on mankind, by any means—political or military, open or subversive.

Let me discuss these one by one.

We all know that modern technology has created what might be termed the "ultimate weapon" in that it could destroy any spot on earth in a matter of minutes. That, of course, is the nuclear armed ballistic missile. We have this in two forms, the Minuteman, launched from protected silos deep in the earth . . . and the Polaris launched from atomic-powered submarines deep beneath the surface of the sea. These have been well publicized.

Less well know are a host of weapons, both offensive and defensive, covering a broad spectrum of military uses. Let me give just a few examples: .

In the air we have the "Side-winder" attack missile which seeks out its flying target by "homing" on the heat of jet exhaust. Quite literally, this follows the enemy aircraft and climbs right up its tailpipe before it explodes to destroy its target.

An example in ground warfare hardware is a new counter mortar radar which detects incoming rounds and calculates the exact firing positions of enemy mortars for returning fire directly onto the target.

Another advance in aerial technology is a reconnaissance aircraft that can photograph minute detail from positions many miles high, making it extremely difficult for an enemy to conceal his installations or his moves.

A highly ingenious and interesting defensive weapon, developed for the jungle fighting in Vietnam, is commonly called the people sniffer. In principle it detects, chemically, the presence of human bodies, no matter how dark the night, how silent the approach, or how thick the jungle.

No discussion of modern weapons can ignore the impact of the computer—on guidance systems, on fire control, on communications, or navigation. But there is one area in which no computer, no technological breakthrough has been able to change a fundamental of warfare as old as warfare itself.

And that is the decisive "weapon" in all warfare is the man on the ground with the gun on the spot. Whatever preliminaries may be carried out through the use of technological triumphs, it is that man on the ground with the gun on the spot who must occupy and hold the disputed areas. That is as true today in Vietnam as it was in the time of the Roman legions, or of the caveman who started all warfare as such with his club.

But there is one big difference. No matter how slowly he may crawl through the jungle, or edge his way forward to attack, the modern U.S. soldier, the man with the gun, rides to the scene of his combat job . . . in a jet aircraft, in a fast transport, in a truck, or, now for the first time in a major war, in a helicopter. In fact, I might add, wherever you may be in Vietnam today, you are certain to see helicopters overhead . . . carrying troops, delivering supplies, replenishing ammunition, ferrying wounded.

But when he gets there, this man with the gun still uses his own two feet when confronting his enemy in combat—to do his part of the job that eventually settles all wars.

Not only have military textbooks had to be rewritten through the inventiveness of man, but also political textbooks . . . through the burgeoning desire of man to be free and to govern himself.

Nowhere has this been more significant than in the Afro-Asian area which includes nearly a third of the total land mass of the earth.

At the close of World War II this area was largely under the colonial control of seven European nations . . . Britain, France, Italy, the Netherlands, Portugal, Belgium and Spain. If there was trouble in the Congo, let us say, that was the responsibility of the government in Brussels . . . rioting in India had to be contained by the troops of Britain. Rebellion in Algeria was a problem for Paris, not for the world. All this has changed.

Today some 50 new nations, in all stages of development and representing all degrees of stability, occupy this same area. There are 50 governments to deal with, many of them wholly new to governing. Any one of these could trigger a "crisis", some of them have already done so.

The expanding memberahip of the United Nations dramatizes this segmentation into more and more self-contained units. At its founding in 1945, the United Nations consisted of 51 nations, most of them long established, many of them strong politically, economically, and militarily. Today the United Nations' membership totals 127, or 76 more than the original number. Almost all of these new members are also "new nations." Some are smaller in population than our major cities. Yet each has a voice in the General Assembly equal to our own. Collectively they form uncertain and constantly shifting alignments between the Free World, the communist-dominated world and the so-called "uncommitted" bloc of nations.

Whatever its shortcomings as an international peacekeeping force, the United Nations still provides a forum for discussion, a common meeting ground, and a mirror of world opinion without which international relationships would be even more difficult to reconcile than they are now.

To supplement the United Nations, various military alignments have been set up by the Free World to provide a certain degree of "collective" security in the face of the avowed ambitions of communism to dominate the world politically, militarily, and economically.

As you well know, to safeguard the countries bordering European communist countries, there is the North Atlantic Treaty Organization, made up of 12 West European nations, Turkey, Canada, and the United States.

In the Western Hemisphere there is the Organization of American States, or "OAS," consisting of the 21 republics which share this area. This is, of course, more political and economic in character, than military.

United States participation in the Central Treaty Organization is less direct but still a factor, supporting the four nations which form the alliance.

Finally, we come to the two security pacts of direct concern to the Pacific Command. The Manila Pact—the South East Asia Treaty Organization—is made up of nations whose major concern is the containment of communist activities in Southeast Asia. The eight SEATO nations include the United States, Great Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines. SEATO is very, very important in spite of what you may read or hear. And if we did not have SEATO we would have to invent this organization. In the three years that I have had this command, I have found that in order to solve problems you just have to establish channels of communication. This is an important function of SEATO. It is especially invaluable as we face the continuing crises confronting us today. The other pact, ANZUS, is made up of the three English-speaking nations which have major commitments and responsibilities in the Pacific area . . . Australia, New Zealand, and the United States. This involves many matters of mutual concern, both military and political.

One further security bulwark has been erected toward achieving greater stability along the eastern coast of Asia. This area is stabilized by U.S. mutual assistance pacts with Japan, Republic of Korea, Republic of China, and the Republic of the Philippines.

All of these political-military groupings are defensive in nature.

Communism has changed radically in the past 18 years. At the time of Stalin's death the Communist "bloc" of nations was, in reality, under a single dominant leadership. It extended from Europe to the Pacific as a contiguous geographic area. In it lived about a third of all the people on earth. Today, this erstwhile "bloc" is split into factions as vitriolic toward each other as they are toward the Free World. Instead of a single communist leadership, there are now 14 separate leaderships. Although they may have individual interpretations as to how they want to expand, and at whose expense, the ambitions of the major communist leaders still pose a constant and serious threat to the Free World. Nowhere is this more apparent than in the areas which fall within the Pacific Command, for here are the most aggressive communist nations.

Without doubt the leaders of Communist China, North Korea and North Vietnam are the most formidable problem Free World diplomacy has ever faced. They do not think or react in the psychological and political sense which you and I understand. They are insensitive to life and property. Theirs is a long-range goal of territorial and ideological conquest. And to achieve this objective they are ruthless and resolute, patient and persistent.

The fact that the leaderships of the four communist powers in Asia are divided by differing motivations and ambitions increases the difficulty of predicting what they might do in the way of possible military adventures.

We have fought two major wars with the communist powers in this area. Two of these nations have taken aggressive action which led us into wars not of our own choosing. These, of course, are North Korea and North Vietnam. I plan to discuss Vietnam with you a little later.

The Soviet Union's primary immediate objective is to have the countries of the area look to the USSR rather than China for leadership, inspiration and help.

Backed by impressive economic and manpower resources, Soviet Far Eastern military strength remains a major threat. In the Far East, the Soviets have an army of a quarter of a million troops; an air force comprised of over a thousand jet bombers and a rocket force of hundreds of nuclear-tipped missiles. The threat posed by their modernized Pacific Fleet is increasing steadily. Presently, in the Pacific, they have over 50 major combatants and more than 100 submarines, many of them missile-equipped. Their navy also has hundreds of other craft involved in many types of missions.

The intense rivalry between the Soviet Union and the Communist Chinese is a match of dangerously militant challengers for supremacy of the communist world.

In competing with Peking for leadership of the communist world, the Soviets can be expected to continue to assist their North Korean and North Vietnamese communist allies by providing large quantities of weapons, equipment and supplies. The Soviets appear to support containment of the Vietnam conflict, to reduce possibilities of its leading to general war. For this and other reasons of their own, rather than through any lack of opposition to U.S. objectives, they appear to favor dialogues concerning a Vietnam settlement on Hanoi's terms, however.

The growth of Soviet military offensive capability continues unabated. The Soviets have been strengthening their military forces on land, on the sea, and in the air for some time. One striking example of their expanding strategic offensive forces momentum is that the Soviet Union has forged ahead of the U.S. in numbers of strategic land-based missiles. As Secretary of Defense Laird has reported, the monster Soviet SS–9 Intercontinental Ballistic Missile system deployed or under construction is estimated to have increased from 230 a year ago to about 300 today. In addition, 29 or 30 Polaris-type ballistic missile submarines are now operational or under construction and at present construction rates, will exceed the U.S. fleet of nuclear-powered ballistic missile submarines in 1974.

The Soviets, pressing southward since the days of the Czars, have emerged as a naval power. They have finally succeeded in operating fleets in the great oceans of the world. Soviet naval and air maneuvers have been made in the Norwegian Sea, the North Atlantic, in the Mediterranean, the Indian Ocean, the Sea of Japan, and the Philippine Sea. Moreover, approximately 20 nations in these areas are welcoming Soviet flag visits. Clearly, the Soviets do not use their navy in a parochial sense. They have grasped the significance of seapower and its importance to trade, fisheries and oceanographic research.

Certainly the major potential source of danger in the Western Pacific is Communist China. While the motivations and intentions of the Communist Chinese leaders are matters of conjecture, their capabilities can be fairly accurately measured.

The Communist Chinese Army at 2.5 million officers and men is the largest standing army in Asia and it is equipped with modern weapons. Communist China's air force numbers nearly 4,000 combat aircraft, including MIG–21's and other sophisticated weapons systems. The navy is limited but growing, and includes the world's fourth largest fleet of 40 attack submarines and a growing missile patrol boat force. Another half-million men make up an impressive paramilitary force.

The Peoples Republic of China has extended territorial claims to parts of India and have occupied Tibet. Their forces also have clashed with Soviet troops—on the Kazakhstan-Sinkiang frontier, which featured major fighting, comparable to that of March 1969 on the Ussuri River frontier, 2,000 miles to the east.

As to intentions, the Chinese Communist forcea appear at present, in spite of Peking's bombast about nuclear war with both the U.S. and Russia, to be defensively oriented in make up and deployment. However, their nuclear capability will before long be able to span most of Asia and the Soviet Union.

The Chinese moved closer to the day when they will launch their first ICBM with the successful orbiting of their first satellite. This event proves the Chinese have the capability to put in orbit a considerable payload. It also confirms their technological progress and, as Secretary Laird has pointed out, we must credit them with the near term capability to fire their first ICBM. They could have an operational ICBM capability in the mid-1970's. They have worked on an MRBM (Medium Range Ballistic Missile) capable of delivering a 20 kiloton warhead up to 1,000 miles for a number of years, and appear to be capable of a limited deployment at any time, even this year.

Regarding their nuclear weapons capability, the Chinese Communists detonated ten nuclear devices from October 1964 to the end of September 1969. Six of those tests involved thermo-nuclear devices.

The Chinese Communist strategic nuclear threat to the United States, for many years to come, will be far too small and will lack the accuracy to pose a threat to our strategic offensive capability. However, even a small and relatively unsophisticated Chinese Communist nuclear force could threaten their neighbors and our forces on mainland Asia and in the Western Pacific.

It appears that Communist China presently seeks to dominate its neighbors through political pressure, subversion and so-called "wars of national liberation"—rather than by military conquest. It has been cautious in risking its own resources; however, to expand its influence it may add nuclear blackmail to its pressure on its neighbors. Communist China's continued support of insurgencies and "wars of liberation" remains a paramount threat to U.S. interests in East Asia and the Western Pacific despite hopes for improved relations.

Turning to the Republic of Korea, the North Korean threat has not diminished in the last two years. Continued infiltration of the South, the brazen capture of the Pueblo, and the shoot-down of an American plane many miles from North Korean air space, reflect a truculence that could escalate sharply into major war.

North Korea makes no secret of its goal to unify Korea by force under its control during the next few years. Clearly, North Korea will not scruple at even the most flagrant measures to achieve its objective. Hundreds of North Korean-initiated incidents have erupted in the Republic of Korea. During 1968, there were 220 major incidents provoked by North Korea along the Demilitarized Zone. The trend in 1969 and 1970 was down. Nevertheless, the threat of the Pyongyang regime persists and is underlined by its continued efforts to infiltrate armed bands along sea routes into the South.

Comparing the forces of both North Korea and the Republic of Korea we find that the North Korean Army is considerably smaller than the Republic of Korea Army of over half a million men. The North Koreans have a large guerrilla-type commando force. North Korea's Navy is also smaller than the Republic of Korea's force but North Korea has a large fleet of patrol and coastal craft which are frequently used to land guerrilla forces on the coastline of the Republic of Korea.

On the air power side, the Republic of Korea is at a clear disadvantage since the North Korean's force outnumbers it about three to one in combat aircraft. North Korea's jet capable airfields are about double those facilities in the Republic of Korea. However, the United States can provide the balance of air power from aircraft currently deployed in the Pacific.

A most positive development in Northeast Asia is the Republic of Korea's improved relations with Japan, resulting in closer economic ties and a beneficial commercial exchange between the two countries.

Economically, Japan is now third among the nations of the world. Following a long period of reconstruction and domestic investment and development, Japan is now turning its attention and resources toward assisting the economic and social development of the free nations of Asia. Japan remains firmly aligned with the free nations of Asia. This is exemplified by the November 1969 agreement between President Nixon and Prime Minister Sato on the reversion of Okinawa to Japan by the end of 1972 and the indefinite continuation of the mutual security treaty between our two nations.

Moving south is another area of communist pressure: the Taiwan Strait. A communist Chinese attack on Taiwan in view of our firm commitment under the Mutual Defense Treaty of 1954 and of our combined defense capability would be a foolhardy venture. But the possibility can never be excluded. "Liberation" of Taiwan continues as a cardinal Chinese Communist objective.

Significant Chinese Communist military force is tied up on the mainland coast opposite Taiwan. Opposite Communist China

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is a significant Republic of China Army, an air force of over several hundred fighters, and a small navy of destroyer-types and patrol craft. Facing the Republic of China defense on Taiwan is a communist army of over 150,000 men, an air force of over 1,000 fighters and bombers, and a significant naval force including destroyer-types, submarines and a large coastal patrol force.

The South China Sea separates the Philippines from the mainland communist aggressive threat. Conscious nevertheless of the long-term danger, the Philippine Government provides important bases in support of the Free World stand in Vietnam, and ultimately, the security of the Philippines themselves. The HUK rebellion is a constant reminder of communist insurgency.

In Indonesia the Suharto Government has made definite progress in raising the country up from the depths to which it sank under Sukarno. Effective measures have been taken to prevent the Peking-oriented communist party of Indonesia from reviving on an important scale. Economic recovery and development are underway and there has recently been a marked resumption of American and other foreign investment in Indonesia's vast oil and other resources. While remaining unaligned, Indonesian foreign policy has been marked by growing readiness and desire to work with other free nations of the area for mutual economic, social and security interest.

In Malaysia a generally promising course of development was briefly interrupted by 1969's communal disturbances and riots. However, another similar outbreak is becoming less likely. Despite communist efforts to exploit racial unrest, the 1971 anniversary of the riots passed without serious incident. Nevertheless, the still unsettled situation provides fertile ground for communist subversion.

While Singapore has thus far remained little touched, extension of communist inspired instability to that tiny island nation would imperil freedom of passage through the Malacca Straits which are crucial to Asian petroleum imports for its industry. The new accord reached by Britain, Australia, and New Zealand provides for continued defense arrangements to protect Singapore and Malaysia. Its significance is that the British will keep a military force in Southeast Asia to help maintain the peace of the region.

Turning now to Burma, we have a country which is presently suffering from a stagnant economy and insurgent control of large areas of the country. Chinese Communist aid to insurgents in the northeastern areas of the nation poses an ominous threat. A Communist Chinese goal may be to connect their road system with the Burmese system which would open new avenues of approach to Thailand and Laos. The next 12 months may be critical in determining the nature and probable success of their intervention in Burma. The Burmese Army is hard pressed to deal with internal security, and it would be unable to offer effective resistance to a major attack by Red China.

The insurgency in North and Northeast Thailand is supported and encouraged by Peking and Hanoi. The Royal Thai Government is moving to meet the threat. The outcome is not yet clear, but there is ground for confidence that unless the external basis of the insurgency is magnified, the Thai authorities will, with continued U.S. material and advisory assistance, progressively bring the insurgency under control.

Regarding the situation in Laos and Cambodia, President Nixon has reported how the North Vietnamese sent tens of thousands of troops into all three countries of the Indochina peninsula across every single common border for the past eight years. It is a fact that North Vietnam has systematically and repeatedly invaded Laotian territory since 1962 in violation of international agreements and the sovereignty of the people of Laos.

Communist forces in Laos include some 100,000 North Vietnamese regulars and 45,000 Pathet Lao troops that have dealt serious setbacks to the Laotian Armed Forces. The importance of the communist occupation of the long eastern flank of Laos is found in the fact that Ho Chi Minh trails run through this area into key points that give them access for operations against South Vietnam and Cambodia and potentially Thailand.

In Laos, we are primarily concerned with interdicting the enemy's support efforts channeled toward South Vietnam and Cambodia. By contributing to his capability to carry out his intentions in South Vietnam and Cambodia, we are directly supporting the Vietnamization program and decreasing the danger to our troops as they are redeployed.

The enemy has two jet capable airfields in southern North Vietnam. These are Bai Thuong and Quan Lang, and they give the enemy the flexibility of rapidly deploying his aircraft to and from these airfields. As an example of this enemy option, recently a North Vietnamese MIG–21 aircraft attempted to attack American aircraft in Laotian skies. Enemy aircraft also have tried to lure our planes over enemy anti-aircraft and SAM missile emplacements on the Laotian-North Vietnamese borders. The enemy has frequently fired upon our aircraft flying in Laotian airspace.

In North Laos the capabilities of our Laotian allies are limited and the initiative is with the enemy. North Vietnam will undoubtedly attempt to more firmly establish Laos as a sanctuary for its operations in the south. As long as American lives are involved, we will continue to deny the enemy any respite in this area. Further, the Republic of Vietnam, with the Lamson 719 precedent, will also deny the enemy this assurance.

The Chinese Communists have been building a road network through Northern Laos. In the near future they will have established an all weather motorable road which extends from Communist China in the north, Dien Bien Phu to the east, all the way across Laos to the Mekong River, which is in itself a great water highway. Although making no overt threats, it is obvious that the Chinese Communists intend to use this road and to apply pressure on both the governments of Laos and Thailand. It will be definitely extend their capability to support year round insurgent operations, and has already virtually cut off Northwest Laos from the rest of the country.

Some 55,000 communist troops are waging aggression against the people and Republic of Cambodia. This follows Hanoi's consistent pattern of aggression in Indochina. Events of the past year in Cambodia emphasize, again, the regional nature of the war. For well over five years the enemy was afforded the luxury of free access to sanctuary areas and lines of communication in Cambodia. From these bases he attacked the Neutralist Government of Laos, supported insurgency in Thailand, and posed a serious and increasing threat to the Vietnamization program.

One of the great acts of moral courage and discipline in our search for a just peace in Southeast Asia was when President Nixon ordered the 1970 Cambodian operation. The President's move into communist sanctuaries was bold and decisive. The purpose was to protect allied forces by destroying enemy sanctuary areas and supply caches. We did this. Subsequently, all U.S. ground forces were withdrawn from Cambodia. We are out.

Now to get into positions to threaten the southern half of South Vietnam, Hanoi must cover a large amount of ground that is unfriendly. This is a new stress on Hanoi's home front. The resources the Chinese Communists and the Soviets are willing to divert and the problems of transportation, communications, and the exigency of the weather have a great bearing on North Vietnam's ability to launch new offensive operations against South Vietnam.

Previously, the enemy took areas in Cambodia of use to them in their assaults on South Vietnam. The key to the whole thing for Hanoi was its input of supplies and materials from the sea at Cambodia's deep-water port of Kampong Som. This vital sea and land funnel has been denied them by the Khmer government. Without such input, then Hanoi's ability to mount high level attacks on the Southern third of South Vietnam is greatly diminished. Moreover, as Secretary of Defense Laird has indicated, the South Vietnamese Armed Forces are free to operate in a combat role in the former communist sanctuaries of Cambodia.

The 1970 allied Cambodian operation must be considered one of the most consequential events of the war. This is true for a number of reasons.

First, for the Army of the Republic of Vietnam, the Cambodian operational success offers proof that it has finally arrived. Today one of seven South Vietnamese men is under arms in defense of his country. He serves in the largest Asian Army outside of Communist China. He has proven he can hold his own and defeat the enemy.

Second, Camobdia demonstrates that the North Vietnamese Army and communist Viet Cong are not the world's most efficient army as some self-appointed critics have claimed. Hanoi's army certainly has been efficient in terms of its callous indifference to battlefield losses, estimated to be over 750,000 killed in action since this war began. And the loss of their Cambodian sanctuary bases and supply caches proves conclusively that they are not independent of an expensive logistics system either.

Third, what is not so apparent to the public is the fact that the enemy has been steadily pushed off the backs of the overwhelming majority of the South Vietnamese people.

The geographical progress since 1967 in reducing the threat to Saigon, and indeed the whole of South Vietnam, is readily apparent today. Hanoi's leaders have been dealt a succession of crippling blows to their ability to attack South Vietnam.

Cambodian troops, meanwhile are taking the war to the enemy. When I was in Phnom Penh for consultations with Cambodia's Premier Lon Nol and other top government and military leaders, I also had an opportunity to examine firsthand several Cambodian fighting units. I came away impressed with their growing ability and determination to counter North Vietnam's aggression. The Cambodian forces are putting U.S.-provided small arms equipment to good use in their efforts against the communist forces illegally present in their country.

In February, thousands of South Vietnamese troops with U.S. air support moved against the North Vietnamese presence in Laos which relates directly to Hanoi's aggression against South Vietnam. Men and supplies to support that aggression have been pouring from North Vietnam through Laos into South Vietnam for years, and they also were going into Cambodia, all by the way of the Ho Chi Minh trail. The South Vietnamese operation into Laos was developed with a limited objective to destroy supplies stockpiled by the North Vietnamese in the mountainous region of Laos. The Lamson 719 operations, as the Vietnamese call it, also intended to prevent the launching of a 1971 communist offensive in the northern areas of South Vietnam and to permit the Vietnamization program to continue.

The Ho Chi Minh trail—actually a network of roads—is the jugular vein connecting North Veitnam with its forces in Cambodia and South Vietnam. This is Hanoi's vital pipeline, and we have disrupted North Vietnam's logistics flow toward its forces in Cambodia and South Vietnam. It will result in saving U.S. lives and insure orderly continuation of our redeployment program. It was not the intent to block the Ho Chi Minh trail in the sense of permanently sealing off all infiltration routes to the south, and the success of the operation should not be measured in this context. The objective was to disrupt the traffic flow.

The South Vietnamese Army took the initiative from North Vietnam's forces by meeting them head on, with confidence, in enemy-occupied territory along route 9 and in the Tchepone area. They deployed a professional military force, faced hard fighting, and gave a good accounting of themselves against a much larger enemy force. Many enemy units were battered. Although they took some lumps, the Army of the Republic of Vietnam, with U.S. air support, bested a number of first-line North Vietnamese battalions. A fact often overlooked is that the South Vietnamese had a very effective operation underway in Cambodia at the same time. In Cambodia, using their own air power, South Vietnam's forces in the CHUP plantation area have also done very well in the other phase of their double-barreled disruptive incursions against Hanoi's supply caches and transport network. There is no doubt the total effort in Laos and Cambodia by South Vietnam's forces has denied the enemy vital resupply efforts and materiel they would otherwise have used against Allied forces. However, the real results—like in last year's successful Cambodian incursion—will not be apparent until later this year, when the rainy season ends.

On this note and in the face of conflicting reports, I would like to briefly review the recent history of both allied and enemy operations.

There have been three major enemy initiated offensive operations and three major allied initiated operations beginning with and since the enemy Tet offensive of 1968. And in each operation, the enemy suffered a major defeat. The Tet offensive of 1968, in itself a cease-fire violation in which 68,000 enemy troops were involved, was a triple disaster—it was a military defeat for the enemy; it alienated large segments of the South Vietnamese population; and 40,000 enemy soldiers were lost.

Continued disasters for the enemy in his "Little Tet" operation of May 1968 and his Tet 1969 offensive led him to reassess his entire tactical operation. He returned to guerilla war tactics and again emphasized resolutions toward a "protracted war."

The first of three recent allied operations was the May–June 1970 Cambodian cross-border operation. This was another major defeat for Communist forces in Indochina and set the stage for accelerated American troop withdrawals. In addition to over 31,000 enemy killed in this operation, vast sums of military supplies were captured or destroyed.

In the South Vietnamese cross-border operations in the CHUP Plantation area of Cambodia which began on the 4th of February, over 5,000 of the enemy have been killed and 10,000 of his forces have been tied down. The military objectives were accomplished. This was the first of its two-fold success.

The second success story to be told here—and one that I have seen very little mention of in the press—is that this operation was completely supported by South Vietnamese efforts. They flew the air support. They flew the logistics support.

Regarding the ARVN cross-border Lamson 719 operations into Laos, we know that enemy materiel losses were staggering. He lost an amount of food that could have fed 139 battalions at two pounds per man a day for 30 days. Individual weapons were captured or destroyed that could have equipped 14 battalions; and 20 battalions could have been equipped with crew-served weapons captured or destroyed.

Even more important than these statistics is the fact that the enemy's sanctuary has been struck, and he will never be certain it can't or won't happen again.

Hanoi's massive effort to push war materials down the Ho Chi Minh trail during the now concluded six-month dry season was severely limited by U.S. planes and the South Vietnamese ground operation into Laos. Only about one out of each eight tons of supplies North Vietnam put into the trail got through to its troops in South Vietnam and Cambodia.

An indication that Hanoi may be thinking about a protracted war is found in their installation of an extensive petroleum pipeline from Vinh, North Vietnam, which extends into Laos by way of the Mu Gia and Ban Raving passes and into known enemy resupply bases. The petroleum pipeline was interdicted in the South Vietnamese Lamson 719 operation but has since been rebuilt. It releases substantial numbers of enemy trucks from their former mission of moving petroleum drums for other purposes.

The North Vietnamese also use the rivers and streams of Laos for their resupply efforts. They have built a bamboo pole pipeline—a long network of bamboo poles lashed together to guide barrels and plastic bags which "free float" munitions and supplies. This bamboo pole pipeline channels containers into prepared lagoons used as holding and sorting basins.

In summary, throughout Southeast Asia, the enemy is faced with problems that he has not encountered in the last decade. In Laos, he was forced to expand his lines of communication in an effort to compensate for the loss of the Cambodian port of Kampong Som, disruptions to his lines of communication by the cross-border operations into Cambodia, and the need to resupply his forces in the south. Operation Lamson 719 disrupted the enemy's 1970–71 logistics timetable. The effects of this disruption upon North Vietnamese plans may be amplified by the need for Hanoi to anticipate possible future ARVN out-country incursions. In Cambodia, the change of government in 1970 obliged the enemy to reassess the situation and reorient his efforts in an attempt to replace vital supply lines. To accomplish this, he diverted main force units from South Vietnam, further limiting his offensive capabilities. The enemy's future military effectiveness throughout southern Indochina is directly related to his ability to solve the serious logistical problems which he now faces.

Regarding the future of Cambodia and Laos, President Nixon has said we are exploring "methods through which the neutrality of countries like Cambodia and Laos, who cannot possibly defend themselves" will be "guaranteed without having the intervention of foreign forces."

Successes in the Vietnamization program and regional cooperation among Asian allies will advance progress toward United States goals in Indochina. Our goals remain: to end American casualties; to continue the withdrawal of our forces; to accelerate Vietnamization progress; and to successfully implement the Nixon Doctrine throughout East Asia and the Pacific.

In South Vietnam the President's policy is sound. The current plan for reduction of men is both safe and reasonable, particularly in view of our success in Cambodia. It will speed up Vietnamization to insure continued U.S. redeployments from Southeast Asia, and to reduce American casualties. As President Nixon has said, there will be a reduction by December in our authorized strength in Vietnam to our new goal of 184,000—a cut of nearly 365,000 Americans.

Vietnamization as a path to peace in Vietnam fulfills four purposes: Self-determination for the South Vietnamese people. Honors our obligations to the Vietnamese. Systematically reduces American ground combat involvement. Helps restore the credibility of our actions at home and abroad.

Throughout the Republic, the Vietnamese soldier is taking over the combat readiness and combat action in this war. The Republic of Vietnam Armed Forces continue to train themselves, accept new combat responsibilities, and set out in their combat actions with a renewed determination to defeat the enemy. The Republic of Vietnam Army continues to seek out the enemy and preempt him at every opportunity, defeating his forces and destroying his caches before they can launch their next attack.

Simultaneous with this is the turnover of military equipment and bases for their operational and logistical growth.

Let me at this time touch on just a few significant Vietnamization illustrations:

First, the economy: over 95 percent of essential roads and waterways are now open. Rice production is moving towards self-sufficiency. The big problem, however, is control of inflation to insure the economic stability of Vietnam.

South Vietnam's government has been and continues to grow in strength. Locally elected governments are spreading throughout the country. Nine of 10 hamlets now have popularly elected officials, and more important there has been a noticeable increase in the number of citizens willing to seek office.

The Pacification Program has shown considerable progress within the past two years. Almost 94 percent of the population now live in relatively secure areas. Another factor showing the progress of the government is the Chieu Hoi program. This program, which started in 1963, provides amnesty to enemy forces desiring to come over to the side of the South. In 1970 alone, 32,000 enemy defected from the Viet Cong or the North Vietnamese to the side of the Republic of Vietnam.

The next element of Vietnamization is a stronger national police for the internal security of the Republic. Greater emphasis has been placed on training and strengthening of the police for local security. Since these men are from the hamlets and villages to which that are assigned, they know the villagers within that area and are therefore able to identify enemy personnel. They have been greatly instrumental in rooting out the Viet Cong infrastructure. Police substations have been established in villages and hamlets where elections have been held to provide greater security to the people of South Vietnam.

Turning now to the military improvement and modernization efforts, we find that this program is ahead of schedule.

The Republic of Vietnam's Armed Forces have grown from 274,000 men and women under arms in 1960 to today's 1,200,000. This includes 400,000 Army regulars, 40,000 Navy, 40,000 Air Force, 12,000 Marines, 500,000 territorial force troops, and about 215,000 paramilitary forces including civilian irregulars and national police.

The goal however is *quality* and not qusntity. General Abrams and his staff greatly emphasize the necessity for developing quality manpower and leadership within the armed forces of the South. Since June 1969, when President Nixon ordered the first American troop redeployment and made Vietnamization a priority mission, South Vietnamese infantrymen have replaced American troops in these key regions:

The capital military district, including defense of Saigon.

The Mekong Delta.

The coastal belt along the South China

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Sea running from north of Da Nang to the eastern flank of the Demilitarized Zone.

The Central Highlands.

Demilitarized Zone.

Since U.S. redeployment began about 24 months ago, 100 American military installations have been turned over to the Vietnamese.

The Vietnamese Air Force—gaining strength in both equipment and technical proficiency—now has 32 squadrons of more than 800 aircraft including jet and propeller-driven bombers, helicopters, AC47 gunships, C47 transports and light single-engine reconnaissance planes. Among its 40,000 airmen are 1,200 trained pilots and 1,500 more scheduled for training. Their combat sortie rate within the past year has increased 67 percent for fixed wing aircraft and a threefold increase for helicopters.

One of the problems we are now faced with is training time. Training is not an overnight accomplishment. It takes time. For example, it takes 12 months to train a jet pilot in just the basic skills of flying his aircraft. It takes six months to train a mechanic to maintain that jet aircraft. Before either of these can start his training, 30 to 36 weeks of English language instruction is required.

The U.S. 7th Air Force has transferred to the Vietnamese Air Force over 400 helicopters, A37 jet fighter bombers and AC47 gunships. Approximately 7,200 of the Republic of Vietnam's military personnel are being trained in the United States this fiscal year. Most are associated with air operations. The number is nearly five times that of two years ago.

Probably the most rapid progress in Vietnamization has been made by the U.S. Naval Forces in Vietnam. This is the brown-water navy that patrolled the Mekong Delta rice bowl south of Saigon and screen infiltration corridors for enemy troops and equipment leading from Cambodia into the western delta. This is now the responsibility of the South Vietnamese Navy.

The South Vietnamese Navy has reached a strength of 40,000 men and 1,500 vessels. It operates almost entirely in the Mekong Delta which contains more than half of the country's population south of Saigon.

Since the Vietnamization program began, the U.S. Navy has given the South Vietnamese Navy 810 combatant and logistic craft, including 850 river patrol boats. More than 6,000 Vietnamese have been trained to meet U.S. Naval standards of operation, and the command of two major bases has been given to the South Vietnamese Navy. Significantly, no U.S. patrol boat operating in Vietnamese waters today has an entirely American crew.

U.S. Coast Guard has phased out its Vietnam-based combat operations. Coast Guard Squadron One has turned over all of its 26 patrol vessels to the Vietnamese over a 15 month period. The squadron was mostly involved in patrol and surveillance work along the South China Sea coast. Now there are only a few advisory and technical personnel remaining.

The added significance to what I have just mentioned is this. It is relatively easy to just turn over equipment and bases, indiscriminately, but this is not the case in Vietnam today. The Vietnamese Armed Forces are capable and well trained to maintain and continue the fight with the equipment and operational facilities they are receiving. In addition, the men in the field, including the Regional Forces and the Popular Forces, are being equipped with the best weapons. Over 96 percent of the Republic of Vietnam's Armed Forces are using the M–16 rifle, and they are proving they can use it very well.

Enemy aggressiveness continues to be the determining factor in the Allied search for a just peace in Vietnam and the entire Indochina area. As Secretary Laird recently stated to the House Armed Services Committee, in South Vietnam, the major threat to friendly forces is posed by Viet Cong and North Vietnamese Army forces just north of the DMZ, in the southern Laos panhandle and in the northern two provinces of MR 1. The principal communist threat in South Vietnam is the enemy's continued capability to launch a major, multi-regimental level operation. The enemy's actions in Indochina demonstrate that his ultimate objective of trying to put North Vietnamese leadership in South Vietnam remains unchanged.

Hanoi is greatly concerned about the progress of the Pacification and Vietnamization programs. Our intelligence reveals that Hanoi's objectives are to wear down the resolve of the Free World, discredit the Pacification program, disrupt the Vietnamization progress, and most importantly, to exert pressure on United States and world public opinion.

As President Nixon has reported to the American people, the enemy's three basic strategies have failed. He has not won and cannot win a military victory or a political victory in South Vietnam. And he cannot achieve a political victory in the United States.

United States troop withdrawals are predicted on reduction in intensity of actions by the enemy, progress in the Vietnamization program and progress at the Paris talks.

The communists have been warned by the United States Government that the timing of American troop withdrawals will depend on the current military and diplomatic situation. President Nixon has stated:

"If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

President Nixon's fulfilled pledges and his plan to further reduce the total U.S. troop commitment in South Vietnam—responsible, disciplined acts of statesmanship—are a result of the confidence that Pacification and Vietnamization are succeeding. The South Vietnamese are developing the capability for their own defense. Combat action has declined for our forces. The South Vietnamese are doing more. The North Vietnamese are able to do less. Our troops continue to perform a necessary though unpleasant function. We will need an effective military force in South Vietnam in the months ahead to safeguard our continued redeployment permitted by progress in the Vietnamization program. We are well on the way toward ending our ground combat role. I believe our objectives, in the long run, will prove successful.

It would be unrealistic to hope that a Vietnam settlement, when achieved, will end the threat of aggressive communism. Backed by U.S. ground, sea, and air power, our allies must develop and maintain conventional forces to help deter the aggressive ambitions of their communist neighbors.

At the heart of the Nixon Doctrine—which has been readily recognized and accepted by our allies—is the principle of partnership, of shared responsibility for peace and security. The President has stated the United States will keep its treaty commitments with the expectation that our friends and allies will assume greater responsibility for their own defense.

This evolutionary development is a major change in U.S. foreign policy. Its significance is two-fold: It means continued U.S. leadership of the Free World but with a reduced American presence. And secondly, this new phase in American foreign policy will mean a future savings to us all in terms of American lives as well as dollars.

Although some question the need for a strong, realistic war-deterrent force, I would remind all that no battles have been fought on Continental United States soil since the Civil War. In World War II the mood of the country reflected the knowledge that the Republic was beset by trials as grave as any it had faced in its history. There was an unquestioned acceptance of the need to sacrifice to insure the survival of an ideal. We felt intuitively that our society offered man his best hope of a way of life by which he could fulfill himself in freedom.

Over the decades since then, however, the issues have been many and complex, and the rightness of our actions on the world scene has not been so easily demonstrated as in World War II. There is some disenchantment with the military today among certain groups, giving rise in turn to criticism not notable for its amiability. In point of fact, even a superficial look at recent history gives us reason to be proud of what our defense forces have accomplished over these years.

It is easily forgotten that United States strength and commitment were indispensable elements of the economic and political resurgence of Western Europe. The United

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Far East, and the fact that freedom survives under the shadow of aggressive communism is testimony to the effectiveness and perseverence of our armed forces.

Despite the determination of world powers to extend by force a political system which scorns freedom, the Free World alliance remains a symbol of hope to nations where freedom has died.

MRS. JOHN W. McCORMACK

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, the death of Harriet McCormack, beloved wife of our former Speaker, John McCormack, after a long and tragic illness, has brought great sorrow and a profound sense of loss to me personally and to all those who have had the privilege of knowing the McCormacks.

Mrs. McCormack truly exemplified the most noble qualities of the time-honored role of wife and helpmate. Anyone who has ever known John McCormack knew of his total devotion, his deep admiration and respect, and his abiding love for his wife. Their romance was a storybook tale that began more than half a century ago. While visiting friends at Nantasket Beach in 1917, the young John gave a tiny, pretty, blue-eyed girl a hand putting up an automobile top in a rainstorm. It was love at first sight, a love that seemed to grow ever stronger with each passing year.

Harriet Joyce was a professional singer with a promising operatic career. A rich contralto, she had signed a contract with the Metropolitan Opera. But in 1920, she gave up her singing career for a greater one, dedicating her life and love to John McCormack, the promising young lawyer and veteran who would become one of the successful and respected politicians of our times.

It is truly said, and I am sure John McCormack would be the first to agree, that behind every great man there is a great woman. Harriet was with him every step of the way. He sought her advice, respected her opinions, and from her deep faith in him, drew much of the strength and self-confidence which made him outstanding in the political world. Their love was a living legend in Washington, for they preferred each other's company to all the glittering social scene of the Capital. In all the years of their married life they never spent a night apart.

A woman of deep serenity, quiet grace, and profound religious faith, Harriet McCormack was a life-long inspiration to her husband. Their marriage carried out the highest ideals of the Christian family and set an example seldom matched except in fiction and poetry. Perhaps the poet Wordsworth came closest to expressing the precious relationship they shared and cherished. In "She Was a Phantom of Delight," he wrote:

And now I see with eye serene
The very pulse of the machine; . . .
A perfect Woman, nobly planned,
To warn, to comfort, and command;
And yet a Spirit still, and bright
With something of angelic light.

And from "Weak Is the Will of Man":

Tis hers to pluck the amaranthine flower
Of faith, and round the sufferer's temples bind
Wreaths that endure affliction's heaviest shower,
And do not shrink from sorrow's keenest wind.

As a former constituent of Speaker McCormack's, as a fellow Bostonian, as a member of the Massachusetts delegation and of Congress, on which he has left the indelible imprint of a lifetime's brilliant, loyal, and loving service, I share his sorrow in his terrible loss. If there is any consolation in his grief, I hope it might be the knowledge that his wife's memory will glow warm in the hearts of those who knew and loved them both, inspiring us with the qualities she gave of so abundantly during her lifetime.

THE LATE HONORABLE THOMAS JEFFERSON MURRAY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1971

Mr. FISHER. Mr. Speaker, the late Tom Murray was elected to the 78th Congress and continued to serve for 24 years, much of it as chairman of the Post Office and Civil Service Committee.

His record in the Congress speaks for itself. Above all, he practiced restraint in his legislative philosophy, while devoting himself assiduously to improvement in postal service and fair treatment for all civil service employees.

It happened that Tom came to Congress when I did. He always practiced the philosophy of Thomas Jefferson, concerning himself with the evils of big government and excessive Federal spending. His influence in the Congress had a wholesome and stabilizing effect.

Tom Murray was a great patriot, a defender of the flag, and a stanch supporter of adequate national defense. In many ways he was an ideal Congressman in all matters relating to the cause of good government.

To me Tom was a personal friend. I always profited from his advice and his leadership. He was truly a great American.

UNITED STATES ASSISTS TO PLACE A RUSSIAN ON THE MOON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. RARICK. Mr. Speaker, many informed Americans will recall the space exploration hysteria of the early 1960's—a costly crash mobilization to head off Russian space superiority.

Then followed the hysteria to ratify a Soviet-United States outer space treaty to prevent the Russians from beating the United States to the moon and arming it with a nuclear device.

Almost as if the U.S. moon shot was delayed until after our leaders signed away our advantage to place an ABM on the moon, on July 20, 1969, U.S. astronauts landed on the moon. Eight Americans on four different trips have been to the moon and explored that celestial body. Russia has to this day failed to place man on the moon.

Now we learn a proposed U.S.-U.S.S.R. joint-manned space flight is under discussion. Because of the dismal failures of the Soviet space program—despite our exchange of sophisticated data, the furnishing of electronic computers, and even giving the Russian scientists tours of our space center—the Russians are disappointed at their loss of face as well as at U.S. space superiority.

So, following traditional U.S. political fashion to prevent U.S. domination in any field, our President and our diplomats seek to bolster the Soviets' inferiority of mechanical achievement under socialism by integrating a U.S. space flight with a United States-Russian crew so our Soviet friends can fulfill their goal of placing a Communist on the moon.

A question remaining is why just Russians? Why not Africans or Red Chinese? But then this United States-Soviet progress is all in the name of peace and expansion of world brotherhood for open trade; and when the plan is announced in 1972, it is hoped to gain votes for President Nixon's candidacy.

I ask that related news clippings and the text of the Treaty on Outer Space be inserted at this point:

[From the Washington Evening Star, Dec. 3, 1971]

UNITED STATES AND SOVIET PLAN JOINT SPACE FLIGHT

Moscow.—American and Soviet scientists plan to sign an agreement within the next two months on a joint manned space flight, a U.S. Embassy official disclosed today.

The agreement was discussed between Soviet and American scientists during the past few days in Moscow. It was the third session between specialists of the National Aeronautics and Space Administration and the Soviet Academy of Sciences.

Jack Tech, a science attache at the U.S. Embassy, said the scientists released the following statement:

"The main purpose of this third working session was to discuss the technical details of space hardware compatibility and to discuss a joint American-Soviet space mission. It is intended to sign final agreement within two months. Details will not be given out until then."

In Washington, the National Aeronautics and Space Administration had no immediate comment. But a spokesman said Dr. James C. Fletcher, administrator, probably would have a statement later. Officials indicated they were surprised at the announcement from Moscow.

[From the Washington Post, Dec. 4, 1971]

UNITED STATES-SOVIET SPACE LINKUP SEEN NEAR

(By Robert G. Kaiser)

Moscow.—An American official indicated here today that the United States and Soviet Union are near a formal agreement that could lead to a meeting in space between astronauts from both countries.

In a statement read to reporters by telephone, the U.S. science attache here, Dr. Jack Tech, said "It is intended to sign a final agreement within two months. Details will not be given out until then."

Answering questions, he acknowledged that the agreement would concern a program to link up Soviet and American spacecraft. Docking in space would presumably involve manned ships.

Later, however, a U.S. embassy spokesman said reports of an imminent agreement were premature. Whether this meant Dr. Tech's statement was wrong or only premature itself could not be ascertained.

After a meeting in Houston last June, American and Soviet officials indicated that they were proceeding toward a program that would involve the docking of spaceships from the two countries.

It was announced at that time that the two countries were proceeding on the assumption that the first experiments would involve the docking of an American spacecraft with an orbiting Soviet laboratory, and vice versa.

Assuming no new difficulties, then, a more complete agreement in the near future would not be surprising. Nevertheless a formal plan to bring Soviet and American astronauts together in outer space would have symbolic importance—and might also be politically useful for the Nixon administration in next year's elections.

Even if an agreement is signed within two months, however, it is expected to take several years to achieve an actual Soviet-American rendezvous in space.

A delegation from the National Aeronautics and Space Administration (NASA) has been meeting here since Monday with space officials from the Soviet Academy of Sciences. Sources close to the delegation would only say tonight that it was a misunderstanding to think that an agreement had already been reached.

The NASA working group here is led by Robert Gilruth, director of the Houston Manned Spacecraft Center. He could not be reached for comment.

At a reception for a group of visiting American governors here in October, Soviet cosmonaut Andriyan G. Nikolaev told several Americans that U.S. astronauts would work in space with their Soviet counterparts. "We speak the common language of space," Nikolayev said on that occasion.

U.S. and Soviet space officials agreed here last January that "space cooperation is in the interest not only of the Soviet Union and the United States, but of people everywhere."

[In Washington, a NASA spokesman said the talks in Moscow have not ended, adding: "After the talks have ended, they will be

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subject to recommendations and approval." Any understanding as to a test mission would come later, he said.]

[Legislature on Foreign Relations, 1969]

J. SPACE

1. TREATY ON OUTER SPACE [1]

Text of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies; Treaties and Other International Acts Series 6347; Signed at Washington, London and Moscow on January 27, 1967; Ratification advised by the Senate April 25, 1967; Ratification by the President of the United States May 24, 1967; Ratifications of the Government of the United States, the United Kingdom and the Union of Soviet Socialist Republics deposited with the said Governments at Washington, London, and Moscow October 10, 1967; Entered into Force October 10, 1967; Proclaimed by the President October 10, 1967

The States Parties to this Treaty.

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development.

Desiring to contribute to broad international cooperation in the scientific as well as legal aspects of the exploration and use of outer space for peaceful purposes,

Believing that such cooperation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples,

Recalling resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space", which was adopted unanimously by the United National General Assembly on 13 December 1963,

Recalling resolution 1884 (XVIII), calling upon States to refrain from placing in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or from installing such weapons on celestial bodies, which was adopted unanimously by the United Nations General Assembly on 17 October 1963,

Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breath of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space,

Convinced that a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, will further the Purposes and Principles of the Charter of the United Nations,

Have agreed on the following:

ARTICLE I

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and States shall facilitate and encourage international cooperation in such investigation.

ARTICLE II

Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

ARTICLE III

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international cooperation and understanding.

ARTICLE IV

States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the moon and other celestial bodies shall also not be prohibited.

ARTICLE V

States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties.

States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

ARTICLE VI

States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

ARTICLE VII

Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth, in air space or in outer space, including the moon and other celestial bodies.

ARTICLE VIII

A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth. Such objects or component parts found beyond the limits of the State Party to the Treaty on whose registery they are carried shall be returned to that State Party, which shall, upon request, furnish identifying data prior to their return.

ARTICLE IX

In the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, may request consultation concerning the activity or experiment.

ARTICLE X

In order to promote international co-operation in the exploration and use of outer space, including the moon and other celestial bodies, in conformity with the purposes of this Treaty, the States Parties to the Treaty shall consider on a basis of the equality any requests by other States Parties to the Treaty to be afforded an opportunity to observe the flight of space objects launched by those States.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the States concerned.

ARTICLE XI

In order to promote international co-operation in the peaceful exploration and use of outer space, States Parties to the Treaty conducting activities in outer space, including the moon and other celestial bodies, agree to inform the Secretary-General of the United Nations as well as the public and the international scientific community to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

ARTICLE XII

All stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity. Such representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

ARTICLE XIII

The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and use of outer space, including the moon and other celestial bodies, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international inter-governmental organizations.

Any practical questions arising in connection with activities carried on by international inter-governmental organizations in the exploration and use of outer space, including the moon and other celestial bodies, shall be resolved by the States Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organization, which are Parties to this Treaty.

ARTICLE XIV

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Government designated as Depositary Governments under this Treaty.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendment upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

ARTICLE XVI

Any State Party to the Treaty may give notice to its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

ARTICLE XVII

This Treaty, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate, at the cities of Washington, London and Moscow, this twenty-seventh day of January one thousand nine hundred sixty-seven.

[1] The following countries, as of December 31, 1968, have signed: United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, Chile, Mexico, China, Italy, Honduras, Ethiopia, Ghana, Cyprus, Canada, Bulgaria, Australia, Denmark, Hungary, Iceland, Czechoslovakia, Japan, Romania, Poland, Tunisia, New Zealand, Colombia, Finland, Panama, Laos, Greece, the Philippines, Turkey, Yugoslavia, Afghanistan, Argentina, the United Arab Republic, Haiti, Luxembourg, Vietnam, Venezuela, the Federal Republic of Germany, Israel, El Salvador, Thailand, Sweden, Ecuador, Togo, the Dominican Republic, Switzerland, Burundi, Ireland, Cameroon, Indonesia, Bolivia, Bottswana, Lesotho, Korea, the Congo (Kinshasa), Uruguay, the Central African Republic, Rwanda, Nicaragua, Austria, Belgium, Brazil, Burma, Ceylon, France, Gambia, Guyana, Holy See, India, Iran, Iraq, Jamaica, Jordan, Lebanon, Malaysia, Mongolia, Nepal, Netherlands, Niger, Norway, Pakistan, Peru, San Marino, Sierra Leone, Somalia, South Africa, Trinidad and Tobago, Upper Volta, Morocco, Uganda, Libya, Nigeria, Malagasy Republic, Barbados, Mali, and Spain have acceded.

Thirty-three countries have ratified.

CHINESE-AMERICAN PARENTS FIGHT FOR NEIGHBORHOOD SCHOOLS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. COLLINS of Texas. Mr. Speaker, everyone in America is watching the courageous fight of the Chinese community in San Francisco. They are determined to maintain quality education for their children. The Chinese have a tradition of strong family devotion. They are keenly concerned with the future of their children.

When the courts were determined to ruin their schools, this group would not take it lying down. I was impressed with the analysis written by Joseph Alsop in his Washington Post column of December 3.

Here are the key paragraphs from Alsop's column. Let us all pray for these fine Chinese-Americans who are in the vanguard in this fight for freedom of the individual:

NEIGHBORHOOD SCHOOLS

There are—or rather there were—three markedly superior public schools in San Francisco. Their names were Commodore Stockton, Washington Irving and Spring Valley. The overwhelming majority of their pupils came straight from the darkest depths of Chinatown, but they were what the social pseudo-scientists now call "high achievers."

Commodore Stockton School is also a memento of the era of total exclusion. It was established because most West Coast school systems used to be sternly segregated, not for blacks, but for the "Orientals." But now the San Francisco school system has been subjected to forcible homogenization, by a general order requiring forced school busing.

To this order, the Chinatown community in San Francisco has responded with active fury. A hero came forward, in the person of a shrewd, sensible and ambitious lawyer, Quentin Kopp. With all but unanimous Chinatown political support, lawyer Kopp has now won a place on San Francisco's board of supervisors.

This was a reward, in effect, for the anti-busing suit brought by lawyer Kopp on behalf of pupils in the three dominantly Chinese public schools. On appeal for a stay of execution of the federal court's busing order, the suit has already reached the Supreme Court of the United States.

Justice William O. Douglas predictably refused the stay of execution, essentially on the ground that everybody had to be forcibly homogenized, whether they liked it or not. Shortly, the Chinese suit will reach the U.S. court of Appeals in California, which is likely to make the same findings as Justice Douglas.

Hence the Chinese suit is likely to reach the Supreme Court, once again, and in answer-yes-or-no form, during the next year. Until then, despite the poverty of the great majority of Chinatown's new immigrants, San Francisco's Chinese are mostly sending their children to private schools organized and paid for by the Chinese community.

All this is interesting for two reasons. First, it suggests how vastly more complex the school problem is than most people suppose. Secondly, it offers any persons who like political betting a very good long shot.

Here the point is that the Senate Republican whip, Sen. Robert Griffin of Michigan, and the House Republican leader, Gerald Ford, long ago went to Attorney General John Mitchell to plead for "positive administration action."

It is pretty clear, in fact, that the President means to make forced school busing one of the major shows of the 1972 campaign.

Yet Senator Griffin has already mentioned the anti-busing suit brought by the Chinese in San Francisco, as the ideal opportunity for the Justice Department to intervene as "amicus curiae." The reasons are obvious. The Chinese-Americans used to be a rigidly excluded minority. And no one can deny their skin color is not caucasian.

Even Northern states like Michigan will also be deeply affected.

One must add that this is a tragic business. The guilt, ridden American liberals have approached this problem without the briefest look at the hard facts; with a great burden of sentimental preconceptions, and without even asking the blacks in Harlem, for instance, whether they really want busing. (They do not, as the record shows.)

PRIME MINISTER GANDHI'S STATEMENT CONCERNING WAR

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HELSTOSKI. Mr. Speaker, war has broken out between India and Pakistan

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for the third time in 25 years. We must all deplore this tragic development; enough suffering has already occurred in South Asia without a major war further contributing to the bloodshed and destruction.

However, despite my disappointment that American peace-making efforts failed, I am appalled by the vindictive attitude taken by the State Department toward the government of India. Statements issued by that agency over the weekend would have us believe that India is guilty of unprovoked aggression.

As is to be expected in light of our past efforts in South Asia, the State Department's attitude is myopic and heavily slanted in favor of the Pakistani dictatorship. A brief review of the facts will show that complete blame for the outbreak of hostilities can in no way be laid on India's doorstep.

The current crisis in the Indian subcontinent was initiated last March by the brutal attack on the civilian population of East Pakistan by Pakistani dictator Yahya Khan. Seeking to suppress the popularly elected Awami League, the Pakistan Government has, since March 25, been conducting a genocidal war against the Bengalis which has driven over 10 million refugees into India. Led by the United States, the developed countries have poured millions of dollars worth of refugee aid into the region. Despite this, the strain of 10 million refugees on the Indian economy and the region around Calcutta has been intolerable.

Mrs. Gandhi has been warning the world for months that India could not be expected to tolerate this threat to her internal security. Only an equitable settlement of the Pakistani Civil War, enabling the refugees to leave India, could avert extreme Indian action to relieve this intolerable strain on her resources.

The United States, in response, has failed to alter its friendly policy toward the Pakistani government. We have taken no concrete action which would end the suffering in Bangla Desh and relieve the strain on India's economy. Why should the State Department then be shocked and hurt that India has rejected its eleventh hour mediation efforts? The administration's bias in favor of the Yahya Khan regime and its ambivalent attitude toward the genocidal rampage underway in East Pakistan are plain for all to see. The State Department cannot regain its credibility in South Asia until it ceases to embrace the Pakistani dictatorship and takes a strong and morally correct stand against the bloodshed in Bangla Desh.

Mr. Speaker, Prime Minister Gandhi outlined over the weekend to her parliament the issues and causes of the current war as India sees them. As we review the State Department's morally outraged statements on the South Asian crisis we would do well to keep Mrs. Gandhi's eloquent speech in mind. Under unanimous consent, therefore, I include her remarks to the Indian Parliament at this point in the RECORD:

[From the New York Times, Dec. 5, 1971]

TEXT OF PRIME MINISTER GANDHI'S STATEMENT TO PARLIAMENT CONCERNING WAR BETWEEN INDIA AND PAKISTAN

NEW DELHI (Reuters).—Following is the text of Prime Minister Indira Gandhi's statement in Parliament today:

This morning the Government of West Pakistan has declared a war upon us.

Last evening the West Pakistani Air Force violated our air space wantonly and attacked a large number of our airfields.

Simultaneously, their ground forces shelled our positions along the western border. Their propaganda media have made totally baseless allegations that India had launched an assault.

The news reached me just as I was leaving Calcutta. Immediately on my return I took counsel with my colleagues and with leaders of the Opposition parties. We were all of the mind and united in our resolve that the nation's freedom should be defended and unanimous that the aggressor should be beaten back. I am sure that the same sense of solidarity will mark our work in the difficult days ahead.

A state of emergency has been proclaimed. We are approaching the House to adopt the Defense of India Bill.

Our feeling is one of regret that Pakistan did not desist from the ultimate folly, and sorrow that at a time when the greatest need of this subcontinent is development the peoples of India and Pakistan have been pushed into war.

We could have lived as good neighbors but the people of West Pakistan have never had a say in their destiny. In this grave hour our own dominant emotion is one of confidence and faith.

For more than nine months the military regime of West Pakistan has barbarously trampled upon freedom and basic human rights, committed heinous crimes, unmatched for their vindictive ferocity.

Many millions have been uprooted, 10 million have been pushed into our country.

We repeatedly drew the attention of the world to this annihilation of a whole people, to this menace and to our security. Everywhere the people showed sympathy and understanding for the economic and other burdens and the danger to India.

But governments seemed morally and politically paralyzed. Belated efforts to persuade the Islamabad regime to take some step which would lead to a lasting solution fell on deaf ears.

The wrath of the West Pakistan Army has been aroused because the people of Bangla Desh have stood and struggled for values which the army is unable to comprehend, and which it has suppressed in every province of Pakistan.

As the Mukti Bahini's [Liberation Forces'] effectiveness increased, the West Pakistani army became more desperate. Our tradition is to stand not with tyrants but with the oppressed. And so the anger has been turned upon us.

West Pakistan has escalated and enlarged the aggression against Bangla Desh into a full war against India.

War needs as much patience and self restraint as does peace. The military regime of West Pakistan will go all out to sow suspicion and rumor in the hope of fermenting communal tension and internal trouble. Let us not be taken in by their designs. We must maintain unity and a sense of high purpose.

We should be prepared for a long struggle. High production, agricultural and industrial, is the foundation upon which defense rests. The courage and fighting capability of the Jawans [soldiers] have to be backed by the dedication of the farmer, the worker, the technician and the trader.

The business community has a special responsibility to resist the temptation to hoard or to charge higher profit.

Artists and writers, teachers and students, the nation looks to you to defend our ideals, to keep high our morale.

To the women of our country, I make a special appeal to save every possible grain and rupee, to avoid waste. The sacrifice of each of us will build the nation's strength and enduring power.

We have stood for peace but peace itself has to be defended. We are fighting to safeguard our territorial integrity and national honor. Above all, we are fighting for the cause of human freedom.

SENATE SHOULD START OVER ON CAMPAIGN SPENDING

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BROWN of Michigan. Mr. Speaker, the House-Senate conferee's defusing of the Senate's proposed $1 checkoff on tax returns to finance presidential campaigns of its partisan explosiveness by delaying its impact until 1976 should not be allowed to obscure the considerable remaining problems inherent in such an approach to reform of campaign spending.

In this regard, I recommend to the attention of my colleagues a recent editorial published in the Detroit Free Press.

The editorial follows:

[From the Detroit Free Press, Nov. 29, 1971]

SENATE SHOULD START OVER ON CAMPAIGN SPENDING

Credit neither party with rising above its special interests in the Senate's vote for a national tax plan to finance presidential campaigns.

The bill passed the Senate 52–47, with only Republicans Case of New Jersey and Mathias of Maryland joining 50 Democrats in favor of the bill. Against it were the other 42 Republicans, four southern Democrats and independent Harry Byrd of Virginia.

The bill is a monstrosity, but that is not why the Republicans opposed it. Their reasoning was much more simple and, in fact, the same reasoning used by Democrats to favor it.

To oversimplify, the bill would allow taxpayers to check off $1 ($2 for a couple) on their tax returns to go to the presidential campaign of the party of their choice. The top limit a party could get would be $20.4 million, depending on the party's popularity and how many taxpayers check the box. To get the money, the party would have to agree not to spend any more than that for its presidential campaign.

The party-line split was ordained. Democrats, $9.3 million in the hole from 1968, need the money. Republicans, with estimates of up to $40 million in the kitty (President Nixon raised $5 million in one night earlier this month) don't need the money and don't want the Democrats to get any.

This newspaper has long supported a measure to reform campaign spending, even including, if necessary, some method of public financing. But this bill isn't it. It's a handout which might ease the Democrats' shorts—or the GOP's when it's out of office—but it doesn't cure the problem. It doesn't really even touch it.

In the first place, it's limited to the presidential ticket. For the little guy who supports, say, George McGovern at April taxtime and winds up with a Henry Jackson heading his party in August, he's out a buck. For the big guys—the tycoons, the corporations (deviously) and the labor unions—the votes have already been bought and paid for. The bill doesn't provide a nickel for the primaries or the state conventions, nor does it include any prohibitions on primary spending or collections.

In the second place, it doesn't go below the President. Yet all 100 senators and 435 members of the House are federal officials. In Michigan it takes close to $1 million to elect a senator, especially if there is a primary. It even takes about $50,000 to make a good run for Common Council in Detroit.

There's nothing in the bill to stop all sorts of committees from springing up. The party itself might be limited, but the party always pleads self-righteous ignorance about all those so-called independent citizens committees.

If Congress ever decides to reform campaign spending, we will applaud. We might even dance in the street a bit if the weather is decent. But except for a Senate-passed bill limiting television spending for a party's presidential ticket to $8 million, and a 10-cents-per-voter limit on other campaigns, which hurts a challenger more than an incumbent, Congress hasn't gotten close to the subject:

Mr. Nixon's problem, aside from partisanship, is that this campaign financing hokum is tied to a multi-billion tax cut program he badly wants. To kill the giveaway he'd have to veto the whole thing. Democrats, of course, are counting on that.

If what emerges from conference committee resembles the Senate package, we'd urge a veto, a rebuke and a polite request for Congress to start over.

UNIVERSITY OF IOWA RECEIVES $3.5 MILLION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SCHWENGEL. Mr. Speaker, last month the University of Iowa announced that Roy Carver of Muscatine has given $3.5 million to the University of Iowa.

This magnificent gift is a dramatic demonstration of confidence in the University of Iowa.

Roy Carver's dedication to the University of Iowa, as expressed in his gift, is heartwarming to us who love the University of Iowa. It serves to remind us of the great need for this kind of support for our public institutions.

This gift will enhance the quality of education and will serve as a living memorial to Roy and his family.

It is an honor for me to be able to call Roy Carver a good friend. He is a fine gentleman. His gift to the University of Iowa prompted many news stories and editorials which justly honor him.

I include them in the RECORD at this point:

CARVER MAKES $3.5 MILLION GRANT TO UNIVERSITY OF IOWA

IOWA CITY, IOWA.—The University of Iowa announced today (Friday) receipt of the largest individual gift recorded thus far in 1971 for any American college or university: 85,000 shares of Bandag, Inc. stock valued at approximately $3.5 million, from Roy J. Carver, chairman of the board of the Muscatine, Iowa, company.

U of I President Willard L. Boyd said the gift, largest in the University's history, will make possible a variety of projects, including development by the U of I College of Medicine of a model for a pioneering community health program.

Aid to needy students and endowment of several distinguished professorships will be provided by the Carver gift, as will an addition to the University's Museum of Art, assistance with the restoration of the historic Old Capitol building and with the furnishings of a performing arts hall now under construction, the proposed resurfacing of Iowa Stadium with artificial turf, and support for the President's Academic Development Fund—"seed money" for improving instruction and making breakthroughs into new areas of knowledge.

The gift of Bandag stock was made to The University of Iowa Foundation, which sold 25,000 shares in a public offering yesterday. Executive Director Darrell Wyrick said the Foundation will retain its remaining 60,000 shares in its portfolio for the present. A single share of the stock valued at $12 in 1968 would now have grown to 9 shares with a total value of about $360 through subsequent splits.

Founded by Carver in 1957, Bandag produces rubber, supplies and equipment for recapping tires under a patented process designed to increase tire wear to double that obtaining from conventional retreads. Company sales, increasing nearly 50% a year, in 1970 reached $28.8 million and in the 12 months ending Sept. 30, 1971, totaled $36,300,000.

Carver, who also heads the Carver Pump Company and the Carver Foundry Products Company of Muscatine, said he and Mrs. Carver selected The University of Iowa Foundation as the recipient because "We believe the University is the instrument that will provide the best multiplier over many years, for some of the things that will benefit the people of the state."

"Iowa has been good to us," Carver continued. "We have raised a family here, have prospered here, and have our roots here. Partly because of our proximity to Iowa City and partly because our four boys also attended the University at one time or another, we developed over the years a strong interest in and affection for the University and its people. Now we are fortunate enough to be able to express our feelings in some tangible way. Mrs. Carver and I are particularly happy to have been able to make the gift while we are living and able to observe and share in the results."

In announcing the size and scope of the Carver gift this morning, President Boyd described it as having "great educational, cultural and historic significance, not only to this community but for the entire state," inasmuch as part of it will strengthen the educational process while other portions will aid in completing facilities which Iowans in large numbers utilize for personal enrichment.

President Boyd continued, "Above all, the gift is a great vote of confidence in the young people who will be served by it, and in the University itself. It provides a dramatic example of what private gifts can mean to a public university, and it will focus new and much-deserved attention on efforts of The University of Iowa Foundation to secure support for needs which cannot otherwise be met."

The Carver support for planning a model community health center, which would be located in Muscatine and which could provide experience of value to other Iowa communities, reflects the feelings both of Mr. and Mrs. Carver and the University that the problem of delivering health services to small communities is a matter of paramount importance, President Boyd said.

It is anticipated that medical staff members for the proposed center would be recruited for that purpose with the help of the U of I College of Medicine, where some of them would subsequently hold faculty appointments. The College would work in close cooperation with the center, which it would utilize as a community-based educational resource and where it would develop and evaluate new and more efficient ways of delivering health care.

Carver, a 1934 engineering graduate of the University of Illinois, Champaign, already was a successful manufacturer of pumps when on a visit to Germany in 1956 he was impressed by the unusual retread tires on an automobile he was using. He sought out the developer and subsequently purchased the North American rights to the Bandag "cold" method of recapping tires, as opposed to the high temperature utilized in conventional methods. Bandag retreads quickly attracted attention to major truck, bus and industrial tire users because they could get twice the mileage at lower cost than was possible through other retreads. In 1961 Carver purchased world rights and now has factories in Canada, Belgium, North Carolina and Texas, as well as Muscatine.

Both Mr. and Mrs. Carver are members of The Presidents Club of The University of Iowa. Carver is also a director of the First National Bank of Rock Island, Ill., and is a member of the President's Advisory Council of Augustana College in that city.

The Carvers have four sons: Roy James, Jr., 28, of Evanston, Ill.; John A., 26, Mt. Vernon, Iowa; Clayton, 25, San Diego, Calif.; and Martin G., 23, Bloomington, Ind.

President Boyd said the Carver gift will provide "practical, visible, esthetic and sensitive" help for three key U of I buildings: the Art Museum, the Virgil M. Hancher Auditorium and Old Capitol.

To be called the Roy and Lucille Carver Galleries, the Art Museum addition will provide new display areas for prints, sculpture and portions of the University's permanent art collection and Elliott Collection. In the 30 months it has been open to the public, some 185,000 persons have visited the Art Museum, which was built with funds raised by The University of Iowa Foundation.

The grant will also provide furnishings, equipment, art works and plantings for the stage area, "green room" and lobby of the new Hancher Auditorium now being built on the west bank of the Iowa River. Scheduled to open next fall, the structure will comprise one of the finest facilities in the world for the performance of musical productions, concerts, opera and ballet.

A statewide committee is currently planning restoration of Old Capitol as a "living museum" to reflect and preserve the heritage of the periods when it served as Territorial and State Capitol of Iowa, and subsequently as principal administration building of The University of Iowa. "The Carver gift provides a substantial part on one phase of this project, restoration of the original House Chamber, and as such it is hoped that it will encourage all Iowans to share in remaining aspects of the restoration," President Boyd said.

Mrs. Virgil M. Hancher, wife of a former

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U of I president, heads the restoration project which was instigated last year by President Boyd.

While a portion of the Carver grant to the University is earmarked for the installation of an artificial surface in Iowa Stadium, U of I Athletic Director Chalmers W. Elliott said that this project will proceed when a thorough analysis of all the factors relating to the installation has been completed.

"Artificial turf could be a real 'space blessing' for the entire University in view of the continued development of University Hospitals in the Field House-Stadium area and the consequent reduction of parking and practice space," Elliott said Friday. An all-weather playing and practice surface would not only free additional space for intramural and physical education activities but would itself be available for some such uses, he explained.

However, Elliott emphasized, recent complaints by several players and coaches that some artificial turf, at least, is not living up to earlier expectations for it must be pursued and resolved before the University could proceed with installation of such a surface in Iowa Stadium.

Concrete planning toward the establishment of a model community health center in Muscatine can now get under way as a result of the University of Iowa announcement today of its record gift from Roy J. Carver, chairman of the board of Bandag, Inc., and the uses to which the proceeds will be put.

Dr. John Eckstein, dean of the U of I College of Medicine, said the Muscatine County Medical Society has already approved the concept in principle. Thus far, he said, the main obstacle to launching such a center has been the lack of funds to plan and organize a project which would jointly serve the interests of the community and of the College in its search for innovative means for attracting physicians and delivering health services on a community level.

The proposed center would offer medical care to citizens of the community and would function in conjunction with the existing local physician-hospital system in an integrated, supportive manner. In addition, it would provide the College of Medicine opportunity to develop and evaluate new methods of delivering medical care, and would serve as a facility for specialized educational purposes.

"Muscatine is undergoing the same problems that other Iowa communities face—a growing shortage of physicians, and the effect this has on over-all health care," observed Dr. John Parks of Muscatine, president of the Muscatine County Medical Society. "Hence the needs of the Muscatine community for health services, and the needs of the College of Medicine for access to a model health facility, are compatible," he said.

Experiences gained in planning and operating the Muscatine center could be useful to other communities in their efforts to establish their own health care programs, Dr. Eckstein said.

The primary objective of the Muscatine project would be to make high quality medical care more readily available to members of that community. In the process, however, the center would serve as a community training ground for students in the health professions; test new ways of delivering health care more effectively, including the utilization of allied health personnel (physician's assistants, etc.); demonstrate the problems and benefits to be expected in other regional health centers; and would attempt to develop a professional environment that would attract physicians to a community.

Dr. Eckstein said today's announcement clears the way for detailed planning and will greatly expedite progress on the project.

BIOGRAPHY OF ROY J. CARVER

Roy J. Carver launched his successful business career in the depression year of 1938 with a capital investment of $100.

He made the move despite the advice of his father and others who offered convincing arguments that 1938 was no time to start a new business. However, Carver saw an opportunity; he was convinced there was a need to be filled; he was confident in his ability to meet that need, and he was willing to stake his total assets that he was right.

He has followed the same pattern ever since, including the establishment of what has become the enormously successful Bandag, Inc., the Muscatine-based company that is changing the complexion of the tire retread industry.

Born December 15, 1909, in Preemption, Illinois, Carver worked his way through the University of Illinois but, characteristically, found time to go out for the varsity wrestling team. He was graduated in 1934 with a degree in engineering but the nearest to an engineering job he could find in those depression years was as a technical assistant to State of Illinois purchasing officials.

Among the products he evaluated were self-priming pumps. He concluded he could design a better pump than anything then available and he was so sure he was right that he quit his job and started the Carver Pump Company at Matherville, Illinois. The "company" consisted of a section of the work bench in his brother's garage. Profits from the sale of the first pump went toward building the second—and so the pump company was launched.

Convinced that a major war was coming, Carver visited Washington in 1939 and made known to military purchasing officials the capabilities of his pumps. Shortly thereafter he was visited by a British Purchasing Mission which, amazed at the performance of Carver pumps, gave him his first large order. It was for $140,000. He was off and running.

When the United States entered the war, he was told to get all the manufacturing space he could find because he was going to need it for military orders. He located an abandoned sauerkraut factory in Muscatine, and moved in. It is still the headquarters of all Carver's enterprises, including Bandag, Inc.

The same alertness to opportunity that resulted in the pump company resulted, in 1954, in another venture—Carver Foundry Products. On a trip to Europe that year Carver saw West German foundries using a unique method for hardening sand cores and molds. Called "Steinex," it utilized a chemical reaction rather than heat and saved hours of hardening time and improved the accuracy of foundry cores. Carver promptly placed an order for the U.S. and after a period of testing formed Carver Foundry Products as the vehicle with which to introduce the new technique to the U.S. market. It is still a part of his business holdings and, like the pump company, is privately owned.

In 1956, one of the most significant events in Carver's life took place. Again he was touring Germany and noted the unusual-looking retreaded tires on a car he was using. Impressed, he sought out the developer and purchased the North American rights for the Bandag process of "cold" retreading of tires.

The following year Bandag started operations in Muscatine. A continuing research and development program was instituted in order to meet the more demanding needs of the American market and in 1961 Carver purchased the world rights to the process.

Large users of truck, bus and industrial tires soon became familiar with the product and, as a result, Bandag sales have been increasing about 50 per cent a year. For the year 1970 sales reached $28,500,000, and in the 12 months ending Sept. 30, 1971, were $36,300,000.

In essence, Bandag retreads provide double the mileage of ordinary retreads. The process varies greatly from that used in the conventional (so-called hot cap) method in that the Bandag tread is pre-cured in one of Bandag's own factories at extremely high pressures. This produces very dense tread rubber which is resistant to punctures, cuts and at the same time provides better traction and longer life. The tread is then bonded to the tire casing at a low temperature which results in lower casing loss than is the case with hot cap methods.

The industry has been quick to accept Bandag retreads beause of the uniform high quality, the longer tread life, and the lower tire maintenance costs.

Again, characteristically, Carver saw an opportunity and was willing to back his judgment with all his assets.

"We almost brought the Carver Pump Company to its knees during the time we were developing the product and preparing to put it on the American market," he comments. "But we got through it."

His willingness to do what's necessary to get the job done is reflected in his linguistic abilities. In order to do business in South America, without being at a disadvantage, he figured he'd better learn Spanish. He not only learned, but is fluent in the language. The same reasoning applied to his subsequent mastery of French and German.

Carver spends considerable time visiting Bandag's foreign facilities and he usually flies the company's Lear jet himself on these trips. In order to keep a close eye on the performance of the product, the jet and his automobiles are equipped with Bandag retreads.

Carver's wife, Lucille, has been actively involved in all of his businesses, not only as an officer and in a managerial capacity. They still live in the large frame and brick house they bought 25 years ago when they outgrew their first home in Muscatine. They have four sons: Roy James, Jr., 28, Evanston, Ill.; John A., 26, Mount Vernon, Ia.; Clayton, 25, San Diego, Cal.; and Martin G., 23, Bloomington, Ind.

Carver serves on the board of the First National Bank of Rock Island and is a member of the President's Advisory Council of Augustana College in that city. He is a member of the Presidents Club of The University of Iowa, the National Aeronautic Association, the Aircraft Owners and Pilots Association, BPOE, the Muscatine Chamber of Commerce, the Iowa Council of the Boy Scouts of America, and the Geneva (Muscatine) Golf and Country Club.

[From the Iowa City Press-Citizen, Nov. 6, 1971]

A GIFT TO MANY

Few public officials ever experience the pleasure of accepting a gift of $3.5 million as Gov. Robert D. Ray, and University of Iowa President could Friday. Even fewer persons ever are able to make such a gift as Mr. and Mrs. Roy J. Carver of Muscatine did to the university.

Many, however, will be able to enjoy the benefits of the Carvers' generosity. This was the point made by the governor, the university head and Regents President Stanley F. Redecker in expressing the gratitude of the university and state. It also was the point made by Carver in his statement on the gift:

"Mrs. Carver and I decided to make this gift in this way because we wanted to do something for the state and for the University. Iowa has been good to us. We raised our family here, have prospered here and have our roots here. Partly because of our proximity to Iowa City and partly because our four boys all attended the University of Iowa at one time or another, we developed over the years a strong interest in and affection for the university and its people. Now we are fortunate enough to be able to express our feelings in some tangible way."

"We have come to the conclusion that the University is the instrument that will provide the best multiplier, over many years, for some of the things that will benefit the people of the State. And in designating the University of Iowa as the recipient, through its foundation, we feel we will have been able to further strengthen what we regard as a great institution. Mrs. Carver and I are particularly happy to have been able to make this gift while we are living and able to observe and share in the results."

Boyd, while he noted what the gift means to the university, also stressed as did the governor that the benefits will extend directly and indirectly to all citizens of the state. And both he and Gov. Ray emphasized, too, the confidence in the young citizens of Iowa that was exemplified by the gift of the Carvers.

Friday was for Iowa and the University of Iowa a "momentous and exciting" day, as the governor noted. But because of the scope of the Carvers' gift and what it will make possible, Iowa and its citizens as well as the university and its students will have many more days to remember with pleasure and excitement.

[From the Muscatine (Iowa) Journal, Nov. 8, 1971]

EXCITING GIFT

Iowans in general and Muscatine residents in particular must certainly be grateful to the spectacular contribution made to the University of Iowa by Mr. and Mrs. Roy J. Carver of Muscatine.

Carver's gift of Bandag stock worth $3.5 million will help finance a wide variety of programs and projects at the university—including furnishings and equipment for the new Hancher auditorium, an addition to the University's museum of art, proposed artificial turf for the Iowa stadium, assistance with the restoration of the Old Capitol, aid to needy students and the endowment of several distinguished professorships.

Of particular importance to local people is the plan for the university to establish a model community health center in Muscatine.

As the presdent of the Muscatine County Medical Society, Dr. John L. Parks, M.D., has been working with local groups and the university for the past year and a half towards the goal of alleviating the physician shortage and maintaining a modern comprehensive medical care system for Muscatine.

Establishment of the health care program needed two things: funding, and a commitment from the university. Carver's generous gift for the health center and other needs at the university has made this commitment possible.

Although the largest bulk of the Carver gift will go to other university projects it is a tremendous stride for the people of Iowa to have the College of Medicine pioneer here in new methods of providing community medical care.

Many details are left to be worked out in the upcoming months, but a brief outline is known. A physician director will be hired by the university to head the Muscatine center and a building will be located near Muscatine General hospital. Primary medical care facilities and personnel will be made available to a representative sample of the Muscatine community. The center will also serve as a community training ground for the health professions, and should develop a professional environment that hopefully will attract other physicians to the community.

Dr. Willard L. Boyd president of the University of Iowa, said the Carver gift "has great educational, cultural and historic significance, not only to this community but for the entire state".

The gift, largest in the history of the university is truly an exciting and magnificent gesture by this Muscatine industrialist who built a multi-million dollar business from a meager beginning.

[From the Des Moines Register, Nov. 12, 1971]

A GENEROUS GIFT TO U OF I

The gift by Roy J. Carver of Muscatine of $3.5 million to the University of Iowa is, so far as we can discover, the most generous contribution ever made to an Iowa educational institution. It even exceeds the magnificent gift made by C. Y. Stephens for the Iowa State University Center which ultimately will be in the neighborhood of $2.5 million.

Roy Carver is unique among such large contributors to universities in that he did not designate his money for one particular purpose. The U of I administration thus is able to plow this money into the fields which it feels most needed additional support. The gift will make possible many improvements in the University of Iowa and will benefit the state as a whole.

The grant will provide aid for needy and disadvantaged students.

The university plans to strengthen the faculty, endow several Carver Distinguished Professorships, help finance a Medical College experiment in health care delivery in Muscatine, increase the physical facilities of the university in many ways and add extensively to the Museum of Art. The Carver grant will provide assistance toward the restoration of the original House chamber in the Old Capitol.

What is remarkable about this gift is that it demonstrates great confidence in the University of Iowa, its leadership and in the young people who study there, at a time when many alumni and other contributors have been reducing their gifts to colleges and universities. Dissatisfaction with student protests and the new ways of student life has turned off some givers, but here is a man who expresses his optimism about young people and their institutions.

It is unusual, also, for a donor to higher education to make such a large donation to a public university. Taxpayers often forget that public universities are in need of non-tax funds to broaden their activities and improve the quality of their offerings. The state of Iowa is heavily indebted to Roy J. Carver.

[From the Muscatine, Iowa, Journal, Nov. 13, 1971]

JOY OF IT ALL!

To those who complain about all the bad news in the papers, I commend the story of Roy Carver, our neighbor upriver at Muscatine.

Roy Carver gave $3.5 million to the University of Iowa the other day. But that's not the real story. Rich people giving away money is not unique.

No—the big thing, the wonderful, exciting, delightful thing, that makes you want to run around and shout, is the way Roy Carver felt about giving away all that money, and the way he felt about giving it to the University of Iowa.

"I felt fine!" he said. "Fine and richer."

He called it an investment, not a gift. "The results will mean a hell of a lot more than money."

What also ought to mean a hell of a lot more than money to the University of Iowa is what Roy Carver thinks of it. It must come as a shock to legislators, administrators, taxpayers and—yes—a lot of students, who are always running down today's youth and today's universities.

"Tremendous bunch of wonderful people," Roy Carver calls them, putting his money where his mouth is. "A lot of people have short memories."

Mrs. Carver talks about how exciting it is "to see what it (the gift) can do for the university and the students."

"Iowa has been good to us," Carver reflects, getting in a reminder that other people ought to consider making similar gifts—while they're alive.

The joy of it all—that's what grabs you. The Carvers are obviously what the Man had in mind when he said it is more blessed to give than to receive!

[From the Cedar Rapids (Iowa) Gazette, Nov. 11, 1971]

AFFECTIONATE GIFT

When Roy J. Carver's enormous gift to the University of Iowa was announced last week, the first stimulus for enthusiasm was, naturally, the total—about $3.5 million in stock, a whopping windfall for any financially strapped institution or state.

The Muscatine industrialist's donation was a record high endowment for the university and the most generous given to any American college or university this year. Yet in a sense the gift defies pecuniary measurement and deserves its prime evaluation in terms of prospective revitalization of education in Iowa.

Viewed from any angle, the endowment is an enlightened salute to the state's educational potential.

So huge is the scope of proposed uses that it portends benefits, directly or indirectly, for all Iowans and out-of-state citizens attending the university. Multiplicity of use points up the mental versatility of the donor—aid to needy students, professorial endowments, development by the college of medicine of a model for a pioneering community health program, addition to the museum of art, assistance in restoration of the Old Capitol building, proposed installation of synthetic turf in the football stadium and other notable endeavors.

Presented to the University of Iowa Foundation, the endowment promises an investment worth extending far beyond today's approximate worth of the stock.

With disarming modesty, Mr. Carver has noted that instead of feeling much poorer, he feels "much richer." This is a sincere reflection of his affection for the state and its young people. The University of Iowa Foundation should administer the endowment in the same spirit.

[From the Denison (Iowa) Bulletin, Nov. 16, 1971]

CARVER

A Muscatine businessman, Roy J. Carver, has given back stock worth $3.5 million to the University of Iowa. It's the largest individual gift recorded thus far in 1971 for any American college or university. University of Iowa President Willard Boyd said the gift, 85,000 shares of Bandag, Inc. stock will make possible a variety of projects including development of a model for a pioneering community health program.

Aid to needy students and endowment of several distinguished professorships will be provided by the Carver gift, as will an addition to the University's museum of art, assistance with the restoration of the historic old capitol building and with the furnishings of a performing arts hall now under construction, the proposed resurfacing of Iowa stadium with artificial turf, and support for the president's academic development program.

Founded by Carver in 1957, Bandag produces rubber, supplies and equipment for recapping tires under a patented process designated to increase tire wear to double that obtainable from conventional retreads. Company sales, increasing nearly 50 per cent a year, in 1970 reached $28.8 million and in the

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12 months ending September 30, 1971, totaled $36.3 million. One share of stock worth $12 in 1968 would now have grown to nine shares with a total value of about $360 through several splits.

When asked by a reporter about the report that he owned some $30 million in Bandag stock, Carver replied: "That was a month ago and I'm about $16 million richer now than I was then."

Carver, who launched his successful business career in 1938 with a capital investment of only $100, now has six Mercedes Benz autos and flys his own Lear jet. Oh yes, there are Bandag retreads on his Lear jet and each Mercedes Benz.

[From the Freeman Journal, November 10, 1971]

ROY J. CARVER

(By Don Reid)

A Muscatine businessman, Roy J. Carver, has given stock worth $3.5 million to the University of Iowa. It's the largest individual gift recorded thus far in 1971 for any American college or university. University of Iowa President Willard Boyd said the gift, 85,000 shares of Bandag, Inc., stock, will make possible a variety of projects including development of a model for a pioneering community health program.

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[From the Washington Journal, Nov. 5, 1971]

HUGE GIFT TO UNIVERSITY

IOWA CITY, IOWA.—The University of Iowa announced today (Friday) receipt of the largest individual gift recorded thus far in 1971 for any American college or university: 85,000 shares of Bandag, Inc. stock valued at approximately $3.5 million, from Roy J. Carver, chairman of the board of the Muscatine, Iowa, company.

U of I President Willard L. Boyd said the gift, largest in the University's history, will make possible a variety of projects, including development by the U of I College of Medicine of a model for a pioneering community health program.

Aid to needy students and endowment of several distinguished professorships will be provided by the Carver gift, as will an addition to the University's Museum of Art, assistance with the restoration of the historic Old Capitol building and with the furnishings of a performing arts hall now under construction, the proposed resurfacing of Iowa Stadium with artificial turf, and support for the President's Academic Development Fund—"seed money" for improving instruction and making breakthroughs into new areas of knowledge.

The gift of Bandag stock was made to The University of Iowa Foundation, which sold 25,000 shares in a public offering yesterday. Executive Director Darrell Wyrick said the Foundation will retain its remaining 60,000 shares in its portfolio for the present. A single share of the stock valued at $12 in 1968 would now have grown to 9 shares with a total value of about $360 through subsequent splits.

Founded by Carver in 1957, Bandag produces rubber, supplies and equipment for recapping tires under a patented process designed to increase tire wear to double that obtainable from conventional retreads. Company sales, increasing nearly 50 per cent a year, in 1970 reached $28.8 million and in the 12 months ending Sept. 30, 1971, totaled $36,300,000.

Carver, who also heads the Carver Pump Company and the Carver Foundry Products Company of Muscatine, said he and Mrs. Carver selected The University of Iowa Foundation as the recipient because "We believe the University is the instrument that will provide the best multiplier, over many years, for some of the things that will benefit the people of the state."

"Iowa has been good to us," Carver continued. "We have raised a family here, have prospered here, and have our roots here. Partly because of our proximity to Iowa City and partly because our four boys also attended the University at one time or another, we developed over the years a strong interest in and affection for the University and its people. Now we are fortunate enough to be able to express our feelings in some tangible way. Mrs. Carver and I are particularly happy to have been able to make this gift while we are living and able to observe and share in the results."

In announcing the size and scope of the Carver gift this morning, President Boyd described it as having "great educational, cultural and historic significance, not only to this community but for the entire state," inasmuch as part of it will strengthen the educational process while other portions will aid in completing facilities which Iowans in large numbers utilize for personal enrichment.

President Boyd continued, "Above all, the gift is a great vote of confidence in the young people who will be served by it, and in the University itself. It provides a dramatic example of what private gifts can mean to a public university, and it will focus new and much-deserved attention on efforts of The University of Iowa Foundation to secure support for needs which cannot otherwise be met."

The Carver support for planning a model community health center, which would be located in Muscatine and which could provide experience of value to other Iowa communities, reflects the feelings both of Mr. and Mrs. Carver and the University that the problem of delivering health services to small communities is a matter of paramount importance, President Boyd said.

It is anticipated that medical staff members for the proposed center would be recruited for that purpose with the help of the U of I College of Medicine, where some of them would subsequently hold faculty appointments. The college would work in close cooperation with the center, which it would utilize as a community-based educational resource and where it would develop and evaluate new and more efficient ways of delivering health care.

Carver, a 1934 engineering graduate of the University of Illinois, Champaign, already was a successful manufacturer of pumps when on a visit to Germany in 1956 he was impressed by the unusual retread tires on an automobile he was using. He sought out the developer and subsequently purchased the North American rights to the Bandag "cold" method of recapping tires, as opposed to the high temperature utilized in conventional methods. Bandag retreads quickly attracted attention of major truck, bus and industrial tire users because they could get twice the mileage at lower cost than was possible through other retreads. In 1969 Carver purchased world rights and now has factories in Canada, Belgium, North Carolina and Texas, as well as Muscatine.

Both Mr. and Mrs. Carver are members of The Presidents Club of The University of Iowa. Carver is also a director of the First National Bank of Rock Island, Ill., and is a member of the President's Advisory Council of Augustana College in that city.

The Carvers have four sons: Roy James Jr., 28, of Evanston, Ill.; John A., 26, Mt. Vernon, Iowa; Clayton, 25, San Diego, Calif.; and Martin G., 23, Bloomington, Ind.

[From the New York Times, Nov. 7, 1971]

STOCK WORTH $3.5 MILLION GIVEN UNIVERSITY OF IOWA

IOWA CITY, IOWA, Nov. 6.—The University of Iowa said that it had received the largest gift in its history—85,000 shares of stock of Bandag, Inc., valued at about $3.5 million.

The gift is from Roy J. Carver, chairman of the board of the Bandag concern, which is in Muscatine. It produces supplies and equipment for recapping tires.

William Boyd, university president, said yesterday that it was the largest individual gift recorded in 1971 by an American college or university.

[From the Daily Ledger, Nov. 5, 1971]

$3.5 MILLION GIFT TO IOWA U

IOWA CITY, IOWA—The University of Iowa said Friday it has received the largest gift in its history 85,000 shares of stock of Bandag, Inc., valued at about $3.5 million.

The gift is from Roy J. Carver, chairman of the board of the Bandag firm, located in Muscatine.

Willard Boyd, University of Iowa president, said it is the largest individual gift recorded in 1971 by any American college or university.

Boyd said the gift will pay for a variety of projects, including a model of a pioneering community health program by the university's College of Medicine.

Other uses for the gift, said Boyd, will include aid to needy students, endowment of several distinguished professorships and an addition to the university's Museum of Art.

Among other uses for the gift, said Boyd, will be to help pay for artificial turf at the universitys stadium.

Boyd said the gift will also help to restore the Old Capitol building, to furnish a performing arts hall now being built and to boost the President's Academic Development fund for improving instruction and making breakthroughs into new areas of knowledge.

The gift was made to the University of Iowa Foundation, which sold 25,000 of the shares in a public offering Thursday. The foundation will keep the other 60,000 shares for now, said Darrell Wyrick, executive director of the foundation.

Bandag, Inc. was founded in 1957 by Carver and produces rubber, supplies and equipment for recapping tires under a patented process.

The firm's sales were $28.8 million in 1970 and $36.3 million in the 12 months ended Sept. 30, 1971.

Carver, who also heads the Carver Pump Co. and the Carver Foundry Products Co. of Muscatine, said he and Mrs. Carver decided to make the donation to Iowa because, "We believe the university is the instrument that

will provide the best multiplier, over many years, for some of the things that will benefit the people of the state."

"Iowa has been good to us," he continued. "We have raised a family here, have prospered here, and have our roots here. Partly because of our proximity to Iowa City and partly because our four boys also attended the university at one time or another, we developed over the years a strong interest in and affection for the university and its people.

"Now we are fortunate enough to be able to express our feelings in some tangible way. Mrs. Carver and I are particularly happy to have been able to make this gift while we are living and able to observe and share in the results."

Boyd described the Carvers' gifts as having "great educational, cultural and historic significance, not only to this community but for the entire state," inasmuch as part of it will strengthen the educational process while other portions will aid in completing facilities which Iowans in large numbers utilize for personal enrichment.

[From the Tribune-Times, Ames (Iowa) Nov. 5, 1971]

SUI RECEIVES LARGEST GIFT IN ITS HISTORY

IOWA CITY.—A Muscatine business executive today presented 85,000 shares of stock valued at about $3.5 million to the University of Iowa, the largest such gift this year to any American college or university.

The gift of the stock of Bandag, Inc., of Muscatine was made by Roy J. Carver, 61, chairman of the board of the company, Carver said the gift, the largest in the university's history, was made because "Iowa has been good to us."

Carver said the gift was made partly because of "our proximity to Iowa City and partly because our four boys also attended the university at one time or another."

GREAT SIGNIFICANCE

University President Willard Boyd said the Carver gift is of "great education, cultural and historic significance, not only to this community but to the entire state." He said, "Above all, the gift is a great vote of confidence in the young people who will be served by it and in the university itself."

Boyd said 25,000 shares of the stock have been sold, the remaining 60,000 shares will be held by the Iowa Foundation for future use.

The university president said the money will be used for a variety of projects, including the establishment of a model community health center in Muscatine in conjunction with the SUI College of Medicine. In addition, the Carver gift will help finance an addition to the Museum of Art, the restoration of the historic Old Capitol building on the main campus and the furnishing of a performing arts hall now under construction.

In addition, Boyd said the gift will provide funds for the proposed resurfacing of the Iowa Football Stadium with artificial turf, "seed money" for improving instruction and teaching techniques, aid to needy students and endowment of several distinguished professorships.

[From the Hawkeye-Gazette, Nov. 5, 1971]

ANNOUNCE U OF I GIFT: $3.5 MILLION

IOWA CITY.—The University of Iowa announced Friday receipt of a gift valued at $3.5 million, the largest individual gift recorded this year for any American college or university.

Roy J. Carver, Muscatine, chairman of the board of Bandag, Inc., gave the university 85,000 shares of his company's stock, it was reported by U of I President Willard L. Boyd.

The gift, largest in the university's history, will make possible a variety of projects, including development by the university's college of medicine of a model for a pioneering community health program. The center would be located at Muscatine.

Aid to needy students and endowment of several distinguished professorships will be provided by the Carver gift.

Also to be provided will be:

An addition to the university's Museum of Art.

Assistance with restoration of the historic Old Capitol building.

Help in furnishing a performing arts hall now under construction.

Proposed resurfacing of Iowa Stadium with artificial turf.

The gift of Bandag stock was made to the University of Iowa Foundation, which sold 25,000 shares in a public offering Thursday.

Founded by Carver in 1957, Bandag produces rubber supplies and equipment for recapping tires under a patented process designed to increase tire wear to double that obtainable from conventional retreads.

Carver, who also heads the Carver Pump company and the Carver Foundry Products company of Muscatine, said he and Mrs. Carver selected the University of Iowa Foundation as the recipient because "We believe the university is the instrument that will provide the best multiplier, over many years, for some of the things that will benefit the people of the state."

[From the Keokuk Daily, Nov. 5, 1971]

MUSCATINE INDUSTRIALIST GIVES $3.5 MILLION GRANT TO SUI

IOWA CITY.—The University of Iowa announced today receipt of the largest individual gift recorded thus far in 1971 for any American college or university: 85,000 shares of Bandag, Inc. stock valued at approximately $3.5 million, from Roy J. Carver, chairman of the board of the Muscatine, Iowa, company.

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The Carver support for planning a model community health center, which would be located in Muscatine and which could provide experience of value to other Iowa communities, reflects the feelings both of Mr. and Mrs. Carver and the University that the problem of delivering health services to small communities is a matter of paramount importance.

[From the Muscatine Journal, Nov. 5, 1971]

MEDICAL SOCIETY STATEMENT TELLS OF BACKGROUND STUDY

With the announcement of the planning for a model community health center here as the result of the gift of about $3.5 million in Bandag stock by Mr. and Mrs. Roy Carver of Muscatine to the University of Iowa, Dr. John L. Parks, M.D., president of the Muscatine County Medical Society, issued this statement:

"For approximately the past year and a half, the Muscatine County Medical Society and Muscatine General Hospital, in conjunction with many community organizations, including the county board of supervisors, the mayor and city council, The United Way, Chamber of Commerce, Jaycees, and the Muscatine Development Corporation, have been conducting a coordinated program for the purpose of finding ways and means not only of alleviating the physician shortage but of providing and maintaining a modern comprehensive medical care system for Muscatine. As the president of the Muscatine County Medical Society it has been my pleasure to act as community coordinator for this project.

"For some time, as a part of this program, but especially during the past several months, representatives of the S.U.I. College of Medicine and the community of Muscatine have been intensively studying the feasibility of a Model Community Health Center beng established in Muscatine which, hopeful, would be of mutual benefit to the college and the community. Dr. John C. MacQueen, associate dean, has been coordinating these efforts for the college.

This proposed center would be located near the Muscatine General Hospital. It would offer comprehensive primary medical care to a representative sample of citizens of the

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community and would function in conjunction with the existing local physician-hospital system in an integrated supportive manner. It would provide the college an opportunity to develop and evaluate new more efficient ways of delivering medical care and also a facility for specialized educational purposes.

"Very recently, after careful review of the results of the above studies and other data, the College has endorsed this project in principle and is prepared to proceed first with the development of the detailed plan and then with the implementation of such a plan, assuming it is satisfactory both to the college and the community.

"The Muscatine County Medical Society and the trustees of Muscatine General Hospital, and the other community groups, have also endorsed the efforts of this project to date, and have indicated their support and cooperation during its planning, implementation and operation.

"Funding of this project has been a major problem. Now as a result of the interest of Mr. & Mrs. Roy Carver and their donation to the University this problem has been greatly alleviated and the project can move ahead much more rapidly.

"On behalf of the County Medical Society, the hospital and in fact the entire community I would like to express our most grateful thanks to Mr. & Mrs. Carver for their generosity and assistance in helping to solve one of our community's truly critical problems."

[From the Journal Muscatine (Iowa) Nov. 9, 1971]

PLANNING STARTS FOR HEALTH CENTER HERE

Concrete planning toward the establishment of a model community health center in Muscatine can now get under way as a result of The University of Iowa announcement today of its record gift of about $3.5 million in Bandag stock, from Roy J. Carver, chairman of the board of Bandag, Inc., and the uses to which the proceeds will be put.

Dr. John Eckstein, dean of the U of I College of Medicine, said the Muscatine County Medical Society has already approved the concept in principle. Thus far, he said, the main obstacle to launching such a center has been the lack of funds to plan and organize a project which would jointly serve the interests of the community and of the college in its search for innovative means for attracting physicians and delivering health services on a community level.

The proposed center would offer medical care to citizens of the community and would function in conjunction with the existing local physician-hospital system in an integrated, supportive manner. In addition, it would provide the College of Medicine opportunity to develop and evaluate new methods of delivering medical care, and would serve as a facility for specialized educational purposes.

"Muscatine is undergoing the same problems that other Iowa communities face—a growing shortage of physicians, and the effect this has on over-all health care," observed Dr. John Parks of Muscatine, president of the Muscatine County Medical Society. "Hence the needs of the Muscatine community for health services, and the needs of the College of Medicine for access to a model health facility, are compatible," he said.

Experiences gained in planning and operating the Muscatine center could be useful to other communities in their efforts to establish their own health care programs, Dr. Eckstein said.

The primary objective of the Muscatine project would be to make high quality medical care more readily available to members of this community. In the process, however, the center would serve as a community training ground for students in the health professions; test new ways of delivering health care more effectively, including the utilization of allied health personnel (physician's assistants, etc); demonstrate the problems and benefits to be expected in other regional health centers; and would attempt to develop a professional environment that would attract physicians to a community.

Dr. Eckstein said today's announcement clears the way for detailed planning and will greatly expedite progress on the project.

HEW ATTACKS PUBLIC HEALTH SERVICE SYSTEM

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, it is getting to be the case that hardly a month can go by without it being necessary for the Member after another to seek the floor of this House to remind his colleagues about the latest devious plan by HEW to get at the public health service system in this country. No sooner do we appear to head them off at one pass than they find another exposed flank to attack. It is as if the Secretary made a decision to eliminate the public health service system one way or another in spite of the fact that both Houses have gone on record as opposed to such an objective.

The latest attack in a series of attacks made front page news in the Sunday papers a couple of weeks ago while Congress was beginning its Thanksgiving recess. These moves always seem to break in the papers when Congress is either rushing to adjourn or is already adjourned. I hate to think this is done to avoid the criticism which these moves so rightly deserve.

This latest attack involves plans to phase out the Federal Doctor Corps, the Public Health Service Commission Corps, which numbers some 5,500 offices. These men are part of a proud and long tradition in this Nation's history. They possess an esprit de corps which is the envy of other branches of the Government. They are men who are dedicated to the public good, while providing a high degree of medical skill and knowledge in areas where it is needed. On the surface, the plan of HEW to dissolve the corps and replace it by a civilian system seems harmless enough, but it is one more element in what seems to be a campaign to weaken and destroy the public health system of this country by killing it through a process of uncertainty. Not satisfied with having created considerable uncertainty about the future of the public health service hospitals around the Nation, the present move seems to be aimed at seeding the same clouds of uncertainty over the Corps itself. That is the ominous ring that I detect in the seemingly innocuous plan to dissolve the corps. I am glad to see in this case that HEW feels it necessary to gain congressional approval of this move and that it is not going to try to achieve it through Executive flat. Let the notice go out today that the administration is in for a tough fight if they do come to Congress with such a plan. It is one thing to study proposals to broaden the area of service of the Public Health Service Corps and broaden its scope to cover even more of the urban communities than it now serves, but I hope I will be excused if I question the motives behind the latest study of the Public Health Service Commission by HEW.

As usual, the rationale trotted out with such an announcement is that applications for Public Health Service careers are falling off and the Department is simply responding to a situation regrettably. I do not know what statistics the Department has for such insinuations, because my office alone has referred to the Surgeon General any number of applications since I have been in Congress, for a career the Public Health Service, and invariably the reply comes back to me stating in effect:

> In view of the tremendous number of applications for the Public Health Service Corps, unfortunately it was not possible to accept the excellent candidate you have referred for consideration.

In other words, there were more applications from qualified medical school candidates than there were positions available. Now, when they want to get rid of the agency, it is remarkable how they can argue the exact opposite.

On the surface, at least, the Department claims that much of its concern over the future recruitment program for the Public Health Service Corps is based on the likelihood the present draft will be phased out and an all-volunteer service will take its place. My own reaction to this alleged concern is that it just does not seem to bear any relation to what my own experience with the young people of this country has been in such matters. Today's youth, I think, is a generation which would welcome as many opportunities as possible to serve in areas where they are needed the most and would welcome the Public Health Service as an ideal opportunity for serving their country. I think it is incumbent upon HEW to at least await congressional hearings with potential applicants and youth in general before they arrive at a firm decision on this.

In conclusion, let those involved take note that Congress is not going to be caught sleeping on this latest move. I hope we can get the reaction of the Surgeon General once he returns from South America and has a chance to respond to the reports circulated while he was away.

RUSSIAN SPIES IN UNITED NATIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. DERWINSKI. Mr. Speaker, there are particular developments which reemphasize the constant complications in free world countries caused by Soviet espionage and subversive activities, which are generally directed by Soviet diplomatic personnel in countries where they are accredited. The Soviet Mission to the United Nations is no exception to this pattern.

In an article in the Aurora, Ill., Beacon-News on November 10, 1971, Dumitru Danielopol points out the consistent pattern of Soviet espionage and subversive activities which should be kept in mind since there is a tendency in the American public to too often think that the Soviets have really mellowed.

IDENTIFICATION OF RUSS SPIES RILES MALIK

(By Dumitru Danielopol)

WASHINGTON.—Yakov A. Malik, the Soviet delegate to the United Nations blustered and fumed the other day because a large number of Russians working in the world organizations had been called potential spies by U.S. Ambassador George Bush.

American security officers, Bush said, have shown that of the 250–300 Soviet citizens in the Soviet mission or employed by the U.N., as many as 50 per cent are known members of the KGB.

His statement came on the heels of the expulsion from Britain of 150 Russian diplomats and officials as spies and saboteurs and of a report in the New York Times on Oct. 3, from 20 capitals all citing evidence of Soviet espionage.

The Soviet delegate called the accusations "slanderous" . . . "anti Soviet hysteria."

Now comes the news that the Belgian government has decided to expel or bar from Belgium more than 30 Soviet citizens named as spies by defector Anatol Tchebotarev.

It should be apparent to anyone that the KGB activities around the world are getting bolder and more dangerous. One pattern is discussed in a foreboding account, "The Soviet Plot to Destroy Mexico," by John Barron, which recently appeared in the Condensed Book section of Reader's Digest. This book is must reading. It is based on the testimony by one of the top Soviet agents in Mexico, Raya Kiselnikova, who defected last year.

It contradicts every notion that the Russians are ready for detente and peaceful coexistence. It is a sordid account of sabotage, espionage, intrigue and criminal acts of all kinds.

It shows how young Mexicans are duped by the promise of "scholarships" in Russia, are taken over by the KBG to be trained "in all tools of terror . . . arson, explosives, karate, assassination, extortion, ambush, disguises, clandestine travel, recruitment, communication and weaponry."

Back in Mexico "the Mexicans were required to infiltrate military bases, sabotage guarded vehicles, set ambushes, fight the soldiers with the bare hand and flee pursuing patrols."

Illegal strikes are part of the plan.

A labor leader, Demetrio Callejo, confessed that he had been bribed by the KGB with $80,000 to organize wildcat railway strikes.

"The Russians almost succeeded in 1959 in bringing significant segments of the economy at a standstill," the report says.

The disorders of 1968 which nearly wrecked the summer Olympics in Mexico City were also Soviet inspired, he says, planned to cause embarrassment and financial trouble to the Mexican government.

"What happened in Mexico is merely part of a world wide KGB subversion," the report says. It recalls what happened in Ecuador, Ethiopia, the Congo, Colombia, Turkey, etc., where Soviet and other Communist diplomats were also expelled.

Even Mr. Malik should read Barron's account

SUPPORT FOR CRIME CONTROL BILL

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. JAMES V. STANTON. Mr. Speaker, I am pleased to note that my legislative proposal calling for crime control through revenue sharing has received widespread support and attention since I introduced the bill (H.R. 11813) on November 16. On behalf of myself and the Honorable JOHN F. SEIBERLING of Akron, cosponsor of the legislation, apprise my colleagues of a few of the responses we have received. As examples, I append here an editorial that appeared in the Cleveland Plain Dealer, a brief note from the executive director of the U.S. Conference of Mayors and a newsstory that appeared in the lead position on page 1 of the Seattle Post-Intelligencer:

[From the Plain Dealer, Nov. 18, 1971]

DO CRIME FUNDS FIGHT CRIME?

Ever since it was launched in 1968 the Law Enforcement Assistance Administration (LEAA) has been a storm center. Acting by block grants through states, its benefits trickle down too slowly to the cities, where crime is heaviest and most damaging.

Complaints against the LEAA are now hardy perennials. It is no surprise that the U.S. Conference of Mayors denounced it again Monday. Mayors dislike the governor-dominated block grant system. They have reason to protest also the clutter of state and regional and Washington bureaucracies that must approve each grant to their crime-plagued communities.

Now U.S. Rep. James V. Stanton, D–20, has ambitiously drawn up a bill that might quicken the flow of LEAA funds to the front line of the crime war. It would give high-crime urban areas unshackled, direct grants to meet costs of good, concrete crime-fighting plans.

Gov. John J. Gilligan has already begun to deal directly with Ohio's six largest urban counties. This "Ohio plan" is what Stanton means by unclogging the LEAA flow of funds.

If Stanton's statistics are correct as baldly stated, LEAA is either overfinanced or is not effective at getting its money out to the communities properly. Stanton says Ohio has passed out only 40% of its 1970 LEAA funds and less than 1% of its 1971 funds, though fiscal 1971 ended months ago.

Yet LEAA has the fastest-growing budget in Washington. Its appropriation was boosted this August by $70 million to a total of $700 million for fiscal 1972.

When the phrase "safe streets" became a magic vote-getter, the law-enforcement help from Washington was grandly planned to step upward to a $1-billion annual budget. But there is reason to doubt that the money is being well spent, or that even the current budget is actually needed.

When cities are hard put to keep policemen on their payrolls, what good are grants to buy specialized vehicles? The LEAA concept and its accomplishments thus far need reassessment. Stanton's bill can provide an occasion for this healthy review.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., November 19, 1971.

Hon. JAMES STANTON,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR JIM: I've just read the materials you submitted for the *Record*, including your "Emergency Crime Control Act of 1971".

Congratulations! You are to be commended for the excellent documentation you presented on the current problems local law enforcement programs are facing. I am delighted that you were able to use some of the Conference of Mayor's material.

I hope that your office and ours will be in close touch on this matter so that the necessary legislative changes can be made.

Thanks for your efforts on our behalf.

Sincerely,

JOHN GUNTHER,
Executive Director.

[From the Seattle Post-Intelligencer]

RED TAPE SNAGS ANTICRIME FUNDS, LAWMAKERS CHARGE—U.S. MONEY NOT REACHING CITIES

(By Harry Kelly)

WASHINGTON.—More than 90 per cent of the $340 million in federal funds appropriated to fight urban crime was tied up by bureaucratic red tape and never reached the cities last year, two Democratic congressmen charged yesterday.

In addition, they said, half the funds from the year before, 1970, were also being held up in the massive bottleneck at the state level when the 1971 fiscal year ended June 30.

The two congressmen—James V. Stanton, D-Ohio, and John F. Seiberling, D-Ohio—said the crime-fund logjam has been disclosed by a General Accounting Office study.

They said it showed the 1968 Safe Streets Act—which set up a system of channeling bloc grants from Washington through the state governments and then to the cities—was a failure.

The congressmen said state officials were "sitting on" the federal funds.

Further, Stanton accused Atty. Gen. John Mitchell of delivering "phony communiques." He criticized Mitchell for asserting that "the fear of crime has been driven from the streets" of some American cities.

"It's not fear being driven from the streets, it's the people who are being driven from the streets," said Stanton.

The congressmen arranged a news conference yesterday to make their case against the bloc grant program as administered by the Law Enforcement Assistance Administration (LEAA) which was created by the Safe Streets Act.

FAMILY FARM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FINDLEY. Mr. Speaker, the ridiculous attack made prior to confirmation of Secretary of Agriculture Butz was based in part on the totally unsupported assertion that he was against the "small farmer" of the family type and in favor of the giants of the industry.

A column in the Herald-Whig of Quincy, Ill., written by farm editor Keith L. Wilkey, deals with the nonsense being peddled largely by some people who claim to represent the family farm and its role in modern agriculture. Although Mr. Wilkey did not mention Mr. Butz by name, his commentary certainly places in proper perspective much of the foolishness spewed out in regard to the Butz confirmation. Here is the text of Mr. Wilkey's column:

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WE ARE FOR THE FAMILY FARM

(By Keith L. Wilkey)

Despite the divergent views held by various segments of agriculture, there is one issue on which every one is united. There is 100 per cent agreement that "we are for the family farm."

Of course, I can't imagine anyone stupid enough to say, "I'm against the family farm." Yet to hear some farm leaders and agricultural politicians (hopefuls) and others say, "I'm for the family farm," it has a tendency to leave you with the idea that they are standing up for a principle that their less worthy contemporaries are not supporting.

Beware of the office-seeker or would-be farm leader who builds his case on the retention of the family farm. It simply means that he doesn't know what else to say and if he says he is for the family farm, it gives the impression that he is knowledgeable as well as dedicated about something he is not.

What is the family farm? Does it mean different things to different people, or is there only one family farm concept? The family farm can be anything from the grubbiest 80-acre spread in the thin hilly country to a 5,000-acre upland prairie loam farm that consistently turns out 200-bushel per acre corn.

What other kinds of farms are there beside family farms? Well, we hear a good bit about commercial farms. But these are in essence family farms. If a farm isn't commercial these days, what is it?

Corporate farms. Now there's the emotional issue. The fellow who is all for the family farm is usually a first string fighter against the corporate farm. It sounds like something pretty bad. It denotes big machinery and equipment, lots of commercial influence, money by the barrel at the head New York office to be had for the asking and a sinister design to do in all the family farms.

But suppose a farmer and his son are operating a 340-acre farm as a family enterprise. We smile and say, "There . . . now there is a family farm! That's what I mean by a family farm. That's what this country needs . . . more family farms. We must protect the family farm against the corporate giants. The family farm is the backbone of this country and we must protect the family farm!" (This can go on and on into the night.)

So in order to plan for his estate, or perhaps other reasons, the farmer goes to his lawyer and asks him to draw up incorporation papers. He takes in his wife and the son as the incorporators. That makes it a corporate farm. Impossible! This nice man and his nice son are not corporate farmers . . . can't be; "they are family farmers."

But yes, they are now operating a corporate farm. It might not be your image of it, but it is just as much of a corporate farm as those operated by CKB Industries, Gates Rubber Company, or any one else.

Actually, the big majority of corporate farms in this country are merely farm families who have incorporated for various legal reasons. And all of those, plus the ones operated by large companies, when added together, make up less than one per cent of the total number of farms in the nation.

Yet we hear denunciations of the corporate farm and a sterling, brave and self-righteous defense of the family farm. I really think that many people have the nostalgic image of the self-sustaining farmstead of 40 years ago when they hear the term, family farm, and picture a ruthless, bullying, stinking rich Wall Street corporation dispossessing innocent, hardworking, defenseless farmers of their land, when they hear the term, corporate farm.

So the next time someone bends your ear about how corporate farms are chasing out all the family farmers and taking over agriculture, it might be a good time to just remember you left your car parked two blocks away with the lights on.

VOYAGE OF THE APOLLO 15

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FREY. Mr. Speaker, at a time when it appears every national technical and scientific advance is being challenged and assessed in a debate on priorities, it is fitting to call to your attention a clear evaluation of the remarkable advances made during the latest flight to the moon by the spacecraft Apollo 15. That voyage was possibly the most valuable and comprehensive scientific mission ever undertaken.

America and the world have benefited immeasurably from our scientific efforts in space. And the benefits will continue. Willard F. Rockwell, Jr., chairman of the board and chief executive officer of North American Rockwell, in the course of an address given before the Society of Industrial Realtors, tells us in a forceful way of the specific scientific advances made by the crew of Apollo 15.

This country has constructed a careful and precise plan for our future achievements in space. The contributions of Apollo 15 add impetus to the attainment of those goals:

VOYAGE OF APOLLO 15

The voyage of the Apollo 15 was one of the most valuable and most comprehensive scientific missions ever accomplished.

The three days Dave Scott and Jim Irwin spent on the surface of the moon are expected to lay the foundation for man's first scientifically accurate insight into the creation of the universe. In the exploration of outer space, Apollo 15 may rank some day as does the voyage of Magellan here on Earth.

The amazing part of the voyage, for me, was that the whole world figuratively made the entire journey. We didn't just read about it—we *saw* it.

New knowledge was uncovered right before our eyes, exactly as though we were standing in the laboratory with Louis Pasteur or Alexander Graham Bell. For sixty-seven hours we watched the painstaking gathering of scientific specimens. W saw the actual emplacement of complex electronic equipment.

We saw true exploration in action.

And there was another significant aspect of this entire operation that could easily have been overlooked: That was the consummation of the full partnership of engineer and scientist in space exploration.

Neither discipline alone could have extracted full value from that mission.

It's no secret that there have been misunderstandings during the years of preparation as to whether or not the scientific community was, in fact, receiving an appropriate level of attention in the Apollo program. Those controversies disappeared with Apollo 15's incredible voyage of scientific discovery.

Cooperation was vital for the success of the mission, and throughout the mission, the coordination and cooperation between the NASA flight controllers and the "back room" scientists was a display of unparalleled teamwork.

The engineering skill that developed the Apollo 15 spacecraft was matched by the scientific equipment it carried into space. In the service module there was a new package of instruments that included eight experiments used to gather data while the spacecraft was in lunar orbit.

Two special cameras, part of the package, took more than five thousand photographs of the lunar surface. Today those photos are being studied by scientists around the world.

In addition, highly sensitive spectrometers were extended on long booms to sample molecules of gas spewed from cracks in the moon's crust, measuring alpha rays, X-rays and gamma radiation. That experiment alone was the most comprehensive geo-chemistry survey of the moon ever undertaken.

And the results were remarkable.

The gamma-ray spectrometer discovered a radioactive hot spot in the lunar surface, a huge area 112 miles long and almost 50 miles wide. Because the emission of radioactivity from that area was so abnormal, scientists were able to deduce that the region was a source of volcanic activity far back in the moon's history.

Another instrument, the mass spectrometer, found evidence of some kind of atmosphere around the moon. It picked up pockets of neon and argon gas. And, as the spacecraft orbited, the spectrometer scooped up some carbon dioxide that apparently had burst from a surface fissure.

They are all small pieces of a complex puzzle that scientists are gradually assembling.

Still another instrument was able to detect x-ray radiation from minerals on the surface, an indication that the lunar highlands are rich in aluminum.

The largest single instrument in the spacecraft bay was the panoramic camera which took photographs four and one half inches wide, and forty-seven and one half inches long. There were 1700 of those panoramic pictures taken. One film covers a surface area 28 miles wide and 188 miles long.

According to Dr. Fred Doyle of the U.S. Geological Survey, Chairman of the Apollo Photographic team, one of these pictures contains 15 trillion bits of information.

More than 12 percent of the moon's 14 million square miles of surface was mapped—six times more than on all previous expeditions. That means the panoramic camera was the most comprehensive data-gathering instrument ever flown into deep space.

One of the experiments set upon the lunar surface was a laser reflector, a sophisticated light reflecting device not unlike those reflectors which cause street signs to shine at night.

This was the third such reflecting device set on the moon. And it was much larger than those emplaced on the prior expeditions.

Using laser beams aimed at these reflectors, scientists have been able to measure the distance between the earth and the moon within an accuracy of six inches. Remember, we're talking about distances of nearly a quarter of a million miles.

Those measurements are going to play a role in an even more significant activity, the ability to measure the movements of the wide-spread continents floating on the surface of the Earth. I say "floating" advisedly. Scientists are on the verge of understanding, for the first time, the so-called "Continental Drift". They're advancing from speculation to near-certitude as to that perplexing question—were Africa and South America once a contiguous land mass?

With the aid of studies generated by the infinitesimal accuracy of these new measurements, scientists are also going to have a better understanding of why the earth "wobbles" as it orbits the sun. They'll have a better understanding of tidal effect. A whole treasure of other knowledge is becoming available as a result of these laser beam reflectors.

Al Worden was alone in the command module for 73 hours, circling the moon while Dave Scott and Jim Irwin walked and rode on the surface of the moon.

During that time Worden was adding significantly to the scientific knowledge of this nation. He discovered, for example, the first clear evidence of volcanic areas over many different areas of the moon. He identified as being of volcanic origin nine craters which scientists for years had thought were caused by impacts.

He observed that the walls of the craters on the far side of the moon were steeper than those on the near side—a puzzling fact confirmed by a laser altimeter carried in the spacecraft itself.

One crater gouged more than four miles into the surface of the moon was discovered to be the deepest hole known on the planet. In another crater, invisible from Earth, Worden saw evidence of a massive landslide, six times greater than the Peruvian landslide, the biggest rockslide ever recorded here on Earth.

Worden confirmed that the moon is layered like a cake, down to a depth of at least twelve miles. According to geologists, this means the moon went through a "building up" process in its early life, laying coat after coat on itself until it reached the size and shape we see today.

This is a profound discovery in understanding the history of the solar system.

The 170 pounds of samples returned to Earth from the moon are yielding surprises the full meaning of which will not be understood for some time. For example, plants grown on lunar soil are exhibiting a growth rate four times faster than when grown in earth soil.

Why is this? As yet the scientists don't know. But eventually the secret will be unlocked.

And, while boosting life processes to these plants, the effect of lunar material on other living organisms works in a different, but equally baffling way. For example, the scientists at the medical facility in the Lunar Receiving Laboratory in NASA's Houston headquarters found that some earth bacteria died when exposed to a mixture of core tube materials taken during the Apollo 15.

These staph organisms didn't die when exposed to other material. They died only when exposed to the core samples. Again, the reason isn't known, but the long range impact could be profound.

Dave Scott and Jim Irwin obtained core samples, two of which were double drive cores which measure about thirty inches deep, and the third a single core measuring fifteen inches deep. The fourth, by contrast, measured eight and a half feet in length.

Biomedical evaluation of these core samples is now underway in the Lunar Receiving Laboratory.

In the meantime, Apollo 15 lunar samples are being made available to 200 scientists. With their staffs this will actually total about 700 scientists who are studying the moon material. Forty-eight scientific institutions in sixteen foreign countries are receiving samples for scientific evaluation.

From the voyage of Apollo 15 a lifetime of new scientific studies will be emerging in a steady stream. For example there were experiments left on the moon to measure temperature, solar winds, magnetic fields and lunar atmosphere. For some scientist, somewhere in the world, one series of those measurements may be a key to a new world of discovery.

Scientists from Rice University have disclosed that instruments placed in earlier Apollo landings detected water vapor spewing from the surface of the moon like a geyser.

None of this would have been possible without the voyage of Apollo 15 and the other probes into deep space. As Dr. Wernher von Braun said recently, "We're learning of the relationship between the earth and the sun and their effects on our lives which could be learned in no other way save by means of the rocket and spacecraft."

Now that we have this momentum it's unfortunate that only two more Apollo flights are scheduled to the moon. Originally five were planned but budget cuts have cancelled all but two. There will be other projects but the fact remains that of the 45 superbly trained active astronauts, 30 will never get a chance to get into outer space.

Fortunately as we near the end of lunar exploration, we're entering a new era of space activity.

Once again, we'll have front row seats in watching the deployment of the space shuttle—which Senator Howard Cannon, member of the Senate Committee on Aeronautics and Space Sciences, has cited as one of the most important undertakings of the 1970's if we hope to have a strong and prosperous America.

The space shuttle is the key development of a new era where we'll have men in space working for men on earth.

Perhaps hundreds of young people living today will actually be stepping abroad for trips out into space. And most assuredly, the world's leading agriculturists, geologists, and mineralogists will be going out to their new laboratories in the sky.

That shuttle and the new space laboratories will make possible two and a half billion dollar savings annually because of improved weather forecasting and observation. They'll mean tremendous savings in areas of crop and forest disease control where we're now losing as much as $7 billion annually. They'll mean great strides in uncovering the world's mineral resources, in advancing the world's commercial fisheries to new high levels of production, in managing timber and water resources.

They'll bring entirely new concepts in flood control, irrigation, and power production management programs.

The real potential, the benefit to man on earth, of our national space program has barely been touched. We're fortunate that we have already seen, and that we'll continue to see, this new world unfolding.

We'll be witness again as great discoveries are made by men who will live and work in space.

We're going to be reminded over and over again of the truth of Dave Scott's words when he first stepped on the lunar surface.

"As I stand among the unknown wonder of Hadley Rille," Scott said, "I realize a basic truth to our nature. Man must explore—and this is exploration at its greatest."

SOVIET JEWS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. EILBERG. Mr. Speaker, the Nixon administration's callous attitude toward the plight of the Soviet Jews has been a source of constant concern and heartbreak for American Jews and all persons concerned about the plight of persecuted minorities.

The latest example of this lack of feeling came in a statement by Deputy Assistant Secretary for European Affairs Richard T. Davies before the Subcommittee on Europe of the House Committee on Foreign Affairs.

An eloquent answer to this statement was provided by Albert Liss, national executive director of Brith Sholom, a Jewish fraternal service organization, in a letter to the editor of the New York Times.

I enter this letter into the RECORD.

NOVEMBER 12, 1971.

EDITOR,
New York Times
New York, N.Y.

TO THE EDITOR: In his appearance before a House Foreign Affairs Sub-Committee, Richard T. Davies, Deputy Assistant Secretary for European Affairs, made an obvious attempt to whitewash our government for its failure to take a stronger stand on the plight of Soviet Jews. As indicated by your columnist Bernard Gwertzman, "With Nixon due to visit the Soviet Union next May the status of Soviet Jews is viewed as something that must be faced openly since he will be under some pressure from American Jewish groups to raise the matter with the Kremlin leaders." We can expect that Mr. Davies' statement is the first shot in a fusilade aimed at stilling the Jewish nuisance so as not to embarrass the Administration.

To make his case, Mr. Davies raises the false issue of terror, thus hoping to discredit the struggle waged by American Jews on behalf of their Soviet brethren. No responsible Jewish organization or qualified observer has suggested that there is a reign of physical terror against Jews in the Soviet Union comparable to that suffered by Jews under Nazism. We have contended, and with abundant evidence, substantiated frequently in reports published in the New York Times, that, although recognized as a nationality in the Soviet Constitution, Jews are not accorded the same rights enjoyed by other ethnic groups; that Soviet policy prohibits Jewish cultural and institutional life. Putting it simply, Jews are not free to live Jewish lives and those who seek to do so or, in its absence, choose repatriation to Israel, their ancestral homeland, suffer harassment, loss of jobs and even imprisonment. Anti-Semitic literature, bearing the government's imprimatur, is widely distributed, their authors honored.

The test for freedom for Jews is not their numbers in various phases of Soviet life, but their absence or limited numbers in others: for example, in foreign service, in delicate areas of government and the military, and in admission to certain professions and institutions of higher learning. Soviet society cannot be judged by the status given Jews who have conformed to the Soviet view but by the Soviet treatment of Jews who identify actively as Jews and call upon the government to allow them the human right to emigrate, which, incidentally the Soviet Union endorsed when it became a signatory to the Universal Declaration of Human Rights.

Ironically, Mr. Davies' attempt to soft-peddle the issue of Soviet Jewry can only strengthen the JDL which Mr. Davies vehemently denounces.

In remembering the calculated efforts of Western leaders, including many from our own government, to dismiss as inconsequential the stirring of Anti-Semitism in the early days of Hitler Germany, Jews may cynically conclude that their brethren are again abandoned, and in this mood of despair and outrage be drawn to that enticing slogan of JDL, "never again."

It is a sign of the State Department's insensitivity to the concern of American Jews for their brethren abroad and their obvious failure to grasp fully the peril Jews face in the Soviet Union, that Mr. Davies concentrates his most virulent attack upon the few desperate men of the JDL while offering feint-hearted reproach to the Soviet authorities who turn the entire power of their state, with all the cruelty capable in an authoritarian society, against a small defenseless people.

It were better had Mr. Davies turned some of his anger against the Soviet perpetrators

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of crimes against their Jewish citizens. One can condemn and be repelled by the mindless actions committed by the JDL and still recognize how pitiful are their dimensions when weighed in the balance against the injustice of the mighty Soviet government which provoked them.

ALBERT LISS.

AN ANSWER TO HARVARD ON SEX DISCRIMINATION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mrs. GRIFFITHS. Mr. Speaker, during House action on the higher education bill in November, a provision in the bill to prohibit sex discrimination in colleges and universities receiving Federal funds was sadly watered down. Opponents of the provision proudly made reference to a letter written by Charles Daly, vice president of Harvard, which appeared in the RECORD on November 1. At this time, I would like to place into the RECORD an answer to the Harvard position stated by Mr. Daly. It is in the form of a letter written to the president of Harvard from Dr. Richard B. Child, a Harvard alumnus and now assistant professor of law at the New England School of Law in Boston, Mass. The letter follows:

NEW ENGLAND SCHOOL OF LAW,
Boston, Mass., November 8, 1971.

President DEREK C. BOK,
Harvard University.

DEAR PRESIDENT BOK: I was shocked and appalled to learn in last Saturday's Crimson that Vice President Daly, on behalf of your administration, had written to the U.S. House of Representatives in opposition to an amendment to the current higher education bill requiring that coeducational colleges eliminate sex as a factor in their admission policies. (The amendment was subsequently defeated by the House.)

I believe that you gave an interview to the Crimson earlier this fall in which you stated that you would be speaking out relatively infrequently on public issues because such interventions by high officials of an institution like Harvard—despite their strong initial impact—would likely suffer severely diminishing returns upon frequent repetition. Yet I can hardly think of a less appropriate use of your administration's prestige than Mr. Daly's letter to the Congress.

It is one thing to oppose internal pressures by stating that if the University's administration itself were to eliminate Harvard's sex-discriminatory admissions policy by accepting otherwise qualified applicants regardless of sex, too many male alumni would retaliate by cutting back on gifts. It is quite another thing to oppose a law which would (apparently) apply equally to every coeducational private college and university in the nation! Are Harvard alumni seriously likely to hold your administration responsible for an act of Congress? And even if alumni at every private college and university in the U.S.A. "retaliated" by blaming their institutions' administrations for an act of Congress (!) would this possibility justify continued grants of federal funds to foster (in effect) sex discrimination? Should a racially moderate local school board oppose nation-wide administrative action to curb racial isolation on the grounds that too many white parents might withdraw support from the public schools? (Not a perfect parallel, but perhaps apt.)

As for Mr. Daly's argument that an increase in the percentage of women at Harvard "might underutilize our science facilities" etc., this is rather sharply undercut by the Harvard admissions department statistic quoted by the Crimson, indicating that a higher percentage of women than men are now coming to Harvard intending to major in science. If the Crimson accurately reported this information, I wonder why it was not available to Mr. Daly?

A further irritating detail in the Crimson article is clearly not primarily your administration's fault, although I hold you partially responsible. The Crimson headline last Saturday was "House Deletes 1:1 Ratio Clause." I fail to understand how the Crimson's editors concluded that an amendment requiring elimination of sex as a factor in university admissions policies would establish a "1:1 ratio," or any other ratio. Depending on the respective numbers of adequately qualified men and women who apply to Harvard in any given year under a wholly now—sex—discriminatory admissions policy, there might in one year conceivably be as many as twice as many women in the freshmen class as men, and the next year thrice as many male freshmen as female.

I know that you and Mr. Daly understand this perfectly well, but I wonder if it might not have been helpful in your earlier statement proposing a new 2.5:1 ratio of men to women to point out that the altering of ratios and the total elimination of discrimination are two very clearly distinct concepts. The latter is "sex-blind;" the former, not at all. The Crimson might then have been less likely to fall into the rather remarkable error of confusing the abolition of sex discriminination with the establishment of a "1:1 ratio."

Finally, I would like to know what basis—other than speculation—Mr. Daly has for his projection of a significant falling off of alumni support if sex discrimination were eliminated in Harvard's admissions policies? I will provide him with one minor datum: I personally do not intend to contribute further to Harvard until the university administration fundamentally alters existing patterns and policies of sex discrimination on all fronts. I invite other alumni with similar views to make their voices heard.

I am sending copies of this letter to the Crimson and to Representative Griffiths.

Sincerely yours,

RICHARD B. CHILD.

PRICE FREEZE: A TOOL TO DESTROY PRIVATE HOUSING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. RARICK. Mr. Speaker, private housing is now a field coupled with a public interest, so it must either submit to officious governmental control—which it cannot—or private housing must be destroyed.

And the keys to destruction of private housing by now should be self-evident—rent controls and tenant organizations. Now even the IRS has entered the battle in favor of public housing by ruling that tenants need not pay "unjustified" rent increases. Yet, while the housing investors are denied the right to pursue a fair profit, the Construction Committee approved of pay increases for labor in that field of 56.2 percent which well might sound the death knell for private housing—since only taxpayers building public housing can afford to pay such exorbitant prices with no expectation of return.

This latest prosocialist housing trend can be expected to support the administration's new HUD policies of Federal blockbusting by building public housing plantations in the suburbs "to class integrate" the neighborhoods. With construction costs continuing to soar, few who already fled the violence of the cities will be able to retreat again to rebuild another sanctuary of safety for their loved ones.

Equal housing for all has become a political drive for substandard housing for all. Who really believes that Government bureaucrats and public housing can do a better job of housing Americans than free enterprise and private individual housing?

I insert related newsclippings at this point in the RECORD:

[From the Washington Post, Dec. 4, 1971]

PANEL ALLOWS HUGE PAY RISE

(By James L. Rowe Jr.)

The Construction Industry Stabilization Committee yesterday said it has approved contracts granting a 56.2 per cent increase over two years to Delaware plasterers and 39.6 per cent over 24 months to Philadelphia cement masons.

The approvals were announced just one day after the Pay Board suspended the committees authority to approve new construction contracts until its chairman—Harvard's Prof. John Dunlop—appeared before the Pay Board to explain the CISC's policies and procedures.

There has been severe criticism of the CISC's approval of many construction contracts with increases well in excess of the 5.5 per cent general guideline set down last month by the Pay Board. The board granted the CISC authority to administer Phase II controls on the pay side in the construction industry.

The construction panel two weeks ago approved 450 of 500 contracts signed before the freeze and granted wage increases in the contracts to be paid retroactively through the 90-day freeze which expired Nov. 14. The Pay Board has barred retroactivity except in special cases.

Four of the six contracts announced yesterday approved pay increases dating back to Nov. 1. The Construction Industry Stabilization Committee said the contracts had been approved at its regular weekly meeting on Nov. 26.

The approvals announced yesterday included increases:

From $8.42 to $9.26 an hour in two stages for Philadelphia bricklayers (9.9 per cent over 12 months).

From $5.55 to $8.67 an hour in four stages for Delaware plasterers (56.2 per cent over 24 months).

From $6.44 to $7.84 an hour in four stages for Fort Worth, Tex., sheet metal workers (21.7 per cent over 22 months).

From $5 to $6.40 an hour for Philadelphia general laborers (28 per cent over 24 months).

From $7.825 to $9.425 an hour for Teamsters building trade workers in northern California (20.4 per cent over 24 months).

From $6.37 to $8.39 an hour for cement masons in Philadelphia (39.6 per cent over 24 months).

All the contracts had approvals granting retroactive increases back to the effective

date of the contract—all falling before the freeze.

The Pay Board—which itself has drawn heavy criticism for granting a 15 per cent first-year pay increase to soft coal miners—called in the CISC earlier this week to "review" its policies. Pay Board sources said CISC Chairman Dunlop declined to come personally and instead sent the committee's executive secretary, Quinn Miller.

Miller spent most of Thursday morning with the Pay Board. Thursday afternoon the Pay Board again wrote Dunlop, telling him to appear next week and canceling the CISC meeting set for yesterday to review new contracts. The CISC did not meet but the Labor Department released information on the six contracts.

Meanwhile, the Pay Board issued its second clarification on merit pay increases, saying that where no labor agreement exists, the sum total of any company's merit increases must hew to its 5.5 per cent standard.

It said merit pay raises written into labor contracts are generally "narrow, rigidly controlled and do not involve substantial increases in pay."

But under merit plans and salary administration plans which are not part of labor agreements, such increases are often wide and involve substantial pay increases.

In a related development, the Price Commission announced it has granted the motor parts division of Chrysler Corp. a 3.7 per cent increase—Chrysler had requested a 4.4 per cent increase.

Earlier, the commission approved Chrysler's request to raise prices on its 1972 model cars and trucks by an average of 4.5 per cent (on a 5.3 per cent request). But Chrysler said it would only raise prices by 3 per cent for competitive reasons.

The remaining Big Four automobile companies—General Motors, Ford, and American Motors—received price increase approvals ranging between 2.5 per cent and 2.9 per cent.

The Price Commission also approved a 4.5 per cent increase for The New York Times book review section and special advertising.

It approved a 4.6 per cent increase for Deere and Co. for tractors and lawn and garden equipment and a 2.84 per cent average increase for Levi Strauss on "selected cotton products."

PANEL ALLOWS HUGE PAY RISES

The Construction Industry Stabilization Committee announced approval of pay increases of 56.2 per cent and 39.6 per cent over two years yesterday, just one day after the Pay Board had suspended the committee's powers to approve construction contracts.

[From the Washington Post, Dec. 4, 1971]

IRS CITES LIMITS ON RENT RISE—TENANTS GET POINTERS OF WITHHOLDING

(By Bob Woodward)

The Internal Revenue Service ruled yesterday that tenants may refuse to pay added rent unless landlords can prove the increased charges were being paid on 10 per cent of their similar units prior to the Aug. 15 wage-price freeze.

IRS, the price plan enforcement agency, also cautioned landlords not to raise rents unless they have complete records to prove the new rental charges are justified.

Herbert Seidman, an IRS attorney, said tenants still run a risk by refusing to pay the rent increase if the higher charges prove to be justified. If no clear violation is apparent, Seidman said, tenants should seek legal advice, call the IRS or try to get the landlord to agree to place the money in a reserve fund until final determination is made.

Various Federal Price Commission and IRS officials said the ruling is an attempt to slow down rent increases, that they said threatened to become a major stumbling block in inflation stabilization.

In Washington, it now appears about 15 per cent of the 400,000 apartments will receive rent increases averaging about 5 per cent by Jan. 1, according to spokesmen for the rental industry.

John T. O'Neill, executive vice president of the Building Owners and Managers Association of Metropolitan Washington, said yesterday that the IRS ruling shows "the system of price controls is breaking down . . . the goal of controlling inflation is completely lost now."

Saying further pressure on landlords not to do what is permitted in the Phase II guidelines is "very unfair," O'Neill said the IRS ruling will add to the misconception that rent increases are illegal.

Price Commission guidelines issued Nov. 13 say landlords must make their books available to tenants being assessed rent increases. However, the IRS ruling yesterday adds that the tenants may legally withhold the rent increase if the books are not open for inspection or do not show 10 per cent of the similar units in the building or complex were paying the higher rate before the wage-price freeze.

On Tuesday Price Commission Chairman C. Jackson Grayson Jr. told landlords that rollbacks of rent increases would be necessary if planned revisions to the current guidelines do not permit the higher rates.

IRS officials in the Washington area reported yesterday that more than 3,000 inquiries from Washington area tenants and landlords were received in the last week on rent increases—more than on any other subject covered by the President's economic program.

[From the Washington Post, Dec. 4, 1971]

TENANTS MAY REFUSE TO PAY "UNJUSTIFIED" RISES, IRS RULES

(By Walter Rugaber)

The Internal Revenue Service has ruled that tenants are legally entitled to withhold rent increases from landlords who refuse to produce the records justifying them.

The IRS statement yesterday, the latest move in a government drive to hold down rents pending the compilation of more specific guidelines on the subject, came as part of an unusually stern warning on rent increases.

The agency, which is responsible for enforcing the Nixon administration's economic stabilization program, "cautioned" landlords, "urged tenants to be vigilant," and promised to "vigorously investigate" violators.

Landlords cannot raise rents even within the present guidelines, the IRS warned, unless they keep "complete records on rental practices" and make them available to tenants facing increases.

The landlord must show the prices for his units and give "the reason for any increase" over the amount that could be charged during the 90-day freeze, the service said.

The Price Commission's current regulations permit landlords to increase residential rents to levels no higher than those charged on 10 percent of their comparable units before the freeze began Aug. 15.

But there are many confusing details and unanswered questions.

In the Washington area, it was anticipated that rent boosts would affect a possible 20 percent of apartment dwellers by Jan. 1.

The increases under new lease agreements here were expected to average from 5 to 6 percent.

The chairman of the Price Commission, C. Jackson Grayson Jr., urged landlords to put off the substantial number of increases that were apparently planned this month even if the present standards permit them.

The IRS also said new and better standards will be worked out by the Rent Advisory Board and the Price Commission.

Herbert Seidman, a revenue service lawyer, said if a ladnlord refuses flatly to produce the records in justification of an increase he clearly will be breaking the rules.

Tenants could in such cases withhold rent increases and request a revenue service investigation. If the landlord moves to evict him, Seidman said, the tenant can go to the IRS or the civil courts.

When records are provided, the government lawyer noted, it becomes more complicated. If the tenant thinks the information is inadequate or wrong, he said, the increase can still be withheld but not without risks.

In any argument over details which ends with a refusal to pay the increase, Seidman said, "There is some risk factor on the tenant's part as to whether the guy (the landlord) is really in violation."

One of the practical ways to handle less clear-cut cases, the official suggested, would be to put the rent increase in escrow until the revenue service can make a specific ruling.

[From the Washington Post. Dec. 5, 1971]

ONE-YEAR LID ON RENTS URGED BY HEAD OF TENANTS GROUP

(By Burt Barnes)

Chairman Rose Wylie of the National Tenants Organization called yesterday for a one-year freeze on all rents and urged tenants to refuse to pay any rent increases pending release of rental guidelines under Phase II of the President's new economic policy.

Mrs. Wylie spoke at a press conference here at the start of a two-day meeting to discuss what tactics the organization should follow during Phase II, the National Tenants Organization claims a membership of about 300,000 and has branches in several cities.

Mrs. Wylie, who also is a member of the Rent Advisory Board, also said the board is "stacked in favor of the landlords."

The Rent Advisory Board was appointed by President Nixon to recommend guidelines to the Price Commission on how much and under what circumstances rents may be increased and in what cases exceptions to the guidelines may be allowed.

But Mrs. Wiley, who also is head of a citywide public housing tenants council in Philadelphia, predicted the guidelines would favor the landlords. She said tenants would "have to take action in their communities" but she did not specify what that action would be.

Yesterday's meeting was attended by delegations from Baltimore, New York, Boston, Philadelphia and here and many of the participants complained that rents have already been raised since the end of the wage-price freeze on Nov. 14.

On Friday, the Internal Revenue Service ruled that tenants may refuse to pay rent increases put into effect since the expiration of the freeze unless the landlords can prove that the additional charges were being paid on at least 10 per cent of their similar units before the freeze.

Current to guidelines—subject to revision when the Rent Advisory Board makes its recommendations—forbid landlords from passing on increases in property taxes to tenants in the form of increased rents, but several persons at the meeting said tax increases had, in fact, been passed on them.

"The administration has given no consideration to social goals for the Economic Stabilization Program," Mrs. Wylie said.

"There is talk within the rent board of the Economic Stabilization Program possibly creating hardships and inequities but these are seen only as being on the landlords and investors. The hardships being imposed on the working people are being overlooked."

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[From the Washington Post, Dec. 4, 1971]

TENANT SUPPORT URGED

Many landlords have tossed in their sleep, seeing imaginary newspaper headlines claiming "rent strike" and hearing shouts by angry tenants parading in front of their apartment houses.

Some property managers may shrug, thinking it can't be any different in a time when difficult problems always seem to lead to confrontation. But a top government housing official disagrees.

Tenants, according to Norman V. Watson, Housing and Urban Development's assistant secretary for housing management, are more than people to be milked for rent. They are potentially a landlord's best allies in successfully managing his property and, of course, turning a profit.

It is unfortunate, Watson said in a recent speech to the Better Housing League of Greater Cincinnati, that landlord-tenant relations and the entire area of property management have taken a back set in recent years in the drive for more housing units.

Government subsidized housing programs have emphasized production, he added, and tax laws have provided lucrative shelters for housing investors with no provision for how well the property is managed.

That emphasis is changing, Watson said, and public housing owners and managers can benefit.

"There is a tendency on the part of still too many housing managers to react defensively to the idea of tenant organization and involvement in management matters," Watson said, "But in my opinion, tenants are the manager's greatest resource for achieving good management.

"When tenants feel they are being treated fairly and have a voice in management matters, all the evidence suggests that they will take greater pride in their project and better care of the property.

"Conversely, when the tenants feel alienated, the result is likely to be greater crime, vandalism, rent delinquencies and rent strikes."

Emphasizing the problem Watson noted there were 73 subsidized housing projects in default in mid-1970, involving 7,500 units. A year later, there were 189 projects in default, involving more than 20,000 dwelling units.

The government is reacting, Watson said. For example, his agency has just been created, an overdue recognition that quality, as well as quantity, is important in the nation's housing boom.

Watson's office has also published a guidebook for prospective housing project owners. It outlines, in nontechnical language, a multitude of management methods for the inexperienced property owner.

The property management problem will not evaporate, even as the need for more units decreases, Watson said.

And he warned: ". . . Congressional and public support for our subsidized housing program is not likely to last very much longer if we permit the housing we build to be mismanaged and if the programs become plagued by rising default and foreclosure rates, high vacancy rates, tenant delinquencies, crime and vandalism, rent strikes and tenant-management hostility."

[From the Washington Post, December 4, 1971]

RENT BOARD FACING MAJOR TASK

Apartment residents, owners and builders are watching the moves of the 14-member Rent Board named as part of the President's Phase II economic stabilization program.

Under provisions of the Phase II program, the Rent Board will advise the Price Commission on the day to day problems that must be faced in any type of control of apartment rents. To use the official terminology: "The Rent Board shall provide advice concerning special considerations involved in the stabilization of rents. It shall also assist the Commission in the performance of its functions by making technical analyses of specific matters referred to it by the Commission."

Apartment owners and organizations representing tenants are looking to the Rent Board to provide specific guidelines on:

When and how rents may be raised.

What constitutes a hardship case in which income from rents fails to cover demonstrated costs.

How vacant units should be handled.

The "pass through" of controlled expenses such as property tax (not controlled by any Phase II regulation).

Automatic increases provided in leases.

Increases agreed upon before the freeze and Phase II.

Actually, the initial rulings on the Phase II program did include several pertaining to rents, but also resulted in a certain amount of confusion among property owners and managers.

First, the Price Commission said that rents would "generally" remain frozen until the Rent Board was formed. Then subsequent rulings indicated that (1) new apartments built after Aug. 15 would not be subject to control, and (2) rents on existing buildings could be raised, under certain circumstances.

Generally, the Commission said that rents could be raised after Nov. 14 to a level no higher than the owner-manager was charging for similar units during the base period (July 15 to Aug. 16).

But the actual regulations are subject to different interpretations. Nationally at least, there is some confusion as to which apartment units could be raised and by how much.

The Internal Revenue Service, which investigates complaints and monitors compliance under the stabilization program, said that landlords must keep records and make them available at the request of any tenant, prospective tenant or representative of the Price Commission and IRS.

These records, said IRS, must reflect: (1) the base-price for each rental unit, (2) the reason for any difference between the base price and the maximum rental the landlord was allowed to charge for the unit during the 90-day freeze.

The most recent announcement from the Price Commission was in the form of a warning, to the effect that rents should not be raised until guidelines are issued by the Rent Board, and that any rent increases not in accordance with these guidelines might have to be rolled back. Meanwhile, some area tenants had already been notified of increases effective Dec. 1 or Jan. 1, subject to adjustments.

The Rent Board was obviously mindful of its task. An organizational meeting was held the day after the Board members were announced. The Board has been holding both day and evening sessions to finalize the guidelines.

Industry reaction to nominess was generally favorable. The chairman was described as "industrious and conscientious," and one builder-developer of multi-family housing called the industry members of the Board "well qualified, with far more than a cursory knowledge of real estate and apartment development."

[From WCBS newsradio, Nov. 24, 1971]

EDITORIAL: FOREST HILLS HOUSING

Providing adequate housing in pleasant surroundings for all Americans must be viewed as a worthwhile national challenge, not a distasteful national burden.

We support the scatter-site housing concept, which moves low-income projects from the inner city into the more affluent suburbs.

The current controversy over the project planned for Forest Hills tests public acceptance of that concept.

In Forest Hills wide acceptance is apparently lacking, and so is the realization that it is the responsibility of all communities to share in the challenge.

An alternative to scatter-site housing is to build more projects for the poor in the inner cities.

The other is to build low-income housing away from established neighborhoods.

But the isolation and concentration of the poor, the record shows, give birth to new ghettos.

More, the problems of new and bigger ghettos will eventually spill over into even the most secure suburban communities, like Forest Hills.

WCBS does have reservations about the details and the size of the Forest Hills project. But we have no reservations about the concept of scatter-site housing.

We see no other way to break the circle of poverty and despair which exists in the inner city ghettos.

With proper planning and safeguards, and with intense community involvement from the start, scatter-site housing can succeed.

In a later editorial, we'll discuss our reservations about the execution of that concept in Forest Hills.

[From WCBS newsradio, Nov. 26, 1971]

EDITORIAL: FOREST HILLS HOUSING—II

The low-income housing project being built in Forest Hills is too big and was poorly conceived from the start.

We said in an earlier editorial that WCBS supports the policy of moving low-income housing from the inner cities to the suburbs.

But the success of this good idea depends on how each project is approached, and the approach must be tailored to each community.

Forest Hills was selected because it is a stable, middle-income neighborhood with a vacant lot.

In 1966, one hundred thousand poor people were crying out for decent housing. The planners decided to cut into this number by building 840 apartments in three hi-rise buildings in Forest Hills.

This might look good on paper. But three towers that rise above the rest of the neighborhood won't look good in Forest Hills. And that's important.

The object is to integrate the poor into middle-class neighborhoods. But to start them off in structures obviously different from what their neighbors live in makes the poor and their life style seem even more out of place.

For success, the design of low-income housing must be compatible with the community, even if numbers and money are sacrificed.

WCBS feels that greater consideration should be given to this in Forest Hills, and in all similar projects.

We also feel that intense local involvement in planning is essential for acceptance of public housing. This acceptance will never come automatically. But if a community is given a real voice in the decision-making process, it will come more easily, even in Forest Hills.

The Forest Hills project has become a national issue. Its success or failure could influence the development of public housing across the country for years to come. For this reason, it must be done right.

We suggest the city stop and re-evaluate its plans for Forest Hills. This would cost some money, but a successful project here is important for the future of public housing nationwide.

[From Newsweek, Nov. 15, 1971]

THE BATTLE OF THE SUBURBS

She was a pretty woman, brunette, thirtyish and discernibly nervous at the prospect of addressing even so small a crowd as the twenty-odd residents who assembled in the tiny American Legion clubhouse just outside the affluent Los Angeles suburb of Woodland Hills, Calif. The atmosphere was already emotionally charged and now, as the woman rose, the tension became almost palpable. But once she had risen, the words came easily—soft, steady and with no trace of a falter.

"As a housewife," said Mrs. Carleen Zawocki, "I do not fear low-income housing in our community. I'm not afraid of having black and poor people move in. I just don't see what's so frightening about this."

With that, the room seemed to explode with fury. Shouts and epithets rang out. Several persons had to be sternly reprimanded by the hearing officer after they had jumped up to hurl personal insults at the speaker. One woman shrilly accused Mrs. Zawocki of having brought her eight-month-old baby with her to the meeting solely to create sympathy for her stand.

This outburst set the tone. In tumultuous weeks that followed, few families in Woodland Hills were left unaffected. Cookouts and Kaffeeklatsches were transformed into acrid encounter sessions. Neighbor turned against neighbor. At one point, a young stockbroker offered a calm and candid summation of the position of those who, like himself, were fighting Mrs. Zawocki and her allies.

"Low-income housing," he said, "represents all of the problems I moved here to the San Fernando Valley to get away from. If we allowed it to be built, Woodland Hills could turn into a suburban slum. To be frank, I believe we should simply close the gates." And in the end, that is exactly what Woodland Hills did—but only by the narrowest of margins. The proposal to rezone the community to permit multiple-unit, low-income housing was defeated by the Los Angeles city council by a vote of 8 to 7. But to the proponents of open-door housing, this came as much less of a shock than the sheer emotionalism that the issue had precipitated in the first place.

"I just didn't expect people who are so much like myself to get so violent about this," Mrs. Zawocki recalls in troubled puzzlement. "But now I know that even these people can be terrible when they're afraid—and people here are afraid of any kind of poor people moving into the community."

THE PROTAGONISTS

None of the participants in Woodland Hills' drama stands alone. Each has his counterparts, thousands strong in hundreds of other town halls and zoning-commission chambers from one end of the nation to the other. Collectively, these ordinary U.S. citizens are the protagonists in what looms as the major domestic social and political battle of the decade ahead—a battle whose outcome will be of enormous importance in determining the structure of U.S. society for many years to come.

Urban experts call this confrontation "The Battle of the Suburbs," and already it has become the kind of close-to-home domestic war whose headlines regularly dwarf all others in local newspapers. No corner of the nation is unaffected by the strife. As of this week, bitter zoning battles are in progress in suburbs as different and as far apart as Madison Township, N.J.; Lima, Ohio; Troy, Mich.; New Canaan, Conn.; Lake Natomas Heights, Wash.; and Black Jack, Mo.

At Lake Natomas Heights, hundreds of residents recently charged out of their neat, split-level homes to stand and defy the bulldozers about to clear the ground for one low-income housing site. Two weeks ago, in Madison Township, N.J., a state court stunned local officials by striking down the community's entire local zoning ordinance on the ground that it excluded lower-income families. "It's a fantastic decision," exulted one open-housing libertarian. "This could be the opening wedge for real integration in the suburbs."

Still another historic legal precedent may come out of a similar struggle in Black Jack, Mo., to date the only suburb in the U.S. where Washington seems to be intervening forcefully in support of low-income housing. "The outcome of the Black Jack case," says one of the acting attorneys, "could prove to suburban housing what the landmark 1954 case of Brown vs. the Board of Education was to school integration." Others see the outcome of the battle of the suburbs as even more portentous. "What happens to the suburbs in the remainder of this century," says urban expert Donald Canty, editor of the influential magazine City, "will be the principal determinant of the quality of life in virtually all America."

THE COMPLEXITIES

Like most of the other great domestic issues that have come to the fore in recent years, the battle of the suburbs is both cause and symptom of the tremendous force for change that seems to be at work today at virtually every level of U.S. society—a force that is simultaneously social, political, moral (particularly with respect to racial issues) and above all, economic.

There is no lack of hard, statistical documentation for both the extent and the rate of change that is at work on U.S. suburbs. Now, for the first time in history, more Americans (a total of 76 million) live in the suburbs than in either the great urban enclaves (which are home to 59 million) or in the predominantly rural regions outside the metropolitan areas (total population: 71 million).

Nor is there any dispute among the experts as to the original cause of this phenomenon: it is the rapidly accelerating flight by the middle class from the decaying central cities, with their slums, their ghettos, their increasingly bereft and bewildered populations of the poor, the black and the elderly. But now this flight has been joined by a massive new exodus. For in city after city, hundreds of major corporations have picked up and moved their plants from urban to suburban addresses. This corporate migration has created a vast, new blue-collar job market in the suburbs—but one that is, for the moment, physically inaccessible to the urban blue-collar workers the corporations have left behind them. This is because the corporate émigrés have fled to communities where restrictive zoning laws ban the sort of federally subsidized housing that would permit the urban poor to settle near their old jobs. The New York City region provides a striking example. In the New York suburbs, it is estimated that 150,000 of the 750,000 new jobs created during the last decade were blue-collar jobs. But the number of blue-collar workers who found homes in the New York metropolitan-area suburbs during the same period increased by only 50,000.

To the pessimists, who seem to outnumber the optimists by a substantial majority, one possible outcome of the cities vs. suburbs struggle has already been limned in lurid and frightening detail. Some, echoing the 1968 Kerner commission's report on civil disorders, see the fight developing for the most part along racial lines, with the central city of tomorrow looming as a kind of concentration camp for Negroes and other nonwhite minorities, while the white middle class guards the ramparts of suburbia, possibly with arms. "The great irony of current history," says New York University sociologist Richard Sennett, "may someday appear to be that this generation, seeking to avoid the disorder of city life, succeeded only in creating warring camps that had no way of communicating—other than through violence."

The pessimists may yet be proved right. Meanwhile such hope as can be said to exist seems to lie in the prospect that the struggle over the suburbs may unfold in such a way that the combatants will finally realize that it need not be fought to the bitter end. But before anything like that can be brought about, a number of myths remain to be dispelled and a number of new realities faced up to and accepted.

First on the list of the new realities is the proposition that most of the nation's suburbs simply aren't the suburbs any more. The older suburbs have grown so fast and so dynamically in recent years that most of them have long since become cities themselves. These are the areas that urban planners call "spread cities" or the "slurbs," and while some have deteriorated badly others are holding their own; a few, like Philadelphia's Wynnefield section, have actually reversed the trend to decay and set about resolutely trying to establish a community where white and black, poor and moderately affluent can live together in relative amity (page 63).

THE OBJECTIVES

Partly for this reason, the older suburbs do not rank as a prime strategical objective in the battle of the suburbs. The real objective of the rather fluid coalition of white liberals, blacks and other social activists, moderate and radical alike, who are the vanguard in the fight for open housing, is farther away from the city. The goal is the suburbs whose defenders see them as a kind of second-defense perimeter around the cancer of the megalopolis. They are the more affluent suburbs of Chicago, New York, Los Angeles, St. Louis and other big cities—leafy enclaves with neatly manicured lawns and rigorously enforced zoning regulations that prohibit the construction of either small-plot (a quarter acre or less) single-family units or any multiple-unit housing at all. Federally subsidized low-income housing is generally taboo in these areas, and the emotional climate in many is such that newcomers who do not fit established economic and racial standards are about as welcome as Dutch elm disease.

This is the suburbia that civil-rights groups call "the white noose" around the cities and where they are channeling energies once reserved for sit-ins and busing battles. Two years ago, the National Association for the Advancement of Colored People launched a massive legal attack against exclusionary housing practices in the more affluent suburbs. The NAACP's target is not the occasional real-estate agent who excludes would-be black home buyers but the entire arsenal of devices that prevent low-income housing from ever going up. "This is the new frontier in the civil-rights struggle," says NAACP executive director Roy Wilkins. A similar offensive has been mounted by the National Committee Against Discrimination in Housing, which has instigated lawsuits against such lily-white enclaves as San Leandro, Calif.

THE PROPAGANDA

Like similar struggles, the battle of the suburbs has already produced its own particular version of the fog of war. One graphic demonstration of how subtly the propaganda machines are working still may be found on a campaign billboard in Jefferson Parish, La., currently the scene of a heated dispute over the construction of low- and middle-income housing. The billboard, erected by a slate of candidates, shows a typically American family in silhouette and reads: "Jefferson: It's the good life. Let's keep it that way."

At this level, there is no scant question that "keeping it that way" means maintaining suburbia's racial barriers. "The fear as always is that low-income housing means black people," says Celia Zager, chairman of the San Fernando Valley Fair Housing Council. Interestingly enough, however, the 1970 census figures on the over-all exodus from

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the cities offers at least some signs that racial barriers are slowly being chipped away in some parts of suburbia. These figures show that while the white population of the suburbs registered an increase of 29 per cent during the preceding decade, the non-white population of the suburbs rose by 37 per cent. Extrapolating from these figures, the experts estimate that some 200,000 blacks are leaving the city ghettos each year—not, to be sure, to settle in Grosse Pointe, Beverly Hills or Old Greenwich, but at least to travel the first stage of the long, difficult trek from the ruined central cities to the green and leafy expanses beyond.

There are also some further, faint signs that the racial issue may not in the long run prove as decisive as it looms at present. A growing body of evidence suggests that what is really at the heart of the struggle is income and class rather than color—and the fact is that some vigorous opposition to federally subsidized low-income housing in suburbia now comes from the black middle class itself. A dramatic demonstration of this attitude recently occurred in the New York City suburb of North Hempstead. There black homeowners bitterly challenged a proposal to erect a group of prefabricated ranch houses that were to be rented to tenants of a largely black, public-housing project in the city. In the face of the black homeowners' organized resistance, town officials finally abandoned the plan. "People who rent houses don't keep them up," one of the Negroes who fought the proposal explained to housing expert Joseph Fried. Then his gaze locked on a painting of Martin Luther King on his living-room wall. "Maybe what I'm saying would be contrary to what Dr. King would say," he added. "But this is my opinion."

For the moment, suburban opponents of low-income housing command an imposing arsenal of stratagems to help them keep the lower classes out. Thus besides raising the prices of developing land, many suburbs impose so-called "Cadillac requirements." For example, building codes may call for relatively expensive housing materials, thus barring cheaper, factory-produced units; or they may require the construction of costly sidewalks, water lines and sewers before a house or apartment can be built. But the ultimate weapon of the exclusionists is what the open-door forces call "snob zoning." These are ordinances that permit only single-family homes to be built—and then only on relatively large 1- or 2-acre plots; low-cost, multi-unit buildings are thereby effectively precluded.

In defense of these practices, suburban leaders argue accurately enough that even a modest influx of low-income families usually places an intolerable burden on already strained services. Certainly, as Fried demonstrates in his definitive book, "Housing Crisis U.S.A.," there is no denying that even federally subsidized low-cost housing rarely "pays its way" in suburbia. First, it fails notably to enlarge the property tax base; then, since low-cost housing is usually inhabited by families with more children than the norm, it invariably requires higher public expenditures for schools—an item that already composes the largest chunk of most communities' budgets. Another argument that resounds forcefully at most rezoning hearings is that exclusive zoning helps preserve a suburb's "quality of life"—in other words, that higher population densities invariably produce higher rates of crime, welfare and pollution.

For their part, the open-housing activists readily acknowledge that more low-income families invariably require more public services. The solution they propose is the equalization of property taxes throughout a county or state, with dozens of communities sharing the same tax-revenue pool to pay for their schools, police departments and recreational facilities. Thus a community with a tax base that could not support an influx of the poor would be sustained by neighboring communities with more solid tax bases and few low-income families.

THE LEGALITIES

Obviously, such a radical broadening of taxing jurisdiction would meet stiff opposition from most suburban legislators, particularly those who represent middle- and upper-class constituencies. Yet the possibility that just such a pooling system may one day become the rule was dramatically suggested by a recent decision by the California Supreme Court. The court ruled that the state's entire public-school-financing system, which is based largely on local property taxes, is unconstitutional because it favors rich towns at the expense of poor towns. Similar court decisions are pending in Michigan, Texas, Wisconsin and New Jersey—with profound implications for the drive to open suburbia to the poor. The issue will almost certainly wind up before the U.S. Supreme Court.

Another contention put forward by the zoning reformers is that the federally subsidized housing program—which currently accounts for more than a fourth of all housing units produced annually in the U.S.—is undergoing a radical tranformation as it thrusts toward suburbia. The reformers say that the sterile, high-rise urban monsters that are the stereotype of such housing are being discarded now in favor of the low-density, "cluster" concept popularized by such new planned communities as Reston, Va., and Columbia, Md. These low-income dwellings would resemble garden apartments and be built on open land along with more expensive homes—perhaps town houses and split-levels ringing a common, village-style green. "If the open land in the suburbs is made available to low-income housing, there is absolutely no reason why it can't be built for human needs and to human scale," says Paul Davidoff, co-director of the Suburban Action Institute, a nonprofit organization that is emerging as the most activist open-door champion.

THE ACCOMMODATIONS

Another development that the activists see as working in their favor is that while many suburban governments seem more than willing to rezone to accommodate relocating urban corporations and thus acquire additional tax revenues, they are balking at rezoning to permit the construction of housing for the firms' working-class employees. One of the most bitter engagements over this zoning double standard is unfolding in suburban Mahwah, N.J. (population: 10,440). Mahwah officials readily welcomed the Ford Motor Co. when it decided to relocate an assembly plant from Camden, N.J. But it next became apparent that only one in five of the plant's 5,000 employees could afford to live in predominantly middle-class Mahwah. At this point, protesting civil-rights groups found themselves joined by a somewhat unlikely ally—Local 906 of the United Auto Workers. The UAW's regional nonprofit housing corporation had planned to construct a low-income housing complex near the plant, a move that would require considerable loosening of the residential laws. Mahwah residents quickly sent up a roar of indignation—and the case is now shaping up as a protracted battle before the New Jersey state courts.

This kind of legal stalemate has prompted housing libertarians to push for a tough, two-part strategy. They say corporations that flee to restrictively zoned suburban sites will first be accused of violating the equal-employment opportunities provision of the 1964 Civil Rights Act, since their minority employees are almost invariably trapped behind in the cities. Next, the Department of Housing and Urban Development will be asked to withhold its community-development grants—which currently add up to $1.7 billion yearly—from those suburbs that gladly accept lucrative new industry but usually reject the low-income workers who ordinarily come with the package.

Not surprisingly, the explicit threat of Federal involvement has produced counter stratagems in suburbia, and perhaps the most significant case in point is the tiny St. Louis bedroom suburb of Black Jack, Mo. (population: 3,224). Late in 1969, word got around Black Jack that the town was scheduled to be the site of a federally assisted, low-income, racially integrated housing project. Outraged residents quickly petitioned the St. Louis County Council for permission to incorporate Black Jack as a fourth-class city—thereby gaining zoning authority for themselves. After hundreds of tight-lipped Black Jack housewives picketed the county courthouse, carrying American flags and flanked by their children, the council granted the incorporation request. Thereupon Black Jack hastily formed a zoning board and promptly banned all multifamily housing—including the proposed project.

The Black Jack case quickly became the focal point of a bitter policy fight within President Nixon's Administration—and an unlikely test of Washington's determination to promote low-income housing in the exclusionary suburbs. After a series of argumentative private sessions between Attorney General John Mitchell, who favored a cautious approach, and HUD Secretary George Romney, who urged a bold one to open up the suburbs, the President announced that he would not compel suburbs to accept economic integration—but that he would demand strong legal measures against those that clearly practiced racial discrimination.

This seemed at first to confuse all sides. But then three days after Mr. Nixon's speech the Justice Department surprised even its most vigorous critics by slapping a Federal suit on Black Jack. The suit charged that Black Jack's zoning action against the proposed housing project deprived prospective residents of their right to fair housing under Title VIII of the 1968 Civil Rights Act. Though the outcome of the Black Jack case is far from certain, housing activists hope that it will prove a major benchmark in the fight to open up the suburbs.

THE WEAPONS

What remains to be seen, meanwhile, is just how far the Nixon Administration may be willing to go against communities that practice less blatant forms of exclusion. The evidence in hand to date suggests that here the White House is moving with great caution and definitely wants to avoid anything that smacks of force. Present plans are not to withhold Federal funds from restrictive communities, as HUD's Romney has urged, but to reward with priority consideration for Federal assistance those localities whose development proposals provide for low- and moderate-income housing. For his part, Romney has also promised that the availability of such housing will be a prime consideration in selecting new suburban sites for Federal agencies. "That's leverage," says Romney, "but it's not force."

But the fact remains that for all its cautious approach, the government has already scored at least one notable success. This, in anticipation of winning points under HUD's "reward" policy, the Dayton, Ohio, metropolitan region—which embraces five counties and 29 municipalities—has now endorsed a plan that would disperse federally subsidized housing on a quota basis throughout the entire area. At first, the plan drew angry fire from a number of the suburbs involved; some who favored it even received anonymous telephone threats. But then The Dayton Daily News marshaled an intensive editorial campaign against what it termed hold-the-line thinking in our "white-on-white suburbs," and the plan was finally approved—though by no means solely because the residents underwent any kind of major philosophical conversion. "None of us wanted to have Washington cut off Dayton's allowance," admitted one housewife, summing up the prevailing view.

But with those communities that simply decide to do without Federal development grants in order to retain their exclusivity, the government for the moment has no quarrel. "Our approach is not going to steer national growth in a direction opposite to what would otherwise occur," says HUD Under Secretary Richard Van Dusen. What he and other officials see as the best long-term solution is gradually to create metropolis-wide housing agencies, composed of representatives from all the communities, that would choose the sites for future subsidized, low-cost units by majority vote. The suburbs thus selected would then receive Federal grants to help pay for the extra services required by their new, low-income residents.

Obviously, such an approach would take much of the heat off Washington—and this may explain why the Administration is vigorously pushing a bill that would set up just such umbrella-like housing agencies throughout the nation. "It may look like we're passing the buck," admits one HUD hand, summing up what seems to be Washington's view of the battle of the suburbs, "but a system like this just might help get across the idea that the fate of the cities and the suburbs are basically intertwined."

[From Newsweek, Nov. 15, 1971]

A SUBURB THAT STRUCK A TRUCK

There was a time, back in a crueler day, when the Wynnefield section of Philadelphia was known derisively as "Kike's Peak." But for the thousands of Jews who migrated there from the city's ghettos in the 1920s and '30s, a Wynnefield address was a sure sign of having arrived. Located just inside city limits, yet cut off from other neighborhoods by the main-line railroad tracks and Fairmont Park, Wynnefield had all the feel of a suburban fastness only fifteen minutes from downtown. Its houses ranged from substantial pillared dwellings set back on manicured lawns to well-kept row houses along streets lined with maples and sycamores. Its public schools turned out more children who ended up with doctorates than any other area in the city. And Wynnefield's Har Zion synagogue, with a Conservative congregation of 1,700 families, soon became one of the largest and most powerful in all the Delaware Valley. "Wynnefield was brand-new, clean, green, spacious and had status," says lawyer Stanton Kratzok who has lived in Wynnefield for 50 years. "It was a gilded ghetto without walls. It had a heterogeneous pocketbook but a homogeneous attitude—everybody felt middle-class."

Then in 1963 or 1964—no one is quite sure when—a house for sale in the heart of Wynnefield eluded the protective custody of local real-estate agents and went out on an open listing to brokers all over the city. The man who finally bought it was a retired Army colonel turned school teacher from West Philadelphia. He also turned out to be black.

At first, the reaction among Wynnefield whites was one of confusion and a vague feeling of alarm. Then, like cider turning sour, the community began to decay. Real-estate blockbusters moved in and spread fear with postcards warning homeowners to sell while they still had time. Blacks were hustled into cheaper housing in lower Wynnefield and For Sale signs sprouted like dandelions in the plusher environs of upper Wynnefield as well. Stores along 54th Street began boarding up their windows and moving out. Juvenile crime shot up.

SCHOOLS

And as a final blow, Wynnefield's most prized possession—its school system—deteriorated rapidly. Parents started fearing for their children's safety. "The whole character changed," complained one PTA activist who solved her family's problem by moving to another suburb. By 1970, the black incursion into Wynnefield had reached about 50 per cent, and many residents felt the complete turnover was only a matter of time.

But then, almost miraculously, or so it seemed, the tide began to turn. In the past year, even some of the For Sale signs have started coming down. Alarm was replaced first by caution, sometimes by optimism, and some whites are buying alongside blacks. And in the process of apparently holding the line, Wynnefield residents feel they have learned some bitter lessons that may serve other suburbs similarly beseiged.

For one thing, the whites discovered soon after their initial fright that the real problem facing them was more one of class than of race. The first wave of newcomers, for instance, was largely made up of "Ebony readers," middle-class blacks as bourgeois in their attitudes toward education and appearances as the whites they replaced. "They considered Wynnefield as an escape from the jungles of West Philadelphia," says Kratzok, "just as the Jews found it a refuge in the 1920s." They were more than eager to join crusades and keep out bars, launderamats and the other potential hangouts for young people who might prove to be troublemakers. "You work all your life to come to a place like this," says George Howe, a 48-year-old black carpenter who works for the Philadelphia transit authority, "and you don't want the rough element around."

CAMPAIGN

Some Wynnefield residents respond to this realization with alacrity. A Wynnefield Residents Association was formed to bring lawsuits against blockbusters and campaign for integration. The Jewish Community Relations Council held block meetings to encourage whites to stay put. "They were told they shouldn't leave unless something drastic happened," says Rabbi Henry Cohen of the Beth David synagogue. "And that the only thing drastic that could happen would be if they left."

Next, some of the whites discovered that they couldn't afford to move even if they wanted to. "My home is worth $25,000," says Martin Plitch, an executive for an electronics company and former president of WRA. "If you moved it four blocks over the city line, it would cost me $50,000." So homeowners dug in for the duration. "Now I don't feel tension among my friends," says Rabbi Cohen, whose congregation has taken to sponsoring bicultural Sunday school for black and Jewish children. "We have to do the whole bit—floodlights on the house, locks, alarm systems. Our wives don't walk out at night more than a couple of houses away. OK, there are certain things we accept. Big deal. Within this, we feel secure. We're not sacrificing anything; we're comfortable."

STUDY

So far, perhaps, the biggest threat to Wynnefield's stability has come from within its white ranks—specifically at a time two years ago when officials of the Har Zion synagogue started making noises about moving the whole congregation out of the community. "The oligarchy of the synagogue was made up of very practical business people," says sociologist Samuel Klausner of the University of Pennsylvania. "As they saw it, Wynnefield was going to be all-black, and they should simply reinvest elsewhere." To cover its tracks, however, Har Zion hired Klausner to make a study of the community, which the synagogue elders hoped would provide enough evidence of Jewish emigration to justify their evacuation. What they got, however, was hardly to their liking. Instead of offering up a rationale for flight, Klausner's study found that the Wynnefield area was not likely to become all-black in the foreseeable future. And even if more Jews did flee the community, Klausner concluded, they would all scatter to different suburbs, thus failing to provide Har Zion with a big enough congregation in any one town to justify a new temple.

After voting to reject Klausner's conclusions, Har Zion reluctantly decided to stay put—for the time being. Over at Beth David however, a firm decision was made seven years ago. Not only did the Reform synagogue decide to stay in Wynnefield, but since then it has added to the congregation many Jews who live across the city line in Lower Merion. "Once you get across the city line, it's very easy for the wall to go up," says Rabbi Cohen. "There's a psychological value in having suburbanites maintain contact with integration and all the problems of take-over. Today, it's Wynnefield. Tomorrow it could be anywhere."

[From the Christian Science Monitor, Nov. 11, 1971]

ZONING: AMERICA'S HIGH WALL—"RIGHTS" BATTLE SHAPES IN CITIES

(By Richard L. Strout)

WASHINGTON.—The next big battle on the civil-rights front will be not bussing, but zoning. The problem deals with economic, not racial, segregation.

Politicians here watch preliminary engagements already under way in dozens of communities. Cases are coming to the Supreme Court.

Action of the House of Representatives last week forbidding the use of emergency desegregation funds for school bussing will, it is believed, if upheld in the Senate, increase the internal pressure in the big cities to break through the zoning barricade that walls them from the suburbs.

The issue was raised in the House debate on bussing.

INSTABILITY SEEN

Big-city pressure is growing and is compounded on these factors:

While the United States is the wealthiest nation on earth, 24 million Americans are below the poverty line, or about one in nine. About one out of 11 Americans is black. Mechanized agriculture in the last half century drove blacks into the big cities in one of the biggest migrations of the world, and there today the unemployment rate is about twice that of the 5.8 percent national average. It rises to 20 percent or more for teenage blacks.

The social instability of this division is typified by the separation of city ghettos from leafy suburbs. The agency for maintaining this explosive separation is zoning, some city planners now declare; ordinances that make it impossible for city dwellers of medium or low income to buy homes out in the country near the migrating city factories.

The deeply emotional issue of bussing would be mitigated if the city dwellers could move out into the country when, obviously, say advocates, it would not be necessary to bus a black child 15 miles from the heart of Detroit—if she lived out in the suburbs already.

The California Supreme Court ruled last August that state schools must be financed by some fairer method than varying property taxes, and the revolutionary case, Serrano v. Priest has sent shock waves over the country. Statistics noted that poor neighborhoods with low valuations had to pay more proportionately, for poorer schools, than rich suburbs did for better schools

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where a relatively modest tax easily raised more money. Minnesota's high court now has followed California's.

Now comes another move to open the suburbs in Sen. Abraham A. Ribicoff's bill, "government facilities location act," originally introduced last year and reintroduced this year. It would forbid a federal installation to move to a suburb which refused to provide land for houses for workers.

TESTS EXPECTED

Tests in federal courts are expected, too. The Civil Rights Guidelines Act of 1964 forbade discrimination; but is it discrimination where a factory moves from city slums into suburbs if the town continues to enforce zoning restrictions that make it impossible for workers to follow, save by daily bussing?

A recent vivid example involved the Ford Motor Company, which bought 200 acres in Mahwah, N.J., a town of 10,500, where it proposed to move its Newark facility, with 4,200 workers. But the workers found exclusionary zoning ordinances requiring them to buy lots of half an acre or more which only a few could afford. The case is now in the courts.

Two years ago Massachusetts required that three-tenths of 1 percent of a community's vacant land must be made available for medium- and low-cost housing in each of five years. Other states propose similar measures.

An organization, Suburban Action Institute, offers legislation to encourage federal regulatory agencies to act against corporations proposing to move into so-called exclusionary suburbs.

Last month a New Jersey state court threw out exclusionary zoning laws in Madison Township, N.J. A similar celebrated struggle is going on over the area known as Black Jack, Mo., where the federal government has intervened actively in a test case.

Presently America divides up like this:

	Millions
City enclaves	59
Suburbs	76
Rural	71

More people live in the suburbs than anywhere else, and the proportion is growing. Great social, moral, and historical forces make almost irresistible pressure for a breakdown of barriers between city and suburban areas. The bussing controversy seems to many to be only the first round.

Feature articles appear simultaneously this week in Newsweek, and Time, while the New York Times Sunday Magazine section carries another study on the issue. Writers note that federal subsidized housing currently accounts for more than 25 percent of all housing units produced annually in the country.

VETERANS' ADMINISTRATION MEDICAL RESEARCH IMPROVING NATION'S HEALTH CARE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. TEAGUE of Texas. Mr. Speaker, I want to share with my colleagues the recent tribute paid by the President of the United States to Dr. Edward D. Freis, senior medical investigator at the Washington, D.C., Veterans' Administration Hospital, and to VA's entire medical research program.

On November 30, the President wrote Dr. Freis:

My warmest congratulations to you on receiving the Albert Lasker Medical Research Award for clinical research. There can be no question that this is one of the most prestigious awards given in medical research, and it is a source of special pride to me that it was given to a member of the Federal Government's medical research team.

Your findings that the early treatment of hypertension can reduce deaths from stroke and congestive heart failure have given new hope to millions of people throughout the world. In addition, the research method you used—the Cooperative Study Group embracing seventeen hospitals—suggests that our Veterans' Administration hospitals offer great potential for reducing the time necessary to test new treatments.

These splendid achievements have earned you the gratitude of all our fellow citizens, and on their behalf I am pleased to extend to you my very best wishes for continued success in the future.

I know that Members of the Congress join with the President in his feeling of pride in this most significant accomplishment by a Federal employee. The honor is not only an accolade to Dr. Freis, but also to the accomplishments and potential of VA cooperative research.

In my capacity as chairman of the House Committee on Veterans' Affairs, I have become increasingly aware of the extent to which many of our VA physicians and scientists are recognized leaders in their specialties, and the vital role played by VA medical research in guarding the health of veterans as well as the public in general.

Because of VA medical research, treatment of TB has improved to the point that veterans hospitalized for the disease decreased from 17,000 in 1954 to about 2,000 at the present time.

The first successful pacemaker implant operation was performed at the Buffalo, N.Y., VA hospital.

Pioneering work in lowering body temperature in connection with open heart surgery was done at the Coral Gables, Fla., VA hospital.

The Denver, Colo., VA hospital is the site of the world's most advanced liver transplant procedures.

VA research led to development of the gamma globulin "horse serum" to control the body's rejection reaction in organ transplants.

Some of the earliest work in laser surgery has been in progress since 1963 in VA hospitals at West Roxbury, Mass., Pittsburgh, Pa., and Washington, D.C.

The work of VA researchers continues to expand our medical frontiers. It is often easy to forget that this research will benefit not only the veterans under the care of the VA, but millions of other Americans who may, incidentally, be veterans or the dependents of veterans. From each advance in VA medicine, we all profit.

The list of accomplishments goes on, but to try to name all the highlights from the more than 6,000 research projects underway each year at VA hospitals would be to let history overshadow an ever-promising future.

The fruits of VA-supported research must be counted as an important asset in our national health care delivery system, an asset which must not be overlooked as we attempt to improve the quality of the health care delivery system for our entire population.

As one of the largest unified medical systems in the world, the VA Department of Medicine and Surgery has an unparalleled potential for solving some of our most serious medical problems.

One of the most important, of course, is serving as a model for an effective health care delivery system. Equally important is its unique capacity for cooperative research. Its excellent staff of physicians and researchers have tremendous potential for studying specific medical problems that are beyond the capacity of any one investigator or one hospital. The VA is uniquely situated to undertake studies that require large-scale investigation with correlation and evaluation at a central point.

Dr. Freis, for example, initiated and quarterbacked a 5-year study of hypertension under controlled conditions in 17 VA hospitals. In this fashion very important research findings were compressed into a few years that otherwise could not be accomplished in a lifetime by individual investigators.

Dr. Freis' work disproved an old medical cliche that "a little high blood pressure will not do you any harm." The research demonstrated the lifesaving effectiveness of the use of drugs in treatment of moderate hypertension, and the consequent dramatic reduction of deaths from stroke and congestive heart failure. This study in 17 VA hospitals established that drug treatment for moderate hypertension reduced the death rate by more than 50 percent, and that drug treatment is 67 percent effective in preventing major complications arising from even moderately high blood pressure.

High blood pressure affects almost 23 million Americans. It is a leading cause of stroke, heart disease, and other conditions. Stroke alone kills over 200,000 Americans a year. The cardiovascular diseases are the No. 1 cause of death in our country.

Medical problems of major magnitude remain to be solved, and many of them are being studied by VA researchers—or are being considered for study—in individual laboratories or through cooperative studies.

The national problem of drug abuse is one example of a vulnerable target for this cooperative technique. Already 32 specialized treatment centers in VA hospitals are treating veterans who have fallen victim to the habit of excessive drug use. As the experience of these centers is analyzed and results compared, we may find that we have the ideal vehicle for solving the challenging, social, psychological, and pharmacological problems involved in this national tragedy.

Sickle cell anemia is being approached on the same scale, and the advances in cancer treatment and detection that have already distinguished VA research will certainly be expanded.

As evidence that the medical and scientific professionals of the world share my confidence in VA medicine, I want to point out that just during the past few years, at least 30 members of VA's Department of Medicine and Surgery have received some of the most coveted awards for research. These include a $10,000 award by the World Health Organization to Dr. Ludwik Gross of our Bronx, N.Y., VA Hospital, for his pioneering work showing that cancer could be caused by a virus; the $10,000 Dickson prize from the University of Pittsburgh to Dr. Solomon A. Berson and Dr. Rosalyn S. Yalow, also of the Bronx VA Hospital, for new techniques in measuring hormones in the blood; the $5,000 Eppinger prize to Dr. Thomas E. Starzl of our Denver VA Hospital for his outstanding work in kidney and liver transplants, and the Ayerst-Squibb Award of the U.S. Endocrine Society, and the Van Meter prize of the American Thyroid Association to Dr. Andrew P. Schally of our New Orleans VA Hospital for his brain hormone discoveries.

THE LAND OF MYSTIC WONDERS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. LUJAN. Mr. Speaker, last night at a reception held by the New Mexico delegation for the New Mexico delegates to the White House Conference on the Aging, my good friend, Col. Cruz R. Alvarez, read for us his composition entitled "The Land of Mystic Wonders."

I want to share it with the Members of this body. It reads as follows:

THE LAND OF MYSTIC WONDERS

(By Cruz Richards Alvarez)

Out where the sun turns into golden dust as it kisses the mesas dotted with prickly pears, yuccas and ocotillo, and the emerald green of fertile valleys is glossed with a vivid hue; out where the chaparral, bizarre state bird, sportively devours poisonous snakes, and the mocking bird sings merrily in the coolness of the country foliage about the rosy beauty of the Supreme Maker's aurora; out where the air is pure, the atmosphere hospitable, and a brilliant radiance shines the blue face of heaven; out where the mysterious abodes of prehistoric cliff dwellers have withstood the destructive forces of nature for milleniums; out where snow-capped and craggy sierras hide in their bosom the riches sought in yesteryears by gallant conquistadores; out where noble Spanish cavaliers left their footprints of romance and drama, and the ancient mission bells chime the glories of Christianity brought by pious Franciscan friars; out where the atomic bomb, an awesome wonder of man's inventive genius, made its recent debut in a luminous thunder-cloud as ambassador of universal peace and benefactor of mankind or the forerunner of apocalyptic desolation; out where the stately statue of Christ the King, perched in grandeur on the lofty crest of Mt. Cristo Rey at El Paso de Norte, watches and blesses His flocks in the New World; out where the Guadalupe Mountains—named in honor of Our Lady of Guadalupe, the spiritual queen of the Americas—has brought to light in the Carlsbad area the most gigantic caverns known to man; out where Mother Nature in fanciful mood created a fairyland sea of rolling snow-white gypsum—the Great White Sands—stretching for miles against the crimsoned purple of the San Andres Range; out where the primitive sons of Indian warriors live a peaceful but colorful life; out where the homes of the brave are . . . who, by their heroism in the battles of the European and Mediterranean countries, the Pacific and Indian Ocean areas and the frozen Aleutians, displayed the valor, courage and sagacity of the American Eagle, the Spanish Lion and the Indian Thunderbird; out where the grandchildren of Shakespeare and Cervantes—proud each one of their ancestry, language, culture and history—smile and work hand in hand their destiny under the Stars and Stripes . . . that, my friends, is the New Mexico of today! An enchanted slice of the vast Spanish province it was in the 16th century embracing the entire Southwest!

SENATOR W. RUSSELL ARRINGTON HONORED AS LEGISLATIVE LEADER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McCLORY. Mr. Speaker, recently I learned of the intended retirement from the Illinois State Senate of my longtime friend and former colleague, Senator W. Russell Arrington of Evanston, Ill.

Senator Arrington has served as both majority and minority leader of the Illinois State Senate. In the light of his retirement, it is most appropriate to comment on Senator Arrington's outstanding political service.

Mr. Speaker, in communicating my farewell to Senator Arrington today, I wrote as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 6, 1971.

Hon. W. RUSSELL ARRINGTON,
State Senator,
Evanston, Ill.

DEAR RUSS: For an old fighter such as you, I know that you must have experienced quite a battle with yourself in reaching a decision to retire from the Illinois State Senate.

Having served with you in Springfield for some years, I can attest to the fact that there was never any doubt as to where you stood on an issue, and you were never without adequate talents to express yourself articulately and convincingly—as well as firmly.

The people of Illinois and your fellow members benefited from your service. I should add that it was always a lesson in political science to the uninformed to learn that a person of your brilliance and exceptional qualities should indeed be one of the nation's great state legislative leaders—and a political powerhouse in what is appropriately named "The Land of Lincoln."

I regard it as part of my own political astuteness that I recognized you as my leader during most of my days in the Illinois State Senate. In addition, it was my privilege and good fortune to enjoy your confidence and friendship.

In the closing period of your service to the state and to the nation, I salute you and I extend to you every good wish for the days ahead.

Sincerely yours,

ROBERT MCCLORY,
Member of Congress.

Mr. Speaker, recently the Chicago Sun Times had a brief and perceptive editorial summarizing Senator Arrington's service. I am also including this editorial as follows:

A LEADER IS LEAVING

Sen. W. Russell Arrington (R-Evanston) has announced his retirement from the Illinois Legislature after nearly 28 years of service. His leadership and legislative knowledge will surely be missed, just as it was missed during the idleness forced upon him this year by the illness which now prompts his retirement.

Arrington has been described often as arrogant, for he is not a man given to demeaning his own stature. But the arrogance, and its coincident toughness, made him a leader in the Senate, and under him the Senate moved with an uncommon efficiency.

He'll be on the job as minority leader until his term expires, and he has said he will fight for an ethics bill until retirement becomes a fact. We urge him on in that battle, and add that however outrageous we have considered some of his past actions, however we have disagreed with him on occasion, we believe he has been one hell of a good legislator.

LINDSAY AND THE FOREST HILLS CRISIS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. UDALL. Mr. Speaker, as so frequently happens, the problems that are beginning to plague all urban and suburban America have already created a crisis of major proportions in New York City. The dilemma of the residents of Forest Hills is not as far away as it may seem to some of us geographically. Therefore, I include in the RECORD Milton Viorst's column from the December 2 Evening Star, in the hope that his honest and responsible assessment of the situation will prove valuable to my colleagues:

LINDSAY AND THE FOREST HILLS CRISIS

(By Milton Viorst)

To some liberals, New York's Mayor John V. Lindsay appears the exquisitely principled leader, courting public criticism to insist on construction of an 840-unit low-cost housing development in the heart of middle-class Forest Hills.

Indeed, it takes a courageous, clear-headed progressive-minded man to recognize that if our cities are to survive, we must break up the ghettos and rehouse their inhabitants within the white fortresses that have previously excluded them.

But to others, the mayor looks like a pig-headed, arrogant dogmatist, indifferent to human sensibilities, a super-confident WASP unaware of the insecurities which eat at the hopes and aspirations of most of us.

Indeed, the Forest Hills crisis has laid bare raw contradictions in the doctrine of American liberalism—and may very well have cost John Lindsay whatever prospect he had for creating a coalition of urban and disadvantaged forces to back him in his campaign for the presidency.

The contradictions lie in our simultaneously held belief in an integrated society and in the integrity of neighborhoods, in the rights of the poor to share in America's munificence and the rights of those who have come up from poverty to enjoy the fruits of their success.

We see far more clearly now than we saw a decade ago how those beliefs may clash—and clash very violently.

A decade ago, it seemed as obvious—if you'll pardon that expression—as black and white. Integration was good; racism was bad. Principles required men of goodwill to promote the former, decry the latter.

To be sure, Southerners kept telling us that the issue wasn't that simple. We replied

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that they were making excuses, looking for a dodge. For the most part, we were right. But when they said we'd see things differently when the integration campaign hit the North, they were right, too.

It seems that there are two ways to explain the change. The first is for us to beat our breasts and concede hypocrisy. The second is to spin fine theories about the difference in the situation here and now. I think there is truth—and exaggeration—in both explanations.

In retrospect, I suspect we realize now how easy it was for us to say to the South: "YOU integrate." We were sanctimonious. We did not choose to see our own segregation as racism. We rationalized it, as economic and temporary.

But I believe it also is true that we had not exalted it into a beautiful social doctrine. We did not equate it with godliness. We did not take it as part of our heritage, as unchallengeable as the Constitution. We did not—unlike the South—say "Never."

An argument can be made that this simply confirmed our hypocrisy—for Chicago is more segregated than Atlanta, and New York's black slums are worse than New Orleans'. Still, we never felt comfortable with our segregation and we kept telling ourselves, though quietly, that we'd do something about it.

Now the Forest Hills crisis comes along and puts it all on the line—or, at least, seems to. Forest Hills voted for Stevenson. It even voted for Lindsay. But its people don't want an 840-unit low-cost housing development there.

Sure, there's some racism involved—blind, irrational racism. But there's also the fear, which is not unreal, of those who fought their way up from the Bronx, who welcomed middle-class blacks who also made it, that if their community is destroyed, their dreams will be destroyed with it.

The local high school is already so overcrowded that it is on triple sessions. How many high school kids in 840 units? Figure a hundred or so? It's not so blindly irrational to ask where the mayor expects to put them.

In March, a Chicago judge ordered a low-cost housing development in a white neighborhood—but specified low-rise buildings of superior design, containing no more than six units. He said integration would fail in an inflamed atmosphere.

Lindsay's plan calls for three 24-story buildings, the tallest in Forest Hills. The concentration he proposes looks less like breaking up the ghetto than transferring it. Previous experience suggests that Forest Hills' loes might be no one's gain.

I can't say the Chicago formula would succeed—but I know the conflict is inflaming both blacks and whites. We cannot surrender on integration, only recognize it as harder than we once thought. A wise leader can't stand on virtue, but must seek out ways to make the goal less painful to achieve.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

U.S. YOUTH COUNCIL AND LATIN AMERICA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FASCELL. Mr. Speaker, on this diverse but steadily shrinking planet, mankind is faced with the strange paradox that while each person wishes only peace and a better life for himself and his children, hostility and war continually frustrate these individual hopes. One of the keys to breaking this circle of hostility is greater understanding—the kind of understanding which can only come from personal contact and discussion. Only in this way can insight and mutual respect be substituted for preconceptions and bitterness. It is for this reason that I have long supported the concept of exchange programs particularly among young people.

One of the major groups working to encourage greater communication and understanding among young people of the world is the U.S. Youth Council which represents more than 20 national youth groups and is the U.S. affiliate of the World Assembly of Youth. This summer, a delegation of four distinguished young Americans visited Venezuela, Colombia, Chile, Peru, and Costa Rica as a part of the Youth Council's worldwide program of exchanges with other national youth councils and the sending of delegates to international youth conferences and seminars. Reading the report of these four distinguished young Americans, John Casper Alessi, Clem Bezold, Jon Dennis Cozean and Diane Edwards LaVoy, strengthened my conviction of the great value of visits of this kind made. They not only broaden the horizons of those participating but also make a small but important contribution to the gradual increase of understanding between nations.

As chairman of the Inter-American Affairs Subcommittee, I believe that Members of Congress will find that the delegation's well written report is both interesting and informative and for that reason, I am including it in the RECORD:

U.S. YOUTH COUNCIL,
New York, N.Y., September 1971.

REPOAT OF THE 1971 LATIN AMERICAN DELEGATION

The following report is the result of our visit to five Latin American countries, Venezuela, Colombia, Chile, Peru and Costa Rica, during the month of August, 1971. Our visits in each country were short, from two to eight days, yet we tried to consider numerous issues and meet with a diversity of people. Our success in this was both surprising and rewarding; we met with students and young people, with campesinos and with people in barrios, with U.S. and local businessmen, with priests and bishops, and with local officials and political leaders. We found the Latin people to be warm and friendly and, with few exceptions, very willing to speak with a delegation of U.S. young people.

The trip taught us that in most cases we have much more to learn about the Latin American reality before we can reach final conclusions on the matters we considered, so this report represents the ideas and situations we encountered, as perceived through our own divergent interests and biases, rather than any type of conclusive statement. We offer it in the hope that it will be of interest and value to those who read it.

John Casper Alessi.
Clement Bezold.
Jon Dennis Cozean.
Diane Edwards LaVoy.

FINAL REPORT OF USYC LATIN AMERICAN DELEGATION

I. YOUTH

A. Political activity

In Venezuela political activity centers around the two major parties, *Accion Democratica* and *COPEI*. Recruiting for these parties begins early; university and frequently high school elections are between slates of candidates running as members of supporters of *AD* or *COPEI*. The AD Youth section is characterized by a hierarchical structure with Cristobal Hernandez, the youngest deputy in the Congress, as the party youth Secretary. There is vertical discipline within the party whereby all sections take part in setting party policy and then all must support it. The absence of this democratic centralism is the main structural difference of the *COPEI* youth, who take stands on issues and candidates separately.

The political activity of young people in Chile is important and highly sophisticated. The ideological party system includes at least seven major youth sections or parties, five of which are members of President Allende's coalition. With the diversity of parties, political discussions become relatively program-oriented and specific rather than vague generalizations. Young people provide much of the vibrancy of these parties, i.e., hanging posters, painting messages on walls (frequently with great skill), and other campaign work.

The universities are the other main area of political activity for young people. (See also University Reform below.) In Chile, as in Venezuela, candidates for school offices frequently run as a member of one of the parties. Previously the president of the *FECH*, the student federation of the country's largest university, was a Christian Democrat. Now the president is a Communist and the activities of the federation are explicit in their reflection of Communist ideology; the federation is affiliated with the International Union of Students and the World Federation of Democratic Youth, centered in Budapest. The students at the *FECH* office were reluctant to speak with us when they learned that USYC is the U.S. affiliate of the World Assembly of Youth.

In Costa Rica we encountered intelligent questioning young people. Several of them, of various political orientations, pointed out their country's political parties, which have competed in an orderly way for the last twenty years, hold little attraction for much of today's youth. One student predicted that the next election (early 1974) would be decisive as new leaders will replace the well-known figures who have led Costa Rica since the 1948 civil war. There are new parties, such as the Socialist Party and a type of Christian Democrat party which may attract the interest of the young voters. While the president of the student federation is a Communist, there appears to be among students in general opposition to any form of imperialism either from the Soviet Union or from the U.S.

B. University reform

University reform is a current issue in most of the cities the delegation visited. Both in Venezuela and in Colombia, students have opposed recently-passed university reform laws, which they see as major steps toward converting their universities into unquestioning producers of technicians. They attribute the process of transformation largely to the influence of U.S. foundations, which they say require that a university of a department receiving a grant undertake steps

to lessen the decision-making power of the students. A leader of the Liberal party youth in Colombia outlined the differences between existing "Latin" and the intended "Anglo-Saxon" models for a university. Under the Latin system, the student remains largely within one faculty, in which he can hope to have some influence. He enjoys a feeling of solidarity with the other students in that faculty and he participates in a relevant give-and-take, thereby defining his own views. There is a meaningful leadership structure with which university officials can deal.

In the American university, according to this Colombian student leader, a student is only one of several thousand, as he does not enter a department until his last year or two. When dissatisfaction erupts, it is anarchic, according to this student, as there is no meaningful way for students to effect decisioning making. Colombia has been particularly troubled by student strikes, and more than a third of the country's thirty-eight universities were closed or only partially open at the time of the delegation's visit. Recently, independent and moderate students have organized to demand the opening of the schools. The government wants the students to pay more attention to learning and less to politics.

University reform in Peru, by which all universities were placed under the authority of a national control board, and perennial student political leaders were expelled, is considered harsh and a continuation of the policy eliminating the influence of partisan politics in the country.

C. Voluntary service

In Chile we met with the Chilean Association of Volunteers, which sponsors various projects on both local and national levels. They attempt to put the volunteer in touch with the poor and their problems so that he can develop his own human resources while helping others towards social and economic development. CENTROSEV, a permanent secretariat which gives information on voluntary service is also located in Santiago.

Much volunteer work, particularly at this time in Chile, is the result of partisan political activity. When asked about the relative effectiveness of this type of work the executive director of CENTROSEV commented that it is effective but more importantly it frequently makes other volunteer work better received.

The University of Chile approaches voluntary service in a very organized way through its Department of Social Action, which coordinates volunteers and interns from the various schools, i.e., social work, medicine, economics, engineering, etc. Surveys of the problems and resources of a neighborhood are first done by students of sociology or social work and then students are given specific tasks related to their various disciplines.

Among community development workers we encountered a basic change in thinking: in the past, the Promoter (the community organizer) was looked on as the agent of social change; now there is a realization that the true agent of change is the *campesino* himself. Also there has been a move on the part of certain social action groups away from volunteers altogether. *Accion*, the well-respected group founded by Joseph Blachford, now uses local professionals with only a few remaining exceptions.

The work of Paulo Freire, a noted Brazilian educator, in "conscientiacion", has had a significant influence on people working with the poor directly, as well as on certain religious and political leaders. His process of education which calls for the awakening of self-awareness, is described in his book entitled *Pedagogy of the Oppressed*.

D. The role of the U.S. volunteer

When asked about the opportunities for U.S. young people interested in voluntary service in Latin America most Latins responded negatively. Because of the questions of cultural imperialism, and lack of adequate skills and maturity which the Peace Corps experience has raised, (see section on Peace Corps below) the principal opportunities described to us were in the area of technical skills or work camp programs.

A specific example of this is the trend within *Accion*. A worker in this field, who has been with *Accion* for eight years, after his activity in organizing his own community, felt that the contribution of America volunteers has been invaluable but that their usefulness has ended. He pointed out that there is less of a paternalistic relationship between the *Accion* workers and the community, if the former are professional Venezuelan employees, rather than volunteers. He said that some of the American volunteers should never have come. In particular, he resented those whom he believed came for the trip and the language experience and then left early, and those who used their Accion experience to further their own careers in sociology, psychology, and so on.

Yet within the areas mentioned above—that of technical skills and summer work-camps—there are still some opportunities. Persons interested in more information should contact Clem Bezold, care of the U.S. Youth Council (also, information of this type is contained in the catalogue entitled "Invest Yourself", and published by the Commission on Voluntary Service and Action).

II. ROLE OF U.S. INVESTMENT

A. Venezuela

Oil plays the predominant role in the Venezuelan economy; its production equals 36% of the GNP, 70% of the government revenue and 92% of the foreign exchange. The oil industry in turn is dominated by a few large American companies; ie., Creole (Esso) is responsible for nearly 50% of the total production.

The oil companies operate under concessions given in 1943 and '44 for a period of forty years at which time all equipment and assets revert to the government. Several sources we interviewed indicated that the companies have earned more than their original investment and the government has increased the tax on company profits to 70%. The current dispute is over the new Reversions Law which stipulates that beginning in 1983 all equipment will revert to the government—not only the derricks and pumps on the concession site but also all assets in the country. Also the government is requiring the companies to deposit a certain amount as insurance that they will comply with the original law which called for reinvestment in order to assure modern, efficient equipment.

A representative of the Venezuelan government oil company showed us clippings from various U.S. papers, one in particular which some members of the delegation felt described the situation in terms which served only to misinform the American reader; the reversion law was depicted as banditry, with no mention of the original reversions law to which the companies had agreed. This official lamented the fact that he had no public relations department of the size or with the finances of those of North American companies.

B. Chile

A member of the youth section of the Radical Party complained that, even when the Chilean government held 51% of a plant or mine, it was vulnerable to blackmail by the American company holding the other 49%. This is so because the U.S. company could risk losing its share, since it is protected by its investment insurance of OPIC from the U.S. government, while the Chilean government has no such protection.

C. Peru

Investments have decreased since the military government began nationalizing the major industries. The representative of the Council of the Americas, Humberto Cortina, commented that Peru's stringent new investment laws provide little incentive for foreign capital to come to Peru. Part of the problem, he feels, is caused by the fact that the Peruvian generals believe that by talking to foreign investors, they are automatically conceding something to them.

III. U.S. GOVERNMENT POLICY AND PROGRAMS

A. Low profile

In an attempt to gain some insight into what U.S. policy is from those implementing it in the various countries we spoke with officials in the U.S. embassies.

In Colombia, some spokesmen felt that the U.S. was now ignoring Latin America. Others argued, however, that during the 1960's the U.S. had promised more than it could deliver. They went on to say that the low profile recognizes that the U.S. cannot implement basic schemes of social change in Latin America. The new policy is said to allow the U.S. to exercise flexibility and coolness.

In Peru it seemed that U.S. policy extends beyond the low profile. The U.S. government is trying to show the Velasco government that the U.S. is not hostile. The Velasco government in turn is trying to develop good relations with the U.S., especially because of its problems with foreign investments.

In Chile the U.S. position seemed to be one of "coldness". While the U.S. is not openly hostile to the Allende government, the cold and correct, if not unfriendly feeling was a great contrast to that in Peru; while the U.S. was not out to destroy Allende, it wouldn't offer support. An example of this was the refusal by the Export-Import Bank to lend Chile money to purchase Boeing 707 jets. This was interpreted not only as an insult to the Allende government, but as an affront to the Chilean people.

B. Public safety program of AID

The delegation encountered much criticism, especially from students, of the U.S. police training programs. The most specific case came from a well-known young writer in Costa Rica. Arrested for unexplained reasons he was taken to police headquarters where he was physically beaten during interrogation. The Costa Rican officer performing the violent questioning had been to two AID training schools. The diplomas from these, as well as an American flag hung on the walls of the office where the beating took place. Both the President of the country and the head of the AID Public Safety Mission confirmed the basic facts. The latter also commented that this particular officer had, on at least one occasion, done the same thing to a young U.S. citizen, and that privately the officer expressed the feeling that it was his duty to make life difficult for the "Communists."

The young writer in this case is not a communist. It appears that this local police officer is harassing, illegally and brutally, people with whom he disagrees, while flaunting the fact that he has been trained for his work by the U.S. government. The need for a professional police force is the reason for the Public Safety Mission, yet because of the fractional nature of Latin American politics, it may at times be more a training for professional suppression.

Students also made the accusation that the use of torture has increased since the beginning of U.S. training. The AID official commented that the use of torture, particularly the electric cattle prod, has declined since he began his work in San Jose. Yet the main question here is not whether the U.S. is the direct cause of the use of brutal techniques, but rather how frequently Public Safety Program trainees use their experience to suppress legitimate opposition groups while carrying the label "Trained by the U.S. government".

C. Peace Corps

The Peace Corps was also the center of much criticism throughout Latin America.

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This criticism seemed to be basically of three types: 1) Politically motivated in a cold-war sense, 2) nationalistically motivated and 3) professional criticism. The second type was the most wide-spread, focusing on the Volunteer as another form of cultural imperialism. Professional criticism came from local voluntary organizations, from UN officials and from some local government officials. The basic criticisms are that the PCV is frequently immature and unprepared, and their motives involve more personal benefit than altruism. In the rural areas, the salary of a U.S. volunteer ($125/month) makes the PCV relatively rich. Health and language problems hinder much of their work for the first year.

Yet most of the officials did see a role for volunteers with technical skills. Praise for the Peace Corps came from Jose Figueres, the President of Costa Rica, and others in that country. President Figueres recently asked that the Volunteers thrown out of Bolivia be sent to his country for the remainder of their service time.

D. The CIA

In every country we heard allegations about the CIA; that they use Peace Corps volunteers as information gatherers; that they helped prepare a military coup in Chile right before the elections in which Allende won; that they are working together with the large landholders in order to sabotage the land reform process in Chile and that they are assisting the right-wing armed group in Costa Rica. Whatever the actual activities of the CIA are, these criticisms were widely held especially among students.

IV. NATIONAL SITUATION AND ATTITUDES

A. Attitude toward national governments

Chile—we found a noticeable optimism—although sometimes guarded—on the part of the people of various different occupations and orientations. During our stay there was considerable apprehension about reported food shortages, although government supporters insisted that there was no serious problem of shortages. The various parties which comprise the governing Unidad Popular retain their ideological identities, and there is much lively political dialogue among these and other groups.

While we were in Santiago the MIR, the most radical party in the country, received much attention and support from young people following the death of one of its leaders.

Peru—We noticed little, if any, real enthusiasm for the military government although equally little concerted opposition to it. The APRA party was described by several people as the only other organized force besides the army. Its leaders urged a return to democratic processes in elections and on campuses. The military government has taken strong steps to eliminate party politics from university campuses, to lessen the power of the landowners, and to create the image and flair of an indigenous revolution. Although the government is attempting to stimulate grassroots self-help committees through the Pueblos Jovenes program, a worker in the leadership training field indicated that the local "leaders" developed under this program tend to be opportunistic and the net effect is to undermine more genuine local leadership. This view was more forcefully expressed by the indigenous leaders of an established city-wide league of barriada residents in Arequipa, whose very existence was threatened by the Pueblos Jovenes program imposed on their neighborhoods by the current military "dictatorship." Also, there was a disappointment in Arequipa among some residents that graft and corruption among local officials is just as bad under the present military government as it was under the previous civilian administration.

Costa Rica—We found an appreciation for the U.S. among many older Costa Ricans; from students we sensed a strong resentment of the U.S., especially its companies, (Alcoa and United Fruit), and a resentment of their government for dealing with them. The political opposition to President Giguerос' government charged unprecedented levels of graft. The President responded to our questions about this by saying that corruption did exist and that he was investigating the charges, and that the majority of them, up to that point, had been proven false.

Venezuela—Hostility seemed more obvious in Caracas than in other cities, i.e., the presence of heavily armed policemen outside the U.S. Embassy and company offices, and some national government offices. Certain officials familiar with rural Venezuela, and some leftist students believed that there have been more political deaths during the past ten years of democracy than there had been under the last ten years of the Perez Jiminez dictatorship. They expressed concern about the possible extent of the killings, by the army, of peasants alleged to have helped guerrillas. The two employees felt that any such executions would not have been authorized at a high level within the government, while the students accused the government of systematic repression.

B. Freedom of the press

In Latin America, the concept "freedom of the press" has often been regarded as a privilege, not a right. Today, even that privilege has come into question by a number of governments—both liberal and conservative—which feel that their policies are above criticism.

Because of its importance, the delegation sought to study the issue of press freedom in the countries visited. In most cases, it was found that the large, influential newspapers were conservative in politics—reflecting the views of the establishment families which own them. In Chile and Peru, the major newspapers are under pressure to follow the "official" line. In Colombia and Venezuela, the leading newspapers tended to automatically follow the official line, apparently without much government prodding. In Costa Rica, a free press was most evident, as the leading newspaper has maintained its traditional conservative opposition to the present liberal government.

Of those countries visited, Chile was the most fascinating from the point of view of the press. No fewer than nine daily newspapers are published in Santiago. With one exception, virtually all are devoid of advertising, and presumably most obtain operating funds from outside sources, such as political parties. The largest, oldest, and most important newspaper in the city is *El Mercurio*, rated by some as one of the leading newspapers in Latin America. Circulated nationally, *El Mercurio* carries about 75% of all newspaper advertising in the city. An important part of the paper is its large classified advertising section (particularly the "help wanted" column). Politically, *El Mercurio* is independent-conservative. Though it belongs to the opposition press, it avoids any direct criticism of President Allende. Instead, the newspaper is critical of policies and various members of the coalition which comprise the Popular Front. Less restrained in its criticism of the government is *La Segunda*, a snappy right-wing tabloid that is perhaps the best designed and edited newspaper in the country. Also in the opposition column is *La Prensa*, which was established by the Christian Democratic party after it lost the presidential election last year. This paper provides the most comprehensive coverage of international news.

Pro-government newspapers include *El Siglo*, the Communist Party voice. Founded in 1940, the newspaper is widely regarded as the official government paper. Like many Communist Party publications, *El Siglo* devotes most space to dull party affairs and attacks against the United States. Another Communist publication is *Puro Chile*, whose style and tone could be described as a left-wing *New York Daily News*, with sensational headlines and analysis of news along predictable lines.

A major source of income for the Chilean press are government-paid ads, which, of course, are placed only in sympathetic publications. Aside from its selective advertising policies, the government has not yet moved forcefully against the opposition press. However, it is possible that the government will take over the newsprint industry (currently owned by the conservative Alessandri family) and exert control over the press in that way. Meanwhile, the economic uncertainties in Chile have caused a dramatic drop in advertising, both in newspapers and with the broadcast media. (*El Mercurio* revenues are said to be down 40%. Radio advertising has dropped even more drastically, but no stations appear in immediate danger at this point. In the field of radio and television, the government exerts more direct control—as it always has in the United States through the FCC.

In Peru, the government has made a great effort to "peruvianize" the media, especially radio and television. The military government currently enforces a "Law of the Free Press", which provides for a kind of self-censorship. As a net result, the newspapers refrain from openly criticizing the regime. In return, the government does not interfere with newsprint supplies and does not force large wage increases on the newspapers—two favorite tools that Latin American regimes have traditionally used to keep newspapers in line.

Peru's broadcast media is now in a state of transition—and confusion. In order to "peruvianize" the air waves, the government plans to require that a major portion of all such programs be devoted to Peruvian music and drama. Broadcasters believe that such a law will increase costs and reduce quality.

C. Urban poverty

Although the delegation was once told "when you've seen one *barriada* you've seen them all", we found considerable differences between the "barrios", "barriadas", "poblaciones nuevos" or "urbanizaciones" which surround the cities we visited.

Caracas—about 700,000 of the two million residents of Caracas live in barrios on the mountains that ring the city. The barrio of Caripitas, which we visited with an *Accion* worker, has a population of more than 35,000. Located near an industrial area, the level of unemployment is lower than that of many other barrios. While many of the older dwellings are made of cement and brick, newer shacks high on the hillside have been built temporarily of bits of packing materials and metal sheeting.

Existing schools serve only a few hundred children. Efforts are being made to build more and it seems the government is working as fast as it can be expected, given the rapid and unplanned population growth. While, with the help of *Accion*, the community has made important improvements, the barrio receives virtually no municipal services from the government. Malnutrition and health problems were visible in terms of the distended bellies of many children, the decayed teeth of some, and the presence of much garbage and filth. Prostitution is a serious problem in Caripitas, it is often attributable to the lack of adequate employment opportunities for women. Little birth control is practiced; the government and private agencies alike tread lightly in this area.

Arequipa (Peru) and *Lima*—There are eighty-some *barriadas* outside of Lima, and sixty-some surrounding Arequipa, making up the greater portion of Arequipa's population. Many of the people living in these *barriadas* are Indians.

One of the delegation visited the Arequipa barriada of Alta Libertad with two local volunteers. A fast growing area, it now includes over a thousand families living on a series of high barren slopes. In contrast to Venezuela, the little white volcanic rock ("*sillar*") houses are spaced far apart, often in orderly rows. In many of the Arequipa *barriadas*, the municipal government has parceled off this land providing legal title and encouraging the eventual development of well-planned little towns. Protection from the cold is necessary here. The people are more rural than their Caracas counterparts: they eat a simpler—possibly a poorer—diet, and they are less acquainted with television sets and other conveniences. Many still wear the traditional clothes of the Peruvian Indian. The people regard their rustic houses and their dry but spacious parcels of land as long-term investments. Their one-room sillar houses are often roofless and mortarless, but many have been plastered and finished very handsomely. One old woman told us, "I'll probably never be able to do all these things myself, but my children certainly will during their life-times."

The two *barriadas* south of Lima which we visited consisted in part of little brick houses in various stages of construction, and in part of crowded thatched huts. Most of the people we saw were dressed more modernly than in Arequipa, although there seemed to be far fewer televisions, motorbikes and other conveniences than in a Caracas *barrio*.

San Jose, Costa Rica—San Jose's four or five shanty towns are not very noticeable to a casual visitor and it is often said that "Costa Rica has no very rich and no very poor". However, the very poor, and some of whom live in a small "bowery" downtown while other live on crowded hillsides and along narrow lanes, make up a significant proportion of San Jose's 300,000 population. We walked along one crowded lane, called "*Aquantafilo*" (Hungerpains), and visited at length with a family in another such area. Unemployment, lack of water and inadequate medical care were among their most serious problems. In a collection of short stories called *Los Marginados*, the prize-winning young novelist, Julieta Pinto, very perceptively describes the life of Costa Rica's poor.

D. Birth control

Some students and people connected with the Catholic Church were critical of family planning programs, not from a substantive point of view but on the grounds that the motives for which it is being pushed by U.S. foundations and the ruling classes in Latin America are political and economic rather than humanitarian. These arguments, also in the book *El Complejo de Layo* by Hernan Vergara, at times betray a strong inclination towards illustrating the "complicity of the ruling classes with imperialist American objectives". However, the Colombian Youth Council has run a successful series of seminars on family planning and may extend this program in the future in conjunction with the World Assembly of Youth's Family Planning Program.

E. Agrarian reform

The delegation found a great contrast between the Venezuelan and the Chilean land reform programs due largely to two factors: In Chile (and similarly in Peru), agricultural reform is designed to have an important political and ideological role in the current "revolution", while in Venezuela the political value of the reform seems to lie in its ability to incorporate the farmer into the non-revolutionary mainstream. The second factor is budgetary; Venezuela's oil income permits it to provide more material assistance to its rural population than could be done in Chile (the contrast is even greater in Peru).

A FAO official familiar with both the Chilean and Venezuelan reforms termed the latter "reform in a hammock", indicating that everything was given the Venezuelan farmer. Our observations of a Venezuelan agricultural area, while not upholding his view entirely, did indicate that the Venezuelan farmer probably receives more assistance of every sort than his Chilean or Peruvian counterpart. Also the large companies still provide much of the heavy machinery and market the crops, so that the campesinos have the risk and responsibility of the crops' success, since it belongs to them, yet do not own or control the other factors necessary to increase their profits significantly.

In Chile, the agrarian reform has increased both in speed and extent under the new government, growing from, in the terms of the same FAO official, "reform in a flowerpot",—that is, the redistribution of the land in single plantations, leaving most of the surrounding area to remain in large estates—to the organizing of "Agrarian centers" occupying tracts of land previously made up of a number of estates. Almost as much land has been redistributed during the ten months of the Allende government as during the six years of the Frei government. The goal of the reform has also shifted; under Frei the reform was intended to integrate the peasant into the national capitalistic economy and the democratic system and to increase productivity; now the reform is seen as an important means of developing consciousness of social values and of lessening the influence of private property values.

F. The environment

In Costa Rica we met with the Congressman sponsoring legislation to create their version of the Environmental Protection Agency. Noting that signs of air and water pollution are evident the bill states that it is necessary to take steps to control pollution before economic interests and growth becomes as to impede this protection, as is happening in other countries now. It establishes a Council on Environmental Standards to set the minimum norms of quality for water and air and other classifications necessary in a conservation program, and an agency, *Conservacion Ambiental*, to enforce these norms.

FLOOR STATEMENT ON URBAN HOUSING

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HALPERN. Mr. Speaker, the problem of urban blight has, in the past 10 years, approached catastrophic proportions. Overcrowded and inadequate housing, poor medical facilities, polluted air and water, overtaxed mass transit facilities—these and other evidences of decay in our cities must be recognized for the threat they offer to American society as we know it, and counteracted with rational city planning.

I submit for the RECORD, Mr. Speaker, a lecture delivered by Samuel J. Lefrak to members of the Harvard University Graduate School of Business Administration.

In this address Mr. Lefrak describes the conception and construction of Lefrak City, a series of five interlocking circles of apartment buildings located in New York City. This project has been an immense success in the search for safe, comfortable living.

Lefrak City is an innovative experiment in middle-income urban housing—an experiment which the cities of this Nation would do well to examine and possibly to duplicate.

The address follows:

HARVARD UNIVERSITY GRADUATE SCHOOL OF BUSINESS ADMINISTRATION, BOSTON, MASS., APRIL 14, 1971

Professor David, Members of the Faculty, Ladies and Gentlemen: I'm here today because I want to excite you about the field of real estate development.

It's a fascinating business. And, it's basic business. Everything begins with real estate and ends with real estate. Real estate encompasses the hospital, your home, your office, the dormitory, the factory—and even the cemetery.

The financial rewards can be immense. And, the opportunities for social service, for benefiting your fellow man are also immense.

Today, the great challenges are in housing—urban housing. Our cities are falling apart. More urban housing units are being destroyed by abandonment and deterioration than are being built. Each year we are falling further behind. Our cities were built by free enterprise. They will be rebuilt by free enterprise.

I'm proud to be a builder and real estate man working within the free enterprise system.

I'm going to discuss a single case history with you: The conception, planning and creation of Lefrak City.

Lefrak City is remarkable in many ways.

First, the facts. It consists of 20 eighteen story apartment houses where 25,000 people live. On the 40-acre site are two office buildings, a post office, library, four schools, a 3,000 car underground garage plus 1,000 car garage above grade, a shopping plaza, a 1,200 seat motion picture theatre, swimming pools, tennis courts, squash courts, a health club and much more. I built it all—the city did nothing.

It is located just off the Long Island Expressway in the Borough of Queens.

I used the word "remarkable" in mentioning Lefrak City.

Why?

In terms of profit on invested capital, Lefrak City is a prime example of the use of leverage. The property returns a bottom line profit of $6,000,000 and has a value of $150,000,000. And those values, gentlemen, are not Wall Street paper values—they are land-values, one-way values: Up! And up and up and up each year.

In terms of meeting social needs, Lefrak City is a great success.It provided housing at an average of $41 to $45 a room. It offers employment right on the site. In addition, part-time workers and moonlighters, can supplement their regular income and when their work is finished walk back to their apartment in a few minutes. It places scores of facilities within walking range. Lefrak City has kept middle income families of all ethnic backgrounds within New York City. Without Lefrak City they would have moved to the suburbs. Lefrak City pays New York City the sum of $5,000,000 in real estate taxes annually. Before Lefrak City the piece of land on which it stands provided only about $16,000 each year in taxes.

Lefrak City is remarkable because it recycles a city and it looks into the future. It is a satellite city. A city within a city. We need scores of new satellite cities within our major urban areas if our cities are to survive. When you build a satellite city like Lefrak City you are building on a foundation of city services and installations that already exist.

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It is wise to remember that Queens had a subway and highways, built and paid for, before Lefrak City existed. What Lefrak City has accomplished is using that which existed in a revolutionary way which has created massive and needed improvement. Ecologists call this re-cycling. We did it before they labeled it.

Like all real estate stories, Lefrak City began with a piece of land.

Throughout the 1950's I had been very active in the Queens apartment building boom. In fact, from the years 1945 through 1960, my company built approximately 20% of the housing in that borough.

Before building Lefrak City we had completed Forest Hills Park on a 20-acre site that once was President Martin Van Buren's farm. This development housed 11,000 people in 21 buildings and before Lefrak City, was the largest privately financed housing development in the United States.

Forest Hills Park was only one-quarter of a mile from the site of Lefrak City. Separating it was the Chinese Wall known as the Long Island Expressway, once described as the world's largest parking lot.

The Lefrak City site looked very unpromising when I first started to think seriously about it in 1956. There was a creek running beneath it which created swampy conditions that would need considerable piling and land preparation to make construction feasible. The site was filled with abandoned cars, junk and debris.

This wasn't surprising.

For years the property had been known as "Mary's Dump". Its greatest moment of glory was when it contained Quonset huts which housed returning veterans of World War Two.

For such a seedy looking piece of land its ownership was distinguished and interesting.

Originally it had been owned by Joseph Kennedy, President Kennedy's father. He sold it to Frank Erickson, the bookmaker. Mr. Erickson was New York's most successful bookmaker until he gained television prominence before the Kefauver committee. For him, television didn't create a new career. It ended an old one. He lost the property for non-payment of taxes.

After Erickson the property was picked up for back taxes by the English branch of the Astor family, Lord William Waldorf Astor. The English have always been smart about strategic land around the world, from Singapore to Gibraltar—to Mary's Dump.

This posed a special problem for me.

The Astors owned land. They didn't sell land. Sometimes they would lease. But, sell? Never! In fact, they hadn't sold any land in 300 years. And, that sale was probably an accident.

I wanted this piece of land. I felt I could lick the construction problems it posed. I felt I could make a Phoenix rise from the ashes. I wasn't sure of what I would build there but I was sure I wanted that land.

How could I make the Astors sell? After all, in their eyes this was a sin comparable to dipping into principal.

When the Astors acquired the land their thought was to develop a regional shopping center. However, after they analyzed it, they found the project to be economically unfeasible.

This was a problem. How could the land be used economically and intensively? How could extensive street building be eliminated?

In 1960 while viewing the Olympic Games I saw the Olympic symbol and it triggered something in my subconscious. I couldn't get it out of my mind. I made the right sketches that provided the basis for a city within a city.

What I visualized was a series of five interlocking circles, of tall buildings constructed around bilevel atrium core areas. These cores would be filled in with amenities—swimming pools, playgrounds, tennis courts, gardens and walkways. This planning system would give each tenant unobstructed access to light and air. It would enable each tenant to walk to shops, medical services, recreation—everything. The automobile would at last be placed in its proper niche—beneath the ground.

Armed with sketches, I began my pursuit of the Astors in earnest. They did not commit the heresy of selling immediately. The negotiations took almost three years.

Finally, they recognized that my plans made economic sense. My plans made intensive development possible and intensive development made the entire project economically feasible.

Let me stress again the importance of land planning. If planned in the usual grid pattern, almost one third of the entire site would have been lost to public streets. Since I bought the land at $5 a foot and it is now valued at $200 a foot, it would have represented a colossal loss of value and floor area ratio density. In addition, building on a traditional grid plan would have destroyed the entire concept of a city-within-a-city.

The innovative plan of Lefrak City paid off in profit to me and in social benefit to those who live there.

We bought the swampy dump for $6,515,000.

The terms were: A down payment of $500,000 and a ten-year mortgage for the remainder. Mortgage interest was 1% for the first year and 3% for the remaining nine years.

At last I owned the land and I had to move and move very fast for the City of New York had passed a new zoning law restricting density to such a point that it made residential construction economically unfeasible.

My belief is that the secret of success in real estate development is speed, timing and money management. Speed is your friend. Delay is your enemy.

Let us now deal with the money side of Lefrak City. So far I had committed $500,000 to buy the land. We divided the land into six sections and had a bank set the value for the first section. With the assistance of the financial community we made the down payment without using any of our own funds. By the proper use of leverage and money management we pyramided our loans and cash flow as we repeated section after section and, as the project grew, we obtained more mortgage money on an ever increasing land value multiple.

Our satellite city was built with the aid of the largest financial institutions in America, namely: Chase Manhattan Bank as trustee for the Ford Motor Company Pension Plan, John Hancock Insurance, New York State Employees Retirement Fund, Prudential Insurance, Equitable Life Assurance, First National City Bank and Metropolitan Life.

We mixed banks, and insurance companies and pension funds in a synchronized cycle of construction loans and permanent mortgage loans and ultimate rentals to the point where an unused waste land became a satellite city valued at $150,000,000.

Now you know why I believe Lefrak City is a dramatic example of leverage and money management.

But, none of this would have meaning if Lefrak City couldn't attract tenants. Let me give you another real estate adage: There's nothing as expensive as an empty apartment. An empty apartment is like alimony. You pay and you pay and you pay but you get nothing to enjoy.

How could we attract tenants, not just a few tenants, but 5,000 families? After all, we were not alone in the apartment market. Buildings were rushed into construction to get under the zoning wire. New York City was glutted with apartments.

But, despite the ferocious competition we were successful.

We were successful because we followed the rule that has guided The Lefrak Organization for over 66 years: Give people what they want at a price they can afford to pay.

We knew what prospective tenants wanted: Spacious apartments; easy shopping; ample recreational facilities.

We called it "Total Living".

And "Total Living" captured the imagination of thousands of people.

New Yorkers had become tired of battling the traffic in order to spend a summer weekend at the beach. So, we gave them giant outdoor and indoor swimming pools on the site. Plus a health club. Plus wading pools and sun decks. Plus gardens and restaurants and a movie theatre, tennis courts, etc. Our apartments are fully air conditioned. In addition, we installed push button electronic kitchens and anticipated the future in communications by building in coaxial cables for CATV.

We made it fun and fashion to spend your vacation at home. Lefrak City is not a place to run away from.

We knew what people wanted but how to give it to them at a price they could afford? Our target price was $40 per room per month. This was what the middle income family man could spend for rent. Today, of course, you couldn't build apartments at such rental prices.

But, then our aim was $40 a room.

We did everything to create economies without sacrificing quality. Mass purchasing of materials. Efficient programming of construction.

But, most important, we recognized that attracting the residential tenants would make the retail and office sections of Lefrak City exceptionally valuable. Thus, the residential portion of Lefrak City would be the portion where we would give the greatest value and make the least amount of return. Our substantial return would come from retail and office space.

This has worked out according to plan.

Our two office buildings—containing over 1,000,000 square feet of space—are fully leased to prime tenants. The retail space is fully leased and the merchants are doing business that exceeds their expectations.

And the residential tenants are getting what they want at a price they can afford to pay.

Lefrak City is a success—a big success.

I have used all of my skills in making it a success.

And, at the risk of seeming immodest, I must point out that you have to master a number of skills before you can become a master builder. It isn't easy and it really isn't magic. I am an engineer and an architect. I have studied law and banking. In addition, I have more than a fair knowledge of such crafts and disciplines as sales management, advertising, public relations and merchandising.

I had to use all of my skills at Lefrak City. For example, Lefrak City faces the Long Island Expressway which is always in a bumper to bumper traffic jam—so we created a sign showing a father holding his small, young daughter by the hand and she looking up, very sadly, at him saying, "Daddy, if we lived here—you would be home now" . . .

But, though Lefrak City is a major success, it is also a major responsibility.

Lefrak City is a totally private community. It was built with not one cent of public money. I did not ask for and did not receive any tax abatement or tax consideration. On the contrary, Lefrak City has a very high tax assessment.

Lefrak City has its own water system, its own electric generator, its own fire department, its own police department and its own sanitation department. It is a private community without any public Streets. Therefore, the owner has the prime responsibility for health, safety and welfare.

I can report to you that we are doing a good and responsible job. In fact, we have had no muggings—no murders—no riots.

We have proven that it can be done. We can build for the average American. We can save our cities. And, we can do it the free enterprise way.

Lefrak City has been studied by planners around the world. They have found that Lefrak City works. It has been emulated in Rome, in London, and in Tokyo.

WEST VIRGINIA PAPERS OPPOSE CAMPAIGN CHECKOFF

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BROWN of Ohio. Mr. Speaker, the concern of citizens across the Nation about the provision recently adopted by "the other body" which would authorize the financing of presidential elections out of Federal income tax revenues, is beginning to be heard.

An editorial in the Buckhannon, (W. Va.) Republican-Delta expresses the doubts, the strong disapproval, even the disdain, many Americans feel about this matter.

In the form of an open letter from Editor Herb Welch, the editorial poses a number of pointed and penetrating questions which deserves far more consideration than they have yet received.

Welch is not without credentials in national political matters. A former administrative assistant to then Congressman, the late Edward G. Rohrbough, Welch not only participated in several congressional campaigns, but he also served an important role in the presidential campaigns of 1952 and 1956 in behalf of Dwight Eisenhower. He served in the executive department during the Eisenhower administration in the fields of housing. A successful businessman, Editor Welch publishes two weekly newspapers in central West Virginia, the Republican-Delta and the Weston Independent, and quite obviously, he continues his keen interest in national affairs.

Herb Welch's open letter editorial is submitted here for the RECORD, and I commend it to the attention of my colleagues:

THE WEST VIRGINIA WHIRLIGIG

(By Herb Welch)

An open letter to:

Honorable Richard M. Nixon, President of the United States.

Honorable Spiro T. Agnew, Vice President of the United States.

Honorable Mike Mansfield, majority leader, Honorable Hugh Scott, minority leader, and Honorable Robert C. Byrd, Honorable Jennings Randolph and Honorable Hubert Humphrey, United States Senate.

Honorable Carl Albert, speaker, Honorable Gerald R. Ford, minority leader, and Honorable Harley O. Staggers, United States House of Representatives.

Honorable Arch A. Moore, Jr., governor of West Virginia and chairman of the National Governors' Conference.

Honorable Dean Burch, chairman, Federal Communications Commission.

The National Broadcasting Company, American Broadcasting Corporation and the Columbia Broadcasting System; David Brinkley NBC.

Honorable George Meany, president, AFL–CIO.

Honorable Bob Dole, U.S. Senator and chairman of the Republican National Committee.

Honorable Larry O'Brien, chairman of the Democratic National Committee.

It's hoped that this will be considered a personal letter by all the distinguished gentlemen listed above and an expression of personal convictions of one American out of 200 million.

It has to do with a topic as timely as tomorrow and as close to the people, all the people of America, as the preservation of the Republic.

It's to record one man's grave misgivings over the decision of the U.S. Senate to finance the general election campaigns of the candidates for President at the expense of the taxpayers.

It's one man's plea that the U.S. House of Representatives and the President of the United States act now, before it's too late, to reverse the ill-considered action of the Senate.

The letter is being addressed to all three television networks for it has been they, along with spokesmen for the Democratic National Committee, another addressee, who have done the most to advance this sinister proposal to the present crisis stage.

The three TV networks and much of the metropolitan print media, including newspapers and magazines, are among those who have axes to grind. Let the light fall upon all the gleaming ax blades now so carefully sheathed in darkness—that's the motivation of the Republican-Delta of Buckhannon and the Weston Independent in publishing this open letter.

It is argued that the cost of a presidential campaign is so astronomical that only a wealthy man can afford to seek the highest office in the land. And it is admitted that one of the biggest items of expense is television time.

So is it not understandable that Mr. David Brinkley of NBC and other commentators of other networks should editorialize in favor of submitting the bill to the taxpayers?

And should we really expect a metropolitan newspaper or a national magazine which also owns a television station to take an opposing view?

Artfully, the proposal to pass the cost of a presidential campaign along to the taxpayers was tacked onto a revenue bill. It's to be hoped that President Nixon will veto the measure if the sponsors of the rider are also successful in the House, as it is presently feared.

Estimates are that the amendment would raise $50 million dollars to be divided, presumably, this year among at least three candidates, provided Mr. George Wallace runs on a third-party ticket, as expected.

Sen. Hubert Humphrey, meanwhile, has estimated that it would cost him exactly the same sum, $50 million, if he were to enter all the presidential primaries this year. He is one of the advocates of the measure which now has been approved by the Senate.

So, assuming that Mr. Humphrey and Mr. Brinkley are sincere in wanting to eliminate voluntary personal contributions to presidential campaigns, would one-third of the amount required in a primary do the job in the same number of states in a general election campaign? You can bet that additional individual contributions would still be cheerfully accepted!

What is so wrong, moreover, with a voluntary contribution of a voter to the candidate of his choice?

Certainly such an expression of support is to be desired over a contribution which results from a mandate of government, as is presently proposed.

Inasmuch as only one of the two houses of the Congress has acted at this time, it's not clear how the taxpayers' enforced contributions would be apportioned. In the Senate, there were two proposals:

The Mathias Amendment, which would permit the taxpayer to designate either the party to which his contribution would be made or a general fund;

The Allen Amendment, which would guarantee a proportional reimbursement of campaign expenses to an "eligible" minority candidate.

Neither Mr. Brinkley nor the others who so strongly espouse the Senate action have answered a number of questions which immediately arise:

1. Shall the taxpayer be asked to give his financial support to any candidate which his party might nominate—prior to the selection of the candidate and prior to the campaign in which the issues would be drawn?

2. If so, is it a valid assumption that there will be no taxpayers who cherish the right to vote for the man rather than the party and to come to a decision also upon the basis of the issues?

3. Will it be left to bureaucrats to determine who is an "eligible" candidate and what is an "eligible" campaign expense?

4. If the taxpayer requests that his contribution go to a general fund, would he not thus be pledging his support to candidates whom he intends to vote against as well as to the candidate for whom he intends to vote?

5. Has anyone thought of limiting campaign expenses as an alternative of requiring candidates and political parties to live within their budgets?

It is proposed the $1 be taken from the income tax payment of each taxpayer. That's the "asking price" of the initial offering; the price for the next, who knows?

Would a good insurance salesman first hit his prospect with the rates for a $1 million policy—or would he lead up to them by quoting rates and coverage upon smaller policies?

It is proposed that the small bite of $1 per head would be for presidential candidates only. That's again for the first year only. The millions so collected would go to the national committee headquarters of the nominees.

What about the "coverage" as well as the "premiums" in future years under the new policy? Based upon past performances of all major parties, are we certain that the national committees could find no other "deserving" candidates for the largess of the taxpayers?

It's an open secret that national committees of both major parties have aided candidates for U.S. Senate, House of Representatives and, occasionally, governors of states. The policy has been to feed the money to only those candidates, however, where it might mean the difference between victory and defeat for the party. A sure winner and a certain loser usually have not shared in the benefits.

So what happened in many states? Candidates ran in marginal states and marginal districts, often pocketing the cheerfully accepted contributions with no thought of applying them to election expenses.

Should we cut the defense budget by $50 million to so reward the professional losers as well as the successful nominees? For that matter, should the taxpayers pick up the tab for any of them?

You know, of course, that the Senate has made no provision to provide the funds which would be milked from the income tax cow by its action.

Let's say that we don't cut the defense budget, although that's the biggest one of all and the one which is most deserving as the cold war grows hotter and hotter. Let's

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say we cut Health, Education and Welfare—and school lunch money. Or Department of Transportation—and federal road money. Are we all agreed that the politicians need the money more than the school kids and the people who use the highways? More than those on relief rolls?

As chairman of the Democratic National Committee, you, Mr. O'Brien, are doing only that which comes naturally. After all, you admit that you're $20 million in the red—and that's just about what you'd receive the first year from the taxpayers.

But in all good conscience, Mr. O'Brien, would you really refuse additional private contributions?

And you, Mr. Humphrey, were you really sincere when you implied that presidential candidates were called upon to sell out to the special interests in accepting campaign contributions from conventional sources? Did President Eisenhower sell out? Did Woodrow Wilson sell out? Did Abraham Lincoln sell out?

And you, Mr. Meany, are you supporting the bill because you think it's good for America—or because you'd like the taxpayers to absorb a substantial portion of the bill you've been paying from the AFL–CIO treasury to back the candidates you've personally smiled upon?

There's no such thing in government as "temporary" and there's no such thing in government as token federal funding. Government is the freewheeling big-time spender—with your tax dollars—and the sky is the limit.

The proposal to extract $1 from the top of every annual income tax payment for the general election campaign only, of the major candidates for president only, is but the beginning of a new concept, a concept which could lead to domination of all elections of all states by the federal government.

At this late hour, a selling job has been done upon the people fo America by the self-serving mass media which would benefit directly from the proposal.

Compared to the big guns which have already been fired, two weekly newspapers in West Virginia are voices in the wilderness.

But shouldn't it be a question of what's right rather than who is right?

The issue here is as fundamental as freedom itself.

Sincerely yours,

W. HERBERT WELCH.

HOUSE OF REPRESENTATIVES—*Tuesday, December 7, 1971*

The House met at 12 o'clock noon.

Msgr. Angelo R. Cioffi, Regina Pacis Roman Catholic Church, Brooklyn, N.Y., offered the following prayer:

God of our fathers, and Lord of all creation, from whom all blessings flow, look down upon us, here assembled to carry out our work on the problems facing our Nation at this critical time.

O, give us light to probe them thoroughly, sound judgment to solve them well, and willpower to implement them to the best of our ability.

Bless our labors, O Lord, infuse brotherly love into the hearts of all our people, and grant—we pray—lasting peace to all the Nations of the earth.

"Peace at home, and peace abroad;
Peace to friend, and peace to foe;
Peace to men of good will."

This is the prayer welling up from our hearts, O Father of mercy, O God of peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6065. An act to amend section 903(c)(2) of the Social Security Act; and

H.R. 6893. An act to provide for the reporting of weather modification activities to the Federal Government.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6065) entitled "An act to amend section 903(c)(2) of the Social Security Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. CURTIS, and Mr. MILLER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes;

S. 1115. An act to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nev.; and

S. 1475. An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes.

The message also announced that Mr. CASE was appointed as an additional conferee on the bill (H.R. 11955) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes."

MSGR. ANGELO R. CIOFFI

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Mr. Speaker, I wish to commend our distinguished visiting chaplain from New York for a most appropriate and moving opening prayer.

The Brooklyn, N.Y., community, and indeed the entire New York metropolitan area, has long known of the extraordinary contribution of Monsignor Cioffi.

The reverend monsignor was born in Cervinara, Italy, on December 1, 1887, and came to America in 1904 to attend St. John's Seminary in Brooklyn, N.Y.

In 1907 he was sent by the late Bishop Charles E. McDonnell to the American College in Louvain, Belgium, where he was ordained a priest in July 1910.

His first assignment upon returning to Brooklyn was as curate of St. Anthony's Church in Greenpoint where he served for 2 years. He then served for 7 years in Our Lady of Mount Carmel Church, Astoria, Long Island.

In 1919, he was commissioned by the archbishop to start a new parish in Patchogue, Long Island. When he completed that assignment, he returned to Brooklyn to reconstruct St. Rosalia's Church.

Today St. Rosalia's—or Regina Pacis—is a major church in the New York area, and includes a parochial school with 1,200 students, new rectory, a shrine, a convent, and a youth center.

In 1968, President Johnson visited St. Rosalia's in testament to its importance and vitality.

Monsignor Cioffi's most current project is the construction of a senior citizen's residence to provide for ederly citizens who cannot obtain decent housing. This project has attracted the personal praise of Governor Rockefeller and planners throughout the Nation as an outstanding example of effective response to a pressing public need.

Monsignor succeeded in obtaining various funding for this project, and his tenacity and dedication to this most worthy project have brought the residence into reality.

He continues to spearhead the drive to complete the residence and to make it grow, and his energy and selfless interest in the community are now legend in New York.

It is a great pleasure and privilege for the House of Representatives to welcome Msgr. Angelo R. Cioffi today.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I am happy to yield to my colleague from Queens.

Mr. ADDABBO. I commend the gentleman in the well and associate myself with his remarks. I wish to also point out the dedicated work of Msgr. Angelo R. Cioffi on behalf of the church and the people of the county of Queens and all he has served in his over 50 years of priesthood. I pray for his continued good health.

Mr. MURPHY of New York. I thank the gentleman.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 11309, AMENDING ECONOMIC STABILIZATION ACT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight Tuesday, tonight, December 7, 1971, to file a report on H.R. 11309, to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, is there any reason why we cannot get a rule on this within the week?

Mr. PATMAN. We have requested it, and we have been pressing for it. I have reason to believe that there is a possibility for Thursday morning, but I do not have much encouragement for that time.

Mr. ROUSSELOT. In other words, the chairman of our committee has been assured by the Rules Committee that very serious consideration will be given to granting a rule this week?

Mr. PATMAN. That is correct.

Mr. ROUSSELOT. I thank the gentleman for that information.

Mr. Speaker, further reserving the right to object, does the gentleman anticipate it will be brought to the full House this week, maybe Friday?

Mr. PATMAN. No; I do not anticipate it will be brought up this week. The people who have charge of this bill on both sides, the majority and the minority, have quite a bit of homework on this bill to do to get ready. It is very controversial. All kinds of amendments will be offered that we are not acquainted with. It takes some time, and it takes some time for preparation. If we will get the rule on Thursday, we will have a giant step in the right direction.

Mr. ROUSSELOT. Further reserving the right to object, if the gentleman is able to obtain a rule on Thursday, and we are able to bring it to the floor on Thursday or Friday, then we would be able to complete the business prior to this weekend?

Mr. PATMAN. From what I have heard about it, there is hardly an expectation that we will finish this week anyway, and besides, if we were to pass this bill on, say, Friday, which is unlikely, we would have to have a conference, and the conference would go into the first part of next week. There is no way to escape the conference, as I see it. I thank the chairman for the information he has provided.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, further reserving the right to object, is it possible that there is someone who cannot be here for personal reasons who is heavily involved in the consideration of this bill?

Mr. PATMAN. I am just talking about the official business before the Congress.

Mr. GROSS. It seems to me if a rule is granted today, the bill could be brought up easily by Thursday.

Mr. PATMAN. If we brought it up Thursday and passed it Friday, we would have a conference beginning the first part of this week anyway. There is no way to escape the conference.

Mr. GROSS. All right, but then there would be that much progress toward getting the business of the session over I cannot help but wonder if there is someone heavily involved in this bill that has some personal matters to take care of, perhaps a trip to Europe or some other junket.

Mr. PATMAN. If I were to attempt to answer that question, I would have to interrogate 434 other Members first.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. REES. Mr. Speaker, further reserving the right to object, I would like to ask the chairman—as a member of the Banking and Currency Committee, very familiar with the legislation on phase II—Is the House version not very close to the Senate version? And I would suspect that there would probably be only one or two points where the House would be disagreeing with the Senate. I see no reason why the phase II bill, if it receives the rule, cannot come up on Thursday and be passed on Thursday and a conference come in on Friday.

A great many of us are relying on statements by the leadership saying we are going to get out of here around the 10th and have fully scheduled events in our own districts. As one member of the committee who believed what I read about adjournment, I was prepared to fully debate the phase II bill on Thursday. This is the date we were discussing in the Banking and Currency Committee.

Mr. PATMAN. The gentleman has stated the points that he knows about on the House side, but there are also amendments on the Senate bill that were not considered in the House at all, and we are going to have controversy, I am sure, on more than one of them.

Mr. REES. I mentioned to my distinguished chairman, that I thought there would be two, at the most three disagreements between the two Houses. I see no reason why some of these amendments cannot be anticipated now, and the discussions can be actually started with the chairman of the committee in the other body.

Mr. PATMAN. If we did not have anything else to do. But remember that the Members who have charge of this bill are also conferees on other bills.

Mr. REES. As a member of the committee who has been on the committee for 6 years but never a member of any conference committee I should like to volunteer right now to be a conferee. I should think the gentleman would be happy to let some of the junior members participate in the conference and help relieve you of your workload. I would be willing to go over to the other side now and open discussions with some of the Senators, to see what can be done to expedite the bill, so we can finish it this week.

Mr. PATMAN. The gentleman would make a very fine conferee.

Mr. REES. In about 20 years.

Mr. PATMAN. And if it is necessary to call for him he will be considered.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from California yield?

Mr. REES. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Would the distinguished chairman of the Committee on Banking and Currency agree—of course, after consultation with the Speaker and the majority leader—if he got a rule Thursday morning, to try to bring the bill to the floor Thursday afternoon after the other scheduled business?

Mr. PATMAN. If that is the only thing holding up adjournment, yes.

Mr. REES. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 248, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. HALL. Mr. Speaker, reserving the right to object, I must know if this bill, as reported to be a similar bill, is identical with H.R. 5657. If not, what are the plans, under the unanimous-consent request, to perfect it? To wit, is the amount of estimated cost exactly the same?

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Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. The amount of estimated cost is the same. The difference is that the House version bars any attorney fees. The Senate bill allows a 10-percent attorney fee. That is the only difference between the two bills.

Mr. HALL. Further reserving the right to object, Mr. Speaker, will the House's usual proscription as to attorney fees prevail if we adopt the Senate bill, and is it the intention of the gentleman to amend the Senate bill by striking the Senate language and inserting the House language?

Mr. DAVIS of Georgia. The latter course is my intention.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There being no objection, the Clerk read the Senate bill as follows:

S. 248

An act for the relief of William D. Pender

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Pender, an employee of the Department of the Army, the sum of $3,602.69, in full satisfaction of all claims of the said William D. Pender against the United States for compensation for the loss of household goods and personal effects which he had to abandon in Fairbanks, Alaska, after he was incorrectly informed by the Department of the Army personnel that such goods and effects could not be stored or shipped at Government expense incident to his transfer from Fort Greely, Alaska, to Fort Belvoir, Virginia, and which could not otherwise be disposed of by the said William D. Pender because of prohibitively high commercial storage rates and the shortage of time between the issuance of transfer orders and the reporting date at his new duty station: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. DAVIS OF GEORGIA

Mr. DAVIS of Georgia. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Georgia moves to strike out all after the enacting clause of S. 248 and insert in lieu thereof the provisions of H.R. 5657 as follows:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Pender, an employee of the Department of the Army, the sum of $3,602.69, in full satisfaction of all claims of the said William D. Pender against the United States for compensation for the loss of household goods and personal effects which he had to abandon in Fairbanks, Alaska, after he was incorrectly informed by the Department of the Army personnel that such goods and effects could not be stored or shipped at Government expense incident to his transfer from Fort Greely, Alaska, to Fort Belvoir, Virginia, and which could not otherwise be disposed of by said William D. Pender because of prohibitively high commercial storage rates and the shortage of time between the issuance of transfer orders and the reporting date at his new duty station: *Provided*, That no part of the amount appropriated in the Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The motion was agreed to.

The Senate bill was ordered to be read as third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5657) was laid on the table.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice?

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5131) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Speil.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1094) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

VITO SERRA

The Clerk called the bill (H.R. 5586) for the relief of Vito Serra.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DUTY-FREE ENTRY OF CARILLON FOR MARQUETTE UNIVERSITY

The Clerk called the bill (H.R. 3786) to provide for the free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wis.

There being no objection, the Clerk read the bill as follows:

H.R. 3786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty a four octave carillon for the use of Marquette University, Milwaukee, Wisconsin.

SEC. 2. If the liquidation of the entry of the article described in the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF CARILLON FOR THE UNIVERSITY OF CALIFORNIA AT SANTA BARBARA

The Clerk called the bill (H.R. 4678) to provide for the free entry of a carillon for the use of the University of California at Santa Barbara.

There being no objection, the Clerk read the bill as follows:

H.R. 4678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty a carillon imported June, 1969, for the use of the University of California at Santa Barbara.

SEC. 2. If the liquidation of the entry of the article described in the first section of this bill has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 35) favoring the suspension of deportation of certain aliens.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

Mr. GROSS and Mr. HALL objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

WILLIAM LUCAS (ALSO KNOWN AS VASILIOS LOUKATIS)

The Clerk called the bill (H.R. 6912) for the relief of William Lucas (also known as Vasilios Loukatis).

There being no objection, the Clerk read the bill as follows:

H.R. 6912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, William Lucas (also known as Vasilios Loukatis) may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. George Lucas citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents, or brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. NORMA McLEISH

The Clerk called the bill (H.R. 7316) for the relief of Mrs. Norma McLeish.

There being no objection, the Clerk read the bill as follows:

H.R. 7316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Norma McLeish, the widow of a United States citizen, shall be deemed to be an immediate relative and the provisions of section 204 of the Act shall be inapplicable in her case.

With the following committee amendment:

On page 1, line 5, strike out the words "deemed to be an immediate relative" and substitute in lieu thereof the following: "held and considered to be within the purview of section 201(b) of that Act".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELEONORA G. MPOLAKIS

The Clerk called the bill (H.R. 8540) for the relief of Eleonora G. Mpolakis.

There being no objection, the Clerk read the bill as follows:

H.R. 8540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Eleonora G. Mpolakis may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Mike Bellas, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act," and substitute in lieu thereof the following: "Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

AFL–CIO SUPPORTS PRICE SUPPORT LOAN INCREASE AND STRATEGIC RESERVE

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I am gratified that the largest organized group of consumers in this Nation has given its support to measures to give the grain farmers much needed help which will come before the House this week.

I have just received a telegram from Andrew Biemiller, legislative director of the AFL–CIO, endorsing and urging the House to approve H.R. 1163, Congressman NEAL SMITH's strategic grain reserve bill, with my amendment, cosponsored by numerous other Members, which will raise wheat and feed grain price support loans by 25 percent on the 1971 and 1972 crops.

I include the telegram in the RECORD:

Hon. JOHN MELCHER,
U.S. House of Representatives,
Washington, D.C.:

The AFL–CIO supports the Melcher amendment to H.R. 1163, the Strategic Food Reserve Bill. Congressional action is badly needed to increase price support loans on wheat and feed grains by 25% for 1971 and 1972 crops. The House Agriculture Committee has supported the Melcher proposal by

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a 19 to 6 vote. House action will help the Nation's farmers while having a negligible impact on consumer prices. It is our understanding that Representative Neal Smith, chief sponsor of H.R. 1163, supports the Melcher amendment. AFL–CIO urges the House to vote for the Melcher amendment and for H.R. 1163 on final passage.

ANDREW J. BIEMILLER,
Director, Department of Legislation.

HEARINGS ON PROPOSED "BUSING" AMENDMENTS SCHEDULED

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, I rise at this time to announce that the Committee on the Judiciary will schedule public hearings to begin early in the second session on proposed amendments to the Constitution and other legislative proposals respecting the transportation and assignment of public school students.

Efforts to desegregate public schools by means of student transportation or student assignment have evoked intense concern and have given rise to a number of proposed constitutional amendments.

Any amendment to the Constitution requires thoughtful and dispassionate study. I am convinced that the Judiciary Committee hearing process will furnish the Members of the House a reasoned and thorough appraisal of the legal and social considerations involved.

Interested parties wishing to testify or present statements to the committee should contact the committee officers, room 2137, Rayburn House Office Building, Washington, D.C. 20515.

REPRESENTATIVE FROM DEPARTMENT OF STATE TO BRIEF MEMBERS ON THE INDIAN-PAKISTAN SITUATION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time to make the announcement to the membership as a whole that this afternoon at 3:30 p.m. in the office of the gentleman from Illinois (Mr. ARENDS), the minority whip, H–129, there will be a representative from the Department of State to brief those Members who wish to be briefed on the India-Pakistan situation.

IMMINENCE OF WAR ON THE INDIAN SUBCONTINENT

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, in speaking recently on the House floor about the imminence of war on the Indian subcontinent, I suggested that the United States should consider the advisability of suspending both military and economic assistance to India. Since then our Government in separate actions has decided to stop both these forms of aid to India.

News reports indicate that the Indian Government has reacted with indignation to these decisions of our Government, and also to the position which the United States has taken at the United Nations. A well-known editor of an Indian newspaper is reported to have said that New Delhi is "not accustomed to be talked to in such terms," and that "Washington can shove its aid where it wants to."

In my opinion, Mr. Speaker, it is most regrettable that military operations on the subcontinent have made it necessary for the United States to suspend our aid. Millions of innocent people will not be receiving food, blankets, medical supplies and other assistance because conditions will make it impossible to continue to provide such humanitarian aid.

The unhappy fact is that war is essentially a crude and cruel instrument for achieving national objectives. The weight of war on the subcontinent will fall immediately and with heavy impact on millions of innocent people, Indians and Pakistanis alike. By resorting to war, India is diverting her strength from the enormous task of providing for the needs of her own people. In the pursuit of her objectives, she seems also in the process of deliberately antagonizing those who have helped her substantially in the past. No matter what the future may hold, India will need substantial help from others. By her actions, and by ill-tempered responses to actions of others, she may be cutting herself off from such help.

EMPLOYMENT-UNEMPLOYMENT IN NOVEMBER

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LLOYD. Mr. Speaker, yesterday the Washington Post editorialized on phase I, the freeze, of the President's economic policy stating that it was "ineffectual in the crucial matter of jobs." Let us look at the statistics.

In November, total civilian employment increased by 177,000 and passed the 80 million mark for the first time in history. Total employment has increased by about 1.5 million since June. This is the biggest 5-month increase of employment in 16 years. The strength of the employment picture in November is also seen in an increase in average hours of work per week, especially in manufacturing.

Despite the large increase of employment in the last few months the unemployment rate continues to hover around 6 percent. This is because there has been an extraordinary increase in the number of people in the civilian labor force—working or seeking work—in those same months. However that exceptional rate of increase in the labor force will not continue, and the kind of increase in employment we have been getting will make solid inroads into the unemployment figures. In fact, when the tax measures the administration has recommended actually take effect the rise of employment and reduction of unemployment will speed up.

Mr. Speaker, the Post's unfavorable assessment does not appear to be warranted by all the facts.

LIMITATION ON AGRICULTURAL PAYMENTS

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, Members of the House should be alerted to the only chance we will have to impose a $20,000 limitation on agricultural commodity payments in the waning days of the session. We will have an opportunity to do so only if we vote down the previous question on the rule granted yesterday by the Rules Committee for H.R. 1163, the so-called Strategic Reserve bill. Although the gentleman from Illinois (Mr. FINDLEY) and I testified before the committee asking them to waive points of order to permit his $20,000 limitation amendment, the Committee refused to do so by a vote of 8 to 7. It therefore becomes necessary to defeat the previous question on the rule before the House can even consider a payments limitation.

We have heard a good deal of concern expressed in recent weeks about the way in which our family farmers are being swallowed up by vertical conglomerates, and other huge agricultural combines. These agrigiants are receiving huge Government payments under present commodity programs which greatly aggravate the grossly unfair competitive advantage they already hold over small and medium sized farmers. Such large payments also discredit the entire farm program in the eyes of the American taxpayer and jeopardize its continued existence.

Members genuinely interested in helping the family farmer can do so by supporting a strict $20,000 limitation of payments amendment to the strategic reserve bill. The issue will be clearly drawn when Members are asked to vote down the previous question on the rule in order to make the amendment in order. Those who really want to help the family farmer can do so by voting "no." Those who prefer to support the big fellows by insuring their continued receipt of huge commodity payments can do so by voting "yes" on the previous question.

ECONOMIC OPPORTUNITY CONFERENCE REPORT ON S. 2007, AMENDMENTS OF 1971

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 437]

Abbitt	Fountain	Morse
Abourezk	Fraser	Murphy, Ill.
Andrews, Ala.	Galifianakis	Pepper
Annunzio	Gallagher	Powell
Ashley	Garmatz	Pryor, Ark.
Belcher	Gray	Pucinski
Biaggi	Hébert	Purcell
Blatnik	Helstoski	Rostenkowski
Broyhill, N.C.	Howard	Roy
Chisholm	Kluczynski	Sarbanes
Clark	Landrum	Scheuer
Clay	McClory	Sisk
Collins, Ill.	McClure	Spence
Culver	McKevitt	Springer
Derwinski	Macdonald,	Steele
Diggs	Mann	Sullivan
Dowdy	Metcalfe	Teague, Calif.
Edwards, La.	Mann	Wiggins
Evins, Tenn.	Mills, Ark.	Wilson, Bob

The SPEAKER. On this rollcall 374 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 2007, ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 29, 1971.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the manager be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. BRADEMAS).

(Mr. BRADEMAS asked and was given permission to revise and extend his remarks.)

Mr. BRADEMAS. Mr. Speaker, I rise in support of the conference report and want to address myself to only two or three major points.

First, some have attacked the child development title in this legislation on grounds that it will produce a Sovietization of their children and their takeover by the Federal Government.

This charge is of course thoroughly irresponsible, even, indeed, absurd.

I remind you, Mr. Speaker, that earlier this year, nearly 100 Members of the House in both parties introduced the child development bill and that President Nixon has called for a national commitment to action along the lines of the child development program in this conference report.

But so that there may be no misunderstanding, let me explain how the bill has been carefully drafted to protect the rights of parents and their children.

First, participation in the program is completely voluntary.

Children will not participate unless a parent or legal guardian specifically requests it.

Second, the bill specifically provides that no part of it "shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, and physical development of their children."

The bill provides that children will not be tested unless the parent or guardian is informed and given an opportunity to accept.

To reiterate, the child development program, unlike our public school system, is totally voluntary.

But beyond what I have already said, the legislation provides that decisions on the nature and operation of child development programs are to be made at the community level, with the full involvement of parents.

In other words, parents are assigned a significant role throughout the bill and, Mr. Speaker, I would like to make clear that if there had been any effort in this legislation to reduce the central role of the family in rearing their children, the bill would not have had my support.

So it should be clear that this legislation is aimed at giving the taxpayer some of his money back so that churches, schools, YMCA's, settlement houses, and parents at the local level can provide preschool programs for their children without the control of either State or Federal governments.

Now the second point I want to say a word about, Mr. Speaker, is the charge that States do not have a significant role.

No one who has read the bill thoroughly can substantiate that charge. Indeed, the language is specific in requiring State involvement at every stage: creation of prime sponsors, formation of comprehensive child development plans, and project operation.

Moreover, up to 5 percent of operating funds will become available to States to carry out their functions. In this way, States are encouraged to provide technical assistance and coordination of child programs within their boundaries. The States can thus identify problems, help in solving them, and advise HEW on how effectively programs are meeting child development standards.

But there is still another way in which States may participate in the program. The bill specifically authorizes the Secretary to fund directly any program—including that of a State—whenever he finds that a local community has not submitted a program, submitted an inadequate program, or where a program does not or cannot meet the needs of children.

Indeed, there can be no question that the comprehensive child development program on which the House votes today provides a more important role for the States than does the present Headstart program.

So the argument about an inadequate role for the States is a spurious one.

But the final point I want to make, Mr. Speaker, goes to the importance to children of the kinds of services that would be made available by the passage of this legislation. And I am especially concerned to guess that children of middle-income families as well as poor children will have an opportunity to benefit from the various services provided by the bill—on the basis, above a certain income level of fees paid on a sliding scale basis.

I think, Mr. Speaker, that the most eloquent words I have heard about the need for the child development program contained in the conference report today were uttered by President Richard Nixon in February 1969, in a message to Congress in which the President said:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

President Nixon went on to say, Mr. Speaker, on August 11, 1969, in proposing his Welfare Reform bill:

> The child care I propose is more than custodial. This administration is committed to a new emphasis on child development in the first five years of life.

Mr. Speaker, the bill on which we are about to vote provides Congress an opportunity now to act to make good on the pledge of President Nixon.

The bill on which we are now to vote makes possible a better chance for all the children of America, and I hope the conference report will be adopted.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Speaker, I thank the distinguished gentleman from Minnesota (Mr. QUIE) for yielding. The weakest link in American education in the 1970's is in preschool education, the years from 1 to 5. Educators and psychologists now know that it is in this period of life that a child's greatest rates of learning takes place. Yet there is no organized, readily available voluntary education set up for children in that age group, featuring a broad, socioeconomic mix and available to the middle-income family.

I believe this is the most important education and social bill in recent years. I would point out to the Members that it not only enjoyed the support of a majority of the Republicans in the Senate, including three Members of the leadership—Senator SCOTT, Senator GRIFFIN, and Senator BOB DOLE—but the bill also enjoys in principle very broad support from organizations throughout the country. While these groups may not agree with every detail of the bill, the AFL–CIO, the Amalgamated Clothing Workers, ILGWU, the United Steelworkers, League of Women Voters, Leadership Conference on Civil Rights, National Council of Churches, National Council of Jewish Women, United Auto Workers, United States Catholic Conference, Unit-

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ed States Conference of Mayors, YMCA, Common Cause, the Day Care and Child Development Council, and many others do support the concept of this legislation.

I believe the bill is consistent with the President's very clear pledge on February 19, 1969, to a "national commitment to providing all American children an opportunity for a healthful and stimulating development during the first 5 years of life." On April 9, 1969, President Nixon said, "I again pledge myself to that commitment." If the House approves this conference report, the President has the opportunity to redeem his pledge to the American people by signing the bill into law.

Throughout the 3 years of negotiations on this bill, we have sought to fulfill the objective. In my judgment, the comprehensive child development titie in this conference report preserves a number of important principles that are central to meaningful child development for 7 million preschool children. These principles are:

First. The services to be provided are to be of high quality and of a comprehensive nature. The bill explicitly enjoins custodial care and strives throughout to achieve quality day care that will be a positive educational experience for the child.

Second. No parent or child is in any way compelled to participate in these programs. The entire day care concept is voluntary.

Third. The delivery system of day care programs is basically a local one, so that those organizing and running the programs are from the same neighborhoods as the children and parents to be served, with adequate controls and meaningful powers residing in the prime sponsor agency, such as the city or State.

Fourth. While the Secretary should look first to locally run programs, the conference report and a colloquy in the Senate make clear that the Secretary has very broad discretion in selecting prime sponsors, including the discretion to use the States in order to put into effect the best possible performance in respect to child development. This principle of flexibility and discretion in the interest of most effective programs is vital. It applies also to section 513(b) of the conference report which stipulates that if any common geographical area is included in two prime sponsorship plans, then the Secretary shall select the one "which he determines has the capability of more effectively carrying out the purposes" of this program. In other words, the Secretary could designate a county that includes a smaller city, if the county is more capable, or he could designate a larger city which includes several counties, if the city is more capable.

Fifth. Finally, the fee schedule established in the bill will provide free services to those who need them most, families with incomes below $4,320. Between that income figure and $6,900, nominal weekly fees are charged, ranging from $1 to $5, and above that level, the Secretary will draw up a fee schedule. I would have preferred to see that free services were available to a larger group of families, since it seems to me that in New York City, for example, where so many mothers need and want to work but lack adequate day care for their children, even $2 a week from the family budget is a strain.

Nonetheless, I believe that the fee system in the bill will not price quality day care out of the reach of lower middle-income families and it will encourage a socioeconomic mix in day care programs.

I am happy now to yield to the distinguished chairman of the committee, who has worked very hard on this legislation (Mr. PERKINS) for purposes of a colloquy.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PERKINS. Mr. Speaker, I yield the gentleman a minute and a half.

Mr. REID of New York. Mr. Speaker, I wish to propound a number of questions to the manager of the conference report, the gentleman from Kentucky, the chairman of our committee which handled this bill. I think that the questions and answers will be of great importance both to the Members who must decide how they will vote on the conference report and to the administration.

My questions concern the selection of prime sponsors for child development programs.

It is my understanding of the conference report that a State, a locality, a combination of localities, Indian tribal organizations, or public or private nonprofit agencies or organizations may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements for the purpose of carrying out child development programs upon meeting the requirements spelled out in the bill.

Mr. PERKINS. The gentleman is correct. Section 513 so provides in the case of localities and combinations of localities there is a requirement that the units of general local government cover an area having a population of 5,000 or more persons.

Mr. REID of New York. Am I correct also that in considering applications for prime sponsorship, which is called the "prime sponsorship plan," the Secretary is required to act upon plans submitted by localities and combinations of localities, in that order, but he may designate a State as a prime sponsor as to areas where localities or combinations thereof fail to meet the requirements contained in the bill?

The SPEAKER. The time of the gentleman has again expired.

Mr. PERKINS. I yield the gentleman 1½ minutes.

The SPEAKER. The gentleman is recognized.

Mr. PERKINS. Yes. And that order of consideration applies also to prime sponsorship plans submitted by Indian tribal organizations, so that he must act first on its application, and can designate the State for the area if the Indian tribal organization fails to meet the requirements in the bill.

Mr. REID of New York. Would the gentleman please spell out the prime sponsorship requirements that any applicant must meet.

Mr. PERKINS. Yes. In reviewing plans submitted by localities, combinations of localities, and Indian tribal organizations, or States, the Secretary must make the judgment in each case that:

The plan sets forth "satisfactory provisions" for establishing and maintaining a Child Development Council meeting the requirements of section 514, section 513(a)(2);

The plan provides that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan, section 513(a)(3);

The plan sets forth arrangements under which the Child Development Council will be responsible for planning, coordinating, monitoring, and evaluating child development programs, section 513(2)(4);

In the case of applicants which are units of government, the plan provides for the operation of programs through contracts with public or private agencies, section 513(a)(5);

The plan contains assurances that the Council has the administrative capacity to provide—itself or by contract or other arrangement—effective and comprehensive child related family, social and rehabilitative services, coordination with educational services, and health and other services, section 513(a)(6);

The plan also includes "adequate provisions for carrying out comprehensive child development programs in the area to be served"—section 513 (b), (c), (d).

Mr. REID of New York. With respect to the last requirement, in determining whether the plan includes "adequate provisions for carrying out comprehensive child development programs," it is anticipated by the conferees that, in addition to other appropriate factors, the Secretary may make a judgment as to the capability of the particular applicant to carry out effectively comprehensive child development programs?

Mr. PERKINS. The gentleman is correct.

Mr. REID of New York. And by the term "comprehensive child development programs" do not the conferees expressly contemplate programs of high quality providing the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential?

Mr. PERKINS. The gentleman is correct. Sections 501(a)(2), section 571(3) and other provisions of the title make the meaning of that phrase clear.

Mr. REID of New York. So there is a responsibility with the Secretary to satisfy himself that any applicant, whether a locality, a combination, or an Indian tribe or a State, has the administrative capability to marshal resources and to provide effectively or assure access to the educational, social, and other services needed to insure the comprehensiveness and high qualities and standards for programs conducted under the title.

Mr. PERKINS. Yes, subject to the qualification that whatever standards he may apply under these provisions are objective and applied to each case with an even hand; it is not intended as a license to develop standards such as population criteria which would have the practical effect of excluding a particular class of eligible applicants.

The Secretary's determination of the particular facts on which he bases his decision is conclusive if supported by substantial evidence. The conference agreement is explicit on this point, in section 513(h)(2).

Mr. REID of New York. Therefore, if an applicant which is a locality, or a combination of localities, or an Indian tribe lacks the capability to carry out comprehensive programs or if the plan fails to meet the other requirements under the sections which the gentleman has outlined, then the Secretary clearly has the authority to reject that application and to designate a State or other public or private nonprofit agency as prime sponsor, if it meets the requirements.

Mr. PERKINS. Yes. and the requirements that would apply would be the same.

Mr. REID of New York. In summary, then, while the conference bill reflects the judgment that the Secretary should look first to locally run programs—in the interest of parental participation and other elements—the Secretary is not powerless to choose a State over a locality and he is granted ample flexibility and freedom to make reasonable judgments to insure the comprehensiveness and high quality of care for children as long as he is prepared to support them with findings of fact.

Mr. PERKINS. The gentleman is correct.

Mr. REID of New York. And is it also true that if none of the units of government, whether they be localities or combinations of localities, Indian tribal organizations, or the State itself qualify as prime sponsors, or in certain other specified conditions that he still has authority under the so-called bypass provisions to fund programs directly, and a State, as well as any other public or private agency, could qualify as a grantee under that provision?

Mr. PERKINS. Yes. Section 513 (j) and (k) so provide.

Mr. REID of New York. And am I correct that even in respect to areas where a locality or a combination of localities or an Indian tribe may be designated as prime sponsor, that the State is to have a significant role?

Mr. PERKINS. Yes. The conference bill authorizes the Secretary to utilize up to 5 percent of the funds allocated for use in each State for activities by States, in the nature of technical assistance to localities, combinations thereof and Indian tribes including assisting in the establishment of child development councils, encouraging the cooperation and participation of State agencies and the full utilization of resources, and developing information useful in reviewing prime sponsorship plans and comprehensive child development plans submitted by localities, combinations thereof, and Indian tribes. Section 513(a) and section 515(b)(3) require that the Governor have the right to review prime sponsorship plans and comprehensive plans, respectively, with the right in each case, to submit comments to the Secretary.

Mr. REID of New York. Although the Secretary would not be bound by those comments, would they be among the factors he could consider in making the determinations relating to prime sponsorship which we discussed earlier?

Mr. PERKINS. Yes.

Mr. REID of New York. So one may reasonably conclude that under the conference bill the Secretary has the authority to significantly involve the States, in order to assure high quality care.

Mr. PERKINS. The gentleman is correct. That is the intent.

Mr. REID of New York. I thank my colleague very much. If he will bear with me for one further point, the conference report authorizes $2 billion in appropriations for child development care for the first year in which it is fully spelled out—to wit, fiscal 1973; $100 million is provided for fiscal 1972 for startup activities. It has been my understanding that the $2 billion authorization is intended by the conferees as a goal which we have established, without knowing what the total picture may be at the time of appropriation; for example, we do not know what may be available from other sources such as the family assistance plan, H.R. 1, if that should become law.

Mr. PERKINS. The gentleman is correct. The authorization is, of course, subject to the appropriation process and to the influence of various factors, as the gentleman suggests.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. QUIE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, as a person who first introduced child development legislation long before the Headstart program began, and one who has worked for child development legislation all during the development of this bill, I wish I could come before you and urge you to support the conference report, but I cannot.

To me this conference report is an administrative monstrosity. It is impossible for it to work out properly. All the problems we saw with the inception of the Economic Opportunity Act through OEO are going to be visited upon this program and the way it operates, and the regional offices will be running these programs just as they have been doing under OEO. At the present time the members will recognize that in the case of elementary and secondary schools of the country it was necessary to consolidate them so that they would be adequate administrative units. At one time a small unit like a one-room schoolhouse could administer the program when education support was limited to the local area, but this is a Federal program completely, and it is not possible for a community of 5,000 to 10,000 to be a prime sponsor. As I pointed out in my remarks on December 1, 1971, page 43903, such a community would have few—15 to 30—children funded under expected appropriation. By restricting the State it will mean the regional office will administer them, not the small local group.

It has been indicated a number of times in the conference report as I read it, and the Secretary of Health, Education, and Welfare himself has said:

> The present language mandates in all cases priority be given to local prime sponsors, with the states left only as residual catchall for geographical areas which have submitted either no applications or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a state application over a local application, even if the state application would better assure quality care for children.

It is as clear as can be that this is not the local control program that many expect but rather control residing in the Federal Government that should go and can only go to sizable enough unity of government—primarily the State. Really we are not talking about taking power away from local committees but away from the regional office and giving it to the State and large combinations of localities which can only be possible if the Secretary has complete authority to designate the State or such combination as prime sponsor.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, as one who has for a long time been a strong supporter of early childhood development and of legal services and of OEO, this is a very difficult vote. While I think it is imperative that the OEO be extended, while there is an excellent legal services program which we have in the conference report, I think that the early childhood development section of this report makes it mandatory that for the long-range soundness of anything we can constructively do in this area, this conference report should today be defeated.

There is not any question but that there is need for the first two sections of this bill. I will not dwell on them except to say strongly I deeply regret that in the defeat of this conference report today—and I hope this House will accomplish that—there will be a temporary moving away from the highly desirable legal services corporation. The proposal in this bill in this area is good, the idea is a very much needed one, and I hope we can move soon in that particular direction when we have finished our operations today.

But this particular child development act mixes up the strong need with a very poor potential solution. There is great need for a long step forward in the Federal Government, in my opinion, to do something sound and constructive. We could go through the hours of testimony about working mothers and about a series of needs which have arisen in specific areas of the country and in specific locations, some of them in government, where we should have a sound program in this field, but at this moment we have come up with an administrative monstrosity which should be defeated today.

Mr. Speaker, before commenting in greater detail on the child development provisions in the conference report before us today, I would like to emphasize

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my longtime support for comprehensive early childhood education and childcare legislation.

On February 9, 1970, along with members of the Republican Task Force on Education and Training which I chaired, I introduced the Comprehensive Headstart Child Development Act of 1970, H.R. 15776. Shortly thereafter, in April of 1970, our task force issued a report analyzing the need for early childhood services in the United States which was entitled "Report on Programs for Early Childhood." In both the 91st and 92d Congresses, I worked closely with Members from both sides of the aisle, with interested individuals and groups, and with the administration, to devise a sound comprehensive child development bill.

I am still convinced, as I was when I introduced H.R. 15776 almost 2 years ago, that there is a real need for federally supported comprehensive child development programs throughout this Nation. At the same time, I believe Congress is obligated to develop legislation which will provide a sound and workable administrative system from the start.

The legislation before us today does not provide for such a system. In fact I fear that the provisions of the conference report establishing the delivery system for child development programs are so unworkable that it would be better to have no legislation at all at this time than to pass this report as it stands now.

The principal problem with the delivery system is that the population level for prime sponsorship—not program operation, but prime sponsorship—has been reduced in conference to 5,000; and the Secretary of Health, Education, and Welfare has been given far too little authority to exercise his judgment in choosing among applicants for prime sponsorship.

I think there has been some unfortunate misunderstanding that smaller communities would not be able to run their own programs if the cutoff for prime sponsorship were a large figure. This is a complete misconception. Not only would smaller communities be able to run their own programs as program operators with larger units being prime sponsors, it would actually be easier for them to do so because they would not have to cope with the complex and specific Federal requirements which the bill establishes for prime sponsors. In fact, as program operators rather than prime sponsors, they would be able to set up programs which were designed specifically for their own needs.

On the surface, the points of distinction between prime sponsorship and program operation may seem insignificant. Let me stress that, on the contrary, these distinctions spell the difference between efficient administration—and the economically sound use of Federal dollars which results from such administration—and chaotic redtape—and the waste of Federal dollars which we all know results from such redtape. I believe it is patently absurd to create thousands upon thousands of eligible prime sponsors who can apply directly to HEW. What kind of bureaucracy will HEW have to set up in order to process these applications? The prospect is truly appalling.

Still another problem is that a small program under the prime sponsorship of a small community will have to go to HEW if they need special expertise not available in their community. I believe it would be far better if this community as a program operator could go to an intermediary prime sponsor—a larger governmental unit—for the special expertise necessary to maintain high quality child development programs.

Early in the development of this legislation, I favored limiting prime sponsorship, and the direct Federal involvement which prime sponsorship entails, to States or to units of 500,000 population. With this population level steadily reduced, I was prepared in conference to support a final compromise which I felt was as far as we could possibly go. This compromise would have given the Secretary of HEW the discretion to choose among prime sponsors rather than mandating him to designate one particular prime sponsor. Unfortunately, even this provision was unacceptable to a majority of the members of the conference committee.

With a background of long involvement in child care legislation and my personal convictions on the need for these services, it has not been an easy decision to oppose passage of this report. I deeply regret the fact that the fate of the Legal Services Corporation and the Office of Economic Opportunity extension are tied to the child development provisions. Although I would prefer it if the conference committee had not seen fit to restrict the President in delegating OEO programs, I still support the extension of OEO. And I strongly support the provisions of the conference report establishing the Legal Services Corporation. We worked long and hard to come up with a compromise that would be agreeable to all parties on this matter, and I wish we could pass this part of the bill separately today.

I feel strongly, however, that the delivery system called for in the child development provisions of the conference report would be so unworkable that we would be far better off defeating the report today. We should then begin immediately on three separate measures: an immediate extension of the OEO authorization, the establishment of a Legal Services Corporation, and finally, new and sound comprehensive child development legislation.

Mr. QUIE. Mr. Speaker, I yield to the gentleman from Idaho (Mr. HANSEN), 2 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I rise to regretfully urge the defeat of the conference report. I do that as one who has been an early and strong supporter of child development legislation and one who applauds the sincere and constructive efforts of all of those on both sides of this question to bring to this floor the kind of child development bill that could generate the broad support that would assure continued and adequate funding of one of the most important and needed programs in the area of education that can come before this Congress.

The need still is for the kind of a bill which will provide the legislative framework which can mobilize and organize and direct the resources and manpower and collective concerns of this country and apply them toward the obvious needs of young children.

The bill which was originally introduced—and indeed the bill as it emerged from the subcommittee—still offered a real hope for providing that kind of leadership and that kind of impetus. It was a good bipartisan bill.

But that is not the bill before us today. The bill before us today has been significantly redirected to the point that there is no real hope for generating the kind of meaningful State participation—participation of the whole partnership of States and communities, the private sector and the Federal Government—that is essential for success. If our goal is, as I believe it should be, to help young children, to develop the kinds of services that will identify and respond to the needs of young children, then this bill will not do it. The early childhood services that are so urgently needed are too important to be launched by legislation that is so hopelessly defective.

Because of my strong conviction that we can write a much better bill, I urge the defeat of the conference report.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I share with the gentleman from Oregon the hope that it will be possible, if the conference report is defeated, as I believe it should be, for us to come back and to establish a legal services corporation and to continue the Office of Economic Opportunity.

Sharing the feelings of the gentleman from Idaho and of the gentleman from Oregon about the problems in the child development section, let me turn my attention to two other provisions in this conference report which lead me to believe it ought to be defeated.

One has to do with a provision contained in the conference report which was in the Senate bill but which was not in the bill as passed by the House, which would effectively prohibit the Office of Economic Opportunity from delegating or transferring programs. Since this program started in 1964 eight programs have been delegated by the Director of the Office of Economic Opportunity. The prohibition runs directly contrary to the concept of the agency as originally intended by the Congress and as the President of the United States said he believes it ought to be. This provision ought not to be in the conference report. For this reason, I urge that we defeat the conference report, so that this provision may be stricken.

Beyond that the House conferees, in my judgment, much too quickly receded and accepted the earmarking contained in the bill as passed by the other body. What the earmarking effectively does to the local Community Action Agencies is to say that no matter what the needs are determined to be in the local community it does not make any difference, that we in the Congress have more wisdom and have more judgment, and we believe that alcohol and drug abuse are more important than day care or legal services or any other single program of OEO, and we say to them, "You are not allowed to make a judgment at the local level. We will make it at the Federal level."

The earmarking provision will work to inhibit the agency from doing the job which needs to be done in terms of innovation, research and development, and will make it more difficult for the local Community Action Agency effectively to carry out the programs which are determined at the local level.

Further, Mr. Speaker, I would like to address the issue of prime sponsorship. It is important that everyone understand how the delivery system in the bill was designed to work. It would work through a prime sponsor, which is the vehicle for securing funds, and which establishes a child development council that in turn develops a comprehensive plan for services for the prime sponsorship area. Within the prime sponsorship area there may be any number of individual programs, each of which will have a project policy council composed of parents and parent-approved members. The project policy committee will assist in developing the local program plan.

Many people have become confused about who would be eligible for funds and have the impression that unless the population limitation was reduced to a small number, such as 5,000 which is now in the bill, the bill would be only for big cities and States. This is simply not the case. If the population limitation were set at 100,000 as in the bill originally reported by the Select Subcommittee on Education, or at 500,000 as I would prefer, individual cities or local units of government would still develop their own plans on an individual basis, but would submit an application for funds through a single State, large city, or federally recognized Indian tribal organization application which has been approved for prime sponsorship. If units of 5,000 or more population are allowed to become prime sponsors, the Federal Government could conceivably have as many as 5,000 applications to process and handle. This would be a totally unrealistic administrative task and would make effective monitoring impossible. But even aside from these bureaucratic considerations, this type of prime sponsorship plan would not accomplish our goal of coordinating child development activities on the local, State, and Federal level. It is important that comprehensive services be made available to children. This can only be done through a delivery system which has a limited number of prime sponsors. This is a crucial issue on which the success of the child development legislation rests. In its present form, I do not believe the legislation can be effectively implemented.

Mr. Speaker, my vote against the conference report is a very difficult one to make. The bill contains a section I regard as one of the best and most necessary pieces of legislation to come before the 92d Congress. That is the section establishing an Independent Legal Services Corporation.

The House and Senate conferees reached a totally commendable compromise on the Legal Services Corporation. The most difficult question of the composition of the board was resolved in a manner that assures the legal aid program's independence and effectiveness in representing the poor.

All 17 members of the Board of Directors are appointed by the President, subject to the advice and consent of the Senate, and are selected from among members of the public, the judiciary, and low-income client population, former poverty lawyers, and representatives of professional legal organizations.

The framework of the Legal Services Corporation has been developed with great care for the people to be served for a strict accounting of program funds, for sound organization, and for the highest standards and ethics of the legal profession. This legislation can improve our entire system of justice in this country, and it is a model of what good law should be.

I am distressed that this legislation—and the delivery of legal services to the poor—is now put in jeopardy because of the chaos-inviting delivery system in the child development section of the bill.

I want to stress most forcefully—my deep misgivings over the conference bill have nothing to do with the legal services section. I hope the legal services section will appear word for word, precisely as it is, in a new OEO bill that deserves to become law.

For these reasons, in addition to those outlined by my colleagues, I urge the defeat of the conference report so that we might begin anew to do a better job.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker and Members of the House, I rise in support of the conference report. I rise in support of it with the full knowledge that many of my colleagues on the committee and in the House are troubled by various aspects of the bill, primarily the legal services and the child development aspects.

I served on this committee, as many of us did, and worked with it and attended the hearings, and I believe a reliable appraisal of the good and the bad in the conference report shows that there is more good than there is bad and that it is more helpful than it is harmful. Therefore it ought to be supported.

I know that the child development portions will be discussed, so I would like to turn my attention for a moment to the Neighborhood Youth Corps provisions in the conference report.

I believe the Neighborhood Youth Corps is a very important part of this conference report and a very important part of the Office of Economic Opportunity bill. The Neighborhood Youth Corps impresses me as one of the programs in my district in Louisville, Ky., which has had and has provided help to the 16- and 17-year old dropouts and those kids who do not have a chance in this world. This project is designed to prepare enrollees to return to school or for admission to community colleges, and it prepares them to take their place in society.

I hope as we look at this bill and evaluate the conference report we keep in mind that this is an up or down vote. We cannot excise from this conference report any portion that we disagree with. We must vote it up or down.

I think, ladies and gentlemen, we have reached the point where we make a value judgment. We have to take this thing on balance. When I say "on balance," I believe personally—and I hope that the House will concur—that this bill has good in it and will provide opportunities for our children and therefore it ought to be supported.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, in all good conscience I cannot support this conference report. I am well aware of the fact that there has been a limited good in some of the programs, such as Neighborhood Youth Corps, and Headstart when it was in OEO and a limited benefit—in comparison to the billions spent—in some others, but it seems to me we cannot look at a narrow portion of a multibillion-dollar program and fail to ask questions about these billions that have been spent on the war on poverty and with very unsatisfactory results.

I have told the chairman—and I must say I have great respect for my chairman and support him on most of the bills that come out of our committee—but I can never again support the OEO programs unless there is a drastic change in the direction—major changes in administration so the promises made can be kept—so the billions spent will actually benefit the poor. Any serious study of the OEO in the last several years would show hundreds of millions of dollars have gone down the drain with comparatively small benefits for the intended beneficiaries, the poor. A study would show that we have financed revolutionaries with Federal funds; it would show that we have paid people incarcerated in penal institutions a larger sum of money to pursue a college education than we have paid GI's who have returned from Vietnam to pursue their college education. It would show, Mr. Speaker, that the so-called poverty program has caused the establishment of many consulting firms and corporations that are out for one purpose only, and that is to get contracts out of the Office of Economic Opportunity. As defense funds become more limited, defense contractors have spun off corporations to get OEO contracts.

It would show that many people with high salaries and very lucrative contracts have made a good thing out of poverty, but the poor people of this country have benefited very little.

Mr. Speaker, a study would show that we have spawned community action agencies too many times that have not been interested in providing concrete help but have been more interested in providing rhetoric and in receiving high salaries, themselves.

It would show that there have been hundreds of thousands of dollars in community action agencies that have never

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been accounted for and in some cases charges of outright embezzlement.

The record of the Job Corps could never justify the hundreds of millions of dollars that have been spent on that in terms of placement of graduates of the Job Corps program.

Mr. Speaker, I suggest that the poor people have been studied and surveyed and analyzed ad nauseum.

I have said before on the floor of the House that we are spending this year and every year recently over $42 billion in Federal, State, and local funds on programs exclusively designed for the poor and for which the middle-income people and the low-middle-income people are not eligible. This includes OEO, welfare—but does not include social security.

It seems to me, Mr. Speaker, that the time ought to have assured, with the state of the economy in this country what it is, that Congress and the public begin to ask why, with the expenditure of $42 billion for not only OEO but other programs exclusively designed for the poor, why do we have so much poverty in this country today and why have we made so little progress. Why are not our overlapping multitudinous programs working better. What is wrong?

Mr. Speaker, I think some of the answers can be found in an article—and I am amazed that the Washington Post would carry it—but in last Sunday's Washington Post there appeared an article entitled "Street Gangs: Hustling the Do-Gooders."

Mr. Speaker, we have spent millions of dollars on programs financing gangs and this article in the Washington Post starts out as follows:

Whether a sucker is born every minute or every hour, an unusually large number of them seem to land in some Government social service agencies and among foundation grant-givers. These are well-intentioned suckers, to be sure, but suckers nonetheless—people who are so eager to do good that they are often easy touches for the hustlers.

Mr. Speaker, a careful reading of this article by the Members of this House would surely raise questions about where we are going in the expenditure of Federal funds and why we are financing gangs on the basis that they are the ones who can somehow rehabilitate the juvenile delinquents of this country.

The article further says that "the OEO grant-givers made no effort to examine the facts or to provide either training or technical grants for the administration of the funds."

I urge my colleagues to read the entire article as well as Tom Wolfe's: "Mau-mauing, the Flak-Catcher."

So, Mr. Speaker, I would find it impossible to live with my conscience and any longer support a program that does not have a radical change in direction—with administrative requirements for responsible expenditure of funds.

I also submit one final suggestion, Mr. Speaker. As I see it, in the child development program we have another case of reverse incentive. Instead of the program as it came out of the Committee on Ways and Means where there was an incentive for people on welfare to get off welfare—and for day care centers for their children when they worked—we now find if parent or parents stay home and do nothing, their children are able to have the day care provided free of charge. A welfare mother—doing nothing would have free day care for her children in most States under the conference report provisions. A working mother with two children would have to pay if she makes over $1,300.

Mr. Speaker, I suggest that we get rid of this newest reverse incentive in this country and spend our money more wisely. Program after program, in recent years, have reverse incentives built in. If you are a good citizen, work hard, pay your own way—none of the programs are for you.

As Saul Alinsky said:

"In some ways, middle class groups are more alienated, more out of the scene than the poor. There aren't any special funding programs for them. They don't have a special anything except getting constantly clobbered by taxation and inflation."

Mr. Speaker, I include at this point in the RECORD the full text of the article which appeared in the Washington Post and to which I have referred:

STREET GANGS: HUSTLING THE DO-GOODERS

(By Richard W. Poston)

Whether a sucker is born every minute or every hour, an unusually large number of them seem to land in some government social service agencies and among foundation grant-givers. These are well-intentioned suckers, to be sure, but suckers nonetheless—people who are so eager to do good that they are often easy touches for the hustlers.

Rarely have they been easier targets, though, than in the case of giving large sums to city street gangs, a nationwide practice that came into vogue during the late 1960s as a way of aiding ghetto youths. And few gang members have been more adept at prying loose the grants than those in "The Real Great Society" on New York City's Lower East Side.

Built primarily around the leaders of two violent gangs—Angelo Gonzales from the Dragons and Carlos (Chino) Garcia from the Assassins—this ghetto group was clothed in an aura of glamor, advertised from coast to coast, and became one of the most widely used models for promoting federal and private grants to street gangs. It was one of the most incredible games of myth-making in the history of American social service.

Born in New York City to hard-working Puerto Rican parents who never ceased worrying about him, Angelo was indoctrinated in his early teens into the sordid life of the ghetto streets. He never finished high school, and his prowess as a street fighter, his ability to brag and cheat and con, enabled him to rise to the prestigious position of a Dragon warlord.

"As a warlord," he told me, "I was the guy who said when we would fight another gang. I had to be the first cat on the scene.

I had a suicide squad we called the Magnificent Seven that took the most dangerous risks. Man, we did about everything, fight, mug, steal."

At age 15, he and three members of his cadre followed an elderly man into an elevator, killed him, and stole his money—$2.60. Angelo was caught and, as a juvenile, was sentenced to 3½ to 5 years. In prison, he decided that would be his last criminal act.

The same ghetto conditions that produced Angelo also created Chino. Born in Puerto Rico as one of six children, he was brought to New York by his parents at age 5. Within a few years he, too, adapted to the streets. During his teens, Chino, like Angelo, developed a large muscular build. He dropped out of school at the 9th grade level and rose rapidly as a hoodlum, roaming the streets and subways with a mugging ring and building his reputation in the Assassins.

"We used to go into another gang's territory," he said to me, "and play knock-knock. We would go to a guy's door and knock, then shoot the cat that opened it. We did sniping from rooftops or from anywhere we could hide. We pulled robberies. Mostly mugging. And we made money with whores and homosexuals. We gave them protection."

Chino was in and out of jail so many times that even he could not remember how often, and at 17 he was told by the police to leave the country, or else.

He went into "exile" in his native Puerto Rico. There, feeling weary of the violent life, Chino made up his mind that he, too, would look for something new.

Both Angelo and Chino returned to Manhattan's Lower East Side in the summer of 1964. The two gang leaders started running together again, looked up their former street friends—many of whom had become either junkies or pushers—found the Dragons and the Assassins virtually dissolved, and set out to form a new gang, this time to "do something positive." What that might be they didn't know—perhaps combat delinquency, start legitimate businesses, prevent riots. Like many street youths, their imaginations were almost without limit, and despite several tempting opportunities to make real "bread" by working for the Mafia, they stuck to their dreams of fabulous good works. But except for a small club room they fixed up in an empty basement, from which they were evicted for too much partying, that was about it—dreaming, drinking, smoking pot, interludes with girls, and in their flights of fantasy, doing all the great and wonderful things they talked about.

What changed all this were persons from outside the ghetto. First came two brothers, Mike and Fred Good, then in their early 20s. They came from a middle-class family in a Philadelphia suburb, wound up on the Lower East Side, and through a series of chance events became loyal confidants to Chino and Angelo and their street friends. Short on experience in social problem-solving but long on idealism, exceptionally bright and eager to improve the human enterprise, Mike and Fred found the gang leaders the most exciting individuals they had ever met. They rented an apartment to serve as club headquarters and immersed themselves in Angelo's and Chino's dreams of good works.

Following closely on the heels of Mike and Fred came a young professor named Charlie Slack. Charlie, who had a Ph. D. from Princeton, personified the avant-garde. He also had the flair of a Hollywood press agent and a string of personal contacts with people in influential positions almost everywhere. Charlie, too, became a confidant of the gang leaders, and with his promotional talent, along with that of Mike and Fred, scores of prominent individuals, college students and professional grantsmen were attracted to the apartment to join in nightly "rap sessions" in which the dreams of good works soared to ever ascending heights—leaving all who came carried away by the romantic notion of tough gang leaders out to reform and rehabilitate one of the nation's most vicious social jungles, the Lower East Side of Manhattan.

"With Charlie in the picture," said Fred, "it became a really insane, Disneyland kind of framework. Nothing we said we could do seemed too big or impossible."

Meanwhile, in Washington war had been declared on poverty, and a crash effort was under way to find projects that the government could support. From bright young bureaucrats and private consulting firms that mushroomed to get in on the poverty business, from professors, foundation executives, psychiatrists, clergymen and an assortment of well-to-do amateurs, came a new idea: Members of urban street gangs, despite their history of delinquent behavior, are not really bad guys, but talented neighborhood youths who possess charismatic powers of leadership that make them uniquely equipped to serve as conduits for federal and private money with which to organize slum-trapped young people into worthwhile activities.

Among many professionals active in the antipoverty campaign, this idea gained rapid acceptance, and at Mike's and Fred's apartment the flamboyant Charlie soon realized that it wouldn't be at all difficult—indeed, would be an interesting lark—to build the Lower East Side gang leaders into national celebrities.

So, billed as the "West Side Story" boys, now in the vanguard of a ghetto youth movement that could make the poverty war succeed, Charlie put the newly named Real Great Society on a circuit of personal appearance tours that reached across the nation. Taking cues supplied by their middle-class promoters and confidants—including eloquent quotations from Jefferson to Kennedy to Johnson—the gang leaders were provided with platforms on college campuses, at national and regional conventions, and at local service clubs. They were put on television and radio, extolled in the press and in several leading national magazines, wined and dined by local bigwigs, and wound up their evenings with the inevitable girls and parties. At every stop it was a repeat performance, and almost every time they brought their audience to standing ovations with stories of how they as big-city gang leaders were reforming New York's Lower East Side—even converting it into an area of "smiling cops."

As the fantasy grew so did the stories, and being human, the gang leaders began to believe their own publicity. At the University of Wisconsin they so impressed an audience of judges, probation officials, and police officers that in the heat of the moment, Angelo, quoted in the Wisconsin State Journal, climaxed one speech with the sweeping announcement, "Juvenile delinquency in New York is dead."

"It was a traveling road show," said Charlie. "Full of heroics, way overblown, a terrific attention getter. And the guys got so they could really play it. They were natural born actors anyway. They loved an audience. They loved attention. They were crazy about traveling. They had a ball, and I had a ball just being with them."

Having had his fun, Charlie eventually dropped from the scene and moved on into the consulting business. But by that time the myth had grown to dramatic proportions, the famous image that made The Real Great Society a magic name in antipoverty circles had been established, and the gang leaders themselves were so widely credited with achievements they had not accomplished that it was no longer necessary for them to settle down to the real work of actually doing the things they had talked and dreamed about.

Then, to confirm the image, Fred, along with other promoters who came in from outside the ghetto, put out proposals that started a flow of foundation grants—$15,000, $25,000, $50,000, and more. Several projects were begun including three new businesses—all of which soon failed because of mismanagement and inadequate guidance. Highly publicized, but with no mention made that they had failed, these ventures increased still further the fame of the Lower East Side gang leaders and greatly enhanced the idea of federal and private financing of urban street gangs throughout the nation.

Then came the largest and most important project to fuel the myth. This was an educational program known as the "University of the Streets," which used voluntary teachers and offered virtually any subject that a group of six or more youths wanted to study. Started in the summer of 1967 with a private grant of $25,000, the project in 1968 brought the gang leaders a quarter of a million dollars from the Office of Economic Opportunity. But again, certain important facts were carefully omitted from the publicity—and from the campaign that brought in the federal money.

One of the most glaring omissions was that the University of the Streets was neither started nor operated by the gang leaders, but by Fred and other volunteers who came in from outside the ghetto, along with many unglamorous poor people in the neighborhood who were not members of The Real Great Society. This omission further embedded one of the major myths upon which the government grant was based; that the gang leaders were doing the work that made it possible for sources of outside aid to reach thousands of ghetto youths. With the romanticism toward street gangs that had built up in Washington—for which the promoters of the Real Great Society were largely responsible—the OEO grant-givers made no effort to examine the facts or to provide either training or technical guidance for the administration of the funds. It was simply assumed that the gang leaders, by virtue of being gang leaders, now widely renowned as social reformers, already had all the expertise they needed to qualify them as managers of the government money.

Those who actually were organizing and operating the University of the Streets, fully aware that the magic gang reputation was making the federal and private financing possible, were willing—at least for a while—to go along with the myth. They let everyone continue believing that the university was the gang leaders' own doing.

But as time went on, strains developed between the gang leaders and the university's organizers and staff over how the school was to be run—and by whom. The gang-leaders, with their inflated self-image, became increasingly determined to control the money and maintain the high living to which they had become accustomed. But the workers became increasingly resistant and the rebellion grew. The myth upon which the financing had been based was becoming, to the workers, more of a liability than an asset.

Through a series of maneuvers the workers managed to get Muhammad Salhuddeen, a locally respected black man of the streets in his late 30s, who had attempted to arbitrate the conflict, appointed director. With that accomplished, the workers gained the support of a group of neighborhood parents and decided to convert the University of the Streets into an independent operation free from the Real Great Society influence. But as this move took shape, the gang leaders, seeing their most valuable source of funds in danger of slipping away, reverted to their violent past.

Repeatedly they tried to get rid of the workers, but the workers refused to quit. The resulting internal power struggle caused the bulk of the government's $253,557 to be wasted, and brought the University of the Streets to a standstill. OEO, still enamored by the myth, backed the gang. With this support from Washington, along with assurances that they could close the university entirely and still be eligible for federal funds, the gang leaders, with a band of cronies from the streets, moved in and physically demolished the project. Doors were torn from hinges, light fixtures ripped out, windows smashed, library books thrown on the floor.

But that didn't seem to disturb the Washington grant givers. The Real Great Society they were was awarded additional federal grants totaling $155,000, money which resulted in little more than another payroll operation in the maze of human despair that still prevails on Manhattan's Lower East Side.

Meanwhile, the workers at the University of the Streets, led by Muhammad—whose patient efforts to keep the peace were all that avoided bloodshed on the day the project was wrecked—repaired the damage. Then, after a year of mostly payless paydays and almost unbelievable struggle to keep the project alive—able to gain only meager financial support because it no longer had the famous gang image—the program was gradually put back into operation. Finally, in 1970, it succeeded in gaining financial aid from the Department of Health, Education and Welfare, plus additional funds from New York City and a few private sources. At present, the University of the Streets is supplying vocational training to approximately 300 Lower East Side street youths. It has become an independent neighborhood program, and the workers' productivity is not a myth.

But myths about street gangs seem to persist. Certainly, few could quarrel with the goal of opening new opportunities to the millions of ghetto youths who need help. But to regard urban street gangs as appropriate instruments for accomplishing this urgent task, to publicize and build them into something they are not, is to set our society up for million-dollar hustlers.

If we are to help ghetto youths, we must be honest with ourselves and as objective as possible about the facts in each case. Every street gang is not a "youth group" uniquely suited to lead the necessary social reforms; many gangs must use brutal beatings and murders to recruit dues-paying teenagers. Nor can we fail for the line that some of the larger street gangs, such as those on Chicago's South Side, are major political powers; the fact is that their chief opponents are the residents in the very neighborhoods in which they operate.

We also must be less romantic about how grant money is used. It may not sound very glamorous, but appropriate supervision over the funds is essential, as is counseling by workers committed to constructive change. Unless we do become more realistic, it will be difficult to say which is the greater obstacle to delivering the help that is needed—the gangs or the "establishment."

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, the House will shortly cast what may be properly characterized as our paramount moral vote of the session. During the 7 years since its inception in 1964, the antipoverty program has afforded a modest shield of protection to the disadvantaged—the poor, the elderly, the young, the nonwhites. While the bulk of its programs which have received maximum publicity have been urban-oriented, it has also provided economic and social assistance to the oft-forgotten but ever-present rural poor.

Until 1969, this Nation was winning the war against poverty. Unfortunately, the tide has turned in the opposite direction. Latest statistics indicate that in 1970 the number of poor persons increased by over 1 million from the 1969 level. The rejection of the conference report before us could but result in yet a further setback in our efforts to eliminate want and misery from this Nation.

It has been my heartfelt hope that

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this year would not witness but yet another repetition of the acrimonious debate and division which unfortunately has been the biennial hallmark of OEO extensions. The House Education and Labor Committee under the dedicated and skillful leadership of its Chairman, CARL PERKINS, fashioned a bill which was cleared by the committee on a bipartisan vote of 32 to 3. The House followed suit on October 1 by giving its approval to the Economic Opportunity Amendments of 1971, 251 to 115, a majority of both parties voting in the affirmative.

The conference report in all significant areas, incorporates the House position. In light of this, I was therefore disappointed to learn that all but one of the Republican House conferees had refused to sign the report.

I am informed that this was the result of White House pressure and that the administration has mounted an all-out fight against House adoption of this report. It has been aided and abetted by some of the most vicious rightwing propaganda I have ever witnessed.

I will readily concede to those who must judge every action, every vote, solely on the bookkeeping basis of political assets as against political liabilities, that many Members can undoubtedly vote against antipoverty with political impunity. But I do not believe that we can answer the roll today on the basis of such narrow and shortsighted criteria. Neither do I think that a majority of the House, at this season of the year certainly, will elect to turn indifferently its back on our less fortunate fellow citizens.

Mr. Speaker, I cannot believe that this body would choose, less than 3 weeks before Christmas, to play the role of an unreformed Ebenezer Scrooge.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, on many occasions I am proud to be associated with the remarks and view point of my distinguished friend, the Speaker of the House, but on this occasion I differ with the gentleman very strongly.

The White House is opposed to this legislation and to this conference report, and it is doing as any administration has sought to do where it differs with a legislative conclusion to express its will. Therefore, I certainly disagree with the observation made by my distinguished friend, the Speaker of the House. I cannot imagine any lobbyists, if that is what you want to call them, from the White House, influencing the distinguished Member from the State of Oregon, the gentlewoman (Mrs. GREEN).

I think she has a reputation in this body of expressing her own views, some of which I agree with and some of which I do not. But her explanation of the need and necessity for reform of OEO ought to convince any open-minded person that this conference report should be defeated. She has over the years supported the OEO legislation.

She has made a study in depth—and not just this year but over the years, and certainly the arguments made by her should be most significant for those who have an open mind on whether or not this conference report should be defeated.

But there are other parts of the conference report that also ought to be discussed and considered and which, in my opinion, justify the need and the necessity for the defeat of the conference report.

We have a new section or title here involving legal services. Legal services over the years has been in trouble from the west coast to the east coast and from the northern border to the South.

An honest attempt was made by the administration to come up with a legal services organization that would have more autonomy. The ABA, the American Bar Association, submitted its proposal to provide a legal services operation.

But this conference report goes contrary to what the administration recommended. It is contrary in certain aspects to what the American Bar Association recommended. The conference report is fundamentally in opposition in a very important part to the recommendations of the administration and to some extent to the American Bar Association.

The Child Development Act is opposed here by five Members on our side. I think four of them are basically interested in the child development program and their opposition is not the concept but to the way that the conference committee has provided for the delivery system of the services.

The gentleman from Minnesota (Mr. QUIE), the gentleman from Oregon (Mr. DELLENBACK), the gentleman from Wisconsin (Mr. STEIGER), and the gentleman from Idaho (Mr. HANSEN) are not opposed to the child development program—but they cannot swallow this program and, therefore, I think we ought to be guided by their observations and by their comments.

For the reasons given by the gentlewoman from Oregon (Mrs. GREEN) and for the reason that the conference report is contrary to the administration's recommendations on legal services, and for the reasons given by the gentleman from Minnesota and others, in my opinion, the conference report ought to be voted down. I think we can do a better job on this legislative package if not this year then certainly next year.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I wish to thank the gentleman from Kentucky (Mr. PERKINS) for yielding and giving me an opportunity today to express my views.

Mr. Speaker, I feel that in the last 5 years as a Member of this distinguished body, honored as I am to be in this Chamber, I have not yet voted for a perfect piece of legislation.

I think the question we have to ask ourselves as we analyze any bill is whether or not it serves its basic purpose and if it has flaws, whether or not those flaws are fatal to the realization of the goal of the legislation itself.

It seems to me that the concept of quality child development services in itself is urgently needed in America today.

It would be wonderful if every child in America could grow and flourish in the warmth and security of a happy, healthy home under the loving care and attention of its mother or a close relative.

It is to the credit and benefit of our society that many million American children do just that. They are fortunate.

But it is also a fact of life that many do not, many cannot, many will not. I repeat, this is a fact of life.

In the real world of today, many mothers work, out of choice or necessity. Others may be sick, or otherwise simply incapable of caring adequately for their children.

The result is children whose preschool or after-school care ranges from none at all to catch-as-catch-can babysitters.

No care is the cheapest solution to the problem, but what price do we pay in the lack of security and guidance? Baby sitters cost money, be they adequate or inadequate, and there are not nearly enough to go around. In our mobile society, older family members, who used to be nearby, now live in another State.

Those of us concerned about this situation have worked to develop a sound, plausible answer to a situation that is by no means ideal but which, nevertheless, is a real one in this country today.

And that is a system of quality day care facilities, supported by Federal funds, that can offer the very best environment and care that it is humanly possible to provide in such a setting. What is the Federal stake in the situation? It is the working women, who, knowing their children are well cared for, have peace of mind, and it is the children of America who can be better, happier citizens because of it.

Lest anyone doubt the reality of their need, let me pass on to you the experience I have had in regard to the subject of day care.

I have long been interested in the subject of day care and have been involved in developing a program, almost always with the benefit of counsel and information provided by experts, by the social engineers who speak from drawing boards and learned analyses. As the issue moved to the forefront and awaited congressional approval, I decided to find out what the people for whom it was being prepared thought about it.

Two weeks ago, I held a hearing on day care in the city of Fall River, Mass., in my congressional district. Fall River was appropriate for such a hearing because it is a heavily industrialized city of 100,000 where nearly half the entire work force is women. Many of them are the sole support of their families. And many have the added handicap of a different mother tongue than English.

The estimate is that there are some 8,000 working women in Fall River with children under the age of 14. This means upwards of 25,000 children who require some kind of day care. And that is one

city in the United States, which, I am sure, has many, many counterparts.

So more than 650 people came to the hearing. They ranged across the entire spectrum of Fall River's population, from the chamber of commerce to organized labor, from the individual working mother to the personnel manager of a large insurance company. Some spoke, others spoke only by their presence. And they were unanimous in their response: they all want a system of quality day care centers. Their emphasis was on need and on quality.

I would not want it on my consicence that we have denied them in their need because of details. We must not lose our perspective and become preoccupied with hair-splitting while the needs of millions of women and children remain unfulfilled.

Our principal concern should be with the concept itself and with the criteria for quality of care extended to these children. The 25 criteria for sponsorship set up in this legislation are so complicated and so restrictive that I see it as self-perfecting. The Secretary of Health, Education, and Welfare is the ultimate arbiter of whether applicants meet this criteria and I have a great deal of regard for Mr. Richardson. I feel that he himself will constitute the toughest criterion.

But this is not just a concept. It builds on the Headstart experience which we know has proven valuable, not only to the children, but also to both their parents. This too embodies the freedom of choice, and, once that choice is made, totally involves the mothers and fathers who themselves derive benefit from what is probably an even deeper awareness of the needs of their children.

We have child care now under the social security program, so there is no great precedent here. What is here is the question of whether we want a custodial function or quality that produces an end result: better parents and better children.

Is the price too high? We spend a great deal of money on programs to combat drug abuse and school dropouts. Why not spend some in a preventive function and hopefully obviate the need for federally funded drug and dropout programs in the future.

All of us know there is usually a considerable difference between authorization and appropriation and that we have control of both. If the $2 billion authorization in this bill is really the nose of the camel under the tent, it is our privilege and responsibility to see that a more realistic amount is made available, keeping in mind that there is an ability-to-pay fee system provided for.

I feel very strongly that this program should include personal participation by way of fees. I do not foresee it as totally funded by the Federal Government. For one thing, fees will introduce a socioeconomic mix which I think is necessary to the success of the program itself.

If the delivery system is imperfect, it can be corrected by practice and experience. Let us not be guilty of presumption and condemn a program before the fact. Is there no recourse to us in future sessions? Do we go out of business when we approve this bill?

The situation is not perfect, but it is real.

Let us respond to it now.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, if the gentlewoman from Massachusetts (Mrs. HECKLER) is in the Chamber, I would be glad to yield for a question. I am happy to yield 1 minute to the gentlewoman.

Mrs. HECKLER of Massachusetts. I thank the gentleman. I appreciate his yielding to me. I would just like to mention further the testimony of some people in support of this program. I know that the public hearing in Fall River demonstrated a broad spectrum of support that far surpassed any of my expectations as to the interest, the concern, and the need. Those who participated in the hearing, from representatives of the Chamber of Commerce to working men from the unions, the school superintendent, a psychologist, social workers, Headstart mothers, and the waitresses at the very public building in which the meeting was held and who asked to testify showed that we could have held hearings all night long because women who work, and with whom I am particularly concerned, need the peace of mind to know that their children are safe. It seemed to me that the outpouring of sentiment was testimony from the real world that we do not often get in Washington, where such sentiments are distilled by the pronouncements of experts.

Those who spoke were extremely strong in their support and their announcements of the need for quality day care and child development services. The key word here is "quality." It seems to me that quality is the highest criterion.

The importance of quality is what this conference report stresses, and I urge its passage.

I thank the gentleman for yielding.

Mr. SCHEUER. I totally agree with our gentle colleague from Massachusetts. If ever there was a classic case of washing the baby down the sink with the bath water, this is it. There is not a Member on either side of this Chamber who has not had some reservations about virtually every piece of legislation they have voted on. I have voted in the last 7 years on perhaps 1,500 pieces of legislation. I would vouch that not one of them was delivered to us perfectly cast in a heavenly mold from Mount Sinai or Mount Olympus. We are imperfect human beings dealing in this poverty problem, the most extraordinarily complicated, anxiety-ridden, tension-ridden problem that urban civilization has ever produced. Of course, these are flaws. Of course, there has been imperfect administration by the Democratic administration that preceded this as well as by the present administration.

But let us get on with the job of giving our children, the middle class and poor children alike—the preschool training they urgently need.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, the House today has a great responsibility as well as an opportunity to enact into law a comprehensive program for the benefit of children. So often in the 7 years of experience that I have had before this body dealing with programs that benefit children we are merely asked to take into consideration compensatory education programs to help alleviate the problems that children encounter after they have reached school age or have become teenagers. These compensatory programs have not by and large been entirely successful, because we are trying to reach these children too late with too little money.

We have been faced by enormous research documentation and reports which indicate that where we have failed in American education is by not according attention and concern to the very young child. This is precisely what the early childhood education bill does. It provides funding at the time the children are impressionable, where their educational opportunities will produce the dividends which we are seeking when they enter into formal education.

There are 5 million young children today who could benefit from a program such as is conceived under our early childhood education amendment in this comprehensive legislation. These young children will be given an opportunity not only for educational adventures at an early age, but also for a comprehensive approach toward their social and behavioral attitudes which are crucial in the development of these children as they begin their formal education.

There are many millions of young children who are today in day care centers that provide no educational content at all. They are merely being provided custodial services. This program will allow us to extend this program and provide them with these educational services.

Mr. Speaker, I hope the House will support this legislation.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, there are a number of valid reasons for objecting to this bill and to this conference report but, in the time available, I shall confine myself to the inclusion in this package of the Brademas or child development amendment.

As the sponsors of this amendment say, it is the most sweeping—and, I think we might fairly add, the most revolutionary—program of child care by and on the part of the Government of the United States in all of our history.

With this program the Federal Government enters into every home, into every playroom, into every nursery in the United States of America.

It enters, I may add, surreptitiously and by the back door—presented here in this House one afternoon as a 60-plus

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page so-called amendment, without a rule, in violation of all orderly procedure, and voted on and adopted by three votes by a House most of which knew little or nothing of the subject matter before it.

This mammoth and very expensive program of "child development" is, as its sponsors emphasize, not merely for those who need help and assistance and a chance they may never have had at the welfare or the poverty level, nor is it merely day care for the children of the working poor—its thrust, admittedly, is for an overall program of custody, nutrition, education, training, and social indoctrination from a tender age—not at the hands of the family, but at the hands of the Federal Government, and covering people of every economic and social level in our society.

True, today we are presented with a voluntary program. But in view of the obvious disposition of many of those who support this measure to believe that the State can do a better job of child rearing than can the American family, and in view of the trend of modern society, I think we are entitled to wonder how many years it will be before we are back here considering a bill involving some form of direct or indirect compulsion.

And why should you and I—taxpaying and self-supporting Americans—why should we, in any case, have made available to us, on any basis, a program which permits us to have our children largely raised by Federal welfare workers and bureaucrats? This is a job we ought to do ourselves.

I am not interested in technical arguments about the details of delivery systems.

I say that it is wrong in principle and contrary to our heritage and our traditions for the Government of the United States to take over from the parents of America, on any basis, the education, the training, and the rearing of America's children.

If we do this, we change the America we have known—and we change it, in the long run, for the worse, not for the better.

We trade in the old American belief in the private family and home—however humble—for the gospel of social welfare, administered by the case worker and presided over by the politician.

In good conscience we ought not to do this.

I urge the ejection of the conference report.

Mr. QUIE. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, from the text of the debate in the Senate, as it appeared in the RECORD for December 2, 1971, on the question of the Economic Opportunity Amendments of 1971, it would seem that the proponents are relying on the proposition that institution of the so-called comprehensive child development program will, when operational, strengthen the family unit. To suggest that the proposition is wrong would seem to me to be almost self-evident. But let me explore further.

It would seem that proponents of comprehensive child development do not fully understand the implications of their prescriptions, or else, as a matter of strategy, they are verbally denying what they in fact are attempting to do. I would like to think that it is the former, but in any event their fundamental stated premise is that comprehensive child development will strengthen the family. We should address ourselves to this suppressed premise of the bill.

The "child development" program, we are told by the bill, will be carried out through a system of local "child development" centers as authorized and chosen by the Department of Health, Education, and Welfare. These centers will be established, we are told, not for custodial purposes, not to release the welfare mother for work, but to provide a system of child development services which are needed by millions of children. It would seem that if one accepts the proposition of such need, one is actually saying that the family is not able or willing successfully to undertake its assigned task. Because universality is recommended as a future objective, one has to conclude that the premise is that the family is unable to perform successfully. If, in the alternative, the proponent would deny this, then what he must say is that a child has an inherent need for the services which will be made available at the child development centers, services which the child simply cannot get at home. If he would deny that also, then he will have successfully denied the need for the program.

Therefore, in analyzing the program we are able to say that either the family has failed, or there is an inherent need for some kind of communal, institutional arrangement if children are going to successfully "develop." The only other option is that a proponent would believe both; he could not reject both without rejecting the program. But, Mr. Speaker, that is exactly what the advocates of child development have been doing. They have merely asserted the need for child development centers without ever having analyzed the need.

To consider whether child development strengthens the family, it was necessary to look to need, as suggested by the proponents. To fulfill either or both of those needs, as analyzed, is the substance of the program—in this case it is either that the family has failed in its responsibility to its children or that it is inherently defective, except perhaps in certain select situations. But in either case, one cannot really contend that the objective of the program is to strengthen the family. To do so is pure strategy, devoid of the substantive considerations of the so-called child development program. This program will not strengthen the family, but is an attack—veiled or otherwise—on the family itself. No amount of rhetoric will obscure that fundamental point.

Mr. Speaker, I include Senator PAUL FANNIN's remarks taken from the Senate debate at this point in the RECORD:

Mr. FANNIN. Mr. President, I shall vote against this conference report. Almost 3 months ago this body approved Senate bill 2007, which included among other things a proposal entitled a "comprehensive child development" program which according to section 501(a)(1) of the bill is required, because millions of children are suffering from the lack of "child development" services. Furthermore, the language of the bill notes that Congress has determined that "child development programs" are "essential to the achievement of the full potential of the Nation's children." To begin with Mr. President, I am not at all sure that the Congress, or anyone else, for that matter, has determined beyond doubt any such thing.

On the contrary, recent sociological and psychological studies are confirming what man seems to have intuitively known all along: that a child, out of the natural environment of the parent-child relationship, suffers. In the formative years, major inroads on time and allegiance into the singular relationship of the parent to his child can cause severe harm. We are now hearing that institutional care is less effective than the natural relationship the child has with his parent, even if the latter is not blessed with a Ph. D. In considering this so-called child development program we ought not be sidetracked by overly optimistic rhetoric which, when employed by the sponsors and proponents, would lead us to the conclusion that comprehensive services of the nature indicated in this bill are essential to the development of a child's full potential and are inherently superior to the individual relationship of parent and child.

There are many problems with this so-called child development program, not the least of which is the fundamental premise upon which the program is drafted. Many who oppose this program have been rightly concerned over the apparent open-ended financial commitment we will be making should we adopt "child development." The conference report, No. 92-682, authorizes a $2 billion, 1 hundred million expenditure by the fiscal year ending June 30, 1972. The original legislative sponsors have promised us that an annual doubling of amounts will be needed to deliver in basic forms these allegedly desirable services to children who just do not know how bad off they really are. Secretary Richardson and the Department of Health, Education, and Welfare have been quoted to the effect that we are talking in terms of about $20 billion at initial program operational levels.

In addition, the administration of this program is another factor which has troubled more than a few. The provision for prime sponsorship and cultural units whose numbers exceed 5,000, will engender a bureaucratic monstrosity heretofore unknown to this city—and as the Members know, this is not a city in which bureaucracy is unknown.

As important as these considerations may be, they presume the acceptability of the program itself. Simply because a program might have been made less expensive or provision made for more efficient administration does not mean that we should sanction the program. Mr. President, this call for child development, a misnomer which more properly should be designated child control and reform, is not a good program. Its premises are very wrong and most dangerous, for apart from the beautiful words, is the notion that the parent is a failed experiment. To be sure, the conference report has tightened up considerably on the language dealing with parental permission, but Mr. President, when we get down to basics we must determine how this program will be realized. When instituted, the parent-child relationship will be significantly altered, and done so on the suppressed premise that so-called professionals are allegedly better equipped to fashion the personalities and destinies of your youth.

Some have contended that all this business about parent and child is a phony issue. However, we have only to look to the words of key child development sponsors to conclude that not only is the value of the individualized parent-child relationship a real issue, it is the fundamental issue; not just to me and those who are unalterably opposed to this experiment, but to those advocating massive governmental intervention into the lives of those as young as 18 months.

As strange as it might seem to most Americans, there are many who feel that the parent ought not be trusted with the responsibility of bringing up his child, although it should be pointed out that the advocates always talk in terms of "shared responsibility" and "partnership." A key advocate of institutional intervention into child upbringing is Dr. Reginald Lourie, president of the Joint Commission on Mental Health of Children. Dr. Lourie testified before a congressional committee, saying that—

"There is serious thinking among some of the future-oriented child development research people [himself no doubt included] that maybe we can't trust the family alone to prepare young children for this new kind of world which is emerging."

He indicated that the shortcomings of the family is one of the reasons why they felt they needed to have access to the babies.

I might add parenthetically that any real concern for this new kind of world ought to be directed toward holding in check the enthusiasm of those Orwellian planners who, using government as the agency of their selected reform, feel that they can bring up America's children better than one's own parents.

Dr. Lourie views the current relationship that a child is exclusively within the authority of his parents as depriving the child of much needed and desirable professional and institutional child development. It is Lourie's thesis that a new order of child is mandated for his brave new world—and it is because the child has been cloistered within the family relationship that he is destined to lead the imperfect life. To insure against that, Dr. Lourie contends that access to children must be had during the first 2 years of life because it is then that the brain will be growing faster and absorbing its impressions and establishing its subsequent habits which will be with the child throughout his days. Lourie said:

"[The brain] is then . . . most plastic and most available for appropriate experience and corrective interventions."

Mr. President if we have anything to fear it ought to be those who suggest that what this sorry world needs is corrective interventions into the forming personalities of our young.

Another who has endorsed these child development techniques is Arlene Skolnick, who, in the August 1971, issue of Psychology Today, went to the brink with her rhetoric when she titled her little piece "Families Can Be Unhealthy for Children and Other Living Things." In this article Miss Skolnick contends that comprehensive child development programs are "a means of rescuing children" from the isolation that is family life whether it be from families of affluence or poverty. She further contends that the "family—read: parent—is not a psychological necessity" and that it is "the myth of the family" which "blinds us to the dangers" of our present child development arrangements—which is to say that families can be unhealthy for the children and other living things.

One congressional sponsor said in support of this bill that with the adoption of comprehensive child development we will have finally recognized that the "child is a care of the State." Mr. President, the child is not the care of the State, he is a care of his parents and the parents are a care of themselves and their adulthood. To suggest otherwise is subversive of the true and proper ordering of life.

Now one might respond that such is not the proposition of the bill before this body. But the language of the bill and the intent of the framers requires one to conclude that a basic lack of faith in the parent as properly responsible for the children's development is the essence of the bill. The language of the bill indicates that rich and poor alike just do not have what it takes to be good parents. Some however, restrict their condemnation to poor parents. Well, Mr. President, the amount of money one has has nothing to do with the true quality of a father or mother. To suggest that one is going to be a lousy parent, because he is poor is snobbish and dangerous.

We are told in this bill that all children should have comprehensive child development services and that universality should be the program's ultimate objective. No other conclusion is possible: The parent is a failed experiment.

Here I should like to return to the point that not only is this view outrageous, it is, pure and simply, wrong. Recent studies by Dr. Konrad Lorenz among others have yielded results just the opposite to what the Louries and Skolnicks would have us believe. Lorenz contends that institutional child care in which parental responsibilities are assumed even in part by an agency can cause what psychiatrists call "the disease of nonattachment." Among the manifestations most often connected with "nonattachment" is the inability to cope with or discipline one's own aggressive impulses and the tendency toward emotional mutation where the lack of a consistent and dominant family atmosphere in the formative years find children later who are unable to feel joy, grief or remorse.

Mr. President, only sketchily have I been able to express my thoughts and concerns over what I see as the fundamental issue involved in title V of this bill—Economic Opportunity Amendments of 1971. There is no doubt in my mind that the firmness of our national mental health is directly related to the vitality and integrity of our family life traditions. I am also convinced that this experiment whether we choose to call it child development or child control is an adventure which will prove progressively destructive to the institutions and traditions of family. I am especially sure that if the American people knew and understood what we may very well be on the verge of approving that there would be loud and convincing objection to this radical departure from our sound family arrangements. In fact, although this bill has been largely ignored by the popular media, there has still been growing alarm over what we might be about to do.

And that brings us to a final question, what are we about to do if we approve comprehensive child intervention? About the only thing we know is that child development centers will be established to recreate our kids in a textbook image. But absent from the legislation is just exactly what that means. During the House debate on September 30, 1971, an inquiry was made as to the nature of "child development services" and no answer was given.

Listen to what child development proponent Alice M. Rivlin, writing in the December 1 Washington Post, said:

"While there is some vagueness about what 'child development' actually is . . ."

Let us stop right there. "Vagueness?" That means no one has bothered to spell out what we are about to do. What this bill in fact does is grant the authority over to the Department of Health, Education, and Welfare to determine what it ought to do to make children good and pure. What that means is that the Louries and Skolnicks will be drafting the programs. That I am not sure is really something I want seen done—with my children or anybody else's children.

But Miss Rivlin told us more when she wrote, that while the program is vague as to its tools:

"It is very clear what this program is *not*. (Her emphasis). First it is *not* just a babysitting operation to provide custodial care for children while their mothers work."

At least Miss Rivlin is honest about the whole thing. Many have heard and accepted the idea that all we are about to do is establish day-care centers for working mothers. Nothing could be further from the truth, what we are about to do is sanction massive psychological and sociological interventions—corrective interventions—as Dr. Lourie tells us—to produce what Dr. Lourie thinks would be a better child.

Mr. President, what we have before us is a serious challenge to the family. What we have is another step toward the Orwellian vision of 1934. It is said that these fears are "pretty farfetched," because this program is going to be voluntary. The response is overly legalistic and avoids how the program will and necessarily operate. Even language in the conference report provides for funds to solicit recruits for the child reformation centers. Further, when the program is being operated by those training in its advancement, does anyone seriously believe that the parent will have anything other than a de facto obligatory arrangement. I am not impresed with the protection provided by the bill, because it is clear what the sponsors and proponents have in mind, whether they know it or not it is 1984. It is communalization of what should be personal and private. It is a disaster. It should be defeated.

Mr. WAGGONNER. Mr. Speaker, it is contended by the proponents of this legislation that there are millions of deprived children, deprived, one assumes, of established child development services. For the sake of argument, let us assume the proponents have correctly assessed the situation, though I should point out that the proponents extravagantly overstate the need. But let us assume they are correct. Will child development programs, when instituted as outlined in this bill, help them, or will it further retard them?

Evidence of psychology indicates that the children would not be helped. Significant psychological research is pointing to the proposition that institutionalized child care is dangerous for the child's mental well-being. Findings have indicated over and over again that the younger the child, the more danger such programs could be to his psychological development. It has also been shown that it is dangerous to the mental health of a child for him to be shifted from one center to another, to be cared for by one nurse after another, to be administered to by one technician after another. This could lead to the development of an insecure, unloving child and could foster a destructive adult personality.

Dr. Konrad Lorenz calls this syndrome the "disease of nonattachment." It takes the form of an inability to cope with one's aggression, and of a profound emotional stultification. And its cause is the lack of a strong family atmosphere.

Dr. Dale Meers has recently completed a study of "International Day Care: A Selective Review and Psychoanalytic Critique." Some of his observations and

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conclusions are deeply unsettling, and I wonder that the advocates of child development can so blithely fail to take them into account. Let me quote a few passages from this report.

Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. . . .

The early years from birth through three appear developmentally as the time of maximum psychiatric risk, and failures of psychobiologic adaptations are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies. . . .

. . . clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure . . .

This is indeed a dreadful panorama of possibilities to spread before ourselves, and to wish to undertake upon our shoulders.

The United States in 1964 became the first nation to subsidize a radical conspiracy against its own legal system. This it did through OEO's so-called legal services program—a program I prefer to call an "illegal disservice." The objectives were laudable enough: To give the poor greater access to the courts by providing competent legal assistance at little or no cost. Few could argue with this.

But from the best of intentions have come the worst of actions. Today the legal services program of the national poverty agency—a program we are asked to perpetuate and make "independent"—stands as a monument to tunnel vision. Legal services is helping some of the poor, but at what cost.

The tip of the financial iceberg is seen in the Reginald Heber Smith Fellowship program. "Reggies" as they are called, are given a crash program in instant revolution, sometimes termed poverty law, and assigned to legal services programs throughout the country.

The press has reported on Reggies who have become pillars of the antidraft movement, defenders of narcotics users and builders of a counterculture that feeds like a parasite off the taxpaying majority of Americans. A recent magazine article told of a young Reggie who drew a $10,000 stipend from the Federal Treasury—the American taxpayer—while he cavorted about his commune, working for the "movement" and enjoying the pleasures of group sex.

Reggies have been implicated in the bloody killings of San Quentin that saw revolutionaries assassinate prison guards with a gun believed to have been purchased through the legal services program.

In scores of States and hundreds of communities radical young lawyers of legal services have tried to make instant history through legal action that serves no purpose other than the harassment of mayors, Governors, legislators, and city officials.

An effort ostensibly to produce instant change in archaic laws against the poor, these suits are usually little more than headline catching ego trips for lawyers who tired of the substantive but unglamorous role of individual advocacy. It is more fun to sue the State in a class action and get front page play—than to quietly prevent a poor old lady from being evicted by a crooked landlord.

Law reform has become the rallying cry for legal services but in most instances that ennobling term is but a euphemism for "let us sue the Governor and get famous."

The House should ask whether these generic defects in the legal services program are addressed in the conference report we debate today. The reply must be that they are neither addressed nor redressed.

Radical law groups can still submit lists of completely unacceptable candidates to the President of the United States to force a radical composition of the legal services corporation board of directors. The President does not have the prerogative of guidance that should be his in determining the makeup of the board.

Political activities by legal services lawyers while technically prohibited, is not clearly forbidden; that distinction being left to the corporation board, once established.

But more important is the thrust of the corporation spelled out in the bill's activities and powers section.

Despite the salubrious phrases the corporation will still have lawyers marching stridently into court to sue the establishment for any real or imagined grievance against the so-called client community.

The establishment is the elected body of local government officials who have a far more legitimate claim to conduct than have the lawyers.

And the suit will be not at the expense of the radicals themselves, but at the expense of the people being sued, the quiet nonradical middle Americans who elect the mayors and Governors and who pay most of the taxes that Congress arbitrarily doles out to radicals.

Our conduct could not be more illogical were we a fire department pumping water on one side of a fire, and gasoline on the other.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Tennessee.

Mr. BAKER. Mr. Speaker, I want to make clear at the outset that I am not opposed to economic opportunity. We are a nation founded upon economic opportunity. I believe every person should have such opportunity to the maximum amount possible. And, many people throughout our Nation do need a helping hand to get themselves and their families out of poverty. Who could not support the intent of a program we had hoped would bring our underprivileged back above the poverty level into the life we like to call the American way of life to walk with dignity and pride?

Yet, I remain deeply disturbed by the comprehensive child development provisions embodied in this conference report.

I do not oppose realistic programs of Federal assistance to State and local governments to help establish and maintain day care centers for the children of working mothers. If we, after all, intend to require work or work training of a parent or parents as a condition of eligibility for welfare assistance, then it is only fitting to make provision for the care of dependent children.

Thus, I support the establishment of day care centers for working mothers as provided for in H.R. 1. However, there is a world of difference between day care centers for working mothers and the comprehensive child development program contained in this conference report. There is no question about the importance of the early childhood years. But, in the midst of the efforts to assist children, I hope everyone recognizes that this child development proposal is not in any sense of the word an antipoverty measure.

There is real danger that more harm than good can come from these so-called child development provisions. This language would create a Federal bureaucracy with the authority to strongly influence and possibly control the character of our children—to mold them psychologically, socially, morally, educationally. This legislation addresses itself to the question of national child advocacy. It moves toward the question of collectivized child rearing. It raises the question of whether parents will be a major factor in their children's lives, or whether the Federal Government should be authorized to mold the character of our youngsters.

We have seen what has happened over the past decade as educators have determined that their business is to correct mistakes which they feel have been made in the home. This is understandable. Mistakes are made in the home. But, mistakes are also made in the schools. With this measure we would have Federal bureaucrats, who think they know much better than the parent how the child should be treated, using the child development programs as vehicles to reach their social objectives—conditioning the child through behavioral techniques to adopt the attitudes and values which the social planners believe to be the most desirable.

Are we to make our children wards of the Government?

As legislators, we ought to be deeply concerned about any program which accepts as an underlying premise that American parents are not able and do not have the right to bring up their children.

Have we had so much regimentation, so much conscription, so much sacrifice of freedom in the interest of security and total training for all, that we have taken away the initiative of the people and the development of will and moral stamina so parents can raise and train their own children? Are we going to free the mothers in order to enslave their children?

Are we, after all, going to accept Professor Skinner's suggestion that the real threat to the survival of the human race is Western man's illusions of individual free will and individual dignity? Freedom and dignity must go, he said—they are only illusions anyway. He proposes instead a kind of benign tyranny—a peace on earth arrived at through behavioral technology—a programing of people by a system of rewards, to behave just as the programer wishes. And, herein lies the basis of this child development proposal.

Beyond my philosophical opposition, I believe there are very important practical reasons to oppose this measure. The complicated delivery system has been described to us over and over again. What it boils down to is that even if a combination of localities or the State is better equipped or has a greater capacity to administer programs which are to serve the needs of a particular area, the Secretary of Health, Education, and Welfare must still approve the city as the prime sponsor. Think about the number of applications the Federal Government might receive. The House-Senate conference committee has, it seems to me, designed a delivery system for the child development provisions that is unworkable and worse than no system at all.

There is a cost factor which must not be ignored. Under the conference language, as I understand it, the cost would be a soaring $31.9 billion, if all the estimated 40 million eligible children participate. Free services go to children of families of four with incomes of less than $5,250 annually. But then the formula goes from there to provide partial subsidies to families making up to and, in some cases, well beyond $20,000 a year.

The day care and headstart programs had as basic goals the assistance of low income families. The provisions we are discussing today go well beyond this, obviously. These child development provisions create hopes which cannot possibly be fulfilled. The result will serve only to increase the frustration and bitterness which the poor of this Nation feel. Another unfulfillable promise has been made which can only lead to another round of accusation and recrimination about where the blame lies.

Too many pieces of legislation have offered panaceas for every social and economic ill, boosting the hopes and aspirations of millions. Then, when the final appropriation is considerd, through limitations on the income of the Federal Government, we are unable to meet the financial requirements for implementation of the programs.

I felt it was a serious mistake to add the child development provisions to the OEO legislation in the first place. And, I continue to oppose, for practical reasons, the inclusion of this hastily considered child development language, title V, in the Economic Opportunity Amendments of 1971. In all good conscience, I must vote against this conference report today.

Mr. SCHMITZ. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from California.

Mr. SCHMITZ. Mr. Speaker, the comprehensive child development portion of the bill brought to us from conference committee today furnishes a striking example of how all too often we make law in this body without consulting or adequately informing the solid, hard-working, productive citizens whom most of us claim to represent and who, far more than anyone else, pay the taxes that keep our whole topheavy Washington wonderland going. We could hardly get much closer to the most intimate, personal, daily lives of these constituents of ours than by setting up a massive Federal program to take charge of developing their children who are still too young to go to school. Here is legislation potentially affecting every family in the country which has, or expects or hopes to have, a child in it under 6 years of age. Yes outside the professional pressure groups and the gaggle of "women's lib" and "social reform" activists who have pushed it so hard and so fast, you will find very few Americans aware of this bill at all—and of those who have become aware of it since we began so precipitously to act on it, many are fundamentally and vehemently opposed.

We passed the Comprehensive Child Development Act September 30 by the extraordinary device of adding it as an amendment to the Economic Opportunity Act extension, despite the fact that its advocates have been the first to point out that it is not to be regarded as a welfare or a relief measure, but as establishing a program for services available to the entire population. Since September 30, I have received numerous inquiries about this act from my District and from all over the country. Most of you have probably received them too. The most frequent request has been simply for a copy of the bill. Surely this should be the very least our constituents have the right to expect from us—that we be able to supply them with a copy of legislation telling how we intend to develop their children for them.

Mr. Speaker, we could not supply the copies they asked. Because of the manner in which the bill was passed, there were no copies. There were only pages of the finest print used in the CONGRESSIONAL RECORD—difficult to read, almost impossible to copy by machine. There was no committee report. The only committee report this House has ever put out on this landmark legislation, which would establish a program intended to affect the whole future of American children and the American family, is the conference committee report before you today—which, like all conference reports, is confined to explaining how the differences between the House and Senate versions of the bill were adjusted. There is no overall justification for the measure, no explanation of what this body intends to be done with it. We are left with nothing but the floor rhetoric of its advocates when they rammed it through by a three-vote margin September 30.

This is scandalous treatment for a measure of this importance. I for one am at a loss to explain to my constituents and others who ask me for information and help, why this bill was so handled that there has been neither a copy nor a committee report to give them, until today—the day of final action. I have yet to hear an explanation for this procedure from any of the gentlemen who have handled and are handling this legislation. I hope they will provide one. At least, I would like to know what they are telling their own constituents who ask about it.

This is not representative government, but elitist paternalism, displaying exactly the attitude which causes people to fear the longrun consequences of this bill—the attitude that we here in Washington know best what to do about other people's children and that the less they know about our plans, the better.

Government should keep out of the lives of little children! Is not it enough that Government has invaded virtually every other facet of human existence in America? At the age of 5 or 6 most of our children go to a Government school, where they stay for at least 12 years and often 16. Large and increasing numbers, when they leave school, take a Government-paid or a Government-subsidized job. Virtually everyone now retires on at least a partial government pension, in the form of social security if nothing else. Increasingly we are treated for our illnesses under Government-supported or Government-arranged health care plans. The list is endless, but so is the bureaucrats' appetite for enlarging it. Now they want to violate the last sanctuary, by persuading and financially inducing mothers to give up their children barely able to walk and talk, to Government's tender embrace.

Of course they do not yet ask for power to take children by force. That never comes first. But, Mr. Speaker, as surely as twilight follows sunset and darkness follows twilight, it comes last. It is the end to which all such programs logically tend.

The family is the backbone of America, the backbone of any healthy society. Destroy the family and we destroy America. This "child development" legislation aims at providing a substitute for the family, in the form of committees of psychiatrists, psychologists, sociologists and social workers. But there is no substitute for the family. A Nation of orphanages cannot endure, and should not. It is an offense to God and man.

Even the Red Chinese found that they could not destroy the family, hard as they tried in their commune program during "the great leap forward." But the effort cost untold human suffering. How much suffering will we be responsible for by encouraging little children to be raised apart from their mothers?

We are voting on more than a bill today; we are voting on a generation. Shall a rapidly growing number of American children born from this day forward, be pressed by every inducement at Government's command to be developed apart from their parents? Even those genuinely in need of help from outside their families, those who in effect are asking us, in the familiar Biblical phrase, for bread and fish—shall we give them as the quotation continues, a stone and a scorpion? Walk into the halls of the Department of Health, Education, and Welfare and think of having it in place of a mother—that indeed is giving those little children a stone instead of bread. And read the testimony of Mrs. Dean Barnes of Idaho, which I placed in the RECORD at the time of our last debate on this measure, about the way the present Head-

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start program—after which the new "child development" program is to be modeled—is actually operating, to get a very clear picture of the scorpion.

The generation we are trying to develop through the program this bill would set up will one day judge us as each new period in history judges its precedessor. How are we going to answer the next generation if they see in us the men and women who took away their mothers?

This is not just another vote. Gentlemen, you are playing with elemental fires on this issue. Every society known to history has been based on the family. Christians believe that God Himself dwelt—quiet, loving, unknown—in the bosom of a closely knit family in Nazareth for 30 years. We dare not scorn the family or dismiss it as outdated. Vote to keep child development in the home where it belongs! Vote no on this conference report.

Mr. ASHBROOK. Mr. Speaker, I would ask the Members of this body when the last time was that they heard so much faint praise about any piece of legislation that was before us. I would ask them when the last time was that they had heard so many excuses given for any one given piece of legislation. I would ask them when the last time was they saw so many people come to the well of the House who obviously, on the horns of a moral dilemma and a legislative dilemma, referred to the fact that there probably was more good in the bill than bad; who alluded on so many occasions to the fact that this was not a perfect piece of legislation and who, in effect, gave so much faint praise to an issue that has been brought before us.

I would suggest, as I listened, that in the 11 years I have been in this body I have never heard so much negative talk about any one piece of legislation. What we see is a great uneasiness on this conference report, and I say rightly so.

First of all, we are talking about a budget time bomb. Money has not been discussed here. We are talking about a program that will be several hundreds of millions of dollars at the inception and will clearly pass into the lower billions of dollars within 1 or 2 years. It will be one of the basic budget busters of the future if we adopt this conference report.

So, you are voting right now for a bill which in the next few years will be a budget buster.

Second, I think there is a great cause for concern over the operation of the poverty program, the legal services program, but particularly over the innovative child-development program.

Mr. Speaker, I would only make one point—you cannot make many points in 1 minutes. If there is anything these hearings indicated it is the fact that there is no bona fide body of intelligent thought in the country today as to what direction child development should take.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. QUIE. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. ASHBROOK. Mr. Speaker, I would conclude by pointing out that witness after witness before our committee indicated they did not know what direction child development should take. Witness after witness indicated that there was no trained professional group to carry out the functions mandated by this bill.

So, what are you talking about? You are talking about an experimental program and I suggest that there is an invasion of parental rights and responsibility in this experimentation.

I suggest there is an opportunity for bringing about a climate in education that we do not want. The testimony is there. The goal is life adjustment, development of attitudes, and intervention in the domain of parental responsibility.

Mr. Speaker, I do not think this is the type of area where we should experiment. I do not think we should mandate the additional billions of dollars called for in this bill.

I respectfully join my colleagues on both sides of the aisle in urging the resounding defeat of the conference report.

Mr. QUIE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, the thrusts of the speakers on the other side of the aisle have been largely in expounding the need—and there is great need in this area—but there is also a clear distinction between need and the proposed methods of fulfilling that need.

This bill, if passed, will once again constitute on the part of the Congress an irresponsible promise. It will create expectations which cannot be fulfilled. It will set up an administrative procedure that cannot be effectively and efficiently administered. It will establish a system of child care that will be most difficult to amend and improve, as it should be improved, in future years.

Mr. Speaker, the adoption of this conference report today would be a serious mistake. We should defeat this conference report and then deal with the three component programs swiftly, but in new legislation.

Mr. QUIE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I know some of you are concerned about the fact that the conference report might be defeated. Well, I am confident that this piece of legislation will not become law. I believe that we do have the time, with what we have learned since this bill came out of the House about child welfare, to write far superior legislation than that which is here now pending before us.

I hope we have gotten through to you what an administrative monstrosity this conference report is. Reference has been made to the cost of its administration. If this conference report is agreed to and the President were to sign it we will just be putting out a tremendous sum of money going into its administration costs. Maybe, it will be a public employment bill like OEO, but the cost of its excessive administration will not be going for the benefit of the children who need the program if we leave it this way. The States cannot effectively be utilized in the administration of this program. State after State now is developing its child development program and they should be utilized and not be treated in the manner which this legislation is drafted.

Mr. PERKINS. Mr. Speaker, I yield myself 9 minutes.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am pleased to yield to the distinguished gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I appreciate the gentleman yielding, and my purpose for asking him to do so is to ask a specific question.

As I understand it, in the child development section of the bill there is included comprehensive health provision particularly covering visual defects. My question is this: If a child is referred by a counselor or an officer in charge of this program with a visual defect will the parents of that child have the opportunity to have the child referred to an opthalmologist or to an optometrist of their choice?

Mr. PERKINS. That decision would be the same parental decision as if the child were not enrolled in the program.

Mr. FUQUA. The parents would have an opportunity to make their own decision?

Mr. PERKINS. Absolutely.

Mr. FUQUA. I thank the gentleman.

Mr. PERKINS. Mr. Speaker, I am completely surprised to listen to the tenor of this debate today from our minority friends. They would have you believe that this conference report is something that has just been jerked out of the air without thoughtful consideration. The truth about the whole matter, and our minority friends know it, is that we spent some 30 or 40 days in hearings, and spent some 9 days in conference. The thing that makes this debate so surprising to me is because the minority got just what they wanted in conference. They talk about Legal Services. They got everything that they wanted in Legal Services. I went with the minority to uphold the House position on Legal Services, and we upheld the House position 100 percent on Legal Services, and they will not dare deny that.

Let me say to the distinguished minority leader that the American Bar Association so far as I know supported all the way the Legal Services Corporation and in particular the provisions of the conference report dealing with legal services.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I think the minority leader a few moments ago asserted that the legal services portion of this conference report was not consistent with the recommendation of the American Bar Association. Every Member of this House received last week a letter from the president of the American Bar Association asking us to support the conference report that is before us today, and stating categorically that the conference report, title IX of this bill, is completely consistent with the recommendations of the American Bar Association.

I do not believe that the minority leader intentionally intended to mislead the House; I have to believe that he just did not know any better.

Mr. PERKINS. The point is, the House minority got their way. I think the gentleman from Minnesota (Mr. QUIE) and all of the members of the committee received their option if they wanted to go back and simply retain the existing law, and they said that they did not want to do this.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding.

I believe what the minority leader was speaking of was that this was not the bill that the American Bar Association and others submitted to the Congress, and of course it is not the bill the administration submitted to the Congress; it is a compromise.

Mr. PERKINS. But the House supported you on the legal services in the House aspect of the bill.

Mr. WRIGHT. Mr. Speaker, would the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I should like to ask the Chairman of the committee, the gentleman from Kentucky (Mr. PERKINS) two very brief and succinct questions.

First, with respect to the child care centers, it is my understanding that no child would be assigned to any such center without the express consent of his parents. Is that correct?

Mr. PERKINS. That is absolutely correct. What we have here is an expansion of the Headstart program.

Mr. WRIGHT. I thank the gentleman.

Second, I further understand that no such center would be forced upon any community unless that community asked for it, and wanted it.

Mr. PERKINS. That is correct.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield for approximately 30 seconds?

Mr. PERKINS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I just want to say for the benefit of my friends on the minority side that it is really quite extraordinary that this bill is such an administrative monstrosity when the chairman of the Republican National Committee, the Republican leader of the U.S. Senate, and the Republican whip of the U.S. Senate, joined with the overwhelming majority of the other body in voting to approve the conference report.

Mr. PERKINS. Now, Mr. Speaker, one of the most significant features of this legislation is the title added to the Economic Opportunity Act to broaden Headstart into a more comprehensive child development program serving the educational, nutritional and health needs of children of preschool age. We worked hard in committee in developing this legislation. It adds a significant and important component to the other economic opportunity programs already authorized.

I am sure that my colleagues have received many communications urging the adoption of this conference report. While this type of communication far outnumbers the ones that I have received opposing the adoption of the conference report, I am greatly disturbed by the tenor of some of the communications of opposition.

Their opposition is predicated upon complete misconception or perhaps a direct and deliberate misrepresentation of what the child care provisions of this bill really are. Let me read a typical one of these letters which I judge is based upon a common source of information, as the letter resembles others coming from other parts of the country:

> Please do all in your power to stop Senate Bill S. 2007 and House Bill 10351 from coming into law. We sure do not want any more laws to infringe on people's rights to look after their children, laws that would take away more of our constitutional liberty and rights.

This is such a distortion of the whole purpose and thrust of Headstart programs and the Federal funding of locally guided and developed preschool and child care programs that it scarcely needs refutation.

Nevertheless, let me make it clear to my colleagues here today that the programs authorized by the child development provisions of the conference report provide no governmental control over a child, the parents of a child, or family.

Participation of children in these preschool programs is entirely dependent upon the wishes of the parent. This was made even more clear when the House Education and Labor Committee adopted an amendment to the House version of the Child Development Act which is contained in the conference report—page 16, last paragraph, 92-682—which reads that a child development plan must provide "that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them."

The gentleman from Wisconsin (Mr. STEIGER) was the author of this amendment in committee, as he was of the following provision which is written into the conference report—section 581, page 33:

> Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

In putting to rest once and for all this outrageous and completely deceptive charge that the child development provisions can be called a child control bill, let me say that the program is simply designed to strengthen the educational opportunities of children throughout this Nation and particularly to meet the needs of those children whose parents cannot afford kindergarten or preschool education and those parents who are not in the home because they must work to provide family income. But participation throughout is voluntary and program control remains in the hands of the local community directed by the parents and citizens of the community as has been traditional in our Nation with respect to public education.

Mr. Speaker, authority for programs under the Economic Opportunity Act under the basic law was due to expire on June 30, 1972, unless further extended by the Congress. They are now operating under a continuing resolution. One of the first acts of the House Committee on Education and Labor following the organization of the 92d Congress was to initiate in-depth hearings of the operation of economic opportunity programs and to consider legislation to extend the act. Thirty full days of hearings were conducted by the full committee during the months of March, April, May, and June. In addition, two ad hoc subcommittees conducted additional hearings in the field. Every aspect of the poverty program was probed. Following five legislative meetings of the committee in July and August, the measure was reported to the House.

At this time the bill represented basically a 2-year extension of the Economic Opportunity Act with minor amendments to initiate a demonstration rural home improvement program and to initiate a program of involving the poor in environmental improvement projects.

A major amendment of the committee was to separate from OEO legal services program into a Legal Services Corporation to be governed by a Board of Directors for the most part appointed by the President.

It will be recalled that this provision was further amended on the floor to prohibit any Federal support for representation through legal services in criminal matters.

It will be further recalled that a House floor amendment was adopted which has the ultimate effect of consolidating in one authority the diverse child care provisions now contained in manpower programs and Headstart. It will be recalled that this floor amendment was further modified by the Erlenborn amendment to establish the income criteria for participation without charge in child day-care programs to be $4,200 for a family of four, rather than the $6,900 for a family of four as originally provided in the amendment.

The conference report that we present today carries with it these important House amendments. First, it retains the prohibition against the use of Federal funds in legal services for representation of clients in criminal matters.

Second, it preserves and strengthens the authority of the President to appoint members of the Legal Services Board—totally rejecting the Senate approach.

Third, the conference report retains the House provision with respect to eligibility for participation in child care programs without charge as being $4,200 per annual income for a family of four as against the $6,900 level provided for in the Senate bill.

My colleagues will recall that when the House bill was on the floor an amendment was adopted which reduced the 100,000 population requirement for eligibility for sponsorship of a child day care program

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to 10,000. This was compromised in conference to 5,000.

I believe that small communities should be provided the same eligibility standing with States and large cities. The ultimate decisions with respect to policy matters governing the health, education, and the social development of children should rest at the local level.

So much for those matters which were of critical importance in maintaining the House position in conference. The conference has maintained the House position throughout.

The issue before us today does not address itself to these matters that I have just discussed, but rather to whether or not we are to continue programs of vital importance to every community throughout this Nation—Headstart, comprehensive health services, emergency food programs, senior opportunities and services, alcoholic counseling and recovery, drug rehabilitation, rural housing development, Green Thumb, New Careers, Job Corps, Neighborhood Youth Corps, and Operation Mainstream.

As I said earlier, the committee has exhaustively studied the administration of these programs. Let me share with my colleagues at this point some of the remarks made by people from various parts of the country who are involved in these programs.

Mayor Robert Burns, of Edens, Tex., accompanied by Charlie Florez and Winton Brown, told us about Operation Mainstream. I was highly impressed with the very positive impact that Operation Mainstream is having throughout the Nation and in central Texas, particularly about which Winton Brown spoke—

The program in the Operation Mainstream in the 3½ years we have operated it we have had 770 people on board under our 132 slots per year. So you can see that we do not keep them on an average of a year at a time. Some of them may be oh, 6 weeks, some may be on 2 years depending on the type of training and the individuals themselves.

Very few go over 1 year.

Of the 770 that we have on board we will have 140 on today which means we have terminated from the program 640 people in the 3½ years we have been operating.

Of that 630, 419 have been placed in for permanent jobs which they have held at least 1 month; 91 percent of them have held them at least 6 months. That, depending on how you want to develop your placement rate, that is 66.5 percent of all of them that have been on the program. And it is about 91 percent of the youth that we are authorized to have, the 132 slots.

This is what Boyd Cassell of the Virginia Department of Highways had to say about Green Thumb—

Project Green Thumb consists of low income people often living in rural poverty stricken areas of the State, who through no fault of their own, cannot continue to farm or find employment.

The men employed in Virginia are from 57 to 94 years of age. The average age of the group is 70.

The average size Green Thumb family is 2.4 with an average annual income of $538 per person and a total income of $1,287 per family.

The average length of unemployment, prior to Green Thumb, was 5½ years. Project Green Thumb has enabled these men to work and earn $1,600 per year to supplement their small incomes.

I have been closely associated with these people and can call many of them by their first name. These elderly men actually work using their skills to improve their environment, to maintain dignity and respect.

This is not a handout program, these people work. They have proven that they are willing and anxious to work for compensation to secure the bare necessities of life for their families.

I asked Dr. O. E. Frank of Emergency Food and Medical as to whether or not that program had been one of the top priority programs of community action agencies. He responded:

Yes, particularly in the rural areas, where the local resources are frequently very scarce and inflexible.

The community action agencies have relied very heavily on the emergency food program. It is usually considered a major part of the total program and a key to the community in general.

With respect to Job Corps, A. B. Templeton, president of the Texas Educational Foundation, Inc., San Marcos, Tex., stated:

To illustrate to you the hard value of the government's investment in Job Corps, I would like to cite a few figures. The 16,058 young people we have already placed on jobs will earn approximately $3,674,070,400 and pay $551,110,560 in federal income taxes during their work-life. This is $2,338,044,800 and $350,706,720 more, respectively, than the same number of untrained people who would be doomed to a life of intermittent work at low wages and periodic reliance on welfare. And yet, to accomplish this, the Job Corps Centers in Texas, since their inception, have cost a total of $84,840,226.

With respect to Headstart, the Director of the Office of Child Development in HEW highlighted the views I think that are shared universally throughout the Nation when he said:

As I am sure you are aware, Headstart is the major Federal program for preschool children of the poor. During the 7 years of its existence, over 4 million children have received comprehensive medical, dental, nutritional, educational, and social services through this program.

In fiscal year 1971, approximately 174,000 children will attend the full-year, part-day program, 89,000 will attend the full-year, full-day program, and 209,900 will attend the summer program.

There can be little doubt that Headstart has met many of the intellectual, social, and health needs of the children it has served; or even more important, however, Headstart enhances the quality of life of the deprived preschool child every day he is in the program.

I would offer the opinion that the Headstart program represents one of the best expressions of our Nation's concern for its children. It is vitally important that the Economic Opportunity Act be renewed so that Headstart may be authorized to continue the task of providing comprehensive preschool service to economically disadvantaged children and their families who would otherwise be deprived of such services.

Dewey Duckett, Midlands Community Action Agency, Columbia, S.C., had several positive views with respect to the importance of the Economic Opportunity Act and programs to the people of his area—

In our State, since 1965, over 3,000 leading citizens have given their time voluntarily to serve on board or commissions. They have approved and monitored the expenditure of over 100 million dollars in federal funds. Some 95,000 different individuals have worked voluntarily in programs operated by Community Action Agencies.

But if the objective is to eradicate poverty, stabilize the economy, maintain domestic tranquility and reduce today's 5½ million unemployed persons significantly, then in light of this, the appropriation for the Office of Economic Opportunity should be increased.

Programs such as Main Stream, Green Thumb, Green Light and special youth programs warrant pump priming at this time. While observing some of these programs in operation in Virginia last week, one of the most impressive programs I have witnessed was the Green Thumb. Here, Senior Citizens were gainfully employed and providing a public service with dignity and pride.

It is good for our servicemen returning from Vietnam who need priority and special attention in the areas of employment, housing, education, and civilian readjustment.

Mrs. Noryleate Downing, director of the poverty program in Newport News, Va., was extremely helpful to the committee. She stressed programs for the elderly, for community action in general, for the significance of summer programs, and for new careers and job training, saying—

And our elderly program, this is something that I would like to mention.

We have estimated that this program has saved the taxpayers of our community more than $50,000 a year because of the amount of services that has been rendered the elderly in our community.

We have had a total number of participants on an accumulated basis of 2,160, and the program has provided services to over 3,000 elderly people in the community.

When community action came into being, there was the one institution, or the one agency that was established, that searched out and brought in the poor to find out what their needs were, and then to devise means by which some of these needs could be met, so I would plead with you today not to eliminate the community action program regardless of what comes or goes.

There has been a tremendous change in the attitudes of the community at large, who in the past have not identified themselves as the hard-core poor, but now they have begun to give support by becoming involved in the affairs which affect the poor.

As a result of that, the chief of police wrote to Congressman Downing a letter and told him the crime rate had dropped, and he attributed it to the work we had been doing that summer, and we did it with this program.

The training is aimed at providing paraprofessionals. We presently have enrollees as library assistants in the Newport News Library, psychiatric aides, and these are at our mental hospital in Williamsburg.

We have some as recreational aides with the Department of Recreation at Hampton and Newport News, and the social service aides, with the Hampton and Newport News Welfare Departments.

Mr. Speaker, what are you doing to solve the dropout problem?

Mr. Speaker, I do not believe a day goes by that I am not asked this question.

Our major national effort to keep young people off the streets and in school or in job training is the Neighborhood Youth Corps program.

Unless this conference report is adopted authority for the Neighborhood Youth Corps will die.

What is the Neighborhood Youth Corps doing?

In 1970 the program had 480,000 first-time enrollments, 46,000 in the out-of-school program and 436,000 in the in-school and summer programs.

These programs emphasize remedial education, skill training and supportive services.

By and large the enrollees are school dropouts about 16 or 17 years of age at the time they enter the Neighborhood Youth Corps.

The projects are designed to prepare enrollees to return to school or admission to a community college for a general education development certificate or for the best semiskilled or entry level job for which the individual can be qualified.

In the President's Second Manpower Report to the Congress this year, the great benefits of this program are evidenced.

We are all concerned that we derive the maximum benefit for the expenditure of Federal dollars for education and training.

Here is what the President's Report says about an evaluation of the Neighborhood Youth Corps program in Indiana:

A 1970 cost benefit study in Indiana, which compared the 1967 earnings of out-of-school participants with those of a control group of young people also eligible for NYC but not enrolled in it. . . .

Indicates—

the earnings gained as a result of NYC participation was shown to be substantial, and the benefits of the program to society were estimated to be much above its cost. . . . Other significant findings were that the increase in post program earnings was directly related to the length of enrollment in the program. . . .

Presentations to the committee by the administration indicated an intention to maintain enrollment levels in the out-of-school program at the same level in fiscal year 1972 as in fiscal year 1971 at 36,800 training opportunities.

In the inschool program almost 100,000 enrollment opportunities are contemplated.

For the summer program the same level will be maintained in fiscal year 1972 as in 1971 at 414,200 enrollment opportunities.

Witnesses before the committee could not speak too highly of the summer program in furnishing not only meaningful work and related training to youngsters but also in enabling them to continue their regular education programs in the academic year financially strengthened by their earnings.

This program has contributed significantly to school dropout rates.

In Arkansas, it was reduced from 37.2 percent to 28.3 percent.

In Illinois, the dropout rate was reduced from 29 percent to 20 percent.

In Missouri, the dropout rate was reduced from 33 percent to 23 percent.

In my home state, the dropout rate was reduced from 28 percent to 22 percent.

So these programs have dramatically improved the futures of thousands of youngsters and should be extended. At this point, Mr. Speaker, I ask that a funding authorization table be placed in the RECORD:

OEO FUNDING

[In thousands of dollars]

Title and program	Final apportionment fiscal year 1971	Budget fiscal year 1972	Conference report fiscal year 1972	Conference report fiscal year 1973
Title I:				
Job Corps	$170,200	$210,287	$900,000	Such sums.
Concentrated Employment	116,400	120,800		
Neighborhood Youth Corps	324,800	362,500		
Public Service Careers	91,400	90,400		
Operation Mainstream	38,800	38,800		
Program Support	18,500	18,779		
Special Neighborhood Youth Corps			500,000	0
Title II:				
Local Initiative	357,199	341,900	328,900	$328,900
Head Start	360,000	376,500	500,000	
Follow Through	69,000	60,000		70,000
Legal Services	61,200	61,000	61,000	109,000
Comprehensive Health Services	99,000	114,000	114,000	114,000
Emergency Food and Medical Services	48,700	3,500	62,500	62,500
Family Services	18,600	25,000	25,000	25,000
Senior Opportunities and Services	8,000	8,000	8,800	8,800
Alcoholic Counsel and Recovery	12,800	2,000	18,000	18,000
Drug Rehabilitation	12,800	18,000	18,000	18,000
Environmental Action	0	0	$5,000	$5,000
Rural Housing Development and Rehabilitation	0	0	10,000	15,000
Training and Technical Assistance	$16,566	$13,500	13,500	13,500
State Economic Opportunity Offices	12,500	13,000	13,000	13,000
Research, Development, Demonstration, and Evaluation	85,953	72,600	65,400	65,400
Special Title II Direction and Administration	20,832	19,700	25,700	25,700
Title III-B: Migrants and Seasonel Farmworkers	35,000	35,000	38,000	38,000
Title V: Child Development (Planning)			100,000	2,000,000
Title VI: Administration	18,350	18,000	18,000	18,000
Title VII: Community Economic Development	36,000	25,000	58,000	62,000
Title VIII: VISTA	36,400	33,000	45,000	45,000
Total	2,044,600	2,056,466	2,927,800	3,054,800

Now you are coming here trying to camouflage the true issues involved in this thing.

Mr. Speaker, I have received communications representing a broad spectrum of individuals and organizations and the public in general across the Nation urging Congress to adopt this conference report. I would like the following list of communications that I have received inserted in the RECORD at this point:

LIST OF COMMUNICATIONS

N. T. MacFarlane, State Chairman of the Academy of Pediatrics in Kentucky.

Reverend Monsignor James T. McHugh, Director of the Family Life Division, United States Catholic Conference.

Stanley J. McFarland, Assistant Executive Secretary, Government Relations and Citizenship National Education Association.

Dr. Jay M. Arena, President of the American Academy of Pediatrics.

Stuart L. Kadison, President of the Los Angeles County Bar Association.

Eileen M. Jacobi, Executive Director of the American Nurses Association.

Ruby Wheatly, President of the Department of School Nurses, National Education Association.

Helen Brion, Chairman of the Department of School Nurses Legislative Council.

Frederick D. Goldberg, President of the Professional Association of Day Care Directors of New York.

Hans G. Tanzler, Jr., Mayor of Jacksonville, Fla.

Wes Uhlman, Mayor of Seattle, Washington.

Henry W. Maier, Mayor of Milwaukee, Wisconsin.

Robert J. Harris, Mayor of Ann Arbor, Michigan.

Joseph L. Alioto, Mayor of San Francisco, Calif.

Norman Chrisman, Jr., Chairman, Government Affairs Committee, Kentucky Society of Architects.

Kenneth A. Gibson, Mayor of Newark, New Jersey.

Patrick J. Lucey, Governor of Wisconsin.

Gary Walls, President of American Personnel Guidance Association.

Patrick J. McDonough, Acting Executive Director, American Personnel Guidance Association.

Sandra Bolin, President of the League of Women Voters of Berea, Kentucky.

Catherine A. Tyler, Day Care Coordinator, Wicomico County Health Department, Salisbury, Md.

Roman S. Gribbs, Mayor of Detroit, Michigan.

Mrs. Theodore Wedel, President of the National Council of the Churches of Christ.

William E. Fowler, Jr., President of D.C. Mental Health Association.

B. J. Chandler, Dean, School of Education, Northwestern University.

Richard Davis, Dean, School of Education, University of Wisconsin.

David Clark, Dean, School of Education, Indiana University.

J. E. Thomas, Associate Dean, School of Education, University of Illinois.

Arthur Wise, Associate Dean, School of Education, University of Chicago.

Luvern Cunningham, Dean, College of Education, Ohio State University.

Jack C. Mervin, Dean, College of Education, University of Minnesota.

Charles R. Hicks, Director, Teacher Education, Purdue University.

Donald J. McCarty, Dean, School of Education, University of Wisconsin.

Van Cleve Morris, Dean, School of Education, University of Illinois.

Wilbur J. Cohen, Dean, School of Education, University of Michigan.

Mrs. M. J. Butler, Jr., Director, Greater Taunton Day Care Center, Taunton, Mass.

[Telegrams]

WASHINGTON, D.C.,
December 5, 1971.

CARL PERKINS,
House of Representatives,
Washington, D.C.

D.C. Mental Health Assn. favors the passage S2007 the Child Development bill as re-

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ported by the conference committee and urges your support.

WILLIAM E. FOWLER, Jr.,
President.

ANN ARBOR, MICH.,
December 5, 1971.

Representative CARL PERKINS,
House of Representatives,
Washington, D.C.

We strongly urge support for passage of Child Development Program in conference report on Economic Opportunity Amendments. Child Development Programs will help children reach their full potential. As educators we endorse this important legislation. We believe legislation provides adequate safeguards for parental responsibility, voluntary participation and local control.

B. J. CHANDLER,
(and 12 others).
Dean, School Education, Northwestern University.

LEXINGTON, KY.,
December 1, 1971.

Representative CARL D. PERKINS,
Rayburn House Office Building,
Washington, D.C.

The Kentucky Chapter of the American Academy of Pediatrics strongly endorses the conference report on the economic opportunity amendments. We feel the child development programs in this legislation are important for the proper development of needy children in our State. In our opinion local input and assessment of need can best be determined at the local level.

N. T. MACFARLANE, MD.D.,
State Chairman, Kentucky A.A.P.

OFFICE OF GOVERNMENT LIAISON,
U.S. CATHOLIC CONFERENCE,
Washington, D.C., December 1, 1971.

DEAR CONGRESSMAN: I am enclosing a copy of a letter addressed to Rep. Carl D. Perkins, Chairman of the House Committee on Education and Labor, from Msgr. James T. McHugh, Director of the Family Life Division of the United States Catholic Conference, in support of the Conference Report on S. 2007, the Economic Opportunity Amendments of 1971.

In addition to support for continuing the OEO program, the U.S. Catholic Conference is particularly concerned that Title V, the Child Development Programs, be enacted. Msgr. McHugh has carefully examined the provisions of Title V and is satisfied that S. 2007 makes adequate provision to safeguard the rights of children and parents.

I would hope that you could give your support to the Conference Report on S. 2007.

Sincerely,

JAMES L. ROBINSON,
Director.

FAMILY LIFE DIVISION,
U.S. CATHOLIC CONFERENCE,
Washington, D.C., November 30, 1971.

Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.

DEAR MR. PERKINS: I write to you in support of the Conference Report on S. 2007, a bill continuing the Economic Opportunity Act of 1964 and establishing Child Development programs to service the needs of children, particularly those with special problems and those from low-income families.

The final version of the Child Development bill, as contained in the report of the Conference, emphasizes the special needs of children in poor families, and establishes a preschool child care program that will support their emotional and educational development. It also provides funds for special programs and services for handicapped children. Achievement of these aims will support the quality of family life, and will provide valuable assistance to poor families and minority group families. The special recognition and assistance for handicapped children will help these children achieve a greater measure of opportunity as they grow and mature.

It is our hope that this legislation will be readily endorsed by the Congress so as to provide the best opportunities to all American children.

I would appreciate your making our views known to the members of the Congress in their consideration of the Conference Report.

Sincerely,

Rev. Msgr. JAMES T. MCHUGH,
Director.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., December 1, 1971.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN PERKINS: The National Education Association urges that the Congress approve the conference report on S 2007, the Economic Opportunities Amendments of 1971. As you know, the NEA has been an active supporter of the "War on Poverty" since its inception. While we have been critical of administrative actions of the OEO in recent years, this in no way denotes lack of support for the intent of the law. We believe the 1971 amendments, if properly administered, can improve the operation of the programs.

We are, of course, particularly anxious that the Child Development provisions of S 2007 be enacted. The need for a national program for child care centers, with major emphasis on improving the health, education, and growth of children, is great. We see no reason to delay enactment of such a program. Indeed, it is long overdue. S 2007 provides one year of lead time to "gear up" for the actual funding to begin in 1973. If major problems emerge during this time the Congress can make the necessary adjustments.

The confusion fostered by some opponents who contend that the program interferes with parental rights is regrettable. The program in S 2007 is entirely voluntary. It does not contain the repressive provision suggested by some that parents who refuse to place their children in day care facilities so that they can be trained for work will lose AFDC payments.

We commend you for your effective and consistent leadership in this great cause.

Sincerely,

STANLEY J. MCFARLAND,
Assistant Executive Secretary, Government Relations and Citizenship.

AMERICAN ACADEMY OF PEDIATRICS,
Evanston, Ill., November 24, 1971.

Hon. CARL D. PERKINS,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. PERKINS: The American Academy of Pediatrics, the national organization of board certified physicians providing care to children, heartily supports the adoption of the conference report on the Economic Opportunity Amendments, S. 2007. We are particularly enthusiastic about the comprehensive child development title of this legislation which provides for the establishment of a national, federally assisted child development program. The Academy supports the concept of child care as a composite of comprehensive and coordinated services designed to offer a sound basis for growth and development of the child while supporting and encouraging the parents in their effort to care for their children. We are of the opinion S. 2007 would provide a sound legislative basis for the establishment of such a program.

The Academy endorses the section of the child development title which provides for local administration of child care programs. We recommended in testimony before Senate and House committees that the major responsibility for planning and delivery of child development programs is most appropriately placed at the community level. We believe the conference report is equitable, and will allow for possible funding of most jurisdictions which apply for prime sponsorship responsibility. Jurisdictions which are able to plan and operate a quality child care program should be given this opportunity.

We are in complete agreement with the concept of funding priority to ongoing Headstart programs. The provision further assuring local review of Headstart programs is an additional strength of the conference report. The extension of the excellent programs like Headstart to all low income families desirous of child development services will be facilitated by the enactment of this legislation.

The level for eligibility for free child care services decided upon by the conferees is reasonable, and will not place an undue financial hardship on poor and near poor families who wish to utilize the child care programs.

In summary, we believe the child development title of the Economic Opportunity Amendments provides a realistic framework in which child development programs can operate that are responsive to the needs of individual children and communities. We sincerely urge your support for the adoption of the conference report on the Economic Opportunity Amendments of 1971.

Sincerely yours,

JAY M. ARENA, M.D.,
President.

LOS ANGELES COUNTY
BAR ASSOCIATION,
Los Angeles, Calif., November 29, 1971.

Hon. CARL D. PERKINS,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PERKINS: Because of the impending vote on Joint Resolution 2007, I write to you to remind you of our prior correspondence in which we communicated to you that at its May 5, 1971 meeting, the Board of Trustees of the Los Angeles County Bar Association recorded its support of the concept of a National Corporation for Legal Services.

Sincerely,

STUART L. KADISON,
President.

[Telegram]

WASHINGTON, D.C.,
December 2, 1971.

Hon. CARL D. PERKINS,
House Office Building,
Washington, D.C.:

Strongly urge your support of child care bill as in conference report S. 2007.

EILEEN M. JACOBI,
Executive Director,
American Nurses Association.

WASHINGTON, D.C.,
December 1, 1971.

Hon. CARL PERKINS,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.

On behalf of the department of school nurses, we respectfully request your support of child development program as contained in S. 2007. We feel this program would constitute a significant move in the direction of preventing social, education, psychological, and health related problems in children and youth, thereby promoting the mental health and physical well-being of subsequent generations of adults.

Mrs. RUBY WHEATLY,
President, Department of School Nurses, National Education Association.
Miss HELEN BRION,
Chairman, Department of School Nurses Legislative Council.

THE PROFESSIONAL ASSOCIATION
OF DAY CARE DIRECTORS OF NEW YORK,
New York, N.Y., November 24, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: At issue here is the fate of the Comprehensive Child Development Bill which forms part of the 1971 Admendments to the Economic Opportunity Act. This bill will be acted upon by the House of Representatives on Thursday, December 2, 1971 as its first item of business.

You speak often about your concerns for the future of this great country. Certainly the future of the United States depends to a major extent upon the kind of education and care our children receive. The kind of support the Federal Government gives to ensure that children throughout this country are being reached is, therefore, of paramount importance. It is not only a matter of enabling the poor citizens of this country to seek employment. This goal is short sighted and economically wasteful if child care is not also seen as a way to instill in our young children educational values and lessons which will in the long run equip them to be more productive citizens.

The Professional Association of Day Care Directors of New York City urges your active support of this bill. We are also urging the support of our elected representatives. However, we feel strongly that you have a great role to play by encouraging nationwide support of a measure that looks to the future well-being of the United States.

Sincerely yours,

FREDERICK D. GOLDBERG,
President.

JACKSONVILLE, FLA.,
November 25, 1971.

Hon. CARL PERKINS,
Chairman, Education and Labor Committee, Rayburn Building, Washington, D.C.:

Have been notified Senate bill S. 2007 out of conference committee. Request support for OEO legislation particularly comprehensive Child Development Act Day Care and related Child Services greatly needed in Jacksonville.

HANS G. TANELER, Jr., *Mayor.*

SEATTLE, WASH.,
November 25, 1971.

Representative CARL PERKINS,
Washington, D.C.:

I urge your vote to adopt conference report on S. 2007 the Child Care bill. Every child deserves the opportunity for quality child care.

WES UHLMAN,
Mayor, City of Seattle.

MILWAUKEE, WIS.,
November 25, 1971.

Congressman CARL PERKINS,
Chairman, House Education and Labor Committee, Rayburn Building, Washington, D.C.:

As Mayor of Milwaukee and as president of the United States conference of mayors, I urge you to adopt the conference report on S. 2007 which authorizes funds for antipoverty, manpower and child development programs. I believe that Milwaukee and the other cities of the Nation need the measure as proposed by the conference report to help develop the human resources of these cities and to reduce the high costs of poverty. I urge your support of the conference report.

HENRY W. MAIER,
Mayor of Milwaukee,
President of U.S. Conference of Mayors.

ANN ARBOR, MICH.,
November 26, 1971.

Representative CARL D. PERKINS,
House Office Building,
Washington, D.C.

Urge your support for conference committee report authorizing continued OEO funding (S. 2007).

Mayor ROBERT J. HARRIS,
City Hall.

SAN FRANCISCO, CALIF.,
November 26, 1971.

Hon. CARL PERKINS,
Chairman, House Education and Labor Committee, Rayburn Building,
Washington, D.C.

San Francisco strongly supports conference report on S–2007, OEO Child Development bill, and urges immediate approval. Critical manpower and economic opportunity programs depend on enactment of this bill. We also applaud the new program of child development grants contained in S–2007 with the cities as the prime sponsors.

JOSEPH L. ALIOTO, *Mayor.*

FRANKFORT, KY.,
November 30, 1971.

Hon. CARL PERKINS,
U.S. House of Representatives,
Washington, D.C.:

Please support the conference report on Economic Opportunity Act of 1971.

NORMAN CHRISMAN, JR.,
Chairman, Government Affairs Committee, Kentucky Society of Architects.

NEWARK, N.J.,
December 1, 1971.

Congressman CARL D. PERKINS,
Rayburn House Office Building,
Washington, D.C.

I strongly urge your support for the OEO authorization/child development act (conference report on S. 2007). The continuation of the antipoverty and manpower program funded under the OEO authorization, as well as the new child development program are vital to the city of Newark. Strong and affirmative action on this bill is desperately needed.

Sincerely,

KENNETH A. GIBSON,
Mayor, City of Newark, City Hall.

MADISON, WIS.,
December 1, 1971.

Representative CARL PERKINS,
House Office Building,
Washington, D.C.

It has come to my attention that an effort to defeat H.R. 10351, the extension of the poverty program, is taking place among your colleagues.

I want to inform you that I strongly support the passage of H.R. 10351 and encourage your support. This act would mean the extension of the fine efforts of the community action agencies in Wisconsin and add the important day care program. The passage means much to the citizens of Wisconsin.

Upon favorable action, I urge your prompt support for full funding.

PATRICK J. LUCEY,
State of Wisconsin.

WASHINGTON, D.C.,
November 30, 1971.

CARL B. PERKINS,
U.S. House of Representatives,
Washington, D.C.

On behalf of the 28,000 members of the American Personnel Guidance Association throughout the United States we ask your support of the comprehensive child development provision in S. 2007 now in conference. The Association particularly endorses those services to be provided low income children with particular emphasis on appropriate educational, social, and vocational guidance and counseling which can maximize the intellectual and physical growth potential of such children both at the preschool and elementary levels.

GARY WALLS,
American Personnel Guidance Association.

BEREA, KY., *November 29, 1971.*

Hon. CARL PERKINS,
House of Representatives,

We urge your presence and yes vote for the OEO child care authorization conference report.

SANDRA BOLIN,
President, League of Women Voters of Berea.

MORRISTOWN, TENN.,
November 12, 1971.

Representative CARL PERKINS,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: This letter is in regard to the Child Development Bill which is before your committee.

We the undersigned Head Start parents and registered voters of the State of Tennessee would like to have three (3) points in the compromise bill, they are;

1. adequate money—2 billion dollars
2. guarantee Head Start programs; and
3. local communities should be prime sponsors not the State!

We hope to have your deepest consideration and help upon this matter. Thank You.

Sincerely,

ELINDA L. ABHALTT,
(And 120 others).
Chairman, Headstart Parents and Registered Voters of the State of Tennessee.

SALISBURY, MD.,
November 17, 1971.

Hon. Congressman CARL PERKINS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PERKINS: I feel very strongly that our government must support quality child care programs for all children whose parents wish such care. Therefore, I urge you to vote in favor of the Comprehensive Child Development Bill, S. 2007.

We must not turn our backs on our most precious possession, our children.

Thank you for your support.

Sincerely,

CATHARINE A. TYLER,
Day Care Coordinator.

CITY OF DETROIT, EXECUTIVE OFFICE,
November 26, 1971.

Hon. CARL D. PERKINS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PERKINS: I understand that the conference report on S. 2007—providing for a two year extension of the Office of Economic Opportunity and the establishment of Comprehensive Child Development Centers—is scheduled for a House vote on Thursday, December 2, 1971.

This legislation is important to Detroit, particularly in its provisions which would continue Community Action funding, increase youth training slots and aid early childhood development.

I urge you to vote for the conference report on S. 2007.

Sincerely,

ROMAN S. GRIBBS,
Mayor.

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NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.,
Washington, D.C., December 1, 1971.

Hon. CARL PERKINS,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE PERKINS: On behalf of the National Council of Churches, I want to express to you our support for the conference report on S. 2007, the child development/Office of Economic Opportunity/Legal Services bill.

The elimination of poverty must remain a primary goal for this nation. This bill moves toward that goal. The Legal Services provision is, we believe, workable and gives credibility to the concept that our legal system strives to serve the ends of justice. The continuation and creation of such programs as Emergency Food and Medical Services and Community Economic Development *within the structure of OEO* assures that the poor will continue to have an advocate within the government, and provides a base for future initiatives. The authorizaiton for day care that is community controlled and that focuses on the development, rather than the custody, of the small child is a welcome recognition of a vital public responsibility.

We appreciate the leadership you have given on this issue, and express our fervent hope that this conference report receives the approval it so obviously deserves.

Sincerely yours,
Mrs. THEODORE WEDEL,
President.

THE GREATER TAUNTON DAY CARE CENTER, INC.
Taunton, Mass., November 10, 1971.

Representative CARL PERKINS,
Chairman of Commerce, Education and Labor, Washington, D.C.

DEAR MR. PERKINS: I would like, at this time, to state that our Day Care Center supports your bill. We are in complete agreement with what you are trying to do.

Would you please mail me a copy of this bill to the above address. I would like this at our center.

Thank you for your time.

Sincerely,
Mrs. M. M. BUTLER, Jr.,
Director.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. BROOMFIELD. Mr. Speaker, it is with a sense of regret and disappointment that I rise to vote in opposition to the Office of Economic Opportunity conference report.

This decision was reached only after a great deal of thought and with the full realization of the serious effect it may have on the future of OEO. Basically, my vote stems from a strong disagreement with the child care development measure based on a careful study of its provisions since it was added to the OEO extension.

Close scrutiny of this section of the report proves it to be an extremely weak bill, one which is an inefficient vehicle for the goal it seeks. It is designed to encourage duplication of effort and waste of funds.

Mr. Speaker, I am aware of the great need for a means to allow mothers to get off welfare and become gainfully employed. This is a worthy goal but, one which is impossible to achieve under the bill's present construction. The facts prove this proposal, well intentioned as it is, to be both inefficient and unmanageable.

Its major failing is that it contains a faulty delivery system, one which has been haphazardly drawn. The guidelines for receiving a federally financed child care center have been drawn so loosely as to make any community of 5,000 eligible.

I am not proposing, Mr. Speaker, that we should impose arbitrary population figures to discriminate against our smaller communities. On the contrary, I realize that they are often faced with the same needs and requirements of our urban areas.

My point, however, is this: By creating a large number of small centers each vested with the power to interpret and bend national guidelines as they see fit, there will be no semblance of cohesion or central direction to the program. By encouraging vast numbers of independent child care centers, the limited staff of the Office of Child Development will be overwhelmed with the administration of the program. As a matter of fact, it would prove an impossible task.

A quick reading of the procedural requirements to start a child care center bears this statement out. In addition to the necessity of instituting for administrative purposes a community advisory board, there are at least 25 separate requirements which must first be met.

The result is that the Office of Child Development will be bogged down investigating each community program and approving their setup. All this must be done before one child benefits from the program. Rather than having one program to serve a group of surrounding towns, there will be several programs for one region.

All of this, supposedly done in the name of local control, will cause a waste of time and money. Fewer children will be enrolled at a greater cost without any assurance whatsoever that the centers will be more effective because of their smaller size.

Furthermore, the Secretary of HEW is not empowered to make grants but rather must fund all who apply and meet minimum standards of eligibility. This is true even if an existing State or regional plan encompassing the same area would do a better job.

Mr. Speaker, experience has proven the truth of these assertions. We need only look as far as the Headstart program itself. Originally, it too placed an emphasis upon local control and was structured to encourage many small units.

Several years ago there were more than 900 different programs. Headstart proved too large to administer. Consequently, in the last 2 years no new Headstart programs have been initiated.

Mr. Speaker, the fears which I am expressing today are felt by those who are in the field trying to administer OEO projects. They are the ones who must work within the guidelines which we develop here in Washington. We can make their jobs even more difficult if we neglect their advice.

For example, in Oakland County, Mich., a portion of which I represent, the local OEO has started a child care center corporation. It has been established to give technical advice and assistance on a regional level to the entire county.

The local OEO learned a valuable lesson from the difficulty of coordinating and administrating the many localized plans which Headstart encouraged. Thus, this corporation was envisioned as a natural vehicle through which child care funds could be funneled. This vehicle has the potential to serve more than a million people.

If we pass this legislation in its present form, that corporation and all of its preparatory work will go down the drain. Each of the municipalities, 63 in Oakland County, Mich. alone, would be eligible for its own center. Just think of the duplication of effort and administrative funds.

Of course, there could never be enough money for each of these towns to be served individually. It is sad but true that by emphasizing local control fewer communities will receive benefits.

Mr. Speaker, we must demand a better means to deliver this program to the people. We need look no farther than the Oakland County OEO and the example that they have provided. I would prefer giving the Secretary of HEW the discretion to make the final decision on awarding prime sponsorship grants. In this way, smaller communities can be consolidated into one overall plan.

More children would be served with the same money and with less redtape and time. We are dealing with limited funds in the first place. Inefficiency is a luxury that we can ill afford.

There are many children and parents who have desperate need of these services. It is absolutely inexcusable that because of poorly devised legislation they will be denied them.

It is for these reasons that I cast my vote against the conference report. I do so reluctantly because at the same time this represents a vote against the entire OEO program. I would hope that we can pass a continuing resolution to keep this worthy Agency afloat.

In the meantime, we should send the child care development measure back to committee for further work. It must be restructured if it is to be a success.

Mr. BADILLO. Mr. Speaker, I would like to compliment the House and Senate conferees who have worked long and hard to bring before the Congress a version of the 1971 Office of Economic Opportunity amendments that will truly serve the national interest and will be acceptable to both bodies. I sincerely hope that the amendments will receive the overwhelming support of Congress in order that the much-needed programs of the Office of Economic Opportunity may be assured of continuance.

There are several "firsts" among these amendments on which I would like to comment.

To begin with, I am very happy to see that the powers of the Director have been so amended as to prevent the further spinoff of programs presently operated under titles II, III, VI, and VII of the Economic Opportunity Act. This restriction, added to section 19, is an extremely important one—it in fact assures the continuance of the functions of the Office of Economic Opportunity.

I also heartily approve the mandate given the Director under section 222 to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts, or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs. Drug addiction is exacting a fearful price from our Nation and so far, we are making all too little progress in coping with it. The most successful rehabilitation efforts seem to be those made by groups rooted in the community in which the addict and his family live. I am confident, therefore, that the type of programs authorized under this section will prove very beneficial to our communities throughout the Nation. The stipulation that the Director must make provisions that will allow participants to complete a full course of rehabilitation, even though they become non-low-income by virtue of becoming employed as part of the rehabilitation process, gives added assurance concerning the success and impact we can expect from such programs.

The environmental action program, authorized under the same section, is another welcome innovation. It provides payment to low-income persons who work on projects designed to combat pollution or to improve the environment. Since our poor are most directly exposed to the menace of our deteriorating environment, such projects will not only bring welcome job opportunities and income but shall, hopefully, improve the texture of living for those dwelling in blighted areas.

Although not of such direct impact to my district, I shall welcome the establishment of the rural housing development and rehabilitation program. The shortage of available housing units is creating an unprecedented crisis in our Nation. Every effort to improve and maintain existing units and assist in the development of new housing is very welcome. A program such as this will, I am sure, be very welcomed by those of my colleagues who have emphasized frequently in the past the need for the stabilization of our urban areas.

When hearings were held on the OEO amendments this past summer, I was disturbed at the indications that higher levels of non-Federal contribution may be required. I thought then and I think now that our localities are not in a position to contribute more to these programs, however much needed they may be. In the context of our present and deteriorating economic situation, an increase in non-Federal contributions would merely aggravate local crises as city and county governments fight to make ends meet on incomes from a steadily shrinking economic base. I am very pleased, therefore, with the language incorporated into section 225 prohibiting the Director from requiring a non-Federal contribution in excess of 20 percent of the approved cost of the program.

The programs of the Office of Economic Opportunity were designed to benefit all those in need of them. The language added to section 224, mandating the distribution of funds in such a fashion that all significant segments of the low-income population served will be benefited can only add to the success of the programs.

I regard somewhat in the same context the new provisions that will apply to Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands under section 225, the authorization under which community action programs operate. Funds reserved for their use will be increased from 2 to 4 percent for fiscal year 1972. In addition, beginning with fiscal year 1973, Puerto Rico will be treated as a State for purposes of this section. As I have repeatedly stated in committee, such status accorded to Puerto Rico will not only benefit that island but will also substantially assist our large cities on the mainland to which the poor from Puerto Rico presently flock, seeking livelihood and job opportunities.

Titles V and IX, Child Development and Legal Services, have, of course, been receiving well-deserved national attention. The Child Development section of this measure is the product of much labor and thought on the part of the Select Subcommittee on Education and the conferees.

Comprehensive child development programs are of the utmost importance to our Nation. Children of working parents and of parents on public assistance must not be singled out to receive custodial care only. The early development of a child's talents and resources unalterably shape the course of his life. Full opportunity must not be, in our Nation, the privilege of the well-to-do; it must be the right of all.

But child development must not be purchased at the cost of the abdication or rescinding of parental responsibility and control. There are in this measure provisions for parental participation in the design and development as well as the carrying out of the program. A State, any combination of localities having a total population of 5,000 or more persons, Indian tribal organization, or public or private nonprofit agency or organization may serve as prime sponsor for an area's child development plan. However, at the time of application, the prime sponsor must show that it has made satisfactory provisions for the establishment and maintaining of a child development council which meets with the requirements of section 514. One of the requirements of that section specifically states that 50 percent of the child development council members must be parents of children who will be receiving services. The council will be responsible for developing and preparing a comprehensive child development plan. The plan must include the provision, where available, of child-related family, social, and rehabilitative services; educational services; health and mental health services; as well as nutrition services. It must also provide for the training of professional and paraprofessional personnel. Provisions must also be made for employment opportunities, under the plan, for older people, parents, young persons. Volunteers must also be involved in the program.

I would have been happier had a higher income ceiling for free services been established—a family income of $4,320 a year is very meager indeed. Also, I believe that unless extreme care is exercised in establishing the level of charges to be levied against the income of families immediately above the $4,320 bracket, such charges will prove difficult to meet. On the plus side, however, is the fact that the services will be available to all children whose parents or legal guardians request them on their behalf; that 10 percent of the sum to be spent is earmarked specifically for the needs of handicapped children who have, unfortunately, been getting short shrift under most of our programs; and that through the operation of such type of programs we may be in a position to end the social, economic, and cultural isolation of the children in our Nation.

I am also very pleased that under this title Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, will be treated as States. The exclusion of children from these areas for economic or other reasons would be inexcusable.

And while we are on the subject of economics, I want to state that the $2 billion appropriated for this title is enough only for a beginning. In order to reach our goal of meaningful child development, much larger sums will have to be committed for this purpose as soon as the programs get underway.

Title IX, the Legal Services Corporation, has been the object of much controversy and painful negotiations. Again, I would have been happier if at least a portion of the 17-member board, which will be responsible for the operation of this nonprofit corporation, had not been Presidential appointees. However, the incorporating trusteeship, which is to function for the first 6-month period of transition, is composed of the members of prestigious organizations: the president of the American Bar Association, the president of the National Legal Aid and Defender Association, the president of the Asscciation of American Law Schools, the president of the American Trial Lawyers' Association, and the president of the National Bar Association. Six members of the 17-member board that will be responsible for the operation of the corporation after the period of transition is over, will be chosen from among members of the general public, two from among nominees submitted by the Judicial Conference of the United States; two from individuals who are eligible for assistance under the provisions of title IX, two from among former legal service project attorneys, with the five remaining members to be selected from the nominess of the incorporating trusteeship.

The declaration of policy that enumerates the reasons for establishing the corporation states, among other things, that an access to legal services and appropriate institutions for all citizens of the United States is not only a matter of private and local concern, but is also of ap-

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propriate and important concern to the Federal Government; that the integrity of the attorney-client relationship and the adversary system of justice in the United States require that there be no political interference with the provisions and performance of legal services; that existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change; and that a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

Again, under this title, Puerto Rico, Guam, American Samoa, the Virgin Islands, et cetera will be treated as "States" and their residents will be eligible for the same level of services as will be rendered to residents of the 50 States.

There will be, I am sure, many difficulties to surmount in the operation of this program. However, the conferees have worked long and conscientiously, keeping in mind the overwhelming need to make the term "equality before the law" a reality in our country. Consequently, I hope that the concept of the Legal Services Corporation will receive broad-based support—from Members of Congress, the general public, and the administration.

In closing, I would like to comment on the provisions of title VII which establish a coordinated community economic development program. Title I D special impact programs and title III A, the rural loan program, have been combined under this new approach and have received a level of funding, $60 million for fiscal year 1972 and $120 million for fiscal year 1973, which represents, for the first year of operation, an increase of almost 30 percent allocated to these programs of economic development. Assistance will be given to private locally initiated community development corporations and related nonprofit agencies or organizations in conducting activities which are directed to the solution of the critical problems existing in particular communities and neighborhoods; within those urban and rural areas having concentrations or substantial numbers of low-income persons. The activities of programs will have to be of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting "tendencies toward dependency, chronic unemployment, and community deterioration." They must also hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

This, of course, is the type of planned attack we need to make on our economic ills. A coordinated program of this type, designed by community-rooted organizations will serve to prime the economic pump. Moreover, to assure the effectiveness of this approach, design and planning assistance grants will be available under title II. These grant moneys are to be used by the Director to pay community-based design and planning organizations to provide technical assistance and professional services to community organizations in the planning of the programs.

The types of programs specified include economic and business development programs which provide financial and other assistance, including equity capital to start, expand, or locate businesses in or near the area to be served so as to provide employment and ownership opportunities for residents of the area involved. Small businesses are eligible for assistance.

Community development and housing activities which can lead to the creation of new training, employment, and ownership opportunities are also authorized. Manpower training programs for unemployed and underemployed low-income persons will be included.

The above are the most significant of the Economic Opportunity Amendments of 1971. I believe that the measure, on the whole, is well deserving of support. I again thank the conferees and urge my colleagues to support the measure.

Mr. FISHER. Mr. Speaker, I am opposed to the adoption of this conference report for a variety of reasons. The measure is so bad that, if approved here today, I would hope the President will veto it.

Much of the debate today has related to the child development provision. Under the terms of that provision a brand new program would be inaugurated which for the first time would involve Federal functionaries in the rearing of children, influencing their minds and thoughts, and casting the mold for their future lives. While it is true no parent is compelled to submit to this technique, the concept and its inducements would be expected to gradually wear down resistence to its application—which reminds us:

Evil is of such a frightful mien,
As to be hated needs but to be seen;
But seen too oft—familiar with its face,
We first despise, then pity, then embrace.

However laudable is the idea of proper child care, which we all support, we are dealing here with a revolutionary concept in the area of having the State enter American homes, to coddle and influence the minds of small children, and at least to some extent replace the normal development of parental influence over the minds and lives of children. The scope of this proposal is a far cry from ordinary day care for the children of working mothers.

Mr. Speaker, I recently received a telegram from Mrs. Jean Harris, State president, Texas Congress of Parents and Teachers, which stated that during the 62d annual State convention of that organization in November, attended by 2,693 voting delegates from across the State, a resolution was adopted expressing strong opposition to this child development program.

In addition, I have received scores of other messages from parents expressing similar convictions. I cannot believe proponents can be fully aware of the extent of this concern and opposition.

Moreover, the cost of this comprehensive child development program will be prohibitive. The figure of $2 billion is given. But that is for early stages of it. A realistic figure is $10 billion in the foreseeable future. It is indeed a budget buster, and therefore highly inflationary.

Aside from the child development feature, the OEO needs to be vastly reduced or elliminated, and any good programs transferred to other agencies. Taking advantage of open ended authority, delegated by the Congress, that Agency has expended vast amounts of money which has been wasted or unaccounted for. OEO's blank check authority has been abused time and again, and this can be documented in scores of instances.

Mr. Speaker, again I hope this conference report will be voted down. If approved, I hope the President will exercise the right of veto.

Mr. BURKE of Florida. Mr. Speaker, I rise in opposition of S. 2007, the conference report on the Economic Opportunity Amendments of 1971. This legislation authorized $900 million a year for continuation of OEO-administered programs, $950 million for manpower programs, and $500 million for 1 year to the Neighborhood Youth Corps program. In addition it creates a Legal Services Corporation to replace the present OEO legal service programs and forbids the President from transferring any program from OEO to another Government agency without legislative approval and also offers a compromise version of the day-care bill. I voted against the House version which passed the House on September 30, 1971. I will do so today.

My colleagues will recall that the so-called child-development part of this legislation was added to H.R. 10351 by Congressman BRADEMAS' lengthy amendment, an amendment that contained more than 11,000 words and occupied 22 columns of fine type in the CONGRESSIONAL RECORD.

Most people had expected that as a part of plans for welfare reform a bill would be enacted that would provide modest Federal subsidies for needed day-care centers in some cities. It was envisioned there would be places where welfare mothers desiring to work could leave their children while they went to work. Instead the House approved a full-blown socialistic plan for the "comprehensive" development of all children to the age of 14. To my way of thinking it is the boldest and most far-reaching scheme ever advanced for the socialization of our American young.

The advocates of this legislation argue that "millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this, the bill directs the Secretary of Health, Education, and Welfare to foster programs that will provide "comprehensive physical and mental health, social and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential." The programs may include food and nutritional services; medical, psychological, and educational services, appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance, however, plays no part in the program.

The House on June 22, 1971, passed H.R. 1 which should aid the Nixon administration toward its proposed goal of consolidating and improving child-care programs with priority going to the children of working parents who are receiving welfare assistance and, regardless of the work status of the parents, to children of economically disadvantaged families. The Nixon administration hoped to create an integrated system of child care utilizing all Federal authorities, including Project Headstart child care under title IV of the Social Security Act, and welfare reform provisions of H.R. 1, thereby providing free child care to the poorest of our citizens while at the same time providing for a socio-economic mix in child-care facilities with children from families above the minimum-income level.

The conference report to the Economic Opportunity Amendments of 1971 provides free care for all children of families earning not more than $4,320 a year. Families with between $4,300 annual income would pay 10 percent of their income over $4,320. Families with between $5,916 and $6,960 income would pay the 10 percent, plus 15 percent of income over $5,916. A family of four with $6,960 income would pay a total of $317 a year. The HEW Secretary would set a fee schedule for families with more than $6,960 income.

The bill authorizes $100 million to plan the program in fiscal 1972 and $2 billion to develop it in 1973. The program might cost $350 million in fiscal 1973, but the House authorization is open ended. The bill contemplates, ultimately, Federal support of the entire range of services that have to do with the development of a child.

The method of administering this program is grotesque. Much of the problem revolves, not around who may operate individual projects, but who is eligible to be a prime sponsor.

The distinction between the two is important. A prime sponsor is the mechanism through which a child development council—the overall mechanism—is established, and an overall comprehensive plan for services is developed. Under the prime sponsor there would be a number of individual operating programs—each following the same rules and regulations promulgated by the Department of Health, Education, and Welfare—but each individual program operator would not deal directly with HEW. There are few restrictions on who may operate a program since they deal only with the prime sponsor.

The confusion seems to be about who is eligible to submit an application as a prime sponsor. As the conference report presently stands, if both a city—with a population of 5,000 or more—and a combination of localities or a State submit simultaneous applications for prime sponsorship to serve the same geographical area, the Secretary is mandated to approve the city's application if it meets minimum requirements. This results regardless of which is better equipped or has a greater capacity to administer programs which serve the needs of the particular area. The Secretary must approve the city as the prime sponsor.

Governor Askew of my State of Florida has expressed concern as the chief executive of the State of Florida that the scheme advocated in this legislation would create a pattern of participation based primarily on the availability of funds rather than the presence of need. He feels that the requirement to put up 20 percent in matching funds for the program while bypassing State governments in the designation, funding, and administration of day-care centers precludes poor local groups from participating.

The Governor wrote me as follows:

STATE OF FLORIDA,
OFFICE OF GOVERNOR
REUBIN O'D. ASKEW,
October 22, 1971.

Hon. J. HERBERT BURKE,
Tenth Florida District
Washington, D.C.

DEAR HERBERT: It has come to my attention that the Senate and the House of Representatives have approved S2007 and similar legislation which would completely bypass state governments in the designation, funding, and administration of day care centers and other child development programs.

While local involvement and local commitment are needed, I am sure you agree that the states should play a major role in supervising these programs to assure the best use of every available dollar.

Bypassing the states would require each local group to put up the necessary 20 percent matching funds for the program. It is my opinion that this would create a pattern of participation based primarily on the availability of funds rather than the presence of need. This problem could be solved, of course, by channeling the funds through the state administrative organizations on a priority basis so funds could be provided to the communities that have the greatest need. In addition, state participation would allow use of these funds to be coordinated with other state and local programs, thereby promoting maximum efficiency.

While I recognize that there is not much time left in the consideration of this particular change, I am sure that each of you will keep in mind the need for a meaningful state role in consideration of this and any similar legislation affecting federal-state-local programs.

Sincerely,

REUBIN, *Governor.*

The contrivers of this legislation following the do-gooder theory must be aware of the socialistic aspects of the same. The honest fact is that it is social legislation of monumental proportions. It promises to alleviate the problems of millions of American women who must work but who have no suitable arrangements for the care of their children. It promises a national commitment to comprehensive early childhood education. It estimated that there are 6 million preschoolers whose mothers work, and in light of the estimate, that it will cost at least $1,600 per child for adequate full-time care, it is easy to see that the total price tag of such a program will cost billions of dollars annually. But our socialistic planners care not. The problem has not been approached with caution, instead a helter-skelter mechanism for administering the program has been thrown together and hence we are asked shall we be socialist or shall we not?

Let us not forget that, in the context of a Communist society, in which children are regarded as wards of the state and raised in state-controlled communes, this scheme might be sensible. However, in America where our people cherish the values of home, family, church and parental control the passage of this bill is an insult to our founding fathers and to the majority of the American people. I hope this legislation will be defeated.

Mrs. ABZUG. Mr. Speaker, as you have appropriately observed, the vote on this conference report represents the "paramount moral vote of this session of Congress." The omnibus OEO bill which is now before us would do much more than merely extend the Economic Opportunity Act of 1964; it would, for the first time provide a permanent structure for the highly successful neighbor legal services program by the creation of the National Legal Services Corporation, thus providing poor and low income people assurance that they will not be deprived of legal services in civil matters because of their economic misfortune.

Most important, however, this bill incorporates the Child Development Act, the only new piece of social legislation to emerge from this session of Congress. For the first time, we have an opportunity to clearly articulate a national policy in favor of low-cost, federally subsidized child care. Let there be no mistake, a vote in favor of the conference report is a vote in favor of the children and women of this country and a vote against it is a vote against them.

The Child Development Act will permit all communities of 5,000 and over to set up 24-hour child care facilities. These will be local programs—programs over which local educators, professionals, and parents will have ultimate control. The act recognizes the desperate need of low-income families for child care they can afford. Those with incomes below the poverty level, $4,320, will be provided with free child care; those with incomes of up to $6,960, the Bureau of Labor Statistics figure for a minimum adequate standard of living for an urban family, will be provided with day care at fees within their limited means.

This Child Development Act is a first step in a direction we must go: the establishment of universal child care. Low-cost, broad-based child care must be as prevalent and acceptable as public education. This bill is only a first step, but it is a vital first step.

The Child Development Act is a children's bill, but it is more than that. It is a women's bill, too. Women's rights is definitely an issue here, even though not many speakers here have mentioned it. If a woman must stay at home to mind the kids, she won't be able to go to school—take a job—or work harder for promotion. Without adequate, low-cost

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day care facilities, women are doomed to occupy low-paying, low-prestige jobs; without day care, women must remain economic serfs.

Believe me. The women of this country are no longer willing to be the involuntary source of cheap labor that the absence of adequate day care facilities has dictated. I am sure that most of you have already heard this from the women in their districts. I can assure you that you will hear from them again if the Child Development Act is sacrificed to some misguided notion of "economy" or "priority." I can also assure you that their message will not be favorable. This is not a politically partisan question—it is a human question.

Critics of the Child Development Act have hinted darkly that all kinds of evil will follow the establishment of low-cost, broad-based child care, but all they have really said is that it is too expensive. Too expensive—what an insult to the women and children of America. We spend some $75 billion for war and killing and Members of this Congress and administration have the audacity to say that a bill authorizing $2 billion for child development is too expensive. Their message is clear—unlimited funds for war and technological needs but nothing for human needs.

I cannot believe that this is the message of the majority of this House. I urge the adoption of S. 2007, the OEO conference report.

Mr. MEEDS. Mr. Speaker, I rise in support of S. 2007, the Economic Opportunity Amendments of 1971. I would like to direct my remarks to the bill's provisions on legal services.

Created in 1964, the Legal Services program has been one of the most effective aspects of the Economic Opportunity Act. For the poor it has helped make the system responsive. Legal services attorneys have won landmark cases, including decisions on migrant labor, welfare regulations, housing codes, and police-community relations.

In 1971 over 1 million poor Americans will be represented by approximately 2,000 attorneys. Just 2 years ago the caseload was only half as large.

Recently I helped obtain a $150,000 grant to fund a legal services program for citizens in Snohomish, Skagit, and Whatcom Counties in my State of Washington. Located centrally in Everett, Wash., the program will hire five lawyers to help clients with a host of civil problems, among which are the mounting cases of repossessed homes, cars, and other personal property.

With success has come controversy, and this year I have helped write the legislation before us today which reshapes the entire legal services program.

Our bill creates a private, nonprofit corporation to fund local projects and expand legal services and opportunities. The corporation will be run by a board of directors, and 11 of the 17 members will be chosen by the President from lists submitted by groups representing clients of and members of the legal profession. Except in a very, very narrow instance, no attorney can take criminal cases. There are appropriate guidelines to restrict political activity.

Mr. Speaker, the Legal Services Corporation will continue to help more and more low-income Americans deal with the system. President Nixon stated recently that perhaps four out of five of the legal problems of the poor go unattended. I find this shocking and believe that the legal services program must be expanded. Former Chief Justice Earl Warren put it best when he said that:

> A right without an advocate is as useless as a blueprint without a builder or materials.

Mr. Speaker, only 30 years have elapsed since the U.S. Supreme Court ruled that Congress could legally pass a national child labor law. Only 30 years. Prior to the *Darby* case it was not unusual for small children to be working long days in factories, in textile mills, and even in the coal mines.

Brutal exploitation of child labor was perhaps the worst aspect of our industrial revolution. For a lot of American youngsters childhood offered only suffering, toil, misery. I am reminded of the child labor horrors today as we consider legislation designed to enrich the early years. I am reminded further of what Lord Avebury wrote in 1887:

> It is customary, but I think it is a mistake to speak of happy childhood. Children are often overanxious and acutely sensitive. Man ought to be man and master of his own fate; but children are at the mercy of those around them.

There is a vast middle ground between the childhood of the sweatshops and the childhood of affection, attention, and happy growth. Doctors and scientists tell us that a child's environment in his first 5 years is crucial to the way he matures and to his adulthood. In a more romantic age William Wordsworth penned the definitive statement on infancy: "The child is the father of the man."

FIRST AND LAST

We Americans were the first industrial country to embark on mass public education. Even today there are many, many nations where education is available only to the elite. Not so in the United States where adults have taxed themselves to aid the next generation. Peoples in other parts of the globe would be astounded if you told them that the average Washington State resident has an educational achievement of more than 12 years.

But we Americans are the last industrial country without available, adequate, and inexpensive child care services. That we are lagging in this area is not surprising, for our country has always been far behind other nations in establishing industrial reforms. For example, when Congress passed the Social Security Act in 1935, there were 27 nations that already had similar programs. Germany, under the leadership of that radical Otto von Bismarck, established sickness and maternity insurance in 1883. The Government of England created unemployment, disability, and health insurance in 1911. France set up unemployment compensation in 1905. Perhaps the ultimate example of our lagging behind was a Federal law to protect health and safety in employment. Congress didn't pass this bill until 1970.

Government-supported child care services are common throughout the major countries of the world except America. In Japan the Government helps support more than 12,000 day-care centers and more than 9,000 kindergartens. The Scandinavian nations have advanced facilities that furnish three types of supervision: day nurseries, kindergartens, and afternoon recreational centers for young students.

CHILD DEVELOPMENT AND S. 2007

S. 2007, the bill to continue and improve the Economic Opportunity Act of 1964, was passed in September in different versions by the House and Senate. Before us today is the final version written by the House-Senate conference committee. I strongly urge passage of this essential legislation.

The current phase of congressional activity on day care and child development began with the introduction of a bill on August 19, 1969. Since then the Select Education Subcommittee of which I am a member has held lengthy hearings on the various proposals and has studied the entire issue in great detail. Testimony produced 166 statements and witnesses who favored the comprehensive approach to child development.

It has been my pleasure to cosponsor child care legislation in the 91st and 92d Congresses. I have helped write the bill before us today and am proud of its provisions.

Support for the comprehensive child development legislation has been expressed by a broad range of groups including the League of Women Voters, the American Academy of Pediatrics, the U.S. Catholic Conference, the National Association for Catholic Women, the National Education Association, the National League of Cities, the AFL–CIO, Common Cause, and the American Bar Association.

NORMAN ROCKWELL NO MORE

My colleague from Idaho, Republican Representative ORVAL HANSEN, had this to say when the House debated the child development legislation on September 30:

> This is truly an idea whose time has come. Indeed, as we look across the country, we might very well conclude that it is long overdue. Quietly, without much notice, some very basic changes in the American family have been taking place. The American family today is not any longer—if it ever was—the Norman Rockwell-Saturday Evening Post stereotype complete with a mother waiting at the door with hot apple pie for the children after school.

Today there are 32 million working women. The number of mothers in the work force has increased sevenfold since 1940 and has doubled since 1950. Many women are the heads of families.

Among the children of working mothers are 6 million youngsters under the age of 6. What happens to them is the reason for the bill before the House this afternoon.

America has for these children only 641,000 certified day-care slots. Headstart serves only 263,000 children in full-year programs and 208,000 in summer projects.

The working mother is often forced into makeshift child care arrangements that are haphazard, inadequate, and even harmful.

Relatives are pressed into service; children are left alone with a key and a sandwich; a bored child decides to play with matches or explore the medicine cabinet.

The child development legislation will be costly if funded adequately. But consider the costs we are already paying. We are paying when 10 to 25 percent of our children are not prepared to meet the new challenges when they first enter school. We are paying when statistics show that the majority of crimes in this country are committed by persons under 25. We are paying when welfare costs continue to skyrocket.

We are paying when mothers suffer emotional and financial anxiety over finding proper care during the working day. We are paying when welfare mothers want to work but cannot surmount the obstacles related to child care.

We are paying when lack of child care facilities prevents the women of this Nation from making the contribution of which they are capable. Our country needs and must have the skills, talents, and abilities of its women.

We are paying dearest when the children do not get a fair chance.

CHILD DEVELOPMENT—IF SIGNED AND FUNDED

Mrs. Bruce B. Benson, president of the League of Women Voters of the United States, had this to say in a November 30 letter to the Congress:

> The League believes it absolutely essential for this nation to provide comprehensive care for children. Every year of delay is a year's opportunity denied to millions of children. Even though S. 2007 will not satisfy even the existing needs, it is a big step in the right direction.

S. 2007 authorizes $2 billion through June 30, 1973. Five hundred million dollars is earmarked for Headstart. It should be stressed that the legislation we are considering today does not appropriate any funds. Actual appropriations will come later when the House and Senate Appropriations Committees begin working in January on the new budget.

There has been some talk that President Nixon may veto this bill. I hope not. To veto the measure would run counter to the statement he made in a February 1969 message to Congress. Said the President:

> So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

Funds contained in the measure can be used for a host of child development services, including construction, rental, and remodeling of facilities. For the child the bill offers services that are educational, medical, nutritional, recreational, and social. Funds will also be used in the training of professionals and paraprofessionals to work with the children.

The bill specifies that free services are to be provided for low-income families. A family of four whose annual income is $4,320 would pay nothing, and families with larger incomes would pay fees on a sliding scale.

THE HALLOWEEN CAMPAIGN

During the past several weeks Congress has been receiving a good deal of mail against the child development legislation. While there has been considerable misunderstanding about the measure, right-wing extremists have engaged in a deliberate Halloween campaign to portray the bill as being full of demons, devils, and other scary figures.

Some of these people are saying that the Federal Government is going to take children from their homes and control them. Nonsense. Section 515(a)(24) states that:

> Programs or services under this title shall be provided only for children whose parents or legal guardians have requested them.

Section 578 of the measure is pretty much the standard clause Congress inserts in all aid to education bills:

> No department, agency, officer, or employee of the United States shall, under authority of this Title, exercise any direction, supervision or control over, or impose any requirements or conditions with respect to the personnel, curriculum, methods of instruction, or administration of any educational institution.

To protect the legal and moral sanctity of the family, section 581(a) of S. 2007 specifies that:

> Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children. Nor shall any section of this title be construed or applied in such a manner to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

Furthermore, the bill requires each sponsor of a child development program to establish a child development council to approve the basic policy decisions on the program. At least half of the council must be composed of parents whose children are served by the project.

HELPING THE CHILDREN

In her 1843 poem, "The Cry of the Children," Elizabeth Barrett Browning struck a blow against the agony of child labor:

> The young, young children, O my brothers,
> They are weeping bitterly;
> They are weeping in the playtime of the others
> In the country of the free.

What the industrial revolution did to children was finally brought under control. Protecting children has been evolving gradually into helping them become healthy, educated, adjusted adults. No child care program can ever replace a loving and constructive family environment. But love and concern are not always present. Even when these qualities are shared in the family unit, we still face the problem of the child whose mother is gone during the working hours.

We can bicker among ourselves about the details of this or that bill. But no matter how long we debate, one question remains supreme: What are we going to do about the children? Ignore them? Pay attention to them only in school and only when they begin having problems? Let them sit silently and alone in an empty house? Pretend that they do not need stimulation, like so many figures in a wax museum? Our Government has not done very well so far for the millions of children of working mothers and mothers who want to work. With S. 2007 we can do better.

Mr. DONOHUE. Mr. Speaker, I earnestly urge and hope that this conference report on the continuation and expansion of the wholesome programs of the Office of Economic Opportunity will be overwhelmingly accepted by the House.

The basic legislation provides for a 2-year continuation of programs that have already proved their effectiveness in carrying out our national commitment to perseveringly eliminate poverty in this country, such as community action projections, neighborhood health centers, emergency food and medical services, drug and alcoholic rehabilitation, migrant workers aid and senior citizen assistance.

The legislation further provides new and expanded activities to help meet the desperate needs of our Nation's cities and rural areas; to enlarge the Neighborhood Youth Corps unit for the establishment, because of the existing grave unemployment situation in this age group, of 100,000 new jobs for young men and women; to institute the National Legal Services Corporation to strengthen legal services for the poor and, perhaps more fundamentally important than anything else, to create a comprehensive child development opportunities and quality day-care service program designed to give our Nation's children, especially the disadvantaged and handicapped children, the best life start a concerned country can provide.

I would like to emphasize, Mr. Speaker, since there has been much misunderstanding about this particular provision, that this measure has been endorsed by the National Education Association, League of Women Voters, National Association for Retarded Children, National Council of Churches, U.S. Catholic Conference of Bishops, League of Cities and the National Conference of Mayors. May I also emphasize that no services may be offered to children under the provisions of the bill without the full consent and involvement of parents or legal guardians and all the activities will be completely designed, operated and controlled at the community level with the parents of the enrolled children holding the principal responsibility. Obviously, then, any fears, however well meant, that Federal Government intervention will tend to eliminate parental authority are unfounded.

Mr. Speaker, the programs contained in this legislation constitute the essence of our continuing war on poverty, that we initiated several years ago to extend help and hope to the discouraged millions of young, old and middle-aged poor people in this country. Our current national economic situation makes it unfortunately too clear that these programs are needed today more than ever before. They are not intended to establish any institutions of perpetual care but only to enable our poor citizens and families to increasingly better their economic status so that the programs can be gradually reduced and eventually eliminated.

Mr. Speaker, the substance of this

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measure truly represents a prudent investment in the present and future welfare and progress of this Nation and I believe it merits the resounding approval of this House.

Mr. ANDERSON of Illinois. Mr. Speaker, it is with great reluctance that I must oppose this conference report. I say that because I have been a strong supporter of both the major new features in this bill—the Legal Services Corporation and the comprehensive child development program—and I have, in fact, consponsored legislation in both of these areas. And let me say parenthetically that I have no quarrel with the conference version of the Legal Services Corporation program. I am especially proud of the fact that the Education and Training Task Force of the House Republican Conference has devoted considerable attention to the need for child development programs and has worked diligently in developing a bipartisan approach to this problem. I think it is most regrettable that this bipartisan spirit has collapsed. And without pointing the finger at anyone in particular, I think we should recognize that several factors involved in this collapse include the lack, to date, of any committee report on this major new program, the fact that few members had even seen the text of this 62-page amendment before it was tacked onto the EOA bill, and the fact that it was altered substantially both on the floor and in conference. This is just no way to win friends and influence people in launching a major new program of this kind, no matter how desirable the program and how well intentioned its authors.

I know there are those who would argue that the child development concept is such an overriding good in and of itself that we should overlook the imperfections and flaws which mar this title and pass it regardless. I just can't accept that thesis. If there was one outstanding lesson we should have learned from our domestic program efforts of the last decade, it is that good intentions do not necessarily make for good legislation, and we have had plenty of bad programs come back to haunt us because we operated on that mistaken assumption. And yet today, there will still be those who will argue that we should not allow ourselves to become hung up on the administrative arrangements contained in this bill because this is basically a sound and urgently needed program. Well, I would submit to my colleagues here today that it is precisely because this program is so urgently needed, especially by the working mothers of America, that we cannot afford to build a faulty foundation or it will fall flat on its face and we will once again open ourselves to the charge that we have allowed promises to outstrip performance—that we have raised a lot of false expectations because we will not be able to deliver on the promises made in this legislation.

And the key word here is "delivery." The crucial component of this comprehensive child development program is the delivery system, and I defy anyone to lightly dismiss the importance of this component. That would be like dismissing the importance of propulsion technology in putting a satellite into orbit. And yet in the conference version of the child development program we have an administrative monstrosity—burdensome, unmanageable, uneconomical, inefficient and chaotic. For in requiring that the Secretary of HEW must choose the smallest unit as the prime sponsor for a given area, we are in effect guaranteeing a proliferation of prime sponsors each having the least available expertise and resources and the most unfavorable cost/benefit ratio. It would, as the gentleman from Minnesota (Mr. QUIE) has so aptly put it, be analogous to going back to the day when each one-room schoolhouse would also be one school district. For obvious reasons of necessity we have gotten away from that concept; whereas in 1900 there were 100,000 school districts in this country, today there are 17,000, and this figure is dropping at the rate of 1,000 per year.

Or, to get back to my space analogy, the requirement in this bill would be like telling the administrator of NASA to use his weakest booster rocket and lowest quality fuel to put a satellite into orbit, even if a more substantial booster and higher quality fuel were available.

I would hope that we are genuinely interested in developing a program which will provide the maximum number of people with the best possible services at the lowest possible costs. That is why it is so important that we reject this conference report and go back to work on a bill which will give the Secretary the flexibility to choose those prime sponsors which are most competent and capable of serving a given area.

In light of the twin aims of the bill to provide: first, "child development programs for all children whose parents or legal guardians shall request them regardless of economic, social and family backgrounds," and second, high quality, comprehensive care including health, educational, psychological, nutritional, and so forth, services. The 2-billion authorization may be adequate for the initial year, but it is thoroughly misleading as to the eventual costs. The following are some cost figures based on differing assumptions about participation rates and cost per child:

[In billions]

Participation	$1,200/child	$1,600/child	$200/child
1. Below poverty line only ($3,721, family of 4)	$3.165	$4.220	$5.276
50 percent participation of children below poverty line	1.582	2.110	2.638
2. Children in families eligible under H.R. 1, Jan. 1, 1973	3.3	4.4	5.5
50 percent participation	1.652	2.203	2.754
3. Children in female-headed families eligible under H.R. 1 Jan 1, 1973	1.7	2.3	2.8
50 percent participation rate	.853	1.137	1.422
4. Cost of bill under consideration, including only children in families eligible for free services (under $4,320) and partial subsidization (under $6,900)	6.190	8.475	10.761
50 percent participation rate	3.097	4.240	5.380
5. Free services for all children under 5	20.599	27.465	34.332
50 percent participation rate	10.299	13.732	17.166

SOME IMPLICATIONS OF THE ABOVE FIGURES

First. All of the above estimates are based on 1970 census figures for children under 5. However, child development advocates are also talking about after-school services for children 5 and above, so the real costs would be much greater if these children were included in the calculations.

Second. To provide quality care for just the children in families below the poverty line—3,721 for family of four—would cost twice the amount of the $2-billion authorization. Moreover, to provide care for just half of the children promised free care—in families with incomes under $4,230—and almost completely subsidized care—in families between $4,320 and $6,900 would cost two times the authorization.

Third. In light of the figures in the above paragraph and in light of the bill's promise to provide at least partially subsidized care for children in families above $6,900, it seems to me that we have in the making one more huge credibility gap, and one more social welfare promise largely unfilled. Congress will never appropriate even a fraction of the amounts needed to provide even the minimum free care and partially subsidized care promised by this bill.

The history of medicaid and medicare is instructive here because it promised wide availability of skilled nursing home care for the first time—that is, financed demand—when there were not adequate facilities and personnel available. As a result of the pressure of this new demand, administrators gave temporary licenses to substandard facilities and in time you got the whole series of scandals uncovered by Nader, Congressman PRYOR, Senator PERCY in Chicago, and so forth. I see no reason why this same syndrome would not operate in the day field, when you remember that there were only 600,000 licensed day care slots in the entire country in 1969, yet we are here proposing services for 2 million to 10 million kids. I think this danger is especially great because under the bill any group representing more than 5,000 persons can qualify as a prime sponsor. Obviously, many prime sponsors of this type will be in no position to provide quality care, and there will, as a result, be strong and probably successful pressure to loosen standards for a transitional period that may never end if the skilled nursing home experience is any guide. Yet many child psychologists advise that substandard care may be worse than no care at all, especially for children from nonpoor families. Therefore, before we start financing a massive surge of new demand we better make sure that enough resources, personnel and facilties are available to absorb it.

The problem with this bill is that it completely melds together funds for first, facilities, planning, demonstration projects, personnel training and "start-up costs," and second, subsidies to allow children to participate, that is, fuses funds for supply and demand. I think any funds we do make available should be targeted to:

First, welfare children, especially in female-headed families. This is the area where funds are desperately needed if we are to begin to break the cycle of poverty, crime, and dependency. Once they get in elementary school it is usually too late.

Second, the development and expansion of a child care delivery system. There is already plenty of demand for services from nonwelfare families, as witness the huge waiting list for most current programs. The implication is that the startup costs for facilities, personnel, and so forth, is too great for any significant expansion of day care supply given the current ad hoc system. Therefore, if we are going to make funds available other than to welfare families they should be in the form of grants, loans, loan guarantees, technical assistance, model project funds and the like to spur the development of a supply system that at present cannot respond to even current demand. Specifically, this would be in the form of development assistance to prime sponsors serving areas of from 200,000 to 500,000 persons, they would become the central administrative units in a nationwide system. Over time, if we got our budgetary problems worke out, we could institute a tax credit to help finance demand for families in the working-class range just above the welfare level. But as a general principle, if nonwelfare families want day care they should finance the main portion of the cost themselves. The underlying principle of this bill is just the opposite and should be rejected on that ground alone.

Finally, Mr. Speaker, let me say that I thoroughly reject the notion that this bill is somehow designed to destroy the family and nationalize or "Sovietize" our children. This is sheer nonsense. This bill makes abundantly clear in unequivocal terms that the program is entirely voluntary—nobody is suggesting a legalized Federal kidnaping program. The program would simply be available to those families who need such a service. In addition, the governing bodies of both the prime sponsors and the individual projects are to have 50 percent representation by parents having children in these programs, and these governing bodies are responsible for the programs, politics, personnel, and other administrative details. In short, this program is oriented toward the type of programs and services desired by the parents involved and gives those parents sufficient administrative powers and representation to insure it. Contrary to popular misconception, this would not be run by a group of bureaucrats or a computer in Washington, D.C. It is local, it is voluntary, and it is parent-oriented. I hope we will defeat this conference report and bring back a bill that will best meet the needs of those parents who want this program.

Mr. MADDEN. Mr. Speaker, I am supporting this conference report, now under consideration, in order to continue and expand the Economic Opportunity Act which has been so highly beneficial in the past to millions of needy folks throughout the country and to families of low income. I supported the legislation when it was before the Rules Committee early this year and later when it successfully passed the House. The other body made some changes in the legislation and the conference between the House and Senate has returned a satisfactory bill and the conference report should be adopted by a large majority.

This legislation will carry out the highly successful and much-needed Neighborhood Youth Corps programs and authorizes $500 million for the fiscal year ending June 1972, for the highly successful Headstart program and also provides for the Follow Through program of $70 million for the fiscal year ending June 30, 1973.

This legislation also provides money for the carrying out of the Comprehensive Health Services program and the Emergency Fund Medical Services program along with the Family Planning program which projects are set out and described in the pending bill. There are also provisions for the Senior Citizens Opportunities and Services program as well as carrying out the additional cost of Environmental Action programs.

Thirty-eight million dollars set out in the bill will be for the purposes of carrying out part (b) of title III for migratory and seasonal farmworkers as well as money relating to the community economic development and the housing development and rehabilitation program described in section 222 of the bill. Provisions are also provided for the drug rehabilitation program and for community action boards.

CHILD DEVELOPMENT PROGRAMS

Millions of American children are suffering unnecessary harm from the lack of adequate child development services.

Comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children and should be available to children whose parents or legal guardians request them regardless of economic, social, and family backgrounds. Children with special needs must receive full and special consideration in planning any child development programs. Priority should be given to preschool children with the greatest economic and social needs. While no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training or education. Comprehensive child development programs not only provide a means of delivering a full range of essential services to children, but can also furnish meaningful employment opportunities for many individuals, including older persons, parents, young persons, and volunteers from the community.

This legislation is a comprehensive and cover-all program pertaining to the needs of many low-income and poverty-stricken families throughout the Nation. If passed today and signed by the President, it will contribute greatly to the recovery of our economy, increase employment and give necessary and needed education and training to the younger generation so that they will not become dependents on relief by reason of lack of training and preparation during their youth.

Ninety percent of the crime today can be traced to the negligence of our government—loca, State, and national—in not providing aid and help to young folks in preparing for practical employment in later years.

In recognition of parental responsibility for children, the conference report states that:

Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the full development of their children. Nor shall any section of this title be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law (Sec. 581).

In this bill there is no compulsion and no government control of children. I would hate for all these other good programs to be jeopardized because of a misunderstanding.

I do hope this conference report is passed by a large majority vote.

Mr. RANDALL. Mr. Speaker, my opposition to the conference report on S. 2007 is not to be equated as being in opposition to all child care programs. On the contrary, Headstart has proven to be successful.

Our opposition to S. 2007 and our own H.R. 10351 is not predicated solely and only upon this novel, untried and unbelievably expensive child development section. There are several parts of the overall poverty program that have not been either economically administered or effective in results. The gentlelady from Oregon (Mrs. GREEN) today on the floor of the House once again called the attention of the membership to the indisputable facts that hundreds of millions of dollars have been wasted on the poverty program. In her remarks she indicated that a considerable portion of the money has never been accounted for in what appeared to be at the time, worthwhile community action programs. She pointed to the present large payments being made to consulting firms whose main interest is to increase the income of their organization. Then she pointed to the poor record of placement of Job Corps graduates. If I recall her remarks correctly, she said that a total of $42 billion had already been spent on the poverty program, and asked in the light of such large expenditures, why has there been so little progress?

During the debate, the most telling argument advanced against the comprehensive child development program was that it amounts to a kind of reverse incentive. The earlier effort of the Ways and Means Committee provided child care only for working mothers. Now, as I read this conference report, it no longer contains the priority of the House which limited care to working mothers and single parents. Instead, our conferees extended care to all preschool children. In other words, under the conference report mothers could stay home, do nothing and yet still receive day care for their children.

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Mr. Speaker, I can support reasonable day care costs for those working mothers who need it. As long as mothers are proving they want to get off the welfare rolls and are willing to accept work to do that then child care is justified. But this bill is not merely day care for working mothers. Its thrust goes far beyond that. Instead it is a broad, comprehensive custodial program with provisions for nutrition, and education which leaves the door ajar for indoctrination at the tender preschool age. Most of this kind of care parents ought to do for themselves.

I am no authority on child care but I think I do know enough to understand that there is no substitute for parental care of children. There is no substitute for the family. Nothing can take the place of a family atmosphere. This leads us to consideration of the question whether our children would in fact be hurt or harmed by this kind of a development program. What we are surely talking about is institutionalized child care. This daily care matter means that for the greater portion of each day, the child is separated from both parents. Personalization, is replaced by depersonalization which is all that is possible with so many to be cared for. Before we approve the conference report we should consider the potential risk and possible emotional damage which can happen during the time from birth and during the preschool period until a child is 3 or 4 years old.

Even if we could disregard all of the other objections to this novel program it carries an impossible price tag. According to my arithmetic, when our bill went over to the other body, it authorized approximately $5 billion for 2 years. There was no sum certain contained for the child program. As a matter of fact, the House version was kind of open-ended because H.R. 10351 authorized such sums as should be required. Now, I suppose it could be said a fixed or specific limitation on authorization is better than none at all. But on page 62 of the report I see the Senate authorized $2 billion for just fiscal 1973 for this new comprehensive child development program. Once again it should not be too difficult to conclude that with the $5 billion for all of the other OEO programs, by adding the $2 billion for child development programs for fiscal 1973 alone, we are voting on a conference report that authorizes $7 billion.

How many times have we heard it said we should never worry about any amount that is authorized? What we should really be concerned about is the amount that is finally appropriated. Yet again and again the Congress subjects itself to criticism, in my judgment justifiably so, when we strike out and authorize programs which we can never afford to fund. Such a course of action is misleading. The adoption of an authorization bill creates an implied covenant to match that authorization with appropriations.

Now comes the question: What is so wrong with fully funding an authorization of this amount? The answer is it would not only be a budget buster for fiscal 1973 but will blow the budget to pieces year after year. It is bad enough to have the $2 billion added for fiscal year 1973, but it is worse to realize that when H.R. 10351 was debated earlier on the House floor, the minimum figure to fund the child development program when it becomes fully operational was thought to be $7 billion a year with a maximum of $20 billion a year.

A major argument advanced by proponents of these comprehensive child development services is that no services will be rendered free or gratis to those with an income over $4,320. But the fee schedule for those with income greater than this figure is graduated to a point where those who have a family income of $6,960 a year pay only $6.30 a week for a total annual cost of $315.

Obviously, this is only a small sharing of the cost and the greater part of the burden must be paid for by Federal appropriations. According to the conference report, this child development service is available to even those with incomes over $6,960. In such cases the personal contribution is to be set by the Secretary of Health, Education, and Welfare.

Mr. Speaker, day care for working mothers trying to get off the welfare rolls is justified. Even reasonable tax credits for working mothers in lower middle-class income brackets should be approved by our Ways and Means Committee. But we are embarking upon an innovation which has never before been tried in America. When all else has been said the facts are, that at this time, we simply cannot afford to authorize the $7 billion called for by S. 2007.

Mr. KOCH. Mr. Speaker, we will soon be voting on the conference report to S. 2007, the Economic Opportunity Amendments of 1971. I am pleased to support this legislation which includes two very important provisions essential for social progress, namely, the Legal Services Corporation and the child development programs.

The Legal Services Corporation is the new independent nonprofit corporation which would replace the present legal services program now under the Office of Economic Opportunity. This provision is very important in that it will remove legal services from the political arena and give it the independence so necessary for a program such as this. To assure adequate services for the poor it is most necessary to have unhampered legal advocacy.

The comprehensive child development program is another very important provision which authorizes $2 billion for fiscal year 1973 for child development programs and $100 million for fiscal year 1972 for planning of these programs. The bill envisions a comprehensive program for the care, nutrition, health, and educational enrichment of the child recognizing that the early years set and determine what a person will be later in life. Under the provisions of this bill, the disadvantaged and working mothers receive priority, which is only fitting since more women are working now than ever before.

I will vote "aye" on final passage.

Mr. RARICK. Mr. Speaker, I consider the comprehensive child development programs of the conference report of the bill S. 2007, the Economic Opportunities Amendments of 1971, to be among the most oppressive legislation and the greatest threat to individual freedom to come before this body during my 5 years as a Member. If enacted into law and implemented, these programs would undermine and lead to the deterioration and ultimate destruction of the family, locally controlled public school systems, and religious morals. It appears to me that the projected goal of these programs is a planned collectivist society similar to that of Soviet Russia, Red China, and the kibbutzim of Israel, and consequently the demise of individual freedoms secured to our people by the Bill of Rights.

If this Congress or the HEW bureaucrats were to come right out and proclaim that they were going to take America's children away from parents and home and put them all under Federal control, custody, and ownership, the parents of America would rise up in protest and indignation. So, what is bad must be disguised to appear good or at least economically beneficial in order to be sold to an unsuspecting citizenry.

President Nixon in his state of the Union address remarked that he desired to return power to the people at the local level to make those decisions which so greatly affect their lives. I concur with this view of our President and also agree with him when he stated:

> The idea that a bureaucratic elite in Washington knows best what is best for people everywhere and that you cannot trust local government is really a contention that you cannot trust people to govern themselves. This notion is completely foreign to the American experience. Local Government is the government closest to the people and it is most responsive to the individual person; it is people's government in a far more intimate way than the government in Washington can ever be.

Yet, the comprehensive child development programs would centralize power and control over the rearing and education of children in the hands of the Secretary of Health, Education, and Welfare.

In the conference report, section 578, stipulates that:

> No department, agency, officer, or employer of the United States shall, under authority of this title, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to the personnel, curriculum, methods, of instruction, or administration of any educational institution.

Other sections of the act direct the Secretary of Health, Education, and Welfare to establish standards and guidelines and authorize the Secretary to grant or withhold funds to local agencies on the basis of their compliance with such standards and guidelines.

Section 534(a) directs the Secretary of Health. Education, and Welfare to "promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance."

The many programs set forth in section 512 for which the Secretary of Health, Education, and Welfare would authorize funding as well as prescribe standards and guidelines and empower the Secretary of Health, Education, and Welfare to become a virtual czar over the lives of America's children. He would set standards for specially designed health, social, and educational programs—including after school, summer, weekend, vacation, and overnight. The times indicated include 24 hours of every day in the year. Since some of the proponents of comprehensive child development programs have openly boasted that communal forms of child upbringing in Russia and the kibbutzim of Israel are superior to the traditional family way of this country, parents might expect—should this legislation be enacted and implemented—to visit their children occasionally on weekends.

Under the provisions of section 512, government bureaucrats would decide what food children will eat, what is to go into their minds, the psychological tests and experiments, sensitivity training, and even the drug treatment they should undergo.

The Health, Education, and Welfare Secretary would have the final determination as to the morals to be instilled in children. A study made by the Department of Health, Education, and Welfare points out that a day-care center which ministers to a child from 6 months to 6 years of age has more than 8,000 hours to instill in the child values, beliefs, fears, behavior patterns, and can so mold the child as to affect his mind, personality and future potential.

The imparting of moral, spiritual, and social values to children should take place in the home assisted by the church and is the prime responsibility of parents, not politicians. The Constitution does not give the Federal Government such power, duty, or right. What moral, spiritual, and social values could the Federal Government espouse except political training to perpetuate the policies of its leaders?

The American government was established by and for the people, not the people by and for the government. I have been notified by several of my constituents and other Americans that they plan to protect their children from the bureaucrats of government—peacefully if possible, or by such other means as are necessary. They have informed me that the "Nation's" children really belong to their parents; that the government has no children; that the people own the government and not vice versa; and that the government is to work for the people and not the people for the government.

Jefferson stated it well when he said:

> The government is best which governs least.

So long as America adhered to the U.S. Constitution and the Holy Bible, America prospered. There was a minimum of government and a maximum of individual responsibility, free enterprise and freedom. Because people were free to lead their lives with a minimum of government interference, they were a creative and dynamic force, and their vitality made for a more just and orderly society. This is the system under which America prospered and became the leading nation in the world. Strong nations make weak people. Strong people make a great nation.

The child development programs would merge the political order with the social order, and the one order resulting would be the political. When the State totally controls society, we have a totalitarian form of government, which prescribes the standards society is expected to follow. The strength and energy of a nation flow from society to the state and not vice versa. The provisions of the child development programs as contained in S. 2007 if fully implemented would, I fear, eventually lead to a faceless robot society—it would foster a state humanistic secularistic religion thereby abrogating the traditional separation of church and state which has served to preserve freedom of religion.

The "child developers" who would diminish freedom, talk of the kind of citizens the state wants; whereas, if they desired to enhance freedom, they should be concerned with the kind of state the citizens want.

Mr. Speaker, I conclude my remarks with analytical comments on several other sections of the conference report of the bill S. 2007.

TITLE V—CHILD DEVELOPMENT PROGRAMS, STATEMENT OF FINDINGS AND PURPOSE

Section 501(a) states that Congress finds that—

> Millions of children in the nation are suffering harm from the lack of adequate child development services.

As just one Member of the Congress, I have not found this to be true nor have I seen any evidence to support such wild irrationalization. Congress is not yet a court.

While section 501(a)(2) stipulates that the child development programs should be available to the children whose parents or legal guardians request them "regardless of economic, social, and family backgrounds," section 501(a)(3) indicates that priority must be given to economic and social need "pending the availability of such programs for all children." This leaves no doubt that the legislation intends that the programs include all children in the future. We can be sure that the Federal courts and HEW bureaucrats will find coercive measures to force participation so as to get the "correct" racial balance, socioeconomic mixture, and whatever other balance or mixture they deem necessary in changing diverse individualities into one uniform conglomeration.

Section 501(b) purports that it is the purpose of child development programs to "provide that decisions on the nature and funding of such programs be made at the community level with the full involvement of parents" when, in reality, the decision to fund and the authority to set standards and guidelines are given to the Secretary of Health, Education, and Welfare by sections 511 and 512, respectively.

Section 501(b) states that:

> It is the purpose of the child development programs to recognize and build upon the success gained through the Headstart program.

There is abundant evidence to show that Headstart has been a failure, not a success. President Nixon stated on March 3, 1970:

> In our Headstart program where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds. If Headstart were a success, why then the necessity for this radical new child development program?

PART A—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

Section 512(2)(G) provides that activities of a child development program may include activities such as, diagnosis and identification of mental and emotional barriers with appropriate treatment to overcome such barriers. What are mental and emotional barriers? Who decides, and how is it decided? What is "appropriate treatment" as applied to an emotional or mental barrier? A statement entitled "Mental Health and World Citizenship" which emanated from the International Conference on Mental Health held in London in 1948 stated that the family imposes their imprint early in the personality development of the children who then perpetuate the traditional pattern to which they have been molded, and it is these people "who present the immediate resistance to social, economic, and political changes". Are the mental and emotional barriers to overcome the traditional beliefs and religious teachings of the parents?

Section 512(2)(I) provides for activities to ameliorate identified handicaps. What kind of handicaps? Mental? Emotional? Physical? A statement prepared by the Wisconsin Association for Mental Health, "A Progress Report for the State of Wisconsin" states that an "emotionally disturbed child" cannot be isolated from the definition of the "retarded" or "physically handicapped" because all children at times appear to be disturbed. Thus, all children at some time are "emotionally handicapped." A recent article in the National Enquirer stated that an abnormally high ratio of emotionally handicapped children in Quebec was traceable to poverty, poor health standards and lack of child support programs. Welfare statistics showed that 360,000 children or 24 percent of the total needed special care for their handicaps, and of those, more than 41,000 children have been removed from their families and placed in institutions and foster homes.

Since a purpose of the legislation as stated in section 501(b) is to "provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs" and since section 512(2)(O) authorizes the Secretary of Health, Education, and Welfare to provide for "such other services and activities as the Secretary may deem appropriate in furtherance of the purposes," it is logical to conclude that children with "identified handicaps" could be taken from parents and placed in child development facilities designated by some bureaucrat. Or, perhaps, the parent is the "identified handicap" constituting the barrier to the child's emotion and mental well-being as determined by Federal standards.

Section 512(2)(L) provides for "in-home services and training in fundamentals of child development for parents. . . ." An article in Moscow News of

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August 14–21, 1971, on preschool education in Russia states that nursery teachers "keep in contact with the parents and help them to bring up the children in a correct manner." The report of the Joint Commission on Mental Health of Children, page 75 states that in educational programs for children under 3 "Mothers would be taught the preferred ways of handling infants." In the report of the Education Commission of the States, June 1971, page 42, the value of home visits is given: "These children and parents needing special help because of physical and mental handicaps could be identified and provided the additional help required." Are parents to be trained as agents of the State? Dr. Edward Zigler, head of the Office of Child Development was quoted in the San Francisco Examiner February 10, 1971, as being "very apprehensive" about a nationwide network of child care centers as they were "a concept quite alien to the American ethos." That government controlled child care is indeed an alien concept apparently is no considered a deterrent, but a concept to be emulated.

CHILD ADVOCATE

Section 512(2)(M) calls for the use of child advocates.

At the White House Conference on Youth of 1970, which made numerous recommendations, some of which are reflected in the legislative proposals for child development programs, a forum chaired by Judge James J. Delaney of the Colorado Juvenile and Family Court provided these dates regarding a child advocate: First, the child advocate would be the day-to-day protector of children's rights in nearly all areas of child concern; second, the advocate would intervene when a child's "liberty or health are jeopardized, whenever he is deprived at home, schooling, medical care, property rights, entitlements or benefits, or is subjected to involuntary treatment." For example, if a child is severely beaten by parents, the advocate might step in to get medical attention. If a child is suspended or expelled from school, the advocate might negotiate with the school on his behalf. The child advocate would also secure legal services for children who are arrested. In short, the child advocate would supposedly protect the rights of children against those whom he considers to be abusive and unjust parents, teachers, and police officers.

The child advocate would "reach aggressively into the community, send workers out to children's homes, recreational facilities and schools, develop new services, contract for others and modify existing services agencies so that the range of needs discovered is matched by the range of services available. They would assume full responsibility for all education in the community as opposed to schooling—including pre-primary education, parent education, and community education."

The child advocates in reaching aggressively into the communities and sending social workers into children's homes to advise them of their needs should be aided by the recently issued Census Department "Block Statistics" which provide on every block of our major cities such data as age, number of negroes, number of occupants, number of homes, number of rooms, average number of persons per room, and the average cost of houses.

Section 512(2)(O) allows "such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this part." This is a wide open, blank check grant of power—a Pandora's box. Anything goes.

PRIME SPONSORS OF CHILD DEVELOPMENT PROGRAMS AND CHILD DEVELOPMENT COUNCILS

Sections 513 and 514 establish that any State or local unit of government of a given size may be a "prime sponsor" of a child development program and that an application from a prime sponsor is required to be submitted to the Secretary and establish what the application must include. Among other requirements, an application must provide for the establishment of Child Development Councils. Members of CDC's are required to have a membership of at least one-third parents of children who are economically disadvantaged.

Section 514(b)(3) states that CDC's are responsible for planning, coordination, and monitoring child development programs. In general, language of the bill would lead one to believe that in any case, the CDC's have authority and control over child development plans and programs. Section 534(a) clarifies any misunderstanding. It clearly states that the Secretary shall "promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance." This section puts to rest the belief that child development programs will be of local determination. To further the myth of local control, section 534(c) establishes a special committee on Federal standards for child development services. "Such committee shall participate in the development of Federal standards for child development services. Note that the Secretary will promulgate the standards—the special committee merely "participates."

COMPREHENSIVE CHILD DEVELOPMENT PLANS

Section 515 establishes the requirements for a comprehensive child development program which must include a career development plan and advancement on a career ladder; jobs for persons residing in communities served by such projects; enrollment to the extent feasible for children from a wide range of socioeconomic backgrounds. That establishment of child care facilities will bolster the economy by providing jobs for low income persons is often cited as one of the benefits of creating child care programs. Requiring a socioeconomic mix will assure busing.

Section 515(a)(16) requires the assurance that mechanisms have been developed "to provide continuity between programs for preschool and elementary school children." This requirement effectuates a statement in the Report of the Education Commission of the States, under a chapter titled "Objectives of a Public Early Childhood Program." Objective No. 5 states:

One of the objectives of education before the age of six should be to foster changes in the public schools . . .

And on page 21:

The public schools need broader definition of objectives. Intellectual objectives need to be expanded to include more emphasis on problem solving and general objectives need to be expanded beyond intellectual development to include the physical and mental health of children.

Here it would be appropriate to consider what is meant by "mental health." It should be realized that the concept of mental health as now used has little relationship to insanity; that mental health according to the United Nations definition is a "state of complete physical, mental and social well being and not merely the absence of disease or infirmity." (World Health Organization Report, March 1948). A statement from "Mental Health and World Citizenship" cited above stated: "Principles of mental health cannot be successfully furthered in any society unless there is a progressive acceptance of the concept of world citizenship. World Citizenship can be widely extended among all peoples through the application of the principles of mental health.

PROJECT APPLICATIONS

Section 516(a)(11) provides that "no person will be denied employment in any program solely on the ground that he fails to meet State or local teacher certification standards." This constitutes an encroachment on the long-recognized right of the sovereign States to establish and require teacher certification standards.

PART B—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION PRESERVICE AND INSERVICE TRAINING

Section 531 authorizes the Secretary of Health, Education, and Welfare to provide financial assistance to enable individuals employed or preparing for employment in child development programs "including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out a child development program, or any institution of higher education, including a community college, or by any combination thereof." Will it be the purpose of "inservice training" to change attitudes, values and beliefs utilizing sensitivity training techniques, by whatever name? Will the participants be advised of the nature of the training?

Section 532 directs the Secretary of Health, Education, and Welfare to "make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this title on a continuing basis to assist them in planning, developing, and carrying out child development programs." This means, in effect, in cases where the local sponsors do not have the "know-how" to draft an application for a Federal grant the way the HEW bureaucrats want the application drafted, that the Secretary of Health, Education, and Welfare can have some of his planners draw up the application or can contract this task out to some other agency. This is just another assurance that HEW—not the people at the local level—will control the program.

DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

Section 535 directs the Secretary to appoint a special committee to consist of parents and children in development programs, State and local licensing agencies, public health officials, fire prevention officials, construction unions, etc., to develop a uniform minimum code for child development facilities, to which all child development facilities, both public and private, new and old, shall conform. This section neatly provides a scheme for political maneuvers—something for everybody, not just the children.

Section 535(d) provides that the Secretary must approve the code and such standards shall be applicable to all facilities receiving Federal assistance. "The Secretary shall urge their adoption by States and local governments." What is the necessity for the States and local governments to go through the formality of adopting the standards when Federal dictates have decreed they shall be applicable to all facilities using Federal assistance? This is a perfect example of the sham of "participatory democracy" at work, or the theory of "citizen participation," better known as "decentralized administration of centralized authority."

PART C—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

This title, under section 541(g)(1) establishes that "The Secretary shall have the same function powers and duties . . . as the Secretary of Housing and Urban Development", thereby creating yet another expensive bureaucracy. Section 541(h)(1) creates a Child Development Facility Insurance Fund, and section 541(h)(5) authorizes initial capital for the fund and "to assure the soundness of such fund thereafter, such sums may be necessary." This is an assurance that the fund need not pay its own way, or in any way, shall accountability be required.

PART D—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

Section 546 authorizes the Secretary to make grants for child development programs for children of employees of the Federal Government. Section 547(a) provides that not more than 80 percent of the total cost of programs shall be paid from Federal funds. Section 547(b) provides that the non-Federal share may be provided through public or private funds "and employer contributions." Remember, this part pertains to children of employees of the Federal Government.

PART E—RESEARCH AND DEMONSTRATION COORDINATION OF RESEARCH

Section 553 assures the Secretary of Health, Education, and Welfare total control of all research and training efforts. And as assurance of dissemination of Federal directives, section 553(c) establishes a Child Development Research Council represented by Federal educational and health agencies, "to assure coordination of child development and related activities under their respective jurisdictions and to carry out the provisions of this part."

PART F—GENERAL PROVISIONS DEFINITIONS

Section 571(9) and (10) respectively define "parent" as "any person who has day-to-day parental responsibility for any child and "single parent" as "any person who has sole day-to-day responsibility for any child." Is the parent the worker in the child development facility? These definitions are intended to include adults in the so-called communal and homosexual families as stated in the White House Conference on Children Report.

SPECIAL PROVISIONS

Section 574(d) stipulates that the Secretary of Health, Education, and Welfare shall not provide financial assistance for any program under this title which involves political activities. There is a similar provision with respect to the OEO, yet the OEO in repeated flagrant violations of the provision engages in political activities, and no action is taken by the executive branch of the Government to stop such practices or to castigate the irresponsible OEO officials.

FEDERAL CONTROL NOT AUTHORIZED

It should be noted that this part does not say "Federal control prohibited." It says: "Federal control not authorized." There is a difference. Section 578 states that no department, agency, and so forth, of the United States shall "exercise any direction, supervision or control over or impose any requirements or conditions with respect to the personnel, curriculum, methods of instruction or administration of any educational institution." How does this statement apply to child development facilities? While education is a part of early childhood programs, the supposed goal is total development of the child. Since this section applies to "educational institutions" and not to "child development facilities," what is the scope of Federal control over child development facilities? Section 571(7) differentiates in designating "schools" and "child development facilities," so it must be assumed that the Federal Government does recognize a difference.

Mr. Speaker, the child development programs constitute a serious threat to the liberties of our people. No provision of the Constitution authorizes the Federal Government to undertake the functions of parent replacement by providing child advocates, establishing child development facilities and carrying on the many other related functions. If the people at the State or local level decide they want the Government to act as parent and the taxpayers want to pay the bill, then let it be done in accordance with the wishes of the people as provided in their State and local constitutions and laws.

The child development programs would involve a fantastic cost which this country is in no financial condition to bear. For the purpose of carrying out the programs, $100,000,000 is required for the fiscal year ending June 30, 1972 with $2 billion for the ensuing fiscal year. It has been conservatively estimated that the amount would soar to $20 billion within a few years.

The child development programs would weaken individual liberty, pride, and responsibility by denying that precious feeling of accomplishment and well-being which results from achieving something on one's own against odds—the basis of true mental health. The end result of such threatened programs can only be more regimentation of our lives by bureaucratic planners.

I urge my colleagues to vote against the acceptance of this conference report on S. 2007.

Mr. FRENZEL. Mr. Speaker, the conference report on S. 2007 contains three separate provisions, the OEO bill for 1971, the Early Childhood Development Act, and the Legal Services Corporation Act. I have been a strong supporter of the first provision, and an author of the latter two. Therefore it is with great regret that I feel obliged to vote against S. 2007.

The OEO section is flawed by provisions restricting local determination on how funds should be spent, and by restrictions on transfers of functions. We have been phony in insisting that community action groups be given autonomy in their own operations. We have given "lipservice" to "neighborhood control."

But what the right hand giveth the left taketh away. In the final analysis, Congress has not trusted the community action groups. The programs must be administered in exactly the proportions Congress determines, no matter what the local needs. If your area wants day care and the day-care money is gone, forget it. Let them have a nice drug program, even if they do not want it.

But even after these "Papa knows best" restrictions had been demanded by the Senate, and acceded to by our House managers, I still support the OEO portion of this bill.

This Legal Services Corporation bill, which I was proud to sponsor, has, miraculously, been improved in the conference committee. It will be an enormous improvement over the present scattered systems of legal services to the poor.

It will provide controlled, uniform legal services where needed and will answer valid criticisms concerning previous lack of controls, and uneven distribution of services.

The final portion of S. 2007 is the Early Childhood Development Act—or the day care bill, as many have described it. I was a proud sponsor of legislation similar to that which passed the House and supported the House version.

However, in reading the conference report, I found that in the over 100 differences between the House and Senate versions, our House managers have conceded to the Senate in two out of three. Many of the differences were minor. But with a success ratio of only one-third, our managers can hardly describe S. 2007 as the same kind of animal on which we voted earlier this fall.

My original bill contemplated uniform national implementation of childhood

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development programs through stimulation of State planning. States are not exactly ignored in this version, but I do believe that they have been assigned a minor role. Under this bill, it is evident that the planning districts in my own State will be ignored and that any State coordination is, at best, unlikely and, at worst, impossible.

On this point, and others, I would like to say for the RECORD that no one can put words into a bill that are not there. Colloquies on the floor of this House, or the other body, have been merchandized as establishing "Legislative History" or "Legislative Intent." The colloquies I have seen, or heard, with respect to the role of the States, the authority of the Secretary, the coordination of programs, are merely wishful thinking. I urge my colleagues to look to the bill, itself, rather than the approving managers' descriptions thereof.

The fatal flaws in the childhood development section stem from Senate amendments which reduce size of population level for prime sponsorship to 5,000 people. This, of course, means that literally hundreds of uncoordinated programs are possible in each State. Small prime sponsor units will have to look to HEW for advice, counsel, and expertise. Coordination will be national only, and will, based on the HEW trade record be disastrous.

The worst of it is that to give local people control of programs did not require giving them prime sponsorship. Prime sponsorship could have been retained by larger units; States, planning areas; counties; large cities; or metropolitan areas. Smaller local units could still have operated and managed programs. Now we can expect a proliferation of competitive programs—a situation analogous to the proliferation of political subdivisions around a central city core.

The 5,000 population limitation gives us a sorry kind of federalism—a weird combination of typical Washington centralism and law of the jungle. The middle level coordination was, sadly, eliminated.

The Secretary's powers of approval of prime sponsors are clear, but his discretion is clearly limited. The "shall's" and "may's" in the bill are clear signals that he cannot disapprove localities—or combinations or others—applications if they fit the criteria, even if they may not be the best plans for the total area. In my area for instance, qualified groups could be designated—would have to be designated—even though our county has a proper vehicle for prime sponsorship for the area and has done the preliminary planning for it.

This provision means that a competitive race between prime sponsors is a likely result, rather than a careful, coordinated plan for development of day care.

After careful reading of the bill, I am convinced that, while some childhood development and day care will occur under it, it pretty well assures that reasonable development and care cannot occur. This area is too important to waste our money and, more significantly, our human resources on a poor plan.

My own brief experience in Washington reveals an unvarying pattern of congressional inability to correct or replace Federal programs once they have been started. These programs create their own constituencies with insatiable demands for services. Parallel programs can be created, but old ones never die.

I have received many letters in support of this bill, and very few opposed to it. Nevertheless, almost all of the supporters do so in concept, rather than detail. I, too, support the concept, but someone has to look at the detail, or the result will be the repeat of a false promise. If, indeed, the program can work at all, it will likely suffer in appropriations, because of the lack of confidence in it.

On balance, Mr. Speaker, I find this area of need too important for me to vote for a program which will not work well, if at all. Therefore, I must oppose despite my liking for other portions of S. 2007 and my support of the childhood development concept. With my negative vote goes my pledge for assistance in the search for reasonable workable programs as soon as possible.

Mr. McKAY. Mr. Speaker, I support the conference report on the OEO amendments, but I do so with some misgivings. I share the concern of many of you about the administration of the child development program, particularly the provision allowing any community with a population above 5,000 to be a prime sponsor. By thus bypassing the State government we not only weaken further the capacity of the State to respond to social problems, we also leave responsibility with agencies of local government which—at least in Utah—do not have the administrative machinery to deal with them.

I recognize that some States have failed to respond when given the primary role in various programs, but that is not an adequate reason to penalize those States which have and will act responsibly. As Governor Rampton points out in his letter to me—which I am including for publication with this statement—it would be a simple matter to write legislation which would provide for alternate administrative action if any State failed adequately to respond.

Additionally, I am concerned that the child development program not become a State subsidized nursery school program.

I am delighted to think that some families, under the provisions of this act, may be able to earn their own way more adequately while having assurance that their young children are receiving the basic medical, nutritional, and psychological care. On the other hand, early parental relationships are extremely critical and must be tampered with only with the greatest of caution.

I am merely suggesting that when this aspect of the bill is funded and administered, all involved must do all they can to see that American families are strengthened—not weakened—by this legislation.

I also share certain misgivings about the political purposes for which some funds may have been used by groups in a few States. We are pleased in Utah that the money which has come in through the OEO has in large measure reached the people for whom it was intended without causing the political problems which have developed elsewhere. I believe the same results could be obtained throughout the program by instituting administrative controls. Killing the program would be, in my opinion, unnecessarily drastic action, and would cause hardship for the people of my State who are finding the various OEO programs valuable in their lives.

As a member of the Appropriations Committee, I am also satisfied that the OEO programs will receive critical scrutiny during the appropriations process, and any expenditures which are not in the national interest will be curtailed. I have great confidence in Mr. FLOOD and his subcommittee and in the appropriations process generally.

Mr. Speaker, I am hopeful that my reservations and those others stated here today will be heeded in future OEO amendments. Under the circumstances we face today in considering this conference report I cannot, on balance, vote to kill programs on which so many depend because of my dissatisfaction with certain portions of the report.

Mr. Speaker, I ask that a letter from the Honorable Calvin L. Rampton, Governor of Utah, be printed at this point in the RECORD.

The letter follows:

OFFICE OF THE GOVERNOR,
Salt Lake City, Utah, October 5, 1971.

Representative K. GUNN MCKAY,
U.S. House of Representatives,
Washington, D.C.

DEAR GUNN: I am concerned about two bills currently pending before the Congress having to do with comprehensive child development. Each of these bills would make substantial grants available for the general purpose of the act. I am in concurrence with the objective, but greatly disturbed about the administration proposals contained in the act.

These bills are HR 6748 and S 2007. The House bill provides for partially by-passing the states by giving cities over 100,000 in population priority over the states as prime sponsor to administer child development programs for that city, while the Senate bill would make a similar provision for cities over 25,000 population.

Under the laws of the state of Utah the cities have no facilities, and in fact no authority, to carry on programs of this type. It is true that cities of first and second class have their own school districts, but these school districts have no connection with city government but rather have their liaison with the State Department of Education. Various school districts in the state, under the general supervision of the state office of education have been doing substantial work on pilot projects for early childhood education and development. To circumvent the state school office and go directly to the cities would lead to confusion and great waste of public monies.

I would, therefore, like to ask that you support proposals to make the state the prime sponsor of the project, providing for cities to be secondary sponsors if the state did not act within a reasonable time, say 90 days. If this is done, it would be my intention to designate the state Office of Education which, as you know, is under the jurisdiction of an elected school board, as the single state agency to administer the project.

I will deeply appreciate your help on this matter.

Sincerely,

CALVIN L. RAMPTON, *Governor.*

Mr. FISH. Mr. Speaker, as one who believes deeply in the need for early child development legislation, it is with regret that I must vote against the conference report on S. 2007, the Economic Opportunity Amendment of 1971. For a number of reasons, however, I find unacceptable both the child development legislation and certain changes in the basic concept of the Economic Opportunity Act.

The child development legislation before the House in my judgment provides an unworkable distribution system. Our States are bypassed by this legislation despite the fact that many States today are developing comprehensive plans which should be coordinated with any Federal effort. As prime sponsors, the need is for cities large enough to have the capacity to adequately plan to implement the program. Communities without the needed resources are made prime sponsors which can only raise expectations that are bound to be frustrated.

The thousands of potential program grantees present an administrative nightmare. Proper administration as well as oversight by the Congress is as important in such a serious piece of legislation as child development as in any area I can think of. As structured, however, it would be nearly impossible for Congress to oversee.

The measure also contains changes which I cannot accept in the concept of our basic poverty law concerning the prohibition against delegation and the earmarking of program funds. The prohibition against delegation was not in the House passed version and violates the concept of OEO as an innovating, experimenting agency, an incubator, if you will. Programs responding to a social need that are proven worthwhile become structured in more permanent line agencies leaving OEO free to break new ground. To prohibit delegation clearly tends to make OEO a permanent line agency itself.

The earmarking of program funds, also a Senate contribution, can only effectively limit local authority to establish its own priorities. Earmarking funds and not permitting discretion according to local needs moves decisions away from localities where needs are best known.

The need particularly for early child development legislation is clear but the vehicle of fulfillment is a different matter. The legislation before us has too many faults. We have had ample historic experience with the difficulties in changing a program once it is enacted to know the problems of embarking on the wrong course.

The Congress has the obligation and the opportunity to develop legislation which will provide a sound workable administrative system of child development and should give it a high priority.

The SPEAKER. The question is on the conference report.

Mr. QUIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 211, nays 187, not voting 33, as follows:

[Roll No. 438]

YEAS—211

Abourezk	Fraser	Nix	Downing	Kee	Rogers
Abzug	Fulton, Tenn.	Obey	Duncan	Keith	Rousselot
Adams	Fuqua	O'Hara	du Pont	Kemp	Runnels
Addabbo	Gallagher	O'Konski	Edwards, Ala.	King	Ruppe
Alexander	Garmatz	O'Neill	Erlenborn	Kuykendall	Ruth
Anderson, Calif.	Gaydos	Patman	Eshleman	Kyl	Sandman
Anderson, Tenn.	Gibbons	Patten	Findley	Landgrebe	Satterfield
Andrews, N. Dak.	Gonzalez	Pepper	Fish	Latta	Saylor
Ashley	Grasso	Perkins	Fisher	Lennon	Scherle
Aspin	Gray	Peyser	Flowers	Lent	Schmitz
Aspinall	Green, Pa.	Pickle	Flynt	Lloyd	Schneebeli
Badillo	Griffiths	Podell	Ford, Gerald R.	Long, La.	Schwengel
Barrett	Gude	Preyer, N.C.	Forsythe	Lujan	Scott
Begich	Halpern	Price, Ill.	Frelinghuysen	McCollister	Sebelius
Bell	Hamilton	Pryor, Ark.	Frenzel	McDonald, Mich.	Shoup
Bergland	Hanley	Rangel	Frey	McEwen	Sikes
Biaggi	Hanna	Rees	Gettys	Mahon	Smith, Calif.
Biester	Hansen, Wash.	Reid, N.Y.	Giaimo	Mailliard	Smith, N.Y.
Bingham	Harrington	Reuss	Goldwater	Martin	Snyder
Blanton	Hathaway	Riegle	Goodling	Mathias, Calif.	Stanton, J. William
Boggs	Hawkins	Rodino	Green, Oreg.	Mayne	Steiger, Ariz.
Boland	Hays	Roe	Griffin	Michel	Steiger, Wis.
Bolling	Hechler, W. Va.	Roncalio	Gross	Miller, Ohio	Symington
Brademas	Heckler, Mass.	Rooney, N.Y.	Grover	Mills, Md.	Talcott
Brasco	Heinz	Rooney, Pa.	Gubser	Minshall	Taylor
Brooks	Helstoski	Rosenthal	Hagan	Mizell	Teague, Calif.
Burke, Mass.	Hicks, Mass.	Roush	Haley	Montgomery	Teague, Tex.
Burlison, Mo.	Hicks, Wash.	Roy	Hall	Myers	Terry
Burton	Holifield	Roybal	Hammer-schmidt	Nelsen	Thompson, Ga.
Byrne, Pa.	Horton	Ryan	Hansen, Idaho	Nichols	Thone
Byron	Hosmer	St Germain	Haraha	Passman	Vander Jagt
Carey, N.Y.	Hungate	Sarbanes	Harvey	Pelly	Veysey
Carney	Jacobs	Scheuer	Hastings	Pettis	Waggonner
Celler	Johnson, Calif.	Seiberling	Hébert	Pike	Ware
Chisholm	Jones, Ala.	Shipley	Henderson	Pirnie	Whalley
Clark	Karth	Shriver	Hillis	Poage	White
Clay	Kastenmeier	Skubitz	Hogan	Poff	Whitehurst
Conte	Kazen	Slack	Hull	Price, Tex.	Whitten
Conyers	Koch	Smith, Iowa	Hunt	Quie	Williams
Corman	Kyros	Staggers	Hutchinson	Quillen	Winn
Cotter	Leggett	Stanton, James V.	Ichord	Railsback	Wydler
Coughlin	Link	Steed	Jarman	Randall	Wylie
Culver	Long, Md.	Steele	Johnson, Pa.	Rarick	Wyman
Curlin	McCloskey	Stephens	Jonas	Rhodes	Young, Fla.
Daniels, N.J.	McCormack	Stokes	Jones, N.C.	Roberts	Zion
Danielson	McCulloch	Stratton	Jones, Tenn.	Robinson, Va.	Zwach
Davis, S.C.	McDade	Stubblefield	Keating	Robison, N.Y.	
de la Garza	McFall	Stuckey			
Delaney	McKay	Thompson, N.J.			
Dellums	McKinney	Thomson, Wis.			
Denholm	McMillan	Tiernan			
Dent	Macdonald, Mass.	Udall			
Diggs	Madden	Ullman			
Dingell	Mathis, Ga.	Van Deerlin			
Donohue	Matsunaga	Vanik			
Dorn	Mazzoli	Vigorito			
Dow	Meeds	Waldie			
Drinan	Melcher	Wampler			
Dulski	Mikva	Whalen			
Dwyer	Miller, Calif.	Widnall			
Eckhardt	Minish	Wilson, Charles H.			
Edmondson	Mink	Wolff			
Edwards, Calif.	Mitchell	Wright			
Eilberg	Mollohan	Wyatt			
Esch	Monagan	Yates			
Evans, Colo.	Moorhead	Yatron			
Fascell	Morgan	Young, Tex.			
Flood	Morse	Zablocki			
Foley	Mosher				
Ford, William D.	Moss				
	Murphy, N.Y.				
	Natcher				
	Nedzi				

NAYS—187

Abernethy	Brown, Mich.	Clausen, Don H.	Abbitt	Fountain	Murphy, Ill.
Anderson, Ill.	Brown, Ohio	Clawson, Del	Andrews, Ala.	Gallifianakis	Powell
Archer	Broyhill, Va.	Cleveland	Annunzio	Howard	Pucinski
Arends	Buchanan	Collier	Belcher	Kluczynski	Purcell
Ashbrook	Burke, Fla.	Collins, Tex.	Blatnik	Landrum	Rostenkowski
Baker	Burleson, Tex.	Colmer	Broyhill, N.C.	McClory	Sisk
Baring	Byrnes, Wis.	Conable	Collins, Ill.	McClure	Spence
Bennett	Cabell	Crane	Derwinski	McKevitt	Springer
Betts	Caffery	Daniel, Va.	Dowdy	Mann	Sullivan
Bevill	Camp	Davis, Ga.	Edwards, La.	Metcalfe	Wiggins
Blackburn	Carter	Davis, Wis.	Evins, Tenn.	Mills, Ark.	Wilson, Bob
Bow	Casey, Tex.	Dellenback			
Bray	Cederberg	Dennis			
Brinkley	Chamberlain	Devine			
Broomfield	Chappell	Dickinson			
Brotzman	Clancy				

NOT VOTING—33

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Mann against.
Mr. Blatnik for, with Mr. Dowdy against.
Mr. Howard for, with Mr. Abbitt against.
Mr. Rostenkowski for, with Mr. Andrews of Alabama against.
Mrs. Sullivan for, with Mr. Landrum against.
Mr. Sisk for, with Mr. McClory against.
Mr. Kluczynski for, with Mr. McKevitt against.
Mr. Murphy of Illinois for, with Mr. Spence against.
Mr. Collins of Illinois for, with Mr. McClure against.

Until further notice:

Mr. Metcalfe with Mr. Powell.
Mr. Mills of Arkansas with Mr. Broyhill of North Carolina.
Mr. Evins of Tennessee with Mr. Belcher.
Mr. Purcell with Mr. Derwinski.
Mr. Pucinski with Mr. Springer.
Mr. Wiggins with Mr. Bob Wilson.

Mrs. HANSEN of Washington and Mr. HICKS of Washington changed their votes from "nay" to "yea."

Mr. SYMINGTON changed his vote from "yea" to "nay."

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The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. QUIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the body of the RECORD on the conference report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on December 2, 1971, the President approved and signed bills of the House of the following titles:

H.R. 1836. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer;

H.R. 1867. An act for the relief of Bernadette Han Brundage;

H.R. 1899. An act for the relief of Mrs. Maria G. Orsini (nee Mari);

H.R. 1931. An act for the relief of Jesus Manuel Cabral;

H.R. 1962. An act for the relief of Dah Mi Kim;

H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;

H.R. 2087. An act for the relief of Park Ok Soo and Noh Mi Ok;

H.R. 2107. An act for the relief of Jose Bettencourt de Simas;

H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez;

H.R. 2408. An act for the relief of Louis A. Gerbert;

H.R. 2706. An act for the relief of Miguelito Yput Benedicto;

H.R. 2803. An act for the relief of In Kyong Yi;

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 3041. An act for the relief of Mary James Kates, owner of the Gladewater Daily Mirror;

H.R. 3082. An act for the relief of Ronnie B. (Mailt) Morris and Henry B. (Mailt) Morris;

H.R. 3383. An act for the relief of Mrs. Maurida A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido;

H.R. 3425. An act for the relief of Helen Taminadis;

H.R. 3475. An act for the relief of Paul Anthony Kelly;

H.R. 5422. An act for the relief of The American Journal of Nursing;

H.R. 7085. An act for the relief of Eugene M. Sims, Sr.;

H.R. 8356. An act to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation;

H.R. 10203. An act to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes.

CONFERENCE REPORT ON S. 29, CAPITOL REEF NATIONAL PARK, UTAH

Mr. TAYLOR. Mr. Speaker, I call up the conference report on the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I do so because this is a conference report which may be agreed to without any particular discussion.

Are all amendments germane to the bill?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, I wish to assure my friend, the gentleman from Iowa, that all amendments are germane. Agreement on the conference report was arrived at in conference. We changed the language in some instances, but there is germaneness all the way through the conference report.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. SAYLOR. Mr. Speaker, further reserving the right to object, and I will not object, I merely wanted to go on record as saying that I am afraid that in adopting this conference report and the action that has been taken by the committee, we are setting a very bad precedent. You will notice the following language in section 5(b) of the report:

> (b) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the park.

This is the first time since 1916 we have put that kind of reservation into a national park bill. We have put such reservations into bills relating to national monuments and recreation area bills, but we have never before put that language in a national park bill.

In 1916, when the National Park Act was established, one of the very purposes of the act was stated to be that we would—

> Provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

This is the first time our committee has violated that rule since 1916. For that reason I did not sign the conference report. If the people of Utah want to have power lines run across the park, then they should not have asked for a national park in their State; instead, they should have asked for a national monument. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11955 UNTIL MIDNIGHT TOMORROW

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I am glad to yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file a conference report on the bill H.R. 11955, making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Texas if the conferees from the two bodies of the Congress have completed their work and are indeed ready to file a report.

Mr. MAHON. If the gentleman will yield, the conferees met earlier today and plan to meet again later in the afternoon. We think there is a good possibility that we may conclude consideration today and thus be able to file a report tonight. I have asked unanimous consent that we may have until midnight tomorrow to file a conference report in view of the desire to expedite the conclusion of the appropriations business.

Mr. HALL. Mr. Speaker, there is no indication that this body will not be in session tomorrow, is there?

Mr. MAHON. No.

Mr. HALL. Then, unless the committee has completed its work, I am constrained to object.

The SPEAKER. Objection is heard.

The Clerk will read the statement of the managers.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 30, 1971.)

Mr. SAYLOR (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TAYLOR. Mr. Speaker the report recommended by the conference committee on S. 29—a bill establishing the Capitol Reef National Park in the State of Utah—differs in only two respects from the legislation which the House approved.

First, both houses had approved provisions dealing with the trailing of cattle and sheep through the park. The conferees accepted compromise language. The House language permitted the Secretary to designate the trailways and establish reasonable regulations for their use. The Senate language provided for the trailing of cattle and sheep through the park. The conference committee recommends a modification of the House language to assure the recognition of "traditional trailways," but it still permits the Secretary to establish reasonable regulations for their use.

Second, both bills included provisions dealing with easements across this elongated park. The compromise language recommended provided that easement shall be granted by the Secretary unless he finds that the routes of such easements would have significant adverse effects on the administration of the park.

There is no question about the importance of making some allowance for easements because this park area stretches as a narrow strip running about 90 miles through two counties. It would be unwarranted to prohibit crossings altogether, but the Secretary should have some control over where they shall be made. The compromise language protects that authority.

Mr. Speaker, there were five other areas of difference between the House bill and the bill approved by the other body. These differences dealt with: limitations on the continuation of grazing within the park; development of the park; wilderness study; and limitations on the amount authorized to be appropriated for land acquisition and development.

In each of these five cases, the Senate conferees accepted the House language.

This briefly explains the conference report on this legislation. I support it and recommend its approval.

Mr. LLOYD. Mr. Speaker, I rise in support of the Conference report on this legislation establishing a new national park in the State of Utah. While this is not my legislation and it is sponsored by my colleague, the gentleman from Utah (Mr. McKAY) I was a member of the conference committee, and I would like to direct my remarks to the statement made by the distinguished gentleman from Pennsylvania (Mr. SAYLOR) who suggested that we would be establishing a precedent in this national park legislation by granting a possible easement, for carrying electric power across the park. I know too the great Chairman of the full committee has expressed his own apprehensions regarding the precedent, if it is such, that we may be setting.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, this, in fact, does not establish a precedent. We have two other precedents, one which has to do with the C. & O. in a parkway, and the other having to do with the Gulf Islands National Park and Seashore. The only reason for taking this procedure was to make possible the service of the area concerned, to transfer the power from the rather sparsely populated areas—in fact, there is very little population—to places of population or centers of population in the State of Utah. This is the only way it could be done, and I wish to assure my colleagues in the House that whatever facilities are used for this purpose, they will be used in conformity with the area which is concerned, and that there will be no ugliness whatsoever.

Mr. LLOYD. I thank my chairman for that explanation of the proposition which was presented by the gentleman from Pennsylvania (Mr. SAYLOR).

May I also explain to my colleagues of the House that this new national park, which is the fifth national park to be established in Utah, has been supported not only by the people of Utah—actually, there has been considerable controversy over the years—but perhaps even more by people throughout the continental United States who wish to preserve this particular area as a national park.

It extends along a unique geologic formation some 75 miles, from 2 to 12 miles wide, a very narrow corridor running from north to south until it reaches Glen Canyon Recreation Area, which surrounds Lake Powell on the Colorado River. As a consequence, the wheeling of power or other types of utilities across our State will be rendered impossible unless this easement is granted. Otherwise it would be required that these lines go northward for some 75 miles and then back southward for another 75 miles, for a 150-mile round trip.

That is not the only problem involved. This particular park includes great expanses of desert land, whereas any alternative route around the park would mean the power would have to be transported through beautiful forest lands in the Fish Lake National Forest.

So, from the standpoint of environmental impact it would be much more harmful to direct this route through the mountains and forests of the Fish Lake National Forest, than to use a desert area of this long, narrow park as a crossing point.

Since this particular park, the boundaries of which are designed to surround the geologic formation, encompass great expanses of desert land it would appear more protective of the environment to transport power over a desert area rather than through the beautiful areas of forest land, particularly inasmuch as the chairman of the full committee has pointed out that this does not in fact establish the new precedent, feared by the gentleman from Pennsylvania. It is certainly in the public interest and in the interests of environmental quality to accept this reasonable and practical compromise language which was adopted by the conferees.

Mr. Speaker, this legislation now comes as the culmination of efforts and negotiations over many years. It represents the consensus and best judgment of all those who have worked closest to the issue.

I am happy to recommend this new proposed national park to my colleagues in this House.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. McKAY).

Mr. McKAY. Mr. Speaker, I should like to associate myself with the remarks of my colleagues on the committee, the gentleman from Colorado (Mr. ASPINALL) and the gentleman from North Carolina (Mr. TAYLOR), and also the remarks of my associate from Utah (Mr. LLOYD). I concur in all he has had to say.

It has taken a long time to bring this agreement about. I commend the gentlemen for their efforts not only on this bill but also on the conference report, which I urge the adoption of.

I have advocated the creation of a national park from Capitol Reef National Monument for a long time. A substantial majority of the people of Utah share this view. I have explained to the Interior Committee and on the floor of the House the reasons why our people advocate this measure. Our desire for a national park in this area springs from our deep affection for the land and our sincere and continuing desire for the preservation of the natural beauty and archeological significance of the area. I know that the gentleman from Pennsylvania and his friends share our love for this land, and I know that they are interested as we are in avoiding any efforts to despoil or exploit this area. I should like to point out, however, that people of Utah must continue to live in the areas adjoining this park. To do that, they will need access to utilities. I should like to point out that Capitol Reef National Monument, together with the Glen Canyon Recreation Area which it adjoins, together extend lengthwise for over 120 miles from the southern boundary of the State of Utah, thus dividing the southern half of our State in two parts. Under these circumstances, it is imperative, for the livelihood of the people in southern Utah that utilities cross Capitol Reef.

Certainly it is possible to grant utility easements which will not detract from the scenic beauty and the value of Capitol Reef as a national park. Indeed, although 120 miles long, the park would be only 1 mile wide in some areas. The conference report provides adequate machinery for the Secretary of the Interior to assure the locations of easements in places consistent with the act. For the conference report to be defeated because of a disagreement over technical language would be a serious disservice to the Capitol Reef area for it would leave this land, which all of us agree is so valuable for scenic and historic purposes, without the protection afforded by national park status. I would hope that those who are as fond of this area as are the people of Utah would vote for the conference report. I also assure this House that I am reporting accurately the view of the Utahans who must live within the proximity of this park. I hope the conference report will be adopted so that after 10 years of effort this park might be a reality.

Mr. TAYLOR. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE CONSIDERATION OF H.R. 12067, FOREIGN ASSISTANCE APPROPRIATIONS, 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 727 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 727

Resolved, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes, and all points of order against said bill are hereby waived.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks I will yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, this resolution, House Resolution 727, provides for the waiving

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of points of order against the consideration of H.R. 12067 and the waiving of points of order against the provisions of the bill. The 3-day rule is also waived, because the bill was not reported until December 6 and a general waiver of points of order was provided because the authorization bill has not been enacted. Title II and practically every item in Title I of the bill would be subject to a point of order because of the lack of authorization.

Appropriations provided in this bill are less than those that would be provided in a continuing appropriation. The Appropriations Committee in its wisdom has reported this bill. I urge adoption of the bill.

I now yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I concur in the remarks made by the gentleman from Massachusetts (Mr. O'NEILL).

I did not anticipate we would take this rule up today, but the bill will not be up until tomorrow.

There is a 35 percent cut in the request. This is probably the lowest foreign aid bill we have had in years, and although I do not intend to support it, I think the Members have a right to hear the measure and decide whether they will vote for or against it.

Accordingly, I approve of the rule and urge its adoption.

Mr. GROSS. Will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman.

Mr. GROSS. I thank the gentleman for yielding.

I suppose the Rules Committee has no alternative but to approve this rule, if it is to make any progress toward adjournment, and what I have to say has been said before. But it seems to me that this session of the House has resulted in more travesties on the normal and regular process of legislating than any session I have been in for a long, long time. Here again is a travesty upon the regular procedures of the House.

All points of order against the bill are waived. I do not know what is in the bill precisely, but whatever may be in the bill it will be impossible to get at it with a point of order.

I do not know how to protest any more vigorously than I have this sort of procedure. I do not attribute the blame to the Committee on Rules, because apparently there is no other way to handle it in order to get the legislation out of the way, but it is certainly an indictment of foot-dragging and the programming of legislation.

I hope to live long enough to see orderly procedure restored and adopted as a way of life in the House of Representatives. We used to have with at least some degree of regular procedure, but apparently that has gone where the woodbine twineth.

Mr. SMITH of California. I do not know, frankly, what else we can do in this instance. The continuing resolution would actually cost more money than this particular bill.

I think the gentleman from Louisiana has done very well. I think the House is entitled to hear the matter, and accordingly I am supporting House Joint Resolution 727, although, as I say, I do not intend to support the legislation.

Mr. O'NEILL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, I take this time to comment on the rule. I know there was great urgency about this matter, but it seems to me to be the better practice to do what the Rules Committee has done in the recent past; that is when it grants waivers of points of order against a bill it specifies the provisions of the rules upon which points of order are waived rather than granting a general waiver of all points of order.

I would like to ask the gentleman from California to comment on that.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from California.

Mr. SMITH of California. That is the procedure which we have tried to follow for many, many months, but I will say to the gentleman that in all honesty there are some 12 different sections of this bill which in my opinion are subject to a point of order.

The gentleman knows what happened in the other body. The other body passed out two bills and this body passed out one authorization bill which presented a unique problem in going to conference. The Committee on Rules did not have the time to sit down and write a long, lengthy rule waiving specific points of order.

However, there is one little section in this bill which is very interesting and I am sure the gentleman from Louisiana (Mr. PASSMAN) can explain it far more in detail than I can. The gentleman from Louisiana did a very fine job in his presentation before the Rules Committee. Under the circumstances I do not know how we could have done otherwise in this instance in granting a rule.

Mr. GROSS. Mr. Speaker, a point of order. The House is not in order.

The SPEAKER. The House will be in order.

Mr. GROSS. Mr. Speaker, the House is still not in order.

The SPEAKER. The House will be in order.

Mr. GROSS. Mr. Speaker, I still insist on the point of order that the House is not in order.

The SPEAKER. Will the gentleman from Michigan please stand at the mike and take the floor.

Mr. O'HARA. Mr. Speaker, I appreciate the gentleman from Iowa's insistence upon orderly procedure, the subject to which I have been addressing my remarks. I am glad the gentleman agrees.

The situation of the gentleman from California and his colleagues is an understandable one. However, I wish to express my interest in seeing that these extraordinary proceedings, when they are resorted to, are limited as much as possible. I am sure that the Rules Committee would have preferred it that way if there had been more time.

Mr. O'NEILL. Mr. Speaker, I now yield to the gentleman from Louisiana (Mr. PASSMAN).

ALLOCATION OF TIME FOR GENERAL DEBATE ON H.R. 12067, FOREIGN ASSISTANCE APPROPRIATIONS, 1972

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that general debate on the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes, be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Kansas (Mr. SHRIVER) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'NEILL. Mr. Speaker, I want to reiterate the fact that I believe the explanation given by the gentleman from California was the correct one. We appreciate the criticism of the gentleman from Michigan, but under the circumstances we believe this is the best rule we could have brought out.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE 1970 ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-181)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed, with illustrations:

To the Congress of the United States:

I herewith transmit the 1970 Annual Report of the St. Lawrence Seaway Development Corporation. This report has been prepared in accordance with Section 10(a) of Public Law 83-358, as amended, and covers the period January 1, 1970 through December 31, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *December 7, 1971.*

HOUR OF MEETING TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Speaker, reserving the right to object, I presume that inasmuch as the unanimous-consent requests have been entertained, that apparently we are not going to bring up the economic stabilization bill or the agricultural strategic reserve bill today, as scheduled; and that we are about ready to adjourn, before 3:30 this afternoon. What would be the purpose of adjourning on such short notice today and coming in early tomorrow morning?

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. O'NEILL. We have not as yet received a rule on the economic stabilization bill. We anticipate that there will be a rule tomorrow.

We have remaining at the present time the farm bill which we expect to bring up tomorrow and take up the rule and bring it up under general debate.

For the rest of the week there will be the tax conference report which the gentleman from Arkansas (Mr. MILLS) will bring up.

There will be the economic stabilization bill which we hope to bring up Thursday and finish it either on Thursday or Friday. There will be various conference committee reports.

There is still a glimmer of hope that we can finally get out of here and we are in a final drive, and this would help to expedite matters if we could get in this week for the remaining days at 11 o'clock. I think the Speaker feels it is the will of the entire body to continue that drive and that is why we have made the request.

Mr. HALL. I have the highest respect for the gentleman's request and I am not wanting to treat it in an obstructive manner or anything like it, if I could be assured that we are in a true drive on the part of the leadership even to the point where if it is necessary we would pass an adjournment resolution, and leave it with the other body and go on off about our business, including Christmas, as we have done historically in the past, upon completion of our business.

I would certainly never think of objecting to a unanimous-consent request like this, if I could even be reasonably assured that we would bring the economic stabilization bill up, or the one we had the colloquy with the gentleman from Texas earlier today—supplemental appropriation—on Thursday and complete it by Thursday night.

Then, if these conference reports are in and we are ready for action—and complete action—on them and adjourn sine die, even by Saturday night, I would do everything in my power to aid and abet the leadership in their efforts to adjourn.

Is there any assurance that the gentleman can give us?

Mr. O'NEILL. With regard to the question of a continuing resolution, I do not know what the situation on the other side is at the present time. But I can, I believe, give you the assurance that the Economic Stabilization Act will be up Thursday and, if we do not complete it on Thursday, we will complete it on Friday.

I can say truthfully that there is a drive on to get the Members back to their districts.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. As I understand the program, if we come in at 11 o'clock tomorrow, the first order of business will be the foreign aid appropriation bill.

The second order of business will be the agricultural bill.

On Thursday, we would have the tax bill conference report and then we would start on Thursday, following that, on the Economic Expansion Act. If we do not finish it on Thursday, we would then conclude it on Friday by 4 o'clock. In the interim, there will be several conference reports.

Is that a fair summary of what the anticipated program is?

Mr. HALL. Mr. Speaker, I will simply say under the reservation of objection, I see no earthly reason why we could not, and in the interest of the citizens should not, adjourn this Congress sine die by Friday evening even if we have to come in early and work late hours on Wednesday, Thursday, and Friday in order to accomplish that.

I understand there is a tendency in this direction on the part of the other body, at least some of the "Representatives of the States" in that body, are holding their feet to the fire in order to try to accomplish this. Perhaps one or two dangle us all on the thin thread of their pets or foibles. Certainly with a little interface and with a little bit of cooperation and under the direction of dynamic and inspired leadership. I believe we could force the first session of the 92d Congress into adjournment. I am prone to agree with the unanimous-consent request, if I could just get more of a blessed assurance—would you give me more assurance on behalf of the leadership including the Speaker himself and the distinguished majority leader toward this end? Is there anything wrong with this program, I will ask the distnguished gentleman from Louisiana?

Mr. BOGGS. I might say to the gentleman, the Speaker and I and the majority whip have been attempting to expedite this program this week. We would like very much, more than the gentleman in the well, to have a sine die adjournment this week.

Mr. HALL. I question that, but I accept your good faith.

Mr. BOGGS. I will say to the gentleman the degree is just about as strong as his. But there is this problem which the majority whip has pointed out about the foreign aid bill. It is our plan to call up the bills remaining on the calendar this week. Those bills are the reform bill, the foreign aid bill, the foreign aid appropriation, and the economic bill. In addition to that, we look forward to consideration of conference reports on several appropriation bills, the economic bill, and the foreign aid bill.

The gentleman has undoubtedly told you that the foreign aid bill is causing this difficulty in the other body.

Mr. HALL. I will say to the gentleman that I am very familiar with the foible of one individual in that other body who insists on voting repetitively on his same authored amendment. I am very familiar and fed up with that inasmuch as we've voted and rejected the same on four occasions.

I think it is not reasonable nor is it in the interest of the good people of the country, for us to delay the adjournment of Congress sine die on that basis or on the foibles or penchants, if you please, of any individual who does not want to call up a bill even after it has been voted out by the committee.

Finally, I will say the Nation would be better off if some of these bills would be allowed to die right now. Be that as it may, I still seek "blessed assurance."

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. If we are able to get unanimous consent to come in at 11 o'clock tomorrow, would it also be the objective of the leadership on the other side of the aisle, if it would help to achieve getting the program out of the way, to make a similar unanimous consent request for Thursday and Friday, if necessary?

Mr. BOGGS. I think it might very well be——

Mr. HALL. Mr. Speaker, let me say at this point, your request for unanimous consent is going pretty well your way. Do not press your luck too far. That can be asked from day to day.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I second that motion.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BRADEN INSULTS NEW HAMPSHIRE

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, New Hampshire—the beautiful State is also New Hampshire the Granite State. It is a citadel of rugged independence. Nowhere in the entire United States of America is there to be found a more self-reliant, courageous, humble, reverent, and independent citizenry than in New Hampshire the Granite State whose State motto is "Live Free or Die."

It is too bad that encountering such discerning thoughtful and conscientious voters disturbs certain columnists. It also discourages left-leaning candidates for President in either party. But frustrated columnists should refrain from resorting to anti-New Hampshire distortion and misrepresentation in what they put out across the Nation, if for no other reason than its reflection against their favored candidates.

In his today's syndicated column in the Washington Post entitled "MUSKIE Finds Granite State Quiet," Tom Braden describes New Hampshire as about the least most logical folkway in America for a test of presidential candidates. He writes that:

New Hampshire is so small that anybody who can claim to influence the votes of ten people is a power-broker. It does not have a major city.

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Mr. Braden owes the people of New Hampshire an apology, for almost nowhere else in the Nation can there be found a more representative cross section of concerned Americans of varying ethnic backgrounds and political persuasion. Most New Hampshire voters are not extremists of either stripe and they are demonstratedly quite capable of thoughtfully discerning what is needed in America in terms of policies and candidates.

Put another way—New Hampshire folk know a man when they see one and they can also spot a phony, a mile away.

Mr. Braden's statement that New Hampshire "does not have a major city" should deeply offend every resident of Manchester, the Queen City of New Hampshire, that by almost any standard is a major city of nearly 100,000 residents. Braden owes the residents of our largest city a retraction.

New Hampshire voters are not likely to forget Mr. Braden's nationally distributed insults. After such slander of New Hampshire his support of a particular candidate will almost certainly prove to be a liability.

The balanced judgment of a majority of New Hampshire voters will support President Nixon's struggle to achieve a generation of peace and a stable economy. This is certain to distress the Bradens of the media who apparently favor tossing the Nation to the hyenas of the urban jungle, but it does not justify maligning New Hampshire by poison pen.

Would to God this Nation had 50 States a majority of whose residents possessed the balanced judgment of New Hampshire people. The United States of America would be the gainer.

So the extent of Mr. Braden's disaffection may be seen in context I include his column at this point in the RECORD:

MUSKIE FINDS GRANITE STATE QUIET

(By Tom Braden)

DOVER, N.H.—There are a great many more spruce trees than there are people in New Hampshire, but both stand silent before Edmund Muskie. The front-runner tramps through the snow from one small meeting to another and is greeted with a politeness so granite-faced that it is impossible to mistake it for enthusiasm.

Maybe this is the way New Hampshire is. Having one of everything already, as Robert Frost pointed out in his famous poem: One mountain worth the name, one college, one statesman to be proud of, one president, "pronounce him Purse and make the most of it for better or worse," New Hampshire isn't about to cross the street to shake hands with something there's more than one of—like a presidential candidate.

Maybe it's that neighbor Muskie understands the sufficiency of New Hampshire. At any rate, he does not offend its people by crossing the street to shake hands with them.

Or maybe it's that Muskie's campaign is only now getting under way, and we are witnessing the silence, which, it is said, invariably precedes the storm. A headquarters in Manchester, this state's largest city, is just opening; an in-state staff is only now being assembled. Muskie's organization seems to have taken New Hampshire almost as much for granted as New Hampshire seems to take Muskie.

"It's restful just to think about New Hampshire," Frost wrote, and Muskie seems to have caught the mood. If he is right, his neighbors, three months from now, will give him the vote to which a neighbor may feel entitled, and all will be well.

But even of this early date, it is impossible to down the suspicion that he may be wrong. Is it a warning of trouble ahead to watch Muskie walking through a crowded college cafeteria on his way to a meeting while the diners hardly bother to look up from their coffee?

Is it a warning of trouble that he can speak for 20 minutes without worrying about being interrupted by applause?

Or that a man waiting for a haircut in a barber shop, asked if he would like the candidate to autograph a picture, murmers a polite "No thanks"?

Would these things happen to a Lindsay? A Kennedy? One feels an almost irresistable impulse to speak crossly to New Hampshire: "Look, this man you're not even bothering to look at is one of the best and most intelligent leaders of your country. He's worked hard for you; he cares about you. Can't you do something to show you are about him?"

Of all the illogical folkways which govern American politics, the least logical is the folkway which makes New Hampshire a major test for the presidency. The state is so small that anybody who can claim to influence the votes of 10 people is a power-broker. It is unrepresentative. It does not have a major city. It has only one newspaper of any size and that one can be counted to deliver 15 to 20 per cent of the vote to an odd-ball named Sam Yorty who is not seeking an office, but maintaining a career.

But the folkway exists and Muskie has to exist with it, though it may destroy him and the chances for victory of a Democratic Party which has made him its favorite son.

If Muskie is offended by the lack of attention here, he doesn't show it. But he ought to know New Hampshire, and if he does, he must know that the Muskie name and the easy Muskie style are creating about as much excitement here as though somebody came in from the woodpile to remark that it's snowing again.

REHNQUIST AND CRITICS: WHO IS EXTREME?

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I notice that according to published reports over the weekend, the American Civil Liberties Union, the nonprofit conscience of America which has been seeking in recent years to remold America's basic institutions and laws through court proceedings, has now extended its area of operation into that of selecting Supreme Court Justices. I would request that the Internal Revenue Service look into the question of their tax-exempt status now that they are actively engaged in lobbying.

Aside from the ACLU's excursion into areas previously considered beyond their scope, an interesting question was posed to me yesterday. The question was asked: "Upon assuming his seat on the Supreme Court, would Mr. Rehnquist not now be expected to disqualify himself from any cases in which the American Civil Liberties Union was involved?"

In my own opinion, it would be a serious error in judgment on the part of Mr. Rehnquist or any judge to disqualify himself from hearing a case simply because a participant in the lawsuit had voiced disapproval of the judge. If such a precedent were established, a litigant or a lawyer could make it impossible for a case to be tried by simply saying scandalous things about every judge who tried the case.

The fact that the American Civil Liberties Union is seeking to slander a man's name and reputation is evidence of bad judgment on the part of the ACLU. The judge being slandered is expected to be above the pettiness of petty people and exercise judicial temperament far removed from the squabbling which might be associated with his original appointment.

For myself, if I ever felt any reservations about Mr. Rehnquist's qualifications to sit on the Supreme Court, those reservations were dissipated upon the announcement from the ACLU.

For the benefit of my colleagues, I am inserting at this point an editorial which appeared in the Wall Street Journal of yesterday, December 6, 1971:

REHNQUIST AND CRITICS; WHO'S EXTREME?

(By Robert L. Bartley)

WASHINGTON.—The most powerful impression to emerge from the microscopic public analysis of the life and works of Supreme Court nominee William H. Rehnquist is that his critics are pretty desperate. At one point the arguments and innuendos offered by critical witnesses proved too much even for the most critical Senators, and Sen. Edward Kennedy upbraided the witnesses for creating "an atmosphere which I think is rather poisonous."

Now the critical members on the Senate Judiciary Committee—Sens. Bayh, Hart, Kennedy and Tunney—have filed their minority report setting out the responsible case against the nomination. As Sen. Kennedy's remark suggests, it judiciously avoids the less substantial allegations that have appeared in the press in recent weeks. There is for example, no suggestion that Mr. Rehnquist is guilty until proven innocent of membership in extremist organizations because his name appears on a list compiled by a little old lady and willed to someone else.

OUTSIDE THE MAINSTREAM

The minority report, rather, focuses mostly on Mr. Rehnquist's views on certain issues, and as such is an intriguing document. It volunteers that there is no question about Mr. Rehnquist's qualifications in terms of legal standing or personal integrity. On the widely debated question of whether the Senate should consider a nominee's judicial philosophy, it makes the case that indeed the Senate should.

The minority, of course, argues that on this third test Mr. Rehnquist flunks. It says he "has failed to show a demonstrated commitment to the fundamental human rights of the Bill of Rights, and to the guarantees of equality under the law." While not every detail of a nominee's philosophy ought to bear on his Senate confirmation, it suggests, so extreme a deviation should. At one point the text puts it simply: The nominee "is outside the mainstream of American thought and should not be confirmed."

A fascinating proposition, this. How can someone with legal standing and personal integrity fit to grace the Supreme Court be that far out of the mainstream? What would be the opinions of a man who is such a pillar of the bar and still fails to understand the Bill of Rights?

So it is with no little anticipation that one turns to the issues discussed in the minority report to find just which of Mr. Rehnquist's opinions bar him from the Court service. One expects not merely that he will have debatable opinions on debatable topics. Certainly the four Senators disagree on many things with Lewis F. Powell Jr., the other Supreme Court nominee before the Senate, but they voted to approve him. So in Mr. Rehnquist's case one expects more extreme opinions, those further out of the mainstream on the right, say, than Justice William O. Douglas is on the left.

As sort of a benchmark, recall Justice Douglas' popular book arguing, "We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution." What right-wing outrages has Mr. Rehnquist uttered, one wonders, that are further from the mainstream than *that*?

As the confirmation hearings started, the best bet for that sort of outrage seemed to lie in the Justice Department position on wiretapping. As the department's chief legal adviser, Mr. Rehnquist must bear no small responsibility for that position, and the department has argued that the Executive Branch has an "inherent right" to wiretap without court order in national security cases. This is tantamount to an assertion that neither Congress nor the courts can control executive wiretapping, and certainly does suggest an insensitivity to the spirit of the Bill of Rights.

Alas for Mr. Rehnquist's critics, though, it turns out that on his advice the Justice Department has dropped the "inherent right" argument in current briefs before the Supreme Court. It now merely argues that in the particular instances of the case, the tap in question was not an "unreasonable" search barred by the Fourth Amendment. He says that the effect of the change is "to recognize that the courts would decide whether or not this practice amounted to an unreasonable search."

Mr. Rehnquist declined to give his personal views, as opposed to the Justice Department position, but he did defend the department's current arguments on the grounds that there are substantial legal questions unresolved, and the Executive is obligated to make its side of the case. "Five preceding administrations have all taken the position that the national security type of surveillance is permissible . . . one Justice of the Supreme Court has expressed the view that the power does exist, two have expressed the view that it does not exist . . . one has expressed the view that it is an open question . . . the government is entirely justified in presenting the matter to the court for its determination."

WIRETAPPING OF RADICALS

This did not satisfy the four critical senators. They noted that the current issues are somewhat different from those of preceding administrations, not least because the current argument is about wiretapping not of foreign agents but of domestic radicals. The change in the department's position is "more cosmetic than real," they argued, because it is still defending wiretapping rules that would not "provide an adequate restraining effect on the Executive Branch, an adequate deterrent to protect the right of privacy."

For those who may find this particular dispute a matter not of extremist opinions but of reasonable men differing, the minority also delves into Mr. Rehnquist's widely quoted opinion on government surveillance of individuals, that is, not wiretapping but the recording of their activities in public places. In warning against overly restricting such surveillance, he once said, "I think it quite likely that self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

During the hearings, Mr. Rehnquist noted that in his remark he was addressing the question of whether new legislation is needed in addition to the Bill of Rights and laws already on the books, and that the remark must be understood in that context. In colloquy at the time, he conceded that widespread surveillance should be "condemned," and that an individual might already have legal recourse against a government tail. But in considering the argument that surveillance is unconstitutional because it has a "chilling effect" on freedom of expression, he said any such effect is a question not of constitutional law but of fact. And, "those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one of two occasions to, you know, exercise their First Amendment rights, to protest the war policies of the President. . . ."

The minority report argues that even if 250,000 appeared, others may have been deterred by surveillance. It agrees that the committee's majority report correctly describes Mr. Rehnquist's attitude: "Information-gathering activity may raise first amendment questions if it is proven that citizens are *actually* deterred from speaking out." The minority argues that this is precisely the problem, "the difficulty of proving a specific chilling effect is obvious, and the notion that a First Amendment question isn't even *raised* until it is 'proven that citizens are *actually* deterred from speaking out' (emphasis in original) is alarming."

But if Mr. Rehnquist's opinions here are outrageously extreme, it would seem, so are the opinions of the majority of the Senate Judiciary Committee. Similarly if his defense of the constitutionality of such laws as "no-knock" raids and "preventive detention" in the District of Columbia are out of the mainstream, the mainstream does not include the majority of both houses of Congress. So what mostly remains is the question of Mr. Rehnquist's attitudes on the racial issue.

The minority report does not make too much of allegations that Mr. Rehnquist harassed black voters when he was involved in Republican voter challenging teams in Phoenix, but it also does not dismiss them as the majority did. Some of his black opponents have come up with affidavits charging he was personally involved in harassment, and his supporters have come up with a defense of his challenging activities and attitude by a sometime counterpart on the Phoenix Democratic challenging team. The minority report says, "Each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial."

On the nominee's general racial attitudes, the majority report also came up with a letter from the principal of the elementary school Mr. Rehnquist's children attended in Phoenix. "Mr. Rehnquist became known to me when I was a teacher here at Kenilworth School. He had moved his family into Phoenix Elementary School District from one of the outlying suburban, and predominantly middle socio-economic, school districts. He wanted his children to have experience and associations with children from minority groups, as well as with the different socio-economic groups."

The minority report argue that "Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights." The evidence the report discusses at greatest length is a letter Mr. Rehnquist wrote to The Arizona Republic in 1967, responding to remarks on school integration by Phoenix School Superintendent Howard Seymour.

The minority report says, "The truly alarming aspect of the 1967 letter, however, is Mr. Rehnquist's statement, 13 years after Brown v. Board of Education that 'We are no more dedicated to an "integrated" society than we are to a "segregated" society' . . . Yet at least since the Supreme Court declared that 'separate is inherently unequal,' this nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed."

A FREE SOCIETY

The statement in the original letter that must be located with respect to the mainstream runs, "Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' . . . But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an 'integrated' society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities."

Mr. Rehnquist's extremist position on civil rights, then, turns out to be nothing more than the familiar proposition that the Constitution is color-blind. On surveillance he believes that at this moment the scales are not tipped in such a way that dissent is "chilled." On wiretapping he believes the government side of the national security question deserves its day in court. These opinions, the minority report suggests, are so outrageous the nominee should be defeated.

As the Senate debates the nomination, it seems, it will have to decide more than whether it's proper to weigh a nominee's philosophy. It also needs to weigh whether words like "extreme" and "out of the mainstream" better describe Mr. Rehnquist's philosophy, or the position his critics have been forced to take to oppose him.

SIR ALAN P. HERBERT

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. HUNGATE) is recognized for 60 minutes.

Mr. HUNGATE. Mr. Speaker, I have requested this special order today so that my colleagues and I can pay well-deserved tribute to a great man—Sir Alan P. Herbert, British poet, playwright, barrister, former Member of Parliament and rare humorist—who died at the age of 81 on November 11.

Sir Alan, writing under the name A. P. Herbert, was the mainstay of Britain's humor weekly, Punch, for 60 years. Herbert, who could make the best possible use of a good sense of humor and wit, is a legend in Parliament and was a gifted author—The Secret Battle, Uncommon Law, The Ayes Have It, and so forth—and musical playwright and lyricist—"Paganini," "Helen," and "Bless the Bride."

It seems appropriate to recall some of his incisive wit. Sir Alan P. Herbert, the man, is gone, but his legacy to mankind lives on. His style, his humor will continue to give us the tremendous opportunity to look at ourselves, our laws, and our civilization, and not be afraid to laugh at ourselves.

In "Fardell against Potts" Sir Alan developed the concept of the reasonable man:

Mrs. Fardell, while motorboating on the river Thames, collided with and overturned Mr. Potts' rowboat, causing damage to the rowboat and injury to Mr. Potts who was riding in it.

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Mr. Potts sued Mrs. Fardell and the court asked the jury to decide if the defendant was using reasonable care in the circumstances. The jury found the defendant was not using reasonable care and awarded Mr. Potts damages. Mrs. Fardell, the defendant, has appealed.

Our common law has been built about the reasonable man. He is the judicial ideal of a good citizen. No matter what problem comes before the courts they are able to solve it by putting the question: "Was this or was this not the conduct of a reasonable man?" and leaving that question to be answered by the jury.

Reasonable man always thinks of others. Prudence is his guide, safety his watchword. Although any given example of his behavior must command admiration, when taken together his acts create a very different impression.

He looks before he leaps. He never daydreams when approaching the edge of a dock. He substitutes order for bearer on checks and then marks them to account of payee only and registers the letter in which they are sent. He never mounts a moving vehicle, nor alights a train in motion. He investigates exhaustively the good faith of every beggar before giving alms and informs himself of the history and habits of a dog before administering a caress. Never, from one year's end to the next, does he make excessive demands on his wife, his servants, his ox or his ass.

In business he looks only for that narrow margin of profit 12 men like himself would deem fair. He regards his fellow merchants and their goods with that degree of suspicion which the law deems admirable. He never swears, gambles or loses his temper. He uses nothing, except in moderation, and even when flogging his child is meditating only on the golden rule. Devoid of any human weakness, without one single saving vice, this excellent, but odious, character stands like a monument in our courts, vainly appealing to his fellow citizens to order their lives after his example.

Hateful as he must be when privately considered, it is a curious paradox that whenever 12 people gather in a jury box they are easily persuaded that they themselves are each and generally reasonable men—not stopping to realize how odd it is that fate has placed 12 members of a species in one room at one time on one jury.

To return, as every judge must ultimately return, to the case before us, it has been urged for Mrs. Fardell that in all the law there is no single mention of a reasonable woman. Such an omission extending over centuries must be more than coincidence. Among the innumerable references to the reasonable man, one might expect at least a passing reference to a reasonable person of the opposite sex. No such reference is found for the reasons that no such being is contemplated by the law. Legally, at least, there is no such thing as a reasonable woman. Therefore, the judge below should have directed the jury that while they might find the defendant's conduct was not that required of a reasonable man, her conduct was only to be expected of a woman, as such. It is no bad thing if here and there the law conforms with the known facts of everyday experience.

The view that there exists a class of beings illogical, impulsive, careless, irresponsible, extravagant, prejudiced and vain, free for the most part from those worthy and repellant virtues which distinguish the reasonable man, and devoted to the irrational arts of pleasure is a view which should be as welcome and well accepted in our courts as it is in our drawing rooms. Judgment for Mrs. Fardell.

Having demolished the reasonable man, he next proceeded to dissemble the institution of marriage in the tender tale of "Marrowfat against Marrowfat":

Mr. Marrowfat petitioned this court for a divorce alleging his wife deserted him. Mr. Marrowfat's counsel, Sir Humphrey Codd, has indefatigibly argued a novel part of law. A cynical writer has somewhere said that marriage is a lottery. Sir Humphrey suggests this observation has some significance in law.

Sir Humphery says the essence of a gambling transaction is that a person makes a sacrifice in hopes of receiving a benefit, but that receipt of the benefit depends on chance and not on his skill and judgment. Sir Humphrey argues this is exactly the characteristic of this marriage contract and that this court should no more assist in enforcing it than we would assist a gambler to recover his losses, or even his winnings.

Mr. Marrowfat, while sailing to Columbo, met Mrs. Marrowfat, then Gladys Willow, for the first time at a fancy dress ball on ship where he drew her, by lot, as his partner for dinner. Gladys was dressed as a Columbine and Mr. Marrowfat as an Oriental prince. After dinner and dancing they went to the top deck to seek relief from the tropical heat. Up there the unexpected beauty of the Southern Cross excited in Mr. Marrowfat a warm affection for Gladys, and he made such protestations and caresses as are commonly the preliminaries of a matrimonial entanglement. In fact, an offer of marriage was made and accepted a few days later in a Hertz rent-a-car in Columbo.

Sir Humphrey says Mr. Marrowfat was governed throughout by chance and not by judgment and skill. Chance embarked them on the same boat. Chance threw them together at the fancy dress dinner. Chance directed at that meeting Gladys should be dressed as a Columbine, a costume she never wore before or after.

It is common ground she is not a good wife, but never before making the contract, says Sir Humphrey, did Mr. Marrowfat have an opportunity to determine if she was apt to be a good wife, for those attributes most in evidence and most desirable on ocean trips are not the same as those of a good wife in the home. Mr. Marrowfat, therefore, staked his liberty and fortune without knowing the return, if any, he would receive. He selected his wife as many select racehorses. With no stronger reason for believing it to be the fastest runner than that it has an attractive mane or an elegant tail. I am satisfied this contract was in the nature of a gambling transaction and therefore Mr. Marrowfat is not entitled to the aid of this court and his suit for divorce is dismissed.

"So much for this case, but doesn't this decision have a wider meaning than the particular affairs of the Marrowfats. Can it be said that any matrimonial transaction is different in essence from wagers. But if I may believe the evidence of numerous newspaper placards and headlines, there are men who are able with almost infallible accuracy to predict the future behavior of racehorses in given circumstances. But can the same be said of him who selects from the numerous women about some particular female to be his partner in life. The prophet of the racehorse has in nearly every case definite material on which to found his predictions: Such and such a foal has run faster than such and such a filly over such and such a course in wet weather or in dry weather, with a cough, with glanders, with enthusiasm, etc., and therefore may be expected to do this, that or the other thing in the same or similar circumstances. But the case of the prospective husband is ex hypothesi completely opposite. He is backing a horse which has never run before. Or if his fancy be a widow, has never run the same course in the same company. The form of a racehorse is public property, but the form of a bride is of necessity concealed.

It is commonplace in literature that women are unpredictable. Women complain that all men are alike, but men complain that no two women are the same and no woman is the same for many days or even minutes together. Thus, experience, however extensive, is not a certain guide and no man's judgment is in this department valuable.

In all matrimonial transactions, therefore, the element of skill is negligible and the element of chance predominates. This brings all marriages into the category of gaming and, therefore, I hold the court cannot, according to the law, relieve the victims of these arrangements.

Therefore, it will be idle for married persons to bring their grievances to us and this divorce court shall not sit again. It is not without a pang that I pronounce the death sentence of divorce for it has meant so much to so many in the courtroom. To those learned counsel who have made a good thing out of it, I offer my condolences and particularly to Sir Humphrey Codd, who by his own argument, has destroyed his own livelihood. A person wanting a divorce must in the future divorce themselves.

While I do not have at hand Sir Alan's first amendment views on freedom of religion which would have no doubt helped us on the prayer amendment, he did shed considerable light on our heritage of free speech. This was done in the case of Enghelm, Muckovitch, Ketteiburg, Weinbaum & Oski against The King:

A group was formed in London calling themselves "Hands Off Russia" group. They met every Sunday PM in Trafalgar Square in front of Lord Nelson's Monument. They would sing songs, wave banners, make speeches, the general tenor of which was to invite compassion for those in bondage and expressing determination to better materially the conditions of the human race. These, at first sight unobjectionable aims, aroused another group to form, called "Hands Off England" group. They held meetings, sang songs, waved banners and made speeches the general tenor of which was to express concern for those in bondage and a desire to better the conditions of the human race.

It would appear that two groups with so much in common might well hold joint meetings, but when it was announced that both groups planned to meet in Trafalgar Square on the same day at the same time, an injunction was obtained and a police order forbade both meetings. The "Hands Off England" people obeyed, but the "Hands Off Russia" people did not and were arrested. They appealed their conviction asserting their rights of free speech had been violated.

Now there is a popular delusion that a citizen has a number of rights which entitle him to behave as he likes so long as he does no specific harm.

There are few, if any, such rights, and in a public street there are none.

There is no conduct in a street which cannot be brought into some unlawful category, however vague. If you stand still, you are loitering. If you run, you are likely to disturb the peace. If your glance is affectionate, it is annoying. If it is hard, you are threatening. If you keep to yourself, you are a suspicious character. If you are with others you may be part of a conspiracy. If you beg without singing, you are a vagrant. If you sing without begging, you are a nuisance. But nothing is more obnoxious to the law than a crowd, for whatever purpose collected, which is proven by the fact that in law a crowd consists of 3 persons or more. If these 3 have an unlawful purpose, they are an unlawful assembly, while if their proceedings are calculated to arouse fears or excitement, they are a riot.

It is thus easily seen, that a political meeting in a public place must always be illegal, and there is certainly no right of public meeting as postulated by appellants.

It was held long ago, that the only right a citizen has in a public street is to pass

at an even pace from one end to the other breathing unobtrusively through the nose and attracting no attention.

If you are not allowed to do what you like, how much less likely are you to be allowed to say what you like. It is generally agreed that speech is several degrees inferior to action. Words are good. Deeds are better. Do more, say less. Silence is golden. The strong silent man is much admired by all of us, not because of his strength, but because of his silence.

Appellants contend a Briton may speak as freely as he breathes. However, there is no reference to free speech in the Magna Carta, our ancestors knew better. As a legal notion free speech has no more existence than free love.

Nothing is more difficult than to make a statement that does more good than harm and many great men die in old age without ever having done so. It may well be argued that if all public men could be persuaded to remain silent for six months, the nation would enter upon an era of prosperity such that not even their subsequent utterances could damage it.

Every public speaker is a public peril no matter what his opinions. And far from believing in indiscriminate freedom of speech, I think public speech should be classed as a dangerous instrumentality such as a car or a firearm which no man may employ without a special license from the state. These licenses should be renewable annually and be endorsed with particulars of indiscretions or excesses, and speaking to the public danger would in time be regarded with as much disgust as careless and imprudent driving. I find there is no right of free speech, and a good thing too.

Sir Alan P. Herbert knew well man and his fears, his inconsistencies. He learned even better how to live with them and get on with the greater tasks of living. He enjoyed a long and vigorous life and the world is a better place for having known him.

Mr. Speaker, at this point I would like to quote the remarks of my distinguished colleague, the gentleman from West Virginia (Mr. HECHLER) who is—as was A. P. Herbert—both author and legislator. I herewith read his remarks into the RECORD, as follows:

REMARKS BY HON. KEN HECHLER OF WEST VIRGINIA

I am pleased to join my colleague from Missouri (Mr. HUNGATE) in expressing our great admiration for the late Sir Alan P. Herbert. His 81 years were utilized to the fullest. He was in every sense the complete man—probably even more.

As a fellow legislator and author I offer for your enlightenment and enjoyment a sampling of Sir Alan's great humorous masterpieces, the case of "Haddock v. The King":

"Laughter was heard at the courthouse today when the negotiable cow case was concluded.

"The defendant, Mr. Albert Haddock, has for many months, in spite of earnest endeavors on both sides, been unable to establish harmonious relations between himself and the Director of the Internal Revenue Service. The Director maintains that Mr. Haddock should make over a large part of his earnings to the government. Mr. Haddock replies that the proportion demanded is excessive in view of the inadequate services, or consideration which he himself has received from that government. After an exchange of endearing letters, phone calls, IBM cards, and even checks, the amount demanded was reduced to $228, and about this sum an exchange of opinions continued.

"On January 31st, the Collector was diverted from his responsible labors by the apparition of a noisy crowd outside his windows. The crowd had been attracted by Mr. Haddock who was leading a large white cow of malevolent aspect. On the back and sides of the cow were clearly stencilled in red ink the following words:

" 'JANUARY 31, 1964.

" 'To the MONTGOMERY COUNTY BANK:

" 'Pay to the Director of the Internal Revenue Service who is no gentleman, on order the sum of $228, and may he rot.

" 'ALBERT HADDOCK'.

"Mr. Haddock conducted the cow in the Director's office and tendered it to him in payment of income tax and demanded a receipt. The Director declined to accept the cow, objecting that it would be difficult or impossible to pay the cow into the bank. Mr. Haddock throughout the interview maintained the friendliest demeanor, and he now remarked that the Director could endorse the cow to any third party to whom he owed money, adding that there must be many persons in that position.

"The Director then endeavored to endorse the check. (Where?) On the back of the check, that is to say the abdomen of the cow. The cow, however, appeared to resent endorsement and adopted a menacing posture. The Director, abandoning the attempt, declined finally to take the check.

"Mr. Haddock lead the cow away and was arrested on Main Street for causing an obstruction. He has also been cited by the Internal Revenue Service for non-payment of income tax.

"Mr. Haddock, on the witness stand, said that he had tendered a check in payment of income tax and if the Director, Internal Revenue Service, did not like his check, he could do the other thing. A check was only an order to a bank to pay money to the person in possession of the check or a person named on the check. There was nothing in the statute or customary law to say that the order must be written on a piece of paper of specified dimensions. It is well known that a check can be drawn on a piece of note paper. Haddock himself had drawn checks on the backs of napkins, on handkerchiefs, on the labels of wine bottles: all these checks had been duly honored by his bank and passed through the bankers clearing house. He could see no distinction in law between a check written on a napkin and a check written on a cow. The essence of each instrument was a written order to pay money, made in the customary form and in accordance with the statutory requirements A check was admittedly not legal tender in the sense it could not be lawfully refused, but it was accepted by custom as a legitimate form of payment. There was funds in his bank sufficient to meet the cow. The Director might not like the cow, but the cow having been tendered, he was estopped from charging him with failing to pay. (Mr. Haddock here cited Lucas v. Fink):

"As to the action of the police Mr. Haddock said it was a nice thing if in the heart of the leading commercial country of the world a man could not convey a negotiable instrument down the street without being arrested. He has instituted proceedings against Constable Boot for false arrest.

"Cross-examined as to motive, Haddock said he had no check forms available and being anxious to meet his obligations promptly, had made use of the only material at hand. Later he admitted there may have been present in his mind a desire to make the Director, Internal Revenue Service, look ridiculous, but why not? There was surely no law against deriding the income tax.

"This case has at least brought to the notice of the court a citizen who is unusual both in his clarity of mind and integrity of behavior. No thinking man can regard those parts of the Internal Revenue acts which govern the income tax with anything but contempt. There may be something to be said, not much, for taking from those who have inherited wealth a certain proportion of that wealth for the service of the state and the benefit of the poor and needy; and those who by their own ability, brains and industry have earned money may reasonably be invited to surrender a small portion of it towards the maintenance of those public services by which they benefit, to wit: the police, the Army, the Navy, the public sewers, etc. But to compel such individuals to bestow a large part of their earnings on other individuals, whether by way of pensions, unemployment benefits or education allowances, is manifestly barbarous and indefensible. Yet this is the law. The origin and only official basis of taxation was that the individual citizens in return for their money received collectively some services from the state: the defense of their property and persons, the care of their health or the education of their children.

"All that has now gone. Citizen A, who has earned money, is simply commanded to give it to citizens B, C, and D who have not and by force of habit this has come to be regarded as a normal and proper procedure, whatever the comparative industry or merits of citizens A, B, C and D. To be alive has become a virtue, and the mere capacity to inflate the lungs entitles citizen B to a substantial share in the laborious earnings of citizen A. The defendant, Mr. Haddock, repels and resents this doctrine, but since it has received the sanction of the legislature, he dutifully complies with it.

"Hampered by practical difficulties, he took the first step he could to discharge his legal obligations to the state. Paper was not available so he employed instead a favorite cow. Now there can be nothing obscene, offensive or derogatory in the presentation of a cow by one man to another. Indeed, in certain countries (India) the cow is venerated as a sacred animal. Payment in kind is the oldest form of payment. Payment and payment in kind more often than not meant payment in cattle. Indeed, during the Saxon period in England, Mr. Haddock tells us cattle were described as 'Viva Pecunia' or living money from their being received as payment on most occasions, at certain regulated prices. So that whether the check was valid or not it was impossible to doubt the validity of the cow. Whatever the Director, Internal Revenue Service, distrust of the former, it was at least his duty to accept the latter and credit Mr. Haddock's account with its value.

"But as Mr. Haddock protested in his able argument, an order to pay is an order to pay, whether it is made on the back of an envelope or the back of a cow. The evidence of the bank is that Mr. Haddock's account was in funds. From every point of view, therefore, the Director, Internal Revenue Service, did wrong, by custom, if not by law, in refusing to take the proffered animal, and the citation issued at his insistence will be discharged.

"As for the second charge, the court holds that Constable Boot did wrong. It cannot be unlawful to conduct a cow down main street. The horse, at present a much less useful animal, is not infrequently seen on that street without protest, and the automobile, more unnatural and unattractive still, is more numerous than either animal. Much less can the cow be regarded as an improper or unlawful companion when it is invested (as I have shown) with all the dignity of a Bill of Exchange.

"If people choose to congregate in one place upon the apparition of Mr. Haddock with a promissory cow, then Constable Boot should arrest the pepole, not Mr. Haddock. Possibly if Mr. Haddock had paraded main street with a paper check for one million dollars made payable to bearer, the crowd would have been as great, but that is not to say Mr. Haddock would have broken the law. In my judgment Mr. Haddock has behaved throughout in the manner of a perfect

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knight, citizen and taxpayer. The charge brought by the state is dismissed and I hope with all my heart that in his action against Constable Boot, Mr. Haddock will be successful. What is the next case please?"

People were a great source of material for Sir Alan; their laws an even better source.

During his 15 years in Parliament, Sir Alan P. Herbert distinguished himself by devising and carrying through a new divorce act, the first fundamental change in British divorce law for 81 years. People wondered that a man so happily married and surrounded by a devoted family should fight so desperately for easier divorce. But of course the reason why he was so resolute was just because of the happiness of his own marriage.

His argument was that marriage, in its happiness, is grand and simple; nothing should impair its dignity. Therefore, divorce in its unhappiness should be simple and grand. Everything should be done to support its dignity. It was an extraordinary feat for a Private Member to put such an important law on the statute book. Many look upon it as Herbert's chief success.

In closing I quote a description of Sir Alan P. Herbert that explains why he so well deserved this tribute today:

"He is a sight of London, like St. Paul's, though he wears his dome at the side. He has written verse not equaled since Praed. He has graved his name into English law. He wanted only a Sullivan and a bad temper to beat Gilbert at his own game. He can navigate the Thames and work out his position from the stars, without one glance at the bank. But his real forte is for friendship. He is a remarkably good friend, even to his enemies—excepting himself."

Mr. Speaker, my distinguished colleague from Wisconsin (Mr. REUSS) has also asked to be included in this tribute to Sir Alan. I herewith read his prepared remarks into the RECORD:

STATEMENT OF HON. HENRY S. REUSS

The occupational ailment of taking themselves too seriously afflicts many legislators. A. P. Herbert never suffered from that malady.

A Member of Parliament for 14 years, until his Oxford University seat was abolished in 1950, Herbert combined a unique gift for making people laugh with deeply held convictions on a diverse array of issues.

He conceived and fought for passage of some far-reaching legislative measures. Perhaps his most notable achievement in the House of Commons was his radical revision of Britain's outmoded divorce laws. Herbert's bill added such grounds as mental cruelty, desertion and insanity to a law which, until that time, recognized only adultery and "unnatural offenses" as grounds for dissolving a marriage.

The causes he espoused ran the gamut from tax reform to revised betting laws to conservation. His love for the Thames River led to a thirty-year membership on the Thames Conservancy. In these fights, he enjoyed more than his share of victories.

Indeed, when Herbert died last month, at the age of 80, his obituary in the London Times chronicled many of his sober interests and accomplishments. But, appropriately, it identified him, first and foremost, as the man who "did more than any man of his day to add to the gaiety of the nation."

His wit was unrestricted by subject or form; it shone through just as brightly in prose, in verse, in musical comedy. Much of his best material appeared in the humor magazine, Punch, to which he contributed for more than 60 years, beginning in 1910.

Always he stood in defense of clear, direct English. Complaining of the corruption creeping into military language, he lamented that a modern Lord Nelson would never have said, "England expects every man to do his duty." Instead, said Herbert, it might have come out: "England anticipates that as regards the current emergency, personnel will face up to the issues and exercise appropriately the functions allocated to their respective occupation groups."

His output was a prodigious as his interests were varied. He wrote more than 60 books, 17 plays and hundreds of poems and song lyrics.

With singular effect, he combined the roles of crusading reformer, conservationist, novelist, barrister (though he never practiced law), Member of Parliament, writer of musical comedies and humorist.

One of the characters in Herbert's 1947 musical, "Bless the Bride," is provoked to exclaim in song:

"If I'd only done the things I thought of doing,

"What a lot of splendid things I should have done."

No such qualms for A. P. Herbert.

He did the things he thought of doing.

Mr. MONAGAN. Mr. Speaker, the ability to effect social change through humor is a rare gift indeed. To be critical while eliciting a smile, and to achieve progress by demonstrating the absurdity of the present, takes a great deal of knowledge and skill. Such capability in an individual evokes admiration and respect. And an individual for whom the world developed such admiration and respect was Sir Alan P. Herbert, known more generally as A. P. Herbert, the British writer, who died on November 11.

On the surface, it appeared that many of the causes which Sir Herbert fostered were supported in jest. Although a member of the bar, he never practiced law. He was a champion of divorce law reform, while he himself had a happy married life for 57 years. At a time when England was being bombed by Hitler, Sir Herbert was critical of church bells being used as air raid sirens, and helped bring about a resumption of their ringing for all occasions. He wrote:

> The old inventive British brain
> Had better, surely, think again
> Bring back the bells; and use a drum
> To let us know that Hitler's come.

He became a Member of Parliament, representing Oxford University, in 1935. On his second day in the House of Commons, he launched into his maiden speech, which brought this reaction from the late Sir Winston Churchill:

> Call that a maiden speech? It was a brazen hussy of a speech. Never did such a painted lady of a speech parade itself before a modest Parliament.

His championship of the cause of divorce reform was inspired and effective. In effect, he ridiculed the existing divorce law—then limited to adultery—out of court. By graphically portraying in the cleverly titled "Holy Deadlock" the ridiculous stratagems to which the parties to a suit were required to resort and the silly positions which the courts were compelled to take, he brought home to the British public the need for liberalization and was the principal causative force in bringing about this major legislative change.

To me the gayest and most memorable of his pieces were his parodies of legal opinions which appeared over the years in "Punch" and were collected in the appropriately titled "Uncommon Law." The names of the cases were suggestive: Pratt, G. K., v. Pratt, P., and Mugg; Carrot & Co. v. The Guano Association; British Phosphates & Beef Extract Ltd. v. The Alkali Guano Simplex Association. The subtitles were noteworthy too—"Is Magna Carta Law?", "Is Marriage Lawful?", "The Negotiable Cow", "Why is the Coroner"?, "Are Suicides Insane?"

My favorite, Rumpelheimer v. Haddock, involved a case where an automobile and a boat collided at a point where a highway was covered with two feet of water from a navigable river and wherein the President of the Probate, Divorce, and Admiralty Division gave his notable judgment which excluded the rules of the road applied the law of Admiralty to the collision.

One of Sir Alan's worthiest crusades sought to bring to reality the probably impossible goal of persuading his fellowmen to write in clear language and he alleged that if Lord Nelson had lived during World War II, he would not have said, "England expects every man to do his duty," but would have declaimed "England anticipates that as regards the current emergency personnel will face up to the issues and exercise appropriately the functions allocated to their respective occupation groups."

His legacy of humor, reform, journalism and legislative accomplishment is substantial and noteworthy: 70 books, including 19 collections of verse, 13 novels, 17 plays, and 14 general books. In addition, he contributed to Punch magazine for more than 60 years.

A. P. Herbert has left us after brightening our lives for far longer than the span allotted to the average man. We shall not read his pieces any more but he passes on leaving behind a notable record of legal, political, legislative, and literary achievement.

CRISIS AT SEA

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. KEITH) is recognized for 15 minutes.

Mr. KEITH. Mr. Speaker, yesterday, I called the attention of the House to a magnificently done photo report which appeared in the December 3 issue of Life magazine. It was entitled, "Crisis at Sea: The Threat of No More Fish." It pointed up the desperate need for enforceable international conservation measures if the world's fisheries resources are to be saved.

Today, I would like to call the attention of the House to an article on the same subject by New York Times columnist C. L. Sulzberger. It appeared in that newspaper last Sunday, December 5, as well as in other newspapers subscribing to the New York Times service.

Writing from Oslo, Norway, Mr. Sulzberger warns of what he properly describes as:

The rapidly approaching death of that king of all game fish, the Atlantic salmon.

He notes that:

The salmon is not being murdered solely by pollution, but that the worst offender is the greedy commercial fisherman aided by modern electronic devices.

He calls attention to the fact that:

Two organizations exist which could in theory end this tragic situation—the International Commission for Northwest Atlantic Fisheries and the Northeast Atlantic Fisheries Commission.

But, as Mr. Sulzberger adds:

No country opposing any proposal favored by either commission is obliged to observe it—and the Danes don't.

He goes on to suggest, however, that:

Denmark's application for membership in the European Common Market can be shelved until Copenhagen agrees to cease deep-sea salmon netting.

I must certainly agree with the Sulzberger thesis that, with the world rapidly running out of such fish as the Atlantic salmon, economic sanctions against those responsible for it could be an effective means of combating the trend.

Even if such sanctions were imposed against offending nations, however, it would not resolve the total problem of finding a positive, enforceable and lasting means of preserving the rich resources of the world's oceans. That total problem can, and must, be solved at the Law of the Sea Conference to be held in Geneva in 1973.

As I said yesterday, this vital conference is our last chance to end that threat of no more fish—and we must make the most of it.

Here is Mr. C. L. Sulzberger's article in its entirety.

[From the New York Times, Dec. 7, 1971]

MUST THE FISH-KING DIE?

(By C. L. Sulzberger)

OSLO, NORWAY.—One of the sadder ecological tragedies that menace our age is the rapidly approaching death of that king of all game fish, the Atlantic salmon (salmo salar, to distinguish him from his inferior Pacific cousin).

The salmon is not being murdered solely by pollution, factories and motorized ship traffic along the inland rivers where he breeds. The worst offender is the greedy commercial fisherman aided by modern electronic devices. Dozens of rivers on both sides of the Atlantic had previously seen the end of traditional salmon runs: the Hudson, Thames, Rhine and Seine among them.

But enough streams remained for millions of salmon to spawn and then return as small fish or smolt to secret caverns in the ocean. There they hide, fed on Arctic shrimp, grew to maturity and finally swam back to the rivers of their birth still flowing through Canada, the United Kingdom, Ireland, Iceland and Norway.

Until World War II nobody knew where the salmon went once the young fish fled into the ocean. The salmo salar was a lovely creature caught only at the mouths of the rivers on his way to spawn. It is possible to control and regulate such an offshore catch; also the catch by sportsmen angling upstream as the salmon leaps and swirls to the spawning area where he re-creates his cycle.

But this natural process has now been upset and the salmon is threatened with the extinction of the dinosaur or dodo bird. During the mid-nineteen-fifties his principal saltwater feeding ground was discovered off the west coast of Greenland in the Davis Strait. Later, a subsidiary ground was located north of this country's Lofoten Islands.

Once it was proved that large shoals of salmon matured in these waters, professional ocean-going boats started to hunt them down. The task was made easy by such inventions as sonar. It became simple to locate concentrations of fish and destroy them in one operation, either with encircling nets or thousands of long lines with strings of baited hooks.

Nations owning salmon-producing rivers quickly recognized the danger to the species. Within a decade the catch in the Davis Strait alone increased from an annual sixty metric tons to over two thousand. However, Denmark, which exercises sovereignty over Greenland, has steadily refused to recognize the threat.

The Danes contend no scientific proof exists that salmon being taken in international waters off Greenland or the Lofotens come from any special river or that deep-sea fishing is directly related to numbers of salmon in normal spawning areas.

Nevertheless, it is an open secret that this is nonsense. Danish crews usually rip off tags of any fish taken in the ocean and thus destroy evidence that the fish had earlier been captured and marked by game wardens in particular sites. However, cooperative Danish fishermen have quietly shipped evidence—in the form of tags—to authorities seeking to restrain the salmon slaughter.

Meanwhile the catch in the few remaining great rivers of North America and Europe has been declining at a precipitate and disastrous rate. This trend does not affect Denmark, which has had no salmon rivers of its own for years.

Two organizations exist which could in theory end this tragic situation—the International Commission for Northwest Atlantic Fisheries and the Northeast Atlantic Fisheries Commission. Unfortunately, no country opposing any proposal favored by either commission is obliged to observe it—and the Danes don't.

Thus, although ideology has been ignored in favor of ecology, and the United States, Canada and Spain have joined the Soviet Union, Poland and Rumania in the salmon-preservation fight, Denmark refuses. In this it is supported by West Germany, a far less important fishing factor.

There is really no way of bringing the Danes to heel except by concerted action. Today an opportunity for such action exists. Denmark is seeking membership in the European Common Market. Surely its application can be shelved until Copenhagen agrees to cease deep-sea salmon netting, a process which probably doesn't earn more than $3 million extra for the country anyway.

It is reasonable to impose this kind of penalty on ecological crime just as—which I have previously written—it would be reasonable to defer final action on Britain's admission to the market until the British, like the Europeans they hope to join, start treating dogs like human beings and let them freely in and out of their islands so long as their medical and travel papers are in order. Salmon and dogs somehow make mankind's life more tolerable and should be treated accordingly.

SALE OF AMERICAN FEED GRAINS TO THE SOVIET UNION

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 5 minutes.

Mr. SEBELIUS. Mr. Speaker, the recent sale of American feed grains to the Soviet Union gives the United States access to one of the largest grain markets in the world—Eastern Europe and the U.S.S.R. This contact and the "statesmanship" decision by maritime leaders to load grain on foreign-flag vessels could ultimately provide grain producers with the best of both worlds—planting freedom and flexibility and elimination of price-depressing domestic surpluses. The net result could bring a fair price for farm products and adequate compensation for the farmer's investment, industry, and productivity.

In agriculture today, we are experiencing a real dilemma. Farmers, of course, want planting freedom and management flexibility to harvest full bounty from their available land resources. Yet, farm prices are a painful reminder that overproduction severely depresses prices and farm income.

We can resolve this dilemma and improve farm prices by increasing demand through expanded markets at home and abroad. In my home State of Kansas, I have been most impressed by the cooperative efforts of the Kansas Association of Wheat Growers, the Kansas Wheat Commission, and Far-Mar-Co., Inc., regarding wheat utilization and domestic market development. This intensive research under the dynamic leadership of Dr. Wayne Henry and Ben Garrish will mean expanded markets and more extensive utilization of wheat and wheat products.

It is most unfortunate that this landmark development regarding exports to the Soviet Union has prompted controversy and undue criticism. I feel that the editorial "Export Criticism Errs," which recently appeared in the Southwestern Miller places the terms and impact of this agreement in proper perspective. With unanimous consent, Mr. Speaker, I submit this well-written editorial to the attention of my colleagues. The editorial follows:

[From the Southwestern Miller, November 30, 1971]

EXPORT CRITICISM ERRS

A silly by-product of the sale of American feed grains to the Soviet Union is the tempest in a teapot over whether prices on Commodity Credit Corp.-owned oats and barley in effect represent subsidization of a Communist livestock and poultry industry. The furor mainly involves gross misinterpretations, along with ignorance of the importance of export markets to agriculture and the economy. The basic facts are that the C.C.C. has sold to exporters 24,000,000 bushels of oats and 39,000,000 bushels of barley at f.o.b. prices that are less than the domestic market. The levels at which the C.C.C. sold the grains were very much in line with competitive prices from other selling countries and were below domestic quotations primarily because the latter are elevated by the availability of price support loans. Without delving into the difficult issue of whether those world prices equal the cost of production for U.S. farmers, it is correct to state that American prices are above the world market, rather than that the world market is below domestic quotations.

It is recognition of that actuality that is largely responsible for the export subsidy program. Even though open market loan rates on wheat were reduced at the start of the certificate program in 1964 to a level that more nearly reflected world prices than in the past, a subsidy has been paid almost daily since then with the primary aim of facilitating competitive offerings of U.S. wheat and flour. Actually, no subsidy payments have been made on feed grains for a number of years, because U.S. corn and

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grain sorghum, the major feed grain exports, have in effect set world levels. Oats and especially barley meet greater competition than those grains in world markets, and that is why the C.C.C. elected to make them available at below-domestic market levels.

Truly incredible in the carping as the Soviet trade is the foggy thinking that would equate the sale with subsidization of the expansion of livestock and poultry production in the Soviet Union and the assertion that this is somehow part of a Communist plot. "Is it in our interest in the long run to subsidize the expansion of the Russian livestock and poultry industry?" asks Representative Neal Smith of Iowa in an unbelievable display of naivete, concerning the very developments that would most benefit the fabled corn growers of his state. The possible emergence of a thriving livestock and poultry economy in the Soviet Union and other Bloc nations is one of the most exciting dreams of American feed grain producers. The entire effort of the U. S. Feed Grains Council, as an organization charged with the responsibility of expanding U. S. feedstuffs exports, is directed toward stimulating such developments in many parts of the world. If the Soviet sale represents just a small step toward turning an underdeveloped livestock and poultry system in the Soviet Bloc into one approaching a developed one, it is an event of tremendous importance to the future success of American feed grain farmers.

Some of the criticism of the feed grain business also overlooks one very important facet of export trade. Even though barley and oats have been made available to U. S. exporters at levels below the domestic market, the fact that this country will gain the foreign exchange involved in the sale is a very major benefit.

If one can find amusement in misguided criticism, the most hilarious part of the Soviet sale criticism is the implication that somehow American consumers are being discriminated against because U. S. grain is being made available to Soviet users at lower prices than in this country. On the basis of the benefits for the American export potential and the U. S. position in world markets, that argument is fallacious in the extreme. It would be well for those who voice such concern to turn their attention to an example of indisputable discrimination against American consumers, as posed by the wheat processor certificate levy. The users of feed grains in the United States may not be able to obtain oats and barley as cheaply as their Soviet counterparts, but in the case of wheat foods, the cost is raised by a tax of 75 cents on each bushel ground. Therein lies complete disregard of the American consumer.

MINORITY VIEWS OF REPRESENTATIVE HENRY B. GONZALEZ ON H.R. 11309

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I have today filed the following dissenting views with the Committee on Banking and Currency.

This bill provides the administration unprecedented economic powers; no President in peace or war has asked for, much less been given the kind of power authorized in H.R. 11309. What is more distressing is that no cogent, positive, convincing case has been made in support of this legislation. Your committee has heard much about a crisis, but not much about what it consists of and how it should be met. The extensive testimony of an array of economic experts served only to underline that there is a deep and troubling conflict of opinion over the causes and cures of our economic woes.

If Congress enacts this legislation it will be taking only a stab in the dark. There is no persuasive testimony that the new economic policy is or will be any more effective than the once-touted and now forgotten game plan. Considering the enormity of the administration's past failures in economic policy, I believe that Congress has a positive responsibility to review and help shape future economic policy. But the Congress is reacting in a floundering way to the crisis, and apparently is unable or unwilling to evolve a policy of its own to replace the jerry-built apparatus that was created after the collapse of the disastrous game plan. This is sad and deplorable; the battering and bruising the body politic absorbed from the game plan should have strengthened our resolve to undertake a firm and positive hand in economic policy. Yet we are being asked to rubberstamp an unprecedented grant of power to an administration whose capacity for error in economic matters appears to be exceeded only by its stubborn determination to stay on a disastrous course.

There can be no doubt that this country is in serious economic trouble. For the past 2½ years we have had persistent, excessive unemployment. At the last report unemployment had crept up to a rate of 6 percent, meaning that 5.2 million Americans are trying to find jobs—with no success. If one considered the number of people who have simply given up looking for work, as have many of those unemployed for a year or more—and there are many of these—there may well be close to 9 million people who need jobs and cannot find them. Moreover, even as the rate of unemployment has increased we have had increasing trade deficits, a stagnant stock market, and a host of other symptoms that clearly spell recession. Ironically, though, we have had rising prices throughout this recession, and as matters grew worse the rate of inflation actually increased. All of this, which the administration dubbed a new type of inflation led to the junking of the game plan, so bravely advertised, with its monthly promises that things would get better. Be patient, we were told, better times are just around the corner. Then came August 15, a whole new ball game, as Secretary Connally puts it, and a demand for unprecedented economic powers.

We are told that wage controls are vitally important, but there are at least 5.2 million Americans, and probably closer to 9 million, to whom wage controls are meaningless—because they have no wages to control. The labor force will grow by a million people in the next 12 months. Moreover, we will be reducing our Armed Forces by an almost equal number, and the President has sworn to cut civilian Government employment by a hundred thousand. Therefore in order just to keep the number of unemployed from growing, the economy of this country must produce something like 2 million jobs in the coming year. This would require an economic growth rate of roughly three times what this country had from August 1970 to August 1971. The current economic indices do not show that we are enjoying anything like that kind of growth today, and even though some private forecasters are hoping for an increase of about 9 percent in the gross national product for the next year, this is at best only a hope based on the happiest possible turn of events. Even if that rate of growth is achieved—and there is no sign now that it will be—the number of people unemployed in this country a year from now will be about the same as it is today. Not even the most optimistic forecast predicts an unemployment rate of less than 5.5 percent a year hence.

If the kind of growth rate that the administration obviously hopes for is going to be achieved, it will require pushing the economic accelerator right to the floor. To the President and his advisers this means allowing great tax writeoffs, running a huge deficit and hopefully, holding the price lid down by means of artificial controls. It also means building a kind of inflationary time bomb; and the risk that the prices that do not go up now will very likely go up explosively once the lid is taken off the economic pressure cooker envisioned in the economic policy of which this bill is a part. It is in fact not so much a policy as a riverboat gambler's bet—and the stakes are very high indeed.

Unfortunately for your committee, the economic policy is tied into the tax reduction package. Unless the House, or its committees, examine the whole package of tax writeoffs plus controls, we will see only its parts. Since we have not considered the package as a whole, we are being asked to approve a program of which we have no more understanding of the true shape than the proverbial blind men feeling an elephant. The administration seems to be hoping that by allowing an unprecedented deficit of $3 billion or so, following on the heels of the likewise unprecedented $26 million deficit for the last fiscal year, plus unprecedented tax writeoffs for business will make the economy grow like tomatoes in a hothouse, and that price controls will keep inflation down to something like 3 percent a year. Three percent annual inflation may be less than what the game plan accustomed us to, but it is anything other than price stability. As any poor man can can tell you. The poor, the old, the unemployed, the minorities—all hoping for better days—will just have to keep waiting, under this plan. Be that as it may, this bill is only part of the economic policy we are being asked to approve, and we have never examined the whole thing as in total. The sum may be lesser than its parts, or greater—and we have a duty to know. We cannot act responsibly unless and until we at least have a full view of the program.

The bill before the House anticipates a need for controls that would be brought about by tax cuts and a deficit of gargantuan proportions. But he have seen neither the total of the tax cuts, nor the real spending plans, and cannot know in fact what the fiscal situation is. Neither do we know what the monetary policy of the Nation is. Nor do we know if the controls asked for will be needed. Indeed recent history should cause Congress to question whether there was a policy in the past or even is one now. If we are in our present straits because we have failed to act on economic policy as a whole, we may well simply be repeating past mistakes by acting once again in a piecemeal fashion.

It is possible that the new economic policy, no less than the late game plan, is based on false assumptions. Some experts before your committee argued that this was precisely the case, and it is a possibility well worth thinking about. The price of being wrong twice in economic policy may be too much to bear.

The possibility that the new policy may be just as wronghead as the last, and that the administration may again doggedly refuse to accept change until well after disaster has struck, leads me to conclude that Congress ought to reserve to itself powers to review the policy at an early date. There can be no harm in this; if matters are going well, we need take no action other than to grant a further extension of powers. But if matters are going from bad to worse, we could act to revise policy as needed. The administration already has the power to follow its new policy through April 1972. By that time we should be able to clearly see what the policy will and will not do. We could, in the early months of 1972, review the situation and either extend existing powers granted the President or revise them. This bill, however, extends those powers and even broadens them, through 1973. This means purely and simply that H.R. 11309 will make impossible any positive congressional action next spring if the economy continues to perform below expectations. There is no reason for Congress to thus abdicate its responsibilities—especially in light of bitter recent experience in matters economic.

Some economists argue that a wage-price freeze will only postpone the symptoms of inflation, rather than solve the underlying problems. The President himself has argued against a freeze policy, on this same ground. The obvious question we should ask, but which has not been raised, is what happens when the price lid comes off. The object of this new economic policy is to create a very fast pace of growth, and by any standard economic theory, this means that wage and price pressures will increase, not decline, during the coming year. This suggests that if inflation is going to be brought under control, increasingly stringent actions may be taken by the administration to keep the lid on during the projected acceleration of economic growth. This in turn might serve only to aggravate the long-range problem of inflation, for the lid has to come off, or the pressure decreased, sooner or later.

If price pressures do build up during the expected spurt of growth we can expect not only more stringent regulations than we now have, but more elaborate ones as well. We would do well to bear in mind Benjamin Cohen's iron law of economic controls:

To be effective, controls must reproduce at a rate faster than that at which means are found for avoiding them.

Thus, although the country is assured that the President wants no maze of regulations, if economic controls are going to be used and made to work, the regulations and redtape will multiply at an exceedingly rapid pace notwithstanding his promises to the contrary. It is certainly possible that the projected economic growth will never occur, but if it does, we will surely see Cohen's law in full operation, to the discomfiture of one and all.

Contemplating this likelihood of regulations multiplying geometrically, and the equal likelihood of ever more difficult enforcement, I question the wisdom of making the Internal Revenue Service the economic policeman of the Nation. The primary purpose of the Internal Revenue Service ought to be administration of the tax laws, and this should be its exclusive responsibility. To add wage and price control enforcement to its powers would concentrate too much authority within the Internal Revenue Service.

When President Kennedy had his famous confrontation with the steel industry over price increases, he dispatched an emissary to the steel executives who merely raised the possibility that the tax accounts of the steel industry would have to be reviewed if the objectionable price increases were not rescinded. The prospect of a prolonged harassment of the Internal Revenue Service was enough to cause the now famous price rollback. This tactic might have been clever, in light of the fact that the President then had no authority to enforce his desires to roll back steel prices, but it also demonstrates clearly that having the taxman for a wage-price policeman will make threats and intimidation a key weapon in the economic arsenal of the Government. There will be few who dare question the taxman, no matter how arbitrary or capricious his acts.

Intimidation has no place in or out of Government, and I believe that wages and prices can be stabilized effectively enough without assigning the Internal Revenue Service to the task. Moreover, I believe that the IRS has quite enough to do to collect the taxes of the Government, without being burdened with a task for which it is not equipped or prepared to handle.

Phase I of the new economic policy produced an immense number of inequities, as your committee heard at great length. Some of these inequities have been reversed, others ameliorated and others continued, under phase II. The experience we have thus far indicates that Congress ought to provide for clearer guidelines for the economic policy than we have to date. This bill unfortunately would simply give the administration carte blanche; we have no assurance whatever the gross inequities we have already seen would be corrected at this or any other future time, and the bill provides no redress. This legislation simply passes the buck, in the pious hope that somebody, somewhere, at sometime will take care of the most glaring grievances and errors. We have readily available a gage of how fatuous this is. Far from making it easy for citizens to appeal from decisions of the economic cops, the administration bill would affirm everything that was done, right or wrong, and create procedure that would make appeals difficult or impossible.

Partisan claims and counterclaims have so obscured the real issues involved in this bill that it was virtually impossible for your committee to act objectively. Some Members frankly said that they were casting their votes according to instructions, which to me meant that they were supporting the bill regardless of their own judgments. The economy does not belong to any one political party; as citizens we all have an equal stake in it and concern for it. We each have equal responsibility, and partisanship has no place in a national issue as complex and vital as the economic policy.

Yet political considerations have been so pervasive that even simple procedural questions ensnared your committee in acrimonious disputes. And if such pettifoggery dominated the minor questions, thoughtful Members will readily concede that any meaningful examination of the bill, let alone the assumptions on which it rests, was impossible. It is no mere partisan matter to question the content, intent, and foundations the economic policies advocated by the President; if the emperor has no clothes he will appear naked to his courtiers and enemies alike.

We have a serious duty and heavy responsibility for economic policy. This bill is an abdication of duty and a complete failure of responsibility.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Americans have long taken pride in the natural beauty of this Nation. According to the American Forestry Association, the oldest living trees in the world are reputed to be the bristlecone pines, the majority of which are found growing in California.

THE OEO—CHILD DEVELOPMENT CONFERENCE REPORT

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 20 minutes.

Mr. VEYSEY. Mr. Speaker, the bill before the House today could potentially affect the lives of more Americans than any other piece of legislation in this Congress. Whether the bill will be able to deliver what it promises, however, is doubtful. In its present form I think it will not.

I am concerned that important parts of both the OEO and child development sectors of this bill are so complicated and unrealistic that they are self-defeating. At the same time, the evaluation section of the bill has been so weakened that any chance of improving the various programs as they proceed seems remote at best. We are asked to authorize billions of dollars, and yet the bill has no effec-

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tive mechanism to assure that these programs are effective.

I specifically question those aspects of the child development system which require the selection of a multitude of city applicants as prime sponsors to run a comprehensive plan in a given area. Small school districts across the Nation are recognizing the impossibilities of operating without consolidation. As the cost of education skyrockets, there are now a thousand consolidations every year.

Instead of 50 broad statewide plans, we are asked to develop a huge Federal bureacracy to analyze the overlapping applications of up to 40,000 communities. The needless duplication and waste involved is enormous. But more important, we are preventing ourselves from spending the money on the more effective programs. I think it is vital to give the Secretary the discretion to decide how large an area should be covered by a comprehensive plan.

We need child development, not bureacracy development.

I am also concerned over the proposed structure of the Legal Services Corporation. In California we have learned that more experience is needed before we institutionalize a lawyer-dominated corporation such as proposed in the bill. My friends in the legal fraternity are experts at accommodation and compromise. I am certain they can work effectively in cooperation with the Governors of the various States when they want to. In California, the Governor's veto has been important in bringing about accommodation.

My third objection to the OEO-child development bill, in its present form, is that the effective evaluation requirement which the House Education and Labor Committee included in its version was gutted in the conference.

I have been amazed to learn how little we have gotten for our $11 billion investment in OEO to date. We know there have been effective and successful programs, and there have also been failures. But no one in Congress is certain which are which, and there is no systematic approach to eliminate the ineffective programs.

The section on evaluation in the House bill, which I authored, would have required that the Director develop and publish standards for evaluation at the time programs are started, and then evaluate the effectiveness of each program and project as it proceeds. The conference accepted this, but for some reason they rejected the commonsense requirement that the Director take the results of these evaluations into account when he recommends future funding of various programs and projects.

Striking such a requirement not only emasculates the evaluation, it tells program managers that politics, not performance, is what counts at OEO. I cannot accept it.

For these reasons, Mr. Speaker, I am opposed to the OEO conference report, and urge my colleagues to oppose it with me.

SPAIN HONORS WILLIAM M. HICKEY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on December 1, William M. Hickey of New York was honored at the Embassy of Spain through the presentation by the Spanish Ambassador of the Gran Cruz del Orden de Merito Civil for his activities over the years in supporting the cause of making Spanish culture and American indebtedness to Spain known to the American people. In his response to Ambassador Arguelles' remarks, Mr. Hickey made a brief statement particularly referring to his efforts on behalf of the Spanish Institute in New York City. In these days when good relations with nations of Spanish background are so vital to the United States, I believe that Mr. Hickey's remarks have a particular pertinence and that they should have a broader audience.

With appreciation for Mr. Hickey's efforts over the years in this vital field and for his share in bringing the Spanish Institute to a high peak of effectiveness, I insert his remarks in the RECORD for the information of my colleagues.

Señor Embajador, Señora, invitados de honor, amigos.

Siento una profunda alegría al recibir este Gran Cruz del Orden de Mérito Civil, y agradezco este gran honor que Ud., Señor Embajador, y su gobierno, me ha concedido.

Me gustaría dirigirme a Uds. completamente en español, pero aunque lo hablo, no con fluidez, porque no tengo apportunidades suficientes para practicarlo en Nueva York.

Para este razón, y con el gentil permiso de Uds., quiero continuar estos breves comentarios en inglés.

It would seem appropriate on this occasion to tell you something about the Spanish Institute and how I become interested in things Spanish, and what I foresee for the Institute.

Some 23 years ago, in 1948, the World Bank had recently been organized and was receiving applications for loans from electric utilities, particularly in Mexico, but as yet had no staff to analyze them.

At the suggestion of some New York banks, the then President of the World Bank asked me to go to Mexico and report to him on these applications. My directors allowed me to do this work and the loans were made.

This was interesting work, but more important was the discovery of the rich Spanish heritage in the architecture, history, language and culture in that fascinating country, followed by studies and trips to Spain.

Then in 1954 I met a young vice president in the National City Bank who asked me to be a director in The Spanish Institute, which he was then organizing. His associates in the bank and many friends all say "There's only one George Moore." No more need to be said.

For nearly 11 years now I've been Chairman of The Institute. It has been an interesting and rewarding experience.

The Institute is devoted to bringing about a greater understanding in the U.S. of Spain and Spanish America and Spanish culture.

At the outset some 20 years ago I was struck by the lack of appreciation in the U.S. of the very important part the Spanish played in the history of the U.S.

This had not always been true, however. At the turn of the century Spain, Spanish art, Spanish history and Spanish literature went through a period of tremendous popularity here.

Witness the founding of the Hispanic Society of America in New York, a unique institution which has the greatest prestige among Spanish and Spanish-speaking people all over the world.

Our Institute was founded in more recent years and went through some difficult times when there was no understanding of the present Spanish government. This era has now passed and there is a much better feeling towards the extraordinary achievements of the Spanish Chief of State.

However, there is still much to be done and the Spanish Institute's aim is to bring as many scholars, artists and business people from Spain and Spanish America as possible before New York audiences.

As far as scholars are concerned we aim to be the voice of the Hispanic Society and to convey their message to a much greater number of people.

We hope to give the Spanish-speaking population of New York, who have, as do all newly arrived ethnic groups, difficulties in living in this metropolis, a new sense of the greatness of their heritage.

After all, St. Augustine, Florida is the oldest city in the U.S. And in it is located the oldest house of worship, wherein side by side are the coats of arms of Spain and the U.S., symbolizing the friendship of these two nations and their joint dedication to preserving the values of western civilization.

Toledo, Ohio was named after Toledo, Spain, as a result of inspiration from the Spanish writings of Washington Irving.

Of particular interest to me was learning the full name of the largest city in California. Many here call it "L.A." In San Francisco I understand some call it "Inferior California." But the full name is "El Pueblo de Nuestra Señora, La Reina de Los Angeles ds Porciúncula." To probably 1,000 people I have asked this question over the years. Only one, a professor of history at St. Louis University, knew the answer.

Yet, how much this name holds in the way of language, culture and history.

I mention this because it is illustrative of how much there is to do here in developing understanding and appreciation of Spain and Spanish America.

This we hope The Spanish Institute can accomplish in the years to come.

We are most grateful for the constant support of our Consul General in New York, Mr. Martin Gamero, the Spanish Tourist Office and this Embassy in Washington.

KEMENY ON NATIONAL TRANSPORATION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in his convocation address at the opening of the 202d college year, President John Kemeny of Dartmouth College characteristically addressed himself to a question of great national import and one which also had significance for the community of Hanover, N.H., and the surrounding area.

His proposal that we should turn our sights to the present unsatisfactory operation of our system of national transportation and dedicate our energies and resources to bringing it to an acceptable condition of public utility is timely and appropriate.

It is the hope that Dr. Kemeny's suggestion will be heeded and acted upon by those with the responsibility of doing so. I have advocated such a course for a long time and I hope that support for such action will increase with the interest of such eloquent advocates as Dr. Kemeny.

For the interest of my colleagues I append Dr. Kemeny's address herewith:

THE PRESIDENT'S CONVOCATION ADDRESS

We celebrate the 100th anniversary of Thayer School at a time when it is fashionable to blame science and technology for all the ills of the world. Yet it is my conviction that the fundamental problem is our total inability to *manage* science and technology and to bring them to bear on the problems of society.

I would like to discuss this problem in terms of a concrete example, and I have chosen our national transportation system. My first observation is that we do not have a national transportation system. We have a historical accident compounded by shortsightedness, greed, and political manipulation.

We once had a great railroad network, and today at a time when many nations have rejuvenated railroad systems that serve as a matter of national pride, our passenger system is essentially dead. It was killed through greed. It was killed by the taking of profits without ploughing them back into maintenance and improvements. It was killed through gross mismanagement. It was killed through unions that became so greedy and shortsighted that in the long run they will put most of their members out of work. It was killed by a national policy that subsidized all the competitors of the railroads and neglected the railroads themselves.

Next we built an air transportation system, and in the beginning we saw great improvement. It is certainly wonderful to be able to fly coast to coast in five hours. For a while we seemed to have a policy of building up an air transportation system to serve all communities, including this one. But then profits fell; we lost interest in subsidizing air transportation, and we found more and more communities cut off from the national system.

Through these years the growth in the number of airplanes brought about new problems. We created congestion in the air which should have been completely predictable. We created sonic booms making life difficult in many parts of the country. We created the problem of moving thousands of people through highly congested cities to the terminals that service the airplanes. And, when all these problems confronted us, what great national plan was proposed to solve them? It was proposed that we build a supersonic transport plane which would produce greater sonic booms, which would mean moving more people through highly congested cities, and which would have a negligible effect on the problems that really worry most air travelers.

Take a typical trip by airplane from Boston to New York. From the time when you leave your home in a suburb of Boston, you fight through the traffic to get to the airport. You wait until you can get on the plane. You then have a short and usually pleasant flight to New York. You then wait for your baggage, try to get a cab, and fight even worse traffic getting into Manhattan. Of all of these, the only part that works well is the actual flight; and therefore it seems to me that if we are going to improve the air transportation system, one should work on those problems that are pressing on all people and not on a major new project that is going to be of benefit to only a handful of people.

We also built a great highway system, and this too had many benefits. Indeed we are fortunate in this part of the country; it is safer and less frustrating to drive on our great interstate routes than on the roads that existed a decade ago. I'm sure that students find the trip to Smith both faster and more enjoyable as a result of it. And in addition, in Vermont and New Hampshire you can enjoy the scenic beauty that accompanies these interstate roads. And yet these highways created problems of their own. With some one hundred million cars on the road, the problem of pollution in the nation is threatening the survival of mankind. At the same time we are using at an alarming rate natural resources of the world which can never be replenished. And while it is wonderful to have interstate roads when you live in Hanover, New Hampshire, they are threatening to bring death to the inner parts of several of our oldest and best known cities.

We have reached a stage where the main means of transportation (because we don't have a public system) is the private car. If you look at two examples of the effects of millions of private cars on cities, you can see the problem that confront us. Let me first take Los Angeles. It is a city that boasts of the greatest freeways—engineering miracles on which you can speed at 70 miles an hour right through the center of the city. I remember our experience the last time I was in Los Angeles. We went bumper to bumper on one of these 70-mile-an-hour roads at a speed somewhat slower than that which would have been possible with a horse-drawn carriage several generations ago. At the same time I witnessed thousands of cars fuming into the already smog-filled air. I saw the tremendous waste in resources. If my estimates were right, we averaged one and a half people per car, all going in the same direction for a stretch of twenty miles. I couldn't help thinking that there must be some rational way for providing a mass transportation system that would replace this completely haphazard, accidental method of transporting the majority of our people.

In New York the problem is much worse. I went to high school in New York City and it is a city I once loved. But since that time everything that man could do to ruin it has been done. It once had, believe it or not, a great subway system. It once had good bus service. It once had commuter railroads that people enjoyed riding. Instead of that, Manhattan today is the greatest traffic jam in the nation, with its streets permanently torn-up for improvements.

We seem to cater, in our planning of city transportation, to the desires and the whims of the rich and the selfish. We ignore the needs of the poor and those who do not have a sufficient voice in the affairs of our nation; and yet justice is done in the end, because while we make life almost impossible for the poor, in the not-so-long run we succeed in making life impossible for the rich and the selfish as well.

Let me mention one example of the way cities make major decisions. I happened to be in New York at the time of the great controversy as to whether to finance subway construction by means of raising the fare on subways or raising the toll to get into the city by car. This went on for a very long time. It would seem to any impartial observer that the solution was clear. If you raise the fare on the subway, then fewer people will take the subway, and it will be harder to maintain it and justify it, and you are going to encourage more cars to come into the city, to compound an already almost hopeless problem. If, instead, you raised the tolls on bridges and tunnels, you might encourage more people to take an interest in the public transportation system, and you might remove a few thousand of the cars that now pollute and jam up the city. You might even consider something drastic such as a $5 or $10 fee to get into Manhattan, or possibly a prohibition of all private cars in the central city.

I don't have to tell you what the outcome was. Subway fares were raised.*

When one looks at city planning, one sees cities that still have a hope, except for certain areas that are traditional bottlenecks where traffic jams up. And then you hear that three more great skyscrapers are built—and where are skyscrapers built? Right in the middle of the worst traffic jam.

The cumulative effect of all this lack of planning and shortsightedness, I claim, goes way beyond simply the discomfort that has been given so much publicity. It seems to me that we spend a major portion of our life rushing around like maniacs. I have great envy for some of my predecessors who had the luxury of taking a beautiful train and traveling leisurely across the country to visit alumni clubs, or possibly even taking a boat to Europe. That has been replaced by taking the fastest plane, getting out to the airport as quickly as possible, flying into the next city, being met there and rushed to your next appointment. And there are thousands of us, hundreds of thousands if not millions of us, who live our lives according to a schedule like that. We arrive at work tired and irritated, and therefore it is not surprising if we are unpleasant to our colleagues and associates.

In the process we destroy the quality of our environment and we use up our natural resources without any thought at all that other generations may follow us. And yet all the science and technology that is needed to alleviate this great problem and other great problems of society is known today. But we seem to be totally unable to manage it and to bring it to bear on the immediate problems of society. Somehow we can't take our transportation system and try to look at it as a whole. We fail to examine the interaction among the various components; the side effects, outside of the simple questions of how long it takes for a car or a train to get from one point to the other; the effect on the lives of human beings. We fail to examine the psychological impact of this tremendous rush and frustration; the effect on property, on scenic beauty, on the nature of the world we live in. Somehow we do not seem to be able to put this together into a sensible plan on which we can act.

Reaching the moon was a great achievement for man, and I for one am glad and proud that mankind has achieved this. What I can't understand is why we seem to be totally unable to mount a similar effort, for example, to design a reasonable transportation system for the United States. But perhaps this is because between earth and moon you do not find one hundred different political subdivisions. Perhaps it is because there is no opportunity for get-rich-quick schemes on the moon at the present time. Perhaps it is because we were not asked in this to make direct personal sacrifices for the betterment of mankind. Or perhaps it was because there once was a President of the United tSates who inspired the entire nation in a great goal and in a great concerted national effort that took us to the moon.

Thayer School enters its second century at a critical moment in the history of our country. If we continue the present path of inability to manage the great resources and great scientific and technological know-how available to us, we will witness the decline and fall of a great nation. But if we learn how to channel the miracles of modern technology for the benefit of mankind, we could be at the threshold of a new golden age.

Members of the Class of 1975, the future is in the hands of your generation.

* The reference is the creation of the 30 cent fare, not the current controversy.

DECEMBER 7, 1941—REFLECTIONS ON GREATNESS

(Mr. FLOWERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FLOWERS. Mr. Speaker, who among us needs to be reminded of the

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significance of December 7 in our Nation's history? For some, this date may have only historical importance, but for most of us there was a deep personal or family involvement in the relentless struggle that followed Pearl Harbor. In any event, it is altogether fitting and proper that we pause and reflect on this 30th anniversary of the precipitous beginning of World War II for America.

First to my mind is the memory of the untold sacrifice and suffering of so many fellow citizens. These were indeed the "times that try men's souls." From the near national graveyard that was Pearl Harbor—symbolized forever in the battleship *Arizona* lying at the bottom of her channel—to the battlefields of North Africa, Europe, and the islands of the Pacific, sacrifice and suffering were more the rule than the exception for Americans in the early forties. I am reminded of Edmund Burke, a great British statesman of yesteryear, when he said:

> All that is necessary for the forces of evil to win in the world is for enough good men to do nothing.

Fortunately, for the world of today and tomorrow, there were "enough good men" in 1941, and let us not ever forget that many of them were Americans.

Next to mind is duty. Duty might have seemed an unnecessary word for the times because a whole nation subscribed to the concept. In the words of Robert E. Lee at another critical period in our history:

> Duty is the sublimest word in our language. Do your duty in all things. You cannot do more. You should never wish to do less.

The spark of national greatness was certainly reignited during this era. While barely emerging from the stress of the great depression of the thirties, the United States was thrust onto the center stage as the only hope for a free world. And the call was answered with a sense of national commitment never matched before or since. The task undertaken was not to be an easy one, nor was the outcome for our Nation certain when World War II began, or at many stages through its perilous course.

Those immortal words of Thomas Paine rang as true on December 7, 1941, as they did in Revolutionary times:

> Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict the more glorious the triumph. What we obtain too cheap, we esteem too lightly: 'tis dearness only that gives everything its value. Heaven knows how to set a proper price upon its goods; and it would be strange indeed, if so celestial an article as freedom should not be highly rated.

So as we reflect upon this day 30 years ago, let us remember the times as they were—the sacrifice and suffering—the call of duty that thank God was answered—and the greatness that was and is the United States of America. And let us be proud to be Americans on this 7th day of December 1971.

SPEAKING UP FOR THE MIDDLE CLASS IN FOREST HILLS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the controversy in Forest Hills over a low-income housing project is not a parochial issue. In the coming decade, practically every city and suburb in our country must confront the enormous problem of providing housing opportunities for low-income families while maintaining the stability of existing middle-income communities. No one should pretend that there are cheap or easy solutions to this problem.

I support the concept of scatter site housing, and as a member of the Banking and Currency Committee having jurisdiction over Federal housing programs, I am cosponsoring legislation that would establish sensible and equitable incentives for scatter site housing in the suburbs as well as the cities. But I do not support the Forest Hills project unless its present size is reduced. This is also the position of Congressman BEN ROSENTHAL and an overwhelming number of the Forest Hills residents who he represents.

The city's insistence on the largeness of this project—840 units in three 24-story buildings and nearly twice the size of any other project planned or built for a middle-income neighborhood in New York City—makes the Forest Hills situation unique and potentially damaging to the cause of scatter site housing. A concentration of this many low-income people within a middle-class neighborhood intensifies the fears and difficulties of economic integration.

If you have worked hard all your life, as most Forest Hills residents have, to give your family a safe home and a decent education, you rightfully worry about the possible deterioration of your neighborhood. And it is an understandable fear that a large infusion of poverty stricken people, many on welfare, will pose a threat to the way of life in a middle-class community. Like all New Yorkers, the residents of Forest Hills are alarmed about the increase in street crime and school violence. To characterize this concern as " racism" is an outrageous charge that evades what is really going on in the city and unnecessarily polarizes New Yorkers.

No one can seriously deny that the crime rate in our ghettos is higher than elsewhere—particularly among the multiproblem families on welfare. If anyone doubts this, let them ask a resident of Greenwich Village, a liberal community, what happened after many welfare families were placed in hotels in that area; let them ask what happened in Brooklyn Heights under similar circumstances—the increase in crime in both areas is well known.

The city itself recognizes that many welfare families create special problems for public housing. HDA Administrator Walsh has reported that 40 percent of the new tenants taken into New York City Housing Authority projects last year were welfare clients. Chairman Golar of the housing authority has said:

> We're taking in huge numbers of families with terrible social problems.

Crime, addiction, and vandalism plague public housing projects throughout the country.

But the Forest Hills controversy is more than just a fight over public housing—it is a middle class revolt against a city administration that has forgotten or given up on the middle class. The waste, ineptitude, and highhandedness of the city administration has destroyed much of the good will the city needs to win acceptance of its scatter site housing program. One cannot expect middle class New Yorkers to rally to the cause of the city if the city administration scorns them, ignores them or plays favorites at their expense. As one man recently told me—

> We get nothing for our money in the middle class. I mean we work hard and they walk all over us.

It is no wonder then that the middle class has turned to the concept of community control in order to gain some hand in determining the way of life in their neighborhoods.

However, community control does not mean every middle class neighborhood is opposed to low income housing. It is bitterly ironic that the city administration is resisting the pleas of the Forest Hills community to reduce the amount of low-income housing units while simultaneously refusing the demands of Yorkville, another middle class community, for more low-income housing. The middle class will, no doubt, draw the resentful conclusion that community control may work for the rich or the poor but not for them.

If the city administration continues to ignore middle class needs and belittle middle class fears, then the middle class will continue to leave the city and we will have gained nothing even if we build 10 Forest Hills. And tragically, the poor will suffer most. No great strides can be made toward securing the economic and social progress of New York City if it is not founded upon sympathy for, and the legitimacy of middle class aspirations as well as those of the poor. The city's refusal to scale down Forest Hills so as to reduce the number of low-income families only sets off one group against the other to the detriment of us all.

The city administration can still rectify its error by sitting down with the community and working out a reasonable settlement. It is not too late for the city to revive the art of compromise which has kept New York together through decades of enormous change.

BUREAUCRACY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, one of the jobs of a Member of Congress is to assist constituents in cutting through bureaucratic redtape. Everyone of us, I am sure, has had the occasion to write a constituent and tell him that, "Yes, the Government made a mistake and to rectify the error, a check will be forthcoming for x number of dollars." Often this can amount to hundreds of dollars.

As pleased as I am to be able to give constituents this good news, and as pleased as I am that mistakes can be found and agencies are flexible enough to correct them, every time a case like this comes up, I am plagued by the question of how many similar mistakes are being made and not being uncovered. I cannot help but worry how many people are not getting their full benefits. And I wonder if the particular constituent had not had congressional assistance, whether the error would have been found.

I have recently had a case that reflects in frightening detail the chaos that seems to rule Government bureaucracies. In this case, involving the Social Security Administration, the news was not good. Every time I wrote to the Social Security Administration, a letter came back saying that my constituent owed even more money than before. To portray for our colleagues the dimensions of the confusion, including the issuance of duplicate checks, I would like to run through the chronology of this case.

I do this not so much to criticize the Social Security Administration, because I know they have a tremendous benefit program to administer under very trying circumstances, but rather to focus attention on a problem that is endemic to many Government bureaucracies. I believe it is important that the Congress seek effective administration of the programs it establishes and insure that sufficient manpower is allocated to do the job efficiently and with as few errors as possible. In the long run, this type of operation generally saves money, and, of course, is far preferable for the people involved.

Mrs. X's son first wrote to me in March 1971 to say that his mother's check had suddenly stopped coming. She had not received her January or February checks—providing at the age of 74 her principal means of support. I wrote the Social Security Administration about this on March 10.

On April 6 Social Security called my office to say that a check for the payment due was being sent immediately but instead of including payment for January and February only, the check included payment for November through February. The entire amount for the check was $561.40. Mrs. X would either have to return the check or she could keep the extra money and go without benefits for 2 months. The error had been made because of the expedited payment procedure.

On April 19, Mrs. X's son wrote to Social Security by registered letter asking where the check for the excess payment should be sent. He received no answer until July 1 when Social Security wrote to Mrs. X stating that Social Security records showed an overpayment of $696.40: The $561.40 check issued April 6, plus $135 in benefits that had been paid in 1969, but had to be returned because Mrs. X had earned more than $1,680 during that year.

On June 11 Mrs. X dutifully mailed Social Security a check in the amount of $696.40.

Three months later, on September 10, Mrs. X received a brief letter from Social Security stating the following:

> Based on our records you received a check in the amount of $561.40; of this total amount $426.40 represents an overpayment. Please remit this amount.

Knowing that she had mailed Social Security a check in the amount of $696.40 on June 11, Mrs. X thought that Social Security now owed her $270. As Mrs. X's son said to me:

> It's hard to believe, the letters are completely contradictory.

I directed an inquiry about this to Social Security.

Now I have received a letter stating that a further review of Mrs. X's record shows that between January 1969 and October 1971 she had been overpaid $1,080.60. Fortunately, the computer did show that she had returned $696.40 and indicated that she now owes an additional $384.20.

Needless to say, at this point Mrs. X and her son are at the point of despair. They do not understand what is happening and are, of course, fearful that next month the Social Security Administration might claim she owes still more money. In the meantime, her benefits have stopped, and she is without funds to either live on or to return the $384.20 Social Security claims she owes the Administration.

The letter of November 30 which I received from Social Security is itself confusing and suggests that at this point even Social Security may not know where the mistake was made. Social Security has simply added up the benefits Mrs. X was due, collected the checks issued in her name, and figured that the difference between the two is the overpayment. Their letter follows:

SOCIAL SECURITY ADMINISTRATION,
Flushing, N.Y., November 30, 1971.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in further reference to your inquiry to Commissioner Ball concerning Mrs. X, New York, N.Y. 10026.

We have undertaken a further review of Mrs. X's record and we find that she had been overpaid $1080.60 through October 1971. She refunded $696.40 reducing this overpayment to $384.20.

In our letter of June 11, 1971, we advised you that Mrs. X was overpaid $696.40. However, additional checks were subsequently issued to her which increased the amount of the overpayment.

Mrs. X was entitled to receive the following payments:

Payment for—	Monthly rate	Less monthly deduction for medical insurance premiums	Total payable
January 1969	$21.00	0	$21.00
February through May 1969	156.00	0	624.00
June through December 1969	156.00	$4.00	1,064.00
January through May 1970	179.40	4.00	877.00
June through December 1970	179.40	5.30	1,218.70
January through May 1971	197.40	5.30	960.50
June through October 1971	197.40	5.60	959.00
Total			5,724.20

She received the following payments:

Payment for—	Amount of check	Total paid
January through April 1969	$628.00	$628.00
May 1969 through February 1970	[1] 152.00	1,520.00
January through February 1970	46.80	46.80
March through May 1970	[1] 175.40	526.20
June through December 1970	[1] 174.10	1,218.70
January through February 1971	348.20	348.20
November 1970 through February 1971	561.40	561.40
March 1971	174.10	174.10
March 1971	174.10	174.10
April 1971	174.10	174.10
April 1971	174.10	174.10
January through April 1971	72.00	72.00
May 1971	36.00	36.00
May 1971	192.10	192.10
June through October 1971	191.80	959.00
Total		6,804.80
Less refund		696.40
Total		6,108.40
Mrs. X received	6,108.40	
She was entitled to	5,724.20	
Overpayment	384.20	

[1] Each month.

The law provides for the recovery of an overpayment through the withholding of subsequent benefits payable on the same record.

The law further provides that recovery of an overpayment may be waived where the overpaid person was without fault in causing the overpayment to be made, and recovery would either cause her financial hardship or be otherwise inequitable.

Mrs. X will be notified directly concerning her overpayment and the requirements for waiver. She will be advised of the month our recovery action will begin in the event that she does not request waiver.

Our usual procedure in recovering an overpayment is to withhold the overpaid person's full benefits until the entire amount has been repaid. However, if this causes Mrs. X financial difficulty, she may request that we withhold only a portion of her benefits each month for the extent of time necessary to recover the overpayment. If she wishes this partial adjustment she may request it by getting in touch with our West 125 Street, New York Office. Mrs. X may also make any other request concerning her overpayment at that office. The people there will be glad to assist her in every way possible.

Sincerely yours,
PASQUALE F. CALIGIURI,
Regional Representative.

The purpose of this is not to say that Mrs. X is being billed for more than she owes—for one, I cannot figure it out myself. And if I cannot figure it out, how can an elderly lady of 74 figure it out? And so we have a situation in which big Uncle Sam is tormenting—figuratively speaking—a little old lady. Indeed, when the son called my office this week about the Social Security Administration's latest letter, he broke down and wept and said he feared for his mother's health because of the strain and the anguish his mother was called on to bear.

Hopefully, for Mrs. X's sake, the Social Security Administration will be able to waive the recovery of the overpayment.

Mr. Speaker, last week President Nixon addressed the White House Conference on Aging and talked of new programs and benefits for the elderly. May I suggest that one thing he could do immediately—with no new legislation—is to give top priority to the Social Security Adminis-

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tration and the processing of social security and medicare benefits. This would be received with gratitude by the elderly.

Having steered men to the moon and brought them home again with such navigational accuracy, we should have no doubt in our minds that we have the computer technology to meet the administrative demands of any benefit program.

NEEDED URGENTLY: SHORESIDE FACILITIES FOR THE U.S.S. "ARIZONA" MEMORIAL, PEARL HARBOR, HAWAII

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. MATSUNAGA. Mr. Speaker, today marks the 30th anniversary of the "Day of Infamy," the Japanese surprise attack on Pearl Harbor, which marked the beginning of World War II.

About 3,000 American lives were lost in that single initial battle. Our Navy was crippled. The most severe losses suffered by any one ship that day were suffered by the officers and men of the U.S.S. *Arizona*. Almost 1,200 men from the *Arizona* lost their lives that day; the bodies of more than a thousand men still lie entombed in the sunken hulk of the *Arizona* in the middle of Pearl Harbor. Ten years ago, Congress authorized the construction of a memorial at the site of the U.S.S. *Arizona*, in honor of the brave men who gave their lives for their country during the attack on Pearl Harbor.

The *Arizona* Memorial has since become a truly national memorial, visited annually by citizens from every State in the Union. Despite the fact that the memorial can be reached only by boat, it was visited by more than 700,000 persons last year. It has been estimated that by 1975 more than a million people will visit the *Arizona* Memorial every year.

Despite the great influx of visitors, the memorial remains adequate to handle the load; however, existing shoreside facilities are painfully inadequate. Visitors to the *Arizona* Memorial must wait for long periods of time, occasionally in inclement weather, for the opportunity to make the short pilgrimage by boat from the landing to the memorial itself. It is indeed a national shame that we have not corrected this situation.

Therefore, I have introduced in this Congress, as I did in the 91st Congress, legislation to rectify the situation. My bill would provide the usual visitor conveniences, along with a theater and museum for the orientation and education of visitors to the memorial. Films of the attack could be shown in the theater, and documents and other paraphernalia could be exhibited in the museum to assist the visitor in enhancing his understanding and appreciation not only of the U.S.S. *Arizona* Memorial itself, but also of the war in the Pacific and the need for constant effort to maintain peace with other nations of the world.

Today, on this 30th anniversary of the Pearl Harbor attack, I am reintroducing my bill, with the entire Arizona House delegation, the chairman of the House Veterans' Affairs Committee, and more than 100 other distinguished colleagues, as cosponsors.

At the conclusion of my remarks, I will include the text of the bill and newspaper editorials in support of my bill.

Mr. Speaker, the facilities proposed in my bill would add an educational dimension, not available today, to the millions of Americans who will be making their pilgrimage to the U.S.S. *Arizona* Memorial in the years ahead, while providing the usual visitor comforts and convenience.

I believe that the time has come to move speedily toward enactment of this legislation.

The material follows:

H.R. 12083

A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the United States Ship Arizona Memorial at Pearl Harbor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to provide for the establishment and maintenance of permanent shoreside facilities (including, but not limited to, a theater and museum) within the Pearl Harbor Naval Base, Hawaii, to provide for the education and convenience of visitors to the United States Ship Arizona Memorial.

SEC. 2. The Secretary of the Navy may include and display in the theater and museum such personal property, relics, documents, memorabilia, and exhibits as he deems appropriate to assist visitors and enhance their understanding of the historic American interest in the Pacific Ocean areas, and to deepen their appreciation of the great heroism of the men who lost their lives at Pearl Harbor on December 7, 1941.

SEC. 3. In carrying out his duties under this Act, the Secretary of the Navy may consult with any interested individuals, groups, or organizations, including the Pacific War Memorial Commission of the State of Hawaii.

SEC. 4. There is authorized to be appropriated a sum not to exceed four million dollars for planning and construction of the facilities authorized in Section 1 hereof and such sums of money as may be necessary from time to time to carry out the purposes of this Act.

[From the Honolulu Star-Bulletin, Nov. 3, 1971]

BETTER TO REMEMBER

Aside from the beach at Waikiki, Hawaii's most famous tourist attraction is the USS Arizona Memorial in Pearl Harobr.

Though it will be 30 years next month since the Arizona was sunk in the surprise attack on Oahu, the number of visitors to the memorial continues to grow rather than decline.

Last year 358,502 people made the trip to the memorial on Navy launches and a nearly equal number are estimated to have visited it by commercial tourist boats operating from Kewalo Basin in Honolulu.

Cognizant of this interest and the fact that visitors often have long waits for Navy launches traveling to the hulk at its resting place beside Ford Island, Congressman Spark Matsunaga has been pressing a bill to build a theater and museum at the Navy landing used for trips to the memorial.

He is suggesting that funds of up to $4 million be authorized to finance these facilities to tell visitors more about the famous Dec. 7, 1941 attack.

The theater could show films of the actual assaults and some of the effective re-creations of it. The museum would bring it to life with mementos.

This is a national project, not a local one, though Hawaii would welcome it.

Most visitors to the memorial are from out of State, persons who rate Pearl Harbor as one of the "must see" elements of their trip here.

Pearl Harbor, as one of the great historical battle scenes in U.S. history, ought to have this sort of memorial.

Island residents can help by writing to Mainland friends, newspapers and Congress members to call attention to the proposal and supporting it.

[From the Honolulu Star-Bulletin, Nov. 22, 1971]

A NEW MEMORIAL

For better or worse, Pearl Harbor and Hiroshima stand out as the two most significant names recalling the gigantic Pacific War that started nearly 30 years ago, on Dec. 7, 1941.

The Japanese have rebuilt their destroyed city and made its center a national shrine, dedicated to peace by recalling the horror of war. Hiroshima and Honolulu, incidentally, have a sister city reationship.

Under the point of explosion of the first nuclear weapon used in war is a cenotaph with the names of Hiroshima's dead. Many acres of open area surrounding the bomb center are designated as Peace Park.

Within the park are the unrestored skeleton of a building that survived the bomb, an eternal flame, many memorials including memorial bridges, and a museum. In the museum the story of the bombing and its aftermath are shown and told with a grimly factual understatement.

Memorial efforts at Pearl Harbor so far have been limited to the shrine erected over the hull of the sunken battleship, U.S.S. *Arizona*, where more than 1,000 dead still remain.

Though it can be reached only by boat, the *Arizona* Memorial is visited by about 700,000 people each year, most of them visitors to Hawaii, American and foreign, including Japanese.

As the 30th anniversary of Pearl Harbor nears, a move is afoot, with U.S. Navy support, to expand the Pearl Harbor memorial by constructing a museum and theatre at the boat landing from which visitors are taken out to the *Arizona*.

The National Park Service is cooperating informally on planning for the project.

A 9.b acre site is available just west of the present Ford Island ferry landing, and the adjoining sketch offers a Navy artist's conception of what might be developed. The Memorial is in the background, under the flag.

Rear Adm. Thomas B. Hayward, commandant of the 14th Naval District, supports the project.

It will mesh well with other plans to clean up the waters of Pearl Harbor and eventually to open some of its shore areas to park and recreational use.

In Congress, Rep. Spark Matsunaga, D-Hawaii, plans to offer a new bill on Dec. 7 to support the Navy's plan.

He expects most of the Arizona delegation to co-sponsor it and expects many other members of Congress to join in backing the project estimated to cost $4 million.

Though Hawaii will welcome this important facility, its real value will be national.

After they have seen Hawaii's beaches and recreation spots, visitors to the Islands make the *Arizona* Memorial their No. 1 destination.

The proposed facilities will add an educational dimension to this experience that does not now exist.

This opportunity to learn can be found at places like Valley Forge, Fort McHenry, the Alamo, Fort Sumter and Gettysburg, other names that stand out in history. It ought to be offered at Pearl Harbor, too.

Those who support this plan can help it along by expressing their endorsement to friends across the Nation and to members of the U.S. Congress who will be asked to pass on the Pearl Harbor memorial bill.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANN (at the request of Mr. O'NEILL), for Tuesday, December 7, 1971, on account of official business.

Mr. BLATNIK (at the request of Mr. O'NEILL), for Monday, December 6, and the balance of the week, on account of illness.

Mr. BROYHILL of North Carolina (at the request of Mr. GERALD R. FORD), for today, on account of illness.

Mr. FOUNTAIN (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. VANIK, for 20 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. SEBELIUS, today, for 5 minutes.

Mr. VEYSEY, today, for 20 minutes.

(The following Members (at the request of Mr. SEBELIUS) to revise and extend their remarks and include extraneous material:)

Mr. KEITH, for 15 minutes, today.

Mr. GRAY, for 5 minutes, today.

Mr. SEBELIUS, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BOLLING in two instances and to include extraneous matter.

Mr. PASSMAN, and to include extraneous material.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. PRICE of Texas.

Mr. ESCH.

Mr. RHODES in five instances.

Mr. ERLENBORN.

Mr. WYMAN in two instances.

Mr. DERWINSKI in two instances.

Mr. QUILLEN.

Mr. COLLINS of Texas in three instances.

Mr. HAMMERSCHMIDT.

Mr. BYRNES of Wisconsin.

Mr. HOSMER.

Mr. MCCLURE.

Mr. STEIGER of Wisconsin in two instances.

Mr. DUNCAN.

Mr. BROOMFIELD.

Mr. CEDERBERG.

Mr. FREY.

Mr. RUPPE.

Mr. CHAMBERLAIN.

Mr. MCDONALD of Michigan.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. HAMILTON in three instances.

Mr. GRIFFIN in two instances.

Mrs. GRIFFITHS in two instances.

Mr. CARNEY in three instances.

Mr. GONZALEZ in two instances.

Mr. RARICK in three instances.

Mr. ROGERS in five instances.

Mr. KLUCZYNSKI.

Mr. FOUNTAIN.

Mrs. HICKS of Massachusetts in three instances.

Mr. FLOOD.

Mr. FRASER in five instances.

Mr. JACOBS.

Mr. HANNA in five instances.

Mr. ROONEY of Pennsylvania in two instances.

Mr. BEVILL.

Mr. GARMATZ in two instances.

Mr. BURKE of Massachusetts in two instances.

Mr. WOLFF.

Mr. DINGELL in three instances.

Mr. HELSTOSKI in five instances.

Mr. HARRINGTON in three instances.

Mr. EDWARDS of California in two instances.

Mr. ROY.

Mr. MOSS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 345. An act to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1115. An act to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nev.; to the Committee on Interior and Insular Affairs.

S. 1475. An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes; and

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year."

ADJOURNMENT

Mr. MCKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 8, 1971, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1344. A letter from the Secretary of the Treasury, transmitting an annual report on the state of the finances of the Federal Government for fiscal year 1971, pursuant to 31 U.S.C. 1027 (H. Doc. No. 92-180); to the Committee on Ways and Means and order to be printed with illustrations.

1345. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 11309. A bill to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes; with an amendment (Rept. No. 92-714). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK (for himself, Mr. BEGICH, and Mr. HATHAWAY):

H.R. 12072. A bill to provide housing for persons in rural areas of the United States on an emergency basis; to the Committee on Banking and Currency.

By Mr. ASPIN:

H.R. 12073. A bill to amend title 38, United States Code, to increase the statutory rates for anatomical loss or loss of use; to the Committee on Veterans' Affairs.

By Mr. DOW:

H.R. 12074. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mr. BYRNES of Wisconsin:

H.R. 12075. A bill to exempt from Federal income taxation certain nonprofit corporations all of whose members are tax-exempt credit unions; to the Committee on Ways and Means.

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By Mr. FREY:
H.R. 12076. A bill to amend the Community Mental Health Centers Act to reorganize certain grant programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE:
H.R. 12077. A bill to amend the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. HANLEY (for himself, Mr. UDALL, Mr. CAREY of New York, Mr. ECKHARDT, Mr. MIKVA, Mr. MINISH, and Mr. SEIBERLING):
H.R. 12078. A bill relating to comparability adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mr. BRADEMAS, Mr. BRASCO, Mr. BURTON, Mr. CAREY of New York, Mr. CARNEY, Mr. CLEVELAND, Mr. CORMAN, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mr. FASCELL, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mrs. GRASSO, Mr. HAMILTON, and Mr. HAMMERSCHMIDT):
H.R. 12079. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself, Mr. HATHAWAY, Mr. HAWKINS, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KYROS, Mr. LINK, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MOORHEAD, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROY, Mr. RYAN, Mr. SEIBERLING, Mr. STEELE, Mr. STOKES, and Mr. WOLFF):
H.R. 12080. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

By Mr. KASTENMEIER:
H.R. 12081. A bill to amend chapter 313 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. LINK (for himself and Mr. ANDREWS of North Dakota):
H.R. 12082. A bill to authorize the establishment of the Knife River Indian Villages National Historic Site; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA (for himself, Mr. TEAGUE of Texas, Mr. UDALL, Mr. RHODES, Mr. STEIGER of Arizona, Mr. ABOUREZK, Mrs. ABZUG, Mr. ANDERSON of California, Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. ASPIN, Mr. BEGICH, Mr. BIAGGI, Mr. BRASCO, Mr. BROYHILL of North Carolina, Mr. BYRNE of Pennsylvania, Mr. CABELL, Mr. CAREY of New York, Mr. CLARK, and Mr. CLEVELAND):
H.R. 12083. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself and Mr. UDALL, Mr. RHODES, Mr. STEIGER of Arizona, Mr. TEAGUE of Texas, Mr. DANIELS of New Jersey, Mr. DANIELSON, Mr. DENHOLM, Mr. DONOHUE, Mr. EDWARDS of California, Mr. ESCH, Mr. EVINS of Tennessee, Mr. FISHER, Mr. FRELINGHUYSEN, Mr. GARMATZ, Mr. GIBBONS, Mr. GRAY, Mr. HANLEY, Mr. HANNA, and Mrs. HANSEN of Washington):
H.R. 12084. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. RHODES, Mr. STEIGER of Arizona, Mr. TEAGUE of Texas, Mr. UDALL, Mr. HAWKINS, Mr. HICKS of Washington, Mrs. HICKS of Massachusetts, Mr. HOLIFIELD, Mr. HORTON, Mr. HOSMER, Mr. HUNGATE, Mr. KEE, Mr. LENT, Mr. LINK, Mr. LUJAN, Mr. MADDEN, Mr. MCCOLLISTER, Mr. MELCHER, and Mr. METCALFE):
H.R. 12085. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. STEIGER of Arizona, Mr. TEAGUE of Texas, Mr. UDALL, Mr. RHODES, Mr. MILLER of California, Mr. MINISH, Mr. MORGAN, Mr. MOORHEAD, Mr. MOSS, Mr. MURPHY of Illinois, Mr. PATTEN, Mr. PEPPER, Mr. PIRNIE, Mr. PRICE of Illinois, Mr. RARICK, Mr. RIEGLE, Mr. ROE, Mr. ROSTENKOWSKI, and Mr. ROY):
H.R. 12086. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. TEAGUE of Texas, Mr. UDALL, Mr. RHODES, Mr. STEIGER of Arizona, Mr. SARBANES, Mr. SCHWENGEL, Mr. SEIBERLING, Mr. SHIPLEY, Mr. SISK, Mr. STEELE, Mrs. SULLIVAN, Mr. THONE, Mr. VIGORITO, Mr. WARE, Mr. WILLIAMS, Mr. WINN, Mr. WOLFF, Mr. YATRON, and Mr. YOUNG of Texas):
H.R. 12087. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. METCALFE:
H.R. 12088. A bill to amend and expand the Emergency Employment Act of 1971 to reduce unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):
H.R. 12089. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:
H.R. 12090. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.
H.R. 12091. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. SCHMITZ:
H.R. 12092. A bill to authorize testing and research on the use of nontoxic substances in the diagnosis, treatment, and prevention of cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. SEBELIUS (for himself, Mr. SHRIVER, Mr. SKUBITZ, and Mr. WINN):
H.R. 12093. A bill to amend the Watershed Protection and Flood Prevention Act so as to provide necessary assistance in connection with rural development; to the Committee on Agriculture.

By Mr. THOMPSON of New Jersey:
H.R. 12094. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. WHITEHURST:
H.R. 12095. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear, seal, walrus, sea otter, and related species for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.
H.R. 12096. A bill to require the Secretary of the Interior to make a comprehensive study of the wolf for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

By Mr. ZWACH:
H.R. 12097. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

By Mr. DELANEY:
H.J. Res. 998. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of South Carolina:
H.R. 12098. A bill for the relief of Chae Il Kwon; to the Committee on the Judiciary.

By Mr. JONES of Alabama:
H.R. 12099. A bill for the relief of Sara B. Garner; to the Committee on the Judiciary.

By Mr. DOW:
H. Con. Res. 477. Concurrent resolution relating to the status of Sylvia Yosifovna Zalmanson Kuznetsov, a citizen of the Soviet Union; to the Committee on Foreign Affairs.

SENATE—*Tuesday, December 7, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God who has caused the light to shine out of darkness and hast revealed Thy glory in the face of Jesus Christ, let Thy light be upon us to illuminate our pathway and to give wisdom to our daily duties. May Thy kingdom come on earth beginning in us.

O Lord, may the memory of this day in history move us to a deeper commitment to the ways which make and keep the peace. And may this season of expectation be to us a time when we have joy as we work and peace as we pray.

In the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 6, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THIRTIETH ANNIVERSARY OF PEARL HARBOR

Mr. SCOTT. Mr. President, perhaps the saddest fact about this 30th anniversary of Pearl Harbor is that the world, which might have learned some lessons from war, seems to have learned very little, and here we are with a brandnew war between India and Pakistan beginning only a few days before this anniversary.

This is a sad and deplorable state of affairs. At least, I think we can contribute our part by not contributing to the exacerbation of the conflict and by continuing to maintain strict neutrality. Let us remember Pearl Harbor not in vengeance any more, not in bitterness any more, but as a warning, as a lesson, as a thought for the future.

Not very much came out of Pearl Harbor that was good, except something that we call victory. Not much came out of subsequent conflicts, even victory. There is a lesson to be learned. This is the only way, in some sadness, some grief and, of course, in solemn memory of those who died for their Nation and for other nations, in which we are able to commemorate this anniversary.

I have spoken simply that the time shall not go unnoticed in honor to those who lost their lives and who risked their lives for their country. But before anything else, as we remember Pearl Harbor, let us remember never to become involved in war again, if all the collective wisdom of our country and our country's leaders can be dedicated to avoiding it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. I wish to join the distinguished minority leader. Victory is an amorphous word. It really means nothing any more. Victory does not restore the limbs of those who lost them; the lives which were destroyed; the costs which were wasted. Nobody wins anything any more; and I would hope that out of these cataclysms, these holocausts, which have primarily limited themselves to the Asian Continent in late years, would come a lesson for all mankind, so that the words of the Prince of Peace might be taken to heart, and taken to heart with good intent.

Mr. SCOTT. I thank the majority leader.

Mr. PEARSON. Mr. President I should like to associate myself with the remarks just made by the distinguished minority leader and the distinguished majority leader on this day which has been enshrined in the history of our country.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Kansas (Mr. PEARSON) is now recognized for not to exceed 15 minutes.

INCREASE FEDERAL AID TO EDUCATION IN ORDER TO DRIVE DOWN PROPERTY TAXES

Mr. PEARSON. Mr. President, a quiet rebellion is underway throughout our Nation. It is not a rebellion based on the ideological principles of a 20th-century Karl Marx. It is, rather, a revolt of those Americans who have seen their property tax burden skyrocket in recent years and who refuse to agree to increases. The first casualty of the taxpayer's refusal to vote for increased taxes has been the public school.

Because proposals which address only the problem of relying on or limiting property taxes do not answer the equally important problem of deteriorating public school systems, I urge an alternative or supplemental program: Increased Federal aid to education.

This is not to say that State and local governments are relieved of their responsibilities to find new sources of school revenues. Indeed, increased Federal aid should be conditioned, I submit, upon the ability of State and local governments to achieve a reduction in property taxes and a more equitable distribution of funds to finance our public schools.

Mr. President, we should not be surprised by this national taxpayer's revolt because our public schools are primarily financed by local taxes on property, a tax system which is inequitable, regressive, and outmoded. It places the burden of financing increased school costs almost exclusively upon property owners. And we have reached a limit in the willingness and the ability of homeowners to pay property tax increases.

Property taxes in this country fund 52 percent of local school costs while State and Federal aid amounts to 39 and 8 percent, respectively. Ninety-eight percent of all revenues raised by independent school districts comes from property tax levies. School bond issues, however, have been failing to receive voter approval with startling regularity. According to the Investment Bankers Association, voters in 1960 rejected 11 percent of the school bond issues put before them; in 1965 the rejection rate was 33 percent; last year the rate had leaped to 52 percent.

I can think of no more convincing evidence that new sources of school revenues must be found, and found quickly.

Mr. President, the recent wave of school closings after voter rejection of school bond issues has spread from Youngstown, Ohio, to suburban Kansas City, where the schools in Independence, Mo., have had to close for several weeks. These bond issue defeats, I believe, accurately reflect the revolt of hard working, educationally minded, middle-American homeowners who sincerely believe that they cannot bear higher taxes on their property. They value and respect education as much, perhaps more, than their affluent neighbors, but they are the victims of a regressive educational tax system.

Middle-income Americans have few opportunities to ease their tax burdens with writeoffs and tax credits. They pay, and pay in full, for education and other public services. By their votes against local bond issues, they have clearly said, "Enough!" We must heed their clear signal of distress and stop treating schools on the same tax basis as sewers and street repairs. We must act now to provide an alternate system for financing education—on the State and, most importantly, on the national level.

Surely in this Nation, the wealthiest the world has ever known, we have the resources to devote to quality education. It is a scandalous sin of omission to continue to rely on a faulty tax system to provide revenues for education—the most important investment in our future.

Mr. President, there is another, perhaps more important, reason why we must change the system through which we finance our schools. Too many Americans are denied the right to adequate educational facilities, not simply because they are black, or because they are poor, or do not speak English as a native language. They are denied educational equality because of an inadequate, antiquated tax structure founded in 19th century America and incapable of financing a 20th century education for all Americans.

Mr. President, each Member of this body is aware that school districts in many of our States offer inferior educational opportunities because the value of their taxable property is low. These districts are not only in the inner cities of our country. Some of the Nation's poorest school districts are found in rural areas. Because of continued dependence on the property tax, an uneven geographic distribution of wealth promotes an uneven distribution of educational opportunity.

In one State, for example, the richest school district has a property assessment of almost $1 million per child, while the poorest has only $100 per child. Can any Member of this body believe that children living in a district which has only $100 of taxable property funds per child have an equal opportunity to compete for advanced education and jobs with children whose district has $1 million per child? The richer district has 10,000 times as much to spend on each child. Must we have further evidence of a need for reform in our educational tax structure?

Mr. President, the State courts have begun to deal with the inequities of the property tax base for education. The recent Supreme Court decision of Serrano against Priest judicially recognized a condition of which the urban and rural poor have been acutely aware for the past two decades. In that case, the Court was "called upon to determine whether the California public school financing system, with its substantial dependence on local property taxes, violates the 14th amendment." On August 30, 1971, by a

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6 to 1 decision, couched in the terms of the equal protection clause, the Court cast serious doubt on the constitutionality of the property tax system of educational finance.

Mr. President, I submit that local, State, and Federal Governments cannot wait for the courts to affirm what we already know to be true—that the system of financing the primary and secondary education of American children places an unequal burden upon property owners and promotes inequality of educational opportunity. But the courts are beginning to act. And the inequities are clear. The taxpayers are demanding reform. Our children, as they all too often are, will be the victims of our inaction.

The national educational finance project, a federally funded study, asserted that—

> The time has come to seek new directions in the processes of raising and allocating revenues if we are to achieve the goal of equality in education.

In summary then, what I am saying is this: Property taxes are too high. Narrow efforts intended only to relieve this heavy burden will harm, and in some States have already materially harmed, our schools. A property-tax-supported public school system produces and preserves inequality among schools and is in imminent danger of doom for unconstitutionality. I, therefore, urge State and local governments to step up to this most important and pressing matter. Further, I propose that the Federal Government substantially increase Federal aid to education—both to drive property taxes down and to try to provide each child in this Nation with an equal and a quality education.

I believe we can do this, Mr. President. I am certain we must try. And in pursuit of a revised educational tax structure, the need to reorder our Federal spending priorities will be of critical importance. Certainly, few items in the Federal budget deserve a higher priority than a good education for all the children of this Nation.

I urge the President to act on the recommendations of this Federal study; to respond to this crisis with legislation increasing Federal assistance to public schools in areas which reduce local property taxes for educational financing. I urge the Congress to initiate its own proposals for Federal assistance to public schools. Finally, I urge responsible officials at the State and local levels of government to review their current educational tax structures.

Mr. President, I have not used all my time. I yield back the remainder of it.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the junior Senator from Delaware is now recognized for not to exceed 15 minutes.

COMMISSION ON INDIVIDUAL RIGHTS

Mr. ROTH. Mr. President, last year, when I was a Member of the House of Representatives, I sponsored an amendment to S. 30, The Organized Crime Control Act of 1970, which ultimately became title XII of the act. That title established a National Commission on Individual Rights to be composed of 15 members, four of whom are to be Senators, four of whom are to be Members of the House of Representatives, and seven of whom are to be private citizens appointed by the President of the United States.

I bring this matter to the attention of the Senate today because under the terms of title XII the Commission is to begin functioning on January 1, 1972, less than a month from now.

I should like to review very briefly what the purpose of the Commission is and why I feel it is of such great importance that it begin to function as soon after the first of the year as possible.

The act charges the Commission with the responsibility for conducting a comprehensive study and review of Federal laws and practices relating to special grand juries, dangerous special offender sentencing, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by Executive action.

The act states that the Commission may also consider other Federal laws and practices which in its opinion may infringe upon the individual rights of the people of the United States. The Commission is then to determine which laws and practices are needed, which are effective, and whether they infringe on the rights of the American people.

The law requires the Commission to make interim reports and recommendations at least every 2 years and a final report to the President and the Congress at the end of 6 years. Sixty days after the submission of the final report, the Commission will cease to exist.

In recent years Congress, responding to the demands of the American people to take decisive action to combat the rising tide of crime in this Nation, has enacted several pieces of important anti-crime legislation. At the same time, certain administrative actions have been implemented to combat crime. It is no secret that a significant number of Americans—while greatly troubled about increases in crime—are seriously disturbed by what they believe to be an infringement on the constitutional rights of our people which may occur as a result of the war on crime.

As Members of Congress, we have an obligation to see to it that that delicate balance is maintained; that we provide our law enforcement officers with all the tools necessary to control crime, but that we make certain that in the process of conducting the battle we do not trespass on the basic rights of innocent individuals.

I believe we have attempted to maintain that balance in the laws we have enacted in recent years, but I recognize, too, that a vigorous difference of opinion on that point may exist. It is essentially for that reason that I offered the amendment to establish the Commission on Individual Rights to the Organized Crime Control Act of 1970. I also recognize that the implementation of laws may bring about results or practices not anticipated by the lawmakers.

I should point out here that I do not view this Commission as just another commission, but rather one which will in some way affect every man, women, and child in our Nation. The Commission is necessary if we are to have a broad view of the effects of both crime legislation and administrative attempts to control crime in this country. If we were to attempt to review each piece of legislation individually, we would miss the impact that an overall study would provide. But in reviewing all these areas, their effects upon each other and their interrelationship with each other, the Commission will be able to study these laws to determine how each affects the use of the other and whether there is a resulting violation of rights.

Not only will this Commission aid the Congress in reviewing the effect of the legislation which it has provided for the control of crime, but it is important for two other reasons.

This Commission will be of immense aid to the courts, which will have to rule on the validity of these laws and practices which the police will establish in their use. The Commission will provide a body of trained experts neutral in their approach to the problem and able to point out to our judicial officers what effect their rulings will have in the broad spectrum on other laws and practices as they affect the individual rights of the people.

Second, the Commission will be important in bringing to light intrusions on our individual rights which although protected by the Constitution have been violated seemingly without our knowledge. I have in mind here the reported collecting and data-banking or personal information about civilians who are active in politics or who belong to organizations which are or might be active. Although such data banks have supposedly been destroyed, how could the collection and storage of such information have been anything but an intrusion upon the personal lives of certain individuals?

But little is known about Government data gathering and its effects on constitutional rights. Further there have been no guidelines determined by Congress on how the executive may keep records and statistics on individuals. Congress, and not the executive branch, should establish basic policies on these matters.

I believe that the answer to this area is, first, to find out what type of information is being stored, then to determine the relative necessity of its being maintained and the way it could be used to subvert the individual. At that point I believe definite guidelines could be determined. It is my belief that the Commission on Individual Rights is the proper vehicle to make such an inquiry and to furnish recommended guidelines to the Congress. Since the Commission is taking an overall approach on the subject, it cannot only report to the Congress the context in which such data keeping is obtained, but also how it is used in relation to the other laws we have enacted.

January 1 is rapidly approaching. Six years does not seem to me to provide an excesive amount of time for the Commission to undertake its wide-ranging and important studies. Congress needs this help. I urge President Nixon and the designated congressional officers to promptly name their appointees to the Commission and Congress to promptly consider such appropriations as may be necessary to give the Commission an early start in 1972 to evaluate all facets of our criminal laws.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from Massachusetts is to be recognized.

Mr. BYRD of West Virginia. Mr. President, if the Senator from Delaware will retrieve his time, I would like to suggest the absence of a quorum and utilize that time for the quorum without prejudice to the Senator from Massachusetts who is to be recognized under the next order.

Mr. ROTH. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to reverse the sequence of the two orders recognizing the distinguished Senator from Massachusetts and the junior Senator from West Virginia.

The PRESIDENT pro tempore. Without objection, it is so ordered.

GASIFICATION OF COAL

Mr. BYRD of West Virginia, Mr. President, on December 3, 1971, the Senate passed the supplemental appropriations bill in which was contained $10,280,000 for accelerating coal gasification research. Although much has already been said about future energy problems which this country will face, I want to speak about an energy shortage which is already here—the shortage of natural gas—and the necessity of this country's taking immediate steps to provide additional domestic sources of this clean burning fuel.

The natural gas consumption of the United States increased from about 13 trillion cubic feet per year in 1960 to around 22 trillion in 1970. Allowing for normal growth—presently considerably accelerated by environmental protection regulations—the demand for natural gas is expected to be about 33 trillion cubic feet by 1980. If maximum production from present reserves is projected, plus a substantial production from future—not yet found—reserves, plus maximum foreseen supply from Canada and Alaska—this latter not yet assured—the total foreseeable continental gas available to the United States in 1980 will be about 21 trillion cubic feet. This is less than is available today and represents a shortage of around 12 trillion cubic feet per year.

We are approaching the situation of having only a 10-year available reserve of natural gas. Perhaps it may be argued that, because it has taken several years for the reserve ratio to decline by 1 year, we will have no real problem for perhaps 15 years—allowing for new discoveries.

Even with optimistic projection of future new reserves and supplies from the Arctic, neither of which is assured today, the future presents a dismal picture.

The indication of a 10-year reserve supply of natural gas, however, is misleading. Increasing population plus increasingly stringent air pollution controls are forcing an ever-increasing demand for natural gas. In many applications, gas is the only fuel which can satisfy air pollution regulations. A second factor is that as natural gas is removed from a proven reservoir, subsequent removals must be at a slower rate. It may take from 20 to 30 years to gain access to a present 10-year reserve supply. The shortage is undoubtedly already with us, as evidenced by many pipelines announcing curtailed deliveries, the refusal of many gas distribution systems to accept new industrial gas consumers—and in some cases new residential consumers located on existing systems—and even the lack of gas for existing household heating systems in cold weather.

For many commercial and small industrial users, natural gas—aside from a perhaps relatively expensive No. 2 fuel oil—is the only possible fuel which will permit them to met air pollution regulations. Alternate fuels require large capital investment and additional manpower to meet such regulations. Thus, it appears that a natural gas shortage will be most detrimental to the small businessman and, ultimately, the individual homeowner.

Some relief from the impending shortage will be provided in two ways—the importation of liquefied natural gas—LNG—from foreign sources by tanker ships, and the building of plants to convert petroleum liquids to synthetic natural gas using existing technology. Some major companies appear to have firm plans for the gasification of naphtha while at least one is planning to import LNG. The plans of four other companies for gasifying naphtha or crude oil, or importing LNG, appear to be in various stages of development.

These alternatives require very large capital investments in new facilities, and even the most optimistic estimates do not foresee them filling more than 20 percent of the 1980 shortage. Even with very low prices at the foreign wellhead, largely in North Africa, the cost of LNG when it enters the U.S. pipelines will be 400 to 500 percent higher than present domestic wellhead prices. There is no assurance that the foreign wellhead price will remain low and, of course, this supply, because of its source, is subject to other uncertainties.

The conversion of petroleum liquids to gas has the same disadvantages. The price will increase 400 to 500 percent, and because of our increasing national shortage, the petroleum raw material will be largely imported from uncertain overseas sources.

A third alternate is to manufacture synthetic natural gas from coal. Coal represents by far the Nation's largest fossil fuel energy reserve; and, as such, it is the resource from which most of our future energy requirements will have to be met. It is technically feasible to manufacture synthetic natural gas, as well as synthetic petroleum from coal. Our coal reserves are sufficient to provide all of our gas and liquid fuel requirements through the 21st century. All estimates indicate that gas produced from coal will be less costly than the first two alternates I have mentioned. The production of hydrocarbon fuels from coal is the only method by which the United States can become self-sufficient in its vital energy requirements.

Some industrial firms have already announced plans concerning coal gasification, and one company is reportedly hoping to have a coal gasification plant—based on the German Lurgi process—in operation by 1976. Although the Lurgi gasification process is commercially available, there are certain characteristics of this technology that are not conducive to producing an early, large, low-cost supply of supplemental natural gas.

It seems quite apparent that the companies which have announced Lurgi plant plans, but have not yet committed themselves to construction, regard it as a stopgap measure, since these same companies have also pledged substantial funds to support the Interior-American Gas Association gasification program. It is significant that the announcements by these companies did not come out until after the President's clean energy message of June 4, 1971.

The Department of the Interior-American Gas Association accelerated gasification program was announced in that message, and a supplemental budget request of $10,280,000 to start the program in fiscal year 1972 was submitted to the Congress shortly thereafter.

This program calls for an expenditure of $30 million per year, for 4 years, to accelerate and expand the existing Office of Coal Research gasification development program. Approximately $20 million each year is to be provided by the Government, and $10 million is to be provided by AGA. The House of Representatives did not include any funds for this program in H.R. 11955, the supplemental appropriations bill. The Senate Appropriations Committee, at my request, included the full supplemental estimate of $10,280,000.

I have mentioned that gasification of coal is technically feasible and that one promisingly commercial process is available. It is universally agreed that the commercially available process is far from the best answer for American conditions and that, for coal gasification to satisfy our country's requirements, one or more of the processes which have been under development in the United States must be brought to the point of

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full commercial application. This is a difficult and expensive thing to do. For each process, a multimillion-dollar pilot plant must be built and operated over a period of years. The necessity for several pilot plants is that, until they have operated, no one can be sure which process is commercially practical. Also, the parallel operation permits evaluation of alternate methods for similar subprocesses such as gas cleanup, methanation, and so forth. This country's nuclear power and space industries would not be in the position they are in today if similar, and sometimes more expensive, parallel efforts had not been followed in the beginning. A number of those projects were abortive—as some of the gasification processes may be—but success was assured by numbers.

If a time sequential method were followed for all research efforts planned in the accelerated coal gasification program, it would require upward to 30 years to complete. Clearly, in view of the developing gas shortage this would be much too long.

I am aware of the technological difficulties involved in providing the people with a secure, clean gaseous fuel. However, I believe that these difficulties can be overcome and that the Interior-AGA program has the greatest potential for assuring the earliest, least costly, and most reliable supply of synthetic pipeline gas.

The Government, on August 3, 1971, acting through the Department of the Interior, entered into a cooperative agreement with the American Gas Association to develop coal gasification processes. The plan is to develop a joint Government-industry effort to establish a coal gasification industry which can serve a vital role in helping to solve the energy and pollution problems facing the Nation today. This can be accomplished by converting coal to clean-burning gas for distribution in our existing networks of transmission and distribution lines.

The first 4 years of this program are aimed at obtaining firm data, so that engineering for a demonstration plant can be undertaken by the mid-1970's. With an allowance for completion of engineering and construction, a commercial-scale plant would be available for operation late in the 1970's. The research and development program will accelerate the pilot plant stage of coal gasification methods presently under active study by OCR and will culminate with the construction and operation of a technically feasible demonstration plant in the shortest possible time. The best process may prove to be one presently under development, but it is more likely that it will consist of an optimum selection from various process elements developed at the pilot plants included in the overall program.

The proposed program will have as a base three coal gasification projects under contract by the Office of Coal Research. The most advanced project is the Hygas project in Chicago, Ill. This research is being carried out by the Institute of Gas Technology, and the American Gas Association has been partially funding the project for several years. The second project is the CO_2 acceptor process for which a pilot plant is being completed in Rapid City, S. Dak. Shakedown operations should begin in the spring, and plant operations later in the year. An integrated operation is projected for next summer. The third major project is being researched by Bituminous Coal Research, Inc., a subsidiary of the National Coal Association. It is called the Bi-Gas process. This work has been carried on in Monroeville, Pa., and construction of a pilot plant is planned for Homer City, Pa.

The processes being investigated differ with respect to the method of gas-solid contacting, supply of heat to the steam decomposition reaction, the gas cleanup method, and methanation system. A broad technical base has been established to proceed with the accelerated program. Administrative procedures have been established to obtain maximum results with minimum cost. Good results can be exploited, and unfruitful investigations will be dropped. This will eliminate duplication and minimize development time. A highly skilled independent and disinterested engineering organization will be retained to continuously evaluate all phases of the program. This will assist the decisionmaking process.

The goal is to establish the best process elements for a demonstration plant in 4 years. The exact size of this unit has not yet been decided, but it would probably handle about 5,000 tons of coal per day and produce about 80 million standard cubic feet per day of pipeline quality gas—gas having a minimum thermal value of 950 B.t.u.'s per cubic foot.

Upon successful completion of the pilot plant stage leading to a demonstration plant, it is obvious that this Government research will have a rapid payout. It is expected that commercial coal gasification will move forward very rapidly in the 1980's, and that the funds expended to develop the technology will be returned manyfold in the form of taxes and many other attendant side benefits. Jobs will be created in many rural areas of the country, since each commercial-scale coal gasification plant can be expected to employ 1,200 to 1,800 people. Having a firm supply of gas will allow our pipeline and distribution companies to service thousands of small-scale industries and businesses which need gas for commercial development but which cannot obtain it in periods of short supply. Commercial coal gasification plants will also reduce our dependence on foreign sources for something as basic as natural gas.

Industry has secured firm commitments from its members for their $10 million share of the program. The AGA contribution will become available to the Department of the Interior as soon as the requested supplemental appropriation becomes available to the Department.

The agreement with AGA provides that all information and data developed in the program are in the public domain, and all patents of inventions made during the program belong to the Government. A cooperative organization of both Government and AGA representatives has been established to guide the program even though the legal contracting officer will be a Government employee and the contracts will be standard Government documents. AGA will reimburse the Government for one-third of the cost of the work but will retain no property rights in the results or pilot plant equipment. All results, data, and engineering designs will be made freely available to the public.

The plain fact is that a gas shortage exists, and it will get worse. The first to suffer seriously from the shortage will be the small businessman and then the homeowner. Big business can afford to shift to alternate fuels—if they are available, which in itself is not entirely certain. Small businesses may go bankrupt. The homeowner will freeze.

The accelerated coal gasification research program presents the only available alternative for a permanent solution to our gas supply crisis. It provides for a much larger proportional financial contribution from industry than to other similar projects. The only domestic, and thus dependable, source of clean gas fuel—including perhaps automotive fuel—needed to meet our requirements lies in our coal reserves. In addition to being the only adequate domestic source, it is the least expensive source. The cost-benefit ratio to be found through the successful completion of this program is enormous. A reduction in the cost to the consumer of 10 cents per million B. t. u.'s is a conservative estimate of the possibilities. Spread over the estimated 1980 demand, this represents a saving to the consumer of over $3 billion each year, and this will increase.

Past delays have created our present predicament, a real shortage of the Nation's lifeblood—energy fuel. This accelerated gasification research program is urgently needed to solve a vital national problem. If a program such as this is not started at once, our future as a nation could be put in needless jeopardy.

Mr. President, I want to urge that the conferees on the supplemental appropriations bill carefully consider the need for accelerating our coal gasification research efforts and that the House conferees accept the Senate amendment adding funds for this purpose.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 1 minute.

Mr. BYRD of West Virginia. I yield the 1 minute to the distinguished Senator from Massachusetts.

The PRESIDENT pro tempore. Under the previous order, as previously modified, the Senator from Massachusetts (Mr. KENNEDY) is recognized for not to exceed 15 minutes.

Mr. BYRD of West Virginia. And the Senator now has 1 additional minute.

Mr. KENNEDY. I thank the distinguished Senator from West Virginia.

U.S. POLICY TOWARD THE CRISIS IN SOUTH ASIA

Mr. KENNEDY. Mr. President, the administration's policy toward the crisis in South Asia defies understanding.

After 8 months of escalating violence and military repression—after hundreds of thousands of civilians have been killed in East Bengal and 10 million refugees have fled into India—suddenly our national leadership recognizes that war has swept over South Asia. But when did this war begin? Who started it? What should be condemned? And what should we and the international community do about it?

Perhaps in the mind of many Americans is the thought that India has created this crisis. But the facts, Mr. President, show that this war began not last week with renewed military border crossings, nor last month with the escalating crossfire of artillery between India and Pakistan: this war began on the bloody night of March 25 with the brutal suppression by the Pakistan army of the free election it held in East Bengal. A review of events since March 25—a quick jostling of our memory—reminds us that the problem in South Asia is today, and has been from the very beginning, a political problem between the ruling military elite in West Pakistan and the Bengali opposition elected in East Bengal.

The facts documenting the beginning of this war, and who started it, are too grim and well reported to be in doubt, even by an administration that attempts to ignore them. Hundreds of articles have now been written and thousands of pictures have been taken by countless eyewitness foreign observers testifying to the bloody terror that has swept over East Bengal since March 25. Indeed, suppressed field cables to the Department of State in the beginning characterized the actions of the Pakistan army as "genocide." Foreign journalists were expelled by military authorities lest they record the holocaust, and film of foreign cameramen was confiscated.

It was only after refugees began to pour out of East Bengal in April that the story of repression could be slowly pieced together. Even now, the full dimension of the tragedy is not really known. Nevertheless, as troops descended upon Dacca at night, they indiscriminately shelled residential areas, attacked the university's student hostels, and imprisoned or executed all suspected Awami Leaguers they could round up. Thousands of East Bengalis have simply disappeared and never been heard of again. Thousands died. And many thousands more sought refuge in the countryside. Dacca became a ghost town in less than 24 hours, and remained subdued and empty for weeks thereafter.

The Pakistan army followed the people into the countryside. Systematically, troops began—according to a Pakistani journalist loyal to the Yahya regime—to liquidate the Awami League's "insurgency" and to crush the Awami League militants throughout East Bengal.

As the Pakistan army moved out into the countryside to crush the Awami League, all evidence—including the simple fact that the bulk of the refugees in India are Hindu—suggest this objective was coupled with a policy of terror directed primarily at the minority Hindu population.

In some areas, according to eyewitness reports in late summer, Pakistan troops were painting large yellow "H" signs on Hindu shops, so as to identify the property of the minority which had become a special target. To show they were not Hindus, members of the Muslim majority—although not fully exempt from the army's terror—were painting signs saying "All Muslim House" on their homes and shops. In turn, the small community of Christians were putting crosses on their doors and stitching crosses in red thread on their clothes. Not since Nazi Germany were so many citizens of a country publicly marked with religious labels and symbols.

Fear has gripped East Bengal since the devastating night of March 25. The World Bank mission, after spending several days traveling throughout East Bengal in early June, was forced to conclude:

> Perhaps most important of all, people fear to venture forth and, as a result, commerce has virtually ceased and economic activity generally is at a very low ebb.
>
> Clearly, despite improvements in some areas and taking the province as a whole, widespread fear among the population has persisted beyond the initial phase of heavy fighting. It appears that this is not just a concomitant of the army extending its control into the countryside and the villages off the main highways, although at this stage the mere appearance of military units often suffices to engender fear. However, there is also no question that punitive measures by the military are continuing; even if directed at particular elements (such as known or suspected Awami Leaguers, students, or Hindus). These have the effect of fostering fear among the population at large.

Report after report over the summer months echoed the findings of the world bank report—as did hundreds of interviews with refugees in India, including new arrivals—interviewed by myself and members of the field team of the Subcommittee on Refugees this past August.

Throughout this period our national leadership watched this tragedy in silence, at no time has any official of our Government, including the President, condemned the brutal and systematic repression of East Bengal by the Pakistan army—a repression carried out in part with American guns and bullets and aircraft. And even in the last few weeks, as the Pakistan army dramatically escalated its terror and repression, our Nation sat in numbed silence.

Now the administration tells us—8 months after March 25—that we should condemn, not the repression of the Pakistan army, but the response of India towards an increasingly desperate situation on its eastern borders—a situation which our Nation calculatedly ignored. Certainly condemnation is justified; but what should we condemn?

We should condemn, Mr. President, the silence of our leadership. Are we so insensitive to what our country stands for that our Government can actually support as well as apologize for a military regime's brutal suppression of democracy? Are we so blind that we can ignore a government that jails a political leader whose only crime was the winning of a free election?

Mr. President, we should also condemn the world's silence and apathy towards the massive human suffering caused by the refugee flow into India. From the beginning, the international community's response has been unconscionably lethargic and wholly inadequate. It has been characterized by little sense of urgency and a low priority of concern for a tide of human misery unequaled in modern times. By ignoring the needs of the refugees we have also alienated the people of India, endangering the economic stability and well-being of the world's largest democracy.

We should also condemn the neglect and insensitivity that is causing the death each day of 4,300 refugee children for the lack of food and shelter. We should condemn the circumstances that have caused the death and suffering of millions more because insufficient funds have been made available to relief agencies in India.

Mr. President, the administration has justified its refusal to condemn Pakistan in the name of keeping leverage with Islamabad. Over and over again—in hearings before the Subcommittee on Refugees, and elsewhere—Congress and the American people were told to be patient while our leverage and diplomacy took effect. Regrettably, there is little on the record—publicly or otherwise—to indicate that many "levers" were pulled. And in the case of a notable exception—the revocation of licenses for the shipment of American military supplies—the lever was pulled belatedly just a month ago, but only in full agreement with Islamabad.

And so the record is clear that—over the months of growing crisis—our Government was supporting a regime that not only suppressed an election but destroyed in the process all the principles for which our country sacrificed so much for so long only 2,000 miles away in Vietnam. Perhaps the only difference between Vietnam and Pakistan is that in Pakistan we have made no pretense of acting in support of principles—so that, in effect, no principles can be violated.

And now—in sharp contrast to our deference to Pakistani sensibilities over these past months of violence in East Bengal—our national leadership suddenly denounces India. We have made her the scapegoat of our frustrations and failures, and of the bankruptcy of our policy toward Pakistan. We have not only cut off military aid to India—over which no one will quarrel—but we are threatening to cut off economic and humanitarian aid as well.

In fact, yesterday our Government suspended some $87.6 million in development loans, in what can only be interpreted as a punitive gesture.

This administration has rightly taken pride in its effort to reestablish contact with one-fifth of mankind's population in China. But are we going to simultaneously alienate one-sixth of mankind in India—a democratic nation with whom we have had years of productive relations?

Mr. President, over the weekend the administration has belatedly turned to the United Nations, asking it to imple-

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ment its peace-keeping machinery—an initiative many of us supported months ago. All of us hope that our country will finally do whatever it can to help bring peace and relief to South Asia.

Mr. President, I ask why we were not going to the United Nations at the time these refugees were being created. Why were we not going to the United Nations at a time when there was systematic repression and persecution of a people within East Bengal? Why did we not bring this up and pursue it with all the kinds of statements we have seen over the period of the last 36 hours, in the third committee, of the United Nations? Why did we not identify ourselves at that time with the humanitarian needs of the Bengali people? Why were we not at that time condemning the repression that meant many hundreds of thousands of more people killed or executed? Where were we at that time? Now we go to the United Nations in terms of condemning the actions of India.

These ends we seek are not being served by the resolutions we have supported in the Security Council. None of these resolutions—including the one sponsored by our Government—dealt with the causes of the refugee movement, nor with the kinds of things necessary for their voluntary repatriation from India.

That is the basis for the conflict that exists now—the reason for the creation of 10 million refugees, the tremendous burden the refugees present in terms of diverting funds for economic purposes in that part of the world, as well as the social and political problems that are involved. Not one word was uttered with respect to the reasons behind this massive refugee flow. That is the basis of this problem. In our resolution before the United Nations, there was not one word about how the refugees were created.

The problem is that none of the resolutions we have supported recognize the root of the crisis, the interests of the Bangladesh forces, or the urgent need for a negotiated political settlement between Islamabad and its Bengali opposition. In the main the resolutions have merely appealed for a cessation of hostilities between India and Pakistan, with the inevitable result that the war continues—that the source of the conflict still festers.

It is such a cruel irony that we talk about self-determination in Southeast Asia and in Vietnam. We have lost some 55,000 Americans who have been killed there because we want the people in South Vietnam to be able to decide their own future.

We know that the people of East Bengal went to the polls. The election was held under martial law. Sheikh Mujib and the Awami League won 167 out of the 169 seats. It was a democratically held election, with a mandate sufficient to elect him as the Prime Minister of all Pakistan. Yet, what happened? He was thrown into jail because he won the election. Now we are identifying ourselves with the military rulers who put him in jail. Fifty-five thousand Americans went to their deaths in Vietnam to secure such a free election there. Yet we are now identifying ourselves with a regime that has put a duly elected official in jail without any pretense of a civil trial or without any recognition of his success at the polls.

Mr. President, our Government and the United Nations must come to understand that the actions of the Pakistan Army on the night of March 25 unleashed the forces in South Asia that have led to war.

No observer of the situation in South Asia today can come away without the impression that these forces—nationalism and self-determination—can ever be successfully resisted by the force of arms. The right of self-determination for East Bengal—for which the East Bengalis elected Sheikh Mujibur Rahman, and for which they now fight and die—will no doubt be attained eventually. Only the form and the circumstance remain in doubt.

As early as last May, official reports to our Government said that the great bulk of the population of East Bengal had been alienated, perhaps forever, from the central government in West Pakistan. Events since then have more than confirmed the accuracy of these early reports. And because so much blood has been shed, there can be little doubt that the people and leadership of East Bengal will never accept again the political system that prevailed before March 25.

It is time for all of us to recognize the fact that "Bangladesh" now exists, not only in the minds of the majority of the Bengali people, but in the reality of current events.

If we truly recognize this fact—and if we are to avoid escalating vast human suffering and a bloodbath of reprisals throughout East Bengal—the requirements for peace and relief must include the following interrelated steps.

First, we must seek an immediate standstill ceasefire on all fronts sanctioned and supervised under international auspices. A time limit of 15 to 30 days should provide the "cooling off" period necessary to undertake the other diplomatic initiatives necessary to settle the outstanding issues among all parties involved.

Second, we must seek immediate and simultaneous negotiations between India and Pakistan, and between West Pakistan and its Bengali opposition within East Bengal—led by Sheikh Mujibur Rahman.

The purpose of the Indo-Pakistan negotiations should be to restore the 1965 Cease-fire agreements on the western front, and to resolve the new issues resulting generally from the current military confrontation. The purpose of the West Pakistani-Bengali negotiations should be to determine the future status of East Bengal, and the circumstances which will permit the voluntary repatriation of the 10 million East Bengali refugees in India.

And let me stress here, Mr. President, that whatever the future status of East Bengali—whether it be some form of independence or autonomy—it is critical that agreement should be reached between all parties during negotiations for the voluntary repatriation of all opposition political forces. There are "hostages" caught on all sides of this conflict. The Pakistan Army now holds in East Bengali under its control countless Bengali guerrillas and elected Awami League officials. In turn, it is conceivable that the Bengali guerrillas may soon hold within their control elements of the Pakistan Army. In addition, 7 to 8 million members of the minority Bihari Muslim community remain in East Bengal, while approximately 10 million Bengalis, including, of course, Sheikh Mujib in West Pakistan.

If a terrible, mindless bloodbath of reprisals and communal-religious violence is to be avoided, all parties in this conflict must protect these "hostages" of the conflict and abide by the Geneva Conventions and the wisdom of compassion and restraint. The Government of India has made a first step in this direction by announcing it recognizes the applicability of all Geneva Conventions.

Third, we must urge the immediate revival of the United Nations relief mission in East Bengal for the sake of the hapless millions threatened by famine or displaced by war.

The international relief effort in East Bengal has always been more a hope and aspiration than a functioning field operation. The urgent need to change this, will only come when peace has been restored to the Bengali countryside.

Nonetheless, our Nation and the international community must now recognize our responsibility to help in the reconstruction of East Bengal by beginning to think now of the coming problems of rehabilitation and relief. At a time when our Government seems more interested in condemning and cutting off economic aid to South Asia, I hope we will have the foresight to understand that our national interest will soon find the future development and economic stability of all nations in the region an important factor in our foreign policy and in our humanitarian concerns.

Mr. President, for 8 long months our national leadership stood silent and almost idle as the spectre of human deprivation and violence stalked South Asia. It is now a late stage in the crisis—with even more refugees now fleeing because of the escalated violence throughout the area—but I feel the opportunity still exists for our Government to make a positive contribution to the peace and relief of the area. And so I urge the administration to turn its policy around. They must consider the source of the violence, and move toward a fundamental political settlement in East Bengal. Anything short of that means more war, more refugees, more senseless death.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. Two minutes remain to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have the opportunity to extend my remarks and I also ask unanimous consent that certain provocative editorials and articles published in many of the Nation's newspapers, particularly the lead editorial in the Washington Post this morning on the whole situation in South Asia be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 7, 1971]

THE U.S. PURSUIT OF DISASTER IN SOUTH ASIA

Suppose President Nixon had deliberately set out: to aggravate tensions in South Asia; to identify the United States with a military regime almost universally condemned for its abuse of its own people; to shred American ties with the most populous and powerful nation of that region, a democracy and a traditional friend; to help drive that dominant state into a waiting Soviet embrace; and, once war had erupted, to diminish possibilities of political compromise and undermine what moderates might remain. What would he have done differently with respect to the developing conflict between India and Pakistan over the last eight months? In our view, not much.

The whole rationale of American policy eludes us. Some payment was owed Pakistan for helping arrange Henry Kissinger's first trip to Peking. And Mr. Nixon evidently has long had a soft spot in his heart for Pakistan, at one time a model military anti-Communist regime. But at some point as the tragedy grew, cold calculations of power politics should have overtaken these largely sentimental considerations. Sound policy dictated an effort to maintain friendship with both India and Pakistan; if that were not possible, why put all the American chips on a discredited failing regime in much the smaller and more trouble-ridden of the two nations involved? If the answer lies somewhere in the political geometry of the Moscow-Peking-Washington triangle, we fail to perceive it.

The announcement yesterday that the United States had suspended development aid in the pipeline is equally puzzling. The stated grounds, that such aid contributes to short-term economic welfare and war-making potential, are laughable: the gesture was purely punitive and the party that is to be punished is not the government nearly so much as the impoverished people of India. A more telling abuse of foreign aid—at a more delicate moment, when a new aid bill is hanging by a thread in conference—could not be imagined.

As we have said before, India deserves sharp criticism for its calculated use of the refugee crisis to promote the dismemberment of Pakistan, although such criticism ill befits any government, such as the American government, which tolerated Pakistan's manufacture of that crisis. Where was the quick clampdown on arms aid to Pakistan then? India's invasion of West Pakistan and its now-open designs on Pakistan-held Kashmir are entirely unsupportable. But the source of the present crisis is Pakistani policy in East Pakistan. Only there can a solution be found. That the United States should not only be failing to contribute to such a solution but could be making one more difficult to attain is a measure of how far we in fact have traveled under the much trumpeted Nixon Doctrine toward a new foreign policy. In South Asia, we have moved backward—if we have moved at all—toward those early postwar cold war attitudes that gave us CENTO and SEATO and the heavy-handed employment of foreign aid as a bludgeon or a bribe.

[From the Washington Post, Dec. 6, 1971]

AS THE INDIA-PAKISTAN WAR DEEPENS

As the terrible war between India and Pakistan deepens, the war aims of both countries broaden. India, from its initial desire to stuff the refugees back into East Pakistan, now seems intent on destroying Pakistan's hold on the East and seating there an autonomous or perhaps independent Bengal political authority. Delhi may also be using the crisis to rip off part or all of Pakistan-held Kashmir. And so for Pakistan, the stakes become not merely its hold in the East, but its integrity in the West. A total war between the two countries is in progress. Communal strife, involving the Moslem minority in India and the Hindu minority in Pakistan, may flare accordingly. Who can predict the eventual toll of dead, and the devastation that awaits the survivors on both sides?

A cease-fire, then, becomes not merely a bow to the diplomatic amenities, but an absolute essential for the welfare for the entire subcontinent. It is plain that India and Pakistan will not themselves conclude a cease-fire: one will have to be imposed on them, and mere appeals—no matter how urgently or unanimously pressed—will make no more difference than a whisper in a hurricane. The elemental national and ethnic forces loose in the subcontinent will not be subdued by rhetoric.

What is needed is not only a strong United Nations call for a cease-fire but a strong United Nations proposal to begin to set right the legitimate political grievances which ignited this phase of the India-Pakistani fire. So swiftly has the crisis expanded in recent days that no one can be sure even this will work, but surely nothing else will. By legitimate political grievances, of course, we mean the return of refugees and the establishment of an East Pakistan political authority which reflects the aspirations of the people who live there. India's invasion of the West and its apparent designs on Pakistan-held Kashmir deserve no support anywhere; on the contrary, they must be condemned.

It is precisely by these minimal standards that the American approach over the weekend—not to mention before the weekend—has been so grievously wanting. The State Department condemned India and introduced at the Security Council a cease-fire resolution almost entirely favoring Pakistan. The fault was not merely that the United States was wrong on the merits, though we believe that to be the case. The real fault was that the resolution could not conceivably fill its ostensible purpose of relieving Pakistan. No resolution so unbalanced and onesided had a prayer; a third grader could have predicted the Soviet Union would have protected India with its veto. Merits aside, the only kind of resolution that can pass and that can stand a chance of implementation is the one that deals not only with the shooting but with the East Pakistani political situation.

The administration's astonishing and so far largely unsupported charges against India are one thing. The naivete of its approach in the Security Council is quite another. We urge the administration to adjust its policy so as to deal with the real tragedy that exists in the subcontinent. Empty words no longer serve.

[From the New York Times, Dec. 6, 1971]

THE WRINGING OF HANDS

(By Anthony Lewis)

LONDON.—Suppose that Britain, in the 1930's, had responded to Hitler's savagery by the early threat or use of military force instead of appeasement. If the Nixon Administration had been in power in Washington at the time, it would presumably have sent some official out to wring his hands in public and charge Britain with "major responsibility for the broader hostilities which have ensued."

So one must think after the American statement over the weekend blaming India for the hostilities with Pakistan. Few things said in the name of the United States lately have been quite so indecent. The anonymous state department official who made the comment matched Uriah Heep in sheer oleaginous cynicism about the facts of the situation and about our own moral position.

Consider first the immediate origins of this dispute. They are exceptionally clear as international relations go.

The military junta that rules Pakistan under President Yahya Khan held an election. The largest number of seats was won, democratically, by a Bengali party that favored effective self-government for East Pakistan. Yahya thereupon decided to wipe out the result of the election by force.

Last March West Pakistan troops flew into the East in large numbers and began a policy of slaughter. They murdered selected politicans, intellectuals and professionals, then indiscriminate masses. They burned villages. They held public castrations.

To compare Yahya Khan with Hitler is of course inexact. Yahya is not a man with a racist mission but a spokesman for xenophobic forces in West Pakistan. But in terms of results—in terms of human beings killed, brutalized or made refugees—Yahya's record compares quite favorably with Hitler's early years.

The West Pakistanis have killed several hundred thousand civilians in the East, and an estimated ten million have fled to India. The oppression has been specifically on lines of race or religion. The victims are Bengalis or Hindus, not Czechs or Poles or Jews, and perhaps therefore less meaningful to us in the West. But to the victims the crime is the same.

This record has been no secret to the world. First-hand accounts of the horror inside East Pakistan were published months ago. The refugees were there in India to be photographed in all their pitiful misery.

But President Nixon and his foreign policy aides seemed to close their eyes to what everyone else could see. Month after month the President said not a word about the most appalling refugee situation of modern times. Private diplomacy was doubtless going on, but there was no visible sign of American pressure on Yahya Khan for the only step that could conceivably bring the refugees back—a political accommodation with the Bengalis.

Pakistan's argument was that it was all an internal affair. Yes, like the Nazi's treatment of German Jews. But even if one accepts as one must that Pakistan was bound to defend its territorial integrity, this issue had spilled beyond its borders. The refugee impact on India very soon made it clear that the peace of the whole subcontinent was threatened.

It was as if the entire population of New York City had suddenly been dumped on New Jersey to feed and clothe—only infinitely worse in terms of resources available. Yet when Indira Gandhi went to the capitals of the West for help in arranging a political solution in East Pakistan, she got nothing.

The Indians can be sanctimonious. Mrs. Gandhi acts for political reasons, not out of purity of heart. India has helped the Bangla Desh guerrillas and, in recent weeks, put provocative pressure on East Pakistan. All true, but given the extent of her interest and the intolerable pressure upon her, India has shown great restraint.

After all, India has not intervened in a civil conflict thousands of miles from her own border. She has not destroyed one-third of a distant country's forests, or bombed that land to such a point of saturation that it is marked by ten million craters. The United States has done those things and is still doing them; it is in a poor position to read moral lectures to India.

American policy toward the Indian subcontinent is as much of a disaster by standards of hard-nosed common sense as of compassion. India may be annoying and difficult, but she does happen to be the largest nation in the world following our notions of political free-

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dom. In position and population she is by far the most important country of Asia apart from China. To alienate India—worse yet, to act so as to undermine her political stability—is a policy that defies rational explanation.

[From the Washington Post, Dec. 7, 1971]

UNREALISM ON NEW WAR

(By Joseph Kraft)

A bizarre combination of moral blindness and political unrealism has characterized the handling of the Indo-Pak crisis by the Nixon administration. Even so, the United States is relatively immune from the consequences of this folly.

For with the Communist world divided, almost nothing that happens in South Asia can adversely affect American security in a serious way. But similar folly in other areas could well blow the President's hopes for a generation of peace.

The present round of trouble in the subcontinent goes back to the decision made by the Pakistan government in mid-March to suppress by force the separatist movement in East Bengal. The result of that decision was moral crime on the grand scale. Hundreds of thousands of innocent people were murdered by Pakistani troops, and millions were forced across the border into India as refugees.

Moreover, the decision was not only a crime, it was a blunder. With its government and forces centered in the western part of the country, Pakistan was unable to sustain repression a thousand miles away in East Bengal. Among the refugees in India, there began to grow up an insurgency force—the Mukti Bahini—determined to separate East Bengal from Pakistan in a new nation to be called Bangla Desh.

These developments presented a golden opportunity to Indian nationalists eager to settle old scores with Pakistan once and for all. They had rebuilt their army since the debacle of the war with China in 1962, and were confident they could whip Pakistan in an all-out encounter. Thus secure, they saw in the East Bengal situation an opportunity to put steadily increasing pressure on Pakistan.

To that end they armed and trained the insurgent East Bengali forces. They brought their own armies up to the frontier of Pakistan. They were thus acting as a kind of escort force for growing incursions by the insurgents against the Pakistanis in East Bengal.

At that point the United States still had some leverage. This country is the mainstay of the international groups that provide foreign aid critical to the development of both India and Pakistan, and there was an obvious way to avert the developing trouble. That was to have President Yahya Kahn of Pakistan open negotiations with the West Bengali leader, Mujib Rahman, who had been jailed back in March.

But Washington was never sensitive to the moral enormity of Pakistan's behavior. Hence, the willingness to let military spare parts go there for months after the massacres of East Bengal got under way.

Neither was the administration alert to the cold-blooded logic driving the Indians towards war. Thus the administration did not apply truly heavy pressure on Pakistan for an opening on negotiations between President Yahya and Sheik Mujib—not even after Prime Minister Indira Gandhi of India visited Washington and named that as a price for peace.

With Washington going less than all-out on the negotiating front, Mrs. Gandhi had little reason to control the Indian hawks. Slowly and deliberately, they applied pressure around Pakistan's borders. In the end, Pakistan felt obliged to respond with what is now open warfare.

Containing the fighting now devolves upon the other great powers in the area—the Russians who are backing the Indians; and the Chinese who support Pakistan. The duel between the Communist Big Two thus dominated the United Nations debate, and whatever the result (and the most likely outcome is for a new Bangla Desh state) it will not cause any serious trouble for this country.

Still, there are some hard questions the Nixon administration should be asking itself. Wasn't the administration blind and deaf to the moral crimes committed by Pakistan? Didn't the administration miscalculate what India would do? Weren't both these judgments an expression of President Nixon's personal prejudices and preferences? Weren't these personal inclinations enormously weighted because of the emasculation of the State Department?

More important still are some long-range questions. Couldn't such a woeful performance yield serious trouble in coming encounters with the Communist giants? Even if the United States is insulated from the worst difficulties by the division in the Communist world, what role should this country be playing in the southern continents of the Third World? Does this country want forever to be the patron of regimes in Asia, Africa and Latin America that make up the pillars of the unfree world?

[From the Washington Post, Nov. 25, 1971]

INDO-PAKISTAN CLASH

(By Joseph Kraft)

The sudden increase in tension between India and Pakistan asserts two realities that have been neglected by American diplomacy. Both have now to be taken seriously even by those whose only aim is to help Pakistan.

One is that Pakistan is on weak ground, militarily as well as morally. The other is that, except for the humanitarian instinct of Prime Minister Indira Gandhi, the cold logic of the situation in India argues for all-out war.

It is now apparent that the Pakistani regime of President Yahya Khan bit off more than it could chew when it imposed military rule over East Bengal last March. Though taking a terrific toll in lives and displacing refugees by the millions, the Pakistani forces have not been able to secure full control over East Bengal. Nor has arresting the chief Bengali leader, Mujibur Rahman, enabled the Pakistani military men to throttle the Bengali independence movement.

In India, the Pakistani moves have bred a mood—and a logic—that favors war. The Indian army has been modernized and expanded since the disastrous encounter with China back in 1962. Virtually everybody in New Delhi believes that in an all-out encounter their forces could lick the Pakistanis. Indian losses, as measured in a population of 450 million, living on the edge of misery anyhow, would not even be very high.

Given the negligible cost, national interest argues powerfully in New Delhi for a settling of old scores by force. As the Indians see it, they have been attacked twice in the past by the Pakistanis, and would be attacked a third time whenever the military balance changed.

Moreover, the 9 million refugees who have come over from the East Bengali part of Pakistan are believed in New Delhi to pose a direct threat to Indian development. Not only do they burden India's scarce resources, they also comprise a potential seed bed for Communist subversion and the development of a Bengali separatist movement in India. And the only sure way to get the refugees back to East Bengal is to rout the Pakistani army.

Finally, internal politics are forcing the Indians towards war. Most of the refugees are Hindu. Their plight has been taken up by India's conservative opposition party, the Jana Sangh. In daily assaults in parliament and the press, the opposition is pushing the government to stand up and fight for Hindu rights.

Under the force of these pressures, Mrs. Gandhi's government has made some concessions to the Indian hawks. It has moved the Indian army up to the frontier with Pakistan. It has supplied arms, transport, and protective cover for the East Bengali guerrilla forces—the so-called Mukti Bahini. These insurgents are now operating against Pakistan with mounting intensity.

Mrs. Gandhi personally, however, has committed herself about as powerfully as is possible to the cause of peace. She has argued the humanitarian case at all times and in all places. She has claimed that all the adjustments that have to be made for a political solution can be achieved through diplomatic pressure on Pakistan. It was in that spirit that she visited Washington and saw President Nixon early this month.

President Nixon has in fact been using his good offices to foster new policies in Pakistan. It was in order to maintain leverage on President Yahya that he allowed the flow of American military to Pakistan to continue until just before Mrs. Gandhi's visit.

But the President has fond memories of cooperation with Pakistan in the anti-Communist pacts of the Dulles era. He was able to work on a confidential basis with Yahya in arranging his trip to China. And whatever his feelings about Indians may be, he is not keen on their supporters in the United States—notably Sen. Edward Kennedy.

So the President has been searching for some small concessions that President Yahya could swallow easily. Mr. Nixon has suggested the stationing of United Nations forces on either side of the border. Mr. Nixon has hinted at political negotiations with Bengali leaders of lower stature, and more dubious honesty, than Mugibur. Mr. Nixon has avoided the central issue—the issue of the future status of East Bengal.

In fact, there is no escaping that issue. "The only lasting solution," as Prof. John P. Lewis of Princeton who once served in the American embassy in New Delhi has recently written in a brilliant article, "is some large measure of autonomy for East Bengal." An easing of tension can come in the subcontinent only by an explicit commitment to that target. Anybody serious about averting war will have to take as a starting point negotiations between Yahya and Mugibur for a new understanding to govern relations between Pakistan and East Bengal.

[From the Washington Star, Dec. 3, 1971]

COST OF REFUGEES SPURS INDIA'S FIGHT

(By Henry S. Bradsher)

CALCUTTA.—India's basic justification for using its armed forces against East Pakistan in undeclared war is that it cannot go on indefinitely bearing the burden of refugees from the region.

By increasing the pressure of both its own army and of East Pakistani insurgents on government forces in the region, India hopes to achieve independence for the region under the name of Bangla Desh and then have the refugees return to their homes there.

How big is this burden and how realistic is the hope that the refugees will be willing to go home?

According to P. N. Luthra, the Indian official in over-all charge of the refugee problem, it is costing the government more than $2½ million a day to care for the refugees.

Luthra, an experienced civilian administrator known by his old military title of colonel, said in an interview there are now 9.733 million refugees in India. About 7 million of them are living in government camps and the rest with friends and relatives.

REFUGEE FLOW DOWN

The Pakistani government disputes the total figure, insisting about 2 million persons left East Pakistan when the army began its crackdown on the Bengali nationalist movement March 25.

International relief agencies accept Luthra's figure as being roughly correct, however. The figure is based on issued ration cards and other controls.

The flow of refugees now is down to about 10,000 daily, Luthra said.

The fighting along Pakistan's borders is presumed to be one reason for the decline of the flood that totaled more than 100,000 daily in late spring.

Two and a half million refugees came into a single district of India's West Bengal State just east and northeast of Calcutta.

A visit to that area in July showed refugees squatting by the roadside and camping in fields with little shelter against the monsoons while more continued to walk across the border, hungry and dazed.

A return visit to the area the other day found the roadsides cleared. Camps, no longer flooded from rains looked fairly neat and orderly. But their inhabitants showed listless signs of depending too long upon relief.

They are forbidden to work because the densely populated West Bengal State already had an unemployment problem and local people do not want competition from newcomers.

Luthra said the impact of refugees remains strong in some districts such as West Dinajpur where there are as many refugees as original inhabitants.

India's Tripura State on the east side of East Pakistan also has been flooded by almost as many people fleeing across the border as lived there before.

Many camps have been rebuilt since the monsoon ended, Luthra said, to make them more livable. New camps are being built further back from the border to house more refugees in consolidated units with common food and hospital facilities.

Luthra said the equivalent of 13.6 U.S. cents is being spent daily on nonrecurring expenses such as building camps—for each of the million refugees in camps. Recurring daily costs are 23.3 cents each.

BIG PROMISES

In addition to this burden on the Indian government there is foreign aid. Right now the most noticeable aspect is blankets, especially for refugees in mountainous areas north of East Pakistan.

Luthra said the total aid promised from abroad was about $157 million. About $37 million reached refugee headquarters in Calcutta, but some went directly to the Indian government in New Delhi.

The United States has promised more than $70 million in cash and food.

Despite foreign assistance, India is bearing the main financial and social burdens of refugees.

The cost is hurting India's economic development efforts but the extent of this varies according to whose estimates are used. The United States also has made a special $20 million development loan to offset this impact.

Luthra and other Indian officials take some pride in the way this country has coped with the burden.

Absence of major epidemics, even during the heaviest monsoon to hit India for many years, and avoidance of starvation among refugees is regarded as a considerable accomplishment.

The Indian government is quite firm in saying refugees must go home.

But will they? Especially, will more than three-fourths of the refugees who are Hindus want to leave predominantly Hindu India and return to Moslem Pakistan after the Pakistani army singled out the Hindus for special persecution?

Luthra leans back from his neat desk, taps his fingertips together, smiles and says "I think they will go back."

Even now, some refugees are going to see what the situation is in areas from which Bangla Desh forces have cleared the Pakistani army, Luthra said.

People want to return to their own land. Even Hindus will want to return to their land, Luthra said. The fact that several millions have never left East Pakistan shows that the Hindus can survive there.

Others are not so sure. Well-informed Indians in New Delhi say Prime Minister Indira Gandhi's government is prepared privately for several million refugees to remain despite its public insistence that all must leave.

There have been reports that the government would simply quit providing food rations if necessary to force the refugees out once Bangla Desh is independent, or would move points at which food is issued against ration cards to areas of Bangla Desh.

Asked about such coercion to get rid of refugees, Luthra declined to answer directly but left it as a possibility.

Whatever the tactics followed, whether use of the Indian Army to free East Pakistan from control of the Pakistani government or use of force to make the refugees go home afterward, India now seems determined that it cannot and will not go on taking care of the largest refugee problem in history.

[From the Washington Star, Dec. 5, 1971]

POLITICS IGNORED FOR NOW—HATRED UNITES BANGLA DESH

(By Henry S. Bradsher)

CALCUTTA, INDIA.—The Bangla Desh forces fighting with the Indian army against the Pakistan army are composed of diverse elements united for the moment by passionate hatred.

They include middle-class lawyers from small towns of East Pakistan who formed the core of the Awami League, the political party that won 72 percent of the vote in the region last December, soldiers of the Bengal Regiment and the border police, the East Pakistan Rifles, who defected en masse when the army crackdown on regional nationalism began March 25, students with vaguely radical ideas and youthful hotheadedness, and other Bengalis.

Their only common political viewpoint is the desire to rid their homeland of what they consider to be a long period of colonial exploitation by West Pakistan and now the brutal repression by an alien army of the West Pakistani elite.

DIFFERENCES SUBMERGED

Widely varying political attitudes on questions other than independence for Bangla Desh have been temporarily submerged in the common struggle.

The unifying figure in East Pakistani politics has been Sheikh Mujibur Rahman. To an incredible extent he personally came to symbolize Bengali grievances and hopes and his Awami League focused both these elements into a powerful political force.

Thoughtful Bengalis now say that Rahman remains—even in West Pakistani prison—the only real hope of keeping Bangla Desh forces united. And should independence be achieved, it will only be a question of time before political fragmentation comes—even if Rahman should lead the new nation.

In Rahman's shadow, no other strong leaders developed in the Awami League. "There is only a third-line leadership behind him, without any second line," one Awami League member commented.

The most prominent of these is Syed Nazrul Islam, 46, who is now the acting president of the Peoples Republic of Bangla Desh in the absence of Rahman. A lawyer from Mymensingh, he had led the party during the earlier imprisonments of Rahman.

The prime minister is Tajuddin Ahmed, also 46. As a student leader of East Pakistani agitations against the domination from West Pakistan shortly after the country was formed in 1947, he took his law degree while in jail.

The other three cabinet members are Khandaker Moshtaque Ahmed, 53, in charge of foreign affairs, Finance Minister Mansoor Ali, also 53, and Kamaruzzaman, 45, who is responsible for home affairs, relief and rehabilitation. All are lawyers.

GOALS OF REPUBLIC

The goals of the republic which they declared after March 25 include a "socialistic pattern of economy." But they are conservative people and the Awami League generally has a cautious middle of the road attitude.

Their statements of goals throws doubts on how far they would be prepared to go to achieve economic equality in the badly overpopulated agricultural region. It specifies that there will be no land tax on holdings up to 8 acres—which is a very large amount in the rice lands economy of the region.

Many international economists feel one basic reason for the failures of underdeveloped agricultural countries to bring rapid economic progress has been the refusal of middle class politicians running them to hurt their own personal interests by taxing agriculture adequately.

The Awami League position on this might be challenged eventually by some of the leftist elements which have failed to show any significant popular strength in elections, but nonetheless loom importantly in the region.

CONSULTATIVE PANEL

These include leftists oriented toward Moscow and toward Peking and freelance ones. India, which is sponsoring the Bangla Desh cause, has at Soviet instigation forced the Awami League to accept the creation of a political consultative committee including Moscow-line leftists. But Awami Leaguers are determined to keep them at arm's length.

Probably a more important political element will be students.

STUDENT VIEWS

In March interviews in Dacca, student leaders like Abdul Rab and Nurul Alam Siddiqi talked much more seriously about socialistic answers to the region's economic problems than Awami League leaders talked. Both Rab and Siddiqi were leading students and other young people in guerrilla operations.

These student guerrillas are more emotionally dedicated to Rahman personally than other elements of the Bangla Desh movement. But for them Rahman is a figure who only mirrors what they want.

It is doubtful that Rahman in power as head of independent Bangla Desh, subject to pressures of practical politics, would for long be satisfactory to radical-minded youths.

Members of the East Pakistan Rifles, a paramilitary force, are originally alleged by the Pakistani government to have been planning mutinies against their West Pakistani officers shortly after March 25.

SLAUGHTER ALLEGED

This was one of the allegations the government used in its initial efforts to justify its savage crackdown on East Pakistan. Another allegation was that tens of thousands of non-Bengali residents of the East had been slaughtered by Awami League terror before March 25 which the government had to halt.

Both these charges have been quietly dropped by the government, although they still echo in Pakistani propaganda.

In fact, EPR men seemed then to be essentially non-political. But they are Bengalis, and after the army attacked them on the night of March 25 as part of breaking all Bengali resistance, they fought back. Most fled to fight again.

They were among the men whom the In-

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dian army organized into Bangla Desh, military units.

Another large element, also essentially non-political patriots, are troops from the Bengali regiment.

Mr. KENNEDY. Mr. President, we hear our Government speak of cutting off aid to India at a time when it has suffered its most severe economic test—as it struggles to provide for 10 million refugees, costing it nearly $800 million. The cost of the refugees is more than all the foreign aid India receives. Yet, we talk about cutting off aid.

To illustrate the burden India has carried over these past 8 months I ask unanimous consent to have printed at this point in the RECORD excerpts from my report to the Judiciary Subcommittee on Refugees, submitted last month.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CRISIS IN SOUTH ASIA

REFUGEE RELIEF PROGRAM—THE COST TO INDIA

For India, the direct cost of coping with the massive influx of refugees is staggering. The indirect cost—the refugees' impact upon India's long-range development program and economy—is even worse. Because the areas in India around East Bengal where the refugees have fled already have substantial unemployment and underemployment, no addition to the force of unskilled labor—whether refugee or Indian—can contribute much if anything to output. Under these circumstances the refugees represent dead-weight on an already underdeveloped area. They drain resources from the Indian economy without any compensating increase in output.

It is not surprising, therefore, that in many ways the indirect cost to India may even be greater than the direct cost—although less defined. More easily estimated is the direct cost of supporting the refugees. For just one year, this cost is truly staggering.

According to estimates assembled both in Washington and in New Delhi, the direct cost for maintaining 9 million refugees for one year is, at a minimum low estimate, $800 million. Per capita, the refugees will cost between 20 to 25 cents a day, or about two Indian rupees.

The low and high estimates presented in the above table differ because of varying assumptions about the amount of food, the kind and extent of shelter, the quality and degree of medical care, and other such factors relating to the care and maintenance of the refugees. However, USAID's estimate of direct cost is based on a conservatively figured average "inventory" list of requirements for one million refugees in camps.

Most officials agree that these figures are conservative estimates, and USAID/New Delhi has tended to opt for "low estimates" in planning U.S. contributions. So the fact remains, that even with the most sanguine assumptions, the total direct cost to India, caused by the refugees, amounts to nearly $800 million for the India fiscal year ending March 31, 1971—and to more than $800 million for the U.S. fiscal year ending the following June 30.

This figure takes on greater significance when it is realized that it represents between one-sixth to one-fifth of the total outlay that India spends annually on development programs. It is equivalent to nearly one-third of the country's total imports. And it almost matches the annual gross non-food aid that the dwindling "Aid-India Consortium"[1] has been able to give in recent years. Because of the inexorable increase of India's principal and interest payments on these past loans, the Consortium's net yearly input to the Indian development effort, aside from the diminishing U.S. PL480 contribution, is no more than $300 million. In short, maintaining the refugees for one year will directly cost India $500 million more than the net foreign aid it receives from all the Western nations.

The drag that the refugee problem is placing upon the Indian system can be understood only in this broader perspective; for most of the specific commodities that refugees are consuming are Indian products, as, of course, are the administrative and other services they are monopolizing. Since India feels it is already fully budgeted and has no safe room for additional deficit financing—and since the refugees, for the time being, provide no additional productive capacity but, instead, cause displacement of scarce transport and other facilities—the funds that the Government of India now allocates to them tend to be gouged out of the Nation's development budget. Moreover, the encroachment is not just on development finance—it also drains the nervous energy of the nation's leadership. The Prime Minister, her advisors, the Finance Ministry, the Planning Commission—indeed most of the developmental leadership and bureaucracy of the central and state governments—are consumed with the ramifications of the refugees from East Bengal. And a war with Pakistan could be disastrous.

1. Impact on India's Development. These distractions of resources and effort could not have come at a more inopportune time for India. At the moment the disaster struck East Bengal—literally a fortnight before—India had achieved her best hope for material and social progress in 24 years. The first, the so called "green revolution", came after years of sluggish economic and political progress. From 1962 to 1967 India was shaken by two short wars, lost two Prime Ministers, and was wracked by two unprecedentedly severe droughts, contributing to a general economic recession. Indeed, Indian politics appeared to be becoming unglued. But these traumas, instead of demoralizing the leadership, had the effect of shock therapy in 1965 and 1966. A sensible and comprehensive set of new economic and agricultural policies was adopted that, in particular, provided thrust and incentive for a new foodgrains technology involving improved seeds, better fertilizer, and assured water supplies.

This new agriculture policy was spurred by a more effective indigenous research establishment and reinforced by improved foreign supplies, rural credit and other facilities, and it has continued to spread throughout India. And it shows no signs of subsiding now. The result has been that the annual rate of growth in food production since 1966–67 has doubled the previous average. The rapid closure of the old food deficits, which had persisted since the 1950's, created the best base yet for a general economic acceleration—and for a concerted attack on the cruel inequalities of low-end poverty and left-over people that had accumulated unchecked through the 1960's.

From the 1967 election onward, when the ruling party's Parliamentary majority was further eroded, fresh policy initiatives were politically stalemated. Thus the second half of the new hopefulness has come only in the first days of March 1971 with the landslide electoral victory won by the government of Prime Minister Indira Gandhi. The Prime Minister won a rousing mandate for a new brand of populism. When the votes were counted on March 10, the specific content of that populism naturally remained somewhat unspecified. But it was clear that efforts to generate additional incomes and jobs for the poor were sure to encounter financial difficulties, especially as to the provision of sufficient foreign exchange in an age of diminishing foreign aid. Still, there was no question that, added to its on-going agricultural breakthrough, the political breakthrough represented in Mrs. Gandhi's mandate, presented India with its best chance yet for combining faster economic advance with a genuine attack on mass poverty.

Then came the staggering economic burden and the disruptive political impact of the masses of refugees. As they poured into India, the refugees brought local government in many areas to a complete standstill, freezing public works projects and other economic development programs. West Bengal, and more particularly the area around Calcutta, has been an area hardest hit, and provides a depressing illustration of what the impact of the refugees has been on India.

2. The Death of Calcutta. For more than 10 years Calcutta has been generally regarded as one of the world's sickest cities. Created during British rule as the port for eastern India and a united Bengal, it received its first death blow in 1947 with the partition of British India. Again, it was an unprecedented wave of refugees that first pushed Calcutta down the road of uncontrolled growth and decay. After partition, over 3,000,000 refugees fled the newly created East Pakistan to settle in or near Calcutta. And until last year many of these first refugees could still be seen encamped at the Sealdah Railway Station. For many years they have been the largest part of the street population of Calcutta. Thus long before the recent refugee influx, at least a million of the Calcutta metropolitan area's 7 million inhabitants slept in alleys and on sidewalks.

The general depression of Calcutta can be seen in other statistics as well. For example, of its 1.4 million households, only 12% have exclusive use of a latrine and only 14% have their own water tap. There is vast unemployment and under-employment. Local government seems hopelessly fragmented, both functionally and territorially. For a generation, Calcutta, as compared with other major Indian cities, has been unable to raise local resources effectively. Public facilities and services have rapidly deteriorated. Labor unrest is endemic. The city breeds India's most extremist urban politics, where violent demonstrations, tramcar burnings, and thuggery are routine forms of persuasion. Industry has been fleeing the city. In short, even before the recent flow of refugees, the economic center of all of eastern India looked mortally wounded.

There can be little doubt today that the refugee problem threatens to bring to an abrupt halt, whatever upward trends exist in Calcutta's development. For example, the logistical requirements of refugees support are hobbling the city's construction program. One hundred railway wagons are needed to keep the current requirements of cement, crushed stone, steel and other materials flowing. But the current allotment, due to the competing pressure of the refugee program on India's strained railway system, is now down to 35. Other public works projects have come to a standstill because the attention of the leadership has been distracted. And each day a few more refugees trickle into the Calcutta slums, increasing the burden on the city's already impoverished services and facilities.

The crisis of Calcutta was created, in part, by the arrival of refugees two decades ago. Its further descent into decay and death may be brought by the arrival of the latest refugees, unless outside resources are mobilized to rescue it and all of eastern India.

RESPONSE OF THE INTERNATIONAL COMMUNITY

The international community's response to the refugees has been unconscionably lethargic and wholly inadequate. It is characterized by little sense of urgency and a low priority of concern for a tide of human misery unequaled in modern times.

As recently as October 13, the "focal point" for international refugee relief in India, the United Nations High Commissioner for Refugees (UNHCR) was moved to warn the world that it has "to fight against apathy". He told a press conference in Geneva that for the last several weeks there had been no new funds committed to the refugee program in India. In a typically understated fashion, he said that "if no further contributions were received there would be a risk of a gap in supplies in two months' time, and "the situation might become extremely dramatic".

What the UNHCR means, in strictly human terms, is that, unless funds are forthcoming, predictions will come true that nearly 4,300 children will be dying each day—bringing the cumulative total since April up to 200,000 by the end of the year. He means that millions of blankets necessary for the winter months will not be purchased—for a lack of funds. Urgently needed shelter materials for more than half the refugees will remain unavailable—for a lack of funds. Adequate medical supplies will not be obtained—for a lack of funds. And the list of needs will go on—all for the lack of funds.

Red-tape and procrastination in too many quarters, including the United Nations, have all but immobilized the international response to the staggering refugee needs created by the repression in East Bengal. As of October 19, only a total of $210,200,000 had been contributed to the "focal point" for refugee assistance in India. Of this, approximately $12 million had been in cash and transmitted to the Government of India, while another $26 million worth of goods had already been delivered. The rest—nearly $172 million, or over 75% of the total thus far pledged—is still to be delivered. These goods are on the high seas, or being loaded or purchased, and only by the end of the year, or ten months after the crisis began, will they be delivered. Meanwhile, India carries the burden.

Worse, of course, is the fact that even after all the material aid thus far pledged arrives in India, the total—$210.2 million—is far short of the documented needs of the Indian government to support over 9 million refugees for even one year. Pleas for additional aid have been made. Most recently the U.N. made a strong and urgent appeal to the international community for substantial contributions to the refugee relief effort, since "the inflow of cash and kind had tended to dry up during the last few weeks."

The American record, unfortunately, has been little better than the rest of the international community in the speed with which we have responded. Although the United States has to date pledged $89.2 million—or 44% of the total refugee aid to India—it has come inexcusably slow and long after the full needs were known. The rate of refugee movement and the growth of refugee needs, has far outpaced the rate of American aid and our country's traditional leadership in humanitarian affairs.

The first U.S. contribution of $2.5 million was announced on May 11th, after there were nearly as many refugees recorded in India as dollars pledged—and after American officials in the field had documented the vast costs involved in housing and feeding millions of refugees. Each day, of course, brought more refugees. But it was not until a month later, after another 3 million refugees had arrived, that the United States announced a second contribution of $18 million on June 7. The next American dollar contribution—$70 million—was pledged on June 24, after another 1,500,000 refugees had poured into India. Finally, on September 24th the President asked Congress to include some $250 million for relief needs for both India and Pakistan in the foreign aid authorization for fiscal year 1972.

To be sure, as the Administration has pointed out with pride, our government has pledged a larger share of the total relief budget for the refugees in India than the rest of the world combined. But this pride is quickly dispelled by the vastly greater burden now being carried single-handedly by the government and people of India. When we realize that India faces the prospect of a budget for refugee relief totaling $500 million to $1 billion over this coming year alone, we realize how little the outside world is really doing, and how paltry the American contribution is comparatively.

[1] This includes the World Bank, the U.S., Britain, West Germany, Japan, Canada, France, and several smaller bilateral European contributors.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ENVIRONMENTAL CENTER ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 504, S. 1113.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

(S. 1113) to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Public Works with amendments on page 1, at the beginning of line 4, strike out "Laboratory" and insert "Center"; on page 2, line 1, after the word "the", strike out "Nation" and insert "global environment"; in line 2, after the word "of", strike out "environmental"; in line 3, after the word "quality", insert "and depletion of resources"; in line 12, after the word "principles", strike out "if the Nation is"; in line 15, after the word "development", insert "and application"; in line 19, after the word "that", insert "new and existing"; in line 20, after the word "detect", strike out "and"; at the beginning of line 21, insert "and prevent or minimize"; in line 22, after the word "ecosystem", strike out the comma and "which includes" and insert "including"; in line 23, after the word "man", insert a semicolon; in the same line, after the amendment just above stated, strike out "and that existing technologies must continually be reappraised to detect latent detrimental effects;"; on page 3, line 20, after the word "the", insert "global"; in line 21, after the word "to", where it appears the first time, strike out "the" and insert "that"; in line 24, after the word "assessment", insert a comma and "resource utilization"; on page 4, line 1, after the "complement", insert "but not supplant"; in line 5, after the word "development", insert a comma and "and"; in line 6, after the word "environment", insert a comma and "including resource utilization"; in line 7, after the word "and", insert "perform"; in the same line, after the word "necessary", strike out "work," and insert "functions"; in line 10, after the word "devices", strike out "training and education,"; in line 12, after the word "environmental", insert "and resource use"; in the same line, after the word "alternatives;", insert "(B) training and education conducted through and jointly with other institutions, including universities and colleges;"; at the beginning of line 15, strike out "(B)" and insert "(C)"; in line 18, after the word "and", strike out "(C)" and insert "(D)"; at the beginning of line 21, insert "and conservation of resources"; on page 5, line 2, after the word "may,", strike out "present in policymakers" and insert "upon request, make available expert testimony and other information and present"; after line 6, insert:

"(4) that the organization shall be located and operated in a manner to avoid overlap and conflict with existing public and private research agencies and organizations and, to the maximum extent possible, the organization shall draw upon the expertise of and affiliate with such existing agencies and organizations in carrying out its duties and responsibilities under this Act.

In line 15, after the word "Environmental", strike out "Laboratory" and insert "Center"; in line 16, after the word "the", strike out "Laboratory" and insert "Center"; in line 17, after the word "the", strike out "'Laboratory'" and insert "'Center'"; in line 18, after the word "the", strike out "Laboratory" and insert "Center"; in line 20, after "section 4", insert "of this Act"; in line 21, after the word "of", strike out "nine members as follows: (1) the administrator of the Environmental Protection Agency; (2) the Chairman of the Council on Environmental Quality established by Public Law 91–190; (3) the Director of the Office of Science and Technology; (4) the Director of the National Science Foundation; and (5) five" and insert "seven"; on page 6, line 4, after the word "than", strike out "three" and insert "four"; in the same line, after the word "of", strike out "the"; in the same line, after the amendment just above stated, strike out "public"; at the beginning of line 7, strike out "(b)" and insert "(2)"; at the beginning of line 8, strike out "clause 5 of"; in line 10, after the word "that", strike out "(1)" and insert "(A)"; in line 13, after the word "and", strike out "(2)" and insert "(B)"; in line 14, after the word "begin", strike out "on April 24, 1971," and insert "seven days after approval by the Senate as provided in paragraph (1) of this subsection; and"; in line 18, after the word "appointment", strike out "one" and insert "two"; in line 19, after the word "and", strike out "two" and insert "three"; in line 20, after the word "Board", strike out "chosen from private life"; at the beginning of line

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23, strike out "(c)" and insert "(3)"; at the top of page 7, insert:

"(4) The Board shall keep the Congress fully and currently informed with respect to all of the Board's activities.

"(b) There shall be established a General Public Advisory Committee to advise the Board on scientific and technical matters relating to environmental research and development pursuant to this Act, to be composed of nine members, who shall be appointed from the public by the President. Each member shall hold office for a term of six years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such terms; and (b) the terms of office of the members first taking office after date of enactment of this Act shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after such date. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their traveling and other expenses while engaged in the work of the Committee.

"(c) There is established a Federal Agency Liaison Committee consisting of—

"(1) a Chairman, who shall be the Administrator of the Environmental Protection Agency; and

"(2) a representative or representatives from (A) the Council on Environmental Quality; (B) the Department of the Interior, (C) the National Science Foundation, (D) the Department of Agriculture, (E) the Department of Commerce, (F) the National Aeronautics and Space Administration, (G) the Department of Defense, (H) the Atomic Energy Commission, (I) the Smithsonian Institution, and (J) the Department of Health, Education, and Welfare, and who will serve without additional compensation.

"(3) The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence.

"(4) Each member of the Committee shall keep the Department or Agency which such member represents fully and currently informed of all the activities of the National Environmental Center.

"(5) The head of each Department or Agency represented on the Committee shall keep the Board fully and currently informed on all matters within such Department or Agency which relate to the activities of the National Environmental Center.

On page 8, line 25, after "Sec. 5.", insert "(a)"; in the same line, after the word "the", strike out "Laboratory" and insert "Center"; on page 9, at the beginning of line 3, strike out "(a)" and insert "(1)(A) designate or"; in the same line, after the word "establish", strike out "regional" and insert "not to exceed six"; in line 4, after the word "Laboratories", strike out "not to exceed four in number"; in line 6, after the word "such", strike out "regional"; in the same line, after the word "by", strike out "environmental criteria" and insert "the Board after consideration of the criteria set forth in subsection (b) of this section"; after line 8, insert:

"(B) The Board shall not designate or establish the location of any National Environmental Laboratory until such location has been approved by resolutions adopted in substantially the same form by the appropriate Committee of the House of Representatives and by the Committee on Public Works of the Senate. For the purpose of securing consideration of such approval the Board shall transmit to the Congress a prospectus of the proposed location including (but not limited to)—

"(i) a brief description of the location;

"(ii) an estimate of the maximum cost of the location; and

"(iii) a statement of justification for such location.

"(2) enter into agreements to establish various degrees of affiliation with existing agencies and organizations;

On page 10, at the beginning of line 1, strike out "(b)" and insert "(3)"; at the beginning of line 2, strike out "Laboratory" and insert "Center"; in the same line, after the amendment just above stated, strike out "as determined from an analysis of the social and environmental priorities established by the Congress, the executive branch, and the private sector;"; at the beginning of line 5, strike out "(c)" and insert "(4)"; at the beginning of line 8, strike out "Laboratory" and insert "Center and any National Environmental Laboratory designated or established under paragraph (1) of this subsection"; in line 13, after the word "the", where it appears the first time, strike out "Laboratory" and insert "Center"; in line 17, after "section 10", insert "of this Act"; at the beginning of line 18, strike out "(d)" and insert "(5)"; in the same line, after the word "from", insert "make contracts to,"; at the beginning of line 21, strike out "(e)" and insert "(6)"; at the beginning of line 25, insert "and the Environmental Protection Agency"; on page 11, at the beginning of line 1, strike out "(f)" and insert "(7)"; at the beginning of line 5, strike out "(g)" and insert "(8)"; in the same line, after the word "as", insert "may be necessary for the"; in line 6, after the amendment just above stated, strike out "a"; in the same line, after the word "location", strike out "for" and insert "of"; in the same line, after the word "the", strike out "Laboratory" and insert "Center"; in the same line, after the amendment just above stated, strike out "or regional laboratories" and insert "and the National Environmental Laboratories established or designated under paragraph (1) of this subsection;"; at the beginning of line 10, strike out "(h)" and insert "(9)"; in line 11, after the word "including", insert "aircraft, vessels, vehicles and other"; in line 12, after the word "equipment", strike out the comma; in line 13, after the word "the", strike out "Laboratory" and insert "Center"; at the beginning of line 14, strike out "(i)" and insert "(10)"; in line 15, after the word "the", strike out "Laboratory" and insert "Center"; at the beginning of line 22, strike out "(j)" and insert "(11)"; at the beginning of line 24, insert "as may be necessary"; in the same line, after the amendment just above stated, strike out "of the Laboratory"; at the beginning of line 25, strike out "regional laboratory, or laboratories," and insert "National Environmental Laboratory"; on page 12, line 1, after the word "to", insert "paragraph (1) of this"; in line 2, after the word "subsection", strike out "(a) of this section"; in line 4, after "title 5", insert "of the United States Code; and"; after line 5, insert:

"(12) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof, including support for appropriate mechanism of public understanding of environmental issues.

"(b) In designating the primary research program for each National Environmental Laboratory established under paragraph (1) of this subsection, the Board shall consider the general environmental problems related to ecosystem measurement and analysis, recycling materials and pollutants, energy, community restoration and development, transportation, and resources utilization, technology assessment, and long-range environmental planning.

In line 19, after the word "under", strike out "clause (j)" and insert "paragraph (11)"; in line 20, after the word "of", insert "subsection (a) of"; in the same line, after "section 5", insert "of this Act"; at the beginning of line 22, strike out "regional" and insert "National Environmental"; in line 24, after the word "the", strike out "broad" and insert "general"; on page 13, line 1, after the word "subsection", strike out "(b)" and insert "(a)"; in line 2, after "section 5", insert "of this Act"; in line 4, after the word "clause", strike out "(g)" and insert "(8) of subsection (a) of"; in line 5, after "section 5", insert "of this Act"; on page 14, line 4, after the word "the", where it appears the first time, strike out "Laboratory" and insert "Center"; on page 15, after line 12, insert:

"(b) The Board shall, on or before October 1 of each year, submit to the Committees on Appropriations of the House of Representatives and of the Senate a statement of the expenditure, in the preceding fiscal year, of all funds available under subsection (a) of this section.

At the beginning of line 18, strike out "(b)" and insert "(c)"; in line 19, after the word "appropriated", strike out "such sums as may be necessary to carry out the purposes of this Act: *Provided*, That not to exceed $200,000,000 may be appropriated for the use during any fiscal year of any one regional laboratory established pursuant to subsection (a) of section 5. Such" and insert "for the fiscal year beginning July 1, 1972, $40,000,000, and for the fiscal year beginning July 1, 1973, $80,000,000. Any"; on page 16, line 3, after the word "the", strike out "Laboratory" and insert "Center"; and, after line 9, insert a new section, as follows:

OVERSIGHT STUDY

SEC. 11. The Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to environmental quality, which are conducted, supported, or assisted by all agencies of the Federal Government pursuant to any Federal law or regulation and assess the conflict, coordination, and efficacy of such programs, and make an interim report to the Congress thereon by January 1, 1973, and a final report by June 30, 1974.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Center Act of 1971".

"SEC. 2 (a) The Congress finds—

"(1) that the global environment is presently experiencing a rapid deterioration of quality and depletion of resources;

"(2) that the environmental resources of the Nation are finite;

"(3) that the demands of a growing population and an increasing material standard of living will place an additional burden upon the capacity of the environment;

"(4) that the optimum allocation and use of our limited environmental resources will require the maximum use of scientific principles to restore and enhance the health, diversity, beauty, and capacity of the environment for perpetuity;

"(5) that the development and application of technologies has often created unintended ecological, economic, and social effects which have a profound impact on the environment;

"(6) that new and existing technologies must be assessed on a timely basis in order to detect, predict, and prevent or minimize the detrimental effects these may have on the ecosystem including man;

"(7) that the amelioration and prevention of environmental problems depend on a thorough understanding of the complex interactions among the human, natural, and technological components of the ecosystem, thereby requiring multidisciplinary research and analysis of the total environment;

"(8) that while the established departments and mission-oriented agencies make and will continue to make valuable contributions in specialized research and development, they lack authority and organization to deal comprehensively with the interconnected problems of the environment; and

"(9) that a complete and thorough understanding of the ecosystem cannot be accomplished through fragmented application of specialized research and development efforts, but rather requires a unity of effort and emphasis which is focused on the restoration and enhancement of the total environment.

(b)"The Congress declares—

"(1) that to assist in the effort to restore and enhance the global environment and to minimize future damage to that environment, it is necessary to establish a new organization with sufficient professional breadth and scope to provide a unified and systematic approach to the problems of technology assessment, resource utilization and environmental quality; that such an organization will complement but not supplant those public and private agencies presently dealing with various aspects of the environment; and

"(2) that the organization will conduct basic research, development, and analysis of humsn and natural activities affecting the environment, including resource utilization and perform other necessary functions which shall include but not be limited to (A) data collection, storage, and dissemination, data analysis and synthesis, the development of methods and devices, and objective analysis of various environmental and resource use policy alternatives; (B) training and education conducted through and jointly with other institutions, including universities and colleges; (C) the formulation of, and where appropriate, the development, testing, and demonstration of, alternative solutions to existing and probable environmental insults; and (D) the performance of other functions to assist public and private agencies and persons in the restoration, enhancement, and protection of the environment and conservation of resources; and

"(3) that it shall not be an appropriate function for the organization or of any of its constituent parts or representatives to make specific recommendations as to policy or choices between alternative courses of action, whether at its own initiative or upon request, but that the organization may, upon request, make available expert testimony and other information and present various alternative courses of action and describe the probable results of each such course of action.

"(4) that the organization shall be located and operated in a manner to avoid overlap and conflict with existing public and private research agencies and organizations and, to the maximum extent possible, the organization shall draw upon the expertise of and affiliate with such existing agencies and organizations in carrying out its duties and responsibilities under this Act.

"SEC. 3. There is established at the seat of government a National Environmental Center and a Board of Trustees of the Center (hereinafter referred to as the 'Center' and the 'Board') whose duty it shall be to maintain and administer the Center and site or sites thereof, and to execute other functions as are vested in the Board by section 4 of this Act.

"SEC. 4. (a)(1) The Board shall be composed of seven members appointed by the President from the public, by and with the advice and consent of the Senate. Not more than four of such members of the Board may be members of the same political party.

"(2) Each member of the Board appointed under subsection (a) of this section shall serve for a term of six years from the expiration of his predecessor's term except that (A) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (B) the terms of office of such members first taking office shall begin seven days after approval by the Senate as provided in paragraph (1) of this subsection; and shall expire, as designated by the President at the time of appointment, two at the end of two years, two at the end of four years, and three at the end of six years. No member of the Board shall be eligible to serve in excess of two terms, except that the member whose term has expired may serve until his successor has qualified.

"(3) The President shall designate a Chairman and a Vice Chairman from among the members of the Board chosen from the public.

"(4) The Board shall keep the Congress fully and currently informed with respect to all of the Board's activities.

"(b) There shall be established a General Public Advisory Committee to advise the Board on scientific and technical matters relating to environmental research and development pursuant to this Act, to be composed of nine members, who shall be appointed from the public by the President. Each member shall hold office for a term of six years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after date of enactment of this Act shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after such date. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their traveling and other expenses while engaged in the work of the Committee.

"(c) There is established a Federal Agency Liaison Committee consisting of—

"(1) a Chairman, who shall be the Administrator of the Environmental Protection Agency; and

"(2) a representative or representatives from (A) the Council on Environmental Quality; (B) the Department of the Interior, (C) the National Science Foundation, (D) the Department of Agriculture, (E) the Department of Commerce, (F) the National Aeronautics and Space Administration, (G) the Department of Defense, (H) the Atomic Energy Commission, (I) the Smithsonian Institution, and (J) the Department of Health, Education, and Welfare, and who will serve without additional compensation.

"(3) The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence.

"(4) Each member of the Committee shall keep the Department or Agency which such member represents fully and currently informed of all the activities of the National Environmental Center.

"(5) The head of each Department or Agency represented on the Committee shall keep the Board fully and currently informed on all matters within such Department or Agency which relate to the activities of the National Environmental Center.

"SEC. 5. (a) In administering the Center, the Board shall have all necessary and proper powers which shall include, but not be limited to, the power to—

"(1)(A) designate or establish not to exceed six National Environmental Laboratories with the geographical distribution of any such Laboratories determined by the Board after consideration of the criteria set forth in subsection (b) of this section;

"(B) The Board shall not designate or establish the location of any National Environmental Laboratory until such location has been approved by resolutions adopted in substantially the same form by the appropriate Committee of the House of Representatives and by the Committee on Public Works of the Senate. For the purpose of securing consideration of such approval the Board shall transmit to the Congress a prospectus of the proposed location including (but not limted to)—

"(i) a brief description of the location;

"(ii) an estimate of the maximum cost of the location; and

"(iii) a statement of justification for such location.

"(2) enter into agreements to establish various degrees of affiliation with existing agencies and organizations;

"(3) establish broad policy directions for the Center;

"(4) solicit, accept, and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Center and any National Environmental Laboratory designated or established under paragraph (1) of this subsection, and any such money, securities, or other property shall, upon receipt, be deposited into a special fund administered by the Board for the purposes of the Center and the source, amount, and restrictions of any gift, bequest, or devise of money, securities, or other property in excess of $5,000 fair market value shall be included in the annual report required under section 10 of this Act;

"(5) obtain grants from, make contracts to, and make contracts with, State, local, and private agencies, organizations, institutions, and individuals;

"(6) obtain grants from, and make contracts with, any Federal agency, including the Atomic Energy Commission, as provided for in section 33 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2053) and the Environmental Protection Agency;

"(7) take such steps as may be necessary to coordinate with all public and private agencies so as to avoid unnecessary duplication of environmental research and development activities;

"(8) acquire such site or sites as may be necessary for the location of the Center and the National Environmental Laboratories

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established or designated under paragraph (1) of this subsection;

"(9) acquire, hold, maintain, use, operate, and dispose of any physical facilities, including aircraft, vessels, vehicles and other equipment necessary for the operation of the Center.

"(10) appoint and fix the compensation and duties of a General Manager and such officers of the Center as may be required. The compensation of the General Manager and other such officers shall be fixed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title 5;

"(11) appoint and fix the compensation and duties of a Director or Directors and such other officers as may be necessary to administer any National Environmental Laboratory established pursuant to paragraph (1) of this subsection; and such Director or Directors may be appointed and compensated without regard to such provisions of title 5 of the United States Code; and

"(12) provide for the widest practicable and appropriate dissemination of information concerning its activites and the results thereof, including support for appropriate mechanism of public understanding of environmental issues.

"(b) In designating the primary research program for each National Environmental Laboratory established under paragraph (1) of this subsection, the Board shall consider the general environmental problems related to ecosystem measurement and analysis, recycling materials and pollutants, energy, community restoration and development, transportation, and resource utilization, technology assesement, and long-range environmental planning.

"SEC. 6. Any Director appointed under paragraph (11) of subsection (a) of section 5 of this Act shall be responsible for the management and development of the National Environmental Laboratory for which he is appointed and for the research program that such Laboratory conducts, subject only to the general policy directions provided by the Board pursuant to subsection (a) of section 5 of this Act.

"SEC. 7. The Board shall, in connection with acquisition of any site or sites, provided for in clause (8) of subsection (a) of section 5 of this Act, provide to businesses and residents displaced from any such site or sites relocation assistance, including payments and other benefits, equivalent to that authorized to displaced businesses and residents under the Housing Act of 1949, as amended. In providing such relocation assistance and developing such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

"SEC. 8. The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedures of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

"SEC. 9. (a) There is hereby authorized to be appropriated to the Board $50,000,000 for each of four consecutive fiscal years beginning with the fiscal year ending June 30, 1972, to be deposited in a fund (hereinafter referred to as the "Special Trust Fund") for the perpetual maintenance and support of the long-term research activities of the Center. It shall be the duty of the Board to invest such fund only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of the outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are extended to authorize the issuance at par of public-debt obligations for purchase by the Special Trust Fund. Such obligations issued for purchase by the Special Trust Fund shall have maturities fixed with due regard for the needs of the Special Trust Fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield. The Board may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only where it determines that the purchase of such other obligations is in the public interest. Any obligations acquired by the Special Trust Fund (except public-debt obligations issued exclusively to the Special Trust Fund) may be sold by the Board at the market price, and such public-debt obligations may be redeemed at par plus accrued interest.

"(b) The Board shall, on or before October 1 of each year, submit to the Committees on Appropriations of the House of Representatives and of the Senate a statement of the expenditure, in the preceding fiscal year, of all funds available under subsection (a) of this section.

"(c) In addition to amounts appropriated pursuant to subsection (a) there are authorized to be appropriated for the fiscal year beginning July 1, 1972, $40,000,000, and for the fiscal year beginning July 1, 1973, $80,000,000. Any sums appropriated under authority of this subsection shall remain available until expended.

"SEC. 10. The General Manager of the Center shall transmit annually to the President and to Congress a report which shall set forth, but not be limited to, (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs."

OVERSIGHT STUDY

SEC. 11. The Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to environmental quality, which are conducted, supported, or assisted by all agencies of the Federal Government pursuant to any Federal law or regulation and assess the conflict, coordination, and efficacy of such programs, and make an interim to the Congress thereon by January 1, 1973, and a final report by June 30, 1974.

Mr. BAKER. Mr. President, on this bill there are some amendments made to the original text by the reporting committee and before we proceed to consideration of the bill, I ask unanimous consent that the several committee amendments be considered and agreed to en bloc and that the bill as thus amended be treated as original text for purpose of further amendment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I have a brief statement on the bill which I will abbreviate even further in the interests of saving time.

My understanding is that there is at the desk an amendment to be offered by the distinguished Senator from Oklahoma (Mr. BELLMON) which I find entirely acceptable and to which I am willing to agree, at the appropriate time.

It is also my understanding that the distinguished junior Senator from New York (Mr. BUCKLEY) has an amendment, which is not printed and at the desk but which I have examined and, at the appropriate time, I think, I will find that to be acceptable as well.

Without imposing unduly on the time of the Senate, I want to extend my appreciation to the Committee on Public Works and its staff, especially to its chairman, the distinguished Senator from West Virginia (Mr. RANDOLPH) and the ranking Republican member, the distinguished Senator from Kentucky (Mr. COOPER), for holding extensive hearings on this proposal over a period of time and for permitting the subcommittee and the full committee to consider the proposal fully and to report it for action to the floor of the Senate.

Similarly, I would like to express my appreciation to the majority leadership and the minority leadership for seeing that the bill on the calendar was given the opportunity to be taken up for action this morning. Being late in the session, I am especially mindful of the gratitude that those of us who sponsor this bill owe the joint leadership in making it possible for us to consider the bill at this time.

Now, Mr. President, it is my hope and expectation that the Senate will not be long detained in consideration of this measure. It is, I think, a fairly simple and straightforward piece of legislation. But it is also, in my judgment, an important one.

The committee report on S. 1113 describes in detail the need for this new institutional structure and how the committee hopes that the National Environmental Center will interact with existing public and private efforts in the environmental field.

The bill would create a new Federal agency in Washington D.C., called the National Environmental Center. Policy for the NEC would be established by a seven-man Board of Trustees. The Board would be empowered to name a General Manager of the NEC and such other personnel as may be necessary to carry out the functions of the Center. The Board would be further authorized to establish as many as six independent National Environmental Laboratories—NEL's—each headed by a Director appointed by the Board.

The committee has gone to great length—both in the bill itself and in the committee report—to emphasize its intention that the work of the NEC and the NEL's not be duplicative of the work being done now or in the future by other public and private agencies, groups, institutions, corporations, or individuals.

The committee intends that the NEC and the NEL's should function in such a way as to complement the work of others. In order for this goal to be realized, it is essential that the NEC–NEL structure establish and maintain close formal and informal relationships with others in the field. Toward this end, the NEC and the NEL's should, as a general rule, restrict themselves to the kind of undertakings for which they are particularly well suited—comprehensive, systematic, interdisciplinary research—and leave to the mission-oriented agencies those tasks for which they have been created and for which they, in turn, are best suited—intensive, short-term research and development related to particular environmental problems. Section 10 of the bill authorizes a study by the Comptroller General of the various on-going environmental research and development efforts of existing agencies, with a view toward recommendations from the General Accounting Office as to how actual and potential duplication might be eliminated through the consolidation of functions. It may prove to be the case that some of the activities now being conducted by line agencies would more appropriately be undertaken by the NEC–NEL structure.

The PRESIDING OFFICER (Mr. ALLEN). The time of the Senator from Tennessee has expired.

Mr. BYRD of West Virginia. Mr. President, I yield my 3 minutes to the distinguished Senator, if I may be recognized under the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the distinguished acting majority leader.

Mr. President, the relationship between the NEC–NEL structure and the other environmental entities should not be characterized by competition but by a sort of symbiotic cooperation and cross-fertilization. It is expected that there will be a substantial and continuing interchange of information and personnel among the various institutions carrying out research in the environmental field.

The bill itself seeks to encourage this kind of relationship and to provide the tools necessary for its practical realization. The Board has been given full authority to make and receive grants, enter into contracts, make and receive interagency transfers, and enter into interagency agreements. Thus, the NEC–NEL's should make full use of the personnel and facilities of other agencies and institutions, just as such other agencies and institutions should make full use of the personnel and facilities of the NEC–NEL's. This two-way relationship should not be limited to public agencies at the Federal, State, and local level; it should be extended to private agencies, corporations, and individuals.

In establishing or designating the National Environmental Laboratories authorized by section 5(a)(1) of the bill, the Board may well choose to establish one or more of the NEL's at a site where a public or private facility is already located and in operation, rather than begin from scratch. This would, in the committee's judgment, be entirely appropriate. And there is ample precedent for such an arrangement. The Board has, under the provisions of the bill, full flexibility in this regard, subject only to site approval by the appropriate congressional committees. Through its capacity to enter into leases and other contracts, its authority to make and receive grants and interagency transfers, the Board should be able to make whatever arrangements are necessary, both with regard to physical facilities and personnel, to promptly establish the necessary National Environmental Laboratories.

While it is difficult to overemphasize the need for cooperation and for avoiding duplication, it is also important to emphasize the significant degree of independence that the committee has sought to provide for the NEC and the NEL's. During the course of its hearings on the bill, the committee heard testimony from a number of Federal agencies to the effect that the existing Federal structure possesses the capacity to do the kind of comprehensive, systematic, interdisciplinary work proposed for the NEC–NEL's. Had the committee been persuaded that this was, indeed, the case, it would not have acted favorably on S. 1113. While the committee intends no unfavorable or critical reflection on the competence and dedication of existing agency personnel, the committee does conclude that, by virtue of their very nature, existing mission-oriented agencies cannot and should not be expected to perform the functions envisioned for the NEC–NEL's. It is no criticism of the present or any other administration to observe that the work of mission-oriented agencies is necessarily subject to the program of any given national administration and likely to be concentrated in those areas which most immediately support the regulatory priorities of any given moment.

In order to achieve its intended potential, the NEC–NEL structure, while responsive to the executive and legislative branches, must have a meaningful measure of independence, so that long term, comprehensive needs will not be compromised by the exigencies of the moment. The Board of Trustees is expected to set broad policy guidelines, and the Director of each National Environmental Laboratory is expected to exercise broad discretion over the operations of the NEL for which he is responsible.

It may well be that the Board will choose to charge each NEL established under the Act with a principal or "primary" mission, such as those enumerated in section 5(b) of the bill. Such a primary mission should not restrict the freedom of the Board or the Director of a particular NEL to involve themselves in other areas of exploration.

Another aspect of the bill that is particularly important, Mr. President, is the role of the NEC–NEL in policy formulation. The committee believes that it should be clearly understood that the Congress intends to delegate none of its own policymaking functions to the NEC–NEL's. It is the committee's hope that the work of the NEC–NEL's will greatly facilitate policy determinations in the environmental field by the Congress. But in section 3(b)(3) of the bill the committee seeks to make it explicitly clear, as words can make it clear, that the National Environmental Center and all of its components are not to become proponents or opponents of any potential policy determination. The NEC–NEL's could and should make available to policymakers the likely results of alternative courses of action. But, as the bill states, it is not to be an appropriate function of the NEC–NEL's to advocate any particular course of action. The committee believes that this distinction—however difficult it may be to realize in practice—is of great importance. The usefulness of the NEC–NEL's will be proportionate to their reputation for independence and objectivity. If the NEC–NEL's become involved as advocates, such a reputation will be very difficult to achieve and maintain. I personally would hope that the NEC–NEL's will come to be thought of, much as the Bureau of Standards is, as an agency that can be turned to with a minimum fear of political or ideological bias.

Mr. President, I ask unanimous consent that the general statement of the committee report and a section-by-section analysis of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

The industrial revolution of the last century marked a major turning point in the economic and social history of man's existence. The invention and application of mechanized processes, the division and specialization of labor, the harnessing of new forms of energy, and the utilization of natural resources opened new vistas of economic prosperity. The industrial and technological revolutions have produced—particularly in the Western nations—a remarkably high material standard of living. And the exponential expansion of economic growth has assumed a degree of inevitability.

It became apparent to many—even during its early stages—that this period of unprecedented expansion would not be without its social costs. Dickens and scores of others chronicled the squalid social conditions and labor abuses that frequently characterized urbanized industrial centers and factory towns. Progressive governments undertook efforts to remedy some of the more egregious wrongs that had sprung up in the wake of rapid change. Affirmative legislative acts and the evolution of the common law have increasingly worked to expand and protect the rights of individuals and groups within the framework of a mixed free enterprise economy.

It was not until the decade of the 1960's, however, that the world's industrialized nations began to develop a widespread awareness of the impact of man's activities on the natural environment. Billowing smokestacks—long a symbol of human progress—became a symbol of environmental abuse. Air and water—long treated by the economic system as "free" commodities—began to assume an increasing value.

As public concern about environmental degradation grew, so did the demand for action. During the last decade, the Congress enacted a number of important environmental statutes designed to control and abate various types of insults to segments of the environment, e.g., air pollution, solid waste disposal, pollution of the navigable waterways and the oceans. Although much remains to be done in each of these areas,

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an important and meaningful beginning has been made.

But it has become increasingly apparent that, in the long term, an intelligent relationship between man and his natural environment can only be achieved through a systematic approach. The global ecosystem is precisely that: a system. In this enormously complex network, each subsystem, however subtly, is interconnected with all others. Any action that impacts on one element of the environment can have a discernible effect on seemingly unrelated elements of the same fundamental system. It is not enough, then, to treat air pollution and water pollution as if they were discrete and separable problems. To use a gross example, it has been estimated that as much as 40 percent of the surface pollution of the oceans derives not from the discharge of pollutants directly into the aquatic environment but from the precipitation of air pollutants.

A number of Federal agencies are presently engaged in important research that relates, in varying degrees, to environmental considerations. Examples are the Environmental Protection Agency, the Department of the Interior, the National Aeronautics and Space Administration, the Department of Agriculture, the Department of Housing and Urban Development, the Department of Health, Education and Welfare, the National Science Foundation, and the Atomic Energy Commission. The contribution of these and other public and private research efforts will continue to be of major significance.

But virtually all efforts of this type are necessarily directed to a limited aspect of the environmental problem. This is the expected and appropriate function of a mission-oriented or regulatory agency. It is natural, for example, that the research carried out by the Water Quality Office of EPA should focus on the most immediate problems associated with water pollution, or that the research of the Department of Agriculture should be concentrated on land conservation and practices related to the productive use of agricultural and forest lands.

During the course of its many hearings and investigations on environmental matters over the past 8 years, the Subcommittee on Air and Water Pollution and the Committee on Public Works have repeatedly taken notice of the absence of any single public or private unit with the mandate and the resources to conduct systematic, interdisciplinary research on matters relating to the global environment. The Committee proposes to remedy this perceived deficiency—at least in part—through the establishment of the National Environmental Center and constituent laboratories. As the text of the bill clearly states, the National Environmental Center is not intended to supplant in any way the necessary activities of existing public and private agencies but, rather, to complement those agencies; to provide a process whereby the entire range of environmental research, analysis, and to assure that an assessment can be brought together and viewed as a coherent, systematic whole.

The interdisciplinary nature of the National Environmental Center can scarcely be exaggerated. In assessing the impact of man's activity of the environment, no single discipline can possibly anticipate the full range of effects that any single action or group of actions may have. It is expected that the National Environmental Center would draw on the broadest spectrum of professional competence: physical scientists, economists, lawyers, business executives, agronomists, demographers, sociologists, and historians, to name a few. And the work of these men and women would not be *multi*disciplinary but *inter*disciplinary, that is, a maximum effort must be made for coordination among various disciplines, so that aspects of a given environmental consideration which might escape the notice of one would be embraced by another.

A readily comprehensible example of the kind of question which would lend itself to this sort of interdisciplinary exploration is that of alternative modes of transportation. The decision by a medium-sized city to proceed with a mass-transit system will send ripples out through that community and throughout the society and the economy. If electrically-powered underground transit is selected, regional demands for electrical energy will be affected. In meeting the need for energy, utilities will demand alternative fuel sources which may cause mining coal that may devastate the surface of a distant mountain or a new drain on limited natural gas supplies, or the construction of a nuclear facility with its relatively high waste heat component. The selection of the routes for such a subway system will determine land use, living and employment patterns for years to come. The construction of the system itself requires the commitment of financial, material, and human resources that will affect surrounding markets.

Man-made degradation of the natural environment is not ordinarily malicious; it is the unwanted by-product of the full range of man's search for a richer and fuller life. There is every evidence that economic progress and a quality environment can be made compatible. But precisely because the full range of man's economic and social activity is involved, and precisely because the global ecosystem is a system and not a random collection of separate parts, no quest for harmony between man and his environment is likely to be successful unless it proceeds on a systematic and integrated basis.

SECTION-BY-SECTION ANALYSIS

Section 1. Section 1 would establish the short title of the Act as the "National Environmental Center Act of 1971."

Section 2. Section two provides a detailed statement of congressional findings and declaration setting forth the elements of the environmental problem which the Congress finds support the establishment of an organization with independence and sufficient professional breadth and scope to provide a unified and systematic approach to the problems of environmental quality.

Section 3. Section 3 would establish the National Environmental Center at the seat of government.

Section 4. Subsection 4(a) would establish the Center to be managed and controlled by a Board of seven Trustees appointed by the President with the advice and consent of the Senate to serve terms as designated.

Subsection 4(b) would establish a General Public Advisory Committee to advise the Board of Trustees on scientific and technical matters relating to the environmental research and development program of the National Environmental Center.

Subsection 4(c) would establish a Federal Agency Liaison Committee comprised of representatives of Federal agencies for the purpose of keeping the Board of Trustees fully and currently informed of all relevant activities of Federal agencies and keeping all agencies of the Federal Government fully and currently informed of all activities of the National Environmental Center.

Section 5. Subsection 5(a) would establish the powers and duties of the Board of Trustees to include the designation or establishment of six National Environmental Laboratories in locations subject to the approval, by resolution, of the Committee on Science and Astronautics of the House of Representatives and the Committee on Public Works of the United States Senate; to enter into contractual agreements; to establish affiliation with any existing agency or organization; to establish broad policy and directions for the Center and its Laboratories; to accept gifts for deposit in a fund with public disclosure of gifts over five thousand dollars; to obtain grants and to make grants and contracts with other organizations; to make contracts with, and obtain grants from any Federal agency; to act to avoid duplication of environmental research and development activities; to acquire sites for the location of National Environmental Laboratories; to acquire and hold title to equipment, including aircraft, vehicles, and vessels; to appoint a General Manager of the Center for administrative purposes; and to appoint and fix compensation for Directors of each national laboratory and such other officers as may be necessary.

Subsection (b) describes general areas of environmental concern which the Board shall consider at the time of designating the primary research program for any laboratory established.

Section 6 sets forth the requirements and duties of the Directors of each National Laboratory established by the Board of Trustees.

Section 7 provides authority for relocation assistance in the event of land acquisition for the National Environmental Laboratory.

Section 8 provides general authority for the establishment of by-laws, rules and regulations for the administration of the Center and the Laboratories.

Section 9. Subsection (a) establishes authority to create a special trust fund for the long-term endowment of the Center. There is authorized to be appropriated $50 million for each of four consecutive fiscal years with such appropriations available only to invest in interest bearing obligations of the United States.

Subsection (b) requires the Board to transmit to the Committee on Appropriations of the House of Representatives and the Senate, a statement of the expenditures of any funds derived from the special trust fund.

Subsection (c) authorizes the appropriation of $40 million in fiscal year 1973 and $80 million in fiscal year 1974 for the operation of the Center and the National Environmental Laboratories.

Section 10. Section 10 requires the General Manager of the Center to transmit annually to the President and to the Congress a report setting forth the expenditures of the Center and a description of the research programs undertaken by the Center.

Section 11. Section 11 would mandate the Comptroller General to conduct a study of the environmental research activities of all agencies of the Federal Government and furnish Congress with an assessment of conflict, overlap, and coordination.

COMPREHENSIVE ENVIRONMENTAL RESEARCH MOVES AHEAD

Mr. RANDOLPH. Mr. President, today the Senate will authorize a giant step forward in the struggle to solve our Nation's environmental problems. S. 1113, the National Environmental Center Act of 1971, when enacted, will assure a far more systematic approach toward combating the problems which cause the deterioration of the world around us.

There is ample evidence that no single public or private agency has the authority, the resources, and the manpower to conduct systematic interdisciplinary research on environmental matters such as is envisioned by this legislation. The establishment of the National Environmental Center will provide such a capability. This center and its constituent laboratories will complement the existing functions of public and private agencies by providing a process whereby the whole range of environmental research can be brought together and studied as a coherent, systematic whole.

Mr. President, this legislation was primarily sponsored by Senator HOWARD BAKER of Tennessee and Senator EDMUND MUSKIE of Maine. While I joined them in this endeavor and the Committee on Public Works devoted much time and thought to the subject of national environmental laboratories, it was these two Senators who formulated the initial legislation and guided it through the committee. Their efforts deserve the highest praise.

Mr. President, this legislation is added evidence of the commitment of the members of the Committee on Public Works and its Subcommittee on Air and Water Pollution to the development of adequate legal authority and effective institutions to clean up the Nation's environment.

I hope that final action will be taken on National Environmental Center legislation at an early date.

Mr. COOPER. Mr. President, I support the action the Senate takes today on the bill, S. 1113, to establish an independent and integrated environmental research capability.

Mr. President, all of us are aware of the dimensions of the environmental problem. Air and water pollution and solid waste disposal problems face all of us every day. To these problems are now added issues related to energy, to transportation, to urban deterioration, to surface mining, and on and on. All of these great issues are interrelated and yet nowhere in our Government is there any substantive capability to undertake interdisciplinary research on these issues and on their direct and indirect effects. The bill, S. 1113, would provide such capability.

Mr. President, with this bill the Senate reaches a new level of awareness of the environmental problem. We are beginning to hear more and more that the problems of the environment cannot be solved quickly or easily. There can be no doubt about their complexity, nor any doubt about the high cost of remedies. It is clear we must examine the true causes of environmental problems and relate public policy to those causes.

We have all often heard the rhetoric of the need for change to solve the environmental problems. Yet, Mr. President, we still have very little knowledge or evidence on what directions that change would follow. In large measure, an inadequate research and analysis base underlies that uncertainty.

It is to be hoped that by creating an independent staffed and funded research institution, this Nation will be able to begin to generate the kind of research, analysis, and assessment which should provide new insights into the nature of the problem and assist in the development of guidelines for the establishment of policy to resolve them.

The bill, S. 1113, is largely the product of Senator HOWARD BAKER, who since the beginning of his service on the Subcommittee on Air and Water Pollution has emerged as one of the truly strong forces in the development of the congressional response to environmental problems. Senator BAKER brings to the Senate a combination of an outstanding legal mind supported by a background in engineering. He has become an excellent legislator.

It is entirely fitting that the President selected Senator BAKER to serve as chairman of the Citizens Advisory Committee to the Secretary of State in preparation of the U.S. position for the United Nations Conference on the Environment to be held next spring. Senator BAKER has accumulated a wealth of knowledge and experience on environmental issues. The bill, S. 1113, is a testament to his outstanding expertise.

S. 1113, is the product of an extensive study by the Committee on Public Works. The bill was originally introduced in the 91st Congress following the submission of a special report to Senators BAKER and MUSKIE by an interdisciplinary task force at Oak Ridge National Laboratory. During the second session of the 91st Congress, Senators BAKER and MUSKIE solicited comments on the proposal from a large number of persons and organizations familiar with problems related to environmental research. These responses were printed in a publication of the committee.

These two Senators, now along with 43 additional cosponsors, reintroduced the environmental research proposal, S. 1113, in this Congress. Six days of hearings were held by the subcommittee and additional material was solicited, especially from Government agencies.

The need for the independent institution which would be created in the bill, S. 1113, is clearly established. The Congress must provide for an organization with a mandate to perform large scale interdisciplinary research on environmental issues. The Nation cannot rely upon existing mission or regulatory agency research on environmental issues. The environmental research envisaged in S. 1113 cuts across all agency lines and, indeed, will cut across national boundaries. Any agency which is going to perform research which will have global implications must be independent and be completely immune from allegations of nonobjectivity; allegations which would normally flow if the organization were part of an existing mission agency or agencies. S. 1113 is structured to prevent these allegations from arising in fact, or in theory. Several provisions, in addition to structural independence—such as public disclosure requirements or research activities and funding sources are specifically included in the bill for this purpose.

Mr. President, in testifying before the committee, Dr. Roger Revelle, on behalf of the National Academy of Science/National Academy of Engineering states:

> Since that time, we have done more thinking on this question, and we would say that the National Environmental Laboratory, as you have envisioned it, would be a valuable part of the national program for environmental maintenance and improvement, provided it had three unique characteristics.
>
> The first would be that it should combine the *natural and social sciences*. The staff should not consist only of physical scientists or biologists and engineers, but also there should be economists and specialists in human problems, because the basic environmental questions, as you gentlemen well realize, are problems of the interactions between people and their environment.
>
> Second, it should have a combination of *scientific research and engineering development*. Not just one or the other, but both research and at least preliminary or exploratory development.
>
> Third, it should combine in-house research and engineering development, and support of what one might call out-house research and engineering; that is, university research, research by other laboratories, and support of preliminary developments by industry.

Mr. President, the bill S. 1113, provides the characteristics described by Dr. Revelle. Particularly emphasized is the interdisciplinary character of the research. In addition Dr. Revelle strongly supported the independence of the National Environmental Center in his concluding remarks:

> Finally, I would agree that an independent status for the Laboratory as envisioned in S. 1113 would in fact give it flexibility, responsiveness, and visibility, and would insure that it looks dispassionately, disinterestedly, and with a sufficiently broad view at environmental problems.

I want to commend Senator BAKER and Senator MUSKIE and Senator RANDOLPH and all the members of the Subcommittee on Air and Water Pollution and the Committee on Public Works, and the staff, for their outstanding work in bringing this bill to the Senate.

The PRESIDING OFFICER (Mr. ALLEN). The bill is open to further amendment.

Mr. BELLMON. Mr. President, I have an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to state the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 783) reads as follows:

On page 1, between lines 2 and 3, insert the following:

"TITLE I".

On page 1, line 3, strike out "That this Act" and insert in lieu thereof "SECTION 1. This title".

On page 5, line 13, strike out "Act" and insert in lieu thereof "title".

On page 5, line 20, strike out "Act" and insert in lieu thereof "title".

On page 7, line 6, strike out "Act" and insert in lieu thereof "title".

On page 7, line 13, strike out "Act" and insert in lieu thereof "title".

On page 10, line 17, strike out "Act" and insert in lieu thereof "title".

On page 12, line 20, strike out "Act" and insert in lieu thereof "title".

On page 13, line 2, strike out "Act" and insert in lieu thereof "title".

On page 13, line 5, strike out the word "Act" and insert in lieu thereof "title".

On page 13, line 2, strike out "Act" and insert in lieu thereof "title".

On page 16, after line 19, add the following new title:

"TITLE II

"SEC. 201. (a) This title may be cited as the 'State Environmental Center Act of 1971'.

"(b) The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of research, investigations, and experiments relating to the environment, to provide for concentrated study of environmental problems of particular importance to the several States, to provide for the widest possible dissemination of environmental information,

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and to assist in the training of professionals in fields related to the protection and enhancement of the Nation's natural environment.

"SEC. 202. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to as the Administrator) is authorized to establish or designate within each State one State environmental center.

"(b) Each State environmental center established or designated pursuant to subsection (a) of this section shall be located at that college or university in each State now receiving, or which may hereafter receive, the benefits of the Act of July 2, 1862, as amended, except that in any State in which two or more such colleges or universities have been or hereafter may be established, the State environmental center shall be located at one of such institutions designated by the Governor of such State.

"(c) Each State environmental center shall—

"(1) have a nucleus of administrative, professional, scientific, and technical personnel capable of planning, coordinating, and directing comprehensive research programs and the other activities necessary to carry out the purposes of this title;

"(2) assist and coordinate the research and education capability of educational institutions and other appropriate institutions with the State;

"(3) be authorized to make grants to, contract with, providing matching funds to, and enter into other arrangements with educational institutions, foundations, private organizations, and individuals whose training, experience, and qualifications are such as to contribute to the work of the State center in furthering the purposes of this title; and

"(4) be authorized to contract with, make grants to, and accept grants from local, State, and Federal agencies for the purpose of undertaking research, investigations, experiments, and any other activities related to the environment and consistent with the purposes of this title.

"SEC. 203. (a) In order to aid in diffusing among the people of the United States useful and practical information on subjects relating to the enhancement of the Nation's natural environment, each State environmental center designated or established pursuant to section 202 of this title shall have as one of its principal functions an education extension program.

"(b) The work of the education extension program of each State environmental center shall be directed toward, but not limited to—

"(1) the general public;

"(2) units of government, including local, State, and Federal;

"(3) business, industry, and commercial establishments; and

"(4) civic, fraternal, and other public interest groups.

"(c) The education extension program of each State environmental center shall provide a full range of educational and communications services, including—

"(1) workshops, seminars, clinics, courses, field trips, and demonstrations;

"(2) the publication of materials, including bulletins, fact sheets, monographs, and other appropriate matter; and

"(3) a reference service to facilitate the rapid identification, acquisition, retrieval, and use of environmental information.

"SEC. 204. (a) The Administrator shall promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this title.

"(b) Each State environmental center shall transmit annually to the Administrator a report which shall set forth, but not be limited to, (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs.

"SEC. 205. (a) There is authorized to be appropriated for the fiscal year beginning July 1, 1972, $6,250,000, of which $125,000 shall be made available by the Administrator to each State environmental center; for the fiscal year beginning July 1, 1973, $6,750,000, of which $175,000 shall be made available by the Administrator to each State environmental center; and for the fiscal year beginning on July 1, 1974, and for each fiscal year thereafter, $12,500,000, of which $250,000 shall be made available by the Administrator to each State environmental center.

"(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated for the fiscal year beginning July 1, 1972, and for each fiscal year thereafter, $10,000,000, which shall be allocated among the States on the basis of population: *Provided*, That sums allocated under this subsection shall be made available only to State environmental centers in those States which provide $1 for each $2 provided under this subsection."

Mr. BELLMON. Mr. President, I thank my distinguished friend, the Senator from Tennessee (Mr. BAKER), for his comments and also congratulate him for having taken the leadership in the developing of S. 1113.

Mr. President, I consider this measure to be one of the most important pieces of legislation we have had before the Senate this year. I hope that the amendment, if agreed to, will strengthen the bill in some way.

The purpose of this amendment is to add an additional component to those laboratories established by the original bill.

The amendment accomplishes two things. First, it authorizes the establishment of an environmental center in each of the 50 States, to be located at a land grant institution. The purpose of this center is to carry out research, planning, and education on environmental questions.

Many environmental problems are peculiar to one locality, or to a limited geographic area. The establishment of a State center, to provide a research facility to solve that local problem, is of prime importance. In addition, the State center will provide a working facility to augment, supplement, and localize work done in the regional laboratory.

The second aspect of my amendment to S. 1113 is the technology transfer component established with each State center. The term technology transfer refers to the dissemination of information and education of the general public, as well as persons who need accurate environmental knowledge to meet their responsibilities in government and industry. Such technology transfer is an essential element to guarantee the effectiveness of a regional laboratory or a State center. I would equate this component to the extension service of the Department of Agriculture, created by the Morrill Act. This program has developed and disseminated a wealth of knowledge, not only in agriculture, but in practically every field of endeavor. This amendment will build upon and broaden a system that has already proven itself by a long period of service.

This amendment is the same as S. 681, now before the Interior and Insular Affairs Committee. S. 681 complements S. 1113, and it seems highly appropriate to attach it as an amendment.

The purpose is to provide a mechanism to continually monitor environmental matters.

An environmental crisis crept upon this Nation in recent years. This legislation is intended to help avoid such a development again. It will furnish a means and a system to solve the problems as they arise, so that they never reach a crisis level again.

I congratulate the distinguished senior Senator from Tennessee (Mr. BAKER) for his leadership in introducing S. 1113 and I hope that he will see fit to accept the amendment.

Mr. BAKER. Mr. President, I am delighted to accept the amendment. I commend the Senator from Oklahoma for his efforts. The Senator is entirely correct. His amendment will both strengthen and improve S. 1113.

I am delighted to accept the amendment.

I ask the Senator from Oklahoma if, in the vein of strengthening the bill, he would not agree that one appropriate function of the State environmental centers might be the giving of advice and guidance to Governors and State legislatures on such matters.

Mr. BELLMON. The Senator is correct. It is my opinion that because of the urgency of the environmental issue and because of the tremendous emotion that surrounds the environment, there are many units of government that have to make decisions and take action to police the environmental problems when, in some cases, they do not have access to the basic knowledge and information that they need.

Mr. BAKER. I am delighted to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BAKER. Mr. President, as I stated earlier, I understand that the junior Senator from New York has an amendment that he may desire to offer to the bill. I have examined the amendment, I find it acceptable. If he cares to offer it at this time, I would be glad to consider it further.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BUCKLEY. Mr. President, I thank the Senator from Tennessee. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 4, line 21, after the word "and" insert the following new subparagraph:

(E) the development of comprehensive mechanisms for measuring the total social, environmental and economic costs and benefits of human activities, so as to provide an objective basis for choosing between alternative courses of action which affect the environment; and

Mr. BUCKLEY. Mr. President, the purpose of my amendment is to direct the Board of Trustees of the centers to establish as one of its first research objectives the development of mechanisms for the assessment of the cost-benefit and risk-benefit tradeoffs of human activities as they affect the environment.

This year and last, the Senate has adopted sweeping legislation designed to reduce the pollution of our air and water to the extent feasible. In the Federal Water Pollution Control Amendments of 1971, in fact we have set as our goal—or more accurately, as our ideal—the elimination of the discharge of all pollutants into our navigable waters by 1985, except in instances where the "social and economic benefits" to be derived from the imposition of this standard will not justify the "social and economic costs" which would have to be incurred in order to eliminate such discharges. This legislation, however, has had to beg a rather substantial question; namely, just how do we go about measuring "social"—which in the context includes environmental—costs and benefits with sufficient precision to make the necessary judgments? To the extent that we do not have at our disposal widely accepted techniques for making such measurements, to that extent must we rely on what in the last analysis will be the subjective judgments of the Administrator of the Environmental Protection Agency.

One of the difficulties which we face at the present time is that our normal systems of accounting cannot accommodate commodities whose cost and values are not known. While we now generally accept the more enlightened concept that air and water cannot any longer be considered "free," we have not yet achieved any clear idea as to how we can place a cost figure on a given volume of air or water which is returned to the atmosphere or to a stream with impurities added. A system of "accounting" for the environment is rendered especially difficult to achieve because so many of the problems deal with effects separated by time and place from the specific action which is taken.

The PRESIDING OFFICER. The time for the transaction of routine morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for an additional 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, given the complexity and novelty of the problems which are involved, it will undoubtedly take years of intensive effort to develop generally accepted mechanisms for measuring these cost/benefit tradeoffs in a sufficiently comprehensive manner. In the meantime, we will be operating very much in the dark and will have to rely on largely arbitrary laws and regulations which will inevitably prove to have been unnecessarily costly and insufficiently effective. Until we have at our disposal the tools for making reasonably objective choices between environmental alternatives, we will inevitably find ourselves in the unhappy, and potentially dangerous, position of having to place extraordinary reliance on the judgment of a handful of individuals who will have the power of economic life and death over any number of businesses and communities.

Mr. President, we cannot begin too soon to launch an intensive effort to develop these techniques. I believe that the National Environmental Centers contemplated by the legislation before us will provide us with an ideal vehicle for the achievement of this essential goal.

I want to say that we need this tool if we are to provide ourselves with an efficient, effective, and generally acceptable technique for making decisions with respect to the environment.

Mr. President, I believe the measure of the Senator from Tennessee provides us with the proper vehicle for undertaking the kind of decisions that we need to make. I commend the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the distinguished Senator from New York for his contribution in this respect. I know of no further amendments to the bill.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator yield?

Mr. BAKER. I would be happy to yield to the distinguished assistant majority leader.

Mr. BYRD of West Virginia. Mr. President, would the distinguished Senator advise the Senate as to whether or not the amendments which have been offered today by the Senator from Oklahoma and the Senator from New York are acceptable to the distinguished chairman of the Committee on Public Works, Mr. RANDOLPH, and other Members on this side of the aisle.

Mr. BAKER. The Bellmon amendment has been considered extensively, and it is my understanding that both majority and minority members on the Committee on Public Works agree in principle and to the content of the Bellmon amendment, which is somewhat different from the way it was originally introduced; so I think it is fair to say that there is general agreement on the Bellmon amendment.

The Buckley amendment is entirely acceptable to the Senator from Tennessee. I received the amendment only this morning, although I had received information it was to be called up.

At this time I am attempting to check to determine if the distinguished chairman of the Committee on Public Works is agreeable to the amendment. May I at this point suggest a brief quorum to check on the matter?

Mr. BYRD of West Virginia. Would this suggestion be agreeable: That we pass the bill and that we not ask that it be reconsidered? This would give the distinguished Senator an opportunity to check into the matter. If a Senator desires to have it reconsidered, it could be then done.

Mr. BAKER. We can do that. However, I see that my staff assistant has returned. If we may have just a moment I will check.

The PRESIDING OFFICER. The Buckley amendment has not been agreed to.

Mr. BAKER. I understand. I suggest the absence of a quorum at this time.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BAKER. Mr. President, is my understanding correct that the pending question before the Senate is the Buckley amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. It is my understanding that the position of the distinguished senior Senator from West Virginia, who is chairman of the Committee on Public Works, is that he would not object to this amendment. I have no further comments to make at this time.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. BUCKLEY).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1113

An act to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 1. This title may be cited as the "National Environmental Center Act of 1971".

SEC. 2. (a) The Congress finds—

(1) that global environment is presently experiencing a rapid deterioration of quality and depletion of resources;

(2) that the environmental resources of the Nation are finite;

(3) that the demands of a growing population and an increasing material standard of living will place an additional burden upon the capacity of the environment;

(4) that the optimum allocation and use of our limited environmental resources will require the maximum use of scientific principles to restore and enhance the health, diversity, beauty, and capacity of the environment for perpetuity;

(5) that the development and application of technologies has often created unintended ecological, economic, and social effects which have a profound impact on the environment;

(6) that new and existing technologies must be assessed on a timely basis in order to detect, predict, and prevent or minimize

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the detrimental effects these may have on the ecosystem including man;

7) that the amelioration and prevention of environmental problems depend on a thorough understanding of the complex interactions among the human, natural, and technological components of the ecosystem, thereby requiring multidisciplinary research and analysis of the total environment;

8) that while the established departments and mission-oriented agencies make and will continue to make valuable contributions in specialized research and development, they lack authority and organization to deal comprehensively with the interconnected problems of the environment; and

9) that a complete and thorough understanding of the ecosystem cannot be accomplished through fragmented application of specialized research and development efforts but rather requires a unity of effort and emphasis which is focused on the restoration and enhancement of the total environment.

b) The Congress declares—

1) that to assist in the effort to restore and enhance the global environment and to minimize future damage to that environment, it is necessary to establish a new organization with sufficient professional breadth and scope to provide a unified and systematic approach to the problems of technology assessment, resource utilization and environmental quality; that such an organization will complement but not supplant those public and private agencies presently dealing with various aspects of the environment; and

2) that the organization will conduct basic research, development, and analysis of human and natural activities affecting the environment, including resource utilization and perform other necessary functions which shall include but not be limited to (A) data collection, storage, and dissemination, data analysis and synthesis, the development of methods and devices, and objective analysis of various environmental and resource use policy alternatives; (B) training and education conducted through and jointly with other institutions, including universities and colleges; (C) the formulation of, and where appropriate, the development, testing, and demonstration of, alternative solutions to existing and probable environmental insults; (D) the performance of other functions to assist public and private agencies and persons in the restoration, enhancement, and protection of the environment and conservation of resources; and (E) the development of comprehensive mechanisms for measuring the total social, environmental and economic costs and benefits of human activities, so as to provide an objective basis for choosing between alternative courses of action which affect the environment; and

(3) that it shall not be an appropriate function for the organization or of any of its constituent parts of representatives to make specific recommendations as to policy or choices between alternative courses of action, whether at its own initiative or upon request, but that the organization may, upon request, make available expert testimony and other information and present various alternative courses of action and describe the probable results of each such course of action.

(4) that the organization shall be located and operated in a manner to avoid overlap and conflict with existing public and private research agencies and organizations and, to the maximum extent possible, the organization shall draw upon the expertise of and affiliate with such existing agencies and organizations in carrying out its duties and responsibilities under this title.

SEC. 3. There is established at the seat of government a National Environmental Center and a Board of Trustees of the Center (hereinafter referred to as the "Center" and the "Board") whose duty it shall be to maintain and administer the Center and site or sites thereof, and to execute other functions as are vested in the Board by section 4 of this title.

SEC. 4. (a) (1) The Board shall be composed of seven members appointed by the President from the public, by and with the advice and consent of the Senate. Not more than four of such members of the Board may be members of the same political party.

(2) Each member of the Board appointed under subsection (a) of this section shall serve for a term of six years from the expiration of his predecessor's term except that (A) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (B) the terms of office of such members first taking office shall begin seven days after approval by the Senate as provided in paragraph (1) of this subsection; and shall expire, as designated by the President at the time of appointment, two at the end of two years, two at the end of four years, and three at the end of six years. No member of the Board shall be eligible to serve in excess of two terms, except that the member whose term has expired may serve until his successor has qualified.

(3) The President shall designate a Chairman and a Vice Chairman from among the members of the Board chosen from the public.

(4) The Board shall keep the Congress fully and currently informed with respect to all of the Board's activities.

(b) There shall be established a General Public Advisory Committee to advise the Board on scientific and technical matters relating to environmental research and development pursuant to this title, to be composed of nine members, who shall be appointed from the public by the President. Each member shall hold office for a term of six years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after the date of enactment of this title shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after such date. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their traveling and other expenses while engaged in the work of the Committee.

(c) There is established a Federal Agency Liaison Committee consisting of—

(1) a Chairman, who shall be the Administrator of the Environmental Protection Agency; and

(2) a representative or representatives from (A) the Council on Environmental Quality, (B) the Department of the Interior, (C) the National Science Foundation, (D) the Department of Agriculture, (E) the Department of Commerce, (F) the National Aeronautics and Space Administration, (G) the Department of Defense, (H) the Atomic Energy Commission, (I) the Smithsonian Institution, and (J) the Department of Health, Education, and Welfare, and who will serve without additional compensation.

(3) The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence.

(4) Each member of the Committee shall keep the Department or Agency which such member represents fully and currently informed of all the activities of the National Environmental Center.

(5) The head of each Department or Agency represented on the Committee shall keep the Board fully and currently informed on all matters within such Department or Agency which relate to the activities of the National Environmental Center.

SEC. 5. (a) In administering the Center, the Board shall have all necessary and proper powers which shall include, but not be limited to, the power to—

(1) (A) designate or establish not to exceed six National Environmental Laboratories with the geographical distribution of any such Laboratories determined by the Board after consideration of the criteria set forth in subparagraph (B) of this section;

(B) The Board shall not designate or establish the location of any National Environmental Laboratory until such location has been approved by resolutions adopted in substantially the same form by the appropriate Committee of the House of Representatives and by the Committee on Public Works of the Senate. For the purpose of securing consideration of such approval the Board shall transmit to the Congress a prospectus of the proposed location including (but not limited to)—

(i) a brief description of the location;

(ii) an estimate of the maximum cost of the location; and

(iii) a statement of justification for such location.

(2) enter into agreements to establish various degrees of affiliation with existing agencies and organizations;

(3) establish broad policy directions for the Center;

(4) solicit, accept, and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Center and any National Environmental Laboratory designated or established under paragraph (1) of this subsection, and any such money, securities, or other property shall, upon receipt, be deposited into a special fund administered by the Board for the purposes of the Center and the source, amount, and restrictions of any gift, bequest or devise of money, securities, or other property in excess of $5,000 fair market value shall be included in the annual report required under section 10 of this title;

(5) obtain grants from, make contracts to, and make contracts with, State, local, and private agencies, organizations, institutions, and individuals;

(6) obtain grants from, and make contracts with any Federal agency, including the Atomic Energy Commission, as provided for in section 33 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2053) and the Environmental Protection Agency;

(7) take such steps as may be necessary to coordinate with all public and private agencies so as to avoid unnecessary duplication of environmental research and development activities;

(8) acquire such site or sites as may be necessary for the location of the Center and the National Environmental Laboratories established or designated under paragraph (1) of this subsection;

(9) acquire, hold, maintain, use, operate, and dispose of any physical facilities, including aircraft, vessels, vehicles and other equipment necessary for the operation of the Center.

(10) appoint and fix the compensation and duties of a General Manager and such officers of the Center as may be required. The compensation of the General Manager and other such officers shall be fixed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title 5;

(11) appoint and fix the compensation and duties of a Director or Directors and such other officers as may be necessary to administer any National Environmental Laboratory established pursuant to paragraph (1) of this subsection; and such Director or Directors may be appointed and compensated without regard to such provisions of title 5 of the United States Code; and

(12) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof, including support for appropriate mechanism of public understanding of environmental issues.

(b) In designating the primary research program for each National Environmental Laboratory established under subsection (a) (1) of this section, the Board shall consider the general environmental problems to ecosystem measurement and analysis, recycling materials and pollutants, energy, community restoration and development, transportation, and resource utilization, technology assessment, and long-range environmental planning.

SEC. 6. Any Director appointed under paragraph (11) of subsection (a) of section 5 of this title shall be responsible for the management and development of the National Environmental Laboratory for which he is appointed and for the research program that such Laboratory conducts, subject only to the general policy directions provided by the Board pursuant to subsection (a) of section 5 of this title.

SEC. 7. The Board shall, in connection with acquisition of any site or sites, provided for in clause (8) of subsection (a) of section 5 of this title, provide to businesses and residents displaced from any such site or sites relocation assistance, including payments and other benefits, equivalent to that authorized to displaced businesses and residents under the Housing Act of 1949, as amended. In providing such relocation assistance and developing such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

SEC. 8. The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this title, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedures of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

SEC. 9. (a) There is hereby authorized to be appropriated to the Board $50,000,000 for each of four consecutive fiscal years beginning with the fiscal year ending June 30, 1972, to be deposited in a fund (hereinafter referred to as the "Special Trust Fund") for the perpetual maintenance and support of the long-term research activities of the Center. It shall be the duty of the Board to invest such fund only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of the outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are extended to authorize the issuance at part of public-debt obligations for purchase by the Special Trust Fund. Such obligations issued for purchase by the Special Trust Fund shall have maturities fixed with due regard for the needs of the Special Trust Fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield. The Board may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only where it determines that the purchase of such other obligations is in the public interest. Any obligations acquired by the Special Trust Fund (except public-debt obligations issued exclusively to the Special Trust Fund) may be sold by the Board at the market price, and such public-debt obligations may be redeemed at par plus accrued interest.

(b) The Board shall, on or before October 1 of each year, submit to the Committees on Appropriations of the House of Representatives and of the Senate a statement of the expenditure, in the preceding fiscal year, of all funds available under subsection (a) of this section.

(c) In addition to amounts appropriated pursuant to subsection (a) there are authorized to be appropriated for the fiscal year beginning July 1, 1972, $40,000,000, and for the fiscal year beginning July 1, 1973, $80,000,000. Any sums appropriated under authority of this subsection shall remain available until expended.

SEC. 10. The General Manager of the Center shall transmit annually to the President and to Congress a report which shall set forth, but not be limited to, (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs.

OVERSIGHT STUDY

SEC. 11. The Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to environmental quality, which are conducted, supported, or assisted by all agencies of the Federal Government pursuant to any Federal law or regulation and assess the conflict, coordination, and efficacy of such programs, and make an interim report to the Congress thereon by January 1, 1973, and a final report by June 30, 1974.

TITLE II

SEC. 201. (a) This title may be cited as the "State Environmental Center Act of 1971."

(b) The purposes of this title are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of research, investigations, and experiments relating to the environment, to provide for concentrated study of environmental problems of particular importance to the several States, to provide for the widest possible dissemination of environmental information, and to assist in the training of professionals in fields related to the protection and enhancement of the Nation's natural environment.

SEC. 202. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to as the Administrator) is authorized to establish or designate within each State one State environmental center.

(b) Each State environmental center established or designated pursuant to subsection (a) of this section shall be located at that college or university in each State now receiving, or which may hereafter receive, the benefits of the Act of July 2, 1862, as amended, except that in any State in which two or more such colleges or universities have been or hereafter may be established, the State environmental center shall be located at one of such institutions designated by the Governor of such State.

(c) Each State environmental center shall—

(1) have a nucleus of administrative, professional, scientific, and technical personnel capable of planning, coordinating, and directing comprehensive research programs and the other activities necessary to carry out the purposes of this title;

(2) assist and coordinate the research and education capability of educational institutions and other appropriate institutions with the State;

(3) be authorized to make grants to, contract with, providing matching funds to, and enter into other arrangements with educational institutions, foundations, private organizations, and individuals whose training, experience, and qualifications are such as to contribute to the work of the State center in furthering the purposes of this title; and

(4) be authorized to contract with, make grants to, and accept grants from local, State, and Federal agencies for the purpose of undertaking research, investigations, experiments, and any other activities related to the environment and consistent with the purposes of this title.

SEC. 203. (a) In order to aid in diffusing among the people of the United States useful and practical information on subjects relating to the enhancement of the Nation's natural environment, each State environmental center designated or established pursuant to section 202 of this title shall have as one of its principal functions an education extension program.

(b) The work of the education extension program of each State environmental center shall be directed toward, but not limited to—

(1) the general public;

(2) units of government, including local, State, and Federal;

(3) business, industry, and commercial establishments; and

(4) civic, fraternal, and other public interest groups.

(c) The education extension program of each State environmental center shall provide a full range of educational and communications services, including—

(1) workshops, seminars, clincs, courses, field trips, and demonstrations;

(2) the publication of materials, including bulletins, fact sheets, monographs, and other appropriate matter; and

(3) a reference service to facilitate the rapid identification, acquisition, retrieval, and use of environmental information.

SEC. 204. (a) The Administrator shall promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this title.

(b) Each State environmental center shall transmit annually to the Administrator a report which shall set forth, but not be limited to, (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs.

SEC. 205. (a) There is authorized to be appropriated for the fiscal year beginning July 1, 1972, $6,250,000, of which $125,000 shall be made available by the Administrator to each State environmental center; for the fiscal year beginning July 1, 1973, $8,750,000, of which $175,000 shall be made available by the Administrator to each State environmental center; and for the fiscal year beginning on July 1, 1974, and for each fiscal year thereafter $12,500,000, of which $250,000 shall be made available by the Administrator to each State environmental center.

(b) In addition to the sums authorized by subsection (a) of this section, there is

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further authorized to be appropriated for the fiscal year beginning July 1, 1972, and for each fiscal year thereafter, $10,000,000, which shall be allocated among the States on the basis of population: *Provided*, That sums allocated under this subsection shall be made available only to State environmental centers in those States which provide $1 for each $2 provided under this subsection.

Mr. COOPER subsequently said: Mr. President, as in legislative session, I ask unanimous consent that the Secretary of the Senate be permitted to make technical changes in S. 1113, the National Environmental Center Act of 1971, passed by the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1972 (S. Doc. No. 92-46)

A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1972, in the amount of $4,051,095, for the legislative branch (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

TRANSPORTATION OF DEPENDENTS OF CERTAIN MILITARY PERSONNEL

A letter from the Secretary of the Army submitting proposed legislation to authorize the transportation of dependents of certain military personnel to and from rest and recuperation centers, and for the payment of per diem allowances for such dependents and for other purposes (with accompanying papers); to the Committee on Armed Services.

ADJUSTMENT OF CHARGES AGAINST TRIBES OF INDIANS

A letter from the Assistant Secretary of the Interior submitting, pursuant to law, one order and supporting documents covering cancellations and adjustments of reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

A letter from the secretary of the DAR submitting, pursuant to law, the annual report of that society for the year ended March 1, 1970 (with accompanying papers); to the Committee on Rules and Administration.

CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

A letter from the president of Gallaudet College, Washington, D.C., submitting the proceedings of the convention held at Little Rock, Ark., June 25–July 2, 1971 (with accompanying papers); to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FONG (for Mr. McGEE) from the Committee on Post Office and Civil Service, with an amendment:

S. 889. A bill to restore the postal service seniority of Elmer Erickson (Rept. No. 92-559); and

S. 1031. A bill to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement (Rept. No. 92-560).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. Con. Res. 26. A concurrent resolution on national American Indian and Alaska Natives policy (Rept. No. 92-561).

By Mr. TUNNEY, from the Committee on the District of Columbia, with an amendment:

S. 2677. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia (Rept. No. 92-562).

By Mr. TUNNEY, from the Committee on the District of Columbia, with amendments:

S. 2429. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes (Rept. No. 92-563).

REPORT ON ADMINISTRATIVE PRACTICE AND PROCEDURE—REPORT OF A COMMITTEE (S. REPT. NO. 92-558)

Mr. KENNEDY, from the Committee on the Judiciary, pursuant to Senate Resolution 333, 91st Congress, second session, submitted a report entitled "Administrative Practice and Procedure," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Mrs. Betty Crites Dillon, of Indiana, the representative of the United States of America on the Council of the International Civil Aviation Organization, to serve on the Council with the rank of Minister;

Robert Foster Corrigan, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Rwanda; and

William A. Stoltzfus, Jr., of New Jersey, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary to the State of Kuwait, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the State of Bahrain and to the State of Qatar.

ENROLLED BILLS SIGNED

The President pro tempore on today, December 7, 1971, signed the following enrolled bills which had previously been signed by the Speaker of the House of Representatives:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands;

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations;

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. An act to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes.

H.R. 8689. An act to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek;

H.R. 9097. An act to define the terms "widow," "widower," "child," and "parent," for servicemen's group life insurance purposes;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV;

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service insurance;

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of National Service Life Insurance policies to insurance on a modified life plan with reduction at age 70.

H.R. 11651. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. DOLE (for himself and Mr. PEARSON):

S. 2960. A bill to amend the Watershed Protection and Flood Prevention Act so as to provide necessary assistance in connection with rural development. Referred to the Committee on Agriculture and Forestry.

By Mr. RIBICOFF:

S. 2961. A bill to remove impediments to commerce among the States by prohibiting the States from imposing certain discriminatory taxes upon insurance corporations carrying on interstate commerce. Referred to the Committee on Commerce.

By Mr. JAVITS (for himself and Mr. HART, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. CRANSTON, Mr. EAGLETON, Mr. JACKSON, Mr. KENNEDY, Mr. MCGOVERN, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. STAFFORD, Mr. STEVENSON, and Mr. TUNNEY):

S. 2962. A bill to amend the Manpower Development and Training Act of 1962 to provide financial assistance for a special manpower training and employment program for criminal offenders and for persons charged with crimes, and for other purposes. Ordered held at desk.

By Mr. METCALF:

S. 2963. A bill to amend the act of June 27, 1918, relating to certain reversionary interests of the United States in certain real property in the State of Montana. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 2964. A bill for the relief of Nukul Srisukho. Referred to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 2965. A bill to provide greater access to Government information, and for other purposes. Referred to the Committee on Government Operations.

By Mrs. SMITH:

S. 2966. A bill making a supplemental appropriation for the fiscal year ending June 30, 1972, and for other purposes. Referred to the Committee on Appropriations.

By Mr. SPONG:

S. 2967. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself and Mr. PEARSON):

S. 2960. A bill to amend the Watershed Protection and Flood Prevention Act so as to provide necessary assistance in connection with rural development. Referred to the Committee on Agriculture and Forestry.

UTILIZATION OF WATERSHED FOR WATER SUPPLY STORAGE

Mr. DOLE. Mr. President, I am today introducing a bill which I feel is urgently needed to permit people in my home State of Kansas, and in the rural areas of all States as well, to more fully utilize and benefit from the small watershed program carried out under Public Law 83-566.

Under provisions of the Kansas State water plan, the water resources board is authorized to request the inclusion of water supply storage space in projects constructed by the Federal Government and to enter into agreements with the Federal Government concerning the payment of such storage features. Inclusion of such storage may be made at the request of the board or through the board by other interests. In carrying out this directive the board has participated with the Corps of Engineers in a number of reservoir projects in accordance with the provisions of the Water Supply Act of 1958—Public Law 85-500.

Also under this phase of endeavor, the board has been aware of the untapped resource available through the Public Law 566 program. Several years ago, in cooperation with the Soil Conservation Service, steps were initiated to inventory possible reservoir sites within the watershed areas of the State where water supply storage could be incorporated to service a need, both present and future. About 70 potential sites were identified as meriting further detailed study and consideration. Generally it was the intent to pursue this activity through the watershed district program of the State.

The Food and Agriculture Act of 1962—Public Law 87-703—included several amendments to Public Law 83-566, one of which involved authority for adding storage to meet future demands for municipal or industrial water supply included in any reservoir structure constructed or modified under the provisions of the act. This was done with the intent to make the Public Law 566 authority comparable to the Water Supply Act of 1958.

It should be noted that while the intent has been to have a similar type of assistance with respect to future water supply in Corps of Engineers' projects and Public Law 566 projects, there is a basic difference in the two programs in that Corps projects are Federal projects and control of water is in the United States, whereas in Public Law 566 projects, control of the water is in a local organization.

Unfortunately, the authority provided by the 1962 law has been found to be too restrictive to permit its application fully as intended. The present language of the provisions added in section 4(2)(B) of the Watershed Protection and Flood Prevention Act requires that the local organization shall agree prior to initiation of construction to repay the cost of future water supply storage. The requirement of an agreement to repay has been interpreted as necessitating a local organization to take legal steps, such as the issuance of bonds, to constitute an enforceable agreement for such repayment.

The amendment to Public Law 83-566 which I am introducing today should help bring about a greater degree of uniformity between Public Law 566 projects involving future water supply and Corps of Engineers' projects. The amended language should eliminate the restrictive interpretation placed on a repayment agreement, by requiring only a reasonable showing that there is an anticipated need for the water and that the local organization or an authorized State agency gives assurances that the Federal Government will be reimbursed the cost of the water supply for anticipated future needs. Such assurances could be in the nature of a commitment by the local entity which anticipates need for the water not to use any other source of water until repayment for the particular additional future water supply has been provided for, and agreement that control of the use of the water will be in the United States until such time as the future supply is needed and appropriate legal arrangements are made for reimbursement of the United States for the costs of such water supply storage.

It is extremely important today that planning efforts take into account the full spectrum of resource needs. Reservoir sites in upstream areas which have the capability of serving multiple-purpose needs are limited and represent an irreplaceable resource. It behooves us to utilize those sites to their full potential wherever practicable. My bill will help assure this objective.

Mr. PEARSON. Mr. President, I am pleased to join with my distinguished colleague from Kansas (Mr. DOLE) in offering an amendment to Public Law 566 which, if adopted, will improve significantly the opportunity for small watershed projects to serve the long-range requirements of the States in which they are located. I congratulate my colleague from Kansas for the leadership he has taken in this effort to resolve a chronic problem which has inhibited the effectiveness of the small watershed program.

The economic development of rural America is frustrated in certain areas by inadequate water resources. The Congress has adopted important measures in the past designed to assist individual citizens, localities, and States in developing comprehensive water resource conservation programs. Among these Federal initiatives is Public Law 83-566, a landmark act which created the small watershed program.

The Water Resources Board of the State of Kansas, under State law, is authorized to enter into agreements with the Federal Government to construct water supply storage facilities in connection with Federal flood control projects. The law in Kansas, I am informed, is comparable to State law in other areas of the Nation. The Kansas agency, pursuant to its authority, has entered into agreements with the Corps of Engineers, in connection with several corps reservoir projects, to reimburse the Federal Government for the construction of water storage facilities for future rural development and present needs.

During consideration of the Food and Agriculture Act of 1962—Public Law 87-703—Congress recognized that the States could not effectively cooperate with the Federal Government in constructing water storage facilities in connection with small watershed projects. Thus, Congress adopted amendments to Public Law 566 at that time, permitting deferred repayment of municipal and industrial water supply costs. The Office of General Counsel of the U.S. Department of Agriculture, in an informal opinion dated February 1971, determined that the Kansas Water Resources Board, an arm of the State government, was ineligible to underwrite construction costs for water storage facilities despite the amendments adopted in 1962. This impediment effectively denies the State an opportunity to cooperate with the Federal Government in developing water storage facilities in connection with the small watershed development program.

The board has identified 70 sites in Kansas where small watershed development could, consistent with the purpose of Public Law 566, include water storage facility construction in cooperation with the State agency. The need for additional water storage, in some cases, is long-range and consistent with local rural development objectives. Thus an amendment to Public Law 566 must be adopted which will allow the States, if they choose, to participate with USDA and local water districts, in developing adequate water resources for future needs.

The amendment we offer today will accomplish this objective. This bill would permit deferred payment to the Secretary for the cost of water storage within the life of the reservoir structure. The bill also provides that adequate assurances may be made by local organizations, or by agencies of the State government, that the Secretary will be reimbursed for the cost of water storage incurred in connection with small watersheds.

I would point out that this bill would not result in increased Federal spending. It would implement the intent of Congress, as enunciated in the 1962 legislation. It would permit an authorized State agency to obligate itself for rural development, when local organizations lack

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legal capacity to make the necessary assurances. Finally, and most importantly, it would significantly improve the practical operations of our federal system in water resource development and conservation.

Congress has a deep obligation, practically as well as philosophically, to insure that legislation adopted at the Federal level is wholly consistent with the objectives of the States and localities. When all levels of government are afforded an opportunity to cooperate in the national interest, government at all levels becomes more responsive and effective.

By Mr. RIBICOFF:

S. 2961. A bill to remove impediments to commerce among the States by prohibiting the States from imposing certain discriminatory taxes upon insurance corporations carrying on interstate commerce. Referred to the Committee on Commerce.

INTERSTATE INSURANCE CORPORATION TAXATION ACT

Mr. RIBICOFF. Mr. President, today I introduce a bill designed to remove impediments to commerce among the States by prohibiting the States from imposing certain discriminatory taxes upon insurance companies operating in interstate commerce.

States at present tax insurance companies on the premiums received from their resident policyholders. Under the laws of a majority of States, however, premium laws discriminate between foreign and domestic companies. In 25 States the tax laws favor domestic companies. Three States impose greater premium taxes on their domestic companies than they impose on foreign companies. The remaining 22 States impose equal tax rates on all companies.

The tax rates in the three States that impose higher taxes on domestic companies—Connecticut, New York, and Massachusetts—were adopted to avoid the imposition on its domestic companies of even greater adverse discrimination through the application of retaliatory laws in other States.

As States seek new ways to raise vitally needed revenues, it is clear that they will continue to jockey for favorable revenue positions vis-a-vis other States in the field of interstate taxation. A more rational system of taxation must be found.

State premium tax discrimination has been considered by the State insurance commissioners who have jurisdiction over the regulation of insurers and in many States administer the premium tax system. On December 15, 1970, the executive committee of the National Association of Insurance Commissioners adopted a resolution as follows:

> In summary, the task force finds the present system of premium taxation to be unfair and inappropriate to the contemporary insurance economy and recommends as a single and indivisible program, the elimination of premium tax discrimination domestic and foreign, the elimination of premium tax discrimination among types of insurance organization or arrangement, and the elimination of retaliatory premium taxes."

The bill I introduce today is one possible approach to the problem. Insurance companies and other informed groups and individuals have differing opinions about this bill, but it is my hope that the introduction of this bill, together with consideration of my legislative proposal to reform interstate taxation, S. 317, will afford the Senate an opportunity to develop a rational system of interstate taxation.

I ask unanimous consent that the text of the legislative proposal, a section-by-section analysis, and a memorandum describing the existing system, be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2961

A bill to remove impediments to commerce among the States by prohibiting the States from imposing certain discriminatory taxes upon insurance corporations carrying on interstate commerce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Insurance Corporation Taxation Act."

DISCRIMINATORY TAXES

SECTION 1. No provision of law enacted by a State or political subdivision of a State, except a provision imposing a retaliatory tax, shall make any corporation engaged in the business of issuing insurance, annuity or reinsurance contracts in the State liable for a greater amount of taxes than the amount of such taxes for which such corporation would be liable if it were domiciled in the taxing State. When any law of a State or political subdivision thereof is in conflict with this section, tax liability may be discharged under such law in the manner which would be provided under the law of such State or political subdivision if the corporation were domiciled in the State.

RETALIATORY TAXES

SEC. 2. No provision of State law shall make any life insurance corporation liable in any taxable year for a retaliatory tax if for such year the State in which such corporation is domiciled imposes an income tax, as defined in this Act, on life insurance corporations not domiciled therein and such State or any political subdivision thereof does not impose on such corporations any other tax on or measured by income, premiums, or other receipts.

DEFINITIONS

SEC. 3. As used in this Act—

(A) "Life insurance corporation" means a corporation that qualifies as a life insurance company under Section 801(a) of the Internal Revenue Code of 1954, as now or hereafter amended.

(B) "Retaliatory tax" means a tax imposed by a taxing State on insurance corporations domiciled in another State in retaliation for taxes imposed by such other State on insurance corporations domiciled in the taxing State.

(C) "Income tax" means a tax imposed by a taxing State on or measured by an allocable share of a life insurance corporation's taxable income determined in accordance with the method provided in part 1, subchapter L of the Internal Revenue Code of 1954 as now or hereafter amended, with permissible modifications as follows:

(1) The taxing State may make adjustments in the method for determining taxable income in order to conform such method to its constitutional requirements.

(2) The taxing State may define taxable income under a method that is more favorable to life insurance corporations than the method provided under the Internal Revenue Code and may disallow deductions for taxes paid by life insurance corporations to the taxing State.

The term "income tax" includes a transitional tax which is imposed on or measured by premiums or annuity considerations received by the life insurance corporation during the taxable year from or on behalf of residents of the taxing State and which (1) is adopted as a part of a law imposing an "income tax" and against which the income tax imposed is allowed as a credit and (2) is imposed for the taxable year on bases and at premium tax rates that do not exceed those in effect when the transitional tax was first enacted.

(D) "Allocable share" means an amount determined by multiplying a life insurance corporation's taxable income by a fraction the numerator of which is an amount equal to the premiums and annuity considerations received by such corporation during the taxable year from or on behalf of residents of the taxing State and the denominator of which is an amount equal to the total of all premiums and annuity considerations received by such corporation during such taxable year.

(E) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States.

SEC. 4. EFFECTIVE DATE.—The provisions of this Act shall apply to all taxable years commencing after December 31, 1972, except that section 1 shall apply to all taxable years commencing after December 31, 1975.

SUMMARY OF BILL TO PROHIBIT THE STATES FROM IMPOSING DISCRIMINATORY TAXES ON LIFE INSURANCE CORPORATIONS ENGAGED IN INTERSTATE COMMERCE

Section 1. Discriminatory Taxes.

This section prohibits a state from imposing taxes that discriminate against life insurance companies domiciled in other states, hereinafter referred to as "foreign companies." It extends to such companies the protection other corporations have always enjoyed under the commerce clause of the Constitution. The bill does not, however, limit the power of a state to impose higher taxes on its domestic life insurance companies than it imposes on foreign companies. If enacted Section 1 would affect the tax laws of 25 states, which currently discriminate against foreign companies. (See footnote 1, page 2 of attached memorandum.) For the purpose of the Act a life insurance company is defined as a corporation that qualifies as a life insurance company under Section 801(a) of the Internal Revenue Code.

When a state law is in conflict with Section 1, a foreign company may discharge its tax liability in the manner which would be provided under the law of such state if such company were domiciled in the state.

Section 1 deals only with tax rate discriminations enacted by a particular state. It does not apply to the so-called retaliatory laws under which a taxing state may impose an additional tax on companies domiciled in another state in retaliation for taxes imposed by such other state on companies domiciled in the taxing state.

Section 2. Retaliatory Taxes.

Retaliatory tax laws have been adopted by 46 states. (The District of Columbia, Alabama, Hawaii, New Mexico and North Carolina have not enacted such laws.) Some of these laws have been in force for over a century. They were enacted to discourage states from arbitrarily increasing premium tax rates. This protection is of paramount importance to life insurance companies, since their contracts extend over many years and the rates thereunder cannot be changed to absorb tax increases.

As long as states continue to tax life insurance companies on premium receipts, the continued protection of the retaliatory laws is essential. On the other hand this safeguard is not needed if a state adopts an income tax law that taxes net gains from operations and thus reflects a company's ability to pay taxes. Currently several states are considering such an enactment.

The purpose of Section 2 is to insulate from retaliation life insurance companies of any state that replaces its premium tax law with an income tax law. However, the income tax law must meet certain conditions set forth in the bill. One condition is that such a state shall not impose in addition to the income tax any other tax on or measured by income, premiums or other receipts. Another condition is that the income tax must be imposed on an "allocable share" of the company's "taxable income" and taxable income must be determined in accordance with the method provided in the Internal Revenue Code for the taxation of life insurance companies. Certain modifications of this Federal method are permitted as follows:

(1) A state may modify the method to satisfy its constitutional requirements.

(2) A state may modify the method to provide more generous deductions, exemptions or exclusions than those provided in the Internal Revenue Code.

(3) A state may disallow the taxpayer the right to deduct the taxes it paid to the taxing state for the taxable year.

(4) In order to avoid a possible loss of revenue, a state may adopt a transitional premium tax as a part of its income tax law, provided the minimum tax satisfies certain requirements. These requirements are (1) the minimum tax must be adopted as a part of a law imposing an income tax, (2) the income tax must be allowed as a credit against the transitional tax, and (3) the premium tax rates for the transitional tax may not be increased in future years.

If the above conditions and requirements are not met in any taxable year the state's domestic companies are subject to the retaliatory laws of other states.

Under Section 2 a state, in lieu of a transitional premium tax, may impose an income tax at rates that are high enough to produce its revenue objectives. At the outset such rates may be higher than the income tax rates imposed by the states on other corporations.

A state income tax law, in order to qualify under the bill, must impose a tax on an allocable share of the taxpayer's taxable income. Under the bill definitions "allocable share" is determined by multiplying the taxpayer's total taxable income by a fraction the numerator of which is equal to the premiums received during the taxable year from residents of the taxing state and the denominator of which is an amount equal to the total of all premiums received by the life insurance company. The term "premiums" includes annuity considerations.

Section 2 does not require any state to enact an income tax law. A state may continue to impose premium taxes on life insurers, in which case the domestic companies of such a state will be subject to the retaliatory laws of any state in which they do business. On the other hand, under Section 2 a state may elect to enact an income tax law, which meets the requirements of the bill, and thereby insulate its domestic companies from the retaliatory laws of other states.

Section 3. Definitions.

This section defines various terms used in the bill.

Under Section 4 of the bill the provisions of Section 2 dealing with the retaliation laws would be effective at the end of the year in which the bill is enacted. Section 1, which prohibits states from discriminating in favor of their domestic companies, would not become effective until 3 years later so as to provide an opportunity for the states to modify their laws.

Attached is a list of companies sponsoring the proposed bill with assets representing approximately 50% of the total assets of U.S. life insurance companies and a memorandum dated February 25, 1971, on the subject of state taxation of insurance companies engaged in interstate commerce.

STATE TAXATION OF INSURANCE COMPANIES ENGAGED IN INTERSTATE COMMERCE

The states tax insurance companies on the premiums received from their resident policyholders. Under the laws of more than half the states, the premium tax rates are discriminatory. The purpose of this memorandum is to examine these discriminatory laws in terms of the public interest and their impact on interstate commerce.

The power of the states to discriminate in taxing insurance companies is derived from Congress. In *United States* vs. *Southeastern Underwriters Association,* 322 U.S. 533, 64 S. Ct. 1162, decided June 5, 1944, the Supreme Court in a 4–3 decision, with two justices not participating, held that insurance companies doing business over state lines were engaged in interstate commerce. Prior to *Southeastern,* the Court had held in a number of decisions that the making of contracts of insurance within a state by licensed insurers domiciled outside the state was not commerce. On the basis of these earlier decisions, insurers had been regulated and taxed solely by the states without regard to the limitations imposed by the Commerce Clause of the Constitution.

The impact of the *Southeastern* decision on state laws governing insurance was mentioned with concern by Chief Justice Stone in his dissent to the majority opinion. Among other things he warned, "Certainly there cannot be but serious doubt as to the validity of state taxes which may now be thought to discriminate against interstate commerce, • • •" It was also thought that the decision severely limited the power of the states to regulate insurance. In response to these concerns, Congress on March 9, 1945, enacted the McCarran-Ferguson Act. Chap. 20, 59 Stat. 33.

In the McCarran Act, Congress declared that the continued regulation and taxation by the several states of the business of insurance is in the public interest; that silence on the part of Congress shall not be construed to impose any barrier to the regulation or taxation of such business by the several states; that the business of insurance, and every person engaged therein, shall be subject to the laws of the several states which relate to the regulation or taxation of such business; that no act of Congress shall be construed to invalidate, impair, or supersede any law enacted by any state for the purpose of regulating the business of insurance or which imposes a fee or tax upon such business, unless such act specifically relates to the business of insurance. The Act contains certain exceptions to these general provisions in the case of the Federal Trade Commission Act, the Robinson-Patman Act, the National Labor Relations Act, and the Merchant Marine Act. These exceptions are not relevant to this discussion.

One of the first issues litigated under the McCarran Act was whether Congress authorized the states to discriminate in taxing insurance companies engaged in interstate commerce. This question was decided by the Supreme Court on June 3, 1946 in *Prudential Insurance Company* vs. *Benjamin,* 322 U.S. 408, 66 S. Ct. 142. In a unanimous decision, the Court held that through enactment of the McCarran Act Congress intended to validate discriminatory state premium taxes; that Congress had the power to permit such discrimination. A South Carolina law taxing out-of-state licensed companies (hereinafter referred to as foreign companies) on premiums received from residents of South Carolina was upheld, notwithstanding the fact that South Carolina did not tax its domestic insurers on the premiums they collected from residents of the state.

Today the premium tax laws of 25 states discriminate in favor of domestic companies.[1] Three states impose greater premium taxes on their domestic companies than they impose on foreign companies.[2] The remaining 22 states do not impose higher premium tax rates on foreign companies.[3] The discriminatory tax rates enacted in Connecticut, Massachusetts, and New York were adopted to avoid the imposition of its domestic companies of even greater adverse discrimination through the application of retaliatory laws in effect in 46 states.[4]

A retaliatory statute is a device adopted by the states many years ago to protect domestic insurers from higher premium taxes in other states. The statutes operate as follows. Assume that Company A is domiciled in Maryland and is licensed to do business in Virginia. Assume that Company B is domiciled in Virginia and is licensed to do business in Maryland. The two states impose a 2% uniform premium tax and have enacted retaliatory laws. Maryland decides to raise its premium tax to 3% on both domestic and foreign companies. Under the retaliatory law of Virginia, Company A, domiciled in Maryland, would be charged a 3% Virginia tax. Thus Virginia would penalize Maryland companies doing business in Virginia because Maryland raised its tax rate on Virginia companies. Under the example, Company A would pay a 3% tax in Virginia; Company B would pay only a 2% Virginia tax. In Maryland both companies would pay a 3% tax. The result is to impose a discriminatory tax rate on the Maryland company doing business in Virginia. This would violate the Commerce Clause if it were not for the McCarran Act.

A state that raises its premium tax rate on foreign companies above the level of the tax imposed on foreign companies by the other states could trigger retaliation against its domestic companies in as many as 46 states. No additional legislative action is required to produce these tax increases, nor are the revenue needs of the retaliating states related in any way to the tax windfall the retaliatory laws created.

Tax retaliation may be avoided by a state rejecting proposals to increase rates on foreign companies to levels that exceed those imposed by other states. However, in recent years as the need for additional state revenue greatly expanded and states advanced proposals for across-the-board increases in business taxes, opposition arose to exempting insurers from premium tax increases as a method of avoiding retaliatory taxes on domestic companies. It became increasingly apparent that the revenue requirements of the states would have to be met by insurers regardless of the resulting retaliatory taxes.

In New York a way was found to collect the revenue expected from insurers without exposing domestic companies to retaliation. Under the New York plan, a tax increase was

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[1] Alabama, Alaska, Arizona, Arkansas, Florida, Hawaii, Illinois, Kansas, Kentucky, Maine, Michigan, Mississippi, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin, Wyoming.

[2] Connecticut, Massachusetts, New York.

[3] California, Colorado, Delaware, Georgia, Idaho, Indiana, Iowa, Louisiana, Maryland, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, West Virginia. (Six of these states, however, have tax reducing investment laws—Colorado, Georgia, Idaho, Louisiana, Montana and New Mexico.)

[4] The District of Columbia, Alabama, Hawaii, New Mexico and North Carolina have not enacted retaliatory laws.

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levied on domestic companies in an amount sufficient to cover the revenue expected from both domestic and foreign companies. No additional tax was imposed on foreign companies; roughly a double tax was imposed on domestic companies. Since the tax on foreign companies was not increased, there was no retaliation. In Connecticut and Massachusetts, similar plans were adopted. As a result, companies domiciled in these states are now required to pay substantially higher premium taxes than their foreign competitors.

State premium tax discrimination has been considered by the state insurance commissioners who have jurisdiction over the regulation of insurers and in many states administer the premium tax system. On December 15, 1970, the Executive Committee of the National Association of Insurance Commissioners submitted a resolution to the Association outlining the problem. The resolution, which was adopted unanimously by the commissioners, contained the following conclusion.

"In summary, the task force finds the present system of premium taxation to be unfair and inappropriate to the contemporary insurance economy and recommends as a single and indivisible program,' the elimination of premium tax discrimination between domestic and foreign companies, the elimination of premium tax discrimination among types of insurance organization or arrangement, and the elimination of retaliatory premium taxes."

Until 1944 discriminatory premium taxes had limited influence on competition in the insurance business. Moreover, the rates then in effect in most of the important insurance states tended to be uniform. New conditions, such as the needs of the states for more revenue, have greatly aggravated the discrimination and its impact on interstate competition. (See attached review of recent legislative developments in Connecticut, Massachusetts, New York and Pennsylvania.) Uneven premium tax burdens in a state favor one group of policyholders over another; one insurer over another. The resulting unfair competition is especially damaging in the field of mass marketing, such as group insurance, where a premium tax differential often represents a substantial part of the overall cost of providing the service.

LIST OF COMPANIES FAVORING LEGISLATION

Aetna Life & Casualty.
American Mutual Life Insurance Co.
Bankers National Life Insurance Co.
Berkshire Life Insurance Co.
Central Life Assurance Co.
Equitable Life Assurance Society.
Farmers and Traders Life Insurance Co.
Fidelity Mutual Life Insurance Co.
Guardian Life Insurance Co.
Harleysville Life Insurance Co.
Home Life Insurance Co.
Investors Syndicate Life Insurance Co.
John Hancock Mutual Life Insurance Co.
Life Insurance Company of North America.
The Manhattan Life Insurance Co.
Massachusetts Mutual Life Insurance Co.
Metropolitan Life Insurance Co.
Monarch Life Insurance Co.
Mutual Life Insurance Co. of New York.
National Life Insurance Co.
New England Mutual Life Insurance Co.
New York Life Insurance Co.
Northwestern National Life Insurance Co.
Security Mutual Life Insurance Co.
State Mutual Life Assurance Co. of America.

By Mr. JAVITS (for himself, and Mr. HART, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. CRANSTON, Mr. EAGLETON, Mr. JACKSON, Mr. KENNEDY, Mr. McGOVERN, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. STAFFORD, Mr. STEVENSON, and Mr. TUNNEY):

S. 2962. A bill to amend the Manpower Development and Training Act of 1962 to provide financial assistance for a special manpower training and employment program for criminal offenders and for persons charged with crimes, and for other purposes. Ordered held at desk.

COMPREHENSIVE CORRECTIONAL TRAINING AND EMPLOYMENT ACT

Mr. JAVITS. Mr. President, I send to the desk a bill on behalf of myself and the distinguished Senator from Michigan (Mr. HART) who is the principal cosponsor. We are joined in this measure by Senators BAYH, BROOKE, BURDICK, CRANSTON, EAGLETON, JACKSON, KENNEDY, McGOVERN, MONDALE, MUSKIE, NELSON, PELL, RANDOLPH, STAFFORD, STEVENSON, and TUNNEY.

The act authorizes the Secretary of Labor, in coordination with the Attorney General and the Secretary of Health, Education, and Welfare, to make available training and employment opportunities for offenders, including work release and other programs for incarcerated offenders, jobs in the public and private sectors, as well as pretrial intervention and probation programs, technical assistance and research.

We propose, in short, that the administration and Members of the Congress join in formulating a national effort through which public resources and private efforts may be combined to improve opportunities for offenders, to increase the effectiveness of the correctional process and to better serve the Nation by reducing recidivism.

Mr. President, it has been apparent for some time—and the events at Attica and elsewhere serve as a tragic reminder—that prisoner rehabilitation and related offender processes are in disgraceful shape, with a heavy cost for society and the individuals involved.

As President Nixon stated, on November 14, 1969:

> The American system for correcting and rehabilitating criminals presents a convincing case of failure. No realistic programs to substantially reduce crime can ignore the appalling deficiencies in our prisons and rehabilitation efforts.

There are many inadequacies in our present correctional process which must be addressed, but, as the President's task force on prisoner rehabilitation stated in its April 1971, report:

> Satisfying work experiences for institutionalized offenders including vocational and pre-vocational training when needed, and the assurance of decent jobs for released offenders, should be at the heart of the correctional process.

Yet, surveys have established that 90 percent of local penal institutions have no training or education at all; 85 percent of Federal inmates lack any marketable skill and have not completed high school; exoffenders have levels of unemployment three times the norm; and less than one-third of inmates who receive training use it in their first job.

It is not surprising that two out of three persons confined in correctional institutions are repeaters.

The measure which we introduce today seeks to provide a framework to begin to remedy these deplorable facts. It has been designed with particular attention to three major objectives:

First, we have identified the various elements of manpower training and employment programs which have been demonstrated to be particularly effective in rehabilitating offenders; in this regard, we drew heavily upon the experience of the Department of Labor and the Department of Health, Education, and Welfare under the general provisions of the Manpower Development and Training Act of 1962, particularly the demonstration section contained in section 251 of that act.

A key element is the provision of pretrial manpower training and employment opportunities. The Department of Labor has funded test programs in seven cities—Cleveland, Minneapolis, San Antonio, Baltimore, Boston, Atlanta, Newark—under which persons charged with crime are given the opportunity to be committed for training and placement assistance for a 90-day period prior to judicial consideration of their cases. The training staff subsequently makes a recommendation to the court, relating to disposition of the case, which may include further training or employment. In a demonstration project along these lines involving defendants 15 to 25 years of age conducted last year in Washington, D.C., it was found that participants committed further criminal acts at a rate less than one-half of that of a control group that did not receive the manpower training project services. A similar program, the Manhattan court project, has been conducted with considerable success in New York City.

Another important element concerns the provision of manpower training and related services during confinement in prison, where inmates do not now have the opportunity to make maximum use of their time. Considerable promise has been shown in programs under which prisoners are permitted to receive training in real work situations with up-to-date equipment and the involvement of the private sector. For example, at Greenhaven Prison in Poughkeepsie, N.Y., training is provided for 40 prison inmates in office machine repair under a program conducted with the assistance of the private sector. In New York City, the Department has funded a program for a community treatment center for 40 offenders awaiting parole or release from Federal institutions; inmates receive employment placement, counseling, and job training. Another program is underway at Rikers Island, N.Y., where 100 training slots in metal fabrication, woodworking, and production machine work are supplemented with basic education and vocational training.

In a project conducted by the South Carolina Department of Crime, inmates have been working in industry and private business during the day in communities in which they plan to live upon release from incarceration, returning to community prerelease centers at night.

In the last 5 years, work release inmates have paid from their earnings nearly $500,000 to the Department of Corrections for room and board and more than $300,000 to support their families.

Mr. President, perhaps the most crucial element is linking the training to an actual job.

The importance of such a link has been demonstrated generally in the JOBS program, conducted by the National Alliance of Businessmen and funded by the Department of Labor under which almost 600,000 opportunities have been provided for the disadvantaged over the last 4 years.

But, this approach has been applied to criminal offenders only in a handful of cases and the National Alliance of Businessmen has advised me that it has no estimate of the number of offenders or ex-offenders currently involved in their programs.

The Departments of Labor, Health, Education, and Welfare, and Justice are currently funding joint projects to this end—for example "Project Transition" which supplements the South Carolina work-release program to which I referred—but these efforts represent only a very small beginning, compared with the potential that exists through a combination of public and private resources.

Mr. President, the bill we introduce today emphasizes the links between training and employment opportunities by—

Giving funding priority in respect to training programs for those efforts as to which prior arrangements have been made for subsequent employment;

Involving private industry and up-to-date equipment in training programs assisted under the title;

Requiring the Secretary and the applicant to determine that training which relates to a job for which there is generally a demonstrated demand on the National, State, and local level;

Requiring the formation of advisory committees for programs, including representatives of the private sector, as well as participants in the programs.

Moreover, it provides for an increase in the jobs generally available to criminal offenders and persons charged with crimes by—

Authorizing the Secretary to provide employment opportunities in the public and private sectors, with reimbursement where necessary;

Requiring the Secretary to insure that programs involving criminal offenders and persons charged with crimes are given full consideration for funding under the on-the-job training and job creation programs under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, and the Emergency Employment Act of 1971;

Authorizing the Secretary to provide personnel to assist the U.S. Employment Service in providing jobs;

Requiring the Commissioner of the Civil Service Commission to report to the President and to the Congress on the manner in which Federal jobs may be increased.

As this bill is considered in the context of manpower reform generally, we shall consider what quotient of public service jobs may be set aside particularly for criminal offenders, and persons charged with crime.

Second, we have sought to insure that the programs authorized under the title will interlock with existing programs and advance the larger objective of comprehensive and coordinated penal reform.

To this end, the bill:

Grants considerable flexibility to the Secretary of Labor in choosing between public and private agencies, institutions, and organizations for the planning, conduct, and evaluation of programs;

Requires the Secretary of Labor and the Attorney General to enter into agreements to assure the combining of resources, maximum program coordination and joint planning between programs conducted under the Safe Streets Act and other similar laws. Of the $700 million available for correctional programs under that act for this fiscal year, approximately $2 million will be spent on training in correctional institutions;

Requires the Secretary of Labor and the Secretary of Health, Education, and Welfare to enter into agreements under which the latter shall be responsible for providing education to persons assisted under the title and for maintaining linkage to educational, vocational education, and rehabilitation to programs, as currently is the case under existing programs.

Third, we seek a substantial increase in Federal funding for offender programs.

The administration is to be commended for the priority that it has given to these efforts—expanding funding from less than $1 million in fiscal 1968 to $31 million in the current fiscal year, but the training and employment programs still account for less than 1 percent of the $4 million spent on manpower programs generally and less than 4 percent of the $1 billion spent for corrections generally.

The bill authorizes the appropriation of $40 million for fiscal year 1972, $100 million for fiscal 1973, and $200 million for fiscal year 1974.

We consider these amounts to be reasonable yearly additions which may be put to effective use, to cut into the overall need—which is so much greater:

With respect to pretrial programs, the Department of Labor efforts will reach 4,000 dependents, approximately three-tenths of 1 percent of the total of one and a quarter million individuals who are under the jurisdiction of the criminal justice system at any one time. Many of whom are of an appropriate age for such program.

With respect to correctional institutions, its programs will reach 6,000 inmates nationwide while 400,000 persons—60 times that number—are now incarcerated in correctional institutions in the Nation.

Mr. President, I am pleased to note that Senator GAYLORD NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare, of which I am the ranking minority member, intends to have hearings on such programs, as a part of consideration of comprehensive manpower reform early next session, and I hope to have the benefit of comments and suggestions of the administration, as well as experts in the field with respect to the approach which I have proposed. Particularly, I hope we will consider what portion of funding might be expressly reserved for the essential educational element.

We look forward also to working with members of the Subcommittee on Criminal Laws and Procedures for the Committee on the Judiciary, as well as the Subcommittee on Penitentiaries—whose chairman, Mr. BURDICK, held very beneficial hearings on this subject earlier this year.

The current situation and the goals which we seek were expressed by Chief Justice Warren E. Burger, in remarks before the Association of the Bar of the City of New York, on February 17, 1970. He said:

> Few prisons today have even a minimal education or vocational training program to condition the prisoner for his return to society as a useful self-supporting human being. A distressing percentage of prisoners cannot read or write.
>
> The training programs in most State institutions are limited to a few skills, and there is almost no effort to correlate training programs with the demand for particular skills. It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union. I suggest these two simple illustrations to indicate the desperate need for comprehensive and coordinated planning and research at local and national levels. This requires a monumental effort with the best leadership and brains of labor unions, industry, the Departments of Justice, of Labor, and of Health, Education, and Welfare. To be successful these programs need local community support which must involve Churches, YMCA's, Chambers of Commerce and Bar Associations.

Mr. President, as I indicated, inadequate training and job programs is one of the elements contributing to the crisis in our correctional process. I shall introduce additional proposals which would affect other reforms.

Mr. HART. Mr. President, for too long prison reform in America has been like Mark Twain's observation on the weather. Everyone talks about it, very little is done.

Over and over, Presidential commissions and expert studies tell us that our correctional systems do not correct. The file cabinets of Washington overflow with that finding. Yet to date the response has been a token, totally inadequate one. Recent tragedies at Attica and other institutions only underline our failure to make prisons decent places of true rehabilitation.

The bill introduced today by Senator JAVITS and myself zeros in on useful skills and employment assistance to criminal offenders—the area long recognized as perhaps the most critical ingredient of successful rehabilitation.

Some may shortsightedly call this "coddling criminals." But I can think of no more foolish mistake we can make in the protection of the public safety than to withhold adequate resources and energy from offender rehabilitation on that ground. Almost two-thirds of those now in prison have been there before. We

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should know not merely how many men are sent to jail, but what kind of men emerge.

Manpower training programs for prisoners do exist, of course, on a fragmented and uneven basis. But this area of effect must be given priority, while improved correctional institutions are developed and other important services provided. Particularly while our economy is in disarray, the problems faced by an unskilled ex-offender who seeks to go straight are enormous.

One of these problems is the man's criminal record itself, which is often an almost insurmountable hurdle to employment. The junior Senator from North Dakota (Mr. BURDICK) has introduced a bill to remove that hindrance as far as possible for offenders who can demonstrate good conduct since their release. And under the leadership of the Senator from North Dakota, his subcommittee of the Judiciary on penitentiaries has advanced legislation on many other fronts to facilitate successful rehabilitation.

With his backing, and the other bipartisan support behind this bill I hope that we can pass this measure promptly in the next session. It provides a comprehensive range of training and employment services at every stage of the criminal justice process—with emphasis on early intervention for those who can be diverted to constructive employment or schooling prior to incarceration. In addition, priority will be given to funding programs which have lined up job opportunities for those in training. All applicants for Federal assistance under this act will be required to involve the local business community correctional officials, and the potential trainees in planning and executing programs.

Hopefully, with this bill we can begin to help offenders turn away from careers of crime. Put more bluntly, perhaps we can reduce the number of "graduate degrees in crime" which is all the prison release papers now seem to constitute.

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the RECORD the bill, a section-by-section analysis of the bill, and the following supporting documents: a letter from the Department of Labor outlining current efforts; a letter from the National Alliance of Businessmen regarding their efforts; and a summary of present sources of funding for correctional programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE CORRECTIONAL TRAINING AND EMPLOYMENT ACT

SEC. 2. This section amends title II of the Manpower Development and Training Act of 1962 to establish a new Part D entitled: "Comprehensive Correctional Training and Employment Programs", as follows:

SEC. 251. STATEMENT OF PURPOSE

This section declares the principal objective of the U.S. correctional system to be the rehabilitation of individuals confined in correctional institutions, sentenced to probation, or released on parole and states that manpower training and employment programs have been identified as one of the most critical elements of successful rehabilitation.

The purpose of the Part is to authorize the provision of specialized manpower training and employment programs for criminal offenders and persons charged with crimes, as an integral part of the correctional process, and with the assistance of the private sector, in order to improve employment opportunities for such persons, increase the effectiveness of the correctional process and reduce recidivism.

SEC. 252. DEFINITIONS

This section defines the terms "eligible individual", "eligible applicant", "juvenile delinquent", "youthful offender", "Secretary", and others.

"Eligible applicant" means any state or local public agency or private agency or organization, or combination thereof.

"Eligible individual" means criminal offenders, including youthful offenders, and juvenile delinquents, and persons charged with a crime.

"Secretary" means the Secretary of Labor.

SEC. 253. PROGRAM AUTHORIZATION

Authorizes the Secretary of Labor to provide financial assistance to eligible applicants for the planning or conduct of, or assistance to: pretrial and other intervention programs offering eligible individuals participation in training and employment programs prior to final disposition pursuant to plans approved by the appropriate judicial and prosecuting authority; manpower training and employment programs in correctional institutions (including on-site and off-site work experience projects); programs offering a full range of employment opportunities with public agencies and private business concerns; professional and paraprofessional training programs; research programs assisting employment service personnel; programs for the provision of manpower training and employment services in model community-based centers and the provision of bonding assistance.

SEC. 254. FINANCIAL ASSISTANCE FOR MANPOWER TRAINING AND EMPLOYMENT PROGRAMS

Authorizes the Secretary to make grants to eligible applicants, consistent with basic criteria under Section 605: Each application must ensure that supportive services are provided along with training and employment; ensure that training is for a job for which a demonstrated demand has been determined to exist; provide wherever possible for the involvement of industry, labor and employment personnel from the private sector of the economy and for the use of training equipment comparable to what used in the job for which training is furnished; indicate prior arrangements for release of participants upon satisfactory completion of training and for follow-up training; and meet certain administrative requirements.

With respect to training programs, this section accords priority in funding as to programs for which arrangements have been made with public or private employers for employment after release.

BASIC CRITERIA

SEC. 255. Requires the Secretary to prescribe basic criteria in respect to labor market information, suitable length of training, the formulation of employability plans, the establishment of advisory committees, and the equitable participation in programs by all segments of the population of eligible individuals.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 256. Requires the Secretary to establish criteria assuring equitable distribution of financial assistance among the States taking into account, among other factors, relative crime rates and the ratio of the number of persons confined in correctional institutions, on probation, on parole, or charged with crimes within the state to those nationally. No state shall receive more than 15 percentum of the amounts appropriated.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 257. Limits federal financial assistance to 90 percent of program cost unless the Secretary, pursuant to objective criteria, decides otherwise; non-federal contributions may be in cash or in kind.

MANPOWER TRAINING AND EMPLOYMENT PROGRAM IN FEDERAL CORRECTIONAL INSTITUTIONS

SEC. 258. Authorizes the Secretary of Labor, pursuant to agreements with the Attorney General and the Secretary of Health, Education and Welfare, to conduct special model programs for eligible individuals in Federal correctional institutions and in the federal courts, consistent with the purposes of the part.

AVAILABILITY OF EMPLOYMENT OPPORTUNITIES

SEC. 259. Requires the Secretary to ensure due consideration for applications for programs serving eligible individuals submitted under on-the-job training programs under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, as amended, and the Emergency Employment Act of 1971.

SEC. 260. COORDINATION AND PROGRAM LINKAGES

(a) Requires the Secretary of Labor and the Attorney General to enter into agreements to assure the combining of resources, maximum program coordination and joint planning between programs conducted under this Part, under Part E. of Title I of the Safe Streets Act of 1968, the Juvenile Delinquency Prevention and Control Act of 1968 and other federal laws; (b) requires the Secretary of Labor and the Secretary of Health, Education and Welfare to enter into agreements pursuant to which the Secretary of Health, Education and Welfare will provide education to participating eligible individuals and will ensure programs linkage with vocational education, vocational rehabilitation and similar programs; (c) requires coordination, by arrangement with the Director of ACTION, for the use of volunteer programs; and (d) authorizes the Secretary to ensure such arrangements as are necessary to ensure maximum coordination and joint planning between programs conducted and assisted under this Part within each State.

SEC. 261. STUDIES AND REPORTS

Authorizes the Secretary of Labor, in consultation with the Attorney General and the Secretary of Health, Education and Welfare to conduct a continuing study on the effect of programs conducted or assisted under the Part and to compile information on the employment opportunities of criminal offenders, including research on impediments to employment. The Chairman of the Civil Service Commission is also required to report on the means of increasing employment opportunities for such persons in the Federal Service.

SEC. 262. PAYMENTS

Authorizes payment of the federal share of program costs.

SEC. 262. WITHHOLDING

Authorizes the Secretary to withhold funds, after notice and hearing, in cases of an applicant's non-compliance with statutory provisions of the Part.

SEC. 263. AUTHORIZATION OF APPROPRIATIONS

This section authorizes appropriations of $40 million for FY '72, $100 million for FY '73; and $200 million for FY '74.

SEC. 3. This section amends the Manpower Development Training Act of 1962 to make certain conforming changes.

SEC. 4. This section amends the Wagner-Peyser Act of 1933 to require state employment service plans to include provision for the designation and assignment of personnel for the promotion and development of employment opportunities and placement for criminal offenders and persons charged with crimes.

DECEMBER 7, 1971.

Mr. JOHN K. SCALES,
Minority Counsel, Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.

DEAR JOHN: Attached is a statement by former Assistant Secretary of Labor Jerome Rosow on the Department of Labor's role in offender rehabilitation. As you know, the Department of Labor has sought a more active role in offender rehabilitatoin through the provision of manpower services and employment opportunities. Your interest in our activities in this area is very much appreciated.

Please let me know if I can be of further assistance in this or any other matter.

Sincerely,

FREDERICK L. WEBBER,
Special Assistant for Legislative Affairs.

STATEMENT OF JEROME M. ROSOW, ASSISTANT SECRETARY FOR POLICY, EVALUATION, AND RESEARCH, U.S. DEPARTMENT OF LABOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PENITENTIARIES, JUDICIARY COMMITTEE, U.S. SENATE, WEDNESDAY, MAY 19, 1971

Mr. Chairman, on behalf of Secretary Hodgson, I want to thank you for the kind invitation you have extended to the Department of Labor to join with your Subcommittee in its exploration of "the vocational approach as an avenue to the rehabilitation of offenders." You have asked that we include in our presentation "barriers to employment as well as present efforts in placement, training, evaluation and counselling for federal, state, and local offenders."

To provide a complete account of our activities in this field, including the emerging shape of our expanding program as it turns to deal with "future needs and directions," requires a number of witnesses.

It will be my responsibility to give an account of the rationale which supported the decision of both Secretary Shultz and Secretary Hodgson to seek a more active role for the Department in offender rehabilitation through the provision of manpower services and employment opportunities. This analysis guides both our long-term strategy and the general shape of immediate actions. In turn, representatives of the Manpower Administration, charged with responsibility for executing these decisions, will describe in detail the nature of the current program, its problems and results, along with an assessment of those factors which in their opinion will have the most significant impact upon future developments.

In brief, our analysis rests on the belief that there is a close connection between an effective criminal justice system and the development of economic opportunity for offenders flowing through that system.

Here we are talking, quite simply, about the prime importance of *jobs* as the key element in a new national strategy designed to rehabilitate known offenders—to prevent the commission of further criminal acts. This hearing is evidence of an increasing public understanding of the potential of such an approach.

We do not claim to have a monopoly on the most practical and effective ways in which to apply the vocational or labor market approach to the problem of rehabilitating the offender. Much significant work is underway at the State and local level, in large part stimulated by both the block and discretionary grant program of the Law Enforcement Assistance Administration. Further, an extensive program of vocational rehabilitation in a number of states has been mounted with the guidance and support of the Rehabilitation Services Administration. Finally, significant innovation has been pursued and applied in the work of the Federal Bureau of Prisons.

As a final caveat, our expectations in applying the vocational or labor market approach must be realistic. There are many men behind bars who need lots of help, beside skills and employment assistance. They have drug problems, alcohol problems, reading problems. They're too old or too sick or mentally ill. These people need considerable special attention before we can think in terms of aiding them to be self-sufficient. An unknown, but perhaps significant, number are not going to be able to move into the mainstream of society.

Unfortunately, they are not getting the care they require in overcrowded, understaffed institutions. These institutions, on the other hand, have many men and women within them who *can* be helped to be self-supporting. It is our belief that we must assist these individuals if we are ever to be in a position to deal effectively with the rest.

In order to present our view of the nature of the problem, let me briefly sketch the process by which our policy was developed and the basic considerations upon which it rests.

The single most critical consideration underpinning our thinking is that only a very small proportion of offenders are incarcerated—even for the most serious offenses. Further, most offenders—an overwhelming proportion of whom are youth—are never adjudicated and if adjudicated are not imprisoned.

Clearly, then, most offenders are already *in society*—whether on bail, on probation, on parole, or in community-based corrections.

Let's take a moment to roughly estimate the ways in which the flood of crimes narrows to a trickle of men and women entering penal institutions. Taking the roughly 4,500,000 Index crimes reported to the Federal Bureau of Investigation in 1968 as our initial parameter, note first that there were less than 800,000 clearances of such offenses. Less than one successful outcome for law enforcement activity for every five reported serious offenses—even at the initial stage of apprehension of a suspect—is a sobering reflection of a long-range trend with significant implications for the criminal justice and corrections systems.

This trend expresses, among other factors, an 85 percent increase (adjusted for population growth) from 1960 to 1968, in the rate per 100,000 for the FBI Crime Index. The rate of increase has, until quite recently, been accelerating, bringing critical points in the criminal justice system under enormous pressure. In the area of law enforcement activity, for example, as against the 122 percent increase in the *absolute* number of Index crimes from 1960 to 1968, there was a 51 percent increase in clearances for such crimes in the same period.

As a result, the clearance rate (clearances over Index crimes) has declined steadily from 31 percent in 1960, to 21 percent in 1968. This decrease has been accelerating, as well, and applies to every category of offense in the index. I will have a further word to say about the significance of the clearance rate, but for the moment let us follow our flow of 4,500,000 Index Crimes, through almost 800,000 clearances, as it proceeds through the system.

The relative decline in the effectiveness of low enforcement activity has not kept the courts from being overwhelmed by the absolute increase in the number of individuals who are formally charged with offenses. Almost 400,000 individuals were formally charged, that is, held for prosecution, as against the 800,000 clearances. Further, delays between arrest and final disposition are increasing and are most severe for those who seek to exercise their right to a trial—where it is not at all uncommon for a year or more to be consumed before adjudication.

If you take a closer look for example, at the Federal criminal justice system, you find an increasing trend—from 1966 through 1969—of criminal investigative matters declined for prosecution and an increasing backlog—at the same time—of Federal criminal cases. While it is not possible to determine the relative significance of the major factors reflecting the pressures upon the system, some of these, at least, can be identified.

There is an increasing number of trials per number of cases filed, with fewer guilty pleas, etc. There is an increasing length of time of trials, with an increasing number and complexity of pre-trial and post-trial motions—as well as an increasing number of appeals per trial convictions. As cases get more complex, and under the circumstances described above, it becomes easier to understand why less than one half the cases cleared in 1968—across the nation—resulted in individuals being charged. Or why of these 400,000, 160,000 were found guilty of the offense charged or of a lesser offense, with 60,000 acquitted or having charges dismissed.

Note that these two categories comprise only a little more than half of the 400,000 individuals charged. The remainder, around 180,000 were referred to juvenile court.

This is significant for a number of reasons, if only because it places many youthful offenders at or just beyond the reach of a labor market policy designed to achieve rehabilitation through economic self-sufficiency. This represents another practical constraint upon the utility of our approach.

If arrests, then, have been less than one for every five serious offenses, convictions have been running at around one out of five such arrests. What happens to those found guilty? Our estimates are that perhaps 90,000 were placed on probation—where, as we know, most will receive little meaningful assistance and scant supervision—with the remaining 70,000 being committed to some kind of pearl institution. Of these 70,000, as many as 40,000 will eventually be released on parole, with almost all of the remainder serving their full mandatory sentence.

The net result: something like one out of every seventy serious offenses reported in 1968 may have resulted in an individual being charged, tried, convicted, sentenced, and committed to a penal institution. And less than half this number will serve the full sentence for the offense.

Clearly, then, the distribution of offenders through the criminal justice system, yields a picture at any one moment in time in which the great number of those individuals under supervision are not within institutions. In that same year, for example, we estimate that of the 1.2 million adult offenders, fewer than one in three of those under supervision were in institutions of any kind, with one of six on parole and the remainder on probation.

The significance of this analysis is that it reveals powerful trends likely to endure over time which compel the conclusion that an offender rehabilitation policy focused primarily on penal institutions would not be either balanced or comprehensive. Offenders exit from the system at a number of points—not the least important of which is the revolving door character of prisons themselves, with 19 of every 20 commitments resulting in release, most of these within two years.

Accordingly, an effective offender rehabilitation policy must provide program options at each stage of the criminal justice and corrections systems—and offer a continuous sequence of services keyed to the flow of the offender through those systems.

The goal would be to provide with due concern for the interests of society and the constraints of security—a realistic opportunity to achieve economic competence at every possible stage of the system to every individual capable, with help, of taking advantage of this opportunity. In this manner

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we may break into and break down the cycle of the offender's life-style.

In addition, our programs can serve to ease pressures upon elements of the system which are malfunctioning under severe strain and may—without assistance—deteriorate further.

Corrections, for example, as an element of the system, has rehabilitation as its goal, but is not functioning effectively—and should, perhaps, not be expected to, under existing circumstances. Any measure applied to the system's outcomes yields the same result. Of 18,333 offenders released to the community from the Federal prison system in 1963, 63 percent had been arrested within five years of release. These 11,477 individuals had been rearrested over 28,000 times, 3,600 of them four or more times. Taking a different cut, consider the 94,467 individuals arrested in 1968 for an Index offense: 46 percent had been imprisoned on a prior sentence for 90 days or more. And, finally, at a reasonably representative large central state prison in Maine, 53 percent of the inmates, as of February, 1970, had served prior sentences at that institution, while only one out of six had no prior record.

It is not surprising that prisons fail to rehabilitate, that probation is relatively ineffective, and parole often poorly supervised and deprived of resources.

A national policy on offender rehabilitation is only gradually emerging, so that existing efforts—inadequate as they may be—are scattered and uncoordinated. Most crucially, when a man is found guilty and sentenced, our interest in him wanes. Though society supports the police in their important work of law enforcement and while we are aware of the need to modernize and improve our courts, we are not as concerned with what happens after conviction. We should be, for the picture is bleak.

Each year perhaps two million different Americans serve a sentence for a broad range of offenses in one of our local jails, State prisons, or Federal institutions. At any one time, as we have seen, about one and a quarter million individuals are under the jurisdiction of the criminal justice system. Almost four hundred thousand are in a jail or prison, many awaiting trial. Most will be in old, decayed buildings, designed only for confinement. Many buildings in active use are more than one hundred years old, reflecting the fact that corrections was the last major area of traditional local responsibility to receive direct Federal assistance.

Thousands of county and local jails—where more than half the inmates are imprisoned without having been convicted of a crime—are in terrible condition, with little rehabilitation available. Over 95 percent of the staff is concerned with strictly custodial duties. Counting inmates, locking them up, counting them again and so on through the day. Isolated from society, with no links to work, a place to live, and meaningful human relationships, inmates' time passes at a painful snails pace—with little preparation for living in the world outside.

In terms of prisoner population data, the offenders dealt with by the criminal justice system are poorly educated, very young, disproportionately black, overwhelmingly male, and unsuccessful in forming stable families. They are also plagued by serious and multiple personal problems, frequently involving alcoholism, mental retardation, drug addiction, and mental and physical illness. They constitute, therefore, a seriously disadvantaged group, poorly situated to benefit from economic growth even were they not faced with other, artificial barriers to decent employment.

In addition to these elements of disadvantage, institutionalized offenders bring with them a severely limited range of prior work experience, largely concentrated in the low-skill end of the spectrum.[1] Offenders face, as well, substantial barriers to employment in the attitudes and practices of prospective employers (both public and private), as well as of co-workers, employment agencies, and the public in general.[2]

In the face of this overwhelming picture of personal, educational, and occupational deficits—and of systems structured to exclude the offender from a reasonable range of opportunity—there is little organized governmental rehabilitation effort. Of perhaps one billion dollars spent to maintain corrections, roughly 3 percent or $30 million goes for rehabilitation. Ninety percent of local institutions—the recognized vestibule to a criminal career—have no education and training at all, while perhaps two-thirds have no rehabilitation of any kind.

In large part because of these cumulative disadvantages, offenders—particularly those just released from prison—are unable to seek, secure, and retain stable and worthwhile employment. The Pownall national sample survey shows 17 percent unemployment for released male prisoners in the labor force, at a time of 5 percent unemployment in the national civilian labor force. This study is quite conservative, understating the problem, since it represents a period six months after release—when many have already been rearrested or are otherwise unavailable for sampling.

Though we lack adequate information on this subject—as well as comprehensive studies of recidivism—the inability of former inmates to obtain satisfactory employment—or to receive education or training to prepare for such employment—clearly contributes significantly to the problem.

A major research effort is required covering unemployment rates, labor force participation rates, earnings and quality of employment, and personal characteristics of offenders; in its absence we know enough from research and pilot efforts to postulate a significant relationship between training, manpower services, employment, and recidivism for offenders. Studies show unemployment is a major factor in parole and mandatory release violations and steady employment is directly related to lower recidivism—with a direct relationship between parole success, job training, placement and supportive services, and employment for the ex-offender.

Employment and income, therefore, are central to any offender rehabilitation strategy, which is, in turn, essential to both correctional reform and the President's anti-crime program. An effective offender rehabilitation policy must provide program options at each stage of the criminal justice and corrections systems—and offer a continuous sequence of services keyed to the flow of the offender through those systems.

Let us consider—not as an alternative, but for purposes of completeness and contrast—some estimates of the cost of bringing the entire field of corrections up to professionally-determined standards. These are, indeed, staggering. An adequate physical plant alone—that is, replacing jails and prisons that should be closed, would require over $12 billion. Upgrading the rest of the system would cost at least $3 billion more.

Is this the only direction in which we should go? It was our conclusion that there were far less costly and potentially more fruitful approaches to correctional reform. This conclusion rested upon an analysis of over seven years of experience the Department of Labor has had with a variety of experimental, demonstration, pilot, and research activities bearing upon the relationship between employment, training, manpower services, and the recidivism of criminal offenders.

In FY 1970 Secretary Shultz decided that our experience warranted expanding our small effort, consisting primarily of a pilot inmate training program, two pre-trial intervention projects, a demonstration bonding program, and some significant research. You will hear more about each of these from later witnesses, both from within and without the Department.

I would like first, however, to briefly describe this decision and stress that it has been recently reaffirmed and restated by Secretary Hodgson.

The decision was of a two-fold nature: First, we would add to the roughly $3 million we were spending, mostly on inmate training, $10 million in new resources for FY 1971. An effort would be made to provide a more realistic balance between activities designed to reach inmates and those aimed at other stages of the system for the far greater number who are not institutionalized.

Second, we would make every effort to develop effective relationships between the criminal justice and manpower systems, aligning our efforts in such a manner that they support and sustain constructive change and reform within these structures. At the same time we will insure that our efforts and those, for example, of the Law Enforcement Assistance Administration, are mutually beneficial. As you will soon hear, from representatives of the Manpower Administration, the Secretary's charge to integrate our expanding program into state and local effort that is supported by the block and discretionary grants of LEAA has been vigorously pursued—as have efforts to relate the activities of the state employment services to the corrections system.

We envision the Federal role as being one of providing national guidance, developing model systems for directing manpower services and employment opportunities to the critical intervention points within the criminal justice system, and conducting an intensive and innovative research and demonstration program. More responsibility for designing, planning, and administering a balanced program of offender rehabilitation activities will be exercised by State and local government with our support and technical assistance.

Briefly, what are some of these activities which we have decided are helpful enough to warrant more resources and attention? For some offenders, the appropriate point for assistance is upon arrest and before arrangement and trial. We call this pre-trial intervention.

Results from our first two projects indicate that if young people can be turned aside from lawbreaking before they have established a "record," there is greater hope that they will not commit further delinquent or criminal acts.

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[1] Occupational distribution of the male prison population, 1960 (Source: Census of Institutions, 1963): According to last major occupation prior to incarceration: 68.6 percent laborers, service workers, operatives, 24.7 percent craftsmen, clerical-sales, 6.5 percent managers, professional-technical, as compared with men in the general labor force: 38.4 percent, 34.8 percent, 26.7 percent respectively.

[2] Over half the States will not employ a person with a criminal record. Seventy percent of 475 private employers in a 1946 New York City sample stated they would never hire a released offender; all but one of these said they would fire any offender inadvertently hired. In 1964, 50 percent of employers surveyed in 16 midwestern cities had never hired parolees and 23 percent had a stated policy against doing so. Seventy-five percent of employment agencies recently sampled refuse to refer any applicant with an arrest record. Seventy-two percent of the public stated, in a 1968 survey, they were uneasy working alongside ex-offenders.

The concept is simple. At present there are three traditional ways of dealing with young first offenders: they can simply be discharged—and often are—without any serious attempt to help them, in the often forlorn hope that they will straighten themselves out; they can be released on probation, where very little support—as I shall show—is available; or they can be incarcerated, with results which often serve no one's interests. For a youngster who may be on the threshold of a criminal career—and for whom normal court processing would in all probability be a negative and hardening experience—none of these is satisfactory.

Pre-trial intervention provides the court with a fourth alternative. Carefully selected defendants, 16 to 26 years of age, charged with primarily economic offenses—were recruited for enrollment in a 90-day period of voluntary participation prior to judicial review of their cases. Each individual was provided with job or training placement assistance, group and individual counseling, remedial education and other assistance as required. The staff then made a recommended disposition of the charges to the court based on the extent to which the enrollee satisfactorily participated and demonstrated his determination to use legitimate means to obtain economic rewards.

After three years of experience, our Washington project has been incorporated in the court budget, with the enthusiastic endorsement of the U.S. Attorney and the Chief Judge. Of 753 young offenders accused of such things as petit larceny, attempted auto theft, forgery and simple assault, charges against 468 have been dropped, while 285 were returned to normal court processing, primarily because of unsatisfactory performance. Charges were dismissed at a rate of 76 percent for adult enrollees and 40 percent for juveniles.

The acid test is that favorably terminated participants committed further criminal acts at a rate less than one-half that of control group which did not receive project services. Over 1,000 job and training placements were made, with the employment rate among former adult enrollees a year after leaving more than double that at the time of enrollment. At a program cost of a little over $500 per enrollee, the project exhibited a benefit-cost ratio of at least 2:1.

Before proceeding further, I'd like to note that probation—as a realistic alternative to imprisonment—has never been seriously tried in America. This underlines the importance of providing the courts with other alternatives, such as pre-trial intervention, for those many individuals who would not be well-served by probation, or, what's worse, institutionalized because of local deficiencies in probation.

I want to stress that prisons—as bad as many of them are—get almost all the corrections dollar, scanty as that is. Little or nothing is left for probation or—for that matter—for parole. When it comes to sentencing, then, the courts are compelled to rely on costly and ineffective residential institutions.

A massively expanded probation system could tap all those resources for education, employment, and training, that almost every community has in greater quantity and quality than the most expensive institution. Potentially much more effective than institutionalization and obviously cheaper, probation remains virtually an unexplored frontier for rehabilitation.

At the next stage—imprisonment—even less assistance is available for the offender. As I noted above, it is estimated that of over $1 billion spent on prisons, perhaps $30–$40 million goes for rehabilitation. It is also more difficult to inform and involve the public in rehabilitation work within prisons because of the relative isolation of corrections from those opportunity systems which support and sustain the rest of the community.

In recent years the Labor Department has tested skill training in penal institutions, together with supportive services, education, job development and placement. This modest experimental program was expanded in fiscal 1970 to 49 projects with more than 3,100 inmates at a cost of $5.3 million. The average cost of $1,600 per enrollee includes a small stipend—most of which is held back as "gate money" to cushion the difficult post-release adjustment period.

A careful evaluation finds that inmate training programs can be mounted in many different kinds of settings, despite legitimate security requirements. Most institutions, after initial caution, were cooperative—and many altered previously unexamined arrangements of long standing to make training possible.

Unfortunately, state employment services were asked to shoulder the difficult task of job development and placement, with little assistance and less advance notice. Overall, not enough attention was paid to developing a job in advance of release and inadequate use made of the existing JOBS mechanism.

Considering these tooling-up problems, program results prior to our recent decision to expand inmate training are encouraging.

As you will hear we seek to have not only more projects—but a better program. We know that we must link training with a specific job. One approach is through improved performance by State employment services, so we are funding model programs in five states—Pennsylvania, Georgia, Oklahoma, Arizona, and Massachusetts—to expand their capacity to provide manpower services for offenders.

Yet we recognize that State employment services are not necessarily in the best position to provide all manpower services needed by offenders. For one thing, we have fresh evidence that parole, probation, and corrections staff can be equipped to perform many of these functions. This is being done in North Carolina and may serve as a model for other states. Moreover, a balanced program must actively involve the private sector.

Before discussing this, however, I want to stress that all those interested in jobs for ex-offenders now have an important, thoroughly tested new weapon to assist them: bonding assistance. The Department bought fidelity bonds for more than 2300 ex-offenders, including inmates released after completing our skill training programs. Only 30 defaulted.

Our studies show former prisoners able to hold jobs otherwise unobtainable without bonding assistance. Further, employers were often motivated to review their regular requirements for subsequent hires. As a result, we are now providing bonding assistance at all institutions where we provide skill training.

We are going even further. We have so much confidence, we are extending the program nationwide to make bonding assistance available through more than 2,200 local employment service offices for all ex-offenders who apply—and who can demonstrate that they are barred from accepting a specific job offer solely because of inability to secure a commercial bond. Significantly, the bonding company substantially reduced its rates to us and has now agreed to give standard coverage rates to any bondee bonded for 18 months without a paid default, if he is unable to get commercial bonding.

We know now also that a comprehensive program of manpower services and employment opportunity for offenders in the criminal justice system requires volunteer involvement and extensive private sector participation. The government can only do so much; the very size of the problem requires that the private sector—in its own self-interest—shoulder a major part of the burden.

It would seem wise for the Labor Department to build on such involvement and test greater reliance on the private sector for job development, placement, and follow-up. This could be a useful alternative to exclusive dependence upon an already over-burdened state employment service.

When we look at the overall picture, we see the Department of Labor expanding inmate training, pretrial intervention, bonding assistance and manpower services to offenders. From a $3 million program in FY 1970, the President's budget requests $29 million for FY 1972, the bulk to be administered at the State level in the coming year.

Each state already has a planning agency setting priorities in the related fields of law enforcement, courts, and corrections, under bloc grants from the Law Enforcement Assistance Administration. Each state determines where it can spend these funds most effectively. Hopefully, manpower services can be carefully aligned with this Safe Streets program.

We are working with the Justice Department to insure this kind of coordination at the national and regional levels. Concerned citizens and public interest groups can help bring these programs together so as to achieve maximum impact in each state.

We are very much aware, however, that while we can stimulate improvements in our criminal justice system, the improvement itself must largely be brought about by states, municipalities, volunteer organizations, professional groups, and just plain concerned private citizens. We are also aware that the more systematic alignment we have undertaken between the manpower network and the criminal justice and corrections systems—of which you will be hearing more—is a large order. We know we have a long way to go, but we have been making progress.

This effort, overall, will require a change in public attitudes, as well as in institutional practices. This theme comes through strongly in remarks that Chief Justice Burger has made on a number of occasions. He has said, "If we want prisoners to change, public attitudes toward prisoners and ex-prisoners must change." It seems to me that there is no more critical area where such change must take place than that of employment and opportunity for self-sufficiency.

We believe that any realistic plan for rehabilitation of offenders will center—for many, though not all—on the manpower approach I have discussed with you this morning. While there are clearly limitations, it is equally clear that we have not begun to press against those limits. We have a long way to go.

It seems to us—taking what we feel is a sound and balanced view of overall public policy—that work and preparation for work can also help in the struggle to achieve court and correctional reform. If we are right, it is another reason to encourage comprehensive planning at the Federal and state levels, so that we can identify and meet the needs of offenders for training, rehabilitation, and work. At the same time, state-wide planning for reform in the criminal justice system can rest on a broader base. This base must include the kind of attitude change of which the Chief Justice spoke, together with the work of all the volunteers—and more—now working in corrections.

In closing, I would like to try to bring together a number of themes that seem to me to be of great importance.

Corrections and offender rehabilitation have long been viewed as traditional responsibilities of state and local government. Equally traditional has been the low priority accorded to these areas, together with a continuing strain on state and local finances.

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These factors combine to insure that the the overall level of resources available for these tasks—particularly if the approach is the conventional one of building more, and hopefully better, institutions—will continue to be grosely inadequate.

This will be the case even with the substantial aid available for corrections and offender rehabilitation to states that make imaginative use of the grant program of LEAA.

Further, if law enforcement becomes more effective as a result of such aid it will swell the human tide flowing through the systems we discussed earlier. The clearance rate, as a vital indicator of law enforcement activity, would then slow its rate of decline and, perhaps, after leveling off, turn up. If that happens it will signal a massive increase in the costs of operating the criminal justice system.

Further, delays in every form of final disposition subsequent to arrest—already severe—could become so extensive as to present the possibility of a complete breakdown in the application of our concepts of trial, proof, judgment by verdict of peers, effective representation by counsel, and so forth. Our society can ill afford such risks. These systems exist to afford the innocent an opportunity for vindication, a function which must be performed if our society is to remain free.

Last year in the District of Columbia, as a result of increased and more effective law enforcement, the clearance rate for serious crimes doubled, from 10 to 20%! Consider, along with these startling indications of prospective pressures on the rest of the system, the fact that of $873 million spent on fighting crime in New York City in 1970, 3/10 of one percent was devoted to rehabilitation of offenders.

Clearly, a crisis of as yet undisclosed dimensions and impact is riding closer to the edge of public consciousness.

Put quite simply, it can be reduced to one question: What are we to do with all of these people we will be apprehending, and, in varying numbers, convicting?

While we are not able to predict with precision—at this still quite early stage—the extent to which our manpower program can help, it is clear that the results would be in the right direction. Further, if the manpower system—along with others—can be more successfully aligned in ways that will tend to break down the almost complete isolation of the criminal justice and correction systems, it may work to hinder what would appear to be—as in the case of the welfare system—an almost completely predictable further deterioration.

Remote from the institutions and services which support the mainstream of our society, the level of resources which these systems can bring to bear—without assistance and meaningful linkages—is inadequate and must remain so. At the present time, organizational arrangements that could facilitate this process of effective intervention in the life-style of many offenders are both parochial and primitive. The integration of criminal justice and corrections resources with state employment services, vocational rehabilitation agencies, and the training programs of the private business sector, is only now being formulated as a problem to be resolved.

Until this is done, the full resource capacity that can be brought to bear upon the problems of crime and recidivism can only be guessed at and, more importantly, existing programs (conventionally listed in inventories as interfaced correctional resources) will not realize their full potential.

Last summer, Bernard Segal, then President of the American Bar Association, said, with respect to the subject of correctional facilities and services: "We have enough research and studies. This is the time for action." We agree.

OCTOBER 18, 1971.

Mr. JOHN K. SCALES,
Minority Counsel, Subcommittee on Employment, Manpower and Poverty, U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR MR. SCALES: This is in response to your letter of October 4 requesting information on programs and activities conducted by the National Alliance of Businessmen which relate to employment and training of criminal offenders.

Ex-convicts who are poor and wihout suitable employment are eligible for the NAB/JOBS program. Accordingly many ex-convicts, as well as some federal work-release prisoners, have been provided employment and training by NAB/JOBS employers. We have not, however, collected data on the numbers of individuals in this category.

Sincerely,

WILLIAM C. WOODWARD, *President.*

Mr. JAVITS. Mr. President, I send the bill to the desk and serve notice that I shall have a unanimous-consent request later in the day with respect to its referral.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the bill I introduced today relating to manpower development and training, for corrections, be held at the desk for referral to a committee until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. MUSKIE:

S. 2965. A bill to provide greater access to Government information, and for other purposes. Referred to the Committee on Government Operations.

TRUTH IN GOVERNMENT ACT OF 1971

Mr. MUSKIE. Mr. President, our democratic system depends upon the vigorous interaction of three branches of government amongst themselves and with the press and the public. The interaction—so vital to our freedom—is threatened with serious imbalance as the power of the executive branch grows. A great part of that power stems from the executive branch's ability to withhold information from Congress and the public.

With the growth of the security classification system, of normal bureaucratic maneuvering, and of formal use of executive privilege, the executive branch can hide from Congress, the press, and the public information that is absolutely crucial for responsible decisionmaking. This is not the result of a plan or plot, or even a policy. More accurately, it is the inevitable result of the changes that have taken place in our Federal Government over the past two decades.

Engaged in a cold war, we needed a permanent Military Establishment of major size and an elaborate classification system. As the size and complexity of our Government grew, information became more important and complicated. Information became harder to find and easier to hide. As issues and events began to move more rapidly, fewer institutions like Congress or the press could by themselves keep track of the essential knowledge of Government policy.

The executive branch alone now has the resources to assemble the detailed knowledge needed to formulate public policy in our technological society. And in a natural attempt to increase its leverage, the Executive withholds that information to further its own policies. Information is hidden to hide mistakes and blunders. Adverse information is hidden to preserve political reputations and promote policies. Dissenting opinion is hidden to mute opposition.

The new power of the Executive and the importance of the information transforms what was once an effort to put the "best foot forward" of an administration into an ability to control what Congress and our people will know about many key Government decisions and policies. The public and the press often no longer have enough facts to make responsible judgments about the course of Government. And Congress often does not have the information essential for it to carry out its constitutional responsibilities.

The Pentagon papers are the best example of this problem. Material that is essentially historical was denied to the public on national security grounds. That information, had it been known at the appropriate time, may have substantially changed the course of events in Vietnam. Even after it was too late to affect our policies, but when it could have served to inform us about past errors in order to avoid a tragic repetition of Vietnam, the Pentagon papers were still denied to the American people and their representatives.

Just last month citizens had to go to court—where they were largely unsuccessful—in order to attempt to obtain basic factual data about the potential environmental impact of the Cannikin test. Most of this information was unavailable to Congress. It was not made available before an irrevocable decision to go ahead with the test was made.

A battle in Congress of several years over the SST went on while key evaluations of the effect of the craft on the environment, the economy, our balance of payments, and so on were denied to Congress—even though Congress had to decide on whether to fund the project or not.

These are just a few of the many examples that demonstrate a need for fundamental reform. We must get the facts about our Government and its policies to the people and to Congress. Only in this way can our citizens and their representatives judge and, when they feel it is appropriate, oppose the policies of our Federal Government. This is the way we will restore some balance between the powers of the executive branch and the rest of our Government. It will also restore trust in our Government by removing much of the credibility gap.

In order to provide the essential information about our Government needed by Congress and the public, I am introducing today the Truth in Government Act. It creates a Disclosure Board which will supply Congress and the public adequate information about the policies of Government. It will also provide independent control over our classification system to end its abuses. Such an independent agency can judge amongst the competing claims of Congress' need to know and the Executive's need for secrecy to protect national security.

This legislation creates a seven-member Disclosure Board. Its members are selected by the President with the advice and consent of the Senate. They would serve staggered 15-year terms.

In order to insure a diversity of views one member must come from a background in the American diplomatic corps, one from the military, one from the press, one from Congress and one from the legal profession. The Board is given the power to subpena any Government document in order to fulfill its functions. Its reports and decisions are to be publicly printed.

The first responsibility of the Board is to supervise the security classification system. The Board is granted the power to issue rules and regulations governing classification and the power to enforce them. Classification is required to be made subject to stringent principles restricting its use to cases of demonstrated need. Classification of documents is limited to a period of years according to their nature. Extension of that period is not automatic; the official requesting an extension must prove to the Board that it is consistent with the principles limiting classification.

The Board has the power to investigate any cases of misclassification or overclassification; to declassify documents; and to order agencies to modify their methods of classification to conform to the Board's rules and regulations.

The President has 45 days to review these decisions, orders, or regulations of the Board. If he modifies them, he must give a public, written explanation of the modification.

This part of the bill will take the classification system away from those who use it to protect themselves instead of secrets. It will allow an impartial Board to review the case for secrecy—so that secrecy when needed will be kept and, when unneeded, it will be efficiently swept away. It will give all Americans reassurance to know that the stamp "secret" will be restored to its rightful place.

A second major responsibility for the Board will be to provide Congress documents it needs to fulfill its Constitutional responsibilities. Congress needs sufficient information to make reasoned choices about appropriations, new legislation, and required oversight. Without this information, our system of checks and balances breaks down.

Just as important, Congress, as elected representatives of the people, can reflect their interest in light of information that cannot be made available to the general public. This will allow a broader check on the Executive, while preserving needed confidentiality.

This legislation creates a system to accomplish this by allowing either House of Congress, 10 Senators or 43 Representatives, or any congressional committee to request from the Board executive documents that have been refused to them. When such a request is made, the Board will hear from the requesting party why the documents are needed by Congress and then will hear the justification for the refusal to produce them from the relevant agency or department. The department could rely upon any of the traditional reasons for executive privilege: National security, diplomatic need, the privacy of personnel, the needs of criminal investigation, or the protection of candid advice to superior. The Board would balance these two needs and provide a written decision. The Board would be able to release the documents under a protective order requiring their secrecy and restricting their availability.

The decisions of the Board can be modified by the President if he invokes executive privilege with a written order. Both the Board's and the President's decisions are appealable to the U.S. Court of Appeals and then the Supreme Court by the original parties.

In the normal course of events the Board under these provisions will reject and accept many requests for documents. Undoubtedly, many documents will be sent to Congress with limitations upon their distribution. In the case where the Board rejects a serious and strong claim of executive privilege, the President could overturn or modify the decision, while publicly stating his reasons for so doing. Decisions by the Board, modified or unmodified, would go to the court of appeals and then the Supreme Court. The Court would review the reasonableness of the decision below—in effect reweighing the constitutional balance.

Although this is unusual, I think it is highly appropriate for the courts to make this type of decision. They have the institutional neutrality that is needed. They have the expertise in balancing these types of competing constitutional claims. And they have the perspective to ensure that the entire democratic system will be served by the decision.

In those decisions where the argument for secrecy is weakest, the Board would release documents to Congress without protective order; they would become public. This would be the major avenue for making information public.

Put to provide another route for public access to information, the Truth in Government Act substantially liberalizes the provisions of the existing Freedom of Information Act, which now provides for private suit in court for the release of Government documents. Under the law, all documents must be made available save those that fall into one of many broad categories of exemptions. To date this legislation has not provided major access to Government documents. In order to strengthen the act, my legislation would amend it to:

Provide attorney's fees for those who win a suit to force an agency to release documents it has improperly held;

Allow courts to judge the reasonableness of a claimed exemption from the Freedom of Information Act—overruling *Epstein v. Resor*, 421 F. 2d 230 (1970);

Make determinations by the Board that a document should be declassified a prima facie case that the document is not within the national security secrecy exemption of the Freedom of Information Act; and

Permit a district court in a Freedom of Information Act case to seek an advisory opinion from the Board.

Thus private citizens, using the Freedom of Information Act, will be able to affect the flow of vital information to the public.

This entire bill is structured to restore balance to our system. Properly administered, it can provide greatly increased information for the public. Congress will have a reasonable way to obtain the information it needs in order to play its role in our constitutional system.

Yet this legislation does not go too far. It preserves a classification system in competent hands. It gives ultimate control over that system to the Commander in Chief. It creates an orderly procedure for releasing documents to Congress that does not ignore the legitimate needs of Executive privilege. Contemporaneous documents and the advice of aides are absolutely protected.

I suggested this proposal for an independent declassification board last summer during the heightened concern over Government secrecy caused by the Pentagon Papers controversy. The reaction to it across the country was enormously favorable. I ask unanimous consent that editorials about the board printed last summer be placed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD as follows:

[From the Vallejo (Calif.) Times-Herald, June 25, 1971]

BEATING THE SECRECY LABEL

It was unfortunate the showdown between the press of America and the United States Government happened in the case of the government charging the New York Times with endangering the country's security by publishing a series of articles based on what was said to be a secret study of the Vietnam War in 1964.

All of this could have been prevented if someone had come up with the idea years ago as proposed by Sen. Edmund S. Muskie the other day. He said he would introduce legislation to create an independent board with authority to lift secrecy labels from government documents.

Under Muskie's plan, the board could make a document public after a lapse of two years. And at anytime, this board could send relevant documents to the appropriate committee of the Congress.

"Whatever the facts are," Muskie said, "they cannot inflict more damage than a rising tide of disbelief. We must give people a reason to believe anew in their ability to control the great events which shape and alter their fate. And that is why the board must be an independent board in appearance as well as in fact," he added.

Muskie said his plan would give the president and the departments the strongest incentive to be frank about the facts, which would in any case be made public almost immediately or soon afterwards. And at this same time, an independent board could protect the national security without using it as an excuse to hide blunders or launch covert policies.

Muskie's plan appears to have merit. With an independent board working unfettered and unbiased and holding allegiance to neither the government nor the people, showdowns can be avoided. All showdowns, and in this instance the word is used all-inclusive, are damaging because there can be only one winner. In some instances, however, both sides come out the loser when the showdown is resolved.

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Congress should take a careful look at Muskie's plan in the not too distant future.

[From the Rock Island (Ill.) Argus, June 22, 1971]

OVERCOMING SECRECY ABUSE

Democratic Sens. Edmund Muskie and George McGovern have made a timely suggestion in connection with the New York Times publication of official Vietnam war documents—require that any "national security" stamp put on an official paper be subject to periodic review.

Sen. Muskie proposed the establishment of an independent board which after two years would be allowed to make public any paper classified as secret.

Because a paper so labeled won't always be known to exist, any department or agency classifying a document as top secret should be made to come before the board within a specified time and justify continued classification if this was intended.

But why not a shorter time period for non-defense agencies? Yes, a lot of documents are suppressed by these agencies, often to cover up official blunders.

Newspapers believe there has been far too much secrecy, but have no desire to publish facts that are harmful to the nation; in fact, they have often withheld such information when stumbling upon it. In the present dispute the Times has taken pains to delete references that might harm the U.S. in its relations with other nations.

[From the Lewiston Daily Sun, June 23, 1971]

SECRECY AND DEMOCRACY

The most positive and important development to come out of the current imbroglio among the federal government, The New York Times and the Washington Post, over the publication of secret papers on the origin of the Vietnam War and high level discussions and decisions about it has come from our junior United States Senator, Edmund S. Muskie. While some office holders on both sides of the political fence have been seeking to make political capital of the situation, to embarrass present or past Presidents, our senator has come up with a concrete proposal which is meritorious. He plans to file legislation to create an independent, bipartisan board with authority to lift secrecy labels from government documents.

Secrecy and democracy are antithetic, on the surface, at least. How can there be government "of the people, by the people and for the people" if the people are denied information by a stamp of secrecy placed on documents on public affairs by officials who may or may not have good reason? But even in democracy, there must be some secrecy. It is necessary for national security, particularly, and extends into other fields such as trade, research and even planning at times.

Secrecy should serve the interests of the public and not be a cloak to protect officials against the disclosure of their honest mistakes, nonfeasance or misfeasance.

The use of the secrecy stamp in Washington is regulated by an Executive Order issued by the late President Dwight D. Eisenhower in 1953. It set up three classifications, of declining importance: Top Secret, Secret, and Confidential, and vested the power to classify in the heads of the various departments. The power in turn could be delegated to appropriate officials. Provision is made for downgrading of classifications after a period of years leading to final declassification. The latter may require 25 to 30 years, when Top Secret papers are involved. Great Britain recently adopted a 30-year regulation, while France continues to a 50-year rule.

An independent board, such as proposed by Senator Muskie, could make periodic reviews of classified material to determine whether the reason for secrecy remained valid. We agree with the senator that such a system "would give the President and the departments the strongest incentive to be frank about the facts. * * * At the same time an independent board could protect national security without using it as an excuse to hide blunders or launch covert policies. * * *."

[From the Lincoln (Nebr.) Journal June 22, 1971]

MERIT IN DECLASSIFYING BOARD

A sensible and unemotional suggestion was offered by Sen. Edmund S. Muskie, D-Me., in the highly explosive situation of the publication of the Pentagon papers. He will propose legislation to create a seven-member independent board responsible for declassifying secret government documents.

This board should be free from government control and pressure from the news media. Too often government officials have put on the classified stamp to avoid embarrassment or to cover up incompetence or worse when national security is not involved.

There should be stronger regulations about putting classified papers in code. Coding of documents which later can be declassified leads to the claim that declassification gives foreign agents an opportunity to break the codes.

Loose regulations about coding in itself lead to locking history into secrecy, giving government officials too much latitude to keep their operations from the people who have a right to know and from the press which has a right to print except when national security is threatened.

If the country is to remain strong and free the people must have faith in the government and in the press to protect their right to know what government is doing and is up to.

Congress should give strong consideration to the proposal of Sen. Muskie. An independent board should have wide authority and cover both the executive and legislative branches. Secrecy is not confined to any one segment of government.

One of the administration's arguments against the printing of the documents by the New York Times and Washington Post is that this will cause concern abroad and the loss of confidence in the United States. It is doubtful that the United States will lose face with other nations if it keeps faith with its people at home.

If it can't have it both ways, then if the government of the United States of America is to survive as it was conceived, it must make the choice of being trusted at home.

[From the Minneapolis (Minn.) Star, June 22, 1971]

THOSE SECRECY LABELS

Outrage over deceit on U.S. involvement in Vietnam, as disclosed in the secret "Pentagon Pspers," appears to be widespread. There is probably less outrage, however, and more puzzlement, over the government's practice of classifying documents "secret" and "top secret."

John Kenneth Galbraith, in the letter reprinted on this page, asks a critical question about this practice: Against whom was this secrecy employed? He charges, with some validity, that it was used against Congress, "our own people and our friends," and that it protected "the freedom to make catastrophic mistakes."

It is obvious that there has been a loosening of long-standing security practices during the course of the Vietnam War. Officials who have become disenchanted with U.S. policies have leaked information, or, once having left office, have rushed into print with their own versions of what has happened. At the same time, there has been a tendency, by many in high office, to overclassify information, to stamp ordinary documents and study papers "secret" and keep them so classified for long periods. One result is that a good deal of information, often common knowledge to our foes, is kept from the public.

Sen. Edmund Muskie, D-Maine, says he will introduce legislation to create an independent board with power to lift secrecy labels from official documents. The board would be able to make documents public after a two-year waiting period, and send others to committees of Congress while they were still classified.

Muskie's proposal is a laudable one, but we would prefer to see a board responsible to the public—in other words, made up of elected officials—rather than one appointed by, and responsible only to the president. Only in this way can the public's right to know, rather than the actions of high officials be protected.

[From the Hackensack (N.J.) Record, June 25, 1971]

ESCAPE HATCH FOR TRUTH

The first proposal for adjusting the machinery of government to prevent unwarranted classification of official documents has come from Sen. Edmund S. Muskie.

Details are sketchy. The Maine Democrat outlined the plan at a party fund-raising dinner, a forum hardly conducive to dispassionate consideration of important innovations. The plan has promise none the less.

Sen. Muskie would create an independent seven-member board to review secret documents two years or more after their original classification and to make public those whose disclosure it deems to pose no threat to the nation's security or diplomatic relations.

Under present law the authority to declassify such documents is vested in the authors who declared them secret originally or their successors in office.

The membership of Sen. Muskie's board would presumably include neither the authors nor the subjects of the reports under its scrutiny. There would be less temptation to keep the lid on merely to cover up ineptitude or outright malfeasance. And the public's essential right to know what its government is doing would be enlarged.

This is all to the good. As Sen. Muskie put it: "We must give people a reason to believe anew in their ability to control the great events that shape and alter their fate."

One potential danger in the plan is that it might encourage a reluctance to put certain sensitive considerations in writing or a tendency to confine them to unofficial memorandums.

Sen. Muskie should be encouraged to consider this possibility and prepare his plan for formal congressional consideration promptly. National concern over how much the people are entitled to know about this government has never been more intense.

[From the New York (N.Y) Post, June 23, 1971]

HOW HUMAN ARE JUDGES?

(By Max Lerner)

In the three federal court cases hogging the news—guess which—there are at least 20 federal judges involved. Within the week the nine Supreme Court judges will probably have been drawn in, to get the cases settled for good.

This is a vast expenditure of judicial energies and brains, but the issues are worth it. Everyone agrees that we are now involved in a crisis of belief—in the government and in the press. Which means that we can't depend on the officials of either of them to settle it, since each has an ax to grind—drastic secrecy rules in one case, and an absolute freedom of press in the other. At this point only the judiciary and the judicial mind can serve as arbiters.

Are the high federal judges qualified for this role? They cannot be wholly qualified—no one can be—for to be above all human bias and passion they would have to be men like gods. I know more about the Supreme Court judges than I do about the Federal District and Appeal judges, but they are all very human, with their own biographies, preferences, ambitions, values. The glimpses we get of them, as each moves into the public spotlight for his brief intense moment of exposure, show up the human qualities and perhaps some of the frailties.

Many years ago, when my innocence about the judicial process was first breached, it occurred to me that judicial decisions are not babies that come into the world conveyed by storks, but that they come out of the travail and conflict of opposing interests, power systems, world views. That is still true. But it is also true that there has to be something special about the way judges operate that sets them off from those other government servants, the political men.

The something is what we mean by the judicial mind. Either it is there or it isn't, and in too many cases it isn't. But it had better be there in the high judicial posts. For if we are in a crisis of belief about politicians and about the media, it would be catastrophic if our belief in the judiciary were also under siege.

I read an account the other day of a federal judge. It said that his friends thought of him as a man who knows his own mind, and has no hesitation in speaking it. I should like such a man for a friend. But a judge must not only know his own mind, like the rest of us. He must be able to transcend it, in the sense of transcending his own preferences. He must reach out to reconcile the claims of conflicting groups, and do it clearly enough, in long-range terms, so that men will know where they stand in the sight of the law, and feel that it deals fairly with them, and that they can live out their lives in a rapidly changing world with some measure of order and security.

The trouble is that many judges see this as their self-image, and hide their own partisan views behind it. FDR understood this about the conservatives on the Supreme Court who blocked the New Deal legislation, and he was so angry that he made the mistake of blasting them out of the way by a court-packing threat.

The judges of the Warren Court were just the opposite. They were impatient with the slow pace of change in giving all men greater access to equal life chances, and in protecting the obscure.

In the process they moved so passionately and unwarily, in the field of criminal law that they aroused the rage of a large segment of opinion which felt they were unjudicial, and that they had ignored the everyday fact and fear of crime. Thus with the best of motives one of the most creative courts in American history ended with what Fred Graham has called a "self-inflicted wound," and witnessed another crisis of belief in the judicial mind.

On the vexed problem of how to declassify secret government documents Sen. Muskie's suggestion of a blue-ribbon civilian commission, to review the classification after two years, makes considerable sense. Somehow we shall find a better way than the present one.

Even the problem of the credibility of government officials can be solved—by changing them. But the belief in the fairness of judges goes deeper than either of these. In a Time of Troubles like the present we need constantly to renew a kind of social contract between struggling groups, and it is the courts that must have credibility as the keepers of that contract.

[From the Scranton (Pa.) Times, June 23, 1971]

A "DE-SECRETING" BOARD MUCH NEEDED

Both of those masters of satire, Russell Baker and Art Buchwald, whose columns appear on this page, have had their fun with the government's tendency to withhold information by way of classifying even apparently harmless documents with graded variations of secrecy.

Their caustic wit on this subject was prompted by the Justice Department's attempt to halt further publication of the Pentagon Papers, as the McNamara study of our escalated commitment to the Vietnam War has come to be known.

And both the Pentagon Papers and the satirical commentaries point up a need for some means of prodding governmental departments into releasing or else justifying the continued hiding of information about subjects which have universal impact on the quality and direction of life in the United States.

The only recommendation we have seen put forth publicly thus far is that of Maine Sen. Edmund Muskie. He has proposed that legislation be enacted which would establish an independent board with authority to declassify secret government documents in the public interest. The board would be authorized to act after the documents had been withheld from Congress and the public for two years.

It is significant that congressional committees have not been able to get requested information from the executive branch because of the screen of official secrecy, including the Pentagon Papers. The need for an independent agency to monitor these documents is apparent when it is realized that without such a board the very existence of vital documents is little known. An independent board also would be less likely than the executive branch to make the covering up of administrative ineptitude the test of whether a document should be placed in the public domain.

[From the Providence (R.I.) Journal, June 23, 1971]

TOO MUCH SECRECY

The furor over the Pentagon papers that have been published thus far has pointed up the growing problem of secrecy in government. The practice of classification has long since bureaucratized the concealment of government decisions and information embarrassing to officials, far beyond the requirements of national security. Once classified and filed away from public scrutiny, papers tend to stay buried for years on end. That is why the proposal of Sen. Edmund S. Muskie for creation of an independent declassification board finds a receptive public today.

If such a board had the power to make a document public after a two-year waiting period, as suggested by Senator Muskie, there would be strong pressure on top officials to be more open and honest about their policies and actions. There would be less incentive to try to hide the facts, since the secrecy label would not cover them for long. Presumably, the executive department would have full opportunity to oppose lifting of the secrecy curtain and to convince the board, perhaps in private hearing, of the necessity for continued classification.

But an independent board, whose directive was to release as much as possible, would have a very different approach from a bureaucracy whose tendency is to file and forget—or to release only what is favorable to its interests. If the board's work were carried out in the spirit of full information for the people, there would be much less chance for suits against newspapers or other media for publishing information that had been classified, justifiably or without sound reason.

If very much of the material in dispute in the cases of *The New York Times* and *The Washington Post* were clearly harmful to national security, there would have been much less controversy over its publication, perhaps none at all. Of all those who have commented on the security aspect, the most convincing is Sen. Stuart Symington of Missouri. When he asserts that the disclosures were not harmful to national security, he speaks from the experience of long years in the Senate, preceded by service as a top defense official—secretary of the air force. "It's obvious to us for many years," said Mr. Symington, "that the executive department has been taking advantage—as it is today—in classifying in order to cover up various matters they do not want the people to know."

A declassification board which cannot release documents to the public for two years may not solve the problem posed by an executive who holds out on the people or feeds them misleading information to keep them quiet. A feature suggested by Senator Muskie, permitting the board to furnish documents to appropriate congressional committees during the two-year period, would go part-way toward solving that problem. Beyond that, top officials must begin working to restore the attitude of trust between the people and the government—between Congress and the executive—that existed in a less turbulent time of our history. The simplest way to do that is to "level" with the people. As Senator Muskie said Sunday, "Whatever the facts are, they cannot inflict more damage than a rising tide of disbelief."

[From the Houston, (Tex.) Chronicle, June 23, 1971]

MUSKIE ON OFFICIAL SECRECY

The continuing controversy over publication of the Pentagon papers has focused attention on the manner in which the government classifies "secret" information.

The Pentagon papers, portions of which have been published by the New York Times, the Washington Post and the Boston Globe, are indeed classified as "secret." But the editors of those three newspapers published the information anyway—not because they are unpatriotic or desirous of causing this nation harm but rather because they believed the secret classication in this case is not justified.

Government officials have a natural inclination to put the secrecy stamp on anything which might be embarrassing. It is far more human to attempt to hide mistakes and blunders than it is to publicize them.

If publication of the Pentagon papers is harmful to the nation's security, as the government contends, then we doubt seriously that the editors of three great newspapers would seek to publish the documents.

The U.S. Supreme Court ultimately will have to decide who is right in this controversy, one of the most important issues of press freedom in this country's history.

Meanwhile, Secretary of Defense Melvin Laird has directed his Pentagon censors to declassify as much of the lengthy report as possible.

It should be kept in mind that we are not dealing here with current military plans which might if disclosed jeopardize the safety of our military personnel. Rather we are dealing with high government decisions, policies and contingency plans which occurred at least four years ago and as far back as the Truman administration. This is history, and in such a case Americans can justifiably wonder why the "secret" classification still applies.

Sen. Edmund S. Muskie, in a speech over the weekend, observed that "countless citizens no longer believe in their government... What they do believe is that the govern-

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ment lies, and this disbelief has reached a new high with this week's publication of the Pentagon papers. They are the daily front-page story and the urgent concern of anyone who cares about the trust that binds Americans together."

He said that this danger of loss of trust in the government and this "corrosion of ideals" is so great that specific steps must be taken to prevent any government from operating in so secret a fashion in the future.

Muskie proposes to introduce legislation to create an independent seven-man board with the authority to declassify secret government documents after a waiting period of two years.

"This system," Muskie argues, "would give the President and the departments the strongest incentive to be frank about the facts, which would in any case come out almost immediately or very soon."

We think Muskie's plan is a sound one.

Incidentally, a husband and wife team were the ones who blocked efforts to declassify the Pentagon papers. Dennis J. Doolin, deputy assistant secretary of defense for international security in charge of East Asian affairs, had the responsibility of periodically reviewing the 46-volume report. He was assisted by his wife, who is deputy director of the office of special considerations in the U.S. Department of Health, Education and Welfare.

[From the Salt Lake City (Utah) Deseret News, June 22, 1971]

TOO MANY SECRETS? LET'S TAKE A LOOK

A few days ago this page called for a review of the government's classied documents and reports to determine which ones need no longer be kept secret.

We did so because America might have been spared some embarrassment if the report leaked to the New York Times regarding the origins of the Vietnam war had been released instead by the government itself. Maybe the government couldn't have released all of that report, but it could have made public substantial portions of it without impairing national security.

We did so because too much information is kept secret by the government not to protect national security but to guard against the exposure of official bungling and deceit.

We did so because the public must be given the facts—no matter how distressing or distasteful the facts may be—if the people are to pass sound judgments on how well its public servants are actually serving it.

So it was encouraging to read Sen. Edmund S. Muskie's announcement the past weekend that he will introduce legislation to create an independent board with authority to lift secrecy labels from government documents after two years.

Of course, there's room for differing with Senator Muskie over the size and composition of the board. He suggests a board of seven members, which isn't large considering the volume of classified documents it would have to review. But the smaller the board the better it would be from the point of view of making sure that legitimate secrets remain secret.

Moreover, would the five private citizens he wants on the review board—in addition to a member from the government and one from the press—really possess enough expertise to handle the job?

As a case in point, take the secret study leaked to the New York Times and the Washington Post. Would such review board members be in a position to know on their own that some of the material was originally coded and that its publication could help other nations decipher other messages of the same period that might so far have eluded translation? Would the reviewers know on their own that some of the material can enlighten foreign analysts on how U.S. intelligence operates, together with some of its strengths and weaknesses?

Or would the reviewers have to take the Pentagon's word on such matters? If so, wouldn't such a board be independent in name only and wouldn't we all be right back where we are now?

Certainly the mere existence of such a board could help heal some of the deep wounds that are summed up in the term "credibility gap" as well as restore confidence that this is, indeed, a government of the people.

[From the Salt Lake City (Utah) Tribune, June 22, 1971]

MUSKIE DECLASSIFICATION PROPOSAL WOULD BURY "CREDIBILITY GAP"

Sen. Emund S. Muskie's proposal that an independent board be created to declassify government documents after two years is basically sound. It is about time that some machinery be provided to protect the American public's right to know what its government is doing. The Maine Democrat's proposal contains the basic blueprints for such long overdue protection.

If any member of Congress has any doubts that there is a need for such a declassification, he should turn to the Senate Armed Services Committee record and review those portions where Defense Secretary Melvin Laird refused to give the committee the now-disputed Pentagon papers, even after they had been published in the New York Times. Secy. Laird's reason for refusing the committee's request was that the papers were still "classified." Despite the fact the papers were public information, the secretary still exercises his executive prerogatives and won't let the committee have the papers.

Over the years similar actions have prevented Congress from getting information it deemed necessary for thoughtful consideration of legislation. The Muskie plan for a "public-centered" declassification would not only keep the public informed but give Congress vitally needed information.

A potential pitfall of the proposal is that the board instead of hastening the release of information to the public, might end up restricting its flow. Conceivably the board, after hearing only the highly persuasive arguments of government agencies on a declassification issue, might slap its own security stamp on the questioned documents. To avoid this spectacle of doubly classified information, Congress must provide for mandatory public hearings on these matters.

Any declassification board must also include some type of appellate procedure which would allow persons denied access to government information means of adjudicating their complaints. Government information classification is now pretty much a one-way street. There are many ways information may be classified and virtually none to force declassification. Inclusion of some appellate process would assure that inappropriate "secret" labels that the board overlooked, or even avoided investigating, would be tested in public.

The term "credibility gap" has become one of the more distasteful idioms of the American language. The Muskie plan is a positive step toward giving the phrase the swift and proper burial it has long deserved.

[From the Norfolk (Va.) Ledger-Star, June 21, 1971]

WAY OUT OF A DILEMMA

If we were to wager on the outcome of the confrontation between the government and *The New York Times*, the money would be on permission to publish the rest of the stolen or purloined Pentagon Papers.

For the horse is out of the barn, and what the *Times* was saying (through James Reston) last week—that the papers were practically floating around Washington—is perhaps true enough this week. *The Washington Post* had begun publishing its own version of the papers and all of the columnists with pipelines are busy calling the principals—such as the Bundys, former Defense Secretary McNamara and Averell Harriman—to get their versions. Gentlemen involved in the frequent conferences that drafted position papers and plans quite naturally will be doing their own explaining, sooner or later.

Meantime, the confrontation is in the federal courts, specifically in two Courts of Appeals; the *Post* case is before the District of Columbia Circuit and the *Times* case before the Second District Circuit. The next steps, if any, must be appeals by the losers to the Supreme Court.

There is one Constitutional point in these cases that badly requires solution; that is, the right of the government to prevent publication of documents that it believes may injure negotiations of this country with others; and the right of any member of the press to unilaterally declassify government documents on ground that the people have a right to know what their government is doing.

We do not see how anyone can argue that the North Vietnamese, sitting across the table at Paris, will have benefited less than the people of the U.S. by these revelations.

Nonetheless, what damage is to be done will be done before this is over. All these secrets will come out.

Therefore, it seems to us that the Nixon administration would be wise now to declassify these Pentagon Papers on its own part, and throw them open to the public by way of the entire press, television and radio.

Then a second step, like the proposal of Senator Muskie, seems sound and wise to us. That is, create an independent board empowered to lift security labels when their declassification is overdue. Senator Muskie would wait two years; perhaps a shorter period might suffice, or a longer, depending upon the circumstances. The board ought to be composed of appointees from the Executive, the Legislative and the Judicial Departments of the government. Surely no one will argue that all three are not involved in this present confrontation.

But, that is for the future. For the present, President Nixon ought to see that these papers about which so much controversy swirls now, are released to all interested in delivering them to the public.

[From the Washington Evening Star, June 22, 1971]

THE CLASSIFICATION GAME

The loud debate over the significance of the Pentagon Papers seems destined to last at least through the 1972 elections. The government's legal assault on freedom of the press promises to be rattling around the courts for some time as well. But even before the political and juridical questions are finally resolved, there is at least one tangential issue that can be settled now.

The process by which official documents are classified and stay that way can be seen for what is: An unholy mess.

Abuse of the classification is no new thing. It has existed at least since the invention of the rubber stamp and has been the subject of periodic protests in Congress and the press. The present controversy has, however, focused public attention on the classification game as never before and has produced the best hope for ending the practice of sweeping political dirt under a security rug.

Few would deny the government's need to carry out many of its military moves and some of its diplomacy in secrecy. Nor is there any serious questioning of the government's obligation to protect its legitimate secrets for as long as the national security is involved. But the method by which documents are now classified carries with it a virtual guarantee of misuse.

No one, government officials included, likes to have a past mistake paraded in public. But unlike the run-of-the-mill goof-off, the upper-level government type can arrange to have the documentary evidence of his errors hidden from public view until the heat is off. And there is more at fault with the present system than the common human inclination to keep skeletons hidden. There is the common human disinclination to invite trouble.

The original decision as to how a given document is to be classified is, generally speaking, left up to a low or middle-echelon officer. The obvious way to invite trouble is to stamp a really hot secret "Confidential." The instinct for survival dictates that the highest classification possible is the one that will be chosen.

The same rule applies to declassification: When in doubt, keep it hidden. Theoretically, the classification is supposed to have a set life span designated by a number code signifying automatic declassification by a certain date. But again, that system depends on a government agency's desire to follow its own guidelines as to when the security blanket should be abandoned. It doesn't work.

There are alternatives to the present system. One that deserves serious consideration has been suggested by Senator Muskie, who proposed that all classified material should be reviewed by an independent board after two years. The board could declassify the material and release it to the public. It could also at any time make classified documents available to appropriate committees of Congress.

It might be advisable to change the proposed legislation so that all documents would automatically be declassified after two years, unless an independent board should approve a government request for an extension. In any event, some such system of review would constitute a major improvement over the present setup. It would insure eventual public exposure. And such assurance would tend to curb the excessive use of the Top Secret stamp as a cloak for wrongdoing, incompetence or political embarrassment.

Mr. MUSKIE. Mr. President, the proposal just introduced is new and unprecedented. I am certain that during its consideration, it can be improved. There may be questions about whether the Board as structured will attract members of sufficient caliber. The scope of Presidential review of the Board may need to be modified. The provisions for judical review of its decisions must be tested against the profound and difficult constitutional issues which are involved. While I believe the legislation is both constitutional and wise, I think it deserves close scrutiny in Congress and the executive.

I have offered this legislation in an effort to assure the public and Congress of greater access to information they should have. It necessarily entails a lessening of a President's powers. And clearly a President would have to voluntarily cooperate with legislation such as this—to accept it and agree to procedures that circumscribe his power. I hope that this will be done, not as a forced limitation of the President's power, but as a voluntary Presidential decision that limits his power because he feels it is best for our constitutional system.

We need to end bureaucratic secrecy and provide the people with the facts about our Government. If we do not, our system of government will continue to be weakened. If we do, we shall begin to restore trust and truth in our Government.

I ask unanimous consent that the bill be printed in the RECORD at this point along with an outline of its proposals.

There being no objection, the bill and outline were ordered to be printed in the RECORD, as follows:

S. 2965

A bill to provide greater access to Government information, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DISCLOSURE BOARD

SEC. 101. This Act may be cited as the "Truth in Government Act of 1971".

ESTABLISHMENT

SEC. 102. There is established an independent board to be known as the Disclosure Board (hereinafter referred to as the "Board").

SEC. 103 (a) The Board shall consist of seven members to be appointed by the President, by and with the advice and consent of the Senate.

(b) Two of the original members of the Board shall be appointed for a term of 3 years, two for a term of 7 years, two for a term of 11 years, and one for a term of 15 years. Their successors shall be appointed for a term of 15 years each, except that any individual appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor and subject to the limitations with respect to party affiliation. No member shall serve for more than one term, but a member may serve until his successor has been appointed and qualified. No more than four of the members shall at any one time be affiliated with the same political party.

(c) One member of the Board shall have a background in the diplomatic corps, one shall have a background in military or intelligence work, one shall be from the news media, one shall be a former member of Congress, and one shall be a member of the bar.

ADMINISTRATION

SEC. 104. (a) The President shall designate one of the members of the Board as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in case of the absence or disability of the Chairman. Four members of the Board shall constitute a quorum. Except as provided in section 202 (a) (6), decisions of the Board shall be made by a majority of the members present.

(b) Members of the Board shall be responsible for maintaining the security of classified material in their custody, and all security procedures prescribed by law and Executive order shall be followed.

(c) In addition to other penalties provided for by statute, the disclosure of material classified or other by any member or employee of the Board shall be punishable by a fine of not to exceed $15,000 or imprisonment for not to exceed ten years, or both, unless such disclosure is made in accordance with the provisions of this Act.

(d) (1) No member of the Board shall actively engage in any business, vocation, or employment other than that of serving as a member of the Board.

(2) Section 5313 of Title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Members, Freedom of Information Board."

POWERS

SEC. 105. The Board is authorized to—

(1) adequate measures to guard the physical security of the documents be taken;

(2) issue subpoenas duces tecum to all oustodians of classified and other official government information for the purposes of compelling production of such information excepting none whatever for in camera inspection by the Board or its staff in order to carry out the purpose of the Act and the duties of the Board under section 552(d) of title 5, United States Code or for release of such documents in accordance with the terms of any decision of the Board under this Act;

(3) hold hearings, administer oaths, take testimony, and require persons to appear and furnish information relevant to the Board's duties;

(4) make such rules and regulations as may be necessary to carry out its duties; and

(5) appoint counsel when appropriate for indigent private parties appearing before the Board under section 202(a) (6) of this Act or under section 552(d) of title 5, United States Code.

RECORDS

SEC. 106. The Board shall print a record of its decisions, orders, reports, rules and regulations for public use, and shall keep on file for public use a record of its proceedings and hearings. Portions of the proceedings may be classified in accordance with the principles set forth under section 204 of this Act.

REPORTS

SEC. 107. The Board shall report not later than sixty days after the close of each fiscal year to the Congress and to the President concerning its activities under titles 2, 3, and 4 of this Act. Each such report shall contain a register of the employees of the Board and their positions, duties, and salaries, and shall contain an accounting of all funds expended by the Board during the preceding fiscal year. The report shall contain an evaluation of the Board's efforts to achieve the purposes of this Act and may contain such recommendations for legislation or other governmental action as the Board determines to be appropriate.

TITLE II—SUPERVISION OF THE SECURITY CLASSIFICATION SYSTEM

GENERAL DUTIES

SEC. 201. The Board shall be responsible for the supervision and review of the security classification system of the executive branch. It shall insure that classification of information is kept to an absolute minimum consistent with the needs of national security.

SPECIAL DUTIES AND AUTHORITY

SEC. 202. (a) The Board shall—

(1) conduct a thorough and continuing investigation and appraisal of the standards and practices of classifying official information in the executive branch;

(2) promulgate rules and regulations, in accordance with section 553 of title 5, United States Code, and in conformity with the general principles under section 204 of this Act, designating: (A) Classification categories for all official Government information; (B) the titles or positions of Government officials authorized to classify Government information; (C) criteria for declassification and for the downgrading or upgrading of the classification of all Government information; (D) standards for permitting access to classified information; (E) rules regulating the use of derivative classification; and (F) any other matters necessary to carry out the purposes of this Act;

(3) provide for the automatic expiration of classification of particular items or certain categories or subcategories of items of information after periods ranging from two years from their production in the case of the least sensitive information to twelve years from their production in the case of the most sensitive information;

(4) within a reasonable period of time to be determined by the Board, provide for the mandatory reclassification and the expira-

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tion for such classification not to exceed twelve years or for the declassification of all information which was classified prior to the effective date of the rules and regulations promulgated under this Act;

(5) declassify or reclassify all information classified or reclassified after the effective date of the rules and regulations promulgated under this Act which is not classified in conformity with said rules and regulations;

(6) investigate upon the motion of three or more of its members or upon inquiries initiated by Members of Congress, private citizens, or officers or employees of the Government, any allegation of improper classification of information, or upon the failures of any Federal agency to comply with the provisions of this Act and with the rules and regulations promulgated hereunder, and publicly issue a report describing the results of each such investigation; and

(7) order a lower or higher classification, or a declassification of information, or direct any department or agency of the executive branch to modify its classification procedures or practices to conform with the rules and regulations of the Board upon a finding by the Board of improper classification pursuant to the proceeding clauses.

(b) All information in the executive branch shall be subject to the procedures prescribed under clause (3) or (4) of subsection (a) of this section. The Board is authorized to extend for a period of not to exceed 10 years the classification of any item of information if the Board determines, upon written application and a showing by the official authorized to classify that item, that—

(1) such extension is required for purposes of national security; and

(2) such extension is consistent with the provisions of section 204 of this Act.

PRESIDENTIAL REVIEW

SEC. 203. Any rule, regulation, decision, or order issued by the Board under this title shall become final unless, within 45 days of receipt of the Board's written rule, regulation, decision, or order, the President issues an order overruling or modifying that rule, regulation, decision, or order setting forth in writing his reasons for such action. Any such order of the President shall be final and published in accordance with section 105 of this Act, except that the title or other identifying features of the information involved may be deleted at the request of either the Board or the President.

CLASSIFICATION PRINCIPLES

SEC. 204. In carrying out its duties under this title, the Board shall be subject to and guided by the following principles—

(a) The American public and press need to be fully informed concerning the policies, decisions, and operations of the Federal Government in order to participate intelligently in and report responsibly on the democratic processes.

(b) The Congress, as the elected representatives of the people, need even greater access to information concerning the policies and operations of the Federal Government in order to determine the need for new legislation, assess the appropriate level and distribution of appropriations, and exercise its oversight responsibilities.

(c) The legitimate needs of Congress, the public and the press require that classified security classification information be imposed only where its protection for national defense is demonstrably necessary. Classification of information shall be limited to information the declassification of which would clearly and directly threaten the national defense of the United States.

(d) Classifications should be removed when the passage of time eliminates the requirement for security, and information of a historical nature should not be or remain classified unless a clear relationship to current national defense interests can be demonstrated.

(e) Procedures governing classification and derivative classification should insure that each classification decision be the carefully considered act of a responsible official, whose accountability for the classification decision is a matter of record.

(f) No information should be classified for the purpose of preventing embarrassment to any official of any branch of government, or for the purpose of concealing incompetence or misconduct.

TITLE III—CONGRESSIONAL ACCESS TO DOCUMENTS

GENERAL DUTIES

SEC. 301. The Board shall be responsible for providing Congress, upon request, certain information necessary for Congress to discharge fully and properly all its constitutional responsibilities.

SPECIAL DUTIES AND AUTHORITY

SEC. 302. (a) The Board shall receive and act upon any requests submitted to it for the issuance of an order directing any department or agency of the Executive Branch to transmit one or more documents held by such department or agency to—

(1) either House of Congress if such request was made pursuant to a majority vote of the Members of such House;

(2) any standing or special committee of either House of Congress if the requested document or documents relates to its jurisdiction; or

(3) either House of Congress if such request is made pursuant to a petition signed by not less than 10 members of the Senate or not less than 43 Members of the House of Representatives, as the case may be.

(b) Any request made to the Board under subsection (a) shall state with reasonable particularity (1) the document, documents, or category of documents requested, (2) the constitutional or other need for access to the document or documents requested, and (3) the previous efforts made to obtain access to the document or documents requested.

SEC. 303. (a) Upon receipt of such a request, the Board shall immediately advise the head of the appropriate Federal department or agency and the President of that request, subpena the document or documents and solicit the reasons of that department or agency for its refusal to transmit the requested document or documents to the Congress, a committee thereof, or members, as the case may be.

(b) The Board shall conduct an investigation to determine whether such documents shall be transmitted to the Congress. The Board may order an evidentiary hearing with oral argument before the entire Board in any such case. Upon concurrence of five members, such a hearing shall be closed. In making this determination, the Board shall weigh the respective constitutional authorities and duties of the parties, including—

(1) the extent to which disclosure would impede the orderly administration of the executive branch; and

(2) the extent to which the information contained in each documents is necessary for the performance of legislative functions.

(c) The Board shall not be empowered to transmit documents which the Board finds (1) were initially prepared within two years of the date of the request or (2) are interagency or intra-agency memoranda or correspondence consisting principally of advice, recommendations, or opinions prepared in connection with policy determinations of a department or agency of the Executive Branch.

(d) The Board is authorized to enter an order in any such case granting or denying the request, or granting the request upon such terms and conditions as may be necessary to protect the security of the documents, including but not limited to terms and conditions requiring that—

(1) adequate measures to guard the physical security of the documents be taken;

(2) access to the documents be given only to Members of Congress or only to certain Members of Congress whose responsibilities require access to the documents;

(3) all discussion concerning the documents take place in executive session of committees and closed sessions of either the Senate or the House of Representatives.

(e) Any decision made under this title shall be in writing and shall set forth in detail the reasons for (1) granting any request, (2) subjecting the request to an appropriate protective order, or (3) denying the request.

(f) The pact that a document requested is classified shall not, in itself, be a reason for denying Congressional access to such document.

PRESIDENTIAL REVIEW

SEC. 304. Any decision of the Board under this title may be modified in whole or in part by order of the President within 30 days of publication of the Board's written decision. No modification of a decision by the Board which restricts the release of documents to Congress shall be made unless the President invokes executive privilege. Any order of the President modifying a decision of the Board shall be written and shall be published in accordance with Section 105 of this Act. If the President invokes executive privilege, the written order shall explain the necessity for such invocation.

APPEALS

SEC. 305. (a) Any decision rendered by the Board under Section 303 shall become final unless, within 30 days after publication, the President orders a modification of the decision in accordance with Section 304 or either party files an appeal with the United States Court of Appeals for the District of Columbia Circuit. Any Presidential order modifying a decision of the Board under Section 304 shall become final unless, within 30 days after publication, either party files an appeal with the United States Court of Appeals for the District of Columbia Circuit.

(b) For purposes of this section, a party eligible to appeal a decision of the Board under Section 303 or an order by the President under Section 304 shall be (1) the party which requested the documents in question under Section 302, or (2) the agency or department which submitted reasons opposing such request under Section 303(a).

(c) The Court of Appeals shall determine whether there is substantial evidence on the record as a whole to sustain the action of the Board or the President, having due regard for the need and right of the Congress to obtain information in order to fulfill its constitutional duties and the privilege of the Executive to withhold information under executive privilege. The court may, if appropriate, order the production of classified documents from the Board or from any department or agency. The party aggrieved by the decision of the Court of Appeals shall have an appeal as a matter of right to the United States Supreme Court.

TITLE IV—PUBLIC INFORMATION

PUBLIC INFORMATION AMENDMENTS

SEC. 401. (a) Section 552(a)(3) of title 5, United States Code, is amended by inserting after the second sentence thereof the following sentence: "The court shall award reasonable attorney's fees and costs to the complainant if it issues any such injunction or order against the agency."

(b) Section 552(b) of such title is amended by inserting at the end thereof the following:

"In any case in a district court under paragraph (3) of subsection (a) of this section, the court shall have jurisdiction to determine whether any exception provided by this subsection, if asserted by the agency, has been reasonably asserted, and for this purpose the court may compel the production of the records in camera. The declassification of records under title II of the Truth in Government Act of 1971 constitutes a presumption, rebuttable only by clear and convincing proof, that such records are not within the purview of clause (1) of the first sentence of this subsection."

(c) Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any case in a district court under paragraph (3) of subsection (a) of this section, the court may request an advisory opinion from the Freedom of Information Board on the reasonableness of any assertion of any exception provided by subsection (b) of this section.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 501. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

TITLE VI—SEPARABILITY

SEC. 601. The sections, subsections, paragraphs and provisos of this Act are hereby declared to be separable, and if any one or more of the sections, subsections, paragraphs, or provisos of this Act, or the application thereof to any person or circumstance, should be held to be unconstitutional or invalid for any reason, the validity of other sections, subsections, paragraphs, and provisos of this Act, and the application thereof to other persons or circumstances, shall not be affected thereby.

OUTLINE OF MUSKIE TRUTH IN GOVERNMENT BILL

TITLE I—DISCLOSURE BOARD

Establishes a seven-member Board appointed by the President with the advice and consent of the Senate. The seven have staggered terms; one each shall be from the American diplomatic corps, the military, the press, Congress, and the law. Special security provisions are provided for the Board and its staff. The Board has the power to subpoena *all* documents needed to carry out its duties. Decisions and orders of the Board must be publicly printed.

TITLE II—SUPERVISION OF CLASSIFICATION

The Board is granted the authority to supervise the security classification system. It has the power to promulgate rules and regulations governing classification and to enforce adherence to them. Classification of documents is required to automatically expire; extension of classification requires officials to prove to the Board that further classification is needed to protect national security. The Board can investigate charges of overclassification from public and private persons. The President is given power to review the Board's decisions on classification.

The Board is required to administer the classification system according to principles in the legislation restricting secrecy to cases of demonstrable need.

TITLE III—CONGRESSIONAL ACCESS TO DOCUMENTS

A House of Congress, a Congressional Committee, or ten per cent of a House of Congress (10 Senators or 43 Representatives) can request the Board to release to it a document that the Executive has refused to release to Congress. In such cases, the Board holds a hearing of those requesting the documents and the agency or department refusing to release the documents. The Board weighs the Congressional need for information versus the claim of executive privilege and decides the issue in a written opinion. No documents of an advisory nature or less than two years old are subject to release. Documents given to Congress can be subject to protective orders of the Board to retain their confidentiality. The President can modify these decisions.

Board decisions and any Presidential modifications of them are subject to appeal to the U.S. Court of Appeals and then the Supreme Court.

TITLE IV—PUBLIC ACCESS TO DOCUMENTS

In order to increase direct access to government documents by the public, the bill liberalizes the Freedom of Information Act by:

1. Providing reasonable attorney's fees for those who successfully seek the release of documents in court under the Freedom of Information Act;

2. Granting the courts the power to review the reasonableness of a claim of executive privilege under the Freedom of Information Act;

3. Making declassification by the Board a *prima facie* case that the information being sought under the Freedom of Information Act was not subject to executive privilege.

By Mrs. SMITH:

S. 2966. A bill making a supplemental appropriation for the fiscal year ending June 30, 1972, and for other purposes. Referred to the Committee on Appropriations.

Mrs. SMITH. Mr. President, in this "environmental decade" we hope the American people are learning to invest and to build more constructively than in the past. This should be a principle in the areas that affect the quality of both our national and our personal lives.

A point of reference is our agricultural land use adjustment programs, and a specific point of application should be in title VIII of the Agricultural Act of 1970. That title of this most important piece of legislation provides for a land use adjustment, or cropland conversion, program of long-term agreements between farmers and the Secretary of Agriculture—with the authorized acreage adjustments beginning in each of the calendar years 1971, 1972, 1973, and 1974.

In part due to the relatively limited acreage impact—perhaps something like one-half million acres that could be accepted under the $10 million authorization per year—and in part due to the reliance on the larger annual set-aside programs specifically for feed grains, wheat, and cotton, this long-term agreement provision of the act was not implemented for 1971. And funds were not budgeted or appropriated for this modest-size program for 1972.

In my State of Maine—and I daresay in many other States—there is a special need to operate this additional—already authorized—program. To a great extent this land use adjustment program would be more important to help individual farm families make needed changes in the use of their land than it would be in the strictly crop adjustment sense—though it would make its contributions in both areas, and would have important benefits for nonfarm people.

The aid to helping people make such adjustments can be stated this way: Each year many farmers find it necessary to reduce or discontinue their farming operations due to age, health, or other physical disabilities; but they cannot afford and, in many instances, do not want, to leave their farm home. The relatively small adjustment payments would permit them to retain their family farm and continue to be a viable part of their community, while the cropland retired would also contribute to needed production adjustment, which is in the public interest.

Other benefits would be these:

There is need to keep substantial acreages of some kinds of row crops and small grain out of production for at least a decade. Conversion of this cropland to other public-benefit uses for periods of 5 to 10 years will be less expensive to the Federal Government than to deal with these surplus acreages on a year-to-year basis.

The part of the needed cropland conversion that could be obtained under such a program would be at a lower Federal cost of production avoided then is probable under annual production adjustment programs. The program would provide important benefits to nonfarm people. In many instances, the environmental benefits derived from adjustment of land adjacent to streams, rivers, and lakes to conserving uses would serve as a catalyst to better conservation and antipollution uses. Through the use of permanent grass strips in rolling areas of this country we could reduce soil erosion and enhance the beauty for the benefit of nonfarm people.

The program would increase the resources and opportunities for outdoor recreation. This is especially true for those farms which enter into the supplemental public access agreements which are authorized under this legislation. Under these agreements, the general public can have free access to the converted acres for hunting, trapping, fishing, and hiking. These benefits are made available without regard to race, creed, or color.

Mr. President, I urge that prompt action be taken on my proposal for a supplemental 1972 appropriation of $10 million to put this small, but important, land-use adjustment program into effect in calendar year 1972, for farm families which have a specific need for it. By committing annual payments in this amount for 10 years, much good of the type I have outlined can be accomplished.

This aid should start early in calendar year 1972, for the need is now and the farmers needing this program assistance should have the opportunity to plan before spring to make the needed adjustments.

My bill in this regard is as follows:

S. 2966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply a supplemental appropriation for the fiscal year ending June 30, 1972, and for other purposes, namely:

DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For necessary expenses to carry into effect the land use adjustment program authorized in section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(e)). "$10,000,000.00."

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ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1438

At the request of Mr. ERVIN, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1438, a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

S. 2273

At the request of Mr. TOWER, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2273, a bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States.

S. 2676

At the request of Mr. TUNNEY, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponor of S. 2676, the National Sickle Cell Anemia Prevention Act.

S. 2734

At the request of Mr. SCHWEICKER, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2734, a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

S. 2850

At the request of Mr. TAFT, the Senator from Hawaii (Mr. FONG) was added as a cosponsor of S. 2850, to amend the Labor-Management Relation Act, 1047, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes.

S. 2875

At the request of Mr. METCALF, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 2875, a bill to restore certain rights to free or reduced rate rail passenger transportation granted by railroads to employees upon retirement.

S. 2898

At the request of Mr. HARTKE, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 2898, a bill to provide college tutors for the homebound handicapped.

S. 2944

At the request of Mr. BUCKLEY, the Senator from Virginia (Mr. BYRD), the Senator from Utah (Mr. Moss), the Senator from New Jersey (Mr. CASE), the Senator from Colorado, (Mr. DOMINICK), the Senator from California (Mr. TUNNEY), the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from Hawaii (Mr. FONG), the Senator from North Dakota (Mr. BURDICK), the Senator from Ohio (Mr. TAFT), the Senator from Maryland (Mr. BEALL), the Senator from Vermont (Mr. STAFFORD), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 2944, a bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

S. 2945

At the request of Mr. BUCKLEY, the Senator from Utah (Mr. Moss), the Senator from Virginia (Mr. BYRD), the Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. FONG), the Senator from North Dakota (Mr. BURDICK), the Senator from Ohio (Mr. TAFT), the Senator from Maryland (Mr. BEALL), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 2945, a bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies.

S. 2952

At the request of Mr. SPONG, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 2952, a bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road.

SENATE RESOLUTION 210—SUBMISSION OF A RESOLUTION CALLING FOR THE PRINTING AS A SENATE DOCUMENT A REPORT ENTITLED "A REPORT TO THE DELEGATES FROM THE CONFERENCE SECTIONS AND SPECIAL CONCERNS SESSIONS"

(Referred to the Committee on Rules and Administration.)

Mr. FONG. Mr. President, for Senator FRANK CHURCH, chairman, and myself as ranking minority member of the Special Committee on Aging, we are submitting a resolution for referral to the Committee on Rules and Administration calling for the printing as a U.S. Senate document, "A Report to the Delegates From the Conference Sections and Special Concerns Sessions," resulting from the 1971 White House Conference on Aging, held in Washington, D.C., November 28 through December 2.

The Conference Chairman, Dr. Arthur S. Flemming, has personally indicated his interest in having such a reprint published by the Senate.

The resolution reads:

S. RES. 210

Resolved, That the report of the 1971 White House Conference on Aging (A Report to the Delegates from the Conference Sections and Special Concerns Session), held in Washington, D.C., November 28-December 2, 1971, be printed as a Senate document, and that there be printed three thousand eight hundred additional copies of such document for the use of the Special Committee on Aging.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 784 AND 785

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted two amendments intended to be proposed by him to the bill (S. 2512) to further promote equal employment opportunities for American workers.

ADDITIONAL STATEMENTS

THE RUSSIAN ARMADA AND DOMINATION OF THE STRAITS

Mr. GOLDWATER. Mr. President, I believe the time has come for us to recognize the tremendous ramifications of the great new Soviet superfleet which is now facilitating a rapid Russian move to fill the power vacuum east of Suez created by the withdrawal of British forces from the Persian Gulf area.

We have read much in recent months about the extent of the Soviet naval buildup but very little about what it portends for the future of the United States and the entire free world.

There is no doubt in my mind that the Soviet thrust east of Suez is just the latest move in a strategy aimed at world domination.

It underscores the vast and all-too-often unrecognized importance of growing Soviet strength in the straits which control the waterways of the world. Only recently have naval planners in this and other nations begun to consider seriously the strategic theory which holds that the country that dominates the important straits around the oceans of the world will also control ocean shipping and have a strong, if not decisive, influence upon the economies of other countries. Domination of these straits could make it impossible for any country to use the oceans freely if the power controlling the straits denied them access. In the event of war, of course, such control would be conclusive.

Strategists in this country who seriously credit the "domination of the straits" theory believe that it explains many recent Soviet moves such as the enormous buildup of Russian ships in the Mediterranean Sea, in the Indian Ocean, in the North Sea, and elsewhere. It also accounts for Soviet efforts to gain naval base rights and privileges in many widely separated areas of the world. And it heightens enormously the strategic importance of the Suez Canal and shows dramatically how a reopening of the canal in the near future might advance Soviet designs. The estimate is that a reopening of the canal would bring the important Indian Ocean 9,000 miles closer for the Soviet fleet and only 2,000 miles closer for ships of the United States.

Mr. President, there is sound reason to believe that the Soviets have been building their enormous seapower in an effort to take over completely the Mediterranean Sea, including both the Strait of Gibraltar and the Suez Canal. This would give them easy and quick access to the Indian Ocean, in which they have shown such obvious interest. The control of the Indian Ocean would, of course, result in Soviet domination of the Strait of Malacca and mark a strong beginning in a drive to dominate all the important waterways of the world used for shipping.

Mr. President, it frightens me when I hear people who should know better dispute the "domination of the straits" theory with the argument that it is no longer important to control the oceans. It obviously has escaped the notice of these people that in any war of any size a vast majority of the equipment tonnage as well as the great majority of troops would have to be transferred by sealift. The kind of aircraft it would take does not exist, nor is it foreseen.

There can be no doubt that the latest moves in the global game plan of the Soviet Union have begun to have an alarming impact on strategic planners in the United States and other parts of the free world. And for the first time many Americans are beginning to understand that ours is an island continent and that our international influence is related directly to free access to the sea.

Amazingly, this is only a recent concern. It is so easy for the vast majority of Americans not to understand its tremendous implications. This is because the Soviet Naval buildup has been conducted with amazing speed at a time when American attention was riveted primarily on the Indochina war and homefront problems.

It must be understood that 6 years ago the Soviet Navy was just a coastal defense system of no great concern to anyone but the Kremlin.

Today the Soviet fleet is an ocean-spanning super navy which may soon be able to deny us free use of the seas and to drive us from positions needed to support our allies.

This is a true estimate of a real and growing peril to the United States and the entire Free World. It is a condition which has been pointed out in recent months by just about every important naval authority in the world.

The situation has placed Soviet submarines so close to our shores that it has been necessary for the Strategic Air Command to move some of its bases further inland. It is a situation which has made Soviet warships so prevalent on the waterways of the world that special conferences have been called between United States and Soviet officials in an effort to avoid collisions at sea.

And it is a situation which has been estimated as follows:

By Raymond V. Blackman, editor of "Jane's Fighting Ships," writing in the 1971-72 edition:

The situation for the U.S. Navy is serious. By any standards, the Soviet fleet now represents the super Navy of a super power.

By the President's Blue Ribbon Defense Panel:

The Soviet Naval buildup is a major element in the shifting balance of military power, although not itself a direct threat to the United States (except the submarines), the new and growing Soviet Naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, freedom of the seas.

By the Joint Congressional Committee on Atomic Energy:

The United States, unless it moves quickly to counter a rapidly expanding Soviet Naval threat, faces a future in which it will have to surrender to the Soviet on all issues or risk nuclear annihilation. Any delay may mean "no future."

Pentagon officials trace the Soviet naval buildup directly to the Cuban missile crisis of 1962, when the weakness of the Soviet navy forced them to back down in the face of a show of naval strength by the United States. Since that time, the Kremlin has allocated vast resources to its naval program. For example, between 1966 and 1971, when the United States produced 88 combatant and amphibious ships, Soviet shipyards produced over 200. The Soviet fleet is thus rapidly approaching the U.S. fleet in total numbers of combatant ships.

The increase in Soviet naval power has taken place in concert with a similar buildup of the Soviet merchant marine. Together these Soviet activities on the high seas represent an entirely new dimension in the balance of world affairs. And, tragically, very few Americans understand the true meaning of the development in terms of their own security.

Too few Americans understand that the Soviet Union has never before been a sea power. It emerged from World War II as the greatest of European land power, but when it sought to capitalize on that power to acquire new territory the United States and her allies were able to halt the expansion through a series of mutual defense agreements. To a large degree our agreements, such as with NATO, were maritime alliances in that they depended upon the United States to be able to freely use the seas to support its allies and prevent their encirclement.

Two products of the Soviet buildup are seen as direct threats to the ability of the United States to make free use of the seas. These are the expanding Soviet antiships missile and submarine forces which are increasing in such numbers as to make the adequacy of our counterforces questionable. Soviet antiship missile-launching platforms have increased fourfold since 1960. The Soviet submarine numbers over 300 attack and cruise missile submarines as compared to 57 which the Germans had in the beginning of World War II. Without counting ballistic missile types, the Soviet passed us in total nuclear submarine in 1963.

At the same time the Soviets have passed us in the total number of merchant ships and are overtaking us in terms of total tonnage. More than half of the merchant fleet is less than 10 years old while over half of the U.S. merchant fleet is more than 20 years old. What is more, the Soviet merchant fleet is centrally controlled and coordinated by the state and, consequently, it is completely responsive to Soviet foreign policy and available to bolster the Soviet navy.

There can be no doubt that the Soviets can pull all elements of their maritime strength together at any time. We saw this last year when the Russians conducted a worldwide naval operation, including attacks on simulated U.S. aircraft carriers, antisubmarine operations, and amphibious movements and landings, and underway replenishments. These occured simultaneously in the Atlantic and Pacific Oceans, the seas of Okhotsk and Japan; the Barents, Norwegian, North Philippine, Mediterranean, Black, and Baltic Seas.

But nowhere in the world has the influence of Soviet naval strength been more markedly demonstrated than in the strategic areas of the Mediterranean Sea and the Indian Ocean. In the Mediterranean, once regarded as an "American lake," the Soviet naval ships surpassed the U.S. 6th Fleet in total annual ship days by mid-1969. The increasing presence of Soviet ships has contributed to a marked change in political alliance of the region. With their maritime forces playing a major role, the Soviets have exploited the insurgency movements and the local antagonisms of the Eastern Mediterranean. As we have seen, they have made important clients of certain Arab nations such as Egypt and Syria. And by means of these client relationships and their newly developed naval strength the Soviets have leap-frogged NATO's southern flank and have sought to establish increasing political leverage along the African and Asian littorals of the Mediterranean.

This is what President Nixon was alluding to in his foreign policy statement of February 25, 1971, when he said:

The Middle East is heavy with the danger that local and regional conflict may engulf the great powers in confrontations.

As I pointed out earlier, the Soviet Union is bidding for control of the old British imperial route to the Indian Ocean and the Far East. This is being furthered through the skillful manipulation of local conflicts and direct military intervention along the Suez Canal.

In the Indian Ocean, particularly, the Soviet influence is becoming important. The Soviet naval presence there became continuous in 1969 and now exceeds ours by a factor of two. Coupled with numerous port visits and displays of naval strength have been offers of Soviet technical and construction assistance to Sudan, Somalia, South Yemen, India, Ceylon, and Singapore.

American officials claim the Soviets are seeking naval base rights and privileges in both the Eastern Mediterranean and Indian Ocean. Their base developments have been recorded in Alexandria and Mersa Matruh in Egypt; in Port Sudan; and in Berbera, Somalia. Overtures also have been made to India, Ceylon, and Singapore, according to well-founded intelligence reports. Meanwhile, the Russian naval forces are using anchorage facilities in the vicinity of Socotra, Seychelles, Maldives, and Mauritius islands. Indeed, if the Soviets succeed in acquiring the bases they now seek they will soon stand astride the strategic oil supply lines of Europe and Japan.

The volatile politics of this distant area are ripe for exploitation—as was seen in the recent abortive coup in Sudan, and the left-wing uprising in Ceylon. And of course, the withdrawal of the British from the Persian Gulf area has already left pro-Communist regimes in Somalia and South Yemen.

But none of this should come as any great surprise. The Soviet leaders have never concealed their interest in the area east of Suez. We do not even have to go back to historical references to Csarist

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statements at the time of Catherine the Great about warm water ports—which are known to almost every history student—in order to document the abiding Soviet interest in the Persian Gulf-Arabian Sea area. We have only to recall the effort made by the Soviets to carve out a sphere of influence in this area south of Baku and Batun "in the general direction of the Persian Gulf." This was disclosed when the Molotov-Ribbentrop protocols of 1940 were opened to the public.

Anyway it is figured, the Soviet Union's naval buildup confronts the United States with the most serious challenge it has faced in this century. The enormous nuclear advantage which the United States once held over the Soviet Union no longer exists. The dynamic defense and foreign policies which Washington once pursued are being forcibly modified, primarily as a result of U.S. weariness with the long and costly war against Soviet-supported Communist forces in Vietnam.

Consequently, the United States may be forced to curtail its overseas commitments while the Soviets push their greatest expansion in history. The danger is great and the outcome depends almost entirely on what response the United States finally decides to make to the growing Soviet challenge to its global role.

Because of our land mass most Americans do not understand how dependent the United States is on its maritime might and its overseas alliances. President Nixon 2 years ago noted the maritime position of the United States in these words:

> What the Soviet Union needs in terms of military preparedness is different from what we need. They are a land power primarily, with a great potential enemy on the East. We are primarily a sea power and our needs, therefore, are different.

Another way to say this is to consider the relative positions of our friends and our potential adversary. Almost all of our allies are overseas. Soviet allies, for the most part, border directly on Soviet territory. And by the same token, the potential opponents who could threaten our naval interests are overseas, while the principal threats to their vital interests are overland.

Since World War II, the balance of world power has depended on a series of countervailing Western alliances which in turn depended to a great extent upon a magnificent U.S. Navy which was a product of that war. And, of course, superior nuclear arms and naval strength were the military factors which tipped the balance in freedom's favor throughout the 1950's and 1960's. But today our superiority no longer holds and Soviet arms are on a par with our own. We are involved in a nuclear standoff where neither of the superpowers dares to use its capability for fear of devastating reprisal.

What does this mean? It means that the United States must look once again to conventional forces to provide the means of protecting our national interests. Without strong conventional forces we have only two options where our interests are threatened—engage in nuclear war, or back down.

These are hard facts. They are more than sufficient reason for rebuilding our naval strength as rapidly as it can be done. Our Navy must be refitted and modernized. Our merchant marine must be brought up to its required strength and new, modern ships added to our commercial readiness. For, in the foreseeable future, it will be conventional rather than nuclear forces which will be the deciding factors wherever United States and Soviet interests clash.

Our commitments everywhere require free access to the sealanes and an adequate sealift strength. Even with the availability of the newest cargo aircraft over 90 percent of our overseas military cargoes must travel to their destination on the surface of the oceans. Any time we decide to deploy forces overseas, we must be able to control the sea lines of communication. And there is no longer an easy assumption that this can be done. Since we no longer possess nuclear superiority Soviet naval expansion actually threatens to negate our sole remaining capabilities to support our alliances and protect our economy.

The level of Soviet naval strength is causing our naval planners great and justified anxiety. They do not worry that we might lose a battle if it occurred between the two super fleets; they worry that we might be denied the use of the seas for our commerce and sealift. If this happens we would not even come to the point of open conflict. As soon as they are reasonably sure of the outcome, the Soviets are free to try a Cuba in reverse. It might help Americans to visualize such a situation if they were to consider the possibility of a Soviet blockade of the Mediterranean. In the near future, if Soviet strength continues to grow in concert with American weakness, we would be hard pressed to challenge such a blockade. We would be in the same position as the Russians fund themselves in when we announced the blockade of Cuba and they found their naval forces incompetent to challenge.

The truth is that in face of Soviet naval expansion, our own Navy is encountering a reduction in strength and resources. If we express the Navy budget of the past 11 years in terms of 1972 dollars, it shows that while an estimated $3 billion per year is needed for shipbuilding to maintain our fiscal year 1971 naval strength, we have not approached that amount for 8 years. It is true that Navy budgets increased in the Vietnam years, but the increases did not cover even the full annual cost of the Indochina operations. As a result, shipbuilding allocations were pared down to compensate. In essence, the Navy was accepting obsolescence and "eating down" its stores to finance the war.

Since fiscal year 1968, our Navy budgets have declined as defense matters have been accorded less and less precedence in national planning. This is not readily apparent, because in absolute dollars an increase of 7 percent seems to have taken place. But when the budgets are expressed in terms of fiscal year 1972 dollars to allow for the effects of inflation, a decline of buying power of 11 percent is seen. And the upshot of all of this is that for almost a decade our naval modernization has been held back—first by war and later by the debilitating effects of inflation. Since 1965, the Navy has been forced to reduce 25 percent of its ships, 20 percent of its combat aircraft, and 7 percent of its total personnel. The combat commitments of the Navy at the time the reductions were carried out naturally affected the nature of force reductions. Because our carrier and amphibious forces were heavily involved in Southeast Asia between 1968 and 1970, forced cutbacks in those years had to be concentrated in the less committed sea control forces. Since then, in 1971 and in 1972 planning, efforts have been made to balance reductions between the two force categories so as to retain some sort of overall naval balance in the face of Soviet capabilities.

But balance in depleted existing forces alone is not sufficient. New initiatives to consolidate, to simplify, and to increase forced effectiveness were ordered by Adm. Elmo R. Zumwalt, Jr., U.S. Chief of Naval Operations, but all of the Navy initiatives taken together do not offset the effects of recent forced reductions in the face of onrushing Soviet naval expansion. There is a cutoff point where mere quality of fighting forces is not sufficient—where numbers are required in addition to quality. Adequate forces must be available in advance to sustain the first onslaught of a naval war. Following this, surviving units must be in numbers sufficient to sustain a war of attrition as we seek to destroy enemy forces and to maintain movements of men and supplies overseas.

Admiral Zumwalt has described our sea control forces as "high risks baseline forces from which we must build." And he has informed Congress of a vastly reduced margin of adequacy in connection with naval projection forces in a war with the Soviets.

This is necessarily a restrained and modest view of a dire situation. When the editor of "Jane's Fighting Ships" says "the situation for the U.S. Navy is serious" and when a Presidential blue ribbon panel says "American freedom of the seas is threatened," we are in deep trouble.

In addition, experts overseas are beginning to view the shifting balance of naval power with concern and are openly wondering at the value of future alliances with the United States. Under the circumstances we must acknowledge that the elements of national power are clearly understood by both our allies and our enemies. Today, our allies and the uncommitted nations of Eurasia and Africa see themselves as increasingly encircled by offshore Soviet naval might. The frequent Soviet naval exercises in the Atlantic and the continued Soviet naval presence in the Mediterranean Sea and the Indian Ocean are in their eyes directly related to what they discern as a growing distaste in the United States for overseas commitments.

This is one of the prices we already are beginning to pay for the neoisolationism which has become so pronounced in the Senate of the United States. Our allies are beginning to interpret what they see in terms of estimating how they can fend for themselves. And their natural reaction can be expected to be increased accommodation to Soviet power with the attendant dissolution of NATO and other alliances which have rested on U.S. maritime power.

We are not far from the point where the American people must decide whether they want this country to become an island standing alone.

In the final analysis, the Navy is the deciding military factor which enables the United States to be an international power. And it is a serious situation when we permit a wave of war weariness and neoisiationism to force a deduction of one-third of our fleet strength at a time when the Soviet Union is doubling and tripling hers.

It must be remembered that in the past few centuries, Russian objectives of territorial expansion were forestalled by the British, the Japanese and, most recently, the U.S. fleets. Throughout the 19th century, the might of the British fleet laid behind and gave sustenance to a series of European land alliances which held Russia in check. The decisive defeat of the Russian fleet by the Japanese at the turn of this century prevented the earlier development of Russia as a naval power. Subsequent to World War II, the U.S. fleet has been the guarantee to ourselves and our allies that a flow of seaborne commerce and strategic material was assured and that our alliances were underwritten in naval strength.

But now the once great British and Japanese fleets, as well as those of other allies, have declined to mere coastal defense forces, incapable of holding open even their own vital oil supply lines from the Middle East. So the door is now ajar for the Soviet to break free of the entanglements of encircling land alliances and to spread power and influence toward historical objectives in the Middle East, Asia and even in Europe. Stung by their impotency in the face of the U.S. Navy to force a successful conclusion to the Cuban missile crisis, the Soviets have forged an unprecedented naval expansion. And they have chosen their weapons well. The Soviet navy is designed not to overpower us on the surface of the sea and to attack our shores, but to deny us the use of the sea and to drive us from the position from which we support our alliances. The large Soviet submarine and missile fleets are admirably suited to the task.

So what can we expect the men in the Kremlin to do in the circumstances prevailing today?

First. They will avoid nuclear war.

Second. They will continue their buildup of nuclear weapons.

Third. They will continue their Naval expansion in blockade and missile forces.

Four. They will attempt to capitalize on political unrest in Eurasia and Africa and other strategic areas of the world.

Five. They will increase "showing the flag" and continue "gunboat diplomacy" in Eurasia and Africa.

Six. They will foster communism on a worldwide basis through aid and subversion.

Seven. When they are ready, they will confront us with superior force in a place like Israel or Korea and we will be forced to back down.

PEARL HARBOR DAY

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Florida (Mr. GURNEY), who is necessarily absent, I ask unanimous consent to have printed in the RECORD a statement by him relating to Pearl Harbor Day.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PEARL HARBOR DAY

(By Senator GURNEY)

Lest we forget, today is December 7—a memorable day in our history. On this date, 30 years ago, this Nation was at peace. While the sounds of war rumbled in other parts of the world, America slept, unaware that it was about to be plunged into the bloodiest conflict in the history of mankind.

At the U.S. Navy Yard, Pearl Harbor, all was peaceful and quiet early that Sunday morning. Little did anyone suspect that, in the cold waters to the northwest of Hawaii, six aircraft carriers of the Japanese navy had launched two major air strikes against the most important U.S. naval base in the Pacific. Hence, when the little black dots appeared in the morning sky, there was no warning—no realization of what they meant. Our planes were at rest on the airstrips; our ships made beautiful targets as they lay peacefully at anchorage in the harbor. A more attractive target can hardly be imagined.

With deadly efficiency, the Japanese fighters and bombers wreaked havoc amongst our unprepared fighting men. Many awoke to the sounds of bombs or torpedoes crashing into their vessel; for some, those were the last sounds they ever heard. Many died in the valiant efforts to rescue comrades or to save their ship. Battleships, cruisers and destroyers went up in columns of smoke, soon the heart of our Pacific fleet sank to the bottom of the harbor. For many brave American sailors, their floating home suddenly became their tomb. When the smoke had cleared, it was found that 2,036 sailors had died, and another 759 had been wounded. In addition, the Army suffered an additional 215 killed and 360 wounded. It was indeed, as author Walter Lord has termed it "a day of infamy."

Today, thirty years later, we honor the memories of all those who made the ultimate heroic sacrifice on the "day of infamy." No more could have been asked from any group of men. Indeed, the men of Pearl Harbor characterized that day the qualities that have helped make this Nation great. And while we are remembering and honoring all those who fought and died at Pearl Harbor, we must also remember the larger significance of the day—the horrors of war and the price of unpreparedness.

December 7, 1941, marked an end and a beginning; the end of an era of relative isolationism and the beginning of a gigantic effort to restore world peace. Before the war was over some 16 million American servicemen had participated in the effort to stop what Pearl Harbor had started. Of these 291,557 were killed in action. We must recognize the sacrifice of these men, and of all the veterans of World War II, when we memorialize those who made the supreme sacrifice at Pearl Harbor. And if these remembrances are to mean anything, we must also rededicate ourselves to preventing the possibility of any future Pearl Harbors. The lessons of Pearl Harbor must not be forgotten, or simply considered "past history"; they have too much applicability to contemporary times for us to dare forget them. The challenge to freedom is still present today, just as it was in 1941. We must be ready to meet the challenges to our freedoms—freedoms that the men of Pearl Harbor fought, bled and died for—whenever they arise. If we do not, then the 2,251 soldiers and sailors that died there that infamous day thirty years ago, died in vain. As we remember, and honor, them today, I hope, pray, and believe that we have the strength to fulfill the aspirations for which they so gallantly made the ultimate sacrifice.

COMMISSIONER MOORE ON STATISTICS POLITICIZING UNEMPLOYMENT STATISTICS

Mr. PROXMIRE. Mr. President, as promised in this morning's hearing by the Joint Economic Committee on November employment-unemployment data, I ask unanimous consent to have printed in the RECORD a letter received from Commissioner Geoffrey H. Moore, Bureau of Labor Statistics, Department of Labor, and the unexpurgated version of an article entitled "Objectivity in the BLS," published in abridged form in the New York Times of November 18, under the title "It All Adds Up."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, D.C., November 19, 1971.

OBJECTIVITY IN THE BLS

In view of recent public concern over changes at the Bureau of Labor Statistics, I thought you might be interested in a copy of a statement that I sent to the New York *Times* and which appeared in abridged form in the Times of November 18.

The phrase "politicizing the Bureau of Labor Statistics" has been used recently in editorials, news columns, TV shows, speeches in the Congress, and cocktail parties. Is politics really at work in the Bureau? The question is of vital concern to the public and to policymakers, as well as to the staff of the BLS.

Since I direct the affairs of the Bureau of Labor Statistics, the issue is of particular concern to me. When I first became Commissioner of Labor Statistics in March 1969, I set forth four goals for the BLS, and one of them was to maintain a position of impartiality in the presentation and analysis of statistics. The other three were to insure that our work was kept relevant to the economic and social problems of the Nation, that the results were accurate, and that they were presented in a timely manner. If the BLS in fact is being "politicized," one of my goals is being dumped overboard.

I have another reason for concern. For nearly thirty years before coming to BLS I was associated with the National Bureau of Economic Research, Inc., in New York City. This private organization is well known for its devotion to the conduct of impartial studies of economic problems. At the NBER the goal of objectivity in economic analysis is at the forefront, and I believe it is basic to the development of economics as a science. As exponents of that idea both the National Bureau and the BLS stand out as landmark institutions.

Finally, as President of the American Statistical Association during 1968, just before I became Commissioner, I developed and helped to promote the idea that a comprehensive review of the Federal statistical system was needed, a proposal that resulted in President Nixon's appointment last year of a Commission on Federal Statistics. Clearly

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the purpose of this proposal was to improve the Federal statistical system, not to destroy it.

With that background, it is evident that I did not accept the job of Commissioner in order to "politicize" the BLS, and I would regard it as a disaster if, despite my efforts, it should happen. My belief is, however, that the BLS is now in a stronger position than ever to maintain its objectivity, for two reasons. One is that the recent public attention given to the subject and the outpouring of support for the BLS as an institution whose objectivity must be maintained would make it more difficult for anyone, from either side of the political fence, to divert the Bureau from its path of strict objectivity. The second reason is that the recent reorganization of BLS and the accompanying hubbub concerning its motivation, has put all of us on our mettle. The top staff of the Bureau is particularly aware that now is the time to demonstrate afresh our capacity for objective analysis.

What is the evidence of "politicization"? Last April the news briefings that the BLS had conducted twice a month with the release of employment and consumer price figures were discontinued. This step was not taken to "politicize" the release of information, but for precisely the opposite reason—to prevent that from happening. The press briefings had personally involved the technical staff of the Bureau in situations leading to political controversy. I recognize there are differences of view regarding the usefulness of briefings for the release of statistical data—and understandably the press has criticized the decision. But the essential fact is that our written releases, which are available to everyone and not just those who can attend briefings, still contain the factual information and technical analysis they have always contained. Moreover, the staff continues to be available to answer and amplify technical questions at any time.

Last July the Office of Management and Budget requested the Departments of Labor, Commerce, Agriculture, and Health, Education and Welfare each to review their statistical organizations and to set up parallel atructures following certain broad guidelines. Since the BLS conducts about 90 percent of the statistical work of the Labor Department, this request directly involved BLS. A new organization plan was worked out, and went into effect October 18. Nearly all the new members of the top staff have held important positions in the BLS for years. Only one person from outside BLS has been appointed, and his professional qualifications are of the highest. Two positions remain to be filled. The new duties and responsibilities given to the members of the top staff will in my judgment in each case better fit their professional and managerial capacities and the needs of the organization.

Although the reorganization has been cited as evidence of "politicization," the fact is that no political appointments have been made, none have been suggested to me, and none will be made as long as I am Commissioner. All new appointments and promotions have been, and will continue to be, based on the professional and managerial competence of the individual concerned.

It is not easy, in a Washington agency, to dispel the notion that any changes in personnel, in policy, or in procedures are politically motivated. Virtually every move can be so interpreted with a little imagination and political suspicion. For example, the BLS recently announced that there would be a gap during 1972 in our quarterly releases on the employment situation in low-income areas, in order to shift from 1960 to 1970 Census definitions of such area. This was immediately described in the press as a political move by the Administration to avoid reporting "bad news" during an election year. The fact is that the decision originated with and was recommended by the technical staff of the BLS and the Census Bureau.

If as a result of such episodes the Bureau should be inhibited from making technically justified decisions for fear they might be considered political, then a real "politicization of the BLS" would have begun. A real deterioration in the quality of its output would be the result.

Politics is not at work in the Bureau. We are fully mindful of the importance of an independent fact-finding agency in economic affairs, and we are dedicated to the preservation of the Bureau's reputation for objectivity and reliability.

GEOFFREY H. MOORE.

TODAY THE SUBCONTINENT—TOMORROW, HALF THE WORLD

Mr. MONTOYA. Mr. President, the situation on the Indian subcontinent has deteriorated into full-scale war between India and Pakistan. My first, most overwhelming reaction is that our country must not become enmeshed in this struggle in a military sense in any way whatsoever.

In a humanitarian sense, however, we must make our presence felt. It is utterly vital that a cease-fire be arranged as quickly as possible. Should such a condition be brought into being, the United Nations could be utilized to act as a buffer between all contending factions.

In turn, this would create a breathing space within which to repatriate refugees while mounting a major worldwide relief effort, in which I am certain the United States would join generously.

A date meanwhile could be set for a plebescite, to be administered and closely supervised by the United Nations. All Bengalis could participate. They could then opt for inclusion within Pakistan, India, or for total independence. A consortium of world powers, acting in concert with the U.N., could insure that their collective will took concrete form, immune to any outside efforts to alter the result.

Only in such a manner can we act to prevent a far larger and more dangerous conflagration.

Having staked out that position, some other pertinent observations are very much in order. India's naval forces have taken punitive actions against two American merchant vessels, which seem to have been guilty only of the heinous crime of peacefully plying international waters.

Our State Department has lodged a formal complaint with the Government of India, giving out the following information in the process. Indian planes bombed and strafed the ship, *Buckeye State*, off Chittagong. The second American vessel, *Expediter*, was intercepted by elements of the Indian Navy and forced to proceed to the Port of Madras.

Mr. President, I regard these two acts by the naval forces of India as inexcusable and deliberate. With both flying the American flag while passing through international waters, what possibly could have motivated India to act in this manner toward them?

Perhaps it is time for the American people to reexamine their thinking and policy toward both India and Pakistan. For example, over the years many well-meaning, internationalist-minded Americans looked upon India as a unique nation. They unquestionably accepted her as an outstanding democracy, embryonic great power and an equal in the most vital decisionmaking processes in the world. Such unswerving devotion to these ideals and their elevation to policy have cost the United States dearly.

Before proceeding, let me state unequivocally that I hold no brief for the appalling regime of Yahya Khan, which has acted in so barbarous and outrageous a manner toward its own people. Whatever I say about India is in no way an endorsement of Pakistan; her policies and allies. It was wrong for our own country to fuel the arms race on the subcontinent, which we have done for years through major arms sales to both countries. Much innocent blood is being shed with American-supplied weapons. By contributing so much hardware to both sides, we have not brought honor or respect to the name of the United States.

This aside, let us again examine India's policies and how they have affected our own Nation.

Her international pronouncements have more than once seemed to be at some variance with her domestic policies. Since her independence from Great Britain became a fact, she has managed to show the world the following inconsistencies.

After agreeing to hold a full plebiscite in Kashmir, most of whose people are Moslem, India broke that promise, maintaining her hold on that strategic principality against the wishes of most of its people and in spite of repeated Pakistani requests to honor the agreement and hold the vote.

When the Naga Hill tribesmen sought some degree of autonomy, India's Government ferociously put them down by the sword with merciless slaughter. In spite of the evinced desire of France and Portugal to vacate their remaining colonial enclaves on the western coast of India, she proceeded to march in and take them by force of arms.

Each of these actions by itself is anything but the inspired act of conscience of a democratic government. Still, other nations have done similar things without being singled out for condemnation. Yet what has given so many Americans pause is that India has simultaneously sought acceptance internationally as a moral preceptor for the world. In the United Nations and in public statements generally, she has often lectured the United States on the niceties of international behavior, more often than not stridently condemning one or another American policies.

This has caused considerable consternation among Americans, and I confess that I am one of them, particularly so in light of India's ongoing expectation of massive American foreign assistance. If any nation receiving foreign aid has, by its actions, brought the program into disrepute domestically among our people, it has been India, and I say this with regret. In fact, India has seemed to regard vast sums of American aid as her due, rather than something to be earned or repaid. Whenever the American public complained or a Member of the Congress balked, it was regarded somehow as the act of an antihumanitarian. So the American dollars continued to pour into dams, agriculture work of a hundred kinds and a vast variety of similar projects. Gratitude was nonexistent, and if thanks were rendered, even perfunctorily, the public and Congress at large knew little of it. Mr. President, India has been the recipient of American largesse since 1946. From then until 1970, we have sent her a total of $7.5 billion in economic aid. From 1962 to 1970, total American military aid to India amounted to $92 million.

In fiscal year 1972, our total assistance came to $419 million in AID, Peace Corps, military assistance, and Public Law 480 funds, Massive quanitities of surplus food was sent to India under this program, which to my knowledge is continuing as of this day. Such help, when sent, was shipped in Indian instead of American ships. Transportation costs for this service, which are considerable, were sustained by the U.S. taxpayer. As far as I know, these moneys have not been repaid.

Yet every Member of the Senate is fully aware that millions of Americans, old and young, are without adequate diets. Millions of them will go to bed hungry tonight, as they did last night and as they will tomorrow night.

At least they show some gratitude when our Government extends this type of assistance.

At the same time, India has opposed the United States with vigor and consistency in the United Nations. She has sided with us a mere 22 percent of the time. Out of 159 votes, India was with us 45 times. Usually she was to be found allied with the Soviets or the Chinese in opposition to any and all of our policies. And India has just capped these accomplishments by signing a long term agreement with the Soviet Union, further widening that nation's already significant sphere of influence in that strategic part of the world.

Over the years, our assistance, rendered without payment in hard cash, has saved India massive quantities of foreign exchange. With the money our contributions saved her, she purchased ever-increasing quantities of weapons from Russia. It is these armaments she is using with such telling effect upon her enemies, the Pakistanis. And also upon American merchant vessels.

At this point is is well to note with deep regret the inaction of the administration in recent months in regard to this situation. All the world saw it coming, bearing down upon mankind like a juggernaut. Why did the administration not see fit to utilize its considerable influence with both Pakistan and India. We could have been far more effective as a restraining force beforehand. As usual, we are to late with too little. Let it be freely admitted that inaction by the great powers went a long way toward worsening the appalling human equation now confronting the world. The refugees are really the world's responsibility.

It is monstrous and a stark tragedy that Pakistan has seen fit to act in such a barbarous manner toward it own people. This is to be vehemently condemned. The United States must not stand aside and merely wring its hands while making sorrowful noises. We can and must help.

But at the same time let us separate this international concern from India's motives. Moral outrage has moved India previously only when her advantage was possible or when she waxed indignant in order to strike at a western power.

It is especially noteworthy at this time to call attention to her lack of outrage and support of the Russians when Soviet might obliterated the tiny yet indefatigable burst of Czechoslovakian freedom. Soviet armaments meant more to her than the desire of an old people to enjoy a new freedom. Of such fabric is morality woven in New Delhi.

The world must act out of conscience and self preservation. The geopolitical equation confronting the world is growing more ominous hourly. Communist China and the Soviet Union are competing for influence in the subcontinent. Pakistan is the client ally of the Chinese, who will not allow her to absorb too substantial a military defeat. Before allowing this to transpire, I feel China will enter the conflict, delivering a significant military rebuff to India's armed forces. She has proven easily able to accomplish this in the past, and in the present situation would find it an opportunity too good to be bypassed. If anything, China is far more able to act militarily now than in the past.

In turn, this type of an action would offer an irresistible argument and temptation to that group in the Soviet military establishment which has been arguing constantly for a surgically precise, preemptive strike against Communist China. This school of thought has already resulted in a massive arms buildup along the Sino-Soviet frontier line, innumerable small clashes and blood-curdling saber rattling in Moscow. Removing China's burgeoning thermonuclear capacity might prove an irresistible temptation to this influential group of ranking officers within the Red army.

The entire situation is fraught with considerable peril for the world. It is imperative that a cease fire be arranged immediately, before the military situation gets too far out of balance.

THE NEED FOR RURAL DEVELOPMENT

Mr. PACKWOOD. Mr. President, a number of bills have been entered in this session of the 92d Congress, designed to improve some single phase or the entire spectrum of rural America. After studying the various measures, I have reached the conclusion that some are too complex in structure for proper administration while others are not comprehensive enough to do the immense job required for full and rapid rural development.

Mr. President, one of my distinguished colleagues has brought a bill before us which may not be the ultimate answer to all rural problems, but it definitely is closer to what I believe must be undertaken in the immediate years ahead to achieve a balance between rural and urban America that will benefit both.

I refer to S. 2800 which was recently introduced by the Senator from Kansas (Mr. DOLE) and cosponsored by 20 other Senators. It places the strongest emphasis upon making rural areas equal in public facilities, protection services and convenient transportation systems. But, at the same time it encourages resettlement of families who desire to return to the land provided their plans will not disrupt the normal agricultural production and marketing programs in existence today.

In other words, the bill to which I enthusiastically add my sponsorship would give assistance to farmers. Unless we retain agricultural producers in all sections of the Nation, rural America would have to be constructed from scratch—an impossible undertaking. To even consider such a procedure is beyond thinking.

The bill would therefore help make it possible to maintain efficient family type farmers thereby encouraging young and knowledgeable men and women to remain in rural America to build more new wealth from the soil, directly and indirectly.

My contention that rural America must be reconstructed, rather than create an entirely new concept of development, has been shown time and again by statistics and tabulations showing the declining number of men and women engaged in farming. However, I want to reiterate as a part of the record that agriculture still stands as America's number one industry in size, employing 4.6 million workers, or more than the steel industry, automobile industry, and the textile industry combined. Three out of every 10 jobs in private employment are related to agriculture. It takes 8 to 10 million people to store, transport, process, and merchandise the products of agriculture. It requires another 6 million to produce the equipment and supplies farmers use for production and family living.

Much of the vibrant power of rural America has been lost due to continuing attrition of farms. In my own State of Oregon, the number of farms and farmers has declined drastically—from 42,551 in 1960 to 29,063 in 1970. If we are to truly revitalize our rural areas, certainly every leader must recognize that agriculture must be the cornerstone of any successful rural development program as we initiate new plans for the future.

With that brief presentation of my basic belief in the approach this body must take for full and meaningful rural development, I offer a summary of what S. 2800 would accomplish:

The bill would not set up an entirely new governmental entity. Rather, it would create a Rural Development Administration out of the existing Farmers Home Administration. The purpose is to strengthen present FHA farmer programs and expand other existing FHA rural development phases. Under this plan, no agency would be created that would take months and years of trial and error to develop a workable program.

Instead, FHA could rapidly encompass the new and expanded portions

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provided for under the law and get off to a fast start by mere acceleration of present and related programs.

The bill provides up to $750 million for comprehensive grants to rural communities for local planning and sparsely populated areas.

The Secretary of Agriculture would be directed to establish a preference for farmers who could take active part in community projects designed to accomplish certain desired ends.

The Secretary of Agriculture could add other eligible categories under direction of the bill, and establish the levels of participation. Loans would be possible up to 90 percent; interest subsidies could be granted up to 50 percent; and ratio of population would determine equalization grants.

The types of community programs and types of financial assistance for which each would qualify are categorized in detail.

Guaranteed loans would be amplified for water and sanitation projects, with some subsidization of interest payments and equalization grants, along with community health and protection measures. The latter categories would involve such much needed items as hospitals and clinics in addition to police, ambulance and fire protection services.

Economic expansion would qualify for guaranteed loans. Financing would be provided to make sure that establishment of income producing facilities or industries with employment opportunities would be as plentiful in rural areas as in metropolitan areas.

The loan guarantees would be set at levels to enable local financial institutions to take part in the risk and thereby assure administration of loans, and to share in the income benefits of the revitalized communities.

Comprehensive plans would provide for employment expansion along with community improvement to assure balanced growth.

To safeguard production and marketing of agricultural products against undue competition by new development, the bill would only provide for guaranteed loans on land or home construction on land up to 20 acres outside actual farms. This would give industry and families desiring to settle in healthy rural America an opportunity to do so, and share in an incentive subsidy of 1 percent of the interest charge on the loan to be paid by the Federal Government.

That, in essence, is the plan of the measure which I am cosponsoring. Study of rural development plans offered by many of the Nation's best minds are encompassed in this bill. It is designed to give that initial surge and drive, meeting the needs of that dormant initiative present and ready in all sections of rural America. Townspeople and farmers alike are awaiting the opportunity to press forward. They will now have full opportunity to make their community into more economically attractive places to live and work.

I have not found any other plans that would be an improvement on the concept of S. 2800. The important factor of this bill is that it simplifies procedures and at the same time offers farmers, communities, multicounty units, and rural families the means of taking quick action on feasible plans that will accomplish in shorter time the desired revitalization of rural America.

U.S. MILITARY INVOLVEMENT IN SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, the Young Democratic Club of the University of Arkansas recently approved a resolution concerning U.S. military involvement in Southeast Asia.

The resolution approved by the Young Democratic Club calls for the immediate withdrawal of U.S. forces from the area—

Contingent upon the release of all United States prisoners of war to a neutral third country which will release these prisoners to the United States upon the completion of the withdrawal of forces.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Be it resolved by the Young Democratic Club of the University of Arkansas:

1. That we are opposed to United States military involvement in the conflict in Southeast Asia and therefore call for the immediate withdrawal of all United States forces from the countries of Vietnam, Laos, and Cambodia, the waters surrounding them and the air above them.

2. That we favor limiting the involvement of the diplomatic corps and the CIA to the single role of observers to the political situation in Vietnam, Laos, and Cambodia, and thereby refraining from participation of any type in the military or political situations in those countries.

3. That the immediate withdrawal of United States forces be contingent upon the release of all United States prisoners of war to a neutral third country which will release these prisoners to the United States upon the completion of the withdrawal of forces from Vietnam, Laos, and Cambodia.

4. That this resolution be sent to the Arkansas Congressional Delegation, the Governor of Arkansas, the Majority Leader of the United States Senate, and the President of the United States, urging them to work for the adoption of this policy as that of the United States.

EXEMPTION FROM CONTROLS

Mr. GRIFFIN. Mr. President, in an editorial published on December 3, 1971, the Chicago Tribune emphasized that it expects no special privileges when it comes to wage and price controls. Some have argued that the news media should be exempt.

The editorial observed:

The country is facing a serious economic challenge. We have urged business and labor to subordinate their interests to the national interest. We are willing to do the same ourselves.

I ask unanimous consent that the complete text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A FAVOR WE DON'T WANT

We appreciate the solicitous thoughts of the senators who voted to exempt the information media from wage and price controls, but this is a favor that THE TRIBUNE, for one, would prefer to do without.

The exemption was approved by the Senate in the form of an amendment to the wage and price control bill sponsored by a coalition of senators led by Alan Cranston of California. Their argument is that the press was exempted from controls during World War II and that, in Mr. Cranston's words, the present controls would give the government "economic life-or-death power over every publishing and broadcasting operation in the country."

THE TRIBUNE has a long tradition of opposition to special privileges for special interests, whether for the newspapers or anybody else. There is only one special privilege we demand, and that is the privilege of freedom granted to the press under the First Amendment to the Constitution. We have fought for this privilege and will continue to do so, because in fighting for this privilege we are fighting for the public's right to know and are not seeking to set ourselves apart from the public.

We don't consider that the present wage and price controls constitute a threat to the freedom of the press. We think Mr. Cranston exaggerates the danger. The Pay Board and the Price Commission are autonomous bodies, unlike the wartime control boards; and while we may not always approve of their decisions, there is no evidence that they are subject to improper political influence.

As finally passed by the Senate, the Cranston amendment does call on the press to abide by the guidelines on a voluntary basis. Even so, the appearance of favoritism is ill-becoming to the press at a time when the rest of the country is being urged to make sacrifices. If the amendment is approved by the House and the President, THE TRIBUNE will strive to live within the framework of the existing regulations and assume the same burdens and responsibilities as we expect of other businesses.

The country is facing a serious economic challenge. We have urged business and labor to subordinate their interests to the national interest. We are willing to do the same ourselves.

SOLAR ENERGY—THE MEINEL PROPOSAL

Mr. GRAVEL. Mr. President, an article called "Is It Time for a New Look at Solar Energy?" appeared in the October 1971 Bulletin of the Atomic Scientists. Written by Dr. Aden and Marjorie Meinel, of the optical sciences center at the University of Arizona in Tucson, it proposes solar farms to produce the Nation's electrical needs, pollution-free, at reasonable cost.

Mr. President, I ask unanimous consent to have the article just mentioned printed at the end of my remarks.

This article is a less technical presentation of the Meinels' proposal than the paper of theirs which I placed in the RECORD July 8, 1971, pages 20416–20418. A new paper on this subject will be presented by the Meinels in February at the American Physical Society. Also, there will probably be an article by them in the February issue of Physics Today. This week, I believe the Meinels are

giving a paper at the American Geophysical Union meeting in San Francisco.

DEMONSTRATION PLANT IN 1976

No wonder there is so much interest in their proposal. The technology is already available to implement it.

They propose completion of the first 50-megawatt demonstration plant in 1976, at a total cost of $125 million. They propose the completion of the first 1,000-megawatt electrical plant by 1980.

The year 1980 is also the AEC's accelerated target date for the first nuclear "breeder" reactor, only 300 to 500 megawatts in capacity. The first breeder is expected to cost at least $400 to $500 million, plus at least $2 billion in research and development. In all fairness, an additional $2 billion in light-water-reactor research and development ought to be charged against the breeder, since LWR technology has provided so much of the basic nuclear reactor information.

Out of this country's annual $1,000 billion gross national product, the Meinels propose that we commit $10 billion, or an average of $1 billion each year, to the development of solar energy during the next decade; $10 billion also turns out to be the figure which the AEC hopes to see committed to the nuclear breeder between 1972 and 1982.

GOOD NEWS FOR BANKERS?

The estimated cost of building a 1,000-megawatt electrical solar plant of the Meinel design, after the necessary development has been done, is $1 billion, or somewhat less than $1,000 per installed kilowatt, including the steam system and an allowance for interest at 10 percent.

Bankers ought to be interested. Solar energy may be without fuel costs during operation, but not without interest costs on the large initial capital investment required by some of the proposed systems.

CALCULATING COSTS

The Meinels approach the cost calculations in a straight-forward manner.

They consider that in a steam-cycle system such as the one they propose for using solar energy, the solar heat replaces the fuel; everything else remains the same. Therefore, if they want solar energy to be competitive, they must supply the energy at the same cost per kilowatt-hour as the conventional fuel.

At the present time, the fuel cost for electricity produced with natural gas in Arizona is 5.3 mils per kilowatt-hour, or $0.0053.

Starting with that, they calculate backward.

If we want to produce solar electricity with fuel costs of 5.3 mils per kilowatt-hour, and if we assume that the system operates 40 years, that we amortize the capital investment over 15 years, and that we pay interest at 10 percent, how much can we spend collecting the sunlight?

The answer works out to about $60 per square meter. "It looks feasible to do it for that cost," say the Meinels.

GOOD RECEPTIONS

For the last 7 months at least, one Meinel or the other has been on the road every week, tirelessly submitting the solar electricity proposal for scrutiny and challenge by business and Government experts. I am very pleased to learn that they are receiving encouragement at two AEC laboratories, Livermore under the foresight of Dr. Roger Batzel and Dr. John Gofman, and Oak Ridge under the leadership of Dr. Alvin Weinberg, as well as at the President's Office of Science and Technology under Dr. Edward David, and at one of the country's biggest engineering firms.

Does a good idea have a chance, I wonder, if its authors happen to lack the financial resources to spend months traveling and selling it? If there is a so-called "energy crisis," Congress should be providing funds to help the people with potential solutions.

I am tremendously pleased that the Meinel proposal is receiving consideration. That is not enough, however. I hope to see them receiving dollars in President Nixon's new budget next month.

HARVESTING ELECTRICITY FROM IDLE LAND

The potential of this one solar scheme alone is tremendous. The present installed generating capacity of the whole United States today is about 350,000 electrical megawatts. To produce 1 million electrical megawatts from sunlight by the Meinel proposal would require an area of land only 74 miles on each side, or about 5,500 square miles.

That figure compares with approximately 60,000 square miles of good grainland which the Department of Agriculture hopes to keep idle in 1972. It also compares with about 100,000 square miles of desert land in the Southwest United States, and with approximately 500,000 square miles of farms in this Nation. Incidentally, the Department of Agriculture may spend 1.8 billion tax dollars in 1972 for price supports and production controls for grain alone, according to the Washington Post of October 19, 1971.

MAKING IT HAPPEN

It is clear that this country has plenty of land available for harvesting a crop of solar electricity. It is clear that this country has plenty of unemployed scientists and engineers eager to tackle new assignments. It is clear that solar energy should receive far more than token funding in the administration's new budget.

If the ordinary taxpayers were ever consulted, I believe they would agree. They would do well to make their opinions on this subject known to Congress, to the Senate Interior Committee Energy Task Force, and to White House Budget Director George P. Shultz.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bulletin of the Atomic Scientists, October, 1971]

IS IT TIME FOR A NEW LOOK AT SOLAR ENERGY?

(By Aden Baker Meinel and Marjorie Pettit Meinel)

[The authors propose a solar power generating system which would produce 1,000 megawatts of electricity by the thermal conversion of sunshine to produce steam. They suggest the conversion can be done by the optical concentration of sunshine in ground collectors spread over desert regions. The collection of enough solar energy for a 1,000 megawatt generating system would require a solar power "farm" covering an area 3.8 kilometers on a side. Aden B. Meinel is director of the Optical Sciences Center, University of Arizona, his wife, Marjorie Pettit Meinel, has collaborated with him in this study.]

(NOTE.—Figures referred to are not printed in the RECORD.)

Amid the controversies and public acrimony over fossil and nuclear power plants one is beginning to hear solar energy mentioned as a possible solution. Can solar energy really be developed to a point where it will be a significant source of power by 1980, 1990 or 2000? Could solar energy ever supply the total national need for electrical energy, or is it at best only a minor contributor? And whatever happened to the glowing prospects for solar energy that were heard in the early 1950s? We asked ourselves these questions, and we would like to share with you the road over which they have led us during the past year.

As recently as 1969, solar energy was dismissed as holding little promise for contributing to the future energy needs of the United States. The reasons for this dim view, expressed by a committee of the National Academy of Sciences, are easy to find when one looks at the history of solar energy. Solar cells have been spectacularly successful for spacecraft applications, but they are far too expensive to be considered either now or in the foreseeable future for bulk electrical power production. Moreover, since solar energy is received only during daylight hours, one must store the energy for night use, and this is not inexpensive after the energy has been converted into electrical power by the solar cell. At the present time the total cost of silicon solar cell power and battery storage is on the order of 1,000 times more expensive than conventional electrical power. There seem to be formidable reasons why a few hundredfold improvement in cost is beyond even a mass production effort.

An improved system concept wherein the electrical output from solar cells is stored through electrolysis of water has been proposed by A. Bratenahl and J. Weingart of the Jet Propulsion Laboratory, Pasadena, California. In their plan, the gaseous hydrogen and oxygen would be stored for eventual recovery of the energy by fuel cells. A fuel cell is effectively the inverse of electrolysis, thereby recovering substantially all of the stored energy. If the hydrogen and oxygen were simply burned to provide heat for a thermodynamic conversion system, one would lose energy through the inevitable Carnot efficiency factor, and an initial 10 per cent conversion efficiency would be cut at least in half upon reconversion.

Another reason for the view expressed by the 1969 NAS committee is evident when one looks at efficiencies of conversion of solar energy by thermal means. The efficiencies of steam turbines or turbines driven by organic fluids such as ethyl chloride have been in the range of a few per cent at best. Any plan to utilize solar energy at conversion efficiencies significantly below 10 per cent, as with cadmium sulfide solar cells or old "state-of-the-art" thermodynamic systems, is doomed by the adverse economics incurred in collecting energy over an immense area, as has been pointed out by Glenn T. Seaborg, retiring chairman of the Atomic Energy Commission.

Even if we are able to use new technology, a basic obstacle to solar energy utilization is the high initial capital facilities cost. It is true that no fuel is being consumed by a solar power facility, but dollars are being consumed in the form of interest money. This is the equivalent of buying fuel for the lifetime of a system. The diluteness of solar energy, about one kilowatt per square meter at noon in a desert climate, or 4 megawatts thermal per acre, means that large collecting areas are needed even at 30 per cent conversion efficiency. It will take considerable ingenuity and manufacturing know-how to

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reduce unit costs of the collector enough to yield electrical power at a price comparable to power generated by, for example, fuel oil.

In reading the literature of solar energy research done over the past 20 years, one becomes aware of a persistent theme that we feel has impeded the quest for solar energy utilization. The theme has been that solar energy is primarily for underdeveloped countries—a way to get some energy for people who cannot afford the price of fossil or nuclear fuels. A close corollary has been the goal of a roof-top unit, often devised by ingenious persons but aimed as a power generator on a microscopic scale compared to national needs; as a result it suffers from economic noncompetitiveness with bulk electrical power.

SATELLITE POWER STATION

In our literature survey, one proposal appeared to break loose from the limited vision that seems to have inhibited the field of solar energy. This proposal by Peter Glaser of A. D. Little, Inc., is for a satellite power station. Although we do not agree that his system requirements are possible goals in the next few decades we do agree with his objective, expressed to us in several conversations, that is, the desire to break people away from the limits of imagination that seem to have characterized so much work in the field. It seemed to us that equal imagination should be given to a terrestrial system, since going into space to gain less than four times as much solar energy per day hardly seems worth the added expense of building the system in space. Following the theme that Glaser emphasized—a solar energy system in the context of the total available technology and manufacturing capabilities of an advanced nation—we began a technology survey aimed at a new look at thermal conversion of solar energy.

Thermal conversion of solar energy has not been particularly successful, and it is clear that the resultant low efficiencies, less than 2 per cent, are due to low operating temperatures. The maximum extractable energy from a source of heat depends upon the maximum and minimum temperatures (degrees Kelvin) of the thermodynamic cycles, so one avenue for increasing efficiencies is to increase the input temperature of the thermal conversion cycle. Following conversations with some of our friends in the power utility business, we decided to seek a solution that would interface with the operating conditions used by most of the power industry, namely, 1,000°F (540°) steam at 1,200 pounds per square inch (84 kg/cm²). The conversion efficiency of such steam-generating plants is about 40 per cent of the energy content of the input fuel, including stack losses. If we can devise a way to meet these temperatures, we can expect similar efficiencies, which when the losses at collection and extraction are taken into account still leaves us with the prospect of converting solar energy into electrical power at about 30 per cent efficiency.

Thermal conversion of solar energy at temperatures of 540° C has another advantage: We can store the energy until used, in the form of heat. Thermal storage of energy is particularly attractive when the heat of fusion of salts or other materials is used since considerable energy can be stored or removed from such a storage medium at a constant temperature, another factor desired by user utilities. One also has at hand the extensive experience in the use of liquid metals as a heat transfer medium to convey the heat from the solar collectors to the thermal storage tank. When we talk to some of the persons working with liquid metals in the nuclear power programs, we wonder whether we really want all the problems that they are battling; but in reality the situation is simpler for solar energy since nuclear cross-sections, radio-activity and thin encapsulation of fuel elements are not involved.

The basic thermal conversion system for solar energy is shown in Figure 1. Three subsystems are needed: the collecting subsystem at the top, the liquid metal loop between the collection subsystem and the thermal storage subsystem, and the using subsystem at the bottom, shown here as a high-pressure steam system. In reality, the actual system is much more complex to carry out these three basic functions in an optimum way when the sun is and is not shining, but for the purposes of this article we will not need to delve deeper into the system functions.

COLLECTING SOLAR ENERGY

There are two ways to collect solar energy at temperatures in the vicinity of 540° C. The obvious way is to use optical concentration, wherein the sunlight is focused to some degree by means of a mirror or a lens on a collecting surface. A second way is to alter the radiative properties of the collecting surface so that sunlight is absorbed efficiently but infrared emission is inhibited—a selective surface. If a collector is vacuum encapsulated so that the dominant loss mechanism is infrared reradiation, then it is easy to show that the product of optical concentration, X, and the ratio of the absorbance in the visible, a, to the emittance in the infrared, e, must exceed 24, and preferably should be in the vicinity of 40 for efficient extraction of the collected energy, $X(a/e)$ nearly equal to 40.

A method of obtaining the desired product using normal absorbing surfaces, where a/e is nearly equal to 1, could be a long string of collectors of a mirror-type that focus energy on absorbing sections of a linear pipe containing the heat transfer fluid. The "string-of-beads" system could be made to cover large areas, and each module could be produced in large quantities, so a possible design could be evolved along these lines. We have looked briefly at the economics of mirror and Fresnel lens systems of this type, but their operating requirements for tracking the sun, maintenance and high wind characteristics convince us that the cost might not be optimum for a solar power system.

Another avenue is provided by the use of selective surfaces. Selective surfaces can be made in two ways. The first is to use a material with an intrinsic change of optical characteristics from absorbing to transparent near 1 micron wavelength in the infrared, such as silicon or some other semi-conductors. B. O. Seraphin, who has developed this type of selective surface by combining a thin film of silicon over gold, spaced by a stopper layer, points out that in contrast to silicon solar cells his selective coating depends only on the intrinsic optical and not on the electrical properties of the silicon, and costs are orders of magnitude lower than for solar cells. The second way is by use of an interference film stack, as originally developed by G. Hass and A. F. Turner. In this type of selective surface, the intrinsic materials may be transparent or reflective over both the visible and the infrared, and the absorbance is obtained by interference between layers of precisely controlled thicknesses. Refractive thin films that appear to be able to withstand years of operation at 540°C can be made of materials like molybdenum and aluminum oxide.

The current state of the art of selective films is such that ratios of 10 to 20 are attained, so some optical concentration is required for optimum operation of a system. Concentrations of 2 to 4 are possible by simple linear optical systems. Such a system has different cost and operational factors than an array of reflectors. We expect the state of the art of selective films can be advanced to a point where no boosters are required to concentrate sunlight, but we can proceed with a system at any time with today's selective coatings. Cost factors look favorable today also. A few years ago thin films of the evaporated type were very expensive, a few dollars per square centimeter, but continuous evaporators have lowered the cost for the films of the type required for solar energy into the region of a dollar per square meter. In the following description of a solar power facility of national scope we will assume that we are able to get a 30 per cent conversion efficiency by one of these methods and proceed to examine the other facets of the questions that we addressed at the beginning of this article.

GENERATING SYSTEM POSSIBLE

We propose that a solar power generating system providing the equivalent of a conventional 1,000 megawatts (electrical) generator is quite possible. Such a system would entail a peak power input at noon of 13,000 megawatts (thermal). At the efficiencies projected for this system of 30 per cent, the size of such a collector would be 14 million square meters, or equal to a square 3.8 kilometers on a side. Since solar collectors should not be densely packed lest they shadow each other for early and late sun or when the winter sun is low in the sky, the land area required is about 3 times the collector area. Nevertheless, the total collection area needed per 1,000,000 megawatts (electrical) would be equal to a square 118 kilometers, or 74 miles, on a side. We feel this area is a practical goal to be developed. In fact, the collection areas for several million megawatts could be distributed readily over the six or seven western states that have a satisfactory number of clear days.

We note on occasions when we are talking with student groups that an immediate objection is raised concerning this use of so much land. We counter with the following question: Are they aware that the United States already has an energy program that occupies 500,000 square miles of land and yields only 1 per cent of our energy needs? The usual reaction is surprise that such a project has escaped their critical attention. When we reply that the proect is called farms and the product food, and that we need only 1 per cent as much land to harvest most of the remaining energy needs, the response is, "Oh, we hadn't thought of it in those terms." Our plea is that people now begin to look at solar energy as a harvest of at least equal importance with agriculture.

One must be aware of the degrees to which words polarize people when it comes to sensitive topics. We have become aware that the moment we mention power plants some people cease to hear what we are saying because of the opposition that has been generated to power plants in the past two years. We are tempted to call our proposal one for solar farms to reap the energy harvest from the sun since in a very real sense we are not destroying a resource—we are creating one out of sunshine.

It is clear from these facts that solar energy can be a major contributor to the energy needs of the United States; in fact, it could some day carry the burden of the world's electrical energy needs. Since it can be more than a minor contributor to the total energy picture, unlike hydroelectric, tidal and geothermal energy, it would seem that considerable effort is warranted to answer the detailed technical questions and construct demonstration units in the decade ahead.

The prime lands for the solar harvest are shown in Figure 2. Other land of importance is to be found along the Rio Grande Valley in Texas and New Mexico. A major new requirement posed by solar energy is immediately obvious from this map: the great distance of the energy-gathering areas from the major energy-consuming areas of the midwest and eastern seaboard. We need the ability to deliver the power to distant load centers. The metropolitan areas of the southwest can be served by conventional overhead power lines, but the midwest and east require new transmission technology, and even in the west people would like to see overhead power lines disappear. Current research has pointed the way to a solution: either underground cryogenic alternating current aluminum lines, proposed by P. H. Rose, or superconducting direct current lines, proposed by R. Garwin and J. Matisoo, H. Woodson and others. It is probable that a grid of trunklines of these underground types will prove both acceptable to the public and economic to the consumer. Questions of safety, redundancy, load adaptability and economics are important, and we are sure that some of the currently underutilized high-technology companies would welcome these challenges inherent in the solar power project.

The deployment of 5,000 square miles of system over the approximately 130,000 square miles of desert in the United States and northern Mexico would not appear to raise grest or insolvable ecological problems. We do feel that practical reasons would tend to lead to the grouping of individual 1,000 megawatts (electrical) stations in a few areas. Manufacture and transportation are factors leading to this end. In order to get the unit costs low enough to keep the resultant power costs within the goal of 5 to 10 mills per kilowatt hour power, it will be necessary to construct an integrated manufacturing facility in the local areas where each group is to be erected. For example, Yuma, Arizona; Barstow, California; and Las Vegas, Nevada, could well be the sites for such manufacturing facilities. Another factor is the need for new cities to serve the persons employed by the solar power farms, of perhaps 1 to 2 million people per million megawatts.

ENVIRONMENTAL IMPACT

What about the environmental impact of the solar power farms? Solar energy quite clearly is a pollution-free source of energy that consumes no resource. The process of converting this energy, however, is not entirely free of pollution. No source of energy can be utilized without a price to the environment, in spite of the partisan claims made by advocates of one or another energy schemes. We all are too familiar with the characteristics of fossil and nuclear systems to repeat the story here. Fusion systems will exact their price also. Even geothermal energy has its pollution problems.

The environmental price we must pay for the solar power farms arises from:

1. Waste heat from the turbines,
2. The imbalance of either the local or the global heat balance, and
3. Land use in desert areas termed "ecologically fragile."

Waste heat results as the inevitable consequence of the laws of thermodynamics: a steam turbine driven by any energy source and operating at the same temperature and pressure has the same amount of heat to be rejected into the environment. There is no escape. The problem is to disperse it or utilize it so that the impact on the ecology is minimized. We feel that the solar power farms offer us an unprecedented opportunity to consider this waste heat as a new energy resource.

When one looks at critical needs of the southwest, the pressing need with no present alternative solution is not power—it is water. Various great projects are moving river water from abundant areas to the population centers in arid regions. These efforts are merely interim ones since the great overdraft placed upon prehistoric underground water supplies cannot be met by existing rivers. The obvious answer is to use the waste heat from the solar power facility to desalinate seawater. A short excursion into this topic shows that the amounts of water to be gained are staggering. If we take the rate of production of fresh water as promised by the new nuclear power plant being built by Pacific Gas and Electric Company, 50 million gallons per day per 1,000 megawatts (electrical), it would appear one could produce 50 billion gallons per day, or enough for 120 million people at twice the current per capita usage rate. A model of the central power-water producing facility is shown in Figure 3. (Note the scale of the parts as indicated by the vehicles in the parking lot. Thermal storage tanks are to scale for a two-day reserve of thermal energy.)

When one views this solar project as a joint power/water producing enterprise it immediately takes on an international aspect, in part because of the arid lands of northern Mexico, but also because the Gran Desierto of Mexico is the prime sunshine area of North America and the Gulf of California is the closest area capable of supplying enough seawater. Discussions are already under way with colleagues in Mexico on this dual project, and the prospect of fruitful cooperation between our countries is a pleasant one.

HEAT BALANCE

To return to environmental questions, what about the heat balance of the desert? Will the collection of solar energy alter the climate of the desert? The answer is definitely no—if you want it that way. The solar collectors are darker than the natural floor of the desert, so one collects more solar energy than would otherwise be the case, but this excess energy is delivered to cities elsewhere in the form of electrical power. It is true; that the global heat input is not balanced—a point often missed by people who claim that solar energy does not heat the earth as do nuclear and fossil fuels. If one did elect to balance the global heat input, then the additional blackening due to the collectors would have to be compensated for by whitening the intervening or other areas, but then the local desert would be cooled by the export of electrical energy elsewhere. Take your pick, but in either case the result will be very small.

A second environmental concern is with regard to the land surface and Gulf of California ecology. The desert admittedly is a fragile thing, but it is also an immensely valuable energy resource where living is delightful when water and air conditioning are added. We think that any rational person flying over the vast deserts of the southwest can not be unimpressed by the great areas of arid land lying unused. It would seem to be an acceptable price for the harvest of sunshine that some 5 per cent to 10 per cent of this desert be impressed into the service of mankind. There are spectacular and unusual areas of desert that properly should be preserved for posterity to enjoy, and steps should be taken to avoid inadvertent and irreparable damage to these selected areas. With care the solar farms could even improve conditions in their vicinity. We live in a desert area near a metropolitan center, and it seems to us that our small efforts to improve collection of rainfall runoff increase the number and vigor of the species of desert animals and flora that live about our home. Similarly, solar collectors have the potential of improving the marginal existence of desert animals and flora through the concentration of rainfall runoff on the desert floor between rows of collectors—much as is being done by the U. S. Forest Service in paving water collection areas to aid desert animals today.

The Gulf of California must be given special consideration since the plan to desalinate seawater involves moving brine back to the ocean. A proposal by the AEC a few years ago to place a large nuclear desalting plant on the shore of the Gulf stirred much opposition since the brine was to be dumped near the estuary of the Colorado River, a spawning ground for many aquatic species of life. It is clear that one must take care in dispersing brine (33 per cent concentration over seawater), but in a major binational project this could be done. The absolute effect on the Gulf is very small. The normal annual evaporation due to the dry desert air flowing over the Gulf is about 2 meters per year. The removal of 50 billion gallons per day represents an increase in evaporative loss of about 2 millimeters per year over the northern portion of the Gulf.

INFLUX OF PEOPLE

The major environmental impact of the proposed solar farms could be the influx of people into the southwest. There is a real possibility that the growth of a metropolitan area could ruin the desert for solar energy collection. Even today the daily pulse of smog from Los Angeles arrives by late afternoon as far away as at Yuma, Arizona, and Las Vegas, Nevada. Cars as we know them today would have to be prohibited in the Colorado River Metropolitan Area, but since we are talking about the first decades of the twenty-first century, gasoline cars must by then be a vanishing species since gasoline will be scarce.

The influx of people will be accentuated by the availability of power. A solar power system must be sized for production of sufficient power in January; hence there is a large surplus of "no fuel-cost" power for the remainder of the year, except at the probable peak of air conditioning load in July, August and September. This seasonally excess power could be used to pump fresh water to distant points, or it could be used by chemical or industrial processors. For example, a jet airliner or boat will never be plugged into a power outlet; hence liquid fuels remain a necessity for civilization. To synthesize clean-burning liquid fuels one needs a large supply of cheap power. As a consequence, industry may tend to move into the Colorado River Metropolitan Area. Clearly, one needs early establishment of controls over the development of these desert areas.

It is our conclusion that not only is it high time for a new look at solar energy but also that it is a key to a nonnuclear future of the world. It offers a great goal that reaches to the limits of creative imagination. We hope that this nation will recognize the immensity of the bounty to be gained from the solar harvest and give its best in this quest for solar power.

LAND REFORM IN VIETNAM

Mr. PACKWOOD. Mr. President, Prof. Roy Prosterman, of the University of Washington School of Law, is one of the acknowledged experts in this country in the area of land reform, in nations throughout the world.

Several years ago, Mr. Prosterman was a member of a Stanford Research Institute study on the possibility for land reform in Vietnam.

Based upon Professor Prosterman's study a land reform was indeed initiated in Vietnam which is proving to be immensely successful.

I ask unanimous consent to have printed in the RECORD the text of a letter from Professor Prosterman to the New York Times, indicating the success of the land reform program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAND REFORM IN VIETNAM

TO THE EDITOR:

The Times' recent field coverage from South Vietnam has persistently omitted reference to the highly successful land reform program, even though you editorially referred to it upon passage in 1970 as "probably the most imaginative and progressive non-Communist land reform of the twentieth century" (April 9, 1970). Recent stories have cryptically referred to "rural prosperity"

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(sg., Sept. 5) without further elaboration.

In fact, under the Land-to-the-Tiller Law and distribution of Government-owned lands, over 400,000 of the 800,000 South Vietnamese tenant-farmer families have now become owners of their land, free of charge. The rest will follow before the end of 1972.

There is widespread evidence from field interviewing being done by Control Data Corporation and others, of peasant enthusiasm for the program. Since tenant farmers have traditionally been the backbone of Vietcong strength, the change is doubly significant.

I would suggest that millions of prosperous peasants deserve at least as much attention as hundreds of unhappy monks in the news columns of The Times.

ROY L. PROSTERMAN.

SEATTLE, October 29, 1971.

PHILLIP WEYMOUTH, OFFICE OF SERGEANT AT ARMS, JOINS ENVIRONMENTAL PROTECTION AGENCY

Mr. McINTYRE. Mr. President, I wish to pay tribute to a distinguished servant of the U.S. Senate, Mr. Phillip Weymouth, of Lisbon, N.H., who served in the Office of the Senate Sergeant at Arms since 1957 and who recently resigned to become Assistant for Congressional and Intergovernmental Relations of the Environmental Protection Agency in Boston.

All of us in the Senate who came to know Phil realized that he personifies classic New England virtues. He is quiet, shrewd, fair, patriotic, deeply committed to the ideal of public service, and scrupulous in the exercise of his duties. Devoted to his own Republican Party in the Senate, he felt that his prime duty was to serve the Senate and above all the Nation. Few men have understood the practical workings of this body as well as Phil Weymouth. Once of the finest privileges and pleasures of my senatorship has been that Phil Weymouth is a warm personal friend of mine.

It is typical that Phil is now going to put his talents to use in one of the most critical problems of our times, environmental protection, and New England, and New Hampshire, I am sure, will proudly welcome him home.

THIRTIETH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR

Mr. FONG. Mr. President, 30 years ago today Pearl Harbor was attacked.

Many wounds opened then and during the subsequent terrible fighting around the world have healed. Remnant scars are disappearing.

But none of us who lived through that day has forgotten, no one should.

I speak as I do without the least bit of vengeance. I speak because we who have survived owe it to those we commemorate on this anniversary to carry on toward the goals sought then which are still goals being sought today, the most important of which is a world at peace.

I need remind no one that the world is far from this main objective—the Indian subcontinent is aflame; the Mideast simmers as friends of both Arabs and Israelis alike worry; America is withdrawing its combat forces from Vietnam but the fighting there is not over.

However, I hope we do not despair.

During the 30 years since the attack, America has grown, the world has grown, and new generations are among us. In America, for instance, the median age is 27.7 years which means the majority of our citizens were not yet born when the attack occurred.

A sense of forgiveness does prevail in America, especially among our young.

Today we pray for peace. If this spirit can be made to prevail throughout the world, mankind, I feel, has reason for optimism and hope.

MINING THE DEEP SEABED

Mr. METCALF. Mr. President, Senators JACKSON, ALLOTT, BELLMON, STEVENS, and I introduced S. 2801, a bill to regulate U.S. nationals in their mining the deep seabed. The bill contains within it unique questions of domestic and international law. For an example of the directions this new field of law is taking, one might consult a recently published article by Mr. John G. Laylin entitled, "Past, Present, and Future Development of the Customary International Law of the Sea and Deep Seabed."

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAST, PRESENT, AND FUTURE DEVELOPMENT OF THE CUSTOMARY INTERNATIONAL LAW OF THE SEA AND DEEP SEABED †

(By John G. Laylin *)

International courts and legal scholars have long recognized that customary international law contains a core of recognized, time-honored rules. They also acknowledge that the formation of customary international law is a growing process. It can grow from claims by one or more nations to new legal rights and the responses to such claims by other nations. The creation of international legal norms by reciprocal interaction between nations is particularly evident in the body of customary law known as the international law of the sea.

International law may grow from negative responses to positive claims, as well as from acquiescence in such claims. The universally accepted principle of freedom of the high seas began with the denial by the Netherlands and other states to broad claims of Spain, Portugal and England to sovereignty over large ocean areas. Through the writings of Grotius and others, freedom of the high sea was asserted as a principle of customary international law, and eventually the interested nations acquiesced in this principle, and refined it.

Since the time of Grotius, the international community has participated in the formulation of rules promoting accommodation of the principle of freedom of the high seas to existing and new uses for the world's oceans.

Examples of these formulated rules are numerous. The international community has recognized that naval vessels on the high seas may secure required space for military exercises and other activities by giving appropriate signals. Thus, the United States, the Soviet Union and other nations periodically designate certain portions of the high seas for limited periods of time as areas in which various naval exercises or tests will be undertaken. By their responses to such uses, other nations have participated in a process leading to rules governing the circumstances as to when and to what extent and in what manner there is to be no interference with such exercises under customary international law.

Some rules of customary international law applicable to the seas have required centuries within which to become established. Others have grown to maturity less slowly. The world moves faster today. For example, the United States proclaimed in 1945 the establishment of fishery conservation zones contiguous to its coast line in those areas "where fisheries have been or shall hereafter be developed and maintained by nationals of the United States alone . . ."[1] The 1945 proclamation left conservation measures in fishery areas exploited by U.S. and non-U.S. nationals to be established in future international agreements. In this same proclamation the United States provided for the protection of the interests of other states in its fisheries, and agreed to recognize similar conservation zones established by other states provided that the rights of United States fishermen were safeguarded.

Six years after the 1945 proclamation by the United States, at least 13 states had claimed the right to exclusive fishing rights in zones contiguous to their territorial sea. In 1966 the United States established by law a nine-mile fishery zone contiguous to its three-mile territorial sea. In this contiguous zone the United States has "the same exclusive rights in respect to fisheries as it has in its territorial sea. . . ."[2] By 1966, ten states claimed contiguous fishery zones more than three but less than 12 miles wide; 40 states claimed 12 miles; and 19 states claimed more than 12 miles. In that same year, the Legal Adviser of the United States Department of State testified before a Senate committee that the government considered a fishery zone 12 miles from the coast line to be consistent with international law. Thus, unilateral but similar claims to fishery zones by a number of nations, and the acceptance of those claims by other states, led, in only two decades, to a principle of customary international law recognizing the lawfulness of 12-mile fishery zones.

The international community has not agreed on the precise limits of a coastal state's territorial sea. It has agreed, however, that there are limits. Wheresoever the boundaries may be, there exist areas of the high seas that are outside of the jurisdiction of any nation. At the same time, customary international law recognizes, as we have seen, that nations may have exclusive use of the high seas for certain limited purposes over limited periods of time without violating their obligation to respect the freedom of the high seas.

Customary international law has also evolved rules permitting uses of the resources of the ocean floor beyond national jurisdiction. The best example is the acquisition of exclusive rights over sedentary fisheries such as oysters, sponges, coral, pearls, chanks and beches-de-mer. Claims to these fisheries are currently based on the continental-shelf doctrine, as embodied in the 1958 Geneva Convention on the Continental Shelf. However, prior to that Convention and to the unilateral claims to the continental shelf made subsequent to the Truman Proclamation in 1945, nations had made extensive claims to exclusive rights to exploit these fisheries. The best known examples are the pearling beyond territorial waters by nationals of India, Ceylon, and Australia, and of states along the Persian Gulf and the sedentary fishing rights asserted by Tunis up to 17 miles from its mainland.

The claims by nations to the use of resources adjacent to their coast lines but beyond their territorial waters eventually developed into the doctrine of the continental shelf. When the United States made the first explicit statement of this doctrine in a unilateral claim which has come to be known as the Truman Proclamation of 1945, no state protested, and many emulated it.[3] The international community codified this doctrine[4] in the 1958 Geneva Convention on the Continental Shelf.

As a result of the widespread claims by nations to the continental shelf during the previous two decades, the International Court of Justice was able to state in its 1969 judgment in the *North Sea Continental Shelf* cases, that Articles 1–3 of the 1958 Convention "reflect pre-existing or emergent customary law." The I.C.J. characterized the doctrine of the continental shelf as a "recent instance of encroachment on maritime expanses which, during the greater part of history, appertained to no-one." The Court left to be determined which rights in Articles 1 through 3 were pre-existent or emergent. That coastal states had certain rights to exploit seabed resources adjacent to their coast line the Court seemed to agree had been established. How far out this area of special rights extended was, perhaps, emergent.

The International Law Commission in the commentary on its draft of a convention on the high seas recognized that freedom of the high seas included "freedom to explore or exploit the subsoil of the high seas" including the area beyond national jurisdiction.[5] Article 2 of the 1958 Geneva Convention on the High Seas, which was based on the ILC draft, recognized that freedom of the high seas included the right to the use of ocean spaces for certain enumerated freedoms and others "which are recognized by the general principles of international law . . . ." The Convention provided that all of these freedoms would be exercised by all states "with reasonable regard to the interests of other States in their exercise of freedom of the high seas." In short, Article 2 recognizes the right to engage in various uses of the high seas provided that such uses do not include any claim to sovereignty over high-seas space and that they are carried out "with reasonable regard" to the interest in freedom of the high seas of other states.[6]

While the international community has not agreed on a fixed boundary of the legal Continental Shelf, it is, as stated, agreed that some areas of the deep seabed, whatever its extent, is beyond the jurisdiction of any state.[7]

On May 23, 1970, the United States proposed negotiation of a treaty establishing an international regime for the exploitation of the seabed resources in the area seaward of the 200-meter isobath. On August 3, 1970, the United States submitted to the United Nations Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor Beyond the Limits of National Jurisdiction a draft convention on the international seabed area. The United States representative described the draft convention in his statement to the Committee as "a further step in a negotiation process." He acknowledged that it could be improved in the course of future sessions of the Committee.

The President's May 23rd announcement recognized that it "may take some time" before a multilateral convention could be negotiated, agreed upon and ratified.[8] The President proposed a policy to be followed in the interim by the United States and other nations interested in exploiting the resources of the deep seabed beyond the area of exclusive coastal state jurisdiction.[9] For an area between the 200-meter isobath and the seaward edge of the continental margin (the "Trusteeship Zone") the President's announcement called for coastal states' special rights but not exclusive jurisdiction; for the area beyond the continental margin, no state would enjoy special rights. This area would be subject only to an international authority. A substantial portion of the revenues collected by the United States during the interim period in the area seaward of the 200-meter isobath would be set aside to be made available, if the Congress approved, to developing nations once a sufficient number of other states adopted an interim policy comparable to that proposed.

All permits or licenses granted for the area seaward of the 200-meter isobath should, the announcement stated, be subject to the multilateral convention to be agreed upon. To reassure investors in a deep seabed project, the announcement stated that the convention should respect the integrity of all permits theretofore issued.

To anyone contemplating investment in a deepsea project, the question at once arises, how can the integrity of permits granted before a multilateral convention has been agreed upon, be assured if they are to be subject to provisions which have not even been tentatively accepted?

The August 3rd draft convention submitted by the United States to the United Nations Seabed Committee had as one of its purposes to help limit the areas of uncertainty. The draft convention also suggests lines which might usefully be followed during the interim period. The task of reconciling the terms of the interim license and the probable permanent one was shown to be manageable.

While the delegates of the many countries with their many different interests debate over the provisions of a multilateral convention, the countries that are now ready and desirous of promoting orderly development of the law for the recovery of the resources of the deep seabed can promote, by parallel legislation, the emergency of customary international law for the deep seabed.

Building on the President's May 23d announcement, the Congress could enact, with respect to areas beyond the territorial jurisdiction of the United States, legislation prohibiting every person subject to the personal jurisdiction of the United States from interfering with exploitation of the deep seabed being carried on under an exclusive license issued by the United States. The legislation would, of course, not presume to grant licensees any rights as against persons not subject to the personal jurisdiction of the United States. Any person may now carry on activities on the deep ocean floor without a license provided that he conducts these activities "with reasonable regard" to the equal right of others. The purpose of the license would be to give to persons who bind themselves to observe reasonable limitations and conditions as much protection from interferences in the recovery of resources found on or in the deep seabed as the United States has a right to give.[10]

Other nations could pass comparable legislation[11] protecting persons licensed by them from interference by persons under their jurisdiction. If their legislation also protected operators holding licenses issued by the United States, our legislation could require persons subject to United States jurisdiction to respect the rights of operators under licenses issued by them.

If the parallel or comparable legislation forbade the granting of a license to persons not under the jurisdiction of one of the cooperating or reciprocating states, a workable regime would come into being without the necessity for any formal treaties or conventions. Non-coastal states could issue licenses under their comparable legislation and participate as full as the coastal states, and such of the reciprocating states as are still developing countries would be eligible for loans or other assistance from revenues set aside as contemplated in the interim policy proposed by the President.

No state can by itself establish a rule or principle of international law, but any state can sow seeds which can grow into "a general practice accepted as law."[13] Seeds for future customary law to encourage orderly recovery of the resources of the deep seabed can be sown by informing interested nations of an intention to enact legislation which would provide reciprocal benefits to other nations disposed to follow a practice comparable to that we propose.

The principal provisions of such legislation could be along the following lines: [14]

1. The legislation will apply to areas within the Continental Shelf and to areas beyond. It will authorize the issuance of licenses to mine in both areas but the licenses for areas beyond the territorial jurisdiction of the United States will be good only against nationals and others subject to the personal jurisdiction of the United States.

2. Licenses will be limited to persons who are under or who subject themselves to the jurisdiction of the United States, who agree to abide by the restrictions laid down in the Act, and who demonstrate their competence to mine from the deep seabed. The legislation will place limitations on the extent of areas which may be licensed, the length of time for which licenses may be issued and will prescribe other conditions, including work requirements, designed to encourage early and orderly exploitation. In order to encourage exploration, the legislation will require licenses to be issued in the order applied for by qualified applicants.

3. While the legislation can operate effectively without comparable legislation by other states, our statute should provide for reciprocity with states that by one means or another require their nationals to respect licenses issued by the United States. States having comparable provisions on a reciprocal basis are here called "reciprocating States."[14]

4. Rights of action will be established which may be exercised by Reciprocating States and thier licensees against all persons within the jurisdiction of any Reciprocating State who interfere with the rights of a licensee of any Reciprocating State. Rights of action will also be established which may be exercised by any Reciprocating State against any person within the jurisdiction of a Reciprocating State which exceeds rights granted under a license. The legislation will not limit existing rights to carry on scientific research or to explore and exploit the resources of the deep seabed on a non-exclusive basis so long as the exercise of this right does not impinge upon the rights of any licensee.

5. All licenses issued by the United States shall require the licensees to observe general rules issued or subscribed to by the United States to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investments necessary for the exploitations licensed by the United States or other Reciprocating States, and to provide for peaceful and compulsory settlement of disputes.

6. Applicants, to protect their rights to priority, must notify ———[15] when they file their applications for licenses. Upon issuance of the license the Reciprocating State must also notify ———. No person will be issued a license which impinges upon the rights of any person to exploit an area under license issued by a Reciprocating State. For this purpose a license will be deemed to have been issued on the date of notification of filing of the application.

7. An escrow fund shall be established to become available eventually for assistance to developing Reciprocating States. With the notification of the issuance of a license, the United States (and every other Reciprocating State) shall deposit in its escrow fund $——— for the rights granted to its licensees to exploit each unit quadrangle of the deep seabed area. Annually it shall deposit $——— for such right to each such unit not relinquished.

Footnotes at end of article.

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Each Reciprocating State may draw from its fund to the extent necessary to cover any payments it makes to its licensees to reimburse them for losses suffered by interference with the exercise of their rights by a non-Reciprocating State or persons not within the jurisdiction of a Reciprocating State.

8. The United States Licensees will pay a nominal registration fee to the United States. Licensees who are United States citizens, residents or corporations are, of course, presently subject to the income tax laws of the United States on a worldwide basis. Licensees who are not, will nevertheless be subject to the tax jurisdiction of the United States with respect to their income arising from the exploitation under the United States license. Minerals recovered from the deep seabed area under license issued by the United States will be entitled to free entry into the customs territory of the United States.

9. In conformity with the President's statement of May 23rd, 1970, the proposed legislation will require that all licenses issued during the interim period be "subject to the international regime to be agreed upon" provided that such régime includes "due protection for the integrity of investments made in the interim period," as proposed by the President.

10. While the President's statement seeks to assure that the international regime to be established would "include due protection for the integrity of investments made in the interim period" in the course of the negotiation of a multilateral convention for such an international régime, the government may find it desirable for reasons of high policy to agree to restrictions which impinge upon the rights of operators under licenses issued during the interim period.[10] In order to allow the negotiators the necessary freedom of action, and yet to implement the President's call for protection of investments necessary to finance operators during the interim period, the legislation should provide for insurance analogous to that now issued by the Overseas Private Investment Corporation (OPIC). This insurance would cover losses suffered by U.S. licensees from limitations imposed by or under the international régime.

11. During the period before achievement of a multilateral convention for the international régime, protection for the integrity of investments made in such interim period is required against losses suffered by interference by non-Reciprocating States, or persons not under the jurisdiction of a Reciprocating State, with the exercise of the rights of an operator licensed by the United States. The legislation should provide that OPIC-type of insurance described in paragraph 10 should also cover losses suffered from such interferences which have not been redressed by actions against the offender, or for which the fund described under paragraph 7 is not adequate.

As the foregoing relates to the area in which no nation would have special rights, any nation that chose could establish practices during the interim period along similar lines. These might well facilitate earlier agreement on the projected multilateral treaty which would substitute conventional law relating to the deep seabed for unilateral reciprocal action by states.

The United States and many other nations wish to restrain unilateral action designed to increase coastal state jurisdiction.[17] While the proposal here made contemplates separate state action, that action is neither for the purpose of enlarging the rights of the state, nor for extending its territorial claims. The interim régime proposed here would not involve any claim by a state to an exclusive right in or sovereignty over areas of the deep seabed. Rather, the action is one of self-limitation. It is consistent with the well-recognized principle of international law that a nation has jurisdiction over its nationals, residents and persons who submit themselves to its jurisdiction. It also protects the interests of the international community in the deep seabed by providing for a mechanism which would allow developing countries to share in the revenues generated by exploitation of the seabed. Finally, from the point of view of the United States, the proposed interim regime would adhere to the principles set forth in the President's May 23rd statement by promoting progress in deepsea mining while discouraging encroachment on the freedom of the seas.

FOOTNOTES

* A. B. Cornell (1925), LL.B., Harvard (1928); member, New York and District of Columbia Bars; the Council, and Committees on Oceanography and Law of Treaties, Section of International and Comparative Law, American Bar Association; Committee on Deep Sea Mining and Executive Council of the American Branch, International Law Association; American Society of International Law. Mr. Laylin holds the following honors and awards: Commander, Order of the Lion, Finland (1949); Commander, Order of Dannebrog, Denmark (1958); Sitara-I-Pakistan, Pakistan (1961); Comendador of Order San Carlos, Colombia (1967).

† For the past development, the writer is indebted to William L. Griffin, one of the first American legal scholars to anticipate the need for early further development of the customary international law of the sea and deep seabed; for the present, to his associate, Peter D. Trooboff; for the future, to colleagues on a number of committees concerned with the developing law for the deep seabed.

[1] 13 Dept. of State Bull. 484 (1945).

[2] 16 USC §§ 1091–1094. The 1966 legislation makes the United States' rights within this zone "subject to the continuation of traditional fishing by foreign states . . . as may be recognized by the United States."

[3] 13 Dept. State Bull. 484 (1945).

[4] The Convention codified the concept that coastal states have certain rights to the resources of the adjacent continental shelf and introduced the concept of exploitability in determining the seaward boundary.

[5] The Commission's commentary on its draft Article 27, which became Article 2 of the High Seas Convention, indicated that the "list of freedoms of the high seas contained in this article is not restrictive." The Commentary explained that the "Commission has not made specific mention of the freedom to explore or exploit the subsoil of the high seas." The reason for this omission, according to the Commentary, was that "apart from the case of the exploitation or exploration of the soil or subsoil of a continental shelf . . . exploitation [of the high seas soil or subsoil] had not yet assumed sufficient practical importance to justify special regulation." 51 Am. J. Int'l L. 205–06 (1957).

[6] The 1958 Conventions on the Territorial Sea and the Contiguous Zone (Art. 24) and on the Continental Shelf recognized certain special rights of coastal states in contiguous zones of the high seas adjacent to their territorial waters and in their continental shelves beneath high seas.

[7] The existence of this area was referred to in the International Law Commission Commentary on what became Article 1 of the 1958 High Seas Convention. It was expressly recognized in 1968 by the Legal Working Group of the United Nations Ad Hoc Committee to Study the Possible Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction, in 1969 by the Permanent Committee on the Possible Uses of the Sea-bed and the Ocean Floor Beyond the Limits of National Jurisdiction, also in 1969 in the Secretary General's report on the resources of the deep seabed, and in Resolution 2749 (XXV) of the 1970 General Assembly. The last affirmed "that there is an area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined."

[8] The Convention on the Continental Shelf came into effect for the United States fifteen years after the beginning of the preparatory work in the International Law Commission. The ILC began its preparatory work on the law of the seas in 1949; it rendered its final report in 1956. The Geneva Conference first met in February 1958, and the Convention on the Continental Shelf was signed by the United States in April 1958. The Convention entered into force for the United States in June 1964.

[9] In December 1969, the United Nations General Assembly passed a resolution declaring a moratorium on all exploitation of the resources of the deep seabed beyond national jurisdiction. Although this resolution was passed by a vote of 62–28, with 28 abstentions, less than a third of the member states voting for it were parties to the 1958 Geneva Convention on the Continental Shelf and half of the member states voting against the resolution were parties to the Convention. During the debates on this resolution, the United States representative stated that the prohibition on exploitation in the draft resolution would be "without binding legal effect." One of the cosponsors of the draft resolution, the delegate from Ceylon, concurred in this opinion of the prohibition's legal effect.

The view of the states that supported the Moratorium is, of course, a political fact which must in the opinion of the writer be met with a positive response, *see Testimony Before the Special Subcommittee on the Outer Continental Shelf*, 91st Cong., 1st and 2d Sess. 117, 133 (1970).

[10] Licenses issued by the United States to non-nationals would presumably be conditioned upon consent by the licensee to the jurisdiction of the United States for all deepsea mining activities affecting United States nationals.

[11] By legislation is meant any legal arrangement requiring nationals to respect the rights of persons lawfully licensed by a reciprocating state.

[12] The Statute of the International Court of Justice directs the Court to apply, inter alia "(a) international conventions. . . .; (b) international custom, as evidence of a general practice accepted as law; . . ."

[13] The American Mining Congress Committee on Underseas Mineral Resources on January 27, 1971 submitted a statement containing in an attachment suggestions for legislation for the interim period along the lines here proposed. The report was submitted to the Departments of State and the Interior.

[14] The legislation will define a "Reciprocating State" as one certified by the Secretary of ——— as a state having legislation or state practice or agreements with the United States, which establish an interim policy and practice comparable to that of the United States, including reciprocity of treatment. References to Reciprocating States will include the United States.

[15] An international agency, presumably a specialized agency of the United Nations.

[16] For discussion of the need to provide adequate protection for licensees who obtain rights subject to "the international regime to be agreed upon," *see Special Committee on Outer Continental Shelf*, Outer Continental Shelf, 91st Cong., 2d Sess. 28–33 (1970).

[17] The moratorium resolution passed by the General Assembly in 1969 may have had the effect of encouraging unilateral attempts to increase coastal state jurisdiction. Brazil, for instance, shortly after voting for the resolution, announced that it claimed a 200-mile wide territorial sea.

IMPOUNDING OF CONSERVATION FUNDS HURTING NORTH CAROLINA FARMERS

Mr. ERVIN. Mr. President, earlier this year the Congress appropriated $195.5 million for the rural environmental assistance program, which until recently was known as agricultural conservation program. I understand that the Office of Management and Budget, the bureaucratic czar of all Federal spending, has apportioned only $140 million of this appropriation for actual expenditure in the current fiscal year.

The failure of OMB to apportion the full appropriation already is being felt in some 45 counties in eastern North Carolina, where our farmers suffered severe crop losses because of Hurricane Ginger and other heavy rains during the last several months. In addition to the huge crop losses, including severe damage to the peanut crop in northeastern North Carolina, our farmers have suffered soil erosion and other problems that additional REAP funds could help alleviate.

The ACP–REA program has been one of our most successful agricultural programs since its inception in 1935. It has concentrated on improving the quality of our farm lands through a program of matching farmers' money with Federal funds in order for local farmers to undertake conservation projects. Individual farmers put up one-half to two-thirds of the cost of each project, which means that the $55.5 million impounded represents at least $110 million in conservation projects that will not be undertaken this year. For North Carolina farmers, this means that they will be unable to begin projects to restore their damaged lands and to guard against crop losses because of water damage in the future.

Even before the recent natural disaster in my home State, a sampling of local ACP–REAP governing committees indicated that North Carolina farmers were willing to underwrite 239 percent over the 1971 REAP allotment. These good intentions on the part of our farmers are gone with the wind, however, because of the administration's penchant for impounding funds that have been lawfully appropriated by the Congress.

Mr. President, I am no stranger to the problem of impoundment of funds. The Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, studied the issue in depth last March, and subsequent to our hearings of that month, I introduced S. 2581, the impoundment procedures bill which will provide for a congressional check on the practice. During the subcommittee's hearings, it was revealed that the administration had impounded almost $13 billion in appropriated funds, including almost $6 billion in the highway trust fund, and I have no information that this total has been decreased since March.

Compared to a total of $13 billion, the $55.5 million of impounded REAP funds seems like a drop in a bucket. However, this additional expenditure would be a very large figure indeed to the farmers of North Carolina and the Nation.

I have recently written to Mr. George P. Shultz, Director of OMB, and to Agriculture Secretary Hardin requesting that they unfreeze the full REAP appropriation so that our farmers can undertake more conservation projects in the next year. Not only will this be important in North Carolina, but more conservation projects are needed all over the country in order to halt the major source of pollution in our rivers and streams—soil itself.

The concern of farmers throughout the Nation was reflected in a letter written to me recently by Mr. Robert M. Koch, president of the National Limestone Institute, Inc. Prior to his service with the Limestone Institute, Mr. Koch was an Agriculture Department official at the local and national levels, and he is qualified to speak of the great usefulness of the ACP–REA program. Mr. Koch included with his letter a copy of a letter written to Mr. Shultz by the Honorable Tom Steed, of Oklahoma, chairman of the House Appropriations Subcommittee on Treasury, Post Office, and General Government.

Mr. President, I ask unanimous consent that my letter to Mr. Shultz, Mr. Koch's letter to me, and Mr. Steed's letter to Mr. Shultz be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

December 6, 1971.

Hon. George P. Shultz,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

Dear Mr. Shultz: As you know, the Subcommittee on Separation of Powers, of which I am Chairman, has examined in some detail the practice of Executive impoundment of appropriated funds. Recently, my attention has been called to an impoundment that is having a very direct and crucial effect on the farmers in forty-five North Carolina counties who have suffered huge crop losses recently because of heavy rains.

I understand that approximately $55.5 million appropriated for the Rural Environmental Assistance Program (REAP) has been impounded by the Office of Management and Budget. The release of these funds could help to solve many of the problems that our North Carolina farmers have experienced during this unsually wet year in our State. Also, the application of these appropriated funds in the near future would aid these farmers in establishing much-needed conservation projects in order to avoid a repeat of the recent crop disaster in years to come.

The impoundment of appropriated funds is a problem that has disturbed many members of the Congress. The problem is especially distressing when the funds are impounded in the face of a natural disaster, as is the case in North Carolina.

I strongly urge you to release the full appropriation for REAP so that the Agriculture Department can assign a reasonable amount to the counties in North Carolina which have suffered crop damages this year.

With all kind wishes, I am

Sincerely yours,

Sam J. Ervin, Jr.,
Chairman, Subcommittee on Separation of Powers.

———

National Limestone Institute, Inc.,
Washington, D.C., November 15, 1971.

Hon. Samuel J. Ervin, Jr.,
United States Senate, Washington, D.C.

Dear Senator Ervin: I would like to call to your attention a situation which in my view requires reconsideration by our Nation's policy makers.

The Congress passed the Soil Conservation and Domestic Allotment Act in 1936. One of the strongest features was the authorization of what has come to be known as the Agricultural Conservation Program, recently renamed the Rural Environmental Assistance Program. In 1936 the Congress determined that this Nation could well afford to spend $500 million annually to go into partnership with farmers throughout the country working to improve and preserve the soil and water of this Nation.

In 1936 an excellent beginning was made in each of the 3,000 counties of the Nation. Long term conservation practices were begun with the farmers putting up part of the money and *all* of the labor, machinery, etc. necessary to carry out conservation practices on the land. *Each* year over 1 million farmers seeded millions of acres, planted millions of forest trees, strip-cropped and contoured millions of acres besides carrying out many other practices too numerous to mention.

All these conservation practices were approved by authorities at the County, State and National level. Unfortunately through the Thirties, Forties, Fifties, and even into the Sixties practically no consideration was given to the environment or ecology. Rather the ACP was dubbed a "farm subsidy."

Nothing could be further from the truth! Over the long term the farmers would benefit to be sure. But the real beneficiaries are all the Nation's citizens. Minerals were added to the soil—my own industry's sales of aglime went from 1 million tons to 30 million tons—and all consumers received more calcium (one of the most important elements to all life) in the foods they eat. (Before anyone receiving these letters jumps to the wrong conclusion, let me insert that aglime sales are only 4% of our business and that much of its sells for only $1.00 a ton at the quarry. I became completely sold on this Program as the original administrator of it in my home country of Franklin, Massachusetts from 1936–41. The following five years at USDA I was in charge of the Conservation Materials Section in the nine Northeastern States before coming to my present position 25 years ago. If this were not true, I probably would be writing to you only about the $6 billion of Highway Funds which are impounded and which represent our primary business!) Soil is the Nation's number one pollutant of our waterways, greatly exceeding sewage in this regard. Consider how much more serious this would be if we had not promoted the phenomenal increases in acreage of clover, alfalfa and grass and millions of trees through ACP practices since 1936.

During this period of time "economizers" have insisted that farm subsidies should be cut and this Program has gone from $500 million to $300 million to $250 million and more recently to $195.5 million. Even this didn't satisfy the Office of Management and Budget. In spite of strong protestations of many Congressmen, including a large number of Republican Senators who wrote a joint letter to President Nixon, OMB impounded almost a third of the amount authorized by Congress.

First they impounded $45.5 million for the 1971 Program. Now, in spite of a strong directive from the Congress not to do it, the OMB has impounded $55.5 million for 1972. Let me refer you to the enclosed speech by Congressman Jamie L. Whitten, Chairman of the House Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection on this subject.

Now when literally *everyone* is concerned about the environment, how can the Administration—or two or three bureaucrats—completely overrule the entire Congress in their efforts to maintain this Program? How can these two or three men—or is it only

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one?—say we are going to "save" $55.5 million when over a million farmers are ready to match it with their own money to bring about a better environment? Shouldn't Congress insist that the Nation go back to what has proven to be sound policy since 1936 and demand that $500 million be authorized? With the farmers matching this as they proved in the survey Mr. Whitten refers to, we could get a billion dollar effort completed each year through an organization which is already equipped to reach every farmer—and every acre—in the Nation.

While new efforts may be needed, shouldn't we utilize an existing effective program facility—namely the Agricultural Stabilization and Conservation Service which now functions in every county? Why must we always create a new agency and spend billions doing it when new ideas come along?

Just as an example of OMB's reasoning, they left the $154.7 million intact for the Soil Conservation Supervisors who advise farmers at the local level—these are not the administrators of the ACP–REAP—but cut the monies available to the farmers to match in getting the actual practices on the land to $140 million! And the SCS supervisors only give advice on less than 25% of the practices carried out by the farmers! Is it any wonder that there is a grass roots revolt in the rural areas?

Will you write or contact either or both the President and Mr. Shultz about the impoundment of this $55.5 million for the 1972 ACP–REAP? Farmers in the Nation are anxious to do their part in the environmental battle and ready to match Federal money with their money plus their time and labor to carry out on the land practices which will benefit all of us.

I am also enclosing a copy of a letter to Mr. Shultz concerning this written by Mr. Steed who, as you know, is Chairman of the House Appropriations Subcommittee on Treasury, Post Office and General Government.

Respectfully yours,

ROBERT M. KOCH,
President.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 29, 1971.

Mr. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: It has just come to my attention that the OMB has once again impounded some of the funds for the ACP–REAP Program.

Over a million farmers in all of the 50 states have shown an interest in doing something about the ecology by offering to match their Federal Government's funds in carrying out soil and water conservation practices which have been approved by local and state officials. A county recently wrote that their farmers had requested $300,000 assistance, which means that they would have put up $300,000 of their own money besides carrying out the practices. Instead, the County Committee could only provide $80,000 because of the cutback. Obviously this year they will have less.

The nation's authorities in this field tell us that our nation's water is polluted a great many times more by soil runoff than by all the sewage we dump into the streams. It seems to me that rather than cut the amount authorized by the Congress under the Soil Conservation and Domestic Allotment Act of 1936—$500 million—we should be taking steps to increase this.

I urge you to reconsider this drastic action and restore the full $195.5 million directed by the Congress for the 1972 Rural Environmental Assistance Program. I believe to do so will be in the national interest.

Sincerely yours,

TOM STEED,
Member of Congress.

WYOMING COMMANDER TO JOINT CHIEFS

Mr. HANSEN. Mr. President, I am proud to note that the commander of the 90th Strategic Missile Wing of the U.S. Air Force, which is headquartered in Wyoming, will be reassigned to the Office of the Joint Chiefs of Staff early in 1972.

Gen. Harold A. Strack, who has had a distinguished military career beginning in 1943, is the subject of an article published recently in the Wyoming State Tribune. In order that he may be better known to Senators, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Wyoming State Tribune, Nov. 26, 1971]

GENERAL STRACK GETS NEW PENTAGON ASSIGNMENT

Brig. Gen. Harold A. Strack, commander of the 90th Strategic Missile Wing here, has been reassigned to the Office of the Joint Chiefs of Staff in Washington, effective shortly after Jan. 1, the Air Force announced today.

Strack, 48, will replace a Navy rear admiral as the chief of the Studies, Analysis and Gaming Agency, a branch of the Joint Chiefs of Staff.

The new post will involve dynamic analysis and computer war gaming for strategic and general purpose forces Strack said.

No successor to Strack as wing comamnder at Warren has been named.

Strack first was assigned to Warren as deputy commander for operations in July, 1963, and 18 months later was named wing vice-commander. He held that post until June, 1965.

He then was reassigned to the Pentagon as Chief of the Strategic Nuclear Branch, also an office of the Joint Chiefs of Staff.

In July, 1968, as a full colonel, he became deputy assistant to the chairman of the Joint Chiefs of Staff for strategic arms negotiations.

Returning to Wyoming in August, 1969, Strack assumed his duties as commander of the 90th Strategic Missile Wing. He was promoted to general officer rank last January.

Born March 29, 1923, in San Francisco, Strack received his pre-service education at schools in that area, including study at San Francisco College.

He entered military service Feb. 10, 1943, attending navigation school at Selman Field in Monroe, La., was graduated and commissioned as second lieutenant on Oct. 16, 1943.

During the following year, Strack served with the 15th Air Force in the European Theater of Operations and flew a total of 34 combat missions over the Balkans, France, Italy and Germany.

He was squadron staff navigation officer.

He took part in combat operations again in 1950, when he served as a B–29 crew radar observer on 28 missions over Korea and as the wing staff radar observer.

Between combat tours, Strack was a senior navigation instructor and head of navigation ground training at Mather AFB in California.

He furthered his military and civilian education through study at Mather, Sacramento State College and the University of Maryland.

After serving with the 22nd Bomb Wing as wing staff observer, 1951–54, Stack was named chief of the Radar Bomb Branch, working directly under the SAC headquarters director of operations.

He commanded the First Radar Bomb Scoring Group from July 10, 1956 to Aug. 16, 1959.

He was chief of the Missile Requirements Branch, Directorate of Operations, SAC headquarters, for the next three years.

Strack holds the aeronautical rating of Master Navigator and has been awarded the Master Missileman badge.

He's a member of the American Institute of Aeronautics and Astronautics.

Among his many service decorations are in Legion of Merit, Distinguished Flying Cross, Purple Heart, Air Medal with five Oak Leaf Clusters, the Joint Service Commendation Medal, Korean Service Medal and the EAME Campaign medal with six battle stars.

He also has received the World War II Victory Medal, American Campaign Medal, United Nations Service Medal, National Defense Service Medal and the Presidential Unit Citation with Oak Cluster.

Strack is married to the former Margaret Deck and the couple has three children, Carolyn, Curtis and Tamara.

EMERGENCY TRANSPORTATION DISPUTE LEGISLATION

Mr. PACKWOOD. Mr. President, the crushing economic burden of the 1971 Northwest longshore strike will long be remembered by all citizens of that region, including all those Oregonians who have suffered either directly or indirectly as a result. As we near the end of the 80-day Taft-Hartley cooling-off period, which was invoked after the strike had been in effect for over 3 long months, the economic picture in the Northwest is again beginning to cloud over. Farmers and lumbermen, the backbone of our regional economy, are doing everything in their limited power to move their crops out before the onset of a new strike, which is expected at this point around Christmastime. Importers and exporters alike are desperately seeking to make arrangements now to somehow compensate for the new losses that will inevitably be sustained if a continuation of the strike occurs at the end of the month.

How successful any preparation can be remains to be seen, but we do know for a fact that resumption of the strike will adversely affect the public, the economy, and the international trade arrangements which have painstakingly been worked out over the years. We know to expect lasting and probably irreversible damage to our foreign markets, since our major purchasers have already been forced to look to other nations to meet their monthly purchasing requirements. U.S. producers will suffer long-term as well as short-term losses because foreign purchasers will hesitate to restore trade with the United States until it can be proven, as pointed out by Federal Maritime Commission Chairman Helen Delich Bentley that:

U.S. ships won't be shut down at the drop of a hat.

I ask unanimous consent to have printed in the RECORD a text of a letter I have had from Mr. John Welbes, executive vice president of the Oregon Wheat Growers League; a letter from Mr. Lester Estergard, chairman of the Oregon Orchardgrass Seed Producers Commission; and another from Mr. W. Scott Lamb, executive secretary of the Oregon Chewings Fescue and Creeping Red Fescue Commission. In addition, I ask unanimous consent to have printed in the RECORD a letter written by Oregon Governor Tom McCall to my distinguished colleague and chairman of the Senate Labor Subcommittee, the Senator from New Jersey (Mr. WILLIAMS), and also a copy of my most recent letter urging action on this legislation. These letters describe the dilemma facing Oregon and explain why new procedures are so desperately needed.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OREGON WHEAT GROWERS LEAGUE,
October 28, 1971.

Hon. ROBERT W. PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The Oregon Wheat Growers League urges the members of the Senate Committee on Labor and Public Welfare to do everything possible to pass legislation to up-date the Taft-Hartley law in order to prevent these long-delayed strikes. Not only is wheat concerned, but all segments of agriculture, timber and other related businesses.

During the months of July, August and September, only 93,000 bushels of wheat were exported from the Pacific Northwest and this went through the Port of Vancouver in Canada. This compares to approximately 25,000,000 bushels during the same period last year. Reliable sources inform us that the wheat industry lost $1 million a day during the strike period. The Council of California Growers reports that the strike cost them $17 million dollars daily.

We are positive that after the cooling off period they will again go out on strike. This is also the feeling of our buyers of wheat, as Japan for example, tendered for December shipment but indicate that they will not tender for January shipment. No one knows how many markets were lost during this period but some estimate 25–35%. Our foreign office representatives inform us that their countries are no longer looking at the U.S. as a dependable source of supply.

Enclosed you will find a resolution passed at our recent Workshop. This closely resembles S.B. 560 and we urge you to have hearings and pass legislation dealing with this problem before adjournment. We favor this bill.

Very truly yours,

JOHN H. WELBES,
Executive Vice President.

OREGON WHEAT GROWERS LEAGUE,
October 14, 1971.

MARKETING COMMITTEE RESOLUTION PASSED AT O.W.G.L. WORK SHOP HELD OCTOBER 13, 1971, IN PENDLETON, OREG.

The transportation strikes in our nation, both regional and nationally, have resulted in untold economic losses to the public and severely hampered interstate and export trade. These punitive strikes in our transportation system should be halted by responsive Congressional action.

The inadequacy of the Taft-Hartley Act to cope with present day labor management problems, has been amply demonstrated.

Therefore, the Oregon Wheat Growers League urges Congress to enact new labor management legislation encompassing strike prevention and settlement procedures in the interest at regional parity of public welfare and trade throughout our nation.

The Oregon Wheat Growers League recommends the following modification of the Taft-Hartley Act:

1. Taft-Hartley Act should cover regional as well as national emergencies.

2. Establishment of a committee to determine the reasonable period of time to allow a strike to continue before it becomes an emergency requiring the Taft-Hartley 80-day injunction.

3. If the strike is not settled during the 80 day period, the striking union would be allowed to resume its strike for a 15-day period. This time period would also include compulsory arbitration.

OREGON ORCHARDGRASS SEED PRODUCERS COMMISSION,
Salem, Oreg., November 23, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The Oregon Orchardgress Seed Producer Commission representing over 400 Orchardgrass seed producers in Oregon respectfully request you make every possible effort, including entering a congressional bill, to bring an end to the Longshoremen's Union strike prior to the December 25 deadline for the resumption of the strike.

According to Union spokesmen, the strike will resume after the cooling-off period and this would come about at a time when the prime movement of seed to foreign markets is underway. Many EEC countries are questioning the stability of seed supplies from the United States and encouraging more trade with nations on the continent for such supplies. It is only the competitive edge of Oregon's specialized seed growers that make it possible to sell seed to Europe. If the dock strike continues and seed cannot be shipped, Oregon stands to lose much of this trade advantage. Once lost, it will be extremely difficult to regain, if regaining would at all be possible.

The Oregon Orchardgrass Seed Producers Commission urges you to use the full authority of your office to prevent resumption of the Longshoremen's strike on December 25, 1971.

Respectfully,

LESTER M. ESTERGARD, *Chairman.*

CHEWINGS FESCUE AND CREEPING RED FESCUE COMMISSION,
Salem, Oreg., November 12, 1971.

Senator BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR MR. PACKWOOD: Attached is a letter from the Chairman of the Fine Fescue Commission to the President of the United States in regard to the current dock strike. This matter is of extreme importance to the grass seed growers as well as other agricultural producers in Oregon. It is inconceivable that our nation's lawmakers can sit idly by while the markets for Oregon agricultural products are jeopardized by a small segment of our work force.

We respectfully urge you to make every possible effort to end this strike before it is resumed at a time when Oregon grass seed trade is at its zenith.

Respectfully,

W. SCOTT LAMB,
Executive Secretary.

CHEWINGS FESCUE AND CREEPING RED FESCUE COMMISSION,
Salem, Oreg., November 11, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At the November 9th regular meeting of the Fine Fescue Commission of Oregon, the commissioners unanimously passed a resolution to call on the President of the United States and to our Congressional delegation to urge a total effort to bring an end to the dock strike before the cooling-off period ends in December.

Fine fescue growers produce some 15 million pounds of grass seed annually in Oregon. In 1970–71 approximately one-half of the seed produced moved into foreign trade channels on a cash sales basis and was shipped through the Port of Portland. The bulk of this seed was shipped during November through January for spring planting in Europe and Japan.

The Longshoremen Union leaders have indicated they intend to re-institute the strike following the 80-day moratorium. Such action by the union could virtually destroy the grass seed market abroad for Oregon seed growers, a market it has taken many years to establish. Loss of these markets, even on a temporary basis, would result in an oversupply of grass seed on the domestic market and would prove disastrous to seed prices and growers' income in Oregon.

The Fine Fescue Commission respectfully requests you use the full force of your office to bring about an immediate settlement of the strike.

Respectfully,

JOHN W. HAYWORTH,
Chairman.

OFFICE OF THE GOVERNOR,
Salem, Oreg., November 17, 1971.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor, Senate Labor and Public Welfare Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR WILLIAMS: As things now stand, a resumption of the West Coast dock strike seems inevitable around next January 1, after the 80-day Taft-Hartley cooling-off period expires.

Last month the Japanese Wheat Mission came to my office to seek my pledge of deliveries of western grains through Pacific Coast ports in January, February and March of 1972. The time to place orders for these cargoes was then imminent. I assured the mission members—all highly placed officials of the Japanese Food Agency—I would explore every avenue to a possible settlement of the strike.

Meanwhile, the deadline has passed and Japan has had to turn to Canada and Australia for these winter deliveries—just as it turned to the same countries for nearly 60,000,000 bushels of wheat for shipment in July, August and September of 1971. My affidavit which helped the Federal Court in California to decide to order the cooling-off period specified that the dock impasse on this coast had inflicted $125,000,000 in damages on Oregon's economy.

These were observable damages that had already occurred. Oregon's prospective damages will exceed one billion dollars by the end of the decade if Japan continues to be denied our western wheat supplies and stays with those countries which met her needs when the United States reneged.

Portland City Commissioner Frank Ivancie's longshoremen's mission to Japan, Taiwan and Korea has just returned with intelligence of tragic concern for the whole nation. Flour mills in that area are spending millions of dollars to re-tool to process the different kinds of wheat being substituted for ours. The finality of this action in terms of door-shutting against American wheat does not need elaboration.

Officials of the International Longshoremen's and Warehousemen's Union tell me, however, that unless they prevail in the strike perhaps one-third of their members will be without employment permanently. This is because technology is forcing a situation where there are more longshoremen than jobs. At the same time officials of the union inform me they recognize that the employers group, the Pacific Maritime Association, lacks the financial capacity to meet the problem.

It is indeed a challenge that is beyond the means of the private sector. I have directed my State Employment Administrator to discuss with the union such measures as retraining and early retirement to take care of the potentially surplus members. A dilemma the size of this one, however, takes more curing than the state is capable of providing—but at least we might suggest a

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remedial social program for Congress to review.

The human side of labor-management disputes with such difficult components and far-reaching implications deserves great attention. And so does the procedural side of resolving the actual impasse before the public interest is impaired and the parties themselves torn and embittered by their differences.

The sense of urgency in finding a better way is not new, nor can Republicans claim priority in asserting it.

Delivering a speech in Detroit during his campaign for the Presidency in 1952, Adlai Stevenson called for a new method of settling national emergency labor disputes. "We cannot tolerate shut-downs which threaten our national safety, even that of the whole free world," Stevenson said. "The right to bargain collectively does not include a right to stop the national economy."

Nearly two decades have passed since this challenge was issued. These two decades have seen the procedures for resolving labor disputes, first enacted in the Wagner Act and amended by Taft-Hartley, left initially unaltered; although Landrum-Griffin did effect improved intra-union procedures.

The lack of substantial reform legislation during the past two decades does not reflect tranquility in labor-management relations.

Eight times since 1963, Congress has been compelled to take temporary emergency measures to keep railroads in operation. Great cities have been paralyzed by tie-ups in relatively small, but extremely vital, enterprises. Earlier in 1971, the national economy tottered on the brink, as one rail-line after another was struck. On top of this, a multi-coast dock strike adversely affects the nation.

Your subcommittee is to be congratulated for its recognition of the fact that the time has come when Adlai Stevenson's challenge must be met. I have seen copies of a number of proposals before you, such as S. 954, S. 560, S. 1934, and S. 2583.

Farm interests in Oregon are strongly behind S. 560; but rather than address myself to specific bills, I prefer to deal with concepts.

One of the more interesting of these would empower a panel to consider the final offer of each side, and approve one—which then would become effective as the contract between the parties.

We also should review proposals that would permit regulatory authorities, particularly in the transportation industry, to order partial operation of struck carriers based on a need to insure national health and safety, provide fuel for electrical generation, and continue operation of passenger service.

It was maddening last summer to have federal intervention denied in the West Coast dock strike because it supposedly did not constitute a national emergency. When a major section of the country is economically stricken, it has to be of national concern. But the point here, since this argument failed vis-a-vis the West Coast dock strike, is that we ought to have an enactment giving the Federal government the capability to deal with emergency transportation disputes affecting major regions, as well as the entire country.

Another thought is that piling up one cooling-off period after another really doesn't solve anything. At least, in the present dock deadlock out here, work by resentful dockers is often conducted at snail's pace; and motion would be almost undetectable, I believe, during any subsequent cooling-off chapter. By the same token, a too-coercive final settlement mechanism could be self-defeating.

In searching for better ways to go, we should not ignore the experience of other nations. Australia, for example, has established a system of conciliation and arbitration under the general supervision of a Commonwealth Industrial Court. This is structured along lines of specialized courts in the United States, such as tax courts. A sub-body under the court is the Commonwealth Conciliation and Arbitration Commission of 22 members with considerable conciliation and arbitration authority.

Again, this a mere suggestion to throw into the amalgam of proposals with which your subcommittee is conjuring. What we must come up with, and soon—I respectfully urge—is a program to forestall the closing down of the United States, as so nearly happened in August, 1971, during the railroad strike, a strike that if pressed without limit, could have brought the country to darkness and squalor.

In sum, then, the nation must have updated methods of approaching the social and procedural sides of the major transportation strike problem. You have impressive backgrounds in both areas—and I thank you for your attention to this over-long letter and pledge my cooperation in your quest of answers.

For 20 years we have seen major transportation labor disputes become increasingly harmful to the public at large. And, if you were here on the edge of the Pacific watching the dock strike grow into an international disaster, you would agree we cannot wait another 20.

Sincerely,

TOM MCCALL,
Governor.

U.S. SENATE,
Washington, D.C. November 22, 1971.

Hon. HARRISON WILLIAMS,
Chairman, Senate Labor Subcommittee, New Senate Office Building

DEAR PETE: I think all would agree that the six days of hearings on emergency transportation labor disputes legislation which the Labor Subcommittee has held so far this year have been immensely helpful in allowing us to pinpoint some of the major issues and problems in this area. We have a great deal of diversity among both supporters and opponents of specific proposals, but we also have a wide range of specific proposed solutions from which to choose in reaching a decision on the most equitable permanent procedures to solve emergency labor disputes in the transportation industry where the public interest is affected.

I have been gratified that Congress now seems more willing to face up to its responsibility of protecting the public interest where emergency transportation labor disputes are concerned, and where failure of the two parties to settle results in economic catastrophe for millions of innocent Americans, in no way connected with the issues surrounding the dispute itself. Congress certainly realizes that its role as labor arbitrator in crisis situations is neither a flattering nor appropriate one. I'm convinced that if we present the choices, the arbitrators role, versus permanent legal procedures, our colleagues will agree that the latter is both more appropriate and more equitable for all concerned.

The progress we have made so far on this legislation, Pete, is certainly encouraging. We do, however, have a very long road ahead of us, and we all know the road will not be easy. However, the longer we postpone moving this legislation, the more we force Congress to impose its own decisions as a labor arbitrator. And I think it's fair to say that our task will not be made easier as time goes on. In the case of the Northwest and particularly my State of Oregon, we have already suffered untolled millions of dollars of losses as a result of first the railroad strike this summer and now the longshore strike, which is threatening to resume over the Christmas holidays. The economic losses suffered in Oregon are not just losses to wealthy businessmen and shippers. The losses are felt up and down the economic chain, from the lumber worker who loses his job to the migrant who can't find employment, to the state government, whose budget is already in a very precarious position, to the federal Treasury, which sees the losses reflected on our balance of trade sheet. People in the Northwest who have already suffered from this uncertainty for all these months would be quick to tell the Congress that the permanent legislation we are now thinking about considering is way over due. Why, they would ask the Congress, should they be asked to suffer for the failure of two parties in a labor dispute to reach a mutually satisfactory agreement, and also for the failure of Congress to act responsibly in providing the permanent legal procedures which would make such irrational and arbitrary hardships a thing of the past.

Pete, the entire Northwest is trembling again at the thought of a renewed longshore strike. Oregon cannot sustain this additional negative impact. May I again implore you to press forward with hearings on this vital legislation, with the hope that we can move a bill or bills to the floor at the very earliest time.

With kindest regards.

Cordially,

BOB PACKWOOD.

Mr. PACKWOOD. Mr. President, I cannot stand idly by while the Senate moves toward adjournment, having failed for yet 1 more year to meaningfully consider legislation to reform procedures governing emergency strikes in the transportation industry. The several days of hearings we have held in the Labor Subcommittee are certainly an indication of progress in this area. But the progress is slow, Mr. President, and does not in any way reflect the urgency of the economic disaster which befalls the public interest under existing statutes.

Clearly, the Senate will not be able to consider this badly needed new legislation before adjournment, but let me again urge Senators to find the time and the inclination at the earliest possible date in the new session to bring emergency transportation dispute legislation out into the open for rational debate and action.

CHEESE QUOTA

Mr. BENTSEN. Mr. President, President Nixon is doing our domestic dairy industry an injustice by not adopting the quotas on certain types of cheese recommended months ago by the Tariff Commission.

In January 1969 a number of cheeses were placed under quota, but it was decided that any cheese in these categories which cost 47 cents per pound or more would be exempt from the quota. This was intended to permit specialty cheeses which are not normally manufactured in the United States, to be imported. However, by 1970, increasing imports of the over 47-cent cheeses accounted for nearly 25 percent of all dairy imports. Because of this, the President asked the Tariff Commission to hold hearings and make recommendations on this type of item.

The Commission recommended that the 47-cent price break be abolished and that a quota be established for the various types of cheese involved, regardless of prices. The three quota groups decided upon are: Swiss cheese, Gruyere-process cheese, and certain other cheese. The Commission recommended that the present quotas for each of these three categories, which had previously applied only to under 47-cent cheese, be increased by taking into account recent imports of over 47-cent cheeses. In effect, the new quota, which was to cover regardless of purchase price, would be based on the past shipment of both over and under 47-cent cheese.

Though the President made his request 8 months ago and the Tariff Commission made its recommendation over 3 months ago, there has been no further action.

Mr. President, I support very strongly the idea of trade between the United States and other countries. We need trade if we are to have a healthy economy, but trade must be a two-way street, with equal restrictions and privileges for all countries. The United States has worked hard to establish open markets; however, in this case I think the President should enforce the recommendations of the Tariff Commission. Our own dairy industry should not be sacrificed for the sake of our import policy.

A SALUTE TO GEORGE NORRIS

Mr. HRUSKA. Mr. President, it is a pleasure to invite the attention of Senators to the November 1971 issue of the magazine Rural Electrification, which shows on its cover a picture of former Senator George Norris, of Nebraska, striding along the sidewalk of—probably—his hometown of McCook in a characteristic posture. The cover is entitled "A Salute to George Norris."

The magazine contains two items of particular interest. One, a feature article entitled "George Norris at Home"; the other is a brief editorial endorsement of the bill (S. 1130) introduced by my colleague from Nebraska (Mr. CURTIS) and me which would make the Norris home place in McCook into the George W. Norris Home National Historic Site.

I ask unanimous consent that the article and the editorial be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE NORRIS HOME

George Norris's home in McCook, Nebr., is a national landmark, but it is not yet an American historical site, the highest honor given to important places in our history. It is far past time that the Norris home was given that designation.

GEORGE NORRIS AT HOME

(By Ted Shepherd)

George William Norris. What shall we say of him?

That he gave Nebraskans 40 years' service in Congress, America the TVA and REA, our Constitution its twentieth amendment?

These things are already well-known. Let us instead speak of the man.

Not the public man. He was a giant, a hero, and heroes beget legends and legends become bronze. But in these times we need reassurance that it was not bronze but poor flesh, like our own, that compiled this catalog of achievement.

Let us talk about the private George Norris.

His arms were too long. George Norris's arms were so long he had to have special made coats. That was a special pain, because he didn't like to shop for clothes, perhaps because he attached little importance to personal adornment—perhaps because he had been one of a farm family of 12 children that had known very hard times.

But his wife Ellie was determined that her husband should be decently attired. For years, then, whenever George would get a one-coat suit, Ellie would—in secret—pay the tailor to make a duplicate coat. From time to time—and this went on for years without George ever the wiser—she would switch coats so the dirty one could go out to be cleaned.

Finally he caught her.

"He sat down on the radiator and—this isn't the nicest language in the world, but it's what he said—'you beat the devil!', and then, how he laughed!"

That is the way Ellie Leonard Norris of San Jose, California, now 97 and residing in a McCook, Nebraska, nursing home, remembers her husband.

Ellie was his second wife. His first, Pluma Lashley, gave him three daughters—and, as a result of complications during the birth of the third died.

The shock of this loss and the terrible sense of responsibility thrust so cruelly upon him gradually put Norris in a certain frame of mind: he wanted to die, too. In his autobiography, *Fighting Liberal*, he spoke of that dark time.

A prolonged bout of dentistry—Norris had had extremely troublesome teeth—and general decline of spirit and health left him in serious condition, and there came a day when his physician laid things on the line. "You are battling against every bit of medicine that I give you," Dr. Greene said. "Without your assistance, I have no hope for your recovery, and I think it is up to you to decide now whether you are going to live or die."

Norris had a very human and heartbreaking reaction: "I did not tell him so, but in my own mind I thought it better under the circumstances I die."

He did not die then, of course, because, as he related in his book, one of his little girls said she would rather sit with him in a darkened room than go into the sunshine to play with her friends, and he suddenly realized that with that kind of promise and love available dying would be a most improper course to follow.

In 1903 he and Ellie, who was teaching school in McCook, married.

"I was 29. George William was also in his late twenties. I had a romance that death had ended. He had a marriage that death had ended. We picked up the pieces and made what I think was a very good life."

Not always an easy life, however. For Ellie's only children, twin boys, were stillborn. She concentrated her love upon her stepdaughters, and her feelings for them are evident when she says, "I like to think sometimes that Pluma got my boys and I got her girls."

George Norris was very much a family man. He liked to be at home, and when he was home he liked to do things with the family. This becomes apparent in a conversation with Ellie Norris.

Did he like hunting or fishing—or say, just riding?

"No, no. He used to say, 'Riding mixes my dinner up.' He loved for us to go out with the girls on picnic dinners."

Did he play any games?

"He was a crackerjack card player—but he used to get awfully disgusted with the men who, the second the Senate or House let out, would go into a poker game. He was a real baseball fan, though, and we went to the games in Washington and listened to them on the radio here."

Gardening, reading?

"He was a good gardener—but not flowers. I doubt if he knew the difference between a pansy and a sunflower. He loved to read aloud to the girls. His favorite reading was history and Dickens. His favorite novel, I think, was *Bleak House*."

Go to McCook, a town of about 8,000 persons set down in southwest Nebraska about midway between Denver and Omaha, and you can see the Norris home, currently a registered national landmark and, if legislation introduced in Congress by the state's senators passes, someday a national historic site.

A less bleak house would be hard to find. It sits on a tree-lined street (Norris Avenue) across from a park, and it holds in its appealing interior much of the personality of George Norris.

Besides the plaques—including a special one to honor his work on behalf of the nation's rural electric cooperatives—the furnishings that tend to catch the eye first are the rugs. They are orientals.

This man who spent his life hammering out the plain planks of Western populism had a real fondness for the intricacies woven into floor coverings by people of the feudal East.

In the basement a display area of books, documents, and other government memorabilia includes a carved wooden duck—personal memento of the Lame Duck amendment which finally realized George Norris's belief that after the people have decided against returning a man to Congress he should get the heck out of the place. Soon.

On the first floor one tends to pause at the study—a small room with French doors and an old desk where Norris spent more time than he really wanted to at home in work on matters of government, including, no doubt, a number of hours working over the twentieth amendment, for it took some 11 years between introduction as bill and passage as law.

There was an unbroken house rule. When George William was in that study he was not to be disturbed, for any reason. Ellie Norris can recall the evening when one of the little girls, denied the companionship of her father through most of the day and now forbidden to disturb his work, kissed the study door and went to bed. Ellie Norris, too, observed the bounds of that sanctuary.

"He would pace that study. I have sat in the living room and my heart just ached for him. But I couldn't help him."

She speaks of the day he completed his deliberations in the study and came out to tell her he had decided to oppose America's entrance into World War I, a decision that stripped him of considerable popularity and supporters, and some friends.

"I'm glad you're going to vote the way you are," Ellie Norris said, and she recalls his reply: "Yes, my girl, but it will probably cost me my seat in the Senate."

That decision did not cost him his Senate seat but in 1930 he had to embark in an all-out campaign to win the Republican nomination. Some of the old guard party leaders tried to louse up the primary election by the simple expedient of running another George W. Norris—a grocer without any political experience—so it would be impossible to tell how many votes had been cast for each candidate.

Norris had to work hard to beat that, but he did. First, after a battle that ended in court, he showed that "Grocer" Norris had filed late for the primary—and thus the other Norris's name was not allowed on the ballot. Second, Senator Norris campaigned with a vengeance. Behind the house, in the garage, is the steed he rode into a thousand political jousts: a 1937 Buick. "George William," says Ellie Norris, "said he wore out two sets of tires and two windshields campaigning over Nebraska's gravel roads."

Apart from politics, Norris could be a very private man—sometimes even to his family—and there are two illustrations that bear this out.

XUM

Examine the photographs and you will see that his eyelids tend to droop slightly. As a young man, on a shooting expedition with friends, he was accidentally shot by one of them in the face. Ellie Norris says that he knew which friend had committed this near fatal blunder—but he never mentioned the man's name, even to her.

In college days in Ohio he helped form a secret society of friends, its only purpose to encourage and retain already formed friendships, its only secret its name. The society enjoyed more than 45 annual reunions, but nonmembers, including Ellie Norris, never knew what its initials—L. U. N.—stood for (though in the society's early days some people referred to it as Lunatics Under Norris).

Ellie Norris has a spread that she made for George William's bed many years ago. It is a nice spread, but perhaps rather feminine—for, as Ellie Norris smilingly recalls, he replied to this wifely generosity with a gift to her: a saw.

The curator of the Norris home is Steve Bell, 26, a teacher of economics and government at McCook High School. He took the job because his interest in Norris developed after researching a high school project paper on the TVA. Bell finds that Norris and his work are of great interest to young people.

"Maybe 50% of the people who come through the home," he says, "are 16 and under. At first I thought they were just doing it to kill time. But I found a lot of them were coming back. Then, when I saw they were correcting me in my comments on the home the second and third time through I found out they were paying attention."

After you have viewed the house—including in its contents Jack Dempsey's hat, which was traded for a Norris model after both men decided a swap was in order—you can drive south by the Republican River and view the Norris farm, still operating, on a rural electrification system he labored so hard to secure.

Then, if you have time, return to town and drop in on Harold P. Sutton, who runs a jewelry store in McCook and who met George William in 1904 after using a Norris speech as the subject of a high school graduation theme.

He is great friends with Ellie Norris and he knows the way—for he has traveled it many times—to the nearby cemetery where, near the graves of his twin boys, George Norris rests today. Stand there awhile with Sutton and, after the discussion has drifted over TVA and REA and Nebraska's unique unicameral legislature—another, and very efficient Norris accomplishment—sooner or later you will hear him describing Norris's honesty.

This is the trait that everyone remarks upon.

One day, not so very long ago, a visitor—a little sick of hearing this continual repetition of honesty, honesty, honesty and inclined to view bronze with some suspicion—asked Ellie Norris for some examples of this honesty, some specifics please.

Ellie Norris thought a while. She was the man's wife for more than 40 years, and now his widow nearly 30 ("sometimes his death seems a long way off; other times it seems like yesterday"). She has a lot to think about.

And then she smiled and said, "The newspapermen voted him the most honest man in Congress."

THE GENOCIDE CONVENTION AND THE UNITED NATIONS

Mr. PROXMIRE. Mr. President, article 8 of the Genocide Convention states that—

> Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.

Many people have voiced the fear that this article gives the United Nations the authority to interfere in the internal affairs of the United States. They fear that the U.N. will be investigating every incident involving a member of a minority group in America, constantly impinging upon our sovereignty. They fear that our Government will be unable to work with minority group members without having the U.N. constantly involving itself to check on possible acts of genocide.

But is this really the case? Is this possible? Article 2, section 7 of the United Nations Charter says:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.

Since the Genocide Convention says that any United Nations action must be according to its Charter—and, indeed, how could it act otherwise—and since the U.N. Charter specifically forbids the U.N. from interfering in a nation's internal affairs, the above outlined scenario is legally impossible. The Genocide Convention does not give the U.N. authority to intervene in our domestic affairs. We do not have to fear any limitation on our sovereignty.

So what does the Genocide Convention do? Why should the United States ratify it? By ratifying the Convention the United States tells the people of the world, that we, as a nation, abhor this horrible crime. We go on record as being against the systematic extermination of racial, national, or religious groups. When the Congress has enacted the necessary legislation we will then be able to do our share to insure that the horrors of Nazi Germany are never repeated.

Mr. President, the hour is late. The Senate must ratify the Genocide Convention.

CONQUEST OF CANCER

Mr. KENNEDY. Mr. President, recent discoveries by teams of medical scientists at the University of Southern California and Georgetown may well prove to be a monumental step forward in respect to the conquest of cancer.

These new discoveries appear to link two viruses directly to cancer. If it is possible to establish a link between viruses and cancer, it may well prove that scientists will ultimately control the disease through development of vaccines or other measures.

Mr. President, these new discoveries with respect to cancer are especially timely because the Senate and House conferees are now in the final stages of approving major new Federal legislation for the conquest of cancer. I think the articles by Harold Schmeck of the New York Times, Thomas O'Toole of the Washington Post, and Judith Randal of the Washington Star will be of interest to all my colleagues in the Congress, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TWO VIRUSES FOUND IN CANCER STUDIES

(By Harold M. Schmeck, Jr.)

WASHINGTON, December 5.—Research workers here and on the West Coast have announced the discovery of two new candidates for the ominous title of human cancer virus.

The discoveries, made independently, are part of a current ferment of research in which scientists are trying to link viruses with human cancer. When and if such a link is proved, it is expected to have profound effect on man's understanding of cancer and, potentially, his ability to deal with it. There have been several other suspected human cancer viruses, but none has yet been proved.

There are strong similarities and evidently some differences between the two new candidate viruses. Both are C type viruses, a type that is the focal point of much current cancer virus research.

Both newly found viruses are thought to stem from cells of one kind of human cancer, rhabdomyosarcoma, which affects muscle tissue. The cancer tissue studied on the West Coast was from a 7-year-old girl; that on the East Coast from a 38-year-old woman.

CELLS PROPAGATED

In each case, cells from the original cancer were propagated at length in laboratory flasks and showed no evidence of virus. It was the achievement of coaxing viruses forth at last that led to the announcements from each team at news conferences here and in Los Angeles last week.

Much experience in animal research has shown that detectable virus often disappears from cancers known to be caused by that virus. New techniques to make those hidden viruses reappear have generated much new study in recent years in regard to human cancers. It has long been known that viruses can cause cancers in animals.

The West Coast team was led by Dr. Robert M. McAllister and Dr. Murray B. Gardner of the University of Southern California School of Medicine, in collaboration with scientists here, including Dr. Robert J. Heubner, head of the viral carcinogenesis branch of the National Cancer Institute.

The other team was led by Dr. Sarah Stewart at the Georgetown University School of Medicine here.

INSTITUTE PROVIDES FUNDS

Both projects are supported by the special virus cancer program of the National Cancer Institute, a unit of the National Institutes of Health.

In the research done primarily on the West Coast, cells from a tissue culture derived from the girl's cancer cells were injected into fetal kittens. After birth, some of the kittens developed tumors that showed strong evidence of being human rather than animal cancer tissues. From one of these cancers, much virus has been obtained.

In telephone interviews, Dr. Gardner and Dr. Huebner said the evidence suggested strongly, but did not yet prove, that a human virus had been found in these cancer cells. Whether or not this or any other virus caused the original cancer is unknown. Attempts to prove that will be the focal point of future research.

NEW TECHNIQUE USED

The work by Dr. Stewart and her colleagues at Georgetown also involved tissue culture cells derived originally from a cancer patient, but did not involve animal research. Instead, the team used a new chemical technique developed by Dr. Wallace P. Rowe and colleagues at the National Institute of Allergy and Infectious Diseases to coax forth hidden viruses from cells growing in tissue culture.

The method has been used to find animal cancer viruses in cancer cells from which all detectable trace of the viruses had disappeared.

Dr. Stewart said the new research marked the first time this method had been used to find a virus in cells derived from human cancer tissue.

"We do feel this virus is a potential human cancer virus," she said.

Virus particles similar to the virus her group has found were seen under the electron microscope in sample of the original human cancer tissue, Dr. Stewart declared. She said this argued against the possibility that the virus was a contaminating animal virus.

FUNDAMENTAL DIFFERENCE

Dr. William Feller, one of her collaborators said the new virus was fundamentally different from known animal viruses in the way it buds from the cells it infects. This also suggests that it is not an animal virus, he said.

For both of the new candidate viruses there is suggestive chemical, immunologic and other evidence that the agent in question is not just an animal virus but is one that infects human cells primarily. Whether or not these are human cancer viruses is a question that will require much further study. Research to prove this crucial point is already planned or beginning.

FIRST HUMAN CANCER VIRUS APPARENTLY ISOLATED AT USC

(By Thomas O'Toole)

A team of medical scientists in Los Angeles has discovered what appears to be a human cancer virus, the closest anybody has come to isolating and identifying a possible cause of the dread disease.

"This discovery puts us in a position where maybe we can determine to what extent this virus is involved in human cancers," said Dr. Robert J. Huebner of the National Cancer Institute. "It's a light-year ahead in terms of understanding how a cancer virus might work in humans."

The virus in question was found by scientists at the University of Southern California School of Medicine and the Childrens Hospital of Los Angeles, where the virus was observed in a seven-year-old girl with a muscle cancer called rhabdomyosarcoma.

A USC pathologist team led by Dr. Murray B. Gardner took cells of skeletal muscle from the girl's pelvis (where the cancer had spread) and injected them into embryonic kittens being carried by three cats.

One stillborn and three live kittens from the three cat litters were found to have muscle cancers. One of the three diseased live kittens had a solid tumor in the brain, which the Los Angeles scientists chose for their most exhaustive study.

"The tumor in the cat's brain," said Dr. Huebner, "looked the same as it did in the child."

When the tumor cells were "grown" in the laboratory, they were found to contain human chromosomes, the carriers of human heredity that are distinct from animal chromosomes.

"These chromosomes were quite visible after growth," Dr. Huebner said. "There was no mistaking them."

Together with a team led by Childrens Hospital's Dr. Robert M. McAllister, Dr. Gardner and his USC team then put their virus through an exhaustive series of tests, including sending samples of the virus to three other laboratories for their analysis.

Scientist teams at Flow Laboratories in Rockville, Md., and at Microbiological Associates in Bethesda, Md., found that the virus (named RD–114 by McAllister and Gardner) was not from the mouse, rat, hamster or cat—four animals whose cancer viruses have been mistaken in the past for human cancer viruses.

A third scientific team at the National Cancer Institute also discovered an enzyme in the virus that was similar to enzymes found in animal cancer viruses. Analysis by the Cancer Institute showed that this enzyme was different from any animal enzyme.

"We know conclusively that we do not have a cat virus, a hamster virus, a mouse virus or a rat virus," Dr. Huebner said. "This virus is a new virus and it is a mammalian virus, and while there is an outside chance that it comes from an animal other than man we don't think so." Where the Los Angeles discovery puts man in his fight against cancer is hard to fathom right now, but it could be a giant leap.

Dr. Huebner explained that it has taken researchers 50 years to link cancer with viruses, but that great strides have been made in the last few years.

"Four years ago, we didn't have a hamster virus and now we do," he said. "Two years ago, we didn't have a rat virus and now we do. Progress is being made."

At the same time that the Los Angeles discovery was being announced, a team from Georgetown University School of Medicine said they had isolated what they believe to be a "candidate human cancer virus."

Dr. Sarah Stewart, professor of pathology at Georgetown, said she had taken the virus from a 38-year-old woman with the same kind of muscle cancer as the seven-year-old girl at Childrens Hospital in Los Angeles.

While she said she could identify virus particles in the woman's cancer cells, Dr. Stewart admitted that she had not confirmed her finding by the same testing done by the Los Angeles team.

"We are about to embark on that now," she said over the weekend. "We feel we have a human cancer virus."

TWO NEW VIRUSES LINKED TO CANCER

(By Judith Randal)

Two federally supported scientific groups, working independently of each other, have found viruses they think will prove to be the cause of some human cancers.

The new findings, by scientists at Georgetown University here and in Los Angeles, bring to five the number of so-called "candidate" viruses reported since July.

The researchers believe that the type of viruses in question lie dormant in all people's genes in incomplete form from the time of conception and become active only if something in their environment permits them to mature.

It is unlikely, therefore, that they could be conquered by a protective vaccine. But an understanding of their nature could lead to other methods of prevention and control.

Both newly reported viruses were derived from the tumors of patients with a form of cancer called rhadbomyosarcoma, which originates in muscle. Both are "Type C," a class of spherical viruses which include those known to cause leukemia and other cancers in a broad spectrum of animals.

It is possible, therefore, that the two viruses are related or even identical. Such coincidences are not unusual in science.

One virus was found in the thigh tumor of a 38-year-old woman in June 1970. Dr. Sarah Stewart, long a leading scientist at the National Cancer Institute and now a professor of pathology at Georgetown University Medical School, kept some of the tumor cells alive in laboratory flasks for study after the growth was surgically removed.

So far most of her evidence comes from electron microscope photographs. That is, her evidence so far is primarily visual, although she and her associates have begun other tests whose results so far are promising.

The other virus, obtained from a tumor in a seven-year-old girl at Children's Hospital of Los Angeles in the late 1960s, has a similar history, but it has been more extensively tested.

Eight scientists—at the University of Southern California in Los Angeles, at Flow Laboratories in Rockville and at the National Cancer Institute in Bethesda—have collaborated in a variety of experiments to define its behavior and properties.

These scientists say their test results make "this virus . . . appear to be the most likely candidate for a human C-type virus yet described."

Dr. Stewart and her faculty colleague, Dr. William Feller, reported they had at first been handicapped by the disappearance of recognizable virus from the tumor cells after a few generations of laboratory growth.

This is a phenomenon familiar to scientists who have worked with animal cancer viruses and until this year it was a major stumbling block in research.

Then Dr. Wallace P. Rowe and his colleagues at the National Institute of Allergy and Infectious Diseases reported that such "hidden" animal cancer viruses could be made to reveal themselves in mature form if the cells were treated with either of two chemicals. Their work with mice led the Georgetown scientists to try the same technique.

CHEMICALS USED

Chemical reactivation with a substance known as IUDR has been so successful, the Georgetown team found, that it should now be possible to obtain the complete virus in sufficient quantity to isolate it and study it in great detail.

Photos taken with an electron microscope and preliminary tests already indicate, they said, that the virus differs from those known to cause sarcomas, or malignancies, in cats and mice. However, the possibility that the new virus is an animal contaminant and is not of human origin—while remote—has still not been entirely ruled out.

No one yet knows whether the virus will cause tumors in other species or lead to malignant changes in the architecture of normal human cells grown in test-tubes. Both findings are thought important to demonstrate a cause-and-effect relationship between any given virus and human cancer.

Drs. Robert M. McAllister and Murray B. Gardner, leaders of the University of Southern California School of Medicine team which together with other scientists has been studying the second virus, appear to be further along toward these goals.

For one thing, RD–114, as the virus is designated, has been isolated in cell-free filtrates as well as merely photographed and is available in large amounts. For another, it has been injected into another species and found to produce tumors.

In this experiment, cells from the child's tumor which had been nurtured in the laboratory were injected into the embryonic kittens of three pregnant cats. One stillborn and three surviving kittens of the 10 thus treated were found to have cancers similar to that of the little girl from whom the original tumor came.

This is presumptive evidence that the virus contains genetic information that programs for a human rather than a feline cancer.

From the tumor which had been growing in the stillborn kitten's brain, the scientists also grew cells whose chromosomes were clearly human rather than feline, even stronger presumptive evidence.

ENZYME RELATIONSHIP

The brain tumor was also found to contain Type C virus which further tests have demonstrated contains the recently discovered enzyme reverse transcriptase. This enzyme is associated with all the viruses known to cause leukemia in animals and many known to cause such solid tumors as sarcomas, too.

Still other tests have demonstrated that substances on the outer coat of the virus react with materials from cells treated with cancer viruses that infect mice, rats, hamsters and cats. This clearly indicates, the scientists say, that RD–114 is mammalian.

XUM

On the other hand substances in the inner core of the virus do not so react.

Because it is the inner core that governs the species which the virus can infect under normal circumstances, the scientists believe this may indicate that the virus they are studying is a human contaminant rather than an animal one. Further tests will be needed to furnish proof.

In an interview, Dr. Robert C. Huebner, who oversees the project for the Special Virus Cancer Program and has collaborated in it himself, said the study has progressed so rapidly that more definitive information may be available in as little as a month.

UNDERMINING THE CHANCE FOR PEACE IN SOUTH ASIA

Mr. BAYH. Mr. President, while it is difficult to secure precise information on the war raging between India and Pakistan, one need not belabor the need to end the bloodshed as quickly as possible. As with all such tragedies, the first goal must be a ceasefire which can then be followed by negotiations and resolution of the sources of the conflict.

Because a prompt end to the hostilities should be the primary aim of this Government, I was appalled to read the injudicious and counterproductive statement by a high official of the State Department who charged India with "major responsibility for the broader hostilities which have ensued." Not only is this incorrect, as I shall in a moment explain; it added further fuel to the flames of war at a time when this Nation might better have been playing the role of peacemaker. Moreover, by presupposing that we are capable of judging the question of guilt, we have undermined our own ability to help bring about peace in the future.

An examination of the complex history which brought about this most recent warfare can be helpful in demonstrating why the statement by the administration official was ill-timed and ill-aimed.

There are, of course, centuries of conflict between Hindus and Moslems culminating in the 1947 division of the subcontinent into India and Pakistan—with Pakistan, in turn, being divided in half.

Twice before in the last 25 years India and Pakistan went to war over territory, with religious tensions a persistent thorn in the sides of both countries.

With Pakistan itself there has been continuing hostility between East and West, between Hindus and Moslems.

Last year Pakistan held an open election in fulfillment of a longstanding commitment to democratic government. However, when the vote in East Pakistan went overwhelmingly to the Bengalis who favored separation from West Pakistan, the Pakistani Government ignored the will of the people and refused to institute the freely elected government.

Moreover, West Pakistan followed with a terrible blow against East Pakistan. Tens of thousands of Bengalis associated with the independence movement were killed. Millions fled from East Pakistan into India in fear for their lives.

This created a great problem for India who although sympathetic to the Bengalis, could not provide food or shelter to so great an influx of refugees.

The tensions which resulted brought about mobilization in both India and Pakistan with the outbreak of fighting last week.

Where was this Government during this period prior to hostilities? We quietly continued to send arms to Pakistan during the worst period of the slaughter in East Pakistan and suspended shipments only after the House voted to end military aid to Pakistan. Weeks later, we belatedly ended arms sales to India. It is a sad commentary that the war raging on the subcontinent today is being fought on both sides with U.S.-made weapons.

While we were all too free with military assistance we provided far too little in the way of humanitarian assistance needed to deal with so immense a refugee problem. We failed to go to the United Nations until the bloodshed was widespread. We failed to put the needed emphasis on a cease-fire. We failed to insist that this dispute be limited to the question of refugees rather than the historical power struggle between India and Pakistan. And now we have failed the crucial test of refraining from inflammatory rhetoric, thus denying ourselves the potential for helping to arrange even a temporary peace.

Mr. President, the errors of the past year are all too clear. The plight of millions of refugees without food, shelter, or minimal medical care, along with the mounting number of casualties, must be the center of our concern.

We must immediately demonstrate our neutrality and thereby reestablish our credibility as a peacemaker.

We must insist on action for peace in the General Assembly of the United Nations where all parties concerned—including spokesmen for the refugees—should join in the search for constructive action.

We must mobilize the resources at our command, while working with the international community, to refocus attention on the refugees and provide relief for these and other victims of the war.

Finally, we must stop the game of pointing fingers and instead give peace the priority it deserves.

To do any less than this, to engage in name calling, to falter in the drive for a cease-fire, to become lost in diplomatic gamesmanship—none of these responses would be satisfactory.

Once the fighting is stopped and relief efforts are underway we can foster an ultimate resolution of the tensions on the subcontinent by acting as a responsible member of the international community instead of functioning as munitions supplier to both sides.

There is, on the subcontinent, a crucial test for the foreign policy of the Nixon administration. It is an unfortunate reality that, to date, the administration has failed that test.

CLEAN ENERGY VIA THE WIND

Mr. GRAVEL. Mr. President, windpower, which is a variant of solar energy, is a nonpolluting form of energy available in great quantity.

The World Meteorological Organization has estimated that windpower available for turbines at favorable sites throughout the world is approximately 20 million megawatts. In comparison, the entire present installed electrical generating capacity in the United States is 350,000 megawatts.

Alaska, Hawaii, great areas of both continental coasts, and an extensive area stretching from the middle of Texas through Oklahoma, Kansas, Nebraska, South and North Dakota, plus parts of Colorado, Montana, Minnesota, Michigan, New York, and New England, experience winds which average 12 miles per hour or more. That speed may turn out to be sufficient for producing nonpolluting electricity at reasonable cost. Wind-velocity maps of the United States are available from the U.S. Department of Commerce Weather Bureau, and from the Federal Power Commission.

CERTAIN TO WORK

The capability to generate electricity from windpower was demonstrated decades ago, but development was ignored in light of claims that nuclear electricity would be "too cheap to meter."

However, at the time of the report to the Senate Interior Committee by the National Fuels and Energy Study Group in 1962, electric generators run by windmills were operating in Germany, South Africa, Russia, the United States, Britain, and elsewhere. Thousands of small 3- or 4-kilowatt generators were in use throughout the world. A 100-kilowatt wind-driven generator had been operating successfully in Denmark for several years; one that size had been installed also in the Isle of Man; and a 640-kilowatt wind generator had been tested in France.

UNITS OF 5 OR 10 MEGAWATTS

Another Government-sponsored study group, under Ali B. Cambel, concluded in 1964 as follows:

> There is sufficient knowledge for construction of a 5,000- to 10,000-kilowatt prototype installation that would allow a realistic appraisal of the use of wind energy. A design study of the apparatus and a meteorologic survey of possible sites would need to precede construction. Such a program would provide important information about the economic feasibility of aerogenerators, including their integration into electric grids. . . . On a long-term basis, wind-power is a reliable energy source . . . the supply is inexhaustible, and its use has no detrimental effect on the surrounding area since there are no harmful or disagreeable byproducts.

EFFICIENT, NONPOLLUTING, AND STORABLE

New respect was paid to windpower recently in the September 1971 issue of the Scientific American. In the article, "The Conversion of Energy," Engineering Prof. Claude Summers, of Rensselaer Polytechnic Institute, says:

> What about the wind? . . . A propeller-driven turbine could convert the wind's energy into electricity at an efficiency somewhere between 60 and 80 percent . . . Windpower would have the great advantage of not introducing waste heat into the biosphere.
>
> The difficulty of harnessing the wind's energy comes down to a problem of energy storage. Of all natural energy sources, the wind is the most variable. One must extract the energy from the wind as it becomes available and store it, if one is to have a power plant with a reasonably steady output . . .

One scheme that seems to offer promise is to use the variable power output of a wind generator to decompose water into hydrogen and oxygen. These would be stored under pressure, and recombined in a fuel cell to generate electricity on a steady basis. Alternatively, the hydrogen could be burned in a gas turbine, which would turn a conventional generator.

A similar solution to the storage question was suggested in a paper entitled, "Outline of Windpower Application Data," October 18, 1963, by Engineer Hellmut R. Voigt of Sun Valley, Calif.

READY TO GO?

In fact, Professor Voigt has worked extensively on windpower designs, and has written a book-length manuscript in German which includes extensive figures and drawings for his proposed "Cyclone D–30" windpower plant.

Mr. Voigt and another engineer in Salem, Oreg., by the name of Joseph Tompkin, would like to see the construction of a prototype "Cyclone D–30" windpower plant with a 750-kilowatt capacity completed within 3 years and within a budget of $1 million.

While I am obviously not qualified to judge the merits of their particular design, there are many people who are. What I am urging is that such proposals be evaluated without delay, and that appropriate funding be provided, both for the people with nonpolluting energy ideas, and for the people who ought to assess the ideas.

ASSESSMENT: MAKING BIAS USEFUL

Assessment, of course, can make or break an idea. Sometimes a single person on a particularly important review board can delay a whole technology and its business potential with impunity and anonymity.

Since human nature probably introduces positive or negative bias into every review, bias in technology assessment can perhaps be handled only by accepting it, and making it work for society openly and equally.

If we use the Voigt windpower design as an example, we should assign one group of reviewers to assess it with a view to accelerating its development, something which often happens in the real world even when the expert reviewers are allegedly objective. We should assign another group of experts to assess it with a view to killing it, which also often happens in the real world.

GETTING THE INCONVENIENT FACTS

We generally believe that "adversary" legal procedure is an effective way to reveal inconvenient information. A system of "adversary" science and technology assessment could perform the same function for various energy sources, with great benefits for sound investment practice, for the environment, for world health, and for world peace.

Let us not fool ourselves. The production of energy is a fundamental factor in all those matters. We simply cannot afford a grand distortion through bias, or any premature dismissal of clean, inexhaustible energy sources.

PAPER PLACED IN THE RECORD

Windpower is one of the elements in the "National Network of Pollution-Free Energy Sources" which deserves prompt attention. A survey of windpower potential is provided in appendix 6 of that research proposal, which was prepared in April 1971, under the leadership of Engineering Prof. William E. Heronemus at the University of Massachusetts.

A few days ago, I placed the research proposal itself in the RECORD.

Mr. President, I ask unanimous consent to have appendix 6, entitled "Extraction of Pollution-Free Energy from the Winds," printed at the end of my remarks today.

ADDITIONAL MATERIAL

At a later time, I will place additional material on windpower in the RECORD. Thanks to the excellent help of Dr. Warren Donnelly, who is science and technology specialist in the Congressional Research Service, I can make available several papers which are not commonly easy to obtain.

A book on this subject, which I am sure is not easy to obtain, is called "Generation of Electricity by Windpower" by Edward William Golding. It was published in 1955 by E. & F. N. Spon, Ltd., 22 Henrietta Street, London W.C. 2.

There being no objection, the appendix 6 was ordered to be printed in the RECORD, as follows:

[From "A National Network of Pollution-Free Energy Sources; A Research Proposal Prepared at the University of Massachusetts Under the Leadership of Engineering Prof. William E. Heronemus"]

APPENDIX 6: EXTRACTION OF POLLUTION-FREE ENERGY FROM THE WINDS

(NOTE.—Figures referred to are not printed in the RECORD.)

During the last decades of the nineteenth century at least 30,000 windmills were being operated in Denmark, northern Germany, the Netherlands and England. The annual total energy output amounted to 10^9 Kwh [6–1]. At least three centuries earlier the wealthiest trading nation of northern Europe, Holland, owed much of its commercial prowess to home industry and agriculture powered to great extent by the wind.

Not one iota of environmental pollution accrued to this sizeable extraction of power from a natural resource. But as years rolled on, the low power-density of wind machines made them less attractive as newer engines were invented.

RECENT HISTORY

In the 1930's a most significant experiment with wind powered generation of electricity was begun by a U.S. industry—academic team, which resulted in 1941 in a 1250 KW generator feeding into a synchronized a.c. power system of the Central Vermont Public Service Corporation. That experiment effectively ended in 1945 when a fatigue-type failure in the stainless steel blade root caused the loss of a blade, the system and the concept [6–2].

Active modern research in utilization of wind power had been underway for many years prior to that time, notably in Denmark and Germany, and the failure at Grandpa's Knob, Vermont, U.S.A., was literally felt around the world.

A. Betz, one of the pioneer aerodynamicists had been particularly active in promoting greater utilization of wind power [6–3], and a large number of the early airfoil theorists addressed themselves to the idea of improved windmills.

During and after the 1939–1945 war, the U.S. government first in the form of the War Production Board and later as the Federal Power Commission, made critical analyses of the economic feasibility of wind power generation in the U.S. [6–4] and [6–5]. In 1951 an attempt was made by the Department of the Interior to obtain funds for a large prototype aerogenerator, justified by national defense needs [6–6]. That attempt failed, and the chance for a major U.S. program for generation of electricity from wind power faded with the retrenchment of the post-war years.

DEFERMENT IN FAVOR OF NUCLEAR POWER

It appeared that Britain might step ahead with wind power just as she started to do with tidal power in the late forties, but the nuclear scientists gained control. Britain opted for leadership in nuclear fission central plants and won the race. Her work in wind power was continued by an able group within the Electrical Research Association, with Golding [6–7] becoming a world leader in the technology. What had been a major thrust toward large scale utilization of wind power in the world's most heavily industrialized countries now became a matter of philosophic interest and a hope for energy-hungry emerging nations.

The World Meteorological Organization took leadership in assessing the potential for wind power around the World and, in particular, for identification of sites where the correct topography could produce an intensification of wind velocity at rather low altitude, thus making possible improved power extraction at low tower-cost and reduced fear from icing [6–8] and [6–9].

UNITED NATIONS CONFERENCE 1961

A most recent and complete report on world-wide efforts to utilize wind power, and a demonstration of the very considerable effort that has gone into perfecting design of wind turbines of many sizes, are to be found in Volume 7 of the Proceedings of the Rome 1961 United Nations Conference on New Sources of Energy [6–10].

The diversity of approach to this source of pollution-free energy is rather typified by the following statements taken from that report:

(1) The World Meteorological Organization has concluded that wind power available for turbines at favorable sites throughout the World is of the order of 2×10^{16} kw.

(2) The total wind power of the atmosphere is estimated to be about 3×10^{27} kilowatts.

(3) Great Britain still hopes to build individual aerogenerators as large as 6,000 kw.

(4) In the same volume the representatives from India speak with awe of homemade wind mills that might produce 1 to 15 kw for a village pump. One cannot help but conclude that perhaps the wind, the most obvious of natural energy sources, has held the interest of the richest and the poorest of men.

POTENTIAL AMOUNTS OF POWER

Putnam [6–11] in 1953 thought that wind turbines could extract no more than 0.10 Q Btu energy *cumulative* over the next 100 years, and he therefore considered them to be of no significance to the U.S. power industry.

If aero turbines to the total of 2×10^{10} kw. were installed at all favorable sites, if the annual production were 5000 kwh per annum per installed kw, total energy extracted would be 10^{14} kwh per year (100×10^{12} kwh).

The 1964 Energy R & D Panel projected a year 2000 U.S. requirement in an "all-electric economy" for 31×10^{12} kwh generation per year. If thirty percent of the world's favorable wind power sites were in the U.S., the total generation requirement for the U.S. for year 2000 could be met by wind power alone with an installed plant of 6.2×10^9 kw.

MANY SMALL UNITS

But there is the rub: the largest feasible wind turbine appears to be about a 6 megawatt unit, and 2 Mw units are even more desirable: one million to three million new aerogenerators would be required!

Three million generators may be a little beyond that which is practical. We do note,

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however, that Russia reportedly committed herself to the contruction of 600,000 mills of about 200 Kw each, and that task was to be accomplished during one ten year plan [6–11]. Verification of accomplishment of that task has not been found. Russia has many broad areas in the steppes and in Siberian plains where moderate but persistent winds are found.

POTENTIAL OF THE GREAT PLAINS

There is at least one extensive area in the U.S. where moderate but persistent winds are found. Exhibit XIV from Thomas' "Electrical Power from the Wind" [6–5] is reproduced here as figure 6–1. Fig. 6–1 is a chart prepared by the U.S. Weather Bureau showing Lines of Equal Wind Velocities and Selected Weather Bureau Station Values, average hourly velocity of the wind, daylight hours, estimated for elevation of 100 feet throughout the U.S.

That chart shows a region of the Great Plains starting in the heart of Texas, running 1100 miles north at a width averaging 300 miles in which the average hourly wind velocity is 12 miles per hour (5.40 meters per second). There are contained within that large area two smaller but sizeable areas where the average rises to 14 miles per hour (6.29 meters per second) and one area of about 20,000 square miles where the average rises to 16 miles per hour (7.19 meters per second).

Height is a factor

Using the method of Section 2, [6–9], *Variation of Wind Speed with Height over Uniform Terrain*, we can estimate that the velocities at 200', 300', 400' and 500' above ground will vary from a minimum to a maximum as follows:

Velocity at reference height=100'	Least probable average velocity at—(cm./sec.)				Greatest probable average velocity at—			
	200'	300'	400'	500'	200'	300'	400'	500'
K equals	1.07	1.11	1.135	1.152	1.205	1.35	1.40	1.45
12 m.p.h.=5.40 m./sec	5.77	5.98	6.12	6.21	6.51	7.14	7.56	7.89
14 m.p.h.=6.29 m./sec	6.72	6.96	7.12	7.24	7.58	8.30	8.81	9.18
16 m.p.h.=7.19 m./sec	7.69	7.99	8.16	8.28	8.66	9.49	10.05	10.48
18 m.p.h.=8.09 m./sec	8.65	8.97	9.18	9.49	9.74	10.68	11.30	11.80

A check on the calculated intensification of winds with altitude as tabulated above, against data observed at Dallas Tower, Texas, and reported in Figure 1 of [6–9], yields K values which are intermediate to the least and greatest K's tabulated above. Thomas [6–5] reports that the average of a considerable number of balloon observations gave a K factor of 1.35 to 1.45 for velocity at 500 feet against velocity at 40 feet above the ground.

The area having an average velocity of 14 mph covers about 80,000 square miles in North Texas, Oklahoma, and Kansas, plus another 11,000 square miles in South Dakota, a total of 91,000 square miles.

ADDITIONAL AREAS

There are also extensive regions of 14 mph winds in upper Minnesota and of 12 mph winds in northwestern Michigan and along the southern shores of Lake Ontario and Lake Erie. The velocity and persistence of the winds in the Green and White Mountains of New England are well known. Little is recorded about the winds in the western mountain ranges. It is expected that there may be vast areas where persistent high velocity winds prevail.

There are extensive areas on the West Coast extending north from San Francisco a distance of 150 miles over the redwood forests, and again along the entire coast of Washington State where winds with average velocities from 17 to 20 miles per hour can be found. There is a belt along the East Coast, Boston to Hatteras, where average velocities exceed 12 mph with numerous local areas with 20 mph average velocities.

ECONOMIC POWER AT 12 MILES PER HOUR

It is stated in [6–8] that in Great Britain the output of a wind generator set can be economic at annual mean wind speeds above 5.6 meters per second. Such a generator would have a rated capacity of no more than two megawatts. The Grandpa's Knob machine operated in a regime characterized by an annual mean wind speed of 17 miles per hour (7.6 meters per second), though the designers thought they were working in a 21 miles per hour (9.4 meters per second) annual mean wind-speed regime.

In the planning document for the 1945 survey conducted by the U.S. Weather Bureau to determine sites favorable for wind power development, it was stated ". . . but here it may be said that only at sites where the average annual wind velocity is 10 meters per second or greater, is it economically worthwhile to erect a wind turbine of large capacity."

Thomas [6–5] wanted an annual average wind of 23 to 25 miles per hour (10.3 m/sec to 11.2 m/sec) for his large 7500 Kw generator, but felt that regimes of 18 to 21 miles per hour (8.09 to 10.3 meters per second) average annual wind speed would be adequate for an economically competitive 8500 Kw unit. Thomas [6–5] permitted a capital investment of only $68 per Kw of rated capacity in his studies.

The 1964 report on "Energy R&D and National Progress" [6–11] states that an average annual wind velocity of about 30 mph (14.9 m per sec) is required to produce power economically.

STATEMENTS CHALLENGED

The validity of that statement is questioned, as are the economic factors published along with it. The published data from those groups in England, Denmark, Germany, France and Israel working with wind power do not substantiate that high value any more than does the factual experience at Grandpa's Knob (17 mph), the Thomas designs (18 mph) or the Golding designs (12.5 mph).

From the above it is concluded that there is excellent possibility of generating a considerable quantity of electricity from the winds over the Great Plains at costs competitive with any other form of generation. The rated capacity of each aero turbine might be as little as 2 to 4 megawatts, and most of the windmills would have to be set on tall towers.

It is also concluded that vast quantities of electricity could be generated from the winds over the Great Plains in the large region of 12 mph annual average winds at costs somewhat higher than those of modern oil fuel central plants, but still very competitive with the total cost of power generated by our heavily subsidized nuclear central plants.

Major elements of cost associated with plants in this marginal wind belt are:

(a) tower costs

(b) the cost of the long blades required for large swept diameters

(c) site costs.

A NEW CROP FOR THE GREAT PLAINS

The possibility of large numbers of airturbine sites "sharing" the predominantly agricultural use of the Great Plains is worthy of investigation. The design of the site and tower and connecting lines play a strong role in this concept. Productivity and utility of grazing lands, corn fields and hay fields need suffer little if anything if dotted on even 1 mile centers, with towers of appropriate design and underground transmission lines.

The leanness of the energy in the lower speed winds can best be compensated for by large swept diameters and taller towers, or, by larger numbers of smaller machines on lower towers. It would appear that a good competition exists between "x" 6 Mw generators on 500' towers against "3x" 2 Mw generators on, say, 200' towers.

ADVANTAGES GAINED SINCE 1939

1970 technology should certainly have much to offer toward making larger rotor blades much less expensive than the Grandpa's Knobs blades even at 1939 prices.

Filament wound oriented fiber technology and all of the post-1942 advances in aluminum alloy, magnesium alloy, and titanium alloy metal parts for flight should make a 1972 large capacity wind turbine much more cost-effective than a 1939 or 1946 machine.

And there is certainly no reason to admit that icing of blades need be a problem in any modern machine, thus removing another of the earlier objections to high-tower machines.

FRONTAL ATTACK PROPOSED

It is therefore proposed that two controlling elements of the concept of expanded generation of electricity by wind power in Heartland America be investigated in the first phase of this pollution-free energy study:

(a) The design of towers up to 400 feet in height for 2 to 7.5 Mw aerogenerators,

(b) The design of blades for extra large swept diameter aerogenerators, 2 to 7.5 M rated capacity, diameters large enough to compensate for the 12 mph average annual wind compared against the more desirable 20 or 30 mph average annual wind.

The above suggests a frontal attack where a more sophisticated approach toward carefully selected sites has prevailed. Twenty-five years of sophisticated approach have yielded zero additional Kw of installed aerogenerator capacity in this country.

The above suggests identification of cost differentials between aerogeneration in a very large regime of steady but lean winds, and oil-fired or nuclear central plant generation. The differentials could lead to direct subsidy of pollution-free plant if necessary. There is a strong popular will in this country today to stop studying pollution and start doing something abut it. This research could show a way.

COPING WITH WIND VARIABILITY

A complete analysis of the feasibility of large scale generation of electricity from wind power in this country requires a study of wind velocity as a stochastic process indexed by the variables "time" and "geographical location." The wind will always be variable and some method of firming power taken from it must be available in any useful network.

The aerogenerators, together with other units, must supply power to meet the demand for electricity at all times. Even though average wind may be high, any periods of calm would be detrimental to a scheme where power is generated from the wind. This problem can be alleviated by providing alternative power from several sources such as

1. existing or retained fossil-fuel or nuclear central plants

2. conventional quick-start gas-turbine generators

3. storage facilities (such as pump storage)

4. other aerogenerators in other geographical locations.

The use of alternatives No. 1 and No. 2 may be necessary, but it would be partially self-defeating because some fuel would have to be burned. Also, like most standby schemes, this alternative would be expensive because the capacity required must be sufficient to meet peak needs.

Alternative 3, though expensive, is nonpolluting. However, the most attractive form of storage in which potential energy is stored by pumping water to an uphill reservoir requires terrain with a suitable gradient, space, and water. All these requirements are not always available, especially in the major wind-belt areas, unless a very broad approach to the problem is taken.

Our largest body of inland water, Lake Superior has a water level normally 22 feet above that of the next waters into which it drains. The combination of the extensive 12/14 mph wind regions in Minnesota and Michigan and a large capacity lowhead pumped storage system using Lake Superior as the upper basin may offer a unique opportunity for a vast new system of firm pollution-free power. The combination of the extensive 12 mph wind belt lying in the orchards and farm land of the southern shores of lakes Erie and Ontario with a sizeable expansion of the existing pumped storage plant astride Niagara Falls is another opportunity of grand scale which should be studied.

Alternatives 3 and 4 are therefore potentially attractive, but more study is required. The questions which must be answered are: When a given area is calm, what is the likelihood that there will be wind in another location, and how far away is this location. In other words, while it does not make sense to look at time averages, it does to look at geographical averages for any given point in time. If it could be shown that at any time the average velocity of a region is sufficiently high, then a system of nearly all aerogenerators would be feasible.

One further question of interest concerns the size of the region over which the average is taken. The larger the region, the more likely it is that there will be wind present somewhere in it. However, a large region implies that power will have to be transported over long distances. Thus, other forms of standby power might be economic even though wind-generated power is available some distance away.

MONITORING THE WIND

Some data necessary to analyze the patterns of wind are available, since the U.S. Weather Bureau undertook an initial task in 1945 to help seek out favorable wind turbine sites back in 1945. Thomas refers to that effort and the archived results, as does the World Meteorological Organization. To make the study conclusive, a large program of data collection should be activated using the U.S. Weather Bureau as the responsible task force.

Summarizing such anemometer data so they can be used for feasibility and later for economic studies is relatively straightforward, but the number of calculations necessary wil require the use of digital computers. For any regions of interest, a set of plots will be developed showing the amount of time that the average wind velocity, averaged over the geographical region, is less than various values. See Fig. 1 for an example.

As larger regions are chosen, the wind-velocity characteristics will become more favorable; e.g., in the above example region 2 might represent a much larger area than region 1. Plots can be developed for day and night hours, and for different seasons as well as for the hours of peak and minimum electricity consumption.

Once the data are on computer tapes or discs and the data-manipulation programs have been developed, several studies can be made. In particular a large geographical area can be divided into different sets of regions to find that set which yields the best average wind characteristics while insuring that the maximum distance of power transfer is less than a specified value.

DATA-ANALYSIS AND TOWER-ANALYSIS NEEDED

Work on data analysis and work on tower analysis are proposed as University of Massachusetts contributions in this area. A brief of the proposed work on towers follows:

(a) A 200 to 250 ft tower supporting a 2 Mw turbine versus a 300 to 400 ft. tower supporting a 6 Mw turbine.

(b) A single tower versus multiple towers supporting a single platform.

(c) Aluminum alloys as opposed to structural steel.

(d) Tubular members as opposed to open sections.

(e) Space trusses as opposed to a thin tower guyed by cables.

(f) Two turbines supported by a single tower as opposed to one turbine per tower.

The availability of the computer will be a great help in carrying out a comparative study among the various alternatives.

Once a configuration has been decided on, a limit analysis will be carried out. The purpose of this analysis will be to determine the collapse load of the tower. In order to design a structure economically, it is necessary to know the safety factor on failure as well as on yielding. A limit analysis will involve the nonlinear behavior of the material above the proportional limit and will therefore present a challenging problem in structural analysis.

Since the tower will be subjected to a repeated type of loading, a fatigue analysis will also be undertaken.

CONCLUSION

It is interesting to note, in conclusion that the earlier indepth analysis of feasibility of wind power [6–4] paid great attention to the design of towers, so that erection of the tower itself and then the aerogenerator on the tower could be a reasonable operation at remote sites. In 1970 the Flying Crane makes all such concern passe. Foundations and towers can be erected in the most remote locations at a fraction of the cost required to slash a new road up Grandpa's Knob and laboriously haul in and hoist up that aerogenerator, circa 1939.

The technology required to reduce all aspects of aerogenerator cost is developed, lying idle in 1971, while we persist in proliferation of polluting energy sources.

Large numbers of windmills standing tall over plain or forest will not be acceptable to all people as "free of pollution." Their presence must at best be accepted as a logical alternative. Fortunately the type of terrain suggested here for windmill siting may meet with much less objection from an aesthetics point of view than would siting in the eastern mountains.

This major question must of course be answered long before any major windmill program is started. Blue skies, clean air, and clear, cool water seem attractive tradeoffs for the aesthetic pollution that would result.

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CONSTITUTIONAL CONVENTION PROCEDURES BILL

Mr. ERVIN. Mr. President, as you know, on October 19, 1971, the Senate passed my constitutional convention procedures bill, S. 215, with one amendment, by a vote of 84 to 0, and the bill is now pending in the House Judiciary Committee.

I am very hopeful that the House will take early action on the bill, and that it will be enacted into law. Until such a measure is passed, there will continue to exist a legislative gap from which could erupt a constitutional crisis. Make no mistake—this can happen. Several times the States have come precariously close to filing the required number of petitions to call a convention, the last time in 1969, when there was lacking only one.

I am informed that some of our colleagues in the House have doubts about S. 215, not because they disagree with its provisions, but because they fear that its passage would "encourage" the States to file petitions under article V. I am compelled to take issue with this view. As I have stated a number of times, my bill seeks neither to encourage nor to discourage the filing of petitions; it merely provides severely needed procedures and guidelines in the event a convention should be called. It seems to me that the greatest danger to the Constitution is the startling lack of procedures and guidelines in the event the requisite number of States call for a convention, not in the effects predicted if the measure should become law.

The argument of "let sleeping dogs lie" fails to be persuasive. The States have not been deterred in the past from filing petitions, and I do not believe they will be deterred in the future.

Since my bill passed the Senate, newspapers throughout the country have commented upon it. Mr. President, I ask unanimous consent to have printed in the RECORD some of the press reports and editorials.

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There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 20, 1971]

SENATE VOTES TO MAKE AMENDING OF CONSTITUTION MORE DIFFICULT

(By Warren Weaver, Jr.)

WASHINGTON, October 19.—The Senate approved unanimously today a new set of ground rules for amending the Constitution through calling a national convention, a action never yet taken in the 184-year history of the document.

The action was taken to allay fears of some constitutional lawyers that a convention held under present procedures could rewrite the entire Constitution.

Final passage by an 84-to-0 vote came after a group of liberal Senators won a sharply contested battle to make it more difficult for such a constitutional convention to approve any recommended changes.

On a vote of 45 to 39, the Senate approved an amendment by Senator Birch Bayh, Democrat of Indiana, that increased from a simple majority to a two-thirds' majority the convention vote required to adopt new constitutional amendments.

As finally passed by the Senate, the bill sets up a three-step process: two-thirds of the state legislatures must vote for a convention, then two-thirds of the convention delegates must approve any changes in the constitution and finally three-quarters of the state legislatures must ratify those changes before they become effective. The Constitution itself establishes the first and third steps.

DIRKSEN MOVE RECALLED

The convention bill, sponsored by Senator Sam J. Ervin Jr., Democrat of North Carolina, had its origin in a campaign by the late Senator Everett McKinley Dirksen to authorize a constitutional convention on reapportionment and overturn the Supreme Court's one-man, one-vote ruling.

By mid-July of 1969, 33 states, one short of the necessary two-thirds, had passed resolutions calling for a convention, but there was nothing in the Constitution or any Federal statute as to how or when to hold such a meeting, who would attend or what procedures would control it.

Nor, to the dismay of many constitutional lawyers, was there any guarantee that a constitutional convention would be restricted to the subject on which the states had requested action. Some authorities believed that, once constituted, such a convention could rewrite the entire Constitution as it pleased.

The Ervin bill specifically prohibits such a convention from adopting "any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention." Congress is made the judge of any disputes on this issue.

House opposition to the Ervin bill is expected to be led by Representative Emanuel Celler, chairman of the Judiciary Committee, who takes the position that the present state of uncertainty, while undesirable, is preferable to the active encouragement of a flood of new amendments that might result from setting up the new machinery.

Today's Senate debate centered almost entirely on the Bayh amendment to require a two-thirds majority for convention action. The move to make changes harder to achieve was almost uniformly opposed by Senate conservatives.

Mr. Ervin argued against the higher voting requirement, saying, "We don't need this hurdle, it's adding something to the Constitution that's not in it." In the absence of contrary language, the North Carolinian maintained, any decision should be made by majority vote.

If the Ervin bill becomes law its first test might well come on the issue of revenue sharing. Senator Ervin said that 11 states had already adopted resolutions for a constitutional convention on this subject.

The pressure for a convention on reapportionment fell off considerably with Senator Dirksen's death, and several states have since rescinded their resolutions favoring the move.

The Ervin bill would empower Congress to set the time, place and subject matter of a convention, once the requisite 34 states requested one. Each state would be entitled to a number of delegates equal to its representation in the House and Senate combined, to be elected or appointed by the Governor.

Delegates would be paid and also compensated for expenses and travel. The Vice President would preside over the convention until it chose its own officers. It would meet within one year of Congressional authorization and have one year to complete its business.

Any convention-drafted amendment that did not win the approval of 38 states within seven years would die.

[From the Washington Post, Oct. 20, 1971]

CONSTITUTIONAL CONVENTION RULES VOTED

Haunted by the spector of a runaway convention to amend the Constitution, the Senate wrote strict ground rules yesterday to head off any such possibility.

The Constitution itself provides two ways of amending.

1. Adoption of an amendment by a two-thirds majority of both houses of Congress and then ratification by three-fourths of the states.

2. A constitutional convention on petition of two-thirds of the states and then ratification by three-fourths of the states of any amendments recommended by the convention.

The first method has been used 26 times, the second never.

But after Supreme Court decisions requiring legislative reapportionment, many states sought to amend the Constitution to permit at least one house of a state legislature to be elected without regard to equal population districts.

Although the Constitution makes provision for amendment by convention, it sets no ground rules. Here are the procedures as approved by the Senate yesterday:

A state wishing to have a convention called must pass a resolution setting out the subject of the amendment to be considered. If within seven years two-thirds of the states petition for a convention to consider the same amendment, Congress is obligated to call the convention and set its date, provide for its quarters, and pay its expenses.

Delegates shall be elected, and each state is entitled to as many delegates as it has representatives and senators.

The convention would be limited to the subject of the call.

Under the original bill by Sen. Sam J. Ervin (D-N.C.), a simple majority of the convention delegates could agree to an amendment, which Congress would then be obligated to submit to the states for ratification.

But Sen. Birch Bayh (D-Ind.) succeeded in amending the bill—on a 45 to 39 roll call—to provide that a two-thirds majority of the convention would have to approve any amendment before it could be submitted.

The bill was seen as having virtually no chance of passage in the House this year.

[From the Buffalo Evening News, Oct. 23, 1971]

NEW RULES ON CONSTITUTIONAL CHANGE

Changes in the U.S. Constitution, according to its Art. V, can be initiated in two ways—by action of Congress in proposing amendments for ratification by the states; or by petition from two-thirds of the state legislatures calling for a special convention to propose amendments.

The latter method has never actually been used, but a number of efforts to bypass Congress via that route have come close to succeeding. Now the U.S. Senate has just unanimously adopted a plan that would usefully establish procedural ground rules for proposed amendments evolving from some future national constitutional convention called by the petition route.

A potentially grave danger lurks in this vague, never-used procedure whereby amendments could come from a national convention, bypassing Congress entirely via the call of 34 states. Nothing in present law or precedent would clearly prevent such a convention, though ostensibly called to consider a very limited change, from totally rewriting the Constitution and throwing its handiwork back to the states for ratification.

The central virtue of the Senate-approved plan, sponsored by Sen. Ervin (D., N.C.), is that it seeks to prevent such a runaway operation. It would require a sitting convention to confine its decisions to those areas of change for which it was called. If it were organized to consider an amendment on revenue-sharing, for example, it could act only on that issue. On the other hand, if it were plainly called for the purpose of considering a complete revision of the Constitution, then its business would range across this broadest of all areas.

In addition, the bill would require the convention to approve any proposed changes by a two-thirds, rather than a simple, majority.

The Senate bill faces an uncertain fate in the House, where some feel it would be better to leave the existing situation as it is on the theory that establishing this new machinery could actually encourage the use of this new route to change. But this overlooks the important offsetting advantages of establishing the procedures clearly now, when they can be considered on their merits, rather than hurriedly at some future time when a crisis arises and the long-term arguments for and against the convention procedures themselves could become entangled in short-term arguments for and against the specific constitutional change being sought by the States.

[From the Grand Rapid (Mich.) Press, Oct. 24, 1971]

RULES FOR CONSTITUTIONAL CHANGE

There can be no argument with the U.S. Senate's decision, on an 84–0 vote to set up ground rules for amending the Constitution through a constitutional convention.

Article V of the Constitution states simply that two-thirds of the states may call for such a convention, but in the document's usual spare language, the mechanics of the task are omitted.

Since the Constitution never has been amended through the convention route, there have been no precedents, and there has been fear, growing over the years with several attempts to call such a meeting, that some rules ought to be determined beforehand.

Sen. Sam Ervin Jr., sponsor of the Senate bill, voiced concern that a constitutional convention without ground rules, could quickly degenerate into a constitutional crisis. Given the impulsive disregard shown the Constitution by politicians during the 184 years of its existence, we would tend to agree.

Sen. Ervin's greatest fear was that constitutional convention delegates, sent by their states to amend a specific article, would get carried away by their authority and would make wholesale changes in other articles.

The rules passed by the Senate would limit a constitutional convention to a single subject, and there can be no quarrel with that.

An amendment to Sen. Ervin's measure also would require that two-thirds, rather than a simple majority, of the convention would have to approve a change before it is submitted to the states.

Since our Constitution has performed admirably in preserving democracy and has proved to be flexible enough to be updated occasionally by men of goodwill, it would seem that any procedures which prevent brash changes in the articles are worthwhile.

[From the Louisville (Ky.) Courier-Journal, Oct. 25, 1971]

PLUGGING AN OLD HOLE IN THE CONSTITUTION

U.S. Constitution, Article V:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by congress. . . ."

The late Senator Everett Dirksen gave his colleagues some restless nights a few years ago when he nearly succeeded in getting two-thirds of the states to petition for a constitutional convention to override the Supreme Court's one-man, one-vote doctrine of state legislative apportionment. Although enthusiasm for the so-called "Dirksen Amendment" has waned since the Senator's death, the worry he inspired has forced Congress to face up to an important job which Congresses have neglected for nearly 200 years.

The Senate last week unanimously approved a set of ground rules for amending the Constitution by the national-convention method—a method we've never employed, but may someday. The House should approve the bill, too, before the state legislatures find another cause, because a convention without guidelines could result in . . . what?

GEORGE MASON'S FEAR

The history of Article V of the Constitution, which authorizes the convention method of amendment, is an example of how democratic governments sometimes allow important matters to "fall between the stools" and lie there until crisis threatens.

During the last days of the Constitutional Convention in 1787, George Mason of Virginia complained that the amendment process of the newly drafted Constitution was entirely in the hands of the Congress, a situation he saw as highly dangerous to the states and citizens. Gouverneur Morris of Pennsylvania then proposed that Article V be amended to include the convention method, which could be used when Congress ignored the will of the people.

That Morris' method has never been used may be testimony to the sagacity of our Congresses. Or perhaps our representatives simply have been clever enough to know when the jig is up. Nevertheless, firm guidelines for the organization and conduct of constitutional conventions are long overdue, for although Congress received only 10 applications from states during the Republic's entire first century, it had received 206 by 1963. And by mid-July 1969, 33 states—only one short of the necessary two-thirds—had passed resolutions calling for a convention to consider the "Dirksen Amendment." The possibility of a constitutional convention obviously isn't dead.

But there's nothing in the Constitution or any federal statute specifying how or when to hold such a meeting, who would attend, or what procedures would control it. Nor, to the dismay of many constitutional lawyers, is there even a guarantee that such a convention would have to stick to one subject. Some fear that a convention could rewrite the entire Constitution if it decided to.

A MEASURE OF CONTROL

The Senate bill, introduced by Senator Sam Ervin (a supporter of the "Dirksen Amendment") in 1967, would fill these gaping holes. As finally passed by the Senate, it sets up a three-step process: two-thirds of the state legislatures must vote for a convention; then two-thirds of the convention delegates must approve any constitutional changes; then three-fourths of the legislatures must ratify the changes before they become effective. It would prohibit a convention from considering any amendments other than those specified in Congress' concurrent resolution calling the convention, and it provides that each state's delegates—equal in number to its representation in Congress—may either be elected or appointed by the governor.

If the Senate bill becomes law, it may, as Representative Emanuel Celler believes, encourage a flood of new amendments, which would be unfortunate. Nevertheless, we disagree with Mr. Celler's contention that the possibility of that flood makes the present limbo of Article V preferable to the order that the Senate bill would provide. The hurdles created by the bill's three-step amendment process are, we believe, difficult enough to protect us from frivolity.

Our history hasn't laid to rest George Mason's fear that our Congresses wouldn't always be composed of the wisest and most just of our citizens, so Gouverneur Morris' addition to Article V is a useful constitutional fire escape—to be used only in case of emergency. But a fire escape without steps is more dangerous than useful. The House should ignore Mr. Celler and install those steps.

[From the Louisville (Ky.) Times, Oct. 25, 1971]

THE SENATE ACTS TO DEFUSE A BOMB

More than four years after the alarm was sounded, the Senate finally has acted to defuse a time bomb which conceivably could blow the United States Constitution apart.

The danger stems from a provision in that document's Article V whereby two thirds of the states can force the calling of a constitutional convention for the purpose of submitting amendments. This could expose the entire Constitution to tampering hands, legal experts have warned. Article V itself places no limitation whatever on the agenda of such a convention.

The Senate's action seeks to fill this vacuum. The bill it has approved and sent to the House would lay down ground rules for a convention. One of these would limit such a body to the subject matter set forth in the call of the petitioning states. Another would require a two-thirds vote for any amendment the convention wished to submit.

Inclusion of the two-thirds rule was a victory for a liberal bloc led by Sen. Birch Bayh, D-Ind. It was approved 45–39 over objections from the bill's sponsor, Sen. Sam J. Ervin Jr., D-N.C. Oddly enough, opposition to this added safeguard against reckless constitutional change came mostly from conservatives who like to picture themselves as champions of the Constitution's preservation as it was handed down by the Founding Fathers.

The Ervin bill, first introduced in 1967, was in response to a threat that became imminent when state legislatures across the nation began lining up behind the late Sen. Everett Dirksen's attempt to submit an amendment overturning the Supreme Court's "one man, one vote" ruling.

Traditionally, all proposed constitutional changes have been submitted directly by Congress for ratification by the states. When Mr. Dirksen, who was Republican leader in the Senate, found this route blocked by Senate opposition to his amendment, he called upon the states to initiate action under an Article V alternative that had never been invoked in the nation's history. This says that Congress, "upon application of the legislatures of two-thirds of the states, shall call a convention for proposing amendments . . ." These then must be ratified by three-fourths of the states, the same as when Congress itself does the submitting.

The Dirksen movement came perilously close to forcing a constitutional crisis. By 1969 it had enlisted the support of 33 legislatures—only one short of the necessary two-thirds. Kentucky and Indiana, to their shame were among the petitioners. Several states since have rescinded their support, so for all practical purposes this particular threat appears dead.

However, the potential for constitutional crisis still lurks in Article V's broad language pertaining to conventions. Hence the importance of ground rules.

Those proposed by the Senate are not perfect by any means. One would allow each state's delegates to a convention to be either elected by the people or appointed by the governor. They should be elected—period. The job is much too important to be entrusted to any governor's handpicked delegation. Nowhere in the democratic process is popular representation more essential than in the drafting of constitutional proposals. We trust this defect in the Ervin bill will be corrected in the House.

Though the measure passed the Senate without a dissenting vote, there are signs of opposition in the House. This stems not from the defect we have cited but from the bill's main purpose. Rep. Emanuel Celler, D-N.Y., for one, has taken the position that the present state of uncertainty, while bad, is preferable to what he forsees as a flood of new calls for a convention from legislatures pressing for this or that amendment. As chairman of the House Judiciary Committee, his can be a vital role in determining the bill's ultimate fate.

Presumably he feels that, with the danger of a runaway convention removed, states would be less reluctant to exercise their option under Article V. That may be. Even so, we cannot agree that this would be worse than leaving the present danger unchecked. In the absence of any guidelines or ground rules, Article V is, as we have noted, a time bomb that could be triggered any time 34 state legislatures become so reckless. The sooner it is defused the better. Experience has demonstrated that the danger is far more real than imaginary.

[From the Auburn (N.Y.) Citizen-Advertiser, Oct. 26, 1971]

CONSTITUTIONAL CONVENTIONS NEED GUIDELINES

Final enactment of the Ervin bill on control of national constitutional conventions, approved unanimously by the Senate and now before the House, would solve some possible problems and raise others. It would avert for one thing the danger of a runway convention.

The basic difficulty arises from the fact that the Constitution does not clearly define such a convention's mandate. There is reason to fear that if a convention were called at the request of the states to consider a particular amendment it might jump the traces and consider others as well—perhaps even throw out parts of the Bill of Rights or other vital guarantees. There is nothing in the Constitution to prevent such a runaway convention.

This is the problem to which Senator Sam J. Ervin Jr. of North Carolina addresses himself in the bill now approved by the Senate. It would prohibit a constitutional convention from adopting "any amendment or

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amendments of a nature different from that stated in the concurrent resolution calling the convention." In cases of dispute, Congress would be the judge.

The uncertainty of the present guidelines is certainly undesirable. A constitutional convention would be subject to all sorts of political, ideological and special interest pressures to make this or that change. The Ervin bill would avert this danger, confining the delegates to the specific subject of the convention call.

Meanwhile, the preferable method whereby proposed amendments must be approved by Congress and ratified by the states would remain unimpaired.

[From the Washington Post, Oct. 27, 1971]

THE DETAILS OF A CONSTITUTIONAL CONVENTION

At long last, the Senate has passed and sent to the House of Representatives a bill which would fill in one of those awkward gaps left in the Constitution. The bill is designed to implement the amending clause of that document which says Congress shall call a constitutional convention when two-thirds of the states demand one but leaves unspecified any of the details about how such demands are to be made or how such a convention should operate. While such details may seem unimportant, the lack of them has created considerable concern in recent years and the need for Congress to spell them out carefully cannot be doubted.

It was, of course, dissatisfaction with the Supreme Court's reapportionment decision that crystallized the need for this legislation. More than 30 states applied to Congress for a convention to frame an amendment wiping out that decision and, for a while, it looked as if the necessary 34 would apply. Among the problems that arose, however, were question about the power of a newly elected state legislature to rescind an application that state had filed earlier, about the duration of the effectiveness of an application, and about the limits, if any, that would be placed on a convention if one was called. Indeed, it once seemed clear that if a 34th state passed such an application, Congress was going to be the scene of a monumental fight over such details.

The Senate now, after long prodding by Sen. Sam J. Ervin, has taken a major step towards answering questions and many others. Its bill would let a state rescind an application at any time up until a 34th state acted, would limit the validity of applications to seven years, and would limit a convention to proposing amendments on the subject matter set out in the applications. Fortunately, in our view, the bill was amended on the Senate floor to provide that two-thirds of the convention delegates would have to agree before any of its proposals could be sent along to the states for ratification.

The bill worked out by Senator Ervin over the last four years is not the kind of legislation that brings instant headlines to its proponents but it is the kind that the nation sorely needs from time to time. We hope that the House of Representatives and its Judiciary Committee will grasp the need for this bill and quickly concur in eliminating the gap in the Constitution which presents the threat of an eventual crisis as long its continues to exist.

[From the Ashland (Ky.) Independent, Oct. 30, 1971]

TO CURB A RUNAWAY

The United States Constitution provides for two methods of amending that document. Congress can propose amendments by a two-thirds vote in both houses, or two-thirds of the states can require Congress to call a convention for proposing amendments. In either case, the amendments must then be ratified by three-fourths of the states before their acceptance as a part of the Constitution.

On its face, all this seems simple and straightforward enough. Behind the facade of simplicity there lurks an amorphous uncertainty. The uncertainty is with respect to the mandate of a national constitutional convention if one were ever called by the states.

This has never happened, as yet, though we have come close a few times. The question is: If a constitutional convention were called, would it be limited to action on the amendment proposed in the convention call? Might it not, rather, go beyond this and take up additional amendment proposals? Who is to say it may? The constitution is silent on this; it merely speaks of "a convention for proposing amendments," which seems to leave the door wide open.

Dealing with that problem is what the bill just unanimously passed by the Senate is all about. This measure, introduced by Sen. Sam J. Ervin Jr. of North Carolina, would prohibit a constitutional convention from adopting "any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention."

There is some feeling, notably expressed by Chairman Emanuel Celler of the House Judiciary Committee, that setting up explicit convention machinery might touch off an undesirable flood of amendment proposals. This drawback is less pernicious than the runaway convention danger, which the Ervin bill would stymie.

[From the Washington (D.C.) Evening Star, Nov. 2, 1971]

SENATOR SAM SHOWS HIS LOVE FOR CONSTITUTION

(By James J. Kilpatrick)

If Sam Ervin did not exist, as Voltaire once remarked of God, it would be necessary to invent him. In a Senate that has been briefcase gray since the death of Everett Dirksen, the canny old North Carolinian provides almost the only color. Of greater importance, he is often the only statesman in the crowd.

One thought of this a couple of weeks ago, in watching Ervin pilot a bill through the Senate that no other senator would have cared enough to fight for. To be sure, he had some help from the noblest Roman of them all, Sen. Hruska of Nebraska, but the bill was stamped with Ervin's mark: It was intended to safeguard the Constitution and it looked to the future in terms of the past.

We have had great constitutionalists on the Hill since the days of Webster, Calhoun and Clay, but we have not had many of them lately. The Constitution has fallen upon hard times. It comes and goes on Capitol Hill like some impecunious uncle-by-marriage, a visitor who has to be tolerated but not really welcomed. The Constitution is mostly in the way.

Not to Sam Ervin. He speaks of the Constitution in the same loving accents by which a man speaks of his wife, his mother, his child or, for that matter his Redeemer. We had an old scholar once at Virginia who felt the same way about Shakespeare. It is a feeling kindled out of the affection that is deeper than love—and out of a sense of the marvelous, also. Always something new! Some perfection never grasped before!

Yet not perfection. Like mother, wife and child, the Constitution has its failings. The procedures for electing a President are sorely in need of repair. The grand ambiguities of the general welfare clause provide endless trouble. There are other broken parts and patches of rust. And it is the peculiar role of Senator Sam to put things right.

Thus, he was tinkering around two weeks ago with Article V. This is the section of the Constitution that deals with amendment of the Constitution. If you care about these matters, you will know the familiar process: A resolution is introduced in Congress proposing some amendment of our basic law; if the resolution wins approval by two-thirds of both House and Senate, it goes out to the states for ratification; and if three-fourths of the states ratify, the amendment becomes part of the Constitution.

That is the familiar process. Every amendment has been adopted in this fashion. But it is one of the marvelous aspects of the Constitution, reflecting the framers' intuitive distrust of the Congress, that Article V offers an alternative route to amendment. This route never has been taken all the way. It provides that, upon the application of the legislatures of two-thirds of the states, the Congress "shall call a convention for proposing amendments."

A constitutional convention? We haven't had one since 1787. But off and on through the years, states have talked of using the bypass route. By Ervin's count, at least 304 such "applications" have been received, dealing with 251 proposals for amendment. Over the past 20 years, in a latter-day revival of Calhounian gospel, such applications have become more numerous. Between 1957 and 1969, 33 states—just one short of the magic two-thirds—asked for a convention to propose an amendment on reapportionment.

Suppose a 34th application had been received? Article V is not self-executing: It says that "Congress shall call." Call how? Call whom? Senator Sam found the uncertainties a delightful problem. Four years ago he set upon repairs. On Oct 19, his bill passed. When the House concurs, we will have created standby machinery for a contingency that may never arise. The bill defines state applications, provides for a convention, prevents a runaway body and carefully safeguards the process as a whole. It is a nice piece of probably useless work; and Mr. Madison, one imagines, would be pleased.

[From the Pasco (Wash.) Tri-City Herald, Nov. 2, 1971]

CONVENTION SAFEGUARDS

There hasn't been a constitutional convention in this country since 1787. But in 1969 the late Sen. Everett Dirksen, R-Ill., raised fears one might be called.

He came within one petition of forcing a convention under a procedure provided in the Constitution itself, but never taken in the 184-year history of the document.

Dirksen sought the convention on reapportionment to overturn the Supreme Court's one-man, one-vote ruling. His success in persuading 33 state legislatures, only one short of the two-thirds required, aroused fears that such an assembly, once convened, could, if it pleased, rewrite the Constitution.

The Constitution says that two-thirds of the state legislatures must approve a convention and three-fourths of the legislatures must ratify any changes. But it doesn't place any limitations on the convention, once it is assembled, even if it decided, as Sen. Sam Ervin, D-N.C., has pointed out to scrap the Bill of Rights and seriously alter our form of government.

The Senate a week ago acted to clear up some of the confusion by establishing firm guidelines for convention procedure. The bill written by Senator Ervin would require that two-thirds of the convention delegates must approve any changes and that they may only consider an amendment or amendments included in the concurrent congressional resolution calling the assembly.

Congress would direct the time and place for the convention and would limit it to a year. Each state would be entitled to the number of delegates equalling its combined representation in the Senate and House. Delegates would be elected or appointed by the governor.

The Ervin bill was passed by the Senate, 84-0. But there is opposition in the House. From Rep. Emanuel Celler, D-N.Y., for one. The chairman of the judiciary committee argues that precise guidelines might encourage states to seek redress of grievances through a convention.

Those who agree with Celler, including some constitutional lawyers, say the present state of uncertainty is a major deterrent to state legislatures.

This uncertainty didn't, however, stop Senator Dirksen from trying. Nor is it likely to stop anyone else so politically skillful and determined as Dirksen. Further, there is no justification for blocking a convention demanded by two-thirds of the states. It would be downright undemocratic to do so.

The Ervin bill proposes sensible safeguards against a runaway convention during a period of unusual political passion.

DAIRY IMPORTS CALL FOR PRESIDENTIAL ACTION

Mr. McINTYRE. Mr. President, our Nation's leaders have got to come to grips with the threat of dairy imports.

Now I am basically a free trader. I believe in the concept of free trade. But I also believe that free trade must be based on fair competition, and I can not see where dairy product competition from abroad is any more fair than competition from imported shoes that sell for less, because those shoes are produced by cheap labor.

Foreign imports are hurting the shoe manufacturers of New Hampshire and all of New England, forcing them into cutbacks, driving some of them out of business.

Dairy imports are hurting our dairy farmers in the same way. Each pound of imports displaces a market for each pound of domestically produced dairy products.

Last year it is estimated that additional purchases of surplus commodities—made necessary because of imports—topped $100 million.

In effect, this means that we are subsidizing foreign imports. This is not free trade, because is is not fair competition.

On August 15, the President announced a new foreign trade policy when he imposed a special additional duty on imports. This new policy will help many branches of American industry and agriculture which were facing unfair foreign competition for as long as the temporary additional duty lasts.

But one important sector of our economy—the American dairy industry—will not be getting much help. The administration acted to exempt most dairy imports—milk, cream, butter, cheese, ice cream, and many other dairy products—from the additional duty.

So relative to the rest of the economy which is under pressure from foreign imports, the dairy industry is in even worse competition shape now than it was before the announcement of the new economic program.

So what do we do? We can rely on existing laws and demand that they be administered as effectively as possible.

And we can let the President of the United States know what executive actions are need to promote the best interests of your industry.

The Tariff Commission has completed its investigation of dairy imports and the report is before the President.

One of those recommendations strongly deserves favorable consideration by the President, and that is the recommendation to eliminate the arbitrary price break which allows cheese based on over 47 cents a pound to be imported outside quotas.

Somehow the President must be convinced of the urgency and the legitimacy of this recommendation. Imports continue to rise every day.

As is so often the case, the need here is for balance and perspective. No one is asking the President to scuttle free trade. All the dairy industry is asking is free trade based upon fair competition.

AUDIE L. MURPHY MEMORIAL VETERANS HOSPITAL

Mr. BENTSEN. Mr. President, last Saturday, December 3, the Senate passed by a voice vote H.R. 11220, a bill to designate the veterans hospital presently under construction in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans Hospital, and to direct the Administrator of the Veterans' Administration to authorize the erection of an appropriate memorial to Audie Murphy if he deems suitable. I am pleased to note that this legislation, similar to my bill, S. 2694, received the support of this body.

This legislation is a tribute to the heroism and patriotism of Audie L. Murphy who risked his life in distinguished service to his country during World War II. The Audie L. Murphy Memorial Veterans Hospital will be a living tribute to the spirit of this young Texan whose name is synonymous with bravery and love of country. This hospital, which will provide greatly needed medical services to thousands of veterans in the future, will evoke the spirit of these courageous defenders of our Nation's freedoms as well as the love of country which underlay the bravery of the late Audie L. Murphy.

ROBERT ROOSA ON AMERICA'S ROLE IN THE WORLD ECONOMY

Mr. RIBICOFF. Mr. President, few men have the depth of understanding the complex international economic issues facing the United States and the world, as does Robert Roosa, a former Under Secretary of the Treasury for Monetary Affairs. Mr. Roosa appeared recently before the Subcommittee on International Trade of the Committee on Finance to discuss the international aspects of the President's new economic program. In addition to his brilliant exposition of the issues during his testimony, Mr. Roosa agreed to submit in writing answers to a number of important questions of the members. I ask unanimous consent that Mr. Roosa's statement and written responses be printed in the RECORD at the end of my remarks.

It now appears that a solution to the short-term problem of establishing new currency parities is in the offing. However, longer term reforms in the international monetary system are required.

Of primary importance in this regard is Mr. Roosa's commentary on the role of gold in the future of the international monetary system. Not only does he persuasively argue for a reduction and, over time, an elimination of gold from the international monetary system, but he also discusses a way of arriving at that happy end.

Mr. President, I recommend careful reading of Mr. Roosa's views to Senators who are intrigued by the mysterious world of international money.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ANSWERS TO QUESTIONS OF THE SENATE FINANCE COMMITTEE

1. One witness at a prior hearing suggested the establishment of a mutual security fund to which all NATO countries and Japan would contribute in accordance with their ability to pay. Do you think this idea would sell to our allies?

Why shouldn't countries who have balance of payments surpluses set aside part of those surpluses in a mutual security fund for payment of NATO expenses?

The proposed "Mutual Security Fund" is the latest of a familiar line of proposals, all having a common objective: that within alliances members should not lose foreign exchange as a result of their contribution to the alliance's needs. I support that principle and, of course, we have had various declarations in support of it from our Western European and Japanese allies.

Before discussing the difficulty in securing workable arrangements at the operating level that would accomplish this unexceptionable principle, I should like to call attention to what the principle does *not* mean.

Foremost, it does *not* mean that *governments* are to be compensated for the *budgetary* costs of common defense. To the contrary, it means only that, in the case of the United States, defense dollars that are spent abroad for purposes of alliance undertakings shall be reimbursed out of a common fund, to which the U.S. and all of its allies have contributed.

Another point of clarification is that the foreign exchange costs of American overseas defense activities are far less than the actual budgetary costs of honoring and maintaining these foreign defense commitments. This is because many of the costs of meeting, say, our commitment to defend Western Europe, are in the form of Pentagon expenditures in the United States for equipment, weapons; supplies and staff salaries. These do not lead to the accumulation of dollars abroad and do not affect our balance of payments, even though the outlays represent a use of our real resources.

As reasonable as the principle is, there are many reasons why it has been difficult—at one time or another—to implement it explicitly, and why it has been practicable only in partial and indirect ways.

Most important, for most of the postwar period dollars have been an attractive and useful reserve asset. The U.S. deficits on the defense accounts helped to financed a needed growth in world-liquidity and commerce, and helped many nations to achieve balance of payments equilibrium. Certainly the existence of these dollar balances has, by their availability, resulted in some boost in U.S. exports and has also enabled private foreign interests to invest in the United States.

Of course, not all of the dollars were used in that way. Often they were deposited in the Eurodollar market where they earned a very satisfactory return and were used to finance other trade and investment flows. While obviously beneficial to our allies, some of the derivative results have certainly been consistent with our own national interests, as, indeed, have been, I trust, the defense of our major allies which occassioned the "loss" of dollars in the first place. There is, therefore, the risk of "protesting too much" in this matter.

Political resistance to U.S. "burden-shar-

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ing" proposals has many elements. In foreign eyes, it sometimes appears that we are asking other people to support more military activity than may be considered necessary. Apart from that, many would argue that only the net balance of payments effect, rather than total dollar outlays abroad, should be considered—that is, they make allowance for the fact that many defense dollars are returned to the U.S. through purchases. That measure of "burden" is extremely difficult to define. Even more difficulty comes, however, in reaching agreement on the relative "ability to pay" of various countries. Is it national product? or net balance of payments position? or state of reserves?

For all these reasons, it will not ever be easy to "sell" anything so conceptually difficult and politically visible as a mutual security fund. We should certainly press our allies, however, to achieve the principle of "shared-foreign exchange costs" in other ways, and we should also continue to be on the alert for new ways to reduce these overseas expenses directly.

2. The French Finance Minister appears to be quite eager to make gold the center of the international monetary system. Perhaps the French experience with inflation has given them a deep suspicion of paper currency. If the French persist in thier view of keeping gold in the center of the system, do you feel there is much prospect for resolving critical currency and IMF reform issues that divide us today?

In his speech to the IMF and subsequently, Finance Minister Giscard d'Estaing and for that matter President Georges Pompidou have seemed to me to recognize that gold can no longer serve as the "center" of the world monetary system, and that the SDR or some other internationally-managed reserve asset must in time replace the dollar and gold as primary reserve assets. As I understand the French positions, there are other ways in which they may tend to make a settlement more difficult. First, while they seem to agree with the long-range goal, the French are said to be determined that the United States should first raise the price of gold (although not necessarily restore convertibility) as its "contribution" to a new set of exchange rates. As I will explain below in my answer to question four, I would prefer that any change of the gold price be accomplished in an indirect way, through a change in the dollar-SDR parity that will upgrade the reliance on the SDR as the basis of a new monetary order. A change in the dollar-gold parity would risk taking the steam out of the reform movement. For that reason, any change would have to be accompanied by an iron-clad agreement to go forward with the basic reform as well. The logic of the French position—and it is shared by many others, of course—is that any realignment of parities against the dollar that did not include at the same time a change in the dollar's parity with gold, would have several undesirable consequences for the countries that had revalued:

(a) Gold holdings would be worth "less" in terms of the national currency (e.g. worth fewer francs, d-mark, etc.). In countries where private gold hoarding has been substantial and widespread, such a development would of course be politically unpopular and, contrary to even the minimum expectation (that gold would not *lose* value under *any* circumstances), private hoarders would find that their gold was worth less in local purchasing power. It is perhaps too easy for Americans—who, outside the Confederacy, have never endured the catastrophic consequences of a complete debasement of paper currency—to conjure up the vision of harm being done only to a small circle of "Latin American Playboys", "gold speculators" and "gnomes of Zurich", whose losses can be safely ignored. In fact, the political consequences are far more widespread since many families of quite normal circumstances abroad purchase and save gold as a kind of insurance policy against the sort of destitution and economic chaos most European adults can remember in their lifetimes. If the U.S. Treasury were one day to announce that Savings Bonds were to be redeemed henceforth at only 95% of par, one can well imagine the outrage and political pressures that would develop here, even though, of course, the economics are quite different. Obviously, if U.S. citizens found that their dollars were "worth" less in gold, even though gold is unobtainable, foreign politicians could more easily allay political pressures in their constituencies by pointing to a U.S. "contribution" or "sacrifice" in the overall settlement, and private European gold-hoarders would at least realize some appreciation of gold in terms of dollars to offset in part the depreciation of gold vis-a-vis their own currencies when they revalued.

(b) A second objection, similar in logic to the first, (although almost certainly less important politically), is that failure to change the dollar price of gold will result in a loss of purchasing power for the gold held in national reserves, and, therefore, a "reduction in international liquidity." Since those offering this view are most often surplus countries the liquidity argument lacks persuasive conviction. More serious, perhaps, is the fact that the few countries whose national currencies are revalued against the dollar will show a "book loss" on their dollar and gold reserves—the books being expressed in the national currencies. Of course if the dollar were devalued against gold first, (and if the amount of revaluation against gold required of them were consequently reduced) then the magnitude of these book losses would be less in proportion to the gold held in the national reserves. In effect, the dollars they held would be "worth" more in gold, thus partially offsetting the book loss on any gold they held. A reasonable counter-argument is that these effects have virtually no economic impact, and that these same central banks, using dollar reserves, had been expanding their liquidity through Eurodollar deposits for many years.

(c) A third objection is more technical in nature and concerns the role of gold in central banks' reserves and transactions. There is a body of opinion that dollars should be promptly replaced in reserves and that gold should remain at least the primary numeraire in the international monetary system, and, through direct convertibility by the IMF, gold should be the "backing" for SDRs as that new reserve begins to play the greater role in world reserves. Some, but not all, of these advocates also urge the U.S. to return to dollar/gold convertibility. The difficulty with these approaches, so "reasonable" on the surface, is that they remove an important incentive for world monetary leaders to reach agreement on the thorough-going reforms that are needed for the long term health of the international monetary system.

As members of the committee know from the last ten years of hearings, any system that relies on a gold-backed U.S. dollar will almost inevitably reproduce the pressures on U.S. reserves that we have undergone over these years, with an unacceptable magnification of any valid "balance of payments disciplines" when translated into U.S. domestic policies; the same difficulties in adjusting the dollar's exchange rate against other leading currencies whenever warranted; the same mushrooming in official liabilities to foreigners—with the concomitant uncertainties, and all the other burdens that we wish to move away from.

The question then becomes whether the SDR should be "backed by gold", presumably by an IMF willing to exchange gold for SDRs on demand from central banks who regard their SDR holdings as excessive for one reason or another. There is of course a considerable body of opinion that holds that a guaranteed gold convertibility feature for SDRs will be necessary if SDRs are to ever enjoy sufficient "confidence" to replace the dollar as a primary reserve asset. Such an undertaking by the IMF, they note, would free the United States from any necessity in the future of selling gold to foreign dollar holders or to the IMF. The dollar, like any other currency, would be free to find new levels by adjusting through market-determined parity changes against the gold-backed SDR. Isn't that the heart of the U.S. demand?

The answer should be "no". In the first place gold-backing for SDRs is not necessarily required for SDRs to achieve confidence. To the contrary. An SDR that is not "backed by gold" cannot, by definition, be "devalued." It can only lose purchasing power in terms of the currencies of countries that revalue against SDRs. But apart from the historically anomalous revaluations of the yen and d-mark—reflecting the recovery of two major economies after the devastations of a World War—revaluations have been the exception and devaluations the rule because the normal pattern in inflationary periods is for national currencies to depreciate in purchasing power. Under a regime of SDRs this normal, if lamentable, depreciation will not be a threat to SDRs because when each country depreciates, it will have to agree to pay "more" of its currency for SDRs. If, say, the Mexican peso or Israeli pound depreciates, SDR holders will automatically be able to acquire enough additional pesos or pounds to offset the depreciation.

Instances of appreciation of national currencies against SDRs in any event are likely to be relatively less frequent following the present rather extraordinary upward adjustments in exchange rates between the United States and a few other key currencies. Under these circumstances, SDRs should enjoy more confidence than the dollar has in recent years, because, unlike the dollar, SDRs will be measured by definition, in the average relative value of all national currencies.* On the other hand, the dollar standard, because the dollar is itself a national currency, proved practically incapable of adjustments to reflect any diminution in its own purchasing power (or the enhanced purchasing power of other currencies relative to it.) Even more paradoxical, as demand for adequate reserves grew, the U.S. was virtually required to run rather permanent deficits in its payments in order to provide these needed reserves. As the volume of reserves increased, the dollar became all the more questionable and uncertain as a reliable standard of value.

*To illustrate, assume that in 1972 the W. German Deutschemark is given an official parity of 3.3DM=1 SDR, and that the U.S. dollar's official parity is set at $1.00=1 SDR. If the central bank of Faroffistan accumulates reserves of 3.3DM (or $1.00) in 1972, and elects to exchange its 3.3DM or its dollar for an SDR, then Faroffistan has added one SDR to its official reserves, consistent with Faroffistan's policy of holding monetary reserves in SDRs rather than foreign currencies. But then suppose that by 1997—25 years later—the official parity of the DM declines to 5 DM=1 SDR and that the U.S. dollar's official parity declines to $2.00=1 SDR. Both national currencies would have depreciated against SDRs, but the central bank would be protected because it held SDRs. For had the bank maintained a dollar in its reserves, that dollar in 1997 would be worth only 2.5DM (i.e. 5/2) while its SDR is worth 5 DM. Had the bank held 3.3DM over the 25 years, the 3.3 DM would be worth only .66⅔ of an SDR (i.e. 3.3/5). With an SDR equal to $2, the original holding of DM would now be exchangeable into only $1.32 in U.S. currency. The worth of the SDR would, in effect, be an average (weighted) of the DM, the dollar, and all other currencies, and would rise in relative terms whenever these or any other currencies depreciated.

This illustrates a fundamental point that monetary reformers have been trying to make for a long time. It is what is "in front" of a currency that makes it valuable, not what stands "behind" it. And when there is a large increase in the supply of a currency, the chances are that each unit of that currency will buy less. The value of a dollar or deutschmark, or yen, in economic terms, is the goods and services that can be purchased with it, not some alchemy between the currency and gold. The idea that gold "unlike the dollar" does represent a "constant" value over time is simply not supported by the evidence. In fact, a central bank that elected to hold gold at almost any time during the last 25 years, and held it until now, would be worse off, measured in terms of the present value of the holding, than if it had held an interest-bearing deposit in the national currency of about any leading country. Wide fluctuations in the price for gold in the free market that has existed since the two-tier system went into effect in March 1968 dispel the notion that there is anything "constant" about gold's value. "Apolloinaire"—as the French once called it—has undergone price fluctuations just as any other commodity—copper, aluminum, or diamonds. Instead, the dealer's greatest preoccupation seems to be that central banks—who were once the "market makers" for the material and could be relied upon to maintain a floor price that protected speculators—will cease to purchase gold and that some may in a relatively short time become net sellers, driving the price of Apolloinaire down to new lows.

The point is simply this: very little in the history of the quest for a rational monetary order is gained by establishing SDRs as a "gold-backed" reserve, or by thinking of SDRs as "paper gold." The value of SDRs will be determined by the currencies into which they can be exchanged, and that will be partly the result of the number of SDRs credited and partly of the parities set by the various countries in terms of SDRs. And the value of SDRs will be sustained so long as nations pledge their full faith and credit to exchange, on demand, their own currencies and other currencies for SDRs and to exchange SDRs for debit balancies in their accounts, in settlement of international reserve transactions, under the Articles of the IMF. Even if the IMF is not required to exchange gold for SDRs (and it should not be required to do so), the whole notion of a gold-parity for SDRs perpetuates a wrongheaded idea—long discarded in domestic monetary affairs—that what makes a currency valuable is the content of gold behind it. Nonetheless, so long as the SDR is defined as 88 grams of gold, that can serve as a useful transitional crutch until everyone has learned from experience that the SDR can walk alone.

Having presented the case against perpetrating the mythology of gold, I should be willing to see a small 5–7% devaluation of the dollar against gold if there were no other way to arrive at an interim agreement on exchange rates before the end of the year. So long as the United States does not undertake to reopen the gold-window, there is no real economic objection to such a change if it helps, under present conditions in a restoration of the confidence needed for international economic activity and finance.

The central French concern has seemed to be that the more than 30% advantage they have acquired against the Deutsche Mark (as a result of past devaluation and the two D-Mark revaluations) not be offset by a revaluation of the franc against gold, which the French feel they could not defend politically or in the foreign exchange markets. By leaving the franc unchanged against gold, and while we devalue the dollar in nominal gold content, the argument goes, the D-Mark could be further appreciated against the dollar while remaining at about its present relation to the franc. This it is argued, would ameliorate intra-EEC strains in trade and agriculture and remove the single greatest obstacle to an overall agreement of the Group of Ten.

Of course the effect on exchange rates vis-a-vis the dollar—the only important *economic* factor at stake—would be identical to the outcome we ourselves seek. Although we should persist in our insistance on eliminating gold from the underpinnings of a reformed international monetary system based on SDRs, it may be that the risks of letting the present uncertainties go unresolved outweigh the advantages to be gained for the time being by insisting on a complete dethronement of gold. So long as convertibility is understood to be out of the question, and there is a firm commitment to reach prompt agreement on the shift over to a full scale SDR system, the U.S. can afford to make a minor concession on the gold price now.

It would have been better in devaluing the dollar to devalue against SDR instead of gold, thereby enhancing the prestige of SDRs. Unfortunately this latter step would require the concurrence and actions of some eighty or more national governments and legislatures to bring about the needed changes in the IMF Articles. By devaluing simultaneously against both *numeraires* (gold and SDRs), the United States will still strengthen SDRs—although, unfortunately, perpetuating the "paper gold" mythology.

Parenthetically, it will be interesting to see whether a willingness on our part to devalue the dollar will in fact provide the needed linchpin. As I noted, the French are anxious to maintain the advantage they have appropriated for themselves (not only against the D-Mark, but also against virtually all the other European currencies) by refusing to float the franc. In the face of what they see as a burgeoning "worldwide recession", it may turn out that they will be unwilling under any circumstances to compromise on European cross-rates. In this respect the proposed Pompidou-Brandt discussions may hold the key.

3. Pierre-Paul Schweitzer, Managing Director of the International Monetary Fund has made several suggestions to get the U. S., the EEC and the Japanese to the negotiating table. It would appear that the first order of priority is the realignment of currencies. Do you have any comments on Mr. Schweitzer's plan to bring the major trading partners together?

It should be clear by now, if it was not clear in late August or at the IMF meetings in September, that the present extraordinary situation is fraught with so many important economic and political consequences for the major trading nations that an interim solution or agreement would require intense bargaining among the political leaders of the Group of Ten and OECD. Mr. Schweitzer was able to play a timely and decisive role in calling for discussions, suggesting the outlines of a broad settlement and, since that time, in maintaining communications links and transactions networks among the IMF membership that have helped to prevent the chaos and confusion that might otherwise have ensued. He and the Fund staff have also wisely and helpfully attempted to represent the concerns and interests of countries outside the Group of Ten to the principals in the EEC, G–10 and OECD discussions.

But the Fund cannot reasonably be expected to be capable of organizing a settlement on its own strength when a sizeable adjustment of the major national exchange rates (and associated levels of employment, income and business viability) is required. It ceases to be a matter of narrow monetary expertise and much more a matter of balancing off many different facets of national interest through complex multilateral and bilateral negotiations among principals at the highest political levels. Mr. Schweitzer cannot say, for instance, what Japan's contribution to the Asian Development Bank should be, what military purchases she should make from the United States *in lieu* of greater exchange rate changes, or to what extent and when the United States' own complex economic and political interests in Europe, Asia, Latin America, Canada, or the Middle East are endangered or furthered by this or that concession in the monetary, alliance, or trade discussions. For better or ill, that is what we elect our political leaders to do for us, and they must deal with each other directly. This cannot be done by an International Monetary Fund staff, no matter how competent or informed, although, as I suggested, the Fund does have a very important role. And as the political agreements take shape through compromise and negotiations, the Fund most definitely has a role to play in the more technical discussions as to what the new monetary system should be and how it shall be constituted and governed. The aim must be to design a new system that will relieve the necessity for international monetary matters ever again to require such drastic political surgery outside the Fund's own process or in spite of its Articles.

While I believe we should be grateful that the Group of Ten was in existence when it was needed, I also hope, at the same time, that the outline of the new system will be such as to accommodate normally and flexibly the kinds of pressures that in recent years have shaken Members' confidence in the Fund, with first the Sterling devaluation, the franc and Deutsche Mark speculations, the gold speculations of a few years ago, and most recently and decisively, the Dollar Crisis. I foresee the day, perhaps within two years, when the IMF will enjoy a greatly re-enhanced prestige and role, unencumbered by a system that has been getting increasingly out of step with the times, and that in the end was becoming so unworkable that the Fund itself had become a major proponent of fundamental change. Given a reformed system (founded on a political consensus) to enforce—one that is closely aligned with the modern world of gigantic capital flows, multinational enterprises, a Euromarket for money and capital, dynamic economies, and interdependence in all things—the IMF will play a central and leading role.

4. What do you think could replace gold as the center of the international monetary system to which all currencies have been pegged? Do you think it will be the special drawing rights, a combination of reserve currencies, or a system of flexible exchange rates?

I believe gold will be replaced by the SDR or another internationally-created and managed reserve asset under the IMF. SDRs will first replace gold as the numeraire for exchange rate parities to be set. Then they will begin to replace dollars as the primary reserve asset held by central banks and used to settle official accounts. Lastly the SDR, possibly in a decade or so, will largely replace gold as a reserve asset and gold will for all practicable purposes become another commodity. Although the SDR may initially be defined in terms of gold, I do not anticipate that it will be convertible and we may live to see the day that gold is devalued (against SDRs). However, individual countries will for some time elect to hold and trade gold among themselves. So long as they do not trade at below the parity price, the Articles should permit this.*

*That is, so long as they do not exchange more SDRs for gold than the SDR price of gold under the IMF.

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We should have an agreement that enables all currencies, the dollar included, to be traded 2½% above or below their parities against SDRs. The possibility of such fluctuation should reduce the likelihood of disruptions caused by massive short-term capital flows since central banks will no longer "guarantee" convertibility at virtually the same rate an arbitragener paid for a currency when investing in its local market. (If margins are ±2½ for example, an investor's risk could be as great as 10%.) This also means that central banks will much less frequently be forced by speculation (and/or speculation-induced "leads and lags") to accumulate or sell gigantic quantities of international reserves to defend their parities from upward or downward pressures in the marketplace. That will be particularly the case if there is also a readiness to change parities by relatively small amounts when a currency remains at or close to its upper or lower limit for an extended period.

We should, consequently, look for a revision of the IMF Articles to permit small and more frequent adjustments of parities to reflect "natural" recognition of changes in the real purchasing power of national currencies and the relative strength of national economies and to reflect these changes close to the time when they actually occur. Such a new framework for exchange rate fluctuation and changes should greatly reduce the pressure experienced in the past for imposing restrictive fiscal and monetary policies as a means of bringing about the economic adjustments needed to remove deficits. These arrangements should also help to take the question of "devaluation" out of the context of moral and political opprobrium that built up under the old rules of the game.

TESTIMONY PREPARED FOR SUBMISSION TO THE SENATE FINANCE COMMITTEE ON SEPTEMBER 14, 1971 BY ROBERT V. ROOSA, PARTNER BROWN BROS. HARRIMAN & Co.

Mr. Chairman: I am very happy to be with you today. Since I was advised only late last week of this opportunity to testify, I regret that I cannot offer a full exposition of my views at this time. I am looking forward to the opportunity of discussing today all aspects of the President's new economic policies with which members of the Committee are concerned.

The President's new economic policies have an overriding importance for the future of the international monetary system, and for relations among the advanced nations. Although the pressures for changing the Bretton Woods system have been mounting for many years, the President's actions in imposing the 10 per cent import surcharge, suspending the gold-convertibility of the dollar and in proposing a buy-American investment credit, have created a situation of international tension requiring prompt, sensitive, and creative plans and negotiations that will result in substantial changes in the international monetary system. The outcome of these negotiations will be of great and enduring importance for the American people.

In lieu of further initial comments, I should like to submit the text of my *Open Letter to the Group of Ten and the IMF* which was published in *The New York Times* last Sunday, September 12, 1971:

By cutting the dollar loose from gold convertibility in mid-August of 1971, the President has moved forward by at least a decade the timetable which many members of the International Monetary Fund had implicitly been following toward this fundamental change in the structure of the international monetary system. To be sure, no one was ready at this time, in spirit or in planning, for the mutation to which all knew they must eventually adjust. Yet now that the golden cord has been cut, the International Monetary Fund and all its members have a fortuitous opportunity to move with deliberate speed toward a new form of the Bretton Woods system—a form which hopefully may be as well attuned to the changing world economy over the remainder of the twentieth century as the original Bretton Woods design was for the quarter century that followed World War II.

A certain amount of tidying up of presently existing arrangements will have to occur first, in order to provide a reasonably calm environment for the deliberation and negotiation that must precede agreement on a major new design. An early upward adjustment of the exchange rate parities of a handful of currencies against the dollar should be speedily agreed upon. Provided the changes are sufficient to assure the credibility of the resulting structure of exchange rates, there is undoubtedly room for considerable differences as to the precise magnitudes to be chosen. And so long as a new flexibility can be expected to emerge as part of the new design, there need be no prolonged quibbling nor international deadlocks over the details of a few percentage points in the specific parities set for the end of 1971.

The agreements which should be reached promptly represent a sort of damage control operations, in order to avert further spreading and hardening of the trade restrictions, capital controls, and multiple exchange rates which have been rapidly splintering the international economic community over recent months. Moreover, so long as these restraints are proliferating, it is impossible to expect the nominal "floating" of the currencies of other leading countries to provide a sure clue to the appropriate levels of their parities. Since a severing of gold from the dollar had to come sometime, it would be most unfortunate, however, now that the step has been taken, if other countries or the IMF should expect the United States—as a sort of penance while new parities with the dollar are being set—to glue back together some pieces of the broken idol through a hastily contrived "return to gold" at some slight change in its dollar monetary price.

Once the immediate pressures toward economic isolationism can be checked, by reestablishing the customary modalities for making payments across the exchanges, the way will be open for further constructive consultations. The members of the International Monetary Fund, spurred by initiatives of the industrialized countries in the "Group of Ten," have already demonstrated their capability for creative innovation, during the four years of preparation that preceded the historic agreement in 1967 to establish Special Drawing Rights (SDR's) as a manmade substitute for gold reserves in the IMF. It is around these SDR's, serving as a nucleus of reserves, that the world can now begin to develop a kind of monetary system that will be capable of maintaining stability—instead of permitting recurrent disruptions and distortions that inhibit international competition—in the payments flows among nations over the years ahead.

Just as the final collapse of the convertible gold-dollar version of Betton Woods was precipitated by a sudden and rapid deterioration in the international economic position of the United States, so also the first steps in preparing the stage for a new Bretton Woods system are quite properly being initiated by our Government. By acting to halt the corrosive inflation, to stimulate greater productivity, and to enlarge employment and incomes, the Administration is positioning the United States to restore sustainable two-way flows of trade and capital between itself and the rest of the world. The immediate stage setting on the part of the United States also rightly includes fresh effort to cut the dollar costs of supporting military and economic assistance programs abroad, and to attack the many non-tariff barriers to the freer expansion of trade and capital movements.

One lesson that has become clear, over the four weeks following August 15, however, is that the dimensions of any of these economic and financial efforts which impinge on other countries are so large, and so intertwined with a myriad of powerful political and social considerations in these other countries—large or small, developed or developing—that no sweeping or swift agreements are likely to be found. The Administration is surely right to attack the immediate problems confronting the United States all at once, with fresh exhilaration and determination; it is equally right to urge other countries, particularly those with large balance of payments surpluses, to initiate proposals as a basis for joint consideration and action; but it would just as surely be wrong to expect any large proportion of the imbalances among nations to be settled in a single massive negotiation. No country wants piecemeal correctives, with the risks they bring of new crises created by the disparities that still remain; but the needed total result may have to be reached through several separate, though parallel and interrelated, agreements or undertakings. In the necessary arraying of priorities, the time has come for a heightened concentration of attention on the longer range objectives to be sought in the redesign of the international monetary system.

Pleading only the special privilege of one who, in Dean Acheson's lofty phrase, was "present at the creation," I would like to put into the cauldron of discussion among the "Group of Ten," and hopefully the other members of the IMF as well, a seven-point program for adapting the Bretton Woods design to the flexibility that the world's monetary system now needs.

(1) The SDR's should be the principal reserve asset for use by central banks in making direct settlements among themselves. The dollar, and other currencies, should be held by central banks primarily as transactions balances, for use in intervening in the public markets for foreign exchange.

(2) Because most countries are not yet ready to demonetize gold completely, SDR's should be defined as a specified weight of gold in order to continue a role for gold within the Bretton Woods system. No central bank should be required to include gold within its reserves and no reserve settlement obligations should include a required gold component. All IMF requirements presently in terms of gold should be made interchangeable with SDR's. Any central bank should be at liberty to sell or buy gold, to or from anyone, provided the price does not exceed the equivalent of the established gold content of the SDR.

(3) The gold content of the SDR might be changed only through the same voting procedures as apply to a change in the Articles of the IMF itself.

(4) Each member country declaring an established parity for its currency to the IMF should define that parity in terms of SDR's.

(5) The acceptable normal range of variation in the market rate for any currency with an established parity, as defined in the Articles, should be widened from the present 1 per cent above or below the old dollar parity to 2½ per cent above or below the new SDR parity.

(6) Under conditions determined by the Executive Directors of the IMF, market rates should be permitted to fluctuate outside the 2½ per cent band for transitional periods of up to one year, by which time a new parity must be established.

(7) The scope provided in the original Articles for modest changes in parities without detailed IMF scrutiny or opprobrium has long since been fully used by most members. That original intention should be renewed by a change in the Articles to encourage more frequent and smaller adjustments of parities, subject to general provisions established from time to time by the Executive Directors.

This combination of suggestions preserves the essence of the Bretton Woods system: the IMF at the center as the ultimate source of needed reserves, and with related powers to exert some discipline upon individual countries whose actions seriously impair the well-being of the members as a whole; established parities for convertible currencies; and a numeraire for the setting of those parities. The major changes would be the increased reliance on the SDR (with the use of gold in reserves remaining a matter for the independent choice of each country), the elimination of gold convertibility requirements for the United States and the IMF, and the introduction of orderly arrangements for flexible adjustment of exchange rates and parities.

The deeper processes of change in the world economy certainly point toward the need for analysis well beyond the scope of this brief comment, and probably point toward action well beyond the range of any influences to be expected from greater or lesser flexibility in exchange rates alone. It is the rapid evolution of such forces which do in my mind, however, urgently emphasize the need for resuming the kind of intensive probing and appraisal that began in 1963, when the Deputies of the Group of Ten first began exploring the foundations of the system on which the SDR's have since been built.

AMERICA'S PLACE IN THE WORLD ECONOMY

(By Robert V. Roosa)

At no time since the end of World War II has this country's position in the world economy been more precarious, and at the same time potentially more promising, than in 1971. That paradox, which each of us sees from a slightly different angle, seems to me to account for the ambivalence in what we have been saying to each other during these three stimulating days. Most of us reject protectionism, but we applaud the President's August 15 program. Many of us seek the dismantling of what controls there are over capital flows, but we deplore this year's stupendous deficit in the American balance of payments, which is so largely the result of uncontrolled movements of short-term capital. And though I think we all hope for a major realignment of currency parities in are formed monetary system, many of us are still worried that a failure to agree on the interim steps needed now for currency stability may aggravate the tendencies toward depression that are already apparent in many parts of the world.

There is not, I am going to be so bold as to suggest, anything inconsistent about our holding all of these views at once. But one has to stand back a bit, to search out the unifying theme. To me, the theme is that the American economy is in the midst of a revolutionary change, a change as little recognized as was the industrial revolution until long after it had begun to reshape the world, and a change which may bring about new patterns in the commerce among nations as profound as those brought over the past century by the industrial revolution. Our economy is now well into the post-industrial phase in the dynamic growth pattern of advanced societies—we are experiencing what a few prescient economists have called the services revolution. That is not the popular caricature of services identified with more and more bureaucrats and automatic vending machines, although we have those too, but instead an economy in which rapidly advancing technology, sophisticated research and scientific management account for more of the marginal increments of valued output than do the additions of direct labor or invested capital in traditional manufacturing processes.

Those of us trying to form judgments on economic policy in this new environment are caught in a tangle of transition, trying to look backward and forward at the same time. And indeed we must. For just as industrialization and urbanization in the earlier phase of economic evolution did not displace the agrarian economy, but were built upon it, so the new services state is being erected on a base of support brought forward from the industrial and agrarian stages of development.

It is part of the transition, and I believe an inherent part, that new institutions must rise to new importance in the economic inter-relations among nations. There are new forces and new forms in the relations between this country, in the lead of the change, and other industrialized countries that are following along similar paths. There are other and different potentials in the relations between all of the more industrialized countries and the less developed countries which as yet have only tentatively, or often only in narrow sectors, entered into the phases of industrialization. That is why our economy—sufficiently industrialized to be able to afford a remarkably comprehensive system of education, and to afford the overheads involved both in massive programs of research and in developing management of all kinds into a science—has evolved a new kind of export, the export of technology and technique. That is why American firms have found it rewarding to father the multinational corporation, and why most other countries have readily made room for firms which bring in management and marketing capabilities to employ their assets and their people more efficiently. That is why our financial institutions, also multi-nationalizing, have gone abroad, not merely to help service the multinational corporations but also to introduce our own pioneering financial methods, wherever they seem to fit, and incidentally to service as well the vast extraterritorial market in Eurodollars and other Euro-currencies.

It is partly from the growing pains of these tremendous innovations—which have produced a declining surplus in this country's traditional trading relationships and a greater volatility in short term money flows—that the United States has derived this year's balance of payments deficit. By any past standard, that deficit, at least until August 15, was so staggering as to be almost incomprehensible. But in correcting our deficits over the years ahead, we have to look not only backward to past patterns but also forward to new opportunities. And that is what has been so encouraging about these meetings—the high proportion of attention given to where the United States can go from here. Before I go on to draw together the more promising strands from all that you have heard during these crowded days, and to add some embroidery of my own, I would like to sort out some of the features of our trade last year that help to underscore my emphasis on the significance of the services economy for the future nature of our trade. Then I will try to sum up, not as a catalogue, but with emphasis on what is new—(1) the potentials I see in our bilateral relationships with other countries, (2) what may be possible in our joint relationships with other countries through various international organizations, and finally, (3) what we might hope for in the design of the international monetary system. The limits of your patience and my competence should permit me to generalize rather glibly without providing too much elaboration.

THE COMPOSITION OF OUR TRADE IN 1970

The major shift occurring in the composition of our exports and imports of goods is almost a mirror image of the shift in our comparative advantage that has come with the transition to a predominantly services economy, at a time when most of the other leading countries were still moving into the later stages of industrialization. While we have a pronounced lead in communications hardware, computers, office machinery and air transport, for example, many of the other countries are now outdoing us in the more standardized, high volume, assembly-line production that used to be the American image.

It is this change, in addition to the various discriminatory trade barriers which we rightly try to remove, and along with the well-known differences in wage and tax rates, that helps to explain why, last year, the United States paid out for foreign automobiles, for example, $2.3 billion more than foreigners paid us for automobiles produced in this country. Even in food, beverages and agricultural products, we have paid out close to one-half billion dollars more in imports than we earned from our own exports in each of the past three years. Our deficit in consumer goods (excluding autos and food) last year was $4.8 billion. And our deficit in industrial supplies have averaged $2.2 billion since the mid-sixties. Steel alone accounted for $900 million of that deficit in 1970.

Yet we still had a merchandise trade surplus last year of $2.7 billion. Where did it come from? The answer is mainly from exports of capital goods in the high technology sectors, which produced a product-line surplus of over $10.5 billion last year—part of which represented sales to the oversees arms of our own multinational companies.

The key is that wherever the service inputs are large from highly trained staffs—management, research, skills—we still lead in export performance. And it is, of course, these same sectors which have been most vigorous and grown most rapidly here at home over the past decade. It is to these sectors of the home economy, and to the judicious expansion of American enterprise abroad, that we must look for much of the added strength that can restore viability in our payments balance with the world. The great need now is for the daring to use this strength in new ways, and in new directions—in our direct relations with other countries, in our reliance on international organizations, and in our contribution toward reform of the international monetary system.

NEW BILATERAL RELATIONSHIPS

The Administration has effectively launched its efforts to bring down the barriers blocking entry of our goods into the markets of many of our traditional trading partners. That is essential. But if my appraisal of the difference in the phasing of structural change among countries is valid, if others will be following us one by one into the services revolution, then the lowering of old barriers will not be enough—not for the longer run. We have to open up new routes, not only trade routes but services routes, that will enable us to earn abroad at least as much as we spend, or invest, or give away abroad. We have to take full advantage of the long lead we have, and the comparative advantage that gives us, in providing management, financial, and technical services to the world.

Some of the most promising territory for new ventures might appear offhand the most improbable—the Communist countries. They have all the ingredients in talent, raw materials, and savings that any management team could wish for, even though they also have their bureaucracies and the rigidities of centralized planning, not to mention their ideology. All the same, they respect, and increasingly seem eager to invite and to pay for, the management skills and high-technology goods that we have to offer. And if the world is to have what the President is calling for—a generation, or better yet, an era of peace—the sturdiest beginning is surely in establishing new working relationships in the kinds of activity where Russia, China, and other Communist (or as they would correct me, Socialist) countries and ourselves come nearest to speaking the same language, that is, in business transactions which benefit both sides.

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Our allies, most notably the United Kingdom, Germany, and Japan, have opened the way for us. They have so reduced their restrictions as to encourage trade in such products as computers, advanced equipment, chemicals, and even turnkey manufacturing plants. A natural advantage that American enterprises might normally enjoy has thus far been lost by default to smaller and sometimes less efficient European and Japanese firms—often recognized as such by the Communist enterprises—and which in practice often base their products and services on technology first developed in the United States.

To finance the acquisition of the products, technology, and services they want, Socialist enterprises have been turning more frequently to joint marketing arrangements, joint ventures, subcontracts, and other arrangements with western companies that increase their ability to earn foreign exchange by increasing exports to the West. Moreover, the Soviet Union, in particular, has been aggressive in opening up markets for the products of the services-sector of the Soviet economy, as can be seen in their campaign to sell the TU144 "SST" to western airlines, and the persistent Soviet efforts to open up markets for their generally sophisticated metallurgical and construction equipment.

While for many years the Socialist countries had to insist on rigid bilateral trade agreements to be assured of the means to pay for their imports, it is now apparent that they wish to move toward greater flexibility in their choice of suppliers and markets. I suspect they would be able to pay, with hard currency earned elsewhere, for many of the high technology items they want from us. And our even greater opoprtunity is for management contracts, or joint ventures, or licensing arrangements, which may directly generate enough foreign exchange to make the necessary payments to any American firms.

Alongside the opportunities in the Communist countries, the other great area of opportunity is in expanding the role of our multinational corporations in less developed countries everywhere. The shibboleth of American imperialism, with which we are still maligned, can give way to working partnership as the patterns being pioneered by many firms become recognized. Our role no longer needs to be identified so largely with the extractive industries, nor with sole ownership. Indeed the course of the future may well be that more and more of the further increase in the world's manufacturing capability will occur in countries that are now underdeveloped, with expanding local participation in all aspects of the business.

The great multinational corporations—helping to mobilize capital, train labor, organize production, develop marketing, and open up distribution channels for the LDC's in the advanced nations—can, as working arrangements with local governments evolve, help these countries to move into a stage of the industrial revolution that the United States itself is already leaving behind. And they can help bring to the LDC's much modern technology that was not available when we were in a similar phase of the development process. So long as there is a predominance of local labor, and local participation in the capital of these projects, the place of the American firm in contributing the needed management services can continue to be creative, without reviving the image of the absentee rentier that has fostered so much antagonism in the past.

There will always, of course, be risks, the kinds of risks that are increasingly recognized as insurable in the broadest sense. They require a premium from the participating company, of course, but also a residual of contingent liability on the part of the Governments involved, reflecting the common public interest in promoting (indeed propelling) development. If American companies are to substitute for, or at any rate to complement, our Government's own programs of direct grants and loans to the less developed countries, the integrity of OPIC's facilities for providing insurance against non-commercial risks should be unquestioned. Perhaps in time, the often discussed proposal for insurance under the World Bank's auspices can be realized.

There is also a particular task for our Government in its own efforts to assist the less developed countries—a task uniquely indicated by the same elements of the new "services state" that have such profound implications for business relationships with the Communist and the less developed countries. That is in making a special effort to discover and promote capabilities for providing technical services, quite independently of specific loans or grants. The Peterson Task Force on International Development recommended to the President in March 1970 the establishment of a U.S. International Development Institute for this purpose. That recommendation was good then; it is even more urgent now.

NEW RELATIONSHIPS WITH GROUPS OF COUNTRIES

Although I am stressing here only the newer aspects of America's place in the world economy, I should not leave any misunderstanding on one great element of continuity. I hope we can remain in character; I hope we can maintain the spirit and the style of openness, tolerance, and freedom that have characterized our international economic policy throughout the post World War II period. It is distressing to hear, as we have, some voices calling for a new combativeness; for retaliatory restrictions on imports; for a beggar thy neighbor version of economic isolationism. I prefer to listen, as I did last night, to the insistence of the Secretary of the Treasury that such threats must be countered.

There are at least three important ways in which we can help to do that by strengthening our reliance on negotiation as opposed to confrontation. The most obvious is in the military field itself, and the SALT talks may carry the world some distance in that direction. The challenge to our high technology is to find, through control over the weapons systems themselves, methods to assure the ultimate in deterrence.

A second is in our economic relations with the other more developed countries. No one could read the balance of payments statistics released two days ago without recognizing that movements of capital, both short term and long, have become even larger forces in affecting the balance of our external payments than the movements of goods in trade. For influencing goods flows, the world has, in the General Agreement on Tariffs and Trade (the GATT), albeit with all its weaknesses, an agreed formulation of acceptable Governmental practices and a forum for airing complaints. The spirit of the Agreement is to encourage freer trade; the practice is at least to prick a nation's conscience when it moves in the opposite direction. Is it too much to hope that something comparable could now be undertaken for capital movements—an agreement that would affirm free capital flows as an objective and would establish some consensus as to methods for coping with such flows when they overwhelm one country's accounts or threaten to impair the functioning of the international payments system? Perhaps that is the way to bring an end to those alphabetic nightmares that bother so many of you—the OFDI and VFCR.

A third avenue for greater reliance on multilateral approaches concerns the less developed countries. There, too, the way has been pointed in the Peterson Task Force report which urged that "the international lending institutions become the major channel for development assistance, and that U.S. bilateral assistance be provided largely within a framework set by international institutions."

THE INTERNATIONAL MONETARY SYSTEM

The implications I have drawn from the structural change in the American economy literally thrust it outward into increasing interdependence with the rest of the world. Such a view may seem quixotic at a moment when the most advanced form of interdependence, the international monetary system, seems to have broken down from hyperstimulation. Yet in my view it is that same interdependence which is now increasingly, as the weeks go by, impelling all of the leading countries toward agreement.

There is a slight perversity, to be sure, in the fact that the countries most directly affected have all along seemed much closer to agreement on the final features of basic reform—features which will, if only for procedural reasons, require a year or two to implement—while they remain rather further apart on the terms of the interim settlement needed to keep the machinery moving until the basic reform is in place. Nonetheless, despite the widespread apprehension over the risks of precipitating a European recession, or perhaps partly because of that apprehension, I suspect that a tolerably workable interim agreement will be achieved within the next few weeks. Because the United States has rightly moved to demonetize gold, it seems slightly ridiculous that there should be so much insistence abroad on our changing the bookkeeping price of a metal we have dethroned. By the same token, though, we clearly need not be fastidious ourselves about making a little change in the "price" if that breaks a log jam that is holding up the kinds of correction in currency parities on the part of other leading countries that can provide a basis for reaching equilibrium in our own balance of payments during the months ahead.

Looking beyond this interim phase, it is clear that the rigidities of the early form of the Bretton Woods System have outlived their usefulness. Even though most countries will always need and wish to have established parities for their currencies, in order to avoid the temptation for continuous self-serving manipulation of the exchange rate when there are no visible and well established rules of the road, there will have to be agreed scope for relatively flexible adaptation of parities. When the nations of the world community are undergoing dynamic change at differing rates, and are in differing stages of economic evolution, there will have to be relatively frequent modifications in the parity relationship among their currencies. But as I have said, a consensus on that has already largely formed.

We will want to see the dollar gradually shrink in use as a reserve asset held by official institutions. That aspect of the dollar's recent role has become too much for any one country to support or manage. It creates continuous friction among nations while depriving the United States of any possibility for effective initiative to help in the resolution of differences.

Instead, the world's need for a reserve asset which can be increased in quantity according to some generally agreed non-inflationary criteria can best be provided through the joint action of all countries. Fortunately the instrument for that has already been created. To be fully useful as a reserve asset, that instrument (Special Drawing Rights—the SDR's) will have to be more generally usable by official holders. Negotiations over such details will probably reveal some technical problems and differences that may strain the negotiators, but the broad outlines of the desired end result are, fortunately, already quite non-controversial. And it is reassuring that the real essentials of Bretton Woods will be preserved: convertibility among currencies, capacity in the currency markets to service any volume of exchanges, and cooperation among the countries.

There will have to be new rules within the International Monetary Fund, too, providing a considerably broader basis for the adjustment of parities, widening the band of permissible fluctuation around parity, and permitting an occasional "transitional float."

When all of that has been completed, the dollar will be free to adjust its parity, just as any other currency may. This time, though, the parity adjustment will be in terms of SDR's; no longer gold. The great capacities of the American financial community will then be able to concentrate unselfconsciously on the services performed in providing dollars for the financing of world trade and the investing of capital. Freed of the obligations of a reserve currency, but increasingly used as a common medium among countries, the dollar can fit into place naturally as a principal vehicle for the financial services which this country, and perhaps others, will be increasingly able to perform.

CONCLUSION

I can conclude these remarks as I began them—in an optimistic vein. The American economy is going through a difficult transition. As the first of the service oriented economies, we have much pioneering and experimenting to undergo. But there is a discernible pattern and a clearly promising outline for what can lie ahead. And there are accelerating opportunities for American leadership. If we preserve the spirit that has guided our economic policy since World War II, we may be able to establish economic relationships which can undergird peaceful progress for the remainder of the century.

L. B. J. IN FOCUS

Mr. BENTSEN. Mr. President, Mr. Jack Valenti has written an articulate and perceptive review of President Lyndon Johnson's book, "The Vantage Point."

Mr. Valenti was in a unique position to know the President, for he served as his special assistant in the White House for several years. It is, therefore, not surprising that Mr. Valenti's own vantage point would be one that would allow him to describe with some care the texture of the events that accompanied the decisionmaking processes of President Johnson.

Mr. Valenti's review speaks for itself. It is a revealing portrait of a dedicated man who gave greatly of his enormous talents and who approached his work with the highest regard for the national welfare.

I ask unanimous consent that Mr. Valenti's review be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, Oct. 31, 1971]

THE BRAVEST, WISEST FRIEND

(By Jack Valenti)

That was Roy Wilkins' comment on President Johnson, a Southerner. The "flowering irony" of the remark may serve the linchpin of Johnson's administration and is reflected in his high-adventure, personal account of that time.

The Vantage Point, by Lyndon Baines Johnson, Holt, $15.

If you are at all interested in politics, presidential decision-making, and Lyndon Johnson not necessarily in that order of preference, then you will want to read "The Vantage Point."

I remember so well a meeting when President Johnson gathered with black leaders in the Cabinet Room to rejoice in the Voting Rights Act of 1965. After the meeting with LBJ had ended, a meeting with moments of genuine passion and jubilation, Roy Wilkins spoke to me: "It's strange, isn't it, that the bravest, most compassionate, wisest friend the Negro in America has ever had is a Southern President."

The flowering irony of that remark may well serve as the linchpin of the Johnson presidency, and the events recounted in this book. It is an irony neither sardonic nor deflating, but the irony of contradictions, of savage criticism of the President after a deluge of measures in education, health, medical research, conservation, anti-poverty, human rights which have left an unerasable and beneficient mark of future generations on Americans.

And there is the irony that the liberal establishment, the very people whose banners and causes were carried to legislative completion by President Johnson, are the ones who today are his most venomous critics. A psychiatrist friend of mine with a savoring comic sense once concluded that the reasons why so many liberals fumed at Lyndon Johnson is because he made all their declarations the law of the land and they had nothing more to become impassioned about. But then politics has always been a marriage broker for the mad and the practical.

What "The Vantage Point" does is to uproot and turn again to light those high adventures of the Johnson presidency which, unhappily, have been so scarred by Vietnam that is is chic to be forgetful of what he did to try to lift the quality of American life, and how he did it.

Five of the 23 chapters deal with Vietnam. With documentation that is remorseless in its sweep, one finds himself understanding the "why" of the presidential Vietnam decisions. It is fair and legitimate to debate the right-or-wrong of the decisions, but it is hard to believe any rational man reading the President's account would have, at the time, chosen a different direction had he been the chief executive.

I sat in on the crucial meetings, for example, of July 21-27, 1965 in which the anchor decision was made to dispatch large numbers of troops to Vietnam. Throughout the discussions which went at a grinding pace for long hours each day, the President asked the hardest questions, was the cruelest skeptic and searched out with more diligence all the crannies of each military statement.

When it was all done, when all the exhausting, deadly serious talk was finished, it was plain to everyone around the table that no American President could steer any other course except the solemn one President Johnson had commanded to be taken. It must be noted, not without some further irony, that no aide in the White House nor any relevant official in the government (excepting George Ball) thought the decision was wrong, at the time it was made.

What these chapters make so clear to Americans who will read them is the decision-making torment of Vietnam, the honorable men involved, and the eye-wash incredibility of much of what has been written about what the President "thought" and why he did what he did.

For those who might relish a recriminatory rebuttal by the President in which he scalds the hide off his critics, there is disappointment in store. Indeed, the President treats his classical foes—Gene McCarthy and Sen. Fulbright—and various and * * * general mishmash of opposition with cool dispassion. The legendary Johnson self-discipline is still muscular and intact.

My regret is that there is not enough present of the Johnson humor, robust, pungent, embracing, which, in between streaks of laughter, sent forth stout reminders of presidential instructions and desires.

There is in a chapter like Bite the Bullet, the Run for the Tax Surcharge, a fascinating insight into the arcane art of getting congressmen to debate a tax hike one year before an election and to vote for the tax in an election year. A tax measure and all its companion gargoyles are as welcome in a parliamentary chamber as a fresh outbreak of bubonic plague.

While it would be difficult to mark this chapter with the suspense of a Hitchcockian flick, there is readily visible that special brand of LBJ mystique which only he could apply to sometimes refractory, sometimes fretful, sometimes puzzled congressmen who find themselves voting for measures they have never supported before.

Any man who aspires to leadership in the town council, in the statehouse, or wherever, is ordered to read this chapter for Lesson One in professional skill and poise.

"The Vantage Point" is also a look at the man, whose virtures and faults dance through a turning prism, a complex, towering, endlessly contradictory, sentimental, immensely instinctive, caring man whom former Cabinet officer John Gardner described as "one of the most intelligent men I have ever known."

No man is fit to govern large societies unless he is willing to confront the most abrasive kind of decision without looking over his shoulder at the election calendar or his political critics. In all matters of prime concern to the nation, I found President Johnson, as this book will confirm, much as Churchill regarded the early 20th Century British first minister, Arthur James Balfour—a man, said Churchill, whom nothing "could overcome his central will or rupture his sense of duty."

That comes through in the book, comes through with mounting fascination.

There is also here a curious and ofttimes misty veil of fateful mischief, the intrusion of timing and luck, baggage which a leader must carry with him and without which all great enterprises are disfigured. Lyndon Johnson was the first of four Presidents to preside over the nation when events in Vietnam collided with such vehemence that he was the only one of the four Presidents who had to confront the grisly choice of "either get in with more in Vietnam or get out now." The question could neither be ignored nor casually handled.

From the first decision to give aid to Indochina in April 1950, to the summer, 1965 decisions, the hoops of commitments bound the U.S. tighter and tighter. Every President, as the record so clearly shows, found it a fact of life to regard Southeast Asia as essential to the security of the free world. Once let Southeast Asia fall to Communist domination went the prevailing official opinion, and the unravelling of that part of the world insofar as it concerned our own security would begin.

This view was staunchly held by every American administration since 1950. The holiness of this doctrine was the loom over which stretched our decision to hold on in South Vietnam. Against the possibility of an Asian quagmire had to be measured the abandonment of a keystone policy.

How could this be explained? Of course, there was risk in going in further in Vietnam, but what of the larger and even more crippling risk of total U.S. incredibility in Asia? How do we justify all that was said and done, not by one President, but by three and, counting Johnson, four Presidents, if we suddenly shifted gears and left the South Vietnamese alone to fend for themselves?

Moreover, could an American President

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have withstood the fury of criticism beating in on him the day that Southeast Asia was indeed Communist encircled? Could President Kennedy have fled from Cuba or Berlin?

No matter if interment of democratic government in Vietnam was either good or bad; no matter, for the critics would have justly argued that we retreated when we didn't have to. What would have happened if there were thousands of Vietnamese massacred by a vengeful Ho Chi Minh (that he would be capable of this is aptly proved by the murders he committed in his own domain)?

Is it possible for an Administration in the face of this calumny, this bitter indictment, this careless neglect of a word firmly given, of a pledge solemnly offered, is it possible for such an Administration to find afterward any promise or purpose it pursues worthy of belief?

Every public man knows he cannot take refuge in what might have been. He had to stand or fall on what happened. President Kennedy's bleak assessment of the Bay of Pigs—"Success has a thousand fathers, but failure is an orphan"—is a very true accounting.

It is quite possible that the loudest of the critics today would be the very ones who would have insisted on the dismantling of the Johnson Administration for its lack of sensitivity in protecting the people of South Vietnam.

Every President makes key, vital decisions without knowing all the facts he should know to make the decision. But events, crises and danger do not wait for all the facts to fit. It is the unruly nature of the Presidency to force action before all the searchings are complete.

And so the President acts. When the daggers are at your belly, hindsight, that precious, protean luxury, is nowhere to be found. All that is available is a certain amount of humility, some instinct and judgment based on facts and duty, and finally that imprecise, farcial altering of logic and reason, that fickle, unpredictable miscreant we call Luck.

But even now we forget, we callously forget, it was President Johnson who got the peace talks going, who stopped the bombing of the North, slowed the war down, and put into motion the essential actions of Vietnamization, which were the first considered movements toward U.S. disengagement and withdrawal.

It was also LBJ's lot to be the steward of the land when for the first time in history of the Republic there took place a social insurrection whose portents were not foreseen by anybody but which exploded the social mores and political moral sense of the nation. The universities and the dark streets came alive in fire and fury and tangled the national conscience. From the conflict between the emerging generation and the aging one, and from the smoke of burning neighborhoods sprung the unweeded garden, rank and gross, whose seeds were latent God knows how long.

There is further peculiar irony in the twist of events that made President Johnson the focus of these luckless events. In all the wide-ranging reports of the various task forces, so populated by college professors, there was no hint of this new dimension of youthful disaffection for the society as they found it. Moreover, President Johnson in his zest to bring the finest brains into the government was given to an over-abundant pride in young people. He created the White House Fellows program, constructed the Presidential Scholars project from the high schools of the land and; counted among his highest achievements his triumphant fight to bring a college education to the poorest and the most disadvantaged youth in the land, black and white; exulted in the reach for excellence which he perceived to be the new goal of children and youth becoming adults.

History is a pitiless arbiter and it will judge the Johnson presidency with the same stern standards it applies to any great captain of a country in the middle of avalanching change. On one essential fact I think most thoughtful people would concur: History's judgment has not yet been fitted into place. The souring influence of the immediacy of the moment has, hesitantly, blurred the most impressive catalogue of social legislation since FDR by a President who cared, really cared in his gut and in his mind about the black, the sick, the aged, the handicapped, the unhoused and the unremembered, the powerless and the helpless. But it is there. It is the kind of legacy history remembers when contemporaries forget. It is in this book, and whoever now chooses to look deeply at the Johnson presidency must begin here if he wants to spring from the base rostrum.

A NATIONAL NETWORK OF POLLUTION-FREE ENERGY SOURCES

Mr. GRAVEL. Mr. President, a research proposal entitled "A National Network of Pollution-Free Energy Sources" was submitted in April 1971 to the National Science Foundation.

The proposal, which was prepared under the leadership of Engineering Prof. William E. Heronemus at the University of Massachusetts in Amherst, includes 15 appendices or chapters. I intend to place many of them in the RECORD as soon as possible. The appendix titles are as follows:

APPENDICES

Appendix 1.—Organization and Management of the Project.

Appendix 2.—Utilization of Ocean Thermal Gradients as a Pollution-Free Natural Energy Source.

Appendix 3.—Utilization of Ocean Current Momentum as a Pollution-Free Energy Source.

Appendix 4.—Extraction of Pollution-Free Energy from Fast Flowing Tidal Rivers.

Appendix 5.—Utilization of Deep Ocean Cold Water as a Low Pollution Heat Sink for Nuclear Fission Central Plants.

Appendix 6.—Extraction of Pollution-Free Energy from the Winds.

Appendix 7.—Collection and Transmission of Power from a Very Large Number of Relatively Small Generating Stations on Land or in the Sea.

Appendix 8.—Utilization of Belt Electrostatic Generators and Other Terminal Devices in a High Voltage Direct Current Transmission Network.

Appendix 9.—Anchor and Mooring Systems Suitable for Very High Pull Loads in Deep Water Sites.

Appendix 10.—The Generation of Hydrogen Fuel Utilizing Solar Energy.

Appendix 11.—Determination of the Optimal System of Power Generation: Analysis of Economic and Social Costs of Alternative Methods of Energy Generation.

Appendix 12.—An Overview of Phase One and a Preview to Phase Two.

Appendix 13.—Personnel Resources: Applicable Experience.

Appendix 14.—Resources; Facilities and Equipment.

Appendix 15.—Detailed Work Statement and Budget.

RESEARCH BUDGET

The amount of money requested for phase I of the entire research proposal is extremely modest:

First year: $749,572.

Second year: $878,714.

Third year: $887,387.

Phase I total: $2,515,673.

So far, Professor Heronemus has received no indication from the National Science Foundation about the disposition toward this proposal. Meanwhile, parts of it may be under consideration for funding also at the Interior and Commerce Departments.

One place or another, it ought to receive full funding in President Nixon's new budget, now in preparation under Budget Director George P. Shultz at the White House.

A BREATHTAKING CONCEPT

For the last 20 years, nuclear electricity has grabbed about 85 percent of the Federal research dollars for energy. In return for about $3 billion tax, we are now getting a very dangerous way to boil water, 9,000 megawatts of nuclear electricity, and a load of the ultimate pollutant—radioactivity. This is hardly inspirational progress.

Great progress would consist of learning to tap the inexhaustible, and nonpolluting natural sources of energy at reasonable cost. I am referring in particular to solar energy, the clean fusion cycles, and to geothermal hot water.

"A National Network of Pollution-Free Energy Sources" is a breathtaking concept. If there is any sincerity in government or business behind the concern over the alleged "energy crisis," projects like this will be funded fully without delay.

I ask unanimous consent that the proposal be printed in the RECORD.

There being no objection, the proposal was ordered to be printed in the RECORD, as follows:

A RESEARCH PROPOSAL SUBMITTED TO THE NATIONAL SCIENCE FOUNDATION TO INVESTIGATE A NATIONAL NETWORK OF POLLUTION-FREE ENERGY SOURCES

(By a Multidisciplinary Group of Faculty and Students in the Engineering, Business Administration, and Physics Departments—April 1971, University of Massachusetts at Amherst)

(NOTE.—Figures referred to are not printed in the RECORD.)

BACKGROUND

A major problem confronting the United States is how to meet the growing demand for energy without further serious damage to the environment. Nuclear energy appears to provide a somewhat better answer to this problem for the near future than fossil fuel energy, provided that some fairly expensive restrictions are imposed on the design and location of nuclear power plants. Furthermore, domestic sources of oil and gas are more limited than those for uranium. The result is that most of the tremendous construction of electrical generating capacity anticipated during the next 15 years will be based on nuclear energy.

But what will be the outlook in 1985? As the result of increasing consumption of fossil fuels, domestic sources of oil and gas, probably including the Alaskan source at Prudhoe Bay, will be further depleted in spite of continued imports. The demands of nuclear fission plants for cooling water may have overtaxed the capacity of our rivers and lakes. The consumption of U235 will have risen to such a level that uranium supply may pose a problem. Breeder reactors to permit the use of U238 may by then have become both a possibility and a risky necessity. Practical use of fusion energy may still not be within reach.

Meanwhile, this country and, in particular, the East Coast will have suffered on several counts. In the immediate future, we can expect the "energy gap" to result in a series of crises as peak loads are not met. The East Coast will dependent on foreign sources for most of its oil and gas. The environment will continue to deteriorate in spite of ever-increasing severity of controls. Air pollution, oil spills, thermal pollution are likely to be worse, not better in 1985.

In the face of the continuing dilemma: power versus pollution, a third alternative must be sought. It may be found in the many and varied non-pollution energy sources known to exist in the United States or its off-shore waters. In the aggregate, these energy sources, tied together in a national network, could satisfy a significant fraction of our total power needs in the year 2000. That favorable outcome could result from a serious research and development effort started now and a design and construction effort started in 1985.

QUANTITATIVE STATEMENT OF THE PROBLEM

In the year 1961 the *per capita* use of energy in the United States was 180×10^6 Btu as compared with 130×10^6 Btu in Canada, 120×10^6 Btu in the United Kingdom, and 30×10^6 Btu in Japan. Our energy came largely as a mixture of fuels: coal, oil, natural gas and uranium, with only three percent coming from hydroelectric sources. With time, the mixture of fuels has changed and the trend toward electricity utilization has continued.

Table 1 presents both extreme and balanced demands for fuels and electricity for the year 2000 based on projections made by Resources For the Future, Inc. and by the Atomic Energy Commission/Federal Power Commission. These projections are compared with past actual usage figures.

Essentially current technology is assumed for the year 2000 except for the breeder reactor. Even the austere RFF projection (last column) assumes large increases in the use of coal, oil, and natural gas, as well as of nuclear fuel. There is serious question as to whether all these assumed increases can be accomplished, or, if so, at what cost in increased pollution.

TABLE 1.—U.S. FUEL AND ENERGY USE AND PROJECTED USE

Fuel	Unit	Actual use		Projections for the year 2000		
		1959	1969	"All-Electric" model*	"All-Fuel" model†	The R.F.F. direct use fuel and electric model‡
Coal	10^9 tons	0.38	0.52	If coal alone were used: 9.7	If coal alone were used: 7	0.7
Oil	10^9 bbls	3.45	5.04	If oil alone were used: 42.2	If oil alone were used: 21.9	10.8
Gas	10^{12} std. c.f.	11.58	20.35	If gas alone were used: 244	If gas alone were used: 96	32.7
Uranium	10^3 tons		Very small	If uranium alone were used: 4.3	If uranium alone were used: 4.3	.55

*In the "All-Electric" model, 32×10^{12} kw.-hr. of electricity will be generated and 17.12×10^{15} B.t.u. of direct fuel use energy will also be consumed, per year, except in the case where uranium is the fuel. In that case all energy would be delivered to all consumers as electricity.

†In the "All-Fuel" model, 4.71×10^{12} kw.-hr. of electricity will be generated and 98.14×10^{15} B.t.u. of direct fuel use energy will also be consumed, per year, except in the case where uranium is the fuel. In that case, all energy would be delivered to all consumers as electricity.

‡The Resources for the Future, Inc. (R.F.F.) projection calls for 4 fuels to be used, each in the quantity shown. 12.72×10^{12} kw.-hr. of electricity will be generated. 93.75×10^{15} B.t.u. of direct fuel use energy will also be consumed per year.

The table does not show the distribution of electricity and direct-use fuels and the changes required therein to meet the projections. The existing electrical distribution philosophy: "shortest distance from generator to customer" has led to colocation of population centers and pollution generators. This system must be overlaid with a vast new network about ten times as large. Thus, the 1970–2000 period involves us with the choice as to whether we continue to colocate people and power-related pollution, or uncouple the two.

SOLAR ENERGY

But there is a third alternative: members of the UMass team are convinced that there is a reasonable probability of satisfying an important fraction of the U.S. demand for electricity and fuel in the year 2000 without pollution. This technological turnabout could be accomplished by utilizing solar energy stored in the oceans and the winds to generate electricity and direct solar radiation to dissociate water into hydrogen fuel. These new pollution-free sources are located geographically along parts of the East and West Coasts, along the Alabama-Florida Gulf Coast, in the Great Plains, and in the Southwest.

The fact that some of these locations are removed from population and industrial centers and from major electrical transmission networks, need not cause concern for two reasons. Available technology with reasonable extensions should permit economical transmission to existing networks or population centers. On the other hand, the availability of ample power and fuel in environmentally attractive open country should encourage the migration of industry and population away from our increasingly polluted metropolitan areas.

But these desirable developments and the general turnabout suggested earlier will occur only as the result of a series of actions and accomplishments. Pollution-free electrical power of the order of 3×10^9 Mw must be generated to satisfy a major part of the demand anticipated in the year 2000. Pollution-free sources of energy flux of many times this amount must be tapped on the assumption that only a small fraction of the potentially available energy will actually be harnessed. The technology of power generation and transmission based on these sources must be developed. Power plants and distribution systems must be designed and built. Hydrogen fuel must be generated in enormous quantities to replace natural gas as our reserves are depleted and in addition, substitute for an important fraction of the projected growth in fossil fuels. In general, a gradual transition must be made from our current pollution-rich technology to a new pollution-free technology.

This conversion in technology would bring with it a series of political, economic, and social problems. There would be problems of capitalization, management, and land use, and of ameliorating widespread economic hardship caused by the transition. There would be the question of public versus private enterprise. There would be new bookkeeping recognizing perhaps larger capital and operating costs, but no pollution costs and no fuel costs. This latter feature would have an important bearing on geopolitics. These political, social and economic problems would have to be analyzed even as the new technology was being developed.

POLLUTION-FREE ENERGY SOURCES

A preliminary exploration has brought to light a great number of pollution-free energy sources. These sources vary greatly as to their nature, their geographical distribution, their potential for making a significant contribution, and the technology needed to harness the energy. In a series of appendices, scientific and technical justification is presented for investigating several of these pollution-free energy sources.

OCEAN THERMAL GRADIENTS

The concept of an *ocean thermal gradient heat engine* has been with us for decades, was first demonstrated in 1929, and still has enthusiastic supporters. Thermal gradients in the Gulf Stream offer considerable promise, especially with a Mass concept for capitalizing on the velocity of the Gulf Stream to improve plant design and performance. (Appendix 2) If it can be extracted economically, this source alone would supply the entire U.S. requirement for electricity in the year 2000.

TETHERED KINETIC ENERGY, OCEAN

The Florida Current and Gulf Stream offer a particularly promising locale for *tethered kinetic energy machines*, machines which will extract momentum from the current. Within a core of water 10 miles wide by 450 feet deep by several hundred miles long, there appear to be velocities strong enough to turn either rotor type machines or free-stream propeller-type machines. In Appendix 3, conceptual designs are worked out for several of these machines and used for detailed calculations. These calculations show that a 240-foot diameter, 4-disc, propeller-type machine operating in a free-stream velocity of 7 feet per second might be expected to generate 24 megawatts of electrical power. Twelve of these machines might be submerged abreast across the core of the stream, and this assembly could be repeated once a mile along the stream for some 350 miles. Tapping this 100,000 megawatts of pollution-free power may not be economically feasible, but it certainly deserves serious investigation.

TIDAL RIVER KINETIC ENERGY

Tidal river kinetic energy machines have been used in the past in Europe and in this country. Today, France geta 340 megawatts of electrical power from the Rance River using a combination of potential and kinetic energy and requiring the damming of an estuary. A number of sizeable tidal rivers in New Hampshire and Maine could contribute a significant amount of power without damming or embayment, and at no appreciable cost to navigation, marine ecology, or recreation. Detailed calculations in Appendix 4 show that from two of five promising sites on the Piscataqua River, an annual average of 39 megawatts might be extracted.

NUCLEAR FISSION

As has been pointed out earlier, planned *nuclear fission power plants* will tax the cooling capacity of our rivers and lakes. In the process, these plants will inflict serious, if unknown, ecological damage on our fresh water environment. To the extent that these plants could be built into submarine hulls and moored submerged in shallow off-shore waters, especially off New England and the Middle Atlantic coast, thermal pollution problems could be eliminated. In Appendix 5, ocean thermal considerations, submarine engineering design consideration, cooling features, earthquake resistance, and servicing convenience, taken together, are shown to be quite favorable to such an installation.

WIND POWER

During the latter part of the last century, windmills in northern Europe extracted

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power from the winds at an average level equivalent to at least 100 megawatts. More recently, in 1945, fatigue failure in the windmill blade shut down a 1.2 megawatt generator that had been feeding into a power system in Vermont. The concept faded with post-WWII retrenchment. More recently, the World Meteorological Organization has concluded that wind power available for turbines at favorable sites throughout the World totals 20 million megawatts. Great Britain still hopes to build individual *aerogenerators* of 6 megawatt capacity. In the United States, regions of moderately high average wind velocities are found along portions of both coasts but especially over a large area of the Great Plains. In Appendix 6, the economic and engineering feasibility of a large number of 2 to 6 megawatt aerogenerators is considered for the Great Plains area, and recommendations are made for a detailed investigation of tower and blade design and a cost comparison with other means of generation.

TRANSMISSION NETS

The ocean-based thermal gradient engines and kinetic energy machines, discussed above, will each require a combination mooring line and electrical tether. Its design presents a complex of mechanical, hydrodynamic, and electrical engineering problems. Power from the multiple sources must be combined in a compatible way and transmitted to shore. An even more complex (but perhaps not so difficult) network will be needed to tie together the multiplicity of disparate sources on land into regional networks. In Appendix 7, these problems are discussed and the geographical distribution of all the pollution-free sources discussed above, is summarized. The conclusion is that many of the new generating complexes could feed into existing regional networks but that certain other *transmission nets* would have to be added. For both underwater and land use, emphasis will be given to coaxial cable and high voltage direct current for transmission.

ELECTROSTATIC GENERATORS

Most of the pollution-free energy sources discussed above are variable and in some cases, unpredictable in strength. Furthermore, there are a very large number of relatively small sources. Combining these into a conventional three-phase A.C. network would pose very serious problems of controlling frequency, phase, and voltage. These network problems would be largely eliminated if D.C. transmission and current-limited, rather than voltage-limited generators were employed. In Appendix 8, a potentially attractive alternate to conventional techniques is described. Belt *electrostatic generators* have been employed since the turn of the century, but always for the development of voltage rather than the generation of power. And belt electrostatic generators are current limited devices which convert from a mechanical shaft rotation to high voltage D.C. power with a single moving element, the eletrostatically-charged belt. Surprising as it may seem, these generators have the potential for significant power generation at reasonable efficiencies. These possibilities and a number of design questions are discussed in the appendix. It is of particular interest that the use of high voltage D.C. in coaxial transmission lines is especially attractive in terms of low transmission line losses.

Mooring mammoth generating plants in the world's strongest oceanic current poses a new level of tethering problem. But the availability of new materials technology and submersible work vehicles allows this problem to be tackled with some confidence. The floating or submerged hulls and the deep water conduits for off-shore generating plants create problems of the sort commonly encountered in ship and submarine design. In Appendix 9, the bearing of these technologies on design problems encountered in this work, is discussed and tasks are proposed for developing and evaluating concepts for mooring systems, hull configurations, and cold water conduits.

HYDROGEN VIA SUN POWER

Natural gas is the most attractive fuel today from a cost and pollution-free point of view, but U.S. natural gas reserves will not last into year 2000 at the predicted expenditure rate. Hydrogen is an excellent substitute for natural gas as a fuel. It can be combined with oxygen to produce electricity in fuel cells or to operate clean internal or external combustion engines. In Appendix 10 a concept is proposed for generation of molecular hydrogen by dissociation of water using solar energy. A novel concept for a low-cost optical system is proposed for study.

A PLANNING METHODOLOGY

To compare various possible networks utilizing various combinations of non-polluting energy sources and to select therefrom an optimal system is an extremely complex problem involving technological and economic factors. When these systems are then compared with nuclear or fossil fuel-based systems, ecological and sociological factors are introduced. Therefore, a *planning methodology* is needed and should be developed with associated computer models. Appendix 11 lists socio-economic questions which must be answered with the aid of such methodology. The development of mathematical-computer planning models in the early phases of the research effort will help to define data needed for decision-making at various stages and will provide a framework according to which such data can be stored and analyzed. The need for certain types of information generates major projects in data collection, storage, and analysis. The existence of a computer model will make these efforts much more orderly and easier to computerize.

QUANTITATIVE SIGNIFICANCE OF POLLUTION-FREE ENERGY SOURCES

In the preceding discussion of pollution-free energy sources and in supporting appendices, arguments are presented for making a serious study of the technical and economic feasibility of harnessing these sources. But, if such a study is worthwhile, why have these sources remained unattractive to the energy industry for the last forty years and why have national review boards considered them to be insignificant? Let us take these questions in order.

The bookkeeping of private enterprise calls for maximum return on capital investment. This consideration dictates large power plants for generation efficiency built in or near population centers for transmission efficiency. The natural result is large aggregates of fossil fuel or nuclear generation plants in metropolitan areas. The bookkeeping used does not take into account consideration the pollution costs which are to be paid by others or endured by the public. Nor does it consider the depletion of non-renewable resources, the increasing dependence on foreign sources for gas and oil, and the geopolitical crises growing out of this dependence.

Over the past seventeen years national review boards and individual authors have judged non-polluting energy sources to be contribution and uneconomic in any event. These conclusions, possibly influenced by the bookkeeping of private enterprise, are in flagrant contradiction with earlier studies, all references in the appendices.

But these energy sources are by no means insignificant. Conservative calculations based on solid data demonstrate that the entire energy requirement for the year 2000, both for electrical energy and direct fuel use, could be met by a limited group of non-polluting energy sources. Nor would this demand exhaust the resource. For each of the energy sources evaluated, considerable further growth would be possible and for the ocean thermal source, growth by orders of magnitude would be possible.

The level of utilization proposed for each source is determined, not by the limitation of the source, but by the objective of examining the technical and economic feasibility of providing from that source a reasonable fraction of the national need for electrical power or fuel energy in the year 2000. According to the austere RFF estimate (Table 1), at least 10^6 Mw of connected generating capacity would be needed. In consideration of this total estimated requirement, the appendices propose for further study conceptual systems which would provide the following amounts of power:

Appendix	Source	Power per element (megawatts)	Number of elements	Total power (megawatts)
2	Ocean thermal engines.	100	2×10^3	2×10^5
3	Ocean kinetic energy machines.	24	4×10^3	1×10^5
5	Ocean moored nuclear fission plants.	100	2×10^3	2×10^5
6	Aerogenerators	2	5×10^4	1×10^5

GEOTHERMAL ENERGY

These are not the only potential sources, however, of pollution-free power. The extensive geothermal sources studied by the Department of the Interior and the development of low-head hydroelectric generation both appear to provide the opportunity for generating significant amounts of power.

GAS REQUIREMENTS

Again referring to the RFF projection of Table 1, the natural gas requirement for the year 2000 is estimated to be 32.7×10^{15} standard cubic feet. According to Appendix 10, the hydrogen gas equivalent of 100×10^{15} standard cubic feet would require 2000 sq. mi. of lens area or some 16,000 sq. mil. of total array area—formidable but quite feasible. It is proposed that a conceptual system one-tenth this large, i.e. one covering a total ground area of 1600 sq. miles be examined.

So one would be considering pollution-free generation of electrical power and hydrogen fuel at levels that are definitely significant in terms of total national needs. Furthermore it is strongly suspected that new bookkeeping which includes pollution costs, fossil fuel depletion costs, and geopolitical costs, will present the proposed new generating plant in a surprisingly favorable light.

PROPOSAL

Briefly stated, the University of Massachusetts proposes to investigate the feasibility of utilizing this variety of non-polluting sources of energy and gaseous fuel and of tying these sources together in nationwide networks of appropriate design. In three phases, totaling seven years, the University proposes:

Phase 1. To analyze and precisely define the problem of generating energy and gaseous fuel from non-polluting sources and to examine alternate solutions for feasibility;

Phase 2. To continue systems analysis and design and to conduct laboratory and field investigations in order to answer major questions raised during the first phase; and

Phase 3. To design, construct, and test developmental hardware representing components and perhaps complete sub-systems of the most promising approaches, while continuing supporting laboratory and field work.

This major research and development effort, managed by a national agency with the University providing its initial research team would be carried out by the following personnel:

A number of UMass professors (30), graduate research assistants and undergraduate participants from eight departments in the Schools of Engineering, Natural Sciences and Mathematics, and Business Administration;

One or more research groups in other universities called in because of special competence and regional interest;

Several industrial consultants having specialized knowledge and the potential capability for contributing to the project in later production design phases.

In Appendix 1, Organization and Management of the Project, there is further discussion of project scope and method, personnel resources, project funding policies, work schedules, and key events in Phase One.

The principal contribution to be made by the University of Massachusetts to this project is the directed and concerted application of the talents of many engineering, physics, and business administration faculty and their graduate research assistants. In Appendix 13, the talent available and how it might be applied, are described. Facilities and equipment required for the project are discussed in Appendix 14.

The detailed work statement and budget proposed in Appendix 15 are based on the following considerations:

The total effort must be so divided into phases that the results reported at the end of each phase can provide adequate guidance regarding the desirability and nature of the next phase;

Succeeding phases must provide opportunities to expand participation in the effort or to transfer management of the project;

During each phase as many tasks as possible should be conducted simultaneously, with appropriate project-level planning and coordination, to shorten the time required to complete the phase.

On this basis, during the first phase at least five major research tasks will be carried along in parallel, each with a sizeable task force, but with close coordination and guidance at the project level. The budget for this first phase may be summarized as follows:

Phase one

Funds requested from sponsor:

First year	$749,572
Second year	878,714
Third year	887,387
Phase One Total	2,515,673

Phase One Total Effort: 1,878 Man Months.

The preceding discussion refers repeatedly to the appendices. This has been necessary because its quantitative statements and its conclusions rest for their authority directly upon the appendices where designs are presented, calculations are made, and references to the literature are cited. Only by turning to these appendices will the reader come to appreciate the scholarship, attention to detail, and concern for quantitative results that has motivated the preparation of this proposal.

PROPOSED AS A MULTIDISCIPLINARY PROJECT IN THE NSF PROGRAM OF RESEARCH APPLIED TO NATIONAL NEEDS

A New Request to NSF. Proposed Starting Date: 1 February 1972.

Amount Requested: $2,515,673, for Phase One.

Proposed Duration: 36 months for Phase One, 84 months for three phases.

Endorsements

Wm. E. Heronemus, Principal Investigator.
M. P. White, Head, Dept. of Civil Engineering.
J. R. Dixon, Head, Dept. of Mechanical and Aerospace Engineering.
G. Dale Sheckels, Chairman, Dept. of Electrical Engineering.
L. R. Short, Acting Head, Dept. of Chemical Engineering.
R. W. Trueswell, Head, Dept. of Industrial Engineering.
L. C. VanAtta, Assoc. Dean of Engineering for Research.
K. G. Pichs, Dean of the School of Engineering.
R. S. Porter, Chairman of the Polymer Science and Engineering Program.
L. Cook, Acting Head of the Dept. of Physics and Astronomy.
J. M. Allen, Acting Dean of the Faculty of Natural Sciences and Mathematics.
J. B. Ludtke, Chairman, Dept. of General Business and Finance.
G. B. Simmons, Chairman, Dept. of Management.
W. R. Smith, Dean, School of Business Administration.
P. W. Camerino, Coordinator of Research.
W. H. Maus, Controller.

THE CO-INVESTIGATORS IN THE RESEARCH PROJECT, "A NATIONAL NETWORK OF POLLUTION FREE ENERGY SOURCES"

C. R. Adams, Associate Professor, Civil Engineering Department.
L. L. Ambs, Assistant Professor, Mechanical Engineering Department.
M. W. Belovicz, Assistant Professor, General Business & Finance Department.
S. M. Bemben, Associate Professor, Civil Engineering Department.
C. E. Carver, Jr., Professor, Civil Engineering Department.
A. Chajes, Associate Professor, Civil Engineering Department.
G. M. Choate, Assistant Professor, General Business & Finance Department.
F. J. Dzialo, Associate Professor, Civil Engineering Department.
F. H. Edwards, Associate Professor, Electrical Engineering Department.
N. C. Ford, Associate Professor, Physics Department.
R. Giglio, Associate Professor, Industrial Engineering Department.
R. M. Glorioso, Assistant Professor, Electrical Engineering Department.
W. Goss, Assistant Professor, Mechanical Engineering Department.
W. E. Heronemus, Professor, Civil Engineering Department.
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J. G. McGowan, Assistant Professor, Mechanical Engineering Department.
R. E. McIntosh, Associate Professor, Electrical Engineering Department.
H. J. Miser, Professor, Industrial Engineering Department.
E. C. Osgood, Professor, Civil Engineering Department.
K. G. Picha, Dean, School of Engineering.
R. H. Plattner, Assistant Professor, General Business & Finance Department.
R. F. Rikkers, Associate Professor, Industrial Engineering Department.
F. D. Stockton, Associate Professor, Civil Engineering Department.
C. A. E. Uhlig, Professor, Electrical Engineering Department, The Tuskegee Institute.
L. C. VanAtta, Associate Dean, School of Engineering.
M. P. White, Head, Civil Engineering Department.
M. S. Wortman, Professor, Management Department.
W. J. MacKnight, Associate Professor, Chemistry Department.
L. H. S. Roblee, Professor, Chemical Engineering Department.

THE COSTS OF ANOTHER DOCK STRIKE

Mr. GRIFFIN. Mr. President, I have spoken on numerous occasions about the devastating effects of strikes in the transportation industry and the need for Congress to enact reform legislation. S. 560, which I introduced on behalf of the administration, has been before Congress for nearly 2 years.

The current west coast dock dispute is a compelling example of the critical and far-reaching effects of even the threat of a strike in a vital transportation industry.

If this dispute is not settled by Christmas Eve, December 24, the union will be free once again to strike. We all hope that the parties will reach an agreement before the deadline. But even the threat of another strike is already having a serious adverse effect on farmers, consumers, and hungry people in other countries.

According to a letter which I received yesterday from Clarence D. Palmby, Assistant Secretary of Agriculture, the Commodity Credit Corporation, because of this strike threat, has already stopped purchasing processed foods for the feeding of hungry people abroad.

According to Mr. Palmby, the 1969 dock strike, which lasted 115 days, cost U.S. taxpayers over $1 million because of expenses incurred by the Commodity Credit Corporation.

I ask unanimous consent that my letter of December 3, 1971, to Assistant Secretary Palmby and his response of December 6, 1971, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 3, 1971.

Mr. CLARENCE D. PALMBY,
Assistant Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture, Washington, D.C.

DEAR CLARENCE: Currently West Coast docks are operating under court order pursuant to the 80-day Taft-Hartley "cooling off" period. This 80-day period expires December 24, 1971.

As you know, legislation has been introduced by myself and others which would deal firmly with transportation strikes which affect the public interest. Unfortunately, it would appear unlikely, to say the least, that Congress will act on this permanent legislation in time to relieve farmers and consumers in the event the West Coast dock strike is not settled by December 24.

Naturally, we all hope that the parties will reach a voluntary agreement. But it is my understanding that commodity shipments are already backing up in the Midwest in anticipation of another strike. In view of the approaching deadline, can you tell me what action, if any, the Department is taking in connection with programming commodity shipments to the West Coast docks?

With warm personal regards, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., Dec. 6, 1971.

Hon. ROBERT P. GRIFFIN,
U.S. Senate,

DEAR SENATOR GRIFFIN: We are pleased to reply to your letter of December 3 concerning the programming of Commodity Credit Corporation commodity shipments to the west coast docks for export.

As you state in your letter, the west coast docks now are operating under the 80-day "cooling off" period provided by the Taft-Hartley Act. This 80-day period expires De-

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cember 24. On October 12, 1971, west coast longshoreman labor leader, Harry Bridges wrote in his column in the union newspaper, The Dispatcher: "The program of the strike strategy committee calls for resumption of the strike after the 80-day period if necessary." Since that date we have had no word that the strike strategy committee has changed its plans nor have we had word that negotiations are progressing to the extent agreement will be reached by December 24.

During 1968–1969 the Taft-Hartley cooling off period was invoked at the east coast and gulf ports. Following the expiration of that 80-day period, work stoppages occurred for as long as another 115 days. As a result of that strike, cost to the government exceeded $1 million because CCC had to pay demurrage, rerouting, storage, and fumigation. Some losses were also incurred due to infestation and deterioration of commodities during the time they were held.

In responding to the question concerning the programming of commodity shipments to the west coast docks by CCC, it is necessary to distinguish between the shipment of CCC-owned commodities, such as grain, and processed foods which are purchased by CCC for the feeding of hungry people abroad. In the case of grain, CCC stocks have not been moving to the west coast in any volume for several months because free stocks of grain are more than adequate to meet export needs were it not for the strike. Processed foods, however, are handled differently. Most of them are purchased from the processor on a delivered port (f.a.s.) basis. The shipments are made by the suppliers. The purchase of processed commodities by CCC for delivery to the west coast was stopped after contracting for those quantities which could be delivered and loaded abord vessels prior to December 24. Substantial additional quantities would have been purchased and would now be purchased were it not for the pending strike.

We are confident the action we have taken in suspending procurement will meet with the approval of the agricultural community and others concerned with the problems imposed by the west coast dock situation. None of us desire to overload storage facilities at the docks, to stymie transportation leading to the docks, to permit spoiling of commodities, or to cause Commodity Credit Corporation to pay uncalled for charges.

We view the potential strike with great concern since this Administration full well realizes the importance of agricultural exports to our whole Nation, to the U.S. farmers, and to the successful operation of the Agricultural Act of 1970, which Congress passe only a year ago.

Sincerely,

CLARENCE D. PALMBY.

BIG CYPRESS NATIONAL RESERVE

Mr. HATFIELD. Mr. President, many hands have helped to save the Everglades through the years. The Senate has enacted several provisions in recent years, both in Department of Transportation appropriations bills and in public works authorization bills, to protect Everglades National Park.

Despite these actions, the problem of the Everglades water supply has persisted, chiefly because of the uncertain future of the Big Cypress Swamp, which adjoins the park on the north and provides more than half of the water for the Everglades National Park.

It was therefore highly encouraging to receive President Nixon's proposal to acquire the Big Cypress as a national reserve. Under this new concept, the land would be acquired by the Federal Government and managed for national public purposes by the State of Florida, which has a long history of good work in defense of the Everglades.

I look forward to sponsoring legislation to carry out the administration's proposal. The Subcommittee on Parks and Recreation, on which I serve, only last week held a field hearing in Florida on the Big Cypress question, and I am hopeful that we will be able to give the matter early consideration.

I ask unanimous consent to have printed in the RECORD the fact sheet issued by the White House, the statement by the President, and an editorial published in the New York Times of November 30, 1971.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FACT SHEET—PROPOSED FEDERAL ACQUISITION OF BIG CYPRESS SWAMP FOR A NATIONAL RESERVE

The Proposal: The President has today directed Secretary Morton to submit to the Congress legislation to create the Big Cypress National Reserve. This legislation, when enacted by the Congress will empower the Secretary of the Interior to acquire the requisite legal interest in the 547,000 acres which form the heart of the watershed.

This proposal is the culmination of a study of the South Florida ecosystem begun two years ago within the Department of the Interior. The State of Florida would manage the area under agreement with the Secretary of the Interior and at no cost to the Federal Government.

Location: The Big Cypress National Reserve is contiguous with the Northwestern portion of Everglades National Park and its center is about 70 miles West of Miami.

Size of Area: The proposed acquisition of Big Cypress Swamp encompasses an area of 854 square miles (547,000 acres)—an area over ¾ as large as the entire state of Rhode Island and over 12 times the size of the District of Columbia. By way of comparison, the proposed acquisition is for an area slightly larger than the Great Smokeys National Park in North Carolina.

Acquisition of Big Cypress represents the largest unit added to the park system during this Administration.

Background: South Florida is a unique ecosystem which is the only natural habitat in the continental United States for a wide variety of subtropical flora and fauna. The extraordinary growth and development of this region posed an immediate threat to this wild and untamed region. In order to safeguard the wildlife of the area from the demands for increasing land use of an expanding population. Congress in 1934 authorized the Everglades National Park. This 2,200 square mile tract has provided millions of Americans with an unparalleled opportunity to observe first hand a pristine subtropical wilderness, as well as assuring a refuge which guarantees the existence of many endangered species. Part of the original proposal for the Everglades National Park was the acquisition of the Big Cypress Swamp area, which contributes 56% of the surface water vital to the fragile ecology of the Everglades. The acquisition of the Big Cypress Swamp area, which borders the Everglades to the north, thus rectifies the oversight of the past and guarantees the future integrity of this irreplaceable national treasure.

Big Cypress, as a national fresh water reserve, extends the concept of protecting critical areas for public benefit previously utilized in the Ice Age National Scientific Reserve in Wisconsin. Through acquisition of Big Cypress, the watershed critical to the supply of Everglades National Park and the domestic supplies for Florida's southwest coast cities would be similarly protected. The loss of fresh water in Big Cypress or any impairment in its quality or change in its flow patterns would have serious repercussions in the estuaries, which are the nurseries for the famous Tortugas Pink Shrimp, an important economic food crop yielding income for many of the Gulf fishermen. The acquisition of 547,000 acres of the most critical watershed lands in the heart of the Big Cypress is necessary for preservation of Everglades National Park.

In addition to these ecological and conservation benefits, the proposed federal acquisition would guarantee the ancestral home of the American Indian tribes who have inhabited the region for thousands of years. About one hundred and fifty of these Indians (mainly Miccosukee and Seminoles, are today scattered in small family-size communities within sight of the Tamiami Trail (U.S. 41). In this area, these Indians are presently without land of their own. The National Reserve at Big Cypress will assure that the Indians will be able to maintain their traditional ways of life without fear that they will be driven from the land or that the hunting and fishing which has been their prime means of sustenance will be terminated.

Present Ownership of Tract: The area proposed for acquisition presently has about 21,000 ownership interests. Only 12 tracts are larger than 1,000 acres. Most of the acreage is in less than 2-acre parcels, and nearly all is presently undeveloped.

STATEMENT BY THE PRESIDENT

BIG CYPRESS NATIONAL FRESH WATER RESERVE

About 35 miles west of Miami lies the Big Cypress Swamp, a unique ecological preserve of paramount importance to the future of Southern Florida. In order to protect Big Cypress Swamp from private development that would destroy it, and to insure its survival for future generations, it is now essential for the Federal Government to acquire this unique and vital Watershed. I will therefore propose legislation to acquire the requisite legal interest in 547,000 acres of the swamp.

The end of Big Cypress Swamp would not only severely cut back South Florida's water supply, but would also mean the destruction of the Everglades National Park—and with it the loss of a treasure-trove of natural resources, teeming with flowering plants, rare birds and other forms of uncommon endangered wildlife. The swamp's huge stands of cypress, wet prairies, and slightly higher islands of pine trees are together an essential link in the ecology of both Everglades National Park and the rich Floridan estuaries of the Gulf of Mexico. Animals and birds move between the park and the swamp without knowledge of the artificial borders drawn by man.

This land acquisition will mark the fourth time this administration has taken steps to protect the unique natural resources of South Florida. First was the halting of the commercial jetport proposed in Big Cypress, which would have wrought irretrievable damage to the area. The pledge to locate the jetport elsewhere has given us time to examine again alternative plans for the survival of the swamp. Second, through the 1970 Rivers and Harbors Act, the Eastern portion of Everglades National Park has, for the first time, been assured an adequate supply of water. Third, by legal action, the administration has halted the threat of destruction from thermal pollution to Biscayne National Monument, one of the newest units of the National Park System, thus assuring the preservation of an important ecosystem next door to Miami.

My decision today is intended to secure the future not only of the Big Cypress, but also of an adequate water supply for the western part of Everglades National Park. This action will also assure an adequate water supply to the growing communities on Florida's west coast, because the swamp is a natural water storage area.

To guarantee the continued availability of Big Cypress to the people, I propose that, upon acquisition of those private lands whose development would destroy the watershed, the Secretary of the Interior be authorized to enter into an agreement with the State of Florida for the management of Big Cypress. The State is in the process of acquiring other public areas nearby and is the logical agency to provide single unified management. The Nation, as a whole, will benefit through the protection of Everglades National Park and through the addition of another major wildlife haven and recreation area.

[From the New York Times, Nov. 30, 1971]

ENVIRONMENT IS GOOD POLITICS

When political rivals compete to perform a sound service, a grateful public can afford to give ample credit all around. The country finds itself in this position with respect to the simultaneous efforts of the Nixon Administration and a group of Democratic Senators to save Florida's Big Cypress Swamp "from private development that would destroy it," as the President said. Destruction of the swamp, as it happens, would also mean destruction of the Everglades National Park, which depends on the Big Cypress watershed, not to mention the loss of much of South Florida's water supply.

What the Administration proposes is to buy the 547,000 acres of the swamp from the 21,000 individuals, real estate companies and businesses that now own it. For some $156 million the Federal Government would acquire this entire area, designating it as the Big Cypress National Fresh Water Reserve but leaving its management to the State of Florida. Technically a recreation area, it would be open to hunters, fishermen and campers—as some of it is now—but would be permanently closed to any kind of construction, which has been the major threat.

The Senate Interior Committee, headed by Senator Jackson of Washington, is considering a bill introduced by Senator Chiles of Florida which is substantially the same as the Administration's proposal. Such is political life that both the White House and the Senators supporting Mr. Chiles are angling for the major share of kudos in the matter—and the claims of both sides are valid.

Senator Jackson's interest grows out of hearings he held in 1969 concerning the jetport that was to have been built in the Big Cypress area. The Administration's goes back to Walter Hickel's visit to the Everglades as one of the first acts of his tenure as Secretary of the Interior as well as to Mr. Nixon's ultimate action in forcing abandonment of the jetport.

More important than this little tug-of-war itself is the fact that environmental progress has so clearly become a political asset. The White House fortunately realizes that even in this year of financial stringency a long-term investment in the environment can be at once a national need, a wise economy and a popular move.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION—NOMINATION OF WILLIAM H. REHNQUIST TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session for further consideration of the nomination of Mr. William H. Rehnquist, to be an Associate Justice of the Supreme Court.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

PRIVILEGE OF THE FLOOR

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I ask unanimous consent that during the debate on the Rehnquist nomination, Mr. P. J. Mode and Mr. Michael Helfer of my staff be permitted access to the Senate floor at all times.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, the Senator from Nebraska was unable to hear the semiaudible voice of the Senator from Indiana. Would he favor the Senator from Nebraska with an idea of what his request was?

Mr. BAYH. Mr. President, I am glad the Senator from Nebraska is interested in the semiaudible words of his colleague from Indiana, and I am glad to repeat the request. It is very similar to one that my friend from Nebraska made.

Mr. President, I ask unanimous consent that two of my staff members, Mr. P. J. Mode and Mr. Michael Helfer, be permitted access to the Senate floor during the remainder of the debate on the Rehnquist nomination.

Mr. HRUSKA. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the confirmation of the nomination of Mr. Rehnquist to be a Justice of the Supreme Court.

Mr. GRIFFIN. Mr. President, I will save the Senator from Indiana any embarrassment at this particular moment; but I want to tell him—or at least serve notice on him—that if he is going to conduct a filibuster, he had better stay on the floor and be talking, or the Senator from Michigan is going to ask for the question.

Mr. BAYH. Mr. President, I appreciate the courtesy of the Senator from Michigan. He has every right to do what he wishes. I think perhaps there have been times during his tenure in office when he has had a moment or two of delay, in which he has been required to ask the Senate to give him the normal courtesy. If the Senator from Michigan does not want to grant that, it is within his right to do so.

The PRESIDING OFFICER. The question is on agreeing to the confirmation——

Mr. BAYH. Mr. President, I should like to suggest that the Senator from Indiana has not said anything or done anything that would lead the Senator from Michigan to believe that he is conducting a filibuster. It is probably one of the least verbose filibusters in the history of the country.

CALL OF THE ROLL

Mr. BAYH. Mr. President, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on——

Mr. BAYH. Mr. President, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I call for the regular order, there having been no transaction of business.

The PRESIDING OFFICER. We are in the midst of a quorum call.

Mr. GRIFFIN. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BAYH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 440 Ex.]

Allen	Ellender	Mansfield
Bayh	Griffin	Sparkman
Byrd, W. Va.	Hruska	

The PRESIDING OFFICER (Mr. ALLEN). A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Cranston	Javits
Allott	Curtis	Jordan, N.C.
Anderson	Dole	Jordan, Idaho
Baker	Eagleton	Kennedy
Bellmon	Eastland	Long
Bentsen	Ervin	Magnuson
Bible	Fannin	McClellan
Boggs	Fong	McGovern
Brock	Fulbright	McIntyre
Brooke	Goldwater	Metcalf
Buckley	Gravel	Mondale
Burdick	Hansen	Montoya
Byrd, Va.	Harris	Muskie
Cannon	Hart	Nelson
Case	Hartke	Packwood
Chiles	Hatfield	Pastore
Cook	Hollings	Pearson
Cooper	Hughes	Proxmire
Cotton	Jackson	Randolph

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Ribicoff	Spong	Talmadge
Roth	Stennis	Thurmond
Saxbe	Stevens	Tunney
Schweiker	Stevenson	Weicker
Scott	Symington	Williams
Smith	Taft	Young

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from Idaho (Mr. CHURCH) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senators from Maryland (Mr. BEALL and Mr. MATHIAS) are detained on official business.

The PRESIDING OFFICER. A quorum is present.

SUPPLEMENTAL APPROPRIATIONS, 1972 (H.R. 11955)—ADDITIONAL CONFEREE

Mr. ELLENDER. Mr. President, as in legislative session, I ask unanimous consent that the Senator from New Jersey (Mr. CASE) be added as a conferee in the consideration of the supplemental appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BURDICK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.)

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. BAYH. Mr. President, I regret any inconvenience to the Senate resulting from this live quorum call. In retrospect, perhaps it was not such a bad idea. I admit that my original intention was not to give a majority of the Senate the opportunity to hear some of the arguments of this case. I acted because of my feeling that the Senator from Michigan was totally out of order even to suggest that a filibuster was in progress, and if that was the kind of game he wanted to play, then two can play the same game. I was not proud of that feeling, but as Senators came into the Chamber I could not help but think of the irony that confronts the Senate at this particular moment.

We are in the process of debating a nomination to the highest Court in the land—a nomination that has not been without significant controversy. This nominee, if confirmed, will probably sit on the Supreme Court of the United States for 30 years. During that time he will interpret every piece of legislation that is passed in this body throughout the next three decades or so. Not wanting in any way to limit the tenure of any of our colleagues here today, I suppose it is only realistic to suggest that there will not be too many of us around in this body when the present nominee, if he is confirmed, leaves the Supreme Court of the United States.

Each Supreme Court Justice has one-ninth of the weight of the judicial branch of the entire country, whereas the Senator from Indiana finds that he has—and is proud to have, but nevertheless is limited to—only one one-hundredth of the vote of the U. S. Senate.

Yet I must admit that I find a feeling—albeit understandable—in the Senate that a great number of our colleagues are much more interested in things other than who should fill this seat on the Supreme Court.

It has been a long session. We all are tired. We all are impatient. We all are anxious to be elsewhere with our families, with our constituents. But I should hope that my colleagues will give the kind of attention to this nomination that is deserved, using as a frame of reference the amount of time that the Senate has expended in this last year on other items which will have a lesser long-range impact on the history of this country.

A number of matters are of deep concern to the Senator from Indiana. I became involved in a colloquy last night following the speech of my friend and colleague from Nebraska, Senator HRUSKA, about some assertions that he made about the feelings of the Senator from Indiana. It is a rather dangerous business for one Senator to try to interpret the feelings of another. It is sometimes a full-time job to determine one's own feelings—as I admitted here in explaining my motives for insisting on a live quorum call. The Senator from Nebraska was unwilling to continue that colloquy at that time. I hope we shall have the opportunity to do so continue this colloquy before this debate is over, because there were several points that the Senator from Nebraska raised relative to the opinions and statements of the Senator from Indiana that were simply erroneous. I am sure the Senator from Nebraska did not do that intentionally, but that is the case, nevertheless.

One of the assertions he made was that the Senator from Indiana and the others who signed the minority report were opposed to the nominee because we felt that his philosophy was simply out of step with ours. As I suggested at that time, were that the case, we would hardly have voted earlier that afternoon to confirm the nomination of Lewis Powell. Not only did I vote for him yesterday, but I had been urging for almost a month that we come to an immediate vote on the Powell nomination. He could have been sitting on that Court for almost a month if we had done that. Yet political maneuvering behind the scenes somehow kept Lewis Powell off the Court.

Why was I urging that Lewis Powell be placed on the Court? Was it because I agreed completely with his philosophy? Even the most casual student of Lewis Powell's thoughts and mine would find that there is nowhere near unanimity of thought on some of the major issues.

Lewis Powell and I agree generally on some of the basic elements that I feel constitute the necessary prerequisities and qualifications for a Supreme Court nomination. Lewis Powell is an exemplary lawyer. He is an intelligent, honest human being, and I think he has the kind of sensitivity and humaneness in the area of human rights and civil rights that any Supreme Court nominee must possess. That is why I wanted Lewis Powell on the Court. I did not support him because I agreed with him on all issues.

To one degree or another the same can be said about the nomination of the distinguished Chief Justice, Chief Justice Burger, and Justice Blackmun. The Senator from Indiana does not believe that a Supreme Court Justice should have to agree with him on every issue, or even a majority of issues. However, there are a number of tests which any nominee must pass if he is to get my vote; and I am only one Member of the Senate, but I feel very strongly about this.

One matter has been brought to our attention over the past 48 hours which under normal circumstances, if the Senate were not so involved in returning to our families and our homes and our constituencies, would have been a matter of extreme alarm to most Members of this body. But the matter to which I refer, and to which I will refer at length this morning, hardly received any notice in this body. I am referring to the recent disclosure that the nominee urged, when he was a law clerk, Justice Jackson to vote against Brown against Board of Education. Not only did he urge him to vote against Brown against Board of Education, but some of the reasoning, and some of the rhetoric in that page and a half memo is almost impossible to believe. So permit me, if I may, to explore thin for the consideration of my colleagues this morning.

I must admit, Mr. President, that the issues involved in the nomination of William Rehnquist are not headline-making issues. They are not startling revelations of incompetence or lack of personal integrity, which, unfortunately, marred previous nominations to the Court. We do not have a nomination here of a man who has said:

> I yield to no man in my belief in white supremacy.

We do not have a nominee here who has been characterized by his chief proponent in the Senate as being mediocre, nor an effort to try to rationalize what mediocrity would mean on the Supreme Court. We do not have a nominee here who is involved in a whites-only covenant. We do not have a nominee here who took part in an effort to try to transform a public golf club into a private golf club so as to avoid the Supreme Court prohibition of segregation in the former.

No, we do not have the type of issue that lets our friends in the press write headlines. We do not have a blatant, easily explained, 2 plus 2 equals 4 insensitivity to human rights and civil rights, as was the case in one of the previous nominations which came before the Senate.

The issues involved in this nomination are subtle, but in the judgment of the Senator from Indiana they are crucially important, for without doubt they, indeed, call into question the nominee's views of the relationship between the individual and the Government, and between the branches of the Government itself.

A long struggle which involves the basic question of the relationship between one individual citizen and his government has existed in this country since the first Supreme Court case. In all probability it will continue to exist throughout the history of this democracy, and may it be long. How much power does the Government have to take away individual rights? On the other hand, how much power does the Government have to guarantee the citizen certain inalienable rights? "One nation, under God, indivisible, with liberty and justice for all," is a phrase familiar to every schoolchild in this country, but the means of implementing that stimulating phrase into meaningful opportunity for each of our citizens have often not been so well understood.

To my mind, the chief concern with which the Senate must and should deal, and hopefully will deal, in considering this nomination is, how important is the individual citizen to William Rehnquist? What responsibility do we in Congress have to see that the individual citizen has a full opportunity to obtain the blessings of this country? What responsibility does a State legislature have to see that the individual citizens of a given State are given similar protection? Indeed, what responsibility does a local government have to protect the same individual rights and opportunities?

These are questions that are called into focus by the Rehnquist nomination, and although they are not the headline-making type of question, in the long history of this country they will have a far greater impact than some of the more sensational items which have been before the Senate in reference to other Supreme Court nominations.

The President has promised us strict constructionists and judicial conservatives on the Supreme Court of the United States. As I said in debating this matter with my friend from Nebraska yesterday, I do not quarrel with the President's picking a man of his own philosophy. It would be rare indeed, if that were not the case. Certainly this is not the first time. It is true that a number of Justices have been appointed because of their philosophical views. But I have searched history, and I have seen no other time when a President has conducted an election campaign on the basis of his upcoming Supreme Court nominations and what they would do. Nor have we ever been privileged to witness a TV extravaganza like that involving the two nominations that have been and are now before us.

So the President has caused us to focus on the philosophies of the nominees he presents to the Senate. Anyone who has studied Frankfurter, Brandeis, and Holmes would be hard put to find a reasonable comparison between them, the ideals of our distinguished President, and the present nominee. But that, of course, is the prerogative of the President, and he has decided in favor of Mr. Rehnquist.

But while talking in terms of strict constructionists and judicial conservatives, whatever those terms may mean, Mr. President, it seems to me that the President has sent us a man in the person of Mr. William Rehnquist, whose views on the Constitution are strangely elastic. I am not quite certain, Mr. President, what the terms "judicial conservative" or "strict constructionist" mean. In the case of the Carswell nomination, we were told that he was a strict constructionist, yet he did not follow the letter of the law, and did not follow stare decisis. Instead, he injected his own personal philosophy, without regard to the precedents and higher courts.

Although I do not think the Rehnquist nomination can be compared on all fours with the Carswell nomination, I do not believe that the record of Mr. William Rehnquist can lead one to any other conclusion than that his views of the Constitution are strangely elastic. He is a man who analyzes questions involving the Bill of Rights in a way which is very hostile to individual liberties. He is a man who has repeatedly demonstrated a marked preference for executive power over judicial or congressional power, and he is a man whose record reveals a persistent distaste for governmental efforts to correct the injustices that 200 years of racial discrimination have wrought.

One is hard put to understand how a man who is presented to the Senate as a judicial conservative, to fill the shoes of the great jurist Harlan, could have so little regard for the individual. It is in the finest tradition of the conservative tradition that the individual citizen be protected from the executive branch, that the Government dare not invade our boudoirs or our offices, or take from us the right to free speech.

Yet, if one examines the record of Mr. William Rehnquist, one has reason to pause. I defy anyone to dispute the evidence of his statements, his actions, his deeds, and his unquestioned support of this administration's efforts to permit the Government of the United States, particularly the executive branch, to have an alarmingly increasing power to inject itself and to impose its will on the individual citizen of this country.

The last 24 hours, Mr. President, have brought us fresh evidence of Mr. Rehnquist's record on civil rights, and I wish to spend just a little time incorporating into this record, for anyone who dares to read it, more detail about the matter that I mentioned a moment ago.

As I said earlier, under normal circumstances, if it were not the tail end of a session, if all of us were not so preoccupied with our own responsibilities, and if all of us were not so anxious to return to our constituents and our families, I would think that the Senate would be up in arms, with the facts disclosed in the newspapers of this country and the article initiated by Newsweek. That magazine has uncovered a memorandum of Mr. William Rehnquist written to then Justice Jackson.

I want to look at what this memorandum means and how it fortifies the feeling that the minority of the Judiciary Committee had when they wrote the rather extensive minority views. The great thrust of our argument in opposition to Mr. Rehnquist was not that he was intellectually incompetent, not that he was mediocre, not that he had ethical conflicts, not that he was a conservative, not that he was a strict constructionist. We were concerned instead that William Rehnquist did not really understand the importance of keeping this system open to minority citizens, of letting every American, regardless of where he lived or what he looked like or where he went to church or the ancestry of his parentage, have a chance to climb up the ladder.

We in Congress, and every State legislator and every councilman, have not only the right but also the responsibility to search out and to wipe away those instances in which arbitrary roadblocks are thrown in the way of those citizens who feel that America holds promise for them.

I think that the evidence that has been brought to light in the last 24 hours or so sustains in unequivocal terms the concerns that we expressed in the minority views. At that time we pointed out that Mr. Rehnquist's record is far from a record of affirmative commitment to equal rights for all citizens. Rather, as we said, it is a record of hostility to the use of law to eliminate racial injustice in the United States. We already knew of three separate occasions throughout his career when Mr. Rehnquist displayed this hostility.

Perhaps "hostility" is too harsh a word, as I read over our report. But I do not think so. I do not think this is hostility in a malicious sense of the word, but the impact and the results are the same. William Rehnquist has absolutely refused—and I fear that if he is placed on the Court, he will continue to refuse—to allow the law to be used as a tool for justice and opportunity for those who are now denied it.

As we look at the previous instances in which Mr. Rehnquist's record is found wanting in the area of human rights and sensitivity to opportunity for all our citizens, I think the pattern is rather clear. In 1964, he opposed a local ordinance prohibiting racial discrimination in public accommodations. Yesterday, when I tried to question the Senator from Nebraska on some of these areas—

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and I hope we have a chance to continue that dialog, because it certainly was not completed—the answers were not forthcoming. The Senator tried to make light of this.

In 1964, this country was up in arms. People from all walks were gathering in Washington, peacefully, in the summer of 1964; and there was the greatest peaceful demonstration down Constitution Avenue that we have ever had. Why was this? This was because most American citizens, God-fearing and concerned citizens, had determined that the time had come to wipe away discrimination once and for all.

That was the environment of the day. Yet, in that environment, Mr. Rehnquist testified before the Phoenix City Council, saying that black people should not be permitted in the drugstores of Phoenix. Now he has said—let me hasten to add—that he has changed his mind. He said this in the record before the committee, and I do not want to lead my colleagues to believe otherwise. But I want them to look at the record of the hearings. He did not say he changed his mind because he thought it was wrong. He did not say he changed his mind because he thought it was right and proper for such ordinances to exist—ordinances very similar to the equal accommodations law that was passed in the Federal statute at the same time. No, Mr. Rehnquist said he changed his mind because, one, he previously had not felt that the ordinance could be implemented that easily as it was, and, two, that he really did not understand at the time that minority citizens were that concerned about recognition of these rights.

Therein, Mr. President, lies the main cause for the concern of the Senator from Indiana about the qualifications of Mr. Rehnquist.

If, in the mid-1960's, a leading attorney in Phoenix, Ariz., was not aware of what was going on in the hearts and minds of black and brown and yellow citizens of this country, is he going to be any more concerned about the problems which may confront us tomorrow or a year from now or 5 years from now, as a Supreme Court Justice?

Of course, the Senator from Nebraska relied upon the fact that in the model act which was passed while Mr. Rehnquist was a member of the National Conference of Commissioners on Uniform State Laws there was an equal accommodations provision. But the colloquy between us will show that Mr. Rehnquist only voted for that act after opposing several of its provisions and, indeed, helping to lead the opposition so it was not adopted, with only two dissenting votes, as a uniform act, but had been degraded to the stature of a model act. I am still waiting for the Senator from Nebraska to come forth with one positive word in the transcript of that meeting which shows that Mr. Rehnquist stood up one time and said, "I think we ought to have strong antidiscrimination features in our State laws."

Let me turn in more detail to the 1966 meeting of the Commissioners on Uniform State Laws which Mr. Rehnquist attended. At that time, the Commissioners were meeting to approve a model State antidiscrimination act which could be suggested and urged upon the State legislatures of this land so that they could follow the example that had been set 2 years earlier by Congress. Mr. Rehnquist, as the minority views show, opposed two important provisions of this antidiscrimination measure. First of all, he opposed implementing into the model act—what became a model act due to Mr. Rehnquist's and others opposition to it being a uniform act—a provision by which employers would be entitled to or given the opportunity to compensate voluntarily for past discriminatory hiring practices.

Let me give an example of what this would be. In other words, here is an employer who in the past has denied employment to blacks and browns and other minority groups. This provision would permit him to compensate in future employment so that he could ultimately have a balanced work force. This is the whole philosophy of the Philadelphia plan, Mr. President. I find it significant and inconsistent that Mr. Rehnquist's record for civil rights is sustained because he supposedly was one of the advisers within the administration recommending the Philadelphia plan, but in 1966 when he was a Commissioner on Uniform State Laws from Arizona, he did everything he could to root out this very provision of the uniform act before the Commissioners at that time.

The other item which was then before the Commissioners on Uniform State Laws which Mr. Rehnquist opposed was the antiblockbusting provision. I cannot understand how Members of the Senate who are sensitive about human rights and concerned about people who try to play on the passions and human frailties in order to make a fast buck, could not give great significance to Mr. Rehnquist's position on this particular provision.

Blockbusting is that insidious, inexcusable tactic which is followed by, unfortunately, only a few—and they are unscrupulous—realtors in which they go into a community that is primarily or totally a white community and buy one house, and then they will move in a large number of black citizens and they will degrade the looks of the premises by throwing garbage and junk around in such a way as to devalue the property. In fact, I think that perhaps the best way to describe the blockbusting technique is to read into the record the response of Robert Brancher, then chairman of the Special Committee on the Model Antidiscrimination Act, and a professor at Harvard Law School, who is now a justice of the Supreme Judicial Court of Massachusetts. When Mr. Rehnquist suggested that constitutional rights as well as policy decisions were involved, and therefore, this particular provision should be rooted out, Professor Brancher said:

> However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth, and then they go around to the neighbors and say: wouldn't you like to sell before the bottom drops out of your market?
>
> And the notion that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit.

The vote was then taken and Mr. Rehnquist's effort to delete this provision was unsuccessful.

But this is the concern that the Senator from Indiana has about Mr. Rehnquist's approach to his responsibility as a Supreme Court Justice. As we look into some of the statements that Mr. Rehnquist has made, we see, I think, that he sometimes wants to restrict free speech and association but, apparently, where he wants to protect it is in a place where it has absolutely no purpose.

Do we say that realtors who want to go into a community to destroy it, to get one neighbor hating another, in order to feather their own nests, have a constitutionally protected right to free speech in order to accomplish the goal? Of course, we do not.

If the Senate and House of Representatives and State legislatures want to say that this is bad practice by realtors, it is not for the Supreme Court. It is not for William Rehnquist to say that there is a free speech question which prevents it from doing so.

The Senator from Indiana feels that this certainly is not an area where free speech should be protected. It is like former Justice Holmes, in defining the limits of free speech, who said that no one has the right falsely to yell "fire" in a crowded theater.

I suggest that anyone who has sensitivity enough to sit on the Supreme Court of the United States should be able to recognize that what was yelling "fire" in a crowded theater 30, 40, 50, 60 years ago is blockbusting today.

This is causing the inflammation, the hatred and the fears, and exacerbating them by letting the blockbusting tactic proceed.

I would be willing to wager that if we took a vote in the Senate as to whether there was any validity in the policy of blockbusting, let alone the constitutional question involved, 100 Members of this Senate would vote against blockbusting.

Yet Mr. Rehnquist suggests that it should not be banned both on constitutional and policy grounds, that to strike down blockbusting is bad policy and is also a constitutional violation.

I hope to have the opportunity, before this debate is over, to deal with these questions in greater detail; but, before proceeding to the main matter of concern, I want to touch on one other matter that was enumerated in the minority views and that had been previously brought to our attention before the alarming disclosures of yesterday. This is the evidence that in 1967 the nominee opposed what were moderate plans for combating de facto segregation in Phoenix with the comment that, "We are no more dedicated to an integrated than to a segregated society."

When I asked the nominee about this opposition to the efforts of the school superintendent in Phoenix to provide some integration in the Phoenix school system, Mr. Rehnquist said that the reason was he was then opposed to long-distance busing and that he is still opposed.

I think there are grave questions that can be raised about long-distance busing but the fact is that long-distance busing was not even involved then. It was not the question. It was a very moderate integration plan. But no matter what sort of plan it was, it cannot justify the suggestion that we are no more dedicated to an integrated society than to a segregated society. Now Mr. Rehnquist also said that we are a free and open society in which every individual should be given a maximum amount of freedom in it, and I of course agree with that. But I do not think that a black boy or girl student has a maximum amount of freedom in a society that will not let them into a schoolroom because of their race.

Yesterday's Newsweek magazine disclosed a fourth and perhaps an even more shocking event.

That was Mr. Rehnquist's active opposition to the Supreme Court decision in Brown against Board of Education. In 1953 Mr. Rehnquist was at that time, I think, 28 years of age. He was a law clerk to Mr. Justice Jackson.

The school desegregation cases were pending. The appellants in those cases, black and white alike, argued that racial segregation in public schools violated the great promise of the 14th amendment that, "No State shall deny any person within its jurisdiction the equal protection of the laws."

The school boards and States argued that segregation was permitted under the separate but equal doctrine of Plessy against Ferguson.

Mr. Rehnquist, we now know, wrote a memorandum to Mr. Justice Jackson entitled, "A Random Thought on the Segregation Cases." In it he stated his personal opinion that Plessy against Ferguson was rightly decided and should be reaffirmed. Fortunately for the history of this Nation, Mr. Justice Jackson did not take the advice of his law clerk. Instead he joined with a unanimous Court in Brown against Board of Education in holding that separate educational facilities are inherently unequal.

Mr. Rehnquist's memorandum is a rather extraordinary document, for the arguments he used to oppose the Court's historic decision in Brown are distressing. He suggests that to overrule Plessy was to read into the Constitution the Justices' own sociological view of the Constitution; that personal rights are no more sacrosanct under the Constitution than property rights; and that the Supreme Court has little or no meaningful role to play in protecting the rights of minorities.

Mr. President, I think it is important for the Senate to know and for the country to know the significance of that memorandum. Brown against Board of Education is not just any little old case that happened to appear before the Supreme Court.

In the almost 200-year history of this Nation, few cases have been more significant than Brown against Board of Education. This is a space age Marbury against Madison. It was so apparent that the issue involved should be decided on the side of opening up our schoolrooms that nine Justices—a unanimous court—joined together in striking down discrimination in our public school system. But we now see that Mr. Rehnquist was so out of touch with the important issues of that day that he was urging one of the justices to vote on the other side of the issue.

I think this is of particular significance, Mr. President, because as a legislator I hold the legislative process to some degree jealously. And I do not like to see the Supreme Court become involved in lawmaking. *Brown* was not lawmaking; it was dedication in the face of public pressure to principles of equality. As a legislator and as a lawyer, I am well aware that one of the strengths of the Constitution of the United States is the fact that it has flexibility, it has within its provisions the opportunity for change. That must come as times change, as problems change, and as people change.

Since it is impossible to change the words of the document except by constitutional amendment, the principle, the relevance of the Supreme Court comes from the interpretation that is placed on the Constitution year after year in case after case by the Justices that sit on the Court. And unless those Judges have the sensitivity to look at the country, to come down from the ivory tower of the highest Court in the land and to look at how the laws and conditions affect human beings, then that great document, the Constitution of the United States, may just as well be locked in the Archives and never again seen.

It is Mr. Rehnquist's inability to realize and implement the great promises of this document and to permit them to have the broad scope they need that is a matter of deep concern to the Senator from Indiana. Apparently this same concern was expressed by the nine sitting Judges of the Supreme Court at that moment, because by a unanimous vote they rejected the position of then law clerk Rehnquist.

In looking at the memorandum, there are certain items of interest that indicate, I think rather dramatically, the philosophical bent or, indeed, the philosophical roadblock that appears in Mr. Rehnquist's reasoning as to how he feels the Constitution should be interpreted.

Let me just read from the memorandum significant factors or items. In referring to past Supreme Court cases, Mr. Rehnquist says of the Court:

> Apparently it recognized that where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases.

I do not think that any reasonable interpretation of those past cases can reach that same conclusion. Surely it is never the role of the Court to thwart public opinion; it is the role of the Court to interpret the Constitution notwithstanding public opinion.

He goes on further and says:

> For, regardless of the Justice's individual views of the Constitution on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction.

I think it is rather evident—the fact that nine Judges ruled otherwise—that segregation of our schools, just as segregation of our lunch counters and public facilities, was one of those extreme cases. And fortunately the Court did intervene. And fortunately it was not just the so-called liberals of the Court, but quite contrary to Mr. Rehnquist's admonition, those of all political persuasions on the Court who said that this kind of desegregation should be struck down.

There is one other item in this memorandum that I want to read before proceeding. It reads as follows:

> To those who would argue that personal rights are more sacrosanct than property rights, the short answer is that the Constitution makes no such distinction.

Mr. President, I wonder if we really want a man on the Supreme Court of the United States who believes that after looking at all of the facts of a given case, the cold hard property rights should be weighed on the same scale as sensitive human rights.

Mr. Rehnquist proceeds further:

> One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

I have never been a Jehovah's Witness, and I have never been a slaveholder, and I have never been a businessman—unless one can call owning a family farm a business, which perhaps it is, but not in the frame of reference of Mr. Rehnquist—but to suggest that these rights to protect individuals and groups and classes have been sloughed off by the Supreme Court is just to totally misread what has happened.

However, I must admit that there is a strange irony in the fact that William Rehnquist should write this brief back in 1952 to a Justice of the Supreme Court of the United States saying that—

> If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of the transient majority of nine men.

The fact that that transient majority may be diminished by the presence of William Rehnquist increases the chance that these individual rights will in fact be sloughed off, as Mr. Rehnquist himself predicts.

Finally, Mr. Rehnquist concludes in this infamous brief:

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I realize that it is an unpopular and unhumanitarian position—

He admits he is espousing an unhumanitarian position—

for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

Before this debate is through I hope to try to bring into proper focus and into proper perspective just what the implications are of William Rehnquist's view that the Constitution enacted Myrdahl's American Dilemma.

Here is a Swedish social scientist who came to this country and looked at the tensions that existed, and the troubles that appeared over the horizon relative to the differences between the races, and as he describes the American dilemma in his book. This is not a wildly revolutionary extreme presentation of the facts, but a very moderate presentation of what we can expect and what we had better do about it. Yet Mr. Rehnquist, who is supposed to be moderate in his views, apparently feels that Myrdahl's American Dilemma is too liberal and too extreme.

Mr. Rehnquist's memorandum, as I have mentioned earlier, is indeed an extraordinary document. Let us look in detail at the matters of concern that I have previously mentioned. The arguments he uses to oppose the Court's historic decision in Brown are distressing. He suggested that to overrule Plessy was to "read [the Justice's] own sociological views into the Constitution"; that, as I said earlier, personal rights are no more "sacrosanct" under the Constitution than property rights; and that the Supreme Court has little or no meaningful role to play in protecting the rights of the minority.

It is amazing to me that someone who could have espoused that particular theory or that philosophy is not a matter of increased concern to the Members of this body, who personally themselves have shown great concern for the rights of minorities and have at all time been willing to place human rights above property rights.

The best answer to Mr. Rehnquist's first point—essentially a claim that to decide Brown as it was decided was unprincipled—comes from the unanimous Court itself. In the opinion by Mr. Chief Justice Warren, the Court first pointed out that the legislative history of the 14th amendment was "inconclusive" on the question of issue, then noted that first cases construing the 14th amendment "interpreted it as proscribing all State imposed discrimination against the Negro race." The Court concluded:

To separate [children in grade and high school] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

The Court continued in conclusion later in the decision by saying:

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

One should also point out that Mr. Justice Frankfurter, a man who was dedicated to the principles of judicial self-restraint and reason, instead of personal decisionmaking, joined the decision. Surely Mr. Justice Frankfurter did not think he was imposing his "own sociological views" onto the 14th amendment, as Mr. Rehnquist suggested the Court would do if they held it was unconstitutional for a State to say that black boys and girls should not be permitted to go to school with white boys and girls.

Mr. Rehnquist's second point was that property rights are as important as personal rights under the Constitution. He said:

To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are.

This is the same view which led Mr. Rehnquist to oppose a public accommodations ordinance in Phoenix in 1964. At that time, as the nominee himself admitted at the hearings, he "felt that personal property rights were more important than individual freedoms, the individual freedom of the black to go up to a lunch counter." And it is a view to which Mr. Rehnquist clings. In response to a question from Senator Tunney, Mr. Rehnquist said:

I am certainly not prepared to say, as a matter of personal philosophy, that property rights are necessarily at the bottom of the scale.

This view, of course, taken in reference to personal rights.

And if we are talking about the distinction between personal rights and property rights, and if the nominee says that property rights are not at the bottom of the scale, it seems to me that it is a foregone conclusion that personal rights are.

I wonder if the Senate wants to turn the clock of justice back so that cold, calculating property rights ascend and take a preferential position to the rights of each individual human being and his personal opportunity to explore and attain the values of full citizenship.

My belief is that our legal history shows that there are many interests which can override property rights—take zoning as a mundane example—but there are precious few which can override fundamental personal rights of free speech or association, or the equal protection of the laws. Personal rights and property rights simply do not hold an equal place in our jurisprudence. If Mr. Rehnquist thinks they do, then I submit he is outside the mainstream of modern American thought.

But perhaps the most significant point to be drawn out of the memorandum is Mr. Rehnquist's view of the role of the Supreme Court in our system of Government. He argued that the Court ought not take an active role in protecting the individual rights of minorities, and that if it did take such a role it was doomed to failure. He said:

One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

He concluded by saying:

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

Mr. President, this is a view of the role of the Court wholly at odds with its great traditions. It is, and was designed to be, the institution that protects individual rights. It is, and was designed to be, the institution to which minority groups can turn for vindication of their rights, regardless of the transient views of the majority. I cannot imagine the Senate confirming a man who thinks that the Court ought not play this role. And if the Senate does confirm such a man, we will all be the poorer.

I, like millions of Americans, cannot agree with Mr. Rehnquist that the Supreme Court's attempts to protect the constitutional rights of minority groups and their members have been failures. I, like millions of Americans, think that the Court has had great success. And I, like millions of Americans, think that Brown against Board of Education was a landmark case—a decision which reflects the fairness and justice that is at the heart of the Constitution. It is deeply distressing to me that Mr. Rehnquist thought that Brown was wrongly decided.

Perhaps it would be less distressing if Mr. Rehnquist had given some indication either at the hearings or since the Newsweek article appeared that he had changed his mind about Brown. At the hearings he recognized, as any lawyer would have to recognize, that Brown was the established constitutional law of the land. But he never said that he agreed with the principle of Brown, or the decision in that case. He would only say that the decision was justified because nine Justices became convinced that Plessy was wrongly decided. Thus for all we know, he may still be of the view that separate but equal satisfies the demands of the 14th amendment.

And, of course, that is a true test of a Justice—how he is going to interpret the Constitution in future cases.

I sincerely hope he has changed his mind, but there is no indication before the Senate that he has.

Mr. President, Mr. Rehnquist's opposition to Brown against Board of Education fits into the pattern the other evidence before the Senate revealed. It is a pattern of a man who does not believe that the law should be used to erase the injustices that 200 years of racial discrimination have wrought. And there is nothing in Mr. Rehnquist's record which rebuts the inferences of this pattern of hostility to the use of law to promote racial justice. At a critical time of our history, we should not agree to place a man on the Supreme Court who has consistently been insensitive to the role that a law must play in achieving a fair and just society.

Mr. President, Brown against Board of Education is past. That particular issue will never again be decided by the Supreme Court. At least, I hope and pray it will not be. I hope it has been laid to rest. But the question that concerns the Senator from Indiana is, What about the future? What about the next Brown against Board of Education? What do I mean by that? Well, Brown was the Supreme Court of the United States coming to grips with a deep, divisive, devastating social problem which existed at that moment in history. It was a recognition that the past had been wrong, that steps had to be taken to put this country on a different path if the Court was to protect the rights guaranteed by the Constitution, the provisions of the 14th amendment, to all of our citizens. What concerns the Senator from Indiana is that if William Rehnquist was opposed to making that kind of a dramatic, necessary change in the mid-1950's, when the evidence was tumbling around us that it had to be done and that the Constitution required it, and nine Justices of the Supreme Court recognized it, where, pray tell, will Mr. Justice Rehnquist be on the next occasion when the Court and the country are confronted with a Brown against Board of Education decision?

It was little solace to my mind that Mr. Rehnquist told us that the Brown decision was justified because nine Justices had decided that Plessy had wrongly interpreted the intent of the framers of the amendment.

I would like to think—and I phrase the statement thus because I have never had the privilege of sitting on the Supreme Court of the United States—that the decisionmaking process in the Supreme Court is not totally unlike the decisionmaking process in the U.S. Senate: That the critical decisions, as in this body, are hammered out, not by unanimous consent, but because one or two Senators or a handful of Senators are willing to stand up for what they believe, after study, the law demands and risk the animosity of their constituency or of the country to argue the positions that they feel are morally right or legislatively right or legally right, although from the standpoint of politics and past practice they may be wrong.

This has been my experience in the legislative process both as a State legislator and as a Member of this distinguished body. The times when the U.S. Senate has been most revered and most respected have been those times when it has not just gone along, but when it has come to grips with unfinished business, when it has come to grips with critical problems that have not been solved, when it has dared to depart from the past and chart new policy—new policy based on old principles which had not been fully realized under the older policy.

I have seen this body move, in the 9 years it has been my good fortune to serve here. I have see it change its mind, so that what was once the view of a narrow minority is now the majority will of the Senate. I cannot help but recognize the coincidence that in some of the great issues, some of the general policy problems that have torn us asunder in this country, the distinguished present Presiding Officer, the junior Senator from Florida (Mr. CHILES) is a part of this vocal majority in the Senate today, though I can remember the time when it was an equally vocal minority.

It has been the willingness of a few Members of the Senate and the willingness of our colleagues to listen, and not to enter a debate with closed mind, that has made it possible for the Senate to be responsive to the problems of our country and the people we govern.

Is this totally dissimilar from the process that exists in the Supreme Court of the United States? I think any student of the Court must come to the conclusion that this is not the case, that the precedent cited by William Rehnquist in his memorandum to Justice Jackson has been properly destroyed, has been properly overturned, because those justices who have sat on the Supreme Court have been willing to listen and have been willing to change their minds. Indeed, the former occupants of the two seats which we now fill, Justice Black and Justice Harlan, were two persuasive voices in the movement to change the direction of the Court, and to make a Court majority on the same issues on which, in 1896, there was only a lone dissent.

I am concerned, Mr. President, that the Senate not place on the Court a man whose philosophy, as expressed by every word and deed, is so dedicated to outdated ideas that he is either unable or unwilling to recognize that that great document, the Constitution, has as one of its high purposes the elimination of injustice and inequality.

Mr. President, I want the record to be clear on this: When I say that it is the judgment of the Senator from Indiana that Mr. Rehnquist will remain intransigent, dedicated to outdated ideas and precedent, unwilling to change, and fulfill the great promises of the Constitution, I have no evil feelings in my heart toward Mr. Rehnquist. That may be hard for him to believe, or for some of his supporters to believe, but as I have talked with him personally, and as I have talked with some who know him well in Arizona whose judgment I respect, and as I have heard him testify, I have thought, here is a man who is basically honest. His academic record shows that he has great intellectual capacity; indeed, his appearance before the committee, both by what he said and by his great ability not to say anything in a number of areas, discloses a high degree of articulation.

I suppose I could go on to say that I feel deeply that it is terribly difficult for an individual Senator to be called upon to judge another human being. Each of us possesses his own frailties, and certainly the Senator from Indiana is painfully aware of his own. But the Constitution calls upon us to judge others, and if we are to fulfill our constitutional as well as our moral responsibility, we have to struggle with the problem as best we can.

I have to say that I think Mr. Rehnquist's motives, as he envisions them, are pure. Each of us is the product of his own background. We are all the sum and substance of our own past experiences. And rather than feel that Mr. Rehnquist will reach the wrong decisions for the wrong reasons, I think, because of his past experience, because of what he has said and what he has written philosophically, and his general interpretation of the Constitution, that he will reach the wrong decisions for what he conceives to be the right reasons.

He will use his intellect and his capacity, I fear, to write, speak, and articulate—to put the face of dignity upon and to add an acceptability to—those philosophies and those practices which the Warren Court had laid to rest, and he will in the process, I fear, do so feeling in his heart of hearts that he is right. And although I think each of us must be given credit for doing what we think is right, for that is about the best we can do; those of us who are called upon to judge others, particularly to judge others who would judge the country and the direction in which it is headed, must be concerned about more than the pureness of heart and the kindness of motives. We had better be concerned about results, because the results, not the motives, are going to determine the kind of life and the kind of opportunity our grandchildren are going to have in this democratic society. For these reasons, and others I will bring out in later debate, I urge the Senate to reject this nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JAVITS as in legislative session, when he introduced S. 2962 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR YEAS AND NAYS ON S. 2676

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that it be in order, at this time, to order the yeas and nays on

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Calendar No. 537, S. 2676, a bill to provide for the prevention of sickle cell anemia.

The PRESIDING OFFICER (Mr. CHILES). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, as in legislative session, at the request of Senator KENNEDY I ask for the yeas and nays.

The yeas and nays were ordered.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into legislative session for the purpose of taking up a conference report.

There being no objection, the Senate proceeded to consider legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when action on the conference report is completed—I understand the yeas and nays will be requested—the Senator from California (Mr. TUNNEY) may be recognized in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUED OPERATION OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 2, 1971, at 44298.)

Mr. KENNEDY obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I am pleased to file this conference report on Senate Concurrent Resolution 6, and to move its acceptance by the Senate. The Senate conferees previously had reported in disagreement on this resolution, but developments in the Public Health Service Hospital System prompted the Senate and House conferees to return to conference and work out this compromise. The compromise maintains the original Senate resolution, adding amendments to extend the scope of the resolution to cover the Clinical Research Center at Lexington, Ky.

By enacting this resolution, the Senate will remove any possible idea that it is ready to see the Public Health Service hospitals closed, transferred, or otherwise changed without serious consideration of how these facilities can be better utilized within the Public Health Service, or without congressional review in detail of the proposed use of each facility.

Mr. President, in recent weeks we have seen examples of the proposals submitted to the Department of Health, Education, and Welfare for use of these hospitals, and have received a summary of all the proposals from Secretary Richardson. Few of these proposals involve keeping these hospitals in the Public Health Service to serve areas which are short of health services. In fact, the few proposals that do involve keeping the hospitals in the Public Health Service seem to have been given lowest priority by DHEW.

Indeed, all that we hear indicates the DHEW has had no intention of seriously considering keeping the hospitals in the Public Health Service. DHEW's contacts with local communities, in fact, have denied this is an option—they have indicated there are only two options, to close the facility or to transfer it out of the PHS to some community organization. DHEW has pursued this one-sided planning despite the fact that the committee report on Senate Concurrent Resolution 6 specifically states:

> The plan must reflect exploration of how the institution might be used to address the needs of the community—especially the critical needs of medically under-served areas in the community. Opportunities for expanded use of the institution under the Emergency Health Personnel Act should be fully explored and documented.

Mr. President, the Senate's action on this resolution, its action on the Emergency Health Personnel Act of 1970 and its long history of actions relative to the Public Health Service, make it clear that we believe that the Federal Government has a responsibility for providing direct health care services to specified groups of Americans who are in bad positions to obtain health care in any other way. Apparently, DHEW and the Office of Management and Budget disagree with the Congress on this. They have set out systematically to eliminate direct Federal health care services to the merchant seamen and others served by the Public Health Service hospitals, and they refuse to use these facilities to offer direct services to Americans who live in medically underserved areas as authorized by the Emergency Health Personnel Act. Indeed, they refuse to even explore the possibility of using the facilities in this manner.

In fact, while they pursue a seemingly objective review of the future of each facility, and have to date indicated no specific plans for any of the facilities, information has come to our attention that they have already picked two hospitals for closure or transfer to community control by the end of this fiscal year. I am confident their budget request for fiscal year 1973 will reflect the elimination of funds for these two facilities.

In other words, Mr. President, DHEW's plans are further along than they are admitting to Congress, and their planning does not speak to the alternatives of most interest to Congress. Obviously, DHEW intends to present Congress with a foregone conclusion late in the fiscal year when there is little time for Congress to respond.

We cannot and must not permit this defiance of congressional prerogatives—this flouting of the intent of the law. This conference report which I file today precludes changes in the Public Health Service hospitals prior to June 30, 1972. If we see no indications in the next few weeks that DHEW's planning will cover the Senate's concerns, and allow adequate time for congressional review of these plans, I will submit to this body and assure prompt committee action on a new resolution which extends the dates in Senate Concurrent Resolution 6. I urge acceptance of this report as a first step.

Mr. President, this report represents the results of the conference between the House and the Senate on a resolution that was originally submitted by a score of Senators, including the Senator from Maryland (Mr. MATHIAS) and myself on the question of Public Health Service hospitals.

What we tried to do in the resolution was give the Department of Health, Education, and Welfare our position on equitable ways to proceed in considering the future of these facilities. We passed the resolution in the Senate virtually unanimously. In the conference, we had one area of primary difference, the Fort Worth Hospital, and were unable originally to come to an agreement with the House of Representatives. In the reconsideration of the measure last week, however, we were able to get an agreement with the House of Representatives.

Senate Concurrent Resolution 6 gives Congress time to review HEW plans for hospitals, before the plans are implemented. It precludes changes to the facilities through June 30, 1972, and it makes it clear to HEW that Congress wants the hospitals used to meet the needs in medically underserved areas, if possible, under the Emergency Health Personnel Act. This latter act is a most important piece of legislation. Although it is funded at a very modest level, it nevertheless will be a useful instrument of service in underserved areas, and utilizes PHS facilities, such as these hospitals, as bases of operation.

Congress must act now because HEW is moving ahead with its plans. I do not believe that HEW is reviewing the various hospital facilities with the idea of implementing the Emergency Health Personnel Act. With this conference report, the Senate will go on record to make clear to the Department our deep concerns about the importance of Public Health Service hospitals in the context of this act.

I hope we can get action on this measure. I feel it is an important area in which the Senate and the Congress as a whole must express its views, particularly since the country is confronted with a health crisis in so many areas of public health services. I think this effort is on the front line of providing extremely important services to many different elements of the community.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. KENNEDY. I will be glad to yield.

Mr. MATHIAS. Mr. President, I agree with the view that has been taken by the Senator from Massachusetts. Public health hospitals have rendered such a valuable role that it is highly desirable that the Senate take a position which makes it clear that we evaluate the service that they have rendered as a very essential service. I believe that we need to utilize all of the health facilities we have, and utilize them well, and not to take any chance that any one of them will be discarded. There may be room for a legitimate and honest difference of opinion about the way that we finance the delivery of health services, but there is not any doubt in anybody's mind in the country that we need everything we have got, and an important element of what we have got is the public health hospitals. They have, I think, afforded an increasingly valuable service, because they have been putting a lot of emphasis on preventive medicine, which is, I think, the practice of the future.

I believe that the conference report, as the Senator from Massachusetts says, will be a signal that the Senate has a very deep interest in these hospitals.

I thank the Senator for yielding.

Mr. KENNEDY. I thank the Senator for his comments and certainly for the interest he has shown in this area.

I think what we are really doing is going on record today to indicate to the department that we want to be very much involved in how these facilities are utilized in the future, and that we are concerned with the continuing responsibilities under the Public Health Service Act, for example, of providing health services to Federal beneficiaries.

Mr. JAVITS. Mr. President, I strongly support the adoption of the conference report on Senate Concurrent Resolution 6, of which I am a cosponsor, which expresses the sense of Congress that Public Health Service hospitals and clinics remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and the Congress should explore how these facilities can best be used in the future to offer comprehensive health care to Federal beneficiaries and to best meet the needs for health services of the Nation at large—particularly the needs of medically underserved areas.

I have long believed the Public Health Service hospitals and clinics can play an important role in the restructuring of America's health care delivery system. When the Republican County Committee of Richmond County, N.Y., expressed to me its concern about recurrent rumors to the effect that the U.S. Public Health Service hospital at Staten Island, N.Y., and numerous other Public Health Service hospitals and clinics were to be closed, I immediately expressed my interest in the matter to Secretary Richardson.

At a time when the Nation is faced with a health care crisis about which the President, the Secretary of Health, Education, and Welfare, many Members of Congress, and I have expressed grave concern, I believe the Staten Island Public Health Service and other public health hospitals and clinics should be strengthened and modernized in order better to perform their traditional function and allow them to undertake new missions.

I therefore recommended to the Secretary that these professionally excellent facilities be given a new mission—in accord with present and future national health care needs—so that they might, for example, pioneer and develop model health care delivery systems and serve as demonstration centers for experimental programs utilizing corpsmen and other paramedical personnel to provide health services.

It is my understanding that the Department of Health, Education, and Welfare did undertake to go to the communities involved for indepth discussion of alternative utilization of the Public Health Service hospitals and clinics, including their potential for both improved care and more effective use of the existing facilities through conversion to local control and use and providing care for HEW beneficiaries through contracts with the converted Public Health Service facilities, or with public and private hospitals. From time to time HEW has kept the Congress informed as to the status of proposals under consideration and nothing definitive has occurred.

However, there are deep pervasive rumors that HEW plans to take action and make profound changes in the Public Health Service hospital system without allowing the Congress to review with HEW the detailed proposals for each of the Public Health Service facilities. Congress does not wish to restrain creative responses to the problem of whether the present system of Public Health Service hospitals is the best means of fulfilling our responsibilities to Public Health Service beneficiaries. However, the Public Health Service hospital system is one of the oldest and most respected health institutions in America, and was created by Congress, to respond to the special health problems of the merchant seamen. In addition, over the years the Public Health Service hospital system has established close associations with their respective communities.

Although I am concerned with the future of the entire Public Health Service hospital and clinic system, my primary concern is the U.S. Public Health Service hospital located at Staten Island, N.Y., which, incidentally, is the largest of all the Public Health Service hospitals throughout the United States. It has accommodations for 636 beds and has an annual payroll of approximately $13.6 million. Also, the Public Health Service hospital on Staten Island employs over 1,000 people and there is only one industrial concern on Staten Island that employs more. Thus, not only will the physical health of the residents of Staten Island be affected by the closing of the hospital, I would also indicate that the economic health of the community will be seriously affected if this facility is closed. We in the Congress of the United States cannot abandon our prerogatives regarding vital services provided by the Public Health Service hospital system, exemplified by the Public Health Service hospital on Staten Island, which:

Serves 420 patients per day;

Serves 140,000 outpatients annually;

Provides emergency medical services to the public;

Provides physical examinations and laboratory tests for a number of local agencies;

Provides desperately needed nurses' training in cooperation with local colleges;

Provides desperately needed laboratory technician training;

Provides desperately needed dental laboratory technician training; and

Provides unique medical assistance for our other hospitals and their staffs.

If this hospital is closed, who is going to fill the huge gap created by its absence? Certainly no other facility on our 60-square-mile island can provide the medical services, and other nearby New York City hospitals are already crowded.

Mr. KENNEDY. Mr. President, as I understand, the yeas and nays have been ordered, and I move the adoption of the conference report.

Mr. MAGNUSON. Mr. President, as one of the original sponsors of Senate Concurrent Resolution 6, I urge the Senate to give its full and explicit approval to this conference report. As chairman of the Senate Appropriations Subcommittee on Labor, Department of Health, Education, and Welfare, I have had ample opportunity to review the state of health care in this country. On the basis of that review I, like so many other Senators, am convinced that this Nation is in the midst of a national health care crisis. Consequently, I am convinced that the Congress would be seriously remiss if it were to leave the responsibility for determining the future of the PHS hospitals and outpatient clinics solely in the hands of the administration and its anonymous departmental personnel.

Final approval of this resolution by both Chambers will demonstrate once and for all that the Congress intends that the basic questions regarding the future of each of the PHS hospitals and clinics will be resolved jointly by the Congress and the administration—not by the administration alone.

Final approval of this resolution will put the President and the Secretary of HEW on notice that the Congress expects to work together with the administration to determine which of these facilities should continue under PHS direction, which—if any—should be converted to community use and which—if any—should be closed.

If, after Congress approves this conference report, the administration attempts to make these decisions without

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the prior consultation and consent of the Congress, than it will be in clear violation of the expressed will of the Congress.

The PRESIDING OFFICER (Mr. CHILES). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss) is absent on official business.

I also announce that the Senator from Idaho (Mr. CHURCH) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The Senator from Oregon (Mr. PACKWOOD) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 441 Leg.]

YEAS—81

Aiken	Ellender	Montoya
Allen	Ervin	Muskie
Allott	Fannin	Nelson
Anderson	Fong	Pastore
Baker	Fulbright	Pearson
Bayh	Goldwater	Proxmire
Beall	Gravel	Randolph
Bellmon	Griffin	Ribicoff
Bentsen	Hansen	Roth
Bible	Hartke	Saxbe
Boggs	Hatfield	Schweiker
Brock	Hruska	Scott
Brooke	Hughes	Smith
Buckley	Jackson	Sparkman
Burdick	Javits	Spong
Byrd, Va.	Jordan, N.C.	Stennis
Byrd, W. Va.	Jordan, Idaho	Stevens
Cannon	Kennedy	Stevenson
Case	Long	Symington
Chiles	Magnuson	Taft
Cooper	Mansfield	Talmadge
Cotton	Mathias	Thurmond
Cranston	McClellan	Tower
Curtis	McGovern	Tunney
Dole	McIntyre	Weicker
Eagleton	Metcalf	Williams
Eastland	Mondale	Young

NAYS—0

NOT VOTING—19

Bennett	Gambrell	Hollings
Church	Gurney	Humphrey
Cook	Harris	Inouye
Dominick	Hart	McGee
Miller	Packwood	Stafford
Moss	Pell	
Mundt	Percy	

So the report was agreed to.

INTEREST RATES ON INSURED MORTGAGES

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 178.

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, which was to strike out all after the enacting clause, and insert:

SECTION 1. (a) Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by striking out "January 1, 1972" and inserting in lieu thereof "June 30, 1972".

(b) With respect to any area where the Secretary of the Department of Housing and Urban Development shall determine that cost levels so require or that such action is necessary to avoid excessive discounts on federally insured and guaranteed mortgages, the Government National Mortgage Association may, for a period of six months after the enactment of this Act, issue commitments to purchase mortgages with original principal obligations not more than 50 per centum in excess of the limitations imposed by clause (3) of the proviso to the first sentence of section 302(b)(1) of the National Housing Act, and it may purchase the mortgages so committed to be purchased.

SEC. 2. (a) Section 404(g) of the National Housing Act is amended by striking out "1¾" and substituting in lieu thereof "1⅓".

(b) Section 702(c) of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102(c)) is amended by striking out "October 1, 1971" and inserting in lieu thereof "June 30, 1972".

SEC. 3. (a)(1) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(2) Section 1315 of such Act is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973."

(b) Section 1336(a) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(c) The provisions of section 1314(a)(2) of the Housing and Urban Development Act of 1968 shall not apply with respect to any loss, destruction, or damage of real or personal property that occurs on or before December 31, 1973.

(d)(1) Section 1305(a) of the Housing and Urban Development Act of 1968 is amended by striking out "and" after "families" and inserting in lieu thereof ", church properties, and".

(2) Section 1306(b)(1)(C) of such Act is amended by inserting "church properties, and" immediately before "any other properties which may become".

SEC. 4. Section 303(b) of the Small Business Investment Act of 1958 is amended—

(1) by inserting the following in lieu of the first sentence thereof: "To encourage the formation and growth of small business investment companies the Administration is authorized (but only to the extent that the necessary funds are not available to said company from private sources on reasonable terms) when authorized in appropriation Acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by such companies. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.";

(2) by inserting "or guaranteed" following "purchased" each time it appears in paragraphs (1) and (2) thereof and in the second sentence thereof;

(3) by inserting "or guarantees" following "purchases" in the last sentence of paragraph (2) thereof; and

(4) by inserting "or guarantee" following "purchase" in paragraph (3) thereof.

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House on Senate Joint Resolution 176 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. BROOKE conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 7, 1971, the President had approved and signed the act (S. 1810) for the relief of Dorothy G. McCarty.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT (H. DOC. 92–181)

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

I herewith transmit the 1970 Annual Report of the St. Lawrence Seaway Development Corporation. This report has been prepared in accordance with Section 10(a) of Public Law 83–358, as amended, and covers the period January 1, 1970 through December 31, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *December 7, 1971*

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate a message from the President of the United States submitting the nomination of Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary to Trinidad and Tobago, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 18) to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, and Mr. BROOMFIELD were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. ROONEY of New York, Mr. BOLAND, Mr. NATCHER, Mr. FLOOD, Mr. STEED, Mr. SMITH of Iowa, Mrs. HANSEN of Washington, Mr. MCFALL, Mr. BOW, Mr. CEDERBERG, Mr. RHODES, Mr. MICHEL, Mr. SHRIVER, and Mr. MCDADE were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes;

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, and for other purposes;

S. 1237. An act to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster;

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes;

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes; and

S.J. Res. 176. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes;

H.R. 8856. An act to authorize an additional Deputy Secretary of Defense, and for other purposes;

H.R. 9019. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22–A, and for other purposes;

H.R. 9526. An act to authorize certain naval vessel loans, and for other purposes;

H.R. 9886. An act to amend the Act of July 24, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Texas, for the use of water supply storage in the Benbrook Reservoir;

H.R. 10384. An act to release certain restrictions on the acquisition of lands for recreational development and for the protection of natural resources at fish and wildlife areas administered by the Secretary of the Interior;

H.R. 10702. An act to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community;

H.R. 11570. An act to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for one year;

H.R. 11738. An act to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes; and

H.R. 11809. An act to provide that for purposes of Public Law 874, Eighty-first Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the United States Postal Service shall continue to be treated as Federal property for two years.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes;

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes; and

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year".

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 8708. An act to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes; to the Committee on Government Operations.

H.R. 8856. An act to authorize an additional Deputy Secretary of Defense, and for other purposes;

H.R. 9526. An act to authorize certain naval vessel loans, and for other purposes; and

H.R. 11738. An act to amend title 10, United States Code, to authorize the Secretary of Defense to lend certain equipment and to provide transportation and other services to the Boy Scouts of America in connection with Boy Scout Jamborees, and for other purposes; to the Committee on Armed Services.

H.R. 9019. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22–A, and for other purposes; and

H.R. 10702. An act to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community; to the Committee on Interior and Insular Affairs.

H.R. 9886. An act to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservoir; to the Committee on Public Works.

H.R. 10384. An act to release certain restrictions on the acquisition of lands for recreational development and for the protection of natural resources at fish and wildlife areas administered by the Secretary of the Interior; to the Committee on Commerce.

H.R. 11570. An act to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for one year; and

H.R. 11609. An act to provide that for purposes of Public Law 874, Eighty-first Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the United States Postal Service shall continue to be treated as Federal property for 2 years; to the Committee on Labor and Public Welfare.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to executive session.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate resumed the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. TUNNEY. Mr. President, I am here today to exercise a responsibility which I consider to be the most important a Senator has before him—the advice and consent to a nomination to the Supreme Court.

In the 11 months since I became a Senator, I have already had this opportunity once. That was yesterday, when I joined 88 other Senators in approving the nomination of Lewis F. Powell.

The full burden of this constitutionally imposed responsibility did not fall upon me with respect to the nomination of Mr. Powell, because, after examining his record, I found him to be a man of outstanding caliber, worthy of the position to which he has been summoned. There was no question, on those facts, of withholding my consent to his nomination. Unfortunately, the nomination of Mr. Rehnquist is another matter entirely.

First, I believe it important to meet a number of general issues which have

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been part of this controversy as they were of past confirmation debates. I do feel that great weight must be given to the initial choice of a President in evaluating a nominee to the Court, and I would vote against a nominee only reluctantly. Also, I quite agree that it is unhelpful to attempt to predict how a given nominee would vote on a particular case. Moreover, although the Senate has frequently engaged in the baldest inquiries into the political views of nominees, I believe this kind of review does not well serve the interest of keeping the Court insulated from the ordinary run of politics. Finally, because of the responsibility we must exercise in nominations, I believe it particularly important to act cautiously after full deliberation.

A STANDARD OF REVIEW

Having said all this, I believe equally strongly that there is a fundamental standard against which a Senator must measure a nominee. Mr. Justice Felix Frankfurter, himself a renowned judicial conservative, stated it most eloquently:

In good truth, the Supreme Court is the Constitution. Therefore, the most relevant things about an appointee are his breadth of vision, his imagination, his capacity for disinterested judgment, his power to discover and suppress his prejudices.

I think that standard is particularly meaningful for our task today. It reaches far beyond any issue of judicial conservatism or liberalism. It is a standard which speaks of our deepest hopes for equal justice under law, for a government which might be one of laws and not of men. We have gone to great lengths to make that vision a reality: we share a written Constitution; we have sought to disperse economic and political power wherever possible; we are skeptical of uncontrolled administrative discretion. Rightfully, we love law and justice, and honor our judges. I believe we accept, whatever our hopes, that any government of laws must also be a government of men. We must therefore at our peril seek out, above all for our courts, fair-minded men and women of imagination and disinterested judgment. That is why the standard expressed by Mr. Justice Frankfurter expresses those values which I believe we must demand of any Justice on the highest court, regardless of region, political views, or judicial philosophy.

Mr. BAYH. Mr. President, will the Senator from California yield?

Mr. TUNNEY. I yield.

Mr. BAYH. I should like to ask the Senator if he would care to, in the words of one of our leading public officials, make one thing perfectly clear, and that is the last point the Senator from California mentioned relative to the judgment of the minority in the Judiciary Committee Report; namely, was it the judgment of the four minority members of the Judiciary Committee that we would oppose Mr. Rehnquist because he did not agree with us in all things or we had a broader objection.

The suggestion was made by our distinguished colleague from Nebraska yesterday that we were unwilling to endorse anyone unless the prospective nominee would approve of everything that this small group of liberals thought was important. I should like for the Senator from California, if he would, for those who read the RECORD, to give us the benefit of his thinking on whether that was the judgment we made, or whether our objection was for a more basic reason.

Mr. TUNNEY. Mr. President, it is quite clear that the minority views express the point that Mr. Rehnquist was not being evaluated on the basis of narrow political views but was being judged on the basis of his overall judicial philosophy—the breadth of his vision, of his imagination, the way he reacted to the most fundamental of our liberties—and that is the Bill of Rights—in his opinions as a member of the Department of Justice. We were evaluating also the way he felt about racial equality, the fact that Mr. Rehnquist has not demonstrated an understanding of the fundamental concepts so basic to a democratic society, that if a person does not have equality of opportunity he is in fact being denied the same democratic rights that the majority of citizens in our society enjoy.

I think that in the era in which we live, with changes taking place so quickly, with communications being so rapid, it is an absolute necessity that we have a man sitting on the Supreme Court who understands and reveres the most basic of our democratic tenets and principles. Among those basic principles is the equality of opportunity for every individual in our society and the extreme importance of the Bill of Rights for the defense of individual liberty against the interests of governmental control.

Quite clearly, from the discussions that took place in the Committee on the Judiciary, and from the dissenting views that were expressed by four members of the committee, we were not basing our decision on narrow partisan grounds, but on a broader vision of what the Court represents to all Americans; namely, an interpreter of the Constitution in the face of all of the conflicting values and interests which must be weighed.

Each man sitting on that Court, it seems to me, has got to have deep in his very being a true sense of the history of this country, where we have come from, whence we have sprung, and where we are going.

I do not feel that Mr. William Rehnquist, a man of great intelligence, a man of high personal ethics, has the sensitivity toward the needs of our society and its disparate elements which is required to enable him to sit in judgment on these broad constitutional principles.

Mr. BAYH. I appreciate the response of the Senator from California. What he says certainly reflects the feeling and opinion, and certainly the ideas, in the mind of the junior Senator from Indiana, as we discussed them in committee and afterward in the compilation of the minority views. Also, we certainly tried to explain the nominee's views which disturbed us. I think that the Senator from California has captured the feeling very well and I appreciate it.

Mr. TUNNEY. I thank the Senator from Indiana. As I progress in my remarks, I will be more specific as to why I feel that Mr. Rehnquist lacks the necessary qualifications to sit on the Supreme Court.

Mr. President, acting in its own coordinate role of reviewing nominees to the Supreme Court, the Senate, time and again, has exercised its responsibility to inquire both into a nominee's integrity and competence, and also into his attitude toward the fundamental values of our constitutional system.

Demonstrative are the remarks of former Senator Connally on the nomination of Charles Evans Hughes to be the Chief Justice of the United States:

I have no quarrel with Judge Hughes as to personal character. I grant that he is a man of personal character. I grant that he is a man of personal integrity. I take no issue with the Senator from Illinois (Mr. Glenn) as to Justice Hughes' great ability as an advocate of the bar, but, Mr. President, a man who is personally honest, yet who has driven by an honest conviction to certain economic views, is a much more dangerous Judge and a much more dangerous man in this or any chamber than the weak or vacillating public servant.[1]

Former Senator Dill made a similar judgment:

Mr. Hughes is a man of quality, a man of great ability. He honestly believes in the doctrine of property rights as superior to human rights under the law he has so ably advocated. That makes him all the more effective and from my viewpoint all the more objectionable.[2]

No one has ever doubted that a President as a matter of course takes into account a prospective nominee's attitude toward the issues of the day, including questions which have come or may come before the Supreme Court in deciding whether to lay his name before the Senate. Reason and logic, as well as the text of the Constitution, suggest no less breadth in passing on the nominee.

The relevance of a nominee's judicial philosophy becomes even more clearly spotlighted, however, when the President explicitly says that a nominee's philosophy is one of the factors in his having been chosen.

It is fair to say that no President has been more explicit than the present one in unfolding a plan for reshaping the Supreme Court by naming to that bench only men of a particular judicial philosophy. In announcing his two current nominations on October 21, the President recalled his campaign pledge:

To nominate to the Supreme Court individuals who share my judicial philosophy, which is basically a conservative philosophy.

Hence the President singled out two criteria which guided his selections: excellence as a lawyer, and judicial philosophy.

The President has simply made plain what has been implicit all along in the process of making nominations to the Supreme Court—the consideration of a nominee's attitude toward the fundamental values of our constitutional system. Equally implicit is the Senate's duty. If the Senate is to "advise" as well as to "consent", then it is inconceivable that the Senators would deliberately bar themselves from considering the varied

[1] 72 Cong. Rec. 3574 (Feb. 12, 1930).
[2] *Ibid.*

kinds of factors which the President invariably considers in choosing the nominee in the first place.

It is in the nature of the judicial process that those who nominate, and those who confirm or reject, a Justice of the Supreme Court must be concerned about the attitudes and values which the nominee may bring to bear on the decision of cases. Constitutions are not written with the specificity which one finds in a will or a contract. In particular, the great clauses of the Constitution, those in which the rights and liberties of the citizen are most bound up, are commonly clauses of notable generality. Phrases like "due process of law" or "equal protection of the law" invite—even demand—value judgments on the part of a judge. There is no litmus paper test to tell when a man has been denied due process of law. A judge must draw on history, on precedent, on experience, on the sum total of his own insights into the relation between state and individual.

No one could trace the evolution of the great clauses of the Constitution without being struck by the extent to which the judges of any generation are likely to read into that clause their understanding of how society will be best served by the interpretation that they are making.

How else can one account for the many and shifting uses to which the due process clause has been put, for example, the rise and decline of "substantive due process" in reviewing state economic and social legislation, or the more recent use of 14th amendment due process to "incorporate" and apply to the State various guarantees of the Bill of Rights?

Or how can one otherwise account for the many uses of the equal protection clause, ranging from its traditional application to bar racial injustice, to its use to implement other, emerging concerns, such as the dilution of the vote in legislative apportionment or the disabilities which indigency may place upon the accused in a criminal case.

Not only the language of the Constitution, but also the functioning of the Supreme Court as an institution, underscores the extent to which judges must make value judgments. Justice Jackson described how the Court is obliged to reconcile competing forces in our society:

The Constitution, in making the balance between different parts of our government, a legal rather than a political question, casts the Court as the most philosophical of our political departments. It keeps the most fundamental equilibriums of our society such as that between liberty and authority, and between stability and progress. These issues underline nearly every movement in organized society.[3]

Justice Frankfurter emphasized the extent to which, as he saw it, a judge in interpreting the Constitution is necessarily thrown back upon his own set of values. The words of the Constitution, he wrote, are

So unrestricted by their intrinsic meaning or by their history or by tradition or by prior decisions that they leave the individual Justice free, if indeed they do not compel him, to gather meaning not from reading the Constitution but from reading life . . . . [M]embers of the Court are frequently admonished by their associates not to read their social and economic views into the neutral language of the Constitution. But the process of Constitutional interpretation compels the translation of policy into judgment.[4]

Strive as one will for the idealized notion that a judge should decide cases without reference to his own social or economic philosophy, it is hard to escape the implications of Jerome Frank's comment:

When I woke up one morning a Federal Court Judge, I found myself about the same person who had gone to bed the night before an S.E.C. Commissioner.[5]

One of the great students of the judicial process, Benjamin Cardozo, himself later to sit on the Supreme Court, thought to puncture the myth that somehow when a man becomes a judge he is unaffected by the events which shape the thinking of other men:

Deep below consciousness are other forces, the likes and the dislikes, the predilections and the prejudices, the complex of instincts and emotions and habits and convictions, which make the man, whether he be litigate or judge. . . . [I]f there is anything of reality in my analysis of the judicial process, they [judges] do not stand aloof on these chill and distant heights; and we shall not help the cause of truth by acting and speaking as if they do. The great tides and currents which engulf the rest of men do not turn aside in their course and pass the judges by.[6]

In short a man takes what he is and what he believes, to the Supreme Court. It is our duty to approve or disapprove him on that basis as I believe is made clear in the standard described by Mr. Justice Frankfurter.

B. MR. WILLIAM REHNQUIST

Mr. President, I come then to the present context—the nomination of William Rehnquist. Both of us are relatively young men. Both of us may live to see the end of this century and the beginning of the next millennium. As pointed out by the Senator from Indiana in another Supreme Court confirmation debate, Mr. Rehnquist may be serving on the Supreme Court in the year 2000.

Between now and then, there will be many profound political, social, and economic changes in this country. As a Justice of the Supreme Court, Mr. Rehnquist will be required to pass judgment on the constitutionality of much of that change as it relates to maintaining an equilibrium between freedom and order, equality and efficiency, justice and security.

And for that reason, in his testimony, in his speeches, in his writings, and in personal conversations with him, I have sought to measure, as Justice Frankfurter suggested, his breadth of vision, his imagination, and his capacity to put aside his prejudices.

William Rehnquist's record presents no threshold problem of personal integrity or intellectual ability. It is clear he is a man of superior intellect and great personal integrity. But it raises serious questions about all of those factors I have just listed.

Much of the basis for those questions can be found in the memorandum which three of my fellow members of the Judiciary Committee and I filed with our individual views. Contained in it is the substance of many of my objections to Mr. Rehnquist.

They can be summed up in this way: I believe that William Rehnquist places a very low value upon fundamental principles of equality and individual liberties, a value far lower than that which they are accorded by the Constitution and the Bill of Rights. I am particularly concerned with his willingness to discount or disregard the fundamental nature of basic human rights.

Mr. Rehnquist testified to the Judiciary Committee that he would put aside personal value judgments. Yet the comments of Justices Frankfurter, Jackson, and Cardozo, cited earlier, make clear that the very essence of a justice is his ability to make exceedingly difficult value judgments. And the record before us indicates that Mr. Rehnquist brings an exceedingly limited breadth of vision to those value judgments.

1. CIVIL LIBERTIES

In each instance when he has confronted a judgment involving competing interests of governmental power and individual liberty, he has demonstrated an uncritical willingness to place an overriding value on governmental control. On governmental surveillance, wiretapping, inherent executive power, rights of the accused, dissent by public employees, and many other instances which involve a balancing of governmental and private interests—the record is equally disturbing.

His justification of a vast expansion of the Subversive Activities Control Board, his defense of unrestricted governmental surveillance, his rationale for preventive detention—all demonstrate to me that he is quite the reverse of a "strict constructionist." Instead he is willing to read into the powers of the executive branch an unrestricted latitude which threatens the very basis of individual freedoms.

He reads the Bill of Rights, and decisions upholding them against competing interests, as narrowly as possible, with only a passing reference to their underlying concerns. At the same time, he reads provisions and precedents conferring executive power expansively to justify the most intrusive kinds of official interference with those rights.

An example is his analysis of the conflicting interests regarding Government surveillance. On the one hand, he rejects the notion of judicial control over surveillance on the ground that the very process of litigation will impede the investigative activities of the Executive and will—in Learned Hand's borrowed phrase "dampen the ardor of all but the most resolute" public officials. He does not explore the extent of the impediment, or consider available devices—such as ex parte or in camera judicial proceedings—which would minimize it.

[3] Robert H. Jackson, *The Struggle for Judicial Supremacy* (New York, 1941), pp. 312–13.
[4] "The Supreme Court," 3 *Parliamentary Affairs* (1949), p. 68.
[5] Quoted in Alpheus T. Mason, *The Supreme Court from Taft to Warren* (New York 1964), p. 192.
[6] *The Nature of the Judicial Process* (New Haven, 1921), pp. 167–68.

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On the other hand, he denies that surveillance raises first amendment questions, rejecting the argument that it may "dampen the ardor" of political dissenters. In sum, the acknowledged possibility of abuse of surveillance does not call for judicial controls; but the possibility of abuse of judicial process calls for executive immunity from judicial controls. The Government's investigative interests must be protected from the "chilling effect" of litigation; but the first amendment interests of political dissenters need no protection from the "chilling effect" of the investigation.

Obviously, such conceptions as "possibility of abuse" and "chilling effect" have differing application to the facts and values on the two sides of the surveillance controversy; and, carefully analyzed, they may cut more heavily on one side than the other. But anyone who seeks fairly to resolve the controversy must fairly examine the applicability of these conceptions to the contentions on both sides, not just one. To be concerned with degrees of impairment of investigation that result incidentally from judicial supervision, but unconcerned with degrees of impairment of political expression that result incidentally from surveillance, bespeaks sensitivity to law enforcement values but none to the values of free speech.

2. CIVIL RIGHTS

In the area of civil rights, Mr. Rehnquist's record is especially disturbing, because of the substantial role played by the judicial branch in assuring equality of opportunity to all our citizens.

In recent days with public attention on his arguments as a Supreme Court clerk, against overturning the now infamous "separate but equal" decision, *Plessy* v. *Ferguson* (163 U.S. 537 (1896)), that record has become even more disturbing.

Of the three branches of the Federal Government, it was the judiciary which took the initiative in recognizing the moral and constitutional imperative of the civil rights movement in America. Nearly a century of inactivity followed the freeing of the slaves and the passage of the Reconstruction amendments to the Constitution. The high water marks of Reconstruction efforts to broaden civil rights and racial equality were Supreme Court decisions: The decision in the civil rights cases, overturning a public accommodations discrimination law was confirmed by the "separate but equal" decision of the Supreme Court in Plessy against Ferguson. Both these Supreme Court decisions stand at the beginning of decades of inactivity which ended only with another Supreme Court decision—*Brown* v. *Board of Education* in 1954 (347 U.S. 483). Only after Brown did the flood of civil rights legislation and other reforms begin.

Especially in the field of civil rights, therefore, the rule of law has depended on the actions of judges. The black man in America has pinned his hopes on that rule of law, and black leadership has repeatedly looked to the courts to redress grievances. As Mr. Justice Black put it so well in a 1940 opinion:

> Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement.[7]

It is pointedly unfair, and in the long run futile, to ask a member of a minority group to have respect for law unless in return he has some reasonable assurance that he will share fully in the protections and promises that the Constitution holds out to him. If he loses faith in the constitutional system, the result is frustration, alienation, and eventually civil disorder or worse.

The powerless, the disadvantaged, the unpopular must not be without hope of redress. Even if the winds of political fortune from time to time foreclose legislative and executive channels, such people must be able to look to the courts. Recognizing the intimate relation between litigation and progress of civil rights in a 1963 opinion, the Supreme Court said that while litigation is not always a technique to resolve private differences; it can be—

> A means for achieving the lawful objectives of equality of treatment by all government, federal, state, and local, for members of the Negro community in this country. It is thus a form of political expression. Groups which find themselves unable to achieve their objectives through the ballot frequently turn to the courts. Just as it was true of the opponents of the New Deal legislation during the 1930's, for example, no less is it true of the Negro minority today. And under the conditions of modern government, litigation may well be the sole practicable avenue open to a minority to petition for redress of grievances.[8]

It is one thing for a court to take a "hands off" attitude when all that is at stake is a statute regulating the economy. Those who have money, power, or influence rarely find the courts to be their only hope. It is quite another thing to adopt a laissez-faire attitude to the rights of racial or other minorities.

Insuring that the American system is able to respond to the legitimate expectations of its diverse minorities is one of the compelling imperatives of our time. It is an imperative which will go unfulfilled if those on the Supreme Court are hostile, insensitive, or indifferent to the needs and aspirations of blacks and Chicanos and others who have so far not shared completely in the fruits of American democracy.

The legitimate aspirations of a minority group depend for their ultimate vindication on an open society: an unfettered franchise, freedom to express opinions no matter how obnoxious to the majority, a wide scope for State and Federal reform legislation—for example, congressional power under section 5 of the 14th amendment—and accessible justice in the courts. It is in just such areas as these that rulings of the Supreme Court in the past two decades have had the most impact. It is imperative that the Court continue to share with the Congress this trusteeship.

[7] *Chambers* v. *Florida*, 309 U.S. 227, 241 (1940).

[8] *NAACP* v. *Button*, 371 U.S. 415, 429–30 (1963).

I have measured the record of William Rehnquist on civil rights against this imperative and find it inadequate.

In accepting the Republican nomination for President in 1968, President Nixon said the following:

> Let those who have the responsibility for enforcing our laws and our judges who have the responsibility to interpret them be dedicated to the great principles of civil rights.

Yet Mr. Rehnquist displays, instead, a consistent hostility toward efforts to bring to all our citizens the full measure of their rights regardless of race or color or creed. His record is one of opposition to even modest efforts toward racial equality. The 1964 Phoenix public accommodations ordinance, the 1966 Model State Antidiscrimination Act, the 1967 letter to the editor of the Arizona Republic, and more fundamentally, his memorandum to Justice Jackson against the now infamous overturning Plessy against Ferguson, "separate but equal" decision of the Supreme Court—all demonstrate that he is a man who shrinks from dedication to those "great principles of civil rights" of which the President spoke.

All of these points are considered in great detail in our joint memorandum contained in the Judiciary Committee report with the exception of his memorandum to Justice Jackson, and I commend it to the Senate.

I believe, however, that the memorandum to Justice Jackson is highly significant, because it provides a strong indication of the manner in which Mr. Rehnquist approaches the proposition that all men are entitled to equality of opportunity regardless of race or color. And combined with his letter to the editor of the Washington Post regarding Judge Carswell in 1970, it demonstrates quite clearly that then and now, William Rehnquist believes that "constitutional conservatism" dictates resistance to "further expansion of constitutional recognition of civil rights."

In 1952, as the Supreme Court approached its unanimous decision in Brown against Board of Education in 1954 holding that racially segregated public facilities were inherently unequal, William Rehnquist said the following in his memorandum to Justice Jackson:

> Regardless of the Justice's individual views on the merits of segregation, it quite clearly is not one of these extreme cases which commands intervention from one of any conviction.

In 1970, in the face of demonstrated hostility to racial justice on the part of Judge Carswell, William Rehnquist wrote to the Washington Post as follows:

> Thus the extent to which his judicial decisions in civil rights cases fail to measure up to the standards of The Post are traceable to an over-all constitutional conservatism, rather than to any animus directed only at civil rights cases or civil rights litigants.

To my mind there is no clearer evidence that William Rehnquist at every point in time continues to regard affirmative commitment to principles of racial justice and judicial conservatism as mutually exclusive. He did so in 1952, he did so in 1970, and I believe he does so now.

I believe that one point ought to be made very clear, and that is that it is possible to oppose such things as violent and disorderly demonstrations and still believe very deeply in the Bill or Rights, in the rights of assembly and free speech. I happen to oppose disorderly demonstrations and violence and the individual who decides to take the law into his own hands. Yet I believe equally passionately that the Bill of Rights must be protected in a mechanistic age in which men sense that their Government has no relevance to them.

What we are demanding of this nominee, as we did of Mr. Powell and other nominees before him, is that he give full consideration to all of the conflicting values and interests of society before making a judgment. One need not be a knee-jerk liberal to be concerned with a record such as that before us today. Concern for an ordered society, for the security of our governmental system, for protection against crime and lawlessness does not and cannot exclude an equal concern for the protection of individual liberties.

If there ever does come a time when concern for individual rights and concern for law and order with justice become mutually exclusive, I fear for our society.

Thus, I reject utterly and completely the notion that opposition to this nomination is based upon any kind of political litmus test between the parties, Republican and Democratic, in this country. I think that it is very clear that Mr. Powell has demonstrated in his record that he has the sensitivity to the Bill of Rights, that he has an understanding of the individual's value in an ordered society. I also believe it is clear that Mr. Rehnquist has not demonstrated such an understanding.

I, for one, reject wholly the thought that because in the Constitution life, liberty, and property are mentioned together, and that because the Federal Government, in recent years, has exercised ever-greater control over property rights, correspondingly the Government should have the right to control ever more completely the freedom of the individual. I believe that one of the things most dangerous about the present age and most dangerous to our democratic way of life is the fact that our political institutions are becoming free-floating aggregates of power, not anchored into the conscience of the individual citizen. I believe that the average citizen feels increasingly that his life has no universal moral significance.

It is ironic that a person such as myself, who has what could be called by some a liberal voting record, should be arguing what has traditionally been in this country a conservative viewpoint; namely, that the right of the individual is superior to the right of a government to exercise more than necessary control.

I do not feel that the Government has the right to exercise casual control over the individual. I feel that the Government obviously has the right to maintain order, and obviously the Government has the right to incarcerate those who break the law, and to punish those who show such contempt of their fellow citizens that they are willing to violate their rights. But everything is a balance. I, for one, am not predisposed to favor justices on the Supreme Court of the United States who feel that the Federal Government has an unlimited right to maintain order in the society, even where the most basic rights of the individual are held in jeopardy.

I never want to see the United States of America become a political community such as exists in the Soviet Union. I do not want to see truth based upon an opinion of the leader of the society as to what truth should be. I disagree with the basic philosophy of Jean-Jacques Rousseau that the general will as interpreted by the leader of the society is determinative of what the individual has the right to think and do.

In that kind of a political community, what really counts is who is the leader, and what are his personal political predilections. The rights of the minority are meaningless, because in the total political community, the general will as expressed by the leader is morally right, and those who disagree are apostates, under conditions such as those that prevailed during the Inquisition, and can be disposed of, and those who do the disposing are morally justified in so doing.

I do not want to see that type of society develop in the United States. But I think we have to recognize that in recent years we have moved far down the line. I think that when we see, as we did in recent history, men called figurative traitors, because they disagreed with a President's foreign policy in Southeast Asia, or when we move a little bit farther back in history and recall the era of Joe McCarthy, we begin to realize that increasingly we are moving toward a political community where the individual's worth to the society is determined by the political philosophy of those in power.

I feel, in that sense, that Mr. Rehnquist's philosophy as it relates to the exercise of government power is quite radical, and it seems to me that my own predisposition is conservative, if conservative means recognizing the importance and the value of individual rights and judgments.

It is my very sincere hope that the nomination of Mr. Rehnquist will not be confirmed by the Senate. He certainly is not a bad man. He certainly is not a man who is going to espouse principles which would incite revolution. But to my mind, he believes and articulates a sense of values which, if it were realized in this country, would mean a sharp departure from what we have known in the past. Considering the judicial system that we have in this country and considering the long tradition in Anglo-Saxon common law of innocence until proved guilty, I cannot imagine why a man as knowledgeable of the law as William Rehnquist would advocate, and be an architect of preventive detention. If you think about it for a moment, preventive detention turns the burden of proof upside down, it forces the defendant to prove his innocence, because he is jailed until trial. The only factual question that has to be determined by a judge before jailing is whether the defendant has had a certain number of convictions in the past. I would agree that if one were going to use the odds of a gambler, a long criminal record may make it more likely that a person arrested for another similar crime may be guilty of that crime—more likely at least than a person who has never been arrested before. But still it represents a very significant departure from the fundamental concept that a man is innocent until proven guilty, and that when a man is arrested and jailed prior to trial, he will have the right of bail.

Mr. Rehnquist apparently feels that preventive detention is a satisfactory means of keeping a man off the streets until trial. I wish that in analyzing the competing interests on that issue, Mr. Rehnquist had shown a corresponding willingness to analyze the effect of other, less restrictive alternatives—alternatives such as swifter trials, more judges and streamlined procedures, so that justice could be expedited—expedited in a way that is consistent with the Constitution which every American citizen treasures. That, I believe, is the essence of the value judgments which a Justice must make, and it illustrates the narrowness of his vision and imagination. I recognize that he is a man who is a consummate technician, but I feel that where he fails is that he does not have that breadth of spirit which encompasses the very essence of our democratic way of life. Although I feel that Mr. Rehnquist is perfectly entitled to have his point of view—and I would defend his right to express that viewpoint—that does not mean that I feel that he should be sitting on the Supreme Court of the United States, one of nine Justices, making decisions which are dramatically going to affect the rights of 200 million other citizens.

Mr. President, I should like to read into the RECORD at this time the memorandum that Mr. Rehnquist drafted for Justice Jackson in 1952 in which he analyzed the conflicting values which confronted the Court as it approached a decision on a half century of racial segregation.

I believe it illustrates and confirms the fact that, in the mind of William Rehnquist, judicial conservatism operates in opposition to the dedication to civil rights of which President Nixon spoke in his nominating speech.

A RANDOM THOUGHT ON THE SEGREGATION CASES

> One-hundred fifty years ago this Court held that it was the ultimate judge of the restrictions which the Constitution imposed on the various branches of the national and state government. *Marbury* v. *Madison*. This was presumably on the basis that there are standards to be applied other than the personal predilections of the Justices.
>
> As applied to questions of inter-state or state-federal relations, as well as to inter-departmental disputes within the federal government, this doctrine of judicial review has worked well. Where theoretically co-ordinate bodies of government are disputing, the Court is well suited to its role as arbiter. This is because these problems involve much less emotionally charged subject matter than do those discussed below. In effect, they determine the skeletal relations of the government to each other without influencing the substantive business of those governments.

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As applied to relations between the individual and the state, the system has worked much less well. The Constitution, of course, deals with individual rights, particularly in the First Ten and the Fourteenth Amendments. But as I read the history of this Court, it has seldom been out of hot water when attempting to interpret these individual rights. *Fletcher* v. *Peck*, in 1810, represented an attempt by Chief Justice Marshall to extend the protection of the contract clause to infant business. *Scott* v. *Sanford* was the result of Taney's effort to protect slaveholders from legislative interference.

After the Civil War, business interest came to dominate the Court, and they in turn ventured into the deep water of protecting certain types of individuals against legislative interference. Championed first by Field, then by Peckman and Brewer, the high water mark of the trend in protecting corporations against legislative influence was probably *Lochner* v. *NY*. To the majority opinion in that case, Holmes replied that the Fourteenth Amendment did not enact Herbert Spencer's Social Statics. Other cases coming later in a similar vein were *Adkins* v. *Children's Hospital*, *Hammer* v. *Dagenhart*, *Tyson* v. *Banton*, *Ribnik* v. *McBride*. But eventually the Court called a halt to this reading of its own economic views into the Constitution. Apparently it recognized that where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases.

In these cases now before the Court, the Court is, as Davis suggested, being asked to read its own sociological views into the Constitution. Urging a view palpably at variance with precedent and probably with legislative history, appellants seek to convince the Court of the moral wrongness of the treatment they are receiving. I would suggest that this is a question the Court need never reach; *for regardless of the Justice's* individual views on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction.

I should like to interpose here: If segregation is not one of those extreme cases which commands intervention by the Supreme Court, what in the world would be one of those extreme cases?

To go on with the memorandum:

If this Court, because its members individually are "liberal" and dislike segregation, now chooses to strike it down, it differs from the McReynolds court only in the kinds of litigants it favors and the kinds of special claims it protects. To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction.

To interpolate again, apparently, if we follow this logic to its ultimate conclusion, we could have debtors prisons in this country. If property rights are always the equal of human rights, the Government could constitutionally establish such debtor prisons.

The Bill of Rights and the 14th amendment, if they stand for anything at all, stand for the proposition that there are occasions when rights fundamental to personal dignity do outweigh rights to property.

To go on with the memorandum:

To the argument made by Thurgood, not John Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are. One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

Mr. President, I submit that the memo speaks for itself. It reveals a man who believes that judicial conservation can and should prevent a justice from undoing a half century of racial injustice and indignity. And taken together with Mr. Rehnquist's 1970 letter to the Washington Post in support of Judge Carswell it demonstrates that William Rehnquist believes that judicial conservation does, indeed, compel opposition to affirmative action against racial injustice.

When we couple his insensitivity in civil rights with his insensitivity to civil liberties, I believe his record shows that he is prepared to discount and disregard fundamental values which we as a Nation cannot discount and disregard.

Democracy is a very delicate balance between order on the one hand and liberty on the other. We can and we must demand that our judges be concerned to the utmost with the maintenance of that delicate balance. And thus I must oppose the nomination of William Rehnquist.

Mr. President, I yield to the Senator from Massachusetts.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for a unanimous consent request?

Mr. BROOKE. I yield.

UNANIMOUS-CONSENT AGREEMENT ON S. 2676

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of any special orders for any Senators tomorrow, there be a period of not to exceed one-half hour set aside for the consideration of calendar No. 537, S. 2676, a bill to provide for the prevention of sickle cell anemia; and that the time be equally divided between the majority and the minority leaders or whomever they may designate.

The PRESIDING OFFICER (Mr. HANSEN). Does the Senator wish to waive rule XII?

Mr. MANSFIELD. Yes, indeed. I thank the Chair for reminding me.

Mr. FANNIN. Mr. President, what is the time limitation?

Mr. MANSFIELD. The time limitation is not to exceed one-half hour, the time to be equally divided between the two leaders or whoever they may designate. It is my further understanding that the yeas and nays have been ordered on the measure.

The PRESIDING OFFICER. The Senator is correct. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 7, 1971, he presented to the President of the United States the following enrolled bills:

S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands; and

S. 2248. An act to authorize the Secretary of the Interior to engage in certain feasibility investigations.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. BROOKE. Mr. President, inscribed on the portico of the Supreme Court are four words: "Equal Justice Under Law." In all likelihood, few Americans have ever noticed this inscription. But through the centuries, millions of Americans have relied on the Court to follow this dictum. And in the past two decades, a disillusioned minority of Americans have become increasingly reliant on this, the Nation's highest tribunal, to accord them the rights they have for so long been denied. The Court has responded to their aspirations for justice and sustained their faith that our Nation remains intent on realizing the noble and necessary goal of equality for all its citizens.

The confidence of the people in the Supreme Court must ever be renewed and never be diminished. This confidence is derived from the actions, opinions and bearings of nine individuals. We in the Senate are charged with sustaining this confidence by properly advising and consenting on the President's judicial nominations. We must insure that only the best men and women serve on the Supreme Court of the United States. And there must be no doubt in any American's mind that the U.S. Senate will accept anything less than the best on the Court.

Our quest for the best justices must be considered with a special set of circumstances in mind: The time limits which apply to most other Presidential appointments do not pertain to Supreme Court Justices. A justice once nominated and confirmed in the last third of the 20th century could well serve into the 21st century and shape the destiny not only of our children but of our children's children and, indeed, their children.

In this context, I am reminded of Justice Felix Frankfurter's observation after many years of service on the Court:

The meaning of "due process" and the content of terms like "liberty" are not revealed by the Constitution. It is the Justices who make the meaning. They read into the neutral language of the Constitution their own economic and social views. Let us face the fact that five justices of the Supreme Court are the molders of policy rather than the impersonal vehicle of revealed truth.

Five Justices, a majority of the Court, are indeed the "molders of policy." The law is not eternal, immutable; it changes as it is perceived by men. And it is our duty, the Senate's duty, no less than the President's, to insure for the people of the United States that the law is perceived by wise and fair men and women. In carrying out our duty we must measure the men and women nominated by the President against the highest possible standards. I have done so to the fullest extent possible.

During the 35 months of his incumbency, President Nixon has had an opportunity with few precedents. He has had the opportunity to fill four vacancies on the Supreme Court. In so doing, he has nominated six men—one to be Chief Justice and five to be Associate Justices of the Court. I supported the nominations of Warren E. Burger to be Chief Justice and Harry A. Blackmun to be an Associate Justice. At the time of their confirmations I believed each would sustain the people's confidence in the Court. Their records to date have substantiated my belief.

At the same time, I felt compelled to vote against two Presidential nominees to the Supreme Court: Justices Clement Haynsworth and G. Harrold Carswell.

Both of these men should be spared as far as possible a review of the circumstances that led to the rejection of their nominations.

I intend to discuss their confirmation proceedings only to the extent that it is necessary to delineate my criteria for supporting the confirmation of a nominee to the Supreme Court.

In 1948, Mr. Carswell had advocated a doctrine of racial superiority. As repugnant as this concept is to me, I would not have voted to reject him on the basis of the 1948 speech if anywhere in the 22 years which followed there was convincing evidence that he had changed his views. In my search for such evidence, I was mindful of the presence on the Court of Justice Hugo Black, who had taken the oath of a Klansman early in his political career, but who before and during his service on the Court became one of the greatest defenders of personal liberties in American history. Judge Carswell's personal and professional record gave no evidence of a similar ability to grow and change.

In fact there was clear evidence that his views of 1948 were his views in 1970. My search was for more than evidence. I searched for a measure of the man and found he did not measure up to the standard the Senate must set if public confidence in the Court is to be sustained.

I asked: "What kind of man is he?" That is a difficult question. The answers are not readily found. But the question is valid and the answers essential as a Senator weighs his decision and votes on a Supreme Court nomination. It is imperative that we measure the total man.

In this regard, I repeat today what I said on March 19, 1970, during the debate on the Carswell nomination:

In short I say our responsibility goes far deeper. We are concerned not only with the integrity and honesty of the nominee, but also with the competence, ability and qualifications above and beyond the man's moral fitness to sit on the highest bench of the land.

These qualifications can be discerned in the human qualities of a nominee which are pertinent to confirmation because, in Frankfurter's words, a Justice is more than "the impersonal vehicle of revealed truth."

Judge Learned Hand once discussed the appropriate qualifications of great jurists. He said in part:

They must be aware that there are before them more than verbal problems; more than final solutions cast in generalizations of universal applicability. They must be aware of the changing social tensions in every society which make it an organism; which demand new schemata of adaption; which will disrupt it if rigidly confined.

In assessing past nominees to the Supreme Court, I have sought in measuring the "total man" to judge the candidate's awareness of and sensitivity to "changing social tensions."

In this regard, it is, and must be, appropriate that we consider a nominee's actions and attitudes with respect to civil rights. I believe that a nominee's affirmation of the progress we have made in assuring equal treatment and opportunities for all Americans is a prerequisite for confirmation. I have applied this yardstick in the past; I have used it in respect to the nomination now before us and I shall hold true to it as long as I am a Member of the U.S. Senate.

For I believe that the Nation's highest tribunal has renewed the promise of liberty and equality, and that it can never renege on this sacred promise.

Mr. President, during the proceedings on past Supreme Court nominees, I have said I could vote to confirm a conservative, a southerner, and a strict constructionist. I voted with confidence to confirm the nominatin of Lewis F. Powell, Jr., to be Associate Justice of the Supreme Court.

But I regret that on the basis of his record I do not have that confidence in William H. Rehnquist and I am compelled to vote against his confirmation.

Since I announced my decision last Thursday to oppose Mr. Rehnquist's nomination, additional information as to Mr. Rehnquist's disposition to human rights has surfaced.

In its December 13 issue, Newsweek reported that while a clerk to Justice Robert Jackson in 1952, the nominee wrote a memorandum declaring that the "separate but equal" doctrine laid down by the Court in Plessy against Ferguson in 1896, in Mr. Rehnquist's words, "was right and should be reaffirmed."

This memo further stated:

Regardless of the Justices' individual views on the merits of segregation . . . it quite clearly is not one of those extreme cases which commands intervention from one of any conviction. . . . To those who argue that "personal" rights are more sacrosanct than "property" rights the short answer is that the Constitution makes no such distinction. To the arguments made by Marshall—Thurgood, not John—that a majority may not deprive a minority of its constitutional rights, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are.

Heaven help us, Mr. President, if this is the answer.

Mr. Rehnquist was 28 years old when he wrote that memo and when he predicted that the Court's efforts to protect minorities would "fade in time, too, as embodying only the sentiments of a transient minority of nine men." Two years later Justice Jackson joined in the unanimous decision in Brown against Board of Education, which declared segregated schools to be inherently equal. The Court's efforts to protect minority rights did not "fade in time." Neither did William Rehnquist's resistance to efforts to protect these rights.

As I did in the case of Judge Carswell, I searched for evidence which might indicate a change and growth in Mr. Rehnquist's attitudes. I looked for indications that the nominee had grown away from the position he stated in his 1952 memo. But I did not, I could not, find such evidence.

On the contrary, my thorough analysis of Mr. Rehnquist's record reveals a continued and disturbing pattern of insensitivity to human rights. The record is devoid of any assurance that, if confirmed, he would not seek to undo the slow, steady progress we have made. Rather, the evidence suggests that, if confirmed, he might actively press to move the Court away from its commitment to equal protection and opportunity.

Since his 1952 memo, I find, time and again, a consistent pattern in Mr. Rehnquist's personal activities, writings, and opinions throughout the 1960's when he practiced law in Phoenix. What is clear from a review of available information is that, while our Nation forged ahead into new dimensions of equal opportunity and treatment for its people, Mr. Rehnquist clung tenaciously to a narrow view of the rights of man.

The years of 1964, 1966, and 1967 were years of hope for the long-disillusioned minorities. Congress began to move, as the Supreme Court had earlier, to insure that human rights were upheld. Yet, in each of these years, Mr. Rehnquist vigorously opposed progress in human rights.

On June 15, 1964, as a "lawyer without a client," William Rehnquist appeared before the city council of the city of Phoenix to argue against adoption of an ordinance guaranteeing equal rights of access to public accommodations.

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There was nothing ambiguous about his speech. It was an eloquent, but, in my judgment, totally misguided, defense of the proposition that property rights rank higher than human rights. Let me repeat his words:

Here you are talking about a man's private property and you are saying, in effect, that people shall have access to the man's property whether he wants it or not.

Fortunately, his testimony did not convince the city council which unanimously passed the ordinance the following day. Undeterred, Mr. Rehnquist reiterated his views in a letter to the editor, published in the Arizona Republic, June 24, 1964. Within weeks the Congress of the United States passed the historic Civil Rights Act of 1964 with its broad public accommodations provisions.

Mr. Rehnquist now claims a change of mind on this issue. In his testimony before the Judiciary Committee last month, he said:

I think the ordinance really worked very well in Phoenix. It was readily accepted, and I think I have come to realize since, more than I did at the time, the strong concern that minorities have for the recognition of these rights. I would not feel that same way today about it as I did then.

Mr. President, it is incredible to me that any man did not know how strongly minorities felt about their rights. Minorities feel just as strongly about their rights, if not more strongly about their rights, than majorities feel about their rights. That is what is happening all over the world today. People are claiming and crying and fighting for their rights. Minorities who have been oppressed for centuries are fighting for their rights. How can an intelligent man—and Mr. Rehnquist is an intelligent man—not have known in the 1960's that minorities felt so strongly about their rights? Then in 1971, when he came before the Senate Committee on the Judiciary to be confirmed for the Supreme Court of the United States, our highest tribunal, he said that now he understands how strongly minorities feel about their rights.

Mr. BAYH. Will the Senator yield?

Mr. BROOKE. He does not say that he was wrong in 1967. He does not say that at all. He just says the Phoenix, Ariz., ordinance worked well—as though he were surprised that it would work well—and that, therefore, since it did work well, and because he now understands in 1971 how strongly minorities feel about their rights, he has changed his mind and perhaps today he would not say what he said in 1967.

Yes, I shall be very pleased to yield

Mr. BAYH. I just want to reemphasize—and the Senator has done so on his own volition—the fact that although the proponents of Mr. Rehnquist said, well, now, he really does not believe that; it may have been bad to write that memorandum back in 1952 in reference to the case of Brown against Board of Education; it may have been bad not to have wanted black people in the drugstores of Phoenix in 1964—at a time when this city was alive, when hundreds of thousands of people became aware of that great 1964 Civil Rights Act—it may have been bad in 1967 for him to have taken issue with the superintendent of schools in his efforts to desegregate the school system of Phoenix, but this is a new Mr. Rehnquist in 1971. They say he really does not believe in this any more.

As the Senator from Massachusetts has pointed out, he has not said that he was wrong in 1964; he has not said that the philosophy presented in Brown against Board of Education is a good philosophy; he has fallen back on the argument that we did not get quite as many bloody noses out of the public accomodations ordinance as he had anticipated.

I wonder if the Senator from Massachusetts shares concern, as does the Senator from Indiana, that it is too late to remake Brown against Board of Education. That is the law of the land, and to try to look with hindsight at what a man who has now made certain statements relative to Brown against Board of Education some feel now is not important. But we have to look at his philosophy, and the thought processes that he used, and the assessment of various values of the Constitution that he used, to determine how he would judge should another Brown against Board of Education—a similarly dramatic landmark case—come before the Court.

Does the Senator from Massachusetts have concern about the sensitivity and the humanitarian nature of a nominee who looked so coldly and callously at blacks with regard to personal rights as that expressed by the nominee, given another case like this, as there are bound to be several?

Mr. BROOKE. Mr. President, I certainly am very much concerned about Mr. Rehnquist's insensitivity in this area. I am very much concerned at the thought of confirming the nomination of a man for the Supreme Court of the United States who, after making the statement he did in 1967, comes before the Senate Judiciary Committee in 1971 and asks the members to vote favorably upon his nomination and report his nomination to the full Senate, yet even then does not feel strongly enough about basic human rights to say categorically, without any equivocation whatsoever, that he now thinks differently. I searched the record. I read it thoroughly. I find no such language contained herein. I cannot interpret what I have read in the record to mean that he has changed his view, no matter how much I may stretch that record or that language. I cannot find it anywhere in the record. Let me just read the words again:

I think the ordinance really worked very well in Phoenix. It was readily accepted, and I think I have come to realize since, more than I did at the time, the strong concern that minorities have for the recognition of these rights. I would not feel that same way today about it as I did then.

Nowhere there in those words I have just read do I find a rejection of the philosophy of his statement in 1967—nowhere.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BAYH. The Senator from Indiana sat through every word of that testimony, and it is not there. The interpretation for which the Senator from Massachusetts searched, I also searched for. I asked questions trying to get this type of disavowal. It is not there. I think we have an alarming consistency between the language and the rhetoric throughout his career and the reasoning in his Brown against Board of Education memorandum to Justice Jackson.

Mr. Rehnquist then said the Constitution—I will paraphrase it very badly, because he stated it very articulately, but in essence he said—the Constitution does not give preference to personal rights over property rights. There is great consistency between that language in 1952 and the language in the letter to the editor about the Phoenix public accommodations ordinance, and, indeed, the integrated versus segregated society language in the 1967 letter. So it at least shows the same belief that he had in 1964, 1966, and 1967 as he had in 1952.

I thank my colleague for yielding.

Mr. BROOKE. To go on, Mr. President, Mr. Rehnquist's "change of mind"—in quotes—came slowly, even though it was welcome. It came slowly.

In 1966 he opposed two important provisions of a model State Antidiscrimination Act. One would have permitted an employer with the approval of a State agency, to voluntarily hire new employees to fill vacancies in such a way as to reduce or eliminate racial, religious, or sex imbalance in its work force. The other provision also opposed by Mr. Rehnquist was designed to prohibit "blockbusting" tactics by which some realtors profited from racial fears.

Mr. Rehnquist moved to delete this provision because of what he considered to be "constitutional and policy" questions. Once again his opposition was overruled.

One year later, and only 4 years ago, Mr. Rehnquist voluntarily entered the debate on de facto segregation within the Phoenix Public School System with a letter to the editor published in the Arizona Republic of September 9, 1967. Mr. Rehnquist's letter responded to a series of articles in the Republic outlining the "integration program" for Phoenix High Schools proposed by the Superintendent of Schools, Dr. Howard Seymour. Mr. Rehnquist was as vehement on this issue as he had been before: he opposed any mechanism which would compromise the traditional neighborhood school concept. He wrote:

Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policy-making bodies, who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a "free" society in which each man is equal before the law, but in which man is accorded the maximum amount of freedom of choice in his individual activities. The neighborhood school concept, which has served us well for countless years, is quite consistent with this principle.

In that letter, Mr. Rehnquist upholds the point of view expressed in his 1952 memorandum. In 15 years, and notwithstanding the Supreme Court's unanimous decision in Brown against Board of Education, it is apparent that William Rehnquist has remained unmoved and unchanged.

Particularly, I reject Mr. Rehnquist's assertion that—

We are no more dedicated to an "integrated" society than we are to a "segregated" society.

I am convinced that we are a free society seeking full freedom of opportunity, which shall lead us to integration. Thus, I believe we are dedicated to an integrated society.

The United States of which I dream can only be achieved in unity. In my opinion, we cannot have a division of the races. I have always opposed black separatists and white separatists. I have also opposed those who advocate a laissez-faire course and treat as equal the consequences of integration and segregation. Segregation is a lingering evil of the past; integration is an abiding goal of the future. They cannot be equally weighed. Yet only 4 years ago, Mr. Rehnquist so weighed them.

In hearings before the Judiciary Committee, Mr. Rehnquist still had not recanted his view though he has had ample opportunity to do so. Rather he has sought to explain away his statement in the narrow context of busing, though nowhere in his letter is there any mention of busing. His original statement was broadly, not narrowly, based. It dealt with far more than the Phoenix School System; it was Mr. Rehnquist's statement of his strong belief that this was the proper course for the Nation.

Mr. President, to summarize there is a persistently disturbing pattern in Mr. Rehnquist's record in the 1960's. The Nation was moving forward; Mr. Rehnquist was looking back. In 1964, the nominee opposed a Phoenix public accommodations ordinance while Congress was in the process of passing the Civil Rights Act of 1964. In 1966, the nominee sought to delete equal employment and anti-"blockbusting" provisions from a Model State Civil Rights Act, as President Johnson began to enforce title VI of the Civil Rights Act of 1964 to eliminate de jure segregation in Southern school districts. In 1967, Mr. Rehnquist wrote that "we are no more committed to an 'integregated' society than we are to a 'segregated' society," as Justice Thurgood Marshall was appointed to the Supreme Court.

From this pattern, I reluctantly conclude that there is little evidence to support the contention that William Rehnquist has had an appreciation for and a sensitivity to the needs and rights of individuals. On the contrary, his record gives every indication that he remains unappreciative of and insensitive to changing social tensions. His own words, presumably written after careful thought and study reveal a persistent unwillingness to permit the law to be used for the purpose of promoting equal justice under the law for all Americans.

Mr. President, disturbing as Mr. Rehnquist's record was during the 1960's, I wanted to find evidence of growth or change.

In pursuit of evidence to this effect, I encountered an obstacle to complete inquiry—the nominee's position as Assistant Attorney General, Office of Legal Counsel. From the day he assumed this position, it is almost impossible to separate William Rehnquist, the man, from William Rehnquist, the President's advocate. Whatever the merits of the nominee's invoking the lawyer-client privilege on a number of issues, the result was to make sparse his public record and to preclude full assessment of his growth and change since 1967.

In the interval between his 1967 letter to the editor and his nomination on October 21, 1971, I find only one statement by Mr. Rehnquist concerning civil rights that could be construed as personal and not made on behalf of the Justice Department. In a letter to the editor of the Washington Post rebutting an editorial critical of Judge Harrold Carswell, Mr. Rehnquist wrote:

My criticism of your editorial, however, goes beyond these misimpressions. The *Post* is apparently dedicated to the notion that a Supreme Court nominee's subscription to a rather detailed catechism of civil rights decisions is the equivalent of subscription to the Nicene Creed for the early Christians—adherence to every word is a prerequisite to confirmation in the one case, just as it was to salvation in the other.

The contemptuous tone of Mr. Rehnquist's letter is almost as disturbing as its content. He abruptly dismisses those who have championed civil rights and two decades of judicial progress. The letter offers additional evidence that Mr. Rehnquist had not moved away from the apparent insensitivity to human needs and human rights he expressed in 1952 and evidenced throughout the 1960's.

Mr. Rehnquist apparently has never been reconciled to the failure of his prophecy that the Court's efforts to protect the rights of minorities would "fade in time." Eighteen years passed and the Court's efforts did not fade, but instead grew brighter and a Nation moved ahead. "Personal" rights were held sacrosanct by nine men who embodied a permanent sense of equal justice for all Americans.

We cannot, or should not, now undo the progress this country has made. Those who look to the Supreme Court for fairness, for justice, for equality, must not be disappointed. The American people must continue to be confident that the Naton's Highest Court will fulfill its promise. I believe that the confirmation of William Rehnquist would strain this confidence.

Mr. President, as I said at the time I announced my opposition to two previous nominees to the Supreme Court, it is a painful experience for me to seek to deny any man the opportunity to achieve the highest honor his profession has to offer. Nor do I lightly seek to deny the President of the United States, and the leader of my party, the opportunity to name a man of his choice to our Highest Court.

But, Mr. President, I feel it is my responsibility as it is the responsibility of every one of us in the U.S. Senate, to insure that our Nation must go forward and never backward. One of the most important questions before us is: Will William Rehnquist, on the basis of his record as a member of the Court insure equal justice under law? I ask each of my colleagues to carefully consider the total man whose nomination is before us. I ask that they consider his attitude and actions in the context of the mid and late 1960's. I ask that they consider if on this record, they can support William Rehnquist with the confidence that, under the law, every American will be treated fairly, justly, and impartially and have an equal opportunity to live, learn, and earn.

Mr. President, I speak in the belief that all the people of the United States must have confidence in their system of government. We are charged with sustaining that confidence. Thus we must also ask: Will the confirmation of William H. Rehnquist serve to bolster the confidence of the people in our system of laws?

Mindful of the four words inscribed on the Court, I have concluded that Mr. Rehnquist is not the right man at this crucial period in our history to reassure the people that the Court will hold true to its sacred dictum of "equal justice under law."

I respectfully ask my colleagues to review my reasons.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BAYH. Having sat through the bulk of the Senator's remarks and having discussed the merits and the responsibilities that each of us has as an individual, I must say that I am deeply impressed by the Senator from Massachusetts. I think both of us waged a common struggle in our own mind as to what we should do with respect to this nomination. Both of us have reached the same conclusion. I must say that I have not heard that conclusion and the reasons for substantiating such a conclusion more eloquently expressed on this floor than has been done by the distinguished Senator from Massachusetts, and I am deeply moved.

Mr. BROOKE. I thank the distinguished Senator from Indiana for his very generous comments relative to my remarks on the Rehnquist nomination. I know how deeply the Senator feels about the need to have only the best men and women serve on the Supreme Court of the United States. I know how zealously he has guarded the rights of the people of the United States in the selection of Supreme Court nominees.

I feel, as does he, that the Senate has a grave responsibility in the authority vested in it to advise and consent as to Supreme Court nominees. I know the job he has done on the Judiciary Committee in trying, in all fairness to the nominee and in keeping with the high responsibility of the Senate, to investigate, to inquire, to ask and to search for all evidence he could find, favorable as well as unfavorable—because, certainly, my colleague wants to find favorable evidence, as we all do.

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I know how painful it has been for him. I certainly would have hoped that in filling the vacancies on the Court, our President—because he is the President of the Senators from Indiana as well as my President—could have sent us two names that we could have proudly endorsed and whose nominations we could have confirmed. One of his nominees, obviously, was a man that at least 89 out of 90 of those who had the opportunity to vote for confirmation believed was an outstanding appointment to the Court. Now we have the second name, which gives us very serious concern.

So, Mr. President, I am very gratified that the Senator from Indiana has been able to hear some of the remarks I have made concerning this nomination. I am sure that much will be said on the floor of the Senate before the time for actual vote on this confirmation. I have never been able to predict—nor have I ever attempted to predict—what the Senate would do on any vote. I do not know now, and I do not now predict. But I do believe that we perform no greater service than the one we perform in giving full and careful consideration to appointees for the Supreme Court of the United States.

Mr. Rehnquist is a relatively young man. I believe he is some 47 years of age. If God is kind to him, based upon life expectancies, Mr. Rehnquist could live for many years to come. I hope and pray that he does. If my colleagues should see fit to confirm his nomination and he should sit on the Supreme Court of the United States, he could be on that Court during our lifetimes, during the lifetimes of our children, and into the lifetimes of our children's children. Mr. Rehnquist has already demonstrated not only that he is an intelligent man but that he is an aggressive and an active man. I think it would be fair to conclude that Mr. Rehnquist could be classified as an activist. An activist, in my opinion, is one who does things, gets things done, who leads and has people follow him.

I am sure that, rather than sitting on the Court and writing opinions, Mr. Rehnquist would be an influence on any court on which he sat. I believe I am being fair in this assessment of Mr. Rehnquist, based upon the evidence. That evidence is that when he went before the council in Phoenix, Ariz., he was not a member of, to our knowledge, or an officer of, to our knowledge, any particular group, but he was acting on his own initiative. The evidence as to his aggressiveness is the fact that even after he failed to convince the council, he continued moving in that general direction because he had such strong views.

There is nothing wrong with that, of course. It is good to have men with strong views, men who are activists. The Nation would be stifled and stymied without them. I merely point this out because I believe that if Mr. Rehnquist were to be confirmed and sit on the Supreme Court, and if his views have not changed from the 1950's and the 1960's, as I have discussed in specifics this afternoon, then he could be an influence, in my opinion, for wrong on the Supreme Court of the United States, which could conceivably take the Nation back rather than continuing its forward progress.

Thus, Mr. President, I will conclude by saying that I have great faith in the intelligence, the integrity, and the insight of my colleagues in the Senate.

Mr. HART. Mr. President, will the distinguished Senator from Massachusetts yield briefly?

Mr. BROOKE. I am very much pleased to yield to my distinguished colleague from Michigan.

Mr. HART. Mr. President, unfortunately for me I was not able to be in the Chamber to hear all the remarks of the distinguished Senator from Massachusetts but I did have the opportunity to hear several of the point that he made.

One in particular which I believe will be helpful for us, and may add to the wisdom which will be reflected in the rollcall on this nomination, is the suggestion that we attempt to understand as fully as we can the sensitivity of minority groups in America when we are talking about a man for the Supreme Court.

As we look around at ourselves in the Senate, it is evident that this is a body of men elected by the people. We are pretty white. We are pretty male, and we are pretty old. That, I take it, is a reflection of the popular will. We also do not have to worry personally about reducing qualifications for food stamps around here—and neither does the Chief Executive. He can be described in the same way. He is popularly elected.

I believe that describes, with the oversimplification of a shorthand label, and with fair accuracy, two of the three coequal branches of Government.

It helps us understand why those who are poor, those whose educational opportunities have been limited, those who are in minorities of one or another category, correctly understand that it is the third branch of Government, the Supreme Court—which is not the reflection of a momentary majority—to which they must look for help and understanding.

Better than any Member of the Senate, the distinguished Senator from Massachusetts (Mr. BROOKE) can remind us of that.

Sometimes it is suggested that those of us who raise the question about this nominee—and have raised it about others—that he has not demonstrated a devotion to the great principles of civil rights, are flyspecking or looking for an alibi to vote against them. But that is the exact description that President Nixon used when he accepted his party's nomination in Miami: that the kind of judge we should look for is someone who has demonstrated devotion to those great principles of civil rights.

What we are hoping our colleagues will agree, when the record is on the desk of each Senator, and in the views filed by the four of us is first, that there is no such demonstration of devotion at any period in the life of this nominee and, second—which I think is the more important point for us to attempt to develop—that there are significant actions in the career of the nominee which do reflect a lack of sensitivity and a lack of appreciation of those values which the minorities in this country hope we will identify before we put a man on the Supreme Court.

The remarks of the distinguished Senator from Massachusetts are helpful in many ways; I rise only to thank him for making this particular point.

I hope that I have not given offense in suggesting that it may be completely understandable, but nonetheless unfortunate, that unless one has to scratch for food, unless he has to ask to be excused for being different from the majority, he is not going to get the point that some of us are trying to make around here; namely, that the Supreme Court is the one branch of Government where we hope the will of the moment, the cry of the pack, the popularity or the unpopularity of a person or program, will not be the dominant influence but rather that the Court will be influenced solely by the constitutional safeguards which the Founding Fathers built, in order to protect against the whim of the moment, no matter how overwhelming the majority may be at a given time. That is why the President was right, absolutely right, when he said that in the men and women who interpret our laws we should look for qualities that demonstrate a devotion to the great principles of civil rights. He said that, and I echo him; however, I find nothing in the record of the nominee that would support the conclusion that there is in his career any demonstration of such devotion.

I thank the Senator from Massachusetts.

Mr. BROOKE. Mr. President, the distinguished Senator from Michigan has, as always, made a fine, rich contribution to the colloquy. He speaks of his own personal dedication and devotion to the principles which he has enunciated. I know that he has given very serious thought to all of the Supreme Court nominees whose names have been presented to the Senate for confirmation in the many years he has served in the Senate.

Like the Senator from Michigan, I have been somewhat annoyed when people or the press would indicate that we are looking for ways to deny confirmation. I can very truthfully say that in the 5 years I have been serving in the Senate, I have never known any Member of the Senate to look for ways to vote against confirmation. It has been quite the reverse. All the Members of the Senate have looked always for ways to support confirmation.

I would go so far as to say—and I think I am correct—that there is a presumption in favor of confirmation, a presumption of innocence, if you will, and that the burden has always been the other way, that one had to get evidence to prove that a man was not Supreme Court quality or material.

That does not do away with our responsibility to look at the record in depth—the total record—before we cast a vote.

Here we are creating a third coequal branch of the Government. The President appoints and we confirm. It is quite different from Cabinet appointees.

I may have differed with Mr. Butz' qualifications and some of the things he said or stood for in voting for his nomination as a member of the President's Cabinet. But he is the President's man. He serves at the will of the President. The President named him and the President can discharge him. However, the Supreme Court, the judiciary, does not and should not serve at the will of the President. The members of the Supreme Court will be there long after the President has served his term. It is a very serious responsibility and one that cannot be taken lightly.

In the main we have to go to the Justice Department, the investigative branch of the executive department, to get information pertaining to potential appointees to the Court.

We depend upon the Justice Department very heavily for information concerning Presidential nominees to the Court. We have limited staff facilities for independent investigations and inquiries into the background, qualifications, and qualities of nominees. We can also look to an enlightened press, and look to citizens of the United States who might have independent knowledge of a nominee.

Sometimes it takes time. In most instances it takes time before we can get all of the information pertaining to a particular nominee for the Supreme Court. And thus it is rather disturbing when some think that by looking into the record, by really doing our job, we are either delaying or searching for adverse information about any particular nominee for the Court. I think we should take all the time we need.

I am opposed to filibustering. I have never participated in filibusters and I never shall. I have signed cloture motions. I have always voted for cloture when in my own mind I have made a determination that ample time had been given for debate on a particular issue. In the Rehnquist case I will do the same. When ample time has been given and the matter has been debated fully and the qualifications of this particular nominee have been discussed, I will then personally sign a cloture motion and will vote for cloture.

That does not mean by any means that I believe we should not have full debate and full discussion on his qualifications for perhaps the highest position in our National Government.

Mr. President, I know that we had all hoped that our session would have been concluded by now. It has been a long session. Many debates, many bills, many issues and many decisions have been made. The leadership is attempting to bring this session to a conclusion. And it is unfortunate that in the waning days of the session we are confronted with a nomination that gives many of us concern and perhaps even alarm. However, that is a fact.

So we are compelled to stay in session and debate the nomination and continue our other work until such time as the Senate works its own will on the nomination. As I said previously, I do not know when that will be.

I have heard many liken Mr. Rehnquist's case to that of other distinguished jurists in the past who had belonged to organizations or made statements, and have said that if we who are now opposing the nomination of William Rehnquist had been in the Senate, we would have been most disturbed and perhaps would have voted against them.

I am reminded of Mr. Justice Hugo Black of the great State of Alabama, who perhaps was cited more often than any other for this proposition. But if one were to examine the record of Hugo Black one would find, contrary to the beliefs of many, that Mr. Justice Black had shown evidence of change, great evidence of change, prior to his appointment and confirmation to the Supreme Court of the United States.

Oh, that I could have found such change in the record of William Rehnquist. As I said, I searched for that change. Instead of change, I found more evidence that there was no change, and this disheartened me. It disheartened me because I would have liked to have voted for his confirmation. It disheartened me because President Nixon had nominated him. It disheartened me because when I met him, he was very candid and very honest and very forthright. He told me of things in his record which had not come out in the press, certainly not in the hearings, because our meeting was prior to the hearings.

Some weeks before these facts were public information, he gave me names of people to whom I could talk in Phoenix, Ariz. I called those people. I asked him about some people to whom I could talk here in Washington, D.C., and in the Justice Department. He gave me those names, and I called those people. As I said, his candor, his forthrightness were qualities that I admire in him, as in any man. Candor is a prerequisite, in my opinion, for service on the Supreme Court, and it was taken in serious consideration last Thursday when I finally arrived at my own personal decision as to this nomination.

When I called Mr. Rehnquist on Thursday afternoon, I said to him, in essence:

> Mr. Rehnquist, I have tried very hard to find evidence which would warrant voting affirmatively for your nomination.

I went on to tell him exactly what my procedure had been and the course that I had followed, and why I could not vote affirmatively for him.

I do not think I am much different, Mr. President, in this respect from my colleagues. I think each of them in his own way goes through certain procedures before arriving at such a crucial decision. I think, Mr. President, that the Nation should be pleased that 100 Members of this body charged with this responsibility—a rather awesome responsibility, I might add—take that responsibility so seriously and give these nominations every consideration. This is the only way—yes, the only way—that we can be assured that we will have the best possible Supreme Court.

Perhaps, Mr. President, with some very few exceptions, I think one will find that this system has worked magnificently. Every American citizen should be proud; every American citizen should be secure and confident in the knowledge that we have a Supreme Court with the powers that are vested in it, and with the procedure that we have for selecting that Court.

Mr. President, I come to the conclusion of my remarks this afternoon with regret that I had to make them, but with confidence that I have done everything possible that I could have done in arriving at this conclusion. As I said, I hope that my colleagues will listen to my reasons, as I have listened to and read theirs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. HART. I yield.

ORDER FOR RECOGNITION OF SENATOR MONTOYA TOMORROW

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that following the remarks of the two leaders under the standing order tomorrow, the Senator from New Mexico (Mr. MONTOYA) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator for yielding.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. HART. Mr. President, in the individual views of the Judiciary Committee report, I have expressed my opposition to the nomination of William H. Rehnquist. Today, if I may, I wish to highlight four aspects which I think should be kept in sharp focus as each of us deliberates and resolves how we shall exercise our constitutional responsibility of advising and consenting to or withholding our consent to the nomination.

First, there is the question of a nominee's philosophy. Just what does that elusive phrase mean? Second, there is the problem of the nominee's effort to obscure his own personal views from the Senate, perhaps to a degree unprecedented. Third, there is the nominee's record in the area of civil rights—and on this point, a few moments ago, in reaction by way of responding to a speech by the Senator from Massachusetts (Mr. BROOKE) I touched upon that issue. Fourth and finally, there is his approach to the balancing of individual liberties against the pressure of government re-

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straint, or, in short his record on civil liberties.

From reading some news stories and listening to speeches, one might casually conclude that the nominee is being pilloried merely because he is not in lockstep with the political philosophy of those who oppose him. But I think observers would be compelled to agree that many of those opposed to Mr. Rehnquist did not oppose Mr. Powell, did not oppose Mr. Burger, and did not oppose Mr. Blackmun, even though we disagreed with their specific views on some of the issues which will undoubtedly come before the Court.

It has been suggested that, upon analyzing the record, each Senator can come to only one of two conclusions.

This is the theme that underlies many of the newspaper and media commentaries: either that Mr. Rehnquist's views and actions identify him as a right-wing extremist or that they show him only to be a zealous advocate for reasonable positions on controversial issues. I think that is a crude distortion of the position expressed in the individual views that we filed in the report from the Committee on the Judiciary. But there is a third conclusion which each Senator may draw from this record. It is the conclusion to which I have come. It is the conclusion that Mr. Rehnquist has indicated indifference, perhaps a precise enough word, to racial discrimination, and shown an unwillingness to seek its legal redress.

Whatever the reasonableness of any one position he has endorsed in the area of restricting individual liberties, his record is consistently on the side of enhanced governmental power, and gives short shrift to the values underlying the Bill of Rights.

I think that is what this debate should be all about, and I express the hope that my colleagues will study the record with that frame of reference in mind, as the measure to be applied to the nominee.

I make no charge of extremism, but I have concluded that he neither appreciates fully nor approaches openmindedly the fundamental values of human equality and individual liberty promised all Americans by our Constitution.

It is 1971, and I submit that no person with that background—of whatever political philosophy or judicial philosophy—ought to be confirmed by the Senate to sit on the Supreme Court.

In the recent debate about the propriety of inquiring into a nominee's philosophy, a great many different elements have been discussed under that term. The term "judicial philosophy" traditionally refers to a Justice's view of his role on the Court, particularly in constitutional adjudication—"judicial self-restraint," for example, or the so-called "strict construction" of constitutional provisions. These kinds of considerations are not necessarily identified with a Justice's disposition in the balancing of particular constitutional interests.

We have all been aware of how slippery these labels are at best, and how it is impossible actually, with a label or a brand, to encapsulate a great judicial mind. Take, for example, Mr. Justice Black: Here was a man who was the most insistent of his brethren on the Court upon following very literally the plain text of the first amendment and the Bill of Rights in general. Yet he was prepared at other times to effectuate their purpose in contexts where a literal reading alone would clearly not suffice to do so.

One looks at the records compiled by three eminent Justices, Holmes, Brandeis, and Frankfurter. They are three men often cited as in the tradition of so-called "judicial self-restraint," and yet they approached the traditional interpretation of the Bill of Rights with great vigor in landmark opinions which applied those safeguards more broadly than the Court had previously done.

Beyond "judicial philosophy," there is the nominee's attitudes toward the substantive provisions of the Constitution as they apply to the issues of the day, "The great issues of our day," as it is always put by the contemporaries. The history of the Senate's role makes clear the propriety of such considerations, and the nominee before us now, in his earlier writing, urged us to do precisely this, stating that it is our responsibility to identify the philosophy of anyone who is proposed for the Court.

We have been told more than once that Mr. Rehnquist will not let his personal views affect his approach to the Constitution—or as one of his supporters very recently put it, that he will "ignore his own philosophy in interpreting the Constitution." I think there has been some rhetorical fencing on this one, but we kid ourselves if we pretend that one can sort out Justices into those who do and those who do not interject their personal views into constitutional interpretation. The hard truth is that everybody does, and everybody must. It is inevitable. It is in the nature of man. Mr. Rehnquist repeatedly acknowledged at the hearing that all judges bring to the Constitution their own attitudes, biases, and values, the accidents of geography and history, and all the things that make us what we are at a given moment—not intentionally but inevitably, and particularly when the general phrases of the Bill of Rights or the 14th amendment must be applied to new problems. As Mr. Rehnquist wrote in the Harvard Law Review:

> If . . . a different interpretation of the phrases "due process of law" or "equal protection of the laws" (is desired) then men sympathetic to such desires must sit on the high court.

Then our responsibility would be to see where Mr. Rehnquist's sympathies lie.

II. COOPERATION WITH THE COMMITTEE

The Senate's deliberation has been marked by confusion about the Senate's duty to ascertain a nominee's views as best it can and the nominee's right to withhold that information from the Senate. Several very distinct elements have been lumped under the general notion of "privilege," particularly in efforts by Mr. Rehnquist's supporters to suggest that his evasion stands squarely on the precedent of recent nominations. I suggest that this is not correct.

First, in the case of several recent nominees who have been sitting judges or justices, the Senate has generally respected the demands of the principle of separation of powers. Clearly, a judge's opinions are a matter of public record. In those instances, the nominees made clear that they were not disavowing their prior opinions for whatever use a particular Senator wished to make of the fact that that was their opinion. There it stood. At the same time, they resisted—rightly, in my opinion—the efforts of Senators to cross-examine them as to a particular opinion they had written. For any Senator to call a sitting judge to task and force him to justify a past decision surely breaches the basic principle of separation of power and the independence of the judiciary. But that element, that consideration, is obviously inapplicable in the case of this nominee.

Second, every nominee is accorded reasonable latitude to decline giving his view of the proper result in a specific factual situation or the application of a specific principle to a particular set of facts. This avoids the danger that a nominee may be pinned down on particular cases likely to come before the Court to the point that he would be estopped from an openminded review should his nomination be confirmed.

I think that Mr. Rehnquist has invoked the second doctrine as much—perhaps more—than previous nominees, refusing on this ground to answer even general questions about his views on specific constitutional provisions. But he has gone way beyond this and also claimed "the attorney-client privilege" in what he concedes is an unprecedented fashion. It is in this third area that his refusal to cooperate is unprecedented and—I believe and suggest—unjustified. Leaving aside the serious question of whether a Government officer in his position can properly invoke the attorney-client privilege in this situation, Mr. Rehnquist, himself, has revealed that he does not take this excuse seriously, even in instances which arguably do fall within the traditional bounds of the attorney-client privilege. For example, in regard to the Justice Department's pending brief in the Supreme Court on domestic "security" wiretapping, he first suggested that since his role had involved confidential advice to the Attorney General under the attorney-client privilege, it would be inappropriate for him to share the nature of that advice with the Judiciary Committee. Then, on the following day, he readily divulged his criticism of the Department's approach in the lower courts and described his role in revising the brief to stress other legal grounds. Similarly, in regard to the "Pentagon papers," he indicated freely the character and nature of his confidential legal advice to the Justice Department.

His rationale for breaching this attorney-client confidentiality in these instances was that the Department had taken a public position. But that does not change the fact that he has been willing to detail his confidential advice. Certainly, the attorney-client privilege remains even though the client's ultimate position, once decided upon, is presented to the court.

Moreover, Mr. Rehnquist has gone beyond the attorney-client privilege not to divulge confidential legal advice. He has declined to indicate whether his past public statements represent his own views or somebody else's—even without indicating whether they represent the confidential legal advice he at one time or another gave the Attorney General. It has been suggested that where he has spoken as an advocate, he cannot be asked to give his real position.

Surely, his defenders cannot have it both ways. They cannot suggest that it is unfair to take as his position the alarming statements he has made while in his present capacity—to tell us, in effect, "If you only knew his own views, you would not be concerned"—and at the same time suggest that we cannot get his real views because he has acted as an advocate. Where does this leave the Senate in its efforts to carry out its constitutional obligation? I suggest that we must take the record as we find it, and if the nominee unreasonably refuses either to explain or to disavow the disturbing positions he has taken, he does so at his peril. On the basis of the best evidence offered to the Senate, we must determine what views, values, and attitudes he will take to the Court when he interprets and applies the great provisions of our Constitution; or, to return to his Harvard Law Review comment, what sympathies will he take to the Court? What sympathies, what attitudes, does he take with respect to civil rights?

III. CIVIL RIGHTS

Reviewing that record, those of us who opposed the nomination in the committee reached the following conclusion:

> Unrelieved by actions showing an affirmative commitment to racial justice, Mr. Rehnquist's record is one of persistent indifference to the evils of discrimination and an almost hostile unwillingness to accept the use of law to overcome racial injustice in America. President Nixon himself has called for judges to interpret our laws who are men "dedicated to the great principles of civil rights." The nominee's subsequent record, both in Arizona and Washington, is devoid of any significant reflection of such dedication.

Mr. President, I am sure that we are past the point of having to explain at great length why this is no longer a time when a man or woman can be placed on our Supreme Court whose unrebutted record is one of indifference to discrimination, of insensitivity to the consequences of discrimination, and resistance to removing its stains.

The memorandum accompanying the individual views on this nomination details the objection to Mr. Rehnquist on this count. In reading it, however, I urge that one point should be kept firmly in mind. The problem with Mr. Rehnquist's record is not—as some would suggest—a matter of requiring every nominee to have been an activist on behalf of civil rights. We do not ask a nominee, "How many times were you arrested on the picket line? How many times did you join freedom riders? How many times did you expose yourself to physical danger by insisting that somebody be able to exercise his right to vote?" I do not even ask him how many speeches he made in attempting to reach the conscience of America.

Depending upon the circumstances of one's prior activities, it may not always be easy to demonstrate tangible fidelity to the basic principles of human equality.

Despite the President's promise of judges dedicated to civil rights, close scrutiny of a nominee's record for a demonstrated commitment might seem unfair to one whose past gave no cause for concern. But that is hardly the case before us. Here we have a man who repeatedly has been a self-propelled opponent of advances in civil rights—and not because he was pleading a client's case but on his own, gratuitously, if you will, Mr. President.

I respectfully urge my colleagues to read the record and the memorandum; consider the nature and tone of this opposition, written in the mid-1960's by a man not holding office or subject to political pressures, but a man speaking quietly and freely his own thoughts. What does it tell us about his sensitivity to racial injustice and his appreciation of the effort to achieve human equality? It is only against this record that we have understandably sought some evidence offsetting these incidents.

Now let me turn to the specifics involved. Some suggest that Mr. Rehnquist was merely opposed to forced busing when he criticized the modest integration efforts sought for the Phoenix schools in 1967.

I ask unanimous consent that the excerpt of the memorandum dealing with civil rights be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, essentially, the argument put forth to explain Mr. Rehnquist's action is threefold:

First, that the open enrollment approach, the heart of the proposals, was already in effect in Phoenix and, therefore, not in controversy when he voiced his opposition;

Second, that the proposals for voluntary exchanges and community relations were completely unobjectionable to Mr. Rehnquist; and

Third, that the only thing which so "disturbed" Mr. Rehnquist was the superintendent's suggestion that he "did not dismiss the possibility of busing."

In fact, the open enrollment in Phoenix at that time was limited to only a few schools. One of the superintendent's main proposals was to make it citywide. In part, it was in connection with this proposal that the superintendent was considering "busing" in the sense of providing subsidized transportation for those students who elected voluntarily to transfer out of their normal attendance zones. The news articles at the time make clear that Phoenix had been subsidizing transportation for students who remained within their normal attendance zones, but that students who chose to enroll outside them received no help; the superintendent had concluded that this was a financial deterrent to a successful "freedom of choice" plan.

In addition, the superintendent has proposed promoting voluntary exchanges of students among schools in various ways, including the location of special enrichment programs or vocational courses at particular schools. Obviously, this might involve transportation of students who had elected to avail themselves of such programs. But the evidence is overwhelming—and was at the time—that Superintendent Seymour was not proposing, and indeed was opposed to, mandatory busing of students through their assignment to nonneighborhood schools. Mr. Rehnquist's strong letter makes no mention of busing or forced transportation of students. Rather, one need only reread it to be struck by his hostility to the whole range of modest voluntary effort to promote integration in the Phoenix schools. And this, only 4 years ago, because of his firm conviction that:

> We are no more dedicated to an "integrated" society than we are to a "segregated" one.

Mr. BAYH. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. BAYH. In listening to the compelling logic of the Senator from Michigan, the Senator from Indiana's mind flashed back to the hearings in which Mr. Rehnquist was before us articulately expressing his views. The thought that flashed through my mind was, as I think was generally agreed, that this was a man who was more than adequately endowed, with great capacity to articulate his beliefs skillfully, even to the point of not articulating his beliefs, and one whose forthrightness impressed us.

As I recall it, the Senator from Indiana asked a question about the 1967 letter and then asked the question about his opposition to the program of the superintendent of schools. Now the Senator from Michigan has brought up this same topic. So let me read the testimony in order to stimulate the memory of the Senator from Michigan, although I think from what he has said in his speech just now, he is already able to remember it quite well.

Senator BAYH. May I ask you just to explain in a little further detail a specific quotation from a letter that might be more pertinent to the general question?

The superintendent of schools apparently had said that we are and must be concerned with achieving an integrated society. And you responded and said:

"I think many would take issue with his statement on the merits and would feel that we are no more dedicated to an integrated society than we are to a segregated society, that we are, instead, dedicated to a free society in which each man is equal before the law, but that each man is accorded a maximum amount of freedom of choice in his individual activities."

Is that still your view now?

Mr. REHNQUIST. In the context of busing to achieve integration in a situation where it is not a dual school system; I think it is.

Earlier, I said:

Senator BAYH. What is your feeling about transporting people either long or short distances to maintain an all-white or an all-black school?

Mr. REHNQUIST. Well, I think that transporting long distances is undesirable for whatever purpose.

At every instance, it seems that when asked about this opposition to integration of the educational system, Mr. Rehnquist falls back on the generally

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accepted feeling and the general emotional feeling today that long-distance busing is undesirable.

I wonder, now that the Senator from Michigan has brought up the matter of the forthrightness of the nominee, whether we have reason to be concerned about this if, when he is asked about the opposition to the school superintendent, he says it was based on his opposition to long-distance busing. Now, long-distance busing was an issue that he did not write about in his letter and which, from all of the accounts we have, was not at issue. I know that is a serious charge to make, but the issue of forced long-distance busing was not present. There is no mention of forced long-distance busing in the letter to the editor, written by the nominee. To suggest now that the only reason he took that position was that he was opposed to forced long-distance busing just seems not to be right, not to be fully candid, and not to be fully accurate.

I do not know whether the nominee realizes that, but that is the way it appears to the Senator from Indiana.

Mr. HART. Mr. President, the impression or the wonder voiced by the Senator from Indiana might even be more strongly couched if he remembered that later in those same hearings the nominee said that—

With respect to the 1967 letter which I wrote in the context of the Phoenix school system as it then existed, I think I still am of the view that busing or the transportation of students over long distances for the purposes of achieving a racial balance where you do not have an educational school system is not desirable.

That is how he phrased it.

Of course, it is not desirable. That was not the point.

Mr. BAYH. The Senator from Indiana is reminded that forced long-distance busing was not enough of an issue in Phoenix that it was even a subject addressed by Mr. Rehnquist in his letter. Is that not accurate?

Mr. HART. I think that is accurate. Let us put it this way. I think what we might wonder is whether the nominee is describing now, in 1971, his 1967 letter, as if it pertained to the current controversy over mandatory busing of students. And we ask whether a fair reading of the letter itself and the articles which describe the circumstances in Phoenix does not indicate that in 1967 Mr. Rehnquist actually was opposed to much more; that he was opposed to a very modest effort on a voluntary basis to reduce the division that threatens to destroy us as a people—the division between black and white.

Mr. BAYH. The Senator from Indiana has cause to wonder why, if that was the thrust of the integration program—which rather obviously it was, and there is no question about it—and if, indeed, the nominee took issue with that modest voluntary program, why, when asked to explain further his opposition, he resorted to being against what has become generally accepted as a flag word and an emotional phrase, "long distance busing."

That hardly is the type of candor that prior to this moment I had associated with the nominee.

I appreciate the Senator's yielding.

Mr. HART. I think it might be well—and I am grateful for the comments of the Senator from Indiana—to remember, too, that a newspaper in Phoenix on August 31 of that year 1967, reported the comments of the superintendent, Dr. Seymour, and makes the position of the superintendent very clear. The newspaper said:

But he [Dr. Seymour] said he opposes gerrymandering district boundaries or "busing" pupils from one part of town to another as means toward "true integration."

"There is nothing more artificial in my judgment that to load a group of pupils from one district and disgorge them at another without making it possible for full, active participation in learning, socializing, sports and activities, and without integrating the adults along with busing pupils."

That was the statement in the paper.

Mr. BAYH. I am glad the Senator brought this into the RECORD at this time, because I recall the discussion in hearings, in which it was rather obvious that the school superintendent, too, was against forced long-distance busing—the sort of artificial busing intended just to guarantee hypothetically 8.55 percent of black or brown children in every classroom. The superintendent apparently believed that there are some times or instances in which busing might be utilitarian in nature under certain circumstances. This might particularly have been true in Phoenix. As I understand it, the program there was strictly a voluntary, freedom-of-choice program, the least offensive type of busing. But the superintendent publicly said he was against the kind of thing that Mr. Rehnquist now says was the reason which precipitated the letter. This again causes me to wonder whether his real reasons had to be more basic, had to be more all-encompassing, had to suggest that there was something innately wrong at that moment in moving toward full, complete quality integrated education.

I appreciate the Senator from Michigan's tolerance in permitting me to interrupt.

Mr. HART. It was a welcome comment, and I do not regard it as an interruption. I think that viewed in the light of these circumstances it is fair to suggest, as I suggest now, that just 4 years ago the nominee, to use his words, found distressing some rather modest efforts by, I think, responsible school officials to promote equality of educational opportunity. That is what I think it suggests. Without any comment on the accuracy of the nominee's responses to the question, what the letter reflects against the circumstances of the plan proposed is an unwillingness to accept even the modest effort to reverse the trend toward what the Kerner Commission warned us we were becoming: a nation of two people, the black and white.

Then there as the second insistence which makes mandatory, I suggest, Mr. President, that we find some affirmative demonstration of concern, of awareness, and of sensitivity before we consent to this nomination. This one occurred in 1964. That is not quite as recent as 1967, but it is not ancient history, and it is not a period when the nominee was in grammar school. In 1964 the nominee opposed a public accommodation ordinance. Let us get that one into perspective.

Mr. BAYH. Will the Senator yield briefly? My arithmetic may not be perfect, but, as I recall, quite to the contrary to being in grammar school. In 1964 the nominee was 40 years of age or over. So at that stage one's judgment, hopefully, would be relatively mature.

Mr. HART. It is a chronological age at which society compels responsibility for one's conduct. Let us put it that way. It is a mature age chronologically.

The majority report of this nomination, on the theory that the best defense may be as strong an offense as one can mount, refers to the nominee's acknowledgment that the Federal Government's constitutional power to pass a nationwide accommodations law is now settled. The inference of that remark and comment is that there was uncertainty about this constitutional question, which was debated at great length in this Chamber that same year, 1964, which was the basis of the concern for Mr. Rehnquist and his opposition to the Phoenix ordinance. But he was addressing himself to a local ordinance, one to which the Federal power did not go at all.

Mr. Rehnquist's 1964 opposition to a public accommodations ordinance also must be kept in perspective. The majority report refers to his acknowledgment that the Federal Government's constitutional power to pass a nationwide accommodations law is now settled. The inference is that it was uncertainty about this question, debated at great length in the Chamber in 1964, which then underlay Mr. Rehnquist's concern. But he was addressing a local ordinance, one to which the question of Federal power did not apply. There has been little doubt seriously raised about the constitutionality of a town forbidding discrimination in public accommodations under its police power to promote the public welfare.

In any event, when he appeared in opposition to the ordinance he did not raise that argument. His opposition was a matter of personal preference—and I think this is a fair shorthand description of it—of preferring property rights over human dignity.

To be sure, he told us during the hearings on the nomination that in 1971 he no longer begrudges such a law.

As I recall it, he also suggested why he thought as he did in 1964. He said:

The law has worked pretty well. The law has worked well enough. I think I have come to realize since, more than I did at the time, the strong concern that minorities have for the recognition of these rights.

What rights is he talking about? What rights were sought to be protected by the Phoenix ordinance? The right to be treated decently at the hands of someone who invites the public in to sell something. It was not Mrs. Murphy's four-bedroom roominghouse, or less; it was a drugstore. He tells us:

I did not realize the strong concern minorities have for the recognition of these rights.

I remember in the hearings some witnesses reminded us what June 1964 was like in this country.

Mr. President, I had really thought that in June 1964, everyone—certainly everyone who had reached a majority—was aware that the whole Nation had focused its attention on the denial of the right to be treated as an individual, when a person went into get coffee or aspirin tablets, and not to be judged while 50 feet away, based on the color of his skin. I thought everyone was aware of that and was aware why Dr. Martin Luther King had become a national figure in June 1964. But clearly I was wrong. Some understood less clearly than others, and apparently the nominee was such a person.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. BAYH. The Senator from Indiana had the opportunity earlier in the day to be in the Chamber, and I think the Senator from Michigan was also here during parts of the speech of our distinguished colleague from Massachusetts (Mr. BROOKE). The Senator from Michigan has been one of those Members of this body who has exhibited the greatest degree of compassion and understanding for the problems of those who may be of a different color, of a different background than the majority of our citizens, and has been one of the real leaders to bring equality into law, a real activist in this body. The Senator from Indiana has been happy to follow his leadership in this area since coming to the Senate. I must say I was impressed by our colleague for I am a young man with a white face who has never been placed in the position of being on the other side, of being denied or being discriminated against. I could not help but be impressed with the expression of our colleague from Massachusetts because he had been there.

I wonder what kind of signal it is that goes out from this body, or, indeed, that goes out from the White House when the man who is now just one short step away from the highest Court of the land is one who in the mid-1960's, by his own admission, did not realize how important it was to the black people and the brown people of this country—American citizens—to have access to drugstores and other places of public accommodation. Is that not the kind of thinking that we have to give significant credence to? Is that not the kind of symbolic gesture that says to those who are "different" that we talk about equality and opportunity but really we are not dedicated to it because we put on the highest Court of the land a man who, by his own admission, has not evidenced the degree of sensitivity that would give us to believe that he understood.

Is that a matter of legitimate concern to this body? Should we not consider in addition to what the nominee said, what this nomination symbolizes to others who are looking at the system to see whether there is anything in it, any place, for them?

Mr. HART. It is a legitimate concern and perhaps it is even more serious when we think of what the nominee did not say. He does not say even now, in 1971, that he himself is deeply concerned about the offense that is involved in the denial of access to public accommodations. He has yet to say he understands this is an injustice. He has yet to speak out.

He does say, in effect, "Now I understand some are outraged;" but he continues to be silent with regard to whether he himself feels that way.

This, too, I think, is relevant and appropriate for our evaluation of the nominee's measure of devotion to the great principles of civil rights, to use the words of the President who submitted his name.

Mr. BAYH. Mr. President, will the Senator yield further?

Mr. HART. I yield.

Mr. BAYH. As he points out, we have a real void here. The nominee was given the opportunity to come forth and tell the Senate and the entire country something reassuring now that he is about to assume the mantle of Supreme Court Justice. But instead he talks about having a better understanding of the importance of recognition of these rights to minorities. And he talks about the surprising, in his view, ease of implementing this legislation. This would lead one to believe, as I said earlier, that his conviction about the protection of individual rights depends on the amount of opposition.

Mr. HART. Before the Senator goes on with respect to that point, I think in fairness to the nominee we should make clear that subsequent to the answer that the Senator from Indiana and I have been analyzing before the committee, he did say that even if the ordinance had been less readily accepted, he would no longer oppose it. He suggests that the pragmatic argument that he was about to belabor was perhaps a weaker one than should be advanced in his defense. But it still leaves the conclusion inescapable for the record that the real reason for the change in heart of the nominee, according to him, is the realization sometime within the last 7 years of the strong concern the minorities have for recognition of those rights. But as I say, that still does not go to the point, not of his feeeling that such discrimination is an injustice, but only that he now realizes that others may regard it as an injustice. In my book, that is not enough.

Mr. BAYH. And a rather belated realization at that.

Mr. HART. Yes; and I suggest that that marks one as not qualified. That stamps one as a person to whose nomination we ought not to consent.

Now, perhaps responding to the President's job description of a Supreme Court nominee as someone who should be devoted to the great principles of civil rights, the proponents of the nominee have strained to find that kind of evidence. They pointed to a speech. That was a speech he made in his present position as Assistant Attorney General. It was a speech in which the nominee criticized militants because progress, as the nominee put it, has been made in civil rights.

Further, one of the proponents of the nominee now suggests that the vote cast by the nominee as a Commissioner on Uniform Laws in favor of a model anti-discrimination law revealed his changed view on public accommodations. The action of the Commissioners occurred in 1966, and his proponents suggest that this shows that just 2 years after his opposition in Phoenix to the public accommodations law, he was then in favor of free access to public accommodations.

Let us get that one a little more in perspective. First, this argument was never raised until we had the committee report out of the Judiciary Committee. Several times during the hearings in the Judiciary Committee the nominee was asked for any evidence of his support of civil rights which might offset the incident in 1964 that I have just described. We followed it by including a set of written questions which, through the chairman of the Committee on the Judiciary, we directed to the nominee. We included in those written questions this inquiry:

What can you see, to what can you refer us, that might offset your opposition in 1964, or, put another way, would serve to demonstrate your devotion to civil rights, as the President phrased it?

At no time, either in the hearings of the committee or in response to our written questions, did Mr. Rehnquist refer to his actions as a Commissioner on Uniform Laws. I think if Mr. Rehnquist thought that was evidence of a change of heart in 1966, rather than in 1971, he would have mentioned it.

In fact, there was no serious controversy over this provision in the proposed law when the Commissioners were debating it. It was approved as a part of the final bill, but only after Mr. Rehnquist and others had succeeded in downgrading the proposed Uniform Act into a Model Act. As the memorandum filed as a part of the Individual Views in the Judiciary Committee report points out, that had the effect of releasing the Commissioners of any obligation to work for the passage of the act in their own States.

That brings us to the real significance of Mr. Rehnquist's participation in the model antidiscrimination act.

His supporters have, if I can phrase it this way, been forced to fall back upon his legal opinion provided the Attorney General upholding the Philadelphia plan as an indication of his support for civil rights. Let us look at that one a minute. The Philadelphia plan requires covered employers to redress racial inequities in employment. Yet Mr. Rehnquist, as a Commissioner on Uniform Laws, vigorously opposed the provision of the Uniform Act which merely permitted employers on their own initiative to take voluntary steps to redress the effects of past discrimination. It is difficult to believe that he and others personally endorsed the mandatory provision of the Philadelphia plan with much conviction if he was so strongly opposed to the much weaker provisions in the proposed Uniform Act.

Mr. BAYH. Mr. President, as soon as the Senator is through with that particular thought, I would like to explore it a bit further with him.

Mr. HART. I conclude this point only by suggesting that his opposition to the

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provision in the model law against racial blockbusting that was proposed as a feature of the model bill when the Commission on Uniform Laws was in session speaks for itself. Anyone remotely familiar with the viciousness of this practice knows of why—it is a practice I have never heard anyone suggest had a single redeeming value—but the nominee opposed its inclusion as a Commissioner on Uniform Laws in their proposal.

Mr. BAYH. This trend of thought and this part of the Senator's speech, I must say, is a matter of more than passing concern to the Senator from Indiana, because I think this gives us a better understanding of the degree to which the nominee feels there is a legitimate reason for legislative intervention to promote racial justice. If indeed the nominee does not believe there is legitimate reason to legislate to outlaw this blockbusting business, which, as I have said repeatedly, is a most insidious tactic, responsible for more tensions, more animosity, and more hatred between black and white in the same community than anything else I know of, then I wonder, just in what area does the nominee believe there is legitimate reason for legislative activity? I am forced to ask this question because as shown by the transcript of the proceedings of the Commissioners, as the Senator from Michigan will recall, the nominee said that he felt there was both a constitutional question and a serious policy question which caused him to oppose the antiblockbusting provision of the Uniform Antidiscrimination Act.

It is the judgment of the Senator from Indiana that no one has a first-amendment right that guarantees him the business opportunity of going out and playing on the fears and frustrations that result from blockbusting.

Also, the distinguished Senator from Michigan pointed out the degree to which Mr. Rehnquist is alleged to have had a dominant role to play in the Philadelphia plan. When he was asked what evidence he had of a commitment to civil rights, he pointed out that he did participate in drafting the opinion of the Attorney General upholding the plan.

I think it is important for the record to be clear here. We were told by the Senator from Nebraska, with whom I sought to explore the question further yesterday but he did not want me to pursue the line of questioning at that time, that the nominee played a major role in developing the Nixon administration's Philadelphia plan to end racial discrimination in the building trades unions. But when we look at the facts of the situation, we were told earlier, during the hearings, as I recall, that he participated in drafting the opinion of the Attorney General which upheld the plan.

I think we have to look at the situation which confronted him and which confronted the Attorney General. The Secretary of Labor and the Labor Department had come down with a proposal to deal with the discriminatory practices that had existed theretofore in the building trades, and as the plan had been ruled that that plan was unlawful by, I believe, the Comptroller General.

Mr. HART. Yes, by the Comptroller General.

Mr. BAYH. The Comptroller General had said that this was unlawful. So then, of course, the President and the Department of Labor turned to their lawyer, the Attorney General, and said, "Help bail us out of this situation." And thereupon enters Mr. Rehnquist as the Chief Legal Counsel of the Department of Justice, to try to help the Attorney General bail the Department of Labor out of a very difficult situation.

To use this as evidence of a major commitment to human rights is stretching the point significantly, and I appreciate the fact that the Senator brought this up. I would also point out that Mr. Albert Jenner, whose letter has been read into the RECORD several times as evidence of Mr. Rehnquist's contribution to that model act, also is the one who points out that Mr. Rehnquist was the leader of the movement to lessen the effectiveness of that act. Instead of this antidiscrimination measure being a uniform act, which would impose on each Commissioner the obligation to work for its enactment in his home State, it was made a model act, which is a lesser degree of a proposal, and did not bind each delegate to any concerted effort to get it made the law of his State.

Mr. HART. Mr. President, I agree with the thought developed by the Senator from Indiana, and welcome his comments. As far as the nominee's opinion on the Philadelphia plan and its legality is concerned, it would have been noteworthy if the Justice Department, after the President had already authorized the Labor Department's order for the Philadelphia plan, had then said that the order was illegal.

I think it would be well, Mr. President, to note his supporters' emphases on the fact that the nominee did vote favorably on the final passage of the model antidiscrimination act following the Commission's consideration. Those of us in this Chamber know that such a vote is, shall we say, not the best evidence of a man's position if he first has strongly tried to knock out a section in the act, and has failed in that effort. I think fairness requires that that additional explanation be made.

It may be suggested in some of these instances, the nominee's position on a civil rights issue did not involve constitutional questions. That is perfectly correct. But even to the extent this is true, the important point, as noted earlier, is that his underlying attitude toward the injustice of discrimination—its significance or insignificance in his personal scale of values—inevitably will have a strong impact on his reading, if you will, and on his ability to apply the broad promises of the 14th amendment to civil rights problems which are of constitutional magnitude.

In summary, Mr. Rehnquist's repeated initiatives to oppose protection of minority rights is really unrebutted by any substantial expression of concern or sensitivity—let alone affirmative action on his part.

In my book, Mr. President, that alone persuades me that I should not advise or consent to the nomination.

I am reminded that it has been suggested that all the nominee has subscribed to is the unexceptional view that the Constitution is color blind. The short answer to that is this: at least since 1954, we have accepted the proposition that when the elimination of racial discrimination is the issue, the Constitution is not color blind. It requires us to take note of such discrimination and to fix it, to eliminate it.

IV. CIVIL LIBERTIES

In addition to his record on civil rights, and equally disturbing, is the nominee's consistent tendency to discount the Bill of Rights and the interests it preserves, whenever those interests are tested against the pressures for efficient government, order, and authority.

In the protection of individual liberty—as in the promotion of human equality—the Supreme Court has played a unique role throughout our history. Prof. Alan Dershowitz of Harvard Law School put it well in a recent analysis.

(A) compelling case can be made for a Senator voting against an otherwise qualified nominee with a record demonstrating callousness about—or opposition to—civil rights or civil liberties.

The Executive and Legislative branches are adequate protectors of order, security and efficiency. But there must be a coequal branch which is committed to the far more subtle—and far less popular—values of justice, liberty and equality.

It is not surprising that our popularly elected branches have not always been the most vigilant guardians of individual freedom in the face of the ever present pressures to accomplish the goals of the moment.

I made comment about this in an exchange earlier today with the able Senator from Massachusetts (Mr. BROOKE). To anyone who understands the nature of our process in this country, it is indeed the Court which is the one of the three coequal branches of Government to which the poor and the weak must count for the protection of their sometimes less popular, but nonetheless constitutionally guaranteed rights.

The expressions of concern about the nominee's approach to the Bill of Rights involve far more than his views on swinging the pendulum away from the rights of the accused in criminal procedure. I hope any Senator who thinks the record merely involves disagreement about protecting society from criminal violence will take another look at this record.

It is clear that many today are impatient with the provision of full legal rights to the accused criminal offender. I think they are shortsighted; they forget that the peril to each of us lies in the precedent of eroding the rights of any of us. Unfortunately, they can be persuaded by leaders whose responsibility I question that the great guarantees of liberty imbedded in our Constitution are just technicalities, technical "legalisms," which should be brushed aside if they hinder the prosecution.

A more realistic appraisal of the Bill of Rights was stated by President Nixon in another context when he wrote to the House of Representatives the following reminder:

A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end.

The President's statement is excellent. But Mr. Rehnquist's record on the Bill of Rights is precisely one of dealing lightly with those provisions in the service of another end—a willingness to "shortcut" the basic purposes of the Bill of Rights, when they might hamper efficient government.

It is not so much Mr. Rehnquist's support of any particular proposal in the area of criminal justice which is as disturbing as his general approach to analyzing the interests that are in competition in the case of the right to bail, preventive detention, arrest without probably cause, and so forth.

But beyond the field of criminal procedure, the nominee's expansive approach to executive power and his restrictive reading of the Bill of Rights affect his approach to other kinds of issues—issues whose direct impact on all citizens should be more readily apparent to them than is the case in the field of criminal procedure.

Every American knows that he has an immediate stake in preservation of their own privacy, in his right to dissent vigorously from his government's policies, and his right to have free access to opinions and information about those policies. Yet these interests, too, are endangered by the appointment of a Justice who has displayed either indifference or willingness to compromise away some of these liberties.

The danger is presented by the inclinations of an Executive to stifle dissent, to undermine organized opposition to official policy, to free itself of congressional oversight or judicial "interference."

Often the effort is made in the name of orderly government or efficient administration. The able senior Senator from North Carolina, on earlier occasions, has used the words that I intend now to use to remind us of a very basic truth. It is language which the Senator from North Carolina attributes to Daniel Webster:

Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Mr. Rehnquist's speeches pay ample lipservice to these rights. That is exactly what one would expect of someone with his intellectual capabilities and experience. But the occasional phrases which can be lifted out of those speeches to show his "balanced approach" are belied by his analysis of the private interests involved.

The two best examples of this approach to balancing individual rights and governmental interests are wiretapping of domestic "subversives" and government surveillance of political activities. We are talking about today's news, not something that may develop in the future.

WIRETAPPING

Repeatedly the nominee's defenders have pointed to his acceptance of the 1968 Safe Streets Act provision for controlled wiretapping. But that is no more a defense of his record than is the fact that a majority of the Senate approved wiretapping under the 1968 bill. That is simply not the issue here precisely because that 1968 statute did not deal with the present administration's assertion of broad power to wiretap, without prior court approval, in the case of domestic dissidents whom the Attorney General regards as a "subversive" threat to national security. Let us also be clear about the position Mr. Rehnquist successfully advised the Justice Department to adopt on wiretapping in "domestic" national security cases. He tells us that he convinced the Attorney General not to argue solely on the basis of inherent executive power outside the restrictions of the fourth amendment, but rather to argue that the fourth amendment does apply and must be satisfied. That is hardly the end of the matter. The Government's position is that prior judicial authorization is still not necessary under the fourth amendment if the wiretapping is an otherwise reasonable search. And the nominee's speeches claim that there should be no prior judicial approval because the Attorney General can adequately determine whether a search is reasonable and justified. To argue that the Attorney General, frequently a close political adviser to the President, is the kind of neutral buffer between the citizen and his Government envisaged by the framers of the fourth amendment, is to suggest a very superficial appreciation of that historical safeguard. Indeed, the provisions of the 1968 act only underline this concern, because Congress clearly thought that prior court approval was critical and specified its implementation in detail.

Moreover, the memorandum notes that Mr. Rehnquist's cavalier approach to the fourth amendment does not stop here:

Mr. Rehnquist for his part seems to be willing to go even further than merely supporting wire taps without prior court order in this easily abused area. He took the position at Brown University, as reported in the Providence Journal of March 11, 1971, that the Justice Department 'must protect against . . . subversive domestic elements, yet often does not have the evidence of imminent criminal activity necessary for wire tap authorization. In other words, Mr. Rehnquist argued that *because* the Executive does not have enough evidence to get a warrant against 'elements' it deems in its sole discretion 'subversive,' it should not have to get one. This 'analysis' turns the Fourth Amendment precisely on its head. If it were ever accepted, it would reverse the whole course of Fourth Amendment law in this country.

SURVEILLANCE

Mr. Rehnquist's now famous statement that we should rely on the self-restraint of the executive branch, and occasional oversight hearings by Congress, to protect the individual from intrusive surveillance is discussed in detail in the memorandum. Two points stand out from the rebuttal offered by his supporters in the majority report.

First, they point to Mr. Rehnquist's testimony at the confirmation hearing. He said then that his earlier reference to self-restraint assumed the existence of the present safeguards in the 1968 Wiretap Act and in the first and fourth amendments. In that context, the nominee suggested, he was merely indicating opposition to additional machinery for judicial control of potential abuses, because such judicial scrutiny might hamper the investigators.

But the provisions governing wiretapping in the 1968 act are not applicable to other kinds of surveillance. Mr. Rehnquist knows that. In any event, much of the political surveillance which has alarmed Americans in recent years is precisely in the area which the administration and Mr. Rehnquist claim is exempt from the provisions in the 1968 act—the alleged threat of domestic "subversion."

He also knows that the safeguards in the first and fourth amendments are not self-executing. If the judiciary is not permitted to implement them by restraining executive action, then we are indeed thrust back upon the executive's own self-restraint.

Second, Mr. Rehnquist's lengthy testimony before the Senate Subcommittee on Constitutional Rights gave short shrift to the possibility that such surveillance might have a chilling effect on the exercise of first amendment freedoms. The majority report quotes Mr. Rehnquists's expression of distaste for some of the obvious excesses of surveillance revealed at the Senate hearings. It fails to mention the all-important distinction which Mr. Rehnquist himself drew between policies he personally thought unwise or unjustified, and those which he felt raised a question of constitutional dimensions. He made clear that the potential abuse of surveillance was not, in his view, a serious constitutional problem.

Under pointed questioning at the confirmation hearing, he did acknowledge that many persons may be deterred from vigorously exercising their first amendment rights, even if others are willing to risk their future careers or other dangers of a "Government file." But his consideration of this central purpose behind the first amendment hardly reflected a deep appreciation of the fundamental interests involved.

CONCLUSION

It is not necessary to argue that the nominee's position on any one issue in the area of criminal procedure or privacy is "extremist" or beyond the pale. That is not the point. In each of these areas, Mr. President, there is an unbroken pattern of undervaluing the constitutionally protected interests of personal liberty in marked contrast to the wide scope he would afford executive power.

For this reason, my colleagues and I have joined in our separate views in expressing very grave doubts about Mr. Rehnquist's likely approach to these urgent issues of protecting the individual

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which will come before the Court in the next several decades.

For this reason, too, in addition to his record on civil rights, I have concluded that I should withhold my consent from this nomination.

Mr. President, I express hope once again in the confidence that my colleagues will read our memorandum and will read it within the framework of the points I have discussed today in this discussion.

I am one of 100 Senators who hopes that our judgment on this nomination is correct.

I would be the first to acknowledge that there are no crystal balls which permit us to know the answer to the question of how anyone will perform once he goes on the Court. I acknowledge, as all of us must, that some men have gone on the Court with predictions that their decisions would reflect a constant, consistent and particularly philosophy and, in many cases, their performance has been consistent with those predictions; but in some cases they have moved ever gradually in a different direction.

But our responsibility, Mr. President, as I understand it, is to attempt, to the extent that the record of a nominee permits a judgment to be made, to determine whether a particular nominee will take to the Court a sensitivity and an awareness of the really great values of the Bill of Rights and the 14th amendment.

If we find in the record of the nominee, nothing that reflects this appreciation, but instead a steady pattern inconsistent with such awareness—indeed, on occasions, an affirmative opposition to those values—we ought not to consent to the nomination.

Mr. President, I yield the floor.

EXHIBIT 1

CIVIL RIGHTS

The Supreme Court has played a crucial and proper role in the last 20 years in securing the rights guaranteed in the Constitution for all citizens, particularly our racial minorities. For many of those to whom America has made unfulfilled promises, the Supreme Court has often been the one responsive institution which can be counted on to dispense equal justice under law. President Nixon himself, in accepting his party's nomination in 1968 recognized this when he said:

"Let those who have the responsibility for enforcing our laws and our judges who have the responsibility to interpret them be dedicated to the general principles of civil rights."

Mr. Rehnquist's record, far from demonstrating such a commitment to civil rights, displays a consistent hostility toward efforts to secure rights for the victims of discrimination.

There are three specific episodes in the last seven years which show that Mr. Rehnquist is unwilling to allow law to be used to promote racial equality in America. There are his volunteered opposition in 1964 to a Phoenix public accommodations ordinance; his opposition in 1966 to two key provisions of a Model State Anti-Discrimination Act; and his public statement in 1967, offered in opposition to modest proposals toward integration, that "we are no more dedicated to an integrated society than to a segregated society." And these incidents are not offset in any way by an affirmative demonstration of commitment to equal rights.

A. THE 1964 PUBLIC ACCOMMODATIONS ORDINANCE

In June of 1964 the Phoenix City Council was considering a public accommodations ordinance which declared that—

"It is . . . contrary to the policy of the City and unlawful to discriminate in places of public accommodation against any person because of race, color, creed, national origin, or ancestry."

The ordinance applied only to "public places" offering entertainment, food or lodging, and specifically excluded "any place which is in its nature distinctly private." In testimony before the City Council, Mr. Rehnquist called this ordinance so "far reaching" that it should be submitted to the people for a vote rather than being passed by the Council. He also said:

"I am a lawyer without a client tonight. I am speaking only for myself. I would like to speak in opposition to the proposed ordinance because I believe that the values that it sacrifices are greater than the values which it gives. . . . There have been zoning ordinances and that sort of thing but I venture to say that there has never been this sort of an assault on the institution where you are told, not what you can build on your property, but who can come on your property. This, to me, is a matter for the most serious consideration and, to me, would lead to the conclusion that the ordinance ought to be rejected."

The ordinance was passed unanimously by the City Council the next day. Mr. Rehnquist, still without a client save himself, then wrote a letter to the editor of the *Arizona Republic* calling passage of the ordinance "a mistake." Incredibly, the letter first equated the indignity suffered by a victim of discrimination barred from a lunch counter with the "indignity" suffered by the segregationist forced to serve a meal, and then concluded:

"It is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this."

The freedom to which he referred was the freedom of the property owner to do with his property as he wished. As Mr. Rehnquist recognized in the letter, this freedom has been impinged upon by a great many laws, such as zoning laws, and health and safety regulations. While Mr. Rehnquist thought that imposition on property rights was acceptable for purposes of zoning, he thought an impingement on property rights designed to assure equal access regardless of race to places which hold themselves out to the public was unjustified. In other words, in 1964 the nominee, as he agreed at the hearings, "felt that personal property rights were more important than individual freedoms, the individual freedom of the black to go up to a lunch counter."

It is important to understand the time at which this ordinance was being considered. The fight to end discrimination in public accommodations was in full swing across the nation. The encounters at Selma and Birmingham were recent history. The Congress was in the midst of considering the broadest and most significant piece of civil rights legislation it had ever passed, and that legislation included a meaningful public accommodations section. By the time Mr. Rehnquist spoke in Phoenix, the House had passed the bill, and the Senate had invoked cloture on it. Even more important, the most substantial objections to the federal act came from those who doubted the federal government's constitutional power to enact public accommodations legislation. This was not an argument the nominee used. He fought the measure solely on its merits.

When questioned at the hearings about his opposition to the ordinance, Mr. Rehnquist said he has changed his mind. Asked why, he replied:

"I think the ordinance really worked very well in Phoenix. It was readily accepted, and I think I have come to realize since it, more than I did at the time, the strong concern that minorities have for the recognition of these rights."

Subsequently, Mr. Rehnquist, perhaps recognizing that a pragmatic argument is weak where principle in involved, stated that even if the ordinance had been less readily accepted he would no longer oppose it. Thus the real reason for Mr. Rehnquist's change of heart is, according to him, his realization within the past 7 years of the "strong concern that minorities have for the recognition of these rights." Significantly, it is still not a matter of the nominee's feeling that such discrimination is an injustice, but only that he now realizes that *others* may so view it.

While it is encouraging in some ways that Mr. Rehnquist says that he has come to realize the depth of concern among members of minority groups to be treated as individual human beings by all persons, it is very distressing to imagine a person on the Supreme Court who just seven years ago, when he was 40 years old, was as unaware of the depth of this feeling as Mr. Rehnquist was by his own admission. The insensitivity which Mr. Rehnquist's own statement reveals is hardly offset by an announcement at confirmation hearings that he would no longer oppose public accommodations measures—particularly when other actions by the nominee after 1964 are taken into account.

THE 1966 MODEL STATE ANTIDISCRIMINATION ACT

The second example of Mr. Rehnquist's opposition to the use of law in the promotion of racial equality came in 1966, when as an Arizona representative to the National Conference of Commissioners on Uniform State Laws he participated in deliberations on a proposed Model State Anti-Discrimination Act. The Act forbade discrimination in certain aspects of employment, public accommodations, education, and real property transactions, and it created a State Commission on Human Rights to enforce its provisions. The Act was finally approved by the States 37–2 (Alabama and Mississippi dissenting), with Arizona and Mr. Rehnquist voting in favor of it. But this came only after the Act was relegated to the status of a "Model" instead of a "Uniform" act, thereby relieving the Commissioners of the personal duty to seek passage of the Act in their home states. See Handbook of the National Conference of Commissioners on Uniform State Laws 406 (1966). And it came after Mr. Rehnquist attempted unsuccessfully to delete two key provisions of the Act.

The first was a proposal which was, in the words of the Commissioners' Comments, "designed to permit the adoption [by an employer] of voluntary plans to reduce or eliminate" racial, religious, or sex imbalance in its workforce. No compulsory hiring to achieve racial balance was involved; the Act merely permitted voluntary efforts. These plans were to be subject to the approval of the Commission on Human Rights, and they could apply only to the hiring of new employees or the filling of vacancies. According to the debates, four states already had enacted similar laws: Indiana, Massachusetts, Illinois, and California. Mr. Rehnquist opposed this provision, and, in effect, moved to delete it. Another Commissioner called this motion "a direct attack upon the power granted in the statute to eliminate racial imbalance." The issue then came to a vote and Mr. Rehnquist's motion was defeated. The provision now appears as Section 310 of the Model Act, which reads as follows:

"SECTION 310. [Imbalance Plans.] It is not a discriminatory practice for a person subject to this chapter to adopt and carry out a plan to fill vacancies or hire new employees so as to eliminate or reduce imbalance with respect to race, color, religion, sex, or national origin if the plan has been filed with the Commission under regulations of the Commission and the Commission has not disapproved the plan."

This opposition in 1966 reveals Mr. Rehnquist's unwillingness to allow law to be used in constructive ways to undo 200 years of discrimination in America. Audit also reveals that the nominee's much heralded responsibility for the Opinion of the Attorney General upholding the lawfulness of the "Philadelphia Plan"—which required that specified numbers of minority employees be hired to redress the effects of earlier discrimination—cannot be given much weight, for the nominee's personal philosophy and policy preference are to the contrary. Indeed, the inconsistency is shown even more clearly by the fact that the Philadelphia Plan is mandatory on all those covered, while the provisions Mr. Rehnquist sought to delete from the Model Act were merely permissive.

The second proposal that Mr. Rehnquist opposed was one designed to prohibit vicious "blockbusting" tactics by which realtors sometimes play on racial fears for their own profit. As the Reporter-Draftsman of the Act, Professor Norman Dorsen of New York University, said during the deliberations, a number of cities and at least one state (Ohio) had anti-blockbusting provisions by 1966. Mr. Rehnquist moved to delete this section. He said:

"It seems to me we have a constitutional question and a serious policy question, and in view of the combination of these two factors, plus the fact that it doesn't strike me this is a vital part of your bill at all, I think this would be a good thing to leave out."

Mr. Robert Braucher, then Chairman of the Special Committee on the Model Anti-Discrimination Act and a Professor at Harvard Law School, and now a Justice on the Supreme Judicial Court of Massachusetts, replied with an eloquent defense of the anti-blocking provision:

"However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth, and then they go around to the neighbors and say: Wouldn't you like to sell before the bottom drops out of your market?

"And the notion that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit."

A vote was then taken on Mr. Rehnquist's motion to delete the section, and the motion failed. The section now appears as Section 606 of the Model Act, which reads as follows:

"SECTION 606. [Blockbusting.] It is a discriminatory practice for a person, for the purpose of inducing a real estate transaction from which he may benefit financially

"(1) to represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located, or

"(2) to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located."

Some have argued that Mr. Rehnquist's vote in favor of the final Model Act which contained public accommodations provisions shows the nominee's change of heart from his 1946 position opposing a Phoenix public accommodations ordinance. But that is a vastly oversimplified view. In the first place, the Commissioners were dealing with model legislation, not a law about to be put into effect, so the situations are not comparable. And even more important, the nominee himself was twice asked to explain his change of heart, which was first announced at the confirmation hearings. Neither time did he mention his vote as a Commissioner in 1966. This means either that in the nominee's mind the vote approving the final draft was not significant in showing a change of heart or that he chose not to bring it up because of his opposition to the imbalance and anti-blockbusting provisions. Giving the nominee the benefit of the doubt, one concludes that in his own mind the 1966 vote was not important. There is then no reason it should be important to the Senate. In any event, the final vote is far less significant than Mr. Rehnquist's earlier opposition to the two sections of the act discussed above.

THE 1967 LETTER

The third incident was a letter to the editor Mr. Rehnquist wrote in September 1967 in response to a series of articles and a school official's proposals to deal with de facto segregation in Phoenix. The letter can be understood only in the context in which it was written.

Mr. Harold R. Cousland wrote a series of six articles for the *Arizona Republic* in late August 1967 concerning de facto segregation in Phoenix and what might be done to combat it. Mr. Cousland discussed the problem of racial segregation in the Phoenix schools, the reasons that segregation is self-perpetuating, the contention that minority group children are better off in integrated schools, compensatory education plans, and alternative proposals for integration: open enrollment, voluntary busing, school pairing, educational parks. Forced busing of students was not one of the proposals.

Just as Mr. Cousland's series was completed, the Superintendent of the Phoenix Union High School District, Dr. Howard Seymour, proposed a number of steps designed to combat de facto segregation in Phoenix. As reported in the Arizona Republic of September 1, 1967, at p. 19, these steps were:

Appointment of a policy adviser skilled in interpersonal relations and urban problems;

Organization of a citywide advisory committee representing minority groups;

Formation of a Human Relations Council at each high school;

Promotion of voluntary exchanges of pupils among racially imbalanced schools in various ways, including the location of special enrichment programs and extra-curricular activities;

In the long run, a series of seminars on the nature of prejudice;

Curriculum changes designed to accent the contributions of various ethnic groups and individuals;

Without setting a ratio of minority teachers at each school, the assignment of staff in a way which redressed the existing imbalance.

Mr. Rehnquist found the combination of Mr. Cousland's articles and Dr. Seymour's program "distressing" enough to write the following letter to the Arizona Republic:

"'DE FACTO' SCHOOLS SEEN SERVING WELL

"[Editor, The Arizona Republic:] The combined effect of Harold Cousland's series of articles decrying "de facto segregation" in Phoenix schools, and The Republic's account of Superintendent Seymour's 'integration program' for Phoenix high schools, is distressing to me.

"As Mr. Cousland states in his concluding article, 'whether school board members take these steps is up to them, and the people who elect them.' My own guess is that the great majority of our citizens are well satisfied with the traditional neighborhood school system, and would not care to see it tinkered with at the behest of the authors of a report made to the federal Civil Rights Commission.

"My further guess is that a similar majority would prefer to see Superintendent Seymour confine his activities to the carrying out of policy made by the Phoenix Union High School board, rather than taking the bit in his own teeth.

"Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' Once more, it would seem more appropriate for any such broad declarations to come from policymaking bodies who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an 'integrated' society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.

"The neighborhood school concept, which has served us well for countless years, is quite consistent with this principle. Those who would abandon it concern themselves not with the great majority, for whom it has worked very well, but with a small minority for whom they claim it has not worked well. They assert a claim for special privileges for this minority, the members of which in many cases may not even want the privileges which the social theorists urge be extended to them.

"The schools' job is to educate children. They should not be saddled with a task of fostering social change which may well lessen their ability to perform their primary job. The voters of Phoenix will do well to take a long second look at the sort of proposals urged by Messrs. Cousland and Seymour."

Mr. Rehnquist was given several opportunities at the hearings to explain this letter. His reply always took the same line:

"I would still have the same reservations I expressed in 1967 to the accomplishment of this same result by transporting people long distances, from points where they live, in order to achieve this sort of racial balance, and what I would regard as rather an artificial way."

And later in the hearings:

"With respect to the 1967 letter which I wrote in the context of the Phoenix School system as it then existed, I think I still am of the view that busing or transportation over long distances of students for the purpose of achieving a racial balance where you do not have a dual school system is not desirable."

And again in answers to supplemental questions, Mr. Rehnquist explained that a statement by Dr. Seymour that he would "not dismiss busing of students as a partial solution" lay at the heart of this letter.

Thus, Mr. Rehnquist has tried to cloak his 1967 letter in the current controversy over mandatory busing of students. But a fair reading of the letter itself and the articles on which it is based demonstrates that Mr. Rehnquist was opposed to much more. The letter itself does not even mention busing, or, indeed, transportation of students in any form. And it is apparent from the most cursory glance at the proposals Dr. Seymour made that—as Mr. Rehnquist admitted in answers to supplemental questions—virtually all of the proposals are "entirely consistent" with the neighborhood school concept Mr. Rehnquist wrote about. Yet the letter specifically suggested that "the voters of Phoenix will do well to take a long second look at the *sort of proposals* urged by Messrs. Cousland and Seymour." (emphasis added)

Moreover, the newspaper story from the *Arizona Republic* of September 1, 1967, out

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of which Mr. Rehnquist takes Dr. Seymour's statement that he would "not dismiss busing of students" when read in full shows that Dr. Seymour had an extremely moderate view of the problem:

"He [Dr. Seymour] said he would not dismiss busing of students as a partial solution, but he discounted busing or the altering of district lines as complete approaches to the problem.

"'It is much more preferable for us to demonstrate a willingness to broaden the spectrum of school populations through such actions as voluntary transfers, a local peace corps of students and teachers, . . . and other devices intended to life the aspirations of those who live and learn without them.

"'The research evidence tentatively supports the premise that minority pupils achieve more in an atmosphere of high motivation,' he said."

And the *Phoenix Gazette* of August 31, 1967, reporting the same speech by Dr. Seymour makes the Superintendent's position equally clear:

"But he [Dr. Seymour] said he opposes gerrymandering district boundaries or 'busing' pupils from one part of town to another as means toward 'true integration.'

"'There is nothing more artificial in my judgment than to load a group of pupils from one district and disgorge them at another without making it possible for full, active participation in learning, socializing, sports and activities, and without integrating the adults along with busing pupils,' he continued."

Thus, far from being an advocate of forced busing, Dr. Seymour favored other ways of integrating the schools, such as encouraging voluntary transfers under a program already in effect. Viewed in this light, one sees rather clearly that just four years ago Mr. Rehnquist found "distressing" some rather minimal efforts of school officials to promote equality of educational opportunity. One also sees that his answers to the Committee's questions on this matter were more glib than candid.

The truly alarming aspect of this 1967 letter, however, is Mr. Rehnquist's statement, 13 years after *Brown* v. *Board of Education* that "we are no more dedicated to an 'integrated' society than we are to a 'segregated' society." As explained above, this statement cannot simply be written off by the nominee as made in the context of long-distance busing. It must stand on its own as representing his view of our society's obligation to its citizens. And Mr. Rehnquist has never disassociated himself from this statement. Yet at least since the Supreme Court declared that "separate is inherently unequal," this Nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed.

The statement is especially disturbing when put into context. The newspaper story which contains the quote by Dr. Seymour with which Mr. Rehnquist took issue reads:

"Commenting on teaching minority members, [Dr. Seymour] said the district should make no attempt to establish ratios of one type of teacher to the pupils they serve.

"'Since we are and must be concerned with achieving an integrated society,' he said, 'the Phoenix Union High School system recognizes an obligation to staff schools with personnel to help relieve cultural imbalance within the community. Pupils need to be exposed to the fine talents representative of all races.'"

Thus there is yet another part of a consistent pattern, complementing Mr. Rehnquist's opposition to the employment "imbalance" section of the Model State Anti-Discrimination Act, and to the public accommodations ordinance, of the nominee's hostility to programs which recognize 200 years of discrimination in America and take steps to rectify the tremendous burdens which that discrimination has imposed.

THE ABSENCE OF AFFIRMATIVE COMMITMENT TO EQUAL RIGHTS

Significantly, the disturbing inferences which flow from the incidents just described are not rebutted in any way by other, affirmative actions Mr. Rehnquist has taken to promote racial justice. Indeed, the absence of a demonstrated commitment to equal rights in the nominee's record is alone strong grounds for questioning his nomination.

Mr. Rehnquist was twice asked at the hearings to describe what in his record demonstrated a commitment to equal rights for all. His entire answer was as follows:

"It is difficult to answer that question, Senator. I have participated in the political process in Arizona. I have represented indigent defendants in the Federal and State courts in Arizona. I have been a member of the County Legal Aid Society Board at a time when it was very difficult to get this sort of funding that they are getting today. I have represented indigents in civil rights actions. I realize that that is not, perhaps, a very impressive list. It is all that comes to mind now.

. . . . . .

"I think that there are some paragraphs in my Houston Law Day speech which recognize the great importance of recognition of minority rights, that the progress is not as fast as we would like and that more remains to be done. I am trying to think of some other public statement that may contain similar—well, you know, I am just coming back, not back to isolated passages in public statements."

This was subsequently expanded and clarified by Mr. Rehnquist in response to additional questions by certain members of the Committee. Mr. Rehnquist added that he had been an Associate Member of the American Bar Association Special Committee on the Defense of Indigent Persons Accused of Crime in 1963; that he had testified on behalf of the Administration in favor of ratification of the Genocide Treaty and in support of the Equal Rights Amendment; and that he had participated in the preparation of the Opinion of the Attorney General upholding the legality of the "Philadelphia Plan." Mr. Rehnquist also explained in somewhat greater detail the sorts of civil rights actions in which he represented indigents.

This record, compiled over the course of an 18 year career, reveals little more than the routine activities which may be expected of any private lawyer who becomes a high-ranking government official. It cannot be called a demonstrated commitment to fundamental human rights.

Representation of indigents, for example, is considered one of the duties of every member of the bar, and in criminal cases is usually done at the request of the court. The civil rights actions Mr. Rehnquist described in his response to written questions could more accurately be called civil cases than civil rights cases in the usual meaning of that term. And in response to additional questions, Mr. Rehnquist admitted that his membership on the Maricopa County Legal Aid Society Board had been *ex officio*, by virtue of his position as an officer of the County Bar Association.

Nor is any particular commitment shown by his record in the Department of Justice since 1969. His testimony in support of the Equal Rights Amendment was less than wholehearted. And any reliance which might otherwise be placed on his authorship of the Opinion of the Attorney General upholding the lawfulness of the Philadelphia Plan is undermined by his opposition to a far less reaching proposal in the Model State Anti-Discrimination Act in 1966, discussed above. Further, once put in chronological sequence, the significance of that Opinion is somewhat suspect. In June of 1969 the Labor Department, with Administration approval, promulgated the orders for minority hiring commonly referred to as the Philadelphia Plan. In August the Comptroller General held the Plan illegal. In September, Mr. Rehnquist's office prepared the Opinion of the Attorney General which, unsurprisingly, upheld the Labor Department's—and the Administration's—well publicized proposal.

In sum, Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights.

ALLEGED HARASSMENT OF VOTERS

There have been a number of charges and denials concerning Mr. Rehnquist's role in voter challenges by Republicans during various elections in the early 1960's in Phoenix. One serious charge was that made in sworn affidavits by Mr. Jordan Harris and Mr. Robert Tate alleging that Mr. Rehnquist harassed and intimidated a voter and engaged in a scuffle with Mr. Harris at the Bethune precinct in 1964. Messrs. Tate and Harris charge that Mr. Rehnquist made an improper attempt to administer personally a literacy test to a would-be voter. Mr. Harris says he approached Mr. Rehnquist, to whom he had been introduced, and "argued with him about the harassment of voters." A struggle ensued, in which Mr. Tate came to Mr. Harris' aid. A policeman, it is said, entered and took Mr. Rehnquist into an office, from which he soon left. Mr. Tate identified Mr. Rehnquist "from pictures I have seen lately in the papers . . . he did not, at that time, however, wear glasses."

These affidavits are corroborated by two additional ones sworn within the past few days. These came from the Rev. and Mrs. Snelson McGriff, who say that Mr. Rehnquist—or "his twin brother"—was at Bethune precinct in 1964. Rev. McGriff says that the challenger, Mr. Rehnquist, wore glasses while inside the voting place, but took them off when he came outside, before the scuffle took place. *See* the *National Observer*, Nov. 28, 1971, p. 4, col. 1.

Mr. Rehnquist has submitted a sworn affidavit which says that the affidavits of Messrs. Tate and Harris "insofar as they pertain to me . . . are false." He has denied having been at the Bethune precinct in 1964, and he denied that he ever personally "harassed or intimidated voters."

The conflict in the evidence before the Committee is not resolved simply by reference to Judge Charles Hardy's letter, as the Majority would have us believe. Judge Hardy only confirms what was already documented by contemporaneous news accounts and by an FBI report: that there was voter harassment and a fight at Bethune in 1962, and that Mr. Rehnquist was not involved in it. But Judge Hardy's letter does not by any stretch of the imagination stand for the proposition that no scuffle occurred at Bethune in 1964. Thus Mr. Rehnquist's statements and Judge Hardy's letter do not "completely refute the charges" made by Messrs. Tate and Harris. Indeed, Judge Hardy's letter which states that the "events in question" occurred in 1962, could not have been intended as a refutation of their charges since it is dated before their affidavits were made and released.

Nor does the fact that the Federal Civil Rights Act of 1964, in effect at the time, prohibited oral literacy challenges "undercut the credibility of these allegations" as the Majority Report claims. That fact means only that the challenges, if there were any, violated federal law. And at least in some parts of Arizona, a Justice Department investigation has revealed that "challenges . . . based on . . . ability to read the Constitution in English" were made in 1964. *See Apache County* v. *United States*, 256 F. Supp. 903, 909 (D.D.C. 1966) (3-judge court).

Instead, it appears that the Committee lacks either the motivation or machinery to conduct the type of fact-finding which is needed to uncover which side of this dispute is mistaken. Therefore, each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial.

Whatever the actual facts are about the 1964 incident at Bethune, that dispute should not be permitted to obscure the larger question of the extent of Mr. Rehnquist's responsibility for the Republican efforts to intimidate and harass minority voters in Maricopa County from 1958 to 1964. Judge Hardy, whose letter is so heavily relied upon by the Majority, described those tactics as follows:

"In 1962, for the first time, the Republicans had challengers in all of the precincts in this county which had overwhelming Democratic registrations. At that time among the statutory grounds for challenging a person offering to vote were that he had not resided within the precinct for thirty days next preceding the election and that he was unable to read the Constitution of the United States in the English language. In each precinct the Republican challenger had the names of persons who were listed as registered voters in that precinct but who apparently had not resided there for at least thirty days before the election. In precincts where there were large numbers of black or Mexican people, Republican challengers also challenged on the basis of the inability to read the Constitution of the United States in the English language. In some precincts *every* black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people awaiting their turn to vote to grow tired of waiting and leave without voting.

"In addition, there was a well organized campaign of outright harassment and intimidation to discourage persons from attempting to vote. In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. There were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging were highly improper and violative of the spirit of free elections."

In response to a written question from several members of the Committee, Mr. Rehnquist stated that he felt "that there was no connection between my role [in 1962] and the circumstances related by Judge Hardy." He also stated that the practices Judge Hardy described "did not come to my attention until quite late in the day of the election in 1962" and that is why he took no steps to curb practices such as indiscriminate use of literacy challenges, which he believes improper. But this disavowal of involvement in the 1962 practices must be placed alongside the facts, established by Mr. Rehnquist's own answers, that in 1960, 1962 and 1964 the nominee played an important role for the Republican Party in Phoenix in voter challenges.

In 1960, Mr. Rehnquist was designated by the County Republican Chairman as co-chairman of the Ballot Security Program; he supervised and assisted in the preparation of envelopes mailed to Democrats—largely in black and Mexican-American districts—which were the foundation of residency challenges; he recruited lawyers to serve on a Lawyers' Committee; he advised challengers on the law; and he supervised in assembling returns of the mailings for challenging purposes.

In 1962, Mr. Rehnquist was designated Chairman of the Lawyers' Committee of the County Republican Party, and he again taught challengers the procedures they were to use. And, as in 1960, he served as a trouble-shooter—going to precincts at which disputes had arisen, in order to help resolve them.

Finally, in 1964 Mr. Rehnquist was Chairman of the Ballot Security Program, selected by the County Republican Chairman. As such, he had overall responsibility for mailing out envelopes, recruiting challengers and recruiting members of the Lawyers' Committee, and for speaking, or seeing that someone spoke, at a training session of challengers. In 1964, as well, Mr. Rehnquist was general counsel to the County Republican Committee.

Thus while Mr. Rehnquist has sought to disassociate himself from the tactics employed by the Republicans in 1962 and other years, it cannot be overlooked that he held a high and responsible position in the Republican party's election day apparatus from at least 1960 to 1964, a period that saw very substantial harassment and intimidation of voters in minority group precincts.

CONCLUSION

A review of the nominee's entire record on civil rights reveals a persistent unwillingness on his part to allow law to be used to overcome racial injustice. There are two significant implications of this which argue strongly against confirmation. First, Mr. Rehnquist's views are such that one must fear the interpretation he may give to the great promise of the Fourteenth Amendment: equal protection of the laws. Indeed, one must also fear the limits he would impose on a legislature's efforts to redress 200 years of racial injustice. Second, there is the question of the very appearance of fairness and impartiality. At a time when many Americans, young and old alike, doubt the responsiveness of our system of government, we cannot afford to put on the Supreme Court a man consistently insensitive to the role that law must play in achieving a fair and just society.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I hope this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senate will resume consideration of legislative business.

ORDER FOR ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND VACATING ORDER FOR RECOGNITION OF SENATOR MONTOYA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the two leaders on tomorrow, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes and that the previous order recognizing the Senator from New Mexico (Mr. MONTOYA) be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Wisconsin (Mr. PROXMIRE) on tomorrow, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of Calendar No. 537, S. 2676, a bill to provide for the prevention of sickle cell anemia.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF THE NOMINATION OF WILLIAM H. REHNQUIST ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of S. 2676 on tomorrow, the Senate return to executive session and the resumption of the consideration of the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized under the standing order, the senior Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes. At the conclusion of routine morning business, the Senate will take up S. 2676, a bill to provide for the prevention of sickle cell anemia. The bill will be debated under a time limitation of not to exceed 30 minutes, and there will be a rollcall vote on final passage. The rollcall vote should occur at about 10 o'clock a.m.

Following the rollcall vote on S. 2676, the Senate will return to executive session to resume consideration of the nomination of William H. Rehnquist for the office of Associate Justice of the Supreme Court of the United States.

XUM

ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate, in accordance with the previous order, stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 14 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, December 8, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 7, 1971:

COMMISSION ON CIVIL RIGHTS

John A. Buggs, of Maryland, to be Staff Director for the Commission on Civil Rights, vice Howard A. Glickstein, resigned.

IN THE NAVY

Robert R. Groom (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy subject to the qualification therefor as provided by law:

William T. Bell
Donald J. Clausen
Daniel M. Harrigan
Frederick L. Hecht
Robert M. Rohen
John F. Suber
Jerry D. Thomley
William T. Wilson

Glenn C. Parrish (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

Steven M. Abelman
Kris T. Ackerhauer
Charles N. Adams III
James V. Ahearn, Jr.
Robert R. Ainslie
David E. Albin
John L. Alexander
James M. Allen
Kristin L. Allen
John S. Allison, Jr.
Lorin E. Andersen
John H. Anderson, Jr.
John N. Anderson
Larry E. Anderson
Stephen F. Anderson III
Kenton G. Andrews
Gary T. Archibald
Robert E. Ansley, Jr.
Richard L. Arfman
Brian S. Armstrong
Charles B. Askey
Jeromye L. Avery
Jack N. Bailey
Robert K. Baird
Neil D. Baker
Wilfred Baltazar, Jr.
David H. Barber
Timothy J. Barnes
Ralph C. Bartlett
Garrick W. R. Bauer
Anthony J. Bechem
Paul R. Becker
Kenneth R. Beeunas
Raymond B. Beimel
Vincent J. Beirne
John B. Bell
Frederick C. Bensch
James E. Benson
Paul R. Bernander
Michael S. Bertin
Robert E. Besal
Daryl L. Bever
Norman S. Biehler
Edward S. Bishop
David F. Blake
James M. Blakely
Jonathan H. Blanding
Edward H. Blohm, Jr.
Mark A. Bloom
Anthony K. Bollen
Robert M. Bond
William D. Bondy
William T. Boone
William G. Borden
Joseph E. Bottomley
Jon T. Boyd
Pelham G. Boyer
Joseph B. Brady
Philip E. Bray
Jonathan J. Bridge
Edward T. Brill
Michael A. Brogan
David A. Brown
Frank H. Brown
Franz K. Brown
Jesse H. Brown
Kelley A. Brown
Richard M. Bruns
Gary E. Buker
Thomas A. Bunker
Richard J. Burdge, Jr.
Michael E. Burke
Larry W. Burkhart
Timothy D. Caldwell
James R. Cambre
Christopher S. Canetti
Katsumi O. Cannell
Leonard W. Capello
Donald L. Capron
Dale R. Carlson
Orin O. Carman
William A. Caroli
Christopher E. Case
Anthony J. Cassano, Jr.
Douglas W. Charlton
Benjamin L. Chastain
Richard A. Chiasson
Peter C. Chisholm
Paul E. Cincotta
Irving B. Clayton III
Kevin R. Collins
Kevin E. Condon
Thomas P. Connair
Paul M. Connolly
Thomas I. Converse
Howard D. Coogler
Wilbur O. Cooke, Jr.
Michael R. Cooper
Kenneth E. Corkum
Mark E. Costello
Stephen T. Cox
John T. Crawford
Dennis P. Crimmins II
Douglas L. Crinklaw, Jr.
Raymond S. Cross
James R. Crossen
Indy C. Crowley
Terry S. Crozier
John F. Cullinan
James P. Cunningham
Samuel R. Curcio, Jr.
Bruce J. Currivan
John F. Dalby
Joseph T. Daly III
David M. Dankert
Wayne C. Darnell
Mark C. Davis
Robert E. Davis
Terry L. Daugherty
Rocklun A. Deal
Thomas C. Deas, Jr.
William D. Degolian
Michael J. Deibler
Christopher P. Depoix
John P. Deregt
Norman E. Derouin, Jr.
William M. Desgalier
Ted E. Dewalt
Craig R. Dolan
Robert E. Dolan
John R. Donahue
John P. Donnell
Richard H. Donohue
Donald R. Dreyer
Daniel E. Dubina
Neale A. Duffett
John S. Earwaker III
Justin D. Edmonds
John S. Elliker, Jr.
Mark E. Ellis
John D. Epley
David S. Epstein
Douglas J. Erbele
Hobart R. Everett, Jr.
James L. Everett IV
Uson Y. Ewart
Bruce K. Farwell
William A. Faust
David A. Fenci
Donald B. Fennessey
Richard W. Fife
David J. Firth
Alan D. Fisher
Steven S. Fitzgerald
Raymond M. Flamm
Gary J. Flor
Clifford W. Folland
Steven V. Fondren
Van Y. Fong
Larry A. Foster
Robert B. Frazier
James M. Frederickson
Curtis M. French
Brian D. Frenzel
Thomas A. Fulham, Jr.
Edward F. Gallagher, Jr.
Bruce T. Garrett
Patrick M. Garrett
Alan C. Gault, Jr.
James F. Gay
Gregory W. Gebhardt
Paul S. Giarra
Ronald M. Gibbs
David H. Gibbons
Steven M. Glover
Douglas T. Gordon
Leonard A. Goreham
Michael P. Gracey
David G. Grau
Kerry D. Green
Daniel E. Griffin
Hines N. Griffin
Jan W. Gripp
Edmund S. Gross
Austin B. Gunsel
William F. Hackett
Karl A. Hadley
Donald L. Hafer
Dennis K. Hakin
Peter G. Hanson
John T. Hardin
Joseph A. Harland
Raymond M. Harris, Jr.
Donald D. Harvey III
Franz Hatfield
Frederick R. Heaty
Michael C. Heck
Frederick G. Heppner
John M. Herzog
James R. Hess
Ronald C. Hessdoerfer
Gordon Heyworth
James A. Higbie
Peter L. Hilbig
Gordon R. Hill
Larkin D. Hipp
Henry R. Hitpas II
Robert N. Hobbs
Lolus A. Hoffman, Jr.
Paul Edward Holley, Jr.
Robert C. Holmes, Jr.
Ronald D. Honey
Dennis D. Horsell
Nathan A. Horowitz
John M. House
Mark A. Housel
Kevin M. Huban
Leonard W. Huck, Jr.
William A. Hudson
William G. Hudson III
Anthoyn L. Impellitteri
Eric B. Jackson
John E. Jackson
Jack W. Jahn
Christopher P. Jamison
Thomas M. Jaskunas
Garrison W. Jaquess
Michael T. Meagher
Frank B. Mease
James Meetze
Charles F. Mello
Peter N. Mikhalevsky
Francis R. Miller
Michael W. Monkhouse
Leland R. Montgomery
Mark S. Moranville
James W. Morgan
John B. Morgan
Donald S. Morrison
Martin L. Morrissey
Lawrence J. Morse
David R. Mortensen
Robert G. Morton
Sammy Lee Moser
James N. Mullican
Timothy R. Murphy
George W. Myers, Jr.
Fred H. Naeve, Jr.
William M. Naylor
William D. Needham
William V. Jenkins
William E. Jennings III
Andrew A. Jensen
Martin W. Johnsen
Kenneth R. Johnson
David B. Jolly
Thomas H. Jones
William B. Jones
Peter L. Kallin
George J. Karlsven, Jr.
Walter J. Kasianchuk
Michael E. Kasaner
Roger L. Kave
Douglas W. Keith
Christopher J. Kemper
James B. Kendall
Kristopher M. Kennedy
Jared T. Kieling
Mark D. Kilmartin
Murray O. King, Jr.
Robert F. Kissling, Jr.
Patrick J. Klinker
Carl T. Knos
Richard F. Kodzis
Lawrence R. Krahe, Jr.
Victor E. Kratzer
Richard F. Krochalis
Richard E. Kuhn
Terence P. Labrecque
William P. Larsen III
Michael P. Lazar
Daniel V. Leclair
David M. Laffoon
Milton D. Lane
Leopold H. Lemmelin II
John M. Lemmon
Raymond E. Leonard III
William H. Lewis III
Richard J. Liebl
George P. Lillard III
Stuart C. Lilly
Peter R. Lindsay
Jerry D. Lindstrom
David J. Llewellyn
Andrew F. Loomis
John B. Love
Rawlins Lowndes
George W. Lynn
Edward F. McClave
Daniel R. McCort
Harry J. McDevitt
Randal S. McDonald
Daniel McGrath
Daniel B. McGrath
James B. McKinney
William J. McKenney
Charles R. McLean
William D. McLean
James A. McCrae
John M. McCutchen
Brian L. McElmurry
Michael K. McEvoy
John M. McGrail
Gibson E. McMillan, Jr.
Scott J. N. McNabb
Breathitt R. McVay, Jr.
Robert C. Macdermid
William M. Machovina
Bruce K. Maclean
Steven M. Macpherson
Larry G. Madison
Gregory A. Major
John P. Makin
Nicholas A. Malarchik
Patrick J. Mallon
Paul F. Malloy
Michael W. Mann
Bruce D. Mason
Lee C. Mason II
William T. Matthews
John M. Kearney
James F. Keim
William R. Metro
Russell S. Noble
Lynn W. Norden
Timothy J. Norrbom
John W. Norris
Stefan A. Nyarady
Philip J. O'Brien
John T. Oconnell
Arthur J. Ogrady
Clifford M. Olson
Ernest G. Ovitz III
Steven W. Palmer
Richard S. G. Park
Timothy A. Patton
Douglas T. Peart
Andrew J. Peck
Kenneth A. Pedone
Kenneth W. Peters
Mark A. Pickett
Russell A. Pickett
Edward W. Pinion
Rand R. Pixa
Richard P. Pope
Francis J. Popek
Carl R Porterfield
William O. Poston
Jeffrey P. Powell
George L. Powers
Michael K. Price
William R. Price III
Larry R. Prill
Jeffrey D. Pulis
Michael N. Quarles
Donald R. Quartel, Jr.
Paul F. Quinn
Thomas L. Reeder III
Michael C. Rees
Jerry D. Reeves
James R. Reisdorfer
Jeffrey A. Reise
David P. Reistetter
Donald L. Reppert
Robert T. Rich
Howard V. Richardson III
Richard P. Riley
Thomas E. Ritchie
James A. Robb
Steven N. Robinson
Dennis E. Rocklein
Jeffrey L. Roddahl
Willard P. Roderick
Steven L. Romine
Christian Rondestvedt
Thomas W. Rossley
John H. Rothwell
Peter S. Rothwell
Sigurd K. Rottingen
James S. Rountree
James W. Roush
Gerald M. Rowe
Glenn H. Russell
William D. Russell
Jeffrey B. Ryan
William P. Ryan, Jr.
Jack G. Salyer
Thomas B. Salzer
Gregory L. Sample
Robert J. Sanders, Jr.
John B. Santino
Michael Sarraino
Marc Schaefer
Frederick J. Scheibl
George S. Scherer
Gregory J. Schlass
James M. Scholz
John M. Schooley
William Schopfiin II
Donald E. Schrade
Randall C. Shultz
Murray J. Scott
Dean G. Sedivy
Robert N. Seebeck
Michael J. Seeley
William A. Seiss
William W. Selman
David M. Sevier
Siegfried L. Shailes
James T. Shaw III
John D. Shaw
Jon V. Shay
Richard W. Shriver
William H. Shurtleff IV
Philip W. Signor III
Irving Silver
Terrence C. Silverberg
Charles C. Simpson III
William M. Simpson, Jr.
Michael J. Sise
Donald E. Sliwinski
Joseph W. Sloan, Jr.
John A. Slusser
Charles E. Smith
Glenn R. Smith
Leigh R. Smith
Loren W. Smith
Robert E. Smith
Scott M. Smith
Terry A. Tarantino
Dennis L. Teitsworth
Richard C. Tennant
Nicholas J. Tennyson
Timothy L. Thickstun
Thomas W. Thiesse
Michael R. Thomas
John A. Thomson
Charles L. Threet, Jr.
Terran J. Tidewell
Frank A. Titus II
Michael R. Tofalo
James M. Tompkins
David M. Torbenson
Joseph E. Torgesen
John R. Traughber
Michael D. Trudeau
Anthony J. Twardziak, Jr.
Paul E. Tyre, Jr.
Jay P. Unwin
Peter M. Vandyk
Jerome J. Vanparys
Thomas G. Vetter
Dennis A. Vidmar
Kenneth A. Vincent
Michael P. Vincent
James C. Voter
Paul J. Vuchetich
Wayne L. Wagner
Howard E. Wagoner III
John G. Waldmann
James R. Wallace
James A. Walters
Charles R. Waters
Michael A. Wathen
Ralph S. Watts
Stephen F. Waylett
Gregg C. Weatherly
Walter L. Weber
James A. Werner
Paul D. Wesley
Lynn G. Wessman
Robert A. Wesolowski
James R. Wheeler
David G. White
George W. White
Millar J. C. White
William S. White
William T. White
Norman R. Wight
William J. Wilkie
Charles W. Spradlin, Jr.
Donald C. Stanton
Richard D. Stark, Jr.
John A. Stauter, Jr.
Howard L. Steele III
John E. Steele
Peter W. Steele
Rodney C. Steffens
Kenneth M. Stein
Clyde E. Sterling
Don T. Stevens
John R. Stewart, Jr.
Jeffrey L. Stine
Jeffrey M. Stone
Bradley D. Storm.
Kevin S. Stotmeister
Michael Strong
Lawrence W. Strunk
Joseph Stusnick III
David B. Sutton
Jhan C. Swanson
Anthony G. Tamaccio
Bradley S. Tammes
Daniel F. Tandy
Herlis A. Williams, Jr.
John P. Wilmeth
Dallas G. Wilfong III
Paul S. Winberry
Neil S. Wingert
John S. Woodward
James R. Worth
James L. Wright
Richard C. Wright II
Robert J. Wright
William D. Wright, Jr.
Joseph C. Yancy, Jr.
Michael E. Yates
Robert W. Yerkes
William A. Young
Peter C. Zackrison
Ralph C. Zagrabbe
Philip L. Zeeck
Howell C. Zeigler
William R. Zeird
Dale O. Snodgrass
Richard E. Snook
Michael G. Somadelis
George F. Sparks
George E. Spaulding
Scott L. Speicher

The following named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Jonathan F. Davies
Julius W. Eickenhorst
Richard I. Glasgow

Stephen A. Grzenda (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Michael W. Lau (civilian college graduate) to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Bruce D. Noonan (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

DIPLOMATIC AND FOREIGN SERVICE

Anthony B. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

EXTENSIONS OF REMARKS

HOMER BABBIDGE, UNIVERSITY OF CONNECTICUT PRESIDENT, ANNOUNCES RETIREMENT

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McKINNEY. Mr. Speaker, like many residents of Connecticut and elsewhere, I was saddened to learn that Homer D. Babbidge had announced his retirement as president of the University of Connecticut. A scholar, author, and educator, Dr. Babbidge is more importantly a compassionate human who brought to the office of University of Connecticut president a deep understanding and grasp on how to communicate with his fellow man. He not only weathered a decade of turmoil on America's college campuses, but he came through it with the respect and admiration of all.

In recent days, John Peterson, a reporter for the New London, Conn., Day, has authored two articles which deal with the accomplishments and personality of Dr. Babbidge. These are excellent accounts of Dr. Babbidge's career and I would like to share them with my colleagues now.

The articles follow:

BABBIDGE WILL LEAVE MANY FRIENDS WHEN HE STEPS DOWN FROM THE UNIVERSITY OF CONNECTICUT

(By John Peterson)

STORRS, CONN.—Homer D. Babbidge, University of Connecticut president who retires next year, is a dime among 10 pennies.

While some college presidents stumble and fall, Dr. Babbidge walks with confidence and the support of thousands.

That support was exemplified 48 hours after he announced his resignation when 500 students demonstrated and presented Babbidge with petitions signed by 7,000 students and faculty members urging him to reconsider his position.

But Babbidge was keeping his first promise to the university: To limit his tenure to 10 years. Babbidge described it as a relay race, now he must hand over the baton.

Babbidge is described by those on campus as considerate, extremely interested, unbelievable and "cast in the mold of the gods."

The thought of a new president shook the university in October and a month later tremors remained.

As one veteran professor observed, "With Babbidge we could tread water, but I'm afraid we'll sink now."

Many faculty members feel that under Babbidge the university moved forward. But under a new president and a Board of Trustees influenced by the administration of Gov. Thomas J. Meskill, they look for the worse.

There were some who speculated that Meskill was one of the reasons Babbidge resigned. The two had a number of differences—some of them public and most of them heated.

One was the governor's push earlier this year for students to pay tuition costs. Another involved a confrontation between Babbidge and Meskill's finance and control commissioner, Adolph G. Carlson.

Carlson refused to approve contracts for 35 students to spend the year abroad. Babbidge was determined that the university would decide its educational programs, not any state agency.

Funds had been appropriated for the program, the students had paid their fares and were awaiting departure in New York when Babbidge, with trustee support, ordered them to leave.

"There's room for honest differences among honest men," Babbidge says of the incident.

When Babbidge became the eighth president of UConn in 1962, he was 36 years old and the youngest chief administrator of a major university. He had had a number of high-ranking positions. He was vice president of the American Council of Education in Washington when he became president of UConn.

In 1961 the Yale graduate received the Distinguished Service Medal of the Health, Education, and Welfare Department.

Born in Newton, Mass., but raised in New Haven, Babbidge is the author of "Noah Webster: On Being American" and co-authored the book, "The Federal Interest in Higher Education."

Despite a wide assortment of obstacles, Babbidge can count a number of accomplishments during his tenure at the university.

He has recruited a number of highly qualified persons for his staff and faculty. He doubled the faculty salaries and greatly decreased the student-teacher ratio.

Eight new departments were added and other curriculums were expanded. Next spring the university will graduate its first classes of dental and medical students.

It was under the pressure of the takeover of the administrative offices in 1968 that John Breen, then new to the faculty, first saw Babbidge in action.

"It was a bitterly cold night," Breen recalled. Students occupied the building while hundreds of others roamed about outside, threatening violence.

To Breen, Babbidge was the man in the tan coat, moving through the crowds calming students, urging them to talk it over with him. He led about 300 students to a nearby classroom and talked with them until the students dropped thoughts of violence.

Wallace S. Moreland, who came out of retirement to be Babbidge's special assistant, recalled Babbidge's actions during that disturbance and a second involving occupation of the ROTC building.

"During the time of tension he would talk with students, day or night for an hour, two hours or whatever it took," Moreland said.

He remembered Babbidge listening to the demands of students inside the ROTC building, being shouted over a bullhorn. The students wanted the university to convert the building into a day care center and provide its staff of students with free room and board for the summer.

"The answer to that question is, No!" Babbidge yelled back.

Moreland recalled the decision to call in state police to regain control of the administration building was a tough one for Babbidge and came after all other alternatives were exhausted.

"He knew he couldn't communicate with the hard core of 40 or 50," Moreland said. "We could have had a Kent State here, all the elements were present."

Moreland, who has worked for four university presidents, says, "In my score book, Homer Babbidge is one of the greatest.

"The tougher the going, the cooler he comes," Moreland said. "He has a way of getting at a problem quickly."

Babbidge also is described as a listener.

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He is available to any student, at any time. As one faculty member observed: "It's often harder for a member of the faculty to see him then it is for a student."

BABBIDGE WANTS TO QUIT POST AT THE UNIVERSITY OF CONNECTICUT QUIETLY

(By John Peterson)

STORRS, CONN.—Dr. Homer Babbidge, outgoing president of the University of Connecticut, gives the impression he wishes he could fade away without fanfare.

"It makes me nervous to assign all this significance to myself," he says of the reaction on campus to the announcement that he is leaving.

"A Yankee can't stop to enjoy the good things that happen for fear they'll stop happening . . .," Babbidge says, borrowing a bit from Mark Twain.

During an interview he criticized the way people tend to dehumanize those in public jobs.

"I'm more of an ordinary person than some people think I am," Babbidge said.

"I keep reminding students that I put my pants on one leg at a time—just like everyone else," he said at another point.

Babbidge talks in generalities, declining to take any credit for accomplishments at UConn during his nine years as president.

"There were some very unpleasant times, but the casualties have been minimal," he said. "None died, only a couple injured and the psychic bruises seemed to have healed."

Leaning back in his chair, smiling, he added: "I'm pleased with the way things have gone."

Babbidge hedged when asked to outline the qualities of a good college president and the factors behind his success.

"I never sat down and asked myself that question," he said. After a pause, he added, "You have to say what makes a good president of this college at this time."

He mentioned such qualities as breadth of sympathy and interest, stamina and sense of humor.

"I can't say the qualities of a university president are any different from any position," he said. "Luck is the biggest factor in surmounting problems—and I had a lot of it."

He said a college president "is not an authority on everything that goes on in the institution . . . it's important to surround yourself with good people—people who are often better than you are."

He attributes any good qualities he might have to his upbringing which he termed an "old fashioned, moralist-Calvinist mold."

It was laced, he said with "not very philosophical-not very intellectual" sayings by his mother.

One, he recalled, was "Pride goeth before a fall."

The last nine years haven't left much time for Babbidge's personal interests.

"I haven't had much time for hobbies and I can't remember the last time I read a novel," he said.

The job has had its lighter moments.

Babbidge has answered the phone of his assistant, Wallace S. Moreland, after hours by saying, "Hello, Mr. Moreland's secretary."

He entered a turtle, "The Hustler," in the first invitational turtle tournament and during the "Loving Together" weekend in 1969 he joined students in love beads and kazooes.

As for the future, Babbidge says, "We'd like to stay in Connecticut." He notes he did not resign his professor's position in the university's History Department.

But, he adds, "I just might do something very different."

Some have mentioned him as a possible candidate for public office, perhaps governor.

THE MARINE MAMMAL PROTECTION ACT OF 1971

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. ANDERSON of California. Mr. Speaker, in order to amplify my earlier remarks on H.R. 10420, at this time I would like to include in the RECORD the comments of various conservationists regarding the Marine Mammal Protection Act of 1971.

In September 1971, our committee held 4 days of hearings on marine mammal legislation. The comments of various groups on the concept embodied in H.R. 10420 follows:

The National Audubon Society stated:

H.R. 10420 would provide the directive and machinery for accomplishing a new look with fresh eyes at the Pacific fur seal program, and also needed investigation of the conditions and opportunities for improved management and protection, of other marine mammals. We endorse H.R. 10420 in principle . . .

The spokesman for the American Humane Association stated:

The provisions of H.R. 10420 meet for the most part what we would expect in a marine mammal protection bill.

William E. Towell, executive vice president of the American Forestry Association, stated:

I can enthusiastically support H.R. 10420.

He continued:

Continuous overview by an independent Marine Mammal Commission and the assistance of a committee of expert scientific advisors would assure the safety of these ocean resources.

Robert Hughes, of the Sierra Club, stated:

We have long recognized the benefits of scientific management practices in certain carefully regulated circumstances.

The Wilderness Society spokesman stated:

H.R. 10420, the Marine Mammal Protection Act of 1971 offers the most viable basis for developing a sound program of protection and management. In addition to the broad protections it affords, this bill provides for organized research and management review, and directs the development of international agreements for the protection of marine mammals, two concepts we believe are indispensible to the eventual effectiveness of this legislation.

The executive director of the National Wildlife Federation endorsed H.R. 10420 as "it embraces the concept of resource management and sustained yield which is so vital to this issue."

Mr. Speaker, the concept embodied in H.R. 10420 was endorsed by the Izaak Walton League, the World Wildlife Fund, the Wildlife Management Institute, the North American Wildlife Federation, and other groups who are interested in preserving and protecting our wildlife.

HONEST LABEL ACT OF 1971

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. ROSENTHAL. Mr. Speaker, the recent incident involving contaminated vichyssoise that led to the death of a New York man from botulism points up an aggravating problem facing the food retailer and the consumer.

The fatal soup was produced by Bon Vivant, Inc., of Newark, N.J. The same company marketed vichyssoise under its own name as well as under at least 34 different labels and brands. When the producer began recalling its products, at the request of the Food and Drug Administration, confusion reigned.

How was a retailer to know if the soup on his shelf was not made by Bon Vivant? How was the housewife to know if the soup in her cupboard was not the suspected Bon Vivant?

Certainly not by the name on the can. That could have been any one of 34 different names, like Hickory Farms, Connoisseur, Cal Pre, White Rose, or Lord & Taylor. Yet all these and many more are a sort of gastronomic noms de plume for Bon Vivant.

To paraphrase an old cliche, you cannot judge a can by its label. Or any other package, for that matter.

When the danger was clear and retailers and consumers wanted to rid their shelves of potentially harmful soup, they were stymied. The news was slow coming that Bon Vivant had marketed its product under a variety of names, and when that fact became known, it was still some time before all the names were out. Even at that, not all newspapers bothered printing the entire list, and certainly no one could be expected to memorize all those names while searching his shelves.

So what is to be done?

Mr. Speaker, I have an answer. It is the Honest Label Act of 1971, and I am introducing it today. This bill would require the name and place of business of the manufacturer, packager, and distributor be printed on the packages of food, drugs, and cosmetics.

Passage of this bill would be of great benefit to producers, sellers, and consumers alike, and it would be in the interest of public welfare and safety.

There is no valid reason to hide from the American consumer the name of the manufacturer, packager, and distributor of the products he buys. No honest businessman should support this type of concealment.

Mr. Speaker, until this legislation is enacted, I call on all manufacturers, packagers, distributors, and sellers of private label products to voluntarily disclose this information on their products in the public interest.

Part of what consumers are paying for today in the high price of the national brand goods they buy is an intangible element that adds nothing to the nutritional value of their food or the quality of other products. That element is usually nothing more than advertising and promotion.

Alert consumers know they often can get a better buy when they select the house brand over a nationally advertised label.

What I am talking about are those products sold under the name of a particular store—sometimes called the store label—and those goods offered under a brand name used only by that seller but different from the store name—sometimes called private brand. There is no way for the consumer to tell from the label who manufactured or packaged the product.

For example, Ann Page and Jane Parker brand items in supermarkets or A & P, the Nation's largest grocery chain, may have been manufactured by A & P itself or may have been produced by a larger company which also turns out identical or nearly identical nationally known brand name products.

A & P sells products under its own labels that are made by a wide variety of companies. Some of these include: Seabrook Farms; A & P frozen vegetables: Dole, A & P pineapple; Minute Maid, orange juice drink; Stokely Van-Camp and Libby, canned fruits; Del Monte, tuna and tomato sauce; Carnation, evaporated milk; Mrs. Filbert, margerine; Vicks, cough drops.

Giant Cream Cheese, marketed by Giant Foods, Inc., a Washington, D.C. chain, is produced by Bordens. Jumbo bread, sold by another Washington chain, Jumbo Food Stores, Inc., is produced by Continental Baking Co. which makes Wonder Bread.

Watsonville Canning Co. of California produces broccoli, lima beans, and other frozen vegetables under 42 different labels.

There is usually no way for the consumer to know who makes what when it comes to private labels, yet this may be very vital information. It is important not only for health and safety reasons, as I pointed out, but for economic reasons as well.

Private label goods tend to be lower in price and not nearly as heavily advertised as their nationally promoted brand name counterparts. But that does not mean they are any worse—or any better. In fact, they frequently are identical.

Consumers are catching on that they often can get a better buy when they select the house brand over the national brand. They also are becoming increasingly skeptical of brand names, losing their old loyalties and putting greater trust in their own judgment. And they are aware that brand names are used to isolate competition by creating the illusion of a different product when in fact there is no difference.

Between 10 to 15 percent of the grocery items in supermarkets today are private brands and store labels, and the number is growing.

With major manufacturers devoting an increasing portion of their output to private label products, the only difference between many products on shelves today is the label.

At stores where nearly identical products from the same manufacturer compete with themselves under different names, the private label item tends to be priced lower.

This whole area of one company manufacturing the same product under two or more competing names raises serious ethical questions, especially in the realm of advertising claims.

In some instances, a single private brand product may be manufactured simultaneously by several different producers.

The only way to determine this is by cracking the manufacturer's code. The maker's code appears on the package for his own use, but it is totally indecipherable for the consumer and, usually, for the retailer as well. This information should be openly stated in clear language.

Private labels also frequently mean bigger profits for retailers than national brands because the store often deals directly with the manufacturer and, through the elimination of large sales forces and huge advertising budgets, costs are cut considerably.

Surveys have shown that private label foods are priced as much as 25 percent below national brands. One investigation revealed that private brand foods tested contained 1 percent less product but cost 13 percent less than name brands. A study of 31 market basket items in Rochester, N.Y.'s four major grocery chains showed an average savings of 13.8 percent when private labels were substituted for brand name products, according to the Rochester Democrat and Chronicle.

My bill would help consumers police the marketplace themselves. For example, they could keep down the price of milk in Missouri. That State's Unfair Milk Sales Practices Act prohibits processors and distributors from discriminating in price between customers for dairy products.

Nevertheless, reports John Hardin, chief milk control inspector for the Missouri Department of Agriculture:

Large chain grocery stores like to sell private label dairy products at a much lower price than the dairy brand products processed by the same dairy. I see no reason why the consumer should pay as much as 10 to 15 cents a half gallon more for dairy brand than for private label brand when it is the same milk, delivered on the same truck by the same company and processed at the same plant. Merchants take a larger percent markup on dairy brands than on private label brands.

Because the need for the Honest Label Act is most dramatically emphasized by the Bon Vivant episode, I wish to return to it for a moment.

Samuel Cochran, Jr., of Bedford, N.Y., died June 30 and his wife became paralyzed after eating Bon Vivant vichyssoise tainted by botulin toxin. This led to the recall of 5 million cans of Bon Vivant products under at least 34 different labels.

The cans were identified only by codes such as V-141/USA 71, V-154, V-174, BB-112, and so on. The use of such cryptic markings is not only confusing to consumers and retailers, but potentially harmful, as this incident shows.

Had consumers and retailers simply been told to beware of cans dated May 21, 1971, or June 3, June 23, April 22—that is what the above codes stand for—it would have been quicker and easier to remove the correct cans. And it could have protected the manufacturer against needless removal of safe products.

This is another reason for prompt enactment of my bill, H.R. 8438, the Open Dating Act, which would require all food packages should clearly show the date after which the product should no longer be sold.

But in this case, an open date would not have been enough. The name of the manufacturer also was necessary—but missing.

Shortly after the Bon Vivant incident, the FDA announced the recall of some Campbell's soups because of possible botulin contamination. Once again, retailers and consumers began searching their shelves. Campbell's, unlike Bon Vivant, does not produce soups under any name other than its own, but before that information became widespread, there was a possible shadow of uncertainty cast over every can of soup, regardless of its brand.

That would not have happened had my bill been in effect. Consumers and retailers could simply have looked at the label and seen the manufacturer's name. So you can see that my bill not only protects the retailer and the consumer, but it protects the producer as well.

It is another effort to put makers, sellers, and buyers on a more even footing in the marketplace and promote honesty in marketing.

The text of the Honest Label Act of 1971 follows:

A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Honest Label Act of 1971".

SEC. 2. The Congress finds that consumers have no ready means of determining when packaged foods, drugs, and cosmetics are actually manufactured or packed by persons other than the distributor. Disclosure on the labels of packaged goods of the name and place of business of the manufacturers, packers, and distributors would substantially improve consumer awareness and provide for safe and effective labeling. Therefore, it is the purpose of this Act to amend the Federal Food, Drug, and Cosmetic Act to require that labels of certain packaged goods contain a disclosure of the manufacturer, packer, and distributor of each such good.

SEC. 3. (a) Section 403(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

(b) Section 502(b) of Such Act (21 U.S.C. 352) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

(c) Section 602(b) of such Act. (21 U.S.C. 362) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

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Sec. 4. The amendments made by this Act shall take effect upon the expiration of the 180 day period which begins on the date of the enactment of this Act.

EULOGY OF MRS. JOHN McCORMACK

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, today at St. Margaret's Church former President Lyndon B. Johnson and Mrs. Richard M. Nixon lead a large delegation of public figures at the funeral of Mrs. John McCormack.

More than 75 Members of Congress, the leadership, the Irish Ambassador in Washington, William Warnock; Terrence Cardinal Cooke, archbishop of New York; Patrick Cardinal O'Boyle, Archbishop of Washington, the Governor of Massachusetts and many local dignitaries attended the rites.

Boston Archbishop Humberto Medeiros was the celebrant of the Mass, and the eulogy was given by Rev. Walter Flaherty, who, until he entered the priesthood, was an aide to the former Speaker. I would like to share with my colleagues Father Flaherty's eulogy.

The eulogy follows:

EULOGY

"A perfect wife—who can find her? She is far beyond the price of pearls"—Book of Proverbs.

We are gathered here this morning to pray in a special way for Harriett Joyce McCormack and to remember her in the celebration of this Eucharist. Over fifty years ago she left this place—this very church. But today she is back home again. And so this morning we have come here to celebrate a homecoming—a homecoming that is a sorrowful task for her husband—her family—and her friends. Our task is not an easy one—but the burden becomes lighter—the sorrow becomes bearable—for those of faith and hope.

This is the lovely season of advent. It is a time of deepest longing and desire: a time of great expectation and hope; a time when we cry out "come, Lord Jesus." We know that the Lord Jesus is calling us to "come" to him—even as He has called Harriet McCormack to Himself. And we who are left behind yet await another coming. The final coming of Christ in glory—when we will be re-united with Him and our loved ones. And so we cry out, "Come Lord Jesus." This is the root of our Christian faith. This is the faith that sustained Harriet McCormack.

Advent, as we have said, is a time of hope. Man has an inborn desire to look to a future day that will bring happiness and fulfillment. This morning we are being asked to look ahead—to think big—to expand and extend our thoughts—away beyond our immediate grief and our immediate sorrow.

This may sound unrealistic to all—but to those of faith. If we have known the beginning of God's power in our lives as Harriet did—if our pride has been humbled by the humility of Christ—as was Harriet's—if our fears have been calmed by the peace that Christ imparts—as Harriet's was; if this saving work has begun in us—then we know—by the invincible logic of a living experience—that the final power will not fail. If faith in the Saviour does not lead us to a living hope—it is not genuine faith. For it is only by such a living hope that we can live and work—because the commitment of the Christian is so radical—so complete—so hazardous in an earthly sense—that no man can fulfill this commitment apart from hope in Christ. Harriet McCormack had that living hope. Harriet McCormack had that genuine faith. Harriet McCormack fulfilled the commitment of a Christian with dedication.

We know by faith that today is a new beginning for her—and not an ending. We know by faith that the reward that she is experiencing far surpasses what we can imagine; for: "Eye has not seen, nor ear heard, neither has it entered into the heart of man, what things God has prepared for those who love Him." (1 Cor. 2, 9)

"A perfect wife—who can find her? She is far beyond the price of pearls."

It is difficult to stand here and pay tribute to a grand and holy woman without mentioning her loyal and loving husband. Even in death it is difficult to speak only of one of the spouses of this marriage of fifty-one years. In the Vatican II documents, we read: "Let the spouses, themselves, made to the image of the living God and enjoying the authentic dignity of persons, be joined to one another in equal affection, harmony of mind, and the work of mutual sanctification. Thus they will follow Christ who is the principle of life." These words, taken from a chapter entitled "The nobility of marriage" are very beautiful, and very powerful words—and they describe what a Christian marriage is; they describe the McCormack marriage.

"A perfect wife—who can find her?

She is far beyond the price of pearls."

Harriet's husband, John, never left her side during her illness. Right up until the day of her death—he was at her side—not because it was a duty—but because he wanted to be there: And there, daily, they exchanged their promise of love. "Do you love me? Yes, I love you."

Harriet McCormack died as peacefully as she lived. And she lived and died heart to heart with her husband. She gave up a promising career in music to marry John McCormack. Her support, encouragement, and inspiration throughout their married life was so precious to her husband. She was untiringly active in Catholic activities and Catholic charities. She was honored and respected by many great church leaders—because she not only professed her faith—she truly lived it. She was awarded the pro pontifice ecclesia medal—a papal honor—by her late friend, Cardinal Cushing.

"A perfect wife—who can find her?

She is far beyond the price of pearls."

We are all familiar with the McCormack Love Story. We know how they both shunned the social life in Washington—so that they could spend quiet evenings at home. If a book were ever written about John and Harriet McCormack—it would have to be entitled, "The Greatest Love Story Ever Told."

She did not have her own family. She had her "official" family, made up of those close to her and those who worked with her husband. I can personally attest to her deep kindness. I was a member of that family. My life was truly enriched—and my faith made strong by knowing her.

When someone we love dies—our grief over the separation is natural. It is a witness to our affection and our love. And yet a deeper love demands that we go beyond grief. Beyond grief to a genuine faith—to a living hope in the resurrection of the Lord. In Harriet McCormack, we have a lasting memorial of a holy woman of God. A woman of faith—hope—and love.

This is a sad day, and yet a joyful day because we have the assurance that Harriet McCormack has received the reward that God promised to those "who have kept the faith."

We hear the word of God through the scriptures. What better way to think of Harriet Joyce McCormack than in these words from the ancient Book of Proverbs:

"A perfect wife—who can find her? She is far beyond the price of pearls.

Her husband's heart has confidence in her, from her he will derive no little profit.

Advantage and not hurt she brings him all the days of her life.

She finds her labour well worth while; her lamp does not go out at night.

She holds out her hand to the poor she opens her arms to the needy.

Her husband is respected at the city gates, taking his seat among the elders of the land.

She is clothed in strength and dignity, she can laugh at the days to come.

When she opens her mouth, she does so wisely, on her tongue is kindly instruction.

Her husband sings her praises, and he says: 'Many women have done admirable things, but you surpass them all.'

Charm is deceitful, and beauty empty; the woman who is wise is the one to praise.

Give her a share in what her hands have worked for, and let her works tell her praises at the city gates."—(Book of Proverbs—31).

COOPERATING SCHOOLS GET DRUG FILMS FROM PET, INC.

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. SYMINGTON. Mr. Speaker, I would like to call to the attention of my colleagues and the public an extremely worthwhile drug education program instituted by a St. Louis firm, Pet, Inc. The company has made available to cooperating high schools, a film series titled, "Focus on Drugs."

Pet, Inc.'s action is more than good citizenship; it is evidence of the real concern all sectors of the St. Louis community have in dealing with the drug abuse problem that afflicts our youth.

At this point, I would like to insert in the RECORD a news article concerning the drug education program:

[From the St. Louis Post-Dispatch, Dec. 2, 1971]

COOPERATING SCHOOLS GET DRUG FILMS FROM PET, INC.

The Audiovisual Education Department of the Cooperating School Districts of the St. Louis Suburban Area has received 15 drug education films with a total value of $3000 from Pet Inc.

Pet Inc. which has world headquarters in St. Louis, said it had recognized the growing and widespread use of drugs among the youth of the metropolitan area. Pet made the grant available for purchase of three sets of five films dealing with the drug abuse problem produced particularly for the upper elementary and junior high school age levels.

Ronald D. Oesch, supervisor of firm programs, said that the amount will be matched by the Audiovisual Department in order to provide sufficient copies for circulation. The films will be available to the cooperating school districts in late January.

The film series titled, "Focus on Drugs," has won several national film competition awards including the Golden Eagle Award sponsored by the Congress of International Non-Theatrical Events.

Narrating the scenes are well-known personalities with whom young people can identify, includin Greg Morris of Mission impossible, singer Tommy Roe and actor David Hartman.

The grant is particularly significant at this time because the State Department of Education of Missouri recently formulated plans to include drug education as a part of the public school curriculum throughout the state, said Oesch.

THE WIVES OF PRISONERS OF WAR AWAITING ANOTHER LONELY CHRISTMAS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to bring to the attention of the Members of the U.S. Congress a news article that appeared in today's edition of the Boston Herald Traveler by Columnist Pam Bishop. Mrs. Maureen Dunn of Randolph, Mass., has been awaiting some word about her missing husband, Lt. (jg.) Joseph P. Dunn, a Navy pilot, who was shot down February 14, 1968, over Chinese waters while on a ferry flight in his unarmed Sky Raider from the Philippines to the Gulf of Tonkin. The American Government later reported him missing and Mrs. Dunn has had no communication from him or the Peking Government.

The long wait day in and day out without any word is an unbearable hardship that wives and relatives have been forced to endure during these past several years. I am taking the liberty of forwarding a copy of this news item to the White House in the hope that when the President visits Peking he will be able to use his good office to bring the matter of POW's to the attention of the Red Chinese in the hope that an early release can be accomplished. As we approach the Christmas season we should do everything in our power to help resolve the problem of the POW's.

The news article follows:

[From the Boston Herald Traveler, Dec. 6, 1971]

POW WIVES AWAITING ANOTHER LONELY CHRISTMAS

(By Pam Bishop)

"Where do we lose out on concern?" wondered Maureen Dunn of Randolph yesterday.

Maybe it's the Christmas season or her cold that made her sound bitter, she said. But she can't understand why so few Bay Staters seem to care about the 37 Massachusetts men who are prisoners of war, or missing in action in Indochina.

This is the fourth Christmas since her husband, Lt. (j.g.) Joseph P. Dunn, a Navy pilot, was shot down Feb. 14, 1968, over Chinese waters while on a ferry flight in his unarmed Sky Raider from the Philippines to the Gulf of Tonkin. The American government later reported him missing and Mrs. Dunn has had no communication from him or the Chinese.

"It's only been four years for me, but it's been eight years for some of my best friends. I know other people's husbands die and they're buried in three days. But a living death for eight years?" said Mrs. Dunn who is northeast regional coordinator for the National League of Families of POWs and MIAs.

The children, nieces and nephews of Massachusetts POWs and MIAs were special guests at a Christmas-Hanukkah party yesterday at the Sonesta Hotel in Cambridge, given by United Commercial Travelers Bay State Council Number 584.

Mrs. Dunn brought her five-year-old son, "Joe-D," to the party. The guests included nine children of POWs and MIAs, 22 of their cousins, nine children from the Perkins School for the Blind and 160 children and grandchildren of UCT members, as well as adults.

"This is the first group in eight years that has ever done anything for our kids in Massachusetts at Christmastime," Mrs. Dunn said.

The Southern states are "much more involved" in helping the POW families, she said.

She has waited nine months for a response from the Massachusetts legislature to her request for a resolution about the POWs and MIAs.

"I'm not going to beg anymore," she said. "To ask people around here to help is a lost cause." She is touched especially by the lack of interest here because she was born and brought up in Boston.

She added, "I enjoy life, because it's my personality. I'm not going to let it get me down. My husband wouldn't like it."

RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

RESOLUTION 630

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith prepare at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantees by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

AFL–CIO TO PURSUE LATIN LABOR LINKS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FASCELL. Mr. Speaker, the American labor movement has had a long history of interest in developing free institutions in Latin America, particularly through the strengthening of labor unions in the countries of Central and South America. The AFL–CIO signified its interest by passing a resolution on this subject at its recent convention in Miami, and I insert in the RECORD an article from the AFL–CIO News of November 27, 1971, describing the AFL–CIO's attitude toward free institutions in Latin America:

[From the AFL–CIO News, Nov. 27, 1971]

FEDERATION TO PURSUE LATIN LABOR LINKS

BAL HARBOUR, FLA.—The AFL–CIO will continue to strive for full cooperation with bona fide labor movements throughout the Americas, a convention resolution declared.

"The great mass of the Latin American peoples are still plagued by widespread social injustice, massive poverty, inadequate housing and educational opportunities and dictatorial military rule," the convention said.

While noting "numerous turbulent changes within the last two years," the convention said that democratic trade union movements in Argentina, Mexico, Venezuela, Colombia, Ecuador and Honduras "are making significant gains in terms of collective action to benefit their membership."

The AFL–CIO pledged to keep abreast of developments in Latin America, to maintain its affiliation with the Inter-American Regional Organization of Workers (ORIT) and continue its efforts through the Inter-American Office and the American Institute for Free Labor Development (AIFLD).

"Latin American free labor and the AFL–CIO should be in the forefront" in fighting to preserve the Americas from Communist domination, the convention said, and it viewed some recent events with alarm. They are:

The expanding relations between Chile's Allende regime with Communist powers.

The continued delay in restoring constitutional government in Brazil.

The destructive activities of guerrilla groups acting like Fascist bands and keeping Uruguay in a state of siege.

Peru's unconstitutional and unrepresentative government, which has recognized and favored the Communist workers' federation.

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THADDEUS RUDNICKI HONORED FOR 50 YEARS OF SCOUTING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. DULSKI. Mr. Speaker, 43 years ago, I was one of the charter members of Troop 36, Boy Scouts of America, when it was reorganized in my home city of Buffalo, N.Y.

The driving force and first scoutmaster was Thaddeus "Ted" Rudnicki, who already had been active in Scouting for 7 years in various capacities.

Last Friday evening, some 125 of Ted's friends gathered in the Polish National Hall to honor him for 50 years of devotion and leadership in the cause of Scouting.

It was an evening of inspiration for all, even including Ted who was appreciative but a little embarrassed by all of the attention. The testimonial was truly deserved and I am grateful that I was able to be on hand personally to join with Ted's many friends.

It is my firm belief that the Boy Scout movement is one of the greatest forces on behalf of boys and young men today when they need strong leadership and counsel in their daily lives. My only regret is that there are not more men like Ted Rudnicki who are willing to spend endless hours over the years in working with boys who will be our men of tomorrow.

Ted Rudnicki is and has been a dedicated Scout leader who made sure in his effective way that each Scout abided not only by the Scout oath but by the Scout laws.

TWO STRONG IMPRESSIONS

There are two strong impressions of Ted Rudnicki which are indelible in my mind. Both of them, as it happens, occurred when I went to camp at Scout Haven, located at Crystal Lake near Arcade.

I am deeply grateful to Ted Rudnicki for having given me my first opportunity at leadership. I was named a tent leader. My recollection of this opportunity for leadership is the close observation which Ted gave to my work while at the same time allowing me the full responsibilities that go with leadership.

The other occasion was the eve of the traditional camp ceremony known as "Good Indian." At this ceremony, each Scout was placed on his honor when he was called upon to state whether he felt he had been a "Good Indian" and deserving of the honor.

The night before the ceremony, Ted Rudnicki called my group together for a fatherly lecture that I will never forget. He impressed upon us the vital responsibility which we had to judge ourselves with complete honesty. Ted Rudnicki knows so very well how to tell a group of boys "like it is."

Over the years my friendship with Ted Rudnicki has continued and expanded. His counsel and friendship are invaluable and I am grateful that we have never lost touch.

In referring to the great dedication and influence of Ted Rudnicki, I feel sincerely that we cannot omit mention of his beloved wife, Clara, who passed on several years ago. Over the years they worked side by side in many, many ways and particularly in connection with Ted's devotion to the Boy Scout movement.

PRESENTED HIM U.S. FLAG

It was my pleasure to present to Ted an American flag which had been flown over the U.S. Capitol. Another charter member, Adam Bakowski, took part, as did Troop Committeemen Stephen Kuberka and Arthur Wyglon and former Committeeman Daniel Pawlak.

A special guest was Most Rev. Thaddeus Zielinski, formerly of Buffalo, prime bishop of the Polish National Catholic Church.

A citation from Buffalo's Common Council was presented to Ted by Leo Franczak, acting for his brother, Fillmore District Councilman Gus Franczak, who was ill.

Others taking part were Scoutmaster Eugene Wyglondalski and Felix Czerwonka, chairman of the board of trustees of Mother of Holy Rosary Cathedral.

Mr. Speaker, as part of my remarks, I include an article from Rola Boza—God's Field—a Polish-English biweekly of the Polish National Church, also an article from the Buffalo News:

BUFFALO CATHEDRAL BOY SCOUT TROOP NO. 36 TO HONOR THADDEUS "TED" RUDNICKI

Troop No. 36 will pay tribute to Thaddeus Rudnicki, honoring him on his 50 active years in the Boy Scout movement. Better known to hundreds of boys as Ted, he first joined Troop No. 36 as a young boy in 1921.

Lacking adult leadership, this troop ceased to exist, but in 1928 it was immediately reorganized by Mr. Rudnicki under a new sponsoring institution, the Holy Mother of the Rosary Cathedral of the Polish National Catholic Church, with the help of the Bishop of this Church, the late Rt. Rev. John Z. Jasinski.

The present leaders and members of the troop committee have invited prominent and distinguished guests to take part in this tribute which will take place in the auditorium of this Church, located at 150 Sobieski Street, Buffalo, New York, on Friday, December 3, 1971. Expected to attend will be the Prime Bishop of the Polish National Catholic Church of America and Canada, who formerly was Bishop-Ordinary of the Buffalo-Pittsburgh diocese, now residing in Scranton, Pennsylvania, and Congressman Thaddeus Dulski, former member of Troop No. 36. Efforts are being made by members to contact all who were boy scouts of Troop No. 36 during the past 50 years. These will be invited also, and the majority are expected to attend this testimonial.

Mr. Rudnicki, a prominent layman of the Holy Mother of the Rosary Cathedral, is holder of the Silver Beaver, the highest award presented by the National Council, Boy Scouts of America, for outstanding leadership in this movement. Major parts of his contribution to the Scouting program were widely recognized during his adult years.

WON MANY HONORS

He was a recipient of the Buffalo Council Training Key award in 1932, National Council Scoutmaster-Training Key in 1935 and is a member of the order of the Arrow in the Greater Niagara Frontier Council since 1953.

He took charge of the Nature Department at Camp Scouthaven throughout the camping season of 1932 and was Scoutmaster of Jamboree Troop No. 7, which was composed of a contingent of Buffalo Boy Scouts taking part in the National Jamboree, held in Santa Anna, California, in 1953. At the present time, he is still serving as Merit Badge Counsellor, a post he has held for many years.

In his boyhood years, Ted Rudnicki had held all leadership positions in Troop No. 36, from Assistant Patrol Leader to Scoutmaster. He served as scoutmaster from 1928 to 1958. An Eagle Scout award was presented to him in 1930.

After inaugurating the God and Country Award program in the Polish National Catholic Church of America, a religious award made to Boy Scouts and Explorers who are members of this faith, Mr. Rudnicki was designated Chairman of the Committee on Scouting by the Supreme Council of the Polish National Catholic Church in 1954. He had also prepared and instituted the Religion in life program of the Boy Scout movement in the Polish National Church of Canada.

Semi-retired from active participation in the Boy Scout program, Mr. Rudnicki is still registered as a Troop Committeeman of No. 36. He is presently occupied in doing a little farming and lives with his daughter Carol, in Newstead, New York. His other hobby, carving Totem Poles, reflects on His lifetime ambition, Scouting. His home site is adorned with numerous such decorative pieces, the latest masterpiece measuring twenty-six feet in height.

ACTIVE IN CHURCH, TOO

Being very interested and active in other endeavors, Mr. Rudnicki attain recognition as a very distinguished servant of the Polish National Catholic Church. He served on the Supreme Council of this Church from 1955 until 1964. Representing the Buffalo Cathedral in the Buffalo and Erie County Council of Churches, he was delegated by First Prime Bishop, the late Most Reverend Francis Hodur, to attend the World Conference of Christian Churches in the Youth Department, held in the Ontario Women's College, Whitby, Ontario, Canada, in 1950. He also took part as a delegate to the General Synods of the Polish National Catholic Church. He attended and worked on Youth and various other Commissions in seven of these Synods from 1931 until 1971.

The late Bishop-Ordinate, of the Buffalo-Pittsburg Diocese, Rt. Reverend John Z. Jasinski, also appointed Mr. Rudnicki to the Diocesan Council in 1948. He had also served on the faculty of the Christmas Workshop, sponsored by the Buffalo and Erie County Council of Churches in 1945, of which the Theme was, The Creche.

From 1929 until 1932, he was Editor of The National Informer (Informator Narodowy) a weekly publication of the Holy Mother of the Rosary Cathedral in Buffalo, New York.

Having a wide knowledge of the history of the Buffalo Cathedral, he was constantly selected as Chairman of the Editing Committee of Jubilee Souvenir Books which were published, commemorating the 35th, 40th, 45th, 50th and 75th Anniversaries of the Church.

Holding many citations and awards, presented to him by various Veteran and American Legion Posts, for Meritorious Service to our Nation and the Armed Forces, Mr. Thaddeus Rudnicki was chairman of the Patriotic Committee of the Buffalo Cathedral from 1941 until 1947. This Committee took active part in keeping contact with all members of this Church who were serving in the United States of America's Armed Forces during World War Two, by sending them various sorts of gifts and a Monthly Publication, The Cathedral Messenger, with all news round-ups of the Cathedral Parish. This Committee functioned until 1947, when the members presented and installed two Bronze Plaques in the Cathedral and also purchased a War Memorial which was erected at the Parish Cemetery and dedicated as a tribute to the memory of the six members of this Cathedral who gave up their lives in that war.

ROLE AT HOME IN WW II

Mr. Rudnicki, also, served as an Air-Raid Warden and was a Red Cross First-Aid Instructor during World War Two. He donated blood to the Red Cross Organization for a total of seventeen times. He received a Certificate from this Organization in recognition of Meritorious Service performed in behalf of the Nation, her Armed Forces and Suffering Humanity during this war.

In 1945, the Hamilton Ward Post No. 2956, presented him with an award from the Veterans of Foreign Wars, an Americanization and Citizenship Medal. In 1948, he also received a Citation from the Regular Veterans Association Cathedral Post No. 1084, for recognition of Patriotic Work in behalf of the Members of The Holy Mother of the Rosary Cathedral, who served in the Armed Forces of the United States of America. He was then made an Honorary Member of this Post with authorization issued by the National Office.

In 1951, Mr. Rudnicki received the Youth Work Award from the Joint Veterans Council of Erie County. Then in 1953, he also received an award for Americanism and Community Service from the Adam Plewacki Post No. 799, American Legion, at a Flag Day ceremony held in Buffalo's Humboldt Park.

Mr. Thaddeus Rudnicki and his daughter Carol are members of the Polish National Union, Branch No. 85, for many years.

[From the Buffalo (N.Y.) Evening News, Dec. 4, 1971]

FIFTY YEARS OF SCOUTING RECALLED AT TESTIMONIAL

(By Alan Pergament)

It all started more than 50 years ago when Thaddeus Rudnicki was thrilled by the sight of the Boy Scout uniform.

Friday evening in the Polish National Hall, 150 Sobieski St. the old memories were as numerous as merit badges as about 125 persons honored Mr. Rudnicki for his 50 years of service to Scouting and Troop 36.

Known as Mister Troop 36, Mr. Rudnicki joined the troop in 1921 and was scoutmaster from 1928 through 1958.

"There are so many of my scouts that I am proud of," Mr. Rudnicki said with a smile prior to the testimonial, "Doctor, lawyers, priests."

A procession of his scouts recalled the past. H. P. (Spike) Nagel, wearing his uniform for the first time in 10 years told of Mr. Rudnicki's pledge to earn every merit badge his troop did, while Bernard Basinski recalled a hilarious Columbus Day fishing trip to Scout Haven.

Letters to Mr. Rudnicki were assembled in a book. Some came from Buffalo, New England, Virginia and California.

"Twenty-five years ago, I joined Troop 36," wrote Daniel Bushley. "I was scared and shook like a kitten."

"I remember you put your hand on my arm and told me not to worry. You sure knew how to calm a kid down. From that time on, Friday was a day to look forward to."

Another letter came from Buffalo Congressman Thaddeus Dulski.

"I am deeply grateful to Thaddeus Rudnicki for having given me my first opportunity at leadership," wrote the Buffalo Democrat. "I was named a tent leader."

Mr. Dulski who also attended the testimonial, awarded his former scoutmaster a flag that flew over the Capitol on Monday.

Mr. Rudnicki, who bowed his head and scribbled with a pencil as his Scouts praised him "as a man who took the raw material of a boy and made a man."

LUDWIG VON MISES' 90TH BIRTHDAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. CRANE. Mr. Speaker, on September 29, 1971, the distinguished economist, Ludwig von Mises celebrated his 90th birthday. Dr. Von Mises understood, as have few men in our time, the intrinsic link between economic freedom and political and intellectual freedom.

Every time Government attempts to bypass the laws of the free market economy it finds itself on the road, not to solving economic problems, but to creating additional ones. In his classic work, "Human Action," Von Mises notes that:

Princes and democratic majorities are drunk with power. They must reluctantly admit that they are subject to the laws of nature. But they reject the very notion of economic law. Are they not the supreme legislators? . . . In fact, economic history is a long record of government policies that failed because they were designed with a bold disinterest for the laws of economics.

Unfortunately, many American economists have rejected the idea of a free economy as an old-fashioned one, and have adopted the Keynesian view of Government intervention, and of a so-called mixed economy, with both a public and private sector. This approach has led us directly to the crisis of inflation, devaluation, and economic instability which we face today.

Commenting upon this view of the need and affirmative good of government involvement in the economy, Professor Von Mises shows that an act of intervention generates unintended consequences and difficulties, which then present the Government with the alternative: Either more intervention to solve these problems, or repeal of the whole interventionist structure.

In an important article in honor of Ludwig Von Mises' 90th birthday, Prof. Murray Rothbard points out that:

The American economy has virtually reached the point where the crippling taxation, the continuing inflation, the grave inefficiencies and breakdowns in such areas as urban life, transportation, education, telephone and postal service, the restrictions and shattering strikes of labor unions, the accelerating growth of welfare dependency, all have brought about the full scale crisis of interventionism that Mises has long foreseen.

Professor Rothbard laments the fact that American students of economics spend so little time studying economic history, or studying competing theories and approaches. He writes:

History of economic thought, once required in most graduate departments, is now a rapidly dying discipline, reserved for antiquarians alone. Graduate students are locked into the most recent journal articles, the reading of economists published before the 1960's is considered a dilettantish waste of time, and any challenging of fundamental assumptions behind current theories is severely discouraged.

The result has been disastrous for all of us. It has been the dominance of a theory which has little relationship to economic realities and whose implementation has led to economic crisis and a movement toward almost total government power.

Professor Rothbard, however, is not a pessimist. He concludes by stating that:

Thanks in no small measure to the life and work of Ludwig Von Mises, we can realistically hope and expect that mankind will choose the path of life, liberty, and progress, and will at last turn decisively away from death and despotism.

I wish to share Professor Rothbard's article, which appears in the fall, 1971 issue of Modern Age, with my colleagues, and request its insertion into the RECORD at this time.

LUDWIG VON MISES AND THE PARADIGM FOR OUR AGE

(By Murray N. Rothbard)

Unquestionably the most significant and challenging development in the historiography of science in the last decade is the theory of Thomas S. Kuhn. Without defending Kuhn's questionable subjectivist and relativistic philosophy, his contribution is a brilliant *sociological* insight into the ways in which scientific theories change and develop.[1] Essentially, Kuhn's theory is a critical challenge to what might be called the "Whig theory of the history of science." This "Whig" theory, which until Kuhn was the unchallenged orthodoxy in the field, sees the progress of science as a gradual, continuous ever-upward process; year by year, decade by decade, century by century, the body of scientific knowledge gradually grows and accretes through the process of framing hypotheses, testing them empirically, and discarding the invalid and keeping the valid theories. Every age stands on the shoulders of and sees further and more clearly than every preceding age. In the Whig approach, furthermore, there is no *substantive* knowledge to be gained from reading, say, nineteenth century physicists or seventeenth century astronomers; we may be interested in reading Priestley or Newton or Maxwell to see how creative minds work into the history of the period; but we can never read them to learn something about science which we didn't know already. After all, their contributions are, almost by definition, incorporated into the latest textbooks or treaties in their disciplines.

Many of us, in our daily experience, know enough to be unhappy with this idealized version of the development of science. Without endorsing the validity of Immanuel Velikovsky's theory, for example, we have seen Velikovsky brusquely and angrily dismissed by the scientific community without waiting for the patient testing of the open-minded scientist that we have been led to believe is the essence of scientific inquiry.[2] And we have seen Rachel Carson's critique of pesticides generally scorned by scientists only to be adopted a decade later.

But it took Professor Kuhn to provide a comprehensive model of the adoption and maintenance of scientific belief. Basically, he states that scientists, in any given area, come to adopt a fundamental vision or matrix of an explanatory theory, a vision that Kuhn calls a "paradigm." And whatever the paradigm, whether it be the atomic theory or the phlogiston theory, once adopted the paradigm governs all the scientists in the field *without* being any longer checked or questioned—as the Whig model would have it. The fundamental paradigm, once established, is no longer tested or questioned, and all further research soon becomes minor applications of the paradigm, minor clearing

Footnotes at end of article.

XUM

up of loopholes or anomalies that still remain in the basic vision. For years, decades or longer, scientific research becomes narrow, specialized, always within the basic paradigmatic framework.

But then, gradually, more and more anomalies pile up; puzzles can no longer be solved by the paradigm. But the scientists do not give up the paradigm; quite the contrary, increasingly desperate attempts are made to modify the particulars of the basic theory so as to fit the unpleasant facts and to preserve the framework provided by the paradigm. Only when anomalies pile up to such an extent that the paradigm itself is brought into question do we have a "crisis situation" in science. And even here, the paradigm is never simply discarded until it can be replaced by a new, competing paradigm which appears to close the loopholes and liquidate the anomalies. When this occurs, there arrives a "scientific revolution," a chaotic period during which one paradigm is replaced by another, and which never occurs smoothly and gradually as the Whig theory would suggest. And even here, the *older* scientists, mired in their intellectual vested interests, will often cling to the obsolete paradigm, with the new theory only being adopted by the younger and more flexible scientists. Thus, of the co-discoverers of oxygen in the late eighteenth century, Priestley and Lavoisier, Joseph Priestley never, till the day he died, conceded that he had in fact discovered oxygen; to the end he insisted that what he had discovered was merely "dephlogisticated air," thus remaining within the framework of the phlogiston theory.[3]

And so, armed with Kuhn's own paradigm of the history of scientific theories, which is now in the process of replacing the Whig framework, we see a very different picture of the process of science. Instead of a slow and gradual upward march into the light, testing and revising at each step of the way, we see a series of "revolutionary" leaps, as paradigms displace each other only after much time, travail, and resistance. Furthermore, without adopting Kuhn's own philosophical relativism, it becomes clear that, since intellectual vested interests play a more dominant role than continual open-minded testing, it may well happen that a successor paradigm is *less* correct than a predecessor. And if that is true, then we must always be open to the possibility that, indeed, we often know *less* about a given science now than we did decades or even centuries ago. Because paradigms become discarded and are never looked at again, the world may have *forgotten* scientific truth that was once known, as well as added to its stock of knowledge. Reading older scientists now opens up the distinct possibility that we may learn something that we haven't known—or have collectively forgotten—about the discipline. Professor de Grazia states that "much more is discovered and forgotten than is known," and much that has been forgotten may be more correct than theories that are now accepted as true.

If the Kuhn thesis is correct about the physical sciences, where we can obtain empirical and laboratory tests of hypotheses fairly easily, how much more must it be true in philosophy and the social sciences, where no such laboratory tests are possible! For in the disciplines relating to human action, there are no clear and evident laboratory tests available; the truths must be arrived at by the processes of introspection, "common sense" knowledge, and deductive reasoning, and such processes, while arriving at solid truths, are not as starkly or compellingly evident as in the physical sciences. Hence, it is all the more easy for philosophers or social scientsts to fall into tragically wrong and fallacious paradigms, and thus to lead themselves down the garden path for decades, and even centuries. For once the sciences of human action adopted their fundamental paradigms, it becomes much easier than in the physical sciences to ignore the existence of anomalies, and therefore easier to retain erroneous doctrines for a very long time. There is a further well-known difficulty in philosophy and the social sciences which makes systematic error still more likely: the infusion of emotions, value judgments, and political ideologies into the scientific process. The angry treatment accorded to Jensen, Shockley, and the theorists of inequalities of racial intelligence by their fellow scientists, for example, is a case in point. For underlying the bulk of the *scientific* reception of Jensen and Shockley is that even if their theories are true, they should not say so, at least for a century, because of the unfortunate *political* consequences that may be involved. While this sort of stultifying of the quest for scientific truth has happened at times in the physical sciences, it is fortunately far less prevalent there; and whatever the intellectual vested interests at stake, there was at least no ideological and political buttressing for the phlogiston theory or the valence theory in chemistry.

Until recent decades, philosophers and social scientists harbored a healthy recognition of vast differences between their disciplines and the natural sciences; in particular, the classics of philosophy, political theory, and economics were read *not* just for antiquarian interest but for the truths that might lie there. The student of philosophy read Aristotle, Aquinas, or Kant not as an antiquarian game but to learn about the answers to philosophical questions. The student of political theory read Aristotle and Machiavelli in the same light. It was not assumed that, as in the physical sciences, all the contributions of past thinkers have been successfully incorporated into the latest edition of the currently popular textbook; and it was therefore not assumed that it was far more important to read the latest journal article in the field than to read the classical philosophers.

In recent decades, however, the disciplines of human action—philosophy and the social sciences—have been frantically attempting to ape the methodology of the physical sciences. There have been many grave flaws in this approach which have increasingly divorced the social sciences from reality; the vain substitute of statistics for laboratory experimentation, the adoption of the positivistic hypothesis-testing model, the unfortunate conquest of all of the disciplines—even history to some extent—by mathematics, are cases in point. But here the important point is that in the aping of the physical sciences, the social disciplines have become narrow specialties; as in the physical sciences, no one reads the classics in the field or indeed is familiar with the history of the discipline further back than this year's journal articles. No one writes systematic treatises anymore; systematic presentations are left for jejune textbooks, while the "real" scholars in the field spend their energy on technical minutiae for the professional journals.

We have seen that even the physical sciences have their problems from uncritical perpetuation of fundamental assumptions and paradigms; but in the social sciences and philosophy this aping of the methods of physical science has been disastrous. For while the social sciences were slow to change their fundamental assumptions in the past, they were eventually *able* to do so by pure reasoning and criticism of the basic paradigm. It took, for example, a long time for "marginal utility" economics to replace classical economics in the late nineteenth century, but it was finally done through such fundamental reasoning and questioning. But no systematic treatise—with one exception to be discussed below—has been written in economics, not a single one, since World War I. And if there are to be no systematic treatises, there can be no questioning of the fundamental assumptions; deprived of the laboratory testing that furnishes the ultimate checks on the theories of physical science, and now also deprived of the systematic use of reason to challenge fundamental assumptions, it is almost impossible to see how contemporary philosophy and social science can ever change the fundamental paradigms in which they have been gripped for most of this century. Even if one were in total agreement with the fundamental drift of the social sciences in this century, the absence of fundamental questioning—the reduction of every discipline to narrow niggling in the journals—would be cause for grave doubts about the soundness of the social sciences.

But if one believes, as the present author does, that the fundamental paradigms of modern, twentieth century philosophy and the social sciences have been grievously flawed and fallacious from the very beginning, including the aping of the physical sciences, then one is justified in a call for a radical and fundamental reconstruction of all these disciplines, and the opening up of the current specialized bureaucracies in the social sciences to a total critique of their assumptions and procedures.

Of all the social sciences, economics has suffered the most from this degenerative process. For economics is erroneously considered the most "scientific" of the disciplines. Philosophers still read Plato or Kant for insights into truth; political theorists still read Aristotle and Machiavelli for the same reason. But no economist reads Adam Smith or James Mill for the same purpose any longer. History of economic thought, once required in most graduate departments, is now a rapidly dying discipline, reserved for antiquarians alone. Graduate students are locked into the most recent journal articles, the reading of economists published before the 1960's is considered a dilettantish waste of time, and any challenging of fundamental assumptions behind current theories is severely discouraged. If there is any mention of older economists at all, it is only in a few perfunctory brush strokes to limn the precursors of the current Great Men in the field. The result is not only that economics is locked into a tragically wrong path, but also that the truths furnished by the great economists of the past have been collectively *forgotten* by the profession, lost in a form of Orwellian "memory hole."

Of all the tragedies wrought by this collective amnesia in economics, the greatest loss to the world is the eclipse of the "Austrian School." Founded in the 1870's and 1880's, and still barely alive, the Austrian School has had to suffer far more neglect than the other schools of economics for a variety of powerful reasons. First, of course, it was founded a century ago, which in the current scientistic age, is in itself suspicious. Secondly, the Austrian School has from the beginning been self-consciously *philosophic* rather than "scientistic"; far more concerned with methodology and epistemology than other modern economists, the Austrians early arrived at a principled opposition to the use of mathematics or of statistical "testing" in economic theory. By doing so, they set themselves in opposition to all the positivistic, natural-science-imitating trends of this century. It meant, furthermore, that Austrians continued to write fundamental treatises while other economists were setting their sights on narrow, mathematically oriented articles. And thirdly, by stressing the individual and his choices, both methodologically and politically, the Austrians were setting themselves against the holism and statism of this century as well.

These three radical divergences from current trends were enough to propel the Austrians into undeserved oblivion. But there was another important factor, which at first might seem banal: the language barrier. It is notorious in the scholarly world that, "language tests" to the contrary notwithstanding, no American or English economists or social scientists can *really* read a foreign language. Hence, the acceptance of foreign-based economics must depend on the vagaries of translation. Of the great founders of the Austrian School, Carl Menger's work of the 1870's and 1880's remained untranslated into English until the 1950's; Menger's student Eugen von Bohm-Bawerk fared much better, but even his completed work was not translated until the late 1950's. Bohn-Bawerk's great student Ludwig von Mises, the founder and head of the "neo-Austrian" school, has fared almost as badly as Menger. His classic *Theory of Money and Credit*, published in 1912, which applied Austrian economics to the problems of money and banking, and which contained the seeds of a radically new (and still largely unknown) theory of business cycles, was highly influential on the Continent of Europe, but remained untranslated until 1934. By that time Mises' work was to be quickly buried in England and the United States by the fervor of the "Keynesian Revolution," which was at opposite poles from Mises' theory. Mises' book of 1928, *Geldwerstabillisierung und Kanjunkturpolitik*, which predicted the Great Depression on the basis of his developed business cycle theory, remains untranslated to this day. Mises' monumental systematic treatise, *National ökonomie*, integrating economic theory on the grounds of a sound basic spistemology, was overlooked also from its being published in 1940, in the midst of war-torn Europe. Again its English translation as *Human Action* (1949) came at a time when economics had set its methodological and political face in a radically different direction, and therefore Mises' work, as in the case of other challenges to fundamental paradigms in science, was not refuted or criticized but simply ignored.

Thus, while Ludwig von Mises was acknowledged as one of Europe's most eminent economists in the 1920's and 30's, the language barrier shut off any recognition of Mises in the Anglo-American world until the mid-1930's; then, just as his business cycle theory was beginning to achieve renown as an explanation for the Great Depression, Mises' overdue recognition was lost in the hoopla of the Keynesian Revolution. A refugee deprived of his academic or social base in Europe, Mises emigrated to the United States at the mercy of his new-found environment. But while, in the climate of the day, the leftist and socialist refugees from Europe were cultivated, fêted, and given prestigious academic posts, a different fate was meted out to a man who embodied a methodological and political individualism that was anathema to American academia. Indeed, the fact that a man of Mises' eminence was not offered a single regular academic post, and that he was never able to teach in a prestigious graduate department in this country, is one of the most shameful blots on the none too illustrious history of American higher education. The fact that Mises himself was able to preserve his great energy, his remarkable productivity, and his unfailing gentleness and good humor in the face of this shabby treatment is simply one more tribute to the qualities of this remarkable man whom we now honor on his 90th birthday.

Agreed then that Ludwig von Mises' writings are the embodiment of a courageous and eminent man hewing to his discipline and to this vision unheeding of shabby maltreatment. Apart from this, what substantive truths do they have to offer an American in 1971? Do they present truths not found elsewhere and therefore do they offer intrinsic interest beyond the historical record of a fascinating personal struggle? The answer—which obviously cannot be documented in the compass of this article—is simply and startlingly this: that Ludwig von Mises offers to us nothing less than the complete and developed *correct paradigm* of a science that has gone tragically astray over the last half-century. Mises' work presents us with the correct and radically divergent alternative to the flaws, errors, and fallacies which a growing number of students are sensing in present-day economic orthodoxy. Many students *feel* that there is something very wrong with contemporary economics, and often their criticisms are trenchant, but they are ignorant of any theoretical alternative. And, as Thomas Kuhn has shown, a paradigm, however faulty, will not be discarded until it can be replaced by a competing theory. Or, in the vernacular, "you can't beat something with nothing," and "nothing" is all that many present-day critics of economic science can offer. But the work of Ludwig von Mises furnishes that "something"; it furnishes an economics grounded not on the aping of physical science, but on the very nature of man and of individual choice. And it furnishes that economics is a systematic, integrated form that is admirably equipped to serve as a correct paradigmatic alternative to the veritable crisis situation—in theory and public policy—that modern economics has been bringing down upon us. It is not exaggeration to say that Ludwig von Mises is the Way Out of the methodological and political dilemmas that have been piling up in the modern world. But what is needed now is a host of "Austrians" who can spread the word of the existence of this neglected path.

Briefly, Mises' economic system—as set forth particularly in his Human Action—grounds economics squarely upon the Axiom of Action; on an analysis of the primordial truth that individual men exist and act, i.e. make purposive choices among alternatives. Upon this simple and evident axiom of action Ludwig von Mises deduces the entire systematic edifice of economic theory, an edifice that is as true as the basic axiom and the fundamental laws of logic. The entire theory is the working out of methodological individualism in economics, the nature and consequences of the choices and exchanges of individuals. Mises' uncompromising devotion to the free market, his opposition to every form of statism, stems from his analysis of the nature and consequences of individuals acting freely on the one hand, as against governmental coercive interference or planning on the other. For, basing himself on the action axiom, Mises is able to show the happy consequences of freedom and the free market in social efficiency, prosperity, and development; as against the disastrous consequences of government intervention in poverty, war, social chaos, and retrogression. This political consequence alone, of course, makes the methodology as well as the conclusions of Misesian economics anathema to modern social science.

As Mises puts it:

"Princes and democratic majorities are drunk with power. They must reluctantly admit that they are subject to the laws of nature. But they reject the very notion of economic law. Are they not the supreme legislators? . . . In fact, economic history is a long record of government policies that failed because they were designed with a bold disregard for the laws of economics.

"It is impossible to understand the history of economic thought if one does not pay attention to the fact that economics as such is a challenge to the conceit of those in power. An economist can never be a favorite of autocrats and demagogues. With them he is always the mischief-maker. . . .

"In the face of all this frenzied agitation it is expedient to establish the fact that the starting point of all praxocological and economic reasoning, the category of human action, is proof against any criticisms and objections. . . . From the unshakable foundation of the category of human action praxeology and economics proceed step by step by means of discursive reasoning. Precisely defining assumptions and conditions, they construct a system of concepts and draw all the inferences implied by logically unassailable ratiocination.[8]"

And again:

"The laws of the universe about which physics, biology, and praxeology [essentially economics] provide knowledge are independent of the human will, they are primary ontological facts rigidly restricting man's power to act. . . .

"Only the insane venture to disregard physical and biological laws. But it is quite common to disdain economic laws. Rulers do not like to admit that their power is restricted by any laws other than those of physics and biology. They never ascribe their failures and frustrations to the violation of economic law."[9]

A notable feature of Mises' analysis of "interventionism"—of government intervention in the economy—is that it is fundamentally what could now be called "ecological"; for it shows that an act of intervention generates unintended consequences and difficulties, which then present the government with the alternative: either more intervention to "solve" these problems, or repeal of the whole interventionist structure. In short, Mises shows that the market economy is a finely constructed, interrelated web; and coercive intervention at various points of the structure will create unforeseen troubles elsewhere. The logic of intervention, then, is cumulative; and so a mixed economy is unstable—always tending either toward full-scale socialism or back to a free-market economy. The American farm-price support program, as well as the New York City rent-control program, are almost textbook cases of the consequences and pitfalls of intervention. Indeed, the American economy has virtually reached the point where the crippling taxation, the continuing inflation, the grave inefficiencies and breakdowns in such areas as urban life, transportation, education, telephone and postal service, the restrictions and shattering strikes of labor unions, the accelerating growth of welfare dependency, all have brought about the full-scale crisis of interventionism that Mises has long foreseen. The instability of the interventionist welfare-state system is now making fully clear the fundamental choice that confronts us between socialism on the one hand and free-market capitalism on the other.

Perhaps the most important single contribution of von Mises to the economics of intervention is also the one most grievously neglected in the present day: his analysis of money and business cycles. We are living in an age when even those economists supposedly most devoted to the free market are willing and eager to see the state monopolize and direct the issuance of money. Yet Mises has shown that:

1. there is never any social or economic benefit to be conferred by an increase in the supply of money;

2. the government's intervention into the monetary system is invariably inflationary;

3. therefore government should be separated from the monetary system, just as the free-market requires that government not intervene in any other sphere of the economy.

Here Mises emphasies that there is only one way to ensure this freedom and separation: to have a money that is also a useful *commodity*, one whose production is like other commodities subject to the supply and demand forces of the market. In short, that commodity money—which in practice means

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the full gold standard—shall replace the fiat issue of paper money by the government and its controlled banking system.[7]

Mises' brilliant theory of the business cycle is the only such theory to be integrated with the economists' general analysis of the pricing system and of capital and interest. Mises shows that the business cycle phenomenon: the recurring alternations of boom and bust with which we have become all too familiar, cannot occur in a free and unhampered market. Neither is the business cycle a mysterious series of random events to be checked and counteracted by an ever-vigilant central government. On the contrary, the business cycle is *generated* by government: specifically, by bank credit expansion promoted and fueled by governmental expansion of bank reserves. The present-day "monetarists" have emphasized that this credit expansion process inflates the money supply and therefore the price level; but they have totally neglected the crucial Misesian insight that an even more damaging consequence is distortion of the whole system of prices and production. Specifically, expansion of bank money causes an artificial lowering of the rate of interest, and an artificial and uneconomic overinvestment in capital goods: machinery, plant, industrial raw materials, construction projects. As long as the inflationary expansion of money and bank credit continues, the unsoundness of this process is masked, and the economy can ride on the well-known euphoria of the boom; but when the bank credit expansion finally stops, as stop it must if we are to avoid a runaway inflation, then the day of reckoning will have arrived. For without the anodyne of continuing inflation of money, the distortion and misallocations of production, the overinvestment in uneconomic capital projects and excessively high prices and wages in those capital goods industries, become evident and obvious. It is then the inevitable recession sets in, the recession being the reaction by which the market economy readjusts itself, liquidates the unsound investments, and realigns the prices and outputs of the economy so as to eliminate the unsound consequences of the boom. The recovery arrives when the readjustment has been completed.

It is clear that the policy prescriptions stemming from the Misesian theory of the business cycle are the diametric opposite of the "post-Keynesian" policies of modern orthodox economics. If there is an inflation, the Misesian prescription is, simply, for the government to *stop* inflating the money supply. When the inevitable recession occurs, in contrast to the modern view that the government should rush in to expand the money supply (the monetarists) or to engage in deficit spending (the Keynesians), the Austrians assert that the government should keep its hands off the economic system—should, in this case, allow the painful but necessary adjustment process of the recession to work itself out as quickly as possible. At best, generating another inflation to end the recession will simply set the stage for another, and deeper, recession later on; at worst, the inflation will simply delay the adjustment process and thereby prolong the recession indefinitely, as happened tragically in the 1930's. Thus, while current orthodoxy maintains that the business cycle is caused by mysterious processes within the market economy and must be counteracted by an active government policy, the Mises theory shows that business cycles are generated by the inflationary policies of government, and that, once under way, the best thing the government can do is to leave the economy alone. In short, the Austrian doctrine is the only *consistent* espousal of *laissez-faire;* for, in contrast to other "free-market" schools in economics, Mises and the Austrians would apply *laissez-faire* to the "macro" as well as the "micro" areas of the economy.

If interventionism is invariably calamitous and self-defeating, what of the third alternative: socialism? Here Ludwig von Mises is acknowledged to have made his best-known contribution to economic science: his demonstration, over fifty years ago, that socialist central planning was irrational, since socialism could not engage in that "economic calculation" of prices indispensable to any modern, industrialized economy. Only a true market, based on private ownership of the means of production and on the exchange of such property titles, can establish such genuine market prices, prices which serve to allocate productive resources—land, labor, and capital—to those areas and fields which will most efficiently satisfy the demands of consumers. But Mises showed that even if the government were willing to forget consumer desires, it could not even allocate efficiently for its *own* ends without a market economy to set prices and costs. Mises was hailed even by socialists for being the first to raise the whole problem of rational calculation of prices in a socialist economy; but socialists and other economists erroneously assumed that Oskar Lange and others had satisfactorily solved this calculation problem in their writing of the 1930's. Actually, Mises had anticipated the Lange "solutions" and had refuted them in his original article.[8]

It is highly ironic that, no sooner had the economics profession settled contentedly into the notion that Mises' charge had been refuted, when the Communist countries of Eastern Europe began to find, pragmatically and much against their will, that socialist planning was indeed unsatisfactory, especially as their economies were becoming industrialized. Beginning with Yugoslovia's breakway from state planning in 1952, the countries of Eastern Europe have been heading with astonishing rapidity away from socialist planning and toward free markets, a price-system, profit-and-loss tests for enterprises, etc. Yugoslavia has been particularly determined in its cumulative shift toward a free market, and away even from state control of investments—the last government stronghold in a socialistic economy. It is unfortunate but not surprising that, neither in the East nor in the West, has Ludwig von Mises' name been brought up as the prophet of the collapse of central planning.[9]

If it is becoming increasingly evident that the socialist economies are collapsing in the East, and, on the other hand, that interventionism is falling apart in the West, then the outlook is becoming increasingly favorable for both East and West to turn before very long to the free market and the free society. For this courageous and devoted champion of liberty, there could be no more welcome prospect in his ninetieth year. But what should never be forgotten is that these events are a confirmation and a vindication of the stature of Ludwig von Mises, and of the importance of his contribution and his role. For Mises, almost single-handed, has offered us the correct paradigm for economic theory, for social science, and for the economy itself, and it is high time that this paradigm be embraced, in all of its parts.

There is no more fitting conclusion to a tribute to Ludwig von Mises' than the moving last sentences of his greatest achievement, *Human Action:*

"The body of economic knowledge is an essential element in the structure of human civilization; it is the foundation upon which modern industrialism and all the moral, intellectual, technological, and therapeutical achievements of the last centuries have been built. It rests with men whether they will make the proper use of the rich treasure with which this knowledge provides them or whether they will leave it unused. But if they fail to take the best advantage of it and disregard its teachings and warnings, they will not annul economics; they will stamp out society and the human race.[10]"

Thanks in no small measure to the life and work of Ludwig von Mises, we can realistically hope and expect that mankind will choose the path of life, liberty, and progress, and will at last turn decisively away from death and despotism.

FOOTNOTES

[1] Philosophically, Kuhn tends to deny the existence of objective truth and therefore denies the *possibility* of genuine scientific progress. Thomas S. Kuhn, *The Structure of Scientific Revolutions* (2nd ed., Chicago: University of Chicago Press, 1970 (first ed. 1962)).

[2] On the sociology of the reception of Velikovsky in the scientific community, see Alfred de Grazia, "The Scientific Reception Systems," in A. de Grazia, ed., *The Velikovsky Affair* (New Hyde Park, N.Y.: University Books, 1966), pp. 171–231.

[3] Kuhn, *op. cit.*, pp. 53–56.

[4] DeGrazia, *op. cit.*, p. 197.

[5] Ludwig von Mises, *Human Action* (New Haven, Conn.: Yale University Press, 1949), p. 67.

[6] *Ibid.*, pp. 755–56. As Mises indicates, the revolt against economics as the harbinger of a free-market economy is as old as the classical economists whom Mises acknowledges as his forebears. It is no accident, for example, that George Fitzhugh, the foremost Southern apologist for slavery and one of America's first sociologists, brusquely attacked classical economics as "the science of free society," while upholding socialism as "the science of slavery." See George Fitzhugh, *Cannibals All!* (ed. by C. Vann Woodward, Cambridge: Harvard University Press, 1960), p. xviii; and Joseph Dorfman, *The Economic Mind in American Civilization* (New York: Viking Press, 1946), II, 929. On the statist and anti-individualist bias embedded deep in the foundations of sociology, see Leon Bramson, *The Political Context of Sociology* (Princeton, N.J.: Princeton University Press, 1961), esp. pp. 11–17.

[7] Thus, see Ludwig von Mises, *The Theory of Money and Credit* (Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1971).

[8] Mises' classic article was translated as "Economic Calculation in the Socialist Commonwealth," in F. A. Hayek, ed., *Collectivist Economic Planning* (London: George Routledge & Sons, 1935), pp. 87–130. Mises' and other articles by Lange and Hayek are reprinted in Morris Bornstein, ed., *Comparative Economic Systems* (rev. ed., Homewood, Ill.: Richard D. Irwin, 1969). An excellent discussion and critique of the whole controversy may be found in Trygve J. B. Hoff, *Economic Calculation in the Socialist Society* (London: William Hodge, 1949).

[9] On Yugoslavia, see Rudolf Bicanic, "Economics of Socialism in a Developed Country," in Bornstein, *op. cit.*, pp. 222–35; on the other countries of Eastern Europe, see Michael Gamarnikow, *Economic Reforms in Eastern Europe* (Detroit: Wayne State University Press, 1968).

[10] Mises, *Human Action*, p. 881.

THE VIEWS OF NORTHWEST TEXANS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. PRICE of Texas. Mr. Speaker, in my efforts to more adequately represent the views of northwest Texas area residents here in the Congress, I have solicited their views on a variety of issues through the use of opinion postcard inquiries.

The text of the next questionnaire to be sent from my office shall read as follows:

As part of my continuing effort to stay abreast of the views of the residents of northwest Texas, I would appreciate it very much if you could take a moment to express your opinion on issues facing our Nation.

In your opinion, what are the three most important problems facing the United States today? Please rank—1–2–3—in order of importance.

Viet Nam War; Inflation; Foreign Aid; Busing; Education; Communism; High Taxes; Welfare; Other.

ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the steadily rising rate of illegal immigration into the United States is due to many diverse factors contributing to a common result—the presence of millions of aliens illegally here and draining our economy.

One of the critical factors contributing to this situation is the lack of manpower to properly patrol our borders.

We are justly proud of the fact that our 4,000 mile border with Canada is the longest unguarded frontier in the world. But the very fact that it is unguarded is an open invitation to aliens who cannot legally pass our entry ports. The same, to a lesser extent, is true of our 2,000 mile border with Mexico.

The Immigration and Naturalization Service has only 1,655 men in its border patrol to man 6,000 miles of frontier. Most of these men are concentrated on the Mexican border, and even there it is estimated that coverage is far from satisfactory.

The Border Patrol seems to have been given a low priority where our immigration budget is concerned.

In order to cope with sharp increases in legal entries, the Immigration and Naturalization Service has had to beef up personnel at ports of entry. The magnitude of this problem can be seen in terms of 2 million entries from sea and airports in 1955 to 10.4 million in 1970, a jump of 420 percent. Meanwhile, entries at land border ports increased from 119.8 million in 1955 to over 238 million in 1970, almost 100 percent.

This increased the workloads of immigration examiners, Border Patrol agents, criminal investigators, deportation officers, and so forth. While the workloads increased, personnel totals went up only slightly. The Border Patrol has increased only 173 since 1955.

Because of budgetary limitations, the Border Patrol has not been able to expand enough to cope with the problem of illegal border crossers.

Our 4,000 mile Canadian border, between ports of entry, is truly unguarded, and offering a choice route into the country for those who could not enter legally.

BOY'S SETTLEMENT DOUBLED TO $550,000

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, we in the House have the opportunity and duty to concur with the Senate's action on Friday in funding the Nurse Training Act of 1971—Public Law 92–158—legislation which will substantially increase our presently critical supply of health manpower personnel. This legislation is yet another example of an excellent authorization measure ready for adequate appropriation.

At this point I would like to bring to the attention of my colleagues the following article from the Washington Post of November 28, 1971, which vividly illustrates the tragedy that can result from hospital attempts to cut corners by employing inadequately trained people in positions of responsibility for patient care. At the same time the article serves to dramatize the need for the training of more registered nurses to insure the best possible care for every patient in every hospital in this country. The tragedy experienced by George Rose, Jr., must be averted. The Congress must increase the number of registered nurses by adequately funding the Nurse Training Act of 1971.

The article follows:

DOCTOR, HOSPITAL BOTH PAY IN BLINDING—BOY'S SETTLEMENT DOUBLED TO $550,000

(By Philip A. McCombs)

George W. Rose Jr., 9, has become a bright student, a joy to his parents and a lively playmate for his brother, sister and other children in the Southeast neighborhood where the Roses live.

All these things according to Mr. and Mrs. George W. Rose, 3619 Austin St. SE, are very close to being miracles.

George Jr.—or "Geo (Gee-Oh)," his nickname—will probably spend the rest of his life blind and without muscular control in his arms and legs.

A federal court jury ruled last February that the child's condition was due to negligent treatment during an operation at the Washington Hospital Center. It awarded the boy's parents a total of $294,777.25.

Now the presiding judge at the trial, U.S. District Judge William B. Jones, has issued a complicated 35-page opinion, one effect of which is to insure that the Rose family will receive a total settlement in excess of $550,000.

Judge Jones ruled that pretrial settlements (which informed legal sources said totaled about $260,000), paid to the family by the doctor and the anesthesiologists may not be credited against the money the jury awarded on Feb. 19 following a seven-week trial.

The ruling, dated Nov. 10, found that the doctor who had performed the operation, Arcadius H. Hakim, and Associated Anesthesiologists, had not been negligent and thus their settlements were in the nature of voluntary contributions or gifts.

Because Dr. Hakim and the anesthesiologists had settled before the verdict, the jury did not consider whether they had been negligent.

Dr. Hakim said last night that both he and the anesthesiologists were covered by the same insurance company, which has paid the Roses.

"If I have to fight in court, the insurance (company) might lose more that way," he said. "They wanted to get out of the case and settled and keep them on the safer side."

Judge Jones' opinion dealt with cross claims filed by the various defendants and a request by the Hospital Center that the pretrial settlement be credited against the jury-imposed judgment.

The hospital center had sought to have the judgment placed against Associated Anesthesioyogists; Associated Anesthesiologists contend the liability was with the hospital center; Dr. Hakim also argued that the liability was with the hospital center.

The judge denied all the cross claims and the hospital center's request for credit against the settlement. The claims brought by the anesthesiologists and Dr. Hakim were disallowed because having been found free of negligence, they were not entitled to a voice in the determination of who was liable.

The boy had entered the hospital for removal of his tonsils and adenoids, not an unusual procedure, but there were complications and, when George Jr. finally came home, as his father says, he was a "vegetable."

Now that has changed. Though he still cannot see and his arms and legs are what his mother calls "floppy," George Jr. is doing well in mathematics, geography, history, science and other courses at the Melvin Sharpe School, a school for handicapped children in the District.

"He's got a fantastic personality," his mother said the other day. "If people could come by and talk to him—he gives you so much to live for, to be thankful for. He can't see and he can't walk. You'd think he'd be the one complaining all the time, but he never complains."

The boy's father, an insurance salesman with The Prudential Insurance Co. of America, said, "It's breathtaking to see him in action, wanting to dance, to walk, to do everything. . . . His attitude brightens up everyone else's day."

The father said that relationships in the tightly knit, religious family of five (George Jr. has a brother, Darryl, 4, and a sister, Tracie, 11) are healthy, lively and natural.

"My younger son is extremely helpful in feeding and dressing and playing with Geo" he said. "Tracie reads to him. Nobody has any pity on him—they fight just like cats and dogs."

George Jr. discussed his schooling and said he liked it. He said that of all his subjects, "I'm best on science."

Teachers at the Sharpe school testified during the trial that George Jr. would have the mental capacity to attend college, were he not prevented from doing so by his physical handicaps.

The family has received the money from the out-of-court settlement, and has set up a trust fund for George Jr. When the jury-ordered settlement, held up pending the judge's opinion, is awarded, it too will go into the fund, Mrs. Rose said.

Jones found in his opinion that the permanent brain damage with which George Jr. will have to live for the rest of his life was entirely caused by the hospital "through the negligent acts and omissions of its employees and the defective equipment utilized in the care of the infant plaintiff in the intensive care unit . . ."

As a result of negligence by hospital staff members, one of whom was not a registered nurse "since she had passed only two of the subjects required to achieve that status," the boy suffered several convulsions that caused the brain damage following his operation, the judge found in his opinion.

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A spokeswoman for the hospital said on Friday, that, "We have unregistered nurses with limited responsibilities." The spokeswoman said hospital administrators had no further comment on the Jones opinion and added, "We will be glad to comment when we've read it."

District of Columbia nursing standards require only that no one shall represent herself to be a trained nurse unless she is or has been registered, according to Joyce Elmore, president of the D.C. Nurses' Examining Board.

The Jones opinion said that during the operation on Feb. 21, 1968, the boy's heart stopped beating for 2½ minutes and was started again—not unusual because according to testimony, there were more than 1,000 cardiac arrests at the hospital between 1964 and 1970 and arrests "do happen during surgery without negligence." In this case, Jones found it was not the cardiac arrest that caused the brain damage, but what happened afterward.

After the operation, George Jr. was taken to the recovery room where, according to the judge, the doctor ordered many types of care and medicine for him, including a reduction to and maintenance of his body temperature at 90 degrees Fahrenheit through hypothermia, a mechanical cooling process involving a machine pumping cooling material through tubes in a blanket.

Increasing body temperature increases the brain's demand for oxygen and unless corrected will result in convulsions, wrote the judge—and thus, "It was to give the infant plaintiff's brain and heart the rest needed after the cardiac arrest that Hakim . . . ordered hypothermia at 90 degrees Fahrenheit."

At 10:30 p.m., George Jr., was transferred to the hospital's intensive care unit where, the judge said in his opinion:

The only resuscitator assigned to the intensive care unit "either wasn't there, or if it was there, it was broken and inoperative."

The unit did not have a glass thermometer that would register lower than 94 degrees Fahrenheit.

The unit nurses "knew" that the telethermometer attached to the hypothermia machine "was not always accurate."

The unit did not have, when George Jr. needed it, a heart monitor with a defibrilator on it to shock the heart if it started to fail, "or if it did have such a monitor it was not attached to the infant plaintiff."

The nurse assigned exclusively to care for George Jr. after 11 p.m. was not a registered nurse.

After his arrival in the intensive care unit, George Jr.'s temperature began to rise and he had small convulsions every 15 minutes, the judge wrote.

These were "observed and recorded by the unregistered nurse on duty . . . but she did not notify Hakim of those facts nor did anyone else," wrote the judge. "If Hakim had been called, he could have ordered various drugs to lower the temperature."

It was not until about 7 a.m. the next morning that a nurse took George Jr.'s temperature with a glass thermometer and found that, by comparison, the telethermometer on the hypothermia machine was recording a temperature 4.6 degrees lower than the actual temperature, the judge wrote.

By 1:30 a.m., the judge wrote, the telethermometer had registered 95.4 degrees while in fact George Jr.'s temperature was 4.6 degrees higher than that. At 1:45 a.m., George Jr. had suffered the first of three major convulsions, according to the judge's opinion.

Judge Jones wrote, "The attending nurse, upon noting the rising temperature during the night, did not give him aspirin, or increase the intravenous medication he was receiving, or pack him in ice, or sponge the infant plaintiff with alcohol. All of those things she should and could have done for her patient without further orders from a doctor. Her failure to do so failed to meet the standard of good nursing practice."

Further, the judge wrote, because the nursing staff knew that the telethermometer did not always accurately record the true temperature, they should have checked its accuracy with a glass thermometer "long before" the 1:45 a.m. convulsion.

When that convulsion took place, said Jones, George Jr. stopped breathing. Since there was no resuscitator available, he wrote, a nurse gave mouth-to-tube resuscitation for more than 10 minutes until a respirator machine was brought in.

George Jr. remained in the respirator all night, although he had two more major convulsions at 3:30 and 5:20 a.m., the judge wrote.

At 6:50 in the morning, he wrote, a nurse noted that George Jr. was not getting the necessary amount of oxygen and called the hospital's inhalation therapy unit. A member of that unit arrived at 7 a.m. and "discovered an obvious kink in one of the tubes of the . . . respirator and corrected it."

Dr. Hakim, according to Judge Jones, was not notified of any of the three major convulsions or of the respirator problem and did not learn of them until later on the morning of Feb. 22.

After the first major convulsion and until April 18 of that year, the judge wrote, George Jr. needed the respirator occasionally to breathe for him or to assist him in breathing.

After this summary of the facts, Judge Jones concluded that it was the "negligent acts and omissions" of hospital employees and the "defective equipment" that by denying to George Jr.'s brain, permanently damaged it.

UNITED STATES ASSISTS ST. VINCENT ISLAND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FASCELL. Mr. Speaker, bad news seems to pour in on us from every direction. It is therefore refreshing to be able to report that in at least one instance the United States seems to be literally on top of the situation.

The following press release from the Agency for International Development describes U.S. efforts to prevent loss of life from a possible volcanic eruption on the island of St. Vincent in the Lesser Antilles:

UNITED STATES KEEPING WATCH ON VOLCANO ACTIVITY IN THE CARIBBEAN

The Disaster Relief Center of the Agency for International Development is coordinating U.S. efforts to prevent loss of life on the island of St. Vincent in the event of a possible eruption of Mt. Soufriere, where lava flows and earth tremors have caused alarm in recent days. St. Vincent is located about 100 miles west of Barbados in the Lesser Antilles.

U.S. Ambassador to Barbados Eileen R. Donovan has exercised her authority to spend $25,000 for overseas disaster situations to pay for U.S. Coast and Geodetic Survey infrared photographs of volcanic activity taken from U.S. military aircraft. Experts from the USCGS should be able to predict a serious eruption in time to evacuate the 11,000 persons who would be affected.

Acting on a request from Premier Milton Cato of St. Vincent, the overflights of Mt. Soufriere are made about 5 times daily and will continue for some ten days. The water inside its crater has risen considerably, its temperature has increased and one fissure has emitted a ridge of molten lava some 100 meters long. Other smaller islands of lava have also appeared.

Infra-red aerial photography was used in the prediction of the eruption of the Taal Volcano in the Philippines in July of 1966, when the evacuation warning given by USCGS experts saved hundreds of lives.

Ambassador Donovan is also U.S. Special Representative to the West Indies Associated States, of which St. Vincent is a member. The funds are available from the President's Contingency Fund under a provision of the Foreign Assistance Act.

A PROGRAM TO CONSERVE WORLD FISHERY RESOURCES

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. PELLY. Mr. Speaker, the December 3, 1971, issue of Life contains an article with graphic color illustrations on the "Crisis At Sea: The Threat of No More Fish." This article reveals that the worlds multiplying population which badly needs control and conservation of fish for food is in danger of losing this valuable resource due to overfishing.

Life points out that there is no good reason for any fish to become extinct and actually the world could harvest twice the present catch if certain simple rules of conservation were followed.

Mr. Speaker, in 1973, an international convention is scheduled on the law of the sea.

As far as I know, representatives of the fishing industry are being shunted aside by our State Department officials because of the attitude that Government knows best. The leaders of the fishing industry say the State Department only gives lipservice to their views and makes it clear no outside interference is wanted.

Mr. Speaker, Life magazine suggests in the article on the fish crisis a program which is almost identical to the views I have long advocated and which offers a way of overcoming objections to most other plans by our Navy.

Under unanimous consent, Mr. Speaker, I include an excerpt from Life magazine addressing itself to their suggested program to avert disaster to world fisheries. This excerpt entitled "A Program That Could Avert Disaster" follows:

A PROGRAM THAT COULD AVERT DISASTER

In 1973 the U.S. will take part in a worldwide "Law of the Sea" conference in Geneva. We could lead a return to sanity by sponsoring three measures there:

Dual seaward limits for all coastal states: 12 miles as the limit of sovereignty, with an additional fishery conservation zone extending out to the point where the continental shelf slopes off into the ocean depths. Most fish live on the shelf, not in the depths. By placing responsibility for the world's fish stock in the hands of the nations bordering the seas, the world would take a practical step toward preservation and regulation. A coastal state should not be able to restrict all fishing to its own boats. But it should be able, through licensing, to limit the total catch to a sustainable yield.

International limits on the different species of tuna that would cut off the fishing worldwide when a set quota is reached. Tuna range through all the world's oceans, and tight conservation measures in one area mean nothing if it's open season at the fishers' next port of call.

Agreement that river-spawning fish such as salmon should never be caught on the high seas but only at the mouths of the rivers in which they are born and where they return to spawn and die. If salmon are netted during the oceanic part of their life cycle, it may well mean that when the time comes for them to return to their native rivers, none are left to strike up certain streams, while other rivers are glutted. Two improbable villains in the present situation are Denmark in the Atlantic and South Korea in the Pacific. Neither nation has a salmon river of its own and both insist on the right to catch salmon on the high seas. If their attitude wins out in the name of "freedom of the seas," the salmon may go the way of the whale.

There is no reason why laws cannot be written that would acknowledge the basic right of free passage and still allow for the conservation of the world's fisheries. In fact, unless such laws are written, we will be preserving only the right of passage over a dead sea.

TRIBUTE TO MR. AUBREY CLINTON (BUD) KEITH

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. VEYSEY. Mr. Speaker, at the end of this year one of Riverside County's most outstanding officials will retire—Mr. Aubrey Clinton (Bud) Keith, county road commissioner and county surveyor, after more than 45 years.

He entered the county service back in 1925 in the temporary position of a draftsman when the survey office and road department consisted of but a handful of men. Today he heads a combined department of more than 350.

When he began, the county roads, for the most part, were dirt roads with stretches of corduroy planking in desert regions. Today, because of population growth and a marked increase in highway use, we have over 3,000 miles of modern road in the county system, all under Bud Keith's supervision.

During his 46 years, Bud Keith has worked under more than 30 county supervisors. In 1947 he was made both surveyor and road commissioner—each of the five supervisors used to be commissioner for his own district.

As road commissioner, he has been active on a number of statewide committees which have made decisions that ended up as legislation. From 1955–56 he served as president of the County Engineers Association; in 1959 he was chairman of the engineering division of the Governor's Traffic Safety Conference; from 1965–66, he was chairman of the Metropolitan Transportation Engineering Board; and he is currently the president of the Southern California Regional Association of County Engineers.

As Bud Keith prepares to lay down the burdens of his many duties, his hundreds of friends and admirers wish him a long and happy retirement. I am proud to count myself amongst his well-wishers.

VIETNAM WAR BABIES: A SERIOUS PROBLEM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. FRASER. Mr. Speaker, recently I cosponsored H.R. 8462 which provides for the issuance of special immigrant visas for children of Vietnamese-American parentage who have been orphaned or abandoned by either or both parents.

A Christian Science Monitor survey illuminates the problem. The 15,000 American-fathered Vietnam war children face a precarious future.

Social service organizations dealing with the problem in the United States and Asia disclose that thousands of American-fathered Japanese and Korean children have grown up ostracized by society which sweep them under the rug.

The U.S. Government also had a hand on the broom.

I commend the articles to my colleagues. I urge that we not repeat the mistakes in Vietnam that we have made elsewhere in Asia.

The articles follow:

[From the Christian Science Monitor, Nov. 2, 1971]

VIETNAM WAR BABIES: A SERIOUS PROBLEM

(By Florence Mouckley)

As United States forces pull out of Vietnam they leave behind some 15,000 American-fathered children to a precarious future.

A monitor survey finds that children of American-servicemen and Vietnamese women—especially half-black children—face serious problems of racial discrimination.

The survey of social-service organizations dealing with the problem in the U.S. and Asia disclose also that thousands of American-fathered Japanese and Korean children have grown up into misfits because their societies ostracized them and because their governments initially tried to sweep them under the rug.

The United States Government also had a hand on the broom.

The subject was taboo during the American occupation of Japan and in its own words the U.S. Government says today it ". . . has not established, by legislation, any special program for Korean-American or Japanese-American children."

And in Vietnam, after almost a decade of American military involvement, the first bills are pending in Congress which would recognize some U.S. responsibility and provide funds and programs specifically for these Amerasian children as well as other Vietnamese children victimized by the war.

Only a very small amount of U.S. Agency for International Development (AID) money has filtered down to any of the children in Vietnam. Now with the cutoff of U.S. foreign assistance even this small amount may not be forthcoming.

No one claims to know exactly how many Amerasian babies have been born since the Americans came to Vietnam. But officials of U.S. voluntary agencies providing social services in that country are almost unanimous in contending that there probably are between 10,000 and 15,000 of these children. This agrees with the estimate of the South Vietnam Ministry of Social Service and with which the United States concurs.

The figures of 200,000 to 400,000 which have gained some credence in the United States are considered "ridiculously high" by most child-welfare experts in South Vietnam.

MOST LIVE WITH MOTHERS

The vast majority of Amerasian children are living with their mothers or with their mothers' families.

It is believed that about 10 percent of the overall number are black American-Vietnamese. However, of the 400 children in orphanages 52 percent are half black. This suggests that the half-black child is more likely to be abandoned than the child that is half-white.

The racially mixed child is not a phonomenon Vietnam. The country has a long history of conquests and colonialism. And while a light-skinned child is considered beautiful, discrimination is likely to come about because his partly-Caucasian features may suggest to the Vietnamese that his mother is a prostitute and he is illegitimate.

But black is not beautiful in Vietnam.

And the half-black child faces an even more hostile situation because of this distinct prejudice against dark skin.

Some sources in Vietnam say it comes partly from the fact that the dark-skinned Montagnards of South Vietnam are considered inferior by the Vietnamese. Others say it results partly from the fear which the Vietnamese had for Sengalese troops who fought in the French expeditionary corps in the Indo-China war.

In any case, prejudice is likely to erupt when these children start school and leave the protection of their families.

SOME MADE GOOD LIVING

Many of the mothers are bar hostesses, some of whom were making a relatively good living as long as the American GIs were around. Some could afford not only to take care of their child or children but also to give financial help to their parents and sisters and brothers. Some of these girls have become prostitutes but many were able to earn a relatively good living simply by working in bars.

Some end up having steady relationships with one or more GIs during the GIs' one-year tours. And some apparently want to have babies in the hope that this might force their GI boyfriends to marry them or to take them to the United States.

The typical pattern, however, has been that after the soldier returns to the U.S. he writes a few times and perhaps sends some money but he soon loses interest probably because of renewed ties with loved ones at home. Sometimes the soldier promises to write and never does.

Now, with American troops withdrawing, many thousands of bar hostesses are being forced out of work. Without an income they will be more likely to abandon their children.

FACTS KEPT FROM KIN

One bar hostess interviewed by Monitor correspondent Daniel Southerland told him that although she was helping to put her sister and brother through school with her earnings, she was working far away from home in Qui Nohn so that her relatives in Saigon would not know what she was doing for a living and that she had a child by a U.S. Air Force Sergeant. Only her mother and father knew the true situation, she said.

The future of Amerasian children is as uncertain as that of South Vietnam itself. If anti-Western or anti-American feeling increases dramatically, then there may be an equally dramatic deterioration in the acceptance of racially-mixed children.

What the future holds for all children in war-ravaged Vietnam, not only for Amerasian children, is the prime concern of most of the American social-service organizations involved there.

"Let's not zero in on one specific group," says Miss Gloria C. Matthews, international executive director of the Foster Parents plan (FPP) whose donors support children in Vietnam as well as in many other countries around the world. The point is not to isolate

XUM

Amerasian children from the rest of the community.

It is estimated that more than 320,000 Vietnamese children have lost one or both parents in the war. Thousands of others have physical handicaps.

FLEXIBLE REGULATIONS

The official Saigon government position on adoption is that the racially mixed children are Vietnamese children and that consideration is given for their adoption overseas only after investigation by a recognized adoption agency.

But in practice, while never officially acknowledging it, the Saigon government has gone along with a number of other adoptions by foreigners.

According to one estimate, more than 100 children have been sent to the United States for adoption each year for the past two years. Most of them were sent under private auspices. It is not known how many of them were racially mixed children.

At the present time, the Ministry of Social Welfare does not control or supervise adoptions. But the red tape involved in carrying out an adoption here can be horrendous.

A newly proposed adoption law drawn up by the Saigon government would give the ministry a more active role in the adoption process and cut some of the red tape. In theory, the proposed law would provide the legal machinery to protect the rights of the adopted child.

Approximately 19,000 children are being cared for in 120 registered orphanages and another 6,000 in unregistered institutions. But about 50 percent of these children have only been placed there temporarily by their families.

"We've had our My Lais but we've also had thousands of GIs providing food, putting up buildings and organizing financial support on a company wide basis to maintain the orphanages," said one social-service official. "I don't know what we would have done without them. What happens when they all pull out?"

MINIMAL OFFICIAL SUPPORT

Only minimal financial support is given to family and child-welfare programs by the United States and South Vietnamese Governments.

The South Vietnamese Ministry of Social Welfare has a very small budget and is swamped with war priorities. Only $2 a month is provided for each child in registered orphanages. Most of the support comes from private sources.

The official U.S. Government position is: "Under current American legislation, there is no authority for the U.S. Government to assume responsibility for children who may have been fathered by Americans, who are born out of wedlock overseas of an alien mother, and who are not subsequently legitimized . . ."

In contrast the French Government extended the option of French citizenship to every French-Vietnamese child whose paternity could be proven when the French were involved in Vietnam.

The child also had the opportunity to go to France for an education. And under French law, a French soldier who officially acknowledged paternity could confer citizenship upon his offspring without marrying.

Further, the French organization En French social agencies dealing with Eurasian children, established 40 centers in France to receive these children. More than 4,000 French Vietnamese children have been sent to France from Vietnam under this system. If the mother did not want to send her child to France she could receive support from FOEFI until the child was eight years old.

PLAN CALLED UNFEASIBLE

U.S. officials in Saigon say that such a system while possible for a colonial power would not be feasible for the United States.

Wells C. Klein, general director, American Branch of International Social Service in New York, put it this way:

"We're realists. We have an obligation to give the government time to respond. However, if nothing is forthcoming, with our responsibility to the public and to our donors, if may be that we will have to make the public aware of what we feel are needs not being met by the government . . ."

Meanwhile the children of Vietnam wait.

[From the Christian Science Monitor, Nov. 3, 1971]

GI BABIES REARED IN HOSTILE WORLD

(By Elizabeth Pond and Florence Mouckley)

"Children of mixed parentage are considered nobodies. The girls usually become prostitutes; the fellows usually turn to crime. They have no future here."

This blunt statement comes from the director of the Holt Adoption Program in Seoul, Robert Chamnes, describing what has happened to illegitimate American-fathered Korean children.

In Japan, where there is perhaps less racial discrimination than in Korea, some Japanese-American children, now grown up, have found their mixed parentage an advantage. But usually this is only in the maverick worlds of fashion and entertainment. They were exotic; and they had good voices, perhaps a talent for rock music or the tall and leggy (and un-Japanese) figures prized in modeling.

A few, like this year's oriental middleweight boxing champion, find prominence in athletics.

Those who achieve success—a relative success at best—have been rewarded by having the public stop calling them "konketsu-ji" (mixed-blood child, implying an illegitimate child of the American occupation days) and begin calling them simply "konketsu" (a more neutral mixed-blood).

Many others have not fared so well. They have become prostitutes in Yokohama or have joined the crowd of "hippie" dropout "glue-sniffers" in Tokyo's Shinjuku Station. Some have attempted suicide.

Others are leading more obscure lives, driving bulldozers, sanding floors, or bellhopping in hotels.

This is the price they have paid for being illegitimately fathered by Americans.

There are no reliable figures for the number of these children in either Japan or Korea.

The subject was taboo in occupation years, with both American and Japanese Governments, and apparently it still is, at least officially, with the Korean Government.

COOPERATION GROWS

In the past several years, however, with the problem diminishing because of the cutback in American forces in Korea and far fewer Amerasian children being born, the Korean Government has cooperated closely on a local and community level with many of the foreign social-service agencies to work for intercountry adoptions.

In Japan the only government survey conducted in 1953 turned up only 4,000 Japanese-American children. However, guesses have ranged as high as 100,000 or 200,000. As a rule of thumb Tokyo journalists seem to have settled on 20,000 to 25,000.

It is estimated that there are at least 3,000 in Okinawa.

There are no clues at all as to how many black-American Korean children there are. In Japan the 1953 Social Welfare Ministry survey of 4,000 illegitimate Amerasians showed one-eighth black and the rest white.

For the port of Yokohama in 1960 journalists estimated two-thirds of these children were of black fathers.

VIETNAM LEAVE CITED

The major orphanage for these Japanese-American children reports that when it started in the early postwar years, there were more whites than blacks; now, however, out of dwindling numbers, more than half are black. Most in the orphanage now were fathered by GIs on leave from Vietnam.

Japan, one of the most homogeneous, racially unmixed nations in the world, has had essentially no problem of racial tension or prejudice as such. But at the same time Japan has had no experience in absorbing alien races into society.

In the initial contacts with the West and then again in the Meiji period (1868–1912), Westerners were often looked on as teachers of new techniques or modernization. But World War II attitudes included strong anti-foreign nationalism.

A TRIPLE ONUS

With this history, the illegitimate American-fathered Japanese babies after World War II were thrust into a society that carried the triple onus of being without fathers and without families in a highly family-structured society. They were children of enemy soldiers and half-foreign—just as an acute foreign prejudice was coming to a conscious focus because of frequent contact with occupying Americans.

For a start the children were often rejected by their maternal grandparents. When they were very young they were constantly taunted by other children. It was not uncommon for them to be stoned or beaten up unless they themselves developed into tough fighters. As they grew older they were ostracized by their schoolmates.

Still later they found they didn't have the crucial family connections necessary to get into the university, to get good jobs, or to marry into the more highly respected families.

ABANDONMENT IN KOREA

And all along the way many had identity problems ranging from simple curiosity about who or what their father was to a fundamental social alienation. In general, those with black fathers were subject to worse discrimination than whites.

Many Korean children were abandoned.

Those mothers who kept their children faced social ostracism.

In Korean society, less Westernized, less industrialized, and less urbanized than Japan, opportunities for grown Amerasians are few. Job openings in fashion and entertainment, such as those in Japan, are not available.

No assistance has been rendered to these Amerasian children by the United States, Korean, or Japanese Governments apart from very small assistance given to regular orphanages.

Pearl S. Buck, the Nobel Prize-winning author and a prime force in bringing attention to American-fathered children throughout Asia, points out that while new bills introduced in Congress would assist American-fathered Vietnamese children, nothing is being done in other countries where, she says, "Amerasians exist and are still being born."

BRIGHT NOTE

One bright note on a bleak situation:

In Korea, a major adoption program has been conducted since 1953 by the Holt agency. Interest in adoptions has increased in the past few years, as the birth-control pill and concern about overpopulation have taken effect in the attitudes of American and European couples. More than 4,000 children have been adopted since the end of the Korean war. Last year the orphanage placed more than 1,000 children in adoption, mostly in the United States and Europe. However, it is more difficult to find homes for blacks than for whites. This year the total is expected to reach 1,200. The current rate of adoptions is 135 a month. The Holt director says he is getting good reports on how these children are adjusting.

Also in Korea, the Pearl Buck Foundation concentrates on providing financial assistance for children who are living with their families.

SECOND GENERATION UNCLEAR

Relatively few Amerasian children have been adopted in Japan.

The second generation is still infant, so there are no clear answers yet. Prejudice against mixed blood still exists in Japan, and the derogatory nicknames still exist. But these children probably won't run into the same stone wall their parents did—particularly if they are not fatherless themselves.

Probably there will be considerably more difficulties in social integration in Korea than in Japan, even for second generation.

A KETTLE OF SNAKES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and constituent, Col. Matthew P. McKeon, editor of a periodical, Task Force, published in Annandale, Va., recently called my attention to an article in his November issue adding a frightening dimension to the many valid arguments against building a sea level canal to replace the Panama Canal.

As I believe many Americans may be unaware of the threat to the Atlantic posed by migration of certain marine animals from the eastern Pacific, I insert the text of the article, "A Kettle of Snakes," by Philip Conrad, at this point in the RECORD:

A KETTLE OF SNAKES

(By Philip Conrad)

(EDITOR'S NOTE.—If you own seashore property, or enjoy boating and swimming along the Atlantic coast, or water sports including fishing, both fun and commercial, or if you have a business dependent upon safe shoreline recreation anywhere along the gulf states north to the Virginia beaches, you will be especially interested in the following:)

The State Department is determined to negotiate a new treaty with Panama that would give away all or part of the 500-square-mile Panama Canal Zone to the communist infested government and people of Panama. After 17 meetings, since last June 29th, the United States and Panamanian negotiators are reported as just about ready to scrap the 1903 treaty, through which United States taxpayers purchased the land involved, and sign a new treaty that gives the land and the canal back to Panama for free. But wait, all is not lost. Our bright negotiators are insisting on the right of the United States to (a) operate and defend the strategic waterway, and (b) the right to either install a third set of locks at a cost of over 1.5 billion dollars. Or a sea level canal at over 3 billion dollars. Without title of ownership—for whom are we building? Without land to defend—for whom are we defending?

A presidential panel recommended that either a new canal or an improved canal be undertaken before the year 2,000. It is therefore apparent that the White House is backing the State Department in the further usurpation of powers not granted to the executive branch of government by the Constitution. Such a usurpation is in fact a swindle of American taxpayers out of billions of tax dollars already invested in the existing canal which we citizens, *at this writing*, still own.

On the 7th October an impatient Panama placed its case for a new canal treaty before the United Nations membership. On the 19th October the United States reacted by preparing to cede to Panama substantial grants of land, commercial concessions and legal jurisdictions in the 500-square-miles of United States territory. Meanwhile it has been reported in the popular *Woman Constitutionalist* of 6th November, "Russian technicians have been arriving in Panama to train Panamanians in the operation of the Canal as they trained Egyptians in the management of the Suez Canal".

It can hardly be expected that the decision to either improve the existing canal or to build a new sea-level canal will be long delayed. If the sea-level canal is decided upon, then the interests of many people, having nothing to do with the canal, will be immediately involved. No one will guarantee that the poisonous sea snakes in the Pacific will not swim through a sea-level canal to the snakefree Atlantic.

On the 16th October, this reporter attended a meeting of the Panama Canal Society at the highly respected COSMOS Club in Washington, D.C. Among the distinguished speakers a Dr. John C. Briggs, Professor of Biology, University of South Florida, and one of the nation's leading authorities on marine biology, discussed the ecological dangers of the proposed sea-level canal. Dr. Briggs' lecture was based in part upon the findings of a National Academy of Science Committee and in part upon his own lengthy and valued studies. Dr. Briggs stated, "there do exist in the Eastern Pacific a number of marine animals that originally came from the Indo-West Pacific, the largest and most diverse of all the tropical regions. Among them are such animals as the poisonous sea snake and the (coral island destroying) crown-of-thorns starfish. It is expected that these animals would be capable of migrating through a salt-water canal and, once having gained access to the Atlantic, would establish themselves in that ocean."

An illustrated nine page article entitled "The Sea Snakes are Coming", by William A. Dunson, appears in the November issue of the Journal of The American Museum of Natural Histroy and throws additional light on this frightening subject. The article reveals that the fanged bite of the sea snake is more poisonous than that of a rattlesnake and there is no antivenom for its poison. The snakes are about three feet long when full grown and, being air-breathers, are capable of staying underwater for 15 to 30 minutes at a time. Distinguished by a yellow belly, and often mistaken for a piece of harmless driftwood, they range from several miles to several hundred feet from land and are frequently washed up on the beach. On Gato Island, in the Philippines, as many as 100,000 sea snakes are killed for their skins each year. This could become a leading industry for Miami, for example, because who would care to fish, or swim, or even wade in snake infested waters?

FOREIGN-BORN AMERICANS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. HELSTOSKI. Mr. Speaker, there has been considerable coverage in the press recently of the problem of illegal aliens holding jobs in the United States. While it is clear that our immigration laws must be fully enforced in order to protect the employment rights of American workers, I also believe that this problem must be kept in perspective.

Unless public discussion of the hiring of illegal aliens is kept restrained and rational, we might see the development of a witchhunt in which foreign-born Americans are held to be suspect or disloyal. In an effort to counter growing hysteria surrounding this subject, the Fur, Leather, and Machine Workers Union's joint board recently passed a resolution condemning attacks on the foreign born. As the resolution notes:

Since the early days of our republic, the reactionary forces in our country have tried to make the foreign-born scapegoats for the failure of our government to solve the problems of the people.

Mr. Speaker, I strongly endorse the action of this union in blowing the whistle on prejudice against first generation Americans and include the resolution at this point in the RECORD under unanimous consent:

RESOLUTION ON ATTACKS ON THE FOREIGN-BORN

We are deeply disturbed by the campaign being conducted by some newspapers against the foreign-born in our midst. Scare headlines trumpet the charge that "illegal aliens" are depriving Americans of jobs and inflating relief rolls.

That there are some aliens who are here illegally or who have overstayed their authorized time is certainly true—but the extent of the problem is by no means as great as the headline writers would have us believe. Even the Immigration and Naturalization Service has conceded that 97% of the so-called "illegals" are Mexicans, who have been induced to come here by unscrupulous employers. Nevertheless, the House of Representatives Subcommittee on Immigration is holding hearings on an Administration bill that would impose criminal penalties on *all* employers knowingly hiring noncitizens in illegal status.

Since the early days of our republic, the reactionary forces in our country have tried to make the foreign-born scapegoats for the failure of our government to solve the problems of the people. In Jefferson's day, it was the Alien and Sedition Laws. Today, it is the Walter-McCarran Act and other legislation that persecutes the aliens in our country.

Unemployment and rising relief costs are real problems. They will not be solved by pitting the native-born workers against the foreign-born, but rather by measures that will provide jobs and security for *all* Americans. Such a program has nothing in common with the Nixon Administration's program for economic depression and political repression. We urge the defeat of any measure that would further intensify the second-class status of foreign-born Americans.

PROSPERITY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. BURKE of Florida. Mr. Speaker, during these trying times my colleagues in the Congress and I receive numerous letters from citizens demanding that our Government spend more and more to

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make them prosperous. We also hear that the Government should do more and more to help the poor and to raise their income above the definition of what is presumed to be the poverty level.

Everyone, it seems, wants the Government to bring prosperity to them but in most instances, their definition of prosperity means material accumulation, rather than spiritual and the enjoyment of the endowment which nature has bestowed up us.

Recently, Tom Mosier, who writes a column for the Miami Herald wrote his observation that the trouble with prosperity is that it has such a tendency to turn into poverty. His conclusion is that we are all rich if we take time to enjoy our blessings and that the more prosperous we have become, the poorer we are.

Mr. Mosier's column which appeared in the Broward County edition of the December 3 issue of the Miami Herald was entitled "Prosperity Turns Sour." His article is well thought out and his views worth contemplating. I take pleasure, therefore, in suggesting that my colleagues read this article which reads as follows:

PROSPERITY TURNS SOUR

(By Tom Mosier)

The trouble with prosperity is that it has such a tendency to turn into poverty.

Americans have been toying with the idea of universal prosperity for nearly 200 years without ever actually achieving it. We've had it just over the horizon from time to time, or so it seemed.

Herbert Hoover thought so. So did a lot of other people in the fall of 1928, and the prosperity that lurked just around the corner is now known as the Great Depression.

More recently Lyndon Johnson told us we were so prosperous we could have both guns and butter. He was half-right.

Now we have Phase Two and the President tells me I'm going to be much better off because he is going to control the rate at which my rising prosperity drives me into poverty—at least that's the way I interpret it.

Well, it's a step in a new direction. At least I'm not being promised unlimited riches.

WE ARE RICH

Actually, I think we've all been deceiving ourselves these 200 years. We've never been short of richness, not even during the Great Depression.

Our ancestors' original enthusiasm over this New World centered on its potential. Potential for growth and development, for personal freedom and a chance to begin again. They looked at the land, to paraphrase an earlier author, and saw that it was good.

The land has not betrayed us. No people could ask for more than we have extracted from it.

Along the Gold Coast we have turned a lush and fertile land into a sterile tangle of asphalt, concrete and polluted waterways. Hastily constructed drainage canals have threatened our supply of fresh water and the vast and unique Everglades faces threat after threat to its continued existence.

In our greed to turn potential into quick profit, growth and development have been measured in dollars and cents. Personal freedom has been subordinated to the needs of an exploding population as we continue to overcrowd the land in an effort to extract the last possible dollar from every inch of open space. And for many black or immigrant Americans, the chance to begin again has meant virtual slavery as they labor in vegetable fields or great hotels to power the illusion of prosperity in awe of which we all huddle.

GREED RUINS

And the more prosperous we have become, the poorer we are. The cruel hoax of prosperity is that it does not produce contentment—it produces greed. We judge prosperity in terms of what we do not have; what we expect that Midas Touch to provide for us.

So, like that ancient king, we measure our riches against our expectations and always come up short—until our riches are taken away.

Several years ago I lived for a short while in Tennessee, in the heart of the Appalachian poverty area. Natives there lived in the run-down remains of coal mine company towns, scratching out an existence on the scarred and rocky hillsides their fathers had labored so hard over in someone else's pursuit of prosperity.

They are a proud and contented people—poor as church mice by our Gold Coast standards, but with an inner peace that comes from having finally learned to live in harmony with the land.

They had betrayed the land and the land forgave them, teaching them a bitter but valuable lesson in the progress.

I left Tennessee in search of prosperity, for I had not learned that poverty, like prosperity, is really just a state of mind.

Must we too ruin our land to learn the richness of contentment?

OFFSHORE OIL LEASES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. WOLFF. Mr. Speaker, recently, the Department of Interior announced its intention to begin leasing offshore sites for the purpose of drilling for oil in Long Island Sound and in the general vicinity of the North Atlantic coast of the United States.

Technology has not advanced to the stage that we can prevent another disaster from occurring such as that which ravaged the Santa Barbara, Calif., coastline in January of 1969. Consequently, many citizens, conservationists, businessmen, scientists, and others have become increasingly alarmed at the possibility of another catastrophe of similar proportion, a very real likelihood in light of our present lack of technological safeguards. Clearly, the ecological and economic stakes are too high to risk another blowout or similar disaster.

The board of trustees of my hometown, the village of Kensington, N.Y., has clearly expressed this deep concern in a resolution which was passed on November 17, 1971. The resolution, which follows, expressly opposes the leasing of offshore oil drilling rights in the area of Long Island. Mr. Speaker, I commend the trustees of the village of Kensington for their forthright action, and I join them in calling for a termination of all leasing plans.

The resolution follows:

RESOLUTION

Whereas, it has come to the attention of the Board of Trustees of the Village of Kensington, County of Nassau, State of New York, that the U.S. Department of Interior is contemplating the leasing of off-shore sites for drilling of oil in an area which would affect Long Island, and

Whereas, it is the feeling of the Board of Trustees that such action by the Department of Interior would adversely affect the ecological conditions and esthetic appearance in the area of Long Island,

Now, therefore, be it unanimously resolved, at a regular meeting of the Board of Trustees of the Village of Kensington, County of Nassau, State of New York, held at the Village Hall on the 17th day of November, 1971, that the Mayor and Trustees do hereby declare they are firmly opposed to any action by the U.S. Department of Interior for the leasing of off-shore oil drilling rights in the area of Long Island and urge the Department of Interior to terminate such plans.

OVERREGULATION OF SURFACE TRANSPORTATION

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Tuesday, December 7, 1971

Mr. TAFT. Mr. President, on September 28 I placed in the RECORD the text of a study undertaken for the Brookings Institution by Prof. Thomas Gale Moore of Michigan State University. This study concluded that overregulation of surface transportation cost America's consumers and shippers approximately $7 billion per year. If we are able to cut back this overregulation and place surface transportation in a more competitive framework, we could translate these savings into cheaper cars and cheaper food for the American people.

On November 29 the Wall Street Journal published an editorial entitled, "Nobody Loves it but the People." It points out the need for a greater effort in behalf of the administration's proposals for partial deregulation. These proposals largely parallel those which I had made on March 3, when I introduced S. 1092, the Modern Railway Transportation Act.

Because of the importance of this subject to the consumers of this country, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 29, 1971]

NOBODY LOVES IT BUT THE PEOPLE

When the Nixon administration sent its long-awaited transportation regulation bill to Congress, the operation was almost surreptitious. Mr. Nixon didn't proclaim it on television or even radio, and even the plans for a quiet White House news conference were scrapped.

The administration's low-key approach is understandable, if regrettable. After all, the government has been trying for years to inject a little more competition into surface transportation, and it has yet to come up with any formula acceptable to the railroads, the truckers and the barge lines.

For varying reasons the industries also oppose the present bill. So the administration, with no shortage of problems already, scarcely could relish the prospect of a tooth-and-nail fight for a lost cause.

But is the cause really so hopeless? The purpose of all regulation is supposedly to protect the public's interest, not to suit the sensibilities of the regulated. And the public would indeed benefit from a move to make transportation more competitive.

The bill actually would be only a small step in that direction. Railroads would be allowed to raise or lower rates without Interstate Commerce Commission approval within a specified "zone of reasonableness." The government would rely more on competition and the antitrust laws, and less on the ICC, to protect the public.

In addition, the bill would make it easier for railroads to abandon unprofitable service. It would restrict the powers of regional industry rate-making bodies to set rates, while enjoying freedom from antitrust prosecution. And it would make it easier for truckers and barge lines to enter the market, thus encouraging more competition.

Truckers and barge lines don't like the plan, chiefly because it would permit the railroads to become more competitive. The railroads certainly have suffered most from the existing setup, but even they object to one aspect of the new proposal: the curb on regional rate-making groups. Those groups set identical rates for railroads competing in a certain market, and however anxious the roads may be to compete with barges and trucks they still would prefer to avoid competition with one another.

Competition can indeed be a messy system. Even in the limited form proposed by the administration it probably would cause serious trouble for some truckers and barge lines. It could even cause some inconveniences for the public.

For decades the nation's transportation resources have been allocated in large part in accordance with the dictates of the ICC. With the best of intentions the ICC has made mistakes: setting some rates too high and some too low, limiting service where it should have been expanded, preserving service unjustified by economic need.

If the market takes over more of these decisions there are bound to be some dislocations. Trains won't always operate where they used to, and neither will barges and trucks. Some rates will rise and some will fall. For an economy long accustomed to the long and laborious processes of the ICC, the changes at first might appear a bit overwhelming.

The chances for any really upsetting changes, though, are minimized by the timidity of the bill's approach. Part of the truck-barge opposition to the bill probably is rooted in a belief that the dislocations would be so minimal that Congress would then be encouraged to move farther toward deregulation.

In time, too, the public would see that less regulation would help bring down transportation costs. According to the Transportation Department, shippers and consumers pay "more than is required" in the amount of "billions of dollars annually" because of regulation-induced inefficiency.

The administration thus may make a mistake if it bows to special-interest groups and fails to fight for its measure. There's little political gain in neglecting a cause simply because no one loves it but the people.

ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. McDONALD of Michigan. Mr. Speaker, untold thousands of aliens enter the United States each year as visitors, then take jobs in violation of the law that prohibits these same tourists from working.

Tourist visas are not difficult to obtain from our overseas consulates. The individual wishing to visit America need only prove he has a home or job or family to return to, swear that he will return, produce a round-trip ticket or a bond and show he has enough money to sustain himself.

Now, the money matter is not much of a problem, because many have relatives already in this country who will help them. Visitor vias are issued for a period of 4 years and are limited at ports of entry to 6 months by immigration, but the "tourist" working illegally here can come and go as often as he pleases as long as he leaves every 6 months and is not caught holding a job.

Because of his plan to work, he usually will find an employee who specializes in hiring illegals, because they can be paid less than citizens and legal immigrants and can be denied those fringe benefits enjoyed by most American workers.

The illegal knows this, but he can make many times the amount of money he can make at home, and so it is a profitable arrangment which neither employer nor employee wishes to disturb.

Thus we can see that the "tourist" who comes here to work often can become a 6-month long-distance commuter.

Sometimes the immigration people catch these phony "visitors." But even when they do, the deportation process may be long and expensive, perhaps anywhere from 6 months to a year or more. And during this time, the illegal may continue working because he is at liberty.

Those who just vanish may never be found, because the Immigration and Naturalization Service has neither the means nor the manpower to keep track of them all.

THE VITAL AMERICAN DAIRY INDUSTRY

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ROY. Mr. Speaker, there are many aspects to our continuous effort to raise farm income. I have recently become aware of a situation involving the dairy industry which deserves our attention and action.

For several years dairy imports have been increasing. The United States has quotas on many dairy items, but importers continue to find new ways to evade these limits.

In 1969, several types of cheeses were placed under quota. It was decided, however, that any cheese in these categories which cost 47 cents or more would be exempt from this restriction. The reasoning was that cheese in this price range are specialty cheeses which are not normally manufactured in this country.

Importers quickly seized this loophole, so that last year the "over 47-cent" cheeses accounted for nearly 25 percent of all dairy imports. This year imports of these cheeses is up even more.

Last March, President Nixon asked the Tariff Commission to hold hearings and make recommendations on this matter. On July 28, the Tariff Commission issued its report, recommending that the 47-cent price break be abolished and that a quota be established for the various types of cheeses involved regardless of price. The decision was an eminently fair one, one demanded by the ever-increasing quantity of nonquota cheese coming into the country.

However, it has now been over 4 months since the Tariff Commission report, and still the President has not acted to implement its recommendation.

Mr. Speaker, I urge the President to take action in this matter by extending the quota as the Tariff Commission has recommended.

INEPT LATIN AMERICAN DIPLOMACY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BADILLO. Mr. Speaker, the recent Latin American trip of White House counselor Robert Finch simply highlights this administration's complete failure to understand or appreciate the sensitivities of our Western Hemisphere neighbors and once again indicates the absolute lack of any meaningful policy. Mr. Finch began his ill-fated venture by a partisan attack on the only two previous 20th century U.S. policies which sought to treat the Latin American republics as equals and which offered some hope for the future. As far as I can tell, little of substance was accomplished by this 14-day excursion and I am fearful that more damage may have been done to our already very tarnished image in Latin America.

Last Saturday the New York Times presented a rather perceptive editorial on the Finch mission's failure and I believe our colleagues should very carefully consider its message. I present this editorial herewith for inclusion in the RECORD:

[From The New York Times, Dec. 4, 1971]

FAILURE OF A MISSION

Robert H. Finch, Counselor to President Nixon, started his "goodwill" mission to Latin America by derogating the Good Neighbor policy of Franklin D. Roosevelt and the Alliance for Progress, begun by John F. Kennedy. He said these policies had "lumped the Latin-American countries together as banana republics."

Having thus launched his career in hemisphere diplomacy by denigrating the only two Presidents of the United States in this century to be almost universally esteemed in Latin America, Mr. Finch went off to visit six countries in two weeks. In Ecuador he said his goal was "to build bridges of understanding" and "open roads of friendship."

Ecuador's navy saluted his arrival by seizing four more American tuna boats (the 1971 total now exceeds fifty), and the Counselor had no luck building bridges or opening roads to a solution of this vexing problem. In Brazil, Mr. Finch made news by accusing Senator Fulbright of a "Fortrees Arkansas" mentality with his opposition to the Administration's foreign aid bill.

Among other activities, Mr. Finch signed loans for reconstruction from earthquake

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devastation in Peru and a treaty ceding the Swan Islands (total area: three square miles) to Honduras, ending 108 years of United States sovereignty. In Mexico he inaugurated an exhibition of tourism.

The Finch mission is now home and one member, Herbert G. Klein, Mr. Nixon's Director of Communications publicly reported he said Mr. Finch gained the "feeling" that the Marxist Government of Chile (not one of their ports of call) "won't last long." Even if there may be a basis for Mr. Klein's "feeling," it is painfully embarrassing at such a time to have such a prediction emanate from the White House.

Chile's prompt protest makes the point: Mr. Klein's indiscretion has made much more difficult the "correct" relations Mr. Nixon has repeatedly said he desires with Chile. It is also clear that instead of a genuine policy for the hemisphere the Latin Americans have been given yet another "goodwill" mission, garnished with the clubfooted amateur diplomacy they find particularly offensive.

DELAWARE DAY

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, December 7, 1971

Mr. BOGGS. Mr. President, today marks the 184th anniversary of the ratification of the U.S. Constitution by the delegation from Delaware.

This action, taken unanimously by the 30-member delegation to the Constitutional Convention, made Delaware the first State, a title we have proudly retained over the intervening years.

Today there will be a ceremony honoring the occasion at the southern branch of the Delaware Technical and Community College at Georgetown, Del. This is a relatively new college in our State, but it has made great progress in its short history and is contributing much to our State's development. It is only fitting that this college be the site of today's program at which Bill Frank, columnist for the Wilmington News-Journal newspapers, will be the speaker.

This event culminates the celebration of the anniversary which began last Saturday with the annual banquet of the Delaware Society, Sons of the American Revolution.

At that banquet, Dr. James E. Marvil, an author, historian, and president of the Lewes Historical Society, was presented the Gold Good Citizenship Medal of the SAR for his role in preserving Delaware's heritage.

Others honored at that banquet included Capt. James L. Ford, Jr., of the Delaware State Police Training Academy, Mr. James P. Simpson, of the Sons of the American Revolution, Mrs. Charles I. Hoch, of the Daughters of the American Revolution, Miss Helen Cordelia Lyon of the Children of the American Revolution.

I would like to take this occasion to join their friends and colleagues in congratulating them on their great accomplishments.

Mr. President, our State derived its name from Lord De La Warr, an early Governor of Virginia. In 1610 Capt. Samuel Argall, sailing for Lord De La Warr, was blown off course and sailed into a strange bay which he named De La Warr Bay in honor of his Governor.

The Dutch made the first white settlement on Delaware soil. A party of approximately 30 individuals landed near the present town of Lewes in 1631. Their settlement, named Zwaanendael—Valley of the Swans—was destroyed by Indians in less than a year. In 1638 Swedish colonists led by Peter Minuit landed at a spot that is now part of downtown Wilmington. This first permanent settlement was called Fort Christina.

The Swedes expanded the colony of New Sweden in 1654 when they took over a Dutch post, Fort Casimir, which had been established in 1651. The following year the Dutch, coming down from New Amsterdam and led by Peter Stuyvesant, captured New Sweden, renamed it New Netherlands, and the colony continued to grow for several years.

In 1664 the British gained possession and ruled for the next 112 years. William Penn was deeded the colony in 1682, and the following year the territory was annexed to the Province of Pennsylvania and was known as the Lower Counties. Not until 1776 did Delaware become a separate State.

Delaware played a substantial role in the Revolution, sending nearly 4,000 men to fight in almost every principal engagement from the battle of Long Island to the siege of Yorktown. The only Revolutionary engagement fought on Delaware soil was the skirmish at Cooch's Bridge near Newark on September 3, 1777. Tradition has it that it was here that the American flag was first unfurled in land battle on U.S. soil.

Mr. President, Delaware Day has always been a great event in our State and I am happy that this tradition is continuing. I especially would like to congratulate this year's coordinator, Mr. John T. Purnell, of the Division of Historical and Cultural Affairs, for his work on the celebration. Many others also played parts and they, too, are to be commended.

Mr. W. Emerson Wilson of the News-Journal newspapers is one of Delaware's foremost historians. He wrote an excellent column in last Saturday's Morning News about the Delaware Day celebration in 1892. I take the liberty to ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DELAWARE DAY WAS ONCE A VERY GALA AFFAIR

Delaware Day back in 1892 saw the launching of two major projects which gained fame over the years. One of these was the first annual dinner of the Sons of Delaware in Philadelphia and the other the opening of the Central Hotel in Milford. Delaware Day went unnoticed in the rest of the state.

The Sons of Delaware were made up of natives of this state who had moved to Philadelphia and it was rather an exclusive organization since most of the members had gained prominence in their new home.

More than 150 persons attended this first dinner meeting in the Hotel Continental in Philadelphia. I. Layton Register, the president, acted as the toastmaster.

Sen. George Gray spoke of the importance of Delaware's becoming the first state through the ratification of the Constitution on Dec. 7, 1787, and described some of the leaders who attended that ratification convention.

He introduced his colleague, U.S. Sen. J. M. Carey of Wyoming but a native of Milton, Del., who surprised the assemblage by his knowledge of the state, insisting that it was one of the best in the Union and that Sussex was the best county in the state. His state of Wyoming if carved up would make 33 states the size of Delaware yet their populations were about the same, he said.

B. B. Comegys paid tribute to Thomas McKean and John Dickinson of Revolutionary times and compared them with the great Delawareans Thomas F. Bayard and George Gray of his time.

Judge R. W. Pennypacker spoke on the history of Delaware, stressing particularly Plockhoy's ill-fated colony near Lewes.

The menu of this gala affair listed blue point oysters, followed by Consomme Desiignac, then broiled lake white fish, with the entree of tenderloin of beef with spinach, peas, and potatoes followed by Punch Chateau La Rosa and ending with ice cream, fruits and nuts.

The Sons of Delaware, started in 1892, continued to hold annual dinner meetings on Delaware Day until the 1950s and these were often important social affairs with good speakers, good food, and good drinks.

The other big affair that Delaware Day was the formal opening of the Central Hotel in Milford, which had been completed some weeks before but whose opening had been deferred until that auspicious date.

The hotel was described as a large four-story brick structure, handsomely furnished and fitted with all of the latest electrical equipment. It had a bathroom on every floor and claimed to be the equal in convenience of any city hotel. Actually its owners claimed it was the finest hotel on the Delmarva Peninsula with the possible exception of the Richardson House in Dover.

It was thrown open to the public at noon and hundreds of persons inspected its special lobby and parlors on the first floors and the various rooms on the other floors.

Oglesby's orchestra, which had come from Chester, Pa., by train, played classical music in the parlors to entertain these visitors. In the evening the hotel was brilliantly illuminated by electricity from the ground floor to the roof.

At 7:30 the dining room was thrown open for the first time and more than 300 persons were served a varied menu of game, fowl, beef, pork and mutton dishes. Imported wines were served and the diners expressed great satisfaction with the offerings of the chef.

After the dinner there were brief addresses, mostly congratulating the owners of the new hotel by Secretary of State D. F. Marvel, Col. E. T. Cooper, H. C. Carpenter of Dover and John G. Gray of Wilmington.

At 9 p.m., the orchestra moved from the parlors to the large ballroom for dancing which continued until midnight when there was an intermission with entertainment by Dr. J. Porter, a ventriloquist and magician. Then the dancing was resumed and continued until the early morning hours.

Among the guests at the dance were Dr. and Mrs. George Marshall, Dr. and Mrs. Nathan Pratt, Dr. G. Layton Grier, Mrs. A. T. A. Torbert, the widow of the famous Civil War general, Prof. Samuel Adkins and Miss Maria Causey, to mention only a few of the more prominent Milford residents. There were other guests from Georgetown, Milton, Lewes, and Laurel.

Members of the Milford City Council expressed pride in the new establishment, taking it as an indication that Milford had a bright future ahead as possibly the most important of the Lower Delaware towns.

The young people of the town were delighted because it provided a place for wining and dining and for gala dances, something which Milford had lacked in the past.

U.S. RELATIONS WITH JAPAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAMILTON. Mr. Speaker, the November 11 issue of the Washington Post contains an excellent editorial on the recent hearings held by our colleague, Congressman JOHN CULVER, on the United States' Foreign Economic Policy Toward Japan.

Recognizing that the United States is at a watershed in its relations with Japan, Congressman CULVER, as chairman of the House Subcommittee on Foreign Economic Policy, brought together the Nation's foremost experts on United States-Japanese political and economic relations in order to find ways in which they could be refocused to contribute positively to economic and political cooperation.

Congressman CULVER'S initiative comes at a time when our relations with Japan have plummeted to the lowest point in at least a decade. In rapid succession and without prior consultation, the U.S. confronted the Japanese first with an abrupt change in the policy toward mainland China and then with an abrupt shift in international economic policy. These actions have been taken with apparently little regard for their long term disruptive effects on United States-Japanese relations.

I hope the administration and Congress will take into consideration this important set of hearings before our relations with Japan deteriorate further.

It is only fitting, Mr. Speaker, that I place the following editorial by the Washington Post in the RECORD on Pearl Harbor Day.

The editorial follows:

A STRATEGY FOR THE DOLLAR

The questions of strategy are becoming urgent in the U.S. campaign to correct its balance of payments. This country has presented the rest of the world with a sweeping list of demands. Some can be met relatively quickly. Others will take years of bargaining. Mr. Nixon and Mr. Connally are approaching the point at which they must decide whether to settle now where they can get a settlement. While of course it may only be a feint, they currently give the impression that they have lumped the whole list together and intend to hold out for all or nothing.

All-or-nothing is particularly unwise in this case. The effectiveness of the present American weapons—particularly the 10 per cent surcharge on imports—will diminish sharply as time passes. The surcharge is currently exerting great pressure upon our trading partners because it disrupts their exports. But once they have adjusted to it (at whatever cost in bankruptcies and unemployment) they will have much less interest in making further painful concessions to get it removed.

The United States now wants three things from its trading partners. It wants new currency exchange rates, so that Americans will sell more and buy less. It wants new rules for world trade to make other countries more accessible to American goods and capital (and perhaps to make America less accessible to other people's goods). Finally, it wants other countries to help carry the U.S. overseas defense costs.

Congressman John C. Culver, chairman of the House Subcommittee on Foreign Economic Policy, has been holding a series of highly illuminating hearings on our commerce with Japan. From the former government officials, businessmen and academic economists who have testified, a remarkably clear consensus emerges.

Mr. Nixon and Mr. Connally are now within reach of the first and most important of their objectives, the new dollar exchange rates. By promising to lift the surcharge, they can obtain immediately a very substantial devaluation of the dollar. (The yen is already trading at 9.5 per cent above the mid-August parity.)

The wisest course now, for the United States, is clearly to split the exchange rates away from the much more tangled issues of trade restrictions and burden sharing. If the United States obtains promptly the exchange rates that it seeks, it can afford to leave the trade negotiations until later. If it drops the surcharge in order to obtain the exchange rates, the political atmosphere for negotiation will improve sharply.

In reorganizing world trade, Michael Blumenthal told the Culver subcommittee, the United States can get what it wants only through the most prolonged and arduous bargaining. Mr. Blumenthal speaks with great authority on the matter, since he was this country's chief negotiator in the Kennedy Round of tariff reductions. The Nixon administration's intentions, so far as they have been disclosed, appear to be far more radical than those of the Kennedy Round. And as Mr. Blumenthal also pointed out, a substantial reorganization of world trade cannot be carried out by countries acting individually. Japan cannot, as a practical matter, do all that the United States is asking without the participation of third countries, particularly in Europe.

There are still other strong reasons for deferring trade talks until after the new exchange parities are in effect. No one knows precisely what effect the new parities will have. All the forecasts are extremely foggy, and the United States needs actual experience under the new exchange rates before it can know exactly what other trade adjustments may be necessary.

Beyond the purely economic argument, there is the political truth that most governments consider it entirely legitimate for nations to cut their currency exchange rates in times of need. But trade restrictions are extremely inflammatory, and generate great emnity among nations.

As for the sharing of defense burdens, George Ball, under secretary of State in the Kennedy and Johnson administrations, spelled out in some detail the error in pressing Japan to expand its military power. The Nixon administration says that it is not pushing Japan to expand its forces, but merely wishes to see them better equipped—with, of course, American equipment. "I do not think," Mr. Ball observed, "that Japan can be led to lay out larger amounts for armaments without deciding to build its own arms industry . . . in fact, there are already reports of pressures in the industrial sector for domestic construction of sophisticated armaments." The development of the Japanese armaments industry would have very serious consequences throughout the Pacific.

Mr. Connally has now descended upon Tokyo, preceded by reports that the United States wants quotas, like the textile quotas, on a wide range of Japanese manufactured goods—automobiles, perhaps, and television sets. The United States risks giving the impression that it set up the surcharge last August with only the most general purposes in mind, and that, in the manner of a campus demonstration, it is now raising a variety of non-negotiable demands as it thinks of them.

In fact, the time has arrived to decide which advantages to press now, and which to leave until later. The proper choice seems clear: to settle on new exchange rates now, and leave the trade issues to the much longer and slower process of world conferences into which we must eventually enter.

The foreign half of Mr. Nixon's economic program is not, after all, independent of the domestic half. A cheaper dollar on the international markets will help Mr. Nixon's drive against unemployment and inflation at home. Quotas and a trade war will not.

PEARL HARBOR DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BIAGGI. Mr. Speaker, a constituent of mine, Mr. George Papanic, was a survivor of the terrible attack on Pearl Harbor 30 years ago. Now 46, and employed in the Yonkers, N.Y., public works department, he served in the U.S. Army from 1940–45 attaining the rank of sergeant.

I would like to present for my colleagues' benefit, his story of that ill-fated day of infamy that catapulted the United States into World War II. The article is reprinted from the December 7, 1966, Herald Statesman of Yonkers, N.Y.:

WHY WASN'T A WARNING GIVEN?

(By George Papanic)

It seems funny after 25 years that I can still recall incidents before, during and after the attack on the Island of Oahu, Territory of Hawaii.

Shortly before 8 a.m. on that unforgettable morning, the planes roared in from the north shore and thru Kole Kole Pass, hit Schofield Barracks, Wheeler Field, Hickham Field . . . then, at 7:55, Pearl Harbor.

I arrived at Schofield Barracks in early 1940 and was a member of Co. D. 19th Infantry. The next few months were routine training until the first week of June 1940, when the commanding general (Gen. Herron) issued an alert number three, which meant occupation of all field positions by all units, prepared for maximum defense of Oahu and the army installations of outlying islands.

The National Guard also was called for defense and ammunition was passed around like confetti.

This was called because intelligence reports indicated the Japanese Fleet was on manueuvers and disappeared somewhere east of the China Sea.

We stayed at our positions on the north shore, from Kaena Point to Wallua Bay, for about two weeks until the alert was called off as the Fleet returned to base.

After a short rest, we were more like engineers as we built concrete emplacements for machine guns and at the rear Echelon a concrete command post.

As the months rolled by a strange incident occurred at the Oioleu Lower Pier.

An Air Force colonel, returning from the Far East in civilian clothes, was disembarking from an ocean liner with a briefcase when he was questioned by Hawaiian-Japanese immigration officers as to its contents.

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He showed his credentials and requested a military police release but was shot and killed by the officer as he walked away. The knowledge the colonel gained was never known. The briefcase was empty.

In another incident as I was coming out of a hotel with friends we were approached by a Japanese cab driver who asked if we cared to go to a club to drink after hours. He asked if we were Army men.

After seeing our credentials, he drove around to confuse our bearings. Finally we arrived at a big red barn near Fort Shafter. The area was well policed with dogs.

Upon entering I found mostly Navy officers with very attractive oriental girls. The one thing that interested me was that the wall had a phone every 10 feet.

About August 1941, our company was put on an alert number one, alert which meant a defense against acts of sabotage and uprising within the islands but no threat from without.

I must tell you that on Oahu we had about 145,000 Japanese, including 34,000 aliens.

Every three days our company patroled and checked all installations between Kawaihapi and Laie on the North shore of Oahu.

In November, 1941, during a patrol, I seized a would-be saboteur and took him to G–2 (Intelligence). I was then informed of a recent order from the commanding general that stated: "To all members concerned: Please do not molest or hold any Japanese or foreign agents."

Later I found out that it was because at that time they didn't want to cause trouble, as the Japanese ambassador was on a peace mission to Washington, D.C.

About Thanksgiving Day, the aircraft carrier Enterprise was sent on a mission toward Midway and the battleship Arizona occupied the spot left by the carrier.

There were three task forces out—all heading south or west—leaving the northern areas wide open.

I must admit at that time, during the summer of 1941, there were more than 200 agents acting under the Japanese consul in Honolulu.

On Dec. 6, 1941, a large transport loaded with U.S. Marines landed at Honolulu. That evening, I went to town for a little entertainment.

My friend suggested the Japanese Tea Room off Nuunao Avenue. Then we were informed that the tea room was closed and the girls were tired.

Little did I realize the tea room was told to cut activities. Returning back to post I was looking forward for a quiet, restful Sunday.

During Alert Number one Alert, planes from Hickham Field would take off before dawn and make a routine search of the area.

On Dec. 7, 1941, at 4:58 a.m. the submarine net was opened to let a U.S. minesweeper in and was left opened.

A Japanese two-man sub was rammed by the USS Ward and bombed by a U.S. Navy patrol bomber. No warning was relayed to increase patrol. Another Jap sub was depth-charged and sunk at 8:30. A third sub was grounded at Kanehoe Bay and captured.

At 7 a.m. the aircraft warning system detected planes in large numbers.

An inexperienced Army lieutenant, having information that certain U.S. planes may be in the vicinity at the time, assumed that the planes were friendly and took no action.

Range at that time was 130 miles northnorthwest.

When our planes arrived, they were helpless because only .45 caliber pistols were available to protect the Norden bomb site in emergencies. The B–17s were forced to land at Kahuka and other golf courses.

Sunday or holiday mess call was at 7:45 a.m. and all services abided by the same schedule. Halfway through breakfast, we heard many planes coming down in a dive and then a great explosion. We thought no one pulled out.

Outside we saw the sons of Nippon hit Wheeler Field and start to strafe every quadrangle and zero on the big red crosses on the roofs of our station hospital.

We had just come off Saturday morning duty and all equipment was in plain sight.

We set up machine guns at all places for a field of fire. I set one up outside the quadrangle near post theatre area.

We normally had 27 boxes of ammo (250-round belts) for each gun. Truck drivers ran to the motor pool to scatter their trucks. They drove to our company area to load food, ammunition and equipment. All trucks had anti-aircraft mounts. We were trained to hit our area in 15 minutes.

At Wheeler field, all planes were lined up as if an inspection was due. The day before 10 P–40 Tomahawks were secretly moved to an emergency air field near Holeiwa.

They were gassed and armed with machine guns. When Wheeler Field was being bombed five pilots jumped in a convertible car and raced at 90 miles-per-hour to the emergency air strip, using Kamehameha Highway.

The only officers to my knowledge to engage the enemy were pilots named Brown, Roamusse, Taylor, Welsh and Sanders. Welsh shot down four Jap planes; Taylor two planes; and the others one each.

The post stockade is located near Wheeler Field and when the attack began all prisoners were released. Some were cut down by planes as they ran across the open ground. They would have been safer if they'd stayed in the stockade.

A National Guard non-commissioned officer near his installation outside Wahiawa saw a Jap plane coming very low. The noncom used his automatic rifle.

He emptied the clip of ammo and brought the plane down.

He examined the inside of the plane and found charts of Pearl Harbor, accurate and precise even to the depth of water. He also found propaganda leaflets.

The pilot carried packets of concentrated food, a first aid kit, mineral water, a bottle of whisky and chap sticks.

At Pearl Harbor, the fleet consisted of 88 ships. They were bunched six or eight together in brackets and no steam was up.

The Japanese planes used special torpedoes designed for shallow water.

I believe that if a warning had been given during the submarine attack at 6:30 a.m. or from the 7 a.m. air craft warning detections we would not have suffered as many losses of image. At this time, I will pause and try to forget this great tragedy of 25 years ago.

NO SUCH THING AS FREE TRADE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. QUILLEN. Mr. Speaker, many of us here in the Congress feel that where international trade is concerned, the United States has been on the short end of the stick for too long.

Tennessee's Second District Congressman John J. Duncan laid it on the line in a recent speech before a Knoxville civic club when he contended that the frequently used expression "free trade" is no longer applicable to the international trade situation.

Duncan asserted:

There is no such thing as free trade among nations, and our trading partners have drifted from trade that is both free and fair.

Pointing out the effect of imports of textile goods and wearing apparel on the domestic economy, Duncan noted that unemployment in the textile field dropped 14 percent in Tennessee between 1947 and 1968, while employment in other manufacturing fields increased by more than 78 percent.

In a recent editorial, the Knoxville Journal said Duncan's remarks have special significance in light of the current squabbling over the import surcharge ordered by President Nixon in August as part of his new economic policy.

Congressman Duncan, now in his fourth term in the House, is doing an outstanding job as a member of the powerful Ways and Means Committee.

I would like to make the Journal's editorial available to readers of the RECORD.

NEITHER FREE NOR FAIR

"Some years ago in international trade we coined the expression 'free trade,' but the truth is that all we have today is the expression. There is no such thing as free trade among nations, and our trading partners have drifted from trade that is both free and fair."

This was how Rep. John Duncan summed up the question of America's deteriorating position in world commerce in a speech before a Knoxville civic club Friday.

His remarks have special significance in light of the current squabble over the import surcharge ordered by President Nixon in August as part of his new economic policy.

"Countries have been complaining because of our 10 per cent surcharge on their exports to the United States, imposed August 15," Congressman Duncan said, "but our manufacturers have had to face higher border taxes in other countries for years. To get its product into another country the U.S. firm pays from 11 per cent in Germany up to 23 per cent in France. On electrical appliances and television imports Japan charges 20 per cent and England 36 per cent."

Of special interest to Knoxville and East Tennessee is the effect of imports of textile goods and wearing apparel on the domestic economy. The 2nd District congressman noted that employment in the textile field dropped 14 per cent in Tennessee between 1947 and 1968, while employment in other manufacturing fields increased by more than 78 per cent.

In Knox County, Duncan pointed out, the 10,000 existing textile jobs are threatened by the upsurge in textile imports.

Part of the reason for this decline in domestic textile employment and the coinciding skyrocketing of textile imports, Duncan said, is the fact that the United States has been the only major import market with no quantitative restrictions on imports of wool and man-made fiber textiles and apparel. As a result, total imports have soared during the past five years—up by 157 per cent from Japan; Korea, 1,238 per cent; Hong Kong, 466 per cent, as examples.

Another important point, Duncan noted, is that many of this country's trading partners subsidize the exports of their manufactures, while U.S. manufactures get no help from their government.

Thus, while the United States has been operating its side of the international market with few restrictions on volume and little or no import tax, other countries have erected protective barriers to shield their shores from American goods which are competitive with their own products.

This circumstance, combined with soaring labor costs in the United States, has resulted in a flood of imports and a decline in certain areas of domestic employment.

As Duncan aptly noted, international trade is neither free nor fair. The howls of anguish over the U.S. surcharge should not be permitted to cloud the central issue of the matter, namely that the United States has been on the short end of the stick for entirely too long.

THWARTING CONGRESSIONAL INVESTIGATIONS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. SCHERLE. Mr. Speaker, certainly no group of citizens should receive the compassionate and efficient care of our Government more than those who are enrolled in the medicare program. An article in the December 5, 1971, Des Moines Sunday Register by one of their excellent investigative reporters, James Risser, highlights activities revealed during the House Governmental Operations Intergovernmental Relations Subcommittee's investigation into the effectiveness of the current medicare program. Of particular interest to all is the testimony that any bureaucrat would order evidence, which was sought by a congressional panel, to be destroyed. President Nixon has made it clear on many occasions that his administration will be an open administration. I certainly hope that the following article by Mr. Risser will be carefully read by my colleagues.

The article follows:

CITES ORDER ON PEROT DATA

(By James Risser)

WASHINGTON, D.C.—Early last spring, a high official of the federal Medicare program came to the desk of his chief contracts officer and told him, in a "quite excited and nervous" state, that there was going to be a congressional investigation of Medicare's dealings with a computer firm headed by Texas multi-millionaire H. Ross Perot.

"He said for me to take all of the material that I had, and all of the material that my section chiefs had, and have it destroyed," the contracts officer, Walker Evans, said.

The order to get rid of evidence dealing with Electronic Data Systems Corp. (EDS) was largely ignored, said Evans because when his own workers heard there was to be an investigation by Congress "they all said 'hallelujah'."

STARTLING TESTIMONY

Some startling testimony about the relationship between the Perot firm and the Social Security Administration (SSA), which administers the Medicare program of healthcare for the elderly, was given last week before the House intergovernmental relations subcommittee, the panel that is now conducting the investigation into possible excessive payments for computer processing of Medicare claims.

Evans' testimony was disputed by the official involved. James L. Calhoon, assistant deputy director of Medicare program operations, said "I do not recall having told Mr. Evans to destroy anything . . . I am certain in my own mind that I did not ask him to destroy materials."

Calhoon, said all he had done was to ask Evans to pull all materials relating to EDS from the files and send them to Calhoon so they could be put in one place and thus provide a better "history" of the contracts.

But Evans reiterated his claim and insisted that "I got the clear impression, when he discussed it with me orally, it was for the purpose of these documents not falling into the hands of the (House) committee." Actually, said Evans, the House panel already had most of the SSA office materials relating to EDS because a committee investigator "was all around there like Grant around Richmond."

At the same hearing another lower-echelon Medicare official testified that last June Calhoon ordered destroyed a staff memorandum which recommended against awarding a contract to EDS to process Medicare claims in Arkansas.

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The memorandum stressed that EDS planned to charge $1.10 for each claim run through its computers, while another Dallas-based firm, Systems Resources, Inc., had submitted a proposal to do the same work at 86 cents a claim.

William C. Lanning, a systems officer, said that Calhoon issued "an instruction to destroy the memorandum, indicating that he did not want a conflicting document of that kind in front of him."

The memo was destroyed, but not before the House subcommittee's chief counsel, Sioux City native James R. Naughton, had obtained a copy. Subcommittee Chairman L. H. Fountain (Dem., N.C.,) charged that Calhoon apparently either wanted to keep the memo away from the subcommittee or "you just did not want to have to be bothered with something with which you did not agree."

Calhoon claimed the memo was "not a good staff document" and was "poorly drawn" and "incomplete." He said he ordered its destruction because "all of the documents that are prepared in Social Security eventually end up on Mr. Naughton's desk."

A redrawn version of the memorandum did not contain a recommendation on the Arkansas contract, and SSA officials now have given "verbal approval" to Arkansas Blue Shield to go ahead and hire the Perot firm, the subcommittee was told.

Calhoon and other top SSA officials insisted that the two competing proposals are actually about equal in cost and that EDS, which processes Medicare claims in Iowa and eight other states, was given the go-ahead largely on the basis of its prior experience.

FEWER WORKERS NEEDED

Naughton brought out in later testimony, however, that Arkansas Blue Shield had estimated it would take 112 employes to handle the data processing. Subsequently, Arkansas Blue Shield, which had made it clear it preferred EDS, said the Perot firm could do the work with only 66 employes while Systems resources would need 114.

SSA officials acknowledged the origin of the "66" estimate, and Naughton said that the new figure was the only reason EDS was even close to the bid submitted by Systems Resources. Discounting the personnel estimate, EDS's bid was $250.000-a-year higher than Systems Resources' bid, he noted.

Earlier subcommittee hearings have raised the question of whether EDS has reduced costs by cutting back on staffing, to the detriment of the quality of the claims processing work. A specific complaint to that effect was registered at one point by the SSA regional office in Dallas, with regard to the firm's handling of Texas Medicare claims.

During last week's hearing, Representative Bill Alexander (Dem., Ark.) disclosed that he has sent a letter to Elliot Richardson, secretary of Health, Education and Welfare, asking him to delay approval of the EDS-Arkansas Blue Shield data processing contract until "a thorough and objective review" has been made.

Alexander said in his letter that Systems Resources' bid is "at a substantially lower price per claim" than that proposed by EDS. He said he fears that the lower number of personnel now proposed by EDS could result in poor-quality work.

The Arkansas congressman also told Richardson that although Perot's firm has been paid more than $37 million under the Medicare program, "the subcommittee investigation has disclosed that federal auditors have never yet been able to obtain full access to pertinent cost records."

REASON FOR SPEEDY WORK?

Subcommittee counsel Naughton said during last week's hearing that in some states, EDS is able to show that it does better than other computer firms on speedy processing of claims. But, said Naughton, the reason EDS appears to be fast is that when it has reason to question a Medicare claim, it simply marks it "denied" rather than "pending." Then when the questions are cleared up, it is given a new claim number and either paid or rejected.

This gives EDS a good record on an SSA rating of "claims pending for more than 90 days" because the claim appears as two separate claims, each pending for only a short time, rather than one claim pending for a long time, said Naughton.

It also was disclosed during last week's hearing that EDS is already at work in Arkansas, even though final federal approval of its contract with Arkansas Blue Shield has not been received. It was not clear whether any federal payments have yet been made to Arkansas Blue Shield, which would include reimbursements for payments made to EDS by Blue Shield.

Calhoon's immediate superior, Robert Mayne, told the subcommittee that the Arkansas Medicare situation got into bad shape in 1970, from the standpoint of claims processing and over-all management. Arkansas Blue Shield was told it would be terminated as the Arkansas Medicare carrier if the situation were not corrected, he said.

As a result, the subcommittee was told, the National Association of Blue Shield Plans apparently helped Arkansas Blue Shield secure proposals from computer processing firms. Mayne said that EDS has shown it "can go into a place where there are difficulties and can quickly get the situation in hand." Also, he said, Systems Resources is newer and less experienced.

On that point, a subcommittee source recalled later that a recent audit by the Department of Health, Education and Welfare showed that the method used by EDS to clear up a 150,000-claim backlog in Iowa in early 1970 was to simply suspend the usual prepayment safeguards and approve all claims for payment without checking on their validity.

The question of comparative costs between EDS and other firms doing Medicare processing is expected to be explored further by the subcommittee in hearings next year.

At one earlier hearing, an SSA computer specialist estimated that EDS has made a 100 per cent profit on much of its Medicare business.

Perot's Washington attorney, Robert Martin, has attended all the subcommittee hearings. After each, he has supplied verbal and written information to newsmen covering the hearing, in an effort to refute some of the allegations about EDS services and costs.

Asked why Perot does not request to testify on his own behalf, Martin accused the subcommittee of prejudging the outcome and said it would do little good to have Perot come in.

It was learned that Perot has appeared and testified at least once before the subcommittee in a secret session.

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"THE VANTAGE POINT" SCORES AS BEST SELLER

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. EDMONDSON. Mr. Speaker, a long-awaited book has just recently been published and already is a great success; last week the Washington Post listed "The Vantage Point," by former President Lyndon Baines Johnson, in seventh place in its second week on the best selling list.

This is a remarkable chronicle of the difficult decisions of a lonely man in a solitary position during the crucial years 1963–69. President Johnson has stressed that these memoirs do not attempt to set or elevate his place in our history. Rather, from his firsthand knowledge, they are an effort to discuss the problems, the alternatives available to solve them, and the reasons for the courses chosen. From the "vantage point" of his narrative his recent—and continuing—history makes absorbing reading for all Americans.

Robert Kirsch, in the Los Angeles Times of November 14, 1971, wrote a thoughtful and perceptive review of this work, and I would like to share it with you at this time.

The review follows:

L. B. J.: SEARCH FOR AN AMERICA THAT WASN'T THERE

(By Robert Kirsch)

Former President Lyndon Baines Johnson stands in that twilight zone between news and history. It is too early to assess his administration, his stewardship as chief executive of this nation. His memoir, The Vantage Point: Perspectives of the Presidency, 1963–69 (Holt, Rinehart & Winston: $15; illustrated), has received some back-page attention as political writers comb through it for its revelation of behind-the-scenes anecdotes.

Future generations will judge his place in history. He has made clear his intent in this work: "I have not written these chapters to say, 'This is how it was,' but to say, 'This is how I saw it from my vantage point.'" At this point in time we can only judge it by its own frame of reference. ". . . I have tried to avoid engaging in historical pamphleteering. I did not set out to write a propaganda piece in support of my decision. My purpose has been to state the problems that I faced, to list the alternatives available, and to review what I did and why I did it."

We who have lived through these years, far from the corridors of power, can only make a tentative judgment. There are those who will claim, despite President Johnson's reservations, that he has written here an apologia for his policies. Indeed, he has; he would be less than human if he hadn't. Those who see in this exactly what he has set out to do would be right as well. The answer to this seeming paradox lies precisely in President Johnson's character. He is a complex man, combining within himself politician and statesman, romantic and realist, sentiment and toughness, idealism and pragmatism.

This is the clue to the fascination and importance of the book. It is, at this point in time, a study in political psychology, in the relationship of traits to action, of personality to position. The Presidency may be regarded as a projective test, the challenges of which must inevitably reveal the nature of the man in "the glory and the agony of his office."

On this level, the question of right or wrong becomes secondary. Not because it lacks importance but because we do not yet have the distance and perspective necessary to make anything more than the most tentative of verdicts. We may see the shape and foreshadowing of verdicts, may feel deeply as to their moral and ethical implications. But how can we yet know?

ESSENCE OF TEST

I do not mean to imply that in the Presidency these questions do not exist. They do, and they are the very essence of the test. No man who has the lives and fates of millions resting on his decisions can avoid that terrible burden. But history is of what men did rather than what they intended, of what issues they had to face, rather than the issues they would have chosen. When President Johnson says, almost ruefully, "He (the President) cannot pick and choose his issues," that is precisely what he means.

At the center of his administration was the insistent issue of the Vietnamese conflict. It was endlessly debated, polarizing the country, leaving scars which still ache today and continue unresolved. Lyndon Johnson became the scapegoat of that contention. But here we see him as the prisoner of his own history, his own character.

At the moment Richard Nixon concluded his oath of office, President Johnson writes, ". . . I remember two thoughts running through my mind: first, that I would not have to face the decision any more of taking any step, in the Middle East or elsewhere, that might lead to world conflagration—the nightmare of my having to be the man who pressed the button to start World War III was passing; and second, that I had fervently sought peace through every available channel and at every opportunity."

Even more revealing are the words which follow. "Now my service was over, and it had ended without my having had to haul down the flag, compromise my principles, or run out on our obligations, our commitments, and our men who were upholding those obligations and commitments in Vietnam."

Then the passage printed as a headnote becomes significant, the words from his first address before the joint session of Congress, Nov. 27, 1963, after the burial of President Kennedy: "This nation will keep its commitments from South Vietnam to West Berlin."

President Johnson is above all a man of his times, not a man for all seasons. Conditioned by the Depression, apprenticed politically in the New Deal, inspired by President Franklin Delano Roosevelt, annealed in the unified nation which fought World War II, living through the Cold War, rightly or wrongly he tried to apply those lessons to a new time. It is not that he was unaware of change or the new realities of America. It was that he yearned for a patriarchal role, an attempt to heal or ameliorate, a bringing together. To accomplish his ends, he needed a unified America, resolved to attack its problems, to sacrifice for its vision of the Promised Land.

The irony was not so much that his perception was of a broad road to the goals of racial justice and economic opportunity, of education and housing, in which his administration made the most substantial advances since the New Deal. It was that he tended to underestimate the tide of reaction against the war in Vietnam. A whole new generation had arisen, beyond the Depression, the Cold War, the McCarthy Era, in a raucous, outspoken, and occasionally riotous resistance. Lyndon Johnson, the expert in the Old Politics, was off balance in the New Politics.

Not completely. He could understand and act on the demands of civil rights, of the war on poverty, the demand for a better life. But he could not bring himself to go down in history as the first President who had surrendered in an American war. He once told Stewart Alsop, "I'm always pressed for time. An hour late and a dollar short." Vietnam was the greatest pressure. An ambitious man, a fighter, suspected of deviousness and disingenuousness, his decision not to run in 1968 was an example of his preference to step down rather than give in. In retrospect he makes it clear he believes he could have won: ". . . I am convinced that if I had run again I would have been reelected . . . the American people do not casually turn an incumbent President out of office."

Nothing became him so well as the taking of office and the leaving of it. In the aftermath of the assassination, with vicious rumors and slanders raging against him, Lyndon Johnson tried to heal the wounds, to give continuity to American policy. On leaving office, he attempted to make his decision a factor in the achievement of a peace in Vietnam and he took pains to ease the transition from his administration to the next.

Much has been made of his personality conflicts with Robert Kennedy and Sen. J. William Fulbright. But, of the many faces pinned on the man, the least convincing is that of pique. He may have felt it (who does not?), but I am disposed to believe him when he expresses the shock he felt at the assassination of Senator Kennedy. "During the four and a half years of my Presidency I had never been able to establish a close relationship with Bobby Kennedy. It was not so much a question of issues; on most matters of national importance we had similar views, after he became a senator. We even agreed on Vietnam for a long time. We did not come to any sort of parting of the ways on that question until 1966.

PART OF THE PROBLEM

"Perhaps his political ambitions were part of the problem. Maybe it was just a matter of chemistry. I honestly do not know. I recognized and admired his leadership qualities. He had surrounded himself with loyal and able men and women, and he had organized them effectively.

"When tragedy had struck him down, I was glad that my last meeting with Bobby Kennedy had been friendly."

There are moments of bitterness here. Lyndon Johnson's long service in Congress had suited his personality. There could be hard fights between men of differing persuasions but there could also be respect and even affection for antagonists. In the rough and tumble of the New Politics, this component had changed. He writes: "Robert Kennedy's death seemed to symbolize the irrationality that was besieging our nation and the world. The summer months of 1968 brought no easing of disorder and unrest . . . That same week, fighting between police and students at the Democratic National Convention in Chicago proved to every television viewer in America how deep the cleavage was in our society, how intense the hatreds, and how wide the gulf between law enforcers and those who have nothing but contempt for the law. Those conflicts also exposed the ugly side of the New Politics, in spite of its claims of idealism."

Lyndon Johnson's own ideals of politics and policies collided with the new actuality. He had once given the tenets of his own beliefs: "First, I believe that every American has something to say and, under our system, a right to an audience.

"Second, I believe there is always a national answer to each national problem and, believing this, I do not believe that there are necessarily two sides to every question."

In that same speech, he had defined part of the complexity of his position: "I am a free man, an American, a United States senator and a Democrat in that order. I am also a liberal, a conservative, a Texan, a taxpayer, a rancher, a businessman, a consumer, a parent, a voter, and not as young as I used to be nor as old as I expect to be—and I am all those things in no fixed order."

When he became President, that unique office put his requirements on him. He said: "We will serve all of the nation, not one section or one sector, or one group, but all Americans. These are the United States—a united people with a united purpose."

By 1964, he knew that the unity was not there. He considered retiring. His sermons did not seem powerful enough to restore the unity. Perhaps no sermons could. There were those who mocked his notion of consensus as a search for the lowest common denominator. But he makes clear what the word means to him: ". . . First deciding what needed to be done regardless of the political implications and, second, convincing a majority of the Congress and the American people of the necessity for doing these things."

For a man brought up the rough-and-tumble of American politics, he reveals a sensitivity to criticism. "The burden of national unity rests heaviest on one man, the President. And I did not believe, any more than I ever had, that the nation would unite indefinitely behind any Southerner," he wrote, describing his conflict over entering the race in 1964. Like others, he blamed the "metropolitan press of the Eastern Seaboard . . . I was not thinking just of the derisive articles about my style, my clothes, my manner, my accent, and my family—although I admit I received enough of that kind of treatment in my first few months as President to last a lifetime.

"I was also thinking of a more deep-seated and far-reaching attitude—a disdain for the South that seems to be woven into the fabric of Northern experience . . . Perhaps it all stems from the deep-seated bitterness engendered by civil strife over a hundred years ago, for emotional cliches outlast all others and the Southern cliche is perhaps the most emotional of all."

He wanted an America which perhaps existed only in his imagination but what Lyndon Johnson got was a nation in ordeal. He did his best to reach the Promised Land but perhaps that was beyond the reach of any man. In these pages he accomplishes something rare in the annals of presidential memoirs. He compels empathy and understanding—and perhaps when the furore ends, sympathy as well.

THE COST OF ECOLOGY

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. PASSMAN. Mr. Speaker, for many months we have heard more about ecology and environment than almost any other subject. In fact, these words have almost become the daily passwords, and the Congress has gone so far in legislating and proposing additional legislation that we have frightened industry to the extent that in many instances they are actually reluctant to make capital investments so as to create jobs and support our economy.

I have supported several of the laws on the statute books, and I shall continue to support a well-planned program to clean our streams and air and control pollution. But we must not go too far with too many programs until we have devised a positive plan by which industry and the Government can live.

It has been estimated in many places that legislation presently on the statute books, if carried to conclusion, would cost the American taxpayers who, in reality, are American industry and the workingman, as much as $450 billion. Others have estimated that the cost could reach one-half trillion dollars. This would exceed our entire public debt.

In addition to the legislation presently on the statute books, it would appear that sooner or later S. 2770 will be considered by the House, and if this legislation should be enacted into law, it could conceivably have as bad an effect on the American economy as a mild depression because there is a limit to which industry could and should go. If we would only give industry time to absorb some of the present laws, in all probability, they would come up with a much better solution to some of our pollution problems than some of us who spend time thinking up ways to spend money that the other fellow earns.

So that the membership may have some idea of the sentiments of industry on this subject, I am including in my remarks a telegram from an American industrialist who must create jobs and meet payrolls as an executive of the Olin Mathieson Corp.:

OLINKRAFT, INC.,
West Monroe, La.

Congressman OTTO E. PASSMAN,
Washington, D.C.:

The Muskie bill on water pollution S. 2770 as it passed the Senate November 2 contains long range costs and provides unconscionable administrative power that can cripple our national economy add major price inflation for all paper products and destroy our substantial and growing export markets for pulp and paper products.

The House Public Works Committee has announced public hearings on water pollution legislation beginning December 7 and on December 10 American industry will have a single day to express their views. Peter Wrist of Mead Corporation will give testimony for the entire paper industry and we hope you will be able to hear his remarks which by rule are restricted to ten minutes.

As you know, Olinkraft is dedicated to a sound program of control and abatement of water and air pollution. At our West Monroe kraft mill we have already spent millions of dollars in our commitment to improve the environment and we recognize that additional expenditures of capital and technical skills will be called for in the future.

However, if S. 2770 were to become law of the land exorbitant additional costs would be required to stay in business. Such costs would have to be passed on to the American and foreign buyers of our goods creating inflation and increasing imports at home and the loss to the United States of foreign markets.

Great discretionary power is left in the hands of the administrator so that the—best of the art—and—zero pollutant discharge—will mean repeated changes in standards which will result in unlimited capital spending and operating costs far beyond what is necessary to achieve clean water. Our current estimate of the added cost to meet phase I/1976/ requirements of the Muskie bill at our plant amount to 1.5 million dollars per year. Best estimates presently available for phase II /1976–1981/ requirements of the Muskie bill range from 10–15 times the cost of phase I requirements. Additionally the Muskie bill effluent treatment costs at West Monroe after 1981 could result in a 30–50 percent inflation in our costs. This will either drive us out of business or will add vastly to our domestic inflation and be ruinous in our overseas markets.

You have long and ably represented the people of your district and in behalf of the 4500 salaried and hourly employees of Olinkraft we now enlist your help in this serious threat to our national economy our industry and our Olinkraft enterprise. I am sure you will find a similar situation confronting the other pulp and paper mills in your district. The critical nature of our situation prompts us to ask for your support with the members of the Public Works Committee and your other associates in the House to secure major modifications in the Muskie bill so that we may have sensible federal legislation in the water pollution field.

M. H. COLLET.

LEAVING THE POOR TO ROT

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BOLLING. Mr. Speaker, John P. Roche makes some interesting points concerning the poor in his column of Saturday, December 4, in the Washington Post. It follows:

LEAVING THE POOR TO ROT

(By John P. Roche)

Some recent observations here about the barbarous character of the life of the poor have led to irate accusations that I am a "snob," and "elitist," and—worst of all—an "aristocrat!" Actually, what has aroused my ire is that so many of the antipoverty programs, particularly in the housing area, are not designed to bring the poor into the community. On the contrary, they provide a cosmetic cover for leaving the poor to rot in new buildings rather than old, for moving them and their culture of poverty around the landscape rather than breaking it up.

Underlying this view is the assumption that what I have called the "culture of poverty" is a bad thing. It is essentially an anticulture with no stable rules, no sense of organization. It is what the English philosopher Thomas Hobbes, would have called the "state of nature" where everyone is on his own in a savage environment. Many poor people do not live in this condition: they are part of a vital ethnic or religious tradition that orders their lives, provides ideals, and above all gives them a sense of belonging to society.

But increasingly the big-city poor—both black and white (and whites do constitute an overwhelming majority of poor Americans, though blacks are disproportionately represented)—are literally dropouts from society. Paradoxically, one of the major problems is that they are not "exploited" in the classical sense: they are not sweated in factories or hauled off in masses to dig subways or build railroads. They are economically marginal. If all the American poor were shipped to, say, Brazil tomorrow, the country would manage very well without them.

This means that poverty has to be seen as a social and political issue more than an economic one. Conservatives, applying traditional capitalist rules, scoff at special skill-training programs, noting that they cost more than a college education. What they fail to appreciate is that a successful training program is in fact more valuable to our society than a college. Colleges are augmenting the abilities of members of the community; training programs are providing a ticket of admission.

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To put it another way, what the rootless poor need is a sense of social discipline—an operative "superego," to use Freud's term. The acceptance of regular patterns of life and work is a good example. (And before anyone sneers that I am trying to impose the "capitalist ethic," he might examine the Maoist model, which makes capitalism look like a hippie commune.) To accomplish this—to revert to the main theme—it is essential to break up the slums, instead of institutionalizing them in huge, low-income housing projects. And it is particularly important to extract the young people from what is for most of them a deadend; not just for their sakes, but for ours as well. God only knows what talents are lost in that jungle of random violence.

This is not a new problem in America. My father once told me that when he was a kid the police patrolled Red Hook in Brooklyn in trios. What is novel is that the traditional ladders to upward mobility seem to have lost many of their rungs. So now we have to look for new remedies, realizing that giving the poor money without changing their values is self-defeating. Nor can you inject "community organization" with a statutory hypodermic needle that just brings out the hustlers.

Obviously there is no pat answer, but one that seems to me to make the most sense is universal national service, the drafting of every young American for a two-year period. This is not a military draft, though some men might take that route, and the program would be organized and disciplined—not a progressive kindergarten.

This immense pool of man and womanpower could undertake all sorts of health and welfare projects, including the education of the young members, and could provide the sense of participation in American society that is lacking at both ends of the economic spectrum: the upper class because it is alienated; the poor because they have never had the values to become alienated from.

For those who consider this to be militaristic or utopian, I suggest a careful study of the fantastic job of "civilizing" that has been performed over the last 20 years by the Israeli Defense Force, the Israelis care about their "community"—do we?

HUNGARIAN REVOLT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BROOMFIELD. Mr. Speaker, 16 years have passed since the people of Hungary rose up against the oppressive tyranny of the Soviet Government so that they someday might live in a world of peace. The events of the 13 days following that memorable event will always be remembered as one of the most vivid examples of patriotism and love of liberty in the world. But those conditions, which so many gave their lives to eliminate, still remain; lack of sovereignty, Communist oppression, lack of regard of human dignity and economic poverty.

Seldom in history has man been so sorely tested—his beliefs, principles, and desires so magnificently demonstrated. It truly was one of the most heartbreaking and awe-inspiring events of our lifetime. Heartbreaking, because of the destruction and massacre wrought by the Soviet and Communist forces on the population of Hungary. Awe-inspiring, because virtually unarmed and unprepared, the valiant Hungarians fought for 13 days against suicidal, insurmountable odds.

In the face of Soviet troops and tanks, these brave men fought with few small arms, and whatever weapons they could muster; and for a short period, they succeeded in throwing off the chains of totalitarian government, and established a democracy that would truly represent the aspirations of the nation. The victory was short lived, for the Communist oppression prevailed after a short period of time.

However, the spirit of patriotism and liberty did not die with the suppression of the uprising. Although thousands died, and hundreds of thousands fled the country, there are still many freedom-loving Hungarians who hope that someday the tyrannical bonds will be broken and they can live in freedom, independence, and democracy.

Mr. Speaker, the Hungarian freedom fighter became the symbol of man's unconquerable faith in himself and his future. Dreams of liberty cannot be quenched under a hail of bullets, bombs, and mortars. Man will endure privation, but ultimately he will be free. The Hungarian freedom fighters died shouting their belief in a better world. Their cry of defiant faith was heard by all men, everywhere, enslaved or free.

In all parts of the land today, people still remember that bleak October of 1956 when the world waited, hoped, and prayed for those valiant men and women who pitted themselves against the overwhelming forces of the Soviet Army in order to free their nation.

I feel deeply honored to pay tribute to the courageous people who took part in this ill-fated revolution and sincerely hope that the future will bring realization of the Hungarian's hopes and dreams.

The Hungarian revolt had great significance for the entire world, not only because it was a contribution to man's historic struggle for independence and freedom, but also because it gave a true picture of Communist oppression.

Ideas cannot be suppressed forever; man's curiosity about himself and his neighbors on earth can never be denied.

WATER RESOURCES PROGRAM IN PERIL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. UDALL. Mr. Speaker, in a few extremely well chosen words, Chairman WAYNE N. ASPINALL of the House Committee on Interior and Insular Affairs recently warned the water resource leadership of this country: Wake up and change because the program is sick and in peril.

Speaking in Dallas at the annual convention of the National Water Resources Association, the chairman warned that the majority of American citizens no longer think that water resource programs are of great importance or even consistent with the national interest.

These are important words indeed coming from a man with Mr. ASPINALL's broad overview of our water resources.

He suggests abandonment of the "old politics" and adoption of some basic reforms, not the least of which is to forgo narrow, short-range gains in favor of programs promising much broader and long-range benefits.

I hope everyone concerned with water—and we all better be—will read these remarks by Mr. ASPINALL:

REMARKS OF CHAIRMAN ASPINALL

My constituent and personal friend Bob Barkley, my Colleagues in the Congress, other distinguished head table guests, delegates to the convention, and friends—let me first state my sincere thanks for being asked to be here this week and to share with you some of my thoughts on the abiding issue of how to restore some life to our National water development programs and particularly those in the West.

Two years ago at your meeting in Spokane, I noted that the water resources community was in disarray and that the only thing that would cure it was a massive dose of investment capital. This may still be true to a large extent, but today I want to go beyond this generalized evaluation as I try to help you identify what you as individuals, State Associations, a great National Trade Association, and the water resources community in general can and must do if you are to preserve yourselves as factors in shaping the future.

What is this so-called water resources community? Perhaps I can best describe it as a secular trinity—of sorts—one body with three elements in the form of the Legislative, Executive, and private sectors. It is one body in the sense that it has a single public motivation; preservation of our economic well-being through balanced use of water and related land resources. A question may well be asked, however, whether this is the real motivation or are we, in varying degrees, being controlled and shaped by something else, like financial self-interest, petty elective partisanship, or perhaps personal ego? I feel that these factors may be shaping the attitude of some of us and may have in turn contributed to some degree to our present condition. If so, it is imperative that these trends be identified, acknowledged, and put aside, wherever they occur, before meaningful progress can be made toward restoration of the program.

Now—let's leave this theme for the moment while we look at some of the symptoms of this sick program, keeping in mind the tendency to mistake effects for causes. Obviously, the most easily-identified symptom is the shortage of money. To ascribe all of our difficulties to this problem, however, is to be overly simplistic and superficial in our analysis. We must go beyond and look for the real underlying cause.

Some might say, as indeed has been said, that the Indochina campaigns were taking all of our money and that purely domestic programs must await a happier time. This is, of course, specious and self-deluding; as the last few years of the Vietnam adventure have seen a steady decrease in the percentage represented by our overall defense expenditures; yet Water resources have not gained any from this shortfall.

Today, as everyone recognizes, it is convenient to attribute our problems to misguided opposition from so-called environmentalists. Once again, this is a symptom.

In previous times, we railed against the economic purists in the academic community, who found fault with our evaluations and our cost-sharing principles. These, too, are symptoms which we have been prone to ignore on the premise that water resources are unique in emphasizing economic studies and that Reclamation was unique among water programs in pioneering repayment.

More recently, we detect a new symptom about which we are certain to hear more in the months and years to come; as it is now apparently pretty good politics in some circles to claim that the Reclamation program has stolen all of the water from the Indians and is thus, root and stock, the cause of all Indian misery in the West.

Another matter which may become equally provoking is the tendency to tinker with acreage limitations. This issue has the momentum of some of our other problems, but it is drawing the attention of widespread viewpoints. They range all of the way from outright repeal on one end of the scale to a point of view that would have the government confiscate excess lands and give the proceeds to charity. Please understand that I am not bringing up this question with a view to resolving it today, but merely to list it as another area where there has been more talking than there has been thinking.

None of these problem areas are strangers to us. We have seen them develop over the years, preoccupy our concern for a while, and recede as a new one arises to capture our immediate attention. None of them have completely gone away and cumulatively they represent a serious threat to the health and existence of our institutions and accomplishment of our goals.

We don't have enough time to talk about all of these things today, but I would be remiss not to say a few words about the most acute problem facing water resources, indeed all resource-based economic development, at this time. I refer, of course, to the ecology binge as practiced by the lunatic fringe of the environmental movement. These are over-indulged zealots to whom balance means nothing and in my mind their motivation is suspect, indeed. While they are in the ascendancy at the moment there are signs that their issue is peaking out. This is not to say, however, that sober, sensible, well-considered attention to the environmental consequences of our actions will not be a continuing requirement for the indefinite future.

It seems quite clear to me that this issue has captured the imagination of a majority of our people, and regardless of my own sense of values, what is really important in this society is what most people think is important at any given moment. Given the fact that environmental concern is here to stay in one degree or another, accommodation to it represents the most difficult challenge facing water resources. It is difficult because it is widespread and easily understood. The average man may not really understand the high-flown rhetoric of project evaluation, interest rates, cost-sharing, water rights and acreage limitations; but he has no trouble grasping salinity, amog, sedimentation, erosion, and what have you.

Perhaps more than any other factor, the way in which we as a community, working in concert, adjust our activities to the legitimate positions of our environmental friends will determine whether water resources will continue to make a contribution to our economic posture.

These, then, are some of the more visible symptoms of a sick program. If they are merely symptoms, then what is the cause? I submit that the overriding cause is to be found in the simple fact that the majority of the American people no longer feel that water resource programs, as we now know them, are important to or consistent with the National interest as they are given to understand such interest. This insight is reflected, as our system contemplates, in the attitudes of legislators and executives, alike; and all too frequently in recent years in the findings of our courts. In other words, water resource development has simply lost its base of political support. It is easy, indeed, for the budgeteers to slash programs whose political support is so marginal that the decision-maker does not have to be concerned with political redress.

What I am trying to say is that when our citizenry begins to believe that its affairs are being managed consistently, fairly, and in keeping with the wishes of the majority, then it will revest its confidence in the institutions that are then at hand, and the effect that we seek will be on the way to realization.

How are we to bring this about? I wish I knew for sure. There is one thing that is certain, however, we have nothing to lose by trying. For we are not going any place very fast at the present time.

Whatever we undertake to do, and I am now specifically talking about the Federal Water Reclamation program, will have to be accomplished jointly by the three elements of the community that I spoke of earlier; the Legislative, the Executive and the public. Moreover, there will have to be a "putting aside" of all vestiges of selfishness, partisanship, and personality. Instead, we must all think exclusively of what is good for the future of the West, leaving short-term considerations out of the picture.

You people of the National Water Resources Association actually hold the key to survival of this program. Whether you recognize it or not, the Legislative and Executive elements of this equation can do little or nothing more than you will have them do. This is certainly true of the Congress, which reflects most accurately the outlook and attitude of its constituents. This is to say that as far as general legislation is concerned, you are getting precisely what you ask for, and it will doubtless continue that way.

The Executive, on the other hand, with its money and staff resources, is situated to offer some leadership, but my instincts are that it, too, is generally mirroring the values and desires of its client groups. It certainly cannot be said to be innovating in terms of suggesting basic reforms or other desirable changes. So, if anything is to be changed, it is incumbent that NWRA take visible leadership. If your organization is not now structured to permit this type of activity, then my message to you is to get busy and change that first.

Your Program Chairman suggested that I tell you some of the things that you can do. I have hinted at some of them already, and I will now list them in specific terms. First of all—you must come to the realization that the old politics of water resource authorizations and funding will no longer get the job done. Second, you must start talking to people in terms of the basic reforms that must be taken if the program is to persevere. Third, organize your best minds to do some staff work, and some deep thinking about these problems. Fourth, let your administrators in government and your representation in the Congress know that you want a good hard look taken at possible solutions to all of these issues. Fifth, make them believe that you mean business by supporting things that sacrifice short-term gains for long-term benefits. An example of the latter might well be an idea about which some have been doing a little thinking; that is, a series of investigative-type hearings where a carefully selected list of witnesses representing a broad spectrum of interests are interviewed on the topic of the future role and nature of the Reclamation program. The purpose of this hearing would be to identify what National purpose is really sought to be achieved by the Federal reclamation program in this era; after which desirable changes in implementing statutes could be formulated.

There are any number of other areas of immediate program significance where vigorous and imaginative administrative action could be stimulated on behalf of new attitudes and ideas for attacking the causes of program decay. The question is—will you insist that your administrators and your legislators take action or support proposals calculated to improve public acceptability of water resource programs? Are you ready to pay the prices? Are you ready to face up to the fact that there is no more free or low-cost water in the West and accept a measure of pricing policy reform? Are you willing to abandon support of legislation designed only to give you even a better deal than you now have? Are you willing to accept the fact that the vast majority of the Nation's population still regard your program as a pork barrel, and identify with programs formulated to maximize the total public interest? Are you ready to entertain a serious introspective inquiry into the question of whether there should still be a Federal Reclamation Program and, if so, what should be its goals and objectives? If the answer to these queries is "yes", then we are ready to start the long road back. On the other hand, if your response is halting or negative, then God help you, for the Congress cannot.

THE U.S. PURSUIT OF DISASTER IN SOUTH ASIA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HELSTOSKI. Mr. Speaker, yesterday I called to my colleagues' attention the hypocrisy inherent in the State Department's attacks on India's role in initiating the current conflict between that country and Pakistan. An administration which has continually played ball with the Pakistani dictatorship and looked the other way as a reign of terror was established in Bangla Desh is hardly in a position to criticize India's resort to force to bring an end to the crisis in South Asia.

In reading the Washington Post this morning, I was happy to note that that newspaper's lead editorial reflected this view. As the Post points out—

The United States should not only be failing to contribute to such a solution but could be making one more difficult to attain is a measure of how far we in fact have traveled under the much trumpeted Nixon Doctrine toward a new foreign policy.

Under unanimous consent, Mr. Speaker, I include in the RECORD the Post's timely and pointed editorial:

THE U.S. PURSUIT OF DISASTER IN SOUTH ASIA

Suppose President Nixon had deliberately set out: to aggravate tensions in South Asia; to identify the United States with a military regime almost universally condemned for its abuse of its own people; to shred American ties with the most populous and powerful nation of that region, a democracy and a traditional friend; to help drive that dominant state into a waiting Soviet embrace; and, once war had erupted, to diminish possibilities of political compromise and undermine what moderates might remain. What would he have done differently with respect to the developing conflict between India and Paki-

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stan over the last eight months? In our view, not much.

The whole rationale of American policy eludes us. Some payment was owed Pakistan for helping arrange Henry Kissinger's first trip to Peking. And Mr. Nixon evidently has long had a soft spot in his heart for Pakistan, at one time a model military anti-Communist regime. But at some point as the tragedy grew, cold calculations of power politics should have overtaken these largely sentimental considerations. Sound policy dictated an effort to maintain friendship with both India and Pakistan; if that were not possible, why put all the American chips on a discredited failing regime in much the smaller and more trouble-ridden of the two nations involved? If the answer lies somewhere in the political geometry of the Moscow-Peking-Washington triangle, we fail to perceive it.

The announcement yesterday that the United States had suspended development aid in the pipe-line to India is equally puzzling. The stated grounds, that such aid contributes to short-term economic welfare and war-making potential, are laughable: the gesture was purely punitive and the party that is to be punished is not the government nearly so much as the impoverished people of India. A more telling abuse of foreign aid—at a more delicate moment, when a new aid bill is hanging by a thread in conference—could not be imagined.

As we have said before, India deserves sharp criticism for its calculated use of the refugee crisis to promote the dismemberment of Pakistan, although such criticism ill befits any government, such as the American government, which tolerated Pakistan's manufacture of that crisis. Where was the quick clamp-down on arms aid to Pakistan then? India's invasion of West Pakistan and its now-open designs on Pakistan-held Kashmir are entirely unsupportable. But the source of the present crisis is Pakistani policy in East Pakistan. Only there can a solution be found. That the United States should not only be failing to contribute to such a solution but could be making one more difficult to attain is a measure of how far we in fact have traveled under the much trumpeted Nixon Doctrine toward a new foreign policy. In South Asia, we have moved backward—if we have moved at all—toward those early postwar cold war attitudes that gave us CENTO and SEATO and the heavy-handed employment of foreign aid as a bludgeon or a bribe.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

AN ENVIRONMENTAL MANIFESTO

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to share an article written by Prof. Jeffrey M. Elliot of Cerritos College in California. I do not share Mr. Elliot's fears that we in Government cannot meet the challenge of the environmental crisis, although it is clear that Government has not yet met the problem with the vigor that is required. However, Professor Elliot's fears are shared by many across the Nation and from the past performance of many in Government there may be grounds for these fears. Professor Elliot, in this article, also discusses the role of a new and emerging environmental group, the "People's Lobby." With the effort of dedicated groups such as this one and our own rededicated efforts I have no doubt that we can solve these problems. And, indeed, if we are to survive we must face and solve the problem of our deteriorating environment.

The article follows:

AN ENVIRONMENTAL MANIFESTO BY PROF. JEFFREY M. ELLIOT, DEPARTMENT OF POLITICAL SCIENCE, CERRITOS COLLEGE

In an eloquent and impassioned address to the American people, Senator George McGovern beckoned us to commit ourselves to the ecological struggle which now confronts our nation: "The challenge of our age is whether we shall seize the opportunity to decide what kind of life, what kind of environment, and what kind of opportunities we want for ourselves and for our children."

A bitter fact about twentieth century America is, that the most affluent of nations has, because of disinterest, avarice, and carelessness plunged itself into an environmental crisis of monumental proportions.

Although the problem of environmental pollution is grave, it is not unsolvable. It is clear, despite lofty denials from many of our public officials, that we can ill afford the luxury of waiting another decade for the answers. If we are to survive the ecological disaster which now theatens mankind, it is imperative that we face this sorry and perilous situation realistically.

Not long ago, Chris Kirkman, a ten-year-old boy died because he could not get enough oxygen. His doctors said he was "eaten alive" by smog. Although the dangers of pollution are known, we seem unwilling to save the planet from this dreaded predator. Moreover, the public has lulled itself into believing that utopia is just around the corner. Well, the truth of the matter is, the only way that there will be a better tomorrow is if we make it so.

The realities of the present suggest that we have been betrayed; betrayed by those we elected to represent us and, further, betrayed by those claiming to be the leaders of the fight to save our natural resources. The result of this betrayal is mirrored in the steady deterioration of our state, its unique beauty and plentiful resources.

Why this horrible failure to clean up the environment? Over the years, many groups and organizations have come into existence. Many of these survived for a short time and passed from the scene. However, a number of organizations continued their involvement until they came to regard the "environmental crisis" as sort of their own "pet project," thus making it extremely difficult for other concerned citizens to join them in that fight.

In addition, we trusted our public officials when they told us to have faith, that things were getting better, that the end of pollution was in sight. In fact, the reason so little has been done to combat smog is because neither the legislature nor the governor has been willing to enforce the laws against industrial polluters.

The inability of the State Legislature to enact tough, effective anti-pollution legislation was evidenced again last week. The most important coastline conservation bill of the 1971 legislative session was killed by a 4–4 vote of the Senate Natural Resources Committee.[1] Although the outcome was terribly disappointing, it was not really surprising. Actually, this tragic scenario of governmental indifference, corporate meddling, and public apathy is a rather common occurrence.

While campaigning, politicians traditionally speak of bringing the government closer to the people. Once in office, however, a functional gap develops between the people and their elected representatives. The issues on which rigorous campaigns are built are the same ones which are quietly ignored once these men take office. The lobby system takes control and these elected representatives are no longer faithful to the people. The system is so ingrained that when the interests of the people conflict with those of the lobbyists, the people invariably lose out. Now, all this doesn't mean that the system won't work. But it is worth noting that the State Capitol is not a citadel of raw courage or absolute reason but is composed now, as always, of men who act more on the basis of what is popular, than what is right.

Many Americans claim, and with some justification, that government has simply become too big, too complex to cope with

Footnotes at end of article.

those social ills which blight the mind and spirit of man—hunger, poverty, racism, illiteracy, disease, pollution and war. In fact, they charge that in many problem areas, government is actually oblivious to human suffering. In denouncing what they consider abuses of power, these sincere people hope to reverse many of the government's present programs, particularly in the environmental arena.

Meanwhile, an overwhelming sense of hopelessness and futility consumes the average citizen who feels powerless not only to affect his own life, but that of his country as well. How can any pressing reforms be undertaken so long as those in positions of power respond to such grevious problems with disdain and contempt? There is in the end a feeling that the individual is helpless, quite unable to make any worthwhile contribution to the society in which he lives.

More than ever before, the very integrity of our social and political institutions are being questioned. A great many people have given up on our nation, its traditions and fundamental precepts. These skeptics, nurtured by the daily nightmare of violence and poverty, prejudice and pollution, are not so naive as to believe that all the men and women we send to the capitol to write our laws are always going to place the people's welfare ahead of their own private, vested interests.

There is really no point in continuing to diagnose the problem. We have come perilously close to studying ourselves out of a planet. There is information enough for action. All that is lacking is political will. The time for letter writing, picketing, or boycotts has passed. What is needed now, today, is a positive program to help remedy this ominous situation.

At long last, there is a responsible and realistic alternative to this environmental nightmare. An organization known as the People's Lobby, Inc., has appeared on the scene. Issue oriented, solution motivated, and armed with the initiative, injunction, and lawsuit, this group has qualified for the ballot in 1972, the toughest anti-pollution law in the country.[2]

What is so important about the People's Lobby as distinguished from all other environmental groups, is that it has found a viable way of circumventing all of this political chicanery while working within the system in order to effect meaningful change.

To those unbelievers who say that no man, no single organization can make a difference, the record of the People's Lobby is a dramatic example of what can be done when a dedicated group of concerned citizens accept responsibility for improving and enhancing the quality of life.

This small organization, with limited resources and no political experience, has begun to turn things around. In January 1970, People's Lobby asked for independent testing of Standard Oil's F–310. Soon after its initial investigation, it filed, on behalf of all Californians, a consumer fraud class action lawsuit against Standard Oil for its deceptive F–310 advertising. People's Lobby successfully held the suit in court (a first for California consumers); subpoenaed Astronaut Scott Carpenter and the Los Angeles County Board of Supervisors for depositions; and called for government hearings and quick action. Within a matter of days, the Federal Trade Commission filed a complaint against Standard Oil charging it with conducting a fraudulent advertising campaign.[3]

Not long ago a lawsuit was filed by the People's Lobby against the Los Angeles and Bay Area Pollution Control Districts charging that these two governmental agencies knowingly disseminate false reports on smog conditions. Mr. Roger J. Diamond, an attorney for the People's Lobby, maintained that under the constitution, the public had the right to receive correct and complete information from a public agency. In an unprecedented move by the Air Pollution Control Districts, Los Angeles deputy county counsel, Andrew Schutz, told the court that under the First and Fourteenth Amendments, it does not specify whether or not the public is entitled to receive accurate information from the government, therefore, the government, if it so chooses, has the right to lie. Judge Francis C. Whelan, after length deliberations, ruled that his court had no jurisdiction over the case. It is presently being appealed to a higher court, where a decision should be forthcoming.[4]

In a landmark case, the People's Lobby claimed it had a right, under the freedom of speech guarantee, to use the public areas of shopping centers for purposes of gathering signatures for initiative petitions on environmental and other matters. The California Supreme Court ruled in favor of the People's Lobby, basing its decision primarily on the grounds that peaceful, nondisruptive action of this kind is constitutionally protected. The high court said "modern shopping centers, serving as the business districts for the surrounding residential communities, have important public functions, and their owners may not rely on their private ownership to justify such usurpations of the First Amendment. Indeed, in many instances the contemporary shopping center serves as the analogue of the traditional town square."[5] This historic case, heralded by many jurists as one of the great victories for the Bill of Rights, was brought to fruition by the concerted efforts of the People's Lobby.

Just recently, the People's Lobby went directly to the California Supreme Court and won a unanimous decision guaranteeing the rights of 18–21 year olds to register to vote where they reside. The case centered around Mark Randall who lived in Bellflower, California and attended school in the same area. His parents resided in Woodland Hills, California. Both cities are in Los Angeles County, but they are in different congressional, senatorial and supervisorial districts. Before the court action, Mr. Randall would have been required to register in Woodland Hills, and he would have had no voice in determining the affairs of his own home community. By assuring the right of Randall to register and vote where he lives, the People's Lobby case also guarantees that same right for more than a million newly enfranchised 18–21 year olds.[6]

These are but a few of the more dramatic victories of the People's Lobby, a non-profit, non-partisan California corporation staffed entirely by volunteers and supported through contributions and memberships. This group of concerned citizens, dedicated as they are to solving the problems of people, particularly in the area of environmental pollution has come up with an answer for the pollution problem.

The "Clean Environment Act," drafted by the People's Lobby, is in the form of a people's initiative. It calls for a halt to new offshore oil drilling; it imposes a five-year moratorium on new nuclear power plants; it bans DDT and other dangerous agricultural pesticides; it provides for phasing out leaded gasolines by July 1, 1976 and; it shuts down polluters who are getting too many variances until they install stand-by pollution control equipment. In addition, it establishes the right of people for immediate injunctions against polluters; it makes public the records of the Air Pollution Control Districts; it suspends or revokes the dealer's license of those who sell vehicles which do not comply with the present State emission standards; it eliminates conflicts of interest from regional and state water boards; and it makes current, many of our present anti-pollution safeguard procedures.[7]

A recent investigation has confirmed the fact that California's major corporate polluters are presently raising a $6 million war chest to defeat the "Clean Environment Act."[8] Can't 6,705,000 voters beat the lobbyists and their cronies? Start now and fight back. If you are not registered, get registered. If you are, make sure you vote on election day. The very survival of our State depends on it.

It seems obvious that our surroundings can enrich or impoverish our lives. By conserving and prizing our environment, we can add immeasurably to our private and public happiness. Don't we owe at least that much to ourselves, our children, and future generations?

FOOTNOTES

[1] "State Senate Panel Kills Last Major Coastline Protection Bill," *Los Angeles Times*, November 16, 1971, sec. 1, p. 1. It is interesting to note that the ninth committee member, Senator James Q. Wedworth (D-Inglewood), who was the swing vote, did not attend the hearing. Before leaving, Wedworth told several of his colleagues that he supported the measure. When asked why he failed to show up, he said he was away on "personal business." Wedworth later admitted that he was out shopping for horses. The author of the bill, Assemblyman Alan Sieroty (D-Los Angeles), noted that "The 11th-hour activities of representatives for developments such as Sea Ranch, Pajaro Dunes, and other land developers and a number of utilities also played a role in the bill's defeat."

[2] People's Lobby maintains a staffed office 24 hours a day, 7 days a week in Los Angeles, California. In addition, it has other state offices in Santa Cruz and Pleasant Hills. It maintains voluminous files on pollution of all kinds, acting as an information and distribution center for students and other interested citizens. It also is actively engaged in registering voters. People's Lobby is a membership organization—$10 for adults and $2 for students. It receives monthly pledges and honorariums for speaking engagements, and derives much of its revenue from the sale of its newspaper, *AGENDA 71*, an anti-pollution tabloid.

[3] In its June 1970 issue of *We The People Talk*, the People's Lobby made a number of serious charges against Standard Oil which led to the Federal Trade Commission's subsequent investigation. The FTC charged that Standard Oil was falsely promoting its F–310 gasoline additive as an effective weapon against air pollution. It found that "Using Chevron F–310 will not significantly reduce air pollution generally, or air pollution caused by motor vehicles or automobile emissions of carbon monoxide and hydrocarbons." In an unprecedented move, the FTC proposed that all future gasoline advertisements by Standard should mention or display the charges against the company.

[4] "U.S. Has Right to Lie to Public," *Oakland Tribune*, May 30, 1970, sec. G, p. 3. This lawsuit was filed by the People's Lobby through Director Mrs. Joyce Koupal in January 1970, against the Los Angeles and Bay Area Pollution Control Districts. Since the advent of the lawsuit, the LAPCD has changed the way it reports on smog levels. It has also instituted "smog raids" on local industrial polluters. Its District Director, Mr. Louis Fuller, resigned his post "under fire" from the Lobby.

[5] "Nonviolent Protesters Can't Be Denied Use of Shopping Centers," *Wall Street Journal*, May 18, 1971, sec. 1, p. 2. The case was later appealed to the U.S. Supreme Court which refused to review it. Only Chief Justice Warren E. Burger and Justice Harry Blackmun voted for review. The affirmative votes of at least four Justices are necessary for review.

[6] "18+ Voters Told They May Register At Places of Residence," *Los Angeles Times*, August 28, 1971, sec. 1, p. 1. This unanimous ruling countermanded an opinion issued February 17, 1971, by Attorney General Evelle

Footnotes at end of article.

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Younger. Under that opinion, county registrars have refused to place under-21 voters on the rolls except in the district where their parents live. "To compel minors living away from home to travel to their parents polling district to register and vote, or to cast an absentee ballot, will abridge their voting rights," the court held. Since the vote has been extended to 18-year-olds, fears have been expressed by residents of some communities, particularly college and university towns, that minors being away from home could dominate California elections. The new under-21 voters tend to be more liberal, registering about 3–1 Democratic over Republican. Where they are concentrated in a community, they could pose a definite challenge to an established conservative majority.

People's Lobby successfully collected a half million signatures of registered voters to qualify the "Clean Environment Act" for the 1972 California primary ballot. Signatures are now being gathered by People's Lobby on the Santa Cruz County Coastal Protective Initiative, and will, if passed, save the coast for agriculture and recreation, declare Route 1 as scenic highway, require that any power plant must go to vote of the people, and maintain a five-year moratorium on the reconstruction of new nuclear power plants.

"Polluters Plan Huge Outlay, Banker Says," *Los Angeles Times*, June 24, 1971, sec. 2, p. 3. Fortney H. (Pete) Stark, the president of Security National Bank, said he learned from an opponent of the environment act, whom he would not identify, that corporations plan to spend much more than the $350,000 spent last year to defeat Proposition 18, the so-called "clean air amendment," which would have permitted some gasoline tax funds to be used for mass transit, rather than highways only. Stark said he also learned $2 million was already allocated to a Republican campaign firm to conduct a statewide survey of voter attitude and plan an opposition campaign.

A MAN WITHOUT A COUNTRY—BECOMES FACTUAL

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAGAN. Mr. Speaker, sad indeed is the story of Thomas Jolley who renounced his country and is now a man without a country as the result of the Supreme Court's affirmation of the Immigration Board's order that Jolley must leave the country within 90 days.

Unlike many immature American draftees and prospective draftees, Jolley went the last mile and took an oath of renunciation of the United States and signed papers to back up his action. He was sure he was through with America because he did not like the draft law. Others have deserted from military duty, evaded their draft boards, and sought sanctuary in other countries, but took no paths and signed no papers.

Jolley sneaked back into the country from Canada and for some months has been working on a newspaper in Florida. Now he has decided he likes this country and wants to stay, but it cannot be. He is through here.

Who has not shuddered over the strange tale of "A Man Without a Country" by Edward Everett Hale. Now we have a modern version that is true and every bit as forbidding as Hale's fictional "hero." What a lesson for American young people to ponder.

The following is an editorial from the Savannah Morning News of November 15, 1971, entitled, "Leaving Native Soil:"

LEAVING NATIVE SOIL

In 1863, author Edward Everett Hale wrote his famous tale of Philip Nolan, "The Man Without a Country." A pro-Union fable at the height of the Civil War, the story of Nolan—transferred from ship to ship and never allowed to see his forsaken country's flag—was written with such realism that many believed fiction to be fact.

Now, fact almost seems to be fiction.

Thomas Jolley has become a man without a country. Dodging the draft by fleeing to Canada in 1967 (he was a University of Georgia student at the time), Jolley eventually showed up before the U.S. Consul in Toronto. Stating the United States draft laws "conflict with my beliefs," Jolley then formally executed an oath of renunciation of his American citizenship.

Later, he slipped back into this country, got a job in Florida, and fought his battle against deportation through the courts. Last week, the Supreme Court affirmed the Immigration Board's order that Jolley must leave the country within 90 days. Unless a complete reversal takes place, he will.

If the decision to strip Jolley of his citizenship was an arbitrary one, many Americans would have risen in his defense. After all, the consequences not only are harsh but unusual. But Mr. Jolley's action was a voluntary one, perhaps made in the heat of war protest, but nonetheless made by him, and for him. It is not a tragedy in the sense that he was unaware of what he was doing; what is tragic is what must follow—for there is loneliness ahead, and there are "friends" who will seek only to use him for their own political purposes. In effect, a life is ruined.

In one sense, perhaps it is not fair because Jolley went through with the formality of renunciation, while others acted it out through desertion from active military service, through escape from their own respective draft boards, through violence at home directed against the government. They took no formal oath, signed no official papers, and will probably be reprimanded but forgiven when all of them decide to return.

And what makes the Jolley case especially pathetic, and eliminates any claim upon martyrdom, is that after renouncing his country he tried to become a part of her again. This, perhaps, is the tragedy of the ordeal of a real "man without a country."

EASTERN MICHIGAN UNIVERSITY

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ESCH. Mr. Speaker, earlier this month the University of Michigan was invited to represent the Big Ten at the Rose Bowl. I am now proud to announce that another football team in the Second Congressional District, Eastern Michigan University's Hurons, have been invited to the NCAA College Division's Pioneer Bowl at Wichita Falls, Tex. Finishing the season with a 7–0–2 record, the Hurons will face Louisiana Tech in the bowl game. I should like to insert in the RECORD the newspaper article announcing the bowl game:

Eastern Michigan University has accepted a bid to the NCAA's Pioneer Bowl at Wichita Falls, Texas, and reached the second of three goals set by the Hurons for the season.

At the beginning of the season our team had three main objectives, those of being undefeated, going to a bowl game and being ranked No. 1 in the final poll," said Coach Dan Boisture.

We've accomplished two of these objectives and are striving for the third, that of being the No. 1 team in the country.

The Pioneer Bowl will mark Eastern Michigan's first appearance in a postseason game, while Louisiana Tech took part in the NCAA Grantland Rice Bowl 2 years ago. I might add that despite the presence of All-American quarterback Terry Bradshaw, Louisiana Tech was thumped 34 to 14.

I would like to congratulate EMU's football team on their most successful season. I am particularly proud in that Eastern's success has now made ours the only congressional district with two bowl-bound teams.

MUST THERE BE ANOTHER PEARL HARBOR?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. SIKES. Mr. Speaker, today, December 7, marks the 30th anniversary of the attack on Pearl Harbor by the Japanese.

How quickly some of us forget the lessons learned in that tragic attack.

We were attacked 30 years ago, Mr. Speaker, because it was thought we were weak. Had it not been for the bravery of America's youth, the all-out patriotism and support of the American people, and the determination of American industry to place this Nation on a war footing, we might well have lost that war and with it, our freedom and our cherished traditions.

The determination and enthusiasm which saw us successfully through the world's greatest conflict is nowhere evidenced today. Regretfully, the great patriotic spirit which has so often guided America through periods of peril was not reawakened for the Vietnamese conflict. Failure to press for victory left the American people puzzled and uncertain. Those who opposed the war have had the stage very much to themselves. In part, as a result of this situation, there is growing emphasis for continued reductions in America's military strength. Some are seeking cuts in their zeal to strengthen America's domestic programs. Some feel that we now live in the kind of world where armed might is no longer essential for security. There also are a vocal few who denounce patriotic motivation, our country's uniform, and its flag. They would have us believe that America's military industry is dedicated primarily to fraud, deception, and profiteering.

It is unfortunately true that the sum total of these voices is pushing America toward the weakening of its military establishment to a dangerous level and to a cutback in military spending to the point that we may all too soon find ourselves with no effective weapons in our arsenal with which to defend our Nation.

In recent days raw, naked aggression has plunged a new part of the world into warfare. It is obvious that the Soviets are blocking attempts at conciliation in this conflict in order that they may control another piece of the world. This should make it clear that America's armed strength continues to be our first line of defense.

Did we not learn from the lesson of 30 years ago? Have we forgotten so soon?

Let us not forget that there also are those among us who see as the best way to achieve the goal of a United States taken over by enemies of the American system of government and the American way of life is to discredit the military, to take away our weapons, and to soften our industrial capability to manufacture the means with which to defend ourselves. This Communist-inspired and directed group will take advantage of every opportunity to confuse and confound the thinking of the American people on the vital issues of survival.

As we mark this 30th anniversary of the day President Roosevelt said would live in infamy, let us not be taken in by our enemies or misled by those who mean well but who are misguided. If ever the United States should bend to the will of those who would enslave us, we will stand convicted as having ignored the most basic lessons of history.

That, Mr. Speaker, would be a day far more infamous than the aniversary we mark today.

PROBLEMS OF THE AGING

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. GARMATZ. Mr. Speaker, the 1971 White House Conference on Aging brought some 4,000 interested individuals to Washington last week to discuss the problems of the elderly and to recommend means by which solutions to those problems may be found.

Since last August the Special Studies Subcommittee of the Committee on Government Operations has functioned as a House committee on problems of the aging. The Special Studies Subcommittee, of which I am ranking majority member, is chaired by the able and distinguished gentleman from Missouri, the Honorable WILLIAM J. RANDALL.

Mr. RANDALL and the subcommittee have had the unstinting support and encouragement of the chairman of the full committee on Government Operations, the Honorable CHET HOLIFIELD. Twenty days of exhaustive hearings have been held to date. The subcommitte has endeavored to pull together a virtual mountain of printed material that has been developed on this subject since the first White House conference was held more than 10 years ago. The major authoritative works on the various problems of peculiar application to the aged and aging have been researched.

In terms of desirability, the findings of the Special Studies Subcommittee to date have been highly consistent with the recommendations that emerged from the White House conference last week. But, when the subcommittee's recommendations are made some time next year for legislative programs to meet the needs of the Nation's senior citizens, who now comprise about 10 percent of our total population, the cooperation of many other House committees will be necessary in order to deliver new and badly needed services to the aged and aging. If that cooperation is not enthusiastically given, or if the legislative product is not commiserate with the value of our senior citizens or the urgency and legitimacy of their needs, then the efforts of the White House conference and the Special Studies Subcommittee will have been wasted.

Subcommittee Chairman RANDALL addressed one of the sessions of the White House conference on aging on Wednesday, December 1. As a part of these remarks I wish to include that address:

ADDRESS OF HON. WILLIAM J. RANDALL, CHAIRMAN, SPECIAL STUDIES SUBCOMMITTEE OF HOUSE COMMITTEE ON GOVERNMENT OPERATIONS BEFORE THE WHITE HOUSE CONFERENCE ON AGING, DECEMBER 1, 1971

The twentieth century has been an age of magnificent change. In the fields of science, technocracy and social consciousness greater progress has been made in the past 70 years than in all the years since the birth of our country. Who would have believed at the dawn of this century back in 1900 that within a few years women would not only be given the right to vote, but many would also hold high public office. Who would have believed that in the same time required in 1900 to travel from New York to Washington we would, by 1971, be able to span the continent or even cross the Atlantic Ocean.

Yet, what a shame it is—and I say it is a national shame—that in this age of change we have come to the last quarter of this most progressive century before starting to take positive action on the serious problems that confront one-tenth of the people in our country—our aging Americans.

We should not forget that those people who comprise our elderly population today helped to pay for two great wars and, yes, two so-called lesser ones. Some of that generation are not with us today because they gave their lives on the battlefields. The sons of many of our older citizens also died in the cause of our country's freedom. The senior citizens of 1971 endured the greatest economic depression in the history of our nation; they helped buy trips to the moon for our astronauts. These people have spent their lives in helping to respond to the problems of our nation. But until now the nation's response to their problems has been to talk only about "national policy." Now the time has come to implement that policy with action. And I believe that is what this White House Conference is all about.

It may be well, before proceeding further in my remarks, to tell you a little about the Special Studies Subcommittee, of which I am Chairman. We are a subcommittee of the House Committee on Government Operations. The Government Operations Committee, under the very able Chairmanship of Congressman Chet Holifield of California, has oversight responsibilities with respect to the economy and efficiency of operations of every Department and every agency of the Federal Government. The Government Operations Committee also has jurisdiction over any reorganization within the Government. So, if a new department or agency were to be created in the federal structure, including any special office or department to deal with the problems of the aging, it is most likely that the Government Operations Committee would handle the reorganization legislation.

Early in the 92nd Congress I enthusiastically co-sponsored legislation to create a Select Committee in the House of Representatives to study problems of the aging. But there are already 176 Committees and Subcommittees, repeating 176, on the House side of the Capitol. The space situation is so critical that we now have legislative subcommittees housed in storage rooms, in the basement garage and, in at least one case, a Committee has no office at all.

I doubt if there is a Member of either House of Congress who is not sensitive to the plight or our senior citizens; I doubt if there is a vote in either House against creating a Special Committee to consider this plight, if there were no other way to focus upon it. The House leadership, certainly, is aware of the need for action at the earliest possible time. That is why, instead of waiting perhaps years, one, two, three or more years, until more space becomes available, the House leadership asked the Special Studies Subcommittee to function as a Committee on the aged. It seemed like a practical or logical solution, particularly for this year. We already had a staff and office facilities and assigned hearing rooms. And, I hope you recall that I mentioned a moment ago that the Government Operations Committee, parent group of the Special Studies Subcommittee, has oversight jurisdiction in the case of all federal government departments and agencies. That, of course, includes the dozen or so offices charged with administering different programs for the aged, and including those which might or could become responsible for any new programs that will be proposed and enacted.

Since September 15, the Special Studies Subcommittee has held 20 days of hearings on problems of the aging. 17 of these hearings were in Washington; two in Chicago and one was in Baltimore.

Our staff has isolated nearly 50 separate problem areas of special application to the aged. These closely parallel the enumerations which you have made under the 14 sections of study associated with this White House Conference on Aging. Our hearings have already touched upon several of these. Before we finish our study and file our legislative recommendations sometime next year, we will have had expert testimony on every one of these subjects. The Subcommittee and its staff will have inspected as many of the various kinds of facilities across the United States as we need to see in order to have a comprehensive view of all the problems confronting the aged. Before the end of 1972 we will have researched every major authoritative work on various aspects of being old and growing old. I think you may agree this is a major project. I can report it is being undertaken by a group of hard-working committee colleagues who have shown they are willing to find and give as much time to the task as it may require.

As our hearings of problems of the aging progress, I realize more and more that determining *how* to meet the needs of our senior citizens is a greater challenge to the subcommittee than simply learning what those needs are. The White House Conference on the Aging which was held ten years ago, in 1961, clearly identified the needs. I, along with three other members of the Special Studies Subcommittee was in Congress when that Conference was held. We were aware of the recommendations that came out of the 1961 Conference. The importance and correctness of those recommendations have been

more indelibly impressed upon each of us with the passing of time. We supported passage of the Older Americans Act, the creation of the Administration on Aging, and the Medicare-Medicaid legislation which had their genesis at least in part—in the 1961 White House Conference. Each of us have voted for adequate funding for activities under those acts.

But *more* needs to be done. *Much more.*

In many cases—indeed, in most cases, the States and local communities have moved more quickly and more positively than has the Federal Government, to answer the pleas of the aged for special consideration of their special needs. But I feel it necessary to digress for just a moment to call attention to one glaring failure on the parts of the States and local governments. I refer, of course, to the matter of safety standards and inspection practices as they apply to nursing homes and other facilities for caring for the disabled and homeless aged.

I completely disassociate myself from those who seem willing to issue a blanket indictment against all nursing homes as an evil institution.

The members and the staff of the subcommittee have inspected many nursing homes. We have seen some very good ones. True, and unfortunately, we have also seen some bad ones. I dislike saying it, but in most, if not all the cases of substandard conditions and deficiencies of service we have observed, studied or investigated, blame was traceable to varying degrees of inadequacies on the parts of local units of government in their setting of standards and supervisory practices. In many cases we have observed diverse and divergent regulations on the parts of city, county, and State governing bodies within the same general area. Where Federal funds are involved, as with medicare patients, or in construction loans, then Federal standards and requirements may encourage more orderly regulation at the local level. But many nursing homes and other health care facilities for the aged are not recipients of Federal funds and are, therefore, outside the reach of Federal regulatory bodies.

This was the case with the Pennsylvania nursing home in which the most recent tragic fire occurred. This home was in fastidious conformity with all State and local regulations respecting construction, fire prevention requirements and number of attendants on duty per patient. Yet, 15 elderly lives were lost in a few tragic minutes because in all respects these regulations were not sufficient to keep a wooden building with no fire or smoke warning devices or sprinkler systems from quickly going up in flames.

But let us talk about the positive.

The most frequent recommendation by witnesses before the Special Studies Subcommittee has been that better protection be afforded retired persons' incomes. This protection could take many forms, one of which is the opportunity to earn additional money within the limits prescribed for recipients of social security benefits. A variety of self-help programs have been devised by voluntary groups in some communities through which elderly persons are afforded the opportunity to render needed, worthwhile services on a part-time basis. We need more of these programs. But two things are needed from the Federal Government. One, there must be a more realistic limit placed upon outside earnings before reductions are made in social security payments. I have long recognized this need and have introduced legislation to raise these limits. Modest increases were made in social security amendments which passed the House in 1970, but failed to become law, and again in H.R. 1, which passed the House last May. I am hopeful the other legislative body on the north side of the Capitol will act on this bill in timely fashion during this session of Congress.

Another thing the Congress can do now is to provide more liberal funding of the Older Americans Act to permit an expansion of existing activities, such as green thumb and foster grandparents programs.

Another income protection device that has been extended to the elderly by State and local governments has been in different kinds of concessions made on real estate and other taxes due at those levels. I strongly believe those efforts should be matched by the Federal Government in the form of more realistic tax treatment of the incomes of the elderly.

Health care is second in frequency of requests our subcommittee hears as necessary to meet the needs of the elderly. Here again, there are many avenues of relief. My limited time will permit identification of only the most recent case of local effort I have observed along this line. In a visit to McNeal Memorial Hospital in a Chicago suburb last week the Administrator told us what they are doing. This hospital is freeing beds for other patients needing geriatric care by early releases of those patients who have homes and can live in them if only they can have a minimum amount of care. That hospital is preparing meals for patients released under this plan. Meals are delivered to patients by Church and other volunteer groups, which also provide certain homemaking services. This one plan operated by a single hospital is of course just a little thing, or a small beginning. But, when and if multiplied by the community and individual efforts in hundreds of cities in all of our States, then thousands of aged persons with limited abilities to care for themselves would be enabled to stay in their own homes where I believe they prefer to be. And for each of these individuals freed from hospital or other institutional care, space is made available for someone else who is even less able to care for himself. Of course, we need better institutions for the care of the elderly. But I am satisfied that the populations of these institutions could be reduced by 12% to 15% or more if voluntary programs of home care could be expanded to meet the food requirements, minor therapeutic and medicinal needs of some of our older citizens.

Statistically speaking, housing seems to be the third most important problem brought before our subcommittee by the elderly. Unfortunately, our crowded agenda has not yet permitted any on-site inspections of housing constructed under provisions of the Federal Housing Act addressed specifically to the needs of senior citizens. But we have had testimony to describe the efforts of private local groups which have taken leadership in constructing housing facilities designed to meet the special needs of our older citizens. We have seen plans for additional facilities of this type. Our studies so far indicate that, in view of limited financing available for this kind of construction from federal sources and the seemingly endless maze of red tape that must be sliced through in dealing with federal agencies, local efforts in this area are of yeoman proportions. It seems clear that some of the complexities of dealing with the federal government must be eliminated—not *only* in the matter of specialized housing, but in *all* aspects of government services.

My final point to be made in this brief summary of our subcommittee's study of problems of the aging to date really encompasses a vital element that threads its way through all the categories of needs felt by the elderly: human dignity. The dignity of remaining a *useful* member of the community even though the calendar may indicate the age of usefulness is past. The dignity of collecting for the services the elderly have already paid for by a lifetime of contributions to their national and local communities without having these collections branded as "welfare," as seems to be the tendency by lumping together or making into one package badly needed and long overdue social security reforms with measures heavily directed to, and called, "welfare reform." The dignity of being able to board a public transportation conveyance without the athletic exertion that can be expected of the much younger generation for whom these buses, trains and planes seem to have been designed. The dignity of being able to apply for and get employment—or to be able to keep a job on the basis of ability to perform, rather than being rejected solely and only on the basis of the date of birth.

The dignity of having all these needs and the special health, dietary and other personal and spiritual requirements met, without enduring the impatience and intolerance of those who cannot or prefer not to understand that all of these are the needs of those citizens who have supported this nation for three score or more years.

I realize that in the time allotted to me today it was possible to discuss only the broadest generalities. The two major points which I *tried* to make—I will attempt to summarize as follows:

1. State Agencies and voluntary groups at the local level have done and are doing a commendable job in delivering to the aged the benefits intended by the various laws Congress has passed for making the golden years more pleasant and more secure. These financially hard-pressed state and local governments, when taken in relation to their ability to perform, are doing a better job than the Federal Government in providing benefits for their elderly citizens.

2. The pipelines through which Federal programs are delivered to the states must be cleared of the obstructions created by ambiguity and unnecessary complexities. To avoid red tape or to cut through it, there should be a high-level office for the aging—*not* in HEW or HUD or DOT or elsewhere—but in the Executive Office of the President.

Perhaps a 3rd point should be made, and this one is directed toward my own branch of government, the United States Congress. The programs that have already been authorized for the elderly, the ones now on the books, should be backed by sufficient appropriations to make their benefits more universally available. I believe it is better to make self-help opportunities more generally available to all classes of needy citizens, and especially the elderly needy, than it is to provide alternative methods of caring for those who cannot care for themselves.

In meeting the needs stressed in this third point, Members of Congress, themselves, may have to relax some of their long and tightly held jealousies of prerogatives. Whether there is ever established a special or select committee in the House of Representatives to deal with problems of the aging or not, there will remain some stumbling blocks both in the House as well as in the Senate. In my judgment, it would be a parliamentary impossibility, touched by Constitutional overtones, to create a legislative committee on problems of the aging. Therefore, recommendations for legislation coming from any select or special committee studying problems of the aging would have to be considered by the legislative committee having jurisdiction over the specific recommendation. On the Senate side, this jurisdictional authority is spread among thirteen of the seventeen standing committees. On the House side, fourteen of the twenty-one standing committees have jurisdiction to consider various proposals to benefit the aging.

It is my devout hope that when recommendations are made in the House or the Senate by any committee working and dedicated to ease the process of growing old or being old, the appropriate jurisdictional committee will receive and consider these recommendations without prejudice and without regard to the fact that they originated in another committee.

Changing America's attitude toward our aged citizens and meeting the needs of these very special people require a partnership that includes the good will and the sincere efforts of every branch of this government and the cooperation of state, local and voluntary groups. With such a team, we can meet the challenge to overcome all the past years of neglect of our aged. We can no longer afford to waste the valuable contributions older Americans can continue to make to our society. Existing programs must be funded and new programs created under which future generations of our elderly citizens will be treated with compassion and appreciation.

HARRY HOMEWOOD COMMENTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. DERWINSKI. Mr. Speaker, at the United Nations and all of the capitals of the world there is considerable speculation over political developments in Red China. One of the more thoughtful analyses of the situation that I have seen is by veteran news analyst Harry Homewood in the following article which appeared in the Suburbanite Economist on Sunday, November 28.

The article follows:

HARRY HOMEWOOD COMMENTS—NEWS ANALYST FOR WAIT RADIO

The mystery of Red China's political upheaval continues to stir speculation. Diplomatic sources in London which are reputed to have excellent sources within Red China have reported that President Nixon's visit to Peking will not take place until sometime in April, not sooner, as had previously been indicated.

The London sources say the reason for the delay is that Red China needs time to "prepare politically" for the visit of the American President. The phrase "prepare politically" is interpreted to mean that further purges are needed within the Red Chinese Communist party because there are still elements within the party that object violently to the visit of President Nixon and to any traffic with the United States.

There is no longer any doubt in world capitals that there has been a major upheaval within the ranks of the Chinese Communist party. The most credible theories revolve around the supposition that Lin Piao, the chosen successor to Mao Tse-tung and the chief of the Red Chinese Army, attempted a coup to displace Mao. The coup failed and Lin Piao, his wife and other conspirators attempted to flee Red China in an aircraft that was shot down over Mongolia on Sept. 12 or 13.

No one knows who shot the aircraft down. All that is known is that it was shot down. Nor has there been any confirmation of widespread reports that all nine passengers on the plane had been shot in the head. Mongolia, where the plane crashed, is under the protection of the Soviet Union.

What is known is that Lin Piao has not been seen in public since Sept. 8. Four other ranking officials, the chief of staff of the army, the political commissar of the navy, the head of the air force and the head of the army's supply services have also dropped out of public view since that same date, Sept. 8. It is known, also, that an issue of Mao Tse-tung's Little Red Book of his thoughts, which contained a forward by Lin Piao has been recalled and taken out of circulation. Nor has Lin or any of the other four officials been mentioned in Red Chinese newspapers, magazines or radio broadcasts.

All of this apparently adds up to a massive political upheaval within Red China's ruling hierarchy with Lin Piao and others leading the ultra-conservatives against Premier Chou En-lai, a known moderate.

The odds are that Lin has lost. But Lin controlled the army and the theory (and practice) in Red China has always been that control over the army is essential to control of the nation. It was Lin Piao who coined the phrase, "Power grows out of the barrel of a gun."

The diplomatic reports that indicate Red China needs more time to politically prepare for President Nixon's visit are taken to mean that Mao and Chou En-lai have not as yet whipped all the elements of the army into line and need a little more time to do so.

There is a significance to these developments. If the moderates in Red China are firmly in the saddle it is an indication that the time when Red China will reunite ideologically with the Soviet Union may not be as far off as everyone had surmised.

MODEL STATE ACT FOR THE TREATMENT AND REHABILITATION OF NARCOTIC ADDICTS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. FREY. Mr. Speaker, recently I had the opportunity to address the National Society of State Legislators Conference in Philadelphia. I presented to them a model State statute for a comprehensive approach to the drug problem facing us today. Following is a copy of my remarks on this subject:

MODEL STATE ACT FOR THE TREATMENT AND REHABILITATION OF NARCOTIC ADDICTS

DECLARATION OF POLICY

It is the intent of the Legislature that persons charged with or convicted of violating state criminal laws (with certain enumerated exceptions) or persons not charged with a criminal offense, who are determined to be addicted to narcotic drugs and who require medical treatment should be civilly committed for confinement and treatment for such condition and its underlying causes. Such treatment shall be carried out for nonpunitive purposes not only for the protection of the addict against himself, but also for the prevention of contamination of others and the protection of the public.

It is further policy of the Legislature that individualized, community-based treatment taking into account the degree of addiction, age of the addict, and behavior and criminal record of the addict, will be provided to those committed under this program so that they may be treated and rehabilitated in the shortest possible period of time and once again become functioning members of society. Such treatment will include assistance in developing job skills, securing employment, and finding suitable housing.

Title I: Civil commitment of persons charged with or convicted of a crime

Section 101. *Definitions:*

For the purposes of this title—

(a) "Addict" means any individual who habitually uses any narcotic drug as defined by section 102(16) of the Controlled Substances Act so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such narcotic drug as to have lost the power of self-control with reference to his addiction.

(b) "Treatment" includes confinement and treatment in an institution and/or supervised after care or out patient treatment in the community and includes, but is not limited to, medical, educational, social, psychological, vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction.

(c) "Felony" includes any offense in violation of a law of the State which at the time of the offense was classified as a felony by the law of the State.

(d) "Conviction" and "convicted" mean the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but do not include a final judgment which has been expunged by pardon, reversed, set aside or otherwise rendered nugatory.

(e) "Eligible individual" means any individual who is charged with an offense against the State, but does not include those determined unsuitable due to one or more of the following factors—

(1) Previous convictions of murder, assault with intent to commit murder, attempt to commit murder, kidnapping, arson, robbery, burglary in the 1st degree, mayhem, felonies involving bodily harm or attempt to inflict bodily harm or offense for which the minimum term is more than 5 years in state prison.

(2) Excessive Criminality. Persons whose histories include criminality of any nature which is evaluated as chronic and/or extensive are considered unsuitable for the civil addict program.

(3) Sale of Narcotics, Dangerous Drugs or Marijuana. Persons who are involved in a large-scale trafficking operation, or persons who are found to be trafficking or in possession of narcotics, marijuana, or dangerous drugs beyond that which might be reasonably necessary to support their own need for narcotics.

(4) Assaultive Behavior. Persons with a history of assaults, battery and other offenses against the person, including—a) those with a pattern of aggressive and assaultive behavior. This pattern may be developed either by acts committed over several years with periods of nonviolent adjustment in between or it may demonstrate itself in a series of acts preceding the instant arrest; b) those who have a pattern of aggression which precedes their narcotic addiction and continues after their addiction; c) those for whom it is adjudged that long-term institutionalization is indicated because of the seriousness of their behavior. Single acts of aggression may warrant exclusion when the act was of such nature that it demonstrates aggression which was aggravated or vicious, or when the individual was involved in using dangerous or deadly weapons in the commission of the instant or prior offenses.

(5) Other Relevant Reasons: a) Extreme Recalcitrance: Case history shows subject can reasonably be classified as an escape risk or is recalcitrant to the extent that he unduly threatens the good order and the security of the minimum security facilities of the civil addict program; b) Other Medical or Psychiatric Disorders: Those who, while they may be addicted to narcotics, have major behavior or medical disorders distinguishable from narcotics addiction, and which would need treatment (in addition to treatment for addiction) which the civil addict program is not able to provide, including—I. Sex deviates—case history or diagnosis shows person to be a sex deviate who needs treatment for this pathology in order that he may be controlled and that he becomes less of a threat or menace to society; II. Chronic psychotics—persons who would require treatment of their psychosis before the addiction problem could be approached. III. Serious medical disorders—A. Persons with such serious medical

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problems that treatment for their narcotic addiction is secondary and B. Persons whose medical problems are severe and may be deemed irreversible.

(f) "Patient" means any individual with respect to whom a petition has been filed by the district attorney (or his equivalent) as provided in section 105 of this title.

Section 102:

(a) If the district attorney (or his equivalent) or judge has reason to believe that an individual charged with or convicted of a criminal offense against the State is an addict, then the district attorney (or his equivalent) or judge will request the State Narcotic Treatment Commission (SNTC hereafter) to determine if there is reasonable cause to believe such. If the SNTC determines that there is reasonable cause, the district attorney (or his equivalent) will file a petition with the court to have such person examined to determine if he is, in fact, addicted.

(b) Upon the filing of any such petition by a district attorney, the court may order the individual to appear before it for an examination as provided in subsection (d) of this section. The court shall cause a copy of such petition and order to be personally served upon the defendant.

(c) The court shall advise the individual to be examined of his right to have his own physician present for consultation during any examination conducted under this section, but in no event shall such physician be entitled to participate in any such examination or in the making of the report required under this section with respect to such examination.

(d) The court shall then appoint 2 qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination the court may order the individual committed for a period not to exceed 72 hours to the custody of the chairman of the SNTC for confinement in a suitable hospital or other facility designated by the chairman of the SNTC Center. Each physician appointed by the court shall, within such 72 hour period, examine the individual and at the end of the examination file with the court a written report with respect to such examination. The examination shall consist of a physical examination and a psychiatric examination, except the psychiatric examination shall not be administered, and the individual shall be immediately returned to the court for such further proceedings as it may direct, if the physical examination indicates that the individual is not a narcotic addict. Each such report shall include a statement of the examining physician's conclusions as to whether the individual examined is a narcotic addict and requires medical treatment. Upon the filing of such reports, the individual so examined shall be returned to the court for the completion of the criminal proceedings. Copies of such reports shall be made available to the individual and the district attorney (or his equivalent).

Section 103:

(a) If both examining physicians (referred to in section 102 (e)) conclude in their respective written reports that the individual is not a narcotic addict, or is an addict not requiring medical treatment, the court shall immediately enter an order discharging the individual and the pending criminal proceeding shall be immediately resumed. If the written report of either such physician indicates that the individual is a narcotic addict who requires medical treatment, or that the physican submitting the report is unable to reach any conclusion by reason of the refusal of the individual to submit to a thorough examination, the court shall promptly set the case for completion of the criminal proceedings.

Section 104:

(a) Any individual who has been examined and found to be a narcotic addict in need of medical treatment under this title may be detained by the court for a reasonable period of time in a suitable hospital or other facility designated by the State Rehabilitation Center until after the criminal proceeding has been concluded, and such hospital or facility may administer to the patient such interim medical treatment as is necessary.

(b) An individual committed for examination shall not be released on bail or on his own recognizance.

Section 105:

At the completion of the criminal proceedings, an individual who was found innocent of the criminal charge and who was examined and determined to be an addict in need of medical treatment may, after being advised of the consequences of such commitment under section 303 of this Act, petition to be committed under Title III of this Act. If, however, he does not volunteer for treatment, the district attorney (or his equivalent) may petition for his commitment under Title II of this Act.

Section 106:

(a) At the completion of the criminal proceedings, an individual who was found guilty of the criminal charge and who was examined and determined to be an addict in need of medical treatment will be advised by the court that if, after hearing as provided in this title, he is found to be a narcotic addict who requires medical treatment and an "eligible individual" as defined in section 101(e), and desires to be committed for treatment—

(1) he may be civilly committed to the SNTC for treatment;

(2) he may not voluntarily withdraw from such treatment;

(3) the treatment will last for an indeterminate period of time not to exceed 5 years but in no event shall it exceed the sentence which would otherwise have been imposed.

(4) during treatment, he may be confined in an institution;

(5) the imposition or execution of the sentence will be stayed, pending the successful completion of treatment;

(b) The court shall also advise the individual appearing before it pursuant to subsection (a) of this section of his right to have counsel at every stage of the civil judicial proceedings under this title and, if he is unable because of financial reasons to obtain counsel, the court will, at the patient's request, assign counsel to represent him.

Section 107:

If the individual referred to in section 106 desires to be committed for treatment and if the SNTC certifies that appropriate facilities and trained personnel are available for the treatment of the person and that such person is an "eligible individual" as defined in section 101(e), the district attorney (or his equivalent) will petition for his commitment. After such petition has been filed, the individual will be transferred to the court of competent jurisdiction (referred to in section 501) located at the State Hospital or facility designated by the SNTC.

(a) The court of competent jurisdiction (referred to in section 501) will promptly set the case for civil hearing to review the report of the examination conducted by the SNTC and other information coming to its attention to determine if the patient is an addict and if he is an "eligible individual" as defined in section 101(e) of this title. The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by him within fifteen days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged narcotic addiction determined by a jury. If no timely demand for a jury trial is made, the court, in conducting such hearing shall determine all issues of fact without a jury.

(b) In conducting any civil hearings under this title, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in section 102. Any patient with respect to whom such hearing is held shall be entitled to testify and to present and cross-examine witnesses.

Section 107:

Whenever an individual is committed to the custody of the SNTC for treatment under this chapter the sentence shall be continued without final disposition and shall be dismissed if the SNTC certifies to the court that the individual has successfully completed the treatment program. On receipt of such certification, the court shall discharge the individual from custody and waive the sentence. If prior to such certification the SNTC determines that the individual cannot be further treated as a medical problem, he shall advise the court. The court shall thereupon terminate the commitment and the patient shall be returned to the court for execution of the sentence.

Section 108:

An individual committed for treatment shall not be released on bail or on his own recognizance.

Section 109:

Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment, or whoever rescues or attempts to rescue or instigates, aids or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding 7 years. This section does not apply to unauthorized absence from a halfway house or other outpatient facility or program.

Section 110:

The total period of treatment for any individual committed to the custody of the SNTC under this title shall not exceed 5 years, but in no event shall it exceed the maximum sentence that could otherwise have been imposed. If, at the expiration of such maximum period, the SNTC is unable to certify that the individual has successfully completed his treatment program, the pending criminal proceeding shall be resumed.

Section 111:

An individual committed under this title may not be conditionally released until he has been treated for 6 months following such commitment in the State Treatment and Rehabilitation Center established by the SNTC and the Department of Corrections under section 402 of this Act.

Section 112:

Nothing in this title shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous treatments.

Section 113:

Whenever a pending criminal proceeding against an individual is resumed under this title, he shall receive full credit toward the service of any sentence which may be imposed for any time spent in the institutional custody of the SNTC or any other time spent in institutional custody in connection with the matter for which sentence is imposed.

Section 114:

The determination of narcotic addiction and the subsequent civil commitment under this chapter shall not be deemed a criminal conviction. The results of any tests or procedures conducted by the director of the State Rehabilitation Center or the supervisory aftercare authority to determine narcotic addiction may only be used in a further proceeding under this chapter. They shall not be used against the examined individual in any criminal proceeding except that the fact that he is a narcotic addict may be elicited on his cross-examination as bearing on his credibility as a witness.

Title II: Involuntary civil commitment of persons not charged or convicted of any criminal offense

Section 201. *Definitions:*

For the purpose of this title—

(a) "Addict" means any individual who habitually uses any narcotic drug as defined by section 102(16) of the Controlled Substances Act, so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such narcotic drugs as to have lost the power of self-control with reference to his addiction.

(b) "Treatment" includes confinement and treatment in an institution and/or supervised aftercare or outpatient treatment in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction.

(c) "Related individual" means any person with whom the alleged narcotic addict may reside or at whose house he may be, or the husband or wife, father or mother, brother or sister, or the child or the nearest available relative of the alleged narcotic addict.

(d) "Patient" means any individual with respect to whom a petition has been filed by a district attorney (or his equivalent) as provided for in section 202 of this title.

(e) "Eligible individual" means any individual who volunteers for treatment himself or who is volunteered by another, but does not include those determined unsuitable due to one or more of the following factors—

(1) Previous convictions of murder, assault with intent to commit murder, attempt to commit murder, kidnapping, arson, robbery, burglary in the 1st degree, mayhem, felonies involving bodily harm or attempt to inflict bodily harm or offense for which the minimum term is more than 5 years in state prison.

(2) Excessive Criminality. Persons whose histories include criminality of any nature which is evaluated as chronic and/or extensive are considered unsuitable for the civil addict program.

(3) Sales of Narcotics, Dangerous Drugs of Marijuana. Persons who are involved in a large-scale trafficking operation, or persons who are found to be trafficking or in possession of narcotics, marijuana, or dangerous drugs beyond that which might be reasonably necessary to support their own need for narcotics.

(4) Assaultive Behavior. Persons with a history of assaults, battery and other offenses against the person, including—a) those with a pattern of aggressive and assaultive behavior. This pattern may be developed either by acts committed over several years with periods of nonviolent adjustment in between or it may demonstrate itself in a series of acts preceding the instant arrest; b) those who have a pattern of aggression which precedes their narcotic addiction and continues after their addiction; c) those for whom it is adjudged that long-term institutionalization is indicated because of the seriousness of their behavior. Single acts of aggression may warrant exclusion when the act was of such nature that it demonstrates aggression which was aggravated or vicious, or when the individual was involved in using dangerous or deadly weapons in the commission of the instant or prior offenses.

(5) Other Relevant Reasons: a) Extreme Recalcitrance: Case history shows. subject can reasonably be classified as an escape risk or is recalcitrant to the extent that he unduly threatens the good order and the security of the minimum security facilities of the civil addict program; b) Other Medical or Psychiatric Disorders: Those who, while they may be addicted to narcotics, have major behavior or medical disorders distinguishable from narcotics addiction, and which would need treatment (in addition to treatment for addiction) which the civil addict program is not able to provide, including—I. Sex deviates—case history or diagnosis shows person to be a sex deviate who needs treatment for this pathology in order that he may be controlled and that he becomes less of a threat or menace to society; II. Chronic psychotics—persons who would require treatment for their psychosis before the addiction problem could be approached. III. Serious medical disorders—A. Persons with such serious medical problems that treatment for their narcotic addiction is secondary and B. Persons whose medical problems are severe and may be deemed irreversible.

Section 202: Except as otherwise provided in section 212 of this title, whenever a related individual, or any law enforcement officer or health official has reason to believe that any person is a narcotic addict, such related individual law enforcement officer, or health official may file a petition with the SNTC requesting that such person be admitted to the SNTC for treatment of his addiction. Any such petition filed by a related individual, law enforcement officer, or health official with respect to a person believed by such related individual, law enforcement officer, or health official to be a narcotic addict shall set forth the name and address of the alleged narcotic addict and the facts or other data on which the petitioner bases his belief that the person with respect to whom the petition is filed is a narcotic addict.

Section 203:

(a) The SNTC will after receiving the request for treatment and rehabilitation of a suspected addict under section 202 of this title shall, if it is determined that there is reasonable cause to believe that the individual is a narcotic addict, that appropriate facilities and trained personnel are available for the treatment of the person, and that the person is an "eligible individual" as defined in section 201(e), advise the district attorney or his equivalent, to file a petition with the court of competent jurisdiction (referred to in section 501) to commit such individual to the SNTC for treatment.

(b) Upon the filing of any such petition by a district attorney or his equivalent, the court may order the individual to appear before it for an examination by physicians as provided under section 204 of this title and for a hearing, if required, under section 205 of this title. The court shall cause a copy of such petition and order to be served personally upon the patient.

Section 204:

The court shall immediately advise any patient appearing before it pursuant to an order issued under subsection (b) of section 203 of his right to have (1) counsel at every stage of the judicial proceedings under this title and that, if he is unable because of financial reasons to obtain counsel the court will, at the patient's request, assign counsel to represent him; and (2) present for consultation during any examination conducted under this section, a qualified physician retained by such patient, but in no event shall such physician be entitled to participate in any such examination or in the making of any report required under this section with respect to such examination. The court shall also advise such patient that if, after an examination and hearing as provided in this title, he is found to be a narcotic addict who requires medical treatment, he will be civilly committed to the SNTC for treatment; that he may not voluntarily withdraw from such treatment; that the treatment (including post-hospitalization treatment and supervision) may last 36 months; that he may be confined in an institution for up to, but not exceeding, 6 months for treatment or, in the alternative, he may be placed in an outpatient program established by the SNTC for treatment and supervision; that if he is confined in an inpatient facility he will, following his release, be placed under the care and custody of the SNTC for treatment and supervision under a posthospitalization program established by the SNTC; and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the SNTC to have relapsed to the use of narcotic drugs, he may be recommitted for additional confinement in an inpatient facility followed by additional posthospitalization treatment and supervision. After so advising the patient, the court shall appoint two qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the court may order the patient committed for such reasonable period of time as it shall determine, not to exceed 72 hours. The examination shall consist of a physical examination and a psychiatric examination except the psychiatric examination shall not be administered, and the patient shall be immediately returned to the court for such further proceedings as it may direct, if the physical examination indicates that the patient is not a narcotic addict. Each physician appointed by the court shall, within such period so determined by the court, examine the patient and file with the court, a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a narcotic addict and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the court for such further proceedings as it may direct under this title. Copies of such reports shall be made available to the patient and his counsel.

Section 205:

(a) If both examining physicians (referred to in section 204) conclude in their respective written reports that the patient is not a narcotic addict, or is not an addict who requires medical treatment, the court shall immediately enter an order discharging the patient and dismissing the proceedings under this title. If the written report of either such physician indicates that the patient is a narcotic addict who requires medical treatment, or that the physician submitting the report is unable to reach any conclusion by reason of the refusal of the patient to submit to a thorough examination, the court shall promptly set the case for hearing. The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by him within fifteen days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged narcotic addiction determined by a jury. If no timely demand for a jury is made, the court, in conducting such hearing, shall determine all issues of fact without a jury.

(b) In conducting any hearing under this title, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in section 204. Any patient with respect to whom a hearing is held under this title shall be entitled to testify and to present and cross-examine witnesses.

(c) Any patient with respect to whom a hearing has been set under this title may be detained by the court for a reasonable period of time not to exceed 30 days in a suitable hospital or other facility designated by the director of the State Rehabilitation Center until after such hearing has been concluded.

Section 206:

If the court determines after a hearing that such patient is a narcotic addict who requires medical treatment, the court shall

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order him committed to the care and custody of the SNTC for treatment in an inpatient facility or outpatient program to be established by the SNTC. The SNTC shall submit to the court written reports with respect to such patient at such times as the court may direct. Such reports shall include information as to the health and general condition of the patient, together with the recommendations of the SNTC concerning the continued confinement of such patient.

Section 207:

Any patient committed to the care and custody of the diretcor of the SNTC pursuant to section 206 of this title shall either be committed for a period up to six months in an inpatient facility subject to such posthospitalization program as may be established pursuant to section 208 of this title, or in the alternative, he may be placed in an outpatient program established by the SNTC for treatment and supervision. After the director of the SNTC certifies that the individual has recovered from addiction to the extent that release on an outpatient status is warranted, the Narcotic Addict Evaluation authority (see section 404) in its discretion may conditionally release the individual under supervision.

Section 208:

If, at any time during such three year period, any patient (1) fails or refuses to comply with the directions and orders of the SNTC in connection with such patient's posthospitalization treatment and supervision, or (2) is determined by the SNTC to be again using narcotic drugs, the SNTC may order such patient's immediate return to the committing court which may recommit such patient to the SNTC for additional treatment for a period of not to exceed six months, and may require such patient thereafter to submit to a posthospitalization program.

Section 209:

Nothing in this title shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

Section 210:

Any determination by the court pursuant to this title that a patient is a narcotic addict shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test or procedure to determine narcotic addiction of any patient under this title shall not be used against such patient in any criminal proceeding.

Section 211:

Any physician conducting an examination under this title shall be a competent and compellable witness at any hearing or other proceeding conducted pursuant to this title and the physician-patient privileges shall not be applicable.

Section 212:

The provisions of this title shall not be applicable with respect to any person against whom there is pending a criminal charge—whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release has not been fully served, except that such provision shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

Section 213:

Notwithstanding any other provisions of this title, no patient shall be examined pursuant to section 204 of this title unless the SNTC certifies that adequate facilities or personnel for treatment of such patient are available.

Section 214:

Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment under this title, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding 7 years. This section does not apply to unauthorized absence from a halfway house or other outpatient facility or program.

Section 215:

Any person who knowingly makes any false statement to the district attorney or his equivalent in any petition under section 202(b) of this title shall be guilty of a misdemeanor.

Title III. Treatment for noncriminal addicts who volunteer for treatment

Section 301. *Definition:*

(a) Addict.

(b) Treatment.

(c) Patient—any individual who has voluntarily petitioned for commitment under section 302 of this Title.

(d) Eligible individual.

Section 302:

Whenever any narcotic addict desires to obtain treatment for his addiction, such addict may file a petition with the Director of a community based multi-modality treatment program established pursuant to section 402(c) of this Act, requesting that he be examined and admitted for treatment for his addiction. Any such petition filed by a narcotic addict shall set forth his name and address and the facts relating to his addiction. Any person 13 years of age or older has the capacity to consent to such examination and treatment for any drug addiction or dependency.

Section 303. The Director of the community-based multi-modality treatment program will after receiving the request for treatment and rehabilitation of a suspected addict under section 302 advise the patient that if, after an examination as provided in section 304, he is found to be an "eligible" narcotic addict who requires medical treatment, he will be committed to the SNTC for treatment, that he may not voluntarily withdraw from such treatment; that the treatment (including post-hospitalization treatment and supervision) may last 24 months, that he may be confined in an institution for up to, but not exceeding, 6 months for treatment or, in the alternative, he may be placed in an outpatient program established by the SNTC for treatment and supervision; that if he is confined in an inpatient facility he will, following his release, be placed under the care and custody of the SNTC for treatment and supervision under a posthospitalization program established by the SNTC; and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the SNTC to have relapsed to the use of narcotic drugs, he may be recommitted for additional confinement in an inpatient facility followed by additional posthospitalization treatment and supervision.

Section 304:

After being so advised, if the patient knowingly and voluntarily agrees to be committed for treatment, the Director shall appoint two qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the Director may order the patient committed for such reasonable period of time as it shall determine but not to exceed 10 days. The examination shall consist of a physical examination and a psychiatric examination, except the psychiatric examination shall not be administered, and the patient shall be released, if the physical examination indicates that the patient is not a narcotic addict. Each physician appointed by the Director shall, within such period so determined by the Director, examine the patient and file with the Director a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a narcotic addict and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the Director for such further proceedings as he may direct under this title. Copies of such reports shall be made available to the patient.

Section 305:

(a) If both examining physicians (referred to in section 204) conclude in their respective written reports that the patient is not a narcotic addict, or is not an addict who requires medical treatment, the Director shall immediately enter an order discharging the patient. If the written report of either such physician indicates that the patient is a narcotic addict who requires medical treatment, and the Director determines that the patient is an "eligible individual," the Director shall commit him either to an inpatient program not to exceed 6 months, or to an outpatient program in the community for individualized treatment and supervision. After the Director certifies that the individual has recovered from addiction to the extent that release on an outpatient status is warranted, the Narcotic Addict Evaluation Authority (see section 404) in its discretion may conditionally release the individual under supervision.

Section 306:

If, at any time during such three year period, any patient (1) fails or refuses to comply with the directions and orders of the Director in connection with such patient's posthospitalization treatment and supervision, or (2) is determined by the Director to be again using narcotic drugs, the Director may order such patient's immediate return for additional in-patient treatment for a period of not to exceed six months, and may require such patient thereafter to submit to a posthospitalization program.

Section 307:

The provisions of this title shall not be applicable with respect to any person against whom there is pending a criminal charge—whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release has not been fully served, except that such provision shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

Section 308:

The patient may any time after being committed petition for release from the treatment facility and/or program if—

(a) the patient did not knowingly and voluntarily agree to such commitment;

(b) the patient can prove that he is not receiving any medical benefit from such confinement; or

(c) the patient ceases to be an addict.

Section 309:

Any determination pursuant to this title that a patient is a narcotic addict shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test or procedure to determine narcotic addiction of any patient under this title shall not be used against such patient in any criminal proceeding.

Title IV. State narcotic treatment commission

Section 401:

There is hereby established a state narcotic treatment commission either as a separate agency or within an existing agency. Such commission shall consist of five members, who shall be appointed by the governor, by and with the advice and consent of the senate. Insofar as practicable, the members of the commission shall possess broad knowledge and experience in medicine, psychology, social work, sociology, education or law. The term of office of each such member shall be for five years; provided that the members first appointed shall serve for terms of one, two, three, four and five years, respectively, from January first next succeeding their appointment, and provided, further, that any member appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he is to succeed.

(a) The members of such commission shall devote their whole time and capacity to their duties as such members. They shall receive an annual salary to be fixed by the governor within the amount made available therefor by appropriation, and shall be allowed their actual and necessary expenses in the performance of their duties hereunder.

(b) The governor may remove any member of the commission for cause after an opportunity to be heard. A statement of the cause of his removal shall be filed by the governor in the office of the secretary of state.

(c) The governor shall designate a member of the commission as chairman thereof to serve as such during the pleasure of the governor. The chairman shall direct the work of the commission and shall be the chief executive officer of the commission.

(d) The commission shall make an annual report to the governor and the legislature.

Section 402. Powers and Duties of Commission:

(a) The Commission shall assist the district attorney or his equivalent in making his decision to petition an individual for commitment by—

(1) Receiving the request from a person to commit himself or another suspected to be an addict under title II of this Act;

(2) Determining that there is reasonable cause to believe that a person is a narcotic addict and advising the district attorney or his equivalent as to such; and

(3) Determining that adequate facilities and trained personnel exist to treat the person for whom the petition was filed and advising the district attorney or his equivalent as to such.

(b) The commission shall survey and analyze the state's needs by gathering information and maintaining statistical and other records relating to narcotic addicts and narcotic addiction in the state. It shall be the duty of every physician, dentist, veterinarian or other person who is authorized to administer or professionally use narcotic drugs, or apothecaries, hospitals, clinics, dispensaries or persons authorized to dispense narcotic drugs and all public officials having duties to perform with respect to narcotic drugs or users of such drugs to report and supply such information in relation thereto as the commission shall by rule, regulation or order require.

(c) The commission shall promote, develop, establish, coordinate, and conduct through the utilization of federal, state, local and private resources, community-based multi-modality treatment programs in communities throughout the state which have severe narcotic addiction or drug dependency problems, for the treatment, after care, and rehabilitation of narcotic addicts certified to the care and custody of the SNTC. Such programs shall in order to provide comprehensive treatment at the community level, including, but not limited to, diagnostic, medical, educational, social, psychological, and vocational services, corrective and prevention guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction.

(1) coordinate such existing public and nonprofit private treatment agencies and organizations, provided that such existing programs and/or facilities meet the standards established pursuant to subsection (g); and

(2) develop with federal, state, local and private resources additional treatment programs to complement and supplement existing programs.

(d) The Commission together with the State Department of Corrections shall establish and operate through the utilization of federal, and state, resources, a state treatment and rehabilitation center for addicts committed under Title I of this Act who were found guilty of a criminal offense or addicts committed under either Title I, II, or III, who have exhibited such anti-social tendencies that confinement in the center is considered necessary. The Center should provide comprehensive treatment including, but not limited to, diagnostic medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction. State treatment and rehabilitation programs and/or facilities shall be established for persons under the age of 18 and for men and women.

(e) The Commission together with the Department of Corrections shall establish a treatment and rehabilitation program for the detoxification and treatment of inmates in the state prison system.

(f) The Commission shall establish, maintain, operate and designate medical examination or other facilities for alleged narcotic addicts for the purpose of determining whether such persons are narcotic addicts and for the care and custody of alleged narcotic addicts with respect to whom court proceedings are pending.

(g) The Commission shall together with the Department of Corrections establish an addict parole program. Rules and regulations governing the operation of the program will be established to closely supervise the patient after release from the facility, to make periodic and surprise testing for narcotics use, to counsel the patient and assist him in securing employment and a place to live, to recommend to the Director of the State Rehabilitation Center if it is in the best interests of the patient and society that a patient should be returned to inpatient status at the State Rehabilitation Center, and to limit the caseload of each parole officer so that he can effectively assist the individual addict.

(h) The Commission shall establish standards for licensing treatment programs and/or facilities in effect immediately prior to the effective date of this Act and the establishment of new ones that are components of a commodity-based, multi-modality treatment program.

(i) The Commission should exercise complete flexibility in dealing with addicts committed to the custody and care of the Commission for treatment and rehabilitation or who volunteer for treatment and provide them with individualized, multi-modality treatment.

(j) The Commission shall provide education and training in prevention, diagnosis, treatment, rehabilitation and control of narcotic addiction for medical students, physicians, nurses, social workers and others with responsibilities for narcotic addicts either alone or in conjunction with other agencies, public or private.

(k) The Commission shall provide public education on the nature and results of narcotic addiction and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest and support.

(l) The Commission shall disseminate information relating to public and private services and facilities in the state available for the assistance of narcotic addicts and potential narcotic addicts.

Section 403:

Treatment for the maintenance or control of dependence on addicting drugs by the use of methadone and other heroin substitutes shall be strictly controlled, limited to narcotic addicts who are over 18 years of age and who have failed on two previous occasions to respond to treatment designed to end dependence on addicting drugs, and shall not be administered to pregnant women. Maintenance programs will not be administered for either detoxification or treatment purposes to addict inmates in the state prison system.

NARCOTIC ADDICT EVALUATION AUTHORITY

(a) There shall be established a Narcotic Addict Evaluation Authority, hereafter referred to in this Section as the Authority. The Authority shall be composed of five members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the Authority shall be designated by the Governor from the 5 members from time to time. The terms of the members first appointed to the Authority shall expire as follows: one on January 15, 1973, one on January 15, 1974, one on January 15, 1975, one on January 15, 1976 and one on January 15, 1977. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the Authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the Authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to an annual salary of ——— for attendance upon business of the Authority. The chairman shall be entitled to an annual salary of ———. In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The Authority shall maintain its headquarters at the State Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the State Rehabilitation Center.

(d) The Authority shall meet at the Center or its branches at such time as may be necessary for a full and complete study of the cases of all patients who are certified by the director of the State Rehabilitation Center to the Authority as having recovered from addiction or to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the Authority. The Authority panel shall consist of at least two members of the Authority. Three members of the Authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority of the members present.

(e) After an initial period of observation and treatment, whenever a person committed under this Act has recovered from his addiction to such an extent that, in the opinion of the director of the State Rehabilitation Center, release in an outpatient status is warranted, the director shall certify such fact to the Authority. If the director has not so certified within the preceding 6 months, his case shall automatically be referred to the Authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the Authority may release such person in an outpatient status subject to being retaken and returned to inpatient status by the committing court

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as described in section 208 of this Act. The supervision of such persons while in an outpatient status shall be administered by the State Rehabilitation Center in conjunction with the Department of Corrections.

A single member of the Authority may by written or oral order suspend the release in outpatient status of such person and cause him to be retaken, until the next meeting of the Authority. The written order of any member of the Authority shall be sufficient warrant for any peace officer to return such persons to physical custody.

It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

Title V. Civil commitment and the courts

Section 501:

It is the intent of the Legislature that, if possible, all hearings to be held pursuant to titles I and II of this Act for the civil commitment of alleged addicts will be held in a division of the court of competent jurisdiction to be located in the State Hospital or facility designated by the SNTC where such alleged addicts are confined for treatment and examination pending the hearing in order to facilitate the proceedings.

Section 502:

The Attorney General of the State is authorized and directed to establish training programs for the judges of the courts of competent jurisdiction who sit on the court referred to in section 401 of this title, and probation and parole officers under the addict parole program created in title III of this Act to better acquaint them with all aspects of the problems relating to drug addiction and dependency, and to enable them to carry out their duties and responsibilities regarding narcotic addiction in a manner that will best serve the interests of justice, safety, and humanity.

BOWS OUT WITH GRACEFUL AMUSEMENT

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BOLLING. Mr. Speaker, whether you are considering retirement or not, the attached advice from an old friend of mine, James L. Williams, is worth heeding. His article on this subject, which appeared in the Kansas City Times of December 2, follows:

[From the Kansas City Times, Dec. 2, 1971]

BOWS OUT WITH GRACEFUL AMUSEMENT

James L. Williams, former sheriff of Jackson County and a lawyer, farmer and politician here until his retirement to Port Angeles, Wash., 18 months ago, has written the following article on retiring. Although addressed specifically to lawyers, it should be of interest to any person approaching retirement age.

Retiring to most lawyers is like shaking hands with the undertaker, a matter which should be continued indefinitely, or at least put off until the next term of court. I know the feeling—I was scared, too, and remember how the judges and lawyers laughed in disbelief when I said I would retire at 65 and move away, never to return.

"But what will you do with your time?" they asked. "And how can you leave all your friends?" Well, the first was easy, the second, hard. But to tell the truth, now that I have juggled away a year "in the bliss of solitude" I hardly know what went with the time. This alone is encouraging.

If a lawyer can make a success of retirement, he ought in good conscience to pass along what he has learned to old friends who still labor in the vineyard. In doing this I tread softly and take my cue from the wisdom of that eminent American novelist, Kurt Vonnegut, who, when asked to reflect on his views of life, said: "A man standing on the gallows is asked if he has any last words and he says: 'not at this time.'"

Even so it is common knowledge that people grow old. This is nature's law of which everyone except the judge will take judicial notice. Judges, it seems, never grow old, are "as good as ever," and in some instances will not retire until they are no good at all. Realizing that proper legislation could cure this exception I will leave the judges out of this and confine my remarks to lawyers in the active practice. I will make some observations: I will give no advice on what happens to the average lawyer when he looks back and finds something gaining on him.

In my own case I saw that I was slipping when I lost a close one to Tommy Conway, and I decided I had better get out while there was still some hope. In leaving the practice I was comforted by what the writers tell us of the joys of seeing long endeavor come to ultimate fruition in retirement and a life of ease. Believe me, it was not that simple. It took me a whole year to get over the blues and the habit of waking up at midnight worrying about a certain lawsuit, how I had made a fool of myself in examining a witness or arguing a motion, and wondering what effect it would have on my future. After a year of this I found: "It is a great deal easier not to worry about the future when your future is behind you."

I know that you will worry about how the old law firm and associates will manage to keep the shop open, especially with all your own wit, wisdom and eloquence removed. Forget it. I worried, too, until this summer when one of my former associates and partners showed up out here in a brand new Lincoln Continental. Business was good. How transitory and how expendable is the passing of one man in our profession.

My next observation deals with that little streak of vanity common to all lawyers—the urge to write a book and give the young struggling members of the Bar the benefit of "my wide experience." You will do no such thing. You will find that others are already doing with ease what you could never do at your best. If you are honest you will be satisfied, even happy at being a quiet observer of the passing scene, and liking it. At 65 you have already seen your light on the road to Damascus, and the light grows dim. So why not get out while there is still some daylight left, and enjoy it? Let the young fellows write the books.

My next observation is a good one if it fits. Say you retire and move to another state; you will plan to file application for Admission under the Rules. You will plan to do it, but you will not. In the first place it costs $500, and in the second place it would be extremely unfair to the members of the local Bar to have to match wits with a lawyer who had tangled with Arthur Popham or Clay Rogers, or J. D. James or Hilary Bush or Tom Conway or Reed Gentry, Max Foust, Jack Beamer and a thousand others just as tough. You will decide not to distill such experience. It would be like pouring water in good whiskey.

I went to a tea one Sunday and was introduced to a Superior Court (circuit) judge. I was presented as a retired lawyer, nothing else. The judge passed me by. Had I been introduced as a Missouri lawyer his honor would have had to take notice. I bounced about the world a great deal before I moved here and have yet to find the peer of a genuine Missouri lawyer. Too had the judge didn't know this, but he never will know.

A man who has practiced with Missouri lawyers before Missouri judges doesn't have to take his hat off to any foreign judge or lawyer that ever lived. You see being a retired Missouri lawyer means more than the average, we do not kow-tow, and this freedom is the chief consolation of our particular breed.

Many lawyers who could or should retire at 65 or 70 either hang on from force of old habit or from fear of boredom. All this despite the fact that they have passed the peak of their performance and know it. This should not be. No one would want a shaky or senile doctor to operate on the brain of his child. He would want a surgeon in his prime. And any man who attaches the least significance to the trifles of perfection, should, when he realizes that he cannot give his best, turn himself out to pasture and make room for those who can. Even a fan dancer has sense enough to stop hiding behind the fan when she no longer has anything to hide.

As for being bored in retirement or unable to adjust to the sudden change, the whole essence of education is the ability to adjust to environment, circumstances, change. Assuming that all lawyers are educated men and women, I see no great problem in adjustment or relocation of talent and domicile.

A lawyer wishing to retire at 65 is assured of a certain amount of income under Social Security, which when taken into account with savings and other income should make the average lawyer fairly independent financially. The question then is whether he prefers to walk out or keep on working until carried out.

If the lawyer should retire and move away from the old home town, he will make new friends without forgetting the old. He will find that geography has nothing to do with friendships. If he happens to be the restless type he will find the days much too short to do all the things awaiting him. He will not feel bored or useless. His services in other fields, his participation in the affairs of the community, will be eagerly sought and he will find all doors open and all signals go—civic clubs, educational, charitable, voluntary service organizations, churches and the Elks and other stimulating groups. He might even join the country club or the Republican party.

As for me I will take the fishing pole and meet you on the river. None of this action-packed retirement for me. The Good Book says six days to work and the seventh to rest, and I have reached the seventh day. If you are still Puritan enough to believe that happiness is a sin and that the only ticket to heaven is a pair of calloused hands, or as in the case of a lawyer, a calloused tongue, then you ought to see a doctor.

Look at old Chester A. Arthur. He was President of the United States—remember? But recently when those Michigan Friends of Chester A. Arthur organized a posse to go after something from among this forgotten man's belongings to place as a memento in the Smithsonian Institution, all they found was an old fishing reel. And so it begins to look as if everything depends on what you want out of life. Do you want money, fame, honors, glory, and a big funeral with politicians, statesmen, judges and a few clients vying for places on the front row, or do you want a well used fishing reel? It's up to you.

YOUTH UNEMPLOYMENT AND THE MINIMUM WAGE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ERLENBORN. Mr. Speaker, in the near future, the House of Representatives will be considering H.R. 7130, a proposal to increase the minimum wage. Members, I am certain, will want to know the effect of this proposal as it relates to our young people.

Present law, under the 1966 amendments to the Fair Labor Standards Act, provides that full-time students, under certain conditions certified by the Secretary of Labor, working fewer than 20 hours a week—except during vacation periods—in retail or service establishments, may not be paid less than 85 percent of the otherwise applicable minimum.

In spite of the aim of this student differential to encourage youth employment, the teenage unemployment rate, which was three times as high as the total unemployment rate in 1963, soared to four times as high by 1969. Today, the unadjusted jobless rate for teenagers stands at almost 20 percent. In the inner city poverty areas, it has gone from 23 percent in the first quarter of 1971 to more than 28 percent in the second. But for black teenagers in those areas, the extent and the increase of the unemployment rate is even more disturbing—it rose from 34 percent in the first quarter of 1971 to 39 percent in the second.

H.R. 7130, as reported by the Education and Labor Committee, will not remedy this situation. While it expands existing law by extending the youth differential beyond retail, service, and agricultural occupations, it excludes a long list of occupations: work in mines, factories, warehouses, storage, construction, longshoring, explosives, products containing explosives, plants storing the same, motor vehicle driving, logging, certain power-driven machines, slaughtering, meatpacking, bakery machines, brick and tile factories, wrecking, demolition, roofing, excavation, and other occupations determined by the Secretary to be hazardous for students.

Parenthetically, I cannot help but ask how such occupations can be hazardous if the salary is less than the minimum but magically become unhazardous if the minimum wage is paid.

In any event, the record demonstrates clearly that this modification will do nothing to result in more jobs for our unemployed young people. Rather, it will have the opposite effect, as evidenced by the following communication:

PHOENIX, ARIZ.,
November 29, 1971.

DEAR CONGRESSMAN ERLENBORN: The attached resolution by the Phoenix Metro National Alliance of Businessmen may be useful as additional ammunition in your laudable efforts to insert in H.R. 7130 the Administration's proposal to permit payment of a lower minimum wage to teenagers.

The gist of the resolution is that, through the year-round school, business and industry could greatly increase vacation employment for teenagers. Those who are pursuing this concept in the Phoenix area—including leading educators as well as businessmen—foresee an arrangement whereby vacation employment will be related directly to the high school curriculum.

In short, we want to do more for young people by providing meaningful employment, both to keep them in school and to aid them in shaping their careers.

This concept would be "shot down" if Congress chooses to continue pricing young people out of the labor market. Even though a small business wished to cooperate in the expanded youth program he could not afford to devote time to the training effort if trainees received the wage rate for fully qualified employees. This would be particularly true where his competitors were employing only fully qualified persons.

Sincerely,

BERL CAMPBELL,
Chairman, Industry-Education Committee, Phoenix NAB.

RESOLUTION

Whereas, young people of high school age are greatly in need of meaningful employment during school vacation periods, both (1) to further their knowledge of business and industry and thereby to aid in their preparations for successful careers and (2), for a disturbingly large number, to provide financial assistance necessary to the continuation of schooling and career training; and

Whereas, employment which would further career training of young people is not available to the extent now required, largely because all students are released from school and placed in competition for vacation employment at the same time during the summer months; and

Whereas, enforced idleness created by lack of constructive endeavor during summer months contributes directly to current unrest and uncertainties among younger people; and

Whereas, a school schedule which would release high school students for vacations in approximately equal numbers continuously throughout the year would enable business and industry: (1) to expand student vacation employment opportunities and (2) to coordinate such employment with courses of instruction in a manner which would further the objectives of "career education", wherein participating students might be graduated from high school with employable skills; and

Whereas, substantial economies could be achieved by operating existing schools on a year-round basis with staggered vacations; and

Whereas, high speed methods of record-keeping and retrieval make it feasible adequately to consider family preferences and other matters related to vacation schedules of individual students;

Now, therefore, be it resolved, that the Board of Directors of the Phoenix Metro National Alliance of Businessmen, meeting in regular session this twenty-sixth day of October, 1971, urges the early adoption of a year-round school schedule with staggered vacations, preferably on a quarterly schedule with summer months divided between two vacation periods; and

Be it further resolved, that the Phoenix Metro Director be, and he hereby is, authorized and instructed to distribute copies of or otherwise to circulate information concerning this Resolution to individuals and organizations whose cooperation and assistance are necessary to its acceptance and implementation, to-wit: Members of the Arizona Legislature; State of Arizona, High School District and other appropriate school officials and administrators; Members of the business and industrial community; Members of the news media;

Be it resolved finally, that the Phoenix Metro National Alliance of Businessmen hereby offers to cooperate fully in the development of action leading to achievement of objectives set forth in this Resolution.

When H.R. 7130 comes to the House floor, an amendment will be offered to permit a minimum wage rate of 85 percent of the applicable wage rate, or $1.60, whichever is higher, to young people under the age of 18 and to full-time students under the age of 21. The minimum rate would not be limited to part-time jobs. There would be no restrictions on type of occupation, except as restricted by the applicable child labor laws; no limit on the number which an employer may hire at the lower youth rate; and no requirements of governmental certification and the inevitable burdensome red-tape which always accompanies official certification requirements. There would be a requirement that the Secretary of Labor issue regulations to insure that the youth differential would not reduce full-time employment opportunities for those who are neither under 18 nor full-time students under 21.

In light of communications such as the preceding, I believe the Members of this body will want to support this amendment to H.R. 7130.

ANNIVERSARY OF SIMAS KUDIRKA'S TRAGIC RETURN TO THE SOVIET UNION

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. RUPPE. Mr. Speaker, a tragic 1-year anniversary has quietly passed by the attention of most of our Nation. I therefore would like to take this opportunity to remind my esteemed colleagues of the fate of Simas Kudirka and his fellow Lithuanians.

Simas Kudirka, a courageous Lithuanian seaman seeking political asylum in the United States, was forcibly abducted by Soviet sailors from the deck of a U.S. Coast Guard vessel on November 14, 1970. Snatched from the freedom he desperately sought, this unfortunate man is now serving a 10-year sentence at hard labor in the Soviet Union.

The abduction of Simas Kudirka was not entirely in vain, however. Through his daring escape attempt, he brought to the world's attention the oppressive policies which the Soviet Union has inflicted upon his Lithuanian countrymen.

Neither did his capture silence this brave man. Continuing to flaunt his political bondage, Simas Kudirka told the Soviet court which sentenced him—

I have nothing to add, only one wish, more specifically, a request both to the Supreme Court and the government of the Soviet Union; I ask that you grant my homeland, Lithuania, independence.

Simas Kudirka would not let the authorities stifle his plea for the liberty of Lithuania. Indeed, I firmly believe that those of who are blessed with freedom are the only ones who can silence a Simas Kudirka. It is we who will desecrate his valiant actions if we forget or ignore the injustices which humans such as Simas Kudirka and his countrymen are suffering.

Mr. Speaker, I implore the Congress and all Americans not to forget the courageous Lithuanian seaman. May we continue to strive for a world where no man can be denied the land of freedom which he seeks.

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ALICE E. WILLARD: THE SPIRIT OF THE AMERICAN FRONTIER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BYRON. Mr. Speaker, the spirit of the American frontier is not dead. In fact, it will always remain with us as long as independent mountain women like Alice E. Willard continue to live. The strength of her character and the personification of her attitudes were aptly told in a recent article in the Frederick News-Post by freelance writer, Ann Burnside Love. I take a few minutes to share it with all of you:

ALICE E. WILLARD: INDEPENDENT MOUNTAIN WOMAN

(By Ann Burnside Love)

The spirit of pioneer America is alive and well and living in the Catoctin Mountains.

With her feet planted squarely on the mountain land where she was born, Alice E. Willard at 76 is a very independent self-reliant woman who knows exactly who she is.

Miss Alice drives her own tractor, farms her own land, cuts her own firewood, feeds her livestock, keeps house, quilts, sews her own clothes, bakes her own bread, cans her own fruits and vegetables. Except for an occasional boarder, she has lived alone on her isolated mountain farm since her only son died of cancer a few years ago.

She's a descendant of the Hauver and Bussard families and is related—having been one of eight children—to practically everyone living in her part of the mountains, which is to say scores of people.

The strength of character, dignity and beauty in her face tell their own story of years of hard work. She values her privacy, resents any encroachment upon her land or her rights, and is the personification of the attitudes and traditions of the mountain folk for over two centuries.

To understand a woman like Miss Alice, it's necessary to know a little about the mountain folk and their heritage.

These people are direct descendants of the pioneers who began the western movement 250 years ago. While there were multiple economic factors involved in immigration and the subsequent movement west, the primary motivation of the forefathers of today's mountain folk was a driving need to get away from any and all authority.

Tradition is an overwhelmingly powerful force among today's mountain people. Their thinking, like that of their ancestors, is perhaps reactionary in political matters, fundamentalist in religion, cautious, clever, clannish, and suspicious of outside people—especially government—an attitude which dates back to 1732 when their hardy ancestors began the western movement.

These pioneers had a solid tradition of disregard for government authority. They paid no attention, for example, to the government's treaties with the Indians. The fact that the government had made a deal which obligated its citizens had nothing to do with them, so they thought. And the descendants of these pioneers had the same attitudes as the pioneers themselves had toward King George or the colonial governments of Pennsylvania and Virginia: government encroachment on the rights of the people was wrong. Therefore they would do as they pleased.

Today it has become extremely difficult for mountain people—or indeed anybody—to do as they please. The government, both state and federal, has bought up thousands of acres of mountain land.

Whereas mountain land used to be in the public domain—meaning everybody had the right to hunt, fish, cut firewood for their own use—the government and private individuals from cities bought up the land, essentially it is now all owned.

What they were able to do when they were children, these folk expected to do the rest of their lives. They deeply resent city people coming up, any and all government control over their land use (such as suggestions that the government pay a farmer NOT to farm his land!) or anything at all restrictive.

Rumor has it that long-time property owners, such as Miss Alice and her relatives, could have sold their property most advantageously many times. Yet what's important to them is that they fully expect to live out their lives right where they are, working their land.

Miss Alice had her own dealings with the government; her land borders Cunningham State Park, and everyone knows, parks are acquisitive by nature.

So what is her life like up there in the hills? She lives in one of the loveliest spots nature ever created, her own private mountain dale, a little valley off to itself far from any hard road, many miles from stores or schools or banks or gas stations. She admits to owning 25 acres, 11 tillable, farms six.

She lives in a tall thin weathered shake-shingle house, one central room below and one above, with a jam-packed root cellar underneath—full of Miss Alice's own home-grown vegetables, canned goods and staples.

"My father built this house in 1895 after he was married. He split and shaped the shingles himself on a shaving horse."

She cooks, heats both water and the house with a heavy 1932 black iron wood stove set in the middle of the floor of a well-worn room that is as neat and functional a room as you'd ever wish to be welcomed into. She likes company, but only the kind that comes straight to her door, not the kind that wanders onto her land during hunting season or prowls the hills at night. She's prepared to discourage the latter.

The temperature in the house is ideal for plants: her Angel Wings and Christmas Cactus flourish, and she has lots of cuttings taking root in little cans and jars which she gives generously to people she likes.

"Can't rain or snow too much to suit me," she says. "Then I get to work indoors. I love to do my sewing. I've pieced three quilts already this year." She proudly unfolds three lovely quilt tops, plans to get the material for the backs if she ever gets to Frederick, something she does quite rarely. She doesn't drive, relies on others for transportation.

Her grey hair is always tucked neatly into a ruffled cap.

"I love these caps. Wouldn't be without one. Made 'em off the same pattern for years. Usually have one or two at a time."

Miss Alice and her brothers and sisters attended school at Philip's Delight, a one-room school house where her son also went to school.

"Worst thing the government ever did was close the community schools. The children up here used to really learn something. And there was discipline. They didn't dare mess around at school because they knew the teacher wouldn't stand for it and their folks wouldn't either.

"And the young'ens never took sick, neither. They never got all those diseases the children give each other now. They had better things to do than ride the school bus from before sun up till supper time. Terrible mistake. Government should have known better."

At an early age Miss Alice began a lifetime of domestic work. In her treasure box of photographs and clippings there's a snapshot of her as a beautiful slim young 18-year-old with her hair piled high and long skirts about her ankles, seated on a lawn chair at a house in Thurmont where she tended the family's babies.

Over the years she was employed by many families in Thurmont and other communities on both sides of the mountains.

"I washed and dried and tended and fed more than 25 babies," she says proudly. And many area residents recall Miss Alice with great warmth and affection from their childhood days.

No matter where she went to work, she always returned to her mountain home. Some of her jobs involved the mountain itself, such as the six years from 1928 to 1934 she spent manning the Foxville fire tower. For a month or six weeks each spring and fall during the dry months she spent several hours every day at the top of the fire tower on the lookout for forest fires.

Were there many fires?

"Indeed there were lots of fires! And no lightning ever set those fires. Men set fires! Tossing a cigarette or some other fool thing, that's what done it.

"Many's the fire that was set on purpose, too. Did you know that? I'll tell you just why! They'd set fires to burn off a clearing in the woods. Then the huckleberries would grow up thick in the burned out places. Huckleberries were a big cash crop here in those days. Many a berry's been picked and sold for three cents a quart. Every child on the mountains picked huckleberries at one time or other."

In recent years Miss Alice hasn't come down the mountain to work but she does come to Thurmont every week or so to do her shopping and errands.

She sells some of her potatoes and peppers and such, grows her own corn for her livestock. She cans enormous quantities of food and is prepared to be snowed in a few times every winter, which she enjoys immensely. Then she can sew and listen to her radio—and not even worry about getting out for mail and newspapers.

She has lots of friends who visit her, especially in fine weather and during the hunting season. She is intensely loyal to those she likes, outspokenly blunt about people she plainly could do without. Her treasure box is filled with photographs of herself with groups of friends standing outside her house, the cars in the pictures changing over the years along with the seasons and the clothing styles of her guests.

Miss Alice herself seems to be unchanging. In all the pictures the first thing you notice is the strength and self-sufficiency in her face and bearing.

If she's heard of Women's Liberation, she's probably dismissed the whole idea. She's lived her whole life on her own terms as her own person and asks no favors.

As long as Alice E. Willard lives, the spirit of the American frontier is with us still.

SALUTE TO MR. NEW YEAR'S EVE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ROONEY of New York. Mr. Speaker, Charles Richman, publisher of the Brooklyn Record, in taking note of the coming of the end of the year, has penned an appropriate salute to orchestra leader Guy Lombardo and his contribution over the decades to the bittersweet ceremonies marking New Year's Eve. For more years than I care to remember his rendition of "Auld Lang Syne" has been an integral part of New Year's Eve. May he have many more happy ones. Under permission unanimously heretofore granted to me I include the editorial at this point:

GUY LOMBARDO: "MR. NEW YEAR'S EVE" DESERVING OF RECOGNITION BY U.S. CONGRESS FOR HIS CONTRIBUTIONS

Guy Lombardo, "Mr. New Year's Eve" and his Royal Canadians will be at it again comes December 31, ushering in 1972 with traditional songs and festivities from the Waldorf-Astoria Hotel in New York City. His musical message of hope, peace, happiness, prosperity and good-will towards all mankind, will be aired through the magic of radio and television throughout the world. We believe the time is now for the United States Congress to make official recognition of the magnificent humanitarian accomplishments of Guy Lombardo, a former Canadian who has brought pleasure and happiness to millions of Americans as we approach his day—the day he shares with all the world—New Year's Eve.

TAX DOLLARS FOR POLITICIANS—AN UNMITIGATED DISASTER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. WYMAN. Mr. Speaker, I am dismayed that the New York Times should editorially endorse one of the most dangerously unsound legislative proposals ever to pass the other body—the diversion of tax dollars to political campaigns.

If a citizen wants to make a contribution to a candidate or the political party of his choice, fine, but to authorize a taxpayer to divert a portion of his tax dollars to campaign costs designed to continue a party or particular candidates in office is patently wrong in principle as well as undesirable in practice.

Each citizen in this country has a right that taxes of other citizens should be applied to the cost of running the government of the country. He has a right to object if another citizen seeks to divert any portion of his taxes to designated political campaigns or politicians.

Even in the most remote and nebulous sense, it cannot be validly contended that campaign spending is a cost of government.

And it does not make any difference to which party's advantage such a proposal would inure, whether in the long or short run. The concept is wrong in principle. It is quite probably unconstitutional. It is wholly inimical to the right way of financing political campaigns which should remain in the private sector with the appropriate limitations and publication requirements before election.

I have said before and I repeat again that any elected official voting to divert the public funds to the expenses of a political campaign to reelect himself or his political party ought to be defeated for reelection on this issue alone.

The Times editorial follows:

PARTISAN PRINCIPLES

President Nixon was all set, as a matter of principle, to veto a major revenue bill because it contained a tax checkoff plan for financing Presidential campaigns. Although that plan has been all but gutted by a conference committee, the same basic principle to which Mr. Nixon objected—letting taxpayers earmark $1 of their income tax for such campaigns—still remains in the bill. Yet the President's press secretary now clearly indicates that Mr. Nixon will sign it.

What, then, is the difference between the two versions? The first would be effective for the 1972 contest, in which the Republicans are otherwise assured of adequate private funds to finance Mr. Nixon's campaign for reelection against the nominee of the near-bankrupt Democrats. It would rescue the Democrats. The revised version would not come into effect until the election of 1976—when the situation could be very different. Yet conferees who supported the change piously argue that it removes the "partisan" nature of the provision.

The truth is that both the checkoff and the opposition to it have overwhelmingly partisan aspects. But the plan is much more than partisan. It would correct a dangerous imbalance between the two parties now. And it is surely better for millions of people to spend a dollar each to elect a President than for a handful of sponsors to have him forever in their debt. The case against the proposition boils down to a simple and natural desire of the G.O.P. to hold on to an undeserved advantage as long as possible. The Democrats would doubtless try to do the same if the situation were reversed.

Other compromises agreed to by the conferees gravely weaken the proposal, even apart from the question of timing. Congress would have to vote the appropriation every four years, and the President could always veto it, rendering the whole plan continually unpredictable and sporadic. The hope now is that it will be scrapped altogether and reintroduced in effective form in the next Congress. Sooner or later, the principle will finally be accepted that the election of a President is the business of all the people, not the private prerogative of special-interest groups.

SICKLE CELL ANEMIA: "A DISEASE DRAWS THE COLOR LINE"

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ROSENTHAL. Mr. Speaker, each year some 45,000 Americans are afflicted with sickle cell anemia; 99 percent of them are black. This hereditary blood disorder strikes down half of its victims by the age of 5. Almost all of its sufferers never reach their 40th birthday.

Sickle cell anemia is caused by a genetic deformation of the hemoglobin molecule. While normal red blood cells remain disc-shaped, diseased cells take on a crescent or sickle shape when their hemoglobin is deprived of oxygen. These deformed cells are unable to pass through the body's capillaries. Deprived of necessary oxygen, body tissues begin to die. The result is both traumatic and painful, a "crisis."

While little else is known about the disease, medical researchers have proven its hereditary nature. A person inherits one set of genes from each of his parents. When each parent contributes a sickle-cell gene, the offspring will have the disease. An individual receiving the deformed gene from only one parent is called a "trait." Producing a child with the disease requires that both parents be "traits." In this situation there is a 1 out of 4 chance that the child will have the disease.

Recently I introduced H.R. 11872, the National Sickle Cell Anemia Prevention Act. My bill calls for a comprehensive attack on this dread killer. In general, it provides for:

First. $75 million over 3 years to the Department of Health, Education, and Welfare for a program of identification, counseling, and education on the disease.

Second. $15 million over 3 years for demonstration grants to institutions to encourage research into the disease.

Third. A program of screening, counseling, and treatment of the disease in the armed services.

Fourth. A program of screening, counseling, and treatment of the disease by the Veterans' Administration.

One of the most tragic aspects of the disease is our near total ignorance about it. Surveys indicate that only three out of every 10 blacks have heard of sickle cell anemia. But, through greater publicity, awareness is beginning to increase. Recently, the National Observer published a valuable article on the subject titled "A Disease Draws the Color Line." I am inserting that article in the RECORD at this point:

A DISEASE DRAWS THE COLOR LINE—RESEARCHERS AROUSE PUBLIC TO SICKLE-CELL THREAT

(By Patrick Young)

Nellie Kendrick recalls a white friend who recently asked her if it were true that sickle-cell anemia—a painful and usually fatal blood disease—is found almost exclusively among blacks. Mrs. Kendrick, a black volunteer in the Milwaukee Community Sickle Cell Disease Project, assured her it was. "I thought it was just a lie spread to show that blacks were inferior to whites," the friend said.

Misconceptions abound about sickle-cell anemia, among blacks and whites, among physicians and laymen. The disease afflicts perhaps 45,000 black Americans. Nearly half of its victims die before age 5, and about 80 per cent by age 30. It occurs once in every 400 to 500 black births, a frequency 6 times greater than cystic fibrosis, and 20 times higher than phenylketonuria (PKU), both almost exclusively white diseases.

Yet for years medical researchers called sickle-cell anemia "the forgotten disease." One year ago, an editorial in the Journal of the American Medical Association complained that "the level of general ignorance concerning the nature of sickle-cell anemia remains depressingly high."

Now that ignorance is under attack. More money than ever is going into sickle-cell research. New diagnostic and treatment procedures are being developed. Large-scale testings are under way in several cities, including Milwaukee, to find blacks unknowingly suffering from the disease, and to determine who are carriers capable of passing on sickle-cell anemia to their children.

And blacks across the country are working to raise funds and to acquaint all Americans with the disease. As one example, more than 200 professional black athletes—including Willie Stargell and Dock Ellis of the Pittsburgh Pirates and boxer Muhammad Ali—have set up the Black Athletes Foundation for Research in Sickle Cell Disease.

BRINGING BLACKS TOGETHER

"This has brought black people together, from the Black Panthers to the Urban League," says Richard Campbell, director of the Foundation for Research and Education in Sickle Cell Disease in New York City.

Sickle-cell anemia, an inherited disease, is

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the most common long-term illness among black children (about 1 per cent of its victims in the United States are white). It is incurable, and despite considerable knowledge of the disease's mechanism, treatment methods remain poor.

The disease is caused by a defect in the hemoglobin molecules within red blood cells, which carry oxygen throughout the body. Each hemoglobin molecule contains 574 amino acids. In sickle-cell hemoglobin, two of these amino acids are replaced by two others.

"At the basic level, the change is so minuscule, so tiny," says Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases. "Yet for the individual it is a matter of life and death."

When sickle-cell hemoglobin is deprived of oxygen, the red blood cells lose their round, doughnutlike shape and take on a sickle or quarter-moon appearance.

When this happens, the red blood cells are unable to pass through the body's microscopic capillaries. The cells jam up like driftwood clogging a drainpipe. As a result tissue is deprived of the oxygen it needs, and dies. This painful event is called a "crisis."

In crisis, a person suddenly develops intense pain, usually in the abdomen, back, chest, hips, arms, or legs. The heart may be partly or fatally damaged, or a stroke may result. Sickle-cell sufferers are extremely vulnerable to infection, particularly pneumonia, and many develop skin ulcers at the ankle.

"Sickling can occur in any organ system and so it can mimic any disease state," says Dr. Edwin Bemis, a pathologist working with the newly established Southeastern Wisconsin Sickle Cell Center at Deaconess Hospital here. This causes diagnostic difficulties for doctors unfamiliar with sickle cell, and sometimes results in unnecessary surgery.

The disease results from a gene mutation that occurred centuries ago in Africa, and which became common because it offered a protection against malaria. For some unknown reason malaria parasites cannot survive in sickled red blood cells.

Each person inherits two sets of genes, one from each parent. A person with sickle-cell anemia has inherited a sickle-cell gene from each parent. A person who inherits a sickle-cell gene from only one parent is called a "trait." (Far less common than sickle-cell anemia are "variants," forms of the disease less severe than the anemia, but more troublesome than the trait.) Estimates place the number of blacks carrying the trait at between 8 and 13 per cent.

It requires two traits to produce a child with sickle-cell anemia, and the odds are one in four for such a birth. The chances of producing another trait are one in two. These odds of genetic roulette are for each birth. A Racine, Wis., couple produced three children, all with sickle-cell anemia.

The only guarantee that two traits will avoid a child with sickle-cell anemia is if they have no children. Currently several research teams are trying to develop prenatal tests for the disease. If they succeed, parents will know in advance if their child will be born with sickle-cell anemia, and will have the option for abortion.

"TRAIT IS NOT A "DISEASE"

Most sickle-cell traits live normal lives and never experience a crisis. "Overall, we try to stress that sickle-cell trait is not a disease," says Dr. Robert B. Scott of the Medical College of Virginia in Richmond.

Nevertheless, cautions Dr. Robert M. Nalbandian of Blodgett Memorial Hospital in Grand Rapids, "the trait under certain physiological-stress conditions can be hazardous, and has been."

Traits may crisis while flying, at high altitudes in unpressurized aircraft, under general anesthesia during surgery, or sometimes during great physical exertion.

Last year a team of Army doctors blamed sickle-cell trait for the deaths of four black recruits—over an 11-month period—during basic training at Fort Bliss, Texas. Their conclusion, however, has been challenged by other researchers, who contend the doctors did not rule out sufficiently other possible factors in the deaths.

Women with sickle-cell trait have a higher incidence of urinary infection during pregnancy, and trait sometimes pass blood in their urine. Pittsburgh pitcher Dock Ellis, a trait, says he occasionally passes clots. "I've gone to the team physicians and they say there's nothing they can do about it," he says.

The public awakening to sickle-cell anemia is a recent thing, among blacks and whites. A 1968 survey in Richmond found that only 30 per cent of the blacks questioned had heard of the disease. Today blacks are more willing to accept the disease and no longer regard it as a racial slur.

"Part of the new pride among blacks is enabling us to look at ourselves, and to look with more objectivity," says Hazel Maxwell, chairman of the Milwaukee Community Sickle Cell Disease Project's advisory committee.

Sickle-cell fighters say the message of concern is finally getting across. Congress, at President Nixon's request, increased the National Institutes of Health's sickle-cell research budget from $1,000,000 to $6,000,000 this year. A bill to provide $142,000,000 in sickle-cell funds over three years is pending in the Senate. The National Foundation and its local March of Dimes chapters are providing increasing funds for research.

"I think we're getting over our benign neglect," says Dr. Bemis. "We're waking up to the fact that there is a black portion of our population. Whites, too, are demanding that blacks be treated on an equal medical basis."

The new awareness of sickle-cell anemia has led to greater efforts to identify people with the trait. Here in Milwaukee, Deaconess Hospital's sickle-cell center plans to test 118,000 blacks in seven counties. Three screenings have tested 2,232 blacks since Sept. 18, in addition to over 5,000 patients routinely tested upon admission to the hospital since 1969.

It is a community effort utilizing more than 250 black and white volunteers and Boy Scout Troop 200, a ghetto unit, to spread the testing message. The center will provide genetic counseling and a registry of persons with sickle-cell trait.

AN EFFORT IN PITTSBURGH

The Black Athletes Foundation and six other groups are sponsoring a similar effort in an attempt to test 250,000 blacks in the Pittsburgh area. Smaller screening programs have taken place among school children in Grand Rapids and Hartford.

Testings to date have been voluntary. But New York State recently passed a law providing sickle-cell tests for youngsters entering public schools. And laws requiring testing of school children or marriage-license applicants before marriage are pending in several states, including California and Illinois.

Such law delights some blacks, but not all. "If testing is compulsory, children identified as carriers could be stigmatized as less desirable parents or as weak individuals," says Dr. Robert Murray of Howard University in Washington, D.C.

The Milwaukee program and several others use a test developed by Dr. Nalbandian and Dr. Paul Wolf of Stanford University. Its advantage over previous tests lies in cost. The chemicals needed for the test, which can be run automatically at the rate of 120 an hour, cost only pennies a sample.

The test is a preliminary screening. A positive indicates sickling, but not necessarily sickle-cell disease. A second test—electrophoresis, which measures the distinctive electrical charges of various types of hemoglobin—can determine if the patient has sickle-cell anemia or the trait.

Treating sickle-anemia is more complex. Efforts to reverse sickling crises in patients, says Dr. Scott, "have not been terribly effective."

Dr. Nalbandian and his research colleagues are experimenting with urea, a natural chemical waste occurring in the body, in a sugar solution to treat patients in crisis. This "molecular surgery" says Dr. Nalbandian, breaks apart sickle-cell hemoglobin molecules that have locked together and reverses the crisis.

"We have been able to abort sickle-cell crises in over 20 patients, without using narcotics, and without medical misadventure, therapeutic failure, or death," he says.

The technique is extremely complicated. Unless extreme care is taken, the urea can cause dehydration, which itself can bring on a crisis by reducing oxygen.

Last month Dr. Paul McCurdy and Dr. Laviza Mahmood of Georegtown University medical school in Washington, D.C., reported treating 24 crises in 14 patients with urea. Seventeen crises were successfully treated, through the researchers noted dehydration as a major side effect.

"These results suggest that urea therapy has a beneficial effect on the painful crises of sickle-cell disease, but the method is still experimental," they wrote in the New England Journal of Medicine.

Currently the National Heart and Lung Institute is supporting six studies comparing three sickle-cell therapies, including urea. A second corrects dehydration, and the third reduces blood acidity, another cause of sickling, by lowering body oxygen.

A PROMISING TREATMENT

Other researchers are trying to find other chemicals that will reverse sickling without urea's handicaps. Dr. Anthony Cerami and Dr. James Manning of Rockefeller University in New York City recently reported excellent test-tube results in preventing sickling in human blood with potassium cyanate. They expect to begin human tests within a year.

Dr. Nalbandian says urea, taken four times daily mixed in soda pop to hide its bitter taste, can safely and effectively prevent sickle-cell crises. But he acknowledges difficulties in getting patients to down their preventive doses regularly.

"Frequently they take it when they feel pain," he says. "They head off a crisis and they ignore their urea. There has to be a better way of delivering it."

SECRET LAY IN THE STRUCTURE

Although there is no cure for sickle-cell anemia, and as yet no generally accepted treatment, the basic mechanism of "sickling" is no mystery.

Sickle-cell anemia was first described in 1910 by Dr. James Herrick of Chicago. In 1949, Nobel laureate Linus Pauling and Dr. Harvey Itano showed that the disease resulted from an inherited defect in the hemoglobin molecules within red blood cells. Nine years later, Dr. Vernon Ingram and John Hunt, working at England's Cambridge University, identified that defect.

Hemoglobin molecules, which transport oxygen throughout the body, contain a total of 574 amino acids, arranged in four chains. The four chains are actually two pairs of identical chains, called alpha and beta.

The English researchers found that at two points in the beta chain of sickle-cell hemoglobin an amino acid called valine exists where glutamic acid, another amino acid, exists in normal hemoglobin.

It remained for Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases, to explain in 1966 how this minute difference in amino acids causes sickling. Considering the Cambridge research, he says, "it occurred to me that maybe the secret lay in the structure."

Normal hemoglobin molecules, about 300,000,000 per red blood cell, move at random within their cells. But Dr. Murayama found that substituting valine for glutamic acid allows sickle-cell hemoglobins to lock together when oxygen is reduced. They form chains up to 6,000,000 molecules long. These chains twist into six-strand cables, and these cables, in turn, bunch together to form rigid lines.

"The end effect is that the cell wall, which is like a balloon, complies with the shape of these long fibers within," Dr. Murayama says.

Last year Dr. Murayama photographed these microcables for the first time. Using a stream of argon ions—a technique he learned about from scientists shaving microscopic layers from moon rocks—he stripped away part of the wall from a sickled cell. With a scanning electron microscope, he photographed clumps of sickled hemoglobin.

This year Dr. Murayama proposed a theory to explain why sickle-cell anemia is more severe in some patients than in others. He suggests that an organic molecule, which he calls the "hemoglobin S cofactor," plays a role in sickling. Its severity depends on the amount of this molecule present.

Dr. Murayama has yet to identify the molecule. "When and if it is identified," he says, "I think we will be able to revolutionize the mode of control and treatment of the disease."

INDIAN CLAIMS BILLS

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 1971

Mr. McKAY. Mr. Speaker, on October 16, 1962, the Indian Claims Commission filed an interlocutory order, made findings of fact, and delivered its opinion wherein the Commission found and concluded as a matter of law and fact that the Shoshone Tribe was a land-using entity composed of those Shoshone Indians who came under the leadership and influence of the famed Chief Washakie. The Shoshone Tribe consisted of the eastern bands, parties to the treaty of July 2, 1863; the northwestern bands, parties to the treaty of July 30, 1863; and the so-called "mixed bands of Bannocks and Shoshones," parties to the treaty of October 14, 1863. The foregoing decision of the Indian Claims Commission resulted in a gross judgment of $19,038,706 for the Shoshone Tribe for lands they had aboriginally occupied and which were taken by the United States.

This gross judgment was based upon a negotiated settlement using a valuation of $0.4968 per acre for 38,319,000 acres. The gross judgment was reduced by certain offsets previously paid to the groups either in cash or land, and out of this came costs and attorney fees. The sum was further augmented by an amount due specifically to the Shoshone-Bannock group at Fort Hall. A balance of approximately $13,678,500 is now left for distribution to the Indians themselves. The net judgment is now deposited in the U.S. Treasury and in certificates of deposit at the National Bank of Spokane, Wash., and the Bank of Boise, Idaho.

The disbursement of these funds fomented considerable controversy. Notwithstanding the fact that the Commission found that "there never existed a politically organized tribe embracing all Shoshone Indians which was a landholding entity," the judgment was awarded to the entire Shoshone Tribe. The identifiable group designated by the Indian Claims Commission as the Shoshone Tribe has no present-day organization. The Shoshone Tribe presently is divided into three groups: the Northwestern Bands, Washakie, Utah; the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho; and the Shoshone Tribe of the Wind River Reservation, Wyoming. The dispute arose over whether the proceeds should be divided on a per capita basis or on the basis of the amount of land aboriginally occupied by the group involved. Further, if a per capita basis for distribution were used the question arose as to whether the share should be based on the number in each group now or at the time of the taking. Finally, the dispute was complicated by the fact that the Wind River and Fort Hall groups had received reservation lands and the Northwest Bands had not.

The attorneys for the three groups met on several occasions in an effort to reach an agreement as to an equitable distribution of judgment funds, which agreement they, in turn, could recommend to their respective groups. These negotiations have taken over 2 years. It would serve no useful purpose to detail the history of those negotiations. It is enough to state that the three groups finally agreed upon a division and that this agreement is embodied in H.R. 10846, the bill before you today.

Mr. Speaker, I have reviewed that legislation and believe it to be a fair compromise. I urge its passage by the House.

CHARLES F. KENNEDY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to pause for a moment to remember, fondly and with appreciation, Mr. Charles F. Kennedy of Union City who died suddenly in an automobile accident last month. He left his wife, Rose, and three children, Helen, Patricia, and Charles.

Chuck became Union City's director of parks and recreation in 1964. Since that time, Union City has seen a tremendous growth in populations. Chuck was there to see that parks and open spaces were preserved and established to meet the needs of the growing city.

Not only was he a dedicated and civic-spirited man, but Chuck was the kind of warm and easygoing gentleman that one hopes for in good neighbors and friends. He will be remembered by all of Union City who will enjoy the fruits of his labor for many years and by all those who knew him, and knew him to be a fine and wonderful man.

ABOUT THOSE EXILES

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HARRINGTON. Mr. Speaker, the creative and innovative Congressman from New York (Mr. KOCH) has written a very balanced, intelligent, and calm analysis of the problem of the repatriation of those who have left this country to avoid military service in the Vietnam war. His article entitled "About Those Exiles" appeared in the New York Times of Saturday, November 27, 1971.

Between 20,000 and 60,000 young Americans have emigrated to other countries in order to avoid fighting in a war in which they do not believe. What will happen when the war ends and these men want to return home? As Congressman KOCH says:

We should face up to the problem, controversial and painful as it may be. With the war dragging on, but hopefully closer to an end, I think it even more important to encourage discussion of this tender subject by reasonable men and women.

Mr. KOCH calls on all Americans to handle the situation with reason and understanding. He acknowledges that these young people, having broken the law "must face some penalty." But he calls for rationality in the determination of that penalty.

Whatever the solution, Mr. KOCH has defined the problem and brought to light a situation which we cannot and should not ignore any longer. We have thousands of young Americans who will want to come home. Let us show them justice.

The article follows:

ABOUT THOSE EXILES

(By Edward I. Koch)

WASHINGTON.—In a recent column on this page, Roger Williams, currently "in exile," stridently demanded as conditions of returning home, first, punishment of American political leaders and then an official apology to those, like himself, who left this country to avoid military service. Mr. Williams was among some forty exiles I met in Canada in December 1969. I thought and said then that we should face up to the problem, controversial and painful as it may be. With the war dragging on, but hopefully closer to an end, I think it even more important to encourage discussion of this tender subject by reasonable men and women.

Mr. Williams is not, however, a reasonable man. It seems quite clear that Mr. Williams speaks for only a tiny minority of those who resisted personal involvement in an immoral war by choosing to flee from their country and violate its laws. The great majority of these men—now numbering between 20,000 to 60,000, the estimates vary considerably—truly love the United States. They want to come home and take their places among their families and countrymen.

This problem should be resolved as soon as American troops are no longer fighting in Vietnam. Otherwise for more than a generation to come there will be bitterness, unhap-

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pinses and family tragedy. There are difficult issues of public policy, philosophy and fairness involved. The legitimate feelings of those who served in Vietnam, many of whom opposed the war, and the families of those who lost their lives there and in other wars cannot be ignored. Nevertheless, the problem can be approached constructively if the following premises are accepted.

First, we should eschew the juvenile shibboleths and rhetoric of the extremists on both left and right—those that espouse Williams' views that America should apologize to the exiles and invite them back as liberators and also those who consider all these men indiscriminately as despicable traitors.

Second, we should accept as an ultimate goal the return of the great majority of these young people and their speedy reintegration into American life.

Third, we should recognize that they are neither heroes nor traitors. They are simply young people who broke the law for a variety of motives—some selfish, most idealistic. Although many Americans may not find their conduct justifiable, it is at least to some degree explainable by the great moral, social and political transformations we have all witnessed these last few years.

Fourth, these young people, having broken the law, must face some penalty. But what penalty? We know enough about our system of criminal justice to recognize how counterproductive and how irrational it would be to impose jail terms on them. Jail would only brutalize or break them. Besides, it is not really a solution since it is an option presently available to them and obviously not one that will bring them back.

We can make progress on this subject by concentrating on the question of what new options should be made available in order to bring these men home. Prison is not a realistic option but some lesser penalty might be acceptable to them and to most Americans in a post-Vietnam era. For example, they might be given the option of working for a year or two in VISTA or at some other public service job. Such an obligation, together with the discomfort of years in exile, would in my view be more than an adequate penalty. But, it would be a penalty with a purpose. And it would be consistent with America's tradition of magnanimity at the end of hostilities. Indeed, after the Civil War we granted an immediate amnesty to all who fought against their own countrymen.

Let us reach out to all the victims of this monstrous war—the imprisoned, the bereaved, the wounded, the jobless, and those young men in self-imposed exile.

ABATING THE BACKLASH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. DINGELL. Mr. Speaker, the Christian Science Monitor of November 23, 1971, carried a most perceptive editorial under the heading "Abating the Backlash" concerning the desire of certain economic groupings to go slow on the drive to clean up our environment. So that my colleagues may have an opportunity to be aware of this editorial, I insert text at this point in the RECORD:

ABATING THE BACKLASH

Last week's weather conditions left a sack of seriously polluted air slung along the Appalachian backbone of the Eastern United States.

Birmingham, Alabama, had about the worst situation caused by the air movement lull—although atmospheric pollution neared the critical level in a number of other cities. When Birmingham's key polluting industries failed to comply willingly with air pollution alert warnings, the Environmental Protection Agency got a court order to make them do so.

Now what is significant in the Birmingham episode is not simply that it marked the first time the emergency provisions of the Clean Air Act of 1970 have been called into effect. This is an historic first, to be sure. One can marvel that such emergency measures, reminiscent in spirit of civil defense precautions in cold-war America, can be put into effect.

However, what most interests us is the increasingly apparent tension between the forces to control pollution and those who want to preserve the status quo. In the Birmingham instance, the polluters had to give ground. But the shutoff was only for a short period. And the fact that the air contamination was twice the safe level left officials no choice but to act.

Environmental experts in Washington in the past have boasted that air pollution stands a good chance of being beaten in the next few years. And yet EPA chief William Ruckelshaus said last Thursday that the 1975 clean-air deadlines can't be met if the full burden is put on smokestack cleanup or auto exhaust controls. He said auto bans, greater use of mass transit—even walking and bicycling— and staggered workshifts and work weeks might have to be used.

Was he preparing the nation for a shift of the pollution control burden from industry to the general public? Or was he really trying to detour an alleged White House campaign to do just this—was he suggesting to the public that they would have to pay in inconvenience for any letup in federal action?

In any event, it is clear that counterforces to pollution control are emerging. Mr. Ruckelshaus is perhaps quite right that a main drag on ending pollution is the limited state of American antipollution technology. Where this is true, as debatably in the case of the auto and the 1975 emissions deadline, no amount of wishing and willing may be able to do the job without invoking transit and work pattern inconveniences. But more than the state of technology and government intent is involved. As the Wall Street Journal reported Friday, labor is beginning to side with management to put off pollution controls. Job loss, of course, is the bogey.

From Florida where construction companies and workers want to revive the cross-Florida canal, up to the Maine coast where unionists want a new and environmentally hazardous oil refinery, evidence of pollution control backlash is appearing.

There can't really be a halt to the pollution control movement, even if labor joins management to fight it, most experts agree. But they add that the cleanup campaign could be slowed considerably.

There may be alternatives to unloading the onus of pollution abatement on the general public. No doubt many businessmen realize that an extensive overhaul of American industrial processes to end air and water pollution could also accomplish the discarding of a lot of outdated plant and equipment. In much this same way, Europe turned the catastrophe of World War II into an industrial-economic rebirth. If the pollution phaseout were imaginatively and positively handled, American technology could steal a step on the rest of the industrialized world in the creation of updated facilities. The point could be made that industry should perhaps be not made to bear the full brunt of the cost through punitive pollution enforcement laws, and that the government should absorb some of the cost as an investment in its technology as well as in its environment.

Similarly, though government will hardly pay full indemnities to workers displaced by pollution code enforcement, perhaps the generation of jobs through programs to upgrade the environment would yield a constructive alternative to the bushwacking of antipollution actions in which labor is increasingly engaging.

Russell E. Train, chairman of the President's Council on Environmental Quality, put the right perspective on the economic argument Friday. In a speech to New York State environmentalists he stressed the basic fact that cleanup is less costly than enduring pollution. The council has put the annual cost of air pollution alone—in its toll on health, vegetation, materials, and property values—at more than $16 billion a year. When the costs of water pollution and other forms of blight are added, the average U.S. investment in reclaiming the environment—put at some $20 billion a year through 1975—will prove a bargain. And as the council points out, environmental programs will not mean a lessening of jobs-creating economic activity, but a shift of it away from products and services that degrade the environment to those that enhance it.

SENATOR CLAIBORNE PELL PUTS STUDENT FIRST

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BRADEMAS. Mr. Speaker, the cover story of the current issue of Junior College Journal pays a well-deserved tribute to one of the most distinguished Members of the other body, Senator CLAIBORNE PELL of Rhode Island.

As chairman of the Senate Subcommittee on Education, Senator PELL has labored long and hard to develop legislation appropriate to the needs of American education in the 1970's. During this session of Congress, Senator PELL's subcommittee has produced an omnibus higher education bill monumental for its comprehensiveness, and while the companion measure passed by the House differs substantially in many of its provisions, Senator PELL deserves to be congratulated for his efforts on behalf of higher education. I am confident that when the House and Senate go to conference on this legislation we will be able to agree on a measure that will inject new life into American education during the coming decade.

Mr. Speaker, it is my pleasure to insert in the RECORD at this point a copy of the article by R. Frank Mensel, "PELL: The Chairman Puts Students First":

PELL: THE CHAIRMAN PUTS STUDENTS FIRST

(By R. Frank Mensel)

In the same way that 1965 has been talked about as "education's year" in Congress—having produced so many landmark programs for education—1971 seems bound to go down as "higher education's year." For the colleges and their Washington representatives, it has been a year of landmark developments—the ultimate shape and force of which hinges not only on a House and Senate compromise, but also on the next round of the struggle to fund education programs. Like a chain-reaction collision, the year has piled surprise on surprise—leaving the higher education lobby reeling in despair one moment, soaring with optimism the next.

Example: Tiring of long discourses and platitudes from college administrators, Chairman Claiborne Pell called a panel of legislative officers from major associations before the Senate Education Subcommittee to probe them on priorities to help colleges.

Example: The priority with the widest college support, the long-dreamed-of general grants to institutions (also referred to as capitation grants and operating grants), tumbled in defeat in the House subcommittee. only to win decisively in full committee a week later.

Example: When the Special Education Subcommittee in the House stalled out the summer without mark-up of the Green bill, lobby veterans gloomily guessed the mark-up would be put off until January—or later. As quickly as Congress returned from vacation, Chairman Carl Perkins invoked the rarely used power of the Democratic caucus to force an instant mark-up.

Example: Early in the year, Administration spokesman voiced strong alarm over costs of the Pell bill's provision of automatic $1,400 grants to neediest students; late in the year, the Adminstration plunged into the House action with an amendment to add the $1,400 standard to the House bill.

Example: Committees of the Senate and House both folded sweeping *vocational* education provisions into their higher education bills.

If history should eventually point to one figure who triggered all of this, its choice is likely to be the soft-spoken, methodical author of the Senate omnibus higher education bill—Chairman Pell, Democrat of Rhode Island. It could be said he pulled the trigger June 24.

On a day when most higher education eyes were fixed on Rep. Edith Green's continuing attempts to rally her Special Education Subcommittee for the mark-up of her omnibus bill, Senator Pell summoned his subcommittee into mark-up of S. 659.

The ranks of higher education rippled with surprise. They shouldn't have. They had been amply warned. On the day he offered S. 659, Senator Pell made it plain that he felt completely earnest about the central features of it. This was more than a vehicle for hearing and discussion. He told the Senate:

"The bill I now submit is landmark in nature . . . the first attempt to treat the subject of Federal support to higher education as a unified whole. . . . Student assistance is coupled with institutional aid; specialized study areas are treated as one. Unity has been achieved so that the total commitment of the Federal Government to higher education can be fully realized and understood—understood as to the philosophy motivating the Congress. . . .

"At the outset, let me say that it is my philosophical belief that the Federal Government must play a major and ever-expanding role in support of higher education. This role must not only be financial in nature, but must also indicate to students and institutions a commitment ot fostering excellence. . . . We are at a point in time when fundamental decisions regarding the future of higher education must be made. . . ."

To drive his point home, he listed every majority member of the Committee on Labor and Public Welfare as a co-sponsor of the bill.

In short, he wanted a bill that would put the focus of higher education primarily on the student—not the institution. And with student, he meant *every* student. As he had said often in his Senate career. "Not every boy or girl has to go to college, but no student should lose that chance for financial reasons."

His bill has fostered the concept of the automatic grant for the low-income student—$1,400 per year, less the parental contribution. Senator Pell wants these grants backed by cost-of-instruction grants to the institutions to ensure that disadvantaged students will have the best development courses and supporting services.

In the course of hearings, he hammered again and again on the priorities of this bill, and prodded witnesses to hammer back. Meanwhile, through May and early June, subcommittee staff labored feverishly at a complete rewrite of the bill. Folded into it in rewrite were, among other major changes, the key concepts and vision of Sen. Harrison A. Williams' original comprehensive community college bill, thus forming Title X of S. 659, and a broad reconstruction of the program for strengthening developing institutions. A stickler for systematizing bills before moving them into executive committee action, Senator Pell also ordered staff to both codify the bill's functions against existing law and streamline various existing titles which had as yet never gained funding by Congress (e.g., Education for the Public Service).

Thus armed, the chairman was ready to move. The subcommittee proved equally ready. It gave three days to intensive mark-up, then June 30 reported S. 659 to full committee.

The Committee on Labor and Public Welfare went into mark-up on July 14, and one day later reported out the bill.

Senator Pell now took aim at the prime target—Senate passage of the bill before the August recess. When a snag struck, he refused to break stride. Interior committee leadership spotted with alarm a technicality in the bill that could affect impact aid to Indian school children and wanted the bill held till after the Labor Day vacation. Senator Pell could see another course. He persuaded the leadership that the technicality in question could be excluded from the bill and reconsidered at another time. He made his point, and debate rolled toward a vote.

When the vote came, moments before recess, the Pell triumph was total. S. 659 carried 51–0. Momentum in the three-day debate, as well as the vote itself, reinforced what the author long wanted as basic intent—to alter the focus, as well as the scope, of the federal commitment in higher education. The Senate's leading minority voice on education, Senator Jacob Javits of New York, spearheading minority support for the bill, underscored that intent, when he said, "The key aspect of this bill is the emphasis on 'post-secondary.'"

The Pell priority is clearly the student, not the institution; the consumer, not the educator. He has always widely proclaimed his ultimate objective to be "universal opportunity."

People close to Senator Pell long ago ceased to ponder the contrast between his own Ivy League upbringing and his passion to help low-income students. In the tradition of the Kennedy brothers, the quest to expand opportunity for less advantaged Americans has been constant in his public life.

"Something like the GI bill, to help all high school graduates, was always my target," he recalls. "I think I was perhaps the first to push this approach to universalizing postsecondary opportunity.

"Take a hard look at history. At our cultural and economic strides. Who's to put another priority first? Better education, better health services, these come first with the Americans I know," he said.

He could always see the sweeping impact of education on his own generation. When the great depression struck, college loomed large for many as a road to recovery. Vast numbers of young adults scraped their way through college for two reasons: they had nowhere else to turn, and they hoped more education would equip them to change the nation's plight.

"We went a lot farther along the same road with the GI bill. College was the door we all looked to, from war back to normality," recalled the Senator.

"Let me say again every girl and boy does not need college. Education up and down the line has been too heavily and too long geared to the liberal arts tradition.

"I see so many young people in my own state giving up, and dropping out of high school. They need more options. Incentives and status are too much stacked on one choice, college. I want the encouragement and support spread widely—proprietary schools, community colleges, technical colleges, or the liberal arts—the student ought to feel he's going first-class, taking the best route for him, whatever choice he makes.

"Let's talk about education that equips Americans to lead full lives—to be useful to ourselves and to our neighbors day by day—as well as to think," said Senator Pell.

He believes both the greater college community and the U.S. Office of Education are not looking hard enough at changing public views, changing demands. Colleges have done their part to spread educational opportunity as an ageless "right." To talk "right" over "privilege" is to address the total public. And the greater public looks now for more from post secondary services than a traditional degree.

His cause picked up added steam in the House when, shortly before the House omnibus higher education bill went to the floor, the Administration threw its weight behind his basic student aid standard, the automatic $1,400 grant for low-income students.

He sees the automatic feature as especially benefitting community colleges since they have often fared poorly in competing with senior institutions in dollar distributions under the existing economic opportunity grants program. He further recognizes that any cost-of-instruction funds that might be allotted as a percentage of current E.O.G. and work-study distributions would only compound this injustice to the community college students.

To help the bureaucracy get into step with changing realities on the postsecondary scene, the bill has specifically mandated three new units in the U.S. Office of Education. One is the proposed unit to spearhead community college participation in the various existing higher education and occupational programs. The second is an office to direct a new $80 million program on consumer education. The third is a bureau of occupational and adult education.

When some higher education leaders called his bill "misleading" on the grounds that the automatic student grants and supporting cost-of-education allowances would never be fundable under present budget conditions, the Senator repudiated their view.

"They have lost sight of the true significance of this bill. If the American people want universal opportunity, and the Senate obviously thinks they do, then this bill is going to be funded. Here's an opportunity to do more than just talk about reordering national priorities.

"I am afraid the lobbies speak for institutions. They are blinded by their own short-term interests," said Senator Pell.

He was keenly conscious that only scattered pockets of higher education's total lobby helped him push the bill. Galleries of the Senate chamber showed only a few college faces during the historic debate.

"Those who say I was personally offended by this miss the whole issue. It has nothing to do with personalities.

"Most of the higher education forces were sitting on their hands while the biggest package that greatly magnifies the federal commitment, was rolling toward passage. And when that happens, I think college constituencies ought to know—students, taxpayers, everyone. That's why I raised the issue. On a 51–0 vote I felt a duty to speak out. Let the public judge."

The Senator talks like a man who knows that history will judge, too. And he's quite willing to stand with that.

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ARE POLITICIANS SO REMOVED?

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mrs. GRASSO. Mr. Speaker, it is with pleasure that I present to my colleagues in the Congress the observations of young students on the Capitol scene. Their views of Capitol Hill, with special focus on the operations of the office of Congressman JAMES V. STANTON of Ohio, is tribute not only to his dedication, integrity, and service, but reflects as well the continuing effort of Members of Congress in the fulfillment of the duties and responsibilities of this office.

The article by Fairfield University students Joe Hasten and Joe Kern, which appeared in the December 1 issue of the Fairfield Free Press and Review, follows:

FROM THE RIGHT

(By Joe Hasten and Joe Kern)

ARE POLITICIANS SO REMOVED?

For too long, I have heard the conventional diatribe that all politicians are corrupt-infested hacks guided and manipulated by special interests. Indeed, this generalization has never sat well with me—for obvious reasons. One cannot deny that politics is a lucrative field, where wealth comes easily, if acquired dishonestly. I suspect, however, that the same opportunities exist in other fields of profession, and offer, at least as much, if not more, potential for unethical behavior. Naturally, trust is the operative factor in all positions of responsibility.

Personal integrity in public office has long been a virtue so over-applied that it has lost its essence. Strange, so it seems, that the actions of a few politicians, who have abused the trust placed in them, end up being the rule, rather than the exception to the rule. This, no doubt, is extremely frustrating to the honest and responsible politicians who are, thereby, statesmen, in the truest sense of the word.

Again, I have heard the inflated charge that a government such as ours, operating under the type of legislature that it does, cannot possibly perform and meet the needs of a nation of 200 million people. It seems as though a Congress of 535 members would have a difficult time attending to the needs of a nation so large; but, in reality, it does just that.

I was down in Washington not too long ago and after some observation, I came back instilled with renewed confidence in the responsiveness and integrity of legislators serving in the U.S. Congress.

I had the distinct advantage of touring the Offices of the House of Representatives (the Rayburn, Cannon, and Longworth Buildings) and the Old and New Senate Office Buildings. When I would, at random, step into one of their offices, I received the hospitality that would rival the number one man on any proctocol list. It was the same all over Capitol Hill.

In particular, I had the privilege of observing the Office of Congressman James V. Stanton (D-Ohio, 20th District). Calls came in, as did constituents, not to mention the bundles of letters, each with an individual, and personal response. As the quorum bells rang, the Congressman's staff toiled on with the work of the day, as "different from any other day. . ." The Congressman's Administrative Aide had worked with the Cleveland Plain-Dealer as Washington correspondent for twenty-two years. He left that job to work with Mr. Stanton. Stanton's Office manager is a remarkable lady, whose productivity level rivals that of a computer. It has to. Aside from answering all responses, and handling the communications of constituents, she has to manage the Congressman's schedule—a major feat. Mr. Stanton has both a legislative aide, who assists him in writing and researching legislation, and a receptionist, who has to be nothing short of a public relations expert. In addition, there is a case-worker, who handles the requests of all constituents.

Mr. Stanton, himself, besides overseeing this operation, must respond to a regular schedule of chamber sessions and Committee Meetings. (The Congressman is on both the Public Works and the Merchant Marine Committees). These tasks, needless to say, are quite time consuming.

One issue, in particular, which is typical of the Congressman and his staff's dedication, revolved around what Mr. Stanton related as "a violation of civil rights . . ." in regards to an incident concerning a constituent of his, Borojove M. Karapandzich. You remember Mr. Tito of Yugoslavia visiting this country. In relation to that, the Secret Service went to the home of Mr. Karapandzich and questioned him regarding a book he had written that was decidedly anti-Tito. Mr. Karapandzich, apparently taken aback, wrote to Mr. Stanton asking for his help. The Congressman flew back to Cleveland and paid a visit to Mr. Karapandzich. Consequently, after familiarizing himself of the facts, Mr. Stanton informed the Secret Service and the President that he wished an apology for his constituent. On Monday, November 1st, the Congressman stayed in Cleveland and announced, in a press conference with Mr. Karapandzich, that he intended to file suit in the U.S. District Court, unless this apology was not soon in coming. The Congressman felt very strongly about the issue and afforded his constituent some badly needed aid. This matter is elaborated in the November 3rd issue of the Congressional Record (Extensions of Remarks). I watched all this develop as I had the time, and I was most impressed with the technique in which the Congressman and his office went about aiding Mr. Karapandzich.

James V. Stanton is a freshman legislator. He is receptive, reserved, extremely impressive in stature, and hardworking (as you well may have noticed). I might say that if Mr. Stanton is typical of the type of politican that the people are electing, then the Congress has only to gain its duties to responsibly govern and serve the United States. This development is most beneficial to the nation as a whole and to the image of politicians, as a profession of public servants.

I command Mr. Stanton, and greatly admire him for his diligent attitude and his dedicated staff.

LATEST SUPREME COURT NOMINATIONS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to comment on the nominations of Mr. William Rehnquist and Mr. Lewis Powell to the U.S. Supreme Court. I commend the gentleman from Michigan (Mr. CONYERS) for having obtained a special order to give us an opportunity to express our opinions on the effect that these nominations will have on the continuing struggle for the attainment of full civil rights and civil liberties for all citizens under the Constitution of the United States. Once again Mr. CONYERS has shown himself to be a courageous and perceptive advocate of those disadvantaged people who cannot speak here today for themselves, but whose lives will be affected if these nominations are confirmed by the Senate.

The nominations of Mr. William Rehnquist and Mr. Lewis Powell to the Supreme Court are another indication of the insensitivity to the Nation's minorities which has been consistently evidenced by the Nixon administration. As chairman of the Civil Rights Oversight Subcommittee of the House Judiciary Committee, I have had the opportunity in recent months to observe the effects of this insensitivity in three of the areas in which our committee has held hearings. In the area of enforcement of the Voting Rights Act, the administration has sat by while the State of Mississippi has disenfranchised black voters in violation of the Voting Rights Acts of 1965 and 1970. In the community relations area the actions of the administration have served to heighten community tensions in several areas of the country through cutbacks in funding for poverty and other programs designed to alleviate the negative aspects of life for poor and minority people. In housing continued statements against "forced integration of the suburbs" threaten the minority poor with continued ghettoization and lack of access to jobs, education, and decent housing.

It has been apparent to us, however, that not only this administration has shown insensitivity to the needs of oppressed minorities. The records of past administrations are equally abysmal and have led directly to the mistrust and suspicion of government held by so many minority citizens. Contrary to the failure of the executive branch to exercise the kind of leadership which would make the promise of the civil rights laws enacted during the past decade a reality, the judiciary has steadfastly interpreted these laws as mechanisms for the achievement of the rights guaranteed to all Americans in the Constitution. If it were not for the strong, reinforcing interpretation of the civil rights laws by the judicial branch, it is apparent that the civil rights laws would have been long ago undermined.

The poor, the underprivileged, the disenfranchised, the hungry, and all those who are denied the benefits of the system, look toward the judiciary, and particularly the Supreme Court, as that branch of Government which is most likely to be responsive to their needs. It is before the bar of justice that there has been the greatest likelihood that the pure, bright light of the Constitution will be focused on the inequalities, discrimination, and deprivation of which too many of our citizens are a victim. In the courts, more than in the legislature and executive branch, are minority and other deprived citizens able to stand on equal footing with the privileged. Our judicial system filters out much of the influence for the maintenance of the status quo to which the other branches of Government

are subject and allows those who are the victims of the system to plead their case for the America of equal opportunity for all citizens which is guaranteed by the Constitution.

Thus, the nominations of Mr. William Rehnquist and Mr. Lewis Powell to the Supreme Court are a cause for consternation, if not despair, by those of us who see the Supreme Court as the greatest hope for the enforcement of civil rights and civil liberties.

Mr. Rehnquist's record as a lawyer in Arizona and as Assistant Attorney General in the Department of Justice has been well documented. In Arizona, he actively opposed a State public accommodation law. Those who argue that this was fundamentally a conservative rather than a racist position have a more difficult time explaining away Mr. Rehnquist's efforts to deny the vote to blacks, Indians, and Mexican Americans in Arizona. Those who have opposed civil rights laws, because of conservative ideology have generally found common ground with supporters of these laws in the area of voting rights. The right to vote is so fundamental that few have questioned the need for governmental action to prevent a denial of that right. Yet, Mr. Rehnquist actively participated in attempts to bar minority voters from casting ballots in Arizona elections. He was personally present in precincts where attempts were made to prevent minority citizens from voting, and the Leadership Conference on Civil Rights has presented sworn affidavits from witnesses alleging Mr. Rehnquist's active involvement in these efforts. Mr. Rehnquist was also involved in the administration of literacy tests to black and Mexican-American voters in Arizona. Tests requiring black voters to read or recite parts of the U.S. Constitution were given in Arizona after the passage by Congress of the 1964 Civil Rights Act prohibiting the giving of oral literacy tests unless such tests are allowed by special exemption given by the Attorney General of the United States. Although Mr. Rehnquist's role in the administration of these tests is not clear, any degree of involvement in violation of Fedral law should serve as a disqualification of a nominee for the Supreme Court.

We are all familiar with Mr. Rehnquist's role as Assistant Attorney General in the illegal governmental repression of the May Day demonstrators. Under his direction the police conducted sweeps which resulted in thousands of arrests. The courts have almost uniformly held that these arrests were illegal and have invalidated them. This record alone should disqualify Mr. Rehnquist as an appointee to a court where he will have the responsibility for judgment on civil liberties questions. Mr. Rehnquist's advocacy of a police state in May should not recommend him in December for appointment to a court where such advocacy will affect all of our lives.

The record of Mr. Lewis Powell is not so blatantly anticivil rights and anticivil liberties as that of Mr. Rehnquist. In fact, he has been consistently pictured as a benign Southern gentleman whose career has not been marked by the expressing of strong segregationist or racist sentiment. The problem with Mr. Powell's nomination, however, is the same as that involved with the nomination of William Rehnquist. The nomination of Mr. Powell is a clear signal to those who depend on the court for interpretations which mandate strong enforcement of the civil rights laws that the court is being consciously changed in a way that will make it less concerned with such enforcement. No one claims that Mr. Powell will be a vigorous proponent of civil rights enforcement, and in the absence of strong executive and legislative commitment in this area, it is the Supreme Court to which the underprivileged must turn. Mr. Powell's nomination is wrong, because he has shown no commitment to the equality of opportunity in this society which a member of the Supreme Court must have if he is to serve on the Court as a guarantor of the constitutional rights denied the underprivileged.

It is my hope that the Senate will deny the nominations to these appointees as a continuing signal that Supreme Court nominees which do not share the goal of full equality under the Constitution for everyone are unacceptable.

NATIONAL COMMANDER ANTHONY R. ROSS, ITALIAN-AMERICAN WAR VETERANS, HONORED AT TESTIMONIAL BANQUET IN YOUNGSTOWN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CARNEY. Mr. Speaker, on Sunday, November 27, 1971, I had the privilege of attending a testimonial banquet honoring Anthony R. Ross, National Commander of the Italian-American War Veterans.

National Commander Anthony R. Ross was born and raised in Youngstown, Ohio. Born August 16, 1932, Tony is the oldest of two sons of Anthony and Anna Ross of Youngstown, Ohio. Tony attended Woodrow Wilson High School and Youngstown State University. He is married to the former Yuriko Teshima of Hiroshima, Japan, and they have three children, Linda, age 12; Anthony Jr., age 6, and Dennis, age 5. After some 38 years in Youngstown, Ohio, Tony and his family now reside in Canfield, Ohio.

On February 2, 1951, during the Korean conflict, Tony enlisted in the U.S. Marine Corps and served in both the 1st and 3d Divisions as a mechanic in motor transport. In June 1953, he was honorably separated, then served in the Active Reserves until August 1959 when he was honorably discharged.

Tony is a bricklayer by trade and a general contractor; he is president of the A. R. Ross Construction Co., Inc., and has been a contractor for the past 14 years.

Tony joined ITAMS in 1956 and served in nearly every position in the post and in 1969 was elected State commander and held that position for 2 years. In 1969 he was elected national junior vice commander. In 1970 he was elected national senior vice commander, and in August of 1971, in Philadelphia, Pa., he was elected to the highest position in the Italian-American War Veterans.

The national commander is an active member of UNITA, Sons of Italy, and Knights of Italy. Commander Ross is active in Canfield Boosters and also is a member of St. Michael's Catholic Church in Canfield, Ohio.

Tony Ross exemplifies the high ideals of Americanism that have made our country strong, free, and prosperous. I am proud to call him my friend and neighbor.

In my address to the Italian-American War Veterans, I spoke about the extraordinary contribution Italian Americans have made to the defense of the United States. Mr. Speaker, at this time I insert my address in the CONGRESSIONAL RECORD.

ADDRESS TO ITALIAN-AMERICAN WAR VETERANS

(By Hon. CHARLES J. CARNEY)

It is a pleasure and a privilege for me to appear here today and to address to you these remarks concerning Italian-Americans and their distinguished record of service in the defense of America. You who are gathered here today are especially conscious of the part played by Italians in the American story: All Americans share your pride in that part of our national history.

It is a remarkable fact that Italy, a land smaller in size than almost any one of the western states in this Nation, has contributed more immigrants to American shores than has any other nation in the world, with the single exception of Germany. Today, some 25 millions of our people lay claim to Italian descent. Their story is the story of America—of blood, sweat, and tears, of courage, enterprise, and loyalty, all expended freely in the upbuilding of this country's life and freedom from 1776 to 1971.

Italians and those of Italian descent have made great contributions to the physical, intellectual, cultural, and spiritual development of this Nation. Italians have built our railroads and bridges and have constructed many of our buildings. Every industry in the United States today feels the effect and influence of Italian capital and energy; that Americans of Italian descent recently have made great progress in the field of politics. Everyone knows that Cristoforo Colombo discovered America, that Giovanni Cabota (John Cabot) first explored its mainland; that Amerigo Vespucci provided its name—all three Italians; that Giovanni d'Verrazzano discovered New York Bay; that Alessandro Malaspina was the first white man to explore Alaska, Vancouver, and the coast of California.

My special concern here today is to highlight briefly the great achievements of Italian Americans in the wars of our national existence. Here is the saga which inspires the members of this organization, the Italian-American war veterans.

From the very first days of the Republic, Italians have been active participants in America's struggle for liberty. The story of their courage and sacrifice has often been neglected in our textbooks. As members of the Italian-American war veterans, you are in a unique position to make that story known and to acquaint all our people of every ethnic and religious background with the full dimensions of the Italian contribution to our history.

Most informed citizens these days have heard of Philip Mazzei and William Paca, enlightened and dedicated patriot leaders of the Revolutionary war Mazzei, a friend of Jefferson, Washington, and other Found-

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ing Fathers, was among the first to declare that "all men are by nature created free and independent"—as early as 1774, a witness to the inextinguishable love of freedom in the Italian soul.

However, the role of Italian soldiers in the revolution—and in all the wars of our history—is often forgotten or overlooked. It is to this that I direct your attention.

Numerous Italian names may be found among the regimental lists of the Continental Army. In the complete registers for the period, only officers were listed, and so the names of many Italians who served in the revolution will probably never be known. Nevertheless, two and perhaps three regiments were recruited in Italy and served here with distinction. The name of Francis Vigo, born in Mandovi, Italy, in 1749, stands out. A companion of George Rogers Clark, he played a major role in the winning of the Northwest Territory.

Of the first five warships commissioned by the Continental Congress, no less than three bore the names of great Italian mariners—*Christopher Columbus*, *John Cabot*, and *Andrea Doria*—a measure of the esteem in which Italy was then held.

Italians serving with notable distinction in later conflicts included Salvatore Catalano, the brilliant pilot of the *Intrepid*, the warship of Stephen Decatur, at Tripoli in 1804. In the War of 1812, the name of Joseph Lemetti, born in Modena, Italy, is still remembered. Italians in the Mexican War (1848–50) included Commodore Louis C. Sartori and Admiral Bancroft Gherardi. Italian names are to be found among those who served in the Indian wars and in the Spanish-American war.

The greatest expenditure of Italian blood for America, prior to the great wars of this century, was in the tragic conflict between the States, the Civil War. Here was a baptism of fire, indeed, wherein Italian Americans covered themselves with honor both in defense of the Union and in behalf of the lost cause. Some one hundred Italian officers commanded troops from New York State alone. Three Italians won the Congressional Medal of Honor—Joseph Sova, Orlando Caruana, and Luigi Palma di Cesnola. Three were raised to rank of general—Enrico Fardella, Eduadro Ferrero, and Francis Spinola.

During that bitter struggle President Lincoln offered a major general's commission to the great Garibaldi, whose leadership in the movement for Italian Liberation and unification had fired the imagination of the world. Because of his commitment to Italy, Garibaldi declined. However, the Garibaldi guard, formed during the war, served with distinction under Lt. Fernando Maggi at Gettysburg and elsewhere, proudly bearing the motto, "God and the People!"

In the First World War, some 400,000 American with Italian names served under the stars and stripes, again with honor and distinction. No less than 83 American soldiers born in Italy received the distinguished service cross in the great war, while another 20 went to American soldiers of Italian descent. Italians, though only about 4 percent of the whole population at that time, supplied a full ten percent of the casualty lists. The heroes of that war included Privates Michael Valente and Joe Mastine, who helped to break the last German defenses at the Hindenburg line. The first U.S. seamen killed in the war was John Eopolucci.

It is impossible to know precisely how many Americans of Italian lineage have served in our wars, but Italian names have never been absent from the rosters of those men and women who responded to the call of this Nation in its hours of greatest trial.

In the second World War, it is estimated that over a million—some say 1,500,000—Americans of Italian background served in the armed forces of this country, comprising some 10 percent of our total armed might. Italian-Americans fought on every battlefield of that war.

An almost unprecedented situation occurred when the United States declared war on Italy in 1942. Nearly 600,000 foreign-born and unnaturalized Italians became "Alien Enemies." They were restricted and put under surveillance, but after ten months of watching, on Columbus Day, 1942, United States Attorney-General Biddle announced.

"Out of the total of 600,000, there has been cause to intern only 228 or fewer than one twentieth of 1 percent! Italian Aliens will no longer be classed as Alien Enemies. They will be free to travel and to go about their lives as any other person."

In this statement was expressed a trust and confidence seldom equaled, and Italian-Americans responded in enthusiastic support of every phase of the war effort.

The tribute of Gen. Mark Clark, Commander-in-Chief of Allied Forces in Italy, is deservedly famous. General Clark said:

"No one surpassed (the Italian-Americans) in their devotion to American ideals and the American cause. Into their fighting spirit went their sense of gratitude for the great opportunities offered to them in America."

Italian heroes of the Second World War are known and honored throughout the Nation: Lt. Willibald Bianchi, hero of Bataan and holder of the Congressional Medal of Honor; Salvatore Battaglia, recipient of the Distinguished Service Cross for his role at the battle of Midway; Lt. Col. Henry Mucci, who helped head the liberation of the Philippines; and many more.

The names of Don Gentile of Ohio, who shot down 30 Nazi planes, and John Basilone, holder of the Congressional Medal of Honor for his courage at Guadalcanal, rank among the great warrior-champions of American survival. No less than four Italian-Americans were raised to the rank of brigadier general—Daniel Noce, Robert Ignico, Ralph Palladino, and Joseph Michela.

In the Korean conflict, it is said that some 300,000 Italian-Americans served in the American uniform. One of the best known Italian-American heroes of that war was Private Battista Mastroianni, killed in battle, deeply loyal to America, yet loving Italy, the land of his birth. He lies buried—at his own wish—in Gizzeria, Catanzaro Province, the flag of the United States above his grave.

Italians are serving in Southeast Asia today, as may readily be seen by examining the casualty lists from Viet Nam. We may well expect that their contribution will continue to be in keeping with the great service and sacrifices Italian-Americans have made for this country.

Today there are in America some 25 million citizens of Italian descent and lineage. They constitute a precious part of the strength and vitality of this Nation. Their willingness to serve in defense of our freedoms has been attested to in every generation. It reflects the dedication of Italian-Americans to the ideals and principles of American democracy. In these troubled times, it is the surest guarantee of our survival as a people, a people drawn from many and various origins and backgrounds, yet one in mutual respect and love of liberty.

AMERICAN ECONOMIC ASSISTANCE TO VIETNAM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CRANE. Mr. Speaker, the American program of economic assistance to Vietnam has been misunderstood by many critics of that program, both in our own country and elsewhere.

It has been charged, for example, that AID financing is supporting the standard of living in South Vietnam at levels which could not be supported in peacetime. It has also been charged that Vietnam is now importing at a level which it could not support, in balance of payment terms, in peacetime.

In an important speech before the American Chamber of Commerce in Saigon, John P. Mossler, director of the U.S. AID Mission to Vietnam, attempted to set the record straight.

He pointed out that over a million men are under arms in South Vietnam, representing about a sixth or a seventh of the total labor force. He stated that—

These men are not producing for the economy. A sharp decline in already low standards of living would be inevitable without outside help. Our imports under the Commodity Import Program and the Food for Peace Program help to substitute for the additional volume of goods that, in the absence of the military burden, would be produced here.

The stabilization program being conducted by the U.S. AID mission is designed primarily to provide economic support for the military effort, but it has important developmental aspects as well. Mr. Mossler points out that it finances imports of equipment and industrial materials essential to development, and the price stability that is its goal is in itself important to growth.

One example of such a developmental effort was described in these terms by Mr. Mossler:

Vietnam used to be a rice exporter. But with land going out of production for security reasons and a continuous drain of manpower for defense, there was a steady decline in production. By 1968, Vietnam had to import nearly 700,000 tons of rice—about 20 per cent of its requirements. Something had to be done. Fortunately the new "miracle rice" seeds—primarily IR–8 and IR–5—were just becoming available. An accelerated rice production program was developed cooperatively by the Ministry of Land Reform, Agriculture and Fishery Development and USAID . . . The ultimate goal was self-sufficiency in rice during 1971.

It is essential that Americans understand the real goals which the AID program in Vietnam is attempting to accomplish. I share Mr. Mossler's speech, which was presented May 13, 1971, with my colleagues and insert it in the RECORD at this time:

AMERICAN ECONOMIC ASSISTANCE TO VIETNAM

(By John P. Mossler)

INTRODUCTION

Others have spoken to you about the security situation, the political situation and the economic situation in Vietnam. All are relevant to what we in USAID do. Today I'm going to discuss the USAID program primarily as it relates to the economic situation. It's a unique program. It is massive and complex. We believe it has also been effective.

What I'll try to do here is to give you an overview of the activities in Vietnam which are USAID-Managed. By this I mean that I will include some programs we manage although they are not funded under AID legislation, and on the other hand, exclude discussion of the CORDS pacification program, although it is in part AID-funded.

The total program defined in that way runs to about $500 million in this fiscal year. Of that, some $250 million is in the AID-funded Commercial Import Program, $100 million in Food for Peace, and the remainder of roughly $150 million is project aid, some funded by AID and some by the Department of Defense.

THE STABILIZATION PROGRAM

Let me take up first that part of our total effort that we call the stabilization program—a program concerned essentially with helping to offset the inflationary effect of the massive Vietnamese military effort. As measured in dollars, this is by far the largest part of the program.

The overall purpose, method and effect of the stabilization program are relatively straightforward, despite some complexities in the mechanics of its formulation and implementation.

The way it works is essentially as follows: The GVN is devoting a very substantial part of the total resources of the country to the war effort. Over a million men are under arms, about a sixth or a seventh of the total labor force. These men are not producing for the economy. A sharp decline in already low standards of living would be inevitable without outside help. Our imports under the Commodity Import Program and the Food for Peace Program help to substitute for the additional volume of goods that, in the absence of the military burden, would be produced here.

Another way of viewing this program of support is in local currency financial or monetary terms. The GVN military budget this year will be approximately 165 billion piasters, equivalent to roughly one-fifth of the Gross National Product. This is obviously more than could be financed by increases in taxation. In the absence of large external support, the only alternative would be the printing press. Inflation is just a disguised form of taxation, so it could not prevent the lowering of living standards. But it is a very inefficient form of taxation. And, on the scale that would be required, it would rapidly degenerate into hyper-inflation and economic chaos.

The imports under the stabilization program help fill this inflationary gap in two important ways. The sale of dollars to the importers for piasters plus the import duties levied on the goods, some at a very substantial level, provide a very significant revenue source for the Government of Vietnam. Although some deficit remains, the program assists in holding inflationary pressures to manageable proportions.

It is believed by some that AID-financed imports have permitted the Vietnamese people to live on a much higher standard than they had before the war.

Although good statistics are difficult to come by in Vietnam, I do not believe this is correct. Our data show that average per capita consumption has not increased to any great degree over the last six or eight years. That is, imports, largely financed with U.S. assistance, have made up for war losses and kept pace with the requirements of an increasing population. During the past ten years, the population of Vietnam has increased by about 30 percent, and that huge additional requirement for food, clothing and every other human need has had to be met. While some Vietnamese have gained in standard of living over the last few years, especially the Delta farmers, others have lost, and the average although up moderately has probably increased by less than 2% a year. The maintenance of the level of per capita income by importation of durables which last for several years has given the illusion that per capita consumption has risen by staggering amounts.

Another widespread belief holds that AID financing is supporting the standard of living at levels which could not be supported in peacetime. Now that is undoubtedly true in one sense: if the war were to end today, the economy would be in a turmoil, and would not be self-sustaining for a number of years. But put the question another way:

suppose that there had been no war during the last ten years. Would the Vietnamese be living at the present standard, or higher, or lower? I suggest there is reason to believe in would be higher. The Vietnamese have a fairly substantial array of natural resources, they are energetic and dynamic people. I don't see any real reason, except the war, to think they would not have emulated countries such as Korea, and reached an economic growth rate of more than six percent per year. Had they done that well, the standard of living here today might be as much as 20 or 25 percent higher than it now is.

While I am dealing with popular misconceptions, I think I might as well attack another one. This one is that Vietnam is now importing at a level which it could not support, in balance of payment terms, in peacetime. The point is made that Vietnamese imports have reached a level of about $700 million, while exports are only $15 million.

Again, the argument is a good one if one considers it in the very limited sense, that a sudden end to the war would leave Vietnam in a position requiring a number of years to correct. But look at it in a larger time period. If there had not been a war during the last decade, would Vietnamese imports and exports be balanced at, say, $200 million or $300 million? I suggest to you that they would more like'y have been balanced at the much higher present level. Korea and Taiwan have reached higher levels, and without any great advantages over Vietnam, except peace. I also believe that, regardless of whether the war ends soon or drags on, Vietnam should not aim for a restricted economy with low imports, but for a high export economy which should aim to support an import level of over $700 million per year.

U.S. imports are only one side of the stabilization program. Equally important are the economic policies of the Government of Vietnam. As you know, a number of anti-inflationary policies were undertaken last fall with additional ones instituted this spring. I'll note a few of them. The creation of the parallel market with a piaster-dollar rate of 275:1 has increased the piaster yield of a large volume of imports. The increase in bank interest rates last fall has increased savings substantially, as have the higher rates on Treasury Bills instituted this spring. The recent increase in official prices for such commodities as sugar, although having a slight direct inflationary effect, has a much more than off-setting anti-inflationary effect by helping to fill the budget deficit. As the higher sugar prices make clear, the adoption of necessary economic policies is sometimes not politically attractive. They cannot all be undertaken at once. And more will be needed. We are continuing to work with the Government in their development and implementation. But those economic reforms already undertaken have had considerable success. The Saigon retail price index has risen only some three or four percent since last September as compared to annual averages of thirty percent or more since 1965. But there have been some previous periods of several months of relative price stability, so the victory over inflation is by no means assured. For the current year it is hoped that inflation will not exceed ten percent.

As has been noted, the stabilization program is designed primarily to provide economic support for the military effort. But it has important developmental aspects as well. It finances imports of equipment and industrial materials essential to development. And the price stability that is its goal is in itself important to growth.

We have been having quite a lot of discussion recently about the relationship between stabilization and economic growth. Inflation hampers development by discouraging savings and deflecting capital into speculation and other non-productive channels. A reasonable degree of price stability over a long enough period to restore confidence sets the stage for sustained and well-balanced growth. Therefore, stabilization remains a priority concern, even as we begin to plan and organize for development.

TECHNICAL ASSISTANCE AND CAPITAL PROJECTS

With that said, I would like to turn now to the part of our program which is explicitly aimed at development: the project program. This program, which involves most of our personnel, helps to develop the resources of the economy in a broad sense—we are seeking to create human and institutional strengths as well as to put steel and concrete in place.

We have at present several dozen distinct development projects. Rather than trying to summarize the whole range, I'll note a few of our major accomplishments and some of the problems still ahead of us.

The "miracle rice" program is an accomplishment of which we can all be proud. It dealt with a very serious problem, and it dealt with it successfully.

As you probably all know, Vietnam used to be a rice exporter. But with land going out of production for security reasons and a continuous drain of manpower for defense, there was a steady decline in production. By 1968, Vietnam had to import nearly 700,000 tons of rice—about 20 percent of its requirements.

Something had to be done. Fortunately the new "miracle rice" seeds—primarily IR–8 and IR–5—were just becoming available.

An accelerated rice production program was developed cooperatively by the Ministry of Land Reform, Agriculture and Fishery Development and USAID, with assistance by CORDS at the field level. An extensive training and information program was established, and strong leadership was provided by Ministry officials. The ultimate goal was self-sufficiency in rice during 1971.

The immediate target was 44,000 hectares planted with the new high-yielding varieties in the 1968–69 crop year. That target was met, and yields of the new varieties were nearly five metric tons of paddy per hectare, as compared with an average of two tons for traditional varieties.

For 1969–70 the target was set at 200,000 hectares of "miracle rice" and for the crop year just now ending the goal was 500,000 hectares. Both have ben exceeded, providing increases in production of more than 1.3 million tons of paddy. In two years rice production has increased by 30 percent, and the goal of self-sufficiency appears to be at hand with over 5,700,000 m/t of rice production during the crop year just ended. We still have the problem of conveying to deficit areas in Central Vietnam the Delta surplus, but I am confident this can be handled.

Primary education provides another example of a successful GVNAID activity. This program was carried out country-wide and largely at the hamlet level. The U.S. contribution consisted primarily of assistance in classroom construction and teacher training and help in the planning and management of the project. From 1963 to 1970 nearly 20,000 low-cost classrooms have been built, more than 20,000 emergency teachers were trained, and a million and a quarter rural children were enrolled in elementary schools. These numbers take on added meaning when we look at the proportion of children in school. Fifteen years ago, only about a quarter of the children of elementary school age were actually in school. As recently as five years ago the proportion was not much more than half. But today more than 85 percent of these school age children are being provided a primary education.

One of our largest and most urgent programs today is the land reform program. The target is ambitious—to distribute ownership of one million hectares of rice land in three years. Its success should totally refute the

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Viet Cong charges that the GVN is dominated by landlords. The program when completed will benefit an estimated six million citizens.

The GVN and the USAID have worked together in planning the program. We have supplied technical assistance in organization and training and in such specific practical areas as computer print outs of land titles. And we are supplying large-scale financial assistance to help offset the inflationary impact of compensating the landowner. Ten million dollars has already been committed, and we have programmed $15 million for the current fiscal year and are asking the Congress for an additional $15 million for next year.

This program has moved forward swiftly. The Land to the Tiller law was passed only a little more than a year ago. By mid-April this year applications had been approved for the distribution of 228,000 hectares to 180,000 farm families. Titles for most of these have been printed and more than half of those have actually been distributed to the new owners. The Government continues to give this program strong support, and there is every reason to expect that the current-year goal of 400,000 hectares will be met or exceeded.

We are proud of the success of our efforts to help the Vietnamese in such programs as I have just mentioned and I think our pride is justified.

However, there are also areas calling for increased attention as a result of the developments within the Vietnamese economy. Agricultural diversification and industrial growth are two of the more important ones.

The achievement of self-sufficiency in rice and the prospect of further increases in productivity pose a problem—and an opportunity. A resumption of exports on any significant scale is unlikely and the danger of surpluses is, therefore, a real one. But the opportunity is equally real. Higher productivity in rice production will require less land for rice, thus freeing land for other uses. This in turn will permit higher standards of consumption. The main effort of the crop diversification program is in increasing feed-grains for livestock, primarily corn and sorghum. This will permit both increases in livestock production, with their contribution to higher standards of living, and a reduction in present levels of feed-grain imports. The joint GVN-USAID program in feed-grain production, initiated in 1969, has moved more slowly than the rice program, but significant progress has been made over the past year.

In the field of industry, security conditions continue to inhibit development in some sectors, for example the rubber and lumber industries. Despite some continuing limitations the opportunities for industrial growth are expanding. Industrial development, as we see it, should be largely a private sector activity. The government can do much to support it by providing a favorable climate. Capital availability, particularly in the form of foreign exchange, is also an essential. Increased attractiveness for foreign private investment and funds for industrial loans are two important ways of helping to meet this need. We have undertaken work with the Government in a number of aspects of encouraging industrial growth. This is one area in which most of our work still lies ahead of us.

PERSPECTIVE OVER TIME

In concluding, let me take a minute or two to put what I have said in a time perspective.

The program of AID, and its predecessor agencies, in Vietnam has a history of two decades. Some of the accomplishments of the earlier years have been obliterated by the war. Many of them remain as a part of the foundation on which we are now building. For example, the National Institute of Administration, which provides essential training for government officials, was created with our assistance in the 1950's.

With the rapid build-up of the U.S. military effort starting in 1965, there was a parallel build-up in economic assistance. With the stakes so high and the time so short, the program was not subject to many of the usual AID constraints. The relevant question was not "Can you prove it will succeed?" but rather "Does it have a reasonable prospect of succeeding?" And, inevitably, some of the efforts did not succeed.

Today we are in the process, especially in technical assistance activities, of scaling down portions of our project program. During the current fiscal year total direct hire American personnel is being reduced from 1,830 to about 1,650, and a similar percentage reduction is in prospect for next year. Some of this scaling down is a reduction or elimination of activities that have proved to be marginal. But much of it is a closing out of activities that have accomplished their purpose. One example is the primary education project of which I spoke. With the tremendous increase in the proportion of school-age children in school, the ultimate goal of primary education for all is now within reach. We and the Government feel that they can move on toward this goal without further assistance from us. Of course, development is a continuing process. As we phase out some activities where we feel our pob is done, we undertake new activities where we believe we can be of help. The pace can now be a slower one, and our choices more selective.

On the stabilization program and capital assistance, the future necessarily holds many uncertainties. But some broad indications can be foreseen.

With the reduction of Food-for-Peace imports and of Department of Defense piaster purchases, a larger USAID Commodity Import Program is in prospect. We are estimating $250 million this fiscal year as compared to $238 million last year. But the decline in non-AID foreign exchange sources will be even more rapid in the next year. We have proposed a Commercial Import Program of $300 million for fiscal year 1972, about the maximum that can be used under the limitations and special conditions of that program, but this will be inadequate to the need.

We have, therefore, requested from Congress an Economic Support Fund of $150 million for fiscal year 1972. This would be available to the GVN for uses similar to those now made of dollars available from U.S. military piaster purchases. Let me emphasize that this $150 million fund is at present just an Administration request to the Congress; the appropriation is, of course, not assured. If our total request to the Congress is approved, the AID portion of total stabilization import funding will increase from about $250 million this fiscal year to an authorized $450 million next year. The total amount of dollar import financing from all sources will remain roughly stable—around $700–750 million.

Looking farther ahead, both the requirements and the availabilities for the stabilization program are inherently uncertain. The need—and opportunities—for investment in development will surely grow. Assuming that security continues to improve, the prospects for productive investment in utilities and agriculture and industry—particularly those with export potential—will multiply. Foreign private investment should help to meet the need. We believe that Vietnam can look forward to increasing support from other donors—the Asian Development Bank, Japan, Germany, Australia and others.

Finally, improving circumstances should bring increased savings in Vietnam, and perhaps a reflow to the country of flight-capital, so that investments by Vietnamese themselves will play an important role.

To sum up, I visualize a situation, say four or five years from now, in which the part played by U.S. economic aid will be reduced though still important. Capital investment by foreign private interests and by Vietnamese, aid from other countries and development loans from multilateral institutions will have taken up a share of the burden.

One major cost of the war has been the losses of potential economic growth. And no one can foresee just how long those losses will continue. But as security improves and if the military burdens decrease, there will be some new assets that can be put to use. Military requirements have helped to develop what is perhaps the best transportation system of any of the lower income countries. And the war, despite its human costs, has developed many new skills. The most important resource is the people themselves. Their demonstrated intelligence, industry and skill provide the most important single element in the hope for successful long-term economic development.

A SHORT ACCOUNT OF THE OPERATION KEELHAUL CASE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ASHBROOK. Mr. Speaker, on a number of occasions I have inserted in the CONGRESSIONAL RECORD extensive information detailing the many aspects of "Operation Keelhaul," that pathetic operation at the end of World War II in which the United States cooperated with other Allied countries in sending back to the Soviet Union several million Russian prisoners of war and displaced civilians against their strenuous protests. As previously pointed out, Julius Epstein, presently with the Hoover Institution at Stanford University, unearthed the depressive story of the forced repatriation after many years of dogged research. Mr. Epstein's forthcoming book, "Operation Keelhaul, the Story of Forced Repatriation," will soon be available to the public, and many aspects of the case will be publicized for the first time.

There yet remains the release of official information contained in the Operation Keelhaul file compiled by the Department of the Army and still retaining a classified status. Mr. Epstein will again have recourse to the courts to compel release of the classified information, having been denied certiorari by the Supreme Court in his first judicial effort.

The December 1971 issue of New Guard, the official publication of Young Americans for Freedom, carried a short, but complete treatment of the Operation Keelhaul tragedy written by Mr. Epstein himself. It details his efforts to date, to have the full story made public, in addition to enough material to indicate the scope of this human tragedy. I insert at this point in the RECORD the article, "Operation Keelhaul—A Case of Censorship" by Mr. Julius Epstein, as it appeared in the New Guard issue of December 1971:

OPERATION KEELHAUL: A CASE OF CENSORSHIP

(By Julius Epstein)

What does "keelhaul" mean? According to Webster, second edition, "keelhaul" means: "To haul under the keel of a ship, either athwartships or from bow to stern by ropes attached to the yardarms on each side. It was formerly a punishment in the Dutch and British navies and a method of torture used by pirates."

"Operation Keelhaul" was the code-name chosen by the U.S. Army for the Top Secret documentary dossier describing the forced repatriation of between two and five million anti-Communist prisoners of war and civilian displaced persons, including men, women and children, to Stalin's executioners and slave labor camps.

In 1954, when I started my research into the history of forced repatriation during and after World War II, I discovered in the historical archives of the U.S. Army in Alexandria, Va. the index card of the "Operation Keelhaul" dossier. It read: "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." The class mark was "183.7–14.1."

I ordered the Keelhaul dossier only to be told by Mr. Sherrod East, the librarian, that it was Top Secret and could not be given out. This poor man had a lot of trouble having allowed an index card for a Top Secret classified dossier to appear in a catalogue accessible to the general public. Needless to say, that card immediately vanished from the catalogue.

From that day on, I have been fighting to gain access to the Keelhaul dossier to get it declassified and released to the American people who have the right to know it. But before I shall deal with my long drawn-out legal fight against the Pentagon, including a lawsuit against former Secretary of the Army, Mr. Stanley Resor, I want to say a few words—a quintessence in a nutshell—about Operation Keelhaul itself and about the way it was carried out by our GIs as well as by the British and French armies occupying Germany after the end of hostilities in 1945.

For the purpose of this article, it may suffice to give just one or two verified examples of how Operation Keelhaul was carried out by the American and the British troops.

AN AMERICAN ATROCITY

Let me begin with a scene which took place on February 24, 1946 in an American camp for Soviet war prisoners at Plattling, Germany.

At about six o'clock in the morning, the prisoners, awakened by searchlights suddenly flooding the entire camp, were hustled out of their barracks. They were frisked for weapons—not weapons of assault but weapons for suicide. Those who resisted were beaten up; skulls were cracked and ribs smashed. Despite careful planning of the macabre business, many of the victims succeeded in slashing their wrists and throats with concealed razor blades and jagged glass.

In batches the men were driven onto the waiting trucks, each guarded by American soldiers flaunting rubber clubs and machine pistols. Hour after hour, the trucks hauled away their freight of betrayed prisoners, some of them bleeding and dying, to the Communist fate they dreaded far more than death.

Even in our age of mass violence, this scene has a nightmarish quality. Who were the unfortunate prisoners? What was their crime? Who were their captors, so intent upon providing targets for Stalin's firing squads, gallows and slave labor camps?

For Americans with a conscience the answers to such questions are deeply distressing. Yet they must be faced. Whether crime or blunder or both, we can cleanse the national record on this score only by acknowledging the terrible facts.

The victims were veterans of General Andrei Vlasov's "Russian Army of Liberation," which had fought under German auspices in the desperate hope of overthrowing the Stalinist despotism and incredible tyranny in their homeland. Knowing that torture and death awaited them in the Soviet Union, they had surrendered to the American victors after the latter had dropped billions of leaflets, inviting them to surrender and promising them good and humane treatment according to the Geneva Convention. Therefore, they indulged in the naive belief that the Americans would accord them political asylum.

Plattling is just one example. No less gory tragedies of violence were being played out at dozens of detention points for displaced Soviet citizens in Germany, Austria, Italy, France, England and even in the United States.

Nor was the brutality unleashed only against those who like the Vlasov soldiers had donned German uniforms. It was also directed against the vast number of Red Army war prisoners liberated by the Western allies from German camps against many millions of civilians, including women and children; in short against all Soviet nationals who at the war's end, though they loved their native land, refused to return to the Kremlin yoke, a fact easily understandable when we remember that Stalin had issued an order of the day, shortly after the Nazi invasion of the Soviet Union, according to which it was a punishable crime if a Red Army soldier became a prisoner of war of the Germans. It was equivalent to treason committed against the fatherland, the USSR. Even if he had become a prisoner while wounded and possibly unconscious, he was to be punished after his return to the Soviet Union. No wonder that practically not a single one wanted to return.

In view of this unique fact, unheard of in modern history, one must pause to savor the extraordinary facts. The democratic governments in their hour of victory used force—ranging from deceitful persuasion and threats to raw violence—to return men, women and children against their will to Stalin's mercies!

ALLIED PLEDGES BROKEN

The British did not behave any better. They forcibly repatriated more than 30,000 Cossacks from their camp in Lienz in Austria. Many of these Cossacks were old men over 75 years of age who had left Russia in 1910 and 1918, long before the Soviet Union was proclaimed. By no stretch of the imagination could they ever fall under the Yalta Agreement on the exchange of prisoners of war and civilians. Moreover, the Yalta Agreement made no mention of force. This was a completely arbitrary interpretation by the Joint Chiefs of Staff (Under General Marshall and General Eisenhower as chairmen.) In Lienz as well as in the American camps, British and American officers had deceived the prisoners. They had solemnly pledged their word of honor that there would be no forced repatriation to the Soviets.

In my forthcoming book *Operation Keelhaul, The Story of Forced Repatriation*, I have tried to give a comprehensive story with all the incredible details of this American-British-French crime against humanity. That it was a crime will be shown by many American documents, never published before.

During the Korean war, when the Communists insisted that we should repatriate all the prisoners in United Nations hands, by force if necessary, our then Secretary of State, Dean Acheson, delivered a speech before Committee One of the General Assembly on October 24, 1952. In this speech Acheson fought this demand tooth and nail. He said: "As increasing numbers of prisoners came into United Nations hands, it began to be found out that more and more of these prisoners (Chinese and North Vietnamese) believed that, if they were returned to Communist hands, they would be executed or imprisoned or treated brutally in some way. They therefore took the position that they would not be exchanged and that, if an attempt was made to exchange them, they would resist by force. Finally, they (the representatives of the Communist group) say that the Geneva Convention and international practice require this forcible repatriation. We, on the other hand, have said that we have lived up to the humanitarian principles of the Geneva Convention. We have said that we have abided by them, and that our position on repatriation is wholly consistent with that Convention."

The bitter irony of Acheson's speech, though few noted it, was that its every argument, its every appeal to the law of God and the law of man, applied also to the forcible repatriation of Soviet nationals after World War II when Dean Acheson was Under Secretary of State in our State Department.

If it was "wrong, improper, illegal and unnecessary to return prisoners by force" in 1952, as Dean Acheson said in his speech before the U.N., why was it "right, proper, legal and necessary" in 1945?

NOTE TO SOVIETS SAID "NO"

On February 1, 1945, during the absence of the then Secretary of State, Stettinius, Under Secretary of State Joseph C. Grew addressed a diplomatic note to the Soviet Attache Novkov who had demanded the forcible return of all the Vlasov prisoners of war then in U.S. POW camps. Joseph C. Grew told the Soviet Attache that the United States would never forcibly return these prisoners because they were captured in German uniforms and the Geneva Convention does not allow looking "behind the uniform." Besides, forced repatriation would be a complete abandonment of the time-honored American tradition of ready asylum to political exiles. Grew even sent a telegram to Edward Stettinius, Jr., who was already in Yalta, warning him against any agreement which could result in forced repatriation. Grew's position represented the correct policy of the Department of State at that time. But our Secretary of State, Stettinius, did not want to be bothered by any concern for the Geneva Convention or the American tradition of the right of asylum. And he told Grew so.

The tragedy could now unfold.

To enumerate the innumerable attempts I made to get access to the "Operation Keelhaul" files would be beyond the framework of this article. Besides myself, several Senators and Congressmen tried to see the documentary dossier. Their attempts were as unsuccsful as mine.

A new light of hope appeared on the horizon when on July 4, 1967 the new law, the so-called "Freedom of Information Act" went into force. A tremendous publicity greeted this Freedom of Information Act, sponsored by Congressman John E. Moss of California.

I decided to test the Act in court. On March 20, 1968, I filed my complaint in the District Court of San Francisco. I was represented by the Palo Alto law firm of McCloskey (the father of Congressman McCloskey), Wilson, Mosher & Martin. The defendant in my lawsuit was Mr. Stanley Resor, then Secretary of the Army.

The presiding Judge in the District Court of San Francisco was Oliver J. Carter. He was not sure what the real intent of Congress was when it created the Freedom of Information Act. To enlighten him about that intent, I asked Congressman Moss, the sponsor and author of the Act, to submit a sworn affadavit to the court in which he should explain it. Congressman Moss granted my request

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and submitted the following affadavit to the District Court.

"John E. Moss, being first duly sworn, deposes and says: That I am a United States Congressman from the State of California; that on June 9, 1955, a House Government Information Subcommittee with myself as chairman was established to investigate charges that Federal agencies had withheld information from those entitled to receive it; namely the American public; it was discovered by the subcommittee that agencies, in refusing to permit public disclosure were citing as authority 5 U.S.C. Section 301, which provided that the head of each department was authorized to established regulations concerning the performance of his department business and the use of its records; Congress amended that statute in 1958 to make it clear that the statute could not be relied upon as legal authority for the withholding of information from the public; the agencies, however, then began relying on the restrictive reading of Section 3 to deny this disclosure; subsequent hearings on the availability of Government information were held by my subcommittee on Administrative Practice and Procedure; since 1957, each succeeding Congress had before it a bill to substantially revise Section 3 of the Act; after nine years of hearings and debate before the two Subcommittees, Congress passed a new Public Information Law; it was the overriding concern of Congress that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and not the person who requests it, the individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was the intent of Congress to grant to the District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section "(e)" of the Act; and that the powers granted to the Court and the burdens placed upon the Government in Section "(c)" were meant to include rather than exclude the exemptions."

Judge Carter disregarded Congressman Moss' affadavit and granted the defendants' motion for summary judgment by asserting that the "Operation Keelhaul" files were correctly classified Top Secret in the interest of "the national defense or foreign policy."

How Judge Carter could find that the Top Secret classification was correctly applied to the Keelhaul files without having seen a single document of the three-volume dossier will always remain a major mystery in American judicial history.

CLASSIFICATION UNJUSTIFIED

The fact that I lost in Judge Carter's District Court of San Francisco is all the more amazing since Executive Order 10501 issued by President Eisenhower, specifically enumerates the only valid reason for the application of a Top Secret classification. It reads:

"Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave danger to the nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, on the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

How Judge Carter or anybody else could ever maintain that disclosure of the "Keelhaul" files could possibly result in any one of the results described in Executive Order 10501, is simply absurd.

Not willing to accept defeat in the District Court, I filed my appeal on February 6, 1970 in the United States Court of Appeals for the Ninth Circuit (San Francisco). The Court consisted of three Judges: Merrill, Koelsch and Hufstedler.

The Appeals Court for the Ninth Circuit confirmed the District Court's judgment.

I decided to file a petition for a writ of certiorari in the Supreme Court of the United States in Washington, D.C.

In my appeal to the Ninth Circuit as well as in my petition for a writ of certiorari, I was supported by the American Civil Liberties Union of Northern California which submitted to both courts amicus curae briefs.

On June 15, 1970, my lawyers were informed by the Assistant Clerk of the Supreme Court that "The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition."

The Supreme Court had finally confirmed the miscarriage of justice in the lower courts. By doing this, it declared the Freedom of Information Act a dead letter.

This unfortunate outcome of my legal battle, the first test case for the Freedom of Information Act, left only two avenues open to me: The direct approach to the President and an appeal to Congress to amend the Freedom Act in order to prevent its misinterpretation by the Courts.

I drafted an amendment to the Freedom of Information Act and wrote to the President.

PASSING THE BUCK

My letter to the President resulted in an interesting answer from the White House. In a letter of October 22, 1970, the White House informed me that "The U.S. Government has absolutely no objection (based on the contents of the files) to the declassification and release of the 'Operation of Keelhaul' files. However, given the joint origin of the documents, British concurrence is necessary before they can be released and this concurrence has not been received. Thus, we have no alternative but to deny your request."

By this letter, President Nixon removed one of the main obstacles to the release of the Keelhaul files, Executive Order 10501. The President approved my contention that Top Secret classification cannot any longer be justified by reference to President Eisenhower's Executive Order. As we have seen, the courts expressed the opinion that Keelhaul must remain classified in the interest of national defense and foreign policy. This argument has now been destroyed once and for all by the President's letter to me of October 22, 1970.

The remaining "reason" for the maintenance of the classification doesn't hold water either.

As I pointed out in another letter to the President, it should be possible to release those "Keelhaul" documents which are of purely American origin, classified by American authorities. If the Administration maintains that those 100 percent American documents cannot be released to the American people without British permission, it would amount to the admission that a foreign government has still the power to prevent the American people from learning their own history based upon American documentary evidence.

On June 14/15, 1971, I attended the National Archives Conference on Research on World War II. In my remarks at this conference, I summarized my battle for the release of Keelhaul.

On June 28, 1971, I testified before the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations (Chairman: Congressman William S. Moorhead of Pennsylvania).

In the debate after having presented my statement, it was suggested to me that I should file a new complaint since the Supreme Court had now permitted the *New York Times* and the *Washington Post* to publish the Pentagon study on Vietnam. It is hard to believe that the same Court which allowed the aforementioned newspapers to print the Vietnam Paper in accordance with the first amendment, would prohibit the release of the "Operation Keelhaul" Papers.

I took this reasonable suggestion up and have now filed my second legal action against the Secretary of the Army, Mr. Robert F. Froehlke.

In this action, I am again supported by the American Civil Liberties Union.

CHAIRMAN MILLS IS SPEAKER AT BUFFALO TAX INSTITUTE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. DULSKI. Mr. Speaker, in 1954 Millard Fillmore College of the University of Buffalo organized an institute to digest and review the sweeping changes made in the Internal Revenue Code of 1954.

The institute was conducted in cooperation with the Buffalo area chapter of the New York State Society of Certified Public Accountants and became an annual event. In 1960, sponsorship was broadened to include the bar association of Erie County.

The 18th annual institute on Federal taxation was held last week in my home city of Buffalo, N.Y., and was honored by the appearance of our distinguished colleague, the Honorable WILBUR D. MILLS, chairman of the House Committee on Ways and Means. He was the principal speaker at the Friday luncheon.

The institute was most fortunate in having Mr. MILLS as a guest since he is without question one of the best informed individuals on Federal taxation in our country today.

Only a few days earlier, a House-Senate conference committee had reached agreement on the proposed Revenue Act of 1971. Mr. MILLS, of course, served as chairman of the House conferees.

SUPPORTING THE MILLS BILL

Earlier in the week, Chairman MILLS introduced his own revenue-sharing bill, based on his long and thorough study of this controversial subject.

He has made some welcome improvements over previous legislative recommendations and I feel there is reason to hope that there soon can be a meeting of the minds on this subject.

I introduced a different version of so-called revenue-sharing legislation when the Congress convened last January.

Last Thursday, I introduced the Mills bill (H.R. 12038) and thus became a cosponsor of his proposal because I believe it is a reasonable and practical approach to providing assistance to the States and to the communities in their great fiscal crisis.

Chairman MILLS was introduced by Donald C. Lubick, an attorney, and the toastmaster was V. Dennis McDade, a certified public accountant. Greetings on behalf of my city were extended by Deputy Mayor Stanley M. Makowski, who gave Mr. MILLS one of our famous token Buffalo bisons.

Mr. Speaker, those who attended the Institute on Federal Taxation at Buffalo last Friday were treated to a fine presentation of the general subject by Chairman Mills and I am including the text of his speech as a part of my remarks.

I am also including the text of a news article and an editorial.

The material follows:

[Editorial from the Buffalo Evening News, Dec. 2, 1971]

WELCOME MOVE ON REVENUE SHARING

Having been the most influential congressional foe of the Nixon administration's plan for federal revenue-sharing with the states and the localities, Chairman Wilbur Mills of the House Ways & Means Committee now has come forward at last with a detailed alternative plan of his own.

Though Mr. Mills has been slow in fulfilling last spring's promise to offer his own substitute, his unveiling of it now is an encouraging acknowledgment that the worsening fiscal crisis in New York and other big urban states makes urgent some form of federal assistance.

While it is difficult to evaluate all the complexities of the Mills plan on the basis of the details presently available, it appears that he has moved closer to the White House approach with constructive modifications of his earlier position.

Having held out in the past for restricting any revenue-sharing plan to the cities, Mr. Mills now calls for direct financial assistance to the states and local government alike. This goes at least part way to satisfy objections that a city-only plan would undermine the current trend among states seeking to deal constructively with urban problems, incurring the risk of making the cities "wards" of the federal government.

Mr. Mills' plan promises a net aid to states and localities of $5.3 billion annually for five years, slightly in excess of that proposed by the administration. While assigning higher priority to the needs of cities and counties, by gearing aid allocations in part to numbers of low-income families, the Mills plan would distribute to the states strictly in relation to their own income-tax effort—a test that, while seemingly advantageous to New York with its highest-in-the-nation tax burdens, takes too little account of the pressures of population on state and local tax burdens. In contrast, the Nixon plan blends population with a bonus-incentive to states in accordance with their tax effort.

Though Mr. Mills has moved away from the conventional "papa knows best" philosophy about federal dictation of how aid funds are spent, it is less clear whether he has genuinely been converted to the "no strings attached" concept of revenue-sharing under which states and localities can be trusted to make their own spending decisions.

Nevertheless, there are enough basic similarities between the Mills approach and that of the White House to suggest that an accommodation should be within reach—a hope strengthened by the fact that Mr. Mills to his credit has shunned any brittle take-it-or-leave-it stance.

Gov. Rockefeller's meeting tomorrow with the New York congressional delegation for the purpose of seeking federal assistance will dramatize the need for returning a fairer share of the people's tax money from Washington to the states and localities where the most severe problems are. In the light of this state's desperate financial crisis, and the fact that federal welfare reform as the other main avenue of relief is stalled in the Senate, let's hope that Mr. Mills' move now signals a long-overdue initiative on revenue-sharing.

[From the Buffalo (N.Y.) Courier-Express, Dec. 4, 1971]

MILLS CRITICIZES EXCESS SPENDING

(By Ray Dearlove)

Rep. Wilbur D. Mills, D-Ark., chairman of the House Ways and Means Committee, said here Friday that the federal government must learn to control its spending if the nation is to have a healthy economy.

Mills said the Bureau of the Budget should be the real control over government spending, but the government continues to spend more than it takes in. He said it would take a constitutional amendment to restrict spending by the federal government to the amount it receives in income.

The powerful congressional figure made his remarks at a press conference prior to his appearance as luncheon speaker at the 18th annual Institute on Federal Taxation in the Statler Hilton Hotel. The institute is sponsored by the Buffalo Area Chapter, New York State Society of Certified Public Accountants, the Erie County Bar Assn., and the University of Buffalo.

TIES TO INFLATION

"An important contributing factor to our present economic problems, particularly inflation and the large deficits in our balance of payments, has been the failure to keep the federal budget under control," said Mills. "If we want to eliminate inflation, and if we want a long-run solution to our balance-of-payments problems, then we must learn to control our spending."

Mills fielded a variety of questions, including the possibility of his being tapped for the Democratic presidential nomination. Although he said he would be too busy to campaign next year and isn't seeking the nomination, he said "if the party wants me, I won't turn it down."

In his luncheon talk, Mills said he is satisfied with the 1971 Revenue Act. He said the tax relief in the bill "will be quite substantial for both individuals and business."

CRITICAL OF PROGRAM

"The bill provides a balanced program of tax reductions for individuals and tax incentives for business," said Mills. "It differs significantly in this respect from the initial administration proposal which was weighted heavily against consumers."

Touching on federal aid to states and local governments, Mills said President Nixon's revenue sharing plan "is not the answer to the financial problems of state and local governments." He said the plan makes no attempt to apply federal funds where they will do the most good.

Mills has introduced a counterproposal to the Nixon plan that would give $5.3 billion a year in aid for states and localities, limited to five years and retaining some congressional control. Although he said there are no actual figures as to how much would be available to the Buffalo area, he said his plan "will do a great deal for Buffalo and Erie County."

Regarding President Nixon's Phase II economic policy, Mills said he has endorsed the policy but warned that if the policy is rescinded prior to minimizing inflationary pressures, it will result in "higher inflation than before the Phase I period."

"Everyone seems to be treated fair under the policy," said Mills. "If it is to work, however, there must be a minimum of exceptions made by the wage and price boards."

REMARKS OF CONGRESSMAN WILBUR D. MILLS BEFORE THE TAX INSTITUTE OF THE UNIVERSITY OF BUFFALO

I am particularly glad to have this opportunity to address the Tax Institute of the University of Buffalo. With the 1971 Revenue Act so near completion, it seems to me that it would be desirable to try to look down the road ahead to see some of the tax issues that are likely to confront us next. This meeting of the Tax Institute of the University of Buffalo offers an especially appropriate place and time to discuss these issues in view of the most impressive amount of tax expertise represented here.

At the outset, I would like to express my satisfaction with the 1971 Revenue Act. I, of course, do not agree with every provision in in it, but I believe it is a good bill.

The bill is badly needed because this country cannot afford the economic stagnation the Administration has permitted to continue all too long. We must attain a rate of real economic growth significantly higher than the present 3 percent. Nor can we afford a 5.8 percent unemployment rate or the currently depressed level of investment in the Nation's productive equipment.

The 1971 bill coupled with better control on government spending, an adequate incomes policy and a change in our export situation should help to get the economy back on a high growth path again. I do not want to go into all the specific details of the new bill at this time, particularly since you tax experts are undoubtedly aware of most of them. But I do want to emphasize that the tax relief in this bill will be quite substantial for both individuals and business. The result is a balanced program of tax reductions for individuals and tax incentives for business—one which differs significantly in this respect from the initial Administration proposal which was weighted heavily against consumers. This bill will encourage business investment, stimulate exports, and at the same time significantly increase consumption. As a result, the Act can be expected to provide more jobs for our expanding population, increase our standard of living and ameliorate our serious balance-of-payments problems.

LACK OF BUDGET CONTROL

An important contributing factor to our present economic problems, particularly inflation and the large deficits in our balance of payments, has been the failure to keep the budget under control. Since the beginning of the 1960's, the Federal Government has had budgetary surpluses in only two years and these surpluses have been quite modest. In contrast, the budget deficits have been both frequent and large. In fiscal 1971, for example, the Federal budget deficit on a unified basis amounted to $23 billion. And for the current fiscal year, 1972, the outlook according to the Administration is for a $28 billion budget deficit. I suspect it will be larger. In any event this means that in just two years, our budget deficits will exceed $50 billion. On a Federal funds basis—which is the basis on which the public debt is computed—these two deficits will amount to about $65 billion. Both history and reason tell us that if we want a healthy economy, if we want to eliminate inflation, and if we want a long-run solution to our balance-of-payments problems, then we must learn to control our spending.

Let me turn now to some of the specific tax issues that are likely to face us in the years ahead. One problem which deserves additional attention concerns the treatment of

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self-employed people under the tax provisions dealing with pension plans. Although we have dealt with this problem on a piecemeal basis in various Acts over the years, it seems to me that we have not yet arrived at a satisfactory general solution.

Our tax laws have long granted significant tax advantages with respect to qualified employer financed pension plans that provide nondiscriminatory coverage and benefits for employees. Since 1962, self-employed people have also been allowed to establish nondiscriminatory pension plans for themselves and their employees. Nonetheless, it is apparent that full equality of pension treatment for the self-employed as compared with corporate executives has not been reached. In part, this is because the pensions of self-employed people under the so-called H.R. 10 plans are generally limited to 10 percent of income up to a maximum of $2,500 a year, while there are no similar limitations on contributions or benefits under employer-financed plans.

REGARDING SELF-EMPLOYED

In view of the substantial difference in treatment between the self-employed and corporate employees, it was only natural that self-employed people have attempted to secure the full tax advantages associated with corporate pension plans. One approach tried in the past has been to form Subchapter S corporations. Since the self-employed would then be employees of the corporation, the objective was to secure the pension advantages accruing to corporate employees without the disadvantage of having to pay corporate income tax. The 1969 Tax Reform Act, however, by imposing the H.R. 10 type limitations on Subchapter S corporations, prevented self-employed people from using this type of organization to increase their pension advantages.

Other self-employed individuals, especially professional people, appear to have been successful in securing the tax advantages associated with corporate pension plans by forming so-called professional corporations. Although the Service in the Kintner regulations for a long time refused to recognize the validity of these corporations for Federal tax purposes, the courts have sided with the taxpayers. As a result, the Internal Revenue Service now recognizes these professional associations as corporations.

The net effect is that we now have a two-fold problem with respect to the tax laws affecting pensions. These provisions not only appear to grant better treatment to corporate employees than to self-employed people doing business in a nonincorporated form; they also provide different treatment among the self-employed themselves, giving more advantageous treatment to those self-employed people who can arrange to incorporate as compared with those who do not find it practical to do so.

The remedy for such obvious differences in tax treatment is not easy to find. On the one hand it seems to be generally agreed that it would not be appropriate to lift all the restrictions and limitations applying to H.R. 10 plans covering the self-employed. It is thought that this would lend itself to abuse in view of the fact that many plans of this type cover only the self-employed person himself and a very few employees.

PENSION CONTRIBUTIONS

On the other hand, I have some difficulty with a proposal that has been made recently to raise the limits on the contributions that can be made by the self-employed on their own behalf on H.R. 10 pension plans and at the same time to impose comparable limits on all employer-financed pension plans with regard to the amounts that may be contributed on behalf of any particular employee. While I believe there are grounds for increasing the allowable pension contributions for self-employed people, I have reservations about imposing the same contribution or pension limits on all pension plans. There already appear to be important practical constraints on pension contributions under employer-financed plans covering substantial numbers of employees which do not apply to smaller plans for the self-employed or closely-held corporations. The large corporate plan, if it is to provide the corporate executive with a substantial pension, must also incur heavy costs to provide nondiscriminatory pensions for large numbers of rank and file employees. Such a constraint does not operate to the same extent for plans covering the self-employed or small corporate plans.

As a result, while I believe that proposals to raise the allowable contribution limits for self-employed people and to impose some limits on small corporate plans may have some merit, I question whether it would be desirable to impose similar limits on pension plans established by all corporate plans regardless of the size of the coverage.

Of course, other problems, such as vesting and funding of pension plans, also deserve attention.

Another tax area which deserves further consideration is estate and gift taxation. There appears to be a need to make these taxes fairer and more relevant to present conditions. They have not been thoroughly restudied since their initiation and have not even been significantly changed since 1948. Certainly an important aspect of any reconsideration of these taxes should be a review of estate tax rates. The present rates which rise to a level of 77 percent are in my view much too high. It would seem desirable to combine a significantly lower rate level with a revision designed to secure greater equity and uniformity in transfer tax burdens than now exists. A significant advance in uniformity, for example, can be obtained by coordinating the estate and gift taxes. A further step toward uniformity might be obtained by reconsidering the taxation of property passed on through trusts. At present transferring property in this manner results in substantial savings in taxes. The whole area of estate and gift taxation, however, is one which is fraught with controversy and complex problems and therefore is not one for which satisfactory solutions are likely to be found easily.

REVENUE SHARING PLANS

Still another issue concerns proposals for Federal aid to States and local governments, including the Administration's revenue sharing proposals. The Committee on Ways and Means was forced to suspend deliberations on this subject because of the need to give prompt consideration to the Administration's proposals which had led to the 1971 Revenue Bill. It has been further postponed by our hearings on the Administration proposal for national health insurance. Incidentally, it has become quite popular to berate us for not acting on an Administration proposal while we are busy considering another of their proposals.

In any event, careful study of the substantial volume of evidence that has been presented to us to date in extensive public hearings and executive sessions has, if anything, reinforced the initial reaction on the part of the overwhelming majority of the Committee that the Administration's revenue sharing plan is not the answer to the financial problems of the State and local governments, and that we must look elsewhere for a solution.

Revenue sharing has too many basic deficiencies. It makes no attempt to get at the root financial problems of State and local governments—it makes no attempt to apply Federal funds where they will do the most good. Instead it would pour out money indiscriminately to all State and local governments without regard to need and without making any attempt to encourage State governments to improve their tax systems in a way to enable them to meet their own problems. It also does not assign priorities as to how the money is to be spent. Finally, by tying the amount of the aid automatically to the income tax base, it saddles the Federal Government with an additional uncontrollable item of expenditure which will continue to grow on into the indefinite future. As a result, revenue sharing is a wasteful and inefficient way to give Federal aid.

REQUIRES BASIC NEW CONCEPT

Accordingly, if Federal aid is to be granted—and in view of limited Federal resources, this depends on the priorities assigned to the various competing demands for Federal funds—then we must develop a new and fundamentally different approach that avoids the basic defects of revenue sharing.

I believe that any Federal aid to the State governments should be designed primarily to encourage them to help themselves. One possibility along this line is the so-called "piggyback" procedure under which the Federal Government would help to collect State income taxes. Another possibility is to divide a specified amount of Federal payments among the States on the basis of their individual income tax collections in order to encourage them to raise additional revenue from this source. Alternatively this goal could be achieved by the use of tax credits.

I also believe that so far as Federal aid is concerned, we should recognize that in many cases the local units are so limited in terms of financial resources that they cannot, by their own action, today meet their own fiscal problems. This is particularly true of those local governments where there are large numbers of poor who are unable to contribute their share toward the cost of local government.

SERVING LOCAL NEEDS

It seems to me that the needs of the local governments would be recognized by granting them direct Federal grants along the following lines.

First, the total amount to be distributed to the local units could be set at some specified sum rather than tied to a specified portion of the Federal income tax base along the lines of the President's revenue sharing proposal.

Second, the grant could be made initially for a limited number of years. This would give the Congress an opportunity to review the program after it has been in operation a few years to see whether it should be discontinued, modified or continued as it is. This also enables Congress to review these demands for funds in light of other competing priorities.

Third, the aid could be distributed in a way that varies the amount of the aid according to the need of the local government. One possible approach to this objective would be to vary the amount of the grant not only with the population of the local government but also with the relative number of its low-income families and urban population. This would avoid the defect of revenue sharing which spreads the available funds to all cities and local governments on the basis of the revenue raised from their own sources.

Finally, the distribution to the cities and local governments could be limited to the financing of expenditures, which are recognized as fulfilling national high priority needs. These need categories for which the funds could be spent should, it seems to me, be sufficiently broad so that there would be flexibility to meet varying needs of the different communities.

I want to emphasize that the Committee on Ways and Means has not yet acted on this or any other approach. However, so far the response from representatives of State and local governments to my views in this regard has been encouraging.

TAX SIMPLIFICATION

Finally, there is the issue of tax simplification—especially for taxpayers with modest incomes. Few aspects of the tax laws are so important to the average taxpayer. Complications in the tax laws can for many taxpayers produce just as much irritation and dissatisfaction as the heavy tax burdens themselves. But probably more important, our income tax, the backbone of our tax system, depends on self-assessment, and if this self-assessment procedure is to work, it is essential that the income tax law be as simple as possible.

Although the objective of simplification is clear-cut and obvious, it is difficult to achieve. We have sought tax simplification eagerly on numerous occasions but few taxpayers, I suspect, will think we have achieved it. Nevertheless, we have some accomplishments to our credit in this regard. For example, although the 1939 Act had a number of complex provisions with regard to high income taxpayers, it did simplify the tax laws and the filing of tax returns for many millions of taxpayers. It did this by increasing the standard deduction, by raising personal exemptions and by adopting a low-income allowance. The standard deduction increase for many millions of taxpayers meant truly simpler tax returns. The other changes removed many low-income individuals from the rolls, and thus the need for them to file returns. The 1971 Revenue Act will also contribute to simplification by further increasing the low-income allowance and in this manner raising still further the income levels for filing returns.

Despite these and other substantial improvements, many taxpayers still find it difficult to prepare their tax returns—as is shown by the fact that large numbers of them, even though they have only modest incomes, now pay private firms to have their tax returns prepared.

In large measure, our tax laws are complicated because they deal with complex situations. In addition, equity and revenue considerations frequently conflict with the objective of tax simplicity. This is why there are few areas in our tax laws that bear out better than tax simplification Browning's words, "Alas, that a man's reach should exceed his grasp," nonetheless, tax simplification is so important that I believe we must continue to study this problem in the hope of making further improvements. I am continuing to work in this area as is evidenced by the fact that I have had prepared a bill to remove from the Tax Code the obsolete provisions in the tax laws and to make other simplifications. I might add that while I do not expect to eliminate altogether the difference between our reach and our grasp in this area, I am hopeful of substantially reducing this difference.

TESTIMONY ON NATION'S HEALTH CARE SYSTEM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HARRINGTON. Mr. Speaker, our colleague EDWARD I. KOCH testified before the Ways and Means Committee recently on our Nation's health care system. As was expected, the testimony was thoughtfully prepared and accurately depicted the weaknesses of our health care system while offering suggestions which would improve it.

In his testimony, Congressman KOCH noted the importance of continuing title V of the Social Security Act, and he has introduced legislation to do that by funding the program for an additional 5 years at $630 million.

Speaking for the National Health Security Act, he stressed the fact that our health care has been inadequate, but more importantly, he said, it has "done little to encourage improved health care or even to allay peoples' fears about the expense of medical care." Unfortunately, we all know that is true.

With a national shortage of fresh blood available, Congressman KOCH has also recognized the need to replenish the supplies. His bill H.R. 853 would do that by permitting a $25 tax deduction for each pint of blood donated by an individual to a non-profit blood collecting agency.

Because I think Congressman KOCH's testimony reflected a cogent analysis of the health care crisis, I insert it into the RECORD for my colleagues at this time.

STATEMENT BY REPRESENTATIVE EDWARD I. KOCH

Mr. Chairman and Members of the Committee: I appreciate the opportunity to appear before you today to speak about three bills I have sponsored: H.R. 8799 to extend for five years the federal funding for the Children and Youth and Maternal and Infant Care projects authorized under Title V of the Social Security Act; H.R. 22, the National Health Security Act of 1971; and H.R. 853 to provide a $25 tax deduction for blood donations.

H.R. 8799.—TO EXTEND FOR 5 YEARS THE FEDERAL FUNDING FOR THE CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROJECTS AUTHORIZED UNDER TITLE V OF THE SOCIAL SECURITY ACT

I would like to speak to you concerning an extraordinarily successful program which is scheduled to terminate on June 30, 1972 after 5 years of existence—the special project grants under Title V of the Social Security Act. I have introduced legislation to extend the federal funding for these Children and Youth and Maternal and Infant Care projects for an additional five years at a funding level of $630,000,000. This bill, H.R. 8799 is cosponsored by 86 Members of the House and has been introduced in the Senate by Senators Gaylord Nelson and Edward Kennedy with 15 other sponsors.

There are at present 68 regional Children and Youth programs with additional satellites and 56 Maternal and Infant Care programs in existence delivering comprehensive health care to ½ million children and youth of lower socioeconomic levels in central cities and rural areas. Although it was the intent of Congress that these existing projects should continue with State support, that now seems highly unlikely given the budgetary strain on all of the states, as, for example, New York which has 9 C&Y and 4 MIC projects.

These projects render quality medical care at low cost to mothers and children in low income families within medically deprived communities. Medical services provided include hospital services, family planning, dental care, nursing and social services, speech and hearing therapy, nutritional services, psychological services, physical and occupational therapy, health education, transportation and follow-through on patients.

We all know from experience, and from scientific data, the serious consequences emanating from a lack of medical care during pregnancy and in childhood and adolescence—lead poisoning which undetected leads to brain damage, lack of proper nutritional care causing mental retardation, unwanted children resulting from a lack of birth control guidance and infant deaths and birth defects caused by poor prenatal care. The economic and social as well as medical benefits reaped from quality comprehensive health care are considerable.

The national average health care cost per year per man, woman and child is $350. The cost for care under these C&Y and MIC projects as of June 30, 1971 was $129.81 per patient. In spite of inflation, the estimated cost by June 30, 1972 will have *decreased* to $126. And even with this reduced cost there has been an *increase* in the quality of care. The statistics are impressive. Hospitalization is less for indigent children in C&Y projects than for indigent children not enrolled, and their average hospital stay is shorter. The underprivileged families keep appointments and follow the therapies prescribed more than does the general public. In one area of New York City, the MIC project is responsible for a 50% drop in the infant mortality rate.

H.R. 8799 provides for the funding level for Title V to be increased to $630,000,000. There are 11 million underprivileged children in this country. The C&Y and MIC projects serve ½ million children. Only ½ of indigent obstetric patients are covered by MIC or similar projects. These programs are operating with only modest funding and could serve a much greater population if provided with a modest increase in funds.

Continued federal funding for these special projects has the endorsement among others of the American Medical Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists and the National Association for Retarded Children. These projects constitute an existing delivery system of comprehensive health care serving those persons who would be among the first beneficiaries of a national health insurance program. They must soon receive the assurance from the Congress that continued funding will be forthcoming so that personnel will continue to serve, rather than look elsewhere for new positions fearing the program's termination date.

We must provide medical care for our nation's poor—especially the children of our deprived citizens who suffer in so many ways. The men and women involved in these projects are dedicated persons who have been giving the highest quality of medical care at the lowest cost to these underprivileged mothers, infants, children and adolescents for the past 5 years. In some very unique way they have given more than physical health to their patients. They have eradicated a sense of helplessness for those they serve.

H.R. 22.—THE NATIONAL HEALTH SECURITY ACT

We are also considering here today HR 22, The National Health Security Act, of which I am a co-sponsor.

I don't think there is anyone in this room now who can deny that American health care standards do not measure up to what this country could and should be providing for its citizens. Our doctors and scientists have consistently over the years been developing new medical techniques and methods of diagnosis and treatment, and to the few who can afford it, research and specialization among doctors in this country has made possible the most advanced health care available anywhere in the world. Yet there has been comparatively little progress in delivering these achievements to all of the American people.

How has it happened that the U.S., which spends more on health care services than any other country in the world, now ranks 13th in infant mortality, 7th in maternal mortality, 11th in life expectancy for women, and 18th in life expectancy for men among the industrialized nations? I know these figures have probably been repeated to you several times during these hearings, but I

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repeat them again here because they are so staggering and indicate the seriousness of the present crisis in our health care programs.

There has been a lot of talk in the past few months about the need to curb inflation, to free Americans from the fear of rising consumer prices; and the Nixon Administration has taken some decisive steps to confront this problem. Now here in this committee we have an opportunity to adopt a program which would eliminate the prospect so frightening to most Americans of facing catastrophic illness in the family and having their savings and assets wiped out defraying medical expenses. Not only are medical costs already exorbitant and impossible for the average American to finance with dignity, but they are growing at twice the rate of other consumer costs.

Many Americans are so afraid of being financially destroyed by those medical costs that they do not go to doctors for the preventive care and diagnosis which would save them further and more drastic future expenses. We must adopt a program which provides real "health" care, not simply "sick" care. And I believe that one of the best aspects of the proposed National Health Security Act is that it will provide not only for the payment of the cost of illness but will also emphasize preventive care. It is, after all, much less costly to prevent illness than to treat it.

The health care Americans have been receiving has clearly been inadequate, and the present health insurance programs have done little to encourage improved health care or even to allay people's fears about the expense of medical care. Americans have been paying high premiums for insurance that covers only a meager percentage of health costs. 16 percent of those under 65 have no health insurance at all, and those who do have only spotty coverage often not covering all or part of hospitalization, surgical costs, doctor visits in the hospital and home, or x-ray and laboratory costs. Hundreds of insurance companies, each having its own forms, methods of payment, and fine print qualifications have led to and indeed can only continue the chaos in health care. On the other hand, National Health Security would create one financing system and guarantee at least a minimum of medical benefits for all Americans, and one source of payment to providers of health care. The result would be the most efficient system of health care—where the providers of services are compensated in full and the individuals receive the quality care every American deserves and indeed has a right to—regardless of his or her ability to pay.

Opponents of a comprehensive national health program will argue that it will cost too much. But when analyzed, we find that in fact it will cost no more than what we are paying now for inadequate care and over the long run it will cut costs because of increased productivity of a healthier public. Actually we would only be rechanneling money that is now being spent inefficiently by government agencies, insurance companies, and individuals.

One of the most important aspects of this bill is its provision for the adequate supply and efficient use of medical facilities and trained personnel. No health security program can be effective in extending quality care to all Americans unless we provide incentives for the expansion of our medical resources. A percentage of the Health Security Trust Fund proposed in this bill would be earmarked for the recruitment and training of providers of medical services and for the enlargement and improvement of the institutions furnishing health care services.

Let me remind you that every major industrialized nation except for the U.S. now has a national health care program. For two years the Committee for National Health Insurance, initiated by the late Walter Reuther, worked with consumers, providers of health services, and authorities in the economics of health care to develop a sound program for reorganizing the health care system and financing health care by a means which would make medical services available to all Americans at a reasonable cost. One of the Committee's three vice-chairmen, Mrs. Albert D. Lasker, is an outstanding national leader in health care matters. The product of their efforts is embodied in HR 22.

Surely, we are all in agreement that the opportunity for adequate health care must be available to all Americans, and I support the National Health Security Act because I believe it to be the very best vehicle to do that.

H.R. 855.—A BILL TO PROVIDE A $25 TAX DEDUCTION FOR BLOOD DONATIONS

At least 150,000 people will contract hepatitis this year, the majority of them by the means of blood transfusions. Approximately 3,000 of these people will die. This is a tragic loss, particularly when it is one that can be averted.

I have introduced H.R. 853 providing that blood donations be considered a charitable contribution deductible from a taxpayer's gross income. The bill allows a $25 deduction for each pint of blood donated to a nonprofit blood collecting agency, setting a $125 annual limitation for each donor. The purpose of this bill is to provide incentives for "voluntary" blood donating, thereby increasing the number of voluntary donations and eliminating the demand for commercially collected blood.

Most of the hepatitis ridden blood comes from commercial blood banks. The dangers of contracting hepatitis are 10 to 12 times greater from a commercial pint of blood than a donated pint. This is because commercial blood banks maintain poor health standards, and many of their suppliers are addicts, derelicts, and winos. Many of these donors are unhealthy, and many sell their blood more frequently than they should—some as often as once a week.

Only 3% of the potential donor population now gives blood. More than half of those donors are middle income taxpayers. My bill would provide an incentive for the middle income wage earner to give blood, and to give blood regularly. If we can just increase the percentage of blood donors by one or two percentage points, we will be able to eliminate the demand for commercial blood.

Most important, the nature of a tax deduction is such that it would provide the voluntary donor an incentive to give blood, but it would not be attractive to the dope addict or derelict who is only interested in the immediate on-the-spot cash offered by the commercial blood banks.

The opponents of my bill have suggested that providing a tax deduction would encourage people to falsify their medical histories, and give blood when they shouldn't. I don't think this would happen. The monetary rewards would come at the end of the taxable year, not immediately. While the tax deduction would provide an incentive sufficient to encourage people to develop regular blood donating habits, it would not be so great to be worth falsifying one's medical record.

Most people in this country think of blood donations as a charitable contribution. But, because the Internal Revenue Service regards blood donations as donations of "service" rather than of "property," a tax deduction for a blood donation is not allowed. It is ironic that while someone can take a tax deduction for a $25 monetary contribution the American Red Cross—perhaps the money gained from selling a pint of blood to a commercial blood bank—a deduction for the pint of blood given to the American Red Cross is not allowed. But what greater personal property can a person give than his blood to save another person's life. For someone who is sick or dying, a pint of blood is much more important than $25 in cash donated to the American Red Cross.

The pivotal facts in this matter are: blood cannot be synthetically reproduced, it must be obtained from human donors; hepatitis cannot be accurately detected nor eliminated from bottled blood; blood usually is given to our hospitals' sickest patients—patients that can ill afford to be struck by hepatitis; and the demand for transfussable whole blood and blood components is growing.

Your Committee is now considering legislation to provide a national health insurance program. The victims of hepatitis contaminated blood transfusions will be an expense to this program. As I have indicated, at least 150,000 people will contract hepatitis this year, the majority of them through blood transfusions. And, there is every reason to believe that the number of these victims will increase in future years, particularly since the number of drug addicts in this country is still growing. Would it not be better in economic terms, say nothing of the human terms, to spend some money on an incentive program to provide the needed number of healthy donors?

Furthermore, the enactment of H.R. 853 would mean an acknowledgement by the federal government of the importance of voluntary blood giving. It would establish a national policy, which we now do not have, that blood giving is a practice to be encouraged. In this country we expend great sums of federal money to maintain resources for the purpose of national security. Shouldn't we do the same, at a comparatively small cost, for the health security of our people?

While the Treasury Department has yet to submit to the Committee its report on this bill, it would appear that the costs of H.R. 853 are calculable and modest. The National Institutes of Health estimates that approximately 6.6 million units of blood were collected in 1969. This includes commercial blood (approximately 50% of the 6.6 million) collections. With the $25 tax deduction actually costing the federal government an average $5, the cost of this incentive program provided by H.R. 853 would be approximately $33 million.

Is it not worth $33 million a year to save the lives of 3,000 people and prevent the illness of over 100,000 more costing millions of dollars in hospital care?

I urge this Committee's favorable consideration of this bill. I would add in conclusion that earlier this year, the National Research Council Panel of Consultants on Transfusion Hepatitis (a component of the National Academy of Sciences which is part of the President's advisory Office of Science and Technology) indicated in a report on transfusion hepatitis that the basic need is to encourage a wider base of voluntary donors. The Panel indicated that H.R. 853 would be helpful in achieving this objective.

Thank you.

A BIOGRAPHICAL SKETCH

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mrs. GRIFFITHS. Mr. Speaker, on November 21, the magazine section of the Detroit Free Press carried a story by Sam Hudson about his colleague Wilson William "Eddie" Edgar of the Observer papers. Mr. Edgar is one of the best writers in the business and this story recounts some of his most interesting scoops. It is with great pleasure that I place this biographical sketch of him in the CONGRESSIONAL RECORD for all to read:

THE LEGEND FROM LIVONIA WHOM JOE LOUIS PUNCHED, WILLIAM JENNINGS BRYAN HARANGUED AND PULITZER MISSED

(By Sam Hudson)

"There's a man on the platform who looks like William Jennings Bryan, and he's got a 45 minute wait between trains."

The informant: a friendly ticket agent at the local railway station. The place: a newspaper office in eastern Pennsylvania, circa 1920. All of the reporters are out on assignment.

Enter the 22-year-old sports editor.

"Hey, Eddie! Beat it down to the depot right away. William Jennings Bryan is there. Get us an interview, Hurry."

The man on the platform is big. His wide black fedora covers long hair, curled up at the back, the trademark of the silver-tongued orator himself.

"What? No, I never give interviews in small towns. I get misquoted too often. I can't gamble on your getting it right."

The "great commoner" looks at the reporter; asks if he has some paper. He sits down on a bench and writes out a three-page statement. Something about silver, or maybe it was in support of prohibition, or why the theory of evolution should not be taught in schools.

Eddie hustles back to the newspaper.

"Did you get the interview?"

"No. He says he never gives interviews."

The editor's jaw drops.

"But he wrote out this statement for me."

Sounds of the Allentown Record's front page being ripped out. The editor writes a banner head. Bryan's statement, in his own handwriting covers the front page. No by-line for the young sports editor, Wilson William "Eddie" Edgar, but there's a mention of how he got his first major story.

His second came a few weeks later. Again, Eddie is the only reporter in the office. This time the caller is a friendly nurse at the local hospital. Boise Penrose, Mr. G. O. P. himself, is playing hooky from the Republican national convention in Columbus, O. He is in a private room at the Allentown hospital for a physical check-up.

Sure, he'll talk to a reporter. Send him in.

"When do you think the deadlock at the convention will be broken?"

"Boss" Penrose—huge, stout, mustachioed, smooth-talking maker of presidents—looks at the young reporter and smiles.

"I'm expecting a phone call in half an hour. I'll tell you after that."

The phone rings. "Sit down," says Penrose. "You needn't leave."

Eddie listens. The convention is still deadlocked. "All right, here's what you do," says Penrose over the phone. "See the fellows whose names I gave you. Tell them I said to go with Harding. You can win with him."

Penrose turns to Eddie.

"There's your story, son. Better hurry back to your office. Warren Harding will be nominated before your paper goes to press."

That was 50 years ago. Today, Eddie Edgar is still hurrying to get his stories in before press time. Eddie, now 74, is probably the oldest and is one of the best known working newsmen in Michigan.

Eddie is now roving editor and columnist for the Observer newspapers, which cover parts of Wayne and Oakland counties.

Thinking about his luck in getting the Bryan and Penrose stories Eddie says: "I always seemed to be in the right place at the right time. I got my job at the Free Press in 1924 by a similar coincidence.

"Eddie Guest, the poet of the Free Press was scheduled to speak in Allentown. I went to hear him and asked for an introduction. I remember the warm greeting he gave me and his interest in my sports-writing job for the Allentown Record.

"Guest said to me, 'Some big city paper is going to gobble you up some day.'

"I don't know where I got the nerve, but I said, 'Do you know any that would like to gobble me up now?'

"He grinned at me. 'Send me a letter about yourself and I'll give it to the sports editor at the Free Press.' I wrote him the next day."

Eddie got the job as a sports reporter on the Free Press on a two week trial. He stayed for the next 24 years.

Eddie was also in the right place at the right time the day Ralson Goss came into the Free Press sports department and said: "From now on, all you guys on this side of the room," *waving an arm*, "will be writers; all of you on that side will edit copy. We've got to start specializing."

"I was sitting on the side of the room with those Goss said would be writers," says Eddie. "It was a break for me. A wave of a man's arm determined that I would be a writer whose name the public got to see instead of a copy reader who never gets known."

Eddie's first encounter with a sports immortal took place when he was 10 years old in Catasauqua, Pa. where he was born in 1897. Eddie's father owned a small restaurant. To help business he put in a pool table and took on customers for the price of the game. Eddie began taking instructions from him at age seven before he was tall enough to reach the table without standing on a box.

"For a year, my father had me roll the ball without a cue. He wanted me to get the feel of the ball and how it rolled. After a year he had me use a cue. (Years later when he watched Willie Hoppe play, Eddie won a bet from a friend, by wagering that Hoppe learned to play pool by standing on a box. He could tell by the way Hoppe reached for the ball.) When he was busy, my father would have me play for the house. By the time I was nine, I was taking on all comers."

Eddie won the Lehigh Valley pool championship when he was 12. A couple of years before, someone arranged a match between Eddie and a youngster who was later to become champion of the world—Ralph Greenleaf. Greenleaf was then about 15, Eddie 10.

"I left the winning ball on the lip of the pocket," says Eddie. "I went home and cried."

Mention of almost any major sports brings to Eddie's mind his encounters with the champs. In 1933, Eddie told Gar Wood, who had just set a world's water speed record at Algonac, that the story was timed wrong for the Free Press.

"What can I write about at 4 p.m.?" asked Eddie. "Harry LaDuc's got me beat already. I know—tell me about your emotions just as you broke the record."

Wood slapped a helmet and goggles on Eddie, told him to jump into the boat. Eddie said he kept watching the needle go up and up until it hit 124.85 m.p.h., the speed that broke the record.

"Now, write about your own emotions," Gar told Eddie. "Whatever you felt, I felt."

In 1935 Eddie rode 130 m.p.h. with Wilbur Shaw at Indianapolis just to get the feel of it. He always tried to get involved in the action in whatever sport he was covering.

"I had the gloves on with Dempsey and with Joe Louis," he says.

Eddie's eyes light up most when telling of his experiences with Joe Louis. When asked what was the highlight of the 52 years since he got his first job on a newspaper, Eddie says, without hesitation: "Being with Joe throughout his career."

Eddie was running the Golden Gloves for the Free Press in 1932 when a tall black boy walked into his office and asked where he could sign up. Eddie Edgar was virtually Joe's amateur manager until 1934, when John Roxborough became his professional manager.

Eddie says the most exciting moment he ever had in sports was on June 22, 1937, in Comiskey Park in Chicago when the referee raised Louis' hand as heavyweight champion of the world.

"You can't compare generations, but Joe had the fastest hands I ever saw. He was the smoothest fighter and the hardest puncher I ever saw."

Eddie's proudest achievement in his long career?

"That I helped to bring bowling from an adjunct of a saloon out to the main corner."

Eddie is also proud of his part in establishing the Bowling Hall of Fame in 1957. Among the 36 Bowling Hall of Fame plaques located in the Detroit Historical Museum is one dated 1962, with Eddie Edgar's name on it.

Eddie concedes that he has had a few bad breaks in the 52 years since he wrote his first news story. There was the time, for example, when he talked himself out of a share of the Pulitzer Prize.

It happened in 1931. Managing Editor Malcolm Bingay had assigned a group of reporters to cover the huge American Legion parade held that year in Detroit. Eddie was drafted from the sports room to serve as one of the team that Bingay sent in various directions to come up with a story. Eddie wrote two columns of the compromise article.

The day the story was to appear, Eddie heard Bingay and some of his assistants debating the matter of how to assign credits. They had decided on a community by-line of six names when Eddie entered the discussion.

"That's a silly thing to do," said Eddie. Take my name off it. We'll be the laughing stock of the business." They took him at his word and removed his name.

"That article won the Pulitzer Prize," Eddie relates, without any trace of rancor. "I got no part of the glory or the trip to New York, or the prize money. But I had no one else to blame but myself."

Edgar's boss, Phil Power, publisher of the Observer papers, where Eddie writes "The Stroller" says, "Eddie is more than a living legend, he's one damn fine newsman. He knows what's going on."

Eddie's eyes sweep over the cool green expanse of his neatly trimmed backyard with its evergreens, apple trees, and a timid ceramic faun crouched beneath a wide-spreading bush. But his mind's eye seems to see other places and other times—smoke-filled fight rings, dusty ball fields, rumbling bowling alleys and exciting newsrooms—as he knew them in the golden age of sports.

MEMORIAL SERVICE TO DECEASED MEMBERS OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HOGAN. Mr. Speaker, we owe a great debt to our policemen and firemen because they place their lives on the line daily to enforce our laws and insure our safety.

Their jobs have become ever more dangerous in recent years because of an appalling increase in the number of assaults on these guardians of law and safety.

Recently I was privileged to attend a memorial servivce at St. Patrick's Church in Washington for deceased members of the District of Columbia Metropolitan Police Department. The sermon at this ceremony was given by Rev. R. Joseph

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Dooley, Catholic chaplain of the District of Columbia Metropolitan Police and Fire Department. Father Dooley's sermon was so timely that I insert it into the RECORD at this point:

There are three classes of people who find it difficult to render their services to today's modern world—the policeman, the fireman, and the religious leader. The policeman's job is difficult because he stands for law and order and is always on the defensive; the fireman because he risks his life daily for the safety of others; and the religious leader because he has the burden of being the spiritual head of a large family.

It is not just your religious acts that make you great men and women, but it is your service, humdrum routine lives can be divinized. Your work, therefore, is considered divine as mine is. We are in this together.

The image of the fireman and policeman is created by you the individual member; by your example, your judgment and faithfulness to your vocation. Your vocation is truly an exalted one.

The somber and depressing sight of shrouded police badges is now rapidly becoming more common. During 1970, over 100 police officers were killed in line of duty—the highest number in our history. In a one year period, 82 firefighters lost their lives in the line of duty.

There is an air of hatred for authority in this country today. A grim testimony of this hatred has been the growing number of attacks, bombings, and assaults against law enforcement officers and firemen.

Nothing short of all-out civil war could be more savage, more perverse or more damaging to a civilized nation than the slaughter of police officers now taking place in some American cities.

This is a war against the police. These deliberate attacks are too widespread, the incidents too numerous; the tactics too similar—to suggest separate and isolated acts of violence.

Persons who blow up police stations or gun down unsuspecting police officers in cold blood are at war with the law. They deserve no sympathy—no mercy—from the society they seem so determined to destroy.

Already this year here in our own city, we have lost four police officers, one U.S. marshal and one fire fighter in line of duty.

Our deepest sympathy goes to their families and loved ones. But, in equal measure, our gratitude goes to the men and women who are carrying on their duties despite the increasing danger.

The slaying of a police officer and the death of a firefighter has a definite impact on his brother policemen and firemen. If it happened as a consequence of a police action or fireground performance, his brothers in blue are saddened, of course, but they can accept his death as a reality of the job. But, if he is cut down from ambush or by a deliberate plan, the morale of every law enforcement officer suffers and a cloud of frustration, futility, and anger hampers effective performance of duty. The same is true of a firefighter. So often, history has shown that a tragedy is needed to prove a point. The untimely death of a fireman at an abandoned building fire greatly emphasizes the hazards faced by each firefighter every time he mounts the apparatus to respond to an alarm of fire.

When a policeman is assaulted or slain, when firefighters are attacked at the scene of a fire or disaster, the criminal significance of the incident extends far beyond the victim officer or fireman. It extends to the door of every law-abiding citizen.

The price of enforcing the law is costly. Perhaps no one knows just how costly, except the slain policeman's family and his fellow officers, who stand at rigid attention by his graveside and hear the echoing volleys of the farewell salute and the fading strains of taps.

All of you and your families must now draw on inner strengths and faith in order not to lose your heads or perspectives.

Those whom we remember today—whose names shall be read shortly—are not only those who have died in line of duty, but all the men and women, active and retired, who have died since the mass was held a year ago. Some who are here loved them as a husband and father, son and brother. Others loved them as wife and mother, daughter and sister. To others of us, they worked along side of us.

They gave us strength in time of trouble; wisdom in time of uncertainty; and sharing in time of happiness. They were always by our side.

Love is not an easy feeling to put into words. Nor is loyalty or trust or joy. But they have been all these. They loved life completely and lived it intensely.

They shared with us the same short moment of life. Each of us will have a different recollection; a different remembrance—for they touched our lives.

It may be that he was your scout car partner or the one whom you first met when you reported to your engine company for the first time. He was the sergeant who saved you on more than one occasion from making a mistake or the rescue squadsman who performed an act of bravery in your presence. He may have been the official who made you a better policeman or firefighter because of his own love of his work and the demands he made on you to do your best. He or she may have had a long and painful illness or they may have died very suddenly. His life may have been snuffed out by a bullet or by a falling wall while you stood by helpless. He may have been a close friend—a golf buddy—a fellow bowler—a neighbor. They have all made their place and their mark because they came across the stage of our life.

Surely this bond of common faith; this bond of common goal—can begin to teach us something. That is why occasions of this kind are so important, and yet so rare anymore.

In the book of Maccabees, we are told that it is a good and wholesome thing to pray for the dead. We gather here this morning to pray for the dead as we offer this memorial mass for those who have gone before us.

Undoubtedly, some of the pain and grief that we experienced when he or she was taken from us is renewed today. There is still loneliness and a vacant place in our hearts and in our lives, when we think of this person who meant so much to us.

However, the pain is not so intense, so heart-rending as it was on that occasion. Time has healed our sense of loss, but it hasn't erased it.

Please God, we will keep them always before us, particularly in our prayers. Let us hope that our lives and the lives of all our fellow citizens have been enhanced because of their life of service and dedication.

In closing let me read this prayer:

"We seem to give them back to you, O God, who gave them to us. Yet, as You did not lose them in giving, so we do not lose them in their return. Not as the world gives do You give, O Lover of Souls.

"What You give You take not away, for what is Yours is ours also. And life is eternal and love immortal and death is only a horizon, and a horizon is nothing save the limit of our sight.

"Lift us up, dear Lord, that we may see further; cleanse our eyes that we may see more clearly; draw us closer to Yourself that we may know ourselves to be nearer to our loved ones who are with You.

"And while You prepare a place for us, prepare us also for that happy place that where You are, we may be also forever."

DIFFERENCES OVER PANAMA CANAL

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. FLOOD. Mr. Speaker, on November 8, 1971, my distignuished and able colleague, now chairman of the House Subcommittee on the Panama Canal (Mr. MURPHY of New York), announced that public hearings on the interoceanic canal problem would start on November 29. These hearings are now underway and already there have been some startling revelations and interesting developments. Among the latter is a campaign of vilification in the Panama press against Chairman MURPHY and the work of his subcommittee, which is probably the most comprehensive inquiry in the canal policy subject since early in the 20th century.

I read with much interest in the New York Times of December 2, 1971, two letters to the editor, the first by a citizen of Panama obviously reflecting the views of the revolutionary Government of his country and the second by a retired U.S. naval officer long associated with the Panama problem.

The first flatly states that the positions of Panama and the United States are irreconcilable and that Panama wishes the United States out of the Isthmus. It also quotes General Torrijos as stating that Panama is reaching the limit of patience and contains an implied threat to invade the Canal Zone. The second defends U.S. treaty based sovereignty over the Canal Zone.

The two letters, written at different times and in different parts of the hemisphere, are so interesting that I quote them as parts of my remarks:

DIFFERENCES OVER THE PANAMA CANAL

To the EDITOR:

The position of Panama and the United States concerning the Canal are irreconcilable. We want you out of our country. You want to stay. Such disparate stands cannot be negotiated.

Feelings here have reached such a pitch that our people will not accept anything but total sovereignty and jurisdiction over the present and any future canal, and the continued presence of U.S. military bases on our soil is out of the question.

You can be certain that any treaty that does not spell out, in unmistakable terms, those aspirations will be violently rejected and that no government will have the remotest chance of having it ratified.

In a talk at a recent rally, General Torrijos said, "We are reaching the limit of our patience. . . . The moment Panama feels let down at the negotiating table, I will come and tell you they are deceiving us—that the moment has come for one generation to offer its lives so that another generation can live in a free country."

But I believe that there is a rational, civilized and legal way of obtaining our goal. Panama should forget about negotiating the unnegotiable and announce to the world, preferably at the United Nations General Assembly, that it is opening to universal bidding, in cooperation with the U.N., the construction of a sea-level canal through its territory.

Also, Panama has a bill for over $13 billion for collection from the United States—for all the fresh water the U.S. tapped from Panamanian watersheds over the years, for the operation of the Canal and other profitable ventures. If the U.S. refused to pay, Panama would sue in the World Court at The Hague.

The day Panama opens its own canal to international maritime traffic, the 1903 treaty expires because its *raison d'être* ceases to exist. There is no point in arguing about the U.S. having a new canal, expanding the present one or keeping its bases. Out you go, legally evicted, the lease having expired.

How can the U.S. prevent Panama from having its own canal built? Or having its day in court? It can incinerate us all. Only thus—perhaps.

LEOPOLD ARAGON ESCALONA.

PANAMA, *November 3, 1971.*

To the EDITOR:

"Your Oct. 7 news story, "Panama Informs U.N. of U.S. Talks" referred to Panama's action in placing its demand for canal treaty modification before the United Nations an "unusual procedure." Another news story, "Panama's Leader Warns on Canal" (Oct. 12), reported on inflamatory anti-American mass demonstrations adjacent to the Canal Zone—demonstrations staged by Brig. Gen. Omar Torrijos to intimidate our negotiators and timed to coincide with Panama's attempt to delude the U.N. into considering a false claim, concerning a matter solely under the exclusive jurisdiction of the United States.

Panama's charge of U.S. aggression must be emphatically rejected. Panama alone engaged in aggression in 1959 and 1964 by riotous attacks at the Canal Zone—consistently recognized sovereign territory of the United States by all responsible Panamanian governments, ever since the Hay-Bunau Varilla treaty of 1903. These are invulnerable facts—conclusions and opinions such as expressed in your Oct. 19 news story "U.S. Concessions to Panama Seen" to the contrary notwithstanding.

Former Treasury Secretary Anderson headed the emissaries appointed by President Johnson in 1967 for Canal treaty revision. Despite chaotic confusion resulting from the preposterous concessions to Panama proposed in the 1967 draft agreements—not approved by either nation—Anderson was reappointed by President Nixon not only as chairman of the Atlantic-Pacific Interoceanic Canal Study Commission, but also as head of a new treaty negotiating group.

The Oct. 7 news story states "The negotiations . . . broke down in 1967 and languished until last June." True, but for a very good reason—spontaneous massive waves to protest within Congress and among citizens informed of the ominous threat of the planned and totally unnecessary give-away of our legitimate sovereign rights in Panama, rights always diligently exercised with justice to all nations, with great economic and financial benefit to Panama, and for the defense of the free world.

Like the Bourbons, concerning whom Talleyrand said "They have learned nothing and forgotten nothing," our "negotiators" now recommend more disastrous proposals—proposals which, if adopted, would set the stage for a "Suez Canal" type disaster in Panama. Moreover, although unintended, there was a clear invitation to Communist take-over of the Canal itself implicit in Assistant Secretary of State Charles A. Meyer's recent ataatement, published on July 23 in the Torrijos-controlled El Panama America:

"If the Communists should cut off Venezuela's oil shipments or if the Santo Domingo incidents should be repeated, the United States would not intervene. There will be no United States intervention in Panama."

Forces which thwarted the planned give-away in 1967 will be much stronger and more determined than they were at that time and will, it is hoped, successfully prevent planned surrender now.

FRANZ O. WILLENBUCHER,
Captain, U.S.N., (retired.)

BETHESDA, MD., November 19, 1971.

WHAT IS THE ANTI-DEFAMATION LEAGUE?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. RARICK. Mr. Speaker, the average man on the street usually responds to the mention of the Anti-Defamation League with the question, "What is the Anti-Defamation League?"

Perhaps an introduction to the answer is provided by the ADL itself in its author's acknowledgment in the book, 'Danger on the Right":

Situated strategically in 27 cities across the country and in the national offices of the Anti-Defamation League in New York City are men and women whose daily assignment is the accumulation of data about extremist movements on the American scene.

To many Americans it seems incredible that a master snooping organization could exist in the United States without the common knowledge of the average American who reads the newspapers and watches his TV and tries to stay abreast of what is going on in his country. To such citizens it is inconceivable beyond belief that an organization of such size and devious operation could exist in their country without somehow being brought to their attention. In Washington, D.C., their plush and expensive office and operations are located at 1640 Rhode Island Avenue NW., Phone No. Ex 3–5284.

Yesterday in my speech under a special order entitled "ADL—Super Pressure Group—Gestapo of the Establishment," page H11869, I extended my remarks with a comprehensive report on the ADL authored by the late State Senator Jack B. Tenney of California. In Senator Tenney's writing, he explains in great detail how and why the ADL has been able to use its power to remain almost unknown to the American public.

Another description of the Anti-Defamation League was prepared by the Church League of America, 422 North Prospect Street, Wheaton, Ill., and published in its report, "News and Views," for January 1965, volume 28, No. 1.

I include the article, "What is the Anti-Defamation League of B'nai B'rith" by the Church League of America in the RECORD at this point, followed by the preface to the ADL's publication, "Danger on the Right":

WHAT IS THE ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH?

Definitions:

Semitic, a. 1. of, characteristic of, or like a Semite or the Semites.

2. designating or of a major group of languages of southwestern Asia and northern Africa, related to the Hamitic languages and divided into East Semitic (Akkadian), North West Semitic (Phoenician, Punic, Aramaic, Hebrew, Modern Hebrew, etc.), and South West Semitic (Arabic, Ethiopic, Amharic)

anti-Semitic, a. 1. having or showing prejudice against Jews; dislike and fear of Jews and Jewish things.

2. discrimination against or persecution of Jews.

(From Webster's New Twentieth Century Dictionary, Unabridged, Second Edition, 1956)

The word "Anti-Semitism" conjures up immediately in the minds of most Americans and those who recall the horrors of the Hitler regime a terrible thing. No normal American or Christian could condone persecution of anyone of another religion, either mental or physical.

The definitions given above from Webster's Dictionary are puzzling, however. Puzzling because the first word defined includes Akkadians, Phoenicians, Punics, Aramaics, Hebrews, Modern Hebrews, Arabs, Ethiopians and Ambarics while the second defined word (the *first* with the prefix "anti," meaning "against," in front of it) includes only Jews, to the exclusion of all the rest of the Semites. How can it be that the word "Semite" can lose its inclusive meaning when the prefix "anti" is added to it and be applied only to one of the ethnic groups of the eight originally named?

When, where and how were the other ethnic groups excluded from slander and persecution as connotated by the present day use of the word "anti-Semitism?"

Are words being stolen out of their dictionary meanings and being used as smear terms by individuals and organizations who are seeking word weapons with which to defame and destroy the characters and influences of those who have no use for "anti-Semitism" in any form, no matter which branch of the Semite family is affected, but with whom the smear peddlers may disagree on some political issue or economic theory?

We have received numerous inquiries asking—"What is the Anti-Defamation League of B'nai B'rith?" We present here a survey made in an effort to give our friends some factual information about this organization that recently sponsored a slanderous book called "Danger on the Right" in which the two authors (officials of the Anti-Defamation League) arrogated to themselves the liberty to include the Church League of America in public print in a way to give the impression that we are a collaborating part of some hideous mythical thing they have designated as "the Radical Right."

These authors have dressed this fanciful ogre—this new plaything of the Left—in ugly and odious garments with a clear purpose of stigmatizing with suspicion the Church League of America and the thousands of good and honorable people who are part and parcel of the Christian-American work we are doing.

A compounding damage resulting from this maliciously imaginative book is that it serves to stimulate and to encourage press-reviewers and a certain brand of commentators to reinforce their own pathological excitement by giving further currency to this politically inspired romanticism.

In issuing this survey by our task force we have no intention of being baited into retaliation with a barrage of name-calling invectives or any other kind of verbal brawling. It is with pity and reluctance that we give answer at all to a group-voice that, according to never-ending plaints about "minority persecution," would seem to need friends more than the natural results that come from provoking antagonisms. Nevertheless this group that capitalizes its own persecution has made a target of the Church League of America (whose work is directed at defending the Christian religion from its avowed Communist-network enemy) and we must perforce defend against this unprovoked attack by examining the source to find, if possible, the reason why our good

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name was included in this volume of fuss and fury—a book that one reader has termed "an irresponsible and incredulous effort at muckraking."

Literature that emphasizes "enemies." We find that over a considerable period of years this vaguely known organization called the Anti-Defamation League of B'nai B'rith has been publishing and distributing books similar to its latest "Danger on the Right"—and a vast amount of other literature—for the apparent purpose of dramatizing its own particular conception of how our American mores should be changed to fit a new left-liberal "social order." This literature and a related activities program would indicate a purpose to frighten an unorganized public into non-resistance by making it appear that those who believe in time-honored and time-tested conservatism have suddenly become something evil called the "Radical Right." There is another clear reason also for invective literature that dramatizes hideous and evil "enemies" (such as a monstrous "Radical Right") and that is to keep the checks coming.

One of the most vitriolic papers in the race-stirring business is the Heritage published in Los Angeles. It was one of the first to take up the "radical right" as a war cry and with that general theme it has within a few years skyrocketed from nothing to a considerable following. Its issue of June 28, 1962 carried a story headlined "'Rights' Threat to U.S. Jews." The story quoted Benjamin Epstein, national director of the Anti-Defamation League of B'nai B'rith as warning that "the 'radical right' is fertile soil for anti-Semitism." This is the same man who co-authored the latest literary effort of the Anti-Defamation League—a book called "Danger on the Right" which, for reasons best known to these artful authors, has managed to bring references to the Church League of America into its "loving embrace." One of the fine arts of the left-liberal crusaders has been adroitly to destroy its conservative opposition by manipulating, through vulgar innuendo or by manufacturing some devious association, an image to create the impression that the opponent "is anti-Semitic." This has been widely practiced with deadly effect. While these authors have not been bold or foolish enough to charge the Church League of America with such an odious offense, yet this characteristic attention in a book like this certainly arouses a suspicion of purpose.

Some of our friends may be interested in knowing the background of the left-liberal crusade against what it calls the "Radical Right." In October-November of 1960 the Soviets convened a "Meeting of Representatives of the Communist and Workers' Parties" in Moscow which was attended by delegates from 81 Communist Parties throughout the world representing 36 million voluntary and involuntary Communists. At the close of the meeting the Communist leaders issued a Manifesto which was a scorching attack on the "reactionaries" of America as the principal enemies of what the Communists call progressive change. At that meeting a world "party-line" was laid down to start a drive on those reactionaries who stand in the way of the new social order.

The Communists in America almost immediately began the crusade against what they termed the "Ultra-Right." This party-line was announced to the comrades at large and the hitch-hiking liberals in a Party magazine called *Political Affairs* which is regularly used for that purpose. In its issue of August, 1961, Communist leader Gus Hall did the announcing with an article titled "The Ultra-Right, Kennedy and the Role of Progressives." All through the article he pounded hard on the terms "Ultra-Right" and "extreme right." This was the same Gus Hall who, in the Communist Daily Worker, April 5, 1950, was the first on record to introduce the term "McCarthyism." Our American liberal-coterie quickly grabbed that shibboleth and wore it threadbare flagellating the individuals and groups they did not like. Almost everyone not left of center suddenly became a "McCarthyite." When time dulled the edge of that ugly word, the crusading-left eagerly grasped the new slogan-weapons of "Ultra-Right"—"Extremists"—and "Radical-Right" so conveniently provided for them.

This survey, if it is to serve any useful purpose, must necessarily be both factual and forthright. It will, however, hold to a vocabulary that will not retaliate in kind. It will simply go to the record and let that speak for itself. Wherever the term Anti-Semitism appears it will do so only as an unavoidable part of an over-all record of our assailants which reveals such continuous use of this revolting term in reference to others that it becomes inescapably suspect as an instrument of opprobrium in an ever-widening assault on our traditional pattern of American conservatism by people who, for reasons best known to themselves, have elected to point some kind of a finger of suspicion at the Church League of America.

To clear any misconception: It should be explained that the Anti-Defamation League is not an independent organization as some people probably imagine but is a "Committee" attached to a very large organization with branches and lodges in American cities and towns from coast to coast where there are Jewish people in substantial numbers. This parent organization is known as B'nai B'rith—and it has grown to represent Jewry throughout the world. This reference is not to cast reflection upon B'nai B'rith in its honorable role as a Jewish fraternal organization—but is made solely as a matter of identification for its sub-organization (or committee)—the Anti-Defamation League. This identification is necessary to show that the actions and policies of A.D.L. are rooted in the largest Jewish membership organization in the world. While the management-control of the Anti-Defamation League may have been appropriated by a small aggressive clique—and it may be even true that B'nai B'rith members in general may not know what this A.D.L. is doing—nevertheless the wide membership responsibility is there and this fact cannot be ignored or omitted from a factual examination of this issue in which the Church League of America has been introduced into the dark room of suspicion.

It is through B'nai B'rith prestige that its Anti-Defamation League is able to raise incredulously large sums of money to issue such muckraking literature as "Danger On The Right" and it must be left to the American public as the final arbiter as to what is right and who is right in the conflict that is now raging to change the basic pattern of Americanism.

While the Anti-Defamation League functions as a committee of B'nai B'rith it appears that orthodoxy has not always been its rigid rule. Editor Fishbein of the Chicago Sentinel (Nov. 15, 1951) in his full page editorial dealt with some of the shortcomings of Jewish organizations:

"The Anti-Defamation League," he wrote, "is involved in a somewhat different quandary. It appears that some leaders of the Chicago B'nai B'rith have recently uncovered a most amazing fact—namely, that the majority of the A.D.L.'s Board are not even selected by B'nai B'rith. This has been no secret to anyone familiar with the workings of this 'defense agency.' Its policies in the main, have always been dictated by members of the American Jewish Committee who have nothing in common with the average B'nai B'rither. The two are as far apart as day and night. Eli Aaron, for instance, who represented Chicago at the recent national meeting of the Joint Defense Appeal upon whom the A.D.L. is totally dependent for its funds, is not even a member of B'nai B'rith. He is the Chicago Chairman of the American Jewish Committee. This explains why the A.D.L. has rarely, if ever, reflected the thinking of the men and women of B'nai B'rith whom they are supposed to be serving."

After a number of years of being harnessed together through the money-raising agency called Joint Defense Appeal, the American Jewish Committee and the Anti-Defamation League dropped the arrangement in 1962 with some intimation that each would raise its own funds. In 1963, however, the Anti-Defamation League, continuing as an adjunct of B'nai B'rith, was back in the general over-all Jewish fund distributing organizational arrangement. The funds for A.D.L.'s work covers a wide range of activity (as this survey will indicate) including the publishing of such books as "Danger On The Right" where a strained effort is made to derogate the Church League of America.

The parent organization: B'nai B'rith (meaning roughly 'Children of the Covenant') was organized October 13, 1843 in Sinsheimer's Cafe on New York's East Side where most of the Jews then in this country (some 20,000 immigrants, according to the Chicago Sentinel) were living. It was, of course, a natural thing for these people, mainly speaking a foreign language and not understanding American ways, to organize for social and fraternal purposes. Gradually Jewish communities, through propagation and immigration, spread and likewise did the B'nai B'rith lodges, until today they are scattered all over the country. This is now widely recognized as a tremendously active and powerful bloc in America.

The offspring: In 1913 Sigmund Livingston, a well known Chicago lawyer, with a small number of his friends, feeling a need for an educational movement to improve the image of the Jewish people in a milieu where there was considerable criticism of a rapidly expanding immigrant population, often strangers to our American traditions, organized the Anti-Defamation League and succeeded in having it made a Committee of B'nai B'rith where it was called the "educational unit" of that organization. There certainly could be no proper objection to an organization which appeared to have a fine, cultural purpose.

Actually, however, the Committee hung more or less lifeless for at least its first ten years. Very little was heard of it and very little was done by it—largely because of the general mores of the times (the American *zeitgeist*) causing its sponsors apparently to tread softly with it. The years, in one way and another, have brought great change in this situation. Today the Anti-Defamation League of B'nai B'rith is widely recognized as a powerfully active movement (which is supported by its record) and by some is considered to be one of the most potent factors of compelling influence in the political and social-action fields in America today.

The leap forward begins: In 1931 a young man (about 43) named Richard H. Gutstadt, who had made quite a record as an organizer in the Jewish community field, was appointed as National Director of the Anti-Defamation League which was now about to take on a new career.

Mr. Gutstadt was the man-of-the-times for the A.D.L. job as it began to take its stride. He quickly made something out of nothing. He put A.D.L. into action with vim and vigor—on both the offensive and defensive—with "Anti-Semitism" or Semitism (whichever is the more applicable) as the war cry. By that is meant that A.D.L. went into vigorous action against all individuals, organizations, and policies that were considered to be inimical to Jewish interests. Some of this was understandably appropriate—but there is always the danger that self-anointed power will inflate itself

to the status of "extremism" and even arrogance.

Great liberals like Felix Frankfurter, New York's Senator Wagner and others were, about that time, grooming Franklin Roosevelt for the Presidency. He was elected in 1932 and by the time the revolutionary New Deal had begun to roll and stir the country into turmoil in 1933 Mr. Gutstadt sent out a letter that fitted well into the new political climate. The letter was on Anti-Defamation League stationery (with the words "of B'nai B'rith" omitted—and dated December 13, 1933. It read in part as follows:

"Scribner & Sons have just published a book by Madison Grant entitled 'The Conquest of a Continent.' It is extremely antagonistic to the Jewish interests . . . We are interested in stifling the sales of this book. We believe that this can be best accomplished by refusing to be stampeded into giving it publicity . . . We therefore appeal to you to refrain from comment on this book . . . It is our conviction that a general compliance with this request will sound the warning to other publishing houses against engaging in this type of venture." (The letter was signed by Richard H. Gutstadt, Director.)

Madison Grant was a highly regarded writer and historian of the time. His book "Conquest of a Nation" dealt with the opening of America, showing how the Nordic peoples had contributed to the conquest of the American wilderness. That was his sin. The Anti-Defamation League group complained that the book (1) had emphasized the Nordic theory; (2) had negated the melting-pot philosophy; and (3) the book was generally objectionable to Jewish interests.

From this period came a development that has reached its ultimate in the book-selling and publishing field where these business people now well know what books to leave alone. The late John T. Flynn, notable writer with a liberal background, suddenly discovered after he became an outspoken conservative that his books were no longer being pushed by either his publisher or the large bookstores. It was not long until he learned that rumors of "anti-Semitism" had been skillfully sneaked into the right places about him—*rumors that were completely without foundation!*

More book suppression: On October 4, 1955 Henry E. Schultz, national chairman of the Anti-Defamation League, wrote a lengthy irritating letter to Lt. General George E. Stratemeyer requesting him to withdraw his endorsement of Dr. John O. Beaty's "Iron Curtain Over America" dealing with Communism. The distinguished soldier replied with a scorching letter excoriating the A.D.L. official for insinuating an "anti-Semitic" angle, and also said: "Not until I read John Beaty's book did I learn what was going on back in the United States while I was overseas fighting for my country" and then demanded to know if the A.D.L. letter was "a veiled threat to my free expression and thoughts? If so," General Stratemeyer continued, "your letter is the most outrageous communication I have ever received."

On February 19, 1954, Rabbi Robert E. Kahn of Houston, Texas, known for his vigilance in such matters, wrote a letter to L. E. Page, Commander, American Legion, Department of Texas, about the Beaty book (which had been endorsed in a Legion list of books) demanding that the Un-American Activities Committee of the Hutchinson County Post be asked to "disavow this book (and any others of similar character on the list) by (1) dispatching a letter to those to whom the original list was sent, and (2) publishing their regrets in the Texas Legionnaire and the American Legion Magazine . . . I should like to hear from you about this."

Dr. John Beaty, who aroused the A.D.L. people to such militant ire and action, was a well-recognized professor of English at Southern Methodist University, Dallas, Texas; author of numerous books (some of which were used in hundreds of colleges and universities); a scholar of high repute holding several university degrees including earned and honorary doctorates; fluent in several languages; a patriot who had served his country for five years in Military Intelligence Service in World War II.

American citizens feel keenly the importance of free choice and free expression. The first Article of the Bill of Rights states forcefully that the Government (Congress) shall make no law "abridging the freedom of speech." In the face of this we find other forces continuously trying to tinker with these basic freedoms.

Early in Mr. Gutstadt's administration of A.D.L. an interesting situation arose in Oklahoma. The brilliant editor of the Tulsa Daily Tribune, Richard Lloyd Jones, wrote an editorial that became a cause celebre in A.D.L. ranks. It seems that Mr. Jones, along with other newspaper editors, had been receiving continual appeals from a New York headquartered "Committee for the Jewish Army" urging publishers to raise money for an advertising campaign and to aid in organizing local groups to help establish and officer a "Jewish army" to deal, in some undefined way, with Hitler's Germany. One of the New York committee's communications that had perhaps nettled Mr. Jones, declared: "We shall not rest until the American people are aroused to their full responsibilities." Editor Jones took his pencil in hand and wrote a stirring editorial titled "The American Flag For All of Us" which ran in his paper February 27, 1943. Here are brief extracts from that editorial:

"This committee shrieks at the outrage of Germans murdering Jews. So do we all. We go further. We shriek at the outrage of Germans murdering Gentiles as well as Jews. Our Government and our Allies have an increasingly growing army to halt the Germans . . . No one ever spoke of a German-Gentile, but this committee asks for an army to protect the German-Jew . . . The Jews in America have for many years maintained an anti-defamation society. We have had no anti-defamation black-mailers among the Americans of Scotch, Danish, Dutch or any other antecedents."

This rather hard-hitting but respectful pointing-up of rather unpleasant facts stirred a furor in A.D.L. ranks. The Jewish Examiner (April 9, 1943) said in part: "When the editorial appeared, the wires were burned up with frantic telegrams. Richard Gutstadt of the A.D.L. hopped on a plane to Tulsa and with a delegation of local leaders called upon the editor. There was quite a pow-pow, but the writer of the diatribe stuck to his guns." To which was appended a rather unfavorable characterization of the editor.

Do the anti-defamation league people believe in freedom of expression where it conflicts with their interests? In Al Smith's words, "let us look at the record." The National Jewish Post of May 19, 1950 reported how the A.D.L. bluntly banned the speech of a high Government official at its Chicago convention in mid-May of 1950. The following excerpt is taken from the Jewish Post story: "Several hours before Benjamin J. Buttenwieser, assistant High Commissioner of Germany, was to speak to the Anti-Defamation League of B'nai B'rith at its annual meeting here (Chicago), he was told that he had been removed from the program because of his views on denazifiaction." The action was widely criticized—even by some members of B'nai B'rith such as Brig. Gen. Julius Klein.

An example of indirect action: In Seattle a nationally known women's organization invited a Chicago author to address them on March 1, 1951. He spoke on Communist Activities in the United States. 500 women were present. Sometime later the chairman received a letter from a local furniture dealer saying—"I am sure you would not have had this man as a speaker if you had known his background," and enclosed a three-page anonymous "report" on the man. The chairman asked for its source. The furniture man replied (by letter) that it came from the Anti-Defamation League and gave its Seattle address. The report of twisted insinuations was analyzed paragraph by paragraph with the facts and the chairman agreed it was meaningless. The speaker was charged with having defended Colonel Charles Lindbergh. This one point was factual. It happened at a time when a hand-maiden New York front called "Friends of Democracy" was defaming Colonel Lindbergh with scurrilous booklets because it had not liked a speech he made in Des Moines in 1941 for "America First," naming three forces that were pushing America into World War II.

Few people today realize what has been happening in the free speech forums such as service clubs, civic organizations, college halls, and even churches. A "climate" has been created where very few of the institutions mentioned now have the courage to book a speaker who has factual information on Communism or its net-work—or on any critical aspect of the left-liberal Establishment that is now slowly closing its pincer embrace on the traditions that have made this the country it is—or was. All that is necessary to make a speaker or almost any one person non grata in public today is to get him labeled with something like "bigot"—"extremist"—or "radial Rightist." The purpose of such labeling is to destroy. Traditional American courage to resist is slowly succumbing to asphyxia from the left.

None dare call it extremism: In the May, 1955 issue of an old established trade magazine (The North American Veterinarian) published in Evanston, Illinois, there appeared a small want-ad by a Detroit veterinarian who wanted an assistant and who asked the applicant to "State religious denomination." Some time later the publisher in Illinois received a letter from the New York State Commission Against Discrimination signed by Commissioner N. R. Pinto, a New York lawyer, explaining that this ad violated this New York law (enacted through minority pressure)—and requesting a statement that the offense would not be repeated. It was found as a matter of record that the complaint had been filed by Monroe R. Sheinberg, New York Regional Director of the Anti-Defamation League of B'nai B'rith. Demands for submission kept coming for months—but were ignored. Complaints from the same general source have also been filed with the Commission Against Discrimination against certain resort hotels for having posted signs reading "Churches Nearby." This was claimed to be a ruse to indicate that the hotels wanted only Gentile or Christian guests.

The watchful eye sees all. "In the Anti-Defamation League of B'nai B'rith we have a unique opportunity to watch the professional bigots, the superpatriots, the dark reactionaries, under the pretense of fighting Communism—striking not at Communism, but the free institutions that have made America great." So spoke Henry R. Schultz, national chairman, Anti-Defamation League—Chicago Sentinel, May 21, 1963. "Such coalition," continued Mr. Schultz, "faces us with a constant threat for it gives sanction to bigotry and provides an atmosphere in which organized anti-Semitism can play upon the fears of the people." The Sentinel article quoted the late New York banker and Senator, Herbert H. Lehman who was also Honorary Chairman of the Anti-Defamation League, as spelling out the danger of "creeping McCarthyism" and calling it a "subtle poison which has already eaten deep into the muscles and sinews of our body politic."

The use of the term "McCarthyism" by the redoubtable Mr. Lehman is interesting. It is

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a matter of unchallenged record that this ugly symbolism was first used by Communist leader Gus Hall in the Daily Worker, April 5, 1950. It was quickly grasped as a destructive psychological instrument by the whole battle-front of liberals—all of whom seemed to have something at stake in Senator McCarthy's disclosures. True, he was a hard-hitting "spot-lighter" of the Communist mess when Communism had spread its espionage cells throughout Government agencies (all a matter of record) and such political crucifixion seems to be the price any exposer of Communism must pay today.

A.D.L. and "McCarthyism." The anti-Semitic cry was injected into the crusade against Senator McCarthy when he began an exposure of a security situation at the Army's strategic signal corps and radar center at Fort Monmouth, New Jersey where, according to the Chicago Sentinel (April 22, 1954) 45 employes "41 of whom were believed to be Jews" were suspended for inquiry because of security reasons.

The New Jersey Anti-Defamation League went into action. The matter was so big that the national office of A.D.L. soon took charge. The Chicago Sentinel quoted Arnold Forster, director of civil rights of the Anti-Defamation League, to the effect that A.D.L. had made a thorough investigation of anti-Semitic elements in the situation and had forwarded a report to Secretary of the Army Stevens. This report was reliably otherwise described as placing a charge of "Anti-Semitism" against the U.S. Army. Washington responded to this like it was a bubonic plague. The McCarthy committee was turning up information about the Fort Monmouth personnel and the commander there, Major Gen. Kirke B. Lawton was doing his duty in suspending them. Without further details as to what happened, it may be said this was the beginning of the end for the McCarthy committee.

The Anti-Defamation League seems to entertain a dim view of Congressional committees investigating Communist activities. The New York Post (November 22, 1953) carried a story headed—"Sees Red Probes Spreading Fear" in which it said "The chairman of B'nai B'rith's Anti-Defamation League has charged that Congressional committees often spread fear and confusion in their efforts to capture headlines." The Chicago Sentinel (August 31, 1950) reported that the Anti-Defamation League and other Jewish Groups Condemn the Mundt Bill." This was a proposed bill to deal with Communist subversion which later was passed as the Internal Security Act of 1950, often referred to as the "McCarran Act." This is legislation that the Communists have derided and fought and have accomplished essential destruction of the Act through Supreme Court decisions while a cacophony of Act-criticism by our great liberals has cheered them on. The proposed Mundt bill, according to the A.D.L. group, "represents a hysterical approach," to the subversion problem. They preferred a softer bill like the ones proposed by their own Congressman Celler or liberal Mr. Magnuson.

A.D.L. interest in Congress and its activities is further highlighted by a report in the Congressional Record of November 20, 1947. Congressman Clare Hoffman (Mich.) was discussing on the House floor an investigation made by the House Committee on Expenditures in the Executive Department to learn if Federal funds had been used to install in the Civil Service Commission's office an extensive file of some 250,000 cards containing "information, statements, rumors, hearsay, and gossip bearing on the views, opinions and actions of Senators, Senators' wives, Congressmen and individuals in public life." Congressman Hoffman then inserted into the Congressional Record some of the questions and answers of the investigation. The Chairman of the Congressional committee asked the questions. James E. Hatcher, Chief of the Investigations Division of the U.S. Civil Service Commission, gave the answers. The Committee chairman said:

"It is my understanding that on many of these cards, or at least on some of them, there is a notation, or was a notation, like this: 'The above was copied from the subversive files in the possession of attorneys Mintzer and Levy, 39 Broadway, New York City, room 3305. Their files were made up in cooperation with the American Jewish Committee and the Anti-Defamation League. The source of this information must not be disclosed under any circumstances nor be quoted. However, further information concerning above may be secured by contacting officers of Mintzer and Levy.' That information," continued the chairman, "is on the bottom of cards that carry information to the effect that individuals named, Senators and Congressmen, were disloyal, belonged to subversive groups, engaged perhaps in traitorous activities." Mr. Hatcher replied that the "card system" had been started without any proper authority and such particular cards would be disposed of—but the whole matter raises grave questions.

Congressman Hoffman in introducing this matter observed that a public official, especially a Congressman, invites disaster when he enters into controversy with reporters, editors, commentators and other powerful forces—but that making this a matter of public record was likewise a matter of principle with him. On November 13, 1952, Milton Friedman of the Jewish Telegraph Agency, reported in the Chicago Sentinel that "Rep. Clare E. Hoffman, of Michigan, is listed by the A.D.L. as hostile 'to the Jewish people' . . . He is described by the A.D.L. as a defender of American bigots tried for sedition during World War II. . . . As a distributor of anti-Jewish literature through the Congressional Record." The A.D.L. was further quoted by Friedman as claiming that Rep. Hoffman, in 1949, had told a House Committee considering an F.E.P.C. bill that "There is no such thing as discrimination against the Jews. In this country, if I understand the situation clearly, the Jews have the world by the tail. They are on top."

Among the activities of the Anti-Defamation League is its eagerness to help Christian churches, schools and other organizations prepare their literature and form their policies. In a 38-page booklet titled FACTS, the American Jewish Committee (at the time, March, 1951, closely associated with the Anti-Defamation League) had a statement of program and policy showing the many working arrangements with other organizations. "We supply Christian religious publications with prepared materials, articles, and stories, depicting Jewish life (the booklet says) and . . . current issues which particularly affect American Jews." • • • "Through the newly created Division of Christian Education of the National Council of Churches, the A.J.C. and A.D.L. will jointly have an unprecedented opportunity to aid in the preparation of lesson materials, study guides, audio-visual aids, etc., for use in educational activities sponsored by the Protestant churches and organizations." • • • "An analysis of films depicting the Crucifixion story, used in religious educational activities, was completed during 1950 and the results made available to community councils. . . . A more complete survey is currently under way to discover distortions as well as omissions with respect to Jews and Judaism, past and present. Since over 3,000 Protestant churches now use films and film strips as part of their educational program, this provides an important area in which corrective action is indicated." • • •

From page 34 of the 1953 A.J.C. Report (of its 45th annual meeting) we read: "In the months just passed, A.J.C. and A.D.L have cooperated closely with the National Council of Churches of Christ in the planning and execution of special leadership training courses for ministers and religious educators. . . . Meetings with top Protestant leaders were established on a regular basis in 1952, not alone for discussion of religious education but on issues and problems of concern to all of us: church-state matters, immigration, Unesco, and Human Rights Cooperative programs of education and social action. . . ."

Interesting cooperation. Many Christians who find but little solace in the policies of the National Council of Churches will be interested to find the A.D.L. people so anxious to work with the N.C.C. During the period mentioned of close cooperation, the National Council of Churches has come under heavy criticism from a wide range of Christians because of its radical-liberalism. This cooperation is also interesting because the historic Christian movement is centered around the diety of Jesus which is a doctrine completely unacceptable to the A.D.L.-A.J.C. religious viewpoint.

Activities in field of education: According to the New York Journal (Oct. 5, 1956) "The Anti-Defamation League of B'nai B'rith today refused to accept partial censorship of its 'Social Memo and Date Book' for teachers as requested by the superintendent of schools of Dade County (Miami, Florida)." "The refusal," says the New York paper, "was made by Henry E. Schultz, national chairman of A.D.L. after the Florida board voted 4 to 1 yesterday to ban the book . . . Schultz said they would, under no circumstances submit to censorship." The Memo books had spaces for "Appointments" — "Memoranda" — and "Reminders" which covered three pages of recommendations for films, pamphlets, books, records, plays, songs, and other Anti-Defamation League offerings on race, bigotry and the ideologies with which A.D.L. deals. • • • The Alhambra (Calif.) Post-Advocate (Sept. 17, 1954) carried a story headed—"A.D.L. Gives Book Covers to Local High Schools." "One thousand paper book covers, attacking racial prejudice," the paper said, "were presented to the Alhambra and Mark Keppel High Schools yesterday. Stephen S. Tessler, regional chairman of the Anti-Defamation League made the presentation." The book covers depicting imaginary "racial" incidents "were distributed to the students." One of the incidents showed a group of boys about to play a sand-lot game. Two of the boys are differing and arguing about another who is a Negro youth. Dramatizing such improbable matters has been widely criticised.

Among A.D.L. films and booklets for children (and adults as well) are imaginary conflicts of rather extreme race situations. Typical is a 38-page booklet titled "The Three Rabbits." It consists of rabbit cartoons with some wording on each page—a sort of running story starting with Joe and George, twin white rabbits. While growing up they play together and watch the same TV programs. Joe soon begins to develop prejudices—and this makes him want to hurt other rabbits—tell bad jokes about them—and he grows really mean when a brown colored rabbit moves in next to him. Joe crosses the street rather than meet a rabbit of another color—and so on. It brings the racial issue to school children early—probably before most of them are conscious of race. A.D.L. sponsors a vast amount of films, booklets, car-cards, blotters and other materials emphasizing what seems to be extremes in imaginary racial conflicts.

An astonishing tendency to suppress has been noted in many A.D.L. activities as documented in this survey. One well publicized case was an attempt to ban the British film "Oliver Twist" from showing in this country when, in 1951, Britain's foremost film producer, Sir Arthur Rank, released this dramatization of the story by Charles Dickens. The A.D.L. (according to the Chicago Sentinel, July 19, 1951) charged that the

general behavior of the character Fagin in the play, including his 'hooked nose' appearance—"could fan anti-Semitic sentiment in this country." This same Sentinel (Aug. 6, 1951) carried the column of the late Rabbi G. George Fox (closely associated with A.D.L.) which they titled "Rabbi Warns Community of Inherent Dangers in Fagin Caricature; asks Boycott of British-Produced Film." The protests stopped the film showing. It was admitted, however, that the film had been shown in Canada without stirring 'Anti-Semitism'. The British producer, nevertheless, had to retake parts of the film until it was "acceptable" to the hypersensitive protesters before being shown in the United States.

Is discrimination a one-way street? Here are a few more examples of how the A.D.L. battle "to make America over" is being waged on many fronts. An A.D.L. Bulletin (one of their many publications) was quoted in a full page of the Chicago Sentinel (Aug. 30, 1956) with this headline: "Are We Winning the Fight Against Medical School Quotas?" The article discussed what it called a "quota system" (limiting school admittance to population percentages) in the New York Medical schools—and what to do about it. Since then the Albert Einstein Medical School at Yeshiva University has been opened. Out of the $171 million received by Yeshiva last year, $12.6 million went to the medical school.

Fraternities and sororities. The Sentinel (Nov. 15, 1956) carried a story titled "U. of Arizona Asked Not to Lease State Land to Biased Frats." The story explained that the Anti-Defamation League had been in discussion over this matter of "discrimination" of private fraternities with the University authorities. It is not news that A.D.L. has been an important force in the drive to take from fraternities and sororities the right to have certain rules restricting selection of their own members. • • • Private clubs, hotels and other organizations also have been under A.D.L. fire to prohibit discriminative selection. The Pittsburgh Sun-Telegraph (Nov. 1, 1953) carried a story which read in part—"Judge Samuel A. Weiss, an officer of the Anti-Defamation League of B'nai B'rith called for prompt legal action against a leading Pocono resort hotel accused of discriminating against Jews." • • • From the Chicago Sentinel (April 17, 1952) "Justice Meier Steinbrink, national chairman of the Anti-Defamation League of B'nai B'rith, this week filed a formal complaint with the New Jersey Division Against Discrimination, charging that he was denied accommodations by hotel in Atlantic City." • • • A news story in the Chicago Sentinel (Nov. 25, 1954) told of how Deputy U.S. Attorney General William P. Rogers had promised Henry Edward Schultz, national chairman of the Anti-Defamation League of B'nai B'rith, that he would not register at a certain hotel in Phoenix, Arizona where a meeting of the National Association of Attorneys General was being held—because of an alleged policy of discrimination by that hotel.

The anti-defamation league type of complex or super-sensitivity (which has been called "super-Semitism") has resulted in so many cases of "resistance" such as those already cited that there are many, both Gentiles and Jews, who believe this sort of aggressive and provocative propaganda and action is doing as much harm as good. For instance, the controversy over prayer in schools has stirred widespread feeling. The (Jewish) American Examiner (Sept. 6, 1962) carried a story showing antagonisms can easily spread out of induced super-sensitivity. The story indicates that quite a ruckus developed when the Hicksville (N.Y.) school board complied with a ruling by New York State Educational Commissioner that a part of the National Anthem that contains the phrase "In God We Trust" could not be used as an official school prayer. According to the American Examiner, the State Commissioner had made the ruling in response to a demanding petition presented by Mrs. Miriam Rubenstein, and the liberal Catholic weekly "America" ran an editorial (first week of September, 1962) "asserting that Jewish espousal of bans on religious practices in public schools was responsible for creating anti-Semitic reactions among Catholics."

The editorial in "America" was challenged by the American Jewish Committee and Dore Schary, now chairman of the Anti-Defamation League. The liberal "Christian Century" jumped into the fray on the side of the Jews and the American Legion distributed 100,000 copies of a prayer for the schools. Is it too much to say that this continuous agitation among the Jewish people, financed by millions of dollars in a so-called "anti-defamation program is heightening rather than lessening frictions?

Here is another illustration. The late Rabbi George Fox of Chicago, in his August 7, 1952 column in the Sentinel, quoted a letter he had received from a lady "who had been all her life vitally interested in Jewish matters. She had complained to the Rabbi that he had not dwelt enough on the "Jewish issue involved in the Rosenberg case." The lady "maintained that the Rosenbergs were singled out because they were Jews." It made no difference to her that it was a Jew (Judge Kaufman) who had sentenced them to death for betraying atomic secrets to Russia.

Is it not reasonable to assume that the constant flow of literature to the Jewish people magnifying the issue of "anti-Semitism" could encourage rather than discourage suspicions?

The very same column quoted another letter from an unnamed person who wished to "present a bouquet" to the Anti-Defamation League. The letter explained that "the enemies of Israel" (no further identification), held a meeting in Chicago concurrently with the political convention. They had a lot of literature to distribute when "participating in, if not directing the selection of General MacArthur for the Republican nomination of President . . . The A.D.L. wise-heads caught some hints about this action and got busy . . ." The letter goes on to say that the national executive of A.D.L. and some of his co-workers "persuaded the police department that it was for the best interests of our country to prevent the distribution of this subversive propaganda . . . not a leaf got into the amphitheater . . ." Regardless of how much truth about the police participation, the story was printed in one of America's largest Jewish papers.

It seems hardly necessary to go on with further documentation on the background and influence of the Anti-Defamation League—all of which is presented in reply to inquiries from people who have either seen or heard about the Church League of America being "listed" in a recent book sponsored by the Anti-Defamation League and suggestively titled "Danger on the Right."

ANTI-DEFAMATION LEAGUE—ORGANIZATIONAL STRUCTURE

A natural question that arises as one becomes familiar with the wide-range activity and programs of the Anti-Defamation League of B'nai B'rith is: How is it possible for one organization to have such network coverage of the whole United States?

The first answer to that is that the Anti-Defamation League is the hub of a great working wheel. It has friendly working arrangements with countless other organizations and thousands of willing individuals who may be outside the organizational structure of A.D.L. itself. In addition to their own Jewish organizations, most of which are sympathetic and cooperative with A.D.L. objectives, there has been established other project-collaborating organizations like the National Conference of Christians and Jews—and working arrangements have been accomplished also with many non-Jewish Church groups, educational institutions, Foundations, labor groups, and political or Government agencies. The ramifications that have been established by A.D.L. during the last 30 years are almost unbelievable.

The Anti-Defamation League has a pyramidic structure. At the top is its National Office in New York City. It maintains three major offices with extensive files and dossiers covering hundreds of thousands of individuals, organizations and subjects. These main offices are in New York, Chicago and Los Angeles. These are major activity centers with large personnel, investigators, and promotion workers. It is not possible, of course, to know just how or where files are kept. There was a time when banks of filing cabinets were in the main Chicago ADL office. In the report by Congressman Hoffman (included in this survey) it is indicated that files may also be kept in collaborating lawyers' offices—and even in Washington Government offices.

Next in line below these three main offices are Regional Divisions, scattered strategically all over the country. We do not know the precise number at this date. In 1951 there were 25 and three others known as Joint Offices. Each of these Districts has a working territory which it covers well—gathering information—keeping a watchful eye on everything in that area that may have any significance to the A.D.L. objectives and program. Very little escapes its close observations.

Some of the scope of an A.D.L. Division and national working apparatus may be estimated from a six-page, legal size, Annual Report issued by the Seattle, Washington Regional Office. We quote from the 1954 report as it describes this working machinery quite succintly:

"Through the ADL Regional office, the tremendous resource materials of ADL including films, records, posters, books, pamphlets, study kits, etc., have been utilized by thousands of individuals and many hundreds of groups. These countless thousands have had an opportunity to learn about what Jews believe, the problems of minority groups in housing, education, employment, etc., the nature of prejudice, and other related topics. When organizations and communities from tiny Chimcum on the Olympia peninsula to Colville in the northeastern corner of the State, from the Seattle Public School system to the Methodist Church in Grandview, the southern-most part of the State, request and receive films, literature and kits of religious articles about the Jewish religion, the Jewish holidays, inter-group relations, civil rights and civil liberties, immeasurable but constant progress is made towards creating greater understanding. This understanding, particularly among young people, is the insurance policy for the Jewish Community."

The report details its State activities as a Regional branch of the Anti-Defamation League, how it distributes materials, works with organizations of all kinds and how it deals with people who are suspected of being "anti-Semitic." The report, typical we judge of other Regional branches, is too long and detailed to reproduce here. It serves, however, to give some idea of the nation-wide operations of the Anti-Defamation League which is widely considered as one of the most powerful and influential organizations operating in the United States today.

A. D. literature: Outside of its investigative and pressure operations, the Anti-Defamation League leans heavily upon "literature" to carry out its work. We include in the following pages of this survey a report on A.D.L.'s "book enterprise" which is its dynamic project to reach and influence the public.

One of A.D.L.'s communications to "its

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people" is The *A.D.L. Bulletin*. The lead article in the March, 1963 issue was "The New Segregation" by Ralph Lazarus, A.D.L. member and president of Federated Department Stores (operators of a large number of department stores, under their old names, throughout the country). The article is about people who live in suburbia and enjoy their seclusion. He calls such communities "Classville" because they are not integrated. In the issue of February, 1963, Dore Schary (now head of A.D.L.) has an article explaining his views on race and religion. In general the Bulletin is a sort of house-organ for A.D.L.

There is also the A.D.L. Regional Quarterly Report. We quote from a copy of the April 1, 1954 Pacific Southwest report because it contains some descriptive statements. The first page is by the President. He explains A.D.L. as "a philosophy"—as "a program"—and then he says—"A.D.L. is people. A dedicated group of skilled, creative staff, educators, social scientists, writers, researchers, motion picture and radio producers, rabbis, artists, lawyers, clerical workers, 2,500 community leaders from every part of the nation, serving America and Jewry with vigilance and distinction as lay leaders and regional board members of the A.D.L. committees in every B'nai B'rith lodge and chapter; and, finally, the mighty strength of 350,000 members of B'nai B'rith itself, the most energetic force for the public good ever mobilized within the American Jewish community." The 18-page report described their various activities functioning out of Los Angeles.

Freedom pamphlets. Around 1948 the Anti-Defamation League began publishing a series of booklets which it calls "Freedom Pamphlets"—each by a different author dealing with some special subject. Among the earlier editions were such titles as "Modern Education and Better Human Relations" by the late Dr. William E. Kilpatrick, co-parent of "Progressive Education" with Professor John Dewey. Another of the early issues was "ABC's of Scapegoating" by Gordon Allport. Among the later ones are "Prejudice and Politics" by Taft and Felknor, "Patterns of Minority Relations" by Mack and Duster. The earlier editions sold for 25 cents each but the later ones cost twice that. The Freedom Pamphlets cover subjects that implement the A.D.L. program and get a wider reading because the authors are usually well known in certain fields.

An A.D.L. "Christian Friends Bulletin" was published as a contact messenger with what was organized in 1944 as the Christian Friends of the Anti-Defamation League. The last copy we have of the Bulletin is from 1955 and we have no further information on it than that.

There are publications like "A Group Action Guide" on "Making Democracy Work in Your Community" and many such publications to help in A.D.L.'s program of working with civic groups in its "race relations" activities program.

It would be beyond our scope here to attempt a description of the pamphlets, booklets, folders, posters and other forms of literature that are printed and distributed throughout the nation by the vast network of functioning agencies that are part of the A.D.L. organization proper together with collaborating organizations. The volume and the reach is fantastic.

How financed? An authentic source of information on money receipts is the Year Book of the American Jewish Committee. We quote as follows from the 1964 (the latest) A.J.C. Year Book (pages 108–110):

"The preliminary data for 1963 indicates that the Anti-Defamation League received $3.2 millions—including almost $0.6 million from the Joint Distribution Agency campaign for prior years, and that the American Jewish Committee, similarly, had received $3.2 millions. (Both agencies had additional income from sales of publications, and the like.)

"N.C.R.A.C. (National Community Relations Advisory Council) served as the coordinating clearance agency for the A.J.C. (American Jewish Congress), J.L.C. (Jewish Labor Committee), J.W.V. (Jewish War Veterans), the three Congregational Associations, and 69 local and regional community relations councils. These four organizations participate in the cooperative budget review process of the Large City Budgeting Conference. In 1963 they were joined by A.D.L. The five national operating agencies and the N.C.R.A.C. received $7.9 millions in 1962 compared with $7.7 million in 1961."

Listed above are only a few of the main agencies of the network of agencies that also come in for financing. Some of those listed here (American Jewish Committee and American Jewish Congress) have programs that compliment the work of the Anti-Defamation League of B'nai B'rith.

BOOKS ABOUT THE "RIGHT"—NONE ABOUT THE "LEFT"

The Anti-Defamation League of B'nai B'rith has gone into the book-writing business in a big way to put its "point of view" over to the public. Before taking a look at some of these A.D.L. books it may be noted that this group has long recognized the impressiveness of "words in print." Today as one notes the authors and the nature of their stories in almost any magazine (as well as the flood of paperback books) there is reason to believe that the A.D.L. 1949 "call for writers" may have paid off well. In the March, 1949 issue of Writer's Digest magazine there appeared a letter which read in part:

"The Anti-Defamation League is a non-profit agency that supports civil rights and combats prejudice and discrimination against minority groups. In our campaigns we use many media including advertising, radio, special movie shorts, records, and interest groups such as veterans' Americanism committees, educational associations and the like.

"We have now established a press and magazine department. Its main job is to work for a better coverage of human relations subjects in the nation's press and magazines. Our 18 regional offices are in a position to establish contact with regional publications throughout the country. Here, at our national office we use our sources and contacts to place stories in the big general interest magazines.... We have orders for stories now, orders that may be filled by some of your readers. Because this is a non-profit agency, we charge no commission.... Our only job is to see that such stories do get published. ... Please ask your readers to send us their stuff if they think they are qualified."

MORTON PUNER,
Anti-Defamation League of B'nai B'rith.

We do not know how many of the stories we see in magazines and newspapers today are by A.D.L. inspired writers but we are ready to admit that the Writers' project initiated in 1949 could, by this time, have produced wide-range results.

Our purpose here is to take a look at some of the A.D.L. books which have blanketed the country during the last twenty years—and measure in some degree the impact that they may have made.

The first book sponsored by A.D.L. directly was titled "Must Men Hate?" It was authored by Sigmund Livingston (father of A.D.L.) and published by Harper & Brothers in 1944. The book was devoted to the historical aspects of Jewry and the author's assumption as to the causes of anti-Semitism. It contained a great deal of worthwhile information and was not reckless, as some of their later books have been, in smearing with innuendo and vulgar phrases.

The next A.D.L. book, to be openly sponsored, appears to have been "How Secure These Rights?" authored by Ruth G. Weintraub and published in 1949 by Doubleday & Company. The New York Post devoted its "Week-End Magazine" (a supplement) to excerpting its strong points for its New York circulation. The book was described as "The Anti-Defamation League's Documented Report of Anti-Semitism Today." John Howard Lawson also reviewed the book with Marxist overtones in the WORKER (Oct. 15, 1950). The book was an examination of "patterns of anti-Semitism" as claimed to exist in the United States. At no place in any of the A.D.L. books or literature about Anti-Semitism do we find any precise definition of the term. Its extravagant use in the A.D.L. meaning is an ethnological error. There are millions of Arabs and other groups who are Semites and they make no fuss about "anti-Semitism." In fact the term was hardly known in the United States until it began to be capitalized and publicized by the A.D.L. a few years ago.

"A Measure of Freedom" was the next A.D.L. offering. It was published in 1950, also by Doubleday, and authored by A.D.L.'s Arnold Forster. *LOOK* magazine devoted several pages (April 11, 1950) to publicizing it. With this book there began a noticeable change in tone in A.D.L.'s "book voice." Here we begin to hear "thunder across the bay" about bigotry. In it lightning flashes and dark clouds roll. On its jacket Walter Winchell flashed "This is a Must." Winchell was also a main radio trumpeter for a 1943 book called "Under Cover" (sponsored by a convenient hand-malden called "Friends of Democracy") which ended in the Federal Court with some black marks.

"The Trouble Makers" was the Anti-Defamation League's next book. It was authored by Arnold Forster and Benjamin Epstein (A.D.L.'s top publicists) and published by Doubleday & Company in 1952. Meier Steinbrink, then national chairman of A.D.L., in his Foreword in the book said: "It is about the trouble makers in our midst—the peddlers and practitioners of prejudice." As one reads these books it is easy to get the impression that all America is afire with something called "bigotry."

"Cross Currents" came out as the next A.D.L. book—authored also by Forster and Epstein—and published in 1956 by Doubleday & Company. The review release of the book put out for the press said, in part: "Cross Currents . . . uncovers the bigotry, lies and anti-Semitic propaganda plots existing in the United States, Germany and the Middle East. Chronologically the authors list the documents dealing with the anti-Semitic problems in this country." Many newspapers, wishing to please some of their readers and advertisers, take the easy way out with a difficult subject and run the release-blurbs verbatim.

"Some of My Best Friends . . ."—a strange title—was given the next A.D.L. book which was published in 1962 by Farrar, Straus & Cudahy, authored by A.D.L.'s two masterminds—Forster and Epstein. The title is intended, of course, as a crack at those "bigots" who excuse some deeply felt forthright expression by adding—"Some of my best friends are Jews." The Foreword to the book by Henry E. Shultz (at that time national chairman of the Anti-Defamation League) says of the authors: "The burden of their message is that anti-Semitism in America today expresses itself not in the crudities of a lunatic-fringe as in the 1930s . . . American anti-Semitism today is expressed in patterns of discrimination built into many of the basic institutions of our society . . . This is the big scandal which this book reveals in its myriad details." We will not go into the contents of this book as it follows the same general pattern of its forerunners—belaboring those whom it charges with being anti-Semitic, bigots, hate-mongers and Right-wingers. These scribes are champions at the business of "labeling" which is the very crime they charge against others. In their books, pamphlets, magazines, films and other propaganda media they present a sort of blurred tapestry of evil gnomes who are pictured as being everywhere at work but, outside of a few names which they have horsewhipped for years, they have to be content with dramatizing a mystical world which is filled with their pet shibboleths such as "bigots" and other overworked terms of detestation. The question has been asked that if there is as much bigotry and anti-Semitism in the world as these books (and other A.D.L. literature) seem to indicate, could not part of the cause be due to the natural law of physics—reaction or response to the excited stimulus of resistance? Something of a hint that all of this fuss and fury may be a bit overdone comes from one of A.D.L.'s own friends. Mr. Nathan Ziprin, writing in the B'nai B'rith Messenger (April 27, 1962) said:

"So much has been written about anti-Jewish discrimination that I have developed a resistance to new material on the subject. I make this confession in the full knowledge of the implications. But let us be frank, not even books on anti-Semitism are sacrosanct. Therefore when I recently received a review copy of 'Some of My Best Friends . . .' I was tempted to place it on my reference shelf . . . However, on examining the index, I was intrigued by its general lack of reference to overt anti-Semitism. I found the reason . . . the central focus . . . is on the institutions and patterns of prejudice which exclude Jews from full participation in all facets of American life"

If the central focus of these books is, as Mr. Ziprin concludes, that Jews are excluded from full participation in all facets of American life, it would seem that these authors have been doing too much "home work" and not getting around enough. They should take a look at our great banking institutions—at industry—at the great stores and chains in the retail field—at the newspaper business—at the entertainment world including music, pictures, radio and TV—in all the bureaucratic departments of Government—in just about every activity in America—and they will find that their people have been doing very well indeed in this country.

DANGER ON THE RIGHT

Now we come to 1964—and the A.D.L. book called "Danger on the Right." This is authorized by the seasoned A.D.L. scribes—Forster and Epstein—who have become quite proficient in giving the same old theme a slightly different stage-setting each time. On the cover of this book is the statement that it deals with "The Attitudes, Personnel and Influence of the Radical Right and the Extreme Conservatives." The book is divided into 16 chapters—each of which deals with some group who is anathema to the A.D.L. authors—and then these chapters (or groups) are classified into two sections of the book. One section is called "The Radical Right" and the other is called "The Extreme Conservatives."

The book has a Preface which begins with these words: "The Anti-Defamation League of B'nai B'rith is deeply concerned with the American political process, but it does not engage in partisan politics." This could be the major understatement of the 1964 Presidential election year. On the opening page is a Testimonial "To the Memory of John F. Kennedy." Then comes a Foreword by Dore Schary, the Hollywood producer who was elected as chairman of the Anti-Defamation League February 3, 1963. In his Foreword chairman Schary says: "The authors of Danger on the Right have attempted to write a definitive book on the attitudes, personnel and influence of the Radical Right and the Extreme Conservatives on the American scene. I believe they have succeeded." Schary builds up an image of what he regards to be the "radical Right," mentioning the "radical left" very softly and then says—"The Radical Rightists . . . are, in short, irresponsible and, therefore, necessarily dangerous." Not so, apparently, the "radical Left," judging by his indictment only of the radical Right.

Proceeding, he says—"It has been estimated that some 20 per cent of the American electorate can be grouped as Extremists on the Right-wing. Therein dwell the Radical Rightists and the Extreme Conservatives." Then he proceeds with some intemperate definitions of whom these befuddled persons would vote for. "Opposing them," he says, "are some 25 or 30 per cent of Americans." He doesn't classify the first 20 per cent as "Americans." Then he says this leaves some 50 or 55 per cent as "the prize to be won." We judge, then, that this book is dedicated to the purpose of persuading or frightening this 50 per cent, who are wandering helplessly somewhere in between these two groups, to join with the dedicated left-liberal "true Americans."

In the Preface of the book the authors reveal more about themselves than they prove about their mythical enemies. They say—"Ironically, the Radical Right's analysis of all national and international problems is rooted in a conspiratorial concept. Everything is blamed on a 'Communist conspiracy'." Two questions arise out of this. First some of their readers might suspect they are being soft with the Communists by picturing them as only a figment of the imagination of the Right. Could it be also that the authors have so long bemused themselves as to a "conspiratorial plot" against the Jews that they now have become obsessed with the delusion that other people also have a 'conspiracy neurosis?'

"In the eyes of the Radical Right," the Preface continues, "the American Republic is imperiled on almost every front by this Communist conspiracy which, says the Radical Right, has been entrenched in Washington for the last thirty years, and which has been softening up the country for an imminent 'Communist takeover'." The answer to that is that it was during this last thirty years that Communist espionage cells were implanted in our Government agencies—that our atomic secrets were betrayed to the Soviets—that over 600 Communist-front organizations operated in the United States (as recorded in Congressional records)—that Hollywood became the easy prey of Communist manipulators (also in the record)—that the Morgenthau-White and other scandals developed in Government—that spy episodes and other exposures of Communists and their dupes culminated in what became widely known as "the mess in Washington." All of this cannot be brushed aside by these A.D.L. writers for it is all in the records—including the names of those who were the main actors in that tragic drama. The authors of "Danger on the Right" must have either short or convenient memories.

"These Radical Rightists, all too often," say Forster and Epstein, "aided by their conservative allies, pose a threat to our democratic institutions." Here is a completely hypothetical and meaningless statement which presumably the authors hope the careless reader will rationalize into some kind of actuality. The book's preface then taking to its favorite theme about "peddlers of racial and religious bigotry" says further—"These racists and anti-Semites like the Radicals, believe the Republic has been and is being sold out from within . . . The conspiratorial theory of the bigots is the same as that of the Radical Right, but with the extra noxious ingredient of racial and religious hatred."

This ugly language reflecting dire semantic poverty is apparently intended to stir imaginations and excite emotions. The identification of these evil-doers is not given, except by devious inference, that is, by also including in the book certain groups who are listed as part of a mythical "Radical Right" or "Extreme Conservatives." It is by this disingenuous linking that the authors would seem to create an unfavorable impression of the Church League of America. The chapter dealing with the Church League of America is included in "The Radical Right" section—and this further identification is given: "In the field of religion, no Far-Rightest group has exercised greater influence among clergymen themselves than has the Church League of America." The remainder of the chapter is mainly a brief story of its structure and work. It is not this particular part of the story to which the Friends and Sponsors of the Church League of America object. The book has not dared directly to implicate the Church League with such ugly words as "anti-Semitism" or "bigotry." They have, however, apparently undertaken to accomplish this very thing by preceding these organization-chapters with a Preface that is loaded with inferential and libelous innuendo which have the intentional or otherwise effect of applying these opprobrious terms to any organization or person otherwise included in the book. If it should be allowed to stand, it could be expected very soon that the name of the Church League of America would be handied about by careless (or not so careless) persons in the same breath with these nasty terms which, by the record, seem to be the stock-in-trade of the Anti-Defamation propagandists.

This book "Danger On the Right" may be more dangerous to its sponsors than to anyone else!

DANGER ON THE RIGHT

(By Arnold Forster and Benjamin R. Epstein)

PREFACE

The Anti-Defamation League of B'nai B'rith is deeply concerned with the American political process, but does not engage in partisan politics. Our interest is democracy, which includes our system of public elections insofar as the political process can be misused to destroy our democracy.

Many Americans have the inaccurate impression that the Anti-Defamation League's sole concern is anti-Semitism. Even in its beginnings, at the turn of the century, this agency was not concerned solely with anti-Semitic activities. We believed at the time, as we believe now, that to defend and strengthen the rights of any group of Americans reinforces the right of all—and therefore the very structure of our democracy.

Citizens who have observed our activities must have noticed our continuing concern with domestic extremist political movements. In the thirties the ADL fought communism and Nazism in this country, not only because these movements victimized minority groups, but because ADL recognized that they tore at the democratic structure of our society. Over the years the League joined in the struggle against an amorphous isolationist movement crystalized at different times in an America First Committee, a Christian Front, and in McCarthyism. ADL fought the resurgence of the Klan after the Supreme Court desegregation decisions, as well as the anti-Catholic propaganda which made its appearance in the 1960 election.

Today the United States faces new attacks on our democracy by an extremist movement which has mushroomed in the past few years and which is broadly referred to as the Radical Right. This movement, together with its allies among Right-Wingers, now spends a minimum of $14,000,000 a year in an assault on our democratic progress; consequently, the Radical Right, its con-

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servative allies and those who support them, become a vital concern.

Considerable research by ADL's staff into the operations of this movement turned up no evidence that the Radical Right—as distinguished from its conservative allies—should be regarded as part of this nation's responsible political fabric. On the contrary, the evidence is that in reality it is a fringe political activity, and no more sound as a political position than the troublesome Communist conspiracy. The Radical Right sometimes has surrounded itself and often functions with certain characteristics of secrecy, furtiveness, and hidden motivation—marks of an organized conspiracy, which it is not. Ironically, the Radical Right's analysis of all national and international problems is rooted in a conspiratorial concept. Everything is blamed on a "Communist conspiracy."

In the eyes of the Radical Right, the American Republic is imperiled on almost every front by this Communist conspiracy which, says the Radical Right, has been entrenched in Washington for the last thirty years, and which has been softening up the country for an imminent "Communist takeover." The softening-up process, in the mythology of the Radical Right, has resulted from the advocacy by the "conspiracy" of socialism in domestic policy, and sellout and softness in foreign affairs.

This Radical Right mythology differs in degree and intensity, but not in kind, from the viewpoint of the Extreme Conservatives. The latter also view American domestic policy of the last thirty years as socialistic and dangerous, and our foreign policy of the same period as prone to softness and appeasement in dealing with the Communist threat.

The basic difference is that, unlike the Radical Right, the Extreme Conservatives generally do not tend to ascribe the alleged socialism and softness to any sinister plot in high places, but rather to blindness, stupidity, and bungling on the part of four Presidents and their liberal advisers.

Nevertheless, if there are some differences in interpretation of recent history between the Radicals of the Right and the Extreme Conservatives, there are also similarities which are noteworthy. If these two wings of the American Right differ on the *reasons* for the fancied perils and problems the country faces, they agree basically on the nature of the "evils" they fight—Federal taxes, Federal spending, Federal social welfare programs, and Federal regulation of private business, as well as foreign aid, UN activities, and negotiations with the Soviets.

This basic similarity of viewpoint has led to an ideological blur between these two segments of the American Right. The less extreme often "fellow-travel" with the Radicals of the Right, much as some Liberals fellow-traveled with the Communist Left twenty or thirty years ago. As a result, individual Conservatives today often lend their names, their sponsorship, and their financial support to organizations and causes of the Extremists.

Since 1960, the Radical Right and the Extreme Conservatives have been pouring millions of dollars into a propaganda campaign aimed at influencing American public opinion, often by disseminating pure fright along with distrust of respected American leaders and established institutions. These Radical Rightists, all too often aided by their conservative allies, pose a threat to our democratic institutions. They undermine confidence in the integrity and patriotism of our elected leaders, our judicial system, our military leaders, our educators, our clergy, our labor leaders—from Washington all the way out to the smallest community in the country. They attack the integrity and patriotism of local officials, clergymen, teachers, and librarians.

This multimillion-dollar-a-year propaganda campaign is financed by an impressive but comparatively small number of tax-exempt foundations, business corporations, and wealthy individuals—plus the one- to five-dollar contributions of hundreds of thousands of average citizens who have been frightened by this propaganda barrage and who, to an alarming extent, have succumbed to it.

The rabble-rousing gutter bigot, who combines political extremism with promoting racial and religious hatred, is often classified as part of the Radical Right. That is an easy error, for the peddlers of racial and religious bigotry who have sullied the national scene in the last thirty years have been, almost without exception, far to the Right in their political thinking. These racists and anti-Semites, like the Radicals, believe the Republic has been and is being sold out from within by a sinister conspiracy, deeply entrenched in the national capital. But their view of recent American history differs from the picture of the alleged conspiracy which is painted by the Radicals of the Right, who do not normally peddle race and religious hate. In the eyes of the rabble-rousers, the fancied sellout of the American Republic over the last three decades results not from the mere presence in powerful positions of leaders who are pro-Communist, but from a sinister, secret, powerful pro-Soviet Jewish conspiracy. The bigots equate liberalism, socialism, and communism with Judaism. Often they chide the Radical Rightists for "pussyfooting" and for failing to brand Jews as the real culprits in American political life who have, since the days of the New Deal, instigated the policies at home and abroad that have brought the Republic to the brink of an internal Red take-over.

The conspiratorial theory of the bigots is the same as that of the Radical Right, but with that extra noxious ingredient of racial and religious hatred.

In the gradations of American Right Wing activity, the opinions of the Radical Right, expressed by men such as Robert Welch, Founder of the John Birch Society, may blur with those of the Extreme Conservative. This "blurring" merits study and is examined in this book. But, to repeat, neither the Birchers and their like-minded Radical Right allies, nor the Conservatives who often fellow-travel with them, should be confused with gutter-type extremists like George Rockwell, head of the minuscle American Nazi Party. Rockwell is a publicity-seeking nuisance, a concern only at the police precinct level, and forms no part of the really capable, efficient, well-financed, and truly dangerous movement of the Radical Right, which, quite unlike Rockwell, poses a very real threat to American democracy.

The Anti-Defamation League has continuously fought against all racial and religious bigotry. Anti-Semitism is one aspect of such bigotry. Anti-Jewish discrimination still persists in American life. But despite Rockwell and a handful of similar gutter-level bigots, there is no such thing in the United States today as an effective, nationally organized anti-Semitic movement. Such scattered overt activities as do exist are carried out by a corporal's guard of rabble-rousers, street-corner hoodlums, and old-time platform spellbinders and pamphleteers.

The dozen or so professional hate racketeers such as Rockwell, Gerald Smith, and the late Conde McGinley will therefore not be the measure of this book's concern. The Radical Right (and its conservative allies) will be—because it is a force that receives and spends millions of dollars every year to influence untold numbers of Americans with extremist propaganda.

There can be no doubt Radical Rightists are motivated by a hatred and fear of many twentieth-century developments in the economic and political life of our nation and the world, in which we Americans now play a major role. They make a profession of warning America about hazards they think they see. They urge people to watch out lest coddling of labor unions brings the welfare state one step closer. They sound the warning that fluoridation is but a chemical softening-up process preliminary to Communist brain-washing. They shout to beware of social security as a large step forward in socializing the Republic. They signal an alarm that the income tax is simply a means of pauperizing the rich in favor of the poor in order to communize the United States. They admonish in urgent voice for all to believe that the United Nations is a weapon the enemy is using to destroy American sovereignty and deliver us to the Bear.

Their fears and warnings are, to all purposes, baseless. The real danger is that in continuing endlessly to cry wolf, they confuse and divide America, diminishing her ability to recognize a real peril when it appears on the horizon. They constitute a serious threat to our democratic processes. The Radical Right (and their conservative supporters) are the real and proper concern of this book, as they should be the concern of all Americans.

H.R. 12075—AMENDING THE INTERNAL REVENUE CODE

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BYRNES of Wisconsin. Mr. Speaker, I am today introducing legislation amending the Internal Revenue Code to exempt from taxation nonprofit corporations organized to insure the shareholdings of individual members credit unions.

Mr. Speaker, some States, including Wisconsin, have passed special statutes that permit credit unions to form a nonprofit corporation to insure the shareholdings of individual members of such credit unions, and to cooperate with the member credit unions under the supervision of the appropriate State agency in order to improve the general welfare of the credit unions within the State.

The member credit unions that form the new corporation are already exempt from taxation under section 501(c)(14)(A) of the Internal Revenue Code, which exempts "credit unions without capital stock organized and operated for mutual purposes and without profit." However, the Internal Revenue Service has ruled that although the individual credit unions are exempt from tax, a corporation formed by these credit unions in order to promote their common interests and insure the shareholdings of their members is not exempt. The Service has taken the position that in order to be tax exempt under section 501(c)(14)(A) of the Code, the organization must be organized under the sections of State law that specifically relate to credit unions. Since the corporation formed by the credit unions to insure the interests of their shareholders is formed under another section of State law, they are not exempt under the Service's interpretation.

The distinction made under present law seems artificial, and should be changed. The States have, in enacting these statutes, attempted to meet a real need of credit unions and their shareholders. The insurance provided is analogous to insurance provided depositors of banks by the Federal Deposit Insurance Corporation. The bill I am introducing would only grant tax exemption in cases where the credit unions which formed the new corporation are themselves exempt from tax and where the new corporation is organized and operated for mutual purposes and without profit, pursuant to a special statute enacted by a State legislature. Additionally, the corporation would have to be under the supervision of the State agency charged with responsibility for supervising financial institutions.

PEARL HARBOR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BIAGGI. Mr. Speaker, 30 years ago, the Japanese launched an attack at Pearl Harbor which catapulted the United States into the bloodiest war in history. The men who died on December 7, 1941, were the first U.S. casualties in the war and much of the war in the Pacific was fought with the idea in mind to avenge their deaths. I am sure that each battle fought after that first one was fought with the memories of the fallen comrades whom we honor today.

That was 30 years ago. And what have we learned in the last 30 years since that ill-fated sneak attack at Pearl Harbor? Have we learned the ways of peace? Have we learned to live without war or the fear of war? Have we abandoned armaments so that our productive capacity can be devoted to life and not death?

Have we learned that only through preparedness and watchfulness can we meet the enemy and survive?

What have we learned?

Surely not peace, since two wars have intimately involved this Nation in recent years—the Korean war and the Vietnamese war. Additionally, numerous other wars and conflicts have marked international relations throughout the world in the last 30 years.

Surely we do not live without the fear of war, since the development of the atomic bomb has pushed us further toward the brink of a martial holocaust. In fact today rather than living in fear of war, we live in terror of the consequences of war—the ruination of our lands and peoples.

And most assuredly, we have not abandoned weapons since our stockpile of armaments of various sorts exceeds all bounds imaginable 30 years ago. Today our defense expenditures is the largest single cost for the Federal Government.

Nor have we sufficiently prepared ourselves to protect against another sneak attack with our naval fleets rapidly becoming outdated, with our armaments rapidly becoming outnumbered, and with power rapidly becoming impotent.

But we have learned that peace still rests on mutual trust. Peace without an understanding of the motives of the other side is only a temporary truce. That is what more closely characterizes the last 30 years—a temporary truce.

What must we as a nation and as individuals do to make the lives of the men who fought and died for peace and democracy 30 years ago seem justified? Can we continue to rattle the sabres of war while speaking the rhetoric of peace?

No this country must take the initiative to develop peaceful solutions to world conflict. A third world war will destroy life in the United States as we know it. Fortunately, the other side recognizes that the same fate awaits them. Therefore, our efforts must be directed toward a world detente and abandonment of nuclear threats aimed at maintaining a balance of terror.

I believe we as a nation have taken steps toward that mutual trust we so desperately need by engaging in the strategic arms limitation talks with the Soviet Union. We have sought to minimize superpower confrontation, by taking a cautious, peacemaker stance in the current India-Pakistan conflict. We have sought peaceful solutions—and in fact were responsible for the present truce—in the Middle East.

But America must move further. Our every diplomatic effort must be directed toward settlement of conflicts and elimination of the points of controversy that may lead to armed conflict. As the greatest power in the world today, we have not only the ability, but the obligation to truly make peace. We as individuals must press our public officials at all levels of government to utilize the instruments of peace—not war.

Shall the men we honor here today feel they died in vain because the peace and freedom they fought for is a tenuous one—if not lost completely? Shall your efforts in World War II be considered merely a waste of time since war and conflict are still with us? Shall your children live today only to die in another war tomorrow?

Our gross national product this year will exceed the 1 trillion mark. How about a billion dollars for peace? Ladies and gentlemen, I seek not a surrender to our enemies or a unilateral renunciation of armaments. That would be foolhardy. We need a strong defense and a strong martial postion to guard against exactly what we are recalling here today. A weak nation militarily in these days and times is truly an impotent nation.

However, I am calling for an all-out effort by every citizen in this country to think about how he can contribute to peace and the elimination of war as an instrument of government policy. Not through weakness but in strength and preparedness.

Pearl Harbor was a warning to the people of the United States in 1941 that Japan wanted war. Let it also be a warning to us here today—and a reminder—that war benefits no one and ravages everyone. Let it be a warning that the next sneak attack will not permit a retaliatory action. Let it be a warning that in peace there will be a United States safe for freedom and democracy, but in war there will be no world.

THE ROBERT BENT BRIGHAM HOSPITAL

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, there is a very unique hospital located in my district in Boston, Mass., the Robert Bent Brigham Hospital, the only hospital in the Nation devoted solely to arthritis and the rheumatic diseases.

It is my pleasure to include a very interesting roundtable discussion of three rheumatologists and a medical student, as well as a biographical sketch of this dedicated group of specialists.

The biographical sketch and discussion follows:

SKETCH

Dr. Theodore B. Bayles joined the Medical Staff at the Robert Bent Brigham Hospital in 1939; at that time, he was one of only several dozen rheumatologists in the nation.

The Robert Bent Brigham was established as a residential institution for incurables, and many of its early patients were disabled victims of arthritis and rheumatic diseases. Dr. Bayles arrived during a period of transition, as the hospital's purpose was changing from caring for the disabled to preventing disability through enlightened treatment.

A dedicated teacher and crusader for expanded training programs in rheumatology, Dr. Bayles directs the Rheumatology Training Grants at the Hospital and is an Association Clinical Professor in Medicine at the Harvard Medical School. Physicians from throughout North America came to attend a five-day American College of Physicians course on rheumatic diseases at the Hospital recently, which Dr. Bayles directed.

Dr. Bayles also vice-chairs the hospital's Joint Venture development campaign for its future home in the Affiliated Hospitals Center.

Dr. Jean Jackson is a second-year Fellow in Rheumatology at the Peter Bent Brigham Hospital. Her time is divided between seeing patients and learning to use research tools and facilities. Dr. Jackson chose rheumatology, after being exposed to rheumatologists who were dynamic teachers.

Dr. Jackson received her medical degree from the University of Maryland Medical School and stayed at that school's University Hospital for three years as a medical intern and resident. She will return to the 708-bed hospital in Baltimore, Md., next year to become Chief Resident in Medicine. Then, after ten years of professional medical education, Dr. Jackson plans to combine teaching with a private practice in rheumatology.

Dr. Arthur P. Hall followed his father to the Robert Bent Brigham Hospital, as one of the hospital's first Fellows in Rheumatology.

His father, Dr. Francis D. Hall, was a pioneering rheumatologist who retired from the Medical Staff in 1966.

In addition to his private practice and teaching responsibilities, as an Assistant Clinical Professor of Medicine, at the Harvard Medical School, Dr. Hall has led the movement for improved and expanded ambulatory care within the hospital. He is the current president of the New England Rheumatism Society.

Douglas Kelling came to the Hospital to get a better understanding of the problem. In his fourth and final year at Harvard Medical School, Doug elected to take a comprehensive one month course in rheumatology and allergy sponsored by the Robert Bent Brigham.

The one-to-one student-teacher relation-

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ship enabled him to see at first hand the decision-making process that dictates care for arthritis patients. The training played an important role in Doug's future plans. He plans a career in internal medicine, specializing in family care.

DISCUSSION

Dr. HALL. Literally, rheumatology is the study of rheumatic diseases, diseases characterized by inflammation, particularly in the joints. The field is a sub-specialty of internal medicine, and internists who study rheumatic diseases either in patients or in the laboratory could be called rheumatologists.

Dr. BAYLES. You must realize that, since I've been in rheumatology, rheumatic fever has practically disappeared. Gout is now treatable, infectious arthritis, tubercular arthritis of the joints—all of that is essentially gone. I'd say thirty per cent of the type of patients I saw when I first came to this hospital in 1939 are no longer here. We're left with the problems that are as yet unanswered-rheumatoid arthritis, degenerative joint changes, some of the rarer forms of acute inflammatory diseases.

And steady gains are being made by researchers. About eighty per cent of our patients at the hospital have rheumatoid arthritis. Until a very few years ago, the disease was believed to be related to inheritance. Current work disproves this, so scientists at this and other centers are no longer looking for some kind of metabolic defect, but rather for an entirely new event—a virus perhaps—that might set off the process. Like all specialized hospitals that are deeply committed to research and training in addition to patient care, everyone—the medical men, the surgeons, the paramedical personnel—everyone is devoted to a single goal, everyone is working on the same problem.

Dr. HALL. But in addition to being focused on a single goal, we approach that goal in a unique fashion. You'll rarely see the integration of medicine and surgery that's found in this hospital.

Dr. JACKSON. This is certainly true from my experience. Major medical centers usually have rheumatologists and always have an orthopedic surgery service. Yet the rehabilitation and care of arthritis patients is seldom such a cooperative effort.

Doug KELLING. This should really be emphasized. In our education as medical students, there is a big separation between the medical and surgical aspects of treatment, and that's true at almost every hospital.

But in the short time I have been here at the Robert Bent Brigham Hospital, I have become more sensitive to the possibilities for coordinated care. One day, when I am seeing my own patients, I'll know that there's expertise, available not only on the medical side, but on the surgical side as well.

Dr. BAYLES. Cooperation would be the one word I would select if I had to describe the approach to patient care at the Robert Bent Brigham. There is a lot of talk about team care, but we have made it work.

Doug KELLING. More and more it is becoming obvious that unless the efforts of the whole medical team are closely coordinated, from the nurses through the physicians, the best patient care cannot be achieved. This is especially true for chronic diseases like rheumatoid arthritis.

Dr. BAYLES. In addition to providing comprehensive care for today's patients, we assure better care for future patients through extensive on-site training programs.

Dr. HALL. I think this is practically the only place in the country that can offer really in-depth clinical training in the area of rheumatic diseases-training on the house officer level and primarily on the fellowship level. It is one of the most valuable things that we are doing.

There are about two thousand rheumatologists in this country. They are too few in number, and they are concentrated in too few places. A clinical study I made showed that a third of the patients traveled more than fifty miles to get here. That's an indication of the need for our training programs.

We've finally reached the point where we're really turning out people with solid training in the field. It's very gratifying to attend professional meetings and see doctors from all over the country who are making valuable contributions—doing the kinds of things they were taught to do at the Robert Bent Brigham.

But you can't teach rheumatology off the cuff. Sometimes it takes patients three months, six months to respond, so it's essential for the student to be able to see a large patient population.

Dr. JACKSON. I came here as a Fellow in Rheumatology for precisely that reason. This hospital is one of the few places where large numbers of patients with rheumatic diseases can be seen over the long term. I need this sort of experience to learn what can be done with drugs and therapy, to learn when surgery is indicated, to learn just what surgery can accomplish. It's been a tremendous experience!

The training program here for fellows in rheumatology is relatively equally divided between clinical and research responsibilities. That's another reason that brought me to the Robert Bent Brigham.

It is essential that a physician treating patients with rheumatic diseases has an understanding of research. Today's research may have a role in the treatment of patients five years from now. The rheumatologist must be able to understand and evaluate the implications of research and apply them to his practice.

Dr. BAYLES. There is no end to the training programs initiated by the Robert Bent Brigham. We offer a graduate course for orthopedic surgeons. Residents come here from other hospitals. Practicing physicians from throughout the country come here to attend post-graduate courses in rheumatology. The members of our medical staff travel all over the world to speak at professional meetings. And, of course, we're committed to educating the public as well.

Dr. HALL. It is a particularly difficult disease in that there is practically nothing else which combines this constant discomfort or the continuous threat of discomfort with decreasing physical independence. People with heart disease can feel quite comfortable when they're not having a chest pain; diabetics can often take a pill or a shot and forget about it. It's awfully difficult for someone with rheumatoid arthritis to forget.

Arthritis patients have a general reputation for being difficult to get along with. Usually this is because nobody's doing anything for them and they know it. They fear being crippled or confined to a wheel chair.

Arthritis is an off and on disease, and rheumatologists may see a patient over many years during his difficult periods. For the rheumatologist the greatest reward is the knowledge that without him there are many patients who probably wouldn't have received help.

CONCERNING THE FUTURE OF THE AFFILIATED HOSPITALS CENTER

Dr. HALL. The waiting period here for hospitalization and ambulatory care now exceeds eight weeks. We'll have 120 beds in our tower of the Affiliated Hospitals Center—a twenty per cent increase—and this will allow us to lower the waiting period and enlarge our medical staff.

Dr. BAYLES. Of course the facilities will be newer and better, and the economies of pooling resources with the Peter Bent Brigham Hospital and the Boston Hospital for Women will be tremendous. The operating rooms, for example, will be in the Peter Bent's tower, and the physical and occupational therapy departments will be in the Robert Brigham.

I think the geographic situation will be one of the biggest improvements for this hospital. We will have access to a number of services that are not usually available to a small chronic disease hospital—back-up anesthesia, greater ease of consultation, a critical care unit.

In the past thirty-two years I have seen the Robert Bent Brigham Hospital become a hospital specializing in the rheumatic diseases, a teaching hospital of the Harvard Medical School, a major research center in immunology and rheumatology and a renowned postgraduate training institution. The Affiliated Hospitals Center is our next big step!

THIRTY YEARS LATER

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HELSTOSKI. Mr. Speaker, today, December 7, 1971, is the anniversary of a day which the then President, Franklin D. Roosevelt, described as "the day that will live in infamy," the bombing of the U.S. Naval Base at Pearl Harbor.

The next day, December 8, 1941, President Roosevelt addressed the joint session of the Congress and war was declared on Japan on that date. Then Germany and Italy declared war upon the United States on December 11, 1941, and a few hours later the United States declared war on Germany and Italy, and we were fully involved in World War II.

In the 5 years of our involvement in World War II we suffered over 1 million casualties of which nearly 300,000 were actual battle deaths, about 115,000 deaths from other causes and 670,000 men were wounded, although not mortally.

Mr. Speaker, the United States-Japanese war saw the first atomic bomb ever used in a war dropped by a U.S. plane on August 6, 1945, on Hiroshima, Japan, a town of over 340,000 population. The second U.S. bomb dropped on Nagasaki and its population of over 252,000 on August 9, 1945. Estimates of deaths from the bombs and radiation exposure vary: Hiroshima, 80,000 to over 200,000; Nagasaki, 39,000 to 74,000. Within 5 days of the dropping of these atomic war weapons, Japan surrendered on August 14, however formal surrender did not occur until September 2, 1945 when the articles of surrender were signed on board the U.S.S. *Missouri*.

Those who remember Pearl Harbor, well remember such names as the battle of the Coral Seas—May 1942; Guadalcanal—August 1942; Battle for Leyte Gulf—October 1944; and Iwo Jima—February 1945.

Now, 30 years later, Japan and its Axis ally, Germany, are among our best partners in world trade, but we have not learned the lesson that the world desires peace.

Since World War II we have been engaged in the Korean war, the conflict in Vietnam and now see conflicts in the Middle East, Cambodia, the continuation of the conflict in Vietnam and the latest outbreak of hostilities between India and Pakistan.

Mr. Speaker, it is my fervent hope and prayer that we will be able to conclude our participation in Vietnam very soon and that we will be able to keep clear of any involvement in the present conflicts.

Mr. Speaker, our own domestic problems need our attention and we should strive to conquer them rather than take sides with foreign powers and ally ourselves with them and get involved in a conflict which is of little interest to us, and over which we have no influence as to its settlement.

As we recall Pearl Harbor this day, let us devote our future energies to the keeping of the peace in this world. With the spirit of Christmas upon us let us again repeat the slogan of the season, "Peace on Earth and to Men of Good Will."

FAT PAY ON PUBLIC TV

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD a fine statement concerning the salaries being paid to some of the "stars" of public broadcasting. I think it very appropriate for this body to look into the salaries and operations of the Corporation for Public Broadcasting since it requires so very much of the taxpayers' money to operate.

The statement follows:

FAT PAY ON PUBLIC TV

As a result of recent revelations of high salaries being paid some of its stars, the Corporation for Public Broadcasting is threatened with investigation by a House of Representatives committee.

This doubtless will lead to charges (as it did when a commercial network was under inquiry) that Congress is trying to tell public TV how to program its operation; and the committee should be discreet enough to avoid evidence of any such intent.

But the inquiry is proper if it is concerned with the size of the salaries, which largely come from taxpayer money. For instance, Sander Vanocur, former NBC newscaster, is getting $85,000 a year; Bill Moyers, once press secretary to President Johnson, gets $75,000; William F. Buckley Jr., newspaper columnist and magazine publisher, upwards of $500,000 for 44 weekly forum-type shows.

Directly or indirectly, most of the money for these plush jobs comes from the Federal Treasury; some from foundations. It is tax money in either case, since foundations are tax-exempt; what they don't pay in taxes others do.

In the beginning, public television was to be nonprofit, highly educational, noncompetitive with commercial television and unconcerned about viewer ratings. It is, of course, non-profit—when it depends on the public till it doesn't need to make money. Its educational virtues are a question of taste and judgment.

But in hiring personalities from commercial television, it obviously is trying to compete and raise its viewer ratings.

In the beginning, sponsors of the public TV idea indicated they could raise enough from private donors to carry off the idea; all they needed from Congress was a little seed money to get started.

But the seed money now has grown into an annual appropriation of $35 million and a bill in Congress calls for $65 million next year and ultimately an annual grant of up to $160 million.

Which certainly gives the House committee good cause to inquire into the propriety of paying public TV personages more than the Chief Justice of the United States gets, $62,500 annually.

CONSUMER ROLE IN CIVIL AERONAUTICS BOARD

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. ROONEY of Pennsylvania. Mr. Speaker, exactly 1 year ago this week, through the foresight of Chairman Secor Browne and his endeavors to promote aviation, the Civil Aeronautics Board inaugurated a new effort to aid the American consumer through the creation of an Office of Consumer Affairs within the CAB staff.

The thrust of this consumer-oriented program is to assist the public with problems associated with air travel. Thus, the CAB, on December 9, 1970, became the first Federal regulatory agency to establish a Consumer Affairs Office.

Heading this new CAB service is Jack A. Yohe, a native of my congressional district and former newspaperman with the Allentown, Pa., Morning Call and the Washington Evening Star. He and his staff have attained a high degree of success, as evidenced both by the attention this program has received from the media around the Nation and by the testimonials of some of my own constituents who have had occasion to seek the help of the CAB Office of Consumer Affairs.

Last week, Mr. Speaker, Mr. Yohe returned to Allentown, Pa., to discuss this new consumer role of the CAB in an address to the Allentown Kiwanis Club. In his address, he stressed that both the air traveler and the host airline have responsibilities to deal fairly and honestly with each other.

I would like to include in the RECORD for the information of my colleagues a news account of Mr. Yohe's address and the CAB's program of consumer help.

[From the Allentown, Pa., Evening Chronicle, Dec. 2, 1971]

CUSTOMERS-AIRLINE RELATIONSHIP TWO-WAY STREET, CAB AIDE STATES

(By Bill Gernerd)

While a consumer is entitled to know what the fine print says before he buys, he likewise has responsibilities to "meet spirit with spirit," and be guided by the slogan "honesty is the best policy."

These were admonitions expressed today by Jack A. Yohe, head of the Office of Consumer Affairs of the Civil Aeronautics Board, as he addressed the luncheon meeting of Allentown Kiwanis Club in the Lehigh Valley Club, speaking on the topic, "The Aviation Consumer: His Rights and Obligations."

RIGHT TO KNOW

Yohe, a former Call-Chronicle reporter, said, "As in any other contractual relationship between the consumer and the provider of the product or service he buys, the airline passenger has a right to know, in advance, the service he can expect, the cheapest available fare, the restrictions and conditions applicable to the fare and any additional charges he will have to pay for visual and audio entertainment and beverages he may consume.

He added, "He has the right to be fully apprised, in advance, of the carrier's limit of liability for damaged or lost baggage, and of alternatives open to him to protect his possessions beyond those liability limits.

"And the oversold passenger has the right to be fully apprised of the carrier's obligations to him. In other words, the carrier should tell him—before he asks—what the fine print says," Yohe said.

CUSTOMER RESPONSIBILITIES

But, he cautioned, "You, the consumer, also have responsibilities."

Yohe went on to explain that it strains the good nature of reservation clerks and affects the airlines pocketbooks when individuals book flights on two or three airlines, or on several different flights of the same airline so he will be certain to get a seat.

He said, "In all honesty, a passenger with a lost baggage problem should claim only its true value," adding, "There are often those embarrassing moments when the airline finds the baggage and the value of its contents make it obvious that the passenger has falsified his claim.

He indicated that there also are times when baggage has been reported stolen or lost when this actually is not fact.

"In other words," Yohe stated, "as passengers and shippers, as consumers of anything, we have got to meet spirit with spirit. 'Honesty is the best policy' is not only a slogan of the provider of the service we buy. It must also be our personal guide."

He warned, "Anything less on our part can drive up the cost of whatever we buy, whether it be air travel or automobile insurance."

The CAB official indicated that he feels very strongly that the air carriers, including indirect air carriers and their agents, "have a responsibility to give measure for measure in their dealings with their customers."

MAN LOSES LIFE IN RESCUE ATTEMPT

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BEVILL. Mr. Speaker, in these times when there seems to be so much indifference and reluctance on the part of many to become involved in other people's troubles, the heroic example of Carlton Allen Thomas, of Albertsville, Ala., stands as a shining example that some people do care and will get involved.

Mr. Thomas, who could not swim, recently lost his life in 30 feet of icy water in Lake Guntersville trying to save another man's life.

To insure that this heroic action does not go unnoticed, Mr. Speaker, I am inserting a newspaper article from the Birmingham Post-Herald, which describes his lifesaving attempt:

[From the Birmingham Post-Herald, Nov. 27, 1971]

MAN WHO COULDN'T SWIM DROWNS IN RESCUE ATTEMPT

GUNTERSVILLE.—A 29-year-old Guntersville man, who family members say couldn't swim, drowned in 30 feet of icy water in Lake

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Guntersville Thursday trying to save another man's life.

Marshall County Coroner Billy Dyar said Carlton Allen Thomas Jr., 29, of Albertville Rt. 3, drowned trying to save the life of James Breedlove of Albertville, who had lost control of his car and run off in the lake.

The accident happened at about 3:30 p.m. in the Spring Creek section of the lake off Alabama Highway 227.

Dyar and State Trooper Cpl. Larry Hardin said Thomas was traveling along the road behind Breedlove and saw him lose control and go off into the lake.

Thomas immediately stopped his car, his wife told officers, and said he was going to try and save the man whom he didn't know who had left the road. Mrs Thomas said she urged her husband not to try the rescue because he couldn't swim, but he insisted he would be all right, she said.

Mrs. Thomas said her husband said he didn't think the water was too deep, and he was going to try and save the man.

A policeman who arrived on the scene in minutes was able to get Breedlove to shore but couldn't find Thomas.

A local rescue squad came and in their first dive, located Thomas' body.

Breedlove was taken to a Guntersville hospital where he was treated and released.

In addition to his wife, Audrey, Thomas is survived by his parents, Mr. and Mrs. Carlton Thomas.

Funeral arrangements will be announced by Adams Funeral Home in Albertville.

NORTHERN ILLINOIS GAS CITED FOR GENERAL ENVIRONMENTAL IMPROVEMENT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. COLLINS of Texas. Mr. Speaker, Northern Illinois Gas has been recognized as an industry leader for its positive achievements in environmental improvement. We are tremendously proud of Northern Illinois Gas for taking first place in Petroleum Engineer's Environmental Control Development Program for its broad range programs designed to improve the general environment.

We salute Northern Illinois Gas and the entire petroleum industry for their programs to protect our country against pollution, and we urge them to continue as leaders in the nationwide effort to improve America's environment in the years to come. The awards statement to Northern Illinois Gas reads:

Objectives of Northern Illinois Gas Co.'s environmental improvement program are: 1) company's construction projects will include scenic and functional restoration, 2) company's land will be used for purposes which preserve natural resources, 3) company's regulator stations will harmonize with surrounding environment, and 4) company will support the environmental improvement efforts of others.

This year five miles of underground pipe in Evanston, Ill., have been installed. Old city walks were replaced with new 5-ft wide sidewalks and 5-ft sodded grasslands.

In 1969 a construction project through three suburbs and a forest preserve minimized disruption by working quickly and trucking in 8-ft lengths of welded pipe to lessen on-site congestion. Reatoration included adequate backfilling, permanent street resurfacing and reforesting.

On NI-Gas' own land at least 90% of company-owned right-of-way and most of fee-owned property is being used for agriculture, residential landscaping or recreation.

Company maintains 314 regulator stations above ground to control gas flow and pressure. In the past five years all have satisfied or exceeded noise, appearance and housekeeping requirements of local governmental officials.

One station was redesigned and rebuilt to reduce noise level. Several stations have been extensively landscaped to resemble residential yards.

NI-Gas participated vigorously in program to pass the 1970 clean water bond act.

Each aspect of the program is based on company's determination to be responsible for improving the environment.

INDUSTRY AND ECOLOGY

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CEDERBERG. Mr. Speaker, these days we hear a great deal about the necessity of examining our individual and group actions in the light of the potential damage which we might have on the environment we all share. It is becoming increasingly evident that we all must look to the consequences of our activities if we hope to leave our children the legacy of a cleaner America and a program for the conservation of those natural resources which have made our country the great and beautiful Nation that it is.

Along these lines industry must take a leading role in the effort to provide products which minimize the damage to the environment and, in fact, contribute to cleaning up our Nation. New products and new methods of utilizing the waste of old products are demanding an increasing share of the time of the manufacturing industries.

In this regard I wish to bring to the attention of my colleagues a speech delivered by the chairman of the board of the Dow Chemical Co., one of the largest chemical concerns in the world. Mr. Carl Gerstacker, in addressing the annual meeting of the Drug, Chemical, and Allied Trades Association, notes the need for a commitment on the part of industry to meet the challenge presented by the ecology issue and offers some very pointed thoughts on how his company in particular, and industry in general, can and are working in this area.

I believe that Mr. Gerstacker's thoughts deserve our attention and I recommend that my colleagues take a moment to review his comments:

THE ECOLOGICAL CHALLENGE

(Remarks by Carl A. Gerstacker)

There are two main points I'd like to make this morning, and both of them have to do with the challenge we as businessmen are being presented by the environmental crisis.

For one thing, I firmly believe that protecting the environment is good business as well as good citizenship, and that we ought to look at the opportunity presented by this crisis to tighten up our production processes and build up our profits.

Secondly, I want to talk about product stewardship—the idea that we have a responsibility for our product from beginning to end, not only for its safe production and safe use, but also for its safe disposal once used.

I am sure that with this audience I do not need to emphasize the very real threats that are being marshaled and have been marshaled against your business and mine. Many products have already been barred from the markets for ecological reasons. You are quite aware of this, I'm sure. If you are not, I'd suggest that you take a good look at some of the current measures pending in Congress, such as the proposed Toxic Substances legislation.

Unfortunately, we in industry too often give the impression that all the progress we are making in cleaning up the environment occurs because we are dragged into it, kicking and screaming and fighting it all the way. The credit for our progress is often given not to us but to the politician who makes a speech about it or to Ralph Nader, who makes even more speeches about it.

We are going to continue looking as if we're only doing as much as we're forced to do by the government, backed up by public opinion, so long as we ourselves see the cleaning up of pollution as an expense—but not as an opportunity.

Every American manufacturing company, in my view, should be conducting a review (if it has not already) of its manufacturing processes with an eye to eliminating every possible pollutant generated during that process. This is simply good business. Wasting raw materials has always been bad business. Any waste product we can reduce or eliminate means that much more product to sell.

I'd like to give you a couple of examples from my own company: one is a plant we're building in Texas that incorporates a better process design that will prevent waste and thereby eliminate the cost of disposing of that waste. The better design will cost us $900,000 more than we would otherwise have spent; but the savings in recovered waste products will amount to about $265,000 per year—which is a good return on capital.

Second, let me mention one of our product lines in which we have 11 very similar plants, scattered around the world, making the same basic products. We had a contest among the managers of these plants to see which one could increase his average yield the most over a five-year period. This was tough, because the yield was already about 94 per cent when we started. During the five-year period the average product yields climbed up over the 98 per cent mark—a highly attractive result in itself. And while we improved the product yield four or five per cent we simultaneously achieved a 70 per cent reduction in the wastes generated. With this kind of an approach you can make money on both ends.

We should all try to be like the meatpackers, who say they use every part of the pig except the squeal. There's a profit opportunity in pollution prevention that we have only just begun to realize.

The July issue of Fortune magazine, discussing the environmental problems of industry, said "Probably in the best position of all is the chemical industry, where significant control of pollution can be achieved through process changes that transform by-product streams into new sources of raw materials." Harold Bosscher, the general manager of Dow's Midland plant, is quoted as saying: "From an operating man's standpoint, the emphasis on waste control is one of the better things that has happened to us. It sharpened up our whole operation. We will not accept a plant today that doesn't have its pollution control in hand before it's built. Pollution control measures at Midland reduced raw material leakages and losses and made possible a yield improvement worth $6 million in the past three years."

Protecting the environment—preventing pollution—is simply good business. I do not think enough of us in the business world have as yet looked at the environmental crisis as the business opportunity that it really is. It should be a great challenge to our ingenuity to eliminate wastes and convert them into product. That is the first part of the challenge to us today as I see it.

The second challenge to business today is to assume what I call "product stewardship."

Let me give you a bit of process background to explain what this means.

In the very early days of American industry, the maker of a product was held accountable only to God and the tax collector, and sometimes very little to them. If his workmen were injured, that was their fault, and their tough luck; if his product was misused, that didn't bother anyone very much; and if his waste or his product or its wrapper were disposed of in field or stream, no one protested at all.

The responsibility charged to the manufacturer increased rather gradually over a long period of time, and is now shooting upwards on an exponential curve. It was recognized and accepted fairly early that the manufacturer did have a responsibility for seeing that his product was manufactured in a safe environment, and the lead in this was taken by progressive, individual manufacturers rather than being forced by governmental fiat, I might point out. Government regulations in this area have tended to confirm, by and large, what industry has already been doing.

More recently the manufacturer has been held much more rigidly accountable for the safe use of his product. Labeling laws have become more stringent over the last century. Here again progressive businessmen have set the pace and the laws have tended to set the floor-level requirements for instructions in safe use. But in recent years as you well know, the "safe use" responsibility of industry has rapidly been growing more severe. We see large court awards to people who misuse a product; we have automobiles being called in for repair or replacement of parts, and the like. The consumerism movement is holding the manufacturer responsible for the safe use of his product in a way that we would not have found conceivable a generation ago.

We are now in the relatively early stages of a movement to make the manufacturer responsible for the safe disposal of his product as well. The current flap about non-return bottles is one example, and the New York Plastics Tax is another. Many of us are looking into ways of recycling various of our products, particularly containers. Dow, for example, has worked with a dairy in Los Angeles in a process for recycling plastic milk bottles into drain tile and other products.

It is not difficult to discern that industry is being asked or will shortly be asked, to assume complete stewardship over the products it makes, ranging all the way from the beginning (the strip-mining controversies are an example of that) to the end of the product's life. And that includes its packaging material.

The wise course for us, I am convinced, is to assume this role of complete product stewardship before it is forced upon us by public opinion and government regulation.

My own company is moving swiftly in this direction. I believe other responsible and progressive companies are doing so as well, although they may not call it "product stewardship" or even have a name for it. This is what the Federal government has begun to call the "advanced analysis" concept, by the way, in its terminology. I'd like to give you briefly a few examples of how we are going about this at Dow:

One example is what we call our Environmental Testing Advisory Board. This is a panel of experts whose job, in sum, is to provide us with scientific methods and data concerning the environmental impact of any Dow product. This has mostly to do with new products, but even products that have been marketed for many years sometimes come under question. The testing of products for their ecological impact requires a high degree of knowledge and skill. These experts of ours perform a vitally needed function for us in this area.

A *second* example is what we call Environmental Health Services, which are an outgrowth of Dow's long and intensive concern for the well-being of its employees. We have developed considerable expertise over many years of time in the evaluation and control of employee health hazards connected with exposure to chemicals and other work hazards such as heat, noise, light, and radiation. While this expertise has been used extensively *within* Dow, we are now making it available to other companies as well as government units as a commercial venture. Dow's Environmental Health Services specializes in identifying adverse environmental factors in workplaces, and prescribing controls.

A *third* example is what we call our Interpretive Analytical Services. This is an effort to make available to others the technology we have developed over the years in solving some of the highly complex industrial problems posed by the new requirements being imposed upon us by government and society. Suppose the government wants to know the precise level of mercury in a foodstuff ingredient; or that you need to know whether any of your product, used on a given farm crop, winds up as residue on the harvested food; or that you need to know about some trace organics appearing in your river water so that you can treat a waste stream properly; or that you've got some spoilage problems because of gas formation in a packaged product and need to know what gas is being formed. Dow has highly sophisticated tools for determining the answers to these and a great many other questions that are being raised today.

This raising of the plateau of expectation I have referred to—that is, the higher levels at which the public expects us to perform ecologically—is something we had better promptly recognize and meet. Once it was enough if we merely produced our materials safely; then we began to think it was enough if they were also used safely; but now we are having to face up to the problem that we must also make certain they are disposed of safely. They are our responsibility from the very beginning to the very end.

I like to compare our situation today with the problems we used to have in plant safety. We used to have fairly frequent injury accidents to our work force, but we eventually went to work seriously on cutting down those accidents. We applied ourselves to that problem because it was the simple humanitarian thing to do, not because we thought it would save us money or increase our earnings.

But now that we have got down to perhaps one injury accident per million manhours worked, we have found that what we thought we were doing as good citizens turns out to be good business practice as well. Cutting out injuries to our workmen does as a by-product help us make a profit. I think we all have come to realize that preventing pollution is the same type of opportunity. We are being asked to do it today in the name of good citizenship. I believe we will find that it is also good business. It's a waste to throw away a product you should sell, but that's exactly what you do if you don't use your raw materials properly.

The challenge to us is clear. We must make pollution prevention our by-word and make it into the good business opportunity that it really is, and we must likewise assume stewardship responsibility for our products that the public is asking us to take.

Challenges are always taken up by leaders. The DCAT is a leadership organization, and I am pleased to have had the opportunity this morning to define the ecological problems we face, as I see them. I am sure I came to the right place.

CAMPAIGN TAX PLAN USELESS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the House will soon have before it as a rider to the Revenue Act of 1971, the proposal passed in the Senate by the margin of 49 to 46 and supported exclusively by the majority party, providing for the use of Federal tax money to subsidize presidential election campaigns. In the House-Senate conference on the Revenue Act, the effective date of this proposal has been postponed until after the 1972 election. Considering the many facets of this problem this is perhaps the best compromise that could be achieved at this time. Nevertheless, it is my opinion that this is an innovation that the Congress should thoroughly reexamine before it becomes effective. In this regard I was particularly impressed by the editorial appearing in the State Journal of Lansing, Mich., on Tuesday, November 30 and I commend it to the attention of my colleagues:

[From the State Journal, Mich., Nov. 30, 1971]

CAMPAIGN TAX PLAN USELESS

The U.S. Senate, not to its everlasting credit, has labored mightily on a political campaign spending reform measure and has produced a sparkling but almost meaningless package which it hopes to send to the President's desk.

It reminds one of the guy who is trying to sell a used car by extolling the beauty of the paint job and the chrome. We suggest that voters still take a look under the hood.

The proposal, now before a conference committee, provides among other things that a taxpayer can voluntarily check off one dollar on federal tax returns (which otherwise would be paid in taxes) and assign it to the presidential campaign of the party of his or her choice. Two dollars are allowed for joint returns.

The tax money would be stockpiled for the Republican and Democratic party campaign kitties, with a lesser amount to the George Wallace candidacy. The top amount any party could get is $20.4 million for a presidential candidate. In order to get the money, the party would have to pledge not to spend more than that amount or receive more from any other source.

Senate Democrats backed the measure because the Democratic national fund is in deep financial trouble. Republicans generally opposed it because the GOP reportedly is in good shape and is not expected to need such a handout in 1972.

The measure appears to be a nice reform because it suggests that taxpayers will now finance national presidential campaigns and big parties supposedly won't have to rely so much on special interests that can command influence and favors after a president is elected.

Unfortunately, there is a loophole as big as the Grand Canyon. Neither party is bound

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to accept the $20.4 million, if indeed that amount is actually raised by tax checkoff. If one party feels it can raise all the cash it needs by traditional solicitations, it may do so. Thus one party may limit itself to the taxpayer kitty limit while another may bypass this gift, and go out and raise twice that amount from special interests. So where is the reform?

Too, even if both major parties agree to accept the $20.4 million limit, there apparently is nothing to prevent special money interests from supporting their candidate through channels outside of the political party framework.

And the Senate proposal, which is tacked on to President Nixon's tax cut program, makes no provision for financing of congressional candidates or those at lower party levels. It also makes no provision for primaries and no prohibition on primary spending.

In short, it provides the big parties a fat public kitty if they want to use it, but gives absolutely no assurance that private interests will not be just as deeply involved financially as they have always been. So where is the reform?

Such a plan could also tend to lock up most of the tax financial potential with the two major parties and make it even more difficult for potential third or fourth parties to get off the ground.

The President is faced with vetoing the proposal, and along with it, his tax cut program, or accepting a bad package. Hopefully, the House-Senate conference will come up with something more realistic.

If not, we believe the President should veto it and send it back for rewriting into a serious campaign spending reform measure.

FARMERS HOME ADMINISTRATION PROGRAMS DEVELOP RURAL AMERICA

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, in rural areas such as our Third District of northwest Arkansas, we have learned not to hope for much concentrated attention from agencies that are oriented toward city problems. But we are getting fine assistance in rural communities because of the excellent service developed through a rural agency, the Farmers Home Administration.

The Third District accounts for $89½ million of $278 million in farm, housing, and community facility credit now outstanding in Arkansas through the rural FHA. We believe it is in order that we commend the Administration, the Farmers Home agency and its able administrator, former Congressman James V. Smith of Oklahoma, on what is being accomplished to insure that the family farm and rural community can survive and prosper in this country.

Many small communities in our hill and mountain areas flourished in the early 1900's, then dwindled away by the middle 1900's. They were given up for lost by those who concluded that the small country town, once on the skids, could never make a comeback.

But a growing number of towns in our district have refuted those predictions and are newly alive and thriving once again. Primarily, they have been reborn not through any formalized government plan of salvation, but rather through the enterprise and determination of their local people. However, some Federal as well as State programs have made substantial contributions, and as their stories are reviewed, the Federal agency whose name recurs most often is the Farmers Home Administration.

An example is found in the history of Bellefonte, a small community in Boone County, Ark., a few miles from my home town of Harrison.

Bellefonte is now in its 100th year. It was incorporated on July 1, 1872, and was one of the first towns to develop in this section of northern Arkansas. But in its early years it lost out to Harrison for designation as the county seat, and by the 1950's Bellefonte had declined to the point that it lost its status as an incorporated town.

However, the nucleus of a town remained—families determined to keep alive the community of Bellefonte.

In the mid-1960's, the people remaining there resolved to restore their name to the map of Arkansas. They reincorporated the town of Bellefonte.

A vital part of their plan to rebuild the community called for installation of a modern water system. They found the financing for this project at their county office of the Farmers Home Administration. Much fine assistance was provided by FHA county supervisor Bob Hankins, who today carries on his good work on a statewide scale as State Director of the Farmers Home Administration in Arkansas.

Bellefonte's new water system was financed with a loan through the rural community facilities program administered by Farmers Home. This project gave Bellefonte one of the necessary elements for home renewal and the attraction of new business.

The next community project was aimed at meeting a need for decent low-cost rental housing. Bellefonte's school building, built as a WPA project in 1936, had ceased to function as a school in 1965. Again with a Farmers Home Administration rental housing loan, this building was converted into an apartment building where two-bedroom and three-bedroom apartments were available to elderly people and other families not yet in position to buy their own homes.

Bellefonte now has attracted a new tractor and farm equipment firm as an important addition to its business. Farmers Home Administration rural housing credit to individual families has accounted for 27 new family-owned homes. With tax base broadened and business stimulated by these building activities, natural gas has been brought into the town, streets are paved, and a movement has started to organize a fire department. Population has increased from 300 to 450 over the past 2 years. School enrollment is up by 7 percent over last year. Plans are being made by one of the four church congregations to erect a new building.

Thus, with financial resources opened up by the Farmers Home Administration in projects that provide a springboard for community effort, Bellefonte approaches its 100th anniversary next summer, not as a town fading away, but as a growing and prosperous community with a bright future.

This spirit of renewal is found today in many progressive towns such as Bellefonte, and services of the Farmers Home Administration are making a comparable contribution to almost every such community.

The rural community facilities program has brought modern water systems to some 55 localities of our district the past 10 years, with 34 of these systems realized during the past 2 years. Systems range in coverage from single small communities such as Bellefonte to large town-and-country sections of counties—as in the case of Washington County's $2.7 million White River Association system now under construction, to serve some 2,000 families in the eastern part of that county, and Benton County's district No. 1 system, which will bring modern water service to 3,000 families in the west-central portion of that county.

Rural housing credit through the Farmers Home Administration has more than tripled in Arkansas since 1969. Statewide volume reached $60 million in the fiscal year 1971, providing more than 5,880 new and improved homes for families of low and moderate income. Our district accounted for 1,600 of these homes and a $17 million share of the year's rural housing credit.

As a stronghold of the family-size farm, the third district also leads the State in farm credit service from FHA. More than 2,500 families in our 25 counties own farms financed through the agency's farm ownership program, and 1,800 lacking other sources of production credit financed operations the past year by way of FHA. Farmers Home added $8 million in our district and more than $23 million in the State to farm ownership and production credit available to Arkansas' family-farm agriculture.

Thus a credit agency of the U.S. Department of Agriculture is performing unique and invaluable service, both in support of the family farm and the rural community working to renew its prosperity and improve conditions of living for its people.

One of President Nixon's most effective actions in support of rural America has been to place more resources behind the insured credit programs of the Farmers Home Administration.

We are confident that he means to preserve in the Federal system a strong and effective agency dedicated to the special problems and requirements of rural areas.

And we congratulate Administrator James V. Smith, State Director Robert Hankins, and the people in FHA county offices throughout our part of Arkansas who conduct one of the public services most valued and respected by people of our district.

HUNGARIAN REVOLUTION ANNIVERSARY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. McKINNEY. Mr. Speaker, some 6 weeks ago, I shared with the Members of this House some of the thoughts I had concerning the anniversary which was then upon us—the 15th anniversary of the fight for freedom in Hungary.

It is with a special sense of pride that I join with my colleague, Mr. HORTON, in reflecting on these thoughts again today.

Late in 1956, the living symbol of Hungarian freedom, Jozsef Cardinal Mindszenty, spoke for all of his countrymen when he said that:

We Hungarians want to live and progress as the standard bearers of the family of peaceful European nations. We want to live in a spirit of friendship with all the people of Europe and not on the basis of an artificially-created friendship. And turning our eyes toward more distant parts, we, a small nation, want to live in friendship, in undisturbed, peaceful and mutual esteem with the great United States, as well as the powerful Russian empire, and in goodneighborly relations with Prague, Bucharest, Warsaw and Belgrade.

But sadly, Mr. Speaker, in that same speech, he had to agree that:

There is no country which in the course of its thousand years of history has suffered more than we have.

This is a truly unfortunate commentary on the world in which we live. A small nation; with peace in its heart, in a lifelong struggle for freedom. In large measure, the primary force contesting this independence has come from the great plains to the east: the Mongols, the Soviets. The domination continues today and the presence is only exceeded by the spirit of freedom which burns as a glowing undercurrent. The Hungarian people, and the world, will remember always the men and women of courage who gave their lives during those 17 days of freedom in 1956. The historical resolution which came to the fore during that time lives on as it did then. Sadly, the good Cardinal has now joined the Holy Crown of St. Stephen in exile but he, like it, will return and this proud nation will some day see its legacy become reality.

In recent days, Mr. Speaker, a poignant poem has come to my attention and it was written in the midst of the 1956 fighting by one of Hungary's foremost poets, Lajos Tamasi.

Mr. Speaker, I would like to share that poem with my colleagues at this time:

RED BLOOD ON THE STREETS OF PEST

(By Lajos Tamasi)

We march and now our hearts are stirred
and quickened by some mystic powers.
Although our song may falter, now
we know the streets of Pest are ours.

Nothing is left for us but this,
our only haven now is here:
we know we are about to see
a holy radiance appear.

Our banners jubilantly rise,
they float above like glowing flowers;
the silken colours billow wide,
the streets of Pest again are ours.

Our brave song once again is heard,
our free hearts follow their own star.
To fire the guns we now confront,
whom do you order, Commissar?

The blood is on the streets of Pest,
young men our brave defenders are.
Their blood is on the streets of Pest—
whom do you order, Commissar?

Whom do you order now to fire,
you, Ministers, who cringe with fear?
No secret police can save you now,
the hour of reckoning is near.

And in the name of those you kill,
where are you running in defeat?
where will you hide your blood-stained hands,
you murderers in full retreat?

The streets of Pest are running red,
until the storm sends down the rain
and washes all the blood away,
yet cannot wash away the stain.

The streets of Pest are red with blood,
on these the blood of youth is spilled.
Beside the tricolour on high
hoist mourning banners for the killed.

Beneath the tricolour above
we make a solemn, threefold vow:
first, we must sorrow for the dead
and second, hate the tyrant now.

And third, a pledge for this small land,
let those who still with life are blessed,
remember: freedom has been bought
with blood upon the streets of Pest.

REV. AND MRS. GEORGE J. HADJIS, HONORED BY TESTIMONIAL DINNER IN YOUNGSTOWN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CARNEY. Mr. Speaker, on Sunday, December 5, 1971, the members of St. Nicholas Greek Orthodox Church and the Hellenic Community of greater Youngstown, Ohio, held a testimonial dinner in honor of Rev. and Mrs. George J. Hadjis.

The testimonial dinner marked the retirement of Reverend Hadjis after 19 years of worthy and dedicated service to his church and community and 30 years in the ministry.

A native of Greece, Father Hadjis came to St. Nicholas Church early in 1953 after serving his first parish in America in Cedar Rapids, Iowa. He was also a chaplain in veterans hospitals in Clinton and Iowa City, Iowa, in 1950 and 1951.

Father Hadjis is a graduate of the University of Athens, Greece, and served in the Greek Army during World War II. He was ordained in 1941 and served as dean of St. Nicholas Cathedral in Kozani and also as dean of the Metropolis Kozani. In 1942–45, he was vice president of the Committee of the International Red Cross, president of the Greek Red Cross and director of the National Organization of Christian Brotherhood in Kozani County.

Because of his position as dean of the Metropolis Kozani, he spent 6 months as prisoner in a concentration camp in Thessalonica, Greece, during the 1943 occupation by the Germans. He is a charter member of the committee for recognition of the Greek Orthodox Church as the fourth major faith by the State of Ohio.

Father Hadjis was the first president of the Eastern Orthodox Clergy Association of Mahoning Valley in 1963–64, president of the sixth district of the Greek Orthodox Archdiocese in 1958–59, member of its ecclesiastical court during 1964–65 and chaplain of the Eastern Orthodox Men's Society.

Under his leadership St. Nicholas progressed steadily by purchasing the parish house and constructing the present $350,000 church and auditorium and the purchase of adjoining properties. The entire interior has been decorated.

Married to the former Katina Mamatsou, a teacher, in 1936, they have a married son, John Hadjis, in Huntington Beach, Calif., where they plan to make their home after their retirement on December 13, 1971.

Reverend Hadjis was a true leader of our community. He and Mrs. Hadjis will be sorely missed by everyone who knew them. May God grant them both many happy years in retirement.

AMERICA'S DARKEST HOUR

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. GRIFFIN. Mr. Speaker, on this day, the 30th anniversary of the attack on Pearl Harbor, it is fitting that we reflect on the history of our Nation.

December 7, 1941, was one of the brightest days for America because her citizens mobilized as one to engage in mortal combat international enemies of freedom. We won that struggle against atheism because we were right and God looked with favor on our efforts.

In the view of many, forces of atheism are rising rapidly in influence in the United States and they are being helped by complacency and inertia on the part of school, church, and government officials.

Moral and spiritual values built this Nation in my opinion, and there must be a resurgence and reassertion of those values if we long survive.

In a sermon on July 4, 1971, Rev. Jack E. Noble, pastor of the Riverside Independent Methodist Church, eloquently voiced this concern about America. With logic, he contends that today—not the winter at Valley Forge—is America's darkest hour.

I would like to share with my colleagues Reverend Noble's thoughts which were reprinted in the October 27, issue of the Presbyterian Journal. His sermon follows:

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[From the Presbyterian Journal, Oct. 27, 1971]

AMERICA'S DARKEST HOUR—JULY 4, 1971

(By Jack E. Noble)

As Americans we have the greatest heritage of any nation on earth. I can remember when our history books showed pictures of veterans standing with tears running down their cheeks as the flag went by. To them it was not just a piece of cloth. In that flag they saw the dreams and ideals of all this country hoped to be, the dream for which they had fought and for which their fellow countryman had died.

I can remember when we pledged and covenanted anew that we would die ourselves, if need be, to preserve that great dream which was on its way to becoming reality, a dream which had begun on the East coast and stretched across this continent to the Pacific: to create a land where men and women could worship God together in the church of their choice, where people of all nationalities would come together to mold a great nation.

A GREAT HERITAGE

We have a great heritage, and the time has come in our history when we need to take it seriously. In recent years our young people have not been taught about their heritage. In only very few of our schools and churches have the things which were given to us as a sacred trust been taught to our young people. In the average history book today, our great patriots such as Patrick Henry, Samuel Adams and other leaders of the War for Independence, are cast in the role of radicals, and what is written of them reflects not much, if any, credit upon these famous men.

The Pilgrims came to this country from the security of Europe with its walled cities and paved streets to carve out of the wilderness a new life in which they could worship God and build a community of freedom.

Yet much of the modern teaching about the Puritans emphasizes only their hanging of witches. This dark episode in time, however, must not obscure the great heritage which they left us: their determination to keep the Sabbath holy, respect for the dignity of work and service to their country, and their concern to be law abiding citizens, to rear children who feared and respected God.

Today these characteristics of the Puritans are not emphasized. Our children have been denied from kindergarten through the university a right view and presentation of the heritage they have as Americans.

A people that have lost contact with their past and have no knowledge of their heritage will not continue to carry on the ideals nor perpetuate that which is dear and worthy. America is facing the greatest challenge in its history. The Communists have made the statement that on America's 200th anniversary they are going to pull down the Stars and Siripes and raise the Red flag.

If you were to poll the American people, I am sure a great percentage of them would say this will never happen, that the claim is ridiculous. But if we judge the next five years by the past ten years, we not only know that it is real, they will even have to slow down in order to postpone it for five years.

Lenin said, "First we will take Eastern Europe; next the masses of Asia. Then we shall encircle the last bastion of capitalism, the United States of America. We shall not have to attack; it will fall like an overripe fruit into our hands."

We only have to look at history to see how successful this strategy has been. Eastern Europe fell soon after World War II and then China went into the Communist camp. In 1961 Cuba became a Communist dominated island influencing the Western hemisphere. Chile is ruled by a Marxist president and is fast moving to become a totally Communist nation.

All we have to do is to look at the events of the last 20 years to see how well the Communists have been successful in carrying out the policies enunciated by Lenin. As for falling into their hands, we are getting riper all the time. We are losing our moral perspective. We have anarchy in the streets; lawlessness and all the elements of dissolution are growing beyond our imagination. We know any newly published FBI report will tell of the increase in the crime rate. The only surprise is the size of the percentage it has risen since the last report.

When I was teaching high school history in the '50's, I taught my class that America's darkest hour was at Valley Forge. All of us have a mental picture of George Washington praying at Valley Forge. We know it was a dark hour in the history of this republic.

DAYS OF OUR YOUTH

The Continental Congress was an unwieldly body which lacked direction, and the only thing that held us together at that time was the pressure of the war. Desertions were on the increase, Congress was not supplying Washington with food and clothing or the necessary equipment for his army. It was said that when he marched, a thousand men were barefoot and could be tracked through the snow from the blood of their bleeding feet.

In those days not all were patriots in America; some sold their produce to the British for hard cash because they were afraid the Continental currency would be worthless, and while Washington was at Valley Forge with his army, the social elite were entertaining the British in Philadelphia.

It was a bleak and a barren hour in the history of this nation, but we had one asset: Washington served our nation as a leader, as a general in the army, and later as a devoted statesman. Time and time again he told those who were nearest him, "We are going to win because we are right and because it is God's will."

During those days at Valley Forge days which would have broken an ordinary man, Washington would leave camp in the early morning and journey into the woods. An old Quaker noted that when he returned his face was always brighter and showed a greater sense of determination. He knew he was going to win. One morning the Quaker followed Washington and discovered that each morning he was going to pray alone and ask God for the strength and direction it would take to bring fulfillment to the dreams in which he believed.

BASED ON GOD'S LAW

Our government was based from the beginning on God's law. God was acknowledged and His will was sought. The early patriots realized the odds that were against them; they knew there would be suffering and hardship but they also realized that if they hoped to bring about the realization of their endeavors, it would come only through the blessing of God. Their leader was a godly man, and their government and their hopes were based and placed upon God's Word.

We see another illustration of this shortly after the war ended in victory. The Articles of Confederation, because of its looseness, was falling apart and it seemed that anarchy would reign. The Constitutional Convention was called. Each man was a strong individualist and each one was trying to do the most for his section of the country. Different philosophies were represented at the convention; some believed in almost a pure democracy and others believed in a strong central government.

Day after day they debated during the summer heat, the only thing being accomplished that tempers were growing shorter. Benjamin Franklin suggested that they have prayer, that they look to God and seek His guidance. After that, each session was opened with prayer and from that time on progress began, and as a result we have our Constitution.

Our forefathers pledged not only their honor, but also their properties and their very lives in many instances. Many times all they had left was their honor. They invariably lost their property.

Although today the charge is made that it was wealthy men who wanted to preserve and form a new country so that they could have "advantages," the greatest advantage they had was the fulfillment of their dreams to form a country under God with freedom and justice, and the right to liberty and the pursuit of happiness.

NATIONAL SCHIZOPHRENIA

Now we have been told for the last 20 or 25 years that Communism is our enemy. This would be a most logical assumption because the Communist system is militantly atheistic and we are a Christian nation. They are a socialist nation and we are built upon the premise of free enterprise; they rule by tyranny, and we rule by freedom and liberty, and the direction of the government is in the hands of the people under law. From all their publications we know the Communists are set on world conquests. We have always been a nation that has believed in and strived for the self-determination of all nations.

On this assumption we have spent billions in defense and many billions in foreign aid, supposedly to contain Communism. Over 100,000 American lives have been lost since World War II fighting Communism. Now if we are really fighting Communism, we are suffering from a national schizophrenia because we sat by and allowed China to fall, and then we fought a no-win war in Vietnam. When Russia was weak militarily we were armed to the teeth and spent billions each year for new weaponry. Now that Russia is equal to us, or ahead in every area, we are pursuing a policy of unilateral disarmament.

We are becoming more and more demoralized at home. The only freedom we have left, it seems, is the freedom to sin and break laws. We talk about our problems, but our problem is basically spiritual and will require a spiritual answer.

We have millions of dreamers every four years. The American people believe they can elect the right man for president who will go to Washington and make everything right. This is an idle dream. We have educational programs and social programs which we hope will solve our ills, and we hope economic pressures will change, but these things will never be the answer. There will have to be a revival at the grass roots. We, the American people, will have to care enough, be willing to sacrifice enough and be willing to do what has to be done to rebuild.

This country has moved from God. In Psalm 127, verse 1, we read, "Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain," and in the 33rd Psalm, verse 12, "Blessed is the nation whose God is the Lord." All our efforts will come to naught without God.

BUILT ON ROCK OR SAND?

The reason we became the most powerful nation in the world, the reason we were able to help more people in the world than any other nation was because we were a nation that acknowledged God and built our nation on His Word.

I remember hearing a Korean when I was in college. He said that as he and another Korean were traveling from the East to the West coast, through the great grain fields of the Midwest and out through the majestic Rockies of the West, his traveling companion asked, "Why is it that God has so richly blessed this country and has not blessed ours?"

Our speaker challenged us by telling us that his answer was, "These people came to these shores seeking God and His will. This is why this nation was so blessed. They sought God." Then the young Korean speaker further challenged us by saying, "Are you going to continue to serve God?"

Our heritage has been created by people who were seeking the will of God. The model for our Constitution was the Mayflower Compact. It was a document under God whereby free people covenanted together so they could be ruled by men whom they had appointed themselves, who would look to God for the final answer and be directed by Him. It was never the intention of our forefathers that this nation would be a nation that would be free from God; they founded a nation that was to be obedient under God.

Benjamin Franklin said, "I have lived, sir, a long time, and the longer I live the more convincing proof I see of this truth that God governs the affairs of men."

We can read the documents, the speeches and the statements of our forefathers and find their dependence upon God clearly shown. They acknowledged Him all the way. Yet the pronouncements from our high court today reflect nothing to indicate that spiritual considerations enter into any decision. We are fast becoming a nation that is known to be a nation free from God. We have created and encouraged a permissive society.

We were in our original intent a nation ruled by law and not by men. The law was derived from God and so therefore the law was transcendent and above any man. It was objective and all men, the educated, the uneducated, the high and the low, were judged alike by the laws derived from God's Ten Commandments.

TIME IS RUNNING OUT

When man moves away from this foundation to make judgments based on his own understanding, and on psychology and sociology, no longer does he have an objectivity but a subjectivity whereby one man's ideas and thoughts are of equal weight to any other. This will inevitably lead to anarchy, a condition which existed in Israel at its lowest period. We read in Judges 17:6, "In those days there was no king in Israel, but every man did that which was right in his own eyes." Out of anarchy there is always the prayer for a king or dictator to restore order.

The day of apathy and complacency in America is running out. We have to be blind and we have to be foolish not to see that things cannot go on indefinitely as they are. If America is going to have a free 200th anniversary, there will have to be a change of direction. We are at the midnight hour.

If God's people, and I would certainly like to think we are among them, will come into His house to repent and confess their sins, to ask Him for a rebirth of freedom and be willing to do what is necessary to make the sacrifice, God can turn the midnight hour into a bright and shining morning. We will never return to anything better until we have a revival in this nation.

There are some encouraging signs among our youth and among other elements which I never expected to see. These are good signs, but we need not wait. Where we live is here. What we do will be here. The hour is at hand when we must act. Do we feel the responsibility enough to be willing to say, "God, here am I, send me; work through me. Make me an instrument to Thy glory."

AVOIDING A TRADE WAR

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HANNA: Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues in the House an interesting and very well stated argument for expanding our foreign trade and avoiding the dangers of a free world trade war. The article appeared in the October 1971 issue of the Reader's Digest. It cites specific cases which will serve to amplify the points that I and other Members have tried to make in recent weeks—that our economy will be seriously damaged by trade restrictions:

THE FREE WORLD MUST AVOID A TRADE WAR

(By James Atwater)

An 11-year-old boy poses proudly with his new baseball glove while his father snaps a picture. The scene could not be more American—except that the camera is German, the glove Japanese. What's more, the family car that will take father and son to today's ball game is Swedish, and this evening they will eat Polish ham served on English china at their Danish dining table.

Sound familiar? It should, for Americans have come to accept the internationalization of their lives without giving it a second thought.

The remarkable postwar economic comebacks, first of Europe, then of Japan, were fueled in large part by exports. Since 1949, for example, Volkswagen alone has collected $9 billion from Americans for the sale of 4.6 million cars. At the same time, the rest of the world is rushing to buy American, and U.S. sales abroad are zooming for everything from aircraft to blue jeans.

This great boom in world trade has made life not only pleasant for the buyers but prosperous for the sellers. U.S. exports are expanding at a faster rate than the economy as a whole—up to $42.7 billion in 1970, about 14 percent of the world's total. An estimated three million Americans now owe their jobs to exports, and one acre in every five of American farmland is tilled for crops to be shipped abroad. Over the last ten years, private U.S. investments in Europe amounted to $15 billion, and Europe in turn is starting to invest heavily here.

Now, however, the whole structure of international trade is threatened—and with it the prosperity, the unity and perhaps the security of the free world. While the present world-trade system is clearly producing the greatest good for the greatest number, it is also endangering the few—those industries and occupations faced with strong competition from imports. U.S., European and Japanese leaders are all under political pressure to give more help to these special groups. Farmers in Japan, for example, want protection against rising imports of American food. Europe's aerospace manufacturers want help against their huge U.S. rivals. Textile companies here want relief from imports of Japanese cloth.

Whatever form the protection may take—higher tariffs (taxes paid when a product crosses the border), quotas (definite limits on the amount of a product that can be imported within a certain period) or, more subtly, the setting up of special safety or technical standards difficult for foreign imports to meet—the effect would be the same. What one of the three giants does can be expected to produce retaliation in kind from the other two. So, slowly, step by step, the United States, Europe and Japan could blunder into what they all fear: a trade war.

INITIAL SKIRMISHES

As Americans see it, the European Common Market* fired the first major volley in 1968, when a new policy to protect its farmers—most farms were so small that they could not produce food as cheaply as large American farms—came fully into effect. All of the major nations, the United States included, shield their farmers to some degree, but the Market's solution was a perfect model of protectionism. To reduce imports of some basic foods, notably American grains, it imposed high tariffs. And it bought up surplus produce of its own farmers at prices that were often double those of the world market. Then the Market took the money raised by the tariffs and subsidized exporters so that they could sell the growing mountain of surplus abroad—undercutting American sales. It gave preferential treatment, too, to 24 African and Mediterranean nations. (For example, a Market importer has to pay a duty of only 12 cents on a box of oranges from Morocco, but pays 60 cents on a box from California.)

* Belgium, France, Italy, Luxembourg, The Netherlands, West Germany.

While this was happening in Europe, U.S. trade with Japan was also going through a revolution. As recently as 1964, the United States had *sold* goods to Japan that were worth $240 million more than the goods bought in return. Last year we *bought* $1.2 billion more than we sold. One reason: the Japanese government was protecting its home industries with tight import quotas, set up after the war to guard the country's fragile economy. Although the Japanese economy had grown into a robust giant, it was still being coddled like a sickly child.

Not long ago, American businessmen began to complain that they were being taken for a ride by the Japanese, just as American farmers complained that Europeans were discriminating against them. And, in fact, the ability of the United States to turn an overall "profit" on trade had slipped badly; in 1964, U.S. exports were worth $7.8 billion more than imports; by 1970, only $2.7 billion more—and government officials predict that the margin will drop to $1.2 billion in 1971. American industries, both large and small, have appealed to Washington for help.

"Uncle Sucker"? A major step in the growing trade dispute was taken by the United States in May 1970, when the House of Representatives began to consider a trade bill that included ways of imposing quotas on textile and shoe imports. Suddenly, all of the protectionist sentiment that had been building up in the country broke loose. During hearings on the bill, a total of 377 witnesses gave 4600 pages of testimony, which included pleas for special help by everyone from bicycle manufacturers to mink ranchers, from mushroom growers to candlestick makers.

Even Secretary of Commerce Maurice Stans testified that some of the present rules of international trade put American firms at a disadvantage. "We have in many respects been 'Uncle Sucker' to the rest of the world," he said. "The time has come when we must put our cards on the table and say, 'Let's play fair now.'"

In November 1970, the House passed a highly protectionist piece of legislation that became known as the "Mills bill," after its sponsor, Wilbur Mills, the influential chairman of the House Ways and Means Committee. Opposed by the Administration as going much too far, the bill died in the Senate last December during the scramble for adjournment, but was reintroduced in the present Congress.

Infuriated by the Mills bill, the Common Market is prepared to strike back if it or anything like it ever becomes law. Common Market officials joke wryly that they should erect a statue to Wilbur Mills as the man who has done more to unite Europe than anyone since Stalin.

How, exactly, would a trade war be fought? One small example was the 1962 "Chicken War." Europeans tripled their levies on imports of U.S. chickens, mainly to help German poultry growers, and the United States struck back by raising tariffs, mainly the one on Volkswagen trucks. As a result, U.S. chicken sales to the Market dropped from $56 million in 1962 to $11 million last year, while Volkswagen truck sales here fell from $29 million to $5 million.

Clearly, no country won that fight, and the stakes were negligible compared to what

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they would be in an all-out battle. Not only would world trade be crippled by a major trade war but the U.S. economy would be severely damaged. The jobs of hundreds of thousands of Americans would be jeopardized. U.S. inflation would rise at an increasingly faster pace—since one of the main benefits of importa is that they increase the supply of goods available to the consumer, thus tending to keep prices down. (Andrew F. Brimmer, a member of the board of governors of the Federal Reserve System, estimated that the Mills bill would raise the cost of clothing to the American consumer by $1.8 billion in 1975).

TO CHECK THE SLIDE

Another facet: economic isolationism would lead to political isolationism. A trade war would certainly weaken the North Atlantic Treaty Organization, very possibly even blow it apart. The Common Market, which counts much more heavily upon foreign sales than the United States does, would have to find new customers, turning inevitably to Russia and its satellites. In similar fashion, Japan would be driven toward Communist China.

During the first few months of 1971, as the United States continued its alarming trend of buying more and more from abroad, the Administration began to charge that the United States was indeed playing "Uncle Sucker" to the rest of the world. Cabinet officers pointed out that Europe and Japan were free to develop their trade so vigorously in part because they were being protected by the United States, which was spending $5 billion a year abroad for the defense of the free world. The Administration put heavy pressure on Europe to share more of the financial burdens of NATO.

U.S. complaints narrowed down to three main points: Japanese restrictions on American products; the Common Market's restrictions on American farm goods; and the Market's blatant discrimination against Japanese exports, which had the effect of diverting the products to the United States. Responding to the criticism, Europe's leaders scornfully noted that the United States had some restrictions of its own and was still jealousy protecting its dairy industry. What was more, they charged, the inability—or the unwillingness—of the United States to check its growing inflation was causing serious problems abroad. The Europeans claimed that they were bumping along in the wake of the United States like water skiers being towed behind a careering speedboat.

Early this summer, some steps were taken to check the slide toward a trade war. Japan promised to reduce its quota system and voluntarily restricted some of its exports of cloth to the United States, although not enough to please either the Administration or the textile industry. Prodded by U.S. Secretary of State William Rogers, the Paris-based Organization for Economic Coöperation and Development agreed to set up an international panel of experts to find ways of avoiding a trade war.

The steps were encouraging, but they were certainly not enough to solve the complicated and explosive problem. Indeed, the time has come for top-level political leaders, such as Cabinet members, to take on the job of reaching basic agreements. They should meet regularly, and they must avoid arguing over relatively minor issues. "The United States and the European community must develop the will to discuss our problems in the broadest context," says Jean Monnet, the French statesman whose vision started the nations of Europe drawing together 20 years ago. "We'll never get anywhere bickering over poultry or grain."

SANE SOLUTIONS

Basically, the United States, the Common Market and Japan have to try to solve their own problems without resorting to flagrant protectionism. In line with this, some liberal-trade backers in both parties in Congress now favor giving only temporary tariff protection to industries that are being hurt by imports and then helping them—and their workers—either to adjust to the competition or to switch to other work.

In the long run, the United States may simply have to phase out some of its chronically troubled industries. "If you don't," warns one Market official, "you will find someday that you have protected marginal industries at the expense of the economy as a whole. We have spent a lot of money to help failing industries—coal, some textiles, leather goods. It doesn't pay. You are helping an old man to have a lot of friends around him when he dies."

Time is getting short. Both the Common Market and Japan are rapidly gaining strength. If, as expected, Great Britain, Denmark, Norway and Ireland join the Market, the European community will control 40 percent of the world's trade. And the economy of Japan is still climbing like a jet.

For the United States, the growth of its two great trading partners can be either an opportunity or a threat. If the trade barriers stay down, both Europe and Japan are bound to buy more American goods as time goes by. If the barriers go up, the United States will find that its old friends have developed the commercial muscle to be very tough customers indeed.

Now is the time for the United States to take the lead once again in pushing for a new breakthrough in international trade. Otherwise, we and our trading partners may learn to our sorrow a hard but unavoidable fact: in a trade war, there are no winners, only losers.

HERO-POET JOYCE KILMER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BIAGGI. Mr. Speaker, I would like to take time out today to pay homage to a great hero-poet. I refer to Joyce Kilmer who was born 85 years ago—December 6, 1886—in the little New Jersey town of New Brunswick.

Like all artists, poets belong to neither place nor time. Their song is universal and it goes on forever. Kilmer's poetry of the early 20th century still holds relevance today. As a policeman in New York, I was fully aware of the perils that beset us all in this uncertain life. I paused many times before the statue of Father Francis P. Duffy of the Fighting 69th. No more inspirational figure can be found for emulation by American youth. Father Duffy was a peacemaker—not a pacifist. There is a world of difference between the two—a difference that the poet, Joyce Kilmer, recognized better than anyone else.

It was as a peacemaker that Kilmer joined the Fighting 69th. He was a married man of 30. He had four children. At that early age he had already laid the foundation for a brilliant career whose horizons seemed limitless.

Joyce Kilmer, revered as a poet, regarded as the shining light of the New York Times whose magazine and book sections his writings illuminated, nevertheless, invited the horrors of World War I to seek peace. He died in action July 30, 1918, in the battle of Ourcq.

The facts were these: At dawn of July 28 Joyce Kilmer, then serving as an aide to the battalion commander, although he was but a sergeant, discovered that in nearby woods the enemy had a nest of machineguns. After reporting that fact he led a patrol in an effort to establish the exact location. It was his last mission. His comrades later found him with a bullet in his head.

Now Joyce Kilmer lies buried in what is known as the Wood of the Burned Bridge. Enlisted men are not buried with their officers, but in the case of Joyce Kilmer, tradition was cast aside. He was buried alongside his lieutenant.

Joyce Kilmer is known throughout the world today for his poem, "Trees." How fitting that he could see the ecological wonder of the tree long before we awakened to the savage fact that man has been destroying what only God could create. However, great that poem may be, I feel his poem, "The Peacemaker" has an even more fundamental message for all of us. This poem takes on special meaning the day before Pearl Harbor Day and all its thoughts of the World War II carnage.

What matters Death, if Freedom be not dead?

No flags are fair, if Freedom's flag be furled.

Who fights for Freedom, goes with joyful treat

To meet the fires of Hell against him hurled,

And has for captain Him whose thorn-wreathed head

Smiles from the Cross upon a conquered world.

In this poem, Joyce Kilmer also said:

To banish war, he must a warrior be.

We should never forget the message of that poignant poem.

Said Father Duffy over Kilmer's grave:

Joyce was one of those soldiers who had a romantic love of death in battle.

Of many American heroes, these same words are true. To seek man's most cherished possession, freedom, we cannot fear or evade death.

When I think of those fallen heroes in Vietnam, I am reminded of Kilmer's poem that memorializes all heroes—"Rouge Bouquet." It goes like this:

ROUGE BOUQUET

In a wood they call the Rouge Bouquet
There is a new-made grave today,
Built by never a spade nor pick
Yet covered with earth ten metres thick.
There lie many fighting men,
Death in their youthful prime,
Never to laugh nor love again
Nor taste the summertime.

For Death came flying through the air
And stopped his flight at the dugout stair,
Touched his prey and left him there,
Clay to clay.

He hid their bodies stealthily
In the soil they sought to free
And fled away.
Now over the grave abrupt and clear
Three volleys ring:
And perhaps their brave young spirits hear
The bugle sing:

"Go to sleep!
"Go to sleep!"

"Slumber well where the shell screamed and fell.
"Let your rifles rest on the muddy floor,
"You will not need them any more.

"Danger's past;
"Now at last,
"Go to sleep!"

There is on earth no worthier grave
To hold the bodies of the brave
Than this place of pain and pride
Where they nobly fought and nobly died.

Never fear but in the skies
Saints and angels stand
Smiling with their holy eyes
On this new-come band.

St. Michael's sword darts through the air
And touches the aureole on his hair
As he sees them stand saluting there,
His stalwart sons:

And Patrick, Brigid, Columkill
Rejoice that in veins of warriors still
The Gael's blood runs.

And up to Heaven's doorway floats
From the wood called Rouge Bouquet,
A delicate cloud of buglenotes
That softly say:

"Farewell!
"Farewell!

"Comrades true, born anew, peace to you!
"Your souls shall be where the heroes are
"And your memory shine like the morning-star.

"Brave and dear,
"Shield us here.
"Farewell!"

THREE VETERANS WITH THE SAME PROBLEM

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAGAN. Mr. Speaker, we know that a large number of people today cannot find suitable jobs. This is an increasingly distressing situation among returning veterans of the Vietnam war.

After a stretch on foreign battlefields and with the activity involved, it must be frustrating for a veteran to have to stand around and wait for a job to open up. All Americans need to be diligent to help solve the discouraging adjustments necessary for those who are job hunting.

Ann Marshall, staff writer for the Savannah Evening Press, interviewed three veterans about their job-hunting experiences, which the Press carried on November 20, 1971. Her interview tells the situation so well that I would like to call it to the attention of my colleagues. The interview follows:

THREE VETERANS WITH THE SAME PROBLEM: ALL THEY REALLY NEED—AND WANT—RIGHT NOW IS A JOB

(By Ann Marshall)

The rising level of living costs and the tightening job market have caught Vietnam veteran Edward Johnson in a squeeze.

"Not today," he hears everywhere he asks for work.

"They just don't need anybody right now. I went by City Hall, but the city's not hiring anyone," Johnson said.

"I asked at several places along the road where there's construction going on, and they don't need anyone, they said."

Because he was wounded in Vietnam, Johnson, 24, has a small income from the Veterans Administration.

"NOT ENOUGH"

"But I can't make it. It's not enough. I've got to find work," he said.

He's competing with 1,500 other vets in Chatham County. Only 240-odd have found jobs in the last nine weeks.

On July 4, 1968, Johnson, in Vietnam two months, walked with his reconnaissance squad into an ambush.

Shrapnel shattered in both his legs and the right side of his jaw.

He couldn't talk or walk, but he was fully aware of the shooting going on over him for the hour he lay there before someone could get out to pick him up, he said.

His rescuers placed him on a tank for the ride back to where a helicopter could take him to a field hospital for preliminary medical care.

RUSHED TO HOSPITAL

Then he was rushed to Lai Nhe Hospital. By July 7 he arrived for hospitalization in Japan.

After a long period of recuperation and therapy at Ft. Gordon, he faced civilian life again in May, 1969, and it took almost a year before he felt competent to apply for his pre-service job at a paper machine at Union Camp Corp.

It didn't work out. He's never been given another Union Camp position, he said.

"The work was to heavy because of my legs," Johnson said. "They said they would call me about another job, but I never heard from them."

Johnson said his disability pension from the Veterans Administration isn't enough nowadays for the vet, his wife, and their eight-month-old son.

He supplements the family food budget with hunting and fishing, which are his favorite pastimes.

He said he didn't know of any agencies geared to help him obtain retraining of some type so that he would have a skill that he can manage.

When he went once to the VA office to ask for help in job hunting, he was referred to the Georgia Employment Service. They, in turn, sent him to apply for a welder's job, which he got and held for a while, he said.

Unlike Johnson, who was drafted, Jack Ray, 28, and Nathaniel Lowman, 26, who also are looking for jobs, volunteered for military service.

Both have several qualifications and skills to offer an employer.

Both have worked hard much of their lives and left good records behind them.

Yet Ray and Lowman say they continue to get the glassy-eyed response, "We'll call you" at the end of the job interviews.

WIFE EXPECTING

Ray and his wife have a son, 5, and a daughter, 3, and are expecting a baby in March.

"It's rough, to go to bed at night knowing you need a job, and wake up in the morning and you still need a job. It's a terrible strain on my wife," he said.

He hustles about to the addresses suggested by Gary Lane, his counselor at the Georgia State Employment Service.

"You tell them all about your experience and they ask lots of questions. Then they look at you and say: 'I've got two other men I'm considering for the job. I'll let you know.'

"So you spend two days at home waiting for them to call.

"You are wasting job-hunting time, but you're afraid if you leave the phone. You'll miss the call.

"They don't call. Then you call them. So far, I haven't gotten the job."

At first, he felt that he would get a job "tomorrow."

Then he began to realize it might be longer.

OVER FEAR

By now, Ray said, he's gotten over any fear of an interview.

"I've talked to so many," he said.

Also, he's gotten over being discouraged and has a dogged outlook.

For Ray, the approaching cold weather is going to complicate his chances. An electrical worker, he's fine with an outdoor job until cold temperatures set in.

After three years and 10 months in the Navy, Ray suffered acute, painful attacks of rheumatoid arthritis. He was taken off the aircraft carrier USS Independence, where he served as a petty officer 3rd class just before the boat sailed to Vietnam.

For another 10 months he stayed in hospitals.

Now he gets a monthly check of approximately $75, not enough to live on alone, much less with a family, he said. His family also gets medical care at Hunter Army Airfield hospital or other federal institutions.

"The situation is very tight in Savannah. Money is scarce. It's bad for the businesses. And I've got to get a job," Ray said.

NO JOBS

"I feel the country owes it to us all, us veterans. Sure they try. But we haven't got any jobs."

Lowman, who celebrated his birthday Thursday by continuing his hunt for a job, said he doesn't hold any rancour.

Lowman said he has found that to be black is sometimes a handicap, and sometimes not.

He served in the infantry right after graduating from Beach High School when he was 17.

"I went to Korea in the occupation forces," he said. "I didn't get to Vietnam."

"I was a staff sergeant."

For Lowman, things looked beet when he was chosen by Grumman Aerospace Corp. for training as an aircraft sheet metal worker about four years ago.

"I worked on the night shift. So I went to Savannah State College in the mornings. I majored in accounting.

DROPS OUT

"When Grumman took me off the night shift and put me on in the day time, I had to give up classes," Lowman said. After awhile, Grumman closed out the whole assembly line—and his job.

With part-time jobs, his time and finances became too difficult so he dropped out of college.

So with VA advice, Lowman entered the Manpower Development Training Center.

Lowman went there for retraining as a welder in a program sponsored jointly by MDTC and the Veteran's Administration.

While attending he received VA compensation.

Now he's had his last VA check.

About half of the 21 students in his class already have found jobs, some with the help of the Georgia State Employment Office.

TURN WILL COME

Lowman's turn will come soon, Alex L. Chew, supervisor at the MDT center, said.

The picture is better in Savannah now than for some time as far as welding jobs go, Chew said.

Lowman put in a perfect attendance record while attending welding class May 17–Oct. 29, he said.

"We gave him a letter of commendation. He is reliable, punctual and competent to handle a job as welder at the entry level with no problems at all," Chew said.

XUM

Lowman's now broke, but there are agencies trying to help, and if he fails to find a job within three to six months, he plans to try to go back to Savannah State College on the GI Bill.

A bachelor, Lowman lives with an aunt, Mrs. Pauline Wilson, at 2005 Exley Ave. in Tremont Park.

WEMA SUPPORTS 4-DAY, 40-HOUR WORKWEEK

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, I recently introduced legislation to amend the Walsh-Healy and the Contract Works Hours Standard Acts to permit Government contractors to initiate a 4-day, 40-hour workweek. I would like to call my colleagues' attention to several articles in support of this concept. The first is the testimony of WEMA, a trade association for electronic and information technology industries, before the Labor Department. The second is an article from the Washington Star by Marya Mannes describing recent innovations in the standard workweek.

The articles follow:

STATEMENT OF W. HUNTER SIMPSON IN BEHALF OF WEMA BEFORE THE EMPLOYMENT STANDARDS ADMINISTRATION OF THE U.S. DEPARTMENT OF LABOR, SEPTEMBER 8, 1971

My name is Hunter Simpson and I am President of Physio-Control Corporation in Seattle, Washington. I am also a past Director of WEMA, a trade association whose membership includes 600 companies engaged in electronics and information technology in 11 western states—Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. Our industries employ more than 325,000 people in the West, and almost all of our member companies operate in fields of high technology, designing and manufacturing sophisticated equipment to meet the needs of both commercial and government markets.

I am pleased to appear before you today to present WEMA's position with respect to the need to change the Walsh-Healey Public Contracts Act of 1936 and the Contract Work Hours Standards Act of 1962 in order to permit government contractors to establish modifications in the standard five-day, 40 hour workweek—such as the establishment of a 40-hour workweek consisting of four 10-hour days—without paying overtime for work in excess of eight hours a day.

I am accompanied by Chuck Shaw, a member of WEMA's Industrial Relations Committee and Eben Tisdale, WEMA's Government Affairs Manager.

Briefly, it is WEMA's position that the Walsh-Healey and the Contracts Work Hours Standards Acts should be amended to permit firms with government contracts in excess of $10,000 to restructure their workweek where both management and employees find it desirable to do so.

We are aware of the fact that, following the notice of this hearing, Senator Marlow Cook introduced S. 2463, a bill to amend the eight-hour provisions of the Walsh-Healey and Contract Work Hours Standards Acts. In his remarks on introducing the bill, Senator Cook stated:

"The Honorable James D. Hodgson, likewise recognizes the importance and popularity of the current 4-day, 40-hour trend. In testimony on S. 1861 before the Senate Labor Subcommittee on May 28, 1971, he stated:

The 8-hour requirement apparently poses serious scheduling problems for firms desiring to work more than 8 hours a day as part of their 4-day workweek plan.

At that time the Secretary of Labor further stated:

In view of the growing interest in the 4-day workweek and the problems already being encountered with the 8-hour standards under the public contract laws, I believe that adoption of such a standard under the Fair Labor Standards Act, the Federal law with the greatest applicability to hours of work, would be inappropriate at this time.

Mr. President, the lucid implication of Secretary Hodgson's testimony recognizes the growing desire and evolving impetus to adopt the restructured workweek. I feel, as does the Secretary of Labor, that the 4–40 plan deserves a candid examination at this time, both by management and labor."

These comments reflect WEMA's views on this matter. We expect to support S. 2463 when it is heard by the Senate Labor and Public Welfare Committee.

I. INTRODUCTION

From the early 19th Century until the passage of the Davis-Bacon Act, Public Contracts Act, and Fair Labor Standards Act, there was continuing pressure (coming primarily from organized labor) to reduce the basic work day and workweek. The standard work day had been twelve hours in the early 19th Century, gradually giving way to 10 hours and finally, largely through legislation, the eight hour day.[1]

The concern of management prior to the passage of these various Wage and Hour laws of the 1930's was that productivity would be lowered with a corresponding rise in labor cost. This concern proved to be largely unfounded. Industrial engineering played a major role as a growing field by redesigning the work content of jobs so that productivity, defined as output per man-hour, continued to rise in this country. In recent years, however, productivity growth has peaked and is starting to fall. The following curve (not reproduced) showing output per man-hour as compared to compensation per man-hour figured against the constant dollar, illustrated the problem facing not only company management, but each of us in this room since all of us depend on a healthy overall economy to protect our future.

The concept of overtime premium pay after 8 hours in one day or 40 hours in one week, as established by the Walsh-Healey Act, was not intended to provide a larger paycheck to the individual worker, but to make overtime so expensive to the employer that it would be more economical for him to hire more workers to handle an expanding work load than to work the existing employees on overtime basis. This concept, obviously, had a great appeal during the depression years following 1929, and still has validity. These efforts towards reducing the basic workweek to 40 hours made a great contribution to the economy of the United States. The 40-hour week is considered just short of optimum by industrial engineering standards, thereby providing close to maximum efficiency.[2]

II. PURPOSE OF APPEARANCE

WEMA is pleased that the Department of Labor has called these hearings. This in itself reflects the fact that a potential revolutionary movement affecting the basic workweek is taking place in this country. Some 400 employers in the United States, including my own company, have adopted some version of an abbreviated workweek for the majority of their employees. The most common among these innovations is the so-called Four-Day, Forty-Hour Plan, a program which my company has implemented. Other companies have instituted similar schedules for limited numbers of their employees in special areas. However, companies adopting these new workweek schedules represent only a small portion of the 1.5 million corporations in existence in the United States today.

It is not my purpose today to defend the Four-Day, Forty-Hour Week per se, but rather to recommend that the Department of Labor take whatever steps are necessary to permit exceptions to be granted under the Walsh-Healey and the Contract Work Hours Standards Acts to permit government contractors to modify their basic workweek without having to pay overtime premiums for hours worked beyond eight in one day. The requirement for these employers to pay overtime after 40 hours in any one workweek would not be affected by this change.

III. FACTORS NECESSITATING A CHANGE

This current movement towards a shorter workweek has been initiated by management for various reasons. These can be summarized as an attempt to create an optimum working situation for their employees to improve their morale, and thereby motivate them to work more efficiently. Although I will discuss this point in more detail in a moment, I would like to point out that companies which have made a successful transition to a reduced week do, in fact, report that these goals are being achieved.

WEMA believes that today it is becoming necessary to take steps to meet foreign and domestic competition that would not have been considered necessary five or ten years ago. Inflation has caused an increase in labor, raw material and capital equipment costs to the point where domestic suppliers are having increasing difficulties in competing on the open market with foreign suppliers.

The observed value of the 4–40 plan has been a more highly motivated and, therefore, a more highly productive employee. Equally important, the plan has provided companies with the opportunity to make more efficient use of land, buildings and capital equipment. With respect to the latter point, it is worth noting that companies are not necessarily closing down operations for three days even though they are operating on a shorter workweek. Rather, the short workweek permits a company to schedule a longer work day without paying overtime, while, at the same time, it permits management to hire additional employees on a staggered work schedule, thereby obtaining 25% more use of its equipment during the basic workweek.

On August 15 of this year, President Nixon proposed, as a first item in his speech on Wage and Price Controls, the establishment of a 10 percent job development credit to stimulate investment in new equipment and machinery. Even with a 10 percent tax credit, companies may not be able to acquire exotic equipment if it is not used for significant periods during the day. This is the reason that foremost among the groups adopting the short workweek are those associated with large computer processing centers, sophisticated automated machines, or processing plants requiring longer start-up or shut-down time.

WEMA believes that the four-day week is, for many industries a companion measure to the Administration's new economic game plan. As a result of President Nixon's apparent success in causing a devaluation of the dollar abroad, American products should be more competitive. Now is the time to take advantage of this opportunity, and do all that is possible to revitalize the American economy, restore our balance of payments, and promote full employment. Any measure designed to raise productivity and improve worker morale should be supported at this time.

For the past year-and-a-half, government contractors—especially those which have been involved in our national defense and space programs—have been asked to redirect their efforts and the efforts of the engineers, scientists and technicians they employ. Many proposals have been presented to the Congress and to state agencies, proposing ways to stimulate this redirection of technical effort. In actuality, however, any such transition will be made gradually. During this redirection period, all of the formal rules and regulations covering government contracting (including Walsh-Healey) are, by practical necessity, extended to all of a company's employees because it is not normally possible to set-up two separate operating entities involving different people, equipment and facilities for government and commercial work. The inability of a company to modify its basic workweek because of existing federal laws and regulations could have the effect of forcing defense and space contractors into an unfair competitive position relative to companies whose primary activities are consumer oriented or commercial in nature.

As you are well aware, there are some companies covered by the Walsh-Healey Act which have adopted the 4–40 plan. Some of these have merely decided to pay the 10 percent premium overtime pay in lieu of an annual wage increase. This is an inflationary action, and appears to us to be against the spirit if not the letter of the current Wage-Price Freeze. Other companies have reduced the base pay of employees to 90.9 percent of their original pay, and then paid overtime on the new rate after eight hours. This makes an employee's new 40-hour pay the same as it was before the pay cut.

After 40 hours, overtime is paid at a rate based on the average of the rate for the first 40 hours, again making the total pay the same as it was prior to the initiation of the shorter workweek. In this way all of the provisions of the law (Walsh-Healey, FLSA, FICA, State Laws, etc.) are followed, but the employee is now paid an artificially lowered base rate. This latter method of payment may be satisfactory for some small non-union firms, but it has much broader implications in larger or organized companies. Not only is the rate of pay a bargaining issue, but such fringe benefits as vacation pay, holidays, profit sharing or bonuses, retirement pay, etc., must also be considered.

For example, in most companies, retirement pay is based on annual straight-time earnings under plans that must be approved by the Internal Revenue Service.

New plans would have to be written and submitted covering all employees in some uniform manner, requiring compromises which might be difficult to establish in larger companies.

Companies which have made a successful transition to the Four-Day, Forty-Hour week report lower turnover, less absenteeism and a far greater unsolicited job application rate. At the same time, employees working under this new plan are also finding a number of benefits such as more leisure time, lower transportation and other work-related costs, as well as greater flexibility in arranging their personal business schedules. Female employees in particular, who were expected to have negative reactions to longer hours, have welcomed the additional day off because it means less child care expense, more time for major housework and more time with their families.

Urban development has provided an additional impetus to the desire for more leisure time and the shorter workweek. Traffic congestion in major cities during peak hours can be greatly alleviated by a variation in the basic workweek. Less environmental pollution would be expected if workers had to travel to urban centers only four days a week rather than five.

Additional impetus was given to the four-day week when the national holidays were moved to Monday. Very soon after this legislation passed, the overwhelmingly positive reactions of workers induced management to make proposals for reduced workweeks. For employees on this work schedule, if eight days are assumed for vacation and seven for holidays, only 193 days per year would be worked with 172 free. Thus, the short workweek plan is in the best interest of the worker from almost every viewpoint.

Companies adopting a short workweek have not made these changes unilaterally. Employee opinions were sought regarding their attitudes toward a longer day, but shorter week.[3] Few companies exist today where unsolicited questions have not been raised by employees asking when their company will go on the shorter workweek. The results of the Gallup Poll published in February, 1971, showed that the general population strongly favors the reduced workweek, especially female workers and those who are college-educated. This survey included the rank-and-file members of organized labor.

Although organized labor is not officially in favor of the reduced workweek at this time, most of the major unions have smaller locals or units currently working under four-day week contracts. Comments by Mr. Woodcock [4] and Mr. Frazer (UAW Solidarity June, 1971, pg. 10) of the UAW show their receptivity toward the short workweek experiments.

IV. PROBLEMS FREQUENTLY RAISED

Opponents of any change in the Walsh-Healey Act will attempt to show that any work day in excess of eight hours, or even six, is detrimental to health, and that excessive hours (ten to more per day) will induce fatigue more readily with a corresponding drop in productivity. In certain occupations, undoubtedly these allegations will be correct. However, for the vast majority of employees covered under the Walsh-Healey Act, especially those in the electronics and information technology industries, there is no reason to believe this to be true.

Few comprehensive studies have been conducted on the subject of worker fatigue.

"At the present time there is no satisfactory way of measuring fatigue. Physiological measurements promise to provide objective means of determining the time and duration of periods of rest and work during the day. However, in this country we have not as yet done the research and testing to validate this procedure." [5]

In those studies which have been conducted, however, the fatigue noted is more commonly related to the state of the mind of the employee toward his job and his working conditions than to the length of hours worked. It has been generally shown, for example, that an interesting or varied job results in lower fatigue symptoms during any given period of time than a highly repetitive or physically demanding one. Studies showing the effects of music or color on various jobs have shown an increased or reduced tension and a corresponding change in fatigue. Similarly, highly motivated employees interested in a company and well informed about their individual contribution show a fatigue factor much lower than their less motivated co-workers.

"Fatigue is by no means the simple defined thing that many would have us believe it to be. Catheart, Dill, and Mayo, all of whom have written very clearly on the subject point out the many-sided nature of fatigue."

"A carefully conducted study, lasting over a period of several years, of fatigue of factory operators on a regular production work at The Western Electric Company showed that mental attitude of the workers was by far the most important factor governing their efficiency." [6]

Proponents of the reduced workweek report that this is one of the positive results of the change. Employees are more interested and enthusiastic; they have not demonstrated the effects of fatigue. Obviously, there is a breaking point beyond which an employee becomes so exhausted that his efficiency drops considerably and his health and safety are impaired. Comments obtained from the vast majority of companies and workers who have adopted a short workweek indicate that the ten-hour day is more than compensated for by the three-day weekend rest period.

In addition, the work force is undergoing a radical, though gradual, change. The chart below (not reproduced) illustrates the changing ratio of blue collar workers to white collar workers over the last twenty years.

The significant shift toward white collar work, coupled with the trend toward lighter physical work in better working environments for the blue collar worker, makes the shorter work day less significant in 1971 than it was in 1936. Ultimately, management of the companies adopting a reduced workweek have done so because they expect to find that the employees will be better motivated and that productivity will increase, or at least remain the same, while other benefits are achieved. To propose a system that results in greater fatigue and lower productivity (a standard measure of fatigue) is self-defeating, and would certainly have resulted in more companies abandoning efforts to change the workweek.

Much has been alleged about the problems associated with increased leisure time. It has been suggested that employees are not capable of properly utilizing an additional day off, that their spending habits will change, that more employees will moonlight, etc. However, WEMA believes that a shorter workweek will eventually come about, whether in the form of the 4–40 or in some other form (such as that proposed by the UAW in recent negotiations during which pressure was exerted for the 4-day, 32-hour workweek). If the three-day weekend is coming, either within the provisions of the Walsh-Healey Act or some other way, the problem of effective use of leisure time will have to be faced ultimately. It should not be a major deterrent for any action on the part of the Department of Labor.

In addition—and as I noted earlier—this year, for the first time, the country's work force will automatically get a taste of the 3-day weekend, 4-day workweek. Under the new Federal Monday holiday law, five of our 10 national holidays will fall on Monday. This means that for 10 percent of the year, workers will be working a 4-day week. The effect of this law is that it has provided us with a preview of reactions from a broad-based reaction from both management and labor on the shorter workweek. From all reports, this reaction is favorable.

It is also worth noting that Riva Poor and others have conducted interviews with employees in companies which have adopted the 4-day, 40-hour plan or similar work schedules. These interviews were conducted both before and after implementation of the new work schedule. While the employees surveyed expressed both favorable and unfavorable opinions of the new work schedule both before the plan was implemented and afterwards, it should be observed that the percentage of employees favoring the 4–40 have never decreased in the second poll, conducted after implementation of the plan.

V. LEGAL IMPLICATIONS

In making this presentation today, I am not at all unmindful of the complex legal prob-

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lems that have to be faced. Hopefully, the outcome of this hearing will be the decision of the Secretary of Labor to support legislation such as S. 2463 amending the Walsh-Healey and Contracts Work Hours Standards Acts.

Such an action would not be without precedent. The Walsh-Healey Public Contracts Act of 1936 has been significantly affected by the Fair Labor Standards Act of 1936, the Health and Safety Standards Act of 1971, court decisions such as *Wirtz vs. Baldor Electric Company* (16 WH cases 551, 1964) and a change in the minimum age as required under Title VII of the Civil Rights Act of 1964.

In fact, the only significant sections of the Walsh-Healey Act that have not been affected by legislative or court actions have been the eight-hour and convict labor provisions. In discussing the Walsh-Healey Act, my comments apply equally to the Contract Work Hours and Safety Standards Act of 1962 which, coupled with the Davis-Bacon Act, essentially form a body of law similar to the Walsh-Healey but with application to different employer groups.

In addition to the Walsh-Healey Act, approximately 33 states have protective laws which apply to women and minors, most of which contain the requirement to pay overtime after 8 hours at the rate of 1½ times base pay. As a result of the Civil Rights Act, there is a significant doubt as to the constitutionality of the whole body of law described as state protective laws applying to women and minors (Rosenfeld vs. Southern Pacific, 293 F. Supp. 1219, C.D. Calif. 1968). There is also the question whether these same state protective laws should apply equally to men (Potlatch Forests, Inc. vs. Hays—316 F. Supp. 1368, E.D. Ark. 1970). In many states covered by state protective laws, bills have been introduced in the current state legislatures to provide for either the elimination of the entire body of state protective codes, or, at least, certain portions thereof, especially the eight-hour overtime pay provision, maximum hours of work, and the weight-lifting limitatons.

WPMA hopes that this body of state law, which appears to us to conflict with federal statutes, will be eliminated. A change in the Walsh-Healey Act allowing for a shorter workweek will, we believe, provide strong impetus in this direction.

FOOTNOTES

[1] "Labor Economics and Labor Relations," L. G. Reynolds, Prentice-Hall Inc., 1956 Englewood Cliffs, N.J., pg. 248.
[2] Ibid, pg. 255.
[3] "4 Days, 40 Hours" Riva Poor (Ed.), Bursk and Poor Publishing, 1970, Cambridge, Mass.
[4] "Reflections on the Ten-Hour Day, Four-Day Week," H. R. Northrup, *Daily Labor Report* July 27, 1971, Pub. Bureau of National Affairs, Washington, D.C.
[5] "Motion and Time Study," R. M. Barnes, John Wiley & Sons, Inc., New York, N.Y. 1966, pg. 402.
[6] Ibid, pg. 584–585.

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4. U.S. Bureau of the Census, *"Statistical Abstract of the United States: 1970* (91st Edition) Washington, D.C., 1970.
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7. *Motivation and Morale in Industry*, M. S. Viteles, W. W. Nortan & Co., Inc., New York, N.Y., 1953.
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[From the Washington, D.C., Star, Nov. 14, 1971]

NEW LIFE FOR WORKERS: PICK YOUR OWN HOURS

(By Marya Mannes)

NEW YORK.—Some people are seeing the light. They know that sooner or later the five-day 40-hour work week must go. Why? Because it is not only dehumanizing for men and women, but counter-productive for business itself.

For one thing, any motorist (let alone the trapped rail commuter) who listens to the helicopter traffic reports on radio must feel that something is terribly wrong with a system that puts millions of wage-earners on roads or tracks at exactly the same time in the morning and exactly the same time at night, going to and from the big cities for two or three hours of carbon-monoxide and frustration for five days a week.

The theory of course, is that business cannot function otherwise. Because goods and money have always been made that way, they always will be. A further assumption is that if men and women are on the job eight hours a day, they produce eight hours of work.

But these assumptions are being challenged in many quarters. One, for instance, is a recently formed New York agency called Newtime; another involves some of West Germany's most important offices and factories.

One typical sampling of job profiles shows what Newtime (the brainchild of young businesswomen) is now accomplishing with increasing success:

Field: Market Research.

Position: Administrative Coordinator.

Problem: Need for a highly skilled administrative person to be the assistant to three executives. Lunch hours have to be covered, and very often there is an overload of work which has to get done, but in the present situation gets carried over to the next day for lack of time.

Solution: They hired two people on a "tandem" basis. They share the work-load; one works from 9 to 1, the other from 1 to 5. There is coverage all day and the work load does not strain either employe. There is an added benefit that was not foreseen: the chance of both employes being out on the same day is remote and so there is never the panic which occurs when a strategic person is ill. The job allows two people to work on a schedule which accommodates their needs, resulting in optimum productivity and morale.

As for the Germans, in Cologne, for example, men and women at the Lufthansa headquarters, and at many other offices and factories now go to work when they want and stay as long as they want—within reason.

FLEXIBLE

As reported in the New York Times a while ago, "this fast-spreading arrangement is being hailed by those who have tried it as a blessing to employers and employes alike." The workers still have to keep a time-clock accounting for their total work-hours, but the fact that each can work according to his peak productivity (we all know "morning people" and "afternoon people") means their output in fewer hours is much greater than during times of lowered capacity stretched over more.

JOHN P. McGILLOWEY, MASSACHUSETTS STATE COMMANDER OF THE DISABLED AMERICAN VETERANS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, it is my privilege to bring to the attention of my distinguished colleagues today, the Massachusetts State Commander of the Disabled American Veterans, Mr. John P. McGillowey, who was recently honored at a testimonial banquet at the Statler Hilton Hotel in Boston, on November 20, 1971. The invited guests were:

Reverend Carl E. Bergstrom, National Chaplain, D.A.V.
Boyd H. Bowers, National Executive Committeeman, D.A.V.
Clara C. Bowers, National Executive Committeewoman, D.A.V. Auxiliary.
Honorable James A. Burke, United States Congressman.
Charles N. Collatos, Commissioner, Veterans Services.
William F. Connors, Manager, Boston VA Regional Office.
Senator Edward T. Conroy, National Commander, D.A.V.
Honorable John F. X. Davoren, Secretary of State, Commonwealth of Massachusetts.
Charles Denehy, Commander, Braintree #29, D.A.V.—Banquet Chairman.
Dorothea Donovan, 4th National Jr. Vice Commander, D.A.V.
Warren Driscoll, Deputy National VAVS Representative—Toastmaster.
Blanche M. Dufour, State Commander, D.A.V. Auxiliary.
Robert Dufour.
William Fandel, Building Superintendent, Jordan Marsh Company.
Walter T. Greaney, 2nd National Jr. Vice Commander, D.A.V.
Honorable Louise Day Hicks, United States Congresswoman.
Carl Johnson, Chairman, Board of Selectmen, Braintree.
Honorable Hastings Keith, U.S. Congressman.
Margaret Kelleher, Commander, Braintree #29, D.A.V. Auxiliary.
Reverend Father Joseph Kelly, St. Joseph's Church, Somerville.
Honorable Donald J. Laing, State Representative, Braintree Selectman.
Honorable James R. McIntyre, Mayor of Quincy.
John Quigley, Commandant, Chelsea Soldiers Home.
William A. Tabb, Department Sr. Vice Commander, D.A.V.
Arthur Tobin, State Senator.
George A. Wells, Former Mayor of Worcester.
James White, Executive Vice President in Charge of Operations, Jordan Marsh Company.
Honorable David B. Williams, Presiding Justice Ayer District Court, Past National Commander, D.A.V.

John P. McGillowey was born in Boston, Mass., and was educated in Mission Grammar School and Mission High School in Roxbury. He was employed as an elevator mechanic in Jordan Marsh Co., in Boston until he enlisted in the Army Signal Corps in 1942 and served in the Southwest Pacific area in Australia as a crytograph mechanic. He was hospitalized in the 42d General Hospital in Australia and transferred to the Letterman Hospital. From there he was sent to the Cushing Hospital in Framingham, Mass. He was discharged with a medical discharge in August of 1944.

Upon his discharge he was promoted to supervisor of elevator mechanics at Jordan Marsh Co.

John became active in the Disabled American Veterans and was one of the organizers of Braintree Chapter No. 29 of which he has served as commander. He was also commander of District Council No. 2 in Massachusetts. He served as DAV's representative of the Boston Veterans' Administration Hospital in 1963, of the Brockton VA Hospital from 1964 to 1967, and of the West Roxbury VA Hospital from 1964 to 1969.

Having served as department junior vice commander, and department senior vice commander, John McGillowey was elected State commander of the DAV in Hyannis, Mass., in June of 1971.

John P. McGillowey has received numerous national and department citations for his membership and hospital work; he has spent his life serving his country, first in World War II and then in the Disabled American Veterans, helping those who were wounded fighting for the American principles of freedom and democracy.

I have been honored to know John P. McGillowey, as one of the residents of my district, and I invite my colleagues to join with me in thanking him for his magnificent contributions to the American people.

COMMUNISM VERSUS FREEDOM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. PRICE of Texas. Mr. Speaker, as a result of President Nixon's foreign policy decisions, the American role in the war in Vietnam and the American presence in that war-torn country are being steadily reduced. The Vietnamese people are successfully shouldering the burdens of their struggle for freedom and the right of self-determination.

Our war-weary Nation has had a tortuous history and tortuous involvement in Southeast Asia for the past two decades. And our war-weary people, in ever increasing numbers, are asking such critical questions as, why did this Nation get itself so heavily involved in Southeast Asia? Why did this Nation commit such large amounts of blood and treasure to the war in Vietnam? What possible interests do American people have in that corner of the world that are significant enough to balance off the national sacrifices that have been made there?

Some students of history have couched this conflict in basic terms of good against evil, God against the Devil, tyranny against freedom. Whatever its fundamental nature, however, since the early part of this century, the struggle has taken a highly ideological turn and has been characterized by a battle between communism and freedom.

In my lifetime, the Communists have waged a relentless war to extend their influence and control over men and nations. In the process, countries have been treated as pawns in a global chess game, a game that has as its goal the eradication of freedom, and the establishment of a world order based on tyranny and atheism.

From the time the Communists demonstrated their real objectives, the United States has attempted to counter and frustrate their conspiratorial designs whenever and wherever possible. Despite all efforts, though, the ideological map of the world has changed greatly in the last 25 years.

Although communism, as a form of government, emerged from the Russian revolution of 1917, it did not become a world threat until the close of World War II. After the war the Soviets consolidated a primary base of illegitimate power by ringing down the Iron Curtain in Europe. Behind this Iron Curtain millions of individuals in the 12 nations of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Rumania, East Germany, Yugoslavia, and Bulgaria, were forced to submit to the totalitarian will of the Communist state.

One of the first major postwar confrontations between the Soviet Union and the United States occurred in 1946. During World War II, Russia agreed to withdraw its troops from Iran at the cessation of hostilities. After the close of the war, however, the Soviets refused to honor their agreement; they finally did so only after substantial political pressure was applied by the United States.

In the following year, the Russians and their East European allies aided the Greek Communist guerrillas in their attempt to forcefully overthrow the Greek Government. This endeavor was defeated by American military and economic aid which was channeled under the Truman doctrine to the embattled country.

During 1948, a direct confrontation between the Soviet Union and the United States occurred in Berlin. In June, in a bold attempt to force the United States, Great Britain, and France to relinquish their joint control of the city, the Soviets blockaded Berlin. The allies responded with a counterblockade and initiated a massive airlift to relieve the beleaguered city. One year later, Russia lifted its quarantine, and the Berlin crisis subsided.

These initial confrontations influenced the United States to reverse its traditional policy of avoiding permanent alliances. In 1949, the United States and 11 European nations signed the North Atlantic Treaty, and NATO was born. In this fashion, the countries of Belgium, Canada, Denmark, France, Great Britain, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal and the United States, with the subsequent additions of Greece, Turkey, and West Germany, banded together to safeguard the freedom of the Atlantic community.

During the same year, however, the Communist cause gained great impetus when China fell to a Communist revolution led by Mao Tse-tung. The United States continued to support Chiang Kai-shek and the Republic of China, which set up headquarters on Taiwan. Soon Taiwan and the offshore islands, notably Quemoy and Matsu, became a source of recurring international tension.

Faced with a new Communist threat from China and fearing its growth in Asia and possible spread to Latin America and Africa, the United States instituted the point 4 program. This was a program designed to share U.S. technological skills, knowledge, and equipment with underdeveloped nations in an effort to help them develop their industrial, agricultural, political, and human resource potentialities. It also encouraged the flow of U.S. private investment capital to these nations.

Despite U.S. efforts, however, the strife continued, and in 1950, the most serious confrontation of the early cold war occurred. The scene was not Europe, but the Far East. In June of that year North Korean forces, with the support of the Soviet Union and Communist China, invaded South Korea. The free world swiftly responded and the United States, on behalf of the United Nations, intervened and waged a relentless battle until a cessation of hostilities was finally agreed to in 1953.

During the latter part of the fifties, the cold war centered again in Berlin. In November 1958, Khrushchev initiated the second Berlin crisis by unilaterally renouncing the validity of the wartime agreements upon which the four country occupation of the city was based, and demanded a new settlement strictly on Soviet terms. The United States and its allies resisted Soviet pressures, however, and the crisis temporarily abated when Premier Khrushchev and President Eisenhower reached an understanding at Camp David in September of 1959.

When John F. Kennedy assumed the Presidency in 1961, this understanding evaporated. Once again Khrushchev began to build up international pressures over Berlin. The United States, Great Britain, and France resisted the pressures and prepared for all contingencies. A virtual stalemate thus existed until the fall, when Khrushchev abandoned his demands, and world tensions subsided once more.

In the following year, the Communists heated up the cold war again, this time almost to the boiling point. In September, Khruschev placed intermediate-range ballistic missiles and medium-range bombers in Cuba, which had been secured as a forward Communist position by Castro's revolution of the late fifties. The United States responded by threatening to unleash its nuclear power against the Soviets if their offensive weapons were not removed from the island. After a week of crisis, the Russians removed their missiles and bombers and the world relaxed.

While the removal of these instru-

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ments of war from Castro's Cuba helped remove communism's sting from our shores, it did not help remove its influence from the Western Hemisphere. Since that time, both the Soviets and the Red Chinese have been using the island as a staging base to promote Communist revolutions in the countries of South America. The United States has reacted by refining some of its Latin aid programs and the Alliance for Progress. To date, our actions have helped combat the spread of communism in South America, but prevailing Latin economic and social conditions make any predictions of the future impossible.

Mr. Speaker, the United States has been waging the cold war for over 25 years. During that time we have joined with other nations of the free world and formed regional defense and security pacts. I have already discussed NATO; chief among the others, are SEATO and CENTO in Asia and the Pacific, and the OAS in South America.

While these agreements provide a broad-based bulwark against communism, the United States has not been content to rely solely upon them. In an effort to contain the spread of Chinese communism, for example, we have helped certain Asian and Pacific nations build their social, political, and economic institutions. South Korea, the Philippines, and Formosa proudly stand today as dramatic proof of the benefits of some forms of American foreign aid.

In this process of nationbuilding, we have also constructed an arc of defense posts in strategic areas of the world. Major U.S. strike bases are located in South Korea, Okinawa, Taiwan, the Philippines, South Vietnam, and Thailand, as well as the Pacific islands of Guam, Marianas, Marshall Islands, and Midway. This line of defense has been drawn in Asia and in the Pacific and not on the shores of the continental United States because, as aptly stated by Gen. Douglas McArthur, the islands of the Pacific are the stepping stones to our defeat. Thus, we will fight the enemy on our own shores only as a last resort.

The strength of this arc of defense is nowhere better illustrated than by our Okinawa airbase. We possibly have enough nuclear firepower located on the island to reduce Red China to a sandy beach. Moreover, it is estimated that it would take only 400 atomic weapons to insure this total destruction. Of course, we would not unleash this nuclear holocaust unless forced to, but I am convinced that the knowledge we have the power and would use it if necessary, helps keep the Communists in line.

Mr. Speaker, based on the nature and history of the cold war, I submit it is obvious that the Communists are fomenting revolution in Southeast Asia as a means of facilitating the achievement of their goal of world conquest and domination.

It was to frustrate these conspiratorial plans that the United States became heavily involved in the Asian conflict. In this connection, our actions in that war-torn area have been proof to the free world that this country will not permit the destiny of beleaguered nations that ask for our assistance to be forcefully decided by alien aggressors.

Mr. Speaker, while our national attention and energies have been focused on Southeast Asia, the Communists have been dramatically increasing their presence and involvement in the Middle East. The Soviets have been using Arab-Israel problems as a means of extending Communist influence in that part of the world. This is not a new happenstance; the Russians mounted a program of expansion in the Middle East in 1955. At that time they agreed to supply Egypt with arms from Communist bloc countries. Following this agreement, Russia became an outspoken supporter of Egypt on the international scene. In addition, during the Middle East war of 1956, involving Britain, France, and Israel, the Soviets seized on the volatile situation and exploited it. They initiated far-reaching economic and military aid programs for the Arab States, and in the course of the next decade were able to fashion considerable influence and control in Arab councils.

We know the Soviets have renewed their expansionist efforts in the Middle East. We know they have supplied the Arab States with military advisers, combat pilots, ground-to-air missile experts, modern airpower, armaments and munitions. We know if these ominous trends continue, and if Communist influence in the Middle East is consolidated, the area could become hostile territory to U.S. and allied military forces. Should this happen, NATO security and the global balance of power would be greatly affected. In addition, the natural resources of the oil rich Middle East could be denied to the United States and Europe, thereby placing potential economic strains on the free world.

To avert such an eventuality is why the United States must weigh the course of events in the Middle East carefully, and cast its weight in strategic places and at appropriate times. Moreover, the United States has a vested interest in helping the nations concerned work out a mutually agreeable resolution to the conflict, a resolution that will insure the territorial integrity of the countries involved and that will preserve the East-West balance of power in the Mediterranean.

Mr. Speaker, by way of summary, for 25 years, the United States and the Communists have been locked in a titanic struggle that has spanned the globe. In the process some nations have been subverted, overthrown, and dominated by the Reds, while the sovereignty of other nations has been protected and preserved by the United States.

I predict this struggle will not be ended in Vietnam. Neither will it be decided in the Middle East. Instead, I believe it will continue until one side absorbs the other, until both sides destroy each other and the world, or until we learn to live together in peace.

For the present, however, I believe it is of crucial importance for Americans young and old to understand the nature, the background, and the present state of the struggle between communism and freedom. Understanding is necessary if the resources of his great country are to be fully focused on the battle at hand, a battle that has cost great losses of American life and treasure; a battle that will probably cost us more of the same in the years to come.

The mantle of world leadership falls heavy on the nation that wears it; the costs of freedom come high to the people who preserve it. Our Nation has not shirked its leadership responsibility in the past; our people have always proved equal to the sacrifices they have been called upon to make in the cause of freedom. I am confident such will be the case in the future.

Mr. Speaker, the United States is the only nation in the world today that possesses sufficient human, industrial, and military resources to lead the fight against communism. Should this generation of Americans decide that the battle between communism and freedom is not worth pursuing, and that the United States should surrender its leadership position, I believe this generation will not pass before the forces of communism dominate the world.

If the United States did not lead the fight for freedom, what nation would? If the United States faltered in its historic task, what nation would pick up the fallen standard?

FRANCHISING

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. PEPPER. Mr. Speaker, today's neighborhood businessman is frequently the holder of a franchise. Franchising has grown explosively in the past 20 years, or—more explicitly—since World War II. During that interval, we have seen the chainstore and the superstore replace "Mom and Pop" operations. Owners of corner groceries, drugstores and food counters went down in the flood, one wave of which is represented by the banner proclaiming the sale of hamburgers by the billions.

Franchising of small stores looked like a solution. But inevitably, franchising itself has become big business. Bigness, in turn, has brought charges of abuse, claims that the small investor has been victimized by the fast-buck artist.

The Federal Trade Commission has now issued a notice that it plans to promulgate, "a trade regulation rule concerning franchising." The Commission advances 27 points for the protection of franchisees or prospective franchisees. Prominent among those 27 points are "procedures whereby franchise fees may be recovered."

One of the Nation's most outstanding authorities on franchising, Mr. Coleman R. Rosenfield, says:

> This payment of earnest money by the prospective purchaser is very seldom afforded the dignity due it.

Mr. Rosenfield is the author of, "The Law of Franchising," published in 1970 by the Lawyers Cooperative Publishing Co. and Bancroft Whitney. Mr. Rosenfield practices law in Hollywood, Fla., and is active in the franchising field, having been western division director of Mister Donut of America and President of Spudnut Industries.

In the American Bar Association's Law Notes for July 1971, Mr. Rosenfield wrote an article entitled "Negotiating the Franchise Deposit." In that article, Mr. Rosenfield comments that the odds for safety and return of franchise deposits are comparable to the prospects for winning at the baccarat table. Mr. Rosenfield says that the franchise deposit goes by a variety of names, but that:

> Whatever the name, keeping the deposit seems to be the game. The franchise company often embellishes the deposit with conditions that make its return to the prospective franchisee all but impossible. Some franchisors or their sales agents blatantly make the deposit nonrefundable. When the frustrated depositor tries to get his money back, he is met with the words of the contract that clearly preclude any recovery. The attorney for the purchaser generally comes on the scene at this point, faced with the necessity of improvising a cause of action to recover the funds.
>
> This dilemma can be avoided if the attorneys present a clear understanding to their respective clients.

Now, belatedly, the Federal Trade Commission seems to have become aware of the hazard of loss to funds that are deposited in good faith. In the announcement of its proposal to issue a rule, the Commission declares that—as item 7—that it would be unfair competition for a franchisor to fail to issue:

> A description of the franchise fee; and a statement indicating whether all or part of the franchise fee may be returned to the franchisee and the conditions under which the fee will be refunded.

Up to now, franchisors have treated deposits as income. Mr. Rosenfield writes:

> Many franchisors use the franchise fees as a source of income for funding themselves. This can be a proper and legitimate use of such funds. However, it is imperative that the franchisor be made to understand that the franchise fee, or any part of it, as a deposit that is prepaid, is not the property of the franchisor until the conditions surrounding payment have been fulfilled. Until that time, the funds ought to be designated to a special account and held in escrow, or with a dignity of an escrow. No title to the deposits should be permitted to vest in the franchisor before the conditions accompanying the deposit have occurred.
>
> The temptation of the franchisor's company to make premature use of the cash flow generated by the payments of deposits and franchise fees can be an awesome obstacle for an attorney to overcome. Yet, diligence in this regard will deter what has become a trend towards a growing number of law suits. This type of litigation is expensive, time consuming and very bad for the corporate image. And, as these corporations become tarnished, the pressure on state and federal regulatory agencies builds to police franchise companies and the practices within franchising. Only by self-regulation will franchising avert governmental regulation.

Mr. Rosenfield's warnings have come to fulfillment. Government regulation is now upon those who would not practice self-regulation.

Aside from treating the fee as income, a popular practice has been to handle the payment as salesman's commission. Mr. Rosenfield sees nothing wrong with a commission, provided that the franchise fee is not either misidentified or wrongfully converted. He writes:

> A good many franchises are sold through sales companies who specialize in merchandising several franchises. These companies are paid by commission which, oddly enough, generally equal the deposit required.
>
> They are the agents of the franchisor and any attempts, direct or deceptive, to alter that relationship and etsablish them as agents of the purchaser must be clearly and effectively squelched. The implications in the relationship between the sales agent and the franchisor-franchisee are far-reaching and merit appraisal and definition. It is patently clear, therefore, that any attempt to disassociate the sales agent and the payment it receives from the same liability, imposed or assumed, by the franchisor should be firmly discouraged.

Happily, the Federal Trade Commission acknowledges in its proposed rule, the validity of Mr. Rosenfield's position. In its very first point, the Commission proposes to direct that there be full information on trademarks and on "all companies which employ the franchise salesmen."

Mr. Speaker, I believe Coleman Rosenfield would agree that the proposed rule does not go far enough, that on the issue of commission alone, its proposal does not correct the fee-commission problem.

A more fundamental omission is the absence of any protection against comingling of funds. Mr. Rosenfield describes the hazard in the following way:

> The pitfall most flagrant in these practices is the comingling of deposited funds with those of the company's general use. The money often gets spent, sometimes wasted, and almost always is dissipated by the time the depositor demands a return of his funds. There is no way to trace the money and a rash of such claims can be a prelude to heavy litigation and bankruptcy proceedings. This is disastrous for both parties.

The required action, Mr. Rosenfield suggests is a reporting procedure for such income emphasizing, "the need to treat deposits and prepaid fees with the dignity due escrow funds."

The FTC has made a commendable start. Mr. Rosenfield and other persons such as he have scored. They now have until February 7, 1972, to declare their desires to be heard on the rule itself, thereby gaining an opportunity to score again, and to secure the inclusion of additional essential safeguards.

With so much of the small business investment dollar going into franchises, it is imperative that a thorough job be done. Whether the investor be "Mom and Pop," a small neighborhood minority enterprise or an established entrepreneur looking for an added outlet, the investment dollar must be safeguarded. The franchise field must be cultivated and tended, rather than to be left to be overgrown with the weeds of exploitation. Mr. Rosenfield has performed a service by suggesting the course correction should take.

SAVANNAH HONORS DOORKEEPER AND HIS ALMA MATER

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAGAN. Mr. Speaker, certain occasions always stand out as being something special and out of the ordinary and last Friday night's football game at Memorial Stadium in Savannah, Ga., between the Mississippi Gulf Coast College of Perkinston, and Fort Scott Community College of Kansas is just one of those outstanding events.

Some of the reason for this is due to the fact that I was accompanied to the Alee Temple Shrine Bowl National Junior College Championship Football Game by one of Mississippi Gulf Coast College's most illustrious alumni and biggest fans—the Honorable William M. "Fishbait" Miller.

Never have I been more impressed with college athletes than when Fishbait Miller and I were invited by the president of the college, Dr. J. J. Hayden, to visit the team's locker room where I met many of the players of the winning team which was Fishbait's fine alma mater, Mississippi Gulf Coast College of Perkinston. I shall never forget the thrill when I witnessed the whole team down on their knees, offering their thanks to God for their fine victory and then, spontaneously, reciting the Lord's Prayer.

I want to share with my colleagues the reception received in Savannah by our famous Doorkeeper which is quite evident from the clipping which follows from the Savannah Morning News. In addition, I feel the report of Friday's night game and the Mississippi team's victory should be shared and it, too, follows:

[From the Savannah Morning News, Dec. 4, 1971]

RIBS ROUSAKIS—"FISHBAIT": JOKER SUPREME

(By Ron Pratt)

William M. "Fishbait" Miller, the colorful Doorkeeper of the U.S. House of Representatives, accepted a "key to the city" Friday from Mayor John P. Rousakis in a typically unorthodox "Fishbait" fashion.

"You've got it upside down," Miller said, pointing to the key in Mayor Rousakis' hand. "Ain't you never give out keys before, boy?"

The mayor responded with a laugh and said the key had been "especially made for the backrooms Fishbait uses in Washington."

Miller's friends and admirers wouldn't have expected anything less from the crusty alumnus of Gulf-Coast Junior College, Perkinston, Miss., one of the contenders in Friday night's Shrine Bowl classic at Memorial Stadium.

Miller was the guest of honor at an afternoon reception hosted by city officials.

First District Rep. G. Elliott Hagan arranged for Miller to be on hand at the gridiron battle for the National Junior College Athletic Assn.

He said he has "never had a dull moment" in 22 years at his House post, considered an extremely influential one.

He said "his most unusual experience" was meeting Princess (later Queen) Elizabeth and Prince Phillip of England during their 1952 visit to the U.S.

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"I said 'howdy, ma'am' to the princess and 'howdy, suh' to the prince," Miller said.

He said President Truman had forewarned the monarchs they would meet "a character" when they entered the House chambers.

"When I ushered the prince and princess to the Speaker's platform, I leaned over to Prince Phillip and said 'we in America think you're the most handsome brute around, suh'," he said.

"Then I'm at your service," the prince replied laughing.

Miller then asked Prince Phillip to wave to House office workers assembled in the chamber gallery "just to make them feel at home."

Miller recalled Gen. Douglas MacArthur's farewell address to a joint session of the House and Senate as "the most memorable event" in his career.

"I got all goose-pimply when the general said 'old soldiers never die, they just fade away'," he said.

Miller said he watched Gen. MacArthur, at the conclusion of the famous speech, bow to his wife who was seated in the gallery.

"There wasn't a dry eye on either side of the chamber," he said.

During the reception Miller was presented a bottle of his "favorite drink," Barqs root beer, by Gulf Coast Junior College President Dr. J. J. Hayden.

Miller, obviously delighted, took the bottle and held it to his chest.

"I told my wife that, when I'm laid out to my final rest, she should put one of these bottles in each hand and write that 'he died happy'," Miller said.

He revealed that he had once worked for the Barqs family, manufacturers of the root beer, in his hometown, Pascaguola, Miss.

While at Gulf Coast, known then as Harrison-Stone-Jackson Junior College, Miller was manager of the football team.

"The team's come a long way since then," he said.

In addition to his duties in Washington, Miller has served as Chief Doorkeeper for every Democratic National Convention since 1944.

FORT SCOTT UPSET—GULF COAST'S NO. 1 AFTER 22-TO-13 WIN

(By Marcus Holland)

	MGC	FS
First downs	18	10
Yards rushing	252	207
Yards passing	163	49
Passes	8–16–0	2–6–0
Return yardage	12	28
Fumbles lost	2	4
Punts	3–36.7	3–36.3
Penalties	95	45

Mississippi Gulf Coast unleashed a bevy of fine running backs and a devastating aerial assault to upset top-ranked Fort Scott 22–13 in the 15th Shrine Bowl Friday night at Memorial Stadium.

A crowd of 4,000 braved freezing weather and a steady second half drizzle to watch Gulf Coast capture its first National Junior College Athletic Association football championship.

And the Bulldogs did the job in convincing style, bolting for 252 yards on the ground and 163 more through the air against what was billed as one of the stingiest defenses in the country.

The victory extended Gulf Coast's winning streak to 18 games and halted the Fort Scott string at 27.

Jerald Thomas, a 177-pound running back, staked Gulf Coast to a 14–0 lead before Fort Scott got on the scoreboard midway in the second period on a 63-yard gallop by Tommy Reamon. Thomas bolted 64 yards from scrimmage with 8:16 left in the first period to make it 6–0, and placekicker Jim Beck added the PAT to make it 7–0.

Thomas scored again on the first play of the second period, taking a 33-yard scoring pass from quarterback Jim (Dinky) McKay without breaking a stride. This time the PAT attempt was blocked.

That's the way it stood at the half, but Gulf Coast quickly changed the outlook with 11:31 remaining in the third period. Big Gene Ganucheau gathered in another McKay pass and travelled 40 yards to make it 19–7, and early in the fourth period Beck boomed a 30-yard field goal to give Gulf Coast a 22–13 margin with 9:49 left on the clock.

Between Ganucheau's touchdown grab and Beck's field goal, Fort Scott put six on the board when quarterback Kurt Nieman plunged one yard to cap a 68-yard Greyhound march. Steve Hall, who kicked the first PAT, was foiled on this attempt by a bad snap from center.

That was all the scoring, although Gulf Coast could have easily put three more scores on the board. Once a Gulf Coast receiver dropped a sure TD pass, again a receiver slipped down while in the clear, and one touchdown was called back because of an off-side penalty.

Fort Scott, ranked No. 2 at the time, upset Mesa College, 41–20, in the Shrine Bowl last year and was a solid favorite to become the first school to win two NJCAA championships in a row.

But, Mississippi Gulf Coast proved who was No. 1, without a doubt. Both schools went into the game rated No. 1 by various polls.

It was evident from the start that Gulf Coast was 'keying' on Fort Scott's Reamon, who shattered four records and tied another in the 1970 game. The little speedster "only" got 182 yards in 22 carries Friday night, but wasn't allowed to get loose after he broke the 63-yard touchdown run.

Reamon's Shrine Bowl worksheet is something to behold. In 51 carries Reamon has gained 426 yards and scored four touchdowns.

But it was Gulf Coast's sticky defense that shut off Reamon's outside runs, thus putting a damper on the Greyhounds offensive machine. Big Skip Holland did a fantastic job at defensive end for Gulf Coast, and John McDougle and Jerry Brown plugged the middle.

Fort Scott also had its defensive stars, namely Joe Wunderly, Gary Lindsay and safety Dave Dill, who made numerous tackles.

It took Gulf Coast only three plays to get its first score. After one incomplete pass, McKay hit Thomas for 24 yards to the "Dogs" 37, and Thomas broke off left tackle on the next play for the score.

Gulf Coast went 40 yards for the second score, using five plays to do it. McKay connected on three passes enroute to the score, including the 33-yard payoff pitch.

Reamon's TD run came on the first play of a series, after McKay was thrown for a six yard loss on fourth and six at the Greyhounds 31. Reamon took the pitch out from Nieman, turned the left corner and out ran 11 Bulldogs.

Ganucheau's touchdown run in the third period was one of the most determined anybody will witness. After pulling in McKay's pass. Ganucheau cut toward the sidelines, turned back toward the middle, bounced off five tacklers and sped into the end zone.

Fort Scott's final touchdown was a time-consuming 68-yard march that needed 11 plays. Reamon was the big man on the drive, carrying seven times for 41 yards.

Reamon finished was 182 yards for the night, and Gulf Coast's Thomas had 133 in 22 carries. Thomas also caught three passes for 61 yards. Ganucheau's three catches were good for 67 yards.

Gulf Coast	7	6	6	3	—22
Fort Scott	0	7	6	0	—13

M—Thomas 64, run; Beck kick.

M—Thomas 33, pass from McKay; kick blocked.

S—Reamon 63, run; Hall kick.

M—Ganucheau 40, pass from McKay; pass failed.

S—Nieman 1, run; kick failed.

M—Beck 30, field goal.

THE UNITED STATES AND FRANCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. BIAGGI. Mr. Speaker, a few months ago, I and several of my colleagues boycotted the address of French President George Pompidou to a joint session of Congress. At the time, we were protesting France's failure to supply the Mirage jets that Israel had ordered.

Now the correctness of that move is confirmed. France has disclosed its hand to the world by canceling Israel's order and returning the money paid.

Israel needed those jets and needed the money to keep up her fight for freedom. To deny her the jets and the money for all these years was as much as if France were fighting on the side of the Arabs and their Communist allies.

Clearly, the French Government has now revealed that it is not interested in maintaining Israel as a democratic state, free from the threats of aggression and annihilation that daily hangs over its head.

Similarly, the French hand has been revealed in its treatment of the illegal narcotics traffic that freely flows through its country. For years we have heard how hard France is working to clean up Marseilles and rid the city of its drug purveyors and processors. But little action has really been taken. In fact, the very officials that are mouthing these fantasies are working with the traffickers in illegal drugs.

For a long time now I have called on the U.S. Government to put pressure on the French to eliminate the drug processors and traffickers in their country. The State Department continues to aver that France is doing something. However, by now it must be apparent that what they are doing is aiding the illegal drug flow, not stopping it.

With such discrepancies in their policies and pronouncements, there is more than ample justification for a boycott of French goods, as has been proposed. The public pronouncements published these days are just as empty and meaningless as the Pompidou speech I boycotted.

France will have to learn that cooperation with the world, and honesty in its dealings, will go much further than the issuance of two-faced policy statements that they have no intention of backing up with action. I urge that the boycott be supported by all Americans and that President Nixon exert every pressure on France to clear out the drug operations in its country.

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United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Wednesday, December 8, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Thanks be to Thee, O God, for the need to work, for the will to work, for work to do and strength with which to do it. Give added energy to those who overwork, and respite to those so hard-driven that their work is unrewarding. Have compassion on those who seek work and find it not.

Send Thy grace in full measure on all who work in this place that they may have joy in work well done. And finally when our work is done, gather us like the magi and shepherds at the manger-crib, to share the blessedness of Thy great gift.

We pray in the name of the "Man for Others." Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 7, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

A LETTER FROM VIETNAM

Mr. MANSFIELD. Mr. President, I am in receipt of "Season's Greetings from South Vietnam." I will not divulge the name of the individual who sent me this Christmas greeting, but he says; "We are still here. What are you doing about it?"

Mr. President, I have in my hand a copy of a letter from a group of U.S. medical officers in Vietnam. It is addressed to "Senators of the United States." It is signed by some 50 commissioned members in the Medical Corps.

It is a straightforward and vivid statement of the predicament in which the policy of protracted withdrawal from Vietnam has placed these men and the soldiers of the armed services whom they are trying to help with their healing skills.

The situation which is described in the letter is, and I choose my words very advisedly, most shocking. It may be that this Government is now beyond shock insofar as Vietnam is concerned. This Senator is not and, I repeat, I am shocked by what I have read. In the evacuation hospital at which these U.S. medical officers are stationed, they write that most of the servicemen who they treat are no longer casualties of military engagements; the majority are no longer victims of the opposing forces.

Where do they come from then? What reduces these men to casualties? Now, Mr. President, hear this:

(1) traumatic injuries mostly due to automobile accidents, self-inflicted wounds, or wounds sustained by infighting amongst our own troops; (2) infections due to continued exposure to the hazards of jungle tropics; and (3) drug-related casualties due to the use of heroin on a scale far wider than is commonly thought because of boredom, frustration, and want of an escape.

Most Americans who are sent to this hospital, in short, are dying or getting hurt or wrecking their lives in Vietnam without help from an enemy. They are doing so in consequence of the protractions with which we are removing ourselves from a conflict that is not now and has never been associated with the interests of this Nation.

For what, Mr. President, for what? Why do we delay the disengagement? What is the justification for asking these doctors and their patients—all of them Americans—to go on in this fashion? The doctors who wrote this letter from Vietnam have some ideas on that score and what they have to say does not make very pleasant reading. On the contrary, some of it makes very ugly reading.

I trust that the Members of the Senate, nevertheless, will read and heed what they have written. Indeed, this makes even a 6-month period for bringing this war to an end by negotiation seem an unpardonable delay. Yet, that time span, as provided for in the Senate amendment to the foreign aid bill, which is now in conference, is being bitterly resisted in some quarters. It would be best, Mr. President, if some of the energy going into the resistance to the amendment on withdrawal from Vietnam were spent in devising ways to speed the withdrawal of all U.S. forces, to the end that we can get on with the proper business of this Nation.

Mr. President, I do not intend to disclose the names of the medical officers who signed this letter but so long as it is addressed to "Senators of the United States, Senate Office Building, Washington, D.C.," I am assuming that most Senators, if not all, have received a copy of this communication.

I, therefore, ask unanimous consent that the letter, without the signatures, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATORS OF THE UNITED STATES,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We, the medical personnel at the 24th Evacuation Hospital in Long Binh and the Third Field Hospital in Saigon, Vietnam, wish to express our dismay and frustration over what seems to be quite an untenable situation here in Southeast Asia.

As we continue our efforts as physicians and U.S. citizens in Vietnam on a day to day basis we see little good coming from our endeavors to our servicemen, to our allies, or to the Vietnamese with whom we have contact when we look at our involvement in its entirety. The problems are multiple.

First, the majority of the medical problems are presently of three kinds: (1) traumatic mostly due to automobile accidents, self-inflicted wounds, or wounds sustained by infighting amongst our own troops; (2) infections due to continued exposure to the hazards of jungle tropics; and (3) drug related due to the use of heroin on a scale far wider than is commonly thought because of boredom, frustration, and want of an escape.

The reasons, then, for the temporary or permanent disabilities our patients sustain are not now a result of active military engagement but a result of a passive environmentally victimizing position. This we feel is an injustice to the American fighting man to be coerced into a situation that is devastating not because of military hostilities but because of the hazards his simple presence brings in this environment.

Secondly, the Vietnamese people with whom we have contact strongly feel the fighting and dying they know so well will end when the American forces leave this country and that our presence tends only to prolong their suffering. Whether this attitude be right or wrong its very existence serves to foster animosity toward us. In view of this feeling our welcome here is no longer warm.

Third, we, as the Vietnamese, have become disenchanted with American sincerity when every day large sums of money are made through black market sales on goods whose paths are controlled by both Vietnamese and Americans.

We become disenchanted to note large numbers of American civilians making handsome salaries in the business of a war that does not directly involve them. We who are here to theoretically help the South Vietnamese more, one would think, at our expense rather than our profit become disenchanted when we find our leaders involved in the profits of war. To hear that prominent

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American figures have large blocks of stock in multimillion dollar construction companies that have negotiated large contracts with the military, and that others own parts of companies that supply the military when they also make decisions for the military makes us question all of the motives of our involvement here in S.V.N.

These problems are only to name a few, but because of them we, as professionals, and concerned U.S. citizens, find the medical, socio-economic, and political aspects of our presence here to be in serious question. In view of the President's latest announcement that in no way mentions a date of total withdrawal, a plan for the P.O.W. release, a hope for a negotiated settlement, or any concrete proposal for ending or altering any of the problems specified herein, we urge that strong and positive steps be taken to end our involvement here in Indo-China. We feel that these steps should result in no residual force whose lives and futures remain at stake only for American political representatives to use as pawns in the Chess game of the Paris negotiations. We cannot accept remaining here as a residual force for our bargaining position in Paris, as was recently urged by the Secretary of Defense. This is not asking for our professional help or for the active help of the troops to remain here passively in danger so that others may use our presence as a trump card in meetings that have thus far been unrewarding.

What you do, how you do it, and when you do it will not only affect the Americans here, as well as their families and friends, but also the minds of people everywhere who look to our country for leadership in the principles which we hold so dear.

We have not been a panacea for the people of South Vietnam and have not fulfilled our goals by our presence. We feel to ask Americans to risk their lives so that this situation may continue in its present form is asking far too much.

History will judge us in the end, so let the gravity of the situation weigh heavily on your minds as it does on ours.

With utmost sincerity,

_____.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar Nos. 535 and 536.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR THE CONVEYANCE OF CERTAIN LANDS TO THE UNIVERSITY OF UTAH

The Senate proceeded to consider the bill (S. 978) authorizing the conveyance of certain lands to the University of Utah, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 1, line 11, after the word "sums", insert "not to exceed $6,000,000"; so as to make the bill read:

S. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to establish, equip, operate, and maintain a metallurgy research center on approximately 35 acres of land located on the Fort Douglas Military Reservation, Utah, which facility will serve as a replacement facility for that now located on the campus of the University of Utah, Salt Lake City, Utah.

SEC. 2. To carry out the provisions of this Act, there is authorized to be appropriated such sums not to exceed $6,000,000 as may be necessary for the engineering, design, and construction of the research facility referred to in the first section of this Act, together with such equipment and apparatus, roads, and other improvements as may be necessary.

SEC. 3. (a) Upon completion of the research facility authorized herein, the Secretary of the Interior is authorized to convey to the University of Utah the following described land situated on the campus of the University of Utah at Salt Lake City: Beginning at a point 480 feet south of the United States stone monument numbered 6 (monument numbered 6 is 876.31 feet south and 2,453.795 feet east, more or less, from the northwest corner of section numbered 4, township 1 south, range 1 east, Salt Lake meridian), running west 864.5 feet; thence north 640 feet; thence east 864.35 feet, thence south 0 degree, 00 minute, 50 seconds east 503.9 feet; thence south 55 degrees, 45 minutes, 00 second west 241.92 feet, more or less, to the point of beginning and containing 12.39 acres, more or less.

(b) The conveyance authorized by this Act shall be subject to the condition that the State of Utah pay to the United States an amount equal to the fair market value, as determined by the Secretary of the Interior, of the fixed improvements on such land to be conveyed.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–555), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 978, which was cosponsored by Senators Bennett and Moss, is to authorize appropriations to the Secretary of the Interior to establish and maintain a new Bureau of Mines research center as a replacement facility for that now located and established on the campus of the University of Utah, and provides for the sale of the fixed improvements and the conveyance of certain lands to the University of Utah.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that not more than $6 million be appropriated for the cost of engineering, designing and constructing the replacement facility.

The amendment is as follows:

On page 2, line 2, after the word "sums" insert the following phrase: "not to exceed six million dollars."

BACKGROUND

Since 1939 the Department of the Interior has maintained a Bureau of Mines metallurgy research center consisting of laboratory facilities, garage, shop building and warehouse on some 12.39 acres of land lying wholly within the central portion of the University of Utah campus.

The original campus for the University of Utah was authorized by the 33d Congress February 21, 1855, and pursuant to that act two townships including the lands on which the Bureau of Mines present facility was constructed, were designated as University of Utah campus.

Portions of this land were originally withdrawn as a part of the Fort Douglas Military Reservation prior to statehood. In the years since this time the Army and the U.S. Government have relinquished a major portion of this land and a great deal of it has been restored to the University of Utah.

On May 21, 1938 the University of Utah granted 5.0 acres of land, previously granted by the United States to the university, to the United States as the site for an experiment station of the Bureau of Mines. By deed of February 9, 1940, the university granted the United States a perpetual easement of ingress and egress. The 5.0 acres and the perpetual easement of ingress and egress were granted to the Bureau of Mines without compensation and these lands are included in the 12.39 acres to be conveyed to the University of Utah under the bill.

In October of 1968 when the Army declared surplus a major portion of its Fort Douglas properties, the U.S. Bureau of Mines acquired 34 acres on what is designated as the Fort Douglas Rifle Range. The new facility to be built under this bill will be constructed on these Federal lands adjacent to, but outside of the University of Utah campus.

The bill provides that upon completion of the research facility, and subject to the condition that the State of Utah pay to the United States the fair market value of the fixed improvements on the land, the Secretary of the Interior is authorized to convey the 12.39 acres of land to the State of Utah for the university.

AMENDMENTS CONSIDERED

The committee considered and adopted an amendment to place a limitation of $6 million on the sum to be appropriated for construction of the replacement facility.

COMMITTEE RECOMMENDATION

Action by the Interior and Insular Affairs Committee in ordering S. 978 favorably reported as amended, was unanimous and the committee recommends that the bill be enacted.

PROTECTING PRIVACY AND THE RIGHTS OF FEDERAL EMPLOYEES

The bill (S. 1438) to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any such employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: *Provided further,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin or citizenship of any such employee or person or of his forebears, when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States.

(b) To state or intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the United States Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than the performance of official duties to which he is or may be assigned in the department or agency, or the development of skills, knowledge, or abilities which qualify him for the performance of such duties: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

(c) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(d) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to make any report concerning any of his activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or unless there is reason to believe that the civilian employee is engaged in outside activities or employment in conflict with his official duties.

(e) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however

branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

SEC. 3. It shall be unlawful for any commissioned officer, as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, to require or request, or to attempt to require or request, any civilian employee of the executive branch of the United States Government under his authority or subject to his supervision to perform any of the acts or submit to any of the requirements made unlawful by section 1 of this Act.

SEC. 4. Whenever any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, or any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, violates or threatens to violate any of the provisions of section 1, 2, or 3 of this Act, any civilian employee of the United States serving in any department or agency of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or person in the United States district court for the district in which the violation occurs or is threatened, or the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia, to prevent the threatened violation or to obtain redress against the consequences of the violation. The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act. Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation. With the written consent of any person affected or aggrieved by a violation or threatened violation of section 1, 2, or 3 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of civilian employees of the United States and which has as one of its purposes dealing with departments, agencies, commissions, and independent agencies of the United States concerning the condition and terms of employment of such employees.

SEC. 5. (a) There is hereby established a Board on Employees' Rights (hereinafter referred to as the "Board"). The Board shall be composed of three members, appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member as chairman. No more than two members of the Board may be of the same political party. No member of the Board shall be an officer or employee of the United States Government.

(b) The term of office of each member of the Board shall be five years, except that (1) of those members first appointed, one shall serve for five years, one for three years, and one for one year, respectively, from the date of enactment of this Act, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Members of the Board shall be compensated at the rate of $75 a day for each day spent in the work of the Board, and shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence, as authorized by section 5703 of title 5, United States Code.

(d) Two members shall constitute a quorum for the transaction of business.

(e) The Board may appoint and fix the compensation of such officers, attorneys, and employees, and make such expenditures as may be necessary to carry out its functions.

(f) The Board shall make such rules and regulations as shall be necessary and proper to carry out its functions.

(g) The Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this Act and to conduct a hearing on each such complaint. Within ten days after the receipt of any such complaint, the Board shall furnish notice of the time, place, and nature of the hearing thereon to all interested parties. The Board shall render its final decision with respect to any complaint within thirty days after the conclusion of its hearing thereon.

(h) Officers or representatives of any Federal employee organization in any degree concerned with employment of the category in which any alleged violation of this Act occurred or is threatened shall be given an opportunity to participate in each hearing conducted under this section, through submission of written data, views, or arguments, and in the discretion of the Board, with opportunity for oral presentation. Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel costs or suffering loss in leave or pay; and all such employees shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such participation shall be held and considered to be Federal employment for all purposes.

(i) Insofar as consistent with the purposes of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, relating to the furnishing of notice and manner of conducting agency hearings, shall be applicable to hearings conducted by the Board under this section.

(j) If the Board shall determine after hearing that a violation of this Act has not occurred or is not threatened, the Board shall state its determination and notify all interested parties of such determination. Each such determination shall constitute a final decision of the Board for purposes of judicial review.

(k) If the Board shall determine that any violation of this Act has been committed or threatened by any civilian officer or employee of the United States, the Board shall immediately (1) issue and cause to be served on such officer or employee an order requiring such officer or employee to cease and desist from the unlawful act or practice which constitutes a violation, (2) endeavor to eliminate any such unlawful act or practice by informal methods of conference, conciliation, and persuasion, and (3) may—

(A) (i) in the case of the first offense by any civilian officer or employee of the United States, other than any officer appointed by the President, by and with the advice and consent of the Senate, issue an official reprimand against such officer or employee or order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed fifteen days, and (ii) in the case of a second or subsequent offense by any such officer or employee, order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed thirty days or order the removal of such officer or employee from such position or office; and

(B) in the case of any offense by any officer appointed by the President, by and with the advice and consent of the Senate, transmit a report concerning such violation to the President and the Congress.

(l) If the Board shall determine that any violation of this Act has been committed or threatened by any officer of any of the Armed Forces of the United States, or any person purporting to act under authority conferred by such officer, the Board shall (1) submit a report thereon to the President, the Congress, and the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice which constitutes such a violation by informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. Thereupon such person shall take immediate steps to dispose of the matter under chapter 47 of title 10, United States Code (Uniform Code of Military Justice).

(m) Any party aggrieved by any final determination or order of the Board may institute, in the district court of the United States for the judicial district wherein the violation or threatened violation of this Act occurred, or in the United States District Court for the District of Columbia, a civil action for the review of such determination or order. In any such action, the court shall have jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board which is under review, or (2) require the Board to make any determination or order which it is authorized to make under subsection (k), but which it has refused to make. The reviewing court shall set aside any finding, conclusion, determination, or order of the Board as to which complaint is made which is unsupported by substantial evidence on the record considered as a whole.

(n) The Board shall submit, not later than March 31 of each year, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year, including a statement concerning the nature of all complaints filed with it, its determinations and orders resulting from hearings thereon, and the names of all officers or employees of the United States with respect to whom any penalties have been imposed under this section.

(o) There are authorized to be appropriated sums necessary, not in excess of $100,000, to carry out the provisions of this section.

SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security.

SEC. 7. No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided however*, That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c), of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50, United States Code, to terminate the employment of any employee.

SEC. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or without information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or Executive order shall be conclusive and no such information shall be admissible in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5.

SEC. 9. This Act shall not be applicable to the Federal Bureau of Investigation.

SEC. 10. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however*, That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States district court or in proceedings before the Board on Employee Rights: *And provided further*, That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

SEC. 11. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-554), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to prohibit indiscriminate executive branch requirements that employees and, in certain instances, applicants for Government employment disclose their race, religion, or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings. The bill would make it illegal to coerce an employee to buy bonds or make charitable contributions. It prohibits officials from requiring him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest. It would provide a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings. It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties.

STATEMENT

The subcommittee has found a threefold need for this legislation. The first is the immediate need to establish a statutory basis for the preservation of certain rights and liberties of those who work for government now and those who will work for it in the future. The bill, therefore, not only remedies problems of today but looks to the future, in recognition of the almost certain enlargement of the scope of Federal activity and the continuing rise in the number of Americans employed by their Federal Government or serving it in some capacity.

Second, the bill meets the Federal Government's need to attract the best qualified employees and to retain them. As the former Chairman of the Civil Service Commission, Robert Ramspeck, testified:

"Today, the Federal Government affects the lives of every human being in the United States. Therefore, we need better people today, better qualified people, more dedicated people, in Federal service than we ever needed before. And we cannot get them if you are going to deal with them on the basis of suspicion, and delve into their private lives, because if there is anything the average American cherishes, it is his right of freedom of action, and his right to privacy. So I think this bill is hitting at an evil that has grown up, maybe not intended, but which is hurting the ability of the Federal Government to acquire the type of personnel that we must have in the career service."

Third is the growing need for the beneficial influence which such a statute would provide in view of the present impact of Federal policies, regulations and practices on those of State and local government and of private business and industry. An example of the interest demonstrated by governmental and private employers is the following comment by Allan J. Graham, secretary of the Civil Service Commission of the city of New York:

"It is my opinion, based on over 25 years of former Government service, including some years in a fairly high managerial capacity, that your bill, if enacted into law, will be a major step to stem the tide of "Big Brotherism," which constitutes a very real threat to our American way of life.

In my present position as secretary of the Civil Service Commission of the city of New York, I have taken steps to propose the inclusion of several of the concepts of your bill into the rules and regulations of the city civil service commission."

Passage of the bill will signify congressional recognition of the threats to individual privacy posed by an advanced technology and by increasingly more complex organizations. Illustrating these trends is the greatly expanded use of computers and governmental and private development of vast systems for the efficient gathering of information and for data storage and retrieval. While Government enjoys the benefit of these developments, there is at the same time an urgent need for defining the areas of individual liberty and privacy which should be exempt from the unwarranted intrusions facilitated by scientific techniques.

As Prof. Charles Reich of Yale Law School has stated, this bill "would be a significant step forward in defining the right of privacy today."

"One of the most important tasks which faces the Congress and State legislatures in the next decade is the protection of the citizen against invasion of privacy," states Prof. Stanley Anderson of the University of California, Santa Barbara. "No citizens," in his opinion, "are in more immediate danger of incursion into private affairs than Government employees. When enacted the bill will provide a bulwark of protection against such incursions."

The bill is based on several premises which the subcommittee investigation has proved valid for purposes of enacting this legislation. The first is that civil servants do not surrender the basic rights and liberties which are their due as citizens under the Constitution of the United States by their action in accepting Government employment. Chief among these constitutional protections is the first amendment, which protects the employee to privacy in his thoughts, beliefs and attitudes, to silence in his action and participation or his inaction and nonparticipation in community life and civic affairs. This principle is the essence of constitutional liberty in a free society.

The constitutional focus of the bill was emphasized by Senator Ervin in the following terms when he introduced S. 1035 on February 21, 1967:

"If this bill is to have any meaning for those it affects, or serve as a precedent for those who seek guidance in these matters, its purpose must be phrased in constitutional terms. Otherwise its goals will be lost.

"We must have as our point of reference the constitutional principles which guide every official act of our Federal Government. I believe that the Constitution, as it was drafted and as it has been implemented, embodies a view of the citizen as possessed of an inherent dignity and as enjoying certain basic liberties. Many current practices of Government affecting employees are unconstitutional; they violate not only the letter but the very spirit of the Constitution.

"I introduced this bill originally because I believe that, to the extent it has permitted or authorized unwarranted invasion of employee privacy and unreasonable restrictions on their liberty, the Federal Government has neglected its constitutional duty where its own employees are concerned, and it has failed in its role as the model employer for the Nation.

"Second, although it is a question of some dispute, I hold that Congress has a duty under the Constitution not only to consider the constitutionality of the laws it enacts, but to assure as far as possible that those in the executive branch responsible for administering the laws adhere to constitutional standards in their programs, policies, and administrative techniques."

XUM

The committee believes that it is time for Congress to forsake its reluctance to tell the executive branch how to treat its employees. When so many American citizens are subject to unfair treatment, to being unreasonably coerced or required without warrant to surrender their liberty, their privacy, or their freedom to act or not to act, to reveal or not to reveal information about themselves and their private thoughts and actions, then Congress has a duty to call a statutory halt to such practices. It has a duty to remind the executive branch that even though it might have to expend a little more time and effort to obtain some favored policy goal, the techniques and tools must be reasonable and fair.

Each section of the bill is based on evidence from many hundreds of cases and complaints showing that generally in the Federal service, as in any similar organizational situation, a request from a superior is equivalent to a command. This evidence refutes the argument that an employee's response to a superior's request for information or action is a voluntary response, and that an employee "consents" to an invasion of his privacy or the curtailment of his liberty. Where his employment opportunities are at stake, where there is present the economic coercion to submit to questionable practices which are contrary to our constitutional values, then the presence of consent or voluntarism may be open to serious doubt. For this reason the bill makes it illegal for officials to "request" as well as to "require" an employee to submit to certain inquiries or practices or to take certain actions.

Each section of the bill reflects a balancing of the interests involved. The interest of the Government in attracting the best qualified individuals to its service; and its interest in pursuing laudable goals such as protecting the national security, promoting equal employment opportunities, assuring mental health, or conducting successful bond-selling campaigns. There is, however, also the interest of the individual in protection of his rights and liberties as a private citizen. When he becomes an employee of his Government, he has a right to expect that the policies and practices applicable to him will reflect the best values of his society.

The balance of interests achieved assures him this right. While it places no absolute prohibition on Government inquiries, the bill does assure that restrictions on his rights and liberties as a Government employee are reasonable ones.

As Senator Bible stated:

"There is a line between what is Federal business and what is personal business, and Congress must draw that line. The right of privacy must be spelled out."

The weight of evidence, as Senator Fong has said: "points to the fact that the invasions of privacy under threats and coercion and economic intimidation are rampant in our Federal civil service system today. The degree of privacy in the lives of our civil servants is small enough as it is, and it is still shrinking with further advances in technical know-how. That these citizens are being forced by economic coercion to surrender this precious liberty in order to obtain and hold jobs is an invasion of privacy which should disturb every American. I, therefore, strongly believe that congressional action to protect our civil servants is long overdue."

The national president of the National Association of Internal Revenue Employees, Vincent Connery, told the subcommittee of this proposal in the 89th Congress:

"Senate bill 3779 is soundly conceived and perfectly timed. It appears on the legislative scene during a season of public employee unrest, and a period of rapidly accelerating demand among Federal employes for truly first-class citizenship. For the first time within my memory, at least, a proposed bill holds out the serious hope of attaining such a citizenship. S. 3779, therefore, amply deserves the fullest support of all employee organizations, both public and private, federal affiliated, and independent alike."

Similar statements endorsing the broad purpose of the bill were made by many others, including the following witnesses:

John F. Griner, national president, American Federation of Government Employees.

E. C. Hallback, national president, United Federation of Postal Clerks.

Jerome Keating, president, National Association of Letter Carriers.

Kenneth T. Lyons, national president, National Association of Government Employees.

John A. McCart, operations director, Government Employees Council of AFL–CIO.

Hon. Robert Ramspeck, former Chairman, eral Professional Association.
Civil Service Commission.

Vincent Jay, executive vice president, Fed-

Francis J. Speh, president, 14th District Department, American Federation of Government Employees.

Lawrence Speiser, director, Washington office, American Civil Liberties Union.

Nathan Wolkomir, national president, National Federation of Federal Employees.

LEGISLATIVE HISTORY

Following is a chronological account of Committee action on this legislation to date.

S. 1438 was preceded by S. 782 of the 91st Congress, by S. 1035 of the 90th Congress, and by S. 3079 and S. 3703 of the 89th Congress.

Violations of rights covered by the bill as well as other areas of employee rights have been the subject of intensive hearings and investigation by the subcommittee for the last five Congresses.

In addition to investigation of individual cases, the Subcommittee on Constitutional Rights has conducted annual surveys of agency policies on numerous aspects of Government personnel practices. In 1965, pursuant to Senate Resolution 43, hearings were conducted on due process and improper use of information acquired through psychological testing, psychiatric examinations, and security and personnel interviews.

In a letter to the Chief Executive on August 3, 1966, the subcommittee chairman stated:

"For some time, the Constitutional Rights Subcommittee has received disturbing reports from responsible sources concerning violations of the rights of Federal employees. I have attempted to direct the attention of appropriate officials to these matters, and although replies have been uniformly courteous, the subcommittee has received no satisfaction whatsoever, or even any indication of awareness that any problem exists. The invasions of privacy have reached such alarming proportions and are assuming such varied forms that the matter demands your immediate and personal attention.

"The misuse of privacy-invading personality tests for personnel purposes has already been the subject of hearings by the subcommittee. Other matters, such as improper and insulting questioning during background investigations and due process guarantees in denial of security clearances have also been the subject of study. Other employee complaints, fast becoming too numerous to catalog, concern such diverse matters as psychiatric interviews; lie detectors; race questionnaires; restrictions on communicating with Congress; pressure to support political parties yet restrictions on political activities; coercion to buy savings bonds; extensive limitations on outside activities yet administrative influence to participate in agency-approved functions; rules for writing, speaking and even thinking; and requirements to disclose personal information concerning finances, property and creditors of employees and members of their families."

After describing in detail the operation of two current programs to illustrate the problems, Senator Ervin commented:

"Many of the practices now in extensive use have little or nothing to do with an individual's ability or his qualification to perform a job. The Civil Service Commission has established rules and examinations to determine the qualifications of applicants. Apparently, the Civil Service Commission and the agencies are failing in their assignment to operate a merit system for our Federal civil service.

"It would seem in the interest of the administration to make an immediate review of these practices and questionnaires to determine whether the scope of the programs is not exceeding your original intent and whether the violations of employee rights are not more harmful to your long-range goals than the personnel shortcuts involved."

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Following this letter and others addressed to the Chairman of the Civil Service Commission and the Secretaries of other departments, legislation to protect employee rights was introduced in the Senate. This proposal, S. 3703 was introduced by the chairman on August 9, 1966, and referred to the Judiciary Committee. On August 25, 1966, the chairman received unanimous consent to a request to add the names of 33 cosponsors to the bill. On August 26, 1966, he introduced a bill similar to S. 3703, containing an amendment reducing the criminal penalties provided in section 2. This bill, S. 2779, was also referred to the Judiciary Committee, and both S. 3779 were then referred to the Subcommittee on Constitutional Rights.

Comments on the bill and on problems related to it were made by the chairman in the Senate on July 18, August 9, August 25, August 26, September 29, October 17 and 18, 1966, and on February 21, 1967.[1]

Hearings on S. 3779 were conducted before the subcommittee on September 23, 29, 30, and October 3, 4, and 5, 1966. Reporting to the Senate on these hearings, the subcommittee chairman made the following statement:

"The recent hearings on S. 3779 showed that every major employee organization and union, thousands of individual employees who have written Congress, law professors, the American Civil Liberties Union, and a number of bar associations agree on the need for statutory protections such as those in this measure.

"We often find that as the saying goes "things are never as bad as we think they are," but in this case, the hearings show that privacy invasions are worse than we thought they were. Case after case of intimidation, of threats of loss of job or security clearance were brought to our attention in connection with bond sales, and Government charity drives.

"Case after case was cited of privacy invasion and denial of due process in connection with the new financial disclosure requirements. A typical case is the attorney threatened with disciplinary action or loss of his job because he is both unable and unwilling to list all gifts, including Christmas presents from his family, which he had received in the past year. He felt this had nothing to do with his job. There was the supervisory engineer who was told by the personnel officer that he would have to take disciplinary action against the 25 professional employees in his division who resented being forced to disclose the creditors and financial interests of themselves and members of their families. Yet there are no procedures for appealing the decisions of supervisors and personnel officers who are acting under the Commission's directive. These are not isolated instances; rather, they represent a pattern of privacy invasion reported from almost every State.

[1] See also, *Cong. Rec.* Comments.

"The subcommittee was told that supervisors are ordered to supply names of employees who attend PTA meetings and engage in Great Books discussions. Under one department's regulations, employees are requested to participate in specific community activities promoting local and Federal antipoverty, beautification, and equal employment programs; they are told to lobby in local city councils for fair housing ordinances, to go out and make speeches on any number of subjects, to supply flower and grass seed for beautification projects, and to paint other people's houses. When those regulations were brought to the subcommittee's attention several weeks ago, we were told that they were in draft form. Yet, we then discovered they had already been implemented and employees whose official duties had nothing to do with such programs were being informed that failure to participate would indicate an uncooperative attitude and would be reflected in their efficiency records.

"The subcommittee hearings have produced ample evidence of the outright intimidation, arm twisting and more subtle forms of coercion which result when a superior is requested to obtain employee participation in a program. We have seen this in the operation of the bond sale campaign, the drives for charitable contributions, and the use of self-identification minority status questionnaires. We have seen it in the sanctioning of polygraphs, personality tests, and improper questioning of applicants for employment.

"In view of some of the current practices reported by employee organizations and unions, it seems those who endorse these techniques for mind probing and thought control of employees have sworn hostility against the idea that every man has a right to be free of every form of tyranny over his mind; they forget that to be free a man must have the right to think foolish thoughts as well as wise ones. They forget that the first amendment implies the right to remain silent as well as the right to speak freely—the right to do nothing as well as the right to help implement lofty ideals.

"It is not under this administration alone that there has been a failure to respect employee rights in a zeal to obtain certain goals. While some of the problems are new, others have been prevalent for many years with little or no administrative action taken to attempt to ameliorate them. Despite congressional concern, administrative officials have failed to discern patterns of practice in denial of rights. They seem to think that if they can belatedly remedy one case which is brought to the attention of the Congress, the public and the press, that this is enough—that the "heat" will subside. With glittering generalities, qualified until they mean nothing in substance, they have sought to throw Congress off the tracks in its pursuit of permanent corrective action. We have seen this in the case of personality testing, in the use of polygraphs, and all the practices which the bill would prohibit."

The Chairman of the Civil Service Commission informed the subcommittee that there is no need for a law to protect employee rights. He believes the answer is—

"To permit executive branch management and executive branch employee as individuals and through their unions, to work together to resolve these issues as part of their normal discourse."

It is quite clear from the fearful tenor of the letters and telephone calls received by the subcommittee and Members of Congress that there is no discourse and is not likely to be any discourse on these matters between the Commission and employees. Furthermore, there are many who do not even fall within the Commission's jurisdiction. For them, there is no appeal but to Congress.

As for the argument that the discourse between the unions and the Commission will remedy the wrongs, the testimony of the union representatives adequately demolishes that dream.

The typical attitude of those responsible for personnel management is reflected in Mr. Macy's answer that there may be instances where policy is not adhered to, but "There is always someone who doesn't get the word." Corrective administration action, he says, is fully adequate to protect employee rights.

Administrative action is not sufficient. Furthermore, in the majority of complaints, the wrong actually stems from the stated policy of the agency or the Commission. How can these people be expected to judge objectively the reasonableness and constitutionality of their own policies? This is the role of Congress, and in my opinion, Congress has waited too long as it is to provide the guidance that is desperately needed in these matters.

S. 1035, 90th Congress

On the basis of the subcommittee hearings, agency reports, and the suggestions of many experts, the bill was amended to meet legitimate objections to the scope and language raised by administrative witnesses and to clarify the intent of its cosponsors that it does not apply to the proper exercise of management authority and supervisory discretion, or to matters now governed by statute.

This amended version of S. 3779 was introduced in the Senate by the chairman on February 21, 1967, as S. 1035 with 54 cosponsors. It was considered by the Constitutional Rights Subcommittee and unanimously reported with amendments by the Judiciary Committee on August 21, 1967. [S. Rept. No. 534, 90th Cong., 1st Sess.] The proposal was considered by the Senate on September 13, 1967, and approved, with floor amendments, by a 79 to 4 vote. After absentee approvals were recorded, the record showed a total of 90 Members supported passage of the bill. The amendments adopted on the Senate floor deleted a complete exemption which the committee bill provided for the Federal Bureau of Investigation; instead, it was provided that the Federal Bureau of Investigation should be accorded the same limited exemptions provided for the Central Intelligence Agency and the National Security Agency. A provision was added to allow the three Directors to delegate the power to make certain personal findings required by section 6 of the bill.

Committee amendments to S. 1035, 90th Congress

1. Amendment to section 1(a) page 2, line 13:

"Provided further, That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin of any such employee when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States."

2. Amendment to section 1(b), page 2, line 25 strike "to" (technical amendment).

3. Delete section 1(e), page 4, lines 1–4 (prohibitions on patronizing business establishments) and renumber following sections as sections 1(e), (f), (g), (h), (i), (j), (k), and (l), respectively.

4. Delete section 4, page 10, lines 12–23 (criminal penalties), and renumber following sections as sections 4 and 5, respectively.

5. Amendment to section 1(f), page 4, line 25:

"Provided further, however, That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge."

6. Amendments to section 1(f), page 4, at lines 17 and 19, change "psychiatrist" to "physician".

7. Amendment to section 1(k), page 7, at line 10, change (j) to (l).

8. Amendment to section 2(b), page 9, at line 6 and line 9, change "psychiatrist" to "physician".

9. Amendment to section 2(b), page 9, at line 15:

"Provided further, however, That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge."

10. Amendment to section 5, page 11, line 21, insert after the word "violation." the following:

"The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act."

11. Amendment to section 6(1), page 16, at line 24, strike "sign charges and specifications under section 830 (art. 30)" and insert in lieu thereof "convene general courts-martial under section 822 (art. 22)" (technical amendment).

12. Amendment to section 6(m), page 17, line 14, change subsection (j) to (k) (technical amendment).

13. Amendment, page 18, add new section 6:

"SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or the Director of the National Security Agency makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security."

14. Amendment, page 18, add new section 8, and renumber following section as section 9:

"SEC. 8. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however,* That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States District Court or in proceedings before the Board on Employee Rights: *Provided further, however,* That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section."

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Comparison of S. 1035, 90th Congress, as introduced, and S. 3779, 89th Congress

As introduced, the revised bill, S. 1035, differed from S. 3779 of the 89th Congress in the following respects:

1. The section banning requirements to disclose race, religion, or national origin was amended to permit inquiry on citizenship where it is a statutory condition of employment.

2. The provision against coercion of employees to buy bonds or make charitable donations was amended to make it clear that it does not prohibit calling meetings or taking any action appropriate to afford the employee the opportunity voluntarily to invest or donate.

3. A new section providing for administrative remedies and penalties establishes a Board on Employee Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties. There is judicial review of the decision under the Administrative Procedure Act.

4. A specific exemption for the Federal Bureau of Investigation is included.

5. Exceptions to the prohibitions on privacy-invading questions by examination, interrogations, and psychological tests are provided upon psychiatric determination that the information is necessary in the diagnosis and treatment of mental illness in individual cases, and provided that it is not elicited pursuant to general practice or regulation governing the examination of employees or applicants on the basis of grade, job, or agency.

6. The section prohibiting requirements to disclose personal financial information contains technical amendments to assure that only persons with final authority in certain areas may be subject to disclosure requirements.

7. For those employees excluded from the ban on disclosure requirements, a new section (j), provides that they may only be required to disclose items tending to show a conflict of interest.

8. Military supervisors of civilian employees are included within the prohibitions of the bill, and violation of the act is made a punishable offense under the Uniform Code of Military Justice.

9. A new section 2 has been added to assure that the same prohibitions in section 1 on actions of department and agency officials with respect to employees in their departments and agencies apply alike to officers of the Civil Service Commission with respect to the employees and applicants with whom they deal.

10. Section (b) of S. 3779, relating to the calling or holding of meetings or lectures to indoctrinate employees, was deleted.

11. Sections (c), (d), and (e) of S. 3779—sections (b), (c), and (d) of S. 1035—containing prohibitions on requiring attendance at outside meetings, reports on personal activities and participation in outside activities, were amended to make it clear that they do not apply to the performance of official duties or to the development of skill, knowledge, and abilities which qualify the person for his duties or to participation in professional groups or associations.

12. The criminal penalties were reduced from a maximum of $500 and 6 months' imprisonment to $300 and 30 days.

13. Section (h) of S. 3779 prohibiting requirements to support candidates, programs, or policies of any political party was revised to prohibit requirements to support the nomination or election of persons or to attend meetings to promote or support activities or undertakings of any political party.

14. Other amendments of a technical nature.

S. 782, 91st Congress—Committee amendments

S. 782, as introduced by Senator Ervin with 54 cosponsors, was identical to S. 1035 of the 90th Congress as passed by the Senate. As amended in Committee, it was reported to the Senate on May 15, 1970, and passed by unanimous consent on May 19.

The Subcommittee met in executive session on July 22, 1969, to receive testimony from Richard Helms, Director of the Central Intelligence Agency and other agency representatives. On the basis of this testimony and after a number of meetings of subcommittee members with officials of the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation, the language contained in the committee amendments was drafted and meets with the approval of the Directors of those agencies.

Amendments

1. Amendment to section 1(a), page 2, line 15 insert after the word "origin" the words "or citizenship" and after the word "employee", the words "or person, or of his forebears".

2. Amendment to section 1(k), page 8, line 5 after the word "requests", strike the period and insert the following:

": *Provided, however,* That a civilian employee of the United States serving in the Central Intelligence Agency, or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves or by counsel who has been approved by the agency for access to the information involved."

3. Amendment to section 6, page 18, lines 15 and 16 delete "or of the Federal Bureau of Investigation".

4. Amendment to section 6, page 18, line 25, and page 19, line 1 delete "or the Director of the Federal Bureau of Investigation or his designee".

5. On page 19, add a new section 7 as follows:

"SEC. 7. No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provision of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency 120 days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however* That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under 50 U.S.C. 403(c), and any authorities available to the National Security Agency under 50 U.S.C. 833 to terminate the employment of any employee."

6. On page 19, add a new section 8 as follows:

"SEC. 8. Nothing in this act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order shall be conclusive and no such information shall be admissable in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5."

7. On page 19, add a new section 9 as follows:

"SEC. 9. This act shall not be applicable to the Federal Bureau of Investigation."

8. On page 19, at line 5, renumber "SEC. 7" as "SEC. 10" and at line 20, renumber "SEC. 8" as "SEC. 11".

QUESTIONS ON RACE, RELIGION, AND NATIONAL ORIGIN

Many complaints received by the subcommittee concerned official requests or requirements that employees disclose their race, religion, or ethnic or national origin. This information has been obtained from employees through the systematic use of questionnaires or oral inquiries by supervisors.

Chief concern has focused on a policy inaugurated by the Civil Service Commission in 1966, under which present employees and future employees would be asked to indicate on a questionnaire whether they were "American Indian," "oriental," "Negro," "Spanish-American" or "none of these." Approximately 1.7 million employees were told to complete the forms, while some agencies including some in the Department of Defence continued their former practice of acquiring such information through the "head count" method. Although the Civil Service Commission directive stated that disclosure of such information was voluntary, complaints show that employees and supervisors generally felt it to be mandatory. Administrative efforts to obtain compliance included in some instances harassment, threats, and intimidation. Complaints in different agencies showed that employees who did not comply received airmail letters at their homes with new forms; or their names were placed on administrative lists for "follow-up" procedures, and supervisors were advised to obtain the information from delinquent employees by a certain date.

In the view of John McCart, representing the Government Employes' Council, AFL-CIO:

"When the Civil Service Commission and the regulations note that participation by the employee will be voluntary, this removes some of the onus of the encroachment on an individual's privacy. But in an organizational operation of the size and complexity of the Federal Government, it is just impossible to guarantee that each individual's right to privacy and confidentiality will be observed.

"In addition to that, there have been a large number of complaints from all kinds of Federal employees. In the interest of maintaining the rights of individual workers against the possibility of invading those rights, it would seem to us it would be better to abandon the present approach, because there are other alternatives available for determining whether that program is being carried out."

The hearing record contains numerous examples of disruption of employee-management relations, and of employee dissatisfaction with such official inquiries. Many told the subcommittee that they refused to complete the questionnaires because the matter was none of the Government's business; others, because of their mixed parentage, felt unable to state the information.

Since 1963, the policy of the American Civil Liberties Union on the method of collecting information about race has favored the head count wherever possible. Although the policy is presently under review, the subcommittee finds merit in the statement that:

"The collection and dissemination of information about race creates a conflict among several equally important civil liberties: the right of free speech and free inquiry, on the one hand, and the rights of privacy and of equality of treatment and of opportunity, on the other. The ACLU approves them all. But at this time in human history, when the principle of equality and nondiscrimination must be vigorously defended, it is necessary that the union oppose collection and dissemination of information regarding race, except only where rigorous justification is shown for such action. Where such collection and dissemination is shown to be justified, the gathering of information should be kept to the most limited form, wherever possible by use of the head count method, and the confidential nature of original records should be protected as far as possible."

Former Civil Service Commission Chairman Robert Ramspeck told the subcommittee:

"To consider race, color, religion, and national origin in making appointments, in promotions and retention of Federal employees is, in my opinion, contrary to the merit system. There should be no discrimination for or against minority persons in Federal Government employment."

As the hearings and complaints have demonstrated, the most telling argument against the use of such a questionnaire, other than the constitutional issue, is the fact that it does not work. This is shown by the admission by many employees that they either did not complete the forms or that they gave inaccurate data.

Mr. Macy informed the subcommittee:

"In the State of Hawaii the entire program was cut out because it had not been done there before, and it was inadvertently included in this one, and the feeling was that because of the racial composition there it would be exceedingly difficult to come up with any kind of identification along the lines of the card that we were distributing."

The Civil Service Commission on May 9 informed the subcommittee that it had "recently approved regulations which will end the use of voluntary self-identification of race as a means of obtaining minority group statistics for the Federal work force." The Commission indicated its decision was based on the failure of the program to produce meaningful statistics. In its place the Commission will rely on supervisory reports based solely on observation, which would not be prohibited by the bill.

As Senator Fong stated:

"It should be noted that the bill would not bar head counts of employee racial extraction for statistical purposes by supervisors. However, the Congress has authorized the merit system for the Federal service and the race, national origin or religion of the individual or his forebears should have nothing to do with his ability or qualifications to do a job."

Section 1(a) of the bill was included to assure that employees will not again be subjected to such unwarranted invasion of their privacy. It is designed to protect the merit system which Congress has authorized for the Federal service. Its passage will reaffirm the intent of Congress that a person's religion, race, and national or ethnic origin or that of his forebears have nothing to do with his ability or qualification to perform the requisite duties of a Federal position, or to qualify for a promotion.

By eliminating official authority to place the employee in a position in which he feels compelled to disclose this personal data, the bill will help to eliminate the basis for such complaints of invasion of privacy and discrimination as Congress has received for a number of years. It will protect Americans from the dilemma of the grandson of an American Indian who told the subcommittee that he had exercised his option and did not complete the minority status questionnaire. He did not know how to fill it out. Shortly thereafter he received a personal memorandum from his superviser "requesting" him to complete a new questionnaire and "return it immediately." He wrote: "I personally feel that if I do not comply with this request (order), my job or any promotion which comes up could be in jeopardy."

The prohibitions in section 1(a) against official inquiries about religion, and in section 1(e) concerning religious beliefs and practices together constitute a bulwark to protect the individual's right to silence concerning his religious convictions and to refrain from an indication of his religious beliefs.

Referring to these two sections, Lawrence Speiser, director of the Washington office of the American Civil Liberties Union testified:

"These provisions would help, we hope, eliminate a constantly recurring problem involving those new Government employees who prefer to affirm their allegiance rather than swearing to it. All Government employees must sign an appointment affidavit and take an oath or affirmation of office.

"A problem arises not just when new employees enter Government employment but in all situations where the Government requires an oath, and there is an attempt made on the part of those who prefer to affirm. It is amazing the intransigence that arises on the part of clerks or those who require the filling out of these forms, or the giving of the statement in permitting individuals to affirm.

"The excuses that are made vary tremendously, either that the form can only be signed and they cannot accept a form in which "so help me God" is struck out, because that is an amendment, and they are bound by their instructions which do not permit any changes to be made on the forms at all.

"Also, in connection with the giving of oaths, I have had one case in which an investigator asked a young man this question: "For the purposes of administering the oath, do you believe in God?"

"It is to be hoped that the provisions of this bill would bar practices of that kind. The law should be clear at this time. Title I, United States Code, section 1 has a number of rules of construction, one of which says that wherever the word "oath" appears, that includes "affirmation," and wherever the word "swear" appears, that includes "affirm."

"This issue comes up sometimes when clerks will ask, "Why do you want to affirm? Do you belong to a religious group that requires an affirmation rather than taking an oath?" And unless the individual gives the right answer, the clerks won't let him affirm. It is clear under the *Torcaso* case that religious belief and lack of religious beliefs are equally entitled to the protection of the first amendment."

The objection has been raised that the prohibition against inquiries into race, religion, or national origin would hinder investigation of discrimination complaints. In effect, however, it is expected to aid rather than hinder in this area of the law, by decreasing the opportunities for discrimination initially. It does not hinder acquisition of the information elsewhere; nor does it prevent a person from volunteering the information if he wishes to supply it in filing a complaint or in the course of an investigation.

CONTROL OF EMPLOYEE OPINIONS, OUTSIDE ACTIVITIES

Reports have come to the subcommittee of infringements and threatened infringements on first amendment freedoms of employees; freedom to think for themselves free of Government indoctrination; freedom to choose their outside civic, social, and political activities as citizens free of official guidance; or even freedom to refuse to participate at all with reporting to supervisors.

Illustrative of the climate of surveillance the subcommittee has found was a 13-year-old Navy Department directive, reportedly similar to those in other agencies, warning employees to guard against "indirect remarks" and to seek "wise and mature" counsel within their agencies before joining civic or political associations.

In the view of the United Federation of Postal Clerks:

"Perhaps no other right is so essential to employee morale as the right to personal freedom and the absence of interference by the Government in the private lives and activities of its employees. Attempts to place prohibitions on the private associations of employees; mandatory reporting of social contacts with Members of Congress and the press; attempts to "orient" or "indoctrinate" Federal employees on subjects outside their immediate areas of professional interest; attempts to "encourage" participation in outside activities or discourage patronage of selected business establishments and coercive campaigns for charitable donations are among the most noteworthy abuses of Federal employees' right to personal freedom."

An example of improper on-the-job indoctrination of employees about sociological and political matters was cited in his testimony by John Griner, president of the AFL-CIO affiliated American Federation of Government Employees:

One instance of disregard of individual rights of employees as well as responsibility to the taxpayers, which has come to my attention, seems to illustrate the objectives of subsections (b), (c), and (d), of section I of the Ervin bill. It happened at a large field installation under the Department of Defense.

The office chief called meetings of different groups of employees throughout the day * * * A recording was played while employees listened to about 30 minutes. It was supposedly a speech made at a university, which went deeply into the importance of integration of the races in this country. There was discussion of the United Nations—what a great thing it was—and how there never could be another world war. The person who reported this incident made this comment: "Think of the taxpayers' money used that day to hear that record." I think that speaks for itself.

Other witnesses were in agreement with Mr. Griner's view of the need for protecting employees now and in the future from any form of indoctrination on issues unrelated to their work. The issue was defined at hearings on S. 3779 in the following colloquy between the subcommittee chairman and Mr. Griner.

If they are permitted to hold such as this on Government time and at Government expense, they might then also hold sessions as to whether or not we should be involved in the Vietnam war or whether we should not be, whether we should pull out or whether we should stay, and I think it could go to any extreme under those conditions.

"Of course, we are concerned with it, yes. But that is not a matter for the daily routine of work.

"Senator ERVIN. Can you think of anything which has more direful implications for a free America than a practice by which a government would attempt to indoctrinate any man with respect to a particular view on any subject other than the proper performance of his work?

"Mr. GRINER. I think if we attempted to do that we would be violating the individual's constitutional rights.

"Senator ERVIN. Is there any reason whatever why a Federal civil service employee should not have the same right to have his freedom of thought on all things under the sun outside of the restricted sphere of the proper performance of his work that any other American enjoys?

"Mr. GRINER. No, sir."

With one complaint of attempted indoctrination of employees at a Federal installation, a civil servant enclosed a memorandum taken from a bulletin board stating the time, place, and date of a lecture by a sociology professor on the subject of the importance of racial integration. Attendance was to be voluntary but the notice stated that a record would be made of those attending or not attending.

Concerning such a practice, one witness commented: "If I had been a Federal employee and I cared anything about my job, I would have been at that lecture."

Employees of an installation in Pennsylvania complained of requirements to attend film lectures on issues of the cold war.

Witnesses agreed that taking notice of attendance at such meetings constituted a form of coercion to attend. Section 1(b) will eliminate such intimidation. It leaves

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unaffected existing authority to use any appropriate means, including publicity, to provide employees information about meetings concerning matters such as charity drives and bond-selling campaigns.

Section (c) protests a basic constitutional right of the individual employee to be free of official pressure on him to engage in any civic or political activity or undertaking which might involve him as a private citizen, but which has no relation to his Federal employment. It preserves his freedom of thought and expression, including his right to keep silent, or to remain inactive.

This section will place a statutory bar against the recurrence of employee complaints such as the following received by a Member of the Senate:

"Dear Senator ———: On ———, 1966, a group of Treasury Department administrators were called to Miami for a conference led by ———, Treasury Personnel Officer, with regard to new revisions in chapter 713 of the Treasury Personnel Manual.

"Over the years the Treasury Department has placed special emphasis on the hiring of Negroes under the equal employment opportunity program, and considerable progress in that regard has been made. However, the emphasis of the present conference was that our efforts in the field of equal employment opportunity have not been sufficient. Under the leadership of President Johnson and based on his strong statement with regard to the need for direct action to cure the basic causes leading to discrimination, the Treasury Department has now issued specific instructions requiring all supervisors and line managers to become actively and aggressively involved in the total civil rights problem.

"The requirements laid down by chapter 713 and its appendix include participation in such groups as the Urban League, NAACP, et cetera (these are named specifically) and involvement in the total community action program, including open housing, integration of schools, et cetera.

"The policies laid down in this regulation, as verbally explained by the Treasury representatives at the conference, go far beyond any concept of employee personnel responsibility previously expressed. In essence, this regulation requires every Treasury manager or supervisor to become a social worker, both during his official hours and on his own time. This was only tangentially referred to in the regulation and its appendages, but was brought out forcefully in verbal statements by Mr. ——— and ———. Frankly, this is tremendously disturbing to me and to many of the other persons with whom I have discussed the matter. We do not deny the need for strong action in the field of civil rights, but we do sincerely question the authority of our Government to lay out requirements to be met on our own time which are repugnant to our own personal beliefs and desires.

"The question was asked as to what disciplinary measures would be taken against individuals declining to participate in these community action programs. The reply was given by the equal employment officer, that such refusal would constitute an undesirable work attitude bordering on insubordination and should at the very least be reflected on the annual efficiency rating of the employee.

"The principles expressed in these regulations and in this conference strike me as being of highly dangerous potential. If we, who have no connection with welfare or social programs, can be required to take time from our full-time responsibilities in our particular agencies and from the hours normally reserved for our own refreshment and recreation to work toward integration of white neighborhoods, integration of schools by artificial means, and to train Negroes who have not availed themselves of the public schooling available, then it would seem quite possible that under other leadership, we could be required to perform other actions which would actually be detrimental to the interests of our Nation."

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Testifying on the issue of reporting outside activities, the American Civil Liberties Union representative commented:

"To the extent that individuals are apprehensive they are going to have to, at some future time, tell the Government about what organizations they have belonged to or been associated with, that is going to inhibit them in their willingness to explore all kinds of ideas, their willingness to hear speakers, their willingness to do all kinds of things. That has almost as deadening an effect on free speech in a democracy as if the opportunities were actually cut off.

"The feeling of inhibition which these kinds of questions cause is as dangerous, it seems to me, as if the Government were making actual edicts."

Witnesses gave other examples of invasion of employees' private lives which would be halted by passage of the bill.

In the southwest a division chief dispatched a buck slip to his group of supervisors demanding: "the names • • • of employees • • • who are participating in any activities including such thing as: PTA in integrated schools, sports activities which are intersocial, and such things as Great Books discussion groups which have integrated memberships."

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In a Washington office of the Department of Defense, a branch chief by telephone asked supervisors to obtain from employees the names of any organizations they belonged to. The purpose apparently was to obtain invitations for Federal Government officials to speak before such organizations.

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Reports have come to the subcommittee that the Federal Maritime Commission, pursuant to civil service regulations, requested employees to participate in community activities to improve the employability of minority groups, and to report to the chairman any outside activities.

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In addition to such directives, many other instances involving this type of restriction have come to the attention of the subcommittee over a period of years. For example, some agencies have either prohibited flatly, or required employees to report, all contacts, social or otherwise, with Members of Congress or congressional staff members. In many cases reported to the subcommittee, officials have taken reprisals against employees who communicated with their Congressmen and have issued directives threatening such action.

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The Civil Service Commission on its Form 85 for nonsensitive positions requires an individual to list: "Organizations with which affiliated (past and present) other than religious or political organizations or those with religious or political affiliations (if none, so state)."

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PRIVACY INVASIONS IN INTERVIEWS, INTERROGATIONS, AND PERSONALITY TESTS

Although it does not outlaw all of the unwarranted personal prying to which employees and applicants are now subjected, section 1(e) of the reported bill will prohibit the more serious invasions of personal privacy reported. The subcommittee believes it will also result in limitations beyond its specific prohibitions by encouraging administrative adherance to the principles it reflects.

It will halt mass programs in which, as a general rule, agency officials conduct interviews during which they require or request applicants or employees to reveal intimate details about their habits, thoughts, and attitudes on matters unrelated to their qualifications and ability to perform a job.

It will also halt individual interrogations such as that involving an 18-year-old college sophomore applying for a summer job as a secretary at a Federal department.

In the course of an interview with a department investigator, she was asked wide-ranging personal questions. For instance, regarding a boy whom she was dating, she was asked questions which donated assumptions made by the investigator, such as:

"Did he abuse you?

"Did he do anything unnatural with you? You didn't get pregnant, did you?

"There's kissing, petting, and intercourse, and after that, did he force you to do anything to him, or did he do anything to you?"

The parent of this student wrote:

"This interview greatly transcended the bounds of normal areas and many probing personal questions were propounded. Most questions were leading and either a negative or positive answer resulted in an appearance of self-incrimination. During this experience my husband was on an unaccompanied tour of duty in Korea and I attempted alone, without success, to do battle with the Department.

"I called and was denied any opportunity to review what had been recorded in my daughter's file. Likewise my daughter was denied any review of the file in order to verify or refute any of the record made by the State Department interviewer. This entire matter was handled as if applicants for State Department employment must subject themselves to the personal and intimate questions and abdicate all claims to personal rights and privileges.

"As a result of this improper intrusion into my daughter's privacy which caused all great mental anguish, I had her application for employment withdrawn from the State Department. This loss of income made her college education that much more difficult.

"Upon my husband's return, we discussed this entire situation and felt rather than subjecting her again to the sanctioned methods of Government investigation we would have her work for private industry. This she did in the summer of 1966, with great success and without embarrassing or humiliating Gestapo-type investigation."

Upon subcommittee investigation of this case, the Department indicated that this was not a unique case, because it used a "uniform policy in handling the applications of summer employees as followed with all other applicant categories." It stated that its procedure under Executive Order 10450 is a basic one "used by the Department and other executive agencies concerning the processing of any category of applicants who will be dealing with sensitive, classified material." Its only other comment on the case was to assure that "any information developed during the course of any of our investigations that is of a medical nature, is referred to our Medical Division for proper evaluation and judgment." In response to a request for copies of departmental guidelines governing such investigations and interviews, the subcommittee was told they were classified.

Section 1(e) would protect every employee and every civilian who offers his services to his Government from indiscriminate and unauthorized requests to submit to any test designed to elicit such information as the following:

"My sex life is satisfactory.

"I have never been in trouble because of my sex behavior.

"Everything is turning out just like the prophets of the Bible said it would.

"I loved my father.

"I am very strongly attracted by members of my own sex.

"I go to church almost every week.

"I believe in the second coming of Christ.

"I believe in a life hereafter.

"I have never indulged in any unusual sex practices.

"I am worried about sex matters.

"I am very religious (more than most people).

"I loved my mother.

"I believe there is a Devil and a Hell in afterlife.

"I believe there is a God.

"Once in a while I feel hate toward members of my family whom I usually love.

"I wish I were not bothered by thoughts about sex."

The subcommittee hearings in 1965 on "Psychological tests and constitutional rights" and its subsequent investigations support the need for such statutory prohibitions on the use of tests.

In another case, the subcommittee was told, a woman was questioned for 6 hours about every aspect of her sex life—real, imagined, and gossiped—with an intensity that could only have been the product of inordinately salacious minds."

The specific limitation on the three areas of questioning proscribed in S. 1035 in no way is intended as a grant of authority to continue or initiate the official eliciting of personal data from individuals on subjects not directly proscribed. It would prohibit investigators, or personnel, security and medical specialists from indiscriminately requiring or requesting the individual to supply, orally or through tests, data on religion, family, or sex. It does not prevent a physician from doing so if he has reason to believe the employee is "suffering from mental illness" and believes the information is necessary to make a diagnosis. Such a standard is stricter than the board "fitness for duty" standard now generally applied by psychiatrists and physicians in the interviews and testing which an employee can be requested and required to undergo.

There is nothing in this section to prohibit an official from advising an individual of a specific charge of sexual misconduct and affording him an opportunity to refute the charge voluntarily.

POLYGRAPHS

Section 1(f) makes it unlawful for any officer of any executive department or agency or any person acting under his authority to require or request or attempt to require or request any civilian employee or any applicant for employment to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs, practices or concerning his attitude or conduct with respect to sexual matters. While this section does not eliminate the use of so-called lie detectors by Government, it assures that where such devices are used for these purposes it will be only in limited areas.

John McCart, representing the Government Employees Council of AFL–CIO, supported this section of the bill, citing a 1965 report by a special subcommittee of the AFL–CIO executive council that:

"The use of lie detectors violates basic considerations of human dignity in that they involve the invasion of privacy, self-incrimination, and the concept of guilt until proven innocent."

Congressional investigation[1] has shown that there is no scientific validation for the effectiveness or accuracy of lie detectors. Yet despite this and the invasion of privacy involved, lie detectors are being used or may be used in various agencies of the Federal Government for purposes of screening applicants or for pursuing investigations.

This section of the bill is based on complaints such as the following received by the subcommittee:

"When I graduated from college in 1965, I applied at NSA. I went to 2 days of testing, which apparently I passed because the interviewer seemed pleased and he told me that they could always find a place for someone with my type of degree.

"About 1 month later, I reported for a polygraph test at an office on Wisconsin Avenue in the District or just over the District line in Maryland. I talked with the polygraph operator, a young man around 25 years of age. He explained how the machine worked, etc. He ran through some of the questions before he atached the wires to me. Some of the questions I can remember are—

"When was the first time you had sexual relations with a woman?

"How many times have you had sexual intercourse?

"Have you ever engaged in homosexual activities?

"Have you ever engaged in sexual activities with an animal?

"When was the first time you had intercourse with your wife?

"Did you have intercourse with her before you were married? How many times?"

"He also asked questions about my parents, Communist activities, etc. I remember that I thought this thing was pretty outrageous, but the operator assured me that he asked everybody the same questions and he has heard all the answers before, it just didn't mean a thing to him. I wondered how he could ever get away with asking a girl those kind of questions.

"When I finished, I felt as though I had been in a 15 round championship boxing match. I felt exhausted. I made up my mind then and there that I wouldn't take the job even if they wanted me to take it. Also, I concluded that I would never again apply for a job with the Government, especially where they make you take one of these tests."

Commenting on this complaint, the subcommittee chairman observed:

"Certainly such practices should not be tolerated even by agencies charged with security missions. Surely, the financial, scientific, and investigative resources of the Federal Government are sufficient to determine whether a person is a security risk, without strapping an applicant to a machine and subjecting him to salacious questioning. The Federal Bureau of Investigation does not use personality tests or polygraphs on applicants for employment. I fail to see why the National Security Agency finds them so fascinating."

COERCION TO BUY BONDS AND CONTRIBUTE TO CAUSES

The hearing record and subcommittee complaint files amply document the need for statutory protections against all forms of coercion of employees to buy bonds and contribute to causes. Involved here is the freedom of the individual to invest and donate his money as he sees fit, without official coercion. As the subcommittee chairman explained:

"It certainly seems to me that each Federal employee, like any other citizen in the United States, is the best judge of his capacity, in the light of his financial obligations, to participate or decide whether he will participate and the extent of his participation in a bond drive. That is a basic determination which he and he alone should make.

"I think there is an interference with fundamental rights when coercion of a psychological or economic nature is brought on a Federal employee, even to make him do right. I think a man has to have a choice of acting unwisely as well as wisely, if he is going to have any freedom at all."

The subcommittee has received from employees and their organizations numerous reports of intimidation, threats of loss of job, and security clearances and of denial of promotion for employees who do not participate to the extent supervisors wish. The hearing record contains examples of documented cases of reprisals, many of which have been investigated at the subcommittee's request and confirmed by the agency involved. It is apparent that policy statements and administrative rules are not sufficient to protect individuals from such coercion.

The president of the United Federation of Postal Clerks informed the subcommittee:

"Section 1, paragraph (1) of S. 3779 is particularly important to all Federal employees and certainly to our postal clerks. The extreme arm-twisting coercion, and pressure tactics exerted by some postmasters on our members earlier this year during the savings bonds drive must not be permitted at any future time in the Government service.

"Our union received complaints from all over the country where low-paid postal clerks, most having the almost impossible problem of trying to support a family and exist on sub-standard wages, were practically being ordered to sign up for purchase of U.S. savings bonds, or else. The patriotism of our postal employees cannot be challenged. I recently was advised that almost 75 percent of postal workers are veterans of the Armed Forces and have proven their loyalty and patriotism to this great country of ours in the battlefield in many wars. Yet, some postmasters questioned this patriotism and loyalty if any employee could not afford to purchase a savings bond during the drive."

The president of the National Association of Government Employees testified:

"We are aware of instances wherein employees were told that if they failed to participate in the bond program they would be frozen in their position without promotional opportunities.

"In another agency the names of individuals who did not participate were posted for all to see. We have been made aware of this situation for some years and we know that Congress has been advised of the many instances and injustices Federal employees faced concerning their refusal or inability to purchase bonds.

"Certainly, the Government, which has thousands of public relations men in its agencies and departments, should be capable of promoting a bond program that does not include the sledge-hammer approach."

Some concern has been expressed by officials of the United Community Funds and Councils of America, the American Heart Association, Inc., and other charitable organizations, that the bill would hamper their campaigns in Federal agencies.

For this reason, the bill contains a proviso to express the intent of the sponsors that officials may still schedule meetings and take any appropriate action to publicize campaigns and to afford employees the opportunity to invest or donate their money voluntarily. It is felt that this section leaves a wide scope for reasonable action in promoting bond selling and charity drives.

The bill will prohibit such practices as were reported to the sub-committee in the following complaints:

"We have not yet sold our former home and cannot afford to buy bonds while we have both mortgage payments and rental payments to meet. Yet I have been forced to buy bonds, as I was told the policy at this base is, 'Buy bonds or by-by.'

"In short, after moving 1,700 miles for the good of the Government, I was told I would be fired if I didn't invest my money as my employer directed. I cannot afford to buy

[1] Hearings and reports on the use of polygraphs as "lie detectors," by the Federal Government before a Subcommittee of the House Committee on Government Operations, April 1964 through 1966.

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bonds, but I can't afford to be fired even more."

• • • • • •

"Not only were we forced to buy bonds, but our superiors stood by the time clock with the blanks for the United Givers Fund, and refused to let us leave until we signed up. I am afraid to sign my name, but I am employed at • • •."

A representative of the 14th District Department of the American Federation of Government Employees, Lodge 421, reported:

"The case of a GS–13 professional employee who has had the misfortune this past year of underwriting the expenses incurred by the last illness and death of both his mother and father just prior to this recent bond drive. This employee had been unofficially informed by his supervisor that he had been selected for a then existing GS–14 vacancy. When it became known that he was declining to increase his participation in the savings bond drive by increasing his payroll deduction for that purpose, he was informed that he might as well, in effect, kiss that grade 14 goodby."

DISCLOSURE OF ASSETS, DEBTS, AND PROPERTY

Section (i) and (j) meet a need for imposing a reasonable statutory limitations on the extent to which an employee must reveal the details of his or his family's personal finances, debts, or ownership of property.

The subcommittee believes that the conflict-of-interest statutes, and the many other laws governing conduct of employees, together with appropriate implementing regulations, are sufficient to protect the Government from dishonest employees. More zealous informational activities on the part of management were recommended by witnesses in lieu of the many questionnaires now required.

The employee criticism of such inquiries was summarized as follows:

"There are ample laws on the statute books dealing with fraudulent employment, conflict of interest, etc. The invasion of privacy of the individual employee is serious enough, but the invasion of the privacy of family, relatives and children of the employee is an outrage against a free society.

"This forced financial disclosure has caused serious moral problems and feelings by employees that the agencies distrust their integrity. We do not doubt that if every employee was required to file an absolutely honest financial disclosure, that a few, though insignificant number of conflict-of-interest cases may result. However, the discovery of the few legal infractions could in no way justify the damaging effects of forced disclosures of a private nature. Further, it is our opinion that those who are intent on engaging in activities which result in a conflict of interest would hardly supply that information on a questionnaire or financial statement. Many employees have indicated that rather than subject their families to any such unwarranted invasion of their right to privacy, that they are seriously considering other employment outside of Government."

The bill will reduce to reasonable proportions such inquiries as the following questionnaire, which many thousands of employees have periodically been required to submit.

(Questionnaire follows:)

CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

(For use by regular government employees)

Name (last, first, initial)

Title of position

Date of appointment in present position, organization location (operating agency, Bureau Division)

Part I. Employment and financial interests

List the name of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions: (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. If none, write NONE.

Name and kind of organization (use part 1 designations where applicable)

Address

Position in organization (Use Part 1(a) designation, if applicable.)

Nature of financial interest, e.g., stocks, prior income (Use Part 1(b) and (c) designation if applicable).

Part II. Creditors

List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

Name and address of creditor

Character of indebedness, e.g., personal loan, note, security

Part III. Interests in real property

List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write NONE.

Nature of interest, e.g., ownership mortgage, lien, investment trust.

Type of property, e.g., residence, hotel apartment, undeveloped land.

Address (if rural, give RFD or county and State)

Part IV. Information requested of other persons

If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such person, the date upon which you requested that the information be applied, and the nature of subject matter involved. If none, write NONE.

Name and address, date of request, nature of subject matter

(This space reserved for additional instructions)

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

(Date)

(Signature)

The vagueness of the standards for requiring such a broad surrender of privacy is illustrated by the Civil Service Commission's regulation applying this to any employee whose duties have an "economic impact on a non-Federal enterprise."

Also eliminated will be questionnaires asking employees to list "all assets or everything you and your immediate family own, including date acquired and cost or fair market value at acquisitions. (Cash in banks, cash anywhere else, due from others—loans, et cetera, automobiles, securities, real estate, cash surrender of life insurance; personal effects and household furnishings and other assets.)"

The view of the president of the United Federation of Postal Clerks reflected the testimony of many witnesses endorsing sections 1 (i) and (j) of the bill.

"If the conflict-of-interest questionnaire is of doubtful value in preventing conflict of interest, as we believe, we can only conclude that it does not meet the test of essentiality and that it should be proscribed as an unwarranted invasion of employee privacy. Such value as it may have in focusing employee attention upon the problem of conflict of interest and bringing to light honest oversights that may lead to conflict of interest could surely be achieved by drawing attention to the 26 or more laws pertaining to conflict of interest or by more zealous information activities on the part of management."

The complex problem of preserving the confidential nature of such reports was described by officials of the National Association of Internal Revenue Employees:

"The present abundance of financial questionnaires provides ample material for even more abusive personnel practices. It is almost inevitable that this confidential information cannot remain confidential. Typically, the financial questionnaire is filed with an employee's immediate supervisor. The net worth statements ultimately go into Inspection, but they pass through the hands of local personnel administrators. We have received a great number of disturbing reports—as have you—that this information about employees' private affairs is being used for improper purposes, such as enforced retirement and the like."

Inadequacies in agency procedures for obtaining such information from employees and for reviewing and storing it, are discussed in the Subcommittee report for the 89th Congress, 2d Session. Widely disparate attitudes and practices are also revealed in a Subcommittee study contained in the appendix of the printed hearings on S. 3779.

The bill will make such complaints as the following unnecessary in the future conduct of the Federal Government:

DEAR SENATOR ERVIN: I am writing to applaud the stand you have taken on the new requirement that Federal employees in certain grades and categories disclose their financial holdings to their immediate superior. Having been a civil service employee for 26 years, and advanced from GS–4 to GS–15, and been cleared for top secret during World War II, and because I currently hold a position that involves the disposition of hundreds of thousands of the taxpayers' money, it is my conviction that my morality and trustworthiness are already a matter of record in the files of the Federal Government.

The requirement that my husband's financial assets be reported, as well as my own assets and those we hold jointly, was particularly offensive, since my husband is the head of our household and is not employed by Government.

You might also be interested in the fact that it required 6 hours of after-hours work on our part to hunt up all the information called for and prepare the report. Since the extent of our assets is our private business, it was necessary that I type the material myself, an added chore since I am not a typist.

Our assets have been derived, in the main, from laying aside a portion of our earnings. At our ages (64 and 58) we would be far less deserving of respect had we not made the prudent provisions for our retirement which our assets and the income they earn represent. Yet this reporting requirement carries with it the implication that to have "clean hands" it would be best to have no assets or outside, unearned income when you work for the Federal Government.

For your information I am a GS–15, earning $19,415 • • •

Thank you for speaking out for the continually maligned civil servant.

Sincerely yours,

———, ———.

DEAR SENATOR ERVIN: I am a GS–12 career employee with over 15 years service.

The highest moral and ethical conduct has been my goal in each of my positions of employment and I have found this to be true of a vast majority of my fellow workers. It may be true a few people do put material gain ahead of their ethics but generally these people are in the higher echelons of office where their influence is much greater.

Our office has recently directed each employee from file clerk to the heads of sections to file a "Statement of Financial Interest." As our office has no programs individuals could have a financial interest in and especially no connections with FHA I feel it is no one's business but my own what real estate I own. I do not have a FHA mortgage or any other real property and have no outside employment, hence have nothing to hide by filing a blank form. Few Government workers can afford much real property. The principle of reporting to "Big Brother" in every phase of your private life to me is very degrading, highly unethical and very unquestionable as to its effectiveness. If I could and did use my position in some way to make a profit I would be stupid to report it on an agency inquiry form. What makes officials think reporting will do away with graft?

When the directive came out many manhours of productive work were lost in discussions and griping. Daily since that date at some time during the day someone brings up the subject. The supervisors filed their reports as "good" examples but even they objected to this inquiry.

No single thing was ever asked of Government employees that caused such a decline in their morale. We desperately need a "bill of rights" to protect ourselves from any further invasion of our private lives.

Fifteen years ago I committed myself to Government service because: (a) I felt an obligation to the Government due to my education under the GI bill, (b) I could obtain freedom from pressures of unions, (c) I could obtain freedom from invasion of my private life, and (d) I would be given the opportunity to advance based solely on my professional ability and not on personal politics. At this point I certainly regret my decision to make the Government my career.

Sincerely,

———, ———.

DEAR SENATOR: I write to beg your support of a "bill of rights" to protect Federal employees from official snooping which was introduced by Senator Ervin of North Carolina.

I am a veteran of two wars and have orders to a third war as a ready reservist. And I know why I serve in these wars: that is to prevent the forces of tyranny from invading America.

Now, as a Federal employee I must fill out a questionnaire giving details of my financial status. This is required if I am to continue working. I know that this information can be made available to every official in Washington, including those who want to regulate specific details of my life.

Now I am no longer a free American. For example, I can no longer buy stock of a foreign company because that country may be in disfavor with officials of the right or left. And I cannot "own part of America" by buying common stocks until an "approved list" is published by my superiors.

I can never borrow money because an agent may decide that debt makes me susceptible to bribery by agents of an enemy power. Nor do I dare own property lest some official may decide I should sell or rent to a person or group not of my choosing.

In short, I am no longer free to plan my own financial program for the future security of my family. In 1 day I was robbed of the freedom for which I fought two wars. This is a sickening feeling, you may be sure.

It seems plain that a deep, moral issue is involved here that concerns every citizen. If this thing is allowed to continue, tomorrow or next year every citizen may come under the inquisition. The dossier on every citizen will be on file for the use of any person or group having enough overt or covert power to gain access to them.

Sincerely,

———, ———.

In August 1966, Federal employees who were retired from the armed services were told to complete and return within 7 days, with their social security numbers, a 15-page questionnaire, asking, among other things:

"How much did you earn in 1965 in wages, salary, commissions, or tips from all jobs?

"How much did you earn in 1965 in profits or fees from working in your own business, professional practice, partnership, or farm?

"How much did you receive in 1965 from social security, pensions (nonmilitary) rent (minus expenses), interests or dividends, unemployment insurance, welfare payments, or from any other source not already entered?

"How much did other members of your family earn in 1965 in wages, salary, commissions or tips? (Before any deductions.) (For this question, a family consists of two or more persons in the same household who are related to each other by blood, marriage, or adoption.) If the exact amount is not known, give your best estimate.

"How much did other members of your family earn in 1965 in profits or fees from working in their own business, professional practices, partnership, or farm?

"How much did any other member of your family receive in 1965 from social security, pensions, rent (minus expenses), interest or dividends, unemployment insurance, welfare payments; or from any other source not already entered?"

RIGHT TO COUNSEL

Section 1(k) of the bill guarantees to Federal workers the opportunity of asking the presence of legal counsel, of a friend or other person when undergoing an official interrogation or investigation that could lead to the loss of their jobs or to disciplinary action.

The merits of this clause are manifold; not least of which is that uniformity and order it will bring to the present crazy quilt practices of the various agencies concerning the right to counsel for employees facing disciplinary investigations or possible loss of security clearances tantamount to loss of employment. The Civil Service Commission regulations are silent on this critical issue. In the absence of any Commission initiative or standard, therefore, the employing agencies are pursuing widely disparate practices. To judge from the questionnaires and other evidence before the subcommittee, a few agencies appear to afford a legitimate right to counsel, probably many more do not, and still others prescribe a "right" on paper but hedge it in such a fashion as to discourage its exercise. Some apparently do not set any regulatory standard, but handle the problem on an ad hoc basis.

On a matter as critical as this, such a pointless diversity of practice is poor policy. So far as job-protection rights are concerned, all Federal employees should be equal.

A second anomaly in the present state of affairs derives from recent developments in the law of the sixth amendment by the Supreme Court. In view of the decisions of *Miranda* v. *Arizona*, 384 U.S. 436 and *Escobedo* v. *Illinois*, 378 U.S. 478, it is clear that any person (including Federal employees) who is suspected of a crime is absolutely entitled to counsel before being subjected to custodial interrogation. Accordingly, some agencies, such as the Internal Revenue Service, acknowledge an unqualified right to counsel for an employee suspected of crime but decline to do the same for coworkers threatened with the loss of their livelihoods for noncriminal reasons. In the subcommittee's view, this discrimination in favor of the criminal suspect is both bad personnel policy as well as bad law. It would be corrected by this section of the bill.

The ultimate justification for the "right-to-counsel" clause, however, is the Constitution itself. There is no longer any serious doubt that Federal employees are entitled to due process of law as an incident of their employment relation. Once, of course, the courts felt otherwise, holding that absent explicit statutory limitation, the power of the executive to deal with employes was virtually unfettered.

The doctrinal underpinning of this rule was the 19th-century notion that the employment relation is not tangible "property." Both the rule and its underpinning have now been reexamined. The Supreme Court in recent years has emphasized the necessity of providing procedural due process where a man is deprived of his job or livelihood by governmental action.

While the courts have as yet had no occasion to articulate a specific right to counsel in the employment relationship, there can obviously be no doubt that the right to counsel is of such a fundamental character that it is among the essential ingredients of due process. What is at stake for an employee in a discharge proceeding—often including personal humiliation, obloquy and penury—is just as serious as that involved in a criminal trial. This is not to suggest that all the incidents of our civilized standard of a fair trial can or should be imported into Federal discharge proceedings. But if we are to have fair play for Federal employees, the right of counsel is a sine qua non. It is of a piece with the highest traditions, the fairest laws, and the soundest policy that this country has produced. And, in the judgment of this subcommittee, the clear affirmation of this basic right is very long overdue.

The need for such protection was confirmed at the hearings by all representatives of Government employee organizations and unions.

The president of the National Association of Letter Carriers testified:

"It is a practice in the postal inspection service, when an employee is called in for questioning by the inspectors on a strictly postal matter that does not involve a felony, to deny the right of counsel. The inspectors interrogate the employee at length and, at the completion of the interrogation, one of the inspectors writes out a statement and pressures the employee to sign it before he leaves the room. We have frequently asked the postal inspection service to permit these employees to have counsel present at the time of the interrogation. The right for such counsel has been denied in all except a few cases. If the employee is charged with a felony, then, of course, the law takes over and the right for counsel is clearly established but in other investigations and interrogations no counsel is permitted."

Several agencies contend that right to counsel is now granted in formal adverse action proceedings and that appeals procedures make this section unnecessary for informal questioning. Testimony and complaints from employees indicate that this machinery does not effectively secure the opportunity of the employee to defend himself early enough in the investigation to allow a meaningful defense.

The predicament of postal employees as described at the hearings reflects the situation in other agencies as reported in many individual cases sent to the subcommittee. While it is undoubtedly true that in some simple questioning, counsel may not be necessary, in many matters where interrogation will result in disciplinary action, failure to have counsel at the first level reacts against the employee all the way up through the appeal and review. In the case of a postal employee, the subcommittee was told—

"The first level is at the working foreman's level. He is the author of the charges; then the case proceeds to the postmaster,

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who appointed the foreman and, if the individual is found guilty of the charge at the first level, it is almost inevitable that this position will be supported on the second level. The third level is the regional level, and the policy there is usually that of supporting the local postmaster. A disinterested party is never reached. The fourth level is the Appeals Board, composed of officials appointed by the Postmaster General. In some cases, the region will overrule the postmaster, but certainly the individual does not have what one could style an impartial appeals procedure."

Employees charged with no crime have been subjected to intensive interrogations by Defense Department investigators who ask intimate questions, make sweeping allegations, and threaten dire consequences unless consent is given to polygraph tests. Employees have been ordered to confess orally or to write and sign statements. Such interviews have been conducted after denial of the employee's request for presence of supervisor, counsel, or friend, and in several instances the interrogations have resulted in revocation of a security clearance, or denial of access to classified information by transfer or reassignment, with the resulting loss of promotion opportunities.

Witnesses testified that employees have no recourse against the consequences of formal charges based on information and statements acquired during a preliminary investigation. This renders meaningless the distinction urged by the Civil Service Commission between formal and informal proceedings.

EXCEPTIONS

The act, under section 9, does not apply to the Federal Bureau of Investigation. Furthermore, section 6 provides that nothing in the act will prohibit an official of the Central Intelligence Agency and the National Security Agency from requesting any employee or applicant to take a polygraph test or a psychological test, or to provide a personal financial statement designed to elicit the personal information protected under subsections 1 (e), (f), (1), and (j). In such cases, the Director of the agency or his designee must make a personal finding with regard to each individual to be tested or examined that such test or information is required to protect the national security.

An exception to the right-to-counsel section has been provided to limit this right for employees in the Central Intelligence Agency and the National Security Agency to a person who serves in the same agency or a counsel cleared by the agency for access to the information involved. Obviously, it is expected that the employee's right to be accompanied by the person of his choice will not be denied unless that person's access to the information for the purpose of the case is clearly inconsistent with the national security. Other language recognizes problems unique to these two agencies. For instance, section 7 requires exhaustion of remedies by employees of the Central Intelligence Agency and the National Security Agency and states that the act does not affect whatever existing statutory authority these agencies now possess to terminate employment. Section 8 is designed to assure that nothing in the act is construed to affect negatively any existing statutory or executive authority of the Directors of the Central Intelligence Agency and National Security Agency to protect their information in cases involving their employees. Consequently, procedures commended to the subcommittee by the Director of the Central Intelligence Agency are spelled out for asserting that authority in certain proceedings arising under the act. Other committee amendments to S. 1035, as detailed earlier, were adopted to meet administrative requirements of the Federal security program and the intelligence community as well as the management needs of the executive branch.

ENFORCEMENT

Enforcement of the rights guaranteed in sections 1 and 2 of the bill is lodged in the administrative and civil remedies and sanctions of sections 3, 4, and 5. Crucial to enforcement of the act is the creation of an independent Board on Employees Rights to determine the need for disciplinary action against civilian and military offenders under the act and to provide relief from violations.

Testimony at the hearings as well as investigation of complaints have demonstrated that in the area of employee rights, a right is only as secure as its enforcement. There is overwhelming evidence that employees have heretofore frequently lacked appropriate remedies either in the courts or the Civil Service Commission for pursuing rights which belong to them as citzens.

Under the remedies afforded by sections 3, 4, and 5 of the bill, an employee who believes his rights are violated under the act has several courses of action:

(1) He may pursue a remedy through the agency procedures established to enforce the act, but the fact that he does not choose to avail himself of these does not preclude exercise of his right to seek other remedies.

(2) He may register his complaint with the Board on Employee Rights and obtain a hearing. If he loses there, he may appeal to the district court, which has the power to examine the record as a whole and to affirm, modify, or set aside any determination or order, or to require the Board to take any action it was authorized to take under the act.

(3) He may, instead of going directly to the Board, institute a civil action in Federal district court to prevent the threatened violation, or obtain complete redress against the consequences of the violation.

He does not need to exhaust any administrative remedies but if he elects to pursue his civil remedies in the court under section 4, he may not seek redress through the Board. Similarly, if he initiates action before the Board under section 5, he may not also seek relief from the court under section 4.

The bill does not affect any authority, right or privilege accorded under Executive Order 11491 governing employee-management cooperation in the Federal service. To the extent that there is any overlapping of subject matter, the bill simply provides an additional remedy.

THE BOARD ON EMPLOYEE RIGHTS

As a result of hearings on S. 3779, the section creating a Board on Employee Rights was added to the bill for introduction as S. 1035.

Employees have complained that administrative grievance procedures have often proved ineffective because they are cumbersome, time-consuming, and weighted on the side of management. Not only do those who break the rules go unpunished many times, but the fearful tenor of letters and telephone calls from throughout the country indicate that employees fear reprisals for noncompliance with improper requests or for filing of complaints and grievances. Oral and written directives of warning to this effect have been verified by the subcommittee. Section 1(e) of the bill, therefore, prevents reprisals for exercise of rights granted under the act and in such event accords the individual cause for complaint before the Board or the court.

Concerning the original bill in the 89th Congress, which did not provide for a board, representatives of the 14th department of the American Federation of Government Employees commented that the remedies are the most important aspects of such a bill because "unless due process procedures are explicitly provided, the remaining provisions of the bill may be easily ignored or circumvented by Federal personnel management. As a matter of fact, we believe, the reason employees' rights have been eroded so rapidly and so devastatingly in the last few years is the absence of efficient, expeditious, uniform, and legislatively well defined procedures of due process in the executive departments of the Federal Government."

An independent and nonpartisan Board is assured by congressional participation in its selection and by the fact that no member is to be a government employee. Provision is made for congressional monitoring through detailed reports.

Senator Ervin explained the function of the Board established by section 5 as follows:

"The bill sets up a new independent Federal agency with authority to receive complaints and make rulings on complaints—complaints of individual employees or unions representing employees. This independent agency, which would not be subject in any way to the executive branch of the Government, would be authorized to make rulings on these matters in the first instance. It would make a ruling on action in a particular agency or department that is an alleged violation of the provisions of the bill, with authority either on the part of the agency or the part of the individual or on the part of the union to take an appeal from the ruling of this independent agency to the Federal court for judicial review."

Throughout its study the subcommittee found that a major area of concern is the tendency in the review process in the courts or agencies to do no more than examine the lawfulness of the action or decision about which the employee has complained. For purposes of enforcing the act, sections 3, 4 and 5 assure adequate machinery for processing complaints and for prompt and impartial determination of the fairness and constitutionality of general policies and practices initiated at the highest agency levels or by the Civil Service Commission or by Executive order.

Finding no effective recourse against administrative actions and policies which they believed unfair or in violation of their rights, individual employees and their families turned to Congress for redress. Opening the hearings on invasions of privacy, Senator Ervin stated:

"Never in the history of the Subcommittee on Constitutional Rights have we been so overwhelmed with personal complaints, phone calls, letters, telegrams, and office visits. In all of our investigations I have never seen anything to equal the outrage and indignation from Government employees, their families, and their friends. It is obvious that appropriate remedies are not to be found in the executive branch.

"The complaints of privacy invasions have multiplied so rapidly of late that it is beyond the resources of Congress and its staff to repel effectively each individual official encroachment. Each new program brings a new wave of protest."

Prof. Alan Westin, director of the Science and Law Committee of the Bar Association of the city of New York, testified that these complaints "have been triggered by the fact that we do not yet have the kind of executive branch mechanism by which employees can lodge their sense of discomfort with personnel practices in the Federal Government and feel that they will get a fair hearing, that they will secure what could be called 'employment due process.' "

To meet this problem, Professor Westin proposed an independent board subject to judicial review, and with enforcement power over a broad statutory standard governing all invasion of privacy. Although it is continuing to study this proposal, the subcommittee has temporarily rejected this approach in the interest of achieving immediate enforcement of the act and providing administrative remedies for its violation. For this reason it supports the creation of a limited Board on Employee Rights.

Perhaps one of the most important sections of the bill, if not the most important section, according to the United Federation of Postal Clerks, is the provision establishing the Board. The subcommittee was told—

"It would appear absolutely essential that any final legislation enacted into law must necessarily include such a provision. We can offer no suggestions for improvement of this section. As presently constituted the section is easily understood; and the most excellent and inclusive definition of the proposed "Board on Employees' Rights" which could possibly be enacted into law. It defines the right of employees to challenge violations of the proposed act; defines the procedures involved, as well as the authority of the Board, penalties for violation of the act, as well as establishing the right of judicial review for an aggrieved party, and finally provides for congressional review, and in effect, an annual audit by the Congress of all complaints, decisions, orders, and other related information resulting from activities and operations of the proposed act."

Sanctions

The need for sanctions against offending officials has been evident throughout the subcommittee's investigation of flagrant disregard of basic rights and unpunished flaunting of administrative guidelines and prohibitions. It was for this reason that S. 3779 of the 89th Congress and S. 1035, as introduced, contained criminal penalties for offenders and afforded broad civil remedies and penalties.

Reporting on the experiences of the American Civil Liberties Union in such employee cases, Lawrence Speiser testified:

"In filing complaints with agencies including the Civil Service Commission, the Army and the Navy, as I have during the period of time I have worked here in Washington, I have never been informed of any disciplinary action taken against any investigator for asking improper questions, for engaging in improper investigative techniques, for barring counsel when a person had a right to have counsel, or for a violation of any number of things that you have in this bill. Maybe some was taken, but I certainly couldn't get that information out of the agencies, after making the complaints. I would suggest that the bill also encompass provision for disciplinary action that would be taken against Federal employees who violate any of these rights that you have set out in the bill."

Other witnesses also pointed to the need for the disciplinary measures afforded by the powers of an independent Board to determine the need for corrective action and punishment, and felt they would be more effective than criminal penalties.

In view of the difficulty of filing criminal charges and obtaining prosecution and conviction of executive branch officials which might render the criminal enforcement provision meaningless for employees, the criminal penalties were deleted and a Board on Employee Rights incorporated into the scheme of remedies and sanctions in the bill.[1]

Although the Civil Service Commission and the executive agencies have advocated placing such administrative remedies within the civil service grievance and appeals system, the subcommittee believes that the key to effective enforcement of the unique rights recognized by this act lies in the employee's recourse to an independent body.

"The theory of our Government," Professor Westin testified, "is that there should be somewhere within the executive branch where this kind of malpractice is corrected and that good administration ought to provide for control of supervision or other practices that are not proper. But the sheer size of the Federal Establishment, the ambiguity of the relationship of the Civil Service Commission to employees, and the many different interests that the Civil Service Commission has to bear in its role in the Federal Government, suggest that it is not an effective instrument for this kind of complaint procedure."

[1] In the 89th Congress, S. 1035.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1(a)

Section 1(a) makes it unlawful for a Federal official of any department or agency to require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency or any person seeking employment to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears.

This section does not prohibit inquiry concerning citizenship of such individual if his citizenship is a statutory condition of his obtaining or retaining his employment. Nor does it preclude inquiry of the individual concerning his national origin or citizenship or that of his forebears when such inquiry is thought necessary or advisable in order to determine suitability for assignment to activities or undertakings related to national security within the United States or to activities or undertakings of any nature outside the United States.

This provision is directed at any practice which places the employee or applicant under compulsion to reveal such information as a condition of the employment relation. It is intended to implement the concept underlying the Federal merit system by which a person's race, religion, or national origin have no bearing on his right to be considered for Federal employment or on his right to retain a Federal position. This prohibition does not limit the existing authority or the executive branch to acquire such information by means other than self-disclosure.

Section 1(b)

Section 1(b) makes it unlawful for any officer of any executive department or executive agency of the U.S. Government, or for any person acting or purporting to act under this authority, to state, intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the U.S. Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than (1) the performance of official duties to which he is or may be assigned in the department or agency, or (2) the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

Nothing contained in this section is to be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

This provision is designed to protect any employee from compulsion to attend meetings, discussions, and lectures on political, social, and economic subjects unrelated to his duties. It prevents Government officials from using the employment relationship to attempt to influence employee thoughts, attitudes, and actions on subjects which may be of concern to them as private citizens. In particular, this language is directed at practices and policies which in effect require attendance at such functions, including official lists of those attending or not attending: its purpose is to prohibit threats, direct or implied, written or oral, or official retaliation for nonattendance.

This section does not affect existing authority for providing information designed to promote the health and safety of employees. Nor does it affect existing authority to call meetings for the purpose of publicizing and giving notice to activities or service, sponsored by the department or agency, or campaigns such as charitable fund campaigns and savings bond drives.

Section 1(c)

Section 1(c) makes it unlawful for any officer of any executive department or agency, or for any person acting or purporting to act under his authority, to require or request or to attempt to require or request any civilian employee serving in the department or agency to participate in any way in any activities or undertakings unless they are related to the performance of official duties to which he is or may be assigned in the department or agency or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

This section is directed against official practices, requests, or orders that an employee take part in any civic function, political program, or community endeavor or other activity which he might enjoy as a private citizen, but which is unrelated to his employment It does not affect any existing authority to use appropriate techniques for publicizing existence authority to use appropriate techniques for publicizing existence of community programs such as blood-donation drives, or agency programs, benefits or services, and for affording opportunity for employee participation if he desires.

Section 1(d)

Section 1(d) makes it unlawful for any officer of any executive department or agency, or for any person acting under his authority to require or request or attempt to require or request, any civilian employee serving in the department or agency to make any report of his activities or undertakings unless they are related to the performance of official duties or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or (2) unless there is reason to believe that the employee is engaged in outside activities or employment in conflict with his official duties.

This section is a minimum guarantee of the freedom of an employee to participate or not to participate in any endeavor or activity in his private life as a citizen, free of compulsion to report to supervisors his action or his inaction, his involvement or his noninvolvement. This section is to assure that in his private thoughts, actions, and activities he is free of intimidation or inhibition as a result of the employment relation.

The exceptions to the prohibition are not legislative mandates to require such information in those circumstances, but merely provide an area of executive discretion for reasonable management purposes and for observance and enforcement of existing laws governing employee conduct and conflicts of interest.

Section 1(e)

Section 1(e) makes it unlawful for any officer of any executive department or agency, or any person acting under his authority, to require or request any civilian employee serving in the department or agency, or any person applying for employment as a civilian employee to submit to any interrogation or examination or to take any psychological test designed to elicit from him any information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

In accordance with an amendment made after hearings on S. 3779, a proviso is in-

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cluded to assure that nothing contained in this section shall be construed to prevent a physician from eliciting such information or authorizing such test in the diagnosis or treatment of any civilian employee or applicant where he feels the information is necessary to enable him to determine whether or not the individual is suffering from mental illness. The bill as introduced limited this inquiry to psychiatrists, but an amendment extended it to physicians, since the subcommittee was told that when no psychiatrist is available, it may be necessary for a general physician to obtain this information in determining the presence of mental illness and the need for further treatment.

This medical determination is to be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties.

Under an amendment to the bill, this language is not to be construed to prohibit an official from advising an employee or applicant of a specific charge of sexual misconduct made against that person and affording him an opportunity to refute the charge. While providing no authority to request or demand such information, the section does not prevent an official who has received charges of misconduct which might have a detrimental effect on the person's employment from obtaining a clarification of the matter if the employee wishes to provide it.

This section would not prohibit all personality tests but merely those questions on the tests which inquire into the three areas in which citizens have a right to keep their thoughts to themselves.

It raises the criterion for requiring such personal information from the general "fitness for duty" test to the need for diagnosing or treating mental illness. The second proviso is designed to prohibit mass-testing programs. The language of this section provides guidelines for the various personnel and medical specialists whose practices and determinations may invade employee's personal privacy and thereby affect the individual's employment prospects or opportunities for advancement.

An amendment in section 6 provided an exception to this prohibition in the case of the use of such psychological tests by the Central Intelligence Agency and the National Security Agency, only if the Director of the agency or his designee makes a personal finding that the information is necessary to protect the national security.

Section 1(f)

Section 1(f) makes it unlawful for any officer of any executive department or agency or any person acting under his authority, to require or request or attempt to require or request any civilian employee or any applicant for employment to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices or concerning his attitude or conduct with respect to sexual matters. While this section does not eliminate entirely the use of so-called lie detectors in Government, it assures that where such devices are used, officials may not inquire into matters which are of a personal nature.

As with psychological testing, the Central Intelligence Agency and the National Security Agency, under section 6, are not prohibited from acquiring such information by polygraph, provided certain conditions are met.

Section 1(g)

Section 1(g) makes it illegal for an official to require or request an employee under his management to support the nomination or election of anyone to public office through personal endeavor, financial contribution, or any other thing of value. An employee may not be required or requested to attend any meeting held to promote or support the activities or undertakings of any political party in the United States.

The purpose of this section is to assure that the employee is free from any job-related pressures to conform his thoughts and attitudes and actions in political matters unrelated to his job to those of his supervisors. With respect to his superiors, it protects him in the privacy of his contribution or lack of contribution to the civic affairs and political life of his community, State and Nation. In particular, it protects him from commands or requests of his employers to buy tickets to fundraising functions, or to attend such functions, to compile position papers or research material for political purposes, or make any other contribution which constitutes a political act or which places him in the position of publicly expressing his support or nonsupport of a party or candidate. This section also assures that, although there is no evidence of such activities at present, no Federal agency may in the future improperly involve itself in the undertakings of any political party in the United States, its territories, or possessions.

Section 1(h)

Section 1(h) makes it illegal for an official to coerce or attempt to coerce any civilian employee in the department or agency to invest his earnings in bonds or other Government obligations or securities, or to make donations to any institution or cause. This section does not prohibit officials from calling meetings or taking any other appropriate action to afford employees the opportunity voluntarily to invest his earnings in bonds or other obligations or voluntarily to make donations to any institution or cause. Appropriate action, in the committee's view, might include publicity and other forms of persuasion short of job-related pressures, threats, intimidation, reprisals of various types, and "blacklists" circulated through the employee's office or agency to publicize his noncompliance.

Section 1(i)

Section 1(i) makes it illegal for an official to require or request any civilian employee in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family. Exempted from coverage under this provision is any civilian employee who has authority to make any final determination with respect to the tax or other liability to the United States of any person, corporation, or other legal entity, or with respect to claims which require expenditure of Federal moneys. Section 6 provides certain exemptions for two security agencies.

Neither the Department of the Treasury nor any other executive department or agency, is prohibited under this section from requiring any civilian employee to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law. This proviso is to assure that Federal employees may be subject to any reporting or disclosure requirements demanded by any law applicable to all persons in certain circumstances.

Section 1(j)

Section 1(j) makes it illegal to require or request any civilian employee exempted from application of section 3(i) under the first proviso of that section, to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditure or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

This section is designed to abolish and prohibit broad general inquiries which employees have likened to "fishing expeditions" and to confine any disclosure requirements imposed on an employee to reasonable inquiries about job-related financial interests. This does not preclude, therefore, questioning in individual cases where there is reason to believe the employee has a conflict of interest with his official duties.

Section 1(k)

Section 1(k) makes it unlawful for a Federal official of any department or agency to require or request, or attempt to require or request, a civilian employee who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he wishes.

This section is intended to rectify a long-standing denial of due process by which agency investigators and other officials prohibit or discourage presence of counsel or a friend. This provision is directed at any interrogation which could lead to loss of job, pay, security clearance, or denial of promotion rights.

This right insures to the employee at the inception of the investigation, and the section, and the section does not require that the employee be accused formally of any wrongdoing before he may request presence of counsel or friend. The section does not require the agency or department to furnish counsel.

A committee amendment to S. 782 adds a proviso that a civilian employee serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

Section 1(l)

Section 1 (1) makes it unlawful for a Federal official of any department or agency to discharge, discipline, demote, deny promotion, relocate, reassign, or otherwise impair existing terms or conditions of employment of any employee, or threaten to commit any such acts, because the employee has refused or failed to comply with any action made unlawful by this act or exercised any right granted by the act.

This section prohibits discrimination against any employee because he refuses to comply with an illegal order as defined by this act or takes advantage of a legal right embodied in the act.

SECTION 2

Section 2(a) makes it unlawful for any officer of the U.S. Civil Service Commission or any person acting or purporting to act under his authority to require or request, or attempt to require or request, any executive department or any executive agency of the U.S. Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this act.

Specifically, this section is intended to ensure that the Civil Service Commission, acting as the coordinating policymaking body in the area of Federal civilian employment shall be subject to the same strictures as the individual departments or agencies.

Section 2(b) makes it unlawful for any officer of the U.S. Civil Service Commission, or any person acting or purporting to act under his authority, to require or request, or attempt to require or request, any person seeking to establish civil service status or eligibility for civilian employment, or any person applying for employment, or any civilian employee of the United States serving in any department or agency, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

This section is intended to assure that the Civil Service Commission shall be subject to the same prohibitions to which departments and agencies are subject in sections 1 (e) and (f). The provisos contained in section 1(e) are restated here to assure that nothing in this section is to be construed to prohibit a physician from acquiring such data to determine mental illness, or an official from informing an individual of a specific charge of sexual misconduct and affording him an opportunity to refute the charge.

Section 2(c) makes it unlawful for any officer of the U.S. Civil Service Commission to require or request any person seeking to establish civil service status or eligibility for employment, or any person applying for employment in the executive branch of the U.S. Government, or any civilian employee serving in any department or agency to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

This section applies the provisions of section 1(f) to the Civil Service Commission in instances where it has authority over agency personnel practices or in cases in which its officials request information from the applicant or employee.

SECTION 3

This section applies the act to military supervisors by making violations of the act also violations of the Uniform Code of Military Justice.

SECTION 4

Section 4 provides civil remedies for violation of the act by granting an applicant or employee the right to bring a civil action in the Federal district court for a court order to halt the violation, or to obtain complete redress against the consequences of the violation. The action may be brought in his own behalf or in behalf of himself and others similarly situated, and the action may be filed against the offending officer or person in the Federal district court for the district in which the violation occurs or is threatened, or in the district in which the offending officer or person is found, or in the District Court for the District of Columbia.

The court hearing the case shall have jurisdiction to adjudicate the civil action without regard to the actuality or amount of pecuniary injury done or threatened. Moreover, the suit may be maintained without regard to whether or not the aggrieved party has exhausted available administrative remedies. If the individual complainant has pursued his relief through administrative remedies established for enforcement of the act and has obtained complete protection against threatened violations or complete redress for violations, this relief may be pleaded in bar of the suit. The court is empowered to provide whatever broad equitable and legal relief it may deem necessary to afford full protection to the aggrieved party; such relief may include restraining orders, interlocutory injunctions, permanent injunctions, mandatory injunctions, or such other judgments or decrees as may be necessary under the circumstances.

Another provision of section 4 would permit an aggrieved person to give written consent to any employee organization to bring a civil action on his behalf, or to intervene in such action. "Employee organizations" as used in this section includes any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of Federal civilian employees, and which deals with departments, agencies, commissions, and independent agencies regarding employee matters.

A committee amendment provides that the Attorney General shall defend officers or persons who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of the act.

SECTION 5

Section 5 establishes an independent Board on Employees' Rights, to provide employees with an alternative means of obtaining administrative relief from violations of the act, short of recourse to the judicial system.

Section 5(a) provides for a Board composed of three members, appointed by the President with the consent of the Senate. No member shall be an employee of the U.S. Government and no more than two members may be of the same political party. The President shall designate one member as Chairman.

Section 5(b) defines the term of office for members of the Board, providing that one member of the initial Board shall serve for 5 years, one for 3 years, and one for 1 year from the date of enactment; any member appointed to fill a vacancy in one of these terms shall be appointed for the remainder of the term. Thereafter, each member shall be appointed for 5 years.

Section 5(c) establishes the compensation for Board members at $75 for each day spent working in the work of the Board, plus actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence.

Section 5(d) provides that two members of the Board shall constitute a quorum for the transaction of business.

Section 5(e) provides that the Board may appoint and fix the compensation of necessary employees, and make such expenditures necessary to carry out the functions of the Board.

Section 5(f) authorizes the Board to make necessary rules and regulations to carry out its functions.

Section 5(g) provides that the Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this act, and to conduct a hearing on each such complaint. Moreover, within 10 days after the receipt of such a complaint, the Board must furnish notice of time, place, and nature of the hearing to all interested parties, and within 30 days after concluding the hearing, it must render its final decision regarding any complaint.

Section 5(h) provides that officers or representatives of any employee organization in any degree concerned with employment of the category in which the violation or threat occurs, shall be given an opportunity to participate in the hearing through submission of written data, views, or arguments. In the discretion of the Board they are to be afforded an opportunity for oral presentation. This section further provides that Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or loss in leave or pay. They shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such proceedings shall be held to be Federal employment for all purposes.

Section 5(i) applies to the Board hearings the provisions of the Administrative Procedure Act relating to notice and conduct of hearings insofar as consistent with the purpose of this section.

Section 5(j) requires the Board, if it determines after a hearing that this act has not been violated, to state such determination and notify all interested parties of the findings. This determination shall constitute a final decision of the Board for purposes of judicial review.

Section 5(k) specifies the action to be taken by the Board if, after a hearing, it determines that any violation of this act has been committed or threatened. In such case, the Board shall immediately issue and cause to be served on the offending officer or employee an order requiring him to cease and desist from the unlawful practice or act. The Board is to endeavor to eliminate the unlawful act or practice by informal methods of conference, conciliation, and persuasion.

Within its discretion, the Board may, in the case of a first offense, issue an official reprimand against the offending officer or employee, or order the employee suspended from his position without pay for a period not exceeding 15 days. In the case of a second or subsequent offense, the Board may order the offending officer or employee suspended without pay for a period not exceeding 30 days, or may order his removal from office.

Officers appointed by the President, by and with the advice and consent of the Senate, are specifically excluded from the application of these disciplinary measures; but the section provides that, in the case of a violation of this act by such individuals, the Board may transmit a report concerning such violation to the President and the Congress.

Section 5(l) provides for Board action when any officer of the Armed Forces of the United States or any person acting under his authority violates the act. In such event, the Board shall (1) submit a report to the President, the Congress, and to the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice through informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. When this determination and report is received, the person designated shall immediately dispose of the matter under the provisions of chapter 47 of title 10 of the United States Code.

Section 5(m) provides that when any party disagrees with an order or final determination of the Board, he may institute a civil action for judicial review in the Federal district court for the district wherein the violation or threatened violation occurred, or in the District Court for the District of Columbia.

The court has jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board, or (2) require the Board to make any determination or order which it is authorized to make under section 5(k) but which it has refused to make. In considering the record as a whole, the court is to set aside any finding, conclusion, determination, or order of the Board unsupported by substantial evidence.

The type of review envisioned here is similar to that obtained under the Administrative Procedure Act in such cases but this section affords a somewhat enlarged scope for consideration of the case than is now generally accorded on appeal of employee cases. The court here has more discretion for action on its own initiative. To the extent that they are consistent with this section, the provisions for judicial review in title 5 of the United States Code would apply.

Section 5(n) provides for congressional review by directing the Board to submit to the Senate and to the House of Representatives an annual report which must include a statement concerning the nature of all complaints filed with it, the determinations and orders resulting from hearings, and the names of all officers or employees against whom any penalties have been imposed under this section.

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Section 5(o) provides an appropriation of $100,000 for the Board on Employee Rights.

SECTION 6

Section 6 provides that nothing in the act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency, under specific conditions, from requesting an applicant or employee to submit a personal financial statement of the type defined in subsection 1 (i) and (j) or to take any polygraph or psychological test designed to elicit the personal information protected under subsection 1(e) or 1(f).

In these agencies, such information may be acquired from the employee or applicant by such methods only if the Director of the agency or his designee makes a personal finding with regard to each individual that such test or information is required to protect the national security.

SECTION 7

Section 7 requires, in effect, that employees of the Central Intelligence Agency and the National Security Agency exhaust their administrative remedies before invoking the provisions of section 4 (the Board on Employee Rights) or section 5 (the Federal court action). An employee, his representative, or any organization acting in his behalf, must first submit a written complaint to the agency and afford it 120 days to prevent the threatened violation or to redress the actual violation. A proviso states that nothing in the act affects any existing legal authority of the Central Intelligence Agency under 50 U.S.C. 403(c) or of the National Security Agency under 50 U.S.C. 833 to terminate employment.

SECTION 8

Section 8 provides that nothing in the act shall be construed to affect in any way authority of the directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or Executive order. In cases involving his employees, the personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or Executive order is to be conclusive and no such information shall be admissible in evidence in any civil action under section 4 or in any proceeding or civil action under section 5. Nor may such information be receivable in the record of any interrogation of an employee under section 1(k).

SECTION 9

Section 9 provides that the Federal Bureau of Investigation shall be excluded from the provisions of this act.

SECTION 10

Section 10 provides that nothing contained in sections 4 or 5 shall be construed to prevent the establishment of department and agency grievance procedures to enforce this act. The section makes it clear that the existence of such procedures are not to preclude any applicant or employee from pursuing any other available remedies. However, if under the procedures established by an agency, the complainant has obtained complete protection against threatened violations, or complete redress for violations, such relief may be pleaded in bar in the U.S. district court or in proceedings before the Board on Employee Rights.

Furthermore, an employee may not seek his remedy through both the Board and the court. If he elects to pursue his remedies through the Board under section 5, for instance, he waives his right under section 4 to take his case directly to the district court.

SECTION 11

Section 11 is the standard severability clause.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

The PRESIDENT pro tempore. Under the previous order the distinguished Senator from Wisconsin (Mr. PROXMIRE) is scheduled to be recognized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that that particular order be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 9:30 a.m. today, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Is there morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of William Terrell Hodges, of Florida, to be a U.S. District Judge for the Middle District of Florida, which was referred to the Committee on the Judiciary.

NATIONAL SICKLE CELL ANEMIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that under the agreement previously entered into, Calendar No. 537, S. 2676 be laid before the Senate and made the pending business.

The PRESIDENT pro tempore. The bill will be stated by title.

The bill was read by title, as follows:

A bill (S. 2676) to provide for the prevention of sickle cell anemia.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act shall be cited as the "National Sickle Cell Anemia Control Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that sickle cell anemia is a debilitating, inheritable disease that afflicts approximately two million American citizens and has been largely neglected;

(2) that the disease is a deadly and tragic burden which is likely to strike one-fourth of the children born to parents, both of whom bear the sickle cell trait;

(3) that efforts to control sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to control sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved;

(6) that the attainment of better methods of control, diagnosis, and treatment of sickle cell anemia deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the control, research, and treatment of sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—SICKLE CELL ANEMIA PROGRAM

"GRANTS FOR SICKLE CELL SCREENING AND COUNSELING PROGRAMS

"SEC. 1101. (a) The Secretary is authorized to make grants to and enter into contracts with public and nonprofit private agencies, organizations, or institutions to assist in the establishment and operation of voluntary sickle cell anemia screening and counseling programs and to assist in developing and making available information and educational materials relating to sickle cell anemia to all persons requesting such information or materials, and to inform the public generally about the nature of sickle cell anemia and the sickle cell trait.

"(b) In making grants and contracts under this section the Secretary shall give priority to areas within States having the highest percentage of population in need of sickle cell anemia screening and counseling programs; with a further priority to community-based organizations in such areas.

"(c) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975.

"RESEARCH AND RESEARCH TRAINING GRANTS

"SEC. 1102. (a) In order to promote research and research training in the diagnosis, treatment, and control of sickle cell anemia, development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia, and the development of centers for research, testing, counseling, control or treatment of sickle cell anemia, the Secretary is authorized to make grants to public or nonprofit private agencies, organizations or institutions and to enter into contracts with public or private agencies, organizations or institutions and individuals for projects for research and research training in such fields.

"(b) For the purpose of making payments pursuant to grants and contracts under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $10,000,000 for the fiscal year ending June 30, 1974; and $15,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"SEC. 1103. The participation by any individual in any program or portion thereof under this title (whether by grant or contract) shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from or to participation in, any other program.

"APPLICATIONS

"SEC. 1104. A grant under this title may be made upon application to the Secretary at such time, in such manner, containing, and accompanied by such information as the Secretary deems necessary. Each application shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(3) provide for appropriate community representation in the development and operation of any program funded under this title; and

"(4) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any eligible person requesting screening, counseling, or treatment, and shall include notification of all eligible persons of the availability and voluntary nature of such programs.

"REPORTS

"SEC. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

PROTECTION OF ARMED FORCES PERSONNEL

SEC. 4. (a) The Secretary of Defense is authorized and directed to promulgate rules and regulations to provide for screening and counseling of members of the Armed Forces (including their dependents), civilian employees of the Department of Defense, and persons examined at Armed Forces examining and entrance stations, for the sickle cell trait and sickle cell anemia.

(b) Such rules and regulations shall provide for—

(1) voluntary screening for the sickle cell trait for persons described in subsection (a) who request such a test, at no cost to such person;

(2) communication to such person described in subsection (a) of the results of such test;

(3) voluntary referral of individuals determined to possess a positive trait to an appropriate military or civilian counseling or treatment agency;

(4) notification to persons described in subsection (a) of the cost-free and voluntary nature of the screening and referral programs implemented pursuant to this section;

(5) education of persons described in subsection (a) regarding the nature and inheritance of the sickle cell trait and sickle cell anemia; and

(6) assurance that all information obtained on specimens submitted voluntarily under this Act shall be held confidential except for (A) such information as the patient (or his guardian) consents to be released or (B) statistical data compiled without reference to the identity of such patient.

(c) The Secretary of Defense shall provide for voluntary counseling or treatment of such persons described in subsection (a) found to have the sickle cell trait or sickle cell anemia at an appropriate military or civilian facility as the case may be.

(d) (1) The Secretary of Defense shall prepare and submit to the President for transmittal to Congress on or before April 1 of each year a comprehensive report on the administration of this section.

(2) The report required by this subsection shall contain such recommendations for additional legislation as the Secretary of Defense deems necessary.

(e) The participation by any individual in any program or portion thereof under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

PROTECTION OF VETERANS

SEC. 5. (a) Chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"Subchapter VI—Sickle Cell Anemia

"§ 651. Screening, counseling, and medical treatment

"(a) The Administrator is authorized to offer to any veteran who is receiving hospital or domiciliary care or medical services under this chapter or is receiving an examination to determine eligibility for benefits under this title, a screening examination for sickle cell trait or sickle cell anemia, including providing to such veteran full information regarding the nature and inheritance of sickle cell trait and sickle cell anemia and regarding the availability to such veteran of a screening examination under this subchapter, and to provide such a screening examination upon such veteran's request.

"(b) Upon a finding that such veteran has the sickle cell trait or sickle cell anemia, the Administrator is authorized to offer, and, if such veteran requests, provide for counseling (which shall include such a screening examination and counseling for the veteran's spouse, when requested, and a complete explanation of the veteran's eligibility for hospital care and medical services under this chapter) and/or necessary hospital care and medical services for a disability arising from such trait or anemia.

"(c) The Administrator shall ensure that each veteran receiving benefits under laws administered by the Veterans' Administration receives, as soon as practicable after enactment of this subchapter, full information regarding the nature and inheritance of sickle cell trait and sickle cell anemia and the availability of screening examinations and treatment for such trait and anemia.

"§ 652. Research

"The Administrator shall carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter, subject to the provisions governing voluntary participation and confidentiality in section 653 of this title. For the purpose of carrying out such research, there are authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1973; $4,000,000 for the fiscal year ending June 30, 1974; and $5,000,000 for the fiscal year ending June 30, 1975.

"§ 653. Voluntary participation; confidentiality

"(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

"(b) The Administrator shall promulgate rules and regulations to ensure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics.

"§654. Reports

"(a) The Administrator shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this subchapter.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Administrator deems necessary."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA

"651. Screening, counseling, and medical treatment.

"652. Research.

"653. Voluntary participation; confidentiality.

"654. Reports."

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Massachusetts the 15 minutes allotted to the majority.

The PRESIDENT pro tempore. The Chair understands there is a 30-minute time limitation on this matter.

Mr. KENNEDY. Mr. President, I yield myself 7 minutes.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am delighted to have this opportunity to bring S. 2676, the National Sickle Cell Anemia Act, before the Senate. This bill establishes for the first time, substantial efforts by the Federal Government, to combat the debilitating effects of sickle cell anemia. The bill has the strong bipartisan support of 45 Senators who joined in cosponsoring this legislation. Approval of this bill underscores the Senate's very meaningful response to the needs of those who are affected by sickle cell anemia.

At least 50,000 Americans are believed to suffer from the painful crises that are characteristic of this disease. Another 2.5 million Americans are believed to have the sickle cell trait that may be passed on to their children. Since its origin centuries ago in certain areas of Africa, the disease and its complications have been observed in many areas of the world. In this country, sickle cell anemia has been diagnosed mainly in

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black people. It has also been observed in countries of southern Europe and in India.

Last July, I offered an amendment to the supplemental appropriations bill for the Department of Health, Education, and Welfare that was approved by the Senate. That amendment added $6 million for sickle cell anemia treatment programs and the bill passed the Senate with a total of $12 million for the Department of Health, Education, and Welfare to develop these programs. Unfortunately, the conference committee rejected the $12 million appropriated by the Senate and approved a total of only $6 million.

Since then, the health subcommittee has conducted extensive hearings on S. 2676, as introduced by the distinguished junior Senator from California (Mr. TUNNEY). The members of the committee were impressed with testimony from the many witnesses, who supported the need for a strong effort to combat this crippling killer. Victims of the disease are stricken with bouts of excruciating pain. Sicklers suffer from heart attacks, strokes, kidney failure, and other debilitating effects that seriously shorten their lives. Most patients fail to live beyond age 20. And in the first years of life many victims are hospitalized up to 10 times a year.

Each member of the subcommittee deserves credit for his work on and concern with this vital issue. I feel it is important to also extend appreciation to all members of the full Committee on Labor and Public Welfare for the careful attention displayed for the needs of those who are affected with sickle cell anemia and in moving so swiftly to complete committee action on this legislation. This bill was introduced on October 8, 1971. Hearings were conducted by the health subcommittee on November 11 and 12, 1971, and the Committee on Labor and Public Welfare reported the bill on November 16. Today, exactly 2 months after the bill was introduced we are preparing to complete final action on this measure. This efficiently swift action could not have occurred without the cooperation of the several able and concerned members of the committee.

Throughout its 60-year history in this country, sickle cell anemia has plagued thousands of victims. But the most tragic aspect of the problems attendant to this disease is the neglect of our national medical resources regarding this awful malady.

When compared with other diseases that primarily strike white families, it is clear that sickle cell anemia has been considered of little concern, like most other things that only affect black Americans. Resources to support research efforts to combat other diseases, however, have been astronomical compared to the amount provided for the fight against sickle cell anemia. In any effort to control sickling, those who suffer with this disease must get attention and relief and those with the trait must receive counseling and guidance. It is my hope that the National Sickle Cell Anemia Act will inaugurate a nationwide commitment. I am convinced that this country has both the ability and the concern to mount an effective attack on sickle cell anemia. The provisions authorized by the Sickle Cell Anemia Act will introduce a well deserved and long overdue response to this critical health problem.

This bill authorizes a total of $142 million over 3 years. The authorization includes: $25 million for fiscal year 1973, $35 million for fiscal year 1974, and $40 million for fiscal year 1975, for the Department of Health, Education, and Welfare to conduct screening, testing, and counseling programs. For each of those fiscal years the Department of Health, Education, and Welfare is also authorized $5 million, $10 million, and $15 million, respectively, for research programs concerning this disease. In addition, the Veterans' Administration is authorized $3 million for fiscal year 1973, $4 million for fiscal year 1974, and $5 million for fiscal year 1975, to conduct research projects on the effects of sickle cell anemia.

And finally the bill authorizes the Department of Defense to include sickle cell anemia testing in its ongoing health care programs for civilian and active duty military personnel.

As chairman of the Health Subcommittee, I received consistent testimony from witnesses who reported that effective control of this disease will be accomplished with extensive participation by organizations and research teams that include black professionals and technicians. I was particularly impressed with the accomplishments of the Black Athletes' Foundation—BAF. Organized less than a year ago, a group of professional black athletes, headed by Muhammed Ali, developed a sickle cell testing program in Pittsburgh and Allegheny County, Pa. So far, with only volunteer help, over 5,000 citizens have passed through that program. Already the BAF is planning for similar projects in Atlanta, Chicago, St. Louis, and other cities.

In addition to the concerns expressed by such volunteer groups, it is important to note that for more than 20 years substantial work has been done on this disease by Dr. Roland Scott of Howard University.

Dr. Scott has labored quietly and effectively but with essentially no money—in 20 years he received less than $70,000 in Federal funds for the university's sickle cell clinic and for its research program.

Researchers from Rockefeller University, Meharry Medical College, and the University of Illinois College of Medicine told the committee of possible results that may be developed from current research efforts. Their work and the hope of those who suffer from this disease will be bolstered with the enactment of this legislation.

I believe that this bill can and will stimulate a Nationwide program to resolve the problems of sickle cell anemia. Already hearings on similar legislation have been conducted by Congressman PAUL ROGERS' Health Subcommittee in the House, and I share the interest of those members who look for favorable action by the House of Representatives on this measure.

Mr. President, I urge the Senate to accept S. 2676 because it offers to begin providing well deserved assistance for a very critical affliction. Strong approval by the Senate for sickle cell anemia legislation will lead the way for a national program that can clearly and emphatically meet the demands of this vital health problem.

The fact remains that half of those with sickle cell anemia die by the time they are 20 years of age. Rarely is there a record of someone with the disease living beyond the age of 40. The statistics that are included in these remarks and the dollar amounts that have been indicated in the bill fail to convey the very deep sense of human suffering and loss that are experienced by those who are affected by the disease. In our hearings on this bill one witness who appeared before us was a woman, 27 years of age, who suffers from the disease, she knows very well, the agony, and distress that accompany the painful bouts that force the sickle cell victims to be hospitalized. She knows that a person with sickle cell anemia lives a life spotted with mounting medical costs. She is the mother of a young daughter. And every day when she wakes up she knows there may be 1 day less in her life, unless we reach some miraculous discoveries, through research on sickle cell anemia.

The work in this field has been going on in many communities around the country. I mentioned in my remarks two distinguished schools that have been engaged in this work, Howard University and Rockefeller University. Voluntary programs have been going on in many other parts of the country. We in Congress authorize and appropriate vast sums of money, but in this particular area, where we can have a direct impact in insuring that people in this country are relieved from this disease through screening and by counseling programs, we have not done nearly enough. It is vital, therefore, that we pass S. 2676 to begin providing the well-deserved Federal assistance to control this disease. Federal programs can caution individuals about the possibility of inflicting sickle cell anemia upon children. I feel we can really help a very significant part of our population.

I am hopeful that the legislation will be adopted.

Mr. President, considerable concern about the need for sickle cell anemia programs has appeared in recent months in publications by medical experts. But there has also been considerable coverage in the lay press about the mounting public demand for substantial Federal assistance to control this disease.

I wish to direct the Senate's attention to two articles that were recently published in the Washington Post and in the National Observer about sickle cell anemia. I therefore request unanimous consent to enter in the RECORD: A news item from the December 7 issue of the Washington Post concerning a Baltimore, Md., sickle cell anemia testing program; and a feature article from the December 11 issue of the National Observer by Patrick Young, entitled "A Disease Draws the Color Line."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 7, 1971]

BALTIMORE WILL TEST TO FIND SICKLE CELL ANEMIA CARRIERS

(By Jim Mann)

Baltimore Mayor-elect William D. Schaefer has announced plans to screen about 50,000 black junior and senior high school students to find carriers of the genetic trait that can cause sickle cell anemia.

Under the program, announced this weekend, those who are found to be carriers of the disease will be given counseling sessions.

In such sessions, they will be advised that if they marry another person carrying the sickle cell trait, the chances are that one in four of their children will actually have the disease. (The carriers of the disease are themselves invariably free of the disease.)

The rationale for aiming the screening program at junior and senior high school students is to reach those people who will soon be having children.

Sickle cell anemia is a hereditary disease caused by abnormal hemoglobin in the blood. The disease originated in Africa, Asia and parts of the Mediterranean as a natural body defense against malaria, according to Dr. Roland Scott, a leading researcher in the field. In the United States, almost all victims are blacks.

The victims suffer excruciatingly painful attacks, and sometimes blindness or paralysis. Rarely do victims live past the age of 40.

Although the disease affects about one in 500 American blacks, slightly fewer than one in 10 carry the recessive gene that can cause the disease.

According to Robert E. Farber, Baltimore health commissioner, the program was made possible by a "windfall" of $110,000 for new health programs, which Baltimore is eligible to receive as part of the proceeds of a successful antitrust action against pharmaceutical companies.

The screening itself is expected to cost $65,000 to $85,000 over a two-year period. Farber said the program would probably begin some time next year.

The District of Columbia does not yet have a screening program for the sickle cell anemia trait in its public schools, although it, like Baltimore, has recently begun conducting such tests in some maternity and neighborhood clinics.

However, the D.C. City Council has under consideration a proposal to conduct sickle cell screening among all kindergarten and first grade students.

Earlier this year, Congress allocated $6 million for research and community programs relating to sickle cell anemia, a fivefold increase, after President Nixon in February asked for "concentrated research" on the disease.

[From the National Observer, Dec. 11, 1971]

A DISEASE DRAWS THE COLOR LINE—RESEARCHERS AROUSE PUBLIC TO SICKLE-CELL THREAT

(By Patrick Young)

Nellie Kendrick recalls a white friend who recently asked her if it were true that sickle-cell anemia—a painful and usually fatal blood disease—is found almost exclusively among blacks. Mrs. Kendrick, a black volunteer in the Milwaukee Community Sickle Cell Disease Project, assured her it was. "I thought it was just a lie spread to show that blacks were inferior to whites," the friend said.

Misconceptions abound about sickle-cell anemia, among blacks and whites, among physicians and laymen. The disease afflicts perhaps 45,000 black Americans. Nearly half of its victims die before age 5, and about 80 per cent by age 30. It occurs once in every 400 to 500 black births, a frequency 6 times greater than cystic fibrosis, and 20 times higher than phenylketonuria (PKU), both almost exclusively white diseases.

Yet for years medical researchers called sickle-cell anemia "the forgotten disease." One year ago, an editorial in the Journal of the American Medical Association complained that "the level of general ignorance concerning the nature of sickle-cell anemia remains depressingly high."

Now that ignorance is under attack. More money than ever is going into sickle-cell research. New diagnostic and treatment procedures are being developed. Large-scale testings are under way in several cities, including Milwaukee, to find blacks unknowingly suffering from the disease, and to determine who are carriers capable of passing on sickle-cell anemia to their children.

And blacks across the country are working to raise funds and to acquaint all Americans with the disease. As one example, more than 200 professional black athletes—including Willie Stargell and Dock Ellis of the Pittsburgh Pirates and boxer Muhammad Ali—have set up the Black Athletes Foundation for Research in Sickle Cell Disease.

BRINGING BLACKS TOGETHER

"This has brought black people together, from the Black Panthers to the Urban League," says Richard Campbell, director of the Foundation for Research and Education in Sickle Cell Disease in New York City.

Sickle-cell anemia, an inherited disease, is the most common long-term illness among black children (about 1 per cent of its victims in the United States are white). It is incurable, and despite considerable knowledge of the disease's mechanism, treatment methods remain poor.

The disease is caused by a defect in the hemoglobin molecules within red blood cells, which carry oxygen throughout the body. Each hemoglobin molecule contains 574 amino acids. In sickle-cell hemoglobin, two of these amino acids are replaced by two others.

"At the basic level, the change is so minuscule, so tiny," says Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases. "Yet for the individual, it is a matter of life and death."

When sickle-cell hemoglobin is deprived of oxygen, the red blood cells lose their round, doughnutlike shape and take on a sickle or quarter-moon appearance.

When this happens, the red blood cells are unable to pass through the body's microscopic capillaries. The cells jam up like driftwood clogging a drainpipe. As a result tissue is deprived of the oxygen it needs, and dies. This painful event is called a "crisis."

In crisis, a person suddenly develops intense pain, usually in the abdomen, back, chest, hips, arms, or legs. The heart may be partly or fatally damaged or a stroke may result. Sickle-cell sufferers are extremely vulnerable to infection, particularly pneumonia, and many develop skin ulcers at the ankle.

"Sickling can occur in any organ system and so it can mimic any disease state," says Dr. Edwin Bemis, a pathologist working with the newly established Southeastern Wisconsin Sickle Cell Center at Deaconess Hospital here. This causes diagnostic difficulties for doctors unfamiliar with sickle cell, and sometimes results in unnecessary surgery.

The disease results from a gene mutation that occurred centuries ago in Africa, and which became common because it offered a protection against malaria. For some unknown reason, malaria parasites cannot survive in sickled red blood cells.

Each person inherits two sets of genes, one from each parent. A person with sickle-cell anemia has inherited a sickle-cell gene from each parent. A person who inherits a sickle-cell gene from only one parent is called a "trait." (Far less common than sickle-cell anemia are "variants," forms of the disease less severe than the anemia, but more troublesome than the trait.) Estimates place the number of blacks carrying the trait at between 8 and 13 per cent.

It requires two traits to produce a child with sickle-cell anemia, and the odds are one in four for such a birth. The chances of producing another trait are one in two. These odds of genetic roulette are for each birth. A Racine, Wis., couple produced three children, all with sickle-cell anemia.

The only guarantee that two traits will avoid a child with sickle-cell anemia is if they have no children. Currently several research teams are trying to develop prenatal tests for the disease. If they succeed, parents will know in advance if their child will be born with sickle-cell anemia, and will have the option for abortion.

TRAIT IS NOT A DISEASE

Most sickle-cell traits live normal lives and never experience a crisis. "Overall, we try to stress that sickle-cell trait is not a disease," says Dr. Robert B. Scott of the Medical College of Virginia in Richmond.

Nevertheless, cautions Dr. Robert M. Nalbandian of Blodgett Memorial Hospital in Grand Rapids, "the trait under certain physiological-stress conditions can be hazardous, and has been."

Traits may crisis while flying at high altitudes in unpressurized aircraft, under general anesthesia during surgery, or sometimes during great physical exertion.

Last year a team of Army doctors blamed sickle-cell trait for the deaths of four black recruits—over an 11-month period—during basic training at Fort Bliss, Texas. Their conclusion, however, has been challenged by other researchers, who contend the doctors did not rule out sufficiently other possible factors in the deaths.

Women with sickle-cell trait have a higher incidence of urinary infection during pregnancy, and traits sometimes pass blood in their urine. Pittsburgh pitcher Dock Ellis, a trait, says he occasionally passes clots. "I've gone to the team physicians and they say there's nothing they can do about it," he says.

The public awakening to sickle-cell anemia is a recent thing, among blacks and whites. A 1968 survey in Richmond found that only 30 per cent of the blacks questioned had heard of the disease. Today blacks are more willing to accept the disease and no longer regard it as a racial slur.

"Part of the new pride among blacks is enabling us to look at ourselves, and to look with more objectivity," says Hazel Maxwell, chairman of the Milwaukee Community Sickle Cell Disease Project's advisory committee.

Sickle-cell fighters say the message of concern is finally getting across. Congress, at President Nixon's request, increased the National Institutes of Health's sickle-cell research budget from $1,000,000 to $6,000,000 this year. A bill to provide $142,000,000 in sickle-cell funds over three years is pending in the Senate. The National Foundation and its local March of Dimes chapters are providing increasing funds for research.

"I think we're getting over our benign neglect," says Dr. Bemis. "We're waking up to the fact that there is a black portion of our population. Whites, too, are demanding that blacks be treated on an equal medical basis."

The new awareness of sickle-cell anemia has led to greater efforts to identify people with the trait. Here in Milwaukee, Deaconess Hospital's sickle-cell center plans to test 118,000 blacks in seven counties. Three screenings have tested 2,232 blacks since Sept. 18, in addition to over 5,000 patients routinely tested upon admission to the hospital since 1969.

It is a community effort, utilizing more than 250 black and white volunteers and Boy Scout Troop 200, a ghetto unit, to spread the testing message. The center will provide

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genetic counseling and a registry of persons with sickle-cell trait.

AN EFFORT IN PITTSBURGH

The Black Athletes Foundation and six other groups are sponsoring a similar effort in an attempt to test 250,000 blacks in the Pittsburgh area. Smaller screening programs have taken place among school children in Grand Rapids and Hartford.

Testings to date have been voluntary. But New York State recently passed a law providing sickle-cell tests for youngsters entering public schools. And laws requiring testing of school children or marriage license applicants before marriage are pending in several states, including California and Illinois.

Such laws delight some blacks, but not all. "If testing is compulsory, children identified as carriers could be stigmatized as less desirable parents or as weak individuals," says Dr. Robert Murray of Howard University in Washington, D.C.

The Milwaukee program and several others use a test developed by Dr. Nalbandian and Dr. Paul Wolf of Stanford University. Its advantage over previous tests lies in cost. The chemicals needed for the test, which can be run automatically at the rate of 120 an hour, cost only pennies a sample.

The test is a preliminary screening. A positive indicates sickling, but not necessarily sickle-cell disease. A second test—electrophoresis, which measures the distinctive electrical charges of various types of hemoglobin—can determine if the patient has sickle-cell anemia or the trait.

Treating sickle-cell anemia is more complex. Efforts to reverse sickling crises in patients, says Dr. Scott, "have not been terribly effective."

Dr. Nalbandian and his research colleagues are experimenting with urea, a natural chemical waste occurring in the body, in a sugar solution to treat patients in crisis. This "molecular surgery," says Dr. Nalbandian, breaks apart sickle-cell hemoglobin molecules that have locked together and reverses the crisis.

"We have been able to abort sickle-cell crises in over 20 patients, without using narcotics, and without medical misadventures, therapeutic failure, or death," he says.

The technique is extremely complicated. Unless extreme care is taken, the urea can cause dehydration, which itself can bring on a crisis by reducing oxygen.

Last month Dr. Paul McCurdy and Dr. Laviza Mahmood of Georgetown University medical school in Washington, D.C., reported treating 24 crises in 14 patients with urea. Seventeen crises were successfully treated, though the researchers noted dehydration as a major side effect.

"These results suggest that urea therapy has a beneficial effect on the painful crises of sickle-cell disease, but the method is still experimental," they wrote in the New England Journal of Medicine.

Currently the National Heart and Lung Institute is supporting six studies comparing three sickle-cell therapies, including urea. A second corrects dehydration, and the third reduces blood acidity, another cause of sickling, by lowering body oxygen.

A PROMISING TREATMENT

Other researchers are trying to find other chemicals that will reverse sickling without urea's handicaps. Dr. Anthony Cerami and Dr. James Manning of Rockefeller University in New York City recently reported excellent test-tube results in preventing sickling in human blood with potassium cyanate. They expect to begin human tests within a year.

Dr. Nalbandian says urea, taken four times daily mixed with soda pop to hide its bitter taste, can safely and effectively prevent sickle-cell crises. But he acknowledges difficulties in getting patients to down their preventive doses regularly.

"Frequently they take it when they feel pain," he says. "They head off a crisis and then they ignore their urea. There has to be a better way of delivering it."

SECRET LAY IN THE STRUCTURE

Although there is no cure for sickle-cell anemia, and as yet no generally accepted treatment, the basic mechanism of "sickling" is no mystery.

Sickle-cell anemia was first described in 1910 by Dr. James Herrick of Chicago. In 1949, Nobel Laureate Linus Pauling and Dr. Harvey Itano showed that the disease resulted from an inherited defect in the hemoglobin molecules within red blood cells. Nine years later, Dr. Vernon Ingram and John Hunt, working at England's Cambridge University, identified that defect.

Hemoglobin molecules, which transport oxygen throughout the body, contain a total of 574 amino acids, arranged in four chains. The four chains are actually two pairs of identical chains, called alpha and beta.

The English researchers found that at two points in the beta chain of sickle-cell hemoglobin an amino acid called valine exists where glutamic acid, another amino acid, exists in normal hemoglobin.

It remained for Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases, to explain in 1966 how this minute difference in amino acids causes sickling. Considering the Cambridge research, he says, "it occurred to me that maybe the secret lay in the structure."

Normal hemoglobin molecules, about 300,000,000 per red blood cell, move at random within their cells. But Dr. Murayama found that substituting valine for glutamic acid allows sickle-cell hemoglobins to lock together when oxygen is reduced. They form chains up to 6,000,000 molecules long. These chains twist into six-strand cables, and these cables, in turn, bunch together to form rigid lines.

"The end effect is that the cell wall, which is like a balloon, complies with the shape of these long fibers within," Dr. Murayama says.

Last year Dr. Murayama photographed these microcables for the first time. Using a stream of argon ions—a technique he learned about from scientists shaving microcopic layers from moon rocks—he stripped away part of the wall from a sickled cell. With a scanning electron microscope, he photographed clumps of sickled hemoglobin.

This year Dr. Murayama proposed a theory to explain why sickle-cell anemia is more severe in some patients than in others. He suggests that an organic molecule, which he calls the "hemoglobin S cofactor," plays a role in sickling. Its severity depends on the amount of this molecule present.

Dr. Murayama has yet to identify the molecule. "When and if it is identified," he says, "I think we will be able to revolutionize the mode of control and treatment of the disease."

Mr. TUNNEY. Mr. President, there is a blood disease in this country that kills half of its victims before the age of 20. Few survive beyond the age of 40 and most are crippled long before death.

It was found to be a deadly killer more than 60 years ago. It is called sickle cell anemia and it strikes approximately one of every 500 black persons in this country. Medical researchers estimate that over 2 million Americans carry the so-called sickle cell trait. And yet the vast majority of Americans have no idea what sickle cell anemia is; they have never heard of it.

The people who suffer most from this disease do not live in the suburbs; they do not belong to country clubs; they do not go to private schools; many of them do not have family doctors; many of them never receive any adequate health care. They are black and they are being ignored.

If this country can vaccinate millions of schoolchildren against the threat of polio; if we have the facilities to perform the major medical miracles that we have all witnessed within the last 15 years, then I say that there is absolutely no excuse why the talent and research facilities of the Federal Government and the commitment and the dollars of the U.S. Congress should not be expended toward eliminating the threat of sickle cell anemia from every black home in America. To do any less is unacceptable.

I think it is time that we as a nation make a commitment to end this tragedy. For this reason, I authored the legislation we have before the Senate today. S. 2676, the National Sickle Cell Anemia Prevention Act, creates a national program for the prevention of sickle cell anemia. Regrettably, there is no cure for this disease and none on the horizon. But we can begin to offer the opportunity to learn the nature and risks of the disease. And we can persist in and strengthen research to combat the disease. I am honored that Senators KENNEDY, BROOKE, and WILLIAMS joined me as the prime sponsors of this bill. And I think the fact that 42 other Senators have joined as cosponsors is an indication of the depth of commitment in the Senate to act against this disease.

I am also honored to have had the advice and cooperation of District of Columbia Delegate WALTER FAUNTROY who led a group of 11 members of the black caucus in introducing identical legislation in the House of Representatives.

Mr. President, before discussing the basic provisions of S. 2676, I would like to discuss three major points which I think the Senate should keep before it in considering this bill.

As chairman of the Subcommittee on Public Health for the District of Columbia, I held hearings here in Washington on sickle cell anemia. Those hearings, to the best of my knowledge, were the first hearings ever held by any committee of the Congress on this tragic disease. I point this out, Mr. President, to indicate the fact that this has been a terribly and tragically neglected area. And the full measure of that neglect is the fact that sickle cell anemia has received the barest imaginable Federal research support. To put it bluntly, the Federal Government just has not cared enough. I think it is fair to say—and research figures prove the fact—that if sickle cell anemia afflicted primarily white people instead of black, we would have made the commitment long ago to end this disease.

Take just one example—phenylketonuria—so called PKU disease—is a disease that afflicts primarily white persons, and occurs with a frequency of less than 1 in 10,000 births. For years hospitals have routinely tested white children for this disease. Sickle cell anemia occurs with a frequency of 1 in 500, 20 times more frequently than PKU—and yet we still do not have any major programs to test for this disease.

Mr. President, the one thing that came through loud and clear in my recent hearings was that whatever progress has been made thus far has come from dedicated researchers, such as Dr. Roland Scott at Howard University, who have worked almost entirely without Federal money.

Last year, we are told, $2 million of Federal money went to sickle cell anemia research. Just where that money went, I am not sure. But one thing we did learn in our hearings was that not much of it went to researchers like Dr. Scott. In fact, as he testified before me, Howard University received only $2,000.

The present administration makes much of the fact that it has earmarked $6 million in the 1972 NIH budget for sickle cell anemia—of which I might add was new money. Yet where is that money going—if it is being spent at all? The Director of the District of Columbia Health Services Administration testified that the District could not even get $15,000 from NIH to piggyback a sickle cell test on an existing testing program of lead paint poisoning tests. I would like to insert his testimony in the RECORD at this point:

Dr. STANDARD. I would like to state that six months ago we were searching for $15,000 to add on piggy-back for a lead poisoning program we were conducting throughout the District of Columbia.

It was funded through model cities, it is a good program, and with people knocking on doors, bringing children into the program.

We felt this was a good opportunity for us to piggyback on top of this existing fairly well-financed program an additional testing for sickle cell.

When we did our costs analysis, we found out it would cost approximately $15,000.

We searched, but to date we have not been able to come up with the additional funding.

We have, however, done some testing, using other monies from our programs.

Senator TUNNEY. Let me stop you there. You say that you could not get the $15,000. Where did you search?

Dr. SHUFFORD. We have in many instances, Mr. Chairman, attempted to get monies from NIH. We have gone to such places as HSMHA, which is responsible for the family planning section.

We talked with a Mr. Namkins there, and we have been unable to come up with any funds.

Senator TUNNEY. You could not even get the $15,000 from NIH?

Doctor SHUFFORD. We have not even been able to get $15,000.

Senator TUNNEY. What about the $6,000,000 that have already been earmarked?

Doctor SHUFFORD. What was told us, concerning the $6,000,000, that had been earmarked by the President, that it went to NIH to be used mainly for hardcore research, which takes it out of the realm of what we wanted to do.

Mr. President, in the face of that record, I think the mandate upon the Congress is clear.

A second point concerns the announcement by Health, Education, and Welfare Secretary Richardson, on Nov. 10, 1971, of the recommendations of the Health, Education and Welfare Sickle Cell Disease Advisory Board. Mr. President, I welcome the administration's interest in this area. I wish it had existed long ago, and I wish it were stronger..

I am gratified, however, that at the very least, the announcement demonstrates that the administration has read our bill. Each provision of S. 2676, which we introduced on October 8, 1971, after 6 months of extensive research and consultation with physicians, researchers and other members of the black community, has been included in the Advisory Committee's recommendations to Secretary Richardson.

Mr. President, I think that fact confirms the merits of this bill.

I would add however, that the announcement also reveals the need for action on this bill, because the administration's proposals are most inadequate in terms of funding. The Advisory Committee's recommendations call for no new funds—they simply allocate existing inadequate funds in an inadequate manner for a program which is itself inadequate.

The true measure of the inadequacy of those recommendations was demonstrated in our hearings. Four separate witnesses, including Dr. Scott, the Black Athletes Foundation and representatives of the District of Columbia Government told us that it would take $4 to $5 million to run a comprehensive program in the District alone. Yet that is more than the amount which the administration is prepared to spend nationwide.

Let me point out another thing—I think we ought to be told just what is happening with that $6 million which was earmarked in the 1972 budget. First we were told that it was going for increased research. But, as Dr. Scott pointed out so eloquently, if it is going for research it is not going to those who have been doing the research.

Now we are told that it is not for research after all but would be used to fund this new proposal. If it is used for that purpose, I wonder if any of the centers it would fund would include the center at Howard University or Meharry Medical School. That, Mr. President, is my third point—money for any program against sickle cell anemia should begin with those institutions which are treating black people—institutions like Howard and Meharry.

Dr. Emerson Walden, the current president of the National Medical Association stated that most eloquently in the hearings which I held last month, and I include this portion of his testimony in the RECORD at this point:

Dr. EMERSON WALDEN. We urge that funds for research, treatment, and so forth, of the disease be funneled directly to the two medical schools which have traditionally worked with this problem.

Howard University, College of Medicine which is located here in the District and Meharry Medical College in Nashville, Tennessee.

It is a sad story of history that funds controlled by NIH seems to be funneled to universities like Johns Hopkins, Harvard, Yale, Georgetown and Columbia.

THE NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

The National Sickle Cell Anemia Prevention Act has four basic provisions:

First, a 3-year coordinated Federal grant program beginning with $25 million in the first year, increasing to $35 million and $40 million in the second and third years for research, voluntary screening, and counseling and public education; second, a demonstration grant program for 3 years beginning at $5 million in the first year and increasing to $15 million in the third for the development of centers for research and research training in sickle cell anemia; third, a requirement that the Department of Defense implement a policy to provide voluntary screening, counseling, treatment, and education concerning the disease for servicemen, civilian employees, and inductees; and fourth, similar programs by other Federal agencies which provide direct health care for persons eligible in such agencies, namely the Veterans' Administration and the Public Health Service.

It is the purpose of this bill to provide a coordinated effort against sickle cell disease as a major public health problem and provide the means to combat it. Thus, a primary purpose of the bill in addition to research, is to provide funds for the creation of community screening and counseling programs.

VOLUNTARY SCREENING

A simple and inexpensive test to detect the sickle cell trait has been available for many years. Only rarely, however, have individuals had the opportunity to know in advance of marriage or in advance of childbearing that they were trait carriers. Hence, parents usually learn they carry the trait only after they find to their sorrow that a child is born with the disease.

In order to screen, on a voluntary basis as many people as possible, this bill would provide funds, for example, for school districts to screen their students. Such screening could supplement other school health service programs such as physical examinations, eye testing programs, and immunizations. Neighborhood health centers, clinics, hospitals, and mobile health units would be able regularly to include the sickle cell test.

Using such screening, Dr. Joseph Bellizzi, supervising physician for the Hartford, Conn., school system, recently directed a major program which offered screening to 3,456 black children of high school age, finding 301 carriers of the trait and four cases of sickle cell anemia. Screening programs such as this can offer the first opportunity for persons to learn whether they carry the trait and what the risks and dangers are for their children. Similarly, parents who learn that one of their children has the trait would be able to seek similar tests for themselves and their other children.

VOLUNTARY COUNSELING

For persons who learn through screening that they possess the trait, the bill provides funding for voluntary counseling services to gain information on the disease and the risks involved. Thus, possibly for the first time, a person with the trait can learn beforehand the chances that his children might have the disease and what it will mean for their lives.

PUBLIC EDUCATION

Finally, the bill provides funds for programs to educate the public about the nature of sickle cell anemia and the inheritance of the sickle cell trait. As Dr. Scott has pointed out, few people

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know what the disease is or how to learn whether they have the trait.

Fortunately, a number of public-spirited organizations including radio and TV stations, are beginning such education programs. Thus, for example, in Hartford, Conn., station WTIC began a drive to do something about sickle cell disease. They ran a public education type program on sickle cell anemia and then began a campaign to raise money for research at the Sickle Cell Anemia Center at Howard. As a result of the station's efforts, $34,000 was raised for the center.

Similarly, here in Washington, TV station WRC conducted a five-part series on sickle cell anemia, a major and most impressive commitment of time and effort by that station. The importance of such programs and the importance of screening programs was given most dramatic emphasis when the station's reporter took the test for sickle cell for the first time and learned that she had the trait.

This bill will provide funds to conduct similar public education programs toward the goal that all people may be informed about the disease and its risks and have the opportuntiy to seek the sickle cell test.

DEMONSTRATION FUNDS

A second major thrust of the bill is demonstration funds for the development of centers for research, screening, counseling, or treatment. Funds would be available to public and nonprofit private institutions such as medical schools, hospitals, and foundations. A principal focus of this provision is to provide funds for centers such as the very fine one at Howard University founded by Dr. Roland Scott. Funds under this provision are intended in particular to provide the opportunity for institutions such as Howard and hospitals which serve large black communities to establish major programs against sickle cell disease.

PROGRAMS IN THE MILITARY

In addition to grant programs, however, the bill also focuses heavily on the need and opportunity in the Armed Forces and other Federal agencies which provide health care, to offer screening, counseling and, where appropriate, treatment for sickle cell anemia. It requires the Secretary of Defense to implement a policy to offer servicemen—and their dependents—civilian employees of the Department, and persons examined at induction centers the opportunity to learn if they carry the trait by screening tests at no cost to the individual. It provides that such a program should include the opportunity for voluntary counseling for persons who have the trait and education of personnel regarding the availability and cost-free nature of such services.

Programs such as those provided in the bill are particularly important in the military establishment because of the opportunity to reach large numbers of young people. In addition, it is particularly important for those who may have the trait to learn that fact in order to avoid certain high-stress duties, such as high altitude flying, which may be dangerous to those with the trait.

Using one screening method, the director of the Blood Transfusion Division of the Army Research Institute at Fort Knox, Ky., has screened over 5,000 recruits in the past 18 months. Approximately 200 persons learned they had the trait. If such screening were widely available, events such as the tragic deaths of four recruits with the trait at Fort Bliss, Tex., last year might have been avoided.

Although persons with the trait are generally not in danger, in some instances of high-stress activity some such persons can develop severe complications.

Thus, the programs required by the bill would allow anyone connected with the military to have the opportunity to learn if he or she has the trait.

Other sections of the bill provide the same opportunity for screening, counseling and treatment in the Veterans' Administration and the Public Health Service.

VOLUNTARY PARTICIPATION AND CONFIDENTIALITY

Finally, the bill contains strict requirements to assure the voluntary nature of all programs funded or conducted pursuant to the National Sickle Cell Anemia Prevention Act and provides for protection of individual privacy by strict requirements of confidentiality. Thus, participation in screening or counseling programs carried out under the act would be entirely voluntary. In addition, test results would be held confidential. Both of these provisions are particularly important, I believe, in order to avoid any misinterpretation of the basic purpose of programs under this bill. It would be indeed tragic if any person should gain the impression of racial prejudice or discrimination as a result of these programs. Lest there be any doubt on that score, we have included the very strict provisions I have just described. This bill would coerce no one. Instead, it would affirm the dignity of individuals by providing the facts needed for free and informed choices.

It is my belief that this bill will make a major contribution to the prevention and treatment of sickle cell disease and I urge the Senate to pass this legislation today.

The PRESIDING OFFICER (Mr. CHILES). Who yields time?

Mr. JAVITS. Mr. President, is there controlled time?

Mr. KENNEDY. Fifteen minutes have been allotted to the majority and 15 minutes to the minority.

Mr. SCHWEIKER. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I am a cosponsor of the National Sickle Cell Anemia Act, S. 2676. I am very deeply interested in it and hope very much that the Senate will act on it today, decisively and affirmatively.

I shall not repeat the very fine statement made by the chairman of the subcommittee, Mr. President, but I do wish to read the message of the President of the United States who, in his 1971 health message focused national attention on this tragic disease. He said especially about this particular disease:

> A second targeted disease for concentrated research should be sickle cell anemia—a most serious childhood disease which almost always occurs in the black population. It is estimated that 1 out of every 500 black babies actually develops sickle cell disease.
>
> It is a sad and shameful fact that the causes of this disease have been largely neglected throughout our history. We cannot rewrite this record of neglect, but we can reverse it. To this end, this administration is increasing its budget for research and treatment of sickle cell disease fivefold, to a new total of $6 million.

Mr. President, under the circumstances, why this bill? The reason for it is shown by the President's own finding that research and treatment have to be increased fivefold—showing the neglect which this particular disease has suffered in all these years. We in our committee believe that a fivefold increase is quite inadequate to the need. It is estimated that 50,000 black people have sickle cell disease and, what is critically important, that over 2 million—a staggering figure—are carriers of the sickle cell trait and that at least 5,000 require hospitalization each year. In spite of these staggering figures, there is as yet no national program to prevent the 2 million carriers of the sickle cell trait from passing it from one generation to another.

Under those circumstances, the two major provisions of the bill, aside from its methodology—to wit, providing much greater authorization, as the Senator from Massachusetts has explained, and tying in the programs of the Department of Health, Education, and Welfare with those of the Department of Defense and the Veterans' Administration as provided by this bill—are critically important.

As so often happens in matters of this kind, it is only with the backing of legislation—a legislative program concentrating upon this particular disease—that adequate resources, both of a material kind, in money, and of a professional kind, will be available.

Perhaps even more importantly, there is no national program to educate these carriers as to the risks involved in having children and most shocking is that despite these tragic statistics, there has been no all-out program to inform the black communities of the significant proportions of this disease and its immediate threat to their own lives.

I believe the President is determined to do everything he can to cope with the many and varied problems of sickle cell disease, and I know that in accordance with the President's direction a sickle cell disease program has been initiated within HEW, but as is traditional in so many matters, to have an effective national commitment the Congress must act, and for that reason, Mr. President, I think this legislation is extremely desirable.

That is the strong view of the minority of the Committee on Labor and Public Welfare, of which I am ranking minority member and I believe that the bill should be passed this morning by the Senate.

In essence, the bill provides:

First, it would establish a sickle cell anemia prevention program consisting of two major parts:

a. Authority for grants and contracts to assist in the establishment and operation of voluntary sickle cell anemia screening and counseling programs and to assist in developing and making available to the public information and educational materials relating to sickle cell anemia.

2. Authority for grants and contracts for research training in the diagnosis, treatment, and prevention of sickle cell anemia; development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia; and the development of centers for research, testing, counseling, prevention, or treatment of this disease.

Second, other provisions of the bill call for a program to be established for eligible persons treated by the Public Health Service; annual reports by the Secretary, HEW, on the administration of the sickle cell anemia program; authorization for the Secretary of Defense to provide for screening and counseling of members of the Armed Forces and their dependents, civilian employees of DOD, and all persons examined by the Armed Forces, for the sickle cell trait and sickle cell anemia; and requiring notification and an expanded screening, counseling, and treatment program to be set up by the Veterans' Administration including a comprehensive research and training program.

The bill does not specify which agency or bureau of the Department of HEW it expects to operate the program initiated by the legislation, nor how the activities of the three Government agencies involved would coordinate their varied roles. The Labor and Public Welfare Committee, of which I am ranking Republican member, did not wish to "tie the hands" of either Health, Education, and Welfare; the Department of Defense; or the Veterans' Administration. However, the committee report states:

> The Committee intends that the programs authorized by the bill and involving the Department of Health, Education, and Welfare; the Department of Defense; and the Veterans' Administration shall be planned and implemented in a co-ordinated fashion. The Committee expects that there shall be frequent consultation among the relevant agencies and individuals involved in these programs and that no substantially new organizational structures shall be required for the carrying out of the authorities contained in the committee's bill.

The National Sickle Cell Anemia Act will enable this administration, which I am confident is determined to do everything possible to cope with the many and varied problems of sickle cell disease, to launch the needed national commitment adequate to combat this disease—a commitment that should have begun many years ago.

Mr. President, I thank my colleague for yielding, as he has taken such a very fine, great, initiatory position as chairman of the Subcommittee on Health.

I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I thank the distinguished Senator from New York for his comments and the work that he has done, and wish to note the very effective work that was done by the ranking minority member of the Senate Health Committee (Mr. SCHWEIKER), who presented one of the most effective and interesting groups of witnesses that we had in the course of our hearings, the Black Athletes' Foundation, who come from Allegheny County in Pennsylvania. I think members of the Black Athletes' Foundation are not only distinguished Americans on athletic fields in this country, but they also have distinguished themselves in using their tremendous national respect and standing as expressed by the affection and admiration from thousands of fans, to help alleviate the suffering caused by sickle cell anemia. So I extend a warm word of appreciation to Senator SCHWEIKER.

It is also important to note the efficiency of the Senate, and particularly that of the members of the Labor and Public Welfare Committee in completing action on this bill.

This bill, S. 2676, was introduced on October 8, and now we are acting on it on December 8. We are really getting expeditious action by the Senate, on a matter that is of great importance to millions of Americans. I believe that to a great extent it is a result of the work of the ranking Republican member of the subcommittee (Mr. SCHWEIKER), that this action has been completed in such a swift and effective way.

I ask unanimous consent that the name of the Senator from Florida (Mr. CHILES) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. SCHWEIKER. Mr. President, I yield myself such time as I may require.

Mr. President, the Senate's action today in considering S. 2676, the National Sickle Cell Anemia Act is historic. Less than 60 days ago, on October 8 to be exact, the pending bill was introduced with 36 cosponsors. It now has 45 cosponsors. Within 60 days, hearings were held, the Health Subcommittee of the Senate Committee on Labor and Public Welfare as well as the full committee deliberated on the measure, and the Senate is launching a major effort against this disease.

Nearly a year ago the President of the United States drew the Federal Government's attention to sickle cell anemia and he admitted the neglect that this health problem has suffered. Such will no longer be the case as the Senate acts in response to his initiative.

Also, it is appropriate that the chairman of the Health Subcommittee, the distinguished Senator from Massachusetts (Mr. KENNEDY), be commended for his leadership in scheduling hearings, marking up, and reporting this bill. The bill, as the Senator mentioned a moment ago, probably sets a record for a major health effort of this kind to be launched in such a short space of time. I also want to commend the Senator from New York (Mr. JAVITS), the ranking member and leader on the Republican side of the Senate Committee on Labor and Public Welfare, for his interest, drive, and help in getting this measure passed. Senator KENNEDY is keenly aware of the need for this legislation since the attention given this dread disease in the past has been woefully inadequate. The prompt action by the subcommittee was certainly a necessary beginning to a change in this situation. I look forward to the Senate acting affirmatively to begin an enlarged effort by the Federal Government to deal with the problem of sickle cell anemia.

The bill authorizes grants for screening and counseling programs, distribution of information and educational materials about the disease to any person requesting them, and research for the prevention, treatment, and cure of sickle cell anemia. The bill also authorizes establishment of similar programs within existing Federal health activities, such as the Public Health Service, the Department of Defense, and its Armed Forces Examining and Entrance Stations, and the Veterans' Administration. In this connection, I feel that all the agencies and departments in the Federal Government should be involved in this fight. Certainly, each agency and department should, at the very least, be screening its employees and counseling those who are found to have either the trait of sickling or the disease. Since last May a program of this kind has been underway at the National Institutes of Health and approximately 10 percent of the employees tested have shown the trait. This is something that should be done throughout the entire Federal establishment—the testing of incoming and present employees.

Participation by any person in this new sickle cell anemia program under the act will be completely voluntary, and the bill requires strict medical confidentiality regarding any individual who chooses to participate. This inherited deadly disease is found in approximately one out of every 500 black persons, and results in an early death for nearly half the persons who contract it, so I hope that this Federal effort can result in immediate medical progress in controlling it.

I personally witnessed the tragic effects of sickle cell anemia when one of my Senate staff assistants, James H. Newman, died of the disease in November 1969, at the age of 29.

What will the ultimate enactment of this bill mean? It will mean that community organizations around the country which have been in the lonely forefront of the fight against sickle cell anemia will be joined by the Federal Government. Although it will remain fundamentally their effort, these groups will have more and better means to reach into their communities to inform and alert the far too many Americans who either carry the trait, or unfortunately, the disease who are unaware of it. The important thing is that these groups will no longer be working alone. The money this bill authorizes will insure that significantly larger numbers of people will be screened and counseled regarding sickle cell anemia.

I wish to draw the attention of the Senate to the comments in the committee report on S. 2676 referring to the community based effort so fundamental to a successful attack on sickle cell anemia:

> By using local community based organizations to inform people of the problems associated with sickle cell anemia. . . . the pub-

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lic can be properly informed about the disease . . . the use of neighborhood clinics, mobile units, civic and volunteer organizations operated and staffed with black professionals and paramedics is the most effective way to accomplish the goal of education and awareness, without developing unfounded fears about sickle cell anemia and its problems. The committee is strongly persuaded that the planning and implementation of the programs authorized by the bill need to maximize the involvement and expertise of those individuals and groups most affected by the disease, if these efforts are to be fully successful.

Examples of the kinds of community projects which this legislation will help found in my own State of Pennsylvania include the Western Pennsylvania Sickle Cell Center formed and operated by a coalition of community and health organizations under the auspices of the Black Athletes Foundation. The officers of the foundation include Muhammad Ali, chairman; Wilver Stargell of the Pittsburgh Pirates, president; basketball star Connie Hawkins, vice president; Hank Aaron of the Atlanta Braves, Dock Ellis, and former Steelers football star John Henry Johnson. The committee noted in its report that:

The activities of the Black Athletes' Foundation exemplify the kind of community based effort that the committee believes essential in the effective implementation of this bill.

In Philadelphia a program of education, early detection, and treatment of sickle cell anemia is being sponsored by Volunteers in Aid of Sickle Cell Anemia, Inc. And, more recently, the Yank Durham, Jr., Foundation, named after the son of heavyweight champion Joe Frazier's manager, Yank Durham, was formally organized to begin a fundraising program with an initial objective of obtaining sufficient resources to fulfill one of the provisions of the legislation "in developing and making available information and educational material relating to sickle cell anemia to all persons requesting such information or materials, and to inform the public generally about the nature of sickle cell anemia and the sickle cell trait." This group includes Joe Frazier and also Trudy Haynes, a Philadelphia news broadcast personality.

There are community groups and agencies as well as medical institutions in New York, California, Tennessee, Georgia, Illinois, and Michigan, to name but a few that are awaiting the enactment of this act.

Mr. President, in the 1940's and the 1950's this Nation was galvanized in the battle against polio. Yesterday House and Senate conferees agreed on the provisions of a bill designed to direct a national attack on cancer. We must now go about the business of researching, treating, preventing, and eventually curing sickle cell anemia.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes remaining.

Mr. KENNEDY. Mr. President, I thought I would just review some of the crucial statistics of this disease.

In the course of the testimony that we took in our Senate Health Committee, we learned that medical experts place estimates ranging from 50,000 to 80,000 people who suffer from the disease, sickle cell anemia. Even using the low figure, 50,000 people who have this disease, it must be emphasized how many families are burdened with the complications of sickle cell disease. Patients require up to 10 visits a year in a hospital before they reach the age of 6. Those visits, we have been able to find out, cost at least $1,000 each time the patient is hospitalized. Usually victims are required to stay there for a 10-day period, at least it has averaged out about 10 days. That, as I say, is for the small children. After the age of approximately 10 years, it is necessary that they visit a minimum of 4 times a year. It is also required that they visit a doctor once every 4 months, and sickle cell victims constantly receive medication for their affliction. This disease forces patients to require constant medical care throughout their lives. I need not elaborate on the high cost of medical attention in these times. But everyone here knows that this represents an extraordinary kind of financial burden on any family or any individual. We have seen in the course of our hearings that individuals that were affected with the sickle cell trait have been excluded and denied insurance policies. Knowing how the insurance industry functions, that may be expected. The health insurance industry uses an experience rating when deciding on who may receive benefits. Once they find that an individual has sickle cell anemia, they are the first ones that are dropped. These victims who so desperately require costly medical care are excluded from participation in any kind of health insurance program; they are really sort of cast out of the health insurance system.

One of the very bright spots during our hearings was the account of the Kiwanis Club of Magnolia, Ark., voluntarily assuming medical expenses for a local sickle cell patient 25 years ago. According to Mrs. Dorothy Boyd, who with her husband and young family were living in Magnolia in 1946, the Kiwanis Club recognized the family's burden caused by sickle cell anemia in their 2-year old daughter. Without being asked, the Kiwanis Club undertook to absorb the medical expenses for the young Boyd child. Without that kind of help, that person—now Mrs. Karen Boyd Winston—would not have developed to be a successful medical technician and to appear before our Senate Health Committee. Today, Mrs. Winston is 27 years of age, she has 1 child, and she was an extremely effective and impressive witness.

Mr. President, it costs $1 for a screening test. In our hearings it was reported that on that basis $25 million would be required to screen every black person in this country. If the test proves positive, it costs $10 for additional testing to be able to find out the exact dimensions of the disease in an individual. Then, of course, it takes a very significant kind of counseling to help those people with the trait to be able to receive a job or to find a job, and to give them some counseling and judgment as to what their family responsibilities are, or what the dangers of this disease might be in terms of family responsibilities.

We are authorizing money that can have a very important impact on this disease for the entire Nation.

So I feel that individuals who are affected with sickle cell anemia, through no fault of their own, are bearing an extraordinary kind of financial burden. It is not necessary that they do so. It can be avoided with this kind of program of screening and testing. The extraordinary suffering that they experience can be avoided as well. It can be avoided by the enactment of this bill and by the follow-up of this bill.

As Senator SCHWEIKER has pointed out, not only do we have resources in here in terms of testing and counseling, but we also have resources in here in terms of research which, hopefully, can ultimately provide the key to unlocking this dreaded disease.

We also recognize the role that the Department of Defense can play as they provide these screening programs in terms of drug addiction, for example, in men coming back from Vietnam. There is no reason at all why they cannot provide a testing program for this kind of trait, as they test all young people who are inducted into the Army. We would encourage them to do so. If they need additional resources with which to do it, we would hope that they would come back to us. They have given us assurance that with this kind of authorization they can go ahead and do it.

I am extremely hopeful, Mr. President, that we can make a very serious impact in terms of this dread disease. I think it is important that we do it. I think we have the capacity to do so, and I urge the Senate to take that action.

Finally, Mr. President, I ask unanimous consent that the name of the Senator from West Virginia (Mr. BYRD) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I appreciate the Senator from Pennsylvania yielding to me this time, simply to recognize the work that he and the distinguished Senator from Massachusetts have done in bringing this bill to the floor. It is a problem which is receiving belated attention at both the national and local levels.

I am very pleased, therefore, that we in the State of Maryland have already begun to take action on this most serious problem. Only yesterday, there was an article in the Washington Post outlining the newly announced program to soon begin in Baltimore at the request of Mayor William D. Schaefer, whereby several thousand black junior and senior high school students will be screened to find carriers of the genetic trait that can cause the sickle cell anemia trait. This program, which will be under the leadership of Dr. Robert F. Farber, Baltimore city health commissioner, I think will be able to take full advantage of the provisions of this bill.

I am grateful to both the Senator from Pennsylvania and the Senator from Massachusetts for the leadership they have shown in bringing us to the point where something can and will be done. Also, Mr. President, I wish to commend President Nixon for his leadership in asking earlier this year for increased research and funds for efforts to prevent this dreaded disease.

At this point, Mr. President, I ask unanimous consent that the Washington Post article to which I referred to above, be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 7, 1971]

BALTIMORE WILL TEST TO FIND SICKLE CELL ANEMIA CARRIERS

(By Jim Mann)

Baltimore Mayor-elect William D. Schaefer has announced plans to screen about 50,000 black junior and senior high school students to find carriers of the genetic trait that can cause sickle cell anemia.

Under the program, announced this weekend, those who are found to be carriers of the disease will be given counseling sessions.

In such sessions, they will be advised that if they marry another person carrying the sickle cell trait, the chances are that one in four of their children will actually have the disease. (The carriers of the disease are themselves invariably free of the disease.)

The rationale for aiming the screening program at junior and senior high school students is to reach those people who will soon be having children.

Sickle cell anemia is a hereditary disease caused by abnormal hemoglobin in the blood. The disease originated in Africa, Asia and parts of the Mediterranean as a natural body defense against malaria, according to Dr. Roland Scott, a leading researcher in the field. In the United States, almost all victims are blacks.

The victims suffer excruciatingly painful attacks, and sometimes blindness or paralysis. Rarely do victims live past the age of 40.

Although the disease affects about one in 500 American blacks, slightly fewer than one in 10 carry the recessive gene that can cause the disease.

According to Robert E. Farber, Baltimore health commissioner, the program was made possible by a "windfall" of $110,000 for new health programs, which Baltimore is eligible to receive as part of the proceeds of a successful anti-trust action against pharmaceutical companies.

The sceening itself is expected to cost $65,000 to $85,000 over a two-year period. Farber said the program would probably begin some time next year.

The District of Columbia does not yet have a screening program for the sickle cell anemia trait in its public schools, although it, like Baltimore, has recently begun conducting such tests in some maternity and neighborhood clinics.

However, the D.C. City Council has under consideration a proposal to conduct sickle cell screening among all kindergarten and first grade students.

Earlier this year, Congress allocated $6 million for research and community programs relating to sickle cell anemia, a five-fold increase after President Nixon in February asked for "concentrated research" on the disease.

Mr. COOK. Mr. President, I ask unanimous consent to have three articles pertaining to sickle cell anemia printed in the RECORD prior to the rollcall vote just taken.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the National Observer, Dec. 11, 1971]

A DISEASE DRAWS THE COLOR LINE—RESEARCHERS AROUSE PUBLIC TO SICKLE-CELL THREAT

(By Patrick Young)

Nellie Kendrick recalls a white friend who recently asked her if it were true that sickle-cell anemia—a painful and usually fatal blood disease—is found almost exclusively among blacks. Mrs. Kendrick, a black volunteer in the Milwaukee Community Sickle Cell Disease Project, assured her it was. "I thought it was just a lie spread to show that blacks were inferior to whites," the friend said.

Misconceptions abound about sickle-cell anemia, among blacks and whites, among physicians and laymen. The disease afflicts perhaps 45,000 black Americans. Nearly half of its victims die before age 5, and about 80 per cent by age 30. It occurs once in every 400 to 500 black births, a frequency 6 times greater than cystic fibrosis, and 20 times higher than phenylketonuria (PKU), both almost exclusively white diseases.

Yet for years medical researchers called sickle-cell anemia "the forgotten disease." One year ago, an editorial in the Journal of the American Medical Association complained that "the level of general ignorance concerning the nature of sickle-cell anemia remains depressingly high."

Now that ignorance is under attack. More money than ever is going into sickle-cell research. New diagnostic and treatment procedures are being developed. Large-scale testings are under way in several cities, including Milwaukee, to find blacks unknowingly suffering from the disease, and to determine who are carriers capable of passing on sickle-cell anemia to their children.

And blacks across the country are working to raise funds and to acquaint all Americans with the disease. As one example, more than 200 professional black athletes—including Willie Stargell and Dock Ellis of the Pittsburgh Pirates and boxer Muhammad Ali—have set up the Black Athletes Foundation for Research in Sickle Cell Disease.

BRINGING BLACKS TOGETHER

"This has brought black people together, from the Black Panthers to the Urban League," says Richard Campbell, director of the Foundation for Research and Education in Sickle Cell Disease in New York City.

Sickle-cell anemia, an inherited disease, is the most common long-term illness among black children (about 1 per cent of its victims in the United States are white). It is incurable, and despite considerable knowledge of the disease's mechanism, treatment methods remain poor.

The disease is caused by a defect in the hemoglobin molecules within red blood cells, which carry oxygen throughout the body. Each hemoglobin molecule contains 574 amino acids. In sickle-cell hemoglobin, two of these amino acids are replaced by two others.

"At the basic level, the change is so minuscule, so tiny," says Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases. "Yet for the individual, it is a matter of life and death."

When sickle-cell hemoglobin is deprived of oxygen, the red blood cells lose their round, doughnutlike shape and take on a sickle or quarter-moon appearance.

When this happens, the red blood cells are unable to pass through the body's microscopic capillaries. The cells jam up like driftwood clogging a drainpipe. As a result tissue is deprived of the oxygen it needs, and dies. This painful event is called a "crisis."

In crisis, a person suddenly develops intense pain, usually in the abdomen, back, chest, hips, arms, or legs. The heart may be partly or fatally damaged, or a stroke may result. Sickle-cell sufferers are extremely vulnerable to infection, particularly pneumonia, and many develop skin ulcers at the ankle.

"Sickling can occur in any organ system and so it can mimic any disease state," says Dr. Edwin Bemis, a pathologist working with the newly established Southeastern Wisconsin Sickle Cell Center at Deaconess Hospital here. This causes diagnostic difficulties for doctors unfamiliar with sickle cell, and sometimes results in unnecessary surgery.

The disease results from a gene mutation that occurred centuries ago in Africa, and which became common because it offered a protection against malaria. For some unknown reason, malarial parasites cannot survive in sickle red blood cells.

Each person inherits two sets of genes, one from each parent. A person with sickle-cell anemia has inherited a sickle-cell gene from each parent. A person who inherits a sickle-cell gene from only one parent is called a "trait." (Far less common than sickle-cell anemia are "variants," forms of the disease less severe than the anemia, but more troublesome than the trait.) Estimates place the number of blacks carrying the trait at between 8 and 13 per cent.

It requires two traits to produce a child with sickle-cell anemia, and the odds are one in four for such a birth. The chances of producing another trait are one in two. These odds of genetic roulette are for each birth. A Racine, Wis., couple produced three children, all with sickle-cell anemia.

The only guarantee that two traits will avoid a child with sickle-cell anemia is if they have no children. Currently several research teams are trying to develop prenatal tests for the disease. If they succeed, parents will know in advance if their child will be born with sickle-cell anemia, and will have the option for abortion.

TRAIT IS NOT A DISEASE

Most sickle-cell traits live normal lives and never experience a crisis. "Overall we try to stress that sickle-cell trait is not a disease," says Dr. Robert B. Scott of the Medical College of Virginia in Richmond.

Nevertheless, cautions Dr. Robert M. Nalbandian of Blodgett Memorial Hospital in Grand Rapids, "the trait under certain physiological-stress conditions can be hazardous, and has been."

Traits may crisis while flying at high altitudes in unpressurized aircraft, under general anesthesia during surgery, or sometimes during great physical exertion.

Last year a team of Army doctors blamed sickle-cell trait for the deaths of four black recruits—over an 11-month period—during basic training at Fort Bliss, Texas. Their conclusion, however, has been challenged by other researchers, who contend the doctors did not rule out sufficiently other possible factors in the deaths.

Women with sickle-cell trait have a higher incidence of urinary infection during pregnancy and traits sometimes pass blood in their urine. Pittsburgh pitcher Dock Ellis, a trait, says he occasionally passes clots. "I've gone to the team physicians and they say there's nothing they can do about it," he says.

The public awakening to sickle-cell anemia is a recent thing, among blacks and whites. A 1968 survey in Richmond found that only 30 per cent of the blacks questioned had heard of the disease. Today blacks are more willing to accept the disease and no longer regard it as a racial slur.

"Part of the new pride among blacks is enabling us to look at ourselves, and to look with more objectivity," says Hazel Maxwell, chairman of the Milwaukee Community Sickle Cell Disease Project's advisory committee.

Sickle-cell fighters say the message of concern is finally getting across. Congress, at President Nixon's request, increased the National Institutes of Health's sickle-cell re-

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search budget from $1,000,000 to $6,000,000 this year. A bill to provide $142,000,000 in sickle-cell funds over three years is pending in the Senate. The National Foundation and its local March of Dimes chapters are providing increasing funds for research.

"I think we're getting over our benign neglect," says Dr. Bemis. "We're waking up to the fact that there is a black portion of our population. Whites, too, are demanding that blacks be treated on an equal medical basis."

The new awareness of sickle-cell anemia has led to greater efforts to identify people with the trait. Here in Milwaukee, Deaconess Hospital's sickle-cell center plans to test 118,000 blacks in seven counties. Three screenings have tested 2,232 blacks since Sept. 16, in addition to over 5,000 patients routinely tested upon admission to the hospital since 1969.

It is a community effort, utilizing more than 240 black and white volunteers and Boy Scout Troop 200, a ghetto unit, to spread the testing message. The center will provide genetic counseling and a registry of persons with sickle-cell trait.

AN EFFORT IN PITTSBURGH

The Black Athletes Foundation and six other groups are sponsoring a similar effort in an attempt to test 250,000 blacks in the Pittsburgh area. Smaller screening programs have taken place among school children in Grand Rapids and Hartford.

Testings to date have been voluntary. But New York State recently passed a law providing sickle-cell tests for youngsters entering public schools. And laws requiring testing of school children or marriage-license applicants before marriage are pending in several states, including California and Illinois.

Such laws delight some blacks, but not all. "If testing is compulsory, children identified as carriers could be stigmatized as less desirable parents or as weak individuals," says Dr. Robert Murray of Howard University in Washington, D.C.

The Milwaukee program and several others use a test developed by Dr. Nalbandian and Dr. Paul Wolf of Stanford University. Its advantage over previous tests lies in cost. The chemicals needed for the test, which can be run automatically at the rate of 120 an hour, cost only pennies a sample.

The test is a preliminary screening. A positive indicates sickling, but not necessarily sickle-cell disease. A second test—electrophoresis, which measures the distinctive electrical charges of various types of hemoglobin—can determine if the patient has sickle-cell anemia or the trait.

Treating sickle-cell anemia is more complex. Efforts to reverse sickling crises in patients, says Dr. Scott, "have not been terribly effective."

Dr. Nalbandian and his research colleagues are experimenting with urea, a natural chemical waste occurring in the body, in a sugar solution to treat patients in crisis. This "molecular surgery," says Dr. Nalbandian, breaks apart sickle-cell hemoglobin molecules that have locked together and reverses the crisis.

"We have been able to abort sickle-cell crises in over 20 patients, without using narcotics, and without medical misadventure, therapeutic failure, or death," he says.

The technique is extremely complicated. Unless extreme care is taken, the urea can cause dehydration, which itself can bring on a crisis by reducing oxygen.

Last month Dr. Paul McCurdy and Dr. Laviza Mahmood of Georgetown University medical school in Washington, D.C., reported treating 24 crises in 14 patients with urea. Seventeen crises were successfully treated, though the researchers noted dehydration as a major side effect.

"These results suggest that urea therapy has a beneficial effect on the painful crises of sickle-cell disease, but the method is still experimental," they wrote in the New England Journal of Medicine.

Currently the National Heart and Lung Institute is supporting six studies comparing three sickle-cell therapies, including urea. A second corrects dehydration, and the third reduces blood acidity, another cause of sickling, by lowering body oxygen.

A PROMISING TREATMENT

Other researchers are trying to find other chemicals that will reverse sickling without urea's handicaps. Dr. Anthony Cerami and Dr. James Manning of Rockefeller University in New York City recently reported excellent test-tube results in preventing sickling in human blood with potassium cyanate. They expect to begin human tests within a year.

Dr. Nalbandian says urea, taken four times daily mixed in soda pop to hide its bitter taste, can safely and effectively prevent sickle-cell crises. But he acknowledges difficulties in getting patients to down their preventive doses regularly.

"Frequently they take it when they feel pain," he says. "They head off a crisis and then they ignore their urea. There has to be a better way of delivering it."

SECRET LAY IN THE STRUCTURE

Although there is no cure for sickle-cell anemia, and as yet no generally accepted treatment, the basic mechanism of "sickling" is no mystery.

Sickle-cell anemia was first described in 1910 by Dr. James Herrick of Chicago. In 1949, Nobel laureate Linus Pauling and Dr. Harvey Itano showed that the disease resulted from an inherited defect in the hemoglobin molecules within red blood cells. Nine years later, Dr. Vernon Ingram and John Hunt, working at England's Cambridge University, identified that defect.

Hemoglobin molecules, which transport oxygen throughout the body, contain a total of 574 amino acids, arranged in four chains. The four chains are actually two pairs of identical chains, called alpha and beta.

The English researchers found that at two points in the beta chain of sickle-cell hemoglobin an amino acid called valine exists where glutamic acid, another amino acid, exists in normal hemoglobin.

It remained for Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases, to explain in 1966 how this minute difference in amino acids causes sickling. Considering the Cambridge research, he says, "it occurred to me that maybe the secret lay in the structure."

Normal hemoglobin molecules, about 300,000,000 per red blood cell, move at random within their cells. But Dr. Murayama found that substituting valine for glutamic acid allows sickle-cell hemoglobins to lock together when oxygen is reduced. They form chains up to 6,000,000 molecules long. These chains twist into six-strand cables, and these cables, in turn, bunch together to form rigid lines.

"The end effect is that the cell wall, which is like a balloon, complies with the shape of these long fibers within," Dr. Murayama says.

Last year Dr. Murayama photographed these microcables for the first time. Using a stream of argon ions—a technique he learned about from scientists shaving microscopic layers from moon rocks—he stripped away part of the wall from a sickled cell. With a scanning electron microscope, he photographed clumps of sickled hemoglobin.

This year Dr. Murayama proposed a theory to explain why sickle-cell anemia is more severe in some patients than in others. He suggests that an organic molecule, which he calls the "hemoglobin S cofactor," plays a role in sickling. Its severity depends on the amount of this molecule present.

Dr. Murayama has yet to identify the molecule. "When and if it is identified," he says, "I think we will be able to revolutionize the mode of control and treatment of the disease."

"REFORM" PAINFUL IN ARKANSAS—PRISON HARASSMENT PRECEDES DEATH OF 17-YEAR-OLD FIRST OFFENDER

(By Tucker Steinmetz)

Recently I reported that reform in Arkansas prisons has been slow and painful—but that some progress was being made [The National Observer, Oct. 23, 1971]. As it turns out, what has been passing for "reform" in recent months has been especially painful for some inmates.

Consider the ordeal of Willie Stewart, 17, black, a first-offender. He died one night last week after serving a one-day sentence for burglary at Cummins Prison Farm.

Such one-day terms, first tried in Arkansas by two circuit judges in 1969, have since been adopted more widely in the state. The idea, one prosecutor explains, is to suspend all but one day of sentences given first offenders and at the prisons give them the "worst treatment" by prison personnel "with the hope that the shock treatment will discourage them" from committing further crimes.

TO "SCARE HIM A BIT"

Willie Stewart, according to testimony in a Federal court here, was forced to stand and submerge his head briefly in the cold water of a stock pond at the prison farm on Nov. 29. It was a windy, chilly day.

A tower guard, Joe Lewis, 26, said that acting under orders "to scare [Willie] a bit" he shot his rifle at Stewart's feet as the youth was being forced to run ahead of a car driven by guard Reggie Fletcher into the prison compound.

Lewis said that when fired at, Willie Stewart cringed against the fence, "He would've gone through it if he could've."

Willie Stewart also was forced to do pushups. When his pushups were deemed unsatisfactory, an inmate would yank his feet and cause him to fall on his stomach. Guard Fletcher stood nearby.

A white Baptist minister, the Rev. Elton E. Ballentine, special-services co-ordinator at Cummins, said he saw two guards drag Willie into a prison office and drop him to the floor. A prison medical officer told Ballentine that the youth was faking unconsciousness.

Ballentine testified also that inmates had told him Willie had been forced to run up and down cotton rows that day, that shots had been fired over his head, and that he had been chased and bumped to the ground by a guard on horseback.

The Arkansas prisons' boss, Terrell Don Hutto, said he saw Stewart walk to the infirmary and that a few minutes later he received a call telling him that the youth was "bad sick." Willie, a gaunt 112 pounds stretched over a 5-foot, 10-inch frame, was put in an ambulance. He died on the way to a hospital 30 miles away.

At first, some prison officials said Willie went through a normal work day and wasn't abused. State police investigators said they couldn't find any evidence of mistreatment. The state medical examiner said he had found two slight bruises on Willie's chest and a small cut on the underside of his upper lip, but that physical violence couldn't possibly have caused his death.

Later, he had to revise his remarks when blood-test results were obtained. The medical examiner, Dr. Rodney Carlton, testified that Willie died of a condition known as hemoglobin S–C, which he described as "the first cousin to sickle-cell disease." He said Willie's blood had abnormal "S and C hemoglobins" in it, a condition that "has been known to cause sudden and precipitous death." Dr. Carlton said that extreme exertion and fear could have aggravated the condition enough to have caused death. The precise mechanism causing such deaths isn't clearly understood.

Willie died while Federal Judge J. Smith Henley was holding hearings about alleged abuse of inmates in state prisons.

EXAMINATIONS PROPOSED

And so news of Willie's death and all the details surrounding it found a ready-made forum in Judge Henley's courtroom. Testimony about the episode was continuing at week's end.

Gov. Dale Bumpers said in a press conference that he would be "very upset" if he learned that a guard had been ordered to shoot at Stewart. The governor said he thought physical examinations should be given the first-offenders before sending them to prison for one day.

The court hearings being held began Nov. 16 and are reporting sessions for Judge Henley, who ruled in February 1970 that the Arkansas prisons violated the Constitutional rights of inmates on 78 counts. Much of his criticism focused on the inadequate facilities and lack of personnel.

Earlier testimony by inmates, though less spectacular than that about Willie Stewart's death, concerned the punitive methods introduced in Arkansas by former officials of the Texas prison system hired since Bumpers took office.

INTRODUCING "TEXAS TV"

The inmates complained of excessive confinement—often for seemingly minor infractions—in cold, barren "quiet cells" in the new $550,000 maximum-security unit at Cummins Prison Farm.

The other imported Texas disciplinary measure cited in court was what Arkansas inmates have dubbed "Texas TV." It consists of standing with the forehead against the wall.

Dr. George Beto, head of the Texas prison system, testified that the quiet cells in Texas had "salutary effects" and condoned Texas TV.

THE STARTLING TESTIMONY

In recent weeks, inmate complaints began filtering to the outside. Stories leaked to the press told of inmates being whipped with blackjacks, black inmates being ordered to face the wall because white women visitors did not want the blacks looking at them, officials addressing blacks as "nigger," an enraged prison employe attacking an inmate, and field crews being herded to their work by prison officials driving cars and trucks at their heels.

Daniel Montgomery, Jr., said he was kept in a quiet cell for 28 days for refusing to work in the fields. He said he was stripped naked before being placed in the clean but barren cell, where he slept on the bare floor. The cell was cold. The cell light was out. Montgomery testified that he was not allowed to shave or shower for 28 days and was denied permission to write to the Federal judge or anyone else. He said he lost 30 pounds on the diet of bread, water, and a baked concoction of bread, beans, and other foodstuffs.

Johnny Orr testified that his head was shaved and that he was forced to keep his forehead on the wall from 6:15 a.m. to 3:15 p.m. one day because he was 12 minutes late for work.

Charles Richard Roth told the judge that he had been placed in a quiet cell for six days after he "threw the peace sign" to three inmates who had been captured in an escape attempt.

Tommy Ray Oliver, 15, serving a three-year sentence for car theft, testified that for allegedly soldiering on the job, Supt. Robert G. Britton beat and kicked him while a guard held him to the ground.

Floyd Summerville, 20, a black inmate, testified that a few days before the Arkansas-Texas football game, Britton overheard an inmate work detail give the Arkansas Razorback yell, "Soole Pig!", and because of the yell forced the inmates to run the length of a sewage-filled ditch.

The Eighth Court of Appeals in St. Louis has banned corporal punishment in the Arkansas prisons. Apparently, it will be up to Judge Henley to decide whether the use of the quiet rooms and Texas TV amounts to corporal punishment.

Last week, Hutto, testified that he has decided to abolish Texas TV because some employes were "overly enthusiastic" in its application. "Certainly this has got out of hand, he said. He also vowed that the quiet cells would be used for no more than 24 hours at a time.

And a long-time friend of Governor Bumpers, Dr. William E. Amos of College Park, Md., a member of the U.S. Board of Parole, said he had inspected the state prisons and found "marked improvement" over conditions a year earlier. He said Arkansas prisons rank about midway among American prisons.

Mr. CASE. Mr. President, as a cosponsor of this important legislation for sickle cell anemia, I hope we will have an affirmative vote today. Sickle cell anemia is a disease that mainly affects black Americans, especially children. I am told that the disease damages the tissues of the body, and, as a result, the life expectancy of those afflicted with the disease is lowered to 20 years of age.

One out of every 500 black children have sickle cell anemia and one out of every 12 blacks carry the sickle cell trait, according to recent statistics. I understand that there is no known cure for this disease.

The major goal of the legislation before us today is to create a voluntary program for identifying and counseling for sickle cell anemia and to sponsor ways to prevent the worst effects of the disease. Very often families do not even know that they have the disease, especially when it is in its early stages. And there are ways to ease the pain of the affliction.

The bill also provides research funds so that a cure can be sought for sickle cell anemia. There have been some encouraging research developments and it would be most unfortunate if these research initiatives cannot be followed through for lack of funds. The children of our Nation need this care and the benefits of this research.

Mr. MUSKIE. Mr. President, today the Senate will consider S. 2676, the National Sickle Cell Anemia Act which I have cosponsored.

The prevalence of sickle cell anemia in the United States is great. One in every 500 black children has this disease. A total of almost 50,000 children are born in this country every year with this disease. The effect of this disease is catastrophic. Those with the disease will suffer week-long episodes of painful sickle cell crisis on the average of four times per year. Fifty percent of those affected will die before their 20th year, and virtually all will die before their 40th year.

But what is sickle cell anemia? What can we do to alleviate its effect on our children?

Sickle cell anemia is a genetic disease. An individual has two genes which determine the structure of his hemoglobin. If an individual has one gene for hemoglobin S and one normal gene, he is said to have the sickle cell trait and will be normal except for occasional periods of discomfort. However, if an individual has two genes for hemoglobin S, he will have sickle cell anemia. An individual with both genes for hemoglobin S will occur one time in four if both parents have the sickle cell trait. If an individual has sickle cell anemia, that is, all his hemoglobin is hemoglobin S, his red blood cells will, in times of stress, lose their normal spherical shape and assume a sickle-like form. These abnormally shaped cells will, in turn, mass together, clogging the small blood vessels, inhibiting the flow of normal oxygen-carrying red cells. Thus, the tissues become ischemic—a painful condition caused by a shortage of the oxygen necessary to support the cells' metabolism—and die.

Sickle cell anemia occurs almost exclusively among blacks and other people originating in tropical climates. This is true because the sickle cell trait—the presence of only one hemoglobin S gene—provides protection against malaria. Thus, in a malaria epidemic, those with the sickle cell trait often lived to produce children, while those without the sickle cell trait often died. In turn, we have the survival of the fittest—those with the trait were more fit.

But in the United States today, malaria has been eradicated, so the sickle cell trait serves no useful purpose, while the full anemia causes terrible disability and death.

I would like to commend Senator TUNNEY for introducing and providing the leadership for the desperately needed Sickle Cell Anemia Act. This bill has four central provisions: First, a coordinated Federal grant program of $100 million over 3 years for research, voluntary screening and counseling, and public education; second, a demonstration grant program of $30 million over a 3-year period for the development of centers for research and research training in sickle cell anemia; third, a requirement that the Department of Defense implement a policy to provide voluntary screening, counseling, treatment, and education concerning the disease for servicemen, civilian employees, and inductees; and fourth, similar programs by other Federal agencies which provide direct health care for persons eligible in such agencies.

The purpose of this bill is to provide a coordinated and overall effort against sickle cell disease. In addition to research, it provides funds for the creation of community screening and counseling programs. Another provision provides funds for programs to educate the public about the nature of sickle cell anemia and sickle cell trait. This is particularly important in achieving maximization of the counseling and screening services to be offered.

Also the bill provides demonstration funds for the development of centers for research, screening, counseling, or treatment. Funds would be available to public and nonprofit private institutions such as medical schools, hospitals, and foundations.

The bill enables the Armed Forces and other Federal agencies to offer screening, counseling, and treatment. This voluntary program is especially important because it is here that large numbers of

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young people can be reached and treated. Since there are conditions under which persons with the trait can be adversely affected, screening would enable these persons to be identified, enabling them to receive treatment and consideration for certain duties which would be more amenable to this health problem.

Finally, other available programs which now exist in the Public Health Service are authorized to screen and counsel for sickle cell anemia. Hopefully, this will permit the many other persons who are not otherwise directly covered to obtain a determination of possession of the trait and such treatment or counseling as is desirable.

Sickle cell anemia annually affects thousands of black children. The tragic consequences of this disease have been neglected too long. I am pleased, therefore, to join Senator TUNNEY and others in support of the Sickle Cell Act.

Mr. BROOKE. Mr. President, I am pleased to have the opportunity to urge my colleagues to support S. 2676, the National Sickle Cell Anemia Act.

As a cosponsor of this measure, I am heartened by the prompt consideration which it received in the Senate Health Subcommittee and full Labor and Public Welfare Committee. I commend the subcommittee and the full committee for the excellent refinements made to this important measure.

I was privileged to have the opportunity to testify before the subcommittee in favor of the measure, and I feel it appropriate to now repeat part of my urgings:

Sickle Cell Anemia has, for too long, been the forgotten disease. Most Americans do not know that in this country today over two million people—10 percent of the black population—are carriers of a disease called Sickle Cell Anemia.

Each year over 1,500 new cases are discovered, and more than 5,000 victims require hospitalization.

The facts are grim. The prognosis is uncertain. But today we have a new commitment and I am encouraged that with our concern, energies, and resources we can begin to relieve the suffering of so many. Simply put, Mr. President, too many have suffered too long. Let us get on with the task that has been too long ignored.

Mr. ROTH. Mr. President, I am one of the cosponsors of S. 2676, a bill to provide for the prevention of sickle cell anemia. This disease, an inherited disease restricted in its occurrence almost entirely to members of the black race, is still incurable whenever it occurs. Although sickle cell anemia is an important metabolic disease, research on this disease has not benefited from as high a priority as other less frequently encountered diseases of this type. There are a number of reasons which have been offered in explanation and criticism of the relative neglect of research on this disease. One criticism offered is that since the disease is suffered only by blacks our society has not been as concerned about the disease as we might have been if the disease occurred in all races. Whether this criticism is accurate is not important at this moment. What we must recognize is that we have waited too long already. We should exploit to a maximum our current knowledge of the disease and accelerate our efforts to gain control of sickle cell anemia.

Any attempt to discuss briefly the public health aspects of an inherited disease is certain to result in the neglect of some significant aspect of the problem. Despite the complexities of evaluating genetically induced diseases, however, there are certain fundamental medical programs which have evolved and which should benefit from increased attention. The attack on sickle cell anemia can utilize many of these programs.

One program deals with the detection and treatment of the disease as soon after birth as possible. S. 2676 acknowledges that simple and inexpensive screening tests have been devised which will identify those who have the disease as well as those who may be carriers of the disease. This bill will provide for grants to assist in the establishment and operation of voluntary sickle cell anemia screening programs. While we have learned from other statements made in support of S. 2676 that new and promising approaches to the treatment of sickle cell anemia are being tested, a satisfactory treatment is not yet available. S. 2676 would also authorize the Secretary of Health, Education, and Welfare to promote research in the diagnosis, treatment, and prevention of sickle cell anemia.

Another important aspect of a coordinated attack on sickle cell anemia deals with the reduction in incidence of defects through genetic counseling. Experience thus far indicates that the success of genetic counseling is limited for a number of reasons. The usual requests for genetic counseling seem to come from: First, individuals who already suffer from a genetic disorder and who fear they may pass the disorder on to their children; second, couples who already have a child with a genetic defect; and third, in normal individuals who have knowledge of a defect in the family history and who are concerned about the possibility of their children inheriting a defect.

The political aspects of genetics counseling, particularly the ugly image of early eugenics and genocide as practiced in the past by certain nations of the world, must be given serious consideration whenever this concept is proposed. Recognition of these problems is provided within S. 2676 which provides for the education, screening and counseling of carriers of sickle cell trait.

In this regard, the bill emphasizes that programs to prevent sickle cell anemia must be based entirely upon voluntary cooperation of the individuals involved and participation shall not be a prerequisite to eligibility for or receipt of any other service or assistance from other programs to control sickle cell anemia. As pointed out by the World Health Organization:

Genetic counseling is the most immediate and practical service that genetics can render in medicine and surgery.

To this end, authority is included in S. 2676 to provide for assistance in developing and making available information and educational materials relating to sickle cell anemia to all persons requesting such information or materials, and to inform the public generally about the nature of sickle cell anemia and the sickle cell trait.

In summary, S. 2676 proposes Federal support of a long overdue effort to preserve and protect the health of those members of our population who suffer from sickle cell anemia. The bill proposes an expansion of available services, on a voluntary basis, including grants for sickle cell screening and counseling programs and support for research, diagnosis, prevention and treatment. It is time that more attention be devoted to delivery to the public of the benefits which are now available for the treatment of sickle cell anemia. I support this bill and its objectives and also urge you to extend your support.

Mr. JACKSON. Mr. President, I am proud to be a cosponsor of S. 2676, to create a national program for the prevention and treatment of sickle cell anemia.

I want to commend the Committee on Labor and Public Welfare for acting promptly on this important legislation. But prompt action was called for. For many long years, we have done little or nothing to deal with the pain and suffering caused by this disease.

Until very recently, sickle cell anemia has been one of the most neglected of all deadly diseases. It is estimated that over 2 million Americans carry the sickle cell trait. Although data is incomplete, the disease appears to have been concentrated primarily among blacks.

Approximately one out of every 500 black births produces a child affected with the disease. Of these, over half die before the age of 20. This is an incidence far greater than other severe childhood diseases, such as leukemia, cystic fibrosis, and muscular dystrophy.

There is no known cure for sickle cell anemia. And we have been making very little concerted effort to find one. Our neglect of this disease is a disgrace. Government and private expenditures have been inadequate; its victims have been neglected. This is what S. 2676 attempts to correct.

This legislation is not the final answer, but it is a first step. It is a significant first step because we finally have recognized that sickle cell anemia is a national health problem—a problem that requires a strong national commitment. I am happy to join today in this effort.

Mr. DOMINICK. Mr. President, as a cosponsor of S. 2676, the National Sickle Cell Anemia Act, I want to express my support for its passage. I believe it will serve to focus greater attention on our national commitment to bring this disease under control.

I would like, however, to make some brief comments about the background of this bill. The chairman of the Health Subcommittee stated at the outset of the hearings:

I am convinced that if PKU, cystic fibrosis, or muscular dystrophy struck the lives of white families in the proportion that sickle cell anemia affects black Americans, our public commitment to it would be as stubborn as was our persistence to blow up the tiny island of Amchitka.

Aside from my distaste for that kind of rhetoric, I object to the implication that this legislation is necessary because the administration has been reluctant to take action against this tragic disease.

While it is true that inadequate attention has been given to sickle cell disease since it was discovered some 61 years ago, I think Congress and the executive branch must share the blame equally. Moreover, I think fairness requires that it be pointed out that the present administration—and not the proponents of this bill—first recognized this neglect and took action to remedy it. The President, in his February 18 health message to the Congress announced new initiatives against cancer as well as sickle cell anemia. He said:

A second targeted disease for concentrated research should be sickle cell anemia—a most serious childhood disease which almost always occurs in the black population. It is estimated that one out of every 500 black babies actually develops sickle cell disease.

It is a sad and shameful fact that the causes of this disease have been largely neglected throughout our history. We cannot rewrite this record of neglect, but we can reverse it. To this end, this administration is increasing its budget for research and treatment of sickle disease fivefold, to a new total of $6 million.

The Department of Health, Education, and Welfare has carried through on this commitment by establishing a sickle cell disease program to be coordinated primarily by the National Heart and Lung Institute of the National Institutes of Health. A Sickle Cell Disease Advisory Committee was appointed to help formulate and implement a comprehensive plan. That plan is now being implemented with the additional $5 million committed by the President. The new funds will be used to establish comprehensive research and service centers, and screening and education clinics, as well as for research to develop better methods of treatment. The National Institutes of Health and the Health Services and Mental Health Administration have committed substantial additional resources to a variety of services and research projects directed specifically at sickle cell disease.

The committee felt that additional funds should be authorized, and I do not disagree. But I think it should be kept in mind that since sickle cell disease is caused by an inherited genetic characteristic, the amount of funds committed to specifically targeted programs is not necessarily an accurate measure of our effort to control it. Broad support for basic biomedical research—which will eventually make alteration of genetic characteristics possible—is just as important as applied research. Until we have that capability, as I understand it, there can be no real cure for this disease.

In any event, the important thing now is that there is a clear national commitment to move ahead against sickle cell disease, and little time should be wasted arguing about who has been responsible for taking the initiative.

Mr. HATFIELD. Mr. President, I support the pending bill, S. 2676, which would establish a program to control sickle cell anemia. In my opinion, this legislation is long overdue. I hope that measurable progress can be made in combating this disease.

I think it appropriate that the National Observer of December 11, 1971, features a major article on sickle cell anemia. In the article, Mr. Patrick Young discusses the problem in detail. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DISEASE DRAWS THE COLOR LINE—RESEARCHERS AROUSE PUBLIC TO SICKLE-CELL THREAT

(By Patrick Young)

Nellie Kendrick recalls a white friend who recently asked her if it were true that sickle-cell anemia—a painful and usually fatal blood disease—is found almost exclusively among blacks. Mrs. Kendrick, a black volunteer in the Milwaukee Community Sickle Cell Disease Project, assured her it was. "I thought it was just a lie spread to show that blacks were inferior to whites," the friend said.

Misconceptions abound about sickle-cell anemia, among blacks and whites, among physicians and laymen. The disease afflicts perhaps 45,000 black Americans. Nearly half of its victims die before age 5, and about 80 per cent by age 30. It occurs once in every 400 to 500 black births, a frequency 6 times greater than cystic fibrosis, and 20 times higher than phenylketonuria (PKU) both almost exclusively white diseases.

Yet for years medical researchers called sickle-cell anemia "the forgotten disease." One year ago, an editorial in the Journal of the American Medical Association complained that "the level of general ignorance concerning the nature of sickle-cell anemia remains depressingly high."

Now that ignorance is under attack, more money than ever is going into sickle-cell research. New diagnostic and treatment procedures are being developed. Large-scale testings are under way in several cities, including Milwaukee, to find blacks unknowingly suffering from the disease, and to determine who are carriers capable of passing on sickle-cell anemia to their children.

And blacks across the country are working to raise funds and to acquaint all Americans with the disease. As one example, more than 200 professional black athletes—including Willie Stargell and Dock Ellis of the Pittsburgh Pirates and boxer Muhammad Ali—have set up the Black Athletes Foundation for Research in Sickle Cell Disease.

BRINGING BLACKS TOGETHER

"This has brought black people together, from the Black Panthers to the Urban League," says Richard Campbell, director of the Foundation for Research and Education in Sickle Cell Disease in New York City.

Sickle-cell anemia, an inherited disease, is the most common long-term illness among black children (about 1 per cent of its victims in the United States are White). It is incurable, and despite considerable knowledge of the disease's mechanism, treatment methods remain poor.

The disease is caused by a defect in the hemoglobin molecules within red blood cells, which carry oxygen throughout the body. Each hemoglobin molecule contains 574 amino acids. In sickle-cell hemoglobin, two of these amino acids are replaced by two others.

"At the basic level, the change is so minuscule, so tiny," says Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases. "Yet for the individual, it is a matter of life and death."

When sickle-cell hemoglobin is deprived of oxygen, the red blood cells lose their round, doughnutlike shape and take on a sickle or quarter-moon appearance.

When this happens, the red blood cells are unable to pass through the body's microscopic capillaries. The cells jam up like driftwood clogging a drainpipe. As a result tissue is deprived of the oxygen it needs, and dies. This painful event is called a "crisis."

In crisis, a person suddenly develops intense pain, usually in the abdomen, back, chest, hips, arms, or legs. The heart may be partly or fatally damaged, or a stroke may result. Sickle-cell sufferers are extremely vulnerable to infection, particularly pneumonia, and many develop skin ulcers at the ankle.

"Sickling can occur in any organ system and so it can mimic any disease state," says Dr. Edwin Bemis, a pathologist working with the newly established Southeastern Wisconsin Sickle Cell Center at Deaconess Hospital here. This causes diagnostic difficulties for doctors unfamiliar with sickle cell, and sometimes results in unnecessary surgery.

The disease results from a gene mutation that occurred centuries ago in Africa, and which became common because it offered a protection against malaria. For some unknown reason, malarial parasites cannot survive in sickled red blood cells.

Each person inherits two sets of genes, one from each parent. A person with sickle-cell anemia has inherited a sickle-cell gene from each parent. A person who inherits a sickle-cell gene from only one parent is called a "trait." (Far less common than sickle-cell anemia are "variants," forms of the disease less severe than the anemia, but more troublesome than the trait.) Estimates place the number of blacks carrying the trait at between 8 and 13 per cent.

It requires two traits to produce a child with sickle-cell anemia, and the odds are one in four for such a birth. The chances of producing another trait are one in two. These odds of genetic roulette are for each birth. A Racine, Wis., couple produced three children, all with sickle-cell anemia.

The only guarantee that two traits will avoid a child with sickle-cell anemia is if they have no children. Currently several research teams are trying to develop prenatal tests for the disease. If they succeed, parents will know in advance if their child will be born with sickle-cell anemia, and will have the option for abortion.

TRAIT IS NOT A DISEASE

Most sickle-cell traits live normal lives and never experience a crisis. Overall, we try to stress that sickle-cell trait is not a disease," says Dr. Robert B. Scott of the Medical College of Virginia in Richmond.

Nevertheless, cautions Dr. Robert M. Nalbandian of Blodgett Memorial Hospital in Grand Rapids, "the trait under certain physiological-stress conditions can be hazardous, and has been."

Traits may crisis while flying at high altitudes in unpressurized aircraft, under general anesthesia during surgery, or sometimes during great physical exertion.

Last year a team of Army doctors blamed sickle-cell trait for the deaths of four black recruits—over an 11-month period—during basic training at Fort Bliss, Texas. Their conclusion, however, has been challenged by other researchers, who contend the doctors did not rule out sufficiently other possible factors in the deaths.

Women with sickle-cell trait have a higher incidence of urinary infection during pregnancy, and traits sometimes pass blood in their urine. Pittsburgh pitcher Dock Ellis, a trait, says he occasionally passes clots. "I've gone to the team physicians and they say

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there's nothing they can do about it," he says.

The public awakening to sickle-cell anemia is a recent thing, among blacks and whites. A 1969 survey in Richmond found that only 30 percent of the blacks questioned had heard of the disease. Today blacks are more willing to accept the disease and no longer regard it as a racial slur.

"Part of the new pride among blacks is enabling us to look at ourselves, and to look with more objectivity," says Hazel Maxwell, chairman of the Milwaukee Community Sickle Cell Disease Project's advisory committee.

Sickle-cell fighters say the message of concern is finally getting across. Congress, at President Nixon's request, increased the National Institutes of Health's sickle-cell research budget from $1,000,000 to $6,000,000 this year. A bill to provide $142,000,000 in sickle-cell funds over three years is pending in the Senate. The National Foundation and its local March of Dimes chapters are providing increasing funds for research.

"I think we're getting over our benign neglect," says Dr. Bemis. "We're waking up to the fact that there is a black portion of our population. Whites, too, are demanding that blacks be treated on an equal medical basis."

The new awareness of sickle-cell anemia has led to greater efforts to identify people with the trait. Here in Milwaukee, Deaconess Hospital's sickle-cell center plans to test 118,000 blacks in seven counties. Three screenings have tested 2,232 blacks since Sept. 18, in addition to over 5,000 patients routinely tested upon admission to the hospital since 1969.

It is a community effort, utilizing more than 250 black and white volunteers and Boy Scout Troop 200, a ghetto unit, to spread the testing message. The center will provide genetic counseling and a registry of persons with sickle-cell trait.

AN EFFORT IN PITTSBURGH

The Black Athletes Foundation and six other groups are sponsoring a similar effort in an attempt to test 250,000 blacks in the Pittsburgh area. Smaller screening programs have taken place among school children in Grand Rapids and Hartford.

Testings to date have been voluntary. But New York State recently passed a law providing sickle-cell tests for youngsters entering public schools. And laws requiring testing of school children or marriage-license applicants before marriage are pending in several states, including California and Illinois.

Such laws delight some blacks, but not all. "If testing is compulsory, children identified as carriers could be stigmatized as less desirable parents or as weak individuals," says Dr. Robert Murray of Howard University in Washington, D.C.

The Milwaukee program and several others use a test developed by Dr. Nalbandian and Dr. Paul Wolf of Stanford University. Its advantage over previous tests lies in cost. The chemicals needed for the test, which can be run automatically at the rate of 120 an hour, cost only pennies a sample.

The test is a preliminary screening. A positive indicates sickling, but not necessarily sickle-cell disease. A second test—electrophoresis, which measures the distinctive electrical charges of various types of hemoglobin—can determine if the patient has sickle-cell anemia or the trait.

Treating sickle-cell anemia is more complex. Efforts to reverse sickling crises in patients, says Dr. Scott, "have not been terribly effective."

Dr. Nalbandian and his research colleagues are experimenting with urea, a natural chemical waste occurring in the body, in a sugar solution to treat patients in crisis. This "molecular surgery," says Dr. Nalbandian, breaks apart sickle-cell hemoglobin molecules that have locked together and reverses the crisis.

"We have been able to abort sickle-cell crises in over 20 patients, without using narcotics, and without medical misadventure, therapeutic failure, or death," he says.

The technique is extremely complicated. Unless extreme care is taken, the urea can cause dehydration, which itself can bring on a crisis by reducing oxygen.

Last month Dr. Paul McCurdy and Dr. Laviza Mahmood of Georgetown University medical school in Washington, D.C., reported treating 24 crises in 14 patients with urea. Seventeen crises were successfully treated, though the researchers noted dehydration as a major side effect.

"These results suggest that urea therapy has a beneficial effect on the painful crises of sickle-cell disease, but the method is still experimental," they wrote in the New England Journal of Medicine.

Currently the National Heart and Lung Institute is supporting six studies comparing three sickle-cell therapies, including urea. A second corrects dehydration, and the third reduces blood acidity, another cause of sickling, by lowering body oxygen.

A PROMISING TREATMENT

Other researchers are trying to find other chemicals that will reverse sickling without urea's handicaps. Dr. Anthony Cerami and Dr. James Manning of Rockefeller University in New York City recently reported excellent test-tube results in preventing sickling in human blood with potassium cyanate. They expect to begin human tests within a year.

Dr. Nalbandian says urea, taken four times daily mixed in soda pop to hide its bitter taste, can safely and effectively prevent sickle-cell crises. But he acknowledges difficulties in getting patients to down their preventive doses regularly.

"Frequently they take it when they feel pain," he says. "They head off a crisis and then they ignore their urea. There has to be a better way of delivering it."

SECRET LAY IN THE STRUCTURE

Although there is no cure for sickle-cell anemia, and as yet no generally accepted treatment, the basic mechanism of "sickling" is no mystery.

Sickle-cell anemia was first described in 1910 by Dr. James Herrick of Chicago. In 1949, Nobel laureate Linus Pauling and Dr. Harvey Itano showed that the disease resulted from an inherited defect in the hemoglobin molecules within red blood cells. Nine years later, Dr. Vernon Ingram and John Hunt, working at England's Cambridge University, identified that defect.

Hemoglobin molecules, which transport oxygen throughout the body, contain a total of 574 amino acids, arranged in four chains. The four chains are actually two pairs of identical chains, called alpha and beta.

The English researchers found that at two points in the beta chain of sickle-cell hemoglobin an amino acid called valine exists where glutamic acid, another amino acid, exists in normal hemoglobin.

It remained for Dr. Makio Murayama, a biochemist at the National Institute of Arthritis and Metabolic Diseases, to explain in 1966 how this minute difference in amino acids causes sickling. Considering the Cambridge research, he says, "it occurred to me that maybe the secret lay in the structure."

Normal hemoglobin molecules, about 300,000,000 per red blood cell, move at random within their cells. But Dr. Murayama found that substituting valine for glutamic acid allows sickle-cell hemoglobins to lock together when oxygen is reduced. They form chains up to 6,000,000 molecules long. These chains twist into six-strand cables, and these cables, in turn, bunch together to form rigid lines

"The end effect is that the cell wall, which is like a balloon, complies with the shape of these long fibers within," Dr. Murayama says.

Last year Dr. Murayama photographed these microcables for the first time. Using a stream of argon ions —a technique he learned about from scientists shaving microscopic layers from moon rocks—he stripped away part of the wall from a sickled cell. With a scanning electron microscope, he photographed clumps of sickled hemoglobin.

This year Dr. Murayama proposed a theory to explain why sickle-cell anemia is more severe in some patients than in others. He suggests that an organic molecule, which he calls the "hemoglobin S cofactor," plays a role in sickling. Its severity depends on the amount of this molecule present.

Dr. Murayama has yet to identify the molecule. "When and if it is identified," he says, "I think we will be able to revolutionize the mode of control and treatment of the disease."

PREVENTION OF SICKLE CELL ANEMIA

Mr. BYRD of West Virginia. Mr. President, scientists estimate that approximately 2.5 million of the 25 million black Americans have the trait of sickle cell anemia, an excruciatingly painful disease of which too little is known, and as many as 50,000 of our black citizens may actually suffer from the disease.

There is an obvious need for additional, intensive research into sickle cell anemia, and a need to find a cure for this disease. S. 2676, of which I am a cosponsor, will provide that additional research, and hold out the hope that a cure will eventually be found that will rid our society of this crippler.

Believed to have developed in Africa centuries ago, sickle cell anemia is an inherited blood disease—a disease in which red blood cells form a sickle shape when deprived of oxygen. These sickle-shaped cells often clog along the blood vessels inner lining, and the result is often an impediment to the flow of blood to vital organs.

The resulting symptoms include almost unbearable pain, stunted growth, and swelling of the joints, as well as subsequent failure of such organs as the heart, the spleen, and the kidneys.

Mr. President, research on this disease was first undertaken over 60 years ago; but very little progress has been made from that point through today. Much of the current medical attention is aimed at providing relief to those sickle cell victims suffering from attacks of extreme pain. Persons suffering from this disease must make frequent visits to clinics or hospitals, where their conditions can be regularly monitored. Only with adequate medical attention from trained personnel, can the victims of sickle cell anemia live a normal life.

S. 2676, the National Sickle Cell Anemia Act, would attempt to enable more sufferers of this disease to lead normal lives by providing $25 million in fiscal year 1973 for grants and contracts for sickle cell anemia screening, counseling and referral programs. These funds, which would be dispersed through the U.S. Department of Health, Education, and Welfare, would be increased to $35 million in fiscal year 1974 and to $40 million in fiscal year 1975.

Screening is essential to the control and prevention of sickle cell anemia. If a person has the trait of the disease—that is, if he or she is carrying only one sickle cell—a normal life can be expected However, when two sickle cells are present, the tortures of the disease almost invariably follow. Early detection, through screening, can lead to genetic counseling and a better control of sickle cell anemia.

Besides the funds for screening, counseling, and referral programs, S. 2676 also provides $5 million for research programs in fiscal year 1973, with these research funds increasing to $10 million and $15 million, respectively, in the following 2 fiscal years.

This is an intensive, all-out attack on sickle cell anemia; but the threat that this disease poses to black Americans warrants no less than our exhaustive efforts to prevent, control, and eventually do away with this disease.

ALL-OUT EFFORT TO CONTROL SICKLE CELL ANEMIA

Mr. CRANSTON. Mr. President, the chairman of the Senate Committee on Labor and Public Welfare (Mr. WILLIAMS) and the chairman of the Subcommittee on Health (Mr. KENNEDY), as well as the ranking minority members, respectively (Mr. JAVITS and Mr. SCHWEIKER), are to be congratulated on the speed with which they have responded to the referral of the committee of S. 2676, the proposed "National Sickle Cell Anemia Control Act." This bill, of which I am an original cosponsor, is one that is long overdue. I believe the members of the Committee on Labor and Public Welfare by reporting this bill to the floor without delay have demonstrated their recognition that conquest of this disease merits immediate attention and priority consideration by the Nation's health system. I would also like to congratulate my colleague (Mr. TUNNEY) for his leadership role in the development of this legislation. He is the principal sponsor of this bill, as well as a similar bill pertaining to the District of Columbia (S. 2677).

Sickle cell anemia, which this bill proposes to provide a mechanism to detect, treat, and cure, has left its tragic mark on many American families. The victims of this disease are those children both of whose parents carry the sickle cell genetic trait. These children have a 1 out of 4 chance of inheriting the disease.

The sickle cell abnormality is limited almost exclusively to black people. The trait is found in approximately 10 percent of that population and the disease itself is found in about 2 million Americans. Infants born with sickle cell disease rarely survive to adulthood, and their brief lives are punctuated by painful onslaughts of sickle cell crises. These crises are brought on by the sickling of the red blood cells; they take on a crescent shape which inhibits their normal flow through the blood stream. Instead, the cells tend to pile up in a blood vessel, depriving the surrounding tissue of a normal oxygen supply and causing extreme pain in those areas. Because sickled cells are easily destroyed and cannot be quickly replaced, victims of this disease suffer from anemia which, in turn, can contribute to a susceptibility to infection, particularly pneumonia, as well as jaundice, kidney problems, and retarded growth and development.

S. 2676, as reported from the Labor and Public Welfare Committee, attacks this disease by providing for a national program for control, research, and treatment of sickle cell anemia. The program consists of grants and contracts for screening and counseling programs and for the dissemination of educational materials regarding the nature and inheritance of sickle cell anemia and the trait. Amounts authorized for appropriation for screening, counseling and educational programs are: $25 million for fiscal year 1973, $35 million for fiscal year 1974, and $40 million for fiscal year 1975.

It is noteworthy that the statutory language contains a specific direction that priority in the awarding of grants for these programs must go to areas within States having the highest percentage of population in need of sickle cell anemia screening and counseling programs, and further, that an additional priority be given to community-based organizations in these areas in order to try to gain maximum involvement of those persons themselves most likely to be afflicted by the trait.

Grants and contracts are also authorized for research in the diagnosis, treatment, and control of sickle cell anemia; for the development of educational programs to acquaint the public with the extent of the disease; and for the development of centers for research, testing, counseling, control or treatment of sickle cell anemia. Amounts authorized for appropriation for research are $5 million for fiscal year 1973, $10 million for fiscal year 1974, and $15 million for fiscal year 1975.

The bill also provides that any participation in sickle cell screening or treatment programs should be totally voluntary and that all medical records or any related information be held confidential.

The bill provides special authorities to the Secretary of Defense to provide for screening and counseling to members of the Armed Forces and their dependents and to persons examined at Armed Forces examining and entrance stations, as well as to civilian employees of the Department of Defense. These services also would be provided only under voluntary conditions and on a confidential basis.

As chairman of the Subcommittee on Health and Hospitals of the Veterans Affairs Committee, I am delighted that the bill recognizes the important role the Veterans' Administration Department of Medicine and Surgery can play in combating this disease.

The VA medical and hospital system provides an excellent opportunity to study many fundamental and practical aspects of the sickle cell disease. Approximately 16 percent of the VA hospitalized veterans are black. Some dozen Veterans' Administration hospitals already have the equipment needed to test the blood samples for sickle cell trait and disease. There are a small but significant number of cases in which the full genetic abnormality is present but not evident until well into adult life, and some cases of this type are presently being treated in VA hospitals. The Veterans' Administration presently has approximately 35 individual research projects underway to study the genetic defects and pathologic mechanisms involved in sickling.

Mr. President, because of my responsibility as chairman of the Veterans Health and Hospitals Subcommittee and thereby my familiarity with the provisions of chapter 17 of title 38, United States Code, governing the VA medical and hospital program, I offered an amendment during committee consideration of the bill to revise section 5 of the bill, which adds a new subchapter VI in chapter 17, in order to make it as effective as possible in the context of the administration of the VA health program and to expand over certain provisions in the bill as introduced.

Under the bill as my amendment revised it, provision is made to insure that any veteran undergoing VA medical treatment—including contract or fee care—or an examination to determine his eligibility for VA benefits be offered screening for the sickle cell trait and receive it if he wishes. Authorities were added, first, to provide that if the veteran is found to have the trait the VA would also provide screening for the veteran's spouse; second, to require that every veterans' benefit recipient will receive from the VA information about the trait and anemia and where screening for the trait is available; third, to provide that any veteran having sickle cell disease, or the trait, will receive the necessary outpatient as well as hospital care; and fourth, to require the VA and authorize appropriations for it to carry out a comprehensive research and research training program in sickle cell anemia based upon its screening and treatment activities under the new subchapter.

I am particularly delighted that my amendment to authorize appropriations for these research purposes—$3 million in fiscal year 1973, $4 million in fiscal year 1974 and $5 million in fiscal year 1975—was accepted so that the maximum advantage can be taken of the VA's full potential in this field. Provisions are also included in the new subchapter ensuring voluntary participation and confidentiality of material collected for treatment or research purposes.

Although this legislation did not originate in the Senate Veterans' Affairs Committee's Subcommittee on Health and Hospitals, as chairman of that subcommittee I intend to follow the implementation of these programs in the Veterans' Administration very closely. I plan for the Health and Hospitals Subcommittee to carry out an active oversight of activities undertaken as a result of these new authorities in the same way as I will for the Veterans' Administration drug addiction treatment and rehabilitation programs authorized by S. 2097 which passed the Senate last Thursday and which also was not formally referred to the Veterans' Affairs Committee.

I want to express my personal thanks to the Veterans' Administration for its technical advice in the drafting of this provision and to the Senator from Indiana (Mr. HARTKE), the chairman of the Veterans' Affairs Committee, and the Senator from South Carolina (Mr. THUR-

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MOND), its ranking minority member, for their cooperation in this matter. They are also both cosponsors of this major legislation. I also want to note the enthusiastic help of the chairman of the House Veterans' Affairs Committee, OLIN E. TEAGUE, who has introduced in the other body H.R. 11971, the provisions of which regarding the Veterans' Administration are substantially similar to section 5 of S. 2676 as reported. It is my hope that by the consultation and collaboration we have undertaken, it will be possible for this bill to be approved by the other body without divisive and timeconsuming jurisdictional disputes.

Subsequent to consideration of S. 2676 by the committee and the same day the bill was reported, the Veterans' Administration transmitted its official report on the bill.

Although obviously this report did not become a part of the decisionmaking process, I feel that subchapter VI as reported reflects some of the concerns expressed in the report and is consistent with the VA's medical care capacity. I ask unanimous consent that the report of the Veterans' Administration be set forth in the RECORD at the conclusion of my remarks.

Mr. President, I believe the bill as reported will provide the long-needed mechanism to control the incidence of this disease which unfortunately has until now not enjoyed the wide public support and interest it merits.

One of the great tragedies regarding this disease is that many individuals have the trait and are completely unaware of it.

The provisions in this bill for screening and counseling programs and the emphasis placed on establishing these programs in the areas where the greatest concentration on the disease can be expected are highly laudable.

Many of the individuals affected by sickle-cell trait are those who are outside the reach of the present health care system. Only by full community participation can the programs reach those who have a susceptibility to the disease. A strong public information program, coupled with an active outreach effort, is needed for any measurable success to be achieved. The screening and counseling programs must also be taken directly to the people, through mobile units or sidewalk clinics.

The bill's provisions placing first priority in the awarding of grants on community-based programs will insure a primary orientation toward direct action efforts to screen those likely to have the trait and to counsel those found to have it, without losing any impetus by becoming ensnarled in institutional red tape or secondary organizational priorities.

While general public and institutional recognition of the need to fight sickle-cell anemia has been limited, there have been longstanding efforts to offset this on the part of many dedicated individuals in the health professions and in the community at large. In my State of California among the outstanding efforts being made is the work generated by the leadership of Dr. Elmer Anderson of Los Angeles, who for 13 years has been in the forefront of those advocating a concentrated effort to fight sickle-cell disease. Currently, he has received the support of the county board of supervisors to develop a Los Angeleswide effort to establish screening and counseling programs for the sickle-cell trait. He has had a very warm reception from health professionals who are eager to participate on a volunteer basis in conducting the screening tests. However, despite the availability of personnel, and the comparatively modest cost of the screening test, this Los Angeles program has been severely limited by lack of funds in its large ability to conduct screening and educational programs on the large scale needed. The grants authorized by S. 2676, I believe, are geared especially for this type of program, and will add the one missing essential ingredient—money—to needs of the community.

Many medical students, too, are deeply committed to combating sickle cell anemia and have gone into communities and conducted screening programs on a volunteer basis. One student's activities indicative of the desire of these young men and women to be involved in positive action programs is that of Greg Barnes, a third-year medical student at the University of California San Francisco School of Medicine. As a volunteer at a free clinic in San Francisco, this young man organized a sickle cell counseling and screening program for neighborhood residents and conducted a full weekend "health fair" in which he and other volunteers set up a screening program on a San Francisco street providing on-the-spot tests and information to anyone requesting it.

Through his work at the clinic, Mr. Barnes became aware of the need for this type of program at the Santa Rita Prison Farm, and organized a program to test the inmates there. An article describing his activities appeared recently in the campus newspaper, and I ask unanimous consent, Mr. President, that this article be inserted in the RECORD at the conclusion of my remarks.

Greg Barnes' outstanding achievements do not represent an isolated case. Similar efforts are being made in medical schools across the Nation. This motivation and dedication can be utilized to the maximum through the support provided for community programs by S. 2676 as reported.

Mr. President, I urge my colleagues to give their unanimous support to this bill and indicate this body's full commitment to eradicating this disease which adds still further to the discriminatory burdens with which black Americans have for far too long been afflicted.

"A DUTY TO MY OWN PEOPLE"—ONE STUDENT'S SERVICE TO THE BLACK COMMUNITY

(By Greg Barnes)

Greg Barnes is one of many UCSF medical students whose work in the community is as much a part of his life as three meals a day.

Greg is a volunteer at the Blackman's Free Clinic, a small building at 689 McAllister where residents of the Western Addition have had access to free health care since October, 1968. The clinic offers medical, dental and pharmaceutical services, some of which are provided by volunteer students and staff from UCSF.

Greg provides a special type of service to the clinic—he counsels and gives screening tests for sickle cell anemia, a disease to which blacks are especially susceptible. Blood samples from Greg's patients are analyzed in the laboratory of USSF professor Dr. Nicholas Petrakis.

To help familiarize the neighborhood residents, as well as outsiders, with its work, the Blackman's Free Clinic recently held a "Health Fair" at San Francisco Health Center No. 2 (on Pierce Street). Greg and other volunteers were on hand for a full weekend to provide on-the-spot services, health examinations, sickle cell anemia tests, and plenty of information to all comers. Normally, the Clinic itself is open only in the evenings.

Through working at the Clinic, Greg discovered another place where his help was needed: the Santa Rita Prison Farm. In collaboration with Bill Woods, a black nurse at the prison, Greg began something of a personal campaign to test black inmates for sickle cell anemia, a service that has never before been available at the prison. With the help of fellow medical students Beverly Corry, Arnold Savage, and Joseph Patrick, Greg has tested more than 400 black inmates at Santa Rita.

Important as the testing is, Greg draws more from the experience at Santa Rita than just the satisfaction of providing medical assistance.

"It's a very human experience," he says, smiling. "Except for Bill Woods, whose time is divided between so many inmates, there are no other blacks on the prison farm's medical staff. We students, visiting the prison regularly, can bring in something of the outside world; more important, we can exchange thoughts and feelings with the inmates—as individuals, as human beings. Prisoners are not accustomed to being treated in a personal way. It is a beautiful experience—for those on both sides.

"It may also be beautiful," continues Greg, "if the success of the testing program sets an example for other prisons. I hope this project will help focus attention on the need for more research on sickle cell anemia, particularly on treatment of the disease."

Greg is continuing his efforts to make sickle cell screening tests more widely available. At UCSF, he helped organize free testing for black students and employees during Black Culture Week, October 11–15.

Currently a third-year medical student, Greg feels that the time he spends at the Blackman's Free Clinic and the Santa Rita Prison Farm is as important as any spent in formal training at UCSF. "Although the medical school offers some good opportunities in community medicine," says Greg, "most are on the observation level. You aren't really compelled to get involved."

A native of Cincinnati, Greg is married and has two small children. He did undergraduate work at Xavier University in Cincinnati. In the future, he plans to go into family medicine "so that I can reach the most people." He wants to practice in the inner city and also hopes to start a training program in which members of the community can learn to do basic medical procedures.

Greg feels strongly about his role as a black physician: "I feel that I have a duty to my own people—that I am compelled by the facts of history to help them as best I can."

VETERANS' ADMINISTRATION,
Washington, D.C., December 6, 1971.

Hon. HARRISON A. WILLIAMS, JR.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will respond to your request for a report by the Veterans Administration on S. 2676, 92nd Congress, a bill "To provide for the prevention of sickle cell anemia."

The purpose of the bill is stated in its title. It would seek to accomplish that purpose by adding programs to be carried out by the Public Health Service, the Department of Defense, and the Veterans Administration. My comments on the bill will be restricted to those provisions which would be carried out by the Veterans Administration.

Section 5 of the bill would amend chapter 17 of title 38, United States Code, by adding a new subchapter VI—Sickle Cell Anemia Prevention, under which the Administrator would be required to screen and treat all veterans eligible for VA medical care with regard to sickle cell trait and sickle cell anemia.

At the present time we are engaged in a cooperative study in about twelve VA hospitals, each with about 1500 admissions of black patients. This study will evaluate the increased risks of complicating diseases associated with sickle cell trait. Conditions being studied include pulmonary embolism, myocardial infarction, vascular complications of diabetes, pyelonephritis, and post-operative complications.

Moreover, in addition we have approximately 35 individual research projects underway to study the genetic defects and pathologic mechanisms involved in sickling. In fiscal year 1972 we have committed research funds of approximately $350,000 to individual projects, with an additional $200,000 for the cooperative study.

The new section 651, which would be added to title 38 by the bill, requires the Administrator to notify all persons eligible for care under this chapter of the availability of screening, treatment, and counseling programs with regard to sickle cell trait and sickle cell anemia. The key phrase in that provision—"persons eligible under this chapter"—is not precise and presents difficulties in implementation. Apparently, what is desired is that anyone eligible for inpatient or outpatient care be encompassed within that phrase. Under current law, VA hospital care for a non-service-connected condition can be furnished to any war veteran or a veteran of service after January 31, 1955, *if he is unable to defray the expenses of necessary hospital care*, or if he is over the age of 65 years. Therefore, since eligibility for the great number of veterans is premised on "inability to defray expenses of hospital care", it would be impossible for the Veterans Administration to identify, as a preliminary to notifying, all persons as required by this provision of the bill.

The proposed new section 652 would require the Administrator to screen any person eligible for care under chapter 17 of title 38, United States Code, who makes a request, for sickle cell trait or sickle cell anemia, and to provide treatment and counseling to those who are found to have such trait or disease. Thus, this bill would, for the first time, authorize the Veterans Administration to provide purely screening examinations for a particular disease, independent of an application for hospital admission, medical services, or for compensation, or pension benefits administered by the Veterans Administration.

Our interest in finding a solution to the problems arising from the sickle cell trait is evident from the research we are already conducting in this field as noted above. To the extent that inpatient treatment would be needed, in most cases we would require no new authority since the bill limits treatment to persons eligible for medical care under title 38.

To the extent that outpatient treatment is needed, we might point out that legislation to broaden our authority to furnish medical services on an ambulatory or outpatient basis is under consideration by the Senate Committee on Veterans' Affairs. That legislation, when enacted, would enhance our ability to identify and treat sickle cell trait and sickle cell anemia as well as the complicating diseases associated therewith.

In addition to certain technical difficulties with the language of the bill, we believe that there is a serious question as to whether the mission of the Veterans Administration should be enlarged to include screening examinations of individuals independent of any need for hospitalization or the providing of medical services. At the present time, there is insufficient medical data to define a course of suitable treatment for individuals who have been identified as having the sickle cell trait. Under these circumstances, we believe the more prudent and medically effective approach is to continue with the intensive research program outlined above, rather than divert VA physicians into an extensive screening program, as proposed in this bill. Moreover, the enactment of this provision requiring screening and examinataion for sickle cell trait and sickle cell anemia would be a precedent for requests to expand our medical services to screening for other diseases. Thus, we cannot recommend favorable consideration of this section of the bill.

It is not possible to make a precise estimate of the cost to the Veterans Administration should S. 2676 be enacted, because of our lack of experience in this area of medical care. There are approximately two million black veterans in our population, with one million of those under the age of 45 years. It is reasonable to assume that approximately one-half of those under 45 would seek the screening examination. Under the conditions prescribed by the bill, we estimate that each examination would cost approximately $17.50. Therefore, to staff and examine this number would cost a total of $10.5 million. We would expect to accomplish these examinations over a five year period, after which the costs would reduce to a routine for new veterans. A more detailed estimate for each of the first five years follows:

(Costs in millions)

Fiscal year:	
1973	$2.3
1974	2.3
1975	2.3
1976	2.3
1977	1.3
Total	10.5

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD E. JOHNSON,
Administrator.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia: I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. Moss), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG), is absent on official business.

I also announce that the Senator from Idaho (Mr. CHURCH) is absent because of illness.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) and the Senator from Nebraska (Mr. CURTIS) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 442 Leg.]

YEAS—81

Aiken	Fannin	Montoya
Allen	Fong	Muskie
Allott	Goldwater	Nelson
Anderson	Gravel	Packwood
Baker	Griffin	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Pell
Bellmon	Harris	Proxmire
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brock	Hatfield	Saxbe
Brooke	Hruska	Schweiker
Buckley	Hughes	Scott
Burdick	Jackson	Smith
Byrd, Va.	Javits	Sparkman
Byrd, W. Va.	Jordan, N.C.	Spong
Cannon	Jordan, Idaho	Stennis
Case	Kennedy	Stevens
Chiles	Mansfield	Stevenson
Cook	Mathias	Symington
Cotton	McClellan	Taft
Cranston	McGee	Talmadge
Dole	McGovern	Tower
Eagleton	McIntyre	Tunney
Eastland	Metcalf	Weicker
Ellender	Miller	Williams
Ervin	Mondale	Young

NAYS—0

NOT VOTING—19

Bennett	Gambrell	Mundt
Bentsen	Hollings	Percy
Church	Humphrey	Randolph
Cooper	Inouye	Stafford
Curtis	Long	Thurmond
Dominick	Magnuson	
Fulbright	Moss	

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So the bill (S. 2676) was passed.

The title was amended, so as to read: "A bill to provide for the control of sickle cell anemia."

Mr. SCHWEIKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CURTIS subsequently said: Mr. President, at 10 o'clock this morning I had an appointment at the Office of Management and Budget, where I accompanied the directors of the O'Neill-North Loup, Nebr., irrigation project for a conference. I was not present when the yeas and nays were called upon S. 2676, having had no knowledge that the vote would occur at that time, and I would like the RECORD to show that I favor the legislation.

ORDER TO PLACE H.R. 11589 ON THE SENATE CALENDAR

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that H.R. 11589 authorizing the foreign sale of certain passenger vessels be placed on the Senate calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PHOTOGRAPH OF THE SENATE

Mr. MANSFIELD. Mr. President, after discussing the matter with the distinguished Republican leader, it has been decided—because of circumstances over which the joint leadership has little control—that the picture of the Senate to be taken tomorrow by the National Geographic will not be taken at that time. Instead, the picture will be taken at the time of the Rehnquist vote, when it occurs, because on that occasion we will be certain to have the fullest attendance possible.

I hope nobody misinterprets this statement. It is only because of a fact over which we have no control that the time has been changed from tomorrow to a day when perhaps all the seats will be filled.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HATFIELD:

S. 2968. A bill for the relief of Leo Lucas. Referred to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 2969. A bill to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon. Referred to the Committee on Interior and Insular Affairs.

By Mr. BEALL:

S. 2970. A bill to provide for the issuance of $2 bills bearing the portrait of Susan B. Anthony. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. NELSON (for himself, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. HARRIS, Mr. HARTKE, Mr. MCINTYRE, Mr. MONDALE, Mr. KENNEDY, Mr. MCGOVERN, Mr. ROTH, Mr. RIBICOFF, Mr. TUNNEY, and Mr. WILLIAMS):

S. 2971. A bill to authorize the President to designate marine sanctuaries in areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, for the purpose of preserving or restoring the ecological, esthetics, recreation, resource and scientific values of and related to such areas. Referred, by unanimous consent, to the Committees on Commerce, Interior and Insular Affairs, and Public Works, jointly.

By Mr. HATFIELD:

S. 2972. A bill to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon. Referred to the Committee on Interior and Insular Affairs.

By Mr. NELSON (for himself and Mr. KENNEDY):

S. 2973. A bill to amend the Outer Continental Shelf Lands Act. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 2974. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers. Referred to the Committee on Post Office and Civil Service.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S.J. Res. 182. A joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest-U.S.A. and the World Ploughing Contest in September 1972. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 2969. A bill to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon. Referred to the Committee on Interior and Insular Affairs.

Mr. HATFIELD. Mr. President, I am today introducing a bill to correct an error and an injustice of 100 years standing in the boundary location of the Warm Springs Reservation in Oregon. The bill is cosponsored by my colleague from Oregon (Mr. PACKWOOD), and identical legislation is being introduced in the House by Congressman AL ULLMAN.

The bill provides that 61,360 acres of federally owned lands will be declared in trust status for the use and benefit of the Confederated Tribes of the Warm Springs Reservation, to be incorporated as a part of the reservation, and to be administered by the Secretary of Interior as are other Indian trust lands. The bill also contains a number of special provisions affecting the use of the lands. These were included at the request of the Confederated Tribes to minimize the effects on their neighbors of the change in status of the lands, to allow an appropriate period of transition for existing uses, and to provide in perpetuity for public access and recreational uses. Brief descriptions of these provisions will be included at the conclusion of my remarks.

The land area involved, known as the McQuinn Strip, became a matter of dispute shortly after the Confederated Tribes of Warm Springs ceded approximately 10 million acres of land in 1855 in exchange for a reservation of approximately 630,000 acres.

The first formal survey, 16 years after the signing of the treaty, resulted in the omission of 80,000 acres of land in the northern and western areas of the reservation The Indians objected, and 6 years later, in 1877, the Government assigned Mr. John A. McQuinn to resurvey the reservation as described in the treaty of 1855. Although his results varied somewhat from the description assumed by the Indians, the McQuinn survey was accepted by the tribe, and was adopted by the Department of Interior as the correct boundary.

In 1894, however, after hearing protests from settlers north of the reservation, the Congress passed a law establishing the first survey as the legal boundary. The Warm Springs Indians continued to object to the treaty violation, and the findings of subsequent Federal commissions weighed heavily in favor of the Indians' position. In 1930, the Congress passed a jurisdictional act authorizing the U.S. Court of Claims to determine the correct boundary. The court found that the McQuinn survey, with minor variations, was, indeed, the correct boundary as intended by the signers of the 1855 treaty, and declared that the lands had been illegally appropriated. However, the court of claims was not empowered to order the return of the land to the Warm Springs Reservation, but could only determine value for the purposes of compensation.

By virtue of an archaic system of compensatory offsets then in effect, the court concluded that no compensation was due the tribe. Thus, the injustice of an earlier century was compounded.

Immediately following the finding of the Court of Claims, the late Senator Charles McNary introduced legislation to fix the boundary of the Reservation as found by the court. The Department of Interior favored the legislation, but the objections of other executive departments prevented enactment. In 1948, Senator Guy Gordon was successful in getting congressional approval of legislation recognizing the historic and legal claim of the Warm Springs Tribe and providing that all revenues from the McQuinn Strip be allocated to the tribe. The Indians accepted the benefits of that act with the full understanding that they reserved the right to request future congressional action to convey title to the land.

Mr. President, the history of this dispute leaves no other avenue of recourse than legislation such as I have introduced today. The Act of 1894 precludes an administrative resolution. The decision of the Court of Claims, which turned out to be no victory at all, closed the door on any further judicial determination. It is now up to the Congress to resolve the issue.

Throughout the past year, the Warm Springs Tribal Council, their attorney and other spokesmen for the Indians have met with hundreds of individuals, with local, State and Federal officials, and with representatives of many organizations with interest in the future management of the McQuinn Strip. The purpose of these meetings has been two-fold: first, to hear the views of interested parties and to get their suggestions for a proper resolution of the boundary issue; and second, to incorporate appropriate language in McQuinn Strip legislation to accommodate to those valid concerns expressed by others. The bill proposed today provides for those concerns.

The Warm Springs Tribe is particularly interested in maintaining satisfactory relations with their neighbors. With progressive, far-sighted leadership, they are well along in establishing the basis for vigorous economic and recreational development on the reservation, development that will benefit their neighbors and will be a model for other Indian Tribes to follow.

Given the history of the McQuinn Strip episode, it should not be necessary to justify the return of the land on the basis of the attitudes and accomplishments of the Warm Springs Tribe. But it is, nevertheless, a matter of considerable pleasure and pride to me that this tribe has been recognized widely for its wise and successful development programs. In fact, citizens from all parts of Oregon and the Pacific Northwest are beginning to realize the benefits of the extraordinary accomplishments at Warm Springs. For example, the tribe is operating one of the most popular resort areas in the State. Next spring will see the completion of a $5 million expansion at the Kah Nee Ta Resort, adding to Oregon's tourist and convention facilities, and providing new jobs and opportunities for members of the tribe.

It is appropriate to point out that the tribe will not receive any immediate financial reward from the addition of McQuinn Strip lands to the reservation. As cited earlier, revenues from timber sale and other activities in the McQuinn Strip are already paid to the tribe by act of Congress. In fact, by shifting from Forest Service to Bureau of Indian Affairs jurisdiction, the tribe will be required to pay a 10-percent fee for forest management that is not now deducted from the proceeds. It has been clear all along that the tribe is not motivated by the desire for material gain in its century-long effort to secure the return of these lands. To them it is a simple matter of right.

I agree, and I urge the support of my colleagues in the early consideration of this legislation and its approval.

At this point, Mr. President, I would like to have printed in the RECORD several excerpts from an article by Don Holm, outdoors writer for the Oregonian, a recent news story from the Oregon Journal reporting on a visit to Warm Springs by Secretary of the Interior Rogers Morton, and an editorial from the Oregon Journal on the McQuinn Strip issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM ARTICLE IN THE SUNDAY OREGONIAN, OCTOBER 17, 1971, BY DON HOLM, "INDIANS SEEK RETURN OF STRIP"

"Over the years, the Warm Springs Confederated Tribes and their leadership have won the respect of sportsmen and conservationists, not only for their hospitality and willingness to allow the public to enjoy fishing and camping on reservation lands, but for their conservation efforts which often have proved more progressive than the state and federal fish and wildlife agencies."

"In business matters, the tribes have also proved themselves just as aggressive and far-sighted. Their wise use of timber and other natural resources is well known. The popular Kah Nee Ta resort is an example of a successful project which was built on lands once owned by the Indians and later reacquired from private ownership at exorbitant prices.

"The Warm Springs tribes have long had a reputation for cooperation with state and federal agencies, and most meetings of the Game and Fish commissions are attended by tribal representatives, who have willingly accepted the decisions of these agencies.

"Of the many Indian tribes who sold their rights to commercial fishing in the middle Columbia, under the 1957 agreement, only the Warm Springs Indians have kept their word and refrained from using the set nets.

"Ironically, if the McQuinn Strip were ceded to the Indians, they would actually receive less money than they do from the proceeds of the timber sales. At present, they receive the gross receipts from the Forest Service. On regular reservation lands, the U.S. deducts 10 per cent for administration costs.

"This indicates the depth of feeling the Indians have for the McQuinn Strip. To them, it is not just acquiring more land, it is a matter of principle and personal pride."

[From the Oregon Journal, Aug. 27, 1971]

MORTON CITES WARM SPRINGS TRIBE AS "BEST IN NATION"

(By Steve Neal)

WARM SPRINGS.—Interior Secretary Rogers Morton confirmed Thursday night what many Oregonians have maintained for years, that the Warm Springs Indian Reservation is "the best example of a tribal enterprise system in the nation."

Morton said he had heard of the unique success of the Warm Springs tribes but was elated at what he found.

Smoking a cigar and sitting at an outdoor table overlooking Kah-Nee-Ta village, Morton noted, "Their timber operation, the desert resort, their range program and desire to get a fish hatchery are certainly strong indications of their achievements."

He added, "It's a shining example of making maximum use of the talents and resources that exist. They personify the policy of self-determination."

Morton said he wanted to meet Kenneth Smith, general manager of the tribes, and Olney Patt, chairman of the tribal council.

Despite his praise of Warm Springs, he hesitated to call it a model program.

"Not everyone can use this as a blueprint. Different reservations have different lands and different people," he said. "The spirit and determination," he pointed out, "are major factors in the Warm Springs phenomenon."

Morton wants the Bureau of Indian Affairs to serve "as a resource rather than a 'school marm.'"

BIA Commissioner Louis R. Bruce, a Mohawk-Sioux, has "brought a lot more communication in a lot broader way," the secretary said.

Morton said he hopes that BIA "will rely more on expertise in the Department of the Interior."

Morton would like to see the BIA "provide greater opportunity for development of reservation lands." He listed agriculture and wildlife as two major areas where assistance could be expanded.

Such projects, he hopes, can attract young people to BIA and give the federal agency a "broader and more creative base."

Morton admitted, "you'll make a lot of mistakes trying new things, some will fail, and you've got to expect criticism."

He sees a "necessity for the BIA boarding schools." For sparsely populated areas, such as Alaska, he believes it is the only means available.

"Boarding schools are an interim in terms of one or two decades. Until then, we've got to get the best use of top superintendents and faculties."

Earlier in the day, Morton expressed concern about field burning near Madras. "It's against the law back home in Maryland," he said. "What do they think they're doing?"

Meeting with the tribal council, Morton pledged to try to give them further help in developing the reservation.

He recommended that they try to sell wild horses and "turn them into an asset."

Tribal officials told Morton that the area is ideal for horses.

Morton said he recently met with a manufacturer that reported record sales of saddles. He quipped, "They're not putting them on Chevrolets."

Patt, tribal council chairman, told Morton that "something has to be done with the many acres of unpalatable grass." He stressed, "That's where we need assistance."

Smith asserted, "We need a lot of help to get the range up to par. The horses aren't making money."

Owen Panner of Bend, tribal attorney, said the reservation always has been free range, but a recent ordinance provides for summer and winter range restrictions to limit the grazing use.

Following the meeting with the council, Morton was honored at a dinner and presented a beaded billfold and necktie.

Friday morning, he was scheduled to meet with tribal leaders before his departure for Southern Oregon.

One tribal leader observed, "He seemed to have genuine interest in our problems."

Few persons at Warm Springs seemed displeased with the results of the Morton visit.

[From the Oregon Journal, editorial, Mar. 29, 1971]

TIME TO CORRECT ANCIENT ERROR

It is characteristic of cases involving land disputes that they move with glacial speed.

This is true of the McQuinn Strip controversy in which Indians of the Warm Springs Reservation have never ceased demanding control of 78,611 acres that, due to an erroneous survey, was not made part of the reservation in 1855.

Of this total, 62,000 is in federal ownership, most of it in the Mt. Hood National Forest. The rest has been in private hands, but the tribe has been buying some of it back.

The justice of the Indians' claim has long been recognized in surveys which revealed the original error and in litigation which favored the Indians but did not achieve the transfer.

Oregon's Sen. Charles McNary and Rep. Lowell Stockman believed in the Indians' case and tried unsuccessfully in the 1930s to

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persuade Congress to act. Sen. Guy Cordon took a different tack and in 1948 won approval of a compromise bill which did not give the Indians title but did award them all the revenue from timber sales and grazing fees. The Forest Service has continued to manage and has borne all the management costs.

Thus the continuing Indians' desire to gain title to the McQuinn Strip is not based on economic reasons, since they are better off financially now than under any future arrangement which would probably follow the present pattern on reservation timber of paying 10 per cent of gross receipts to the Bureau of Indian Affairs for management.

But the Indians are motivated by deep tribal feelings which have never receded. These may have gained new strength from the success of tribal enterprises, including timber operations and a huge recreational complex. Another spur may have been action of the federal government last year in turning back to the Pueblo de Taos Indians 48,000 acres of land from the Carson National Forest. The Indians had always regarded this land as sacred and as a traditional place for hunting and fishing. President Nixon called particular attention to this action, voted by Congress, as a matter of simple justice.

The Forest Service is neutral on the McQuinn Strip issue, according to Charles Connaughton, regional forester, and will be guided by the position of the Nixon administration. If the New Mexico case is an indication, the President's attitude should be favorable.

The Warm Springs Indians have declared willingness to let the white man continue some of the traditional uses in the area, such as recreation and grazing.

Sen. Mark Hatfield and Rep. Al Ullman plan to introduce legislation calling for the final settlement of this long controversy in favor of the Indians. They will have a lot of support from other white men. The time seems right for this "glacier movement" to arrive.

Mr. PACKWOOD. Mr. President, I am pleased to join with my colleague from Oregon (Mr. HATFIELD) in introducing legislation to restore lands to the Warm Springs Indian Reservation in Oregon which were unjustly eliminated by an 1894 Act of Congress.

The historical and legal justification for approval of this legislation is clearly established. Since 1894, a succession of administrative actions, judicial findings and congressional enactments has steadily reinforced the claim of the Confederated Tribes of Warm Springs that the 61,360 acres of federally-owned lands in the McQuinn Strip should be incorporated into the reservation and managed in trust status for the benefit of the tribe.

In 1917, a Government commission concluded that the Indian's claim was valid under terms of their treaty. In the 1940's, the U.S. Court of Claims found that the McQuinn survey line was the proper reservation boundary.

In 1948, Congress recognized the rightful interest of the tribe by granting the Indians 100 percent of the revenues derived by the Forest Service or other Federal agencies from McQuinn Strip lands. All of these actions have led logically to the enactment of legislation rescinding the act of 1894 and placing the lands in formal trust status.

Of the total acreage in the original McQuinn Strip, approximately 17,000 have since gone into private ownership. The legislation would not affect private lands, except to provide for shared fencing costs if the owners wish to fence their acreage. There are no residences located on the inholdings, and they are primarily useful only for livestock grazing. The Confederated Tribes have already purchased 11,000 acres of the private lands involved.

Most of the approximately 61,000 acres remaining is now a part of the Mount Hood National Forest. There was originally some concern—and there may still be some concern—about the transfer of the land from Forest Service jurisdiction. For that reason, I think it is useful to review some of the proposals that have been made to assure continued recognition of the public interest in these lands. Most of these provisions have been incorporated into the legislation at the request of the Warm Springs Tribe.

Free public access will be guaranteed in perpetuity.

Existing public recreation facilities will be maintained and improved by the tribe, and will be open to public use on the same basis as comparable forest service facilities. In this regard, it is appropriate to note that the tribe has established many fine camping and picnic facilities on present reservation lands and actively encourages free public use.

The portion of the Cascade Crest Trail crossing the McQuinn Strip will be maintained at tribal expense and kept open for public use on the same basis as those segments on forest service land.

Approximately 700 acres of the McQuinn Strip are within the Mount Jefferson Wilderness Area, and that acreage has been excluded from the land description in the legislation to avoid any encroachment on existing wilderness.

Land and facilities within the McQuinn Strip needed by the forest service for administration of adjacent national forest lands will continue to be used by them as long as needed, without charge.

All lakes within the area will be open for fishing and other public recreational use.

The tribe proposes to enter into a 10–20 year cooperative agreement with the Oregon State Game Commission for the protection and management of the game resources. During the period of the cooperative agreement, the tribe will develop a comprehensive game management program for the area.

The timber resource will be managed in perpetuity on a sustained yield basis.

These and other provisions should help allay any fears that might be raised over the intention of the Warm Springs Tribe to manage McQuinn Strip lands in a responsible way. The record of the Warm Springs Tribe in the conservation and wise use of its resources is an admirable one, and could well serve as a model for others.

The emphasis that the tribe has placed on the development of quality recreation facilities on the reservation has beneficial effects far beyond the reservation boundaries. These facilities range from free picnicking and camping areas to the popular Kah-Nee-Ta Hot Springs Resort. Kah-Nee-Ta is by reputation one of the most appealing and successful Indian operated recreation enterprises in the country. To me it represents a great deal more than that. It is also a symbol of a progressive and imaginative people, building a future for themselves in a way that is compatible with wise resource management and with the requirements of their neighbors.

I have confidence in the future of the Warm Springs people, and I support their century-long ambition to regain the lands that were unjustly taken from them. I urge my colleagues' support of legislation to make the Warm Springs Reservation whole once again.

By Mr. BEALL:

S. 2970. A bill to provide for the issuance of $2 bills bearing the portrait of Susan B. Anthony. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BEALL. Mr. President, I introduce a bill that would direct the Secretary of the Treasury to issue a $2 bill bearing the portrait of the great American social reformer, Susan B. Anthony.

A native of Massachusetts, Susan B. Anthony spent much of her life in New York where she came into contact with the leading abolitionists, temperance proponents, and social reformers of her day. Once established socially and politically in New York, Miss Anthony rose to a position of leadership in the Rochester Group, a militant feminist antislavery society. She also chaired the antislavery society of New York State and she was a driving force in organizing the first women's temperance society. During the years proceeding the American Civil War, her efforts were largely directed against the evils of slavery. This cause remained a driving force of her life until the Civil War purged from our land this institution.

Following the Civil War, Susan Anthony worked to obtain the enactment of a constitutional amendment that would enfranchise women as well as blacks. This effort was frustrated when Congress drafted the 14th amendment which failed to grant suffrage to women. In 1868, she founded and managed The Revolution a newspaper exclusively devoted to the cause of women's rights. In 1869, she helped organize the National Woman Suffrage Association and served as its honorary president as well as chairman of its executive committee.

In 1872, Miss Anthony provided a paramount test for the validity of the existing restrictive election laws. She and 50 followers forced their way into a polling place and voted in the presidential election of 1872. In a blatantly biased trial she was convicted and fined $100 which, I might add, she stubbornly refused to pay.

After this incident proved the futility of establishing women's suffrage within the framework of the 14th amendment and the existing laws, Susan Anthony directed her considerable energies to the task of changing the law. In eight separate States she organized campaigns to change the State constitutions and/or election laws so as to provide for the granting of the right to vote to women. On the national level, Miss Anthony frequently testified before the appropriate committees of the Congress, seeking the enactment of a constitutional amendment that was to elude her throughout her lifetime.

During the final years of her life, she devoted her seemingly endless energy to writing—joint author of the four volume series entitled "The History of Women Suffrage," various magazine articles, and so forth—lecturing—both in England and throughout the United States—and otherwise promoting the cause of women's rights.

Her death in 1906, came just 14 years before the ratification of the 19th amendment which emphatically stated that:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on the account of sex.

Mr. President, I introduce this bill not as a token gesture to the movement for women's rights but in the sincere hope that, by our legislative efforts we can seek to undo the historical biases that work to the detriment of a majority of our population. It is time for us to recognize that women are entitled to complete equality before the law, complete equality of opportunity, and recognition for the many and considerable accomplishments that they have rendered to the development of the American Nation. Our currency has long honored and recognized the great men who help to make our Nation what it is today and this bill can serve as the first step in the effort to grant recognition to a great American and to a great woman whose lifelong efforts expanded freedom, justice, and the cause of equality in the United States.

By Mr. NELSON (for himself, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. HARRIS, Mr. HARTKE, Mr. MCINTYRE, Mr. MONDALE, Mr. KENNEDY, Mr. MCGOVERN, Mr. ROTH, Mr. RIBICOFF, Mr. TUNNEY, and Mr. WILLIAMS):

S. 2971. A bill to authorize the President to designate marine sanctuaries in areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, for the purpose of preserving or restoring the ecological, esthetics, recreation, resource and scientific values of and related to such areas. Referred, by unanimous consent, to the Committees on Commerce, Interior and Insular Affairs, and Public Works, jointly.

Mr. NELSON. Mr. President, I introduce a bill to authorize the President to designate marine sanctuaries in the oceans for the purpose of protecting values of the marine environment.

This bill is exactly the same as an amendment I proposed last month to the Marine Protection and Research Act.

On November 24, after a colloquy on the Senate floor with the chairmen of the committees with oceans concerns and other interested Senators, I withdrew this amendment with the understanding that there would be joint hearings later on it to resolve any concerns about jurisdictional or international aspects.

Inasmuch as the hearings would involve the interests of the Senate Commerce, Interior and Public Works Committees, as was discussed in the November 24 colloquy, I ask unanimous consent that this bill be jointly referred to those three committees.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. NELSON. Mr. President, cosponsoring this bill with me are Senators BROOKE, BOGGS, CASE, HARRIS, HARTKE, KENNEDY, MCGOVERN, MCINTYRE, MONDALE, RIBICOFF, ROTH, TUNNEY, and WILLIAMS. Additional cosponsors are welcome.

In brief, the bill would create a program of marine sanctuaries in the ocean waters off our coasts, and would prohibit Federal leases for oil drilling in the Atlantic off the U.S. east coast for 2 years until the initial designations of sanctuaries in that area.

Mr. President, I ask unanimous consent that an explanation of this bill—formerly amendment No. 630—be printed in the RECORD at the end of these remarks, as well as the text of the bill itself and my lengthier statement on it which had been prepared for the debate last month.

(See exhibits 1, 2, and 3.)

Mr. NELSON. Mr. President, in addition, I would like to call attention to S. 275, a comprehensive oceans protection measure which I introduced earlier in this Congress and first introduced last Congress, as an appropriate proposal to consider along with the marine sanctuaries bill in the joint hearings.

S. 275 requires environmental management plans to be developed where oceans activities are posed and establishes a national marine mineral resources trust to assure environmental protection in the drilling for oil and development of other ocean minerals, and I will be happy to have added the name of any Senators wishing to cosponsor this bill.

EXHIBIT 1

EXPLANATION OF MARINE SANCTUARIES

The bill would create a program of marine sanctuaries in the ocean waters off our coasts, and would prohibit Federal leases for oil drilling in the Atlantic off the U.S. East Coast for two years until the initial designations of sanctuaries in that area.

The purpose of the sanctuaries would be to protect or restore vital ocean and coastal environment values such as ecology, esthetics, recreation and resources, and to provide special areas for scientific baseline studies.

While the sanctuaries would not necessarily exclude development and commercial activities, to the extent that such steps were permitted in these areas, they would be under tight regulations to assure protection consistent with the sanctuary's particular purposes.

The provision on East Coast oil drilling would assure that environmental values would be fully taken into account, including setting aside sea areas if necessary, before irrevocable steps are taken to exploit the huge oil deposits that are indicated in the Atlantic.

In recent public statements, the Secretary of the Interior has made it clear the Department does not intend to issue any oil leases off the East Coast for at least two years. Thus, the provision of this amendment for the two year prohibition on the East Coast oil leases would not conflict with U.S. energy development plans in any way, but would merely assure that we obtain adequate knowledge to anticipate and resolve potential conflicts between environmental and energy goals.

Because existing Federal authorities in the marine environment are divided among a number of departments, and are inadequate for comprehensive ocean environment protection even in U.S. waters, and because international matters are involved too, the President would establish the sanctuaries.

In so doing, the President would have public hearings held and assure coordination by obtaining the views of the Secretaries of Commerce, Defense, Interior, State, Transportation and the Administrator of the Environmental Protection Agency.

For any sanctuaries proposed in waters above state-controlled portions of the seabed (within the territorial sea) it would be necessary to have the approval of the Governor of the state involved.

Finally, language in the bill specifically requires that the sanctuaries be regulated in accordance with the principles of international law, including treaties, conventions, and other agreements to which the United States is signatory.

In view of the fact that the Federal government has already permitted the drilling of more than 6,600 oil wells off our coasts in the Gulf of Mexico and the Pacific, and is considering the Atlantic Ocean leasing now, it would be ludicrous to argue on international or any other grounds that we should not at this time establish sanctuaries in the same areas.

EXHIBIT 2

S. 2971

A bill to authorize the President to designate marine sanctuaries in areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, for the purpose of preserving or restoring the ecological, esthetics, recreation, resource and scientific values of and related to such areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that (a) The President, after obtaining the views of the Secretaries of Commerce, Defense, Interior, State and Transportation and the Administrator, shall designate as marine sanctuaries those areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention on the Continental Shelf (15 U. S. T. 741; TIAS 5578), which he determines necessary for the purpose of preserving or restoring the ecological, esthetics, recreation, resource and scientific values of and related to such areas.

(b) Prior to designating a marine sanctuary which includes water lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the President shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the President that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) When a marine sanctuary is desig-

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nated, pursuant to this section, which includes an area outside the United States territorial sea, the Secretary of State shall take action, as appropriate, to enter into agreements with other Governments, in order to protect such sanctuary and promote the purposes for which it was established.

(d) The President shall make his initial designations under this section within two years following the date of enactment of this title, and no mineral leases shall be issued for the area seaward of the territorial sea off the east coast of the United States to the outer edge of the Continental Shelf as defined in the Convention on the Continental Shelf (15 U. S. T. 741; TIAS 5578) until such designations have been made. Thereafter, he shall periodically designate such additional areas as he deems appropriate. The President shall submit a report annually to the Congress, setting forth a comprehensive review of his actions under the authority under this section, together with appropriate recommendations for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Before a marine sanctuary is designated under this section, the President shall hold public hearings in the coastal area which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. All public hearings required under this title must be announced at least thirty days before they take place, and all relevant materials, documents, and studies must be made readily available to the public for study at least thirty days in advance of the actual hearing or hearings.

(f) After a marine sanctuary has been designated under this section, the President shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the President shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section. Such regulations shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory.

SEC. 2. (a) Whoever violates any regulation issued pursuant to this title shall be liable to a civil penalty of not more than $50,000 for each such violation, to be assessed by the President. Each day of a continuing violation shall constitute a separate violation.

(b) No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the President, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) A vessel used in the violation of a regulation issued pursuant to this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

(d) The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the President.

SEC. 3. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed $10,0000,000.

EXHIBIT 3

STATEMENT BY SENATOR GAYLORD NELSON ON MARINE SANCTUARIES PROPOSAL

Briefly, this measure would establish a program for marine sanctuaries in the ocean waters off our coasts.

If we are to avoid making the same mess of the sea as we have of the land, such a program must be instituted immediately, while we still have the opportunity to do so.

Famed underwater explorer and scientist Jacques Cousteau bluntly cites the compelling justification for action: "The sea is threatened. We are facing the destruction of the ocean by pollution and by other causes."

Distinguished marine biologists are already predicting that at the present accelerating damage rate, significant productive life in the sea will be eliminated in 50 years or less.

The purpose of the sanctuaries this bill proposes would be to protect or restore vital ocean and coastal environment values such as ecology, esthetics, recreation and resources, and to provide special areas for scientific baseline studies.

While the sanctuaries would not necessarily exclude development and commercial activities, to the extent that such steps were permitted in these areas, they would be under tight regulations to assure protection consistent with the sanctuaries particular purposes.

In addition to the sanctuaries portion, this bill would prohibit Federal leases for oil drilling and other mineral development in the Atlantic off the U.S. East Coast for two years until the initial designations of sanctuaries in this area.

This would assure that environmental values be fully taken into account, including setting aside sea areas if necessary, before irrevocable steps are taken to exploit the huge oil deposits that are indicated in the Atlantic, steps that without proper protection would risk a Santa Barbara-scale disaster on the beaches of our populous East Coast.

In recent public statements, the Secretary of the Interior has made it clear the Department does not intend to issue any oil leases off the East Coast for at least two years. This means my bill's provision for the two year prohibition on the East Coast oil leases would not conflict with current U.S. energy development plans in any way.

This is not a question of environment versus energy, but merely one of assuring that we obtain the necessary knowledge to anticipate and resolve potential conflicts.

Because existing Federal authorities in the marine environment are divided among a number of departments, and are inadequate for comprehensive ocean environment protection even in U.S. waters, and because international matters are involved too, the President would establish the sanctuaries.

In so doing, the President would have public hearings held and assure coordination by obtaining the views of the Secretaries of Commerce, Defense, Interior, State, Transportation and the Administrator of the Environmental Protection Agency.

For any sanctuaries proposed in waters above state-controlled portions of the seabed (within the territorial sea), it would be necessary to have the approval of the Governor of the state involved.

Finally, language in the bill specifically requires that the sanctuaries be regulated in accordance with the principles of international law, including treaties, conventions, and other agreements to which the United States is signatory.

In view of the fact that the Federal government has already permitted the drilling of more than 6,600 oil wells off our coasts in the Gulf of Mexico and the Pacific, and is considering the Atlantic Ocean leasing now, it would be ludicrous to argue on international or any other grounds that we should not at this time establish sanctuaries in the same areas.

The proposal is strongly supported by the national environmental organizations, including the Sierra Club, Izaak Walton League, Friends of the Earth, Environmental Action, National Wildlife Federation, Wildlife Management Institute and the National Audubon Society.

In the House, the marine protection bill, including a marine sanctuaries title, was passed by an overwhelming 304 to 3 vote after proposals to delete the sanctuaries provision were rejected. The sanctuaries title was deleted in Senate committee.

Some questions have been raised about this measure's effect on international marine issues, I think because of the complicated situation we have today regarding control of the sea.

I believe these concerns can be laid to rest, and would comment as follows:

One, this proposal does not conflict with international law or attempt in any way to extend this country's oceans authorities beyond present limits. In fact, it contains a specific provision to avoid such a conflict: In Section 301(f) the bill says any regulations established for the marine sanctuaries "shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory";

Further, in Subsection (c) of the first section, the bill provides that when any portion of a sanctuary involves ocean waters more than 3 miles from our coast, the Secretary of State must seek international agreements whereby other countries would voluntarily forego activities inconsistent with the purposes of the sanctuary.

Until such agreements were achieved, the only controls exercised in the sanctuary would be those based primarily on existing United States authority to regulate the activities of our own citizens anywhere at sea.

While this would be only partial control, it would be far better than none at all. And in part, it parallels the authority used in the Marine Protection and Research bill passed earlier to control the dumping of wastes at sea transported from ports of the United States.

And as I noted earlier, in view of the fact that we are drilling oil wells all over the U.S. continental shelf in the Gulf of Mexico and the Pacific and considering them for the Atlantic, it would seem difficult to argue against establishing protected areas in these waters as well: In effect, we would be saying that while we can exploit, we cannot protect.

Two, the bill is not in any way intended to disadvantage this country with regard to the development of its resources.

To the contrary, the leadership we would be showing by establishing sanctuaries within our existing controls would most likely encourage other countries to take similar steps within their jurisdictions and stimulate international agreements for more comprehensive sanctuaries, a conservation benefit for all mankind.

The International Convention on the Continental Shelf recognizes the sovereign right of each country to explore and develop the natural resources on its continental shelf.

As a result, as just one example, the protection established by this convention means that another country could not come in and drill the oil now being considered for leasing off our Atlantic Coast, even if we decided not to drill all or part of it.

And Subsection (a) of the first section of my proposal limits the sanctuary designations to waters inside the edge of our Continental Shelf as defined in the International Convention on the Continental Shelf.

Furthermore, the sanctuaries would not necessarily ban any given activity. The degree of control exercised over U.S. activities or, if there were international agreements, over citizens of other countries in a particular sanctuary, would depend on the purposes of the sanctuary, on the values it was designed to protect.

As poluted out earlier in this statement, the provisions of my bill prohibiting leasing for oil beyond the territorial sea off our East Coast for two years would not interfere with current energy development plans in any way.

In recent public statements, the Secretary of the Interior has made it clear the Department does not intend to issue any oil leases off the East Coast during this period.

In a November 4 department news release, the Secretary was quoted as saying "it is now quite obvious that we could not possibly take any action on exploratory drilling for a couple of years."

Thus, this measure would merely require that off the East Coast, we would use this two year period to assure that environmental values will be reviewed and protected, including actually setting aside areas where necessary, before they are lost forever in a gigantic oil rush which would not only result in a plethora of platforms around the ocean, but with the development of associated industries inshore, would pose irreversible pressure on other critical shoreline uses.

The stakes are immense. The natural resources of the East Coast provide an outdoors experience ranging from surfing to sports fishing for tens of millions of people a year.

From Florida to Maine 18 national parks, seashores and monuments are actually on or close to the coast.

Among these priceless areas are Everglades National Park in Florida, Cape Lookout and Cape Hatteras National Seashores off North Carolina, Assateague National Seashore off Maryland and Virginia, Fire Island National Seashore in New York, Cape Cod National Seashore off Massachusetts, and Acadia National Park off Maine.

The 14 states of the East Coast harbor more than 63 million people, 31.9 percent of the population of the entire country.

In addition to the recreation values, the East Coast and its offshore waters are a key national resource for fishing and shipping, and the pressures are on from the crowded metropolitan complexes to use these waters for the whole range of urban activities, from nuclear power plants to offshore jetports.

It is dramatically clear that we can no longer take a step in the ocean off the East Coast in any one of these areas without the most careful consideration of the impact on these other values.

And because of potential conflicts in use and the danger of massive environmental disasters such as we saw in Santa Barbara, we simply may have to say hands off in some of these areas to this use or that one, or tightly limit some or all uses in special areas—establishing the sanctuaries this amendment proposes.

The pressures to drill and fully exploit the East Coast oil wherever it is found regardless of whatever environmental dangers may be posed will be intense.

Just recently, a Canadian subsidiary of Mobil Oil Corp. announced the flow of oil and natural gas in a well near Sable Island in the Atlantic off Nova Scotia.

The Journal article said: "The announcement had a tremendous impact. For it marked the first time that oil and natural gas have been discovered off the East Coast of North America."

Already, oil companies have gotten licenses on more than 400 million acres off Canada's East Coast.

And earlier this month, news stories widely announced Interior Department consideration of oil drilling in vast areas off the U.S. East Coast.

According to the reports, preliminary oil explorations have indicated a potentially oil rich area off the coast from the southern part of New Jersey down through the Middle Atlantic states and Virginia perhaps as far south as Cape Hatteras, North Carolina.

Previously, the Interior Department confirmed another potentially major oil and natural gas area off New England on the Georges Bank between Cape Cod and Long Island.

Already, 34 wells have been drilled in the Atlantic off Canada as close as 40 miles offshore, and a Humble Oil Company spokesman was quoted in September as saying that "we're sure the deposits off the coast of Canada and those off the coast of the United States are comparable."

And while we have assurances from the Department of the Interior, as I have noted, that they do not expect to issue East Coast oil leases for at least two years, the department is moving at top speed to evaluate the East Coast oil deposits and their implications.

As reported in a recent issue of the Oil Daily, the daily newspaper of the petroleum industry, an Interior Department task force was established November 4 to evaluate the East Coast oil.

According to a Bureau of Land Management memo on the task force job, "Since the environmental, economic and regional conditions in these new areas may be significantly different from those related to oil and gas developments in the Gulf of Mexico, BLM must move aggressively to obtain the information necessary to plan effectively for possible OCS developments in these areas and to evaluate impacts which will result from such developments."

Indicating the high priority of the East Coast oil task force, the memo said the task force members would be expected to work 15 consecutive days in Washington, followed by 2 to 3 weeks in their home offices, with the sequence being repeated through December 31.

In my bill, the President would establish the sanctuaries because of the numerous and overlapping Federal jurisdictions involved, as well as the international responsibilities.

To meet the key need of coordination in marine affairs, prior to designating the area, the President would have to obtain the views of the Secretaries of Commerce, Defense, Interior, State and Transportation and the Administrator of the Environmental Protection Agency.

Despite the numerous interests involved, no one department's activities are adequate to effectively establish and implement any comprehensive marine protection plan.

The fact is our coastal areas and the sea are faced with the same kind of chaotic development that has already scarred and polluted the face of the land, and we are not in a much better position to control it than we were to protect the forests and soil and waters of this nation in Frontier Days.

In place of the glut of the automobile, we find the giant oil tanker plying the seas, with the constant risk of accidents that could cause another marine ecodisaster; in place of the strip miner, we find the oil operation with the risk of massive spills that could lay siege to whole coastlines with coats of black goo; instead of junk heaps on the land and filth pouring into our air and lakes and rivers, we find sewage and waste chemical dumping grounds offshore already creating dead sea areas; instead of sprawling urbanization, we find poised an industrial seascape of floating airports, nuclear power generating plants, offshore shipping terminals, and possibly even ocean cities; in place of the destruction of our wildlife on land, we see birds of prey being wiped out all over the earth by the DDT that has moved through the food chain even at sea, the whales, one of the most remarkable creatures on earth, being pushed to extinction, once massive fishery stocks being depleted by overuse and pollution.

The conclusion is unavoidable: Without the comprehensive environmental management which this bill represents as a beginning step, we will ultimately make as much a wreckage of the oceans as we have of the land. There will be constant conflicts between users and more reckless exploitation, and once more, the environment will take second place until it is too late to reverse the tragic devastation.

Existing authorities will not do the job. Each department has a small slice of the pie, and no one agency has the jurisdiction necessary to establish overall policy and coordinate its implementation.

The Department of the Interior has authority to regulate the mineral resources of the seabed and the subsoil on our continental shelf beyond the territorial sea, and as part of this, may withhold areas of the shelf from leasing.

But the future of the marine environment hinges on many other questions than just what happens to these resources. As pointed out, all the activities, from tanker traffic to offshore jetports to fishing, will make their mark.

Furthermore, while the Department has permitted the drilling of more than six thousand six hundred oil wells on the continental shelf portions under its jurisdiction in the Gulf of Mexico and the Pacific, and is considering oil well leasing in the Atlantic, to the best of our knowledge, only two protected areas have been established to date under Interior authority in these same waters.

Thus, the authority the Department of Interior does have has barely been utilized.

And in any case, Interior's authority falls short of that necessary to review the wide range of activities and values involved in the ocean environment and established protected areas—the marine sanctuaries—with comprehensive regulations to reconcile conflicts in uses and preserve vital ocean values.

The situation of fragmented jurisdiction and limited authorities is reflected in every other department concerned with marine affairs.

The Department of Defense has authority to set aside areas of the continental shelf for security purposes.

The National Oceanographic and Atmospheric Administration in the Department of Commerce has authority over conservation of the living resources of the sea generally, within the first 12 miles of ocean waters, and the living resources on the continental shelf, and over the activities of U.S. citizens on the high seas.

The Corps of Engineers in the Department of Defense has responsibilities for the protection of navigation offshore similar to those it exercises for inland waters.

Meanwhile, the Department of Transportation and the Coast Guard are concerned with activities involved in establishing sea lanes for ship traffic to our ports.

For construction of an offshore platform—whether for oil drilling or in the future for floating airports, etc.—the Corps would issue permits that it did not interfere with navigation, but the Coast Guard would be involved too, to regulate platform safety.

The Environmental Protection Agency and the states now administer pollution controls within the territorial sea and if this and other pending legislation is passed, EPA's authority will be extended outside the territorial waters based on existing U.S. authorities.

Outside our territorial waters, activities involving foreign relations come within the interests of the Department of State, and the department has been involved in negotiating international agreements on marine matters.

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In conclusion, I would just reiterate that we have the opportunity now to take sound steps to protect the marine environment. If we delay further, for instance until after the East Coast oil is drilled and another tragic offshore accident has occurred, the costs to all society will be far greater than preventive steps today.

By Mr. NELSON (for himself and Mr. KENNEDY):

S. 2793. A bill to amend the Outer Continental Shelf Lands Act. Referred to the Committee on Interior and Insular Affairs.

OCEAN OIL STUDIES BILL

Mr. NELSON. Mr. President, I introduce a bill and ask that it be appropriately referred. In brief, the bill would require a comprehensive Federal study of the environmental implications of new or additional leasing of oil or other minerals in coastal waters off the United States and in the Great Lakes.

The study would be conducted by the Council on Environmental Quality, with the participation of the Federal agencies with oceans responsibilities, including the Departments of the Interior, Commerce, Defense, State, and Transportation, the Administrator of the Environmental Protection Agency, and also, the Governors of the coastal and Great Lakes States.

Under the terms of the bill, the Council shall report the results of the study together with its recommendations to the President and the Congress in 2 years. The bill further provides that during this 2-year period, no Federal leases for oil or other mineral development would be issued for the oceans area off the U.S. east coast.

I ask unanimous consent that the text of this bill be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2793

A bill to amend the Outer Continental Shelf Lands Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Outer Continental Shelf Lands Act is amended by inserting at the end thereof a new section as follows:

"SEC. 8. (a) The Council on Environmental Quality, in consultation with the Secretaries of Commerce, Defense, Interior, State, and Transportation and the Administrator of the Environmental Protection Agency and the Governors of the coastal and Great Lakes States, shall make a full and complete investigation and study of the probable effects of new or additional mineral leasing, development, and production in areas lying seaward of the baseline from which the territorial sea of the United States is measured to the outer edge of the Continental Shelf as defined in the Convention on the Continental Shelf (15 U.S.T. 741; TIAS 5578) and in the Great Lakes on ecological, esthetics, recreation, resource, and scientific values of and related to such areas. The Council shall report the results of such study and investigation, together with its recommendations, to the President and the Congress not later than two years after the date of enactment of this Act.

"(b) No mineral leases shall be issued for the area seaward of the territorial sea off the east coast of the United States prior to the submission of the Council's report pursuant to this section.

"(c) There is authorized to be appropriated such amount as may be necessary to carry out the provisions of this section."

Mr. KENNEDY. Mr. President, I join with Senator NELSON in introducing legislation which provides for a 2-year moratorium on any leases for offshore oil drilling on the Atlantic Outer Continental Shelf.

During this time, marine sanctuaries will be established along the coast to protect areas with unique research, conservation, recreation, ecological, esthetic, resource, and scientific values.

I continue to be dismayed by the failure of the Department of the Interior to place sufficient weight on the possible threats to the environment and to fishing resources from offshore oil drilling in the Atlantic.

I asked for independent studies by the National Academy of Sciences and the Environmental Protection Agency. The Department has declined to commission such studies, preferring instead to handle those studies internally.

Yet a year ago, when the Department was unable to put out an offshore oil fire in the Louisiana Gulf, they called on the Academy to establish an ad hoc group to advise them on how to extinguish the fire.

I prefer that the Academy complete its studies far in advance of the fire this time.

Therefore, I intend to introduce an amendment tomorrow to the coastal zone management bill, now on the Senate Calendar, to provide for a $500,000 study by the Academy of the environmental impact of offshore oil drilling. Congressman LESTER WOLFF, who has been a leader in seeking to assure the protection of the environment, will introduce identical legislation in the House of Representatives.

I have written to the Academy in the past and they have informed me they are able and willing to accomplish the objective of investigating all aspects relating to the offshore oil drilling in the Atlantic, including alternatives.

Today, after a briefing by the Secretary, I was informed that the Department opposition to such a study has been removed. However, the Secretary declined to commit the administration to request funding for the study. Therefore, I shall submit legislation for this purpose.

The briefing provided little assurance from the Department that eastern seaboard residents can rest easy at the current plans of the Interior Department to open the offshore area for oil drilling. Thus, there was little recognition evidenced of the potential hazards to the fishing grounds of the Georges Banks or of the recreational and environmental considerations in the Department's presentation today.

The departmental presentation was a high-powered salesmanship effort that concentrated on proving that offshore drilling was essential to meet the energy needs of the Nation. Yet, there are alternatives, including increased oil imports threaten the national security is not a universal view by any means.

In fact, the President's own Cabinet Task Force on the Oil Import Controls made the point precisely and devastatingly:

> The present import control program is not adequately responsive to present and future security considerations. The fixed quota limitations that have been in effect for the past ten years, and the system of implementation that has grown up around them, bear no reasonable relation to current requirements for protection either of the national economy or of essential oil consumption. The level of restriction is arbitrary and the treatment of secure foreign sources internally inconsistent. The present system has spawned a host of special arrangements and exceptions for purposes essentially unrelated to the national security, has imposed high costs and inefficiencies on consumers and the economy, and has led to undue government intervention in the market and consequent competitive distortions.

I believe that the present oil import controls result in higher prices for New England and the east coast and higher profits for the oil companies and that is the major purpose of those controls.

An alternative to offshore drilling and the using up of our oil reserves that is reflected in the pressure of this administration for leasing the oil shales, for opening the Alaska pipeline, and for Atlantic offshore drilling might be greater imports while we develop the technology for the gassification of coal. It also would protect and conserve our oil reserves now and that would be much more in keeping with our national security needs.

I might note in closing that the measure that Senator NELSON and I are introducing today is of increasing importance because of the obvious intention of the Department to speed up its schedule for oil leasing. Therefore, the 2-year moratorium we are proposing is the minimum time period to insure that we have sufficient information to decide whether or not we can be guaranteed that offshore oil drilling will entail no danger to our environment. Until that guarantee can be given, there should be no offshore oil drilling in the Atlantic.

By Mr. HARTKE:

S. 2974. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers. Referred to the Committee on Post Office and Civil Service.

VOTERS' INFORMATION ACT

Mr. HARTKE. Mr. President, today I introduce a bill which, although simple in nature, will greatly benefit the voting public. In substance, this legislation requires the posting of basic voter information in local post offices throughout the Nation.

The names and addresses of U.S. Senators, Representatives, and elected representatives of the respective State legislatures will, under my proposal, be required to be posted, in addition to the qualifications for registering and voting, and the places, dates, and times for registration and voting at elections in the area served by each local post office. To further enhance and promote public awareness and involvement in the democratic process, the availability and cost of Western Union public opinion messages to the President, Vice President, and Members of Congress will also be posted.

Mr. President, accountability of public officials to those we serve is a key feature of our democratic society. Each of us is aware of the fact that all too many people do not know the names of those officials who represent them. While we cannot require that people memorize the names of their representatives, we can do everything within our power to make it as simple as possible for the individual citizen to obtain the names of those officials.

In these times of big government and sprawling bureaucracy, government must be brought closer to the people. The information which would be disseminated under this act is already available from local boards of election. I do not know the number of such boards throughout the country, but I do know that there are 31,947 post offices, and that these post offices are far more accessible to most citizens than their local election boards.

Mr. President, this is a commonsense bill, and commonsense calls for its quick passage. I ask unanimous consent that the text of the Voters' Information Act be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2974

A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voters' Information Act."

SEC. 2. (a) There shall be posted in a prominent place in each post office, information with respect to the qualifications for registration and voting at elections in the area served by such post office.

(b) There shall likewise be posted in each post office the names and office addresses of the United States Senators from the State and the Representatives in Congress from the congressional district which such post office is situated.

(c) There shall likewise be posted in each post office the names and office addresses of the representatives to the State legislature from the area in which the post office is situated.

(d) There shall likewise be posted in each office information on the availability and cost of Western Union public opinion messages to the President, Vice President, and Members of Congress.

SEC. 3. The Postmaster General shall prescribe such regulations as may be necessary to call out the provisions of this Act.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

Senate Joint Resolution 182. A joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the World Ploughing Contest in September 1972. Referred to the Committee on Foreign Relations.

Mr. MONDALE. Mr. President, I introduce, with my colleague the Senator from Minnesota (Mr. HUMPHREY), a joint resolution identical to House Joint Resolution 892 which has been introduced by the Minnesota delegation in the House of Representatives. It authorizes the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the World Ploughing Contest in September 1972.

I am pleased to announce that the farm of Bert Hanson near Vernon Center, Minn., has been chosen to be the location of the exposition. Minnesota's leading industry is agriculture—including farming, food and fiber processing, and marketing. Therefore, it is, indeed, a fitting honor to the State to be the scene of this international event.

Farmfest—U.S.A. promises to be an exposition with broad appeal to farmers and all who are interested in agriculture. It will include several educational and commercial exhibits related to modern agriculture as well as being the scene of the 1972 World Ploughing Contest. That contest, an annual event which moves from country to country, has tremendous international appeal. Because the plow has always symbolized the farmers' closeness to the soil, this is a very appropriate type of event symbolizing the kinship of farmers all over the world.

Mr. President, I ask unanimous consent that this joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 182

Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the World Ploughing Contest in September 1972

Whereas the United States will host the Nineteenth Annual World Ploughing Contest in September 1972 in Blue Earth County, Minnesota, and

Whereas up to twenty-two nations can be expected to participate in this contest on September 15 and 16 as part of a weeklong Farmfest—U.S.A., and

Whereas the 1972 National Ploughing Contest and the 1972 Grant National Tractor-pull Contest are included in the scheduled events of Farmfest—U.S.A., and

Whereas Farmfest—U.S.A. will feature exhibitions of machinery, equipment, supplies, services, and other products used in the production and marketing of agricultural products; promote foreign and domestic trade and commerce in such products; and salute worldwide agriculture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to invite by proclamation or in such other manner as he may deem proper the States of the Union and foreign nations to participate in Farmfest—U.S.A. to be held in Blue Earth County, Minnesota, from September 11, 1972, through September 17, 1972.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, on January 27, 1971, I introduced S. 325 which would establish a survivor annuity program for widows of military personnel.

Thirty Members of the Senate are cosponsors of this measure and I am pleased that Senators EAGLETON and TUNNEY have joined in cosponsorship. I ask unanimous consent that at the next printing of the bill their names be added.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

S. 1297

At the request of Mr. STEVENS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 1297, a bill to authorize the State of Alaska to operate the foreign-registered ferry *Wickersham* on a temporary basis between ports in Alaska and between Alaskan ports and ports in other States.

S. 2813

At the request of Mr. TOWER, the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 2813, a bill to amend the Vocational Rehabilitation Act to provide improved vocational rehabilitation services to individuals.

S. 2897

At the request of Mr. BYRD of West Virginia, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 2897, a bill to provide housing for persons in rural areas of the United States on an emergency basis.

S. 2944

At the request of Mr. BUCKLEY, the Senator from Georgia (Mr. TALMADGE), the Senator from Nevada (Mr. BIBLE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2944, a bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

S. 2945

At the request of Mr. BUCKLEY, the Senator from Georgia (Mr. TALMADGE), the Senator from Nevada (Mr. BIBLE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2945, a bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies.

S. 2959

At the request of Mr. TAFT, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 2959, a bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act to provide for the settlement of certain emergency labor disputes.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. BUCKLEY, the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOM-

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INICK), the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Mr. MATHIAS), the Senator from Utah (Mr. Moss), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. TOWER), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country.

NOTICE OF HEARINGS ON R. F. K. STADIUM

Mr. EAGLETON. Mr. President, on Wednesday, December 1, 1971, I announced that the Senate District of Columbia Committee would hold hearings dealing with the future use, financing, and operation of the R. F. K. Stadium on Monday, Tuesday, and Wednesday, December 13, 14, and 15, 1971.

On Tuesday, December 14, 1971, it was our intention to have as witnesses Hon. Bowie Kuhn, commissioner of baseball, and Mr. Joe Cronin, president of the American League.

Mr. President, yesterday I received a telephone call from Congressman MEL PRICE of the 24th District, Illinois. Congressman PRICE along with Mayor Walter Washington, Joe Danzansky, Jack Kauffmann, and other Congressmen and city representatives went to Phoenix, Ariz., to meet with the owners and leadership of professional baseball to explore the possibility of a major league franchise being allocated to Washington by the 1973 season.

A committee of baseball owners, Commissioner Kuhn, and the two league presidents, has been appointed to consider the matter and the Senate District Committee has been and will continue to be in contact with the aforesaid committee of which Congressman PRICE is a member.

Congressman PRICE asked me if I would delay the appearance of Commissioner Kuhn and Mr. Cronin until the reconvening of Congress in January 1972 so as to allow the baseball committee greater time to develop facts and explore possibilities in connection with a new Washington franchise. Congressman PRICE felt that such a delay would be more conducive to fruitful explorations. Therefore, desirous as I am that Washington have big league baseball, I will postpone the appearance of Messrs. Kuhn and Cronin until January 1972.

The other witnesses scheduled for Monday and Wednesday which will deal with the use, operation, and financing of R. F. K. Stadium will proceed as scheduled.

NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, December 10, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Arnold Bauman, of New York, to be U.S. district judge, southern district of New York, vice a new position created by Public Law 91-272, approved June 2, 1970.

Lee P. Gagliardi, of New York, to be U.S. district judge, southern district of New York, vice a new position created by Public Law 91-272, approved June 2, 1970.

William Terrell Hodges, of Florida, to be U.S. district judge, middle district of Florida, vice Joseph P. Lieb, deceased.

Jon O. Newman, of Connecticut, to be U.S. district judge, district of Connecticut, vice William H. Timbers, elevated.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF INVESTIGATIVE HEARINGS ON BARBITURATE ABUSE

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary will begin investigative hearings on barbiturate abuse on December 15 and 16, 1971.

The subcommittee is continuing its study of drug abuse by our Nation's youth. As with the problem of amphetamine abuse which this subcommittee examined last summer, we intend to investigate the extent of barbiturate abuse as well as explore the legitimate uses of these dangerous drugs.

The hearings will begin at 10 a.m. in room 2228, New Senate Office Building. Any person who wishes to submit a statement should notify the subcommittee staff as soon as possible.

ADDITIONAL STATEMENTS

SOME COMMENTS UPON SENATOR ERVIN'S SERVICES

Mr. BYRD of West Virginia. Mr. President, our colleague, Senator SAM J. ERVIN, JR., of North Carolina, celebrated his 75th birthday anniversary on September 27, 1971. About that time the following articles and editorial concerning his public services appeared in the following newspapers:

First, an editorial by his longtime personal friend, W. Stanley Moore, entitled "He's Tops in Popularity," which appeared in his hometown newspaper, the Morganton News Herald, for August 23, 1971.

Second, an article by Bill Connelly entitled "Senator SAM a Busy Man at 75," which appeared in the Winston-Salem, N.C., Journal for September 26, 1971.

Third, an article by Paul Clancy entitled "When ERVIN Holds Hearings, He Also Does Some Talking," which appeared in the Charlotte, N.C., Observer for September 26, 1971.

Fourth, an article by Roy Parker, Jr., entitled "Slugger SAM Connects With the 'In' Issues," which appeared in the Raleigh, N.C., News and Observer for September 26, 1971.

Fifth, an article by James J. Kilpatrick entitled "Senator SAM Shows His Love for Constitution," which appeared in the Washington Star for November 2, 1971.

I ask unanimous consent that the editorial and articles be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the editorial and articles were ordered printed in the RECORD as follows:

[From the News Herald, Aug. 23, 1971]

HE'S TOPS IN POPULARITY

John Kilgo, writing from Raleigh where he's feeling the political pulse, is watching for results from polls being taken by real or potential candidates for state offices and he has extracted incidental information from early reports.

From Mr. Kilgo's column on this page we quote a statement regarding the revelations of one of the polls:

"... And the most popular politician in North Carolina? Sen. Sam Ervin in a landslide. . . ."

This isn't a surprising disclosure for fellow Burke citizens who know something of Senator Ervin's popularity around the state, but it's a gratifying one.

The folksy Morganton Senator is thus acknowledged to stand at the top of the popularity poll for politicians in Tarheelia. To have attained and held that rating through the difficult years since he first entered the United States Senate in June 1954 is a remarkable political feat. That's when his Senate career began— by the route of gubernatorial appointment. It was a classic example of the job seeking the man, rather than vice versa.

But that has been substantially the pattern of Senator Ervin's career in public service, after some early terms in the General Assembly. Later it became an example of the job-seeking-the-man when he was named county judge, Superior Court judge, interim Congressman, associate justice of the North Carolina Supreme Court and then, finally, to the U.S. Senate when the late Gov. William B. Umstead tapped him as successor to Senator Clyde R. Hoey.

There was never any question of his ability to perform the duties of each of these positions in a highly creditable manner, for those who knew him were aware of his capacity. It was simply a matter of waiting to see how long it took his ever widening constituency to recognize the talent already known to his homefolks. His victory at the polls every time a senatorial term ended showed that North Carolinians warmed up to him quickly and solidly.

Now, midway in his latest six-year term, when there is no campaign activity required on his part other than that which is second nature to Senator Sam, he stands out as a "landslide" leader in a political popularity poll which shows impressively how he wears well with fellow Tar Heels.

Some time a keen student of political phenomena will adequately document and accurately appraise the statesman-politician who made such a record during a career in which he, more times than not, was drafted for higher office when the job sought the man and then proceeded to nail down that office as his permanent possession by will of the people.

SENATOR SAM A BUSY MAN AT 75

(By Bill Connelly)

WASHINGTON.—For some U.S. senators, it would have been a hellishly busy week, but for Sam J. Ervin Jr., it could be called brisk, but rather typical. Consider what Senator Sam did in the week before his 75th birthday:

Monday: Ervin chastised the Justice Department for trying to subpoena an aide of Sen. Mike Gravel, D-Alaska, for questioning on Gravel's celebrated Pentagon Papers speech. In Ervin's view, the move was "a direct and broadscale attack . . . on the independence and freedom of the Senate."

Tuesday: Ervin held hearings on the proposed merger of the two professional basketball leagues. He argued that if Congress allows a merger, ending interleague competition in player recruitment, it will mean "the economic enslavement" of the athletes.

Wednesday: Ervin denounced the American League's transfer of the Washington Senators baseball team to Dallas-Fort Worth, then called for Congress to consider putting baseball under the antitrust laws. He also got in a few licks at pro football.

Later the same day, Ervin announced plans for major hearings next week on freedom of the press in the U.S., an inquiry that will cover the government's recent efforts to subpoena reporters and their notes, the case of the Pentagon Papers and other issues.

Also on Wednesday, he flew to New York and told a convention of the Association of American Publishers that President Nixon's effort to strengthen the Subversive Activities Control Board indicates "a lack of faith in First Amendment freedoms."

Thursday: The basketball hearings continued, with Ervin still deploring the "giant sports trusts" and the "modern peonage" of professional athletes.

Friday: Ervin flew to Kentucky for a speech at the University of Louisville. He returned to Washington to end the day at his desk.

All this does not include the time Ervin spent on the Senate floor for debates and votes, or the time he spent handling constituents' mail and requests, or the time he devoted to preparing for next week's—or even next month's activities.

Although Ervin will be 75 years old tomorrow and has been in the Senate since 1954, he seems to be just reaching the peak of his activity, prominence and influence.

He has all but shed the national image he had in the early 1960s as a single-minded opponent of civil rights bills. His views on the subject have not changed much, but the issues in Congress and the nation have changed. In today's political climate, Ervin's championing of individual rights has made him a hero to liberals as well as conservatives.

Who has done more to point up the need for laws to protect personal privacy in the coming age of computerized data banks? Who has done more to warn government crime-fighters that they violate precious rights by turning to "no knock" raids and to "preventive detention" of potential criminals?

President Nixon might well ask: Who has been a more aggressive critic of this administration? Ervin has criticized the White House for its anticrime proposals, its policy of government secrecy, its impoundment of funds appropriated by Congress, its use of the pocket veto, its tolerance of the Army's spying on civilians, and . . . on and on.

In other odd moments, Ervin is involved in efforts to protect the rights of Indians and servicemen, change the presidential election system, assure speedier trials for defendants in federal courts, regulate the nonjudicial activities of judges, protect the privacy of federal employes and maintain separation of church and state.

There are, of course, many sides to Sam Ervin that do not please compassionate liberals and civil libertarians. There is Ervin the Hawk, the armed services committee stalwart, voting a strong national defense whatever the financial cost, and backing Nixon on Vietnam.

There is Ervin the Southerner, with his traditional regional views against civil rights laws, school desegregation, equal employment programs, unions and textile imports.

But for Ervin, there is in all these activities a consistent theme: The maintenance of maximum individual freedom. A vigilance against the excesses of powerful governments and institutions.

There is plenty of room for argument about how closely some of Ervin's views follow these principles. The man will not stand still long enough to be labelled.

Few senators have such wide-ranging interest; few keep such demand schedules; and few are involved in so many timely (and yet timeless) issues. For Sam Ervin, it surely can be argued that life begins at 75.

[From the Charlotte Observer, Sept. 26, 1971]

WHEN ERVIN HOLDS HEARING, HE ALSO DOES SOME TALKING

(By Paul Clancy)

Sam Ervin will be three-quarters of a century old Monday.

The indefatigable senator from Morganton will probably celebrate by cramming his mind full of information. He will need it to launch a lengthy and controversial series of hearings Tuesday on freedom of the press and the power of government to cover things up.

Ervin will interrogate powerful men in the administration and the media to find out why relations between the two estates have continued to deteriorate.

The witness list reads like Who's Who in American Journalism, including Walter Cronkite and Dr. Frank Stanton of CBS, reporters Earl Caldwell and Fred Graham of the New York Times, Time-Life chairman Andrew Heiskell, Julian Goodman of NBC, columnist James J. Kilpatrick and Observer Editor C. A. McKnight, president of the American Society of Newspaper Editors.

Chairman Burch of the FCC will testify along with commissioner Nicholas Johnson. Someone from the Justice Department—probably not the attorney general—will be there. But no one from the White House. Communications director Herb Klein is the only one so far to turn down an invitation.

"As a member of the immediate staff of the President, I must respectfully decline the invitation to testify," Klein said in a brief note to Ervin's constitutional rights subcommittee.

Ervin is likely to have some comments about the note and one of his unfavorite subjects, executive privilege, when the hearings get underway. If Ervin is true to form—and he always is—he will surely have comments to make on a number of things.

As exhausting as those three weeks of hearings might be, they will probably seem like a vacation to Ervin.

In the past week alone, he has delivered four major speeches—one in the Senate, one in New York, one in San Diego, and one Friday night at the University of Louisville.

He presided over antitrust hearings into the proposed merger of the National and American Basketball Associations which he denounced as a scheme to economically enslave the players.

In one of his strongest blasts at the Nixon administration, he defended Sen. Mike Gravel's release of parts of the Pentagon papers as an act of "personal courage" and called the government's threat to prosecute Gravel an attempt to harass and silence him and all other critics.

Ervin told the Association of American Publishers in New York that "protest has a therapeutic value for both protesters and society. If it is justified, protest may lead to reform; if it is unjustified, protest may relieve at least temporarily the tensions of the protesters."

He was again attacking the administration, this time for expanding the powers of the subversive Activities Control Board. He said Nixon wanted to give the board "vast power to harass and stigmatize Americans."

Ervin wrote most of the speeches himself during the August recess.

The San Diego speech was the essence of Sam Ervin—a history lesson, a legal brief, good news copy and, above all, a contribution to literature.

"Ours is a time of doubt and fear," he said, sweeping back to the days of the Bastille and forward to the use of preventive detention in Washington.

"The tides of fear are rising, and the anchors of faith are dragging," he said. "It is in such a time frightened humanity needs freedom most.

"Since courage is better than fear, and faith is better than doubt, let us spurn fear, cherish faith, and dedicate ourselves to this proposition: freedom is life's supreme value and must be preserved for ourselves and our posterity, cost what it may."

[From the Raleigh News & Observer, Sept. 26, 1971]

INCLUDING BASEBALL—SLUGGER SAM CONNECTS WITH THE "IN" ISSUES

(By Roy Parker, Jr.)

WASHINGTON.—A certain soft drink may be the in-thing elsewhere, but in Washington it is the Ervin Generation.

That is U.S. Sen. Sam Ervin Jr., North Carolina's most familiar political figure.

For while other political figures busily prepare for election campaigns, Senator Ervin is happily unfettered by campaign worries and concentrating on a spate of issues which have made him, at 74, more widely admired than almost any of the oldtimers on the Washington scene.

Ervin and his issues are the in-thing. His concerns are the latest up-to-the-minute ones: baseball antitrust, invasion of privacy, freedom of the press, military justice, church-state separation, presidential war-making power, prison reform.

The senator dashes from hearing room to hearing room, orchestrating the hearings and investigations developed by his staff.

He is surrounded by a cloud of high-salaried young men, mostly in their early '30s and all lawyers, who direct the probes, gather the witnesses, follow the trails that Ervin maps out.

Yet the senator remains as he has for all his public life, a rather remote man, diffident in the presence of nearly everyone.

In a city where instant experts are legion, especially among the roster of senators, Ervin is singleminded. He does his own reading, collects his own thoughts, and takes his aim carefully.

Ervin's manner in a hearing room or in floor debate stands in contrast, however, to the inner man.

Senator Ervin does not play the public game in the cool medium. He uses hyperbole and purple prose; he badgers and quotes out of context; he can make mountains of verbal molehills.

His style is given to exaggeration. He sprinkles his remarks with phrases about "the greatest (or the worst) tyranny (or thought) ever conceived by the mind of man." He uses the necessarily supercharged language of the Scriptures, usually of the Old Testament thunder type. His by-now famous twitching eyebrows have become as familiar in Capitol Hill lore as Clyde Hoey's frock coat. He flails the air and points his finger and shouts.

The fact that he is dealing with the latest of the latest issues is somewhat new for Ervin. It has not always been so.

During the Negro civil rights revolution of the 1960s, Senator Ervin's committee on constitutional rights resembled the court of Louis 16th in the years before the Bastille. Ervin didn't exactly retire into a Petite Tranion palace of never-never issues, but his unit did spend an awful lot of time looking at Indian rights and the problems of bail.

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A cloud of young investigators fanned out across the South, documenting the problems and pointing the spotlight, might have been more useful.

But for civil libertarians, Ervin has more than made up for his Dixie orthodoxy on that issue. Even Indian rights and bail reform have come full circle into relevancy as up-to-date as today's headline.

As Ervin dashed from hearing to hearing this week, frustrated American Indians attempted to dramatize their lack of political voice by a "citizens arrest" of an official of the Bureau of Indian Affairs, making the headlines and perhaps, ushering in a new interest in a field Ervin was plowing more than 10 years ago.

Bail and correctional reform, two passions of Ervin's public life since his early days as a state trial judge, are also burning brightly again in the aftermath of the Attica incident.

The cluster of civil rights questions raised by the bloody prison affair could keep Ervin and his young men busy for years. Even as the incident unfolded, Ervin was entering a phase of hearings on his "speedy trial" proposal, the cutting edge of a wide-ranging judicial reform push which he has in the works.

Just as Ervin began probing the "economic slavery" of sport athletes, the headline of the day handed him a natural—the move of the Washington Senators to Texas.

The newest headline—making issue, the looming rerun of the battle over prayer in schools, is sure to see Ervin engaged at the front line. He is the acknowledged leader of those who battle to keep the government out of the pulpit and vice versa. His office was receiving calls within minutes after a discharge petition successfully sent a prayer-in-the schools constitutional amendment to the floor of the House of Representatives.

With the retirement of Justice Hugo Black from the Supreme Court, Ervin becomes the undisputed chief champion of the sanctity of the Bill of Rights in its protection for press, for the hearthside, for all forms of expression.

His committee will usher in the senator's 75th birthday with a significant series of hearings on press freedom beginning Tuesday, with such headline-grabbing witnesses as Cronkite and Brinkley, Attorney General Mitchell, and the presidents of all the big networks.

As soon as the My Lai trials are over, Ervin hopes to lead new looks at the military justice system. In general, the trials have borne out his own views at the beginning, when his was a calm voice in the midst of furor urging patience and strict adherence to the system, rather than trial by public or administrative coverup.

For Ervin, a decorated second lieutenant from the World War One trenches, the vindication of the system is a bright spot on the Army's tarnished current image, must bring a pause of satisfaction.

That is, if he has time to muse on it, which seems unlikely right now in the Washington of the Ervin generation.

SENATOR SAM SHOWS HIS LOVE FOR CONSTITUTION

(By James J. Kilpatrick)

If Sam Ervin did not exist, as Voltaire once remarked of God, it would be necessary to invent him. In a Senate that has been briefcase gray since the death of Everett Dirksen, the canny old North Carolinian provides almost the only color. Of greater importance, he is often the only statesman in the crowd.

One thought of this a couple weeks ago, in watching Ervin pilot a bill through the Senate that no other senator would have cared enough to fight for. To be sure, he had some help from the noblest Roman of them all, Sen. Hruska of Nebraska, but the bill was stamped with Ervin's mark: It was intended to safeguard the Constitution, and it looked to the future in terms of the past.

We have had great constitutionalists on the Hill since the days of Webster, Calhoun and Clay, but we have not had many of them lately. The Constitution has fallen upon hard times. It comes and goes on Capitol Hill like some impecunious uncle-by-marriage, a visitor who has to be tolerated but not really welcomed. The Constitution is mostly in the way.

Not to Sam Ervin. He speaks of the Constitution in the same loving accents by which a man speaks of his wife, his mother, his child or, for that matter his Redeemer. We had an old scholar once at Virginia who felt the same way about Shakespeare. It is a feeling kindled out of the affection that is deeper than love—and out of a sense of the marvelous, also. Always something new! Some perfection never grasped before!

Yet not perfection. Like mother, wife and child, the Constitution has its failings. The procedures for electing a President are sorely in need of repair. The grand ambiguities of the general welfare clause provide endless trouble. There are other broken parts and patches of rust. And it is the peculiar role of Senator Sam to put things right.

Thus, he was tinkering around two weeks ago with Article V. This is the section of the Constitution that deals with amendment of the Constitution. If you care about these matters, you will know the familiar process: A resolution is introduced in Congress proposing some amendment of our basic law; if the resolution wins approval by two-thirds of both House and Senate, it goes out to the states for ratification; and if three-fourths of the states ratify, the amendment becomes part of the Constitution.

That is the familiar process. Every amendment has been adopted in this fashion. But it is one of the marvelous aspects of the Constitution, reflecting the framers' intuitive distrust of the Congress, that Article V offers an alternative route to amendment. This route never has been taken all the way. It provides that, upon the application of the legislatures of two-thirds of the states, the Congress "shall call a convention for proposing amendments."

A constitutional convention? We haven't had one since 1787. But off and on through the years, states have talked of using the by-pass route. By Ervin's count, at least 304 such "applications" have been received, dealing with 251 proposals for amendment. Over the past 20 years, in a latter-day revival of Calhounian gospel, such applications have become more numerous. Between 1957 and 1969, 33 states—just one short of the magic two-thirds—asked for a convention to propose an amendment on reapportionment.

Suppose a 34th application had been received? Article V is not self-executing: It says that "Congress shall call." Call how? Call whom? Senator Sam found the uncertainties a delightful problem. Four years ago he set upon repairs. On Oct. 19, his bill passed. When the House concurs, we will have created standby machinery for a contingency that may never arise. The bill defines state applications, provides for a convention, prevents a runaway body and carefully safeguards the process as a whole. It is a nice piece of probably useless work; and Mr. Madison, one imagines, would be pleased.

HOW TO SAVE LIVES—AND DOLLARS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "How to Save Lives—and Dollars," written by Roscoe Drummond, and published in the Christian Science Monitor of December 7, 1971.

Mr. Drummond comments on the stupidity of war, suggests how to stop it, and tells how the governments of the world can save and put to better use the billions of dollars now consumed for military purposes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO SAVE LIVES—AND DOLLARS

(By Roscoe Drummond)

WASHINGTON.—Why on earth is mankind allowing itself to be trapped into wasting precious lives and spending over $200 billion every year for military purposes?

And it's going up all the time—more money, more arms, more men under arms, big nations, little nations, poor nations, rich nations.

How much is it going up?

Ten years ago the world was spending $120 billion annually on the military.

Today the figure has risen to more than $200 billion, and at the present growth rate of arms expenditures the cost will be $300 to $350 billion yearly (at 1970 prices) by the end of the decade.

WAR IS STUPID

How can mankind be so heedless or helpless as to permit this travesty?

Haven't we at least come near to the point where we can recognize that war is not only wasteful, impractical, intolerable, but more than that—downright stupid?

It seems to me that most people and the leaders of most nations are agreed:

That the great powers cannot disarm unilaterally, that they can disarm safely only simultaneously and collectively.

That all nations must maintain that military strength sufficient for self-defense.

That pacifism is not a workable national policy until there are enough pacifists in enough countries to make it work.

That none of the great powers armed with nuclear weapons want to risk war against each other.

Isn't there in this set of premises some way to do better than we have been doing thus far? Can't we shed some of the crushing, wasteful burden of spending more on more arms every year?

STOP IT

Remember how hard it was in the fairy story for the people to bring themselves to admit that the king had no clothes until an innocent, honest young boy pointed his finger and said: "Look!"

More people must continue to blurt out the simple truth that war of aggression is stupid, outdated, and unacceptable—for everybody.

Next, in wisely avoiding the pitfall of one-sided disarmament, let's recognize the plain fact that every nation could spend half as much on arms and be equally safe and twice as well off in every other category of human living.

Relief from this crazy burden of arms expenditures will come only step by step. The first step must be to reverse the trend.

The burden is growing heavier, not lighter, and I wonder if the time is near when enough people in enough nations may not rise up in moral indignation and say: "This has gone on long enough. Stop it."

SAVE TOGETHER

In the decade of the '60's alone the governments of 130 nations took from the pockets of three and a half billion people $1,870 billion and consumed it for military purposes.

This is the latest figure from a special study by the United Nations, and the report shows that in the decade of the '70's military costs will mount to $2,620 billion.

While the world's output of goods has increased tenfold in this century, arms expenditures have increased twenty-fold.

While at the present time $4 billion is being spent throughout the world on medical research, $25 billion is being spent on military research.

I think the people of the Soviet Union don't like this any better than the people of the United States.

We are either going to keep on wasting more together or begin to save more together—and use the vast savings for better purposes.

TERMINATION OF NASA EXECUTIVE LUNCHROOM OPERATIONS

Mrs. SMITH. Mr. President, earlier I conducted an investigation of the Executive Lunchroom of the National Aeronautics and Space Administration through the General Accounting Office. The prinicpal determination of that investigation was that NASA was serving $4.03 cost lunches for 45 cents to its executives and to some extent through illegal procurement of food from military commissaries. The end result of my investigation was termination of the NASA executive lunchroom operations.

Upon the basis of this investigation, I requested the Comptroller General to have the General Accounting Office conduct a similiar investigation of the executive lunchrooms of other Federal agencies. I did not ask for all Federal agencies because of the magnitude of the task of such an investigation. On December 7, 1971, the Comptroller General sent me a report on such investigation. On the basis of that report, I shall offer an appropriate amendment or amendments to future appropriations legislation to require all Federal agencies to submit an annual and full accounting of their executive lunchroom or mess operations.

The NASA cost-price ratio is exceeded by that of the executive lunchroom of the Department of Transportation for whereas the NASA rate was a cost of nine times the actual price charged the NASA executives, the DOT cost rate is greater than 10 times the actual price charged the DOT executives. DOT executives paid an average of only $1.51 per meal as compared to an average cost of $16.06 per meal. And that cost does not include the cost of space and utilities.

The Department of Treasury cost-price ratio is 6 to 1 as the average cost per meal is $14.31 for which Treasury Department executives pay an average of only $2.45 per meal. This does not include cost of space and utilities. In addition to this, they get free liquor on special occasions and these alcoholic beverages are obtained from confiscated stock.

The Department of Justice cost-price ratio is greater than 4 to 1 as the average cost per meal is $7.10 for which Justice Department executives pay only an average price of $1.66. This does not include cost of space and utilities.

The National Science Foundation cost-price ratio is 3 to 1 as the average cost per meal is $3.55 for which NSF executives pay only an average price of $1.26 per meal. This does not include the cost of space and utilities. In addition to this, they also serve confiscated liquor—obtained from the Bureau of Customs—on special occasions.

The Interstate Commerce Commission cost-price ratio is 2 to 1 as the average cost per meal is $3.53 for which ICC Commissioners pay only an average price of $1.94 per meal. This does not include the cost of space and utilities. In this case, it is interesting to note that one of the 12 ICC Commissioners refuses to participate in the executive lunchroom arrangement.

In contrast to these five Federal agencies, the Department of Agriculture is a paragon of virtue. Its executive lunchroom gets its food from the same cafeteria that other employees do. The only subsidy other than space and utilities for the Agriculture executives is that they pay a service charge of 25 cents a meal for waitress service that actually costs 50 cents a meal.

I do not mean to exclude the U.S. Senate from being required to make an annual and full accounting of its nonpublic senatorial food services. We should be just as accountable and I shall include the U.S. Senate in the amendment or amendments that I offer to the appropriations bills.

I ask unanimous consent to place in the RECORD the report of the Comptroller General to me on this matter.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., December 7, 1971.

Hon. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: Your letter of June 28, 1971, requested that we make an investigation to determine whether there were other situations in the Federal Government similiar to those found in the National Aeronautics and Space Administration's executive lunchroom as presented in our report to you dated November 6, 1970 (B–168033).

At a meeting in your office on July 23, 1971, it was agreed that we would investigate executive lunchroom operations at the Department of Agriculture, the Department of Justice, the Department of the Treasury, the Department of Transportation, the Interstate Commerce Commission, and the National Science Foundation. Also, we agreed to determine whether any Government employees worked in the executive lunchrooms and, if so, to relate their salaries to the number of persons served and to the prices charged for the meals; whether the employees were retired military personnel having commissary privileges; and whether liquor was being served.

Where records were not available or were not in sufficient detail to provide complete information, we relied on information furnished by responsible agency officials.

Except at the Department of Agriculture, Government employees were used full or part time to prepare and serve meals. The employees used part time were principally messengers and motor vehicle operators. We were told by agency officials that the part-time employees worked in the lunchrooms during periods when they otherwise might have been idle. One full-time employee at the Department of Justice executive lunchroom was retired from the military service. He and six Coast Guard stewards who worked full time at the Department of Transportation executive lunchroom had commissary privileges; however, we found no instances where food for the lunchrooms was being purchased from commissaries.

The cost for each meal substantially exceeded the price charged for a meal in the executive lunchrooms using full-time and/or part-time Government employees. The high cost for each meal is attributable principally to the personal service costs incurred in preparing and serving a relatively small number of meals.

The following table shows the average costs and receipts for each meal at the selected agencies, except at the Department of Agriculture which is discussed separately. The average costs and receipts are for both regular and special luncheons at the Departments of Justice and Treasury but for only regular luncheons at the Department of Transportation and the National Science Foundation because at these agencies sufficient data was not available with respect to special luncheons. At the Interstate Commerce Commission, no special luncheons are served.

AVERAGE ANNUAL COSTS AND RECEIPTS PER MEAL IN SELECTED EXECUTIVE LUNCHROOMS

	Department of Justice	Department of Transportation	Department of the Treasury	Interstate Commerce Commission	National Science Foundation
Number of meals served	3,432	[1] 2,876	1,314	[1] 1,260	5,97
Costs per meal [2]:					
Salaries	$5.51	$13.81	$11.77	$1.48	$2.24
Food [3]	1.40	1.51	2.45	1.94	1.26
Depreciation [4]	.19	.74	.09	.11	.05
Total	7.10	16.06	14.31	3.53	3.55
Less average receipts per meal	1.66	1.51	2.45	1.94	1.26
Excess of costs over receipts	5.44	14.55	11.86	1.59	2.29

[1] Annualized on the basis of the number of meals served, costs, and receipts for the last quarter of fiscal year 1971 for the Department of Transportation and for the period June 7 through Aug. 13, 1971, for the Interstate Commerce Commission.
[2] Exclusive of space and utility costs.
[3] Exclusive of the cost of alcoholic beverages.
[4] Depreciation computed using the straight-line method with no salvage values and a useful life of 10 years, a practice accepted by the Internal Revenue Service for the depreciation of restaurant-type equipment.

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DEPARTMENTS OF JUSTICE AND THE TREASURY AND THE NATIONAL SCIENCE FOUNDATION

At the Departments of Justice and the Treasury and at the National Science Foundation, the executive lunchrooms, seating from 12 to 24 persons, are available to the agency heads and their top staffs for regular luncheons and special affairs at a cost for each meal established to approximate the cost of the food served. Food is purchased from commercial sources. When special luncheons are hosted by the agency heads, the costs of the food are generally paid from appropriated reception and representation funds; sometimes the Treasury paid for the cost of the food for special luncheons from the Exchange Stabilization Fund.

Two employees work full time in the Department of Justice lunchroom. We were informed that their salaries were paid from the appropriation for Salaries and Expenses, General Administration. Typical prices are $1.25 for regular luncheons and $2 for special luncheons. Alcoholic beverages are purchased from personal funds and are served only on special occasions. Administrative matters are handled by a secretary.

The lunchroom at the Department of the Treasury is operated by a full-time cook, three part-time waiters, and a part-time dishwasher. The waiters also serve as messengers and the dishwasher also serves as a custodial employee; most of their time is devoted to messenger and custodial duties. Their salaries are paid from the Exchange Stabilization Fund. Regular luncheons are priced at $2, and the price of special luncheons averaged $3.88 during fiscal year 1971. Alcoholic beverages, obtained from confiscated stock, are served only on special occasions and at no additional cost; we were informed by an official of the Department that less than 2 gallons of alcoholic beverages were consumed during fiscal year 1971. Administrative matters are handled by a secretary to the Assistant Secretary for Administration.

The executive lunchroom at the National Science Foundation is operated by a Staff Services Coordinator and three motor vehicle operators. We were informed by a Foundation official that the employees worked in the lunchroom as needed but only when they were in a standby status from their regular duties. The Foundation official estimated that about 13 man-hours a day were required to operate the lunchroom. The regular luncheons are priced at $1.25, and the food is served buffet style. In addition to regular meals being served, special affairs are held in the lunchroom; the food available varies from snacks to full meals. Alcoholic beverages, obtained from Bureau of Customs confiscated stock, are served only on special occasions and not as a part of the lunchroom operation. The Staff Services Coordinator handles the administrative duties involved in the lunchroom operation.

INTERSTATE COMMERCE COMMISSION

Of the 11 commissioners of the Interstate Commerce Commission, 10 contributed $25 each to establish an executive lunchroom fund. The other commissioner does not participate. Each of the 10 commissioners pays $25 a month into the fund and has agreed to increase the monthly payment, if necessary. The fund is used to purchase food and miscellaneous items, such as cleaning supplies, needed to operate the lunchroom. Under these arrangements the commissioners are entitled to lunch each workday. Commissioners may bring guests to the lunchroom at a cost of $1 a meal.

The lunchroom provides table service and has a seating capacity of 20. Meals are prepared and served by a file clerk who spends about 30 percent of her time on lunchroom operations. For the most part, food and miscellaneous supplies are purchased from Government Services, Inc., which operates a cafeteria located in the building. Alcoholic beverages are not served. One of the commissioners estimated that an average five meals were served each day. A commissioner handles administrative matters.

DEPARTMENT OF TRANSPORTATION

The executive lunchroom is in a leased building which was constructed for use by the Department of Transportation.

Six stewards from the U.S. Coast Guard are assigned full time to operate the lunchroom which has a seating capacity of about 38. The Coast Guard bills the Office of the Secretary monthly for pay and allowances of the stewards. The billings are paid from the Office of the Secretary's Salary and Expenses Appropriation. In addition, the military aide to the Secretary and the Secretary's receptionist work part time administering lunchroom activities.

Only the Secretary and employees who report regularly to the Secretary are authorized to use the lunchroom. In July 1971 there were 38 persons so authorized, each of whom paid a $50 membership fee which is returnable when the employee no longer reports directly to the Secretary.

Each member is billed monthly for the number of meals furnished to him. The charge for a regular luncheon is based on the average per meal food cost for the month. Food and supplies are purchased from commercial sources. Food, beverages, and supplies sometimes are purchased separately for special luncheons, and the costs are prorated among those served. When food and beverages purchased for normal dining-room operations are consumed at special luncheons, the meals are charged for at the regular rate established for members at the end of the month. Meals for official guests attending regular or special luncheons are paid from the Secretary's appropriated reception and repesentation fund.

Wine and ale are available at the regular luncheons and distilled alcoholic beverages at special luncheons. Members are charged the actual cost for alcoholic beverages served.

DEPARTMENT OF AGRICULTURE

An executive lunchroom having a seating capacity of 85 provides table service for higher grade employees in the Department of Agriculture. Adjoining are two smaller table-service lunchrooms, one for use by the Secretary and his guests and the other for use by the Under Secretary and his guests. The three lunchrooms are operated by the Department employees' Welfare and Recreation Association.

Daily meals are similar to the meals available in the Association's cafeteria across the hall from the lunchrooms, and the prices charged are the same as those for meals in the cafeteria plus an additional charge of 25 cents a meal to cover the cost of providing table service. A grilled rib-eye luncheon steak, such as is served in the lunchroom at a price of $2.25 (plus the 25-cent service charge), is not available in the cafeteria. All food served in the lunchrooms is obtained from and prepared in the cafeteria. Alcoholic beverages are not served.

Five waitresses each work an estimated 3½ hours a day at $2.10 an hour in the three lunchrooms. All five waitresses work in all three lunchrooms as though they were a single lunchroom.

During the period February through May 1971, the total number of meals served in the three lunchrooms averaged 74 a day. The 25-cent service charge would amount to $18.50 for 74 meals, whereas the cost of the waitresses to serve the meals would be $36.75. On the basis of 74 meals a day, the service charge would have to be doubled to cover the cost of providing table service.

An official of the Association informed us that special affairs were held infrequently at night. Association employees work at these affairs on an overtime basis, and prices are established so as to recover costs.

The agencies discussed herein have not been provided with copies of this report and have not been afforded an opportunity to comment on our findings. We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

TAR HEEL TALK: SENATOR ERVIN'S RISE TO NATIONAL EMINENCE

Mr. JORDAN of North Carolina. Mr. President, the Greensboro, N.C., Daily News for November 21, 1971, contains an article by its editor, William D. Snider, entitled "Ervin's Rise to National Eminence," which pays tribute to my colleague, Senator ERVIN.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Greensboro (N.C.) Daily News Nov. 21, 1971]

TAR HEEL TALK: ERVIN'S RISE TO NATIONAL EMINENCE

(By William D. Snider)

During the 20th century North Carolina has not produced many U.S. Senators of the first rank.

Furnifold Simmons and Lee Overman qualified for longevity; Josiah Bailey for serious demeanor; "Our Bob" Reynolds and Clyde R. Hoey for color; and a succession of occupants—William Umstead, Melville Broughton, Frank Graham, Willis Smith and Kerr Scott—who scarcely had time to make much impact on Capitol Hill because their careers were cut short by death or defeat.

In Sam J. Ervin, however, North Carolina has found a candidate for top-drawer honors. Little by little in the sixties and seventies he has emerged as a national figure. Whether the evaluator stems from right, center or left, the senior senator from North Carolina, by general acknowledgement, ranks among a handful of distinguished men in that exclusive club.

DEEP ROOTS

Senator Ervin is the most North Carolinian of North Carolinians. That is to say his family roots run deep, stretching back to the Revolution; among them are the best we have produced. (Let it be noted here that North Carolina, as the vale of humility between two mountains of conceit, has contributed relatively few statesmen of the first water throughout her history although her best do rank with the very best.)

Senator Ervin typifies the unpretentious aristocrat of the hill country. He is a man, as the late William Polk used to say, "too proud to be proud", gracefully at home around the courthouse square, full of deep folk wisdom and not much given to high-faluting ways. "To Be Rather Than to Seem" is a motto made for him.

This kind of man seems to be an ornament of Tar Heel history. He is the prototype of small town, rural society. He is an old-timey lawyer schooled, as were many of the professional men of his day, in the liberal arts and profoundly wise about the human condition.

To sophisticated Washington, in the beginning, Senator Ervin appeared something of a country bumpkin, with his Tar Heel drawl, his effusive charm, his store of anecdotes about people he had known in Burke County. But the Tar Heel edition of the rural lawyer differs decidedly from the stereotype found elsewhere in the South. Sam Ervin's personality hid from some for a while his penetrating intellect, his scholarly endowments.

BEYOND THE HILLS

Like Tom Wolfe, Sam Ervin emerged from the Carolina hills through Chapel Hill. After finishing there, he joined the First Division in World War I where he was twice wounded in action, twice cited for gallantry and awarded the Silver Star and the Distinguished Service Cross.

After the war he went to Harvard Law School. On returning to practice law in his home town, he served in a succession of civic and political posts, including several terms in the State Legislature, as member of the State Democratic Committee, as a local judge, moving then to the Superior Court with time between as a U.S. Congressman from the Tenth District.

Senator Ervin's career then moved, decisively it seemed, toward the judiciary. Governor Cherry appointed him to the North Carolina Supreme Court. He seemed destined to remain there or eventually move into the federal court system.

But a different assignment came. On the death of Senator Hoey in 1954, Governor Umstead appointed him to the U.S. Senate. It was his best appointment. There Ervin remained, regularly returned over 17 years in election after election by a satisfied constituency and constantly growing in stature.

Senator Ervin's career, perhaps ironically, resembles that of the late Justice Hugo Black. On his appointment to the high court by Franklin Roosevelt, Black seemed little more than a run-of-the-mill Deep South politician combining a sort of New Deal populist reputation with stains of Ku Klux Klanism. Justice Black went on to become one of the renowned scholars of the court, the greatest interpreter of the U.S. Constitution in this time.

THE RIGHT QUESTIONS

Justice Black's views of the Constitution have often differed with those of Senator Ervin. But both qualify as strict constructionists. Both have honored and revered the U.S. Constitution. Both have read it pretty literally. They have asked the right questions, even though they did not always agree on the answers.

Thus, Justice Black felt that "separate but equal" schools did violate the black man's rights while, initially at least, Senator Ervin did not. Ervin's strict construction leaned more toward the judicial restraint practiced by former Justice Harlan; but in the realm of the First Amendment he and Black came down strong on the same principles.

Senator Ervin's recent campaign in behalf of the First Amendment's guarantee of freedom of the press and individual rights has brought him notably to the fore as a public servant willing to challenge the conventional wisdom. Along with Thomas Jefferson, he strongly believes that "no government ought to be without censors and where the press is free, no one ever will."

Of course, Senator Ervin's views are still stigmatized in many parts of the country as "southern". But that prejudice against southernness is beginning to lift. Just as Justice Black drew the line in his civil liberties views when the case involved disruptive behavior, so Senator Ervin has drawn the line at a different point on civil rights.

THE BUSING ISSUE

On the busing issue, for example, Senator Ervin has consistently expressed the following opinion: "To require a school board to transport children from one school district to another solely to increase or decrease the number of children of a particular race who attend a school seems to me to violate the equal protection clause of the 14th Amendment as interpreted in the Brown case."

Senator Ervin sees busing to achieve racial balance as flawed as busing to avoid it. And as the busing issue spreads across the nation, the wisdom of that view is becoming apparent. If the Constitution remains color blind, it cannot designate race in one area and ignore it in another.

I have not always agreed with Senator Ervin's views in the past—any more than I have agreed with Justice Black's. But increasingly the consistency and profundity of the Senator's stand on constitutional issues have identified him as a mighty oak in the nation.

Looking over the scope and significance of his career, North Carolinians can be proud that a man of Senator Ervin's qualities represents them in Congress.

NORTH CAROLINA PRESENTS THE NATION'S CHRISTMAS TREES

Mr. ERVIN. Mr. President, when President Nixon lights the Nation's Christmas tree at the Pageant of Peace ceremonies on December 16, not only will this bring joy and beauty to the Capital at the start of the Christmas season, but at the same time several precedents will be established.

For the first time in the celebration's 47-year history, the South will provide the tree. Moreover, my home State of North Carolina—in another first—is supplying both the tree for the lawn and the personal, family tree for the White House.

The majestic Fraser fir now festooned with approximately 5,000 lights and a mile of electrical wiring grew in the Pisgah National Forest near the Blue Ridge Parkway in Haywood County. Interestingly enough, this 63-foot tall balsam apparently survived a disastrous fire in 1924, the year that President Calvin Coolidge initiated the custom of a national tree.

Incidentally, Fraser firs grow only in North Carolina and are known colloquially as "She-Balsams."

My friend John Parris, a western North Carolina son and longtime student and chronicler of the region and its people, has written a brief history of the Fraser fir in his "Roaming the Mountains" column, which I wish to share with Senators.

I ask unanimous consent that the article, entitled "Fraser Cataloged First She-Balsams," published in the Asheville, N.C. Citizen of November 19, 1971; and the following articles describing both trees, their selection, cutting, display and ceremonies be printed in the RECORD.

There being no objection the articles were ordered to be printed in the RECORD, as follows:

[From the Asheville, N.C. Citizen, Nov. 19, 1971]

ROAMING THE MOUNTAINS—FRASER CATALOGED FIRST SHE-BALSAMS

(By John Parris)

MOUNT MITCHELL.—The tree that has been designated as the 1971 National Christmas Tree and will go on the lawn of the White House is a species of fir discovered on the slopes of this towering peak more than 180 years ago.

It is the Fraser Fir, known as balsam in the Christmas tree and evergreen trade, and called she-balsam by mountaineers who once used its sweet-smelling needles to stuff pillows and mattresses.

In the history and drama of our highland stands as a reminder of the days when Europe's crowned heads struggled for supremacy in the New World.

While England and France maneuvered through intrigue and bloodshed to plant their banners forever over the land, a British king and a French monarch pitted their royal plantsmen against each other in a race to discover and catalogue the plants and trees of the wild, unexplored wilderness.

Louis XVI lost the race for the balsam as well as his head.

King George III claimed discovery of the balsam for his kingdom and then got the tar beat out of his Red Coats.

Actually, the winner was the modern-day American who has come to recognize the discovery as a boon to the Christmas trade.

The French lost the race really because the British were suspect.

It all happened here on the slopes of Mount Mitchell where the great groves of virgin balsam stand like prophets of old.

Back in the dwindling years of the 18th century, a Scottish plantsman named John Fraser was dispatched to America on a royal errand to search out rare plants for George III.

Fraser was the first plantsman to explore the high peaks when this was still wild and trackless country.

While wandering through the wilderness, he met up with Andre Michaux.

A plantsman in the employ of Louis XVI, Michaux found that Fraser seemed to be dogging his footsteps no matter which way he turned.

For days the two rival plantsmen moved through the wilderness, their eyes ever alert to the trees and plants and shrubs, their hands busily collecting and jotting down data in their journals to prove their claims to discoveries each hoped would bring royal recognition and royal honors.

Finally, one morning at the base of the mountain here, Michaux decided the time had come to slip away from Fraser.

He concluded that he must break company with the Scotsman if France was to win the race for plant discoveries.

So he told Fraser a lie, and in lying lost the race.

Michaux claimed his horses had strayed and that he would have to search for them.

"You go ahead," he told Fraser, "and I'll catch up with you."

So Fraser moved on up the slopes of Mount Mitchell and entered the dark, spicy groves of balsam.

Thus, he became the first plantsman to discover the balsam which he claimed for England and which was named in his honor—Abies Fraseri or Fraser Fir.

But aside from having the tree named for him, Fraser failed to win further royal recognition. He was not knighted, as he had hoped and dreamed, so he broke with King George and entered the service of Catherine the Great of Russia and then Czar Paul.

And, in doing so, he got royally taken. For he made four trips into the highlands for Russia, spending his own money, and the Russians refused to reimburse him.

It was then that he set up a little nursery in London and then came to America on his own to collect and carry back living specimens.

From the high, dark groves here in the highlands he carried back the first living specimens of the mountain balsam that England had seen.

In the years that followed, the Fraser Fir went unrecognized as a Christmas tree.

Eventually, lumbermen discovered it and slashed away at the great groves in Western North Carolina.

But now the days of indiscriminate cutting have faded, for most of the lands where the

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balsams grow are on federal or state preserves or on large private holdings.

Each year thousands of small balsams are auctioned off by the U.S. Forest Service on Roan Mountain, which has become known as Christmas Tree Mountain. They are carefully selected and cut under strict supervision of forest service personnel.

These trees are shipped to market as far away as New York and Washington and Baltimore where they are sold for Christmas trees.

Meanwhile, Christmas tree growers began establishing their own balsam plantations. Thousands upon thousands of balsams are now grown and harvested annually for the Christmas tree trade.

The balsam has now become the ideal Christmas tree.

It is more fragrant than any other tree. Add to this its majestic appearance—long lower branches and thin, spike-like top.

Housewives have found that the balsam is much less trouble to clean up after than either the holly, the cedar, or the spruce.

The balsam does not drop its needles, even after weeks without water, and its smooth needles make it ideal for decorating. No stabs or pricks to the hand.

And now a balsam has been selected as the 1971 National Christmas Tree.

It will come from the Pisgah National Forest over in Haywood County, a 63-foot balsam with a nearly perfect pyramid symmetry.

And shortly after dawn of this Friday, it will be cut, wrapped, then placed on a giant truck and sent on its journey to Washington where it will go on the lawn of the White House.

So, too, in the weeks to come, many another balsam will be cut and brought in for a Christmas tree.

And whether you call it Fraser Fir, or shebalsam, or just plain balsam, it is America's favorite Christmas tree.

But few folks ever heard of the man who discovered it.

And few folks know that it was discovered right here on the slopes of Mount Mitchell.

[From the Asheville (N.C.) Citizen, Nov. 13, 1971]

WNC CHRISTMAS TREES SELECTED FOR NIXON AND WHITE HOUSE LAWN

(By Connie Blackwell)

Two trees from Western North Carolina will be cut and shipped in style to Washington, D.C., during the next two weeks for the official White House Christmas trees.

This will be the first time both trees have been chosen from one state and the first time North Carolina has furnished a tree for the Pageant of Peace ceremony, in which a tree has traditionally been lighted on the White House lawn in December by the President of the United States since 1924.

The 63-foot Fraser fir, selected by a special Christmas Tree Committee appointed by Gov. Robert Scott, will be cut Nov. 19 in Pisgah National Forest in Haywood County.

Kermit Johnson of Crossnore in Avery County will cut a 20-foot Fraser fir Dec. 3 to go in the Blue Room of the White House as the First Family's personal Christmas tree.

Johnson was the first Southerner ever to win the National Christmas Tree Growing Contest in 1970. Part of his award was providing the President's tree this year.

He has been a Christmas tree grower for only 10 years and now is growing between 45,000 to 50,000 Fraser firs from N. C. Forest Service seedlings.

It takes at least eight years to grow a tree, Johnson said, and he was unable to find one on his own property large enough for the White House. But he found one on a neighbor's property which will be used.

The large tree for the White House lawn will be lighted Dec. 16. It was approved last spring by Ted Smith of the U.S. Forest Service, head of the division of special events which selects the White House trees each year.

Job Corpsmen from the Schenck Civilian Conservation Center cleared around the tree to eliminate competition from other growth, and it was sprayed last week with a chemical designed to hold the moisture in and keep the tree fresh and green during its long reign as National Christmas Tree.

Hennessee Lumber Co. of Sylva will cut the National Forest Service tree and Bob Vodak of Meade Corp. at Sylva is responsible for wrapping it for the journey north.

The huge tree is being transported to Washington free by McLeod Trucking and Rigging Co. and Moss Trucking Co. of Charlotte. Bragg McLeod, owner of the firms, expects the cutting, wrapping and loading to take about two days work at the site just off the Blue Ridge Parkway.

The tree is expected to be on display at Tunnel Road Shopping Center here Sunday, then go to Charlotte for the Christmas Parade, to Greensboro and on to Raleigh on the 28th, where it will be presented to the state by Del Thorsen of Asheville, head of the U.S. Forest Service in North Carolina.

The tree's trip to Washington will be the subject of a documentary sponsored by N. C. Savings and Loan Association for showing on television during Christmas Week.

North Carolina was originally selected to furnish the big tree in 1972, but another state was unable to fill its obligation this year so North Carolina volunteered to move its contribution up a year.

The tree chosen for the White House lawn is special in several ways, and was actually found after a two-year search by Martin Shaw of Asheville, for the N. C. Forest Service, assistant regional forester Fred E. Whitfield from N.C. State University, L. C. Hall with the U.S. Forest Service, and Eugene McCall, assistant agricultural agent of Haywood County.

The main difficulty in the search was finding a tree tall enough. Even textbooks say Fraser firs only grow to 55 feet, but, they make the most beautiful Christmas trees in the United States and are found only in North Carolina so the search went on for a Fraser fir.

In 1924, the same year President Calvin Coolidge initiated the custom of lighting a tree on the White House lawn, the tree chosen this year was one of a handful of trees that survived a large forest fire.

Escaping the fire, it lived to be 23.1 inches in diameter with about 60-feet of limbs and to weigh about 12,000 pounds.

[From the Winston-Salem (N.C.) Journal and Sentinel, Nov. 14, 1971]

NORTH CAROLINA TO SUPPLY WHITE HOUSE TREES

In 1924 flames swept through a remote forest in North Carolina's high country, completely destroying several hundred acres of virgin timber. Only a few trees survived . . . including one "middle-aged" Fraser fir.

This year that survivor, now 75 years old and still beautiful even though it is stricken with a terminal illness, will go to its death in a blaze of glory.

The honors will come during a ceremony on the lawn of the White House when President Nixon proclaims it the "Nation's Christmas Tree" and flips a switch illuminating it.

Inside the White House, in the Blue Room, will be another Fraser Fir from North Carolina. It will be the first time that one state has furnished both the official White House tree and the national tree.

The custom of having the national Christmas tree furnished by the various states was adopted by President Calvin Coolidge in 1929 as an annual event called "The Pageant of Peace." Each December thereafter, a tree some 65-feet high has been erected and surrounded by other trees 12-feet high to represent the states and the possessions and trust territories.

North Carolina was originally selected to furnish the big tree in 1972, but another state felt it could not fulfill its obligation this year and North Carolina volunteered to make its contribution a year earlier.

And as it happened, the National Christmas Tree Growers Association, the organization which selects a "Grand Champion" 18-foot tree for display in the White House, selected an entry from Kermit Johnson of Crossnore as the Blue Room tree this year.

North Carolina had some trouble locating a suitable tree for the nation. A widespread search was conducted for two years to locate a Fraser Fir 65-feet high. There were many beautiful trees located, but they were too short. The suggestion to look for another species was turned down on the grounds that Fraser Fir is the most beautiful Christmas tree in the U.S., and is found only in North Carolina. It has lush, green foliage, has excellent needle-holding ability and a pleasing fragrance. Still a tree of suitable height could not be found. Even the textbook stated they grew only to 55 feet.

But Fred Whitfield of the School of Forestry Resources persisted and in a remote area of Haywood County he and another enthusiast, Marty Shaw, found a tree that disproved the textbook. The tree is 65-feet tall, 23.1 inches in diameter and has 60-feet of limbs. It weighs approximately 12,000 pounds.

To look at it, one would not suspect it was doomed, a victim of wooly aphid. This pest seems destined to destroy all the natural stands of Fraser Fir.

The tree will be cut Friday. It will be displayed in Asheville, Charlotte, Winston-Salem and Raleigh before being sent to Washington.

[From the Greensboro (N.C.) Daily News, Nov. 15, 1971]

A WHITE HOUSE CHRISTMAS TREE

(By Don Patterson)

Picking out a Christmas tree is often a difficult chore, even for Kermit Johnson. And he grows Christmas trees.

But Johnson, who owns a tree farm near Crossnore in Avery County, wasn't hunting just any Christmas tree.

He had to find a tree that was just the right size, shape and color to fit in a corner of the Blue Room at the White House.

Johnson's search began in August, 1970, right after he became the first southerner to win the National Christmas Tree Growing Contest. In so doing, he won the "dubious honor" of selecting President Nixon's Christmas tree.

But Johnson had been growing trees for only 10 years and didn't have any of White House caliber.

After a year's search, Johnson, aided by the N.C. Christmas Tree Association, found the tree he was looking for—a 20-foot Fraser fir—on a neighbor's farm.

"We'll cut the tree down Dec. 3," Johnson said, "and as far as I know it will go by truck directly to the White House."

Johnson will go up later for special dedication ceremonies.

But Johnson's tree isn't the only one grown in N.C. that will be displayed in Washington during the holiday season.

North Carolina will provide a 63-foot Fraser fir for the White House lawn as well.

"This is the first time that both trees for the White House have come from the same state," Johnson said.

Calvin Coolidge started the practice of a national Christmas tree in 1924. Since then a different state has provided the national tree each year. Johnson's victory in the Christmas tree contest coincided with the state's turn to provide the tree for the White House lawn.

The national tree is located in Pisgah National Forest southwest of Asheville and will be felled Nov. 19 with the help of a big crane, according to A. Daylon Rogers, president of the N.C. Christmas Tree Association.

The tree will be wrapped in burlap and hauled by truck to Asheville, Charlotte, Greensboro and on to Raleigh for a state ceremony Nov. 28.

The big tree will be on display at Friendly Shopping Center here Nov. 26 and 27, prior to shipment to Raleigh.

From Raleigh, the tree is hauled by truck to Washington.

A second big tree will be sent directly to Washington in case the main tree is damaged in transit. Limbs from the second tree will be added to the main tree as needed.

Rogers said the national tree and Johnson's tree for the Blue Room are guarded around the clock.

"If they weren't guarded," he said, "we wouldn't have a national Christmas tree."

[From the Asheville (N.C.) Citizen, Nov. 21, 1971]

WNC CHRISTMAS TREE STARTS JOURNEY

(By John Parris)

BEECH GAP.—The 1971 National Christmas Tree, a giant Fraser Fir that stood here in the mile-high wilds of Pisgah National Forest, is on its way to Washington where it will stand on the White House lawn.

Jack Hennessee, a 41-year-old lumberman who chopped down his first tree at the age of seven, severed the 63-foot balsam from its trunk at mid-morning Saturday, and by sundown it was rolling down the mountain by truck on the first leg of its journey.

With a Homelite chain-saw, manufactured in North Carolina, he took just a dozen minutes to cut through the three-and-a-half-foot thick bole, while a giant crane held the tree in a special nylon sling to prevent it from crashing to the ground.

Then, as the crane slowly swung the suspended tree up over a steep bank to the base of operations on an old railroad logging bed, Hennessee brushed away the sawdust from the stump and began counting the age rings.

When he finished, he stood up and there was a big grin on his face.

"What do you know?" he said. "Me and this tree started out life together. I count 41 rings. And that's my age, too."

Meanwhile, workmen from the McLeod Trucking and Rigging Co. of Charlotte, hooked up a second crane to the tree trunk and lifted it into the air.

Then, suspended between the two cranes, the tree was lowered so that Hennessee could take his saw and trim off a few of the skimpy limbs.

With the necessary pruning done, Bob Vodak of the Mead Corp. plant at Sylva and two of his company's veteran woodsmen—Burnsville natives Ralph Thompson and Garville Honnicutt—moved in with ropes to begin tying down the limbs to protect the tree on its journey.

They began at the tip and worked toward the trunk. Half a dozen others from the McLeod company's crew joined in the tedious work.

By mid-afternoon, the last limb had been tied down. Then the bound balsam was lowered gently to rest on special cushioned racks atop an extensible trailer with a drop deck.

There was a slight overhang, making the overall length of the truck and cargo 80 feet, and the height of the tree 13 feet six inches.

Meanwhile, Hennessee had cut a four-inch thick slab from the tree stump. Officials of the State Museum in Raleigh had requested the slice for display and a reminder to future generations that North Carolina had provided the 1971 National Christmas Tree.

The giant balsam, native only to the highland forests of Western North Carolina where it was discovered more than 180 years ago by a Scottish plantsman named John Fraser, and whose name it bears, was originally scheduled to be cut Friday.

Rain and fog delayed the operation until Saturday morning, when a cold front moved through and cleared the skies and brought out the sun.

When Hennessee, president of Hennessee Lumber Co. of Sylva, arrived to do the cutting, the temperature was in the low 20s, ice fringed the banks of the west fork of the Pigeon River which he had to ford, and the narrow dirt track leading to the tree was frozen solid.

A brisk wind was blowing across the high tops, and at times it shook the giant balsam. There was some concern that the wind might create a problem, but it died down when the operations got under way.

The wind did give a few good puffs during the cutting, but guy ropes that had been attached to the lower part of the tree kept the big evergreen steady.

"It couldn't have gone better," Hennessee said, as the big truck and its load moved out onto the paved highway. "Everything worked just perfectly. And everybody did a great job."

Even so, there was one more thing to be done to prepare the tree for its 550-mile trip to the nation's capital.

It still had to be wrapped. "They'll be doing that Sunday," Hennessee said. "They are planning to go into Asheville tonight (Saturday) and they'll do the wrapping there tomorrow."

[From the Waynesville (N.C.) Mountaineer, Nov. 22, 1971]

NATION'S TREE WILL BE DISPLAYED HERE TUESDAY

Haywood County residents who want a look at the Fraser fir they're presenting the nation as its official 1971 Christmas tree can view it Tuesday afternoon and evening at Waynesville Plaza Shopping Center.

The 63-foot, almost perfectly formed evergreen was cut Saturday morning in freezing weather on the West Fork of Pigeon River in Pisgah National Forest. It was transported by truck to Asheville Saturday evening, wrapped Sunday in burlap to protect it on its 550-mile journey to the nation's capital, and placed on display at an Asheville shopping area today.

Orville Brouer, executive secretary for the Waynesville area office of the Greater Haywood Chamber of Commerce, spent much of his time last week trying to convince people in charge of the project that since Haywood is contributing the tree it should be displayed here. Commercial interests involved were reluctant to share it. He finally succeeded, and it will be returned here Tuesday afternoon for the half-day exhibit before being moved back to Asheville for its last showing there Wednesday.

It is scheduled to be shown in Charlotte, Greensboro, and Raleigh where it will be given an official send-off to the nation's capital by Gov. Bob Scott Sunday.

Nobody yet has had anything to say about the Tar Heel Democrat governor presenting the tree to a Republican president. After all, it's the Christmas season, and campaigning won't really become serious until next year.

President Nixon will light the tree, to be erected on the White House lawn—braced in a six-foot deep hole, in traditional "Pageant of Peace" ceremonies on December 16.

The fir, 63-feet tall but much younger than foresters had estimated, is a dark green, perfectly colored example of its specie. It was fertilized twice last summer to make sure it would be. Brush and small trees around it were cut back, insurance against their being blown against the giant fir and the risk of damaging its shape.

Eugene McCall, the assistant Haywood County farm agent who found the tree growing beside Shining Rock Road on the West Fork, counted the rings on the stump after the tree was cut. It is only 41 years old. Estimates varied between 50 and 75 years of age before cutting, based on the tree's height. The specie normally averages about one foot of height per year of age.

But this fir, undoubtedly due to its location, grew almost 50 percent faster than the average. It sprang up beside a tiny brook from a mountainside spring which kept it watered continuously. Growing on the south side of the Pisgah range, it was sheltered from high winds, and the trunk showed only one wind split.

The tree's age knocked into a cocked hat the contention that the fir had somehow managed to escape the 1927 fire which destroyed virtually all vegetation in the section of forest where it grew. It did not sprout until 1930, three years after the fire and while President Nixon was still a teenager.

Mother Nature laid a fog blanket over the West Fork that was so dense crews assigned to fell the tree Friday morning postponed the job until Saturday. They could have cut it, but risk to the tree and crews would have been greater.

The major concern, however, was for posterity. Camera crews recording the event—films for school presentations, promotions for companies donating their services, and news media reports—were severely handicapped by Friday's fog and rain.

Saturday dawned clear and cold. Cameramen worried only about shutters sticking from the cold and the severe contrast between sun and shadow. Henry Hobson, McCleod Trucking Co. boss at the site, delayed cutting until light conditions were favorable for cameramen, although he was impatient to get on with the job.

"There may be some photographers wrapping this tree after dark if we don't get started," he joked.

Crews were saying Friday night that they were going to cut the tree "at first light Saturday no matter what." But that was flatlander talk from warm weather friends unfamiliar with early morning temperatures this time of year on the Pigeon. They were in no hurry at sun up.

Television and movie camera crews flown here to film the cutting also were surprised by low temperatures that left icycles hanging off rock formations at the site. Many of them came in tennis shoes. The loggers, however, knew better and tromped around in heavy boots . . . slower perhaps but warmer.

Cutting the tree took longer than anticipated, because the chain saw brought to do the job broke down a third of the way through.

Jack Hennessee, a 41-year-old lumberman, pushed the saw into the trunk about 9:10 a.m. Within an hour it had been severed and cranes had lifted the tree out of the depression where it grew to a nearby roadbed.

Cables were not allowed to contact the tree's bark. It was wrapped with quilted cloth and nylon straps to prevent scarring.

Bob Vodak, a Mead Paper Co. crew chief from Sylva, supervised tying down the branches, securing them so the tree could be hauled by flat-bed truck out of the forest. They finished about mid-afternoon.

While they worked, Hennessee sawed a four-inch slab from the stump for the N. C. State Museum. It will be displayed as a reminder to Tar Heels that they furnished the nation's Christmas tree for the White House lawn this holiday season.

County Farm Agent Virgil Holloway helped map out the tree's route to Asheville. It was complicated by paving along Interstate 40 around Canton and by heavy traffic in the downtown area. They finally decided to take the tree through the paving project, avoiding the Canton traffic, after permission had been secured from the contractor. State Highway Patrol Sgt. O. C. Brock of Hazelwood arranged a convoy.

XUM

Truck and cargo were 80 feet long and 13 feet high.

The tree will be guarded continuously until it arrives at the White House as a precaution against over-zealous souvenir hunters.

After Christmas the tree will be sawed up with the pieces to be shipped back to N. C. They will become mementoes for the people who have had a hand in the two-year long project.

SECRETARY OF AGRICULTURE BUTZ TAKES FAST ACTION OF BENEFIT TO FARMERS

Mr. TOWER. Mr. President, I wish to commend the new Secretary of Agriculture, Dr. Earl Butz, for his rapid action upon taking office in behalf of the American farmer.

His nomination was confirmed by the Senate last Thursday, and Dr. Butz was sworn into office at 5 p.m. the same day. The very next day he took two actions of benefit to farmers. If this in indicative of the kind of Secretary we have in Dr. Butz—and I hope that it is—then we indeed have not only a spokesman but an activist for the American farmer.

Last Friday, less than 24 hours after taking office, Secretary Butz announced that his Department would purchase corn on the open market. This step should help to raise the price of corn and feed grains which are left in the market. Secretary Butz also announced that the reseal of loans on stored rye will be extended beyond the April 30, 1972, loan maturity date. Both of these actions will contribute to the agricultural economy.

But most importantly, I hope that these actions may be taken as harbingers of a lasting agriculture policy designed in the best interests of the farmer and rancher.

Secretary Butz has already begun to work for the farmer. I congratulate him on his immediate attention to the needs of the American farmer, and I hope that we may take these actions as indications of this full tenure as Secretary.

DR. WERNHER VON BRAUN, AUTHORITY ON SPACE

Mr. ALLEN. Mr. President, Dr. Wernher von Braun, former Director of the Marshall Space Flight Center in Huntsville, Ala., has rightly earned a worldwide reputation as an authority on space. His name is a household word.

His enthusiasm, imagination and managerial genius were, in large part, responsible for the ability of the United States to catch up with and move ahead of the Russians in space exploration.

In Parade magazine of Sunday, December 5, 1971, Dr. von Braun has written "How the Space Program Is Helping You." There can be no question of Dr. von Braun's credentials in this subject, and I believe that reading his article will be of value to all Americans, and especially to the critics who refuse to accept the fact that the money we have spent on space has been more than repaid in usable, earthly products and services. Mr. President, I ask unanimous consent that Dr. von Braun's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW THE SPACE PROGRAM IS HELPING YOU

(By Wernher von Braun)

(EDITOR'S NOTE.—Some Americans question the wisdom of our multibillion-dollar space program. They ask: What do we get out of it? Here is the opinion of NASA's associate administrator, former director of the Marshall Space Center at Huntsville, Ala.)

Space flight is expensive. Thus you may not believe me when I say that the benefits have already far exceeded the costs. And much more is yet to come. Let me give a few examples.

Until about 10 years ago, a favorite target of comedians was the weatherman. Today he is usually right. Why? Because satellites in the sky look down at the whole earth and tell him what the weather will be.

Hundreds of thousands of lives have been saved by accurate predictions of the course of hurricanes. For example, the U. S. National Oceanic and Atmospheric Administration has estimated that 50,000 people would have died when Hurricane Camille hit the Gulf Coast in 1969 if they had not been evacuated. The warning was possible because of satellite pictures. How do you put a price tag on that?

Projected experiments give promise of weather forecasts accurate for up to two weeks. A National Academy of Sciences report estimates the U. S. will benefit by billions of dollars a year in farming, construction, transportation and preventing flood and storm loss. A bit farther in the future is the exciting concept of tests in weather modification and control.

Or how about communications? Today satellites carry about half the world's international telephone, telegraph and television load. The prospects are so good that many companies and government agencies here and aboard are trying to get into the satellite communications business.

COMPUTERS BOOM

Or take computers. The demands of space flight pushed computer technology forward so fast that it is an $8-billion-a-year industry that employs more than 800,000 people.

Thousands of new products and industrial processes have been introduced as the result of the space program. They include long-wearing paints, metal alloys, electronic components and industrial tools as well as devices and techniques useful in medicine and in our daily lives. Coming into use are instruments developed for space research and adapted to combat pollution and to protect the consumer.

What is yet to come? With the help of special reflectors for laser beams placed on the moon by our astronauts, astronomers all over the world are measuring the distance to the earth to accuracies of inches. With these measurements they can detect wobbles in the earth's rotation. The knowledge of when these wobbles occur may help to predict earthquakes. Such warnings would reduce the toll in lives from earthquakes just as they have from hurricanes.

PROBLEM SOLVING

In 1969, a group of leading scientists reported to the National Academy of Sciences that there are a number of ways that space technology can contribute to human welfare and solve some of the world's problems.

Let me tell you about some of these things. One is navigation. The U.S. Navy already uses satellites to pinpoint the location of its ships and submarines. They provide a considerable improvement over the time-honored method of navigation by the stars, which cannot be followed when the sky is overcast. U.S. and European government agencies are now considering the use of navigation satellites to increase the safety of flight in the crowded air lanes over the Atlantic.

Potentially, the most useful of all the applications of space flight is to observe and measure the resources of the earth, to help manage them properly and to deal with the problems of the environment.

For example, aerial observations in New York City have shown it is possible to detect, measure, and map water pollution. An instrument developed by NASA can detect and determine the size of oil slicks at sea. And with slight modification, weather satellites can report worldwide air pollution.

Scientists at Purdue University measured from the air the widespread infestation of Midwestern crops by a rare fungus blight. Off the coast of Iceland, airborne infrared sensors found the new location of the Gulf Stream, which had meandered a considerable distance. This enabled fishermen to continue hauling good catches.

Photographs of the Saudi Arabian desert from Gemini spacecraft identified hills of the type that often indicate the presence of large reserves of oil and natural gas. Similar indications were found in pictures of Australia taken from Mercury spacecraft.

SATELLITE USES

By the end of the decade, we can expect satellite systems to:

Monitor the results of international efforts to protect the environment.

Support the planning and allocation of world food suppliers from agriculture and the oceans.

Aid the search for oil and mineral reserves.

Track glaciers and ice floes.

Keep track of the distribution of wildlife as well as human habitation.

Support disaster warning systems and search and rescue operations.

But all of the uses of space flight depend, of course, on the cost. In 1958, the first U.S. satellite, Explorer 1, cost more than $100,000 a pound to place in orbit. When we use the largest present launch vehicles, the cost now is less than $1000 a pound. But we can do much better than that.

Technology now makes it possible to return entire space vehicles from orbit and use them again. As a result, U.S. industry and government are working on a vehicle that can be flown 100 times or more before it wears out. It is called the Space Shuttle, and it should cut the cost to about $100 a pound. It will take off vertically like a rocket and land horizontally on a runway like an airplane, avoiding the cost of recovery at sea by ships, aircraft, helicopters and frogmen.

SERVICE IN SPACE

Even larger savings will result in the satellites themselves. At present, most of the expense of building satellites is for repeated tests to make sure they will work properly in space. There are no service stations up there. As a result, we pay around $20,000 a pound to manufacture and test them. Some are even more expensive. With the Space Shuttle, we will return them to earth for periodic maintenance, repair and reconditioning and eliminate most of these costs.

The Space Shuttle will have a large cargo bay that can be converted to a passenger compartment. The acceleration forces will be limited to three times earth gravity, so that passengers in ordinary good health can be carried. They will include scientists, technicians, television crews, journalists, and many other kinds of people who have business in space.

DOCTOR GOES, TOO

On the 1973 flights in the Skylab experimental space station, a medical doctor will go into space with the astronauts. He will carry out a comprehensive program of experiments. The aim will be to establish how well men live and work in weightless conditions in an enclosed space as big as a three-bedroom house. The first flight is planned to last four weeks. Later flights will extend this to eight weeks.

As I have indicated earlier in this article, people on earth can realize many benefits from the use of space flight in the years to come. With low costs and detailed knowledge of how human beings go about their daily business in the space environment, we can achieve these benefits in a few years and make them available to people everywhere.

NURSING HOMES

Mr. MONDALE. Mr. President, on November 29 I participated with the Senator from Utah (Mr. Moss), the chairman of the Aging Committee's Subcommittee on Long-Term Care, in hearings on nursing homes in Minnesota. I am pleased to say that Minnesota appears to be doing a better job in providing nursing care than most other States. Unfortunately, however, a number of nursing homes seem to be providing care which can only be described as deplorable.

Several perceptive editorials were published in St. Paul and Minneapolis newspapers following the hearings. On December 1, the St. Paul Dispatch observed in an editorial—

If you believe half of the testimony . . . then you must feel some anger and shame.

The Minneapolis Tribune, on December 2 observed that, along with the better nursing homes—

Too many inferior ones still exist; that examples of poor patient care, poorly equipped facilities and slipshod maintenance are all too abundant.

The Tribune called for "a more effective system of public inspection and controls."

Mr. President, I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star, Dec. 3, 1971]

NURSING HOME WOES

The one-day hearing conducted by two United States senators told us more than anyone wants to believe about nursing home conditions in Minnesota but not enough about what needs to be done to change them.

The nature of a one-day hearing is such that the problem can be portrayed only in the broadest way. It isn't possible to determine whether every specific allegation of malfeasance and nonfeasance can be substantiated.

Yet there can be little doubt, given the volume and nature of the testimony, that some nursing homes in Minnesota are not as good as they ought to be and that the inspection process and tools intended to assure adequate levels of care simply are not working.

Why they aren't working and whose fault it is were left largely unanswered by the hearing. And the severity of the charges warrant a more extended study by state, rather than federal, legislators.

In addition to the horror stories unfolded at the hearing, it is alleged that the legislature has not appropriated enough money for inspection personnel. There are contentions that the federal approach is hopelessly fragmented. It is charged the system has built in financial incentives for poor care. There are questions about what kinds of powers the state should use to punish improper nursing home operations. These are the kinds of issues which a legislative examination during the interim ought to be able to sort out.

Meanwhile, the burden upon the doctors and relatives of people confined to nursing homes has been enormously increased. They can and must do more to assure themselves that their nursing homes patients are not suffering the kind of abuse described in the hearing.

[From the Minneapolis Tribune, Dec. 2, 1971]

NEGLIGENCE IN NURSING HOMES

Attractive new nursing homes have been going up rapidly in Minnesota for nearly two decades. As facilities have improved, greater professionalism has developed in the nursing home business. Medicare and broader insurance plans have brought more exacting standards for the institutions. Families of the ill and elderly in need of nursing home care have become more hopeful about finding well-run establishments.

But each new expose, each event such as Sen. Moss's subcommittee hearing this week in St. Paul, reveals once more that all is not well in many Minnesota nursing homes—that along with the better ones, too many inferior ones still exist; that examples of poor patient care, poorly-equipped facilities and slipshod maintenance are all too abundant.

Why the discrepancy between progress and problems? Why do the depressing tales keep recurring?

Basically, nursing homes are in a difficult, often discouraging, business. Good help is hard to get, and staff turnover is frequent from administrators to aides. Improvements urged by inspectors and consultants are usually expensive. Admission of Medicare patients brings a flood of frustrating paperwork.

The state inspection staff—which tries to make two unannounced visits a year to 700 facilities, conducts reviews for Medicare and Medicaid certification and holds informative workshops for nursing-home personnel—consists of only 14 full-time workers. Officials have asked for 45, but the Legislature has repeatedly turned down such requests. The federal government, which pays full cost of certification of nursing homes admitting Medicare patients and 75 percent toward checking those admitting Medicaid patients, says Minnesota is not doing enough.

Another problem is the lack of satisfactory written standards to which inspectors and nursing-home operators could refer. Specific federal guidelines, awaited several years, have still not been issued. State regulations in use were written in 1952; however, revisions have been prepared and may be approved soon by the state Board of Health.

Even without frequent government inspection, nursing-home owners and managers have an obligation to their patients to maintain a high level of care in clean, well-equipped institutions. Many nursing homes in Minnesota do meet such standards, but too many still do not. So long as there are any nursing homes that neglect or mistreat patients, there should be a more effective system of public inspection and controls than now exists.

[From the St. Paul Dispatch, Dec. 1, 1971]

MAKING DO ON SWILL, FILTH, AND NEGLECT

(By William Sumner)

We really shouldn't need the presence of two United States senators to come to grips with the fact that our old people, in nursing homes, are being treated like animals in many instances. At a matter of fact, there are many of us Sumners who probably treat our animals better.

The ones getting the happy twilight in nursing homes are the old men and women on welfare and those of extremely modest means. In most cases, they are unable to care for themselves in matters of personal hygiene or cleanliness. Many are senile or feeble or both. They are not the easiest humans in the world to care for, but they are, really, humans and we like to think that we are several steps above the middle ages when it comes to our view of mankind.

Regarding the last, we no longer execute tots or adults for thefts or other annoyances but, rather, worry about the well-being and rehabilitation of criminals. As we should. We like to think we are concerned. We also live longer, and there are more of us to live longer, the Black Plague now being a matter of extremely remote concern. We don't leave our old folks out on icebergs or find other methods of putting them away. Also we don't appear to give a damn about them, which may be worse.

Various societies have through history, found one way or another to deal with their aged, some revering them and some, as noted, disposing of them. Either extreme seems more humane than letting them rot in their own filth, undernourished, yelled at and unable to fight back or give verbal protest to the indignities they suffer.

If you believe half of the testimony given to Sens. Walter Mondale of Minnesota and Frank Moss of Utah in St. Paul Monday then you must feel some anger and shame. Unfortunately, these old folks are good business, human pawns in an aberrant perversion of the free enterprise system.

Unfortunately, the answer too often is suggested by the headline in a Dispatch story yesterday. It stated: "White House Study on Aging Settles Down to One Issue—Money." Money for what? For profitable nursing homes? Or care for the helpless to near helpless aged?

More money no doubt would be of some help, but a large part of the problem is one of attitude. In this fast-paced, very mobile and very selfish and hedonistic age of ours these wretched old people are regarded as nuisances to be maintained with a minimum of discomfort—mental or financial—to the rest of us. The idea of family responsibility seems a dim memory. We concern ourselves with our pleasures and worry only about threats to them, threats such as flat-waving young snots in search of revolution or blacks in search of respect or the advances of middle age which manifest themselves in such forms as sagging muscles and pot bellies. We don't want to consider age or aging.

Two obvious solutions present themselves in the current problem which, as you might be aware, is not confined to St. Paul or to Minnesota. One is suggested by the headline cited. Another would be the establishment of state-owned and managed nursing homes. Neither seems to be a substitute for concern and compassion or, in the case of family, love.

Regarding the second solution, it may be the best if we want to get away from the notion of the elderly as a commodity and it would probably cost more money, which gets us into the first solution. But there is nothing I have seen to suggest that state management would be much better. If attitudes are not changed, our sick, feeble or senile old people will continue to live in filth and to live off swill.

Well, attitudes. You can't legislate them, and what have we in the meantime? Surely there must be some decent nursing homes which offer good care in sanitary conditions. We ought to hear about them and from them, for the two senators obviously got the worst of it in testimony. If there are any good ones we ought to learn why they are good. Apparently state inspection is a joke. We could insist on better performance here through surprise inspections rather than show and tell sessions prearranged through announced visits.

Meanwhile, it seems necessary to get away

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from the concept of regarding these old folks as good businesses, one to be franchised like hamburgers or pizzas.

FOOD-TRADE QUESTION BECOMES WORLD THEME

Mr. DOLE. Mr. President, in November of this year the Food and Agriculture Organization—FAO—of the United Nations conducted its 16th biennial session in Rome, Italy.

Mr. Roderick Turnbull, public affairs director of the Kansas City Board of Trade and retired farm editor of the Kansas City Star, was one of the U.S. advisers to this year's session. A recent issue of the Kansas City Star contains one of his reports on the meeting from Rome. I ask unanimous consent that the article be printed in the RECORD to obtain wide distribution and to call attention to the present status of agricultural production. The article also contains some indications of future problems we may face in expanding export markets for our agricultural commodities.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Nov. 28, 1971]

FOOD-TRADE QUESTION BECOMES WORLD THEME

(NOTE.—Roderick Turnbull, retired agricultural editor of The Star, now serving as director of public affairs for the Kansas City Board of Trade, recently visited Rome as an official U.S. adviser at a meeting of the Food and Agriculture Organization of the United Nations. Some of his observations.)

ROME.—A drift in world thought that could be tremendously important to the American farmer, the grain trade and all agri-business was in evidence here at the 16th biennial session of the Food and Agriculture Organization (FAO) of the United Nations. The 3-week meeting ended November 26.

What surfaced was that the under-developed nations of the world want export markets for their products and because they are primarily agricultural producers, they are talking about agricultural products.

This in itself would be of no great moment as trade in farm products has existed since one man was able to produce as surplus over his own family's needs. But the lesser-developed countries indicate much more than this. They are demanding access to markets in the industrialized nations and they say these markets should, in effect, be allocated to them as part of their development programs.

To put it bluntly, the lesser-developed countries were saying to nations like the United States: "You should produce less and thereby deliberately let us into your markets, and at prices which will give us a profit."

Of course, they didn't put it that bluntly. The key phrase here was agricultural adjustment. These are not new words for America, but they were given much wider application here than in the States.

In the United States, agricultural adjustment means primarily production control generally through acreage reduction. Among the lesser-developed countries at FAO it has meant increasing agricultural production access to new markets in the rich (developed) countries, employment for rural people and in general a better way of life for mankind.

FAO, which had its origin in the United States in 1945, serves as a forum for the nations of the world to discuss the international agricultural problems. Primarily, the problems have been of feeding the hungry.

The organization also has a budget which it can use in aiding needy countries through technical assistance. The regular budget is $86 million for the next 2 years. In addition it administers funds from other sources. Those funds have amounted to about $100 million a year during the 1970–71 biennium. The United States supplies about 31 per cent of the total funds. No other nation supplies more than 8 per cent.

FAO now has 125 member nations, with the lesser-developed countries far outnumbering those that are called developed. When reference is made to the developed or rich nations, usually the United States, Canada, Western Europe, Oreania and Japan are indicated.

Every member nation has a right to speak at FAO sessions and most of them take advantage of this privilege. The United States had the largest delegation made up of men and women from the Agriculture, State and Commerce departments, who are experts in their fields and knowledgeable in world affairs.

They are fully aware of the implications of the proposed world agricultural adjustment. That terminology, incidentally, is to be the theme of the next FAO biennial session to be held here in Rome in 1973. Americans should get used to the phrase, because it is certain to be a major world issue.

I attended 10 days of this year's FAO session as a member of the U.S. delegation, officially described as an adviser. Frankly, my participation consisted entirely of listening.

From listening to countless speeches in many tongues of the world (all translated into English) I developed certain conclusions. Admittedly, others more experienced in international affairs might have others which more accurately reflect the real feeling of the conference.

To me the primary trend in the session was toward the demand for access to markets in the industrialized nations. Ironically, in a session in an organization which I had assumed has at least the initial purpose of seeking ways to feed the hungry of the world, the priority at the 1971 session was on market outlets for the lesser-developed countries.

Yet hunger still exists and with the population explosion the problem may be compounded in years to come .The great current hope is in the Green Revolution, which for some countries, at least, is buying time.

But country after country—day after day, in the Rome session, in position statements, etc.,—told of plans first to become self-sufficient and then to enter the export market. In almost every instance, they referred to the access of markets as a right that should be accorded the poorer nations.

One of the basic reasons for the anxiety of the developing countries (and those trying to help them) to find markets at stable prices for the agricultural products they have for export is the projection that there will be an additional 400 million people in the rural areas of Asia, Africa and Latin America by 1985.

Unless ways are found to keep them on the land producing food either for domestic consumption or export, they will flock to the already-crowded cities with their masses of un- and under-employed. Many people—sociologists, economists, demographers—believe this trend could build up social and political pressures leading to violence.

Americans, steeped in the tradition of free enterprise, will find these proposals difficult to understand. They run counter to anything we ever have considered. After all, any country has the right to export if it can find a buyer at its price. Despite this tradition, there may be areas where the poorer nations can make a case. Europe, for instance, might produce more proteins and less sugar and let the tropical countries grow more sugar cane.

It is in such areas that discussions may take place in the years ahead. But the problem appears terribly difficult. Before the session here ended, the delegates from the lesser-developed nations were beginning to recognize some of those difficulties, but they knew they had planted seeds for world digestion.

At the same time some of the developed nations were indicating their reservations to the proposal.

When the chairman at one of the discussions recognized "the distinguished delegate from Germany," that delegate commented:

"I should like to warn against governments expecting too much from agricultural adjustment so we should define just what we mean and what will be discussed in 1973."

He added that agricultural adjustment was "a very important domain," but that "we must remain realistic." At another time he had said in effect Germany wasn't about to do anything that wasn't good for the German farmers.

The delegate from Italy followed with the comment:

"It is not an easy task to ascertain the meaning of agricultural adjustment. We remain skeptical."

Those two statements indicate what is ahead for the world in discussing the issue in the years of the future. Doubtless agricultural adjustment will mean one thing for the developing countries and another for the industrialized nations. Again, it will be difficult for the American farmer to acquiesce in the specific points made by the lesser-developed nations, though he may fully sympathize with their aspirations.

Incidentally, the U.S. delegation went on record as approving the agricultural adjustment as an appropriate subject for the 1973 conference, with the reservation or hope that clarification can be made of the objectives.

The scene of the FAO conference is the world headquarters of this organization here in Rome, a huge building in the ancient section of the city. It is surrounded by many of the historic places. From the roof garden plainly to be seen are the Coliseum, the dome of St. Peter's, the Palatine Hill, the Circus Maximus, where the Ben Hur type of chariot races were held. The FAO building itself is rather new, having been erected by Mussolini for his colonial ministries.

In what is called the Plenary Hall, the main sesions of the conferences were held. In other halls were held what were called commission meetings.

Each hall had at least three seats apiece for the delegations from the 125 countries and at each seat earphones were available for simultaneous translations into English, French, Spanish, Arabic and German.

It was surprising to me how many delegates, no matter from what country, read their statements in English.

For instance, a rather young delegate, J. E. Cooper undersecretary of agriculture in Liberia, spoke in English and he well demonstrated the plight of some of the lesser-developed countries.

He praised FAO for the help that had been given his country in the way of technical assistance and agreed that some progress had been made. But many problems remain to be tackled and he said: "we cannot do this alone."

"We are faced," he said, "with expanding populations, price distortion problems, low labor productivity, the increasing gap between rural and urban incomes, and urban bias in the provision of social services and last, but not least, our inability to feed ourselves adequately.

"We are told not to expand rubber production because of declining world prices for natural rubber, not to become self-sufficient in rice production because with the Green Revolution we can import rice more cheaply, not to expand coffee production because of the ICO quota limitations, not to expand cacao production because of the uncertain price situation. What then should we do with the approximately 80 per cent of our population tied down in subsistence agriculture?"

Americans could sympathize with the Liberian's problems. But what to do about them? The answer for many of the developing countries seemed to be rather definite—the rich countries must buy what they can produce.

Said the minister of agriculture from Mauritius, a country which became independent in 1968. "It's high time that the existing international arrangements and agreements on commodities be strengthened, extended and reviewed so as to protect the export of primary products of developing countries." He added the developing countries will be able to accomplish little unless rich nations meet specific trade and aid targets.

A contrast to statements from some other countries was that from Israel whose minister of agriculture proposed that FAO aid should go to countries which demonstrate willingness and ability to help themselves and "do more than only look for assistance from outside."

Feeding the world remains a huge problem. Perhaps an even greater difficulty will be finding employment for all and in solving what are listed in the category of social problems.

THE REVEREND EVELYN MURRAY DUKE, "HAVENWOOD'S LADY CHAPLAIN"

Mr. McINTYRE. Mr. President, problems of the elderly have been brought into sharp focus in recent days by the White House Conference on the Aging.

This attention was richly deserved, for a reordering of priorities in behalf of the elderly is long overdue.

But while we are rightly concerned about national policies affecting the aging, we must not lose sight of the individual contributions already being made in community after community throughout the Nation.

People and programs at the local level play an extremely important role in the quest for a better life for our aging citizens. Today I invite the attention of Senators to the particular contributions of a truly remarkable woman, the Reverend Evelyn Murray Duke.

As the chaplain for Havenwood Retirement Village in Concord Heights, N.H., the Reverend Mrs. Duke has helped to solve one of the most crucial problems facing the elderly—housing.

Her many achievements were spotlighted recently in an article published by the Concord Monitor. As a tribute to Evelyn Duke, I ask unanimous consent that this heartwarming account of her dedication be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Concord Monitor, Nov. 30, 1971]

HAVENWOOD'S LADY CHAPLAIN

(By Gladys Harvey)

CONCORD HEIGHTS.—The Rev. Evelyn Murray Duke, chaplain at Havenwood Retirement Village since last July, received her Bachelor of Divinity degree in May, 1969, from Andover Newton Theological School, Newton Center, Mass., and on May 11, 1969, was ordained at the Dunbarton Congregational Church with Dr. Everett R. Barrows, N.H. Congregational Christian Conference Head, officiating.

She was affiliated at that time with Havenwood as Program director-counselor.

Born in Malden, Mass., Dec. 27, 1908, the Rev. Mrs. Duke graduated from Malden High School and attended Simmons School of Social Work. Following her graduation in 1931, she went to work with the Children's Aid Society in Boston, Mass., receiving a permanent appointment as a case worker for the Family Welfare Society in Providence, R.I.

In 1933 she married George T. Duke. He was also a graduate of Andover Newton Theological School and was dedicated to rural ministry. The first parish of his career was the Baptist Church of Bradford, N.H. Here their first child, a daughter, was born.

The Rev. Mrs. Duke's training in dramatic arts and participation in youth groups at the church, made her capable and available to take her husband's place in the pulpit at times when he was ill. From Bradford, the Dukes were called to Errol, N.H. Here, he became a congregational minister and their first son was born.

They moved to Thetford, Vt., then to Lyme, N.H., to what was called a yoked parish and included two parishes. Their second son and third child were born. All this time Mrs. Duke was busy teaching and giving elocution lessons in the home as well as visiting parishioners.

She was also busy learning to sew and bake bread, for a minister's salary was not large, she stated. During her ministry of calling on the sick, she decided to one day become an ordained minister. Her husband became seriously ill and their many friends started a fund for them. In 1957 they took up residense in Dunbarton and three years later he died. During their life there she had substituted many times for her husband and had started to study under Dr. Frederick W. Alden, who at that time was minister of the New Hampshire Congregational Conference. She also studied in 1958 in the N.H. Lay Preacher's Fellowship, often attending sessions at Pembroke Congregational Center. She continued to be a lay minister at Dunbarton and in 1960 the church called her to be its pastor. After serving there five years, she resigned, and went to Andover Newton to resume studies to become an ordained minister. She took special training at Community Village, Columbus, O., which is a development similar to Havenwood.

Even now the Rev. Mrs. Duke continues her education by taking a course every Monday morning at the Laconia State School, with a group of other ministers. The course is concerned with pastoral counseling, its director is Rev. William Zeckhausen.

THE EVERGLADES

Mr. PACKWOOD. Mr. President, one of the most gratifying developments in the environmental field this year has been the emergence of proposals that will remove the last major threat hanging over Everglades National Park.

National attention has focused on the fate of the Big Cypress Swamp, as a result of the jetport that was proposed to be built in the area. In 1969 an interdisciplinary study done by the Department of the Interior under the direction of the distinguished geologist Luna B. Leopold found that the Big Cypress is essential to the maintenance of the south Florida ecosystem, including the national park, the shrimp fishery in Florida Bay, and water for cities adjacent to the Big Cypress.

More recently, proposed oil exploration and drainage developments have put the Big Cypress in new jeopardy. It would be a cruel irony if—after all the effort, in Congress and out, to protect the Everglades—the battle were lost by acquiescence of piecemeal development of this kind.

The administration proposal would authorize Federal acquisition of the Big Cypress Swamp. The area, which already receives extensive public use, would continue to be open to hunting and fishing, and other uses characteristics of national recreation areas, and it would simultaneously serve the central purpose of water conservation. This is a new concept of conservation, tailored to the needs of the Everglades.

I heartily support this proposal, and I will be pleased to cosponsor legislation to implement it.

I ask unanimous consent that the text of the President's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BIG CYPRESS NATIONAL FRESH WATER RESERVE

(Statement by the President)

About 35 miles west of Miami lies the Big Cypress Swamp, a unique ecological preserve of paramount importance to the future of Southern Florida. In order to protect Big Cypress Swamp from private development that would destroy it, and to insure its survival for future generations, it is now essential for the Federal Government to acquire this unique and vital watershed. I will therefore propose legislation to acquire the requisite legal interest in 547,000 acres of the swamp.

The end of Big Cypress Swamp would not only severely cut back South Florida's water supply, but would also mean the destruction of the Everglades National Park—and with it the loss of a treasure-trove of natural resources, teeming with flowering plants, rare birds and other forms of uncommon and endangered wildlife. The swamp's huge stands of cypress, wet prairies, and slightly higher islands of pine trees are together an essential link in the ecology of both Everglades National Park and the rich Floridian estuaries of the Gulf of Mexico. Animals and birds move between the park and the swamp without knowledge of the artificial borders drawn by man.

This land acquisition will mark the fourth time this administration has taken steps to protect the unique natural resources of South Florida. First was the halting of the commercial jetport proposed in Big Cypress, which would have wrought irretrievable damage to the area. The pledge to locate the jetport elsewhere has given us time to examine again alternative plans for the survival of the swamp. Second, through the 1970 Rivers and Harbors Act, the Eastern portion of Everglades National Park has, for the first time, been assured an adequate supply of water. Third, by legal action, the administration has halted the threat of destruction from thermal pollution to Biscayne National Monument, one of the newest units of the National Park System, thus assuring the preservation of an important ecosystem next door to Miami.

My decision today is intended to secure the future not only of the Big Cypress, but also of an adequate water supply for the western part of Everglades National Park. This action will also assure an adequate water supply to the growing communities on Florida's west coast, because the swamp is a natural water storage area.

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To guarantee the continued availability of Big Cypress to the people, I propose that, upon acquisition of those private lands whose development would destroy the watershed, the Secretary of the Interior be authorized to enter into an agreement with the State of Florida for the management of Big Cypress. The State is in the process of acquiring other public areas nearby and is the logical agency to provide single unified management. The Nation, as a whole, will benefit through the protection of Everglades National Park and through the addition of another major wildlife haven and recreation area.

NEED FOR MORE RATIONAL FOREIGN AID PROGRAM

Mr. MONDALE. Mr. President, we all know how much both the objectives and the results of the U.S. foregin aid program have been under fire recently.

Some of us have criticized military aid. Others would have us cut back economic aid and our contributions to the United Nations. But there can be little dispute that we have shortchanged one way or another the needs of millions of people living in the developing countries. In many recipient countries, conditions among the people have often gone unimproved after 20 years of U.S. aid.

There is just no question that we have to build a new, more responsive and more rational foreign aid program.

My distinguished colleague from Minnesota recently contributed a thoughtful speech to this vital debate.

Senator HUMPHREY stresses the building from the grassroots of an essential and strong cooperation between the people of the United States and the people of underdeveloped countries.

I commend to Senators a careful reading of Senator HUMPHREY's remarks in Columbus, Ohio. In his own words:

Those who say that America no longer has any self interest or moral obligation to continue foreign aid are gravely mistaken. We live in an international community and we should seek to improve it peacefully. We should not turn our backs and refuse to assist economic and social progress in the rest of the world.

If we are to renew foreign assistance, if we are to succeed in our efforts to conquer hunger throughout the world, our programs will need a new emphasis—an emphasis on assistance at the grassroots people level.

I ask unanimous consent that the text of Senator HUMPHREY's address to the Community Hunger Appeal of the Church World Service, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMUNITY HUNGER APPEAL OF CHURCH WORLD SERVICE

(Remarks by Senator HUBERT H. HUMPHREY)

This occasion marks the twenty-fifth anniversary of the work of Church World Service to combat hunger throughout the world through CROP.

Through your voluntary efforts you have made significant contributions, not only toward better conditions and hopes for development for hungry people abroad, but also toward greater understanding and public support for the war on hunger here at home.

But in paying tribute to your efforts for the past quarter of a century, I would like to suggest that your task has only just begun:

The challenge you face is heightened by last week's Senate action in refusing to extend the Foreign Assistance Act.

I deeply regret this action. I believe it ignores the constructive and positive efforts of the overall program.

We should not forget that the Foreign Assistance Act this year included $368 million in technical and economic assistance, $250 million for Pakistan famine relief, and $139 million for voluntary United Nations agencies.

We should not forget who would receive that assistance. Much of it would go to help the over nine million Pakistan refugees in India. The technical assistance would go to developing nations whose continued economic and social progress greatly depends upon this kind of constructive effort. United Nations agencies, such as the United Nations Development Fund, cannot continue their on-going programs without U.S. contributions.

The National self-interest and moral obligation which originated our foreign assistance programs are no less real today. Two-thirds of the world's people live in the less developed countries, but they share only one-eighth of the world's production of goods and services.

The gap between the have and the have-not countries remains tremendous—and dangerous.

The average annual gross national product in the non-Communist industrialized countries is about $2,850 per person. But in the underdeveloped countries it is just over $200.

In these underdeveloped countries, misery, despair, and hostility prevail. In some of these countries as many as one half of the children die before they reach the age of five—from malnutrition and disease.

In some of these countries there is only one doctor for every 20,000 or 30,000 people, compared to one for every 700 people in the United States. In these countries 300 million school age children get no schooling. Two-thirds of the adults remain illiterate.

We should not forget that the United States invests less than one half of one percent of its gross national product while eleven other developed countries now surpass us in their assistance levels.

The Senate's vote to kill the AID program resulted from a variety of concerns which have developed in the Senate.

Many of us are concerned about the Administration's policies in South Asia. We regret the President's failure to complete the withdrawal of our forces from Indochina. And we want to register our opposition. I did so along with other Senators, by voting for amendments which would have bound the President to make expenditures only for complete withdrawal within a period of six months from the enactment of the bill. Regrettably, this amendment did not pass.

Only the Mansfield Amendment with a six month deadline passed. But the essential point is that it did pass.

By voting down the AID bill, the Senate also voted down the Mansfield Amendment. Similarly, it voted down amendments which would have effectively restricted military operations in Cambodia and Laos.

Some Senators were disturbed by the expulsion of Taiwan from the United Nations and registered their protest by voting to end AID programs.

Many Senators believe that bi-lateral assistance is unwise and that we should concentrate on multilateral programs.

Only a few days ago, the Senate voted contributions to the International Development Association, the Inter-American Development Bank and the Asian Development Bank. All these are multilateral institutions.

Surely we can and should do more in this regard, but at the same time, we must do something to carry us over while the reform of our foreign assistance program is underway.

Those who say that America no longer has any self interest or moral obligation to continue foreign aid are gravely mistaken. We live in an international community and we should seek to improve it peacefully. We should not turn our backs and refuse to assist economic and social progress in the rest of the world.

Certainly, one of the reasons the Senate voted against extending the Foreign Assistance Program was the belief that our aid too often fails to reach the people who most need help.

If we are to renew foreign assistance, if we are to succeed in our efforts to conquer hunger throughout the world, our programs will need a new emphasis—and emphasis on assistance at the grass roots people level.

Such an emphasis and direction could revitalize our interest and concern and bring positive gains and hope to the hundreds of millions who now suffer hunger and poverty in the developing nations.

First we must recognize the fact that hunger cannot be conquered simply by providing food for hungry people—although that is important.

Nor can it be conquered by developing ways to produce more food—although that, too, is important.

The conquest of hunger can be achieved only by attacking its causes, which include such factors as poverty, ignorance, over population, underdevelopment, violence and war.

CROP's history, its activities and its philosophy testify that it has always looked at hunger in this broad context.

During the '60s we became aware of the population explosion and of its grave import, especially from many of the newly developing nations. This sparked a new consciousness of a world hunger crisis, and the nation was aroused to launch a "war on hunger" and to assume worldwide leadership in mobilizing forces and resources to fight that war.

Under our Food-for-Peace program we have provided billions of dollars worth of foodstuffs from our own agricultural abundance to people in the hungry nations—to help meet emergencies, prevent famine, upgrade levels of nutrition, provide food-for-work, and inaugurate school lunch programs.

We developed a new determination to go much further than simply providing food for the hungry by attacking the more fundamental causes of hunger, and by helping people in the hungry nations to achieve a higher level of economic development so that they could produce or purchase more food for themselves. We led in international, multilateral efforts, through such agencies as the FAO, the UNDP and UNICEF to help in the war on hunger.

Much has been accomplished. But it would be foolish to say that the war against hunger has been won.

One of the problems we face today is that there seems to be a diminishing public concern about world hunger. And one reason is that on the surface, at least, we appear to be well-fed here at home—in this abundant land where the average per capita consumption of calories is often too high for our own good.

We know that hunger and malnutrition in the United States is not due to the lack of availability of food. It is due rather to ignorance and poverty.

Hunger in America is not due to any lack of efficiency on our farms, or in the business of handling and processing foods, or even to the high cost of food in relation to incomes. The latter is the lowest in history.

Rather it is because we have not yet succeeded in establishing social, political and economics under which poverty and deprivation—which result in hunger—have been conquered.

In recognition of the importance of nutrition and nutrition education here at home.

I recently introduced a bill to establish a universal child nutrition and nutrition education program in this country.

My bill would provide that every child in school or in a day-care program would receive at least one free meal a day, thus eliminating the economic caste system which has been built into the present program.

Even in this wealthy country of ours, with its agricultural abundance, we reach only half our school children through the school lunch program.

Some 23,000 schools offer no program at all, and that excludes 10 million American children.

I believe that good nutrition is as basic as good schools, good textbooks and good teachers. And we should make provisions for good nutrition on the same free, universal basis that we provide other school necessities.

We cannot overemphasize the need to bend every effort to eliminate poverty at home. But I am equally convinced that the neglect of hunger abroad can in no way contribute to that end. A continued widening of the gap between standards of living in our own country and in the poor nations of the world could have an explosive potential as serious as that of the world's nuclear stockpiles.

The conquest of hunger and poverty is a goal that must be sought on a world-wide scale.

I believe a new emphasis and a new direction for our foreign assistance are essential to rekindle public interest and support for such a program. I believe that the foreign aid program of the United States should be oriented and organized specifically and directly toward the conquest of hunger and poverty at grass roots levels throughout the world.

I believe we should talk more about the numbers of people raised from the depths of misery and deprivation than about increases in Gross National Product.

This would mean that our aid programs would be designed to benefit directly those at the lowest economic levels in the poor countries.

My philosophy has always been that benefits should "percolate up" rather than "trickle down."

Too often our aid to governments has failed to trickle down.

Too often programs that may have succeeded in helping to bring about an increase in the GNP have so concentrated their gains at the top of the economic ladder that they almost completely evaporate before they can trickle down to the peasants and the campesinos and the unemployed in the city slums.

The GAP between rich and poor in the poor countries themselves has widened—and the threat of unrest and violence has intensified.

This new emphasis in our aid policy would mean that a very high proportion would be directed to the villages and the rural areas, where most of the poor still live in the newly developing countries.

It would need to be specifically geared to combat the unemployment that is reaching staggering proportions in much of the world.

Aid directed specifically to the grass roots, aimed against hunger and poverty where they exist could raise the level of living of the great majority of the poor and benefit the entire economy by expanding markets and trade.

Aid to the agricultural sector is of paramount importance. But it must be designed specifically to reach the millions of peasants and campesinos who cultivate the soil, rather than the landowners.

It should be accompanied by provisions for supervised credit for the farmers themselves, and technical assistance in farming as well as in organizing cooperatives for marketing and supply.

For countries wanting such assistance, the program should include help in the whole spectrum of improvement in the agricultural and agribusiness sector in order that a real impact could be made in improving incomes and levels of living.

Another way to direct aid more specifically to the grassroots would be to expand our use of private, voluntary agencies in their people-to-people programs—in the cities as well as in rural and village areas.

American voluntary agencies have long since progressed beyond merely providing food for the hungry. They have launched and carried out successful development efforts. They have helped in family planning programs—which certainly have a direct bearing on the conquest of hunger and poverty.

But voluntary agencies could do a great deal more. And I believe our public aid policy ought to encourage and assist much greater private participation, especially directed to providing grass roots benefits.

We also could do more toward the building of cooperatives as a method of directing the benefits of development to the grass roots.

Ten years ago I sponsored an amendment to the Foreign Assistance Act of 1961 incorporating in our foreign aid program assistance to cooperatives, credit unions and savings and loan associations.

While the Agency for International Development has given proportionately little attention to this field, some significant progress nonetheless has been made.

American cooperatives have voluntarily contributed a million dollars to the building of a large, modern fertilizer plant owned by farmer cooperatives in India, for example.

Assistance in the development of credit unions in Latin America has resulted in a directed agricultural production credit program through which poor campesinos have been able to double their incomes in only a few years.

It is in the cooperative tradition to organize to meet needs at grass roots levels, and to leave the wealth that is produced among those who produce it.

Under conditions that prevail in many countries today there is a growing suspicion of private enterprise as represented by the huge multi-national corporations that have become so important in international economic growth.

Justifiably or not, such enterprises are often regarded as a new and engulfing form or imperialism and exploitation.

At a time when their potential contributions are most needed, and when business leadership is far more enlightened and development-oriented than ever before, conventional business institutions frequently face growing resentment and opposition as they try to expand in development countries.

In such places, cooperatives may be the one segment of the private sector through which development efforts would be welcomed. The role of cooperatives as a tool for grass roots development could thus be substantially enhanced.

Finally, I should like to suggest a major expansion of these aspects of our Food for Peace Program that specifically meets the new emphasis that I am proposing—that directly attack the causes of hunger and poverty at the grass roots level.

Our massive food aid programs in the past have enabled us to use our vast agricultural productivity to help millions of people, by relieving hunger and suffering and promoting development throughout the world.

But certain factors, however, have limited the expansion of that part of our Food for Peace Program that is carried out by means of concessional sales for local currencies. These sales to recipient governments operate from the top down, and their benefits do trickle down.

Their volume, moreover, must not be so great that the increased availability of food grains lowers prices to local farmers and serves as a disincentive to improved agricultural development in recipient countries.

And the policy of increasing the portion of the payment that must be made in dollars limits the capacity of the recipient countries to use this form of aid.

Food aid for school lunch programs has been developed successfully in several of our Food for Peace donation programs. Such food aid is "additional."

Far from competing with local farmers, it builds expanding markets for them by providing for a "phase out" period during which our aid will gradually diminish as local efforts take over.

By furthering literacy and encouraging educational development it strikes at root causes of hunger and poverty. It can directly reach the masses at the lower economic levels.

Perhaps the most conatructive impact of an appropriately expanded Food for Peace program in the immediate future lies in its potential to relieve the burgeoning problems of unemployment that today threatens most of the newly developing countries.

Our own problems of unemployment here at home are alarming. But consider the 20 and 25 percent rates of unemployment that are common among the urban labor force in the overcrowded cities of newly developing nations.

Today, within the newly developing nations themselves, the concern for hunger is outranked by the concern for the masses of unemployed crowding into their cities.

The magnitude of the problem has become so great and its consequences and potential dangers so apparent that they must try to develop policies that will meet the unemployment problem before it erupts into further misery, violence and revolutionary disruption.

In the search for policies to halt this trend and to provide constructive employment in newly developing areas, one approach offers hope for reducing unemployment without too great a burden on capital investment and in a relatively short period of time.

That calls for the development of massive public works programs in both rural and urban areas. The building of public facilities and roads, the construction and rehabilitation of irrigation ditches and wells, reforestation and many similar programs have much to offer.

Such programs could reduce unemployment. They could provide jobs and incomes for millions at the lowest economic level, thus raising demand and "percolating" up to help the entire economy.

Employment is the best single indicator of how many people share in progress. And improved employment opportunities would make a real inroad against hunger and poverty.

They would slow down, and perhaps even reverse, the flight to the cities. They would bring renewed hope to millions and help to solve the complicated and threatening political and humanitarian problems caused by the unbelievably crowded conditions as people without work move into urban slums.

What better use could be made of the surplus productive capacity of American farms?

The new emphasis I propose would focus on the numbers of people employed rather than on dollars expanded for factory equipment. It would emphasize numbers of children in school provided with nutritious school lunches rather than on cost-effectiveness ratios. It might even consider new jobs created for men and women as a more important indicator of progress than increases in GNP.

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I believe that this emphasis on people—and on directly helping those who need it most—still has an appeal for the people of America.

And that progress at the grass roots would percolate upward and outward to make for a better world.

BAREFOOT DOCTORS IN MAINLAND CHINA

Mr. JAVITS. Mr. President, shortages and maldistribution of health manpower exist everywhere in the world. In many developing nations, the manpower problem is extremely acute. Rising expectations, dramatic increases in population, a developed awareness of the possibilities of good health, all are producing urgent demands for more health manpower and for better health delivery systems.

It would seem especially appropriate to study what has been happening in mainland China, now that she is opening her doors to improved relations with other nations; as we in this country also are confronted with shortages and maldistribution of health manpower. There, the "barefoot doctor" approach, an interesting development in the use of paramedical personnel, seems to have assisted considerably in China's health delivery system. We have our own supply of paramedical personnel in our 30,000 medical corpsmen discharged annually from the Armed Forces.

The Medical Tribune and Hospital Tribune have published a series of articles on the subject. I ask unanimous consent that three of the articles be printed in the RECORD so that Senators may have the opportunity to study them.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Medical Tribune, Sept. 29, 1971]

BAREFOOT DOCTORS FIRST LINK IN MASSIVE HEALTH PROGRAM

CANTON, CHINA.—"Barefoot doctors" are bringing medical aid to the 600,000,000 workers and peasants of China as the first step to what could become the world's most massive health care system. They provide the first link in a chain of medical aid that reaches from tiny rural villages to major hospitals having full general and specialist staffs in Peking and other main cities.

Barefoot doctors are, in fact, neither barefoot nor doctors. A cross between a first-aid worker and a district nurse, they run both rural and industrial medical services with what officials describe as diligence and frugality. Their work has gone far towards solving a problem that troubles many other countries to one degree or another—how to provide remote areas with adequate medical service.

The exact number of barefoot doctors is not made available by the authorities. Guesses range between 1,000,000 and 5,000,000 throughout the country, and a story in a Peking newspaper mentioning that 12,000 of them function in the area of the capital suggests that this estimate is probably correct.

As district health visitors, the barefoot doctors are able to dispense simple remedies and deal with simple fractures, burns, cuts, etc. Once they have been given rudimentary training in medicine and health protection, they frequently add age-old Chinese medical techniques.

By thus combining modern medicine with such treatments as acupuncture, massage, and herbal prescriptions, they are often able to handle difficult as well as routine cases.

Probably the main service they provide is the development of better social and personal hygiene. Following Mao Tse-tung's instructions to put prevention first, they lead the fight against flies, cockroaches, bugs, fleas, and the snails that have devasted whole areas of the rice-growing areas of south China.

Tung Tsi-ho, a barefoot doctor from Shunyi county, is often cited by officials as an example of outstanding zeal in this respect. He organizes regular checks on water supplies and visits the homes of all commune members regularly to spray insecticides. He also teaches fellow members of the commune how to prepare herbal medicines.

With a population exceeding 700,000,000 people, China is desperately short of medicine and medical equipment. Yet officials report that more than 1,000 small pharmacies have been set up around Peking, using almost exclusively the medicinal herbs and acupuncture techniques that the barefoot doctors are substituting for the more sophisticated medical practices of the West.

In the Chiang Tai people's commune, on the western outskirts of Peking, 19-year-old Wang Lee-hua typifies the barefoot doctor. Born and raised in the area, she now works as an assistant to Dr. Chou Hua-chin, the commune's woman doctor, and her aim is to become a fully trained physician. Working with Dr. Chou and getting practical training with the peasants in the fields will, she told a recent visitor, eventually equip her for her desired career and perhaps give her better training than if she had spent six years in medical school.

Sixteen barefoot doctors work in the Chiang Tai commune, but only four are assigned to Dr. Chou's clinic. This is the standard ratio for barefoot to regular doctors. Dr. Chou, a plump middle-aged woman from Peking, volunteered to work in the countryside a year ago.

The commune itself is divided into "production brigades," the basic unit for work in the fields. Dr. Chou treats patients from 681 households in the production brigade served by the clinic. Apart from a small token payment, treatment is given free.

The clinic itself is housed in a small one-room cottage with an earthen floor. The walls are whitewashed and the equipment limited to a few bare wooden chairs, a threadbare couch, and one small, roughly made medicine cabinet. The cabinet contains a bare minimum of drugs, and there is no sign of records or other equipment.

The clinic practices mainly Western medicine, with some acupuncture for such ailments as headaches or stomach upsets. When, operations need to be performed patients are sent to the eight-bed commune hospital, which has a staff of doctors and nurses. More difficult cases are sent to the bigger hospitals in Peking.

WORK HALF DAY IN FIELDS

The barefoot doctors work half a day with the production brigade in the fields and half a day at the clinic. While working in the fields they check on the health of their fellow workers, to whom they teach hygiene as well as methods of curing simple illnesses.

Although clinics such as the one operated by Dr. Chou are rudimentary by Western standards, they offer a viable alternative to the total lack of facilities available before. Previously the sick could spend days waiting for treatment at the commune hospital. Now, minor ailments, which formerly would have meant loss of work, are dealt with promptly, and a valuable amount of work time for the "brigade" is saved.

Although relatively primitive at the lower levels and forced on China by necessity, the barefoot doctor program has brought a modicum of medical service to millions for the first time in their lives, creating the framework for a nationwide health scheme.

[From Hospital Tribune, Nov. 1, 1971]

BEST MEDICINE FOUND EQUAL TO AMERICA'S

KANSAS CITY, Mo.—The best of Chinese medicine is apace with the best of American medicine, Dr. E. Grey Dimond reported on his return from a two-week visit to the People's Republic of China.

"The Chinese aren't a bit out of date," said Dr. Dimond, provost for health sciences at the University of Missouri at Kansas City. "Their best hospitals have everything ours have. I really had nothing medically to contribute to China. Their physicians know as much as I do."

The sole purpose of the trip was to "re-establish communications between American and Chinese physicians," he said, and rumors that he and fellow cardiologist Dr. Paul Dudley White were asked to China to care for a supposedly ailing Mao Tse-tung were simply not true.

"We did not see or visit with a political figure during our stay," Dr. Dimond said. "We met and talked with Chinese physicians about medicine."

Drs. Dimond and White were guests of the All-China Medical Association for 13 days. During that time they visited seven hospitals in and near Canton and Peking. Dr. Dimond examined 40 patients.

"I was, of course, most interested in heart patients since that is my specialty," he said. "I carried around a stethoscope and read ECGs. That's a universal language no one needs to translate for you."

Dr. Dimond refuted the notion that heart disease is virtually nonexistent in China. He found, in fact, that heart disease and high blood pressure are as significant diseases in China as they are in the United States.

The two American cardiologists were escorted during their stay by English-speaking Chinese physicians. Dr. Dimond had prepared a list of requested visits and interviews, and none of them were denied, he reported.

"The Chinese cooperated graciously with each of my requests," he said. "Every date I had was met on time."

One of the visitors' specific requests was to witness acupuncture anesthesia. Dr. Dimond has always had an active interest in acupuncture, and during a visit to Saigon in 1964 he made rounds with an active practitioner of the technique and wrote an article on that experience for the *New England Journal of Medicine*.

In China he viewed about 10 operations using acupuncture anesthesia. He commented that he is "running the risk of being called a madman," but "there seems to be some margin of truth" in the technique.

Although Dr. Dimond was unwilling to speak at length about the operations he witnessed because he plans to write articles dealing with them for various journals, he did describe two specific cases.

In one, a growth was removed from a man's throat after a needle was inserted in one side of the neck and an incision was made across the rest of the throat.

"The patient stayed awake and cheerful throughout the operation," Dr. Dimond related. "And when it was over, when his entire throat was sewn up, the man sat up with a smile. He picked up the little red book of Chairman Mao's thoughts, waved it, and said: 'Long live Chairman Mao! Welcome to our American friends!' Then he buttoned up his pajama shirt, got off the operating table and casually walked off to his room."

SECOND CASE DESCRIBED

The second case that he described was that of a patient, a chest surgeon, suffering from tuberculosis. The operators inserted a needle about 1½ inches long into the patient's left arm and then opened the left side of the chest to remove the upper half of the left lung.

"The patient's chest was wide open," Dr. Dimond recounted. "I could see his heart beating. And all this time the man continued to talk to us cheerfully with total coherence. Halfway through the operation he said he was hungry, so the doctors stopped working and gave him a can of fruit to eat."

Dr. Dimond said that the operation continued for an hour and that when it was over the patient sat up as if nothing had happened.

"I saw more of acupuncture than I know how to believe," said Dr. Dimond, who returned to Kansas City with a teaching-model manikin and set of needles. "As you stand there watching these procedures your scientific brain says, 'My God, this can't be true,' but we were still seeing it."

The physician said he intensively queried Western-educated Chinese physicians about the procedure "after cocktails, while riding behind the curtained windows of our limousine, and other places."

"But never could I get them to break down and say there wasn't some margin of truth in the procedure," he added.

Chinese physicians, he noted, do not brag about the procedure and readily admit it "does not work in all cases."

"The Chinese Government realized you can't create instant Western medicine," he said. "So they married the two to obviate the development of Western medicine."

[From Hospital Tribune, Nov. 15, 1971]

U.S. VISITOR SEES MARRIAGE OF OLD, WESTERN MEDICINE

KANSAS CITY, Mo.—Since the Cultural Revolution, there has been a "marriage of traditional medical techniques to Western medical techniques," Dr. E. Gray Dimond said on his return here from a two-week visit to the People's Republic of China.

Dr. Dimond was told that last December the Chinese cut their medical and pharmacy curriculums in half to speed up training of health care personnel. Medical education now requires three years and pharmacy two and one-half years.

Chinese physicians indicated to Dr. Dimond that the major thrust of the Government now is to deliver some kind of health care to all of the nearly 800,000,000 Chinese. They have developed a variety of delivery systems, including the "barefoot doctor" concept, to reach their goal.

Dr. Dimond observed that the barefoot doctor should not be misconstrued by Americans to be the people's only source of medical care. On tours of some of the rural communes he saw the barefoot doctors in practice, he said, and they are really "the medical corpsmen of China."

"Every handful of Chinese has its barefoot doctor," he said. "He is nothing but a man of the village who has been told about vaccinations, the use of DDT, and personal hygiene. He keeps complete records on his handful of 'patients.' But he is not out there freelancing. He is backed up by a whole medical care system which includes a well-equipped dispensary staffed by a pharmacist. The dispensary is then backed up by a commune hospital."

Dr. Dimond was told that there has not been a reported case of venereal disease in China in 10 years and that there is no alcoholism, no drug abuse, no prostitution, and no epidemics. When Dr. Dimond was asked if he saw any documented evidence of these claims, he replied that the reporting system due to the Communist Party organization is amazing.

"Each human being in China is responsible to a party member," he said. "They would be required to report any illness, and I can't see how they could escape it."

Before the Cultural Revolution, Chinese physicians told Dr. Dimond, they traveled extensively to international medical meetings. Demands now on delivering care, however, are so great that such travel has been virtually eliminated. The Chinese have not published any medical journals for several years, he learned, and will not resume such publications until the goals of the Cultural Revolution have been attained.

Upon visiting the Chinese Medical Association and the Chinese Academy of Sciences libraries in Peking, Dr. Dimond discovered that there is no lack of medical literature in China.

"These libraries were filled with medical journals from all over the world," he continued. "I noticed the August issue of the 'New England Journal of Medicine' on one table, and one librarian showed me the most recent issue of the Missouri State Medical Association monthly journal."

Basic or unstructured research in China had been eliminated for the duration of the Cultural Revolution, Dr. Dimond was also told. No effort is made to hide this fact, he reported, and the Chinese "frankly admitted" that their scientific goals had been redirected by the Government.

"The thrust now is to give care to people," he emphasized. "Every medical student, physician, or faculty member is required to spend time in the rural communes on mobile medical units."

Medical students are mostly from the peasantry, the military, or the working class, Dr. Dimond related. The way to get into medical school in China, he said, is to "finish middle school, go out and work in a factory or rice paddy, and depending on your good behavior and work points, you are admitted to medical school."

IMPRESSED WITH PROFESSIONALISM

In his tours of hospitals Dr. Dimond was impressed with the professionalism of the staffs and their "friendliness and kindness towards each other and the patients."

The major hospitals were equipped with all of the most modern medical instruments and machines, he said, adding that he saw dialysis equipment and open heart surgery equipment as sophisticated as that in the most modern U.S. hospitals.

"They are equipped to do any kind of open heart surgery," he said. They were interested in Shumway and his heart transplants but said none had been attempted in China. Although they perform open heart procedures, they aren't done to the extent they are in the United States, probably because the Chinese just aren't as aggressive as Americans."

Dr. Dimond observed, however, that the Chinese have an active rental transplant program.

The majority of the medical equipment used in Chinese hospitals appeared to have been manufactured in Shanghai, he said, but 95 per cent of the drugs used were manufactured in China, the rest coming from Europe. "They had a polio vaccine similar to the Sabin but it was Chinese-made," Dr. Dimond reported. "Every hospital has its own drug-manufacturing department where herbs are ground, drugs compounded, and sterile solutions made. I believe this was part of the war readiness theme evident throughout the country. Every institution was capable of surviving and caring for its patients without outside help."

With regard to family planning, Dr. Dimond said:

"The Party absolutely supports birth control either by the pill or pessary. And with the strength of that government one would assume something would get done."

Dr. Dimond said that he felt fortunate in being one of the first four American physicians admitted to China in nearly 25 years. He related that the invitation came directly from the Communist China Embassy in Ottawa after he and his wife had told Edgar Snow, a friend, about their interest in visiting the country prior to one of the author's trips to China.

FUTURE OF U.S. MERCHANT MARINE

Mr. MAGNUSON. Mr. President, I recently had occasion to read two articles relating to maritime policy by Mr. Jesse M. Calhoon. Mr. Calhoon is well known to the Members of this body as the president of the Marine Engineers' Beneficial Association, AFL–CIO, and as a particularly articulate and effective spokesman for the U.S. merchant marine.

The articles are thought-provoking and I commend them to Senators concerned with the future of the U.S. merchant marine. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WHY NOT RECIPROCAL PACTS FOR SHIPS?

(By J. M. Calhoon, MEBA national president)

A recent item in the press announcing the termination by Belgium of its 25-year-old Aviation Agreement with the United States, following an American refusal to grant landing rights in Chicago for Sabena, the Belgian airline, prompts the question that if the countries of the world have, practically since the inception of aviation, found it in logical self-interest to enter into bilateral air pacts to guarantee and protect the rights of their respective national air carriers in other lands, why cannot ocean carriers be given the same reciprocal rights through the establishment of bilateral maritime pacts between countries?

While the American doctrine of "equality of trading opportunity" is closely allied to the international principle of freedom of the seas, history does, nevertheless, tell us that when a country sees its own national interest menaced it has not hesitated to enact legislation aimed at regulation of a determinate maritime area.

As early as 1651, a navigation act was passed by the British to offset the maritime supremacy of the Netherlands. This act, which remained in force for two centuries, required that the national trade by sea be carried in ships under the national flag.

In 1849, a statute was added to the 1792 maritime treaty between the United States and Britain, which established that U.S.-flag ships be admitted to British ports on the same terms as British ships were admitted to the American trade.

There will, of course, be those who airily, or perhaps I should say opportunistically, dismiss regulation as not in keeping with the free-trade exigencies of our modern maritime era.

But commendable as the principle of free trade is, it should not be made to work when in doing so the U.S. national interest is in jeopardy.

The continually increasing flow of United States capital abroad and the consequent decline of jobs for American workers, as little by little they are exported overseas, must sooner or later call for Government regulation in those areas that are hardest hit.

With our country's economy at its present dangerous level, the government should move to assume to a degree the foreign economic policy of the nation.

The economic policies of most countries are regulated by their governments, which

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set up preferential and other controlling legislation to protect their own interests, while the United States remains unique as the world's most unrestricted country in international commerce.

When a country's economic prosperity is at stake, the philosophy of free trade must inevitably be substituted by a philosophy of fair trade.

As late as 1935, the United States Government, when its seaborne commerce between American ports was being menaced by foreign-flag interests, saw fit to pass legislation on the national coastwide traffic to ensure that trade for the U.S.-flag carrier.

Why, therefore, could not protection be given to the maritime industry, which stands in dire need of assistance, through the institution of bilateral pacts aimed at ensuring to the U.S.-flag ocean carrier the same proportionate equity now enjoyed by national airlines under international air treaties?

Aviation agreements are generally drawn up nowadays between two trading countries to ensure reciprocity in landing points within both countries for their respective air carriers.

The proportion of reciprocity between the treaty states is arrived at via the dollar-load-value factor of the reepective landing points in both countries, thus establishing a degree of equity and proportion between two countries possessing disproportionate air fleets.

REVITALIZING THE U.S. MERCHANT FLEET THROUGH BILATERAL PACTS FOR VESSELS

(By J. M. Calhoon, MEBA national president)

If to date bilateral pacts for ships have not been contemplated in this country or elsewhere, it is certainly not because of aversion to maritime regulation.

Rate disparities are still with us in the continuing North Atlantic rate conflict, but there is a move afoot to reach an international accord to "rationalize" this and other facets of maritime trade.

If regulatory "rationalization" is conceivable in these other phases of maritime commerce, there surely should be nothing to obstruct party countries from entering into bilateral treaties containing national-flag clauses to ensure proportionate reciprocity for ships of the national merchant fleets of the contracting states.

A pro-American-flag merchant marine policy is essential to the well-being of our national economy and of our national defense.

Today, the U.S. merchant fleet is wholly inadequate for either purpose. The tragic statistic that the government tends to gloss over is that less than six per cent of our foreign waterborne commerce is carried in ships flying the U.S. flag.

A bilateral vessels' pact between the United States and another party country would serve as an instrument to further the prosperity of the American merchant marine.

It would put more American cargo into American bottoms. It would, by its reciprocal nature, also ensure a quota of foreign cargo for U.S.-flag vessels.

Such a pact would also help many countries now trading with the United States to set themselves up with a maritime fleet, or enlarge their present fleet. Their ships, under the terms of the treaty, would be viable ships.

A bilateral ships' pact would serve as well to alleviate the resentment many small countries feel when they see their tiny merchant fleets crowded out of the ocean carrier field by the monopolistic predominance, not so much of the national-flag ships of the bigger maritime powers, but of the immense foreign holdings translated into millions of tons of ships flying the runaway flags of convenience of Liberia, Honduras and Panama.

Just look at what these runaway companies are doing to the U.S. merchant marine and to its workers, for example. As of December 31, 1969, there were 433 ships totalling 21.9 million deadweight tons owned by foreign affiliates of U.S. companies, as against an April 1, 1971 figure of 699 privately-owned U.S.-flag active ships in the American merchant marine.

If one pauses to think that the Standard Oil companies of California and New Jersey had, between them, as of December 31, 1969, almost 8.8 million deadweight tons in their foreign-flag merchant fleets the need for at least a modicum of regulation at government level is immediately apparent.

Many of these U.S. companies with foreign-flag holdings also have ships sailing under the American flag. But their foreign-flag fleets today consist of new, modern ships, far superior to those they have under U.S. registry.

Bilateral pacts for ships would be of inestimable help to the U.S. merchant marine. Over and above assuring more cargo for U.S. bottoms, they would ensure the return of a healthy percentage of U.S. owned foreign-flag ships to the American flag, because the depletion of the present-day U.S. merchant marine would need more national-flag ships to comply to the bilateral treaty terms.

The current efforts of the U.S. Government to assure more cargo for American-flag ships are only half measures.

It is not enough to try, through promotional means, to convince U.S. exporters and importers to ship more of their commercial cargoes in American bottoms in order to increase the portion of the nation's trade that is carried in U.S.-flag ships.

It is a prime requisite of government to give preference to a national industry to meet foreign competition. The U.S. Government, instead, leans on foreign-flag ships for government cargo to the detriment of its own merchant fleet.

International bilateral treaties for national ships of the party countries could well be a means to enable the U.S. merchant marine to safely weather itself through the rough seas of today toward a haven of accomplishment much bigger than that envisaged by the Merchant Marine Act of 1970.

VALUE OF OIL IMPORT QUOTA SYSTEM

Mr. TOWER. Mr. President, during the debate on November 20 on amendment 693 to the Revenue Act of 1971, the distinguished Senator from Massachusetts (Mr. KENNEDY) raised some interesting questions concerning the value of the oil import quota system. I should like to respond to the questions.

First, the Senator asked why President Nixon's task force "Report on the Oil Import Question" was not accepted and implemented. Some background information on this question would be helpful. It is noteworthy that the task force study was initiated by the President at the request of the petroleum industry. Neither the industry nor the President intended that the oil import quota system be abolished. Rather, the purpose of the study was to examine and attempt thereby to correct certain inequities which had crept into the system during its existence beginning in 1959. It is not difficult to conceive that inequities would occur in administering this highly complex program. The program was instituted by President Eisenhower to protect our national security interests. For over a decade four Presidents have recognized the importance of the oil quota system in protecting our national security interests. The petroleum industry itself supports the system.

The staff of the task force was composed entirely of academicians, none of whom had any firsthand knowledge or experience with the oil import system. Based largely on the assumptions and recommendations of the task force staff, the task force committee suggested some ill-conceived and sweeping alterations to this proven, workable program, and even recommended the changing of a large part of the program from a quota to a tariff system.

One example of the ill-conceived work of the staff was their basic asumption that the world price of crude oil would remain substantially below the domestic price.

This assumption led to the unfounded but often quoted conclusion that the oil import quota system costs the American public $5 billion per year. In fact, only a few months after the report was issued, the world price of crude oil rose to unprecedented heights. On some occasions, the world price exceeded the domestic price. Thus, at best, it is difficult to determine the cost of this program which at times has saved the American people money.

Another example of the ill-conceived work of the task force staff concerned the security of supplies of Eastern Hemisphere crude oil. The staff assumed that none of the Eastern Hemisphere countries which produces crude oil would violate its own economic self-interest by voluntarily reducing its crude oil production by a significant amount for any extended period of time. Yet, just months after the report was issued, two large Eastern Hemisphere crude oil producers voluntarily caused substantial reductions of crude oil production totaling approximately 800,000 barrels per day. These reductions lasted for several months and wreaked havoc in the world crude oil markets, including the United States. However, this erroneous assumption led the staff to conclude that we could rely on foreign sources to supply our large and growing crude oil needs.

Thus, most knowledgeable people, including the President, rejected these and other major conclusions reached in the task force report.

The Senator from Massachusetts proposed that we should "preserve the oil in strategic reserves in this country and utilize the sources outside."

This oft-suggested solution to our crude oil supply problems will not work for several reasons.

First, as I already pointed out, we cannot be assured that foreign sources will be able or willing to supply our needs. Several times in the recent past, crude oil producing countries in the Eastern Hemisphere have acted irrationally and contrary to their own economic best interests by causing disruptions in the production and transportation of crude oil. But, even if these unstable countries did want to supply our needs, forces beyond their control could cause disruptions. As I pointed out in my statement on this subject on November 20, the Russians are increasing the size of the fleets in the Eastern Hemisphere, particularly in the oil-rich Mediterranean Sea and Persian Gulf areas. Thus, they are increasing their capability to disrupt shipments of crude oil to us and to Western Europe.

Second, serious technical problems are involved in shutting in producing wells. By being shut in, many producing geologic formations can be irreparably damaged through water encroachment, or by parafin, salts, or rust buildup on the face of the producing zone. This damage would likely cause us to lose forever significant quantities of crude oil.

Third, assuming for the sake of discussion that the first two problems could be overcome, we would have to solve serious economic problems.

For example, assuming that all oil wells are shut in, where is the revenue to be derived to finance future exploration and development of new reserves of oil or the revenue for the return on risk capital, to investors who are producing reserves and equipments, the refineries, pipelines, and distribution systems? What becomes of our highly skilled employees in the domestic oil industry if there is no new exploration or development? Do they simply stand idle until the time when our foreign supplies are exhausted or disrupted? How do we allow for the normal time lag of several years required from beginning exploration to delivering the products to the consumer?

These are all serious questions which must be satisfactorily answered before we change from a known, workable system to a new and untried system such as the Senator suggested.

Until such a satisfactory new program is devised. I feel strongly that we must preserve our own energy self-sufficiency by maintaining an active and healthy domestic petroleum markets from being The requisite viability must be maintained through providing adequate tax, economic, and other incentives to attract the required amounts of high-risk capital to explore for and develop, refine, and distribute our own vast, undiscovered petroleum reserves. This must be done to properly protect our national security interests.

Also, the maintenance of some inhibitory system is necessary to protect our domestic petroleum-producing industry. unfairly inundated by imports of crude oil from unsure foreign sources. One such workable system is the present oil import quota system.

Mr. President, I fervently hope that Senators advocate drastic and precipitate changes in this system and further oppressive actions against the domestic petroleum industry will examine carefully the long-range national security ramifications of such changes. I further hope that they will not rely on the now largely discredited task force report or on simplistic solutions to our complex and vitally important petroleum supply problems.

EAST-WEST TRADE

Mr. MONDALE. Mr. President, I was pleased to read of President Nixon's letter announcing that he has decided that Export-Import Bank loans to promote trade between the United States and Romania are in the national interest. This is a step which I have urged for some time, and which could lead to important increases in U.S. trade and exports.

This step should be followed quickly by others, and I hope that the administration intends that this should be the case. Export-Import Bank financing should be extended to trade with the remaining Eastern European countries including the Soviet Union, where it is not now available. I think that this is a logical result of Secretary Stans' trip to Eastern Europe and to the Soviet Union.

In addition to steps increasing trade financing, I hope that the administration will support efforts in the Senate to win authority to negotiate most-favored-nation treatment with Romania and other Eastern European countries. Our failure to accord this treatment is costing us dearly in lost trade opportunities.

The potential for increasing trade with Eastern Europe and the Soviet Union is enormous. This could mean many jobs for our workers and farmers. Recent large export breakthroughs which involve agricultural products and machinery are examples of the potential that exists.

During the first 6 months of 1971, the United States did a smaller percentage of its total trade with Eastern European countries and China than did any other major trading country. Germany, Japan, the United Kingdom, France, Switzerland all did three to five times more of their total trade with these countries than did the United States. The President's action removes one knot from the rope with which we have tied our own hands. We must untie the others quickly.

I ask unanimous consent that a memorandum concerning the President's communication, published in the CONGRESSIONAL RECORD of November 30, 1971, be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

PURCHASE OR LEASE OF PRODUCTS AND SERVICES TO THE SOCIALIST REPUBLIC OF ROMANIA

A communication from the President of the United States, reporting, pursuant to law, his determination that it is in the national interest for the Export-Import Bank to guarantee, insure, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product or service by, for use in, or for sale or lease to the Socialist Republic of Romania; to the Committee on Banking, Housing and Urban Affairs.

BOEING LOOKS TO FUTURE AT BOARDMAN, OREG.

Mr. HATFIELD. Mr. President, it was during my term as Governor of Oregon that we focused our efforts to expand and diversify our State economy. I had the opportunity to work with officials of the Boeing Co. on a particular project in Oregon.

After great effort, here in Washington, D.C., in the State of Oregon, and in the State of Washington, we were able to offer to the Boeing Co. a 100,000-acre tract of land in northeastern Oregon under a long-term lease. This effort was culminated in 1964.

I was delighted to be briefed by Boeing Co. officials recently on the company's plans for the development of this site. It is an imaginative, innovative program.

I was pleased to see in the November 29, 1971, issue of Aviation Week and Space Technology that a fine article by Richard G. O'Lone discussed Boeing's plans. Because of the interest of Senators in such matters as rural development, I ask unanimous consent that the article be printed in the RECORD. If efforts such as this can succeed, they will offer a new vista for our consideration as we review legislation affecting rural economic development.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOEING SOWS DIVERSIFICATION SEED IN DESERT

(By Richard G. O'Lone)

SEATTLE.—Boeing Co., which played a major role in putting man on the moon, now has a long-range goal of performing another challenging task here on earth by causing the desert to bloom and creating a productive community in an Oregon wasteland currently suited only for rattlesnakes and rocket engine tests.

In one of its most ambitious diversification efforts to date, Boeing is implementing the initial stage of a master plan that foresees a riverside town of 5,000 or more persons arising on 100,000 acres of sand and sagebrush in northeastern Oregon that would be made productive by irrigation.

The plan envisions a community supported by agriculture and related industries, with a water reservoir and nuclear power plants playing key roles, and perhaps even recreation facilities along its 10-mile stretch of Columbia River frontage. The plan would provide for recycling of wastes back into the land and using reservoir water—rather than the Columbia River—to cool the power plants and utilizing the heated water for irrigation.

These goals admittedly are many years away, but a start has been made and Boeing executives more accustomed to the complexities of aircraft production rates and missile design are soberly studying recycling of livestock wastes and irrigation hardware as an aerospace company moves for the first time into the field of multiple land use development.

The site involved is an old World War 2 bombing range, about 275 miles east of Portland, that Boeing acquired in 1966 when the future for rocket and supersonic transport engine development appeared considerably brighter than it does now. This wasteland—vast and remote—was ideal for testing rocket engines and aircraft powerplants—a business too noisy and hazardous for the densely populated Puget Sound area—and Boeing took a lease on the land from the state through the year 2040.

As aerospace business began to decline, however, the chances of utilizing all of this huge site for its original purpose started to fade, and Boeing began looking for other uses. In January, the company hired the Corvallis, Ore., firm of Cornell, Howland, Hayes and Merryfield/Hill to assist in this effort, which was given impetus by the death a few weeks later of the U.S. supersonic transport program (AW&ST Mar. 24, p. 14).

The master plan that emerged was approved by Boeing top management in April, and contained this broad outline:

Development of an extensive irrigation system that eventually could convert about 50,000 acres of desert to productive land for grazing as well as field crops, vineyards and orchards.

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Emergence of a tier of light industry to process, store and distribute the meat, vegetables and fruit produced on the irrigated land.

Creation of a community of at least 5,000 persons supported by farming and related industries. Irrigation of land along the riverbank could create an attractive place to live, with fishing, swimming and golfing for recreation.

A key item in realization of the master plan is establishment of a nuclear power plant and water reservoir on the site. The two would have interrelated functions. The reservoir would store water for irrigation and for cooling the nuclear plant. The state thus would avoid further heat pollution of the Columbia River, while the warm reservoir water used for irrigation could extend the growing season. In addition, the warm water could be fed into ponds for fish breeding, and could be used in "fogging" vineyards and orchards to protect the fruit from low temperatures.

The plan received a major boost in October when Portland General Electric Co. (PGE) announced it had narrowed its search for a nuclear plant site to two locations on the Boardman property—the McCarty and Six-Mile reservoir sites—located adjacent to each other in the southeast portion.

The sites were named as the best of six prospective locations by a soils engineering firm hired by PGE, a decision that was seconded by a consulting board of geologists and geophysicists. Added seismic surveys are being made at the McCarty and Six-Mile sites.

Portland General Electric, which has the state's first nuclear power plant under construction on the lower Columbia River, plans to complete the Boardman site plant by the fall of 1979.

The backbone of the entire plan is the irrigation system, which will begin with a pumping station on Willow Creek, which runs off the Columbia River at the northwest corner of the site. From the station, large underground pipes and smaller tributaries would carry water to an area to be irrigated, where it would be spread by means of massive circular systems that can cover up to 160 acres per unit. In these type of systems, already in use elsewhere, water piped underground to a central pivot point is distributed by means of electrically powered wheeled devices arrayed in ranks and moving in a circular fashion, with the wheels moving at the proper relative speeds to maintain a straight line.

Ultimately, the water would be carried by pipeline to higher ground where a canal would take over and feed it into either the McCarty or Six-Mile sites that would have been dammed to form a reservoir. Year-around irrigation of the entire acreage then could be provided by gravity feed.

The irrigation effort already is under way and will proceed incrementally, with nearly 6,000 acres scheduled to be ready for planting by next spring. Of this 4,000 acres represent the first of 12,000 acres that have been leased to a Spokane firm that intends to raise alfalfa for pelletizing.

The Spokane company has a long-term contract with a Japanese firm engaged in corporate farming to ship the pelletized alfalfa to Japan as poultry and livestock feed. Additional 4,000-acre increments will be brought under irrigation and planted with alfalfa during the succeeding two years.

An additional 1,850 acres will be irrigated for pastureland to be available next spring, and Boeing expects no problem in leasing it.

Another key part of the plan is recycling of wastes. As pasture lands are created and begin to support food lots, Boeing envisions recycling the livestock wastes back into the ground. A pilot program already has begun to test the use of Boardman for recycling wastes from the Portland metropolitan area.

Under this program, Columbia Processors Cooperative—a joint venture of about 20 Portland area waste disposal firms—provided 200 tons of solid and liquid waste material that was trucked to Boardman and has been tilled into 24 test patches of desert sand. The theory is that the wastes will decompose and form a humus-like soil that—unlike the pure sand—will retain water and perhaps become productive.

If so, this could help solve the problem of Portland's overloaded sewage treatment facilities and present an alternative to sanitary land fills—a waste disposal method that is becoming a pollution problem as well as becoming more expensive as sites are pushed farther away from metropolitan centers.

The Oregon Dept. of Agriculture and Oregon State University are cooperating in the experiment, which is expected to continue until early spring. Full-scale operations will not begin until both health and agriculture authorities give their approval, after results are obtained from the test patches that have been planted. It is expected that authorities will not allow food that is to be consumed directly by humans to be raised on such soil for one year after wastes are tilled into it, but this is not considered a problem as there is no such ban on hay or grass for animal consumption.

When approval is granted, Boeing and Columbia officials anticipate an operation like this:

Columbia will collect solid wastes and sewage sludge from the Portland area and run the solid material through a hammer mill shredder that reduces it to a pulpy compost. At a waterfront transfer point, it will be loaded on huge covered barges.

After being barged up the Columbia River, the material will be unloaded at a dock Boeing will build at its Boardman site. This facility will include a storage building for solid wastes and holding tanks for liquids.

Trucks will pick up the solid material and spread it over the desired area in a 4-in. layer. Tank trucks will follow, adding a half-inch of sewage, followed by a large tiller that mixes the material 6 to 12 in. into the sand. Water—either from a tank truck or irrigation system—then must follow so that the freshly tilled soil will not blow away.

Boeing and Columbia also have a plan to handle industrial chemical wastes, in which this toxic or obnoxious material would be trucked to Boardman and dumped into long, narrow trenches dug in the rough, rocky areas that are unsuitable for any other purpose. The trenches would be lined to prevent the material from eating into the soil and covered with a screen to prevent wildlife or insects from getting into it.

Gradually, the sun would evaporate the water, leaving a solid or semi-solid residue that then could be sold to firms interested in reclaiming the metals and minerals it contains.

If successful, Boeing believes that this waste recycling experiment could have significant implications, even though these methods are not available to every city with a disposal problem. It could demonstrate, for example, that even if the land available in some areas would not benefit from the waste treatment, it would not be damaged by it.

Boeing figures that this waste disposal method can be employed without an unreasonable increase in the price to the customer.

"Our financial analysis says that it should be possible for Columbia and us to both make a reasonable profit," Preston T. Smith, Boeing's Aerospace Group director of community development, said. "If our numbers are off and it costs too much, we won't do it."

Boeing plans to spend $1 million on the first phase of the overall Boardman project, and estimates of the total cost over a period of 12-15 years range between $100 million and $150 million—including the investment of lessees. In addition to providing irrigation, roads and power, Boeing anticipates participating in the ventures with lessees to the extent necessary to attract them. This could involve, for example, entering into a joint venture with a lessee, or constructing a special facility for him.

Profits will be slow in materializing. Smith anticipates that it would take eight to ten years for this type of development to generate a cash flow, depending on how quickly new acreage becomes available and is leased.

The Boardman effort is not a labor-intensive undertaking. Boeing has a handful of employees on site, and there are only about 250 persons in the entire area now. The company anticipates that about 1,500 jobs would be created if events follow its master plan, but most of these would be local persons working for the lessees.

While Boeing certainly is looking for a "reasonable return" on the project, the company believes that the effort could assist in some of the major problems besetting the world. It could make a significant contribution, for example, if the project provided an alternative to sanitary land fills, and if a community of about 5,000 persons does indeed arise in the desert, the firm will have demonstrated one approach for luring some population from the world's huge metropolitan complexes. Smith added this point:

"Fifteen years from now, if things go according to the master plan, Boardman could serve as a prototype model for many areas of the world, showing how relatively unproductive land—thousands of square miles of it—could be put to productive use."

THE CONSTITUTION AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, some people who oppose the Genocide Convention do so because they believe that the treaty will become the supreme law of the land, superseding the Constitution. Article VI of the Constitution says that the Constitution, acts of Congress, and treaties are the supreme law of the land. Is it true that the Genocide Convention is supreme over the Constitution?

No. If that were true it would also be true of every other treaty that the United States has ever been a party to. In the 195 years that we have been an independent nation, we have been a party to hundred of treaties. If treaties superseded the Constitution, then our beloved Constitution would now be but a shambles. The fact that our Constitution is still intact and that our Government still functions proves that this theory is not correct. The Genocide Convention, as with all other treaties, is not in conflict with the Constitution.

A careful reading of article VI shows that treaties are made in pursuance of the Constitution. The U.S. Supreme Court in Reid against Covert has made this very clear. They said:

It would be manifestly contrary to the objectives of those who created the Constitution . . . —let alone alien to our entire constitutional history and tradition—to construe Article VI as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions. . . . The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and the Senate combined.

Therefore the Bill of Rights, which guarantees every American citizen freedom of speech, religion, the right to a fair trial, and so forth cannot be changed by the Genocide Convention or any other treaty the United States might become a party to.

Mr. President, I urge the Senate to ratify the Genocide Convention as soon as possible.

DISCRIMINATION IN EMPLOYMENT—RELIGION

Mr. JAVITS. Mr. President, with all the attention that has been focused in recent years on the problem of race and sex discrimination in employment, we may sometimes forget that title VII of the Civil Rights Act of 1964 also forbids religious discrimination in employment. Although not as conspicuous as race or sex discrimination, religious discrimination still exists as an impediment to the enjoyment by many Americans of full equal employment opportunity.

Recently, the Office of Federal Contract Compliance issued a set of guidelines concerning the elimination of religious discrimination by Federal contractors. The guidelines are contained in a memorandum from John L. Wilks, Director of the Office of Federal Contract Compliance, to the heads of all compliance agencies. The memorandum has not been printed in the Federal Register.

In view of the widespread interest in the subject, I think it would be extremely beneficial to have the guidelines printed in the RECORD. I, therefore, ask unanimous consent that the memorandum setting forth the guidelines be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

(MEMORANDUM TO ALL CONTRACT COMPLIANCE OFFICERS, FROM JOHN L. WILKS' DIRECTOR)

GUIDELINES FOR RELIGIOUS AFFILIATION COMPLIANCE REVIEWS

I. PURPOSE AND SCOPE

The purpose of these provisions is to set forth the interpretations and guidelines of the Office of Federal Contract Compliance regarding the implementation of Executive Order 11246 for insuring equal employment opportunity without regard to religion for all applicants and employees of Government contractors (or subcontractors).

Government contractors are expected:

1. to be cognizant of the religious minorities in their work force,

2. to identify employment problems based on religion, and

3. to institute appropriate affirmative actions to obtain solutions.

II. BACKGROUND

A. Employment discrimination based on religion

Discrimination on the basis of religious affiliation or background is as inconsistent with American principles as any other form of discrimination proscribed by Executive Order 11246, as amended. Despite the fact that religious discrimination has been illegal under all Executive Orders dealing with the obligations of Government contractors and under Title VII of the Civil Rights Act of 1964, there have been few effective plans and programs dealing with this subject.

Evidence indicates that religious discrimination affects mainly Jews and to a lesser extent Catholics, who are primarily excluded from the executive and managerial levels of industry. Members of these religious groups are entitled to attention and redress. Action in two areas has now been initiated to deal with employment problems based on religion. First, regulations have been promulgated concerning the special problems of Sabbath observers. Secondly, guidelines (contained herein) have been set forth to establish an effective religious affiliation compliance activity.

B. Religious affiliation compliance activity

A pilot religious compliance project has been conducted by the Social Security Administration.

1. Religious Affiliation Questionnaire (Form SSA 1776)

In December 1968, the Bureau of the Budget approved a religious affiliation questionnaire to be used by the Social Security Administration in the insurance industry. This questionnaire was designed to deal with the problem of executive and middle management discrimination against Jews and Catholics. The questionnaire (Form SSA 1776) was completed by the contractor during onsite compliance reviews.

2. Onsite Reviews

From April 1969 to May 1970, the Social Security Administration conducted a total of 28 onsite religious affiliation compliance reviews of Medicare contractors. These reviews disclosed that religious minority groups, especially Jews and to a lesser extent Catholics, were not generally found in executive positions or in the career positions leading to the executive ranks.

3. Statement of Secretary of Labor

The experience gained by Social Security in administering this specialized compliance activity provides the basis for an expanded yet efficient program in this area of contract compliance. Accordingly, a statement from the Secretary of Labor on the subject of religious discrimination has been issued on ———— to all compliance agencies. This directive makes this specialized program a mandatory part of compliance activities under Executive Order 11246.

III. COVERAGE

A. Contractors

All Federal contractors and subcontractors or contractors and subcontractors performing under Federally assisted construction contracts subject to Executive Order 11246, as amended, are covered by these guidelines, provided such contractor or subcontractor has 50 or more employees and a contract of $50,000 or more.

B. Population areas

There are no official United States Census figures based on religion. The Jewish and Catholic population statistics that are available are published annually in the *American Jewish Yearbook* and the *Catholic Almanac*.

C. Religious groups

1. Jews, Catholics, and Others

Jews and Catholics have been traditionally defined as the two largest religious minorities in the United States. Discrimination based on religion has been primarily directed against Jews and to a lesser extent against Catholics. Other religious groups, notably Seventh Day Adventists and Seventh Day Baptists (as well as others), may have also experienced religious discrimination in employment.

Religious affiliation compliance reviews should focus on the employment discrimination problems of Jews and Catholics. Where applicable, the reviews will include problems based on any religion.

2. Definitions

For purposes of religious affiliation compliance activities, a Jew, a Catholic or a person of any other religious persuasion is an employee or official of a Federal contractor who would, if asked, identify himself as having the subject religious affiliation either by birth, tradition, conviction or otherwise.

IV. METHODOLOGY

These guidelines envision that religious affiliation activity will be incorporated into normal compliance reviews.

A. Compliance personnel

Responsibility for compliance activities relating to religion should be assigned to compliance personnel in conjunction with their regular duties.

B. Job levels

Experience has shown that employment discrimination based on religion is most pronounced in upper level positions or in those career patterns that may lead to the executive ranks. Accordingly, religious affiliation compliance activity will be concerned with executive and middle management positions. However, where appropriate any job level can be the subject of this review.

C. Review format

Religious affiliation compliance activity must involve these basic steps:

1. Description of EEO Policies and Practices

The Federal contractor must describe his organization's policies and practices to provide equal employment opportunity without regard to religion in the recruitment, hiring, promotion, and placement of applicants and employees. This detailed description must also contain an explanation of the formal internal and external dissemination of this policy.

2. Identification of Religious Minorities

Management officials, with assistance of the compliance specialist when necessary, must determine the number of Jews and Catholics occupying executive and middle management positions in their organization. Where appropriate, this identification may be extended to other religious minorities.

There are many methods of identifying the religious affiliation of employees. The contractor has the option in selecting the most feasible method.

The Federal contractor must identify employment problems based on religion. He must determine the religious composition of his work force and analyze his utilization of religious minorities. This includes the identification of organizational components and job categories where religious minorities (mainly Jews and Catholics) are underutilized.

3. Affirmative Action

Management officials must undertake affirmative action measures designed to resolve identified problems.

4. Program Evaluation

At frequent intervals, the contractor and the compliance agency must evaluate the contractor's affirmative action efforts and the results achieved.

D. Training

The Office of Federal Contract Compliance will undertake the responsibility for specialized training to implement this program.

V. AFFIRMATIVE ACTIONS

Contractors *are required* to develop affirmative action programs. A partial list of some affirmative action steps regarding religion includes:

1. *Identify the total number* of executives and middle management persons and determine the number of Jews, Catholics and other religious minorities.

2. *Obtain pertinent literature* describing employment problems of Jews, Catholics and other religious minorities. Circulate this material to supervisors and to persons involved in recruitment and hiring.

3. Where personnel records have been put on *data processing* equipment, integrate the religious identification of employees into this system.

4. *Review records* of Jewish, Catholic and other religious minority persons in lower

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level jobs to determine if they can qualify for management training positions.

5. *Convey to each recruitment source* (such as employment agencies and college placement directors) the company's equal employment opportunity commitment and impress these sources with the need to refer religious minorities.

6. *Establish a dialogue* with religious minority oriented organizations, such as:

Project Equality.
Catholic Vocational Service.
American Jewish Committee.
Anti-Defamation League of B'nai B'rith.
Knights of Columbus.
Jewish Vocational Service.
Prominent local Rabbis and Priests, etc.
Jewish Community Relations Councils.
Jewish Federation.
National Jewish Commission on Law and Public Affairs.
US Catholic Conference, Department of Social Development.
National Conference of Catholic Men and Women.

Some of these organizations have applicant referral capability and other groups can merely be used for advice, education and technical assistance.

7. Initiate the *use of the Anglo-Jewish and Catholic press* for institutional advertising, employment advertising, as well as for publicity of promotion announcements and special involvement activities of Jewish and Catholic employees.

8. *College recruitment* is usually a prime source of applicants for entry level managerial and administrative positions. Direct college recruitment activities toward obtaining increased numbers of religious minority applicants.

(a) Review and, if necessary, revise *college recruitment schedules* to include schools with substantial religious minority enrollments.

(b) *Establish contact with campus* Newman Clubs, Hillel Foundations, prominent fraternities and sororities which have a substantial Jewish and Catholic membership, the resident campus Rabbi and Priest, prominent Jewish and Catholic faculty.

(c) *Orient college recruiters* on techniques for seeking out religious minority applicants.

(d) Use Jewish, Catholic and/or other religious minority persons for recruiting.

(e) Analyze college recruitment results to obtain the approximate number of Jews, Catholics and other religious minorities hired. Then, modify recruitment efforts to increase this number.

9. Mail invitations to religious minority college students who are attending schools outside of their home town. Such invitations should invite these students to seek employment with the respective companies during their school vocations.

10. Discuss the corporate affirmative action program with selected high level Jewish, Catholic and other religious minority officials and to request that they refer applicants.

11. To foster understanding among employees, place brief articles in the employee publication to explain various Catholic, Jewish and other religious holidays.

[Memorandums to Heads of All Agencies]

EXECUTIVE ORDER 11246—STATEMENT ON EMPLOYMENT DISCRIMINATION ON THE BASIS OF RELIGION AND NATIONAL ORIGIN

U.S. DEPARTMENT OF LABOR,
Washington, D.C., May 20, 1971.

Discrimination on the basis of religious affiliation or national origin is as inconsistent with American principles as any other form of discrimination proscribed by Executive Order 11246, as amended. Discrimination has, of course, been illegal under Executive Orders dealing with the obligations of Government contractors and under Title VII of the Civil Rights Act of 1964, yet there have been few effective plans and programs dealing with this subject.

Studies indicate that religious discrimination affects mainly Jews, and to a lesser extent Catholics, who are primarily excluded from the executive and managerial levels of industry. To a certain extent, this problem is interrelated with discrimination on the basis of national origin. The subjects of either type of discrimination are entitled to attention and redress in the form of effective affirmative action programs.

Accordingly, I have directed the Office of Federal Contract Compliance to develop a compliance program to deal with the problem of religious discrimination. This program will be made a mandatory part of your compliance activities under Executive Order 11246. The Office of Federal Contract Compliance will provide, as necessary, the technical assistance needed to implement this religious compliance program.

At the same time, I am asking the Office of Federal Contract Compliance to develop appropriate programs to deal with discrimination on the basis of national origin.

J. D. HODGSON,
Secretary of Labor.

INTERNATIONAL TOURISM

Mr. MAGNUSON. Mr. President, 10 years ago Congress enacted the International Travel Act of 1961 which created the U.S. Travel Service in the Department of Commerce, and inaugurated a positive national program to promote travel to the United States.

At the time I introduced this legislation in the Senate, many Members of Congress were concerned that as a government the United States was not sensitive to the social, educational, and economic potential of a program directed at encouraging people in foreign countries to visit the United States.

Since its enactment I believe it is fair to say the number of tourists who now visit our shores, and the receipts from their visits have grown yearly. I also believe our development in this field is due in large measure to the combined efforts of the U.S. Travel Service and the private sector of the travel industry.

The Committee on Commerce held hearings in July 1969, to review the effectiveness of our program under the International Travel Act and to determine if the U.S. Travel Service needed additional authority and funds to build on its accomplishments.

The chairman of the hearings was the distinguished and able member of the Commerce Committee, the Senator from Hawaii (Mr. INOUYE).

As a consequence of the testimony received from all segments of the travel industry—private as well as Government—the committee reported legislation which significantly increased the stature and authority of the U.S. Travel Service.

That legislation was enacted in the 91st Congress.

Among its most significant features are the following:

First, The position of Director, U.S. Travel Service, was elevated to that of Assistant Secretary of Commerce for Tourism.

Second, The annual authorization for the Travel Service was raised from $4.7 to $15 million.

Third, A program of matching grants was established to encourage the 50 States to promote foreign tourism to their respective areas.

At the beginning of this Congress many Senators shared my conviction that international tourism would be one of the most significant social and economic forces in the coming decade.

In order that the Commerce Committee would be fully abreast of trends and developments in this most critical area, and thereby be in a position to discharge its legislative responsibilities to the Senate, as chairman of the Commerce Committee, I created a Subcommittee on Foreign Commerce and Tourism. The chairman of that subcommittee is Mr. INOUYE.

I wish to commend the Senator from Hawaii for the leadership he has shown in this area, and especially for the farsighted and statesmanlike keynote address he recently delivered at the American Society of Travel Agents World Travel Congress in Sydney, Australia.

In the words of the Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn:

Senator Inouye, in his keynote address, has clearly stated the facts of life regarding U.S. Tourism.

In my judgment, the distinguished Senator from Hawaii did this and more. He clearly and incisively pointed up the importance to the United States of international tourism, and the significant contribution it can make to our serious balance-of-trade and balance-of-payments problems.

Mr. President, I commend Senator INOUYE's address to the attention of every Senator and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY SENATOR DANIEL K. INOUYE AT THE AMERICAN SOCIETY OF TRAVEL AGENTS WORLD TRAVEL CONGRESS IN SYDNEY, AUSTRALIA

On August 15th, the President of the United States announced a new economic policy. On October 7th, he announced phase II of that policy.

The continuation of an extremely high rate of inflation, accompanying a rising and high rate of unemployment, at a time when 27% of America's industrial capacity was idle impressed President Nixon with the need to take strong action. With interest rates near their highest point in 100 years and with the real Gross National Product in 1970 declining for the first time since 1958, the President's action had strong popular support. Moreover, in 1971 the United States will suffer the first balance-of-payments deficit since 1893. For July of 1971 it had reached a $676.4 million figure. The second quarter 1971 deficit was the greatest in our nation's history, $3.5 billion.

Spurred by these facts, the President imposed a 10% surcharge on most imports as a part of his economic plan. That surcharge is designed to help our balance-of-trade by increasing the cost of imported goods to the American consumer and thereby encourage the purchase of American products. All of us, I am confident, support that objective and hope this step will help achieve that goal.

What struck me as strange, however, was that nowhere in the President's messages was anything said about tourism, and there was no attempt in his plan to utilize the potential of tourism to help our balance-of-trade and balance-of-payments problem. And let there be no mistake about it, tourism is a significant factor in these areas.

Consider, if you will, just two items that will be affected by the 10% surcharge. In 1970 the United States imported $1.7 billion of textiles, and exported slightly more than $1 billion. Thus, on this item we had a deficit of slightly over $700 million.

For the same year we imported $5.5 billion of motor vehicles and equipment, and exported $3.5 billion. A deficit of $2 billion.

Now what dollar amounts were involved in international tourism in 1970? Americans travelling abroad spent $5.2 billion, and our receipts from visitors amounted to $2.7 billion. The balance-of-payments deficit for tourism, $2.5 billion, exceeded either textiles or motor vehicles and equipment.

It seems to me that of the four major items within our international accounts which make up our earnings of foreign exchange—*merchandise trade, return on direct investments, merchandise transportation,* and *tourism*—the latter, *tourism,* has perhaps the greatest future potential to earn additional foreign exchange for our nation and improve our balance-of-payments position.

World tourism is a $17.4 billion business involving 168 million tourist trips per year. Although the United States has captured less than 10% of the visitors (13.2 million in 1970) and less than 16% of the receipts ($2.7 billion, including transportation), we know that there are some 80 million persons throughout the world with the financial ability to travel to the USA.

We must remember that each additional overseas and Mexican foreign tourist is equal to an export worth $400. This is their average foreign visitor expenditure in the United States. As a highly developed country, the United States is becoming more service-oriented with over 50% of our GNP now devoted to the service sector, *and tourism is a service industry.*

If the United States could attract 6.4 million more overseas and Mexican visitors, equaling an additional 8% more of the potential market, we would go a long way towards wiping out the travel gap.

Throughout the world, there are major impediments to trade and investment. With regard to tourism, however, no major western country has any serious restrictions on travel. The freedom to travel and the freedom to make a appeal for the tourist dollar remains more unencumbered than any other form of international transaction.

Every nation is competitive in its tourism attractions because each country has its unique areas. Nowhere else can you see Diamond Head, the Grand Canyon, Glacier Park or Mount Rushmore, except in the USA. Moreover, surveys have shown that foreign tourists, especially Europeans, place the U.S. Number One or Two on their list of desired travel destinations. With the development of competitive packages, we should be able to attract our share of world visitors. In addition, this country is so large and offers such a scenic and cultural variety that we should attract foreigners for a repeat visit. As an example of competitive packaging, in September of 1969, a $250 round-trip inclusive tour charter air fare was introduced between Japan and Hawaii. With Japanese monthly disposable incomes rising from $145 in 1963 to over $257 in 1970, and with the virtual elimination of currency restrictions on travel, Japanese travel to U.S. destinations has skyrocketed from 23,000 visitor arrivals in 1961 to over 207,000 visitors in 1970. In fact, Japan has become the second largest supplier of tourists for the U.S. and will probably take the lead in 1972. In addition, Japan ranks first in U.S. travel receipts from *overseas* countries with $101 million in 1970.

Tourism also brings with it jobs and tax revenues. For every $10,000–$12,000 spent by travelers, one job is created. Thus, 1,000 new or return foreign visitors spending $400 each, will provide 40 new jobs. In addition, 9% of every dollar spent in a non-financial establishment goes to taxes, with the Federal Government taking approximately 6% and State/local governments taking 3%. These same 1,000 people, therefore, would produce not only 40 new jobs but $36,000 in total direct tax revenues. This does not include any multiplier effect on the velocity of money nor does it include the money spent on transportation to and from the U.S.

This, then, is the reason I found it strange that there was no mention of tourism in the President's New Economic Policy. For you in the business of travel, however, I imagine it came as no great surprise. As a Government we have paid scant attention to the economic potential of tourism. Prior to 1961 we did nothing at the Governmental level to encourage tourists to visit the U.S. In that year Congress enacted the International Travel Act which created the United States Travel Service, and inaugurated a positive national program to increase the number of foreign visitors to our shores.

Even these efforts have been relatively modest, however. According to one source, the U.S. ranks twenty-sixth in terms of the amount of money it budgets for promotional spending to attract foreign visitors. For example, five years ago we spent $3 million, and the Republic of Ireland spent $10.5 million. In 1970 we spent $6.5 million, and the Republic of Ireland spent $13.7 million. The State of Texas spent $1.83 million in 1970; and Hawaii spent $730,000 in the same year. Throughout the entire world we have only eight United States travel Service officers and one international convention office to promote tourism to our country.

With such show of enthusiasm and support from our Government, it is not too difficult to imagine the problems a travel agent encounters trying to convince a prospective tourist that the USA is the place to see.

In my judgment it was also short-sighted of the CAB to deny approval of the agreement among domestic air carriers to expand the program of reduced-rate education and familiarization trips for travel agents.

After all, you are the people who *will sell* tourism in and to the United States, *if anyone will.*

My purpose for being here is not to lament the past, although we must learn from it. I am here to speak of the future. And by the future, I mean to include the *here* and *now.* There is, I believe, sound reason for brighter expectations. I would like to explain what has been done recently by the Congress in an effort to increase the flow of visitors and dollars to the United States, and what might reasonably be expected for the future.

In this, 92nd Congress, as part of his long standing commitment to, and recognition of, the value of international tourism, Senator Warren Magnuson, the Chairman of the Senate Commerce Committee, created a Subcommittee on Foreign Commerce and Tourism. I am privileged to be the Chairman of that Subcommittee. I also consider it to be a challenge.

In July 1969, I presided over hearings on legislation designed to increase and expand the role of the United States Travel Service. Many of us in the Congress were convinced of the tremendous opportunity before us as a nation to attract foreign visitors to the United States in the 1970's and ensuing decades. We also knew that in order to capitalize on this opportunity, Government and private industry must renew their efforts.

As a consequence of those hearings, major amendments to the International Travel Act of 1961 were enacted into law in October 1970.

Among other things, those amendments upgraded the Office of Director of the U.S. Travel Service to that of Assistant Secretary of Commerce for Tourism; increased the yearly authorization for the Travel Service from $4.7 million to $15 million; provided a program of matching grants for tourism promotion projects; and created a Travel Resources Review Commission to study the tourism needs and resources of the United States in the next decade.

In May of the following year my Subcommittee requested the new Assistant Secretary of Commerce for Tourism, Mr. C. Langhorne Washburn, the Chairman of the newly created National Tourism Resources Review Commission, Mr. Charles S. Thomas, and members of the private sector to appear before it and give a broad overview of the increased efforts by the Government and the private sector to improve the position of the United States in the world travel market.

At that hearing, Secretary Washburn listed a number of priority items which the Travel Service intended to pursue. I believe they bear repeating now, not only because they are most worthwhile in my judgment, but also to serve notice of my Committee's continuing interest in seeing they are developed Secretary Washburn said, and I quote:

"Among the high priority activities that I intend to pursue are:

"*First,* to follow a market segmentation strategy approach, tailoring each marketing mix to the needs and wants of the particular country and population segment to assure that our advertising message reaches the appropriate members of the market. Segmentation is absoluately vital because the international tourism market is one of the most sophisticated and highly competitive operations on the world scene today.

"*Second,* to obtain a sufficient base of information about the key tourist-generating markets in order to provide this information to industry and to use it as feedback regarding the effectiveness of our various projects.

"*Third,* to expand our efforts to secure more international conventions in the United States and more people to attend those conventions already scheduled for this country.

"*Fourth,* to encourage the industry and our States and cities through matching grants and joint contracts, to become more involved in marketing international travel to the United States. One high priority project is that of increased development of an inclusive tour system. It is estimated that by 1975, over 15 million people will travel via inclusive tours—211 percent more than the 4.9 million who did so in 1969. We need to build the necessary institutions and facilities in the United States to get our share of this market.

"*Fifth,* to improve our tourist plant facilities through:

"Expanded use of port reception corps at airports and airport symbols;

"Greater encouragement and involvement of Americans to be friendly hosts; assisting in alleviating the language problems through the hotel multi-lingual language certification program and the travel-phone to service the needs of the non-English-speaking foreign visitor."

This is all well and good, and I concur, but like previous attempts, good intentions and the rhetoric of hope will not suffice. If we are to carry out the program set forth by Secretary Washburn, several steps must be taken by the Congress and by the Administration. Let me briefly list some of them for you.

First, I most respectfully suggest to the Civil Aeronautics Board that the Board once again consider the matter of reduced fares for orientation trips for travel agents. Our hotels may increase their services, our airlines may provide many more extras and lounges, and our rent-a-car agencies may

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offer better deals. But, if the man and the woman behind the counter, our travel agents, are either reluctant or refuse to sell America to our customers, all these extras will be wasted. It is commonly accepted among travel agents that American travel agents know more about foreign visitor destination points than they do about American visitor destination points. Every effort should be made to make it easy for our travel agents to visit and know our United States and to make them aware that our nation is much more than Las Vegas, Disneyland, New York City and Waikiki Beach.

We have the desired destinations. In fact, our attractions are considerably more exciting and varied than can be offered by any other country. In what other country can one visit the Glaciers of Alaska, the Salt Lake of Utah, the rugged seashore of Maine, the excitement of Miami, the adventure of Las Vegas, the tropics of San Juan and of Waikiki I could go on and on. We have the destinations that have to be sold. If we expect our sales personnel to sell America, we should give them the opportunity to sample America.

Second, we should systematically amend and repeal those laws that serve only to discourage foreigners from visiting our shores.

In western Europe, a citizen need not go through the cumbersome application process for visas, health certificates, passports, etc. Why can't we simplify our process? For example, today Americans can visit Bermuda without a passport. All he has to do is to declare that he is an American citizen. The same is true for Mexico and Canada.

I have been told that our strict immigration laws applicable to foreign visitors have been established to keep out the "undesirable", but all of us know that an "undesirable", if he really wants to get into the United States, notwithstanding the cumbersome visa application, will do so. What I am suggesting is that, in our attempt to keep out the "undesirable", we are keeping out the "desirable".

Third, every effort should be made to convince the members of Congress and the Administration of the importance and urgency of the business of tourism. The program set forth by Secretary Washburn is deserving of support, not with just lip service, but with hard cash, and a piddling $6.5 million is just not enough. We have an opportunity of providing jobs for thousands of Americans. We have an opportunity to close the unfavorable trade gap, and a piddling $6.5 million is just not enough to do the job.

I shall do my best to convince my Congressional colleagues of this importance and urgency, and I hope you will join me in doing likewise.

RISE IN CORPORATE FARMING

Mr. COOK. Mr. President, in the December 5 edition of the New York Times, there appeared an article by D. Drummond Ayres, Jr., entitled "Rise in Corporate Farming, a Worry to Rural America." I believe the overwhelming majority of my colleagues in the Senate share this concern.

I believe, as my colleagues, that now is the time to reverse this trend. As the recent consideration of Mr. Butz for Secretary of Agriculture indicated, this issue has our attention.

The conclusion of Mr. Drummond's article best sums up the attitude of many of us here in the Senate.

Maybe Earl Butz will turn out to be the best thing that ever happened to us.

I wish him well in this endeavor, and ask unanimous consent that the Drummond article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RISE OF CORPORATE FARMING A WORRY TO RURAL AMERICA

(By B. Drummond Ayres Jr.)

KANSAS CITY, Mo.—Few things are growing faster down on the farm these days than corporate influence.

All across the United States, from the wide-open prairie surrounding this cattle and grain center to Maine's fertile potato fields and California's irrigated grapefruit groves, big business is diversifying and moving in on what once was strictly a family enterprise, a way of life.

International Telephone and Telegraph now produces not only transistors but also Smithfield hams.

Greyhound now runs not only buses but also turkey processing plants.

John Hancock now sells not only insurance but also soy beans.

Corporate farming or conglomerate farming or agribusiness—by any name it strikes deep fear in rural hearts, such deep fear that the new Secretary of Agriculture, Dr. Earl Butz, was almost rejected by the Senate after he had espoused the advantages of agricultural giantism and had disclosed membership on the boards of such super farm firms as Ralston Purina and Stokely-Van Camp.

Senator Gaylord Nelson called Dr. Butz's views "brazen" and has begun to investigate corporate influence in agriculture legislation. The Wisconsin Democrat says: "Corporate farming threatens an ultimate shift in power in rural America, a shift in control of the production of food and fiber away from the independent farmers, a shift of control of small town economies away from their citizens."

The Agribusiness Accountability Project a non-profit study group with headquarters in Washington, has been looking into corporate farming for more than a year and reports:

"Corporations generally have become the dominant force in rural America. Their concentration of agricultural markets and their power over rural people is increasing every day. Control of American agriculture has moved from the fields to the board rooms of New York, Kansas City, Los Angeles and other centers of big business."

Farmers themselves speak even more directly the problem. Summing up the position of one of the largest farmer associations, the National Farmers Organization, Rogers Blobaum of Creston, Ia. said:

"A corporate takeover of the food industry would be a national disaster."

Corporations everywhere deny any takeover is threatened.

"We're not trying to run anybody out of business," says George Kyd, a spokesman for Ralston Purina.

A MISLEADING PICTURE

At first glance, corporations do not seem to loom large on the agricultural scene. Of the 2.7 million farms left in the United States, only about 1 per cent are carried on the Agriculture Department's books as incorporated or owned by corporations. And most of the incorporators still insist they are "family farmers."

But that picture is misleading.

Corporate farms are big farms. Many consist of thousands of acres of the best land obtainable. Their owners often have backlogs of development capital and, if diversified, obtain numerous tax advantages.

On the other hand, the average American farm, the unincorporated farm, consists of only about 400 acres, some of them nonproductive. The man who owns this relatively small plot probably has no big capital backlog, often is deep in debt, and seldom receives any special tax breaks.

Eventually, he may have to sell out, flee to the already jammed city, surrender to those who have the capital to compete in a business where $6,000 deals have replaced $60 mules.

This surrender, in one form or another, takes place 2,000 times a week all across America. That is the average number of farm sales weekly, according to the Agriculture Department. Often, a well-heeled corporation names in to fill the void, or maybe a wealthy city doctor looking for a tax deal or maybe a neighboring farmer who has somehow found the means to expand and is on the brink of incorporation.

Actually, not all farming corporations own land. Some only lease and thus do not show up in farm statistics.

Other farming corporations neither own nor lease land. They simply contract for crops, an operating method that now accounts for about a fifth of the country's total agricultural output.

METHODS COMBINED

A few corporations use a combination of operating methods.

For instance, the Tenneco Oil Corporation owns and farms about 35,000 acres of Southern California's best crop land. It leases 100,000 acres more. And it contracts for the crops of dozens of other farms in the area.

The overall effect ie to make Tenneco one of the dominant agricultural forces in one of the biggest farming areas of a state that provides more than a third of all vegetables eaten in the United States.

Tenneco has no monopoly on the vegetable market. But in some other agricultural sectors, corporations have achieved dominance or near dominance.

Three companies—Purex, United Brands and Bud Antle—produce a large share of the lettuce eaten in America, a situation that has led to a rare agricultural antitrust investigation by the Federal Trade Commission. Many Government officials contend that a corporation cannot grow lettuce any cheaper than a family farmer, a point farm economists have frequently made, not only about lettuce but also about most other crops.

Another sector of agriculture dominated by corporate America is the broiler industry. There, 20 or so corporations are in control, producing everything from chicks to feed to packaged drumsticks. Among these companies are Pillsbury, Perdue and Ralston Purina, with which Secretary Butz was associated.

CHANGE AFTER WORLD WAR II

Until shortly after World War II, many broilers were raised in the barnyards of family farms. Small flocks of chickens, though always underfoot, supplied added income, cash for birthday presents or a winter weekend in the city.

Today, there is virtually no market for barnyard chickens. Instead, the family farmer is usually growing broilers under contract for one of the big agri-giants.

In a shed built with a loan from a corporation, he feeds mash produced by the corporation to chicks hatched in the corporation's incubators. When the birds are mature, the corporation takes them away, slaughters them in its own processing plant, packages them prettily, then ships them off to a supermarket—perhaps its own.

The farmer is paid $50 or so for every 1,000 chickens raised. But in any year, if times are hard or management particularly tough, the corporation may cut the growing fee in half.

Should the farmer refuse to sign a new contract, fine—so long as he pays off his loan on the corporation-financed chicken house.

Only last week, chicken farmers on the Delmarva Peninsula—comprising parts of Delaware, Maryland and Virginia—threatened court action when some broiler corporations proposed cutting growing fees in half.

And two years ago, in northern Alabama, growers became so incensed about reduced growing payments that they refused to sign new contracts and began to picket the offices of broiler companies. The companies refused to negotiate, however, and eventually the strikers gave in and returned to work.

Commenting on the strike's failure, one grower, Crawford Smith of Cullman, said: "Us folks in the chicken business are the only slaves left in this country."

George Kyd of Ralston Purina counters: "Chicken is cheaper to eat today than it was after World War II, and besides, a lot of farmers have been given work."

THE LESSON IS THERE

To which Harrison Wellford, one of Ralph Nader's agriculture "raiders," replies:

"Poultry peonage. One economist cranked in every applicable factor and concluded that most chicken farmers make minus 36 cents an hour. The broiler industry is the most corporatized in American agriculture and the lesson is there."

Foes of corporate farming refer to the broiler industry as being "vertically integrated"—that is, the corporations control almost everything from field to table. Few other segments of agriculture are so thoroughly integrated. But the trend is in that direction.

Tenneco recently told stockholders: "Tenneco's goal in agriculture is integration from seedling to supermarket."

In fact, the corporation has almost achieved its goal. Not only does it own land, but it also makes tractors, tractor fuel and pesticides. Furthermore, it packages farm products and sells them in little groceries attached to its service stations.

In the potato industry, some companies have achieved full integration. This became evident several years ago when Idaho farmers tried to get more money for their potatoes by withholding them from processors for several months.

The processors refused to give in. Instead, they dipped into storage houses filled with spuds they had quietly grown themselves or had quietly obtained through growing contracts.

Eventually, the growers surrendered. Their potatoes were beginning to rot.

In the hog and cattle industries, vertical integration remains limited. But corporate influence is being felt.

For instance, some concerns like Ralston Purina now rent gilts and boars to farmers, sell the farmers grain to feed the resulting pigs, then offer to market the pigs once they reach maturity.

In the cattle business, a few petroleum corporations have set up huge feed lots in the Southwest, some with 50,000 head or more. As a result, oil companies are steadily becoming an influential force in cattle feeding, encroaching on the family farmer, the man trying to pick up a little extra income by raising a dozen steers out in the barnyard where the chickens used to scratch.

Big food chains often buy directly from feed lots or set up their own feeding operations. Thus, they reduce the need for stockyards, the one place where the family farmer can always be sure of getting the best price for his cattle because the bidding there is always competitive.

Victor Ray, an official of the National Farmers Union, a large farmers association, contends that several years ago Denver supermarkets whipsawed steer prices down from 29 cents a pound to 21 cents a pound simply by repeatedly shifting purchases from feed lot to stockyards and back to feed lots. Mr. Ray says:

"When the chains weren't buying at the yards, prices naturally would drop. Of course, the chains denied any connection. But interestingly enough, all the while that wholesale meat prices were going down, retail meat prices stayed the same. I figure the people of Denver paid at least $4-million more for food during that period than they should have."

Here in Kansas City, there is a company that specializes in investing the excess capital of wealthy corporations or individuals into cattle and other agriculture operations. Called Oppenheimer Industries, it takes on no client with a net worth of less than $500,000 or an income tax bracket of less than 50 per cent.

Its specialty is "cowboy arithmetic," tax savings for the rich through depreciation, favorable capital gains levies and other legal loopholes. One of its clients is Gov. Ronald Reagan of California, who paid no state taxes in 1970.

The president of Oppenheimer Industries, H.L. Oppenheimer, argues that the money he steers away from the United States Treasury and into farming actually helps keep the family farmer in business and does not contribute significantly to the corporate invasion of rural America.

Federal tax records indicate that at least three out of every four people with annual incomes of $100,000 or more are involved in farming in some way, most of them reporting agricultural losses that can be written off against taxes on nonfarm income.

If Federal tax laws seem to help the city corporation that farms on the side more than the family farmer who farms full-time, they are not the only ways in which Federal programs tend to work against the little man.

The biggest farms—the ones with the wealthiest owners—receive the biggest agriculture subsidies. The biggest farms also get the biggest dollops of Government-supplied irrigation water.

Recently, Congress placed some limits on subsidies. And the courts are beginning to crack down on the big water users, particularly those who do not live on the land they farm.

But still the gap widens between the rich and the poor.

"We lost the battle against Earl Butz but the struggle sure swung attention toward the farm issue. I've never seen Washington so upset over an agricultural thing. Maybe Earl Butz will turn out to be the best thing that ever happened to us."

THE WRINGING OF HANDS

Mr. HARTKE. Mr. President, for the last 8 months this country has pursued a policy of ill-concealed support for the Pakistan Government of President Yahya Khan. During this period, the administration has steadfastly refused to take those actions which might have defused the growing crisis between India and Pakistan before it erupted into open warfare. Our failure to condemn the repressive policies of Pakistan, which have resulted in thousands of deaths in Bangla Desh and the creation of an unsupportable refugee problem in India, is in no small way responsible for the present conflict. The fact that we have chosen on several occasions to support the position of the Government of Pakistan to the detriment of India, makes our responsibility in this matter even more plain.

At this late hour we can undo the damage already done to our reputation in that part of the world only by preserving our strict neutrality in the events as they develop between the two warring nations. I would hope that our prior expressions of sympathy for the goals of President Khan will not be repeated in the coming days and that we will work through the United Nations to bring lasting peace to East Pakistan. Nor should we retreat from the possibility that the only way to achieve this goal may be through the recognition of Bangla Desh as an independent State.

A column published in today's New York Times aptly summarizes our misguided actions and concludes that this country's reputation, which was already at a low point because of our policies in Southeast Asia, is now in danger of irreparable harm. I ask unanimous consent that the article entitled "The Wringing of Hands," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WRINGING OF HANDS

(By Anthony Lewis)

LONDON, December 5.—Suppose that Britain, in the 1930's, had responded to Hitler's savagery by the early threat or use of military force instead of appeasement. If the Nixon Administration had been in power in Washington at the time, it would presumably have sent some official out to wring his hands in public and charge Britain with "major responsibility for the broader hostilities which have ensued."

So one must think after the American statement over the weekend blaming India for the hostilities with Pakistan. Few things said in the name of the United States lately have been quite so indecent. The anonymous state department official who made the comment matched Uriah Heep in sheer oleaginous cynicism about the facts of the situation and about our own moral position.

Consider first the immediate origins of this dispute. They are exceptionally clear as international relations go.

The military junta that rules Pakistan under President Yahya Khan held an election. The largest number of seats was won, democratically, by a Bengali party that favored effective self-government for East Pakistan. Yahya thereupon decided to wipe out the result of the election by force.

Last March West Pakistan troops flew into the East in large numbers and began a policy of slaughter. They murdered selected politicians, intellectuals and professionals, then indiscriminate masses. They burned villages. They held public castrations.

To compare Yahya Khan with Hitler is of course inexact. Yahya is not a man with a racist mission but a spokesman for xenophobic forces in West Pakistan. But in terms of results in terms of human beings killed, brutalized or made refugees—Yahya's record compares quite favorably with Hitler's early years.

The West Pakistanis have killed several hundred thousand civilians in the East, and an estimated ten million have fled to India. The oppression has been specifically on lines of race or religion. The victims are Bengalis or Hindus, not Czechs or Poles of Jews, and perhaps therefore less meaningful to us in the West. But to the victims the crime is the same.

This record has been no secret to the world. First-hand accounts of the horror inside East Pakistan were published months ago. The refugees were there in India to be photographed in all their pitiful misery.

But President Nixon and his foreign policy aides seemed to close their eyes to what everyone else could see. Month after month the President said not a word about the most

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appalling refugee situation of modern times. Private diplomacy was doubtless going on, but there was no visible sign of American pressure on Yahya Khan for the only step that could conceivably bring the refugees back—a political accommodation with the Bengalis.

Pakistan's argument was that it was all an internal affair. Yes, like the Nazi's treatment of German Jews. But even if one accepts as one must that Pakistan was bound to defend its territorial integrity, this issue had spilled beyond its borders. The refugee impact on India very soon made it clear that the peace of the whole subcontinent was threatened.

It was as if the entire population of New York City had suddenly been dumped on New Jersey to feed and clothe—only infinitely worse in terms of resources available. Yet when Indira Gandhi went to the capitals of the West for help in arranging a political solution in East Pakistan, she got nothing.

The Indians can be sanctimonious. Mrs. Gandhi acts for political reasons, not out of purity of heart. India has helped the Bangla Desh guerrillas and, in recent weeks, put provocative pressure on East Pakistan. All true. But given the extent of her interest and the intolerable pressure upon her, India has shown great restraint.

After all, India has not intervened in a civil conflict thousands of miles from her own border. She has not destroyed one-third of a distant country's forests, or bombed that land to such a point of saturation that it is marked by ten million craters. The United States has done those things and is still doing them; it is in a poor position to read moral lectures to India.

American policy toward the Indian subcontinent is as much of a disaster by standards of hard-nosed common sense as of compassion. India may be annoying and difficult, but she does happen to be the largest nation in the world following our notions of political freedom. In position and population she is by far the most important country of Asia apart from China. To alienate India—worse yet, to act so as to undermine her political stability—is a policy that defies rational explanation.

THE TERRORS OF AN AMTRAK TRAIN JOURNEY

Mr. ALLOTT. Mr. President, an enterprising journalist—a man brave to the point of foolhardiness—has exposed himself to the slings and arrows of rail passenger service. The journalist, Frank Leeming, Jr., is business editor of the Philadelphia Inquirer.

Mr. Leeming recently decided to investigate Amtrak from the railroad passenger's point of view. He voluntarily boarded the St. Louis-to-Philadelphia train. His report of the terrors of that journey is instructive.

In the belief that to be forewarned is to be forearmed, and as a gesture of solicitude for my fellow Senators, I ask unanimous consent that Mr. Leeming's report of that journey be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Dec. 5, 1971]

RATTLES AND GROANS MARK TYPICAL RUN FOR AMTRAK RIDER

(By Frank Leeming, Jr.)

One of the first things to do after accepting a new job is determine how to get to it. In terms of public transportation, there are usually three alternatives—plane, train and bus. Checking them out can be instructive.

To get from Decatur, Ill., to Philadelphia, the airlines would charge $76 for a first class seat, $1 less than a coach fare because of an arrangement between two carriers. Bus fare would be $36. And a train ticket from St. Louis—Decatur is off the passenger track—would cost $118 for a seven-by-four-foot bedroom.

Intrigued by the high fee and the fact that the St. Louis-to-Philadelphia train was operated by this city's bankrupt Penn Central Transportation Corp., it was decided to go by rail to see what would lure an individual into spending an extra $52 and 15 hours on the ground instead of traveling through the air. After all, Amtrak's national advertising campaign had been proclaiming that, "We want to save you time, money and aggravation." Maybe they want to, but they don't.

A passenger's initial moments in massive and deserted Union Station in St. Louis are aggravating. Handling baggage is a do-it-yourself affair. Tickets are sold for cash; credit cards haven't been recognized yet by Amtrak. The handful of passenger tracks are at a distant end of the station.

Once aboard, the porter apologized for the overheated room. "The heat's out of control," he said with a shrug. He also apologized for the grimy window, saying the window-washers had been too busy fixing the brakes.

There were only 16 passengers on the whole train, which had a capacity for 144 persons. That's an occupancy rate of 11 percent, compared with better than 70 percent on Penn Central—Amtrak's very successful Metroliner between Washington and New York.

In seeking to find out why prices were so high, one is told the rates are a carry-over from pre-Amtrak days when the railroads were doing all they could to discourage passenger service. Raising prices out of reach was one technique.

With Amtrak losing an estimated $150 million a year—the railroads lost $460 million a year before Amtrak took over—it is questionable whether rates will be lowered soon. However, Amtrak does feel it has the power to raise and lower prices without approval from the Interstate Commerce Commission and it may be recognized that long-term success will be possible only if fares are competitive.

Penn Central spokesmen cited more traditional reasons for the high fares. Unlike bus and airline firms, railroads must maintain their own rights-of-way and terminals. In most cases, governments own and operate airports and bus terminals, and planes fly through free air and buses use public highways.

In addition to high prices, long-distance railroad rides suffer from rough roadbeds. The ride between St. Louis and Philadelphia, for example, was quite rocky; it was difficult to read or write much of the time.

"They took our profits and poured them into everything but the railroad," a conductor said of Penn Central. "When they should have been fixing up the roadbed, they were buying pipelines. Now the rails aren't smooth enough for freight, let alone people."

"That's the old story," a Penn Central officer snorted. "The fact is that all railroads are losing money on their railroad operations. The only thing that's keeping the companies alive is their outside investments."

Railroad officials say the firm spent an additional $20 million on roadbed maintenance in the first 10 months of 1971, but one executive conceded that "some areas need more work."

Other delays are caused by freight trains. Although they are supposed to move aside for passenger traffic, many freight are so long the sidings cannot accommodate them and the two trains must jockey back and forth to permit the passenger to pass.

Labor costs, the traditional target for rail management, is another carry-over problem facing Amtrak officials. In the 21-hour journey from Kansas City to New York, five separate crews were employed to run our train. No crew worked more than five hours and 35 minutes, and one worked only four hours. Each member of a crew—there were at least five—received at least a full day's pay.

Because the individual railroad companies continue to operate passenger trains under contract with Amtrak, management practices that almost destroyed the service are still around. Ticket reservations, for example, are still handled ineptly, although Amtrak hopes to put everything on airline-like computers.

High-priced meals (60 cents for tomato juice, $3.40 for a hot turkey sandwich, 60 cents for a two-cup pot of coffee, $6.20 for a 14-ounce steak dinner), regardless of their excellent quality, still face the competition of free meals on airline flights. "They ought to serve free food, or at least free coffee and donuts," one passenger grumbled.

So why do people ride the rails? Those who work on the trains cite several reasons. It is generally relaxing and businessmen can corner themselves away from telephones and customers. Other persons are afraid to fly. Still others reject the long hours and motel living associated with highway travel. Finally, there are the railroad buffs who simply enjoy riding on trains.

But when analyzed, these reasons will not support a national railway system. Amtrak officials realize this, just as they recognize their $337 million initial bankroll will not be enough. In a continuing effort to reverse years of neglect and outright opposition, they went recently to the Federal Office of Management and Budget and asked for an additional $260 million subsidy to tide things over until June 30, 1973. The budget bureau cut the request back to $170 million; what will emerge from Congress is unclear.

Railroad officials in Philadelphia recognize the problems. They contend that long-distance rail service may always be a losing operation. They become enthusiastic about passenger trains only when the conversation turns to the northeast corridor and the heavily traveled stretch between Los Angeles and San Francisco.

"To be successful—which means keeping the fares down, running frequent trains, offering comfortable equipment—you have to have high volume," an area railroad executive said. "That means dealing with the businessman, who is the prime traveler.

"But to get his business, you have to show him you can save him time—that's the big thing. The only place we can do that is in the congested areas where we can zip into downtown areas and beat over-all air travel time."

REPORT OF NATIONAL PUBLIC RADIO ON HEALTH CARE

Mr. KENNEDY. Mr. President, National Public Radio is a noncommercial radio network with 118 affiliates broadcasting in 36 States, as well as Puerto Rico and the District of Columbia.

Last September, the National Public Radio system held public hearings on health care in six major cities across the United States—San Francisco, Boston, Atlanta, Philadelphia, Ann Arbor, and New York.

During the course of the hearings, both professionals and consumers alike continually reiterated the many reasons that more adequate health care and delivery are drastically needed in America today.

Mr. President, due to the continuing interest by all of us in the cause of health reform, I ask unanimous consent that a report summarizing the six hearings and broadcast over National Public Radio be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT TO CONGRESS AND THE NATION—NATIONAL PUBLIC RADIO "PUBLIC HEALTH CARE HEARINGS"

(Barbara Newman, moderator)

My name is Donald Quayle and I am President of National Public Radio, which is the noncommercial radio network with 118 stations broadcasting in 36 states, Puerto Rico and the District of Columbia.

Mr. Chairman, we appreciate the opportunity to appear before you today and transmit to this committee the information which National Public Radio has gleaned from its six public hearings on health care and national health insurance which were held this past September in San Francisco, Boston, Atlanta, Philadelphia, Ann Arbor, and New York.

We do not appear here today as experts on the intricacies of national health insurance nor do we come here to espouse any of the proposed bills. We appear here today to transmit to you the findings of the NPR health hearings. First, I would like to give you a little background on these hearings. Our purpose in holding them was two-fold. Because the health crisis is undoubtedly one of the most important issues on the legislative agenda of this body, we felt that it was important to inform people regarding the complexities of the proposed national health insurance legislation to enable them to participate meaningfully in this public debate. Second, it was our purpose to facilitate communications between those most concerned about health—consumers, providers and insurers—and those who will ultimately enact health care legislation—members of the United States Congress.

We realize that this committee has permitted testimony from all who desire to appear here. However, the fact remains that the average citizen is not the customary congressional witness. So, it is our hope that we can transmit to you today knowledge which you otherwise might not have received.

I think the primary function which we can serve is to humanize the debate. These several weeks you have all been hearing testimony regarding the health crisis, testimony replete with statistics of the soaring costs of health care which command 7 percent of the GNP, of the inacessibility of health care, of the health manpower shortage, and of uneven quality care. Statistics are a somewhat cold commodity, devoid of the urgency of human experience. What we found during our health hearings was a widespread concern about the health crisis and what we heard was the human agony which some people have experienced at the hands of the health system.

EINAR MOHN. According to the AFL–CIO research department, sixty percent of all personal bankruptcies in America are directly attributable to health costs. But beyond the bankruptcies are the millions of people who simply do without health care except as a last resort; who delay treatment because they cannot afford it; who do not fill their prescriptions because of the cost of drugs; who must allow minor health problems to become major because in our health industry today the cash register sits next to the appointment book.

EVE MAPES. I am alone with, and support my three children, one of whom is asthmatic. Nearly every year of his life he must be hospitalized with pneumonia. Medical insurance for the whole family was cancelled on the grounds that we did not list the child's asthma as a pre-existing condition when in fact we did not know he had asthma.

This left us unexpectedly in debt for several hundred dollars. We had been a middle class tax paying family who believed in yearly medical checkups and trips to the dentist. But from that point on, our economic situation and the level of health care deteriorated. One of the worst effects of this situation was, of course, psychological. We found that we lost our dignity when we lost our money.

BARBARA NEWMAN. Health care in this nation is in crisis. Speak to almost any person in America and you get a health horror story. You hear about families with savings wiped out, about unavailability and shoddy quality of care, and a growing resentment against health providers. The image of the doctor has become somewhat tarnished.

Chairman Wilbur Mills of the House Ways and Means Committee recently opened his committee's health hearings with the remark that Americans are increasingly resentful of trying to find their way through a maze of referring practitioners to find services for which a higher and higher part of the family budget must be used, and this without confidence that the care finally obtained is appropriate or of high quality.

Congress will undoubtedly pass a health bill within the next few years. A Harris Poll found public support for passage of national health insurance running at almost two to one, and most politicians on Capitol Hill are in favor of one of the health insurance proposals pending before Congress. The question is, what kind of a bill will be passed, and how adequate will it be in ending the health crisis?

Because health is such an important issue, and because House Ways and Means Committee has not permitted live coverage of its health hearings, National Public Radio this past September sponsored a series of six public hearings on health care and national health insurance. With the belief that the public should be apprised of the differences in the pending legislation, and that legislators in turn should be apprised about the wishes of the public, we went to San Francisco, to Boston, to Ann Arbor, New York, Philadelphia, and Atlanta. As participants we invited those most concerned with the issue of health—health consumers, insurers, physicians, and hospital officials, as well as those who will enact national health legislation, U.S. Congressmen.

One of the most insistent themes throughout the hearings was the hardship brought by rising health costs. The two people you heard at the beginning of this program, Einar Mohn of the California Teamsters Union, and Eve Napes, a Los Angeles housewife, testified at our San Francisco hearing.

National health costs—seventy billion dollars a year—are rising at twice the rate of the consumer price index. According to the Department of Health, Education, and Welfare medical expenses will rise fifty percent in the first half of this decade, and the rise in the health share of the gross national product will be as great as the rise in defense spending at the start of the Vietnam war.

One health planner characterizes health as the Vietnam of the 1970's. He sees billions and billions of dollars going into a quagmire. At the NPR New York health hearing, Shirley Kronberg, director of the Neighborhood Service Council of the New York Hotel Trades Council, recounted some incidents of high medical cost in a discussion with New York Republican Congressman Ogden Reid.

SHIRLEY KRONBERG. I have one bill here where a woman entered a hospital in this city at 9 AM, was discharged at 6 PM, and her bill is three hundred and nineteen dollars. Interestingly enough, laboratory services, a hundred and twenty-seven dollars. We asked the hospital for a breakdown of these laboratory costs. They sent us a list of all of the tests made. And we understand that there is now a computer through which they put these few drops of blood and they can obtain a variety of tests for a very, very small fee. Nevertheless, they charged her tests—you know, fifteen dollars, twenty dollars, twenty-five dollars—whereas in fact these tests cost them very, very little.

Congressman OGDEN REID. What was the actual room charge there?

KRONBERG. Seventy-five dollars. For room and board.

Congressman REID. For less than twenty-four hours?

KRONBERG. Six hours. Blue Cross pays eighty dollars for maternity confinement, and is now increasing this to a hundred dollars. But the average bill is over six hundred dollars. And I have a very interesting bill that was brought in by one of our workers this week in which his wife delivered prematurely at home. A policeman called, he got the ambulance, she was brought to the hospital, she was in the hospital three days. She had already delivered the baby. His bill for this three days in the hospital is two hundred and nineteen dollars for the baby, and three hundred and sixty-two dollars and fifty cents for the mother. Now this is for three days. And here are the two bills. And Blue Cross of this paid eighty dollars.

Congressman REID. Have you found, Mrs. Kronberg, that group medicine and peer pressure and peer judgment has lowered some of the costs?

KRONBERG. I don't see where the peer judgments have lowered anything. I know that the AMA spent millions of dollars fighting against Medicare, and they've been the greatest beneficiary of Medicare. The insurance companies haven't done anything over the years to stay the rising costs. And the insurance companies, and in some cases such as Blue Shield, which a doctor operated, have certainly not done anything about questioning their costs, either by the doctors or the hospitals.

NEWMAN. That was Shirley Kronberg at our New York hearing.

The greatest increase in health spending has been in hospital rates. They have risen five-fold in the last four years and now hover at about a hundred dollars a day. The *New York Times* states that some projections put average hospital room charges at a thousand dollars a day by 1981.

Critics of the health insurance industry charge that private insurance companies have not acted effectively to keep these costs down. Much of the criticism of the health industry is directed at Blue Cross, which pays about fifty percent of the nation's hospital bills. Blue Cross is non-profit and tax exempt. But some think that its very institutional structure perpetuates the interest of the hospitals at the expense of the health consumer. The American Hospital Association actually owns the Blue Cross trademark, and in most of the nation's seventy-four local Blue Cross plans, the boards of directors preponderantly represent hospitals' and physicians' interests.

The key area of debate, then, on national health insurance will be the role of the insurance industry. Of the major national health insurance bills pending before Congress, only the Health Security Act, introduced by Senator Edward Kennedy, would eliminate the insurance industry from health care. Under the Kennedy legislation, cradle-to-grave health coverage would be available to all U.S. residents. It would be administered by the Federal government.

The administration's Health Insurance Partnership Act retains the insurance industry as fiscal intermediary in health care. It actually mandates that all employed persons must purchase private health insurance. The administration has proposed tighter regulation of the insurance industry, but would leave enforcement up to the states.

The AMA's Medicredit bill and the Health Insurance Association's Health Care bill both provide tax incentives for the voluntary purchase of private health insurance.

There are a great number of health experts who question the advisability of retaining the private insurance industry under national health insurance. From Boston,

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John O'Leary, former Massachusetts Rate Commissioner, and from Ann Arbor, Doctor S. J. Axelrod, Professor of Medical Care Organization at the University of Michigan. First, O'Leary.

JOHN O'LEARY. I have considerable questions in my mind as to the role that the health insurance industry should play in a national health insurance program. I cannot help but express extreme concern over the lack of effort on the part of the insurance industry, generally speaking, in the past, to try and influence the organization of the health care delivery system in order to bring about somewhat more efficient and economical delivery of service.

Doctor S. J. AXELROD. The very widespread interest in health insurance, as evidenced by the numerous proposals now before Congress, it seems to me is largely a response—a political response—the high and rising cost of medical care, primarily, and also a response to the inadequacies of private—that is to say voluntary—health insurance as a means for handling these costs. The private enterprise, or ethos, if you will, of our health service industry sees further expression in the fact that private commercial health insurance dominates the field, and this kind of dominance results in considering health insurance not so much a means of providing adequate service, but rather a means of paying bills. And along with this fiscal view of health insurance, of course, it is accepted that there will be payments levied on patients who regard themselves as insured, but payments through deductibles and co-insurance which very often act as important deterrents to the receipt of care.

The fiscal view of insurance concentrates on large medical bills which relatively few people have—very large medical bills, that is. And in general the whole coloration of the health insurance industry takes the view that health insurance should be a mechanism for exchanging dollars, rather than for providing necessary and adequate health services.

NEWMAN. That was Professor Axelrod of the University of Michigan. From California, labor leader Einar Mohn.

EINAR MOHN. For twenty-five years we have gone to the bargaining table with employers and come away with more and more money to pay for health care—money that was needed for wages and other benefits. For twenty-five years we have given the private insurance industry every opportunity to work, we have put our hard won health benefits into their hands, asking them to restrain costs, and to exercise some control over the quality of care provided in hospitals and physicians offices.

The record of achievement by the insurance industry is marked by failure, disinterest, neglect of health needs, and certainly profiteering. California's unions are now pumping one billion dollars annually into the health industry through negotiated benefits. Our estimates make us believe that at least twenty percent of the money negotiated for in our contracts does not go to provide health care. It goes for costs, it goes for a lot of other things, but do not provide health care. That's far too high a cost.

In good faith, labor has tried to live with the private insurance industry, and tried to live with voluntary methods of policing quality. But the experiment is over. We now want, and need, national legislation that will publicly manage our dollars and exercise public control over the health industry.

NEWMAN. On the other side of the issue are representatives of organized medicine, the insurance industry, and the hospitals who wish to retain the private health insurance industry. These views were best expressed at our San Francisco hearing by William Wayland, Executive Secretary of the California Hospital Association, and Dr. Roberta Fenlon, President of the California State Medical Society. In Ann Arbor, Edward Connors, Director of the University of Michigan Hospital, spoke for the hospital interests in favor of retaining the insurance industry and health care. First, William Wayland.

WILLIAM WAYLAND. Despite the criticism of the health industry, it has been eminently successful in fulfilling its basic goal, the provision of good quality health care.

Doctor ROBERTA FENLON. A national system of health care must be based on the insurance concept. Just as every driver in California is required to have automobile insurance, everyone should be required to carry adequate health insurance.

EDWARD CONNORS. I believe that government's role in financing should complement and strengthen the basic health insurance mechanisms, rather than replace them. I acknowledge without question that health insurance needs to be strengthened; it needs to be required or assured for all citizens. And it needs, I believe, to be subject to tighter regulation. But I think the record in many respects of health insurance in this country has been remarkably good, and I would disagree with some of the former speakers that implied that all they are interested in—these are health insurance now—that all they are interested in is just the financing portion—in trading dollars. And I think sitting from my perspective as a provider, there has been a fair amount of progress—probably more progress than in any other sector that I know of—prompted by particularly the Blues in health insurance on such important issues as the appropriate use of the hospital, and cost containment and control. And from my view I think it would be a tragedy as a public policy to dissolve this vital link in the system.

NEWMAN. That was Edward Connors, Director of the University of Michigan Hospital. In Philadelphia, Robert Carpenter, vice president of the Penn Mutual Life Insurance Company, critiqued the proposed national health insurance bills from the insurance industry's viewpoint.

ROBERT CARPENTER. The health insurance industry's plan does not attempt to promise more than can be provided, establish a whole new government bureaucracy, create huge new demands on the existing facilities by promising "free care," and impose huge new taxes on the constituency which is already reeling from tremendously increased taxation in recent years, such as the health security act program sponsored by Senator Kennedy does. Neither does it force a substantial financial burden on employers, or provide different standards of care for different classes of citizens which the administration proposal includes. It covers the broad range of the problem as contrasted with the limited approach to covering catastrophic health care costs under Senator Long's bill. It does not place its complete reliance on the yet relatively untested organizational structure for delivering care as proposed by the American Hospital Association's Ameriplan, and it does not rely primarily upon tax incentives for private health insurance programs as proposed by the American Medical Association.

NEWMAN. Thank you very much, Mr. Carpenter. The report of the—the staff report of the Senate Finance Committee of 1970 stated: "Carrier performance under Medicare has in the majority of instances been erratic, inefficient, costly and inconsistent with congressional intent. Unquestionably, many millions of dollars of public funds have to subsidize carrier inefficiency." In view of this, why should we retain the insurance industry in national health insurance legislation?

CARPENTER. That's always an interesting question. And the health insurance industry does have to stand on its record. I believe that when any program is inaugurated you're going to have these types of problems. I think that if you were to move away from private insurance toward the direction of the national security health program advocated by Senator Kennedy you would find that the government bureaucracy to be created would be so much tremendously more inefficient that you would have much greater problems.

NEWMAN. Insurance executive Robert Carpenter found a surprising ally in Pennsylvania's State Insurance Commissioner, Herbert Denenberg. Doctor Denenberg is a vociferous reformer and critic of the health insurance industry, but surprisingly refused to endorse the Kennedy health security bill. He questioned the advisability of administering national health insurance through a governmental bureaucracy.

HERBERT DENENBERG. Public confidence must be reestablished in the federal bureaucracy before great additional responsibilities are entrusted to it. The Kennedy proposal, the national health security plan, scraps private health insurance altogether. Thus, the proposal scraps good and bad insurance companies without distinction. It is true that private health insurance has not performed effectively. But it is also true that we have not subjected it to effective regulation. We are trying to make up for this shortcoming in Pennsylvania.

The Kennedy bill, in view of the deficiencies of private health insurance, would therefore abandon private insurance and substitute government insurance. Medicare demonstrates government is not the whole answer. And it can be as unsatisfactory as private insurance. Many non-profit insurance companies, for example, are doing a better job than Medicare in controlling costs and quality.

Here you see bureaucratic distortion of the intent of Congress in the establishment of the Medicare program. Congress intended Medicare to pay for the necessary costs of patient care to our senior citizens. The bureaucrats somehow distorted the congressional intent and turned Medicare for the aged into an uncontrolled educational subsidy for the medical profession. Medicare, however laudable in its social purpose, has greatly contributed to our runaway inflation of medical costs. Medicare, which should have been part of the solution, instead has become a central part of the problem of our health delivery system. Medicare not only contributes to the problem, but attempts to veil its operations in the cloak of secrecy. We asked for certain studies of Medicare fiscal intermediaries, and were turned down on the basis of executive privilege. The Medicare people thought the studies might be "misinterpreted." Others were refused access to the studies as well. We finally obtained copies of the study, only for our own use, but they still have not been made public. How can we entrust further responsibility to a government agency that now betrays its public trust? How can we extend Medicare to national health insurance when Medicare now fails to perform its central function of cost and quality control over medical and hospital care?

The key issue is not so much the mixture of government and private insurance, as the mixture of cost and quality controls in the system that emerges.

NEWMAN. Pennsylvania's State Insurance Commissioner, Herbert Denenberg.

People often lump quality and cost together when they discuss the health crisis. For example, proponents of each of the national health insurance bills claim that their bill will provide cost controls while upgrading the quality of care.

New York City, under the direction of its Deputy Health Commissioner, Doctor Lowell Bellin, has embarked on a unique program of auditing costs and quality of care rendered by private practitioners to New York Medicaid patients. Doctor Bellin's staff actually goes into doctors' offices, randomly pulls patient files, and examines medical records. This is the only medical audit of its kind in the nation, and has aroused great resentment from physicians.

Doctor Bellin is one of the most outspoken critics of poor quality medicine and the ineffectiveness of medical peer review. Medicine is self-regulated. Traditionally, doctors have argued that only doctors can regulate quality and costs. Doctor Bellin doesn't dispute this point, but he does feel that peer review must involve outside physicians who don't have a stake in protecting their colleagues. He is not optimistic about quality controls within any of the national health insurance bills.

Doctor LOWELL BELLIN. In an attempt to meet the health care crisis, every proposal deals with financing, manpower, and improvement of the delivery system. Regrettably, every proposal also bypasses quality control of services provided to patients. For example, the major emphasis of the President's program and the Kennedy bill are cost controls and minimum standards. The American Hospital Association plan stresses cost controls and peer review. And the health insurance industry plan provides for state control and controls on over utilization through patient payments of deductibles and co-insurance.

Quality control, which includes the availability, acceptability, and nature of care, is defined as a system for verifying and maintaining a desired level of quality in a product or process by careful planning, use of proper equipment, continued inspection, and corrective action when required. Quality is the prerequisite element of that cost control. Without it any cost is too much. Because the major abuse in dollar value is over utilization of service, enormous sums of money can be saved by constraining over utilization, not only within private offices, but particularly within hospitals.

People who emphasize how much auditing of health care services cost the government are either uninformed or wish to keep others misinformed. At present the New York City Department of Health is saving and recovering two and a half to three dollars for every auditing dollar spent. There is only one spot to place ultimate auditing activities of publicly funded health care services. That spot is a public agency. This means that the public agency must have courage. Many of our public agencies are craven as well as technically incompetent.

After the instructive experience of the past five years with Medicare and Medicaid, it is incongruous that anyone dare suggest to legislators that the appropriate place for auditing is exclusively, a) within professional societies, or b) within the fiscal intermediary. They both are too intimately associated with the constituents to be granted the ultimate responsibility of either quality control or cost control. It is an administrative truism that evaluation must be isolated from operation. For the Federal government to violate this principle by funding evaluation of health care services primarily in professional societies, and/or in fiscal intermediaries, is to replicate the folly that has bedevilled Medicare and Medicaid since the mid 1960's.

Since 1965 we all should have learned that tokenistic regulation of quality and cost of health services always discredits any publicly funded health care program.

NEWMAN. Doctor Lowell Bellin, New York's Deputy Health Commissioner.

Supporters of the Kennedy National Health Security bill put great store in its quality controls. Its main quality contrpl is that only board certified or qualified surgeons will be reimbursed for major surgery. There are currently twenty specialty boads in medicine and surgery. In order to be board certified, the doctor must participate in several additional years of post graduate work after residency, and must pass a rigorous written and clinical examination. The reason the Kennedy bill focuses on surgery is because many people feel that far too much surgery is performed in this country. Of the seventeen million surgical procedures that will be done in hospitals this year, many doctors feel that a great number will be inadvisable.

As surgery always involves risk of post operative infection or problems with anesthesia, the old adage, when in doubt, cut it out, is not good medicine. Yet Fortune magazine quotes an official of the AMA as saying that the rise in tonsillectomies under Medicaid verges on the scandalous. This unnecessary surgery has become so prevalent that a new term, remunerectomies, has been coined by critics.

Doctor Lowell Bellin, concerned about unnecessary surgery, does not think that even the Kennedy health bill has sufficient quality controls.

BELLIN. The basic, I think is not going to be attacked by addressing specifics, like whether or not there will be a board certified or a board eligible surgeon who is going to be reimbursed for his service. There is no guarantee, for example, that a board certified surgeon is going to do the job properly. This is only one step forward. We know, for example, the famous study carried out by Doctor Trussell, formerly the Hospital Commissioner and Dean of the Columbia University School of Public Health, some years ago here in the city of New York, that a significant portion of the surgery in New York—something like one-third was found to be inadequate, despite the fact that frequently, and most of the time, these were board certified and board qualified surgeons. When the study was continued, to actually ask the patients, what did you think of the quality of work you received; about eighty-five percent of the patients who had received this care, which in Doctor Trussell's and his staff's opinion was completely inadequate, were quite happy with that care and returned to their original doctor.

So what I'm trying to point out is this, that this is one step. But I'm even more concerned with something more fundamental, the actual issue of getting the right kind of structure to monitor this thing, to promulgate a number of standards, and to enforce these standards. This is what's the key to the entire issue.

NEWMAN. One of the basic reforms in the health system is the development of Health Maintenance Organizations—HMO's. Both the Kennedy and administration national health insurance bills provide funds and incentives for their creation. The largest HMO in the nation is the Kaiser plan on the west coast.

HMO's are actually pre-paid group practices; places where several doctors join together in a group practice and are paid a certain amount per patient per month, regardless of how often the patient uses the services. This is called payment on a capitation basis. Currently most doctors are paid on a fee-for-service basis. That is, you pay them for each office visit, and for each procedure they perform. Critics say that this encourages a system of sickness care and not health care. There is no incentive now for the physician to keep the patient well when he is paid only when they are sick.

In Atlanta, Reverend Andrew Young, Vice Chairman of the Southern Christian Leadership Conference, made a strong case for HMO's.

Reverend ANDREW YOUNG. I'd like to think of us as working toward a health care system that rewarded people and doctors for health rather than for sickness. Right now, the more operations they perform, the sicker people get, the richer doctors get. In fact, it's even more ridiculous because you get to go in the hospital and get an operation, and then your health insurance pays for it, when a doctor could probably do it in his office.

And I think the setup of our hospitalization insurance presently drives people to the hospital, and encourages hospitalization, when I think we've got to have some kind of health insurance or some kind of health plan that encourages people to stay well. Along with this I think, the kind of system that would reward people for good nutrition. I'd like to see a group of patients or community served by a team of physicians where at the end of the year they would get a bonus if they had less than the national average of operations for people in that age and income bracket, rather than be rewarded for the more operations they have. I think in some health care plans—I think this was true in the Kaiser plan—where people were rewarded for going to get regular checkups. And they found that in certain categories of operations, they were remarkably less when people received rewards for staying well than they were when people almost had to get sick in order to get some kind of serious medical attention or some consideration from their insurance.

NEWMAN. Reverend Andrew Young of the Southern Christian Leadership Conference.

In San Francisco Republican William Mailliard and Kaiser Foundation Vice President Robert Erickson discuss how Kaiser has kept costs lower than commercial insurance plans. Congressman Mailliard speaks first about commercial health insurance.

Congressman WILLIAM MAILLIARD. The nature of the coverage is much more complete if a patient is hospitalized than if they're kept out of the hospital.

ROBERT ERICKSON. That's true. And our system does have comprehensive outpatient coverage as well as inpatient coverage so that the physician can choose the care that's most appropriate to the patient without being concerned about the out of pocket cost to the patient. I think the most unique feature is savings in hospital utilization.

NEWMAN. Regarding Kaiser's ability to keep costs down and hospitalizations lower than other plans, doctors receive extra bonuses if costs are kept within a budget framework. Would you explain that, please?

ERICKSON. There is an incentive program that gives the physician an added piece of the action, you might say, in controlling costs and in accepting financial responsibility. And if there is a surplus above the budget at the end of the year, they receive a share of that surplus.

NEWMAN. Mr. Erickson, we hear that the surgical rate for those with group plans is half that for those with commercial health insurance. And people have indicated that there seems to be too much surgery—much unnecessary surgery in this country.

ERICKSON. I do know that studies have indicated that the rate of surgery in organized group practice programs, including Kaiser, is substantially less. And it may resemble a fifty to sixty percent rate, at least in many of the studies. I think it may be even more marked in some of the truly elective type of surgeries, such as tonsillectomies, OBGYN-type surgeries that are truly elective. The incentives for unnecessary surgeries are removed from an organized system, and this may be a factor in the surgical rates.

NEWMAN. Are you saying, in other words that the doctors under the group plans such as yours are remunerated on an annual basis, and do not make extra money for doing surgery?

ERICKSON. That is correct. They are paid so much per member per month.

NEWMAN. Despite the fact that most health reformers advocate HMO's, there are some who doubt their ability to improve the nation's health system. Dr. Oliver Fein of the Health Policy Advisory Center, who has

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done extensive research on health, expressed his misgivings about HMO's at our New York hearing.

Dr. OLIVER FEIN. The health maintenance organization program, a program that Nixon—reorganization of the health system is pointed to as one program that is likely to keep costs down. But I say at the expense of the patient. Here's the way it works. The government contracts with an HMO to provide care to a certain population at a fixed pre-paid price. If the costs of providing care exceed the pre-paid price, the HMO will have to make up the deficit itself. If, on the other hand, the HMO keeps its costs under the pre-paid amount, then the HMO keeps the difference as profit. The profits lie in holding services to a minimum. HMO's are just one more way of reducing consumer demand. This will be done by long waiting lines, delays in elective surgery, rather than in real preventive care.

Without consumer control to monitor the practices of HMO's, they will end up serving the doctors and the hospitals interests, not the patient.

NEWMAN. Dr. Oliver Fein at the New York Health hearing.

And this leads to a major issue for which we found a surprising amount of support. When one hears the words "consumer control" one tends to dismiss them as rhetoric of the left, or stale slogans of the Great Society. Yet in every city we went we found support for consumer participation and even control of a revitalized health system. The support came from doctors, nurses and from Pennsylvania Insurance Commissioner, Herbert Denenberg.

HERBERT DENENBERG. I think the most important thing in the whole system, and it's both the cost and quality control, is to be certain that the consumers are in control, and that the consumers are participating in these decisions as much as possible. Our health delivery system is a Frankenstein monster, built on Rube Goldberg principles, and it is now confronted by a public with rising expectations and by a new technology that is dramatically extensive and dynamic. But it goes on its merry way, indifferent to the needs of the community in its limited ability to pay ever increasing medical and hospital costs.

The system is basically run for the benefit of doctors, hospitals, the drug industry, and the other providers of medical care. I have seen first hand the contempt for consumer input and participation in our hospitals while I participated in the negotiations of a new hospital Blue Cross contract. As a result of this indifference, and even contempt, for the consumer, the system delivers bad medicine at high prices. For example, it duplicates facilities for open heart surgery for the convenience of doctors to the point where costs are way up, while quality is way down because of the limited volume in each facility.

The system's inability to control costs is exceeded only by its inability to control quality.

NEWMAN. In Philadelphia a spontaneous discussion developed on the issue of consumer control and peer review between Doctor Ted Tapper, a recent Harvard Medical School graduate, and Doctor Benjamin Friedman, a representative of the AMA.

Doctor TED TAPPER. I think that physicians reviewing their own quality and practices is like asking the owners of the National League and American League baseball teams to review their programs and practices. I think that if you have no outside people looking in, especially people who have no vested interests, as obviously physicians do, in medical schools, in practices in local areas, and in hospitals, if you have no outside people looking in, you're going to get the same kind of system that you have now. Which, in effect, is no quality control and no peer review of a true nature.

Doctor BENJAMIN FRIEDMAN. I do want to comment about peer review approach. Our desire is to create a structure so that there will be constant review of quality. We have seen in other nations where massive interference has resulted in decline in quality. It is our desire to set up a program which would not result in such massive, complicated, bureaucratic procedures so that we could not to the best of our advantage discharge our responsibility to our patients.

TAPPER. I agree with you. I think that it would be undesirable to set up a vast bureaucratic structure. And I think it would be undesirable to compromise quality of control. My only point is that if you have physicians looking after other physicians, with no one else looking at them, you are going to have the same kind of very quiet behind the scenes covering up of poor quality and rampant cost non-control. I would hope that you would get much more truly representative consumers, other than some of the mainline types who are on hospital boards of trustees, on the utilization review committees and really get people who are going to start questioning doctors, who are going to start saying why was that very minor surgical procedure kept in the intensive care unit for four days after his tonsillectomy; why was that child with an upper respiratory tract infection admitted to hospital in the first place? Until you start getting people in who are going to make these questions very, very vivid to the physicians and hospital administrators, I think that you are going to have the same sort of system that you have now, which is a very inadequate one.

NEWMAN. Doctor Ted Tapper in Philadelphia.

Several witnesses criticized all of the proposed national health insurance bills as inadequate in providing accountability to health consumers. Doctor Oliver Fein at our New York hearing.

FEIN. If we look at all the proposed schemes on the spectrum from the Nixon administration proposal, which is among the most conservative, to the Kennedy proposal, which is the most liberal, it becomes apparent the Nixon administration proposals will change almost nothing—just a larger number of people will be insured with the inadequate health insurance that Mrs. Kronberg described earlier. The Kennedy proposals will likely leave control of the system unchanged, or shift it toward control by the corporate forces, such as the big hospitals, medical centers, and insurance companies.

To this dead end I can only propose a fundamental alternative. The only way to change the health system so that it provides adequate, dignified care for all is to take power over the health system away from the people who now control it. Not merely the funding of the system, but the system itself, must be public. It then becomes possible to face such questions as how we decentralize the national health care system to make it responsible to the community and accountable to it, and how we insure that patient care is the primary priority of the system, and how we insure equal access to health institutions and to practitioners.

NEWMAN. That was Doctor Oliver Fein in New York.

From Boston, Mrs. Ann Stokes, head of the Columbia Point Neighborhood Health Center's Consumer Organization.

Mrs. ANN STOKES. Health insurance bills, as they stand at the present time, do not include consumer participation in a way that the recipient of service can determine what kind of care will be given. The consumer areas of interest are: one, receiving comprehensive health care; two, to be able to give their reaction to the care received; and three, a degree of knowing that they will receive continuous family care.

The medical professionals, AMA, must begin to communicate with the communities. Information must be shared. And the professional and the community will have to work together to develop a health plan, to define concerns, and identify those powers which belong to the community, those which belong to the professional, and those we share. Or else, like welfare reform, anti-poverty programs and the various health plans will be doomed before they are implemented.

NEWMAN. Mrs. Ann Stokes in Boston.

Mrs. Ann Garland, chief outpatient nurse at Pennsylvania General Hospital.

Mrs. ANN GARLAND. Minority patients have great resentments in the hospital. Mainly among them are the first name basis. When a patient comes in the hospital, whether they're in a private room or a ward, they're not in the hospital five minutes before a nurse pops right into the room and greets them with a cheery smile and says how would this patient like to be addressed, Tom or Thomas? The hostility shield comes right down. This tends to make the patient not relate to the doctor or to the hospital. They do not tell the truth about what's wrong with them. And since the patient is not well informed about medical practice, they do not know that the doctor cannot treat them unless they tell them what's wrong with them. They think the doctor is all omnipotent, knows everything, not knowing, as we do, that they knew very little unless you tell them. So when they do not tell the patient what's wrong with them—the doctor what's wrong with them—then the treatment of course, is stymied.

There's a total lack of privacy offered to these patients in interviews or in an examination. The policies become nonflexible with poor patients. Research is done on these patients without their permission. They know nothing about it and they give no consent. There is a lot of drawing blood for special studies not relevant to their illness, drugs given for drug reactions for these companies. These things should not be.

NEWMAN. Mrs. Ann Garland in Philadelphia.

If consumers had control over health expenditures, then according to the people we just heard they would upgrade medical care quality. They would presumably have a decisive voice in allocating health resources, and could channel funds into areas not now effectively covered by health insurance.

In Atlanta, former Congressman James Mackay, who is now President of the Metropolitan Atlanta Mental Health Association, and Reverend Andrew Young of the Southern Christian Leadership Conference each expressed a desire for greater attention to mental illness. Mr. Mackay speaks first.

JAMES MACKAY: Frankly I'm more concerned about a person's health than any other feature. If you don't feel well you can't relate to your wife and children, and you can't produce down where you work. And health is a fundamental need that we all have.

And the thing that bothers me, I might say to the members of the panel, is all of these programs are frightened by mental illness. And they generally cut you off pretty quick. And yet we know that—I think it's accepted that over half of the people in the hospital beds of America—not the mental hospital beds, but the general hospital beds—have no objective evidence of illness. But they're not functioning well. And mental health and physical health are inseparable.

Reverend YOUNG. I happened to be in Chicago in 1967 when what is commonly called a riot began. We were having a meeting in a little church and heard a disturbance outside, and got outside the church just as the police were coming to the scene and breaking up a group of kids that were in a fight around a water faucet. In the summertime

they wanted to be in the sprinkler system, and the police turned it off, and that started a little incident. The young people moved over into a housing project and we followed them over there, trying to calm them down. And they immediately became inflamed by a young man who was carrying the Bible and quoting from the book of Obediah and saying that this was the day of judgment for the Lord, and the white man's day was done. And he proceeded to try and inflame that group of kids. And did succeed. We were able to try to hold on to him. We tried to get the police to come and get him, to take him out of the crowd in hopes that we could control the crowd. But we were unable to do that. And it was so obvious to us that what ended up being a full-fledged riot, running into hundreds of millions of dollars in Chicago by the time it ended a week later, really was fanned out of an incident by a young man who needed, mainly mental health care. Now, he also needed a job, and I would not want to minimize the problems of unemployment and inadequate housing and education and all the other things in causing urban unrest. But the primary situation there was here was a guy that needed a psychiatrist, or at least an outpatient mental health clinic in this impoverished community.

Now I say to you that Chicago nor Atlanta's health care will ever be secure so long as you have the level of mental illness which floods through our communities. And I think one of the things I've been looking for in almost all of the present health care programs is some real full-fledged attention to the problems of mental health. When we have people living in overcrowded urban areas, it's not as though it was a century ago when we were living in small towns where you could get sick and you were a hundred yards away from the next family, and your disease, whether it was mental or physical, was not contagious. In an urban area, anything that happens to anybody inevitably will affect everyone else.

And so until we have a health plan that's so comprehensive that it gets the people who are unemployed, that it gets the people who are poorly educated, that it gets the people who are mentally ill, then I think any kind of health plan we come up with will be inadequate.

NEWMAN. Reverend Andrew Young of the Southern Christian Leadership Conference in Atlanta.

Another key area of controversy surrounding national health insurance is whether legislation should restructure the health system, or simply provide health financing. Critics of the present health system feel that it is inadequate to producing enough manpower, and in rationally distributing the available resources. They point to the fact that certain suburban communities are replete with physicians, while hundreds of rural counties have not one physician.

The nation's leading advocate for restructure is Doctor S. J. Axelrod of the University of Michigan.

Doctor S. J. AXELROD. The proposed changes envisaged in the legislation with respect to the financing of health care—and the emphasis is on the financing of health care, whatever the source and the amount of funds—is not in and of itself adequate to handle the current deficiencies we have in our delivery system. We must have a significant restructuring of what it is we have at present. There is no regulation for control of kinds of physicians that we produce or where they practice, and we have a situation, therefore, where we have many more neurosurgeons than we need, and not nearly enough family physicians. We have an excess of physicians in affluent communities, and a serious shortage of physicians and other health workers in our deprived communities.

The major proposals that have been put before the Congress respond in varying degrees to what seems to me to be the basic necessity, that is to say, to significantly restructure our medical care delivery system. Indeed, some of the bills, like the AMA's Medicredit bill, and the catastrophic health insurance bill, which are being proposed by two very important and influential legislators, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, really make no pretense at all at restructuring the admittedly inadequate delivery system. But they preserve the status quo, and deal solely with the financing of care. The catastrophic health insurance bill has a lot of political attraction to it. That is, it costs very little—so few people get the benefits. Moreover, everyone knows the case of a family that really went broke because of truly catastrophic costs. And this kind of experience is a terrifying one indeed to large numbers of people.

Other kinds of major proposals—the administration's health insurance partnership and the health insurance industry's health care plan—rely heavily on the present health care system, with emphasis on extending the admittedly inadequate private health insurance. Both of these latter schemes, the Nixon plan and the health insurance industry plan, as a matter of fact set up two standards of care—one for the poor and one for the non-poor. And they actually provide different levels of benefits—different services—for both categories of people. I'll leave it to you to decide which of the two groups get the lesser benefits.

Really only one of the major proposals—the Kennedy/Griffiths Bill—the so-called Health Security Bill—it seems to me addresses itself very seriously to the problems of organizing a more rational delivery system. There are incentives—strong incentives—to developing of primary health care centers having a full array of health personnel available in the centers to provide a full range of benefits. The Kennedy bill carries with it important incentives for establishing linkages between various parts of the system—between hospitals and nursing homes. It modifies current patterns of physicians' care, and reinforces the position of the family physician, so he is the one who refers to the specialist, and at the same time is not in the uncomfortable position of having to carry on specialist work himself—work for which he is not trained or not qualified.

The Kennedy bill foresees important redistribution of health personnel, and carried with it cost controls. I would suggest to you that the leverage for structural change does exist in any national health insurance plan, but only in a potential sense. And American medical care it seems to me cannot continue to be unresponsive to the need for change.

NEWMAN. University of Michigan Professor, Doctor S. J. Axelrod.

On the other side of the issue was Doctor Roger Mann, who appeared in Boston on behalf of the AMA's Medicredit plan.

Doctor ROGER MANN. Medicredit does not require restructuring of the entire health care system, which provides care very well for the vast majority of Americans. Some of the other programs before Congress would dismantle what now exists, and rebuild along untried lines. It does not hold up group practice, or any other form of medical practice, as the best or only effective system of patient care. Finally, Medicredit does not obligate government—the nation's taxpayers—to pay for care of people who can afford to handle most of their medical problems themselves.

NEWMAN. Doctor Mann was referring to the Kennedy plan, which some think, by offering basic health care as a right to all U.S. residents, would bankrupt the nation. HEW Secretary Elliot Richardson, appearing before the House Ways and Means Committee, said that the Kennedy bill will cost taxpayers sixty billion dollars in new taxes, and is simply unfeasible. Backers of the Kennedy bill deny this. They admit that it would cost about sixty billion dollars, but claim that they would simply reallocate health funds currently misspent by a wasteful health system.

When all is said and done, a nation must be judged on how well it takes care of its citizens; on how it provides for the needs; and how effective it is in insuring people a climate receptive to the accomplishment of individual potential. Sickness humbles. It saps strength, confidence and drive. We will have a national health insurance bill, but we must make sure that the legislation that passes will indeed hold the cost line while upgrading quality. As former Congressman James Mackay said in Atlanta:

MACKAY (tape). Within the next four to eight years there will be a national health bill passed. And I'm glad we've got some lead time, because I think this panel this morning has illustrated how intricate the subject is, and how much we need to know. Thinking in terms of politics, I think the real hazard here is that we could pass a very bad bill. But I believe that we need legislation, but I don't think legislation is a panacea. A very learned man has just written an article and said that we can pass a sweeping medical insurance bill that will not appreciably improve the services to the American people. And I believe that.

NEWMAN. Only an aware and informed public will insure passage of legislation which will truly protect its interests. It was the hope of National Public Radio that we might be helpful in this effort.

This is Barbara Newman.

CAMPAIGN FINANCING—THE CHECKOFF SYSTEM

Mr. ALLOTT. Mr. President, public reaction to the great Treasury raid, otherwise known as the checkoff system for allowing politicians to use tax revenues to finance their campaigns, continues loud and clear. The public does not like the checkoff system.

KLZ radio and television in Denver has stated the case against the system with admirable succinctness. The editorial says that the checkoff system is unwise, unjust, and probably unconstitutional.

I agree.

So that all Senators may profit from KLZ's intelligent comments, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

PRESIDENT SHOULD VETO CAMPAIGN BILL

President Nixon has said he will veto a Senate tax reduction bill if the House does not eliminate an amendment providing federal funding of Presidential campaigns. We think the President is right—a veto would be justified. The dispute between Congress and the White House appears strictly political. The Democrats want tax money for next year's campaign. The Republicans don't, having already raised sufficient funds.

But politics aside, the idea of giving individual taxpayers a check-off procedure for appropriating income tax dollars would set a dangerous precedent. Once established and then expanded, the taxpayer option formula would create havoc in the federal government spending structure. Some Washington observers believe the dollar check-off plan is unconstitutional on at least two points: It appropriates money from the U.S. Treasury but is not an appropriations bill, and it ignores recent court decisions rejecting in-

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dividual selection of income tax expenditures.

Another questionable element of the Senate plan is the "optional use" clause. Since the Republicans have already announced they'll not accept tax money for the '72 campaign, this country would be in the ridiculous position of having a Democratic candidate, and possibly a third party candidate like George Wallace, spending up to $27 million to try and defeat a privately-financed incumbent President. Equally objectionable is the spending of tax dollars for personal, individual promotion, which actually is what a political campaign is all about.

If this hasty, ill-advised tax diversion does become law over White House objections, the people will still have a veto. All they have to do is ignore the political checkoff option when they file their income tax returns early next year.

VACCINE REGULATION

Mr. RIBICOFF. Mr. President, on October 15, I released a memorandum which alleged that there were serious deficiencies in the regulation of the effectiveness and safety of vaccines by the Division of Biologics Standards in HEW. The memorandum had been prepared by Dr. J. Anthony Morris, for 15 years an employee of DBS, and Mr. James Turner, an attorney who has done considerable work in the area of food and drug regulation. Because I was deeply disturbed by the allegations made by Dr. Morris and Mr. Turner, I sent a copy of their memorandum to the Secretary of Health, Education, and Welfare, urging that he fully investigate the charges raised and provide me with a full report as soon as possible.

The Secretary appointed a committee to look into the charges. On November 29, he sent me a copy of the committee's report and the Department's evaluation of that report. With my staff, I have examined the report carefully. I must say, with deep regret, that this report does not provide satisfactory answers to the very serious questions raised in the Morris-Turner memorandum. Questions remain—major questions about how well the public is being protected against products that may endanger health without providing any corresponding benefit.

I am today releasing an analysis of the DBS committee's report prepared by Dr. Morris and Mr. Turner. This analysis considers the committee's arguments point by point and indicates areas where uncertainty remains. Unfortunately, these areas are numerous.

To begin, the materials provided by HEW are sometimes self-contradictory. In my speech of October 15, I pointed out that one of the central problems with vaccine regulation was confusion over the extent of DBS's legal responsibilities. I said:

> DBS apparently believes that it has no legal authority to test vaccines for effectiveness in actually preventing diseases . . . This means that no Federal agency tests vaccines to see if they work. If this legal interpretation is correct, Congress should act to give the Division the duty to do so; if the interpretation is incorrect, the Division should begin to fulfill its responsibilities.

The Secretary has enclosed, together with the DBS committee's report, a memorandum from the General Counsel of HEW, stating that the Department has legal authority to require testing for efficacy, but that such authority has never been delegated to DBS. In spite of this failure, however, he states that DBS has nevertheless not licensed since 1962 any biologic which they otherwise would have rejected as ineffective. Leaving aside the question of DBS testing for effectiveness of the many biologics licensed before 1962, the leadership of DBS has apparently been unaware of the interpretation given in the General Counsel's memorandum. In a document dated October 19, 1971, the Acting Director of DBS states that:

> In view of this legislative history, clearly showing that effectiveness in use was not intended by Congress to be the same as potency, the Office of General Counsel (of HEW) advised the biologics control people that they could not establish any regulation requiring biologic products to be effective in use.
>
> Starting in 1964 and every year thereafter, we have included in our legislative proposals a request that effectiveness in use be inserted into the PHS Act. Such requests apparently have not interested the Department since no bills containing such a provision have been introduced since the 88th Congress.
>
> As has been indicated many times by DBS the effectiveness in use request is to place the licensing of biologic products on the same level as that required for the approval of new drugs. There is absolutely no scientific or medical basis for such a distinction. Thus such a distinction between drugs and biologics would be very hard for the Secretary to explain, if asked.

In light of the confusion between the Office of the General Counsel and the DBS leadership over the Department's and the Division's legal responsibilities, and the fact that DBS felt it necessary to recommend again and again that its legal authority be extended to include efficacy testing, a substantial question arises about the accuracy of the General Counsel's bland assertion that—

> Since 1962, DBS has acted substantially as though it did have formal authority to regulate biologics as to efficacy.

I believe further inquiry into this question is imperative.

Dr. Morris and Mr. Turner raise many further questions about the committee's report and its method of operation. The incidents which Morris and Turner cited and which I spoke about on October 15 are serious enough to call for the most serious and careful scrutiny by the Department. In summary, the following incidents were included:

In 1954 and 1955 one of the Division's most noted scientists, Dr. Bernice Eddy, discovered that several lots of polio vaccine contained live virus capable of causing the disease itself. In spite of Dr. Eddy's finding, which was known to the DBS leadership, this vaccine was released in the spring of 1955 and over 150 individuals who were associated with its use contracted paralytic polio. Just a few months before this incident, the Division had given Dr. Eddy a special "superior accomplishment award" in recognition of her outstanding achievements. In 1957, she and a coworker discovered the polyma virus. In recognition of her outstanding work, Dr. Eddy was featured on the cover of Cancer Research magazine in March 1971.

In the late fifties, DBS developed a so-called adenovirus vaccine, a vaccine essentially for the treatment of the common cold. In the late fifties and early sixties, this vaccine was being administered to all Army personnel. In 1960, Dr. Eddy discovered that material then used in the manufacture of adenovirus vaccines was capable of causing cancer in hamsters.

DBS responded to her discovery by denying her permission to attend certain professional meetings and to publish other papers. She was deprived of most of her testing animals and most of her testing facilities. Finally, on March 8, 1961, she was relieved of her job and reassigned.

Subsequent research by scientists outside DBS confirmed Dr. Eddy's findings. In the meantime, vaccines containing the substance continued to be used on the American people. Finally, DBS decided that Dr. Eddy had been right after all.

Still, it allowed adenovirus vaccine containing this material to be released as late as September 16, 1963, and it allowed a combined adenovirus influenza vaccine containing the same material to be released as late as August 10, 1964.

Other disturbing events allegedly have occurred including:

Reliance by DBS on dubious techniques for testing the potency of influenza vaccine;

The Division's failure in 1966 and 1967 to bar the release to the public of three lots of influenza vaccine for failure by the manufacturer to show that the lots were free of trace metal contamination;

Falsification of labeling and tampering with test results for influenza vaccine;

Active attempts by DBS to discourage scientific research which might tend to cast doubt upon previously taken agency positions; and

Failure to DBS personnel to be aware of and enforce the Division's own regulations.

In analyzing the DBS committee's report, Morris and Turner have cited numerous errors in substance and method which cast considerable doubt on the committee's findings. Morris and Turner have summarized these errors in their reply:

> The way in which the report of the ad hoc committee was prepared calls for a serious undertaking of reevaluation of the interdependence of the DBS and its expert advisory committees. In conducting its deliberations, the ad hoc committees:
>
> 1. Failed to consider all the evidence made available to it. Most notably the committee report does not reflect any committee awareness of two documents—the May 12, 1955 Eddy memorandum on contaminated Cutter lots and the October 29, 1971 memorandum of Dr. Aulisio—both of which were given to the committee chairman and both of which showed the committee conclusions in their areas to be erroneous.
>
> 2. Failed to interview any individuals known to be critical of DBS practices, including Dr. Morris, Mr. Turner, Dr. Eddy (except for two very short phone calls), Dr. Aulisio, Dr. Smith and Dr. Young and many others, all of whom had important information about one or more of the incidents in the report.
>
> 3. Relied almost exclusively upon DBS memoranda prepared by the very people responsible for any regulatory failures which might have occurred. Of the more than 200 pages, only six were prepared outside of DBS. (One of the memoranda represented by the six pages opposed the ad hoc committee's position on its treatment of cancer-causing substances in vaccines; the other presented the rationale for more vigorous action on the part of DBS to help develop a new influenza vaccine.)
>
> 4. Allowed itself to be misled by illogical, selfserving arguments in the memoranda prepared for it by the DBS. While it should rightly be disappointed by the quality of the work it received, it must share some of the responsibility for the weaknesses for believing that it could rely on the institution it was investigating to obtain meaningful and unbiased information upon which to base its findings.
>
> 5. Responded to issues which it raised that were not in the original report and failed to respond to issues which were originally raised.

I have previously asked the GAO to look into the manner in which the Division of Biologics Standards is conducting its operations. I expect to have some data from General Accounting Office investigators in the next several weeks. In the meantime, I am sending to the GAO a copy of the documents HEW has supplied to me and a copy of the Morris-Turner analysis of those documents. I do not intend to allow issues as serious as these to continue unresolved. Either the Division will provide us with satisfactory explanations or Congress will have to act to remedy the problems and give the American people the protection they deserve.

I ask unanimous consent that the documents supplied by HEW and the Morris-Turner analysis be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., November 29, 1971.

Hon. ABE RIBICOFF,
Chairman, Subcommittee on Executive Reorganization and Government Research, U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF: This is in further reply to your letter of October 15 concerning allegations by Dr. J. Anthony Morris and Mr. James Turner of scientific mismanagement at the Division of Biologics Standards.

Transmitted herewith is a report from Dr. Robert Q. Marston, Director of the National Institutes of Health. Dr. Marston's report based on his own review of the charges, staff discussions and memoranda, and on scrutiny of the Morris/Turner allegations by a group of expert scientists. His report has been reviewed by Dr. Merlin K. DuVal, Assistant Secretary for Health and Scientific Affairs, who concurs in Dr. Marston's evaluation.

In addition, I am enclosing a memorandum prepared by our General Counsel on the issue of authority for the regulation of the efficacy of biologics. Our conclusion is that sufficient and adequate regulatory authority already exists under the Food, Drug, and Cosmetic Act and that, in practice, the Division of Biologics Standards has been exercising such authority. Hence, we do not believe additional legislation is necessary in this area.

With kindest regards,

Sincerely,

ELLIOT LEE RICHARDSON,
Secretary.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., November 23, 1971.

To: The Secretary through: OS/ES——.
From: Wilmot R. Hastings, General Counsel.
Subject: Division of Biologics Standards, NIH—Regulation of Efficacy—Information Memorandum.

You have asked for my views as to the following statement made by Senator Ribicoff on the floor of the Senate on October 15, 1971:

". . . DBS apparently believes that it has no legal authority to test vaccines for effectiveness in actually preventing diseases. As I pointed out earlier, this means that no Federal agency tests vaccines to see if they work. If this legal interpretation is correct, Congress should act to give the Division the duty to do so; if the interpretation is incorrect, the Division should begin to fulfill its responsibilities."[1]

This statement is in part correct, in part incorrect and in any event highly misleading. The situation, however, has lent itself to considerable and wholly understandable confusion.

My conclusions, as discussed below, are:

1. The Division of Biologics Standards (DBS) has never been formally delegated the authority to regulate biologics as to efficacy;

2. The Department has never had authority under the Public Health Service Act to so delegate to DBS, but has, since 1962, had such authority under the Food, Drug and Cosmetic Act;

3. Since 1962, DBS has acted substantially as though it did have formal authority to regulate biologics as to efficacy; and

4. The Department ought to confer on DBS, by appropriate delegation and regulation, the technical authority to continue its informal practices as to regulation of the efficacy of biologics.

A. STATUTORY BACKGROUND

The Virus, Serum, Toxin Act of 1902 was enacted for the purpose of regulating biologics which were to be sold, bartered, or exchanged in the District of Columbia or in interstate commerce. Section 351 of the Public Health Service Act (42 U.S.C. 262) is the current legislative embodiment of that Act. This section was enacted in basically its present form when the Public Health Service Act was passed by Congress in 1944. Section 351(d) limits the regulating powers of DBS over the licensing of biologics to the safety, purity, and potency of such products. The House bill which became the Public Health Service Act in 1944 originally included "efficaciousness" as one of the criteria for licensing; this wording was removed by the Senate, however, and the Act was passed without any requirement of efficacy.

Despite the enactment, in 1962, of the "Kefauver Amendments", which provided authority in the Food, Drug and Cosmetic Act to control efficacy, section 351 of the PHS Act was not correspondingly amended. The original 1962 House bill (H.R. 11581) leading to these amendments had contained a separate section on the regulation of biologics, including their "efficaciousness", which was deleted by the House Committee on Interstate and Foreign Commerce. It was this action, in particular, which has led to the confusion as to the authority of DBS in this area.

This confusion is understandable, since one can argue that the refusal of the Congress to confer express authority on the Department to regulate biologics under the Public Health Service Act, both in 1944 and 1962, was tantamount to an express Congressional rejection of such authority, despite the otherwise inclusive provisions of the 1962 "Kefauver Amendments" to the Food, Drug and Cosmetic Act. Drugs under the latter Act are no less drugs because of their biologic origin. Despite the ambiguity of this situation, it can be argued equally convincingly that the Congress deleted an express treatment of biologics in 1962 as an unnecessary duplication of authority otherwise conferred in those very amendments. In any event, in my view, this ambiguity does not justify reading an implied exception into the 1962 Food, Drug and Cosmetic Act amendments. Biologics are subject to the provisions of that Act, including the requirements as to efficacy.

A second cause of confusion relates to the techniques of regulation. Under the Public Health Service Act (section 351), it is theoretically possible that a license would have to be issued for a biologic that is "safe, pure and potent" *but not efficacious*, while at the same time interstate shipment of that biologic would be prohibited by the Food, Drug and Cosmetic Act. Such an incongruity, however, is more apparent than real, since such a license would be meaningless, and should be able to be handled by appropriate regulations.

B. REGULATORY BACKGROUND

We have attempted to ascertain the actual practices of DBS as regards the efficacy of biologics and are satisfied, within the limits of our technical competence, that these practices have amounted to regulation of efficacy as a practical matter.

Investigational New Drug applications which involve biologics are, pursuant to 21 CFR 130.3(g), sent directly to DBS rather than to FDA. During the investigational new drug period, including the phase 3 clinical testing on human subjects, data is collected by the manufacturer or sponsor for efficacy as well as safety, purity and potency. If any questions involving efficacy arise during this period, DBS feels free to make appropriate comments and suggestions. "Potency" is defined in the regulations under section 351 of the Public Health Service Act as (42 CFR 73.101(t)): "The word 'potency' is interpreted to mean the specific ability or capacity of the product, as indicated by appropriate laboratory tests or by adequately controlled clinical data obtained through the administration of the product in the manner intended to effect a given result." This Office has historically held that this requirement is not the same as efficacy. For example, the potency of a biologic may be demonstrated by the production of a certain level of antibodies, antitoxins, etc., but that determination is different from saying that such a level will be effective to produce the desired result of preventing or curing a certain disease. As a practical matter, however, in rare cases where a biologic may be found to be safe, pure, and potent, but DBS does not believe that it is efficacious, DBS will, in effect, refuse to pass on it.

The representatives of DBS are of the opinion that, as a practical matter, the manufacturers and sponsors of new biologics are submitting data to them sufficient to establish efficacy, even though they are not formally required to do so by current DBS regulations. They are also of the view that since 1962 they have not licensed any biologic which they otherwise would have rejected had section 351 of the Public Health Service Act contained an express authority to regulate "efficacy."

C. PROPOSED CLARIFICATION OF AUTHORITY

In order to eliminate any remaining ambiguities as to the authority of DBS to regulate the efficacy of biologics, we are now working with the Assistant Secretary for

[1] CONGRESSIONAL RECORD, Oct. 15, 1971, 36370.

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Health and Scientific Affairs, FDA and NIH to develop a delegation of authority to be issued from you, through the Assistant Secretary for Health and Scientific Affairs, to the Commissioner of the Food and Drug Administration and the Director, NIH, authorizing the latter two concurrently to administer those provisions of the Food, Drug and Cosmetic Act applicable to biologics—such delegation to be implemented in accordance with a memorandum of understanding to be worked out between the two agencies. Because there are aspects of the regulation of biologics which FDA is better able to handle, e.g., seizure and recall, I am suggesting a concurrent delegation, with the two agencies undertaking expeditiously a determination of which is best suited to do what. That determination would result in a formal memorandum of understanding between the agencies and probably also would involve some corresponding amendment to the Food and Drug regulations.

Under the proposed delegation there are two regulatory provisions of the Food, Drug and Cosmetic Act which would be utilized to exercise "efficacy" control over biologics; (1) the new drug provisions [2], and (2) the misbranding provisions [3].

Pursuant to the new drug provisions, substantial evidence of effectiveness could be required to be presented by an applicant establishing that a drug will have the affect that it purports or is represented to have. The proponent of any drug marketed in interstate commerce since 1938, whether or not licensed by DBS, may be required to establish such evidence. The delegation of such authority will enable DBS to go back to the 1938–1962 period and reexamine its licensed products for "efficacy" to the extent such reexamination is appropriate. Naturally, DBS will continue to regulate "efficacy" with respect to all new applications for licensure.

Pursuant to the misbranding provision, no drug may be shipped in interstate commerce if its labeling is false or misleading in any particular. This authority is not limited by the 1938 "grandfather clause" applicable to new drugs, and DBS advises that all licensed biologics contain labeling setting forth the purpose for which the biologic is to be used. To the extent that the biologic is not effective for the stated purpose it may be deemed false or misleading and therefor misbranded. Furthermore, if a manufacturer, in an attempt to avoid the misbranding provisions, were to remove from his labeling any statements with regard to intended use, such change would remove the "grandfather" protections of the new drug provisions and render the biologic a "new drug" under the Food, Drug and Cosmetic Act.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
NATIONAL INSTITUTES OF HEALTH,
Washington, D.C., November 17, 1971.

To: The Secretary, Through: OS/ES ——; ASHSA ——.

From: Director, National Institutes of Health.

Subject: **Review of Charges Made by Dr. J. Anthony Morris and Mr. James Turner of Scientific Mismnagement at the Division of Biologic Standards—Information memorandum.**

BACKGROUND

In a letter of October 15, Senator Ribicoff requested that you investigate charges made by Dr. J. Anthony Morris and Mr. James Turner concerning the operation of the Division of Biologics Standards, National Institutes of Health, and that you make a full report to his Subcommittee on Executive Reorganization and Government Research.

In a speech and a press release on the same date, Senator Ribicoff also expressed his general concern as to the effectiveness of regulatory agencies, and specifically commented on regulatory problems of the Food and Drug Administration, the Department of Agriculture, in addition to those of the DBS. He has introduced a bill to establish a Consumer Protection Agency.

Further, he did disclose that representatives of the General Accounting Office have been reviewing the regulatory responsibilities of DBS. We were told by the GAO that their report is anticipated about December 31.

Furthermore, you will recall that on August 12, based upon employee grievance proceedings previously requested by Dr. J. Anthony Morris, I directed the NIH Office of Management Policy and Review to conduct a management review of DBS. A report of this review is due to me about January 7, 1972.

This memorandum with attachments constitutes my assessment of the charges made by Dr. Morris and Mr. Turner in their memorandum to me of September 27 entitled, "Misapplication of Scientific Resources at the Division of Biologics Standards, NIH."

REVIEW OF CHARGES

In reviewing these charges I have used the following resources for information and advice:

1. *Ad Hoc* group of experts: The group consisted of present members of the Board of Scientific Counselors of the Division of Biologics Standards, except for Dr. Geoffrey Edsall, who was out of the country, supplemented by additional experts. The list of members of this group is attached. (Tab A)

The group met on Friday, October 22, and again on Thursday, October 28. After a one-hour briefing session, at which I discussed their mission and our need for a completely objective evaluation of the allegations made in the Morris/Turner memo, and at which arrangements were made for information-gathering for them, they met in executive session for the entire duration of their deliberations. Only when they wished to request specific information and data were they joined by Dr. Sam T. Gibson, Acting Director of DBS, to whom they addressed such requests.

The committee was also provided the attachments to the Morris/Turner memorandum; documents prepared by various staff members of DBS (Tab C) which described in detail the circumstances, scientific and legal, surrounding the instances of the alleged actions or failures to act described by Morris/Turner; and two memoranda prepared at my request by senior staff members of the National Institute of Allergy and Infectious Diseases, presenting views on viral oncogenesis and on the efficacy of influenza vaccines (included in Tab C).

The document I am transmitting to you herewith (Tab B) is the product of the deliberations of the *ad hoc* committee. While the addendum to the letter from the Chairman, Dr. Benenson, states that "while the final version of this report has not been reviewed, it has been approved in principle by the Committee members," I have confirmed by telephone that they have now reviewed the document and are unanimously agreed that the specific allegations in the Morris/Turner memorandum are unfounded.

2. Responses from DBS, both verbal and written, concerning the charges.

3. Knowledgeable staff of the various Institutes of the NIH.

4. Intensive review by my own office of all aspects of these charges, including the pertinent scientific aspects of the fourteen volumes of testimony of the Morris grievance procedure.

CONCLUSION

On the basis of my review, I find that the Morris/Turner charges of scientific mismanagement are without merit.

ROBERT Q. MARSTON, M.D.

AD HOC COMMITTEE TO REVIEW MORRIS/TURNER ALLEGATIONS

Dr. Abram S. Benenson, Professor and Chairman, Department of Community Medicine, College of Medicine, University of Kentucky, Lexington, Ky.

Dr. Floyd W. Denny, Jr., Professor and Chairman, Department of Pediatrics, University of North Carolina, School of Medicine, Chapel Hill, N.C.

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Dr. J. Vernon Knight, Professor and Chairman, Department of Microbiology, Baylor University, College of Medicine, Houston, Tex.

Dr. Serafeim P. Masouredis, Professor of Pathology, University of California at San Diego, Basic Science Building, La Jolla, Calif.

Dr. Paul S. Moorhead, Associate Professor, Department of Medical Genetics, University of Pennsylvania, School of Medicine, Philadelphia, Pa.

Dr. David J. Sencer, Director, National Center for Disease Control, Atlanta, Ga.

Dr. Margaret H. D. Smith, Professor of Pediatrics and Epidemiology, Tulane University, School of Medicine, New Orleans, La.

Dr. Harry A. Feldman, Professor and Chairman, Department of Preventive Medicine, Upstate Medical Center, State University of New York, Syracuse, N.Y.

Dr. Samuel L. Katz, Professor and Chairman, Department of Pediatrics, School of Medicine, Duke University, Durham, N.C.

Dr. Frederick C. Robbins, Dean, School of Medicine, Case Western Reserve University, Cleveland, Ohio.

UNIVERSITY OF KENTUCKY,
Lexington, Ky., November 9, 1971.

Dr. ROBERT Q. MARSTON,
Director, National Institutes of Health, Bethesda, Md.

DEAR DR. MARSTON: The *ad hoc* committee appointed to review the allegations brought against the Division of Biologics Standards by Dr. J. Anthony Morris and Mr. James Turner met at the National Institutes of Health on October 22 and 28, 1971. Dr. Knight was unable to attend the meeting on October 22; Drs. Smith and Denny were not present on October 28. The Committee examined the various documents submitted in support of the allegations, and those relating to the charges which had been prepared by the Division. Additional information was requested and provided during the meetings of the Committee.

The Committee considered the individual charges in detail, reviewing all relevant factual information which could be obtained, as well as the scientific information which was available at the time the particular event had occurred. Each charge is discussed below, identified by the letters used in the original memorandum of September 27, 1971.

(A) Dr. Morris and Mr. Turner state that in 1954 and 1955 the Division of Biologics Standards leadership failed to act on the discovery, made in DBS laboratories, that some lots of inactivated poliomyelitis vaccine contained virus capable of causing disease in recipients of this contaminated vaccine. They further state that Dr. Bernice Eddy recovered virus from three lots of Cutter vaccine and reported this to her superiors. It is implied that Dr. Bernice Eddy's findings were ignored and that Cutter vaccine was released and used in spite of the knowledge that it contained infectious virus; this is a charge of the gravest nature. With regard to these allegations, the following seem to be the facts, as best as they can be determined.

It was recognized by the NIH staff, the manufacturers and the scientific advisors to NIH and the National Foundation for Infantile Paralysis that infectious virus could be isolated from some lots of vaccine following treatment with formaldehyde as recommended by Dr. Salk. Changes in the minimal requirements were introduced in March 1954 which made the safety tests more likely to detect residual infectious virus. Also, initiation of the large scale field trial was delayed until the situation could be reviewed and Dr. Salk could complete an additional small scale trial. Thus, although in retrospect the minimal requirements established for polio vaccine production and safety testing were proved later to be inadequate, there is evidence that NIH and its advisors did adjust safety standards on the basis of evidence that infectious virus was present in some vaccine lots.

The specific episode concerning the handling of data provided by Dr. Eddy is more difficult to evaluate. No records of these observations are available in current files. Dr. Eddy has provided the Committee with the lot numbers of the vaccines from which she isolated virus, and assures the Committee that none of these were released for use.

It should be pointed out that Dr. Morris and Mr. Turner accuse the DBS leadership of failing to take proper action, but this agency did not exist at that time; the regulatory body was in fact the Laboratory of Biologics Control of the National Microbiological Institute. It should be recognized that the LBC was neither staffed nor equipped to deal readily with the new and complicated problems presented by the polio vaccines. Indeed, it was only *after* the "Cutter incident" that the DBS was created to replace LBC. Nonetheless, the staff of LBC utilized extensively the advice of scientists, including the principal experts in the fields of virology and poliomyelitis in the United States and even a few from abroad. These scientists, along with Dr. Salk, developed the minimal standards for vaccine production, reviewed progress of the program, recommended changes in requirements and participated in the review of the problem when it was recognized that vaccine-induced cases were occurring.

Thus, although there is no doubt in retrospect that certain incorrect decisions were made concerning the safety of the inactivated polio vaccine and that the original minimal requirements proved to be inadequate, there is no evidence that the staff at NIH were peculiarly culpable. All decisions were arrived at with the assistance of the best experts available and the mistakes reflect deficiencies in the state of the art at the time rather than conscious suppression or neglect of available data. There is no evidence that any vaccine lot *known* to contain infectious virus was ever authorized for release.

(B) It is not possible to substantiate the allegation that the DBS leadership did not act effectively and rapidly in 1960 when it was observed that the material used in the manufacture of polio and adenovirus vaccines was capable of causing malignancies in hamsters on review of available data with particular attention to the sequence and development of scientific information and its publication.

The contamination of some monkey kidney cells with the vacuolating virus, later designated SV–40, was first observed in 1960. The initial report of the oncogenicity of some monkey kidney cell extracts for newborn hamsters was published in 1961. By 1962 these two independent investigations merged when it was discovered that the oncogenic factor was the SV–40 virus. Of the two dozen significant papers most directly relevant to vaccines which were published on this topic in the 1960–63 period, it is to be noted twelve originated in the laboratories of DBS investigators, (See Appendix A). By March 1963, DBS had amended regulations to exclude SV–40 from licensed vaccines based on the accumulated knowledge and techniques which justified this far-reaching decision, necessitating the development of new seed strains of viruses.

The interactions of Dr. Eddy with her laboratory supervisor are difficult to evaluate at this time in the context of their occurrence in the early 1960's. However, the available information seems consistent with the exercise of critical direction in the careful search for confirmation and elucidation of important laboratory observations. While there is no basis for determining the latent period for development of viral induced human tumors, it is important to note, that, despite 8–10 years of intensive study and 16 years since SV–40 was first injected, there is still no evidence that SV–40 plays any role in the production of human tumors (references 23 and 24, Appendix A).

(C) This issue bears on the validity of the chicken cell agglutination test to measure the potency of influenza vaccine. Influenza viruses, even when inactivated for vaccine production by formalin or ultra-violet irradiation to a state of non-infectiousness, retain their capacity to agglutinate the erythrocytes of many avian and mammalian species. This property of hemagglutination resides in the major external structural protein of the virus, the hemagglutinin, which is the principal immunizing antigen of the virus. Serum antibody to this antigen induced by injection of influenza vaccine has been reported in a number of studies to correlate with immunity to influenza. For these reasons, it was deemed logical to employ the chicken (red) cell agglutination (CCA) test as a single *in vitro* procedure for the measurement of viral antigenic mass ("potency") of commercial vaccines, during and after production. In practice, the CCA test has been less than ideal for a variety of reasons, including variation in the hemagglutinating activities of individual viral strains and technical problems in calibrating and reading the reaction. It is only fair to state, however, that the deficiencies of this test became fully apparent only with its continuing use.

It is to the credit of DBS that the deficiencies of the CCA test were recognized in-house and that successful efforts were made to standardize, correct and improve the procedure. This was accomplished in collaboration with an independent university laboratory of international renown. Measurements of CCA activity in DBS and manufacturers' laboratories now correspond closely in repeated checks.

In studies undertaken to standardize the CCA test, the cooperation of vaccine producers was requested. While the test was still imperfect, CCA values seemingly were assigned by negotiation and arbitrary decision. An accommodation to the Pharmaceutical Manufacturers Association or indivirual commercial laboratories may be read into the resultant readjustment of labeling but in actuality this represented a readjustment of arbitrary standards at a time when the standards themselves were under intensive scrutiny and revision. Rectification of the test in fact depended on a conference with licensees (Appendix B).

In summary, while the CCA test is not ideal as a measure of vaccine "potency" if "potency" is equated with immunogenicity (its ability to produce immunity against disease), successful efforts have been made within the DBS laboratories to standardize this test so that its reproducibility has been improved; at present it appears to be a satisfactory procedure for estimating the content of the major influenza virus antigens in a vaccine. It is clear that better tests are necessary for the measurement of influenza vaccine immunogenicity; the problem of developing laboratory measures of immunogenicity is not unique to influenza vaccines.

(D) It is true that influenza vaccine lots were released that had been marked "hold" pending further information from manufacturers. However, the implications that these lots might have "trace metal contamination" is misleading since the designation "hold" was attached to these vaccine lots by scientists in the course of research on the detection of preservatives containing "trace metals," and not as part of the formal control and regulation of the vaccines. Although manufacturers are required to indicate that preservatives are being added and their concentration on their initial applications, they are not required by law to "furnish any information on preservative testing in lot-by-lot protocol data for DBS release." (Appendix C) (There is no evidence that this omission would be detrimental to the public since dangerous amounts would be detected by the safety test each lot of vaccine must pass, in which mice and guinea pigs must survive massive doses compared to that given to man).

(E) DBS is charged with failure to act on influenza vaccines after their efficacy had been questioned. Inactivated influenza vaccines have been used in man for almost 30 years. Studies in all age groups, in a variety of environmental settings, have demonstrated that such vaccines can prevent influenza, when administered in sufficient dosage at the proper time interval before a population is exposed to an influenza virus antigenically similar to that contained in the vaccine.

There is no question, however, that inactivated influenza vaccines are imperfect instruments for the prevention of influenza. In part, this is inherent in the vaccine, and, in part, to the capriciousness of the disease. Influenza A virus is unique among the infectious agents of man in its capacity to undergo mutations so extreme as to circumvent pre-existing immunity to antecedent strains. The need, therefore, for frequent changes in vaccine formulations and the incorporation of new "relevant" strains of virus has presented health workers with continuing problems of revision and reassessment. Influenza vaccines are unique in their requirements for periodic change and reevaluation.

Even when appropriately "matched" to the prevalent disease-producing virus, the vaccine may be ineffective if given in sub-optimal dosage or route, or at an inappropriate time; the vaccine may appear to be ineffective if other respiratory diseases are simultaneously present and serologic confirmation of cases is not obtained. Thus, the best advice available to the DBS from responsible and respected students of influenza has been to the effect that the vaccine is imperfect but useful and, indeed, potentially life-saving in certain "high risk" subjects with cardiopulmonary diseases, etc.

It should be noted that responsibility for recommending which members of the population should be immunized with a vaccine would seem to exceed the functions of the DBS, which by law is charged only with the safety, purity and potency of biological products (Appendix D). Recommendations for immunizations are promulgated by the Public Health Service Advisory Committee on Immunization Practices. The Director of DBS is a member of this committee, which is based at the Center for Disease Control, Atlanta.

The inferences that influenza vaccines may be damaging (particularly to pregnant women) because of their chicken-egg origin are completely unsubstantiated by experience. It is recognized that blood group A substance may be present in chicken-egg vaccines and antibodies may be produced in individuals vaccinated with influenza vaccine, but there is no evidence of any clinical disease associated with such response. Although some problems with "hypersensitivity" have been related to inactivated measles and an experimental RS (respiratory syncytial) virus vaccines, there is no evidence whatsoever that any such "hypersensitivity" has followed influenza vaccines.

(F) This charges that the DBS failed to undertake detailed research to determine the nature and importance of electron micrographic observations by a DBS investigator,

[2] 21 U.S.C. 355.
[3] 21 U.S.C. 352.

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Dr. Kendall Smith, of "viral particles" in duck embryo cells, the substrate for production of a rubella vaccine. It is stated that subsequent to this reported observation "efforts to characterize the nature of the observed particles were discouraged." This Committee has satisfied itself that the attitude of the Director of DBS and his response were appropriate and effective, in that conferences were arranged shortly thereafter with two well qualified electron microscopists who were of the opinion that the particles in question were not viral. This was accepted. Subsequent tests performed at DBS failed to develop further evidence of the presence of latent viral agents in this cell culture material. Contaminants of cell cultures of duck embryo tissue which had been found by a contractor were identified as strains of certain Mycoplasma which are not indigenous to duck tissues. (Appendix E).

(G) This charges that DBS actively discouraged research on "slow viruses". While the problem of the slow viruses is of great concern to those involved with biologicals, particularly live agents, the pertinent question is whether adequate research is being done in this field. The National Institutes of Health, in other units of its organization, has been supporting work on the slow viruses, both in intra and extramural programs. Estimates of expenditures for the current fiscal year are as follows:

NIAID	$1, 820, 549
NINDS	1, 180, 000
Total	3, 000, 549

In addition, NCI estimates that in the current fiscal year it is spending about $500,000 on slow-virus oncongesis, and that in the next year this figure will increase severalfold. It is to be noted that these agents require special and expensive space and equipment since, as was shown by Dr. Morris, the laboratory spread of such infections is a distinct possibility.

The decision not to work with scrapie can be cited as an example of the Director's responsibilities. Within the limitations imposed by budget, personnel allocation and space, priorities must be set and duplication of efforts of the different Institutes must be avoided.

(H & I) These charge that the leadership of DBS discourages important scientific work, and as a result forces scientists to either work under conditions which limit their effectiveness or to leave. As noted above, the Director is provided limited resources with which to carry out his responsibilities for establishing and maintaining standards of quality and safety for all the biological products that fall within the jurisdiction of the Public Health Service. This requires that he establish priorities for the optimal expenditure of the resources provided. While this Committee acknowledges that various employees have resigned or transferred from DBS, it is unable to document that this has been at a greater than expected rate or, more importantly, that it has been for uniform reasons.

The most disturbing charge relating to staff resignations is that professional staff members have done so "because their scientific findings adversely affected the vaccine market." The most serious inference that could be drawn from this statement is that vaccines known to be excessively hazardous to recipients have been licensed by DBS for monetary, political or other reasons. No evidence for any decision based upon other than proper grounds was identified by this Committee.

It is evident that there are serious personnel problems within the DBS and that the current charges are the culmination of a long series of such problems. This is regrettable since such interpersonal difficulties must interfere with the effectiveness of the overall program. While these aspects are outside our purview, the Committee was pleased to note that the Office of Management Survey and Review of the NIH is presently surveying this matter.

(J–1) This alleges that a manufacturer was asked to answer questions about a vaccine "prior to its use in clinical trial", but he had already begun the trial. Dr. Morris and Mr. Turner ask for the answers which DBS received, and how this compared with a draft prepared by somebody working for the company, etc. Review of the pertinent material and the correspondence indicates that the point under discussion bore only on the oral use of this experimental varicella vaccine; a completely legal clinical test involving the parenteral administration of this product had indeed begun earlier. The manufacturer decided not to use the vaccine orally, so that the question has no validity and its bearing on the function of DBS is not clear.

(J–2) This implies that inordinate, unjustified confidence is placed on the manufacturers. It is claimed that mumps vaccine was certified as safe by its manufacturer over the scientific doubts of some of its own researchers who were concerned that the seed was neurovirulent. The fact is that DBS did indeed make detailed studies of the neurovirulence of measles, mumps and rubella vaccines. (Appendix F). The outcome of these studies did indicate that mumps especially, when injected into the brains of monkeys, caused a cellular response which was greater than could be attributed to trauma alone. Based on studies with these vaccines and a cesium gradient fraction of adenovirus, it was concluded that the cellular lesions in the brain were responses to by-product components of these viruses and not to a specific neurotropic effect of vaccine viruses themselves or adventitious neurotropic agents. Proposed changes in regulations reflect this knowledge.

The other question raised under this heading bears on the techniques permitted one manufacturer for the detection of contamination of a lot of measles vaccine by members of the avian leucosis virus group. Current regulations require that fluids from control vessels of the tissue culture system on which an attenuated measles vaccine is produced "shall be tested and found negative for avian leucosis, using either Rubin's procedure for detecting Resistance Inducing Factor (RIF) or another method of equivalent effectiveness." It would appear from the data provided the Committee that one lot of measles vaccine was passed on the manufacturer's protocol although the RIF test was carried out only with a single antigen; this test would then detect the most frequent subgroup of avian leucosis virus which occurs in the United States but others could remain undetected. While this virus is oncogenic in chickens, no evidence has yet been observed of an adverse effect on man despite its inadvertent inclusion in yellow fever vaccine which has been given over a long period of time to large numbers of people in compliance with international regulations. It is to be noted that the DBS took the lead in developing an avian leucosis-free seed strain for the production of yellow fever virus. This new strain still awaits acceptance for the World Health Organization before it will be accepted for the purposes of international travel. It is noted that the DBS is actively investigating the most effective techniques for detecting contamination of vaccines with this virus and has not ignored the problem. However, the release of an inadequately tested lot of measles vaccine, even though made on eggs coming from a flock of chickens reared under conditions so that viral contamination is most unlikely, and constituting no danger to the public welfare, was an improper deviation from the published requirements.

(J–3) This questions the dual role of the DBS as a regulator and developer of vaccines, implying that this carries with it a built-in conflict of interest. Major developments which led to a vaccine against rubella were indeed accomplished by DBS scientists. Careful examination by the Committee of the licensure procedures for this vaccine and the overall responsibilities of the DBS revealed no evidence of collusion or of a conspiracy between DBS and industry. The fact that an attenuated strain of rubella had been developed at DBS and that a vaccine using this strain was subsequently licensed by a manufacturer has been taken by some to imply conflict of interest, but no preferential treatment for this manufacturer could be established. In view of the appearance of bias which existed in this situation, there is need to establish formal and explicit guide lines for the scientific staff to avoid activities which could be interpreted as promotional or as representing conflict of interest. While the regulatory function of the DBS should be preeminent, conditions should be retained to encourage DBS scientists to develop new and useful vaccines.

It must be noted that on some issues there might not be a completely uniform opinion throughout the scientific community; decisions for action have been based on the predominating opinions of recognized experts. It is unfortunate that many of the issues were raised as public challenges without full background information. It was noted that the rule-making mechanisms permit any person, including Government employees, to comment on any standards or changes proposed in the licensing and control of biological products. Some of the charges raised in the basic document could well have been made by that route at the appropriate time, rather than by impugning the safety and effectiveness of the outstanding program of vaccine development, production, control and utilization enjoyed in this country.

The implication that the Division activities were concerned with an effect of its actions on the vaccine market to the detriment of the public was not substantiated, nor was the charge confirmed that research was discouraged for fear the scientific findings might adversely affect the vaccine market. It was recognized that withholding a vaccine because of unsubstantiated suspicions of a hypothetical threat to health could deny the public immediate benefits of lives saved and disabilities prevented.

The Committee was impressed by the excellent utilization by DBS of external advisors and consultants in making decisions about new products and in the resolution of specific problems. DBS has been active in organizing international scientific symposia in anticipation of new biological product issues such as rubella vaccine, the use of continuous cell cultures as vaccine substrates, and tuberculins. This technique has permitted free public discussion by experts to provide a globally informed basis for final decisions.

DBS has a clear legislative mandate to establish and maintain standards to insure the continued safety, purity and potency of biological products, but there is no legislative requirement that these products be effective. However, the continuing active collaboration of DBS with the Center for Disease Control in Atlanta, and the Infectious Disease Section of the National Institute of Allergy and Infectious Diseases offers a mechanism for assuring the effectiveness of vaccines. It is to be noted that the Center for Disease Control has a major responsibility for monitorizing the effectiveness of biological products and of adverse reactions after licensure and in field use.

The most important issue considered was whether the regulatory activities of the DBS have been administered so that the public has been protected at the highest possible level, both in terms of a minimum of hazard and a maximum of benefit. In this regard *the Committee could find no evidence that any product had been released for general use which, by the standards of the time and the knowledge then available, was unsafe,* including the cited polio episode. It is noted that the Division of Biologics Standards was established as a result of the "Cutter incident."

A second large issue is whether the scientific programs of the DBS have been performed in a manner which compliments its regulatory activities. It is obvious that the principal thrust of scientific inquiry in the Division must be concentrated on current and anticipated problems relating to biological products and their standardization. In order to attract and retain competent personnel, reasonable opportunity must be allowed for investigators to carry out personal research in broad areas related to their assignments. The Committee was impressed by the range and scope of scientific inquiry related to the use of biologicals; many instances were noted in which in-house personnel gained experience which prepared them to evaluate new products submitted for licensure and release. This often was accomplished in the face of deficiencies of space, personnel and funds. The Director is responsible for evaluating his total program and making a judicious distribution of these limited resources. In making his allocations, he must be aware not only of imminent and future needs but of related work under way elsewhere which might provide information required to cope with current and anticipated problems. The Committee feels that these functions have been responsibly fulfilled by the Director.

In general, based on this review and our own knowledge and judgment, the Committee was impressed by the conscientious efforts demonstrated by the DBS leadership over the years to safeguard the public from biological hazards while maintaining high levels of potency and safety. The Committee did not recognize a major breakdown in the scientific integrity of the DBS. Of the specific charges raised by Dr. Morris and Mr. Turner, only a few minor irregularities could be confirmed; however, these did not involve any risk to the public. The Committee is concerned over the interpersonal problems within DBS, but cannot substantiate the charge of misapplication of scientific resources at the Division of Biologics Standards.

Sincerely yours,

ABRAM S. BENENSON, M.D.,
Chairman, Ad Hoc Committee.

While the final version of this report has not been reviewed, it has been approved in principle by the Committee members who are:

Dr. Floyd W. Denny, Jr., Dr. Harry A. Feldman, Dr. Samuel L. Katz, Dr. Edwin D. Kilbourne, Dr. J. Vernon Knight, Dr. Serafeim P. Masouredis, Dr. Paul S. Moorhead, Dr. Frederick C. Robbins, Dr. David J. Sencer, and Dr. Margaret H. D. Smith.

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MORRIS-TURNER ANALYSIS

WASHINGTON, D.C., *December 6, 1971.*

Senator ABRAHAM RIBICOFF,

Chairman, Senate Subcommittee on Executive Reorganization and Scientific Research, Senate Office Building, Washington, D.C.

DEAR SENATOR RIBICOFF: The report of the ad hoc committee appointed to review the memorandum entitled "Misapplication of Scientific Resources at the Division of Biologic Standards, National Institutes of Health" is of such poor quality as to call into question the very process by which reports of this kind are prepared. Dr. Marston's conclusion that "I find that the Morris/Turner charges of scientific mismanagement are without merit" is a gratuitous comment not supported by careful review of the report *and its inclosures.* In fact the substance of the ad hoc committee's report either side steps, corroborates or expands the seriousness of the situation described in our (i.e., Morris/Turner) memorandum.

Specifically the committee found that "It is evident that there are serious personnel problems within the DBS and that the current charges are the culmination of a long series of such problems. This is regrettable since such interpersonal difficulties must interfere with the effectiveness of the overall program. While these aspects are outside our purview, the Committee was pleased to note that the Office of Management Survey and Review of the NIH is presently surveying this matter."

The essence of the original memorandum presented to Dr. Marston was that the "serious personnel problems within DBS" had "interferred with the effectiveness of the overall program" and that that interference had serious implications for the public health. While the committee confirmed the existence of the personnel problems and the fact that they might adversely affect DBS programs they concluded that "Of the specific charges raised by Dr. Morris and Mr. Turner only a few minor irregularities could be confirmed; however, these did not involve any risk to the public." On this point, perhaps because they felt that the personnel problems were outside their purview, or perhaps because of the limited amount of time the members could spend on their review, the committee is merely mistaken. Major irregularities which did involve public risk can be confirmed. In particular:

A. The committee so seriously misstates the situation concerning the release of contaminated polio vaccine as to call into question the integrity of the process by which the report itself was prepared.

The committee concluded that "although in retrospect the minimal requirements eatablished for polio vaccine production and safety testing were proved later to be inadequate, there is evidence that NIH and its advisors did adjust safety standards on the basis of evidence that infectious virus was present in some vaccine lots." This conclusion is based on the observation that, according to the committee, "safety tests more likely to detect residual infectious virus . . . were introduced in *March of 1954.*" (Emphasis added.) This statement was made in spite of the fact that the chairman of the ad hoc committee had been informed by Dr. Eddy during the deliberation of the committee that she made her discovery of contaminated Cutter vaccine lots (which was ignored at the time of its discovery) in September, October and November of 1954, *six to nine months after* (and probably as a direct result of) the institution of more rigorous tests. Mass immunization did not begin until April of 1955, *5 months after* the ignored discovery of contaminated lots.

As the document entitled "The Salk Poliomyelitis Vaccine Chronology," which was enclosed with the ad hoc committee's report, shows between May 1954 and April 26, 1955—when the first five paralytic polio cases associated with the vaccine were reported—there was no discussion of the possible contamination by live polio virus of the vaccine lots. This lack of discussion occurred in spite of the fact that dozens of meetings—including site visits to all manufacturers—between the National Foundation for Infantile Paralysis, Dr. Salk, The Laboratory of Biologics Control of the Public Health Service and the Vaccine Advisory Committee concerning potency and sterility of the vaccine were conducted during that same time. Everyone proceeded on the assumption that ". . . the possibility of infectious activity remaining in any vaccine meeting the specifications and minimal requirements (of the March 1954 standards which by May had been tested) had been reduced to a point below which it cannot be measured." But between September and November of 1954 Dr. Eddy discovered live polio contamination in three vaccine lots showing that contamination existed and could be detected. Still lots of Cutter vaccine were released to the public without being tested by the government laboratory. Nor apparently was Dr. Eddy's discovery reported to the various expert committees advising on polio.

Dr. Eddy informed the ad hoc committee chairman investigating the incident that the discovery of contaminated Cutter lots occurred as follows:

1. Lot 154 was tested between August 8, 1954, and November 2, 1954. One monkey inoculated as part of the new more vigorous testing procedures "was completely paralyzed in right hind leg and partially in left hind leg" . . . the pathologist test showed the monkey "positive for poliomyelitis."

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2. Lot 254 was tested between September 1, 1954, and November 11, 1954. In test on this lot one monkey without clinical symptoms was "positive for poliomyelitis histologically" while "another monkey inoculated was paralyzed in 4 days, and sacrificed on the fifth day. The histopathological report was positive for poliomyelitis."

3. Lot 354 was tested between September 27, 1954, and November 14, 1954. "Four bottles (of this lot were) positive for virus . . . one monkey inoculated with virus was paralyzed after 8 days" and "positive for poliomyelitis histologically."

The memorandum containing this information (from Dr. Eddy, polio control officer, to Dr. V. H. Haas, director of the National Microbiological Institute) dated May 12, 1955 was provided to the ad hoc committee chairman and is enclosed with this report.[1] In spite of this fact the committee concludes "the specific episode concerning the handling of data provided by Dr. Eddy is more difficult to evaluate. No records of these observations are available in the current files."

If the ad hoc committee means by the statement that no records are available they are mistaken. There is no indication of why they failed to consider the documentation provided them by Dr. Eddy. Equally important is the question why the committee failed to find the dozens of records concerning the release of contaminated lots of polio vaccine which were prepared in 1955. Enclosed with this report are copies of two such reports, one dated June 1955 and identified as report no. 12[2] and one dated July 7, 1955 and identified as report no. 18[3] (both have thirteen addressees and were prepared on ditto machines). These reports chart the disposition (when they were received, released, recalled etc.) of all polio lots received from January 1955. If the committee was unable to find any trace of this massive amount of documentation a new mystery is added to an already disturbing situation.

The committee also mistakenly suggests that some significance should be attributed to the fact that in 1954–55 control of vaccines was not the responsibility of the Division of Biologic Standards but rather was the responsibility of the Laboratory of Biologics Control, its predecessor agency. This fact would more properly be cited as evidence of the unimportance of administrative reorganization rather than as an excuse for regulatory failures.

As the general counsel of HEW pointed out in the legal memorandum transmitted to the Senate Committee the basic authority for regulating vaccines under the Public Health Services Act has remained unchanged since 1944. The term "DBS leadership" was used purposely in the original Turner/Morris memorandum because the current director of the Division of Biologic Standards was the Assistant Chief of the LBC. As an occupant of this position he received (shown by the addressee list on report 183 and recalled by Dr. Eddy) the major portions if not all of the information concerning the contamination of polio vaccines. Finally the administrative change from LBC to DBS has relevance only if the ad hoc committee is correct in its assertion that "the LBC was neither staffed nor equipped to deal readily with the new and complicated problems presented by the polio vaccines." In this judgment the committee erred as far as Dr. Eddy's discovery of contaminated Cutter lots is concerned. Dr. Eddy was on the staff of the LBC, she did have the laboratory equipment necessary to make the discovery, and the discovery was made. The administrative elevation of the Assistant Chief of the vaccine control authority to the position of chief of vaccine control authority and the change of its name in no way alter the realities of the organization structure relating to the discovery of live polio contamination of Cutter vaccine lots or the fact that in spite of this discovery Cutter vaccine lots were released for public use without government tests.

These facts present a situation, in the words of the ad hoc committee "of the gravest nature." The first case of vaccine-caused polio was reported on April 26, 1955. According to the "chronology" provided as an enclosure to its report by the ad hoc committee safe vaccines were ready for issue to the public by the week of May 30, 1955—one month and four days after the discovery of contamination. Dr. Eddy positively identified polio in the first test monkey on August 30, 1954 and in the last test monkey on November 5, 1954. If the exact procedure undertaken on April 26, 1955 had been undertaken on Nov. 5, 1954 the polio manufacturing problems which caused the contamination could have been eliminated by December 9, 1954 or nearly four months before the mass immunization program began. Such a result would have avoided the cases of paralytic polio caused by the contaminated vaccine.

That this tragedy was not avoided can be traced directly to the fact that the expert committees reviewing the polio program were not informed of Dr. Eddy's findings. The ad hoc committee is wrong in its statement that "All decisions were arrived at with the assistance of the best experts available and the mistakes reflect deficiencies in the state of the art at the time rather than conscious suppression or neglect of available data." An expert committee can be no better than the information upon which it relies.

In its preparing of this segment of its report—as in virtually all other instances—the ad hoc committee relied on a report prepared by a high-placed official of the DBS (in this case an acting assistant director) which is biased and incomplete in its presentation. It is in reliance on reports such as this that the committee makes its most serious errors.

B. The ad hoc committee again confuses the significance of various dates when it argues that DBS acted promptly to meet the dangers suggested by the discovery that monkey kidney substrates employed in the manufacture of poliovirus and adenovirus vaccines had cancer causing properties.

The committee completely begs the point about when the cancer causing property of the monkey kidney substrate was discovered when it states "the initial report of the oncogenicity of some monkey kidney cell extracts for newborn hamsters was *published* in 1961." The point of the original assertion by the Morris/Turner memorandum was that publication of Dr. Bernice Eddy's *1959* discovery of the cancer causing property of monkey kidney substate was held up for a substantial time.

Since the ad hoc committee did not see fit to interview Dr. Eddy in detail it is impossible to know whether they received any evidence of this 1959 discovery. (It should be noted that Dr. Eddy identified June 1959 as the date on which she began the studies leading to the discovery in her 1962 paper on SV40). The committee was given a July 6, 1960 memorandum which showed that Dr. Eddy's discovery had been made previous to that time (addendum seven of the original Morris/Turner memorandum.) Why the committee choose to identify the publication date of the discovery (May 1961) (which according to the original assertion had been held up) rather than the actual date of the discovery some time between June of 1959 when the work began and July 6 of 1960 when Dr. Eddy sought in writing permission to publish her findings is unclear. Whatever the reason for this mistake, it undermines the ad hoc committee's argument supporting its belief that DBS acted promptly.

Clearly by no later than July 6, 1960 DBS knew officially that polio and adenovirus vaccines were contaminated by some substance which could cause cancer in hamsters. Measuring the promptness of the DBS response to this potential danger must begin no later than this date. Instituting amended safety regulations to correct this situation in March of 1963 two years and eight months after the discovery can hardly be construed as prompt action.

Even if the date erroneously preferred by the committee (some time in 1962 apparently May 1, 1962, the date of publication of Dr. Eddy's paper first showing that SV40 was the cancer causing agent) is chosen as the starting point to measure promptness, safety regulations issued, in March of 1963, ten months later cannot qualify as an exoneration. In fact the May 1, 1962 paper was received by the journal on January 15, 1962, indicating that DBS must have had official knowledge of the publication by December of 1961 and of the data upon which the paper was based sometime before that. Therefore even by the committee's improper assertion that the point at which DBS knew that SV40 and the cancer-causing agent were one and the same, the proper time from which to measure the promptness of action, 15 months elapsed before new regulations were issued in March of 1963.

The failure of DBS was that in spite of the fact that it knew that it had at least one and perhaps two agents (SV40 and/or a cancer-causing substance) contaminating polio and adenovirus vaccines in 1960, it did not issue new safety regulations concerning this contamination until March of 1963—a lapse of 32 months. On June 6 of 1961, the New York Herald Tribune reported "that a virus that produces cancer in hamsters" was in polio vaccine. On July 25, 1961 the Washington Evening Star reported that "two manufacturers of the Salk polio vaccine have had to suspend production temporarily because they have not been able to rid the vaccines of monkey virus, SV40." Clearly, the DBS knew it had one or two problems and just as clearly it did not react quickly to provide a solution.

To understand what DBS did do, it is necessary to separate consideration of the problem (in the way the original Morris/Turner memorandum did) as it affected polio vaccine from consideration of it as it affected adenovirus. In the case of polio vaccine, the March 1963 regulations were effective (though late) because SV40 can be removed from polio vaccine. However, in the case of adenovirus vaccine, the March 1963 regulations were irrelevant since adenovirus vaccine cannot be produced in monkey kidney cells without SV40 contamination. The rest of this presentation concerns DBS tardiness in preventing adenovirus from reaching the market.

It must be remembered that the benefit of the polio vaccine is extremely high. Conversely the benefit of adenovirus vaccine is low. It has at best a spotty record of protection against a relatively mild illness. On July 12, 1961, the Director of DBS issued a memorandum to manufacturers of adenovirus vaccine (enclosed)[4] citing "the Division's continuous review of accumulating data relating to the problem of SV40." The memorandum required adenovirus manufacturers to conduct "valid tissue culture test for SV40" and to obtain "negative results" or the vaccine would not be considered for release. The Director went on to say "Our present testing program for this agent is proving hazardous to our other test operations. We, therefore, are reluctant to test further lots of adenovirus vaccine for this agent until the manufacturer has demonstrated that he can produce lots which are free of this virus."

If this standard had been applied to the release of adenovirus to the public, the production of the vaccine would have ceased upon its publication because it would have been impossible to produce adenovirus vaccine lots free of SV40. The failure of this feeble attempt at regulation is what led to the institution of stricter regulations to control SV40 contamination of adenovirus vaccine in March of 1963. Adenovirus vaccine free of SV40 could not be produced in monkey kidney cells but DBS continued to release adenovirus vaccine to the public until August of 1964. (It is interesting to note that the DBS recognition of the seriousness of the problem presented by SV40 contamination occurred six months earlier than the ad hoc committee believed extending the period of delay from the time that even the committee felt important action should be taken to 20 months.)

Manufacturers complained about the March 1963 regulations because if they followed them, SV40 kept showing up in adenovirus. Repeated unsuccessful efforts were made to produce SV40-free adenovirus vaccine. Then finally it was learned that SV40 and adenovirus could infect a cell simultaneously leading to the explanation that the growth of that adenovirus in rhesus monkey kidney cells was dependent upon the presence of SV40. In view of this discovery it is clear that if the DBS policy of July 12, 1961 or the March 1963 regulations had been followed, no adenovirus vaccine would have reached the market place. In fact the last lot of combined adenovirus-influenza vaccine was cleared for the market place on August 10, 1964, four years and one month after Dr. Eddy discovered the cancer-causing properties of an agent in monkey kidney cell substrate. This cannot qualify as promptness. In fact DBS did not take official action to halt the release of adenovirus vaccines until October 14, 1964.

When the committee characterizes the removal of Dr. Eddy from her laboratory, animal rooms, heavy censorship of all her proposed publications, and the loss of laboratory technicians as "consistent with the exercise of critical direction in the careful search for confirmation and elucidation of important laboratory observations" it once again reveals how it refuses to consider DBS personal matters and in so doing so undermines its ability to make critical judgments about the quality of DBS science. The fact that the committee states that "there is still no evivence that SV40 plays any role in the production of human tumors" indicates that it failed to consider the one paper suggesting otherwise. To quote the original Morris/Turner memorandum:

"There is still no clear answer to the question of how the injection of SV40 might have affected its recipients. One study found a statistically significant ($X^2$12.182, P 0.0005) (the probability that the findings will occur by chance are 1 in 2000) increase in leukemia of children inoculated with SV40 contaminated poliovirus vaccine when compared with a comparable control group of children inoculated with vaccine uncontaminated with SV40. It concluded that there is reason to continue careful surveillance of the potential of SV40 to cause cancer in man."

The paper cited was M.D. Innis, "Oncogenesis and Poliomyelitis Vaccine," Nature, Vol. 219, August 31, 1968. The fact that it exists indicates *some* evidence of a possible problem. The two papers cited by the committee to support their contention that no evidence existed were both by Fraumeni, one in 1963, the other in 1970. In 1963 Fraumeni wrote "continued surveillance is indicated for it would be premature to conclude from this study that SV40 is innocuous to man." In 1970 he said "Our study has certain limitations. Whereas the attenuated (oral) vaccines (which he studied) contained much higher amounts of viable SV40 than the formalinized (subcutaneous) vaccines, the neoplasms in laboratory animals were, nevertheless, induced by parenteral and not oral administration of the SV40. In addition, we could not have detected neoplasms associated with a latent period which is longer than 8 years." (It should be pointed out that the Innis paper dealt with parenterally administered vaccine.)

The Journal of the American Medical Association followed Fraumeni's first paper with this statement:

"The lack of an effect on cancer mortality rates by no means indicates that SV40 is without oncogenic capacity in man. The results might have been different had the dose been higher, the observation period longer, or the vaccinees younger (i.e. newborns.) Extrapolation from animal experimentation suggests that it would be unlikely for the SV40 in killed polio vaccine to induce cancer in human beings, because the dose was probably too small and the vaccinees were probably too old. Nevertheless, it is important to have these expectations confirmed by observations based on human experience." JAMA, August 31, 1963.

There do not appear to be any extensive follow-up studies on the effect on man of SV40 contained in adenovirus vaccine.

In preparing its comments on the SV40 incident, the ad hoc committee again relied on two inadequate memoranda prepared by senior DBS officials. One of these comments on the Innis paper saying "the author . . . discusses the question of whether test and control groups are comparable and whether there is a relationship between socioeconomic status and vaccination and between socio-economic status and the genesis of leukemia. The conclusions are that further surveillance is needed."

This comment gives a clear insight into how the DBS staff misled the committee on minor details as well as major issues. What Innis actually said about the socio-economic issues was "it was concluded that the observed differences in the poliomyelitis immunization histories was *not* entirely attributable to socio-economic factors, if attributable at all." When an official of DBS, laboring under the clear conflict of interest of being assigned to investigate problems within her own institution, finds it necessary to mislead about a matter in this way, it is little wonder that the committee relying on that official makes important mistakes.

C. The ad hoc committee (again relying primarily on a memorandum prepared by a senior DBS official) errs in concluding that "at present it (the chicken cell aglutination—CCA—test) appears to be a satisfactory procedure for estimating the content of the major virus antigens in the vaccine."

Contrary to this statement, Dr. Edwin D. Kilbourne, a member of the ad hoc committee wrote in Hospital Practice, October 1971:

"A lesser objection to current vaccines, or at least to the means used to test them, is that there is still no satisfactory method of predicting the immunogenicity in man of any given preparation. Studies of immunogenic potential in animals are not required for licensure of vaccines and the immunogenic mass is estimated from results with the chicken cell agglutination (C.C.A.) test. This measures the erythrocyte-agglutinating activity of only one of the viral antigens and is both archaic and unsatisfactory. Vaccine production could, however, be readily improved in this respect without any very large expenditure for research."

Besides mistakenly characterizing the CCA test as "satisfactory," the ad hoc committee missed the point of the original assertion. The point was that in *November of 1960* (eleven years ago) Dr. Eddy sought to publish her findings on the variability of the CCA test because she felt "there would be interest (from the scientific community) in a test to replace it." She was blocked from publishing. Her supervisor backed by the DBS director called Dr. Eddy's work "of little consequence to immunologists . . . hence it would reflect no credit on the author, the DBS, or the NIH." Not only were Dr. Eddy's efforts to improve influenza potency testing discouraged, but the DBS continued to officially take the erroneous position that the CCA test is "satisfactory."

By taking this position the DBS lost the opportunity to be an important source of stimulation of work that could have "readily improved vaccine production . . . without any very large expenditure for research." If, over the last decade, as much time, effort, and money had been spent by DBS for research into an alternative to the CCA test as was spent on unsuccessful attempts to establish its usefulness, the CCA test, a test that because of its physical base cannot be used to measure the antigenic content of a multivalent influenza vaccine, might well not be a problem today.

The ad hoc committee fails to address the public health implications of what it calls "a readjustment of arbitrary standards" between pharmaceutical industry and the DBS. It does not consider the effect of this arbitrary readjustment on the physician who is giving vaccine or the patient who is receiving it. Rather it focuses on the propriety of the industry and the agency "negotiating" the "arbitrary standards." The committee completely ignores the potentially serious public health implication of the course of action DBS proposed to follow. The DBS sought to impose "arbitrary standards" (the committee's words) on influenza vaccine which would have led physicians to rely on an announced (on the product label) level of potency which exceeded laboratory measured potency. DBS sought to take this action in spite of the fact that in its own laboratories Dr. Morris (then control officer) had shown that the CCA values of reference vaccine were much lower than the value on the label of the vaccine. It was only after the arbitrary, and in the words of the Deputy Director of the DBS "rather hurriedly assigned," improperly excessive CCA value came under industry attack that negotiations were undertaken to adjust the value back downward to just slightly higher than the value found by Dr. Morris. By ignoring the existence of these facts the committee is rendered incapable of assessing the amount of damage to the public health that such a product can cause.

The committee also fails to comment on the fact that faced with the failure of the CCA test in 1966–67, Dr. Tauraso (who by this time had replaced Dr. Morris as influenza control officer) suspended *all DBS potency tests for influenza for one year.* It is interesting to note the inconsistencies of the DBS in its reliance on CCA tests. For the 1967–68 season, manufacturers were instructed not to include CCA values—the only measure of vaccine potency recognized by DBS—on the labels of finished lots. This ruling left physicians with no suggested measure of potency for the vaccine they gave to patients. It is unclear how the committee can believe that it conducted a thorough study of the problems at DBS when it chooses to ignore facts of such importance to the public health.

D. The ad hoc committee finds "true" the fact that influenza vaccine lots were released in spite of being marked "hold." But then the committee said:

"However, the implications that these lots might have 'trace metal contamination' is misleading since the designation 'hold' was attached to these vaccine lots by scientists in the course of research on the detection of preservatives containing 'trace metals,' and not as part of the formal control and regulation of the vaccines."

This quotation offers an opportunity for excellent insight into the kind of thinking and the process of preparation that underlies the entire ad hoc committee report.

Footnotes at end of article.

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First, whether or not the scientist involved found trace metals is in no way dependent on whether or not their work was part of formal vaccine control and regulation. Much of the committee's report is characterized by an attempt to explain away a scientific discovery or failure because it was made outside of or corrected by DBS regulatory announcements. The ad hoc committee bases too much of its argument on statements of DBS policy or intent and not enough on scientific facts.

Second, the Morris/Turner memorandum contained no "implications" about trace elements. It did contain the statement that "If the vaccines being reviewed by Dr. Hiatt were in fact contaminated with trace metal (perhaps resulting from excessive use of preservatives) the laboratory books will show it. When these were sought for detailed examination, access to them was denied, although an earlier cursory perusal had been permitted. That perusal suggested the possibility that some vaccine released had an excess of trace metal contamination." The committee chose not to seek out and examine the laboratory books. As a result the situation outlined in the original memorandum remains exactly as it was. The assertions of a potential problem in the way DBS regulates preservative remains unrebutted.

Thirdly, the committee completely ignores the one "implication" that was drawn from the appearance of the word "hold" on vaccine lot protocols—that there is confusion in the DBS regulation of preservatives. As the original Morris/Turner memorandum pointed out:

"Whether Dr. Hiatt thought he was performing a regulatory function or an investigative function the confused DBS internal procedures on preservatives raises serious questions about public welfare. If Dr. Hiatt felt he had important reasons for withholding a vaccine from public use, it might well be that the public should not have received the vaccine. Conversely, if there was no proper reason for withholding the vaccine but Dr. Hiatt was attempting to withhold it (as the ad hoc committee now alleges) then his effort was to improperly use his authority to attempt to advance his own personal research activities" (by withholding vaccine from the public.)

The committee merely ignores the implications of the confused situation that it confirms existed.

That there is confusion in the DBS regulation of preservatives is further illustrated by the case of the benzethonium chloride—the preservative which caused a Federal Judge, as pointed out in the original Morris/Turner memorandum, to award $650,000 for brain damage traced to its use. On June 17, 1969 Dr. Stanley H. Singer, a DBS project officer reported that "it is my opinion that in this one experiment the Division has enough data to indicate that the carcinogenicity of this compound (benzethonium chloride) • • • in one species of animal. It should now be the manufacturers' responsibility, if they desire to continue using this compound, to launch experiments to confirm or refute these findings. The Division's role in future testing could then be focused on studies designed to obtain further basic information about the chemistry of this compound and to insure that the small amounts of this compound used in vaccines in the past have been perfectly safe."[5] The compound is no longer used in vaccines. However, it is still used in thrombin,[6] a biologic blood product regulated by DBS and indicated for oral use to stop intestinal bleeding. That the committee did not explore more deeply into the preservative regulation confusion at the DBS is further evidence of the superficiality of the procedure upon which it relied.

Finally, the committee again relied on a memorandum from a senior DBS official which was both self-serving and contradictory. The memorandum says that no "standards . . . (by which) to test products for preservative content" were ever promulgated by DBS so therefore "such writings as 'satisfactory,' 'hold,' 'manufacturers preservative content not reported,' etc. . . . carried no regulatory significance." This means that DBS did not even require the manufacturers to indicate the name of the preservative used in any given lot of vaccine.

On the other hand the memorandum does claim that DBS has very strict regulations about the amount of certain preservatives that can be used in certain cases (not more than 1:10,000 sodium ethylmercuri-thiosalicylate or 1:12,500 phenylmercuric borate in influenza, for example.) The package inserts and containers for vaccine products contain statements indicating that these standards are met. The DBS memorandum says that "manufacturers were meeting these standards," including manufacturing procedures for any preservative. Thus the DBS regulation, manufacturer's licenses and package inserts and containers all indicate that the very precise amounts of preservatives are present. Then the DBS memorandum goes on to say that neither DBS nor the manufacturers "had any prescribed tests by which" the amount of preservative present could be measured. Thus while all the various precise qualitative statements sound reassuring, there is no way to know whether they are true or not.

The committee does not believe that this unanswered question is of any importance. They argue that any dangers of mercury or other trace metals "would be detected by the safety test each lot of vaccine must pass, in which mice and guinea pigs must survive massive doses compared to that given to man." When tests were run on thimerosal (sodium ethylmercuri-thiosalicylate) under DBS Contract #Ph 43–67–676, Mason Research Institute, Worcester, Mass., some interesting questions were raised.

"Drug-Related Organ Pathology. During the examination of about 2000 rats, a great variety of pathology was observed. The most frequent of these were mild changes in the liver, kidneys, heart, and lungs. Only in the Thimerosal-treated animals were the lesions in the lungs numerous or severe enough to warrant comment (see Table 6). Here only disease incidence in the high dose of each compund is recorded. The three compounds chosen had the highest incidence of broncho-pneumonia and in comparison with the controls it is evident that Thimerosal had a damaging effect on the lung or its defense apparatus. Since the death rate in this group paralleled the deaths in the other compounds, it must be concluded that the damage was slight, continuous, and perhaps cumulative. The incidence of pneumonia within the four dose levels of the Thimerosal group was dose-related." (Clinical Toxicology, June, 1971.)

None of this is meant to show definitively that preservatives in vaccines are currently harming people. It is meant to show that some potential preservative dangers are going unexplored by DBS because of "confusion over preservative regulations." Confusion over preservative regulations was the heading of the section of the original Morris/Turner memorandum which the committee attempted to refute when it argued that the release of protocols which were marked "hold" was of little importance. That the committee failed to explore the indication of confusion, but instead relied on another DBS prepared memorandum to evaluate the situation further undermines the credibility of the process by which the report was prepared.

E. In attempting to refute the argument that DBS should have taken some action when it became apparent that influenza vaccine was not protecting the public from influenza while possibly presenting dangers, the ad hoc committee relies on three arguments. First, it argues that while influenza vaccine use has been questioned "the vaccine is imperfect but useful and, indeed, potentially life-saving in certain 'high risk' subjects with cardio-pulmonary diseases, etc."

Second, it argues that DBS has no authority over efficacy of vaccine but "is charged only with the safety, purity and potency of biological products." The committee again relies for this position on a seriously flawed DBS legal memorandum.

Thirdly, the committee argues that "there is no evidence whatsoever" that "'Hypersensitivity'" has followed influenza vaccine use, and there is "no evidence" that influenza vaccine of chicken-egg origin can be damaging (particularly to pregnant women.) In each of these arguments it appears that the committee again failed to consider seriously all the implications of facts known about influenza vaccine.

First, the fact that the Public Health Service Advisory Committee on Immunization Practices (and for that matter the ad hoc committee) finds it necessary to limit their arguments for the usefulness of influenza vaccine to "high risk" groups is impressive support for the lack of efficacy of the vaccine in the general population. But even the usefulness in the so-called "high risk" group cannot be easily defended. If the vaccine is not effective in the young and otherwise healthy, why should it be effective for "high risk" groups? In 1965 the Advisory Committee on Immunization Practices explained why "high risk" groups should be included in its recommendations:

"That influenza vaccine prevents mortality from influenza, particularly among the aged and chronically ill, is based upon inference. It is presumed that vaccine protection demonstrated in studies among younger persons is similar among the aged and chronically ill, the group at particular risk of death should they acquire the disease. It is further assumed that such protection against clinical disease serves to protect them also against mortality associated with epidemic influenza."

The Advisory Committee has concluded in 1971 that "inactivated influenza vaccines have not been used to control epidemic influenza in the general population. Their effectiveness is variable, and protection is relatively brief. Nevertheless, since they are the only available influenza preventives, they should be given to chronically ill patients and possibly to older persons in general." Since the value of the influenza vaccine to "high risk" groups was originally "inferred" from its supposed effectiveness "among younger persons," it would seem that now, as it becomes increasingly difficult to demonstrate vaccine effectiveness among younger persons, that recommending it for "high risk" persons should be reevaluated. Perhaps it is time, for example, to consider the development of a new (possibly live) vaccine.

This is precisely what Dr. Robert M. Chanock of the National Institute of Allergy and Infectious Diseases said to the ad hoc committee (in one of two memoranda prepared for the committee by persons outside of DBS.) While unwilling to support Dr. Morris' belief that "influenza vaccine as constituted cannot induce in man appreciable resistance to influenza," Dr. Chanock did say that "In an open, partially vaccinated population influenza vaccine rarely has been more than 60 to 70 per cent effective in preventing disease; sometimes it has had less of an effect." Even Dr. Chanock recognized this as a vaccine of limited efficacy and endorsed the "development of attenuated influenza virus strains for use in live vaccine" to be delivered other than parenterally. Interestingly enough this is precisely the solution to the vaccine efficacy problem that Dr. Morris proposed at the close of his grievance hearing in March of 1971. The original Morris/Turner memorandum said "the fundamental observations concerned with the immune response in man to influenza virus, whether encountered in natural disease or by vaccination, put severe theoretical limits upon benefits to be derived from parenteral injection of an inactivated influenza vaccine."

The scientific argument which caused Dr. Morris to become involved in controversy at DBS was his assertion, first made in 1965, that influenza vaccine which induced circulating antibody could only provide incidental protection and that only creation of local antibody in the respiratory tract could provide protection. This view was based on Dr. Morris' own laboratory and field work, his discussion with Dr. Thomas Francis of the University of Michigan and the early observation (1942) of Dr. Francis that "local mechanism . . . available at the portal of entry, may be much more immediately concerned with determining whether influenza virus introduced to the respiratory tract will successfuly institute infection." Dr. Chanock says that "the rationale for his approach is based in part upon recent (sic) recognition of the major importance of local immune mechanisms in resistance to respiratory infection . . ." By coming to this position, Dr. Chanock lends his weight to essential parts of Dr. Morris' argument that the theoretical basis of inactivated vaccine has to make its effectiveness doubtful. Dr. Morris believes that the failure of the inactivated vaccine to create much local antibody explains its ineffectiveness while the fact that it creates some local antibody—when given in very high doses—explains what limited effectiveness that does occur. Dr. Chanock believes that this is only partly the explanation. Both agree on what next steps should be taken. The memorandum presented by Dr. Chanock supports in large measure the argument made by the Morris/Turner memorandum.

The committee completely skipped over the proposals made to it by Dr. Chanock: a. He proposed two alternatives to the CCA test which he felt should be tested. "DBS should take the lead in initiating and coordinating such studies; b. He said "it is essential that DBS become conversant with the genetic techniques now being used for alteration of virulence of influenza virus;" c. He said "DBS should attempt to anticipate problems of a regulatory nature which might impede progress in this area;" d. He urged that DBS maintain liaison with others in the field because "it would be tragic if attempts to stem the next influenza epidemic were aborted by a failure of DBS to remain *au courant*." None of these recommendations was mentioned by the committee though they go to the heart of many of the scientific failures of DBS outlined in the Morris/Turner memorandum.

The second argument made by the ad hoc committee is that even though the influenza vaccine has limited effectiveness, DBS should not be expected to do anything about that fact. (The committee does not explain why, the DBS in accordance with its authority to develop vaccines, should work on rubella vaccine but not on a live influenza vaccine. Nor does the committee explain why Dr. Chanock and his associates outside the DBS and not DBS should establish a Sub-committee on Influenza—which includes no DBS staff as members—to encourage new approaches to influenza prophylaxis.) The DBS should do nothing the committee argues because it is charged by law with only "the safety, purity and potency of biological products . . . there is no legislative requirement that these products be effective." That a responsible group of scientists could in this day and age make such an argument in the defense of a government regulatory agency and make it without even suggesting that the situation should be changed is disturbing. The fact that the argument is untrue doubles the disappointment.

Fortunately, the Secretary of HEW, relying on the recommendations of the HEW General Counsel argues against the committee and takes essentially the same position as the Morris/Turner supplemental legal memorandum that DBS does have authority for determining efficacy under the Food, Drug and Cosmetic Act. Unfortunately, the General Counsel's memorandum misses the point that since it believes that it does not have this authority the DBS has not been moving as vigorously as possible in insuring efficacy of vaccines. For example, the various activities undertaken by groups outside the DBS to help insure, improve, or develop (depending on your point of view) the efficacy of influenza vaccine should be the responsibility of DBS if it has the authority to establish efficacy. It is not doing much to insure influenza vaccine efficacy presently.

How could a committee of national experts in biologics, as well as the agency assigned to regulate biologics manufacturers believe that the law did not require these products to be effective while at the same time it is clear to the HEW Secretary that biologics efficacy is required by the law? The committee erred once again by relying on memoranda prepared by the DBS staff. Unfortunately, the legal memoranda of the DBS staff are self-serving and misleading as are the scientific memoranda of the DBS. The argument of the legal memoranda appears to be that since FDA wrote a regulation excluding biologics from their new drug provisions, "Biological products . . . are exempt from complying with the New Drug Section of the FDA Act by reason of Section 130.2 of the FDA regulations." Clearly with the Secretary arguing in one direction and the DBS and the expert committee arguing in the opposite direction, new legislation requiring biologics to be shown effective must be adopted. During investigation into the subject of biologics efficacy, some attempt might be made to discover how widespread the notion is that an Act of Congress can be nullified by a regulatory agency's announced regulation.

The third argument by the ad hoc committee against the Morris/Turner position on influenza is that there is no evidence of harm or hypersensitivity related to the use of influenza vaccine. Once again the committee is mistaken. One commentator writes of the "risk of having a significant adverse reaction to most of the (influenza) vaccine currently on the market" as being "practically equal to the ability of the vaccine to prevent influenza. About eighty per cent of those who receive the present-day (1970) influenza vaccine report some local (sore arm) or systemic (feel as if they have flu) reaction. Ten to twenty per cent have fever, and about ten per cent miss a day of work or school. Reactions to influenza vaccine are far more severe in children than adults." (Dr. Steven R. Mostow, American Journal of Nursing, October 1970.)

In its discussion of blood group A substance, the committee confirms exactly what was stated in the Morris/Turner memorandum. The substance may be present in vaccines of chicken egg origin and antibodies may be produced against it in influenza vaccine recipients. The Morris/Turner memorandum then concludes "In pregnant women, this can be a dangerous event and result in fetal damage." The committee concludes "there is no evidence of any clinical disease associated with such response." In 1964 Springer reported:

"ABO immunization may exert its effect in foetal life to produce abortion and miscarriage (estimated to amount to 15–20% of all human pregnancies), giving rise to few cases of erythroblastosis. This is conceivable since A and B antigens, in contrast to the Rh factors, are not confined to the red cells but are present in nearly all tissue cells very early in embryonic life. Thus necrosis of foetal tissue cells may result following the action of anti-A and anti-B antibodies and the closely related anti-Forssman antibodies. Only recently has evidence been adduced for the teratogenic effect of anti-tissue antibodies *in vivo* during critical phases of embryonic development.

"In conclusion, the seriousness of the potential ailment and the ability of the potential patient to cope with it should be considered on an individual basis before administering present day influenza virus vaccines to women of child-bearing age."

Following the appearance of their paper, pregnant women were removed from the high risk group identified by the Advisory Committee.

As was pointed out in the original memorandum "In pregnant women the existence of blood group A antigens can be a dangerous event and result in fetal damage."

Finally, there is evidence that hypersensitivity has followed influenza vaccine use. Burnet[7] reported in 1943 that "when type B virus was inoculated in volunteers three to six months after a primary infection, the second infection had a much shorter incubation period, and the severer symptoms were experienced by those with higher serum neutralizing antibodies levels . . . these facts raise the possibility that the symptomatology of influenza virus infections does indeed have an allergenic component." (Rhodes and Rozee, 1967.)

In a small 1968 study on the USS Finch, Weibenga reported that 54% of the most recently immunized group contracted severe cases of Hong Kong influenza when the ship came in contact with an epidemic. Only 25% of the unimmunized group contracted the disease. Again in 1968 a study in a small group of industrial workers showed similar results—55% of the immunized group got the disease while 26.3% of the unimmunized group contracted influenza. A single case reported in 1970 "describes a patient in whom meningoencephalitis developed 12 to 14 days after inoculation with a purified influenza vaccine . . ." The observer, Rosenberg,[7] suggests an auto-immune allergic mechanism as possibly related to his patient's illness. A 1966 report of a case of autoimmune hemolytic anemia following "injection of influenza vaccine" (which itself was followed by "a sore arm and an influenza-like syndrome") concludes saying "It is interesting to speculate on the role of the influenza vaccine in the etiology of the autoimmune process since, it was, at least temporarily, related to the acute onset of hemolysis." In 1971 a Welsh physician, C. E. C. Wells,[7] reported eight cases in which "vaccination against influenza (was) complicated by a neurological illness." All eight neurological illnesses had an autoimmune basis. Esch of these observations provides some evidence to suggest the existence of a positive relation between hypersensitivity and influenza vaccine use. However, the committee report dismisses the point of the original Morris/Turner observation. The point was that since myxoviruses have shown a tendency to hypersensitization, since influenza is a myxovirus, and since the WHO[7] reported in 1970 the influenza outbreaks in Europe (where vaccination is relatively limited) were "in general clinically mild" while "in the United States . . . an extensive outbreak covering nearly all States was associated with a large number of deaths from acute respiratory disease, a prospective study of hypersensitivity in relation to influenza vaccine should be undertaken." The point was that nobody was then or now collecting evidence on which a definitive determination might be based. The com-

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mittee attempted to refute the observation by saying that no evidence existed.

The committee did not explain why the DBS failure to undertake a prospective study of this nature and its effort to discourage investigation of hypersensitivity in relation to influenza vaccine was a sound administrative and scientific procedure. The DBS treatment of influenza vaccine is of major importance because in spite of generally known limited effectiveness, and in spite of the significant negative side effects associated with its use, approximately one-fifth (18.8%) of all vaccine doses released in the 5-year period 1966–70 in the United States are influenza vaccine.

F. The effort of the committee to explain away the existence of certain contaminants in duck embryo cells presents its most curious mistake. Rather than investigating the facts presented in the Morris/Turner memorandum, the committee substitutes its own alegations against DBS and then refutes them.

Specifically, the Morris/Turner memorandum said "a DBS investigator observed in cultured duck cells virus-like particles which were (not) identified because the investigator was told to abandon his studies of the particles (since the presentation of the Morris/Turner memorandum, the DBS has begun efforts to determine the nature of the particles) because they were 'biologically inactive.'" Instead of focusing on this fact that the committee cites another fact and erroneously attributes it to the Morris/Turner memorandum saying "the DBS failed to undertake detailed research to determine the nature and importance of electron micrographic observations by a DBS investigator, Dr. Kendall Smith, of 'vital particles' in duck embryo cells."

The incident referred to in the original memorandum concerned discoveries of DBS senior scientist Dr. Calvin Aulisio and not the work of Dr. Kendall Smith. The committee could have ascertained this fact by merely contacting either Dr. Morris or Mr. Turner. The reasonable way for the committee to sharpen its understanding of the points in the controversy. In this case, the committee's reliance on the DBS memorandum not only led them to be mistaken in their answer, it also led them to be mistaken in what they were answering.

More important than the failure to speak with the authors of the Morris/Turner memorandum is the fact that an unbiasted reading of the original allegation would have made it obvious that the Kendall Smith problem was not the one referred to. Mr. Smith's name is not associated with the facts. (In fact the only mention of Dr. Smith in the original memorandum is in connection with his belief that he can show that DBS engaged in a conflict of interest which is treated later in this memorandum.) In addition, Dr. Smith continuously argued that he had discovered "viral particles" while Dr. Aulisio and the Morris/Turner memorandum referred to "virus-like" particles, an important distinction in detailed virus work. Also Kendall Smith, as far as we know, was not told to discontinue his work—in fact his work continued until the particles were identified as ribosomes. Finally, in the context of this discussion, ribosomes (the particles discovered by Dr. Smith) cannot be called "biologically inactive." If the facts presented by the original memorandum had been read without bias, it would have been clear that they referred to work other than Dr. Smith's. If the committee had contacted Dr. Morris or Mr. Turner, they would have learned that the work of concern had been conducted by Dr. Aulisio and that it remains uncompleted. Instead the committee relied on DBS memoranda which set up its own charge and then refuted it.

Nor does the committee deal with the additional two points about duck cells made in the original memorandum. It dismisses the comment that one DBS contractor found cytopathic agents in 4 to 10 replicate trial cultures by saying these were identified "as strains of certain mycoplama which are not indigenous to duck tissues." The existence of these mycoplasma was pointed out in the original memorandum in distinguishing them from "yet another contaminant" whose existence went essentially uninvestigated allowing DBS to once again miss a potentially important scientific opportunity. The committee does not comment on these "other" particles. Nor does it comment on the unexplained deaths of ducks at one manufacturing establishment.

The committee fails to comment on any of the points about duck cell contamination raised in the Morris/Turner memorandum. Conversely, it raises and then refutes the existence of an entirely different problem. It makes this mistake because of uncritical reliance on the DBS memorandum prepared for it. The handling of this issue again raises serious questions about the whole process followed by the expert committee.

G. Concerning the slow virus problem, the committee again fails to understand the failure of DBS and in fact by its answer actually dramatizes that failure. The point made about DBS was that "In 1962 it was recognized that 'slow viruses' were potential contaminants of cell cultures employed in the manufacture of vaccines for use in man" and that DBS has from that time to the present discouraged all research into slow viruses including and most important *their ability to contaminate vaccine cell cultures.* The discouragement of this research took extreme forms, including the ordered destruction of 4,000 mice on long term scrapie studies ostensibly to make room for other important DBS research. The room from which the mice were removed remained vacant for over one year after their destruction.

The committee underlines the importance of this DBS oversight when it points out that currently NIH spends 3.5 million dollars on slow virus research and intends to double that amount next year. The point is that only a very small portion if any of that money is spent on research to discover if slow viruses are contaminants of vaccines. Further DBS, the agency responsible for insuring the safety, purity and potency of vaccines, spends no money on such research.

The committee excuses that failure by arguing that "these agents (slow viruses) requires special and expensive space and equipment since, as was shown by Dr. Morris, the laboratory spread of such infections is a distinct possibility." What Dr. Morris said is:

"It seems likely that virus might have been carried from cage to cage by forceps, scattered bedding, or unwashed hands, mixed water bottles or cages, or even insufficiently sterilized cages in the long period of over one year of daily handling and feeding of the animals. Thus, airborn infection, while not ruled out, would appear to be unlikely in view of the small number of control mice who have acquired scrapie. It is established that scrapie is readily transmissible to sheep, goats and mice by feeding."

"Pattison . . . has presented convincing evidence that under the conditions of his experiment, scrapie did not spread after prolonged and intimate contact from sheep to sheep or from sheep to goats."

The precautions that Dr. Morris talked about concerned primarily that mice might well transmit scrapie among themselves by eating of contaminated materials. There was no suggestion that laboratory workers would be endangered by work on the materials. Further the facilities in which Dr. Morris worked were licensed and inspected by the Department of Agriculture and approved as safe. The inspecting officer appeared, with his records, at the hearing of Dr. Morris' grievances and discussed among other events, the inexcusable destruction of the scrapie mice.

It should be pointed out that since presentation of the original Morris/Turner memorandum, the first steps have been taken by DBS to correct the situation by the appointment of Dr. Morris as Chief of the Section of Slow, Latent and Temerate Virus within DBS.

H & I. Even a cursory reading of the information preceding this shows that the committee's belief that there has been no discouragment of important scientific work or a progressive deterioration of working conditions at DBS cannot be supported. Apparently, the committee's reluctance to consider personnel matters in detail limited its insight into the serious problem of the DBS.

The committee purposely misrepresented and distorted the suggestion as to why this situation has been allowed to develop and continue. The Morris/Turner memorandum states:

"Unfortunately, DBS has not, for the highest of motives probably, seen fit to allow the development of this kind of science (free of bias for the use of vaccines) of scientific inquiry in a number of instances. Apparently, because of a strong belief in the need to protect vaccines from adversity, the agency appears to minimize any potential vaccine problem. This procedure, undertaken even for the best of motives, is unscientific and leaves the agency vulnerable to criticism. To the extent that actions of this type taken by the agency succeed, they will achieve the very goal which the DBS seeks to avoid—the discrediting of vaccine therapy."

Rather than address the issue presented—which is currently the subject of growing literature on the responsibility of science—the committee chooses to ignore it and addresses instead "the most serious inference that can be drawn . . . that vaccines known to be excessively hazardous to recipients have been licensed by DBS for monetary, political or other reasons."

Actually the innate biases of men who do not hesitate to violate the rules of proper and fair treatment for their associates because they are convinced of the correctness of their goal is a more serious problem than graft. This is the heart of the problem facing scientific researchers today. The fact that the ad hoc committee recognizes "serious personnel problems within the DBS" is evidence that this problem has reached into the regulation of vaccines by the DBS. It is unfortunate that the committee's choice to avoid consideration of personnel matters allowed it to avoid the scientific implication of the personnel breakdown at DBS.

J–1. The fact that the varicella vaccine clinical trial was "completely legal" does not answer the point. DBS wrote to a company asking for the answer to certain questions which the company's investigator felt should have been asked prior to undertaking clinical trials—including several questions on inoculation of the virus strain. The letter from DBS said "Your notice of claimed Investigational Exemption for a New Drug" submitted April 18, 1969 under the name "Varicella Virus Vaccine, Live" has been received and assigned the code number DBS-IND 375. The designation of an IND number is for identification only and does not imply endorsement or otherwise. The legality of the trial is at best confused again by the impression of DBS legal interpretations. However, even if the trial was perfectly legal, that does not mean that the recipients of the experimental vaccine on clinical trial received enough protection—the point of bringing the facts to the attention of NIH.

J–2. The committee addresses the fact that one industry researcher had doubts about the use of mumps vaccine because the seed strain might be neurovirulent by citing another DBS memorandum. That memorandum is seriously flawed.

That memorandum states that "the attenuated mumps virus did not replicate in monkeys even in the central nervous system and that, although there were lesions of the chorold plexus and ependyma, they were not caused by replication of the mumps virus since no virus could be recovered from these tissues." This is exceedingly dangerous reasoning. Non-replicating measles virus gives exactly the same experimental results in monkeys (non-replicating virus associated with lesions) but can cause an extremely neurovirulent disease SSPE (sub-acute slerosing pan encephalitis) in man.

The danger in this reasoning lies in the fact that there are lesions presented without explaining their cause. Even if the lesions were not caused by the viruses, something caused them. The DBS memorandum claims that by analogy with the results of a process of "ultracentrifugation" that was used on adenovirus preparations "it appears likely that the lesions seen in the brains of monkeys after inoculation of preparations of live viruses which are not specifically neurotrophic for monkeys are a universal response of the CNS to the by-products and components of these viruses." By this line of reasoning, the memorandum compounds its original error. In the case of measles virus neurovirulence is caused by the virus in spite of the inability to detect "replication" or recover virus from the lesions. Thus the assumption of the memorandum is not always true. Even if it were true, there is no indicated method for separating the mumps vaccine from "the by-products and components of these viruses" which cause the neurovirulence.

Finally, the memorandum itself points out that "there are problems" with the procedure used to detect neurovirulence in "measles, mumps, rubella and adenovirus." The conclusion of the memorandum is startling:

"In point of fact, since no *significant* neuropathologic lesions have been seen in all the years of testing lots of measles, mumps, and rubella vaccines, DBS is now in the process of preparing changes in the regulations for these products to provide for doing neurovirulence tests in the first five production lots in order to validate the seed virus." (Emphasis in the original.)

It may well be that the test is unable to detect the problem, rather than that the problem does not exist. The ad hoc committee's comments on Rubin's procedure for detecting Resistance Inducing Factor (the RIF test in controversy) reveals how DBS officials were once again able to mislead the committee and all those who relied upon its report. Specifically, the committee failed to consult with the official responsible for conducting the RIF test at DBS, Dr. Calvin Aulisio. Instead they relied on a memorandum prepared by Dr. Aulisio's supervisor. What the committee did not know is that Dr. Tauraso's memorandum was prepared only after he asked Dr. Aulisio to prepare a memo on RIF testing which turned out not to be to his liking. The reason that Dr. Tauraso did not like Dr. Aulisio's memorandum was that it supported the Morris/Turner memorandum. At this point, Dr. Tauraso prepared his own memorandum—which was included as an enclosure to the committee report. After reviewing this report and on the request of the ad hoc committee chairman, Dr. Aulisio prepared a report of his own which was forwarded to the committee chairman raising more than 10 important objections to the Tauraso document. This document was not a part of the material released by the ad hoc committee. It is enclosed with this report. Since the release of the Morris/Turner memorandum, the DBS has moved to improve its procedures to detect the presence of avian leucosis viruses in vaccines.

The committee states "while this virus (avian leucosis) is oncogenic in chickens, no evidence has yet been observed of an adverse effect on man despite its inadvertent inclusion in yellow fever vaccine (a contamination which still continues) which has been given over a long period of time to large numbers of people in compliance with international regulations." The implication of the statement that a substance which causes cancer in animals should not be considered dangerous until it is shown to cause cancer in humans. This is the position which the committee took in reference to the SV40 contamination of polio and adenovirus vaccine. Once again to maintain that position it had to pick and choose the evidence it received.

In a memorandum to the Director of NIH concerning vaccine safety with respect to contamination by oncogenic viruses, Dr. Wallace Rowe of the National Institute of Allergy and Infectious Diseases addresses this problem. (This is one of two memoranda released as supporting documents for the ad hoc committee which were prepared outside the DBS.) He said:

(1) The scientific community is in large part polarized into two camps representing the extreme positions on the magnitude of the problem. One position, often encountered in persons involved in vaccine development and production, is that oncogenic viruses are only a highly theoretical danger conjured up by extrapolation from highly artificial laboratory systems. The other position, to which I subscribe, and which is found mostly in laboratory workers who do not have to make the hard decisions on vaccines, is that oncogenic virus contamination of vaccines is a real and ever-present danger requiring the utmost alertness and concern. These attitudes are dramatically illustrated by the respective reactions to the finding that two licensed vaccines (yellow fever and polio) did in fact contain oncogenic viruses. The one camp uses this experience to justify their lack of concern, stressing the fact that use of the contaminated vaccines did not lead to any harmful effects. The other school feels that these events justify their concern, in that they prove that people can be unwittingly inoculated with tumor viruses, and only by luck have we apparently escaped disaster.

(2) Regardless of the ultimate correctness of the two points of view, I do not see how NIH can do otherwise than proceed on the assumption that oncogenic viruses are a danger to be avoided at all costs.

(3) The problem of oncogenic viruses must be viewed differently from other problems of viral contamination, chiefly because of their ability to be integrated into cells. The three main classes of oncogenic virus—C-type RNA viruses, papovaviruses, and herpesviruses, as exemplified by the Burkitt agent—all share the property of being able to be integrated into cells without production of virus, but capable of being induced to form infectious virus. This has implications both for the source of contamination of vaccines and for the nature of the virus particles which could be in the vaccines.

Commenting on DBS's role in responding to these problems Dr. Rowe says "I see no solution other than establishing a truly first rate basic research program on oncogenic viruses within DBS, involving both RNA and DNA tumor viruses."

The failure of the ad hoc committee to note Dr. Rowe's observations and its perfunctory dismissal of the fact that at least one lot of vaccine was released to the public in violation of the current minimal requirements reveals that the committee's comments on cancer-causing contaminants of vaccine did not fully respond to the serious nature of the potential harm.

J–3. The Morris/Turner memorandum stated that Dr. Kendall Smith said "I believe that I can document a good case for conflict (of interest) within the Division in the case of rubella vaccine development and licensing." There is no evidence that the committee contacted Dr. Smith. The claim remains unevaluated. The committee did, however, recognize the need to establish "formal and explicit guidelines for the scientific staff to avoid activities which could be interested as promotional or as representing conflict of interest."

Following the point by point discussion of the issues raised by the Morris/Turner memorandum, the committee conducted a short general discussion that again reveals the weakness of the investigation it conducted. "It was noted" the committee states "that the rule-making mechanisms permit any person, including government employees, to comment on any standards or changes proposed in the licensing and control of biologics products. Some of the charges raised in the basic (Morris/Turner) document could well have been made by that route at the appropriate time."

This statement represents a profound misunderstanding of the situation that has obtained at DBS for the last decade and a half. Dr. Morris attempted on repeated occasion to call each of these points to the attention of his various superiors. So vigorous were his efforts that the DBS sought to exclude him completely from any influence. In Dr. Morris' recent grievance hearing (held before three senior government scientists one from FDA, one from DBS and one from the National Library of Medicine) it was found "a decision was made in 1964 to build a case for separation of Dr. Morris in accordance with Civil Service procedures, therefore a variety of incidents have been documented over the years for that purpose. This building of a case lasted over a seven year period and it is to Dr. Morris' credit that in this prolonged time no evidence could be produced that could substantiate removing Dr. Morris from his position." The committee recommended that "The entire management of DBS should be censured for allowing the harassment of Dr. Morris . . . to proceed for an extended period of time without taking any remedial action."

On September 10, 1971, after reviewing the report of the Grievance Committee and the 14-volume transcript of its hearing, Dr. Marston, Director of NIH "accepted the Committee's findings and conclusions that there was a valid basis to your claim of harassment by your supervisors. They identified your harassment as elimination of staff, elimination of laboratory supplies and animals, and almost total isolation from all DBS activities." For the committee to suggest that faced with intense harassment designed to discredit all of his work, Dr. Morris should have presented a comment on proposed regulations to the Federal Register (particularly when he made his recommendations as part of his regulatory work) suggest how far from the reality of the situation the committee allowed itself to stray.

SUMMARY

The committee "was impressed by the excellent utilization by DBS of external advisors and consultants in making decisions about new products and in the resolution of specific problems." (It is interesting to note that a majority of the "ad hoc" committee serves now or has served in the past on the Board of Scientific Counselors of the DBS, the group responsible for establishing and overseeing DBS scientific programs. This presents the interesting situation of the ad hoc committee congratulating itself on its own work.)

The way in which the report of the ad hoc committee was prepared calls for a serious undertaking of reevaluation of the interdependence of the DBS and its expert advisory committees. In conducting its deliberations, the ad hoc committee:

1. Failed to consider all the evidence made available to it. Most notably the committee

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report does not reflect any committee awareness of two documents—the May 12, 1955 Eddy memorandum on contaminated Cutter lots and the October 29, 1971 memorandum of Dr. Auilisio—both of which were given to the committee chairman and both of which showed the committee conclusions in their areas to be erroneous.

2. Failed to interview any individuals known to be critical of DBS practices, including Dr. Morris, Mr. Turner, Dr. Eddy (except for two very short phone calls), Dr. Auilisio, Dr. Smith and Dr. Young and many others, all of whom had important information about one or more of the incidents in the report.

3. Relied almost exclusively upon DBS memoranda prepared by the very people responsible for any regulatory failures which might have occurred. Of the over than 250 pages, only six were prepared outside of DBS. (One of the two memoranda represented by the six pages opposed the ad hoc committee's position on its treatment of cancer-causing substances in vaccines; the other presented the rationale for more vigorous action of the part of DBS to help develop a new influenza vaccine.)

4. Allowed itself to be misled by illogical, self-serving arguments in the memoranda prepared for it by the DBS. While it should rightly be disappointed by the quality of the work it received, it must share some of the responsibility for the weaknesses for believing that it could rely on the institution it was investigating to obtain meaningful and unbiased information upon which to base its findings.

5. Responded to issues which it raised itself that were not in the original report and failed to respond to issues which were originally raised.

To the extent that the type of this procedure typifies the manner in which other expert committees work with DBS, it suggests where part of the DBS problem may lie. As a result of the way it proceeded it is not possible to support any of the Committee's general conclusions. The committee concluded that:

1. "There is no legislative requirement that these (biological) products be effective." As the Secretary's memorandum points out this assumption is not supported by analysis of the Food, Drug and Cosmetic Act. That the Secretary of HEW says authority for requiring efficacy exists while the agency supposed to exercise that authority says it does not exist, presents a strong argument for new legislation.

2. "*The committee could find no evidence that any product released for general use which by the standards of the time and the knowledge then available, was unsafe.*" (emphasis in the original.) Evidence has been presented in this memorandum to show the release of vaccines which were either known to be harmful at the time of release or so potentially harmful as to require withholding of the product.

Thus the committee was mistaken in its major findings as well as in each of its subordinate findings. The work product and process of the ad hoc committee of experts investigating DBS is seriously enough flawed to suggest including them in an investigation of the regulatory activity of DBS under the authority of your Executive Reorganization and Scientific Research subcommittee. The intersection between serious personnel problems and poor scientific research is much too important a fact to be dismissed without investigation.

Sincerely,

J. ANTHONY MORRIS, Ph. D.
JAMES S. TURNER.

FOOTNOTES

[1] Bull, R., and Burnet, F.M., Med. J. Aust. 1:369, 1943.

[2] Rosenberg, G. A., New Eng. J. Med. 283: 1209, 1970.

[3] Wells, C. E. C., Brit. Med. J. 23 Sept. 1971.

[4] Influenza-Respiration Disease Surveillance Report No. 85, June 30, 1969.

[5] U.S. Government Memo. To the record. From Director, Intramural Research, NIAID. August 26, 1968. (Signed by John R. Seal, M.D.)

[6] WHO Chronicle 24:264, 1970.

[7] Meara, J. F., et al. Transfusion 7:48, 1967.

COAL STRIP MINING

Mr. BAKER. Mr. President, the problem of coal strip mining is receiving increasing and well-deserved attention in Congress. As one very familiar with the situation in the Appalachian region, I am anxious to see the development of strong and effective legislation to counter the devastation in this area which mounts at a fantastic rate each day we delay.

Last week in hearings before the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs, the distinguished senior Senator from Kentucky (Mr. COOPER), who has long been an outstanding voice in the development of mining legislation, made a statement which aptly and incisively distilled the problems of surface mining and delineated many of the important provisions which must be incorporated in an effective legislative response. I ask unanimous consent that his testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN SHERMAN COOPER BEFORE THE SUBCOMMITTEE ON MINERALS, MATERIALS AND FUELS, SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, DECEMBER 2, 1971

Senator Moss, and members of the Subcommittee: I appreciate very much the opportunity to appear before this Committee, as it considers legislation for the regulation, control or prohibition of surface mining, and to speak on a subject of such great importance to the Nation—and especially to my own State of Kentucky, and to all coal producing States. This subject includes the contour mining or steep slope stripping which is typical of mountainous and hilly areas, as well as the area mining practiced on flat or rolling terrain. Both contour and area surface mining are practiced in Kentucky.

I will not attempt to go into great detail about the proposal I shall make today, because I know the time of the Committee is limited. I will submit it for your consideration during the preparation of whatever legislation you may recommend to the Senate.

I was very happy to join in the sponsorship of S. 993, introduced for the Administration by the Chairman of the Full Committee, Senator Jackson, and the ranking minority member, Senator Allott. The Administration bill has, I believe, great value as the initiative of the Administration, and in establishing a national policy to deal with the subject of surface mining. The President is to be commended for his leadership and initiative in this field. I believe he is the first President who has taken this initiative and leadership.

However, I believe the Administration bill can be improved in several important respects. Since it has been introduced, I have given thought to this proposal, and I believe that legislation can be enacted which will work effectively toward this objective; that is to regulate surface mining. In studying this matter, I have consulted with my colleague, Senator Baker of Tennessee, for the problems of our States of Tennessee and Kentucky are similar and we have found ourselves in general agreement. His thorough study has contributed in great part to the recommendations I make. We hope very much to be able to submit a bill embodying our joint proposals.

In preparing the recommendations that I make today, I have relied very heavily upon the experience of the Senate Committee on Public Works—in the preparation of the Clean Air Act Amendments of 1970, which have been enacted by the Congress, and the Federal Water Pollution Control Act Amendments of 1971, which have been approved by the Senate and I am sure will be approved by the Congress in the early part of next session.

At the outset, we must consider the position of many organizations and citizens who urge that surface mining be prohibited. As I will note later, I think it clear that strip mining should be prohibited in certain areas—for example those over a certain steepness of slope, or when it would violate water quality requirements established by law. But I do not favor complete prohibition of surface mining. I cannot do so because, realistically, coal production is needed.

It is well known that the difficult question of provision of energy sufficient to meet the Nation's absolute needs, is a critical one. Energy demands have increased dramatically in recent years and are expected to continue to increase at a growing rate. Energy demands double every 8–10 years. In effect, the use of energy is a measure of the well-being and standard of living of our people, as well as of the changes brought by industrialization and urbanization. I understand this Subcommittee is conducting these hearings at least in part under the authority of S. Res. 45, of which I was a co-sponsor, providing for a National Fuels and Energy Policy Study, and I know the Committee will make its report by 1973. I hope that that report will address the whole question of levels of use of energy, available resources, and the costs—including environmental costs—of developing those resources, of converting them into energy, and of consuming that energy and the products to which it is in turn applied.

It may be, following such appraisals, that it will be found possible to shift away from strip mining to deep mining and the development of other resources. Nonetheless, I think it important we not wait until 1973 to take the necessary, if interim, steps for the regulation of surface mining.

It has been suggested in testimony before this Committee that alternate fuel sources to coal can be provided by other fossil fuels, by nuclear energy, and some say even by solar energy. Each of these fuels has problems, both in the availability of resources and in the environmental impact of their recovery and conversion to energy, and I do not think they can be relied upon now to furnish the necessary energy requirements of the nation. I, therefore, favor the regulation of surface mining, and my remarks are addressed to this subject.

Strip mining for coal has grown from minimal proportions to become a major factor in coal production. In 1970, nationally, surface coal production totalled 264 million tons, or 44% of the total of bituminous and lignite production. In Kentucky, 48% of coal production was produced by strip mining methods—125.3 million tons. This figure, for Kentucky alone, represents better than 10% of the Nation's total production of coal in 1970, and more than 23% of the Nation's surface production.

Strip mining is expanding rapidly. Nationally, strip mining was 23% higher in 1970 than in 1969. In contrast, underground production decreased 2.4% between 1969 and 1970. Unless something is done and done quickly, the situation will be completely out of control, and vast areas have already been devastated.

If surface mining is to be regulated rather than prohibited, the first question is whether Federal legislation is required, or whether the States shall maintain jurisdiction. I would like to praise my State—Kentucky—for I believe it is generally agreed that it has developed the outstanding State regulatory program in the Nation.

But, I have concluded that a Federal law is required for two reasons:

First, because the problems of providing energy and preserving the environment are national problems which require national policy;

Second, because regulation state-by-state introduces competition for markets which places a premium on low standards, and a statute that will be uniformly applicable is required in equity and fairness.

The question then arises of whether the regulation of surface mining should be administered solely by the Federal Government, or should it be through a cooperative Federal-State relationship? With the experience of the recent Water Pollution Control Act, passed by the Senate 86–0, which restores State participation in water pollution control, and from my experience in other pollution control programs, I favor the Federal-State relationship, and this is the system that I prefer.

The first proposal I make is that a bill to control strip mining should be enacted quickly, and must deal with time elements. I believe the procedures which I have incorporated in this proposal, which Senator Baker and I have drafted and expect to introduce, are more definite and would secure quicker action than S. 966. Senator Baker and I have concluded that the proper agency for control would be the Environmental Protection Agency, cooperating with the Department of the Interior's Bureau of Mines, and with the Forest Service and Soil Conservation Service of the Department of Agriculture, and others.

In order to establish an adequate Federal-State regulatory program, it is necessary to provide timely and orderly procedures, involving public participation. Our proposal has two phases.

Under the primary control phase, the Administrator of the Environmental Protection Agency would be required, after the model of the Clean Air Act and Federal Water Pollution Control Act, to promulgate criteria and guidelines for the control of surface mining activities, and to establish minimum requirements for the State regulatory program.

Following promulgation of these criteria and guidelines (which would be required within six months of date of enactment) the State would be given six months to adopt, after public hearings, and submit to the Administrator a regulatory program which would be required to meet certain criteria set forth in the bill. Included in these criteria are requirements for permit programs. If the Administrator determines that the State regulatory program meets the requirements of the statute, the State program would be approved. In the event the program is held to be inadequate, the Administrator is given authority to substitute all, or a portion, of the regulatory program for the State. The entire procedure for the development of the regulatory program would consume eighteen months, a period of time coincident with the period of the first phase.

Following the establishment of an effective regulatory program—either State-administered and approved by the Administrator, or an EPA-substituted program where the State program submitted is inadequate—all persons, including those presently conducting surface mining operations, would be required to comply with the provisions of the regulatory program.

The next important question, of course, is that of enforcement, and of what agency will be responsible for on-site monitoring, application of the practices required, and enforcement—including citation of violations and prosecution of penalties or mine closure. I would propose that, as soon as Federal guidelines have been established, and there has been an opportunity for the States to develop plans conforming to the Federal regulations, responsibility for enforcement should reside with the State. This would obviate the necessity of building a large body of Federal personnel to assure that the State carries out and enforces its responsibility. My proposal would provide that the Environmental Protection Agency would have the authority not only to require adequate regulations for strip mining and enforcement, and to review and approve or refuse the State plans, but would have the authority of ultimate enforcement if a State fails to act.

It has been suggested that the Bureau of Mines should have primary responsibility. My experience is that the Bureau of Mines functions first to encourage the production of coal, and second, above all, to insure safety. These functions are not the same as those concerned with the environment. Surface mining is directly related to environmental quality, as well as the production of needed energy fuel. EPA is developing the techniques in the field of environmental protection, and it can more properly and effectively do so in this field (I may say Senator Baker advanced this view, and most persuasively, some time ago.)

Mr. Chairman, the heart of the regulatory program would be a permit system, which would provide that any person undertaking any surface mining operation would be required to give notification to the public and provide an opportunity for public hearings. The State, or if appropriate the Federal government, would issue or deny the permit. In the event the permit was issued, it would of course contain conditions on the operation of the mining activity, including performance standards and plans and performance bonds for the restoration and reclamation of the site.

This procedure, establishing a system of primary State regulations, backed up if necessary and enforced by the EPA, would require 16 or 18 months to develop—6 months from enactment for the EPA to issue comprehensive guidelines and criteria to the States, 6 months for the State to develop its plan based upon the Federal criteria and guidelines, and then 4 to 6 months for the action of the EPA in approving or amending State plans. A serious question arises about what will happen during this year-and-a-half, or two years if the bill is not promptly enacted by the Congress. On the record, the expansion of strip mining in the past two years would indicate that the problem may by then be insuperable, beyond control, and large areas of our coal-producing states beyond the possibility of rehabilitation.

I therefore propose that during this interim period, surface mining be conducted only under Federal authority, with the approval of the EPA.

Our proposal would establish an interim Federal program, under Federal authority of the Environmental Protection Administration. Any person currently operating a surface mine, or proposing to initiate operations at a new site, would be required to file a plan with the EPA describing the method of operation and the restoration program. The Administrator of EPA would have to approve the plan if the operator is to continue operations, or initiate new operations. The Administrator would approve the plan only if assured that restoration is adequately provided for. Six months after enactment no person could operate a surface mine except in compliance with the interim Federal controls and EPA approval.

This interim, exclusively Federal, program of control would be phased out upon the development of the more comprehensive regulatory framework with primary State responsibility, which I have outlined above.

This program we are proposing may seem drastic. But unless immediate action is taken to regulate effectively surface mining, those who desire to operate surface mines will certainly face the prospect of being prohibited from operation.

If the regulation of strip mining is not undertaken quickly, we will face the unhappy prospect of having not only our flat and rolling lands, but even larger areas of our hill and mountain lands, despoiled—and restoration may be impossible.

Mr. Chairman, I believe the outline that I have just described would provide a sound basis for surface mine regulation.

I have been interested in this subject and deeply concerned for some time. In 1962, the U. S. Forest Service of the Department of Agriculture initiated research in the engineering and hydrology of steep-slope mining and reclamation, and it was at my request that the Congress provided increased appropriations for this endeavor, and for continuation of their work on revegetation. The Forest Service is continuing its research, but many difficult problems remain.

Last year, the Appalachian Regional Commission awarded the State of Kentucky a grant of $437,000 to carry out a new research and demonstration program for better strip mining reclamation methods. I also initiated this request to secure Appalachian Regional Commission funds, at the request of Governor Louie B. Nunn, and the Forest Service is participating with the State in this effort.

In the Omnibus Rivers and Harbors bill of 1970, I wrote a provision—which was enacted—to authorize the Corps of Engineers to review and study the effects of strip mining operations upon navigable rivers and their tributaries and report to the Committee on Public Works of the Senate and House of Representatives with recommendations as to measures necessary to mitigate any adverse conditions due to strip mining practices.

The Committee on Public Works, and now the Senate, in the bill S. 2770 recognizes the water pollution effects of strip mining and proposes to require in Section 209 of that bill that each State provide for—and I would like to cite the operative language of Subsection (b)(1)(G) of Section 209—

"(G) a process to (i) identify, if appropriate, mine-related sources of pollution including runoff from new, current, and abandoned surface and underground mines; and (ii) set forth procedures, processes, and methods (including land use requirements) to control such sources to the extent feasible;"

Nearly seven years ago, in the Appalachian Regional Development Act of 1965, which Senator Randolph and I joined in introducing, we directed the Secretary of the Interior in Section 205(c), to make a survey and study of strip and surface mining operations and their effects in the United States, and to submit to the President recommendations for a long range, comprehensive program for reclamation and rehabilitation of strip and surface mining areas. This report, which was not restricted to the Appalachian area, was made in 1967 and constitutes one of the more comprehensive efforts, as the Committee knows. However, because of the explosive expansion of strip mining, especially in the last year or two, I am afraid it is sadly out of date.

In addition, our water pollution and Appalachian amendments have included provisions for demonstrations and research in acid mine control and stripped land reclamation, and I have urged upon the TVA better enforcement of their contract requirements in the purchase of coal.

I mention these efforts not to indicate that they have been sufficient, but as evidence of my long and continuing interest,

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which I have expressed whenever the opportunity arose, and which we have tried to write into legislation wherever appropriate.

Mr. Chairman: I think all of us are deeply concerned, and I hope very much the Committee will seriously consider the proposal which Senator Baker and I are offering today.

I think it would be valuable for this Committee, in considering this legislation, although it does not have jurisdiction of the subject, to address itself to one of the primary causes for the increase in strip mining—the enactment of the Federal Coal Mine Health and Safety Act of 1969.

I was a cosponsor of the bill, and voted for it, and I approve most of its provisions. But when it was considered by the Senate in October 1969, I opposed that provision in the bill which abolished the long existing classification of underground mines as "gassy" or "non-gassy" and classified all as "gassy" whether or not they were in fact "gassy". I offered an amendment to maintain the classification which was debated for four days and, although defeated by a vote of 45 to 51, I believe that many in the Senate recognized the problem that removal of the classification would create.

I pointed out in the debate that with respect to Kentucky's mines, its approximately 3,000 non-gassy small mines were safer than the 392 large gassy mines and that to require them to install the costly equipment necessary for gassy mines would inexorably drive the small non-gassy mines out of business with no gain in safety for the miners. Unfortunately, this has occurred. Many have been driven out of business. More will be, and the safety record since March 31, 1971, the effective date of the new Coal Mine Safety law, is worse. I predicted in my statement on the Floor in 1969 that the closing of these small mines would result in the expansion of strip mining.

"Another consequence if my amendment is defeated, is strip mining of the small acreages at the tops of the hills, for they cannot be mined with permissible equipment economically. There is one way they might be mined, which is through strip mining. As one who has flown over the areas and seen the country devastated by strip mining, and its effect upon the environment, I know what I am talking about; conservationists in the Senate should know."

Unfortunately, this prediction is also true.

I ask consent to submit to the Committee a list of some of the regulations of the Bureau of Mines which do not contribute to safety, some which actually reduce the safety of the miners—regulations which should be repealed or modified, regulations which, as I have said, have driven and continue to drive the non-grassy mines out of business.

The Bureau's enforcement procedure seems to rely chiefly on imposing fines in varying amounts for infractions of its regulations—mandatory fines without prior opportunity of an operator to be heard which is contrary to "due process" of law, and which has seemed to only confuse operators as to the safety measures they are required to take.

Since the first effective Federal Mine Safety Act, the Act has contained a provision authorizing the Bureau of Mines to close mines when a condition of imminent danger exists. Several years ago when the Senate was considering a mine safety bill, I proposed that mines should be closed down when conditions that could lead to imminent danger existed, until the conditions were abated. This was adopted and is now found in Section 104(c)(1). I think it would be well to abolish the uneven, unequal, perhaps arbitrary imposition of mandatory fines, use Section 104(c)(1) to close down mines until the danger has been abated and when necessary and, wherever required, impose fines and penalties for failure to abate and with due process of law. This in my view, would provide safety for miners and fairness to the operators.

I bring this to your attention because I will make these proposals to the Senate Committee on Labor, and your interest would be of great value.

CHANGING THE COLOR OF THE CORPSES

Mr. HARTKE. Mr. President, any assessment of President Nixon's success or failure in bringing the conflict in Southeast Asia to a conclusion must necessarily take into account the current level of bombing. A study recently released by a group of scholars at Cornell University indicates that while this country's overall military involvement in South Vietnam has decreased, its air activity is continuing at an unacceptably high level. The report shows that almost 300,000 tons of bombs will be dropped this year, bringing the total amount expended during the course of the war to more than 6 million tons.

These grim statistics highlight the truth that our progress toward peace in Southeast Asia cannot be measured solely in terms of the number of American troops withdrawn; we must also look closely at the intensity of our air effort and here we find that no progress has been made.

In a recent issue of the New York Times, Herbert Mitgang set out the conclusions of the Cornell study, conclusions which I think will be of interest to all Senators. I ask unanimous consent that Mr. Mitgang's November 21, 1971, article, entitled "Changing the Color of the Corpses," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR WAR: CHANGING THE COLOR OF THE CORPSES

(By Herbert Mitgang)

The prospect in Vietnam for the rest of this year and well into 1972 is American withdrawal through air power. Last week—as if to punctuate President Nixon's warning 10 days ago that "air strikes on the infiltration routes" would continue "in support of the South Vietnamese until there is a negotiated settlement"—American pilots clambered aboard helicopter gunships, fighter-bombers and B-52's and strafed and bombed Communist tragets in South and North Vietnam, Laos and Cambodia.

From the vantage-point beneath the jet wings, the demilitarized zone separating the Vietnams more than ever seemed a phantom. For the 77th and 78th times this year, American fighter-bombers attacked targets in North Vietnam last week.

An unofficial scenario for the months ahead can be found in a report put out in the last fortnight by a group of scholars at Cornell University's Center for International Studies. Their independent study, "The Air War in Indochina," disputes Mr. Nixon's assertion that the war is winding down. It asserts that the war can continue causing destruction and death even though United States ground forces supposedly are in a defensive posture.

The diplomatic leverage dimensions of the air war, especially the "protective-reaction" strikes north of the demilitarized zone this year, have been disclosed before. The westward course of the bombing against targets in Laos and Cambodia was uncovered by Senator Symington's Foreign Relations Subcommittee on Security Agreements and Commitments Abroad. But neither the State Department nor the Defense Department has revealed the full scope and character of the continuing air war.

The Defense Department has tended to brush off the Cornell study. Jerry W. Friedheim, the Pentagon spokesman, said last week he was not an expert on the study and did not know what the "methodology" was. However, the Pentagon's Southeast Asia desk has requested a copy of the report, and acknowledgement has been made that the bombing tonnage figures were furnished by the Defense Department.

The advance version of the Cornell study (a more detailed report is planned for late next month) was prepared under the guidance of Raphael Littauer, professor of physics, with the assistance of 19 professors and scholars. They had access to information provided by over 80 anonymous consultants in Washington, Southeast Asia, and elsewhere including pilots, diplomats, Congressional staff members, and International Voluntary Services civilians who had assessed the effects of the bombing from the ground up.

These are the principal conclusions reached in "The Air War in Indochina":

The total American bomb tonnage dropped in the war is expected to reach about 6.2 million tons by the end of this year. Although the annual tonnage has decreased from the peak levels of about 1 million tons dropped in 1968 and in 1969, the 1971 rate will still be almost 300,000 tons. More bombs have been dropped on Indochina since President Nixon took office in 1968 than the total dropped (2.9 million tons) during World War II and the Korean War combined.

The troop withdrawal program is not intended to include reduction of the air war over the Ho Chi Minh Trail, the principal Commnuist supply and infiltration route that runs through Laos and Cambodia. Interdiction will remain beyond the capability of the South Vietnamese Air Force.

"Free-fire zones" have been renamed, apparently to remove the implication of indiscriminate bombing. They are now called "specific strike zones," but the same unrestricted military activities continue there.

An estimated 325,000 civilian deaths have occurred in the last five years, while about 6 million South Vietnamese are thought to have become refugees as a result of artillery and aerial bombardment. (Senator Edward M. Kennedy's Subcommittee on Refugees has disclosed these figures.) Interdiction of guerrilla fighters inevitably spills over to the civilian population.

The bombing has failed to achieve its political goals. In northern Laos, it has had a counterproductive effect; in Cambodia, the dependence on United States air power is likely to continue. The "destruction of Indochinese societies continues while more and more governments become dependent for their survival" on American arms, including air support.

The air war has been a severe shock to all the natural ecological systems of Indochina. Bombing and spraying have destroyed farms, rice paddies, forests and animals.

The Nixon Administration apparently plans to continue bombing and air support and assistance operations "for the indefinite future"—at a cost that could approach $4-billion a year.

Only at the very end does the Cornell study turn philosophical. "We suspect that the crucial failure occurred in a different domain than competency," the report concludes. "It was a failure of the imagination. Decision-makers in Washington remain isolated from the effects of their decisions; military commanders are similarly separated from the consequencies of their actions. The reasons for this collective failure of the American imagination are manifold, but two seem particularly relevant to the use of air power.

"First, the United States has never suffered aerial bombardment. Suppose the North Vietnamese had been in a position to carry out occasional air raids in retaliation for the bombing of their country, say against Seattle. Who can doubt that the tenor of the bombing discussions would have changed radically? Second, the very availability of an advanced technology tends to inhibit the imagination. If powerful tools are at hand, it is almost a reflex to reach for them first—and how much greater the temptation to do so if the cost is low. A reassessment of our position is long overdue."

THE A-7D, SURPRISE TACTICAL ATTACK BOMBER OF THE YEAR

Mr. GOLDWATER. Mr. President, the greatest thing that has happened to America's military aircraft system in a long time is the A-7D which may be the surprise tactical attack bomber of the year.

What makes the story of the A-7D so dramatic is the fact that its predecessors in the A-7 line left a lot to be desired. As a matter of fact, I was inclined to oppose the A-7 a few years ago and so informed the Senate Ad Hoc Subcommittee on Tactical Air Power. But, since then, I have had a chance to watch the A-7D perform at Luke Air Force Base and am convinced that it is one of the best airplanes our country has ever come up with.

In this connection, Mr. President, the Armed Forces Journal recently set out to discover what the men who fly the A-7D and the A-7E—the Navy's version—think about this plane. The result is a very timely and informative article in the December issue of the Journal entitled "They Call It 'Sluf'—Short, Little, Ugly Feller." The article was written by Mr. George Weiss, an extremely competent writer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY CALL IT "SLUF"—SHORT, LITTLE, UGLY FELLER . . . OR SOMETHING LIKE THAT

(By George Weiss)

They call it Sluf—"Short, Little, Ugly Feller"—or something close to that. If you listen to the men who fly "Sluf," Vought Aeronautics' A-7D, it may be the surprise tactical attack bomber of the year.

The "D" in A-7 terminology is quite important. So is the "E" (Corsair II) when speaking of the Navy's latest model. Its first two aircraft in the series, the "A" and "B," weren't bell-ringers, being underpowered and "iron sighted."

It was the "D" model that changed the A-7 from a sleeping ramp tabby into a somewhat more vicious jungle cat.

The Air Force is buying 387: 74 were delivered by the end of last year, and deliveries are now underway on the FY 70 order for 128 more at a cost of $372.3 million. The buy dropped to 88 in FY 71 ($242.7 million) and USAF's three-wing buy will be completed with FY 72 funds for the final 97 aircraft ($205.2 million). The Navy had previously purchased 395 A-7A/B models and is receiving 494 "E" models, with production to run until FY 76.

The men who fly the "D" and "E" feel a little neglected: they miss all the publicity, but hit their target. That's the impression The Journal formed after visiting air bases and headquarters from coast to coast to find out what the jocks really think of "Sluf." The Journal visited Myrtle Beach AFB, S.C., where the A-7D is at wing strength, and Davis-Monthan AFB, Ariz., where a second A-7D wing is nearing completion and where training is done.

The A-7 is relatively new to the Air Force, which is now "learning" the system; the Navy, however, has been flying combat missions with the aircraft since 1967. Nevertheless, the Air Force can make a respectable claim to combat experience in both the A-7A and E, since it entered a joint combat program with the Navy. Small groups of USAF officers were carrier-qualified in the A-7 and flew SEA tours with the Navy, returning to Air Force units with combat experience. The Air Force has also "borrowed" naval officers to speed its learning process for TAC's A-7 wings.

Air Force Capt Ralph F. Wetterhahn flew 80 A-7E sorties from the USS *America*. He is now assigned to the 355th Tactical Fighter Squadron at Myrtle Beach AFB.

Captain Wetterhahn's previous combat tour in SEA was with an F-4 squadron. He told The Journal he was able to place more and better bombs on target with the A-7E, in either manual or automatic operating modes. He liked the A-7E's ability during night operations which the Navy flew over the Ho Chi Minh trail. These missions were directed by Forward Air Controllers; targets were illuminated with flares.

From an accuracy standpoint, Captain Wetterhahn believes he could provide close air support, with confidence, up to within 50 meters of U.S. troops while strafing, within 100 meters using low drag bombs, and within 50 to 75 meters with high drag weapons. This, he says, is somewhat better than he would attempt in any other fighter-bomber he has flown. His only negative comments on the A-7D are that the nuclear capability has been removed (the Air Force did so to improve its usage for close air support) and that it lacks a dual refueling system, which would allow probe drogue as well as its bomb refueling. (The Navy has retained a nuclear delivery capability in the A-7E and recently assigned the "E" model a night nuclear target folder in the Strategic Integrated Operations Plan.)

A constant concern of Air Force pilots flying close air support for friendly forces under fire is the possibility of a stray bomb killing or injuring Americans.

Studies made at Vought Aeronautics plotted 37,000 bombs scored and indicated that six bombs in 10,000 *might* endanger friendly forces—with the A-7D operating within 300 meters of a U.S. position.

The Air Force has remained unusually silent in public praise of the A-7D. The Navy, however, is beginning to speak out on the aircraft's potential.

In a recent memo to flag officers in the Washington area, RAdm T. R. McClellan, Commander Naval Air Systems Command, noted that "our official reporting systems are principally concerned with the reporting of problems, over-runs, and assorted troubles, so the good news always seems to be lost in the shuffle." The admiral went on to support his point with four pages of extracts from A-7E combat pilot reports and similar communications. He added, in summary, "There is little doubt that the Navy-industry team, in the A-7E, as confirmed by over 160,000 flight hours and 14,000 combat missions, has produced the finest light attack weapon system in the world." Combat losses for the "E" model have averaged one in 5,000 sorties, the Navy claims. In 47,000 combat sorties by "A," "B," and "E" models, 19 were lost to enemy action; 16 were "A" and "B" models, three were "Es," The Journal was told.

"Look at it this way—the A-7D is the fighter pilot's dream. It is the F-86H with four hours' fuel and 10,000 pounds of bombs aboard," says LCol Danny K. Salmon of the 354th Tactical Fighter Wing at Myrtle Beach AFB, S.C. Colonel Salmon has delivered bombs and bullets in a variety of combat conditions and restrictions from the Yalu to the Mekong.

"Always before," he said, "the man who was superior in eyesight and ability got the best bomb hits. The avionics package [in the A-7D/E] has made a true quantum jump in weapon delivery. We are looking at a weapons system that is better than the pilot flying the airplane. The *airplane* can drop bombs better than any pilot in the world.

"More than one-half the pilots in this wing are former F-100 pilots who never looked at a radar before, don't know a computer, not really knowledgeable in nav systems, doppler, and IMS. In only a year we are in a position other tactical wings didn't get to in three, four, maybe five years.

"We have a monthly shoot-off between squadrons. I was a judge on the last one. I had a kid, a weapons officer, drop two skips that were hits, two low-angle bombs that were shacks [bull's-eyes], two high-angle bombs—one was 15–20 feet off, the other was a shack—and he strafed 86%. I suppose he could have made another shack and strafed 100%, but the weather was bad that day. That's as good as anyone is going to do in any airplane today.

A NAVY PLANE?

A quick way to get an argument going in an A-7D unit is to suggest they are flying a Navy-developed aircraft. "Not so," say some Air Force pilots, "the Navy is flying [in the A-7E] an Air Force bird."

Their logic is that the A-7A/B was pure Navy and that, while the aircraft did fly combat from Navy carriers in late 1967, it wasn't until the Air Force asked for major changes that the A-7 became the excellent close air support plane it is today.

The Air Force asked for 26 major revisions or modifications to the A-7 A/B to come up with the "D" model. (Sol Love, President of Vought Aeronautics, explained to The Journal that the "C" model was to have been a two-seater, but was never built.)

At the time the A-7A was first coming off the production line, the Air Force was looking for a replacement for the A-1 and F-100. This was December 1965 and, according to quotes attributed to the SPO, Col. (later BGen) Robert E. Halls, "We practically reinvented the airplane." General Halls had a charter from the Air Force (*Airman*, February 1969) to make the A-7 "the best close air support aircraft" that could be built.

One of the first changes required was the engine, since the "A" and "B" models were underpowered. Selected was the Allison/Rolls Royce (Spey) TF41-A1 rated at 14,250 pounds thrust (the "A" had but 11,350 pounds thrust). Most pilots today would prefer an even more powerful engine (with afterburner) giving about 3,000 pounds more thrust for takeoff. The Navy's A-7E began with a 12,200-pound thrust engine, but now has an improved Spey at 15,000 pounds.

But what really turns the aircrews on is the A-7D/E electronics, and black boxes, ordered by the Air Force.

The black boxes integrated into the A-7D's Navigation/Weapon Delivery System (NWDS)—and then into the A-7E—is an IBM Nav/Weapon Delivery Computer; a Singer-General Precision Inertial Measurement Set; Doppler Radar; Texas Instrument's Forward-Looking Radar; Garrett's Air Data Computer System; Elliott's Head-Up Display (HUD); Armament Station Control Unit; Computing Devices of Canada's Projected Map Display and navigation system with four dead-reckoning modes; and finally an internal Electronic Counter Measures (ECM) system that can be augmented by a Westinghouse ECM pod added to one of the A-7's six weapons pylons.

The Nav/Weapons systems are expensive (approximately $400,000 per set) and they are complicated. It take a man 10 minutes

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to learn to fly the aircraft and 100 hours to learn the system, said one pilot. But the system is proving its worth on bombing ranges in the U.S. and in Southeast Asia with the Navy.

What is it the A-7D/E NWDS does for the pilots, who usually refer to themselves as the "final" computer in the system? One way to get the picture is to look at the A-7's capabilities in terms could be developed for the American motorist, you might find yourself doing this:

Visualize yourself cruising down a strange superhighway at near top speed. While looking ahead at some point in the distance you can also see superimposed on your windshield the highway number, direction you are traveling, and speed. You get an automatic warning if you enter a new speed zone and are told the correction to make. Reach out and touch a button on the center console and information is immediately flashed onto your windshield telling you the distance to the next turnoff and the turnoff number. Press another button and a map of the area appears on the instrument panel. Passing a cloverleaf you press another button and the computer immediately corrects itself, based on a known, fixed landmark, after several hours of traveling, eliminating any errors that crept into the system.

As you approach your turnoff, the windshield lights up with additional information giving you proper ramp speed, the direction to take as you leave the main highway, and tells you which state road to take to your final destination.

Entering the town you press another button and the system locates a parking place near your hotel and guides you to it. All the time, of course, the system has kept you aware of any speed traps and hidden motorcycle cops. If you had approached a dead end or any other dangerous obstacle, the system would have given you a steady, flashing warning signal on the windshield telling you of danger ahead.

Pulling out of your parking place in the strange town, your auto computer now directs you to as many as nine places in the area (provided you've told the computer in which order you want to make the visits).

If the car had refused to start at some point in the trip, you could switch the map display to a checklist telling you how to restart the car, giving you a step-by-step sequence of checks to correct the problem.

The A-7D/E navigation and weapons delivery system frees the pilot of an attack profile that used to be necessary, but deadly: holding a straight-line approach (going "down the chute") during an attack, giving enemy gunners a chance to calculate his eventual position in space during the long seconds he has to hold a predetermined dive angle, airspeed, and release altitude while keeping the "pipper" on target.

Now, the A-7D/E pilot can "jink," take violent evasive action, while on the bomb run and not affect the bomb impact point. The on-board computers are busy: they recalculate the bomb impact point some 3,000 times in a one-minute run. As one pilot put it, "The computer never panics, forgets, or chickens out."

The navigation system continually updates the aircraft's position and displays it to the pilot, while a terrain-following radar warns him of features ahead. The nav system can also store up to nine coordinates and direct the aircraft to them. On an armed recce mission the pilot can mark a suspicious area simply by pressing a button as he flies over or near it. The coordinates are stored in the computer's memory bank to help the pilot fly back over the area or bring home more accurate intelligence at the completion of the mission.

The HUD (head-up display) is the most obvious and exotic system in the A-7D/E and is much like the system in the Marines' V/STOL Harrier.

The system lets the pilot keep his eyes on the terrain and target, while providing him target-aiming and attack data from instruments just below his line of sight. Its 16,000-plus word memory store trajectory data on all the weapons carried by the A-7D/E. It gathers the necessary information on aircraft speed, direction, altitude, and attitude, and does all the computations for on-target weapon release.

While the pilot looks at the target through his windscreen he sees, in a soft green light, all the necessary information presented to him in symbols, always in focus and updated 50 times a second.

Whereas the F-100 pilot has to precalculate his bomb run prior to the attack, deciding on his heading, dive angle, and airspeed, the A-7D/E pilot needs only to move his target indicator over the point he desires to hit; from then on the computer does the calculating for him, and the SLUF jock is free to concentrate on maneuvers to avoid enemy fire.

If he has to change his attack from west to east, the target is still locked into the computer when he rolls in and the target marker settles on the selected point. Should flak force him to pull up or "jink," the computer remains with the target and continues to compute the proper release time. Even if he is forced to pull up from his dive before reaching the target, the computer continues to work, and he can "toss" the bomb with accuracy. From 10,000 feet altitude and a five-mile slant range, A-7D/E pilots at Davis-Monthan claim they can get 50% of their bombs within 100 feet of the target even while "toss" bombing.

LCol Edward V. "Cougar" Coggins, commander of the 354th Tactical Fighter Squadron at Davis-Monthan AFB, Ariz.—one of the three mission squadrons of the 355th Tactical Fighter Wing there—is a Vietnam combat veteran who calls the A-7D "the only aircraft I ever flew that was designed to do the job it had to do."

He told The Journal that a TAC fighter pilot must get his bombs within a 140-foot circle to qualify—unless he is an A-7D pilot. Then he must bomb within a 100-foot circle. To qualify for strafing, the TAC fighter pilot must place 25% of his 20mm rounds in the target; the A-7D pilot has to score 40%.

TSgt Ray M. Sweeney of the 333rd Tactical Fighter Training Squadron, a 10-year veteran and former F-105 crew chief at Korat, has two years' experience on the A-7D and likes its ease of maintenance. He says maintenance personnel want to transfer into the A-7D units "since the word has gotten around." He cites such items as a 10-minute tire change on the A-7D, a chore that takes an hour and a half on the F-100.

Navy figures show that even the complex "D" and "E" models require only about eight maintenance manhours per flight hour, well under the contract guarantee of 9.55 hours.

Another thing pilots like about SLUF: it's racking up a lot of respect as a safe airplane. In its first 125,000 flight hours, the Navy version saw fewer fatal accidents than the F-100, F-104, F-4B, F-102, F-101, F-105, and F-111 experienced at a comparable point in time. Its overall safety record (counting non-fatal major accidents and destroyed aircraft as well) is beaten only by the F-106 and F-111. Air Force experience with the A-7D is equally promising, with only three accidents in 50,000 hours.

At a time of cost overruns on most defense contracts, the A-7 "D" and "E" models must be a keen disappointment to Senator William Proxmire and the General Accounting Office, both of whom thrive on bad news. Costs have exceeded Vought Aeronautics' estimates, but not by much. The Dallas-based company missed the A-7D contract (now 80% completed) by 4.2% and the A-7E (with 95% completed) by 6.2%. Capt. J. T. Shepherd, Navy Project Manager for the A-7, says, "We had a well thought-out objective and nobody bothered us."

Not only has the program progressed quietly with no major cost problems, but it's performing as advertised.

The A-7D has beat LTV's guarantees in such areas as speed (but by only 1%) while carrying an armament load; it has exceeded the time-on-station specification (by 11%); is well under the specified takeoff and landing distance (10% and 26%); and it exceeds (by 5%) the ferry range promised with internal fuel. One Air Force report did indicate the aircraft might be two miles short on guaranteed radius of action.

Weapons delivery and navigation guarantees have also been met, and bomb scores are 20% better than promised. Gun accuracy is 50% better than anticipated. The navigation system guarantee was for not more than 2nm drift per flight hour; the system is averaging 1.6 to 1.8nm.

Field maintenance men agree, however, that maintenance would be better if Pentagon cost-cutters had ordered more high-value spare parts. The two A-7D wings are having to juggle their supplies until reliability rates are more firmly established. This has led to cannibalization of some aircraft, but the units still maintain an operationally ready rate of 71 to 73%.

A-7 "F"?

The Air Force and Navy have a joint test program at Patuxent River, Md., to turn the A-7D into a night attack configuration; it may become the second-generation A-7 "F."

Both Services are experimenting with low-light-level TV and forward-looking infrared radar to give the jet capabilities at night matching its daytime accuracies.

The Navy will be comparing the modified A-7 with its A-6, which currently has such a mission, and the Air Force is weighing the A-7 "F" against its F-111. Both the A-6 and F-111 are more expensive aircraft.

HOW MANY CHILDREN ARE GOING TO DIE TODAY, MR. PRESIDENT?

Mr. MONTOYA. Mr. President, on December 30, 1970, President Nixon signed into law the Poison Prevention Packaging Act, which had been passed by a concerned Congress to correct an appalling situation that still exists today. Annually, 600,000 American youngsters under age 5 are poisoned by swallowing hazardous substances. This comes to approximately 1,643 every 24 hours and more than 68 every 60 minutes. At least one child daily dies from such poisoning, and for each one that expires, at least one other is crippled for life.

Yet all across the Nation there is blissful unawareness of this situation. Because most Americans believe that somehow and somewhere Government is protecting them from such household disasters. The sad truth is that no such protection exists in spite of enactment of the excellent law I have already referred to earlier. It is the same sad story encountered so often in this administration; no concern with consumer protection; no will to enforce a tough, good law; no desire to hold to the fire of enforcement those whose products are poisoning, killing and maiming children daily. The story is as dreary as it is disgusting.

What actually poisons our children? Ordinary, everyday household products sold in most stores across the Nation. All are marketed by industry with the usual disregard for consumer, particularly child safety. Carnage results, as can be expected.

Lye, oil of wintergreen, aspirin, hundreds of prescription drugs, furniture polishes, antifreeze, pesticides, moth balls, Drano, gasoline and cosmetics are only a few such products extracting a daily toll. Any detergent, particularly those containing caustic substances, will wreak havoc with a small child's insides when swallowed. Emergency rooms of every American hospital know full well how severe and inexcusable this situation truly is. Case histories outdo one another in agony. Yet the answer to this terrible situation is at hand, as it has been for years.

Safety closures are the answer, and are called for in the act passed by Congress and signed by the President almost 1 full year ago. Safety closures have been patented in significant numbers. Many have been tested in a Government hospital in Tacoma, Wash. All such closures are immediately available to industry, if it seeks to utilize them. So far this has not been the case.

The Poison Prevention Packaging Act of 1970 simply requires all hazardous, commercially available substances to be labeled as such for the purpose of being equipped by industry with safety closures. It also requires standards of effectiveness for them to insure that they will resist efforts of almost all children to open them.

The Department of Health, Education, and Welfare is charged with responsibility for enforcing this measure. Its subsidiary, the Food and Drug Administration, is the organization immediately charged with enforcement in this instance. It has totally evaded its responsibility to the American consumer under this law. One fact stands out above all others. Eleven months and more after the President signed the law, not a single safety closure is being sold anywhere in the Nation. Not a single hazardous product of the thousands available to American consumers and their children comes equipped with a safety closure. And daily the toll mounts.

The Product Safety Division of the Food and Drug Administration is supposed to be the cutting edge of enforcement of this measure. Once again, there has been total nonperformance. Bureaucratic gobbledegook substitutes for energetic enforcement. Consultation is shoved forward as an excuse for nonfunctioning of one of the most important agencies of Government. If the average enraged taxpayer wants to see what in microcosm is wrong with his national governmental apparatus, here it is for all to behold.

First they plead no mandate from the Congress. Yet the law is complete, simple, all-encompassing, easy to interpret and definite in its requirements. Second, they claim there is not enough manpower for enforement, the classic defense of the embattled do-nothing public servant. This too is a specious defense, as budget figures show.

The real answer is that there is no desire on the part of servants of the people to vigorously administer this law. We can prove this by tracing what happened to the law from its date of enactment and signature by the President until the present time.

In March of this year, the President proclaimed National Poison Prevention Week. Laudable, to be sure. Yet the man charged with overall responsibility for the law's enforcement, Secretary of HEW Richardson, was off on a Utah skiing vacation.

After months of prodding by concerned citizens, the media, and Ralph Nader, FDA finally got around to the herculean labor of appointing a technical advisory committee. This group was supposed to assemble in Washington, determine which products were dangerous enough to young children to require safety closures, and set standards of efficacy for them. In the past 11 months, this committee has only gathered twice. That speaks for itself.

A testing protocol was supposed to be set up, finalized, and published in the Federal Register. Under its terms, selected groups of children under age 5 were to be assembled in order to test various safety closures. From such tests, FDA was to lay down standards closures would have to meet, while simultaneously informing affected manufacturers what their responsibilities under the law were.

In the process, standards of efficacy for individually dangerous categories of products were to be published in the Federal Register as well. It is of course in the interest of the general public that as many standards as possible be set, published, and enforced. Also, that they be set as high as possible. In this, too, FDA has been dilatory to the point of unconscionable negligence.

Only four categories of products have had standards for closures set on them under the act. These are aspirin, oil-based furniture polishes, hazardous drugs, and oil of wintergreen. In each case, manufacturers have asked for and received several extensions because of delay in finalizing the testing protocol. Promises by FDA to set high standards on many other categories of products have not been fulfilled. In late July, Dr. Edwards, head of FDA, testified before the Senate Commerce Committee. In the course of that testimony, he promised standards would be forthcoming at the rate of one a week for 10 weeks. This has not transpired to the amazement of no one at all. Meanwhile, the carnage continues daily.

Mr. President, this is anything but an isolated case. The Food and Drug Administration is something of a collector's item as far as not protecting consumers is concerned. Our papers are replete with one case after another. FDA's main function nowadays seems to be closing the barn door after the horse has been stolen. The agency spends more time denying such accusations than in enforcing sound laws such as the one I refer to here. And when this agency does not function as intended, the health and well-being of every citizen is placed in jeopardy.

Repeated prodding has elicited excuses, further delays, and feeble mumblings from the agency in question. Any cursory glance at a medicine cabinet or under a kitchen sink yields ominous findings. Dozens of products, available in supermarkets, drug stores, and hardware outlets are to be found. Each is lethal to a small child when ingested. The law is plain. So is FDA's charge under the law. Still nothing happens.

Industry, seemingly loathe to comply with this law, has vigorously lobbied against the law with FDA, with what appears to be significant success. What can we conclude, then? Obviously that industry's foot dragging carries more weight with FDA than lives of small children.

Perhaps an investigation of the FDA, particularly its Product Safety Division, is in swift order. A holiday season is virtually upon us once again. Many small children will be injured, crippled and killed during this period, as they were last year. Delay in implementing the protocol and producing further standards is inexcusable. This time tomorrow, another 1,643 American youngsters will have been laid low. Stomachs will be pumped out. Faces will be permanently scarred by lye. An esophagus will be removed from a youngster. A family will bury a small child. And all of this can be prevented.

How long will the administration allow this to continue? How much is the life of an innocent child worth? When will we see the curbing of this utterly useless slaughter of innocents?

Mr. President, the Food and Drug Administration has been guilty of nonperformance again and again in this area. As a result, a climate of permissiveness has been created which offers the unscrupulous manufacturer a temptation he is often unwilling to ignore. Congress cannot and should not stand by and let this situation deteriorate further.

It is time for a complete investigation of this nonagency, with an emphasis on the Product Safety Division. Such an undertaking should seriously consider stripping the Food and Drug Administration of its consumer protection function and assigning it either to another part of Government or to a special Consumer Protection Agency.

We have become the laughing stock of the developed world as far as protecting even the elementary health and safety of our citizens is concerned. Let us do something forthwith.

SENIOR CITIZENS FORUM IN BALTIMORE

Mr. MATHIAS. Mr. President, I recently sponsored a forum in Baltimore, Md., where senior citizens and public officials could discuss the problems of the elderly. I was most impressed by the deep interest shown by the more than 800 senior citizens who attended this pioneering meeting.

At the forum we were very fortunate to have the participation of the Commissioner of Social Security, the Honorable Robert M. Ball. Commissioner Ball made a very interesting and helpful presentation in which he described social

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security benefits not only as they presently are, but as the Congress is moving to expand them.

I know that Commissioner Ball's remarks will be of interest to the Senate, particularly as they relate to H.R. 1, the pending social security and welfare-reform bill.

I ask unanimous consent that the Commissioner's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY TODAY AND TOMORROW

(By Robert M. Ball)

I appreciate the opportunity to speak to you today about the social security and Medicare programs, about their role in providing economic security for the elderly, and how we hope to further improve these programs. I will not be dealing with the specifics of today's programs but rather with an assessment of where social security stands today and where it will be tomorrow.

SOCIAL SECURITY TODAY

From a modest beginning in 1935, the social security program has grown tremendously until today it provides retirement, survivors, and disability protection for almost all Americans, and health insurance protection for nearly all those aged 65 and over. The social security program touches the lives of practically everyone in the Nation. Over 9 out of every 10 people in paid employment and self-employment are covered or eligible for coverage under the program. Almost 27 million people—one out of every eight Americans—are receiving about $3 billion a month in cash benefits. And 17½ million of these beneficiaries are our senior citizens.

Of the more than 20 million people in this country who have reached age 65, over 90 percent are getting monthly cash benefits or will be able to get them when they or their spouses retire. Moreover, almost all of the 20 million are protected by the hospital insurance part of the Medicare program, and 95 percent of them have chosen the protection of the supplementary medical insurance part of the program. Medicare payments for hospital and doctors' care account for over two-thirds of expenditures for hospital and doctors' services older people receive.

IMPROVEMENTS NEEDED

Despite the significant role of the social security and Medicare programs in providing economic security for the aged, the Administration realizes that the protection afforded by these programs should be further improved.

And H.R. 1, the social security and welfare-reform bill that passed the House of Representatives last spring and is now pending in the Senate, contains many recommendations of the President designed to move us significantly closer to the goal of providing economic security in old age for all Americans.

CASH BENEFIT CHANGES UNDER H.R. 1

The most important of the changes which H.R. 1 would make in the social security cash benefits program is the provision for automatic adjustment of social security benefits. This would in effect make benefits "inflation proof" by assuring that they will at least be kept abreast of increases in the cost of living. While benefit increases legislated by Congress over the years have more than kept benefits up to date with increases in prices when measured against the level of benefits set many years ago, time lags have frequently occurred during which the purchasing power of a person's social security benefits have been seriously eroded. And, of course, later adjustment in benefits can't make up for the deprivation that people have suffered during the time the benefits were inadequate. The automatic adjustment provision would assure that long lags between price increases and benefit increases will not occur as they sometimes have in the past.

Before the automatic adjustment provision goes into effect, benefits would be increased across the board by 5 percent effective with benefits for June 1972. This increase is on top of the 10-percent general benefit increase that was effective for January 1971, and the 15 percent increase that was effective for January 1970, and will mean that for June 1972 benefits will be one-third higher than they were for January 1970, just 2½ years earlier.

H.R. 1 would also change the provision of the law known as the retirement test, to remove the disincentives to work that the provision now contains. Under the present retirement test provision it is possible for a person to actually have less income (that is, social security benefits plus earnings after taxes) if he works at certain earnings levels than he would if he earned less. Presently, there is a $1 reduction in benefits for each $2 of earnings from $1,680 to $2,880, and a $1 reduction in benefits for earnings above $2,880. Under H.R. 1, only $1 in benefits would be withheld for each $2 of earnings above $2,000 regardless of how high the earnings might be; there is no $1 for $1 reduction at any point. Thus, it will always be advantageous for people who can to work and earn more.

Increased benefits over and beyond the 5 percent increase are provided by the bill for some 3½ million aged widows. Under present law, an aged widow's benefit is equal to 82½ percent of the benefit that her husband would have received starting at age 65. Under the bill a person who becomes widowed after age 65 would get a benefit equal to what her husband would be getting if he were still living.

The method of computing retirement benefits for men would be changed to make it the same as that for women. This change will allow men to drop out of their benefit computation three additional years of low earnings, and will enable most men retiring in the future to get significantly higher benefits beyond the general increase of 5 percent.

Higher benefits would also be provided for many long-term, low-paid workers. Low-income workers who have worked for many years under social security would be eligible for a special minimum benefit equal to $5 multiplied by the number of years under social security, up to a maximum of 30 years, providing them with a special minimum benefit of up to $160 a month. This special minimum would apply to those receiving social security benefits now—not just those who retire in the future.

As a result of all of the H.R. 1 changes in the cash benefits program, average benefits will increase significantly. The average monthly cash benefit for old-age beneficiaries whose wives are not getting benefits will increase from $129 to $137; for aged couples the average increase will be from $222 to $234; for aged widows, average monthly benefits will go up from $114 to $133. The automatic adjustment provision will, of course, protect these benefits against erosion if prices rise in the future.

MEDICARE CHANGES UNDER H.R. 1

Health insurance protection under Medicare—both hospital insurance and supplementary medical insurance—would be extended to persons entitled to monthly cash benefits under the social security and railroad retirement programs because they are disabled after they have been entitled to disability benefits for at least 2 years. If enacted, this provision would make about 1½ million disabled beneficiaries eligible for hospital benefits and physician coverage under Medicare. This is a significant provision for older people for although social security disability beneficiaries are under age 65, almost two-thirds of them are over age 50.

As many of you are aware, one of the principal goals of the President is to improve nursing home conditions and to make sure that nursing home patients are treated with dignity and consideration. At present over 900,000 Americans over 65 live in nursing homes, and while many of these institutions provide outstanding care to our older citizens we are all aware that some nursing homes are in deplorable condition. One very important provision of H.R. 1 which will benefit the aged concerns those who are receiving institutional care that is not at the skilled nursing care level approved for Medicare or Medicaid. This type of care is now provided in several thousand "intermediate care facilities." Under H.R. 1, these institutions would for the first time be required to meet prescribed Federal standards related to the quality of care provided and the safety of the institution.

The Administration is pledged to improve nursing home conditions generally. On Tuesday of this week, for example, Secretary Richardson warned those nursing homes who are below standard that they are being watched closely and will not get away with substandard performance under either the Medicare or Medicaid programs.

At this moment, the Administration is engaged in many activities that will help assure that nursing home care provided to the aged is improved. These activities take many forms, including better enforcement of standards for participation in Federal programs; improving the training and professional competence of those engaged in seeing that standards are met; increased funding of State health department services connected with improvement of nursing home facilities; terminating the participation in Federal programs of nursing homes that fail to meet standards; and regular reviews of State health department professional certifications of nursing homes.

WELFARE-REFORM PROPOSALS AFFECTING THE AGED

In addition to provisions for improvements in social security, H.R. 1 also provides for a major new approach to public assistance for older people. H.R. 1 would replace the State-administered programs of assistance to the aged, blind, and the disabled with a new national program financed by the Federal Government and administered by the Social Security Administration.

Under the new program, people will qualify if they have assets that do not exceed $1,500, but the home, household goods and personal effects will not be counted within the $1,500 limitation. By contrast, Maryland now has a general limit of $300 on assets other than a home. The new Federal program will provide, in the beginning, an assistance standard for aged, blind, or disabled individuals of $130 a month and for couples, $195 a month; ultimately these standards will increase to $150 for individuals and $200 for couples. The Federal payment standards of $130 for individuals and $195 for couples represent significant improvement over payment standards to aged recipients in Maryland, where in July 1971 payment standards were $96 for an older individual and $131 for an older couple. Furthermore, States may establish a higher standard than the Federal assistance standard if they choose to do so in their State and pay the difference in cost. Under such circumstances the program could still be administered in that State by the Social Security Administration as a single program.

The ultimate payment levels under the new Federal program of $150 and $200 for individuals and couples, respectively, are based on the current poverty index. Thus, these payment standards establish as a goal of the program a situation in which no older person will need to live on income that is below the poverty level.

Today a little over 2 million older people are receiving payments under old-age assistance. Under the new improved program for providing assistance for needy aged people, about 5 million older people will get assistance payments in the first fiscal year in which the new program's ultimate payment levels of $150 and $200 are in effect.

CONCLUSION

Too often our senior citizens have the right to feel that they are the forgotten segment of our society. We are on the move to correct the situations that lead to this feeling. With H.R. 1 more adequate social security benefits will be provided and those benefits will be made inflation-proof. As a result of a variety of actions, institutional care for the aged is being improved and H.R. 1 will bring for the first time the great bulk of nursing homes under Federal standards. Incentives to work and to continue to be active will be greatly improved under pending legislation. And, finally, through the welfare reform proposals a new program of national assistance will be administered as a supplement to social security benefits with the goal of making sure that no older person has to live in this land of abundance below the level of minimum poverty established by the Government.

But obviously a floor of protection against dire poverty is not enough. Through social security and the improvement of private pension plans and the opportunity to work we must move forward to the goal of adequate income for all.

RETIREMENT OF HARTHON L. "SPUD" BILL FROM NATIONAL PARK SERVICE

Mr. McGEE. Mr. President, tonight a special reception and dinner will be held in the Nation's Capital honoring a man who will soon be retiring from the National Park Service on January 8, 1972, ending 36 years of service to that agency. And no one man will deserve the accolades to be given tonight more than Harthon L. "Spud" Bill.

Therefore, I ask Senators to join me in paying tribute to this man who has made many valuable, innovative, and far-reaching contributions to the national parks system of this country. This system has been held up as a model for the rest of the world, and Spud has played a very vital and creative role in the quality of a system which Americans are most fortunate in being able to enjoy.

Spud has had a highly distinguished career with the Park Service. He has been cited on numerous occasions for his work and innovations. He is the recipient of the Interior Department's Distinguished Service Award. For his outstanding work in the field of conservation, Spud received the coveted Cornelius Pugsley Award this past year.

Spud's first job with the National Park Service was that of senior foreman with the Civilian Conservation Corps at the Grand Canyon. He later moved up to Assistant Park Ranger, then Management Assistant, and was finally appointed Chief Park Ranger at the Grand Canyon.

The year 1947 found Spud appointed Assistant Superintendent of the Mount Ranier National Park. In 1952, he became Assistant Superintendent of Yosemite, and 3 years later he became Assistant Director of the Southwest Regional Office of the Park Service in Santa Fe.

We, in Wyoming, were extremely fortunate when Spud was named Superintendent of Grand Teton National Park in 1960. However, we were very much disappointed to lose him 3 years later, when he became Superintendent of Glacier National Park in Montana.

It was just a year later—in 1964—that Spud came to Washington as Chief of the Office of Resources Management and Visitor Protection. In 1966, he was promoted to Deputy Assistant Director and then Assistant Director for Operations. In 1967, he became Deputy Director.

I have known Spud Bill for many years, and I can, in all honesty, say you will not meet or come to know a finer person. This country has benefited greatly from Spud's service to the agency which serves as custodian over our national parks. It is, therefore, with a sense of regret that we see him step down from this post. However, we accept his deserved retirement knowing full well that his contributions to the national parks system will be felt for decades to come. We wish him the best of luck in his retirement. Thank you very much, Spud, for a job well done.

PLANNING FOR THE FUTURE

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. HUMPHREY), I ask unanimous consent to have printed in the RECORD an article entitled "How Can We Have a Better Future for America?" published in the Texas AFL–CIO News of October 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW CAN WE HAVE A BETTER FUTURE FOR AMERICA?

(By HUBERT HUMPHREY)

On our small planet, the average person lives about 500,000 hours. Not all of us recognize that what we do during this span of life affects not only ourselves but all those who come after us.

Too often many forget that we have the future—not just the present—to think about. When we pollute the fresh waterways and the air, when we jam our cities with too many people, somebody has to pay the bill, sooner or later.

These, I believe, are some of the lessons Americans are gradually learning. No man is an island. All of us are discovering how our actions affect the future of mankind. Moreover, whenever individuals or corporations squander the resources of nature, some way must be found to pay the bill or replenish these resources.

WHY PLAN FOR THE FUTURE?

On one point we should be clear: not the poor but the rich consume the wealth which nature provides. This is as true for nations as for persons.

A person in an industrial country consumes fifty times as much energy as the individual in a poor society. During the past ten years Americans alone consumed one-third of mankind's total industrial energy. We also used up 40% of the global output of raw materials.

As more nations become industrialized, the demands for raw materials and energy will leap ahead. And unless we properly use nature's goods and plan for tomorrow, we will be faced with worse forms of pollution and more environments not fit to live in.

There is no doubt that we can produce the energy that America and the world will need. We can also build better cities—if only we want to pay the price. Nuclear power alone offers potential energy for millions of years. A national policy of balanced urban-rural growth, could bring a more orderly pace of living into our hyper-active and rapidly changing society.

FREEDOM TO LIVE THE GOOD LIFE

Perhaps we need to enlarge our ideals to help us plan for the future. Traditionally, Americans have prided themselves on their great freedoms—the right to life, liberty and the pursuit of happiness. Perhaps the time has come to expand these ideals to include the right to a quality environment and the right to live in a decent home in a good neighborhood.

Citizens everywhere are demanding the freedom to live the good life. They are tired of polluted rivers, sickened by noxious fumes and fed up with the rush and noise of everyday life. Noise, congestion and pollution are not elements of the Good Life. But is any American untouched by these evils?

Seventy per cent of Americans live on less than two per cent of our land. By the end of the century, unless we do something about it, another 100 million persons will be living in our larger cities.

Americans are very much aware of the connection between overpopulated cities and the problems of crime, drugs, pollution, congestion and psychological stress. As long ago as 1968, a Gallup poll showed that 56 per cent of all Americans would prefer to live in rural communities, with 18 per cent preferring city life and 25 per cent the suburbs.

BALANCED NATIONAL GROWTH

Both the U.S. Congess and the Federal executive branch are on record as favoring a new policy of rural development and balanced national growth. It is time to turn our words into action and create legislative programs to carry out the will of the people.

As we debate the dimensions of a National Growth Policy, we must not forget that cities and urban centers are the heart of our civilization. Above all, any future growth policies adopted must enrich and enhance the cities—not just abandon them. That's why balanced growth is necessary.

To move towards developing a National Policy for Future Growth will be a difficult challenge. We will require:

A sound and growing economy whose benefits are passed on to all our citizens not just to a fortunate few. Since 1968 we have watched the Nixon administration so badly mismanage the economy that only a total reversal of course saved us from national disaster. Some major economic moves were absolutely necessary to our national well-being. But by passing on the benefits of his new economic plans largely to the wealthy, Mr. Nixon has created greater hardships for wage-earners everywhere.

Reform of every level of government so that the genuine needs of people are met—sidewalks get fixed, street repairs are made, housing violations corrected.

A greater provision of necessary funding to states and cities to enable them to provide urgently needed services to the public. To look towards providing long-term credit, I introduced the National Domestic Development Bank of 1971. This would provide new sources of funds for schools, cleaning up pollution, playgrounds and other public facilities. Linked to this bill, I have also prepared a special financing program to aid rural towns and areas with less than 35,000

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residents. The purpose is to make it possible for these rural centers to grow in a more orderly fashion.

A BETTER FUTURE

These are some of the new policies we must enact into legislation if we are to put more purpose into our economic growth. They should help us to develop a better future for all citizens—a future in which we are not overwhelmed by problems and challenges which seem too big to manage.

Americans must learn to control their own destiny by planning the future growth of their society. This is an extraordinary challenge. But continuing unplanned and unchecked growth may only mean more of the same—a deteriorating environment, bad housing for millions, and clogged transportation in our cities.

The challenge of producing a better America lies before us. We have the means and the desire to meet this challenge. We have no other choice but to do so.

CRIME IN THE WASHINGTON METROPOLITAN AREA

Mr. MATHIAS. Mr. President, last year the Nation applauded when Mayor Washington announced that, as a result of intensified efforts by the District and Federal Governments, crime had decreased in the Nation's Capital. I joined in that applause. I was, however, deeply disturbed at FBI reports which disclosed yet another increase in suburban crime throughout the Nation, including a significant increase in the Maryland suburbs. I did not know whether there was any correlation between the decrease in the District's crime and the increase in Maryland's crime; I instructed my staff to research the question.

The staff report, which covered calendar year 1970 and the first quarter of 1971, indicated a statistical correlation between the decrease in the District's crime and the increase in the Maryland suburbs in some recognized crime categories.

I called for a "first of its kind" Washington Metropolitan Crime Conference to address the issue of metropolitan crime, and the Justice Department agreed to fund it. That conference was held on September 13 and 14, and I should like to report to the Senate some of my observations as well as the findings of the conference.

The conference was made up of representatives chosen by the respective State planning agencies of Maryland, the District of Columbia, and Virginia. The State Planning Agency, or the SPA, is that State organ established under the Safe Streets Act of 1968 to receive and disburse funds given to it by the Federal Law Enforcement Assistance Administration for support of State law enforcement programs.

The conference was divided into eight workshops—police, corrections, drug abuse, civil disorders, juvenile delinquency, prosecution and defense, organized crime and courts. Each State sent three representatives to take part in each workshop. Thus for the first time in Metropolitan Washington—the first time in the country—judges, police, probation officers, and law enforcement officials of each jurisdiction in a metropolitan area came together under one roof in order to come to grips with common problems.

This in itself was an accomplishment.

Each workship was charged with the task of identifying interjurisdictional problems within its particular field and recommending specific steps for tackling them.

This was not an easy task. It is not easy for the local police chief or prosecutor—politically protective of his territory—to reach his hand out to another police chief or prosecutor in an effort of cooperation.

But they did it. And we all owe them our gratitude and appreciation, for their efforts will serve as a stimulus for similar efforts in metropolitan areas all across the country.

The conferees recognized that in one metropolitan area, most of our problems and patterns of life pay little heed to political boundaries. Our air, our water—our crime—cross State and local lines without regard to their political integrity.

The Metropolitan Washintgon Council of Governments played a major role at the conference. It was through its efforts that we finally got a clear picture of the nature of metropolitan crime.

The Council of Government—COG—for a 3-month period prior to the conference took a comprehensive and systematic look at Washington's metropolitan crime and concluded, as I did, that interjurisdictional crime does exist to the detriment of the Virginia and Maryland suburbs. This point was not clearly made at the conference, and I think this important to do so in this report.

The seasonal nature of the study, the report states, affects only numerical, not qualitative differences in crime; thus, the 3-month study period can be said to be characteristic of the entire year.

Using the current seven recognized FBI index crimes—murder, forcible rape, robbery, aggravated assault, burglary, larceny over $50 and auto theft—within Maryland's Planning Region IV—Prince Georges and Montgomery Counties—and the District of Columbia, the COG report stated, among other things, the following:

First. Comparing the total metropolitan reported index crimes for calendar years 1969 and 1970, one sees the following: A decrease of 3,253 index crimes in the District; an increase of 1,399 index crimes in the Maryland suburbs; and an increase of 4,773 index crimes in the Virginia suburbs.

Second. The District of Columbia has doubled its crime rate per 100,000 since 1964.

Third. A further comparison of the index crimes in the three jurisdictions indicates that in calendar year 1970, crime in the District decreased 17 percent while crime in the Maryland suburbs increased 18 percent—with Prince Georges County crime in the Virginia suburbs increased 16 percent.

A closer analysis of second quarter 1970 to second quarter 1971 showed a 16-percent decrease in the District's crime and an increase of 25 percent in suburban Maryland crime.

Fourth. Twenty-eight percent of all those detained in the Montgomery County jails were residents of the District. Specifically, in the crime of robbery, 32 percent of those detained were residents of the District; in the case of burglary, 20 percent; in the case of larceny, 44 percent; and in the crime of aggravated assault, 27 percent of those detained were from the District.

Fifth. Thirty-three percent of all those detained in Prince Georges County jail were residents of the District. Specifically, in the crime of robbery, 56 percent of those detained were residents of the District. In the case of aggravated assault, 18 percent; in the case of burglary, 10 percent; and in the case of larceny, 29 percent were residents of the District.

Sixth. In looking at the court cases processed in Montgomery and Prince Georges Counties, it was found that in Montgomery County, 16 percent of the adults processed were District residents. Specifically, in the case of robbery, 33 percent of the cases processed involved District residents. In the case of larcency, 21 percent. In Prince Georges County 27 percent of the adults and 36 percent of the juveniles processed were residents of the District. Specifically, in the case of robbery, 36 percent of the cases processed involved District residents. In the case of burglary, 21 percent; and in the crime of larceny, 48 percent.

Seventh. Arrestees—in looking at those arrested in Prince Georges County, it was found that in the crime of robbery, 70 percent of the adults and 66 percent of the juveniles were residents of the District. In the crime of burglary, 37 percent of the adults arrested were residents of the District; and in the crime of larceny by juveniles, 26 percent of those arrested were from the District.

Eighth. Looking at those arrested in Montgomery County for the crime of larceny, by adults, 24 percent were residents of the District. In the case of burglary by adults, 17 percent.

These should not be startling observations. For the veteran criminal looking at the District—with its mobile strike forces, fluorescent, and vapor-lit streets, present bail procedures, its increased police force to saturate high crime areas—it makes sense to go to the suburbs.

The Maryland and Virginia suburbs have a combined ratio of one policeman for every 823 inhabitants compared to a District of Columbia ratio of one policeman for every 113 residents. The District spends 20 percent of its budget on law enforcement and related public safety, while the Maryland suburbs spend less than 6 percent.

FBI reports just recently noted a 12-percent increase in the Nation's suburban crime for this past year.

It takes no expert to figure out the direction of crime.

I accept the proposition that criminals in Maryland and Virginia are in no way better or worse than those in the District and that they too cross State lines to commit crimes. The problem is indeed twofold, for the problem is metropolitan in nature.

As I made the point at the conference, it is not helpful to point the finger, but only the direction. The figures COG has developed demonstrate that interjurisdictional crime does exist. Metropolitan Washington does not end at Western or Eastern Avenues or the shores of the Potomac. Thus the solutions to these problems cannot recognize political boundaries.

The COG report clearly states that—

There appears to be no evidence available to suggest that a criminal will choose or not choose to commit a crime in a jurisdiction other than where he lives . . . it can be assumed that he would make that choice irrespective of whether the commission of the crime would mean traveling across a nearby political boundary such as a state or county line.

Mayor Washington and Captain Wilson do deserve high credit for their accomplishments. However, we should not forget that they received the personal support of President Nixon, as well as the aid of Congress, of the Federal Government and its huge resources within the Law Enforcement Assistance Administration, of a revitalized 5,100 police force—not to mention the assistance of the FBI, the Capitol Police, the Park and Executive Police, and the Armed Forces. All these political and professional energies and paramilitary and military forces went into the alleviation of the District's crime problem.

What I want to see now, however, is this same energy, this same sense of responsibility, tackling crime in the entire metropolitan region.

LEAA and the Federal Government must devote more money and give a greater priority to interstate metropolitan areas. The administration must look beyond each State's boundary for the causes and solutions to that State's crime problem.

I encourage Senators to urge and support similar studies, for I am confident that they too will discover how serious the problem of jurisdictional crime has become. It is not a unique problem of Metropolitan Washington. There are across the country more than 30 metropolitan areas which cross State lines. Close to a fourth of our Nation's population live in interstate metropolitan areas. I feel confident that this conference laid the groundwork for similar conferences in these areas, as well as enabled us to better comprehend and cope with crime in a metropolitan area.

Mr. President, I ask unanimous consent to have printed in the RECORD the specific recommendations of each workshop at the Metropolitan Crime Conference, in addition to an agreement of cooperation signed by the three jurisdictions at the termination of the conference.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DRUG ABUSE WORKSHOP

(By Thomas Gelb)

1. The workshop recommends that consideration be given to the development of a tri-state drug abuse information system. This system would be in the form of a methodone patient registry.

2. Members of the treatment and rehabilitation community (public and private) should be included in a tri-state discussion of certain commonly held concerns in the drug abuse area such as the specific definition of drug addiction—the need for statutory protection of individuals included in the patient registry, etc.

3. The workshop also recommends that improved communication should take place on the State level in the area of drug abuse and drug related programs. The goal would be the development of non-duplicative services and programs in the areas of drugs.

JUVENILE DELINQUENCY WORKSHOP RECOMMENDATIONS

(By Judge Jamborsky)

1. The workshop recommends that an appropriate agency examine the existing child labor laws to bring the various laws into uniformity and eliminate the seeming inconsistency which exists.

2. Intake officers in the Juvenile Courts should discourage the filing of juvenile status petitions (runaway, beyond control) and instead encourage the referral of these cases to an appropriate community agency. The Court should accept these petitions only as a last resort.

3. Because the Committee believes that institutions may promote delinquent behavior in children the Committee recommends that each of the jurisdictions utilize the group and foster homes for these children. The Workshop also feels that the licensing agencies and welfare agencies need more realistic regulations and standards for youth group homes.

4. The workshop believes that there needs to be better communication between the line agencies and officials and the planners and policy makers at the top levels.

5. The workshop recommends that the juvenile needs a better awareness of what rights he has under the Law and what his options and constraints are as well.

CORRECTIONS WORKSHOP RECOMMENDATIONS

(By Leighton Dudley)

1. The workshop recommends that the COG Corrections Committee be reconstituted to include the key policy makers from the three States. These key policy representatives may from time to time utilize various task forces to undertake specific projects of interest to the Committee.

2. The workshop recommends that LEAA should be encouraged to support various impact surveys in the Metro area such as the impact of community corrections on the community, etc.

3. The workshop recommends that consideration be given to the development of region wide corrections facilities particularly oriented to fill the needs of the smaller localities which might not require specialized facilities on their own.

METROPOLITAN WASHINGTON CRIME CONFERENCE, SEPTEMBER 13–14, 1971

Courts: Moderator Chairman—Judge Philip M. Fairbanks, Peoples Court, Montgomery County, Maryland.

Recommendations made on September 13th and 14th, 1971, at the Metropolitan Washington Crime Conference in the workshop session—"Courts".

1. A periodic Judicial Conference of trial judges in the metropolitan region to meet regularly for the purpose of promoting better understanding of common problems and dissemination of useful information.

2. The establishment of a regional bail agency to exchange information on a reciprocal basis and to disseminate information to the appropriate authorities.

3. The committee recommends that the Law Enforcement Assistance Administration (LEAA) issue a proposal to study the feasibility of an interstate compact for extradition and the return of misdemeanor offenders within the metropolitan region.

4. The committee expressed a concern for courtroom and courthouse security to be undertaken by LEAA. This problem should be transmitted to the Council of Governments for appropriate implementation.

5. Concentrate LEAA resources on the problems of conflict in court dates and appearances of the trial bar and the development of the increase in numbers of available trial counsel and for the development of assignment criteria throughout the region.

6. The group recommended that the Conference seek the aid and assistance of LEAA and COG for development of maximum utilization of available resources in the metropolitan region for court purposes, e.g., psychiatric resources.

7. Approval of interstate compact for furnishing of probation services and supervision; pre-sentencing; investigation and the exchange of accurate and informative data.

8. The committee recommended that the regional Judicial Conference consider sentencing procedures.

REPORT OF WORKSHOP ON CONTROL OF CIVIL DISORDERS

(By Police Chief Jerry Wilson)

The workshop on civil disorders viewed its responsibility as one of discussing potential needs and ways, possible processes for improving planning for civil disorders, particularly those civil disorders requiring multi-jurisdictional cooperation within the metropolitan area.

The following points were discussed:

1. *Classification of civil disorders:*

For purposes of their deliberation, the workshop agreed that the term "civil disorders" would be construed broadly to include the following types of incidents:

Natural disasters.

Traditionally construed urban riots.

Campus disorders.

Mass civil disobedience.

Limited incidents such as stoning of firemen, police, or passersby by youth.

Public school incidents.

Prison or jail riots.

Potentials for disorder such as controversial athletic events or rock concerts.

The workshop adopted a view that it is important that each jurisdiction needs to be highly conscious of the wide range and variation in civil disorders in planning their own tactics and strategies as well as in planning for coordination of multi-jurisdictional disorders.

2. *Strategies for handling multi-jurisdictional disorders:*

(a) Police Mutual Aid Agreement:

The workshop participants agreed that there is no apparent need for change in the police mutual aid agreement insofar as it pertains to civil disorders (it was noted as an issue unrelated to the subject of the workshop that legislation seems called for to permit formal interchange of police assistance in dealing with non-crisis situations such as narcotics).

(b) Curfew and travel restrictions:

The workshop participants were of the view that existing arrangements for coordination of curfews or travel restrictions are adequate, particularly recognizing the political reality that these restrictions will have to be handled separately for each event.

(c) Restrictions of sales of firearms, gasoline, or other potentially dangerous items:

The participants were of the view that past coordination of these restrictions has been adequate.

(d) Emergency information services:

The workshop participants adopted a view that it would be politically unfeasible, and probably functionally impractical as well, to try to disseminate area wide information through the instrumentality of any single political jurisdiction.

However, the workshop noted that each major jurisdiction within the metropolitan

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area should give priority to planning for central emergency information services within its boundaries with particular attention to (1) dissemination of information through public media to counteract rumors, and (2) development of processes for locating and providing information regarding arrestees in the event of mass arrests.

(e) Intelligence sharing:

The consensus of the workshop was that the existing intelligence sharing between jurisdictions, through the Intelligence Subcommittee of the Metropolitan Washington Council of Governments Police Chiefs Committee is reasonably adequate.

(f) Command and control of multi-agencies handling of civil disorders:

Considerable sentiment was expressed in the workshop that there is a need for better definition and implementation of command and control of forces in multi-jurisdictional civil disorders. This has been perceived by some as a problem in events occurring within a single state or county jurisdiction when several agencies, perhaps with overlapping jurisdiction, assist one another. The workshop concluded that each major metropolitan area jurisdiction should carefully study this problem and clearly establish which official will have command of field forces when various combinations of police or other agencies cooperate in dealing with a civil disorder.

In this connection, also, several workshop participants commented on the need for developing a single mass arrest procedure for use in all civil disorders in the metropolitan area, so that all agencies cooperating at a disorder can use the same procedure—one that their personnel will be familiar with and trained to use if mass arrests become necessary.

(g) Training of Command Personnel

The workshop discussed the possible need for additional training for command personnel in control of disorders, but the consensus was that ample training has been and is available through Federal agencies—the workshop agreed that each department should insure that their middle and top level management personnel attend these programs.

ORGANIZED CRIME WORKSHOP

(By Harold Sullivan)

1. The workshop had only one recommendation for the consideration of the Conference. The workshop strongly recommends that there be much greater prosecutorial input at all stages in the investigation and pre-arrest stages of police work. The workshop felt that by this early involvement the capabilities of the prosecutor as an aid to the police in their investigative work would be enhanced, and in that way better cases would be brought to trial and more convictions result.

POLICE WORKSHOP RECOMMENDATIONS

(By George Owens)

1. The workshop recommends that an operating metropolitan area wide strike force be established in the law enforcement area to focus initially on the drug abuse problem including the detection of both the users and the dispensers of illegal drugs.

2. The workshop recommends that an investigation of the Washington Area Law Enforcement System (WALES) be undertaken to determine whether WALES has met its potential and satisfied its past commitments. In addition the study of WALES should also determine to what extent and in what ways WALES could be profitably expanded to better the Washington Metropolitan community.

3. The workshop recommends that appropriate inquiry be made of the Attorney General of the United States requesting permission for local law enforcement officials to utilize the Federal Law Enforcement Training Center at Beltsville, Md., particularly the range facilities and the emergency speed courses also.

4. The workshop recommends the use of closed circuit T.V. (CATV) between the jurisdictions of the Washington area, and recommends that consideration be given to installing the cable in conjunction with the development of the METRO system.

5. The workshop adopts the concept of having an annual three day metropolitan area wide police seminar for the purpose of continuing education in certain special areas of interest to the law enforcement community at the particular time.

6. The workshop recommends the assignment of three police officers to the Washington Council of Governments Public Safety Committee to serve as expert advisors in developing plans and programs suggested by the various subcommittees (such as narcotics, intelligence, investigative and other subcommittee areas). These officers would be part of the localities contribution to COG in it's work in carrying out the recommendations made at the Conference.

PROSECUTION AND DEFENSE WORKSHOP RECOMMENDATIONS

(By William Greenhalgh)

1. The workshop recommends that a metropolitan area legal intern program be developed for third year law students. The group was undecided as to whether the program should be undertaken by a consortium of the five area law schools or whether one of the schools should take the program on entirely.

2. The workshop recommends that a metropolitan area training program for prosecutors be developed patterned after the very successful program of the U.S. Attorney for the District of Columbia.

3. The workshop recommends that the capability be developed to monitor the "major violator" on a metropolitan basis.

MEMORANDUM OF AGREEMENT REGARDING THE COORDINATION OF CRIMINAL JUSTICE PLANNING EFFORTS IN THE WASHINGTON/VIRGINIA/MARYLAND STANDARD METROPOLITAN STATISTICAL AREA

The State Criminal Justice Planning Agencies in Virginia, the District of Columbia and Maryland, recognizing the interjurisdictional nature of crime in the Washington/Virginia/Maryland Standard Metropolitan Statistical area, and the need for coordinated criminal justice planning at the State Planning Agency (SPA) level to successfully counter the problems caused by this phenomenon, agree to take the following actions:

(1) The three SPA's will continue to work together as they have in the past on projects and programs of common interest such as the Metropolitan Crime Conference and other coordinated criminal justice planning efforts.

(2) The three SPA's will exchange criminal justice planning data relating to the District of Columbia and its Maryland and Virginia suburbs.

(3) The three SPA's will, in conjunction with appropriate local operating agencies and regional criminal justice planning groups, jointly review the findings and recommendations of the Metropolitan Crime Conference for the purpose of identifying problems requiring the cooperative and coordinated attention of Virginia, the District of Columbia and Maryland.

(4) Where appropriate, the three SPA's will consult at key decision-making points during the preparation of their respective Comprehensive Plans for the purpose of coordinating efforts relative to the Washington/Virginia/Maryland Standard Metropolitan Statistical area.

(5) The three SPA's will explore with the Federal Law Enforcement Assistance Administration the possible necessity of developing a special "impact aid" discretionary grant fund to be used to counter the effects of interjurisdictional crime in the Washington/Virginia/Maryland Standard Metropolitan Statistical area.

(6) The three SPA's, to insure the development of coordinated solutions to the interjurisdictional crime problem in the Washington/Virginia/Maryland Standard Metropolitan Statistical area, will share information regarding all project proposals—block or discretionary—relating to this subject developed by area localities or State agencies.

This memorandum of agreement is entered into on September 8, 1971.

BLAIR G. EWING,
Director, Office of Criminal Justice, Plans and Analysis, District of Columbia.

RICHARD C. WERTZ,
Director, Virginia Governor's Division of Justice and Crime Prevention.

RICHARD C. WERTZ,
Executive Director, Maryland Governor's Commission on Law Enforcement and Administration of Justice.

RETIREMENT OF CHARLES L. GRANT FROM DEPARTMENT OF AGRICULTURE

Mr. McGEE. Mr. President, I invite the attention of Senators to the forthcoming retirement of one of the most outstanding Federal employees with whom I have had the pleasure to be associated during my years in the U.S. Senate. Today, December 8, 1971, is the last working day for Charles L. Grant, Director of the Office of Budget and Finance in the U.S. Department of Agriculture. This day brings to an end more than 36 years of Federal service, almost all of which I believe was served with the Department of Agriculture, and I could not let this occasion pass without commenting on the splendid career of Charlie Grant.

Charlie Grant, a native of South Carolina, entered the Federal service in 1935 as a messenger. He proceeded up through the ranks, holding many positions of importance and significance. Since 1957, he has held his present position as Director of the Office of Budget and Finance of the Department.

The fact that he has served with several administrations and under Secretaries of both political parties demonstrates quite clearly the professionalism which Charlie Grant practiced and insisted upon his associates in his office. He has earned the respect and confidence of those with whom he has worked within the Department as well as those of us in Congress. In the delicate and sensitive position as Departmental Budget Director this is quite an accomplishment.

I have known Charlie Grant since I became a member of the Agriculture Appropriations Subcommittee in the Senate several years ago. I quickly recognized then, of course, that he was faithful and diligent in attending all of the subcommittee hearings with Departmental witnesses and that he frequently supplied complete and quick answers to many questions when called upon to do so. He was especially helpful to me and the subcommittee staff during this past year—my first one as chairman of the Agriculture, Environmental, and Consumer Protection Subcommittee.

In leaving the Department, Charlie Grant takes with him the vast amount of knowledge he has accumulated and which could only have been acquired through a lifetime of service. He is also, however, a most effective executive and he saw to it that his office was manned by professionals at all times. He demanded of them the same degree of perfection by which he was guided. The qualities which he demonstrated as Director have become the hallmark of the entire office and as a result we have had an efficient, smooth-working office and not simply a one-man operation. This is the mark of a true and successful executive, and is one which cannot be overlooked on this occasion.

Many fine things have been said by many people on the career and accomplishments of Charlie Grant, and I can add but very little. In closing, however, I would simply say that he is a gentleman always—in the true and complete sense of the word. He has discharged his responsibilities in a manner that does credit to the Federal service. I am certain that the pride which he exhibited in his career of Federal service was reciprocal and that his fellow workers who knew and worked with him were proud to count him among their membership.

I do not know what plans Charlie has for the future, but of one thing I am certain. Beginning tomorrow morning, he will no longer have the responsibility on his shoulders for the Office of Budget and Finance, and he will no longer be under the tremendous day-to-day pressure under which he has operated for so many years. Tomorrow, he will embark upon a new career—that of retirement—and I only hope that the future will be as productive, as rewarding, and as successful as was his career with the U.S. Department of Agriculture.

Congratulations on your outstanding career—thanks for all of your help in the past—and may the future be kind to you and Mrs. Grant.

CONTINENTAL SHELF OIL LEASING ON THE ATLANTIC COAST

Mr. HANSEN. Mr. President, Secretary of the Interior Rogers C. B. Morton and top members of his Secretariat were kind enough to come to Capitol Hill today to brief Members of both Houses of Congress on the situation relating to the potential oil and gas resources of the Outer Continental Shelf off the Atlantic coast.

Despite having been subjected to a certain amount of political sniping, the Secretary emphasized that if this Nation is to develop its own domestic energy policy—which must be geared to its foreign and national defense policies—the Interior Department must do as thorough a job as it possibly can in developing a reliable inventory of energy resources and a capability of putting them on the line when needed.

Secretary Morton also emphasized very clearly and strongly that undue alarm is being voiced by some persons that oil wells are about to sprout near the beaches of the east coast in the near future. This will not happen.

Secretary Morton stressed the fact that because of problems, and lack of sufficient geological and environmental information at this time, it would not be possible to make a decision to lease any area off the Atlantic seaboard for 2 years or more. He noted that the National Environmental Policy Act would be followed scrupulously, but that even the initial steps toward making a decision under that act could not be taken until the States' claims to the Outer Continental Shelf are resolved, or at least some interim agreement can be made with an individual State or States to proceed.

Mr. President, I hope this will lay to rest the overexcitement voiced by some of our friends. The Secretary very candidly said, as he has said previously:

No decision has been made, nor is such a decision now planned.

Now let us allow our executive branch to proceed with the work mandated to them by the Outer Continental Shelf Lands Act of 1953 and the Mineral Leasing Act of 1920 so that a wise decision can be made when the necessary information is in hand.

WELFARE REFORM

Mr. PELL. Mr. President, in a time of widespread concern over reform of welfare and public assistance programs, I believe it particularly important to consider the views of local government officials charged with the responsibility of administering these programs.

In this regard, I recently received from the Rhode Island Directors of Public Welfare Association a letter stating the association's views and offering suggestions for improving the pending welfare reform bill, H.R. 1.

I believe these views and suggestions will be of interest to my colleagues and ask unanimous consent that the letter from Mr. Gabriel Gregoria, president of the Rhode Island Directors of Public Welfare Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF PAWTUCKET, R.I.,
November 22, 1971.

Senator CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR HONORABLE SENATOR PELL: In response to your request concerning the new Family Assistance Plan H.R. 1 that we discussed briefly at the Rhode Island American Cancer Society dinner in October, as President of the Rhode Island Directors of Public Welfare Association, I am presenting our views on this bill. The directors support Family Assistance Plan in principle, and are encouraging the Federal Government to take more responsibility for administration and financing the Public Assistance programs.

H.R. 1 in its present form could be improved if the following suggestions can be incorporated into the bill:

1. It is proposed that the Federal Government will allow a minimum payment of $2,400 annually for a family of four. It is our consensus that states which exceed the minimum level of payment should be reimbursed by the Federal Government of at least half of the excess cost of assistance payments over $2,400.

2. The amount of payment of the Food Stamp Program is slated to be decreased or discontinued completely. A provision should be made to increase the basic payment to families of the present amount which they receive as a bonus through the Food Stamp Program.

3. The proposed disregard of earnings for employed recipients is set at $60.00 per month, plus ⅓ of the remaining earnings. The committee feels the present disregard of $30.00 per month, plus ⅓ of the remaining earnings is sufficient and should be retained.

4. Day Care costs for children of school age, and those under six years should be adequately funded by the Federal Government. In addition, standards providing an enriching educational experience for children must be required of all responsible child care personnel in order to avoid mere subsidization of custodial baby-sitting.

5. Job development and training must be adequately developed and funded for welfare programs, hopefully to reduce the number of welfare recipients in our society.

6. In separating eligibility for financial assistance, and social services for clients, it is *essential* that effective quality control be expanded, enforced, and *funded*. Spot checking of eligibility must be continuous, and well publicized to avoid widespread abuses. A system similar to that employed by IRS in checking income tax returns should be implemented.

The above proposals were unanimously agreed upon by the Rhode Island Directors of Public Welfare Association at the November meeting. You are to be congratulated for your interest and concern in trying to develop the best reform possible of the present Public Assistance program.

Very truly yours,

GABRIEL GREGORIO, *President.*

PROPOSED LOW-INCOME HOUSING PROJECT FOR FOREST HILLS, QUEENS, N.Y.

Mr. BUCKLEY. Mr. President, I invite the attention of Senators to a situation which has developed in Queens, N.Y., which has implications which are national in scope. The middle-income community of Forest Hills is about to have thrust upon it a low-income housing project of major proportions. This federally funded project consists of three 24-story buildings, which it is estimated will eventually house some 4,000 low-income tenants. This represents a massive infusion of new people which most observers agree is beyond the capacity of the community to absorb. The project, therefore, represents a direct threat to the stability of the neighborhood.

Many other factors strongly indicate the inappropriateness of this particular project—schools overloaded to the point of triple sessions, poor soil conditions resulting in exorbitant construction costs—the per unit cost will exceed $35,000—overcrowded transportation facilities, excessive aircraft noise, the impact of a two-fare zone on the prospective low-income tenants, and so forth.

It is for all of these reasons that the residents of Forest Hills-Rego Park are so deeply opposed to what they can only conclude is an incredibly misconceived plan which will on balance do little for the poor while threatening to disrupt one of New York's most stable areas. The opposition is not based on bigotry. It is not racial in its concern, as is testified by the broad support which it has attracted from black residents of the area and from responsible New Yorkers of every political persuasion.

I would urge Senators to give the most careful consideration to this particular controversy, because it seems well on its

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way to becoming a classic demonstration as to how not to go about the business of creating low-income housing. It particularly emphasizes the critical need to consult community opinion and enlist community support before proceeding with projects of this sensitive nature.

Mr. President, it is not often that I find myself in agreement with either the New York Times or the Village Voice. Yet both publications in recent days have spoken out eloquently and effectively on the Forest Hills situation. In order to shed further light on this issue, I ask unanimous consent that New York Times editorials of November 23 and December 6, 1971, and a Village Voice article of November 26 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLASH AT FOREST HILLS

The angry protest by residents of Forest Hills against the construction of low-income housing in their midst demands more sympathetic understanding on the part of city officials than it has received; but at the same time it does not invalidate the basic rationale of this bitterly controversial project.

In part, the protests are undoubtedly a reflex reaction that automatically equates poverty with crime and declining real-estate values. These fears are fanned by the experience of so-called "changing neighborhoods," where a combination of uncontrolled population shifts and exploitative block-busting has turned stable middle-class communities into simmering slums. Fear of that process has created a psychology that refuses to trust the assurances of the planners that controlled occupancy patterns in the Forest Hills project are designed to prevent such a course.

But it would be easier to reject such fears out of hand, had the city administration addressed itself more persuasively to many legitimate question about the project. The city has great need for low-cost public housing. It is clearly desirable that such housing be moved out of the imprisonment of existing slums into an environment of dignity and hope. "Scatter-site" location of such projects experiment toward that end. But since it is an experiment, it would seem wiser to scale it to manageable and acceptable size instead of erecting three 24-story buildings in an area where few of the tallest structures are more than half that height. It would also be preferable to build such housing on the edge of areas where middle-class, working and poorer populations meet, rather than as islands in the center of a totally different socio-economic neighborhood.

At the very least, communities should be prepared for, and participate in, the planning. This process should include the advance provision of extra social services such as schools, parks, recreational facilities and transportation. Only then can the influx of a new population be expected to seem not a burden, but rather a party to new and shared advantages.

On a limited front, the clash at Forest Hills showed insensitivity on the part of the planners. In larger societal terms, it underscores the depth of the city's divisions. It is a reminder that there is little hope for an urban rebirth until education, training and jobs can narrow the gap between poverty and affluence. Integration—economic as well as racial—is imperative for this city's survival; but it is far more complex a goal than reshuffling people. It requires a dramatically stepped-up pace of economic upward mobility of the poor toward a society in which all Americans can once again live as neighbors without hostility and fear.

REALITIES IN FOREST HILLS

The scatter-site concept of locating low-income housing outside the slums and ghettos, which has run into opposition in Forest Hills, is an imaginative effort to erase the terrible divisions of urban America. But it is also an experiment with a high potential for failure. Its success obviously depends on the existing community's capacity and willingness to absorb the newcomers and to help them adjust to the socio-economic level of their new environment.

This cannot be accomplished by official dictum any more than by the pretense that the scale of such projects is unrelated to the concept itself. To scatter must mean to blend into the neighborhood, not to erect visible monuments to the projected change. The three proposed 24-story complexes in Forest Hills violate that rule. By appearing separate and different, they are that much more likely to remain so.

Some of the planners themselves concede that in the Forest Hills case the project's size and height are excessive. They point out with reason that a combination of the formula for Federal funding, the high cost of construction in New York and the city's existing zoning code has dictated the objectionably gross dimensions. They admit that ideally they would like to do it differently, but that the alternative might be loss of Federal subsidy for desperately needed housing.

They add moreover that they have tried, within these limitations, to provide the project with such special features as a separate day-care center with seven classrooms and some outdoor and indoor community space. Such features, however, do not meet the basic drawbacks of a project of this size or of the barracks-style design of standard low-cost housing in general. It is unrealistic and unfair to ask the residents of Forest Hills to gamble on the success of a venture which, though sound in theory, is so severely flawed in its implementation.

In the absence of effective communication between community and planners, the residents sense a lack of candor. They ask why the project was switched from the originally approved site in Corona which, though more suitable for construction, appears to have been abandoned under potent political pressure. They resent official statements about underutilized schools, when many of their children attend overcrowded classes. While two of the local schools report a total of about 100 vacancies, the area as a whole has an excess of 1,400 pupils.

Under such circumstances, an important factor in gaining local support would have been to incorporate a solution of the school problem into the new development. This might still be accomplished by locating schools in the lower portion of at least two of the proposed buildings. Such schools could be built, not in the traditional mold, but (as has been done successfully in some of Britain's "new towns") for conversion into community centers at night and on weekends, with facilities for motion pictures, concerts, bingo games and other entertainment.

The success of scatter-site projects depends on arrangements which will integrate the disadvantaged into a community rather than drive the affluent away from it. Community acceptance would be easier to achieve with drastic improvement of services for old and new residents alike. The costs may be high; but the unacceptable alternative is to force individual communities to pay a disproportionate share of the price for basic urban reform.

THE MIDDLE CLASS FIGHTS BACK: BATTLE OF FOREST HILLS

(By Clark Whelton)

When Mayor Lindsay gets around to writing Poor John's Almanac, one of the little sayings certain to be included is: any block worth busting is worth busting right. The annotated edition will explain that this means think big. Don't just settle for chasing out the middle-class families. Break up the entire neighborhood. Turn Brownsville into World War III and the South Bronx into an open sore. Stick a string of welfare hotels into Greenwich Village and knock down a community of self-built homes in Corona. And if someone points out that these changes have made life worse, not better, in the area, then stencil him with words like "racist" or "bigot" and open fire on another neighborhood.

If Poor John's latest attempt at progress-through-disorder goes ahead as scheduled, his Almanac will probably award it a special footnote of its own. Right now on the edge of Forest Hills, Queens, bulldozers are clearing an 8.6-acre site for construction of three 24-story buildings which will provide 840 apartments for elderly and low-income tenants. Thousands of middle-class residents of the area who have been fighting this kind of public housing project since 1967, are now picketing the construction site at 108th Street and Horace Harding Boulevard. They are trying to tell John Lindsay and anyone else who'll listen that they're terribly afraid of the project as it's now designed. The Mayor has responded by calling their demonstrations "deplorable" and by getting a court order to prevent them from picketing. No one in the city administration has been willing or able to calm the fears of these Forest Hills residents that the three public housing towers—divided into 60 per cent low-income and 40 per cent elderly occupancy—will bring crime and urban decay to their quiet neighborhood of low-rise apartments and private homes.

There is more at stake in this struggle than the fate of one of the vanishing New York City middle-class neighborhoods. According to liberal Queens Congressman Benjamin Rosenthal, who opposes the present design of the project, "this is a national test case to determine whether the movers and shakers of the housing industry in this country can do whatever they want or whether neighborhoods will be able to influence their own future."

The opponents of the Forest Hills housing project have compiled an impressive list of technical reasons why the present plan is ill-conceived. The city paid the incredible sum of $300,000 an acre for this site after it had already been rejected by private builders as geologically unable to support apartment buildings. Cost estimates for the project have risen from $17 million to nearly $30 million ($32,000 per apartment), provided contractors can sink support pilings down to a firm foundation (previous pilings have disappeared in the soft subsoil). The 24-story towers would not blend in with the surrounding six-story buildings but would stand separate and apart from them. The project is located in a two-fare transit zone and would strain services, schools, and facilities already inadequate for the present population.

Technical reasons, however, are not the ones which lead most area residents to oppose the project. The real reasons are human and social. The residents are afraid the project will bring to a relatively safe neighborhood (mostly white, but with middle-class black residents as well) low-income blacks from the city's ghettos who will carry with them the crime and drug problems of those areas. This fear, instead of being dismissed as "racist," or "reactionary," deserves to be examined. For this fear is based upon the personal experiences of many people who have sought shelter in Forest Hills after leaving other dying neighborhoods. And this fear is enough to drive them out again, leaving behind them the seeds of another slum.

First, experience has shown that where low-income housing is located, crime increases. The precise facts and figures are subject to debate since the people who supply them invariably have a political interest in one direction or another. But the basic situation is well understood. The poor and disadvantaged classes have always provided the greatest number of criminals, especially in a country where poverty is considered to be either a moral or statutory crime. So large numbers of poor people grouped together in public housing projects produce higher crime rates. When you add to this already unhealthy picture the fact that increasing percentages of housing project tenants are not working poor but welfare poor—people who are among the most hopeless and desperate in the city—the situation grows worse. The city claims that about 16 per cent of public housing tenants are on welfare. Congressman Edward I. Koch of Manhattan thinks 30 per cent is closer to the truth.

"The residents of Forest Hills are expressing two very real and rational fears," says Koch, who has joined Congressman Rosenthal in opposing the present design of the 108th Street project. "The fear of crime is a very real one, and second, it's absolutely rational to believe property values will decline in the area of a high-rise housing project. Fear moves in and people move out."

A woman who picketed the Forest Hills project site this week illustrated this statement with personal experiences. "The city put up a housing project near where I used to live in Brooklyn," she said. "It was the kind of neighborhood where you could leave your door open when you went to the store. Then the kids from the project found out about this gold mine and you could see them going through the back yards in the middle of the day, trying doors to see which ones were open. People began to lock up, buy gates for the windows, but who wants to live that way? Then came the burglaries and muggings and people began to move out. I came to Forest Hills. Where am I going to go next?"

Early in his first term John Lindsay recognized that building low-income housing projects in slum and ghetto areas maintained poor people in an environment harmful to their chances for social progress. Distributing the housing projects into middle-class neighborhoods was the way to stop this piling of poverty on top of poverty. But no one seemed to grasp a simple fact of social engineering. Unless the middle-class neighborhoods *remain* middle class after the housing projects are completed, no progress is made. Instant slums are created in formerly attractive areas. The poor are shifted from one ghetto to another, and *their lives don't get any better.*

There is no curative magic in middle-class neighborhoods like Forest Hills. The people who live there aren't better off because the area is nicer. They're better off because they made the area nicer. Unless new residents contribute the same kinds of middle-class disciplines and values to the neighborhood, it will become something else. This is where John Lindsay and the social theorists who work for him went wrong. Their new housing projects, with few exceptions, put too many poor families together in one place. The poor had more of an effect on the middle-class neighborhoods than the neighborhoods had on them. The neighborhoods became poor.

What Rosenthal Koch, and most of the Forest Hills residents who oppose the present project would like to see is a different approach to low-income housing, an approach that takes into consideration the fact that while integrating races isn't much of a trick in New York City any more, integrating people of different economic levels. and value systems is practically impossible. But, in reasonable numbers, it can be done. Instead of cooking up a housing project that will concentrate 536 low-income families in high-rise towers that Rosenthal has called "concrete ghettos," why didn't the planners limit the low-income allotment to 100 families or so? Instead of those towers, why weren't the new buildings kept in close profile with the surrounding ones? And why was a middle-class community like Forest Hills expected to take such a huge dose of concentrated poverty without a single sweetener from the city to compensate?

"We've never had a thing from the city," says Joseph Walderman, vice-president of the Forest Hills Residents Association. "Not one damn thing."

If the Lindsay administration had settled for a smaller number of low-income families in the Forest Hills project, if it had come up with a more compatible design, if it had mixed in some middle-income housing and added a much needed community recreation center, there would have been no large-scale protest by residents of the area. The poor families would have been absorbed into the middle-class neighborhood because their numbers were not large enough to threaten it. Everyone would have benefited. But with the present plan, everyone is in danger. The residents may lose their neighborhood, and the poor may find themselves in another slum.

"Lindsay didn't worry about us," says Walderman, a quiet articulate man, "because he thought he could get away with ramming this thing down our throats. We're middle-class liberals. We're not supposed to fight back. Our picket line must have come as quite a shock to him."

Press coverage and editorial opinion on the Forest Hills affair have hit hard on the theme that the protesters are either bigots or misinformed, or both. This is inevitable, perhaps, because the middle class doesn't make good news copy. They aren't like the lower-class Italian home-owners of Corona, full of colorful little ethnic details, who needed a voice to protest their homes being razed to make room for a new school. The middle class speaks for itself. It believes in the bourgeois values of home, religion, hard work, and tries to do the right thing. It's middle America, and all that term implies. It's dull, ordinary, predictable, and supposedly reactionary in racial matters. This, say the Forest Hills residents who want the housing project, is the real reason why the vast majority of their neighbors oppose it.

This type of slander is effective in an emotional issue like racial integration, but it doesn't check out. Ed Koch attended a dinner recently where Carl Stokes, a black man and former mayor of Cleveland, addressed a number of fellow black politicians. "If you think it's only whites who don't want low-income housing projects in their neighborhoods," Koch remembers Stokes saying, "baby you're wrong!" Stokes then told how his administration had built projects in middle-class black neighborhoods in Cleveland. A black woman and friend of the mayor whose home was near one of these projects said to Stokes: "Carl, I never thought you would do that to me." And she never spoke to him again.

In a middle-class Puerto Rican neighborhood of the Bronx, homeowners are now expressing opposition to two new residence houses for wards of the court planned for their area. The middle class Puerto Ricans are worried that muggings and drug use will increase and their property values will drop. And how many court wards would move into the neighborhood? Just 24. Count 'em. Twenty-four.

The real issue in Forest Hills and in every middle-class neighborhood in America lies in the answer to this question asked last summer by Eleanor Holmes Norton: "Will whites flee as blacks and Puerto Ricans of the same economic status and life-style move in?" In Forest Hills the answer has been no. Middle-class blacks move into a building and although there is nervousness and uncertainty, whites do not leave. People who share similar values and abilities can overcome racial differences. With an influx of low-income families, however, that value sharing is minimal and strained.

If the city administration means to keep New York from deteriorating any more than it already has, there will have to be an end to shoving large numbers of low-income families into middle-class neighborhoods. Disrupting the middle class will not help the poor. It will only deprive them of a better neighborhood to which they can advance when they, like many of the people of Forest Hills today, have lifted themselves out of poverty.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations under "New Reports" will be stated.

AMBASSADORS

The second assistant legislative clerk proceeded to read sundry nominations of ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

The second assistant legislative clerk read the nomination of Mrs. Betty Crites Dillon, of Indiana, to be the representative of the United States of America on the Council of the International Civil Aviation Organization.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

THE REHNQUIST NOMINATION SHOULD BE CONFIRMED

Mr. PROXMIRE. Mr. President, I will vote for the confirmation of William Rehnquist as Associate Justice of the Supreme Court.

I will do so first because Mr. Rehnquist obviously has strong intellectual qualifications. The Court demands a high grade of intellectual ability. Mr. Rehnquist has it. His distinguished academic record, his demonstrated competence as

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a practicing lawyer, and his acknowledged ability as an Assistant Attorney General handling complex and difficult legal and public policy problems all demonstrate this.

Although the Rehnquist nomination has become controversial, although he has been opposed by many competent critics, I have yet to hear anyone dispute his intellectual capacity.

This level of ability is rare. It is needed on the Supreme Court. It is a strong point in Mr. Rehnquist's favor.

Second, Mr. Rehnquist has given every indication that he is a man of stable temperament. In the intensive study that has been conducted of the Rehnquist background, there has been no evidence that any critic has developed that Mr. Rehnquist would decide questions on the basis of unreasoning emotion or impulse. And his demeanor in the ordeal of confirmation under questioning was impressive. Mr. Rehnquist seems to be a man of judicious temperament.

Mr. Rehnquist has been a lifetime student of the law. He served former Associate Supreme Court Justice Jackson as his clerk, and served with distinction.

Frankly, I have had more pressure in opposition to Mr. Rehnquist than I have had on any Presidential nomination for the Supreme Court in the 14 years I have served in the Senate. That opposition has come from friends of mine for whom I have the greatest respect and whose judgment I trust.

My friends and my staff are almost unanimous on this nomination. They almost without exception oppose it.

And they oppose it for the same reason. They argue the Rehnquist appointment is likely to cast the Court for years to come in a conservative posture. They contend that Rehnquist's intellectual ability and the force of his personality constitute not a national asset but a serious threat to civil rights and civil liberties.

They argue the great advances of freedom made by the Court in recent years will be jeopardized and even reversed.

Mr. President, I reject that judgment. The crystal ball of Senators and even Presidents is very cloudy, indeed, in predicting the future conduct of newly appointed Supreme Court Justices. Holmes and Frankfurter are two of many whose impact on the American law have been quite different than most observers expected at the time of their appointment.

After carefully reading the record, after hearing the criticisms of so many who object to this appointment, I have become convinced that the case simply has not been made that Mr. Rehnquist does not understand or support the Bill of Rights or the other safeguards of liberty in the Constitution.

And, Mr. President, in all honesty I share the conviction expressed by President Nixon that we need a better balance between the forces of law enforcement on the one hand and law violation on the other. That does not mean any less concern for the liberties we should treasure and advance. Those liberties are at the very heart of what makes this country unique and great.

It does mean that the appointment to the Court of a wise and able man who has demonstrated his thorough understanding of the threat that crime and disregard for the law represents—and I believe Mr. Rehnquist is such a man—can be fully consistent with maintaining the Bill of Rights in its full significance.

Finally, Mr. President, I opposed the nominations of both Judge Haynesworth and Mr. Carswell. In one case the conflict of interest was clear and conspicuous. In the other the Supreme Court nominee simply did not have the ability required for this immensely important position.

In this case Mr. Rehnquist does not and has not had any conflict of interest in his conduct in office, and he obviously has great ability.

Under these circumstances, I have resolved what doubt I have—and I do still have some—on the side of the President of the United States and his nominee. If the Senate should establish the precedent of refusing to confirm able and honest nominees on the grounds that we disagree with their political views, we will have a Court that will consist of political weather vanes reflecting whatever political view the Senate happens to hold at any time. We do not need another U.S. Senate interpreting the law. We need a Court of the ablest legal scholars we can find. Mr. Rehnquist should fit well in such a Court.

For all these reasons I will vote for the confirmation of William Rehnquist.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Indiana.

Mr. BAYH. I must say that I find myself deeply distressed by the position taken by my friend, the Senator from Wisconsin. He is a man of great logic, and he has been a real fighter for some of the important issues that have been before the Senate.

The Senator suggested he could find nothing in the record to indicate that the nominee did not possess the dedication to human rights that he should have. Has the Senator had the opportunity to read the hearing record and the minority views?

Mr. PROXMIRE. I have read the record and the minority report and I was impressed by the arguments against Mr. Rehnquist. As I said, my staff took a poll and they unanimously felt he should be rejected on the basis of the record and on the basis of the argument made in the minority views.

However, I was not convinced. For one thing, I think that he has changed his views. He took a different position than I took on civil rights matters 8 or 10 years ago. In my view that does not mean that Mr. Rehnquist now has little or no regard for civil liberties and civil rights. I think what he said in the confirmation proceedings indicated he has had a change of heart. This Senator has changed his views with respect to certain matters during the years; I think the Senator from Indiana has; and I think all of us do that. This man changed, developed, and grew, and I thing on civil rights, by and large, people throughout our country have learned and changed.

Mr. BAYH. I hope the Senator from Wisconsin will bear with me for a moment or two. We have had polls in my office, too, on some critical issues. More than once there has been a 7-to-1 vote but the "one" has been the one who came to the Chamber to vote. That is the way it has to be, and I understand. That is each Senator's responsibility

I have heard a great deal about the nominee's change of mind. But, with all respect to the Senator, I say there is nothing in the record to indicate that is so.

Mr. Rehnquist said he sees no constitutional issue raised by surveillance, the right to privacy. Is that a matter of concern to the Senator from Wisconsin?

We have a nominee who, not in 1964, 1966, or 1967, but 3 or 4 weeks ago when testifying before the Committee on the Judiciary, said he saw no constitutional difficulties presented by surveillance. What about the right to privacy?

Mr. PROXMIRE. That is a generalized conclusion; the Senator would have to be more specific in respect to the nominee's attitude. The Senator is talking about wiretapping, and so forth.

Almost all of the evidence I could see against Mr. Rehnquist is based on his activities when he was in the Justice Department. I think it is very unfair to visit upon an employee of the Justice Department the policies of that particular department. If the Senator from Indiana or the Senator from Wisconsin were working in the Justice Department, either we would do what we were told to do by the Attorney General and the President, or resign. We would either resign or do it the best we could, and that is what he did.

Mr. BAYH. A close reading of the record will show that he said:

If I did not agree with these policies I would have resigned.

Mr. PROXMIRE. Of course, the Senator is talking about whether he agreed overall with general policies of the President. It does not mean he has to agree with every single aspect. There were occasions when he might have argued against policies; but on the basis of having been heard, the Attorney General made up his mind and Mr. Rehnquist carried out the orders.

At any rate, I do not think the Senator makes a case against the nominee for the Supreme Court on the basis of what happened in the Justice Department while he was an employee there.

Mr. BAYH. Does the Senator from Wisconsin have any examples of these efforts?

Mr. PROXMIRE. The Senator from Indiana knows better than I, because he serves as a member of the Committee on the Judiciary and he was there when the committee attempted, as I understand it, to find out what went on between the nominee and the Justice Department in their conferences on their policies, and that the Justice Department refused to divulge that information. They may have been right or they may not have been right. At any rate we do not know and we do not have a clear record on whether or not the nominee did disagree with his

superiors. The fact that the Justice Department has followed a policy or policies in the last few years and that Mr. Rehnquist carried out some of them is not a basis for rejecting this man, who has a very high intellectual capacity and who has demonstrated his ability.

Mr. BAYH. I ask these questions not to be argumentative but to explore the facts as they appear to one Senator. Of course, we all make different judgments and we give different importance to the same facts. But I think we need to understand that Mr. Rehnquist was not some lower echelon lackey who was ordered into battle to carry out commands of the generals. Indeed, he was one of the top policymakers. He did not just carry out policy: he helped to make it.

I know of no efforts he made to show us that his own views were different from Department policy. We did not ask him to prejudge cases. We tried to get his personal views. In statement after statement he went so far as to say he did not think it would be a constitutional question if the Government wanted to follow, or to put a tail on, the Senator from North Carolina (Mr. ERVIN).

When we were discussing the limits of our right to privacy, he never once denied that the President had the inherent right to bug our telephones in both foreign and domestic security cases without any kind of supervision at all. This was the real William Rehnquist. It was not just Justice Department's view.

This is what caused me to consider that his approach to the Bill of Rights was callous at best. This belief was reinforced by the nominee himself, who said, "If I did not believe in these policies, I would have left." He did not espouse these views because the administration might fire him. He was comfortable; he was a part of formulating that program.

Mr. PROXMIRE. I am sorry. Will the Senator repeat the last observation?

Mr. BAYH. I was suggesting that he was a part of formulating these programs. For instance, the preventive detention bill—I do not know how the Senator voted on that bill, but this was one of William Rehnquist's babies.

Mr. PROXMIRE. I voted for it.

Mr. BAYH. Then, the Senator does not share the concern I have about this particular matter.

Is the Senator from Wisconsin familiar with the 1952 memorandum that then law clerk Rehnquist wrote to Justice Jackson relative to Brown against Board of Education in which he urged that Plessy against Ferguson be reaffirmed?

Mr. PROXMIRE. Yes. I think that was bad—a mistake. I do not think this Senator would have done it. But that was written when the man was in his 20's and then a clerk of a Supreme Court Justice. I think, certainly, Mr. Rehnquist's views have changed since then. I think the views of the Senate have changed since then, and the views of the country have changed since then. To go back to that period and say because he took this position, which in my view was a wrong position, that now, in 1971, he is disqualified, I think is not fair.

Mr. BAYH. I would like to concur with the statement that the Senator from Wisconsin has just made. After all, Mr. Rehnquist was only 28 years of age, which is hardly wet behind the ears. That is exactly the age which Judge Carswell was when he made his now-infamous statement about white supremacy which led to his nomination being turned down by the Senate. The fact that Mr. Rehnquist said that in 1952 does not mean he could not have changed his mind. Unfortunately, I do not think he has had any change of heart. In 1964 he was opposing the Phoenix City Council ordinance to require the integration of public places of business, using very much the same argument which he made in his memorandum to Mr. Justice Jackson. At that time he was 40 years of age. Does it concern the Senator from Wisconsin that at age 40 he still had the same concern for property rights in place of individual rights?

Mr. PROXMIRE. The Senator will recall that when the bill was before the Senate in 1964 we voted to provide against discrimination in places of public accommodations. The Senator from Indiana and the Senator from Wisconsin held strong views on that and were enthusiastically in favor of that. But it was a change in the policy of this country. There were many thoughtful people at that time who opposed it. So it was a change in national policy. Simply because at that time Mr. Rehnquist represented the settled view does not seem to me to disqualify him now for the Supreme Court.

I think that is a very important view now, but it is, nevertheless, a policy view. It is a view that was held at one time by the late Senator from Illinois, Mr. Dirksen, and many other Senators, but in the course of debate he, like others, changed his mind at the time of the adoption of the civil rights bill. He was opposed to the civil rights bill to begin with. He fought it as the principal opponent. But he recognized it was an idea whose time had come, and his position changed. It is probable that Mr. Rehnquist's view has changed, as he said it has.

Mr. BAYH. Mr. Rehnquist has never said that he was wrong when he wrote that memorandum. He has talked about a nine-judge majority and stare decisis and the weight to be given to precedent. But let us remember we are talking about a man who is going on that Court and who will be a part of that nine-man voting block. That is why I think it would be a mistake to put on the Court a man who in 1952 was in favor of sustaining Plessy against Ferguson. I do not say this because of the ultimate conclusion he reached, but because he urged Justice Jackson to vote against Brown against Board of Education on the ground that the Court would be making an error in supporting the rights of this minority. It seems to me it is a mistake to put a man on the Court who does not feel that the Court not only has the right but the responsibility to protect individual rights. That is the reason for the Bill of Rights. That is the purpose of the Court. He talked about Jehovah's Witnesses. He talked about the rights of businessmen. He talked about various other minorities that had to be protected. He talked about slaveholders. He just did not believe the Court should move into those areas. This concerns me because if we confirm him, he will not be a law clerk or an official down at the Justice Department who can be removed if the country does not like his voting. He wil be on the highest Court and every public pronouncement of William Rehnquist would indicate that he does not realize the importance of the rights of minorities.

Sure, of itself it means little or nothing that in 1952 he was against Brown against Board of Education. However, in 1964 he was against letting black people into the drugstores of Phoenix. As a private citizen he became excited enough over a very mild integration plan to take public issue with the school superintendent. That was in 1967. In 1966, as a uniform laws commissioner he did everything he could to stop an antiblockbusting provision, which was favored by the rest of the commissioners. He tried to strike that out of the uniform code. He tried to strike out a section which would have permitted—not required but permitted—employers to compensate for past discriminatory hiring practices. When he was defeated in that fight, he successfully led the effort to change it from a uniform act to a model act.

If there is sufficient reason to believe that Mr. Rehnquist now is sensitive to the rights of minorities, I wish the Senator from Wisconsin would point it out to me, because I do not find it in the record.

Mr. PROXMIRE. I have taken the position I have taken on this nomination, I will say to the Senator from Indiana, because I feel that while the views of Mr. Rehnquist are different from the views I hold very strongly, and as I have said in my statement, while I have some hesitation about it, I think we are wrong if we impose a political test and that is exactly what the Senator from Indiana proposes. I do not think we should appoint people to the Supreme Court based on whether we agree with any political position they have taken. It should be on the basis of their ability, integrity, honesty, and whether or not there is a conflict of interest involved. I think on all those scores this man is outstanding.

After all, he was No. 1 in his class at Stanford Law School. He is a man of great ability and great intellect. We need men like that on the Supreme Court. The argument that he has taken a quite different view, and a view that does disturb the Senator from Wisconsin, on civil rights is not a sufficient basis why he should not go on the Court.

Mr. BAYH. What is the proper scope of the Senate's inquiry, in the view of the Senator from Wisconsin? I ask the question because I have great respect for the Senator from Wisconsin and because the people look upon this body not only as a whole but at individual champions. And they look at the Senator from Wisconsin as one who courageously led the fight against the SST because it was wrong, and they will want to know how he views this nomination. I think that

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his vote would be taken as a compliment and they would regard the vote of the Senator from Wisconsin with more than normal weight.

Are there limits beyond which we should not permit a man to go on that Court?

Mr. PROXMIRE. Of course there are. As the Senator knows, I voted against Carswell. I voted against Haynsworth. I probably voted against more nominees of President Kennedy, President Johnson, President Eisenhower, and President Nixon than almost anybody who has been here while I have been in the Senate. I have never taken the view that we should automatically rubberstamp any nominee of the President. But I think when the President makes a nomination to the Supreme Court of a man who is qualified intellectually, who has a good, solid legal background, a man who is open, who is honest, a man whose conduct in that respect has not been questioned, I am going to support him.

I think there was a strong effort made to discredit Mr. Rehnquist on specific grounds, but I did not see any instance in which this was substantiated. I did not see any instance in which it was shown that Mr. Rehnquist was dishonest or where he had acted improperly, or without regard to the law. Under those circumstances, it seems to me that we should give the President of the United States and the nominee the benefit of the doubt.

Mr. BAYH. I guess I should have been more definitive in my question. There are no grounds, apparently, in the policy area that the Senator from Wisconsin feels are sufficient to oppose the nomination.

Mr. PROXMIRE. Policy area? I am not sure I know what the Senator means. Political grounds. There are some——

Mr. BAYH. Being against Brown against Board of Education is not sufficient in the mind of the Senator from Wisconsin?

Mr. PROXMIRE. Well, the fact that he was against it some time ago, no. I would say no. I would say that is not sufficient. Obviously, if it were, I would not be for Mr. Rehnquist.

Mr. BAYH. I asked him about the letter to the editor that he wrote and the issue he had with the superintendent of schools in Phoenix in the very mild integration effort, a freedom of choice plan, really, which has now been outdated by light years. I asked him why he opposed that, and he said he was against long-distance busing. The superintendent himself was against long-distance busing. There is just no evidence, I may say to the Senator from Wisconsin, to substantiate the claim that William Rehnquist would look differently, if he were on that Court today, on the rights of black people than he did back in 1952 when he urged Justice Jackson to vote against Brown against Board of Education.

I shall not pursue this further. The Senator from Wisconsin has been very kind. It is very distressing to me, as I say, that he has taken this position, but each Senator has the right to his own viewpoint, and I know that he feels deeply in his conscience that he is right. I accept that judgment.

Mr. PROXMIRE. I thank the Senator. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I should like to follow my colloquy with the Senator from Wisconsin with a few additional observations.

On the past two occasions when the Senate has refused to advise and consent to Supreme Court nominations, we have had a variety of reasons expressed by various Senators as to why they reached the conclusion to vote "No" against the President's nomination.

The Haynsworth nomination, I think the record will show, presented a unique combination of concern over the nominee's views on civil rights, perhaps also his concern over certain social issues closely related to the labor-management area, and concerns about the judge sitting on cases in which he had a financial interest—the ethical question. Because of these matters, 55 Members of the Senate stood up and said, "With all respect, Mr. President, no. Send us another nominee." And the President did.

Then followed another heated battle over the Carswell nomination. The Carswell nomination was not a replay of the Haynsworth nomination. Even stronger concerns were expressed about Judge Carswell's position in the area of civil rights and human rights. This was rather well documented by a statement he had made when he first ran for the legislature, when he was 28 years of age, in which he said that he yielded to no man in his belief in white supremacy.

I find it ironic now to see the similarity that was expressed in the argument of the Senator from Wisconsin, wherein he said that if he felt that William Rehnquist still was opposed to Brown against Board of Education, he would vote against him as a nominee to the Supreme Court.

Some argued strongly in support of Judge Carswell that if they believed he still felt that the cause of white supremacy was valid, they would vote against him for the Supreme Court. But they contended that Judge Carswell had changed his mind.

Now the proponents of William Rehnquist suggest—not that he was right in urging Justice Jackson to vote against Brown against Board of Education and to sustain Plessy against Ferguson—that Mr. Rehnquist has changed his mind.

Just as the Senate, when confronted with the evidence about Judge Carswell, apparently came to the conclusion that he had not changed his mind, I think the evidence is equally clear that William Rehnquist has not changed his mind on the great social issue presented in Brown against Board of Education. I wish it were not the case, because I cannot contest the intellectual capacity of the man. But it seems to me that a man who is wrong on the great philosophical issues that confront this country should not be given the Good Housekeeping seal of approval by the U.S. Senate just because he happens to be magna cum laude. In fact, it would seem to me that a man who possesses this intellectual capacity should have to meet a higher test of understanding of the humane questions of the day.

In 1952, when magna cum laude Rehnquist was advising one of the most distinguished Justices on the Supreme Court, he was totally unaware of the problems, the perplexities, the sensitivities, and the frustrations of the millions of black Americans. To me that indicates that on the outside the grade may be letter "A" but on the inside, in the heart, where it really counts, he fails the course. Such an analysis also comports with his repeated statements that he changed his mind about the open accommodations ordinance, not because he came to realize that all citizens are entitled to the same rights, but because he now knew how much the minorities cared about such rights.

Of course it is possible for a 28-year-old to mature. I think this is a valid hypothesis. Hopefully, it is possible for a 43-year-old to mature and get greater wisdom. But, interestingly enough, if one follows the maturing and, the development of the thought processes of William Rehnquist from the 1952 memorandum to 1967, when he took issue with the Phoenix superintendent of schools on the very same issue, there is no maturing.

If between age 28 and age 40 the position of William Rehnquist on the important area of quality education, of letting minority students have access to our public institutions of education, did not change, why are we to assume that suddenly there was a renaissance beyond age 40?

I think that that is not a valid assumption. Certainly Mr. Rehnquist was a leading member of the bar. He had very set thoughts, a very significantly developed philosophy and intellect. To suggest that there has suddenly been a renaissance between 1967 and 1971 is to look for something that does not exist, and to hope and pray for something that never will be.

I think it is important to look at some of the excerpts from that editorial in 1967 to see what Mr. William Rehnquist thought then about letting the minority children of Phoenix have access to their school system. I begin by setting the issue in perspective. On yesterday we talked extensively about the philosophy expressed in the 1952 memo. Yesterday I quoted, and I quote again today for the sake of continuity, from that memorandum which Mr. Rehnquist wrote to Justice Jackson:

One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

He further stated:

To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction.

Therein was the philosophy of William Rehnquist in 1952. I suggest that his philosophy did not change much between then and 1967, because in the issue that was involved in Phoenix, Ariz., we were not talking about a quota system. We were not talking about forced long-range busing. As I suggested to my friend, the Senator from Michigan, yesterday, we have pounded our breasts and talked about the intellectual capacity and the honesty of the nominee. Yet he had the audacity to come before the Committee on the Judiciary and try to explain away his opposition to the school plan in Phoenix on the basis that he was opposed to long-distance busing. Long-distance busing was not even involved. The superintendent of schools himself was against forced long-distance busing, and if William Rehnquist says that is the reason he wrote that letter, he is not being honest with the Senate.

Mr. Rehnquist said in his letter, and I will quote excerpts from it—but I ask unanimous consent that the entire letter to the editor written by Mr. Rehnquist back in 1967 be printed in the RECORD at this time.

There being no objection, the letter to the editor was ordered to be printed in the RECORD, as follows:

"DE FACTO" SCHOOLS SEEN SERVING WELL

(By William H. Rehnquist)

The combined effect of Harold Cousland's series of articles decrying "de facto segregation" in Phoenix schools, and The Republic's account of Superintendent Seymour's "integration program" for Phoenix high schools, is distressing to me.

As Mr. Cousland states in his concluding article, "whether school board members take these steps is up to them, and the people who elect them." My own guess is that the great majority of our citizens are well satisfied with the traditional neighborhood school system, and would not care to see it tinkered with at the behest of the authors of a report made to the federal Civil Rights Commission.

My further guess is that a similar majority would prefer to see Superintendent Seymour confine his activities to the carrying out of policy made by the Phoenix Union High School board, rather than taking the bit in his own teeth.

Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policy-making bodies who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.

The neighborhood school concept, which has served us well for countless years, is quite consistent with this principle. Those who would abandon it concern themselves not with the great majority; for whom it has worked very well, but with a small minority for whom they claim it has not worked well. They assert a claim for special privileges for this minority, the members of which in many cases may not even want the privileges which the social theorists urge be extended to them.

The schools' job is to educate children. They should not be saddled with a task of fostering social change which may well lessen their ability to perform their primary job. The voters of Phoenix will do well to take a long second look at the sort of proposals urged by Messrs. Cousland and Seymour.

Mr. BAYH. Mr. President, just to excerpt part of that letter so that the Senate may look specifically at what concerns the Senator from Indiana, in referring to the superintendent of schools, Mr. Seymour, Mr. Rehnquist said as follows:

Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declaration to come from policy-making bodies who are directly responsible to the electorate rather than from an appointed administrator.

Of course, it is rather obvious, if I might interject here, that Mr. Rehnquist is opposed to such philosophy espoused and promulgated by policymaking bodies. He is opposed to this kind of thing because of the position he took when he was a uniform State law commissioner when an antidiscrimination act was in the process of being promulgated.

Mr. Rehnquist led the effort to degrade that proposal from a uniform act and make it a model act so that he would not be committed to having to go back to Arizona and say, "All right, ladies and gentlemen of the State legislature, we are going to implement this antidiscrimination act."

He continues:

But I think many would take issue with his statement on the merits, . . . I think many would take issue with the statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society.

Mr. President, he said we are no more dedicated to an integrated society than we are to a segregated society. Then he proceeds very deftly by saying that:

We are instead dedicated to a free society in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.

To be sure, we are dedicated to a free society. To be sure, we want each man to be equal before the law. How much freedom before the law does a black child have who cannot get into the Phoenix school system? How much freedom does a member of a minority group have if he cannot shop where he chooses?

How much freedom does a black family have that cannot find a house in which to live? How much freedom does a black person have who is sick, and who is denied access to the drug stores of Phoenix? How can anyone make a statement like that in light of 200 years of discrimination? Although this is a very well phrased intellectual argument, it completely falls apart on the facts and shows a kind of inhumane quality, and a lack of the sensitivity that any Justice of the Supreme Court must have if he is to deal with equal justice before the law for all of our citizens.

Mr. KENNEDY. Mr. President, the American people are the freest people in the world. When we count our blessings we can count many of them in constitutional terms:

Freedom of speech, of assembly, of religion;

Freedom of the press;

Due process of law before life, liberty, or property can be taken away;

Equal protection of the law without regard to wealth, race, religion, or ethnic origin;

Freedom from unreasonable searches and seizures, from forced self-incrimination, from excessive bail, from cruel and unusual punishment;

Right to counsel and to habeas corpus;

A government of limited powers, constrained by tripartite checks and balances;

An independent judiciary to enforce and vindicate all of these rights.

We take those blessings so much for granted that sometimes we forget that they have real content and make real differences in our lives. But that content does not merely happen. It does not protect itself. It does not exist as an absolute in stable equilibrium.

Though our liberty has persisted for nearly two centuries, preserving it has been a major national challenge. In my own lifetime, at least once each decade the American people have had to prove their love for liberty by defending it against direct challenges, and they have always proved equal to the task.

In the 1940's freedom was challenged by a madman who thought the final solution to the world's problems was to separate and eradicate races and religions he considered inferior, and by another dictator who sought to persuade his people to trade their liberty for an authoritarian government which could make the trains run on time. America mobilized in the name of freedom, and we invested a generation and a treasure and half a decade in preserving liberty for ourselves and for our friends.

In the 1950's, the threat came stealthily from within, and we did not adequately respond until it was almost too late. One man poisoned the environment of liberty with inuendo and insinuations and invective. Yet, in the nick of time, the courage and conscience and concern of the American people for their birthright of freedom were again aroused, and provided a strong antidote to the McCarthyite venom.

In the mid 1960's, a small band of men succeeded in capturing one of the major political parties. But when they tried to sell the American people on the idea that "extremism" was the path to liberty, the people came to the polls by the millions to bury that philosophy—they thought—once and for all.

The first 2 years of this decade have not been happy ones in the history of liberty. We have seen the first prior restraints on our press in history. We have seen soldiers shoot down our children during an antiwar assembly, and we have waited in vain for the convening of a Federal grand jury to fix responsibility. We have seen secret electronic surveillance of dissident domestic groups by fiat

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of the Executive. We have seen—and the courts have found—indiscriminate mass arrests, protracted illegal detentions, fraudulent manufacture of evidence, cruel and inhuman punishment, and pursuit of baseless prosecutions as harassment, all in the name of making the buses run on time one morning in Washington. We have seen misuse of investigative agents to intimidate critics of Government on the outside, and blatant pressure to eliminate critics within Government. We have seen civil rights take a back seat to regional politics, and civil liberties take a back seat to the politics of fear.

Oh, yes. We are still the freest people in the world, but if the trend of the 1970's continues as it has begun, then sooner or later we will find ourselves locked in another struggle to maintain liberty. I would rather that it be sooner than later. I would rather not wait to shore up the constitutional foundations of our freedoms until they have been so chipped away and eroded that they are in danger of collapsing. I would rather we, right here in the Senate, take a stand now to preserve our heritage as free men and women. I would rather we draw a line boldly at the boundaries of our democracy and say: This far, Mr. President, and no further.

There will, of course, be other opportunities. There may be other Supreme Court vacancies for this President and the Senate to fill. And there will be the contest in the fall of 1972 in which liberty may be an issue. But the asymmetry of the risk is too great. If we assent to the present nomination, we are saying to Nixon and Mitchell and Kleindienst and Mardian and Rehnquist, "Go ahead, whittle away our Constitution, constrict our liberty, curtail our freedom. We will not only refrain from stopping you, we will reward you by placing you and your ilk in the temple of liberty."

And so the whittling will increase, and the constraints will multiply, and the curtailment will accelerate—all in the pursuit of the highest motives—until one day we may all wake up and find that we have ratified by our silence the embezzlement of our most precious entitlements. By then it may be too late to find a battlefield, let alone win the battle. An exaggerated nightmare? Perhaps, although people in Greece, Northern Ireland, Canada, Chile, East Pakistan, and South Korea probably thought so, too, until one day recently they woke up to find basic rights suspended—for their own good, of course. But why should we take that risk at all? Why should not we repeat, symbolically and pragmatically, the words carved in stone at the Justice Department: "Eternal vigilance is the price of liberty," and effect that vigilance by making sure that the camel of authoritarianism gets his nose no further into the tent of freedom than it is already.

The symbolism is clear. William Rehnquist, as Mr. Nixon himself put it, has been the President's lawyer's lawyer during this whole period of retrogression in human rights and human liberties. Never in the course of American history have so few taken so much from so many, and William Rehnquist was there every step of the way.

When the Attorney General needed someone to validate the legal theory in the Pentagon Papers case, Mr. Rehnquist was happy to oblige, even though he knew that the legal sufficiency of the case depended on the factual situation, and even though he knew he did not know all the facts. And when someone was needed to call the Washington Post and ask it please not to publish the news, Bill Rehnquist was ready and willing.

When someone was needed to defend George Harrold Carswell's pitiful record in civil rights cases, there was Bill Rehnquist attesting to the fact that the Carswell decisions—though they looked racist, and sounded racist and smelled racist—were really only the product of a "consistently applied constitutional conservatism." And there was Bill Rehnquist, ready with a new "reasonableness" label for the tapping and bugging of domestic dissidents when the old "inherent power" label became too much even for the Justice Department to stomach, and there he was designing the "reasonableness" argument without bothering to find out which, or how many, or why, citizens were being electronically spied on in the absence of court orders or probable cause, without knowing, for example, that there are three to nine times as many days of non-court-ordered Federal electronic spying as there are days of court-ordered surveillance.

And it was Bill Rehnquist who sat in to tell the May Day planners what kind of special legal arrangements would have to be made to invoke extraordinary powers, who was silent when such powers were invoked without legal authority, but who nevertheless spoke up promptly in defense of the May Day procedures, again without bothering to ascertain the facts. And after Senator ERVIN had demonstrated clearly and brilliantly that executive branch self-restraint had utterly failed as a limit on military spying on civilians, there was Bill Rehnquist telling Senator ERVIN that executive "self-restraint" was the answer to abusive investigative practices. And there was Bill Rehnquist putting the legal gloss on the administration's efforts to gag dissident Federal employees, and justifying the ex cathedra Presidential expansion of the powers of the Subversive Activities Control Board.

Be careful, we are cautioned. Maybe some of those positions were required of him in his role as advocate. But in most of these instances he was no mere mouthpiece. He was actually or potentially the brains, or the intelligent filter.

Look at the Carswell situation, for example. When I questioned Mr. Rehnquist about his defense of Carswell's civil rights record, he stressed that he did so as an advocate, implying that perhaps his personal views were different from his public views, an implication corroborated by other hints he has given. And yet if Mr. Rehnquist in fact felt personally that Carswell was a racist, then his job was not to persuade the Senate of the contrary, but to persuade the Attorney General to withdraw the nomination. For surely to a dedicated and bright lawyer like William Rehnquist, the appointment of a mediocre racist to the Supreme Court would be a watershed issue of the highest order.

Walter Hickel knew what to do in situations like that. So did the late James Allen. So did Leon Panetta and Terry Lenzner. And in the Justice Department itself the Solicitor General has shown the way by refusing to put his name on important departmental briefs with which he disagreed. So if the nominee really disapproved of the official line on these issues of major national significance, there were ways for him to express that fact, but never once did he avail himself of them.

The defeat—or at least the mustering of a serious showing of opposition to—this nominee is important for far more than its symbolism. The post he aspires to is a seat on the Supreme Court of the United States. There his prejudices and predilections, his sensitivities and sensibilities, his sympathies and secret hopes, will all become the stuff of which justice is made. Perhaps no official of Government has as much unreviewable discretion as a Justice. The simple decision to accept or reject a case for Supreme Court review, a decision which can be one of life or death, is one which each Justice makes arbitrarily, without explanation, without recourse, based on his own sense of priorities.

Sitting as a Circuit Justice on emergency matters, one member of the Court can wield immense power with almost unlimited discretion. And beyond that, on the largest issues of the day, a Justice, especially one who believes as the nominee does that every right must be balanced against other values, must apply his own system of weights and values when he is asked what "due" process, "reasonable" searches, "excessive" bail, "equal" protection, and other constitutional standards should mean in practice.

And he does not have that power and that responsibility just for the term of the man who appoints him. He has it for life. He is likely to be a member of the Court for at least the opening quarter of the third century of our Nation's independence. Thus during a time when we should be rededicating ourselves to liberty, during a time when individual imagination and initiative and spirits should be given another chance to soar, this man who seems to care so little for individual liberty, will be one of the referees between the individual and the state.

During a time when technology will give the Government the tools to intrude on every second of every day of every citizen's life, this man, who appears so congenial to Government intrusion, will be setting the bounds of Government power. During a time when every last vestige of racial discrimination and preference must be erased if our society is not to deteriorate into warring camps, this man, who has repeatedly proven his lack of sensitivity to the human drive for equality, will have his hand on the throttle—and his foot on the brake—of equal protection and equal opportunity.

In short, at the very time when we as a nation may have to decide whether the constitutional precepts which have served us so well for 200 years shall endure for another hundred, this man, who thinks of the defenders of constitutional liberties as "softies," will have a large say in the decision.

Are we men or are we mice? Are we so in awe of the President that we will surrender our own freedom, and that of the people who sent us here, just to avoid offending the President? Do we have so little analytic capacity that we will allow him to pass off a compulsive authoritarian as a judicial conservative? Are we so naive, are we so relieved at the nonnomination of the "Nixon six" that we will let ourselves be taken in by the greatest "bait and switch" ploy in history? Are we so simple minded that we are willing to risk severe constitutional retrogression in hopes that some Peter Pan will fly us to a land without crime, without discord, without dissent?

What are we afraid of? When the President has the veto power over our activities, he does not hesitate to remind us of that fact, and as we saw again last week, we all too frequently yield to his warnings. In the case of Supreme Court appointments, we are trustees of liberty for the people.

We have the veto power, not to mention the constitutional obligation of advice to the President. We have proved the force of that power. But why is it that we do not insist that the President's selections reflect our concept of liberty as well as his own? That is what the framers of the Constitution expected us to do. That is what the Senate has done time and time again over the years. That is what the President does to us when our roles are reversed. And that is what the nominee himself has said we should do.

The suggestion has been made that there may be something "political," and therefore improper, about refusing to confirm William Rehnquist. Is it "political" to fear for liberty? Is it "political" to opt for the kind of racial harmony that will bring domestic tranquility among our people? Is it "political" to vote to preserve the courts as what John Mitchell himself called "the great bulwark against undue assumption of power by another branch," and the "alternative mode for relief of grievances at times when the more active branches seemed stalemated"? I think not. The oath I took on entering the Senate requires me to preserve and protect and defend the Constitution, and that is precisely what I am doing.

Some Senators are taken with the suggestion that the political consequences to progressive Democrats from the defeat of a third conservative nominee might be worse than the damage this nominee could do on the Court to liberal causes. The logic escapes me.

First of all, constitutional liberty is not a "liberal cause." When I learned about American government, the Constitution was supposed to be for all the people, and it was the conservatives who cared most strongly about maximum scope for individual initiative and endeavor and minimum restraint on the power of government.

Secondly, if it is the "political consequences" of a Rehnquist defeat that Senators are worried about, then it is they who are injecting politics into their decisionmaking to override their views on the merits.

Finally, it is important to remember who defeated the previously rejected nominees. Of the 55 Senators who voted against Haynsworth, 17 were Republicans, including the minority leader and minority whip, and of the 51 Senators who voted against Carswell, 13 were Republicans, and at least two more were what are generally described as Southern Democrats. So it was the whole Senate, not any particular political faction, which declined its consent in those cases.

Moreover, I do not think any of us have anything to be ashamed of or embarrassed about in terms of our overall record on Supreme Court nominations. Even if we assume that a President has or should have some ability within limits to give the Supreme Court a cast that reflects a sense of his own outlook, that test has more than been met.

We now have three Nixon appointees, the first two, if labels are necessary, must be called more than conservatives. They have proven themselves to be consistently responsive to the administration's legal positions, except in the field of civil rights, where the Executive position has been too retrogressive on occasion even for them to swallow. The Chief Justice and the Attorney General have been matching each other almost speech for speech on the issues of the day and they are in regular contact. Thus, even if the vacancies had ended there, the President would have had no legitimate complaint that he had not been allowed to leave his imprint on the Court.

Given the present distribution of Justices, we are certainly not required by any notion of fairness or balance or representation to accept uncritically a final nominee whose constitutional approach places him even beyond the extremity of that already broad spectrum:

A person who might well have been the only dissenter had he been a Justice instead of a law clerk when Brown against Board of Education came before the High Court.

A person who has so little concept of the importance and vitality of the Constitution that he thinks of decisions enforcing it as operating not to the benefit of the freedom and dignity of all of us, but rather to the benefit "of criminal defendants, or pornographers, and of demonstrators."

A person who would like to see us not only throw out the recent decisions assuring poor Americans the same quality of justice as rich Americans, but also revert to the 1903 concept that judges should not worry about whether evidence used in court was unconstitutionally obtained.

A person who supports the right to speedy trial—but only if the right to habeas corpus is diluted.

A person who thinks that "liberty" and "property" are interchangeable values, that "integration" and "segregation" are equivalent evils, that there is something wrong with invoking the notion of "insensitivity" as applied to public officials' views of civil liberties.

A person who thinks that the Nation may "now" be faced not with a challenge to reconcile order and liberty, but with a "choice between liberty and order."

A person who, believing that "disobedience cannot be tolerated, whether it be violent or nonviolent disobedience," suggests without limitation that "if force or the threat of force is required to enforce the law, we must not shirk from its employment."

A person who—just 7 years ago—expressed publicly his concern about the "indignity" thrust upon a shopkeeper required to serve black customers, while the Senate was invoking cloture on a bill to open public accommodations to all Americans.

A person who, as Joe Rauh pointed out so persuasively, saw only as "victories" for "Communists, former Communists, and others of like political philosophy," four Supreme Court decisions, two of which were written by, and two concurred in by, Justice Harlan, the same "conservative" Justice Mr. Rehnquist would like to replace, decisions which vigorously applied the first amendment and other constitutional basics to clear the witchhunt atmosphere of the 1950's.

It is true that William Rehnquist never said he was a white supremicist as Carswell did; it is true that he has never had the problems of financial conflicts that Judge Haynesworth had; it is true that no one has suggested that he would represent mediocrity on the Court, as one Senator suggested of a past reject. But are these the only criteria we know how to apply?

To me the relevant criteria are clear. First, as some of my colleagues are fond of saying, the Constitution is not a suicide pact. No matter how erudite and articulate a nominee may be, and Mr. Rehnquist is a most erudite and articulate gentleman, if we are persuaded that he does not place a high priority on rights and liberties that we consider central and vital to the American way of life, if he seems devoted to redistributing freedom away from citizens and to the Government, if his record indicates that he thinks constitutional protections are expendable at the will of the sovereign, then we have an obligation to our constituents, to our oaths, and to ourselves, to keep him as far from the Supreme Court as possible.

I would go beyond that to a second, higher, standard. I believe the Senate has the right at this point in our Nation's history to require an affirmative showing by each Supreme Court nominee of a commitment and dedication to civil rights and constitutional liberties. At a time when we are on the verge of dissolving racial barriers in our society for all time, we have a right to know that our Justices are enthusiastic about that prospect, that whenever this goal of society is appropriately involved in the balancing process, it will weigh at least as heavily as other social goals.

At a time when our freedoms of expression, assembly, and of press, and our protections from unreasonable searches, from denial of liberty without due process, and in general, from arbitrary gov-

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ernment interference, are increasingly threatened by executive action, we must be sure that those joining the High Court fully support the constitutional responsibilities of the judiciary to constrain authoritarian interference with the privacy, beliefs, mobility, associations, or any of the other facets of liberty, that make American citizens the freest people on earth.

Perhaps this man as a Justice will turn out to be truly dedicated to constitutional freedom, contrary to all the evidence from his past. Perhaps he will prove himself fully committed to racial equality, in spite of his almost flawless record of obstruction. But the Supreme Court should not be his proving ground.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. BAYH. Mr. President, I must say the Senator from Massachusetts has delivered a very compelling dissertation on why the Senate should reject the nomination of William Rehnquist. If I might, I would like to ask a few questions to try to perhaps expand upon his perceptive points. Earlier in the dialog I had with the Senator from Wisconsin, he suggested that because William Rehnquist was intellectually competent and had not been proved dishonest, he thought the Senate really had very little reason to get involved in turning down a Presidential nominee on what he described as political grounds.

Could the Senator from Massachusetts expand on this question? Questions of mediocrity, conflicts of interest, and white supremacy statements were involved with respect to other nominees. But these particular types of shortcomings are not present in the nominee before us. Could the Senator explain a bit further the right, or the lack of it, or the obligation, or the lack of it, of the Senate to look deeper, to look into the bones of a man to see what he believes and thus to see in what direction the Court will be headed if he is sitting on it?

Mr. KENNEDY. I, of course, will be glad to elaborate on the comments I made here. I think the Senator from Indiana knows full well that the Senate established criteria of judgment in terms of the nominations of Carswell and Haynsworth and rejected both nominees, one on the basis of his clearly demonstrated racial views and the second largely because of conflicts of interests in terms of financial holdings.

It seems to me that, in setting criteria for our own evaluations and judgments on this nominee, we should put in terms of equal value the requirement of a firm commitment to the protections guaranteed under the Constitution in the areas of civil rights and civil liberties.

Particularly in terms of the two areas I have mentioned, as the Senator from Indiana understands so well, having sat through the extensive hearings that were held and being the real leader in terms of the study of this nominee, we have seen, in the nominee's background and experience, in the statements he has made as the President's lawyer's lawyer, and in his position in the Justice Department, and also prior to that, a uniform lack of commitment and concern for the basic human liberties and human rights as guaranteed by the Constitution.

I was suggesting that in terms of affirmative commitment, it is just as reasonable to establish it as a criterion of judgment for the Senate as was the case with respect to the conflicts of interest of Mr. Haynsworth and with respect to the questions of commitment to racial equality of Mr. Carswell.

It seems to me, particularly given the times in which we live and the questions with which this country is confronted, we should expect that each nominee show a sensitivity and a concern for human rights. We should see evidence that he will—in reaching the various balances when considering what equal protection is and what due process is, or what the balances are between the rights of a central government and the rights of individual liberties—have a clear commitment to give individual freedoms their due balance and weight. I think we have seen in this nominee that time and time again, when that balance has been considered, it has been inexplicibly light in terms of human rights and human liberties. So I think the nominee fails to meet that requirement.

As I mentioned, I would establish an additional requirement, and that is, for nominees to go on the Supreme Court they have to display a positive concern in terms of the rights and liberties of the citizens of our Nation. I think that is particularly important now, given the stress that our society is being subjected to, the fact that we are at a time in our history when, hopefully, within the next decade we can put the elements of discrimination behind us for all time, and at a time when we are seeing a constant infringement in the areas of civil liberties both because of the technological progress that has been made over a period of time and a general kind of disdain for the protections of the rights of privacy that we have certainly seen in terms of this administration. With the increasing burden we have to face in terms of meeting our constitutional responsibilities to our country, we must insure that the nominees themselves are going to have a sensitivity and an affirmative commitment in those areas.

I think all of us, in considering our vote on this question, are attempting to ascertain what the criteria ought to be for any nominee. Those of us who express reservations about this nomination realize full well that we may be accused of voting against him for political reasons, but I think we entered this with a very clear understanding that that whip could come back at another time in the course of history and could work, if that were the reason, to the disadvantage of those who might be more progressive. But politics is not the reason.

I think during the course of this debate one of the very important and useful results has been to help the Senate, and help the American people, understand better our responsibility in terms of advising and consenting and of scrutinizing a broad range of considerations which I think are required of us in terms of fulfilling our responsibility under the Constitution.

Mr. BAYH. The Senator struck a chord there that I think is important to reiterate. I suppose all of us, in judging what the impact of the nominee will be on the Court, are quick to consider what the impact of his vote on the Court will be on the significant policy questions that will be laid before him. The Senator from Massachusetts points out, in his characteristic fashion, the fact that at this time we are thinking about more than one vote on the Supreme Court of the United States.

We are indeed in the process of creating a symbol, sending out signals to large numbers of people who wonder, not just what the Supreme Court of the United States thinks about education, free speech, surveillance, and opening up our system and keeping it that way, but what the Senate itself says. They are looking at what an elective body thinks about those key issues, and I suppose it is fair to say that the Senator from Massachusetts is equally distressed about the message that will go forth from this body if a William Rehnquist and what he symbolizes to these large numbers of people is put on the Supreme Court.

Mr. KENNEDY. I certainly am. And I think that the Senator from Indiana, in the course of this debate, has touched upon one of the very serious kinds of crisis that I think we are facing in our country, and that is the whittling away of the liberties of our people, including, as I mentioned in the statement, the first prior restraint of the press of our Nation and the pursuit of a news broadcaster by the Federal Bureau of Investigation who had been highly critical of certain administration programs and positions.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. BAYH. What about those two key issues? Those are important issues, not just to Senators, but to some of our friends in the press who may be listening to this debate. In the judgment of the Senator from Massachusetts, from what we have been able to see in the record and what we have been able to read about what the nominee has said himself, what does the Senator from Massachusetts feel the nominee's position would be on the right of the Federal Government to say to a reporter, "We want to know your sources," or, as in the case that was just handed down by the Court, where an effort was made by the executive branch to muzzle the press, and it was turned down by the Court?

What does the Senator from Massachusetts feel the record shows about the inclinations of the nominee on these two issues?

Mr. KENNEDY. There does not really seem to be much question, since the nominee was instrumental in clearing the development of the Justice Department's position on the application for the prior restraint order. There does not seem to be any kind of question as to what his views would be in terms of more centralized authority and responsibility of the Federal Government. This is really quite clear, as it was in the development of the May Day procedures, which have been struck down by every kind of court review that has taken place with respect to them—procedures which were defended by the nominee in his speech in North Carolina only a day and a half after their use.

I remember asking the nominee, whether, after he had read, as widely reported throughout the United States, of the young people and other citizens who were unjustly arrested in the indiscriminate mass roundups during the May Day demonstrations, whether he felt there was any added responsibility, on the part of a lawyer in his position, of seeking to insure that justice was provided, not only for the Justice Department but also for those who were affected by Justice Department actions, and whether he felt there was any affirmative responsibility on his part to find out for himself, to go down and take a look at the jails and talk to the people in them and try to find out whether there was any illegal action being taken by the authorities, and to do something about them.

He said, no, he did not feel the necessity for any such affirmative action. I asked him the same question with reference to the Kent State situation, whether, when he read about the young unarmed students who were slaughtered out at Kent State, and when he saw the report of the eminent national commissions that looked into the question—the Scranton Commission report or other kinds of reviews that have pointed out the need of convening a Federal grand jury—whether, when he was the President's lawyer's lawyer charged with an important part of the responsibility for assuring that there was going to be adequate justice for all people as well as the Justice Department, whether he, in such a situation, took the time to go down and talk with the Attorney General and present his own views with respect to the tragedy that took place at Kent State, and urge that there be adequate pursuit of this question by the Justice Department, he again said he felt no positive compulsion on this issue.

As I mentioned in my statement, on the whole question of spying on political rallies, and the whole series of hearings that were held by the Senator from North Carolina (Mr. ERVIN) on the question of surveillance, where once again, as a member of that committee, I heard time and time again talk about this kind of surveillance by agents of the Federal Government, he stated that he did not believe it served to provide any kind of chill to those who were speaking out about the many vital issues facing this country today.

So the Senator is correct; these are not just isolated instances. These are not isolated cases. This is a series of actions taken and supported by the nominee which reach at the very heart of the life and liberty of the people of this Nation.

I would say as well, as the Senator well remembers, at the time we were asking the nominee whether he felt that he could support all these actions, he said:

> Well, if they were objectionable, I would not come up and testify in support of the Justice Department's position.

So we have to assume, in the light of the fact that he came up in their support, that he really found very little to object about.

Mr. BAYH. If the Senator will yield——

Mr. KENNEDY. Just let me finish this thought. In spite of the fact that we have seen within this administration examples of individuals who felt sufficiently concerned or outraged by actions that were taken by the administration, in various fields including the rights of individuals in this country—Terry Lenzner, for example, who was forced out of the Legal Service Division of the OEO program; James Allen, from the educational program; Leon Panetta from the HEW civil rights office, and Secretary Hickel from the Interior Department—here were individuals who were sufficiently concerned, who objected strenuously enough to feel that they could not be a part of governmental actions and attitudes that offended their consciences.

But we do not have that kind of courageous conduct by this nominee, in spite of the fact that during the past 3 years, as the Senator from Indiana has pointed out and as I have tried to develop today, there has been the greatest kind of emphasis in terms of seeking to restrict the rights and liberties of the people of this country by governmental action that I think we have seen in at least the last 100 years.

Mr. BAYH. I am glad that the Senator has emphasized the nature of the nominee's employment, and the caliber of his position. It has been argued by some—in fact, it was argued this morning by the Senator from Wisconsin—that the nominee really could not be held accountable for the positions of the administration, because he was just following out orders. Is the Senator from Indiana correct in believing that, at one point in the hearings, the nominee responded that, if he did not like the positions, if he strongly disagreed with them, he would resign?

Mr. KENNEDY. As I recall, he indicated that, if he felt they were sufficiently objectionable, he would not have made them. I must say that is a position that can be understood, that even the lawyer's lawyer on various questions would separate himself from a view with which he strongly disagreed. So I think there is basis to conclude that he did not find that the positions were objectionable or that he would have taken a substantially different course of action on them.

As the Senator will recall, the distinguished Senator from Maryland (Mr. MATHIAS) and I tried to review with the nominee his concept of the elements of due process. We were not trying to probe or to say, "How would you act, given a certain factual situation?" We were trying to elicit from him at least some kind of statement as to how important he thought due process was, as to how strongly he weighed the concept of equal protection as an element to assure justice to the people of this country, about the various considerations in balancing the individual liberties of people versus the central authority.

We tried to elicit that from him, but we were unable to get any kind of development of these concepts, even though we were not trying to ask him how he was going to decide a case. We were trying to elicit from him some kind of response so that we could gather a feeling about his own concern for these vital instruments of the courts and of the law which have been so heavily relied upon to produce progress in terms of liberties. We could not get any kind of comment on that. Yet, at the time when Congress was attempting to reach and share, under the Constitution of the United States, in the area of foreign policy, he was freely willing to go to Pennsylvania to tell a political audience that he felt that the actions that were being considered by Congress to require the President to terminate and set a date for the end of the war in Vietnam were questionable constitutional actions. He was not tongue-tied about that.

Once again, I think that shows the continuing thought process of the nominee that what the Central Government and what the executive branch and what the President of the United States wanted to do, he was willing to accept.

That is what troubles me, as I mentioned in the course of my remarks. And it surprises me that many of our friends from different parts of the country, who time and time again take the floor of the Senate and talk about how we do not want the Central Government, the national authority, infringing on the rights and liberties of small communities and towns and States of this Nation, are willing to go along with this. Every time the nominee had the alternative of choosing between the individual rights and liberties and the central authority, he came down on the central authority. Would the Senator from Indiana agree on that?

Mr. BAYH. Yes. I think we have a rather interesting inconsistency. The Senator from Massachusetts touched on this in his remarks.

On one hand, we have the nominee who relies on the almost infinite power of the Federal Government to become involved in those areas where they are confronting the rights of individuals. Take as examples prior restraint of the press, access to the sources of news reporters, the right of peaceful demonstration, the right of jury trial, preventive detention—the whole series of proposals that the nominee not only favors but also has been instrumental in developing for the administration. In these areas he feels that the Federal Government or the central source of Government, the executive branch, is omnipotent.

On the other hand, I find the strange inconsistency because he does not seem to feel Government has the same right—and duty to pursue it diligently—so far as protecting the rights of individuals in the whole civil rights area is concerned. It is all right for the Federal Government to say, "Thou shalt not publish," but it is not right for the governmental authorities to say, "You had better let black people into the drugstore."

Does not the Senator feel that there is a little inconsistency with that sort of thought process?

Mr. KENNEDY. I think the Senator has pointed up one of the real dilemmas.

I mentioned this morning that every time there was a question between the central authority or the National Government's power and that of the individual, the nominee came down on behalf of the central authority.

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As the Senator from Indiana has pointed out, when there is a question between the rights of property and the rights of the individual, the nominee came down in terms of the rights of property rather than the rights of the individual.

I think all of us are very much aware of the dilemma and the crisis this Nation went through during the period of the 1960's, when many kinds of changes took place in this country. In many instances there were extraordinary acts of statesmanship and courage exhibited time and time again in the southern parts of this Nation, of individual leaders, of communities, of persons who realized the critical nature of that period and were prepared to put emotionalism aside and to go ahead to fulfill the guarantees of the Constitution of the United States. I am sure the Senator from Indiana has heard example after example, as I have.

Yet that was not the case when this nominee had a chance to speak out while these acts of courage were taking place in much more inflammatory situations than in Arizona. We have a nominee who was born in the North, received an education in the West—not that anyone feels that those parts of the country have any leg up in terms of sensitivity to concern about rights or liberties than any other part of the country; but certainly in the whole movement toward rights and liberties, these issues were in the South much closer to the surface, with much more discussion and debate, than in other parts of the Nation—and every one of his statements in terms of rights and liberties in this country came out—instead of enhancing or expanding them—in terms of opposition to them.

I think this must be a matter of considerable concern for all people, not only the Members of the Senate but also all Americans, when they are trying, as they are in many parts of this country, with extraordinary kinds of difficulties even in the northern communities—I know that in my own city of Boston there recently has been a report on the questions of education—when so many cities of the North and the South are really trying to take some steps to draw out the poison and really come to grips with the problems of discrimination in this country. But all the statements we have been able to find, or that we have had reported to us have been unsympathetic to civil rights—and I would ask the Senator whether he has come across any contrary evidence. The major statements were in the Phoenix letters, and testimony in the 1960's. Then there were his views on the Carswell civil rights decisions in the letter to the Washington Post, when Carswell's nomination was being considered. There was also the record in terms of the model code, on the questions of blockbusting and equal employment opportunity.

These seemed to be the four oustanding incidents, and on each occasion the nominee moved away from the expansion of rights and liberties.

I am asking the Senator, who has provided a great deal of study in this matter, whether he has come across anything that would rebut that; because, in fairness to the nominee, we want to insure that we fully consider any positions which have been assumed by the nominee, either in his official capacity in the Justice Department or prior, that show this kind of sensitivity, as Mr. Powell did in Virginia during the period of the fifties, in terms of opposing massive resistance, when, as I remember as a student in law school in Virginia during that period of time, the emotion involved and the climate of those times made such a position difficult; I wonder whether the nominee's record shows anything like the strong support and initiative in the development of a national legal services program which Mr. Powell showed when he was president of the American Bar Association. I am wondering whether the Senator from Indiana has been able to find any instances such as this which would at least show the kind of sensitivity, concern, and commitment that many of us feel is so essential in terms of a nominee for the Supreme Court?

Mr. BAYH. First of all, I concur with the assessment of the Senator from Massachusetts, that on each occasion when the nominee's position has been articulated, he has been found to be on the wrong side of the individual human question involved. I must say that I did not realize how much to the point the closing paragraph of Mr. Rehnquist's letter to the editor was over this public accommodations law, until I happened to glance down at it just now. Here is what Mr. Rehnquist says when he talks about individual rights and individual liberties:

> It is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this.

The individual freedom Mr. Rehnquist is unwilling to sacrifice even a portion of is not freedom of speech, not freedom to dissent, not freedom to the right to a trial by jury, not freedom to go in and buy some medicine for your children, or to get a good education, or to live in a decent house, but the individual freedom that Mr. Rehnquist says we dare not sacrifice even a portion of is the right of a proprietor who holds a business place open for public use to say, "You cannot come in if your face is black."

It seems to me that that is hardly the kind of sensitivity, hardly the kind of scale of equity we should demand of one who sits in judgment on us all.

I have searched for the answer to the second question of the Senator from Massachusetts and have had a number of my staff members, as has the Senator from Massachusetts, and a number of volunteers throughout the country, looking and searching, and we have not found any contrary evidence—I have been hoping that some would be uncovered——

Mr. KENNEDY. The Senator has not been able to uncover any evidence in terms of the nominee since he was a law clerk as to his feeling on rights and liberties; is that not correct?

Mr. BAYH. We have not found any evidence that would prove the kind of humane position that the Senator from Massachusetts articulates so well. In fact, the Senator may not know it, but on the opening evening of this debate, after the Powell nomination had been accepted, the Senator from Nebraska was waxing in his normal and eloquent manner in support of the nominee——

Mr. KENNEDY. I remember that.

Mr. BAYH. And I asked him whether he could bring us one word in the debate, give us an article, give us any proposed legislation, give us any example, of the nominee's commitment to human rights. Not only has this not been forthcoming but the Senator from Nebraska refused to answer any further questions and has not proceeded to follow that line of thought. I do not know why it is that the proponents, if they really believe this man is a defender of individual liberties and civil rights, cannot come up with some documentation. It is rather strange.

I want to ask the Senator from Massachusetts:

It has been disclosed in the past 48 hours, debated on the floor of the Senate, and printed in the national press, that Mr. Rehnquist strongly urged Justice Jackson while the nominee was a Supreme Court law clerk, to vote against Brown against Board of Education, and suggested that the Court had no business getting involved in looking into the great social questions, and suggesting that the Court had no right to get involved in protecting minority rights in this way or they would find themselves part of a transient majority of nine.

That hit the press Monday. Is it not rather strange to the Senator from Massachusetts that there has not been one word forthcoming from any proponents of the nominee to try to explain away what I feel is a most unfortunate revelation—not unfortunate that it was revealed, but unfortunate that this seems to characterize and symbolize the position of the nominee in the whole area of educational opportunities?

Mr. KENNEDY. I would agree with the Senator from Indiana. Comments have been made about the time the Senate is taking to consider this nomination. I would certainly hope that those who believe that the nominee has this concern and commitment in terms of human rights and liberties would debate this and put forward a positive case for it. We have not seen that. The Senator from Indiana has been in the Chamber these past few days and I would ask him whether he has seen any evidence of it. The case against Mr. Rehnquist is being made clearly. It has yet to be rebutted. I do not see any of the proponents in the Chamber helping to reach answers to these questions.

Has the Senator, during the time he has been in this Chamber on this debate, heard any explanations about the background of that memorandum that was drafted by Mr. Rehnquist?

Mr. BAYH. None whatsoever, I say to my colleague. Each Senator, of course, has the right, indeed it is our individual responsibility to determine to what extent we become involved in debate. I do not believe that any of us want to drag any of our colleagues kicking and screaming into a debate. But here we are debating a controversial Supreme Court nomination, and there have been some

well-documented and well-substantiated charges made. The only effort made to lay the charges to rest was, "I will have the chance," my friend from Nebraska said, "before this debate is over, to answer these questions at length, but I do not want to answer them now." He suggested to me that he was going to have the opportunity to put in the RECORD substantiation of his belief—and I think he is sincere—that the nominee is not anti-civil rights or anti-individual liberties. But this information has not been forthcoming and before the debate had even warmed—in fact, before the first speech was made, the distinguished minority whip was suggesting that a filibuster was going on. Yesterday, less than 24 hours after the Powell nomination had been accepted—in fact, just about 20 hours after the Powell nomination had been accepted—the distinguished minority leader was up in the Press Gallery telling the members of the press that there was a full-blown filibuster going on. The distinguished Senator from Massachusetts (Mr. BROOKE) had not even had a chance to make his speech. The speech of the Senator from Massachusetts (Mr. BROOKE) was, I thought, a rather dramatic revelation and important to the consideration of our colleagues of this matter.

Then the distinguished Senator from Pennsylvania (Mr. SCOTT) was in the Press Gallery telling the press and the Nation that a filibuster was going on. So I must say, if the Senator from Nebraska has any suggestions to make to the Senator from Indiana as to how we can get those on the other side of this question to rise up and answer some of these questions and provide some of this information, I think the country has a right to know it and I am yearning for the answer to that question.

Mr. KENNEDY. Regarding the so-called filibuster, I think it is valuable to look back at an earlier nomination proceeding, as I pointed out at a Brandeis University dinner in New York a couple of weeks ago. In terms of the time factor, and because it is interesting as to who is labeling whom in terms of a filibuster, here is information about one of the most distinguished nominees and perhaps the greatest Justice who has served on the Supreme Court.

The nomination of Louis D. Brandeis to the Supreme Court on January 28, 1916, ignited one of the most bitter confirmation fights in the history of the Senate. Three sets of hearings were held over a period of 4 months. The record grew to some 1,500 pages in print. The issue became a matter of intense national focus, with the highest of political stakes at risk. When it was all over on June 1, Brandeis had been confirmed 47–22, on almost a straight party line vote.

It is helpful to look back at that experience to learn from it. The single overwhelming fact was that President Wilson had chosen one of the most talented and dedicated men in American history. He was the great crusading lawyer of his times, and then some. In the name of the public good, he had challenged the giant interests that ruled the Nation—the utilities, the railroads, the monopolies. And much too often he had won.

Thus his enemies were legion and powerful, and they left no stone unturned in attempting to persuade the Senate to reject him. But the constitutional mechanism of advice and consent worked well; the Senate reopened its hearings twice to check out all the allegations. The proponents and opponents had full opportunity to weigh the merits and express their views. And truth and justice were the victors.

But, of course, the key was selecting the right person, a man truly committed to fairness, to responsive institutions, and to the public welfare, a person of proven intellect and capacity, a man of whom President Wilson could write:

> He is a friend of all just men and a lover of the right; and he knows more than how to talk about the right—he knows how to set it forward in the face of enemies.

Twice they reopened the hearings to consider that nominee, when various allegations and charges were made and remade by those who wanted to frustrate that nominee.

I am reminded that the time that was taken was welcomed by those who were proponents of Louis Brandeis when the various charges and allegations were made concerning this nominee. It was the proponents who insisted that the record be opened again and that the nominee's record be examined thoroughly so that the allegations and charges could be fully responded to.

Yet here we have, with relation to a vital issue in this case, as the Senator has mentioned, the memorandum that was prepared to express support for the Plessy against Ferguson concept of separate but equal, at a time when the country and the Supreme Court were to embark upon a 9-to-0 decision in Brown against Board of Education and set the whole country on a new course, but we have no answer, no new hearing, no chance to examine the nominee's supporters on this question.

I have not seen the memorandum. Law clerks are charged with preparing various position papers. However, certainly we ought to be able to have some kind of response and have the matter put in some kind of context.

We have had so many examples in the past in the Senate with respect to various charges—and not charges nearly as far-reaching or as extensive in terms of implication as these—where the proponents of the nominee have insisted that the hearings be reopened.

Mr. BAYH. Mr. President, the Senator studied that matter and was aware of that subject. I am glad he brought those comments into the debate, because I think they are pertinent.

I wonder if the Senator could inform me whether there was any discussion about invoking cloture on a filibuster at the time when the hearings were reopened and the record was being made straight.

Mr. KENNEDY. It is my understanding that it was the proponents of the nominee who insisted that these charges and allegations be settled and resolved.

I did not see at that time charges made that there was undue delay in terms of the nominee. But there was a conscious effort made by the proponents to assure that the charges made—and they were a matter of extreme seriousness—were fully and adequately answered.

Mr. BAYH. Mr. President, will the Senator permit me to explore his thoughts relative to the activity and the efforts on the part of the nominee with reference to a Uniform State Law Commission? I would like to have the Senator's opinion on this matter because of the opinion of the Senator from Nebraska when I asked him to give us some support for his views on the nominee's record on civil rights. Does the Senator from Massachusetts recall when the Senator from Indiana asked the nominee to give us some evidence of what he had done affirmatively to get the test established so as to give us evidence of his commitment to human rights?

Does the Senator from Massachusetts recall at that time the fact that the nominee did not mention participating in this Model State Antidiscrimination Act effort?

The reason the Senator from Indiana brings it up is that if, indeed, that was considered in the mind of the nominee and those who support him as a manifestation of his previous pursuit of his commitment to human and civil rights, it would seem to me that in response from Indiana and others asked, that they would not have had to find it out by an investigation of the record itself.

Mr. KENNEDY. I agree with the Senator from Indiana. I do not recall offhand exactly what the nominee stated when the Senator from Indiana asked that question. Does the Senator remember?

Mr. BAYH. What I am trying to point out is, first of all, the nominee did not mention that, in his judgment, participation as a uniform State law commissioner, when it was considering an Anti-discrimination act, was sufficiently important that it should be stated as evidence of his dedication commitment to human rights. It was only when investigators disclosed that as a member of this uniform State law commission on two occasions had tried to eliminate provisions of it, or the entire act, that this matter became public. For the Senator from Nebraska to suggest that finally voting for this, after he had effectively led the effort to lessen its impact from that of a uniform act to that of a model act, I think is not good evidence of commitment to human rights.

I might just read to the Senator from Massachusetts the distinction, and why I feel it is important. First of all, as the Senator realizes, the nominee voted against, and tried to get stricken from the model act, that provision which would have outlawed blockbusting. It was an antiblockbusting provision. He also tried to strike from the model act a provision which would have enabled an employer voluntarily to compensate for hiring practices, for the fact that in the past he had discriminated against those of minority races, and, thus, had a very imbalanced work force.

In addition, when he was unsuccessful in these two efforts, as the Senator re-

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calls, he led a successful effort to diminish the standard of the commission's work from that of a uniform act to that of a model act.

I read from the 1966 Handbook of the National Conference of Commissioners on Uniform State Laws here the definition of the distinction between a uniform act and a model act:

> Approval of an act as a uniform act should carry with it the obligation of the commissioners from each State to endeavor to procure its enactment by the legislatures of the States.

That was the thrust of the uniform act, and the nominee led the effort to keep it from being a uniform act so that he would not have to be responsible for going back to the Arizona State Legislature and implementing it. A model act, on the other hand—and I quote from the Handbook again—"shall be applied to any act which does not have a reasonable possibility of ultimate enactment in a substantial number of jurisdictions." So there was a rather obvious effort on the part of the nominee to demean the quality and the responsibility incumbent upon those who participated in the drafting of this act.

I wonder if the Senator from Massachusetts would care to comment relative to how valid the claim is that William Rehnquist's participation in this particular commission is evidence of his commitment to civil rights.

Mr. KENNEDY. I think the Senator from Indiana has made this point and has drawn these distinctions, which I think are extremely compelling. I share the conclusions and the deep concerns that the Senator from Indiana has drawn from this occasion, and as he developed during the course of consideration in committee just prior to the vote.

In reviewing the speeches made here, we have to reach these conclusions and decisions in terms of the rights of the people of this country and especially in terms of minority rights, whether it is the actions taken in Phoenix, the model code referred to, the letter to the Washington Post, or the memorandum prepared for the Supreme Court Justice.

If these actions could be explained as individual acts, that would be one thing, but taken as a series and pattern of actions, I think we are completely justified in concluding that the nominee does not have that firm commitment and dedication to the rights of the people of this country that is so essential for us to find in fulfilling our constitutional responsibilities.

If we take his actions in the Justice Department, whether it be in terms of wiretapping or surveillance—where he was challenged in considerable detail by the Senator from North Carolina (Mr. ERVIN)—or his justification for the program of handling the May Day demonstration, on the whole question of restraint, as separate matters they might be troublesome, but would not be a bar, but taking them together, in terms of the rights of the American people and the liberties of American citizens, in all fairness one has to conclude that this nominee has not shown the kind of sensitivity in terms of the liberties of the people that I think is so essential and which we are challenged to protect.

So I share these concerns with the Senator from Indiana. I think the Senator from Indiana has provided yeoman service in terms of illuminating these matters and examining them in detail. I would welcome, as I am sure the Senator from Indiana would, some kind of response in these areas which have been raised over the period since Monday night last, that we would have a positive response for the Senate, and what is more important, for the people of this country, in order that we may know exactly the kind of concern and commitment this nominee has for the rights of the citizenry of this Nation.

Mr. BAYH. Mr. President, I wish to say one word before the Senator terminates his remarks. I am grateful for the contribution he has made, not only in his speech and his colloquy here today, but also from the very beginning, from the very first instance when the nominee's name was brought before the committee. Throughout the hearings and committee debate the Senator from Massachusetts has suggested a penetrating analysis to find out the facts. He has expressed articulately his concern that the nominee does not meet the standard several of us feel should be met by a member of the Supreme Court.

It is unexplained to me, as it is to the Senator from Massachusetts, why, after the revelation of these facts, there has not been a single proponent of the nominee come forth and say, "I think the man should be on the Supreme Court even if he was against Brown against Board of Education, and here is why."

Hopefully, before the debate is over the country and the Senate will have that explanation from those who think William Rehnquist has the capacity to be a good Supreme Court nominee.

WILLIAM REHNQUIST AND CIVIL RIGHTS

Mr. GOLDWATER. Mr. President, as I came to the Senate floor from time to time yesterday to hear the arguments made by Senators who disagree with the nomination of William Rehnquist, I noticed one predominant theme being repeated over and over. The theme is the allegation that Mr. Rehnquist is not committed to the cause of civil rights, a failing which is said to be evident statements he has made as a private citizen.

It is interesting for me to observe, Mr. President, that none of his opponents question Mr. Rehnquist's integrity. Indeed, his critics earnestly announce their recognition of his high moral character and personal integrity. Yet at the same time they say this, they question the truthfulness of Mr. Rehnquist's personal disavowal of any reluctance to uphold the guarantee of the Constitution and of duly enacted statutes securing equal rights for all citizens. They nitpick his every utterance at the hearing, distort and take out of context his past statements on human rights, and even quote from certain of his writings without giving the complete sentences in which his words are set.

Mr. President, I believe the discussion on the part of Mr. Rehnquist's critics has exceeded the bounds of reasonable debate. I plan to take up two of these incidents today to demonstrate how far his opponents have gone in bending over backward to cast an unfavorable light on Mr. Rehnquist's record. I am going to discuss only two of these matters at the moment because, in truth, there were not many more points raised in the debate yesterday relative to the nominee than these.

One statement which is claimed to indicate an "indifference to the evils of discrimination" is Mr. Rehnquist's position taken in 1964 in opposition to the public accommodation ordinance proposed for the city of Phoenix. The fact that Mr. Rehnquist testified against the ordinance is mentioned time and again by the nominee's opponents, but the full grounds for his past doubts about the ordinance are never explained.

If my colleagues who are opposed to this nomination are sincerely searching for evidence which indicates an absence of hostility toward antidiscrimination efforts, they might have read the complete text of Mr. Rehnquist's comments at the Phoenix hearing in which he made it quite clear that a major reason for his position on the ordinance rests in the fact that when the members of the city council were running for office they took the position there would be no compulsory public accommodation ordinance.

Accordingly, he suggested that now that the members had been elected they should abide by their campaign position and instead of acting on the ordinance refer it for the vote of the people. Thus we see that Mr. Rehnquist appears to have been influenced in his stand by a feeling the city council was under a moral obligation to the people to present the issue to them as a whole for a decision.

Furthermore, Mr. Rehnquist indicated in his letter to the editor of the Arizona Republic on the same ordinance that minorities would have an important interest to be balanced if widespread discrimination against them had actually existed in Phoenix. He said:

> If in fact discrimination against minorities in Phoenix eating-places were well nigh universal, the queston would be posed as to whether the freedom of the property owner ought to be sacrficed in order to give these minorities a chance to have access to integrated eating places at all.

Thus, even in this statement which is being criticized so severely we can see that Mr. Rehnquist gave recognition to the need for the right of minorities to prevail where discrimination was prevalent. These and other comments in his statements at the time show that he was then only speaking about a situation where a small minority of public accommodations did refuse access to minority citizens. Mr. President, I am not trying to explain these comments away or to make it out as if Mr. Rehnquist had declared himself in support of the proposed city ordinance; but I do wish to illustrate that there were certain modifying elements which make his views in 1964 fall far short of outright indifference or hostility toward the use of law to overcome racial injustice, as charged by the minority views signed by four Senators.

Of course, Mr. President, we now have Mr. Rehnquist's statements to the committee declaring that he was wrong in the position he took in 1964. He emphasized to the committee that his personal experience in 1964 was with an environment in which the denial of minority rights in practice was infrequent. He now states that his realization of the depths of feeling of minorities would control his opinion that a public accommodations law is good and necessary, without regard to whether or not the discrimination being attacked is infrequent or whether or not the public in general accepts the law as well as it has been in Phoenix.

Mr. President, if Mr. Rehnquist's integrity is accepted as we are told it is by the minority, then the change in position by the nominee should be accepted at face value and this matter should be closed. Instead, the minority refuses to accept the honesty and sincerity of Mr. Rehnquist's current statements and claim that he does not really mean what he says he does. I believe, however, as does anyone who actually knows Mr. Rehnquist, that he does not have a racist bone in his body and that he is deeply committed to an attitude of respect and recognition of equal rights. I will have more to say on this at the end of my remarks.

Mr. President, a second issue raised by the critics of Mr. Rehnquist yesterday concerned his views on the 1967 school integration program proposed for Phoenix high schools. Mr. Rehnquist told the committee during its hearings that his earlier declaration as a private citizen was aimed at preserving the neighborhood school system. This is borne out by the record because Mr. Rehnquist had said, in his 1967 letter to the editor:

> The great Majority of our citizens are well satisfied with the traditional neighborhood school system.

Of course, as everyone knows, the great threat which is seen by the public as disruptive to neighborhood schools is the idea of forced busing.

This is the same letter in which Mr. Rehnquist stated that—

> Many would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.

Now, we have heard a great deal of deploring about the first part of this sentence, but when it is taken in the context of the complete sentence we see that Mr. Rehnquist fully recognizes the equality of each man before the law.

This is certainly not a statement calculated to resist integration of the races. In his 1967 letter Mr. Rehnquist makes it clear he was talking about his interpretation of what additional steps the school superintendant had planned for the schools in order to achieve "an integrated society." His letter was sent in the context of an existing program, then in effect in Phoenix, which called for the step of freedom-of-choice desegregation, with students being permitted to pay their own bus fare to attend other high schools.

With this program of open enrollment to all races already in being in Phoenix, Mr. Rehnquist informed the committee it was his understanding that the only kind of additional busing which the local school superintendent could have had in mind was compulsory, long-distance busing. It should be remembered that the school official, upon questioning in 1967, refused to dismiss the forced busing of students as a possible technique. What is more, Mr. Rehnquist added in his 1971 statement to the committee that he personally was in full agreement with the open enrollment voluntary busing policy as a means of achieving integration.

Once again, Mr. President, the minority Senators simply refuse to give credence to his remarks. Notwithstanding his declaration explaining his mental processes in 1967 and notwithstanding his emphasis on the neighborhood school concept, Mr. Rehnquist's detractors choose to ignore his words and erect an extremely distorted view of his position. In effect, Mr. President, the critics of the nominee refuse to believe anything he has to say on the question of civil rights and human liberty.

However, Mr. Rehnquist's personal character is backed up on the record before the committee by person after person who has known him or worked with him. For example, Judge Walter Craig, a U.S. district judge in Arizona, testified:

> I have never known Bill Rehnquist to be racist, and I know him pretty well, Sir.

Judge Craig also stated:

> I believe this man has a humanity about him and a human warmth that would make him, if anything, more sensitive to the needs of people with respect to the necessity to improve their lives and their society. I don't think that he would be in any way insensitive to the philosophy of civil rights or the Bill of Rights, or any other rights.

Then we have the impressive recommendation to the committee supporting Mr. Rehnquist by Jarril Kaplan, who has served as chairman of the Phoenix Human Relations Commission. Mr. Kaplan writes:

> In all my years of intergroup relations in this community, I never once heard reference to Mr. Rehnquist as bearing hostility toward minority persons . . . I do not profess to know everything Mr. Rehnquist has ever said or done. On the basis of what I do know, however, I believe that it is neither accurate nor fair to label him as a "racist," sophisticated or otherwise.

Dean Phil Neal, at present the dean of the University of Chicago Law School, related to the committee in writing of his observations on Mr. Rehnquist as a former student of his at Stanford Law School. He said:

> I am confident that he is a fair-minded and objective man. Any suggestions of racism or prejudice are completely inconsistent with my recollections of him.

In addition, I would like to offer for consideration the report of the American Bar Association on Mr. Rehnquist which discusses the comments received by the association from over 120 judges and lawyers and 10 law school deans in the seven States of the Ninth Judicial Circuit. Speaking of lawyers and judges who are devoted to expanding concepts of civil rights, the bar association report mentions that—

> A number of leading liberal and civil rights lawyers support the nomination because of his professional competence, intellectual ability, and character. As one of them summed it up, he had "total professional respect for Mr. Rehnquist." He had never known of any reproach to his character. He states he is "not a Bircher, not a racist, but a decent man and a good human being."

Finally, Mr. President, I believe it is important for us to observe what personal acquaintances of Mr. Rehnquist have to say about the manner in which he conducts his personal life. Mr. Joe Tameron, principal of Kenilworth Elementary School, wrote the Judiciary Committee that he knew Mr. Rehnquist had moved his family into the Phoenix Elementary School District because he "wanted his children to have experience and association with children from minority groups, as well as with the different socioecenomic groups."

Also, Mr. Paul Bliklen, a neighbor of Mr. Rehnquist, wrote the committee that during discussions with the Rehnquists he found that they were motivated to move to the downtown area of Phoenix bordering the inner city because they felt their children "would be better exposed to a cross section of America, racially, economically, and philosophically."

Mr. Bliklen added:

> We have worked with Nan and Bill Rehnquist over the years on many school projects and neighborhood undertakings. Working with us was always a cross-section of parents from mixed ethnic, racial, and economic backgrounds. In all of these contacts, never have I heard or seen Mr. Rehnquist act in a negative way towards a person or show preference because of his race, background, or economic disadvantage.

Here, Mr. President, is proof of the essence of a man's character and his true feelings about human dignity. Here is what is known about a man's reputation by those who intimately know him. Here is the day-to-day living philosophy of a man as that philosophy directly touches him and his own family. Here is an unblemished record of personal respect and association in his daily life for all members of society and for any group within it.

Does a man have to belong to the NAACP in order to demonstrate his willingness to support the cause of civil rights? Does a man have to prove his membership in the Americans for Democratic Action in order to show his sensitivity to the protection of individual liberties and equal rights? Or can we judge a man as being sensitive and committed to these rights on the basis of his known reputation and his personal treatment of and experience with other human beings? Mr. President, I believe the answer is self-evident and I believe it is equally obvious that Mr. Rehnquist is an honorable, fairminded member of society, who has a proven record of commitment in his life to the respect and support of human dignity and equal rights.

Mr. BROCK. Mr. President, if the confirmation of nominees to the Supreme

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Court were not such serious business, I would find the activities of William Rehnquist's opponents over the last several weeks amusing indeed. Time and again, unfounded accusations have surfaced only to be refuted. In desperation, these opponents have fallen to the tactics they so piously deplored in other times. They have made so many false charges, so often unfairly characterized the nominee's position on issues, and so consistently taken Mr. Rehnquist's statements and conduct out of context that new charges now have a hollow ring. It is like the shepherd boy crying "Wolf" too often.

The point is that Mr. Rehnquist's opponents deplore the fact that he is not a judicial activist with a political philosophy attuned to their own. That is truly the issue. It should be candidly addressed as the sole issue.

The confirmation process is a solemn responsibility of the Senate. With it comes the prerequisite that individuals nominated to the Supreme Court be treated with the respect incumbent with the privilege of nomination and in turn that they act with the same responsibility and respect toward their inquisitors. Mr. Rehnquist has fulfilled this responsibility admirably. In addition to his outstanding credentials, Mr. Rehnquist has been most candid and open in expressing his views before the Judiciary Committee.

Throughout the long hours of questioning, he has maintained the consistency and poise that are a must for the position to which he has been nominated. One by one the counterfeit issues raised by his opponents have been discarded and indeed, his responses to these issues have revealed that he is a man of the highest standards of professional competence, integrity, and judicial temperament.

In conducting its thorough investigation and favorably reporting the nomination of William H. Rehnquist, the Senate Judiciary Committee has proved beyond a doubt that this man is eminently qualified to take his place on the Supreme Court. I look forward with enthusiasm to voting for this worthy man.

Mr. ALLOTT. Mr. President, with an admirable strength of argument Mr. Robert Bartley of the Wall Street Journal has exposed the flimsiness of the arguments currently being used to delay the absolutely certain confirmation of Supreme Court nominee William H. Rehnquist.

So that all Senators can profit from Mr. Bartley's reasoning, I ask unanimous consent that his story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 6, 1971]

REHNQUIST AND CRITICS: WHO'S EXTREME?

(By Robert L. Bartley)

WASHINGTON.—The most powerful impression to emerge from the microscopic public analysis of the life and works of Supreme Court nominee William H. Rehnquist is that his critics are pretty desperate. At one point the arguments proved too much even for the most critical Senators, and Sen. Edward Kennedy upbraided the witnesses for creating "an atmosphere which I think is rather poisonous."

Now the critical members on the Senate Judiciary Committee—Sens. Bayh, Hart, Kennedy and Tunney—have filed their minority report setting out the responsible case against the nomination. As Sen. Kennedy's remark suggests, it judiciously avoids the less substantial allegations that have appeared in the press in recent weeks. There is, for example, no suggestion that Mr. Rehnquist is guilty until proven innocent of membership in extremist organizations because his name appears on a list compiled by a little old lady and willed to someone else.

OUTSIDE THE MAINSTREAM

The minority report, rather, focuses mostly on Rehnquist's views on certain issues, and as such is an intriguing document. It volunteers that there is no question about Mr. Rehnquist's qualifications in terms of legal standing or personal integrity. On the widely debated question of whether the Senate should consider a nominee's judicial philosophy, it makes the case that indeed the Senate should.

The minority, of course, argues that on this third test Mr. Rehnquist flunks. It says he "has failed to show a demonstrated commitment to the fundamental human rights of the Bill of Rights, and to the guarantees of equality under the law." While not every detail of a nominee's philosophy ought to bear on his Senate confirmation, it suggests, so extreme a deviation should. At one point the text puts it simply: The nominee "is outside the mainstream of American thought and should not be confirmed."

A fascinating proposition, this. How can someone with legal standing and personal integrity fit to grace the Supreme Court be that far out of the mainstream? What would be the opinions of a man who is such a pillar of the bar and still fails to understand the Bill of Rights?

So it is with no little anticipation that one turns to the issues discussed in the minority report to find just which of Mr. Rehnquist's opinions bar him from the Court service. One expects not merely that he will have debatable opinions on debatable topics. Certainly the four Senators disagree on many things with Lewis F. Powell Jr., the other Supreme Court nominee before the Senate, but they voted to approve him. So in Mr. Rehnquist's case one expects more extreme opinions, those further out of the mainstream on the right, say, than Justice William O. Douglas is on the left.

As sort of a benchmark, recall Justice Douglas' popular book arguing, "We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution." What right-wing outrages has Mr. Rehnquist uttered, one wonders, that are further from the mainstream than *that?*

As the confirmation hearings started, the best bet for that sort of outrage seemed to lie in the Justice Department position on wiretapping. As the department's chief legal adviser, Mr. Rehnquist must bear no small responsibility for that position, and the department has argued that the Executive Branch has an "inherent right" to wiretap without court order in national security cases. This is tantamount to an assertion that neither Congress nor the courts can control executive wiretapping, and certainly does suggest an insensitivity to the spirit of the Bill of Rights.

Alas for Mr. Rehnquist's critics, though, it turns out that on his advice the Justice Department has dropped the "inherent right" argument in current briefs before the Supreme Court. It now merely argues that in the particular instances of the case, the tap in question was not an "unreasonable" search barred by the Fourth Amendment. He says that the effect of the change is "to recognize that the courts would decide whether or not this practice amounted to an unreasonable search."

Mr. Rehnquist declined to give his personal views, as opposed to the Justice Department position, but he did defend the department's current arguments on the grounds that there are substantial legal questions unresolved, and the Executive is obligated to make its side of the case. "Five preceding administrations have all taken the position that the national security type of surveillance is permissible . . . one Justice of the Supreme Court has expressed the view that the power does exist, two have expressed the view that it does not exist . . . one has expressed the view that it is an open question . . . the government is entirely justified in presenting the matter to the court for its determination."

WIRETAPPING OF RADICALS

This did not satisfy the four critical Senators. They noted that the current issues are somewhat different from those of preceding administrations, not least because the current argument is about wiretapping not of foreign agents but of domestic radicals. The change in the department's position is "more cosmetic than real," they argued, because it is still defending wiretapping rules that would not "provide an adequate restraining effect on the Executive Branch, an adequate deterrent to protect the right of privacy."

For those who may find this particular dispute a matter not of extremist opinions but of reasonable men differing, the minority also delves into Mr. Rehnquist's widely quoted opinion on government surveillance of individuals, that is, not wiretapping but the recording of their activities in public places. In warning against overly restricting such surveillance, he once said, "I think it quite likely that self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

During the hearings, Mr. Rehnquist noted that in his remark he was addressing the question of whether new legislation is needed in addition to the Bill of Rights and laws already on the books, and that the remark must be understood in that context. In colloquy at the time, he conceded that widespread surveillance should be "condemned," and that an individual might already have legal recourse against a government tail. But in considering the argument that surveillance is unconstitutional because it has a "chilling effect" on freedom of expression, he said any such effect is a question not of constitutional law but of fact. And, "those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one or two occasions to, you know, exercise their First Amendment rights, to protest the war policies of the President. . . ."

The minority report argues that even if 250,000 appeared, others may have been deterred by surveillance. It agrees that the committee's majority report correctly describes Mr. Rehnquist's attitude: "Information-gathering activity may raise first amendment questions if it is proven that citizens are *actually* deterred from speaking out." The minority argues that this is precisely the problem, "the difficulty of proving a specific chilling effect is obvious, and the notion that a First Amendment question isn't even *raised* until it is 'proven that citizens are *actually* deterred from speaking out' (emphasis in original) is alarming."

But if Mr. Rehnquist's opinions here are outrageously extreme, it would seem, so are the opinions of the majority of the Senate Judiciary Committee. Similarly if his defense of the constitutionality of such laws as "no-knock" raids and "preventive detention" in the District of Columbia are out of the mainstream, the mainstream does not include the majority of both houses of Congress. So what mostly remains is the question of Mr. Rehnquist's attitudes on the racial issue.

The minority report does not make too much of allegations that Mr. Rehnquist harassed black voters when he was involved in Republican voter challenging teams in Phoenix, but it also does not dismiss them as the majority did. Some of his black opponents have come up with affidavits charging he was personally involved in harassment, and his supporters have come up with a defense of his challenging activities and attitude by a sometime counterpart on the Phoenix Democratic challenging team. The minority report says, "Each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial."

On the nominee's general racial attitudes, the majority report also came up with a letter from the principal of the elementary school Mr. Rhenquist's children attended in Phoenix. "Mr. Rhenquist became known to me when I was a teacher here at Kenilworth School. He had moved his family into Phoenix Elementary School District from one of the outlying suburban, and predominantly middle socio-economic, school districts. He wanted his children to have experience and associations with children from minority groups, as well as with the different socio-economic groups."

The minority report argues that "Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights." The evidence the report discusses at greatest length is a letter Mr. Rehnquist wrote to The Arizona Republic in 1967, responding to remarks on school integration by Phoenix School Superintendent Howard Seymour.

The minority report says, "The truly alarming aspect of the 1967 letter, however, is Mr. Rehnquist's statement, 13 years after Brown V. Board of Education that 'We are no more dedicated to an "integrated" society than we are to a "segregated" society' . . . Yet at least since the Supreme Court declared that 'separate is inherently unequal,' this nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed."

A FREE SOCIETY

The statement in the original letter that must be located with respect to the mainstream runs, "Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' . . . But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an 'integrated' society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities."

Mr. Rehnquist's extremist position on civil rights, then, turns out to be nothing more than the familiar proposition that the Constitution is color-blind. On surveillance he believes that at this moment the scales are not tipped in such a way that dissent is "chilled." On wiretapping he believes the government side of the national security question deserves its day in court. These opinions, the minority report suggests, are so outrageous the nominee should be defeated.

As the Senate debates the nomination, it seems, it will have to decide more than whether it's proper to weigh a nominee's philosophy. It also needs to weigh whether words like "extreme" and "out of the mainstream" better describe Mr. Rehnquist's philosophy, or the position his critics have been forced to take to oppose him.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 248) for the relief of William D. Pender, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ST GERMAIN, Mr. ANNUNZIO, Mr. WIDNALL, Mrs. DWYER, Mr. J. WILLIAM STANTON, and Mr. BROWN of Michigan were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3786. An act to provide for the free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wis.;

H.R. 4678. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara;

H.R. 6912. An act for the relief of William Lucas (also known as Vasilios Loukatis);

H.R. 7316. An act for the relief of Mrs. Norma McLeish; and

H.R. 8540. An act for the relief of Eleonora G. Mpolakis.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3786. An act to provide for the free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wis.; and

H.R. 4678. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara; to the Committee on Finance.

H.R. 6912. An act for the relief of William Lucas (also known as Vasilios Loukatis);

H.R. 7316. An act for the relief of Mrs. Norma McLeish; and

H.R. 8540. An act for the relief of Eleanora G. Mpolakis; to the Committee on the Judiciary.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. CRANSTON. Mr. President, I have been on the floor through the amount of time I have been able to be here throughout this debate on the Supreme Court nominations. I have reviewed the Judiciary Committee report and the individual views filed by some of the members of the committee. I have read quite widely on the views and on the record of Mr. Rehnquist.

However, since I am not a member of the committee and was unable to attend the committee sessions and engage in the questioning there and am not as fully informed as I would like to be in considering this nomination and taking my position with full cognizance of all the relevant facts and opinions, I would like at this time to address some questions to the Senator from Indiana (Mr. BAYH), who has probably looked into this matter as deeply as anyone on the Senate floor, who is a member of the committee, who has engaged in the deliberations of the committee, and who, I gather, has been on the floor through virtually all the discussions.

Therefore, I would like to ask the Senators from Indiana if he would respond to some inquiries that I would like to put to him.

Mr. BAYH. Mr. President, I am glad to yield to my colleague from California and to answer as best I can. I have been a member of the Judiciary Committee, and, as a result of that responsibility, have had the opportunity to explore most of the facts, as much as one Senator possibly can do.

Mr. CRANSTON. I thank the Senator. I know that not only has he participated to the fullest extent possible, but that he has the ability to cut through to the heart of each matter. Therefore, I am particularly interested in his view of some aspects of the nomination and the record of the nominee.

First of all, I am correct in my understanding, am I not, that the nominee has actively supported the Nixon administration's wiretapping position?

Mr. BAYH. There is no question about the fact that the nominee has not only supported the administration's wiretapping position, but has been one of the most eloquent spokesmen on various college campuses and before various meetings in articulating the validity and the reasons behind this particular position.

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Mr. CRANSTON. What have the courts said on this issue? What is the state of the law at this point in regard to this matter, which I think is one of the most important relating to the liberties of each of us?

Mr. BAYH. Of course, the 1968 act, as the Senator from California knows, provided for wiretapping with court order in certain circumstances. The key question which now presents itself to the country and to the Court is over the limits on uncontrolled executive wiretaps. It has been generally concluded that the President has the right, without a court order, to tap, bug, and provide electronic surveillance in those instances of subversion which are characterized as foreign in nature. The effort now is to suggest that he should also have this unchecked, unfettered right to become involved in those instances where there is no foreign element involved, but where the insurrection comes from within.

I think the best way to describe the distinction between the two groups would be to say one involves foreign nations, where persons are landed by submarine or by parachute and set up a cell in Los Angeles or Indianapolis. It is generally accepted that that is a foreign source and that the President, under past precedent, has the right to bug without court order.

The other would be a band of students who are concerned with the state of the Nation, and for some reason or other they are interpreted by the Justice Department to be cause for surveillance.

That particular example, or one very similar thereto, is presently before the Court, and I might read a couple of quotations from the sixth circuit, which has ruled against the uncontrolled executive authority to tap in the case of domestic insurgency.

The court said as follows:

> The Fourth Amendment was adopted in the immediate aftermath of abusive searches and seizures directed against the American colonists under the sovereign and inherent powers of King George III. The United States Constitution was adopted to provide a check upon such powers. The creation of three coordinate branches of the government by that Constitution was designed to require sharing in the administration of that awesome power.

Here we are talking about one of the basic distinctions between the U.S. Constitution and what had happened in the colonies, which precipitated the quest for independence. The sixth circuit concluded, in ruling against this executive power, by saying:

> The government has not pointed to and we do not find one written phrase in the Constitution, in the statutory law, or in the case law of the United States, which exempts the President, the Attorney General, or Federal law enforcement officers from the restrictions of the Fourth Amendment in the case at hand.

Now, the Supreme Court has granted certiorari in this case, so it is before the Court. It would seem, from looking at the record, that because of the nominee's very personal involvement in helping to write the Government's brief in the case, he will probably not sit on that case. But that is the issue that is drawn now. And I might just add that Mr. Powell, who is now Mr. Justice Powell, or will be as soon as the oath has been given him, displayed at the hearings great sensitivity to the problems involved. It is his judgment that in most cases it would be relatively easy to make a distinction between foreign and domestic subversives, and thus to tell where the line is drawn, and it is Justice-to-be Powell's opinion, as it is mine, that the factors to be considered are quite different before we permit any unchecked bugging of the citizens of this country.

I am not suggesting, and I am sure the Senator from California does not suggest, that there could not be insurrections brewing within sight of the Capitol, and certainly the Government of the United States has the right and the responsibility to protect itself against insurgents from all sources. But it is possible under the present law, unquestionably, for the President of the United States to go to a Federal district court and get a court order, and then to eavesdrop, to bug, or to provide electronic surveillance for the domestic type of insurgency which the Department of Justice is so greatly concerned about.

Mr. CRANSTON. And that could be for something that is a domestic-type insurgency, not necessarily connected with any foreign threat.

Mr. BAYH. Yes; that is the question. If you have foreign agents who land by submarine, as we have had in past times, I think the severity of that threat and the protection to be provided against it is one thing. But if we had citizens of this country who were to be bugged by their own Government, then I just feel that we need to require of the Government a little restraint, a little safeguard, to see that that restraint is followed, and the requirement of a warrant provides this.

To suggest that the Federal Government has an inherent right to bug completely belies the point made by the Sixth Circuit Court. The very purpose of the Bill of Rights, whether it is the fourth amendment, the first amendment, or the 10th amendment—all of the Bill of Rights, those 10 amendments, were specifically designed to provide checks, to deny inherent rights and inherent power to the Government, and I still feel that is good law today.

Mr. CRANSTON. If Mr. Rehnquist's view became the view of the Court, would that mean that there would be a change in the interpretation of the law and the Constitution and a change in the situation as it now prevails, so that in that new, changed circumstance, the Attorney General would have the right, without going to any court, to tap your wire, my wire, any Senator's or Congressman's wire, or any citizen's wire, simply for the alleged purpose of dealing with a domestic threat, without having to prove anything in any court before proceeding on his own power of decision to do that?

Mr. BAYH. I do not think any of us know what the mathematics of the Court is right now on this question.

Mr. CRANSTON. No, I say if his view did prevail on the Court.

Mr. BAYH. If his view did prevail, it would clearly, then, give the President broad, sweeping, unfettered power to conduct electronic surveillance against citizens of this country who he may feel are involved in subversive activities against it.

Again, I think it is important for us to underline the fact that if we are going to have a free government, it must be able to protect itself, and thus I think it would be very naive not to be able to recognize that there could well be, either now or at some future time, a domestic insurrection that requires electronic surveillance, so that the Government can protect itself.

But are we so sterile of thought, are we so lacking in dedication to the principles which put this country on the road as a free nation in the first place, that we believe the only way we can protect our freedoms is by destroying them?

The Senator from Indiana is not willing to accept that philosophy. I believe we can provide protection for the Government at the same time that we provide safeguards against abuses of power by the Executive.

Mr. CRANSTON. Under this circumstance, if we were guided by the thinking of Mr. Rehnquist in these matters, the Attorney General, one man, solely on his own power of decision, could make the decision that he wanted someone wiretapped for reasons that might not be clear to anyone else, and that would not be tested by anyone else's power of decision, and then it would be permissible for the Government to place a tap on that individual's phone. Do I understand the Senator correctly insofar as he understands Mr. Rehnquist's position?

Mr. BAYH. Yes. The Senator's interpretation is accurate. There is some distinction between the President and the Attorney General, but the Government claims, since the Attorney General is acting for the President as the agent and chief lawyer for the President, that he has the same right to do it, because he would not become involved in the question unless he had the approval of the President. That is compounding the danger, it seems to me.

Mr. CRANSTON. There is another aspect of this question which is not directly related to Mr. Rehnquist's nomination, except that he would, if on the Court, perhaps participate in a decision that would change the current circumstances. That relates to the fact that the present Attorney General is the man who served as the President's partisan campaign manager in the election of 1968, and according to press reports he will serve as the President's campaign manager in 1972, and presumably would leave the Department of Justice at that point.

I personally wonder about the desirability of letting one man who has that political responsibility or has held that responsibility in the past and will hold it in the future, and is not totally aloof from politics at the present time, have this authority that is vested in the Attorney General. I must confess that it was a Democrat—it happened to be Harry Truman, a President whom I greatly respected—who made the first appointment, I believe, of an Attorney General to serve as chairman of the Democratic National Committee during the time that he served as Attorney General, which I think was an unwise move; and the role that Mr. Mitchell plays in the current administration is somewhat analogous to that.

In prior times, the Postmaster General used to be the Cabinet member selected for exercising this great political authority now vested in the Attorney General. I think that was far wiser, because while maybe there might be an invasion of freedom by looking at somebody's mail, I think that is a thing quite apart from the great authority vested in the Attorney General with respect to wiretaps and surveillance, on the exercise of which authority Mr. Rehnquist finds no constitutional restraints.

I ask the Senator from Indiana his feeling about mixing the Attorney General to this degree into political responsibilities, when we are dealing with the vast powers the Attorney General now has and the even vaster powers the Attorney General would have if Mr. Rehnquist had his way.

Mr. BAYH. I share the concern of the Senator from California. In fact, I expressed this concern in the hearings. It seems to me that this makes good logic for providing that safeguard independent from the executive branch.

Interestingly enough, we have had two recent Presidents—we do not have to go back as far as Harry Truman—but President Kennedy appointed his personal political adviser as Attorney General, and President Nixon has done the same. I think that to suggest that this is a political argument in which Democrats are trying to deny this power to Republicans is inaccurate. I do not think that a Democratic or a Republican Attorney General or a Democratic or a Republican President ought to have this so-called vested right to bug unchecked.

If electronic surveillance needs to be conducted in a given situation, I think the President and the Attorney General ought to go to court and say, "Here is probable cause to believe that X, Y, and Z is happening. That is why we need the bug." That is particularly so when you get into the domestic surveillance situation, because there the whole reason for surveillance is that citizens of this country want to overthrow the Government.

Frankly, I may say that I am very much desirous of changing the Government. I would like to see a different President. I had that position back in 1968. I want to use the ballot box, and I want to use lawful means. But the line between those who want to peacefully change the Government and those who may want to take to the streets and resort to violence sometimes is a very narrow line. It seems to me it puts the Government on a sounder basis, and it certainly goes much further to protect the individual liberties of the citizens of this country, to say that the President and his chief law enforcement officer, who is now his chief political adviser, should not make that determination. A judge who has no political ties, who is out of the political syndrome, should make the determination as to whether this is based on fact or on politics.

I suppose the Attorney General, under this authority, if it were granted to him, could begin to wonder whether some people who seemed to be prepared to use the ballot box to achieve change in our Nation are even thinking about the possibility of going in a different direction, by a violent route, so that they can be prepared, and on that ground you could tap almost anybody's wire, and one man would make that decision.

I suppose that in the light of what I have just said about favoring a change of Government, that might be good reason for my wire to be tapped. In fact, it may have been tapped before now. I do not know.

I think it is important for those of us who are concerned about this increased power on the part of the Federal Government not to be naive. We have to recognize that there may, indeed, be circumstances which would require the President to have access to electronic surveillance. I hate to think about it. It is despicable. But in the area of organized crime and in the area of some types of subversive activities, I suppose the Senator from Indiana could stretch his thoughts on that.

On the other hand, as I said a moment ago, I think it is very important for those who are concerned with and have the responsibility for enforcing the law, and thus for protecting our country, not to utilize those tactics to protect our freedom—in essence, take our freedoms away and destroy them. The history of man is filled with well-intentioned pronouncements that this junta is going to take over so that freedom can be restored, or that this dictator, in addition to running the trains on time, is going to restore free government.

I do not suggest that we are presently close to having a junta or a dictator. In my judgment, the freedoms of this country are strong. They are inculcated in the minds of the people. I do not think there is going to be a Benito Mussolini or some general who mounts a white charger at the Pentagon and gallops across the 14th Street bridge and ensconces himself at the White House. I do not think that is the way we will lose our freedoms. If we lose our freedoms—and I hope and pray we do not—I think they will be lost a word at a time, a line at a time, a law at a time, an Executive order at a time—perhaps a Supreme Court decision at a time; and that the people of the country will not know what they have lost until it is too late to do anything about it.

That is why I am concerned about the position of this nominee on the matter of electronic surveillance and the right to privacy, as well as the general area of civil rights and human rights.

Mr. CRANSTON. In the same way that I believe we can defend our Nation from a foreign threat without resorting to atomic weapons, I feel we can preserve and keep secure our Nation from domestic threats without resorting to wiretapping. In my view, that threat of wiretapping erodes the freedoms and a sense of confidence in his individual freedom of every American who is aware of the fact that his wire may be tapped at any moment. I am constantly shocked by the number of people in public life and in private life who are uncertain about the freedom they have when they talk on the telephone. To me that is a very frightening thing, and I totally concur with the Senator that we must do all we can to provide greater confidence in their privacy on the part of individual citizens.

Mr. BAYH. The nominee's philosophy and his beliefs in this general area, as I am sure the Senator from California knows, go beyond the technical area that we have talked about here. Here we have been talking about what are traditionally known as fourth amendment rights, but the nominee's philosophy has expanded broadly into what rapidly becomes at least partially first amendment rights—the right to free speceh, free association, and to petition government for redress of grievance.

If the Senator has the time between now and the vote on this nominee to read the hearings of the Subcommittee on the Judiciary, chaired by the distinguished Senator from North Carolina (Mr. ERVIN) and see the responses of the nominee to some of the questions raised by the Senator from North Carolina, he will see it is a rather frightening thing, because here is a man who says that there is no constitutional question in the right to privacy where surveillance is involved. In my view there is a serious constitutional question in this area. In essence if we put this man on the Court, we will at least provide one additional vote to undermine this view and thus our constitutionally protected right to privacy.

Mr. Rehnquist even went so far as to suggest he saw no constitutional question with respect to putting a tail on the distinguished Senator from North Carolina—a tail that would not be attached, I hasten to say to my colleague, but one which would be in the area of surveillance. This is a matter of grave concern to the Senator from Indiana.

Mr. ERVIN. Mr. President, since my good friend, the Senator from Indiana, has brought me into this colloquy, I hope that the Senator from California will yield to me for some observations concerning those hearings.

Mr. CRANSTON. I am delighted to yield to the distinguished senior Senator from North Carolina. I have great respect for him. I am seeking illumination, and I seek it from him as well as from the Senator from Indiana.

Mr. ERVIN. I had occasion to observe Mr. Rehnquist and listen to his testimony before the Senate Subcommittee on Constitutional Rights, of which I have the honor to be chairman, and before the Senate Subcommittee on Separation of Powers, of which I also have the honor of being chairman. While Mr. Rehnquist did not agree with me on the application of the Constitution to all of the questions which arose in those hearings, I am constrained to say that observing his demeanor while testifying, and listening to his testimony, he left me with the abiding conviction that he is a diligent student of the law, that he is a man of intellectual integrity, that he has a fundamental devotion to the Bill of Rights, and that he possesses what Chief Justice John Marshall declared in Marbury against Madison to be the necessary

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qualification to serve on the Supreme Court of the United States, and that is an ability and a willingness to accept the Constitution as the rule for the guidance and control and government of his official actions. I do not know that I can point out the qualifications of any man in any more acceptable fashion than to say that.

It is true Mr. Rehnquist and myself disagreed on several occasions and he did inadvertently remark on one occasion that the Federal Government could even place me under surveillance. I told him that if it did so it would be a waste of time because, unfortunately, the statute of limitations has run on all the really evil things I have ever done. [Laughter.]

Mr. Rehnquist modified that statement later, as I recall, by stating that the Government has no power to place a man under surveillance unless it has reasonable cause to believe that he had committed a crime or is about to commit a crime. I think that is a correct proposition of law.

I was urged by some of my colleagues and friends to oppose the nomination of Mr. Rehnquist on the grounds that he had disagreed with me on the application of constitutional principles under certain circumstances. I said that I could not oppose a man for a position on the Court on that basis. I had the privilege, before coming to the Senate, of serving on the Supreme Court of the State of North Carolina with six other members whom I knew to be great lawyers, great citizens, great patriots, and great Americans.

I am bound to confess that on several occasions I disagreed with one or more, or on some occasions with a majority of the members of the Supreme Court of North Carolina with whom I served. I do not proscribe a man from public office who does not accept my sound views on all matters if he reaches what I consider to be honest conclusions different from mine.

With all due respect to the views of my good friend from Indiana, and his sincere convictions regarding the nominee, which are contrary to mine, I am compelled to say that the Constitution of the United States will be just a little bit safer if we have such a person as Mr. Rehnquist serving on the Court.

I say that notwithstanding the fact that he and I will probably differ on the application of constitutional principles, to certain circumstances, on a number of occasions.

I thank the Senator for yielding to me. I just wanted to interject myself into this colloquy in view of the fact that my friend from Indiana mentioned my name.

Mr. CRANSTON. Let me address a question to the distinguished Senator from North Carolina while he is present. I know of his devotion to the Constitution, his devotion to his country, and I know of his grave concern about the issue of the invasion of the individual privacy of citizens, whether in public or private life, by the Government.

There is one particular statement of Mr. Rehnquist that gave me great concern and I would be very much interested in the Senator's reaction to that particular statement. That was his statement that, in matters of surveillance, he would be quite content to rest or put his faith in the executive branch's exercising self-restraint in this matter, as if the constitutional guarantees and the checks-and-balances system are really not necessary.

Here is the actual quote:

> I think it quite likely that self-restraint on the part of the Executive Branch will provide the answer to virtually all of the legitimate complaints against excesses of information gathering.

Mr. ERVIN. That is an expression of a point of view which is entertained by many people. On a number of occasions when I have joined the Senator from Indiana and the Senator from California, and other Senators, who hold libertarian views on the floor of the Senate I have found on some occasions that a majority of the Senate accepted the thesis which Mr. Rehnquist stated on that subject.

A man who is a member of the executive branch of the Government has more confidence in its capacity for rectitude than those of us who happen to think the greatest threat to individual liberty comes from government.

Mr. CRANSTON. I concur totally on that latter concern.

Mr. ERVIN. For that reason, I am in favor of chaining—as Thomas Jefferson once said—Government officials with the Constitution in order that individual liberties may be safe. But there are a great many people who believe that we can trust the executive branch, or the Congress, or the President, or even the courts with unlimited power, and not subject them to external restraints. I do not share that philosophy, but Mr. Rehnquist said that ordinarily we could rely on the executive branch of the Government to protect the rights of the individual. Fortunately, I think that we can, too, ordinarily, but there do come times, perhaps, in the history of a nation, when ordinary conditions may not prevail.

Mr. CRANSTON. When the Senator was referring to recent statements on this issue on the Senate floor, was it not in reference to the battle over no-knock?

Mr. ERVIN. Yes—no-knock and——

Mr. BAYH. Also preventive detention.

Mr. ERVIN. Yes, also preventive detention.

Mr. CRANSTON. Is that not quite a different situation, particularly no-knock, at least, where a warrant issued by a judicial officer, is required before we can proceed on a no-knock basis?

Mr. ERVIN. The no-knock provision I was fighting was a provision which gave lipservice to the fourth amendment, but failed to comply with its spirit or even its letter.

I have no information whatever about Mr. Rehnquist's activities with regard to no-knock or preventive detention laws. I conducted extensive hearings for the Subcommittee on Constitutional Rights with respect to these matters, and the man who appeared for the administration's point of view was Deputy Attorney General Richard G. Kleindienst, not Mr. Rehnquist. The administration was represented in the House Committee on the District of Columbia by Mr. Donald E. Santarelli, from the Office of the Deputy Attorney General. He was the only official of the Government that appeared before the House committee to advocate the adoption of preventive detention laws.

Mr. CRANSTON. I brought up no-knock only because I thought the Senator was referring to that when he was talking about the recent Senate issue related to this question. I stood with the Senator from North Carolina on every vote on that matter, as he recalls.

Mr. ERVIN. On every occasion since he came to the Senate, the distinguished Senator from California has manifested himself to be a great libertarian, a man who prizes above everything the basic freedoms of the individual. I have stood shoulder to shoulder with him on several occasions fighting for what he and I believe to be those basic rights.

Mr. CRANSTON. We have.

Mr. ERVIN. I can say the same thing for the distinguished Senator from Indiana.

Mr. CRANSTON. My point was that under the 1968 statute you referred to a warrant is required for no-knock.

Mr. ERVIN. Yes, of course, the no-knock statute was an exercise in legal and linguistic absurdity. The fourth amendment requires that a search warrant must be based on probable cause.

The no-knock laws that the Senate passed, over the objections of the Senator from California and myself, gave lipservice to the requirement of probable cause. But under those laws, if an officer appears before a judge or a magistrate and applies for a no-knock warrant, he can obtain a no-knock warrant by engaging in a prophecy in respect to what may happen at the time he undertakes to execute the no-knock warrant at some other time and some other place after the search warrant is obtained. And I consider that to be an absolutely invalid proposition, because probable cause can be based only upon facts existing and known at the time the search warrant is applied for.

A search warrant, in my judgment, cannot be constitutionally issued upon the basis of fears or prophecies or predictions of what might happen at some future time when the officer undertakes to execute the search warrant.

Mr. CRANSTON. Mr. President, as I understand it, on the question of preventive detention, as with no-knock statute, it also deals with the decision of a judicial officer. But, with respect to wiretap or surveillance as Mr. Rehnquist would like it to be, the Attorney General, without consulting any court in any way, shape, of manner, could decide to invade an individual's privacy.

If the fellow who is being wiretapped under such a situation were to discover it, there is no way after the fact that he can get at the problem. Under Mr. Rehnquist's view, he could not get a writ of mandamus against the Attorney General if he felt he was being harassed. It seems to me that Mr. Rehnquist is taking a very extreme view in so narrowly construing the Bill of Rights.

Mr. ERVIN. Mr. President, I do not know what view he has on that subject. However, I have noticed over the years that an Assistant Attorney General, or other lesser legal light in the Department of Justice, usually comes down as an advocate of the position taken by the incumbent administration. His arguments are made to sustain the administration position and do not necessarily express his own views.

There is a remedy for the situation which the Senator from California describes, and that is a motion to suppress the evidence obtained by an illegal search and seizure.

I rejoice in the fact that Judge Edwards, of the Michigan circuit, has written one of the greatest opinions that I have read lately. He repudiates in his opinion, the position of the Department of Justice, that the President has the inherent power to wiretap the conversations of individuals suspected of being engaged in domestic subversion.

I do not know exactly what domestic subversion is, except I have noticed that people who use that term a great deal usually apply it to the people who happen to disagree with them on fundamental matters.

Mr. CRANSTON. Mr. President, the Senator from North Carolina got right at the heart of the matter with that remark.

Mr. BAYH. Mr. President, if the Senator will yield, I want to assure the Senator from North Carolina that the context in which I brought his name into debate was intended to be of a laudatory nature.

Mr. ERVIN. Mr. President, the Senator has been very generous in all references he made to me, even on occasions when he and I had reached diametrically opposed views on certain questions. And I appreciate that attitude on the part of the Senator from Indiana.

Mr. BAYH. I thank the Senator, and I appreciate his remark.

The thing concerning the Senator from Indiana, and the reason I brought the committee and the personal investigation of the Senator from North Carolina into the debate, is that we are now being asked to put a man on the Supreme Court who, like all past and present Supreme Court Justices, will not only sit in judgment of what the Attorney General does, but will also sit in judgment of what each State legislature does in its law enforcement and lawmaking capacity.

There is a general pattern of public statements, speeches, articles and, indeed, in testimony before the Judiciary Committee—not just the subcommittee chaired by the distinguished Senator from North Carolina, but the full Judiciary Committee—when Mr. Rehnquist himself was there, not to express the views of the Attorney General or the President, but to give us the views of William Rehnquist, nominee to Associate Justice of the Supreme Court of the United States, which I find disturbing.

He did say, as the Senator from California accurately noted, that he felt in most instances self-restraint would be sufficient to curtail abuse on the part of the Executive. And he did say in response to the Senator from North Carolina (Mr. ERVIN) at the hearings—and I wish I had mentioned this before the Senator from North Carolina left, because it is on point—when the Senator from North Carolina asked the following question:

> Senator ERVIN. I would agree with you to the extent that it would not constitute a violation of the Fourth Amendment where surveillance is had of people in public places because there is no search and there is no seizure, no search of a home or building and no search of papers and no seizure, but do you not concede that government could very effectively stifle the exercise of First Amendment freedoms by placing people who exercise those freedoms under surveillance?
>
> Mr. REHNQUIST. No, I don't think so, Senator. It may have a collateral effect such as that, but certainly during the time when the Army was doing things of this nature, and apparently it was fairly generally known that it was doing things of this nature, those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one or two occasions to, you know, exercise their First Amendment rights, to protest the war policies of the President.

In other words, when we talk about the right of privacy, we are talking not only about the fourth amendment rights but also first amendment rights, 14th amendment rights, and I think the Supreme Court even said ninth amendment rights. When they said there is a right, They consider this to be an umbrella right.

And when the Senator from North Carolina asked:

> Do you not concede that Government could very effectively stifle the exercise of the First Amendment freedoms by placing people who exercise those freedoms under surveillance.

Mr. Rehnquist said:

> No, no. I don't think so, Senator.

That is about as plain as it can possibly be. Mr. Rehnquist, Associate Justice-to-be Rehnquist, said at the hearings that he did not believe there was a chilling effect as far as surveillance was concerned. And that, in his view, right of privacy is not involved in this problem.

Mr. President, I perhaps should make clear that the testimony to which I just alluded, the exchange between the Senator from North Carolina and Mr. Rehnquist over the exercise of first amendment rights and the chilling effect, was before the subcommittee of the Senator from North Carolina.

Mr. Rehnquist made other statements concerning his views on the right of privacy and the power of the Executive to engage in surveillance before the full Judiciary Committee when it was holding hearings on his nomination.

Mr. CRANSTON. Mr. President, the Senator from Indiana qualified his language in reference to Mr. Rehnquist's views by saying that he has indicated he felt executive branch good faith would suffice to protect against unwarranted invasions of privacy in most cases.

The quotation I read was that self-restraint on the part of the executive branch will provide an answer to virtually all legitimate complaints against excesses of information gathering.

However, the nominee made a still more extreme statement in a speech entitled, "Private Surveillance," on March 17, 1971, when he said:

> I do not believe, therefore, that there should be any judicially enforceable limitations on the gathering of this kind of public information by the executive branch of the government.

He said nothing about virtually no restraint, he said absolutely no restraint at all.

It is my understanding that we have been discussing the first amendment and the chilling effect on free expression and freedom of association as far as individuals are concerned in terms of the surveillance and the harassment that inevitably accompanies it.

I gather that Mr. Rehnquist is more concerned about the chilling effect on the Government if additional restraints were available to be imposed on the executive branch in its surveillance activities.

I had not been aware in any informed way of the involvement of the matter of the fourth, ninth, and 14th amendments. Could the Senator explain how they get into the picture?

Mr. BAYH. The key case on this matter is Griswold against Connecticut, which is a landmark case on the right to privacy. I think it was Justice Goldberg who wrote eloquently in that case, as did other concurring Justices.

I do not have the material in my files before me, but I ask unanimous consent that I may have that case printed in the RECORD.

There being no objection, the case was ordered to be printed in the RECORD, as follows:

GRISWOLD AGAINST CONNECTICUT, SYLLABUS, GRISWOLD ET AL. AGAINST CONNECTICUT

APPEAL FROM THE SUPREME COURT OF ERRORS OF CONNECTICUT

(No. 496. Argued March 29–30, 1965.—Decided June 7, 1965.)

Appellants, the Executive Director of the Planned Parenthood League of Connecticut, and its medical director, a licensed physician, were convicted as accessories for giving married persons information and medical advice on how to prevent conception and, following examination, prescribing a contraceptive device or material for the wife's use. A Connecticut statute makes it a crime for any person to use any drug or article to prevent conception. Appellants claimed that the accessory statute as applied violated the Fourteenth Amendment. An intermediate appellate court and the State's highest court affirmed the judgment. *Held:*

1. Appellants have standing to assert the constitutional rights of the married people. *Tileston* v. *Ullman*, 318 U.S. 44, distinguished. P. 481.

2. The Connecticut statute forbidding use of contraceptives violates the right of marital privacy which is within the penumbra of specific guarantees of the Bill of Rights. Pp. 481–486.

151 Conn. 544, 200 A. 2d 479, reversed.

Thomas I. Emerson argued the cause for appellants. With him on the briefs was *Catherine G. Roraback*.

Joseph B. Clark argued the cause for appellee. With him on the brief was *Julius Maretz*.

Briefs of *amici curiae*, urging reversal, were filed by *Whitney North Seymour* and *Eleanor M. Fox* for Dr. John M. Adams et al.; by *Morris L. Ernst, Harriet F. Pilpel* and

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Nancy F. Wechsler for the Planned Parenthood Federation of America, Inc.; by *Alfred L. Scanlon* for the Catholic Council on Civil Liberties, and by *Rhoda H. Karpatkin, Melvin L. Wulf* and *Jerome E. Caplan* for the American Civil Liberties Union et al.

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Appellant Griswold is Executive Director of the Planned Parenthood League of Connecticut. Appellant Buxton is a licensed physician and a professor at the Yale Medical School who served as Medical Director for the League at its Center in New Haven—a Center open and operating from November 1 to November 10, 1961, when appellants were arrested.

They gave information, instruction, and medical advice to *married persons* as to the means of preventing conception. They examined the wife and prescribed the best contraceptive device or material for her use. Fees were usually charged, although some couples were serviced free.

The statutes whose constitutionality is involved in this appeal are §§ 52–32 and 54–196 of the General Statutes of Connecticut (1958 rev.). The former provides:

"Any person who uses any drug, medicinal article or instrument for the purpose of preventing conception shall be fined not less than fifty dollars or imprisoned not less than sixty days nor more than one year or be both fined and imprisoned."

Section 54–196 provides:

"Any person who assists, abets, counsels, causes, hires or commands another to commit any offense may be prosecuted and punished as if he were the principal offender."

The appellants were found guilty as accessories and fined $100 each, against the claim that the accessory statute as so applied violated the Fourteenth Amendment. The Appellate Division of the Circuit Court affirmed. The Supreme Court of Errors affirmed that judgment. 151 Conn. 544, 200 A. 2d 479. We noted probable jurisdiction. 379 U.S. 926.

We think that appellants have standing to raise the constitutional rights of the married people with whom they had a professional relationship. *Tileston* v. *Ullman*, 318 U.S. 44, is different, for there the plaintiff seeking to represent others asked for a declaratory judgment. In that situation we thought that the requirements of standing should be strict, lest the standards of "case or controversy" in Article III of the Constitution become blurred. Here those doubts are removed by reason of a criminal conviction for serving married couples in violation of an aiding-and-abetting statute. Certainly the accessory should have standing to assert that the offense which he is charged with assisting is not, or cannot constitutionally be, a crime.

This case is more akin to *Truax* v. *Raich*, 329 U.S. 33, where an employee was permitted to assert the rights of his employer: to *Pierce* v. *Society of Sisters*, 268 U.S. 510, where the owners of private schools were entitled to assert the rights of potential pupils and their parents; and to *Barrows* v. *Jackson*, 346 U.S. 249, where a white defendant, party to a racially restrictive covenant, who was being sued for damages by the covenantors because she had conveyed her property to Negroes, was allowed to raise the issue that enforcement of the covenant violated the rights of prospective Negro purchasers to equal protection, although no Negro was a party to the suit. And see *Meyer* v. *Nebraska*, 262 U.S. 392; *Adler* v. *Board of Education*, 342 U.S. 485; *NAACP* v. *Alabama*, 357 U.S. 449; *NAACP* v. *Button*, 371 U.S. 415. The rights of husband and wife, pressed here, are likely to be diluted or adversely affected unless those rights are considered in a suit involving those who have this kind of confidential relation to them.

Coming to the merits, we are met with a wide range of questions that implicate the Due Process Clause of the Fourteenth Amendment. Overtones of some arguments suggest that *Lochner* v. *New York*, 198 U.S. 45, should be our guide. But we decline that invitation as we did in *West Coast Hotel Co.* v. *Parrish*, 300 U.S. 379; *Olsen* v. *Nebraska*, 313 U.S. 236; *Lincoln Union* v. *Northwestern Co.*, 335 U.S. 525; *Williamson* v. *Lee Optical Co.*, 348 U.S. 483; *Giboney* v. *Empire Storage Co.*, 336 U.S. 490. We do not sit as a super-legislature to determine the wisdom, need, and propriety of laws that touch economic problems, business affairs, or social conditions. This law, however, operates directly on an intimate relation of husband and wife and their physician's role in one aspect of that relation.

The association of people is not mentioned in the Constitution nor in the Bill of Rights. The right to educate a child in a school of the parents' choice—whether public or private or parochial—is also not mentioned. Nor is the right to study any particular subject or any foreign language. Yet the First Amendment has been construed to include certain of those rights.

By *Pierce* v. *Society of Sisters*, *supra*, the right to educate one's children as one chooses is made applicable to the States by the force of the First and Fourteenth Amendments. By *Meyer* v. *Nebraska*, *supra*, the same dignity is given the right to study the German language in a private school. In other words, the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge. The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read (*Martin* v. *Struthers*, 319 U.S. 141, 143) and freedom of inquiry, freedom of thought, and freedom to teach (see *Wieman* v. *Updegraff*, 344 U.S. 183, 195)—indeed the freedom of the entire university community. *Sweezy* v. *New Hampshire*, 354 U.S. 234, 249–250, 261–263; *Barenblatt* v. *United States*, 360 U.S. 109, 112; *Baggett* v. *Bullitt*, 377 U.S. 360, 369. Without those peripheral rights the specific rights would be less secure. And so we reaffirm the principle of the *Pierce* and the *Meyer* cases.

In *NAACP* v. *Alabama*, 357 U. S. 449, 462, we protected the "freedom to associate and privacy in one's associations," noting that freedom of association was a peripheral First Amendment right. Disclosure of membership lists of a constitutionally valid association, we held, was invalid "as entailing the likelihood of a substantial restraint upon the exercise by petitioner's members of their right to freedom of association." *Ibid.* In other words, the First Amendment has a penumbra where privacy is protected from governmental intrusion. In like context, we have protected forms of "association" that are not political in the customary sense but pertain to the social, legal, and economic benefit of the members. *NAACP* v. *Button*, 371 U. S. 415, 430–431. In *Schware* v. *Board of Bar Examiners*, 353 U. S. 232, we held it not permissible to bar a lawyer from practice, because he had once been a member of the Communist Party. The man's "association with that Party" was not shown to be "anything more than a political faith in a political party" (*id.*, at 244) and was not action of a kind proving bad moral character. *Id.*, at 245–246.

Those cases involved more than the "right of assembly"—a right that extends to all irrespective of their race or ideology. *De Jonge* v. *Oregon*, 299 U. S. 353. The right of "association," like the right of belief (*Board of Education* v. *Barnette*, 319 U. S. 624), is more than the right to attend a meeting; it includes the right to express one's attitudes or philosophies by membership in a group or by affiliation with it or by other lawful means. Association in that context is a form of expression of opinion; and while it is not expressly included in the First Amendment its existence is necessary in making the express guarantees fully meaningful.

The foregoing cases suggest that specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance. See *Poe* v. *Ullman*, 367 U.S. 497, 516–522 (dissenting opinion). Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment in its prohibition against the quartering of soldiers "in any house" in time of peace without the consent of the owner is another facet of that privacy. The Fourth Amendment explicitly affirms the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The Fourth and Fifth Amendments were described in *Boyd* v. *United States*, 116 U.S. 616, 630, as protection against all governmental invasions "of the sanctity of a man's home and the privacies of life."[1] We recently referred in *Mapp* v. *Ohio*, 367 U.S. 643, 656, to the Fourth Amendment as creating a "right to privacy, no less important than any other right carefully and particularly reserved to the people." See Beaney, The Constitutional Right to Privacy, 1962 Sup. Ct. Rev. 212; Griswold, The Right to be Let Alone, 55 Nw. U. L. Rev. 216 (1960).

We have had many controversies over these penumbral rights of "privacy and repose." See, *e.g.*, *Breard* v. *Alexandria*, 341 U.S. 622, 644; *Public Utilities Comm'n* v. *Pollak*, 343 U.S. 451; *Monroe* v. *Pape*, 365 U.S. 167; *Lanza* v. *New York*, 370 U.S. 139; *Frank* v. *Maryland*, 359 U.S. 360; *Skinner* v. *Oklahoma*, 316 U.S. 535, 541. These cases bear witness that the right of privacy which presses for recognition here is a legitimate one.

The present case, then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees. And it concerns a law which, in forbidding the *use* of contraceptives rather than regulating their manufacture or sale, seeks to achieve its goals by means having a maximum destructive impact upon that relationship. Such a law cannot stand in light of the familiar principle, so often applied by this Court, that a "governmental purpose to control or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms." *NAACP* v. *Alabama*, 377 U.S. 288, 307. Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding marriage relationship.

We deal with a right of privacy older than the Bill of Rights—older than our political parties, older than our school system. Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the degree of being sacred. It is an association that promotes a way of life, not causes; a harmony in living, not political faiths; a bilateral loyalty, not commercial or social projects. Yet it is an association for as noble a purpose as any involved in our prior decisions.

Reversed.

MR. JUSTICE GOLDBERG, whom THE CHIEF JUSTICE and MR. JUSTICE BRENNAN join, concurring.

I agree with the Court that Connecticut's birth-control law unconstitutionally intrudes upon the right of marital privacy, and I join

Footnotes at end of article.

in its opinion and judgment. Although I have not accepted the view that "due process" as used in the Fourteenth Amendment incorporates all of the first eight Amendments (see my concurring opinion in *Pointer* v. *Texas* 380 U.S. 400, 410, and the dissenting opinion of Mr. JUSTICE BRENNAN in *Cohen* v. *Hurley*, 366 U. S. 117, 154), I do agree that the concept of liberty protects those personal rights that are fundamental, and is not confined to the specific terms of the Bill of Rights. My conclusion that the concept of liberty is not so restricted and that it embraces the right of marital privacy though that right is not mentioned explicitly in the Constitution[2] is supported both by numerous decisions of this Court, referred to in the Court's opinion, and by the language and history of the Ninth Amendment. In reaching the conclusion that the right of marital privacy is protected, as being within the protected penumbra of specific guarantees of the Bill of Rights, the Court refers to the Ninth Amendment, *ante*, at 484. I add these words to emphasize the relevance of that Amendment to the Court's holding.

The Court stated many years ago that the Due Process Clause protects those liberties that are "so rooted in the traditions and conscience of our people as to be ranked as fundamental." *Snyder* v. *Massachusetts*, 291 U. S. 97, 105. In *Gitlow* v. *New York*, 268 U.S. 652, 666, the Court said:

"For present purposes we may and do assume that freedom of speech and of the press—which are protected by the First Amendment from abridgement by Congress—are among the *fundamental* personal rights and 'liberties' protected by the due process clause of the Fourteenth Amendment from impairment by the States." (Emphasis added.)

And, in *Meyer* v. *Nebraska*, 262 U.S. 390, 399, the Court, referring to the Fourteenth Amendment, stated:

"While this Court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint but also [for example,] the right . . . to marry, establish a home and bring up children . . . ."

This Court, in a series of decisions, has held that the Fourteenth Amendment absorbs and applies to the States those specifics of the first eight amendments which express fundamental personal rights.[3] The language and history of the Ninth Amendment reveal that the Framers of the Constitution believed that there are additional fundamental rights, protected from governmental infringement, which exist alongside those fundamental rights, protected from governmental infringement, which exist alongside those fundamental rights specifically mentioned in the first eight constitutional amendments.

The Ninth Amendment reads, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." The Amendment is almost entirely the work of James Madison. It was introduced in Congress by him and passed the House and Senate with little or no debate and virtually no change in language. It was proffered to quiet expressed fears that a bill of specifically enumerated rights[4] could not be sufficiently broad to cover all essential rights and that the specific mention of these rights would be interpreted as a denial that others were protected.[5]

In presenting the proposed Amendment, Madison said:

"It has been objected also against a bill of rights, that, by enumerating particular exceptions to the grant of power, it would disparage those rights which were not placed in that enumeration; and it might follow by implication, that those rights which were not singled out, were intended to be assigned into the hands of the General Government, and were consequently insecure. This is one of the most plausible arguments I have ever heard urged against the admission of a bill of rights into this system; but, I conceive, that it may be guarded against. I have attempted it, as gentlemen may see by turning to the last clause of the fourth resolution [the Ninth Amendment]." I Annals of Congress 439 (Gales and Seaton ed. 1834).

Mr. Justice Story wrote of this argument against a bill of rights and the meaning of the Ninth Amendment:

"In regard to . . . [a] suggestion, that the affirmance of certain rights might disparage others, or might lead to argumentative implications in favor of other powers, it might be sufficient to say that such a course of reasoning could never be sustained upon any solid basis. . . . But a conclusive answer is, that such an attempt may be interdicted (as it has been) by a positive declaration in such a bill of rights that the enumeration of certain rights shall not be construed to deny or disparage others retained by the people." II Story, Commentaries on the Constitution of the United States 626–627 (5th ed. 1891).

He further stated, referring to the Ninth Amendment:

"This clause was manifestly introduced to prevent any perverse or ingenious misapplication of the well-known maxim, that an affirmation in particular cases implies a negation in all others; and, *e converso*, that a negation in particular cases implies an affirmation in all others." *Id.*, at 651.

These statements of Madison and Story make clear that the Framers did not intend that the first eight amendments be construed to exhaust the basic and fundamental rights which the Constitution guaranteed to the people.[6]

While this Court has had little occasion to interpret the Ninth Amendment,[7] "[i]t cannot be presumed that any clause in the Constitution is intended to be without effect." *Marbury* v. *Madison*, 1 Cranch 137, 174. In interpreting the Constitution, "real effect should be given to all the words it uses." *Myers* v. *United States*, 272 U.S. 52, 151. The Ninth Amendment to the Constitution may be regarded by some as a recent discovery and may be forgotten by others, but since 1791 it has been a basic part of the Constitution which we are sworn to uphold.

To hold that a right so basic and fundamental and so deep-rooted in our society as the right of privacy in marriage may be infringed because that right is not guaranteed in so many words by the first eight amendments to the Constitution is to ignore the Ninth Amendment and to give it no effect whatsoever. Moreover, a judicial construction that this fundamental right is not protected by the Constitution because it is not mentioned in explicit terms by one of the first eight amendments or elsewhere in the Constitution would violate the Ninth Amendment, which specifically states that "[t]he enumeration in the Constitution, of certain rights, shall not be *construed* to deny or disparage others retained by the people." (Emphasis added.)

A dissenting opinion suggests that my interpretation of the Ninth Amendment somehow "broaden[s] the powers of this Court." *Post*, at 520. With all due respect, I believe that it misses the import of what I am saying. I do not take the position of my Brother BLACK in his dissent in *Adamson* v. *California*, 332 U.S. 46, 68, that the entire Bill of Rights is incorporated in the Fourteenth Amendment, and I do not mean to imply that the Ninth Amendment is applied against the States by the Fourteenth.

Nor do I mean to state that the Ninth Amendment constitutes an independent source of rights protected from infringement by either the States or the Federal Government. Rather, the Ninth Amendment shows a belief of the Constitution's authors that fundamental rights exist that are not expressly enumerated in the first eight amendments and an intent that the list of rights included there not be deemed exhaustive. As any student of this Court's opinions knows, this Court has held, often unanimously, that the Fifth and Fourteenth Amendments protect certain fundamental personal liberties from abridgment by the Federal Government or the States. See, *e.g.*, *Bolling* v. *Sharpe*, 347 U.S. 497; *Aptheker* v. *Secretary of State*, 378 U.S. 500; *Kent* v. *Dulles*, 357 U.S. 116; *Cantwell* v. *Connecticut*, 310 U.S. 296; *NAACP* v. *Alabama*, 357 U.S. 449; *Gideon* v. *Wainwright*, 372 U.S. 335; *New York Times Co.* v. *Sullivan*, 376 U.S. 254. The Ninth Amendment simply shows the intent of the Constitution's authors that other fundamental personal rights should not be denied such protection or disparaged in any other way simply because they are not specifically listed in the first eight constitutional amendments. I do not see how this broadens the authority of the Court; rather it serves to support what this Court has been doing in protecting fundamental rights.

Nor am I turning somersaults with history in arguing that the Ninth Amendment is relevant in a case dealing with a *State's* infringement of a fundamental right. While the Ninth Amendment—and indeed the entire Bill of Rights—originally concerned restrictions upon *federal* power, the subsequently enacted Fourteenth Amendment prohibits the States as well from abridging fundamental personal liberties. And, the Ninth Amendment, in indicating that not all such liberties are specifically mentioned in the first eight amendments, is surely relevant in showing the existence of other fundamental personal rights, now protected from state, as well as federal, infringement. In sum, the Ninth Amendment simply lends strong support to the view that the "liberty" protected by the Fifth and Fourteenth Amendments from infringement by the Federal Government or the States is not restricted to rights specifically mentioned in the first eight amendments. Cf. *United Public Workers* v. *Mitchell*, 330 U.S. 75, 94–95.

In determining which rights are fundamental, judges are not left at large to decide cases in light of their personal and private notions. Rather, they must look to the "traditions and [collective] conscience of our people" to determine whether a principle is "so rooted [there] . . . as to be ranked as fundamental." *Snyder* v. *Massachusetts*, 291 U.S. 97, 105. The inquiry is whether a right involved "is of such a character that it cannot be denied without violating those 'fundamental principles of liberty and justice which lie at the base of all our civil and political institutions'. . . ." *Powell* v. *Alabama*, 287 U.S. 45, 67. "Liberty" also "gains content from the emanations of . . . specific [constitutional] guarantees" and "from experience with the requirements of a free society." *Poe* v. *Ullman*, 367 U. S. 497, 517 (dissenting opinion of MR. JUSTICE DOUGLAS).[8]

I agree fully with the Court that, applying these tests, the right of privacy is a fundamental personal right, emanating "from the totality of the constitutional scheme under which we live." *Id.*, at 521. Mr. Justice Brandeis, dissenting in *Olmstead* v. *United States*, 277 U. S. 438, 478, comprehensively summarized the principles underlying the Constitution's guarantees of privacy:

"The protection guaranteed by the [Fourth and Fifth] Amendments is much broader in scope. The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect.

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They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men."

The Connecticut statutes here involved deal with a particularly important and sensitive area of privacy—that of the marital relation and the marital home. This Court recognized in *Meyer* v. *Nebraska, supra*, that the right "to marry, establish a home and bring up children" was an essential part of the liberty guaranteed by the Fourteenth Amendment. 262 U.S., at 399. In *Pierce* v. *Society of Sisters*, 268 U.S. 510, the Court held unconstitutional an Oregon Act which forbade parents from sending their children to private schools because such an act "unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control." 268 U.S., at 534–535. As this Court said in *Prince* v. *Massachusetts*, 321 U.S. 158, at 166, the *Meyer* and *Pierce* decisions "have respected the private realm of family life which the state cannot enter."

I agree with Mr. Justice Harlan's statement in his dissenting opinion in *Poe* v. *Ullman*, 367 U.S. 497, 551–552: "Certainly the safeguarding of the home does not follow merely from the sanctity of property rights. The home derives its pre-eminence as the seat of family life. And the integrity of that life is something so fundamental that it has been found to draw to its protection the principles of more than one explicitly granted Constitutional right. . . . Of this whole 'private realm of family life' it is difficult to imagine what is more private or more intimate than a husband and wife's marital relations."

The entire fabric of the Constitution and the purposes that clearly underlie its specific guarantees demonstrate that the rights to marital privacy and to marry and raise a family are of similar order and magnitude as the fundamental rights specifically protected.

Although the Constitution does not speak in so many words of the right of privacy in marriage, I cannot believe that it offers these fundamental rights no protection. The fact that no particular provision of the Constitution explicitly forbids the State from disrupting the traditional relation of the family—a relation as old and as fundamental as our entire civilization—surely does not show that the Government was meant to have the power to do so. Rather, as the Ninth Amendment expressly recognizes, there are fundamental personal rights such as this one, which are protected from abridgment by the Government though not specifically mentioned in the Constitution.

My Brother STEWART, while characterizing the Connecticut birth control law as "an uncommonly silly law," *post*, at 527, would nevertheless let it stand on the ground that it is not for the courts to "'substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws.'" *Post*, at 528. Elsewhere, I have stated that "[w]hile I quite agree with Mr. Justice Brandeis that . . . 'a . . . State may . . . serve as a laboratory; and try novel social and economic experiments.' *New State Ice Co.* v. *Liebmann*, 285 U.S. 262, 280, 311 (dissenting opinion), I do not believe that this includes the power to experiment with the fundamental liberties of citizens. . . ."[9] The vice of the dissenters' views is that it would permit such experimentation by the States in the area of the fundamental personal rights of its citizens. I cannot agree that the Constitution grants such power either to the States or to the Federal Government.

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The logic of the dissents would sanction federal or state legislation that seems to me even more plainly unconstitutional than the statute before us. Surely the Government, absent a showing of a compelling subordinating state interest, could not decree that all husbands and wives must be sterilized after two children have been born to them. Yet by their reasoning such an invasion of marital privacy would not be subject to constitutional challenge because, while it might be "silly," no provision of the Constitution specifically prevents the Government from curtailing the marital right to bear children and raise a family. While it may shock some of my Brethren that the Court today holds that the Constitution protects the right of marital privacy, in my view it is far more shocking to believe that the personal liberty guaranteed by the Constitution does not include protection against such totalitarian limitation of family size, which is at complete variance with our constitutional concepts. Yet, if upon a showing of a slender basis of rationality, a law outlawing voluntary birth control by married persons is valid, then, by the same reasoning, a law requiring compulsory birth control also would seem to be valid. In my view, however, both types of law would unjustifiably intrude upon rights of marital privacy which are constitutionally protected.

In a long series of cases this Court has held that where fundamental personal liberties are involved, they may not be abridged by the States simply on a showing that a regulatory statute has some rational relationship to the effectuation of a proper state purpose. "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling," *Bates* v. *Little Rock*, 361 U.S. 516, 524. The law must be shown "necessary, and not merely rationally related, to the accomplishment of a permissible state policy." *McLaughlin* v. *Florida*, 379 U.S. 184, 196. See *Schneider* v. *Irvington*, 308 U.S. 147, 161.

Although the Connecticut birth-control law obviously encroaches upon a fundamental personal liberty, the State does not show that the law serves any "subordinating [state] interest which is compelling" or that it is "necessary . . . to the accomplishment of a permissible state policy." The State, at most, argues that there is some rational relation between this statute and what is admittedly a legitimate subject of state concern—the discouraging of extramarital relations. It says that preventing the use of birth-control devices by married persons helps prevent the indulgence by some in such extra-marital relations.

The rationality of this justification is dubious, particularly in light of the admitted widespread availability to all persons in the State of Connecticut, unmarried as well as married, of birth-control devices for the prevention of disease, as distinguished from the prevention of conception, see *Tileston* v. *Ullman*, 129 Conn. 84, 26 A. 2d 582. But, in any event, it is clear that the state interest in safeguarding marital fidelity can be served by a more discriminately tailored statute, which does not, like the present one, sweep unnecessarily broadly, reaching far beyond the evil sought to be dealt with and intruding upon the privacy of all married couples.

See *Aptheker* v. *Secretary of State*, 378 U.S. 500, 514; *NAACP* v. *Alabama*, 377 U.S. 288, 307–308; *McLaughlin* v. *Florida, supra*, at 196. Here, as elsewhere, "[p]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms." *NAACP* v. *Button*, 371 U.S. 415, 438. The State of Connecticut does have statutes, the constitutionality of which is beyond doubt, which prohibit adultery and fornication. See Conn. Gen. Stat. §§ 53–218, 53–219 *et seq.* These statutes demonstrate that means for achieving the same basic purpose of protecting marital fidelity are available to Connecticut without the need to "invade the area of protected freedoms." *NAACP* v. *Alabama, supra*, at 307. See *McLaughlin* v. *Florida, supra*, at 196.

Finally, it should be said of the Court's holding today that it in no way interferes with a State's proper regulation of sexual promiscuity or misconduct. As my Brother Harlan so well stated in his dissenting opinion in *Poe* v. *Ullman, supra*, at 553.

"Adultery, homosexuality and the like are sexual intimacies which the State forbids . . . but the intimacy of husband and wife is necessarily an essential and accepted feature of the institution of marriage, an institution which the State not only must allow less but which always and in every age it has fostered and protected. It is one thing when the State exerts its power either to forbid extra-marital sexuality . . . or to say who may marry, but it is quite another when, having acknowledged a marriage and the intimacies inherent in it, it undertakes to regulate by means of the criminal law the details of that intimacy."

In sum, I believe that the right of privacy in the marital relation is fundamental and basic—a personal right "retained by the people" within the meaning of the Ninth Amendment. Connecticut cannot constitutionally abridge this fundamental right, which is protected by the Fourteenth Amendment from infringement by the States. I agree with the Court that petitioners' convictions must therefore be reversed.

MR. JUSTICE HARLAN, concurring in the judgment.

I fully agree with the judgment of reversal, but find myself unable to join the Court's opinion. The reason is that it seems to me to evince an approach to this case very much like that taken by my Brothers BLACK and STEWART in dissent, namely: the Due Process Clause of the Fourteenth Amendment does not touch this Connecticut statute unless the enactment is found to violate some right assured by the letter or penumbra of the Bill of Rights.

In other words, what I find implicit in the Court's opinion is that the "incorporation" doctrine may be used to *restrict* the reach of Fourteenth Amendment Due Process. For me this is just as unacceptable constitutional doctrine as is the use of the "incorporation" approach to *impose* upon the States all the requirements of the Bill of Rights as found in the provisions of the first eight amendments and in the decisions of this Court interpreting them. See, *e. g.*, my concurring opinions in *Pointer* v. *Texas*, 380 U.S. 400, 408, and *Griffin* v. *California*, 380 U.S. 609, 615, and my dissenting opinion in *Poe* v. *Ullman*, 367 U.S. 497, 522, at pp. 539–545.

In my view, the proper constitutional inquiry in this case is whether this Connecticut statute infringes the Due Process Clause of the Fourteenth Amendment because the enactment violates basic values "implicit in the concept of ordered liberty," *Palko* v. *Connecticut*, 302 U.S. 319, 325. For reasons stated at length in my dissenting opinion in *Poe* v. *Ullman, supra*, I believe that it does. While the relevant inquiry may be aided by resort to one or more of the provisions of the Bill of Rights, it is not dependent on them or any of their radiations. The Due Process Clause of the Fourteenth Amendment stands, in my opinion, on its own bottom.

A further observation seems in order respecting the justification of my Brothers BLACK and STEWART for their "incorporation" approach to this case. Their approach does not rest on historical reasons, which are of course wholly lacking (see Fairman, Does the Fourteenth Amendment Incorporate the Bill of Rights? The Original Understanding, 2 Stan. L. Rev. 5 (1949)), but on the thesis that by limiting the content of the Due Process Clause of the Fourteenth Amendment to the protection of rights which can be found elsewhere in the Constitution, in this instance in the Bill of Rights, judges will thus be confined to "interpretation" of

specific constitutional provisions, and will thereby be restrained from introducing their own notions of constitutional right and wrong into the "vague contours of the Due Process Clause." *Rochin* v. *California*, 342 U.S. 165, 170.

While I could not more heartily agree that judicial "self restraint" is an indispensable ingredient of sound constitutional adjudication, I do submit that the formula suggested for achieving it is more hollow than real. "Specific" provisions of the Constitution, no less than "due process," lend themselves as readily to "personal" interpretations by judges whose constitutional outlook is simply to keep the Constitution in supposed "tune with the times" (*post*, p. 522). Need one go further than to recall last Term's reapportionment cases, *Westberry* v. *Sanders*, 376 U.S. 1, and *Reynolds* v. *Sims*, 377 U.S. 533, where a majority of the Court "interpreted" "by the People" (Art. I, § 2) and "equal protection" (Amdt. 14) to command "one person, one vote," an interpretation that was made in the face of irrefutable and still unanswered history to the contrary? See my dissenting opinions in those cases, 376 U.S., at 20; 377 U.S., at 589.

Judicial self-restraint will not, I suggest, be brought about in the "due process" area by the historically unfounded incorporation formula long advanced by my Brother BLACK, and now in part espoused by my Brother STEWART. It will be achieved in this area, as in other constitutional areas, only by continual insistence upon respect for the teachings of history, solid recognition of the basic values that underlie our society, and wise appreciation of the great roles that the doctrines of federalism and separation of powers have played in establishing and preserving American freedoms. See *Adamson* v. *California*, 332 U.S. 46, 59, (Mr. Justice Frankfurter, concurring). Adherence to these principles will not, of course, obviate all constitutional differences of opinion among judges, nor should it. Their continued recognition will, however, go farther toward keeping most judges from roaming at large in the constitutional field than will the interpolation into the Constitution of an artificial and largely illusory restriction on the content of the Due Process Clause.[10]

MR. JUSTICE WHITE, concurring in the judgment.

In my view this Connecticut law as applied to married couples deprives them of "liberty" without due process of law, as that concept is used in the Fourteenth Amendment. I therefore concur in the judgment of the Court reversing these convictions under Connecticut's aiding and abetting statute.

It would be unduly repetitious, and belaboring the obvious, to expound on the impact of this statute on the liberty guaranteed by the Fourteenth Amendment against arbitrary or capricious denials or on the nature of this liberty. Suffice it to say that this is not the first time this Court has had occasion to articulate that the liberty entitled to protection under the Fourteenth Amendment includes the right "to marry, establish a home and bring up children," *Meyer* v. *Nebraska*, 262 U.S. 390, 399, and "the liberty . . . to direct the upbringing and education of children," *Pierce* v. *Society of Sisters*, 268 U.S. 510, 534–535, and that these are among "the basic civil rights of man." *Skinner* v. *Oklahoma*, 316 U.S. 535, 541. These decisions affirm that there is a "realm of family life which the state cannot enter" without substantial justification. *Prince* v. *Massachusetts*, 321 U.S. 158, 166. Surely the right invoked in this case, to be free of regulation of the intimacies of the marriage relationship, "come[s] to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements." *Kovacs* v. *Cooper*, 336 U.S. 77, 95 (opinion of Frankfurter, J.).

The Connecticut anti-contraceptive statute deals rather substantially with this relationship. For it forbids all married persons the right to use birth-control devices, regardless of whether their use is dictated by considerations of family planning, *Trubek* v. *Ullman*, 147 Conn. 633, 165 A. 2d 158, health, or indeed even of life itself *Buxton* v. *Ullman*, 147 Conn. 48, 156 A. 2d 508. The anti-use statute, together with the general aiding and abetting statute, prohibits doctors from affording advice to married persons on proper and effective methods of birth control. *Tileston* v. *Ullman*, 129 Conn. 84, 26 A. 2d 582.

And the clear effect of these statutes, as enforced, is to deny disadvantaged citizens of Connecticut, those without either adequate knowledge or resources to obtain private counseling, access to medical assistance and up-to-date information in respect to proper methods of birth control, *State* v. *Nelson*, 126 Conn. 412, 11 A. 2d 856; *State* v. *Griswold*, 151 Conn. 544, 200 A. 2d 479. In my view, a statute with these effects bears a substantial burden of justification when attacked under the Fourteenth Amendment. *Yick Wo* v. *Hopkins*, 118 U.S. 356; *Skinner* v. *Oklahoma*, 316 U.S. 535; *Schware* v. *Board of Bar Examiners*, 353 U.S. 232; *McLaughlin* v. *Florida*, 379 U.S. 184, 192.

An examination of the justification offered, however, cannot be avoided by saying that the Connecticut anti-use statute invades a protected area of privacy and association or that it demeans the marriage relationship. The nature of the right invaded is pertinent, to be sure, for statutes regulating sensitive areas of liberty to, under the cases of this Court, require "strict scrutiny," *Skinner* v. *Oklahoma*, 316 U.S. 535, 541, and "must be viewed in the light of less drastic means for achieving the same basic purpose." *Shelton* v. *Tucker*, 364 U.S. 479, 488. "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." *Bates* v. *Little Rock*, 361 U.S. 516, 524. See also *McLaughlin* v. *Florida*, 379 U.S. 184. But such statutes, if reasonably necessary for the effectuation of a legitimate and substantial state interest, and not arbitrary or capricious in application, are not invalid under the Due Process Clause, *Zemel* v. *Rusk*, 381 U.S. 1.[11]

As I read the opinions of the Connecticut courts and the argument of Connecticut in this Court, the State claims but one justification for its anti-use statute. Cf. *Allied Stores of Ohio* v. *Bowers*, 358 U.S. 522, 530; *Martin* v. *Walton*, 368 U.S. 25, 28 (DOUGLAS, J., dissenting). There is no serious contention that Connecticut thinks the use of artificial or external methods of contraception immoral or unwise in itself, or that the anti-use statute is founded upon any policy of promoting population expansion. Rather, the statute is said to serve the State's policy against all forms of promiscuous or illicit sexual relationships, be they premarital or extramarital, concededly a permissible and legitimate legislative goal.

Without taking issue with the premise that the fear of conception operates as a deterrent to such relationships in addition to the criminal proscriptions Connecticut has against such conduct. I wholly fail to see how the ban on the use of contraceptives by married couples in any way reinforces the State's ban on illicit sexual relationships. See *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, 239. Connecticut does not bar the importation or possession of contraceptive devices; they are not considered contraband material under state law, *State* v. *Certain Contraceptive Materials*, 126 Conn. 428, 11 A. 2d 863, and their availability in that State is not seriously disputed. The only way Connecticut seeks to limit or control the availability of such devices is through its general aiding and abetting statute whose operation in this context has been quite obviously ineffective and whose most serious use has been against birth-control clinics rendering advice to married, rather than unmarried, persons. Cf. *Yick Wo* v. *Hopkins*, 118 U.S. 356.

Indeed, after over 80 years of the State's proscription of use, the legality of the sale of such devices to prevent disease has never been expressly passed upon, although it appears that sales have long occurred and have only infrequently been challenged. This "undeviating policy . . . throughout all the long years . . . bespeaks more than prosecutorial paralysis." *Poe* v. *Ullman*, 367 U. S. 497, 502. Moreover, it would appear that the sale of contraceptives to prevent disease is plainly legal under Connecticut law.

In these circumstances one is rather hard pressed to explain how the ban on use by married persons in any way prevents use of such devices by persons engaging in illicit sexual relations and thereby contributes to the State's policy against such relationships. Neither the state courts nor the State before the bar of this Court has tendered such an explanation. It is purely fanciful to believe that the broad proscription on use facilitates discovery of use by persons engaging in a prohibited relationship or for some other reason makes such use more unlikely and thus can be supported by any sort of administrative consideration.

Perhaps the theory is that the flat ban on use prevents married people from possessing contraceptives and without the ready availability of such devices for use in the marital relationship, there will be no or less temptation to use them in extramarital ones. This reasoning rests on the premise that married people will comply with the ban in regard to their marital relationship, notwithstanding total nonenforcement in this context and apparent nonenforcibility, but will not comply with criminal statutes prohibiting extramarital affairs and the anti-use statute in respect to illicit sexual relationships, a premise whose validity has not been demonstrated and whose intrinsic validity is not very evident.

At most the broad ban is of marginal utility to the declared objective. A statute limiting its prohibition on use to persons engaging in the prohibited relationship would serve the end posited by Connecticut in the same way, and with the same effectiveness, or ineffectiveness, as the broad anti-use statute under attack in this case. I find nothing in this record justifying the sweeping scope of this statute, with its telling effect on the freedoms of married persons, and therefore conclude that it deprives such persons of liberty without due process of law.

MR. JUSTICE BLACK, with whom MR. JUSTICE STEWART joins, dissenting.

I agree with my Brother STEWART's dissenting opinion. And like him I do not to any extent whatever base my view that this Connecticut law is constitutional on a belief that the law is wise or that its policy is a good one. In order that there may be no room at all to doubt why I vote as I do, I feel constrained to add that the law is every bit as offensive to me as it is to my Brethren of the majority and my Brothers HARLAN, WHITE and GOLDBERG who, reciting reasons why it is offensive to them, hold it unconstitutional. There is no single one of the graphic and eloquent strictures and criticisms fired at the policy of this Connecticut law either by the Court's opinion or by those of my concurring Brethren to which I cannot subscribe—except their conclusion that the evil qualities they see in the law make it unconstitutional.

Had the doctor defendant here, or even the nondoctor defendant, been convicted for doing nothing more than expressing opinions to persons coming to the clinic that certain contraceptive devices, medicines or practices would do them good and would be de-

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sirable, or for telling people how devices could be used, I can think of no reasons at this time why their expressions of views would not be protected by the First and Fourteenth Amendments, which guarantee freedom of speech. Cf. *Brotherhood of Railroad Trainmen* v. *Virginia ex rel. Virginia State Bar*, 377 U.S. 1; *NAACP* v. *Button*, 371 U.S. 415. But speech is one thing; conduct and physical activities are quite another. See, *e.g.*, *Cox* v. *Louisiana*, 379 U.S. 536, 554–555; *Cox* v. *Louisiana*, 379 U.S. 559, 563–564; *id.*, 575–584 (concurring opinion); *Giboney* v. *Empire Storage & Ice Co.*, 336 U.S. 490; cf. *Reynolds* v. *United States*, 98 U.S. 145, 163–164. The two defendants here were active participants in an organization which gave physical examinations to women, advised them what kind of contraceptive devices or medicines would most likely be satisfactory for them, and then supplied the devices themselves, all for a graduated scale of fees, based on the family income.

Thus these defendants admittedly engaged with others in a planned course of conduct to help people violate the Connecticut law. Merely because some speech was used in carrying on that conduct—just as in ordinary life some speech accompanies most kinds of conduct—we are not in my view justified in holding that the First Amendment forbids the State to punish their conduct. Strongly as I desire to protect all First Amendment freedoms, I am unable to stretch the Amendment so as to afford protection to the conduct of these defendants in violating the Connecticut law. What would be the constitutional fate of the law if hereafter applied to punish nothing but speech is, as I have said, quite another matter.

The Court talks about a constitutional "right of privacy" as though there is some constitutional provision or provisions forbidding any law ever to be passed which might abridge the "privacy" of individuals. But there is not. There are, of course, guarantees in certain specific constitutional provisions which are designed in part to protect privacy at certain times and places with respect to certain activities. Such, for example, is the Fourth Amendment's guarantee against "unreasonable searches and seizures." But I think it belittles that Amendment to talk about it as though it protects nothing but "privacy." To treat it that way is to give it a niggardly interpretation, not the kind of liberal reading I think any Bill of Rights provision should be given. The average man would very likely not have his feelings soothed any more by having his property seized openly than by having it seized privately and by stealth. He simply wants his property left alone. And a person can be just as much, if not more, irritated, annoyed and injured by an unceremonious public arrest by a policeman as he is by a seizure in the privacy of his office or home.

One of the most effective ways of diluting or expanding a constitutionally guaranteed right is to substitute for the crucial word or words of a constitutional guarantee another word or words, more or less flexible and more or less restricted in meaning. This fact is well illustrated by the use of the term "right of privacy" as a comprehensive substitute for the Fourth Amendment's guarantee against "unreasonable searches and seizures." "Privacy" is a broad, abstract and ambiguous concept which can easily be shrunken in meaning but which can also, on the other hand, easily be interpreted as a constitutional ban against many things other than searches and seizures.

I have expressed the view many times that First Amendment freedoms, for example, have suffered from a failure of the courts to stick to the simple language of the First Amendment in construing it, instead of invoking multitudes of words substituted for those the Framers used. See, *e. g.*, *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 293 (concurring opinion); cases collected in *City of El Paso* v. *Simmons*, 379 U.S. 497, 517, n. 1 (dissenting opinion); Black, The Bill of Rights, 35 N.Y. U.L. Rev. 865.

For these reasons I get nowhere in this case by talk about a constitutional "right of privacy" as an emanation from one or more constitutional provisions.[12] I like my privacy as well as the next one, but I am nevertheless compelled to admit that government has a right to invade it unless prohibited by some specific constitutional provision. For these reasons I cannot agree with the Court's judgment and the reasons it gives for holding this Connecticut law unconstitutional.

This brings me to the arguments made by my Brothers HARLAN, WHITE and GOLDBERG for invalidating the Connecticut law. Brothers HARLAN [13] and WHITE would invalidate it by reliance on the Due Process Clause of the Fourteenth Amendment, but Brother GOLDBERG, while agreeing with Brother HARLAN, relies also on the Ninth Amendment. I have no doubt that the Connecticut law could be applied in such a way as to abridge freedom of speech and press and therefore violate the First and Fourteenth Amendments. My disagreement with the Court's opinion holding that there is such a violation here is a narrow one, relating to the application of the First Amendment to the facts and circumstances of this particular case.

But my disagreement with Brothers HARLAN, WHITE and GOLDBERG is more basic. I think that if properly construed neither the Due Process Clause nor the Ninth Amendment, nor both together, could under any circumstances be a proper basis for invalidating the Connecticut law. I discuss the due process and Ninth Amendment arguments together because on analysis they turn out to be the same thing—merely using different words to claim for this Court and the federal judiciary power to invalidate any legislative act which the judges find irrational, unreasonable or offensive.

The due process argument which my Brothers HARLAN and WHITE adopt here is based, as their opinions indicate, on the premise that this Court is vested with power to invalidate all state laws that it considers to be arbitrary, capricious, unreasonable, or oppressive, or on this Court's belief that a particular state law under scrutiny has no "rational or justifying" purpose, or is offensive to a "sense of fairness and justice." [14] If these formulas based on "natural justice," or others which mean the same thing,[15] are to prevail, they require judges to determine what is or is not constitutional on the basis of their own appraisal of what laws are unwise or unnecessary. The power to make such decisions is of course that of a legislative body.

Surely it has to be admitted that no provision of the Constitution specifically gives such blanket power to courts to exercise such a supervisory veto over the wisdom and value of legislative policies and to hold unconstitutional those laws which they believe unwise or dangerous. I readily admit that no legislative body, state or national, should pass laws that can justly be given any of the invidious labels invoked as constitutional excuses to strike down state laws. But perhaps it is not too much to say that no legislative body ever does pass laws without believing that they will accomplish a sane, rational, wise and justifiable purpose.

While I completely subscribe to the holding of *Marbury* v. *Madison*, 1 Cranch 137, and subsequent cases, that our Court has constitutional power to strike down statutes, state or federal, that violate commands of the Federal Constitution, I do not believe that we are granted power by the Due Process Clause or any other constitutional provision or provisions to measure constitutionality by our belief that legislation is arbitrary, capricious or unreasonable, or accomplishes no justifiable purpose, or is offensive to our own notions of "civilized standards of conduct." [16] Such an appraisal of the wisdom of legislation is an attribute of the power to make laws, not of the power to interpret them.

The use by federal courts of such a formula or doctrine or whatnot to veto federal or state laws simply takes away from Congress and States the power to make laws based on their own judgment of fairness and wisdom and transfers that power to this Court for ultimate determination—a power which was specifically denied to federal courts by the convention that framed the Constitution.[17]

Of the cases on which my Brothers WHITE and GOLDBERG rely so heavily, undoubtedly the reasoning of two of them supports their result here—as would that a number of others which they do not bother to name, *e.g.*, *Lochner* v. *New York*, 198 U.S. 45, *Coppage* v. *Kansas*, 236 U.S. 1, *Jay Burns Baking Co.* v. *Bryan*, 264 U.S. 504, and *Adkins* v. *Children's Hospital*, 261 U.S. 525. The two they do cite and quote from, *Meyer* v. *Nebraska*, 262 U.S. 390, and *Pierce* v. *Society of Sisters*, 268 U.S. 510, were both decided in opinions by Mr. Justice McReynolds which elaborated the same natural law due process philosophy found in *Lochner* v. *New York*, *supra*, one of the cases on which he relied in *Meyer*, along with such other long-discredited decisions as, *e.g.*, *Adams* v. *Tanner*, 244 U.S. 590, and *Adkins* v. *Children's Hospital*, *supra*.

Meyer held unconstitutional, as an "arbitrary" and unreasonable interference with the right of a teacher to carry on his occupation and of parents to hire him, a state law forbidding the teaching of modern foreign languages to young children in the schools.[18] And in *Pierce*, relying principally on *Meyer*, Mr. Justice McReynolds said that a state law requiring that all children attend public schools interfered unconstitutionally with the property rights of private school corporations because it was an "arbitary, unreasonable and unlawful interference" which threatened "destruction of their business and property." 268 U.S., at 536.

Without expressing an opinion as to whether either of those cases reached a correct result in light of our later decisions applying the First Amendment to the States through the Fourteenth,[19] I merely point out that the reasoning stated in *Meyer* and *Pierce* was the same natural law due process philosophy which many later opinions repudiated, and which I cannot accept. Brothers WHITE and GOLDBERG also cite other cases, such as *NAACP* v. *Button*, 371 U.S. 415, *Shelton* v. *Tucker*, 364 U.S. 479, and *Schneider* v. *State*, 308 U.S. 147, which held that States in regulating conduct could not, consistently with the First Amendment as applied to them by the Fourteenth, pass unnecessarily broad laws which might indirectly infringe on First Amendment freedoms.[20] See *Brotherhood of Railroad Trainmen* v. *Virginia ex rel. Virginia State Bar*, 377 U.S. 1, 7–8.[21] Brothers WHITE and GOLDBERG now apparently would start from this requirement that laws be narrowly drafted so as not to curtail free speech and assembly, and extend it limitlessly to require States to justify any law restricting "liberty" as my Brethren define "liberty." This would mean at the very least, I suppose, that every state criminal statute—since it must inevitably curtail "liberty" to some extent—would be suspect, and would have to be justified to this Court.[22]

My Brother GOLDBERG has adopted the recent discovery [23] that the Ninth Amendment as well as the Due Process Clause can be used by this Court as authority to strike down all state legislation which this Court thinks violates "fundamental principles of liberty and justice," or is contrary to the "traditions and [collective] conscience of our people." He also states, without proof satisfactory to me, that in making decisions on this basis judges will not consider "their personal and private notions." One may ask how they can avoid considering them.

Our Court certainly has no machinery with which to take a Gallup Poll.[24] And the scientific miracles of this age have not yet produced a gadget which the Court can use to determine what traditions are rooted in the "[collective] conscience of our people." Moreover, one would certainly have to look far beyond the language of the Ninth Amendment [25] to find that the Framers vested in this Court any such awesome veto powers over lawmaking, either by the States or by the Congress.

Nor does anything in the history of the Amendment offer any support for such a shocking doctrine. The whole history of the adoption of the Constitution and Bill of Rights points the other way, and the very material quoted by my Brother GOLDBERG shows that the Ninth Amendment was intended to protect against the idea that "by enumerating particular exceptions to the grant of power" to the Federal Government, 'those rights which were not singled out, were intended to be assigned into the hands of the General Government [the United States], and were consequently insecure." [26] That Amendment was passed, not to broaden the powers of this Court or any other department of "the General Government," but, as every student of history knows, to assure the people that the Constitution in all its provisions was intended to limit the Federal Government to the powers granted expressly or by necessary implication.

If any broad, unlimited power to hold laws unconstitutional because they offend what this Court conceives to be the "[collective] conscience of our people" is vested in this Court by the Ninth Amendment, the Fourteenth Amendment, or any other provision of the Constitution, it was not given by the Framers, but rather has been bestowed on the Court by the Court. This fact is perhaps responsible for the peculiar phenomenon that for a period of a century and a half no serious suggestion was ever made that the Ninth Amendment, enacted to protect state powers against federal invasion, could be used as a weapon of federal power to prevent state legislatures from passing laws they consider appropriate to govern local affairs. Use of any such broad, unbounded judicial authority would make of this Court's members a day-to-day constitutional convention.

I repeat so as not to be misunderstood that this Court does have power, which it should exercise, to hold laws unconstitutional where they are forbidden by the Federal Constitution. My point is that there is no provision of the Constitution which either expressly or impliedly vests power in this Court to sit as a supervisory agency over acts of duly constituted legislative bodies and set aside their laws because of the Court's belief that the legislative policies adopted are unreasonable, unwise, arbitrary, capricious or irrational.

The adoption of such a loose, flexible, uncontrolled standard for holding laws unconstitutional, if ever it is finally achieved, will amount to a great unconstitutional shift of power to the courts which I believe and am constrained to say will be bad for the courts and worse for the country. Subjecting federal and state laws to such an unrestrained and unrestrainable judicial control as to the wisdom of legislative enactments would, I fear, jeopardize the separation of governmental powers that the Framers set up and at the same time threaten to take away much of the power of States to govern themselves which the Constitution plainly intended them to have.[27]

I realize that many good and able men have eloquently spoken and written, sometimes in rhapsodical strains, about the duty of this Court to keep the Constitution in tune with the times. The idea is that the Constitution must be changed from time to time and that this Court is charged with a duty to make those changes. For myself, I must with all deference reject that philosophy. The Constitution makers knew the need for change and provided for it. Amendments suggested by the people's elected representatives can be submitted to the people or their selected agents for ratification. That method of change was good for our Fathers, and being somewhat old-fashioned I must add it is good enough for me.

And so, I cannot rely on the Due Process Clause or the Ninth Amendment or any mysterious and uncertain natural law concept as a reason for striking down this state law. The Due Process Clause with an "arbitrary and capricious" or "shocking to the conscience" formula was liberally used by this Court to strike down economic legislation in the early decades of this century, threatening, many people thought, the tranquility and stability of the Nation. See, *e. g.*, *Lochner* v. *New York*, 198 U. S. 45.

That formula, based on subjective considerations of "natural justice," is no less dangerous when used to enforce this Court's views about personal rights than those about economic rights. I had thought that we had laid that formula, as a means for striking down state legislation, to rest once and for all in cases like *West Coast Hotel Co.* v. *Parrish*, 300 U. S. 379; *Olsen* v. *Nebraska ex rel. Western Reference & Bond Assn.*, 313 U. S. 236, and many other opinions.[28] See also *Lochner* v. *New York*, 198 U. S. 45, 74 (Holmes, J., dissenting).

In *Ferguson* v. *Skrupa*, 372 U. S. 726, 730, this Court two years ago said in an opinion joined by all the Justices but one [29] that—

"The doctrine that prevailed in *Lochner*, *Coppage*, *Adkins*, *Burns*, and like cases—that due process authorizes courts to hold laws unconstitutional when they believe the legislature has acted unwisely—has long since been discarded. We have returned to the original constitutional proposition that courts do not substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws."

And only six weeks ago, without even bothering to hear argument, this Court overruled *Tyson & Brother* v. *Banton*, 273 U.S. 418, which had held state laws regulating ticket brokers to be a denial of due process of law.[30] *Gold* v. *DiCarlo*, 380 U.S. 520. I find April's holding hard to square with what my concurring Brethren urge today. They would reinstate the *Lochner*, *Coppage*, *Adkins*, *Burns* line of cases, cases from which this Court recoiled after the 1930's, and which had been I thought totally discredited until now. Apparently my Brethren have less quarrel with state economic regulations than former Justices of their persuasion had. But any limitation upon their using the natural law due process philosophy to strike down any state law, dealing with any activity whatever, will obviously be only self-imposed.[31]

In 1798, when this Court was asked to hold another Connecticut law unconstitutional, Justice Iredell said:

"[I]t has been the policy of all the *American* states, which have, individually, framed their state constitutions since the revolution, and of the people of the *United States*, when they framed the Federal Constitution, to define with precision the objects of the legislative power, and to restrain its exercise within marked and settled boundaries. If any act of Congress, or of the Legislature of a state, violates those constitutional provisions, it is unquestionably void; though, I admit, that as the authority to declare it void is of a delicate and awful nature, the Court will never resort to that authority, but in a clear and urgent case. If, on the other hand, the Legislature of the Union, or the Legislature of any member of the Union, shall pass a law, within the general scope of their constitutional power, the Court cannot pronounce it to be void, merely because it is, in their judgment, contrary to the principles of natural justice. The ideas of natural justice are regulated by no fixed standard: the ablest and the purest men have differed upon the subject; and all that the Court could properly say, in such an event, would be, that the Legislature (possessed of an equal right of opinion) had passed an act which, in the opinion of the judges, was inconsistent with the abstract principles of natural justice." *Calder* v. *Bull*, 3 Dall. 386, 399 (emphasis in original).

I would adhere to that constitutional philosophy in passing on this Connecticut law today. I am not persuaded to deviate from the view which I stated in 1947 in *Adamson* v. *California*, 332 U.S. 46, 90–92 (dissenting opinion):

"Since *Marbury* v. *Madison*, 1 Cranch 137, was decided, the practice has been firmly established, for better or worse, that courts can strike down legislative enactments which violate the Constitution. This process, of course, involves interpretation, and since words can have many meanings, interpretation obviously may result in contraction or extension of the original purpose of a constitutional provision, thereby affecting policy. But to pass upon the constitutionality of statutes by looking to the particular standards enumerated in the Bill of Rights and other parts of the Constitution is one thing; to invalidate statutes because of application of 'natural law' deemed to be above and undefined by the Constitution is another. 'In the one instance, courts proceeding within clearly marked constitutional boundaries seek to execute policies written into the Constitution: in the other, they roam at will in the limitless area of their own beliefs as to reasonableness and actually select policies, a responsibility which the Constitution entrusts to the legislative representatives of the people.' *Federal Power Commission* v. *Pipeline Co.*, 315 U.S. 575, 599, 601, n. 4. [32]

The late Judge Learned Hand, after emphasizing his view that judges should not use the due process formula suggested in the concurring opinions today or any other formula like it to invalidate legislation offensive to their "personal preferences," [33] made the statement, with which I fully agree, that:

"For myself it would be most irksome to be ruled by a bevy of Platonic Guardians even if I knew how to choose them, which I assuredly do not." [34]

So far as I am concerned, Connecticut's law as applied here is not forbidden by any provision of the Federal Constitution as that Constitution was written, and I would therefore affirm.

Mr. JUSTICE STEWART, whom Mr. JUSTICE BLACK joins, dissenting.

Since 1879 Connecticut has had on its books a law which forbids the use of contraceptives by anyone. I think this is an uncommonly silly law. As a practical matter, the law is obviously unenforceable, except in the oblique context of the present case. As a philosophical matter, I believe the use of contraceptives in the relationship of marriage should be left to personal and private choice, based upon each individual's moral, ethical, and religious beliefs. As a matter of social policy, I think professional counsel about methods of birth control should be available to all, so that each individual's choice can be meaningfully made. But we are not asked in this case to say whether we think this law is unwise, or even asinine. We are asked to hold that it violates the United States Constitution. And that I cannot do.

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In the course of its opinion the Court refers to no less than six Amendments to the Constitution: the First, the Third, the Fourth, the Fifth, the Ninth, and the Fourteenth. But the Court does not say which of these Amendments, if any, it thinks is infringed by this Connecticut law.

We are told that the Due Process of the Fourteenth Amendment is not, as such, the "guide" in this case. With that much I agree. There is no claim that this law, duly enacted by the Connecticut Legislature, is unconstitutionally vague. There is no claim that the appellants were denied any of the elements of procedural due process at their trial, so as to make their convictions constitutionally invalid. And, as the Court says, the day has long passed since the Due Process Clause was regarded as a proper instrument for determining "the wisdom, need, and propriety" of state laws. Compare *Lochner* v. *New York*, 198 U.S. 45, with *Ferguson* v. *Skrupa*, 372 U.S. 726. My Brothers HARLAN and WHITE to the contrary, "[w]e have returned to the original constitutional proposition that courts do not substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws." *Ferguson* v. *Skrupa*, *supra* at 730.

As to the First, Third, Fourth, and Fifth Amendments, I can find nothing in any of them to invalidate this Connecticut law, even assuming that all those Amendments are fully applicable against the States.[35] It has not even been argued that this is a law "respecting an establishment of religion, or prohibiting the free exercise thereof."[36] And surely, unless the solemn process of constitutional adjudication is to descend to the level of a play on words, there is not involved here any abridgment of "the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."[37] No soldier has been quartered in any house.[38] There has been no search, and no seizure.[39] Nobody has been compelled to be a witness against himself.[40]

The Court also quotes the Ninth Amendment, and my Brother GOLDBERG's concurring opinion relies heavily upon it. But to say that the Ninth Amendment has anything to do with this case is to turn somersaults with history. The Ninth Amendment, like its companion the Tenth, which this Court held "states but a truism that all is retained which has not been surrendered," *United States* v. *Darby*, 312 U.S. 100, 124, was framed by James Madison and adopted by the States simply to make clear that the adoption of the Bill of Rights did not alter the plan that the *Federal* Government was to be a government of express and limited powers, and that all rights and powers not delegated to it were retained by the people and the individual States. Until today no member of this Court has ever suggested that the Ninth Amendment meant anything else, and the idea that a federal court could ever use the Ninth Amendment to annul a law passed by the elected representatives of the people of the State of Connecticut would have caused James Madison no little wonder.

What provision of the Constitution, then, does make this state law invalid? The Court says it is the right of privacy "created by several fundamental constitutional guarantees." With all deference, I can find no such general right of privacy in the Bill of Rights, in any other part of the Constitution, or in any case ever before decided by this Court.[41]

At the oral argument in this case we were told that the Connecticut law does not "conform to current community standards." But it is not the function of this Court to decide cases on the basis of community standards. We are here to decide cases "agreeably to the Constitution and laws of the United States." It is the essence of judicial duty to subordinate our own personal views, our own ideas of what legislation is wise and what is not. If, as I should surely hope, the law before us does not reflect the standards of the people of Connecticut, the people of Connecticut can freely exercise their true Ninth and Tenth Amendment rights to persuade their elected representatives to repeal it. That is the constitutional way to take this law off the books.[42]

FOOTNOTES

[1] The Court said in full about this right of privacy:

"The principles laid down in this opinion [by Lord Camden in *Entick* v. *Carrington*, 19 How. St. Tr. 1029] affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employes of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offence—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. Breaking into a house and opening boxes and drawers are circumstances of aggravation; but any forcible and compulsory extortion of a man's own testimony or of his private papers to be used as evidence to convict him of crime or to forfeit his goods, is within the condemnation of that judgment. In this regard the Fourth and Fifth Amendments run almost into each other." 116 U.S., at 630.

[2] My Brother STEWART dissents on the ground that he "can find no . . . general right of privacy in the Bill of Rights, in any other part of the Constitution, or in any case ever before decided by this Court." *Post*, at 530. He would require a more explicit guarantee than the one which the Court derives from several constitutional amendments. This Court, however, has never held that the Bill of Rights or the Fourteenth Amendment protects only those rights that the Constitution specifically mentions by name. See, *e.g.*, *Bolling* v. *Sharpe*, 347 U.S. 497; *Aptheker* v. *Secretary of State*, 378 U.S. 500; *Kent* v. *Dulles*, 357 U.S. 116; *Carrington* v. *Rash*, 380 U.S. 89, 96; *Schware* v. *Board of Bar Examiners*, 353 U.S. 232; *NAACP* v. *Alabama*, 360 U.S. 240; *Pierce* v. *Society of Sisters*, 268 U.S. 510; *Meyer* v. *Nebraska*, 262 U.S. 390. To the contrary, this Court, for example, in *Bolling* v. *Sharpe*, *supra*, while recognizing that the Fifth Amendment does not contain the "explicit safeguard" of an equal protection clause, *id.*, at 499, nevertheless derived an equal protection principle from that Amendment's Due Process Clause. And in *Schware* v. *Board of Bar Examiners*, *supra*, the Court held that the Fourteenth Amendment protects from arbitrary state action the right to pursue an occupation, such as the practice of law.

[3] See, *e.g.*, *Chicago, B. & Q. R. Co.* v. *Chicago*, 166 U.S. 226; *Gitlow* v. *New York*, *supra*; *Cantwell* v. *Connecticut*, 310 U.S. 296; *Wolf* v. *Colorado*, 338 U.S. 25; *Robinson* v. *California*, 370 U.S. 660; *Gideon* v. *Wainwright*, 372 U.S. 335; *Malloy* v. *Hogan*, 378 U.S. 1; *Pointer* v. *Texas*, *supra*; *Griffin* v. *California*, 380 U.S. 609.

[4] Madison himself had previously pointed out the dangers of inaccuracy resulting from the fact that "no language is so copious as to supply words and phrases for every complex idea." The Federalist, No. 37 (Cooke ed. 1961), at 236.

[5] Alexander Hamilton was opposed to a bill of rights on the ground that it was unnecessary because the Federal Government was a government of delegated powers and it was not granted the power to intrude upon fundamental personal rights. The Federalist, No. 84 (Cooke ed. 1961), at 578–579. He also argued,

"I go further, and affirm that bills of rights, in the sense and in the extent in which they are contended for, are not only unnecessary in the proposed constitution, but would even be dangerous. They would contain various exceptions to powers which are not granted; and on this very account, would afford a colourable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why for instance, should it be said, that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretence for claiming that power." *Id.* at 579.

The Ninth Amendment and the Tenth Amendment, which provides, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," were apparently also designed in part to meet the above-quoted argument of Hamilton.

[6] The Tenth Amendment similarly made clear that the States and the people retained all those powers not expressly delegated to the Federal Government.

[7] This Amendment has been referred to as "The Forgotten Ninth Amendment," in a book with that title by Bennett B. Patterson (1955). Other commentary on the Ninth Amendment includes Redlich, Are There "Certain Rights . . . Retained by the People"? 37 N. Y. U. L. Rev. 787 (1962), and Kelsey The Ninth Amendment of the Federal Constitution, 11 Ind. L. J. 309 (1936). As far as I am aware, until today this Court has referred to the Ninth Amendment only in *United Public Workers* v. *Mitchell*, 330 U. S. 75, 94–95; *Tennessee Electric Power Co.* v. *TVA*, 306 U. S. 118, 143–144; and *Ashwander* v. *TVA*, 297 U. S. 288, 330–331. See also *Calder* v. *Bull*, 3 Dall. 386, 388; *Loan Assn.* v. *Topeka*, 20 Wall. 655, 662–663.

In *United Public Workers* v. *Mitchell*, *supra*, at 94–95, the Court stated: "We accept appellants' contention that the nature of political rights reserved to the people by the Ninth and Tenth Amendments [is] involved. The right claimed as inviolate may be stated as the right of a citizen to act as a party official or worker to further his own political views. Thus we have a measure of interference by the Hatch Act and the Rules with what otherwise would be the freedom of the civil servant under the First, Ninth and Tenth Amendments. And, if we look upon due process as a guarantee of freedom in those fields, there is a corresponding impairment of that right under the Fifth Amendment."

[8] In light of the tests enunciated in these cases it cannot be said that a judge's responsibility to determine whether a right is basic and fundamental in this sense vests him with unrestricted personal discretion. In fact, a hesitancy to allow too broad a discretion was a substantial reason leading me to conclude in *Pointer* v. *Texas*, *supra*, at 413–414, that those rights absorbed by the Fourteenth Amendment and applied to the States because they are fundamental apply with equal force and to the same extent against both federal and state governments. In *Pointer* I said that the contrary view would require "this Court to make the extremely subjective and excessively discretionary determination as to whether a practice, forbidden the Federal Government by a fundamental constitutional guarantee, is, as viewed in the factual circumstances surrounding each individual case, sufficiently repugnant to the notion of due process as to be forbidden the States." *Id.*, at 413.

[9] *Pointer* v. *Texas*, *supra*, at 413. See also the discussion of my Brother DOUGLAS, *Poe* v. *Ullman*, *supra*, at 517–518 (dissenting opinion).

[10] Indeed, my Brother BLACK, in arguing his thesis, is forced to lay aside a host of cases in which the Court has recognized fundamental rights in the Fourteenth Amendment without specific reliance upon the Bill of Rights. *Post*, p. 512, n. 4.

[11] Dissenting opinions assert that the liberty guaranteed by the Due Process Clause is limited to a guarantee against unduly vague statutes and against procedural unfairness at trial. Under this view the Court is without authority to ascertain whether a challenged statute, or its application, has a permissible purpose and whether the manner of regulation bears a rational or justifying relationship to this purpose. A long line of cases makes very clear that this has not been the view of this Court. *Dent* v. *West Virginia*, 129 U.S. 114; *Jacobson* v. *Massachusetts*, 197 U.S. 11; *Douglas* v. *Noble*, 261 U.S. 165; *Meyer* v. *Nebraska*, 262 U.S. 390; *Pierce* v. *Society of Sisters*, 268 U.S. 510; *Schware* v. *Board of Bar Examiners*, 353 U.S. 232; *Aptheker* v. *Secretary of State*, 378 U.S. 500; *Zemel* v. *Rusk*, 381 U.S. 1.

The traditional due process test was well articulated, and applied, in *Schware* v. *Board of Bar Examiners*, *supra*, a case which placed no reliance on the specific guarantees of the Bill of Rights.

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment. *Dent* v. *West Virginia*, 129 U.S. 114. Cf. *Slochower* v. *Board of Education*, 350 U.S. 551; *Wieman* v. *Updegraff*, 344 U.S. 183. And see *Ex parte Secombe*, 19 How. 9, 13. A State can require high standards of qualification, such as good moral character or proficiency in its law, before it admits an applicant to the bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law. *Douglas* v. *Noble*, 261 U.S. 165; *Cummings* v. *Missouri*, 4 Wall. 277, 319–320. Cf. *Nebbia* v. *New York*, 291 U.S. 502. Obviously an applicant could not be excluded merely because he was a Republican or a Negro or a member of a particular church. Even in applying permissible standards, officers of a State cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards, or when their action is invidiously discriminatory." 353 U.S., at 238–239. Cf. *Martin* v. *Walton*, 368 U.S. 25, 26 (DOUGLAS, J., dissenting).

[12] The phrase "right to privacy" appears first to have gained currency from an article written by Messrs. Warren and (later Mr. Justice) Brandeis in 1890 which urged that States should give some form of tort relief to persons whose private affairs were exploited by others. The Right to Privacy, 4 Harv. L. Rev. 193. Largely as a result of this article, some States have passed statutes creating such a cause of action, and in others state courts have done the same thing by exercising their powers as courts of common law. See generally 41 Am. Jur. 926–927. Thus the Supreme Court of Georgia, in granting a cause of action for damages to a man whose picture had been used in a newspaper advertisement without his consent, said that "A right of privacy in matters purely private is . . . derived from natural law" and that "The conclusion reached by us seems to be . . . thoroughly in accord with natural justice, with the principles of the law of every civilized nation, and especially with the elastic principles of the common law . . ." *Pavesich* v. *New England Life Ins. Co.*, 122 Ga. 190, 194, 216. 50 S. E. 68, 70, 80. Observing that "the right of privacy . . . presses for recognition here," today this Court, which I did not understand to have power to sit as a court of common law, now appears to be exalting a phrase which Warren and Brandeis used in discussing grounds for tort relief, to the level of a constitutional rule which prevents state legislatures from passing any law deemed by this Court to interfere with "privacy."

[13] Brother HARLAN's views are spelled out at greater length in his dissenting opinion in *Poe* v. *Ullman*, 367 U.S. 497, 539–555.

[14] Indeed, Brother White appears to have gone beyond past pronouncements of the natural law due process theory, which at least said that the Court should exercise this unlimited power to declare state acts unconstitutional with "restraint." He now says that, instead of being presumed constitutional (see *Munn* v. *Illinois*, 94 U.S. 113, 123; compare *Adkins* v. *Children's Hospital*, 261 U.S. 525, 544), the statute here "bears a substantial burden of justification when attacked under the Fourteenth Amendment."

[15] A collection of the catchwords and catch phrases invoked by judges who would strike down under the Fourteenth Amendment laws which offend their notions of natural justice would fill many pages. Thus it has been said that this Court can forbid state action which "shocks the conscience," *Rochin* v. *California*, 342 U.S. 165, 172, sufficiently to "shock itself into the protective arms of the Constitution," *Irvine* v. *California*, 347 U.S. 128, 138 (concurring opinion). It has been urged that States may not run counter to the "decencies of civilized conduct," *Rochin*, *supra*, at 173, or "some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental," *Snyder* v. *Massachusetts*, 291 U.S. 97, 105, or to "those canons of decency and fairness which express the notions of justice of English-speaking peoples," *Malinski* v. *New York*, 324 U.S. 401, 417 (concurring opinion), or to "the community's sense of fair play and decency," *Rochin*, *supra*, at 173. It has been said that we must decide whether a state law is "fair, reasonable and appropriate," or is rather "an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty or to enter into . . . contracts," *Lochner* v. *New York*, 198 U.S. 45, 56. States, under this philosophy, cannot act in conflict with "deeply rooted feelings of the community," *Haley* v. *Ohio*, 332 U.S. 596, 604 (separate opinion), or with "fundamental notions of fairness and justice," *id.*, 607. See also, *e.g.*, *Wolf* v. *Colorado*, 338 U.S. 25, 27 ("rights . . . basic to our free society"); *Hebert* v. *Louisiana*, 272 U.S. 312, 316 ("fundamental principles of liberty and justice"); *Adkins* v. *Children's Hospital*, 261 U.S. 525, 561 ("arbitrary restraint of . . . liberties"); *Betts* v. *Brady*, 316 U.S. 455, 462 ("denial of fundamental fairness, shocking to the universal sense of justice"); *Poe* v. *Ullman*, 367 U.S. 497, 539 (dissenting opinion) ("intolerable and unjustifiable"). Perhaps the clearest, frankest and briefest explanation of how this due process approach works is the statement in another case handed down today that this Court is to invoke the Due Process Clause to strike down state procedures or laws which it can "not tolerate." *Linkletter* v. *Walker*, *post*, p. 618, at 631.

[16] See Hand, The Bill of Rights (1958) 70: "[J]udges are seldom content merely to annul the particular solution before them; they do not, indeed they may not, say that taking all things into consideration, the legislators' solution is too strong for the judicial stomach. On the contrary they wrap up their veto in a protective veil of adjectives such as 'arbitrary,' 'normal,' 'reasonable,' 'inherent,' 'fundamental,' or 'essential,' whose office usually, though quite innocently, is to disguise what they are doing and impute to it a derivation far more impressive than their personal preferences, which are all that in fact lie behind the decision." See also *Rochin* v. *California*, 342 U.S. 165, 174 (concurring opinion). But see *Linkletter* v. *Walker*, *supra*, n. 4, at 631.

[17] This Court held in *Marbury* v. *Madison*, 1 Cranch 137, that this Court has power to invalidate laws on the ground that they exceed the constitutional power of Congress or violate some specific prohibition of the Constitution. See also *Fletcher* v. *Peck*, 6 Cranch 87. But the Constitutional Convention did on at least two occasions reject proposals which would have given the federal judiciary a part in recommending laws or in vetoing as bad or unwise the legislation passed by the Congress. Edmund Randolph of Virginia proposed that the President

". . . and a convenient number of the National Judiciary, ought to compose a council of revision with authority to examine every act of the National Legislature before it shall operate, & every act of a particular Legislature before a Negative thereon shall be final; and that the dissent of the said Council shall amount to a rejection, unless the Act of the National Legislature be again passed, or that a particular Legislature be again negatived by * * * [original wording illegible] of the members of each branch." 1 The Records of the Federal Convention of 1787 (Farrand ed. 1911) 21.

In support of a plan of this kind James Wilson of Pennsylvania argued that:

". . . It had been said that the Judges, as expositors of the Laws would have an opportunity of defending their constitutional rights. There was weight in this observation; but this power of the Judges did not go far enough. Laws may be unjust, may be unwise, may be dangerous, may be destructive; and yet not be so unconstitutional as to justify the Judges in refusing to give them effect. Let them have a share in the Revisionary power, and they will have an opportunity of taking notice of these characters of a law, and of counteracting, by the weight of their opinions the improper views of the Legislature." 2 *id.*, at 73.

Nathaniel Gorham of Massachusetts "did not see the advantages of employing the Judges in this way. As Judges they are not to be presumed to possess any pecular knowledge of the mere policy of public measures." *Ibid.*

Elbridge Gerry of Massachusetts likewise opposed the proposal for a council of revision:

". . . He relied for his part on the Representatives of the people as the guardians of their Rights & interests. it [the proposal] was making the Expositors of the Laws, the Legislators which ought never to be done." *Id.*, at 75.

And at another point:

"Mr. Gerry doubts whether the Judiciary ought to form a part of it [the proposed council of revision], as they will have a sufficient check agst. encroachments on their own department by their exposition of the laws, which involved a power of deciding on their Constitutionality. . . . It was quite foreign from the nature of ye. office to make them judges of the policy of public measures." 1 *Id.*, at 97–98.

Madison supported the proposal on the ground that "a Check [on the legislature] is necessary." *Id.*, at 108. John Dickinson of Delaware opposed it on the ground that "the Judges must interpret the Laws they ought not to be legislators." *Ibid.* The proposal for a council of revision was defeated.

The following proposal was also advanced:

"To assist the President in conducting the Public Affairs there shall be a Council of State composed of the following officers— 1. The Chief Justice of the Supreme Court, who shall from time to time recommend such alterations of and additions to the laws of the U.S. may in his opinion be necessary to the due administration of Justice, and such as may promote useful learning and inculcate sound morality throughout the Union . . . ." 2 *id.* at 342. This proposal too was rejected.

[18] In *Meyer*, in the very same sentence quoted in part by my Brethren in which he asserted that the Due Process Clause gave

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an abstract and inviolable right "to marry, establish a home and bring up children," Mr. Justice McReynolds also asserted the heretofore discredited doctrine that the Due Process Clause prevented States from interfering with "the right of the individual to contract." 262 U.S., at 399.

[19] Compare *Poe* v. *Ullman*, 367 U.S. at 543–544 (HARLAN, J., dissenting).

[20] The Court has also said that in view of the Fourteenth Amendment's major purpose of eliminating state-enforced racial discrimination, this Court will scrutinize carefully any law embodying a racial classification to make sure that it does not deny equal protection of the laws. See *McLaughlin* v. *Florida*, 379 U.S. 184.

[21] None of the other cases decided in the past 25 years which Brothers WHITE and GOLDBERG cite can justly be read as holding that judges have power to use a natural law due process formula to strike down all state laws which they think are unwise, dangerous, or irrational. *Prince* v. *Massachusetts*, 321 U.S. 158, *upheld* a state law forbidding minors from selling publications on the streets. *Kent* v. *Dulles*, 357 U.S. 116, recognized the power of Congress to restrict travel outside the country so long as it accorded persons the procedural safeguards of due process and did not violate any other specific constitutional provision. *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, held simply that a State could not, consistently with due process, refuse a lawyer a license to practice law on the basis of a finding that he was morally unfit when there was no evidence in the record, 353 U.S., at 246–247, to support such a finding. Compare *Thompson* v. *City of Louisville*, 362 U.S. 199, in which the Court relied in part on *Schware*. See also *Konigsberg* v. *State Bar*, 353 U.S. 252. And *Bolling* v. *Sharpe*, 347 U.S. 497, merely recognized what had been the understanding from the beginning of the country, an understanding shared by many of the draftsmen of the Fourteenth Amendment, that the whole Bill of Rights, including the Due Process Clause of the Fifth Amendment, was a guarantee that all persons would receive equal treatment under the law. Compare *Chambers* v. *Florida*, 309 U.S. 227, 240–241. With one exception, the other modern cases relied on by my Brethren were decided either solely under the Equal Protection Clause of the Fourteenth Amendment or under the First Amendment, made applicable to the States by the Fourteenth, some of the latter group involving the right of association which this Court has held to be a part of the rights of speech, press and assembly guaranteed by the First Amendment. As for *Aptheker* v. *Secretary of State*, 378 U.S. 500, I am compelled to say that if that decision was written or intended to bring about the abrupt and drastic reversal in the course of constitutional adjudication which is now attributed to it, the change was certainly made in a very quiet and unprovocative manner, without any attempt to justify it.

[22] Compare *Adkins* v. *Children's Hospital*, 261 U.S. 525, 568 (Holmes, J., dissenting):

"The earlier decisions upon the same words [the Due Process Clause] in the Fourteenth Amendment began within our memory and went no farther than an unpretentious assertion of the liberty to follow the ordinary callings. Later that innocuous generality was expanded into the dogma, Liberty of Contract. Contract is not specially mentioned in the text that we have to construe. It is merely an example of doing what you want to do, embodied in the word liberty. But pretty much all law consists in forbidding men to do some things that they want to do, and contract is no more exempt from law than other acts."

[23] See Patterson, The Forgotten Ninth Amendment (1955). Mr. Patterson urges that the Ninth Amendment be used to protect unspecified "natural and inalienable rights." P. 4. The Introduction by Roscoe Pound states that "there is a marked revival of natural law ideas throughout the world. Interest in the Ninth Amendment is a symptom of that revival." P. iii.

In Redlich, Are There "Certain Rights . . . Retained by the People"?, 37 N. Y. U. L. Rev. 787, Professor Redlich, in advocating reliance on the Ninth and Tenth Amendments to invalidate the Connecticut law before us, frankly states.

"But for one who feels that the marriage relationship should be beyond the reach of a state law forbidding the use of contraceptives, the birth control case poses a troublesome and challenging problem of constitutional interpretation. He may find himself saying, 'The law is unconstitutional—but why?' There are two possible paths to travel in finding the answer. One is to revert to a frankly flexible due process concept even on matters that do not involve specific constitutional prohibitions. The other is to attempt to evolve a new constitutional framework within which to meet this and similar problems which are likely to arise." *Id.*, at 798.

[24] Of course one cannot be obvious to the fact that Mr. Gallup has already published the results of a poll which he says show that 46% of the people in this country believe schools should teach about birth control. Washington Post, May 21, 1965, p. 2, col. 1. I can hardly believe, however, that Brother GOLDBERG would view 46% of the persons polled as so overwhelming a proportion that this Court may now rely on it to declare that the Connecticut law infringes "fundamental" rights, and overrule the long-standing view of the people of Connecticut expressed through their elected representatives.

[25] U.C. Const., Amend. IX, provides:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

[26] 1 Annals of Congress 439. See also II Story, Commentaries on the Constitution of the United States (5th ed. 1891): "This clause was manifestly introduced to prevent any perverse or ingenious misapplication of the well-known maxim, that an affirmation in particular cases implies a negation in all others; and, *e converso*, that a negation in particular cases implies an affirmation in all others. The maxim, rightly understood, is perfectly sound and safe; but it has often been strangely forced from its natural meaning into the support of the most dangerous political heresies." *Id.*, at 651 (footnote omitted).

[27] Justice Holmes in one of his last dissents, written in reply to Mr. Justice McReynolds' opinion for the Court in *Baldwin* v. *Missouri*, 281 U.S. 586, solemnly warned against a due process formula apparently approved by my concurring Brethren today. He said: "I have not yet adequately expressed the more than anxiety that I feel at the ever increasing scope given to the Fourteenth Amendment in cutting down what I believe to be the constitutional rights of the States. As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any reason undesirable. I cannot believe that the Amendment was intended to give us *carte blanche* to embody our economic or moral beliefs in its prohibitions. Yet I can think of no narrower reason that seems to me to justify the present and the earlier decisions to which I have referred. Of course the words 'due process of law,' if taken in their literal meaning, have no application to this case; and while it is too late to deny that they have been given a much more extended and artificial signification, still we ought to remember the great caution shown by the Constitution in limiting the power of the States, and should be slow to construe the clause in the Fourteenth Amendment as committing to the Court, with no guide but the Court's own discretion, the validity of whatever laws the States may pass." 281 U.S., at 595. See 2 Holmes-Pollock Letters (Howe ed. 1941) 267–268.

[28] *E.g.*, in *Day-Brite Lighting, Inc.*, v. *Missouri*, 342 U.S. 421, 423, this Court held that "Our recent decisions make plain that we do not sit as a superlegislature to weigh the wisdom of legislation nor to decide whether the policy which it expresses offends the public welfare."

Compare *Gardner* v. *Massachusetts*, 305 U.S. 559, which the Court today apparently overrules, which held that a challenge under the Federal Constitution to a state law forbidding the sale or furnishing of contraceptives did not raise a substantial federal question.

[29] Brother HARLAN, who has consistently stated his belief in the power of courts to strike down laws which they consider arbitrary or unreasonable, see, *e.g.*, *Poe* v. *Ullman*, 367 U.S. 497, 539–555 (dissenting opinion), did not join the Court's opinion in *Ferguson* v. *Skrupa*.

[30] Justice Holmes, dissenting in *Tyson*, said: "I think the proper course is to recognize that a state legislature can do whatever it sees fit to do unless it is restrained by some express prohibition in the Constitution of the United States or of the State, and that Courts should be careful not to extend such prohibitions beyond their obvious meaning by reading into them conceptions of public policy that the particular Court may happen to entertain." 273 U.S., at 446.

[31] Compare *Nicchia* v. *New York*, 254 U.S. 228, 231, upholding a New York dog-licensing statute on the ground that it did not "deprive dog owners of liberty without due process of law." And as I said concurring in *Rochin* v. *California*, 342 U.S. 165, 175, "I believe that faithful adherence to the specific guarantees in the Bill of Rights insures a more permanent protection of individual liberty than that which can be afforded by the nebulous standards" urged by my concurring Brethren today.

[32] *Gideon* v. *Wainwright*, 372 U.S. 335, and similar cases applying specific Bill of Rights provisions to the States do not in my view stand for the proposition that this Court can rely on its own concept of "ordered liberty" or "shocking the conscience" or natural law to decide what laws it will permit state legislatures to enact. *Gideon* in applying to state prosecutions the Sixth Amendment's guarantee of right to counsel followed *Palko* v. *Connecticut*, 302 U.S. 319, which had held that specific provisions of the Bill of Rights, rather than the Bill of Rights as a whole, would be selectively applied to the States. While expressing my own belief (not shared by Mr. Justice STEWART) that all the provisions of the Bill of Rights were made applicable to the States by the Fourteenth Amendment, in my dissent in *Adamson* v. *California*, 332 U.S. 46, 89, I also said:

"If the choice must be between the selective process of the *Palko* decision applying some of the Bill of Rights to the States, or the *Twining* rule applying none of them, I would choose the *Palko* selective process."

Gideon and similar cases merely followed the *Palko* rule, which in *Adamson* I agreed to follow if necessary to make Bill of Rights safeguards applicable to the States. See also *Pointer* v. *Texas*, 380 U.S. 400; *Malloy* v. *Hogan*, 378 U.S. 1.

[33] Hand, The Bill of Rights (1958) 70. See note 5, *supra*. See generally *id.*, at 35–45.

[34] *Id.*, at 73. While Judge Hand condemned as unjustified the invalidation of state laws under the natural law due process formula, see *id.*, at 35–45, he also expressed the view that this Court in a number of cases had gone too far in holding legislation to be in violation of specific guarantees of the Bill of Rights. Although I agree with his criticism of use of the due process formula, I do not agree with all the views he expressed about construing the specific guarantees of the Bill of Rights.

[35] The Amendments in question were, as everyone knows, originally adopted as limitations upon the power of the newly created Federal Government, not as limitations upon the powers of the individual States. But the Court has held that many of the provisions of the first eight amendments are fully embraced by the Fourteenth Amendment as limitations upon state action, and some members of the Court have held the view that the adoption of the Fourteenth Amendment made every provision of the first eight amendments fully applicable against the State. See *Adamson* v. *California*, 332 U.S. 46, 68 (dissenting opinion of Mr. Justice BLACK).

[36] U. S. Constitution, Amendment I. To be sure, the injunction contained in the Connecticut statute coincides with the doctrine of certain religious faiths. But if that were enough to invalidate a law under the provisions of the First Amendment relating to religion, then most criminal laws would be invalidated. See, *e. g.*, the Ten Commandments. The Bible, Exodus 20:2–17 (King James).

[37] U. S. Constitution, Amendment I. If all the appellants had done was to advise people that they thought the use of contraceptives was desirable, or even to counsel their use, the appellants would, of course, have a substantial First Amendment claim. But their activities went far beyond mere advocacy. They prescribed specific contraceptive devices and furnished patients with the prescribed contraceptive materials.

[38] U. S. Constitution, Amendment III.

[39] U. S. Constitution, Amendment IV.

[40] U. S. Constitution, Amendment V.

[41] Cases like *Shelton* v. *Tucker*, 364 U. S. 479 and *Bates* v. *Little Rock*, 361 U. S. 516, relied upon in the concurring opinions today, dealt with true First Amendment rights of association and are wholly inapposite here. See also, *e. g.*, *NAACP* v. *Alabama*, 357 U. S. 449; *Edwards* v. *South Carolina*, 372 U. S. 229. Our decision in *McLaughlin* v. *Florida*, 379 U. S. 184, is equally far afield. That case held invalid under the Equal Protection Clause, a state criminal law which discriminated against Negroes.

The Court does not say how far the new constitutional right of privacy announced today extends. See, *e. g.*, Mueller, Legal Regulation of Sexual Conduct, at 127; Ploscowe, Sex and the Law, at 189. I suppose, however, that even after today a State can constitutionally still punish at least some offenses which are not committed in public.

[42] See *Reynolds* v. *Sims*, 377 U. S. 533, 562. The Connecticut House of Representatives recently passed a bill (House Bill No. 2462) repealing the birth control law. The State Senate has apparently not yet acted on the measure, and today is relieved of that responsibility by the Court. New Haven Journal-Courier, Wed., May 19, 1965, p. 1, col. 4, and p. 13, col. 7.

Mr. BAYH. I do recall reading the case, and I have read it extensively. The Court stresses importance of privacy and freedom to all individuals. We are talking about due process, we are talking about equal protection, and we are talking about first amendment freedoms.

Now on a more general level, it would take a pretty brave soul to be willing to stand up and say, "Senator CRANSTON, Senator BAYH, et cetera, et cetera," if they are surrounded by government agents taking pictures, or if they know someone is following them in and out of the shopping center and this type of thing.

It is pretty hard for the Senator from California or me to envision how others might feel about free speech because he and I say pretty much what we wish to say and let the sticks, stones, and brickbats fall where they may.

The Supreme Court has said that the average citizen shall have his right to free speech unhampered and unharassed by government activity. Harassment, continually putting an individual under surveillance, is a violation of the right to privacy. There is sort of an umbrella of protection for those rights.

Mr. CRANSTON. I would appreciate it if the Senator, in addition to placing in the RECORD the material to which he referred, at a future time would develop for me the significance of the Griswold case and the significance or lack of significance of it with respect to Mr. Rehnquist's statements and views. That would be of great benefit to those of us who are considering the matter, as well as the entire matter of the right of privacy which is involved here.

Mr. BAYH. Let me point out that Mr. Rehnquist declined to comment specifically on Griswold, when I inquired of him.

Mr. CRANSTON. His lack of argument in favor of such a case may be of some significance here.

Mr. BAYH. He did not comment on the Griswold case. Let me make clear that he declined to comment on the doctrine of that case.

Mr. CRANSTON. Is it possible that a nominee of his intellectual capacity and scholarly background is not aware of the Griswold decision?

Mr. BAYH. I doubt that very much. And if his memory ever did slip him, you may be sure that the Senator from Indiana would remind him. It is just that philosophically the Senator believes that the nominee is not fully cognizant of this, as well as the importance of several other rights.

Mr. CRANSTON. On another matter that I noted in looking at the committee report, and a matter I am not entirely clear on, Mr. Rehnquist's proponents in the committee report cite that his vote in favor of the Model State Antidiscrimination Act as significant in terms of his news on human rights. I would like to inquire is to what significance the Senator from Indiana places upon it, and how he interprets it.

Mr. BAYH. I appreciate the Senator asking that question because this is an important point. When I asked some of the supporters of the nominee to come forward with evidence that the nominee did in fact have the kind of sensitivity in human rights and civil rights they said he did, this was the only thing that has been forthcoming. I think it is a very thin reed on which to base one's commitments to human rights.

In the hearings I asked the nominee for evidence of activity and interest he previously expressed that showed a commitment to equal rights or civil rights. The nominee apparently did not feel his participation in this uniform commission was of such importance to cause him to mention it. It was not until it was brought to light—in fact, it was in the discussion of the Committee on the Judiciary at the time we voted on the nominee—that suddenly one of the proponents said the fact that he finally voted for this is evidence of the fact he believes now in a major commitment to human rights.

The record will show that Mr. Rehnquist represented the State of Arizona on the Uniform Commission. Before the commission was a Model Antidiscrimination Act. The transcript of the record shows that on one occasion Mr. Rehnquist sought to strike from the Model Act the provision which would make it unlawful to participate in blockbusting, that insidious tactic followed by a few unscrupulous realtors to make a fast buck.

I have cited several times for the RECORD that members of the commission felt that Mr. Rehnquist's argument was that not only a policy matter, but also a constitutional law matter, was involved in this provision. That is example No. 1.

Example No. 2 was the fact that Mr. Rehnquist also tried to strike from the provisions of the Model Act a section that would permit employers voluntarily—not mandatorily but voluntarily—to compensate in future hiring practices for discrimination that had gone on in previous hiring practices to try to sustain some balance in the work force. This is sort of a Philadelphia plan in the embryo stage, and Mr. Rehnquist, although he states he was an advocate of the Philadelphia plan, when this plan was before the Commissioners he tried to wipe out that provision. He was defeated on both of those occasions.

Point three is that he succeeded in leading an effort that made the Antidiscrimination Act a model act instead of a uniform act. The distinction between a uniform act and a model act, I think is relevant. A uniform act binds each Commissioner to go forth to his own State legislature at home and try to get the uniform act enacted. A model act is one proposed where there is little chance of a substantial number of the States enacting such provision. So here on two occasions did he not only try to strike the provision but he also tried to make it into a model act.

In the final analysis he did, along with all other Commissioners, except the Commissioners of Mississippi and Alabama, vote for the act. But that is hardly the kind of major commitment to human rights or even tacit commitment to human rights that would be expected. It is like the fellow who does everything he can to derail the train and then when he sees he is going to be defeated he rushes to jump on the back platform before the train gets out of the station.

Mr. CRANSTON. As I understand it, the action of Mr. Rehnquist in voting for that model act was not significant in the way the committee report would indicate it was, first, because before he finally cast a vote for it, he tried his best to get the act transformed from a more sweeping measure as a uniform law into a model law.

Second, he did not place significance on it because he apparently did not even remember it when he was testifying and citing his record in the field.

Third, I would like to point out to the Senator that the President stated, be-

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fore making the two nominations, one of which has been disposed of and one of which is still pending, that he proposed to nominate men to the Supreme Court who reflected his own philosophy, and he said that was a conservative philosophy.

Given what the Senator from Indiana has said, the facts now appear to be that Mr. Rehnquist does not even reflect the President's philosophy in this specific matter. In fact, Mr. Rehnquist's philosophy represents a more conservative, radical, extreme view, because the equal employment opportunities procedures mandated by President Nixon in a Federal Employment Executive order promulgated in 1969 required affirmative action to redress past discrimination in hiring whereas what Mr. Rehnquist actually opposed having done at the local level was to permit individual private employers, if they wished, to adopt such equal employment plans.

Mr. BAYH. And the President has also said he was against blockbusting.

Mr. CRANSTON. Yes. So here we have a nominee who is more extreme by far than Mr. Nixon in his attitudes on this matter.

Mr. BAYH. I appreciate the fact that the Senator from California brought that up, because I think to submit that a Supreme Court nominee is a great humanitarian, or meets even the minimum standards of human sensitivity that a Supreme Court judge should have, when he has a rather bad record as a commissioner of uniform laws, is to base the case, as I said a moment ago on a rather shaky reed.

Mr. EASTLAND. Mr. President, I have received a letter from the nominee about something which has been mentioned in the debate—the memorandum which he wrote to Mr. Justice Jackson. I did not think that he needed to write this letter because the memorandum was certainly what was the law at that time, which was in 1952. I judge that he wrote this letter to be perfectly fair with the Senate. The letter is addressed to me:

DEAR MR. CHAIRMAN: A memorandum in the files of Justice Robert H. Jackson bearing my initials has become the subject of discussion in the Senate debate on my confirmation, and I therefore take the liberty of sending you my recollection of the facts in connection with it. As best I can reconstruct the circumstances after some nineteen years, the memorandum was prepared by me at Justice Jackson's request; it was intended as a rough draft of a statement of *his* views at the conference of the Justices, rather than as a statement of my views.

At some time during the October Term, 1952, when the School Desegregation Cases were pending before the Supreme Court, I recall Justice Jackson asking me to assist him in developing arguments which he might use in conference when cases were discussed. He expressed concern that the conference should have the benefit of all of the arguments in support of the constitutionality of the "separate but equal" doctrine, as well as those against its constitutionality. In carrying out this assignment, I recall assembling historical material and submitting it to the Justice, and I recall considerable oral discussion with him as to what type of presentation he would make when the cases came before the Court conference.

The particular memorandum in question differs sharply from the normal sort of clerk's memorandum that was submitted to Justice Jackson during my tenure as a clerk. Justice Jackson expected case submissions from his clerks to analyze with some precision the issues presented by a case, the applicable authorities, and the conflicting arguments in favor either of granting or denying *certiorari*, or of affirming or reversing the judgments below. While he did expect his clerks to make recommendations based on their memoranda as to whether *certiorari* should be granted or denied, he very definitely did not either expect or welcome the incorporation by a clerk of his own philosophical view of how a case should be decided.

In other words, right there, Justice Jackson gave assignments to his clerk, and this was an assignment which he gave to Mr. Rehnquist, the nominee.

I read further:

The memorandum entitled "Random Thoughts on the Segregation Cases" is consistent with virtually none of these criteria. It is extremely informal in style, loosely organized, largely philosophical in nature, and virtually devoid of any careful analysis of the legal issues raised in these cases. The type of argument made is historical, rather than legal. Most important, the tone of the memorandum is not that of a subordinate submitting his own recommendations to his superior (which was the tone used by me, and I believe by the Justice's other clerks, in their submissions), but instead quite imperious—the tone of one equal exhorting other equals.

Because of these facts, I am satisfied that the memorandum was not designed to be a statement of *my* views on these cases. Justice Jackson not only would not have welcomed such a submission in this form, but he would have quite emphatically rejected it and, I believe, admonished the clerk who had submitted it. I am fortified in this conclusion because the bald, simplistic conclusion that "*Plessy* v. *Ferguson* was right and should be re-affirmed" is not an accurate statement of my own views at the time.

I believe that the memorandum was prepared by me as a statement of Justice Jackson's tentative views for his own use at conference. The informal nature of the memorandum and its lack of any introductory language make me think that it was prepared very shortly after one of our oral discussions of the subject. It is absolutely inconceivable to me that I would have prepared such a document without previous oral discussion with him and specific instructions to do so.

In closing, I would like to point out that during the hearings on my confirmation, I mentioned the Supreme Court's decision in *Brown* v. *Board of Education* in the context of an answer to a question concerning the binding effect of precedent. I was not asked my views on the substantive issues in the *Brown* case. In view of some of the recent Senate floor debate, I wish to state unequivocally that I fully support the legal reasoning and the rightness from the standpoint of fundamental fairness of the *Brown* decision.

Yours very truly,

WILLIAM H. REHNQUIST,
Assistant Attorney General,
Office of Legal Counsel.

Mr. BAYH subsequently said: I read a recent letter from Mr. Rehnquist received by our distinguished chairman of the Committee on the Judiciary, and since it has been introduced into the RECORD, I will not ask that it be introduced. But I would hope that each Member of this Senate will read that letter and then judge the veracity of it for himself, so that each Senator may do so in proper perspective.

Mr. President, I ask unanimous consent that immediately following the letter from the nominee, the memorandum from the nominee to Justice Jackson be printed in the RECORD.

Thus, each of us will have the opportunity to look at the wording of the memorandum and of the letter which attempts to explain it.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A RANDOM THOUGHT ON THE SEGREGATION CASES

One-hundred fifty years ago this Court held that it was the ultimate judge of the restrictions which the Constitution imposed on the various branches of the national and state government. *Marbury* v. *Madison*, other than the personal predilections of the Justices.

As applied to questions of inter-state or state-federal relations, as well as to inter-departmental disputes within the federal government, this doctrine of judicial review has worked well. Where theoretically co-ordinate bodies of government are disputing, the Court is well suited to its role as arbiter. This is because these problems involve much less emotionally charged subject matter than do those discussed below. In effect, they determine the skeletal relations of the governments to each other without influencing the substantive business of those governments.

As applied to relations between the individual and the state, the system has worked much less well. The Constitution, of course, deals with individual rights, particularly in the First Ten and the Fourteenth Amendments. But as I read the history of this Court, it has seldom been out of hot water when attempting to interpret these individual rights. *Fletcher* v. *Peck*, in 1810, represented an attempt by Chief Justice Marshall to extend the protection of the contract clause to infant business. *Scott* v. *Sanford* was the result of Taney's effort to protect slaveholders from legislative interference.

After the Civil War, business interest came to dominate the Court, and they in turn ventured into the deep water of protecting certain types of individuals against legislative interference. Championed first by Field, then by Peckham and Brewer, the high water mark of the trend in protecting corporations against legislative influence was probably *Lochner* v. *N.Y.* To the majority opinion in that case, Holmes replied that the Fourteenth Amendment did not enact Herbert Spencer's Social Statics. Other cases coming later in a similar vein were *Adkins* v. *Children's Hospital*, *Hammer* v. *Dagenhart*, *Tyson* v. *Banton*, *Ribnik* v. *McBride*. But eventually the Court called a halt to this reading of its own economic views into the Constitution. Apparently it recognized that where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases.

In these cases now before the Court, the Court is, as Davis suggested, being asked to read its own sociological views into the Constitution. Urging a view palpably at variance with precedent and probably with legislative history, appellants seek to convince the Court of the moral wrongness of the treatment they are receiving. I would suggest that this is a question the Court need never reach; for regardless of the Justice's individual views on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction. If this Court, because its members individually are "liberal" and dislike segregation, now chooses to strike it down, it differs from the McReynolds court only in the kinds of litigants it favors and the kinds of special claims it protects. To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are.

One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's Social Statics, it just as surely did not enact Myrdahl's American Dilemma.

Mr. EASTLAND. Mr. President, I have noticed that the Senators who have read from this memorandum did not know where it came from, and did not realize the facts that were behind it.

Of course, a clerk is not going to give the judge that he works for his own views on a subject. In this instance, he was simply given an assignment, and he fulfilled that assignment, which he was bound to do. It was just like the administrative assistant of a Senator. They do not come in unsolicited, at least mine do not, and try to influence me. But I do give them assignments and expect them to fulfill those assignments.

Mr. Rehnquist is being mistreated here, and being badly mistreated, because there was no attempt to get the facts, but just to read a bald statement that appeared in Justice Jackson's papers, when, after all, this was an assignment which the judge had instructed Mr. Rehnquist to perform.

Mr. SCOTT. Mr. President, will the distinguished chairman of the committee yield, without losing his right to the floor?

Mr. EASTLAND. I yield.

Mr. SCOTT. I would like it to be noted that this letter is in accordance with what I said publicly yesterday, and I would like to repeat those comments now.

First of all, I agree that it is customary for Senators as well as Justices to ask their staffs to prepare points of view on one side or another of a case. We have often had the experience that we ask our staffs to prepare separate memorandums on each side, and then we make up our own minds. It is perfectly clear that this is what was done here, and I am informed reliably that Mr. Justice Jackson had already informed himself on one side of the issue in discussions with the other members of his staff, but that he wished some additional commentary and light on the opposing point of view, namely, the point of view of stare decisis: Shall we stand by the decisions? As law clerks have done from time immemorial——

Mr. EASTLAND. After all, is that not what that statement was? That statement to Justice Jackson was just simply a reiteration of what the law was at that time.

Mr. SCOTT. That is what he was doing, as law clerks have done from time immemorial.

Mr. EASTLAND. And the doctrine of stare decisis certainly applied.

Mr. SCOTT. At that point the doctrine of stare decisis clearly applied, and law clerks, I suspect, as far back as Coke and Blackstone were supplying memorandums on one side or the other to their principals.

I happen to be one who strongly disagreed with Plessy against Ferguson when I read it as a lawyer. But it was the law of the land for 75 years. The Court was in the process of reviewing and considering whether to arrive at new directions. A law clerk is asked to survey the status of the law: What is the law where we are now, what does it say? And he did that.

I was concerned about something else, and I mentioned this publicly yesterday:

Some of the press said to me:

Oh, yes, Mr. Rehnquist says that Brown against Board of Education is the law of the land. But is he for it?

I said:

I have talked to him. He said he expected it to continue to be the law of the land, that it was a humane decision, and he says it is his judgment that it was good law.

Immediately my friends from the press leapt on me almost as one man, and said:

Oh, yea, but does he really believe it is good law? Now he says so.

Senator after Senator has stood up here and testified to the integrity of this man. The Senators who criticize him support his integrity and his reputation for truthfulness. He says it is good law, it is a good case, he believes in it. And then someone asks me:

Oh, yes, but does he think it is morally right?

Well, we fought that issue out for over a year 20 years ago, and if necessary, I will ask him whether it is morally right or not. But he says it is fair; he says it is forthright; he says in his letter he fully supports the legal reasoning and the rightness from the standpoint of fundamental fairness of the Brown decision. I do not see how you can go any farther than that.

It seems to me that this knocks into a cocked hat all of this skillfully constructed house of cards—this lonely effort, largely by a very few people, to create a condition which does not exist, to create in the minds of the Senate and the public the fact that there is something in the record which, if they could only get it out, would be detrimental.

Here is the answer. He was a law clerk. The Senators who criticize him would fire members of their own staffs if they told them how to vote. This law clerk said he would not dare tell the Justice how to vote, and he wrote this as a memorandum, so far as his recollection certifies, to be used by equals among equals. As a matter of fact, as we all know, Mr. Justice Jackson voted in the unanimous opinion of the court in Brown against Board of Education.

Mr. EASTLAND. That was 2 years later.

Mr. SCOTT. It was 2 years later. But it seems to me that we are going through a charade here. We are going through a charade where those who are devoid of a case are using time as a substitute for logic. They are using the days of the week as an alternative to reason. They are using the clock in lieu of conceding the right to other Senators to proceed with the business of the Nation.

We can be through; we can be out of here Saturday. There is now pending an agreement which is not for me to state, but we are very close to an agreement whereby the other body and the Senate can agree on everything pending before us which we undertook to take up this year. We can agree on it and be out of here Friday or Saturday.

But, here or there, a lone objector stands up and says:

You can't go home until I can continue my fruitless search. You can't leave this Chamber until my bootless effort to find some reason for my arguments somehow succeeds because somewhere, somehow, some other newspaper or magazine is going to come up with another flash bulletin and it will take two or three days to demolish it.

This is only an effort to gain time. It is unfortunate, and there is a way to stop it. The way to stop it is by cloture. The way to stop it is to file a cloture motion, and I feel like filing that cloture motion. It will be filed—a motion to get out of here by Saturday—because we have finished our business, if we can vote on this nomination.

I cannot believe that one, two, or three Senators really want to keep the rest of the Senators here until Christmas. If they do, let them bear the onus. There is onus enough to go around, and I will bring in a large package of onus each day and distribute it generally and apply it where it will do the most good, I hope. If they are going to keep Senators here until Christmas, all right; I will join in that; and if necessary I will file a cloture motion every day from now to the end of the session. I do not believe it will be necessary. I think Senators want to finish their business. I think they want to proceed responsibly. I do not think they want to lead the rest of their colleagues into an unwilling residence in a Chamber in which we have become far too much accustomed to the company of each other, for the good of the Nation or for our own good.

So let us see what happens. A cloture motion will be filed. It may be this afternoon; it may be tomorrow morning. Senators will have a chance to vote on Friday; on Saturday; on Monday, if necessary, and Tuesday, Wednesday, Thursday, Friday, and Saturday. I can call the days of the week too; I can count, too, and I can read time, too.

I know what is going on around here. Let us find out. There is no cause for

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extended further debate here. Every issue has been raised except the latest flash excitements; and as these excitements arise, they can be put out—these brush fires—one by one. We will not run out of water to extinguish the brush fires that have no reason to be ignited in the first place. But we can do better than that. We can be responsible. We can be responsible and vote for cloture. We can say to those who have nothing to say in this cause, and we can say to those who having nothing to add to this cause, and we can say to those who have nothing to contribute to this cause, except their suspicion that they do not like what the nominee will do on the bench, let the Senate exercise its constitutional duty and vote on the President's nominee.

I probably will not like some things this nominee or that nominee or the other may do on the Bench. I never wholly agreed with a Supreme Court Justice yet. That is not proof that they are wrong and I am right.

As the Romans said, "Carpe diem." We will seize this day. We will seize it by cloture.

But wait until the day when another President comes in with another Supreme Court Justice nominee, with a different philosophy, and then the argument will be made, if we are so unwise as to make it a precedent:

No, we don't agree with his opinions. We 'don't know what they will be. He has changed them in 20 years.

I know Members of the other body—two from a single State, for example—who have changed their views on busings in 1 year. By golly, if Representatives and Senators can change their views in a year—and I know some Senators, including myself, who have changed them in 5 minutes when we have found evidence to support it—why cannot he change his views in 20 years?

They say they believe him. But they are afraid he will not agree with them on the Bench. That is the most murderous, antilibertarian theory I have ever heard. I am a Jeffersonian. The room I occupy here was first occupied by Thomas Jefferson, and I believe in his point of view—the freedom of the mind to explore, to generate ideas, to change, to question, to look, and to look with wonder, on the changes of the world, and to meet them as the need comes.

This man can be a good judge. In my opinion, he will be. He certainly can help to mold the interpretation of the law. But what law is there that says that a man must agree with the Senate?

As the Senator from Wisconsin said this morning, if we are going to reject nominees because of disagreement with their views:

We will have a court of political weathervanes. We do not need another U.S. Senate interpreting the law.

In terms of changing one's mind, I think we have had some illustrations of that, illustrations which the critics of this nominee have cited with great approval and approbation. The President of the United States, for years, was one of the leaders in opposition to U.S. relations with Communist China. He changed his mind and said:

I will go out there and meet with Mao Tse-tung.

The very people who denominated themselves as liberals cheered to the heavens and said:

How wonderful! This is great! He has changed his mind. How noble it is, how good it is, how refreshing it is that a man has changed his mind!

Well, I say that those who criticize this nominee are not going to change any minds, except against them. I said yesterday that I understand there are some Senators who were going to vote against the nominee but are now going to vote for him because they do not like these tactics and they do not like this delay and they think it is unwarranted.

It is within the privilege of the Senators; we know that. But there is a time when the exercise of one person's privilege impinges on the privileges of all, and there is a time when the individual's commitment to his singular point of view operates with singular unfairness toward the collective point of view of the body in which he serves. We all have enough selfishness to be tempted to do just this. The reason the Senate functions is that most of us withhold most of the time what we privately think of each other when these occurrences develop.

So let it be understood that if there are to be brush fires, they will be fought with something more than brush fires; they will be fought with the rules of the Senate.

Having made perfectly clear my commitment to Brown against Board of Education, my commitment to civil rights and to civil liberties, I hope this nominee will share my point of view. I would welcome him. I would do my best, if I were before the bench, to persuade him that that is right. He says to me and to all of us, in this letter, that that is right. I welcome him to the company of those who wear the white hats, and I would hope for other white-hat decisions accordingly. But whether he decides one way or another, if he decides according to his conscience, in strict obligation as a sworn upholder of the law, and if he acts with fairness and with integrity, he is entitled to be on that bench.

Here I have to disagree with people with whom I have agreed over and over many times. I believe that you cannot try a man for what you think he thinks or what you suspect he may say. That is antiliberalism.

I thank the distinguished Senator from Mississippi.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. HRUSKA. Mr. President, this memorandum of 1952, written by Mr. Rehnquist for Mr. Justice Jackson under the circumstances discussed in the letter just alluded to, should be considered in light of the context of the time. At that moment four cases were pending in the Supreme Court from lower courts, one of which was the Brown case. In three cases there was absolute reliance upon a case that had been decided in 1896. That was 56 years prior to the time the memorandum was drawn. In one of the pending matters, the Delaware case, there was a partial disavowal of Plessy against Ferguson, but in the other three cases the opinions below said that "We rely on Plessy against Ferguson and the petitions of the plaintiffs are denied"—an application for an injunction in each instance. Against that background, Justice Jackson said,

I want all the arguments for sustaining the logic and constitutionality of Plessy vs. Ferguson and the proposition of law which it contains.

So Mr. Rehnquist, being a law clerk, subject to that kind of order and mandate, complied with the request of the Justice.

Writing memoranda or briefs or opinions for the use of others is not a new position for a nominee to the Supreme Court to find himself in where he acts in a representative capacity.

An attempt was made some time ago to say that this is the first time the relationship of attorney-client or related forms of privilege has been relied on by a nominee for the Supreme Court.

That is not so.

In 1967, during the hearings on Thurgood Marshall there was brought out the fact that Thurgood Marshall had drawn up the brief in one of the Miranda cases—there were four in that series of cases—the Westover case. At the hearing that nominee refused to answer any questions about the brief or of the substance which it contained.

At a later time, attention was called to a speech he made at the Texas University School of Law, to the students there, in which he discussed this case. He was asked why the case—in discussing this at the Texas University Law School with the students there—was different from the position he took in the hearings. He said he was not privileged to discuss the case before the committee because, as he put it:

Judge MARSHALL. Well, the answer to Senator Kennedy is that once the President announced the nomination, I have not made any statements to anybody about anything.

That was his attitude during the course of the hearings. However, the Senator from Massachusetts (Mr. KENNEDY) was there as a member of the committee, and he said this to Mr. Marshall at the time when he was asked about the Texas Law School lecture:

Senator KENNEDY. Actually, Mr. Solicitor General, there would have been nothing improper for you to express an opinion down in Texas Law School, because you were not nominated to the Supreme Court at that time.

Judge MARSHALL. That was the position I took.

Senator KENNEDY. So, actually, now having received the nomination, then I assume that you have a different responsibility as far as commenting on these matters.

And then ensued some further dialog. Senator KENNEDY at a later point said:

Senator KENNEDY. But the point that I am driving at is that you have, as a nominee, a different responsibility, as I understand it, as to commenting on questions that might come up before the Court——

At another juncture in the hearings, the Senator from Massachusetts said this:

I am submitting for the record briefs filed by Solicitor General Marshall in the Court criminal cases which were heard by the Supreme Court during the past two terms.

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In putting this material into the record, I think we ought to offer it for the permanent committee files, I emphasize that these were briefs filed by Judge Marshall in his role as an Advocate. I respect the point which you made yesterday, that he is perfectly willing that this committee examine and consider all the statements of record and it reflects his briefs as filed and opinions as written, but does not believe in his present status as a nominee that he should express any opinion concerning specific issues which are likely to come before him in the future as a Justice.

On this point, the Senator from Michigan (Mr. HART) also said:

The dilemma is that as a lawyer, we are free to make an expression of whether a court opinion is good or bad. We may or may not have read the briefs and records, but that does not inhibit us. As a judge, you speak only after reading the briefs and records and listening to the argument, and that is all you say. You put it in writing, period.

Now, as a lawyer nominated to the Court, you are hung with this dilemma. You do not want to box yourself in by a statement here, because after you read the briefs and records and arguments, you may find that your intellectual training suggests that you might have been wrong here, that there is additional illumination developed as a result of the argument. Yet, you would be hung on exactly what you are saying, having told us that your impression as a lawyer is such and such about a case. If as a judge later you discover that if you had known now what you knew then, your answer would have been different, you are inhibited from reaching a right judgment as a judge because you are afraid somebody in this committee will confront you with your previous statement.

That is the dilemma I am afraid we are facing here.

So, Mr. President, we have a situation that is not new at all. Always we on the committee have heard nominees decline to answer for a variety of reasons. This instance is no different.

There are always in these cases the matter of a nominee being called upon to forego and forswear loyalties that he has previously held and placing in their stead loyalty to the Supreme Court and the duties devolving on Associate Justices, which will also devolve upon Mr. Rehnquist by his nomination and confirmation.

That occurred with Justice Goldberg, with Justice Marshall—with everyone. That is the case here.

Let me read into the RECORD an excerpt from a letter dated November 18, 1971, to the Chairman of the Judiciary Committee, the distinguished Senator from Mississippi (Mr. EASTLAND), written by Benno C. Schmidt, Jr. I ask unanimous consent that the entire letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the excerpt I wish to read is as follows:

I do not doubt that Mr. Rehnquist's positions on matters before the Supreme Court will be opposed, often diametrically, to my understanding of the mandates of our Constitution. One who reveres the person and performance of Chief Justice Warren, as I do, cannot but look forward to Mr. Rehnquist's likely decisions with some misgivings. But protecting the independence of the Supreme Court by subjecting nominees to an outcome determining test is self-defeating. Ultimately, those who believe in the essential role of the Supreme Court as an active and principled protector of individual liberties trust rest their faith on process, not on outcome. Candor, force of logic, attention to pertinent detail, openmindedness in approaching the discrete and varied problems which come before the Court—these are the conditions of independence and purpose in our judicial institutions. They are attributes which I believe Mr. Rehnquist possesses in abundance.

Mr. President, again we come to the proposition: Where does he stand in regard to the attributes that really count in considering a person for the position of Associate Justice of the Supreme Court? A few comments on that point may be in order considering some of the unfounded charges that have been made during this debate.

Now, Mr. President, those who oppose Mr. Rehnquist's appointment to the Supreme Court do so, because of his alleged lack of sensitivity to civil rights and individual liberties. When all the embellishments are removed, this is what it amounts to. On all other aspects of his record of achievement he is unassailable, of course, and his opponents recognize this. They believe, however, that in civil rights they have found Mr. Rehnquist's Achilles heel, the one area in which they feel he is vulnerable.

I have said before that this is nonsense, Mr. President, a conclusion borne out by the majority section of the report by which Mr. Rehnquist's nomination was presented to the full Senate. As the floor debate continues, however, it is clear to me that further comments by this Senator are necessary to balance the record. I do this not out of fear that Mr. Rehnquist's confirmation will be defeated. On the contrary, I have full confidence in the ability of my colleagues to separate the wheat from the chaff. Rather, I would like the record to be plain as to the real Mr. Rehnquist, the man the Senate will shortly place on the Supreme Court.

Mr. President, the man who has been described by a principal detractor as one who "has persistently been hostile to efforts by court or legislature to use law to correct the racial injustices of the past two centuries" is not the candidate before us for consideration. That description fits only the straw man who has been set up by the opponents of this nomination. Having set the straw man up as a person "of persistent indifference to the evils of discrimination" with a record that "reveals a dangerous hostility to the great principles of individual freedom under the Bill of Rights," these opponents now propose to knock such a man down. Such a description would no doubt alarm any thinking person, were it true. Fortunately, it is not. I will now proceed to discuss why Mr. Rehnquist is not such a man.

Let us examine the negative aspects first, Mr. President. What objective evidence exists to support the claim that Mr. Rehnquist is, at the least, insensitive to civil rights of minority groups and, at the worst, opposed to the granting of these rights.

Three events have been relied upon by those who are resisting confirmation: Mr. Rehnquist's opposition to a Phoenix public accommodations ordinance in 1964, his concern about two provisions in a 1966 Model State Antidiscrimination Act, and a 1967 letter to the Arizona Republic in support of the neighborhood school concept.

I believe anyone reading the discussion of these three incidents in both the majority and minority portions of the committee report on Mr. Rehnquist, plus those portions of the hearing record which relate to them, could only come to the conclusion that they do not represent a persistent hostility or indifference to civil rights issues. To ascribe such a pattern to these three events is to create a fiction which is both inaccurate and unjust. It eliminates every other reasonable hypothesis for Mr. Rehnquist's actions on these occasions.

These instances have now been joined by a fourth, in the form of a memorandum written by Mr. Rehnquist to Mr. Justice Jackson while serving as the Justice's law clerk in 1952. This memorandum expressed the view that Plessy against Ferguson was right and should be sustained as the law of the land. Plessy was, of course, overturned in 1954 when the Supreme Court decided Brown against Board of Education.

Mr. Rehnquist has since responded in a letter to the chairman of the Judiciary Committee, which is now a matter of record. It is obvious that Mr. Rehnquist's response, which affirms that the memo was done at Justice Jackson's request to discuss a particular point of view which was not the nominee's, completely eliminates this document as a basis on which to base objections to Mr. Rehnquist's position on civil rights. On the contrary, special note should be made of the nominee's strong support of the decision in Brown against Board of Education and, in his words, "the legal reasoning and the rightness from the standpoint of fundamental fairness."

Examined objectively, these points do not in fact by themselves support the conclusion that Mr. Rehnquist is unsympathetic or insensitive to civil rights. But there is another and more serious aspect to this criticism of the nominee. It is alleged that the unrelated events on which Mr. Rehnquist's opponents rely are, in their words, "unrelieved by actions showing an affirmative commitment to racial justice." It is here, Mr. President, that they overextend themselves factually and tactically.

By this statement they have revealed their true objections to the nominee. They would like Mr. Rehnquist to be a civil rights activist, one who will use the Constitution and the law to correct

improper practices. I emphasize the word "use," Mr. President, because it has been employed on several occasions by those who would not see the candidate confirmed. This is the real test being applied to the nominee. He has not done enough to advance the cause of civil rights.

I urge my colleagues to consider the impracticability and even danger involved in such a standard. A nominee must now come forward and demonstrate his deeds in a particular area of interest to show he is worthy to sit on the Highest Court. He must place his activities on a ledger sheet, to be checked off against those deeds which a select group of people believe he should perform. Who then adds up the totals? How many acts of good faith are enough? What about other areas? May unions now come forward and ask the nominee to show what he has done for labor? May farmers ask to see his accomplishments in their field? And so on, ad infinitum.

Certainly civil rights is a vital matter, and certainly there is something there for all of us. But we are talking about a man who is to sit on a court of law, not one of equity. Everyone is entitled to know whether a candidate is antagonistic to issues that will be brought before him. But I believe this cannot and should not be done by requiring an affirmative showing in certain areas.

This brings me to the nominee himself. It is time to discuss the true man, the living William Rehnquist—not some caricature created by those who see patterns where they do not exist, who choose to apply great significance to certain words and deeds while totally ignoring others.

We are talking about a man who was described by Walter Craig, distinguished jurist and former ABA president, as having "a humanity about him and a human warmth that would make him, if anything, more sensitive to the needs of the people—and the necessity—of improving their life and their society." A man about whom Prof. Benno Schmidt of Columbia Law School, a former clerk to Chief Justice Warren and a former coworker with Mr. Rehnquist, said:

> In our work together, he was open to reasoned persuasion, tolerant and respectful of my quite different constitutional and political outlook, and ever willing to examine his position in the light of the fullest possible analysis of facts and legal principle.

This is a man who chose to move into an integrated neighborhood in Phoenix and to send his children to an integrated school. It is a practice which he still follows. In the words of a former principal of his children, he wanted "his children to have experience and associations with children from minority groups, as well as with the different socioeconomic groups." He and his children had this opportunity many times in school and neighborhood undertakings. And as a neighbor has stated:

> Working with us was always a cross-section of parents from mixed ethnic, racial, and economic backgrounds. In all of these contacts, never have I heard or seen Mr. Rehnquist act in a negative way towards a person or show preference because of his race, background, or economic disadvantage.

Mr. President, the Senate is considering a nominee who wrote the opinion for the Justice Department upholding the Philadelphia plan, an arrangement to secure greater employment of minority workers. A man who, only last year, rendered the opinion providing the legal basis for the present requirement in regulations of the Law Enforcement Assistance Administration that States provide a nondiscrimination pledge before receiving LEAA grants. This opinion was rendered even though the relevant statute is silent on this point.

This is a man who went out of his way to help two black messengers in his office by upgrading their positions from GS–1 to GS–2 in one case and GS–3 in the other. Both of these men had been GS–1 at the Department of Justice for over 20 years. He has also gone out of his way to hire women lawyers for the Office of Legal Counsel, which now has 4 out of 17 attorneys who are female.

Mr. President, the Senator from Indiana has said on this floor that "the issues involved in this nomination are subtle." He has pointed out that there is no headline making controversy. In this we completely agree. Until his nomination, William Rehnquist was not a national figure. He is not a headline maker. He has been a practicing lawyer, and now a public servant. Indeed, he has not openly and publicly demonstrated an affirmative commitment to civil rights—he has merely lived this way. This type of fair, balanced approach to life does not get headlines. All it does is make believers out of those who know such a person.

In my individual views on this nomination I pointed out that those who know Mr. Rehnquist best have the best things to say about him. I cannot overemphasize this point. Certainly we have to look at the cold record, at past events, and at written statements—even those rendered as an advocate. But all these things must be viewed with the perspective that comes from knowing what kind of man William Rehnquist really is. Those who know him best can tell us the most about this, and they have—including those like Jarril F. Kaplan of the Arizona Bar, or Congressman PAUL MCCLOSKEY, whose political views differ widely from those of the nominee.

Mr. President, I take strong exception to the idea voiced by Mr. Rehnquist's opponents that "if you're not for me you're against me." It is a gross oversimplification to say that if you do not actively and publicly support civil rights issues you oppose them. Every day in this Chamber Senators who vote their consciences oppose bills that have been proposed to accomplish high purposes or cure substantial ills. They oppose them for a number of reasons, but never because of the goals these measures pursue. And so it has been with the nominee.

William Rehnquist is, first and foremost, a servant of the law. He is the living example of what we try to convince our people to do every May 1 on Law Day, for he is dedicated to the rule of law and not the rule of man. This does not mean that he is insensitive to any one area of human concern; it means that he is equally sensitive to all of them.

Why, for example, would he vote in favor of the 1966 Model State Antidiscrimination Act if he were so against minority progress. Much is made of his concern, as a lawyer, over two provisions of this act. But if he were so against them, why did he vote in favor of the act which included them on final passage? Where was his "persistent hostility" then? Did he predict his current nomination?

And why, just last year, did he support the requirement of a nondiscrimination pledge from States receiving LEAA grants? The law is silent on this requirement. His persistency should have led him to direct his talents against such a requirement.

Mr. President, the balanced and reasoned approach which this nominee will bring to the Supreme Court has been lacking in that body in recent years. It is that very balance which has been lacking in the arguments advanced by Mr. Rehnquist's opponents, who chose to place great emphasis on certain words and deeds, while ignoring others. I have full confidence, however, that my colleagues will consider the entire record and place this nominee on the Court without undue delay.

Mr. President, I yield the floor.

EXHIBIT 1

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK,
New York, N.Y., November 18, 1971

Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, Washington, D.C.

DEAR SENATOR EASTLAND: I am writing to you as Chairman of the Senate Judiciary Committee to state my hope that the Committee will recommend and the Senate will confirm the appointment of William H. Rehnquist to the Supreme Court of the United States. Ordinarily, I would not think my impressions of a nominee to the Supreme Court were worthy of any special interest by the Committee. However, Mr. Rehnquist has been subjected to such extravagant denunciation by groups and persons with whom I am usually in accord that I feel justified in making my views a matter of record.

In assessing what weight to give my views, it may be helpful for you to know that I am Associate Professor of Law at Columbia University School of Law. My primary teaching interest and responsibility is Constitutional Law. After graduating from Yale Law School in 1966, I served for one year as law clerk to Chief Justice Earl Warren, and then for the next two years I served as Special Assistant to the Assistant Attorney General in charge of the Office of Legal Counsel.

In that latter capacity, I had the bulk of my working relationship with Mr. Frank M. Wezencraft, Mr. Rehnquist's gifted predecessor as Assistant Attorney General. When Mr. Rehnquist became Assistant Attorney General, I remained in the Office of Legal Counsel at his request for about five months while he became acquainted with the operations and responsibilities of the Office. During that time I worked closely with him on a daily basis on a variety of constitutional and other legal problems. I should make clear that my impressions of Mr. Rehnquist were formed solely on the basis of this close association over a relatively short period of time.

In working with Mr. Rehnquist, I developed clear impressions of his attributes of character and intellect which seem to me most relevant in assessing his qualifications to be a Justice of the Supreme Court. First, and most important, Mr. Rehnquist is a person of great intelligence. He is a painstaking legal craftsman with a lively and subtle interest in the interplay of constitutional law and social policy. I will not elaborate this point, since I believe no fairminded person could doubt Mr. Rehnquist's exceptional intellectual qualifications to sit at the highest level of our judicial system. Instead, I want to address myself to Mr. Rehnquist's fairness and objectivity.

In my work with Mr. Rehnquist he seemed to me unusually openminded and free of reliance upon dogma in dealing with constitutional questions. His approach to legal problems is highly discriminating; few persons in my experience have exhibited more alert skepticism as to the utility of sweeping generalizations and ideological positions. Always I had the impression that careful analysis governed his response to legal questions.

Mr. Rehnquist approaches legal issues with the utmost forcefulness and honesty. In our work together, he was open to reasoned persuasion, tolerant and respectful of my quite different constitutional and political outlook, and ever willing to examine his position in the light of the fullest possible analysis of facts and legal principle. He is an independent, even iconoclastic, thinker.

Candor, openness to argument, and forcefulness of logic and expression are critically important to the performance of the Supreme Court, with its unique and delicate power of constitutional review. I believe Mr. Rehnquist's appointment will help restore these necessities of judicial process, sadly diminished by recent events and losses from the Court.

I do not doubt that Mr. Rehnquist's positions on matters before the Supreme Court will be opposed, often diametrically, to my understanding of the mandates of our Constitution. One who reveres the person and performance of Chief Justice Warren, as I do, cannot but look forward to Mr. Rehnquist's likely decisions with some misgivings. But protecting the independence of the Supreme Court by subjecting nominees to an outcome determining test is self-defeating. Ultimately, those who believe in the essential role of the Supreme Court as an active and principled protector of individual liberties must rest their faith on process, not on outcome. Candor, force of logic, attention to pertinent detail, openmindedness in approaching the discrete and varied problems which come before the Court—these are the conditions of independence and purpose in our judicial institutions. They are attributes which I believe Mr. Rehnquist possesses in abundance.

I respectfully urge the Judiciary Committee to recommend confirmation of William H. Rehnquist to the Supreme Court.

Respectfully,

BENNO C. SCHMIDT, JR.

Mr. HART. Thurgood Marshall, as distinguished from the present nominee, told the committee that the briefs that had been filed during the period he was the Solicitor General, and which were in question before the committee, indeed did reflect his views. That is the meat and potatoes of this perhaps important, perhaps subsidiary argument.

I have not looked at the record of the recent past, but even the excerpt that the Senator from Nebraska read, as I heard it, had Thurgood Marshall saying, "And those are my views."

Mr. Rehnquist says with respect to some of those pleadings and positions of the department that because of an attorney-client relationship he could not give us his view on those questions. To the extent that we ought to look at the precedent set in the Thurgood Marshall case, I suggest that the precedent makes overwhelming the proposition that Mr. Rehnquist was not acting, and is not acting, as did Thurgood Marshall in responding to the inquiry of the committee.

Mr. BAYH. Mr. President, I have been here almost continuously observing and participating in the debate during its entirety, but being only human, a Senator on occasion has to leave the floor for personal reasons. I regret that, when I was briefly absent, the distinguished minority leader decided to gain the floor and to berate at some length the effort that some of us are making to try to present a case.

Mr. President, I think it would be wrong to become involved in personalities. I have the greatest respect for the minority leader as an individual, as a dedicated human being, and I think that the RECORD would show that on most instances we vote similarly.

Indeed, on the first Supreme Court nomination battle that was waged here in recent history, the distinguished minority leader joined with the Senator from Indiana and 53 other Members of the Senate—some 15 or 16 or 17 of whom were Members of his party—to reject the Haynsworth nomination. Although there was significant minority opposition to the Carswell nomination, the minority leader felt disposed to vote for Judge Carswell. I do not know whether he was quoted accurately or not, but I understand that shortly thereafter he said he thought he made "a damn fool mistake" in doing so. Thus, at least in hindsight, the distinguished minority leader and the Senator from Indiana have been on the same side up to this point on five Nixon nominations: Burger, Haynsworth, Carswell, Blackmun, and Powell.

I find it ironic that in the second full day of debate on this controversial question the minority leader comes to the floor of the Senate and accuses some of us who are in opposition of arbitrary tactics, dilatory tactics, of lonely vigils, and then is not present to let us discuss this matter.

It seemed patently unfair to me that the distinguished minority leader decided to gather the clan in the press corps and tell them that a filibuster was being conducted exactly when the time the distinguished junior Senator from Massachusetts was making one of the most eloquent appeals of the last 2 days in opposition to the Rehnquist nomination. In fact, on yesterday morning before the Senator from Indiana even had a chance to commence his opening speech, the minority whip rose and expressed his opinion that a filibuster was in process and we had better be prepared not to leave the floor, or the question would be put.

Mr. President, I think it is a sad day if Members of this Senate cannot take each other at their words. I have not participated in a filibuster in the 9 years I have been a Member of this body, and I am not inclined now to participate in a filibuster. I defy the minority leader, or anyone else, to find any legitimate basis, any objective evidence, that debating a matter as critical as this—putting a man on the Supreme Court for 30 years—debating that for 2 days, 3 days, or 4 days is a filibuster. If that is a filibuster, and if the minority leader wants to shut off the debate, why does he not stop talking about it and come on the floor of the Senate and put in a cloture motion? Let the people of the country see what is happening—that they are trying to stick a Supreme Court nominee down the throats of the Senate at a time when we all want to go home and be with our families, at a time when the world is filled with turmoil, and the news of this nomination has not yet reached the public. It is rather obvious that those who are supporting the Rehnquist nomination seem to fear that with the passage of a little time, and the passage of free debate—which is characteristic of this body—that something else might be disclosed.

Let me turn our attention to Mr. Rehnquist's recent response to the Newsweek article. The news of this Newsweek article and the memorandum, which disclosed for the first time Mr. Rehnquist's memorandum to Justice Jackson on Brown against Board of Education, came to me on Sunday.

The Justice Department also knew of this on Sunday. Yet it took until Wednesday afternoon, about 2:15 or 2 p.m., for the first effort on the part of the Justice Department or the nominee to explain it to be forthcoming.

Always before we have had an immediate response. I think it is fair to ask: Why do we go through Monday, Tuesday, and almost through Wednesday before we received an explanation, an explanation which I think, if anyone would read it carefully, raises questions in my mind. I am dubious about its veracity.

I know that is not a light charge to make; I nevertheless feel it is accurate.

ANNOUNCEMENT OF CONFERENCE ON THE ELECTION REFORM BILL

Mr. PASTORE. Mr. President, as in legislative session, I should like to announce that the committee of conference on the disagreeing votes of the two Houses on S. 382, the election reform bill, will meet at 2 o'clock tomorrow afternoon, in room H–326.

THE NOMINATION OF WILLIAM H. REHNQUIST TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. PASTORE. The Senator mentioned this Rehnquist letter read into the RECORD today. I have not been able to be in the Chamber during the entire debate. As the Senator will notice, I was a conferee yesterday on the supplemental appropriation bill. We met at 11:30 a.m. and left at quarter of 7 last night, which was about an hour and a half later than the Senate recessed. But I have sought to keep abreast of the discussion.

Referring to the letter, on page 3, I am looking at the final paragraph which states:

XUM

In closing, I would like to point out that during the hearings on my confirmation, I mentioned the Supreme Court's decision in *Brown* v. *Board of Education* in the context of an answer to a question concerning the binding effect of precedent. I was not asked my views on the substantive issues in the *Brown* case. In view of some of the recent Senate floor debate, I wish to state unequivocally that I fully support the legal reasoning and the rightness from the standpoint of fundamental fairness of the *Brown* decision.

Does the Senator from Indiana question this man's veracity?

Mr. BAYH. The Senator from Rhode Island does not reach the same conclusion in looking at the same facts. We can all look at the record, but the Senator from Indiana believes there was ample opportunity for the nominee to suggest here his views on the principles of Brown long before this. I cannot imagine why he waited so long.

At the hearings he was asked to explain his position on Brown. He said that it was the law of the land, which is as simple as the nose on my face, because it is the law of the land. In discussing whether he would overrule Brown, he talked of the weight he would give to a nine-man decision and that a unanimous decision should be given more weight than a 5-to-4 vote.

Mr. PASTORE. But he said "a question concerning the binding effect of precedent."

Does the Senator have the question that was asked Mr. Rehnquist in a hearing and the answer?

Mr. BAYH. We can get it.

Mr. PASTORE. I have been following this debate by reading the RECORD very carefully. I review the RECORD every morning on the debate.

I was wondering here if we are raising a question of doubt in the last paragraph. That is all I would like to know. What was the question asked of him?

Mr. BAYH. The question was a more generalized question relative to what the nominee's opinion was and his position would be on Brown against Board of Education.

If you look at his discussion of precedent on this and anticipate how he might vote, then you have to look at his discussion elsewhere in the RECORD on precedent.

He did say it was the law of the land, and elsewhere that a nine-man precedent was more significant than a 5-to-4 precedent.

Mr. PASTORE. The reason I asked the question is that here he states unequivocally;

> I was not asked my views on the substantive issues in the Brown case.

Can we raise a question about that? Was he or was he not asked?

Mr. BAYH. I do not know. I will look at the RECORD to see the specific wording.

Mr. PASTORE. Then he states in the letter:

> In view of some of the recent Senate floor debate, I wish to state unequivocally that I fully support the legal reasoning and the rightness from the standpoint of fundamental fairness of the Brown decision.

He goes beyond his capacity as a lawyer; he is speaking now as a man. "The rightness from the standpoint of fundamental fairness." Not fundamental jurisprudence, but a fundamental fairness of the Brown decision. I repeat I have not made up my mind, but I would like to hear from those opposing the nomination in order to help us make up our minds in a rightful way, what do they think of this last paragraph? Do they question this man's statement here? Do they doubt his veracity, or is there anything in the RECORD to contradict his affirmation?

Mr. BAYH. I appreciate the fact that my colleague from Rhode Island is struggling with this. I have struggled with it for some time now.

Mr. PASTORE. I am not struggling. I am asking a question. The Senator should see me when I am really struggling.

Mr. BAYH. I have seen the Senator when he is struggling.

Mr. PASTORE. When I struggle, I struggle.

Mr. BAYH. Yes, sir; pound for pound more than anybody in this body.

The Senator from Indiana feels the question asked by the Senator from Rhode Island is a good question. If we are really trying to explore the feelings of Mr. Rehnquist on Brown against Board of Education and about the entire issue of quality education and integrated education, I feel disposed to suggest that the letter before us is a rather self-serving effort to disavow a most persuasive and compelling indicator of his feelings on civil rights before the Senate.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BAYH. I will yield gladly but first I would like to take about 2 additional minutes to complete my statement.

I would ask the Senator from Rhode Island as he is deliberating upon this, to look not only at the letter which has arrived and not only at the 1952 memorandum. I earnestly hope that he will read, on page 307 of the hearings, the letter to the editor that Mr. Rehnquist wrote to the Phoenix newspaper in opposition to a plan of voluntary integration of the Phoenix school system.

I asked the nominee how he could rationalize his letter if he did believe in Brown against Board of Education and letting minority students have access to the educational system. How could he write this letter to the editor criticizing the superintendent of schools of Phoenix under the circumstances?

He replied, "I did so, because I was against long-distance busing."

I suggest to my friend from Rhode Island that long-distance busing was not in question. He simply avoided the issue in replying. The superintendent of schools said he was opposed to arbitrary forced, long-distance busing. This plan represented an effort to open the school system. The desegregation plan in question was a freedom of choice plan. For the nominee to state his letter to the editor was written, because he was against long-distance busing is not supportable on the facts.

Mr. PASTORE. In other words, the Senator is saying that he does question the veracity of the last paragraph.

Mr. BAYH. That is exactly what I am saying.

Mr. PASTORE. That is what I asked the first time. Does the Senator from Indiana question this man's veracity?

Mr. BAYH. I cannot know what was in Mr. Rehnquist's mind in 1952. I suppose it is a reasonable conclusion that if he wrote a letter to the editor in 1967 that was what he meant and that was in his mind. Well, Brown against Board of Education was written when he was a 28-year-old law clerk. I would not venture to demean law clerks, but 28 is an age when you should know what you are discussing. But at the age of 43 or 44, when he was a leading member of the bar in Phoenix, he wrote this letter to the editor and now he attributes the motive to long-distance busing, but long-distance forced busing was not in question at the time.

I shall be glad to yield to my distinguished committee chairman. I appreciate his patience in waiting so long.

Mr. EASTLAND. Am I right that my friend from Indiana has been stating on the floor that Mr. Rehnquist was a man of integrity?

Mr. BAYH. That is right.

Mr. EASTLAND. A man of unimpeachable integrity?

Mr. BAYH. The Senator from Indiana has not said "unimpeachable integrity."

Mr. EASTLAND. I asked the Senator a question.

Mr. BAYH. No.

Mr. EASTLAND. But he is a man of integrity?

Mr. BAYH. The Senator from Indiana said he thought Mr. Rehnquist had acceptable integrity, and he was not questioning that. But the more certain documents are disclosed, the more questions the Senator from Indiana has.

Mr. EASTLAND. The thing that gets me is that Mr. Powell was not asked anything about Brown against Board of Education by anyone. He was not asked what his views were on the law in 1952 and 1964. He was not challenged at all, was he?

Mr. BAYH. I must say, if the chairman remembers the record, and I ask this with all due respect. I know the Senator from Indiana asked Mr. Powell many questions. He was not handled with kid gloves. We asked him detailed and explicit questions about past decisions and past cases and the minutia of his actions when he was on the city and State school boards. We asked him whether he opposed that decision in 1954. We asked him what exactly he did to implement it. We asked him what he did to oppose the growing pressure to meet the Brown decision with massive resistance. His actions left us with no doubt about his views.

Mr. EASTLAND. Frankly, I do not recall that he was asked a question about his view on the Brown against Board of Education case. Am I right or wrong?

Mr. BAYH. Frankly, I do not think we had any evidence that he wrote a memorandum to a Justice.

Mr. EASTLAND. Will the Senator answer the question?

Mr. BAYH. I do not remember asking him that. In those words there was no

need to do so. I asked him a lot more basic questions, myself. I asked him a number of questions about why he took a number of certain positions as a member of the school board of Richmond and as a member of the school board of Virginia. That was his post. He was never a law clerk to a Supeme Court Justice, as Mr. Rehnquist was.

May I read from page 277 of the hearings and call the attention of my chairman to the fact that the Senator from Indiana did ask Mr. Powell questions concerning Brown against Board of Education?

Mr. EASTLAND. Yes.

Mr. BAYH. As it appears on page 277 of the hearings I asked him the following question:

> May I ask you, please, to just give your thoughts relative to how some of the following programs or strategies fit into or should be excluded from the provisions of the Constitution, which seem to be laudatory, very similar to the doctrine put down in *Brown* v. *Board of Education*. You were serving in an official capacity in the educational system at the time that *Brown* v. *Board* came down?

Then I go down to a whole series of questions relative to Brown against Board of Education and the decisions he was making on the local scene to implement Brown against Board of Education.

Mr. EASTLAND. My question was, Did the Senator ask him what his views were on that decision?

Mr. BAYH. Very frankly, it never occured to me—perhaps it should have—that either one of these nominees would have been a part of a memorandum the likes of which we have here.

Mr. EASTLAND. It just takes a simple yes or no answer.

Mr. BAYH. The Senator is not going to deny me the use of three or four other words, is he?

Mr. EASTLAND. No, or 3 or 4 hours more.

Mr. BAYH. I wish the Senator would speak to the minority leader about that.

Mr. EASTLAND. The fact is that Mr. Powell was not asked that question by any member of the committee. Is not that a fact?

Mr. BAYH. I respectfully——

Mr. EASTLAND. The Senator has brought up a lot of matters against Rehnquist that were not brought up against Powell. Nobody asked Mr. Powell what he thought the law was or what he thought of the law before 1964.

Mr. BAYH. I respectfully suggest that I do not think the chairman is right on that. I know he thinks he is, but if he will start reading on page 277 of the hearings, he will see that a number of questions were asked by Mr. BAYH of Mr. Powell relative to Brown against Board of Education, and then, if he will look at another place in the record, he will see similar questions directed to Mr. Rehnquist. I think the questions directed to Mr. Powell were more specific relative to Brown against Board of Education than the questions that were directed to Mr. Rehnquist. The reason is that Mr. Powell was in an official capacity in the school system of Virginia, both as a school board member and as a member of the State school system. His actions told us of his views in concrete, irrebuttable terms. I was interested in learning how he looked at Brown against Board of Education. If the Senator will look at the transcript, he will see I asked him about the Gray Commission report and his position on that.

Mr. EASTLAND. Did the Senator ask him about his law firm representing the State of Virginia in the Brown case?

Mr. BAYH. I am sure it was a matter of knowledge.

Mr. EASTLAND. It was not in the record. Did anybody ask him that question?

Mr. BAYH. I am not responsible for all the questions——

Mr. EASTLAND. Those questions were not relevant against Mr. Powell?

Mr. BAYH. I should say, to the contrary, that they were relevant.

Mr. EASTLAND. I think this is being blown into a big balloon about Mr. Rhenquist, and I do not think it is justified.

Mr. BAYH. Of course, all of us are entitled to our own individual rights.

Mr. EASTLAND. Of course, the Senator is entitled to his rights.

Mr. BAYH. I know the Senator never has and I do not think he ever will want to have any difference in our relations, but I think if anyone would care to read the number of questions that were addressed to the nominee Powell on the whole area of Brown against Board of Education and his involvement and whether his acts were indeed consistent with Brown against Board of Education—in fact, if the Senator would read the statement that I made when I finally reached the decision to support Mr. Powell—he will see that the Senator from Indiana questioned Mr. Powell about these matters. Now, I did not agree with all of the positions assumed by Mr. Powell in that capacity on the school boards. But if we look not only at the Rehnquist memorandum of 1952, and the so-called explanation of it now, but if we look at what has happened since, if we look at the letter to the editor relative to opposition to opening the schoolhouse door in Phoenix in 1967, if we look at his opposition to letting black people in drugstores in 1964, and if we look at the clear pattern of the preference of property rights over individual rights, there is a great consistency, I say to my friend and my chairman, between what appears in the 1952 memorandum and what appears in the letters to the editor which appear under the name of Mr. Rehnquist, which he has not denied.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. PASTORE. I think, in maintaining fairness in the discussion, there is a distinction between the two. Either the question was not asked or it was not raised.

Mr. EASTLAND. It was not raised.

Mr. PASTORE. It was not raised, and I can understand why it was not raised relative to Mr. Powell.

There have been some items in the record of Mr. Rehnquist that have raised some questions, justifiably so in the minds of many people, including myself, matters which I think need explanation and justification.

I am not one of those who maintains that every man of 50 looks at life in the same light he did when he was in his twenties. We all change. To me it is of little moment how this man thought when he was in his twenties. I want to know how he feels now, because now is the time when he is being considered for the Court.

That is why I asked the question about the last paragraph. I am not too deeply interested in the memorandum of 1952. Perhaps he was wrong. Perhaps he did write a memorandum then that today he regrets. I have seen a man on the floor of the Senate vote consistently against civil rights bills and then, when he became President, score the finest record on civil rights this country has ever known. That happened in my time.

After all, how far can you go in making a man carry his past on his back when he has reached the point of making atonement and declares, "I do not look at it the same any more, and this is how I feel now?"

That is the reason why I asked the question. If the Senator from Indiana questions the credibility of the last paragraph in the letter in which Mr. Rehnquist declares, "I wish to state unequivocally that I fully support the legal reasoning and the rightness." He is talking as a man, and not as a lawyer, not as a judge. He as talking as a human being, because to me there are two requisites to making a fine judge. First of all, he has to be learned in the law; but above everything else, he has to be a man.

To be a good judge you have to be a whole man. I do not care how smart you are. We have gone through several wars where the people who perpetrated them were brilliant, but their minds were twisted. It is not a question of how brilliant a man is; the bigger question is, how fair is the man? How well does he understand human nature? How deeply does he love people? How much does he love his family? How much does he love this great country of ours?

Those are the questions we have to ask.

If this man, in 1952, said something that today he regrets, and he stands up like a man and says, "I was wrong, but today this is the way I feel," it is as of today we must make judgment. If you believe the man, if we have a man who has made his own act of contrition, if we have a man who has made atonement, it may well be that we have a good man.

That is what I am truly interested in, and I keep searching this record to find out what kind of a man he is today. That is the important question, and I hope to be enlightened on that.

We keep dragging out the things that happened 20 years ago. I would like to know a little more about what kind of a man he is today, and whether his conduct is inconsistent with this allegation in the last paragraph. If it is, he has to explain it to me. If he really means what he said, I say that has to be given serious consideration.

Mr. GOLDWATER. Mr. President, will the Senator yield?

XUM

Mr. BAYH. Mr. President, if the Senator will permit me to respond——

Mr. GOLDWATER. Yes, indeed.

Mr. BAYH. I feel that the logic of the Senator's argument is well taken. It is a logic which I share and agree with. It is the same kind of struggle I went through, and I am going to call it a struggle, because as far as I was concerned, I struggled with it in the decisionmaking process, not only on this nomination, but on the Carswell nomination.

As Senators will recall, there we had a case that Judge Carswell, when he was 28—the same age as Mr. Rehnquist when this memorandum was written—when Mr. Carswell was 28, he made that statement: "I yield to no man in my belief in white supremacy."

Some said that ought to disqualify him without further consideration. It is a pretty terrible statement, but the Senator from Indiana thought that perhaps he was a little wiser at 43 than he had been at 28, and that we should examine the record further; and it was not until we saw the clear pattern in Judge Carswell's cases in the other instances that came to the attention of the Senate and the committee that I was convinced he had not changed his views.

I can honestly say, I say to the Senator from Rhode Island, that no one can tell what thoughts the nominee possesses now. He alone is in possession of those thoughts. We are familiar with the fact that some such pronouncements are self-serving. I would prefer to look and see what the nominee said before he was nominated as a Supreme Court Justice, to see what he really believed.

I ask my friend from Rhode Island, as he considers this important issue, to look, not just at the context of the 1952 memorandum, but at what William Rehnquist has done long after he was 28.

In 1964, when he was 40 years of age, he testified before the Phoenix City Council in opposition to an equal accommodations ordinance to let black people into the drugstores of Phoenix. He was the only one to so testify. The city council unanimously overrode his objection, and passed the ordinance, after which Mr. Rehnquist was not satisfied, and wrote a very strong letter to the editor of the newspaper, decrying this fact; and in the final analysis, his whole argument was the importance of property rights over individual rights.

Now, a copy of that testimony, for those who care to look at it, will be found on page 305 of the hearings record. He was 40 years of age then.

In 1966, when he was 42 years of age, he was a commissioner on Uniform State Laws, and in the meeting of the commission, he moved to strike the anti-blockbusting provision out of the Model Act.

The Senator from Rhode Island knows what blockbusting is. That is the unscrupulous act of a few unscrupulous individuals who go in and try to wreck neighborhoods.

Mr. Rehnquist argued that he had a policy question on this—in other words, that he thought it was bad policy to say it should be against the law—and also a constitutional question.

Mr. ERVIN. Mr. President, may I ask the Senator a question?

Mr. BAYH. May I just finish? Then I shall be glad to yield for a question. But I think the Senator from Rhode Island has asked a very real question, and I am prepared to try to answer it.

The chairman of the committee studying the act was a fellow by the name of Robert Braucher, who was a Harvard law professor, and is now on the Supreme Judicial Court of the State of Massachusetts. Here is how he responded to that effort to say that we are not going to outlaw blockbusting:

> However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth, and then they go around to the neighbors and say: Wouldn't you like to sell before the bottom drops out of your market?

This is not a hypothetical situation, as the Senator from Rhode Island knows very well. It is something that has happened in every big city of the United States.

Braucher concludes by saying:

> And the notion that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit.

That was what happened in 1966. In 1967—as I mentioned to my friend from Rhode Island, at that time Mr. Rehnquist was aged 43—he was a leading attorney in Phoenix. He wrote a letter, the letter to the editor I referred to a moment ago, entitled "De Facto Schools Seem Serving Well," in which he took isssue with then Superintendent of Schools Seymour, who was trying to open a door with a voluntary freedom of choice proposal, not the arbitrary 2.2-percent long-distance busing schemes that have been proposed by some now, but a voluntary effort. Here is one paragraph, in Mr. Rehnquist's own words, when he was 43 years of age, which reads as follows:

> Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policy-making bodies who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society;

Mr. PASTORE. I read that.

Mr. BAYH. Well, then I shall not include it.

Several Senators addressed the Chair.

Mr. BAYH. I am not afraid of losing the floor. I yield to the Senator from North Carolina.

Mr. ERVIN. The Senator from Indiana has laid great stress on the supposed iniquity of the views which Mr. Rehnquist, as a law clerk to Justice Jackson, expressed to Justice Jackson in regard to the constitutional question relating to school segregation based on race.

I would like to point out that 15 years before that, namely, in 1927, in the unanimous decision in *Gong Lum* v. *Rice* 275 U.S. 78, which was still the interpretation placed on the Constitution at the time Rehnquist wrote the memorandum, the Supreme Court, in an opinion written by Chief Justice William Howard Taft, ruled that it was perfectly consistent with the 14th amendment in general and the Equal Protection Clause in particular for a State to operate segregated schools. So I cannot understand why it is a manifestation of iniquity on the part of Mr. Rehnquist to take a position which a unanimous Supreme Court had taken just 15 years before on this question. And that Supreme Court, which was unanimous on this question, included among its membership such great liberals as Oliver Wendell Holmes, Jr., and Louis D. Brandeis.

With respect to blockbusting, I want to ask the Senator from Indiana whether a blockbuster is not a real estate agent who attempts to make a profit by integrating racially segregated residential sections, and why the activity of a blockbuster is not absolutely consistent with those who desire a compulsorily integrated society?

It seems to me that the Senator from Indiana ought to be praising blockbusters who seek to integrate racially segregated residential areas instead of condemning them, because their action appears to be in harmony with the views he is expounding.

Mr. BAYH. May I answer the question, if indeed that was a question by the Senator from North Carolina, by posing another one?

Mr. ERVIN. There is a questionmark after what I said.

Mr. BAYH. I want to get the record clear. Perhaps the Senator from North Carolina can serve as my leader in answering that question. Is he in favor of the tactics of blockbusting for Winston-Salem and Greensboro and other places in his State? Does he feel that this is the kind of tactic he wants to support on any grounds?

Mr. ERVIN. I agree with Mr. Rehnquist in the statement that our Constitution does not contemplate a compulsorily integrated society any more than it contemplates a compulsorily segregated society. It contemplates a free society in which men shall live in freedom.

Mr. BAYH. The Senator from Indiana is not suggesting a compulsorily integrated society. What the Senator is suggesting is that when you have a Supreme Court nominee—who just is not anybody we drag in off the street—who is a fellow who graduated magna cum laude, a great intellect, nobody is arguing with that, and uses the sophisticated reasoning he used in that letter, that suggests that everybody should have a maximum of freedom in a free society, how free is a black child in a society that will not let him in the schoolhouse?

Mr. ERVIN. The Supreme Court decision in Brown versus Board of Education of Topeka was not handed down until 2 years after Mr. Rehnquist wrote his letter to Justice Jackson. While the Brown case adjudged for the first time that no child can be excluded from a public school on account of his race, neither it nor any other case holds that the Constitution requires a State to compulsorily mingle the races. Moreover, nothing in the Constitution says that a man cannot attempt to desegregate racially segregated residential sections, as a blockbuster undertakes to do.

Mr. BAYH. The Senator from North Carolina has not answered my question, I say with all respect. Is he in favor of blockbusting? Is he in favor of that kind of insidious tactic, where you play on fears and frustrations and hatreds?

Mr. ERVIN. I am in favor of any American being allowed to sell his property to any person of his choice and that is the reason why I do not support open-occupancy bills. I am in favor of freedom, and I am in favor of allowing a man to sell his property to any person he pleases, and I am in favor of any person being permitted to buy property where he can find a willing seller to sell him property.

Mr. BAYH. I think we have strayed somewhat from the thrust of the actual reality of blockbusting.I will not read the very dramatic and accurate description by Justice Braucher as to how this blockbusting proceeds—playing on the fears and frustrations. It is the kind of practice which makes it absolutely impossible to have a free, integrated society, because it plays on hatred, fear that you are going to lose the value of your mortgage, fear that you are going to have somebody living next door to you who has disease, fear that you are going to have somebody living next door to you who is going to have a teenage son who is going to molest your teenage daughter. There is nothing in this country for the U.S. Senate to rationalize that kind of tactic.

Mr. ERVIN. I do not know that Judge Braucher ever heard any real estate agents saying that. But I did hear it suggested on one occasion that the devil was the the first real estate agent. The Bible informs us that the devil took the Lord to the top of a high mountain and showed him all the lands of earth; and told the Lord, "If you will bow down and worship me, I will give you all those lands." And the devil did this even though he did not own a damn foot of them.

Mr. BAYH. With all respect to the Senator, I would hate to argue the Bible with him, but I think the Good Lord, who created the earth, was the first real estate agent.

Mr. ERVIN. He may have done a little blockbusting Himself because he made a number of different races and left them to dwell on the same earth. So He might be alleged to be the original blockbuster.

Mr. BAYH. I am not too sure that we should give Him that title without letting Him be here to have a chance to defend Himself.

I should like to suggest that one point raised by the Senator from North Carolina is a bit far afield of what we are talking about here. We are looking at some of the things Mr. Rehnquist said. We got into the blockbusting business. But the original discussion between the Senator from Indiana and the Senator from Rhode Island—and I am glad that the Senator from North Carolina and the Senator from Mississippi joined in it—was relative to the memorandum of Mr. Rehnquist to Justice Jackson on the merits of Brown against Board of Education.

Mr. ERVIN. Rehnquist was a young fellow at that time, but he did have enough legal erudition at the time he wrote that memorandum to know that what he was saying was in complete harmony with what the Supreme Court had held just a few years before, in a unanimous opinion which had not been reversed up to that time. The opinion was written by Chief Justice Taft, and was concurred in by all the other eight Justices, including such recognized liberals as Holmes and Brandeis.

Mr. BAYH. And he was so out of touch with the direction in which the country was going and the problems which confronted the Court that nine members of the Court, including his own former boss, Justice Jackson, voted the other way, when they decided the case, which was argued contrarywise by Mr. Rehnquist.

Mr. ERVIN. Yes, but until the time they voted the other way the equal protection clause had always been interpreted by the Congress, the President, and the Supreme Court in the manner advocated by Mr. Rehnquist in his memorandum.

Mr. BAYH. It is a little more than setting precedent. There is a great deal of personal conviction involved in this memorandum:

> I would suggest that this is a question the Court need never reach; for regardless of the Justice's individual views on the merits of segregation, it quite clearly is not one of the extreme cases which commands intervention from one of any conviction.

That is a rather broad, reaching statement. The merits of segregation are not important enough for the Court to get involved. So if you take that passage, put it together with everything else in that memorandum, you get the impression that Mr. Rehnquist does not feel that striking down segregation and opening the doors on opportunity is proper ground for the Court to consider.

Mr. ERVIN. And 2 years later, as great a lawyer as ever lived on the North American Continent, John W. Davis, stood before the Supreme Court in the Clarendon County case and argued the same position Mr. Rehnquist had taken as being a correct exposition of the Constitution, which had been appealed from a ruling made by Chief Judge John J. Parker conforming to what Mr. Rehnquist said.

Mr. BAYH. I say to my colleague, lawyers are lawyers. We can find one on each side of every issue, and perhaps in between.

But the question before us is that nine lawyers who happened to wear the black robes of the Supreme Court of the United States voted the other way, contrary to the recommendation of Mr. Rehnquist.

I think there is rather compelling logic in the question asked by the Senator from Rhode Island. This was a statement made back in 1952. Here was a young man 28 years of age. Has he changed his mind?

Unfortunately, the record of change is not written. We cannot look only to statements or pronouncements of policy and beliefs after he was appointed to the Supreme Court. We must also look to views expressed before he was nominated for the Supreme Court, when, say, he was 43, when a man should be fairly mature. If he is not, then perhaps at 47, as he is now, he will be, though I wonder. I would suggest that he should be held subject, liable, and accountable for what he said when he was 43. Yet he wrote that letter to the editor, not opposing long distance busing as we now understand it, as he testified before the Senate Committee. I have a question about what was going on in his mind when he was asked by the Senator from Indiana, "Why did you write that letter?" And he said, "I was against long distance busing." But compulsory long-distance busing was not involved in that issue. This was a voluntary integration plan and the nominee was even opposed to voluntary integration of the schools.

Mr. ERVIN. Mr. President, will the Senator from Indiana yield for a question?

Mr. BAYH. I am glad to yield.

Mr. ERVIN. It was not voluntary on the part of the little children who were made the pawns for the busing. It also was not voluntary on the part of the parents.

Mr. BAYH. On the contrary. It was freedom of choice.

Mr. ERVIN. It was imposed on them by the school board. Does the Senator from Indiana take the position that little children should be bused all over the place merely to integrate their bodies rather than to enlighten their minds?

Mr. BAYH. Not necessarily.

Mr. ERVIN. I say frankly to the Senator that I do not believe in the busing of little children. It is contrary to the Constitution as I read it. I will tell the Senator why, if he will let me have enough time.

Mr. BAYH. I shall be glad to let the Senator have as much time as he wants to discuss the constitutionality of busing.

Mr. GOLDWATER. Mr. President, will the Senator from Indiana yield for a question?

Mr. ERVIN. I will not aid or abet the filibuster much longer.

Mr. BAYH. Which one, yours or mine?

Mr. ERVIN. Yours.

Mr. GOLDWATER. Mr. President, will the Senator from Indiana yield for a question?

Mr. ERVIN. The equal protection clause of the 14th amendment says that no State shall deny any person within its jurisdiciton the equal protection of the laws. That has always been interpreted to place upon a State the obligation to treat everyone in like circumstances in like manner and to forbid the State from treating differently persons similarly situated.

XUM

When the Federal court says to a school board, "You must deny a part of the children in this school district the right to attend their neighborhood school but let the other children attend their neighborhood school," the Court is ordering the board to violate the equal protection clause because it is requiring the school board to treat in a different manner children who are similarly situated. When the Court says to the school board, "We are requiring you to treat little children in a different manner in respect to attendance at neighborhood schools because we are ordering you to bus some of them to schools in other areas, either to decrease the number of children of their race in their neighborhood school or to increase the number of children of their race in schools elsewhere," it is ordering the school board to deny them the equal protection of the law. No kind of legal sophistry can erase the plain fact that such action on the part of the Court requires the school board to deny the children being bused admission to their neighborhood schools on account of their race in violation of the equal protection clause as it is interpreted in Brown against Board of Education, Topeka.

I thank the Senator very much for yielding.

Mr. BAYH. The Senator from North Carolina must always feel free to interject his thoughts here because, although I do not always agree with him, I know that he feels them strongly and he expresses them very well. But I think it is important, before we move on, and I will be glad then to yield to the distinguished chairman of the committee, the Senator from Mississippi (Mr. EASTLAND), who wants me to yield to him, as well as the distinguished Senator from Arizona (Mr. GOLDWATER), when I shall be very glad to yield to them both, but before that, it is important before we leave this 1967 school question to understand what we are talking about. We are not talking about a school that was ordered to integrate under a Federal court order. This was an effort on the part of local school authorities to broaden the opportunity and accessibility of the school system. There was no court order pending.

Here is the program right here as reported in the Arizona Republic of September 1, 1967, and if anyone cares to look beyond the minority report, take a look at page 19 of the newspaper.

These points are:

Appointment of a policy adviser skilled in interpersonal relations and urban problems;

Organization of a citywide advisory committee representing minority groups;

Formation of a Human Relations Council at each high school;

Promotion of voluntary exchanges of pupils among racially imbalanced schools in various ways, including the location of special enrichment programs and extra-curricular activities;

In the long run, a series of seminars on the nature of prejudice;

Curriculum changes designed to accent the contributions of various ethnic groups and individuals;

Without setting a ratio of minority teachers at each school, the assignment of staff in a way which redressed the existing imbalance.

Further, in the public proclamation, the superintendent of schools came out himself and said that he did not think busing was a panacea and resisted the very kind of long-range busing to which the nominee alludes. He said further:

It is much more preferable for us to demonstrate a willingness to broaden the spectrum of school populations through such actions as voluntary transfers, a local peace corps of students and teachers, . . . and other devices intended to lift the aspirations of those who live and learn without them.

The research evidence tentatively supports the premise that minority pupils achieve more in an atmosphere of high motivation.

Mr. President, that was the school plan and the purpose of Superintendent Seymour, and to suggest that this is a forced long distance busing plan, which is the reason the nominee gave for opposing it, it seems to me, is absolutely either to be ignorant of the facts or to attempt to distort them.

Now I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I would like for the Senator from Indiana to get clear, as well as to get my own mind clear, as to the situation here. There was one high school and one grammar school at which this particular movement was aimed. That was the grammar school and the high school which I attended. Back in those days, we did not have segregated schools, of course, in Arizona. However, during the war, that particular school district was segregated and the high school was filled with black children. When we took this to court in 1940, and I was glad to participate in breaking this down, the Court ruled that segregation was improper. So the school became integrated. But at that time the families of the black students refused to allow their children to attend the Phoenix Union High School, because the Phoenix Union High School had become largely peopled with children of Mexican-American extraction. Eventually, by the way, we had to make a warehouse out of that high school which we built for the black children, and it is still a school warehouse.

The question came up, because the black people and the Mexican-American people—I hate to say this but they have never gotten along too well, they get along but not so well as we would like to see them get along—objected strenuously to this "mix," so Mr. Seymour of the school board proposed that the students be voluntarily bused. We did not use the term "busing" in those days—I forget what it was—but immediately there began to develop a hue and cry against it, not from the white people but from the people of black and Mexican-American extraction, none of them wanted their children to go to the school outside their district.

My hometown is like most other hometowns, I suppose. We have an area where the Mexican-Americans prefer to live and we have an area where the black people have always lived and prefer to live together because they live together. They did not want their children being bused, not because they did not want them to mingle with white children, but because they did not want them moved great distances. I am talking about great distances, and that is exactly what I mean.

At that time the nearest high school to my old high school was 10 or 11 miles away. Others have been built since then that might be closer.

That is the whole gist of the argument that the Senator from Indiana keeps bringing up about Mr. Rehnquist and the situation that developed in Phoenix.

I do have a question, because I notice on page 60 that the Senator stated, "I am more concerned about what you believe now than what you may have believed 2 years ago."

Yet, in the last several days since Newsweek magazine has published an article prepared by Mr. Rehnquist back in 1952, the Senator from Indiana has indicated he wants to go back into ancient history.

If the Senator believes this is a man of honesty—and I can attest from 18 years of personal knowledge of him, that there is no more honorable man that I have ever known—why can he not believe what Mr. Rehnquist said in the last paragraph of his letter written today relative to his memo for the then Justice Jackson?

This is what baffles me. I do not know what more justification we can give unless we bring him down here and put his hand on the Bible and make him swear to it.

As the Senator from Indiana knows, I did not vote for the Civil Rights Act of 1964 because I felt that two parts of it were unconstitutional. The Supreme Court has since ruled me wrong on one. And Lawyer Rehnquist ruled me wrong on the other and convinced me of it. I made a public statement on that matter long ago.

Furthermore, both in the case of the legislation and the Brown decision, when I felt that the Federal Government did not have the right to take away from the States the separation of their local schools, he convinced me that the Supreme Court did say that, whether it was in that language or not, and that I was wrong.

I mention these things because of personal experience. No one suspects me of being a lawyer. I do not know whether I would like that or not. However, I do know a man when I see one, and I know a man who is dedicated to his church, his family, and his friends, and who is a very honest and sincere man. And I do not like to hear a man whom I know to be above reproach constantly questioned when he has repeatedly said the things that I think needed saying to bring us up to date.

I thank the Senator for yielding to me.

Mr. BAYH. Mr. President, I am glad that the Senator expressed his thoughts on this matter. I find it a little difficult for me to be able to resolve in my own mind. If I may, I will pursue it a bit further, because the Senator is sincere and the Senator does know Mr. Rehnquist personally. He is familiar with the whole issue involving the school integration.

First of all, the Senator from Indiana is more concerned about what Mr. Rehnquist seems to think now than what he thought 2 or 12 or certainly 20 years ago. But I think we had a responsibility to look at everything he says he believes in now and compare that to everything that he has done in the past in order to decide the matter.

Mr. GOLDWATER. Mr. President, no one is denying the Senator that right. It is his duty. However, when the Senator says that he is not interested in what he said 2 years ago——

Mr. BAYH. That is not what I said.

Mr. GOLDWATER. And yet the Senator dwells on the past. He has referred many times to the memorandum prepared for then Associate Justice Jackson that was reported by Newsweek magazine without any questioning of Mr. Rehnquist as to what it was and why it was written.

I cannot understand why it is we have to keep on bringing up these points that the Senator says he is not interested in.

Mr. BAYH. That is not what the Senator said, with all due respect, and that is not what the Senator from Arizona said he said.

Mr. GOLDWATER. According to page 60, I have just read.

Mr. BAYH. Will the Senator read it again?

Mr. GOLDWATER. The Senator said:

I am more concerned about what you believe now than what you may have believed 2 years ago.

Mr. BAYH. That is exactly what I said. I did not say that I was not concerned with what he said 2 years ago. I said that I was more concerned with what he believes now than I was with what he believed 2 years ago.

I think it is within the realm of reason to look at everything that the man has said and done over the past 4 or 5 years as a basis for what he believes now.

The Senator discussed Phoenix and the integration program. It is difficult for me to understand why there was resistance to a busing situation that was voluntary when the Mexican Americans and the blacks were the people that opposed the voluntary busing.

Mr. GOLDWATER. The Senator is correct.

Mr. BAYH. How in the world could I, as a parent, be opposed to busing if it is a voluntary program and no one could force the child to be bused?

Mr. GOLDWATER. Mr. President, I would like to clarify that at the time that letter was written by Mr. Rehnquist, there was a voluntary freedom of choice plan in effect in Phoenix and Mr. Rehnquist supported that. A plan had been proposed to permit students to pay their own bus fare to attend other high schools and it had already been adopted by the authorities.

The opposition however—and I have to say it was violent opposition—got so violent that the police had to patrol the high school that the senior Senator from Arizona (Mr. FANNIN) and I attended some years ago because of the constant fights between these two groups of people that historically have not gotten along together as well as I would like to see them get along.

It was not that the white people in the other schools objected to it. My own school district is about 15 miles from this. We thought it was a good idea, but nothing ever came of it, because we could not get the people involved in the basic school to even agree to bus or go any place else, and they would not go together. It is not some sectional problem. It is something that we would find in Muncie, Ind., or in any other city in Indiana.

It took place in a very peculiar, historic circumstance that we in Arizona all understand personally. Everyone understands it.

Mr. BAYH. Mr. President, I appreciate the explanation of the Senator from Arizona. However, I must say that as I read that letter to the editor and it is hard to believe that, as the Senator just said, it was a voluntary busing program.

Mr. GOLDWATER. It was a voluntary busing program then in effect.

Mr. BAYH. It was a voluntary busing program and there was no mandatory law on busing or no mandatory busing of any kind.

Mr. SCOTT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BAYH. I yield.

CHANGE OF CONFEREE

Mr. SCOTT. Mr. President, as in legislative session, I ask unanimous consent that for the conference on Senate Joint Resolution 176, to be held tomorrow, the Senator from Delaware (Mr. ROTH), be substituted for the Senator from Utah (Mr. BENNETT), who is absent due to illness.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF WILLIAM H. REHNQUIST TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. BAYH. Mr. President, I appreciate the fact that the Senator from Pennsylvania is participating in our "filibuster" here. I am glad to have his contribution as well.

Mr. SCOTT. Mr. President, the Senator from Indiana may be sure that I would not do anything voluntarily to help him. These unanimous-consent requests have to be made from time to time.

I will help the Senator to get off the floor, however, at any time he is ready.

Mr. BAYH. I am glad the Senator is finally having an opportunity to observe some of the debate that is going on here, inasmuch as he did not have the courtesy to inform me about the statement he was making concerning the "arbitrary," "Lone Ranger" tactics we were engaged in.

I was trying to suggest to the Senator as he was leaving that I would respond, and I did so. In the RECORD I suggested that I had nothing but love and kindness for the Senator as a human being, but that I thought he was rather ill-advised and misinformed to suggest that we were participating in a filibuster.

I hope that since that time the Senator would have had an opportunity to witness this debate, and to settle it in his own mind.

Mr. SCOTT. Mr. President, if the Senator will yield, at the very moment that it became clear that the supporters of the nominee were going to rise in debate, the Senator from Indiana absented himself, although I thought he saw the chairman of the Judiciary Committee seeking recognition. Perhaps he did not. However, the Senator is constantly informed as to what is going on, on the floor. The Senator seemed to be well aware of the fact that we were taking after him. I would be glad to repeat it if the Senator feels it would serve any purpose. However, I have only love and affection for him at any time when he is not talking.

Mr. BAYH. Mr. President, with all of these notes of love and harmony, it is almost like Dear Abbey going back and forth. It is almost unfair for the Senator from Pennsylvania to suggest that the Senator from Indiana ran, turned tail, and ran.

Mr. SCOTT. I did not suggest that.

Mr. BAYH. Mr. President, all morning I sat here until nature and other personal concerns caused me to absent myself.

Maybe it was only ironic, unfortunate, and coincidental that this whole thing started at that one particular moment when I was off the floor. And when I came back I grabbed with affection the arm of my friend, the Senator from Pennsylvania and said, "You have been saying things about me and I am going to take off after you."

But the Senator did not remain in the Chamber. Perhaps the Senator was following the same calling that caused me to absent myself.

Mr. SCOTT. On the contrary, the Senator from Pennsylvania is more continent in all regards.

Mr. BAYH. Mr. President, will the official reporter please read the last statement by the Senator from Pennsylvania. I was unable to hear what was said.

The official reporter (G. Russell Walker) read as follows:

Mr. SCOTT. On the contrary, the Senator from Pennsylvania is more continent in all regards.

Mr. BAYH. I though there might have been some content involved, but I did not get it all.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. BAYH. I yield the floor.

Mr. HARRIS. Mr. President, I rise in opposition to the nomination of Mr. William Rehnquist for membership on the Supreme Court. I feel as a Senator that one of my basic duties is to scrutinize closely every nominee placed before this body by the President. When the nomination is to the Supreme Court of the United States, I feel that duty especially strongly; for, as we well know, once confirmed, a Supreme Court Justice is virtually free from review—not totally free, but virtually free from review.

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The distinguished Senator from Indiana (Mr. BAYH) has inserted copies of Mr. Rehnquist's public statements and excerpts from the hearings of the Subcommittee on Constitutional Rights into the RECORD for our individual study. Each person in the Senate is free to decide for himself whether or not William Rehnquist should be appointed to the Supreme Court. I use the word "appointed" advisedly.

We all recall in regard to an earlier nomination that was turned down by the Senate, the President had ill-advisedly used the word "appoint" in respect to his powers, and it was called to his attention and the attention of the public that the President does not have the power to appoint. He has the power to nominate—but only, by and with the advice and consent of the Senate, to appoint.

Therefore, Mr. President, each of us is free to decide whether or not William Rehnquist should be appointed to the Supreme Court. I made my own decision and my decision is that he should not be. There has been considerable discussion in the Senate since I have been here about what sort of restrictions or limitations there are on Senators in respect to going into the philosophy or ideology of a nominee to the Supreme Court.

Mr. President, I do not believe that a Senator deciding whether or not to vote to confirm a person for the Supreme Court is under any greater restriction or limitation than was the President of the United States in making the nomination.

President Nixon has said several times that he has chosen the nominees he sent up for the Supreme Court precisely because of their ideology and conservatism or what has been called strict constructionist views, and that he feels the Court should be turned more in that direction.

I believe if the President of the United States can choose a nominee because of his legal ideology, then Members of the Senate can reject him for the same reason.

Mr. Rehnquist has made it very clear that he is committed to an almost indefinite extension of Government powers, with a corresponding minimizing of constitutional safeguards designed to insure the rights of individual citizens. In case after case he weighed the needs of the Government against the rights of citizens and concluded that these rights must be sacrificed.

He sees no constitutional prohibition of pretrial detention, or as it is customary now to say in more euphonistic terms, preventive detention.

He considers there to be no restriction on governmental surveillance of citizens. In fact, he opposes, in his own words, "any legislation which, whether by an opening the door to unnecessary and unmanageable judicial supervision of such activities or otherwise, would effectively impair this extraordinary important function of the Federal Government."

He opposes that kind of legislation. I think that is a very serious matter since anyone who is appointed, if the Senate should agree, serves on the Supreme Court for the rest of his life.

Mr. Rehnquist views the expansion of civil liberties as a "further expansion of the constitutional rights of criminal defendants, of pornographers and of demonstrators"—to use some of his own words, and I do not think out of context.

To Mr. Rehnquist, those who protest against the Government are "barbarians"; and he feels that such protests are a threat "every bit as serious as the 'crime wave' in our cities."

But there has been one instance in which William Rehnquist has been an outspoken advocate of individual rights. While fighting, with amazing tenacity, integration and civil rights laws in Phoenix, Rehnquist spoke articulately of his dedication to a "free society—in which every man is accorded a maximum of freedom of choice in his individual activities." The "freedom" spoken of by Mr. Rehnquist, refers to the freedom to avoid attending integrated schools. In 1967 he asserted that "we are no more dedicated to an 'integrated' society than we are to a 'segregated' society." In 1967, Mr. President, only 5 years ago, there was an overwhelming concurrence, on the part of State and national legislatures and courts, that we were, in fact, committed to an integrated society.

I served as a member of the National Advisory Commission on Civil Disorders. I have been one of those who felt that the Supreme Court of the United States should have acted when it did, at a very crucial time in the history of this country, when the President of the United States would not act and when the Congress of the United States would not act to make real the basic rights of all Americans, for black people, and other minority groups. These had been denied even basic rights like voting rights. When those other branches of the Government, the executive and legislative, failed to act—and we had come upon increasingly disruptive and divisive days in this country—the Supreme Court of the United States headed by one of the great Chief Justices of all time, Chief Justice Earl Warren, began to hold that the Constitution of the United States extended to all people, including black people. And the Court held that the Constitution applied to little black children in America who were being denied their constitutional rights insofar as an equal education was concerned, the right to attend schools irrespective of their color. I believe that it would be a terrible thing now to move backward from that.

I read the memorandum, which first appeared in Newsweek, which was purported to have been written by Mr. Rehnquist. The letter read in the Senate today by the distinguished Senator from Mississippi (Mr. EASTLAND) was received by him from Mr. Rehnquist concerning the Brown against Board of Education decision.

I find the letter singularly unconvincing. I think the nominee would probably have been better off not to have written it at all, because it does not state very much in a factual way, but it looks almost like a judicial interpretation or construction of a document or a piece of legislation by one who is not himself the author of the document, whereas it is admitted that Mr. Rehnquist did write that document. I must say that I find singularly unconvincing the statement in the letter that he does not know precisely why it was written, but he feels he never would have done what Newsweek charges he did. This is particularly true when we note Mr. Rehnquist does not say he did not do what Newsweek contends.

The Ripon Society, the progressive Republican organization, has urged in its publication "The Ripon Forum" that the Rehnquist nomination be rejected. Its article on Mr. Rehnquist, I think, is very well and carefully reasoned. The article appeared on November 15, 1971, and it is entitled "The Weak Constitution of a 'Legal Giant'." The article states in part:

> The Senate faces severe limitations in resisting a President determined to remake the Supreme Court. The President has the initiative, and as in nuclear strategy, the advantage is with the offense. The President can merely keep submitting names; the Senate must mobilize its somewhat cumbersome machinery and political resources to investigate, disqualify and reject each one. Now, moreover, in the age of MIRV, when the President may launch as many as six bombs at once—or fill the air with chaff and decoys—the role of the defense is further complicated.

The article goes on to say:

> It is somewhat difficult to muster a struggle against a man like William Rehnquist when lined up behind him are men like Robert Byrd and women like Sylvia Bacon and when the President maintains his nominations have something to do with "respect for the law" or reducing crime.
>
> Still we believe it is just as well that we know what we are doing. Approval of William Rehnquist's nomination will for the first time give credence to what has until recently seemed an alarmist fear: that we are moving into an era of repression, in which the U.S. democracy gives up its most noble enterprise—the maintenance of a free and open society.

I call the attention of Senators again to the fact that this is not an article written by the Democratic Party or by members of the Democratic Party. It is not some partisan attack upon President Nixon and his government and his appointment of Supreme Court Justices. This is an article which appears in the regular publication of the Ripon Society, a progressive Republican society, written by people of the President's own party.

The article goes on:

> A scenario may be envisaged. The Communist party and other political action organizations that can be alleged to advocate revolution would be blacklisted and outlawed. Wiretapping and other even more sophisticated modes of individual surveillance would be extended without judicial review. All but the most flagrant acts of discrimination and collusion against blacks would be permitted. The courts would return to the unedifying business of poring over pornography, and arbitrarily incarcerating improvident writers, photographers, and bookstore proprietors. The "third-degree"—extorted confessions and the like—would be effectively authorized. Ever larger numbers of dissenters and other noncomformists who affront the police or marginally violate the law would be imprisoned for long periods. Police brutality and lawlessness, on the other hand, would be condoned. At a time when the government provides an ever larger proportion of available jobs, the firing of dissenters from federal employment would be legitimized. And finally the Executive, in illicit tandem with the judiciary, would reduce the legislative branch to inconsequence on vital matters of war and peace and to irrelevance in the always elastic realm of "national security." And, of course, the real problems of crime and instability in our society would persist.

Mr. President, that is the scenario which this organization is able to envisage. I do not envisage it, but I think it is based upon some very legitimate fears about the background and beliefs and ideology of this nominee. For he can, together with others like him, who now or soon may serve on the Supreme Court of the United States and constitute for the next many, many years a majority on that court. And his views must cause many to have very real fears regarding the Court's role in the future in the field of civil rights and civil liberties..

Not too long ago, CBS made a poll around the United States concerning the Bill of Rights. People were asked whether or not they believed in specific provisions of the Bill of Rights, but the question was couched in such a way as to fail to reveal that the question had anything to do with the Bill of Rights. In most cases, it turned out that the person questioned disagreed with the Bill of Rights provision in question. For example, if he were asked, "Do you believe that a person has a right just to sit silent and not to be required to answer one way or another as to whether that person is guilty of a crime with which he is charged?" most people would say that the person should not have that kind of right.

There were similarly alarming opinions about other provisions of the Bill of Rights—the right to speak out as one wants to, the right of organizations, even in peacetime when the security of the country was not in jeopardy or not threatened by the actions of the organization, to freely promote their own programs and beliefs. All those things were questioned.

It is alarming enough that people who are not trained in the law would not be knowledgeable about the civil liberties and civil rights embraced in the Bill of Rights, which had been won at such dear cost throughout the years during the history of this country.

That is alarming enough. But what is more alarming is that people trained in the law should have such little regard for similar and equally fundamental and basic civil rights and civil liberties. I speak, Mr. President, of legislation which has passed this body in the past having to do with what is called preventive detention, meaning that a person's liberties can be taken away if the judge finds that he or she is likely to commit a crime.

That, I think, is in violation of the Constitution. Mr. Rehnquist does not believe it is. That would not be so alarming, Mr. President, if Mr. Rehnquist were going to continue to be in the executive branch of the Government; but if he is approved by a majority of this body, Mr. Rehnquist will be making decisions upon whether or not preventive detention is allowable under the Constitution of the United States, because the Supreme Court is going to be, over and over, required to rule on just that kind of civil liberties question.

I find it very alarming that he would have that power, and he will not have that power with my vote.

Mr. President, I continue with this article from the Ripon Forum, because I think it is right on target here with what we are faced with in this Rehnquist nomination.

It states:

> Such developments are not, of course, inevitable.

Here the writer is referring to that scenario he envisages about the gradual slipping away of civil liberties:

> They will occur only if the Supreme Court abandons its role as ultimate guarantor of the Constitution and the legislative branch refuses to recognize the new responsibilities such as the judicial abdication would impose on the Congress.
>
> But the entire scenario of repression consists of measures that Rehnquist, on the record, has strongly and explicitly invited; and most of them are not strongly opposed by the other three Nixon appointees.
>
> So even if, in view of the President's determination to transform the Court, it proves tactically necessary for the Senate to accept Rehnquist, we want to register our opinion that he is Nixon's most dangerous nominee yet. Younger and smarter than the others, he will have a longer and more deleterious impact on our political and social order.

I interject right there, Mr. President, that a noted attorney in this town, who has been a considerable part of the national conscience as far as the approval or disapproval of Supreme Court nominations in the past is concerned, has said to me that, as strongly as he opposed the nominations of Mr. Haynsworth and Mr. Carswell, both of whom, as we know, were rejected by this body, he feels that the nomination of Mr. Rehnquist is the worst nomination that he has seen come before the Senate for the Supreme Court in his lifetime.

I continue with the article:

> There has been much nonsense written in recent weeks on Rehnquist's good character and legal expertise, as if these qualities alone justify confirmation. In fulfilling its Constitutional responsibility for advice and consent, however, the Senate does not stand, like the Bar Associations Committee on Judiciary, as a mere judge of ethical and professional credentials. The Senate must also consider the impact of such judicial appointments on the balance between the executive and legislative branches and on the direction of America over the next decades.

Mr. President, I agree with that statement very strongly. As I said awhile ago, I do not believe that a Senator is any more restricted or limited regarding the factors that enter into his decision about whether or not to confirm a nomination than the President of the United States is restricted in making the decision to nominate the person in the first place.

I wish to refer to another paragraph of this Ripon article, because it has to do with the nomination of Lewis Powell, which I voted against:

> Applying such standards to the current Supreme Court nominations, the Ripon Society supports, with some reservations, the confirmation of Richmond attorney Lewis Powell, a former President of the ABA.
>
> Although his writings do not display a staunch concern with preserving individual liberties, his persistent advocacy of the legal services for the poor, his mediating role in Virginia's school integration controversy, and his continuing reputation for fairness allay many of our fears.

Even for the Ripon Society, Mr. President, all fears were not allayed, and in my case that was true as well, and I did not vote for that nomination. I particularly did not vote for that nomination because, with the one now before us, we will now begin to see a majority on the Court which alines itself with President Nixon's conservative legal ideology, and which in my view will begin to turn this country back to those days preceding the Warren Court, when no one in the land stood up for civil rights and civil liberties until the Court moved in. Now I am afraid we are going to see it move back, and therefore I think it is terribly important that this nominee, at least, not be confirmed.

The article then goes on:

> William Rehnquist, on the other hand, has remorselessly allowed his personal prejudices to supersede legal precedent. Unlike Lewis Powell's career of moderate judicial conservatism, Rehnquist's record does not show a consistent and scrupulous application of legal principle; rather it shows a consistent and unabashed manipulation of legal rhetoric in the service of right-wing social and political objectives. His voluminous public statements and his private comments of which we are aware show him to be a thoroughgoing authoritarian, a nearly absolute believer in executive supremacy over the legislature, and a slack reconstructionist of the Constitution.

Mr. President, I believe that people throughout this country feel powerless. They feel almost inconsequential in the face of concentrated political and, I believe, economic power. We have got to begin to decentralize the decisionmaking, to do away with executive government by bureaucracy and regulations, and, wherever we can, make the market operate, rather than have the Government intervening.

That is why, Mr. President, I voted against an extension of the Economic Stabilization Act, which gives the President, I think, unwarranted and totally unprecedented powers to change our economic management system in radical ways, with far more Government intervention.

I believe the Government ought to intervene in wage and price and related decisions, as I said during that debate, when the market does not work. But it ought to try to limit those instances where the market does not work by breaking up the concentrations of economic power which prevent it from working.

I was really rather surprised, Mr. President, to see this wave of socialism from the right that was evidenced by Mr. Nixon's program in regard to these seemingly permanent across-the-board wage and price controls. I think that is wrong, as I think it was equally wrong to bail out Lockheed—I think that Lockheed ought to have the right to fail as well as to succeed—and as I think it was wrong to build the kind of socialized

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SST which, luckily, eventually the Senate did turn down.

Now we are involved with the powerlessness of people. We are involved with the right of the Government to take away people's liberties with regard to wiretapping, with regard to preventive detention, with regard to what was called the no-knock law, which was passed here—another unconstitutional intervention into private lives in my opinion.

Rather than move in the direction of greater individual power, greater attention to individual rights, this nomination would mean that we would be moving more toward Government control of the lives of people and less power of the individuals over their own lives.

The Ripon Society says in that article:

Rehnquist's authorization bent is not tempered by judicial conservatism. Unlike such believers in judicial restraint as the late Justice Felix Frankfurter and former Justice John Marshall Harlan, Rehnquist is a militant judicial activist, who explicitly rejects the doctrine of *stare decisis*. Writing in the *Harvard Law Record* in 1959 Rehnquist stated: "It is high time that those critical of the present Court recognize with the late Charles Hughes that for 175 years the Constitution has been what the judges say it is. If greater judicial self-restraint is desired, or a different interpretation of the phrases 'due process of law' or 'equal protection of the laws,' then men sympathetic to such desires must sit upon the high court."

In a letter that he wrote in 1959 Rehnquist then in private practice in Phoenix, made clear the "different interpretation" of the Constitution he had in mind: "a judicial philosophy which consistently applied would reach a conservative result."

The kind of "conservative" result which Rehnquist would seek is diametrically opposed to the American conservative tradition of vigorously opposing the extension of governmental powers.

To justify the Justice Department's policy of encouraging indiscriminate mass arrests of Mayday demonstrators and bystanders (with the charges against them filled in randomly by police who had often never seen the accused or the crime), and of having thousands of patently spurious cases litigated with virtually no convictions, Rehnquist invented after the fact the doctrine of "qualified martial law."

Now even if one believe the Capitol was in dire jeopardy on Mayday, the Rehnquist rationale is legally slovenly. Rehnquist would have us believe that government can commit countless violations and then sanction them by some flip post-facto improvisation.

Rehnquist was also a major strategic in the preparation of the controversial "no knock" and "preventive detention" provisions of the D.C. Crime Bill.

Mr. President, I voted against and spoke against that bill. I believe it was terribly ill advised, and I believe that it is an unwarranted and unconstitutional interference and intervention into the rights of individual citizens. I hope it will be knocked down by the courts, and promptly. That will be very much in question if we put men such as Mr. Rehnquist on the Court.

The article states:

He has strongly asserted a governmental right to fire employees, even if covered by civil service, when they question Administration War policies. Furthermore he has maintained that the executive has the right to engage in wiretapping and other electronic surveillance without court supervision as long as it claims a "national security" justification.

Mr. President, George Wallace is a candidate for President on a third-party ticket, the American Party ticket. I find most of what he stands for abhorrent; and as the 1968 elections show so do the overwhelming majority of Americans. Mr. Wallace, however, is in many ways plugged in with a great deal of the deep feelings of powerlessness that many people in the country feel. I was interested to see the other day that he spoke out against wiretapping. I believe that does not show that Mr. Wallace is a great constitutional lawyer because I do not think he is; but it does show something about what he hears as he goes around this country. I have heard the same. People feel that the Government is far too powerful, that it is entangled with their lives far too much.

Mr. Rehnquist does not agree with that and has advocated legislation, which as a Supreme Court Justice he would pass upon, that would interfere further in the lives of people; and he has been one of those who have justified rather extensive wiretapping and other electronic surveillance of citizens.

The article states:

If we contend that such unaccountable government powers might become a threat to individual liberty and privacy, Rehnquist tells us to rely on the "self restraint" of the Executive—which might be conceivable if we could forget that in recent years the Attorney General's arbiter on such matters was one William Rehnquist.

In only one area in all his career has Rehnquist shown any opposition to the extension of governmental powers.

Mr. President, this is a situation in Arizona to which I referred earlier.

While an attorney in Phoenix he was a vocal and insistent opponent of legislation to outlaw racial discrimination in public accommodations. It is a truly remarkable fact, worthy of contemplation by the Senate, that nowhere in his extensive writings has he displayed a keen concern for any individual liberty except what he quaintly calls the "traditional freedom" to discriminate against blacks.

Mr. President, the distinguished Senator from Mississippi (Mr. EASTLAND), as I said earlier, read into the RECORD a letter dated December 8 from Mr. Rehnquist, explaining his role in the memorandum to Justice Jackson in opposition to Brown against Board of Education. As I said earlier, I find that letter singularly unconvincing and, as a matter of fact, rather confusing about what it says or reports to us about what Mr. Rehnquist was thinking at the time that memorandum was written.

But I do think we get a very important clue as to what his thinking was at that time, as pointed out by the distinguished Senator from Indiana (Mr. BAYH), when he read a letter to the editor of the Phoenix newspaper on that subject—that is, the subject of integration of schools—which indicated that even voluntary integration of schools was repugnant to Mr. Rehnquist, who now would sit on the Court, if the Senate agrees, and have enormous power for the rest of his life in just those kinds of decisions.

Mr. President, the article goes on:

Rehnquist now says he has reconsidered his attitude toward the public accommodations ordinance of 1964; this is understandable since even Barry Goldwater endorsed it seven years ago and it has worked smoothly, contrary to Rehnquist's lugubrious expectations. Before we rejoice too readily, however, we should note that he has only endorsed the local ordinance, not the Civil Rights Bill of 1964, and that in 1965 and 1967, virtually alone among prominent Arizonans he opposed other civil rights legislation.

Now to another subject. I was pleased by press reports yesterday that the Committee on Foreign Relations is going to bring before Congress proposed legislation which would limit the power of the President to send troops into other countries without prior approval by Congress. I think that is greatly needed legislation. The country has come to believe as strongly as does the majority of the Senate that the power of the executive in relationship to the power of the legislative branch is far too great. The Congress must take back much of that power which was either given away or eroded away over the years.

Mr. BAYH. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. I yield.

Mr. BAYH. I could not help observing that the Senator from Oklahoma, in his usual perceptive manner, has gone straight to the heart of one of the matters of deep concern to me about the qualifications of the nominee. I, too, have been concerned about the position Mr. Rehnquist has taken and urged upon the President so far as the President's warmaking power is concerned.

Earlier in colloquy with the distinguished Senator from Massachusetts (Mr. KENNEDY), we discussed the general philosophical bent of the nominee when apportioning the power among the various branches of Government. At almost every turn of the road there has been the Rehnquist argument supporting the President, the Attorney General, and, indeed, helping to formulate policy that, when it comes to competition among the executive branch, the Federal Government, and others, the Federal Government should be given the benefit of the doubt and should be permitted to move unchecked and unrestrained.

A moment ago the Senator from Oklahoma aptly described the argument about the warmaking power, that the President should not be restrained by a Cambodian border, a Laotian border, or, indeed, a North Vietnamese border.

This shows the same philosophical bent that has caused concern in my mind in other areas. As to the right of privacy, the executive branch should not be restrained by law, the Federal Government has the constitutional right to move in and take pictures and to provide surveillance and, thus, to erode away the individual's right to privacy, to chill—in the famous words of the Griswold case—the right to free spech.

The same way with bugging. It is the Federal Government again—Big Brother. It is such an unusual argument to be espoused by one presented to the Senate as being of conservative bent, because historically it has been the great conservative Justices who have stood up and said, "Thou shalt not encroach upon the right of the individual." Thus, we have a clear and steady pattern that is not only inconsistent with past conservative philosophy but which, in my judgment, is dangerous if we feel that the individual still has important rights that should not be transgressed upon.

I will say to my friend from Oklahoma that the nominee departs from the rights of the individual theory in the letter to the editor over the equal accommodations ordinance, when he argued that black people should not be prohibited—allowed to use drugstores. When the rights of minorities needed protecting, he said that the Government should not intervene. There, he said that individual rights of the store owners were important. But, interestingly enough, there he said that individual property rights should be given precedence over individual human rights. It is this philosophical bent and what that might mean on the Court if Mr. Rehnquist becomes Mr. Justice Rehnquist, that has led the Senator from Indiana to express his concern and his opposition to the nominee.

I appreciate the tack the Senator from Oklahoma is taking. I also appreciate his patience in letting me interrupt him.

Mr. HARRIS. Mr. President, I appreciate very much that intervention by the distinguished Senator from Indiana. He has made the important points that should require a vote against this nomination.

I want to say, too, that I appreciate the valiant fight he has led in this regard against this nomination, as he has in regard to others.

As did I, he voted for the confirmation of Justice Blackmun. He led the fight against Mr. Haynsworth and Mr. Carswell. He voted for the nomination of Lewis F. Powell. I think that indicates a selectivity on his part and not blind opposition. Even some of those are close cases, in my opinion, when we are talking about the Supreme Court, which is what I thought in regard to the Powell nomination, for example. But the Senator from Indiana has been selective. It is only when the President goes outside the bounds of the kind of qualifications that a man should have to go on the Court that he has risen on this floor in opposition to this nomination. I honor him for that.

I want to ask the Senator from Indiana if he would respond to the statement in an editorial, published in the Washington Evening Star today, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Dec. 8, 1971]

ONE APPROVED, ONE TO GO

The Senate's overwhelming confirmation of Lewis F. Powell Jr.'s nomination to the Supreme Court by a vote of 89–1 was entirely expected, most welcome and a tribute to the Virginia nominee's stature and qualifications. Moreover, it says something refreshing about the American system of selecting and confirming members of the nation's highest court.

In sharp contrast to the heated Senate struggles that led to the defeat of President Nixon's first two Southern nominees, Clement F. Haynsworth Jr. and G. Harrold Carswell, next to no opposition was voiced to Powell in this week's debate. The Senate's action thus puts the lie to the notion that a Southern conservative cannot get confirmation to fill a Supreme Court vacancy. A Southern conservative can, and has, just as a Negro has, and Jews and Catholics have, and a woman undoubtedly will, before too long.

In all probability, Powell would have met more opposition than he did had his nomination been the only one under consideration. But the President had two vacancies to fill, and it is upon his second nominee, William H. Rehnquist, that a number of Senate liberals, together with an assortment of civil rights organizations, have chosen to focus their fire. We'll be hearing a lot more about that as the Senate debate on Rehnquist unfolds.

Rehnquist's opponents have depicted him throughout as an enemy of minority rights and civil liberties. As evidence, they have cited a number of statements he made and stands he took over the years. The latest revelation goes back to 1952, when Rehnquist was 28 and a clerk to Supreme Court Justice Robert H. Jackson. In a memo entitled "A Random Thought on the Segregation Cases," he is said to have argued that the separate-but-equal doctrine of public schools should be reaffirmed.

The memo says no more, no less about Rehnquist's probity or competence than the earlier disclosure that in 1964 he opposed a Phoenix open accommodations ordinance. In the light of subsequent court decisions, he was off the mark. In the context of the times, his views were consistent with a defensible and honorable—albeit thoroughly conservative—constitutional philosophy.

In all likelihood, as a member of the court, Rehnquist will not be among those eager to expand the constitutional frontiers of civil rights and individual liberties. But neither, in all probability, will Powell. The point is that this is not the prime criterion, nor is it a very tenable criterion, for the Senate to use in passing judgment on a President's nominee to the court. What the Senate should be looking for are integrity, intellectual strength and legal qualifications. On these counts, Rehnquist merits speedy and decisive approval.

Mr. HARRIS. Let me quote the last paragraph, in part:

In all likelihood, as a member of the court, Rehnquist will not be among those eager to expand the constitutional frontiers of civil rights and individual liberties. But neither, in all probabilities, will Powell. The point is that this is not the prime criterion, nor is it a very tenable criterion, for the Senate to use in passing judgment on a President's nominee to the court. What the Senate should be looking for are integrity, intellectual strength and legal qualifications.

I want to ask the Senator, is there anything in the constitutional history of this country, or in the traditions of the Senate, that restrict a Senator just to those considerations, or if the President chooses a person to be a Justice because of his legal ideology, does not a Senator have as much power to reject him for that ideology?

I know that the Senator has gone into this in the past, and I would appreciate any comments he might have to make about that.

Mr. BAYH. Mr. President, I think that is an important point the Senator raises because that, indeed, is the foundation for our being here. If, indeed, there is no responsibility or right, as the case may be, just to go beyond the intellect or the integrity of the man, then I think the time spent in debating is wasted.

I hope that those who wrote this editorial down at the Star will ask someone to look a little bit further and do some research, because they will find that historically the Senate has considered almost everything relative to a Supreme Court nominee's background as cause to vote against him. There have been about 25 percent of all Supreme Court nominees in the history of this country who have been nominated by the President who never reached the bench.

If we look back in history, there have been some moments when the reasoning of the Senate has not been good. Nominations have been rejected not on philosophical grounds, but on political grounds. Really, if there are those in this body who were to argue that the Senate should not consider philosophy, they would find themselves in a somewhat inconsistent position, because some Senators who now argue this point are the ones who led the opposition to the nomination of Justice Fortas to be elevated to Chief Justice and to Judge Thornberry being made a Justice. Theirs was not a philosophical argument; it was purely a political argument. "There is to be an election in a few months," it was said, "so let us put these nominations off." No effort was made to cloak that position.

So we do not have to go back to Civil War days or to earlier days, such as the days of President Jackson, when there really were some disputes about Court nominees. President Ulysses Grant had three consecutive Supreme Court nominations turned down.

I think the Senator from Oklahoma is right in suggesting that the Senate has a broader responsibility.

Indeed, the nominee himself thinks that we have. Nobody really has argued more persuasively that a nominee's philosophy should be considered than William H. Rehnquist himself. Let me quote one paragraph from an article published in the Harvard Law Record of October 8, 1959. Lawyer Rehnquist said:

Specifically until the Senate restores its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee, before voting to confirm him, it will have a hard time convincing doubters that it could make effective use of any additional part in the selection process.

So the man whose nomination is now before us was writing then as one of the chief proponents of the Senate's considering philosophy.

I am sure the Senator from Oklahoma is also aware of one of the most bitter controversies that the Senate has experienced in considering Supreme Court nominations—the nomination in the 1930's, I think, of Judge Parker, of the Fourth Circuit, to the Supreme Court. There was a great outpouring of opposition from civil rights leaders and labor leaders. One of the major sins for which he was held accountable was his position on the "yellow dog" contracts. The forces got so strong that they kept Judge Park-

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er off the Supreme Court. But in the debate of that hour some of the real—I say this respectfully—old tigers of the Senate spoke rather eloquently of the need to look at philosophy.

Senator Borah, for example, said:

Upon some judicial tribunals it is enough perhaps that there be men of integrity and of great learning in the law, but upon this tribunal—

The Supreme Court—

something more is needed; something more is called for. Here the widest, broadest, deepest questions of government and governmental politics are involved.

Another distinguished Senator of that time, Senator George Norris, of Nebraska, spoke eloquently to the question raised by the Senator from Oklahoma when he said:

When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that the nominee possesses both of these qualifications—but we ought to know how he approaches the great questions of human liberty.

It is these questions, the questions of human liberty, that concern the Senator from Indiana, and I can tell by the perceptive argument of the Senator from Oklahoma that he is equally concerned about putting someone on the Supreme Court of the United States who does not realize the delicate balance that exists today—as it always has—between the rights of government, on the one hand, and the rights of the individual citizens of the country, on the other.

Mr. HARRIS. I thank the distinguished Senator from Indiana very much. I was intrigued, too, by what he said about how it seemingly is inconsistent for this nominee, or anyone else, to call himself a conservative in terms of the rights of individual citizens as against big government, and then consistently to support wiretapping for rather broad purposes, preventive detention, and no-knock legislation.

I am particularly reminded of the work done in the Senate and in committee by the distinguished Senator from North Carolina (Mr. ERVIN). He and I do not agree on many governmental programs and policies, and I suppose most people—at least many people—would call the Senator from North Carolina a conservative. One of the things that distinguishes him in that regard is that he has made it a very important Senate work of his to oppose the awful increase in surveillance—the Army going out, following people around, taking pictures of and reporting about demonstrators, and even following political figures—things that have nothing to do with the security or insecurity of the country. That is the kind of regard for individual rights as against powers of big government that one would expect from a true conservative. But, as the Senator from Indiana has pointed out quite well, that kind of conservatism is not the kind of conservatism which the nominee's actions and philosophy exemplify.

Mr. BAYH. I have been impressed with this inconsistency. I must say, having a few scars from past disagreements with our President, about Supreme Court nominees, that I have not been totally insensitive to the politics of the matter. As I said earlier to my friend the Senator from Oklahoma, this is not the first time that politics have been injected into the choice of nominees; but to my knowledge this is the first time in modern history when during a presidential campaign the candidate declared as one of his major thrusts and major reasons for which he should be chosen that he was going to revamp and reorient and redirect the Supreme Court of the United States, and that he was going to appoint men like Brandeis and Holmes and Frankfurter.

That, it seems to me, is a bit different from the qualifications and the great record of those three giants. I think maybe he even included former Judge Cardozo at one time in his list of examples.

Then we went through the strict constructionist syndrome when we considered the nominations of Judge Haynsworth and former Judge Carswell. These men were presented as strict constructionists. I do not know what a strict constructionist is. I went to some pains, as the Senator can imagine, when we first got hit by that word, to try to find out what a strict constructionist is. If we read what Webster says about a strict constructionist, we will find that he is one who would construe narrowly and strictly the law as interpreted in past cases by precedent, and apply it to present cases or future cases.

We did not have this problem with Judge Carswell. He was a man who was going off, as we learned in freshman law "on a toot." He was making law irrespective of what the high courts said. Yet this is a strict constructionist. When the President came on television the other evening, we were told that his two nominees are judicial conservatives. I do not know what judicial conservatives are. Certainly a judicial conservative is one who establishes his thoughts and follows the clear tradition of the great Justices, such as the Justice whose seat is now vacant. Justice Harlan could be called a great conservative, and other Justices could be called great conservatives.

These men certainly were the ones who stood up and said, "Thou shall not transgress on the individual." Indeed, I think it is important. I am not an alarmist, but regardless of who the President is, and regardless of the day in which we live, we need to have someone on the Court who realizes there are necessary restraints that must be placed on the executive branch.

We are looking now, as the Senator knows, at a long period of time. He and I are relatively young Members of this body. We are being asked to place on the Supreme Court a man who is only slightly older than we are. The operative life of a Supreme Court Justice is slightly longer than that of a typical United States Senator. So it is fair to say that that Justice will be there for a longer period of time than most of us who have the good fortune to serve in this body. We do not know who will be there. Maybe it will be someone of our political beliefs, someone of our views; or maybe someone who wants to use the machinery of government in the way to transgress on individual freedom.

I say we need a Justice for the next 20 to 30 years who will say, "We have to examine this carefully and put the individual and his or her rights in proper perspective and not subordinate them to the Executive."

Mr. HARRIS. I thank the Senator again for that statement, which is very helpful. I think it is very persuasive with respect to the decision which is now before the Senate.

I recall that in the 1968 presidential campaign, which has been mentioned by the Senator from Indiana, the successful candidate, President Nixon, made as a major issue the kinds of nominees he would send to the Senate for the Supreme Court. That was a campaign in which George Wallace, the candidate of the American Party, was saying that, "There is not a dime's worth of difference between the nominee of the Republican Party and the nominee of the Democratic Party." There were some disappointed Democrats on the left who were also at that time saying there is not really any difference between HUMPHREY and Nixon and that there was not really much choice.

I recall a speech that then Vice President HUMPHREY made during the campaign to an AFL–CIO convention in Sacramento in the last days of the campaign. What he said was not the most popular thing to say to them, but he said that the President of the United States would probably wind up appointing a majority of the Court, he discussed the age of the justices, and we all knew there would be vacancies.

He said that the path this country decides to travel—and this is not a quote but, in effect, what he said—with respect to civil rights and civil liberties would be determined for a generation by who was selected President.

Unfortunately, many people did not perceive that to be a critical issue; or if they did, they did not say so. So he was elected and that prediction has now come true.

With the approval of Mr. Rehnquist—and I hope we will not do so—we would place on that Court a majority of men who are strict constructionists, as President Nixon views that term, or judicial conservatives, as he uses that term. Whatever those terms mean, they do not mean we are going to continue to have a Court which will stand up to the Executive and the Congress and the country in the field of civil rights and civil liberties. I find that to be a very distressing prospective that will not occur with my vote, if I can help it.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. BAYH. If I may take the statement the Senator made in paraphrasing then Vice President HUMPHREY, I think that is a statement that is broader when it transcends the political connotations of the campaign.

This is the thing that has been burning at the very entrails of the Senator from Indiana. Is it an exaggeration, and

are we being overly concerned to say that the nominees that go on that Court will determine the course the entire country goes in the area of human rights and civil rights?

For example, if we have a nominee on the Court who in the midsixties was still opposed to letting black people in the drugstores of his hometown, what does this portend about future legislative efforts with respect to discrimination? What does that portend about the standards we are establishing in the future?

Mr. HARRIS. It does not portend well, in my view. I must say I believe that a nominee for the Supreme Court should not be someone forced to fight off attacks on his relatively negative record on civil rights and civil liberties. I think that a nominee should instead have an exemplary record in the field of civil rights and civil liberties. So my test would be far stronger, but at the very least it seems to me even by the most mild kind of test, the background and beliefs, very recent ones, as the Senator pointed out, of this nominee do not stand the test.

Mr. BAYH. If the Senator will permit me to proceed further, I think he has struck a very relevant point here. I wish we had the chance to get this statement before all of our colleagues, an astute group of individuals, and let them listen to this line of reasoning presented by the Senator from Oklahoma.

One of the problems that confronts us today is the fact that there are far too many of our citizens who are out of the opportunity scale, or out of the opportunity section of our society. Whether we call them below the poverty line or welfare recipients, for one reason or another they have not been able to harness the resources, the capacity, to make it on their own.

The Senator from Oklahoma has been one of the most articulate advocates to get these people on their feet so they may become producing members of society, so that there may be a restoration of pride in themselves.

As I have discussed this on platforms over the last year or two, I have found that the generally accepted reason or goal—goal is much better—that seems to be accepted by most of our people as being at the foundation of whatever program one might want to put on to get these people to be better-producing members of society, was for better educational opportunity, whether elementary school, secondary school, vocational programs, higher education, or advanced education.

Even the most conservative citizens of this country will say, "If you can get them a good education that is the place to put the emphasis." But if we are to accept this as one basic tool in order to open the door of opportunity for all of our citizens, does the Senator from Oklahoma have concern when he looks at the objections that this nominee had to the efforts of the school system in Phoenix in 1967? This was not back at the time of Brown against Board of Education. In 1967 he even opposed a voluntary free choice busing system.

Mr. HARRIS. I find that to be absolutely unacceptable. It is terribly objectionable to me that the President of the United States would send down here the name of a man like that, particularly when we think of the traditional civil rights, the right to eat, or live, or work where one wants to live. I think we have to go beyond those rights.

I believe that most people think that there are other kinds of rights—rights to enough income, to decent health, to a decent education, to a decent house and a decent neighborhood; that these are American rights. To say the very least, it seems to me we ought not to be going backward on traditional civil rights; we ought to be going forward in regard to rights in a much broader context.

The late Senator Robert Taft, who served in this body 25 or 30 years ago, was talking about the rights of a child who grows up in America to a decent standard of life. We ought to be talking about rights, and not charity. People are not going to let charity be inflicted on them any more.

Yet we have a nominee who does not subscribe to the philosophy even of traditional rights that we have in terms of American citizens.

Mr. BAYH. We are talking about the right of quality education. In the State of Indiana it is a constitutional right, guaranteed by the State constitution, and it is in most other States today. But if that is the right we want to see protected—the individual's opportunity and right—what about a nominee who says what he said in debating the question of an open school system in Phoenix? Again I want to emphasize that this was not court-ordered integration. This was completely voluntary. There was no long-range busing involved. There was no arbitrary placing of pupils involved. Given that situation, nevertheless, the nominee said as follows in 1967:

Mr. Seymour—

the School Superintendent of Phoenix—

declares that "we are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policymaking bodies who are directly responsible to the electorate rather than from an appointed administrator. But I think many would take issue with this statement on the merits, would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a free society in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.

Given 150 years of slavery, given discrimination which had been a part of a law of the land for all too long, and then to place that type of philosophic interpretation on the need to open our school system and provide educational opportunities, what does that bode for the educational opportunity of children if Mr. Rehnquist is confirmed.

Mr. HARRIS. It bodes us ill. I think it is appalling that so many people in this country, who have for so very long denied quality education to black people and other minorities and deprived them of their real chance in life, then turn around and say, "Why don't you pull yourself up by your own bootstraps?" You either believe in individual efforts and people's responsibilities to make the best of themselves or you do not, and if you do, as I do and as this country does, you have to give people an equal chance at the starting line.

It is just because of men like Mr. Rehnquist that so many generations of little black children and other minority children in this country and poor children in America have had no chance and have had their lives destroyed. It is not enough to say we are not any longer affirmatively discriminating. The Supreme Court said in a recent case in Mississippi that we violate the constitutional rights of peoples unless we show the Government is taking affirmative, positive steps to redress the wrongs of the past. I do not see that kind of philosophy evidenced by this nominee. In fact, as the Senator from Indiana knows, in his very recent record he does not have that philosophy. I think that bodes ill for the country.

Mr. BAYH. I thank the Senator for permitting me to interrupt.

Mr. HARRIS. I appreciate the Senator's contribution, and particularly what he said about nominees and the lack of restriction on the Senate in making up its mind, just as there is no restriction on the part of the President in making up his mind on Supreme Court nominations.

I want to read further from the article to which I referred earlier from the Ripon Society.

In nearly all of his public statements and in a number of private comments, Rehnquist has revealed himself as a brilliant authoritarian idealogue who sees the law or the Constitution as mere instruments for imposing his beliefs on the body politics. It may in fact be questioned whether a man who, like Rehnquist, defines a conservative judicial philosophy as an approach "that consistently applied reaches a conservative (political) result" can be correctly said to have a judicial philosophy at all.

For this reason the Ripon Society believes that his elevation to the nation's highest court would be a dangerous mistake. If one is to have excessive judicial activism it is far safer to have it at the expense of the executive rather than in concert with an already exorbitant Presidency.

This concern is greater than ever today, when the expanding technology of personal surveillance evokes with renewed menace the Orwellian vision of 1984 (when Rehnquist will be 59).

The article in the Ripon Forum further notes:

The Senate is especially bound to consider the philosophies of Supreme Court appointees when a President publicly enunciates a policy of choosing nominees largely because of their political leanings.

I call attention to that sentence. The Ripon Forum believes, as pointed out in this article, that it is not just within the power of the Senate to look into the philosophies of nominees for the Supreme Court, but that the Senate is bound to consider the philosophies of nominees to the Supreme Court when the President has said he has chosen those nominees for precisely their philosophic leanings.

The article continues:

Unlike most other Presidents of the twentieth century, President Nixon has made it clear that the principal qualification for his nominees is concurrence with his Administration's policies, especially in civil liberties. The Senate should exercise close scrutiny over nominees of such a politicized Presidential selection process.

I agree with the philosophy expressed in that sentence. I think that where a President has politicized the selection of Supreme Court nominees and has decided not to make balanced appointments, but to make appointments or nominations all from one political conservative cast, for that reason he seeks out nominees having conservative ideological leanings just like his own. Thus it is clear that the Senate must give special care to the confirmation process.

The Senate has a special kind of burden in cases like the present to give the closest possible scrutiny to those nominees.

The Ripon Society concludes:

And if we really must have extremists on the Court, may they be in the defense of liberty.

To which, Mr. President, I say "Amen."

Mr. President, I rise today not only to oppose the appointment of a man to the Court, but also to support the Senate's reaffirmation of its constitutional powers of advice and consent.

There are two ways to view the Senate's role in confirming Presidential nominees. The first holds that the Senate is little more than an independent investigative agency, whose role is simply to weed out those blatantly unfit to serve on America's highest court for the most basic and fundamental of reasons.

I take it that this is the view of the Washington Evening Star, as expressed in its editorial of Wednesday, December 8, 1971, to which I have previously referred. In that editorial, the operative sentence is:

What the Senate should be looking for are integrity, intellectual strength, and legal qualifications.

In other words, that is all that ought to come within the scrutiny of the Senate's confirmation process. I disagree with the Star.

The second view recognizes that the Senate's authority of advice and consent is an essential part of the network of checks and balances which protects our representative form of government.

I think, Mr. President, I have made it abundantly clear that it is that view with which I agree, and which causes me to stand here now in opposition to this very ill-advised nomination.

Mr. President, if the Chief Executive places before this body for consideration a man or woman who is unfit to serve, it is our universally recognized duty to reject the nomination. But it would be extremely dangerous for us to consider our role to be limited to this sort of determination.

Our role is far more important than that in the view of those who wrote the Constitution, and in the view of a majority of this body, now and in the past. Our burden is far heavier than that rather easy burden; our responsibility is far broader.

We have seen, in the past few decades, a significant and alarming shift of power to the executive branch of government since 1933, when President Roosevelt was granted emergency powers by a hastily assembled Congress to deal with an extraordinary economic situation. The Senator from Maryland (Mr. MATHIAS), in an article entitled "The Optional Congress," has described in great detail the subsequent history of so-called emergency powers through a succession of six Presidents. The Senator says, and rightly so, that these six Presidents:

Have been as one on the question of when the country is in a state of national emergency and when the Congress, on a wide range of issues, is optional. Their answer, quite simply put—in a word—is always. In the last 37 years, the country has passed through many vicissitudes of war and peace, but Presidential powers have been continuously "at war."

A lower court did judicially acknowledge—in 1962—that the depression had ended. But no authority has yet recognized the end of the Korean emergency, proclaimed by President Truman on December 16, 1950, and still in effect today. (Ripon *Forum* Guest editorial, Vol. VII, No. 13, at 3.)

Mr. President, I ask unanimous consent that that article, entitled "The Optional Congress," which appeared as a guest editorial in the Ripon Forum, volume III, No. 13, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRIS. In more recent times, Mr. President, an unchecked exercise of authority on the part of the Executive has led to our tragic involvement in Indochina; an involvement undertaken by a series of Presidents with a minimum of congressional knowledge or approval. More recently, this administration has asked us to approve unaltered its phase II economic program—a program which gives broad and virtually unchecked authority to the President.

I spoke earlier about the unrestricted powers that we have given to the President. The distinguished Senator from Wisconsin and I, and others, stood on this floor and attempted to prevent that act from being passed as recommended by the President, or at the very least, to cut back the extension of time from April 1973, when the act will now end, to June 30, 1972, because we thought that those unprecedented powers should not be granted to the President for that long a period of time, if they were to be granted at all.

Mr. President, as a U.S. Senator I feel it is my constitutional duty to question not only the legal and moral qualifications of any nominee to the Supreme Court; but also the impact of the nomination upon the Court itself. I am convinced that the addition of William Rehnquist to the Court would extend to dangerous proportions a trend of disregard for the rights of the individual. For that reason, I feel that it is my responsibility to vote against the appointment of Mr. Rehnquist.

Mr. President, as I have traveled about this country, I find a rising tide of cynicism and hopelessness, and a despair about whether or not the political process is going to deliver on people's legitimate complaints about their lives and their society. One reason why that is so is that the Government is so big and all pervasive, and is so much involved in the lives of so many of our people, is often so remote, impersonal, and faceless. Consequently, people do not really feel that through the political process they have control over the decisions that are made.

I think it is terribly important, Mr. President, that we try to respond to that cynicism and feeling of despair and hopelessness. Therefore, as I say, even if Mr. Rehnquist's record was not as bad in the field of civil rights and civil liberties as it is, I would be very careful to scrutinize his record and his beliefs, because I believe that anyone who goes on that Court ought to have an exemplary record. It ought to be an outstandingly affirmative and positive record in the field of civil rights and civil liberties. It is not even enough, any more, just to say that one is not doing anything any more against the rights and liberties of others, or that he has refrained from doing anything against the rights and liberties of others. I believe it is required, in these days particularly, of a man who would go on the Supreme Court of the United States that he be able to show that he is acting in an affirmative and positive way to preserve and promote the civil rights and civil liberties of others.

That is one reason, Mr. President, why I think it is terribly unfortunate that instead of this nominee, Mr. Rehnquist, the President did not send to the Senate the nomination of a woman to be on the Supreme Court of the United States. There are nine places on that Court, not a single one of which is now or ever has been occupied by a woman. There are plenty of well-qualified women lawyers and judges, the names of many of whom several Senators, I, and others brought to the attention of the President of the United States.

For a time before this nomination President Nixon floated the names of several candidates for the Court position and finally a whole list of candidates was published. There were names of women who were said to be under consideration, and there was a widespread feeling among women throughout the country that the President, at long last, did really intend to send to the Senate the nomination of at least one woman to be on the Supreme Court of the United States.

If a qualified woman had been nominated, Mr. President, I think it would help to make the Court more representative of the judicial and legal profession as it exists in this country, and furthermore I think it would help to humanize the law a great deal.

More than that, I think it would give a great number of people in this country who presently feel that their interests are not properly represented on the Court or in Government a better reason to believe that they are, indeed, represented or better represented than has been true in the past. The President did not do that; and with the nomination of Mr. Rehnquist, he did not do it with regard to black people or other minorities; he did not do that in regard to poor people. Instead, we did not make it better; we made it worse by this nomination. And the Senate will be a part of that if it agrees with this nomination and joins in the appointment. I do not think the Senate ought to do that; and I hope that the Senate, therefore, will not advise and consent to the nomination of Mr. William H. Rehnquist to be a member of the Supreme Court of the United States.

EXHIBIT 1

THE OPTIONAL CONGRESS

(By Senator CHARLES McC. MATHIAS)

The President's New Economic Policies represent a bold and necessary response to a serious crisis and they have my support. At the same time, the emergency powers he was able to invoke dramatize anew the scope of constitutional authority which Congress has over the years relinquished to the office of the President.

This process has a long history, that unfortunately continues to transpire in the headlines of today. But perhaps the crucial moment in establishing these emergency powers came in the midst of the Depression almost 40 years ago.

On May 9, 1933, in a moment of genuine crisis, President Franklin D. Roosevelt convened the Congress and demanded, in effect, that it revamp the Constitution before midnight. The purpose of his proposed reforms was, in effect, to make Congress, and consequently the Constitution, optional at the discretion of the President, as the national interest required.

The demand came as part of the Emergency Banking Act, an omnibus bill reorganizing the Nation's then collapsing banking system and retroactively legitimizing the President's Bank Holiday proclamation of 3 days before.

It was referred to the Committee on Banking and Currency with instructions that it be reported in an hour. The bill was never printed and it was not available for Senators to read prior to action on the floor of the Senate. The then Senator from Louisiana, Mr. Huey Long, complained that he did not know what was in it until it was read by the clerk. Most Senators indicated that they had grave reservations about what they understood to be the bill's provisions and Senator Long protested the extraordinary powers it granted to the President. But in the extremity of the crisis at hand, Congress felt it had to act immediately as the President demanded. The bill was passed by both Houses before midnight and the American constitutional Republic has been in its Damoclean shadow ever since.

The key provision, not much remarked by the Congress at the time, came in an amendment to section 5b of the Trading With the Enemy Act of 1917. As enacted in 1917, section 5b shifted from Congress to the President the power to regulate trade and financial transactions between Americans and foreigners in wartime. The 1933 amendment to 5b authorized the President—by the simple expedient of declaring a national emergency—to assume in peacetime the extensive wartime emergency powers associated with the Office of President as Commander-in-Chief.

In this little noticed enactment, Congress established a principle with reverberations going far beyond the legislation at hand. For the courts have interpreted the amendment as creating a virtually unlimited Executive prerogative that now applies to some 200 laws granting special powers to the President during national emergencies. But neither Congress nor the courts have set criteria for invocation of these multifarious powers.

In accord with President Roosevelt's approach, the President alone decides when a national emergency exists and when it ends, when he should share power with Congress as the Constitution prescribes, and when Congress can be made optional by proclamation.

This assignment of emergency powers has worked very smoothly over the years. Since that dire extremity of 1933, there have been six Presidents—four Democrats and two Republicans. But they have been as one on the question of when the country is in a state of national emergency and when the Congress, on a wide range of issues, is optional. Their answer, quite simply put—in a word—is always. In the last 37 years, the country has passed through many vicissitudes of war and peace, but Presidential powers have been continuously "at war." The result, described by Jeffrey G. Miller and John R. Garson in an excellent article in the February 1970 issue of the Boston College Industrial and Commercial Law Review, is that "some 60 percent of the nation's population have lived their entire lives under a continuous unbroken chain of national emergencies."

A lower court did judicially acknowledge—in 1962—that the depression had ended. But no authority has yet recognized the end of the Korean emergency, proclaimed by President Truman on December 16, 1950, and still in effect today. Since the President declared with reference to Korea that "world conquest by Communist imperialism is the goal of the forces of aggression," the State Department has interpreted the emergency to mean the duration of the cold war, whatever definition they may apply.

This interpretation, however, has not limited the emergency powers to military matters affecting the protracted conflict with the Communists. Before the recent Nixon monetary actions, the Korean authority, in fact, was most recently invoked in 1968 in relation to our economic competition with our European allies.

President Johnson felt he would have difficulty securing from Congress the broad powers he needed to deal with the deficit which had been emerging for several years in the nation's balance of payments. Yet the Constitution clearly reserves to the legislative branch all powers for regulating foreign commerce. So the President invoked the emergency powers granted in 1950 in relation to the Korean war and signed Executive Order 11387: Governing Certain Transfers Abroad. The Department of Commerce immediately issued the foreign direct investment regulations—FDIR. The Executive order and the FDIR restrict the amounts of capital that American investors may transfer to or accumulate in foreign affiliates, and compel repatriation of short-term liquid balances such as foreign bank deposits.

EXECUTIVE ENCROACHMENT

Without citation of the Korean war powers, these measures clearly represent an unconstitutional encroachment on legislative authority. The courts have upheld them, however, and they remain the law of the land. It is currently the law of the land, therefore, that the state of national emergency proclaimed by President Truman in 1950 in relation to the Korean conflict can be invoked in relation to a balance-of-payments deficit 18 years later. Similarly, regulations against gold hoarding, activated by the depression emergency, are continued under the 1950 proclamation.

Other measures thus invoked under 5b include, respectively, the foreign, Egyptian, and Cuban Assets Control Regulations. The Cuban trade embargo was also based in part on the 1950 emergency, as was the recent suspension of the Davis-Bacon Act, requiring the government to pay prevailing wages on construction contracts.

Among the nearly 200 other emergency laws are several that seem immediately pertinent today as we consider the future of the draft and the Executive's latitude to act alone in Southeast Asia. The President's emergency powers seem to permit him both to detain enlisted troops beyond the terms of their contracts and to detail military men to the governments of other countries. Also pertinent are his powers to sell stocks of strategic materials, revoke leases on real and personal property, suspend rules and regulations applicable to broadcasting stations, exercise control over consumer credit, and, as we know, assume sweeping authority in the world monetary realm.

CONTINUOUS EMERGENCY

These powers infringe on so many crucial constitutional rights and principles that collectively they may be seen as placing our system of democratic government in jeopardy. Certainly the deprivation of rights and property is authorized without due process. But perhaps most important, these measures threaten the constitutional balance of powers between the executive and legislative branches. Because a state of official emergency has obtained continuously since 1933—and has been upheld by the courts to validate actions unrelated to the original crisis—the national emergency powers have accumulated and become institutionalized in the executive. The Presidency, already enhanced by modern trends, has been further aggrandized by the paradox of the continuous emergency.

Unless we accept the principle of an optional Constitution and an optional Congress we must reject the concept of national emergencies declared by the President at his discretion in peacetime without termination dates. Since this concept has been upheld in essence by the courts, it is up to the Congress to recover by legislation the constitutional role that it has allowed the executive to usurp. We must reassert the principle that emergency powers are available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand.

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This is easier said than done. We discover that the continous and cumulative and institutionalized emergency is also almost irrevocable. So many executive agencies and procedures are rooted in emergency powers that it is extremely difficult to rescind them without major administrative disruptions. With this in mind, the distinguished majority leader, Mr. Mansfield, joined with me during the last session in Senate Joint Resolution 166, a resolution which, among other things, proposed the creation of a special committee to explore with the executive the consequences of terminating the Korean emergency. In the aftermath of the Cambodia incursion, however, our proposals were not acted upon. And so I have reintroduced the proposal as a Senate concurrent resolution. It calls for the establishment of a commission to study and make recommendations terminating the state of national emergency.

It is to be expected that the commission's recommendations would at least have the effect of restoring to Congress its full constitutional authority to regulate commerce, and would clearly define a national emergency. Together with S–731, an act to regulate undeclared war, which was introduced in February by the distinguished Senator from New York, Mr. Javits, this would serve to assure that emergency powers would only be applied for the duration of genuine emergencies. The Constitution did not envision a state of national emergency to be the normal state of affairs.

Under the best of circumstances, the Congress will not find it easy to maintain its

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historical constitutional role in the modern age. Modern communications, national interdependence, and international involvement converge to enhance the Presidency; real emergencies continually arise requiring the kind of decisive response the Executive is best equipped to give. But if the Congress allows these National Executive advantages to be expanded by special emergency powers responding to unspecified emergencies without termination or limit, the balance of powers between the branches of our Government may be irreparably broken.

I believe that we do face today a national emergency—even a paradoxically continuous one. It emerged during the depression and has been with us for several decades. It is a crisis that throws our whole system of constitutional government into jeopardy. This emergency—if I may use the term so loosely—is the atrophy of Congress. It is not an emergency which calls for the decisive exercise of executive powers. It calls for the decisive recovery of legislative powers. Only Congress can redeem itself; but in serving itself, it can also save the Constitution.

Mr. FANNIN. Mr. President, on Monday just before we confirmed the nomination of Lewis F. Powell, Jr. to the Supreme Court, I noted that it took an awful lot of repetition to carry that discussion for 2 days.

We now are in the third day of discussion on the nomination of William H. Rehnquist to the Supreme Court. Again, I would observe, we are hearing nothing more than repetition.

We are hearing the same arguments—arguments that already have been disproven—from the opponents of Mr. Rehnquist. Those of us who support this nomination repeatedly have cited the excellent qualifications of Mr. Rehnquist. We have patiently answered the questions raised about the nomination.

Mr. President, I would like to call to the attention of my colleagues an editorial in today's editions of the Evening Star. Considering the Rehnquist nomination, the Star says:

> What the Senate should be looking for are integrity, intellectual strength and legal qualifications.

Mr Rehnquist certainly meets the test of having "integrity, intellectual strength, and legal qualifications."

Mr. President, I ask unanimous consent to insert in the RECORD at this point the Star editorial urging "speedy and decisive approval" of the Rehnquist nomination.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Dec. 8, 1971]

ONE APPROVED, ONE TO GO

The Senate's overwhelming confirmation of Lewis F. Powell Jr., nomination to the Supreme Court by a vote of 89–1 was entirely expected, most welcome and a tribute to the Virginia nominee's stature and qualifications. Moreover, it says something refreshing about the American system of selecting and confirming members of the nation's highest court.

In sharp contrast to the heated Senate struggles that led to the defeat of President Nixon's first two Southern nominees, Clement F. Haynsworth Jr. and G. Harrold Carswell, next to no opposition was voiced to Powell in this week's debate. The Senate's action thus puts the lie to the notion that a Southern conservative cannot get confirmation to fill a Supreme Court vacancy. A Southern conservative can, and has, just as a Negro has, and Jews and Catholics have, and a woman undoubtedly will, before too long.

In all probability, Powell would have met more opposition than he did had his nomination been the only one under consideration. But the President had two vacancies to fill, and it is upon his second nominee, William H. Rehnquist, that a number of Senate liberals, together with an assortment of civil rights organizations, have chosen to focus their fire. We'll be hearing a lot more about that as the Senate debate on Rehnquist unfolds.

Rehnquist's opponents have depicted him throughout as an enemy of minority rights and civil liberties. As evidence, they have cited a number of statements he made and stands he took over the years. The latest revelation goes back to 1952, when Rehnquist was 28 and a clerk to Supreme Court Justice Robert H. Jackson. In a memo entitled "A Random Thought on the Segregation Cases," he is said to have argued that the separate-but-equal doctrine of public schools should be reaffirmed.

The memo says no more, no less about Rehnquist's probity or competence than the earlier disclosure that in 1964 he opposed a Phoenix open accommodations ordinance. In the light of subsequent court decisions, he was off the mark. In the context of the times, his views were consistent with a defensible and honorable—albeit thoroughly conservative—constitutional philosophy.

In all likelihood, as a member of the court, Rehnquist will not be among those eager to expand the constitutional frontiers of civil rights and individual liberties. But neither, in all probability, will Powell. The point is that this is not the prime criterion, nor is it a very tenable criterion, for the Senate to use in passing judgment on a President's nominee to the court. What the Senate should be looking for are integrity, intellectual strength and legal qualifications. On these counts, Rehnquist merits speedy and decisive approval.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes tomorrow morning after the joint leadership has been recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR WILLIAMS ON FRIDAY, DECEMBER 10

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from New Jersey (Mr. WILLIAMS) be recognized for not to exceed 15 minutes Friday morning after the joint leadership has been recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT SECURITY—REFERRAL OF MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–182)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a message received from the President today on private pension plans be jointly referred to the Committee on Finance and the Committee on Labor and Public Welfare, since this message involves subject matter falling within both committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message is as follows:

To the Congress of the United States:

Self-reliance, prudence and independence are qualities which our Government should work to encourage among our people. These are also the qualities which are involved when a person chooses to invest in a retirement savings plan, setting aside money today so that he will have greater security tomorrow. In this respect, pension plans are a direct expression of some of the finest elements in the American character. Public policy should be designed to reward and reinforce these qualities.

The achievements of our private pension plans are a tribute to the cooperation and creativeness of American labor and management. Over 4 million retired workers are now receiving benefits from private plans and these benefits total about $7 billion annually. More than $140 billion has been accumulated by these plans to pay retirement benefits in the future. But there is still much room for expanding and strengthening our private pension system.

Three groups in our society have a tremendous direct stake in the growth and improvement of private pensions. The first is made up of that 50 percent of American wage earners who are *not* in private group plans at the present time and who have no tax incentive for investing in retirement savings as individuals. The second group includes those who are enrolled in group plans which provide benefits for their retirement needs which they regard as insufficient or which do not ensure that the benefits which are accumulating while they work will actually be made available when they retire. If we meet the problems of these two groups today, we will also be taking a giant stride toward improving the quality of life tomorrow for an important third segment of our population to which they will eventually belong: the retired Americans whose independence and dignity depend in large measure on an adequate post-retirement income.

Older persons have spoken eloquently about the need for pension reform, especially at the White House Conference on Aging, which was recently held in Washington. It is clear that our efforts to reform and expand our income maintenance systems must now be complemented by an effort to reform and expand private retirement programs.

The five-point program I present today includes three new legislative proposals, a renewed endorsement of an earlier proposal, and a major study project which could lead to further legislation.

1. *Employees who wish to save independently for their retirement or to supplement employer-financed pensions should be allowed to deduct on their income tax returns amounts set aside for these purposes.*

Today only 30 million employees are covered by private retirement plans. This fact alone demonstrates the need to encourage greater private saving for retirement.

Under present law, both the contributions which an *employer* makes to a qualified private retirement plan on behalf of his employees and the investment earnings on those contributions are generally not subject to taxes until they are paid to the employee or to his beneficiaries. The tax liability on investment earnings is also deferred when an *employee* contributes to a group plan, though in this case the contribution itself is taxable. But when an employee saves independently for his own retirement, both his contribution and the investment earnings on such savings are currently subject to taxes.

This inequity discourages individual self-reliance and slows the growth of private retirement savings. It places an unfair burden on those employees (especially older workers) who want to establish a pension plan or augment an employer-financed plan. To provide such persons with the same opportunities now available to others, I therefore ask the Congress to make contributions to retirement savings programs by individuals deductible up to the level of $1500 per year or 20% of income, whichever is less. Individuals would retain the power to control the investment of these funds, channeling them into bank accounts, mutual funds, annuity or insurance programs, government bonds, or into other investments as they desire. Taxes would also be deferred on the earnings from these investments.

This provision would be especially helpful to older workers who are most interested in retirement. The limitation I propose would direct benefits primarily to employees with low and moderate incomes, while preserving an incentive to establish employer-financed plans. The limit is nevertheless sufficiently high to permit older employees to finance a substantial retirement income. For example, a person whose plan begins at age 40, with contributions of $1,500 a year, could still retire at age 65 with an annual pension of $7,500, in addition to social security benefits.

This proposed deduction would be available to those already covered by employer-financed plans, but in this case the upper limit of $1,500 would be reduced to reflect pension plan contributions made by the employer. An appropriate adjustment would also be made in the case of individuals who do not contribute to the Social Security System or the Railroad Retirement System.

2. *Self-employed persons who invest in pension plans for themselves and their employees should be given a more generous tax deduction than they now receive.*

Under present law, self-employed persons may establish pension plans covering themselves and their employees. However, deductible contributions are limited annually to $2,500 or 10 percent of earned income, whichever is less. There are no such limits to contributions made by corporations on behalf of their employees.

This distinction in treatment is not based on any difference in reality, since self-employed persons and corporate employees often engage in substantially the same economic activities. One result of this distinction has been to create an artificial incentive for the self-employed to incorporate; another result has been to deny benefits to the employees of those self-employed persons who do not wish to incorporate which are comparable to those of corporate employees.

To achieve greater equity, I propose that the annual limit for deductible contributions by the self-employed be raised to $7,500 or 15 percent of income, whichever is less. This provision would encourage and enable the self-employed to provide more adequate benefits for themselves and for their workers.

3. *A minimum standard should be established in law for the vesting of pensions—i.e., for preserving pension rights of employees even though they leave their jobs before retirement.*

A basic problem in our present pension system is the situation of the worker who loses his pension when he is discharged, laid off, resigns or moves to another job. A person who is discharged just before retirement, for example, sometimes finds that the retirement income on which he has been relying—and which has been accumulating for many years—simply is no longer due him.

Preservation of the pension rights of employees who leave their jobs—vesting—is essential to a growing and healthy private pension system. A pension is fully vested when an employee is entitled to receive all benefits accumulated up to a certain date regardless of what happens in the period between that date and his retirement. Despite encouraging increases in the degree of vesting, the pensions of more than two-thirds of all current participants in private pension plans are not now vested. Even among older employees, whose need for vesting is most acute, many pensions are not now vested. Forty percent of participants age 45 or older, 34 percent of participants age 50 or older, and 26 percent of participants age 55 or older do not have vested pension rights.

This problem can be corrected by requiring that pensions be fully vested at an appropriate specified point in a worker's career. But how should that point be determined? If it were set at too early a point, so that too many younger workers were vested, it could create a considerable burden for employers and reduce the level of benefits for retiring workers. On the other hand, if too long a wait were allowed before vesting begins, then many older workers would receive little if any assistance. Both of these pitfalls can be avoided, however, through a carefully drawn formula which provides a shorter waiting period before vesting begins for older workers.

The formula that I propose to the Congress is based upon what I shall call the "Rule of 50." Under this standard, every pension would be considered half vested when an employee's age plus the number of years he has participated in the pension plan equals 50. The vesting process would begin with this jump to half-vested status. After this point has been reached, an additional 10 percent of the pension would be vested every year—so that the pension would be fully vested 5 years later.

Under this standard, which must apply to workers who are 30 years of age or older, anyone joining a plan when he is 30 years old would find that his pension would begin to vest at age 40, when his years of participation—10—plus his age—40—would equal 50. The pension of an employee joining at age 40 would begin to vest at age 45, and that of an employee joining at age 50 would begin to vest immediately. And in each case, the degree of vesting would increase from 50 percent to 100 percent over the subsequent 5-year period.

This plan gives older workers the advantage of more rapid vesting, a fact which could limit somewhat new employment opportunities for older workers. To help alleviate this danger, I recommend that a 3-year waiting period be allowed before a new employee must be permitted to join a pension plan, and also that employees hired within 5 years of retirement need not fall under this vesting rule. These safeguards would insure that older workers are not disadvantaged by this program.

This "Rule of 50" would raise the share of participants in private pension plans with vested pensions from 31 percent to 46 percent. Even more importantly, among participants age 45 and older the percentage with vested pensions would rise from 60 percent to 92 percent. Overall, the number of employees with vested rights would increase by 3.6 million, of whom 3 million would be age 45 and older.

To avoid excessive cost increases in pension plans which might lead to reduction of benefits, this new law would apply only to benefits earned after the bill becomes effective. The average cost increase for plans with no vesting provision now would be about 1.8 cents per hour for each covered employee.

4. *The Employee Benefits Protection Act which I proposed to the Congress in March of 1970 should promptly be enacted into law.*

This legislation was designed to protect American workers against abuses by those who administer pension funds. As I pointed out when I first made this proposal, "the control of these funds is shared by employers, unions, banks, insurance companies, and many others." Most of these funds are honestly and effectively managed. But on occasion, some are not. By requiring administrators to manage such funds exclusively in the interest of the employee beneficiaries, the proposed law would provide a Federal remedy against carelessness, conflict of interest, and a range of corrupt practices.

The proposed law would also broaden reporting and disclosure requirements and strengthen investigatory and enforcement powers. There would be no interference, however, with State laws which now regulate the insurance, banking and securities fields.

It was 21 months ago that I asked the Congress "to give urgent priority to the Employee Benefits Protection Act." I described it then as an action which "further expands my program to protect the

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American worker as he works, when he is out of work, and after his working career is over." I now renew my request for action in this field—and am resubmitting this legislation in slightly revised form so that it will be even more effective. I urge that the Congress act promptly. There is no excuse for further procrastination.

5. *I have directed the Departments of Labor and the Treasury to undertake a one-year study to determine the extent of benefit losses under pension plans which are terminated.*

When a pension plan is terminated, an employee participating in it can lose all or a part of the benefits which he has long been relying on, even if his plan is fully vested. The extent to which terminations occur, the number of workers who are affected, and the degree to which they are harmed are questions about which we now have insufficient information. This information is needed in order to determine what Federal policy should be on questions such as funding, the nature of the employer's liability, and termination insurance.

Even the best data now available in this field is itself incomplete and questionable. It was gathered for the period from 1955 to 1965 and it indicates that less than one-tenth of one percent of all workers then covered by pension plans were affected by terminations in any given year. It should also be noted that some workers who are affected by terminations may not actually lose their benefits. The wrong solution to the terminations problem could do more harm than good by raising unduly the cost of pension plans for the many workers who are not adversely affected by terminations.

Nevertheless, even one worker whose retirement security is destroyed by the termination of a plan is one too many. It is important, therefore, that the nature and scope of this problem be carefully and thoroughly investigated. I have directed the Departments of Labor and the Treasury to complete their study within one year.

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The proposals which I offer today would enhance substantially the retirement security of America's work force. Those who are not members of group pension plans and those who have only limited coverage would be encouraged to obtain individual coverage on their own. The self-employed would have an incentive to arrange more adequate coverage for themselves and their employees. All participants would have greater assurance that they will actually receive the benefits which are coming to them. And they could also be far more certain that their pension funds were being administered under strict fiduciary standards.

There is sometimes a tendency for Government to neglect or take for granted the "little man" in this country, the average citizen who lives a quiet, responsible life and who constitutes the backbone of our strength as a nation. "He can take care of himself," we say, and there is a great deal of truth in that statement. The self-reliance of the average American is an extremely important national asset.

The fact that a man is self-reliant, however, does not mean that Government should ignore him. To the contrary, Government should do its part to cultivate individual responsibility, to provide incentives and rewards to those who "take care of themselves." Only in this way can we be sure that the self-reliant way of life will be a continuing and growing part of the American experience.

My pension reform program would help do this. It builds on traditional strengths which have always been at the root of our national greatness.

The private pension system has contributed much to the economic security of American workers. We can be proud of its growth and its accomplishments. The proposals I offer will strengthen and stimulate its further development.

I hope this program will receive the prompt and favorable consideration of the Congress. For it can do a great deal to protect the rights of the average American during his working years and to enhance the quality of his life when he has retired.

RICHARD NIXON.

THE WHITE HOUSE, *December 8, 1971.*

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. SCOTT. Mr. President, I send to the desk a cloture motion, presently signed by 26 Senators. I ask unanimous consent, first, that the name of the Senator from Ohio (Mr. TAFT) may be added during the evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Second, I ask unanimous consent that the time shall begin to run on this matter at noon on Friday next, notwithstanding rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, the Senator from Indiana would like to have the Parliamentarian or somebody else in this body—perhaps the Senator who has made the motion—explain the difference between the way the time would presently run and the way it would run under the request of the Senator from Pennsylvania.

Mr. SCOTT. I am glad to do that. It is intended, I understand, in view of the earlier statements made by the distinguished majority leader, that the Senate convene each morning at 9 o'clock. Under the rule, we have to proceed to vote, and that, in turn, is preceded by a quorum call 1 hour after the convening of that session of the Senate.

I have no objection to changing this to ask that the time begin to run at 11 o'clock rather than noon. That would be a further convenience to certain Senators. Otherwise, we would have to vote at 10 o'clock. It is not all that important to me. I am just trying to work out a convenient time.

Mr. BAYH. I understand. I do not object.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. PASTORE. Does this mean that the vote will occur on Friday?

Mr. SCOTT. On Friday. Since I have been told that some Senators can more readily make the vote at noon, I ask unanimous consent that the time on Friday on the cloture motion begin to run at 11 a.m., notwithstanding rule XXII.

Mr. BAYH. Mr. President, I object for the time being.

I say to the Senator from Pennsylvania that I feel that inasmuch as he has had all day to canvass his side, and has some idea about what is convenient to them, at least I have a similar obligation to check the schedules of some Senators on this side who might take a contrary position on this issue, and I certainly will be glad to try to accommodate the Senator from Pennsylvania.

Mr. SCOTT. Then, I withdraw the request, and we will have to vote, as I understand it, automatically at 10 o'clock on Friday morning.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Ordinarily, the Senate would come in at noon, and ordinarily the vote, as the Senator knows, would occur at 1 o'clock—1 hour after the Senate convenes. We already have an agreement for the Senator from New Jersey to speak for 15 minutes. After the joint leaders have been recognized, we would like to conduct some morning business and continue the debate up to the time, and it might allow both sides a little more leeway in that respect.

So if the Senator would reconsider, I would appreciate it. If not, we would have to do it at 10 o'clock.

Mr. BAYH. I misunderstood. I thought the thrust of the previous unanimous-consent request was that the time would start running at 12 o'clock, and thus the vote would be at 1 o'clock.

Mr. SCOTT. That is right. Then I revised that request, at the request of certain Senators who were hoping that we could vote a little earlier on Friday, and suggested that the time begin at 11 o'clock and that we vote at noon. I cannot see how that is any great injustice to the Senator from Indiana, and it does act as a slight convenience to certain other Senators, some of whom may be prepared to support his position. But I would be delighted to have him block this, if he wishes, because then he will assume the responsibility, and I will tell the Senators.

Mr. BAYH. I must say that the Senator from Pennsylvania knows the Senator from Indiana well enough that that is a rather feeble threat. I only feel a responsibility to check with some of our colleagues over here. I want to accommodate the leader.

Is there any way we can make this decision tomorrow? I am not trying to delay this. Suppose we have a Senator who will be coming back from the west coast——

The PRESIDING OFFICER. If the Senator will withhold, the rule requires that the motion when filed be stated immediately. The motion for cloture having been filed, the clerk will state the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the confirmation of the nomination of William Rehnquist, to be an Associate Justice of the Supreme Court of the United States:

1. Hugh Scott
2. Paul Fannin
3. Clifford Hansen
4. Bill Brock
5. William Saxbe
6. Marlow Cook
7. Howard Baker
8. James Pearson
9. Roman Hruska
10. Glenn Beall
11. Robert Dole
12. Barry Goldwater
13. Henry Bellmon
14. Carl Curtis
15. Ted Stevens
16. Norris Cotton
17. Mark Hatfield
18. Robert Griffin
19. James Eastland
20. Gordon Allott
21. Ernest Hollings
22. John Tower
23. James Buckley
24. Edward J. Gurney
25. Len B. Jordan
26. Lowell Weicker

Mr. TAFT subsequently said: Mr. President, I ask unanimous consent that the permanent RECORD be corrected to show that the Senator from Ohio (Mr. TAFT) was one of the original signers of the cloture motion on the confirmation of the nomination of William Rehnquist to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, the correction will be made.

Mr. MANSFIELD. Mr. President, would the distinguished minority leader agree to withholding the time until tomorrow morning, at which time I am sure we can agree on a time certain?

Mr. SCOTT. I would be glad to withhold the request as to time. I do have some problems with 10 o'clock. I do not have problems with 12 o'clock, really, if the Senator wants to agree on that. I have no objection. We will see. We can work it out tomorrow. I will be glad to withhold that part of the request.

Mr. MANSFIELD. We will do that.

Mr. SCOTT. Without in any way interfering with the right to have a vote sometime on Friday.

Mr. MANSFIELD. Absolutely; because if nothing is done, the vote will come at 10 o'clock Friday morning, under the present situation. But we will try to work out something that will be satisfactory to both sides and I think we can do that.

Mr. SCOTT. I think so.

Mr. BAYH. Mr. President, I reiterate that I am willing to cooperate in every way I can. We will have a much better understanding tomorrow as to where everyone will be, and they will be on notice. If they have not advised us, then it is their responsibility.

Mr. SCOTT. That is perfectly all right with me.

REPAIR OF CERTAIN MEDICAL CARE FACILITIES

Mr. MANSFIELD. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1237.

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate the amendment of the House of Representatives to the bill (S. 1237) to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster, which was, on page 2, line 24, strike out "625" and insert "645".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. BAYH. Mr. President, I have not had the good fortune to be a Member of this body as long as many other of my colleagues, but I have had the opportunity both while here and prior to my arriving to assume the honor of representing my State to study the Senate and the institutions which make it the body that it is.

I remember well, when I was in college, hearing about filibusters in the Senate and hearing for the first time that funny word "cloture." At that time, of course, I did not know its meaning.

Since coming to the Senate, however, I have learned the meaning of that term on more than one occasion. I do not recall an instance since I came to the Senate, nor do I recall reading of past instances where a cloture motion, calling for the mandatory termination of debate, has been utilized under the present circumstances.

It is impossible to see how what has gone on here today could be described as a filibuster. In fact, it was today, for the first time, that those who are supporting the nomination of Mr. Rehnquist dared to rise to defend some of the allegations the opposition has made. To suggest that a decision as important as this, placing on the Supreme Court a controversial nominee who could serve there for 25 or 30 years should be made with no more debate than we have had here so far, when the normal increments of a filibuster are totally lacking, is I think setting a sorry precedent for this body.

I think it is setting a precedent that some Members of this body will live to regret.

As one of my colleagues said to me a moment ago, "Why not? We have the votes."

Mr. President, if there is ever a better example of the tyranny of the majority, of the tyranny of numbers, of the lack of the respect for a minority, the very ingredients of which caused some of us to be concerned about this nominee, it is the fact that the Senate is about to try to impose cloture on the shakiest grounds that it has been my opportunity to observe.

QUORUM CALL

Mr. BAYH. Mr. President, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, December 8, 1971, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 952. An act to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes;

S. 2007. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; and

S.J. Res. 149. A joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year."

AUTHORIZATION FOR ALL COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 9 A.M.

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment, as in legislative session, until 9 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 18 minutes p.m.) the Senate adjourned until tomorrow, Thursday, December 9, 1971, at 9 a.m.

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NOMINATIONS

Executive nominations received by the Senate December 8, 1971:

U.S. DISTRICT COURTS

William Terrell Hodges, of Florida, to be a U.S. district judge for the Middle District of Florida, vice Joseph P. Lieb, deceased.

DIPLOMATIC AND FOREIGN SERVICE

Robert Strausz-Hupé, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

NATIONAL LABOR RELATIONS BOARD

John A. Penello, of Maryland, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1976, vice Gerald A. Brown, term expired.

U.S. ARMY

The following-named person for reappointment in the active list of the Regular Army of the United States with grade as indicated, from the temporary disability retired list, under the provisions of title 10, United States Code, sections 1211 and 3447:

TO COLONEL, REGULAR ARMY, AND BRIGADIER GENERAL, ARMY OF THE UNITED STATES

Tigertt, William D., 217387059.

IN THE NAVY

The following-named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander pursuant to title 10, United States Code, section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

Ackart, Leon E.
Alexander, Edward E., Jr.
Baldwin, Edwin M.
Calkins, Delos S., Jr.
Chadick, Wayne L.
Christian, Richard A.
Comer, Robert F.
Cox, David R.
Cullen, Charles W.
Disney, Donald G.
Doe, Ralph P.
Felderman, John L.
Flynn, Gerrish C.
Freakes, William
Harbrecht, Raymond J.
Heck, Alger R.
Kihune, Robert K. U.
Lamoureux, Robert J.
Lewis, Marwood D.
Major, James A.
O'Neill, Cornelius T.
Owens, Ramon R.
Pizinger, Donald D.
Rauch, Leo A.
Richardson, Daniel C.
Salmon, Walter W.
Susag, Gary R.

SUPPLY CORPS

Cone, Paul J.

CIVIL ENGINEER CORPS

Sayner, William V., Jr.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–4):

Robert M. Black.
Talmadge Clark.
Robert L. Clay.
Kenneth L. Davis.
Edward J. Duerr.
Roy E. Harris.
Phillip N. Healey, Jr.
William J. Hill.
Samuel J. Jones.
Thomas E. Jordan.
Stephen M. Myorski.
Henry E. Noonkester.
Lawrence Parretti
Richard T. Powell, Jr.
Thomas F. Swearengen.
James O. Watson.

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–3):

James M. Barnes.
Timothy C. Bell.
William A. Biggers.
Delmar G. Booze.
Norman D. Braden.
Shelly R. Bray, Jr.
Lionel H. Bridges.
Edwin J. Brown.
William L. Buck III.
Kenneth F. Burris.
Donald R. Cameron.
James J. Castonguay.
Wayland D. Chavers.
William J. Clancy, Jr.
Jessie R. Clark.
Jack N. Clow.
Donald E. Collier.
Roger J. Combs.
Allen D. Crosier.
Ralph W. Deaver.
Charles F. Denison, Jr.
Roland A. Desjarlais.
James H. Divis.
Peter Dobon, Jr.
Paul J. Donley.
John Doyle.
William E. Duke.
Roger A. Essi.
Thomas E. Evans.
Gerald D. Fabricius.
James P. Fleming.
Harry A. Florence, Jr.
Bill R. Freeman
Bernard C. Glinka
Donald W. Gregory
Glenn R. Hammond
Robert H. Hanevik
Herbert G. Hase
Charles H. Henderson, Jr.
Guy M. Howard
Jack R. Hoy
Henderson B. Jones
William Kasten
Robert E. Katz
Ronald R. Kendall
James J. Knocke
Donald C. Lanson
William P. Lepore, Jr.
Willard R. Lewis
Robert L. Lord
Carl K. Lunn
Enrique L. Machado
Harry B. Malnicof
Edmund J. Mazzei
Paul O. McAvoy, Jr.
Roger A. McIntosh
John L. Meyers
Jacques L. Miller
Dorne A. Millis
Robert J. Moony
Richard C. Moran
Charles L. Morrow
William E. Muirhead
Richard A. Nallor
Monte V. Nelson
Donald D. Nimmow
Billy W. Owens
Porter G. Pallett
Charles D. Parker
Fred R. Parry
Leonard J. Patchin
Dean C. Padlar
George A. Pelletier
Billy E. Perry
Robert G. Pontillas
Richard L. Porter
Joseph C. Raymond
Donald D. Redmond
Carroll J. Riley
Robert D. Rogers
Robert J. Romano
Roger L. Runkle
Arthur I. Swanson, Jr.
Gary R. Thompson
Charles G. True
Morton Vaserberg
Alan E. Wickens
Jack A. Wilder
Sydney M. Wire
William C. Wright
Robert H. Yoder
David A. Zeferjohn
James H. Zimmerman

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–2):

Ronald Achten.
Carmen Adams.
David S. Aldrich.
Robert E. Allinger, Jr.
James L. Allingham.
Constantine G. Ambrose.
Curtis E. Anderson.
Joseph N. Anderson.
Russell P. Armstrong.
James B. Ash.
Allan K. Austin.
Glenn R. Avey.
Welles D. Bacon.
Wayne D. Bahr.
Claude R. Baldwin, Jr.
Ronald L. Bender.
Charles S. Bennett.
Illuminado Berrios, Jr
Neal S. Bezoenik.
Robert L. Blake.
Victor H. Bode.
Gerald J. Bolick.
Robert W. Bostwick.
Henry C. Boucher, Jr.
Lescoe R. Bourne.
Frank E. Box.
Donald B. Braun.
Francis W. Brewer, Jr.
Bruce Brightwell
Victor E. Browning, Jr.
Murray W. Bryant.
Bernard C. Burke.
Thomas R. Burnham.
Harold D. Byerly.
William G. Byrne, Jr.
Billy R. Campbell.
Donald L. Caroway.
Francis J. Carr.
Michael J. Carroll
Ray A. Casterline
John D. Cauble, Jr.
Robert J. Caulfield
Barbara J. Chovanec
Bartley W. Christian
Hershel G. Chronister
Owen D. Clark
Michael J. Clarke
George C. Cleveland
Rayborn S. Clifton, Jr.
Jose T. Coccovaldez
James E. Collette
Garnet E. Cope
Robert R. Corcoran
Jose N. Corderotorres, Jr.
William B. Corley, Jr.
Lazaro Corpus, Jr.
James A. Cothran
Harry S. Cotton
William H. Cox
Hilton Craig, Jr.
Oscar E. Creech, Jr.
Douglas J. Danley
Kenneth V. Davis
Louis D. Dearman
Jesse A. Dobson
Howard G. Dodd
Charles J. Dotson
Steven J. Draper
Samuel E. Driggers
Sidney B. Edwards
Robert D. Embesi
Robert R. Epps
Riley S. Ethington
Jack H. Evans
John E. Fales
Michael D. Fazio.
Bobby L. Ferguson.
Harold D. Ferguson.
Charles L. Ferko.
Roy A. Ferrell.
Nelson R. Fincher.
Joe M. Floyd.
Ronald R. Fraizer.
George M. Francis.
Donald L. Galvin.
William C. George.
Craig D. Gibbons.
Leon E. Gingras, Jr.
Robert L. Goller.
Ellwood D. Gordon.
Edward B. Guckert.
Pedro Gutierrez.
Arnold S. Hageman.
Gerald E. Hanscom.
Donald L. Hansom.
John A. Harris.
Frank R. Hart.
James E. Haskins.
Joseph B. Hatfield.
John D. Henry.
Harold L. Henry.
Donald L. Herpy.
Herbert O. Hicks, Jr.
Francis A. Higginson.
William A. Higgs, Jr.
Paul R. Hoffman.
Julius B. Hopkins.
Bobby E. Humeston.
Edward W. Humphrey.
Holland C. Hutchinson.
Barton E. Immings.
Lowell B. Jackson.
Arthur L. Johnson.
Ronald L. Jones.
Gene C. Kamplain.
Harold A. Keith.
Joseph E. Kelly.
Michael B. Kennedy.
Carl E. King.
Thomas F. King, Jr.
Ray E. Kittilstved.
Joseph Kochuba.
Leroy A. Kramvik.
George D. Krebs.
Raymond L. Kunkle.
William A. Kuykendall.
Aurel E. Lafreniere.
Donald A. Lane.
Robert L. Laudun.
Thomas L. Laws.
Juan M. Lem.
Donald C. Lewins.
Babre Lewis.
Donald R. Ladnier.
Donald C. Long.
Roger L. Lorenz.
Gary L. Losey.
Patrick J. Lynch.
Jose Magallan.
Paul L. Malone.
John R. Marcucci
William T. Maroney III.
Harold T. Martin.
Jerry L. Massey.
Aove E. Mattox.
Roger L. Mauldin.
Bryan M. McGill.
James F. McLean.
James R. McRae, Jr.
William D. Meadors III.
Daniel E. Miller.
Robert M. Miller.
William F. Milton, Jr.
Eugene E. Montgomery
Earl F. Morris, Jr.
Thomas W. Morris.
James Muschette, Jr.
Louis Myers.
Ronald C. Newman.
William G. Nickels.
John A. Nowicki.
Sam G. Ochoco.
Jerry W. Odell.
Joseph N. Parisi.
Ronald J. Peterson.
Jesse P. Pullin.
Froncis B. Quallen.
Paul F. Quinn.
Virgil G. Rhoads.
Gordon A. Rice.
Carl S. Richardson.
Joseph F. Rizzo.
Richard J. Roberts.
Dorsey Robinson, Jr.
Charles R. Roden.
Ramon Roman, Jr.
Robert A. Roquemore
Paul A. Rossano.
James P. Ryan.
Stephan C Salamack.
Dale F. Saunders.
Peter B. Sawin.
Eileen R. Scanlon.
John L. Schell.
Richard J. Schmidt.
William F. Schrider.
Walter R. Schuette.
Thomas R. Sellers.
Jimmie R. Shafer.
Michael L. Shanklin.
David F. Shewmake.
William F. Shreve, Jr.
Edwin P. Simpson III.
Theron Simpson, Jr.
Robert M. Skidmore.
Lloyd L. Skinner.
Thomas L. Slaughter.
Francis C. Slavin, Jr.
Robert R. Sloan.
Charles L. Smith.
Alan J. Southard.
Herbert B. Stafford.
Patrick L. Stevens.
John F. Stewart.
Kimble H. Stoltz.
Robert L. Strawser.
Richard C. Stricklin.
Robert R. Stutler.
Bobby G. Taylor.
Robert E. Taylor.
Gary G. Thomas.
James M. Thomas.
Terry N. Tracy.
Louis G. Troutman.
James A. Turner.
Larry F. Vance.
Robert L. Vincent.
Kenneth E. Weadbrock.
Jesse L. Webb.
Ronald E. Webb.
Wayne D. Wildgrube.
Clarence F. Williams.
Gene R. Williams, Sr.
George E. Williams.
Leroy Williams.
Gaines L. Willis.
Joseph C. Wilson.
Bruce M. Windsor, Jr.
Stanley G. Woinoski.
James E. Woodruff, Jr.
Barbara A. Wynnyk.
James J. Yantorn.
Richard L. Yoerk.
William C. Young.
Kenneth P. Zrubek.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 8, 1971:

DIPLOMATIC AND FOREIGN SERVICE

Robert Foster Corrigan, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

William A. Stoltzfus, Jr., of New Jersey, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain and to the State of Qatar.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Mrs. Betty Crites Dillon, of Indiana, the representative of the United States of America on the Council of the International Civil Aviation Organization, to serve on the Council with the rank of Minister.

HOUSE OF REPRESENTATIVES—*Wednesday, December 8, 1971*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let not your heart be troubled: believe in God.—John 12: 1.

Almighty God, our Heavenly Father, giver of all spiritual grace and the author of everlasting life, who art waiting to receive each simple and sincere prayer, we turn to Thee in our need asking for light in our darkness, strength for our weakness, and comfort in our sorrow.

Especially do we pray for our beloved John McCormack who mourns the passing of his wife. We call to remembrance their devotion to each other and their loyalty to our land of liberty. Comfort him with Thy presence and give him courage and faith for the years that lie ahead.

Help us to truly live all our lives and ere we depart this mortal scene may we ever work for truth and righteousness and good will. Therefore to Thee we come in this our morning prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. Con. Res. 6) entitled "Concurrent resolution to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics."

The message also announced that the Senate disagrees to the amendment of the House to the joint resolution (S.J. Res. 176) entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. BROOKE to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON SENATE JOINT RESOLUTION 176, AMENDING FLOOD INSURANCE ACT OF 1968

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S.J. Res. 176), to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ST GERMAIN, ANNUNZIO, and WIDNALL, Mrs. DWYER, Messrs. J. WILLIAM STANTON, and BROWN of Michigan.

TRIBUTE TO THE LATE HARRIET McCORMACK

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, a few days ago, our beloved former Speaker, the Honorable John W. McCormack, suffered a great personal loss. His dear, devoted wife, Harriet, passed away.

We know of the great love and devotion that John and Harriet shared. A love so beautiful that only the poets might describe.

We know of the long vigil at her bedside during her last illness and of the grief he now suffers.

I recall his concern and counsel when my wife passed away and I want him to know of my deepest sympathy at this time.

Hopefully he can take some measure of comfort from the following verse by an unknown author:

Like a ship that left its moorings
And sails bravely out to sea,
So someone dear has sailed away
In calm serenity;

But there's promise of a greater joy
Than earth could have in store;
For God has planned a richer life
Beyond the Unseen Shore.

HARD EVIDENCE OF SUCCESS OF PRESIDENT'S NEW ECONOMIC POLICY

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, hard evidence of the success of the President's new economic policy is coming in. From October to November the wholesale price index of all commodities rose only one-tenth of 1 percent on a seasonally adjusted basis. Almost all of the increase was attributable to an increase in prices for farm products, processed foods and feeds which are not price controlled. In the 3-month period from September through November, which corresponds closely to phase I, the WPI actually declined at a seasonally adjusted annual rate of 0.8 percent.

November was also a good month for the auto industry. For the third consecutive month, new car sales set a record. The auto industry sold almost a million cars, compared to slightly more than a half million units sold during the month of November 1970, when GM was just resuming operations after a lengthy strike.

Because of recent favorable news concerning such important economic indicators as auto and housing activity, increases in consumer installment credit and retail sales, and business projections of proposed expenditures for new plant and equipment, a number of economists of sharply divergent philosophical views have expressed similar optimism about the economic outlook for 1972. For example, Walter W. Heller recently told the annual conference of the National Association of Manufacturers that he believed inflation would be reduced to approximately 3 percent by the end of 1972. He said:

> The shock therapy Nixon applied was just what the doctor ordered.

Before the same group Henry C. Wallich predicted an increase in GNP during 1972 of approximately $85 billion, which in his opinion "would still allow for meeting the President's disinflation target of less than 3 percent by the end of 1972 while attaining 5 percent real growth."

Mr. Speaker, these should be encouraging words for all of us.

CALL OF THE HOUSE

Mr. BOW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the fol-

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lowing Members failed to answer to their names:

[Roll No. 439]

Anderson, Ill.	Dowdy	Macdonald, Mass.
Anderson, Tenn.	Downing	Mann
Andrews, Ala.	Edwards, La.	Mathis, Ga.
Annunzio	Evins, Tenn.	Metcalfe
Ashley	Foley	Mills, Ark.
Belcher	Fountain	Pepper
Blackburn	Gallagher	Pryor, Ark.
Blatnik	Goldwater	Rees
Broyhill, N.C.	Gray	Roncalio
Cabell	Green, Oreg.	Rosenthal
Casey, Tex.	Hagan	Rostenkowski
Celler	Hathaway	Sandman
Chisholm	Hébert	Scheuer
Clark	Helstoski	Springer
Clay	Howard	Staggers
Collins, Ill.	Ichord	Sullivan
Curlin	Kluczynski	Tiernan
Davis, Ga.	Landrum	Whitten
Derwinski	Long, La.	Wiggins
Diggs	McMillan	Wright

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON H.R. 9961, FEDERAL CREDIT UNION ACT AMENDMENTS

Mr. PATMAN submitted the following conference report and statement on the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-715)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9961) to provide Federal credit unions with two additional years to meet the requirements for insurance, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. (a) Paragraph (2) of subsection (c) of section 201 of the Federal Credit Union Act (12 U.S.C. 1781(c)(2)) is amended by striking out "reject" and inserting in lieu thereof "disapprove".

(b) Subsection (d) of such section 201 (12 U.S.C. 1781(d)) is amended to read as follows:

"(d) In the case of any Federal credit union whose application for insurance is disapproved, if such Federal credit union has annually transferred such a percentage of its gross income to its reserves as is required under section 116(a) and notwithstanding any reserving requirements established under section 116(b) of this Act, the Administrator shall nonetheless issue to such Federal credit union a certificate of insurance which shall be valid for a period of two years. The Administrator shall suspend or revoke the charter of any Federal credit union which has failed, upon the expiration of such two-year period of insurance, to file an application for insurance which is approved by the Administrator in accordance with subsection (c). A Federal credit union which is insured under this subsection for a period of two years is an insured credit union under the provisions of this title for such period of two years. The Administrator shall, having regard to the purposes of this subsection, make every reasonable effort to prevent the closing of any Federal credit union which is insured for a period of two years under this subsection and is found to be in financial difficulties, if he determines that with the technical assistance and management training and counseling authorized to be provided under this subsection there is reasonable assurance that such difficulties can be sufficiently resolved within such two-year period so as to minimize the expenses of the Fund. The Administrator shall offer technical assistance, management training, and management counseling to all credit unions whose application for insurance has been disapproved so as to enable the maximum number of such credit unions to meet the standards for insurance required by this title. In furnishing such technical assistance, management training, and management counseling, the Administrator may utilize moneys in the National Credit Union Share Insurance Fund as provided under section 203(a) of this title. The Administrator shall also encourage to the maximum extent feasible, that such technical assistance, management training, and management counseling be made available through State stabilization funds, similar funds, or similar State credit union organizations. The Administrator shall also encourage State Credit Union Stabilization Funds or similar funds to reimburse the Credit Union Share Insurance Fund for any insurance payments made on behalf of accounts at insured credit unions whose applications for insurance have been disapproved."

And the Senate agree to the same.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR SULLIVAN,
HENRY REUSS,
WILLIAM S. MOORHEAD,
FERNAND J. ST GERMAIN,
WILLIAM B. WIDNALL,
FLORENCE P. DWYER,
ALBERT W. JOHNSON,
J. WILLIAM STANTON,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS,
JOHN TOWER,
W. V. ROTH, Jr.
Managers on the Part of the Senate.

STATEMENT OF HOUSE AND SENATE CONFEREES ON H.R. 9961

H.R. 9961 as passed by the House of Representatives would extend for two additional years the time period which Federally chartered credit unions have to qualify for Federal share insurance. Some legislative action is necessary in order to prevent the premature liquidation of a large number of credit unions which have failed to meet the standards established for the Federal Share Insurance Program enacted into law last year by the Congress.

The Senate bill provided provisional insurance for a two year period for those credit unions failing to meet the insurance standards, but which met the reserve requirements established under Section 116(a) of the Federal Credit Union Act. Under the Senate bill, credit unions given provisional insurance would have their charters revoked or suspended at the end of the two year period if they still failed to meet the standards prescribed for share insurance. Any subsequent losses resulting from the liquidation of a credit union would be absorbed by the credit union share insurance fund rather than the individual credit union saver.

The House conferees accepted the Senate provisions with an amendment. The amendment is intended to make it clear that the Administrator of the National Credit Union Administration need not close a Federal credit union receiving the two year provisional insurance and found to be in financial difficulty if the Administrator determines there is reasonable assurance that these difficulties can be sufficiently resolved within the two year period so as to minimize the loss to the insurance fund. This language is intended to extend to the Administrator maximum flexibility in giving marginal credit unions a reasonable opportunity to establish themselves on a sound financial basis.

Some concern was expressed that under Section 207(a)(1) of the Federal Credit Union Act, the Administrator would be required to liquidate any insured Federal credit union found to be bankrupt or insolvent. However, the term "insolvent" is not defined in the Federal Credit Union Act and the conferees believe the Administrator has enough flexibility to avoid making a determination that a credit union is insolvent when there is a reasonable prospect that it can improve its financial condition, which may be enhanced through Federal share insurance.

WRIGHT PATMAN,
WILLIAM BARRETT,
LEONOR SULLIVAN,
HENRY REUSS,
WILLIAM S. MOORHEAD,
FERNAND J. ST GERMAIN,
WILLIAM B. WIDNALL,
FLORENCE P. DWYER,
ALBERT W. JOHNSON,
J. WILLIAM STANTON,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS,
JOHN TOWER,
W. V. ROTH, Jr.,
Managers on the Part of the Senate.

CUT FARM SUBSIDY PROGRAM

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, the battle to halt inflation is everybody's fight—including the Federal Government.

Since 1969, the Federal Government has spent approximately $53 billion more than it has taken in in revenue.

The need to cut waste and eliminate extravagant programs is obvious.

The place to start is in the farm subsidy program.

In no area do we get less for our money than in the farm subsidy giveaway which benefits the huge agribusinessman at the expense of the taxpayer.

What is the answer?

For a start, we should place a limit of no more than $20,000 that each farm could receive from the Federal Government.

The present limit of $55,000 per crop is unreasonably high, encourages conglomerates to take over the family farm, and has been so severely abused that it borders on criminal behavior.

In order to save the taxpayers as much as $200 million each year—not at the expense of the family farmer—and to bring some kind of sanity to this program, I urge a drastic reduction in the amount a farmer may receive from the Federal Government.

FOREIGN ASSISTANCE APPROPRIATIONS, 1972

Mr. PASSMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12067) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12067, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement of yesterday, December 7, 1971, general debate will be limited to not to exceed 2 hours, to be equally divided and controlled by the gentleman from Louisiana (Mr. PASSMAN) and the gentleman from Kansas (Mr. SHRIVER).

The Chair recognizes the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the foreign aid appropriation bill before us in my opinion is one that all Members can support. It is too high for some Members, and too low for others, but it is a well-balanced bill. We have made downward adjustments in many of the items, but I can assure you that there was less opposition during this markup than there has been to any bill we have ever reported from the subcommittee. Support was unanimous with the exception of one item by one Member in the subcommittee.

Mr. Chairman, many of us have worked untiringly for many years to streamline the foreign aid bill and to provide funds based upon need.

The bill before you is not a by-pass of the Committee on Foreign Affairs as such. We have discussed the bill with the very able Chairman of the Committee on Foreign Affairs, the distinguished gentleman from Pennsylvania (Mr. MORGAN) and the very able and distinguished Congressman from Wisconsin (Mr. ZABLOCKI) as well as Members on the minority side, including one of the foremost experts on foreign aid, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

We informed the chairman of the Committee on Foreign Affairs of our plans concerning the date we would mark up the bill, what date it would go to the full committee, and what date it would be brought to the floor of the House. He supported the committee's actions and is supporting the bill before us, because we had to choose between bringing the bill to the floor waiving points of order without an authorization bill, or possibly having no foreign aid bill.

Mr. Chairman, the Foreign Operations Subcommittee of the Committee on Appropriations finished hearings in June. We waited 5 months for an authorization bill. The Committee on Foreign Affairs passed their bill in August, and they have worked unceasingly and untiringly to reach a conference agreement with the Foreign Relations Committee of the Senate, but to no avail.

Sine die adjournment, hopefully, is not too far away and Christmas is only a little over 2 weeks away, so we must complete our business. The very able chairman of the Committee on Foreign Affairs will tell you that there is no chance to break the deadlock between the House and the Senate conferees on the foreign aid authorization bill because of one amendment to the foreign aid bill which was proposed by a member of the other body. This amendment has been before both bodies several times in the past few months.

Mr. Chairman, when I arrived at my office this morning, I received a copy of a mimeographed letter signed by 18 of our colleagues. I read this letter very carefully, but I assure these Members that if they will accept facts as they are, and for what they are, in my candid opinion they can and will support this bill.

To repeat—if I may—it was to either move under the procedures we are presently following or our foreign policy and foreign assistance program, which has been in effect for a quarter of a century, may well go down the drain and create chaos.

Control foreign aid we must, but to destroy it overnight may conceivably cancel out whatever good it has accomplished during these 25 years of existence.

Mr. Chairman, there are many things in this bill that all Members would like to support. We have brought you what we consider a bill that provides the minimum amount of funds to meet our commitments, and some I do not approve of, but which are commitments that we must respect.

It is well known to my colleagues that I have never championed a cause that would dissipate American wealth. That is why the foreign operations subcommittee on appropriations has recommended that in every case possible, loans rather than grants be made available to assist our allies and that the loans be repayable in dollars. In the bill before you under the development loan fund, funds are proposed to partially finance the sale of every pound of surplus rice in America.

The contract previously agreed upon with foreign nations would encompass the sale of 800,000 tons of rice which not only would liquidate our entire surplus of medium grain rice but would also encompass 200,000 tons of the 1972 yield.

The Japanese are standing by to grab this sale if this bill fails.

I was informed by the AID Director at 10:30 this morning that he had a call from the Department of Agriculture stating that they were negotiating with five nations to purchase surplus corn to be financed partially out of the AID development loan fund and again these loans would be repaid in dollars—it will not be grants.

As most of you know, in this bill we have funds for Israel. We have indicated in the report that $300 million should be made available to Israel for military credit sales.

In addition to that, we have funds in the appropriation item entitled American schools and hospitals abroad to finance a school in Israel.

Mr. Chairman, if this bill is not passed, it means that the Export-Import Bank is out of business at midnight tonight because the bill which is before you provides a limitation on the Bank's program activity and also fixes the limitation for administrative expenses.

I shall now briefly go through the details of the bill giving you some indications of where the reductions have been made.

The bill before you reduces the budget estimates by $1,497,000,000. It is also below the amount appropriated last year by $966 million.

We have indeed brought you a streamlined bill, a bill that every Member on this floor can in good conscience support because it means the sale of surplus agricultural commodities in America by loans repaid with dollars. The Export-Import Bank can continue in operation in order to finance our commodities and the manufacturer can earn a profit and pay taxes into the U.S. Treasury.

Mr. Chairman, one of the important factors considered by the committee in making the recommendations contained in the bill before you is the critical financial situation currently facing the United States. The Federal debt presently exceeds $418 billion and the balance of payments deficit for 1970 exceeded $4.7 billion. Moreover, the balance of payments deficit in the first 6 months of 1971 exceeded some $9 billion. The Federal budget deficit for the fiscal year 1971 amounted to $23.2 billion.

Let us take into account, Mr. Chairman, that if we had some way of confiscating all the wealth in America, we still would not have sufficient funds to do all the things labeled as desirable. We must practice commonsense in this bill.

The committee also considered the tremendous investment the United States has in the various countries around the world in recommending the appropriations contained in this bill. During the

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past 25 years every President—Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon—and every Congress felt that the protection of a country's freedom justified supplying U.S. assistance to help maintain that freedom.

Let us have a look at some of these tremendous investments. First, in Korea we expended $34 billion out of our Treasury in that country. We sacrificed 33,000 of our precious youth in the Korean war; 105,000 men were wounded in action. Now, Mr. Chairman, Korea is enjoying a prosperous economy. They are able to support most of their economic needs, but they are not able to finance their military needs, and unless this country furnishes military equipment to Korea, that country will go down the drain.

Let us look at our investment in Vietnam, which is much larger. Actual cost out of our Treasury, $124.5 billion. Total deaths amount to 48,179. Wounded in action, 307,000.

We have tried to face our foreign policy without bringing politics into it. I think that has been the policy beginning with the administration of President Truman and continuing up to the present time. I remind you that 34 months ago there were 542,000 troops in Vietnam. As I speak to you this morning, just a few weeks before the end of this calendar year, it is estimated that the number of troops in Vietnam will have been reduced to 159,000. Our troops are being brought out at a faster pace than any of us ever dared to anticipate.

Mr. Chairman, in this bill we have money to support the civilian population of South Vietnam. We must furnish the support and assistance.

Otherwise it may be necessary for the President to stop or slow down the troop withdrawal and the entire situation in that country may change for the worse. We are in this conflict and we must work it out together.

If I may move on, Mr. Chairman, into some of the details of this bill, let us look at what we have been able to actually accomplish. Under worldwide technical assistance, an appropriation of $166,750,000 was provided last year. This year there is a budget estimate of $232,929,000. This committee is recommending $150 million or a reduction of $82,929,000 below the budget request.

In the Alliance for Progress, technical assistance title, they requested $129,745,000. The committee is recommending $75 million.

Let us now look, at the U.N. funding item. At the time we held our hearings, in June of this year, we discovered that under the United Nations development program, they had a policy of advanced funding of projects and then they changed this system to an annual basis. Because of this change, they created a surplus of $343 million, which is about the annual program level of this organization.

We are not retaliating for anything which recently happened in the U.N. We are trying to put all these agencies on a business basis. We found the U.N. development program had created a sufficient reserve whereby they could make loans and collect $3.5 million in interest. All we want to do is to put them on a business basis and keep these accounts under control.

Mr. Chairman, let us next look at the American schools and hospitals abroad item. Of course, this committee is sympathetic to good projects but we do not have the funds to fund everything that is labeled desirable. We must mark up the bill in keeping with what we consider the necessary amounts to carry on a sensible program. The original budget was for $10,175,000. This request was later amended to include several other projects. The House Foreign Affairs Committee recommended $30 million for this item. It went to the other body, and they allowed $15 million.

After we scrutinized these projects closely, we decided the information was not sufficient for us to earmark funds for all these programs. Therefore, we provided funds in the bill for established programs we felt were necessary. These projects amounted to $12 million. Then we gave the AID Agency a contingency fund of $5.2 million which can be used to finance projects that meet AID's criteria and are properly justified. What schools they will select I have no more idea than the other Members do.

They tell me that it would be ample to fund all of the schools that they can anticipate in the foreseeable future.

The next request was for refugee relief assistance for East Pakistan refugees. The original request was for $100 million. Subsequently they amended that request upward to $250 million. Since the budget planning for this item was tentative at the time of consideration, we recommended only $175 million.

Next is the Alliance for Progress, Development Loan Fund. Last year they received $287,500,000, and the budget request recorded for fiscal year 1972 was for $235 million. Your committee felt with a tight program in our country we should have a tight program abroad, so we are recommending only $150 million.

We move now to the development loans worldwide. Last year Congress appropriated $420 million. The budget request came down this year for $400 million. After many hours of hearings and great detail, your committee recommended $250 million for this item. We think it is adequate to finance certain loans which can be repaid in dollars. It must be cut down, so your committee had the courage to reduce it to $250 million.

With regard to military assistance, as I mentioned earlier, we do have certain solid commitments which we must live up to. Otherwise some of our investments made in the past will very definitely go by the board.

Last year we appropriated $690 million for the MAP program. This year the budget request was for $705 million. Your committee is recommending only $552 million for military assistance.

We never want to hide anything from the Members of this House so we put in the report all of the country information whether it was good or bad. You will find in this report programs listed for Latin America which were proposed by the executive branch to be funded in fiscal year 1972. We have reason to believe some of their projects will not be funded.

The lists shown in the report are the budget proposals and not the recommendations of this committee. We merely furnish what we consider to be the very minimum necessary to finance the necessary projects. Many of those programs listed will never receive funds because certainly you cannot finance $705 million worth of projects with $552 million.

Mr. Chairman, with regard to the Overseas Private Investments Corporation, known as OPIC, we were not too happy with what we found.

This is an organization created to insure investments and guarantee loans for overseas investments. The basic legislation also allowed them to make direct loans. I opposed it, but it was in the basic legislation.

It should be pointed out that the present potential claims possible as a result of the actions taken by the country of Chile alone amount to $270 million, while the total insurance reserve which can be applied to these claims is estimated to total a maximum amount of $152 million on June 30, 1972. In other words, all of the appropriated funds made available to this account and all of the insurance fees collected by OPIC and its predecessors would be wiped out. This one country alone could have claims exceeding the total 20-year reserves by $118 million.

We believe that this account should be tightened up. We are going to insist that they stop making loans, because there are several agencies already making loans. We are trying to be factual and place before this committee and the House of Representatives the facts as they are.

Mr. Chairman, with regard to the Inter-American Social Development Institute, it is a good organization like many other organizations, but the committee felt that other programs are already in being which could accomplish the same objectives. We should no longer endorse a program that would create another spigot of foreign assistance that could conceivably cost tens of millions of dollars a year. ISDI received $50 million by transfer from the AID agency. Your committee permitted an obligational limitation of only $10 million in fiscal year 1971. Of course, this stepped on the toes of some of the Members who sponsored this program. However, we think we were responsible in taking this action and feel that the report will indicate the fact that we were responsible. We allowed $10 million in obligations last year. However, they have made very few disbursements out of it; in fact, less than $1 million.

Therefore, this year your committee denied any additional obligational limitations for this program.

Now, Mr. Chairman, we come to the Peace Corps. This agency came into being as a result of the work of one of the greatest salesmen who has ever lived. I wish I had known this man a few years ago and could have had him in my business. He was a great operator and I admire him very much. I, of course, refer to Sargent Shriver. He created the Peace Corps. I do not know where he got the name for it, because it has nothing whatsoever to do with peace. However, he convinced the Members of Congress that this was a great organization and there was very little resistance to it. I have tried to keep this item under control. The record speaks for itself, Mr. Chairman. This is nothing more than a technical aid program similar in many respects to other bilateral technical aid programs.

So, we have funded the Peace Corps to a level greater than we had expected. Your committee had in mind the figure of $50 million, but one Member thought it should be raised to $60 million. Therefore, we have raised this figure for the Peace Corps to $60 million so that we could have peace and harmony on the part of everyone.

The reduction in the appropriation for the Peace Corps is small, on a percentage basis, as compared to the overall bill. Whereas, we cut the overall bill by about 35 percent, we only cut the Peace Corps by about 26 percent. We think this is adequate.

Now, Mr. Chairman, with reference to the Cuban refugee program, we are going to have to provide whatever money is necessary in order to meet our commitments to this program. This year the budget request was for $144 million as compared to an appropriation of $112,130,000 last year. Your committee took into account the fact that Castro stopped the Cuban air flights for certain periods of time, and he indicated he might stop them altogether. However, inasmuch as there is some uncertainty about the matter, we recommended $100 million, but we realize that at some subsequent date if they do not have sufficient funds, it may be necessary to consider additional appropriations in order to take care of this program and aid the States who are receiving these refugees.

Mr. Chairman, I am very much in sympathy with the Dade County school system in Florida. Without a doubt, HEW owes that school board in the neighborhood of $600,000. I consider it an obligation to Dade County and I am going to insist that they reimburse the Dade County school system for that $600,000 that they expended in taking care of the Cuban refugees.

Next, we turn to the International Financial Institution.

The committee is deeply concerned over the trend to direct an increasing amount of U.S. foreign assistance through the multilateral institutions while at the same time decreasing the bilateral aid program. In the next 2 fiscal years, the Congress could be requested to appropriate over $2,500,000,000 to the international financial institutions if all pending and enacted authorization requests are considered. With the possibility of Congress being confronted with these large requests for U.S. funds for the multilateral institutions, the committee felt certain details should be brought forth. It was indicated in the committee hearings that the same degree of detailed examination which is possible in the bilateral foreign assistance programs is not possible in the multilateral assistance programs. The Congress does not know when, where or how the budget requests will be disbursed by these multilateral organizations because they do not justify their requests by specific projects. When information is available on a specific project it is usually after the project has already been approved. In addition, some informed individuals feel the appropriation requests for these multilateral institutions should not be reduced because agreements have been entered into with the countries involved and Congress has enacted the required authorizing legislation needed to enter into these agreements. However, in the committee hearings, it was clearly stated that all agreements entered into with these countries are subject to the condition that a subsequent appropriation be made. The following excerpts from pages 294 and 295 of part 1 of the committee hearings for fiscal year 1972 clarify this situation:

Mr. PASSMAN. Let me ask you this question. If the Congress, in its wisdom, should decide that they are not going to give you a dollar, we would not be violating any legal commitment, would we?

Mr. COSTANZO. No, sir. • • •

Mr. PASSMAN. Wait a minute, I want an answer. Would we violate any legal commitment. He said "no." Are you saying the same thing?

Mr. PETTY. I am saying the U.S. Government has a binding obligation on the basis of authorizing legislation. Congress has authorized us to vote for the resolutions providing for these subscriptions.

Mr. PASSMAN. Subject to a subsequent appropriation, isn't that correct?

Mr. PETTY. Absolutely; yes, sir.

The committee feels that if it is denied the right to make justified reductions in the budget requests submitted for the international financial institutions, the established appropriation process will be voided and the committee will be only a rubberstamp for these institutions.

The committee is of the opinion that if the appropriation requests were reduced for these international financial institutions, new agreements would not be too difficult to renegotiate. Notwithstanding the trend toward the multilateral approach to foreign assistance, the committee feels that Congress should have control over determining the amount of U.S. funds to be allocated to these institutions. All budget requests for U.S. funds must compete on a priority basis taking into account the then existing financial situation in the United States and the committee feels the funding requests for the international financial institutions should not be exempt from this process.

Mr. Chairman, with specific reference to the Inter-American Development Bank it should be noted that as of June 30, 1971, over $1,900,000,000 in undisbursed loans were held by the Bank. In addition to this budget request, the Inter-American Development Bank is also requesting an authorization of $450,000,000 for fiscal year 1972.

Excluding the $50,000,000 requested for paid-in ordinary capital, the balance of the request—$211,760,000—was submitted as a budget amendment in House Document 92–149. The budget amendment requested the exact amount that was reduced by Congress from the Bank's request in the Second Supplemental Appropriation Act of 1971 (Public Law 92–18).

It should also be noted that the $275,000,000 provided to the Inter-American Development Bank—IDB—in the Second Supplemental Appropriations Act, 1971 (Public Law 92–18), approved in May 1971, has not been utilized at this time. It appeared to the committee that the executive branch was not anxious to renegotiate new agreements in anticipation that the reductions made in the second supplemental would be reinstated. As has been pointed out above, U.S. funds are available to the IDB if new agreements are negotiated.

Next is the World Bank item.

The committee disallowed the full budget request of $246,100,000.

The request was submitted as a budget amendment and it is the same request disallowed by the Congress in the Second Supplemental Appropriation Act of 1971 (Public Law 92–18). During testimony before the committee in consideration of the second supplemental appropriation bill, it was stated at that time that the cash position or the money needs of the World Bank were not the reasons for the supplemental request. The two reasons given for the request of funds were:

First, to maintain the U.S. voting position in the Bank; and

Second, since over the years the United States has urged other countries to pay in their special capital increases, we should now provide funds to pay the U.S. capital increase.

According to U.S. officials at the World Bank, the justifications for the present request of funds remain essentially the same as they were when the supplemental request was considered.

The committee felt the U.S. voting position in the Bank would not decrease significantly and the United States would still be by far the largest contributor to this institution if these funds are not allowed.

Mr. Chairman, the next item is the Export-Import Bank which is a great organization. It has helped the American manufacturers to sell their commodities with a great profit. The Export-Import Bank finances these commodities at the going rate of interest, and so good is their record that they have been able to turn back to the U.S. Treasury billions of dollars in profit. In addition to that, the manufacturers have earned billions of dollars in profits that they could not have earned without the Export-Import Bank, enabling them to pay into the U.S. Treasury billions of dollars in income tax. The committee recommended the total budget request for this item.

I now yield to the gentleman from New York (Mr. ROONEY), a member of the committee.

Mr. ROONEY of New York. Mr. Chair-

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man, I should like to make inquiry with regard to three items in this bill.

The first is the item on page 5, beginning at line 20, wherein the amount $575,000,000 is provided by the committee for security supporting assistance.

The committee in its report on page 23 thereof, toward the bottom of that page, refers to the fact that there was a statement on page 26 of House Report 92–380 (House Foreign Affairs report of the Foreign Assistance Act of 1971) reading as follows:

In the judgment of the committee, Israel is fully eligible to receive assistance under this chapter [Security Supporting Assistance] ...

On the following page of the report, page 24, it is stated that:

This Committee also feels that Israel is eligible for security supporting assistance but a recommendation for a specific amount for Israel is not made because the exact amount required had not been fully determined when the Committee considered this item.

I should now like to inquire as to the amount contained in this bill for security supporting assistance for the State of Israel.

Mr. PASSMAN. As the gentleman has correctly stated, the committee did not recommend a specific amount for Israel because the specific amount required had not been fully determined.

I personally feel that $100 million of that amount should go to Israel.

I would like to make some legislative history on that.

Mr. ROONEY of New York. If I may ask the distinguished gentleman from Louisiana, the chairman of the subcommittee—that would be how much for Israel?

Mr. PASSMAN. $85 million—that is the figure that so many have insisted on. On a subsequent date a new figure was used. We did not want to write it in. Personally, I am of the opinion if it can be worked out—they should get $100 million.

Mr. ROONEY of New York. I thank the distinguished gentleman from Louisiana.

My second inquiry is concerning the item on page 10 of the bill beginning on line 13 thereof—title II—"Foreign military credit sales."

In appropriating $510 million for this purpose, how much thereof is for the State of Israel to make purchases of military hardware and equipment?

Mr. PASSMAN. As our report states, $300 million should be available to Israel. That is the figure agreed upon by this committee, by the Foreign Affairs Committee of the House, and by the Foreign Relations Committee of the other body. That is the correct figure.

Mr. ROONEY of New York. Finally, I should like to express my appreciation with regard to the committee's inclusion of $300,000 at page 3 of the bill for the American hospital in Rome, Italy. This is to be a new institution, and the $300,000 in the bill is to provide for plans, design, and specifications so that there will be eventually erected in Rome, as in Paris, an American hospital. This hospital would be completed with $3 million of Government funds and $4,500,000 of private funds. The institution would be managed and run by the nuns who manage and operate the Columbus Hospital in New York City, generally known as the Mother Cabrini Sisters.

I think this is a start in the right direction, I will say to my distinguished friend from Louisiana, and I am grateful to him and to every Member of this subcommittee as well as the entire committee for their inclusion of this money to commence construction of such an American hospital in Rome, Italy.

Mr. PASSMAN. I want to thank the distinguished gentleman from New York, a very able member of this committee and a man who scrutinizes these reports very closely.

Now I yield to the gentlewoman from New York (Mrs. ABZUG) for a question.

Mrs. ABZUG. I am going to ask a question. OK?

Mr. PASSMAN. Yes, certainly.

Mrs. ABZUG. Thank you, Mr. Chairman. Would you tell me if there is any money in the appropriation bill for Vietnam?

Mr. PASSMAN. There is supporting assistance but no military. The military is handled in the defense bill that has already passed this House.

Mrs. ABZUG. How much is the supporting assistance?

Mr. PASSMAN. You will have to get the answer to that question from the chairman of the Armed Services Committee.

Mrs. ABZUG. I mean in this bill.

Mr. PASSMAN. All of the money in this bill is appropriated on an illustrative basis. In the hearings it was indicated that money would be used for projects in certain countries, but so far as the actual funds, they are stated on an illustrative basis.

Mrs. ABZUG. There is no money for military assistance in this bill?

Mr. PASSMAN. There is no money for military assistance as such for Vietnam.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the distinguished gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the chairman, the gentleman from Louisiana for yielding. I want to commend the chairman for his dilligent efforts, although, as far as the gentleman from Wisconsin is concerned, it would be preferable if the bill were considered following authorization. However, the House Foreign Affairs conferees have sincerely tried to work out an authorization with the Senate conferees. We met for days at a time, and we could not come to any resolution on the Mansfield amendment contained in the Senate authorization bill. The gentleman from Louisiana conferred with the House Foreign Affairs conferees. He was most patient and cooperative. I commend him for his understanding attitude.

I would be less than honest if I would not point out that I do not thoroughly or fully agree with some of the cuts the appropriations committee has made in certain areas of the bill.

Mr. PASSMAN. Mr. Chairman, will the gentleman permit an interruption?

Mr. ZABLOCKI. I am delighted to hear the gentleman's response.

Mr. PASSMAN. The procedures we have followed to bring this bill before the House have had the support of the gentleman from Wisconsin, also Dr. MORGAN, and our friends on the minority side.

Mr. ZABLOCKI. That is true, with the Members of the other body remaining adamant the present procedure is necessary if we are to have foreign aid continue. It would not be in our Nation's interest to cut it abruptly, causing chaos. Certainly both the gentleman from Louisiana and the gentleman from Wisconsin want foreign aid cut back. We want to responsibly reduce the foreign aid program. However, the gentleman from Wisconsin does not believe that it is wise to kill the program abruptly. The gentleman from Louisiana has been most helpful to the House foreign affairs conferees in their deliberations on the foreign assistance program.

Mr. PASSMAN. I thank the gentleman. I now take my leave from the microphone so that the able ranking minority member may have some time. I hope you will support the committee. We have devoted many hours of the day during the past weeks to this bill. We think we have a good bill. It is streamlined.

As the gentleman has just stated, he does not like some of the cuts, but it was necessary to make them in order to get the program back to a sensible operation. I thank the gentlemen for their attention.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Ohio for a question.

Mr. SEIBERLING. Mr. Chairman, I notice on page 21 of the committee report and again on page 28 there is an indication that some of the funds for military assistance and some of the funds for foreign military credit sales may go to Greece. There is a rather unusual situation here under the rules, because in the authorization bill we voted to prohibit military assistance to Greece unless the President determined that it was essential in the interests of the United States. That bill is still in the conference committee.

So my question is this: If we pass this appropriation bill without knowing what the authorization bill is going to be finally, what is going to be the effect with respect to that limitation?

Mr. PASSMAN. I will give the gentleman the answer. As I mentioned earlier, we are providing $552 million against a budget request of $705 million for military assistance. I should like to quote the statement on page 7 so that it is in the RECORD—

The listing of countries and the budget proposals for economic assistance, military assistance, security supporting assistance, and military credit sales contained in the report should not be interpreted as representing the views of the Committee as to recipients and amounts. These lists merely reflect the tentative allocations proposed by the Executive Branch in the fiscal year 1972 budget presentation as can be readily recognized by comparing the totals of the various lists to the amounts recommended in the bill. Since the budget was submitted, international conditions have changed and the actual assistance to any country would be dependent upon decisions as to the best interests of the United States.

It is on an illustrative basis.

Mr. SEIBERLING. I understand that, sir, but I just wonder this. I understand that under this bill the President has the discretion to decide how to use the funds within the scope of the bill.

Mr. PASSMAN. That is correct. It has been so ever since I have been a Member of Congress, for 25 years.

Mr. SEIBERLING. My question is, what will be the limitation with respect to assistance to Greece, in view of the fact that we have not passed the final authorization bill, and yet we are here passing on an appropriation?

Mr. PASSMAN. This bill came out as the gentleman from Wisconsin (Mr. ZABLOCKI) indicated, with the support of the gentleman from Pennsylvania (Mr. MORGAN), and all our friends on the right and left. But it does not mean there cannot be an adjustment up or down on an item. It is still on an illustrative basis, because we have not funded all the items in the bill. We stated earlier it was not the purpose of this committee to withhold any information from the Members of the House. We merely listed what the budget requests were. It may be that some countries will not be getting any assistance at all. That decision will be made by the Defense Department and by the President.

Mr. SEIBERLING. As I take it, we do not know yet whether there will be any restriction on the aid to Greece of the kind that was in the authorization bill?

Mr. PASSMAN. May I say in response to the distinguished gentleman that this bill is somewhat unusual, because the funds are made available on an illustrative basis only, and we leave it up to the administrators as to what countries will get the military assistance.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield for one more question?

Mr. PASSMAN. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Chairman, there seems to be some confusion in the minds of some of us. Will the gentleman explain what "illustrative" means?

Mr. PASSMAN. The executive branch says "we believe we will need a certain amount of money for a country, but we reserve the right to change the amount for any particular country and move it to another country." It is simply illustrative of what we might need the money for. That is the best definition I can give. The funds are not earmarked.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I think it fair to say that in providing funds for aid to various nations, the budget includes a tentative list of where the funds might be allocated. But our Government does not want to irrevocably commit itself to any nation, because whatever grants or assistance may be given will be as a result of negotiations with a particular nation. So in the bill we just provide a lump sum appropriation for these purposes. Therefore the Executive will have ample flexibility in granting or not granting assistance in accordance with suitable arrangements that might be worked out with the various countries involved. In this sense the figures given are illustrative of what might be done, provided arrangements and agreements are made which are considered to be in the best interests of the United States and the countries with which we deal.

This has been true with respect to military and economic aid throughout the history of the program. The purpose of all these programs is to serve the best interest of the United States and the cause of peace and security.

With regard to the allocation of funds under the various appropriating paragraphs in the bill generally, I call attention to the statement added in full committee to the report which accompanies the bill as follows:

The listing of countries and the budget proposals for economic assistance, military assistance, security supporting assistance, and military credit sales contained in the report should not be interpreted as representing the views of the Committee as to recipients and amounts. These lists merely reflect the tentative allocations proposed by the Executive Branch in the fiscal year 1972 budget presentation as can be readily recognized by comparing the totals of the various lists to the amounts recommended in the bill. Since the budget was submitted, international conditions have changed and the actual assistance to any country would be dependent upon decisions as to the best interests of the United States.

Mr. Chairman, I thank the gentleman for yielding.

Mr. PASSMAN. Mr. Chairman, I thank the distinguished gentleman for his comment.

Mr. SHRIVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, after 3 months of intensive hearings and 5 months of delay due to the lack of authorizing legislation, your Appropriations Committee is recommending the lowest foreign economic assistance money bill in the history of our foreign aid programs. There are many reasons we have cut this request so deeply, including the very strong possibility of a Federal budget deficit for fiscal 1972 in the neighborhood of $35 to $40 billion depending on which budget you are looking at, and the worsening U.S. balance-of-payments position. We are also becoming more aware and more responsive to our own problems in this country and the burdensome load on our taxpayers.

Some will ask today why have a bill, but I want to make it very clear what we have at stake, in my judgment, in this bill is our national security.

Most of the funds we have left in this bill, while ostensibly going to foreign governments, will directly affect American lives and American security.

I support the President's progress in withdrawing American soldiers from the conflict in Southeast Asia. I support the Nixon doctrine of a more realistic American presence in the world. I support the concept of Vietnamization as an alternative to previous American involvement in the war. For these reasons I support this bill, and I would hope many of you would for the same reason.

We all want to get American troops out of Vietnam as soon as possible, and they are getting out. But if this aid program which finances over half of South Vietnam's badly needed imports is stopped, the effect on the south's economy and war efforts in its own behalf will be fatal. Would that really be in our national interests? With a shortsighted negative vote on this bill today, do you want the sacrifices of American and allied lives and resources to go down the drain, to be for naught?

We also have a tremendous investment in the security and stability of South Korea—$35 billion and more than 150,000 American casualties.

All of these dollars came from the taxes of our citizens; each of these casualties marked personal tragedies in American families. We cannot ignore these sacrifices of our national resources.

All of this is clearly set out in the report, and I hope all of you have read or will read the committee report in this regard.

This bill, this reduced and highly selective foreign aid program, recognizes this national investment. The committee has included those items which it believes will lessen the need for such investments in the future.

In a recent letter to the committee, the Secretary of Defense explained the importance of military grant and sales assistance to our own defense posture. Secretary Laird wrote:

In large measure grant aid and foreign military sales credits have been planned in order to permit a reduction in forward deployments of our own reduced forces.

The Secretary concluded:

There is a very close relationship between our own military force structure and the President's program for foreign assistance.

Our military forces are being reduced, but for genuine national security reasons this can only continue if our allies in troublesome areas of the world are able to defend themselves.

Our direct involvement in Vietnam's economic and social affairs is on the decline. More Vietnamese are doing the jobs which were being done by Americans, a sort of economic Vietnamization. This will continue, as it should, but the Vietnamese war-inflated economy cannot yet do it alone. The supporting assistance funds in this bill will be essential.

I do not want to be misunderstood; the dollar amounts in this bill are still substantial, especially for supporting assistance and military grants and sales. But what is the alternative cost? We know how many lives have already been lost or maimed. We know that the cost of our efforts in Vietnam have dropped from a high of $30 billion for fiscal 1969 to an estimated $5 to $8 billion next year.

Vietnamization and the spreading Nixon doctrine which has led to bringing back home additional thousands of

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American troops from Korea, the Philippines, Thailand, and Japan must continue. The funds in this bill will be used to continue this withdrawal.

We have had many opportunities to vote on amendments which have been described as "end the war" measures. In this reduced and selective bill, we finally have an opportunity to vote in favor of a realistic program to end the war and bring the boys home. I urge your vote for this appropriation.

I would remind all of you of the remarks made by President Nixon on November 9 when he spoke in New York City and when he said this:

It goes beyond simply maintaining military strength at home. *I know how easy it is for Members of Congress—I was once in the House, I was once in the Senate. I know how easy it was then to try to find a reason to vote against those programs of mutual assistance for countries abroad—foreign aid for countries that needed aid, aid for the purpose of helping other countries to help themselves, to create a more stable world.*

He further said:

There are no constituencies for foreign aid. We know that. But let us recognize this: If the United States at this particular time should determine that it will discontinue its programs of mutual assistance for countries abroad—helping them so that they can help themselves—it can only mean that the world will become much more unstable, that the dangers of war in the world will greatly increase and that the United States will no longer be a world power respected in the world, no matter how strong we are at home.

That is why tonight I speak of the challenges of peace not only in maintaining our strength at home, but in meeting our responsibilities abroad. This is above partisanship because Republicans have joined with Democrats through the years to see that these programs, whereas they have no constituencies in this country, because they are essential to maintain the peace of the world, that these programs are continued—and I trust they will be, by this Congress.
(Emphasis supplied.)

Those were the statements of our President in connection with the need for this program and for foreign assistance. In this bill it has been reduced to the bare minimum. There is a substantial amount as has been previously expressed in what is known as the pipeline, but these expenditures are needed for our national security and in order to help those who want to help themselves.

Mr. Chairman, there are many reasons why the Members of this Congress should vote for this bill and upon which they can justify their vote for this bill. There is the humanitarian reason in connection with assistance for the refugees, whether they are from behind the Iron Curtain or the Bamboo Curtain, or India or Pakistan. These are people who need assistance in connection with sustaining their lives. There are humanitarian factors favoring this proposal. Further, it will improve our balance-of-payments situation which alone is adequate reason for anyone to vote for this bill. As mentioned by our able chairman, the gentleman from Louisiana (Mr. PASSMAN), this bill contains needed legislation for the Export-Import Bank which finances billions of dollars of American exports to function. The limitation upon its lending money is included in here, including the limitation upon its administrative expenses.

Also included are the provisions relating to the Export-Import Bank so very necessary in connection with relieving our balance-of-payments problem and the financing of more exports from this country. To be considered are the thousands and thousands of people who are employed in manufacturing articles that are being exported because of the Export-Import Bank's financial assistance.

Of course, one can justify his vote for this legislation from the standpoint of helping the friends of this country such as the State of Israel, which has $300 million of military credit sales involved here and the eligibility of Israel for supporting assistance.

So there are many ways whereby you can justify your support of this needed program, especially for the support of the best interests of the United States.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Kansas (Mr. SHRIVER) has made a very fine statement, and I commend the gentleman for it.

I just want to refer to one statement that he made with regard to the end-the-war amendments that have been considered, and say that I propose to offer an end-the-war amendment, only it is going to be to end the tuna war.

I propose to offer an amendment to cut off aid to Ecuador. Ecuador is doing better by illegally seizing our tuna fishing vessels on the high seas than it is actually through this legislation. So I hope to have the support of the House for that amendment to eliminate the illegal seizures which have taken place. This year alone Ecuador has fined our vessels more than $2 million in some 52 seizures. So I think it is time that we stopped rewarding our enemies, and it is about time to eliminate aid to those people.

Mr. SHRIVER. Mr. Chairman, I thank the gentleman for his contribution, and I would support such an amendment, and trust it will receive the support of the Members of the House.

The CHAIRMAN. The gentleman from Kansas had consumed 12 minutes.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. MCEWEN).

Mr. MCEWEN. Mr. Chairman, as one of the new members of this subcommittee I take this opportunity to say to my chairman, the gentleman from Louisiana (Mr. PASSMAN), and the ranking minority member, the gentleman from Kansas (Mr. SHRIVER), how impressed I was in the hearings conducted by this subcommittee for many weeks, into all of the facets of our aid programs.

I further wish to say, Mr. Chairman, that I rise in support of this bill because I think, as has been pointed out by the chairman and by the gentleman from Kansas, who preceded me here in the well, that this bill contains provisions for humanitarian programs, and it also contains realistic appropriations in the interest of our security. We have been seeing reductions of American military personnel not only in Vietnam, but in other Asian countries, such as Japan and Korea, and I think, Mr. Chairman, that it is incumbent upon us to see that we make provision for military sales, military assistance and supporting economic assistance.

I hope that this bill will receive the support of this House today.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I, too, rise in support of this appropriation bill. I do so with no great enthusiasm. I regret to say I see no great reason to think that even if the House does act responsibly that Congress will actually complete the necessary legislative process to insure appropriations for a program which in my opinion is quite definitely needed in the national interest.

Mr. Chairman, as a member of the House Committee on Foreign Affairs, and as a conferee with the Senate Committee on Foreign Relations on an authorization bill, I feel embarrassed that we should be asked to engage in an unorthodox procedure such as this. We are considering an appropriation bill when there is no authorization for the program that the money is being appropriated for. I find our legislative process, in other words, discouraging at times. In the area of foreign aid I think the situation is particularly discouraging. It is a reflection on both the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations.

What disturbs me even more are the rumors that we hear that, even if the House does act responsibly, there may be trouble at the other end of the Capitol—that there will be no action taken on any appropriations regardless of the amounts and allocations of funds unless there is an authorization.

As a conferee, let me say that we have been trying to reach the necessary agreement so that we could come back with a conference report and secure approval of an authorization. But there are forces at work which seem aimed at preventing that agreement, and which may even prevent agreement in this body on an amount for foreign aid.

I would like to take time to stress the need for foreign aid. I urge my colleagues not to use the foreign aid program as a political football—at least not to the extent that we have no aid at all as a result of that process.

I would like to appeal basically to those who still may be undecided and those who in the past have voted for foreign aid but who have now indicated that they may not vote for an appropriation bill.

Let me say I am not happy with the appropriation bill. It does not strike me as an improvement, in what has been called streamlining foreign aid, to have cut almost exactly a billion dollars from the amount that was requested. It seems to me a smaller program in both the military and economic field may mean a less effective program. What we need to remember is the fact that something is needed. I agree very strongly with the gentleman from Louisiana that the money provided in this bill is needed for our own national interest.

I have received a letter this morning signed amongst others by five members of the House Committee on Foreign Affairs which indicates they intend to vote against this bill partly on procedural grounds—that there is no authorization bill before us.

Well, the fact of the matter is—there is no such bill. As they say, the judgment of the committee and the jurisdiction of the committee should be respected. Of course, it should. But the trouble is there is not going to be at this stage of the session an opportunity for the House to work its will on a conference report providing for an authorization.

So this is an emergency procedure, admittedly unorthodox. Of course, as this letter says, it is an improper procedure and it should not happen. It is violative of the legislative reorganization act. But the fact is, we have no alternative but to bypass the normal way of doing things if we are to get any aid program at all.

The letter brings up a series of objections about the substance of the proposals made by the appropriations committee. Just to take one—and I realize that debate is not going to change many votes—take a look at the cut in the Peace Corps program. That is the easiest one to understand and the hardest to accept. So far as I know, certainly the Foreign Affairs Committee found no reason for a cut of this size in the Peace Corps program—a cut to $60,000,000 for Peace Corps programs.

That low a figure would simply make it impossible for the Peace Corps even to operate for the remainder of this fiscal year.

We hear rumored as a kind of a compromise that there may be an increase of perhaps $10 million in the recommendation of the Committee on Appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHRIVER. Mr. Chairman, I yield 5 additional minutes to the gentleman from New Jersey.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I am glad to yield to the gentleman from Louisiana.

Mr. PASSMAN. The overall cut in this bill is 35 percent, if the gentleman will look at the justification and look at the recommendations. It has not been cut but 25 percent.

I may have a letter on this subject.

Mr. FRELINGHUYSEN. I regret that there is no such letter available.

Mr. PASSMAN. It will be available in a few more minutes.

Mr. FRELINGHUYSEN. I understand that even if $70 million were made available, we would have to terminate programs in 15 countries, bringing home 1,990 volunteers. If we make available $65 million, we would have enough to terminate all Peace Corps programs. I do not know what would be the justification for suddenly bringing the Peace Corps out of all those countries.

I had assumed that this program was one of our least controversial programs. It is in fact a program which basically recognizes in a relatively modest way our interest in other countries in practical terms. There will be serious trouble ahead for the Peace Corps if we accept the recommendation at $60 million, and they will have problems even if we should increase it to $70 million. I cannot conceive how the White House or anyone in the executive branch could be satisfied with such a result, as it would bring about an inability to continue the program.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. MAILLIARD. I am a little bit mystified by the reference to the White House. I have been in communication with the executive branch, including the White House, and it seems to me that what has happened here is that the Peace Corps has been operating for almost a half year on a continuing resolution at a level of expenditures of over $80 million. So if I am correctly informed, and I believe I am, that would leave something like $19 million to run the program for the rest of the year, since they have been expending at an annual rate of over $80 million. So it is not merely a question of reduction. So much of the money has already been expended, they are left with insufficient funds to continue the program at all.

Mr. FRELINGHUYSEN. The gentleman is quite correct.

Many embarrassments result from the failure of Congress to act with respect to moneys needed in the current fiscal year. If we take 6 months of that fiscal year to decide what the level of spending should be——

Mr. PASSMAN. Mr. Chairman, will the gentleman yield for purposes of clarification?

Mr. FRELINGHUYSEN. If I can finish my sentence——

On the basis of the continuing resolution, the Peace Corps, I think quite legitimately, has been operating at a moderate level. Now it is proposed that we should reduce funds to a scale which obviously is insufficient. It is proposed that a cut should now be made to reduce sharply, even terminate the program. I understand that over $60 million would be needed if a decision were made that the Peace Corps should be terminated at this stage of the fiscal year.

I yield to the gentleman from Louisiana.

Mr. PASSMAN. The facts are that very little or no money is spent out of the obligations to the Peace Corps, because they operate out of a pipeline. Much of the money that has been obligated on a continuing resolution is still intact. I do not want to get into an argument with my friends, but you know these youngsters have been asked to leave 14 countries. It has come to the attention of the proper officials that they had better have a new look at the program. There is a bilateral technical assistance program. Not one person has ever been asked to leave a country.

Mr. FRELINGHUYSEN. The gentleman from Louisiana is an expert on appropriations, but I believe he is confusing the issue with respect to the Peace Corps. Quite obviously, a bilateral aid program is in a sense a money spigot. You will not get a recipient country turning off its money spigot. So it is no surprise that there has been no request to terminate programs of that kind in these countries.

On the other hand, there is a variety of reasons why a country might decide to terminate a Peace Corps program. For example, there is the situation in Ceylon, where the Peace Corps was terminated for political reasons by Madame Bandaranaike, who did not want to jeopardize the Communist support she receives in her country. She does not want to run the risk of political repercussions. Withdrawal under such circumstances is no reflection on the Peace Corps, I say to the gentleman from Louisiana. We are doing something that is of consequence but it may involve political considerations.

It is quite obvious we ought to take a look at what would be the consequence of a drastic reduction at this stage, 6 months into the program, of a program which most Members of the Congress support, in spite of insinuations on the part of some that perhaps the Peace Corps should be reevaluated and perhaps eliminated. This level of appropriation has the unquestioned result of eliminating the Peace Corps.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Illinois.

Mr. COLLIER. What thought has been given to withdrawing the Peace Corps from Chile in the light of the current situation there, the fact that a state of emergency was recently declared and the fact that Chileans, under the communistic Allende regime, have nationalized American interests there? What is the rationale or the justification at this point for maintaining the Peace Corps in Chile?

Mr. FRELINGHUYSEN. I have no idea what the rationale is. I do not know if it is going to be retained. I might say to the gentleman, but it would not be surprising to me if that Government should say, "We no longer want the Peace Corps." Nor do I think it should be a reflection on the Peace Corps if a withdrawal such as that is made at the request of the Government. I make no brief for maintaining our Peace Corps in a country like Chile, but I do not think we should say there is something wrong with the Peace Corps if there should be a request from Chile to terminate the Peace Corps there.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Ohio.

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Mr. BROWN of Ohio. Mr. Chairman, I would like to know what the technical arrangement is by which we have Peace Corps representatives in other countries. Is there not some kind of memorandum of understanding that is drawn with the 55 countries to which we send Peace Corpsmen? Does the gentleman know the length of time through which that is binding, and what happens then if we cannot live up to our side of that kind of understanding?

Mr. FRELINGHUYSEN. What disturbs me even about a $75 million level is that the result would be the necessity for totally abrogating agreements which have been made with 15 countries and reneging on arrangements which are being discussed with 40 other countries. It would be unwise for this House to require this country to renege on such arrangements, I think if we are going to cut back certain programs, we should do it objectively, and we should find whether these agreements are in the interests of the United States. We might have some disagreements about the effectiveness of individual programs or individual volunteers, but overall we should make a decision objectively.

Mr. BROWN of Ohio. Mr. Chairman, I might say I am more concerned about the reputation of this country in the world if this country starts reneging on its agreements with friendly countries, than if a country that is going Communist decides the Peace Corps is too much of a U.S. influence to continue it in their country and they kick us out. I think kicking us out of Chile might be in some respects a compliment to our country.

Mr. FRELINGHUYSEN. I thank the gentleman for his observations. I agree with him. There are obviously several sides to this coin, but I would guess most people would say the Peace Corps should not be terminated. We should decide whether it is true that a level of $60 million is not going to be enough to allow it to continue. On the basis of information I have received, even with a level of $70 million it would be necessary simply to abrogate 15 agreements immediately, and 40 other agreements with countries would have to be reconsidered.

Mr. BROWN of Ohio. And, of course, we would go back on our word.

Mr. FRELINGHUYSEN. Yes. That would be the nature of the abrogation.

Mr. COLLIER. Mr. Chairman, if the gentleman will yield further, let me make one further observation. I agree we should not renege on our commitments. At the same time, it seems to me the better part of good judgment should dictate that when we have a situation such as has developed in Chile since the Peace Corps contract was consummated. As far back as the election of Allende when it became obvious that this now basically is lock, stock and barrel a Communist country, I wrote the Director of the Peace Corps and suggested at that time that in the light of the political and other circumstances in Chile—and this was before we even knew there was imminent a takeover of American industry, that it was going to be arbitrarily nationalized—that we should withdraw the 90 members of the Peace Corps from that Communist country.

I do not think 15 percent of the American people would support our maintaining the Peace Corps in that country under the conditions that now prevail there.

Mr. FRELINGHUYSEN. I would suppose 95 percent of the American people would support the principle of continuation of the Peace Corps. At the level of $60 million, it would be necessary simply for the Peace Corps to close shop. In fact, I understand $60 million would not be enough even to allow them to close down. They would have to pull back from every country regardless of the advisability of continuing these programs.

Mr. COLLIER. I merely suggested we should be selective basis. It seems to me this is just good sense.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. BROWN of Ohio. What would be the cost of closing down, that is, what would be the cost of bringing home each individual Peace Corpsman?

Mr. FRELINGHUYSEN. I do not have that figure. I believe $62.4 million would be the minimum needed to abolish the Peace Corps. I do not have a detailed breakdown as to what it would cost to bring back each individual volunteer. All I am saying is that it does not make any sense to have this kind of an impact on a program which most people think is worthwhile. I hope during the amendment process we can get something restored which would approach the authorization figure of $77 million and which would allow the Peace Corps to continue at about the same level of programing as in the last fiscal year.

Mr. McKINNEY. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. McKINNEY. I would briefly like to associate myself with the gentleman's remarks and say it is incredible to me, with the things that we are paying for with the American taxpayers' dollars in this bill, with bureaucracy being involved in so many of these programs, that we would cut out, or cut down, or in effect destroy one of the few programs which probably gets us more for our dollar overseas than any other in the entire bill and which also affects the youth of this country, allowing them to operate in a constructive manner in the world in which they live.

Mr. FRELINGHUYSEN. I thank the gentleman.

Let me say that I do hope we will keep our eye on the ball sufficiently so that we act affirmatively in a program which is needed in the basic interests of this country. I have no idea what may happen then, but I hope the other body can take similar action.

Mr. SHRIVER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman, the President of the United States, a short time ago, stood in this very Chamber and told us that the United States would no longer compete in the world marketplace with one hand tied behind its back.

I agreed with him.

And I agree with that philosophy now.

So, Mr. Chairman, it is difficult for me to understand how we can approve of this legislation which is before us.

Mr. Chairman, it is difficult for me to understand how we can approve a give away of $640,000 to the country of Ecuador for military use.

Ecuador can then turn around and purchase torpedo boats and coast guard cutters with this money to capture and hold for ransom more of our fishing boats. So far this year they have seized 52 of our fishing boats and fined them more than $2 million.

Mr. Chairman, it is difficult for me to understand how we can approve a give-Ecuador $14 million under the Alliance for Progress program.

Ecuador is simply not friendly to the United States and it appears as if it has no intention of being friendly.

And Mr. Chairman, I would like for someone to explain why we are pouring thousands of dollars into Chile, a country with a Communist leader and one which has been unfriendly to our Nation. Chile has seized several million dollars worth of American property.

I would also like for someone to explain to me how this Nation can afford to give away all the money in this bill when the Federal debt is now over $418 billion and our deficit for fiscal 1972 is estimated between $35 and $40 billion.

Mr. Chairman, if this bill passes, the United States of America will have to go out and borrow $640,000 and give this money to Ecuador so that country can afford to capture U.S. fishing boats and hold them for ransom.

This just does not make sense.

I am firmly opposed to this and intend to vote against the bill.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I served on this committee for 12 years and had the privilege of serving with the gentleman from Kansas. I want to say how much I enjoyed it and what a hard-working and conscientious individual he has been. I had to relinquish my seniority on that committee, and he has taken over and done a fantastic job, one which we can all be proud of.

Mr. Chairman, I sweat blood and tears on the floor of the House under President Eisenhower, President Kennedy, President Johnson, and last few years under President Nixon on this bill. It was always a tough bill to bring to the floor of the House and a very difficult bill.

As I said many times, foreign aid has very, very little sex appeal and very little or few constituents. You are not giving projects, bridges, or public works projects here as you do on other bills. You are giving something away to foreign countries here. It is a very difficult bill to sell.

But as I look at this bill today I do not know whether I will vote for it. The press likes to label the public works bill as a grab-bag bill and a pork barrel bill. This has gotten to be one pork barrel bill. The hard core key program, the Peace Corps program, that I am going to talk about and the development loan program which we fought for years and years and years to take out of the soft currency window and put into the hard cash with the payment of interest on it has a magnificent record, but it was cut to ribbons. The Alliance for Progress, development loan has been cut to ribbons, when we are in all kinds of trouble with Latin America and we should be beefing up this particular agency.

Turn to page 14 and you will see the pork barrel. It all depends on whom you know in court if you want to get your little project in there. Regardless of the merit and whether the State Department wants the particular project or whether the AID agency wants it, if you have a friend in court, you can get on page 14.

Mr. Chairman, I find it shocking and irresponsible that the foreign operations subcommittee has recommended only $60 million for the Peace Corps. This is $22.2 million below the budget request and $17.2 million below the fiscal 1972 authorization.

I have been informed that $77 million is the absolute minimum figure under which the Peace Corps can operate effectively. And even this amount would not allow for any new trainees. Approval of a figure below the $77 million level will force the Corps to abrogate good faith agreements with foreign nations and to pull out a large number of dedicated volunteers.

Amidst the many gratuitous insults that were leveled against the Peace Corps in the committee report, four assertions emerged as supposed justification for recommending such a drastic cut.

First it is claimed that it is difficult to list the Peace Corps accomplishments attained from the nearly $1 billion that has been appropriated since its inception. But the Peace Corps is not a brick and mortar program designed to produce highly visible monuments that can be photographed for the folks back home.

The Peace Corps, rather, is a people-to-people program whose human achievements, significant though they are, are incapable of precise scientific measurement.

How do you measure, for example, the enormous personal satisfaction experienced by the great numbers of youths educated by teachers in the Peace Corps?

How do you measure the benefits of good health care provided by the dedicated volunteers that the Peace Corps has sent to our less fortunate brothers around the globe?

How do you measure the technical assistance provided by Peace Corpsmen in extending our agricultural expertise to the less developed nations of the world? How do you measure the freedom from hunger that such assistance has offered?

In actuality the accomplishments of the Peace Corps are strikingly evident to those who have had the opportunity to meet with the program's beneficiaries.

A second argument levied against the Corps is the assertion that 14 countries have terminated their association with this organization, while none has terminated the AID technical assistance program. In the first place, any such comparison of AID and the Peace Corps—both fine programs in my estimation—is utterly ridiculous.

No counry is going to be foolish enough to request that we cut off the money that flows from the AID program. On the other hand, some countries have chosen to embarrass the United States by asking the Peace Corps to leave. I contend that in most such instances, this is not a reflection of the Peace Corps but on the character of the government making such a demand. All too often the people in such countries cry "Yankee come back," despite the comments of their government officials.

It is regrettable that the committee report, while glibly reciting the 14 countries that have terminated Peace Corps activity, does not identify the 55 countries that are still requesting and utilizing its services.

A third assertion, related to the second, is the unsupported claim that some terminations were brought about because of the bad conduct of some volunteers. The fact is that the Peace Corps knows of no instance in which it was asked to leave a country because of misbehavior of its volunteers.

The final argument is easily the most absurd. The report points out that in several years since the inception of the Peace Corps, a substantial unobligated balance was available at the end of the fiscal year.

Is it the message of the Appropriations Committee that future efforts to save money whenever possible will be rewarded with an almost 25-percent slash in an agency's budget request? Is it now the insistence of the Appropriations Committee that all moneys authorized and appropriated had better be spent, or else?

Surely the Peace Corps good faith attempt to spend its allotted funds prudently and economically must not be met with such a hostile response.

No, it is quite clear that there is no justification whatsoever for this heartless action. At a time when we are withdrawing our armed corps from the world arena, we should be reaffirming our commitment, our faith, and our trust in the Peace Corps.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I would like to commend the gentleman from Massachusetts on his very splendid statement, and to associate myself with the gentleman.

Mr. CONTE. Mr. Chairman, I thank the gentleman.

Mr. SHRIVER. Mr. Chairman, may I inquire as to the amount of time that is left?

The CHAIRMAN. The Chair will state that the gentleman from Kansas has 21 minutes remaining, and the gentleman from Louisiana has 10 minutes remaining.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the chairman of the subcommittee, the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Chairman, I should be denied the right and the privilege of chairing this committee if I neglected to set the record straight.

I have tried to be just as fair as I could in presenting this bill. I had no desire to pull the Peace Corps out in the open for what it is because of fear of embarrassing some of my friends and neighbors. My page is a Peace Corpsman; his father and mother were both Peace Corpsmen. That did not keep me from doing the right thing.

To be frank with you, let us look at the technical assistance program—and that is in reality what the Peace Corps is—technical assistance as such, and it is a name that has had a lot of appeal.

Now, I asked Dr. Hannah, and this appears at page 126 of part 2 of the hearings, and this was in response to my question:

> Dr. HANNAH. I know of no instance where a country has specifically requested us to suspend our bilateral technical assistance program or to recall our U.S. technicians administering the programs.

Mr. Chairman, these facts raise a basic question; why is the Peace Corps program being terminated in these countries while the regular bilateral technical assistance program is being continued, in most instances? Possibly the answer lies in the fact that the Peace Corps does not respond to the basic needs of the host country to the same extent as does the regular bilateral technical assistance program.

The following table lists the 14 countries where the Peace Corps program has been terminated:

Country and Date:
1. Cyprus—February, 1964.
2. Indonesia—May, 1965.
3. Pakistan—June, 1967.
4. Mauritania—June, 1967.
5. Gabon—December, 1967.
6. Tanzania—September, 1969.
7. Libya—September, 1969.
8. Somali Republic—December, 1969.
9. Ceylon—(This is the second time the program was terminated)—October, 1970.
10. Nigeria—December, 1970.
11. Panama—May, 1971.
12. Bolivia—June, 1971.
13. Guyana—July, 1971.
14. Guinea—(This is the second time the program was terminated)—July, 1971.

These people have money in excess of their needs, because people cry for the Peace Corps and we have overfunded them. One year they had $19 million in unobligated funds at the end of the year.

Let us be realistic about what this is all about. Where is your proof that you have gotten 65 cents worth of good out of the billions of dollars you have given the Peace Corps?

Why do not some of you Members find

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out why these youngsters were asked to get out of 14 nations. One nation was so uncomplimentary of them I hate to mention what was said about them on this floor, but I shall put it in the RECORD at this point, and let you read it:

The article reads as follows:

MALAWI OUSTS PEACE CORPS

BLANTYRE, MALAWI, January 26.—All U.S. Peace Corps volunteers will be withdrawn from this country by the end of 1971 following requests by the Malawi Government and the ruling Malawi Congress Party, it was announced.

There are about 150 Peace Corps volunteers working here with the ministries of health and education.

A resolution passed by the Congress Party's annual convention demanded that recruitment cease and that all volunteers leave within 18 months. Delegates cited "complaints by our people against the influence which Peace Corps volunteers have over our children and because of their bad conduct and behavior and their slovenliness."

Let us be realistic. We have cut this bill by 35 percent, the largest percentage cut ever made in a foreign aid bill. Will we cut the Peace Corps 35 percent? The answer is absolutely no. Maybe they are doing less good than any branch under the program, but on account of all the screamers and all the bleeders and all the criers for the Peace Corps we did not reduce them as much. There was a proposal to give them $50 million, so as to compromise we immediately raised it to $60 million.

Where is your proof that they are doing any good?

Oh, yes, there is a man down in my district who is against me, and who made a contribution to my opponent, because I told the facts about the Peace Corps, and I said:

You have not heard anything. You just wait until I really get out after them.

Let us be realistic about this thing. I do not want to drag this dirty linen out into the open. But you know it is there. So why have they been invited out of 14 countries? For various reasons but under other bilateral aid programs—not one individual has ever been invited out of a country.

Mr. Chairman, I want to thank the distinguished gentleman from Kansas for yielding me time—I thank him very much.

Mr. PASSMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. ROYBAL), a very valuable and distinguished member of the committee.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. CONTE. Mr. Chairman, I thank the gentleman for yielding because I think we should set the record straight for the previous speaker who just took his seat.

On page 811 of the hearings, Mr. PASSMAN was questioning the witness and the gentleman from California (Mr. ROYBAL) was there. The record reads as follows:

PROBLEMS OF THE PEACE CORPS

Mr. ROYBAL. Thank you, Mr. Chairman. Mr. Chairman, I have been a friend of the Peace Corps right along. I see their assets and their liabilities, but I think certain accusations if carefully analyzed can lead to the conclusion that the Peace Corps is not really that bad. What I am saying is that some of the problems that the Peace Corps may be having with the committee and Members of Congress is probably directly due to the executives and the administrative section of the Peace Corps. I don't think that anyone can deny the fact that the volunteer is doing a good job.

Mr. PASSMAN. Don't speak for me. I certainly respect the gentleman's views, but if I had to meet my Maker in 3 minutes and the last decision the good Lord would let me make—it would be to abolish the Peace Corps. Then I could die in peace. That is my feeling. I might as well put it in the record.

That pretty well tells the whole story here. The gentleman is against the Peace Corps and is going to do anything he can to kill the Peace Corps one way or the other. I will offer an amendment to restore some of the money back. The record of the Peace Corps will support this amendment.

Mr. PASSMAN. Honesty made me put that statement in the RECORD and I stand by it.

Mr. ROYBAL. Mr. Chairman, I rise in support of the legislation before us.

I support this legislation not because I think it is the best bill that we could possibly bring to this floor, but I support it because of its humanitarian aspects and because I believe it is in the best interest of this Nation.

I support it also because it still has money in it for refugees, schools, and hospitals, in spite of the fact that the amounts appropriated are not sufficient.

I agree with the chairman of the committee in reducing somewhat the amounts on this bill. But I wholeheartedly disagree with him when he has made certain reductions on important items in the bill in question.

For an example, the bill eliminates completely the request for the United Nations development program.

The argument has been made that the program at the present time has a reserve account of $150,000,000. May I point out to the Members of the House that this came about because of the strong recommendation of the Jackson capacity study with the full support of the United States, that a reserve account be created and the purpose of this reserve account be to guarantee under all circumstances all the financial liquidity and and integrity of the program and to compensate for uneven cash flows. This is the same thing that any large corporation does. They set aside a reserve account to take care of dry periods in their operation and this is exactly what the U.N. development program has done.

The other subject matter with which I disagree is the deep cut in the House-passed authorization bill for development loans for the Alliance for Progress and grants for the population program.

I believe there should be an increase in the programs mentioned.

Then again the substantial cuts made by the committee for the Peace Corps is most unjustified. The argument is constantly being made that the Peace Corps has been run out of 14 countries. I will stipulate to that fact, in all courtesy to the chairman of the committee. This perhaps may be true, even though I do not believe it is. But let us say it is true. I must point to the fact that out of every failure, one can look to at least 100 successes that the Peace Corps has had throughout the entire world.

Mr. Chairman, I was present in the Dominican Republic during the time our forces invaded that island, and I saw the work that the Peace Corps was doing. They were the only contact we had with both warring sides. The Peace corpsmen were the only ones who were able to communicate with both sides of that particular controversy.

I also know the successes the Peace Corps has had in other Latin American countries where they were the only ones who remained after all our representatives had to leave those countries. The successes that the Peace Corps has had throughout the entire world is well known and I believe it is an insult, to one of the outstanding organizations of our Nation to appropriate only $60 million when they in fact are operating at the present time at the continuing resolution level or an excess of $80 million. They have already spent almost the entire amount of the $60 million appropriated, and I sincerely believe an increase in this item should be approved.

I understand that a letter has been sent to the chairman of the committee by various members of the Committee on Foreign Affairs and individuals who voted for this project in years past. They are now in opposition to this bill. I would like to request of them that they reconsider their opposition as we still have a chance to put these items back into the bill when we go to conference. That I believe to be the proper procedure, and I sincerely hope that when that time comes those who have supported the bill in the past will continue to support it and vote for it today, thus giving us an opportunity to work this matter out when we get to conference with the other body.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Minnesota.

Mr. FRASER. The gentleman has accurately identified the problems in the bill. This is a very unfortunate bill and I plan to vote against it, because I do not see any point in voting for a bill that has been gutted and ravaged as much as this one has. At the same time I can say to the gentleman that if some of his ideas in relation to increasing the Peace Corps appropriation, perhaps restoring some of the United Nations development program money, and an amendment on the Inter-American Bank—if some of those are adopted here this afternoon, then it seems to me it would be possible to support this bill. But as it stands now, it makes a mockery out of the responsibility which the United States carries in the world community.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. CARNEY).

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. CARNEY. Mr. Chairman, sometimes we get so near the trees we cannot see the forest. I am a new Member here. Many times I have bitten my tongue when I thought I might add something to the debate, but I decided that a freshman Member is better seen and not heard. They told me you never get beat by the speech you do not make. But whenever something puzzles me, I have to ask a question, and I will yield for a response when I have finished with the short statement I have.

I have followed the debate on various appropriation bills, and I have found that very often when we have a domestic issue, a request for something for the people of America, something to help Americans, we do not have the money.

For example, on the school aid bill, Mr. MAHON, the distinguished chairman of the Appropriations Committee, made three different speeches. On October 28 he pointed out that colleges have a deficit. He pointed out that our Government has a larger deficit. He said in essence—

Yes, the colleges are in financial trouble, some of them, but so is the Government, and the situation is getting worse, not better. The deficit in Federal funds in fiscal year 1970 was $19 billion. Then in 1971 it was $30 billion. By 1972 it will be $40 billion.

He opposed the amendments which were offered for increased support to American colleges.

Then he spoke again on November 1 on the same issue, when he pointed out, in making his speech in opposition, a very strong position that this Government was in bad financial straits and said we did not have money for a strong school aid bill. Then he made a further speech on the same subject on November 4 when he pointed out that our deficit was very great, and under his terms the gentleman from Texas (Mr. MAHON) as chairman of the Appropriations Committee, said that our Government is running a big deficit, and we should not be spending money foolishly. I can agree with that in principle. However, I wonder where our responsibilities start and where they end. I always hear dire financial wails on a domestic issue, such as the school lunch program, and about people on pensions or people on social security, or problems of this nature. I hear this country is in bad shape, and we do not have the money. Yet we come along with the foreign aid bill, and I do not hear the same gentlemen getting up and saying we do not have the money. I would like to have somebody answer me on this subject.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. LONG) and I yield 2½ minutes back to the distinguished gentleman from Kansas.

Mr. LONG of Maryland. Mr. Chairman, I support this foreign aid appropriation bill despite the fact that I have in recent years been voting against the foreign aid authorization and sometimes against the appropriation bill.

A vote against this bill is a vote against a very substantial cut below the administration's budget request and a cut below last year's foreign aid appropriation bill.

A vote against this bill is a vote against substantial reallocations among our various aid programs in recognition of the need for restructuring our foreign aid. For example, the bill cuts out aid to India and Pakistan during the period of hostilities between the two countries, in recognition of the fact that these countries have been spending our money directly and indirectly to finance a bloody and senseless conflict between two countries who are supposed to be our friends. It cuts $100 million from the U.N. development program, in recognition of the fact that this program has over $350 million worth of reserves. Although this cut in UNDP funds will not in any way impair the functioning of the program, this cut will serve notice on other countries that they should assume a greater share of the burden of supporting the U.N.'s humanitarian programs, such as Children's fund, the World Health Organization, the population program, the fund for drug abuse control, and the FAO world food program.

A vote against this bill is a vote against a $30 million cut in the Peace Corps budget, in recognition that a number of countries have asked the Peace Corps to leave and that the Peace Corps has not in past years used all the money appropriated.

A vote against this bill is a vote against $300 million in foreign military credit sales to Israel to provide planes and military supplies so that this gallant little state can defend itself against its neighbors who have received thus far about $4.5 billion worth of Russian military aid.

A vote against this bill is a vote against providing money to American schools and hospitals abroad in Turkey, Mexico, Lebanon, Rome, and in other areas, including Israel. Probably no foreign aid can be more wisely spent than to promote educational opportunity and health care for ordinary people.

A vote against this bill is a vote against programs that provide technical assistance to the peasant and the campesino through programs of agricultural and rural development, population and health care, and manpower training.

Legislating is the art of compromise. We never can get everything we want. We have a compromise here. Some would give away everything to foreigners. Others would not give a penny if the world were starving. Some feel that military aid is the only good part of the program. Others feel that only the economic part makes sense.

Some would like to see more of this foreign aid go to the poor people. Others, quite frankly, are interested in seeing this promote the wealth and power of the ruling classes of some of these underdeveloped countries.

Some believe we should have more purely humanitarian programs. Others feel this should be a naked promotion of America's foreign policy.

In view of all these conflicts of interest and philosophy, this bill, I believe, makes the best compromise possible. I want to compliment the chairman for fashioning a bill which I believe gives us something we can all support.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I am glad to yield to the gentleman from Louisiana.

Mr. PASSMAN. The gentleman has been on this committee for many years and has been a Member of the House for many years. I want to ask the gentleman: Is it not true we have marked this bill up with great, great care, to be sure we did not undercut in any one place but to be sure we had adequate funds to fund every purpose?

Mr. LONG of Maryland. That is correct.

Mr. PASSMAN. I thank the gentleman.

Mr. BOB WILSON. Mr. Chairman, I rise in support of the amendment before us to eliminate any foreign assistance to Ecuador as long as it continues to seize American tuna boats in waters recognized by nearly all nations as international waters. This year, Americans have paid nearly $2 million in fines and licenses to Ecuador, the highest amount ever paid in a single year to any nation declaring a 200-mile offshore fishing zone. As you know, I have often spoken out for cutting off foreign aid to countries harassing American fishing vessels in international waters and urge the House to accept this amendment. By doing so, Ecuador will hopefully realize that its actions will not be tolerated and perhaps will cause its government to meet with U.S. officials in an earnest effort to negotiate a permanent settlement of the 20-year-old controversy. If the elimination of aid does not work, then tougher actions by the United States will be required.

Mr. PRICE of Illinois. Mr. Chairman, I would like to address my remarks specifically to that part of foreign aid funds which provides military sales credits for Israel.

I am deeply concerned about the situation in the Middle East, and as you know, Mr. Chairman, I have introduced a resolution calling for immediate negotiations for the sale of F–4 Phantom fighters to Israel. The Soviet Union is continuing to supply Egypt and the other Arab States with such sophisticated weaponry that the serious imbalance in military capability has greatly increased the danger of war. The Arab States, comfortable in their power, have resisted attempts at peace negotiations and threaten the resumption of armed conflict.

Israel has requested to buy F–4 Phantom aircraft from the United States for its defenses, but as yet the President, who has been given the authority by Congress to approve such a sale, has not been responsive to that request. The fact that Israel has been able to hold its own amidst the surrounding hostility is an eloquent testimonial to the spirit and valor of its people. But the continued

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free flow of equipment from the Soviet Union to the Arab Nations has begun to put the Israelis up against overwhelming odds. The sale of jets to Israel would be beneficial to both parties in the deal—beneficial to the defenses of Israel and beneficial to the economy of the United States.

The sale of jets would not lead to another American military involvement. This is a sale, not a gift. The Middle East situation is distinguished from conditions in Southeast Asia by the status and cultures of the opposing parties. Israel's military expertise does not require American augmentation, but their equipment capability is lagging behind dangerously, and secure and defensible borders are a vital element in a peace settlement to be negotiated by the parties themselves. The United States should oppose any attempt at the United Nations to further tip the balance in favor of the Communist Arab States.

It could be tragic for us to omit all actions that would discourage the Egyptians from coming into direct negotiations with the Israelis. Unless we act soon to sell the jets to Israel, a peaceful settlement in the Middle East may become nothing more than a memory of something that might have been. Therefore, I strongly urge my colleagues to support this provision of the foreign aid funds, so that Israel may be able to obtain the equipment it needs to maintain the balance of power in the Middle East.

Mr. BADILLO. Mr. Chairman, when we considered the foreign aid authorization in August I supported it but did so with great reluctance. I voted for the measure as I felt that the concept of development assistance and the basic principles underlying the program of assisting other nations to help themselves tended to outweigh the grossly distorted priorities and misdirected goals which the foreign assistance program was carrying forward. At the time I expressed my particular concern over the amount of military and security-related funds which were authorized by the foreign assistance legislation and urged that corrective action be taken.

Positive steps should have been taken to establish a program aimed at encouraging and assisting economic and social development and progress which would be free from the present short-term political and military goals and one which would not exacerbate numerous international tensions.

Unfortunately, this urgently demanded revision was not realized and the measure before us this afternoon is an abomination. I object most strenuously to the fact that an appropriations bill is being considered before the work has been completed on the authorizing legislation. Many important and vital issues remain unresolved and critical questions unanswered. It seems most precipitous to consider these appropriations at this time. And it is clear that ill-conceived efforts are being made to intimidate the House-Senate conferees considering the foreign aid authorization, particularly in relation to the present impasse over the Mansfield amendment which sets a fixed date for U.S. troop withdrawal from Southeast Asia. Furthermore, this procedure directly contravenes the provisions of the Legislative Reorganization Act.

Aside from the procedural question there are a number of extremely serious issues in regard to cuts made by the Appropriations Committee. While I believe that revisions and reductions are called for in a number of instances, the meat ax was clearly applied to valuable portions of the program. These cuts seriously jeopardize our future relations with Latin America by greatly reducing Alliance for Progress loans and eliminating all funds authorized for the Inter-American Development Bank. There are a number of other critically debilitating cuts such as those pertaining to the Peace Corps, funds for the World Bank and the United Nations development program, and grants for population programs.

I feel very strongly that we must correct the tragic imbalance which currently exists between economic and military assistance. We must carefully consider why so many of our aid programs have failed to achieve their objectives and whether these goals were valid and sound in the first place. The classic cold war atmosphere of the late 1940's and 1950's—the period in which the foreign aid program was conceived and initiated—no longer exists. New alinements, new ideologies, new experiences, and new directions have occurred over the past decade. Frankly, it seems that the United States simply has not caught up with the times. We are trying to solve 1971 problems with 1951 methods and tools.

In addition, the current economic and military aid programs create and perpetuate a relationship of dependency on the United States by the recipient nations. This relationship is not only unrealistic but it is also unhealthy and unproductive.

Mr. Chairman, I will gradually vote in favor of this measure today only, because there are a few good aspects which must be continued and in the hope that some substantive improvements will be made during conference.

I am encouraged, for example, that of the $510 million appropriated for foreign military credit sales, some $300 million is to be earmarked for credit sales to Israel. At least the United States will be honoring one of its international commitments and such action will certainly help to maintain the delicate balance in the Middle East by permitting this valiant nation to secure the arms it requires to defend itself from encroachments by its Arab neighbors and the threats of increased Soviet arms aid to the United Arab Republic and others.

A negotiated political settlement of the conflict in the Middle East is presently most remote. In fact, just a few weeks ago President Sadat was a hair's breadth away from actually declaring war against Israel. Nevertheless, efforts to negotiate must be continued and, during this period, Israel's defensive posture must not be permitted to weaken or be jeopardized by the U.S. delay in providing needed aircraft for its defense. It is indeed tragic that the United States must contribute to the arms race in the Middle East. However, by providing such aid to Israel, perhaps the Arab States will soon come to realize that this country intends to stand behind its commitments to Israel.

Further, the present bill indicates that the important work carried on by the Export-Import Bank can be continued at full funding and, in another area, assistance can be rendered to the millions of refugees of the tragic bloodbath occurring in East Pakistan.

In supporting H.R. 12067, I urge that the conferees correct this measure's deficiencies and restore funds cut from important programs. I particularly urge that full funding be approved for the Inter-American Development Bank as well as for the World Bank and the U.N. development program.

The fact remains, however, that we must reorder and redirect the goals and direction of our foreign assistance program. The Congress must reexamine and reassess the goals and objectives of the foreign aid program and undertake meaningful efforts to effect needed improvements, revisions, and realinements.

Mr. RARICK. Mr. Chairman, the rebirth of foreign aid covers a wide area insofar as the international giveaway of the American taxpayers' dollars.

The bill contains provisions authorizing the expenditure of millions of dollars for armaments and various programs being supported as vital to the national security of this country in containing and stopping Communist aggression.

In South Vietnam we have already spent $124.5 billion and suffered the loss of 48,179 American men.

In the Middle East we are urged to give more financial assistance as well as aircraft, arms, and material to Israel.

In Latin America we are urged to spend more for arms and material to strengthen the defenses of our neighbors to the south against Communist aggression.

In the new Indian conflict we have, in fact, contributed to the arming of both sides, all in the interest of maintaining territorial integrity.

In each of these crises the antagonist has been the Soviet Union.

While the Foreign Aid Committee is urging the House to approve its programs to stop communism, the Agriculture Committee has just held hearings on how the U.S. taxpayers have subsidized Soviet agriculture. It is a strange double standard that on one hand we arm the nations of the world to stop Russian expansionism and aggression and at the same time we are not only trading with the enemy, but discounting his purchases. I use the expression "enemy" because it would seem that if the taxpayers are to put up $552 million for defensive armament, there must be someone we are afraid of who is the bad guy, and in the final analysis it must be the Soviet Union.

The members of the Agriculture Committee today heard testimony from the Assistant Secretary of Agriculture confirming the sale of oats and barley to the Soviet Union at prices far below any available to the American farmer.

For example, we were told that in excess of 20 million bushels of oats were sold to the Soviet broker at prices ranging from 40 cents per bushel to 47 cents per bushel at a time when the market prices to the U.S. livestock feeder was 60 cents a bushel. We were also told that 11½ million bushels of barley were sold at 91 cents a bushel, at a time when the market price to the U.S. farmer was 10 to 12 cents higher.

Inasmuch as the sales come from the Commodity Credit Corporation—CCC—a taxpayer-supported Government agency, which exists to support farm prices, the losses suffered in the sale to Russia were at the expense of the U.S. taxpayers.

Many attempts to justify the Russian wheat sale were offered to the committee; the Assistant Secretary even claimed that it would be advantageous to the U.S. taxpayer because it would cut out storage costs of the grain.

The Department official even went so far as to explain the sale as an indication that the Russians were interested in increasing their beef production to improve the Russian citizen's diet with more meat. If this assumption is true, then it would seem that the U.S. taxpayer is footing the bill for a new kind of international food stamp to improve the diet of the impoverished Russian people. No one would dare suggest that if the Communist power structure is able to improve their beef production and quality, we can expect the increase to be used as another item for export on the world market in competition with U.S. beef.

The same Department representative commented on significant herds of breeding cattle being purchased by the Soviet Union from the United States, Canada, and the United Kingdom. There should be little doubt that the Russian goal is to enter the international beef market in competition with the United States. U.S. beef producers could soon find themselves competing with the Soviets and would be put at a disadvantage because the Soviet beef is raised on subsidized U.S. grain.

In the most straightforward manner possible, and ignoring the fact that only a few people are going to profit by the grain sale, it still ends up as trading with the enemy—not for profit to our country, but at a loss to the U.S. taxpayers. Next, we can expect the Export-Import Bank, which is also included in the foreign aid bill, to extend easy credit to the Russian sales.

All I can say is that I am reminded of the Communist boast that when it comes to hanging the American capitalists, they can be expected to bid against each other to see who will sell the hanging rope.

The majority of my people, I am satisfied, want no part of this hanky-panky and world confusion where we have no identified enemy. In this upside-down world, we actually have supporters of these foreign aid measures arguing that they are necessary to combat the spread of communism, some who only recently declared that there was no longer a threat of an international Communist movement when they voted to repeal title II of the Internal Security Act of 1950 (50 U.S.C. 811–826). This provision was included in H.R. 234, prohibiting emergency detention camps, and was passed 356 to 49, September 14, 1971.

I intend to cast my people's vote against the foreign assistance appropriations bill, a bill that no one seems able to justify except as a waste of taxpayers' money by a Government who could give lessons on how to buy "friends" and lose the world.

Mr. PRICE of Texas. Mr. Chairman, I rise to express my opposition to the foreign aid appropriations bill—H.R. 12067—because it is my firm conviction that our foreign aid program as presently constituted can no longer be justified or supported.

It is true that we emerged from the dark days of World War II as the undisputed military and economic leader of the world, and in recognition of the great dislocations caused by that war responded to appeals for assistance with the most generous and broad-reaching program of foreign aid the world has ever seen. No one can deny that assisting Western Europe to rebuild was vitally important to protecting world peace and security, nor could the Marshall plan be deemed anything but a huge economic success. However, our aid program following the end of World War II established a precedent and laid a foundation for the great American giveaway, in other words, our well-oiled foreign aid machine which has over the past 26 years poured $143 billion of the American taxpayers' money into 98 nations throughout the world.

The magnitude of our foreign aid program has reached such proportions as to be nearly incomprehensible by the human mind. Each year we have continued to pour countless billions of dollars into programs and projects around the world and in spite of all our generosity have purchased very few friends and little peace or security.

I would underline that not all American foreign aid is bad—we must make those investments which are vital to the military security of the people of the United States. Likewise, we have always been a humanitarian nation, and have contributed heavily to programs of disaster relief for victims of great natural catastrophes such as floods and earthquakes. However, a logical program of foreign aid is one thing; an unwarranted, spendthrift, giveaway program is something else. And it is this aspect of our foreign aid program to which I take strong objection.

An excellent example showing the degree to which our foreign aid program has failed to influence the affairs of nations which have been the recipients of our generosity is the classic and embarrassing case of Cuba.

Mr. Chairman, the ruthless Communist dictatorship of Cuba, with its heavy reliance on military and economic aid from the Soviet Union, is not only a threat to the peace and security of the Western Hemisphere but to the entire free world. Perhaps our so-called allies see Cuba as a United States and/or Western Hemisphere problem and for that reason are not concerned. In fact, they are so unconcerned that many of our friends, whom we graciously supply with billions of hard-earned U.S. taxpayers' dollars in aid, are carrying on a vigorous trade with that Communist police state 90 miles from our shores. These non-Communist nations seem oblivious to the fact that they are dealing with a government which a few short years ago in 1962 was the very cause of the most dangerous superpower confrontation the world has ever witnessed. And yet it is a disgusting fact of life that these nations have all since lined up at the trough of short-sighted self-interest to the detriment of long-term prospects for peace.

In an attempt to isolate this Communist menace, the United States years ago undertook a series of measures designed to weaken the Cuban economy and to make Cuba as burdensome as possible for Castro's Russian cohorts. An embargo on trade with Cuba was initiated as early as November 1960, and subsequently strengthened in 1962. This policy became a multinational one when the Organization of American States Foreign Ministers meeting in Washington in July 1964 banned all trade—direct and indirect—with Cuba. It is significant that in this instance the United States received the overwhelming concurrence of its Latin American neighbors who realized all too well that they were rapidly becoming targets of Cuban-based guerrilla warfare and subversion.

In September of 1964, U.S. policy became even more firm when it denied port privileges to any free world vessel bound for Cuba. Most significantly, the United States announced that under the Foreign Assistance Act, U.S. aid would be denied to any country which allowed her vessels to trade in strategic goods with Communist Cuba.

This quarantine policy has been somewhat successful to date, and would have been more so if it were not for extensive Russian aid to Cuba. However, there is another factor which has kept the embargo from achieving its ultimate goal—and that is the trade that goes on between Castro's Cuba and the non-Communist nations of the world. Figures published by the Maritime Administration of the Department of Commerce on September 28, 1971,[1] show that since 1963, 2,289 trips have been made to Cuba by vessels carrying the flags of the free world. One can hardly believe his eyes when he sees the list of flags of registry headed by Great Britain, and followed closely by such nations as Cyprus, Lebanon, Italy, France, and Finland. It is indeed the height of ingratitude that these nations, who take for granted our heavy sacrifice in troops, weapons, and bases to protect their security in Mother Europe, are simultaneously knifing us in the back by providing aid and comfort to a Communist state in our own back yard. Thus while we are trying to neutralize Castro's worldwide subversive activities, ships carrying the flag of our closest friend, Great Britain, have made 791 trips to Cuba since 1963.

[1] Federal Register, Vol. 36, No. 194, Oct. 6, 1971, p. 19449.

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Do our "friends" know the nature of the government with which they are dealing? Can they be that naive? It is a well publicized fact that the Castro government is continuing its efforts to subvert the democratic nations of Latin America through support of guerrilla revolutionary movements and other antigovernment groups. In testimony before the Senate Foreign Relations Committee this past September, Robert Hurwitch, Deputy Assistant Secretary of State for the Bureau of Inter-American Affairs, emphasized that Cuba is providing training for urban and rural terrorists in the celebrated arts of kidnaping, bombing, terrorism, and sabotage. Furthermore, he pointed out that on August 27, less than 2 months ago, Castro vigorously reaffirmed his support for violent change in other nations of the hemisphere and spoke of his intention to give material support to Bolivian guerrillas.[2]

In earlier testimony before the Foreign Relations Committee, Assistant Secretary of State for the Bureau of Inter-American Affairs Charles Meyer quoted from Fidel Castro's April 19 speech:

> Cuban fighters have shed their blood helping peoples of other continents, helping African people. They shed their blood helping Latin American peoples. This is part of the best tradition of our fatherland and our revolution. Therefore we may be depended upon. This is part of our history, part of our traditions. American revolutionary peoples can depend on us. Latin American revolutionary governments can depend upon us. We say this publicly and clearly, they can depend upon the Giron fighters. We are citizens of this continent, revolutionaries of this continent.[3]

And so, Fidel Castro is openly committed to throwing this hemisphere into turmoil and creating a Communist Latin America, and meanwhile our friends are indirectly and perhaps unintentionally, but nevertheless quite assuredly aiding that effort. They must apparently regard Castro as strictly an "American problem," or at worst a regional problem—but do the facts warrant such a conclusion? It is time we all realize that the Russians have become so influential in Cuba that they are in the process of establishing a major naval complex which might eventually become a base for nuclear submarines. Surely the risk of a face-to-face nuclear confrontation between the United States and the U.S.S.R. cannot be lightly dismissed. The fact is that our friends who trade with Castro will not be able to sit comfortably on the sidelines and expect the Americans to again hold the line on Communist aggression as they have done in the case of Vietnam.

If one is to measure end results, the Americans could certainly learn a few lessons from the Russians on how to get the most out of their foreign aid appropriations. On the one hand, in April 1970, Castro defiantly claimed that Cuba's political and military ties with the Soviet Union would never be broken. For approximately $1.5 billion in military aid and an additional $3.6 billion in economic assistance, the Soviets have purchased the unswerving allegiance of the Cuban Government and have gained a priceless beachhead for the purpose of exporting subversion throughout the Western Hemisphere.[4]

By contrast, beneficiaries of the generosity of Uncle Santa show their gratitude by openly giving aid and comfort to the enemies of our Nation. Unlike the Russians, we do not automatically demand mindless acquiescence and subservience from others simply because we have extended a helping hand from time to time, but it is sheer insanity for any nation to assume that the American people are going to assist those whose activities are openly counterproductive to our own security and well-being.

It is time to remind Great Britain, which since 1963 has been the worst offender in trade with Cuba, that they have received a total of $7,209,000,000 in economic and military loans and grants from the United States since 1946.[5] From 1950 to 1965 under the Food for Peace program England received $289,000 in donations of U.S. surplus agriculture commodities for voluntary relief agencies under Public Law 480, title II.[6]

Thus, as thanks for the fact that we have helped save Great Britain twice in this century during two great wars, followed by lavish postwar reconstruction assistance, the British respond by supplying a substantial amount of the buses in Communist Cuba today.

Cyprus, the second leading culprit, has allowed 559 visits to Cuba by ships bearing its flag, in payment for $22,000,000 in U.S. economic assistance.[7] This nation received a total of $18,000,000 in transfer authorizations for emergency assistance, economic development grants, and the world food program under the food-for-peace program.[8]

Italy has shown its gratitude for $5,500,000,000 in U.S. economic and military assistance since 1946 by allowing ships flying the Italian flag to make 126 visits to Cuba since 1963.[9]

These three countries are the worst but by no means the only offenders. They are in fact joined by 19 others in supporting through trade a Communist dictatorship that is bent upon destroying the security and peace of the Western Hemisphere. What makes the situation completely unpalatable is that most of these same nations have been beneficiaries of the generosity of the American taxpayers, and that we continue to shoulder the burden of maintaining the peace that their shortsighted, self-serving actions only serve to erode. In short, we help them and they in turn help the enemy—the time has come for these ungrateful nations to answer to the American people who have been the world's keeper and first-class patsy for too long.

Mr. Chairman, I include in the RECORD at this time the chart appearing in the October 6, 1971, Federal Register listing the nations whose consciences have been seared by participation in this corrupt and odious traffic.

[2] Hurwitch, Robert A., Statement before the Committee on Foreign Relations, U.S. Senate, September 16, 1971, p. 8.

[3] U.S. Congress. Senate. Committee on Foreign Relations. Hearings on Aircraft Hijacking Convention, 92nd Congress, 1st Session, July 20, 1971, p. 88.

[4] Volsky, George. *Cuba*. In Tad Szulc (ed.). The United States and the Caribbean. Englewood Cliffs, N.J. Prentice Hall, Inc., 1971. p. 124. Also, Hurwitch, *Op. Cit.*

[5] Agency for International Development. U.S. Overseas Loans and Grants, May 1971, p. 159

[6] ———. Operations Report, December 1970, p. 60.

[7] ———. U.S. Overseas Loans and Grants, May 1971. p. 13.

[8] ———. Operations Report, p. 54.

[9] AID U.S. Overseas Loans, p. 151.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971 January–April	1971 May	1971 June	Total
British	133	180	126	101	78	62	45	53	11	2		791
Cypriot		1	17	27	42	68	115	199	59	16	15	559
Lebanese	64	91	58	25	16	16	4	1				275
Greek	99	27	23	27	29	7						212
Italian	16	20	24	11	11	10	15	13	4	1	1	126
Yugoslav	12	11	15	10	14	9	6	7	3	1		88
French	8	9	9	10	10	4	2	5	1			58
Finnish	1	4	5	11	12	8	2	1				44
Spanish	9	17										26
Norwegian	14	10										24
Moroccan	9	13	1									23
Maltese		2	6	1	4	8	1	2				24
Somalia					2	11	7	4	1			25
Netherlands		4	2									6
Sweden	3	3										9
Kuwaiti		2	1									3
Israeli			2									2
Japanese	1					1						2
Danish	1											1
German (West)	1											1
Haitian			1									1
Monaco				1								1
Subtotal	371	394	290	224	218	204	197	285	79	20	16	2,289
Polish	18	16	12	10	11	7	2	3		1		80
Grand total	389	410	302	234	229	211	199	288	79	21	16	2,378

Mr. Speaker, I applaud the recent action of the Senate in rejecting our foreign aid program which has been operating on completely outmoded premises stemming from World War II days. We in the Congress must understand that the American people are sick and tired of carrying the world on our shoulders and it is time for us to do that which is best for our country; and it is for this reason I strongly urge the complete overhaul of the American foreign aid program with a mind toward eliminating any and all frills including our contribution to the morally bankrupt United Nations. In the future, let America's foreign aid program truly be an investment in America's security and let us put an end once and for all to the silly notion that we can appease others by paving their roads to nowhere with American dollars.

Mr. SHRIVER. Mr. Chairman, I have no further requests for time.

Mr. PASSMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

International organizations and programs: For necessary expenses to carry out the provisions of section 301, $41,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress.

PARLIAMENTARY INQUIRY

Mr. FRASER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRASER. I have an amendment in this title. Shall I wait until the title is read, or offer it at the point of reading?

The CHAIRMAN. The bill is being read by paragraph.

Mr. FRASER. Mr. Chairman, I have an amendment to line 8 on page 2. I was standing at the time it was being read.

Mr. PASSMAN. Mr. Chairman, the Clerk has read beyond that paragraph. I make a point of order against the amendment on the basis that we have gone beyond that in the reading.

The CHAIRMAN. The Clerk has gone beyond that point in reading.

Mr. ROONEY of New York. Mr. Chairman, it is my understanding the Clerk read down to and including line 23, page 2.

The CHAIRMAN. That is correct.

Mr. FRASER. Mr. Chairman, may I find out where the bill has been read. I was on my feet.

The CHAIRMAN. The Clerk has read down to and including line 23, page 2.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Then, Mr. Chairman, I have an amendment to line 20.

The CHAIRMAN. The Clerk will read the amendment.

Mr. PASSMAN. Mr. Chairman, the Clerk has read past that, too.

The CHAIRMAN. That line is included in the pending paragraph.

The Clerk read as follows:

Amendment offered by Mr. FRASER: On page 2, lines 20 and 21, strike "$41,000,000" and substitute $91,000,000".

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes in support of his amendment.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and eight Members are present, a quorum.

Mr. FRASER. Mr. Chairman, this amendment would restore one-half of the cut made by the committee as measured against the budget request made by President Nixon with respect to the United Nations development program.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry. Was the amendment read?

The CHAIRMAN. The amendment was read.

Mr. FRASER. The United States was planning to contribute to the U.N. development program this year $100 million. The President requested that amount. The committee took it all out and did not leave a dime in the bill for the U.S. contribution to the U.N. development program. What this amendment does is it puts back $50 million of the $100 million. In other words, we are only putting in half of the amount that the administration requested in recognition of the fact that it might be easier to get support for restoring that rather than trying to restore the full amount.

The difficulty with the Appropriation Committee action is that it represents another retreat by the United States from an international effort at a time when the United States seems to be retreating on every front—economic, military, cultural—on every front in which we have any involvement in the world community today.

Each of us has his own opinion about how the United States ought to play a role in world affairs, but the one common denominator I think many of us have shared over the past 20 or 30 years is that we ought to work as far as there is a possibility of working within the U.N. framework to help build a strong world community and to try to participate as one member of a very large organization in sharing the responsibilities to help the third world emerge into the 20th century.

That is the issue that is involved in this amendment. Is the United States to turn its back and say, "Well, we lost interest. We think you have enough money. We are not going to appropriate a dime," despite the fact that over 100 other nations are contributing to this same fund this year?

I know what the chairman will say. He will say that they have some surplus on hand. It is true they have extra money on hand, because they changed their policy from full funding their projects to the end, to an annual basis of funding. They knew that this would create a temporary bulge in money. They worked this out among the participants in the U.N. Fund and worked it out so that there will be a smooth transition and so that they will have a necessary minimum of cash reserve to carry them over from year to year and so that they will be able to maintain some continuity in the funding for the U.N. programs.

If we put this $50 million back in, it is only half of what the United States said it was going to commit. But, at least, it is a beginning. It says we are not washing our hands of our responsibility in this area completely. It will reaffirm the commitment of the people of this country, acting through the House and the Congress, that we think the U.N. is worth preserving and it is worth preserving in order to help the third world, as the third world surely need such help.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

Mr. Chairman, I want to congratulate the gentleman from Minnesota for offering this amendment and to assure the gentleman of my intention to support his efforts.

Mr. Chairman, I read recently, as the result of a meeting of a group of 77 developing countries of the world that met in New York City, a statistic which came out of that meeting to the effect that during the last decade there had been a per capita growth GNP-wise of about $40 in these developing countries as against $650 for the Western industrialized countries of the world.

In other words, the gap is steadily growing and increasing between the developed nations and the developing countries of the world.

I think the least we can do at this very critical moment in world history is to do what the gentleman has suggested, to support the United Nations in this very important effort.

The United Nations development program is the world's largest program of multilateral technical assistance, currently serving in some 130 countries and territories. The United Nations development program has made enormous contributions in the fields of agriculture, education, disease eradication, transportation, and resource exploration.

Mr. Chairman, the committee report makes reference to the so-called Jackson capacity study of the United Nations development program system and the fact that several of the reforms and recommendations of that study have already been implemented, though it would be several years before we would see concrete results. I think it is most encouraging that these reforms are being implemented to improve the effectiveness of the United Nations development program—to better manage its resources and respond more quickly to the needs of the developing world. And yet the committee report seems to use this study as an excuse for withdrawing our contributions to the United Nations development program at this time—the implication being that we can or should sit around and wait for concrete results before resuming participation. I would submit, Mr. Chairman, that this is hardly a time for us to cut back on our support for United Nations development program, for to do so would be like pulling the rug out from under someone who is relearning to walk. It is especially essential that we continue to give the United Nations development program our full support during this crucial transition period. I therefore urge adoption of the Fraser amendment.

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Mr. PASSMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish that the Members would pay very close attention to what I shall have to say. This is not "Passman's formula." It is the actual facts as we found them in June of this year, long before we had the incident in the United Nations and had no connection between kicking Taiwan out of the United Nations and this committee's action.

Mr. Chairman, for over a period of years the United Nations development program had a policy of funding projects many years in advance. So they decided that they would use the practice of following the bilateral technical aid program administered by the AID and fund these projects on an annual basis. So, in reverting to an annual basis they learned that they had $343 million in excess, according to the testimony presented to our committee, of their needs to administer this program.

Now, Mr. Chairman, on page 11 of the report, we discovered during the testimony before the committee that the United Nations development program had available a large reserve because it had decided to abandon the practice of full funding of projects. It was estimated that this reserve would amount to $343.3 million in 1970.

The following testimony appeared on page 675 of part 2 of the hearings:

Mr. PASSMAN. * * * You have built up a $343 million reserve. It is so far in excess of your needs until you are going to pull $150 million out and put that in a single account or dormant reserve and then you are going to take the other $193 million in reserve, add that to what you requested, and enlarge upon the program?

Mr. DE PALMA. Yes, sir.

Now, on page 12 there appears the following:

Mr. PASSMAN. In fact, you could actually operate a full year without any money? That is just about the present funding level out of this reserve?

Mr. DE PALMA. Yes, sir.

Then, Mr. Chairman, in checking further into what had actually happened I found a financial statement of the U.N. development program and learned that they had been taking this money and spending it not on development programs but they had actually been making loans to a very great extent and that they had accrued $3.5 million in interest on loans which they had made but which they did not need to finance this program.

Another point was the Jackson capacity study which went on to note that the switch to an annual basis would free on a one-time annual basis funds which could be available for a one-time burst of additional activity.

It was very definitely established that these people did not need this money.

So I decided I had better go to the AID Director and have this confirmed, because it is so hard to convince people with facts against their will.

Here is what Dr. Hannah said, and I hold in my hand his letter:

You have persistently asked me to interpret the testimony before your Committee beginning on page 674. This is in response.

This testimony indicates that at some time in the past the UNDP made it a practice to fund all its country projects for long periods in advance or to the completion of the projects.

At a later date the policy was changed to operating on an annual basis. Testimony indicates the accumulation of unobligated funds over a period of years to a total amount of $343 million in reserve and that the UNDP has decided to reduce this reserve over a period of time to $150 million permitting the difference of $193 million to be used for an expansion of programs.

You have asked me if it is true that if no additional funds are provided in our fiscal 1972 appropriation that this would not necessarily reduce the level of UNDP expenditures between now and July 1, 1972. Inasmuch as the UNDP operates on a calendar year basis, the answer is "yes"—provided we are able to resume our payments in fiscal year 1973, beginning July 1, 1972, at the level currently pledged.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. PASSMAN was allowed to proceed for 2 additional minutes.)

Mr. PASSMAN. Mr. Chairman, I continue reading from Dr. Hannah's letter:

You have raised the question as to whether A.I.D. has Reserve Accounts other than those in the pipeline made up of funds definitely committed to pay for projects that have been fully approved and agreed upon by the U.S. and the recipient countries. A.I.D. has no Reserve Accounts, as you know.

Now, Mr. Chairman, because the U.N. development program has moved 2 years ago from $257 million to $308 million, now they are trying to increase the program to $357 million. I can assure you that they have adequate funds for their program but in the event they can make any kind of a justification for additional funds at the proper time, we will look at it and try to work out a compromise. But if you will only look at the financial statement and check the testimony in the hearings, you would not want me to chair the committee if I did not bring these facts to your attention.

Mr. Chairman, I certainly hope that the amendment is voted down.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, it seems to me that this subcommittee has been real generous to this organization. Further on in the hearings during the testimony of Mr. De Palma, you asked him how much of the $193 million is going to be used, and he did not know.

Mr. PASSMAN. The facts are they have $343 million in reserve for which they have no use, and I am of the opinion that there are other pipelines that we have not been able to uncover because I have not been able to find a man in the Department who could answer intelligently a single question asked by any member of this subcommittee.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. MORSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have perhaps learned a lesson in bookkeeping here, but I would remind all of us, especially those on my side of the aisle, that the President of the United States was fully aware of this change in the funding procedure when the request came to the Congress.

We are not bookkeepers, we are Members of the legislative body, and we have to consider what the effects of our actions are going to be to the various relationships we have in this world.

We have many reasons to be piqued at the conduct of the United Nations, with the expulsion of Taiwan, and the assertion of the veto in the Southeast Asian situation, but, gentlemen, I urge you to support this amendment.

A former colleague of ours who heads the U.S. delegation to the United Nations and if you want to complicate his job and make it almost impossible then support the committee's position.

But if you want to prevent this body from taking the kind of irresponsible actions that the other body on the foreign-aid issue has taken in recent weeks, I urge you to support this amendment.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I yield to the gentleman.

Mr. ROYBAL. Mr. Chairman, I want to associate myself with the remarks made by the gentleman in the well. I agree with him that this is a most important program and it should be increased at least to the 50-percent level recommended by the gentleman from Minnesota.

Mr. HAYS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, let me just put this in simple context as to what is going on.

According to the Budget Director and others, we may be in the hole $30 billion this fiscal year. Now as to all this money for the United Nations, we are borrowing it in the open market to pay our assessment. That is not too bad—but they cannot use it. So they are taking the money that we are borrowing in the open market at 5 or 6 percent and they are lending it out at 7 or 8 percent—because they do not have anything to do with it. So they are putting out $150 million or more in what they call a debt fund or reserve fund at interest. It just does not make any sense to saddle the American taxpayers with $150 million worth or more of borrowed money so that the U.N. can lend it to somebody. If they were using it for development purposes, that would be something else. You know that we should be for lending money to the developing countries like India and Pakistan—because if they do not develop, they cannot buy tanks and guns and airplanes and could not have any wars.

While we are on that subject, I do not agree with anybody who is condemning the President for calling India an aggressor. I said a year ago that the Prime Minister of India was setting up East Bengal for a takeover. The chairman of the Committee on Foreign Affairs told me, "You know, you are dreaming." Well, just yesterday he said, "I want to tell you something, you were right all the time about that, weren't you?"

That is exactly what is happening. Now this Mrs. Indira Gandhi is one of the kind of people that we are borrowing taxpayers' money for and saddling the taxpayers with the interest and we are giving it to the U.N.—and giving it to her, but they cannot give it to her fast enough, so they are putting the money out at interest.

I think it would be great if we had some kind of language in your bill, Mr. PASSMAN, that would prohibit giving another dime to India in the foreseeable future until she calls off this war which she is using as a pretext to grab off some territory.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Chairman, there is language in the bill which suspends all economic and military aid for both India and Pakistan until hostilities are ended, except for humanitarian purposes, and with a provision that the President can reinstitute the aid if he rules it is in the national interest.

Mr. HAYS. That is an escape clause, but it does not prohibit the U.S. taxpayers from being saddled with more of the refugees that these armies are causing as they invade each other's country.

But I want to say to you, as I have observed this thing—if any blame is to be handed out, India should get it, because India really is the aggressor. If you ever think there is going to be a free state of Bangla Desh—forget it—that is going to become a part of India, or at least under India's domination.

Mr. GROSS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I was indeed interested in the colloquy between the gentleman from Minnesota (Mr. FRASER) and the gentleman from Illinois (Mr. ANDERSON) with respect to the amendment, which would more than double the $41 million the committee has in this bill.

I have the honor to represent an area not too far west of the gentleman from Illinois (Mr. ANDERSON) and not too far south and east of the gentleman from Minnesota (Mr. FRASER). I wish there was some way to submit this kind of amendment to a referendum of the people of their districts and mine. I do not think there would be a bit of difference in the vote. I believe it would be sunk without a trace—this amendment to stick another $50 million in this bill.

I do not think either the gentleman from Illinois (Mr. ANDERSON) or the gentleman from Minnesota (Mr. FRASER) has been reading the newspapers lately, or looking at the financial statements of this Government, or listening to those who came before the House recently to say that the deficit next year may be $35 billion; that the deficit in the international balance of payments is probably the worst in all the history of this country, and the word that our gold reserves are down another billion.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. The gentleman in the well is entitled, of course, to deliver to me a lecture on financial responsibility, if he will. He will, I think, however, concede that this particular sum is less than what the Nixon administration asked for in recognition of the fact that, given the state of the world today, we cannot escape certain responsibilities, difficult as they may be.

Mr. GROSS. I am speaking of my personal responsibility and alluding to yours.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I want to finish my statement I will be glad to yield to the gentleman if I have time remaining.

I wish to quote, since this amendment would be a $50 million boost in the U.N. Development Fund, what one of the President's delegates to this session of the United Nations had to say in a newspaper article, I believe it was yesterday. She is Mrs. Gladys O'Donnell, and she called upon Congress to drastically slash appropriations to the United Nations until and unless the United States takes the initiative to restructure it. She said, "There is something manifestly wrong when countries representing only 4 percent of the world population can control the voting strength in the U.N. I have witnessed, she said, the U.N. "absolutely drowning in oratory in its East River headquarters," which she calls "that pile of glass." "It is a strange thing," Mrs. O'Donnell continued, "to hear these fledglings lecture the United States on dignity and human rights, to be accused by these nations of all the things they do." She said that this is the ultimate in hypocrisy, and as now constituted, she added, the U.N. is burdened by numerous small states which not only are unable to carry responsibilities but are financially dependent upon the world body even to send delegates.

And yet, in the light of what has happened in the United Nations, you want to more than double this amount by adding another $50 million. How unconscionable can you be?

I yield to the gentleman from Ohio.

Mr. HAYS. I do not pretend to be as close, of course, to the Nixon administration as the gentleman from Illinois, who acts as its spokesman. But I am reliably informed that when the request came up here, the Nixon administration did not know that this fund had $150 million loaned out in a so-called deferred reserve fund, so they apparently, when they asked for the money, did not realize what was going on.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. The President's budget was worked up at least 6 to 8 months in advance, and through the testimony presented to the subcommittee of the Committee on Appropriations, this is something we uncovered following submission of the budget. That is why we obtained a letter from the Administrator stating the fact that they do have a full year's funding. This was uncovered subsequent to the time the budget was submitted.

Mr. GROSS. The gentleman from Ohio (Mr. HAYS) made the point—and I want to reemphasize it—that we would have to borrow this $50 million and probably pay at least 6 percent interest on the money.

Mr. PASSMAN. They are making loans out of the UNDP, out of loans that have been repaid, and they do not need an extra dime.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. LONG of Maryland. I would like to ask the author of the amendment, the gentleman from Minnesota, a question: Did he offer this amendment with full knowledge of the fact that there is a reserve of about $150 million which the U.N. is lending out?

Mr. FRASER. I would say to the gentleman I checked into this matter with great care. This question of the method of the funding of the United Nations development program has been under substantial discussion for a number of years. The Jackson capacity report takes it up. They recognized when they shifted from the forward funding of their operations to the annual funding that this would release some money. The point is they have worked out how they are going to handle the transition on a multilateral basis. All the countries who share with the United States the support of this U.N. development program are putting in their contributions. We would be the only ones to pull back, to pull out 100 percent. This is not the way to run a joint, multilateral operation. They are working it out to phase out the excess money over a period of 4 or 5 years, holding certain reserves they have so they will not get to a bare-bones point.

Mr. LONG of Maryland. The gentleman is giving me a sophisticated answer, but will he please explain why we should borrow money at 6 percent to turn over to the U.N. money which they do not need currently?

Mr. FRASER. That is not true at all. The U.N. gets a letter of credit from the U.S. Government, and they hold the letters of credit and they do not call upon them until they need the money. This is the state of affairs now.

As a matter of fact, they are always having the problem of having enough at any one point to make sure they are adequately solvent.

All I am saying is we ought to go along with the agreement to how to handle it over a period of 4 or 5 years, and we will pay in with Britain and Canada and the

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other participants who are jointly working this out, rather than pulling out on our own.

Mr. LONG of Maryland. But is it not true they have the money which they can use for their needs this year, instead of our having to put the money in for this United Nations Development Program?

Mr. FRASER. If we do not put any money in, what will the other countries do with respect to their programs? If all the countries pull back on this year's contribution, they will have great difficulty.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, this is absolutely contrary to the facts of the matter. They did have $343 million in reserve and $127 million of it invested where they are drawing interest, and they will have interest to collect in the amount of $3.5 million. Here is what they are proposing to do with this money and I am quoting from the Jackson capacity study:

> . . . the switch to an annual basis would "free—on a *one-time* basis—funds which could be available for a *one-time* burst of additional activity."

They mentioned the program levels were $257 million, and they went to $308 million, and then they will go to $357 million. They put into a letter from Mr. Hannah, answering the question categorically, that they do have sufficient funds for 1 full year provided that by next year, July 1, 1972, we provide funds for the fiscal year, 1973. This is factual. It comes from the AID agency.

Mr. Chairman, I hope this amendment will be voted down. Let us stick to the facts and not let somebody's imagination influence us.

Mr. LONG of Maryland. Is it true, I would like to ask the gentleman from Louisiana, that the United States is being asked, in essence, to "forward fund" this program when many other countries are behind on their current obligations?

Mr. PASSMAN. Of course, we do not like to pull all these bones out of the closet. I am trying to get these people to put this on a business basis. I am willing to go along, and if they can make a justifiable case in the future, whether they do it next year or 3 weeks from now, if they can make their case, we will consider additional appropriations.

Mr. GALLAGHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. One of the problems with this, if I may respond to the gentleman from Maryland, is that it is true we do have this money in reserve, and it is true that the $150 million does exist. The problem, however, is that because of the obligations in the advanced pledges that are made, a reserve cash flow was required in order to gradually reduce our contribution from $343 million to $150 million.

Everyone agreed that a reserve fund was necessary to do this. If we do this, and this amendment is supported, it will allow the U.S. contribution to be reduced from $347 million down to $150 million by 1973.

If we do not pass this it is going to throw the entire program into disarray, and what is normally a 4- to 5-year program will again be thrown into chaos next year.

So if we want the rest of the countries to participate in a meaningful way to reduce the U.S. share of this fund, it seems we must get it on a businesslike basis. This is the whole basis for the agreement.

Nobody in AID is trying to hide the fact that there is a reserve fund of $150 million. We all agreed on this.

I hope that agreement will be carried out, because only by carrying out our agreement will be able to reduce our contribution and let the rest of the nations participate in a meaningful way.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am looking for light.

As I gather, we are ahead of the parade. We have put in a larger amount of money than they currently use. The objection to cutting down our current contribution is that if we do this other countries will cut down theirs, even though they are not up to the parade. Is that a fair way of saying it?

Mr. GALLAGHER. It is not exactly that. That is one interpretation.

A part of this program is that much of this money is made up of unpaid pledges, Government future obligations. What really is required, especially with regard to some of the long term programs, is that a reserve fund exist so that uneven cash flows can be used in a meaningful way so that the obligations can be met until the pledges are paid.

Mr. LONG of Maryland. If the gentleman will yield further. I get the impression that the basic reason why they need this reserve fund is that there are a lot of countries which do not pay up their shares on time.

Mr. GALLAGHER. Yes, because at certain times, with differing budgeting operations in other countries, the cash flow is uneven. To make it adequate and efficient the whole operation was designed to have enough paid in this reserve account.

Mr. LONG of Maryland. I wonder if it is fair to ask the American taxpayer to do this, to make up the deficiency?

Mr. GALLAGHER. Yes, it is fair, because it will allow the American taxpayer to contribute less over the next 5 years; significantly less by 1973.

Mr. LONG of Maryland. Why not start this year?

Mr. GALLAGHER. That is exactly what we are doing, starting this year. That is why this amendment should be adopted.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. PASSMAN, and by unanimous consent, Mr. GALLAGHER was allowed to proceed for 2 additional minutes.)

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. I would not want to mislead this committee. The $343 million reserve is not just U.S. dollars. This is the aggregate which is in the UNDP account.

Actually, this $343 million, according to testimony, is in excess of the present requirement and would fully fund the program for 12 months. Now, in all probability the $193 million, with the additional funds coming in, would fund it for a full 12 months.

This is what the Jackson capacity study noted:

> The Jackson Capacity Study went on to note that the switch to an annual basis would "free—on a *one-time* basis—funds which could be available for a *one-time* burst of additional activity."

In other words, running the program up perhaps from $257 million to as much as $350 million in 1 year.

I believe the amendment should be voted down, and subsequently that we have some clarification.

Mr. GALLAGHER. Since I still have the floor, I might say that the gentleman is correct in what he states, but what is not correct is that this will increase the American authorization and appropriation portion of the U.S. contribution. In effect, it will reduce the American contribution once we get an even cash flow and the whole program on a businesslike basis in the years to come. I think the gentleman supports that approach.

Mr. PASSMAN. That is in the making at this time, and this action, I will say, is not tied in directly or indirectly to what the future percentage contribution of the United States will be. We are certain that will be 25 percent.

Mr. GALLAGHER. If I have the time, I will say that it is directly tied in, because it allows the United Nations contribution to be reduced over a 4- or 5-year period and substantially reduced by 1973.

Mr. MYERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman.

Mr. PRICE of Texas. Mr. Chairman, I have listened to the debate and am thoroughly convinced that the unobligated funds in the United Nations development program are more than sufficient to fund the program for an additional full year. It is thoroughly unrealistic and unacceptable to me that the American people should be asked to borrow additional moneys on which they must pay interest simply for the purpose of fattening the UNDP "kitty." It is well known that surplus funds controlled by UNDP are often invested in a bank where they draw interest or are used for nonrelated projects. In either case, this additional burden on the American taxpayers cannot be justified.

I strongly oppose this measure for two basic reasons: First, we as a nation cannot afford to travel any farther down the spendthrift road which has been paved by American dollars. Already our national debt of over $400 billion exceeds the national debts of the rest of the free world nations combined. What is more, our unprecedented generosity, over the past two and one-half decades, has for all of our billions of dollars of foreign aid, bought this Nation few friends and little security.

Furthermore, I strongly oppose this appropriation because it is my belief that the United Nations is not worthy of our support. This morally bankrupt organization, which has time and time again been bailed out of its financial difficulties by the generosity of "Uncle Sap," has shown its complete incapacity to deal effectively and fairly with issues concerning world peace. More and more this organization has become a sounding board for the left; we have continued to foot the bills while nations inimicable to the United States have reaped the dividends. We ought to have come to this realization following the recent disgusting vote to expel the Republic of China, a charter member of the United Nations. The list of U.N. failures could go on and on. Suffice it to say, I oppose any further subsidization of this organization which has completely strayed away from the great principles inscribed in its charter. It is my belief that this feeling of disgust is shared by a great many of the American people, and we will be doing them our greatest service by taking from their back this unwarranted, unnecessary, and ungratifying burden.

Mr. MYERS. Mr. Chairman, I have no intention of using all of this time, but I rise to make this one observation.

The gentleman from New Jersey makes the point that this amendment is an attempt to make this fund solvent and to keep it that way. I have no objection and I am happy to see some place in the world where there is a government body concerned about keeping an account solvent, but I do not know whether we can do it at the expense of the taxpayers.

I refer the gentleman from New Jersey to the very first page of this bill. On page 1, line 3, it says, "The following sums are appropriated out of any money in the Treasury." Then it goes on. "Out of any money in the Treasury," but how solvent is our Treasury? What reserve do we have in the Treasury today to operate all of the vast amounts that are needed with regard to social experimentation and such things that we get out of the Treasury constantly?

We appropriate money here that is not in the Treasury, I say, and we have no reserve in the Treasury, and yet we are asking the taxpayers of this country to put more money into an account that even the administrators of this program cannot tell the committee how they are going to spend it. I think we are asking too much of the American taxpayer.

Mr. GALLAGHER. Will the gentleman yield?

Mr. MYERS. I am glad to yield to the gentleman.

Mr. GALLAGHER. I thank the gentleman.

I have one thing to say against the gentleman's argument and that is, of course, there is little we can do that can be totally justified. If we take his argument at its face value, we can do nothing that is totally justified. On the other hand, if we look at what we are doing here as a part of the overall U.S. contribution to the international situation and if we look at what our obligations are, then one should argue in that frame of reference.

The fact of the matter is the United Nations development program has always had certain obligations which it has carried out with regard to the United States. Ninety percent of the funds that he pays as its contribution are spent in the United States. It has always had a U.S. administrator. It has always been directed on the basis of the U.S. interests. I think if we look at it in that context, it is perfectly justified and the gentleman's amendment should be passed.

I agree with the gentleman that there is an implication here we are giving this taxpayers' money to the U.N. and that the U.N. is becoming a small loan agency making money on the interest variable. That is just not true at all.

Mr. MYERS. I have to take strong exception to what the gentleman says. I have no proof here and I do not want to question the gentleman on that 90 percent of the money being spent in the United States, but if it is, I say that it is still a good effort to help the people throughout the world, but really charity should start in the United States and start at home. As long as we are digging into the pockets of the American taxpayers to find this money, we might do something worthwhile with it here at home. We have a vast amount of interest paid on the national debt. This year it will run to $20 billion. The gentleman from Ohio (Mr. CARNEY) said that he had not heard anyone make a pitch about the poor taxpayers, and here we are spending money today that we just do not have. I must take strong exception to spending any money for this purpose that we do not have. This cause may be all right, but what are we doing to the American taxpayer while we are constantly spending more of his money which he does not have? This is something that we have to take into consideration.

Mr. GALLAGHER. We have to take into consideration also the taxpayers are spending money on all of these military programs, all of which are not always totally justified.

The same argument could be made on that basis.

Mr. MYERS. I think the gentleman will find that in the military assistance portion of this bill there are some things which are for the defense of this country and defense is the business of everyone.

Mr. GALLAGHER. These programs are also in the interest of the United States and in the interest of the U.S. taxpayers.

Mr. MYERS. That is a matter of opinion.

Mr. GALLAGHER. We have a very deep interest in this.

Mr. MYERS. I am quite sure that if the gentleman conducted a poll in his district in New Jersey on this issue the gentleman would find that the majority of the people would not want their tax money, even though it is spent in this country, to be spent in fashion, and if we do want to try to help we ought not to send it through this huge pipeline all the way from here up to New York to the United Nations.

Mr. GALLAGHER. I will say to the gentleman that it happens to be what the President of the United States wants.

Mr. MYERS. I would like to see the gentleman support the President more often, but I have not seen the gentleman doing it.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address my remarks to those who would like to support this bill. To those who will be opposed to the bill under any circumstances, may I say that I do not expect you to support this amendment. But those who want to support this bill, I would like to make a few points.

I would like to see this bill with some modifications pass.

Mr. Chairman, I was one of those who signed a letter addressed to the distinguished chairman of the committee, a copy of which was circulated, indicating that in its present form we were so unhappy with the bill that we could not vote for it.

Now, as the chairman of the subcommittee said earlier, everyone of us probably has something in this bill that he is for and would like to see go through. For example, I am most interested in the funds which are contained in this bill for Israel. I do not want to see those funds jeopardized.

But, Mr. Chairman, we have got to build a coalition in order to pass this bill. No one group supporting one particular type of aid has enough votes to pass this bill. You need the votes of the Members who signed that letter. Those Members have all voted for foreign aid in the past. They are unhappy about this bill and, if it is not improved, they are prepared to vote against an aid bill for the first time, confident that a better bill will come back to us. Certainly, there is no danger that the money in this bill for Israel will not be voted at an early date. A large majority of the House is for this, and our leadership will find a way to see that that is done.

If you want this bill to go through, you had better show a little flexibility, a little respect, a little consideration for the points of view of those who signed the letter. Their main objection to the present bill is that it reflects an almost total rejection of multilateral foreign aid. The bill also reflects a shift in emphasis away from economic and technical assistance to military assistance. These are basically the things to which we object.

Mr. Chairman, if we could make a

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few moderate changes here, I am sure I for one could support this bill.

So I would suggest that there is a need for a little give and take and a spirit of coalition so you can attract those who represent a different point of view to help pass this bill.

Now, let us turn for a moment to what you may refer to as the "PR" aspect of this problem, leaving the technical accounting aspects aside.

How is it going to look if we are the only country that uses a technical excuse to say "No" to any funds for the U.N. development program this year? Other nations have pledged to increase their contribution to the U.N. development program by an average of 17 percent. In this amendment we are talking about a substantial drop from last year—a drop of perhaps one-third. But the committee would have us say "zero" for this year, "zilch."

How is that going to look to the other nations of the world. Do we want to have any influence in the United Nations? There are those, of course, who would like to see us get out of that body, but I think a majority of us want us to stay in and have some influence up there. I think the majority of Members were upset that we lost the recent votes on Taiwan. We just did not have enough support, we did not have enough votes. Everyone here understands what votes are and that it took votes to sustain our position on Taiwan. We did not have them. Let us try to improve that situation for the future.

But if we are really going to do a total job of offending everybody at the U.N. let us just say: "to hell with you; we are fed up with this organization, we are not going to contribute a dime to the U.N. development program that we initiated and have supported for all these years." That is what you will be saying if you reject the Fraser amendment. But bear in mind that doing so is going to damage our position, not only at the United Nations, but it is going to damage our position with our friends all around the world.

Mr. Chairman, I have used an analogy before, and I would like to repeat it. We are in the position of the biggest business in a town. Our business is in trouble and is losing money. But the people from the Community Chest Fund come to see us, and ask us, "What is your contribution going to be this year?" And we say, or our stockholders say, "Well, we are losing money, we cannot contribute anything."

The people from the Community Chest then say, "You cannot mean that. You have to put up your fair share, whether you are losing money or not. The people that the Community Chest benefits are much more in need than you are."

So, if you are president of that business, you will turn around and make your fair share of the contributions to the Community Chest Fund, whether you are losing money or not.

The Fraser amendment is a compromise. It represents a considerable step back from last year's contribution.

I plead with you, do not make us look like the Scrooge of all time up there in New York, and around the world, and in countries where their annual per capita income is $100 or less. Do not make us look like the Scrooge of all time. Support this amendment.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I wish to associate myself with the remarks of the distinguished gentleman from New York, who pointed out the adverse psychological or "PR" effect of a failure to vote any funds for the United Nations development program. But the problem is not just psycological. It is also practical.

The letter that the gentleman from Louisiana (Mr. PASSMAN) read from Dr. Hannah of AID had the statement in it that if this program is not funded, there will be no adverse affect on the U.N. development program through June 1972. But, here we are in December debating an appropriation for the fiscal year which began last July 1. We will probably have the same or similar situation next year.

I strongly favor revising the basis for financing the United Nations, so that it does not have to rely on contributions from the United States and other member nations. Unfortunately, however, until such a change is made, the United Nations must continue to depend on contributions.

Having decided to abandon forward funding, the United Nations obviously needs some means, through a working capital fund, to avoid the losses and inefficiencies which result from stop-start funding.

Mr. Chairman, this bill alone contains over $1,500 million for military assistance, military support assistance and military credits. This amendment proposes that a small fraction, less than one-thirtieth of that amount, be appropriated to a program dedicated to alleviating the terrible conditions in underdeveloped countries. These are the conditions that breed the wars and revolutions that are saddling us all with these astronomically expensive military expenditures.

The United Nations development program has been outstanding in providing aid to developing countries not available through bilateral or other programs. It deserves our moral and practical support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. FRASER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FRASER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FRASER, MYERS, PASSMAN, and MORSE.

The Committee divided, and the tellers reported that there were—ayes 119, noes 268, not voting 45, as follows:

[Roll No. 440]

[Recorded Teller Vote]

AYES—119

Abourezk	Fraser	Nedzi
Abzug	Frelinghuysen	Nix
Adams	Fulton, Tenn.	Obey
Albert	Gallagher	O'Hara
Anderson, Calif.	Gialmo	O'Neill
Anderson, Ill.	Gibbons	Patten
Anderson, Tenn.	Gonzalez	Pepper
Aspin	Green, Pa.	Podell
Badillo	Halpern	Price, Ill.
Barrett	Hamilton	Pryor, Ark.
Bergland	Hanna	Rangel
Bingham	Harrington	Rees
Boland	Hawkins	Reid, N.Y.
Bolling	Hechler, W. Va.	Reuss
Brademas	Helstoski	Riegle
Burton	Hicks, Wash.	Robison, N.Y.
Carey, N.Y.	Holifield	Rodino
Celler	Hungate	Rosenthal
Chisholm	Jacobs	Roush
Clay	Karth	Roybal
Conable	Kastenmeier	Ryan
Conte	Koch	Sarbanes
Corman	Leggett	Scheuer
Culver	Link	Schwengel
Danielson	McCloskey	Seiberling
Dellums	McDade	Smith, Iowa
Denholm	McFall	Smith, N.Y.
Dow	Madden	Stanton, James V.
Drinan	Mailliard	Stokes
du Pont	Matsunaga	Symington
Eckhardt	Meeds	Thompson, N.J.
Edwards, Calif.	Metcalfe	Udall
Eilberg	Mikva	Van Deerlin
Esch	Miller, Calif.	Vanik
Fascell	Minish	Waldie
Findley	Mink	Whalen
Fish	Mitchell	Wolff
Foley	Monagan	Yates
Ford, William D.	Moorhead	
	Morgan	
	Morse	
	Mosher	

NOES—268

Abbitt	Collier	Gude
Abernethy	Collins, Tex.	Hagan
Addabbo	Colmer	Haley
Andrews, N. Dak.	Cotter	Hall
Archer	Coughlin	Hammer-schmidt
Arends	Crane	Hanley
Ashbrook	Daniel, Va.	Hansen, Idaho
Ashley	Daniels, N.J.	Harsha
Aspinall	Davis, S.C.	Harvey
Baker	Davis, Wis.	Hastings
Baring	de la Garza	Hathaway
Begich	Delaney	Hays
Bell	Dellenback	Hébert
Bennett	Dennis	Heckler, Mass.
Betts	Dent	Heinz
Bevill	Devine	Henderson
Biaggi	Dickinson	Hicks, Mass.
Biester	Dingell	Hillis
Brasco	Donohue	Hogan
Bray	Dorn	Horton
Brinkley	Downing	Hosmer
Brooks	Dulski	Huli
Broomfield	Duncan	Hunt
Brotzman	Dwyer	Hutchinson
Brown, Mich.	Edmondson	Ichord
Brown, Ohio	Edwards, Ala.	Jarman
Buchanan	Erlenborn	Johnson, Calif.
Burke, Fla.	Eshleman	Johnson, Pa.
Burke, Mass.	Evans, Colo.	Jonas
Burleson, Tex.	Fisher	Jones, Ala.
Burlison, Mo.	Flood	Jones, N.C.
Byrne, Pa.	Flowers	Jones, Tenn.
Byrnes, Wis.	Flynt	Kazen
Byron	Ford, Gerald R.	Keating
Caffery	Forsythe	Keith
Camp	Frenzel	Kemp
Carney	Frey	King
Carter	Fuqua	Kuykendall
Casey, Tex.	Galifianakis	Kyl
Cederberg	Garmatz	Kyros
Chamberlain	Gaydos	Landgrebe
Chappell	Gettys	Latta
Clancy	Goldwater	Lennon
Clark	Goodling	Lent
Clausen, Don H.	Grasso	Lloyd
Clawson, Del	Griffin	Long, La.
Cleveland	Griffiths	Long, Md.
	Gross	Lujan
	Grover	

McClory	Powell	Steed
McClure	Preyer, N.C.	Steele
McCollister	Price, Tex.	Steiger, Ariz.
McCulloch	Pucinski	Steiger, Wis.
McDonald, Mich.	Purcell	Stephens
McEwen	Quie	Stratton
McKay	Quillen	Stubblefield
McKevitt	Railsback	Stuckey
McKinney	Randall	Talcott
Macdonald, Mass.	Rarick	Teague, Calif.
Mahon	Rhodes	Teague, Tex.
Mann	Roberts	Terry
Martin	Robinson, Va.	Thompson, Ga.
Mathias, Calif.	Roe	Thomson, Wis.
Mayne	Rogers	Thone
Mazzoli	Rooney, N.Y.	Ullman
Melcher	Rooney, Pa.	Vander Jagt
Michel	Rousselot	Veysey
Miller, Ohio	Roy	Vigorito
Mills, Md.	Runnels	Waggonner
Minshall	Ruppe	Wampler
Mizell	Ruth	Ware
Molloban	St Germain	Whalley
Montgomery	Sandman	White
Moss	Satterfield	Whitehurst
Murphy, Ill.	Saylor	Widnall
Murphy, N.Y.	Scherle	Wiggins
Myers	Schmitz	Williams
Natcher	Schneebeli	Wilson, Bob
Nichols	Scott	Wilson, Charles H.
O'Konski	Sebelius	Winn
Passman	Shipley	Wyatt
Pelly	Shoup	Wydler
Perkins	Shriver	Wylie
Pettis	Sikes	Wyman
Peyser	Sisk	Yatron
Pickle	Skubitz	Young, Fla.
Pike	Slack	Young, Tex.
Pirnie	Smith, Calif.	Zablocki
Poage	Snyder	Zion
Poff	Staggers	Zwach
	Stanton, J. William	

NOT VOTING—45

Alexander	Davis, Ga.	McCormack
Andrews, Ala.	Derwinski	McMillan
Annunzio	Diggs	Mathis, Ga.
Belcher	Dowdy	Mills, Ark.
Blackburn	Edwards, La.	Nelsen
Blanton	Evins, Tenn.	Patman
Blatnik	Fountain	Roncalio
Boggs	Gray	Rostenkowski
Bow	Green, Oreg.	Spence
Broyhill, N.C.	Gubser	Springer
Broyhill, Va.	Hansen, Wash.	Sullivan
Cabell	Howard	Taylor
Collins, Ill.	Kee	Tiernan
Conyers	Kluczynski	Whitten
Curlin	Landrum	Wright

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Contingency fund: For necessary expenses, $30,000,000, to be used for the purposes set forth in section 451.

Refugee relief assistance (East Pakistan): For necessary expenses for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan, $175,000,000.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: Page 3, immediately after line 18, insert the following:

"International drug control assistance: For necessary expenses to furnish assistance to any country or international organization for the control or elimination of the production, processing, or distribution of drugs, $25,000,000."

Mr. PASSMAN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. RANGEL. Mr. Chairman, I rise today, recognizing that this House and the Senate have passed legislation which would authorize the President of the United States to have at his disposal a minimum of $25 million annually to aid and assist those countries that are cooperating with our humane efforts to stop the international traffic in drugs. We all recognize that we have to give the President all the power necessary and, certainly that which he has requested, to fight narcotics.

Yesterday—which I mention as a point of parliamentary procedure—a rule was passed which would waive only points of order as to that subject matter which has been incorporated within the bill before us now.

I had a discussion with the chairman, and he explained to me that because this matter was not put into the bill—even though it has been passed by both Houses—since the $25 million is in conference as passed by the Senate and the House, this would be subject to a point of order.

We also have in conference at this time the $175 million which has been approved for consideration by the rule, because the subject matter is still in conference: the refugee relief assistance program in East Pakistan.

What I am asking the distinguished chairman to do, recognizing the plight America finds itself in today, and recognizing further that other nations are relying on the economy of the growing and processing of opium and the trafficking of this dangerous poison which is killing our youth and, indeed, afflicting our fighting men, is to consider whether or not the distinguished chairman will see fit to waive his point of order at this time, the same way the committee saw fit to incorporate other matters in the bill which are still in conference and which relate directly to the refugee relief assistance program.

It appears to me, as a Member of Congress, that if we can see fit to help those foreigners who find themselves in the plight of losing their lives in Pakistan, we can also see fit to waive the parliamentary rule in order to save American lives.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from New York.

Mr. RYAN. I should like to commend the gentleman for the statement he has made and for offering of this amendment, which goes directly to the international drug traffic. The gentleman has shown great concern for, and understanding of, the problem. I join him in appealing to the chairman of the subcommittee not to raise a point of order or any technicality as a barrier to this amendment, which is aimed at curbing the international drug traffic. We should not stand on a technicality in respect to this critical situation. The drug crisis requires immediate action.

Mr. RANGEL. I thank the gentleman.

POINT OF ORDER

Mr. PASSMAN. Mr. Chairman, I make a point of order against the amendment that it is legislation on an appropriation bill. There is no authorization for it.

The CHAIRMAN (Mr. PRICE of Illinois). The Chair is ready to rule.

Since the gentleman from New York himself concedes this is not authorized by law, the Chair must sustain the point of order.

The Clerk will read.

The Clerk read as follows:

MILITARY ASSISTANCE

Military assistance: For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $552,000,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States.

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOW: Page 5, beginning in line 16, strike out "$552,000,000: *Provided*" and insert in lieu thereof the following: "$352,000,000: *Provided*, That no part of this appropriation shall be used to furnish assistance to Cambodia under such section 503: *Provided further*".

Mr. DOW. Mr. Chairman, my amendment would set aside the $200 million of military assistance that we are considering for Cambodia.

I am again offering an amendment to restore some justification to our foreign assistance programs. I find it unconscionable that we are even considering the tremendous expenditure of $200 million for this remote country, Cambodia, when 2 years ago the figure was only $4,800,000. Even after the congressional bar to the sending of ground troops into Cambodia, this money is being used to fight a war that Congress has not declared.

According to Secretary Laird's testimony before the Subcommittee on Foreign Operations, Presidential determinations were made in 1970 for a total of $8.9 million for Cambodian military assistance, and in 1971 a total of approximately $100 million. The substantial grant of $185 million made in fiscal year 1971 supplemental appropriations consisted of $100 million to replace the fiscal year 1971 funds used in Cambodia under Presidential determinations, and $85 million for additional military assistance. These increases have built the Cambodia forces up from 35,000 to more than 200,000 volunteers. General Warren, the Deputy Assistant Secretary of Defense for Military Assistance and Sales testified that:

> This program is one of the highlights of Nixon doctrine in action since we have provided equipment and they have provided the manpower. (Page 81 Hearings, Part 1.)

The general calls it a highlight. I call it a low light.

My amendment further provides that no part of the full amount in the bill for military assistance under Sec. 503 can be used to aid Cambodia under such section.

The military activity in Cambodia has very substantially increased because of the ability of the military to transfer

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funds from one nation to another, to justify the program for one nation, and later scratch it out and transfer the funds elsewhere. I think the mere fact that $200 million of the $552 million is limited to one country would slow down capricious transfers.

U.S. furtherance of warfare in Cambodia has been the main contributor to creation of 2 million refugees in that sad country.

By what warrant, written or implied, do we venture with weapons and bombs and death into a harmless peasant land, as we have in Cambodia?

Recently, I asked some of our airmen from Indochina how they felt when they were up there probably killing women and children in those jungle villages. "Well, it's a job to be done," they answered.

I say that this Congress is giving them that job, implying that it is moral, that it's all right for them to carry out questionable orders because they come from on high in the Pentagon or Congress, and that takes such actions out of the realm of morality into some sphere where the individual is freed of responsibility.

I ask for passage of this amendment as one way of ending the kind of moral distortion and the warped rationalization that we have practiced here in this Congress and continue teaching to our good sons who man those weapons in Indochina.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all, the item of $552 million is made available on an illustrative basis. To enable us to reduce funds for Cambodia to the extent of $200 million, we would have to make deeper reductions in the committee allowance. We made very drastic reductions in this military assistance program. Of course, all of the military assistance for Korea is in this package. Now we are dealing with policy, as the Members of the House well understand.

I certainly hope this amendment will be voted down and let us continue the winding down of the war in Indochina.

I think we all know that 34 months ago there were 542,000 troops in Vietnam.

As of December 31, it is estimated that our troop strength will be down to 159,000. Ninety-five percent of the American people agree with the program for winding down the war in that part of the world.

So, let us not upset the policy which would enable this country to wind down this war.

Mr. Chairman, this money is necessary. I do not know what amount will be used in Cambodia, but I think it will be far, far less than the amount mentioned in this report.

Mr. Chairman, this committee has never attempted to withhold information from this House. We recommended a much smaller amount for MAP than was requested.

So I hope you will vote this amendment down so that we may proceed to wind this war down and get out of the unfortunate situation that we are in, in Vietnam.

Mr. Chairman, I trust that this amendment will be voted down.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. Yes. I would be happy to yield to the gentleman from New York.

Mr. DOW. The chairman of the subcommittee says that we are winding the war down. I doubt if that is true in Vietnam and it certainly cannot be true in Cambodia, because this amount, Mr. Chairman, that appears in your report of $200 million for Cambodia is greater than the amount of $185 million which was provided in the previous fiscal year.

Mr. PASSMAN. Mr. Chairman, if the gentleman will permit me to say this, I know that the gentleman is familiar with the old expression—you know there is an asking price and a taking price. You are discussing the asking price. We have a taking price in the bill.

Let me repeat again—and I do not want to get politics into this bill—the fact that we had 542,000 troops in Vietnam 34 months ago and it is estimated now that we will have only 159,000 troops there on December 31. Certainly, we are winding the war down. Let us continue with the program. It has been very successful. We should not pull the rug from under the administration.

Mr. DOW. But, we are not winding down the Cambodian effort.

Mr. PASSMAN. There are no American troops in Cambodia, as we all know.

Mr. DOW. Yes, but there are American bombs.

Mr. SHRIVER. Mr. Chairman, I move to strike the requisite number of words.

I merely want to add that we have already cut military assistance in this bill for a total of $153 million below the budget. As the chairman has said repeatedly, these funds are illustrative funds. They can be used and transferred at various places. I do not think we would want to further reduce military assistance.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the distinguished chairman of the committee.

Mr. MAHON. Let me see if I can clarify this question further.

The President asked for $705 million for military assistance. It was estimated that $200 million would be related to the war in Vietnam and associated with Cambodia.

But the Committee on Appropriations has reduced that fund for military assistance in the bill from $705 million down to $552 million, a cut of $153 million.

So, the funds available in this package for military assistance for Cambodia has already, in effect, been reduced by a very substantial amount. This is because funds available for the total military assistance package have been reduced. So the funds in the program associated with Cambodia would be devoted to trying to help wind down the war and they have already been cut.

In other words, in all probability there would not be $200 million in this bill that would be used for Cambodia because of the $153 million cut that has already been made in the total package.

So, this amendment would certainly represent very adverse action toward permitting winding down the war. Would not the gentleman from Kansas agree with that?

Mr. SHRIVER. Yes, Mr. Chairman. And, furthermore, it is $138 million below 1971.

Mr. MAHON. Yes, the amount recommended by the committee in the bill is a reduction from the amount made available last fiscal year.

Mr. Chairman, I would hope that the House would support the committee and not slash this amount from the bill which has already been sharply reduced.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on December 6, 1971 the President approved and signed bills of the House of the following titles:

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

The SPEAKER. The Committee will resume its sitting.

FOREIGN ASSISTANCE APPROPRIATIONS, 1972

The Committee resumed its sitting.

Mr. RYAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. Dow). I might point out that on the basis of the proportion of military assistance that was to be allotted to Cambodia, assuming $705 million in military assistance, there will be under the $552 million figure in the present bill some $155 million for Cambodia.

The fact is the war in Southeast Asia continues. It continues to drain the wealth and vitality of this Nation. It continues to erode our global posture. And it continues to bring death and destruction to Indochina.

The price we have paid for this bloody endeavor has been incalculably high. Over 53,000 young Americans have made the greatest sacrifice any government can exact—dead, lost to their families, and to our country, as a result of this ghastly war. Hundreds upon thousands of others have been maimed, physically and mentally. The committee report itself concedes that $124.5 billion has been spent in Vietnam since 1965.

There are those who would have us believe that the war is over, that under President Nixon's Vietnamization program it has trickled down to virtually nothing. But the bill before us today shatters that illusion. It all too clearly demonstrated what Vietnamization is really all about: a vehicle to substitute Asian blood for American blood. The suffering is not going to stop. The conflict is not going to end. Rather, Vietnamization is the promise of more death, financed by American funds, mechanized by American armaments, expedited by American air and logistical support.

The fact is that the war in Cambodia has been escalated ever since May of 1970 when the United States invaded that country—although the President called it an incursion. The situation is more exacerbated than ever. War rages in Cambodia, and it is supported by U.S. military assistance and air power.

Two years ago, this Nation provided $8.9 million in military assistance to Cambodia. Last year, this figure jumped to $185 million. The legislation we are now considering would increase it once again, this time to $200 million. Escalating these funds will not deescalate the war.

We in the Congress have the power to bring this dreadful conflict to a halt. We can do it by exercising our constitutional authority over funding. Not only do we have the power to do it, we have a responsibility to the people of this country to do it.

The amendment offered by my esteemed colleague from New York (Mr. Dow) is a stride toward living up to that responsibility. It would eliminate from this legislation funds for military assistance for Cambodia, funds to be used to outfit a client army. I fully support this amendment, as I have supported every other effort to end the Vietnam war. And I urge my colleagues to cast their votes in support of the Dow amendment—and peace.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Dow).

The question was taken; and on a division (demanded by Mr. Dow) there were—ayes 21, noes 88.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SECURITY SUPPORTING ASSISTANCE

Security supporting assistance: For necessary expenses to carry out the provisions of section 401 of the Foreign Assistance Act of 1961, as amended, $575,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress.

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dow: Page 5, beginning in line 23, strike out "$575,000,000: *Provided*" and insert in lieu thereof the following: "$465,000,000: *Provided*, That no part of this appropriation shall be used to furnish assistance to Cambodia under such section 401: *Provided further*".

Mr. DOW. Mr. Chairman, undismayed by the recent vote on my prior amendment, I am offering another one somewhat parallel, because I feel, myself, very strongly on this issue, and I think it is one that the entire Nation should address itself to, namely, the conclusion of hostilities in Indochina.

Mr. Chairman, this amendment would eliminate the economic supporting assistance we have been providing to Cambodia since the war heated up in that portion of Southeast Asia.

I am deeply concerned that this supporting assistance is being raised from the current level of $70 million to $110 million in 1972 and likewise includes petroleum products, transportation equipment and spare parts, chemicals, industrial raw materials, machinery, and other capital equipment, according to page 155 of the hearings, part II. All of it is war related.

Prior to the 1971 funds provided in the supplemental bill passed last January the United States had not provided economic aid to Cambodia for 6 or 7 years. This fact was brought out by Chairman PASSMAN in the hearings. I cannot condone or allow to go unnoticed this tremendous outpouring of our Nation's wealth on top of the $124.5 billion already spent just on Vietnam war costs since 1954. That monstrous figure appears in the committee reports on page 7. It therefore looks official after so many years of speculation.

I might remind this body that those costs, too, started out as economic assistance programs in fiscal years 1954–70, and $4.7 billion was expended.

It did come out in testimony that there is a total of slightly more than 100 American personnel on the team to handle the deliveries. Of course, these men are probably referred to as equipment handlers, rather than military advisors. It is questionable whether these people accord with the intent of the congressional ban on ground combat forces in Indochina.

This amendment would also provide that none of the remaining funds in this security supporting assistance can be transferred for use in Cambodia to carry out the purpose of this section. In this way I have attempted to confine the Agency in its operation of the program so that our ventures in Cambodia would not in any way be assisted by this security support assistance.

Again, we should decry the cynical judgment we have passed upon the tragic people of Cambodia, in order to "protect our troops in Vietnam" as the saying goes. The need for protection under such circumstances defies explanation, and we cannot escape the suspicion that other motives, not disclosed to the Congress, are responsible for the United States increasing its involvement in Cambodia both in military assistance and supporting assistance. Who says the war is winding down?

I ask for passage of the amendment.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to call the attention of the committee to page 23—security supporting assistance—the estimate for the fiscal year 1972 is $764,614,000. Your committee recommends only $575,000,000 and we might say again that this is a very, very tight program.

Now, with respect to the amount mentioned for Cambodia, I have no idea what part will go to Cambodia.

The committee wishes to furnish you with the estimate, so we listed the budget request—we did not provide sufficient money in the bill to fund all of the items as listed in our report. That is so indicated in a footnote to the report.

This is connected with winding down the Vietnam war. I think it is worth repeating that there were 542,000 troops 34 months ago. Only 159,000 is estimated as of December 31. It is winding down. This is the overall program, and what the President must have, if he is going to continue the present rate of winding this war down. I hope we will not interfere with that policy and pass this appropriation and keep this item intact so they may use the minimum amount for whatever purpose the administration feels they should have.

So this is a very tight budget. I do not think we should be making any reduction. Especially should we not tie the President's hands and tell him we are now going to withdraw supporting assistance for Indochina, as a result of which in all probability he would have to slow down the number of troops he would withdraw. I hope the amendment will be voted down.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I am happy to yield to the distinguished gentleman from New York.

Mr. DOW. Mr. Chairman, I have noticed that you and others who have spoken against this amendment and the previous amendment have put great stress on the dollars, and the fact that once you had considered a higher amount for military assistance and sustaining assistance for Cambodia, and that you have now reduced the figures. I think you have misread the meaning and intent of both of my amendments. In both cases my amendments were intended to foreclose the use of any of this military assistance or sustaining assistance for Cambodia, no matter what the amount.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. DOW. The gentleman has the floor.

Mr. PASSMAN. That would be the same as a doctor prescribing a drug which would be a sure-shot to kill a disease, and then sealing the bottle and refusing the patient to take the medicine. I did not misunderstand your amendment.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Louisiana yield?

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Mr. PASSMAN. I yield to the distinguished gentleman from New York.

Mr. ROONEY of New York. Is this not the very item in which there is included $100 million in supporting assistance for Israel?

Mr. PASSMAN. Indeed, the gentleman is correct. The amount discussed between us was $100 million. Even though this amount was not specifically earmarked for Israel because funds are provided for supporting assistance on an illustrative basis, I believe I can answer the gentleman's question in more positive terms. The White House has agreed to allocate $100 million in supporting assistance to Israel if this sum can be worked into the amount carried in the final bill. This agreement was reached upon the insistence of the two gentlemen engaged in this colloquy, the gentleman from New York (Mr. ROONEY) and myself.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from New York.

Mr. DOW. I take it, then, the gentleman is opposed to assistance for Israel?

Mr. PASSMAN. Am I opposed to assistance for Israel?

Mr. DOW. Is the gentleman opposed to such assistance?

Mr. PASSMAN. I am just as pro-Israel as is the Prime Minister of Israel. Of course, I am in favor of aid for Israel.

Mr. DOW. I am, too, Mr. Chairman.

Mr. SHRIVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. SHRIVER. The amount suggested as being involved was $110 million. On page 7 of the committee report states that the listing of the countries and the budget proposals for economic assistance, military assistance, and security supporting assistance contained in the report are not necesarily the views of the committee as to recipients and amounts. We have already reduced supporting assistance by $189.5 million under the budget. This is a program that is important in Vietnamization and troop withdrawal, as well as encouraging countries to take care of their own responsibilities, acting in their own defense, and thus reducing the need for our military presence. That is the purpose of this security assistance.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the chairman of the committee.

Mr. MAHON. Is it correct to say that the budget estimate for supporting assistance was $764 million, and that the bill before us contains $575 million, a reduction of $189 million?

In the budget estimate there was $110 million for supporting assistance for Cambodia. Other funds would be available for supporting assistance for other countries. But there has already been a reduction in effect in the availability of funds for supporting assistance for Cambodia because of the cut of $189 million, is that not correct?

Mr. SHRIVER. That is correct.

Mr. MAHON. In view of the cut and in view of the commitment of the President to wind down the war, to bring our men home as rapidly as reasonably possible, it seems to me we should not take lightly the responsibility of making the program of withdrawal of our troops more difficult, and less workable. I certainly hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Dow).

The question was taken; and on a division (demanded by Mr. Dow) there were—ayes 10, noes 44.

So the amendment was rejected.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment to the bill which specifically earmarked $85 million in supporting assistance for Israel and $300 million in long-term credits for that country, too, but I will not offer it in view of the colloquy that took place between the distinguished gentleman from New York (Mr. ROONEY) and the distinguished gentleman from Louisiana, the chairman of the subcommittee (Mr. PASSMAN).

I believe that with the approval of this bill, the House will indicate its support of Israel in its battle for survival against its hostile neighbors and against the Soviet Union which has moved into the Middle East with such enormous pressure.

The Soviet Union has made no secret of its determination to stay in the Middle East, literally flooding the Arab States with the most modern weapons of war and the most advanced aircraft. There is no end to the Soviet flood of arms.

On the other hand, Israel is encountering difficulty in obtaining the weapons she needs from this Nation. She needs planes. She has asked for Phantom jet fighters. There has been no action by the administration to approve that request. I believe the administration is in error, terribly in error in refusing to give its approval to that request.

Egypt is having no difficulty getting the latest jets. She is having no difficulty in getting the high-flying SAM–3 missiles, and the low-flying SAM–2 missiles, the Mig–3, the most advanced aircraft fighter in the world is flying in the Middle East today with Russian pilots. It is in the air flying for the Arab States. It is a plane that flies higher and faster than any other military aircraft. The Phantom is still the best plane Israel can get, if she can get it.

I urge President Nixon to approve Israel's request for Phantoms for two very important reasons: First, Israel needs the planes for her own defense, yes; for her very survival, and to maintain the balance of power in the Middle East. Second, Israel needs the symbolic value of the jets to show the world, and to show the Arab world in particular, that the United States is Israel's friend, and that when Israel does make a request for Phantom aircraft, the United States will match the Russian aid to the Arabs by helping Israel sustain herself.

Mr. Chairman, I sincerely believe approval of the sale of the Phantoms to Israel will help maintain peace in the Middle East.

During the past few months there have been resolutions circulated in both the House and the Senate, to which the majority of Members of both bodies have subscribed indicating the view that Phantom jets should be supplied to Israel.

I would urge the President to give recognition to the overwhelming opinion of the House and the Senate. I would urge the President to make clear our friendship for Israel by making available to Israel the Phantom jets she requests. Israel requires this aid for survival. By extending this aid we will move toward achieving our objectives in the area while maintaining our moral commitment to the people of Israel.

If the lessons of the past are to be our guide we must understand that hostilities in the Middle East will not cease until the Arab nations realize they cannot attain an overwhelming military advantage. Then, and only then, will they negotiate on the realistic assumption that negotiation is the only road to peace.

Mr. RYAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to commend the distinguished gentleman from Illinois (Mr. YATES) upon his very forceful and persuasive statement in support of the urgent need of Israel now for Phantom jets for her own defense.

I am also happy to note that the distinguished chairman of the subcommittee, Mr. PASSMAN, has assured the House that $100 million in the category of supporting assistance in this bill will be earmarked specifically for Israel. Certainly the need is great. In addition, the chairman has also advised the House that under title II of the bill—Foreign Military Credit Sales—$300 million will be available for Israel, as the committee report points out (Rept. No. 92–711, p. 28).

Security supporting assistance is designed to give general budgetary support to our friends and allies.

Such support for Israel was contemplated by the House Foreign Affairs Committee when it reported out the foreign assistance authorization bill (H.R. 9910) last summer. In its report the committee states (Rept. No. 92–404, p. 26):

ISRAEL.—The committee is aware that a request for assistance has been made to the executive branch by Israel to assist in meeting its urgent needs for foreign exchange and other requirements brought about through the Middle East hostilities. In the judgement of the committee, Israel is fully eligible to receive assistance under this chapter and believes that if the request for assistance is approved sufficient funds can be found either from existing availabilities or through the process of a supplemental authorization and appropriation.

And of particular note, the committee added:

Although there was considerable sentiment in the committee to recommend a reduction in the amount of supporting assistance requested by the administration, the committee's recognition of the possible need of supporting assistance for Israel prompted it to recommend the full amount sought by the Executive.

Recognition of Israel's need for security supporting assistance is set forth in the committee report to the appropriations bill we are now considering (Rept. No. 92–711, p. 24).

I believe that, in view of the administration's vacillation in its support for Israel, it is essential for Congress to make clear that Israel is to be included among those countries receiving security supporting assistance funds. Therefore, the declaration by the distinguished subcommittee chairman that $100 million is intended for Israel should insure that these funds will be made available to Israel.

Israel's need for this support is beyond question. Because of the high degree of tensions in the Mideast, generated by the hostility of the Arab States and the actions of the Soviet Union in supplying sophisticated arms and missiles to them, Israel has been forced in recent years to devote an ever-increasing proportion of her gross national product to defense.

In 1966, before the 6-day war, Israel spent 10 percent of her total GNP on defense. In 1967, after the 6-day war, the percent of GNP Israel had to spend on defense increased to 18 percent. Now, with the ever-increasing tensions fostered by the Arab States and the Soviet Union, Israel is spending, in 1971, 31 percent of her total GNP on defense. This figure compares with 7.4 percent of the GNP that the United States spends for defense.

There is another way to look at Israel's plight. Israel had a foreign currency debt of $3.2 billion, as of June 30, 1971. This is debt Israel owes to other nations. This debt means that each Israeli man, woman, and child now owes $1,100 in foreign currency, by far the highest of any people anywhere.

Surely on the basis of both the philosophy of security supporting assistance, and on the basis of overwhelming need, Israel deserves a substantial earmarked sum for security supporting assistance.

Title II—Foreign military credit sales of H.R. 12067, provides $510 million in credit sales. In the committee report, $300 million of this is earmarked for Israel. This is absolutely necessary if the balance of power in the Mideast is to be maintained. A substantial portion of this amount should be used to finance the sale of F–4 Phantom jet aircraft to Israel.

The Arab States have been receiving massive arms shipments from the Soviet Union, while the United States has been withholding Phantom jets from Israel. Recently the State Department, after having praised the supposed restraint of the Soviets with respect to arms shipments, was forced to admit that the Soviet Union has supplied heavy bombers with air-to-surface missiles to Egypt.

According to available public sources, the Egyptian air force now has almost 500 supersonic jet aircraft. Most of these are late model Mig–21's. Since the cease-fire in August 1970, Egypt has received more than 120 new supersonic aircraft from the U.S.S.R. Between five and seven Soviet combat squadrons are based in Egypt flying their own aircraft and operating under exclusive Soviet control.

Recent weapons deliveries include numbers of Sukoi 11's—Flagon—and Mig–23's—Foxbat—which are the newest planes in the Soviet arsenal. These aircraft have not been previously deployed outside the Soviet Union.

Since June of 1971, the Soviets have supplied to Egypt 300 new missiles, bringing the total missile strength to 720; 84 new aircraft, bringing the total of aircraft to 979; and 350 new tanks, bringing the total number of tanks to 2,000. All this buildup is for Egypt alone. This massive increase in weaponry on the Egyptian side requires that Israel also receive increased military assistance. The maintenance of the balance of power will help insure stability in the Middle East.

Unfortunately, the administration has been reluctant to live up fully to our commitment to Israel. Therefore, it is essential that we in Congress reaffirm support for Israel. Failure to do so will only make Egypt more belligerent, increasing the threat to Israel, the only democracy in the Middle East.

Mrs. ABZUG. Mr. Chairman, I want to commend the Appropriations Committee, Chairman MAHON, and Chairman PASSMAN for including in this bill $100 million in security supporting assistance and $300 million in military credit sales aid for Israel.

As I have said many times before, our basic policy on foreign aid should be to give economic aid freely, but to limit military aid to cases in which a democratic nation absolutely needs it in order to protect itself and insure its survival. Israel is just this sort of country we should be supporting—she is a unified country; her leadership is democratically elected; she is a country threatened with extinction by implacable external enemies whose hatred of her is their only common bond.

All this belligerence would decrease markedly if the Arab nations became convinced that all the military aid they get from the Soviet Union would not enable them to destroy their small, courageous neighbor.

Israel cannot wait. Israel cannot afford to lose ground or time. It is time to provide her with the aid she so desperately needs, and I hope that the President will follow our lead at once in this respect as soon as possible. I join with Mr. YATES in requesting the President to provide the Phantom jets to Israel she has requested.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $10,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to ask either the majority or minority members of the Committee if it is possible that OPIC, the Overseas Private Investment Corporation, can get along on $10,000 for what the gentleman from New York (Mr. ROONEY) calls "the tools of the trade"; in other words, the presentation allowances?

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. What item is that?

Mr. GROSS. On page 6, line 7 of the bill.

Mr. PASSMAN. Well, we are going to have representation allowances whether we keep it under cover or out where we can see it. It is a tool of the business. Of course they have representation allowances, and I support that. If we deny them representation allowances I am of the opinion some of them would have to pay for this out of their pockets.

What is wrong with representation allowances?

Mr. GROSS. I am sure the gentleman supports it, because it is unlikely it would be in the bill if he did not support it.

I just wondered if the operators of OPIC can get along on $10,000 worth of "booze" in 1 year?

Mr. PASSMAN. I believe they could. I do not want to give them more. I do not want to be facetious, but I want to be factual. This will provide for Iowa corn.

Mr. GROSS. That would be about right, for this Overseas Private Investment Corporation?

Mr. PASSMAN. That is right.

Mr. GROSS. The gentleman agrees with me on that?

Mr. PASSMAN. That it would be about right.

Mr. GROSS. Yes, for OPIC.

Mr. PASSMAN. The gentleman earlier said I must have agreed or I would not have put it in the bill.

Mr. GROSS. That is for this newest addition to the family of handout artists.

Does the gentleman believe the $25 million is sufficient to take care of the situation in Chile where the Overseas Private Investment Corporation and its insurance guarantees is likely to be a big loser because the Chileans have seized and refuse to pay for hundreds of millions of dollars of American investors property.

Mr. PASSMAN. In all probability I have criticized the OPIC more than any other facet of the foreign aid program. I stated in my remarks today that we had been selling insurance and creating a reserve fund for 20 years, and appropriating money also to the fund, and the claims from Chile alone would not only liquidate all the reserves built up over a period of 20 years but also would overdraw the account by $118 million.

We have let these people go far afield in writing insurance for private investors who go abroad, who have aggregate liabilities exceeding $8.5 billion. The time is overdue to bring OPIC under control and to have them write some type of insurance policy whereby the overseas investor would be covered perhaps for 50 percent, because conditions could become epidemic in all these countries, and we could not get the money.

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Mr. GROSS. Now this outfit wants to go into the loan business.

Mr. PASSMAN. Of course, we were assured they were not in the loan business. But they did make a loan.

I am more critical of OPIC than of any facet of foreign aid, simply because they did get into the loan business, rather than the insurance business, but they assured us they would not go out into the lending business.

Mr. GROSS. In the time I have left, let us turn to page 15, and the $18,000 "boote fund" for the Export-Import Bank. Does the gentleman think that is ample?

Mr. PASSMAN. Well, I think they should have a little bit better brand of representation simply because they make an awful large amount of money for the American Government and pay a lot of money into the U.S. Treasury in the way of profits. I think they should be able to afford to have a little bit better brand in their representation allowance.

Mr. GROSS. I note it is $8,000 more. Has the Export-Import Bank gotten into the business of building a golf course for its private use as did the International Monetary Fund?

Mr. PASSMAN. I must say they have not, but I also must say that this is a very good outfit.

Mr. GROSS. I was speaking of a country club.

Mr. PASSMAN. No. The Export-Import Bank is a great outfit. It makes a profit for the American taxpayer.

Mr. GROSS. I am not interested in that to the exclusion of its overall operation including its expenditures for entertainment.

Mr. PASSMAN. I do not know why you should not be interested in that. You are interested in one side of the picture and you should be interested in the other. This is a great outfit and it makes a lot of money for the United States. It makes millions of dollars. In addition to that, they get a very substantial return on the loans that they make. I wish all of them would operate that way.

Mr. GROSS. I hope when the financial showdown comes, and it certainly will, around the world sooner or later, that you do not get your figurative feet chopped out from under you by what happens in the way of defaults in these international loan outfits. I hope you do not suffer that fate.

Mr. PASSMAN. I hope so. So far, let me say, if they operate in the future the way they have in the past, they will qualify.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Clerk will read.

The Clerk read as follows:

SEC. 110. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to finance the procurement of iron and steel products for use in Vietnam containing any component acquired by the producer of the commodity, in the form in which imported into the country of production, from sources other than the United States or a country designated as a limited free world country by code number 901 in the July 1968 Geographic Code Book compiled by the Agency for International Development, and at a total cost (delivered to the point of production) that amounts to more than 10 per centum of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by the Agency for International Development).

AMENDMENT OFFERED BY MR. DENT

Mr. DENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENT: Page 9, line 20, strike out all after line 20 page 9 through line 5 page 10.

Mr. DENT. Mr. Chairman and members, I am striking out on page 9 language following the first 20 lines, which I would like to read.

SEC. 110. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to finance the procurement of iron and steel products for use in Vietnam containing any component acquired by the producer of the commodity, in the form in which imported into the country of production, from sources other than the United States.

I am stopping right there and striking out the following: "or a country designated as a limited free world country by code number" and so forth.

Mr. Chairman, this comes at a bad time, because I have just received word from home that one of the oldest specialty steel diemakers and toolmakers in the United States and one of the oldest remaining plants making this very, very important product in our economy is closing down at the end of this month. That makes the third factory and the third plant in my area covering aluminum, glass, and steel in the last year and a half.

Some of them have been awarded assistance relief under the trade laws. They do not want this relief they want jobs, just plain and simple jobs.

I want to tell you fellows that in this one generation—in this one generation—in which we are supposed to be the caretakers of this country's welfare, we are watching the dimming of the lights in this country of ours.

Mr. Chairman, we are exporting our jobs. Are we going to undercut ourselves as the No. 1 industrial power and have the highest worldwide standard of living end in one single generation?

Mr. Chairman, it took so many years to build this place. It took so many immigrants to come here and make it what it is. It took so many of their sons and daughters and their grandsons and granddaughters of these immigrants not only to maintain what was handed to them, but to improve upon it.

I do not take any pleasure in being a Member of this body and know it is to go down in history as the body of Congress that neglected to read the signs that are so plain on the horizon, that this Nation is dying. It is dying. In many industries the death rattle can be heard from afar.

Mr. Chairman, the members of the Pennsylvania delegation met with the steel fabricating industry of the United States, made up of about 1,000 small fabricators and two or three of the larger ones, and they told us that they are already beginning to feel, this year, the effects of imports because of the voluntary agreement deal with steel whereby we give the steel exporters a certain amount of tonnage, but never once have we said to the Japanese or anyone else that they cannot fabricate and get out from under the tonnage restriction. This they are now doing.

Mr. Chairman, for every million tons in the fabricating steel industry in the United States you have 5 million tons of domestically produced steel consumed here at home. For every million tons of steel fabricated in the United States we lose 18,000 jobs.

Ladies and gentlemen, let me say this to you: I will not be here long enough, because the Lord does not give us much more than three score years and ten, but I am going to tell all of you—some of you are going to be here—you are going to be sitting in on the wake, and it will be a sad and pathetic time in our country.

Mr. Chairman, I am not asking for any benefits for this particular steel company. I am asking merely for the survival of that steel company so that jobs can be given back to the employees.

Mr. Chairman, the U.S. share of automobile production a few years ago was 76 percent. Today it is 33 percent. Steel production was 47 percent of the entire world production in 1950. It is 19 percent.

Here you have before us today a bill that is going to add to that by opening up for foreign steel products the great new rehabilitation and rebuilding that we are going to have to do in Indonesia, which is the very reason for this kind of problem.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. DENT was allowed to proceed for 5 additional minutes.)

Mr. DENT. Now, there is not anything that any steel plant can do about it. There is not anything that anyone can do about it, except the Congress.

Let me read you something and to announce I am coming before Congress with a minimum wage bill soon. I have a clause in that dealing with imports based upon the minimum wage alone. I assure you if you do not leave that clause in the bill I will personally vote against it.

Let me show you something that ought to interest you. The average median wage in the United States, including all below the minimum and at the minimum and union contract and otherwise is $4.18, less fringe benefits. In Germany it is $2.27, including fringe benefits. That is the only nation that pays higher than the minimum wage. In France it is $1.82; in Italy, $1.73; in Great Britain, $1.60 and in Japan 95 cents.

Mr. Chairman, $100 will buy 105 hours of labor in Japan.

It will buy 62½ hours of labor in Italy, 54.9 hours of labor in France, 44.1 hours of labor in West Germany, and 23.9 hours of labor in the United States.

Believe me, we are talking about a basic industry, Fifteen million tons is what the Japanese and others are asking as a quota, voluntary quota. There never has been any nation or group of nations that ever lived up to a voluntary agreement. There is no way to police it. All of you know that.

Fifteen million tons of basic steel is 15 times 6,000. It takes 6,000 men a whole year's employment of 50 weeks at 40 hours a week to produce 1 million tons. So we are giving 90,000 jobs away in the basic steel industry.

For every job in the basic steel industry, being a prime producer of goods, there are 2½ other Americans who earn their living, so you have 2½ times 90,000 jobs, 235,000 jobs that you are talking about.

You just spent $1 billion, this Congress—and I, being one who believes in every kind of an issue that will help somebody, I vote for it—$1 billion to do what? One billion dollars to create 100,000 jobs. This time next year the $1 billion will be spent, and every one of these jobs were man-made jobs in governmental entities, added on to the already overcrowded Government offices all over this Nation, and in components of our Nation's Government, the local entities.

It does not mean a thing. You might as well have taken the $1 billion and poured it down a drain.

Every time we lose one prime job in this country we are losing a total of 3½ jobs.

Now, some of you grin when I talk, and I notice there are a lot of grins. I wish I could really find some humor in a situation like this. I cannot find any humor in 1,700 men and women with families facing the Christmas season—the season of the spirit of good will—during the next 3 weeks.

I cannot find any humor in the fact that right now 13.7 percent of my people in some areas of my district are out of work. This is the specialty steel industry area.

I cannot find any humor belonging to this body—I consider myself stupid to stand here and try to talk to this body when it is sold on the age-old theory of free trade that lost its usefulness way long before the turn of the century, unthinking, blindly sold on a theory that never was practical.

World trade is only essential to produce the goods within the nations for their own economy and then to export to other nations that do not have the capability of producing what they need because of conditions beyond their control.

But not the idea of buying 1.6 million automobiles in a country that has automobiles coming out of its ears, the idea of buying 15 million tons of steel in a country that has steel coming out of its ears.

Fifty percent of all the Americans, including the Members of this Congress, are wearing clothes either made in foreign countries, or from cloth made in foreign countries, or are wearing shoes made in foreign countries.

We are now going to start selling to Red China, which of course will mean we will have to buy from Red China. What will happen? If you think Japan has had a devastating influence upon the economy of our country, just wait until you get the Red Chinese at 10 cents an hour top wages, having an influence upon our country; just you wait until you get that.

I ask the support of the Members for this amendment.

Mr. PASSMAN. Mr. Chairman, I move to strike the last word.

(Mr. PASSMAN asked and was given permission to revise and extend his remarks.)

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is no Member of this House for whom I have more respect than the distinguished gentleman from Pennsylvania (Mr. DENT). He is dedicated, he is sincere, and he has made a very valid point.

Earlier I had concluded that I would vote for this amendment. Word has reached me from the administrators that this is tied in only with steel that is going to Vietnam and in many instances it is procured in Taiwan and in Korea, two of our stanch allies.

If we should write this type of legislation, it simply means that we would deprive Taiwan and Korea from shipping steel into Vietnam at a much lower price than it could be shipped from the United States, necessitating in all probability increased aid for Taiwan and Korea.

I would hope that the distinguished gentleman would permit the members of this committee to work on this matter administratively because, in all probability, there are many contracts already in effect that we would upset. Of course, again we are dealing with Vietnam and if we change the policy at this time, I do not know how long it would take to procure steel from the United States and get it there.

But, if this amendment is voted down, we will endeavor to handle it administratively and get a letter from the administrators and the executive as to why such an amendment should not be enacted.

Of course, the gentleman realizes, as I do, that the way we are traveling in a matter of 2 or 3 years, Japan will be producing more steel than the United States.

This is a valid amendment, but it is uncertain as to what the impact will be. So I hope that the amendment is voted down. I think to do so at this time without knowing what kind of contracts are involved may upset greatly our foreign policy.

It is on that basis I trust that we shall vote this amendment down with the firm understanding that we will move in on it administratively.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman.

Mr. SHRIVER. Earlier I stated that jobs were affected by the foreign aid commodity program.

I have in my hands a list of the major suppliers of commodities under AID financing showing the dollar value for fiscal year 1971.

I want to name some of these and show how much steel actually is purchased and from what companies during the year 1971 by the AID program.

The list follows:

Alleghany Steel Corp	$4,766,000
American Metal	1,091,000
American Smelting and Refining	18,557,000
Armco Steel	7,782,000
Atlantic Steel	2,809,000
Bethlehem Steel	21,103,000
Bundy Tubing	4,168,000
Crucible Steel	1,042,000
Pittsburgh Steel Co	1,065,000
Production Steel Co	2,296,000
Republic Steel Corp	2,530,000

The largest supplier of commodities for the AID program during 1971 was United States Steel—$58,779,000.

So the AID agency is purchasing in large quantities.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman.

Mr. DENT. I would like to ask the gentleman to read the totals so that I can tell you how many jobs are involved. Tell me the totals?

Mr. SHRIVER. I do not have the aggregate because I have read from the whole list of commodities.

Mr. DENT. It might interest you to know that for every $6 million, it means only 100,000 tons of steel—only a drop in the bucket compared to what we pay Japan, Germany, and other foreign countries for steel.

Mr. SHRIVER. You know 97 percent of all commodities used by the AID agencies are purchased in this country.

Mr. PASSMAN. I want to say I very much sympathize with the gentleman's position. But I hope that we can work this out administratively. I think we should wait until we know what the impact would be, if we write this type of policy legislation.

Personally, I assure the gentleman that I will work with him and try to get some correction administratively and, if we fail there, and unless we get sufficient reasons, then we should tighten the bill up subsequently.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman.

Mr. MYERS. Could the chairman tell me why we are considering only the restriction on purchase of iron and steel? Why not include also a prohibition against the purchase of food products? I do not understand why we should only be concerning ourselves with iron and steel when American agriculture is now in trouble.

Mr. PASSMAN. I will say to the gentleman, the steel industry is suffering very much from competing with cheap steel.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. PASSMAN was allowed to proceed for 2 additional minutes.)

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

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Mr. PASSMAN. I yield to the distinguished gentleman from New York.

Mr. ROONEY of New York. Apparently nobody knows exactly what the amendment would do to our international relations. I wonder whether or not the distinguished gentleman from Louisiana had the amendment brought to his attention before this afternoon.

Mr. PASSMAN. I am not sure I understood the question.

Mr. ROONEY of New York. My question is, Was the amendment brought to the gentleman's attention before this afternoon?

Mr. PASSMAN. I did not know anything about such an amendment. I did not know it would be offered, and I did not have time to look into it. I do not know what its impact would be on our agreements with Korea and Taiwan. If I am given sufficient time, I will be glad to examine the question.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I am happy to yield to the gentleman from Illinois.

Mr. COLLIER. I recognize that there is some validity to the argument that the amendment would present a sensitive situation in Taiwan and Korea. Beyond that, however, I cannot see where this amendment would be anything but valid in the light of the situation which the gentleman from Pennsylvania described, if it were on the basis of excepting or preempting Taiwan and Korea.

Mr. PASSMAN. Would it not be wise, inasmuch as we are dealing with a policy question and I knew nothing about the amendment until about 15 minutes ago and we had to work in a hurry to find out what its impact would be, to study this question? It is impossible to determine at this time just what its impact would be on our foreign policy and the contracts we have in being. I do not know why you would want any more assurance than the assurance that the committee will work with you to bring about a solution administratively.

I hope the amendment will be voted down.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. COLLIER. I shall not take the 5 minutes. I am a little more skeptical, perhaps, of what the subsequent position of the State Department will be in this matter. I recall that in 1962 we passed what was erroneously called the Trade Expansion Act. We also well remember when the Congress chose to abdicate its constitutional authority and turn the business of tariffmaking and reductions over to GATT, in which the State Department's heavy hand was certainly present at all times. What was done in GATT in terms of some of our industries is nothing less than historically pathetic.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am happy to yield to the gentleman from Pennsylvania.

Mr. DENT. The argument against me seems to be, "We do not know what we are doing." I know what I am doing. I hope the rest of you know what you are doing.

All I am saying is that products must continue to come from the United States if one part of a product is being paid for by U.S. funds. This open market condition was not in the bill. Why the amendment at this time? I will tell you. The great reconstruction job which will be done in Indonesia will require millions and billions of dollars worth of products. We had a prohibition against it during the war because there was nothing going on. This is new language to remove the prohibition and allow all steel producing countries to sell to the AID program procurement.

Mr. COLLIER. Mr. Chairman, I might say in conclusion, we were assured that the interests of basic American industries would be a consideration in the negotiations, yet it obviously has not been a consideration in some of the negotiations that took place in GATT, and our balance-of-payments problems and many of our problems that we face today are a result of what was not done that should have been done during those negotiations.

Mr. PODELL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. PODELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it might be appropriate at this time to make some observation with regard to just what is happening as a result of the massive importation of foreign goods. Some Members of Congress may wonder—the gentleman from New York is a liberal, and here he is talking about protectionist policies, but I think if we take some time to take a stark look at ourselves, we might think it opportune to revise our free trade thinking.

No. 1, of the men and women sitting in this Chamber right now, I would venture to say that a mere 5 percent of the clothing that is being worn by them was made in the United States and 95 percent of the clothing they are wearing was made outside this country. I do not know whether the Members are aware of it or not, but we do not make a radio, we do not make an adding machine, we do not make a phonograph, and we do not make a black and white television set in this country. It is symbolic that the House Administration Committee approved a small Sony tape recorder for the use of Members, only because there was not one single one made by an American firm that we could approve.

I tried to explain the necessity of a free trade philosophy to the people in my district, I was told in no uncertain terms:

> You get me a job which I now do not have, and I will be happy to discuss philosophy.

We are not making clothing in America any longer, we do not make shoes, we do not make leather goods, sweaters, shirts, raincoats and on and on, and then we talk about free trade. I think the time has come for this Congress to take a firm position. If we support the amendment of the gentleman from Pennsylvania we will be telling the President of this country something he has not been told before.

The gentleman from Louisiana, states that he is determined to do this administratively. I might inform the gentleman with respect to Taiwan we are presently trying to administratively limit the importation into this country of manmade fibers. The result is that today, without a Taiwanese manufacturer having had to produce one single item of clothing, quotas, not American quotas, but Taiwanese quotas, are now being sold at $4 per thousand pieces of goods. Without the people of Taiwan even having to manufacture a single item of goods, there is a brand new flourishing business of the sale of quotas in these countries.

I submit to the Members I do not know the ramifications of the Dent amendment, but I tell the Members it is about time for us to speak up here and let the President know where we stand.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Pennsylvania.

Mr. DENT. Just last week the chairman of the Ways and Means Committee came out with an innocent looking little bill in which he removed restrictions, tariffs, customs, and so forth on two little items, needles and awls. They are used in the upholstering business. It is a multimillion-dollar business in the United States. The reason the gentleman said he was doing this is because we no longer make needles and awls in the United States.

I might say it reminded me for a moment of a little thing I read as a young fellow trying to learn, it was in a story about Robert the Bruce. It read:

> For want of a nail the shoe is lost, for want of a shoe the horse is lost, for want of a horse the rider is lost.

Now, for want of a needle, the awl is lost.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to observe, in about 1 minute or less, that this has been a really interesting debate this afternoon. I cannot help but feel that we have had a certain amount of ironical developments in this debate here today.

First, we had my good friend, the gentleman from Illinois (Mr. YATES) and one of the leading doves in the House, who never wanted to give anybody anything in a military way that I know of, and now he wants to kick the President and the Secretary of State to have them give more planes to one side in the Middle East. Apparently he does not want to leave it up to them to decide what will hold the balance there. He wants us to do it. There is where we can get into a real war, with the first team over there, into world war III.

Then we have my good friend, the gentleman from Pennsylvania (Mr. DENT) and I sympathize with a great deal of what he says. I really do.

But I should like for him to explain to me how he is going to create competition and create jobs by making the discrepancy between us and the other fellows even greater by raising the minimum wage.

So I believe we have had a little irony in the debate this afternoon, and it is a really interesting experience to sit here and listen to all these distinguished gentlemen.

Mr. ROONEY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am intrigued by such forceful remarks as those of the distinguished gentleman from Indiana. He has just convinced me with regard to my vote on this pending amendment, particularly after what he had to say about a Member who I believe is not presently in the Chamber—I am not sure—and the distinguished gentleman from Pennsylvania (Mr. DENT). He has just fully convinced me that I should vote for the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

The question was taken; and on a division (demanded by Mr. DENT) there were—ayes 70, noes 49.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 113. None of the funds appropriated or made available pursuant to this Act may be used to provide assistance, except assistance relating to refugee relief and rehabilitation and humanitarian relief, to India and Pakistan while these countries are involved in armed conflict with one another, unless the President determines that the furnishing of such assistance is important to the national security of the United States and reports within thirty days each such determination to the Congress.

AMENDMENT OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PELLY: On page 10 after line 21 insert the following:

"SEC. 114. No part of any appropriations contained in this Act may be used to provide assistance to Ecuador, unless the President determines that the furnishing of such assistance is important to the national security of the United States and reports within 30 days such determination to the Congress."

Mr. PASSMAN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. PELLY. Mr. Chairman, this is a very simple amendment in the form of a limitation to the bill so that Ecuador would not get foreign assistance.

Existing laws, including the Foreign Assistance Act, have sought to deter illegal seizures and heavy fines on our tuna fishing vessels, but these laws have been discretionary and the Department of State refuses to carry out the will of the Congress. Since January of this year Ecuador has seized more than 52 of our tuna boats and fined them more than $2 million to obtain their release.

As the Members of the House know, the Fishermen's Protective Act provides that the amount of these fines if not reimbursed by a seizing nation shall be deducted from any allocation of U.S. foreign assistance to such countries. But, the State Department, since this provision was added to the law, has never filed a claim with a country that has seized our boats and thereby under their interpretation of the language of the law they have never been compelled to deduct these fines from U.S. foreign aid.

Mr. Chairman, since our executive branch refuses to carry out the will of Congress, I would hope that Congress would take this means to exert its will.

Mr. Chairman, I have proposed to cut off foreign assistance to Ecuador because, as I said earlier, she has collected over $2 million in fines this year from our fishing vessels, all of whom were fishing on the high seas in international waters.

I urge the adoption of my amendment.

Mr. Chairman, I yield first to my colleague on the Committee on Merchant Marine and Fisheries, the gentleman from California (Mr. ANDERSON) with whom I collaborated closely in trying to protect our tuna fishing industry.

Mr. ANDERSON of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of my colleague, Mr. PELLY, and I fully endorse his remarks regarding aid to the pirate nation—Ecuador.

Ecuador has continually violated international law by seizing our fishing vessels, by assessing fines totaling over $2 million in 1971 alone, and by endangering the life, limb, and livelihood of American fishermen.

If stringent action is not taken by the Congress, we will not only continue to subsidize piracy, but we will be inviting other countries to take advantage of this "back door foreign aid." Meanwhile, our fishing fleet, realizing that the Federal Government will not back them up, is in danger of being driven from the seas.

Many of you know of the piracy that is taking place, but are you aware of the aid that has been proposed for the pirate nation?

According to House Appropriations Committee hearings, the administration has recommended the appropriation of $25.6 million in military, economic, and other assistance programs to Ecuador for fiscal year 1972.

I recognize that the authorizing and the appropriating committees have cut back somewhat on the President's proposals.

But, if we appropriate only half of what the administration requests, then $12.5 million would be available to the State Department to dole out to Ecuador at its own discretion.

For fiscal year 1971, for example, the administration has actually released $5.7 million in loans, grants, and assistance for Ecuador. In fact, one of the grants, the malaria program—totalling $750,000—was released on June 23, 1971; only 70 days prior to this grant, the Ecuadorian Navy seized our fishing vessel, the *Caribbean*, and assessed a $74,160 fine.

According to hearings conducted by the House Appropriations Committee, the economic aid program for Ecuador is "under review," but funds via the pipeline are continuing at the amount of $3.7 million in fiscal year 1971, and the same amount is proposed again in fiscal year 1972.

In addition to direct foreign aid, we also participate in the Inter-American Development Bank which recently approved loans of $27.7 million for Ecuador development. These loans are to be paid back at 3¼ percent interest and, according to the November 29 Wall Street Journal, $8.8 million of the loan is interest-free for 50 years.

Mr. Chairman, this amendment allows the President to waive the provisions of this section when he determines that such a loan or grant may involve the security of our country.

In closing, Mr. Chairman, I recognize the commendable action of the Appropriations Committee, but I am unalterably opposed to U.S. tax dollars going to a country which disregards international law by illegally seizing vessels owned and manned by the same taxpayers who put up the money for foreign aid.

Mr. PELLY. Mr. Chairman, I yield next to the gentleman on this side of the aisle, Mr. Bow.

Mr. BOW. I thank the gentleman for yielding. I only ask him to yield for a question.

I thought this was the law now under the Hickenlooper amendment. What is the difference betwen this and the Hickenlooper amendment?

Mr. PELLY. This is a limitation so that no money can be allocated to Ecuador. Under the Hickenlooper amendment, as I understand it, there is discretionary power to interpret this by the State Department. They are again misrepresenting the will, as I see it, of the Hickenlooper amendment in stopping all aid to a nation that seizes American property.

Mr. BOW. As I understand it, under the gentleman's amendment, if the gentleman will yield further, it gives the right to the President to make the determination personally.

Mr. PELLY. That is right.

Mr. BOW. There is not much difference between the President's determination and the Secretary of State's determination, since he is in the Cabinet of the President. It seems to me what we are doing here is having a repetition of what we did before with the Hickenlooper amendment.

Mr. PELLY. I would say in this case it is a limitation on an appropriation bill and not a part of the authorization.

Mr. BOW. It is not an authorization. It is just that the Hickenlooper amendment is the law today, as I understand it.

Mr. PELLY. As I understand it, in the case of the Hickenlooper amendment, the State Department twisted the meaning of it to provide that while there is a court suit on they do not have to enforce it.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PELLY was allowed to proceed for 5 additional minutes.)

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Washington yield to me?

Mr. PELLY. I am going to yield next to the gentleman from Michigan (Mr. DINGELL), because he was on his feet.

Mr. ROONEY of New York. Well, of

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course, I am a member of the committee, I must say to the distinguished gentleman from Washington.

I merely wish to ask the gentleman a few harmless questions, previous to which I would state that I am thoroughly in favor of the position which has been taken by the gentleman from Ohio (Mr. Bow).

Is not the distinguished gentleman offering this amendment in behalf of those poor, downtrodden tuna fish corporations out on the west coast, which have had their tuna boats seized by Ecuador and for which my taxpayers back in Brooklyn are required to pay their fines, to reimburse them for every fish they did not catch, as well as for every expense of the vessel and everything else, and now you want us to go to war with Ecuador over these poor corporations?

Mr. PELLY. Mr. Chairman, this amendment is designed to protect the American taxpayer. Instead of having the Treasury reimburse these fishermen, it is to provide that the Treasury is reimbursed.

Mr. ROONEY of New York. Mr. Chairman, if the gentleman from Washington will yield further, it is not my feeling that the gentleman by offering his amendment is going to help my taxpayers in Brooklyn.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to a member of the Committee on Merchant Marine and Fisheries.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, I want to commend my colleague, the gentleman from Washington (Mr. PELLY), for introducing this amendment.

Our committee for a number of years has worked on this business of seizures. This year there have been 52 American vessels seized on the high seas by Ecuador. The seizures have cost American citizens and the American Treasury over $2 million. Not only have we seen this high cost, but we have seen the indignities foisted upon our people as far as 200 miles from the South American coast. We have witnessed actions like the strafing by aircraft, the stealing of property, threats to the physical well-being of our American fishermen lawfully fishing on the high seas.

We have had the State Department before our committee time after time to explain what they are doing to protect the American fisherman on the high seas, and I must tell you that the display of the State Department in defense of what they are supposed to be doing is truly pathetic and totally inadequate.

Mr. Chairman, the amendment is a good amendment. It is the only way we can bring order out of this chaotic situation.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from New York.

Mr. DOW. I cannot say that I am in favor of the gentleman's amendment. It seems to me that this is a question of rights on the high seas.

Mr. PELLY. Well, I would say to the gentleman from New York that the international law on the sea is very clear. Under international law a coastal state has sovereignty to a territorial sea which goes 3 miles from shore. There is a fishing zone claimed by many nations, including our own, which goes 12 miles from the shore, and the rest is international waters.

Mr. DOW. Mr. Chairman, if the gentleman will yield further. This morning I attended a hearing conducted by Secretary Morton of the Interior Department with reference to the oil deposits that lie off the Continental Shelf of the United States, and beyond, to the distance of a great many miles far beyond the 12-mile limit. The United States not only proposes to exert jurisdiction there, but also to sell these rights for dollars.

Mr. PELLY. If the gentleman would permit, under international law—the convention on the law of the sea—the Continental Shelf; that is, the seabed to a depth of about 600 feet, belongs to the coastal state. That is, our Continental Shelf areas belong to this Nation under international law.

Mr. DOW. It seems to me that every nation interprets this to its own advantage.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for his amendment and I support it. But the fatal defect of the amendment is that it gives discretionary power to the President.

Mr. PELLY. Only on account of national security.

Mr. GROSS. Well, under those circumstances——

Mr. PELLY. And the President has to report to Congress within 30 days.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I think the greatest defect of the amendment is the fact that I know of no aid that Ecuador gets under this bill.

Mr. PELLY. It is contained in the report. I would say that if the gentleman would read the report on the bill we are considering, the gentleman would see listed the aid to Ecuador in 1971.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Louisiana.

Mr. PASSMAN. It is not specifically earmarked for Ecuador, because these items are made available on an illustrative basis. Therefore, we do not know whether they will be one of the recipients.

Mr. PELLY. That is right. I want to assure that Ecuador does not receive U.S. assistance.

The CHAIRMAN. Does the gentleman from Louisiana insist on and desire to be heard on his point of order?

Mr. PASSMAN. I do, Mr. Chairman, and I do so reluctantly, because there is a lot of merit to the amendment offered by the gentleman from Washington (Mr. PELLY), but I think it would impose additional duties upon the President. I believe it would be subject to a point of order. I shall not press the point further, or elaborate at length, but ask for a ruling.

The CHAIRMAN (Mr. PRICE of Illinois). Unless the gentleman from Washington desires to be heard the Chair is ready to rule.

The gentleman from Washington (Mr. PELLY) submitted an amendment to limit the funds available in this bill to Ecuador, contingent upon a decision and a report to be made by the President of the United States. The key words of the amendment are: "unless the President determines and reports within 30 days to the Congress." Obviously, in the opinion of the Chair, that is legislation on an appropriation bill. Therefore the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. VAN DEERLIN

Mr. VAN DEERLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN DEERLIN: On page 10 after line 21 insert the following:

"SEC. 114. No part of any appropriations contained in this Act may be used to provide assistance to Ecuador.

Mr. VAN DEERLIN. Mr. Chairman, I am indebted to my colleague, the gentleman from Washington (Mr. PELLY) for providing the basis for this amendment. All that I have done is take out the portion that proved objectionable to the chairman, the gentleman from Louisiana (Mr. PASSMAN).

For years, the State Department and the executive branch have been giving as their explanation for refusing to do anything about these attacks on our citizens that Congress does not mandate action. It is because we always put in these slippery provisions which give AID, the State Department, or the White House the opportunity to get out from under.

Therefore, I think if we expect to have guidelines, we are going to have to provide them.

Under the terms of my amendment, we will tell Ecuador, in no uncertain terms, that regardless of development loans that were canceled last January, regardless of the withdrawal of our military aid mission last February, we do not intend to see similar sums included in new appropriations. The message will be clear that they can expect no aid until and unless this piracy on the high seas is ended.

The gentleman from New York (Mr. ROONEY) has spoken very feelingly of his constituents in Brooklyn. I must speak just as feelingly of my constituents in San Diego. I cannot go on explaining to the people how in Congress we can provide funds, how we can provide surplus naval vessels on loan, how we can provide continuing military and economic assistance to a nation which shows no regard for the American flag, or for American citizens plying their trade on the high seas.

I hope that my colleagues will join me in determining this matter once and for all in language so clear that even the Secretary of State can understand it.

Mr. SCHERLE. Mr. Chairman, I move to strike the last word.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. Of course, I will yield to my colleague and friend, the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I thank the gentleman for yielding, and I simply wanted to ask the gentleman from California (Mr. VAN DEERLIN), who offered the last amendment, if he would accept an amendment to his amendment that would prohibit the tuna trade from paying the fines to Ecuador?

Mr. VAN DEERLIN. Mr. Chairman, if the gentleman will yield, that would involve legislation, and I do not want to get into legislation on an appropriation bill.

Mr. SCHERLE. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from California, for the simple reason that my complaint is the same as his.

It seems to me that the Congress, the body in which we serve, cannot seem to make the State Department or the rest of the executive branch pay attention to exactly what we mean by our present law.

I refer to the Hickenlooper amendment, mentioned earlier by my chairman. Ladies and gentlemen, let me give you a little rundown so far as this amendment is concerned.

Since 1960 we have 24 countries of the world that have confiscated property from the United States and/or its citizens.

At the present time, we have 18 countries that still have property belonging to the American people and they have made no fair offer of compensation. Some of these countries have held this property completely unresolved for the last 5 years.

The only time the Hickenlooper amendment has been invoked was against Ceylon in 1963.

I understand that a Senator from Nevada (Mr. CANNON) is trying to change the present law and put some teeth into it. I will support the concept of this amendment when it reaches this side of the rotunda. It is high time that this House make it plain that we mean what we say; that we do support the property and the investments of our citizens in other countries. The Hickenlooper amendment should play an important role if this property is confiscated and we expect fair remuneration or our Government should suspend foreign aid. Up until now—this has not been done as much as it should.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I am happy to yield to my distinguished chairman.

Mr. MAHON. I think it is rather obvious here that the House will adopt this amendment.

Of course, it is true that we must defend the rights of American citizens and it is true that we resent attacks on the high seas and we resent the confiscation of American property.

So I would hope in the interest of time that we might have a vote on this amendment which, as I say, will obviously be adopted.

I think the gentleman has made a good contribution by his remarks.

Mr. SCHERLE. I thank the chairman of the House Appropriations Committee for his kind remarks.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the chairman of the subcommittee who I know has worked very diligently on this bill.

Mr. PASSMAN. Of course, I have no objection to this amendment and as an individual Member on the Committee on Appropriations, I shall vote for it.

Mr. BOW. Mr. Chairman, I should like to make it very clear and advise the gentleman from the replies the gentleman made, I thought it was legislation on an appropriation bill—it is almost the same language he had in his amendment and I will support this amendment.

I think it should be pointed out that American taxpayers have been called upon to pay millions and millions of dollars to Ecuador for fines. You are not eliminating the real situation here with this amendment. You are simply limiting the funds in this bill, but you still have millions of dollars being paid out of the Treasury of the United States to Ecuador in fines that are paid by the taxpayers for these private corporations to go down fishing in that area.

I think the House should realize this when they vote on this amendment. I am going to support this amendment. I think it is a good amendment. But I think we should be giving consideration also to the protection of the taxpayers of my State and the State of Iowa—and their tuna fishing out there and in other areas of the country. We should be giving consideration to the fines that are going to Ecuador at this time which is money going down through the backdoor.

Mr. HAYS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to read something that is on both the AP and the UPI ticker tape and to ask the chairman a question after I read it.

It says:

Top level bureaucrats are dining well at cut rates in heavily subsidized executive lunch rooms, sometimes sipping free liquor from confiscated Government stocks.

Then it goes on—and I will not read all of it—but it goes on to say:

Mrs. Smith, over in the other body—"said Wednesday the General Accounting Office gave her that report on the average cost, and the average tab, that Government executives are paying for lunch in the special executive lunch rooms."

The GAO study covered five Federal agencies, and Mrs. Smith reported these findings.

Now listen to this—at the Department of Transportation, executives paid an average of $1.51 a meal for the lunches which cost the Government an average of $16.06.

I never had a $16 lunch. I cannot imagine what is in it.

At the Treasury the average tab was $2.45, and the average cost was $14.31. The average luncheon tab at the Justice Department, Mr. ROONEY, was $1.66, and they were pretty modest. The average cost was only $7.10 to the taxpayer. The National Science Foundation was the cheapest outfit of all. They paid $1.25 for an average cost of $3.55. The Interstate Commerce Commission did even a little better than that. They paid $1.94 for a $3.53 cost.

My question is, Mr. PASSMAN, Do they have an executive lunch room down at the foreign aid outfit and, if so, how much are we subsidizing them?

Mr. PASSMAN. I appreciate the gentleman's comments in regard to costs of luncheons in executive dining rooms. I have not had opportunity to examine the details of the study of the General Accounting Office, and I do not know exactly what has been included in the total costs which have been referred to. I have never been down to the headquarters, but promptly after sine die adjournment I shall pay them a visit to find out what they pay for their lunches and what it costs.

Mr. HAYS. The press has been making a big to-do about losses in the House restaurant, which might run about 5 cents a meal, on the average, and we are trying to cut that down. Of course, they do not say anything about how much the average loss is over in the other body, but last year it averaged about $6,000 a Senator. Maybe it would be cheaper to give them that money and have them eat downtown.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. VAN DEERLIN) which would cut off all economic and military assistance to Ecuador, because of their continued seizures of U.S. fishing vessels.

This country has continued to seize our vessels with impunity. Our ships are operating in international waters, but just do not happen to be outside the 200-mile limit set by the Ecuadorean Government. This is a violation of international law, but as long as they can get away with seizures of U.S. ships they will continue to do so.

The Ecuadoreans see the United States for what it really is—good old Uncle Sap. They know the foreign aid will keep on coming regardless of what they do to the U.S. fishing interests. What is more astounding is that they are seizing the vessels with ships supplied to them by the United States.

Until Equador and its neighbor Peru are made to suffer for their illegal acts they will not stop. What is more, there will be no hope of negotiating a new international fisheries limit as long as Equador can continue to set its own limit and enforce that limit—albeit illegally.

How can we continue to provide economic and military assistance to such a country. Clearly Equador shows no respect for international law. And surely there is no respect for the United States and its laws. Yet apparently our foreign

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aid program has reached such depths of international masochism that we are willing to pay for a periodic slap in the face.

I and many others in this body have spoken out against the seizure of ships time and time again. The President has the authority to cut off aid, but he has not exercised it. It is now up to this body to take the necessary action.

This amendment will help put a stop to a ridiculous aspect of our foreign aid program. It deserves the full support of this body.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have a high regard for both the gentleman from the west coast, the sponsor of the original amendment, which was ruled out of order, and my distinguished colleague from California who offered the pending amendment. Representing an east coast State, whose fishermen, have had serious problems over fishing rights with our Western Hemisphere neighbors, I want to get on record why I am going to vote against the amendment. I will admit that the temptation is extremely great because of the onerous burden which our fishermen bear and because of the natural inclination to take strong action to get at the problem.

If I thought that the proposed amendment was the right way to get at the problem—by getting even with the people of a country—then I would support the amendment. But unfortunately it does not do that. The law of the Sea Conference, in which the United States lost its position by one vote several years ago, attempted to resolve the whole question of sovereignty among nations on the rights of the sea and the seabed. The U.S. position did not prevail and the Conference came to no resolution. The nations are going back again in 1973 and try to resolve the differences of opinion on sovereign rights, territorial limits, the high seas and related questions. Will the limit be 3 miles, 12 miles, or 200 miles. Our Latin neighbors feel very strongly about their sovereign rights, and many of them, are claiming 200 miles out to sea. We do not agree with that position. They think it is a right of sovereignty to determine the limit off their coast just as we think it is a right of sovereignty off our coast.

So we have had a real impasse. It has not been easy for our State Department to attempt to resolve this difference of opinion. It is a very real and deep difference with strong emotional overtones. We tried negotiations at a four-country level. We have tried bilateral negotiations. We have tried negotiations at an international level.

On one thing we can be quite sure. I think we all agree it would do very little good to accelerate the dispute by putting another factor in front of our possibility of settlement. Do we serve the long-range interests of the United States in trying to arrive at an international arrangement by pegging that effort on the action of this amendment which only serves to further divide the disagreeing countries? I think not. Our action will only be interpreted as economic pressure against a small country in order to impose U.S. position on a question of sovereignty.

Our State Department tomorrow—I believe it is tomorrow—is sending a high level delegation to Ecuador to follow up the discussions which took place by President Nixon's personal counsel, Robert Finch, with the President of Ecuador on this question. Assistant Secretary of State Mr. Meyer and other people from the Department are going. There seems to be today a better opportunity to try to resolve a bilateral approach toward this problem now looking toward an eventual permanent solution.

I am convinced, after long years of study, that the only permanent solution will be an international convention. But pending a temporary or permanent solution do we cut off aid to every country with whom we disagree in Latin America? I do not think that solves our problems nor does it serve the long-term interest of the United States which seeks a peaceful, cooperative, and prosperous hemisphere. It may satisfy our frustration on the fisheries question. I do not deny that. It may make us feel good to say that the United States got even with them by cutting off aid. But I believe in the long-range interest of the United States, this is the wrong way to get at it, even though it is a perplexing, frustrating, and maddening problem.

I am convinced what we have got to do is to continue to make every sincere effort, as we are now trying to do, not only with Ecuador, but with other countries, to arrive at a modus vivendi with respect to the fisheries problem, so that we and they can fish until such time as the sovereignty question is resolved by agreement. Either that or we will have to go to war over the whole issue. I would hope we could do it by international convention or bilateral arrangements.

Mr. LONG of Maryland. Mr. Chairman, how do we get agreement unless we have some leverage? And would this not provide some leverage?

Mr. FASCELL. To answer the gentleman, there is ample leverage if we want to do it, and we can do it without having to write it in the legislation.

Mr. LONG of Maryland. What kind of leverage would the gentleman suggest?

Mr. FASCELL. I am not suggesting any. There is ample leverage available to the administration any time they want to use it.

Mr. LONG of Maryland. I just want to know what the leverage would be. I want to understand it before I vote on this.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, this amendment would remove an existing incentive that the Latin Americans have to seize our vessels. If we could deter seizures, perhaps we would even stop some of the seizures occurring with the shrimp boats the gentleman was talking about.

Mr. FASCELL. If I thought the gentleman's logic was correct, then obviously I would support the amendment.

I do not think this amendment will stop the seizures at all, but it will anger our neighbor and aggravate the possibility of solution.

Mr. Chairman, I intend to support the foreign assistance appropriation bill, but I want to take this opportunity to express my dismay over the attitude which the Appropriations Committee has shown in so sharply curtailing programs designed to assist our hemisphere neighbors.

Mr. Chairman, as counterproductive to the U.S. policies and interests in Latin America as I believe the rhetoric of the committee's report to be, far more significant are the deep cuts made in every aspect of the bill which deals with the Western Hemisphere.

Alliance for Progress technical assistance is cut from the $130 million recommended by the President to only $75 million.

Alliance development loans are slashed from the $235 million requested to only $150 million.

None of the $261.8 million requested by the President for the Inter-American Development Bank is included; thus, putting the United States in default on its funding commitment to the Bank previously authorized by the Congress.

After reading the "general statement" in the committee's report and reviewing the figures in the bill, it is hard to escape the conclusion that the committee is determined to punish all the people of Latin America for what the committee views as the incorrect policies of a few Latin American governments.

I feel strongly that the Senate, when it takes up this bill, should restore at least a portion of the funds requested for the Alliance for Progress and provide for fulfillment of the U.S. commitment to the Inter-American Development Bank.

ALLIANCE FOR PROGRESS

On page 18 of the Appropriations Committee's report, the fiscal 1972 loan program for Latin America is currently pegged at $310 million. In addition, however, according to figures submitted to the Committee on Foreign Affairs this past summer, the administration had projected $100 million in loans for Latin America which it had hoped to finance with borrowing authority—authority which our committee and the Congress have refused to grant to the President.

Thus, the total of loans proposed for the Alliance for Progress for fiscal year 1972 really amounts to over $400 million.

Against this requirement, the Committee on Appropriations has recommended new obligational authority of only $150 million.

In addition to that amount, the Agency for International Development will have available $75 million in receipts and recoveries of prior year funds.

That total will be barely sufficient to fund one-half of the program.

The sum of $47.5 million of the reduction should be restored in order to bring the appropriation up to the level of the authorization approved by the House on August 3.

Latin America, with its 270 million people, is facing a tremendous challenge: It will either succeed in its developmental undertakings or chaos may well envelop the southern half of our hemisphere.

During the past 10 years, under the Alliance for Progress, Latin America has made important strides in creating the conditions, and meeting the prerequisites, for future progress.

This, however, was just the beginning. It was important, it was necessary, but it was limited in its impact on the lives of the majority of the people of Latin America.

Now Latin America must build on that base. And to do so, it needs resources—seeds and fertilizers, machinery of all kinds, modern technology and other elements of economic and social progress.

That is what our Alliance for Progress loans buy—and buy right here, in our own country, where the unemployment rate is back up to 6 percent and where each dollar of exports financed with foreign aid means work for American labor, profits for American industry, and economic improvement for our entire society.

I am not, however, urging increased funding simply to help our faltering domestic economy.

I do so because I firmly believe that the future of our country—the well-being and the security of generations of Americans to come—will be profoundly influenced by what happens right here in our own hemisphere: How we work together in solving the problems of our hemisphere and in realizing its great potentials.

Some people do not view the future in that way.

Some people seem to believe that our Nation's prospects will be determined by the strength and durability of the great gothic power arches which are rising between Washington and Moscow, and Washington and Peking.

I prefer to believe that what happens in our own backyard—right here in this hemisphere—will be more significant in terms of the kinds of lives our children will lead than all the treaties and power deals between the superpowers.

For this reason, and bearing in mind how large is the gap between promise and performance of the present administration with respect to Latin America, that I remain hopeful that the Senate will act in restoring a portion of the funds cut from the Alliance for Progress.

INTER-AMERICAN DEVELOPMENT BANK

Mr. Chairman, beside providing an increased amount for the Alliance for Progress, I believe that it is just as important that the Congress provide in this appropriations bill at least $211.8 million for the Inter-American Development Bank. This must be done for at least two reasons. First, it would insure that a pledge made by the United States to its hemisphere neighbors would be kept. Second, it would enable the Inter-American Bank to continue its important task of supporting development in Latin America and the Caribbean.

In April 1970 the United States agreed, along with all other members of the IDB, that it was essential to increase the Bank's capital in order to allow the Bank to continue making new loans. As our part of this mutual agreement, the President requested and the Congress authorized an increase in the U.S. contributions to both the ordinary capital of the Bank and its Fund for Special Operations, the so-called soft window.

In December 1970 the Congress authorized a total of $486,760,000 as the first of three annual installments designed to fulfill the U.S. commitment. The Congress has already appropriated $275 million pursuant to this authorization. An additional appropriation of $211,760,000 is needed if the United States is to complete its initial payment originally due last June 30. The Board of Governors of the Bank at the request of the United States has extended this deadline to December 31 of this year. Thus this appropriation bill is the last opportunity the Congress will have to make good on our pledge to the IDB.

Why must we fulfill this commitment right now, especially in view of our own domestic difficulties? The answer is simple but compelling. The Bank is about to run out of funds with which to make new loans. It is not going broke; it will be able to meet its commitments. The Bank just will not be able to loan any new money on the many worthy proposals whose applications are nearing approval. The impact of a delay in providing this money was clearly underscored earlier this year in a speech by the Bank's new president, the Honorable Ortiz Mena. He said:

> Delay in implementing this increase would create serious problems in programing the Bank's activities and in maintaining its image as a solid financial institution, the importance of which is obvious.

If we wish to lash out at our friends with whom I believe our future lies then we can simply let this bill become law with no funds for the Inter-American Bank and these sharp and undeserved cuts in our support for the Alliance for Progress. If we truly care about building a better life for the people of this hemisphere, including ourselves, then I believe that we must use this bill as only a begining—hoping that the Senate will add funds vital to all the Americas.

Mr. PASSMAN. Mr. Chairman, if we do not get to the vote, we cannot vote down the amendment. I wonder if an agreement can be reached to close the debate on this amendment in 2 minutes.

Mr. Chairman, I ask unanimous consent that debate on this amendment close in 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am going to support this amendment. This business of seizing American ships and cargoes on the high seas has been going on under several Presidents and for a number of years. I await the day in this country when we can get a President of the United States who will say, as one American did at one time in the history of this country:

> Millions for defense, but not one cent for tribute.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I happened to have been one of the advisers at the late meeting of the law of the sea which has been referred to, in which this country lost the position it sought to establish by one vote. I know the frustrations the fishermen are up against, because before coming to Congress, I was executive officer of the California Division of Fish and Game. I had occasion there to learn of this firsthand.

But I wonder if doing it this way is the right way. I am inclined to agree with the gentleman from Florida. If we do not solve this problem through mutual understanding, as I see it, some day we are going to divide the seas for fishing. We have got to do it. It has got to come to that. If we do not do it in that respect, the harassment can continue, and, for the benefit of my friend, there is only one other way to do it, and that is to go to war, just as we went to war with the pirates at that time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. VAN DEERLIN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $510,000,000.

Mr. CELLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not fully satisfied with this bill, but I am agreeable to it because it is probably the best that could be obtained under the circumstances as they exist.

I just want to say a few words about the aid to Israel.

Where the light of liberty burns we liberty-loving people should nurture that light. The only place where the light of liberty burns in the Middle East is Israel. We must nurture that light as much as we possibly can. Nurture means plentiful economic and military aid.

I do not believe the bill affords that. More could be done. More should be done. Nonetheless, I realize the predicaments and the limitations that beset the chairman of the committee, the distinguished

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gentleman from Louisiana (Mr. PASSMAN), and his cohorts who are members of the subcommittee. They have done the best they can.

I say the bill does not go far enough. It should have gone even further. For example, in the other body I believe 82 Members cosponsored a resolution asking the administration to send the so-called Phantom jets to little Israel, and I believe 274 Members of this body likewise cosponsored an identical resolution. So a preponderating majority of the Members of this Congress requested the President to send those Phantoms to Israel. But those Phantoms have not been sent. The President's indecision in this regard indeed is past understanding.

We hear much about so-called equality of arms. That is an old bugaboo. I have been here for many years, and ever since there was a State of Israel, and we have always heard the defense, "Well, there is inequality of arms as to Israel. Israel is superior. Therefore, we must wait before sending any sophisticated weapons or armaments to Israel."

We have heard that ad nauseam. It is time to call a halt in that regard. There is an old saying, "In the street of by-and-by stands the hostelry of never." If we continue to have this procrastination and this delay at the White House, Israel will never get the weapons she desperately needs for her defense.

She needs them because she faces 100 million enemies. Here is a little nation of 3 million, beset by vast numbers of Arabs who have the knife at her jugular vein.

Israel has no material resources. She has no steel. She has no bauxite. She has no copper or lead. But she does have spiritual, cultural, and esthetic values, values that are ineluctable, values that are imperishable. She has a determination, a determination as firm as a rock one holds in his hand.

She has exultation. One sees it on the faces of all the people there, whether it be the barmaid or the taxicab driver. She has an exultation that is as fierce as a streak of lightning; you see the exultation everywhere in Israel. She has a wondrous faith—faith in herself, in her flag, and in her country. In the language of Browning, faith can often move mountains. She has a courage that is as scintillating and as brilliant as the stars above.

Yet, despite those immaterial resources, she needs arms. I hope indeed light will descend on the White House and those Phantoms will be sent. We are told that the Phantoms will be sent on the condition that little Israel accepts dictator terms, more or less dictated by the vanquished. This is the first time in history—and I know history—where the vanquished dictate the terms to the victor. That is a very unhealthy situation. If little Israel allows soldiers to straddle the Suez, she invites her own destruction.

In the meantime, the U.N. Assembly would seal her doom. What kind of fair or just decision awaits Israel, there, when over 50 nations of the U.N. refuse even to recognize her existence. Despite some misgiving I hope the bill will pass.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—FOREIGN ASSISTANCE (OTHER)

FUNDS APPROPRIATED TO THE PRESIDENT

PEACE CORPS

SALARIES AND EXPENSES

For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, $60,000,000, of which not to exceed $24,000,000 shall be available for administrative expenses.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 11, line 9, strike out "$60,000,000" and insert "$68,000,000".

Mr. CONTE. Mr. Chairman, the amendment I am offering would add an additional $8 million for the Peace Corps to ward off a threatened termination of the entire program. Such a termination would be a tragic calamity and certainly would invite shame and derision upon the United States.

Let us briefly examine the effect that the Foreign Operations Subcommittee's inexcusable slash in the Peace Corps' budget would have on its operations.

An appropriation of $60 million at this point in the fiscal year would force cancellation of all Peace Corp programs.

A reduction to $70 million would immediately cancel the Peace Corps programs in 15 countries having 1,990 volunteers. Such a reduction would also force the immediate recall of two out of every five volunteers remaining in the other 40 countries currently connected with the Peace Corps.

Moreover the reduction to an authorization level of $77.2 million from the administration's request of $82.2 million has already required serious reductions. These reductions come at a time when Peace Corps applications and host country requests have increased for the first time in 5 years. I will include a detailed breakdown of the effects these reductions will entail at the close of my remarks.

My amendment would help repair some of this damage. And hopefully the Senate will see fit to mandate further repairs.

Dollar for dollar, few, if any, programs can offer the rewards in good works and good will that the Peace Corps has reaped for this Nation in the relatively few years of its existence.

At a time, Mr. Chairman, when so many Members of this body and so many people across the Nation are speaking longingly for peace, can we not afford $68 million for peace?

At a time when so many of our national leaders are exhorting the youth of this country to work within the system to improve it, can we afford to start blocking one of the few avenues that are open to them to follow this course?

And at a time when the Peace Corps is moving in new directions long advocated by many in this body, can we afford to emasculate its efforts to provide others around the globe the skill and the knowledge which we have acquired through the years?

Over the past 10 years, the Peace Corps has been the channel through which 48,000 volunteers have contributed their services to the developing countries of the world. We must not answer this unprecedented showing of good will and faith in humanity by abruptly terminating this invaluable program.

I urge the adoption of my amendment.

Mr. Chairman, I include the following:

EFFECT OF APPROPRIATION REDUCTION ON THE PEACE CORPS

1. The Peace Corps operated at a level of $85 million in FY 1971.

2. The Administration requested $82.5 million for FY 1972.

3. The authorization bill has been passed by the Congress for $77.2 million.

4. The House Appropriations Committee has recommended an appropriation of $60 million.

5. An appropriation of $60 million at this point in the fiscal year would force cancellation of all Peace Corps programs (attachment 1).

6. A reduction to even $70 million would immediately cancel the Peace Corps programs in 15 countries with 1990 Peace Corps Volunteers and also immediately bring home two out of every five remaining volunteers (1,937 out of 5,100) in the other 40 countries (attachment 2).

7. The reduction to $77.2 million in authorization from the administration's request of $82.2 million has already required serious reductions (attachment 3).

8. These reductions contrast with increases in Peace Corps applications and host country requests for the first time in 5 years (attachment 4).

ATTACHMENT 1—EFFECT OF $60 MILLION APPROPRIATION FOR THE PEACE CORPS

The Peace Corps cannot be operated for $60.0 million for the remainder of the fiscal year.

	Millions
Obligations through October 31	$30.2
Estimated obligations through February 29 [1]	23.1
Unavoidable costs	53.3

Alternate No. 1: Continue volunteers and staff through June 30 without new input—$72.7 million.

	Millions
6,700 volunteers (average) @ $1,400	$9.4
Overseas staff	3.4
Washington support	6.6
	19.4
Unavoidable costs	53.3
Minimum required	72.7

Alternate No. 2: Bring home all volunteers and staff (terminate all Peace Corps Programs)—$62.4 million.

	Millions
7,500 Volunteers @ $500	$3.8
311 Overseas Staff	1.7
Washington costs [2]	3.6
	9.1
Unavoidable costs	$53.3
Minimum to abolish Peace Corps	62.4

[1] The earliest date on which major changes in direction could become effective.
[2] Assumes all Washington operations phased out by April 30.

ATTACHMENT 2—EFFECT OF $70 MILLION APPROPRIATION FOR THE PEACE CORPS

The Peace Corps would be drastically curtailed at a level of $70 million.

	Millions
Obligated through October 31st	$30.2
Additional estimated obligated through February 29	23.1
Unavoidable costs	53.3

The remainder of $16.7 million requires a drastically reduced program.

	Planned level	Reduced cost	Reduction
Total	$77.2	$70.0	$7.2
Training	13.3	10.8	2.5
Volunteer	31.5	28.1	3.4
Overseas staff	16.0	15.2	.8
Washington support	16.4	15.9	.5

This reduction would require:

1. Elimination of the Peace Corps program in 15 countries which brings home 1990 Volunteers.

2. Bringing home two out of every five Volunteers in the remaining 40 countries (1,937 of 5,100 Volunteers).

3. Elimination of 182 people required for programming, recruiting, and supporting activities necessary to the on-going Peace Corps program.

4. Total abrogation of County Agreement with 15 nations and reneging on project agreements with 40 other countries.

ATTACHMENT 3—REDUCTION ALREADY INCURRED TO REACH $77.2 MILLION

	Millions
Administration Request	$82.2
Increase in Volunteer strength from lower attrition and increased extension	+3.4
Incurred Requirement	85.6
Reduction in trainee input from 5,800 to 5,000 ($4,000 per trainee)	−3.2
Reduced length and scope of training	2.1
Elimination of pre-invitational selection and orientation program for 2,000 applicants	−.6
Reduction of overseas and Washington supporting staff by 80 man years	−1.8
Curtailment of travel, vehicle utilization, and support costs	−.7
Total	77.2

ATTACHMENT 4.—3-YEAR SUMMARY OF PEACE CORPS, VITAL STATISTICS 1970–72

	Authorized fiscal year	Appropriation fiscal year	Staff as of June 30	Countries	PCV's as of December 30	Trainee inputs PY	Host country requests-PY	Applications PY
Fiscal year 1970	98.5	98.5	1,032	59	7,692	4,637	5,590	19,072
Fiscal year 1971	94.5	90.0	925	55	6,900	4,849	5,342	[2]6,539
Fiscal year 1972 (estimate)	77.2	77.2	883	[3]55	7,090	5,000	[2]5,487	32,377
Fiscal year 1972 estimate at	70	70	583	[4]40	[4]3,163	3,600	[2]5,487	..
Fiscal year 1971 House appropriation bill	60	60	0	[5]0	[5]0	[6]2,100	[2]5,487	..

[1] As of Dec. 1, 1971 a total of 9 new countries have expressed interest in receiving new programs.
[2] Requests received through Nov. 30, 1971 with additional slight expectation.
[3] Currently (September through November) running 22 percent above previous year comparable period.
[4] March 1, 1972.
[5] Entered pre Dec. 1, 1972.

Mr. Chairman, I yield to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I want to say we on this side have no disagreement to the amendment.

Mr. CONTE. I yield to the chairman of the committee, the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I thank the gentleman for yielding.

Of course, I shall vote against the amendment, but I am not going to oppose it. I ask for a vote.

Mr. CONTE. On the basis of that, Mr. Chairman, I yield back the balance of my time.

Mr. ANDERSON of Illinois. Mr. Chairman, this amendment is quite simple in intent and content and yet its adoption is crucial to the survival of the Peace Corps as we know it. This amendment would increase the committee's request for the Peace Corps to $68 million, from $60 million. Earlier this year the Congress actually authorized an amount of $77.2 million. And I think at this point it should be noted that the authorized amount is some $5 million less than the revised OMB request of $82.2 million, and this has already forced significant reductions in personnel and other costs. And yet the Appropriations Committee would have us slash the authorized amount by another 22 percent. I would submit that the committee recommendation is totally irresponsible because it would force the termination of all Peace Corps programs; even an appropriation of $68 million would force us to close down the Peace Corps in 15 countries and bring home two out of every five volunteers in the remaining 40 countries.

Let there be no mistake about it, Mr. Chairman, the committee recommendation is designed to kill the Peace Corps. The attitude of the chairman of the Foreign Operations Subcommittee is no secret. On page 737 of the hearings he is quoted as saying:

I don't mind telling you I think it is the worst agency in Government.

And on page 811 he is quoted as saying:

If I had to meet my Maker in 3 minutes and the last decision the good Lord would let me make—it would be to abolish the Peace Corps. Then I could die in peace. That is my feeling. I might as well put it in the record.

Well, Mr. Chairman, I just do not think a majority of the Members of this body agree with the distinguished chairman that the Peace Corps is the worst agency in Government; to the contrary, I think most would agree with me that the Peace Corps has been one of the best, and furthermore, that it is getting better in terms of meeting the needs of the developing countries. And I do not think a majority of the Members of this body are ready to go along with the chairman's attempt to abolish the Peace Corps, especially at a time when we are attempting to revitalize the spirit of voluntarism through the new Action agency, of which the Peace Corps is a major component. And I do not think a majority of the Members of this body are willing to turn their backs both on the young people of this country and the peoples of the developing countries—both of whom have benefited so much from the people-to-people contact and cooperation made possible by the Peace Corps.

What justification does the committee give for this substantial reduction in the Peace Corps budget? First, let me point out that the committee report makes no mention of the nearly 6,300 volunteers serving in the field this year, the 6,700 planned for next year, and the 5,800 who will enter training next year in response to requests from other countries. No mention is made of the funds needed to support these volunteers in the field and to train new volunteers. No mention is made of the ramifications of the committee cut both in terms of existing programs and commitments which have already been made for the future. The committee would simply have us default on our promises made to these countries, pull volunteers out of operating programs, and fail to meet our commitments to planned programs next years.

What does the committee report say? It simply says that because the Peace Corps has been terminated in some 14 countries over the years, it must be a failure, and therefore we are justified in emasculating the agency. The suggestion is made at one point in the committee report that the reasons for these terminations is possibly that the agency "does not respond to the basic needs of the host country;" and at another point that "some terminations were brought about because of the bad conduct and behavior of some of the Peace Corps volunteers;" and at another point that "some of these terminations can most likely be attributed to the fact that volunteers are not required to support the policies of our Government as is the case with other U.S. officials working abroad."

Mr. Chairman, I submit that these conclusions about the 14 terminations have

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no basis in fact, and I am referring to the facts contained in the hearings developed by this same subcommittee. On page 734 of the committee hearings, reasons are listed for each of the 14 terminations, and as Director Blatchford pointed out to the committee on page 826 of the hearings:

> Only one country in 1965, Pakistan, gave as their reason the lack of technical skills and confidence on the part of Peace Corps volunteers.

In the other 13 instances, the reasons for termination cannot be directly attributed to the conduct of volunteers or the type of job they were doing. In many instances, the terminations were forced by a change in government, often accompanied by civil insurrection and violence within a country. In some instances, there was simply no longer a need for volunteers because these countries had developed their own personnel to take over these jobs—personnel quite often trained by Peace Corps volunteers. Mr. Chairman, I submit this is nothing to be ashamed of; indeed, it is what the Peace Corps should be all about, that is, helping other countries to help themselves. The job of the Peace Corps should be to work itself out of a job by making it possible for host country nationals to do that job. The success of the Peace Corps should not be measured in terms of how many Peace Corps volunteers we replace with Peace Corps volunteers, but rather, how many Peace Corps volunteers are replaced by host country nationals.

The committee gives no credit for the fact that the Peace Corps is still needed and operating in some 55 countries, and that in the last 2 years four new countries have invited and taken volunteers—and I am referring to the countries of Mali, Mauritius, the Congo, and Malta.

In conclusion, Mr. Chairman, I strongly urge adoption of this amendment. My office has contacted Clark MacGregor this morning and learned that the White House fully supports this restoration of funds for the Peace Corps. This amendment is vital to the continuation of the Peace Corps and to the very foundation of the new Action agency. To defeat this amendment is tantamount to killing the Peace Corps. We cannot allow the irresponsible committee cut to prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 68, noes 35.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. COLLIER

Mr. COLLIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. COLLIER: Page 11, line 10, strike out the period and insert in lieu thereof the following: ": *Provided*, That none of the funds contained in this paragraph shall be used to carry out the provisions of the Peace Corps Act in Chile after February 1, 1972."

Mr. COLLIER. Mr. Chairman, this amendment would do precisely what it says. After the election of Salvador Allende as President of the Republic of Chile a year ago, I wrote Director Blatchford urging that we begin an orderly withdrawal of Peace Corps personnel from Chile. I am sure most Members of this House understand the reasoning and logic of this request. Allende is an avowed Marxist who has expropriated U.S.-owned properties including El Teniente, the world's largest copper mine, which employed 10,000 employees only two of whom were North Americans.

This action will cost the U.S. Treasury several million dollars in revenues. But aside from the nationalization program which is aimed primarily at the United States, the fact remains that Allende will remain the virtual dictator in a government which places him as the majordomo of labor, finance, public works, and foreign affairs for the next 5 years.

Recently riots in that country resulted in the declaration of a state of national emergency in Santiago. Be that as it may, when my suggestion calling for the orderly withdrawal of some 92 American Peace Corpsmen from Chile was received by the Office of the Director, I was advised that these volunteers were, and I quote:

> Not part of a political situation and that changes in governmental make up, political orientation or psychological approach are not reasons to withdraw.

Furthemore, I was told, the basic concept remains that these Peace Corpsmen overseas are not part of the U.S. foreign policy posture even though in a generic sense the program is part of foreign relations. Now you just try and draw any policy conclusion out of that type of statement.

I contend that the vast majority of the American people, including those who generally support Peace Corps activities, are not in favor of making a contribution of American tax dollars directly or indirectly of to Communist countries under these conditions and it is high time that we begin to reflect to some degree the sentiments of the people who are picking up the tab for these programs rather then arbitrarily make decisions on the basis of psychological attitudes of people in the agencies. We certainly have no business maintaining the Peace Corps in Chile and suffering the probable embarrassment of subsequently having them ordered out of that country. Regardless I urge support of this amendment.

Mr. PASSMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would say to the gentleman from Illinois (Mr. COLLIER) that I am not inflexible. However, I do not know the reason as to why we should not withdraw the Peace Corps from all the nations of the world.

I believe it is just a question of time when we come to our senses and recognize that this is folly and a complete waste of the taxpayers' money. However, the Congress has worked its will and until such time as we can withdraw them from all other nations, instead of just Chile, I wonder if it would be wise to single out this one country.

The Peace Corps has been invited out of 14 countries. I want them out of all the countries.

Could the gentleman give me information as to why he is singling out Chile?

Mr. COLLIER. Mr. Chairman, if the gentleman will yield, I think the situation in Chile is obviously very unique and I do not believe the gentleman from Louisiana can tell me other countries in Latin America where there is a parallel that exists in those countries as exists in Chile, and if he will, I will buy it.

Mr. PASSMAN. Why single out Latin America from the Asiatic countries?

Mr. COLLIER. What Asiatic countries are expropriating American property and refusing to pay compensation for it?

Mr. PASSMAN. I am not going to say that there is not merit to the gentleman's reasoning. As I say, I am in favor of withdrawing them from all countries.

I do not know whether this is what the House wants to do. Let the House work its will, if they are opposed to the Peace Corps. I am just wondering if the present administration would not listen and look at certain facts, and see if the Peace Corps should be pulled out from all the countries.

Mr. COLLIER. I have mentioned to the gentleman that I wrote them a letter, and they obviously did not pay any attention to that. If they had I would not be here speaking.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment because I think, as I said earlier today, if we can keep the lines of communication open in Chile with the Peace Corps, that this would be a wise thing to do.

I remember being on the floor of this House fighting amendments which would have cut off aid to Indonesia. We had a small program in Indonesia, we had a small military assistance program. There were some in this body who wanted to cut it off, yet by keeping those lines of communication open in Indonesia you had the government of Sukarno thrown out, and the Communists thrown out. Without losing a single American life, without firing one shot, Indonesia remained on the side of the free world.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. COLLIER. We cut off the funds to Indonesia, and it was after we cut off the funds that Sukarno was thrown out of power.

Mr. CONTE. I yield no longer.

There were years and years that the amendment was offered, and it was at the very end, almost the last year that Sukarno was in that that amendment prevailed in the House of Representatives.

We have now a very small Peace Corps mission in Chile, and each one of the men and women in our Peace Corps there are American ambassadors.

I think that if we have any hope of getting Chile back to the side of the free world it is by having a Peace Corps there.

I hope, therefore, that this amendment is defeated.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding. I would simply like to add that if we are going to start deciding on whether Peace Corps volunteers should be in one country or another, we ought at least to look at countries like Peru or Ecuador, or other countries with which we may have differences of opinion on matters of substance. I personally think that if we could we ought to have volunteers in more Communist- and Marxist-controlled governments. They would be a breath of fresh air. They would be a fine influence. It would be in the interest of the United States if we could send Peace Corps volunteers into, say, Rumania or Hungary.

I do not think that there is anything against our national interest in having the Peace Corps volunteers remain in countries like Chile.

So, Mr. Chairman, I support the gentleman from Massachusetts (Mr. CONTE) in his opposition to the amendment offered by the gentleman from Illinois (Mr. COLLIER).

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I abhor what the Government of Chile has done to our investments down there. I am sorry that the Government of Chile seems to be going along and following the Communist line. But if there is ever any place in the world where we need Peace Corps people, it is in Chile.

I have been to Chile. I have spent some time in the slums of Chile, and in the poverty sections of Chile, and I have talked to our Peace Corps people down there.

Let me tell you what they are doing, and I think after you listen to what I am going to tell you they are doing, you will understand the need for them to be there in Chile.

You will find that our Peace Corpsmen in Chile are doing some very practical, worthwhile work. You will find them in the desperate slums, in the campos of Santiago. They are teaching these Chileans how to raise capital, like we raise it in this country.

They are teaching those people how to put together a little organization of people who reside in the slums—and there are millions of them who have no way of ever earning a living or having any contact with capitalism such as we enjoy. They are teaching them how to provide their own clothes and how to form a factory with the workers that are available in their own local area.

They are teaching them how to form their own schools and their own child-care operations so that more of them can go to work and provide their own food and clothing and their own housing.

They are teaching them to work in a capitalistic sort of a way that teaches them how to raise capital and form their own companies and set up their own boards of directors and have their own stockholders and get things done the same way that we do here.

That is what the Peace Corps people are doing in Chile. They are doing the same thing in agriculture. They have taught the Chileans how to go out and how to get more crops per year from a particular piece of land and how to make better use of the fertilizers that they have and how to practice better animal husbandry and all those things in the traditional sort of way that we do those things in this country.

There is no money going into Chile. We are just paying our own Peace Corps volunteers there. We do not give them automobiles—they walk around on shank's mare. They are doing the kind of thing that you would be proud of and that I certainly am proud of after having seen them.

We can get mad at Chile. I am just as mad at Chile as anybody else in this room. I think it is a shame what the Chilean Government has done, but if we have anything going in Chile to try to rescue that country from the foolish mistake that they seem to have made and from the shortsighted policy that the Government has taken, it is the Peace Corps. Let us keep the Peace Corps there.

The Peace Corps is doing the American kind of thing in Chile—the capitalistic kind of activity that will result in a benefit to all.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. GROSS. Has not the Peace Corps been in Chile for a number of years?

Mr. GIBBONS. Yes, sir, Mr. GROSS, and the problems they have in Chile would just stagger you. The poverty they have in Chile is unimaginable in this country.

Mr. GROSS. What would you expect from them if we continue them down there? The record of what has happened shows they have not made many friends or influenced any people, have they?

Mr. GIBBONS. We have not stopped all the floods in Iowa either, sir, but we still are working on those problems. And we should continue to work on those problems in Chile.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. COLLIER. I am sure that my good friend, the gentleman from Florida, is not so naive as to believe the present Government in Chile will permit anything that is fundamentally capitalistic until the day they have Mr. Allende as their Minister of Finance.

Mr. GIBBONS. But we should not cut off our own nose to spite our own face. Let them throw our Peace Corps out rather than us.

I can tell you, I have been there, sir, and they are doing a job and doing the kind of a job that America wants done all over this world and you would be proud of it if you could have seen them.

Mr. PASSMAN. What is a good job by the Peace Corps?

Mr. GIBBONS. I think, Mr. PASSMAN, that a good job for the Peace Corps is to try to teach the people to be self-reliant and to help with the job of education and to spread knowledge—this is what our Peace Corps is doing.

Mr. SCHERLE. Mr. Chairman, I rise in support of the amendment.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman. The latest line of communication with Chile that I have seen was Castro's visit down there for 3 weeks. I yield to my colleague from Illinois.

Mr. COLLIER. Thank you. Let me say in all sincerity that when you have the type of situation prevalent in Chile today and when you look down the road and you look at what is past history, you must conclude that the past is prolog. That being the case I believe we are spinning our wheels keeping the Peace Corps in Chile. The day that the Marxist leaders of this Government decide a capitalistic type of Peace Corps operation—and I am not sure it is or it is not—is not in keeping with the philosophical concepts of a totalitarian system, you can wager your bottom dollar Senor Allende will order them out lock, stock, and barrel.

Mr. SCHERLE. Mr. Chairman, I would like to continue and say that from what I understand and see in rural America today, it would be far more valuable for our people in the Peace Corps to assist right here at home in the United States.

Mr. RUPPE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. RUPPE. It seems to me that one of the speakers a moment ago got to the very heart of the matter, and that was in questioning whether the Allende government would permit free institutions to continue to exist in Chile. I would suggest that up to the present time and until this very moment there is a measure of democracy that still exists in Chile. There are still many people in that country who are firmly and openly opposed to the President. There is a good reason to believe the army would actually fight to maintain democracy or a semblance of democratic institutions in that country. It seems to me that we would be much better off to continue the Peace Corps until such time as democracy is actually brought to a halt and is stopped in Chile. I would suggest at this point in time Chile could go in either direction, and it may be inadvisable to withdraw our support and the encouragement that members of the Peace Corps supply to the many impoverished people that my colleague from Florida referred to a few moments ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COLLIER).

The question was taken; and on a division (demanded by Mr. COLLIER) there were—ayes 32, noes 82.

So the amendment was rejected.

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The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); allowances as authorized by 5 U.S.C. 5921–5925; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $8,690,000, of which not to exceed $7,650,000 shall remain available until December 31, 1972: *Provided*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GROSS. How much of this money goes to those refugees in the Middle East?

Mr. PASSMAN. In relation to this particular item, I think the answer would be "None."

Mr. GROSS. Is there money in the bill for the refugees?

Mr. PASSMAN. Yes; there is $13 million under international organizations, United Nations Relief.

Mr. GROSS. There are about 1,500,000 refugees, are there not?

Mr. PASSMAN. Yes. This takes care of refugees and escapees.

Mr. GROSS. People who are still living in the utmost squalor and poverty and have been for years. There is no exultation on the faces of the refugees in the Middle East, is there?

Mr. PASSMAN. I would not be able to answer that question in the negative or in the affirmative because I do not know.

Mr. GROSS. I heard a few minutes ago about the exultation on the faces of some people in Israel.

Mr. PASSMAN. Further in answer to the gentleman's question, there is U.N. work totaling $13,300,000, but the allocations are so meager that many people are facing almost starvation. This is a very minimum amount, so far as I am concerned, that could be furnished to maintain these refugees.

Mr. GROSS. What about the percentage of contribution to take care of these refugees? We did not bring about the conditions that produced these refugees and therefore the responsibility for providing for them is not our obligation.

Mr. PASSMAN. Our share is 50 percent of the total of that one particular item.

Mr. GROSS. That is what I thought. We are providing 50 percent of the total cost to keep the refugees at a bare subsistence level.

Mr. PASSMAN. On this one item that is correct.

Mr. GROSS. Yes. It has always intrigued me as to why such a heavy share of this responsibility rests on the taxpayers of the United States—why some of the people who are exulting so much in the Middle East should not be carrying a far greater share of taking care of these refugees they created.

Mr. PASSMAN. If the gentleman will yield further, I certainly share the gentleman's views. This is an agreement previously entered into. We have legislation embracing these refugees specifically. At such time as our policymakers change this, and until such time, I guess we are obligated to provide this small sum to these starving refugees.

Mr. GROSS. And I guess in this bill we are being obligated to start building a new hospital in Rome; are we not?

Mr. PASSMAN. That has been before the committee for many years. We have a similar hospital, an American hospital in Paris. This is not a foreign hospital; this is an American hospital.

Mr. GROSS. All right. I have the gentleman's answer.

Mr. PASSMAN. But we are embarking on construction of a hospital in Rome in this bill.

Mr. GROSS. That is unfortunately correct. But there is no legal obligation in this bill, no matter what the colloquy between the gentleman from Louisiana (Mr. PASSMAN) and the gentleman from New York (Mr. ROONEY) earlier in the general debate on this bill. There is no legal obligation upon the taxpayers of this country to provide military or any other kind of aid to Israel; is there?

Mr. PASSMAN. Of course, this bill provides military assistance.

Mr. GROSS. It is not specified in this bill; is it?

Mr. PASSMAN. It is not earmarked as such.

Mr. GROSS. That is exactly what I thought.

Mr. PASSMAN. If the gentleman will yield, I think we can reach agreement that this is the proper thing to do. It is perfectly obvious that when the request came down for hospitals and schools abroad, it was one figure. In about 3 days the budget increase was recommended, and they sent down another supplemental. Finally, when the authorization bill passed, it was $13 million for the schools and hospitals abroad. What this committee did, I would say after a very fair examination, is that we established these old institutions we had been funding in the past, such as the American University of Beirut, which is strictly an American school, and also the University of the Americas in Mexico, and the Feinberg Graduate School, and Robert College, in Turkey, and Project Hope—and, of course, our program supports these. We earmarked that because they are old projects.

Then we put $5,200,000 into a contingency fund. Out of this $5,200,000, the AID agency, if and when certain schools abroad can be justified, can take $5 million out of the $18 million, which means the budget request as supplemented by the original request in the House Foreign Affairs Committee recommendations—and we can fund those projects.

Mr. GROSS. I simply wanted a record established that there is no legal obligation in this bill to provide military or so-called security assistance to Israel or any other country.

Mr. PASSMAN. There is no legal obligation to pass any of it.

Mr. MYERS. Mr. Chairman, I move to strike the last word.

I wonder if the chairman might answer what does including hire for passenger vehicles have to do with providing aid for refugees? Can the gentleman give me that answer?

Mr. Chairman, I yield to the gentleman from Louisiana for that purpose.

Mr. PASSMAN. Mr. Chairman, I assume they would have to have some means of getting around. I have to answer the gentleman head on. Of course, they have to have the transportation, because we have the people and they are advising and distributing these commodities, and they must travel to where these refugees are. As far as I know, that would be the only excuse for automobiles.

If it is necessary to have a program, we have to have transportation.

Mr. MYERS. But we rent vehicles in other countries so we can haul them around?

Mr. PASSMAN. I would assume that there would be a saving to our country, drawing from the experiences in other respects. It is a good question. I will look into it.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: Page 14, after line 6, insert:

"FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL FINANCIAL INSTITUTIONS
INTER-AMERICAN DEVELOPMENT BANK

"Investment in Inter-American Develop-Bank: $150,000,000 to remain available until expended, of which $13,240,000 shall be available solely for paid in capital; $136,760,000 shall be available solely for callable ordinary capital."

Mr. GONZALEZ. Mr. Chairman, I have offered my amendment in good faith because, even though it is a compromise, it is indispensable that this House go on record in support of a highly successful institution: the Inter-American Development Bank.

It would be a serious error to pass this bill in its present form with no appropriation for IDB.

Therefore, I am most appreciative that the chairman has accepted my amendment.

Failure to have restored even this partial money would have been a disaster.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I am delighted to yield to the gentleman from Louisiana.

Mr. PASSMAN. This is one of the international organizations.

During the history of the aid bills, some 25 years, neither the subcommittee nor the full committee nor the House of Representatives has ever made any reduction in any type of international organization, but inasmuch as the trend is toward multilateral organizations we felt this would be a good time to indicate to the agencies that we had the right to cut and that we would cut and we would hope that the House would stick with us.

After we made this cut we heard a lot of pleas from the people downtown, who stated they had previously entered into such agreements and though we had no legal obligations they would accept a compromise of the $261 million requested if we would give them $150 million, and this would work out the agreements they had with the other nations.

Inasmuch as this is the first time we have ever cut the multilateral organizations, and they did note a reasonable justification for cutting it back, I am not going to oppose the amendment; rather, I shall support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, early this afternoon—and that seems a long time ago; perhaps it was this morning when general debate started—the gentleman from Louisiana (Mr. PASSMAN) properly spoke of the imminence of Christmas.

So I should like to speak of the imminence of Santa Claus. We have him here now, and another ornament was just put on the Christmas tree for the foreigners, an amendment to give them another $150 million.

This bill started out this morning at $2.84 billion. It was a few million off, but in round figures $2,845 million. Amendments have now been added increasing it to more than $3 billion.

We were told about the wondrous cuts that were going to be made in this latest Santa Claus deal, but here we are with a $3 billion foreign aid bill, despite the fact that we are faced with a $435 billion Federal debt that no one seems to worry much about, a $30 billion to $35 billion deficit at the end of this fiscal year, and nearly $22 billion interest each year on the Federal debt.

So we are confronted with another $3 billion handout, and no one knows what the Senate will do by way of an increase before they get through with this bill.

The gentleman was so right when he said Christmas is close at hand. Santa Claus arrived in the House today in all his splendor.

Mr. PASSMAN. Will my distinguished friend yield?

Mr. GROSS. Yes; but please do not take quite all my time.

Mr. PASSMAN. I promise the gentleman I will not.

I want to bring to the gentleman's attention that one can be so inflexible and not look at the other man's point of view that you usually get licked.

We reduced this bill $1,497 million below the budget estimate. We reduced this bill $967 million below the appropriation last year. We put back in $150 million for what seems to me a very sensitive area. It is still a reasonable compromise. We are giving you a reduction of over $1 billion.

Mr. GROSS. All right. I get the gentleman's point.

Now let me ask the gentleman a question. On July 1 of this year what was the amount of money unexpended in the foreign handout pipeline? Was there not some $24.4 billion.

Mr. PASSMAN. Will the gentleman yield?

Mr. GROSS. Yes.

Mr. PASSMAN. If the gentleman runs out of time, I will ask unanimous consent that he may proceed for whatever time is necessary in order to clear this up, because I think this is worth repeating.

This committee always furnished this House complete detailed information. We have never attempted to hide anything from this House. When you look at your pipeline of $24 billion you are looking at funds that are not available for new obligations. This is simply loans and other things that are available on ongoing projects. If we look at the large spigot which was referred to as foreign aid, there is only $4.4 billion. All of the other spigots on this sheet cover things like the Export-Import Bank limitation and many others of that sort. All of those things can be looked on as aid or assistance in our recapitulation, but remember that much of this goes for the Export-Import Bank and it will be rapid, as the gentleman well knows.

So, inasmuch as we are willing to make it all inclusive so that this House may know what we are doing, I trust that the gentleman will not chastise the committee too much.

Mr. GROSS. The gentleman still has not answered my question. How much was there in the pipeline?

Mr. PASSMAN. For foreign assistance, as reflected in foreign aid and carried in this bill, there is $4,600 million which is obligated and which cannot be used for new projects.

Mr. GROSS. $4 billion, the gentleman said?

Mr. PASSMAN. That is correct.

Mr. GROSS. That was on July 1. What does the gentleman say is in the pipeline now? How much?

Mr. PASSMAN. I have not asked that question in recent days. They are withdrawing from the pipeline all the time, and I assume with the continuing resolution that they have made additional obligations.

Mr. GROSS. So that with the wide-open power to the President to deobligate, reobligate, and transfer these funds there would be no harm done if we did not pass this bill. If this bill did not pass, there would be no harm. Is that not correct?

Mr. PASSMAN. To my way of thinking—and I can answer the gentleman with all the sincerity that I can muster and all my integrity and all my honor—that would be doing irreparable harm if we did not pass this bill. I think Korea would go down the drain. The President would be withdrawing his troops from Vietnam, and that situation would be greatly affected. The Export-Import Bank means so much to the American businessman, and that would go down the drain at 12 o'clock tonight if we did not pass this bill.

I think the damage would be terrific, and I hope the House will not take that position.

Mr. GROSS. So that is the final word from the gentleman who voted against the foreign-aid authorization bill when it was before the House. Is that correct?

Mr. PASSMAN. The pipeline funds have been obligated for ongoing projects and no new projects can be initiated.

No new projects can be initiated. The gentleman from Iowa understands that as well as I do.

Mr. GROSS. I can tell you one thing I do understand and that is that we are walking right down the road to catastrophe in this country, and the spending of more than $200 billion, including the interest on this foreign giveaway program through the years, has made a tremendous contribution toward this catastrophe that faces every man, woman, and child in this Nation.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. No; I decline to yield further to the gentleman from Louisiana.

I yield to the gentleman from Iowa.

Mr. SCHERLE. I appreciate my colleague from Iowa yielding.

Since this bill does have about $2.8 billion contained in it, I wonder if the chairman of the subcommittee would accept a moratorium of 1 year on foreign aid?

Mr. PASSMAN. What is the question?

Mr. SCHERLE. I wonder if the chairman would accept an amendment declaring a moratorium on foreign aid, since there is so much money in the pipeline?

Mr. PASSMAN. Of course, I do not have the right to accept an amendment of that kind. I want to say to the gentleman that I am just as much opposed to excessive foreign aid as is the gentleman. That fact has been clearly demonstrated in the fact that we have made over $14 billion in cuts in foreign aid over the past few years.

Mr. GROSS. Mr. Chairman, I want to wish the chairman of the subcommittee, Mr. PASSMAN, a merry Christmas.

Mr. PASSMAN. I want to wish my friend from Iowa a merry Christmas.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not believe that I can vote for this bill. That is no reflection upon the gentleman from Louisiana who is the chairman of the subcommittee, but I do want to say, having listened to most of the colloquy between the gentleman from Louisiana and the gentleman from Iowa that as I un-

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derstand the bill now it is at least $200 million higher than the authorization money which the other body and the House had informally agreed upon.

Mr. PASSMAN. That is not correct. I believe it is under. We will get the exact figure while the gentleman talks.

Mr. HAYS. I know what we agreed upon. It was less than $3 billion. Of course, that does not have any effect now because the conference is hung up on the so-called Mansfield amendment and apparently there is not going to be any authorization bill. I will defend the gentleman from Louisiana and say if this extra $250 million goes down the drain, you can blame it on the intransigence of the gentleman from Montana (Mr. MANSFIELD) in the other body. If he had permitted us to come forward with an authorization bill, you could not have gone quite that high.

Mr. PASSMAN. I believe we are still under the Senate because you have extra titles in this bill that were not carried in the authorization.

Mr. HAYS. We do not have a continuing resolution. We had an authorization bill.

Mr. PASSMAN. But under the authorization bill also—under the Senate authorization bill.

Mr. HAYS. If you are under the Senate authorization bill, how do you get up to $3 billion?

Mr. PASSMAN. We have made it all inclusive. We picked up all chapters. There are five chapters contained in this bill. We included military sales as one item, for instance.

Mr. HAYS. Well, they were in the other bill also.

Mr. PASSMAN. And, the authorization bill does not apply to the Peace Corps.

Mr. HAYS. No.

Mr. PASSMAN. And neither does it apply to the Inter-American Development Bank.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. HAYS. Yes, I yield to the gentleman from Kansas.

Mr. SHRIVER. I want to make clear—and I thank the gentleman from Ohio for yielding—that the Inter-American Development Bank was authorized through the Committee on Banking and Currency.

Mr. HAYS. I understand that.

Mr. SHRIVER. And that was in the amount of $150 million.

Mr. HAYS. I thank the gentleman for clarifying that because I did not understand that you had included other matters than were in the authorizing resolution, but you are still higher——

Mr. PASSMAN. We always do in this bill.

Mr. HAYS. The authorizing resolution was down substantially below any figures we have ever had in any other year, and the hangup between the conferees is not over the amounts, may I say to the gentleman.

I accept that.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield, I think the most significant point that has been brought out in the last few minutes has been brought out by the chairman of the subcommittee from the Committee on Appropriations that there is $4 billion uncommitted dollars in the pipeline.

Mr. HAYS. Four billion?

Mr. ROUSSELOT. Four billion in the pipeline.

Mr. HAYS. I thought it was $24 billion. Is it $4 billion or $24 billion?

Mr. ROUSSELOT. I believe Mr. PASSMAN said 4 billion uncommitted dollars.

Mr. HAYS. How much is in there altogether, uncommitted?

Mr. PASSMAN. If the gentleman will yield, in the title under discussion, and in the authorizing bill, this bill is under both the House and Senate authorizing bills.

Mr. ROUSSELOT. The point is not that it was under the authorization, but that there is $4 billion unspent funds fully available to carry out the so-called commitments. We really do not need this bill. If we defeat this appropriation it will not cut off all funds. I think that is the point of significance.

Mr. HAYS. I think it is fair to say if you really want to vote for economy—and I do not see any reason why we should be getting into an argument about who is saving money—but I am going to vote against the bill. I know that will be a vote to save money.

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, if you follow the figures of the gentleman from California, there is $32 billion in the defense pipeline, there is $11 billion that they have not used a dime of. So why do we need $70 billion?

Mr. HAYS. Mr. Chairman, I will say to my chairman I think he is exactly right, and what we ought to do is to dry up some of these unobligated funds, whether they are foreign aid, Defense Department, Department of Agriculture, you name them.

Mr. PASSMAN. Mr. Chairman, let me assure the gentleman from Ohio that in the pipeline in titles I and II, there is $4,600,000,000, and that money has been obligated for ongoing projects, and for loans. If you should kill this bill, of course, there would not be an additional dollar available for any new starts, or any new commitments, military or otherwise.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the outset let me speak in a complimentary way about the distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, the gentleman from Louisiana (Mr. PASSMAN).

I sat for 12 years in that subcommittee with the gentleman from Louisiana, and although we had many disagreements I can say that the gentleman is as knowledgeable about the history and the current facts on this program as anybody I know of in the Congress.

This bill may be too low for some, and too high for others, but the gentleman has brought out a bill here that ought to be supported. I think he should be commended for his flexibility in adjusting in two areas to amendments. I compliment the gentleman for that statesmanship. The bill is improved by these several increases.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to our distinguished Speaker.

Mr. ALBERT. Mr. Chairman, I first want to associate myself with the remarks that the gentleman from Michigan, the distinguished minority leader, has just made.

Second, it ought to be crystal clear that the foreign aid appropriation bill does not coincide with the foreign aid authorization bills that have passed both Houses.

It picks up the Inter-American Bank Act, in this case $150 million, which came out of the Committee on Banking and Currency, and is authorized, as I understand it. I for one urged the distinguished gentleman from Louisiana to accept this amendment because this is the only chance we will have to make an appropriation for that amount which is already authorized by the House, and by the Congress.

I hope the Members will support this bill. Mr. Chairman, if there ever was a barebones foreign aid bill, I would say this is it. We cannot, it seems to me, at this stage of the game just plunge out of this business. All of us hope to see a gradual decrease in foreign aid, but I think we should support the committee and support the gentleman from Louisiana.

I hope that the House will do that.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. CEDERBERG. I take this time because I think one of the great tragedies that could happen in the dying days of this session would be to have this appropriation fail.

I am not one who has supported the foreign aid program over the years very much. I have been for it sometimes and against it sometimes. But if this bill goes down the drain, then Vietnamization and the problems we have in Southeast Asia and from which the President is trying to extricate us will be made immeasurably more difficult.

I am not going to have that on my conscience. You can have it on yours. But I am going to vote for this appropriation for foreign aid mainly because I think it is absolutely important for the foreign policy of this country.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. MAHON. Mr. Chairman, I want to endorse the statement made by the gentleman from Michigan in regard to the program of Vietnamization. This bill is closely tied to our pursuit of peace in Vietnam. We must support the President in his effort to bring this war to a reasonably satisfactory conclusion. We cannot do it without the support that this bill provides.

This bill likewise makes a contribution to the cause of peace in the Middle East and the whole world. And despite its imperfections, and there are many, and despite the fact that it can be ridiculed in some respects, the bill must be passed as I see it and I hope the House will adopt the bill which will soon be voted upon.

Mr. GERALD R. FORD. Mr. Chairman, I cannot improve upon the words just uttered by the gentleman from Texas. This bill is vital to the security of our peace-maintaining policies and forces in the Middle East, our forces in Southeast Asia, and to our overall attempts to achieve and maintain peace throughout the world.

In my judgment, it would be catastrophic for specious reasons to defeat this appropriation bill at this time.

I strongly urge support of the bill.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. FRASER. I intended to vote against this bill because I thought it was so destructive of our foreign aid program.

With the addition of $150 million for the Inter-American Bank and the increase for the Peace Corps, I am going to vote for it.

I did not like the bill. I think there are many defects in it. But on balance, I thought with these changes, it does deserve support at this point.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 502. No part of any appropriation contained in this Act shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the Office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have just listened to the chairman of the Committee on Appropriations, Mr. MAHON; to the minority leader, Mr. FORD, and to the distinguished Speaker of the House, Mr. ALBERT, on how necessary this legislation is.

I have been here a few years and I have heard this same talk year after year when this foreign handout program has come along—how necessary it is to preserve peace in the world.

What have we had since this foreign aid program was started, I would like to ask the gentleman from Michigan (Mr. GERALD R. FORD).

We have had the war in Korea—35,000 dead. The war in Vietnam—with another 45,000 or 50,000 dead.

This foreign handout program is necessary to carry out dollar diplomacy.

Through the years there have been Democrat and Republican administrations of this Government, past and present, and apparently none of them could operate a foreign policy without billions of dollars in foreign aid to make commitments and buy their way around the world. That is what this all about. Today you are about to slap another $3 billion mortgage plaster on the backs of the children of this country, on the backs of our sons and daughters and on the backs of their children. It is a mortgage plaster that will never be retired, and you know it, unless it is through some process of revaluation or devaluation or outright debt repudiation.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I used the gentleman's name. I am glad to yield.

Mr. GERALD R. FORD. Let me just say this. Before World War II, when we did not spend a dime on any aid and assistance program, military or economic, we got ourselves involved in a war in which 16 million Americans went into service and a good many more Americans were tragically and unfortunately killed. I think the batting average of this program is better after that war than an isolationist policy before the war proved to be.

Mr. GROSS. And this has not prevented a war since, has it? You bet your life it has not. We are becoming more deeply involved all the time around the world. The reason why you want this bill is because of dollar diplomacy.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield to me?

Mr. GROSS. Yes, I yield to the gentleman from Michigan.

Mr. CEDERBERG. I do not believe in dollar diplomacy any more than does the gentleman from Iowa.

Mr. GROSS. Then vote against the bill. But you do not——

Mr. CEDERBERG. Did the gentleman yield to me or did he not?

Mr. GROSS. Yes, I yielded to you.

Mr. CEDERBERG. Then let me complete what I wanted to say.

Mr. GROSS. Go right ahead.

Mr. CEDERBERG. The speech of the gentleman from Iowa will read as beautifully in the newspapers of Michigan as it will in Iowa. My constituents would appreciate it more if I voted against this bill, as I have many times before.

I do not like everything in this bill. But comparing the record of what happened prior to World War II with what has happened since World War II, it is an awfully difficult thing to dismiss the value of this program.

Mr. GROSS. Who provided the blood and guts for those wars? Who has financed the wars except us? And all of this despite these foreign aid programs.

Mr. CEDERBERG. I am not happy about this——

Mr. GROSS. There is not the slightest assurance that there will be peace in any country of the world.

Mr. CEDERBERG. I am not happy about this, but I will say I believe that if this goes down the drain, we will lose millions more in Southeast Asia and other parts of the world. If we want to let the forces of communism completely come over and take us over without spending a dime, then our dollars will not be worth the paper on which they are printed whether we have dollar diplomacy or not.

Mr. GROSS. And how interesting it is to hear this afternoon how this bill will beef up the weapons in the Middle East, and through other programs sell food grains to the Russians at bargain basement prices, thus fattening the Russians and their satellites for their ventures in that area of the world.

Mr. Chairman, I hope we will not again soon hear a repeat of the story of the sad financial condition of this Government, especially from those who will vote for this $3 billion handout to foreigners.

The citizens of this country cannot police and bankroll the rest of the world and remain solvent.

Nor will peace be maintained through the dispensing of foreign aid as attested by the situation today in the subcontinent where India, the beneficiary of $8 billion in foreign aid and Pakistan, the recipient of $4½ billion, are locked in war.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support this bill, despite its imperfections, but I must express my chagrin and disappointment that the $100 million that was in the authorization bill for family planning activities abroad has been cut to $50 million. It was not very many years ago when we did not have very much credibility abroad in our efforts to urge nations in Africa, Asia, and Latin America to engage in concerted efforts to control their galloping population growth. But we have come a long way in achieving credibility. By 1970 the Congress passed the Population Planning and Research Act of 1970, which sent out the signal that we had ceased telling nations abroad to do as we say, but not as we do; that there was a policy of this country to make available family planning information and equipment to every American woman in her childbearing years—on a strictly voluntary basis, of course.

Now we have a presidentially appointed Commission on Population and the American Future at work to further develop a national policy on population for the United States. So we have more credibility than we have ever had before

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in urging the underdeveloped countries of the world that have explosive rates of population growth to do something about controlling those rates of increase; we have credibility now in proffering specific, practical assistance.

If those countries whom we are attempting to aid do not do something specific, tangible and practical about population growth, everything else we are trying to help them achieve, everything else we are giving them under the provisions of this bill to help them—schools, housing, food, medical care, and the other basic elements of civilized life—are doomed to fail.

We will be literally wasting the hundreds of billions we have spent on other elements of our foreign aid programs over the last generation if we fail to spend the hundred million authorized to help the nations abroad on population planning programs to solve the problem of explosive population growth. I urgently hope the administration will use some of the discretionary funds, of about $200 million, for population planning aid abroad in addition to the specifically appropriated $50 million for that purpose.

The report of the Foreign Affairs Committee on H.R. 9910—the foreign assistance authorization bill—made clear that committee's strongly held view that not only should the AID maintain spending for population programs at the $100 million level, but also that available discretionary funds should be spent in addition on population control programs in the developing countries. There is no single Government assistance program—foreign or domestic—which has the extraordinarily favorable cost-benefit ratio of population control by voluntary family planning assistance.

The committee's statement on the high priority they place on continued—indeed—increased family planning assistance programs—follows:

SECTION 105—PROGRAMS RELATING TO POPULATION GROWTH

Because of the increasing concern in the United States and elsewhere about world population growth, the Congress in 1968 added a new title to the Foreign Assistance Act and earmarked funds to promote programs relating to population growth.

For 4 years the funds earmarked for AID's population programs by the Congress have been a most important factor in the world's response to the population crisis—a crisis that gravely threatens orderly economic development and the basic quality of human life and the environment.

The accompanying chart demonstrates the awesome dimensions of the world population growth and the need for concerted action to decrease rates of population growth.

As the amount of earmarked funds has been progressively increased by Congress over the past 4 years, to a total of $100 million for fiscal year 1971, it has cut deeply into funds appropriated for other programs, primarily the development loan fund, to the detriment of such programs.

As a result of that problem, and believing that programs relating to population growth are important enough to be funded on their own merits, the committee has amended section 292 of title X of the Act to authorize a separate line item appropriation.

For fiscal year 1972 it has set the authorization at $100 million and for fiscal year 1973, at $125 million. The increase for the next fiscal year is justified, the committee believes, by the progress being made in the AID-sponsored population control programs and the prospects of increased requests to the United States for aid in this field by the developing countries as they recognize the dimensions of their own population problems.

The committee believes that the amounts authorized for population programs are the minimum that should be used in this vital area. The committee assumes that the Agency for International Development will maintain the population program at the level authorized by the committee, or higher, by making use, if necessary, of the following new language added to section 292: "Other funds provided to carry out the provisions of part I of this Act shall also be available to carry out the purposes of this title and, not withstanding any other provision of this Act, funds used for such purposes may be used on a loan or grant basis." Further, the committee believes that U.S.-owned excess foreign currencies should be used to the maximum extent possible for population programs.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. PASSMAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

One hundred eighty-nine Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 214, nays 179, answered "present" 1, not voting 37, as follows:

[Roll No. 441]

YEAS—214

Abzug	Aspinall	Boggs
Addabbo	Badillo	Boland
Alexander	Barrett	Bolling
Anderson, Ill.	Bell	Bow
Anderson, Tenn.	Berglund	Brasco
Andrews, N. Dak.	Biaggi	Brooks
	Biester	Broomfield
	Bingham	Brotzman
Brown, Mich.	Harrington	Perkins
Brown, Ohio	Harvey	Peyser
Broyhill, Va.	Hathaway	Pickle
Buchanan	Hébert	Pirnie
Burke, Mass.	Heckler, Mass.	Podell
Burton	Heinz	Preyer, N.C.
Byrne, Pa.	Helstoski	Price, Ill.
Byrnes, Wis.	Hicks, Mass.	Pryor, Ark.
Cabell	Hogan	Pucinski
Carey, N.Y.	Holifield	Quie
Cederberg	Horton	Railsback
Celler	Hosmer	Rees
Clark	Johnson, Calif.	Reid, N.Y.
Clay	Johnson, Pa.	Reuss
Conable	Jones, Ala.	Rhodes
Conte	Karth	Riegle
Corman	Kazen	Robison, N.Y.
Cotter	Keating	Rodino
Coughlin	Kee	Roe
Daniels, N.J.	Keith	Rooney, N.Y.
Danielson	Kemp	Rooney, Pa.
Davis, Wis.	Koch	Rosenthal
Dellenback	Kyros	Roybal
Dennis	Leggett	Ruppe
Dingell	Lent	Ryan
Donohue	Link	Sarbanes
Downing	Lloyd	Scheuer
Drinan	Long, Md.	Schneebeli
du Pont	McClory	Schwengel
Dwyer	McCloskey	Shriver
Edmondson	McDade	Sisk
Ellberg	McEwen	Smith, Iowa
Erlenborn	McFall	Smith, N.Y.
Esch	McKay	Stanton, J. William
Eshleman	McKevitt	Steele
Evans, Colo.	McKinney	Steiger, Wis.
Fascell	Madden	Stokes
Findley	Mahon	Stratton
Fish	Mailliard	Symington
Flood	Matsunaga	Teague, Calif.
Foley	Mayne	Teague, Tex.
Ford, Gerald R.	Mazzoli	Thomson, Wis.
Ford, William D.	Meeds	Udall
Forsythe	Melcher	Ullman
Fraser	Mikva	Van Deerlin
Frelinghuysen	Miller, Calif.	Vander Jagt
Frenzel	Mills, Md.	Vanik
Fulton, Tenn.	Minish	Vigorito
Gallagher	Mitchell	Ware
Garmatz	Mollohan	Whalen
Giaimo	Monagan	Whitehurst
Gibbons	Moorhead	Widnall
Gonzalez	Morgan	Wiggins
Goodling	Morse	Wilson, Bob
Grasso	Murphy, Ill.	Wilson, Charles H.
Gray	Murphy, N.Y.	Wolff
Green, Pa.	Nedzi	Wyatt
Gubser	Nelsen	Wydler
Gude	Nix	Yates
Halpern	O'Hara	Yatron
Hanley	O'Neill	Young, Tex.
Hanna	Passman	Zablocki
Hansen, Idaho	Patten	Zwach
Hansen, Wash.	Pelly	
	Pepper	

NAYS—179

Abbitt	Collier	Haley
Abernethy	Collins, Tex.	Hall
Abourezk	Colmer	Hamilton
Adams	Conyers	Hammerschmidt
Anderson, Calif.	Crane	Harsha
Archer	Culver	Hastings
Ashbrook	Daniel, Va.	Hays
Ashley	Daniel, S.C.	Hechler, W. Va.
Aspin	de la Garza	Henderson
Baker	Delaney	Hicks, Wash.
Baring	Dellums	Hillis
Begich	Denholm	Hull
Bennett	Dent	Hungate
Betts	Devine	Hunt
Bevill	Dickinson	Hutchinson
Blanton	Dorn	Ichord
Blatnik	Dow	Jacobs
Brademas	Dulski	Jarman
Bray	Duncan	Jonas
Brinkley	Eckhardt	Jones, N.C.
Burke, Fla.	Edwards, Ala.	Jones, Tenn.
Burleson, Tex.	Edwards, Calif.	Kastenmeier
Burlison, Mo.	Fisher	King
Byron	Flowers	Kuykendall
Caffery	Flynt	Kyl
Camp	Foley	Landgrebe
Carney	Fuqua	Landrum
Carter	Galifianakis	Latta
Chamberlain	Gaydos	Lennon
Chappell	Gettys	Long, La.
Chisholm	Goldwater	Lujan
Clancy	Griffin	McClure
Clausen, Don H.	Griffiths	McCollister
Clawson, Del	Gross	McCormack
Cleveland	Grover	McCulloch
	Hagan	

McDonald, Mich.	Randall	Stanton, James V.
Macdonald, Mass.	Rangel	Steed
Mann	Rarick	Steiger, Ariz.
Martin	Roberts	Stephens
Metcalfe	Robinson, Va.	Stubblefield
Michel	Rogers	Stuckey
Miller, Ohio	Roush	Talcott
Mink	Rousselot	Taylor
Minshall	Roy	Terry
Mizell	Runnels	Thompson, Ga.
Mosher	Ruth	Thompson, N.J.
Moss	St Germain	Thone
Myers	Sandman	Veysey
Natcher	Satterfield	Waggonner
Nichols	Saylor	Waldie
Obey	Scherle	Wampler
Pettis	Schmitz	Whalley
Pike	Scott	White
Poage	Sebelius	Williams
Poff	Shipley	Winn
Powell	Shoup	Wylie
Price, Tex.	Sikes	Wyman
Purcell	Skubitz	Young, Fla.
Quillen	Slack	Zion
	Smith, Calif.	
	Snyder	

ANSWERED "PRESENT"—1

O'Konski

NOT VOTING—37

Andrews, Ala.	Dowdy	Patman
Annunzio	Edwards, La.	Roncalio
Arends	Evins, Tenn.	Rostenkowski
Belcher	Fountain	Selberling
Blackburn	Green, Oreg.	Spence
Blatnik	Hawkins	Springer
Broyhill, N.C.	Howard	Staggers
Casey, Tex.	Kluczynski	Sullivan
Collins, Ill.	McMillan	Tiernan
Curlin	Mathias, Calif.	Whitten
Davis, Ga.	Mathis, Ga.	Wright
Derwinski	Mills, Ark.	
Diggs	Montgomery	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Roncalio against.

Mr. Tiernan for, with Mr. Fountain against.

Mr. Kluczynski for, with Mr. Evins of Tennessee against.

Mr. Arends for, with Mr. O'Konski against.

Mr. Blatnik for, with Mr. Whitten against.

Mr. Rostenkowski for, with Mr. Broyhill of North Carolina against.

Mr. Staggers for, with Mr. Casey of Texas against.

Mrs. Sullivan for, with Mr. Mathis of Georgia against.

Mr. Mathias of California for, with Mr. Andrews of Alabama against.

Mr. Diggs for, with Mr. Montgomery against.

Mr. Howard for, with Mr. Dowdy against.

Until further notice:

Mr. Wright with Mr. Belcher.

Mr. Hawkins with Mr. McMillan.

Mr. Davis of Georgia with Mr. Spence.

Mr. Mills of Arkansas with Mr. Blackburn.

Mr. Patman with Mr. Derwinski.

Mr. Collins of Illinois with Mr. Springer.

Mrs. Green of Oregon with Mr. Selberling.

Mr. O'KONSKI. Mr. Speaker, I have a live pair with the gentleman from Illinois (Mr. ARENDS). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed (H.R. 12067).

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that Mr. ROTH was appointed as a conferee on the joint resolution (S.J. Res. 176) entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", in lieu of Mr. BENNETT.

PERMISSION FOR COMMITTEE ON DISTRICT OF COLUMBIA TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE CERTAIN REPORTS

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, what does the gentleman mean by certain reports?

Mr. HUNGATE. Mr. Speaker, if the gentleman will yield, I will advise him of the exact name and nature of those reports.

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, there will be:

S. 1938, amended, to amend District of Columbia Code relating to interest and usury (consumer credit provisions to be in separate bill);

H.R. 11992, amended, to amend the District of Columbia Election Act;

H.R. 10237, amended, to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law; and

H.R. 11628, amended, to authorize grants and loan guarantees for construction or modernization of hospitals and other medical facilities in the District of Columbia.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. ABERNETHY. Mr. Speaker, as to H.R. 11628, I object.

The SPEAKER. Objection is heard.

Is there objection to the balance of the requests of the gentleman from Missouri?

There was no objection.

RESIGNATION OF AND APPOINTMENT OF CONFEREE ON S. 382, CAMPAIGN SPENDING BILL

The SPEAKER laid before the House the following resignation:

WASHINGTON, D.C.,
December 3, 1971.

Hon. CARL ALBERT,
The Speaker,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Because I will be out of the country when the conferees meet to resolve the differences in the so-called Campaign Spending Bills, I respectfully request that my name be withdrawn as one of the House conferees.

Sincerely yours,

WILLIAM L. SPRINGER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The Chair appoints as a conferee on the part of the House on the bill S. 382 the gentleman from Minnesota (Mr. NELSEN).

The Clerk will notify the Senate of this action.

RESIGNATION FROM COMMITTEE ON HOUSE RECORDING STUDIO

The SPEAKER laid before the House the following resignation:

WASHINGTON, D.C.,
December 7, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I herewith submit my resignation from the Committee on the House Recording Studio.

With best wishes,

Sincerely yours,

RICHARD BOLLING.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBER OF COMMITTEE ON HOUSE RECORDING STUDIO

The SPEAKER. Pursuant to the provisions of section 105(c), Public Law 624, 84th Congress, the Chair appoints as a member of the Committee of the House Recording Studio the gentleman from California, Mr. REES, to fill the existing vacancy thereon.

PENSION REFORM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 92-182)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Self-reliance, prudence and independence are qualities which our Government should work to encourage among our people. These are also the qualities which are involved when a person chooses to invest in a retirement savings plan, setting aside money today so that he will have greater security tomorrow. In this respect, pension plans are a direct expression of some of the finest elements in the American character. Public policy should be designed to reward and reinforce these qualities.

The achievements of our private pen-

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sion plans are a tribute to the cooperation and creativeness of American labor and management. Over 4 million retired workers are now receiving benefits from private plans and these benefits total about $7 billion annually. More than $140 billion has been accumulated by these plans to pay retirement benefits in the future. But there is still much room for expanding and strengthening our private pension system.

Three groups in our society have a tremendous direct stake in the growth and improvement of private pensions. The first is made up of that 50 percent of American wage earners who are *not* in private group plans at the present time and who have no tax incentive for investing in retirement savings as individuals. The second group includes those who are enrolled in group plans which provide benefits for their retirement needs which they regard as insufficient or which do not ensure that the benefits which are accumulating while they work will actually be made available when they retire. If we meet the problems of these two groups today, we will also be taking a giant stride toward improving the quality of life tomorrow for an important third segment of our population to which they will eventually belong: the retired Americans whose independence and dignity depend in large measure on an adequate post-retirement income.

Older persons have spoken eloquently about the need for pension reform, especially at the White House Conference on Aging, which was recently held in Washington. It is clear that our efforts to reform and expand our income maintenance systems must now be complemented by an effort to reform and expand private retirement programs.

The five-point program I present today includes three new legislative proposals, a renewed endorsement of an earlier proposal and a major study project which could lead to further legislation.

1. *Employees who wish to save independently for their retirement or to supplement employer-financed pensions should be allowed to deduct on their income tax returns amounts set aside for these purposes.*

Today only 30 million employees are covered by private retirement plans. This fact alone demonstrates the need to encourage greater private saving for retirement.

Under present law, both the contributions which an *employer* makes to a qualified private retirement plan on behalf of his employees and the investment earnings on those contributions are generally not subject to taxes until they are paid to the employee or to his beneficiaries. The tax liability on investment earnings is also deferred when an *employee* contributes to a group plan, though in this case the contribution itself is taxable. But when an employee saves independently for his own retirement, both his contribution and the investment earnings on such savings are currently subject to taxes.

This inequity discourages individual self-reliance and slows the growth of private retirement savings. It places an unfair burden on those employees (especially older workers) who want to establish a pension plan or augment an employer-financed plan. To provide such persons with the same opportunities now available to others, I therefore ask the Congress to make contributions to retirement savings programs by individuals deductible up to the level of $1,500 per year or 20 percent of income, whichever is less. Individuals would retain the power to control the investment of these funds, channeling them into bank accounts, mutual funds, annuity or insurance programs, government bonds, or into other investments as they desire. Taxes would also be deferred on the earnings from these investments.

This provision would be especially helpful to older workers who are most interested in retirement. The limitation I propose would direct benefits primarily to employees with low and moderate incomes, while preserving an incentive to establish employer-financed plans. The limit is nevertheless sufficiently high to permit older employees to finance a substantial retirement income. For example, a person whose plan begins at age 40, with contributions of $1,500 a year, could still retire at age 65 with an annual pension of $7,500, in addition to social security benefits.

This proposed deduction would be available to those already covered by employer-financed plans, but in this case the upper limit of $1,500 would be reduced to reflect pension plan contributions made by the employer. An appropriate adjustment would also be made in the case of individuals who do not contribute to the Social Security system or the Railroad Retirement System.

2. *Self-employed persons who invest in pension plans for themselves and their employees should be given a more generous tax deduction than they now receive.*

Under present law, self-employed persons may establish pension plans covering themselves and their employees. However, deductible contributions are limited annually to $2,500 or 10 percent of earned income, whichever is less. There are no such limits to contributions made by corporations on behalf of their employees.

This distinction in treatment is not based on any difference in reality, since self-employed persons and corporate employees often engage in substantially the same economic activities. One result of this distinction has been to create an artificial incentive for the self-employed to incorporate; another result has been to deny benefits to the employees of those self-employed persons who do not wish to incorporate which are comparable to those of corporate employees.

To achieve greater equity, I propose that the annual limit for deductible contributions by the self-employed be raised to $7,500 or 15 percent of income, whichever is less. This provision would encourage and enable the self-employed to provide more adequate benefits for themselves and for their workers.

3. *A minimum standard should be established in law for the vesting of pensions—i.e., for preserving pension rights of employees even though they leave their jobs before retirement.*

A basic problem in our present pension system is the situation of the worker who loses his pension when he is discharged, laid off, resigns or moves to another job. A person who is discharged just before retirement, for example, sometimes finds that the retirement income on which he has been relying—and which has been accumulating for many years—simply is no longer due him.

Preservation of the pension rights of employees who leave their jobs—vesting—is essential to a growing and healthy private pension system. A pension is fully vested when an employee is entitled to receive all benefits accumulated up to a certain date regardless of what happens in the period between that date and his retirement. Despite encouraging increases in the degree of vesting, the pensions of more than two-thirds of all current participants in private pension plans are not now vested. Even among older employees, whose need for vesting is most acute, many pensions are not now vested. Forty percent of participants age 45 or older, 34 percent of participants age 50 or older, and 26 percent of participants age 55 or older do not have vested pension rights.

This problem can be corrected by requiring that pensions be fully vested at an appropriate specified point in a worker's career. But how should that point be determined? If it were set at too early a point, so that too many younger workers were vested, it could create a considerable burden for employers and reduce the level of benefits for retiring workers. On the other hand, if too long a wait were allowed before vesting begins, then many older workers would receive little if any assistance. Both of these pitfalls can be avoided, however, through a carefully drawn formula which provides a shorter waiting period before vesting begins for older workers.

The formula that I propose to the Congress is based upon what I shall call the "Rule of 50." Under this standard, every pension would be considered half vested when an employee's age plus the number of years he has participated in the pension plan equals 50. The vesting process would begin with this jump to half-vested status. After this point has been reached, an additional ten percent of the pension would be vested every year—so that the pension would be fully vested five years later.

Under this standard, which must apply to workers who are 30 years of age or older, anyone joining a plan when he is 30 years old would find that his pension would begin to vest at age 40, when his years of participation (10) plus his age (40) would equal 50. The pension of an employee joining at age 40 would begin to vest at age 45, and that of an employee joining at age 50 would begin to vest immediately. And in each case, the degree of vesting would increase from 50 percent to 100 percent over the subsequent five-year period.

This plan gives older workers the advantage of more rapid vesting, a fact which could limit somewhat new employment opportunities for older workers. To help alleviate this danger, I recommend that a 3-year waiting period be allowed before a new employee must be permitted to join a pension plan, and also that employees hired within 5 years of retirement need not fall under this vesting rule. These safeguards would ensure that older workers are not disadvantaged by this program.

This "Rule of 50" would raise the share of participants in private pension plans with vested pensions from 31 percent to 46 percent. Even more importantly, among participants age 45 and older, the percentage with vested pensions would rise from 60 percent to 92 percent. Overall, the number of employees with vested rights would increase by 3.6 million, of whom 3 million would be age 45 and older.

To avoid excessive cost increases in pension plans which might lead to reduction of benefits, this new law would apply only to benefits earned after the bill becomes effective. The average cost increase for plans with no vesting provision now would be about 1.8 cents per hour for each covered employee.

4. *The Employee Benefits Protection Act which I proposed to the Congress in March of 1970 should promptly be enacted into law.*

This legislation was designed to protect American workers against abuses by those who administer pension funds. As I pointed out when I first made this proposal, "the control of these funds is shared by employers, unions, banks, insurance companies, and many others." Most of these funds are honestly and effectively managed. But on occasion, some are not. By requiring administrators to manage such funds exclusively in the interest of the employee beneficiaries, the proposed law would provide a Federal remedy against carelessness, conflict of interest, and a range of corrupt practices.

The proposed law would also broaden reporting and disclosure requirements and strengthen investigatory and enforcement powers. There would be no interference, however, with State laws which now regulate the insurance, banking and securities fields.

It was 21 months ago that I asked the Congress "to give urgent priority to the Employee Benefits Protection Act." I described it then as an action which "further expands my program to protect the American worker as he works, when he is out of work, and after his working career is over." I now renew my request for action in this field—and am resubmitting this legislation in slightly revised form so that it will be even more effective. I urge that the Congress act promptly. There is no excuse for further procrastination.

5. *I have directed the Departments of Labor and the Treasury to undertake a one-year study to determine the extent of benefit losses under pension plans which are terminated.*

When a pension plan is terminated, an employee participating in it can lose all or a part of the benefits which he has long been relying on, even if his plan is fully vested. The extent to which terminations occur, the number of workers who are affected, and the degree to which they are harmed are questions about which we now have insufficient information. This information is needed in order to determine what Federal policy should be on questions such as funding, the nature of the employer's liability, and termination insurance.

Even the best data now available in this field is itself incomplete and questionable. It was gathered for the period from 1955 to 1965 and it indicates that less than one-tenth of 1 percent of all workers then covered by pension plans were affected by terminations in any given year. It should also be noted that some workers who are affected by terminations may not actually lose their benefits. The wrong solution to the terminations problem could do more harm than good by raising unduly the cost of pension plans for the many workers who are not adversely affected by terminations.

Nevertheless, even one worker whose retirement security is destroyed by the termination of a plan is one too many. It is important, therefore, that the nature and scope of this problem be carefully and thoroughly investigated. I have directed the Departments of Labor and the Treasury to complete their study within one year.

* * * * *

The proposals which I offer today would enhance substantially the retirement security of America's work force. Those who are not members of group pension plans and those who have only limited coverage would be encouraged to obtain individual coverage on their own. The self-employed would have an incentive to arrange more adequate coverage for themselves and their employees. All participants would have greater assurance that they will actually receive the benefits which are coming to them. And they could also be far more certain that their pension funds were being administered under strict fiduciary standards.

There is sometimes a tendency for Government to neglect or take for granted the "little man" in this country, the average citizen who lives a quiet, responsible life and who constitutes the backbone of our strength as a nation. "He can take care of himself," we say, and there is a great deal of truth in that statement. The self-reliance of the average American is an extremely important national asset.

The fact that a man is self-reliant, however, does not mean that Government should ignore him. To the contrary, Government should do its part to cultivate individual responsibility, to provide incentives and rewards to those who "take care of themselves." Only in this way can we be sure that the self-reliant way of life will be a continuing and growing part of the American experience.

My pension reform program would help do this. It builds on traditional strengths which have always been at the root of our national greatness.

The private pension system has contributed much to the economic security of American workers. We can be proud of its growth and its accomplishments. The proposals I offer will strengthen and stimulate its further development.

I hope this program will receive the prompt and favorable consideration of the Congress. For it can do a great deal to protect the rights of the average American during his working years and to enhance the quality of his life when he has retired.

RICHARD NIXON.

THE WHITE HOUSE, *December 8, 1971.*

STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 728 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 728

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1163) to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amended text of the bill H.R. 8290, as reported by the Committee on Agriculture, as an amendment to the bill H.R. 1163. At the conclusion of the consideration of H.R. 1163 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes for purposes of debate to the distinguished gentleman from Ohio (Mr. LATTA). Pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 728 provides an open rule with 1 hour of general debate for consideration of H.R. 1163, the Strategic Storable Agricultural Commodities Act. The resolution also provides that it shall be in order to consider, without the intervention of a point of order, the amended text of H.R. 8290, a bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. H.R. 8290 was made in order as an amendment because otherwise it would likely be ruled nongermane and it would delay the work of the House to take up the two related measures separately.

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This should be considered in the nature of emergency legislation. To fail to act will be to invite a farm-fed depression to engulf our Nation.

Twenty years ago, in 1951 corn was selling at $1.66 per bushel. At harvest time this year the price was 92 cents. If corn prices had kept pace with the rest of the economy during these two decades, 1971 prices would be about $2.60 per bushel. In other words grain farmers are lagging behind the rest of the economy by more than half, are indeed receiving prices below the cost of production, and farm bankruptcies are up sharply.

The purpose of H.R. 1163 is to establish and maintain and dispose of a separate strategic reserve of soybeans, corn, grain sorghum, barley, oats, and wheat. It is not unlike the strategic reserves of metals and other materials in which we have invested billions.

The Secretary of Agriculture would purchase through the Commodity Credit Corporation not more than 300 million bushels of wheat and 25 million tons of feed grains.

Maximum price for the feed grains and wheat would be not more than the previous 5-year average price received by farmers.

The reserve would be offered for sale at 120 percent of the 5-year average price, which would create a 20-percent spread between the maximum buying price and the minimum selling price.

When the reserve could be sold at 120 percent, the sale could be prevented by the President declaring a state of emergency or by Congress passing a concurrent resolution. The bill has well worked out guarantees against mismanagement of reserves or storage facilities.

The legislation authorizes the reserve to be used in any distress area or disaster area in the United States and the Virgin Islands so designated by the President.

The Secretary is authorized to rotate the reserves to prevent damage or spoilage.

The amendment made in order, H.R. 8290, requires the Secretary of Agriculture to increase the loan levels of wheat and feed grains by 25 percent on the 1971 and 1972 crops.

Mr. Speaker, I urge the adoption of the resolution in order that the legislation may be considered.

I now yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume. I favor any legislation which would increase farm income rather then diminish it.

Mr. Speaker, I believe everyone who is vaguely familiar with our corn production this year realizes that we have had a tremendous yield—much more than was anticipated by the Department of Agriculture and by the farmers themselves.

This surplus was produced while a new, bipartisan farm program was in effect. I know that partisan politics will be injected into this debate today in spite of this fact. No one can deny that we suffered from a corn blight last year. An anticipated corn blight did not materialize this year and we had one of the largest corn crops in the Nation's history. In fact, going into 1972 we will have a carryover of 1.4 billion bushels of corn.

Under the provisions of H.R. 1163, some 25 million tons of feed grains, which includes corn, would be held off and on the market in perpetuity. I need not tell anyone in this Chamber that such tremendous supply would have its effect on the market place.

Mr. Speaker, the new Secretary of Agriculture announced on December 3 that the U.S. Department of Agriculture will soon begin purchasing corn in the open market.

This announcement reads as follows:

Secretary of Agriculture Earl L. Butz today announced that the U.S. Department of Agriculture will soon begin purchasing corn in the open market.

Today's action is prompted by the large 1971-crop corn production which is now estimated at more than 5.5 billion bushels. This record crop reflects the response of farmers to the threat to corn supplies by corn blight which did not materialize to the degree expected. Because farmers responded by planting extra acreage to assure adequate supplies of feed grain at home and abroad, the big crop has brought a sharp drop in the corn prices.

The purchase operation will firm up farm prices and will provide reserve stocks to meet domestic requirements during periods of short supply. This action combined with the already strengthened and broadened commodity loan program as well as the recent large sale of U.S. corn to the Soviet Union gives farmers a wide choice of alternatives in handling and marketing this year's corn crop.

Secretary Butz pointed out that record quantities of corn are going under loan earlier in the season this year than ever before. A preliminary report indicates that nearly 240 million bushels of 1971-crop corn had gone under loan through Nov. 26. This is more than 2½ times the previous record amount of corn put under loan from the beginning of harvest through November. Additional extensive use of the loan program by farmers will continue the advance in corn prices which has been underway for the past two weeks.

The question certainly could be asked: Why are the proponents of this legislation unwilling to see what effect these purchases will have on the price of corn?

House Resolution 728 provides for a 1-hour open rule on H.R. 1163, the strategic grain reserve bill. It is a conventional rule except for a provision making the amended text of H.R. 8290, a bill to increase the grain price support levels by 25 percent in 1971 and 1972 in order so that it could be offered as an amendment to H.R. 1163. The nongermane text of H.R. 8290 was made in order by an 8-to-7 vote in the Committee on Rules.

I proposed an amendment of a $20,000 limitation on agricultural payments but this failed by a vote of 8 to 7.

It is my understanding that if the previous question on this rule is voted down, the gentleman from Massachusetts (Mr. CONTE) will then offer the $20,000 payment limitation as an amendment to H.R. 1163. It is my opinion that this will be a closed vote and I would urge all Members to be recorded at the proper time.

I have heard many Members, including some members of the Rules Committee, point out from time to time that these large payments to so-called corporate farms are unjustified and do a disservice to the small farmers.

They argued that these large payments put the small farmers of this country in disrepute in the public's eye. Well, today these individuals will have an opportunity to stand up and be counted as to whether or not they really wanted a $20,000 limitation.

I shall vote to reject the previous question so that this $20,000 payment limitation can be offered and considered.

Mr. Speaker, under the limited rule before us, this is the only way this matter can be considered. Had my amendment been adopted in the Committee on Rules by 8 to 7 instead of being rejected 7 to 8 it would have been unnecessary to vote down the previous question tonight.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, everybody knows that you cannot explain the farm program in 10 minutes, or 10 hours, I suppose, but at least we can look at a couple of things that I believe will help to explain what the situation really is.

On a chart I have here, there are three lines. One shows production of corn, one shows the price of corn, and one shows utilization.

CALL OF THE HOUSE

Mr. MADDEN. Mr. Speaker, I make point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MADDEN. Mr. Speaker, I withdraw my point of order that a quorum is not present.

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 442]

Andrews, Ala.	Celler	Fish
Annunzio	Chisholm	Foley
Arends	Clark	Ford,
Ashley	Clay	William D.
Aspinall	Collins, Ill.	Fountain
Baring	Curlin	Fraser
Belcher	Davis, Ga.	Garmatz
Blackburn	Dent	Gray
Blanton	Derwinski	Green, Oreg.
Blatnik	Diggs	Gude
Boland	Dowdy	Hagan
Broyhill, N.C.	Edmondson	Hansen, Wash.
Cabell	Edwards, Calif.	Hawkins
Carey, N.Y.	Edwards, La.	Hébert
Carney	Evans, Colo.	Hillis
Casey, Tex.	Evins, Tenn.	Holifield
Ichord	Montgomery	Scott
Jarman	Murphy, N.Y.	Sikes
Jonas	Passman	Smith, N.Y.
Jones, Ala.	Patman	Spence
Kastenmeier	Pike	Springer
Keith	Powell	Staggers
Kluczynski	Pryor, Ark.	Stanton,
Long, La.	Pucinski	James V.
Lujan	Quillen	Steed
McClory	Rees	Steiger, Wis.
Macdonald,	Reid, N.Y.	Sullivan
Mass.	Riegle	Tiernan
Mathias, Calif.	Roncalio	Udall
Mathis, Ga.	Rooney, N.Y.	Ullman
Miller, Calif.	Rosenthal	Waldie
Mills, Ark.	Rostenkowski	Whitten
Mink	Sarbanes	Wright

The SPEAKER. On this rollcall 335 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT OF 1971

The SPEAKER. The gentleman from Iowa (Mr. SMITH) has 9 minutes remaining.

Mr. SMITH of Iowa. Mr. Speaker, as anyone can see who looks at this chart, utilization or consumption stays rather steady and on the slight incline. What happens is when we are afraid that there is going to be a shortage of food, farmers are asked to produce more and the price goes down.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, for the benefit of the Members who were not here prior to the rollcall, let me say that since I have been in Congress this is one real agricultural bill that is going to aid the small farmers. Why was it programed at this hour of the night, when we spent all day on legislation pertaining to foreign aid? I think we ought to pay a little attention to the small farmers.

There is going to be a kind of a Republican trick maneuver to put an amendment on the previous question here on this rule that the Members should pay little attention to, because it is nothing but a maneuver to bring in this $20,000 limitation that I have supported for years. I am going to vote against that maneuver because we want to pass this much needed farm relief legislation tonight.

Mr. Speaker, again I thank the gentleman for yielding.

Mr. SMITH of Iowa. Mr. Speaker what happens is that when the farmers are asked to produce grain to make sure there is enough food, then the price of corn goes way down. That is what happened this year. It went down to the lowest level in years and years.

What does this do? The small farmers, because they do not have plenty of financing, whenever this happens are run off the farms, and forced to move into the towns and cities where there are no jobs existing.

We had a bill up here, and I voted for it, for $1 billion, to provide for 100,000 jobs. Well, more than 100,000 people are going to be run off the farms this year if we do not do something about this present critical farm situation. These are people who do not have the money to hang on for another year unless prices improve. When this happens, the smaller farmers have been forced to leave the farms.

What we are trying to do is to make the supply stable enough so that this situation does not continue to occur, and so that we are not running these people off the small farms and into the towns so fast.

Mr. HAYS. Mr. Speaker, if the gentleman will yield, did not the new Secretary of Agriculture, who has only been in office a very short time, say that the way to solve the farm problem was to run these people off the farms?

Mr. SMITH of Iowa. That result is even worse when there are so few jobs available and unemployment is so high.

Mr. HAYS. That is right; but there are no jobs in town, which he does not really care about. He just wants to get them off the farms.

Mr. SMITH of Iowa. So, right now, when we reach this point of low prices when it is at the lowest level in years, it has happened at a time when there are few jobs in the town.

Mr. HAYS. That is exactly right.

Mr. SMITH of Iowa. So that it would complicate the problems in the towns and cities even more.

In addition to that, some people say, "You know, this bill has something to do with consumer prices."

The next thing I want to show you folks is that this has nothing to do with consumer prices.

I went shopping yesterday morning, and this is a 5-pound bag of corn meal, purchased right here in Washington, D.C., yesterday morning. As anybody can see, it costs 59 cents. This is corn meal. This is a food product raised by the farmers of this country.

Here is a bag of flour, 5 pounds of that for the same price, 59 cents.

Now, this is food we are talking about, food that people eat. If one did not have enough of it there would be rioting in this country.

But now, what about some of the other nonfood, nonstocked, nonprice-supported products. This is just plain, old dirt, just potting soil; that is all it is, just dirt, and that costs 69 cents for 5 pounds. It costs more than the corn meal and flour, for dirt.

So you can see that corn and wheat are cheaper than dirt. They are not just dirt cheap; they are cheaper than dirt.

If you do not think that proves that almost the whole cost of the food basket is in transportation, and in the middlemen who handle it after it leaves the farmer, then take a look at this. This is cat litter, and that costs 79 cents. It costs more for the stuff for your cat to scratch in than it does for flour or corn meal.

Then we come to another one. This is nothing but cow manure, and this costs 79 cents for 5 pounds. Corn is cheaper than cow manure.

I did not want to slight anybody, or somebody might say that, well, you favor cattle, so here is sheep manure, and that is the same price.

Mr. ABOUREZK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Speaker, I was wondering if the gentleman might point out to the Members here whether or not the sheep manure was subsidized?

Mr. SMITH of Iowa. No, it is not. It is not a subsidized product. The gentleman's point is well taken, nonsupported products are selling for more in this case.

The point is this bill, to help these poor farmers down here who cannot finance themselves for another year, has nothing to do with the price of groceries in the grocery basket.

In addition to that, I would like to point out if we go back 10 more years and we had corn at $1.66.

It is 97 cents today. Nothing else in America has gone down that way at the same time that their costs are going up.

Now what do the opponents say? They want to amend this bill and put on limitations—no payments in this bill for the farmers. That has nothing at all to do with this bill—it is nongermane.

They did not go up to the Committee on Rules and ask to put that amendment on the foreign aid bill or on the pesticide bill or on any of these other bills that came up. No—just this bill is the only one they want to put it on. About 90 percent of those who want the amendment on this bill are not going to vote for the bill anyway. It is just a political maneuver. That is all it is.

The farmers of this country should know that any vote against the previous question is pure and simple a vote not to try to do something about the small farmers of this country with regard to the plight that they are in and those who are not going to vote for the bill are not going to be able to hide behind a curtain, and they think they are.

A vote against the previous question is a vote not to do something about this desperate situation that exists in rural America today.

Mr. ABOUREZK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. ABOUREZK. I wonder if the gentleman from Iowa knows how many people producing wheat and corn and feed grain involved in this bill received $20,000 in payments?

Mr. SMITH of Iowa. It is very small. This bill does not include cotton. A very small number get more than $20,000. But payments are not involved in the bill anyway. They buy this grain when it is in excess quantity, they put it in storage until a year when it is needed. This week, they are accepting bids to buy grain. They announced last Friday that they were going to buy it. They are going to buy grain and they are going to have it in storage whether we pass this bill or not.

But there is an important difference. The language in my bill prevents things that happened in the fifties and sixties. It puts a limitation on what they can pay, it permits buying less than half of

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what we bought back in the 1950's and providing the price at which they sell and the volume which they shall sell.

So we know whenever the grain is in this kind of reserve, we will not have the things happen that happened back there and have the market flooded with grain at other times, and not let loose of the grain when the consumers need it.

This is truly a reserve. There is nothing new about reserves. It is the same as the advice that Joseph gave to Pharoah 2,000 years ago. What is new about it is that we are actually doing something about it instead of just talking about it as when we are talking about is the ever normal granary and things like that. But in fact, we have never really had a reserve and we have not had something to help the prices in that year.

This bill provides for a reserve. We have the provisions right in it to provide how much will be sold and whether it will be sold and we will be assured that it will operate as a reserve so that our consumption and prices and our utilization and production are more nearly equal. We should not under this program have these bad situations where the price drops so fast that the small farmers themselves are not able to tide themselves over for another year and be run into town by the hundreds of thousands. Some of the big people they talk about, the conglomerates—do not care so much about this bill and the big grain companies do not care about this—they can buy that grain and store it and wait—but not the small farmer or the low-income farmer whose market is the cash market. Their market is at the elevator between October and March and he does not have storage and does not even own any land on which to build storage. He depends on the cash market and if we do not do something for him now, there is not going to be anything done and they are going to go into town by the hundreds of thousands again.

The Department announced that they are going to buy some corn, but it is not under the provisions of this bill. What happened—the market went down. It is actually down 1⅝ cents in the last 3 days since they made the announcement that they will buy corn. The market has no confidence in what the Department will do when there are no statutory requirements to insulate it from the market. They figure that unless the statute provides the exact rules that will be followed, they might do whatever some big grain company wants to do or sell when they should not or not buy the amount they had the right to expect. Under my bill, they announce the amount subject to being able to buy it within the prices which apply that year.

Mr. ANDERSON of Tennessee. Mr. Speaker, I reserve the remainder of my time.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, I am opposed to H.R. 1163 and to the rule which proposed to make the text of another bill, H.R. 8290, in order but which denied the opportunity to offer a $20,000 payment limitation.

At the appropriate time I intend to support the effort of the gentleman from Massachusetts (Mr. CONTE) to defeat the previous question on the rule in order to create the parliamentary opportunity for a $20,000 payment limitation to be made in order for debate in the House.

There are, Mr. Speaker, three separate propositions involved in this legislation.

First, there is the issue of whether the Government should commit itself to a program of purchase and perpetual storage of large amounts of grain. That is what H.R. 1163 is all about.

Second, there is the issue of whether the levels at which the Government lends money to eligible farmers on their grain production should be raised. H.R. 8290 proposes to raise these loan levels by 25 percent for this year and next year.

Finally, there is a question of the cost of these propositions and whether some fiscal restraint should be structured into the program. That is what the $20,000 payment limitation is all about.

H.R. 1163—GRAIN RESERVE BILL

This bill raises more questions than it answers. For example:

If there is to be a reserve supply of grain in this country, who should own it, the producers and processors of grain or the Government?

And how likely is it there will be an actual shortage?

And are alternative sources of grain available?

And what happens to market prices later when there is a large bumper crop with a reserve, that is surplus, already on hand?

H.R. 1163 does not effectively answer any of these questions because it proposes that the Federal Government rather than farmers or the private grain trade be the keeper of the surplus.

It fails to recognize the fact that there is no shortage of grain now or in the foreseeable future.

It ignores sources of grain both at home and overseas that would be available.

In brief, it simply adds a very expensive price depressant to farmers' market price picture.

COST

The Department of Agriculture estimates that the cost of acquiring the grain under H.R. 1163 would be $1.45 billion. In addition, there would be annual storage and handling costs of $215 million each year and every year thereafter.

Even after accepting the proponents' premise that large quantities of grain will be acquired by CCC under the regular price-support system, the additional acquisition cost of grain under H.R. 1163 is still estimated to be $143 million.

BAD FOR FARMERS

In the years ahead, farmers would ruefully regret the enactment of this bill. They would surely find that after the so-called "reserve" has been accumulated it will hang there—like an economic sword of Damocles—for years to come as a threat to higher market prices.

Under the terms of the bill, grain must be sold into the market at 120 percent of the previous 5-year market average. This mandate is further circumscribed by possible presidential or congressional actions.

Thus, it is more probable than possible that in future years the surplus in this so-called reserve will be dumped onto the market and destroy any chance grain producers might have for better prices.

H.R. 1163 does not seem to me to be in the interest of a healthy market economy for grain producers.

USDA ACTION

The fact is, Mr. Speaker, that the U.S. Department of Agriculture is taking a series of steps to improve grain prices, and grain prices have advanced in recent weeks. The price in Chicago for No. 2 yellow corn now is $1.18 compared to $1.05 only a couple of weks ago. USDA actions include extending CCC crop loans into future years; expanding exports to foreign nations, including the Soviet Union; and inaugurating a grain purchase program.

On this latter point I would like to call to the attention of the House a recent departmental announcement and news story:

SECRETARY BUTZ ANNOUNCES THAT USDA TO BUY CORN IN THE OPEN MARKET

WASHINGTON, December 3.—Secretary of Agriculture Earl L. Butz today announced that the U.S. Department of Agriculture will soon begin purchasing corn in the open market.

Today's action is prompted by the large 1971-crop corn production which is now estimated at more than 5.5 billion bushels. This record crop reflects the response of farmers to the threat to corn supplies by corn blight which did not materialize to the degree expected. Because farmers responded by planting extra acreage to assure adequate supplies of feed grain at home and abroad, the big crop has brought a sharp drop in the corn prices.

The purchase operation will firm up farm prices and will provide reserve stocks to meet domestic requirements during periods of short supply. This action combined with the already strengthened and broadened commodity loan program as well as the recent large sale of U.S. corn to the Soviet Union gives farmers a wide choice of alternatives in handling and marketing this year's corn crop.

Secretary Butz pointed out that record quantities of corn are going under loan earlier in the season this year than ever before. A preliminary report indicates that nearly 240 million bushels of 1971-crop corn had gone under loan through Nov. 26. This is more than 2½ times the previous record amount of corn put under loan from the beginning of harvest through November. Additional extensive use of the loan program by farmers will continue the advance in corn prices which has been underway for the past two weeks.

While the purchases announced today will be at market prices, specific amounts to be purchased and prices to be paid will be a continuing determination. The bid invitation is being sent to interested persons this weekend from the Kansas City ASCS Commodity Office which will handle the details of the corn purchase operation. First offers will be due next Friday, Dec. 10, for acceptance Monday, Dec. 13.

[From the Washington Post, Dec. 4, 1971]

U.S. CORN PURCHASE ANNOUNCED BY BUTZ

Moving quickly to quell farm belt unrest over low grain prices, Agriculture Secretary Earl L. Butz announced yesterday the government "will soon begin purchasing corn in the open market."

Butz, who promised during the fight over his confirmation to take action to bolster grain prices sagging under record harvests, acted less than 24 hours after his swearing-in.

The Agriculture Department said the specific amount of corn to be bought at market prices was left open. First bids will be received Dec. 10 for acceptance Dec. 13.

"The purchase operation will firm up farm prices and will provide reserve stocks to meet domestic requirements during periods of short supply," a department statement said.

Butz was administered the oath of office at the White House late Thursday, just hours after his confirmation by the Senate on a 51-to-44 vote. The sharp confirmation battle appeared to be the opening gun in farm belt presidential campaigning for 1972.

Butz said the corn purchase—which had been demanded earlier by farm bloc lawmakers but resisted by the Agriculture Department under former Secretary Clifford M. Hardin—was prompted by the record 5.5 billion bushel 1971 corn crop.

"This record crop reflects the response of farmers to the threat to corn supplies by corn blight which did not materialize to the degree expected, because farmers responded by planting extra acreage to assure adequate supplies . . . the big crop has brought a sharp drop in corn prices," the department said.

Butz' move appears to be designed partly to head off a push by House farm bloc lawmakers, mostly Democrats, for a bill which would require the government to purchase up to 900 million bushels of feed grain and 300 million bushels of wheat for storage in a "national reserve."

The House Rules Committee is scheduled to decide Monday whether to send that bill to the House floor over the opposition of GOP farm leaders.

Butz said preliminary reports show nearly 240 million bushels of 1971 corn were put under loan—thus holding it off the market—through Nov. 26. This is more than 2½ times the previous record volume in the support loan program in any similar period.

While there was no indication immediately how much corn the government would buy, experts pointed out that much of the cost might be offset by the fact that if market prices are pushed up, prospective supplemental government payments due to farmers next March to maintain a $1.03-a-bushel price could be reduced.

SIMILAR PROGRAM PROPOSED IN 1954

In 1954 when Mr. Ezra Taft Benson was Secretary of Agriculture a grain "set-aside" or reserve plan was included in the Agriculture Act of 1954.

During the hearings on that legislation, my friend and colleague the gentleman from Texas (Mr. POAGE) made some very pertinent, and I might say, accurate observations about this type of a proposition.

The record reads as follows:

. . . . . .

Mr. POAGE. . . . But I do know that there has never been any method whereby we could set aside commodities and not have the trade take it into consideration.

. . . . . .

Mr. POAGE. What Mr. Benson has proposed is simply to make that storage a permanent burden on the United States because, if we are going to store these surpluses forever, then we are going to have to pay that burden continuously from now on out. . . .

LITTLE SUPPORT FOR BILL

There is, Mr. Speaker, very little public support for this bill. The administration is opposed to it, and I doubt very much if there is any significant interest in its enactment outside the major cash grain producing States in the Midwest.

The following editorial from the Livestock Market Digest of Monday, December 6, 1971, pretty well sums up a lot of opinion that exists out in the countryside:

STRATEGIC RESERVE NO INSTANT PRICE SOLUTION

It is the low price of corn resulting from abundant supplies which has attracted much attention to current farm problems. Those millions of Americans whose food bargains are provided by a relatively small number of livestock men and farmers were introduced to the subject briefly on nationwide television recently. This was when President Nixon said he was going to nominate Earl Butz to replace Secretary of Agriculture Clifford Hardin. When Mr. Butz had his turn at the microphone, he ended a commentary by remarking, ". . . and corn is too low" as he looked in Mr. Hardin's direction.

Because of these prices—in the range of 90 cents in the high-producing Corn Belt—there is talk about establishing "strategic reserves." The purpose would be to take priceable supplies and increasing prices.

An excellent analysis of such proposals has been made by M. M. Van Kirk, Nebraska farm columnist. He comments that one of the arguments for such a reserve is that its existence would have resulted in releasing some of the government-held stocks of corn to forestall shortages resulting from the effects of last year's corn blight. Instead, corn production acreages were allowed to increase to offset the shortage, and this year's surpluses are the result.

"In other words," says Mr. Van Kirk, "the government-held stocks of corn would have been available to dump onto the market to hold down the price of corn in event there was a short crop as occurred in 1970." He continued: "What the promoters of the 'strategic reserve' idea seem to ignore is that in the fall of 1970 when results of Southern corn leaf blight had taken such a heavy toll, the price of corn did rise sharply and immediately the government did put millions of bushels of government-held corn on the market to halt the price increases."

Thus the problem with any such reserve system is that it reacts to political pressures fully as much to hold prices down as to hold them up. This is a feature forgotten when surpluses become burdensome.

Mr. Van Kirk concluded that stockpiling strategic reserves of grain is far different than stockpiling copper or strategic metals. "Grains are perishable and eventually what goes in must come out and when they do they will have a depressant effect on the market."

In the heat of the hour, however, solutions are tried from a political standpoint that have no justification economically.

MISCHIEF IN H.R. 8290

The text of H.R. 8290 which this rule proposes to make in order as a nongermane amendment to H.R. 1163 would raise grain loan levels by 25 percent in 1971 and 1972.

Corn would increase from $1.05 to $1.31 per bushel, wheat from $1.25 to $1.57, grain sorghum from $1.73 to $2.16 per hundredweight, oats from 81 cents to $1.01 per bushel, and barley from 54 cents to 68 cents.

These increases would come at a time when there is a large surplus of grain and at a time when the Department is trying to discourage plantings under the 1972 program. This is the main mischief involved in H.R. 8290. It simply fouls up the 1972 feed grain program. The 1972 feed grain program is designed to retire over twice as much acreage as this year's program—some 38 million acres in 1972 compared to 18 million acres in 1971.

If loans were increased as proposed in this amendment, the nearly $2 billion being spent to make the 1972 program work would be washed out as many farmers would be encouraged to grow more grain and receive the higher prices stimulated by a 25-percent boost in CCC loans.

In this regard, the Department estimates the additional cost in the current fiscal year—fiscal year 1972—to be $281 million. Next year the cost would of course skyrocket as the surplus built up.

TWENTY-THOUSAND DOLLAR LIMIT

The final issue before us today is the $20,000 payment limit. The House has voted on this proposition several times. Each time the will of the House has been frustrated and the limitation has not been enacted into law. The time has now come to apply this discipline to these expensive commodity bills.

The Committee on Rules denied a rule making the $20,000 payment limitation in order by the narrowest of margins on an 8-to-7 vote. It permitted a nongermane grain price support amendment to be included.

It seems to me that equity calls for the same treatment for both amendments.

What is good for the goose ought to be good for the gander too.

That is why I hope the House will vote down the previous question on House Resolution 728 and make the $20,000 payment limit in order.

That is why I joined yesterday with a number of my colleagues on a nonpartisan, and I might add, a nonideological basis to urge this action in the following letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 7, 1971.

DEAR COLLEAGUE: H.R. 1163 (Strategic Grain Reserve) is expected to be on the floor soon (perhaps Wednesday, Dec. 8). It presents the only opportunity in the waning days of this session to impose a $20,000 annual limit on government commodity program payments to farmers.

Unfortunately, by a vote of 8 to 7, the Rules Committee refused to make in order the $20,000 limit amendment. It is therefore necessary for the House to defeat the previous question on the rule before Members can even consider the payment limit.

Big payments to huge agricultural combines are becoming more numerous each year. In 1969, 7,795 farmers got payments exceeding $20,000. In 1970 the number of such farmers rose to 10,371.

Payments of this magnitude actually finance bigness in agriculture and, at the same time, tend to discredit farm programs.

We urge your support fo the effort to vote down the previous question, so Members may have the opportunity to vote on the payment limit.

Page Belcher, R–Oklahoma, Charles Teague, R–California, William Wampler, R–Virginia, Wiley Mayne, R–Iowa, Paul Findley, R–Illinois, William Stanton, R–Ohio, Frank Horton, R–New York, Frank Thompson, D–New Jersey, Edith Green, D–Oregon, Silvio Conte, R–Massachusetts, Margaret Heckler, R–Massachusetts, John Bra-

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demas, D–Indiana, Ken Hechler, D–West Virginia, Seymour Halpern, R–New York, Vernon W. Thomson, R–Wisconsin, Shirley Chisholm, D–New York, Robert Drinan, D–Massachusetts, Robert Giaimo, D–Connecticut.

SUMMARY

H.R. 1163 and its kindred amendment included in H.R. 8290 is not sound legislation. Prospects are high, however, that this bill is going to pass the House. If it does, there should be a countervailing cost discipline established to keep these expensive new subsidies from being bestowed on those least needing them. Thus a $20,000 payment limit is not only in order; it is imperative.

I urge the rejection of the previous question.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have in my hand a crop carryover report from the Department of Agriculture on the situation in November, and I would like to have the RECORD show the carryover of corn for 1968 was 1,162,000,000 bushels; in 1969 it was 1,113,000,000 bushels; in 1970 it was 999,000,000 bushels; in 1971 it was 665,000,000 bushels, and will be 1,400,000,000 bushels for 1972. This gives an average, for 1965 to 1969, of 1,017,000,000 carryover bushels, so it cannot be argued that we need this bill from a strategic need basis. We have had more than ample supplies as indicated from this carryover.

Mr. Speaker, I yield 7 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, H.R. 1163 which we consider tonight was originally a strategic reserve bill for purchase of a very large amount of corn and wheat to be kept in a reserve. However, the Rules Committee has now permitted an amendment to be offered which will also increase the loan rate on wheat and corn by 25 percent. This would raise the present wheat loan from $1.25 to $1.56 per bushel and the present corn loan from $1.00 to $1.35. The theory of this amendment is that such an increase in the loan rate will cause the price of corn to rise to the level of the loan rate.

If this happens and the Department of Agriculture proceeds to buy 900 million bushels of corn, as the reserve aspect of the bill requires, it will cost the taxpayer at least $1.35 per bushel or $1,215 million plus $1.56 per bushel for 300 million bushels of wheat, or $468 million, or a total of $1,683 million.

This is just for acquisition of the reserve. In addition, it will cost $210 million a year to store this grain. And all of these figures are in addition to more than $2,050 million paid to feed grain and wheat farmers in direct payments under this year's program and $2.9 billion to be paid next year under the 1972 program already announced. This does not include cotton payments which have been costing from $820 to $915 million per year. Nor does it include any money to be paid out in loans. These figures I have just stated are direct payments, acquisition of reserve costs, reserve, and storage costs.

It is obvious that with these very substantial payments to be made to wheat and feed grain farmers, Members who have voted in the past to limit annual commodity payments to $20,000 would certainly want to have an opportunity to vote for such a limitation again. After all this House has three times voted for a $20,000 limit and the Senate did so as recently as November of 1970. But the Rules Committee by the narrowest possible margin of only 8 to 7 has refused to open up this rule to permit the gentleman from Massachusetts (Mr. CONTE) and the gentleman from Illinois (Mr. FINDLEY) to even offer their $20,000 limitation amendment. And that is why it becomes so necessary to vote down the previous question on this rule. And I would like to add that I am no Johnny-come-lately on this $20,000 limitation proposal as I have voted for it at least the last five times it has come up.

The action of this bare majority of the Rules Committee in trying to bar consideration of any limitation of payments is especially difficult to understand in view of the great national concern which has been demonstrated in recent weeks about the way in which vertically integrated conglomerates, other farming corporations and giant individual producers are swallowing up medium- and small-sized farms and driving family farmers from the soil. These agrigiants are receiving huge payments under existing programs which they use to widen the unfair competitive advantage they already hold over family farmers. This anxiety about family sized farms and the need to place some reasonable curbs on the way they are being taken over by the agrigiants has been most eloquently expressed in recent weeks in the other body during its confirmation hearings on the appointment of a new Secretary of Agriculture.

One would think that the Rules Committee would also want this House to be able to take some effective action to protect the family farmer against the depredations of the fat cats of American agriculture. Unless we vote a payment limit on this bill they will continue to be enriched with huge payments which they will continue to use to buy up more and more land driving more hundreds of thousands of farmers out of agriculture. Eight members of the Rules Committee did vote to help the family farmer for whom these commodity programs were originally designed, but unfortunately a slim majority of nine voted to deny members even the right to vote on the proposition that annual payments should be limited to the very reasonable amount of $20,000. That is why I say we should vote "no" and vote down the previous question.

As I have said repeatedly, annual payments of more than $20,000 are hurting, not helping the family farmer. They are subsidizing the gigantic agricultural combines, corporate and otherwise which have been gobbling up family size farms and driving families from the land by the hundreds of thousands. I have said before and I say again, we should not be misled by the arguments that payments of more than $20,000 are helping the small and medium size farmers when they, in fact, contribute to their destruction. Agriculture Department records show the number of larger producers receiving large Government payments is growing by leaps and bounds. In 1968, a total of 5,914 farmers received payments of more than $20,000. In 1969, 7,795 producers collected more than $20,000. Last year it increased to 10,371. In other words, the number receiving over $20,000 nearly doubled in just 2 years.

I have already pointed out that if the proposals currently under consideration become law, there will be a very substantial increase in the cost of our commodity programs. Is it not time for Congress to restrict the programs benefits to those for whom they were originally intended, the small- and medium-sized farmers of America? I say it is past time to eliminate these payments over $20,000 which are giving large producers an unfair competitive advantage over the family farmer. If we will give him a chance to compete fairly and openly, the family farmer can still hold his own with the agrigiants in the production of our food and fiber.

Recent reports from our land grant universities prove that the family farmer can produce just as efficiently, if not more so, than the large corporate giants. At the same time, our family farm structure of agriculture makes a far greater contribution to our national rural life. The family operator trades in the small- and medium-sized towns of America, instead of having everything shipped from corporate headquarters. He is concerned about the quality of schools and other services in the neighborhood, the absentee corporate investor is not. Most family farmers are interested in preserving the soil for future generations. The large corporates are mainly interested in showing a profit for their investors.

I say to all Members who have supported a $20,000 limitation of payments in the past that the need for such a limitation now is greater than ever before. Let us make sure this bill is not used to further enrich conglomerates, corporate combines, and other large individual operators. We have all read about the subterfuges and evasions through which they continue to draw big combined payments in excess of the present $55,000 limit.

Members genuinely interested in the survival of the family farmer will vote "no" on the previous question so that the House can again work its will, and for the fourth time adopt a $20,000 amendment, and this time one with teeth in it which can really be enforced.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, the gentleman from Iowa (Mr. MAYNE) spent 7 minutes and failed to get through to me in his argument why he voted to report the bill out of the Committee on Agriculture, but now wants to kill the rule. I think that $20,000 business is a little bit specious, to use a very polite word.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, I thank the gentleman for the time allocated to me.

I am not going to talk on the bill at this time. I am more interested in the rule.

Members of this House, as a farmer I am totally opposed to reducing the limitation to $20,000 to one farmer for all products. Let me tell you why.

There is sufficient evidence to show that the $20,000 ceiling per farm for all crops will not take into the program the larger operating farmer who contributes to the glut on the market. The problem in the marketplace is not because of the production of the little farmer, it is due to the tremendous production of the large farmer. It is the large operator who produces the surplus, and an enticement must be offered to the large farmer to participate in a workable farm program. If we do not have the large farmer idling some of his land and taking that land out of production, then everything he grows finds its way into the marketplace.

The small farmer, as we recognize him, is diversified; he has livestock and is a grain and livestock operator. This is my operation. We sell very little of our grain. We do not contribute to the problem. It is the large operator who does.

We are asking the man who pays taxes to take land out of production. We cannot do that without providing some means for that individual to be compensated.

Just a short time ago a statement was made that these combines were broken up into smaller units. In fact, in 1969 there were 7,795 farmers receiving payments, and in 1970 there were 10,371. All right. The combines were broken up, and the additional farmers went on the land and farmed that land. Additional farmers went to work—is not this what we want?

I suggest that we vote for the previous question.

We have a problem on the farm, as most of you know. It is nothing new. But a $20,000 limitation at this time I think would wreck the program.

We heard a statement a short time ago that the Secretary of Agriculture will buy corn and that offers will be made on Friday of this week. Bids will be opened on Monday. The problem with that is we have no idea how much corn he is going to buy or any idea of what he will pay for it. I would have thought the USDA would have let us know in sufficient time so that we could make some judgment on this bill. Since this consideration was not given I must abide by the old saying, "a bird in the hand is worth two in the bush." I am going to support the bill and support the amendment offered by the gentleman from Montana (Mr. MELCHER). I ask my colleague in this House to vote for the little farmer.

The big farmer must participate in a program if there is to be a little farmer.

I suggest you vote yes on the previous question.

Mr. ANDERSON of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I know that many of my colleagues are convinced that I will take every opportunity to speak about farm subsidies and to urge adoption of a $20,000 limitation on these subsidies. I rise today to reconfirm their conviction.

But I am not here today just to take advantage of one more opportunity. This is the last such opportunity we will have this session to impose this ceiling. Although frustrated by the failure of our colleagues in the other body, this House has now three times gone on record as favoring my $20,000 limitation. We reconfirmed that determination to restore some sanity to our runaway farm program as recently as 6 months ago.

It was with this thought in mind that my colleague, the gentleman from Illinois (Mr. FINDLEY) asked the Rules Committee to make this amendment in order today. And the narrow margin of its defeat, 8 to 7, is strong testimony to the awareness of the mood of this House.

Now, Mr. Speaker, the argument is made that this is not the time to consider a payment limitation. Now all of us have heard this point made whenever any attempt is made to limit subsidies. It has never been the right time. If the distinguished chairman of the Agriculture Committee and his allies had their way, that time would never come again.

Some of you may also feel that it is futile to try again this session because the other body earlier this year frustrated our efforts in this matter. But I submit that it is never futile to attempt to remedy an injustice. In the legislative process, persistence is a powerful weapon. Some of the voters may not have been paying attention last summer when the House voted to reform and the Senate rejected that reform. So let us repeat at least our part of the process and let us see if the other body is willing to repeat theirs.

We have before us the means to do just that. We have only to defeat the previous question on this present rule. If that is done, it is my intention to offer an amendment to the proposed rule to make in order our consideration of an amendment to limit subsidies to $20,000 per farm. I then intend to offer such an amendment in the committee of the whole and, once again, I am confident the House will reaffirm its commitment to this reform.

There is one final point I would make. Mr. Speaker, we are faced at this moment with a simple question of basic equity. For we are not to be presented solely with a bill to create a strategic grain reserve. The same rules committee which would deny us the opportunity to vote on this ceiling has decided it shall be appropriate to consider the bill supported by the gentleman from Montana (Mr. MELCHER) to raise grain loan levels by 25 percent. There is simply no justification for this double standard of treatment, Mr. Speaker.

And we also cannot ignore the fact that this basic bill before us today may cost as much as $1.4 billion. And the additional bill to be offered by the gentleman from Montana would cost an additional $281 million. I make no comment on the merits of either of these bills. I am simply saying that we owe it to the American taxpayer to limit spending where we can.

Let us leave no doubt, Mr. Speaker, that the taxpayer's voice will be heard today. Let us vote down the previous question on the rule and proceed to the adoption of a reasonable limit on these giant subsidies.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, the gentleman from Iowa (Mr. MAYNE) very ably set forth the arguments for the $20,000 payment limitation, as did the gentleman from Massachusetts (Mr. CONTE).

I shall add one thought. A justification for this unusual procedure, seeking to make in order what is clearly a nongermane amendment, is that if we do not seize this opportunity tonight on this bill, we will thus miss any opportunity to effect the substantial savings that could accrue with a $20,000 payment limit on the 1972 crops.

When the appropriations bill comes around next spring or next summer, undoubtedly, a $20,000 payment limitation will be offered, and I will forecast that it will be accepted by the House. However, by that time the contracts will have been made for 1972 crops for feed grains, for cotton, and for some types of wheat no doubt. So, it would hardly be proper or legal at that late stage, for us to try to change those contracts. Therefore, that is why there is a note of urgency in the proceedings tonight, why it is absolutely essential to vote down the previous question in order to make in order this $20,000 limitation.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I just have a couple of comments to make, and then I will gladly yield to the gentleman.

Mr. Speaker, the gentleman from Illinois (Mr. ARENDS) the minority whip, was not able to be here this evening, but he asked me to state his support for the move to vote down the previous question.

The gentleman from Oklahoma (Mr BELCHER) the ranking minority member of the House Committee on Agriculture, is in the same position; he is unable to be here this evening, but he has sent word that he too, supports the move to vote down the previous question.

Of course, the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) is here to speak for himself.

I would like to add finally that a very distinguished Democrat, a man who served for a number of years as Under Secretary of Agriculture, John Schnittker has maintained consistently and persistently over a period of years, that a limitation of this type would not impair the proper functioning of commodity programs. In fact, he enthusiastically supports this type payment limitation.

So I think the comment that was made just a little bit earlier at least can be challenged, the comment to the effect that the limitation would be destructive. I have never viewed it as a destructive amendment. I view it as an amendment that would bring about a badly needed reform and bring greater respect in the public's eye for farm programs, make them function better to the greater ad-

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vantage of the small farmers without enriching needlessly the large farmers.

Now, Mr. Speaker, I will yield to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman is so interested in this amendment why do you not put it on some bill that can become law with the amendment on it?

The gentleman knows that it will kill this bill. Why not put it on the bill which is coming up tomorrow?

Mr. FINDLEY. I am glad to seize every opportunity, and I hope the gentleman will join me.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield such time as he may consume to the distinguished Chairman of the Committee on Agriculture, the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Speaker, it is not my intention to take any undue time, because I know there are Members who have stayed here for the purpose of casting their vote on this matter. I appreciate the sacrifice they are making.

I do want to call attention, however, to the fact that the crux of this matter is to be settled on this question of whether or not you are going to vote down the previous question on the rule.

If you will vote for the previous question on the rule, as we do in 99 percent of the cases, we will proceed here and consider the bill which is before us.

If you vote down the previous question we will bog down into discussion of something that has no more relevancy to this bill than it had to the education bill that was up yesterday, or to the military appropriations bill, or to any other piece of legislation.

In evidence of that, it is going to require a change of rule in order to make any such amendment in order on this bill. It could be attached to any bill before this House by that procedure. If the advocates of this amendment were only concerned with the amendment why did they not offer to put it on a bill which seemed sure of passing?

It simply has nothing to do with this bill. This bill does not change the amount of payments to anybody. Therefore the amendment has nothing to do with this. We ought not change the amount of payments. We have encouraged farmers to make large expenditures on the strength of existing rules.

The gentleman has pointed out that we made commitments, and we have. We have a 3-year program. Farmers have been investing money, relying on that program. They have bought equipment. They have made their investments, and those investments ought to be protected during that period of time. The only purpose of amending the rule is to load the bill down and to thereby defeat it.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from California.

Mr. BURTON. Mr. Speaker, I would like to join with our distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. POAGE), in urging my colleagues to vote for the previous question. That is the issue. That is where every one of us, at least, on this side of the aisle, ought to be casting our votes.

Mr. POAGE. That is the issue. Let us vote.

Mr. ANDERSON of Tennessee. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Ohio (Mr. LATTA) has 2 minutes remaining.

Mr. LATTA. Mr. Speaker, I reserve the balance of my time.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, for a number of years I have been one of the pioneer advocates for limiting subsidy payments under the farm program. Both in the Rules Committee and on the floor of the House during the last 4 or 5 years I openly opposed the fabulous and, in most cases fraudulent, annual six-figure payments to corporate farms for idle acres of land. The $20,000 limitation amendment that is being offered to this bill today is nongermane and it is being presented for the primary purpose of creating a gimmick that will mislead a few of our Members and result in defeating this necessary farm legislation.

There are no provisions in this legislation for payments to farmers and this $20,000 limitation amendment is completely remote and not germane from the purpose for which this bill should be enacted.

The sponsors know that if it is attached to the bill the bill will never be passed and, of course, if the bill is not passed the amendment will not become law either. So on the face of it, it is just a political move and gimmick to try to get the bill into cross-currents and result in killing it.

Obviously rural America is in a desperate situation. People are moving to the cities faster than we can take care of the problems in the cities and it would be better to make it possible to stay in rural America a little longer or at least until we have less unemployment. The administration's new farm program was rammed and pressured through Congress last year. The administration asked farmers to produce more crops this year, because there was fear of a food shortage which did not occur and resulted in the cheapest farm prices in years. While cost-of-living prices are going up, farm prices have gone way down. When these family farmers cannot buy farm machinery, the factories and mills in our cities cannot sell steel for farm machinery plants. Some of the farm machinery plants are down below 50 percent production. We need this bill to take some of the surplus off the market this year and keep it for a year when we will need it. This bill will help farmers this year and it will eventually help consumers, because consumers are not going to get food any cheaper. In some future years, it will help the consumers, because when prices of farm products go up, consumers always pay more, because we never see a reduction in a retail store—always an increase.

The proponents of this payment limitations amendment on the pending bill which is nongermane did not ask us at the Rules Committee to put it on any other bill. We have had a dozen bills up which they could have asked us to attach it to but they did not. They did not ask us to put it on the poverty bill with the excuse that they needed money to pay for the child day care bill. They did not ask us to put payment limitations on the foreign aid bill so we could get the money to pay for that bill. They did not ask us to make a payment limitations bill in order as a part of a number of other bills that some of the people supported. They just pick out this one bill and want to get it in the cross-current.

I recognize this move to attach limitations on payments on this bill for just what it is. It is a political bidding for the White House which has been embarrassed by the Butz appointment and they do not want to openly oppose this bill and show that they are even more against the farmers. But a vote to defeat the previous question on this bill is plain and simple. A vote against doing something about this desperate farm situation.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. HAYS. I would suggest if the gentleman from Illinois (Mr. FINDLEY) and the gentleman from Massachusetts (Mr. CONTE) are sincere, and I am sure they are, and they really want to have their amendment adopted, and I am sure they do—I suggest they offer it to phase II tomorrow where it properly belongs in the price control bill—and I will support it.

Then if you want to offer it on phase III, I will support it there. I do not know whether you know what phase III is, but when somebody asked the President when phase II would be over with, he said when phase III starts. When he was asked what phase III was, he said that was getting reelected.

Mr. MADDEN. Mr. Speaker, I have 2 minutes left, and I am going to yield that time to the gentleman from Iowa (Mr. SCHERLE) if he has anything to say.

Mr. SCHERLE. I appreciate the generous amount of time that my colleague from Indiana has given me, and I am just going to reiterate what some of the other Members mentioned earlier tonight. The distinguished chairman of the Agriculture Committee from Texas (Mr. POAGE) really simplified the argument. He said that this very Congress passed a farm bill guaranteeing the farmers of this country a farm program which would run for 3 years, hopefully without interruption. These farmers expanded their operations. They bought additional machinery. They went into debt to do so, because they took this House at its word. If this House decides tonight to renege on that promise, it will result in continued injury as far as the farmers of the Middle West are concerned. They are in debt.

As I said earlier, we need the large farm operator in this program. It is a lot easier and less costly to pay farmers not to produce than it is to encourage the small farmer, without having the large farmer in the program, to produce commodities for the Government to buy, pay storage costs and have that grain hanging over the head of the farmer for "who knows how many" years. It is that simple. If you are for the small farmer, you will vote "yea" on the previous question and not reduce the amount from $55,000 to $20,000. Give those people on the farm an opportunity which they thought they were getting under the previous legislation.

Mr. ANDERSON of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I take this time to set the record straight. My colleague from Indiana has charged that the opponents of this legislation resorted to devious tactics by filibustering in the Rules Committee for 3 days to prevent this legislation from coming to the floor. I have in my hand a list of the witnesses who appeared before the Committee on Rules, and by a margin of 2 to 1, those who were in favor of the legislation, six of those testified for the bill as against only three opponents and, as I recall quite distinctly, those six consumed a great deal more time of the Committee on Rules than did the three who spoke against this legislation. So it is completely inaccurate and unfair to suggest that any effort was made to filibuster this measure in the Committee on Rules.

Mr. LATTA. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, again to set the record straight. The only Members tonight who have spoken in favor of the $20,000 limitation are those who have consistently supported it in the past. They are Mr. MAYNE, Mr. FINDLEY, Mr. CONTE, and myself. So the gentleman from Indiana was entirely incorrect in his assertion.

Mr. LATTA. Mr. Speaker, I was certainly amazed at the position taken by my friend from Indiana on this bill. I have heard many times, in the Rules Committee and on the floor, the gentleman from Indiana speak about the large corporate farmers getting all these large payments to the detriment of the small farmers. Now that he has an opportunity to put his vote where his speeches have been he is taking the other position. I am anxious to see how the gentleman's remarks are received back in Gary.

I yield back the balance of my time.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 106, noes 87.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 204, nays 164, not voting 63, as follows:

[Roll No. 443]

YEAS—204

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bergland
Bevill
Biaggi
Bingham
Blanton
Boland
Bolling
Brasco
Brinkley
Brooks
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Chappell
Clark
Clay
Conyers
Corman
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Dickinson
Donohue
Dorn
Dow
Downing
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascel
Fisher
Flood
Flowers
Foley
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gettys
Gibbons
Gonzalez
Gray
Green, Pa.
Griffin
Griffiths
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Hathaway
Hays
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Leggett
Lennon
Link
Long, La.
Long, Md.
McClure
McCormack
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mills, Md.
Minish
Mink
Mitchell
Mollohan
Moorhead
Morgan
Moss
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patten
Pepper
Perkins
Pickle
Poage
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Randall
Rangel
Rarick
Rees
Reuss
Rhodes
Roberts
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Scherle
Scheuer
Sebelius
Selberling
Shoup
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stokes
Stubblefield
Stuckey
Taylor
Teague, Tex.
Thompson, Ga.
Udall
Ullman
Van Deerlin
Vigorito
Waggonner
Waldie
White
Wilson, Charles H.
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—164

Adams
Anderson, Ill.
Archer
Ashbrook
Bell
Bennett
Betts
Biester
Bow
Brademas
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Conable
Conte
Cotter
Coughlin
Crane
Davis, Wis.
Delaney
Dellenback
Dennis
Devine
Dorinan
Duleski
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Gaydos
Gialmo
Goldwater
Goodling
Grasso
Gross
Grover
Gubser
Haley
Hall
Halpern
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Hillis
Hogan
Horton
Hosmer
Hunt
Hutchinson
Jacobs
Johnson, Pa.
Jonas
Keating
Keith
Kemp
Latta
Lent
Lloyd
McClory
McCloskey
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
Mailliard
Martin
Mayne
Michel
Miller, Ohio
Mizell
Monagan
Morse
Mosher
Myers
Nelsen
O'Konski
Pelly
Pettis
Pike
Pirnie
Poff
Powell
Quie
Quillen
Railsback
Reid, N.Y.
Riegle
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Rousselot
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schmitz
Schneebeli
Schwengel
Shipley
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Stanton, J. William
Steele
Steiger, Wis.
Stratton
Talcott
Teague, Calif.
Terry
Thomson, Wis.
Thone
Vander Jagt
Vanik
Veysey
Wampler
Ware
Whalen
Whalley
Whitehurst
Widnall
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—63

Andrews, Ala.
Annunzio
Arends
Baring
Belcher
Blackburn
Blatnik
Boggs
Broyhill, N.C.
Casey, Tex.
Celler
Chisholm
Collier
Collins, Ill.
Colmer
Curlin
Derwinski
Diggs
Dingell
Dowdy
Dwyer
Edwards, La.
Evins, Tenn.
Fish
Flynt
Fountain
Galifianakis
Garmatz
Green, Oreg.
Gude
Hansen, Wash.
Hawkins
Hébert
Henderson
King
Kluczynski
Lujan
Mathias, Calif.
Mathis, Ga.
Mikva
Miller, Calif.
Mills, Ark.
Minshall
Montgomery
Murphy, Ill.
Patman
Peyser
Podell
Pryor, Ark.
Pucinski
Roncalio
Rostenkowski
Sarbanes
Scott
Spence
Springer
Sullivan
Symington
Thompson, N.J.
Tiernan
Whitten
Wiggins
Wright

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Spence for, with Mr. King against.
Mr. Annunzio for, with Mr. Gude against.
Mr. Hawkins for, with Mr. Collier against.
Mr. Hébert for, with Mrs. Dwyer against.
Mr. Boggs for, with Mr. Arends against.
Mr. Rostenkowski for, with Mr. Minshall against.
Mr. Garmatz for, with Mr. Fish against.

Until further notice:

Mr. Thompson of New Jersey with Mr. Wiggins.
Mrs. Sullivan with Mr. Lujan.
Mr. Blatnik with Mr. Belcher.
Mr. Andrews of Alabama with Mr. Blackburn.
Mr. Casey of Texas with Mr. Derwinski.
Mr. Celler with Mr. Peyser.
Mr. Kluczynski with Mr. Springer.
Mr. Murphy of Illinois with Mrs. Hansen of Washington.
Mr. Mikva with Mrs. Chisholm.
Mr. Miller of California with Mr. Mathias of California.
Mr. Tiernan with Mr. Dowdy.
Mr. Roncallo with Mr. Evins of Tennessee.
Mr. Fountain with Mr. Broyhill of North Carolina.
Mr. Colmer with Mr. Scott.
Mr. Mathis of Georgia with Mr. Galifianakis.
Mr. Podell with Mr. Collins of Illinois.
Mr. Henderson with Mrs. Green of Oregon.
Mr. Baring with Mr. Diggs.
Mr. Dingell with Mr. Whitten.
Mr. Pryor of Arkansas with Mr. Wright.
Mr. Flynt with Mr. Mills of Arkansas.
Mr. Montgomery with Mr. Patman.
Mr. Pucinski with Mr. Sarbanes.
Mr. Symington with Mr. Curlin.

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The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1828, TO AMEND THE PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 1828), to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date:

CONFERENCE REPORT (H. REPT. No. 92-722)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as "The National Cancer Act of 1971."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that the incidence of cancer is increasing and cancer is the disease which is the major health concern of Americans today;

(2) that new scientific leads, if comprehensively and energetically exploited, may significantly advance the time when more adequate preventive and therapeutic capabilities are available to cope with cancer;

(3) that cancer is a leading cause of death in the United States;

(4) that the present state of our understanding of cancer is a consequence of broad advances across the full scope of the biomedical sciences;

(5) that a great opportunity is offered as a result of recent advances in the knowledge of this dread disease to conduct energetically a national program against cancer;

(6) that in order to provide for the most effective attack on cancer it is important to use all of the biomedical resources of the National Institutes of Health; and

(7) that the programs of the research institutes which comprise the National Institutes of Health have made it possible to bring into being the most productive scientific community centered upon health and disease that the world has ever known.

(b) It is the purpose of this Act to enlarge the authorities of the National Cancer Institute and the National Institutes of Health in order to advance the national effort against cancer.

NATIONAL CANCER PROGRAM

SEC. 3. (a) Part A of title IV of the Public Health Service Act is amended by adding after section 406 the following new sections:

"NATIONAL CANCER PROGRAM

"SEC. 407. (a) The Director of the National Cancer Institute shall coordinate all of the activities of the National Institutes of Health relating to cancer with the National Cancer Program.

"(b) In carrying out the National Cancer Program, the Director of the National Cancer Institute shall:

"(1) With the advice of the National Cancer Advisory Board, plan and develop an expanded, intensified, and coordinated cancer research program encompassing the programs of the National Cancer Institute, related programs of the other research institutes, and other Federal and non-Federal programs.

"(2) Expeditiously utilize existing research facilities and personnel of the National Institutes of Health for accelerated exploration of opportunities in areas of special promise.

"(3) Encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research.

"(4) Collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer, including the establishment of an international cancer research data bank to collect, catalog, store, and disseminate insofar as feasible the results of cancer research undertaken in any country for the use of any person involved in cancer research in any country.

"(5) Establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for research and set standards of safety and care for persons using such materials.

"(6) Support research in the cancer field outside the United States by highly qualified foreign nationals which research can be expected to inure to the benefit of the American people; support collaborative research involving American and foreign participants; and support the training of American scientists abroad and foreign scientists in the United States.

"(7) Support appropriate manpower programs of training in fundamental sciences and clinical disciplines to provide an expanded and continuing manpower base from which to select investigators, physicians, and allied health professions personnel, for participation in clinical and basic research and treatment programs relating to cancer, including where appropriate the use of training stipends, fellowships, and career awards.

"(8) Call special meetings of the National Cancer Advisory Board at such times and in such places as the Director deems necessary in order to consult with, obtain advice from, or to secure the approval of projects, programs, or other actions to be undertaken without delay in order to gain maximum benefit from a new scientific or technical finding.

"(9)(A) Prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the National Cancer Program, after reasonable opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, and the National Cancer Advisory Board; and (B) receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the National Cancer Institute.

"(c)(1) There is established the President's Cancer Panel (hereinafter in this section referred to as the 'Panel') which shall be composed of three persons appointed by the President, who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Program. At least two of the members of the Panel shall be distinguished scientists or physicians.

"(2)(A) Members of the Panel shall be appointed for three-year terms, except that (i) in the case of two of the members first appointed, one shall be appointed for a term of one year and one shall be appointed for a term of two years, as designated by the President at the time of appointment, and (ii) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(B) The President shall designate one of the members to serve as Chairman for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Panel, and shall be allowed travel expenses (including a per diem allowance) under section 5703(b) of title 5, United States Code.

"(3) The Panel shall meet at the call of the Chairman, but not less often than twelve times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the Chairman shall make such transcript available to the public.

"(4) The Panel shall monitor the development and execution of the National Cancer Program under this section, and shall report directly to the President. Any delays or blockages in rapid execution of the Program shall immediately be brought to the attention of the President. The Panel shall submit to the President periodic progress reports on the Program and annually an evaluation of the efficacy of the Program and suggestions for improvements, and shall submit such other reports as the President shall direct. At the request of the President, it shall submit for his consideration a list of names of persons for consideration for appointment as Director of the National Cancer Institute.

"NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"SEC. 408. (a) The Director of the National Cancer Institute is authorized to provide for the establishment of fifteen new centers for clinical research, training, and demonstrations of advanced diagnostic and treatment methods relating to cancer. Such centers may be supported under subsection (b) or under any other applicable provision of law.

"(b) The Director of the National Cancer Institute, under policies established by the Director of the National Institutes of Health and after consultation with the National Cancer Advisory Board, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers (including, but not limited to, centers established under subsection (a)) for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. Federal payments under this subsection in support of such cooperative agreements may be used for (1) construction (notwithstanding any limitation under section 405), (2) staffing and other basic operating costs, including such patient care costs as are required for research, (3) training (including training for allied health professions personnel), and (4) demonstration purposes; but support under this subsection (other than support for construction) shall not exceed $5,000,000 per year per center. Support of a center under this section may be for a period of not to exceed three years and may be extended by the Director of the National Cancer Institute for additional periods of not more than three years each; after review of the operations of such center by an appropriate scientific review group established by the Director of the National Cancer Institute.

"CANCER CONTROL PROGRAMS

"SEC. 409. (a) The Director of the National Cancer Institute shall establish programs as necessary for cooperation with State and other health agencies in the diagnosis, prevention, and treatment of cancer.

"(b) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $40,000,000 for the fiscal year ending June 30, 1974.

"AUTHORITY OF DIRECTOR

"SEC. 410. The Director of the National Cancer Institute (after consultation with the National Cancer Advisory Board), in carrying out his functions in administering the National Cancer Program and without regard to any other provision of this Act, is authorized—

"(1) if authorized by the National Cancer Advisory Board, to obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than fifty experts or consultants who have scientific or professional qualifications;

"(2) to acquire, construct, improve, repair, operate, and maintain cancer centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary: to acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the National Cancer Institute for a period not to exceed ten years;

"(3) to appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions;

"(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(5) to accept voluntary and uncompensated services;

"(6) to accept unconditional gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

"(7) to enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

"(8) to take necessary action to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the National Cancer Institute and the other scientific medical, and biomedical disciplines and organizations nationally and internationally.

"SCIENTIFIC REVIEW; REPORTS

"SEC. 410A. (a) The Director of the National Cancer Institute shall, by regulation, provide for proper scientific review of all research grants and programs over which he has authority (1) by utilizing, to the maximum extent possible, appropriate peer review groups established within the National Institutes of Health and composed principally of non-Federal scientists and other experts in the scientific and disease fields, and (2) when appropriate, by establishing with the approval of the National Cancer Advisory Board and the Director of the National Institutes of Health, other formal peer review groups as may be required.

"(b) The Director of the National Cancer Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the National Cancer Advisory Board and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the National Cancer Program during the preceding calendar year and a plan for the Program during the next five years.

"NATIONAL CANCER ADVISORY BOARD

"SEC. 410B. (a) There is established in the National Cancer Institute a National Cancer Advisory Board (hereinafter in this section referred to as the 'Board') to be composed of twenty-three members as follows:

"(1) The Secretary, the Director of the Office of Science and Technology, the Director of the National Institutes of Health, the chief medical officer of the Veterans' Administration (or his designee), and a medical officer designated by the Secretary of Defense shall be ex officio members of the Board.

"(2) Eighteen members appointed by the President.

Not more than twelve of the appointed members of the Board shall be scientists or physicians and not more than eight of the appointed members shall be representatives from the general public. The scientists and physicians appointed to the Board shall be appointed from persons who are among the leading scientific or medical authorities outstanding in the study, diagnosis, or treatment of cancer or in fields related thereto. Each appointed member of the Board shall be appointed from among persons who by virtue of their training, experience, and background are especially qualified to appraise the programs of the National Cancer Institute.

"(b)(1) Appointed members shall be appointed for six-year terms, except that of the members first appointed six shall be appointed for a term of two years, and six shall be appointed for a term of four years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Appointed members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) A vacancy in the Board shall not affect its activities, and twelve members thereof shall constitute a quorum.

"(4) The Board shall supersede the existing National Advisory Cancer Council, and the appointed members of the Council serving on the effective date of this section shall serve as additional members of the Board for the duration of their terms then existing, or for such shorter time as the President may prescribe.

"(c) The President shall designate one of the appointed members to serve as Chairman for a term of two years.

"(d) The Board shall meet at the call of the Director of the National Cancer Institute or the Chairman, but not less often than four times a year and shall advise and assist the Director of the National Cancer Institute with respect to the National Cancer Program.

"(e) The Director of the National Cancer Institute shall designate a member of the staff of the Institute to act as Executive Secretary of the Board.

"(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the National Cancer Program.

"(g) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the National Cancer Program toward the accomplishment of its objectives.

"(h) Members of the Board who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Board compensation at rates not to exceed the daily equivalent of the annual rate in effect for GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(i) The Director of the National Cancer Institute shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 410C. For the purpose of carrying out this part (other than section 409), there are authorized to be appropriated $400,000,000 for the fiscal year ending June 30, 1972; $500,000,000 for the fiscal year ending June 30, 1973; and $600,000,000 for the fiscal year ending June 30, 1974."

(b)(1) Section 402 of the Public Health Service Act is amended by adding at the end thereof the following:

"(b) Under procedures approved by the Director of the National Institutes of Health, the Director of the National Cancer Institute may approve grants under this Act for cancer research or training—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without the review and recommendation by the National Cancer Advisory Board prescribed by section 403(c), and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by such Board as prescribed by section 403(c)."

(2) Section 402 of such Act is further amended—

(A) by inserting "(a)" immediately after "Sec. 402."; and

(B) by redesignating paragraphs (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively.

(3) Section 403(c) of such Act is amended by striking out "In carrying out" and inserting in lieu thereof "Except as provided in section 402(b), in carrying out".

REPORT TO CONGRESS

SEC. 4. (a) The President shall carry out a review of all administrative processes under which the National Cancer Program, established under part A of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the Program. Within one year of the date of enactment of this Act the President shall submit a report to Congress of the findings of such review and the actions taken to facilitate the conduct of the Program, together with recommendations for any needed legislative changes.

(b) The President shall request of the Congress without delay such additional appropriations (including increased authorizations) as are required to pursue immediately any development in the National Cancer Program requiring prompt and expeditious support and for which regularly appropriated funds are not available.

PRESIDENTIAL APPOINTMENTS

SEC. 5. Title IV of the Public Health Service Act is amended by adding after part F the following new part:

"PART G—ADMINISTRATIVE PROVISIONS

"DIRECTORS OF INSTITUTES

"SEC. 454. The Director of the National Institutes of Health and the Director of the National Cancer Institute shall be appointed by the President. Except as provided in section 407(b)(9), the Director of the National Cancer Institute shall report directly to the Director of the National Institutes of Health."

XUM

CONFORMING AMENDMENTS

SEC. 6. (a) (1) Section 217 of the Public Health Service Act is amended (A) by striking out "National Advisory Cancer Council," each place it occurs in subsection (a), and (B) by striking out "cancer," in subsections (a) and (b) of such section.

(2) Sections 301(d), 301(i), 402, and 403 (c) of such Act are each amended by striking out "National Advisory Cancer Council" and inserting in lieu thereof "National Cancer Advisory Board".

(3) Section 403(b) of such Act is amended by striking out "National Cancer Advisory Council" and inserting in lieu thereof "National Cancer Advisory Board".

(4) Section 404 of such Act is amended—

(A) by striking out "council" in the matter preceding paragraph (a) and inserting in lieu thereof "National Cancer Advisory Board", and

(B) by striking out "COUNCIL" in the section heading and inserting in lieu thereof "BOARD".

EFFECTIVE DATE

SEC. 7. (a) This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) The first sentence of section 454 of the Public Health Service Act (added by section 5 of this Act) shall apply only with respect to appointments made after the effective date of this Act (as prescribed by subsection (a)).

(c) Notwithstanding the provisions of subsection (a), members of the National Cancer Advisory Board (authorized under section 410B of the Public Health Service Act, as added by this Act) may be appointed, in the manner provided for in such section, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in such section 410B.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "An Act to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order more effectively to carry out the national effort against cancer."

And the House agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
PETER N. KYROS,
RICHARDSON PREYER,
JAMES W. SYMINGTON,
WILLIAM R. ROY,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
JAMES F. HASTINGS,
JOHN G. SCHMITZ,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HARRISON A. WILLIAMS, JR.,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
RICHARD S. SCHWEIKER,
JACOB K. JAVITS,
PETER H. DOMINICK,
BOB PACKWOOD,
J. GLENN BEALL, JR.,
ROBERT TAFT, JR.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The title to the Senate bill was "An Act to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date." The House amended the title of the bill to read as follows: "An Act to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer as soon as possible." Under the conference agreement the House amendment to the title was adopted with an amendment.

The Senate bill provided the short title "Conquest of Cancer Act". The House amendment provided the short title "The National Cancer Attack Act of 1971". The conference substitute provides that the Act shall be known as "The National Cancer Act of 1971".

SUMMARY OF SUBSTANTIVE PROVISIONS OF SENATE BILL

Section 2 of the Senate bill amends title IV of the Public Health Service Act to include the following new sections:

FINDINGS AND DECLARATION OF PURPOSE

New Section 407A.—States that cancer is increasing and is of major concern, that attainment of better methods of prevention, diagnosis, and treatment deserves the highest priority, that scientific advances offer opportunity for conducting a major program for the conquest of cancer, and that the purpose is to establish a Conquest of Cancer Agency as an independent agency within the National Institutes of Health.

CONQUEST OF CANCER AGENCY

New Section 407B.—Provides for establishment of an independent Conquest of Cancer Agency within the National Institutes of Health.

APPOINTMENT OF DIRECTOR, DEPUTY DIRECTOR, AND ASSISTANT DIRECTORS

New Section 407C.—Provides for Presidential appointment, by and with the advice and consent of the Senate, of a Director and Deputy Director, and for the Director to appoint not to exceed five Assistant Directors.

FUNCTION OF THE AGENCY

New Section 407D.—Assigns to the Agency a broad range of functions and authorities considered necessary to accomplish the conquest of cancer. Specifically, this section would require the Director to:

1. Carry out all research activities previously conducted by the National Cancer Institute, as well as additional activities required for an expanded, intensified, and coordinated cancer research program, and administer authorities previously vested in the Secretary under the Public Health Service Act with respect to cancer.

2. The Agency is directed to expeditiously utilize existing resources, explore the greater use of new resources such as industrial concerns, and, in general, employ the skills of any individual or group capable of making a contribution to the conquest of cancer. This authority would also include support of meritorious foreign research—wherever it is conducted.

3. Strengthen existing cancer research centers and establish new centers as needed.

4. Collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer.

5. Support appropriate manpower training programs.

6. Prepare and submit an annual budget estimate directly to the President for transmittal to the Congress and receive directly from the President and the Office of Management and Budget the funds appropriated by the Congress for the Agency.

ADMINISTRATIVE PROVISIONS

New Section 407E.—Authorizes the Director to take actions necessary to manage a program of the scope and status envisioned for the Cancer Conquest Agency—an "independent agency within the NIH." The Director is given specific authority to do the following things.

1. Appoint a limited number of senior staff without regard to Civil Service regulations, and appoint certain specifically qualified persons at two grades above the entrance level normally authorized by Civil Service regulations.

2. Construct or acquire facilities.

3. Issue rules and regulations.

4. Utilize the resources of other agencies.

5. Coordinate cancer research with the other research programs of the NIH.

6. Provide for appropriate peer review of research grants and programs.

REPORTS

New Section 407F.—Requires the Agency Director to submit to the President for transmittal to the Congress an annual report on the activities of the Agency during the preceding year.

NATIONAL CANCER ADVISORY BOARD

New Section 407G.—Establishes a National Cancer Advisory Board composed of the Director of NIH and eighteen members appointed by the President, by and with the advice and consent of the Senate. No more than twelve of the appointed Board members shall be scientists or physicians and no more than eight shall be members of the general public. Ex officio members include the Secretary, the Director of the Conquest of Cancer Agency, and the Director of the Office of Science and Technology. The Chairman will be designated from the appointed members by the President.

This section also establishes administrative procedures to be followed by the Board, empowers it to hold hearings and evaluate and make recommendations on the Agency's program plan and budget, directs it to make an annual report to the Congress on the Agency's progress toward its objectives, and charges it with the responsibility of insuring that the Agency Director maintains scientific peer review. The Board will supersede the existing National Advisory Cancer Council, take over its functions, and include in its membership the present council members for the duration of their terms, or if the President so determines, their terms may be shortened or terminated.

DEFINITIONS

New Section 407H.—For the purposes of the Public Health Service Act this section defines: "Director", "Agency", "Board", "Cancer center", "Construction", "Function", and "Federal Agency".

AUTHORIZATION OF APPROPRIATIONS

New Section 408.—Authorizes "such sums as may be necessary" to carry out the programs, functions, or activities of the Conquest of Cancer Agency.

Section 3 of the Senate bill provides for compensation for the Director of the Conquest of Cancer Agency at Level IV of the Executive Schedule, and the Deputy Director of the Agency at Level V by amending Title 5 of the U.S. Code.

Section 5 of the Senate bill makes the National Cancer Institute part of the Conquest of Cancer Agency and authorizes the Conquest of Cancer Agency, rather than the Secretary of HEW, to carry out the purposes of Section 301 of the Public Health Service Act with respect to cancer. This section would also give certain administrative authority presently exercised by the Secretary to the Conquest of Cancer Agency.

Section 6 of the Senate bill merges the functions of the National Advisory Cancer Council with the National Cancer Advisory Board by amending the Public Health Service Act in the appropriate sections.

Section 7 of the Senate bill provides that the Act take effect sixty days after its date of enactment or on a prior date if the President should so prescribe and publish in the Federal Register. This section would also provide that any officers appointed after date of enactment shall be compensated from the date they first take office from funds available from functions to be transferred to the Agency.

SUMMARY OF SUBSTANTIVE PROVISIONS OF THE HOUSE AMENDMENT

The House Amendment makes the following findings: That cancer is the disease most feared by Americans; that as the new scientific leads are comprehensively and energetically exploited, they may advance the time when more adequate preventive and therapeutic capabilities can cope with cancer; that cancer, heart and lung diseases, and stroke are the leading causes of death in the United States; that the present understanding of these diseases are the result of broad advances of all the biomedical sciences; that the most effective attack on cancer should use all the resources of the National Institutes of Health; and that the programs of the National Institutes of Health produced the world's most productive scientific community center upon health and disease. The purpose of the Act is stated to be to enlarge the authority of the National Cancer Institute and the National Institutes of Health in order to advance the national attack on cancer.

NATIONAL CANCER ATTACK PROGRAM

New Section 407(a).—That the Director of the National Cancer Institute shall be an Associate Director of the National Institutes of Health and shall coordinate all cancer-related activities of the National Institutes of Health with the National Cancer Attack Program.

New Section 407(b).—It further assigns to the Director of the National Cancer Institute a range of responsibilities necessary to accomplish the conquest of cancer. Among these responsibilities are—

(1) With the advice of the National Cancer Advisory Council plan and develop an expanded, intensive and coordinated cancer research program encompassing the programs of the National Cancer Institute and under policy control by the Director of the National Institutes of Health, related programs of other research institutes and other Federal and non-Federal programs.

(2) Utilize under a new policy controlled by the Director of the National Institutes of Health, existing facilities and personnel of the National Institutes of Health to rapidly explore opportunities for the conquest of cancer in areas of special promise.

(3) Encourage and coordinate cancer research by industrial concerns which evidence a capability for such research.

(4) Collect, analyze, and disseminate all data useful in the prevention and diagnosis of the treatment of cancer including the establishment of an international cancer data bank.

(5) Establish or support a large scale production or distribution of specialized biological medicine or other therapeutic substances for research and set standards of safety and care for their use.

(6) Support meritorious foreign research and support collaborative research involving American and foreign scientists and the training of Americans abroad and foreign scientists in the United States.

(7) Support appropriate manpower training programs in fundamental sciences and clinical discipline including the use of stipends, fellowships and career awards to provide an expanded manpower basis from which health professional personnel will be selected to participate in clinical and basic research programs related to cancer.

(8) Call special meetings of the National Advisory Cancer Council as the Director deems necessary to gain maximum benefit from new scientific or technical findings.

(9) Prepare and submit an annual budget estimate for the National Cancer Attack Program directly to the President after the Secretary, the Director of the National Institutes of Health and the National Advisory Cancer Council have had an opportunity to make comments on but not change the estimates. Receive from the President and the Office of Management and Budget directly the funds appropriated by the Congress for the National Cancer Institute.

The House amendment further provides that the National Advisory Cancer Council shall meet at the call of its chairman, of the Director of the National Cancer Institute, but not less than four times each calendar year.

The House amendment further provides for a President's Cancer Attack Panel. Such panel shall be comprised of three persons of whom at least two shall be distinguished scientists or physicians appointed by the President to appraise the National Cancer Attack Program. The panel shall meet at the call of the chairman but not less than twelve times a year. The function of the panel will be to monitor a National Cancer Attack Program and to report directly to the President. It shall immediately bring to the President's attention any delay in program execution and a report annually to the President with suggestions for improvement. At the President's request, it shall also submit a list of names of persons for consideration for appointment as Director of the National Cancer Institute.

NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

The House amendment provides that the Director of the National Cancer Institute is authorized to establish 15 new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods, related to cancer. Also authorized are cooperative agreements with public and private nonprofit agencies for the planning, establishment, strengthening and basic operating support of existing and new centers. Federal payments may be used for construction, staffing, basic operating course, training and demonstration purposes but support shall not exceed $5,000,000 per year per center excluding construction. Support for these centers shall be for three years but may be extended by the Director of the National Cancer Institute for additional three-year periods after a review by an appropriate scientific review group.

CANCER CONTROL PROGRAMS

The House amendment provides that the Director of the National Cancer Institute establish programs necessary for cooperation with State and other health agencies in the prevention, control, and eradication of cancer. For these purposes there are authorized to be appropriated $20 million for fiscal year 1972, $30 million for fiscal year 1973, and $40 million for fiscal year 1974.

AUTHORITY OF THE DIRECTOR

The House amendment authorizes the Director of the National Cancer Institute after consultation with the National Advisory Cancer Council to:

(1) Obtain the services of not more than 50 experts or consultants who have scientific or professional qualifications if so authorized by the National Advisory Cancer Council.

(2) Acquire, construct, improve, repair, operate and maintain cancer centers in laboratories, research, and other necessary facilities, and equipment and related accommodations as may be necessary; and such other real or personal property as may be necessary, and to acquire by lease, buildings in the District of Columbia, or adjacent area, for use of the National Cancer Institute for a period not to exceed ten years.

(3) Appoint advisory committees.

(4) Utilize the services of other Federal, State, or local government agencies.

(5) Accept voluntary and uncompensated services.

(6) Accept unconditional gifts or donations of services.

(7) Enter into contracts, leases, cooperative agreements, and other transactions as may be necessary to the conduct of his functions.

(8) Assure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the National Cancer Institute and other disciplines and organizations, nationally and internationally.

SCIENTIFIC REVIEW

The House amendment provides that the Director of the National Cancer Institute shall provide for proper scientific review of all research grants and programs of which he has authority. He shall utilize to the maximum extent possible appropriate peer review groups established within the National Institutes of Health, but when appropriate money, with the approval of the Director of the National Institutes of Health and the National Advisory Cancer Council establish other fundamental peer review groups as may be required.

REPORTS

The House amendment provides that the Directors of the National Cancer Institute in consultation with the National Advisory Cancer Council shall submit an annual program report to the President for transmittal to the Congress.

AUTHORIZATION OF APPROPRIATIONS

The House amendment authorized to be appropriated for programs other than cancer control $400 million for fiscal year 1972, $500 million for fiscal year 1973, and $600 million for fiscal year 1974. These sums shall be available until expended. The House amendment further provides that the Director of the National Cancer Institute under procedures approved by the Director of the National Institutes of Health may approve grants not to exceed $35,000 after appropriate review for scientific merit but without Advisory Council review and approval. Grants in excess of $35,000 continue to require approval by the Advisory Council.

REPORT TO CONGRESS

The House amendment requires the President to conduct a review of all administrative provisions under which the National Cancer Attack Program shall operate within one year. Such findings shall be reported to the Congress together with recommendations for any legislative changes. The President is also directed to request without delay any additional appropriations and authorizations as are required to pursue any development in the National Cancer Attack Program for which regularly appropriated funds are not immediately available.

PRESIDENTIAL APPOINTMENT OF THE INSTITUTES' DIRECTOR

The House amendment provides for the Presidential appointment of the Director of

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the National Institutes of Health and the Directors of the National Cancer Institute, the National Heart and Lung Institute, and the National Institute of Neurological Diseases and Stroke. Such Directors are also designated as associate directors of the National Institutes of Health and shall report directly to the Director of the National Institutes of Health.

The House amendment further provides that the Director of the National Institutes of Health is elevated to Executive Level III; the Deputy Director of the National Institutes of Health; the Deputy Director for Science, National Institutes of Health; the Director of the National Cancer Institute; the Director of the National Heart and Lung Institute; and the Director of National Institutes for Neurological Diseases and Stroke are elevated to Executive Level IV.

EXPLANATION OF CONFERENCE SUBSTITUTE

The conference substitute accepts the provisions of the House amendment with the following substantive changes in the House amendment:

(1) All references to diseases other than cancer are omitted.

(2) In lieu of the National Advisory Cancer Council the conferees adopted a modified version of the Senate provision for a National Cancer Advisory Board as follows:

The National Cancer Advisory Board shall be composed of eighteen members appointed by the President and five Federal officials who shall serve ex officio. Not more than twelve of the appointed Board members may be scientists or physicians with outstanding backgrounds in research, diagnosis, or treatment of cancer or in related fields and not more than eight may be members of the general public especially qualified to appraise the programs of the Institute. Ex officio members of the Board shall include the Secretary of Health, Education, and Welfare, the Director of the Office of Science and Technology, the Director of the National Institutes of Health, the chief medical officer of the Veterans' Administration (or his designee), and a medical officer designated by the Secretary of Defense. The Chairman will be designated from the appointed members by the President.

The conference substitute follows the Senate bill, which establishes administrative procedures to be followed by the Board; empowers it to hold hearings on and evaluate the National Cancer Program and directs it to make an annual report to the Congress. The Board will be charged with the responsibility of approving grants in excess of $35,000, as was provided by the House bill. The Board supersedes the existing National Advisory Cancer Council, takes over its functions (including fees review functions for grants over $35,000), and includes in its membership the present appointed Council members for the duration of their terms or if the President so determines their terms may be shortened or terminated.

The conferees intend that the Board shall maintain the same high level of scientific review which has characterized the decisions of the Council.

(3) The conference substitute provides that the Director of the National Institutes of Health and the Director of the National Cancer Institute shall be appointed by the President and that, except with respect to budget matters, the Director of the National Cancer Institute shall report directly to the Director of the National Institutes of Health.

The House amendment provides for the establishment of 15 new Clinical Research Centers, with support by the Federal Government for such centers at levels not to exceed $5 million a year (exclusive of assistance for construction). This limitation is not intended to preclude any such center, or researcher at such center, from receiving research or training grants under provisions of law other than this section.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
PETER N. KYROS,
RICHARDSON PREYER,
JAMES W. SYMINGTON,
WILLIAM R. ROY,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
JAMES F. HASTINGS,
JOHN G. SCHMITZ,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HARRISON A. WILLIAMS, Jr.,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
RICHARD S. SCHWEIKER,
JACOB K. JAVITS,
PETER H. DOMINICK,
BOB PACKWOOD,
J. GLENN BEALL, Jr.,
ROBERT TAFT, Jr.,
Managers on the Part of the Senate.

STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT OF 1971

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1163), to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1163, with Mr. NEDZI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. POAGE) will be recognized for 30 minutes and the gentleman from California (Mr. TEAGUE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not believe the House needs further explanation of this bill. Most of the Members who were here heard the discussion on the rule, and other Members already had either made up their minds or relied on someone who was here.

This bill does basically one thing, and that is to provide a limited method of carrying out the purchase of feed grains in lieu of the unlimited method under which the Secretary of Agriculture is now acting. He has already indicated his support for exactly this procedure, and one of his first announcements was that he was going to begin to buy corn.

That is what the bill does, it requires him to buy grain but the bill does set safeguards around the way the grain is handled. If the Members want an orderly procedure, they will adopt the bill. If the Members simply want to say that the Secretary is buying corn, then, of course, the Members will vote against the bill, and say the Secretary is doing everything that is needed.

Mr. Chairman, I reserve the balance of my time.

Mr. PURCELL. Mr. Chairman, this is an eventful day for the farmers and consumers of America. The bill we are considering—to authorize the establishment and maintenance of reserve supplies of farm commodities—has been needed for a number of years. It cures one of the biggest single defects of government farm programs—the inability to have a truly insulated reserve against which the Secretary of Agriculture could rely when trying to anticipate the allowable planting for the next crop year. If enacted, it would assure that, in lean years we would always have an available commodity supply.

For me personally, and for many of us who have supported this concept in past years, it is a signal victory that we are able to consider the reserve concept today. Without the strong leadership of the Speaker, majority leader, the majority of the Rules Committee chaired by the gentleman from Mississippi (Mr. COLMER), the outstanding contribution of the gentleman from Texas (Mr. POAGE), our chairman of the Committee on Agriculture, and those members of the committee who are honestly trying to do something about the disastrous farm situation today, the bill would not be here. Four years ago, in 1967, we were on the verge of moving my own bill to establish the reserve concept into law, but we simply did not have the horsepower to get it done. Today, the situation demands it.

In order to meet their assigned objective of maintaining adequate supplies of food and fiber for domestic consumption and world trade, the Food and Agriculture Act of 1965, and its successor, the Agriculture Act of 1970, gave the Secretary of Agriculture the burden of estimating production and world consumption for upcoming years and promulgating standards and allowable plantings of wheat and feed grains in order to meet this goal.

Historically, farmers plant to the limit of the Secretary's pronouncements. In making the decision as to the size of next year's crop, and the amount of acreage to be allotted to each State for planting, the Secretary must consider the anticipated domestic consumption of feed grains and wheat, anticipated exports, imports, if any, and anticipated use of

commodities for seed and feed. He must also hazard an estimation of the average production per acre, taking into account such variables as climate, effects of plant disease, and historical data as to productivity of various strains of the seed.

The possibilities for misestimation are obvious and historically real. From a surplus nationally, southern leaf blight seriously reduced the 1970 corn crop. The Secretary's estimation in 1970 of the future of the disease was again wrong: Southern leaf blight failed to reappear, resulting in the production of a huge corn surplus, and corn prices fell far below the cost of production. Similarly, in 1970 and 1971, wheat production was misestimated. Despite a drought that destroyed the wheat crop in the areas of the Southwest, indicated production has now climbed to 1,627,575,000 bushels, and with a failure of demand in the world market, a carryover of 849,000,000 bushels is projected much of which will go into Commodity Credit Corporation loan stocks, as a burden on the domestic market.

Overproduction or underproduction—neither benefits the farmer, the American consumer, nor foreign nations relying on us as a reliable source of supply. Overproduction drives commodity prices below the cost of production, drives more and more people from farming as a source of income, and eventually, increases the migration to the already overcrowded urban centers. Because of the relatively high processing costs required to produce the finished foodstuffs the American consumer demands, actual food costs to consumers are actually reduced very little by heavy production. In world trade, reliability of supply is as important as abundance, since the latter must be offset against the demand of foreign markets.

Production which does not meet the total requirements of foreign and domestic markets, victimizes not only the farmer, who feels he should have been allowed to plant more, but the consumer. Shortage of grain will not only drive up the cost of foodstuffs made therefrom, it drives up the cost of meat from animals and poultry fed on grains. A necessary side effect of underproduction is to limit the availability of Public Law 480 shipments to needy areas of the world and turn the Public Law 480 program into an expression of American care for the needy of other countries, available only in times of superabundance.

The 1971 crop year, coupled with projections for 1972, provides particular emphasis for the necessity of meeting the twin demands of adequate supplies, and viable market conditions to maintain the American food producers' role as economically desirable. The U.S. corn crop, originally estimated by the Department of Agriculture to be as low as 3.8 billion bushels is now estimated at 5.4 billion bushels. As a result, in the farm belt, corn on the farm has dropped from a June price of $1.42 to 92 cents at harvest time—or less than the cost of production. The wheat crop, planted under the encouragements of the 1970 Agricultural Act's "set-aside" approach, is now estimated at 1,627,575,000 bushels, despite a major drought in some planting areas, with a carryover of 849 million bushels. The previous average carryover for the years 1964–68 was 627 million bushels and wheat has fallen from 1970's $1.41 per bushel to $1.26 in mid-September 1971.

Moreover, reliable estimates which have looked at the increased acreage, larger use of fertilizer, and new, higher yielding varieties, have estimated that acreage and total production for 1972 may equal or exceed the total for 1971. Against a world market background of the "green revolution" which has changed India, for example from a net importer to a projected commodity surplus country by the end of 1971, a surplus of raw commodities which will glut the market appears inevitable.

H.R. 1163 meets the challenge of today's demands and production capacity of the American farmer by enacting into law the "strategic grain reserve" concept—also referred to as a "national food bank." The thrust of the legislation is to "lock up" an important part of the huge surplus of wheat and feed grains presently burdening the American market, and hold the stocks so acquired for one of two purposes: either for sale, at 120 percent of the average market price for the previous 5 years, or for the specifically designated uses enumerated in section 4 of the bill. These uses are:

First. To relieve stress in any area of the United States:

Second. Use in connection with a civil defense emergency; and

Third. To provide feed for livestock in any emergency in order to preserve critical foundation herds.

In order to establish the reserve, the Secretary of Agriculture is given the authority to buy up 300 million bushels of wheat, and 25 million tons of feed grains, paying the average price farmers received for such commodities during the preceding 5 marketing years—adjusted to reflect location and grade price differential—proportioning purchases to the various varieties and grades of each of the commodities to correspond to usual marketing demands. The reserve will be held for sale or use as mentioned above, and provisions are contained within the bill to provide for normal turnover of stocks, and storage, if practicable, in producer-owned farm storage facilities.

Enactment of H.R. 1163 in a time of surplus, such as the present, is obviously proper: The reserve would give strength, continuity, and resultant stability to an erratic market swollen by domestic overproduction, and facing difficult foreign trade circumstances, not the least of which has been a U.S. dock strike of mammoth proportions. If an adequate reserve had already been enacted, the Secretary of Agriculture would not have felt the need for increasing 1971 corn acreage, with the resultant depressing of farm prices.

H.R. 1163 provides for an insulated reserve to be acquired in time of abundance, and used in time of shortage. It would be more insulated from the market than the present CCC stocks acquired through non-recourse loans: These have been more directly connected to and operated in conjunction with farm income operations only, and on some occasions have acted to depress income, as well as increase it. The reserve established under H.R. 1163 would operate as a balance wheel and not be charged with conflicting objectives.

Mr. Chairman, I notice that our friends across the aisle are valiantly trying to defend the administration's record in farm policy by threatening to vote against the bill, or to amend it with some sort of a new lower payment limitation. In this respect, I believe that all of us will agree that it is high time that we quit playing politics with the grain reserve concept and enact it into law. The bill itself may have slight imperfections, but it is certainly a far greater step toward assuring adequate income to the farmer than anything they have received to date from the Nixon administration.

In place of a more prosperous farm program under the Democrats, we now find that parity has slipped to an historical low, that consumer protection programs administered by the Department have been gutted, and we have corn piled on the ground across half the heartland of America. To top it off, at a very time when small family farmers are in the direst straits of the century, they appoint a man to the Secretary's job who, if past performance is any indication, has little concern for anything but the agricultural conglomerates who produce food at higher costs and poorer taste quality than the family farmer. I sympathize with my friends across the aisle. Many of them have quite logically abandoned the destructive policies of the administration toward farmers, and have gone instead toward a more constructive viewpoint. They realize that the only help the farmer is going to get is going to come from right here, on the floor of the House. And the only help we have to offer, at present, is what is being heard on the floor of the House today.

Mr. Chairman, I have tried to avoid being an alarmist during the 10 years I have spent in this body. But I am alarmed today. Rural America is being gutted. The economic opportunities in the heartland are no longer there. Young people cannot enter farming, because they cannot afford the cost of land, high expenses incurred in production under the present farm program, which I trust everyone will recall, we passed 2 years ago under assurances of veto, if we did not.

This is not my own personal bill, but I support it as the best available at this particular time. I also support the amendment to be offered by the gentleman from Montana (Mr. MELCHER). To vote against the bill, or to vote for crippling amendments that gut its promised effect, is condemning rural America to economic death.

Today, we have the opportunity to put hope into the eyes of the small American farmer. Today, we also have the chance to provide an assurance that this Nation need not suffer from commodity shortages. Now is the time for the Congress to decide whether it is going to go along

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with administration efforts to drive American farmers into bankruptcy, while corporate farmers pick up the pieces and drive food costs higher and higher; or whether we are going to stop this continual depressing situation of higher production costs and lower farm income.

Mr. Chairman, I ask favorable consideration and passage by the House of Representatives for H.R. 1163.

Mr. TEAGUE of California. Mr. Chairman, as I hope I made quite clear in debate on the rule, I am completely opposed to the bill. I will not repeat the arguments I made at that time.

Mr. Chairman, we do have some requests for time on this side of the aisle. I yield 10 minutes at this time to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I thank the gentleman from California for yielding this time.

First of all, let me say I yield to nobody in this Congress nor to anybody in the United States in my interest and my desire to get the U.S. farmer off the bottom of the economic totem pole. He has been there entirely too long, but in my opinion what we are proposing to do here tonight, or at least what some Members are proposing to do, is not in the way of helping the farmer off the bottom of that pole.

Let me ask: Does this Nation need a granary?

Some have been considering reserves ever since Biblical times. Scripture tells us that Egypt was warned it would have 7 years of famine and 7 years of plenty. We have come a long way since that time. We have come a very long way since that time. The situation today is completely different. Can anyone in this House, can anyone anywhere tell me or show me when we have ever had a complete crop failure? Sectionally, yes; nationally, never.

Last year the Southern corn blight reared its ugly head over the farmers of this Nation, and we were very much concerned as to what might happen to this year's corn crop. This was a relatively new disease about which we knew very little.

Let us take a look at what happened this year. The figures are not all in at this time, but the USDA estimates indicate that the corn crop this year was 5.4 billion bushels. That is 32 percent higher than last year's crop, and the former record was 4.76 billion bushels, and that occurred in 1967.

Let us take a look at wheat. The crop this year has been estimated at 1.63 billion bushels. That is 18 percent above last year's crop, and it is a new all-time high.

Unfortunately some political considerations have crept into this granary that we are talking about here tonight.

Let me ask you, gentlemen—and ladies, if there are any in this House tonight—when are we going to learn this undeniable fact? I have been a farmer probably longer than any other man in this House. We are simply overproducing practically every farm commodity today.

Let me point out there are far fewer farmers but these fewer farmers are producing far more commodities. And with the technology we have today, gives us every indication that this trend of overproduction is going to continue.

The question we face today is this: Do we put the Government further into the farmer's marketing with the reserves, or work toward freer markets for farm products?

Let us look at some of the results which will occur if this bill is enacted into law.

First of all, it will be administered by the Commodity Credit Corporation. Let us take a look at just how fortunate the Commodity Credit Corporation has been in disposing of farm surpluses. Unfortunately, tonight I do not have any figures for feed grains and wheat, but I do have some for peanuts that I want to point out to the Members of the House. The same thing is going to continue for the feed grains and wheat if this bill is enacted, that has happened to peanuts.

Practically every day the members of the Committee on Agriculture—I assume these come only to the members of the Committee on Agriculture—receive a news release from the Department of Agriculture. I picked these off my desk this morning. These can be duplicated practically every week, two or three or four times.

November 17. "U.S.D.A. sells peanuts, offers more." This release points out that on this sale they sold 3,667,000 pounds of shelled crushing peanuts and 39,262,000 pounds of farmers stock peanuts. They were also offering another 6 million pounds of shelled peanuts and 56 million pounds of farmers stock peanuts.

November 26. "U.S.D.A. sells peanuts, offers more." This sale was 6 million pounds of shelled crushing peanuts and 46 million pounds of farmers stock peanuts.

December 2. Again they have a sale of 5 million pounds of shelled crushing peanuts and 36 million pounds of farmers stock peanuts. And they also offer for sale 6 million pounds of shelled peanuts and 52 million pounds more of farmers stock peanuts.

Why do I quote these figures? I hope Members will pay attention to this, and especially the people who are dollar conscious.

I point out these figures simply to show what this program will cost the American taxpayer.

This is the point I want to make in connection with this program. I have not checked these figures recently, but the last time I checked, the Commodity Credit Corporation was losing 10 cents a pound on every pound of peanuts it sold. I think it is very important that the people of this country should know this.

The issue we face today is this: Is this plan good for the farmers; is it good for the general public? I and many of my colleagues in this House and on the Committee on Agriculture believe that it is not in the best interests of the farmers and that it is simply one more luxury that the American taxpayer cannot afford.

Proponents say that this will raise the price of feed grains and wheat. What happens when reserves accumulate? Someone has said—and I think this is a very good statement—that these surpluses hang like the economic sword of Damocles as a threat to higher farm prices. I agree with that statement.

This bill says we must sell the surpluses for 120 percent of the previous 5-year market average. Is there anyone in this House who is sufficiently naive to think this can be done? How can we continue or how can anybody continue to sell farm surpluses at 120 percent above the previous 5-year average? It just cannot be done. If there were a Houdini in the House or a Houdini in the Department of Agriculture, I might agree that it can possibly be done, but unfortunately we do not have such an individual.

Now let us look at the cost. This has been brought out to a certain extent, but some things have not been said.

For example, the U.S. Department of Agriculture estimates that for the purchase of this wheat and feed grains the cost will be $1.455 billion. That is for 300 million bushels of wheat and 25 million tons of feed grains. This is one point I do not believe has been brought out.

As I stated, costs have been brought out on the floor of the House, but one thing I do not believe has been stressed, and I want you to pay attention to it: this grain and this wheat is going to be stored at an annual cost of 13 cents per bushel, most of this going to grain elevator operators.

We have had no estimated transportation costs.

Anyone who is familiar with grain storage knows great care must be exercised in maintaining quality. It is subject to rodent damage and many types of insects and weevils. This can also be quite costly.

In summary, then, this bill could be a bonanza for grain elevator operators.

Eventually it will react against rather than in favor of the grain farmer.

With a national debt of more than $417 billion, I do not propose to support this bill which will place more of a burden on the already overworked taxpayer.

It will prove to be ineffective and further complicate an already complicated farm program.

As has already been pointed out, an almost identical program was vigorously opposed by the gentlemen on the other side of the political aisle during the last Republican administration. If any justification was given for this 180-degree turn, it must have been given in a very low key. I failed to hear it. We have reached a sorry state of affairs when the American farmer is used for a political football.

Mr. TEAGUE of California. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. I thank the gentleman for yielding.

It seems every time we have a piece of farm legislation it comes up in the middle of the night.

I think it is important for the Congress and the Nation to take a look at why we are in the position we are in today.

This is not the farmers' fault. We had corn blight affecting this very staple feed grain crop, and the Secretary of Agriculture decided in the interest of the consumers and of the Nation as a whole that the feed grain acreage ought to be increased. If any error is to be made in agricultural practices by the Secretary, he

seems to err on the side of overproduction in order to protect the consumers of the Nation. We are here tonight testifying to the fact that the farmers were efficient and produced the goods necessary to save our country from the dire consequences of a possible shortage.

I am getting sick and tired of listening to people talk about the farmers being inefficient and needing a handout and consider a farm program as a luxury. It is not a luxury.

Actually, Mr. Chairman, our farmers are providing our country with an adequate supply of corn, wheat, and other feed grains. This is a kind of an insurance policy for the Nation as a whole. But because we opened up production we had a big crop and the prices came way down below the cost of production. That means that the American farmer which constitutes 5 percent of the population is being forced to pay the total premium on this insurance policy for an adequate food supply for the balance of the Nation.

Mr. Chairman, it is unfair and I think anyone would agree when looking at the total situation. There are two bills to be considered tonight. There is the Smith bill to take some of the surplus out of the marketplace and put it in storage, so that it will be there in case of future corn blights and then there is the bill that Mr. MELCHER and I have cosponsored which will be offered as an amendment which we think will improve the Smith bill because it increases the price to the farmer by 25 percent. It keeps that grain in storage on the farm so that the farmer gets the 13-cent storage payment. So this grain remains on the farm from where it can move into our food distribution channels when it is needed to the four corners of the world where people are hungry and starving.

Mr. Chairman, I think it ought to be pointed out today that our farmers are efficient. They are doing a darn good job for America. The reason they are in trouble tonight is not their fault.

Secretary of Agriculture after Secretary of Agriculture through many, many past administrations have done the same thing with reference to the farmers' problems. In fact, if you put the last 10 Secretaries of Agriculture into a bag, shook it up, and pulled out one of them, it would not matter which one you pulled out because all of them were on the side of the consumer and the farmer has taken it in the neck.

This measure, Mr. Chairman, is designed to better protect the American farmer. This will give our farmers a fairer shake than the situation which they now face, where we find wheat here in this country selling for $1.40 a bushel while in Europe it is selling for $3.40 a bushel. Corn which brings less than $35 per ton here is selling at the rate of $112 a ton in Latin America where people are starving and Castroism is moving in. It is ridiculous that we let our farmers be forced out of the major markets of the world.

Mr. Chairman, our farmers are efficient producers.

If tariff barriers were removed, we would not have such a great reliance on farm programs. However, a part of the reason for this legislation today is to make up for what the striped-pants boys in the State Department have done to our farmers at the trade negotiating tables around the world. If they had stood up for the American farmer in the Kennedy round of negotiations and in the GATT agreements, we would not be in the trouble in which we find ourselves today. Our feed grains and wheat would be going into other nations of the world where people are hungry and where the prices are right. This would be of great benefit not only to the farmers of our Nation but the people who live in the cities because it would have a direct effect upon our balance of payments and gold outflow. Yes, the lack of these markets were a major reason for the economic problems confronting us that led to the President's action of last August 15.

Yes, Mr. Chairman, this legislation is necessary and we need this legislation very much, not only for the farmers of America but for all of the people of the country and for the future of the country.

Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. TEAGUE of California. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want first of all to say that I do not consider this a partisan matter. It is not a partisan matter, because every administration has had the plague or the blessing of a surplus.

If you read the chart that the gentleman from Iowa, my neighbor, Mr. SMITH presented with regard to surpluses, you saw a down dip in 1971, but you also saw one in 1966. Then it was announced that we were going to feed the world, and we suffered a tremendous drop in feed grain prices now, the blight scare did not develop and again we suffered a big drop in prices.

So it is not a matter of partianship. In fact, Members of the House and Members on my side of the aisle, 22 of us Republican Congressmen petitioned the President and the Secretary to purchase on the open market and set aside into a reserve, 600 million bushels or more of corn. We have already set in motion a strategic reserve. Every administration needs it. The Secretary is already purchasing corn. He is already putting out bids.

The question tonight resolves around this:

Shall we as the Congress have something to say about how it is purchased? About at what figures it is released? Or shall we leave that entirely to the Secretary? That is what is involved tonight in this legislation.

I introduced a strategic reserve bill similar to this. The hazards that are peculiar to my business of agricultural production are so great that without a reserve no Secretary can properly have balanced production.

The question is, How do we best preserve for consumers and for producers a proper balance? For consumers, a hunger insurance policy—and believe me, that is exactly what it is, a reserve is a hunger insurance policy, it is just as important for the consumer as it is for the producer.

And so, very briefly—and the time is late—I would like to say some more things, but the hour is late. I think the time has come for us as the Congress of the United States to write a reserve program and not let all flexibility rest in the Secretary of Agriculture. We gave too much power to the Secretary in the 1970 act. Again and again and again. I tried in the committee, as these gentlemen know, to strengthen that legislation to give to the Congress more of a voice, but we were not able to do that. But I do not believe that we ought, now that we ask the Secretary to buy corn, to leave it entirely up to him how he is going to set it aside, and at what prices it shall be released. I believe we need a strategic reserve bill.

Mr. TEAGUE of California. Mr. Chairman, speaking for myself, I have been very proud of the last two Republican speakers.

I now yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I would like to direct a question or two to the distinguished chairman of the House Committee on Agriculture, if I can have his attention.

USDA places a figure of $441 million annual cost to the so-called Melcher bill. I wonder if the very knowledgeable chairman of the House Committee on Agriculture could state whether or not he feels that an estimate of $441 million annually is a reasonable estimate?

Mr. POAGE. Mr. Chairman, if the gentleman will yield, if the program should be administered as ineptly as the Department of Agriculture has shown ability to administer programs under this administration, probably $441 million is a very conservative figure. But if the program is administered with any degree of sound judgment it ought not to cost $100 million.

Mr. FINDLEY. It ought to cost $100 million? Would the gentleman support an amendment which would put a limitation of $100 million on the cost of the program?

Mr. POAGE. No; I will not because your Department of Agriculture will still have charge. They will probably make the same mistakes in the future they have made in the past.

Mr. FINDLEY. If the gentleman has that little confidence in the U.S. Department of Agriculture, I think he would defer the consideration of this bill until some distant date when we might have another man in charge of the Department.

Mr. POAGE. If the gentleman will yield, that is the very reason for having the bill—if we had a department which was taking the steps that they knew should have been taken, there would not be the slightest need for this bill.

It is because of a penchant to make errors in the calculations of your department that we need the bill.

Mr. FINDLEY. I wonder why the gentleman and the party that he leads so ably in this field did not take action to adopt a bill like this during 8 years that Orville Freeman headed the Department?

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Mr. POAGE. Because Orville Freeman was not making any billion-bushel mistakes.

Mr. FINDLEY. How come we got such a bad situation so suddenly once Mr. Freeman left office? Can the gentleman shed any light on that?

Mr. POAGE. Yes, certainly. I am not suggesting that there was wrongdoing but they made a billion-bushel mistake in estimating this year's corn crop. But there was corn blight last year and it did cut the corn crop very materially.

Mr. FINDLEY. You cannot blame the Department of Agriculture for that; can you?

Mr. POAGE. I do not blame the Department of Agriculture for the blight. But the Department of Agriculture assumed that the blight would be just as bad this year as it was last year and they tailored their program on that assumption, which was an erroneous assumption.

Now I recognize that all of us are better second guessers, when we are looking back to the past than we are in foreseeing the future. But the fact is your Department made a billion bushel error in their calculations of the corn crop and that caused the need for the bill.

Mr. FINDLEY. I thank the gentleman for those comments. I am sure the new Secretary of Agriculture will take note of his estimate that $100 million properly administered would be adequate to finance the Melcher part of this proposal.

I am concerned about the effect of the Melcher provision on the soybean crop. What we actually had this past year was really a shortage of this very popular crop. Too many people planting corn—with the oversupply of corn and the undersupply of beans. What will be the effect of the Melcher bill next year? Will this not induce the farmers to stay in the corn program and give them a strong financial incentive to pour on all the fertilizer they can to produce every ear of corn they can out of their land? Likely they will shift where they can away from soybeans, create a new surplus of corn and a shortage of soybeans. That is a very serious concern.

Mr. MELCHER. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. MELCHER. I want to comment on the last question the gentleman posed.

I would refer the gentleman to last year's corn price when corn was selling at $1.40 during the spring at signup time for the corn program. It was the best price corn farmers had had in a long time and the Department got the best signup they ever got in history.

So I would assume, if they got the price of corn back to $1.25 or to $1.30 perhaps, they would get the best signup they have ever had in history.

Mr. FINDLEY. Can the gentleman give me an estimate as to the cost of his bill? He heard the estimate of the chairman of the committee, I am sure.

Mr. MELCHER. I know the gentleman from Illinois wants to be entirely correct on the Department's estimate on the cost of my bill.

The Department's estimate shows that $160 million saving in wheat certificates. That is a saving in payments. Subtracted from the total cost that the gentleman mentioned leaves a net cost, according to the Department's estimate, of $281 million.

But I would hasten to point out that that $281 million is mostly outlay for the crops and, when the crop is sold, they will get most of the $281 million back.

Mr. FINDLEY. One thing is sure: It is going to cost a lot of money.

Mr. Chairman, total cost of operating the program called for under the strategic grain reserve bill if the Melcher amendment language is approved as part of it, would be $2.051 billion in 1972.

Add this to the recent estimate of program payments to farmers for 1972 of another $2.850 billion for wheat and feed grain producers, and the total cost to the U.S. Treasury in 1972 for these two commodities alone will be nearly $5 billion. To this must be added costs of administration.

Broken down:

[In billions]

Under H.R. 1163, the procurement costs of the grain	$1.4
Annual storage costs	.210
USDA estimate of H.R. 8290 annual costs	.441
Total	2.051
USDA estimate of 1972 wheat payments and feed grain payments	2.850
Total	4.901

At my request USDA supplied the following data on costs and prospective savings:

WHEAT, FEED GRAINS, AND COTTON: MARKETING RECEIPTS AND DIRECT GOVERNMENT PAYMENTS, 1965-72

[In millions]

Year	Wheat	Feed grains	Cotton lint	Total
Marketing receipts:				
1965	$1,637	$3,152	$2,065	$6,854
1966	1,948	3,718	1,322	6,988
1967	1,917	3,768	931	6,616
1968	1,568	3,714	1,093	6,375
1969	1,725	3,893	1,193	6,811
1970	1,560	4,078	1,047	6,685
1971 (preliminary)	1,995	4,352	1,228	7,575
1972 [1]	1,840	3,973	1,282	7,095
Direct Government payments:				
1965	525	1,391	70	1,986
1966	679	1,293	773	2,745
1967	731	865	932	2,528
1968	747	1,366	787	2,900
1969	858	1,643	828	3,329
1970	871	1,504	919	3,294
1971 (preliminary)	872	1,193	820	2,885
1972 [1]	900	1,950	820	3,670

[1] Forecast.

Source: Department of Agriculture.

PROBABLE SAVINGS IN PROGRAM COSTS FROM A $20,000 LIMIT PER PRODUCER

More than 10,000 producers earned payments of $20,000 or more from one or more of the 1971 cotton, feed grain, or wheat programs. Of these, 79 earned payments of $20,000 or more from 2 programs, and 5 exceeded $20,000 from each of the 3 programs.

Payments to these producers totaled more than $347 million, or about $145 million in excess of $20,000 each (Table 1). Thus $145 million is the maximum saving that could be expected by lowering the limit from $55,000 per producer to $20,000.

Some perspective with regard to actual savings can be gained by observing the results of the $55,000 limit in 1971 programs. In 1970, nearly 1,400 producers earned $70 million in excess of $55,000 each. For 1971, most of these producers had adjusted their farming operations so that only 467 producers had payments reduced just over $2 million (Table 2). This $2 million is a minimum estimate of savings.

Changes from 1970 to 1971 in the wheat and feed grain programs reduced 1971 payments to these producers, so that the reductions resulting from the payment limitations were not as great as the excess of 1970 payments over reductions in 1971. Some of the largest feed grain producers were principally barley producers; and with barley out of the 1971 program, these payments were eliminated. Also, voluntary diversion of feed grain or wheat was not an option under the 1971 programs; thus, payments to most producers were smaller in 1971, and fewer were affected by the $55,000 limit.

The combination of a smaller payment per pound of cotton, and a slightly larger acreage on which the payment was based resulted in an 8-percent reduction in payments per acre to cotton producers in 1971 compared with 1970. But most of the differences between payments in excess of $55,000 in 1970 and the reduction in cotton payments in 1971 resulted from adjustments by producers to minimize the effect of the payment limit. Some large producers unable to transfer allotments to smaller producers may have reduced their acreage of cotton to only the amount for which they could receive payments. The extent of such adjustments is unknown, but they would have caused some reduction in cotton program costs beyond the $1.3 million shown in Table 2. With a further reduction to a limit of $20,000, it may be increasingly difficult to find eligible producers to accept allotments, and savings may be correspondingly larger.

TABLE 1.—PRODUCERS EARNING PAYMENTS OF $20,000 THROUGH $55,000, BY PROGRAMS, 1971

Program	Number of producers	Amount of payments	Payment in excess of $20,000
Cotton	8,742	$308,117,488	$133,277,488
Wheat	1,112	32,009,382	9,769,382
Feed grains	247	7,185,549	2,245,549
Total	10,101	347,312,419	145,292,419

TABLE 2.—PRODUCERS EARNING PAYMENTS IN EXCESS OF $55,000 IN 1970 AND THOSE WITH PAYMENTS REDUCED TO $55,000 IN 1971, BY PROGRAMS

			In thousands of dollars			
	Number of producers		Total payments		Payments earned in excess of $55,000	
Program	1970	1971	1970	1971	1970	1971
Cotton	1,232	414	131,749	24,046	63,989	1,276
Wheat	67	42	5,971	3,046	2,286	736
Feed grain	94	11	9,501	777	4,331	172
Total	1,393	467	147,221	27,869	70,606	2,184

FARMERS GETTING PAYMENTS IN EXCESS OF $20,000 (PRELIMINARY)

	Farmer numbers	Amount paid
1971:		
Cotton	8,742	$308,117,488
Wheat	1,112	32,009,382
Feed grains	247	7,185,549
Total	10,101	347,312,419
1970:		
Cotton	7,753	327,701,000
Wheat	1,223	36,865,000
Feed grains	1,395	49,934,000
Total	10,371	414,500,000

Mr. Chairman, reprinted below is an editorial in the current issue of Farm Journal which comments on the plain politics of the grain reserve proposal:

STRATEGY FOR PLENTY—OR FOR POLITICS?

"Corn—90c" Some country elevators chalked that price into painful reality in recent weeks. No one feels the pinch as sharply as the grower, of course. But the situation prompts a hard reappraisal for USDA officials; for farm-state Congressmen and Senators; for organization leaders; for anyone who cares about the economic health and well-being of farmers.

Everyone knows the role that corn leaf blight played in making this year's crop so unpredictable. Almost everyone knew last spring that we would end up this fall with either too little or too much corn. But that doesn't change or soften the result: In a year when your costs have soared to an all-time high, farmers probably will end up with an average market price for their 1971 crop (not including program payments) lower than in any year since 1960.

As they should, the administrators and lawmakers in Washington are asking themselves what more they can do. The Administration has already done several things—announced a re-seal program for 1969, 1970 and 1971 corn; liberalized loans for building on-farm storage; made an early announcement of the 1972 Feed Grain and Cotton programs; increased the set-aside and the payments so farmers will be able to divert more acres next year. There is doubtless more it could do such as invoke the Taft-Hartley Act to end the East Coast dock strike and get grain exports moving again.

But the desire to "do something" has resurrected in Washington several shop-worn and discredited proposals. They are an affront to the intelligence of farmers who remember the failures of past farm programs—and a cruel hoax to those who don't remember.

Take the proposal to increase the corn loan rate to $1.25 per bushel. It certainly doesn't seem right to keep the loan rate right where it was in 1960. Yet, when the Kennedy Administration boosted the rate to $1.20 in 1961, they discovered that was too high. By 1963, they had to cut it back near the old level, where it has remained.

One big reason why Secretary Hardin opposes an increase in the loan rate is his fear of what it will do to our exports. During the 1960s we learned that the loan rates on our wheat, cotton and feed grains created a bonanza for other exporting countries. We were guaranteeing a market for any country who could produce those crops for less than our loan rates.

We learned the lesson anew with soybeans in 1968. When the loan rate was increased to $2.50, oil and meal producers all over the world—of Russian sunflowers, Peruvian fishmeal, palm and coconut oil—rushed to cash in on the price we had guaranteed them. Our own soybeans began piling up in storage and were soon down to the support level in price. When the loan level was dropped to $2.25, our foreign competitors cut back, and soybeans resumed their climb—in price and volume.

A bigger surprise came last month when the House Ag Committee dredged up that hoary old remedy, "the strategic reserve." Senator Humphrey has since introduced in the Senate a similar bill, to establish a reserve inventory of wheat, feed grains and soybeans. He proposes to "insulate them from the marketplace so as to avoid their depressing effect on farm prices."

Somehow, the idea doesn't have the same clarion ring that it had in January 1954 when President Eisenhower made it a part of his farm program. He asked Congress then for the authority to "set aside $2.5 billion of our present farm surpluses for national defense, emergencies, disaster relief, foreign aid," etc. And he promised to "freeze" it so it couldn't affect market prices.

The rest is history. The "freeze" was meaningless. For ten years, the nation waited for emergencies and disasters that didn't come. All that time, farm surpluses hung over the market, depressing prices for farmers, making money for the elevators and grain tradesmen who were storing them, and making enemies for Secretary of Agriculture Orville Freeman when he finally began working them off into the open market.

In the words of a leading Congressman: "There's no padlock big enough to keep farm surpluses from affecting farm prices." Surprisingly, that same Congressman was among those who voted for the strategic reserve bill last month.

With the national elections less than a year away, it's entirely possible that Congress could force the Administration to make one of the above moves sometime between now and next fall. If it does, it will be for the same reasons that such moves have been made in the past: For temporary political gain rather than for long-term benefit to farmers.

Mr. TEAGUE of California. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, the strategic reserve bill to establish reserve stocks of wheat and feed grains, which we are now considering, is just one of the vehicles which have been suggested to raise the price of corn. A second proposal is to have the Commodity Credit Corporation immediately commence open market purchases of corn under existing authority of the Agricultural Act of 1949. Such action has already been initiated by the new Secretary of Agriculture, who on December 3, less than 24 hours after taking the oath of office, announced that such purchases will promptly begin.

Still another vehicle is H.R. 8290, a bill to increase the loan rates on wheat and feed grains at least 25 percent, which under the rule granted by a vote of 8 to 7 in the Rules Committee can be offered as an amendment to this strategic reserve bill now under consideration.

Whichever of these methods is pursued to improve the present market price of corn, there can be no question but what that market price is in drastic need of great improvement. This is the direct result of serious overproduction of corn this year, which in turn resulted from Government planning to allow for expected corn blight damage, which did not in fact occur.

It is easy with the wisdom of hindsight to now blame the Department of Agriculture for overreacting to the threat of blight, but the danger of a recurrence of 1970's serious infestation in 1971 was very real. A combination of drought and blight had reduced the 1970 crop 15 percent below July forecasts, and 10 percent below actual 1969 production: 4.58 billion bushels in 1969 compared with only 4.1 billion bushels in 1970, the latter figure being 360 million bushels below actual corn usage in this country.

Live blight spores were known to have survived the winter and to be thriving in fields in the heaviest corn-producing areas of the country.

Whatever the justification for that decision, the fact is the Department encouraged the farmers to increase production to make allowances for a recurrence of blight, and blight did not in fact recur. This combined with ideal weather conditions in planting, growing, and harvesting time led to production of a whopping corn crop now estimated to reach 5.54 billion bushels, up almost 1½ billion bushels from last year. The impact of this huge surplus on cash corn prices has been devastating. They tumbled 46 cents per bushel from $1.38 in mid-June to 92 cents for No. 2 yellow corn at Central Iowa markets in mid-October.

Farmers who expanded their production this year in direct response to their Government's request for more corn, are now suffering great economic hardship as a direct result. This continues even though there has been some improvement in the situation since back-to-work orders were obtained by the Department of Justice in the dock strike on November 26 and Secretary Butz ordered purchases of new corn in the open market on December 3.

No. 2 yellow corn at central Iowa markets has now advanced from a range of 92 to 94 cents in mid-October to a range of $1.02 to $1.05 on Monday, December 6. However, further substantial improvement is urgently needed as current prices are still definitely below the farmer's cost of production.

This continues to have a severely depressing effect on our cornbelt farm economy and corn farmers cannot endure continued distress selling at these levels. On the basis of all the evidence available to me, I sincerely believe that open market purchases under existing authority are the quickest and most effective way to raise corn prices. I have been advocating this ever since receiving word of the August 11 crop report. I wrote to the Secretary of Agriculture that date urging him to make market purchases of corn at harvest time to help stabilize prices. I continued to push for such open market purchases in conferences with the Secretary and in correspondence with the Department and the White House. I was one of 22 cornbelt Congressmen who wrote the President on November 1 urging him to order the CCC to start buying 1971 corn immediately and to buy up to 600 million bushels if necessary to raise prices to reasonable levels.

I am, of course, pleased that the new Secretary moved promptly and decisively to buy corn under existing authority as soon as he was sworn into office. He would have taken such action 3 weeks earlier if the other body had not taken so long wrangling about his confirmation. If I were to put pride of authorship first I would say the course of open market purchases which I have long advocated and which is now being implemented is the only one worthy of consideration. But the price situation in corn is too serious to justify any of us asserting pride of authorship. The important thing is not for me to get credit for the open market purchases which are now underway, or for the gentleman from Iowa (Mr. SMITH) to get credit for the strategic reserve bill, or for the gentleman from Montana (Mr. MELCHER), to get credit for his loan rate amendment. The important thing is that we all get together and back some effective program, any effective program to strengthen the corn market. For that reason I have told both the President and the Secretary of Agriculture that I will support them in any reasonable ac-

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tion which will improve the price of corn. I am also glad to vote for any reasonable action on the floor of this house tonight even though I happen to have a strong preference for the open market purchase method which the Secretary has instituted. I have been glad to support H.R. 1163, the strategic reserve bill on each occasion it has come up in the Subcommittee on Livestock and Grain and the full Committee on Agriculture, and I gladly support it again now. I intend to vote for it again on final passage, as one of the methods which may be used to relieve the severe pressure which corn market prices continue to suffer from this year's record crop.

Mr. OBEY. Mr. Chairman, it may seem as if an effort is being made here to put a limitation on farm program payments to individual farmers. What is really going on is an attempt to defeat income-boosting legislation which is badly needed by the farmers in this country.

I have supported legislation in the past to limit farm payments to $20,000. But this is not the place to do that. And anyone who really cares about helping our farmers knows that.

What really is at issue is legislation to stabilize grain supplies and grain prices and boost farm income at least to the level where farmers are not losing money by growing a bushel of corn. Also at issue is an amendment by Congressman MELCHER to increase the loan rate for feed grains and wheat by 25 percent.

It is hardly a secret that the farmers in this country are in serious economic trouble. Those in rural America have known this for some time, and if the nomination of Earl Butz did nothing else it did, I think, make known to those in urban America that the price of corn is much too low.

We have an opportunity today to correct that situation by supporting the strategic reserve bill with the Melcher amendment. All other attempts to fudge up this issue and kill this legislation ought to be defeated.

Mr. MICHEL. Mr. Chairman, I rise in opposition to H.R. 1163. While I agree wholeheartedly with the objective of this bill—to improve farm prices by taking some of our current grain surplus off the market—I cannot agree that the methods proposed here are the best way—or even a good way—to achieve that objective.

There is nothing new about the idea of a strategic agricultural commodity reserve, of course. We have been debating the advisability of such a reserve for years, and it always seems to boil down to the seemingly unresolvable question of just what a truly "strategic" reserve should be. Should it be primarily a grain-buying operation to boost farm prices, or should it be a permanent stockpile of all kinds of food which could be dipped into in the event of a real national emergency? Now, these are two very different things, and I do not think we can get by with mixing these two concepts.

This bill is not really a "strategic" reserve in any sense of the word. It deals only with raw wheat and feed grains. It terminates at the end of the 1973 marketing year. It does not effectively insulate the commodities from the market. And, it makes no special provision for storage so that the grain would be both protected and readily available for processing and use in all types of national emergencies. So, we must say that as a "strategic" reserve proposal, the bill is clearly inadequate. And, this does not even touch the basic question of whether or not a truly "strategic" agricultural reserve is, at this point, either necessary or desirable.

That brings us, then, to the issue of farm prices. Yes, most of us agree that farm prices are too low—grain prices especially, because of the huge crop and the dock strike, primarily. And, most of us agree that if the Federal Government can take any action to help boost those prices and move some of this grain, then it should be done—it is in the long term best interests of both farmers and consumers to do so.

But, does this bill provide an effective method of moving our grain surplus and boosting farm prices? No, it does not. Does it add anything to the authority already available to the executive in this area? No, it does not.

And, perhaps more important, does not a grain-buying bill disguised as a "strategic" reserve bill leave us with a more costly, confusing and downright dangerous mechanism than the Federal commodity programs we already have? Yes, unfortunately, it does.

The fact is that the Department of Agriculture already has all the authority it needs to purchase grain in the open market, and Secretary Butz announced last Friday that he intends to do so. The first offers for CCC purchases of corn on the open market will be due this Friday for acceptance December 13.

Unlike the existing CCC purchasing authority, the reserve bill would require purchases—mandatory purchases—of large quantities of wheat and feed grains, and once bought, the grain would just hang there, like a Damocles sword, over farmers' heads. I think the minority report of the House Agriculture Committee outlines very concisely the very real problems involved in the mandatory purchase and sale formulas in the bill:

Neither does it take into account changing conditions. H.R. 1163 would base purchases and sales on a supply and demand situation that was projected as of a specified date near the beginning of the marketing year. The demand for grains cannot be pinpointed at the beginning of the marketing year since many variables affect both supply and utilization. Production estimates of the crops later in the year would change the supply-use relationship and consequent stock change. As a result, purchases might be required to be made at a time when sound policy indicated that sales be made or vice versa. Thus, in some years we might find that too much or too little was purchased.

Even operating under ideal circumstances, if too much grain was removed from the market, the price would cause a decline in utilization. A decline in use in turn would bring a further increase in carryover and necessitate additional purchases. Additionally, the situation for a particular grain or group of grains could vary between regions. For example, an ample supply in the Pacific Northwest could occur at the same time there was a shortage in the Southeast.

Besides all this, the bill would add substantially to the costs of Government commodity programs without providing proportionate price benefits to farmers. It has been estimated that the total cost of the reserve bill would be about $1.455 billion, plus $215 million per year in storage costs. This is a tremendous cost for a very questionable result. It is true that almost any action to help boost farm prices is going to cost something, but I think the obvious cost-benefit ratio of the reserve bill shows that it would be a very poor investment, indeed.

In fact, we could be making much better progress toward solving some of the price problems of farmers if we were debating, right now, the President's strike legislation instead of this bill. The dock strike is one of the biggest factors affecting grain prices, pushing them down, and getting the docks operating again would be one of the best things we could do for farmers if we are really serious about helping them. Oh, I know we have got some grain moving now, but Taft-Hartley is temporary—on the west coast, the 80 days are up at Christmas. Talk about a Damocles sword—this dock situation really is one. I just wonder how many of my colleagues who are out here now pushing for this bill would lift a finger to help get some permanent, effective legislation to deal with this kind of strike?

And, there is just one last point I want to make before I stop, here. We hear a lot of loose talk about how the administration has not done a thing to help farmers—well, offhand, I can name at least a dozen specific things they have done in just the recent past, and I am going to list them, not because I think that everything is rosy or that the farmer never had it so good, but because the administration is trying to help farmers, and I want to see credit where credit is due. So, let us just run down through a dozen recent actions:

First. A larger quantity of corn is eligible for loan than ever before. This gives farmers an opportunity to hold a substantial part of harvest off the market in order to strengthen prices.

Second. With a larger proportion of the crop eligible for loan, more farmers than ever can get immediate cash through the loan program and hold their grain for better prices after harvest.

Third. The facility loan program under which farmers can borrow money from the CCC to erect farm storage was made more responsive to current needs, thus enabling farmers to get 65 million bushels of additional storage during the first 3 months of this fiscal year. This is nearly double the activity of a year earlier.

Fourth. Since January 1, nearly 70 million bushels of bin storage capacity has been shifted from Government to farm ownership, and thus is strategically positioned to help meet farmer storage needs now and reduce distress selling.

Fifth. The sharp reduction in Government-owned stocks of grain during the past year has removed the Government stocks as a major factor in tying up storage and overhanging the market.

Sixth. To help farmers get storage so they can get a loan, storage in Government-owned bins is available for farmers to rent. As a result of the stocks reduction, about 270 million bushels of bin-site space was available to farmers this fall.

Seventh. The loan program was changed to allow producers to enter into contracts to sell their grain for future delivery without loss of loan eligibility. This gives producers greater freedom to negotiate a better price.

Eighth. Early announcement of a broad reseal program which enables producers to extend support loans on 1969–1970–1971 crops through 1973 maturity dates enhances the bargaining power of producers through farmholding of reserve stocks. They also earn income for the storage of the reserve on farms—income that would be lost if the Government held the reserve directly.

Ninth. In order to make the loan available to all eligible producers, a distress loan for ear corn is available where permanent storage is short. This was designed to help cushion the adverse effects of the transportation tieup which delays grain shipments and subsequently depresses farm prices.

Tenth. To help storage short areas, loans can now be obtained at the local rate even though the grain is moved immediately to storage outside the production area. No transportation cost is charged producers. They still control the loan.

Eleventh. A major breakthrough in trade with Eastern Europe was the massive sale of feed grains negotiated with the Soviet Union. This provides an added market for this year's large feed grain crop.

Twelfth. USDA purchases of corn on the open market—announced Friday—will provide another outlet for our huge crop.

Now, these actions alone will not bring the millennium—they are no panacea. But this reserve bill would be even less so, for it would do little good and carries with it the potential for a great deal of harm. We are going to have to continue to search for ways to improve farm prices, to provide a fair return to America's farmers, but passage of H.R. 1163 is not a step in this direction.

Mr. RANDALL. Mr. Chairman, I support the Storable Agricultural Commodities Act of 1971.

Moreover, I supported the previous question on the rule to H.R. 1163 on the premise that if we voted down the previous question and would then have to endure the potentially divisive debate over the $20,000 limitation, those who opposed the $20,000 limitation might have enough numbers to defeat the rule. Then without a rule there would be no opportunity to pass H.R. 1163, the Strategic Storable Agricultural Commodities Act of 1971 before our adjournment sine die.

In the past I have both supported and opposed the efforts to limit payments to $20,000. In our congressional district, if my memory serves me correctly, there are only seven or eight who receive in excess of $20,000 and in these few cases, only slightly over the proposed limitation. In former years there was an effort at a $55,000 limitation. We supported that because it was a reasonable and workable restriction.

But, Mr. Chairman, tonight we are in a very different parliamentary situation. Faced with this unusual situation, the issue comes down to whether we want to do something for our hard-pressed feed grain farmers or do we want to stand on some kind of easy way out and say in effect we are sorry we could not surmount the complexity of the parliamentary procedure to help them before adjournment sine die. If we do not pass this bill we leave our American farmers in their worst condition since the days of Ezra Taft Benson.

Mr. Chairman, our farmers are suffering from low feed grain prices which have dropped sharply since the price freeze as a result of record crops. They are entitled to some relief, from these excessively low grain prices, not just sometime or anytime but now.

During the amendment process, I supported the Melcher amendment which was identical to H.R. 8290 introduced by the gentleman from Montana earlier this year. In effect it calls for an increase in the loan level for the 1971 crop by at least 25 percent, and that 25 percent would apply to the measure we are considering tonight.

The Smith bill, H.R. 1163, as amended by the Melcher amendment, will provide the means for our farmers to have some real help that is not now provided by the Department Agriculture's purchase program.

If any additional reasons are needed to explain why our corn farmers are in the fix they are, it is because the corn blight from which they had suffered in former years did not materialize this year. Consequently, corn and other feed grain prices are depressed to one of the lowest levels in recent times.

No one can be certain that H.R. 1163 will be an adequate answer to the depressed situation which exists in rural America. That is something that only time can tell. What this is then, is a sincere effort to try to help our farmers who cannot make payments on their farm machinery and who cannot meet payments at the bank because after the heavily increased planting to anticipate shortages which were predicted would result from corn blight. When the blight did not materialize the situation became so desperate that something drastic must be done to try to help. The hard, unvarnished, unpleasant facts are that the small farmer is today not making a living.

Mr. Chairman, when we look about to see who is for or against this bill it is strange to note that the administration opposes H.R. 1163, along with only one farm organization. All of the other large farm organizations, including all of those with membership in the Middle West, strongly support both the Smith bill and the Melcher amendment.

What are the consequences if we do not act on this measure? Well, if we do not pass this bill tonight, several hundred thousand more people will be forced to move from the farms to the cities, seeking jobs there that do not exist. Former farm communities which were prosperous have dwindled in a short time to mere ghost towns. If some kind of quick help is not provided to our farmers the migration of our farmers to the cities will not only continue, but with no jobs available in the cities, these people may be forced to live on welfare in order to survive. This legislation tonight may not be the answer or provide all the answers, but it is the only vehicle now available on which the House may work its will in a sincere effort to improve the desperate plight of our farmers when they need it most. That time is now.

Mr. FRENZEL. Mr. Chairman, even though a serious problem exists for our farmers, including those in my State, I intend to vote against H.R. 1163.

The bill came to us in a heavy-handed, amendment-resistant manner inconsistent with the House's tradition for fairness and impartiality. Since it could not be amended in the ways I thought necessary to protect the taxpayers, I am voting no.

The proponents are using a bona fide corn crisis to dispense this bill's largesse to wheat as well as corn, and they are unwilling to allow a vote on the needed $20,000 single farm limitation.

Since we are now in dangerous deficit position with respect to balance of payments, I question the wisdom of raising the price of our wheat without more careful consideration.

If the Quie amendment, excluding wheat, had been adopted, and if the $20,000 limit had been imposed, I would cheerfully have supported the bill.

In its present form it represents an unwise use of taxpayers' money and does not provide solutions to surplus problems. I hope the committee will now begin seeking long-term solutions to the corn surplus problem.

The CHAIRMAN. Are there any further requests for time?

Mr. POAGE. Mr. Chairman, in order to expedite the business, I will yield no further time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Strategic Storable Agricultural Commodities Act of 1971".

SEC. 2. Notwithstanding the provisions of any other law, the Secretary of Agriculture shall establish, maintain, and dispose of a separate reserve of inventories of wheat, and feed grain, and soybeans as provided in this Act.

Such reserve inventories shall include not more than the following quantities: (1) three hundred million bushels of wheat; (2) a total of twenty-five million tons of feed grain; (3) one hundred million bushels of soybeans. The Secretary is authorized to proportion reserve stocks of feed grains to correspond to usual marketing demands.

SEC. 3. The maximum price the Secretary shall pay for any commodity shall be the average price farmers received for such commodities during the preceding five marketing years adjusted to reflect the customary location and grade price differentials.

The net additional quantity of any commodity procured under this Act in any marketing year shall be the lesser of the following:

(a) 80 per centum of the net additional estimated total carryover for the marketing year; or

(b) the amount the maximum reserve inventory specified in section 2 above exceeds the total stocks of such commodity owned by the Commodity Credit Corporation at the beginning of the marketing year.

Such maximum prices and the quantity to be procured during the marketing year and the estimates used in arriving at the same shall be announced during such marketing year on the last Friday of July for wheat, on the last Friday of October for feed grains, and on the last Friday of September for soybeans.

The Secretary is authorized to proportion purchases of the various varieties and grades of each of the above commodities to correspond to usual marketing demands.

SEC. 4. Except when a state of emergency has been proclaimed by the President or by concurrent resolution of Congress declaring that such reserves should not be sold, the Secretary shall offer each commodity in the reserve for sale at a price of 120 per centum of the average price farmers received in the United States during the preceding five marketing years for the commodity involved adjusted to reflect the customary location and grade price differential or at such greater amount as may be obtained through normal market channels: *Provided, however*, That sales during any marketing year shall be limited to the net quantities by which estimated domestic consumption and exports exceed estimated domestic production and imports.

The Secretary is also hereby authorized to dispose of commodities in such reserve as follows:

(1) For use in relieving distress (a) in any area of the United States, including the Virgin Islands, declared by the President to be an acute distress area because of unemployment or other economic cause if the President finds that such use will not displace or interfere with normal marketing of agricultural commodities and (b) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress, as amended (42 U.S.C. 1855 et seq.).

(2) For use in connection with a state of civil defense emergency as proclaimed by the President or by concurrent resolution of the Congress in accordance with the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).

(3) For sale in assistance in the preservation and maintenance of foundation herds of cattle (including producing dairy cattle), sheep, and goats and their offspring, under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and to provide feed for livestock in any emergency area under the Act of September 21, 1959, as amended (7 U.S.C. 1427, note).

The Secretary may buy and sell at an equivalent price, allowing for the customary location and grade price differentials, substantially equivalent quantities in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate such reserve. Such purchases to offset sales shall be made within two market days.

The Secretary may accept warehouse receipts in lieu of taking physical possession of the grain, but in such cases the obligor under the warehouse receipt shall be required at all times to have the grade stated on the warehouse receipt or a better grade available for delivery.

The Secretary shall make a daily list available showing the price, location, and quantity of the transactions entered into hereunder.

SEC. 5. The Secretary shall use the Commodity Credit Corporation to the extent feasible to fulfill the purposes of this Act; and to the maximum extent practicable consistent with the fulfillment of the purposes of this Act and the effective and efficient administration of this Act shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.

SEC. 6. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 7. The purchase authority under sections 2 and 3 of this Act with respect to each of the commodities specified shall expire at the end of the marketing year for the 1973 crop of such commodity.

Mr. POAGE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 3, after the word "wheat" strike the comma and insert the word "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 4, after the words "feed grains" strike the comma and the words "and soybeans".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 7, following the words "feed grains" strike the semicolon and insert a period.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment:

The Clerk read as follows:

Committee amendment: Page 2, line 8, strike the phrase "(3) one hundred million bushels of soybeans."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 3, after the word "wheat" strike the comma and insert the word "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, lines 4 and 5, after the words "feed grains" strike the following: ", and on the last Friday of September for soybeans.".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 5, insert the following: ": *Provided*, That for the 1971 marketing year such announcements shall be made as soon after the effective date of this Act as is reasonably possible.".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, line 19, after the word "commerce." insert the following: "The Secretary is authorized to store grain purchased under this Act in producer-owned storage facilities and commercial storage facilities."

SUBSTITUTE AMENDMENT OFFERED BY MR. PRICE OF TEXAS FOR THE COMMITTEE AMENDMENT

Mr. PRICE of Texas. Mr. Chairman, I offer an amendment as a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Texas as a substitute for the committee amendment: Page 5, line 19, in lieu of the language proposed in the committee amendment, insert the following: "Insofar as practicable the Secretary shall store all grain purchased under this Act in producer-owned storage facilities."

Mr. PRICE of Texas. Mr. Chairman, with respect to H.R. 1163, the Strategic Storable Agricultural Commodities Act of 1971 as reported by the Committee on Agriculture, I offer an amendment to safeguard national and farmer interests in event this controversial bill were to pass the House.

I submit, as I pointed out in hearings on this bill and in additional views to the minority report in opposition to H.R. 1163, that this proposed measure, besides being a political contrivance as written, should contain specific provisions so that a true grain reserve would be structured so that the grain is stored on the farms by producers.

If this is to be a true strategic reserve from a national defense standpoint, it should be stored on farms in various areas of the country where it would be protected in case of emergency. This means also that the grain should be stored on the farms where it is produced, so that farmers receive the storage payments. This could be an important supplement to the income of hard-pressed farmers.

The sponsors of this bill have shown a remarkable disregard for producer equity, for the national interest, and for practical and desirable stock location and marketing practices.

In general, over the years, reserve stocks whose ultimate destinations are uncertain, are stored close to the point of production or along the main flow routes, out of major producing areas. Onfarm storage in context of H.R. 1163, is a logical extension of this practice. It should be mandated, as provided in the amendment I offer.

I would point out, too, that the prime importance of the marketing function often imposes limits on the quantities of grain that can be stored in particular commercial facilities. Many grain elevators are not set up to provide "dead storage" for extended periods. Their main function is profit in the marketing of grains, and this often involves turning their stocks several times during the course of a marketing season.

Some commercial capacity is used for rice, dry beans and peas, field seeds, flaxseed and soybeans, in addition to wheat and feed grains. Also, commercial grain elevators need some part of their rated capacity for working space. It is unrealistic not to face up to the fact that, unless specifically required otherwise, storage of reserves in off-farm commercial facilities would put a severe and unnecessary strain in some areas as bumper crops were directed to be moved off-farm.

In essence, my amendment to require onfarm storage of strategic storable commodities carries out the traditional and continuing policy of the Congress, and the particular goals of this administration, to maximize the accrual of benefits to those for whom commodity programs are designed—the producers. It is a betrayal of farmer trust to shovel storage profits to commercial conglomerates.

Under my amendment, farmers—not commercial interests—would retain control of their stocks committed to strategic storage. Farmers, not commercial interests, would earn and justly receive storage payments for the grains held under the program.

Onfarm storage of these reserves would be but a logical, practical, and sound adjunct to present policies of transition of CCC holdings to reseal holdings by the farmer, with storage payments going where they rightly belong. If additional onfarm bins would be needed in some areas, farm facility storage and drying equipment loan programs are available, and have proved successful and beneficial to the farmer.

In summation, I point out that for the 2-year period of the bill alone, storage payments to farmers on the grain quantities specified in the bill would amount to $120 million, based on a reserve of 300 million bushels of wheat and 600 million bushels of feed grains—mostly corn. If these reserves are to be maintained, then storage should be onfarm and the farmer should be the recipient of storage payments. Any other approach simply would be hypocritical to any assertion of protecting farmers' interests and income.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Minnesota.

Mr. QUIE. I commend the gentleman for offering this amendment. I would have preferred even to have the language "insofar as practicable." deleted from the amendment.

This program is going to cost $215 million for storage, and I think that $215 million ought to go to the farmers, not into the pockets of the warehousers. Definitely we should not start construction of Government bins, which was a scandal some years in the past.

If this strategic reserve bill meant an increase in Government-owned bins I would be against it. I plan to support it. I will find it easier to support with the gentleman's amendment. I hope the Price amendment will be agreed to so that all the grain will be stored on the farms.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

It sounds good to say that we want this grain stored in producer-owned storage. I point out, first of all, any producer who is able to build storage enough to rent to the Government on a multiyear basis is not just a producer any more. He is also in the storage business.

In addition to that, I want to point out that while at one time most of the grain was consumed on the farm or near the farm, a lot of it now is shipped overseas. Over 500 million bushels of corn was exported last year, and a big percentage of our wheat was.

So the market for the tenant farmer, the ones who do not own their land, do not own storage facilities, is the elevator. They have to get rid of their grain, and they send it to the commercial market.

In addition to that, we are interested, in this day and age, in promoting exports, not only in exporting what we have been exporting but in exporting more. This means some of this grain ought to be in a terminal position, in a position to export.

If a man goes down to the automobile agency nowadays to buy a new car, he does not want to wait 6 months to get it. He wants it now.

Sometimes the people who secure money to buy grain or have a shortage, from overseas, want it now. They do not want to wait until they get it out from under a snowdrift in Iowa next spring and take it to the gulf, but they want it now, or as soon as they can get it; so some of this ought to be in export position.

I also point out, as a matter of fact, we are losing $200 million in export money this year because the price is down below last year. Last year 516 million bushels of corn brought $200 million more than this year on the export market. Unless we pass this bill as a truly reserve bill and get the market up a little bit, we will be in difficulty. Purchasers of our exports were willing to pay as much as last year, but they did not have to because the market was bad. We are losing export dollars. I say this amendment to use farm storage almost exclusively sounds good, but in fact the tenant farmers and those who need to move this grain at harvest time and who are interested in the exports being promoted need to permit the Department to have some latitude to store some in producer-owned facilities.

Mr. PRICE of Texas. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. PRICE of Texas. I would like to point out in this bill it does not provide for export of this grain. It is only under three conditions——

Mr. SMITH of Iowa. I did not say this identical grain is to be exported, but there is a provision in this bill whereby they can sell grain out of this reserve and buy within 48 hours grain which is not in the reserve. They can do it in any year. If this grain is in an export position and they want to sell it to somebody who wants to export it, they can do so. This is the way we promote exports. We have not been doing it in the past and consequently we lost some sales.

Mr. PRICE of Texas. I agree, but I say that under this bill we have under consideration it is not intended for use as an export. This is a strategic reserve bill and it is for use in connection with the civil defense emergencies, and so on.

Mr. SMITH of Iowa. Look at the bottom of page 4 where it says:

The Secretary may buy and sell at an equivalent price, allowing for the customary location and grade price differentials, substantially equivalent quantities in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate such reserve.

So if a grain company has a sale and the grain is in Houston or Corpus Christi or New Orleans and they need grain quickly, they can sell to them and buy the next day in the corn belt and ship it to them. It will promote export sales.

Mr. PRICE of Texas. I said it should be stored on the farms primarily. I am aware of the fact that there is not enough storage, probably, for all of the grain that we have. I think it should go to the producer first and then, if there is storage available, it should go there. In that way, if it is in the strategic reserve, it is placed there so that it can be strategically located.

Mr. QUIE. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. QUIE. I think it is important that the amendment offered by the gentleman from Texas be adopted because the commercial warehouses will use this to get Government payments to store the grain that they would store anyway. They are in the business of merchandising grain overseas. But if the Federal Government is going to store its own grain in strategic reserves, these warehousemen will get paid for doing what they do anyway if it is handled the way the gentleman from Iowa (Mr. SMITH) explains it. That is why I want that $215 million to go to the farmers in every way possible, because warehousemen will not stand there with their facilities empty waiting to get grain out of the snow, and they will be buying the grain in time so it can move out of their storage site to world markets when the sales are made.

Mr. SMITH of Iowa. The fact is that they have not been doing this and they have lost sales. I think you have to have some judgment left in the Department as to where to locate it. We cannot say in the bill that you have to have x number of bushels here or there or someplace else. You have to leave some judgment in their hands and exercise oversight on the Hill as to how they handle it.

Mr. SCHERLE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all I would like to call attention to the remark made by my colleague from California (Mr. TEAGUE) in regard to Mr. ZWACH and Mr. ANDREWS in saying that Mr. Benson would appreciate the remarks made by my two colleagues. I would like to call attention to the fact that in those 2 years we had a Republican Congress, and that is the last one we had since.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. Yes, I yield to the gentleman from California.

Mr. TEAGUE of California. Did I understand the gentleman to say you would hate to see a repetition of a Republican Congress?

Mr. SCHERLE. I would hate to see a repetition of Mr. Benson, former Secretary of Agriculture.

Mr. TEAGUE of California. Well, this is one of his programs and I quoted from

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him this afternoon. It is exactly what he proposed in 1944.

Mr. SCHERLE. Well, let me go into this a little further.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield briefly?

Mr. SCHERLE. Yes, I yield briefly to the gentleman from Iowa.

Mr. SMITH of Iowa. It just goes to show if one will look long enough and go back as far as 17 years, one could find something good about every Secretary's program.

Mr. SCHERLE. Mr. Chairman, the problem facing the Midwestern farmer is corn. There is no question about it. Last year the Iowa corn farmer averaged 86 bushels per acre, and he received $1.31. That meant that his average gross profit was $112.56 per acre. This year the projected yield is a record 103 bushels per acre. According to the latest information, corn is now selling for $1 a bushel at the local elevator. That means that this year the gross profit for an Iowa corn farmer is $103 per acre. In other words, even though the farmer is producing 17 extra bushels per acre, his gross profit per acre is $9.66 less. There are few business enterprises in this country which have so increased their productivity and still reduced their profits.

The reason for these low prices is very simple. The USDA erred in judging the optimum number of acres in production. They were concerned about the blight. However, I have talked to numerous scientists and nowhere in the history of this country have we had blight 2 years in a row. This was just to protect the USDA once again by taking it out at the expense of the farmer.

A year ago I warned then Secretary of Agriculture Cliff Hardin, that the set-aside was too low. As a farmer I could predict the drastic consequences which occurred this fall. This year we listened to the economists and the bureaucrats at the USDA and the results have been disastrous for the feed grain participant.

Mr. Chairman, there are only two groups caught in this bind of production costs and purchase costs. One is the producer who gets nothing for his product and the other is the consumer who pays a high price for the finished product. The middle man is doing fine—no problem.

Mr. Chairman, the USDA is primarily responsible for overproduction by encouraging the Nation's farmers to produce extensively. If there is any compensation that should be realized out of this storage, it should go to the farmer that produces the corn. It costs $1.08 to produce a bushel of corn and now it is selling for $1. I think that is altogether too significant to the farmer. He cannot survive very long at this rate.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. Yes, I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I think one of the things that ought to be pointed out for the benefit of those representing heavy consumer areas is that in the amendment that calls for a 25-percent increase in price to the farmer, the price of corn and other feed grains and wheat would still be about 22 percent less than it was last year. So, there should be no impact on the consumer price at the grocery store over last year.

Mr. SCHERLE. The gentleman is absolutely correct.

Mr. Chairman, it is interesting to note that a certain type of tractor in 1948 cost $4,500, while that tractor today costs $17,500. A bushel of corn in 1948 was worth $2.63. Today it is worth $1 a bushel. For every bushel of wheat out of which they make 69 loaves of bread, in 1948 the producer received 3 cents per loaf which cost 11 cents and, today, 1971, a loaf of bread is selling for 40 cents and the producer still gets 3 cents.

Mr. Chairman, in 1968 we had 1,162 million bushels of corn; in 1969 we had 1,113 million bushels of corn; in 1970 we had 999 million bushels of corn and now 1971 we have 1.4 billion bushels of corn. So, anyone can see what has happened to the program. The USDA made a humble mistake but the poor farmer is the one who suffers. Who care anymore? They are expendable.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Texas (Mr. PRICE) for the committee amendment.

The question was taken; and on a division (demanded by Mr. PRICE of Texas) there were—ayes 44, noes 62.

TELLER VOTE WITH CLERKS

Mr. PRICE of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PRICE of Texas. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. POAGE, PRICE of Texas, PURCELL, and TEAGUE of California.

The Committee divided, and the tellers reported that there were—ayes 147, noes 179, not voting 106, as follows:

[Roll No. 444]

[Recorded Teller Vote]

AYES—147

Andrews, N. Dak.	Edwards, Ala.	McCulloch
Archer	Esch	McDade
Ashbrook	Findley	McDonald,
Baker	Ford, Gerald R.	Mich.
Bell	Forsythe	McEwen
Betts	Frelinghuysen	McKevitt
Biester	Frenzel	McKinney
Bow	Frey	Mahon
Broomfield	Goldwater	Martin
Brotzman	Goodling	Mayne
Brown, Mich.	Gross	Michel
Brown, Ohio	Grover	Miller, Ohio
Broyhill, Va.	Hall	Mills, Md.
Buchanan	Halpern	Mizell
Burke, Fla.	Hammer-schmidt	Mosher
Burleson, Tex.	Harsha	Nelsen
Camp	Harvey	O'Konski
Carter	Hastings	Peyser
Cederberg	Hechler, W. Va.	Pirnie
Chamberlain	Heckler, Mass.	Price, Tex.
Clancy	Hogan	Quie
Clausen, Don H.	Horton	Quillen
Clawson, Del	Hunt	Railsback
Cleveland	Hutchinson	Reid, N.Y.
Collins, Tex.	Jarman	Robinson, Va.
Conable	Jonas	Robison, N.Y.
Conte	Jones, N.C.	Rogers
Coughlin	Keating	Roush
Crane	Kemp	Rousselot
Davis, Ga.	Kuykendall	Roy
Davis, Wis.	Kyl	Ruppe
Dellenback	Latta	Ruth
Dent	Lent	Sandman
Devine	Link	Saylor
Dickinson	Lloyd	Scherle
Dulski	McClory	Schmitz
Duncan	McCloskey	Sebelius
du Pont	McClure	Shipley
	McCollister	Shoup
Shriver	Teague, Calif.	Widnall
Skubitz	Thompson, Ga.	Williams
Smith, Calif.	Thomson, Wis.	Winn
Smith, N.Y.	Vander Jagt	Wyatt
Snyder	Veysey	Wydler
Stanton, J. William	Wampler	Wylie
Steele	Ware	Wyman
Steiger, Wis.	Whalen	Young, Fla.
Stratton	Whalley	Zion
Talcott	White	Zwach
	Whitehurst	

NOES—179

Abbitt	Fisher	Morgan
Abernethy	Flood	Moss
Abourezk	Flowers	Murphy, N.Y.
Adams	Foley	Natcher
Addabbo	Ford,	Nedzi
Albert	William D.	Nichols
Alexander	Fraser	Nix
Anderson,	Fuqua	Obey
Calif.	Gallagher	O'Hara
Anderson,	Gaydos	O'Neill
Tenn.	Gettys	Passman
Ashley	Giaimo	Patten
Aspin	Gibbons	Perkins
Aspinall	Gonzalez	Pickle
Badillo	Grasso	Pike
Barrett	Green, Pa.	Poage
Begich	Griffin	Preyer, N.C.
Bennett	Griffiths	Price, Ill.
Bergland	Hagan	Purcell
Bevill	Hamilton	Randall
Biaggi	Hanley	Rangel
Bingham	Hays	Rarick
Blanton	Helstoski	Rees
Boland	Hicks, Mass.	Reuss
Bolling	Hicks, Wash.	Roberts
Brademas	Holifield	Rodino
Brasco	Howard	Roe
Brinkley	Hull	Rooney, Pa.
Brooks	Hungate	Rosenthal
Burke, Mass.	Ichord	Roybal
Burlison, Mo.	Jacobs	Runnels
Burton	Johnson, Calif.	Ryan
Byrne, Pa.	Jones, Ala.	St Germain
Byrnes, Wis.	Jones, Tenn.	Satterfield
Byron	Karth	Scheuer
Cabell	Kastenmeier	Seiberling
Caffery	Kazen	Sikes
Carey, N.Y.	Kee	Sisk
Carney	Koch	Slack
Chappell	Kyros	Smith, Iowa
Colmer	Leggett	Staggers
Corman	Lennon	Stanton,
Cotter	Long, La.	James V.
Culver	Long, Md.	Steed
Daniel, Va.	McCormack	Stubblefield
Daniels, N.J.	McFall	Symington
Danielson	McKay	Taylor
Davis, S.C.	McMillan	Teague, Tex.
de la Garza	Macdonald,	Udall
Delaney	Mass.	Van Deerlin
Dellums	Madden	Vanik
Denholm	Mann	Vigorito
Donohue	Matsunaga	Waggonner
Dow	Mazzoli	Waldie
Downing	Melcher	Wilson,
Drinan	Metcalfe	Charles H.
Eckhardt	Minish	Wolff
Edmondson	Mink	Yates
Edwards, Calif.	Mitchell	Yatron
Eilberg	Mollohan	Young, Tex.
Evans, Colo.	Monagan	Zablocki
Fascell	Moorhead	

NOT VOTING—106

Abzug	Edwards, La.	King
Anderson, Ill.	Erlenborn	Kluczynski
Andrews, Ala.	Eshleman	Landgrebe
Annunzio	Evins, Tenn.	Landrum
Arends	Fish	Lujan
Baring	Flynt	Mailliard
Belcher	Fountain	Mathias, Calif.
Blackburn	Fulton, Tenn.	Mathis, Ga.
Blatnik	Galifianakis	Meeds
Boggs	Garmatz	Mikva
Bray	Gray	Miller, Calif.
Broyhill, N.C.	Green, Oreg.	Mills, Ark.
Casey, Tex.	Gubser	Minshall
Celler	Gude	Montgomery
Chisholm	Haley	Morse
Clark	Hanna	Murphy, Ill.
Clay	Hansen, Idaho	Myers
Collier	Hansen, Wash.	Patman
Collins, Ill.	Harrington	Pelly
Conyers	Hathaway	Pepper
Curlin	Hawkins	Podell
Dennis	Hébert	Poff
Derwinski	Heinz	Powell
Diggs	Henderson	Pryor, Ark.
Dingell	Hillis	Pucinski
Dorn	Hosmer	Rhodes
Dowdy	Johnson, Pa.	Riegle
Dwyer	Keith	Roncalio
Rooney, N.Y.	Steiger, Ariz.	Tiernan
Rostenkowski	Stephens	Ullman
Sarbanes	Stokes	Whitten
Schneebeli	Stuckey	Wiggins
Schwengel	Sullivan	Wilson, Bob
Scott	Terry	Wright
Spence	Thompson, N.J.	
Springer	Thone	

So the substitute amendment for the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MELCHER

Mr. MELCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MELCHER: Page 6, after line 4, insert the following new section 8:

"SEC. 8 (a). Section 107 (a) of the Agriculture Act of 1949, as amended, is further amended by striking the period at the end, inserting a semicolon, and adding: *'Provided further,* That notwithstanding any other provision of this Act, the Secretary shall increase the loan level heretofore announced for wheat of the 1971 crop pursuant to this section, as amended by the Agricultural Act of 1970, by 25 per centum.'

"(b) Section 105 of the Agriculture Act of 1949, as amended, is further amended by substituting a semicolon for the period at the end of the sentence in (a) (1) and adding 'notwithstanding any other provision of this Act, the Secretary shall increase the loan levels heretofore announced for feed grains of the 1971 crop pursuant to this section, as amended by the Agricultural Act of 1970, by 25 per centum.'

"(c) The amendments contained in this section shall be effective in relation to crops harvested in 1971 and 1972."

Mr. MELCHER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. MELCHER) for 5 minutes in support of his amendment.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I rise in support of the bill.

Mr. MELCHER. Mr. Chairman, I will not take very much time on this amendment, because it is H.R. 8290. The rule provides that this amendment may be incorporated with H.R. 1163. The bill was passed by the House Agriculture Committee by a vote of 19 to 6. The rule is printed and is available to all Members, as is the bill H.R. 8290.

There is, of course, a great need, as has been demonstrated by many speakers here tonight, to improve grain prices. The rule provided for joining these two bills, the strategic reserve bill and the increase in loan rate bill.

I think if any one of us in our own livelihood, in our own way of making our living, if anyone in business had to suffer a 25-percent cut in his income between the years 1970 and 1971, he would be asking this Congress to see whether or not something could be done. This would be particularly true since the cut for the grain farmers in grain prices this fall came about because of unfortunate provisions of the set-aside program of the 1970 Farm Act and the unfortunate predictions and calculations by the Department of Agriculture.

The purpose of the amendment that I am offering is to raise the floor for the market prices under the wheat, corn and other feed grains by 25 percent. I assure the Members it is needed. Going back only to the freeze period, July 15 through August 15, we find that corn was selling for $1.36, wheat for $1.34, and sorghum $2.37 per bushel.

The loan rates that might be available for these crops when all crops are averaged and all the bushels are averaged under the bill will be raised only to a point which still will be below the average for all the bushels and all the crops that prevailed during the freeze period. Corn and sorghum would be selling below those prices and wheat somewhat higher. There is no reason to think that by raising the loan rates by 25 percent we will get the average price for all grains so high as to require increases in food costs. That just will not happen.

The cost of my amendment is $281 million, as has been described in the dialog with the gentleman from Illinois. Some of this would be recovered, because it is an increase in the loan rate and is an outlay of the loans most or all of which is recovered when the grain is sold.

When the grain is sold then the loan is repaid. Or, if the CCC has to take over the grain, when they sell it that money goes back to the Treasury.

The income increase per year for all grain growers in this country as a result of the bill will be $2 billion. This is money which is badly needed on our farms and in the rural economy. This is the added income by raising these floor prices on these grains, which will be brought to the American farmers.

It is time that we do it. They can no longer exist under the price structure they have to endure this fall. We need the bill now.

My amendment makes the loan rate increase available for the crop years of 1971 and 1972.

The bill is endorsed by almost all major farm organizations. It is also specifically endorsed by one of the largest organized consumer groups in America, the AFL–CIO.

I ask all Members to approve the amendment and to approve the bill on final passage.

Mr. BERGLAND. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Minnesota.

Mr. BERGLAND. Mr. Chairman, I am a farmer who has been in Congress 10 months. I represent one of the most rural districts in the United States. I have voted for city programs during these 10 months, not because I always understood the problems of the city nor have I always clearly understood the proposed remedy. I have supported these city programs because I know a problem left festering in the cities could well infect the bloodstream of the United States and spread a plague about our land. I am now asking for help from those of you who serve the cities.

My kind of people are in deep trouble. It is not the kind of trouble that commands front-page headlines, but the cold fact is half of the poor people in the United States are in the rural areas. Two-thirds of the substandard housing in this land is found in the countryside. My people do not march, they do not demonstrate. They suffer in silence. I know it is fashionable in some quarters to denounce the farmer as a "fat cat" with his hand in the Federal Treasury and living the life of luxury. There are some celebrated instances where this is true, but nearly 2 million farm families are forced to live on incomes near or below the poverty level.

While many of you may not fully understand the bill being considered today, it is desperately needed to help deliver my kind of people from the serious economic and attending social conditions existing among the great majority of our American farm families. Unless this festering problem is remedied, this infection could well become the economic and social cancer that breaks the back of our fight to remedy the already serious problems confronting all of this great land.

Mr. Chairman, I urge approval of the amendment offered by Mr. MELCHER that he, I, and others have cosponsored and urge passage of this bill as amended.

Mr. LINK. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from North Dakota.

Mr. LINK. Mr. Chairman, as a cosponsor of the Melcher bill, I rise in support of his amendment to Congressman SMITH's bill.

Mr. Chairman, this Nation's domestic problems are intertwined. There is no urban problem in isolation. Nor is there a farm problem in isolation. All are of a piece, and they must be viewed in their relationship to each other.

The problems of our cities are all too visible: Overcrowded conditions, traffic jams, pollution, inadequate housing, crime on the streets.

The problems of rural areas are equally severe: The lowest agricultural prices since the 1930's, the highest farm foreclosure rate since World War II, and a consequent drying up of the economic base.

The exodus of people from rural areas to our already congested cities, because of lack of opportunity, simply aggravates their problems. One set of problems feeds on the other.

Agriculture still is this Nation's largest single industry—an all-important purchaser of machinery and other products of factories. A sick agriculture can infect the entire economy.

I was gratified that so many of my city colleagues understood these relationships in tow farm-day forums we conducted in March and May emphasizing the problems of agriculture and rural America.

The Nation needs to insure a fair, adequate income to the producers of its food and fiber supply. Because of a flaw in our distribution system, our farmers have not been receiving their fair share.

XUM

Unless we take action to firm up the economic base of rural America, we will increase the migration to cities. And we will be wasting many assets: The living room in rural areas; our public service system of highways, hospitals, and other facilities; our electric power supply; a lower crime rate; and a personal life style that is lacking in our big cities.

Mr. Chairman, I request the support of my colleagues for H.R. 1163 by Congressman SMITH with the Melcher amendment (H.R. 8290) as a modest way to make the economy of rural America more viable. Both H.R. 1163 and H.R. 8290 were approved by the House Agriculture Committee and scheduled for floor action by the House Rules Committee. Their combined purpose is to stabilize grain income and supply and to increase the minimum support level of grains by 25 percent. Neither will affect consumer food prices or inflation, since the farmer's share of such prices is minute and because the only effect will be to bring grain prices up to the level of a few months ago.

The Smith bill with the Melcher amendment deserves the support of Congressmen from every section of the Nation to help solve the intertwined problems of urban and rural areas.

AMENDMENT OFFERED BY MR. FINDLEY TO THE AMENDMENT OFFERED BY MR. MELCHER

Mr. FINDLEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY to the amendment offered by Mr. MELCHER: At the end of the first paragraph, strike the period and add the following: ": *Provided*, That notwithstanding any other provision of law, effective with the crops of feed grains and wheat planted and harvested in 1972, the aggregate payments which a person shall be entitled to receive under the annual price support programs carried out for these commodities pursuant to this Act, shall not exceed $20,000."

POINT OF ORDER

Mr. POAGE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. POAGE. The amendment is not germane, in that the purpose of the Melcher amendment is to require the Secretary of Agriculture to increase the loan levels for wheat and feed grains by 25 percent on the 1971 and 1972 crops. Nothing in the Melcher amendment increases the payments to the farmers, other than the increase in loans. Inasmuch as the Melcher amendment does not have any bearing on the payments that wheat and feed grains farmers would receive, it would appear that the Findley amendment, limiting to $20,000 payments to wheat and feed grains growers, is not too germane to the Melcher amendment.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. FINDLEY. I do, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FINDLEY. Mr. Chairman, this amendment has been very carefully constructed realizing the problem of germaneness.

First of all, it does not go beyond the scope of the Melcher language. The Melcher language amends two parts of the Agricultural Act of 1949, as amended.

One part is section 105, dealing with feed grains. The other part is section 107, dealing with wheat.

The feed grains section provides for payments. The Melcher amendment, therefore, would amend the provision of the act of 1949, as amended, which provides for payments, and thus makes a payments provision amendment.

The same can be said for the wheat provision of the Agricultural Act of 1949. It deals only with feed grains and wheat. It is not as broad as I would like, because it does not include cotton. It deals only with the crops that are provided in the Melcher amendment. The Melcher amendment does increase price supports, which are a form of compensation for the farmer, and the loans are certainly a form of payments.

Therefore I would state that the amendment is clearly germane. I cite to the attention of the Chair, V, section 5811 and 5820, VIII, sections 2922 and 2936, taken from the precedents of the House of Representatives, at least the latest edition of the precedents available to Members.

The CHAIRMAN (Mr. NEDZI). The Chair is prepared to rule on the point of order raised by the gentleman from Texas.

The Chair has listened to the point of order made and the remarks of the gentleman from Illinois.

The gentleman from Texas has raised a point of order against the amendment offered by the gentleman from Illinois (Mr. FINDLEY) on the ground that the amendment is not germane.

The amendment would impose an overall restriction on payments which a person can receive under the various annual price support programs for feed grains and wheat carried out pursuant to the Agricultural Act of 1949 as amended.

The Committee of the Whole now has before it the bill H.R. 1163, which, as so far amended by the committee, establishes a strategic reserve of wheat and feed grains. To that bill the gentleman from Montana (Mr. MELCHER) has offered an amendment made in order by the rule. That amendment increases the loan levels for feed grains and wheat by 25 percent for the 1971 crop.

The Chair would point out that nothing in the matter now pending deals with total amounts of payments to be received by farmers either collectively or individually. The pending matter, the amendment offered by the gentleman from Montana (Mr. MELCHER) deals only with the increase in loan levels for the 1971 crop. It does not go to purchases which are also part of the price support program and which would be covered by the amendment of the gentleman from Illinois.

To reiterate, while the amendment offered by the gentleman from Montana does go to the sections of the law cited by the gentleman from Illinois, it affects only the loan levels authorized there and does not go to the purchases. It is well established that a proposition narrowly amending one section of existing law does not necessarily open that entire section to further amendment.

For these reasons the Chair sustains the point of order that the amendment is not germane.

Mr. FINDLEY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINDLEY. Am I correct that as a general proposition an amendment is held to be germane if it seeks to amend a section of the statute which the original amendment to which it is offered is also altered? In other words, is it germane to the particular paragraph or section to which it is offered?

The CHAIRMAN. The Chair will state that is not necessarily the case.

Mr. FINDLEY. A further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINDLEY. Can the Chair advise the Members at what date they may expect to have an updated edition of the precedents of the House of Representatives?

The CHAIRMAN. The Chair will state that is not a parliamentary inquiry.

AMENDMENT OFFERED BY MR. QUIE AS A SUBSTITUTE TO THE SUBSTITUTE AMENDMENT

Mr. QUIE. Mr. Chairman, I offer an amendment in the form of a substitute.

The Clerk read as follows:

Substitute amendment to the Melcher amendment offered by Mr. QUIE: Page 6, line 4, insert the following new Section 8: Section 8 (a). Section 105 of the Agriculture Act of 1959 is amended, is further amended by substituting a semicolon for the period at the end of the sentence in (b) (1) and adding "notwithstanding any other provision of this Act, the Secretary shall increase the payment heretofore announced for feed grains of the 1971 crop pursuant to this section, as amended by the Agriculture Act of 1970, by 25 per centum."

(b) The amendments contained in this section shall be effective in relation to the crop harvested in 1971.

POINT OF ORDER BY MR. POAGE

Mr. POAGE. Mr. Chairman, I raise a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. POAGE. Mr. Chairman, the amendment is subject to the same interpretation that the amendment offered by the gentleman from Illinois (Mr. FINDLEY) was subject in that it proposes to amend the Melcher bill by changing the payments that are being made under the terms of that bill; whereas, the Melcher amendment makes no change in any payments whatsoever and relates only to the lower levels. That is exactly the same situation that we had in the case of the Findley amendment.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. QUIE. I do, Mr. Chairman.

Mr. Chairman, the Findley amendment, perhaps, went further than section 105. This amendment is limited to section 105 which is amended by the Melcher amendment. It is a different subsection, it is true. Subsection (b) rather than subsection (a) of section 105, but under the circumstances of the past amendment, or section of an amendment to a different part of that section which is offered as a substitute, it has been held germane.

The CHAIRMAN (Mr. NEDZI). The Chair is prepared to rule.

The Chair has listened to the point of order and the remarks of the gentleman from Minnesota. The Chair notes that the amendment offered by the gentleman from Montana was made in order by the rule. The substitute was not. Hence its germaneness to the Melcher amendment is in issue. The pending matter, the amendment offered by the gentleman from Montana (Mr. MELCHER) deals only with the increase in loan levels for the 1971 crop. It does not go to purchases, which are also part of the price support program and which would be covered by the amendment of the gentleman from Minnesota. This situation thus falls within the rule that an individual proposition cannot be amended by another individual proposition. The specific amendment to the 1949 Act provided in the amendment offered by the gentleman from Montana cannot be broadened by amendment into a proposition general in scope.

For these reasons, the Chair sustains the point of order that the amendment is not germane.

AMENDMENT OFFERED BY MR. QUIE TO THE AMENDMENT OFFERED BY MR. MELCHER

Mr. QUIE. Mr. Chairman, I offer an amendment to the amendment offered by Mr. MELCHER.

The Clerk read as follows:

Amendment offered by Mr. QUIE to the amendment offered by Mr. MELCHER: Strike out subsection (a); reletter subsections (b) and (c) as subsections (a) and (b).

Mr. QUIE. Mr. Chairman, the effect of my amendment is to strike the increase of 25 percent of the price support loan on wheat. Presently, wheat gets 100 percent of parity for domestic human consumption share of the crop and that represents 42 percent of the wheat. If there is a price support loan increase by 25 percent, there would be a reduction in the direct payment by that amount for wheat.

Now, what you would do by the Melcher amendment on wheat is to make wheat go up to a price where it would not be as competitive on the world market. So, not only would we have a strategic reserve, but more would stay in regular storage. There is no commodity that moves overseas which is produced by American farmers as much as wheat and this will hamper our efforts.

I think this is a shortsighted amendment to increase the price support loan on wheat, because already the direct payment takes care of the difference between the average price at the marketplace and 100 percent of parity. That is not the case with reference to corn. Corn is the commodity which is in trouble. Corn is where the mistake was made in the estimate last spring. The corn blight did not occur. Wheat can move overseas to a much greater extent than corn.

I think it would have been wiser as I proposed to increase the direct payment on corn instead of increasing the loan, however I am prohibited from doing that because of the point of order. However, let us at least not make the mistake now of increasing the price-support loan on wheat because I just want to repeat to you again that you have to have a competitive price in order to sell it overseas.

I recall the years when I was on the Committee on Agriculture, and the cotton producers had the kind of strength around here so that they kept their price-support loan up high, so high that they had their warehouses full of surplus cotton. Finally we had to do something about it, we had to bring the price-support loan down, so it was competitive on the world market. That was the only way they moved it out of storage, and it worked. It now goes on the market, rather than into storage.

Mind you, you are on the verge of making a serious mistake on wheat of storing commodities in the bin rather than letting it go overseas.

So I urge you to adopt this amendment. Let us help the corn farmers by increasing the loan because they are the ones who are in trouble because of a mistake by USDA. They are the ones who cannot make the payments on their machinery, they are the ones who are in serious trouble with the bankers, because of a mistake in USDA's corn crop estimate. I know that the wheat farmers are not making as much money as they should but taking direct payments away from wheat farmers and giving it to them in increased loans is not much help to them.

Just keep in mind that if you raise the price support loan now so that you make the wheat uncompetitive you will have worse trouble next year with wheat, because we will keep it in storage instead of moving it overseas. The dock strike is a big reason for wheat's trouble. When the ports are open we can move wheat only when prices are competitive. Do not fix the price of wheat so that you cannot move it.

I urge you to adopt this amendment.

Mr. MELCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must point out to my good friend, the gentleman from Minnesota, and my colleagues here in the Committee of the Whole, that the relationship between the various prices of grain must be maintained. It would ill behoove the loan rates to be put out of kilter by raising just corn, or feed grains. The loan rate increases must also include wheat to maintain a balance of loan rates between wheat and feed grains. As a matter of fact, under the amendment that I have proposed, the cost to the Treasury is actually reduced by including wheat. The reason for that is, just as the gentleman from Minnesota outlined, that wheat certificates are paid on a portion of the crop, by including wheat in the bill the savings to the Government will be $160 million. The Department shows further that the outlay for the increase on the loan rates—and remember, they will get most of that back—is $100 million for wheat and $39 million additional for export certificates. Because of the decrease in wheat certificate costs, you can readily see that including wheat will reduce the overall cost to the Treasury by the difference between $160 million and $139 million or a savings of $21 million.

So I would urge the committee to vote down the amendment.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I thank the gentleman for yielding.

I think the gentleman ought to tell the Members where that $160 million comes from that the Government will save. It comes from the pockets of the farmers—the wheat farmers will get that if it is not taken away from them by this amendment.

Mr. MELCHER. I well recognize that, but the wheat farmers are also aware that only 42 percent of the crop goes for domestic consumption; they want it for the rest so that they can survive, and at the current prices and the current loan rates they cannot stay in the wheat business and stay in farming. They need our help now with passage of this legislation to help wheat, corn, and other feed grain producers.

Mr. TEAGUE of California. Mr. Chairman, I rise in support of the amendment. I know the mood of the House, and the majority is running roughshod over this side of the aisle. But I want to be sure that my colleagues understand that the Melcher amendment is going to cost several hundred million dollars more than the present program. No one claims it is going to cost less, and it is not going to help the small farmers. We had a chance a few moments ago to help the small farmers by paying him part of the annual rental fees of around $215 million, and you turned that down.

But you gentlemen from the cities are being very generous tonight, and you should have earned the undying gratitude of the large as well as the small farmers, certainly the warehousemen.

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I seek this time for the purpose of stating my support for the legislation. I want the record to show, however, my reservations with respect to both the Smith bill providing for a strategic reserve of wheat and feed grains and the Melcher amendment which provides for an increase of 25 percent in the loan rate for the same two commodities.

The legislation should be broader, so as to include cotton and soybeans. I offered amendments to do this in the Agriculture Committee. I am not going to take the time of the House to reoffer those amendments at this time for a couple of reasons. In the first place, I do not have the votes to pass these amendments and in the second place, if the amendments were adopted, I am afraid that they would make it more difficult to pass the amended bill on the floor at this time.

In summary, Mr. Chairman, I support this legislation though in my judgment it should also include soybeans and cotton. At the same time, I recognize the extremely urgent crisis which is now facing the wheat and feed grain producers and, therefore, I urge my colleagues to support the committee on this important legislation.

XUM

Mr. KYL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, even the casual observer would be able to determine that there is a great deal of politics involved in this particular legislation and that, as a matter of fact, regardless of any substantive changes that could have been made here this evening or that should have been made, I doubt that any votes would have been changed by any of the debate.

But I think we should know exactly what we are doing here, because this is not the last that we will hear about the problems of the corn farmer or the wheat farmer or the cotton farmer.

Now all of us, to be very frank, have to make a little guess about what effect on the market prices the strategic reserve portions of this bill will have. I do not think there is anyone here who can tell with any assurance what that effect will be. We know that is the case of the military oriented surpluses that we have in the stockpiles, no matter even if it takes an act of Congress to move those to the market, they have a depressing effect on the market price.

The chairman of the Committee on Agriculture has said so truthfully so many times that there is no padlock in the world big enough to hold these stored crops off the market regardless of what kind of situation you have.

We may get an increase in prices as a result of this program or we may not. But I say to you in all honesty and in all candor, that we do not know what the effect is going to be.

Now, so far as the Melcher portion of this bill is concerned, we know immediately what the effect will be. We will have some problem, because a farmer who has sold his corn gets no help. This portion of the bill will put money in the pockets of most grain farmers and the wheat farmers. There is no question about that and they need the help—and there is no question about that. The immediate help is good. But what about the long range?

There is also some serious question as to what this portion of the bill may do to compliance with the program next year and the year following that or with intensity of production.

Both sides of this bill fall short of solving the fundamental problem of oversupply.

Before I continue with that, I also want to explain for some of you who may be a little naive about these matters, why it was so important that the rule was adopted without any reservations. It is not because a limitation on payments of $20,000 is important to feed grain farmers or wheat farmers particularly—it is because of the relationship of cotton. But regardless of what has happened here today, I think I can say with absolute assurance that the die is now cast on this business of payment limitations.

The first time a germane amendment can be offered, I think our cotton producing friends should know that there will be a payment limitation. This does not make me happy. I have never voted for a limitation myself, because I know you will have to have an entirely different kind of cotton program to control the supply in that area, if you implant limitation.

If we have to do that, we may ultimately divide these farm programs, and we will not have the kind of necessary support for our feed grain programs. This is a matter of candor which I am delivering to you.

Getting back to this business of a solution of the problem, we have too much corn. Somebody has said that we never have a blight for more than 1 year in a locality. I can point to areas in which we have had blight for 8 years—until this year, when it disappeared. Anyhow we have that surplus. Neither of these two approaches tonight will diminish the total supply of corn by one ear or one bushel, or of wheat, either.

First, we have to have the program for next year geared to bring production back in line so that the 2-year supply is in order, and then the only way we can get disappearance of this surplus product is through trade, trade, and more trade. We have to remove every obstacle that there is to the removal of this surplus through trade.

This proposition tonight, helpful as it may be to our farmers today—and they need help—is not going to remove the surplus. We have to continue working for trade and more trade to get this job done.

One other thing. This House, if it is going to protect the feed grain industry and the other agriculture of this Nation, is going to have to adopt some permanent legislation to stop these long strikes in the transportation industry which have had such a disastrous effect these past months.

Mr. NELSEN. Mr. Chairman, I move to strike out the requisite number of words, and rise in support of the Quie amendment.

Mr. Chairman, there is an old story about the daddy robin and the mother robin flying South. Daddy robin gets to the destination 4 or 5 days late with his feathers all beat up, his tail feathers all torn. Mother robin gives daddy robin a severe look and daddy robin says, "Now, it isn't what you think. I was just flying low, and I got caught in a badminton game."

I have been on the farm all my life. That is my business. I am getting a little weary about the badminton game or politics that is always played with me and with my associate farmers when we get to legislation. I support the Quie amendment, because I believe wheat is going to be damaged by the proposed amendment. But I am perfectly willing to go along on corn. Something drastic needs to be done because the price of corn is extremely low. I doubt that the farmer can long survive with the price of feed grain at this time. I am willing to do something drastic to try to correct that situation.

I am sorry that the author of the Melcher proposal speaks against the Quie amendment. I think a very careful analysis on the part of Congressman QUIE, who has been very, very attentive to farm problems and understands them and points out the danger of our world market—and I believe there is a danger with our world market. Mr. QUIE has so well pointed out the wheat does have protection under the present program. But I am willing to go along with this proposal as far as corn is concerned. The important thing now is to get some corn off the market so that the market can improve, hoping that we can look to the future and reduce our production and feather in some of our stockpiles that we may have.

I hope the Quie amendment will be adopted. I believe it is a good one. I believe it is sound. I hope the amendment is adopted.

Mr. POAGE. Mr. Chairman, I move to strike the last 5 words.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. POAGE. Mr. Chairman, I do not want to pass judgment upon anyone's political motivation. I come from a country which does not grow much wheat and does not grow much corn. I simply have been amazed at the way in which gentlemen from areas that grow no wheat have found it possible to decide for the wheat areas just what, exactly, is good for them.

As one who is from neither a wheat growing nor a corn growing area, it just seems passing strange to me that the gentlemen from the corn areas should be so gifted as to be able to tell the wheat growers exactly what is in their best interest. They tell the Members that they should strike out provisions offered by a man from a great wheat State, such as Montana, and to substitute those provisions offered from a district growing no wheat at all. It is just a mystery to me. I suggest that we let those from the wheat country speak for the wheat people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE) to the amendment offered by the gentleman from Montana (Mr. MELCHER).

TELLER VOTE WITH CLERKS

Mr. QUIE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. QUIE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. QUIE, MELCHER, PURCELL, and PRICE of Texas.

The Committee divided, and the tellers reported that there were—ayes 128, noes 222, not voting 82, as follows:

[Roll No. 445]

[Recorded Teller Vote]

AYES—128

Archer	Conte	Halpern
Ashbrook	Coughlin	Hansen, Idaho
Baker	Crane	Harsha
Bell	Davis, Wis.	Harvey
Betts	Dellenback	Hastings
Blester	Dennis	Heckler, Mass.
Bow	Devine	Heinz
Bray	Dickinson	Hillis
Broomfield	Dulski	Hogan
Brown, Mich.	Duncan	Horton
Brown, Ohio	du Pont	Hosmer
Broyhill, Va.	Edwards, Ala.	Hunt
Buchanan	Esch	Hutchinson
Byrnes, Wis.	Findley	Jacobs
Byron	Ford, Gerald R.	Johnson, Pa.
Carter	Forsythe	Jonas
Cederberg	Frelinghuysen	Keating
Chamberlain	Frenzel	Keith
Clancy	Frey	Kemp
Clausen, Don H.	Goldwater	Kuykendall
Clawson, Del	Goodling	Landgrebe
Cleveland	Gross	Latta
Conable	Grover	Lent
	Hall	Lloyd
McClory	Quie	Steiger, Ariz.
McCulloch	Quillen	Steiger, Wis.
McDade	Railsback	Stuckey
McDonald, Mich.	Reid, N.Y.	Teague, Calif.
McEwen	Robinson, Va.	Terry
McKinney	Robison, N.Y.	Thomson, Wis.
Mayne	Rousselot	Vander Jagt
Mazzoli	Ruppe	Veysey
Michel	Ruth	Wampler
Miller, Ohio	Sandman	Ware
Mills, Md.	Saylor	Whalley
Mizell	Scherle	Widnall
Morse	Schmitz	Williams
Myers	Schneebeli	Wyatt
Nelsen	Schwengel	Wydler
Pettis	Smith, Calif.	Wylie
Peyser	Smith, N.Y.	Wyman
Pike	Stanton, J. William	Young, Fla.
Pirnie	Steele	Zion

NOES—222

Abbitt	Fraser	O'Hara
Abernethy	Fulton, Tenn.	O'Konski
Abourezk	Fuqua	O'Neill
Adams	Galifianakis	Passman
Addabbo	Gallagher	Patten
Albert	Gaydos	Perkins
Alexander	Gettys	Pickle
Anderson, Calif.	Giaimo	Poage
Anderson, Tenn.	Gibbons	Preyer, N.C.
Andrews, N. Dak.	Gonzalez	Price, Ill.
Ashley	Grasso	Price, Tex.
Aspin	Green, Pa.	Purcell
Aspinall	Griffin	Randall
Badillo	Griffiths	Rangel
Barrett	Hagan	Rarick
Begich	Hamilton	Rees
Bennett	Hammer-schmidt	Reuss
Bergland	Hanley	Roberts
Bevill	Hathaway	Rodino
Biaggi	Haya	Roe
Bingham	Hechler, W. Va.	Rogers
Boggs	Helstoski	Rooney, Pa.
Boland	Hicks, Mass.	Rosenthal
Bolling	Hicks, Wash.	Roush
Brademas	Holifield	Roy
Brasco	Howard	Roybal
Brinkley	Hull	Runnels
Brooks	Hungate	Ryan
Brotzman	Ichord	St Germain
Burke, Fla.	Jarman	Satterfield
Burke, Mass.	Johnson, Calif.	Scheuer
Burleson, Tex.	Jones, Ala.	Sebelius
Burlison, Mo.	Jones, N.C.	Selberling
Burton	Jones, Tenn.	Shipley
Byrne, Pa.	Karth	Shoup
Cabell	Kastenmeier	Shriver
Caffery	Kazen	Sikes
Camp	Kee	Sisk
Carey, N.Y.	Koch	Skubitz
Carney	Kyl	Slack
Chappell	Kyros	Smith, Iowa
Clark	Leggett	Snyder
Clay	Link	Staggers
Collins, Tex.	Long, La.	Stanton, James V.
Colmer	Long, Md.	Steed
Corman	McCloskey	Stephens
Cotter	McClure	Stratton
Culver	McCollister	Stubblefield
Daniel, Va.	McCormack	Symington
Daniels, N.J.	McFall	Talcott
Danielson	McKay	Taylor
Davis, Ga.	McKevitt	Teague, Tex.
Davis, S.C.	McMillan	Thompson, Ga.
de la Garza	Macdonald, Mass.	Thone
Delaney	Madden	Udall
Dellums	Mahon	Ullman
Denholm	Mann	Van Deerlin
Dent	Martin	Vanik
Donohue	Matsunaga	Vigorito
Dorn	Meeds	Waggonner
Dow	Melcher	Waldie
Downing	Metcalfe	Whalen
Drinan	Minish	White
Eckhardt	Mink	Whitehurst
Edmondson	Mitchell	Wilson, Charles H.
Edwards, Calif.	Mollohan	Winn
Eilberg	Monagan	Wolff
Evans, Colo.	Moorhead	Yates
Fascell	Morgan	Yatron
Fisher	Moss	Young, Tex.
Flood	Murphy, N.Y.	Zablocki
Flowers	Natcher	Zwach
Foley	Nedzi	
Ford, William D.	Nichols	
	Nix	
	Obey	

NOT VOTING—82

Abzug	Annunzio	Belcher
Anderson, Ill.	Arends	Blackburn
Andrews, Ala.	Baring	Blanton

Blatnik	Gude	Pepper
Broyhill, N.C.	Haley	Podell
Casey, Tex.	Hanna	Poff
Celler	Hansen, Wash.	Powell
Chisholm	Harrington	Pryor, Ark.
Collier	Hawkins	Pucinski
Collins, Ill.	Hébert	Rhodes
Conyers	Henderson	Riegle
Curlin	King	Roncalio
Derwinski	Kluczynski	Rooney, N.Y.
Diggs	Landrum	Rostenkowski
Dingell	Lennon	Sarbanes
Dowdy	Lujan	Scott
Dwyer	Mailliard	Spence
Edwards, La.	Mathias, Calif.	Springer
Erlenborn	Mathis, Ga.	Stokes
Eshleman	Mikva	Sullivan
Evins, Tenn.	Miller, Calif.	Thompson, N.J.
Fish	Mills, Ark.	Tiernan
Flynt	Minshall	Whitten
Fountain	Montgomery	Wiggins
Garmatz	Mosher	Wilson, Bob
Gray	Murphy, Ill.	Wright
Green, Oreg.	Patman	
Gubser	Pelly	

Mr. HAMMERSCHMIDT changed his vote from "aye" to "no."

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Montana (Mr. MELCHER)

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE OF TEXAS

Mr. PRICE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Texas: Page 3, line 15, strike the words "a price of 120 per centum of the average price farmers" and strike all of lines 16, 17, 18, 19 and the words "market channels" on line 20 and insert in lieu thereof "not less than 100 per centum of the parity price for any such commodity".

Mr. SEBELIUS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Kansas.

Mr. SEBELIUS. Mr. Chairman, I appreciate this opportunity to discuss H.R. 1163, the Strategic Storable Agricultural Commodities Act of 1972.

It is common knowledge we are experiencing an economic crisis in our rural areas. The cost of producing the Nation's food and fiber keeps rising and the price of farm products remains the same or decreases. Only the farmer's industry and amazing productivity gains have prevented a severe and drastic economic depression in our rural areas. We must work to halt this economic decline which could produce an economic crisis throughout our country. We must control inflation and provide the farmer a decent price for his products.

With all due respect, Mr. Chairman, I do not think this legislation offers an immediate solution to the farm income crisis. In fact, this legislation represents, I think, a most indirect approach. However, I feel that we should explore every alternative in our search for new prosperity in agriculture.

I am disappointed that this legislation does not include the provision to set the release price at 100 percent of parity. This amendment, which I supported, was defeated 16 to 14 in committee, would have eliminated the reserve as a market depressant and would have also insured an available supply of grain in the event of some great disaster.

I am concerned that this bill will prove to be a cosmetic rather than a real answer to the farm income problem. In addition to the previous amendment, I feel we should structure the grain reserve so that the grain is stored on farms by producers. If this amendment is not adopted, an estimated $215 million per year will be spent for storage costs that will not improve farm prices or reach the farmer. In view of our past history with grain stockpiles, without the farm storage provision, this could be a gross disservice to farmers.

Mr. Chairman, if we are going to increase farm prices and income as a result of legislative action, I think we must agree to put partisan politics aside. I support this legislation. However, I am concerned that this bill was reported by the House Agricultural Committee without the amendments mentioned previously. I am also concerned this legislation was reported when the Department of Agriculture already has existing grain reserve authority. I still do not understand why this legislation does include the provision to set the release price at 100 percent of parity. It would seem to me that if we are going to have a strategic reserve, it should of course benefit the Nation, but the farmer as well.

While I support this bill in the hope we have a remote possibility to improve farm prices, I am convinced we can work together to enact legislation that will be of more direct benefit to the farmer and that represents a better way to approach the farm income problem. I would hope Strategic Storable Agricultural Commodities Act of 1971 does not represent the total sum of what we can do to improve farm income and revitalize our rural areas.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I wish to compliment my friend and colleague from Texas and I rise in support of his amendment.

Mr. PRICE of Texas. Mr. Chairman, I offer an amendment to H.R. 1163, the Strategic Storable Agricultural Commodities Act of 1971, so that, if this bill were to pass, vital safeguards are included to protect both farmer and national interests—matters of seemingly little importance in the language of the bill as reported.

This amendment would require that the release price of strategic reserve grains be set at 100 percent of parity. The bill, as reported, would require grain to be forced onto the market at 120 percent of the past 5-year average market price. This could be disastrous to farm income if commodities were released from the reserve at that price at a time when farmers were receiving a good price for their grain.

At the formula level of the bill, stock releases could have definite adverse effects on the markets—both at home and abroad. At the price level prescribed in the bill, there is every chance that the judgment factors calling reserve grains onto the market could, either immediately or over a span of time, force down commodity prices.

The terrific economic impact to farmers would be unconscionable. The effect

on markets would be unpardonable. The cumulative result to farm income, and the general economy, and to both domestic and foreign markets could negate any sound progress to stability and equity in the public interest.

Setting the release price at 100 percent of parity would strongly insulate the program against the future dumping of reserve stocks onto the market. And let us not blink our eyes to the fact that H.R. 1163 as reported provides some dangerous areas that, in judgment areas as to moving out reserve stocks, could depress prices and could disrupt orderly market movement.

Let us not forget, either, that what is acquired under a Federal program must, at some point of time, be disposed of—and in the past it has too often been to the disadvantage of the farmer and has worked against the production, supply, and income programs in effect.

A sound and workable grain reserve would be of benefit should some great disaster befall our Nation, and adequate supplies were not at hand. However, the release of reserve stocks as provided in H.R. 1163 at the unrealistic level of 120 percent of the past 5-year average market price bodes ill for the farmer and promises little for the Nation.

Producers have a number of interests in maintaining stable supplies of farm products at fair and reasonable price. However, ultimately movement of supplies for nominally reserve stocks at an impractical price level could have unfortunate, and even critical, repercussions. Some commodity markets simply would be completely demoralized with the onslaught of an unwarranted dumping of reserve stocks.

Mandating the release price at 100 percent of parity also insures, as reserve stocks were to move onto markets as needed and at an orderly rate, that price would not be a deterrent to farmer income or disrupt marketing patterns. If these reserves are stored onfarm, in facilities owned and controlled by the producer, the farmer is assured of an adequate price.

At this point, I submit tables based on those provided the Committee on Agriculture with selected data related to H.R. 1163, but with an additional column depicting dollars per bushel at 100 percent of parity, in addition to the column showing the amount pegged at 120 percent of average price received for the preceding 5 years.

The tables referred to are as follows:

SELECTED DATA RELATED TO H.R. 1163

[Dollars per bushel]

Crop year	Average price received: Current crop	Average price received: Preceding 5 years	120 percent of average price received preceding 5 years	Parity[1]
Corn:				
1961	1.10	1.11	1.33	1.62
1962	1.12	1.08	1.30	1.61
1963	1.11	1.08	1.30	1.59
1964	1.17	1.08	1.30	1.56
1965	1.16	1.10	1.32	1.57
1966	1.24	1.13	1.36	1.60
1967	1.03	1.16	1.39	1.62
1968	1.08	1.14	1.37	1.65
1969	1.15	1.14	1.37	1.72
1970 (preliminary)	1.36	1.13	1.36	1.79
1971 (estimate)	1.00	1.17	1.40	1.88
Sorghum:				
1961	1.01	.96	1.15	1.38
1962	1.02	.94	1.13	1.41
1963	.977	.95	1.14	1.39
1964	1.05	.94	1.13	1.37
1965	1.00	.98	1.18	1.38
1966	1.02	1.01	1.21	1.43
1967	.99	1.01	1.21	1.44
1968	.95	1.01	1.21	1.48
1969	1.07	1.00	1.20	1.56
1970 (preliminary)	1.14	1.01	1.21	1.64
1971 (estimate)	.95	1.03	1.24	1.75
Wheat:[2]				
1961	1.83	1.83	2.20	2.37
1962	2.04	1.80	2.16	2.42
1963	1.85	1.82	2.18	2.51
1964	1.37	1.84	2.21	2.52
1965	1.35	1.77	2.12	2.57
1966	1.63	1.69	2.03	2.57
1967	1.39	1.65	1.98	2.61
1968	1.74	1.52	1.82	2.63
1969	1.24	1.40	1.68	2.77
1970 (preliminary)	1.34	1.37	1.64	2.82
1971 (estimate)	1.30	1.37	1.64	2.93
Barley:[2]				
1961	.979	.895	1.07	1.26
1962	.915	.893	1.07	1.25
1963	.897	.899	1.08	1.23
1964	.947	.898	1.08	1.25
1965	1.02	.916	1.10	1.28
1966	1.05	.952	1.14	1.32
1967	1.00	.966	1.16	1.35
1968	.91	.983	1.18	1.42
1969	.872	.985	1.18	1.42
1970 (premium)	.956	.970	1.16	1.45
1971 (estimate)	.85	.958	1.15	1.52
Oats:[2]				
1961	.642	.623	.75	.842
1962	.624	.614	.74	.849
1963	.622	.618	.74	.842
1964	.631	.627	.75	.856
1965	.622	.624	.75	.866
1966	.665	.628	.75	.878
1967	.659	.633	.76	.892
1968	.60	.640	.77	.941
1969	.586	.635	.76	.941
1970 (preliminary)	.628	.626	.75	.956
1971 (estimate)	.57	.628	.75	.976

[1] Parity Sept. 15.
[2] Parity, June 15.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PRICE).

The question was taken; and on a division (demanded by Mr. PRICE of Texas) there were—ayes 83, noes 130.

TELLER VOTE WITH CLERKS

Mr. PRICE of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PRICE of Texas. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. PRICE of Texas, SMITH of Iowa, MELCHER, and QUIE.

The Committee divided, and the tellers reported that there were—ayes 145, noes 201, not voting 86, as follows:

[Roll No. 446]

[Recorded Teller Vote]

AYES—145

Anderson, Ill.	Carter	Dickinson
Ashbrook	Casberg	Dulski
Baker	Chamberlain	Duncan
Betts	Clancy	Edwards, Ala.
Biester	Clausen, Don H.	Esch
Bow	Clawson, Del	Findley
Bray	Cleveland	Ford, Gerald R.
Broomfield	Collins, Tex.	Forsythe
Brotzman	Conable	Frelinghuysen
Brown, Mich.	Conte	Frenzel
Brown, Ohio	Coughlin	Frey
Broyhill, Va.	Crane	Goodling
Buchanan	Dellenback	Gross
Burke, Fla.	Dennis	Grover
Byrnes, Wis.	Devine	Hall
Camp	Dickinson	Halpern
Hammerschmidt	McEwen	Schneebeli
Harsha	McKevitt	Schwengel
Harvey	McKinney	Sebelius
Hastings	Mann	Shriver
Hechler, W. Va.	Martin	Skubitz
Heckler, Mass.	Mayne	Smith, N.Y.
Heinz	Mazzoli	Snyder
Hillis	Michel	Stanton, J. William
Hogan	Miller, Ohio	Steele
Hull	Mills, Md.	Steiger, Ariz.
Hunt	Mizell	Steiger, Wis.
Hutchinson	Morse	Stratton
Ichord	Mosher	Talcott
Jacobs	Myers	Terry
Johnson, Pa.	Nelsen	Thomson, Wis.
Jonas	O'Konski	Thone
Keating	Pettis	Vander Jagt
Keith	Peyser	Veysey
Kemp	Pirnie	Wampler
Kuykendall	Price, Tex.	Ware
Kyl	Quie	Whalley
Landgrebe	Quillen	Whitehurst
Latta	Railsback	Widnall
Lent	Reid, N.Y.	Williams
Lloyd	Riegle	Winn
McClory	Robinson, Va.	Wyatt
McCloskey	Robison, N.Y.	Wydler
McClure	Rogers	Wylie
McCollister	Rousselot	Wyman
McCulloch	Ruppe	Young, Fla.
McDade	Ruth	Zion
McDonald, Mich.	Sandman	Zwach
	Saylor	
	Scherle	

NOES—201

Abbitt	Fisher	Nedzi
Abernethy	Flood	Nichols
Abourezk	Flowers	Nix
Adams	Foley	Obey
Addabbo	Ford, William D.	O'Hara
Albert	Fraser	O'Neill
Anderson, Calif.	Fulton, Tenn.	Passman
Anderson, Tenn.	Fuqua	Patten
Andrews, N. Dak.	Galifianakis	Perkins
Archer	Gallagher	Pickle
Ashley	Gaydos	Pike
Aspin	Gettys	Poage
Aspinall	Giaimo	Preyer, N.C.
Badillo	Goldwater	Price, Ill.
Barrett	Gonzalez	Purcell
Begich	Grasso	Randall
Bell	Gray	Rangel
Bennett	Green, Pa.	Rarick
Bergland	Griffin	Rees
Bevill	Griffiths	Reuss
Biaggi	Hagan	Roberts
Bingham	Hamilton	Rodino
Boggs	Hanley	Roe
Boland	Hathaway	Rooney, Pa.
Bolling	Hays	Rosenthal
Brademas	Helstoski	Roush
Brasco	Hicks, Mass.	Roy
Brinkley	Hicks, Wash.	Roybal
Brooks	Holifield	Runnels
Burke, Mass.	Horton	Ryan
Burleson, Tex.	Hosmer	St Germain
Burlison, Mo.	Howard	Satterfield
Burton	Hungate	Scheuer
Byrne, Pa.	Jarman	Schmitz
Byron	Johnson, Calif.	Selberling
Cabell	Jones, Ala.	Shipley
Caffery	Jones, N.C.	Shoup
Carey, N.Y.	Jones, Tenn.	Sikes
Carney	Karth	Sisk
Chappell	Kastenmeier	Slack
Clark	Kazen	Smith, Iowa
Clay	Kee	Staggers
Corman	Koch	Stanton, James V.
Cotter	Kyros	Steed
Culver	Leggett	Stephens
Daniel, Va.	Link	Stubblefield
Daniels, N.J.	Long, Md.	Stuckey
Danielson	McCormack	Taylor
Davis, Ga.	McFall	Teague, Calif.
Davis, S.C.	McKay	Teague, Tex.
Davis, Wis.	McMillan	Thompson, Ga.
de la Garza	Macdonald, Mass.	Udall
Delaney	Madden	Ullman
Dellums	Mahon	Van Deerlin
Denholm	Matsunaga	Vanik
Donohue	Meeds	Vigorito
Dorn	Melcher	Waggonner
Dow	Metcalfe	Waldie
Downing	Minish	Whalen
Drinan	Mink	White
du Pont	Mitchell	Wilson, Charles H.
Eckhardt	Mollohan	Wolff
Edmondson	Monagan	Yates
Edwards, Calif.	Moorhead	Yatron
Eilberg	Morgan	Young, Tex.
Evans, Colo.	Moss	Zablocki
Fascell	Murphy, N.Y.	
	Natcher	

NOT VOTING—86

Abzug	Fish	Montgomery
Alexander	Flynt	Murphy, Ill.
Andrews, Ala.	Fountain	Patman
Annunzio	Garmatz	Pelly
Arends	Gibbons	Pepper
Baring	Green, Oreg.	Podell
Belcher	Gubser	Poff
Blackburn	Gude	Powell
Blanton	Haley	Pryor, Ark.
Blatnik	Hanna	Pucinski
Broyhill, N.C.	Hansen, Idaho	Rhodes
Casey, Tex.	Hansen, Wash.	Roncalio
Celler	Harrington	Rooney, N.Y.
Chisholm	Hawkins	Rostenkowski
Collier	Hébert	Sarbanes
Collins, Ill.	Henderson	Scott
Colmer	King	Smith, Calif.
Conyers	Kluczynski	Spence
Curlin	Landrum	Springer
Dent	Lennon	Stokes
Derwinski	Long, La.	Sullivan
Diggs	Lujan	Symington
Dingell	Mailliard	Thompson, N.J.
Dowdy	Mathias, Calif.	Tiernan
Dwyer	Mathis, Ga.	Whitten
Edwards, La.	Mikva	Wiggins
Erlenborn	Miller, Calif.	Wilson, Bob
Eshleman	Mills, Ark.	Wright
Evins, Tenn.	Minshall	

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: Page 4, line 1, strike out all that comes after "any" and insert in lieu thereof "in any State, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, or any other territory or possession".

Mr. BADILLO. Mr. Chairman, section 4 of H.R. 1163 provides that the separate reserves of corn, barley, wheat and other grains established by this legislation can be utilized to help in alleviating distress in locations which the President declares to be "acute distress" areas. Such a designation would be based on unemployment or some other adverse economic condition. As presently written, H.R. 1163 limits such areas to the United States and the Virgin Islands.

Considering the fact that the current official unemployment rate in Puerto Rico is 12 percent and approaches 30 percent, when you take into account those who have despaired of finding employment and are not actively seeking work, it is clear that Puerto Rico would qualify as an acute distress area. I can see no reason why Puerto Rico or the other territories or possessions of the United States should not be treated fairly and on the same basis as the 50 States.

As I have observed on past occasions, the economic recession on the mainland—especially in the area of agriculture—is felt as a full depression in Puerto Rico and similar conditions prevail in Guam and the other territories. Also, we must not forget that these people are also American citizens—or at least nationals, in some of the territories—and should be afforded the same assistance on the same basis as those other citizens who reside on the mainland.

Accordingly, the amendment I am offering today includes Puerto Rico, Guam, the District of Columbia and the other territories and possessions of the United States on the same footing as the States in being considered for designation as an acute distress area and thereby benefiting from the assistance provided by this action. Commonsense and equity demand that if such aid is to be extended to the States and the Virgin Islands, Puerto Rico and other U.S. possessions should also benefit. I urge the adoption of my amendment.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Chairman, the gentleman needs to make no speech for us. As far as I am concerned, we accept the amendment.

Mr. BADILLO. I thank the gentleman.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, it may come as a great surprise, but again, for myself, I accept the amendment.

AMENDMENT OFFERED BY MR. CÓRDOVA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BADILLO

Mr. CÓRDOVA. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from New York (Mr. BADILLO).

The Clerk read as follows:

Amendment offered by Mr. CÓRDOVA as a substitute for the amendment offered by Mr. BADILLO: Page 4, line 1, strike out all that comes after (a) and all of line 2 and insert in lieu thereof, "in any State, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa or the Pacific Trust Territory.

Mr. BADILLO. Mr. Chairman, if the gentleman will yield, I accept the substitute amendment.

Mr. CÓRDOVA. Mr. Chairman, I appreciate the gentleman's accepting my substitute, because I thought since I represented Puerto Rico that it was up to me to see that this substitute amendment was presented to the Committee of the Whole. It is a question, as I understand it, of an inadvertent omission of the territories in general except for the Virgin Islands in the matter of distribution of these commodities in cases of economic disasters.

I believe there is no reason other than inadvertence for not having included Puerto Rico or Samoa or Guam or the Virgin Islands. I therefore urge all my colleagues to accept the substitute amendment which I have offered.

The CHAIRMAN. The question is on the substitute amendment offered by the Resident Commissioner of Puerto Rico (Mr. CÓRDOVA) to the amendment offered by the gentleman from New York (Mr. BADILLO).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO) as amended by the substitute.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: page 5, line 22, after the period add: "Or the secretary may store the grain purchased under this Act in the homes of hungry Americans who, in the opinion of the Secretary, are unable to afford sufficient food to maintain their good health. And said hungry people shall consume said grain and charge nothing for its storage."

Mr. JACOBS. Mr. Chairman, here is an opportunity for all of us to come together. There is something in this short little amendment for everybody: For the conservatives, the saving of a quarter of a billion dollars; for the liberals, the feeding of hungry people; for everybody else, commonsense.

I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division (demanded by Mr. TEAGUE of California) there were—ayes 53, noes 134.

TELLER VOTE WITH CLERKS

Mr. CONTE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CONTE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. JACOBS, CONTE, POAGE, and TEAGUE of California.

The Committee divided, and the tellers reported that there were—ayes 17, noes 271, answered "present" 59, not voting 85, as follows:

[Roll No. 447]

[Recorded Teller Vote]

AYES—17

Brademas	McCulloch	Rousselot
Duncan	McDonald, Mich.	Saylor
Edwards, Ala.	Myers	Schmitz
Goodling	Riegle	Sebelius
Jacobs	Robison, N.Y.	Teague, Calif.
Kuykendall		Ware

NOES—271

Abbitt	Caffery	Ford, William D.
Abernethy	Camp	Forsythe
Abourezk	Carney	Fraser
Adams	Carter	Frelinghuysen
Addabbo	Cederberg	Frey
Albert	Chamberlain	Fuqua
Alexander	Chappell	Galifianakis
Anderson, Calif.	Clark	Gallagher
Anderson, Ill.	Cleveland	Gaydos
Anderson, Tenn.	Colmer	Giaimo
Andrews, N. Dak.	Conable	Gettys
Archer	Corman	Goldwater
Aspin	Cotter	Gonzalez
Aspinall	Culver	Grasso
Badillo	Daniel, Va.	Gray
Begich	Daniels, N.J.	Green, Pa.
Bell	Danielson	Griffin
Bennett	Davis, Ga.	Griffiths
Bergland	Davis, S.C.	Gross
Betts	Davis, Wis.	Grover
Bevill	de la Garza	Hagan
Biaggi	Delaney	Halpern
Bingham	Dellenback	Hamilton
Boggs	Dellums	Hanley
Boland	Denholm	Harvey
Bolling	Dennis	Hastings
Bow	Dent	Hathaway
Brasco	Dickinson	Hays
Brinkley	Dorn	Hechler, W. Va.
Brooks	Dow	Heinz
Brotzman	Downing	Helstoski
Brown, Ohio	Drinan	Hicks, Mass.
Broyhill, Va.	du Pont	Hicks, Wash.
Buchanan	Dulski	Hogan
Burke, Fla.	Eckhardt	Holifield
Burleson, Tex.	Edmondson	Horton
Burlison, Mo.	Eilberg	Howard
Burton	Esch	Hull
Byrne, Pa.	Evans, Colo.	Hungate
Byrnes, Wis.	Fascell	Hutchinson
Byron	Findley	Ichord
Cabell	Fisher	Jarman
	Flood	Johnson, Calif.
	Flowers	Johnson, Pa.
	Foley	

XUM

Jonas	Moss	Setberling
Jones, Ala.	Murphy, N.Y.	Shipley
Jones, N.C.	Natcher	Shoup
Jones, Tenn.	Nedzi	Shriver
Karth	Nelsen	Sikes
Kastenmeier	Nichols	Sisk
Kazen	Nix	Slack
Kee	Obey	Smith, Iowa
Kyl	O'Hara	Staggers
Kyros	O'Neill	Stanton,
Latta	Passman	J. William
Leggett	Patten	Stanton,
Lennon	Perkins	James V.
Lent	Peyser	Steed
Link	Pickle	Steiger, Ariz.
Long, La.	Pike	Steiger, Wis.
Long, Md.	Pirnie	Stephens
McClory	Poage	Stratton
McCloskey	Preyer, N.C.	Stubblefield
McCollister	Price, Ill.	Stuckey
McCormack	Price, Tex.	Taylor
McDade	Purcell	Teague, Tex.
McFall	Quie	Thomson, Wis.
McKay	Railsback	Thone
McMillan	Randall	Ullman
Macdonald, Mass.	Rangel	Van Deerlin
	Rarick	Vander Jagt
Madden	Rees	Vanik
Mahon	Reuss	Vigorito
Mann	Roberts	Waggonner
Martin	Robinson, Va.	Waldie
Matsunaga	Rodino	Wampler
Mayne	Roe	Whalley
Mazzoli	Rogers	White
Meeds	Rooney, Pa.	Whitehurst
Melcher	Rosenthal	Widnall
Metcalfe	Roush	Williams
Miller, Ohio	Roy	Winn
Mills, Md.	Roybal	Wolff
Minish	Runnels	Wyatt
Mink	Ruppe	Wyman
Mizell	Ruth	Yates
Mollohan	Sandman	Yatron
Monagan	Satterfield	Young, Tex.
Moorhead	Scherle	Zablocki
Morgan	Scheuer	Zion
Morse	Schneebeli	Zwach
Mosher	Schwengel	

ANSWERED "PRESENT"—59

Ashbrook	Fulton, Tenn.	Pettis
Ashley	Hall	Quillen
Baker	Hammer-schmidt	Reid, N.Y.
Barrett		Ryan
Bray	Harsha	St Germain
Broomfield	Heckler, Mass.	Skubitz
Brown, Mich.	Hillis	Smith, N.Y.
Burke, Mass.	Hosmer	Snyder
Carey, N.Y.	Hunt	Steele
Clancy	Keating	Talcott
Clausen, Don H.	Keith	Terry
	Kemp	Thompson, Ga.
Clawson, Del	Koch	Veysey
Collins, Tex.	Landgrebe	Whalen
Conte	Lloyd	Wilson, Bob
Coughlin	McClure	Wilson, Charles H.
Devine	McEwen	
Donohue	McKevitt	Wydler
Edwards, Calif.	McKinney	Wylie
Ford, Gerald R.	Mitchell	Young, Fla.
Frenzel	O'Konski	

NOT VOTING—85

Abzug	Fish	Murphy, Ill.
Andrews, Ala.	Flynt	Patman
Annunzio	Fountain	Pelly
Arends	Garmatz	Pepper
Baring	Gibbons	Podell
Belcher	Green, Oreg.	Poff
Biester	Gubser	Powell
Blackburn	Gude	Pryor, Ark.
Blanton	Haley	Pucinski
Blatnik	Hanna	Rhodes
Broyhill, N.C.	Hansen, Idaho	Roncalio
Casey, Tex.	Hansen, Wash.	Rooney, N.Y.
Celler	Harrington	Rostenkowski
Chisholm	Hawkins	Sarbanes
Clay	Hébert	Scott
Collier	Henderson	Smith, Calif.
Collins, Ill.	King	Spence
Conyers	Kluczynski	Springer
Crane	Landrum	Stokes
Curlin	Lujan	Sullivan
Derwinski	Mailliard	Symington
Diggs	Mathias, Calif.	Thompson, N.J.
Dingell	Mathis, Ga.	Tiernan
Dowdy	Michel	Udall
Dwyer	Mikva	Whitten
Edwards, La.	Miller, Calif.	Wiggins
Erlenborn	Mills, Ark.	Wright
Eshleman	Minshall	
Evins, Tenn.	Montgomery	

Mr. BURKE of Massachusetts changed his vote from "aye" to "present."

Mr. BARRETT voted "present."

Mr. FULTON of Tennessee voted "present."

Mr. CHARLES H. WILSON voted "present."

Mr. EDWARDS of California voted "present."

Mr. MITCHELL voted "present."

Mr. KOCH changed his vote from "nay" to "present."

Mr. ASHLEY voted "present."

Mr. RYAN voted "present."

Mr. DONOHUE changed his vote from "aye" to "present."

Mr. ST GERMAIN changed his vote from "nay" to "present."

Mr. CAREY of New York voted "present."

Mr. CLANCY voted "present."

Mr. HALL voted "present."

Mr. REID of New York voted "present."

Mr. BROWN of Michigan voted "present."

Mr. HOSMER changed his vote from "aye" to "present."

Mr. THOMPSON of Georgia changed his vote from "nay" to "present."

Mr. SKUBITZ changed his vote from "nay" to "present."

Mr. KEATING voted "present."

Mr. BAKER voted "present."

Mr. SNYDER voted "present."

Mr. WHALEN voted "present."

Mr. ASHBROOK changed his vote from "aye" to "present."

Mr. HUNT voted "present."

Mr. COUGHLIN voted "present."

Mr. WYLIE voted "present."

Mr. McKINNEY changed his vote from "aye" to "present."

Mr. DEVINE voted "present."

Mr. DON H. CLAUSEN voted "present."

Mr. McEWEN voted "present."

Mr. CARTER changed his vote from "aye" to "no."

Mr. DEL CLAWSON changed his vote from "aye" to "present."

Mr. HARSHA changed his vote from "aye" to "present."

Mr. PETTIS changed his vote from "aye" to "present."

Mr. TERRY voted "present."

Mr. QUILLEN changed his vote from "aye" to "present."

Mr. McKEVITT changed his vote from "aye" to "present."

Mr. LANDGREBE voted "present."

Mr. HILLIS changed his vote from "aye" to "present."

Mr. YOUNG of Florida changed his vote from "aye" to "present."

Mr. TALCOTT voted "present."

Mr. VEYSEY voted "present."

Mr. HAMMERSCHMIDT voted "present."

Mr. KEMP changed his vote from "aye" to "present."

Mr. McCLURE changed his vote from "aye" to "present."

Mr. FRENZEL changed his vote from "aye" to "present."

Mr. GERALD R. FORD changed his vote from "aye" to "present."

Mr. WYDLER changed his vote from "aye" to "present."

Mr. BRAY changed his vote from "aye" to "present."

Mr. SMITH of New York changed his vote from "aye" to "present."

Mr. CONTE changed his vote from "aye" to "present."

Mr. KEITH voted "present."

Mr. BROOMFIELD changed his vote from "aye" to "present."

Mrs. HECKLER of Massachusetts voted "present."

Mr. JOHNSON of Pennsylvania changed his vote from "aye" to "no."

Mr. BYRNES of Wisconsin changed his vote from "aye" to "no."

Mr. HALPERN changed his vote from "aye" to "no."

Mr. STEELE changed his vote from "aye" to "present."

Mr. O'KONSKI changed his vote from "aye" to "present."

Mr. LLOYD changed his vote from "aye" to "present."

Mr. COLLINS of Texas changed his vote from "aye" to "present."

Mr. BOB WILSON voted "present."

So the amendment was rejected.

Mr. TEAGUE of California. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the amendment just rejected.

The CHAIRMAN. The Chair will state that the unanimous consent request is not in order in the Committee of the Whole.

AMENDMENT OFFERED BY MR. SEBELIUS

Mr. SEBELIUS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEBELIUS: On page 2, line 6, strike the figure "300,000,000" and insert in lieu thereof the figure "600,000,000".

Mr. SEBELIUS. Mr. Chairman, I stand here amid demands to vote, and I can understand the impatience, especially when $2 billion is involved. My amendment on page 2, line 6, would strike "three hundred million" bushels of wheat and insert in lieu thereof "six hundred million" bushels of wheat. The Committee beat the amendment which would provide parity. The Committee also beat the proposal to store grain on the farm and that was very natural and a goal for our farmers. We would not have this grain released unless it was released at parity for our farmers.

I have gone through this exercise. I know what is going on. I am a member of the Agriculture Committee. But I want to tell you something. If you want to do something for the farmers, get a move on. My amendment presents something constructive here.

I am very sincere in what I offer. I do not want to belabor the point. My district grows more wheat than any State in the Nation. My district has 57 counties. My district has more wheat farmers than all others put together down here. I am sincere in what I am doing, but I want to do it in a responsible manner. Six hundred million bushels of wheat is only twice the amount my district raised this year, with fewer acres than we have ever produced before under any farm program we have ever had. I say that because we have had farm problems. We have one tonight. We have one tonight that I think needs to be faced.

I am going to vote for it. I am going to vote for it because I would like to be back here next year. I do not have much more logic than that. I am willing to try anything. I really am. I am very sincere about this. Now we are talking about locking 300 million bushels. Six hundred million bushels is a darned sight better. I am going to leave it right here. I am trying to make a point.

I have watched the exercise. I have gone up the aisles. The farmers in my district are not making a living.

I do not think this is the total answer. I say I am going to vote for it, but there has to be fresher and newer ideas. We have heard about corn. Let us talk about wheat. I say when we go into the restaurant and we do not eat the rolls, at least mess them up.

Incidentally, I have never tasted coffee, and when I am on an airplane, and they offer me coffee, tea, or milk, what I say is, "I do not want coffee. We do not grow it in my district."

If there is merit in the 300 million bushels, and that is good, then 600 million might help cure the situation.

Thank you, good night, and God bless you.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I think it is quite evident we have had quite enough of amendments. I think it is quite evident it is time to vote, and I hope the committee will now vote down this amendment and vote for the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. SEBELIUS).

The question was taken; and on a division (demanded by Mr. SEBELIUS) there were—ayes 58, noes 272.

So the amendment was rejected.

Mr. MIZELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly have no intention of taking all the time.

Mr. Chairman, the last time I got a hand like that, I believe I was knocked out of the box in Cincinnati.

Seriously, Mr. Chairman, I take this time because I am concerned about the action that is being taken by the House tonight. When I first came to the Congress, I asked to be assigned to the Agriculture Committee, and I was granted that assignment. I do not believe any committee has ever worked any harder with complete cooperation from the Department of Agriculture as well as the administration and the individual members of this committee.

I have been proud to serve on this committee.

We drafted and brought to the House a comprehensive farm bill. That bill was passed by the House. For the first time, a farm bill had a limitation on payments attached to it, and this one was at $55,000 per crop. I supported that level of limitation; and I have consistently voted against limitations calling for any lower level of payments.

Mr. Chairman, I have studied the legislation before us this evening since it was first presented in the committee, and I am convinced that this legislation is not and will not be in the best long-range interests of the American farmers or of the future of farm programs. For that reason I intend to vote against this legislation.

This legislation will establish a tremendous surplus of wheat and feed grains that will be held over the head of the farmer, and will produce an additional cost of storage from year to year at the taxpayers' expense.

I say to my colleagues, in my opinion, by bringing this legislation to the floor there has been set in motion what I believe will ultimately result in a payment limitation of at least as low as $20,000, and I would suggest the possibility of a limitation of $10,000 or even $5,000 in the future.

It is true, on the parliamentary procedure vote on ordering the previous question this evening, many Members voted to order the previous question who in the past have voted for a limitation on farm payments. But you know and I know, Mr. Chairman, on a direct vote as to limitation of payments they will support the lowest level of payment offered. I do not like to sound like a prophet here this evening, but as I view the situation as it has developed this evening I believe there is a real possibility that support for farm programs has been divided here this evening, and a possibility that we will never be able to pull all sides back together as we have on the bill we reported to this floor.

I say to the members of my committee and to the Members of the House from our agricultural areas, you can begin now to get your houses in order. Lower payments are in the future for you.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair (Mr. NEDZI) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 1163) to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes, pursuant to House Resolution 728, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TEAGUE OF CALIFORNIA

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TEAGUE of California. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TEAGUE of California moves to recommit the bill H.R. 1163 to the Committee on Agriculture.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 182, nays 170, not voting 79, as follows:

[Roll No. 448]

YEAS—182

Abourezk	Flood	Mayne
Adams	Flowers	Mazzoli
Alexander	Foley	Meeds
Anderson, Calif.	Ford, William D.	Melcher
		Metcalfe
Anderson, Tenn.	Fraser	Mink
	Fulton, Tenn.	Mitchell
Andrews, N. Dak.	Fuqua	Mollohan
	Gallifianakis	Monagan
Aspin	Gallagher	Moorhead
Aspinall	Gettys	Morgan
Badillo	Giaimo	Morse
Barrett	Gibbons	Murphy, N.Y.
Begich	Gonzalez	Natcher
Bennett	Grasso	Nedzi
Bergland	Gray	Nelsen
Bevill	Green, Pa.	Nichols
Bingham	Griffiths	Nix
Boggs	Hagan	Obey
Boland	Hamilton	O'Hara
Bolling	Hanley	O'Konski
Brademas	Hansen, Idaho	O'Neill
Brasco	Hathaway	Passman
Brinkley	Haya	Patten
Brooks	Helstoski	Perkins
Burke, Mass.	Henderson	Pickle
Burleson, Tex.	Hicks, Mass.	Poage
Burlison, Mo.	Hicks, Wash.	Podell
Burton	Hollifield	Preyer, N.C.
Byrne, Pa.	Howard	Price, Ill.
Cabell	Hull	Price, Tex.
Caffery	Hungate	Purcell
Carney	Ichord	Quie
Carter	Johnson, Calif.	Railsback
Chappell	Jones, Ala.	Randall
Clark	Jones, N.C.	Rees
Corman	Jones, Tenn.	Reuss
Cotter	Kastenmeier	Roberts
Culver	Kazen	Rooney, Pa.
Danielson	Kee	Roush
Davis, Ga.	Kyl	Roy
Davis, S.C.	Kyros	Roybal
de la Garza	Landrum	Runnels
Dellums	Lennon	Scherle
Denholm	Link	Sebelius
Dent	Long, La.	Setberling
Donohue	McClure	Shipley
Dorn	McCollister	Shoup
Dow	McCormack	Sikes
Eckhardt	McFall	Sisk
Edmondson	McKay	Skubitz
Edwards, Calif.	McMillan	Slack
Eilberg	Madden	Smith, Iowa
Evans, Colo.	Mahon	Staggers
Fascell	Martin	Stanton, James V.
Fisher	Matsunaga	

Steed	Thomson, Wis.	White
Stephens	Thone	Yatron
Stubblefield	Ullman	Young, Tex.
Stuckey	Van Deerlin	Zablocki
Taylor	Vigorito	Zwach
Teague, Tex.	Waggonner	
Thompson, Ga.	Whalen	

NAYS—170

Abbitt	Goldwater	Quillen
Addabbo	Goodling	Rangel
Anderson, Ill.	Griffin	Rarick
Archer	Gross	Reid, N.Y.
Ashbrook	Grover	Riegle
Ashley	Hall	Robinson, Va.
Baker	Halpern	Robison, N.Y.
Bell	Hammer-schmidt	Rodino
Betts	Harsha	Roe
Biaggi	Harvey	Rogers
Biester	Hastings	Rosenthal
Bow	Heckler, W. Va.	Rousselot
Bray	Heckler, Mass.	Ruppe
Broomfield	Heinz	Ruth
Brotzman	Hillis	Ryan
Brown, Mich.	Hogan	St Germain
Brown, Ohio	Horton	Sandman
Broyhill, Va.	Hosmer	Satterfield
Buchanan	Hunt	Saylor
Burke, Fla.	Hutchinson	Scheuer
Byrnes, Wis.	Jacobs	Schmitz
Byron	Jarman	Schneebeli
Camp	Johnson, Pa.	Schwengel
Carey, N.Y.	Jonas	Shriver
Cederberg	Keating	Smith, Calif.
Chamberlain	Keith	Smith, N.Y.
Clancy	Kemp	Snyder
Clausen, Don H.	Koch	Stanton, J. William
Clawson, Del	Kuykendall	Steele
Cleveland	Landgrebe	Steiger, Ariz.
Collins, Tex.	Latta	Steiger, Wis.
Colmer	Lent	Stratton
Conable	Lloyd	Talcott
Conte	Long, Md.	Teague, Calif.
Coughlin	McClory	Terry
Crane	McCloskey	Vander Jagt
Daniel, Va.	McCulloch	Vanik
Daniels, N.J.	McDade	Veysey
Davis, Wis.	McDonald, Mich.	Waldie
Delaney	McEwen	Wampler
Dellenback	McKevitt	Ware
Dennis	McKinney	Whalley
Devine	Macdonald, Mass.	Whitehurst
Dickinson	Mann	Widnall
Downing	Michel	Williams
Drinan	Miller, Ohio	Wilson, Bob
Dulski	Mills, Md.	Wilson, Charles H.
Duncan	Minish	Winn
du Pont	Mizell	Wolff
Edwards, Ala.	Morse	Wyatt
Esch	Mosher	Wydler
Findley	Myers	Wylie
Ford, Gerald R.	Pettis	Wyman
Forsythe	Peyser	Yates
Frelinghuysen	Pike	Young, Fla.
Frenzel	Pirnie	Zion
Frey		
Gaydos		

NOT VOTING—79

Abernethy	Evins, Tenn.	Murphy, Ill.
Abzug	Fish	Patman
Andrews, Ala.	Flynt	Pelly
Annunzio	Fountain	Pepper
Arends	Garmatz	Poff
Baring	Green, Oreg.	Powell
Belcher	Gubser	Pryor, Ark.
Blackburn	Gude	Pucinski
Blanton	Haley	Rhodes
Blatnik	Hanna	Roncalio
Broyhill, N.C.	Hansen, Wash.	Rooney, N.Y.
Casey, Tex.	Harrington	Rostenkowski
Celler	Hawkins	Sarbanes
Chisholm	Hébert	Scott
Clay	Karth	Spence
Collier	King	Springer
Collins, Ill.	Kluczynski	Stokes
Conyers	Leggett	Sullivan
Curlin	Lujan	Symington
Derwinski	Mailliard	Thompson, N.J.
Diggs	Mathias, Calif.	Tiernan
Dingell	Mathis, Ga.	Udall
Dowdy	Mikva	Whitten
Dwyer	Miller, Calif.	Wiggins
Edwards, La.	Mills, Ark.	Wright
Erlenborn	Minshall	
Eshleman	Montgomery	

So the bill was passed.

The Clerk announced the following pairs.

On this vote:

Mr. Annunzio for, with Mr. Thompson of New Jersey against.

Mr. Hébert for, with Mr. Tiernan against.
Mr. Spence for, with Mr. Celler against.
Mr. Casey of Texas for, with Mr. Collier against.
Mr. Dingell for, with Mr. King against.
Mr. Dowdy for, with Mrs. Abzug against.
Mr. Evins of Tennessee for, with Mrs. Dwyer against.
Mr. Fountain for, with Mr. Belcher against.
Mr. Garmatz for, with Mr. Eshleman against.
Mr. Kluczynski for, with Mr. Erlenborn against.
Mr. Mathis of Georgia for, with Mr. Gude against.
Mr. Miller of California for, with Mr. Derwinski against.
Mr. Blanton for, with Mr. Pelly against.
Mr. Flynt for, with Mr. Rhodes against.
Mr. Blatnik for, with Mr. Fish against.
Mr. Pepper for, with Mr. Rooney of New York against.

Until further notice:

Mr. Whitten with Mr. Arends.
Mrs. Sullivan with Mr. Gubser.
Mrs. Hansen of Washington with Mr. Blackburn.
Mr. Andrews of Alabama with Mr. Broyhill of North Carolina.
Mr. Abernethy with Mr. Lujan.
Mr. Leggett with Mr. Stokes.
Mr. Karth with Mr. Mailliard.
Mr. Mikva with Mrs. Chisholm.
Mr. Montgomery with Mr. Mathias of California.
Mr. Roncalio with Mr. Minshall.
Mr. Haley with Mr. Poff.
Mr. Pryor of Arkansas with Mr. Powell.
Mr. Wright with Mr. Scott.
Mr. Rostenkowski with Mr. Springer.
Mr. Symington with Mr. Wiggins.
Mr. Murphy of Illinois with Mr. Diggs.
Mr. Hanna with Mr. Clay.
Mr. Pucinski with Mr. Conyers.
Mr. Udall with Mr. Hawkins.
Mr. Harrington with Mr. Collins of Illinois.
Mr. Baring with Mr. Mills of Arkansas.
Mr. Patman with Mr. Curlin.
Mrs. Green of Oregon with Mr. Sarbanes.

Mr. HARSHA changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize the establishment and maintenance of reserve supplies of corn, grain, sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains; and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DAIRY IMPORT TARIFFS

(Mr. VIGORITO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. VIGORITO. Mr. Speaker, I wish to join with my colleagues from dairy States in urging that the President take immediate action on implementing the recommendations of the Tariff Commission as they relate to the importation of foreign dairy products.

The rapid growth of these dairy imports has worked immeasurable hardship on American dairymen. Importers continue to find ways to evade the present import quotas and other restrictions. It becomes more and more difficult for dairymen to compete with low price foreign dairy products.

Since 1966 the Tariff Commission has held four hearings designed to investigate the problem of dairy imports. Following a report of their findings, each time the President has acted to close loopholes the importers have found in the laws. No sooner was this done, however, but the importers would find some other means of evading the regulations.

In 1969 a number of cheeses were placed under quota, although cheeses which cost 47 cents or more were exempt from the quota. The purpose of this was to allow specialty cheeses, not normally produced in this country, to be imported. Again the importers found means of increasing imports in this quota-free category, so that by 1970 the over-47-cent cheeses accounted for nearly 25 percent of all dairy imports.

The Tariff Commission met again this year and on July 28, made its recommendations to the President. The Commission suggested that the 47-cent price break be abolished and that a quota be set for the different types of cheeses involved regardless of price. It recommended that the present quotas, which had previously applied only to under-47-cent cheeses, be increased by taking into account recent imports of over-47-cent cheeses. Basically, the new quota, which was to cover regardless of purchase price, would be based on the past shipment of both over- and under-47-cent cheeses.

The unfortunate aspect of this problem is that although the Tariff Commission made its recommendations more than 3 months ago, the President has failed to take any action on them.

Each day of delay works to the detriment of our dairymen. If we look closely at their plight I think we will agree that we cannot afford to delay any longer. Domestic dairy production is up this year over 1970. Producers must find a market for their products at a price which will provide a fair return on their investment. If the flood of dairy imports continues to flow into this country that fair return will not be possible.

I hope all my colleagues will join with me in urging the President to promptly implement the recommendations of the Tariff Commission. There is nothing to be gained from further delay.

THE SITUATION ON THE INDIAN SUBCONTINENT

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, I rise at this point to respond to certain remarks made by some of my colleagues earlier in the Foreign Aid debate about the blame for the crisis now gripping the Indian subcontinent. In May of this year, I held the first congressional hearings on the crisis in East Pakistan. I was the first Member of the Congress to view the refugee camps in India, and I authored the House-passed restrictions on all aid to the Government of Pakistan. I have kept myself constantly informed on developments there. I think I speak now with some credentials on this matter and with special knowledge about the Indian subcontinent. Nothing could be further from the truth than to say that the fault in any possible degree belongs to India. And nothing could be contrary to India's national interest than the present tragedy of the dismemberment of Pakistan.

BACKGROUND

Since the army of Pakistan began its brutal sweep to overturn the results of a free and fair election inside East Pakistan—an election in which the Awami League won control of both wings of Pakistan by gaining 167 of the 313 seats contested nationwide—the root of the problem and the heart of the solution has been inside East Pakistan. India was drawn into the problem because refugees, now numbering 10 million, fled across her borders.

What I saw when I visited the refugee camps cannot be understood simply through debate. The excellent coverage in newspapers, magazines, and recently on television speaks far more powerfully about the brutality and the wretched conditions of those who were forced to flee. India had no way in the world to close that border between herself and East Pakistan. Except to fire into the refugees fleeing into her country. Certainly, no civilized people could exercise that option. These refugees were helpless, terrified people, some of whom walked over 350 miles to escape the Pakistani soldiers who were murdering, looting, and raping innocent civilians who were their own countrymen. The territory of India completely surrounds East Pakistan, and in many places there is no way to determine where Pakistani territory ends and Indian territory begins.

The only alternative to accepting these peoples would have been to immediately move machineguns into position along the border and annihilate, perhaps, 4 or 5 million of these refugees. But India, thank God, is not that kind of country and she took the terrorized, starving Bengalis into her country.

When I first requested information about the evolving tragedy which I said on May 11 in the opening statement to my Asian and Pacific Affairs Subcommittee "combined the worst features of Vietnam and Biafra," I was told that the Congress of the United States should do nothing because we would be exploiting the Sino-Soviet rift and the Indian subcontinent was so overcrowded that another 10 million people would make no difference to India. This last point was well expressed in a letter to me from a leader in the population control movement, Prof. Garrett Hardin, and my response, I believe, deals usefully with both points. I shall insert this exchange of letters released on July 18 at the end of my remarks.

INDIA: THE VICTIM OF CIVILIAN AGGRESSION

Mr. Speaker, the population of East Pakistani refugees in the refugee camps inside India is greater than the population of 58 countries of the world. It is the largest population shift in a short time in the entire history of mankind. India accepted the refugees not because she wanted them or encouraged them. India took the refugees because she had no choice.

Perhaps the saddest thing about the entire situation is that the Government of Prime Minister Gandhi won a smashing victory at the polls, and was beginning to make significant strides toward meeting her nation's massive economic and social problems. But the expense of caring for and feeding the refugees blunted India's progress toward meeting the needs of her own people.

So we see the result of Pakistani Government policy—terrorized Bengalis being driven across an international border by the murderous army of Pakistan—posed a grave threat to the stability of India.

And yet, Mr. Speaker, India took no action against Pakistan for 8 months. The refugees continued, President Yahya offered certain cosmetic measures to hide the true situation inside East Pakistan, the Government of the United States said nothing critical of the Army's sweep and, in my view, quite probably emboldened President Yahya by allowing the impression of strong support to remain due to continued shipments of arms. Still, India did nothing but care for the refugees, even though her Government received an entirely false view of American arms policy. I myself, along with many other Members of the Congress received the same erroneous information, and whether or not it was deliberate misinformation, the point is that shipments of arms to the Government of Pakistan continued until quite recently.

And we must never forget that India is the largest country in the world with a democratic tradition. Prime Minister Gandhi's electoral victory gave her nation new hope and new faith in India's hard-won traditions of democracy. Would it not then be wise for America to be very careful in its dealings with India? For the sake of our own oft-expressed traditions, should we not be disposed to consider India's position with sympathy and understanding? We did not do this, Mr. Speaker, and American relations with the Government of India are now at an alltime low. I strongly suspect that this loss of Indian respect and regard may be the greatest long-term loss to the United States in this tragic situation. She is the world's largest experiment with democratic government. If developing countries are to find a viable alternative to communism and fascism it will be because democracy really worked, not in the United States or Great Britain, but that it really worked in India under the most appalling conditions possible. And it is working. This tragedy sets back India's progress and it is totally disruptive of all its domestic policies that were just beginning to show results. Results that were necessary if democracy is to succeed in India. This is the tragedy within the tragedy.

INDIAN ARMY VIEWED AS LIBERATORS INSIDE BANGLADESH

After exercising 8 months of incredible compassion, restraint, and patience, India finally sent her troops into Bangla Desh in support of the Bengalis. The people of East Pakistan who won the election on a basis of regional autonomy—correcting years of economic exploitation by the West Wing—and who only began to work toward total independence after the army swept through on March 25 are welcoming the Indian Army as liberators. Indian troops are cooperating closely with the last majority of the people of Bangladesh, and they are acting in coordination with the Mukti Bahini, the liberation fighters.

In my view, India moved because she could see no possible way for the refugees ever to return home unless strong action was taken. Let me say, Mr. Speaker, that I regret that India viewed her own national security in a manner that convinced her that military action was essential. No one welcomes this war, and probably no one is more distressed about its necessity than Indian leaders themselves. Certainly this war is anathema to Prime Minister Gandhi.

India has enough land and enough people; she does not need or want more. An independent Bangladesh could well cause grave problems within India because other national groups in certain territories may want to move toward the same thing, particularly in the strife-ridden Indian state of West Bengal, where the vast majority of the refugees now are.

I repeat: India moved into East Pakistan because it was the only way she could see to have the refugees stop their incredible drain on her economy and her very future.

THE SIN OF THE BENGALIS WAS TO WIN AN ELECTION

Mr. Speaker, we must wonder why, if this entire war is a cynical master exercise in global politics and directed solely at the breakup of the state of Pakistan, the Indian Army is being hailed at every town and village as liberators. If the Government of Pakistan is indeed the offended party in this matter, why flowers for invaders; why cheers for violaters of the sacred soil of Pakistan? Why, Mr. Speaker?

Quite simply, in my view, because India is working closely with the legitimate government of Bangladesh. The Awami League won 167 of the 169 seats contested in East Pakistan in the December election and this gave them a majority of the whole country. I am somewhat astounded that some of my

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colleagues in the Congress should so casually dismiss an election victory of such an overwhelming magnitude. I am puzzled that those of us who depend on the will of the people can overlook the fantastic impact this win had on the people of East Pakistan.

The murder, rape, looting, burning, and genocide practiced against those whose only sin was to win a fair and free election and which caused 10 million Bengalis to flee to India totally removes this question, in my view, from the queasy legalism of "an internal matter of Pakistan." Not only are the refugees not "an internal matter of mankind," not only are the forces of Bangladesh fighting to capture what they had won by voting, but the Indian Army is being supported by the overwhelming majority of the Bengalis who make up the population of East Pakistan.

President Yahya Kahn took a number of measures which he hoped would be designed to lure the Bengalis back into supporting, if they ever really did, the cause of a united Pakistan. But at each step of the way he was violently opposed by the Bengalis. He appointed several East Pakistanis to the regional assembly and to the national assembly. Many of these people, most of whom were resoundingly defeated by Awami League candidates in the general election, were promptly assassinated by the Mukti Bahini. In spite of some assurances of trying to deal with the real leaders of the Awami League, the only legitimate spokesman for Bangladesh, the real leader, Sheikh Mujib still languishes in prison on trial for high crimes against the State of Pakistan. Appeals from all over the world to release Sheikh Mujib have gone unheeded by President Yahya. Yet we are told that India is the aggressor.

ONE OVERLOOKED POINT

Mr. Speaker, I do not want to discuss in any length today American responsibility for the tragedy in Bangla Desh. The record is not a creditable one, but it is especially lacking when compared to the restraint, compassion, patience and statesmanship of the Government of India. There is enough blame to go around to all the nations of the world. And some of this blame surely should find its way to the People's Republic of China.

U.S. aid to the Government of Pakistan is but a fraction of that received from the People's Republic, particularly arms, and this aid is being used in an attempt to crush the Bengalis. And what is the struggle for Bangladesh, which began immediately after the Pakistani Army's sweep of March 25. It is "a war of national liberation," Mr. Speaker, and the major source of support for those trying to crush it comes from the People's Republic of China.

CONCLUSION

Let me conclude by reviewing the points I have made.

First. The crisis began when President Yahya ordered his troops to overturn the results of a free and fair election, by an attempt to literally exterminate the winners and their supporters.

Second. Ten million refugees fled to India and the only way she could have stopped the flow would be by a slaughter at the border equal to the slaughter inside East Pakistan.

Third. The security and stability of India itself was threatened by the "civilian aggression" and by her massive and continuing humanitarian efforts to care for the refugees, while the U.N. and its members ignored the terrible slaughter and the refugees which resulted.

Fourth. India exercised great restraint for 8 months in the face of continued provocations that few people would even acknowledge were really happening.

Fifth. President Yahya gave no indication of releasing Sheikh Mujib who Yahya himself said was elected to be the Prime Minister of all of Pakistan, and his efforts at conciliation were totally rejected by the Bengali people and seen as merely cosmetic measures by informed observers around the world.

Sixth. India, whose appeals for help were ignored, therefore acted in the only way possible to rid herself of the intolerable burden of the refugees and to save the lives of those Bengalis remaining inside Bangladesh, for there is no cessation of the murder of the Bengali people by the army. The victims continue to be referred to as citizens of Pakistan by President Yahya, yet he has unleashed genocide on people he claims to be his own.

Seventh. The Indian soldiers are being welcomed as liberators by the people of Bangladesh.

Mr. Speaker, no effective case can be made that stands up under informed scrutiny which places the blame on India for creating this crisis. To try to make such a case only intensifies the loss of Indian respect and regard for the United States and nourishes the roots of continued tragedy.

At this point in the RECORD, I include the exchange of correspondence between myself and Prof. Garret Hardin.

TEXT OF PROFESSOR HARDIN'S LETTER

DEAR MR. GALLAGHER: Thank you for sending me a copy of the Hearings before the Subcommittee on Asian and Pacific Affairs on May 11 and 25, 1971, on the "Crisis in East Pakistan."

I am worried about the drift of these hearings. To put the matter bluntly, I am worried that our tender hearts may lead us into another Vietnam. I am afraid that there is inadequate appreciation of the magnitude of the disaster developing on the Indian peninsula and of our powerlessness to prevent it. The basis for my position will be found in the two *Science* editorials here enclosed.

[Subcommittee note: Professor Hardin included editorials of February 12, 1971, entitled "Nobody Ever Dies of Overpopulation," and of June 25, 1971, entitled "The Survival of Nations and Civilization"]

Your committee is worried about the loss of thousands of Pakistani lives. You know that Pakistan (as well as India) is greatly overpopulated. But do you fully realize that it would require the loss of 4½ million lives each year to keep Pakistan from sinking even further into the mire of overpopulation? That's the rate of yearly increase in Pakistan. Are we *helping* this wretched country when we saddle her economy with more mouths to feed? Or India?

Our compassion is short-sighted. We fail to ask "...and then, what?" We hear that five million people are in need of food, so we send $15 million in aid. At 33c per person per day that takes care of their "need" for just 9 days.

And then, what? Are we to take care of these people forever? Have we any reason to believe that they will be able to take care of themselves after 9 days? After 90? After 900? If we have not, are we not then guilty of the cruelty of raising in their hearts a hope that we cannot fulfill? Let me remind you of the plea made by a Bengali as quoted in your speech to the House on 10 June 1971: "Please do not have your country send any aid to this country, not even food. The food will only go to the Army and prolong our agony." Food sent to India would attract more refugees out of East Pakistan, improving the position of the Pakistan army still more. When we realize that, would we not then take the next step in a new, and endless, escalation?

Please—one Vietnam is enough. Good intentions are no excuse for starting on the road to another. Our compassion must be guided by intelligence into channels where it can do more good than harm. I am afraid Pakistan is not such a channel.

Respectfully,

GARRETT HARDIN.

P.S.—I am taking the liberty of sending a copy of this to each of the Members of your Subcommittee on Asian and Pacific Affairs.

TEXT OF CHAIRMAN GALLAGHER'S LETTER

DEAR PROFESSOR HARDIN: I deeply appreciate your letter of July 9, 1971, for it gives me an opportunity to respond at some length to an often heard criticism of attempting to alleviate problems of the Indian subcontinent. You criticize my concern with the Pakistani refugees and the threat of famine in East Pakistan by pointing to the chronic over-population in the region and you discern a "drift" in my Asian and Pacific Affairs Subcommittee hearings in May which could lead us to another Vietnam. To quote from your letter: "I am worried that our tender hearts may lead us into another Vietnam . . . do you fully realize that it would require the loss of 4½ million lives each year to keep Pakistan from sinking even further into the mire of overpopulation . . ." After pointing out the inadequacy of our aid to continue feeding refugees in India, you say, ". . . are we not then guilty of the cruelty of raising in their hearts a hope that we cannot fulfill." You kindly enclosed a copy of an editorial you wrote in the February 12, 1971, Science magazine, in which you say: "I was in Calcutta when the cyclone struck East Bengal in November 1970," and refer to the estimated 500,000 people who lost their lives, commenting, "Pakistani parents repaired the population loss in just 40 days . . ."

Now that I have stated your position, Professor Hardin, permit me to express mine. I certainly favor the limitation of population, but only in consonance with the mores and traditions of those affected. To paraphrase that ancient hope of mankind, until we are ready to beat baby rattles into intrauterine loops, we must have affection for the living. My action in holding hearings, introducing legislation to suspend military and economic aid to the Government of Pakistan, and in speaking out forcefully is to save lives and to try to arrest a "drift" in American policy which, in my judgment, will present the world community with torrents of tragedy even exceeding those in Vietnam.

Let me briefly describe the realities of East Pakistan as seen by the chairman of a Foreign Affairs subcommittee who visited the refugee camps in India this June. The people of East Pakistan, a majority of that bifurcated and now ended entity known as Pakistan won the election in December. This earned them the control of the whole country; yet, the military leader whose administration conducted the election everyone concedes was fair now chooses to thwart the electoral mandate by an unprecedented reign of terror which utilizes American arms. Formal statements by our Administration led the Congress to believe our arms shipments had stopped, but that sovereign Cybernetic State of Departments of Defense and State computers continues our lethal intervention on the side of the Army by still sending arms. This unhappy conjunction of bureaucratic blunders and political ineptitude has infuriated the world's largest democracy—India—and increased the credibility chasm of the world's best democracy—America.

The Pakistan Army's brutal sweeps beginning on March 25, are search and destroy missions repeating the delusion of technological superiority used by our technocrats to lead us into the Vietnam quagmire. Our continued aid to President Yahya has not turned him away from his bloody policy (the sole Administration hope offered in justification), it has diminished our moral influence in the world, it threatens war between Pakistan and India, with Great Power involvement inevitably following.

How then can a Member of Congress, particularly one who watched our escalation in Vietnam with increasing dismay, exercise his responsibility in the East Pakistan situation? First, he can attempt to alert his colleagues and the American people to the quicksand just one step ahead of our current plodding policy. Second, he can reap the blessings of hard-won seniority by holding hearings with this Subcommittee. Third, he can introduce legislation and work for its passage. Fourth, he can vigorously dispute those who point to overpopulation in the region and call for *ex-post-facto* birth control. Fifth, he can think.

When I expressed my concern about East Pakistan in early April, I was advised that the United States could do nothing because we would be exploiting the Sino-Soviet rift, due to the Chinese Peoples Republic support of the Government of Pakistan and Russia's expressions of approval of the people of East Pakistan. I rejected that rigid Cold-Warriorism and I will now make an additional leap based on my opportunities mentioned above and, hopefully, emphasizing the fifth.

The Chinese Peoples Republic has pointed to numerous governments around the world which enjoy American military and economic aid and yet which do not practice pure Jeffersonian democracy. Leaving good intentions or considerations of morality totally aside, China's support of the Government of Pakistan has finally given the United States a similar propaganda point. Why not stop our aid to Pakistan, fully support the democratic aspirations of the people of East Pakistan, ally ourselves firmly with India in this matter, and according to informed testimony of Harvard Professor Robert Dorfman before my subcommittee, make it economically impossible for President Yahya to continue his repressive policies?

Following this scenario, the area generating the refugees would be pacified, the 6.5 million now straining India's already overburdened society could return, America would have restored excellent relations with India, and the Chinese Peoples Republic would have its own Czechoslovakia and Hungary to explain. And *then*, what? The United States could focus even more of its attention on its already somewhat successful program of disseminating birth control methods. I believe our responsibility in East Pakistan does not extend to the possible introduction of American ground troops and I am offended that you imply my position embraces such an unthinkable option. I hope you can tell me that your position does not include famine as a calculated component.

With continued best wishes and appreciation for your valued support of my previous efforts on privacy, I am

Sincerely,

CORNELIUS E. GALLAGHER,
Chairman.

P.S.—I am taking the liberty of releasing this letter to the press.

INDIA-PAKISTAN CRISIS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I believe it was unnecessary and inappropriate for the Nixon administration to brand India as an aggressor in the current crisis. Yesterday's reported explanations by a White House spokesman have not really ameliorated the matter.

India's acts in recent days can no more be separated from the events of the past few months than could Israel's sudden military moves in June of 1967 be separated from the events of the preceding weeks, notably Nasser's move against Sharm el-Sheikh.

The holier-than-thou criticisms of India for using military force have come with extraordinarily bad grace from an administration that has been using force, in defiance of the majority of world opinion, for the last several years in Indochina.

I am against our military involvement in Vietnam, but I am no pacifist. I believe there are times when a nation has no alternative but to use military force. This was surely the case 30 years ago after the Japanese had attacked Pearl Harbor.

I believe the Israelis were fully justified in using force in 1967 and I believe the same is probably true of India in December 1971.

Those of us who would pass judgment on India should reflect on what we would have done if confronted with the overwhelming problem of 6 to 9 million refugees on our soil without the capacity to care for them and with no foreseeable prospect of getting them to return to their homes.

The Pakistanis apparently attacked first with their aircraft and gave the Indians the excuse that they were doubtless looking for. But the question of who started shooting first is really not a basic one in this case, any more than it was in the Arab-Israeli war of 1967. The cause of the fighting is more basic.

I am hopeful that the military actions taken by the Indian Government will soon result in control of East Bengal by a new, independent state known as Bangladesh, followed by an end to the fighting. This will enable the refugees in India to return to their homes. I trust that the world community, including the United States, will be willing to assist in the gigantic task of restoring this part of the world to some semblance of order and hope for the future.

For several months, I have been convinced, on the basis of the views expressed to me by Americans with long experience in, and great sympathy for, Pakistan, that the days of a "united" Pakistan were numbered. This curious country, divided into two parts by a thousand miles of Indian territory, was the artificial creation of ingenious British minds seeking a solution for the communal differences and hatreds that had plagued British India.

For a while Pakistan did remarkably well. But when the people of East Pakistan voted so overwhelmingly for a party which favored autonomy for East Pakistan that they actually carried a majority of the seats in the Pakistan Parliament, and when Gen. Yahya Kahn responded to this political reverse by a brutal and systematic suppression of the Bengalis, the British experiment had come to an end in failure. The Americans I have referred to all advise me that the sooner the inevitability of a separation of the two parts of Pakistan into separate independent states was recognized the better for all concerned.

If there had been no military action, the situation might have dragged on interminably with widespread suffering and with no real hope of a peaceful solution. The Indian Government, led by a courageous and patriotic woman, has acted decisively and in a way which will probably lead to a solution in a relatively short time. The use of force, with the inevitable brutality which accompanies it, is in itself deplorable and runs counter to our common belief that all international problems can be solved peacefully. But I believe that in the end the people of the Indian subcontinent will be better off. The wounds will be clean and will heal. The alternative was a festering sore affecting millions of people that would not heal and would provide a continuing threat of even wider trouble for years to come.

I include two editorials on the subject, from the New York Times and the Washington Post.

[From the New York Times, Dec. 8, 1971]

ALIENATING INDIA

President Nixon's declaration of "absolute neutrality" in the Indian-Pakistani conflict fail to conceal Administration policies, which have, in fact, been obviously biased in favor of the Government of President Yahya Kahn in Islamabad.

During the eight months of repression in East Pakistan which led to the present international conflict on the subcontinent, Washington's "neutrality" consisted of maintaining silence while Yahya's troops suppressed a freely elected autonomy movement in East Pakistan, were responsible for the death of thousands of Bengalis and forced millions more, mostly Hindus, to flee to India where their presence has posed a growing threat to Indian political, economic and social stability. For many months the Administration actually gave material support to this unconscionable repression by continuing to ship small amounts of military supplies to Islamabad.

Administration officials argued that their public silence and the continuance of aid were designed to strengthen quiet efforts to promote a political settlement in East Pakistan that would bring peace and the return of the refugees. But there is no evidence that President Yahya has tried to reach any accommodation with the imprisoned Sheik Mujibur Rahman and the other elected representatives who command the confidence of the overwhelming majority of Pakistan Bengalis.

Having failed to condemn the repression in East Pakistan or to press for a genuine political solution, the United States has now flatly charged India with "major responsibility" for the resulting international conflict; having waited months to suspend arms aid to Pakistan, the Administration has promptly suspended military and economic aid to India. This is hardly "absolute neutrality"—even though it must be fully recognized that India is by no means guiltless in the actual outbreak of armed conflict, and, despite all the hypocritical and self-serving

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statements issued from New Delhi almost daily, has been aggressively maneuvering against her northern neighbor. There is plenty of blame to go all the way around.

United States efforts at the United Nations, first in the Security Council and now in the General Assembly, have been aimed at bringing about a simple cease-fire and withdrawal of forces. Urgent and desirable as such action surely is, it cannot be practically effective unless the United Nations and its leading members—especially the United States—are prepared at the same time to recognize and attempt to deal with the root cause of the problem in Pakistan

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[From the Washington Post, Dec. 7, 1971]

THE U.S. PURSUIT OF DISASTER IN SOUTH ASIA

Suppose President Nixon had deliberately set out: to aggravate tensions in South Asia; to identify the United States with a military regime almost universally condemned for its abuse of its own people; to shred American ties with the most populous and powerful nation of that region, a democracy and a traditional friend; to help drive that dominant state into a waiting Soviet embrace; and, once war had erupted, to diminish possibilities of political compromise and undermine what moderates might remain. What would he have done differently with respect to the developing conflict between India and Pakistan over the last eight months? In our view, not much.

The whole rationale of American policy eludes us. Some payment was owed Pakistan for helping arrange Henry Kissinger's first trip to Peking. And Mr. Nixon evidently has long had a soft spot in his heart for Pakistan, at one time a model military anti-Communist regime. But at some point as the tragedy grew, cold calculations of power politics should have overtaken these largely sentimental considerations. Sound policy dictated an effort to maintain friendship with both India and Pakistan; if that were not possible, why put all the American chips on a discredited failing regime in much the smaller and more trouble-ridden of the two nations involved? If the answer lies somewhere in the political geometry of the Moscow-Peking-Washington triangle, we fail to perceive it.

The announcement yesterday that the United States had suspended development aid in the pipeline to India is equally puzzling. The stated grounds, that such aid contributes to short-term economic welfare and war-making potential, are laughable: the gesture was purely punitive and the party that is to be punished is not the government nearly so much as the impoverished people of India. A more telling abuse of foreign aid—at a more delicate moment, when a new aid bill is hanging by a thread in conference—could not be imagined.

As we have said before, India deserves sharp criticism for its calculated use of the refugee crisis to promote the dismemberment of Pakistan, although such criticism ill befits any government, such as the American government, which tolerated Pakistan's manufacture of that crisis. Where was the quick clampdown on arms aid to Pakistan then? India's invasion of West Pakistan and its now-open designs on Pakistan-held Kashmir are entirely unsupportable. But the source of the present crisis is Pakistani policy in East Pakistan. Only there can a solution be found. That the United States should not only be failing to contribute to such a solution but could be making one more difficult to attain is a measure of how far we in fact have traveled under the much trumpeted Nixon Doctrine toward a new foreign policy. In South Asia, we have moved backward—if we have moved at all—toward those early postwar cold war attitudes that gave us CENTO and SEATO and the heavy-handed employment of foreign aid as a bludgeon or a bribe.

THE COSTS AND DANGERS OF TRADE RESTRICTIONS

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS) is recognized for 1 hour.

Mr. GIBBONS. Mr. Speaker, today we have asked for time to discuss a very important subject which affects every American—the costs and dangers of trade restrictions.

This is the second in a series of three special orders we have planned, because of our concern about the current trend toward defeatism and restrictionism in our trade policy.

Several weeks ago, Mr. FRASER, Mr. MORSE, Mr. HAMILTON, Mr. SEIBERLING, Mr. HANNA, and I spoke on the U.S. stake in world trade and continued international cooperation. We found that this stake is high—higher than most of us had imagined.

We also found that we could not discuss the benefits we receive from world trade without discussing what we and the whole world will lose if we abandon our traditional support of mutually beneficial world trade and of international cooperation as a means of solving any trade or payments problems which may arise.

It has been said, very aptly, that trade is a two-way street. No nation can take unilateral action to restrict the imports it receives without incurring at least equal retaliation from its trading partners.

Our experience with unilateral trade restrictions has been that retaliation results, that this retaliation escalates, the volume of world trade shrinks, the economy of each country suffers, and the whole world is worse off. In fact, there is a good deal of evidence to indicate that the unintended consequence of a trade war may be war itself.

In 1930, Congress approved the Smoot-Hawley Tariff Act in an effort to "protect" American industry and found, much to its sorrow, that the act had a disastrous effect on our own economy and on the rest of the world.

The tariffs established by the Smoot-Hawley Act were the highest in our history, averaging 60 percent of the value of imports subject to duty. Other countries were not about to let us get away with continuing to send our exports to them once the Smoot-Hawley tariffs had virtually eliminated the United States as a market for their exports, so they retaliated in kind.

American exports shrank by 45 percent and world trade stagnated as the exports of other countries also declined precipitously. Thus, the United States was not only unsuccessful in its efforts to protect American jobs and industries by tariff walls, but its action contributed heavily to a worldwide depression.

Certainly the Smoot-Hawley Tariff Act has been recognized as one of the biggest mistakes in our history. Why, then, is there so much talk of a need to return to such measures?

It appears that this is so because we have been confronted with domestic economic problems which are not so easy or painless to solve. These problems are much easier to blame on "foreigners" than on our own neglect—and it is then much easier simply to erect trade barriers than to find more realistic and effective solutions to these problems.

This approach has been getting a lot of mileage lately. Nonetheless, authorities who have spoken to our bipartisan group of Members concerned about our trade policy have made an extremely strong case for the argument that trade simply is not responsible for our domestic economic problems. They point out that, if anything, we have benefited from our substantial export trade and the low-cost imports which have been available to Americans during our present recessionary period.

These authorities further noted that—

In many of the adjustment assistance cases which come before the Tariff Commission, the company involved has told its employees that it has to close down or relocate, because of import competition. However, the Tariff Commission's investigation of the case often reveals that the cause was not import competition but some other factor, such as mismanagement, changing consumer tastes, or changing economic conditions.

Many imported products simply do not compete with American products and have no effect on U.S. employment levels.

Even with recent increases in import levels, the total impact of imports on the U.S. economy amounts to only about 4 percent of our gross national product—hardly enough to cause an unemployment rate of 6 percent. Nearly every other nation in the world is more dependent on trade than we are.

There is strong evidence that we have many more jobs involved in our $43 billion export business and in handling and servicing imports than may be adversely affected by any import competition.

In the high technology fields in which the United States excels, we had a $10.5 billion surplus of exports over imports last year.

Many progressive businesses have been expanding their exports and their foreign operations. In the manufacturing industry alone, nearly 7 percent of all jobs depend on exports. In certain industries the figure is twice this, or more.

Our balance-of-payments difficulties cannot be blamed on fluctuations in our balance of trade alone. Our balance of trade has been in surplus for more than 75 years and now appears to be in trouble, because of temporary or neglected circumstances, including an overvaluation of the U.S. dollar and rampant inflation in the United States. Both of these factors made U.S. exports less competitive in world markets and imports more attractive to U.S. consumers than they would normally have been.

If we are looking for remedies to our balance of payments problems, we should also look at the possibility of reducing our military and defense spending abroad, especially in Vietnam. Further, at the present rate of growth, our return on our investments abroad will become a substantial positive contribution to our balance of payments within the next few years.

What seems to really be needed to reduce unemployment and stagnation in the American economy is not import restrictions, which are likely to result in retaliation and the opposite effect, but truly effective Government policies which will restore confidence in the American economy, stimulate production and provide training and public service employment when necessary. Unfortunately, the Revenue Act of 1971 appears to offer little hope of progress in this area.

By any serious study or index we have far more to lose than gain by turning from our traditional liberal trade policy to proposed severe trade restrictions. We should have learned better than this from our experience of the 1930's, when such trade restrictions brought increasingly severe retaliation against our exports by other countries and further depressed not only our own economy but those in the rest of the world.

If we are reasonable men, we cannot persist in risking easy but inadequate trade restriction measures as answers to our domestic and international economic difficulties. The costs to Americans as consumers, as workers and as businessmen—as well as the dangers of a trade war—are far too great for us to do otherwise.

What, then, are we to do?

We will be discussing this in detail in another special order after the Christmas recess. However, I think we have made some progress recently in knowing what should be done and also in actually doing some of these things.

The July 1971 report of the President's Commission on International Trade and Investment Policy and the papers which accompanied that report gave us a rather balanced analysis of the real trade problems facing us today and possible solutions to them. At the end of my statement today I would like to insert one of the papers from this report in the RECORD. This paper, by Irving Kravis, respected professor of economics from the University of Pennsylvania, discusses in detail some of the problems with import limitations.

Some of the speakers who have appeared before our bipartisan group have indicated that we may even want to look beyond the suggestions of the Commission's report—and some of us in Congress have also made suggestions to this effect.

Our speakers indicated that, since imports are really only a minor factor among the many causes for business or job dislocations in our economy, we should at least consider innovations such as these:

A more active Federal role in research, development, and technical assistance to business.

A more coordinated and effective organization of Government to deal with domestic and international economic problems.

More adequate training programs to help American workers prepare for the demanding jobs of modern industry.

Measures to increase labor mobility help workers take advantage of changing job opportunities, including more adequate protection for pension rights.

Provision for meaningful public service employment jobs according to economic and social needs.

On the international scene, we are going to have to reassume our position of leadership in working for cooperative solutions to the real trade problems we face. A beginning toward this goal was made on August 15, but much work remains to be done in this area.

Perhaps the most urgent need in our trade policy today is for removal of the "temporary" 10-percent import surcharge which was imposed by the President on August 15. The surcharge has more than served its purpose and is currently resulting in retaliation and in adverse economic consequences not only for our competitors in trade, but also for some of our oldest friends, such as Canada.

If we, the richest country in the world, do not exercise our power in trade matters responsibly, then how can we expect responsible action from other countries, which are not so affluent and are much more dependent on trade for their livelihood.

A second area to which we and the administration must give top priority is that of successful negotiations for a realinement of exchange rates and basic reform of the international monetary system. This factor has, I think, been generally underrated with regard to its importance in improving the competitiveness of American exports and improving the U.S. balance-of-payments situation.

Each percentage point of revaluation of the dollar against foreign currencies could bring a gain of $800 million in the U.S. balance of payments. Thus, a possible 11 percent revaluation could, in itself, bring about an $8.8 billion gain in the U.S. balance-of-payments position.

We have also given too little attention to the possibilities of fruitful trade relations with the people of Russia and Eastern Europe, as well as with the developing nations. Trade with these areas of the world may prove most important in providing new markets for American exports and in building peace and prosperity throughout the world.

Finally, as the world's largest and most attractive market for the exports of other countries, the United States has a good deal of bargaining power with which to negotiate cooperative solutions to existing trade problems, including nontariff barriers to our exports which have been erected by other nations. Certainly we should have no second thoughts about embarking on such negotiations. They are badly needed to remove barriers to U.S. exports and establish the foundation for a further expansion of mutually beneficial world trade—the rising tide which lifts all the boats, as the late President Kennedy once said.

It should be clear by now that the alternative to these measures and to a continuation of our traditional policy of freer trade whenever possible is a self-destructive return to the disastrous trade restrictions of the 1930's.

Let us not choose that alternative. Let us not go down in history as the generation of Americans that was willing to spend a hundred thousand lives to protect freedom around the world but was not willing to risk $1 of potential profit or one job to gain the immense benefits of free trade and the benefits of world stability that naturally flow from such trade.

The Kravis paper follows:

THE CURRENT CASE FOR IMPORT LIMITATIONS

(By Irving B. Kravis)

I. INTRODUCTION

If the best interests of the U.S. lie in faster rather than slower growth in output and income and in better rather than poorer relations with other nations, the policy of the U.S. should be to reduce its barriers to imports and to expand its total trade by seeking reductions in the barriers of other countries to its exports.

The basic logic underlying the economic aspects of this statement is simple and incontrovertible. The gain from our trade with the rest of the world consists not of the things we export, but of the things we import. We are not made better off by giving up goods, we are made better off by receiving them. Public policies that limit our ability to obtain goods from abroad freely and cheaply reduce the real income of the nation.

Of course, restriction of imports may help particular groups in the economy, just as any restriction of supply may. Restrictions on the number of doctors raise the income of doctors; restrictions on hours of work of electricians combined with limitations on occupational entry raise the income of electricians; production quotas on petroleum output raise the income of oil producers. Limitations of imports of cotton textiles or meat raises the incomes of the workers and firms in the industries producing them.

Why not then spread these beneficial effects to everybody? Why not restrict the number and hours of work of each group so as to raise its income? Why not help each group further by protecting it from foreign competition?

The answer is, of course, that every one of these restrictions benefits the individuals concerned at the expense of the rest of the people. Each involves a reduction of production and of the national income and a redistribution of the smaller amount of income in favor of the beneficiaries of the restriction. Practiced on a wide enough scale—i.e., if we all try to better ourselves by restricting the supply of our services—even the "beneficiaries" will be left worse off than if there were no restrictions.

Every current claim for protection, no matter what its guise, is a claim for special preference at the general expense.

Whatever the desired objective that is described, there is no getting around the fact that every successful claim for protection makes a select few better off at the cost of making everybody else worse off. It is not possible to use restrictions of supply to make the nation in general better off. The power of the Government to control trade should not be used to favor select groups.

Despite this fundamental truth, there has been in recent years a new wave of sentiment in industry and labor and even in the Congress in favor of import limitations. This is based to a considerable extent upon unfavorable developments in our trade balance which has brought new arguments to the fore and revitalized some old ones. These arguments are assessed in the following section. Each is stated and then analysed.

II. SOME CURRENT ARGUMENTS FOR IMPORT LIMITATIONS

U.S. Imports Have Risen More Rapidly Than Exports in Recent Years; Our Trade Surplus Is Much Reduced, and May Even Be Eliminated or Turned into a Deficit

Trade surpluses have been characteristic of the U.S. balance of payments for nearly a century, and have been large and important during most of the last 25 years. Even after the early post-war shortages in Europe and elsewhere were ended, the surpluses averaged $3.5 billion per annum (1953–67). The trade

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surpluses helped to provide the foreign exchange necessary to support American foreign investment and U.S. military and economic programs abroad. The decline of the surplus to a little more than a half-billion dollars in 1968 and 1969 has therefore been a cause for much concern.

However, the use of the decline in the trade surplus as an argument for increased import limitation depends upon four propositions:

a. A trade surplus should be an objective of U.S. policy.

b. The decline in the U.S. trade surplus is permanent.

c. Import restrictions can indeed increase the trade surplus.

d. Import restrictions are the optimal way of increasing the trade surplus.

The need for a trade surplus

Whether a trade surplus should be an objective of U.S. economic policy depends in part upon an assessment of the nature of the trade balance that will coincide with a long run equilibrium position in the U.S. balance of payments and in part upon an assessment of the exigencies of the immediate future when equilibrium may not be attained. The long run factors seem to suggest that a trade deficit rather than a surplus will be the appropriate position since income from foreign investments is likely, later if not sooner, to grow faster than either new investments abroad or government expenditures abroad (military plus aid).

However, the analytical relationships are very complicated and forecasting the components flows is very uncertain, while the current balance-of-payments pressures are both clear and certain. It is therefore assumed for purposes of this paper that the U.S. as a matter of prudence, should pursue a policy of avoiding trade deficits and achieving trade surpluses. The assumption might not stand up against careful analysis, but if it errs, it errs in favor of the case for import limitations.

Long-run prospects for the U.S. trade balance

No one can really predict with confidence what the long-run prospects with respect to the U.S. trade balance are. A myriad of factors affect both U.S. exports and U.S. imports. The interplay of these factors as they change continually through time will produce a shifting margin between these two aggregates of diverse goods. The record bears out this expectation of great instability in the difference between exports and imports. In the post-war period the export surplus has waxed and waned several times over varying from less than $1 billion to more than $10 million. As recently as 1964 it was $6.8 billion while the 1968 and 1969 surpluses of $0.6 billion were the lowest since World War II, surpluses near the $1 billion level were recorded in 1950, 1953 and 1959. Even the $3.2 billion drop in the surplus between 1967 and 1968 was not the only large decline. Larger decreases were recorded between 1947 and 1948 and between 1949 and 1950. The surplus now seem to be waxing again, although not with a great amount of vigor.

Nevertheless, these past ups and downs do not warrant the assumption that there have been no persistent factors adversely affecting the U.S. trade position.

When the components of exports and imports which produced the recent deterioration in the U.S. trade balance are examined, it quickly becomes evident that the largest changes are to be found on the import side. Imports rose by nearly $7 billion between 1967 and 1968, an increase of 23%. This rise swamped an expansion of exports of nearly $3 billion which, though not unprecedented, was more than twice the annual average increase of the preceding 14 years. The import expansion was quite generally distributed among major commodity groups although manufactures rose more than primary products. However, motor vehicle imports alone increased more than 60 percent, accounting for $1.5 billion of the $6.2 billion rise in total imports. Over half of this increase consisted of motor vehicle imports from Canada.

If a slightly longer view is taken and changes in exports and imports are compared from the last peak surplus year, 1964, imports again are seen to be the major factor in bringing about the changed position. The rise in imports between 1964 and 1968 was more than $14 billion while the rise in exports was only a little more than $8 billion.

These changes in the U.S. trade position could be attributable to a number of different circumstances, some of which might be operating simultaneously. It seems likely that one important set of influences at work was the quickening pace of economic activity with the increase in military expenditures connected with the Viet Nam war. This occurred at a time when the rate of increase in industrial production in Europe slackened. The impact of these opposite movements in aggregate demand was reflected in a tendency for U.S. prices to rise relative to those of Europe and Japan.

There is also some evidence of structural shifts in the U.S. trade position. In the longer run the U.S. has become a net importer in mineral fuels, motor vehicles, and "other manufactures", comprising such categories as textiles, iron and steel, etc. Chemicals and machinery other than motor vehicles are the only sectors in which there has been an upward trend in the trade balance, but only in the former is this associated with a faster export growth rate. In "other machinery" a very small starting level for imports and a large one for exports has produced larger dollar increases in exports than in imports despite a lower export growth rate; this kind of upward trend contains the seeds of its own destruction. Of course, our perception of these trends is heavily influenced by the sharpening of demand pressures in the U.S. and their relaxation in Europe in the last few years mentioned above.

On the other hand, it is possible to argue that there are basic alterations, in the world economic picture that are unfavorable to the U.S. trade balance. The faster diffusion of technology, the spread of U.S. managerial methods and indeed of American management itself, and the greater international mobility of capital all tend to diminish important margins of advantage that the U.S. has had which contributed substantially to the U.S. export position in newer and more sophisticated products.

Of course, it has been true all along that the monopoly that an innovating country enjoys on a new product is apt to be a temporary one. Even before foreign affiliates, licensees or subsidiaries—let alone multinational corporations—became so common, the knowledge of the new product in almost all cases sooner or later was spread abroad and production was successfully imitated. The innovating country does not necessarily have a long-run comparative advantage in every new product that it develops. Thus, for the United States for nearly 102 years now, the exports of one year have often become the imports of a later year. This has happened to a long list of American products from sewing machines to TV sets.

The transfer of technology, it should be noted, goes in both directions. Some has been from foreign countries to the United States. Thus, the Bessemer and open-hearth processes for making steel were imported from England in the last century and the oxygen process from Austria, Germany or Sweden and the extrusion process of squeezing cold steel into desired shapes from Italy in more recent years. Also, there is a substantial amount of direct investment by multinational firms other than those of U.S. origin. A recent estimate for 1966 placed the proportion of U.S.-owned international direct investment at 57.4 per cent.[1] If the multinational corporation is a transmitter of technology, it seems likely that a lot of foreign technology is also being diffused, and some of it to the U.S. However, it is highly probable that the overwhelming movement has been outward from the United States. The innovating country sometimes still enjoys benefits after the transfer in the forms of licensing royalties or direct profits on foreign production. Also, the position of a continuous innovator is partly protected by the continual development of new products or models that make obsolete or at least less desirable the ones that have spread abroad. The speed with which innovations are being replaced by superior innovations is probably also increasing and this, too, affords some continuing margin of advantage for the innovating country.

In general, however, it seems likely that the net effect of all these changes and particularly of the greatly increased speed with which they have been occurring has been to reduce the margin of technological leadership which the United States formerly enjoyed.

All in all, then, there are grounds for pessimism with respect to the structural influences affecting the U.S. trade balance. However, even if the direction of these influences turns out to be unfavorable, no confident forecast of the future can be made. Many other factors affect the trade balance, and prediction is just about impossible. The most important unknown consists of developments in the relative prices at which U.S. goods are available to foreigners and in the relative prices at which foreign goods are available to Americans. These are proximately determined by changes in domestic price levels and in exchange rates. The movement of each country's domestic price level is heavily influenced by cyclical developments and by public policies that are not related or only partially related to balance of payments factors. Even if pessimistic expectations about the structural factors turn out to be correct, we cannot tell whether a future rise in U.S. prices relative to those of foreign countries will accentuate their impact or a future fall offset and obscure them. The possibility of changes in government policies taken to influence the trade balance or the balance or the balance of payments in general adds to the uncertainties. No one can say if or when monetary and fiscal policies to affect the price level or commercial policies—tariff and nontariff barriers, export subsidies, etc.—intended to have a direct effect on trade flows will be altered in the U.S. or in one or more of its important trade partners. No one can predict when a key exchange rate will be altered under the pressure of a deficit or of a surplus. All these factors have a powerful influence on the U.S. trade balance, and their net effects can not be known in advance.

In view of these uncertainties, let us again draw the inference that appears to be most favorable to the case for import limitations. Let us assume that a trade surplus will not come about without some deliberate policy action by the U.S. The question then facing the U.S. in the 1970's is whether this should be attempted mainly or even to a major degree by means of trade restrictions.

The feasibility of import restrictions as a means of increasing the U.S. trade surplus

The hard truth of the matter is that it is not open to the U.S. to improve its trade balance through item-by-item import restrictions. Almost any restrictive move made by the United States can be expected to bring retaliation and to result in an approximately equivalent diminution in U.S. exports. The warnings on this point by responsible foreign

Footnotes at end of article.

authorities should be taken at their face value.

It must be realized that these warnings refer not to new and untried measures but rather to responses that are built into the trading system community of nations. A basic principle of GATT (the General Agreement on Tariffs and Trade), which governs the trade relations of the western countries, is the preservation of the "balance of benefits" which each country derives from the tariffs that have emerged from six rounds of international negotiations in the last quarter of a century. A country that finds its interests adversely affected by an increase in a duty that has been bound or reduced in a GATT negotiation—and this includes virtually every U.S. tariff classification—or by the imposition of a quota is entitled to compensatory concessions. If these are not forthcoming, it is free to restore its balance of benefits through restrictions of its own. Any extensive effort by the United States to use import limitations to improve its trade balance is thus almost certain to set off a self-defeating chain of restrictions on trade that would serve neither the economic nor the political objectives of this country.

Trade restrictions as the optimum way to improve the trade surplus

Even if it were claimed that other countries would permit the United States to improve its trade surplus through limitations of imports, the further proposition would still have to be established that item-by-item import restriction was the best way to achieve the desired increase in surpluses. The item-by-item approach can be defended only if it is argued that the government and not the marketplace should be allowed to determine the changes in the commodity composition of imports by which the trade balance should be improved.

If the objective is to reduce the general level of imports or to limit its increase, then it is logical and efficient to use some general criterion, perhaps a uniform ad valorem tariff surcharge applied to all goods, rather than a series of discriminatory tariff increases favoring the domestic producers of some goods over the domestic producers of others. But if the trade surplus is the true objective, it can be improved through an increase in exports as well as a diminution in imports. Increased exports can be encouraged through export promotion measures such as tax incentives and better credit facilities. However, if a uniform ad valorem tariff were applied to imports an export subsidy would make the price of foreign currency the same for U.S. exporters and importers and would therefore lead to the most efficient use of U.S. resources as between home and foreign markets in production and between home and foreign goods in consumption.

A uniform tariff and subsidy would be akin to a practical devaluation of the dollar applicable only to trade or perhaps to trade and some service transactions. There are, of course, still other ways of achieving the same effects of making U.S. goods cheaper to foreigners and foreign goods dearer to Americans. One is outright devaluation which would affect capital as well as trade and service transactions. Other less dramatic ways which are much less likely to encounter objections from other countries involve the restriction of future U.S. price movements to rates of increase that are lower than those of the other major industrial countries. This can be accomplished through monetary and fiscal policy or through a wage and price policy, although either means would be politically difficult. All these measures (i.e., partial or total devaluation, restraint of price increases through general or specific policies) would achieve an improvement in the trade balance while leaving it to the market to determine which imports would decrease and which exports would increase.

Footnotes at end of article.

The United States has, over the years, given many one-sided trade concessions that have opened its markets to foreigners while U.S. exporters find themselves under serious handicaps in foreign markets

To some degree, this argument is an extension of the previous one. The relative rise in imports is taken as evidence of the opening of the U.S. market and the failure to exports to increase more rapidly as evidence of the discriminatory practices in foreign markets. The trend of exports and imports, however, is not in itself conclusive evidence since many other factors could account for these trends.

Claims that American negotiators over the years have traded away market opportunities in the U.S. without equivalent concessions abroad have never been accompanied by a quantitative assessment of the impact of changes in tariffs and other terms of access. Such evidence as is readily available does not support the view that U.S. commercial policy, either alone or in conjunction with foreign commercial policy, has been responsible for the rapid growth of imports or for the failure of our exports to expand more rapidly.

In the first place, a number of comparative studies of tariff levels have indicated that U.S. tariffs are slightly higher on the average than those of the European Economic Community and slightly lower than those of the U.K. The accompanying table shows average tariff rates for various categories of goods as well as the overall averages. The latter differ little among the major industrial exporters. Average post-Kennedy Round tariffs on non-agricultural, dutiable imports are estimated at 9.6% for the U.S., 8.1% for the Common Market, 10.6% for the U.K., and 9.5% for Japan; for dutiable manufactures, the rates are 9.9, 8.6, 10.6 and 10.7; respectively, for the same countries. The U.S. rates in these computations are expressed as a percentage of c.i.f. value, as are the rates for the other countries.

Of course, even similar tariffs may have different restrictive effects in different countries, depending on such factors as the structure of the rates, elasticities of demand and supply, the share of imports in domestic consumption, and the composition of imports. When these factors are taken into account, U.S. tariffs, Professor Balassa found in a study of pre-Kennedy Round rates, were more restrictive of imports than those of the EEC and the U.K., though less restrictive than Japan's.[2]

Tariffs for individual commodities and average tariffs for classes of commodities are dispersed around these overall rates in ways that differ from one country to another. In some commodity classes, such as textiles and chemicals, the table indicates that U.S. rates are higher than those of other countries; in others such as transportation equipment and electrical machinery the U.S. rates are lower. Thus, individual U.S. industries sometimes find that the tariffs levied on American goods by the foreign source of supply are higher than the corresponding U.S. rates. For example, U.S. and foreign tariffs on electronic products (tubes, transistors, transformers, loudspeakers, etc.), were cited as an example of inequitable tariff treatment at the recent House Ways and Means Committee hearings on "Tariff and Trade Proposals". The U.S. rate of 7.6% was compared to rates of 14% for the EEC and 12.4% for Japan.

Where cross exporting (i.e., two-way trade) of similar products exists or where U.S. firms would be able to export to the foreign source of supply over a lower tariff barrier, an industry might justifiably regard a difference in tariff rates as inequitable. This would, of course, be equally true for a foreign industry facing higher U.S. tariff rates. Very often, however the difference in rate is of little practical importance because the domestic industry would not be able to compete in the foreign market regardless of the level of the foreign tariff. If in the electronic components industry, for example, Japanese costs are lower than those of the U.S., a lowering of the Japanese tariff to the American level would not have any beneficial effects upon the position of the U.S. industry.

Not only are the present overall tariff levels rather similar among the major industrial exporters, but it is not at all clear that U.S. tariff levels have declined very precipitously in the last 20 years. Tariff Commission figures show that duties collected as a percentage of dutiable imports have varied mainly in the 11 to 12% range in the last few years compared to a 12 to 13% range in the early 1950's.[3] As the Commission points out, these average ad valorem equivalent duties are not completely reliable guides to changes in the level of protection since, among other reasons, they are affected by changes in the composition of imports. Tariffs reduced to the threshold that made imports possible where there were none before, might still average out to levels above the previous average ad valorem equivalent collected duty. The average might thus fall to decline despite general reductions in duties. On the other hand, there is little doubt that in the various GATT rounds of tariff cutting, particularly before but not altogether excluding the Kennedy Round, there was a systematic search for concessions to offer to foreigners that could safely be made without having a great impact on U.S. imports.

The notion that tariff concessions played a major role in the increase in U.S. imports is not strongly supported by the timing of the import changes. If tariff concessions were an important influence, each round of tariff reductions should have been followed by a surge of imports. In fact, neither the reductions made in the 1956 round nor those made in the Dillon Round of 1961–62 appear to have a large gross impact on U.S. imports. The great increase in imports between 1967 and 1968 did come at a time when the first Kennedy Round reductions went into effect, but the 23 percent increase in imports could not have been attributable to any major degree to a cut in tariffs that can hardly have amounted to an average reduction in price to U.S. buyers of as much as 1 percent.[4]

The available evidence thus does not indicate that U.S. firms are generally at a competitive disadvantage owing to differences in tariff barriers or that the U.S. tariff barriers faced by actual exporters to the U.S. have been radically reduced in the last twenty years.

Much of the concern about the relatively unfair treatment of American exports is, however, directed to non-tariff rather than to tariff barriers.

There is no doubt that U.S. exports are limited by non-tariff barriers. Buy domestic policies, safety regulations, and the rebating of excise taxes on exports and compensatory levies on imports are among the many practices that American exporters have found place them at a disadvantage in international competition. However, the United States is not without its own non-tariff barriers including buy American policies, the imposition upon foreign countries of "voluntary" agreements to limit exports to the U.S. as in cotton, textile, and steel, and direct unilateral restrictions on imports of dairy products, meat, sugar and oil. Also, the U.S. barriers have been increasing rather than diminishing in number and importance. In the last few years, "voluntary" quotas on steel and meat, prohibition of imports of firearms other than those used for sporting purposes, and a tariff quota on brooms have been added to the list.

Trends in foreign non-tariff barriers have been more mixed. Between the early 1950's

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and the early 1960's the trade restrictions maintained by many countries for balance-of-payments reasons were reduced and then eliminated. With the advent of the Common Market, however, some new and important barriers to U.S. trade, particularly the variable-import levy, were imposed.

The non-tariff barriers imposed by the United States and other countries undoubtedly restrict the volume of foreign commerce but whether they are at present more burdensome to American exporters than to foreign exporters is not obvious. The Japanese restrictions almost surely limit imports more than do the non-tariff barriers of the U.S. and Western European countries. It would take a special study to confirm or deny the widely prevalent notion in the United States that European non-tariff barriers are more restrictive than ours. An important new work by Professor Baldwin suggests that relative to the U.K., at least, the U.S. still has a slightly higher rate of effective protection when non-tariff, as well as tariff, barriers are taken into account. (The effective rate of protection measures the degree of protection of value added in manufacturing; it indicates the excess in domestic value added that can be obtained as a result of trade restrictions, as a percentage of what the value added would be under free trade.) Baldwin's estimates for 1972, the year in which the Kennedy Round tariffs come into full force, indicate a 15 percent overall rate of effective protection (tariff and non-tariff) for the U.S. and a 13 percent rate for the U.K.[5]

This is not to deny that nontariff barriers have been growing in importance, both at home and abroad, relative to tariffs. Furthermore, the common U.S. view that foreign non-tariff barriers are greater than those of the U.S. may well turn out to be more justified in the case of the EEC and still more in the case of Japan. Even so, it seems doubtful that non-tariff barriers can be held responsible for the failure of U.S. exports to grow more rapidly. A relaxation of the barriers would, it is true, give U.S. exporters a fairer chance to enter European and Japanese markets, but U.S. export gains might turn out to be modest. Most of the barriers are aimed at imports in general and are not discriminatory against the U.S. Their relaxation would therefore open each market not just to the U.S. but to other competing countries as well. American exporters would probably enjoy some increase in sales as a consequence, but to gain this and to achieve the still more problematic effect of an increase in the rate of growth in their sales, they would have to meet the competition of other countries. The record does not suggest that under the conditions prevailing in the last few years, U.S. exporters would be very successful. Between 1964, the year when there was a trade surplus of $6.8 billion and 1969, the U.S. share in world exports declined from 15.2% to 13.8%. The U.S. shares in imports of Japan, of the developing countries and of the EEC from outside countries also dropped by 1 or 2 percentage points. None of these changes can possibly be attributed to nontariff barriers.

The dismantlement of non-tariff barriers is an objective that is important to pursue but it is doubtful that it will provide a major key to the resolution of the problems with our trade balance. Even if all—U.S. and foreign—non-tariff barriers were eliminated, it is not sure that our export balance would become larger. Certainly our imports would increase and our exports also, but even if the barriers of foreign countries are more restrictive than ours, the size of the gain in our exports would depend upon the competitiveness of our economy. Non-tariff barriers certainly have a harmful effect on world commerce and income, but they just do not fill the role of chief villain in the story of the disappearing trade balance.

Imports Have an Unfavorable Impact on Employment, Particularly Since They Tend To Be Concentrated in Labor-Intensive Products

One of the necessary conditions for the improvement of the living standards of a country is the mobility of labor and capital. Some notion of the dynamism of the modern economy is called to mind simply by considering what a small fraction of his consumption expenditure each of us spends on things that are physically identical to those purchased by his father at an equivalent stage in his life.

Some of the changes in production necessary to turn out new products and new product varieties and to use cost reducing methods can be smoothly absorbed by the existing industrial organization without requiring much adjustment either by labor or capital. For example, when the home freezer industry developed, the workers and firms that had previously manufactured refrigerators could move easily into the new good. Other changes, however, require reduction in the number of firms and workers in an old industry as new conditions develop. For the most part, the pressures for change are generated within the internal economy of the United States. This was true, for example, of the losses of employment suffered in the Michigan peninsula when station wagon bodies began to be made of steel rather than of wood. It was true also when the hosiery industry moved out of Philadelphia into the South and more generally when the textile industries of Pennsylvania and other northern states shifted to North Carolina and other southern states. Between 1947 and 1967, for example, Pennsylvania lost 69,700 production jobs in the textile industry while North Carolina gained 32,500. Sometimes, as in the recent contraction of the space effort, a change in government needs or priorities is the cause of the disruption of individual lives and of blight for a whole community. In these cases and many more, thousands and thousands of workers and many employers suffered great economic, social and psychological injuries through no fault of their own as a result of changes in the marketplace. In each of these cases it would have been in the interest of the workers and employers concerned to have government intervention or decision that would prevent the shift to a new product or a new location.

What is the appropriate national policy in these cases? Surely, no one would argue that it would be appropriate to guarantee any industry or firm against a reduction in its level of employment. Any effort along these lines obviously would promote a hothouse economy pockmarked with artificially maintained prices for commodities serving needs that could be more cheaply provided for in a free market. The protection of particular individuals against such disruptions can only be achieved at the expense of the rest of the U.S.

What is worse, such protection tends to freeze patterns of employment that are not in the long-run interests of workers or of the U.S. at large. The jobs that are protected tend to be low-wage jobs relative to those that would be available without protective policies. The Pennsylvania textile workers of yesterday were injured by the shift to the South. Today, their successors are better off than they would be if the government had intervened to keep the textile industry in that stage; they are working in industries that pay higher wages than the textile industry.

The problem is not different when the pressure for the reduction in the employment and number of firms in an industry comes not from another section of the country but from abroad. Today's workers and employers in that industry will be better off if the government intervenes and prevents their loss of jobs and capital. The cost of such a policy in the short run is borne by the rest of the economy which is denied the opportunity to obtain the goods at the lower prices available abroad. In the long run, however, the workers themselves have to be regarded as worse off. By and large, the industries that need protection from foreign competition are low-wage industries and the jobs that are being perpetuated by restrictions on imports are low-wage jobs. At the same time, a policy of import restriction prevents the expansion of export industries which characteristically pay higher wages. This is true because the restriction of our purchases abroad gives foreigners fewer dollars which they can spend in the United States.

In short, protection can at best make a small fraction of today's labor force better off at the expense of the large majority and at the expense also of tomorrow's labor force.

The irrationality of a policy of using trade restrictions to create jobs is shown by data presented to the Congress by a spokesman for industries seeking the restriction of imports. In a statement before the Joint Economic Committee last March, a representative of the Trade Relations Council reported upon an analysis of the trade position of 313 four-digit manufacturing industries of the United States. In 1967, 128 of these industries had a foreign trade deficit aggregating $9 billion. The excess of imports over exports in these industries was calculated to involve a net loss of 367,552 jobs. The other group, consisting of 185 industries, had trade surpluses which amounted to $10.4 billion. The job-equivalent of this trade surplus was estimated at 201,532 jobs. Although apparently cited as an argument for protection, these data constitute a powerful argument for freer trade. For the labor of a little more than 200,000 men, we received $10.4 billion. This was enough to obtain goods from abroad that it would have taken 400,000 men—twice as many—to produce. To advance these figures as an argument for protection is to embrace a make-work philosophy. It is to argue that we should devise policies that will lead to more, rather than fewer, hours of work to produce a dollar's worth of real income. If this is what we want, protection is a good way to get it. If we want to find ways to increase man hours per dollar of output, international trade is not for us. International trade increases real product per hour of work rather than raising the hours required to produce a dollar's worth of product.

The magnitude involved in the Trade Relations Council's estimates of the net effect of trade on employment also clearly indicates that the trade balance has only a small net impact on overall employment in the U.S. The size of the trade surplus affects at most a few hundred thousand out of the nearly 80 million civilian jobs. During 1968, for example, when imports soared and the trade balance plummeted, other and much larger influences were at work so that employment expanded by more than 2 million jobs and the unemployed rate dropped from 3.5 to 3.3 percent.[6]

As these events suggest, the level of employment in the U.S. does not depend in any quantitatively significant way upon the level of imports. It is determined to an overwhelming degree by internal influences. The expansion of international trade certainly does not require a higher level of unemployment. International trade is no more inconsistent with full employment than other efficiency-increasing influences such as automation or cost-reducing changes in industrial location. All impose a temporary cost in terms of job displacement.

Advocates of freer trade—like defenders of automation—have sometimes been chided for citing job statistics without sufficient regard to the human beings involved. However, the whole argument turns precisely on human welfare. Is it increased or diminished by changes that are required for greater efficiency? The answer is that there is a restricted and short-run hurt in exchange for a widespread and long-run gain. The extent of the losses to adversely affected individuals will be smaller when the changes occur against the background of a buoyant economy. This is clearly illustrated in the story of the remarkable achievement of the Common Market countries in abolishing tariffs among themselves completely with little disruption of individual firms and workers. Rapid economic expansion was an essential feature of the story. The real gross national product of the Common Market countries increased by 50 percent from 1959 to 1967 while internal tariffs were coming down.[7] It is easy to make room for increased imports when domestic demand is expanding; even where imports enter in very large volume it is not so difficult for businesses to find other lines which they can pursue with greater profit.

The proper means to pursue full employment objectives is not tariff policy but monetary and fiscal policy.

Foreign Competition is Unfair Because it is Based on Low Wages

International trade raises real income because certain industries, owing to some natural or cultural differences between different areas of the world, are able to produce at a lower cost in one country while others will be able to produce at lower cost in some other part of the world. American producers, when confronted with the natural or acquired advantage enjoyed by a foreign industry, often feel, quite rightly, that they are facing unequal odds. Some years ago, a Pennsylvania oil producer whose wells produced less than a barrel a day felt that it was unfair to have to compete with the wells of the Middle East that produce 5,000 barrels a day. So in a sense it was. However, it was "unfair" in the sense that one would use in a sports contest; the same standard of equity is not appropriate as an economic criterion. No sound policy can be based on the principle of eradicating all the economic advantages possessed by any contestant in order to run a competition that gives an equal chance to all entrants. Such a policy would imply that American firms that have unusual know-how or access to large amounts of capital should be precluded from selling abroad because they have an unfair competitive advantage over less sophisticated and more poorly capitalized European firms. It would be, once again, to reject the view that a main goal of our economy is to maximize output per unit of input.

The advantage that most other countries have relative to the U.S. is an abundant labor supply relative to other factors of production. Productivity is low, but wages are sometimes even lower so that the labor costs in some industries are below those of the U.S. For example, in 1967 the Japanese GNP per capita was, according to the rather imperfect measures available, about 40 percent of that of the U.S. However, in the iron and steel industry hourly labor cost was only 21 percent of the U.S. level and unit labor cost 30 to 38 percent of the U.S. level.[8] In industries where differences in wage levels are decisive, foreign firms are apt to have the advantage over U.S. firms. Such industries include labor intensive industries like textiles and shoes and also industries like steel, mass-producing relatively standardized products by well established, widely known methods of production.

The wage advantage that these foreign industries enjoy is no more "unfair" in the relevant economic sense than is the superiority of the Middle East oil well over the Pennsylvania oil well or the well capitalized technologically advanced U.S. firm over the smaller and less sophisticated European firm. It is easy to understand and indeed difficult not to sympathize with the feeling of workers and firms that the situation is unfair to them. However, the fact remains that no case can be made in the broad public interest for the protection of particular industries on grounds of "unfair" competition even when, owing to low foreign wages, prices and costs abroad are lower than the most efficient producer at home can achieve.

What can be regarded as unfair is to ask the workers and employers in the affected industries to bear the costs of adjustment, particularly if these costs result from a change in national policy designed to benefit the nation as a whole. Relief should, however, be temporary and geared to adjustment rather than to the permanent protection of any share of the domestic market. The experience of the European Economic Community in moving to tariff-free trade, already noted, suggests that the extent of the dislocation of industry may be surprisingly small. Once the policy of free trade was convincingly laid down in the six Common Market countries, firms had the incentive to adjust rather than the incentive to organize politically for protection.

Someone might wish to argue that the whole level of wage rates abroad is so low relative to wage rates in the United States that all foreign industries or many of them have advantageous labor costs relative to the U.S. industries. If that argument were valid, what would be called for is not protection for particular industries but an across-the-board change in the power of foreign currencies to purchase U.S. goods; the objective would be to restore a balance in which some industries had low enough labor costs so that, together with their other advantages, they would be enabled to export enough to achieve a trade balance (or a trade surplus if that were taken as an objective of our policy). Alternative ways of achieving such an adjustment have already been discussed.

The Advent of the Multinational Corporation has so Changed the Nature of Trade Relation that the Case for Freer Trade has been Made Irrelevant

The rise of multinational corporations has brought forward new problems. In a world organized into nation-states the rise of firms employing a global approach to production and marketing creates new problems with respect to national jurisdiction and national interests with respect to the location and volume of production, exports and imports, taxation, etc.

However, there is no evidence that the multinational corporation is immune from the economic forces that determine which goods can be most cheaply produced in which countries. On the contrary, it seems likely that the multinational corporation provides decision-makers with better information about the most advantageous location of production than was previously available. Components, such as the Ford engine for the Pinto, are produced abroad when they can be made cheaper.

The effects of multinational corporations on the U.S. trade balance are very difficult to estimate. They have hastened the processes described earlier as probably unfavorable to the U.S.—the diffusion of American managerial methods, production techniques, and capital; but in a shrinking world the pace of this diffusion was bound to increase anyway. Exports from their U.S. plants of the main products produced by their foreign plants have probably been reduced. However, there is at least some validity to the claim made by the corporations themselves that their establishment of production abroad was necessary to protect their holdings of the foreign market against potential foreign competition. To the extent to which this is true, foreign production and even exports from foreign plants may not be at the expense of U.S. exports, and the profits from foreign operations a possible net gain to the U.S. balance of payments, depending upon the use to which they are put. More definite sources of gain to the U.S. balance of payments are exports of machinery and of supplementary product lines, the latter being of potential importance when full-line production is maintained in the U.S. and foreign production limited to models for which there is a large market in the host country.

However the net effects turn out, it seems clear that multinational corporations can hardly be held responsible for import problems in textiles and a number of other areas where the domestic industry has been in difficulty and has sought protection. Multinational companies are important in automobile production, petroleum, tractors, chemicals, pharmaceuticals, office machinery, and farm and construction equipment. In most but not all of these areas the U.S. has a strong export position. In the few cases in which multinational corporations have been conspicuous in industries encountering severe import competition, the products though relatively new, such as electronics, require labor-intensive methods of production.

In any case, the injury to U.S. interests of which multinational corporations are accused by those seeking trade restrictions is not different from others independently claimed as a basis for import limitations and already discussed—viz., a reduced U.S. trade surplus and job displacement. The expansion of the multinational form of corporate enterprise adds many new problems to the relations between government and business and to intergovernmental relationships, but it does not constitute a new argument for protection. Indeed, the retaliatory or at any rate unfavorable responses that can be expected from foreign governments to any U.S. effort to limit imports would make much more difficult the intergovernmental cooperation that is required to cope with many of the problems in this field.

The National Security of the United States Requires That Some Industries Be Protected

The national security argument is sometimes applied to natural resource products such as petroleum and sometimes to fabricated products such as steel.

It can hardly be denied that petroleum and steel and indeed a vast host of other products are essential to national defense. But direct guarantees do not always achieve their intended results. One is reminded of the old story of the wise town elders who, wishing to accommodate the convenience of all visitors, decreed that one of the town's two taxis always had to be at the railroad station.

In the case of a natural resource product, it has never been satisfactorily explained how a program which encourages the use of domestic reserves rather than the use of the foreign product will assure adequate domestic supplies in case of an emergency. The argument advanced to defend quotas on the import of crude oil and petroleum products is that high domestic prices, which are necessary to maintain a high level of new discovery and exploration, can be kept only by restricting cheap foreign imports. If national security is dependent upon the ready domestic availability of large quantities of petroleum, what is really called for is a program of subsidization for the exploration of petroleum reserves in the United States and a program that would restrict domestic production to the levels necessary to keep a domestic petroleum industry operational and capable of sudden and large expansion in the event of necessity.

What is particularly indefensible is the protection of the domestic petroleum indus-

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try through import quotas rather than tariffs. Import quotas have the effect of transferring to private pockets in the form of monopoly profits substantial sums of money from the public purse. If it is felt that tariffs are too uncertain in their effects on import quantities and quotas are desired on this account, the quotas should be auctioned off so that their monopoly value does not accrue to private firms. At a time when important social needs are being denied because of inadequate government revenues, it is particularly inappropriate for the government to confer monopoly power worth over a half billion dollars per annum on private parties.[9]

In the case of a manufacturing industry, such as the steel industry, it is argued that protection is necessary to maintain skills that would be lost were the industries subject to unrestricted import competition. The American Iron and Steel Institute, for example, has claimed that the unchecked growth of steel imports presents a direct threat to our national security since a domestic industry will no longer be able to produce the full range of steel products necessary for national security.[10] In addition, it is argued, that under crisis conditions serious shortages might develop.

In fact, the wartime experience of the United States, like that of every other country, including England, Germany, and Japan, demonstrates very clearly that human skills and ingenuity manage very quickly to produce whatever is needed in wartime. The United States during World War II, for example, was able to produce large quantities of airplanes including many kinds which had never been produced before and even to master the production of products like lenses, which formerly had been regarded as the province of highly skilled craftsmen not to be found in the United States.[11]

The national security argument is also weakened by the diminished likelihood of a large-scale conventional war of long duration. A major nuclear war would be brief and horrible and its outcome would not be affected by the size of particular domestic industries such as oil or steel. Non-nuclear wars restricted to particular regions are unlikely to leave the U.S. cut off from all foreign sources of supply.

Protection for national security purposes is also counter-productive politically and diplomatically. Further action to limit steel imports, for example, would strengthen the divisive forces affecting our relations with friendly countries.

III. THE COST OF INCREASED PROTECTION TO THE UNITED STATES

The benefits of import limitations, it has been shown, accrue to favored groups in the economy at the expense of the population as a whole. Some of the ways in which these costs are incurred have already been described. The disadvantages of a policy of protection are set out more systematically in the following paragraphs.

The Insulation of the U.S. Economy from Foreign Competition will Reduce Consumer Choice and the Stimulus to Innovation

The maintenance of competition in a market economy under modern technological conditions where the scale of the firm is so large in many industries is one of the difficult problems of economic organization facing the United States. The entry of foreign competitors into the American market makes it more difficult for large firms to pursue a live-and-let-live policy that will produce a quiet life for their managers but which will not be in the interests of consumers or the economy at large. There are on record in recent years a number of cases in which the stimulus to innovation has come from foreign competition—the small car, oxygen steel, and flat glass. The American consumer and the economy in general is better off for each of these cases of increased foreign competition.

Import Limitations will Lead to Higher Prices and Make the Control of Inflation More Difficult

Recently, the proposition that import controls or tariffs are likely to lead to higher prices for the protected commodities has been challenged. These challenges usually take the form of citing cases in which products under protection such as cotton textiles have been marked by price increases smaller than the price level in general. These instances have usually been contrasted with other products like coal which although unprotected have risen in price more than average. The juxtaposition of such examples only indicates, however, that there are other price-determining influences that are also at work. It does not mean that the observed price of a protected good whether it has risen more or less than average, would not be lower without the quota or without the tariff.[12] Nobody has yet set out the logic by which it can be claimed that the restriction of a cheap source of supply will not tend to raise the price. Most quotas not only result in higher prices to buyers but, as noted in connection with the discussion of the oil quota above, confer a monopoly profit on those lucky enough to receive the privilege of importing some of the limited quantity of goods permitted to enter the United States.

The upward pressure on prices exerted by import quotas or tariffs also hurts the United States by weakening our export position. Import quotas on petroleum, for example, push up fuel costs for our manufacturing industries and the "voluntary" quotas on steel have enabled increases of steel prices to occur which have raised input costs for our machinery producing industries. Our machinery industries, which are so important in our export trade, are competing with foreign producers who are able to buy fuel and steel at world market prices.

Protectionist policies will reduce the participation of the United States in World Trade and thus lower its rate of growth and income

Textbook writings on international trade and the current arguments of those favoring increased protection have one thing in common. Both view international trade as leading to a form of specialization in which some industries expand in each country while others contract. To some degree, this is still a correct view. It is likely, for example, that under free trade the textile industry and the steel industry in the United States would grow smaller than they are today while the machinery industries would expand.

However, there is a large and growing form of international trade that does not take this character at all. The trade between the great industrial countries is increasingly taking the relatively new form of intra-industry specialization. It is based on the economies of long production runs for particular variants of products. It owes its origin to the ever-growing variety of specialized materials and machines which is emerging to provide a more and more varied and sophisticated bundle of consumers goods and to meet the needs of industry for labor-saving cost-reducing methods of production. How can this great growth in variety of output be reconciled with the great economies that can be derived from long production runs? The answer for most producers is to concentrate on a limited range of product variants.

To see the impact that this has on international trade, let us consider, for example, the production of machinery for the use of such industries as printing, baking and pharmaceuticals. Such machinery is manufactured in the United States, the United Kingdom, Germany and other western European countries. However, in each of these countries the equipment is designed to meet local conditions such as the usual scale of output and the prevailing ratio of wages to capital costs. Each country could produce the whole range of equipment but in fact concentrates on the product variants most in demand in its own or in other nearby markets. Thus the European equipment is typically designed for smaller volume, lower speed and greater variety of purpose than the American equipment for the same industries. Trade arises because in each country there is likely to be some limited need for the kinds of machines produced abroad although the major need will of course be for the type of machine produced at home. Since the direction of technological progress is clearly toward more and more complicated and highly specialized machinery, the volume of intra-industry specialization may be expected to increase.

Intra-industry specialization in the trade among the industrial countries accounts for the apparently contradictory phenomena, that there is on the one hand a great similarity in the commodity composition of the exports of the industrial countries and that on the other hand a substantial fraction of world trade consists of exchanges between the industrial countries themselves.

The expansion of this trade is attractive not only because it lowers costs and raises incomes for the participating countries but also because it brings relatively few of the adjustment problems that are so difficult where specialization by whole industries is involved. From the standpoint of the U.S., it points also to a profitable avenue for the expansion of trade that does not depend upon the maintenance of the technological margin of superiority the U.S. enjoyed in the past.

The experience of the Common Market may again be taken as an illustration. Trade among the six countries tripled in the decade following the establishment of the Common Market in 1957. This expansion of trade was based on neither large technological gaps among the countries nor on the disappearance of entire industries as a result of inter-industry specialization.

Those seeking import limitations are asking the U.S., in effect, to sacrifice the change to participate fully in this growing trade in an effort to protect the short-run interests of limited groups in the economy.

The Political and Diplomatic Costs of Import Limitations Would Be Very High

Any marked movement toward further limitations on imports would, as already remarked, bring retaliations. There is a great danger that a trade war would be set off which would have the economic and political consequences in restricting world trade that would clearly leave all trading countries worse off. What is even more dangerous, however, is the broader impact upon the political leadership of the United States. The United States has in the community of nations stood for the principles of a competitive economy and for the reliance upon markets rather than upon governments for economic decision-making. We have put our great weight behind the reduction of trade barriers. A U.S. policy of protection where competition hurts some American workers and firms, and of free trade where it does not, will hardly strengthen our position of leadership. Rather it will strengthen the position of those cynics who argue that the United States has been using its great power to pursue its own short-run economic interests rather than as we claim to create a peaceful, prosperous and stable world.

IV. A TRADE POLICY FOR THE 1970'S IN THE NATIONAL INTEREST

The national interests of the U.S. lie in the direction of freer trade. The arguments for a contrary policy, it has been shown, are based on incorrect assessments of the facts, draw unwarranted conclusions from true statements of fact, or stress benefits that may be real and important but are either incapable of achievement or can be attained only at large economic and political cost.

The strength and pervasiveness of the present trend toward import limitations is evidence of the capacity of men to believe what it is in their economic interests to believe. It reflects also the hospitality the democratic political process gives to the efforts of organized groups to benefit themselves when the gain to them is large and the losses to others are widely distributed. Political leaders may have to yield to such pressures, but if so the only rational ground is a concern for a special interest or political necessity and not a concern for the national interest. Their need to yield may be less if the special and public interests are clearly distinguished.

V. SUMMARY

A new wave of sentiment in favor of import limitations has brought forward some new arguments for import limitations and revived some old ones.

The fundamental fact remains that every restriction of supply, whether it be applied to supply of domestic or foreign origin, helps the producers of the restricted products but only at the expense of everyone else.

Every current claim for protection, no matter what its guise, is a claim for special preference at the general expense.

Let us take the main current arguments for import limitations one by one.

U.S. Imports Have Risen More Rapidly Than Exports in Recent Years; Our Trade Surplus Is Much Reduced, and May Even Be Eliminated or Turned Into a Deficit

It is not at all clear that the U.S. balance payments should in the long run have a trade surplus or that a trade surplus needs to be an objective of U.S. Government policy, but even if these points are granted they do not establish the case for import restrictions. Import restrictions will bring retaliation that will reduce the level of trade without any predictable effect on the trade balance. Furthermore, even if other countries were to permit the U.S. to improve its trade surplus through import limitation, item-by-item restrictions would provide neither an equitable nor efficient method. Discriminatory tariff increases or quotas favor the domestic producers of some goods over the domestic producers of others. They also require that the Government rather than the market place determine which imports will be reduced.

If the objective is really to improve the trade balance, a uniform ad valorem tariff surcharge and an export subsidy of the same amount would be more equitable and efficient. Other measures that would accomplish the same result include a depreciation of the dollar and the restriction of the U.S. price level to lower rates of increase than foreign price levels.

The United States Has, Over the Years, Given Many One-sided Trade Concessions That Have Opened its Markets to Foreigners While U.S. Exporters Find Themselves Under Serious Handicaps in Foreign Markets

The pervasiveness of this view in the U.S. is remarkable in view of the almost absolute lack of evidence to support it. The available evidence does not indicate that U.S. tariff levels are now substantially lower than those of other major industrial countries or that they have been so reduced in recent years as to enhance substantially the price competitiveness of foreign goods in the U.S. market place. Certainly the disappearance of the U.S. trade surplus since 1964 cannot be explained on these grounds. Tariff changes have had on the average small effects on the landed dollar prices of foreign goods and have been accompanied by roughly equal advantages for U.S. exporters. Much has been made of non-tariff barriers, but, if anything, U.S. non-tariff barriers have increased since 1964 relative to foreign non-tariff barriers. Furthermore, the only attempt to estimate the overall level of effective protection inclusive of tariff and non-tariff barriers, made for the U.S. and the U.K., does not show any great difference between the two countries. This is not to deny that non-tariff barriers have been growing in importance, both at home and abroad, relative to tariffs, nor is it to claim that the non-tariff barriers of Japan and the EEC are not more restrictive than those of the U.S. It is to say that claims that foreigners have one-sided access to the U.S. market are at the minimum grossly exaggerated.

Imports Have an Unfavorable Impact on Employment, Particularly Since They Tend to be Concentrated in Labor-Intensive Products

It is true that international trade enables us to export the goods of 1,000 manhours and receive back goods that would require more than 1,000 manhours to produce. This is our gain from trade. Every internal improvement has the same effect; we get more goods per manhour. The optimum way to full employment does not lie in make-work policies such as excluding labor-intensive imports or forbidding new labor-saving machines. Protection of labor-intensive industries is certainly not in the best interests of U.S. labor in any long run sense; it leads to the preservation of low-wage jobs which would disappear in a free market and be replaced by higher wage jobs. In my home state of Pennsylvania, the textile workers of yesterday were injured when the textile industry moved south but their successors today are better off than they would be if there had been government intervention to keep the textile industry in Pennsylvania; they are working at better paying jobs in new or expanded industries that are competitive and can export different products to the rest of the U.S. and to the world.

Foreign Competition is Unfair Because it is Based on Low Wages

The wage advantage that foreign industries enjoy is no more unfair in a relevant economic sense than is the advantage of superior capital resources or of sophisticated technology enjoyed by many U.S. industries. No sound policy can be based on the principle of eradicating all the economic advantages possessed by any contestant in order to run a sports-like competition that gives an equal chance to all entrants. It is precisely by capitalizing upon the special advantages enjoyed by workers and producers everywhere that we can maximize output per unit of input.

The Advent of the Multinational Corporation Has so Changed The Nature of Trade Relations that the Case for Freer Trade Has Been Made Irrelevant

There is no evidence that the multinational corporation is immune from the economic forces that determine which goods can be most cheaply produced in which countries. On the contrary, it seems likely that the multinational corporation provides decision-makers with better information about the most advantageous location of production than was previously available. Components, such as the Ford engine for the Pinto, are produced abroad when they can be made cheaper.

The effects of multinational corporations on the U.S. trade balance are very difficult to estimate, but multinational corporations can hardly be held responsible for import problems in textiles and a number of other areas where the domestic industry has been in difficulty and has sought protection. In most of the areas in which multinational corporations are important, the U.S. has a strong export position.

In any case, the injury to U.S. interests of which multinational corporations are accused by those seeking trade restrictions is not different from others independently claimed as a basis for import limitations and already discussed—e.g., a reduced U.S. trade surplus and job displacement.

The National Security of the United States Requires That Some Industries be Protected

The national security argument is sometimes applied to natural resource products such as petroleum and sometimes to fabricated products such as steel.

In the case of a natural resource product, it has never been satisfactorily explained how a program which encourages the use of domestic reserves rather than the use of the foreign product will assure adequate domestic supplies in case of an emergency. If national security is dependent upon the really domestic availability of large quantities of petroleum, what is really called for is a program of subsidization for the exploration of petroleum reserves in the United States and a program that would restrict domestic production to the levels necessary to keep a domestic petroleum industry operational and capable of sudden and large expansion in the event of necessity.

In the case of a manufacturing industry, such as the steel industry, it is argued that protection is necessary to maintain skills that would be lost were the industries subject to unrestricted import competition. In fact, the wartime experience of the United States, like that of every other country, including England, Germany, and Japan, demonstrates very clearly that human skills and ingenuity manage very quickly to produce whatever is needed in wartime.

The national security argument is also weakened by the diminished likelihood of a large-scale conventional war of long duration. A major nuclear war would be brief and horrible and its outcome would not be affected by the size of particular domestic industries such as oil or steel. Non-nuclear wars restricted to particular regions are unlikely to leave the U.S. cut off from all foreign sources of supply.

Protection for national security purposes is also counterproductive politically and diplomatically. Further action to limit steel imports, for example, would strengthen the divisive forces affecting our relations with friendly countries.

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The national interests of the U.S. lie in the direction of freer trade. The arguments for a contrary policy, it has been shown, are based on incorrect assessments of the facts, draw unwarranted conclusions from true statements of fact, or stress benefits that may be real and important but are either incapable of achievement or can be attained only at large economic and political cost.

The costs include the reduction to the stimulus to innovation, less consumer choice, higher prices, lower exports owing to higher costs and to the exclusion of the U.S. from the growing volume of intra-industry trade, and the deterioration of our relations with friendly countries.

Import limitations involve the use of government power to promote special interests at the general expense.

FOOTNOTES

[1] A. Robock and Simmonds, "How Big Is It—The Missing Measurements", *Columbia Journal of Business*, May-June 1970.

[2] Bela Balassa, *Trade Liberalization among Industrial Countries*, 1967, p. 59.

[3] See U.S. Tariff Commission, *Value of U.S. Imports for Consumption, Duties Collected and Ratio of Duties to Values, under the Tariff Act of 1930, 1930–69*, Feb. 1970, (processed).

[4] The reductions averaged 37 percent, and 20 percent of each reduction went into effect on January 1, 1968. A 7.4 percent cut in an average duty of, say 12 percent comes out to a

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saving for U.S. buyers of imports of less than 1 percent.

[6] Robert E. Baldwin, *Non-tariff Distortions of International Trade*, Brookings Institution, 1970, pp. 165 and 168.

[7] Employment and unemployment figures as of January 1968 and January 1969.

[8] From $240.1 billion to $350.0 billion in 1968 prices (A.I.D., "Gross National Product Growth Rates and Trend Data", April 30, 1970).

[9] GNP estimates from U.N., *Yearbook of National Accounts Statistics*, 1968, Vol. 2. Labor cost comparison from BLS estimates reproduced in House Ways and Means Committee, *Hearings on Tariff and Trade Proposals*, May 11, 1970, p. 215.

[10] Baldwin's estimate for 1966 was $620 million; the markup that year was equivalent to 67 percent of the cost of imported oil. *Op. cit.*, p. 33.

[11] See U.S. Senate, Committee on Finance, *Compendium of Papers on Legislative Oversight Review of U.S. Trade Policies*, 90th Congress, second session, Volume 2, page 501.

[12] See the statement of Raymond Vernon, Joint Economic Committee, Subcommittee on Foreign Economic Policy, *Hearings: Defense Essentiality and Foreign Economic Policy*, 84th Congress, second session, June 4, 5, 6 and 7, 1956, pp. 49–53.

[13] The only exception to the price raising effect of tariffs or quotas occurs when they have no protective effect. If U.S. wheat, for example, is selling at world prices or lower, a quota on wheat imports will never have to be administered and will have no impact on the U.S. price. Few of the claimants for protection, however, would be interested in measures that did not restrict the foreign supply to the U.S. market.

Mr. FRASER. Mr. Speaker, I would like to discuss two of the most immediate dangers of protectionism. The first danger is the fact that we would be acting against our own economic best interests by severely restricting foreign direct investment. Those who support restrictions feel that foreign direct investment has resulted in reduced exports from this country and increased imports from abroad with the result being a decrease in employment among American workers. It is also argued that U.S. companies are locating abroad to take advantage of lower wage rates meaning the additional loss of U.S. jobs.

These arguments have a strong appeal at first glance. But the facts of some recent research indicate otherwise. Rather than having a negative impact on the U.S. economy, foreign direct investment has actually contributed to economic expansion in this country and has resulted in increased employment. The following article appeared in the November 26 Christian Science Monitor and discusses a study on the effects of direct investment overseas. A report on the findings for the Department of Commerce is currently being finalized by a team at the Harvard Business School under the direction of Professor Robert B. Stobaugh:

WORKERS NEED JOB-CHANGE AID

(By Richard A. Nenneman)

BOSTON.—In 1964 a consumer electronics company made the initial investment in Taiwan in a series of moves that over the next five years were to represent an outlay of $6 million for plant and equipment there. A good part of that $6 million represented purchases of U.S. capital goods, and helped the U.S. balance of payments. Right? Right.

In turn, over the same five-year period that $6 million plant supported production worth some $100 million. That production by workers in Taiwan represented jobs lost to workers in the United States. Right? Wrong.

Why? Because in part three, that $100 million in production, which took the form of assembled electronic components, came back to this country and had another $80 million in value added to it for eventual sale.

The company involved had made a defensive move. It did not, contrary to the conventional wisdom on the subject, go to Taiwan just because labor rates were lower there. It went there because its research indicated that within five years its U.S. market for this particular product would disappear if it didn't take advantage of Taiwan.

POTENTIAL LOSS SEEN

Another manufacturer, probably Japanese, would have moved in and done the same thing. The finished consumer product would have been sold in America with a loss to this country of not only the $100 million in production in Taiwan, but also the capital goods investment of $6 million and the $80 million worth of work done here.

This intricate description forms part of an almost finished analysis for the U.S. Commerce Department by a group of professors at the Harvard Business School under the direction of Prof. Robert B. Stobaugh, a specialist in international business (who was for many years a petrochemical engineer abroad). It forms part of a study of the effect on U.S. domestic employment of direct investment overseas by American companies.

The professors have examined nine major investments in nine different industries which together account for the bulk of U.S. overseas investment: oil, chemicals and allied products, electrical machinery, non-electrical machinery, electronics, food, paper, primary and fabricated metals, and rubber goods.

Because the firms involved in the study are all large, it was assumed that each new investment was an incremental one. That is, the company has access to the capital markets and is doing all it finds attractive domestically already; a "no-go" decision on a foreign investment wouldn't increase its domestic activities.

ALTERNATIVES IGNORED

Previous studies of investment abroad have not tried to find out what would have happened if a particular investment hadn't been made, said Professor Stobaugh. A presumption has been growing, however, that U.S. firms, in order to escape high wage rates at home, were farming out production overseas and putting U.S. laborers out of work. But the tentative conclusions of the study indicate almost the exact opposite. They indicate that:

U.S. direct investment abroad creates, rather than destroys, U.S. jobs. But it also heightens the need for adjustment assistance for U.S. workers.

The jobs created at home by investment abroad are in an above-average income category.

Although the figures are tentative, Professor Stobaugh estimates that from 250,000 to 500,000 U.S. managerial and research and development jobs are in effect supported by U.S. investment overseas.

U.S. direct investment abroad has a positive balance-of-payments effect.

Most direct investment abroad is defensive; that is, it is made to protect a market a U.S. company already has, either at home or abroad.

MOSTLY FOR OVERSEAS SALES

Some 78 percent of U.S. foreign investment goes to serve a local market overseas. Another 15 percent goes to serve a third-market country (although half of such trade is within the Common Market area), and the rest, 8 percent, comes back into the U.S. This latter figure would be only 2 percent, however, if Canadian auto production were not included.

Professor Stobaugh has himself made a study of 350 individual foreign investments by the chemical industry, which backs up his conclusion that such investment is largely defensive. Not a single one of them was made, he said, before the chemical involved was already being produced at the foreign location.

Almost all foreign investment is done by oligopolistic firms. A firm starts as a leader in its industry and tries to defend an eroding position.

An example of this, says Professor Stobaugh, was the decision of an auto company to make a $16 million investment in the Philippines to save its local market there. If the investment hadn't been made, most likely a German or Japanese manufacturer would have moved in.

By making the assembly plant in the Philippines, moreover, the auto company preserved some jobs here, as the autos were made in knocked-down form in this country, contributed to an export of capital equipment from this country, and supported some part of its managerial and research personnel in this country.

TIRE INVESTMENT STUDIED

In another example, a U.S. tire manufacturer invested $8 million in Canada. Canadian tariffs were keeping out American-made tires. By building a factory in Canada, the rubber company not only kept its market there but also maintained its position with its same auto company clients in the U.S. (If they had begun to switch to some other tires in Canada, this might have been the prelude to a switch here also.)

Other conclusions of the study are that:

Trade restraints abroad, together with the oligopolistic position of many U.S. firms, are the major reasons for a decision to make a foreign investment. Lower labor costs abroad and tax breaks are relatively minor factors.

A foreign investment seldom works out exactly as planned. In almost none of the nine firms surveyed was this so. This seems to be an argument for allowing a company the greatest amount of flexibility.

No firm is a single economic decision-maker. There are many different power centers within an organization, Professor Stobaugh noted, and what happens with a foreign investment sometimes represents the shifting of influence of those centers.

The future is not dim. Although companies typically are defending forward positions, and lose some of their market as others catch up, the strength of the U.S. firm has always lain in its technological lead. Professor Stobaugh pointed out that in one product line after another in the chemical industry the U.S. lead had been lost. However, because of product innovation, the industry as a whole has turned in a strong performance overseas.

U.S. firms need to invest abroad to reap the full benefit of scales of economy which in turn support their R&D spending. Without this support, U.S. industry would gradually fall behind foreign competition.

JOB ADJUSTMENT STRESSED

Perhaps the most important conclusion of the report will be that the U.S. worker needs drastically more adjustment assistance. "The most important industrial problem facing the U.S.," said Professor Stobaugh, "is the adjustment of jobs. A young person learning a job when he is 18 may not have it by the time he is 28."

He noted that back in 1954 at the time of the Randall Commission's report (President Eisenhower's Foreign Economic Policy Commission), David J. McDonald, then head of the United Steelworkers, had asked for adjustment assistance. His plea, however, was voted down by all the other members of the group.

Professor Stobaugh also discussed balance-of-payments statistics. He feels they are an inadequate measure of what is actually transpiring among the nations of the world. There was, for instance, an increase of $7 billion in retained earnings abroad last year. But what is retained abroad doesn't show up in the figures.

Yet that $7 billion represents an increase in U.S. economic strength and in corporate liquidity overseas that suggests the opposite of the actual payments figures. Professor Stobaugh questions, with the operations of U.S. business abroad so complex and the returns to capital and labor in this country so intertwined, whether we have the ingenuity to construct a "true" balance-of-payments statement.

The Harvard study is not pessimistic. If the U.S. has to work harder to stay ahead, by implication the study says this can be done. But it will require more dynamic action in helping the U.S. labor force adjust to new jobs.

Professor Stobaugh's findings are supported by the results of a recent survey of member companies by the National Foreign Trade Council. Section III of their report is a summary analysis of their findings and includes several case studies:

III. SURVEY ASSESSMENT OF CLAIMS

Several U.S. Labor groups and others have made three major claims concerning the impact of U.S. foreign direct investment on U.S. labor, trade and the balance of payments as follows:

1. Direct investments overseas promote production and employment abroad at the expense of U.S. exports and employment of American workers.

2. Advanced technology is rapidly transferred abroad to countries having lower labor costs where it is incorporated in products which are then exported to the United States.

3. All of the foregoing is damaging to the U.S. balance of payments.

These claims are implicit in legislation recently introduced in the Congress which would:

(a) alter the taxation of income from foreign affiliates with the intention of removing the existing "tax incentives" and impose new taxes on royalty income;

(b) impose new controls over the outflow of capital for foreign direct investment;

(c) impose controls over the outflow of technology;

(d) establish a new agency to impose quotas on imports so as to achieve "industrial self-sufficiency" within the United States;

(e) affirm the purpose of insuring "that the production of goods which have historically been produced in the United States is continued and maintained. To the extent that production of such goods has been transferred abroad, it is the intent of Congress that this production be encouraged to return to the United States."

NFTC member companies having foreign direct investment were surveyed to determine whether the claims are valid in the light of their experiences. In asking for current information in narrative form, including quantitative data if possible, respondents were requested to include a statement of the reasons for deciding to invest abroad; the effect that such investment decisions have on employment in domestic manufacturing facilities; whether the transfer of technology results in low-wage imports; the long-term favorable effect, if any, on jobs because of widened export opportunities resulting from the establishment of manufacturing or assembly operations overseas; and the impact of such investments on the U.S. balance of payments.

The claim that foreign direct investment causes a reduction of exports and a loss of U.S. jobs can only be supported if both of these events occur as a result of the investment having been made. If either of these results has not occurred, then the *a priori* case of Labor is in doubt. What is then required to be shown, but cannot be, is that exports would have been higher in the absence of investment, which implies that the investment did not stimulate exports; or that employment would have been higher but for the production abroad, implying that the new situation involving the investment abroad did not create *net* new employment.[1]

The NFTC survey found that both U.S. employment and exports in responding companies have generally risen. The findings support the conclusion that foreign direct investment tends to expand trade and create employment in the United States, even though this may involve some shifts in the structure of employment in this country. The evidence, moreover, indicates that such shifts as they occur are likely to be toward industries of higher technology.[2]

EXCLUDED SECTORS

To clarify the applicability of Labor's argument it is first necessary, however, to break down the structure of foreign investment among industry sectors. For many of them, exports from the United States are simply not a relevant alternative, since in such sectors there were no exports beforehand. They must be excluded, therefore, from the claims of Labor: They constitute a large segment of foreign direct investment, including activities ranging across the sectors of extraction, materials processing, construction materials, packaging, pharmaceuticals, services, items of high transport cost relative to value, marketing activities, and a variety of items not produced in the United States at all. The total of these sectors amounts to 75 per cent of outstanding foreign direct investment emanating from the United States.

Investment in extractive operations abroad cannot substitute for U.S. exports since the objective is to obtain materials that do not exist in the United States in sufficient quantity; these materials are exported to world markets or, as needed, into the United States to supply materials for industrial output. Without such an inflow of materials, a large number of U.S. jobs would be lost. In addition, a substantial number of jobs are created by the supply of such operations with U.S. machinery and materials: for example, lubricants that cannot be produced locally in the host country.

The further processing of such raw materials as minerals and timber abroad requires investment and creates jobs there, but it cannot be said to take jobs from U.S. labor. U.S. enterprise can hardly claim the right to process foreign materials in the United States; each resource-exporting country will rightfully demand to process as much of its raw materials as it can economically. Again, even this type of investment—as with processing bauxite into aluminum—creates jobs in the United States for the export of equipment and the fabricating of aluminum into final products; moreover, U.S. exports will rise to countries that are richer because of their own processing or fabricating of aluminum products.[3] The same argument applies to oil, copper, manganese, etc.

Basic construction materials such as cement, brick and stone, roofing, paints, and glass enter very little into trade. In contrast to lumber, the raw materials for these items are relatively abundant in each country and local production is much cheaper than imports.[4] Wood is not always available or is too high-cost to compete with imported supplies. Foreign investment in these areas must also be excluded from the criticism of so-called "runaway plants."

Footnotes at end of article.

Similarly, investment in the packaging industry abroad does not reduce U.S. exports simply because this is not a sector which can export significantly. Empty tin cans, bottles, and even corrugated board take up too much space to be economically exported. However, the materials for such containers and corrugated board can be exported, and such exports were reported to be substantial creators of U.S. jobs.

Pharmaceuticals constitute another area in which export is often prohibited by governmental inspection regulations rather than by import restrictions or transport costs.[5] Governmental inspection of drugs must take place during the process of their production in order to certify purity and safety. Local production is, therefore, required. Again, it is feasible in some instances, but not always to export some of the bulk chemicals or ingredients. The United States imposes even more stringent regulations on the manufacture of drugs than do other countries; consequently it is difficult to argue against similar regulations in other countries resulting in the need for local manufacture.

Investment abroad in the service sector does not imply a loss of jobs in the United States. Only local banks can serve local customers. Similarly, hotel services, consulting services, insurance, accounting, etc. can be effectively provided only from local offices. The United States itself has regulations concerning the operation within the U.S. economy of foreign banks, foreign insurance companies, shipping companies, etc. If a U.S. company wishes to do business in a foreign country in the service sector, it has to "go local."

Finally, marketing and the setting up of distribution facilities necessary to foreign operations cannot be accomplished from within the United States. This requires the provision of warehouses, trucking and other distribution facilities, as well as advertising and sales functions. Thus, a significant portion of foreign direct investment required for these purposes would have to be expended anyway—even where there is successful exporting.[6]

All of the foregoing sectors which should be excluded from the claims of Labor have one of two characteristics. Either the operation involved could simply not be undertaken in the United States or the transport costs involved in moving the U.S. product or service abroad are too great in relation to their value.

There is a final type of activity abroad which does not fit the above categories but must also be excluded from Labor's claims, namely, the type of activity in which items are manufactured abroad for local preferences but are not produced in the United States. Some examples are detergents having qualities not desired by U.S. users; automobiles which do not satisfy U.S. needs or desires; foods which satisfy local tastes; tropical drugs; and "stripped-down" refrigerators.

RATIONALE FOR FOREIGN DIRECT INVESTMENT AND ITS IMPACT ON U.S. EMPLOYMENT AND EXPORTS

It is essential to any appraisal of the validity of the claims of Labor and others to examine the rationale of direct foreign investment. The term "rationale," as used herein, means the reasons or motivations which result in a decision to invest or reinvest abroad and the beneficial or negative effects that such investments can have on an enterprise.

The reasons for investing abroad most frequently mentioned in the responses to the survey (without attempting to rank such reasons) are as follows:

(a) to jump tariff and import barriers and regulations, including local-content regulations or a requirement that local exports be made in order to receive an import license;

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(b) to reduce or eliminate high transportation costs;
(c) to obtain or use local raw materials;
(d) to obtain incentives offered by host governments;
(e) to maintain existing market positions;
(f) to participate in the rapid expansion of a market abroad;
(g) to control quality in the manufacture of specialized products;
(h) to follow customers abroad;
(i) to follow a competitor abroad;
(j) to obtain foreign technical, design, and marketing skills;
(k) to bid on foreign infrastructure projects.

Low labor costs were not mentioned as a factor in the decisions save in a very few instances; even if they exist—as they do in almost all countries compared to the United States—they are not decisive. Rather, low labor costs have existed for some time as between countries without inducing a significant movement of U.S. capital, technology, and management. It has only been since the rise of internal markets to levels making local production possible on sufficient scale or the reduction of trade barriers which opened the world market that factor movements have occurred in significant amounts.

In many cases, the investment abroad has been in an industrial sector that is not labor-intensive but capital-intensive. Since the affiliate uses U.S. processes, it does not gain from the fact that labor may be cheaper.

The experience of almost all of the companies responding to the survey shows that the existence of a manufacturing, sales and distribution facility in a foreign market results in increased exports of more sophisticated products which are only still being made in the United States, or of other products of a company's manufacture, many of which the company had been unable to export previously.

The following excerpts taken from responses deal with matters considered in this part of Section III;

CASE 1—"[Our company] had never been able to penetrate the market, despite the fact that Australia is an important minerals country. Chief reason was that equipment could be imported from the UK either duty free or at a Customs rate of 7½%. Duty on U.S. made machinery was 55½%. Australian mining firms often visited us in the U.S., informed us they liked our product and would buy it if we manufactured it in Australia, thus avoiding the import duty. We finally agreed and have built a good business." (Heavy tool company)

CASE 2—"We have found that the acquisition of complementary product lines and new technology in foreign countries frequently stimulates our domestic U.S. manufacturing and sales activities because it provides new products to be manufactured and sold in the United States." (Industrial products company)

CASE 3—"Without our international operations, it's doubtful that our export situation would be as favorable, and of course, our current favorable export picture is an affirmative factor in our U.S. employment.

"In the interest of brevity, I will list only one other example of how our international operations benefit the entire company. [This firm has] research and development facilities in England, France and Australia in addition to our main laboratories in the United States. From our international laboratories have sprung ideas resulting in products which have been—and are—produced in our U.S. manufacturing plants. For example, the research laboratory [in] France, developed a new [product] which is now being produced in this country.

"The global interaction of our research plays a key role in producing the ideas and insights that lead to the new and improved products found on today's U.S. production lines. So, too, will our worldwide research effort spark the breakthroughs of tomorrow." (Consumer products company)

CASE 4—"[We] established [a plant] late in 1954, . . . currently employing approximately 230. This plant was established primarily to serve the Eastern Hemisphere at a time when Sterling Bloc Exchange restrictions were limiting sales of U.S. manufactured products in U.S. Dollars. Two of our major competitors took similar steps resulting in plants in England and The Netherlands. Factors which did influence our decision to locate in Northern Ireland were concessions granted by the Government of Northern Ireland, and a readily available work force at low cost." (Tool company)

CASE 5—"A chemical fertilizer plant was constructed in a developing country to supply the local market, primarily through contract sales to the government. The choice of this location was based on the following factors: the fertilizer industry is completely controlled by the local government, which was determined to establish local production facilities, with imports strictly controlled; the plant could be integrated with the Company's local feedstock production and the investment generated considerable good will for the Company in that country, thereby benefiting its other operations there. There was no alternative to local investment to serve this market. Wage rates were not a factor in the decision." (Petroleum company A)

CASE 6—"A large steamcracker was established in a European country to produce ethylene for sale to a local plastics manufacturer. The European location was chosen for the following reasons: infeasibility of serving this market from the U.S. because of high transportation costs; the contract customers and the spot market for the output were located in this particular European country; customers were interested in security of supply; the local government would not permit raw material for its plastics industry; and the minority partner in our petroleum affiliate in this country would not be content to allow supply of a petroleum-related product to this market from a 100 percent-owned Company affiliate which was offshore. Wage differentials were not a factor in the decision to locate in this country." (Petroleum company B.)

CASE 7—"In building overseas production facilities we have found that although export of the specific finished product probably decreases (which would happen under these conditions anyway), overall there is actually a gradual net enhancement of total exports. This is because export of the more sophisticated types or grades of product lines, for which the local production facility is usually not designed to supply, begin to grow even more rapidly as a result of our being a local producer. Again, we have found that simply through our physical presence in these foreign markets, and with a stronger, more effective local organization, we generate additional U.S. export sales for the corporation frequently unrelated to the product being manufactured in that country. Finally, export still generally continues with raw or semi-finished material being supplied to the foreign plant in partial replacement of finished product export. Under these conditions, if exports are higher than they otherwise would have been if a foreign facility is going to be installed anyway and we did not install it, it seems obvious that employment of American workers must have benefited." (Industrial products company.)

CASE 8—"Our experience is directly to the contrary. We started our active manufacturing program [abroad] in 1965 and between then and 1970 our products manufactured overseas increased by 159%. However, it is our experience that operating a plant overseas increases export business from the United States in other products, and it is significant that our export sales from U.S. plants increased by 171% during the same period." (Electric supply company)

CASE 9—"Between 1960 and 1970, our overseas manufacturing employment rose by 140%, whereas our exports from the U.S. increased 750%, consisting of the more sophisticated, higher-priced equipment plus material inputs for assembly overseas." (Office equipment company)

CASE 10—"We have increased our U.S. exports since 1935 from $817,000 to $19,146,000, with a corresponding increase in employment for exports; this would not have been possible in the absence of our overseas manufacturing facilities." (Pharmaceutical company)

CASE 11—"These statistics have been taken directly from our corporate records:

[Dollar amounts in millions]

	1961	1970	Increase
Exports:			
To affiliates	$1,046	$9,993	$8,947
To others	13,164	22,848	9,684
Total exports	14,210	32,841	18,631
Employment:			
U.S.-based	35,537	52,239	
Foreign operations	9,200	18,004	

"Of the total foreign employment shown for 1970 over 90% represents foreign jobs already existing at the time [the firm] acquired its ownership interests in the foreign affiliates, and the remainder reflects normal growth of the foreign countries' economies.

"Of the U.S. based personnel, we estimate that non-U.S. business provides employment for the equivalent of between 1,500 and 2,000 full-time employees. That takes into consideration the production of ware for export, export marketing activities, servicing foreign technical assistance and licensing arrangements, and U.S.-based personnel concerned with our foreign affiliates' operations.

"As the statistics indicate, our investments in foreign affiliates definitely have had no adverse effect on export sales. To the contrary, most of the over $52MM total export sales to our affiliates during the 1961–1970 period would not have occurred if [we] had not made the investments. In the period 1964–1970, exports of our machinery and equipment alone totaled over $32MM; prior to [our] investing overseas, such exports were insignificant. [Our] investments have been made only where [our] export markets had been or were about to be lost irretrievably, or where it was not economically feasible to supply the foreign markets through U.S. exports. The major limiting factor on [our] exports is the high freight sensitivity of most [our] products.

"To complete the picture of our operation: Imports—From foreign affiliates—Less than $100M for the entire period 1961 through 1970. Income from foreign affiliates, after foreign taxes but before U.S. taxes $1,186M to $12,095M." (Industrial products company)

CASE 12—"As a result of investments abroad, our marketing position has been strengthened and our sales have grown substantially around the world. Far from reducing exports of American goods, these have grown from $7 million in 1961 to $70 million in 1970. U.S. labor has produced approximately $5 million worth of machinery shipped abroad and installed in our plants, a practice we expect to continue." (Electrical equipment company)

CASE 13—"During fiscal 1969, corporate orders totaled $344 million. 30.5 percent of these, or $105 million, were received from customers outside the United States. $80 million, or approximately three-quarters of the international orders, were supplied from U.S. production. The remainder was supplied from three factories located outside the United States—two in Western Europe and one in Japan. Exports of finished products from our U.S. factories provided more than 3,000 jobs here in the U.S. Our foreign factories produced a total of $25 million worth of goods. Over 25% of the value of the goods manufactured abroad consisted of components and sub-assemblies manufactured in our U.S. factories. This provided an additional 300 jobs here in the U.S." (Industrial equipment company)

CASE 14—"The most interesting situation now is that we find we are exporting [our] foods in substantially greater quantities than we were in 1959, even though we do not export our products to the countries or areas mentioned in the earlier part of this letter.

"Actually, our export volume today allows us to operate such plant approximately 16 to 18 workdays per year. Back in 1959 when [the] plant did not have the high speed, efficient operation they enjoy today, our export volume would have accounted for operating that plant only some 4 to 6 workdays per year." (Food company)

CASE 15—"We have enjoyed very many years of product distribution in countries throughout the world. As an area example, fifteen years ago our brand of foods had a dominant share of the market in ten Latin American countries. Today, we are excluded from eight of these same ten countries which once were primary markets for our products. In the ninth country, we have survived simply because to manufacture there. After years of primary marketing investment, these countries were foreclosed to us by trade restrictions.

"In the example of the one country where we now manufacture, a wall of trade barriers had been built before we decided in favor of local manufacture and, so, the sales we now enjoy in that ninth country are not a transfer but, rather, business that could not have been shared from a U.S. base of supply.

"Industries differ one from another and what holds valid for one business may not be applicable to another. Because of the efficiency of American agriculture and the U.S. food industry, American processed foods are generally lower costing than anywhere else in the world. In our particular experience, we can pack our products and deliver them to practically any country at less than the same product can be locally processed. Since, therefore, countries are closed to us through trade restrictions, any decision for local manufacture is not one of choice but, rather, one of necessity for survival in the local market. It is not a matter of a transfer or loss of U.S. sales.

"Some ingredients used in our overseas manufacture are supplied from the United States and food processing equipment installed in the plants is of American origin, adding to the country's exports.

"As a matter of record, although we presently manufacture in many countries outside the United States, our export sales are at an all time high. Even in the countries where we have local production, we enjoy some supplemental export sales from the U.S. that probably would not have survived without the catalyst of our local manufacture and marketing operations." (Food company)

CASE 16—"During the past few years we have secured two major contracts in Scandinavia, one in Africa and one in Australia for iron ore processing facilities. Because of tariff and import barriers, local content requirements and financing and currency preferences on the part of the buyers, none of these jobs would have been awarded to a U.S. bidder for equipment manufactured in the U.S. and calling for payment in dollars. In fact, such bids were unacceptable to the buyers. By arranging for the manufacture and supply of most of the equipment in Sweden, Australia, Germany and the United Kingdom, and thus making it possible for the customer to pay the major portion of the job in local currencies, [we were] able to participate in this business. Roughly speaking, I believe we could estimate that the total value of U.S. equipment and services required for these contracts if manufactured in the U.S. could have amounted to approximately $24,000,000. Keep in mind that had we pursued the policy of bidding on the basis of U.S. manufacture, the net resulting business would have been zero. Nevertheless, by proceeding in the manner generally described above, [we] received somewhere in the neighborhood of $4,500,000 to $5,000,000 (roughly about 20% of the U.S. equipment and services value) as payment for engineering services, know-how fees and certain special parts and components of U.S. manufacture all of which, I repeat, would have been lost had we insisted in offering U.S. manufactured goods." (Machinery company)

CASE 17—"The question of labor rates overseas has played virtually no role in our overseas investment policy. Our foreign production is mostly for sale within the country of manufacture, or to neighboring countries such as in the European Common Market. Just as wage rates vary from country to country, so do prices. There are other factors which are far more important in deciding to build or buy a plant overseas, such as the market. Wage rates are important only in calculating total cost and profitability of an overseas venture, generally." (Chemical company)

CASE 18—"The majority of our products are material, rather than labor, intensive. Therefore, low-cost labor has not been a significant factor in our overseas manufacturing program. Our factories abroad were established primarily to maintain and extend our competitive position within the three major world markets or free trade areas. In general, we tend to manufacture our less sophisticated products in these factories, products for which there is considerable local competition. Although we manufacture a relatively small portion of our total product line abroad, we find that in each country in which we do manufacture, we gain the advantage of a local identity which substantially increases our total imports of U.S. products in that market. Without local production, the addition of import duties to our U.S. products would severely reduce our competitiveness and, thus, most of this important volume of business and all the U.S. jobs it provides would be lost." (Industrial products company)

CASE 19—"We would not be able to compete in overseas markets unless we produced locally. The labor content of our cost of goods sold is no more than 10% and the benefits enjoyed through these additional overseas payments and profits for override any possible theoretical loss to American labor." (Industrial products company)

CASE 20—"We have constructed the following table ranking the principle factors in determining foreign investment decisions, for your interest—ranked 1 (most important factor) to 5 (least important factor):

	Canada	Other Western Hemisphere	Western Europe	Far East	Rest of world
Trade restrictions (e.g., tariffs, quotas, non-tariff barriers)	2	4	1	1	4
Investment regulations (e.g., local content requirements)	4	3	5	5	3
Market demands	1	2	2	4	2
Labor cost advantage	5	none	4	2	none
Other factors—investment climate	3	1	3	3	1

"Nor have our foreign investments detracted from our domestic investments. We have expanded as fast as markets, funds and management have permitted in both the United States and overseas in general.

"Nor have our overseas investments had any significant adverse impact on United States exports. On the contrary, they have been beneficial through purchase of U.S. machinery. The markets we have filled would have been filled by other manufacturers, and not by United States exports, for the most part." (Chemical company)

Case 21—"In developing our response, we have analyzed each foreign investment we have made. . . .

"Japan—To enter into the Japanese consumer products market the only choice we had was to manufacture locally. High transportation and insurance costs made it practically impossible to compete with local firms.

"As a consequence of having a base in Japan [we have] gained export sales of other products that otherwise we would not have.

"India—India's foreign exchange laws precluded sales into that country, so that direct investment was the only choice. The difficulties of exporting from the U.S. into India meant that we had no sales in that market till we invested there, since most of [our] products fall in the 'luxury' category as far as import laws are concerned. It is obvious that when one has no export sales, one similarly cannot employ U.S. workers to manufacture for export.

"Pakistan—As in India, Pakistan's foreign exchange laws make it practically impossible to export products from the U.S. into Pakistan. Further, the only way to meet competition from Eastern European countries is to manufacture locally. Prior to investing, [we] did not sell in the Pakistan market.

"Argentina—Being a country that needs to protect local industry, Argentina has established tariff barriers for most products. In addition to that, the distance from the U.S. is another important factor in the cost of exporting. Therefore, we chose to invest in a manufacturing subsidiary.

"Some of the products we manufacture in Argentina are also very service sensitive (bottles, for example), making export sales impossible to sustain. Others, like ampules and flasks, [we do] not manufacture in the U.S.

"Investing in Argentina did not represent any loss of export sales or transfer of jobs abroad because neither before or after investing had [we] exported to that market.

"Brazil—The move to Brazil was forced by the establishment of a foreign competitor (non-U.S. company) in that country. Had we not moved we would have lost the total market of which we now hold a good share.

"As a result of not losing the total market, we have been able to export parts and components to the Brazilian subsidiary.

"Mexico—Basically the reasoning for moving into Mexico was the same as to Brazil. However, in this case the Mexican government placed restrictions allowing only one [product A] manufacturer to enter the country.

"By manufacturing locally [we were] able to capture the whole market. Had we not entered Mexico, the competitor, who in this case was also a non-U.S. company, would have gotten the whole market. By doing so, [we] maintained the export of U.S. manufactured additional parts to Mexico.

"An investment in a laboratory glass operation was due to competition from Argentina, which has preferential tariff treatment in Mexico. Without the local manufacture, we would have lost the entire market. As in [our other] operation, [we were] able to maintain export of parts and components to supplement the local manufacture.

"England and France—Local competition as well as imports from other European countries with preferential tariff treatment forced [us] to invest in those countries.

"Export of supplementary parts from the

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U.S. were kept by having a share of the market.

"England—By acquiring an instruments company in England, [we] increased [our] export sales of similar products by marketing them through this company's distribution network. In addition to that, [we] acquired new technology that will be used in the U.S.

"France—With the advent of EEC, our U.S. position weakened relatively to EEC countries. This forced [us] to make direct investment in France to be able to compete with European companies, particularly on [product A].

"[Certain] products . . . have strong local competition that cannot be met by exporting from the United States.

"We have maintained strong exports of [product A] to our subsidiary in France.

"Netherlands—Tariffs on imports of finished products made it necessary for us to put a finishing operation in Netherlands. With that [we have] kept the market through exporting the semi-finished product from the United States for finishing in Netherlands." (Manufacturer of glass products)

CASE 22—"We would prefer to supply foreign markets directly from our U.S. plants. If so, we could better utilize our existing capacities; more easily and cheaply raise the capital for investments and at the same time minimize the risks; increase employment; etc. However, the decision to manufacture abroad or export from the U.S. is largely dependent on outside factors rather than on our preference. This is documented by the following few examples:

"In the case of [product A], some of our customers, the local vehicle producers and/or assemblers, who often are the subsidiaries of U.S. vehicle manufacturers, want to assure themselves of a steady supply of [product A] and require, therefore, local production. We must comply and build a plant in the country in question. If we do not, our competitors, Americans or others, certainly will.

"With rising vehicle population everywhere, many governments include a [product A] factory in their national plans. Our Company is often approached by such governments, government agencies, or private organizations and invited to build the plant. If we are reluctant to establish a manufacturing facility, the government signs a contract with our competitor. As a rule, if we do not build a local facility, we lose the country as an export market as soon as local production begins because higher tariffs and other trade restrictions are established to protect the new facility. The local market is often closed to imports, except for [certain] products not produced locally. These products may be brought in by the local manufacturer if a part of a multinational company.

"A similar situation concerns our major plastic material [product B]. The established versatility of this [raw material], of which we are the major producer, lures many governments and private investors into establishing production facilities for this material locally. In some cases, however, the lack of an adequate supply of raw materials needed for production of [product B] permits the establishment of compounding facilities only, while the [basic ingredient] is exported by us from the U.S. Here again, should we fail to build a local plant, our competitors would undoubtedly do so and we would lose our exports to that market.

"All of these factors have enabled our Company to continue improving our export levels from the U.S. During the past decade, 1960–1970, tonnage exports of our plastic materials almost tripled. Our exports of other products during the same period increased by 35.6 percent. A growing portion of these exports went to our subsidiaries—from 16.3 percent in 1960 to 35.5 percent in 1970, for a total increase of 194.8 percent. These percentages reveal the importance of our manufacturing subsidiaries abroad to our exports from the U.S. Many countries permit us to export from the U.S. only because we have a local manufacturing facility but do not produce all types of products locally. Otherwise, we would be excluded from that market." (Supplier to automobile industry)

CASE 23—"As a pharmaceutical firm, engaged primarily in the manufacture and marketing of ethical drugs, we have been subjected to increasingly strict regulatory procedures and economic pressures in almost every country in which we operate. Some of the restrictions we have encountered have been legitimately inspired by serious concern for the medical welfare of nationals. Others have been motivated by the desire to reduce imports, to favor national raw material suppliers, to favor locally-owned industry, to attract research to within national boundaries, and the compel the transfer of technology to nationals.

"There follows a representative, but by no means inclusive, listing of some of the problems we have encountered:

"a. A country insists that a local raw material be used. The borders are closed to any finished product which contains this ingredient. The raw material differs chemically from that used in the domestic (U.S.) product. Decision: Manufacture the product locally.

"b. A country enacts a law declaring that if a patent-protected product is not manufactured locally, the patent rights may be ignored and the product may be purchased from patent infringers. Decision: Manufacture locally.

"c. A country with a comprehensive social security system which includes the provision of free pharmaceuticals decrees that the 'lowest bidder' on a tender for a pharmaceutical is the in-country producer whose bid is no more than 10% higher than the lowest tender for the imported product. Decision: Manufacture locally.

"d. A country decides that no foreign enterprise may be more than 55% foreign-owned. The only suitable local minority partners insist that their own manufacturing facilities be utilized to produce some products as part of the partnership agreement. Decision: Manufacture locally.

"e. A country, by law, stipulates that finished goods of a company may be imported only if that company is engaged in some local manufacture. Certain finished goods which are widely accepted cannot for technological or cost factors be manufactured locally. Therefore some products must be locally manufactured to permit the import of others. Decision: Manufacture locally.

"f. A common market organization establishes tariffs for pharmaceutical products entering from outside the market and eliminates tariffs within its boundaries. Price competition within the boundaries is very strong. Decision: Manufacture locally.

"The results of these pressures and the subsequent decisions to market locally include:

"a. Each year the volume of goods manufactured abroad increases; each year the dollar and unit volume of goods exported from the U.S. to company subsidiaries increases.

"b. While much of the volume increase in exports is in intermediates, the absolute volume of finished goods exported from the U.S. has also increased each year. Since 1952, when export sales amounted to less than 4% of total corporate sales, through 1970, when international sales amounted to 33% of total sales (sales five times as great as in 1952), the Company has established [many] overseas subsidiaries and has built manufacturing plants in [various] countries with additional manufacturing plants currently under construction.

"c. Sharply increased exports of intermediates has created highly-skilled jobs within the U.S.; the increase in export of finished goods has created new unskilled, semiskilled and highly-skilled jobs in the U.S." (Pharmaceutical company)

CASE 24—"For the five year period 1966–71 our foreign investments can be grouped into three categories:

"A. Investments which by their nature have no impact on U.S. exports: purchase of land, construction of office buildings, replacement and modernization of existing facilities, creation of business operations for products inherently foreign which could not be exported from the U.S. in any case.

"B. Foreign investments which actually increase exports of U.S. made products such as marketing and support service operations, warehouses and distribution networks.

"C. Foreign investments that *theoretically* substitute for U.S. exports.

"During this five year period the total foreign investments were about $160 million of which Groups A & B accounted for 65% and Group C 35%.

"In the description of Group C items 'theoretically' is emphasized in defining the category as including investments for the production of products that substitute for U.S. exports. In reality none of the investments in this group were substitutes for U.S. exports. As a firm policy, we invest abroad in local facilities to supply host country markets only when these markets cannot be supplied from U.S. sources. There are many reasons why U.S. exports cannot be sold at a profit in specific markets; actual prohibition against them by quotas, exorbitant import duties, non-tariff barriers, host government subsidies to local producers, etc.

"As a matter of fact, the Group C investments almost always assist U.S. exports through:

"a. export sales of capital equipment needed to establish manufacturing capabilities; and/or

"b. continuing export sales of raw materials and components used by the foreign facilities in assembling the end products." (Electrical machinery company.)

CASE 25—"Exports of $35,000,000 in 1970 compare with $4,000,000 in 1961—11½ percent of sales over $300,000,000 in 1970 compared to 3 percent of 1961 sales of $133,000,000—and now equal foreign sales from affiliates abroad." (Equipment company)

CASE 26—"We suggest that the path followed by American management of establishing local production facilities which would 'pull' exports of U.S. goods has proven to be for the benefit of U.S. industry and its production employees in the U.S.

"In our company the benefits received by our production employees in terms of full and expanded employment as a result of the development of our international business is striking. In 1935 when our company started its international expansion program we had export sales of $817,000. By 1970 our export sales had reached the figure of $19,148,000. The number of production employees engaged in producing goods for export has increased substantially over this period.

"The significant increase in export sales by our company in the years since 1935 could not have been accomplished without our foreign operations, including our overseas manufacturing facilities." (Drug company)

CASE 27—"Summary of U.S. Exports to Wholly-owned Subsidiaries, Joint Ventures, and Licensees

[In thousands of dollars]

	1955	1960	1965	1970
United Kingdom (A)	250	250	2,226	4,221
United Kingdom (B)			493	2,302
Germany	25	121	1,892	2,407
India	252	1,181	1,722	1,224
Japan	100	278	512	3,174
Mexico	2,307	4,542	6,259	9,869
Total	2,934	6,372	13,104	23,197
Employees	98	212	437	807

"[The firm's U.S.] sales per employee are approximately $30,000 per year. Consequently, whereas in 1955 some 96 [U.S.] employees were engaged in sales to the countries listed above, in 1970, 773 employees were engaged in theee exports, an increase of 675 employees (689%)." (Industrial products company)

CASE 28—"With a local manufacturing approach, however, we were able to continue exporting to our subsidiaries in these areas components from U.S. production which are included in the local production and in addition, we are still able to export certain types of completely assembled units from the U.S. to those areas, which would not have been possible had we not been physically present in the area.

"The total international volume of our company outside of North America amounts to over 20% of the total corporate volume (approximately $400 million in 1970). Our international volume has increased more than five times during the last nine years. Our growth in the foreign field has been possible only because of the increased investment we have made in foreign manufacturing. At least 30% of our total international volume is composed of components which are shipped from our U.S. manufacturing facilities." (Industrial machinery company)

CASE 29—"In many cases we must manufacture consumable supply products abroad because borders have been closed against import; this enables reliable support with quality supplies of those U.S. machines assembled locally from parts or those models which may have been imported fully assembled where quality and reliability may outweigh price considerations. This again is strategy to preserve maximum demand for U.S. made products.

"Obviously, if we do not choose to fully satisfy a market potential, someone else will fill the vacuum; and all our export business will go by default." (Electrical equipment company)

CASE 30—"When we manufacture abroad, we manufacture the standard items that are typically manufactured less expensively. We need a sales force to sell these products abroad. This same sales force sells special products and new products which are manufactured in the United States and which cannot be manufactured economically in the foreign country. Without the foreign subsidiary sales force, very few of these products would ever be sold. Historically speaking, we export more, in relation to the size of the market, to countries where we have subsidiaries than to contries where we do not.

"Since the foreign country subsidiary handles all the sales and administrative functions, and provides all the local standard threads and adapters, we are able to ship standard U.S. made products to the foreign subsidiary at a lower price than we could sell a customer. Thus where economic advantages due to long production runs do exist in the United States, we are able to supplement our foreign manufactures by exporting those products.

"The net result of this program is that over an 8-year period our exports have increased from $4 million a year to $6 million a year; our foreign sales have increased from $12 million a year to $46 million a year; and our imports have fluctuated below the $1 million a year level, with no trend being apparent at the present time." (Electrical equipment company)

CASE 31—"In all instances, we find that the existence of our own manufacturing facilities in a foreign country enhances the ability to export into that country from the U.S. high technology and specialty items which cannot be produced efficiently in the foreign country. We have enjoyed a steady growth in our exports of such products for several years.

"We make a substantial volume of intermediate products which are incorporated into a wide variety of finished items. A major portion of these intermediates are made in the United States which is the primary source of supply for our foreign subsidiaries. Without manufacturing facilities in foreign countries we would be at a serious disadvantage in maintaining the high level of production of such intermediates in the United States. We have considerably expanded our facilities here in the past 5 years for production of such intermediates." (Industrial products company)

CASE 32—"In light of these many investments over the last 15 years, our domestic operations have received direct benefits through our overseas affiliates. In every case, a door has been opened for the sale of domestic products or raw materials, either through [our] sales offices, sales representatives or licensees abroad. In the period 1962–1970, [our] exports have increased 300% and have been supplemented by our production facilities abroad. (It is important to note that the goods which are exported are not generally the same as those produced abroad.)" (Materials company)

CASE 33—"As a matter of fact, using the new Mexican plant as a base of operations, significant increases in sales of Product Line 'A', manufactured in the U.S. and exported to Mexico, have come about." (Equipment company.)

CASE 34—"Setting up marketing organizations in the different countries resulted in increased exports from the U.S.—from approximately $12 to $15 million in the late '50s to in excess of $65 million in 1970.

"Approximately 20% of our total sales are made in foreign countries. Of this 20%, 30% are exports from the U.S. to a foreign affiliate who makes the sale. Without the foreign affiliate our exports and direct subsidiary sales would be negligible." (Machinery company)

CASE 35—"In 1970, through purchase orders to vendors and materials drawn from U.S. plants, [we] exported almost $3 million worth of components, raw materials and products in various stages of manufacture. This does not include our export sales of finished goods from the U.S. which amounted to an additional $1.17 million. To balance this figure, we imported a total of approximately $126,000 worth of materials and products from abroad." (Toiletries manufacturer)

CASE 36—"Our plant in Holland does not manufacture a complete line, so we supplement it with items from this country. Sales today in Holland are larger than our exports to the Common Market were in 1957.

"The 'foot in the door' to the EEC also gave the company access to some newly independent African nations. The former French colonies are big users of [our product]. Had we not been in the Common Market, our sales there would have been zero—or a drop in the bucket. We had none." (Tool company)

CASE 37—"A distinction needs to be made between overseas investments in marketing affiliates and investments in production facilities. (Our) foreign investment in plant facilities has been made primarily in response to the competitive forces encountered in our overseas markets. As most of the products with which we compete are produced overseas, it has been necessary to secure the same cost advantages they have over U.S. exports. These cost advantages include lower labor and transportation costs and more favorable tariff rates. Without these plants, it is estimated that at least 70% of the sales involving their production would have been lost to competition. That would have meant a loss to the U.S. balance of payments of the profit and royalty remittances associated with these sales and of most of the $30–40 million in assembly parts exported annually in the last few years. Moreover, most of the 1,500 jobs associated with those exports would have been lost.

"The products produced in our overseas plants support U.S. export sales and jobs in another important respect. They provide a competitive base for selling the more sophisticated products now exported from our U.S. plants through our foreign sales and service organizations. Most of (our) overseas investment is in these marketing affiliates, which develop expanding local markets for our U.S.-made products around the world by maintaining extensive customer contacts and substantial (our) positions in keenly competitive environments. These affiliates supply our U.S. plants with local market requirements for new products. New technologies developed overseas are also incorporated in U.S. products for both foreign and domestic markets. These affiliates were responsible for the bulk of our international revenues, which comprised 45% of total 1970 corporate revenues.

"In 1970, [we] exported $170 million in equipment, parts, and supplies from [our] U.S. plants. It is estimated that over 4,500 jobs were associated with these exports. Without the foreign investments which supported these export sales, many of those jobs would not exist. In 1970, when U.S. domestic demand was sluggish, the 25% increase in our export business took on added importance in providing U.S. jobs." (Office machine company)

CASE 38—"[Our] direct overseas investments have been uniquely tailored to achieve market penetration and growth under circumstances which at least in our estimation would not be possible through direct export from the U.S.

"Perhaps the most clear example of the above statement is our investment in Mexico which was made in the latter part of 1957. Because of the protectionist attitude of the Mexican government toward local industry, importation into Mexico of many of our standard products which we consider the bread and butter items of our offerings were not permitted. Consequently, a market which before World War II had been of some importance to [us] by 1955 had been reduced to virtually a market for replacement parts and some specialized items not at that time produced by our Mexican based competitors.

"In order to re-establish a position in the Mexican market, we did in 1957 establish a subsidiary company in which [we have] a controlling interest and Mexican shareholders a minority position. Our exports to Mexico prior to 1957 amounted to less than $50,000 a year, but in 1970 exports in the form of parts, subassemblies and finished apparatus not currently produced by our Mexican subsidiary or competitors amounted to over $300,000.

"I have not tried to make an evaluation of the production labor hours represented by our exports to Mexico in 1955 versus a similar statistic in 1970. It would be necessary, of course, to state these exports in terms of constant dollars in order to make an accurate comparison. I am positive, however, our costs have not gone up six times in the 15 years and that in fact we have increased employment here in the U.S. as a result of our investment.

"Perhaps the most telling statistic in terms of benefit in our overseas investments is the comparison of U.S. exports in 1957, the year in which we made our first overseas investment—the one in Mexico, with our direct exports in 1970. In 1957 our exports amounted to $1,200,000, whereas, in 1970 our exports amounted to approximately $6,500,000. In the years between 1957 and 1970 [we have] made investments, in addition to the one in Mexico, in Canada, India, South Africa, Costa Rica, France, Holland, Germany, Belgium, Italy, Spain and Sweden. Today over 50 percent of our direct exports are in the form of parts, subassemblies as well as finished apparatus to associate companies in which

we hold either a controlling or minority equity position.

"I cannot state unequivocally that our exports would not have increased in these 15 years had we not made the above mentioned investments. I am positive, however, our exports would not have increased as dramatically if it were not for these investments.

"I would like to cite another case where an investment was made in a market which could not be penetrated by another means. A 49 percent equity investment was made in [a firm in] India which has been operational for three years. Exports of complete apparatus to India are today not materially different than prior to our investment. These exports are to customers which have been customers of [ours] for a good many years. [Certain] products which are sold to Hindustan Aircraft are not manufactured by our Indian associate and are products we have sold in that market for a considerable period of time. We do, however, sell to our Indian associate parts and subassemblies in excess of $150,000 annually—sales which did not exist prior to our investment." (Electrical equipment company)

CASE 39—"From the end of 1960 to date, eight manufacturing installations have been established abroad in Japan, Australia, Mexico, Argentina, Canada, Germany, France, and South Africa.

"Except as noted below, the primary motivating factor in establishing these manufacturing entities abroad was that competition had either already started or was about to start foreign operations with the result that any business which we enjoyed in that territory had either been lost or was about to be lost to a local supplier. In some cases these foreign competition activities were sponsored by U.S. based firms but in a number of cases such as Australia and Japan, local brands, locally owned were established. In other areas such as Germany, South Africa, France, and Australia, local activities—foreign owned—operating under license arrangements with U.S. firms were in operation.

"A second factor which lead to the undertaking of local activities was the limitation of export due to barriers imposed by high duty rates (Argentina 110 percent, Australia 57 percent) and import embargoes (Mexico).

"Results 1960–1971—In the year 1960, the total amount of export business to customers abroad purchasing our completed devices for incorporation into their packages amounted to approximately $500,000. The bulk of these shipments was destined for Europe (primarily Holland, Switzerland, France, Germany, and Scandinavia). The industry had not been developed in Latin America, Africa or the Far East to any degree at that time. Clearly with the establishment of manufacturing facilities first in Germany in 1961, the volume of export of complete units to Europe declined sharply but was continuously replaced by increased exports to other areas notably South Africa, Argentina, Venezuela, etc. Just as had been the case in Europe with the establishment of the German plant, exports declined rapidly with the establishment of local production facilities by competitors. In the case of South Africa, a British owned competitor established manufacturing facilities there and, had we not set up a local production facility promptly, the entire export market and any possibility of supplying the market through local manufacture would both have been foreclosed.

"The loss of market potential is even more dramatically pointed out in the case of Australia. In Australia a local competitor was established which captured more than 50 percent of the total market and a second competitor—a licensee of a U.S. competitor, captured virtually the rest of the market. The result was that exports from the United States to Australia by our firm were less than $5,000 in 1965.

"This whole situation can well be summed up by the statement that if you are not in the local market directly, you will lose the entire market as soon as someone else establishes there. Furthermore, the fact that the industry started in the United States does not give any complete monopoly to United States intelligence and many local organizations have proved themselves capable of competing with or without technical assistance from the United States.

"Despite the fact that large segments of the total world market are now serviced by us with local manufacturing facilities, exports of completed assemblies in 1970 exceeded $650,000. In other words our export activities now center on shipments to other areas than they did in 1960, but are still substantially higher than they were at that date.

"While export of complete units has increased, the supply of component parts to our various manufacturing subsidiaries abroad in 1970 totaled well over one million dollars. In addition to the shipment of component parts and finished units, we have also exported equipment machine tools, and automatic assembly lines to our foreign subsidiaries in a total volume of some two million.

"In summary, if we did not have manufacturing subsidiaries abroad we would still have exported something more than we did in 1960, but the tripling of the 1960 level of exports is due almost exclusively to the fact that we manufacture parts in the United States for shipment to our subsidiary companies thus providing exports which, without foreign subsidiaries would not exist.

"In view of the above it becomes apparent that:

"1. The amount of U.S. labor employed in manufacturing components and completed assemblies for export is substantially higher than it was in 1960.

"2. The fact that some 600 people are now employed in our foreign operations abroad has no bearing whatever on the use or lack of use of U.S. labor since that business would not be available to us or to any U.S. based manufacturer, but for the existence of foreign manufacturing facilities.

"3. Through actual calculations, we have determined that there is no such thing as a 'lower labor cost.' There are lower hourly wages paid in a number of countries in which we are in operation but 'lower labor cost' implies that productivity is of a similar nature to the U.S. productivity figure and therefore, labor cost per unit of production is reduced. This has not proved to be the case. We have found that the cost to produce one unit, i.e. the labor cost, is approximately the same regardless of the hourly wage paid. This is due to differentials in productivity. It must be noted that all of our manufacturing operations abroad are equipped with the same high speed mechanized equipment as we have in the United States. The difference in productivity is due to larger production runs in the U.S.A., shorter 'legal' vacations, better use of work time, lower illness and absenteeism, etc.

"4. In view of the absence of 'lower labor costs' and the presence of higher prices for raw materials, we have found that the cost of production in all areas is as high as or higher than in the United States. It follows therefore, that the export of foreign finished products to the United States exists only in small shipments of specialized items." (Manufacturer of mechanical devices)

With the permission of General Motors Corporation, whose development of its worldwide operations covers a long span of exporting and manufacture, its response is quoted below at length:

CASE 40—"Development of General Motors World-wide Operations.

"The history of General Motors clearly demonstrates that the extension of its operations outside of the United States was never in any way undertaken to the detriment of expanded investment and employment in the United States. Over the period 1950–1970, GM's total expenditures for plant and equipment (excluding special tools) amounted to $14.3 billion, 80.8% of which was spent in the United States. Over this same period GM's total employment averaged 621,400 employees, and ranged from a low of 490,700 in 1952 to a peak of 793,000 in 1969. Employment in 1970 averaged 695,800. The ratio of employment in the United States to total world-wide employment averaged 77.7% over the last 21 years.

"The distribution, service, assembly and manufacturing facilities which General Motors has established and operates outside of the United States have as their objectives the achievement of sales which could not be effected by means of such facilities located only in the United States. The motivation for the establishment and operation of its world-wide facilities has been the challenge of competition for customers for its products throughout those areas of the world to which they are permitted access. The search for markets and not the search for low-cost labor or special investment and tax incentives has been and always will be the dominant factor in determining the location and course of action of its operations around the world. An examination of the evolution of General Motors from its earliest days to present confirms this fact.

"General Motors began competing for sales in foreign markets by exporting fully assembled vehicles from the United States. Between 1911 and 1922, almost all of its sales abroad were made in this way. The largest number of such units exported in this period was about 30,000 in 1920.

"With rising incomes in Europe, motor vehicle demand increased rapidly during the 1920's, rising from about 250,000 in 1921 to around 1,500,000 vehicles in 1929. In unit terms, 1929 represents historically the peak year in U.S. automobile exports. Close to 750,000 U.S. source cars and trucks were sold in foreign markets that year, of which General Motors supplied about a third.

"During this decade of the twenties, European countries were beginning to develop their own automobile manufacturing industries and in doing so imposed tariffs and other restrictions to provide protection against imported U.S. source vehicles. Import duties on fully assembled cars and trucks were generally set higher than those on parts and components for assembly, and local producers had the added natural advantages of location and lower transportation costs from factory to customer. To meet these conditions General Motors, between 1923 and 1928, opened nineteen assembly plants in fifteen overseas countries. By 1929 over 65 per cent of the GM cars and trucks exported from the United States were shipped as parts and components to its foreign assembly plants. Without such assembly plants abroad neither General Motors nor the rest of the U.S. automobile industry could have achieved the high export volumes for U.S. motor vehicles recorded during the second half of the 1920's against intensifying foreign competition.

"By the end of the 1920's, however, it became evident that although local assembly abroad greatly assisted the continued sale of U.S. source vehicles in export markets, the preponderance of demand in the principal foreign markets increasingly would be tending toward product types differing from those required to meet the demands of U.S. consumers. In 1930, U.S. passenger cars in the high sales volume low-priced group averaged 108 inches in wheel base, 180 inches in overall length, 188 cubic inches in engine displacement and about 2,500 lbs. in curb weight. Their average retail price was the equivalent of about 22 per cent of per household national income. In contrast, the most widely sold passenger cars in Europe had an average wheel base of 95 inches, an over-all length of 150 inches, engine displacement of 58 cubic inches, and curb weight of 1,650 lbs. Annual vehicle registration fees and insurance premiums in Europe were sharply progressive in relation to engine displacements. These factors, combined with high gasoline taxes, kept engine sizes small. Even so, the retail prices of such cars, equal to some 70 per cent of per household national income, made them relatively much more expensive to foreign buyers than were the larger, more comfortable and better performing U.S. cars to American buyers.

"These wide gaps in retail prices and operating costs relative to consumer incomes and the great differences in driving conditions between the United States and most other countries accounted for the foregoing differences in product concept and design. Americans who could in increasing numbers afford the larger type vehicle did not accept the smaller foreign type in any significant volume. Thus the United States did not provide the large volume domestic market base required for a U.S. source product to be manufactured on a sufficiently large scale to compete effectively with the smaller vehicles produced abroad to meet the demands there.

"The world-wide economic difficulties of the early 1930's induced extensive distortions in international trade. Industrially advanced countries abroad invoked high tariffs, discriminatory taxes and other measures to protect and promote the domestic market interests of their own developing automobile industries. In the period 1920 through 1924, the four principal foreign automobile manufacturing countries at that time—France, Germany, Italy and the United Kingdom—supplied an average of 75 percent of their domestic demand for automobiles and imported 20 per cent from the United States and 5 per cent from other sources. In the period 1930 through 1935, however, these countries supplied an average of 95 per cent of their own requirements and imported only 4 per cent from the U.S. and 1 per cent from other sources.

"General Motors' reaction to these trends, which became increasingly evident as the nineteen twenties progressed, was that to assure for itself a competitive capability to meet consumer demand for automobiles in expanding world markets outside the United States, it would have to acquire manufacturing facilities abroad. Consumer demand considerations prompted the General Motors' acquisition of two motor vehicles manufacturing facilities, one in England in 1925 and one in Germany in 1929. The objective of these major extensions of GM's world-wide operations was most emphatically not to replace exports from the U.S. by cars produced in other countries. It was obvious that unless General Motors had economic sources of non-U.S. type products, its participation in overseas markets would decline when confronted with the natural advantages enjoyed by foreign manufacturers and the protective policies of their governments.

"The pre-war trend continued after World War II with most foreign economies disrupted and seeking to re-establish their competitive bases. The divergence of American and foreign vehicle types persisted, as did restrictive import quotas, high import duties and other tax and non-tariff barriers.

"Australia, formerly a relatively large export market for U.S. source automobiles (1935–39 annual average of 50,000 total American source and 21,000 GM American source cars and trucks) in October, 1944 addressed a communication to the local General Motors assembly operation requesting an indication of any interest it might have in undertaking the manufacturing of a motor car in that country. It further requested that if General Motors was interested, it should submit a proposal at an early date for consideration by the Australian government. Following are some excerpts from the proposal GM submitted in January, 1945:

'We would undertake to manufacture in Australia a five seater sedan car and related utility (a small passenger and cargo carrying vehicle) which would be specifically designed for the economic and operating conditions of Australia.

'The objective of General Motors-Holden's Ltd. is to manufacture Australian motor vehicles in the low price group to sell competitively with imported vehicles without subsidy and without increase in the customs tariff rate prevailing in 1939.

'General Motors-Holden's does not request that any special advantages be extended to them. This recognizes that any other concern will be equally free to enter into manufacture of any type under the same conditions as are accorded by the Government to General Motors-Holden's.'

"It was obvious to General Motors that since the Australian government had addressed its request to a number of world-wide manufacturers, the chances were that if it did not accept the challenge, some other manufacturer or manufacturers would. The consequence would have been to accept withdrawal from or severely curtailed participation in a motor vehicle market with substantial growth potential. General Motors, by accepting the challenge has seen its production of cars and trucks in Australia increase to 190,000 in 1970, and its continuation as a major supplier of the Australian motor vehicle market—35% annual average 1965–70.

"A number of other countries, such as Argentina, Brazil, Mexico, Republic of South Africa and Venezuela, which had been large export markets in the past for U.S. produced motor vehicles, have followed Australia's lead and are currently engaging in local automobile manufacturing to increasing or virtual exclusion of imported vehicles. Continued participation in these expanding markets by General Motors has been possible only by investments in facilities required by government-imposed local manufacturing programs.

"Before World War II, Argentina was one of General Motors' best export markets outside of Europe with average annual sales of 12,300 cars and trucks over the period 1935–39. While Argentina was moving ahead with general industrial expansion, General Motors was of the opinion that because it lacked strong supporting industries and was short of essential raw materials, its overall economic development would be advanced more effectively in the automotive sector by continued reliance on a combination of the economies of local vehicle assembly with the efficiencies of outside parts and component manufacture. However, in 1958 and early 1959, Argentina moved rapidly in the direction of local automobile manufacturing and General Motors had to reconsider its position in that country. Prohibitive import duties, surcharges and licensing requirements were instituted in 1959 aimed at an early phasing out of vehicle importation and assembly. For example, a Chevrolet passenger car then selling for around $2,500 in the United States would have cost over $20,000 with duty and surcharges. These import restrictions were followed by governmental decrees requiring the imported content by value to be reduced to 30 per cent for trucks and to 10% for passenger cars by 1964, and the institution of prohibitive surcharge scales—up to 200% of c.i.f. value for trucks and 400% for passenger cars. By 1969 the Argentine program effectively limited the maximum allowable import content to 2.5% for passenger cars and to 10% for commercial vehicles.

"For manufacturers with approved programs, machinery, tools and equipment could be brought into Argentina duty-free, and protection against imported products was provided through surcharge schedules favorable to local manufacturers. The decision confronting General Motors under these circumstances was whether to go along with the Argentine vehicle manufacturing program, or to abandon participation in that market. Its decision was to conform with the program, and it reflected primarily the desire on the part of General Motors to retain a position in one of its important traditional markts and one which it considered to hold promise of substantial future growth. In 1970 GM manufactured 34,700 cars and trucks in Argentina.

"In 1956 the Brazilian government decreed that by 1961 motor vehicles had to be produced almost entirely with locally manufactured parts and components. General Motors again decided not to abandon its participation in a market which showed signs of developing, in the years ahead, into not only the largest vehicle market in Latin America but also into one of the largest in the world. In 1970 the total market in Brazil was 417,700 units and GM's production was 70,100 units.

"In the cases of Mexico, the Republic of South Africa and Venezuela, local content requirements have also been instituted but not to the extent of Argentina and Brazil. Mexico and South Africa require the local manufacture of engines but not Venezuela. However, the local content percentages are in all cases being progressively increased. While they are not likely, at least for some time, to reach the levels of Argentina and Brazil, they nevertheless compel investment decisions determining continuing market participation. General Motors decided not to forgo the opportunity to participate in these markets (1970 total unit sales: Mexico 191,600; Republic of South Africa 297,600; Venezuela 76,400) and accordingly has made and will continue to make investments in facilities required under the respective automotive industry development programs.

"Japan has become the focus of a great deal of interest recently by the American automobile industry. General Motors has shared in that interest. Japan's motor vehicle production, domestic market sales and exports have in recent years significantly outperformed the phenomenal growth of that country's overall economic growth. Japan by 1970 had become the world's second largest manufacturer of cars and trucks as well as the second largest market for motor vehicles. In contrast to all other major automobile manufacturing countries which by 1970 had become fairly large importers of motor vehicles, (imports as a percentage of total passenger car market: U.S. 14.7%; U.K. 14.2%; France 19.8%; Italy 27.7%; Germany 22.5%; Australia 28.1%) Japan's market remained virtually closed to outside competition. Foreign source products account for but 0.7% of the total Japanese passenger car market in 1970. Thus while Japan was successfully keeping foreign manufacturers from participating in its large and expanding market through either investment or trade, its own automobile producers were in a position to compete freely in the United States and most other major makets of the world. This lack of reciprocity and denial of access to the Japanese market has constituted a major complaint of the U.S. automobile industry, including General Motors.

"Japan's rapid economic growth and expanding exports, together with increasing pressures from foreign governments and industries, have worked to bring about some relaxations in its import restrictions. In the case of the Japanese motor vehicle market, the absence of import quotas and duties would not necessarily open up opportunities to outside manufacturers for any significant

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sales volumes of foreign source products. High costs of transporting cars and trucks from North America and Western Europe to Japan; a well-developed, efficient and high volume domestic manufacturing industry; and, the unique feature of a large demand (700,000 units or 30% of total passenger car market in 1970) for 'mini' cars of under 22 cu. in. engine displacement produced nowhere else, provide that country with a high degree of special insulation from import competition. For General Motors to participate in the Japanese automobile market thus requires more than equitable entry terms for its cars and trucks produced in the United States or other countries. It requires access through investment in facilities for the manufacture in Japan at Japanese cost of types of vehicles that can compete for sales in that country against the products of other local manufacturers. Without such facilities General Motors has been denied the opportunity to compete at all effectively in a market that in 1970 had reached 3,200,000 cars and commercial vehicles and that is projected to increase to around 4,800,000 in 1975. In July 1971 GM reached agreement with Isuzu Motors, a Japanese motor vehicle company, on terms for an equity participation in manufacturing and distribution facilities in Japan. That agreement is now awaiting what is expected to be early formal approval by the Japanese government.

"The basic objective of the arrangement now governing trade in automotive products between the United States and Canada has been to enable Canada to develop and maintain a North American manufacturing position in this product area more commensurate with its consumer role. Neither the U.S. automobile industry as an industry nor General Motors as a company took the initiatives that culminated in the United States-Canadian Automotive Products Agreement of 1965. However, both the industry and General Motors have cooperated with the governments of the United States and Canada in implementing the terms of that Agreement and its related legislation. Total trade in motor vehicles and parts, components and accessories expanded from $1.2 billion in 1965 to $6.7 billion in 1970, with U.S. exports to Canada increasing from $931 million to $3.2 billion and Canadian exports to the U.S. rising from $227 million to $3.5 billion. The agreement is regarded as a trade-expansive solution to a trade imbalance problem Canada was determined to cope with. The alternatives being considered were negative in nature and would have resulted in sharply reducing the exports of U.S. automotive products to Canada. The United States would have experienced a major negative impact upon its annual automotive trade balance with Canada through greatly reduced export volumes. Canada would have succeeded in reducing its large trade imbalance with the United States, but at the high price involved in promoting import substitution for products whose unit manufacturing costs are closely correlated to output volumes.

"It is the challenge of the world motor vehicle market and not just the challenge of the United States market that has been the primary influence in determining the allocation and location of General Motors resources around the world. It is that challenge that has determined its evolution from a national company into a worldwide enterprise. The use of its resources to meet specialized consumer demand for motor vehicles has been influenced in certain instances by tariff and non-tariff barriers and national requirements to undertake local manufacturing. In no instance has the motivation been to seek and use low cost labor and substitute foreign production for U.S. production to supply that specialized demand.

"Finally, the General Motors responses to the 1959 (10%) and current (15%) import penetrations of the U.S. passenger car market were not those of drawing heavily on the outputs of its overseas subsidiaries to meet the competitive challenges. The response to the earlier import thrust was a peak import of some 63,300 units from Germany and U.K. in 1959. In the meantime it was developing its U.S. source compact cars. This was also the course taken by other U.S. automobile manufacturers. By 1963 imports of Opel and Vauxhall cars by General Motors had declined to 482 units. Imports as a whole had declined to 4.9% of the U.S. market by 1962. They stayed below 10% until 1968, the first year in which Japanese source passenger car imports exceeded 100,000 units. By that time it also became evident to General Motors that Japanese manufacturers, with access to the U.S. market free of any arbitrary restrictions on trade and investment and at low import duties (5.5% in 1968; 3.5% in 1971; and 3% after January 1, 1972), would become large suppliers of cars in the American market.

"The General Motors' response was to resume the importation of some of its Opel passenger cars while designing and engineering a competitive car for efficient low cost production entirely in the United States by American labor and almost completely of U.S. parts and componentry. This was the concept of the Chevrolet Vega introduced in 1970. Despite interruption of production during a long strike that same year, Vega ended its first model year production run at 269,900 units. Sales of Opels declined from 91,200 in 1969 to 83,200 in 1970. General Motors, while highly satisfied with the initial results of its second major effort to confront foreign competition head-on in the U.S. market, is, nevertheless, not complacent about the longer term implications of escalating costs in the United States in maintaining that successful competition. The comparative cost handicap of the United States in the manufacture of small import type cars is only too evident from a reading of the current cost of an hour of labor in the U.S. of $6 vs. $3 in West Germany and under $2 in Japan.

"General Motors, in its role as a worldwide automobile manufacturing enterprise, will in the future, as it has in the past, exert its maximum efforts to compete for customers for its products in as many different countries as possible. It will use its resources as efficiently as it can to provide the types of cars required to satisfy consumer demand. It does not expect any market to be more open or to offer more opportunities for substantial sales of a greater variety of motor vehicles than the United States. The extent to which General Motors or any other U.S. manufacturer will be able to supply that market over its entire product range from U.S. facilities will in the final analysis depend upon the degree to which cost and productivity increases can be kept in reasonable balance."

All the above Cases argue strongly for the *a priori* case that investment is needed to expand exports, particularly where governmental restrictions dictate a relocation of production and where local markets abroad are expanding rapidly enough to warrant the establishment of production facilities in the actual market.

TRANSFER OF TECHNOLOGY AND LOW-WAGE IMPORTS

The basic issues with respect to the second claim of Labor and other groups are: what constitutes "advanced technology," what constitutes "low labor costs" and the extent to which products that are manufactured abroad incorporating advanced technology and low labor costs are exported to the United States. Where such technology is employed at overseas manufacturing facilities having lower labor costs, such facilities are referred to as "runaway plants." The results of the NFTC survey show that the problem of runaway plants is centered in a very few industrial sectors and in a few components or relatively simple products. Here again, as with the analysis of whether export reductions result from foreign investment, we must exclude from this claim of Labor imports which arise from investment in certain industrial sectors abroad such as raw materials and items not produced in the United States.

Fifty of eighty companies responding to this question reported that they had no imports whatsoever from their foreign affiliates. One company reported it had traditionally imported from its affiliates, but that the volume had declined some five per cent during 1960–1970. Seven companies reported they were importing from their affiliates but the volume was exceedingly small: "components and materials equal 0.4% of sales, of which only a small fraction was from affiliates"; "infinitesimal amounts"; "less than $1 million on over $1 billion of sales"; "insignificant amounts of products not formerly produced in the U.S."; "less than 1% of sales, of items not in the U.S. line"; "less than 1% of sales, with ¼ of this exported"; "½ of 1% of total overseas business, specialty items."

The phenomenon of importing items not in the U.S. line was illustrated by still more companies: tires of "foreign" sizes household items, some office equipment, and machinery. These are items produced in volume for a different market and for which the market in the United States is not sufficiently large to justify local production. Two companies reported, however, that as soon as U.S. production was large enough, they would introduce production in the United States. One company, instead of exporting advanced technology so as to produce abroad, bought such technology abroad, is currently producing the item only abroad but will start up in the United States as demand increases.

The remaining companies were importing what they considered to be significant amounts (unstated) of components or final items for a variety of reasons. But none considered that the technology being transferred to support such production could be classified as "advanced." On the contrary nine companies categorically stated that the technology was quite low; another that the low-wage countries could not undertake the highly-advanced technologies within that industry; and still another that the imports were not from low-wage countries. Examples are as follows:

CASE 1—"The repurchase by us of certain parts and materials produced in such facilities to our quality standards enables us to offset some domestic inflationary pressures providing a more competitive product to our local customers who can, in turn, remain more competitive with their overseas competition in the U.S. market.

"While advanced technology is available for export, the conditions in overseas countries do not often permit the rapid incorporation of such technology in their products. The time phasing is generally such that new technology is kept on the favorable side of U.S. produced products." (Auto equipment company)

CASE 2—"[Our] imports, which have consistently been very low in relation to our exports, are primarily of older technology, labor intensive products. If we did not produce these products in lower cost areas we would be driven out of this market sector both in the U.S. and overseas by foreign competitors who would therefore become larger and stronger and more able to compete with us in other market sectors. The imports would, of course, come in anyhow in a price competitive environment; the question is whether the profits are to go to the U.S. or foreign companies. It is also true that our purchases of other countries' products provide the wherewithal for them to purchase our products.

"We feel there is a confusion in the charge of possible damaging effects to U.S. jobs of advanced technology being 'transferred' overseas and then incorporated in products to be imported into the U.S. Overseas manufacturers are offered the greatest economic advantage with labor intensive products. Characteristically such products embody relatively old technology—conversely the latest technology products minimize labor inputs and hence offer less of an advantage to overseas manufacturers, particularly when weighing up the prospects of jumping the U.S. tariff barrier to import into the U.S. In other words, the economic considerations are essentially in the area of relative quantity of labor input rather than technology per se. It should be pointed out that even products popularly thought of as being of 'advanced technology' are manufactured in stages and contain a number of levels of technology, some of which require very unskilled labor representing an older technology. In our case, we have found that when advanced technology is developed in the U.S., as a practical matter it is essentially impossible to transfer it abroad during the years when it remains relatively new. It is only when the technology matures that it can be successfully systematized and, if economic, transferred. There are of course many examples of the import into the U.S. of technology, including early work done in England and Germany on such advanced products as computers, radar and jet aircraft. Presumably a ban on export of technology would imply restrictions on import of technology." (Business equipment company)

CASE 3—"We manufacture one of our diesel fuel injection systems now overseas. This move was basically made for two reasons:

"a. to improve our competitive position in the U.S.A.

"b. to give us access to foreign markets at the original equipment level.

"Since its invention the diesel engine has been produced in much larger numbers abroad than in the U.S.A. For example, the publication 'Automotive Industries' stated in its March 15, 1971 issue that U.S. production of diesel engines in 1969 was 253,732 units. By comparison, the estimated production in 1969 in major producing countries abroad as published in the December 1970 issue of 'Diesel and Gas Turbine Progress' was:

England	829,607
Japan	820,000
Germany	392,000
India	223,000
France	167,750
Italy	154,100
Spain	115,000
Brazil	62,000
Scandinavia	45,000

"While the U.S. market has shown growth, it has shown nothing compared to the growth of the market for diesel engines abroad. This trend was probably accelerated by the shift in market requirements. The trend in the U.S.A. has been generally to heavy-duty, higher horse power diesel engines for all applications. In the farm tractor market the U.S. trend has been to larger and larger farms and therefore requirements for larger tractors which are far too big to be efficiently used on the small European farms. As a result, the U.S. farm tractor manufacturers have gone abroad to manufacture foreign models and have imported from foreign sources their relatively limited number of smaller units required in the U.S.A.

"Our foreign competitors have therefore had not only the advantage of lower labor costs but also particularly of much larger production volume.

"If we wanted to obtain any OE business abroad from the U.S. we would have to develop fuel injection equipment suitable for European or other foreign engines, at U.S. engineering costs, produce it at a competitive price, sell in foreign markets without having the benefit of a large volume domestic market for the same items. This simply was not feasible from a cost standpoint.

"As a result of the large volume production benefits, our European competitors began to invade the U.S. market on a larger and larger scale. Thus we found ourselves forced to go abroad to try to recapture or retain our U.S. customers.

"If we had not moved abroad, then we would not enjoy the new business which we have obtained as a result of this move because we could not have produced this equipment at acceptable prices here in the U.S.A." (Automotive equipment supplier)

Eight of a total of eighty companies replying to this question reported situations that might be characterized as falling within Labor's second claim. Of these, however, one asserted that, though imports based on high-level technology were made in low-wage countries the components were not in fact low-cost because of the high fringe benefits and governmental costs imposed on the operation. One reported that it imports a single component produced in volume abroad; two reported that they import several components or simple products.

Of the remaining four, one acknowledges that there is some basis for the claim of Labor, but states it finds itself in strong competition straits because of the ability of low-cost producers of final products to enter the U.S. market.

The second [9] company reported that it had found the analysis of the U.S. Tariff Commission concerning Sec. 866.30 and 807.00 correct; namely that foreign components had to be used at times to keep costs down so as to permit production of the final product within the United States.

The third [9] and fourth [10] stated that the problem arose from third-country competitors and there was no way to handle it save to shut out these final producers.

Rather than there being a widespread escape of high-technology production abroad under the aegis of multinational companies, the NFTC survey has revealed only a handful of cases in which componentry or single products are imported by the parent company from affiliates abroad. Not all of these are in "low-wage" countries. Only a few embody what could be called "advanced technology." [11] In some instances, the items are not and were not produced in the United States previously. And in one case, the technology exchange was forced under an Anti-trust Consent Decree, which opened the patents of the present to all comers.[12]

The survey shows that very often the reality of the situation with respect to this claim of Labor is that no choice exists between exporting from the United States and producing locally abroad. For as one respondent stated:

"In summary, if U.S. companies want to sell products in many of the better foreign markets, the only practical means is through local production operations in these markets which require foreign investments. It is not a question of choice between exports from this country and local production abroad; the only choice is between forgoing the business altogether and making the foreign investments.

"With regard to foreign investments made for the purpose of bringing manufactured products back to this country (aside from raw materials or extractive products), the solution is political, not a question of management choice or decision.

"Until U.S. productivity improves to at least equal that of leading foreign manufacturers; and unless political restraints are imposed against imports, U.S. manufacturers will have to resort to any and all means of achieving cost production including off-shore operations, in order to stay in business." (Electronics company)

Another answer was suggested in the response of another company which urges the United States to keep ahead rather than try to retain what is essentially a wasting asset. This respondent commented:

"One might say, 'Why not do more overseas?' The biggest drawback to this in our case is the loss of flexibility and the increased reaction time for change. We expect technology to originate in the U.S. for the foreseeable future. The rate of change of technology is rapid enough in our business that it simply cannot be transferred overseas rapidly enough to significantly increase the foreign percentage of our production. This phenomenon might not be the case, of course, for a technologically stable industry. I would say that any industry producing the same product with the same technology for five years is going to feel foreign competition or the need to import from foreign manufacturing facilities." (Electronics company)

BALANCE OF PAYMENTS EFFECTS

With respect to the claim of some Labor groups and others that direct foreign investment and the transfer of technology resulting in low-cost imports are damaging to the U.S. balance of payments, the NFTC survey requested information as to whether this assertion is supportable in terms of the respondents' operating experience. As stated earlier in this Section III, member companies were asked for narrative responses. Every such response with respect to balance of payments effects, clearly shows that the company had a favorable balance of payments in its total overseas operations.

Cited below are some case examples illustrating impressive results over the past decade which have been taken from some of the data:

CASE 1—"Our exports from domestic plants to foreign customers have increased by $1,980,000 or 47.2% in 1970 over 1960. Also our exports to our affiliates increased $500,000 or 53.6% in 1970 from 1960. During this period we have received $10,368,000 in foreign source income from dividends and royalties from our subsidiaries and licensees." (Transportation equipment company)

CASE 2—"Comparing the total inflows resulting from dividends, royalties, interest and export sales to the total outflows through investments, loans, and imports shows that [our] position has been the following:

Inflows exceeded outflows by:

1967	4.8 times
1969	10 times
1970	16.3 times."

Note: Glass products company.

CASE 3—"We feel that because of direct investments overseas we have contributed in a positive fashion to the U.S. balance of payments.

"(1) Over the last 10 years, exports of [our] U.S.-produced products have increased at an average rate of 10%/year compounded. In 1970 the figure was approximately $230-million.

We could not have afforded the marketing and technical service organizations to do this, had we not also had the business resulting from overseas production.

"(2) Profits generated from overseas production and returned to the U.S. parent company in the form of dividends certainly also support the U.S. economy.

"(3) In 1970, a particularly distressing year for U.S. business, our international business made a significant contribution in enabling our company to maintain the level of production in U.S. plants and therefore employment that we did." (Chemical company)

CASE 4—"In the 10 years 1961 through 1970, [this firm] contributed $4.7 billion to a favorable U.S. balance of payments. Our investment in overseas markets has been accompanied by a 150% increase in employment over that period of time contrasted to

Footnotes at end of article.

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a 200% increased contribution to the nation's balance of payments.

	Contribution to U.S. balance of payments (millions)	Overseas Employment
1961	$263.1	5,294
1962	263.8	5,416
1963	332.8	5,966
1964	384.1	7,313
1965	461.1	7,975
1966	443.7	8,649
1967	484.2	9,500
1968	582.6	10,948
1969	687.4	12,595
1970	791.2	13,605

"The contribution toward the U.S. balance of payments shown above consists chiefly of exports with, for example, $767 million exports in 1970 vs. the remainder of but $24.2 million in licensing fees, royalties, and return on investment." (Heavy equipment company)

CASE 5—"Combining net exports and net earnings remitted and capital transactions, the resulting total positive contribution to the U.S. balance of payments from General Motors—Attribution has been permitted by the respondent company—operations outside the United States during the period 1945 through 1970 was in the amount of $13,191 million.

"The performance indicated by the General Motors data can be construed in no other way than as highly beneficial for the United States balance of payments. These favorable results derive from the capabilities which General Motors has been able to develop as a world-wide enterprise in organizing and utilizing resources to manufacture and aggressively compete in a variety of automobile markets around the world."

CASE 6—"We have calculated our contribution to the United States balance of payments in 1960, 1965, and 1970 as follows:

[In millions of dollars]

	1960	1965	1970
U.S. PAYMENT INFLOWS			
Merchandise exports:			
To affiliates	5 (E)	7	12
To others	40 (E)	25	29
Purchases by affiliates from other U.S. sources	50 (E)	51	9
Subtotal	95 (E)	83	50
Income from fees, royalties, and miscellaneous services:			
From affiliates	1 (E)	3	4
From others	1 (E)	1	1
Subtotal	2 (E)	4	5
Direct investment income (dividends, branch earnings and net interest)	6 (E)	6	21
Total inflow	103 (E)	93	76
U.S. PAYMENT OUTFLOWS			
Merchandise imports:			
From affiliates	3 (E)	12	28
From others	8 (E)	10	11
Sales by affiliates to other U.S. producers	5 (E)	7	3
Subtotal	16 (E)	29	42
Payments for fees, royalties, and miscellaneous services:			
To affiliates			
To others			
Subtotal			
Capital outflows:			
Net investment in affiliates	(3) (E)	39	2
Net loans to affiliates	2 (E)	8	2
Total outflows	15 (E)	76	46

"Thus, [our] net contribution to the United States balance of payments has been as follows:

[In thousands of dollars]

	1960	1965	1970
Total inflow	103,000	93,000	76,000
Total outflow	15,000	76,000	46,000
Net benefit	88,000	17,000	30,000

"The foregoing benefits to our balance of payments have been achieved in a company which has been as aggressive as most, I think, in investing overseas. We have been very aggressive in particular over the last ten years in European investments.

"You may also find useful the statistics on our investments since the 1920's in [Country A]. Between 1926 and 1968 the significant figures were as follows:

	Million
Original investment—1926	$4.6
Investment by end 1968	60.0
Taxes paid to [Country A] 1926–1968	40.0
Wages and benefits 1926–1968 (including 10.0 in 1968)	90.0
Local purchases 1926–1968	63.0
Exports 1926–1968	75.0
Imports replaced 1926–1968	290.0
Net dividends remitted to United States 1926–1968 (none since 1963)	24.0
Purchases of U.S. machinery and other products 1926–1968	73.0
Cash contribution to [Country A's] economy 1926–1968: Taxes plus wages and benefits plus local purchases	193.0
Benefits to [Country A's] balance of payments 1926–1968: Original Investment plus exports plus imports replaced less Dividends less U.S. and estimated other foreign purchases (estimated)	200.0
Benefits to U.S. balance of payments 1926–1968: Dividends remitted plus U.S. purchases less original investment (estimated)	90.0

"For the purposes of your study the last figure may be of interest; that is, despite the enormous investment over a period of 40 years in this major installation (with 3,500 employees and a town of 20,000 people) the net benefit to the United States balance of payments was $90 million.

"[Country A's] balance of payments also benefitted heavily as shown above. In other words, both sides benefitted. Neither side took money out of the other's hide. Wealth was created for everyone concerned. This is the point which the 'liberals' never seem to understand; they think that if somebody makes money it has to come out of someone else. They don't understand that a good investment actually creates wealth."

(Diversified chemicals company)

FOOTNOTES

[1] "Our experience has shown that direct investments overseas have resulted in an increased market for our products overseas while causing an *increase* in domestic employment. Our foreign investments have increased our exports rather than decreasing them. A few pertinent factors may help in visualizing our operations. Approximately 30% of our sales are made overseas and virtually all of these sales are made through foreign subsidiaries. In general, the products manufactured overseas are the higher volumes and more simple products. Even with foreign manufacturing, our exports of the products manufactured overseas have continued to grow as foreign markets are enlarged." (Electronics company)

[2] "Building a mineral fiber ceilings plant in Great Britain reduced the amount of mineral fiber ceilings exported from the U.S. to Europe for the simple reason that ocean freight and duties on such shipments represented from 50% to 100% of the manufactured cost of the products. On the other hand, certain higher priced U.S.-made resilient floors now sell in greater volume in these markets, even though we have some kinds of flooring manufacturing facilities there, too. In the Far East, where we built a flooring plant in Australia during this period, our sales of U.S.-made flooring more than tripled." (Building materials company)

[3] "Placement of the manufacturing facilities of any international integrated aluminum company is dictated by several imperatives (none of which, incidentally, has anything to do with labor costs), e.g.:

"1. The location, quantity and quality of its raw material reserves, that is, bauxite. The bulk of world bauxite reserves is located outside the U.S. The U.S. has extremely limited reserves, and supplies an extremely small proportion of the total bauxite needed to support the U.S. aluminum industry.

"2. Requirements imposed by most bauxite-owning nations that make it necessary to process much of the bauxite into the intermediate product, alumina; and, in a growing number of instances, into crude aluminum and even into semi-fabricated and fabricated aluminum products. Generally, processing of the raw material is required as a condition for mining the reserve.

"3. Logistics requires the siting of plants in an integrated aluminum complex to obtain the lowest possible transportation costs (a major cost element in an industry such as the aluminum industry). Unless this is done efficiently, no aluminum firm can survive.

"4. Tariff walls that make it mandatory to build a facility in the country or economic bloc that has erected the wall in order to be able to compete in that marketplace.

"5. Growing nationalism, particularly among the developing nations, which is leading to establish their own aluminum industries as a matter of national pride. In these cases, there is no choice. An international aluminum company must either forego the market, or join with local partners in building an industry within the developing country. In many instances the national government requires that local partners own a majority interest in the business.

"Our participation in these ventures is not essential to their going forward. If we do not, our foreign competitors will. In other words, U.S. firms do not have the power or influence to stop this type of growth.

"6. The market for aluminum outside the U.S. is larger than in the U.S., and, in addition, is growing at a more rapid rate. This fact, plus the situation outlined in the above points, makes it essential for any international aluminum firm to produce its product in the international marketplace if it wishes to participate in this growth." (Aluminum company)

[4] "If we take the case of an economically essential and relatively cheap building material such as cement, requiring a large capital investment, and not lending itself to long distances of transportation, employment abroad is certainly created, but not at the expense of either U.S. exports or the employment of American workers. On the contrary, the need for the capital machinery creates the very same things that labor says are bypassed. Add to this the economic benefits accruing to the host country and the inflow to the United States as a result of both the export and investment; and you have a balanced situation benefitting all parties." (Cement company)

[5] "Pharmaceuticals are highly regulated products, and our reasons for establishing manufacturing installations have usually pertained directly to local regulations. Many countries, for example, ban the importation of finished pharmaceuticals, and others maintain a duty structure that, in effect, accomplishes the same result. This is to say that, more often than not, we manufacture abroad more out of necessity than choice. Local labor cost advantages have never been a critical consideration.

While our employees abroad number almost 10,000, fewer than one third of these are engaged in production jobs that in any sense could be construed as substituting for U.S. employment. The others—professional representatives, accountants, executives, physicians, lawyers, secretaries, clerks, etc.—are engaged in servicing a local market." (Pharmaceutical company)

[6] "Because of the complex nature of our products, it is only through self-owned fully responsive outlets that market coverage and product performance is maximized—thereby providing maximum demand for U.S. goods. Independent Dealer support has not been satisfactory.

"Some less economically developed areas offer a market for less sophisticated and less costly equipment—if expertly covered by a sound local marketing base. This provides an opportunity for export of those of our products approaching obsolescence in the domestic market extending the demand for U.S. labor." (Equipment company)

[7] "We have in two or three instances invested in assembly operations designed to take advantage of low labor rates outside this country. A prime consideration in each case was the existence of foreign competition, often Asian, which exported to the U.S. in quantity in product areas where voluntary quotas or other restrictions were unlikely. Without assembly operations at competitive rates, we would have been forced out of the business and some U.S. jobs would have been dropped as a result. The value added in this type of operation in our particular case is negligible in view of our total volume." (Electronics company)

[8] "In the event that a product is substantially less expensive overseas, and the economics are such that after paying freight and tariffs, the goods can be priced competitively in the United States, we at least are in a position to compete on a basis no less favorable than our foreign competitors. This is a protection to us, and it is also a protection to our work force." (Industrial products company)

[9] "The operation in Taiwan was organized in 1967. It was formed for an entirely different reason. The purpose was to secure a base from which to compete in this country with the Japanese product being imported in ever increasing quantities.

"A substantial portion of the material incorporated in the Taiwan product originates in the U.S. However, it has been the trend to seek to replace U.S. material with local material and/or material from other Far East sources." (Electronics company)

[10] "As we view the situation today with some of our plants (by no means the majority), the choice is fast becoming one of either liquidating the business or restructuring the business so that a portion at least, if not all, of the products sold by the business are manufactured abroad and brought back to the U.S. At least under the latter condition we maintain our sales and profits. An alternative, of course, is a tariff wall high enough to keep out foreign-made products of all kinds, and this means passing on to the public the relatively higher cost of U.S. labor. Carried to its ultimate, such a course eventually defeats the consumer's ability to pay." (Equipment company)

[11] "Here again a distinction needs to be made between technology transfer intended primarily to supply host country markets and that involved in countries and operations intended primarily for exports back to the U.S.

"Within each of these two categories there is also involved the definition of what constitutes 'advanced' technology as distinguished from 'mature' technology." (Electronics company)

[12] "Another general point relates to the fact that under U.S. anti-trust regulations, Department of Justice rulings and Consent Decrees, American companies must freely license their patents to all applicants, foreign or domestic, to avoid implications of divisions of markets, divisions of territories, etc." (Electronics company)

While these studies make a strong case for the positive effects of foreign investment and the severe competitive problems that would result without it, I think it is also significant that both reports also recognize the negative impact of this type of activity on certain groups of workers and indicate the need of some form of adjustment assistance to meet the very real problems faced by these individuals.

The second danger that we risk in a protectionist movement to impose restrictions on our trade with foreign countries is the almost certain fact that our trading partners will impose equal if not more restrictive measures on American exports. This would be severely damaging to our own economy and the economies of many of the nations of the world.

One nation very concerned with this problem is our neighbor to the north. Canada has long been one of our closest allies and best customers. The Canadians are deeply worried not only about the permanency of the 10-percent surcharge but also about the protectionist legislation currently before the Congress.

The Canadian Minister of Industry, Trade and Commerce, Jean-Luc Pépin, recently addressed the Canadian-California Symposium on Canada's Approach to International Trade. He offers an interesting analysis of the extent of American-Canadian relations. I would like to make his entire statement part of the RECORD.

CANADA'S APPROACH TO INTERNATIONAL TRADE

(By the Honourable Jean-Luc Pépin)

Let me remind you of the ABC's of Canadian Trade policy and performance.

1. Last year Canada exported $16.9 billion worth of goods and imported $13.9 billion worth for a surplus in merchandise trade of about $3 billion. A surplus of this size is a new phenomenon for Canada.

2. Canada's total exports of goods and services represent 25% of our GNP, as opposed to percentages of 5.3 in U.S.A. and 11.3 in Japan. For Canada, foreign trade is a necessity.

3. Canada and Australia are the only major industrialized countries without a domestic market of their own of at least 100 million people (or an unrestricted market equivalent to such a domestic market).

Because of our small domestic market, we couldn't make "it" without access to the U.S. market.

4. 50% of all goods produced in Canada are exported and presently 40% of our exports are in the category of finished goods as opposed to 12%, 10 years ago. It is essential that this trend continue as we have the fastest growing labour force in the industrialized world (3%).

5. We feel we cannot afford to concentrate on any particular group of products (e.g. natural resources) or on one geographic area (e.g. U.S.). We are active everywhere and in every commodity. We sell watches to Switzerland and ice skates to Puerto Rico! Diversification is our constant preoccupation.

6. Our import policy is one of the most liberal in the world. When we take protective measures we ensure that injury is demonstrated.

7. Because of these interests and because of its intrinsic value, we work toward freer trade through the multilateral system based on GATT. This system we believe is endangered now by three sets of factors:

(1) the formation of trade blocs and the continuation of restrictive trade practices.

(2) abnormalities in currency values.

(3) And now, particularly threatening both to Canada and the world, the U.S. economic measures (surcharge job development tax credit, DISC).

CANADA AND UNITED STATES TRADE

Because of geographic proximity, close corporate and labour inter-relationships, cultural and social affinities and because of the liberal economic policies prevailing in our two countries, the Canadian economy is oriented to the U.S. to a unique degree and consequently very exposed to U.S. policy changes.

In Houston recently I illustrated at length the unique nature of the relationship between our two countries.

In summary:

We exchange goods—in the amount of $19.8 billion last year. Canada exported to the United States $10.6 billion worth of merchandise in 1970, i.e. 65 per cent of our total exports and 28 per cent of your total imports. We in turn took $9.2 billion of U.S. goods (with 10 times fewer people) which is 20.7 per cent of your total exports and 72 per cent of our total imports.

These figures are even higher in 1971.

In fact, your sales to Canada in the first eight months of 1971 ($6.7 billion) exceed those to your next three best customers—Japan ($2.66 billion), Germany ($1.94 billion) and Britain ($1.60 billion) combined ($6.2 billion). Canada is your biggest, and I suggest, your best customer.

Manufactured products play an important role in the trade between our two countries. 71 per cent of your exports to Canada and 48 per cent of ours to you are manufactured items. When I translate the 48 per cent to $5.1 billion worth of labour intensive exports, you will understand our concern about the effects of the present 10 per cent surcharge on Canada's employment prospects. The adverse effects will be compounded in many cases, by the Investment Tax Credit.

Placing our purchases now on a per capita basis: in 1970 each of you bought $50 worth of Canadian goods while each Canadian imported $500 from the United States.

WE EXCHANGE TECHNOLOGY

We easily recognize that the United States is the principal source of technology for Canadian industry. At the same time we take credit for a number of innovations which are also of benefit to you. I have already referred to STOL aircraft. We have also pioneered the use of Cobalt radiation units for cancer therapy, snowmobiles, forest firefighting machinery, subway underground construction techniques, lasers. . . .

There is a book by Brown, "Ideas in Exile", which gives an idea of Canadian inventions that have been developed and marketed in the United States.

WE EXCHANGE SERVICES

Electric power companies in many parts of our nations have combined their services into grid systems.

Transportation companies of both countries provide air, road and rail services on both sides of the border. I am told, for example that nearly 14,000 rail boxcars are in common service.

We read your books and magazines—$168

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million worth, "officially" last year. You imported from Canada, in the same year, only 10 per cent of that, in part due to the onerous restrictions of your copyright law.

WE EXCHANGE CAPITAL

The "book" value of U.S. direct investment in Canada at the end of 1970 was about $21 billion. This is concentrated in the mining and manufacturing industries. At the end of 1968, U.S. residents "controlled" (i.e. owned more than 50 per cent of) 51 per cent of all assets in the mining industry and 48 per cent in manufacturing. The degree of U.S. control in certain sectors of manufacturing is even higher, e.g., rubber products: 84 per cent; petroleum refining: 76 per cent; transportation equipment: 73 per cent (and that's why we say your "new economic policy" can go against your new interests).

Canadians have invested in the U.S. more than $3 billion. On a per capita basis, each American has invested about $100.00 in Canada and each Canadian has invested in the U.S. approximately $150.00!

WE EXCHANGE PEOPLE

It is, for example, estimated that over 2.5 million New Englanders are of French Canadian descent. (How many are there in California?)

Today, fully 15 per cent of academic staff at Canadian universities hold U.S. citizenship. Over 1 million Canadians winter annually in California, Arizona and Florida.

Last year 37 million visits from the United States resulted in $1.08 billion being spent in Canada while Canadians made 37 million visits to the United States where they spent $936 million. This, on a per capita basis, is $5.40 per American and $46.55 per Canadian.

We do economic "things" together—so many that it would take hours to list them. We work together to contain and remove pollution from the Great Lakes (although we don't always agree on what causes it!). Our labour unions work together (62 per cent of all unionized labour in Canada is affiliated with unions in the U.S.) . . .

Have I said enough to indicate the close ties in every sense between our two countries, to demonstrate the unique character, unique in quantitative as well as in qualitative terms, of our economic relationship?

THE U.S. ECONOMIC MEASURES

For a long time, people on both sides of the longest undefended border in the world have been taking for granted that very unique economic relationship. Yes, we had problems but we usually managed to settle them in a spirit of cooperation. In moments of enthusiasm we were very eager to offer ourselves to the world as an example of neighbourly relations.

Canadian politicians and businessmen alike have postulated that the unique relationship" made it possible to develop trade freely between the two countries without fear of major "accidents." I suggest most American politicians and businessmen have done the same. That postulate is now questioned by the surcharge (which will affect $2.5 million of Canadian exports, mostly manufactured goods), the tax credit and the DISC concept.

1. *We share many of your preoccupations.*

The causes of the present disagreements between the U.S. and its trading partners are many and varied. There is no doubt that the U.S. administration has been less than successful in bringing its own impediments to trade, in keeping up the momentum generated by the Kennedy Round—because they had no further negotiating capacity from Congress and hesitated to ask for it.

But is the United States alone responsible for the disagreement? Certainly not.

Canada shares with the U.S. the belief that some countries have been reluctant to face up to the added international responsibility that comes with their emergence as leading industrial and economic powers;

Canada shares with the U.S. an interest in obtaining a realignment of exchange rates that would realistically reflect the industrial strength and competitive position of the world's industrial powers;

Canada shares with the U.S. a vital interest in obtaining a relaxation of restrictions by some countries, a relaxation that would reflect a fairer balance of trading advantages;

Canada shares also with the U.S. a deep concern about the emergence of preferential arrangements around the fringes of regional groups under the guise but not the reality of free trade.

But in contrast to the rather passive U.S. attitude to international trade negotiations since 1967, Canada has been working through the GATT to lay the basis for a new round of international trade negotiations in order to come to grips with some of these basic issues that the Americans rightly identify. We have been emphasizing, for example, the need for early negotiations as a means of mitigating the effects on outside countries of the prospective enlargement of the EEC.

I would think that the present situation created by the U.S. measures makes the pursuit of multilateral negotiations even more important and more urgent. This would have to be done sooner rather than later with the full support of the U.S.A., Japan and the E.E.C.

2. We say "it does apply to us" to the rationale for the U.S. measures advanced by President Nixon and Secretary Connolly—the correction of exchange rates and of trade practices.

The Canadian dollar has been floating for almost 18 months now and has experienced significant appreciation in value. We have not "played" with our U.S. dollar reserves. We implemented the full Kennedy Round tariff cuts ahead of schedule. We apply no unfair restrictions to the importation of U.S. goods; in fact, no other market is more open to U.S. goods than is the Canadian.

The DISC is designed to correct abnormalities of which Canada is not guilty. Canada does not have special tax incentives to favour exports. And we have no unfair "cultural" advantages either in terms of availability of cheaper labour, of less concern about pollution etc. . . .

3. We say that because of the size and depth of our bilateral trade, these measures will hurt us more than they will hurt any other country.

Their cumulative effect would, over time, have an impact on Canada going well beyond the need for temporary adjustments. Our industrial strategy over recent years has been aimed at developing specialized, efficient, and competitive manufacturing industries.

Some of our exporters *rely* on the U.S. market more than any other overseas market. Canada imports 50% to 60% of its machinery requirements, 90% from U.S.A.; is it fair to deprive our producers of the capacity to export to the U.S. in the same category of goods?

4. We suggest that by hurting us, you might hurt yourself to a certain extent in the process, both with respect to your trade and to your citizens' investments in Canada. The U.S. sales in Canada vary depending on our own economic domestic performance. In 1970 a year of slow growth in Canada, your exports to us went down by 3.3 per cent; in 1971 with a better performance in Canada, they are increasing by 5.2 per cent in the first nine months.

5. Your Secretaries (Treasury, Commerce, State) have indicated to us in conversation that the U.S. had a number of "irritants" with Canada having to do with the autopact safeguards, with the defense sharing agreement, etc.

We have a number too—the de facto uranium embargo, the copyright laws, the immigration rules making it difficult for Canadian executives to continue their corporate careers in the U.S.A. etc.

This is not too surprising. How can two countries trade 20 billion dollars worth of goods in a year and not have "irritants"?

6. We worry particularly because some U.S. leaders seem to be basing their attitudes towards Canada on misconceptions about the bilateral balance of trade. It is true that during the last three years Canada has had a surplus with the United States in commodity trade (280 million in 1968, 1,357 million in 1970). This is the first time it has occurred in many decades. Up to 1968, Canada had trade deficits with the United States financed in part by Canadian surpluses with other countries and in part by in-flows of capital.

Why did this change in 1968? Primarily, I think, because of the slow-down in Canada's economy following steps we had to take to restrain inflationary forces. Now that the Canadian economy has resumed a rapid rate of growth our imports are rising faster than our exports, and our surplus on current account with the world as a whole this year will probably be less than half what it was last year. In short, the adjustment is taking place through normal market forces.

I would remind you also that Canada has to finance every year very large payments to the United States for interest, travel, services and dividends arising from your considerable capital investments in my country. We had a deficit of $214 million with you on current account in 1970. If we are to make these payments and repay some of the investments themselves we will have to have surpluses on merchandise trade—not necessarily surpluses with the United States itself, I agree, but certainly with the world as a whole and there are limits to our capacity for diversification of trade patterns.

I believe that the present Canada-U.S. trade difficulties are transitory, are caused mostly by a temporary conflict between multilateral and bilateral U.S. interests, are essentially a "pause for station identification", a "do not adjust your set" situation.

Canadians must continue to regard the U.S. as their major and most valued customer, just as they expect that the U.S. will continue to regard Canada in the same way.

Even if so, things will be changed somehow. For better or for worse, from now on Canadians and Americans will not take each other for granted as easily as before. Canadians will certainly have to try even harder than they do now at industry and trade diversification in an attempt to decrease the degree of vulnerability of their economy.

CANADA AND THE PACIFIC RIM

But it was never and is certainly not the *design* of the Canadian Government to keep increasing the dependence on the U.S. market to the neglect of others. On the contrary, one of the reasons for what is sometimes called the Canadian Government "obsession" with multilateral trade policy is the creation of wide-ranging access opportunities for Canadian producers and manufacturers to the markets of the world.

We approach each opportunity in the most energetic way.

For example, this year alone I have led "ministerial missions" to three important overseas markets; the U.S.S.R., the People's Republic of China, the Republic of Germany. I intend to lead one to Japan in early 1972.

The Pacific Rim is one area of great interest. We are busy in one way or another almost everywhere, in Malaysia, Indonesia, Australia and New Zealand . . . but particularly in China and Japan.

Our *exports* to the area doubled from $669 million in 1965 to $1.3 billion in 1970. During the same period, our *imports* rose from $406 million to $1 billion for a total two-way trade of $2.3 billion, or 7.5 per cent of Canada's trade with the world. A better measure perhaps, is that the Pacific accounts for ⅓ of our total *overseas* trade.

The People's Republic of China represents a new and uncharted opportunity to most Canadian businessmen. Our objective in going there was to determine how best to tackle this potentially gigantic market.

Presidents of leading trade and business associations who came to China held detailed meetings with state trading corporations. As a result of these and of inter-governmental discussions, the Chinese authorities undertook to look to Canada as a source of supply for their import needs; as a primary source for wheat; and perhaps more important still, they promised to give us an advance look at their import requirements for the year ahead. We are following this up with further trade consulations in Peking early in December and we have set up a "working group" within my Department whose task is to ensure that trade opportunities uncovered in China are brought quickly to the attention of Canadian exporters.

Although it is too early to draw any conclusions about the shape and size of our future with China, there are already some encouraging signs. Partly as a result of better political relations between the two countries, our exports are running some 25 per cent ahead of last year and there is a good chance that they may reach $200 million by the end of the year (compared to $142 million last year). These exports still consist mainly of wheat but on the basis of my discussions with Chinese officials as well as with members of the trade mission, we might also witness an interesting broadening of our trade.

CANADA–JAPAN

Canada-Japan trade is generally good. In the space of six years, our exports to that country jumped from $316 million to almost $800 million, while imports . . . also jumped from $230 million to $582 million. Japan has been Canada's third largest market and might overtake Britain in the not too distant future as number two.

But there is another side to this picture, a little less attractive. In our view, Canada does not have a good enough product mix in this trade. Less than three per cent of our exports are in the form of end products. A further 32 per cent have some, often minimal, measure of upgrading. The bulk of Canada's exports to Japan move in the crudest form. As opposed to that, Japan finds Canada an open market for its processed and manufactured goods which account for 96 per cent of its total sales in the market. While the dollar balance is in Canada's favour, the more attractive balance of "job producing trade" is very much to Japan's advantage, as are the terms of access to each others markets. (In the first nine months of this year, Japan has exported $530 million (+26%) worth of merchandise to us and taken only $577 million worth (−5.7%).)

One might think that the Canadian performance in the Japanese market is due to our inability to compete in manufactured products. I would like to point out that this is not so. In 1970, 45 per cent of our total exports to the United States and 40 per cent of our exports to Australia were fully manufactured end products. In the Philippines where the Japanese and the American competition is keen, Canada was able to ship 61 per cent of its exports in fully manufactured form.

Quite naturally then, we wish to upgrade our exports to Japan and ship metals as well as ores, paper as well as pulp.

As an industrious country, short of raw materials and long on technology, one expects that Japan would import raw materials and export manufactured products. We do not argue with this "expectation," and, as I have said, we value the important market which Japan provides for our raw materials and foodstuffs. But we don't believe that the exchange of raw materials for fully manufactured goods should become a permanent and rigid trading pattern between our two countries.

We are not alone with this concern. Among the major trading countries of the world, Japan has the lowest proportion of manufactured products imported, i.e. 15 per cent, as percentage of total imports. Britain with an island economy similar to Japan's, takes 33 per cent of her total imports in the form of manufactured goods. In Japan, tariff and non-tariff barriers have tended to work excessively to control imports of manufactured products and to limit to a marked degree import competition.

In the Canada-Japan ministerial committee in Toronto only a few weeks ago, I expressed my disappointment. I pointed to their restrictive import policy as a major factor in the lack of satisfactory progress for Canadian manufactured exports. I also called on Japan to take a leading role among the world's major trading nations in pressing for new international trade negotiations.

The trade relations between Canada and the United States must be nurtured with patience and sensitivity on both sides. This is particularly true in the potentially dangerous situation we face today. For my part I remain an optimist. If these issues are attacked with good will and good sense they can surely be resolved and a basis can be established for further expansion of mutually profitable trade.

The Canadian Ambassador to the United States, Marcel Cadieux, discussed the future of United States-Canadian trade and economic relations in a presentation before the Economic Club of Detroit. Excerpts from his speech follow:

EXCERPTS

Let us now consider economics. Economics is not of course an isolated thing. As you know the original Greek word means . . . skilled in the management of a household. And a household—or a nation—has within it all the problems of man. There are economic aspects to our military alliances and—certainly—to our concerns about the pollution of the environment.

There are no other nations in the world that are as closely linked economically as the United States and Canada. The United States buys 68 percent of all the things we sell and sells us 75 percent of all the things we buy. That 75 percent is a quarter of all the United States' exports. We are your best customer and you are ours.

For many reasons—not accidental reasons but the consequences of bilateral planning—there are industrial areas in which our production efforts are integrated—in automobiles, in farm machinery and in defense materials. We are distinct and separate countries but in the twentieth century there are no countries that can exist alone economically and the economic ties between the United States and Canada are the most intricate in the world. We have been an enormous field for your investments—multinational corporations based in the United States control half of Canada's manufacturing and ninety percent of the petrochemical industry in Canada. Thirty percent of all U.S. moneys invested abroad are invested in Canada. And Canadian investments in the United States are—per capita—even greater.

We are your secure and reliable source of oil and forest products and minerals. The uninterrupted flow of these materials is essential to the United States economy. The extent of this economic involvement is, I think, only vaguely understood on either side of the border. It should be of vital concern to every citizen in both countries. There is a true interdependence between your country and mine but it is the interdependence of a great power and a small one.

What we do economically affects you—but what you do affects us ten times over. When you itch you scratch—and when you scratch too hard we are in danger of being cut to shreds.

The economic measures announced by the United States last August 15 have created extraordinary problems for Canada. I am referring to the 10 percent surcharge on dutiable imports.

I am referring to the proposed job development tax credit.

I am referring to the proposed domestic international sales corporation.

How remote and technical these words sound—surcharge, tax credits, DISC. They are words that people in your trades and mine use as tools. We hear them every day, familiar words but dry and abstract terms, words without emotion.

But for Canada the facts behind these words are not only harsh and very real, they are emotional in their social and human impact.

Without painful and expensive compensating action in Canada, the surcharge could cost the jobs of 90,000 Canadian wage earners in a year—it is laid on two-and-a-half billion dollars worth of Canadian exports to the United States, a quarter of the total—the most vulnerable quarter—the exports that come from our labour intensive secondary manufacturing sector. The sector where so many of our people work—a sector already adversely affected by the appreciation of the Canadian dollar.

If the surcharge remains in effect we will be exporting jobs—not products. We will lose them at a time when Canadian unemployment is dangerously high—persistently higher than in the United States.

A careful survey by the Canadian government of 1300 export firms suggests that the surcharge could cause the loss of export sales approaching $900 million in a year.

The proposed job development tax credit would discriminate against those Canadians who supply you with machinery and equipment.

The proposed domestic international sales corporation would defer corporate liability for United States income taxes on export sales and thereby discourage direct investment in Canada.

How remote these words and phrases sound and how real to Canada is their meaning. We would if we could avoid their consequences. But what—precisely—are we to do? The surcharge was designed to force the other trading nations to allow the United States' dollar to adjust freely to its fair level in international exchange. Canadian currency is free—Canada floated its dollar in May, 1970—its value in terms of the U.S. dollar has appreciated by some seven percent.

The surcharge was designed to persuade some trading nations to eliminate discriminatory tariffs and other barriers to the free flow of American goods.

Canada has no such barriers—it had none to eliminate.

The surcharge was designed to persuade some nations to assume their proper share of responsibility for aiding emerging nations.

Canada has long carried its share—its per capita aid to developing nations compares favorably with that of the United States and it is increasing steadily and substantially.

What actions then could Canada take?

We took the proper action for a friend and ally. Canadian ministers met with Secretaries Connally and Stans on August 19. Other officials from both governments met on August 27. Formal and informal talks began and continue. Canada told the United States clearly how it feels about the application of the surcharge to its exports.

It argued its case—earnestly and fully—

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not only to the American government but at the annual meeting of the International Monetary Fund in September and in GATT, the Group of Ten.

We have tried to make clear to everyone what the new economic policy of the United States means to Canada—the magnitude of our difficulties.

Canada does not resist nor resent the efforts of the United States to bring its own economic house to order. We believe it necessary and wise for the United States to move to restore equilibrium in its balance of payments—to rebuild confidence in the United States dollar—to eliminate discriminatory trade barriers. Free, fair trade is in Canada's interest. We do not object to the ends but we object most strenuously to some of the means as they apply to Canada.

For 18 years the governments of the United States and Canada have had the machinery to discuss and resolve economic problems—the Canada-United States Ministerial Committee on Trade and Economic Affairs was established in 1953. It has met 13 times in those 18 years—most recently a year ago this month. It is a committee designed to serve friends and equals—the United States Secretary of State and the Canadian Minister of External Affairs are its cochairmen. The cabinet members from both countries concerned with economics—the ambassadors—other senior officials—sit across a table and formulate the broad strategies and policies that can best serve the people and businessmen of both countries.

This committee is probably the most important of all the joint Canada-United States organizations. It is most important that the machinery established for the resolution of economic problems not be ignored.

They are by their nature the most complex of problems—they involve not only the governments—Federal, State, Provincial and city—but also the buyers and the sellers, the manufacturers and the shippers, indeed the consumers. Our economic problems affect you. A weakened Canadian economy is not good for the United States. We are your best customer. We have been your most profitable field for investment. We are a secure and reliable source of raw materials and products vital to your economy.

We hope that the unhappy situation in which we find ourselves now will not damage this tried and valued machinery of negotiation.

We believe full, frequent and free consultation between all trading nations is the best way to achieve full, free and profitable trade. The world needs fewer trade barriers, not more—we can achieve that goal if the leading economic powers wish to achieve it. Canada will use every opportunity to promote consultations among all traders—to achieve the enlargement and liberalization of world trade—to lay a secure foundation for another generation of economic growth for Canada, for the United States and for all members of the world trading community.

By nature, by profession, I am an optimist. I do not believe that your country and my country can gain by a retreat to nationalism and ad hoc rivalry. I believe that though our problems are serious they will be resolved.

Our Prime Minister said only a few weeks ago that "Canada's long relationship with its oldest friends is proof to us that however uncertain may be the consequences from time to time of short term events, the long run consists of a climate of understanding and co-operation."

He made that statement in the presence of Premier Kosygin of the USSR.

I believe in that continuing fair climate despite the current storms.

Still I must be candid—if the United States regards these measures that are so injurious to us as measures for an emergency—as temporary measures for use in a phase of transition—then all will be well again.

If however we must accept such conditions for a long period then we will be compelled to make basic readjustments in our trading patterns. I find it hard to believe that we could so drastically rearrange the common structures of our economies without severely affecting our relationships in other respects. We have many fields in which we work together and we have kept them in separate compartments—we have not mingled our economic negotiations with our military ones, we have not considered the ecological challenge as a challenge to be met or not met depending on how we are faring in other fields.

But I do fear that if old structures are abandoned in one field, the machinery in other fields may be strained.

The incentives to co-operation are a blend of familiarity, respect, politics and economics. I believe that we will find solutions now as we have found solutions in the past—through negotiation—without any special concession or generosity from the larger power—nor any compromise of its independence by the smaller.

We need a solution. Our long history of respectful and fair negotiations encourages me to believe that we will find one—that we will find it soon—that it will be one with which we both continue to grow and prosper as full and free trading partners, side by side.

Mr. REID of New York. Mr. Speaker, I wish to commend the gentleman from Florida (Mr. GIBBONS) for reserving the time for a number of us to participate in a discussion on the dangers and costs of a protectionist trade policy.

I have long been opposed to imposing high trade barriers or restrictions, not only because I believe in general that free trade benefits our economy and the economy of other countries, but also because I believe that protectionism hurts the American worker. If this country raises trade barriers, retaliation from others will be imminent, thus reducing our exports as well as our imports. As I have pointed out before, we have probably more than 2.7 million export-related jobs. We must consider these in the light of protectionism and the dangers of other countries placing barriers against our goods.

Having looked into this question in some detail, I insert in the RECORD at this point my individual views on title III of H.R. 7130, the Fair Labor Standards Amendments of 1971, a title which moves dangerously toward protectionism:

INDIVIDUAL VIEWS OF MR. REID OF NEW YORK

Although I support increasing and extending the minimum wage as recommended in this legislation, I strongly oppose Title III of the bill, relating to imports. This is a highly protectionist section and an extreme form of "Buy American," which could invite a trade war, isolate the U.S. from foreign markets, and seriously hurt the American worker.

The first portion of Title III would, in effect, require the Secretary of Labor to recommend, and authorize the President to impose, higher tariffs or import quotas on competitive imports produced abroad under working conditions below the U.S. minimum standards which threaten to impair the "economic welfare" of some community of workers in the United States.

The second portion of the Title, Section 301(f), would impose restrictions on government procurement (or any procurement which is federally aided) of goods produced abroad under working conditions less favorable than those specified in the Fair Labor Standards Act. In other words, since no country except Canada has such standards, virtually all federally aided procurement under Sec. 301(f) would be limited to U.S.-made products.

To me, both of these provisions represent the theme of "Buy American" at its most extreme, since most procurement would have to be U.S.-made. Not only would this Title be inflationary and non-competitive, it could also severely limit the opportunities for private U.S. firms overseas to compete for public procurement in other countries on the same basis as their foreign competitors.

I object to these provisions not only because I believe generally that a free trade policy will help our economy more than a protectionist one through expanding our GNP and our tax base, but also because I believe specifically that protectionism, which would inevitably bring retaliatory measures by other nations, would injure American labor immediately as well as in the long run.

The following dangers could become realistic if Title III were passed, and must be closely considered:

1. Since there are more export-related jobs than there are import-affected jobs, a protectionist policy with retaliation by foreign countries could severely limit our exports and affect as many as 2.7 million American workers in export jobs.[1]

This excess of export-related jobs over import-related jobs is true even at the present time, when our trade balance is negative. It is even more true at other times, when our trade balance is positive, and when the difference between export jobs and import jobs is as much as 700,000 jobs.

Secretary of Labor Hodgson has noted that the implementation of Title III "would not serve the best interests of the U.S. and American workers:" He has stated that "the net effect of any broadscale restriction on our imports could be to reduce rather than increase employment opportunities in the U.S." (See appendix A for text of letter.)

At present, excluding Canada whose labor conditions are similar to ours and who would therefore not be subject to Title III, our three largest trading partners are Japan, Germany and the United Kingdom.

An analysis of the "Overseas Business Reports" (July 1971) published by the Department of Commerce reveals that if these three countries retaliated through GATT (General Agreement on Tariffs and Trade), or even some through the Common Market, or through informal pressures, to reduce American imports, the American workers most affected could be, in general, those involved in both electric and nonelectric machinery, transport equipment and agriculture, or, to put it another way, those who in many cases

[1] The Bureau of Labor Statistics has noted that there were approximately 2.7 million American workers whose jobs depended directly and indirectly on exports in 1969. This estimate includes the direct employment which produced the exported goods, and also the indirect labor necessary for all supplies and services in the exported item, plus transportation and handling jobs. The BLS also estimated that if we had attempted to produce domestically products which are now being imported competitively into this country in 1969, we would have needed 2.5 million additional workers.

This sounds, at first glance, like 2½ million empty jobs to fill with our unemployed. But American trade, and American jobs, do not operate in a vacuum. If our trading partners retaliated, many if not all of our 2.7 million export-related jobs would be lost.

are already suffering from the effects of the national economic slump.[2] (See appendix B for trade tables)

2. American agriculture would be devastated by reciprocal quotas imposed by foreign countries.

The agricultural produce from one out of every four acres is exported. This alone indicates what retaliatory actions could do to our farmers.

We exported over $1 billion in agricultural commodities to Japan in 1970, a large portion of which was wheat and corn. If Japan retaliated to a U.S. protectionist policy, or if Japan's purchasing power had become so reduced as to preclude their buying of our agricultural products, not only would our farmers be hurt, but also, the costs to the American taxpayer for storing agricultural surpluses, etc., would increase. The same would be true, of course, if European Common Market nations retaliated, by replacing U.S. wheat and soybean exports with Canadian or Australian exports.

3. Many of our trading partners, unable to sell to the U.S., would thus be unable to earn the necessary foreign exchange to purchase our exports, again threatening our export-related jobs. Take Japan, for instance, our second largest trading partner. Last year we exported $4.652 billion worth of goods to Japan. We imported almost $5.875 billion worth of Japanese goods, thus averaging a deficit of $1.2 billion. If we refused to import a significant portion of that $6 billion, which would be the case under Title III, Japan's net purchasing power would vastly decrease and Japan would be unable to purchase the almost $5 billion worth of U.S. goods we want to export. Not only, then, would this protectionist policy seriously affect Japan's economy; equally, it would affect our own exports because we would take away Japan's ability, let alone interest, in buying them.

4. The American consumer would be the loser, since reduced competition within the U.S. could produce both higher prices and lower quality.

There are 80 million workers in this country. They are all consumers. Competition is vital in a free enterprise economy to keep prices down and both consumer demand and quality up. As inflation takes its course, American products abroad will become less competitive, and our exports trade will suffer accordingly.

5. Title III would seriously jeopardize international efforts presently underway on trade and procurement practices, and would violate GATT.

Multilateral and bilateral negotiations are presently underway with a number of countries, including the Group of Ten, on the realignment of exchange rates, the surcharge, international liquidity and appropriate reserve instruments including special drawing rights and other reforms of the International Monetary Fund system, and on a number of other matters, with a view toward opening up markets for U.S. exports.

[2] At the present time, for instance, Japan's largest American imports are electric computers and parts, civilian aircraft, inedible crude material other than fuel (such as soybeans, softwood logs and iron and steel scrap), and agricultural food products including corn and wheat.

Germany's largest American imports are agricultural machinery, civilian aircraft, agricultural food products, and crude material other than fuels.

Finally, the United Kingdom's largest imports are electrical apparatus, civilian aircraft, agricultural food products, and paper.

In all of these areas the U.S. exports significantly more than it imports. If, therefore, any or all of these countries retaliated, U.S. farmers and workers would be severely affected.

Further, title III in my view violates not only the spirit and the intent of GATT, but also the very letter of the agreements. First of all, under Article I,[3] all contracting parties are to be treated equally without discrimination or preference. Surely, however, under Title III, Canada's treatment certainly is preferential to that which Japan has in store.

Additionally, GATT requires the payment of compensation by any country which raises its tariffs unilaterally to those countries which are affected, either in terms of direct payments or in terms of lifting duties on some other product which would help the countries affected. Title III makes no such provision.

Finally, the spirit of GATT recognizes that hardships may occur to some communities due to imports, but urges the use of internal measures rather than tariffs or quotas to remedy the situation.

At this time when our credibility, let alone our popularity, is not high overseas, I think it would be unwise to break any solemn international agreements to which we are a party, let alone to sabotage those efforts presently underway.

6. In sum, we cannot export unemployment, and there must be a thoughtful national dialogue as to domestic, diplomatic and economic measures we can take as an alternative to protectionist legislation.

Our jobs gain more from exports, the figures reveal, than they lose from imports, and when we consider the trade war we could find ourselves in, protectionism is dangerous in the short run and could be devastating in the long run.

This is not to say that certain communities will not suffer from imports. Some will, and they should not be made to bear the brunt of the nation's trade policy. But neither should they control the direction of our trade policy and jeopardize the whole economy, or the whole labor market, by the writing of bad law in violation of international agreements.

There are mounting pressures in some areas of U.S. labor for "Buy American" and protectionist legislation. Accordingly, it is vital that there be a thoughtful national dialogue on this question and on viable alternatives to a policy of narrow economic nationalism. This will require both the Congress and the Executive, in concert with labor and management, to exert national leadership as to the problem and its remedies.

Diplomatically, there is much more we can do in the spirit of the initial Kennedy Round to open markets to U.S. goods and services.

Economically, we must remove the surcharge before we invite economic retaliation, consonant with our international agreements, including GATT.

Domestically, we should consider trade adjustment assistance legislation that will involve job training, tax incentives, and emergency subsidies to effect necessary transitions in humanitarian and economic terms.

American labor must show some leadership that in recent years has been lacking to work with other countries, either bilaterally or with international forums such as the ILO and the Organization for Economic Cooperation and Development (OECD), to develop international fair labor standards.

Finally, rather than return to the Smoot-Hawley era of high protectionism, we must control inflation, encourage greater productivity and competitiveness for U.S. products through fiscal, monetary and international trade policies promoting real growth in our GNP and in our overseas trade.

During mark-up of this bill in full Committee, I moved to strike Title III. The motion failed by a non-partisan vote of 16–19. I intend to do what I can when this legislation reaches the Floor of the House to eliminate the protectionist features of this otherwise valuable legislation.

[3] GATT's article I says in part "• • • any advantage, favour, privilege or immunity granted by any contracting party to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other contracting parties."

APPENDIX A

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, October 19, 1971.

Hon. OGDEN REID,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN REID: This is in response to your request for my views on Title III of H.R. 7130, a bill to amend the Fair Labor Standards Act of 1938.

Title III of H.R. 7130 deals with the question of the impact of imports on employment. As I indicated in my testimony on this bill on May 12, 1971 before the General Subcommittee on Labor, I believe that this is inappropriate legislation for dealing with trade problems. For that reason; I did not go into a detailed discussion of the substance of Title III at that time.

The Department of Labor is deeply concerned about the effects on labor of international trade. However, we do not favor Title III because its implementation would not serve the best interests of the United States and American workers.

The bill would, in effect, require the Secretary of Labor to recommend, and authorize the President to impose higher tariffs or import quotas on competitive imports produced abroad under working conditions below the U.S. minimum standards. This new grant of authority to the President would be sweeping. Since no other country, except possibly Canada, has such standards, virtually all U.S. imports would fall within its scope.

The President already has broad powers under existing legislation to curtail imports which adversely affect American industry and labor. Examples of such authority include the tariff adjustment provisions of the Trade Expansion Act of 1962, the Antidumping Act of 1921, the Agricultural Adjustment Acts of 1933 and 1956, and the Tariff Act of 1930. Further, the Administration is on record as favoring the liberalization of the adjustment assistance and escape clause procedures so that industries, workers, and firms can be better protected from import inquiry.

The net effect of any broad-scale restriction on our imports could be to reduce rather than increase employment opportunities in the United States. Other countries would be likely to take retaliatory action against our exports. Moreover, the ability of our trading partners to purchase U.S. goods would be curtailed since many of them depend on sales to the U.S. to earn the necessary foreign exchange to purchase our exports.

If enacted, the bill would have an inflationary impact by limiting the availability of competitive goods and by shifting U.S. consumption and production to higher cost goods.

Another proposed amendment would impose restrictions on government procurement and on any procurement financed in whole or in part by Federal funds of goods produced abroad under conditions less favorable than those specified in the Fair Labor Standards Act. In our view, this represents an extreme form of "Buy America" legislation, which in effect would require that practically all Federal procurements be limited to U.S.-made products. The effects would be inflationary and would reduce or destroy competition in many fields where it may be needed.

Moreover, this amendment would seriously jeopardize international efforts currently underway to reach agreement on a code of fair and equitable public procurement practices.

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One important objective of this effort has been to insure that U.S. exporters have the opportunity to compete for public procurement in other countries on the same basis as their foreign competitors.

I would like to emphasize that our opposition to Title III of H.R. 7130 in no way indicates a lack of concern about the problems faced by some workers adversely affected by import competition. However, in our view, this legislation is neither an appropriate nor feasible approach to such problems.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

APPENDIX B

U.S. TRADE WITH JAPAN, THE FEDERAL REPUBLIC OF GERMANY, CANADA, AND THE UNITED KINGDOM

[In millions of dollars]

	1969	1970
JAPAN		
Exports, total	3,489.7	4,652.0
Foods, feeds, and beverages	756.9	971.3
Industrial supplies and materials	1,594.6	2,119.4
Capital goods including trucks and buses	853.2	1,201.3
Consumer goods, nonfood, including automobiles and parts	209.9	250.7
"Special category" and other exports	75.1	109.3
Imports, total	4,888.2	5,875.3
Foods, feeds, and beverages	137.1	169.9
Industrial supplies and materials	1,548.7	1,808.7
Capital goods including trucks and buses	613.3	658.2
Consumer goods, nonfood, including automobiles and parts	2,513.1	3,160.4
Other imports	66.0	78.1
FEDERAL REPUBLIC OF GERMANY		
Exports, total	2,142.1	2,740.2
Foods, feeds, and beverages	270.0	408.3
Industrial supplies and materials	802.5	961.7
Capital goods including trucks and buses	746.1	1,031.1
Consumer goods, nonfood, including automobiles and parts	131.2	159.7
"Special category" and other exports	192.3	179.4
Imports, total	2,603.4	3,129.6
Foods, feeds, and beverages	40.7	53.7
Industrial supplies and materials	618.5	722.1
Capital goods including trucks and buses	553.0	666.8
Consumer goods, nonfood, including automobiles and parts	1,305.6	1,599.8
Other imports	85.6	87.2
CANADA		
Exports, total	9,137.0	9,083.8
Foods, feeds, and beverages	646.8	741.7
Industrial supplies and materials	2,201.1	2,195.7
Capital goods including trucks and buses	2,825.0	2,793.5
Consumer goods, nonfood, including automobiles and parts	3,080.3	2,778.3
"Special category" and other exports	383.8	574.6
Imports, total	10,383.6	11,091.1
Foods, feeds, and beverages	577.9	644.6
Industrial supplies and materials	4,737.4	5,198.8
Capital goods including trucks and buses	1,384.1	1,481.8
Consumer goods, nonfood, including automobiles and parts	3,022.4	3,162.4
Other imports	661.8	603.5
UNITED KINGDOM		
Exports, total	2,334.6	2,536.8
Foods, feeds, and beverages	191.0	272.6
Industrial supplies and materials	794.0	886.6
Capital goods including trucks and buses	804.2	1,071.9
Consumer goods, nonfood, including automobiles and parts	158.0	166.7
"Special category" and other exports	387.4	139.0
Imports, total	2,120.4	2,195.8
Foods, feeds, and beverages	318.6	367.8
Industrial supplies and materials	463.9	485.7
Capital goods including trucks and buses	475.3	502.7
Consumer goods, nonfood, including automobiles and parts	747.5	727.2
Other imports	115.1	112.4
Total U.S. balance of trade with major partners:		
With Japan	−1,398.5	−1,223.3
With Germany	−461.3	−389.4
With Canada	−1,246.6	−2,007.3
With United Kingdom	+214.2	+341.0

Mr. ASPIN. Mr. Speaker, recently the Brookings Institution published part II of its annual three-part series on economic activity. In that volume there is an excellent and timely article by Lawrence Krause and his assistant, John Mathieson, entitled "How Much of Current Unemployment Do We Import?"

In his article, Mr. Krause has posed a very simple question: "Has the recent growth of imports been the cause of the high rate of unemployment in this country?" His answer is "No." By making the necessary adjustments for varying labor imports and the import-output factors calculated by the Bureau of Labor Statistics, Mr. Krause concludes that the job creation and job loss due to changes in international trade in the past year has resulted in a loss of only an estimated 17,100 jobs.

The loss of 17,100 jobs is insignificant when measured against the December 1971 unemployment rate of 6 percent that accounts for a total of 5,150,000 unemployed Americans. According to this article less than one-third of 1 percent of today's unemployment is the result of jobs lost to imports.

The fantastic rate of unemployment we have today is according to Mr. Krause the fault of the poor economic policies of the Nixon administration.

I recommend Mr. Krause's article which follows for careful study:

HOW MUCH OF CURRENT UNEMPLOYMENT DID WE IMPORT?

(By Lawrence B. Krause, assisted by John A. Mathieson)

In the first quarter of 1970, unemployment in the United States rose to 4 percent of the labor force, the presumed full employment target. By the first quarter of 1971, unemployment reached the undesirable level of nearly 6 percent. Over this same one-year period, imports into the United States increased by $4 billion (1971:1 over 1970:1 at annual rates) and exports increased by only $3 billion, reducing the net positive trade balance by $1 billion. An increase of competitive imports—considered in isolation—has the direct consequence of reducing job opportunities. A reduction of exports has a similar job-destruction effect. By the same token, a reduction of imports and an increase of exports have the opposite consequence on job opportunities. In view of the trade development, a seemingly natural question is how much of current unemployment did we import?

Actually the question is not as natural as it appears because international trade cannot be considered in isolation from other economic developments. In an efficiently evolving dynamic economy, job opportunities are constantly being lost because of many factors, but the losses are more than offset by job-creating developments. Shifts in consumer demand, changes in productive technology, restructuring of government expenditures, as well as increases in imports, cause unemployment among domestic workers whose product is no longer needed. General unemployment need not occur, however, as long as aggregate demand is maintained in the economy, if need be through governmental policy. In the particular events of 1970–71, full employment was not maintained and, therefore, the contribution of the decline of net exports to the increase in unemployment becomes meaningful. To be sure, the employment effects of the decline of net exports could have been offset by appropriate fiscal stimulation, but it can be argued that trade movements are relatively unpredictable and, therefore, some unintended unemployment may have resulted.

It is not legitimate, however, to count the entire decline in net exports since 1964 as a cause of current unemployment. Up to 1970, displaced workers in the aggregate were absorbed elsewhere in the economy and did not create an unemployment problem as such. Indeed, while the trade balance was declining from $6.8 billion in 1964 to $0.7 billion in 1969, unemployment also declined from 5.2 percent to 3.5 percent.

In addition to the issue of total employment, the economic welfare of the society depends on what kind of job opportunities are created in exchange for those being destroyed. When specific jobs are lost through technological change, for instance, there is a presumption that economic welfare is improved even though the workers actually displaced may not find equally remunerative work. A similar presumption, based on the theory of comparative advantage, exists concerning disturbances arising from international trade. Society's welfare should improve even though the individuals displaced may suffer a loss. This presumption, however, is dependent on the country's having an equilibrium exchange rate. An overvalued exchange rate would not directly prevent a country from reaching full employment; but at full employment, resource utilization would be distorted away from tradable goods toward nontradable goods and services with resulting welfare loss for the world as a whole.

METHODOLOGY

The purpose of this exercise is to obtain an estimate of the employment consequences of the decline in U.S. net exports between the first quarter of 1970 and the first quarter of 1971, the period in which unemployment rose. The first step in the estimation process was to record the changes in exports and imports at annual rates. Because different products have widely different labor inputs, some disaggregation was required. Since the intention is to relate trade changes to employment levels, the classification scheme utilized in employment reports was adopted as shown in Tables 1, 2, and 3. The trade statistics were taken from the Census report by end-use categories and aggregated to reach the proper classification. The trade data are given in Table 1, with exports and imports shown separately. Since the data come from Census reports, they differ from the merchandise totals reported in the balance of payments because they are unadjusted for timing and coverage. Furthermore, the rise in military sales ($307 million annual rate) and unclassified exports ($131 million annual rate) have been excluded from exports. The growth of unclassified imports was similarly excluded ($267 million), as was the decline of noncompetitive imports like coffee ($127 million) since these declines did not lead to increases in American production. The resulting increases were $4.1 billion in imports and $3.1 billion in exports.

The second step in the estimation process was to evaluate the number of jobs lost and jobs gained as a result of the trade changes. There is both a direct job effect within the trade-impacted industry and an indirect effect in industries supplying inputs to it. The technical coefficients for both the direct and indirect employment effects were taken from a study by the Bureau of Labor Statistics. This study is based on the 1958 input-output tables, but projected to 1970 based on trends in productivity. The prices are also on a 1958 base, which causes some difficulty. One would like to deflate the trade values by indexes of prices of imports and exports. But since indexes of traded goods of individual industries are not available, no adjustment was made. This will tend to bias upward the estimates of both jobs lost and jobs gained, but probably will not be very significant on the net balance.

FINDINGS

The consequences of the trade changes for employment are shown in Table 2. In direct employment, an estimated 47,800 jobs were lost due to decreases in some exports and 134,000 jobs were lost due to increases of imports, making a total loss of 182,200 jobs. However, 181,400 jobs were gained through increases in exports and a further 1,300 jobs were created through some import declines, making a total of 182,700 job increases. Thus there was on balance a slight edge toward job creation when direct employment effects are taken by themselves.

The inclusion of indirect effects shifts the balance slightly toward job destruction. There was a net loss of about 17,000 jobs due to indirect effects (227,600 losses, offset in part by 210,600 job gains). It is reasonable to expect the indirect effects to be more unfavorable to employment than the direct effects. Much of the growth of exports was in agriculture and mining. In both of these industries, the ratio of value added within the industry to total sales is much higher than it is in manufacturing, where most of the import increases were recorded. Since the indirect employment effects come from that portion of sales value not added by the industry itself, the observed differential was to be expected.

When the direct and indirect effects are taken together, a loss of 16,600 jobs between 1970:1 and 1971:1 can be attributed to changes in exports and imports. If the displaced workers stayed in the labor force and were not absorbed into employment, then approximately 16,600 people were added to the unemployment rolls from this cause. During this span, total unemployment rose by 1.7 million persons. Thus international trade contributed less than 1 percent of the increase. To put the results somewhat differently, if unemployment had increased only because of trade dislocations, the unemployment rate would have risen from 4.16 percent to 4.18 percent, rather than to the actual 1971:1 average of 5.93 percent. The net job loss may appear surprisingly small, given the decline in net exports. But it should be remembered that U.S. exports are labor-intensive relative to U.S. imports, as Leontief established and others subsequently confirmed. The United States need not have balanced increases in exports and imports to maintain employment in trade-related industries. If imports increase more than exports, as occurred in the period under investigation, job losses may not occur.

While only an insignificant portion of total unemployment can be attributed to international trade, the employment situation in particular industries could be greatly affected. Table 3 relates the net direct job changes due to trade to the employment situation in specific industries. Only direct job effects were used since indirect effects are spread widely throughout the economy. As is seen, employment was down 4.6 percent in primary metals (mainly steel); 2.5 percent in motor vehicles; and about 1.5 percent in textiles. On the other hand, coal mining gained 6.6 percent in employment; other transportation equipment (mainly aircraft), 4.4 percent; and machinery, 2.0 percent. These data suggest that a good case can be made for adjustment assistance to industries that are seriously affected by imports. However, the imposition of import barriers is very dangerous since it usually leads to retaliation, which can have serious consequences on export industries. The difficulties imports cause textile firms are well known, but little attention is paid to the effect on the hard-pressed aircraft industry if it could not export.

QUALIFICATIONS

The interpretation of these findings requires certain qualifications. First, with an expanding labor force, the avoidance of job destruction is not enough to ensure full employment: Jobs must be created in sufficient numbers to accommodate new workers. Thus, even though international trade did not destroy many jobs on balance, neither did it carry its weight in creating jobs for the new entrants into the labor force. Second, even when the total number of jobs created is equal to the total destroyed, if the absolute numbers are large, frictional unemployment could increase. To establish this point, the variance of employment due to changes in international trade must be compared with the variance in employment from all other causes, and this calculation was not made. Finally, net income flows in the economy were reduced by $1 billion due to the decline in net exports of goods, and the multiplier effects on employment were not estimated. However, these reductions were more than offset by the $2.7 billion rise in net exports of services during the same period. In any event, the multiplier effects would be small in an economy as large as that of the United States and impossible to calculate because expenditure patterns cannot be traced.

JOBS AND DOLLAR DEVALUATION

One of the pillars of the new economic policy announced by President Nixon on August 15, 1971, was a group of measures that should lead to the devaluation of the dollar. As noted above, this should improve economic welfare from international trade, since the dollar was overvalued. The devaluation will also stimulate U.S. exports. Domestic employment will rise as a direct consequence of the devaluation, for U.S. exports will be stimulated by it, and as imports rise in price, Americans should switch consumption toward domestically produced goods. It is important to recognize, however, that the devaluation is desirable not to alleviate unemployment, but because the dollar was overvalued, as evidenced by the disequilibrium in the overall U.S. balance of payments. At full employment, there will not be *more* jobs because of the devaluation, but *different* jobs. Employment in trade-related industries will be greater and employment in purely domestic industries will be lower because of it. The most fundamental principle of the International Monetary Fund is that depreciation of a currency should not be used to correct an unemployment problem, for that merely exports the unemployment to a nondepreciating country, a practice that can lead to competitive devaluations and a host of other beggar-my-neighbor policies.

There is an important tie, however, between the timing of a devaluation and the existence of unemployment. Devaluation by itself is stimulative and inflationary. Countries usually combine devaluation with monetary and fiscal policies designed to offset the stimulation so as not to lose through domestic inflation the competitive gain they achieve via devaluation. Given the current slack in the U.S. economy, the stimulative consequences of devaluation can be accommodated through greater production, but the direct inflationary effects will still be of some concern as the higher U.S. prices of imported goods raise the price level.

As part of the new economic policy, President Nixon imposed a temporary 10 percent import surcharge, presumably for the purpose of urging other countries to appreciate their currencies to effectuate the dollar devaluation the United States seeks. It should be noted, however, that the surcharge interferes with the formulation of a new pattern of exchange rates via market action since it artificially strengthens the dollar, as does the maintenance of capital controls. Permanent restrictions on trade merely maintain an overvalued dollar, thus sacrificing exports while restraining imports and on balance reducing job opportunities for Americans.

CONCLUSION

How much of current unemployment did we import, then? None, apparently, or at most an insignificantly small portion. Domestic economic policy must take the blame for the overall unemployment situation.

Nevertheless, individual industries are greatly affected by shifts in trade, some losing employment and some gaining it. Public policy should help ease the burden of adjustment to shifts in trade as it should for other causes of unemployment.

The proper policy instruments for dealing with general unemployment are monetary and fiscal policies. Since these work best when used in tandem, monetary policy cannot be, as is sometimes suggested, separately targeted for balance-of-payments purposes—at least not without significant costs. Monetary and fiscal policy must be free of external constraints, and this can be accomplished by keeping exchange rates at equilibrium values. Maintaining equilibrium will require some flexibility in spot exchange rates. With equilibrium exchange rates, one need not worry about the employment effects of a declining trade balance. Clearly, politicians must forgo the simplistic but appealing tie between imports and unemployment if a viable international system is to be maintained.

TABLE 1.—GROWTH OF U.S. EXPORTS AND IMPORTS, BY INDUSTRY GROUP, 1ST QUARTER 1970 TO 1ST QUARTER 1971

[Annual rates in millions of dollars]

Industry group	Exports			Imports		
	1971:1	1970:1	Increase	1971:1	1970:1	Increase
Total	44,996	41,416	3,571	42,109	37,823	4,286
Manufacturing	38,978	36,765	2,214	35,807	31,580	4,228
Durable goods	24,176	22,657	1,519	20,465	17,064	3,401
Primary metals	2,388	3,488	−1,100	4,326	3,657	670
Fabricated metals	439	419	20	468	450	18
Machinery	9,737	8,916	820	2,706	2,638	68
Electrical equipment	2,458	2,374	93	2,457	2,102	354

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TABLE 1.—GROWTH OF U.S. EXPORTS AND IMPORTS, BY INDUSTRY GROUP, 1ST QUARTER 1970 TO 1ST QUARTER 1971—Continued

Industry group	Exports			Imports		
	1971:1	1970:1	Increase	1971:1	1970:1	Increase
Motor vehicles and equipment	4,404	3,626	778	7,676	5,771	1,905
Other transportation equipment	4,008	3,102	906	231	168	63
Other durables	732	731	1	2,600	2,278	322
Nondurable goods	14,802	14,108	694	15,342	14,516	827
Food and kindred goods	6,144	5,224	920	3,886	3,914	−29
Textile mill goods	712	701	11	1,373	1,258	116
Apparel, finished textiles	258	275	−17	1,288	1,060	228
Other nondurables	7,688	7,908	−220	8,795	8,283	512
Agriculture	2,069	1,401	668	(1)	(1)	(1)
Mining	992	741	252	1,556	1,638	−82
Coal and related fuels	952	724	228	9	5	4
Crude petroleum and natural gas	41	17	24	1,547	1,634	−86
Unclassified	1,472	1,341	131	1,528	1,262	267
Noncompetitive imports				3,216	3,343	−127
Military exports	1,474	1,168	307			

[1] Agricultural imports are mostly noncompetitive or food and kindred nondurable goods, and are included in these categories in the table. The balance of agricultural imports is negligible.

Source: U.S. Bureau of the Census, Highlights of U.S. Export and Import Trade, FT990 (March 1970), and Highlights of Exports and Imports, FT990 (March 1971), tables E-7 and I-8. Figures are rounded and may not add to totals.

TABLE 2.—DIRECT AND INDIRECT EMPLOYMENT CHANGES CAUSED BY U.S. EXPORT AND IMPORT TRADE, 1ST QUARTER 1970 TO 1ST QUARTER 1971

[Thousands of jobs]

Industry group	Direct job losses			Direct job gains			Net direct job loss [3]	Indirect job changes [1]		
	Due to decreases in exports	Due to increases in imports	Total	Due to increases in exports	Due to decreases in imports	Total		Total job loss	Total job gain	Net indirect job loss
Total	47.8	134.4	182.2	181.4	1.3	182.7	−0.5	227.6	210.6	17.1
Manufacturing	47.8	134.3	182.0	122.1	.7	122.8	59.2	227.5	172.8	54.7
Durable goods	37.5	94.5	132.0	99.1		99.1	33.0	179.5	108.6	71.0
Primary metals	37.5	22.8	60.3				60.3	56.5		56.5
Fabricated metals		.7	.7		.8	.8	(2)	.8	.9	−.1
Machinery		3.2	3.2	38.1		38.1	−34.9	2.8	33.2	−30.4
Electrical equipment		13.4	13.4	3.5		3.5	9.9	15.0	3.9	11.0
Motor vehicles and equipment		37.4	37.4	15.3		15.3	22.1	90.2	36.9	53.3
Other transportation equipment		2.9	2.9	41.3		41.3	−38.4	2.3	33.8	−33.4
Other durables		14.1	14.1	.1		.1	14.0	12.0	(2)	11.9
Nondurable goods	10.3	39.7	50.0	23.0	.7	23.7	26.3	48.0	64.2	−16.2
Food and kindred goods				22.6	.7	23.3	−23.3		63.7	−63.7
Textile mill goods		4.0	4.0	.4		.4	3.6	5.2	.5	4.7
Apparel, finished textiles	1.1	14.3	15.3				15.3	13.6		13.6
Other nondurables	9.2	21.4	30.7				30.7	29.3		29.2
Agriculture				49.6		49.6	−49.6		30.8	−30.8
Mining		.2	.2	9.8	.6	10.3	−10.1	.1	7.0	−6.9
Coal and related fuels		.2	.2	9.6		9.6	−9.4	.1	4.9	−4.8
Crude petroleum and natural gas				.2	.6	.7	−.7		2.1	−2.1

[1] Indirect job losses and gains are attributed here to the import or export industry but are actually found in the industries that supply it or are otherwise related to it.
[2] Total direct losses minus total direct gains.
[3] Less than 0.05.

Sources: Calculated from table 1, and input-output figures from U.S. Bureau of Labor Statistics, Projections 1970: Interindustry Relationships, Potential Demand, Employment, Bulletin 1536 (1966), table V-2. Figures are rounded and may not add to totals.

TABLE 3.—EMPLOYMENT, WITH AND WITHOUT EFFECTS OF CHANGES IN EXPORT AND IMPORT TRADE, BY INDUSTRY GROUP, 1ST QUARTER 1971

[Thousands of persons, seasonally adjusted]

Industry group	Average employment, 1971:1 [1]	Net primary job loss due to changes in export and import trade	Potential employment without trade effect	Job loss as percentage of potential employment
Total	74,027.2	−0.5	74,026.7	(2)
Trade related	22,536.4	−.5	22,535.9	(2)
Manufacturing	18,749.2	59.2	18,808.4	0.3
Durable goods	10,100.8	33.0	10,133.8	.3
Primary metals	1,255.3	60.3	1,315.6	4.6
Fabricated metals	1,327.7	0.0	1,327.7	
Machinery	1,806.0	−34.9	1,771.1	−2.0
Electrical equipment	1,791.0	9.9	1,800.9	.5
Motor vehicles and equipment [3]	879.5	22.1	901.6	2.5
Other transportation equipment [3]	914.3	−38.4	875.9	−4.4
Other durables	2,127.0	14.0	2,141.0	.7
Nondurable goods	8,648.4	26.3	8,674.7	.3
Food and kindred goods	1,781.3	−23.3	1,758.0	−1.3
Textile mill goods	946.7	3.6	950.3	.4
Apparel, finished textiles	1,378.7	15.3	1,394.0	1.1
Other nondurables	4,541.7	30.7	4,572.4	.7
Agriculture	3,380.0	−49.6	3,330.4	−1.5
Mining, total	624.0	−10.1	613.9	−1.6
Mining, trade related	407.2	−10.1	397.1	−2.5
Coal and related fuels [3]	152.9	−9.4	143.5	−6.6
Crude petroleum and natural gas [3]	254.3	−.7	253.6	−.3
Services	48,043.0		48,043.0	
Contract construction	3,231.0		3,231.0	

[1] Quarterly average.
[2] Less than 0.05 percent.
[3] Not seasonally adjusted.

Source: Employment and earnings, vol. 18 (July 1971). Figures are rounded and may not add to totals.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

FIFTEENTH ANNIVERSARY OF THE HUNGARIAN REVOLUTION COMMEMORATES DETERMINATION OF HUNGARIAN FREEDOM FIGHTERS AND REAFFIRMS THE PURSUIT OF LIBERTY AND FREEDOM FOR ALL PEOPLES

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 30 minutes.

Mr. HORTON. Mr. Speaker, 15 years ago in 1956, Hungarian freedom fighters battled Soviet troops and tanks with sticks and stones in one of the most stirring expressions of a people's desire for freedom and liberty the world has known. Thousands of men and women sacrificed their lives in a courageous attempt to secure for themselves, their country, and for all captive nations people the right to self-determination.

Although this goal was not actually realized, their valiant efforts are a memorial not only to the courage of oppressed people, but to the desire of these people to live in freedom.

The American Citizens Committee for the Commemoration of the 15th Anniversary of the Hungarian Revolution, of which I was privileged to serve as national chairman, and the Hungarian Freedom Fighters Federation recognized the courage and valor of the 1956 freedom fighters with a dinner on October 23, the anniversary date of the revolution. During this occasion, tribute was paid to the deeds and goals of these people and special recognition was given to those who have worked to further their goals.

Mr. Speaker. I would like to share with my colleagues some of the citations, official proclamations and speeches made at this dinner and elsewhere in commemoration of this historic event. My purpose is not only to focus attention on the courageous actions of the 1956 Hungarian freedom fighters and their goals of liberty and self-determination, but also on the plight of the millions and millions of people presently living under Soviet oppression in Eastern and Central Europe.

The American Citizens Committee was the prime mover behind the October 23 dinner. This event could not have had the impact that it did without the participation of the distinguished members of the committee. They lent their time and support not only to the dinner itself but to the general recognition of this historic event.

The honorary chairmen of the committee were my distinguished colleagues in the House, the Speaker, the Honorable CARL ALBERT and the minority leader, the Honorable GERALD R. FORD, Senator ROBERT DOLE, and Senator DANIEL K. INOUYE.

Cochairmen of the committee were Gen. Donald Dawson, a Washington attorney, and Philip Hannan, archbishop of New Orleans.

Congressmen EDWARD J. DERWINSKI and WILLIAM J. SCHERLE were cochairmen of the executive committee. Dr. Andras Pogany, president of the Hungarian Freedom Fighters Federation, and Mr. Laszlo Pasztor, director of the Heritage Groups Division of the Republican National Committee, also served on the executive committee.

There is another man, Mr. Speaker, who perhaps more than any other single person has been responsible for keeping alive the memory and spirit of the Hungarian Revolution in the United States.

I am speaking of the copresident of the Hungarian Freedom Fighters Federation, Istvan B. Gereben. Steve is a renowned oceanographer, who, in his spare time, has organized and kept alive the activities of countless American public figures and others in our country, who have sought, over the years, to work for policies which could promote a greater degree of freedom for people of captive nations.

He certainly was the key man behind the successful efforts of the committee to win such widespread recognition for the 15th anniversary of the Hungarian revolution.

I would like to share with my colleagues some of the important events and messages which took place at the October 23 dinner to commemorate this 15th anniversary. The dinner was held in the National Press Building in Washington, D.C.

The underlying message of the speakers at this dinner was that Americans have forgotten the lessons of Hungary. We have, as a nation, forgotten the ruthlessness of Communist totalitarianism and we have forgotten what it is like to live under such a government. We as citizens of a nation which places such a premium on freedom, must do all that we can to see that it is extended to all peoples.

At the beginning of the dinner Mr. Gereben introduced Congressman SCHERLE, who welcomed the dinner guests on behalf of the committee.

Archbishop Hannan offered the invocation. He said:

In the name of the Father and of the Son and of the Holy Spirit.

Oh, God, the source of freedom bless all assembled here, and all the Freedom Fighters of 56. As their heroism sparked the rebirth of freedom in their beloved land, may the remembrance of their deed revive the cause of freedom everywhere.

We pray also for Your continued blessing and support of that great champion of freedom, Jozsef Cardinal Mindszenty, that his example may feed the flame of freedom in all hearts! May every soul fulfill the words of scripture: live as free men, not using your freedom as cloth for malice, but as servants of God!

Pour out your special blessing on Hungary, the land which sacrificed so much for freedom and hasten the day when it will take its rightful place again as an honored member of the Free World. Amen.

In the name of the Father and of the Son and the Holy Spirit.

Mr. Speaker, at this point I would like to share with my colleagues a poem that was read at the dinner. Entitled "Hungary, 1956," it was composed by our colleague from Maryland, LAWRENCE J. HOGAN.

HUNGARY, 1956

(By LAWRENCE J. HOGAN)

Under Soviet oppression
And tyrannous aggression
People lived in deep despair
And dark clouds hung everywhere
In this nation without hope or goals.
But, under burned-out coals,
Freedom smoldered there
Beneath that blanket of despair.

Then, just as pressure of stifling suffocation
On a dying fire makes spontaneous combustion,
The long-dormant spark exploded
To enflame a patriotism so long eroded.
Old men and young boys,
Heady with freedom's joys,
Became rag-tag soldiers adrift,
Gambling God's most precious gift
For a chance to rescue their nation
By risking wild confrontation;
To make a choice
Which is no choice:
Quick, rewarding death
Or slow, living death.

Soft-skinned boys emerge as men
To learn what life might have been.
Old men forget infirmities
And women ignore their frailties,
As an inspired nation arises in bravery
To cast off the chains of slavery
And invest sacrifice and dedication
With prayer and desperation
In a wild gamble to be free—
To make impossibility, reality.
To the world's disbelief
And their own ecstatic relief—
Amazing, odds-defying success
Exhilarating, intoxicating, joyful success.

Freedom! Freedom is to be.
Oh, to be free! To be free!
Hearts throb for love of country
Throats, aching from shouting defiantly,
Constrict and tears leak out of eyes
That had wept so many of despair's cries.

Now come, America, and give your solace
To this proud, brave populace
And rejoice in this heroic spirit
Arising from a coma, and share it.
Come, America, and help this rag-tag army grow
As France helped you so long ago
By making your revolt her own.
Come help reap what love of freedom has sown.
Come, America, with your mighty hands of friendship
To shelter freedom's fire in kinship.
Hear the Freedom Fighter's shout
Don't let freedom be snuffed out.
Come, America, and answer this plea
From a nation hungry to be free.

As days pass awaiting America's hand
An ominous quiet envelopes the land.
An eerie calm forewarns of storm
As lines of desperate resistance form.
Suddenly, the bleak November sky
Is pierced by Soviet MIGs' screaming cry.
And into every Budapest street
Firing on all they meet
Russian tanks rumble
To make all opposition crumble.
Tanks take vigil on each corner and wait.
Come, America, the hour is late!

Salvo after salvo of artillery
Bear witness to Soviet villainy.
Buildings crumble or are licked by flames
As cruel retaliation takes its claims.
Wreckage chokes Hungarian streets
And enemy fire cuts off retreats.

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Behind blocked windows resisters stare
As smoke and stench of death poison the air.
Freedom Fighters spend dwindling rounds and wait
In hopeless defiance of their fate
As Soviet soldiers, recapturing a nation,
Bring house-to-house annihilation.
In a last gasp to make fate pause,
Anonymous heroes die in a lost cause.
Come, America, and watch a nation die
As all who love freedom cry!

The Russian shooting decreases
As the last remnant of resistance ceases.
Wisps of tell-tale smoke rise
Where the corpse of freedom lies,
Its acrid smell should shame
The nostrils of all who share the blame.

Where were you, America, as freedom died
To redeem the promise which you lied?
You whose own quest for freedom's chance
Would have failed without the aid of France.
Where were you, America, when children died in bravery
Fighting a war that could have saved the world from slavery?
Where were you, America, when the boot of tyranny stomped out freedom's fire?
You were there, America, as pallbearer at the funeral pyre!

Mr. Douglas Baldwin, a member of the steering committee, read the resolution of self-determination and neutrality of the Hungarian Freedom Fighters Federation. I would like to share this resolution with my colleagues:

STATEMENT OF THE HUNGARIAN FREEDOM FIGHTERS FEDERATION ON THE FIFTEENTH ANNIVERSARY OF HUNGARIAN REVOLUTION

In the 1970's, it is insufficient simply to attack or defend communism. We must know it: what moral, economic, military forces, what psychological modes hold it together; what new concepts and measures see the light of day, what kind of language the Communists use, that is understood differently by them and by us.

While there is no longer a single strong authoritarian leader who speaks for and rules over all communists, with its present polycentrism, Communism presents an equally great threat to free societies. The aim of Communism is still the domination of the world by elimination of free political systems and their transformation into fundamentally totalitarian Communist rule. The leaders of Communism reconfirm this goal day by day.

Communist strategy, in order to achieve this goal may have been changed. The nature of confrontation may be shifted from a primarily military arena to the ideological battlefield. We here in the West are much better prepared to cope with the articulate military threat than with the shapeless and deceptive tactics of ideological warfare.

The realization of the consequences of nuclear warfare has increased the prudence of the Communists leaders, but has not made them any more ready to abide by the U.N. Declaration of Human Rights or the Atlantic Charter than they did earlier. There is the problem of internal discontent in Communist countries, which moreover makes the Soviets less adventurous; however, the West has not tried to use this discontent to force the Communists to implement the very principles of the two mentioned documents and help restore self-determination among those nations which are deprived this right by their Soviet rulers.

Instead a staunch refusal to exacerbate the problems has been expressed. One cannot ignore the dehumanizing, aggressive ideology of the Communist powers and their military institutions which threaten the rest of the world. One cannot dream of coexistence and react only episodically to crises.

Systematic long term planning—based on the U.N. Declaration of Human Rights and the Atlantic Charter—is needed to help humanize the governments of the oppressed nations and restore lost freedoms in countries now occupied by foreign troops and foreign ideologies.

A man who has been sitting too long in one position in his chair and has become stiff has the right to change his position but not with the argument that he is doing it because the attitude of the chair has changed. Let us change policy; let us try new ways of bettering understanding between East and West! But let us not try to convince the world that Communism has changed because we did, for that is an illusion, and in politics, one cannot fall for an illusion without losing substance.

Are there more convincing examples of Soviet perfidy and perseverance than the Hungarian Revolution? The Berlin Wall? Czechoslovakia? The Russian writers in asylums?

In 1956, fifteen years ago, Hungary and her people of ten million tried to end the shameless double standard applied in international politics. To create reality from the myth of self-determination, they sacrificed their lives by the thousands. On November 4, 1956, the most principled, cleanest revolution of our century—Hungary's fight for freedom—was crushed by Red Starred tanks. A brave people and the great principle of self-determination were shockingly overrun and abandoned.

Because of the complexity of international politics and because of recurrent delusions, it is tempting to accept the status quo, arguing that not much can be done anyway, and that one must avoid an accidental nuclear war. But such a quietist approach assumes that the status quo is tolerable and just, which is simply not true. The international responsibilities incumbent on any great power cannot be avoided by Western governments. They must, therefore, creatively modify the situation in the direction of restoring lost freedoms and rectifying past injustices. The tacit acceptance of the Communist two-zone doctrine is erroneous and dangerous.

Legalization of present conditions, that is, prolongation of the status-quo, seems particularly injurious to Hungary. The economic conditions were improved and the standard of living of the average Hungarian has increased in the past decade.

The Revolution in 1956 was not fought over bread and butter issues. The essential issues rousing a whole nation in anger, sacrificing its youth, its men and women, are still there: The country is occupied by Soviet troops, the government put in power by Russian tanks and condemned by sixteen U.N. Resolutions continues to deny the basic human rights to the Hungarian people. The basic demands of the nation are not fulfilled. The withdrawal of foreign military forces from Hungarian soil, the declaration of neutrality and the establishment of a constitutional government through free elections with the participation of multiple parties representing multiple political and economic philosophies and interests, did not occur in the past fifteen years.

On the fifteenth anniversary of the Hungarian Revolution, the Hungarian Freedom Fighters Federation is compelled to declare that the demands of the Hungarian people as they have been expressed during the Revolution are still unfulfilled. Hungary is still a dictatorship, a police state permeated by a network of informants assuring total control over the people. The changes observed by naive tourists, eager reporters and short-sighted politicians are changes in outside appearance, changes in tactics and changes in the nonessentials.

The substance of the political, economic, and social system, which the revolution attempted to overthrow is still unchanged.

Hungary is ruled by foreign ideals and occupied by foreign troops. Therefore, we Hungarian Freedom Fighters and other Hungarians living in the United States shall continue to work for a sovereign, constitutionally established, free Hungary and for freedom for all oppressed peoples of the world!

Dr. ANDRAS POGANY,
President.
ISTVAN B. GEREBEN,
Copresident.
WASHINGTON, D.C., *October 23, 1971.*

Following dinner, five men who have devoted an extraordinary effort to supporting the causes of the 1956 freedom fighters and to the cause of freedom for all men were cited. Receiving the 1971 Freedom Award were David Lawrence, renowned editor and newspaper columnist; Representative LAWRENCE J. HOGAN; Frank N. Maloof, philanthropist and humanitarian; Paul Miller, chairman of the Gannett Co. and president of the Associated Press; and Dr. Stefan T. Possony, professor, the Hoover Institution on War, Revolution and Peace at Stanford University.

I would like to note here that the first recipient of this award in 1960 was then Vice President Richard M. Nixon.

Upon receiving his citation, Mr. Lawrence spoke about the need for Americans to be told more about the history of the Hungarian revolution and the plight of captive peoples. His remarks follow:

REMARKS OF MR. DAVID LAWRENCE, EDITOR OF U.S. NEWS & WORLD REPORT UPON RECEIVING THE "FREEDOM AWARD" OF THE HUNGARIAN FREEDOM FIGHTERS FEDERATION U.S.A.

I appreciate very much of this honor and I am glad to be one of those receiving the Freedom Award of the Hungarian Freedom Fighters Federation. I think Representative Horton's speech is one of the finest I have ever heard. We, in America little realize what has happened in the last fifteen years since the Hungarian Revolution. If you asked any ten people, aged 25–30 what happened then, what captive states there are in this world, they would not even know. They do not know what a captive state is, they do not know what Hungary is, and they do not know how it became captive, and how it lost its short lived freedom in 1956. We forget too quickly.

We are involved in a war in Vietnam to save a small country, to enable it to have the right of self-determination and to maintain true independence. Many people in this country found that a novelty. It is not a novelty, it is one of the things that we, as individuals and as a nation have always believed in. The example of Vietnam does not mean that we are helping every nation become free. But it does mean that the gospel of today is freedom. In the United Nations and all other international conferences the uppermost subject should be freedom for all the nations.

I am convinced that if the plight of people living in the captive nations were better known in the United States, if more public sentiment were mobilized behind the concept of freedom for captive nations peoples, we would see public opinion developed in America supporting that concept. In turn this would have its affect in the international forums of the world.

We became involved in World War II because we were attacked by Japan. At the start of that war, Russia was on the side of Hitler. When we entered the war they were fighting against each other and the Soviets were in

trouble. We helped them out. It was the alliance with the United States and the West that saved Russia. At the end of the war, when peace was made, who took control of those states in Eastern Europe? Russia did! We apparently let it go by. We are the ones who saved Russia and by doing so we have part responsibility for the kind of settlement that was made. We have not told all the facts about the peace agreements.

The Captive Nation is a phrase that ought to be widely known in this country, so that Americans will be sympathetic to the peoples of captive nations, wish them freedom and try, through indirect ways to help them gain their freedom. We should do so because that is going to be the issue in the coming years—let small nations have their independence and let all nations choose their own form of government, even if they choose communism, but they must choose it honestly. That is what is coming: a desire for autonomy of nations and not the rule of autocratic governments which give their subjects no right whatsoever.

Your meeting here is symbolic of the movement to save the captive nations. But we don't know enough about it in America. The average citizen, I am quite sure, does not know much about it. You have to tell him what a captive nation is and who are the captive nations. A big publicity campaign is yet to be undertaken.

Thank you.

Dr. Possony, one of the recipients of the 1971 Freedom Citation, also spoke on behalf of the men who received the awards. His eloquent remarks made clear the meaning of the Hungarian revolution for all peoples, especially for Americans.

Dr. Andras Pogany, national chairman of the Hungarian Freedom Fighters Federation, talked about the moral hypocrisy of freedom-loving countries forgetting the hundreds of millions of people living behind the Iron Curtain.

Following the benediction by Archbishop Hannan and the National Anthems of Hungary and the United States, this memorable and moving event was concluded.

In addition to this recognition of the 1956 Hungarian revolution, 18 Governors and 96 mayors proclaimed October 23, 1971, Hungarian Freedom Fighters Day. I would like to include the list of those who designated the day as such:

STATES AND THEIR RESPECTIVE GOVERNORS, PROCLAIMING OCTOBER 23, 1971, AS HUNGARIAN FREEDOM FIGHTERS DAY

Alaska—William A. Egan, Governor.
Colorado—John D. Vanderhoof, Lieutenant and Acting Governor.
Connecticut—Thomas J. Meskill, Governor.
Delaware—Russel W. Peterson, Governor.
Georgia—Jimmy Carter, Governor.
Illinois—Richard B. Ogilvie, Governor.
Kansas—Robert B. Docking, Governor.
Kentucky—Loule B. Nunn, Governor.
Louisiana—John J. McKeithen, Governor.
Maine—Kenneth M. Curtis, Governor.
Massachusetts—Francis W. Sargent, Governor.
Maryland—Blair Lee, Lieutenant and Acting Governor.
Michigan—James H. Brickley, Lieutenant and Acting Governor.
Nebraska—J. James Exon, Governor.
New Jersey—William T. Cahill, Governor.
New Mexico—Bruce King, Governor.
Tennessee—Winfield Dunn, Governor.
Vermont—Deane C. Davis, Governor.

CITIES AND THEIR RESPECTIVE MAYORS PROCLAIMING OCTOBER 23, 1971, AS HUNGARIAN FREEDOM FIGHTERS' DAY

Albany, New York—Erastus Corning.
Allentown, Pennsylvania—Clifford S. Bartholomew.
Anderson, Indiana—J. E. Flanagan.
Atlantic City, New Jersey—William I. Somers.
Aurora, Illinois—Albert D. McCoy.
Baltimore, Maryland—Thomas J. D'Alesandro III.
Barberton, Ohio—I. Kenneth R. Cox.
Bayonne, New Jersey—Francis G. Fitzpatrick.
Berkeley, California—Warren Widener.
Bethlehem, Pennsylvania—I. H. Gordon Payrow.
Binghamton, New York—Alfred J. Libous.
Billings, Montana—Willard E. Fraser.
Boston, Massachusetts—Kevin H. White.
Bowie, Maryland—Leo E. Green.
Bridgeport, Connecticut—Hugh C. Curran.
Buffalo, New York—Frank A. Sedita.
Canton, Ohio—Stanley A. Cmich.
Cedar Rapids, Iowa—Donald J. Canney.
Chattanooga, Tennessee—Robert Kirk Walker.
Chesapeake, Virginia—W. S. Overton.
Chester, Pennsylvania—John H. Nacrelli.
Corpus Christi, Texas—Ronnie Sizemore.
Cicero, Illinois—John Karner.
Concord, California—Laurence Azevedo.
Clifton, New Jersey—Anna M. Latteri.
Dearborn, Michigan—Orville L. Hubbard.
Dearborn Heights, Michigan—John L. Canfield.
Denver, Colorado—W. H. McNichols.
Detroit, Michigan—Roman S. Gribbs.
East Chicago, Indiana—Dr. John B. Nicosia.
Elmhurst, Illinois—Charles Weigel.
Euclid, Ohio—Harry J. Knuth.
Fort Worth, Texas—R. M. Stovall.
Gainesville, Florida—Neil A. Butler.
Garfield, New Jersey—Richard Visofiky.
Hialeah, Florida—Charles A. Whiteacre.
Hollywood, Florida—John T. Wulff.
Honolulu, Hawaii—Frank F. Fasi.
Indianapolis, Indiana—Richard G. Lugar.
Irving, Texas—R. Dan Matkin.
Jacksonville, Florida—Hans G. Tanzler.
Kansas City, Kansas—Richard F. Walsh.
Kettering, Ohio—Charles F. Horn.
Lafayette, Indiana—Donald W. Blue.
Los Angeles, California—Sam Yorty.
Lakewood, California—Charles T. Schweitzer.
Lancaster, Pennsylvania—Thomas J. Monaghan.
Lansing Michigan—Gerald W. Graves.
Lewiston, Maine—Robert W. Clifford.
Livonia, Michigan—Edward H. McNamara.
Long Beach, California—Edwin W. Wade.
Lorain, Ohio—Woodrow W. Mathna.
Macon, Georgia—Ronnie Thompson.
Madison, Wisconsin—William O. Styke.
Maple Heights, Ohio—Emil J. Lisy, Jr.
Memphis, Tennessee—Henry Loeb.
Miami, Florida—David T. Kennedy.
Milwaukee, Wisconsin—Henry W. Maier.
Mobile, Alabama—Robert B. Doyle, Jr.
Monterey Park, California—Al L. Kreger.
Mountain View, California—William L. Herfurth.
Nashua, New Hampshire—Dennis J. Sullivan.
Newark, New Jersey—Kenneth A. Gibson.
New Orleans, Louisiana—Moon Landrieu.
Newport News, Virginia—J. W. Hornsby.
Norwalk, Connecticut—Frank N. Zullo.
Oklahoma City, Okla.—Patience Latting.
Omaha, Nebraska—Eugene A. Leahy.
Onondaga County, New York—John H. Mulroy, County Executive.
Ontario, California—Howard J. Snider.
Orlando, Florida—Carl T. Langford.
Paterson, New Jersey—Lawrence F. Kramer.
Philadelphia, Pennsylvania—James H. J. Tate.
Pico Rivera, California—Anthony M. Santchez.
Portsmouth, Virginia—Jack P. Barnes.
Providence, Rhode Island—Joseph A. Doorley.
Pomona, California—Richard C. Brownell.
Rochester, New York—Stephen May.
Royal Oak, Michigan—James P. Cline.
Saint Louis, Missouri—Alfonso J. Cervantes.
Saint Paul, Minnesota—Charles P. McCarty.
Salt Lake City, Utah—J. Bracken Lee.
San Jose, California—Norman Y. Mineta.
Santa Barbara, California—Gerald S. Firestone.
Santa Clara, California—Gary G. Gilmor.
Santa Monica, California—Antony L. Diturl.
Santa Rosa, California—John H. Downey, Jr.
Savannah, Georgia—John P. Rousakis.
Simie Valley, California—Lester D. Cleveland.
South San Francisco, California—William A. Borba.
Tempe, Arizona—Dale R. Shumway.
Torrance, California— Ken Miller.
Trenton, New Jersey—Arthur J. Holland.
Virginia Beach, Virginia—Donald H. Rhodes.
Waukegan, Illinois—Robert Sabonjian.
West Haven, Connecticut—Alexander F. Zarnowski.
Westminster, California—Derek C. McWhinney.

The proclamations from these Governors and mayors were moving tributes to the freedom fighters and eloquent pleas for the right of self-determination by all peoples.

The following are among the proclamations issued on behalf of the October 23 Hungarian revolution.

The first one proclaimed by Mayor Stephen May is from Rochester, N.Y., in my congressional district:

CITY OF ROCHESTER, N.Y.

Whereas, the people of the City of Rochester are sympathetic toward the efforts of the people of Hungary to free themselves from the chains of communistic totalitarianism, and we, in America, are reminded of our commitment to the purposes of the Hungarian Revolution by the presence of nearly fifty thousand refugees within our borders; and

Whereas, we are merciful of the memory of several thousand Hungarian Freedom Fighters who died in their attempt to win freedom in the fall of 1956, and of countless thousands of human beings who were jailed or deported after the Soviet forces overran Hungary again, and there is ample evidence that, in spite of claims by Hungarian communists to the contrary, not one of the goals of human freedom which the Hungarian nation fought for in 1956 have been realized, which evidence is well illustrated by the barbed wire fences surrounding Hungary today; and

Whereas, it is crucially important for us, as Americans, to sustain the hope and faith of the Hungarians, and all captive peoples in their eventual freedom from communist domination, and the freedom-loving people of Hungary look to the United States as the citadel of human freedom and to the people of the United States as leaders in the effort to secure their freedom and independence; and

Whereas, October 23, 1971 will mark the fifteenth anniversary of the day on which

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the people of Hungary won their freedom, only later to be crushed by the brutal power of the Soviet army, and the desire for liberty and independence among the Hungarians and other oppressed peoples constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, many Hungarians have chosen Rochester to be their home and have contributed significantly to the well-being of this community,

Now, therefore, I, Stephen May, Mayor of Rochester, do hereby proclaim October 23, 1971 to be Hungarian Freedom Fighters' Day in Rochester, and urge all Rochesterians to pay special tribute to these loyal and brave people by recognizing the plight of Hungary and recommitting ourselves to work and pray for the day when Hungary will once more take its proper place in the family of free nations.

PROCLAMATION

Whereas, October marks the 15th anniversary of the Hungarian Revolution, the brave effort of the Hungarian people to cast off the yoke of communist domination inflicted upon them in the aftermath of World War II; and

Whereas, the revolution which began in the streets of Budapest October 23, 1956 brought temporary freedom—until the Soviets brought in foreign troops and tanks for what became a blood bath; and

Whereas, the weeks following the revolution saw thousands of Hungarians risk their lives in leaving their beloved country to find freedom in western Europe and the United States; and

Whereas, today, Hungarian Americans are valued and productive citizens of every major American city and the personal qualities that built a splendid nation in the heart of Europe enrich America:

Now Therefore, I, H. Gordon Payrow, Jr., Mayor of the City of Bethlehem, Pennsylvania, do hereby proclaim Saturday, October 23, 1971 as Hungarian Freedom Fighters Day, and urge that all of our citizens pay special tribute to these loyal and brave people by studying the plight of Hungary and recommit themselves to the just aspirations of the Hungarians.

TRENTON, N.J., PROCLAMATION

Whereas, the desire for liberty and independence by the Hungarians and other oppressed peoples constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, it is incumbent upon free citizens to recognize appreciatively that the people of Hungary, with those others who share their destiny, in aggregate constitute not only a primary deterrent against a hot global war and further overt agression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas, in pursuit of a diplomacy of truth we cannot for long avoid bringing into question Moscow's legalistic pretensions of "non-interference in the internal affairs of States" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic and historical evidence; and

Whereas, the continued occupation of Hungary by Russian troops constitutes a violation of the principles of the Atlantic Charter and the Universal Declaration of Human Rights to which documents the Soviet Union itself is a cosignatory; and

Whereas, the people of Trenton wish to express their dismay over the denial of fundamental human rights and self determination to the people of Hungary:

Now therefore, I Arthur J. Holland, Mayor of the City of Trenton do hereby proclaim Saturday, October 23, 1971 as: "Hungarian Freedom Fighters' Day" and urge that all of our citizens pay special tribute to these loyal and brave people by studying the plight of Hungary and recommit themselves to the just aspirations of the Hungarians.

PROCLAMATION

The people of Alaska are sympathetic toward the efforts of the people of Hungary to free themselves from the chains of communist totalitarianism, and we, in America, are reminded of our commitment to the purposes of the Hungarian Revolution by the presence of nearly fifty thousand refugees within the borders of the United States.

October 23, 1971, will mark the 15th anniversary of the day that the people of Hungary won their freedom, later to be crushed. It is of crucial importance for us, as Americans, to morally sustain the hope and faith of the Hungarians, and all captive peoples in their eventual freedom.

The freedom loving people of Hungary look to the United States as the citadel of human freedom to the people of the United States as leaders in bringing about their freedom and independence. It is incumbent upon us free citizens to appreciatively recognize that the people of Hungary, with those others who share their destiny, constitute not only a primary deterrent against a global war and further aggression, but also a prime positive means for the advancement of world freedom.

The people of Alaska wish to express their dismay over the denial of fundamental human rights and self-determination to the people of Hungary.

Therefore, I, William A. Egan, Governor of Alaska, do hereby proclaim Saturday, October 23, 1971, as Hungarian Freedom Fighters' Day and urge that all of our citizens pay special tribute to these loyal and brave people by studying the plight of Hungary and by recommitting themselves to the just aspirations of the Hungarians.

Dated this 21st day of October, 1971.

PROCLAMATION BY THE GOVERNOR

To the people of Kansas, greetings:

Whereas, the desire for liberty and independence by the Hungarians and other oppresesd peoples constitutes a powerful deterrent to any ambitions of Communist leadistic form is psychopolitical; and

Whereas, it is incumbent upon us free citizens to appreciatively recognize that the people of Hungary, with those others who share their destiny, in aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form in psychopolitical; and

Whereas, in pursuit of a diplomacy of truth we cannot for long avoid bringing into question Moscow's legalistic pretensions of "non-interference in the internal affairs of States" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic and historical evidence; and

Whereas, the continued occupation of Hungary by Russian troops constitutes a violation of the principles of the Atlantic Charter and the Universal Declaration of Human Rights to which documents the Soviet Union itself is a cosignatory; and

Whereas, the people of Kansas wish to express their dismay over the denial of fundamental human rights and self-determination to the people of Hungary:

Now, therefore, I, Robert B. Docking, Governor of the State of Kansas, do hereby proclaim Saturday, October 23, 1971, as Hungarian Freedom Fighters' Day and urge that all of our citizens pay special tribute to these loyal and brave people by studying the plight of Hungary and recommit themselves to the just aspirations of the Hungarians.

Mr. Speaker, in addition to these citations, proclamations, and speeches, there is an effort underway to express America's determination to see that the principles of democracy and freedom be restored to the people of Hungary. Many Members of Congress have joined in action to insure that the national treasure of Hungary, the Holy Crown of St. Stephen, remain in the safekeeping of our Government until the Government of Hungary improves the individual rights and freedoms of its citizens.

U.S. troops took the 11th century crown, a gift from Pope Sylvester II to St. Stephen, Hungary's first Christian king, at the end of World War II from surrendering Hungarian forces, who were allied with the Germans.

Congressmen LARRY HOGAN and WILLIAM SCHERLE have been leaders in the congressional effort to see that the Crown remain in the hands of the United States. Under the leadership of Congressman HOGAN, 25 Members of the House joined in a resolution expressing the wish that the Holy Crown be retained in the United States for the time being and seven Senators led by Senators ROBERT DOLE, introduced a similar resolution.

In August, in light of news reports that the Holy Crown was in danger of being returned to the current Hungarian Government, 25 Members of Congress signed a letter to President Nixon expressing the desire of Members of Congress that no further action be taken by our diplomats and negotiators with regard to the crown until the Congress has expressed itself on this resolution.

The position of the U.S. State Department on this issue is embodied in an Associated Press dispatch of August 6 which reads:

WASHINGTON, Aug. 6.—A State Department spokesman said Friday there ought to be more improvement in U.S.-Hungarian relations before there could be any active discussion involving the return of the crown of St. Stephen and other jewels to the Hungarian people.

The statement by Press Officer Robert J. McCloskey officially set at rest reports that negotiations were nearing an end for the return of the jewels to Hungary. The United States has acted as a custodian since the end of World War II of the Crown of St. Stephen.

Earlier this week Istvan Darvasi, vice president of the Hungarian Peace Council, told 50 visiting professors from the United States that the U.S. and Hungary had resumed negotiations for the return of the jewels including the crown.

McCloskey said there are no negotiations and "presently the U.S. government feels that generally there ought to be more improvement in U.S.-Hungarian relations before we get into active discussions involving the return of the crown." The report from Budapest had stirred concern among Hungarian groups in the United States.

It is important that we do all that we can to insure that this crown remains in the United States until Hungary once again functions as a government, established by the Hungarian people through free choice. We must continue to press diplomatic efforts to see that this is achieved.

Mr. Speaker, as we observe the 15th anniversary of the Hungarian revolution, these speeches, proclamations and other commemorative actions point up all too vividly the problems of the millions of people living under Soviet oppression in Eastern and central Europe.

Despite some lessening of tensions in the diplomatic relations between the United States and the Soviets, the plight of the people held captive in Communist controlled nations has not been diminished.

We, in America, often take our rights and freedoms for granted and forget what it is like to live under Soviet oppression. We must not forget. We must strive to do all that we can to recognize the tragic situation of people living under Soviet rule, and perhaps by doing so, bring closer the day when they can live in dignity and freedom.

Mr. HOGAN. Mr. Speaker, as a member of the American Citizens Committee for the Commemoration of the 15th anniversary of the Hungarian revolution I am pleased to join with our colleague, the gentleman from New York (Mr. HORTON), who served as chairman of that committee, in this dialog today.

On October 23 of this year, the American Citizens Committee sponsored a dinner here in Washington to commemorate the passing of 15 years since the Hungarian revolt in 1956. At that dinner, our colleague from New York (Mr. HORTON) presented the keynote address and discussed most cogently the present international realities of the 1970's and how they differ from the stark, cold war days of the mid-1950's.

I was deeply distressed by the American inaction during the 1956 Hungarian revolution. Since my election to Congress I have tried to focus attention on the plight of Hungary and other captive nations.

For the past year I have tried to get a commitment from the administration to guarantee the safekeeping of the Hungarian Holy Crown of Saint Stephen. Mr. Speaker I am particularly pleased at the number of our colleagues who have joined me in cosponsoring my concurrent resolution to maintain the holy crown in the safekeeping of the United States until such time as a constitutional government freely elected by the Hungarian people once again functions in Hungary. At the present time, there are 39 cosponsors in this body and seven in the other body.

Further, I received word this week from Chairman THOMAS MORGAN of the House Foreign Affairs Committee, to which this resolution was referred, that House Concurrent Resolution 385 has been assigned to the Subcommittee on Europe for further action.

Mr. Speaker, since becoming involved in this issue, I have written to President Nixon on several different occasions requesting a clarification of our present negotiating stance vis-a-vis the Hungarian Government on the subject of the disposition of the holy crown. For the record, I would like to include at this point that series of letters:

MAY 19, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recent news reports indicate that the diplomatic and commercial relations between the United States and Hungary are improving and it has come to my attention that the Holy Crown of St. Stephen, Hungary's national treasure and main symbol of constitutional government, may be surrendered by the United States in future negotiations. Allow me to impress upon you, Mr. President, that this should not be a negotiable item.

The Crown of St. Stephen is the symbolic source of all Hungarian laws and powers. It has become the symbol of Hungarian sovereignty, achieving particular significance since 1945 when the Crown was entrusted to the United States for safekeeping until Hungary would once again function as a constitutional government established by the Hungarian people through free choice.

Despite the current improvement in our relations with the leaders of the Hungarian government, the United States cannot violate her trust by surrendering this state symbol to the totalitarian regime of a Soviet satellite. The unresolved dispute over United States claims on American properties confiscated or nationalized by Hungary after World War II gives us ample legal justification for holding this Crown as security against those unpaid claims. I urge that we maintain a firm stance on this matter.

The hopes of the oppressed people of Hungary for a future of freedom and liberty and the hopes of their brothers and sisters, the American-Hungarians in this country, will be dashed forever if the United States breaks its sacred trust and relinquishes the Crown.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

[From the New York Times, Apr. 15, 1970]

UNITED STATES AND HUNGARY PLEASED BY IMPROVING RELATIONS

(By David Binder)

BUDAPEST, April 14.—A perceptible improvement in diplomatic and commercial relations between the United States and Hungary is prompting officials in Washington and Budapest to view the future with optimism.

According to reliable sources proving at the pace maintained in the last seven months, the day may be close when Washington finds an occasion to return Hungary's national treasure, the Crown of St. Stephen, to Budapeet.

The jeweled crown is nearly 10 centuries old. It was given to St. Stephen, who was King of Hungary from 1000 to 1038, by Pope Sylvester II.

PROPERTY OF HUNGARY

Hungarian soldiers serving in Hitler Germany's Wehrmacht removed it from the Budapest Castle just 25 year ago as the Red army tightened its grip on the capital. The Hungarians took it to Salzburg, Austria, where they handed it over to a United States Army unit for safekeeping. It has been locked up in Washington in a secret place ever since.

However, the United States Government has regarded it as Hungarian property.

The recent improvement in relations has occurred in two areas—diplomatic courtesies and commere.

Last August, for example, the Hungarians lifted travel restrictions for Ambassador Alfred Puhan, only two months after he had arrived. For 13 years previously the United States ambassador had been denied access to most border regions and to many major cities. Washington responded with a similar removal of restrictions on the Hungarian ambassador.

The United States Information Agency has been allowed more leeway in presenting exhibitions in Hungary. A recent display of a moon rock at the National Museum was given public notice in the party organ, Nepszabadsag. More than 35,000 Hungarians went to view the rock in its two days on exhibition.

For a visitor familiar with Hungary since 1964 these changes represent a notable departure from the cold war attitudes that dominated relations in the past.

U.S. CONCERNS HAVE TIES

In the commercial field, three American concerns are developing cooperation with Hungarian counterparts. Corning Glass has a $7-million operation here, making light bulbs together with the Hungarian Tungsram concern. The Hilton chain is participating in the building of a hotel on Castle Mill in Buda, the Budapest section on the west bank of the Danube. They are also planning a joint undertaking here.

One topic in which both the United States and Hungarian governments are interested is a consular convention that would allow Hungary to open consulates in New York and Cleveland, both of which have sizable Hungarian minorities.

While there is no need for American consulates in Hungary, Washington is interested in a consular convention as a means of providing added protection for American travelers in distress.

A long-standing issue between Budapest and Washington is United States claims on American properties confiscated or nationalized by Hungary after World War II. The two sides have made several unsuccessful attempts to negotiate this issue and still remain far apart. But another round of negotiations, the first in five years, is in the offing.

THE WHITE HOUSE,
Washington, D.C., May 28, 1970.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR LARRY: This will acknowledge and thank you for your letter to the President regarding diplomatic and commercial relations between Hungary and the United States, with particular reference to the Holy Crown of St. Stephen. You may be assured that your views on this matter will be brought to the President's attention at the earliest opportunity.

With warm regard.

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

THE WHITE HOUSE,
Washington, D.C., June 11, 1970.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR LARRY: We have had an opportunity to look further into the question of the Crown of St. Stephen of Hungary on which you commented in your letter of May 19. You may be assured that the White House and the State Department are fully aware that the custody of the Crown and the question of its ultimate return to Hungary have many delicate aspects. As you pointed out, the Crown has a unique character of great symbolic and constitutional significance to the Hungarian people. Clearly, these and other sensitive factors must be taken into careful consideration.

I am informed that the Hungarian Gov-

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ernment has raised the matter of the return of the Crown in recent years, as discussions have been carried on looking toward the settlement of various long standing problems, but there are no present plans for the return of the Crown. Any such eventual action must serve the objective of goodwill and not discord, and the problem will continue to be treated with the discretion its delicacy requires.

With cordial regard.

Sincerely,

RICHARD K. COOK,
Special Assistant to the President.

AUGUST 18, 1971.

DEAR MR. PRESIDENT: On July 30, 1971, I introduced H. Con. Res. 385, with the cosponsorship of 24 of my colleagues in the House of Representatives, expressing the sense of Congress that the Holy Crown of St. Stephen should remain in the safekeeping of the United States Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice. I have enclosed a copy of this resolution for your review.

Subsequent to the introduction of this concurrent resolution, a news story appeared in *The Washington Post* of August 4, 1971, indicating that the Holy Crown is in imminent danger of being returned to the current Hungarian Government through ongoing diplomatic and commercial negotiations.

I feel strongly that the Crown should not be returned at the present time and that this national treasure and symbol of constitutional government, which has been entrusted to the United States Government for safekeeping, not be considered a negotiable item by our diplomatic representatives. I strongly urge that no further action be taken with regard to the Holy Crown until such time as the Congress has expressed itself on the concurrent resolution which these 25 members of the House of Representatives have introduced.

Despite any changes in our relations with the leaders of the Hungarian Government, the United States cannot violate her trust by surrendering this state symbol to the totalitarian regime of a Soviet satellite. As I stated in my letter to you of May, 1970, the unresolved dispute over United States claims on American properties confiscated or nationalized by Hungary after World War II gives us ample legal justification for holding this Crown as security against those unpaid claims. I urge, again, that the United States maintain a firm stance on this matter.

Mr. President, the hopes of the oppressed people of Hungary for a future of freedom and liberty and the hopes of their brothers and sisters, the American-Hungarians in this country, will be dashed forever if the United States breaks its sacred trust and relinquishes the Holy Crown of St. Stephen at this time.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

[From the Washington Post, Aug. 4, 1971]

UNITED STATES AND HUNGARY RESUME TALKS ON CROWN JEWELS

BUDAPEST, Aug. 3.—Negotiations have been resumed for the return to Communist Hungary of the holy crown of St. Stephen and other Hungarian crown jewels, which have been in U.S. custody since the end of World War II, a Hungarian official said today.

Hungarian sources said this could be the first indication of an early settlement of the jewels' fate.

Istvan Darvasi, vice president of the Hungarian Peace Council, made the statement to a group of 50 American professors visiting Hungary.

The 11th Century crown, a gift from Pope Sylvester II to St. Stephen, Hungary's first Christian king, is Hungary's most treasured historical relic. U.S. troops took the crown and other jewels at the end of World War II from surrendering Hungarian forces, who were allied with the Germans.

THE WHITE HOUSE,
Washington, D.C., August 30, 1971.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR LARRY: I would like to acknowledge and thank you for your letter to the President with reference to the Holy Crown of St. Stephen and the House Concurrent Resolution regarding it which was introduced by several Members in July. You may be assured your letter will be brought to the President's attention at the earliest opportunity.

With warm regards,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

CONGRESS OF THE UNITED STATES,
Washington, D.C., September 15, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On July 30, 1971, we, the undersigned Members of Congress, introduced H. Con. Res. 385, expressing the sense of Congress that the Holy Crown of St. Stephen should remain in the safekeeping of the United States Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice.

Subsequent to the introduction of this concurrent resolution, a news story appeared in the Washington Post of August 4, 1971, indicating that the Holy Crown is in imminent danger of being returned to the current Hungarian Government through ongoing diplomatic and commercial negotiations.

We, the undersigned, feel that the Crown should not be returned at the present time and that this natonal treasure and symbol of constitutional government, which has been entrusted to the United States Government for safekeeping, not be considered a negotiable item by our diplomatic representatives. We strongly urge, Mr. President, that no further action with regard to the Holy Crown be taken until such time as the Congress has expressed itself on the concurrent resolution which we have introduced.

Despite any changes in our relations with the leaders of the Hungarian Government, the United States cannot violate her trust by surrendering this state symbol to the totalitarian regime of a Soviet satellite. The unresolved dispute over United States claims on American properties confiscated or nationalized by Hungary after World War II gives us ample legal justification for holding this Crown as security against those unpaid claims. We urge that the United States maintain a firm stance on this matter.

Mr. President, the hopes of the oppressed people of Hungary for a future of freedom and liberty and the hopes of their brothers and sisters, the American-Hungarians in this country, will be dashed forever if the United States breaks its sacred trust and relinquishes the Holy Crown of St. Stephen at this time.

Sincerely,

Lawrence J. Hogan, Joseph P. Addabbo, John B. Anderson, Frank J. Brasco, James A. Byrne, Philip M. Crane, Edward J. Derwinski, Thaddeus J. Dulski, Edwin B. Forsythe, Don Fuqua, Seymour Halpern, Henry Helstoski, Louise Day Hicks, Frank Horton, William J. Keating, Jack F. Kemp, Earl F. Landgrebe, James D. McKevitt, Thomas M. Pelly, Roman C. Pucinski, John H. Rousselot, Charles W. Sandman, Jr., William J. Scherle, and Lawrence G. Williams, members of Congress.

THE WHITE HOUSE,
Washington, D.C., September 17, 1971.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR LARRY: Thank you for your joint letter to the President in which you urge that no action be taken to return the Holy Crown of St. Stephen to the current Hungarian Government until such time as the Congress has expressed itself on the concurrent resolution which you have introduced.

You may be assured that I shall call your comments and requests to the President's attention.

With warm regards,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

DECEMBER 3, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Once again, news reports indicate that the United States is negotiating with the Hungarian Government for the return of the Hungarian Holy Crown of St. Stephen, which was entrusted for safekeeping to the United States in 1945.

I am enclosing for your further information the translation of an article which appeared in the October 21, 1971 issue of the *Salzburger Nachrichten*, entitled "Secret Exchange of Mindszenty for St. Stephen's Crown?", as well as a copy of The Scott Report which appeared in the November 11, 1971 edition of *The Wanderer* newspaper. These articles allege that negotiations for the return of the Crown are under way, and even go so far as to indicate that the Crown has been promised in exchange for the safe resettlement of Jozsef Cardinal Mindszenty in Rome and Vienna. Despite these allegations, the enclosed copy of a letter which I received from Jozsef Cardinal Mindszenty indicates that the Cardinal himself wishes the Holy Crown to be retained in the United States at this time.

To date, thirty-nine members of the House and seven Senators have co-sponsored my resolution providing for the safekeeping of the Holy Crown until such time as a constitutional government freely elected by the Hungarian people once again functions in Hungary. This support is, I believe, indicative that many members of the Federal legislature are gravely concerned with the fate of this symbol of constitutional government and of the American role in its preservation.

I have called on Chairman Thomas E. Morgan of the House Committee on Foreign Affairs to initiate hearings on this important resolution. Prior to any public hearings, I would appreciate having your comments about these reports of alleged negotiations concerning the return of the Crown.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

VIENNA, *November 20, 1971.*

Rep. LAWRENCE J. HOGAN,
U.S. House of Representatives,
Washington, D.C., U.S.A.

SIR: It is with the deepest sense of gratitude that I received the information about a resolution action for the preservation of the Holy Crown of St. Stephen, for trying to prevent its being delivered into the hands of our worst enemies.

I express my feelings of hope in the success of your endeavours for this noble cause.

With the expression of my thanks,

I am, sincerely yours,

JOZSEF CARDINAL MINDSZENTY,
Primate of Hungary,
Archbishop of Esztergom.

[Translation (German) Source: "Salzburger Nachrichten" ("Salzburg News") October 21, 1971]

SECRET EXCHANGE OF MINDSZENTY FOR ST. STEPHEN'S CROWN?

München [Munich] October 20, 1971 (DPA). According to information received by the CSU organ "Bayernkurier", secret negotiations between the American and Hungarian Governments are underway concerning the crown of Saint Stephen, which is on deposit at Fort Knox in the United States.

As the Bavarian Party organ writes in its latest issue, "the return of the crown of the founder of the Hungarian Kingdom was one of the conditions which the Hungarian Government had made for the granting of safe conduct for Jozsef Cardinal Mindszenty during his recent resettlement to Rome. Allegedly, the negotiations concerning the departure of the Cardinal who had enjoyed asylum in the U.S.A. Embassy in Budapest since 1956, resulted in Pope Paul VI's "strict order" for the Cardinal to come to the Vatican, while the Budapest Government had given its approval of the exchange of St. Stephen's crown for Mindszenty's departure."

[From the St. Paul (Minn.) Wanderer, Nov. 11, 1971]

WILL REDS GET ST. STEPHEN'S CROWN?

(By Paul Scott)

WASHINGTON.—Secret diplomatic maneuvering is now underway for the State Department to turn over the Holy Crown of St. Stephen's to the Communist Government of Hungary.

The historic crown, the oldest Christian symbol of freedom and authority in Europe, was entrusted to the U.S. Government in 1945 to keep it out of the hands of attacking Russian armies and until Hungary is a free nation again.

The return of the Holy Crown and its jewels is being engineered by Dr. Henry Kissinger, the adviser, and is an integral part of President Nixon's new policy of accommodating Moscow and Peking to obtain a lowering of East-West tensions.

Under the Kissinger plan, the Holy Crown is to be returned to Hungary before the President visits Moscow. The return could come as early as this Christmas if a U.S.-Hungary claims settlement agreement can be worked out before then.

The return of the Holy Crown is to serve as a public gesture to Moscow and the other Soviet-bloc nations that the U.S. Government fully recognizes Communist control over Hungary and the other captive nations of Eastern Europe.

Given to King Stephen of Hungary by Pope Sylvester II in the year 1000 A.D., the Holy Crown is a national treasure of immense historic and symbolic significance to Hungarians and American Hungarians who believe that government power is inherent in the Holy Crown itself. To many Hungarians, the Holy Crown represents that Hungary always would be a Christian nation.

Discussions on the arrangements for the return of the Holy Crown are now going on in Budapest between Hungarian officials and U.S. Ambassador Alfred Puhan. The arrangements are expected to be completed soon unless Congress bars the move.

Twenty-five lawmakers led by Representative Lawrence Hogan (R., Md.), a leading Catholic layman and former FBI agent, have introduced a concurrent resolution in Congress designed to block the return. Their resolution expresses the sense of Congress that the Holy Crown should remain in the United States until Hungary once again functions as a constitutional government established through free elections.

The House legislators, who are from politically strategic States ranging from New York to California, and Massachusetts to Pennsylvania, are now pressing for public hearings before the House Foreign Affairs Committee. The Hogan group's objective is to expose the Kissinger plan before it can be consummated and rally public and Congressional support against the return.

Their argument against the return is that it would be taken by persons behind the Iron Curtain as a breaking of a sacred trust and a sign that the United States has given up hope that Hungary and the other captive nations will ever be free. As one member of the Hogan group put it:

"The return of the Holy Crown would be a symbol that the United States believes Communist rule will go on indefinitely in Hungary and the other Eastern European nations."

State Department officials so far have been able to delay public hearings by declining to answer the committee's request for the Nixon Administration's position on the resolution.

THE NEW POLICY

The significance of the present U.S.-Hungarian talks to return the Holy Crown is that they began shortly after President Nixon made his decision to support the legalization of Communist control over all the people and nations seized during and since World War II.

Although never announced by the President, this new doctrine of writing off the captive nations of Europe and Asia was secretly made known to Soviet and Chinese leaders several months ago and shortly after the decision was made.

Administration insiders say the new Nixon policy had a lot to do with those invitations from Moscow and Peking for President Nixon to visit those countries next year. Another sign of the policy is the red-carpet treatment that the White House accorded President Tito when the Communist boss of Yugoslavia visited Washington last week.

It was Tito who encouraged Nixon during their meeting last year in Belgrade to give "legal recognition" to the territorial changes that took place in Europe after the Second World War.

MINDSZENTY EXILED

The pressured exile of aging Cardinal Mindszenty recently from his self-imposed asylum in the U.S. Embassy in Budapest was part of the new Nixon policy toward the Communists. As a symbol of a free Hungary, the Communist government there wanted Cardinal Mindszenty removed from the country. The Nixon Administration agreed and put pressure on Rome to force Mindszenty to leave.

Significantly, one of the charges leveled against Cardinal Mindszenty, when he was jailed after the Communists took over Hungary, was that he had urged the United States to protect the Holy Crown or turn it over to Rome for safekeeping. Cardinal Mindszenty was freed from jail by the Hungarian Freedom Fighters during the October, 1956, uprising. He was forced to seek asylum in the U.S. Embassy when Soviet troops crushed the rebellion.

Now living in exile in Austria, Cardinal Mindszenty's private plea to his supporters here is to do everything possible to keep the Holy Crown out of the hands of the Communists. One of his long-time supporters here, former Speaker John McCormack, is telling members of Congress that "the return of the Crown to the present Hungarian government must be stopped."

Mr. Speaker, after reviewing this correspondence I think it becomes eminently clear that the vital issue at the moment is whether or not our diplomatic negotiators are indeed negotiating away the Holy Crown of St. Stephen, the Hungarian symbol of constitutional government.

I am anxiously awaiting the President's response to my letter of December 3. I think that, in view of the interest of numerous Members of Congress and of Jozsef Cardinal Mindszenty himself in safeguarding this holy crown, we cannot stand idly by while our diplomatic negotiators adopt the stance that the crown is simply a jewel which should be handed over to the present Soviet-dominated Government in Hungary.

The Holy Crown of St. Stephen is far more than a jewel and giving it to the present Hungarian Government would deal a crushing blow to all American-Hungarians and to their captive brethren in their Hungarian homeland.

Mr. Speaker, since I have become interested in this matter numerous documents have crossed my desk which touch on the Holy Crown of St. Stephen. I include them in the RECORD at this point for the further information of our colleagues and the American public:

MEMORANDUM ON THE HOLY CROWN OF ST. STEPHEN

AN AMERICAN APPRAISAL

A distinguished American, John F. Montgomery, for eight years President Roosevelt's Envoy to Hungary, has defined the meaning and the intrinsic value of St. Stephen's Crown for the Hungarian people. In his book, "Hungary the Willing Satellite" he explained (p. 36) that "Hungary, as contrasted with England and nearly every other kingdom, has always put the crown above its wearer: *the king really served as regent for the crown* in which rested the sublime power carried down through the ages from the time of King Stephen." That sober American also paid tribute to St. Stephen and his people by stating that "with the coronation of its medieval king, who after his death was sainted, Hungary became the most eastern of the western lands," (p. 37).

CUSTOM AND CONSENT

The Hungarian constitution—although its application was interrupted in 1945 by Soviet military occupation—remains based on St. Stephen's Crown. The constitution is the product of the Hungarian Realm's millenary history, gradually developed by custom and consent, with its roots extending far back into the tribal past of the nation. It is of primary importance that sovereignty attributed to the Holy Crown derives from the rule that decisions on affairs of public concern have to be made in the name of St. Stephen's Crown, personifying both the King and the Nation. Since the reign of Andrew II (1205–1235), "the strict observance of the rights, the freedoms, and the laws of the nation" has been included in the king's oath of coronation. Charles Robert was not accepted as the constitutional king in 1308 by the Hungarian nation when at first he was crowned with a substituted crown.[1] He had to be coronated a second time in 1310 with St. Stephen's Crown. Since that time the coronation implies the constitutional sanction that "only he shall be recognized as a legally reigning king of Hungary, whom the nation has crowned with St. Stephen's Crown." [2] Since then the crown is being designated and revered as the "Holy Crown" of Hungary, a unique concept among people living under a monarchy.

MYSTERY OF THE HOLY CROWN

The mystery of the Holy Crown had been developed gradually and its partly religious, partly political origins could hardly be explained rationally, except by the fact that it grew out of the historical necessity to synchronize the sovereign authority of the

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Footnotes at end of article.

XUM

King with the Nation's insistence on its sovereign right to freedom. Sovereignty, however, means: supreme power—it is therefore indivisible. Unity and balance within the state had been secured in Hungary by personalizing St. Stephen's Crown and attributing to it the ownership of Hungarian sovereignty with the King and the Nation participating jointly in the Crown's ownership, as members ("membra Sacrae Coronae" [4]).

This theory (in America it might be called a "doctrine") was born in the early XII century. King Coloman ("the Booklover") noted in 1103 that his treaty with the Doge of Venice "would have less validity unless it was concluded with the consent of the Kingdom's Council".[5] Personal rule by the King has been alien thereafter and unacceptable to the Hungarian people. In contrast to west European practice, donation of land in Hungary could only be effected as a reward for public service ("iusto servitio", according to King Andrew II's "Golden Bull", Art. XVII of 1222) and not as a personal favor.

In later centuries, landed aristocracy did gain more, but never exclusive influence on the conduct of state affairs; its power was never able, however, to eliminate the principle of constitutional government as incorporated into the personification of the Holy Crown. This theory remained the source not only of the King's sovereign power, but also of the people's inalienable right to freedom and self-determination. Political science, in modern times, has accepted the concept of "the state as a living organism." The Hungarian people have never deviated from that concept. They have considered the State as a society, established in order to serve the welfare of the entire community. Personified, the Holy Crown is the owner of all the public power originally rooted in the nation and held jointly by the King and the people. Always more than a symbol, the Crown during ten centuries also represented the statehood of Hungary and her sovereign independence from foreign nations. In 1440, the National Assembly of Hungary in its Manifesto already recognized the Holy Crown as a "Mystery".

WERBÖCZY'S "TRIPARTITUM"

This interpretation of the Holy Crown's sovereignty had been fully developed by the end of the XIVth century. Unquestionably, "the Kings of Hungary obtained loyalty of their subjects primarily because of the fidelity owed by them to the Crown." [6] The famous jurist, Stephen Werböczy, in the beginning of the XVIth century (1517) did not formulate but only compiled the principles and rules of the then existing Hungarian constitution, formed by custom. In his egregious work, the "Tripartitum," based on accepted tradition, but not codified ever before, he defined the constitutional theory of the Holy Crown which upholds the irrevocable sovereignty of the King once he was crowned but sets up the constitutional limits of his power also. St. Stephen's Crown remains the only source of power within the state: it confers sovereignty but also vindicates absolute rule. The Holy Crown is not only the symbol of national unity, it also owns all the land which forms "the territory of the Holy Crown." The Crown also maintains, though sometimes only in principle, the equality of rights among all noblemen ("una eademque nobilitas") and actually prevented the aristocracy from legally setting up its rule over the lesser nobles as did happen in Western European feudal states.[7] King Ferdinand II, in 1635 (Art. XVIII) confirmed on the part of the Hapsburg Dynasty Werböczy's statement that "legislative power belongs jointly to King and Parliament." The Kings of Hungary ruled not alone "by the grace of God", but with participation and consent of the nation also. The will of the Holy Crown has only been accepted as "the law of the land." And "the law is binding also the King," stated Werböczy,[8] as being the basic rule in the constitution.

ABSOLUTISM REPUDIATED

The "mystery" of the Holy Crown has not been derived from the medieval idea of the state ("Mysterium Christi"), but from the ancient Hungarian concept of divided sovereignty between King and Nation, held in indivisible unity by the Holy Crown. With the ascension of the Hapsburg Dynasty to the throne of Hungary (1529) valuable Western aid was secured against continuous Turkish invasions. But frictions also resulted from the difference between the Hungarian theory of the Holy Crown and the feudal concept of the monarch's personal (absolute) power in his germanic provinces. Attempts by the King at imposing similar absolute rules on Hungary have been consistently repelled by the Nation as contrary to the theory of the Holy Crown.

Such was the fate of King Rudolph's imposition in 1604 of Law XXII proclaimed by the King without the Nation's consent which two years later in Art. 1 of the Vienna Peace Treaty was repudiated as null and void. The same fate befell Joseph II's entire reign when the laws of his regime were cancelled under his own signature. The Law X of 1790 declared: "It is being recognized by His Majesty that in Hungary and her Associated Lands, the right to make laws, enforce and withdraw them remains a joint responsibility of the constitutionally crowned King and the estates convened in Parliament, and nothing can be imposed except through Parliament." In 1462, the great King Matthias I had already proclaimed this principle and in 1741 Quen Maria Theresa had also emphasized that supreme power of the King is power conferred on him by the Nation ("concessa potestas"),[9] through the instrumentality of the Holy Crown.

THE BASIC REFORM OF 1848

The supreme power of the Holy Crown remained intact with the abolition of the nobility's privileges in 1848. Up to then, Hungarians who could trace back their ownership of land to original settlement or donation by the King, had been accepted as noblemen and thus participating in the membership of the Holy Crown. Thereafter, all Hungarian citizens became entitled to participate in that membership and to form jointly with the King, after he has been duly crowned, the entire Body of the Holy Crown, ("totum corpus regni Sacrae Coronae") it being identical with the Hungarian State. Since 1848, therefore, every Hungarian citizen could claim the rights and freedom reserved previously for nobles only. At the end of the Second World War, however, the Soviet Union imposed on Hungary the dictatorship of the Proletariate.

THE CORONATION

Since the Holy Crown has been considered for centuries the personification of the State and of its sovereignty, the crowning of a King had become an indispensable condition for the King's possession of royal powers. No law was needed to establish this postulate for an alert national conscience saw to it that the legality of the King's rule be properly established. The law passed in 1723 (the "Pragmatica Sanctio") on the succession of the House of Habsburg-Lothringen to the throne of Hungary, stipulated also that before being crowned, the rightful heir to the throne issue a diploma and guarantee under oath to abide by the Constitution. The powers to sanction law and to confer donations were reserved—according to Werböczy—only for the legally crowned King ("rex legitime coronatus"). Law III of 1790 also stipulated that "irrefusably" ("inomisse") the King's crowning must take place within six months from the heir's accession to the throne, or else all his acts and orders shall lose validity.

CONCLUSION

Mindful of the veneration paid to St. Stephen's Crown by Hungarians of all walks of life and every creed, there is unanimity among them that the last irreplaceable remnant of Hungary's millenary constitution and her national sovereignty may not be exposed to seizure by the Soviet army. It is generally felt that the historical existence of the Hungarian nation is attached to the Crown's survival for which innumerable Hungarian lives have been sacrificed during thousand years. The shattered sovereignty of the Hungarian state, the downtrodden freedom of its citizens, the confiscated independence of the nation, the entire destiny of Hungary are being intimately tied in the Hungarian heart to the fate of the Holy Crown.

Years ago, in 1955, the Department of State has given assurance [8] that it is "fully cognizant of the character and importance of St. Stephen's Crown", and that "as property of a special status held in trust by the United States authorities, the Crown of St. Stephen is being properly safeguarded under wholly secure conditions of custody," and that furthermore any exigencies that might arise from some future action "cannot endanger or otherwise affect the safekeeping of the object [the Holy Crown] in any way."

The present government in Budapest is being inescapably controlled by the Soviet Union. Handing over the Holy Crown to that government while Soviet troops are stationed in the country would be deeply resented as a breach of promise. It would cause lasting alienation from America among Hungarians all over the world. For no cogent reason it would be generally damaging to the good name of the United States government.

Dr. TIBOR ECKHARDT,
Chairman, Coordinated Political Affairs Committee of Hungarian Organizations in North America

FOOTNOTES

[1] C. A. Macartney: "Hungary, A Short History", Aldine Publishing Co. Chicago, 1962, p. 40.

[2] A. Timon: Die Theorie der Heiligen Krone (p. 309), published in Weimar by Hegmann Bohlens.

[3] All the Latin terms in this Memorandum are quoted from Werböczy's Tripartitum.

[4] A. Timon, Ibid., p. 318.

[5] Francis Eckhart, "The History of Hungary," Budapest, Káldor Publishing Co., 1946, p. 120.

[6] Werböczy, Tripartitum, Tit. 5, part II.

[7] A. Timon, Ibid. p. 322.

[8] On April 6, 1955, Mr. Walworth Barbour, Deputy Assistant Secretary for Foreign Affairs, issued the attached statement.

DEPARTMENT OF STATE,
Washington, D.C., April 6, 1955.

Hon. DALLAS S. TOWNSEND,
Assistant Attorney General,
Washington, D.C.

DEAR COLONEL TOWNSEND: Thank you for your letter of March 22, 1955 which enclosed copies of your communication to Mr. Bernard M. Shanley and a letter from Dr. Tibor Eckhardt concerning the Crown of St. Stephen of Hungary. I greatly appreciate your courtesy in bringing this matter to my attention.

The Department of State is fully cognizant of the character and importance of St. Stephen's Crown. This historic and symbolic object is held in trust and safekeeping by United States authorities under circumstances of especial delicacy and responsibility. In view of the unique nature and status of the property, as well as of important considerations relating to its physical care and safeguarding, I regret to inform you that the Department of State is not prepared to permit the release of the Crown, however temporary, from official safekeeping or to accede under any circumstances or conditions to requests or proposals for its exhibition.

As property of a special status held in trust by United States authorities, the Crown of St. Stephen is being properly safeguarded under wholly secure conditions of custody. I can assure you, therefore, that any exigencies that might arise from the reestablishment of sovereignty by the Federal Republic of Germany or from some future action of a German government cannot endanger or otherwise affect the safekeeping of the object in any way.

Sincerely yours,

WALWORTH BARBOUR,
Deputy Assistant Secretary for European Affairs.

CARDINAL MINDSZENTY ON ST. STEPHEN'S CROWN

1. The Crown of St. Stephen was given by Sylvester II to Stephen in the year 1000.

Stephen (named Vajk) who was merely the Dux or Leader of the Magyars became recognized as an Apostolic King of a European State, and Hungary became a new State in Europe.

2. In granting this crown, Pope Sylvester was acting in the manner similar to Pope Sylvester I, who was Pope when Emperor Constantine issued the Edict allowing Christians religious liberty in the Roman empire.

3. By accepting the crown, Stephen established the Hungarian State which recognized the right of religious liberty—that is, that the Christian faith would have its own institutions free of the State. A part of the agreement was the establishment of the Archbishopric of Esztergom (Mindszenty's See) and other bishoprics.

4. Thus the Crown has, over and above its political importance, an ecclesiastic and religious significance, which puts Cardinal Mindszenty under permanent obligation and right to preserve and protect it.

5. Because of the extraordinary circumstances surrounding the establishment of the Hungarian State, quite unlike the origins of any other European State, *Mindszenty felt and still feels*, that the liberty of the church is best safeguarded by the doctrine of the Holy Crown, which places reciprocal rights and duties on the secular authorities, the ecclesiastic authorities, and the *people* of Hungary.

6. The "doctrine of the Holy Crown of Hungary" thus denotes, as a symbol, the *constitutional* relationship between the political, or secular, power; the ecclesiastic power; and the national, or popular, power. *It is not the crown of a royal family or dynasty, but it has a significant symbolic meaning for the whole country. The Holy Crown is the source of national existence and the basis of sovereignty. The King (or it could be President), wearing the Holy Crown on the one hand,* and the nation as a whole on the other, together constitute the "body" of the Holy Crown—the Hungarian State in its entirety. The territory of the State is the territory of the Crown. All prerogatives are not rights of the King, but of the Holy Crown (that is, of the Constitutional State). The right of the Legislature, as well as the right of the executive or king, is also the right of the crown. Legislative authority is exercised jointly by the monarch and the "members of the nation" represented in Parliament. The right to sanction or veto legislation is thus conferred upon the King only by his coronation and on the understanding that the other rights of other branches of the government are honored by him. Included among these, of course, is the liberty of the church and of the right of churchmen to be in free contact with the Holy See.

7. Cardinal Mindszenty stressed recently to the religious leaders with whom he spoke in the Vatican that he did not change his opinion about this matter since 1948 when he expressed his views on the Crown in a letter to U.S. Minister Selvin Chapin in Budapest. The letter is preserved in the Archives of the State Department.

8. Cardinal Mindszenty has been writing while in the U.S. Embassy in Budapest a five volume history of the Hungarian church during five crisis periods, including the last one in World War II. He intends to publish it in Vienna where he hopes to document this work using the church archives.

[From Michigan Catholic, Nov. 17, 1971]

MINDSZENTY ASKS NIXON TO KEEP HUNGARIAN CROWN

WASHINGTON.—Cardinal Joszef Mindszenty reportedly has written a letter to President Nixon asking that neither St. Stephen's crown nor cloak—symbols of Hungarian sovereignty—be released to Hungary's Communist rulers.

Although the White House did not confirm receipt of the letter, a source told NC News that it was sent to the President in care of Frank Shakespeare, director of the United States Information Agency. Shakespeare was not available for comment.

The source claimed that Cardinal Mindszenty's letter not only cautioned the President against transferring the crown from a U.S. hiding place to the Communists, but condemned Janos Kadar, head of Hungary's Communist regime, and requested that the United States give money to certain members of Hungarian nobility.

If the cardinal's letter reached the President, it could be considered something of a personal coup for the elderly prelate whose words were heavily guarded by the Vatican after he hesitantly agreed in September to end his self-exile in the U.S. embassy in Budapest at Pope Paul's insistence.

The whereabouts of St. Stephen's crown remained foremost in his mind because Hungarian tradition gives government leadership to its possessor who, many Hungarians believe, should be the country's Church leader in the absence of a ruling king.

Cardinal Mindszenty has placed so much importance on possession of the crown that he is believed to have earlier urged the late Cardinal Francis Spellman of New York "in a ferocious letter" not to let the crown fall into Communist control—an act which Cardinal Mindszenty thought would perhaps destroy the morale of Hungarians who trusted the symbolism of the crown's power.

This trust has led to some Hungarians' insistence that their country's leadership under Kadar is not legitimate because it does not possess the crown.

Lack of the crown does not seem to have affected Kadar's rule but Communist leaders have resumed their calls for the crown's return to Hungary.

The crown originally bestowed on King Stephen I of Hungary in 1000 A.D. by a Pope, has through the ages been a symbol of civil power.

The crown fell into U.S. hands in 1945 after a regent of Hungary fled Soviet invasion and took it to Austria where Americans found it with other valuables in a discarded wooden case.

A copy of the crown is on display in the Vatican museum but the original rests at a spot undisclosed by U.S. officials who remain reluctant to discuss it.

The source said that Cardinal Mindszenty's letter to President Nixon was written in faulty English and unclear terms and warned that "Kadar is evil because under his rule several million embryos will be handed over to satan."

THE TRIAL OF JÓZSEF MINDSZENTY

MINDSZENTY. Whether on the first or second occasion, I don't know. But it happened.

PRESIDENT. So it happened.

MINDSZENTY. Yes.

PRESIDENT. Did he also tell you that he was soon going abroad, to France, and so would get in touch with Otto?

MINDSZENTY. I think he said this, too.

PRESIDENT. He did, in fact, leave and discussed matters with Otto abroad in 1947, and returning home in October 1947, he visited you again?

MINDSZENTY. Whether in October, I don't know, it is unimportant. But he visited me.

PRESIDENT. It is unimportant. Is it correct that it could have been in 1947 in the autumn? The year before last?

MINDSZENTY. Yes, I think so.

PRESIDENT. Where did you meet? You will certainly remember the place better.

MINDSZENTY. I think at the central seminary.

PRESIDENT. Did Ullmann report what he had discussed with Otto?

MINDSZENTY. Yes. He sent his greetings.

PRESIDENT. Did you write to United States Minister Chapin on August 31, 1947, asking him that the Hungarian Holy Crown which was in the possession of the American Army should not be sent to Hungary but to Rome?

MINDSZENTY. Yes.

PRESIDENT. What was the reason for this? To whom does the Crown belong?

MINDSZENTY. Undoubtedly to the Hungarian nation.

PRESIDENT. Who is entitled to deal with the Crown? To it? And where should this be done?

MINDSZENTY. In any case, in normal times we all consider it natural that the Holy Crown be guarded in Budapest in the Castle of Buda. Nevertheless, in the given situation the matter did not appear to be so, since everybody thought the Holy Crown lost and was sorry about it.

PRESIDENT. It was known at that time that it was not lost. It survived the events of war and the excesses of the Arrow Cross.

MINDSZENTY. Yes.

PRESIDENT. Now I am going to review the letter marked A/8 (showing it). Is this your own handwriting?

MINDSZENTY. Yes.

PRESIDENT. Here is also Zakar's own English translation:

"Your Excellency,

The United States returned, her soldiers brought back the Holy Right Hand of Saint Stephen, our first king, which has remained preserved for 909 years. His Holy Crown our most valued constitutional and historical relic, is also in the hands of the United States Army in Wiesbaden, Germany.

My request to you is to obtain an order from your Government, effecting the transportation of the Crown by the Army and its transfer to the same Apostolic Power, His Holiness the Pope, whose predecessor presented St. Stephen with the Holy Crown in the year of 1000.

Since this cause is a very important one for our nation, and since demands for its return and military advances might be fatal for the Crown, only Rome could reassure us.

Please accept my sincere esteem, etc."

Defense Counsel: I beg the People's Court to permit the Prince Primate to sit down if he wishes.

PRESIDENT. I beg you, please tell me if you are tired, then of course. Are you? A chair please. (Guard brings a chair, Mindszenty sits down.) If you are also mentally tired, please tell me, and I shall order a recess. Should we go on with the trial?

XUM

MINDSZENTY. Yes.

PRESIDENT. So here is the original letter from Selden Chapin, dated September 2, 1947. It reads as follows:

"Legation of the United States of America

BUDAPEST, HUNGARY,
September 12, 1947.

MY DEAR CARDINAL MINDSZENTY: I have received your letter of August 31 with regard to the disposition of the Holy Crown of Saint Stephen that your state is now in the hands of the United States Army in Wiesbaden.

Permit me to assure you, my dear Cardinal, that your suggestion will be given due consideration at such time as the disposition of this relic is brought to the attention of this Legation.

Sincerely yours,

SELDEN CHAPIN,
American Minister.

His Eminence Joszef Cardinal Mindszenty, Arch Primate of Hungary, Archbishop of Esztergom, Esztergom, Hungary."

Did Zoltan Csáky visit you in September 1947? Did you know him formerly?

MINDSZENTY. No, never.

PRESIDENT. How did he happen to come to you? Who recommended him to you?

MINDSZENTY. I think he came with a letter from Professor Baranyai.

PRESIDENT. Here is the letter written to you by Baranyai on August 26, 1947. (*He reads the letter.*) Baranyai considers you alone competent to deal with the matter of the Crown. This also shows that you considered this matter from the Legitimists' viewpoint. Isn't it so? You said just now that only the Hungarian Government was competent.

MINDSZENTY. In any case, I thought that for the religious side I had some role in this respect.

PRESIDENT. Did you report to any official of the Hungarian Government in what danger the Crown was, and that it would be a good idea to get it to Rome for the time being, and later after the international tension had ceased, we could bring it home? Did you suggest this to anybody?

MINDSZENTY. No, I did not report this to anybody because I was told meanwhile that the American Government was already beginning to be reluctant about returning certain Hungarian property. This I heard in Hungary from the Ministry of Finance.

PRESIDENT. All the more reason! If you had wanted to save the Crown for the Hungarian nation and not to make use of it against the existing State, then you would have cooperated with the Government organs. We had an entire organization abroad searching for looted property, until its work was made impossible. This would have been the natural course to follow.

MINDSZENTY. I never thought of it.

PRESIDENT. This would have been legal and natural, wouldn't it?

MINDSZENTY. I didn't take such steps.

PRESIDENT. You didn't take any steps for this purpose. Did Zoltán Csáky visit you later on with the above mentioned letter? What did he report on?

MINDSZENTY. I think he referred to his relationship with Ernö Pajtás and said that he no longer doubted that the Holy Crown was in Wiesbaden. He said this and said he could cooperate in bringing the Holy Crown perhaps to Rome. Then I gave a commission to Csáky, wrote a letter for him that he could intervene with the authorities concerned. If I remember well, the Archbishop of Vienna and then the Archbishop of Salzburg, were directly mentioned.

PRESIDENT. (He reads Mindszenty's letter of recommendation. Is this your own writing? (He shows it.)

MINDSZENTY. Yes.

PRESIDENT. (He reads Mindszenty's letter to the Archbishop of Vienna and to the Archbishop of Salzburg and the letter of recommendation for Zoltán Csáky.) Did you send the two letters of recommendation to the above mentioned Archbishops?

MINDSZENTY. Yes. Then Csáky turned to other people whose names I had not expressly mentioned.

PRESIDENT. Did you know that Csáky returned home from the West illegally?

MINDSZENTY. This I only knew when he returned the following year. If I remember well it was in the middle of January, and he showed me the replies. I asked him why these letters had come so late, though they were addressed to me. He answered: "I didn't want to send them any other way. I wanted to bring them personally and I was not able to pass the frontier." Then I knew that he used to go illegally.

PRESIDENT. Csáky asked you for financial support for these trips on his first visit. Did he get it? Did you give him any financial support?

MINDSZENTY. Yes, I did. I couldn't say exactly how much. I gave him 4–5000 forints.

PRESIDENT. You gave him 4–5000 forints.

NATIONAL CAPTIVE NATIONS COMMITTEE,
Washington, D.C., October 6, 1971.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This committee and its associated members, such as the Ukrainian Congress Committee of America, express their full and wholehearted support for your measure, H. Con. Res. 385, seeking the retention of the Holy Crown of St. Stephen in the safekeeping of our Government until the Hungarian people are free again. This commendable measure cannot but receive the support of our concerned citizenry.

You have our highest praise and admiration in leading this endeavor, and rest assured of our supporting efforts.

With warmest personal regards and best wishes,

Sincerely,

LEV E. DOBRIANSKY.

RESOLUTION

Resolution adopted at the 9th World Congress of the Hungarian Freedom Fighters (Nemzetor) World Federation with the Hungarian October 23rd Movement and the Hungarian Freedom Fighters Parliament's session in New York on October 23, 1971.

In the perspective of the past fifteen years it becomes more and more obvious that the Hungarian Revolution and Freedom Fight of 1956 was the most outstanding history-shaping event of the Twentieth Century.

We Hungarian Freedom Fighters as well as all freedom loving peoples of the world condemn the treacherous attacks of the Soviet Union on the Hungarian people in October-November 1956 and protest against the continued occupation of Hungary. We solemnly remind the world of the fact that these attacks as well as the continued colonial rule of Hungary was and still is made possible only by the inaction, indifference and lack of understanding of their responsibilities of the still free nations of the world.

It must be emphasized before the peoples of the world that the present authorities in Hungary were imposed into power by the armed forces of the Soviet Union, and are maintained in power by the Soviet occupation forces against the expressed and manifested will of the Hungarian people and that the Hungarian people have no desire to participate in or to give support to such a Soviet-imposed Communist regime.

Therefore, we call upon the Peoples and Governments of the Free World to support the demands listed hereafter at the proper international forums:

1. Soviet troops to be withdrawn from the territory of Hungary without delay.

2. Law and order is to be maintained in the country after the withdrawal of Soviet troops by an international force that will observe the sovereignty of the country.

3. Free and secret elections to be held under international supervision to elect a truly representative Hungarian Parliament. A new representative Government be formed based on the results of these elections with the aim to lay the foundations of a free and democratic Hungary in accordance with the aims and purposes of the Hungarian Revolution and Freedom Fight of 1956.

4. People formerly sentenced for their participation in the Hungarian Revolution and Freedom Fight be rehabilitated.

5. Return of Hungarian citizens who were deported to the Soviet Union before and after the events of 1956.

6. An International Commission be sent to Transylvania, and to all other countries bordering Hungary with substantial Hungarian population to investigate and to bring to a stop the genocide of Hungarians there.

7. The Abortion Decree of Hungary be immediately revoked so the future of the Hungarian Nation will not be murderously undermined.

8. Rehabilitation and unconditional return of Jozsef Cardinal Mindszenty, primate of Hungary, to his seat in Esztergom.

We firmly believe that as long as these demands have not been fulfilled, the Hungarian question cannot be considered solved and no true peace can be established in the world.

Those present at the Congress unanimously call upon the joint Central Committee of the Hungarian Freedom Fighters (Nemzetor) World Federation with the Hungarian October 23rd Movement and the Hungarian Freedom Fighters Parliament to act as their representative and spokesmen for all Hungarians.

TIBOR TOLLAS: THEY'VE WALLED UP EVERY WINDOW . . .

Of life without, only this gleam was left,
A tiny patch of stars, a glimpse of sun.
In daily gloom, within dim walls bereft,
We watched the vent for this as day was done.
This too they stole, this streak of sunlight thin,
They've walled up every window tight with tin.

In memory's eye, I mark the azure sea
At Naples, and beside the shining shore
Vesuvius waits and smokes. Can you, like me.
See happy, sun-browned swimmers by the score?
We live in night like men who blind have been:
They've walled up every window tight with tin.

Our ten mouths gasping for the missing air,
Ten of us lie, in one close kennel pent,
As fish-gills on the bank might gasp despair.
To eat the food, which stinks of excrement,
Our stomachs lack the power to begin:
They've walled up every window tight with tin.

From the bright fragrance of the Alpine peaks
The west wind blows freshness of bouquets;
Of virtue to the soul that distance speaks,
And smiling summits swell the hymn of praise.
But phthisis grips my cell-mate, dark as sin,
They've walled up every window tight with tin.

For us no more the steamer's whistle blows;
All maiden laughter from our sense is wiped;
No pleasure in our ears sonorous flows:
No summer plays an organ, myriad-piped.
Our cells are deaf, all sound is dead herein:
They've walled up every window tight with tin.

By Barcelona, in a garden fair,
The warm vice of a tawny woman croons;
The streets are pied with dances here and there;
A gay guitar gives dusk its tinkling tunes.
Our leaden days flow silent in chagrin:
They've walled up every window tight with tin.

We probe in darkness towards the velvet skies
As if within a coffin we were nailed,
We only touch our rags and agonize,
Or feel our hands by vermin-hosts assailed.
We once caressed the sunlight, like soft skin,
They've walled up every window tight with tin.

There is a ball in London; like a rose
A girl glides, in her silks, on floors that gleam;
In all the bloom of lustrous hair she glows,
Soft-mirrored in the wainscot, like a dream.
The West is dancing. Has it Magyar kin?
They've walled up every window tight with tin.

Our tongues recall the pleasant taste of spring
Then swallow with a groan our morsel dank
Whose fecal horror chokes its entering
And turns our bellies sick, our reason blank;
Yet even this our famine forces in.
They've walled up every window tight with tin.

Sleep locks our hungered bodies in its spell
And there I sate a gourmet's appetites
On all that Paris offers—see as well.
Climbing above the city's neon-lights,
The Silent Ghost—but here no dawns begin;
They've walled up every window tight with tin.

The radios shout hoarsely of new deals,
Of freedom and of justice due to man.
But here my dungeoned body only feels
The million lashes of foul Stalin's plan,
From Vác to far Peking his slaves make din:
"Beware! Beware! Or through the entire world
They'll wall up every window tight with tin!"
(Translated by Watson Kirkconnell.)

(NOTE.—This poem was originally written in 1953 in the prison of Vac. Published first in the West after 1956, it became one of the most popular Hungarian poems. The "Windows Walled Up Tight With Tin" became a symbol of the retreating line of freedom everywhere.)

Mr. WAGGONNER. Mr. Speaker, the 15th anniversary of the Hungarian revolution once again brings into focus a valiant, but futile attempt to shake off Soviet shackles, and how fortunate we are to represent a freedom-loving country with none of the unsurmountable odds faced by the unarmed and unprepared Hungarians in their outcry for human dignity and liberty.

The cost of the Hungarian revolution to the Soviets was high, even though they crushed it, although the cost to the awe-inspiring Hungarians who revolted was much higher. Hungary is still a captive nation, an unhappy land of the averted glance and hushed conversation which come with living under a totalitarian system with no room for political freedom.

In painting a true picture of the Communist oppression, the Hungarian revolt goes down in history as a tragic contribution to man's struggle for independence and freedom. I pray that the Hungarian people may one day get the independence and freedom they so richly deserve, and that all people living under the yoke of oppression may one day be free.

Mr. MINSHALL. Mr. Speaker, on Monday of this week I joined with my good friend and very able colleague, Congressman HOGAN of Maryland, as a cosponsor of his resolution expressing it to be the sense of Congress that the Holy Crown of Saint Stephen remain in the safekeeping of our government until Hungary once again is a constitutional government established by the Hungarian people through free choice.

It seemed particularly appropriate to me to take this action as we observe the 15th anniversary of the Hungarian revolution.

Today we commemorate the incredible events of 13 years ago when for five wild, triumphant, and heartbreaking days, Hungary threw off her shackles and was free.

In those few days freedom of religion was restored. Free speech was possible on radio and in the small newspapers which sprang to life. Political parties of every shade of opinion began to take form.

After 11 years of oppression and tyranny, 11 years of despair, Hungarians seemed to have miraculously won their freedom from the Soviets.

The winning, and tragic losing, of those 5 memorable days cost Hungary, and all the free world, most dearly.

But those brief shining hours of freedom remain an inspiration to us all, a symbol of the undying determination of Hungary to gain real and lasting liberty. Today we reaffirm that we will keep burning the torch passed to us by those brave men and women, and even children, the freedom fighters whose unbelievable courage shook the world when they pitted their determination and love of country against armed Soviet tanks in the blood-drenched streets of Budapest.

Twenty-five thousand Hungarians died when the Kremlin crushed the 1956 revolution. More thousands remain in prison to this day for their participation. To them we pledge to carry on the freedom fighters' commitment to liberty, not only for Hungary but for all men, of all nations, for all time.

Those of us who watched and waited and prayed during those critical days of late October and early November 1956, will aways vividly remember the horror of the Soviet's treachery. After solemnly pledging that they were withdrawing troops from Budapest, promising that Russia was preparing to discuss a revision of the Warsaw Pact, the Soviets struck.

Sunday, November 4, eight divisions, seven of them armored, and fleets of bombers, clattered and roared through the dawn. I recall the urgent teletype messages sent by a newsman and freedom fighter from the Hungarian MTI News Agency on that dreadful morning. He graphically described the heroism and hell of that day. In a telephone message to the Associated Press in Vienna, he said:

Russian gangsters have betrayed us. They are opening fire on all of Budapest. Please inform Europe and the Austrian government, they have opened fire on everyone. There is heavy fighting. I stay and continue with the news.

At 6:10 he reported by teletype:

Young people are making Molotov cocktails and hand grenades to fight the tanks. We are not afraid. Send the news to the world. The fight is very close now and we haven't enough tommy guns in the building. I don't know how long we can resist. Heavy shells are exploding nearby. Above, jet planes are roaring. I am running over to the window to shoot, but I will be back.

We will hold out to the last drop of blood. Downstairs there are men who have only one hand grenade. Now the firing is starting again. We are getting hits. It can't be allowed that people attack tanks with their bare hands! Goodbye friends, goodbye. God save our souls. The Russians are too near.

The teletype line went dead, not to be heard again.

The light of freedom was fast fading over Hungary.

Civilized people of the world—on the watchtower of thousand-year-old Hungary the last flames begin to go out—

Cried a Budapest radio station in one of the last free broadcasts from that city—

Do not forget there is no stopping the wild onslaught of Bolshevism. Your turn will come also if we perish.

In the rubble-choked streets of Budapest, Soviet and Hungarian dead lay strewn, and patriots crept forth to cover the fallen freedom fighters with the red, white and green flag of Hungary.

Soviet tanks had mowed down Hungarian crowds in Parliament Square in a massacre of brutality that never can be forgiven. Telephone communication with the outside world was cut off. Trains stopped running.

A Swiss businessman who fled the country reported seeing "people hanging in rows along the Danube Pier, 20 executed people hanging from flagpoles and street lights. The Russians have started a horror regime."

We carry in our memories the desperate battles at Maria Theresa Barracks, at the Communist Party headquarters, at the steel mills at Csepel Island. We remember the 10-year-old freedom fighter firing a rifle nearly as long as he was tall, and the 15-year-old girl who fought for freedom manning a submachine gun.

With only a few arms, but with fantastic courage and determination, the freedom fighters of Hungary fought one of the most spectacular revolutions of all times.

"Our weapon is our flag," shouted one freedom fighter in defiance of Soviet troops, and the chemistry of courage, anger, and desperation that makes men wager their lives for an ideal gave them the strength to roll back the curtain long enough for the entire world to see the ugly, brutal face of Communist totalitarianism.

The freedom fighters have gained an immortality comparable to Thermopylae.

We strive for them now, in their spirit, the freedom fighters who gave their lives, the freedom fighters who remain in Soviet prisons and slave labor camps, the freedom fighters exiled from their homeland.

There are many of us working for them, the brave Hungarian people, the tired, oppressed and wretched people under the yoke of communism. One man

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alone cannot achieve the goal of freedom for Hungary, any more than the freedom fighters of Budapest could achieve that goal unaided. But, banded together, we ultimately can win through sheer force of combined moral strength and determination.

I hope that Hungarian friends everywhere will carry with them the words of the poet and great Freedom Fighter Tibor Tollas, written on the eve of the revolution:

Our hearts rise out of darkness, opening,
The purple flower clambers out of the earth.
Out of dark slavery our light is ripening—
Weaponless, the conquerors come forth!

Mr. J. WILLIAM STANTON. Mr. Speaker, the Hungarian revolution of 1956 constitutes a landmark in the history of men's fight for freedom from foreign domination. Having experienced 10 years of oppression, the Hungarian people rose up in an attempt to throw off the shackles of subjugation. After a decade of Communist government, they wanted to be able to decide who should govern their country through free and secret elections. This they wanted to do without the presence of Soviet troops, without restriction on speech and movement and without the all-pervasive control of the Communist Party. In short, the Hungarian people wanted for themselves the freedoms which we as Americans take for granted.

While those heroic efforts did not succeed in obtaining the removal of Soviet troops, they marked the end of the conception of a ring of placid satellites whose purpose was to serve as a strategic and economic barrier for the Soviet Union. By their actions, the Hungarian people told the Russians that they were not going to tolerate their control indefinitely. The Communists still rule in Hungary today, but they remember the events of 15 years ago and know that the desire for freedom is still as strong. As we pause in homage to the sacrifices of the Hungarian freedom fighters, let us rededicate our own lives to the cause for which they fought—freedom and dignity for all men.

Mr. McKINNEY. Mr. Speaker, some 6 weeks ago, I shared with the Members of this House some of the thoughts I had concerning the anniversary which was then upon us—the 15th anniversary of the fight for freedom in Hungary.

It is with a special sense of pride that I join with my colleague the gentleman from New York (Mr. HORTON) in reflecting on these thoughts again today.

Late in 1956, the living symbol of Hungarian freedom, Jozsef Cardinal Mindszenty, spoke for all of his countrymen when he said:

We Hungarians want to live and progress as the standard bearers of the family of peaceful European nations. We want to live in a spirit of friendship with all the people of Europe and not on the basis of an artificially-created friendship. And turning our eyes toward more distant parts, we, a small nation, want to live in friendship, in undisturbed, peaceful and mutual esteem with the great United States, as well as the powerful Russian empire, and in good neighborly relations with Prague, Bucharest, Warsaw and Belgrade.

But sadly, Mr. Speaker, in that same speech, he had to agree that—

There is no country which in the course of its thousand years of history has suffered more than we have.

This is a truly unfortunate commentary on the world in which we live. A small nation, with peace in its heart, in a lifelong struggle for freedom. In large measure, the primary force contesting this independence has come from the great plains to the east: the Mongols, the Soviets. The domination continues to today and the presence is only exceeded by the spirit of freedom which burns as a glowing undercurrent. The Hungarian people, and the world, will remember always the men and women of courage who gave their lives during those 17 days of freedom in 1956. The historical resolution which came to the fore during that time lives on as it did then. Sadly, the good cardinal has now joined the Holy Crown of St. Stephen in exile but he, like it, will return and this proud nation will some day see its legacy become reality.

In recent days, Mr. Speaker, a poignant poem has come to my attention and it was written in the midst of the 1956 fighting by one of Hungary's foremost poets: Lajos Tamasi.

Mr. Speaker, I would like to share that poem with my colleagues at this time:

RED BLOOD ON THE STREETS OF PEST

(By Lajos Tamasi)

We march and now our hearts are stirred
And quickened by some mystic powers.
Although our song may falter, now
We know the streets of Pest are ours.

Nothing is left for us but this,
Our only haven now is here:
We know we are about to see
A holy radiance appear.

Our banners jubilantly rise,
They float above like glowing flowers;
The silken colours billow wide,
The streets of Pest again are ours.

Our brave song once again is heard,
Our free hearts follow their own star.
To fire the guns we now confront,
Whom do you order, Commissar?

The blood is on the streets of Pest,
Young men our brave defenders are.
Their blood is on the streets of Pest—
Whom do you order, Commissar?

Whom do you order now to fire,
You, Ministers, who cringe with fear?
No secret police can save you now,
The hour of reckoning is near.

And in the name of those you kill,
Where are you running in defeat?
Where will you hid your blood-stained hands,
You murderers in full retreat?

The streets of Pest are running red,
Until the storm sends down the rain
And washes all the blood away,
Yet cannot wash away the stain.

The streets of Pest are red with blood,
On these the blood of youth is spilled.
Beside the tricolour on high
Hoist mourning banners for the killed.

Beneath the tricolour above
We make a solemn, threefold vow:
First, we must sorrow for the dead
And second, hate the tyrant now.

And third, a pledge for this small land,
Let those who still with life are blessed,
Remember: freedom has been bought
With blood upon the streets of Pest.

Mrs. GRASSO. Mr. Speaker, 15 years have passed since the ill-fated Hungarian revolution of 1956. But the people of Hungary and the world have not forgotten those too few days of freedom.

The revolution began on October 23, when the workers—supposedly the major beneficiaries of Hungary's socialism—joined with students to protest conditions in their country. The revolution spread rapidly throughout the country until freedom, long smoldering under the cloak of oppression, again filled every corner of the land. Unfortunately the heavy treads of Soviet tanks crushed the Hungarian attempt to achieve freedom.

Nevertheless, the impact of those 13 days has not been lost on the peoples of the world. The heroic struggle of the Hungarian people for truth, justice, freedom, and peace shines as a glowing example of the inability of even overwhelming odds to extinguish the flame of freedom.

American ties with the free people of Hungary reach way back into our history. After another ill-fated revolt in 1848, America honored the hero of that day, Lajos Kossuth. Throughout the years, Hungarian immigrants have contributed to the growth of our Nation. Today, the United States is the custodian of the symbol of a free Hungary—the Holy Crown of St. Stephen. To return this crown to the Government of Hungary—a government that rules, but does not represent the people—would be a betrayal of all that freedom-loving Hungarians have died for.

Therefore, I am pleased to join my colleagues who have cosponsored a resolution calling for the rentention of the crown of Hungary by the United States until Hungary once again has a constitutional government. Mr. Speaker, it is our way of proving to the people of Hungary that their sacrifices have not been in vain.

Mr. GUDE. Mr. Speaker, I commend my colleague Representative FRANK HORTON for his interest in keeping the memory of the tragic Hungarian revolution of 1956 alive. A gentleman from my district has written an interesting article on the views of former Secretary of State John Foster Dulles concerning this matter and I would like to insert it for the information of my colleagues.

The following article was written by Francis S. Wagner of Kensington, Md., and appeared in the book "The Hungarian Revolution in Perspective," Freedom Fighters Memorial Foundation, 1967:

JOHN FOSTER DULLES ON THE HUNGARIAN REVOLUTION

(By Francis S. Wagner, Kensington, Md.)

The sudden, unexpected outbreak of the Hungarian Revolution caught most of the observers of world politics by surprise. This is why only a few statesmen were able to make a matter-of-fact analysis of the Hungarian situation simultaneously with those historic events. Besides that there were some other reasons which prevented the realistic approach towards the problems of Eastern Europe. It should be noted that since the meeting of heads of government of France, United Kingdom, Soviet Union, and the United States in Geneva, 1955, international atmosphere was filled with the idea of peaceful coexistence between the East and the West.

And in promoting the peace mission the overwhelming majority of political analysts, especially foreign correspondents of newspapers, became such wishful thinkers who were inclined to label some East European countries, first of all Hungary, as easy-going satellites. As a direct consequence of such preset views, no wonder there was no room for a realistic interpretation of the far-reaching East European development stemming from the Poznan-Budapest mass demonstrations. The Poznan and Budapest riots lacked objective and versatile chroniclers.

As I have mentioned above, only a few statesmen could pass a correctly focused opinion concurrent with the Polish and Hungarian occurrences of 1956. Secretary of State John Foster Dulles belonged to this group of statesmen.

On October 21, 1956, just on the eve of the Hungarian revolt, the following question was asked Secretary Dulles: if the Iron hand or Stalin's rule were reimposed once more on the Eastern European Satellites, especially in Poland now, without the United States taking some sort of specific action to encourage the revolt as it seems to be developing, wouldn't that discourage for a long time any of the other peoples behind the Iron Curtain from trying to rise up against Moscow?

Secretary Dulles: "I do not believe that it is possible to keep a whole people under that kind of military control . . . You run into all sorts of problems . . . Now you cannot run a country just by guns . . . But certain types of peril I think have disappeared, and I think the type of peril that resulted in the militaristic policies of Stalin, I do not think that can be recalled or resumed by the Soviet Union . . ."

The late Secretary's brilliant analysis of the Hungarian situation and its effect upon the balance of power in East-West relations is all the more evident since it was delivered only a few weeks after the Soviet troops had quelled the Uprising: "The Poznan riots and consequent unrest in Poland seem to have been accepted as capable of being restrained within tolerable limits. But when that was followed by the Hungarian revolution and signs of unrest within the other satellite countries, it seems that after a period of some irresolution the decision was taken to use open force without any restraint to the extent needed to quell the revolution. Furthermore there seems to have been an effort to check to liberalizing trend within the Soviet Union itself. However, it seems that the Soviet rulers are still able to contain and if need be extinguish the liberalizing trends which were set in motion by their decisions of 1955 and the spring of 1956. Such forces once given an opportunity readily prove to be irresistible and it does not now seem that the Soviet leadership can successfully go back to the Stalinist policies. These policies are not bringing successes but disasters. The brutal display of crude force in Hungary has revolted the Communist parties within the free nations of the world. It has dissipated the illusions which tended to weaken and divide the free nations and within the satellite nations themselves there has been a demonstration which must be shocking to the Soviet rulers—that whereas they had counted upon secure advanced positions in Western Europe upon satellite allies which would fight with them, the reality is that their advanced positions are insecure and that in the event of war the satellite divisions would probably be found fighting against and not with the Soviet Union. Thus the military power position, particularly in Europe, has been greatly altered and altered in a way which it seems cannot readily be remedied to Soviet advantage. The fact is that within the last year Soviet foreign policy has suffered grave setbacks and the Soviet rulers must be in a state of great perplexity and even distrust when they see the ruin of much that they had planned and counted upon. We can take great satisfaction from what has happened but we must also realize that it is not without great dangers . . ."

En route home during a brief stopover in Bermuda the late Secretary of State made some remarks unusually sincere from a responsible diplomat to a group of just arrived Hungarian refugees (December 15, 1956) in which he masterly emphasized the main objective of the Hungarian Revolution.

"I am very happy that you are going to find freedom and opportunity in the United States. But I want you to know that we shall also be thinking, as you will be thinking, of your compatriots who are still in Hungary and ways in which we can also get freedom for them."

It is a fact that John Foster Dulles as a roving ambassador of freedom frequently used the example of the Hungarian Revolution at his most significant diplomatic missions, referring to it as an epoch-making series of events.

On March 11, 1957, at the Seato Council meeting, in Canberra, Australia, he prepared an "Outline for Statement. Introduction" in which he dealt in detail with developments in Poland and in Hungary. In conjunction with Poland he stressed "the influence of nationalism versus colonial exploitation" among the causes of the Poznan revolts and foresaw "the evolution toward Titoism."

In reference to developments in Hungary, Secretary Dulles emphasized as a history-making factor "the influence of nationalism and also of capitalism." In the Soviet military intervention, he saw "proof of continued Communist willingness to use violence to preserve its colonial conquests." Section 5 of the Outline is devoted entirely to "Communist China's Enlarged Role." He clearsightedly stated that Red China was emerging from its isolated position to the scene of world politics due to the international constellation created by the Hungarian Revolution. Secretary Dulles' train of thought about China's enlarged role is well demonstrated in his Outline: "Communist China's close partnership with USSR manifested in continuing efforts to maintain Bloc unity, culminating in Chou's trip to Eastern Europe and Chinese Communist support for Soviet use of force in Hungary. Peiping's influence and role within the Bloc appear to be growing . . ."

The editor of this volume has made some efforts to specify the indisputable correlation between the Hungarian Revolution and the timing of the Suez crisis. Because heretofore published documents and writings have not revealed much on this correlation I sent a letter to one of the great statesmen of our times, Mr. David Ben-Gurion, Prime Minister of Israel during the Suez affair asking for his contribution to our collective work. Mr. Ben-Gurion in his handwritten letter addressed to me on June 6, 1968, from Tel Aviv, wrote that he was unable to comply with my request and said: "I know too little about Hungary and the Hungarian Revolution to make any contribution for your book."

Since my very first effort has failed I should postpone any further investigation into the correlation of these two topics which cannot be made solely on the basis of the Dulles Papers I was granted access to. Serious research on this problem can start only in the event when all nations involved will open their archives storing documents relating to the ill-timed Suez crisis to the historical profession.

Robert Murphy, former high-level international troubleshooter, involved in the Suez crisis, in his memoirs described briefly the unique situation as follows: "The concomitant of the military operations in Hungary and Egypt burdened the State Department with its most intense responsibilities since World War II, causing me and some other officers to work around the clock, while Secretary Dulles went to New York to take personal charge with Ambassador Lodge, of the simultaneous proceedings in the United Nations."

Dulles' published and unpublished views alike are all the more the true reflections of a farsighted statesman because for the already mentioned reasons the whole world was thoroughly unprepared to deal with the complex situations arising from the Poznan-Budapest riots. There were not enough statesmen and specialists of Dulles' caliber even in world relation to meet the grave foreign policy situations. To characterize the then existing global views of the foreign policy constellation here we should again quote Robert Murphy: "In retrospect, world acceptance of the Russian aggression in Hungary is still incredible. For sheer perfidy and relentless suppression of a courageous people longing for their liberty, Hungary will always remain a classic symbol. Perhaps history will demonstrate that the free world could have intervened to give the Hungarians the liberty they sought, but none of us in the State Department had the skill or the imagination to devise a way."

Mr. KEMP. Mr. Speaker, it is an honor to participate in this commemoration of the Hungarian Revolution.

Almost 200 years ago America fought a war of independence and succeeded in gaining her freedom. I believe that Americans today, mindful of our own struggle to obtain liberty and self-determination, can feel a unique kinship with the Hungarian people who still suffer under the bondage of communism.

Mr. Speaker, I am proud that many people of Hungarian origin have chosen the western New York area and my district as their home. More than 15 Hungarian organizations and churches have banded together to form the Hungarians of the Niagara Frontier. This group includes the Hungarian Freedom Fighters' Federation, the Hungarian Girl Scouts and Boy Scouts, and many others.

On October 24 of this year, a ceremony was held by the Hungarians of the Niagara Frontier in the city hall of Buffalo, N.Y., to commemorate the Hungarian revolution and those who so selflessly gave their lives in a courageous effort to regain their nation's freedom.

The master of ceremonies was Albert J. Weinert and the major speaker was Robert Curran whose column appears in the Buffalo Evening News. A proclamation from the mayor of Buffalo was read and the ceremony concluded with the singing of the Hungarian national anthem.

On October 31, an ecumenical service was held at the Westside Hungarian Reform Church in remembrance of the estimated 40,000 Hungarians who died in the revolution.

This was followed on November 20 by a concert by the Kodaly Ensemble, an amateur folklore group with professional qualities, which strives to perpetuate the music and folklore of Hungary.

Dr. Judith M. Lehotay, who is one of those who personally experienced the tragedy of the Hungarian revolution, was kind enough to provide me these details of the Buffalo commemoration.

Were the Hungarian people's sacrifices in vain? I do not believe so. Their courage

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lives on in organizations such as the Hungarians of the Niagara Frontier and October of 1956 will always remain a grim reminder of Soviet imperialism and the complete failure of communism.

Archibald MacLeish has, I feel, expressed our feelings well in his writings concerning Hungary's fight for freedom. I quote from his work, "For the People of Hungary":

We do not speak of a Hungarian Revolution. We speak of the Hungarian agony. From the moment when the Communist regime in Budapest fired upon an unarmed crowd and turned its quarrel with the Hungarian people from a political quarrel which it could not win into an armed revolt which, with Soviet aid, it could not lose, the suppression of the Hungarian resistance was inevitable. The world seemed to feel that it had no choice, short of atomic war, but to sit back and watch, in horror and disgust, the brutal, methodical destruction of an angry people by overwhelming force and conscienceless treachery.

It is understandable, certainly, that we in the United States should feel ashamed by our inability to act in this nightmare. Nevertheless, we should not forget, in all the suffering and pain, that we owe the people of Hungary more than our pity. We owe them also pride and praise. For their defeat has been itself a triumph. Those Hungarian students and workers and women and fighting children have done more to close the future to Communism than armies or diplomats have done before them. They have given more and done more. For what they have done has been to expose the brutal hypocrisy of Communism for all of Asia, all of Africa, all the world to see. So long as men live in any country who remember the murder of Hungary, Soviet Russia will never again be able to pose before the world as the benefactor of mankind. The Hungarian dead have torn that mask off. Their fingers hold its tatters in their graves.

Mr. Speaker, I join with freedom-loving individuals everywhere in commemorating the gallant efforts of the people of Hungary to free themselves from Communist tyranny.

I include at this time, for the attention of my colleagues, the following articles: "The Blood of the Hungarians," by Albert Camus; "Hungary in 1971," by Mihaly Hoka; "The Contribution of Magyars to America," from the magazine Faklyalang; "With Worry and Faith," by the Hungarian Writers' Association; and "Facts About the Hungarian Revolution of 1956," excerpts from the report of the Special Committee of U.N. on the Problem of Hungary:

THE BLOOD OF THE HUNGARIANS

(By Albert Camus)

I am not one of those who wish to see the people of Hungary take up arms again in a rising certain to be crushed, under the eyes of the nations of the world, who would spare them neither applause nor pious tears, but who would go back at once to their slippers by the fireside like a football crowd on a Sunday evening after a cup final.

There are already too many dead on the field, and we cannot be generous with any but our own blood. The blood of Hungary has reemerged too precious to Europe and to freedom for us not to be jealous of it to the last drop.

But I am not one of those who think that there can be a compromise, even one made with resignation, even provisional, with a regime of terror which has as much right to call itself socialist as the executioners of the Inquisition had to call themselves Christians.

And on this anniversary of liberty, I hope with all my heart that the silent resistance of the people of Hungary will endure, will grow stronger, and, reinforced by all the voices which we can raise on their behalf, will induce unanimous international opinion to boycott their oppressors.

And if world opinion is too feeble or egotistical to do justice to a martyred people, and if our voices also are too weak, I hope that Hungary's resistance will endure until the counter-revolutionary State collapses everywhere in the East under the weight of its lies and contradictions.

Hungary conquered and in chains has done more for freedom and justice than any people for twenty years. But for this lesson to get through and convince those in the West who shut their eyes and ears, it was necessary, and it can be no comfort to us, for the people of Hungary to shed so much blood which is already drying in our memories.

In Europe's isolation today, we have only one way of being true to Hungary, and that is never to betray, among ourselves and everywhere, what the Hungarian heroes died for, never to condone, among ourselves and everywhere, even indirectly, those who killed them.

It would indeed be difficult for us to be worthy of such sacrifices. But we can try to be so, in uniting Europe at last, in forgetting our quarrels, in correcting our own errors, in increasing our creativeness, and our solidarity. We have faith that there is on the march in the world, parallel with the forces of oppression and death which are darkening our history, a force of conviction and life, an immense movement of emancipation which is culture and which is born of freedom to create and of freedom to work.

Those Hungarian workers and intellectuals, beside whom we stand today with such impotent sorrow, understood this and have made us the better understand it. That is why, if their distress is ours, their hope is ours also. In spite of their misery, their chains, their exile, they have left us a glorious heritage which we must deserve: freedom, which they not only chose, but which in one single day they gave back to us.

HUNGARY IN 1971

On the 15th anniversary of the Hungarian Revolution and Freedom Fight, the situation in the country is basically the same as it was in 1956. The fact is that the regime can remain in power only because of the continued presence of Soviet occupation forces. Patriotism, faithfulness to the interests of the Hungarian people are still regarded punishable crimes. Practicing of religion is still punished with imprisonment. Catholic priests are still being sentenced to long prison terms for teaching religion "without permit and in secret." The so-called process of "liberalization" is nothing but a facade since the Kadar regime is as much intolerant and inflexible as any time since 1956.

At the end of 1970, the country had a population of 10,342,000, showing only an increase of 32,000 over the previous year. Adding 18,000 to this increase to account for those who defected in 1970, the total annual increase amounts to about 50,000, an extremely low figure in the world. This slow increase may have serious demographic repercussions already in the immediate future. *Torchlight*—the English version of *Faklyalang*—was among the first ones who raised their voices against this criminal genocide in Hungary. If the regime in Hungary does not remedy the situation by abolishing legalized abortions, as in Rumania recently, the Hungarian freedom fighters in the free world will take steps before proper international forums to coerce the regime to put an end to this type of genocide.

The dictatorship has not relented any in the recent so-called National Assembly and local council elections. The one-party system is still the rule of the day in Hungary.

It is worthwhile to mention that in a country whose people so unanimously revolted against the one-party system of the Soviet-imposed Communist Party, and where only about 6 percent of the total population is, even if nominally, member of the Communist Party, the regime obtained a 99 percent majority. They do not confuse themselves, however, because they know that the whole election process was but a farce.

According to the official Hungarian News Agency, MTI, 7,432,420 people were on the list of eligible voters. Of them 98.7 percent, or 7,334,918 voted in the elections. The number of those who did not vote was 97,502 or 1.3 percent. Of the total votes cast 7,258,121 or 98.9 percent were valid votes.

This time the regime permitted the nomination of two candidates in each district, on paper, since only 48 districts had in fact two candidates. But in one, in Obuda, the electors put a third one on the ballot, Zoltan Szep, a blind historian, who was also elected to the National Assembly by obtaining 56.1 percent of the votes in the district, a clear-cut rejection of handpicked candidates.

The farcical character of the whole election process is clearly demonstrated by the fact that the candidates for various offices had been selected by the Communist-dominated and Communist-run Patriotic People's Front—as its name indicates: a Communist front organization. The names of these handpicked candidates were submitted to so-called nomination meetings. According to official statements, there were an average of 400 people at these meetings. Taking the total number of districts, it becomes quite evident that only about 1.5 percent of the eligible voters approved the proposed candidates for the various offices. But nowhere in a Communist country did the people demonstrate the rejection of even the second choice of the party—and consequently the entire system—as in April 1971, the people of the election district of Obuda.

No wonder that the Soviet Union uses Hungary as a shop-window, a Potemkin village towards the non-Communist world, to deceive the eager foreigner. Behind an attractive facade there are considerable stresses and tensions well hidden from the eyes of the visitors. Living conditions are steadily deteriorating. The hardship of elderly people, particularly of the retirees of agricultural production cooperatives, is reaching unbelievable proportions. Some of these retired people receive the sum equivalent of a pair of shoes as a monthly pension in the "socialist paradise," in a state of "the workers and peasants."

Paralleling the role of economic shop-window, Hungary is also being used as a political propaganda outlet especially in cases in which Soviet prestige is deeply involved. Kadar's regime is the most outspoken promoter of the so-called European conference designed to secure or neutralize the Soviet Union's western flank in the face of increasing Chinese Communist pressure. It is the Kadar regime that most noisily condemns the unruly "Chinese comrades." They are also condemning the Rumanian Communist comrades for their friendship with the Chinese Communist regime. Curiously enough, they remain silent over the unbearable oppression of Hungarian minorities in Czechoslovakia and Rumania, and to some degree, also in Yugoslavia. These Hungarians suffer under a two-fold oppression: 1. for being democrats and anti-Communists, and 2. for being of Hungarian origin.

Kadar and his henchmen are concerned about the fate of the 4 million Hungarians living in the territories detached from Hungary in 1918–19, and again in 1945, as much as they are concerned about the fate of the 10 million Hungarians living in the present dismembered Hungary. Being the puppets of the Soviet Union, they only care about the interests of their masters who let the Hungarians bear the blame for the maneuvers directed against the Balkans.

Unfortunately, in the present feverish search for a detente by the government of the free world, cursory observers hardly look beneath and beyond the very enticing surface they see in 1971.

— *Mihaly Hoka.*

THE CONTRIBUTION OF MAGYARS TO AMERICA

On this 15th anniversary of the Hungarian Revolution and Freedom Fight we feel obliged to commemorate those who sacrificed their lives or who fought for the freedom of mankind. We fervently believe that the time will come when their sacrifices will be remembered as great contributons to the cause of freedom all over the world.

It is generally conceded, that all the racial groups which came to America contributed to the character, culture and material advancement of this country.

We are content that the Magyars have given more than their share. This is not a zealous exaggeration, but a statement supported by irreputable facts. We are proud in the knowledge, that we gave, we gave to America of which we too are forever an integral and inseparable part!

The name of Colonel Michael de Kováts is written indelibly in the annals of the American Revolutionary War. Colonel-Commandant Michael Kováts de Fabricy, was born in Hungary, 1724; volunteered his service through Benjamin Franklin, then American Envoy to France. After two years of intensive campaigning under General George Washington, he fell mortally wounded on May 11, 1779 in the battle of Charleston, S.C. His motto "Faithful Unto Death," determines our primary aim toward these United States.

In 1860 there were only about 4000 Magyars living in the United States, when President Lincoln sent out his call for men to join the Northern Army; more than 800 Magyars volunteered. This means that practicaly every able-bodied Magyar lined up with the Union Army. As far as proportionate population is concerned, no other ethnic group can match this record!

Unquestionably, one of the most daring and amazing feats in the whole Civil War was the death-defying charge led by the Magyar Hussar-major Zágonyi, at Springfield, Mo., on October 25, 1861. An everlasting tribute is paid to this great Magyar soldier by a painting which vividly depicts his suicidal attack. This painting decorates the White House in Washington, D.C.

Major Zágonyi is the first among immigrants from Hungary to be merited a prominent memorial at the National Park in St. Louis; a full-size portrait of him can be seen at the Wilson Creek Battlefield, near Springfield, Missouri.

Leading American newspapers devoted front-page headlines to some outstanding exploits at the time and even today, over 100 years later, accounts such as the following appear in the metropolitan press: "One of the most celebrated events of the entire Civil War. Major Charles Zágonyi's capture of Springfield took place on the seventh anniversary of the famous 'Charge of the Light Brigade at Balaclava.' Mounted on bloodied bays, clad in blue uniforms and wearing kid gloves, everyone of Zágonyi's men was armed with two revolvers, a rifle and a saber. This crack cavalry became a legend of bravery throughout the United States. When only 165 of his men remained to attack a force 15 times greater, the undaunted Major Zágonyi, a veteran of the Hungarian uprising of 1848, led the troops, shouting 'Charge men, charge!'" (Quoted from the Civil War Scrapbook published serially in 1,400,000 copies of the Chicago Sunday Tribune Magazine.)—A.B.D.

HUNGARIAN HEROES OF TWO GREAT AMERICAN WARS

REVOLUTIONARY

Colonel-Commandant of the Pulaski Legion, Michael de Kovats, Exercise Master of Washington's Cavalry; Died at the Defense of Charlestown, South Carolina May 11th, 1779.

Count Francis Benyovszky, Lieutenant of Hussars, in Lausun's Legion.

Count John Polereczky, Major in Lausun's Legion.

CIVIL WAR

Major-General Julius Stahel, Commanded an Army-Corps and was decorated with the Congressional Medal of Honor.

Major-General Alexander Asboth, one of the designer's of the Central Park in New York Commanded a Division and after the war was sent as U.S. Ambassador to Argentine.

Brigadier-General Albin Schoepf, Commanded a Division and a Fort.

Brigadier Generals: Frederic Knopfler, Eugen Kozlay, Charles Mandy, George Pomutz.

Colonels: M. Adler, Anselm Albert, P. Peter Dobozy, T. John Fiala, Philip Figyelmesy, Gabriel Korponay, Aloysius Kozlay, Geysa Mihaloczy, Joseph Muzsik, Joseph Nemeth, Maurice Perczel, R. Julius Rombauer, Emerich Szabad, Joseph Vandor, Gustav Wagner, Ladislaus Zsulavsky.

Lieutenant Colonels: Zoltan Barothy, Anthony Pokorny, Stephen Szendy.

Majors: J. Csermely, E. Detshy (Decsi), Dr. Alexander Fekete, C. Fornet, Andrew Gallfy, L. Haskell, Hugo Hillebrandt, St. Kovacs, J. Kune, Mano Lulley, Emerich Meszaros, Charles Petri, G. R. Rombauer, Albert Ruttkay, Anthony Vekey; Charles Zagonyi, The Hero of Springfield.

Captains: Victor Chandory, Alexander Gaal, O. Gerster, G. Grehenek, G. Grossinger, Geysa Harasztky, P. Hauser, Ch. Hochleitner, A. Jekelfalussy, J. Kemenfy, P. Komper, G. Kovats, J. G. Menyhart, E. Radnics, Stephen Radnics, R. I. Rombauer, T. Roland Rombauer, M. Rozsafy, Ch. Schwartz, F. Speletics, F. Takacs, L. Tenner, A. Toplanyi, J. Vertessy.

Lieutenants: N. Bauman, I. Cormany, N. George, I. Debrecenyi, L. M. Lecsy, Ch. Dolezich, Wm. Estl, S. Farkas, A. Kelemen, W. Kapus, F. Langenfeld, T. Majthenyi, A. Molter, E. Zsulavszky.

Second Lieutenants: F. Bauer, H. Lang, P. Szerenyi, Ch. Szerdahelyi, A. P. Zimandy, S. Zsulavszky.

Field Surgeons: Dr. B. Bettelheim, Dr. I. Langer, Dr. G. Semig. Dr. R. Tausky. And so on. . . .

WITH WORRY AND FAITH

On December 28, 1956, soon after the crushing of the Revolution and Freedom Fight, 250 members of the Hungarian Writers' Association assembled in Budapest and 237 of them adopted a resolution entitled: "With Worry and Faith." Hereafter follows its English translation:

Many a storm has battered our nation in a thousand years. Nevertheless two lights always remained faithful to us in the darkness of the storms. One of them was the star of the nation the shine of which showed through the darkness of tempests; the other was the torch-light of our watchful poets which again became teaching for the Hungarian nation.

For us it means more because it is a mandatory heritage.

We would like to carry out this heritage faithfully. Though, it is difficult. Its carrying out is, however, the only way for us because there can be no absolution. Thus, here we stand under the moral compulsion of reckoning and confession. Here we stand over the bloody hill of the freedom fight of October which is being besiged by the hope of a people. If we look back to the last decade from this hill we see the people suffering and expecting. It suffered because the ideas of its time which it greeted with hope ten years ago were attempted to be forced upon their lives in an alien form and tyrannical manner. During the long oppression the historic wounds reappeared on its character and saw that its national independence is being lost. It was yearning with hope for healing while suffering in its undeserved fate and languished to become a nation.

The spring that erupted from the depth on October 23 comes from this hope and longing. As the renowned witnesses of this spring we have to tell it with bitter heart that the Soviet Government committed a historic blunder when it has painted with blood the water of our spring. The living spirit of our glorious poets and human justice help us to make a prophecy: the time will come when the Soviets will confess to their sins just like the tzars had to repent for the crushing of the Hungarian freedom a hundred years earlier. We warn everybody against the misconception, convinced and knowing our people that the revolution would have destroyed the achievements of Socialism without the Soviet arms. We know that this is not true. Because the workers' class, the peasantry and the majority of the intelligentsia was and invariably is the follower of democracy and of the achievement of Socialism in society which they did not want to emaciate but rather to make it more living. It wanted to make it more living, i.e., to cut it to its Hungarian shape and also to fill it with the spirit of its national traditions.

That is what we wanted and this is what we still want today, we who preach the words of the hope of the people and who wager our writer's fate for a better future. This is what we stand for, individually and in mass, for the popular law of the 1945 land reform; similarly in the case of the mines, plants and banks that they should flourish in the property of society. But does the land produce enough if the peasant does not find his pleasure in the methods of production? And does the commonweal flourish if the society is not healthy?

Yes, indeed, the worker and the peasant, the hand and the intellect, are discouraged by the lack of national independence. Without a healthy society the commonweal does not grow. We must, therefore, gain the national independence and especially in the interest of social progress; and through popular self-government we must create the healthy society.

National independence and the democratic structure of social order: these are the hopes of the Hungarian people which we also share and try to put in work. And while this intent fills our hearts and the future days of our writers' life, we interpret it to everyone from besides the cradle of national unity. In caring for the common aim we offer our hands to the workers, we sent our greeting from our souls to the peasantry and from our hearts to the youth. Let us convince the leaders of policy together that policy cannot be an end in itself but a means for the salvation of the people; let us enduce them to use this means in accordance with the unanimous desire of the Hungarian people. In other words, for one, for attaining independence, as for our internal life, domestic affairs for the building of the united Hungarian society on the stock of workers and peasants, with the help of the intellect and the intelligentsia, on the democratic way of self-government. Only thus can the strong and rich state come into being, the friendship of which with other countries is true and long-lasting and which not only banishes human exploitation but it does not weigh upon the people with its oppressive burden. The nation thus will be a certain trustee over the quiet and working society, over the state safeguarding the welfare of the people.

We have spoken in brief in these words about our Hungarian worries and we declare

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our adherence to our opinion. The literary words will be our words, our worries go into the eternity of time, our opinion moves in the letters of public writing and literary works.

We pledge allegiance before the flag which signaled to us that from the revolutionary unity of the people the nation was reborn. According to our declaration of faith we shall care for and protect the spirit of the Hungarian people. Morale be the foundation stone of our work, the creative force of the people shall find reason intellect and form in our works, the era shall find harmony with mankind and its ideas.

Only thus shall we be worthy of the great ancestors and only thus may we become the worthy guardians of future generations."

HUNGARIAN WRITERS' ASSOCIATION.

[Excerpts from the report of the Special Committee of U.N. on the Problem of Hungary]

FACTS ABOUT THE HUNGARIAN REVOLUTION OF 1956

CONCLUSIONS

784. The terms of reference of the Special Committee covered a broad field, namely to report to the General Assembly of the United Nations after full and objective investigation, its findings on all aspects of the question of Soviet intervention in Hungary by armed force and by other means and the effects of such intervention on the political development of Hungary. The Committee's investigation, as has been explained, involved the study of copious documentation from various sources and in several languages, as well as the questioning of more than a hundred witnesses, whose testimony fills two thousand pages in the verbatim record. The Committee regrets that the attitude of the Hungarian Government has prevented it from basing its investigation on direct observation in Hungary, as required by the General Assembly resolution.

785. The Committee's findings relate to many aspects of the events in Hungary and are concerned with numerous points of detail that have a bearing on the origin and nature of those events. The report itself embodies the conclusions of the Committee, and these conclusions cannot be readily dissociated from the evidence which is there assembled. A summary of the Committee's findings on individual aspects of the situation in Hungary has been appended to certain of the chapters. It would, however, seem appropriate at this stage to summarize a number of conclusions drawn by the Committee from its study of the evidence as a whole. To the best of the Committee's belief, these conclusions represent the essential facts about the Hungarian uprising which are necessary to an understanding of its nature and outcome. They are as follows:

(i) What took place in Hungary in October and November 1956 was a spontaneous national uprising, due to long-standing grievances which had caused resentment among the people. One of these grievances was the inferior status of Hungary with regard to the USSR; the system of government was in part maintained by the weapon of terror, wielded by the AVH or political police, whose influence was exercised at least until the end of 1955 through a complex network of agents and informers permeating the whole of Hungarian society. In other respects also, Soviet pressure was resented. From the stifling of free speech to the adoption of a Soviet-style uniform for the Hungarian army, an alien influence existed in all walks of life. Hungarians felt no personal animosity towards the individual Soviet soldiers on Hungarian soil, but these armed forces were symbols of something which annoyed a proud people and fed the desire to be free;

(ii) The thesis that the uprising was fomented by reactionary circles in Hungary and that it drew its strength from such circles and from Western "Imperialists" failed to survive the Committee's examination. From start to finish, the uprising was led by students, workers, soldiers and intellectuals, many of whom were Communists or former Communists. The majority of political demands put forward during the revolution included a stipulation that democratic socialism should be the basis of the Hungarian political structure and that such social achievements as the land reform should be safeguarded. At no time was any proposal made for the return to power, or to the Government, of any figure associated with pre-war days. "Fascists" and "saboteurs", heavily armed, could not have succeeded in landing on Hungarian airfields which were under Soviet supervision, or in crossing the Austrian frontier, where a closed zone was shown by the Austrian authorities to the military attachés of France, the United Kingdom, the United States of America and the USSR;

(iii) The uprising was not planned in advance. It was the universal testimony of witnesses examined by the Committee that events took participants by surprise. No single explanation can determine exactly why the outbreak occurred just when it did. Communist spokesmen, including Mr. Kádár and the members of his present Government, have recognized the bitter grievances of the Hungarian people before 23 October. They have spoken of a "broad, popular movement" caused by the "bitterness and indignation" of the masses. Two factors would seem to have brought this resentment to a head. The first of these was the news received on 19 October of a successful move by Poland for greater independence from the USSR. This news was largely instrumental in bringing the Hungarian students together in the meetings of 22 October. The second factor was the acute disappointment felt by the people when Ernö Gerö, First Secretary of the Central Committee of the Hungarian Workers' (Communist) Party, in his speech on the evening of 23 October failed to meet any of the popular demands and adopted what was considered a truculent tone towards his hearers;

(iv) Although no evidence exists of advance planning, and although the whole course of the uprising bears the hallmark of continuous improvisation, it would appear that the Soviet authorities had taken steps as early as 20 October to make armed intervention in Hungary possible. Evidence exists of troop movements, or projected troop movements, from that date on. It would appear that plans for action had therefore been laid some time before the students met to discuss their demands. The Committee is not in a position to say whether the Soviet authorities anticipated that the grievances of the Hungarian people, stimulated by events in Poland, could no longer be contained. Signs of opposition were evident before the 23rd; the Hungarian Government had reason to foresee that trouble was brewing. While the evidence shows that Soviet troops from outside Hungary were used even in the first intervention, no clause of the Warsaw Treaty provides for intervention by armed forces of the Soviet Union to dictate political developments within any signatory's frontiers;

(v) The demonstrations on 23 October were at first entirely peaceable. None of the demonstrators appear to have carried arms, and no evidence has been discovered that any of those who voiced the political demands or joined the demonstrators had any intention to resort to force. While disappointment at Mr. Gerö's speech may have angered the crowds, it would hardly of itself have sufficed to turn the demonstration into an armed uprising. That this happened was due to the action of the AVH in opening fire on the people outside the radio building. Within a few hours, Soviet tanks were in action against the Hungarians. This appearance of Russian soldiers in their midst not as friendly allies, but as enemies in combat, had the effect of still further uniting the people;

(vi) Obscurity surrounds the invitation alleged to have been issued by the Hungarian Government to the Soviet authorities to assist in quelling the uprising by force. Mr. Nagy has denied, with every appearance of truth, that he issued this invitation or was even aware of it. Since Soviet tanks appeared on the streets of Budapest at about 2 a.m. on 24 October, it would have been impossible for him to have addressed any official message to the Soviet authorities, since he held no government post at the time when the tanks must have received their orders. An invitation may have been made privately by Mr. Gerö, First Secretary of the Central Committee of the Communist Party, or Mr. Hegedüs, the Prime Minister. The Committee, however, has had no opportunity of seeing a text of such an invitation, or of considering the exact circumstances in which it may have been issued. Until further information comes to light, it would be wise to suspend judgement as to whether such an invitation was issued at all.

Similar considerations apply to the invitation which is alleged to have been addressed to the Soviet authorities before the second intervention on 4 November. Mr. Kádár had remained a member of Mr. Nagy's Government when the latter was reconstituted on 3 November and the Committee is unaware of his having given any recorded indication of his disapproval of Mr. Nagy's policies. Mr. Kádár's movements at this time are not fully known, and he cannot be considered to have substantiated his own claim to have called, in the name of the Government, for Soviet help. In any event, there is abundant evidence that Soviet preparations for a further intervention, including the movement of troops and armour from abroad, had been under way since the last days of October. Mr. Kádár and his Ministers were absent from Budapest during the first few days after he formed his Government, and administrative instructions to the people of Hungary were issued by the commander of the Soviet troops;

(vii) When Mr. Nagy became Prime Minister, he was not at first able to exercise the full powers of that office. Only when the grip of the AVH was loosened by the victory of the insurgents was he able to take an independent stand. By this time, the real power in Hungary lay with the Revolutionary and Workers' Councils, which had sprung up spontaneously in different parts of the country and had replaced the collapsing structure of the Communist Party. Mr. Nagy, though himself a Communist of long standing who had lived for many years in the USSR, invited non-Communists into his new Government, and listened to the demands of various Revolutionary and Workers' Councils. It would appear that Mr. Nagy himself, like the country at large, was somewhat taken aback by the pace of developments. However, seeing that his countrymen were united in their desire for other forms of government and the departure of Soviet troops, he threw in his lot with the insurgents. By this action, he obliterated the impression which he had created while still under the domination of the AVH, and he became a symbolic figure in the uprising, although he had not instigated it, and was never its actual leader;

(viii) The few days of freedom enjoyed by the Hungarian people provided abundant evidence of the popular nature of the uprising. A free Press and radio came to life all over Hungary, and the disbanding of the AVH was the signal for general rejoicing, which revealed the degree of unity achieved by the people, once the burden of fear had been lifted from them;

(ix) There were a number of lynchings and beatings by the crowds. These were, in almost all cases, confined to members of the AVH or those who were believed to have cooperated with them.

(x) Steps were taken by the Workers' Councils during this period to give the workers real control of nationalized industrial undertakings and to abolish unpopular institutions, such as the production norms. These were widely resented as being unfair to workers and also a reflection of popularly suspected secret trade agreements with the USSR, which were said to make heavy demands on the Hungarian economy for the benefit of the Soviet Union. During the days of freedom, while negotiations continued with the Soviet authorities for the withdrawal of Russian troops, attempts were made to clear up the streets of Budapest and life was beginning to return to normal. The insurgents had agreed to amalgamate, while maintaining their identity, in a National Guard, which would have been responsible, with the Army and Police, for maintaining order;

(xi) In contrast to the demands for the reestablishment of political rights put forward during the uprising, is the fact that basic human rights of the Hungarian people were violated by the Hungarian Governments prior to 23 October, especially up to the autumn of 1955, and that such violations have been resumed since 4 November. The Committee is convinced that the numerous accounts of inhuman treatment and torture by the AVH are to be accepted as true. On the evidence, it is also convinced that numbers of Hungarians, including some women, were deported to the Soviet Union and that some may not have been returned to their homes.

These deportations were designed to break the back of the revolution. Action taken by the Hungarian people in their spontaneous uprising succeeded in ridding them for a few days of the apparatus of police terror. This democratic achievement of a united people was indeed threatened by a form of "counter-revolution" and it was to this that it succumbed. However, the "counter-revolution" consisted in the setting up by Soviet armed forces of Mr. Kádár and his colleagues in opposition to a Government which enjoyed the overwhelming support of the people of Hungary;

(xii) Following the second Soviet intervention on 4 November, there has been no evidence of popular support for Mr. Kádár's Government. Mr. Kádár has successively abandoned most of the points from the revolutionary programme which he had at first promised to the Hungarian people. On the central question of the withdrawal of Soviet troops, he has moved from complete acceptance of the nations' wishes to a refusal to discuss the subject in present circumstances. Against the workers, he has proceeded step by step to destroy their power and that of the Workers' Councils. Capital punishment is applicable to strike activities. The processes of justice have been distorted by the institution of special police and special courts and by the ignoring of the rights of the accused. The Social Democratic Party has again been forcibly liquidated. General elections have been postponed for two years. Writers and intellectuals are subjected to repressive measures. The Hungarian workers have shown no sign of support for Mr. Kádár's Government or for the prospect of continuous Soviet occupation. Only a small fraction of the 190,000 Hungarians, mostly young people, who fled the country have accepted his invitation to return. The peasants have reason to be grateful to Mr. Nagy for his attitude towards collectivization of agriculture and forced deliveries of farm produce;

(xiii) In the light of the extent of foreign intervention consideration of the Hungarian question by the United Nations was legally proper and, moreover, it was requested by a legal Government of Hungary. In the matter of human right, Hungary has accepted specific international obligations in the Treaty of Peace. Accordingly, the Committee does not regard objections based on paragraph 7 of Article 2 of the Charter as having validity in the present case. A massive armed intervention by one Power on the territory of another, with the avowed intention of interfering with the internal affairs of the country must, the Soviet's own definition of aggression, be a matter of international concern.

Mr. HICKS of Washington. Mr. Speaker, in commemoration of the 15th anniversary of the Hungarian revolution, we both recall the past and look to the future. We commemorate in sadness the time when Hungarian citizens who dared to speak out for the independence that makes life worth living were crushed by ruthless military power. But the force of the military cannot eradicate the idea and the wish and the inevitability of freedom.

For thousands of years the world has been moving toward greater individual and national freedom. And as we honor those who died in the struggle for the right of self-determination, and as we look back on the tragedy of a brave people who were brutally suppressed, we must also look ahead, knowing that the struggle has not been lost.

We recall the tyranny and re-affirm our continuing desire to institute liberty in its place. Aristotle said, "liberty and equality . . . will be best attained when all persons alike share in government to the utmost." We look ahead to a time of greater participation of citizens the world over in their governments, and must continue to work to bring human dignity and political freedom to all people and nations.

Today we are mindful of the need for renewed efforts on behalf of the living and imprisoned citizens of Hungary and other captive nations. As we mourn those who gave their lives to secure freedom, we are mindful that freedom is not yet secured. The struggle continues.

Mr. DERWINSKI. Mr. Speaker, I am especially pleased and privileged to bring to the attention of my distinguished colleagues today, the speech made by Dr. Stefan Possony before the National Press Club on October 23, 1971, commemorating the 15th anniversary of the Hungarian revolution. Dr. Possony, as director of the Hoover Institute, Stanford University, Stanford, Calif., is known and recognized as a great educator. He is also a great American and a great patriot. I believe tht Dr. Possony's thoughts deserve our attention and I recommend that my colleagues take a moment to review his comments:

HUNGARIAN OCTOBER

(Speech by Stefan T. Possony at the Dinner Commemorating the 15th Anniversary of the Hungarian Revolution, October 23, 1971, National Press Club, Washington D.C.)

The meaning of the 1956 October Revolution that occurred in Hungary is plain and overwhelming: it is that communist tyranny which oppresses personal and national freedom has only slim chances of survival.

Communist dictatorship is history's most elaborate system of power—it is force and violence at its most perfected and refined. Yet communist power exhibits an irremovable defect that is far more deadly to the CP hierarchs than his unprotected heel ever was to Achilles. This defect is that the communist dictators, their unlimited power and their power abuses are not acceptable to the peoples. There is no consent to enslavement in the hearts and minds—and in the bodies—of the captives and the enslaved. However much beaten down, the *demos* remains the source of lasting power.

The Hungarian revolution was not the first act of resistance against communist tyranny. That resistance began in 1918 and it has never ceased. The revolution of 1956 simply was the most convincing demonstration of the true will of an entire people and nation, of the depth of their opposition and rejection, and of the extent of communist failure.

The Hungarian revolution proved that dictatorship can never be strong enough to be invulnerable against the general will. It dispelled the myth that a totalitarian regime cannot be overthrown because it is fully armed with tanks and planes; because it is defended by an all-pervasive secret police equipped with the most modern technological devices; and because this police is openly resolved to employ terror and torture—history's oldest techniques of tyranny.

Overthrow remains feasible because political power does not rest upon force but upon the consent of the governed. Since force is a function of consent, the overthrow occurs in the minds of the people.

Earlier defiance manifested itself in revolt by a few. This was revolution by students, intellectuals, workers, peasants, and—most significantly—by the police, the army, and the Communist Party itself. The old party did not survive—it destroyed itself, and the opposition of and by the party led the revolution.

The revolution by the self-critical communist, the no-longer-communist and by the secret ex-communist against the party dictatorship of disenchanted communists—that was the pattern which Hungary initiated—the pattern of Czechoslovakia and less clearly but perhaps more profoundly, of China.

The street battle, the burnt-out tank, the dead secret policemen, the defecting Ukrainian soldier, all these denote the drama of the event, but not its meaning. That meaning was laid down in the demands by the revolutionaries for national independence, general and secret elections, freedom of press, assembly, and culture, economic freedom and political reform; in brief, for freedom not only against the excesses of dictatorship, but against the dictatorship itself. The revolutionaries fought for freedom from communism as a theory and a practice, and they wanted no part of Lenin's and Stalin's communism as an utopian idea, as foreign oppression, as a fascist and nazi reality, and as toil and poverty.

On October 23, 1956, the Communist Party "disappeared overnight", as Bela Kovacs, a non-communist minister of state in the Nagy government said. The CP disappeared, it was "not forced to dissolve", but it dissolved "by common consent." "Have you ever heard", Kovacs asked, "of a ruling party voting itself out of existence?" Well, the event was not unprecedented. Tyranny often ends through political suicide.

Communist suicide was the prophetic event of the Hungarian October.

The pessimists will tell you that the Hungarian revolution failed. It did not. Hungary was invaded by the far stronger USSR, and the revolution was crushed from the outside.

But the story is not over. The germs have invaded the communist body and they still are multiplying, even while soviet missiles, submarines, and megaton weapons are multiplying also. Hungarian communism was over-

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thrown in one week of October, but the international communist system will not be overthrown within a few days. The victory of freedom must be achieved by a protracted historic process. In the meantime, there is something of an evolution continuing in Hungary—don't forget it and don't underrate the impact of that evolution. The old system was not put together again, and of all the satellites in the Soviet Outer Empire, Hungary is now the farthest removed from Stalinism.

The first lesson of 1956 was this: liberation is a protracted struggle.

The second lesson, alas, was that the U.S. did not understand what was happening. Some 15 years later, the U.S. still does not understand the significance of the self-destruction of the CP. In 1956, partly diverted by events in the Middle East, the U.S. adopted a passive policy—and this has become a pattern, too. In 1968 when the USSR invaded Czechoslovakia, this pattern was in full and painful evidence.

There are those who argue that the U.S. should have intervened in 1956, because the USSR would not have shot back. I reject such advice. If we confront the enemy, let us be prepared to fight. If we are not ready to fight, let us avoid the confrontation. In any event, let us not conceal the risk by wishful thinking. Instead, let us minimize the risk by being strong and by becoming stronger.

Whether or not non-intervention in 1956 saved this country from still another war, is debatable. But we did not do what we could have done. We failed to support Hungary psychologically and intellectually, and even our moral support was minimal. The American influence in the U.N. began to wane during the Hungarian October and during its aftermath. The reason for our moral and strategic ambivalence was that in a confused and half-conscious way we had—in our minds—recognized East Europe as belonging lastingly to the Soviet Outer Empire.

The Soviet Inner Empire will not last and the Outer Empire already is exhibiting decay. So the question posed in 1956 and 1968, and perhaps in 1970 in Poland, will be posed again and again—Rumania and Yugoslavia may be next in line. The question is this: do we want to *preserve* and even *salvage* soviet communism and soviet imperialism? Or do we recognize that fact that there will be no peace so long as aggressive communism is surviving?

The U.S. has written off liberation as a policy—but decommunization is a process which is under way and which cannot be halted or reversed permanently. This process will erupt in revolutionary outbursts, inevitably so. As in the past, the U.S. will be afraid to move. In an era when the USSR possesses military superiority over the U.S.—this era has come—American policy will be more timid and ambiguous than ever before. This timidity may well be the accessory cause of a future conflagration of which Soviet aggression will be the primary cause.

This situation requires a number of remedies in America.

1. U.S. military superiority must be reconstituted.

2. U.S. illusions that the international situation can be "stabilized" must be laid to rest—history never stands still, and freedom and progress must be secured daily wherever they are threatened.

3. U.S. thinking about the trends within the communist empire must cease being naive—communism is not stable and it will never be consolidated. Rather than appease the oppressors, it is a safer policy for the U.S. to assist the oppressed and help them recover their freedoms.

If there is to be security and peace—and freedom—and democracy—and social and economic development—liberation is the key pre-requisite for the attainment of those goals. The liberation of East Europe is the nearest door that might lead to a better future.

The skeptics will say that the East Europeans want to stick to socialism and that terms like democracy must be interpreted in their socialist meaning. Perhaps so, but there are many socialist meanings and many meanings of socialism. We were told that the revolution of 1956, exactly like the Czech event of 1968, was of socialist inspiration. The evidence shows that humane socialists or communists revolted against Stalinism, *among* non-socialists and non-communists who revolted *also*. Socialism is a cliché word conjuring the perfection of man. This word is the fashionable translation of the outmoded word "paradise". There is no point wasting time about the practical significance of figleaf or illusionary semantics.

It seems to me that the Hungarians of 1956 were socialists in the same way as the Hungarians of 1936 were Habsburg royalists: A principle was recognized for the celebration of holidays.

By whatever name, the oppressed and captive peoples want to lose their chains. This desire commands America's full support. But liberation through nuclear war would be counter-productive and it probably would not work, except in defense against communist aggression. Under all circumstances it would be best to avoid nuclear war.

Liberation must therefore *not* be conceived as a cataclysmic outburst but as a lengthy task of gradual reform. This task the East Europeans are showing they are able to perform—and the Russians are beginning to learn. The communists are wedded to protracted conflict. Let the anti-communists courageously resist the incessant assault and commit themselves to protracted reform.

The U.S., if it ever throws away its intellectual blinders, can help immensely, in a thousand and one ways. We merely have to realize that it is futile to seek accommodation with communist dictatorships, for the elementary reason that those dictatorships will not survive, while the people who are now struggling to achieve their liberation, will remain.

The old notion that to achieve liberation, the iron curtain must be broken, may safely be discarded. The iron curtain is now a sieve. The internal situation in *Communistia*, as Georg Mikes pointed out years ago, is like that of a tin can: once air gets in, the fish inside starts to rot. Plenty of air has gotten into the communist can. We must be most careful lest we poison ourselves with red herring that is rotting.

So in looking back to 1956, we are able to gain the proper perspective in looking forward to 1984, and beyond to 1986. The Hungarian October is a revolution that lives. It was a revolution that created symbols that point to the future. It was the dramatic beginning of liberation, of self-determined self-liberation.

It is not the U.S. which will spark the liberation of Eastern Europe, though I hope that the U.S. will be more helpful than it has been in the past. A revolution must not be mounted by subversion, conspiracy, and war like the Bolshevik October of 1917. A political change demanded by the vast majority of a people needs strategic cover, but otherwise it needs intellectual and economic assistance, and above all, instantaneous moral support. It needs exactly what the U.S. would be able to offer.

The East Europeans, together with the anti-communists in the USSR and China, will gradually liberate themselves. In the process the anti-communists within the communist bloc will protect the United States from defeat and enslavement. This is so because we free men do no longer know how to count our blessings, and because the oppressed cannot help but count their miseries.

There is no memory-hole big enough to conceal the eternal flame that was lit in 1956.

Long live the Hungarian October!

Mr. PATTEN. Mr. Speaker, I appreciate having the honor today of joining my colleague, the Honorable FRANK HORTON, in paying tribute to the Hungarian freedom fighters.

Fifteen years have now passed since these brave people stood up against tyranny and were counted in the fight for freedom. We all can well remember the suddenness with which news of the trouble in Hungary broke across our land. A nation had dared to stand up to the Soviet Union and demand the freedom which is the right of all men. The flame was lit, and the Russian military forces moved in quickly in overwhelming odds to put it out. But they really were not able to extinguish this flame of freedom, and it has surfaced on other occasions in Eastern Europe. With the help of our people and free people everywhere, it will continue to burn.

During the past year, I have heard from many constituents who have had contact with Eastern Europe. It saddens me to hear them tell about conditions there. People taking walks in the open parks whispering to each other, because this is the only way they know their conversation will not be overheard. The process of Russification is destroying all the customs and traditions of these people.

I hope as we meet here today and honor the Hungarian freedom fighters, we will think about the ordeal these people have gone through for the past 15 years and be inspired to continue our efforts to help them be free once again. I hope that all our citizens who learn of our discussion here today will also be inspired to join us. I further hope that our message will reach today's Hungarian freedom fighters, so that they will know we care and are with them in spirit and in action.

Mr. BIAGGI. Mr. Speaker, I am proud to stand here today with my colleagues to express together our support of all freedom fighters the world over. The Hungarian freedom fighters were among the first in postwar years to strike out against the tyranny that overtook their country. Today many others are engaged in a struggle against dictators and oppressors.

In the Midle East, the Jews are valiantly fighting to preserve their religious and ethnic heritage in a hostile land. Surrounded by nations who profess a foreign policy calling for elimination of Israel, these hardy people dally fight on to preserve their freedom.

In the Soviet Union another group of Jews is fighting to obtain their freedom. Their oppressors have systematically denied them their civil and humanitarian rights. They cannot peaceably assemble as a religious group, they cannot train their children in the faith of their fathers. They cannot emigrate to another land.

In Northern Ireland, yet another oppressed minority is fighting to gain the rights to human dignity and civil justice enjoyed by all Americans. Through the instrumentality of the infamous Special Powers Act, the British troops occupying that divided province have kept the minority from speaking out against the present government's stand on various issues. And woe be to the Irishman who calls for reunification with the Republic of Ireland. He will surely be interned without trial or charge and lost forever to his loved ones.

In Czechoslovakia as in Hungary, the citizenry attempted to rise up against the oppressive chain of the Soviet Union. The nation tried to steer an independent course in the international waters of world politics. But the Soviet excuse for justice was swift and sure. The tanks rolled, and the Czechs were soon brought back into the party line.

All around the periphery of the monolithic Soviet Union the so-called captive nations wait under the yoke of Communist tyranny for their day of freedom. The Ukraine, Estonia, Latvia, and Lithuania among others keep alive the hope that some day freedom and democracy will be theirs.

Tibet, North Vietnam, North Korea, and Mongolia are captive nations as well. Only the captor is another Communist terrorist—Red China. Little is said of these Far Eastern nations which have been absorbed behind the Bamboo Curtain, but the state of their existence puts fear into the hearts of those countries in Southeast Asia who live under the daily threat of a Communist takeover and a loss of their freedom.

Many people today are saying that the cold war is over and a new detente between the superpowers of the world will replace the strained relations of the fifties and sixties.

I say to you, my friends, that the cold war is not over for the people of Hungary, or the people of Czechoslovakia, or the people in the rice paddies of South Vietnam and Cambodia, or the street fighters in Northern Ireland.

This Nation committed its men and resources to fight the Second World War. The efforts of those men were directed towards building a world peace based on freedom and democracy. What have those sacrifices and the many sacrifices since then brought us? They have brought us a Hungary in 1956, a Vietnam in the 1960's and a Northern Ireland in 1970. Where is the peace and freedom in the world that this Nation fought so valiantly to keep alive?

Until the dream of Franklin Roosevelt to "make the world safe for democracy" is realized, the war of freedom-loving people the world over is not completed.

In this regard we are all freedom fighters. We as Americans must join with those oppressed people in other lands to assure every human being the right to self-determination of his future and that of his nation.

America was founded on the premise that there are certain inalienable rights, among them the right to life, liberty, and the pursuit of happiness, implied in this premise is the obligation to defend a person's privilege to share in these rights and to afford everyone the opportunity to enjoy them. Let that be our goal and freedom be our battle cry.

Mr. RODINO. Mr. Speaker, before October 23, 1956, the concept of socialism to the Hungarian citizen was an idea devoid of the ideals of truth, justice, and freedom. The word "socialism" was associated only with the realities of foreign occupation and control, of regimentation, of the curbing of liberties, and of an abnormally low standard of living. A man could not believe in the possibility of gaining social justice nor hope to bring an end to his exploitation. No room was allotted for criticism. Hungary was a country in which intellectuals were schooled in the joys of freedom of thought while every original idea was denounced as heresy, a country in which phrases stressing "this land is rightfully every man's land" were constantly reiterated yet after each harvest, its people were left with hardly enough grain to last until the next sowing.

Unexpectedly, late in 1953, Imre Nagy, former vice president of the Hungarian Council of Ministers, was suddenly elevated to the position of Hungary's Premier. Unlike his predecessors, Nagy did not look upon himself as a weak servant of the Soviet Union. By being the only Communist leader who dared to say "no" to his party superiors, he became the first and only one to whom the Hungarians said "yes." His strength lay in his ability to truly listen to the heartbeats of his people. He traveled his own course, step by step, solving each problem, probing each question. In his program, he called for equality of political and economic rights, for a revision of the economic structure by specialists in conformance with Hungary's needs and peculiarities, for a higher standard of living, for a more tolerant attitude toward questions of religion, of a new level of esteem for intellectuals, and for more humane treatment of workers. For the first time, if a peasant wished, he could leave the cooperative. Nagy closed the internment camps, proclaimed a broad political amnesty, suppressed blacklists, dissolved political tribunals, and began rehabilitation of the victims of past prefabricated trials. He set forth five basic principles, principles which are universally embraced by men everywhere who seek freedom, principles recognizing national independence, national sovereignty, national equality, territorial inviolability and noninterference in internal affairs.

Suddenly, the very party leaders who had expressed confidence in Nagy, who had brought Nagy to power, and who had a year and one-half earlier refused to allow Rakosi, the former premier, to speak, met with Nagy and by unanimous consent, "for his rightest deviationism, for his divisive actions, for surrounding himself with antiparty groups which had become the rallying point of the enemies of socialism," dismissed him from his position and expelled him from the party. Nagy's efforts of defense and of refutation fell upon deaf ears. Obviously, the men whom he addressed were not free men. Their instructions as to the disposition of the Nagy case had been sealed well in advance.

Nagy, unlike the Rakosis before him, refused to recant his views and confess his errors, so convinced was he in the validity of his decisions.

The revolt itself began as a peaceful student demonstration. The demands made were nationalist, not anti-Communist in nature, yet the 13 days between October 23 and November 4, 1956 will stand aside as separate and distinct from all the days of Hungary's thousand years of history. It is important to note that Nagy's supporters were not men on the fringes of party life or men who had tossed aside party doctrine. Nagy dreamed of a humanist socialism—a socialism which would respect individual freedom as well as national independence. Those who supported him did not want to change the existing system. They wanted only to improve it, to reform it. Yet, they all condemned one element deeply embedded in the system—the practice of inhumanity.

The Hungarians wanted more than merely a reinstatement of Nagy. Among their demands, they called for a multiparty system and for the removal of all Soviet troops from their soil.

For us, there is no choice. Either we win or we fail. There is no third possibility—we will stay here and die, if necessary until the Russians agree to leave our homeland.

In the eyes of the Hungarian people, it could not be conceived that after so many words of ardent praise, the West could abandon Hungary and allow its quest for liberty to be crushed. The people of Hungary were convinced that the world could not be disinterested in their struggle. Their deep confidence in the West and their hope for U.N. action was perhaps their greatest source of strength.

The outcome of the Hungarian Revolution requires little reiteration. The Russians, who had agreed to begin troop evacuation on October 30, with no explanation, made an about face and returned en masse to a complete occupation of Hungarian soil. What had become of the solemn promise that no further Soviet units would enter Hungary? No answer came for Nagy—no answer from Russia, but more important, he received no response from the free peoples of the world.

Washington announced "a State Department spokesman refused comment for the time being on the message of the Hungarian Government relayed by the U.S. Embassy in Budapest." The U.N. Security Council, which had, on Saturday night, resumed its debate on the Hungarian situation, decided unanimously to adjourn until Monday morning.

No promises were kept. The newborn independence and sovereignty of Hungary lasted only a few days. Those who participated in the revolutionary struggle were subjected to pitiless persecution. Nagy was brought to trial, accused of high treason and sentenced to death.

Fifteen years after these events, Hungary has not forgotten the impact of those 13 days. According to the Hungarian writer Michael Polanyi in his "message of the Hungarian Revolution":

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Since October 23, 1956, ideas have never ceased to circulate freely in Hungary. Those who still hotly profess the Marxist interpretation of history, who proclaim the surpassing achievements of revolutionary socialism and predict the proximate coming of communism—these people are increasingly looked upon as ignorant fools . . . the young are immune to their teaching.

The Hungarian revolutionaries of 1956 revived the ideas of truth, justice and liberty and were resolved to fight for these ideals. Their taste of justice and of freedom, however brief, remains dear to them, be it expressed in a scream, a whisper or in an unuttered phrase.

FROM "ONE SENTENCE ON TYRANNY"
(By Gyula Illyes)

Where tyranny is,
There is omnipresent
In all things, as your very God was not
In days gone by

There tyranny is
In the nursery schools,
In the father's advice,
The mother's smile,
In children's
Answers to strangers;

Not only in barbed wire,
In slogans in lines of print,
More than barbed wire
Dulling the brain;

It is in
The farewell kiss,
As the wife says,
"When will you be home, dear?"

In how-are-you's exchanged
Every day in the street,
In the suddenly looser
Grip of a handshake,

As all at once
Your love's face freezes,
It is there

In all trysts,
Not only in grilling
But in the declaration
In the sweet ecstasy of words,
Like a fly in your wine.

Because not even in your dreams
Are you alone, . . .

Mr HANLEY. Mr. Speaker, as we commemorate the 15th anniversary of the Hungarian uprising, I want to join with my colleagues in paying tribute to one of the bravest people on earth—the long suffering but undaunted Magyars.

I well remember the horrors of October 1956, when the Hungarians attempted to throw off the yoke of Communist oppression, and how their spirits were first ignited and then dashed by a free world outside which sat idly by and watched Russian tanks smash all vestiges of hope. The brutality and carnage which followed in the wake of Russia's invasion still send a shudder up and down the spine of any civilized human being.

But, Mr. Speaker, it is all too easy to forget, it is all too easy to sweep painful memories under the rug of time and distance. And so this commemoration takes on all the more importance, for we must not forget. We must not forget the brave men, women, and children who died in that struggle; we must not forget the thousands who were imprisoned, tortured, and murdered for their part in the uprising; and we must not forget those millions who still live a half life on the other side of the Iron Curtain.

For a thousand years, the Magyar people have known adversity and they have always weathered it. Let us, as free men, keep the light of public opinion and the pressure of human decency on the Communist oppressors, so that the Hungarians will once again join the community of free nations.

Mr. BURKE of Florida. Mr. Speaker, I wish to thank my colleague, Congressman FRANK HORTON, who, as chairman of the American Citizens Committee for the Commemoration of the 15th Anniversary of the Hungarian Revolution, has obtained this special order so we can focus attention on the courageous actions of the Hungarian freedom fighters during the 1956 Hungarian revolution.

Mr. Speaker, I honor their fight for liberty and self-determination, and reflect on the plight of the millions of people who are presently living under Soviet oppression in eastern and central Europe.

Mr. Speaker, we in the United States know the feelings of the Hungarian advocates of freedom for their people and for an independent nation. The statements and documents written by the Founding Fathers of our own country—specifically, the Declaration of Independence is unparalleled in the literature of the world as an expression of the right of nations to self-determination. Its opening paragraph eloquently states this principle:

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

The second paragraph, which is familiar to all Americans and most people of the world states succinctly and beautifully our national dedication to self-government:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Unlike our revolution of 1776 which was successful, the Hungarian revolution of 1956 was not. From all appearances the Hungarian revolution was spontaneous, almost accidental.

On October 23, 1956, university students in Budapest organized a demonstration of sympathy for Poland; they used this occasion to publish demands for independence, free elections, and the end of Soviet political control and exploitation. Large crowds joined the demonstrators. The Hungarian police and later Soviet troops, called by Hungarian Premier Gero, fired into the crowds, igniting a revolution that enveloped the country.

By October 30 it looked as though the revolution had succeeded. Imre Nagy had formed a genuine coalition cabinet, announced a return to conditions that existed before the Communist seizure in 1947, abolished the one-party system, promised free elections, and negotiated for the immediate withdrawal of Soviet troops. However, on November 1, Soviet military units surrounded Hungary's airfields and Budapest, its capital. Fresh troops were reported pouring into the country. Nagy responded with a proclamation of neutrality and a request to the West and United Nations for assistance. Direct assistance, however, was not forthcoming, and on November 4, the Soviet military forces attacked Budapest. Heavy fighting went on for days and a general strike paralyzed the country for several weeks.

Within a few days the Russians crushed the rebellion and installed a new regime under the Hungarian Communist leader, Janos Kadar. During the weeks of disorder an estimated 160,000 Hungarians fled the country and thousands were killed in the fighting.

The year 1956 was a decisive year for Europe, especially for the Soviet satellite states in Eastern Europe. During nearly a decade after World War II, Stalin had established iron-fisted control over these states structuring all very rigidly in accordance with the Soviet model and collectively creating the image of a monolithic Communist empire. In March 1953, Stalin died, and the political forces changed, unleashing a new leadership.

Khrushchev, by reconciling with Tito in 1955 and sanctioning thereby the principle of "other roads to socialism," and by his speech at the 20th Party Congress in February 1956 launching his de-Stalinization program, raised the hopes of Hungarians for freedom. But, in November 1956 the Soviet tanks stilled those hopes, or at least, stopped the expression of those hopes.

The aftermath of the revolt was brutal. Retaliation against the rebel forces began immediately. Thousands of Hungarians were executed or imprisoned. In 1958, Premier Nagy, General Pal Maleter, commander of the resistance forces, and several associates were secretly executed. To insure continued Soviet control, the Russians stationed between 50,000 to 80,000 additional troops in the country.

Throughout the entire crisis, the United States assumed leadership in denouncing the Soviet action in the U.N. and in urging the United Nations to sponsor a resolution requiring Soviet withdrawal from Hungary and the admission of U.N. investigators. The Russians opposed these measures and defeated them by using their veto power in the Security Council but a condemnation of the Soviets by the General Assembly was, nevertheless, passed. Because there were no other measures that could be taken, short of risking a possible war with the Soviet Union by direct military intervention, the U.N. finally acquiesced to the Soviet militay reconquest of Hungary.

The United States lifted immigration barriers and accepted thousands of Hungarian refugees in addition to dispatching medical supplies and other forms of relief for Hungarian refugees awaiting transfer to other lands.

October 23, 1971, then marked the 15th anniversary of that bloody suppression of the Hungarian revolution which was one of the most stirring expressions of a people's desire for liberty the world has seen for many years. I am therefore proud of this opportunity to pay tribute to the deeds and goals of those freedom fighters of Hungary.

The U.S.S.R., without justification, still continues its acts of colonization against the Hungarian people. Let us hope the day will come when freedom will become a reality for the Hungarian people. Perhaps the Soviet Union will remove its armed forces from Hungary and allow the Hungarian people to exercise their right of self-determination. We can but hope and pray for freedom in Hungary.

Mr. SCHERLE. Mr. Speaker, the spirit and dedication of the Hungarian people to the cause of liberty has a most important meaning to me. As a first generation American of Hungarian and German descent, many of my relatives are now living behind the Iron Curtain suffering under the terror of Communist tyranny. Their plight is shared by millions of other human beings whose only desire is to live in justice and freedom. It is our responsibility as a free nation never to forsake these courageous people. That is why Presidents Eisenhower, Kennedy, and Nixon have called upon the citizens of the United States to never forget their obligation to these captive nations.

The attention of my colleagues is respectfully directed to the statements of these distinguished Americans which may be found in a book entitled "The Hungarian Revolution in Perspective," edited by Francis S. Wagner. This book was published by the Freedom Fighters Memorial Foundation, which is the cultural and educational organization of the Hungarian Freedom Fighters Federation, U.S.A. The members of this federation, of which I am an honorary member, deserve special recognition for their untiring devotion and work on behalf of freedom and liberty throughout the world.

DWIGHT D. EISENHOWER

The terror imposed upon Hungary repudiates and negates almost every article in the Declaration of Human Rights.

It denies that men are born free and equal in dignity and rights and that all should act in the spirit of brotherhood.

It denies the right to life, liberty, and security of person.

It denies the principle that no one shall be subjected to cruel, inhuman or degrading treatment.

It denies that no person shall be arbitrarily arrested, detained or exiled.

It denies that all are equal before the law and entitled to its equal protection.

It denies the right to fair and public hearings by an independent and impartial tribunal.

It denies the right to freedom of thought, conscience, and religion.

It denies the right to freedom of opinion and expression.

It denies the right to freedom of peaceful assembly.

It denies that the individual may not be held in slavery or servitude.

It denies that the will of the people shall be the basis of the authority of government.

That these human rights have been so flagrantly repudiated is cause for world wide mourning.

JOHN F. KENNEDY

October 23, 1956, is a day that will forever live in the annals of free men and free nations. It was a day of courage, conscience, and triumph. No other day since history began has shown more clearly the eternal unquenchability of man's desire to be free, whatever the odds against success, whatever the sacrifice required.

Americans will never—at any summit meeting, in any treaty declaration, in words or even in our minds—recognize Soviet domination of Hungary. Hungary's claim to independence and liberty is not based on sentiment or politics. It is deeply rooted in history, in culture, and in law. No matter what sort of puppet government they may maintain, we do not mean to see that claim abandoned.

Americans intend to hasten by every honorable and reasonable means the arrival of the day when the men and women of Hungary will stand again in freedom and justice. On this anniversary we must, with Abraham Lincoln, "Here highly resolve that these dead shall not have died in vain . . . it is for us the living. . . to be dedicated to the unfinished work which they so nobly advanced."

RICHARD M. NIXON

It was very early in December when I arrived in Austria. I had been sent there by President Eisenhower to inspect the refugee camps which had sprouted overnight in that neutral country and to help determine the immediate needs of the thousands of Hungarians who had streamed across the frontier.

November had been the cruelest of months for the Hungarian people. Alone they had risen and cut the fetters of Communist tyranny, breathed for a few disquieting days the exhilarating air of personal freedom and national independence, and then had Soviet treachery and Soviet armor abruptly awaken them from their dream.

One could see many emotions carved in the faces of these people as I walked through their gerry-built camps and saw them then trickling across the guarded frontier at Andau.

In the young, the emotions were anger and disillusionment at having seen their victory stolen away. This was coupled in many with the feeling that they had been abandoned by their natural allies—the West and in particular the United States. There was undisguised hatred of the Russians, a measure of joy at having escaped and a great measure of sorrow as they knew the agony their less fortunate countrymen were then undergoing.

Confronted with such a spectacle of human suffering, the thoughts do not come singly but in battalions. Certainly, one sentiment I shared then with every free man was a sense of awe and admiration at the incredible courage of these people who had challenged the most powerful tyranny in history.

To have seen the men and women and children who had accomplished so much led to many other thoughts—about the system from which they had fled and the system to which they had come.

Some of these thoughts occurred at that time and some came to mind later as one recalled the camps, the frontier and the faces. One could not help but think what a thoroughly contemptible form of government Communism really is.

Communism was the only system most of those children who made the rebellion had ever known. It had rigidly controlled their education, fed them its propaganda since they had reached the age of reason, dictated their development and growth, and they had nothing but hatred for it and the men who ran it.

I recall President Kennedy's comment in 1961 that the character of Communism was forever stamped on the bloody streets of Budapest and so it was for the world to see.

How rank and odious must such a system be, if these people who loved their land and their country would give up families and home and friends and property just to escape from it.

I recall during the early fifties having been told by my own friends and others that most of the states of Eastern Europe had come to accept their Communist masters, that the young had known no other system, that it would be foolish to believe they had any burning desire to rid themselves of it. I was told that economic advances were being made in Eastern Europe, that the people then at least had the security they had been denied during the war years.

We are told the same things today. It is true I think that, as one man has written, the tyrant always seems absolutely secure until five minutes before he is overthrown.

Since those days in Austria I have often wondered why the plight of the captive and exploited peoples in once-free Eastern Europe should be so ignored in a world where "anti-colonialism" and "self-determination" have been raised to the level of gospel.

I have thought as well how good it would be for every American boy to have walked through those camps and to have watched while the Hungarians came across the border at Andau.

The same lesson might have been learned from watching the Vietnamese pour down from the Communist North in 1954, the Tibetans abandoning their ancient homes in 1959, the Cubans fleeing across the Florida Straits in the first years of this decade and the Germans crashing through the Berlin Wall in 1961 and 1962. Therein lies an education not to be found in books.

Mr. STRATTON. Mr. Speaker, I am proud to join in this special order to honor the brave men and women of Hungary who in 1956 fought so courageously for their independence from the ruthless Soviet domination.

It is hard to believe that 15 years have now passed since we were following the struggle day by day in the newspapers and cheered the early victories of the rebels who battled tanks with rocks. What had started out as a peaceful student demonstration to express sympathy toward a Polish insurrection against the Soviets suddenly became a nationwide revolution when troops fired into the crowd, killing many of the demonstrators. After a week of fighting it had appeared on October 30, 1956, that the forces of freedom had brought liberty to that country, as Imre Nagy assumed the premiership, formed a genuine coalition cabinet, and promised free elections. He negotiated an immediate withdrawal of Soviet troops from the country and began plans to return Hungary to conditions that existed prior to 1947, the year communism began its dictatorship over that country.

As we have seen happen in Eastern Europe and elsewhere many times before

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and many times after, the communists were not to be trusted at their word. On November 1, Soviet troops surrounded Budapest and Premier Nagy pleaded to the West and the United Nations for assistance. Can any of us forget the reports of bloodshed and atrocities plastered across the front pages of American newspapers in the days that followed? The rebellion was crushed and the Communist sickle of retribution swept quickly throughout the land, executing or imprisoning thousands of Hungarians.

But though the fight for freedom was ruthlessly put down by Soviet tanks in Hungary, just as it was later brutally put down in Czechoslovakia only 3 years ago, the spirit of freedom could never be crushed in the hearts of the brave Hungarian people.

I can still remember very clearly in the early months of 1957, as mayor of Schenectady, N.Y., being on hand to greet the brave Hungarian freedom fighters who had been fortunate enough to escape from Soviet control and who came to Schenectady, to friends and relatives of Hungarian descent, to seek a new life. How quickly these men and women began to build a new life for themselves. How quickly they rolled up their sleeves and went to work. How quickly they made a solid and prosperous new home for themselves, and became active and effective American citizens. Fifteen years later they are distinguished citizens of their adopted country and we are proud of them.

Yet for those who came to America, and for those who remained trapped behind the Iron Curtain, the hope is the same—to look forward to the day they will once again have the opportunity to welcome the restoration of freedom in their homeland. All of us here in America who are fortunate enough to have been born in the liberty won by our forefathers in another revolution share those hopes for Hungarian freedom.

President Eisenhower in the tragic days of November 1956, wrote Premier Bulganin, and uttered a plea that I think all Americans can reiterate again today, 15 years later:

I urge in the name of humanity and in the cause of peace that the Soviet Union take action to withdraw Soviet forces from Hungary immediately and to permit the Hungarian people to enjoy and exercise the human rights and fundamental freedoms affirmed for all peoples in the United Nations Charter.

Mr. Speaker, as I recall saying in 1957 in greeting to the Hungarian freedom fighters who came to Schenectady:

Ishten hozolt; ishten al wega Magyar!

Greeting to all, long live Hungary.

Mr. BUCHANAN. Mr. Speaker, it is with profound respect for the vallant efforts of Hungary's freedom fighters that I join my colleagues in their recognition today.

During those memorable and tragic days from October 23 to November 3, 1956, Hungary's freedom fighters captured the admiration and imagination of the free world on the one hand, and virtually shook the walls of the Kremlin on the other. It could be said, in fact, that from the date of the first revolutionary outbreak through November 4, 1956, when the Soviet armies returned to attack the outmanned Nagy government forces, a totalitarian society was in dissolution.

The late Prime Minister of India, Jawaharlal Nehru, said so well in the September 7, 1958, edition of the New York Times Magazine:

What happened in Hungary demonstrated that the desire for national freedom is stronger even than any ideology and cannot ultimately be suppressed. What happened in Hungary . . . represented nationalism striving for freedom from foreign control.

The patriots envisaged an independent country outside the power blocs, where a multiparty system, parliamentary democracy, the observance of individual human rights, and an economy based on the concept of human justice would prevail.

After life had been crushed from the short-lived revolution against Soviet oppression and the United Nations finally agreed to investigate, Mayor Jozef Kovago of Budapest, testified before the U.N. Special Committee on the Problem of Hungary, January 29, 1957, as follows:

Truth outdoes fiction. This epic struggle written in blood; a struggle where the participants rose high above the measure of mortals, where 14-year-old children rose to the heights achieved by ancient heroes and 70-year-old grandmothers acted like Roman matrons. And yet my task is to relate this in a manner conveying a sense of reality.

There are memories of glorious days followed by gloom. First the joy of rapturous crowds in the smoke-filled streets; later the sombre calm of men to die in the rubble of the wounded city.

The Hungarian Revolution proves that the fate of nations is molded by the emotions of people . . .

I wish to emphasize that the Hungarian Revolution was not premeditated, nor organized by anyone. Hungarian youth as one man strained apart the Communist shackles, breaking them with volcanic force. In the heat of this sacred fire Communist indoctrination melted within minutes. The truth was suddenly revealed, and the repulsive farce of Communist lies and doctrines became apparent. These young people rose as one, rejecting Leninist-Stalinist teachings in a single resounding outcry.

The very same evening hundreds of thousands of Hungarians voiced one wish with all their hearts: "We want to be free!"

Tragically, Hungary is not yet free as the millions and millions of people presently living under Soviet oppression in Eastern and Central Europe are not free. The United Nations Hungarian resolutions are still unhonored; namely, the withdrawal of Soviet troops and the restoration of Hungary's freedom and independence. But the spark of freedom still burns there as it does in the heart of every man and in the composite soul of every nation that must continue to live in bondage.

October 23 to November 4, 1956, were days that will live forever in the records of free man and free nations. It represents the epitome of courage. The action of Hungary's freedom fighters underscores the eternal unquenchability of man's desire to be free—whatever the odds, whatever the sacrifice.

As we today pay tribute to these gallant men and women on the 15th anniversary of the Hungarian revolution we must, with Abraham Lincoln:

Here highly resolve that these dead shall not have died in vain . . . it is for us the living . . . to be dedicated to the unfinished work which they so nobly advanced.

RADIO AND TELEVISION LICENSES

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FREY) is recognized for 5 minutes.

Mr. FREY. Mr. Speaker, as a member of the Power and Communications Subcommittee I have become aware of an injustice which is being imposed upon responsible broadcasters throughout our country.

As I am sure you know, in January of last year the Federal Communications Commission issued a policy statement that would give an incumbent licensee preference in seeking a renewal of his license provided, if, of course his past performance had shown substantial service to the public. In June of this year the U.S. Court of Appeals reversed that policy, saying it would substitute a standard of "substantial" service for the "best possible" service to the public.

I am sure that none of us in the Congress would want anything but the "best possible" programing to be shown on radio and television stations. However, this decision opens Pandora's box for any special interest group which may wish to harass a station.

By threatening contested license renewal hearings, special interest groups could coerce many broadcasters into changing parts of their programing to the detriment of the public in general. The Congress should not allow this possibility to exist.

My bill would exclude all new applications for a broadcast license when a station applies for a renewal, except in cases where the Federal Communications Commission had significant proof to show that the present licensee is not serving the "public interest, convenience, and necessity."

The bill would also make all commercial radio and television licenses valid for 5 years instead of the 3-year period provided in the present law.

As I am sure you know, the cost of buying and operating a radio or television station is phenomenal. In many cases it takes over 5 years for an owner just to break even. As the law now stands, the overwhelming majority of broadcast licenses are valid for only 3 years. Then the station owner must get a renewal which takes time and runs up additional expenses. I am introducing this bill extending the 3-year limit in order to give the broadcasters more stability while also giving the new broadcaster a better chance to break even on his financial investment.

B. JOHN TUTUSKA—DISTINGUISHED COUNTY EXECUTIVE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP), is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, B. John Tutuska has devoted his life to public service. He has served honorably and with great distinction as a member of the Buffalo Police Department, as an officer of the U.S. Army during World War II and the Korean war, as sheriff of Erie County, N.Y., and most recently as county executive.

His record has been marked by a devotion to duty, a high regard for the welfare of people, and is characterized by his high sense of integrity and honesty.

Mr. Speaker, John will retire on December 31 as Erie County executive after 35 years of public service. This Saturday he will celebrate his 60th birthday and is grateful for an astonishing recovery from a massive heart attack which precluded his running for reelection. John is the type of dedicated public servant who was grateful for the opportunity to serve.

He was appointed county executive December 1, 1968, to succeed the late Edward A. Rath. He won election in 1969 to the balance of Mr. Rath's unexpired term. I believe the near 70,000 vote majority won by county executive elect, Ned Regan, as a manifestation from the electorate that the Tutuska led county government is one of the finest in the Nation and must be continued.

On April 7, 1971, I called the Erie County sesquicentennial to the attention of my colleagues and pointed out that as part of this anniversary celebration a new county office building was dedicated in memory of the first county executive, Edward A. Rath, Sr. In my extension, I remarked:

Under the farsighted direction of Edward A. Rath, Sr., our county government was launched into a new era of collective cooperation and beneficial association with all levels of government, as it does today under B. John Tutuska.

Now a fitting tribute will be paid to B. John, for the many years he has dedicated to serving us. I personally have profited from his advice and counsel during my campaign and in this, my first term in Congress. I am happy to join with the many thousands of friends of John who will in some way participate in a testimonial dinner to be held in John's honor Sunday, December 12, 1971, in Buffalo. I am looking forward to being a part of this memorable evening.

Mr. Speaker, George Borrelli in the Buffalo Evening News and Robert O. Graves in the Buffalo Courier-Express, have recently written articles paying tribute to B. John Tutuska. I think it is appropriate to include these articles at this point.

[From the Buffalo Evening News, Dec. 5, 1971]

TUTUSKA TO LEAVE OFFICE WITH A SENSE OF PRIDE

(By George Borrelli)

As he prepares to leave office Dec. 31, County Executive Tutuska nurses no grudges, harbors no animosities, has no regrets.

B. John Tutuska is 60 years old today. A handsome 6-footer with iron gray hair, his manner is relaxed, his mood philosophical.

He's a man at peace with himself and his surroundings. And he's a grateful man—thankful for the opportunities that propelled him to the county's highest elective office and for his recovery from a severe heart attack.

"I don't think I'll ever want to run for office again," said Mr. Tutuska in an interview this week—in his office on the 16th floor of the Rath Office Bldg.

He plans to remain active in community affairs, but beyond that has no plans for the future.

"I'm really not concerned about that," Mr. Tutuska said. "The future has a way of taking care of itself. I've always been content, whether I was a private in the Army, a patrolman in the Buffalo Police Department or county executive.

"I'm convinced that everything happens for the best."

What the modest Mr. Tutuska didn't say about his background as a soldier, policeman and elected official was considerable.

He was inducted into the Army during Wolrd War II as a private and discharged as a captain. Another tour of duty came during the Korean conflict, from 1951–52, and finally service in the Army Reserve, from which he retired with the rank of lieutenant colonel.

As a Buffalo policeman, Mr. Tutuska started as a patrolman in 1936 and rose to captain. Later, he became undersheriff, then sheriff of Erie County.

Mr. Tutuska was appointed county executive Dec. 1, 1968, to succeed the late Edward A. Rath.

He won election in 1969 to the balance of Mr. Rath's unexpired term.

Earlier this year, Mr. Tutuska was endorsed by the GOP for election to a full, four-year term. But fate intervened. He suffered a heart attack May 22.

After he was discharged from the hospital, Mr. Tutuska announced he would continue his candidacy. But he later pulled out of the race on advice of his physicians.

Subsequently, Edward V. Regan, who had filed to oppose Mr. Tutuska in the primary, was substituted as the GOP organization candidate and went on to win the general election.

Mr. Tutuska said he bears no ill feelings towards Mr. Regan, for whom he campaigned.

"What happend was a blessing," Mr. Tutuska said of his heart attack.

"At least I've had a warning. Some of my friends didn't have that warning."

While he has no desire to again run for office, Mr. Tutuska doesn't rule out the possibility of an appointive post.

Mr. Tutuska has a good relationship with Gov. Rockefeller and there have been recurring reports that he might receive a state appointment.

One of the top vote-getters in the history of Erie County, Mr. Tutuska won four elections—three for sheriff, one for county executive.

A tireless campaigner, he believed in moving around the county to meet people and listen to their problems.

"You can't find out what's going on by just sitting in that chair," said Mr. Tutuska pointing to his desk.

So strenuously did Mr. Tutuska campaign that he lost an average of 15–17 pounds every time he ran for office.

In 1965, the last time he was elected sheriff, Mr. Tutuska attended 101 picnics.

"But I never had time to eat," he laughed.

Mr. Tutuska interprets the near 70,000-vote majority won by County Executive-elect Regan this year as a double-edged reaction from the electorate.

On the one hand, they were giving the Republican-controlled county government a vote of confidence, said Mr. Tutuska.

"Our county government is one of the best . . . we're recognized as one of the finest in the nation."

On the other hand, the voters were expressing a desire for a younger man in the office, Mr. Tutuska continued.

Mr. Regan, 41, whose campaign theme was "a new generation of leadership," defeated Mayor Sedita, 64, the Democratic candidate.

In the three years that he presided at the helm of county government, Mr. Tutuska was beset with a number of problems, some of which were solved easily, while others produced frustration and conflict.

Chief among the latter was the acrimonious fight over a new football stadium, a battle finally resolved this year when the county agreed to build an 80,000-seat facility in Orchard Park.

Mr. Tutuska had initially favored a domed stadium in Lancaster. But when plans for the project collapsed, he shifted his support to the open stadium.

"I thought it was absolutely essential that we go ahead," he explained. "I couldn't subscribe to the argument that it had to be a dome or nothing."

Mr. Tutuska is leaving office with a pride in a number of projects on the drawing boards, underway or completed.

Major ones include the new Comprehensive Health Care Center, for which bids have been taken; expansion of the Erie County Community College—opening of a temporary city campus and plans for two new permanent campuses, one in downtown Buffalo, the other in Hamburg; creation of an office for the aging; establishment of a County Youth Board, a drug abuse program and a clinic for alcoholics.

Mr. Tutuska speaks feelingly for the aged and the poor. He admits the Medicaid program has been costly, but cites its pervasive benefits to the poor, the aged and families hit with catastrophic illness.

Mr. Tutuska, who has deep roots in the Buffalo area, plans to spend a month or two in Florida after he leaves office. Then he'll return to Buffalo, where he resides at 301 Colvin Ave. with his wife Marie and their three sons, Peter, a senior at UB; William, a freshman at Hilbert College, and John, a Canisius College graduate who's employed as an accountant.

"The future will take care of itself," Mr. Tutuska repeated. "Everything happens for the best."

[From the Buffalo Courier-Express, Dec. 5, 1971]

TUTUSKA "GRATEFUL FOR OPPORTUNITY TO SERVE" COUNTY

(By Robert O. Groves)

After 35 years of public service, the patrolman who had no political ambitions when he joined the Buffalo Police in 1936 will retire Dec. 31 as the county executive.

While marking his 60th birthday Saturday, Erie County Executive B. John Tutuska reflected on his career as military officer, police captain, county sheriff, and county executive with a characteristically modest, "I was grateful for the opportunity to serve."

Since his appointment on Dec. 1, 1968 as successor to the late Edward A. Rath, the county's first executive, and his subsequent election as county executive in 1969, Tutuska has seen the position grow to become the most important political post in Upstate New York and to assume the responsibility this year of a landmark $266.6 million county budget.

It was only upon his physician's advice that Tutuska, after being hospitalized at Deaconess Hospital May 22 to July 4 for a heart attack, a massive coronary occlusion, which he suffered while appearing at the Buffalo Athletic Club, "reluctantly" declined the endorsement for reelection, thus stepping aside for Edward V. Regan, the victorious GOP candidate who will assume the post Jan. 1.

At the time of his withdrawal on July 30 from the 1971 campaign, Tutuska said, "I do

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not shrink from conflict. I never have and I never will. I have searched my heart. I have sought guidance from my family, my friends and almighty God. At this point in time I cannot serve the party at the needed 100 per cent level during the campaign. Less than 100 per cent would be a disservice."

"But I am still the executive," Tutuska emphasized Saturday, "and will work diligently as such until Dec. 31. I don't intend to lose interest in this community. This is my permanent area.

"After four or five months of sun and golfing in Pompano Beach, Fla., I will probably be itching to get back. Since I don't assume an official capacity, I will have more time to be active in various service organizations to which I belong."

There is a wide field of service open to him. Over the years he has belonged to, or is still a member of 53 charities and social clubs, 18 major law enforcement-related organizations and 12 veterans and armed forces groups.

Some of these activities, such as the New York State Sheriff's Assn., have involved him in extensive committee work, while others, such as the Buffalo Area Council on Alcoholism, of which he was president in 1963, and the United Fund, for which he has held various chairmanships, have profited from his leadership.

High on the Tutuska list of social projects on which he will concentrate as an activated retiree will be programs to benefit senior citizens.

During his administration, the county established a state and federally-funded Office for the Aging. It upgraded and awarded contracts for new facilities at the Erie County Home and Infirmary in the Town of Alden. Two years ago the county's first Advisory Committee on Recreation for the Elderly was set up.

In his last days as executive, Tutuska, who is on the board of directors for the Nazareth Nursing Home, said he is making efforts to establish temporary nursing homes for some 700 senior citizens in the county who are trying to get into one.

"There are 200 of the elderly persons in our hospitals for whom a home would be a better environment," he said. "An effort has to be made to get some of the 26.5 million senior citizens in the United States back into the mainstream of life. Loved ones can't take care of all of them."

Other achievements during his three years as executive of which he is especially pleased include:

Approval and start of construction of the County Comprehensive Health Care Center to replace Meyer Memorial Hospital in three years, and the completion of School No. 84 for Handicapped Children on the Meyer Hospital grounds.

The designation of parts of the country as a "special impact area" by the federal government, thus increasing employment by making Erie County eligible for public works grants.

Construction of the $700,000 Fire Training Center at Broadway and Union Rd., Cheektowaga, the Edward A. Rath County Office Bldg. in downtown Buffalo and the Terrax solid-waste disposal facility in Orchard Park and groundbreaking for Erie Community College's South Towns Campus.

Seven Special Achievement Awards to Erie County by the National Assn. of Counties for public service programs including those of the county departments of Social Services, Health, Mental Health, the County Youth Board's rehabilitation program in Buffalo's Lovejoy District and the Buffalo and Erie County Library.

The termination of the confused bitter battle of where to build a football stadium which began before Tutuska took office and which was resolved this fall with the county agreeing to build an 80,000-seat facility in Orchard Park.

Tutuska credits much of his organizational ability and feel for government to the experience he gained during World War II while serving with the U.S. Army Military Government unit which helped reorganize fire, police and public services in France, Belgium, Holland and Germany.

After serving from 1929 to 1932 as a corporal with the 106th Field Artillery of the N.Y. State National Guard, Tutuska was drafted into the Army as a private in 1942, served with the 17th Airborne Division and the Military Government Unit. He received among other decorations, the Middle Eastern Campaign Medal with four battle stars. He was discharged into the reserves in 1946 as a captain. He was recalled for 19 months of active duty during the Korean Conflict as a captain and retired from the U.S. Army Reserves in 1965 as a lieutenant colonel.

Tutuska joined the Buffalo Police Dept. in 1936 ("with the intent of just being a good police officer"). As a police lieutenant after World War II in charge of the department's Accident Prevention Bureau, he earned two National Awards for Buffalo from the National Safety Council. Following the Korean Conflict he was commander of the Niagara St. and the Fillmore Ave. stations as a captain.

He was appointed Erie County undersheriff in 1956 by former Sheriff Robert A. Glasser and was named by Gov. Rockefeller to succeed Glasser in September 1959.

"I had never wanted to be an elected official. But in the 1959 November elections I was faced with having to choose between running for office or getting out," said Tutuska. He ran and was elected to office four times by phenomenal majorities. As sheriff he fostered the establishment of the Erie County Sheriff's Training Academy and the development of modern communications systems and crimefighting techniques and equipment.

Tutuska, who saw the creation of the post of deputy county executive last April and who views his heart attack as a warning signal and "perhaps a blessing in disguise," believes the biggest help that the federal government can give counties is in the area of revenue sharing and welfare reform.

As for his own career, Tutuska recalled gratefully that "no matter where I went, whether I was directing traffic as a policeman or studying a town's sewer problems as county executive, I always found people willing and helpful."

The county executive said he plans to continue to maintain his home at 301 Colvin Ave.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER), is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The volume of commerce flowing through U.S. ports annually numbers in the millions of tons. The United States ranks consistently among the world leaders in shipping commercial tonnage. Through the ports of New York and New Jersey, for example, a total of 167,548,704 tons passed in 1 year.

JOHN MUSSO: A TRUE ALL AMERICAN

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 5 minutes.

Mr. BUCHANAN. Mr. Speaker, the name Johnny Musso in the State of Alabama is synonymous with outstanding sportsmanship, performance on the football field, and scholastic achievement.

These qualities in this All-American running back from the University of Alabama were again recognized last night when John Musso received the Scholar-Athlete Award from the National Football Foundation and Hall of Fame in New York, becoming the first University of Alabama player to be so honored.

Those of us from Johnny's hometown of Birmingham, which it is my privilege to represent in the Congress, are especially proud of this young man. We have watched him from his days as a star of the Banks High School football team and student body president.

While at Alabama he was three times named all-SEC academic player. He has broken 22 University of Alabama records including seven for rushing and scoring.

During his senior year at Alabama he carried the ball 191 times for a total of 1,088 yards or an average of 5.7 yards per carry. He accounted for 16 Alabama touchdowns and 100 of the points which the university chalked up during its undefeated regular season—efforts which earned him fourth place in the ballotting for this year's Heisman Trophy.

Earlier this week John was named Football News' Collegiate Player of the Year and has been selected an All-American by United Press International and by football writers nationwide.

All of these honors and more which he will receive, such as the Co-Southeastern Conference Player of the Year Award next week, are reflective of the type athlete and scholar which John Musso is.

But he is also a young man of much humility and character, quick to credit his successes to his family, teammates and coaches.

I think his remarks upon being notified of his selection for the National Football Foundation Award are even more indicative of the personality which go to make him not only an outstanding athlete, but an outstanding individual.

He said, and I quote:

I've had more thrills this season than a person deserves in a lifetime and I hope I can prove worthy of this honor in the future by my conduct as a person.

With this type of outlook on life, Mr. Speaker, I am sure he will be able to do so.

RETIREMENT OF CHARLIE PURYEAR

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 5 minutes.

Mr. GRIFFIN. Mr. Speaker, earlier this year one of the House of Representatives' most dedicated and faithful employees retired.

Charles A. Puryear started working in the House post office in August 1951 under the sponsorship of Representative John Bell Williams. He conscientiously performed his duties for nearly 20 years and became a well-known figure on Capitol Hill.

The life of Charles Puryear is a heartening example of what determination can achieve. Born without sight in one eye and with extremely limited vision in the other, Mr. Puryear was never deterred from seeking and obtaining productive employment. He made many friends while here and will be missed.

Mr. Puryear had great respect for the House of Representatives as an institution and the individual Members of Congress he knew on a personal basis. In turn, he was respected and admired by all who knew him.

The Griffin and Puryear families have ties that go back many years. Charlie Puryear's grandfather and my grandfather served together in the Mississippi Legislature. His father and my father served together on the Hinds County Board of Supervisors; and, as I tell Charlie, he and I served together in Congress.

Charlie and his charming wife Mary are living in retirement in Jackson, Miss. They have the sincere best wishes of many Members of this body as they enter this new phase in their life.

Upon Mr. Puryear's retirement last May, House Postmaster H. H. Morris had this to say about him:

Charlie Puryear, who is retiring on Monday after over 19 years in the House Post Office, is in my opinion one of the most dedicated public servants I have ever known. He was very efficient, punctual and always performing a little above and beyond his assignment.

He will be missed by his colleagues in the Post Office and the offices which he served.

Mr. Speaker, I include an Associated Press article which appeared in the Jackson Daily News on May 29, 1971, concerning Mr. Puryear. It follows:

"HUMAN ENCYCLOPEDIA" OF RAYMOND RETIRES

WASHINGTON.—Charles Puryear, whose encyclopedic knowledge of present and past members of Congress has served lawmakers and newsmen alike, is retiring after 19 years as a House employe.

Ask about almost any member who has served in the House or Senate since 1900 and Puryear can tell you the congressman's full name, state, district, and years of service and probably name the man he succeeded and the man who succeeded him.

Puryear, a native of Raymond, Miss., is one of the quiet, modest, unsung men who help the wheels of Congress turn smoothly.

He has been a House mail messenger for 19 years, pushing a cart around the office building halls and collecting mail. He has no idea of the miles he has tramped along the marble corridors.

Puryear's gift of almost total recall as to biographical infomration about congressmen is all the more remarkable since he was born almost blind. He has no sight in one eye, little in the other.

But he has read—and memorized—congressional biographies of virtually all members since about 1900. He modestly disclaims this, saying he doubts he can even go back as far as 1910, but congressmen who have tested his knowledge, say he can come up with information on at least 99 of every 100 who have served since 1900.

Puryear, now 60, came to Washington in 1952 as a patronage employe of Rep. John Bell Williams, D-Miss., now Mississippi governor. Puryear is due to retire at the end of June.

House Postmaster H. H. Morris, said of Puryear, "He is one of the most dedicated public servants I have ever known—efficient, punctual and always performing a little above and beyond his assignment."

A 1932 graduate of Mississippi College, Puryear began his hobby of reading up on congressmen as a boy in Raymond after his appetite for information was whetted by reading the Congressional Record.

POLLUTION CONTROL AND PREVENTION

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, pollution is a devastating national problem that affects not only my city of Chicago, but every city and State throughout the country. It is a problem that has been propagandized, legislated, and reiterated. Time and again, in this body and in all the media, we are bombarded with it. It has become such a vogue issue that its slogans are almost rendered trite before they are written.

Until now, the impetus of effecting strong forceful change in pollution control and prevention has rested with small groups such as Citizen's Crusade for Clean Water. But, these action groups cannot hope to rectify the flagrant spoilage of our water and air. They lack unity, control, funds, and most important, manpower.

The public has been made growingly aware of pollution as a social evil through mass media. Legislation has provided us with the beginnings for reform, but as yet we have nothing more than a beginning. Both the people and their representatives are aware and eager to eliminate the problem. Why then has anti-pollution action been so painfully slow?

A possible reason for this retarded action, as well as an attempted solution is in the process of being formulated by Ralph Nader and his well-known following of young superstars. There have been many times when I have thought Nader and his barnstorming tactics personally and politically defeating, but here, credit is deserved.

Nader's concept as I understand it is this: To construct an autonomous organization, the Fisherman's Clean Water Action Project, uniting the nation's 60 million fishermen, on the premise that they have an immediate and firsthand interest in cleaning up our waters. This new organization would then function as a gap filler. It would operate with top experts in the fields of biochemistry and ecology, as well as in the law. It would be an agency which would provide legal services for individual pollution problems and assemble information and disperse it to the public. It would act with and provide advice to legislators, and mobilize citizen groups around focus issues. In other words, Mr. Nader proposes to create a national organization whose sole interest is pollution control, specifically, water pollution control. The assumption is that organized enterprise will be better able to facilitate change with more speed and accuracy.

Mr. Speaker, it is obvious that something is vitally needed to stimulate constructive and continual action in order to combat pollution in this country. The Great Lakes regions of Illinois are prime examples of this national disgrace and the immediate need for remedies. I believe that Mr. Nader and his program deserve attention and support. I am sure that as this new organization progresses, it will command a watchful eye from Congress. I have a feeling we will be hearing from the Fisherman's Clean Water Action Project, hopefully very soon.

THE VICE PRESIDENT'S TEMPESTUOUS TROPOLOGY

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 15 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, once again the Nixon administration has unleased the Vice President to contaminate the countryside with more of his rambling rhetoric and reckless rancor.

This time the targets of the Vice President's tempestuous tropology were the Democratic presidential contenders, who were accused of being "economic morticians" and labeled as purveyors of "pallbearer polemics" by the Vice President.

Defending the disastrous economic policies of the Nixon administration in a speech to the National Association of Manufacturers in New York on December 3, the Vice President stated that—

Pallbearer polemics and doomsday dispatches are unwarranted by an impartial examination of the facts readily at hand.

Mr. Speaker, the Vice President would be well advised to make his own "impartial examination of the facts readily at hand" before he so vigorously defends the Nixon administration's economic game plans.

Had he done so he may have learned that on the very day that he was making this speech the Department of Labor announced that the Nation's unemployment rate had once again edged upward in November to 6 percent of the labor force. This means that there are presently over 5 million Americans unable to find work.

The Vice President would have also learned that wholesale prices had again risen in November, although he probably would have chosen to defend this increase in the same manner he defended the October rise in the Consumer Price Index—by claiming that while inflation and prices may still be on the rise, they are not on the rise as fast as they used to be.

A further examination of the "facts readily at hand" would have indicated to the Vice President that after almost 3 full years of the Nixon administration, this Nation has seen the rate of unemployment climb from 3.3 to 6 percent, the Wholesale Index rise from 106.5 to a whopping 114.4, and the gross national product fall for the first time since 1958.

He would have learned that the Federal Reserve Index of Industrial Production has actually dropped by more than 4 points during this same period, that the Consumer Price Index has risen constantly, and that, for the first time since

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1893, this country has suffered its first balance-of-trade deficit.

Mr. Speaker, the Vice President implied that part of the business leadership in this country has "allowed itself to be psychologically manipulated by the ritual doomsayers of the Democratic Party." After examining the "facts readily at hand," as the Vice President has suggested, it would appear to me that perhaps the Vice President himself is the one man who has been psychologically misled—by the public relations department of his own party.

I am certain, however, that the business leadership in this country has not been psychologically manipulated by the party out of power. The business leadership in this country has simply been victimized—by an administration which has chosen to cure the economic ills of the Nation with smooth talk and public relations gimmickry, rather than firm, positive action exercised by confident Executive leadership.

COTTER URGES PRESIDENT TO MAKE SOLUTION OF THE NORTHERN IRELAND CIVIL WAR THE HIGHEST PRIORITY IN HIS SUMMIT MEETING WITH THE ENGLISH PRIME MINISTER

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, the tragic situation in Northern Ireland demands more attention and action by the United States. I have attended several high level meetings on this complex matter and I believe the administration's laissez-faire attitude about this bloody civil war is misguided and inappropriate.

It was for this reason I joined with my distinguished colleague from New York (Mr. CAREY) in calling for the enactment of legislation that would move the United States into a more constructive role in seeking a peaceful solution to this tragic conflict. This resolution calls for the immediate termination of all unconstitutional internment, full respect for the civil rights of all citizens of Northern Ireland, and most importantly termination of all political, social, economic, and religious discrimination that is the root cause of the current violence. This reasonable goal can only be accomplished by the withdrawal of British troops from Northern Ireland and the convening of all interested parties to work for the unification of Ireland.

I do not underestimate the obstacles in such a proposal and only an effort at the highest level of Government can assure its success.

For this reason today I have written to President Nixon urging him to place the issue of the solution of the civil war in Ireland as one of the high priority items in his scheduled visit with Prime Minister Heath of Great Britain on December 20 and 21.

For the benefit of my colleagues, and the readers of this RECORD, I am including in the RECORD a copy of my letter to the President in addition to a copy of this resolution.

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 8, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I know that you share my deep concern over the tragic civil war that afflicts Northern Ireland.

Since you are preparing to meet with Prime Minister Heath on December Twenty-first and Twenty-second, I am hopeful that you will make the solution of the Northern Ireland conflict one of the highest priority issues in this summit conference.

After serious study of the situation, I can only conclude that an equitable solution will result in the unification of Ireland. This unification would, of course, ensure that all citizens are guaranteed their civil rights and the social and religious persecution that has characterized the history of Northern Ireland would be ended.

I am confident that you will give this matter your most detailed attention and exert U.S. influence in a constructive manner to end the tragic civil war.

Sincerely,

WILLIAM R. COTTER,
Member of Congress.

H. RES. 654

Whereas the continuing violence and bloodshed in Northern Ireland is a cause of the deepest concern to Americans of all faiths and political persuasions;

Whereas the causes of the present conflict may be traced to the systematic and deliberate discrimination in housing, employment, political representation, and educational opportunities practiced by the governmental authorities in Northern Ireland against the minority there;

Whereas the Governments of the United Kingdom and of Northern Ireland have failed to end the bloodshed and have failed to establish measures to meet the legitimate grievances of this minority;

Whereas continued repression and lack of fundamental reforms in Northern Ireland threaten to prolong and escalate the conflict and the denial of civil liberties: Now, therefore, be it

Resolved, That the House of Representatives expresses its deepest concern over the present situation in Northern Ireland and in accord with the fundamental concepts of nondiscrimination, fairness, democracy, self-determination, and justice requests the United States Government at the highest level to urge the immediate implementation of the following actions:

1. Termination of the current internment policy and simultaneous release of all persons detained thereunder.

2. Full respect for the civil rights of all the people of Northern Ireland and the termination of all political, social, economic, and religious discrimination.

3. Implementation of the reforms promised by the Government of the United Kingdom since 1968 including those reforms in the fields of law enforcement, housing, employment, and voting rights.

4. Dissolution of the Parliament of Northern Ireland.

5. Withdrawal of all British forces from Northern Ireland, and the institution of law enforcement and criminal justice under local control acceptable to all parties.

6. Convening of all interested parties for the purpose of accomplishing the unification of Ireland.

A FINAL TRIP TO THE RED BRICK CHURCH

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, not many hours ago, the Nation paused in its daily routine to bow its head and say a prayer with those gathered in a turn-of-the-century red brick church at the corner of Columbia Road and Dorchester Avenue in the Dorchester section of Boston. Never in their dream of dreams did the poor immigrants who built that church imagine the day would come when the leaders of the Nation—former President and President's wife, Cabinet members, Senators, Congressmen, ambassadors, cardinals and bishops, Governors, mayors, and legislators by the score would kneel in prayer and shed a tear in this, their humble parish church with pews so rough and altars plain. The neighborhood, never knowing what it was to be really rich and famous, was content to pride itself on its hardworking, honest, and God-fearing families. If, over the years, one of their number came to know power and fame in the inner councils of the Nation's Government, neither he nor the neighborhood forgot their humble beginnings, however justifiable their pride in his success.

Why then all this national attention and sorrow over a man advanced in years paying his last respects to his wife of half a century? To be sure, the fact that the man in question was the former speaker of the U.S. House of Representatives, the third most powerful office in the land, probably accounts for some of the interest of the event with national press and media coverage. But interest is not the same as sorrow or a deep sense of loss. What then made this funeral service the touching event it was? If I may be permitted the liberty of interpretation, it was as if the Nation intuitively understood that it was witnessing in many ways the passing of an era, an era which produced men and women with the backbone and character, the integrity and values of John and Harriet McCormack. It is as if the Nation sensed we would never see their likes again, either individually or together. The very rapture with which the press focused on their perfect marriage has all of the qualities of a storybook romance, a legend in our time. Not a legend in their time, for such marriages in their time were not all that rare or uncommon; but a legend in our time, in a world when even those who should be closest find it more and more difficult to find time even for each other. The very sense of incredulity expressed over the fact that for 42 years of one of the most distinguished careers in Congress, the last 9 of it as Speaker, John W. McCormack always had time for Harriet Joyce McCormack, shows how far we have strayed as a people from their world.

The fact is though John W. and Harriet McCormack came a long way from South Boston and St. Margaret's Church in Dorchester, they never really left it. It was then the most natural and fitting thing in the world for John to return with his Harriet to St. Margaret's Church the other day for the final time, for it was in this setting that both acquired the values and outlook that were to serve them in such good stead over their long and eventful lives together. I know it is

common practice to declare that today we are living in an age of crisis and turmoil and chaos, of change and discord such as we have never known. A good deal of misplaced self-pity might be dispelled if we realized that the lifetimes of John and Harriet were not without their fair share of crises and disaster. Anyone who lived together through the Great World War, the Great Depression, the rise of Hitler, World War II, the dropping of the atomic bomb, Korea, and Vietnam and survived together, had to know the meaning of change and crises. What spells the difference between their generation and ours are probably such simple and basic virtues as faith and love—no more, no less. This is why I think the Nation paused the other day, because we knew what separated them from us and, realism being what it is, knew in our heart of hearts that we would probably never see their likes again. If John and Harriet McCormack leave no other legacy to this Nation from their years of undying and devoted service to their country, it will be their shining example of how two people can leave their home to serve their neighbors in the corridors of power and inner councils of Government and return home half a century later with their integrity, decency, and love intact and uncorrupted by power and fame. And so it was that even while a woman was being laid to rest a few hours ago in Dorchester, a legend was being born and which will live forever in the annals of the Nation's heroes. And it all began where it might have ended, in St. Margaret's Church in Dorchester.

MAINTAINING THE PUBLIC SAFETY

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, those officials in our Nation charged with maintaining the public safety—and this term, in its broadest sense, includes not only policemen, but also firemen, judges, prison guards, and all others connected with the criminal justice system—bear a very great responsibility, for only through their efforts can our Government achieve the constitutionally stated goal of insuring domestic tranquillity. Their task has never been an easy one, and it is made even more difficult now by the fact that they come into contact daily with persons who have demonstrated a lack of respect for the law, and in addition a bitter hatred for it and all of those charged with enforcing it.

And yet despite the extraordinary hazards which these officials face in attempting to offer protection to our citizens, the benefits granted by many States to the survivors of law enforcement officers killed in the line of duty are shamefully inadequate. In fact, a recent Justice Department study showed that as of October 1970, 18 States provided no financial assistance at all to these families. Certainly the fact that these men cannot be sure that the needs of their family will be provided for should harm befall them is a tremendous burden upon them.

In order to rectify this situation, legislation was introduced earlier this year to provide a $50,000 death benefit to the survivors of any policeman killed in the line of duty. Because policemen are the most obvious targets of abuse, it was only natural that they would be thought of first.

However, I believe that all the other public safety officials I need are worthy of being covered under such a proposal. The killing in August 1970, of Judge Harold Haley of the Marin County, Calif., Superior Court, and the Attica prison riot make only too clear the dangers which they face. It is for this reason that I have introduced a bill, H.R. 11677, which would extend the $50,000 death benefit to the following officials: policemen, firemen, sheriffs, deputy sheriffs, highway patrolmen, parole and probation officers, investigatory and correctional personnel, alcoholic beverage control agents, judges, magistrates, justices of the peace, and other officers of the court.

The need for this legislation cannot be doubted. Last year 100 policemen were killed in the line of duty, a 16 percent increase over the previous year's toll. As of October 31 of this year, 112 policemen have been killed already. The International Association of Firefighters reports that 113 firemen were killed in the line of duty last year, and two prison guards were lost. Thus it is apparent that the cost of this legislation to the Federal Government would be minimal, and yet it would mean so much to these men and their families. By enacting this bill, we will be providing a measure of financial security to those families which have suffered the ultimate tragedy, and, in a larger sense, we will be affirming the support of the Federal Government for these officials in their effort to enforce the law and give to the public the protection it needs and deserves.

I am pleased to note that the Senate Judiciary Committee has taken an interest in legislation on this subject, and last week held its second set of hearings on it.

At that time I submitted a statement in support of the expanded coverage which I have proposed. My testimony relied heavily upon the many statements of support I have received from public safety officials in the Cleveland area and in Ohio, and I would now like to commend to my colleagues the full text of these statements:

OHIO ASSOCIATION OF
CHIEFS OF POLICE, INC.,
Columbus, Ohio, November 22, 1971.

Re H.R. 11677.
Hon. JAMES V. STANTON,
Longworth Building,
Washington, D.C.

MY DEAR CONGRESSMAN: On behalf of the Ohio Association of Chiefs of Police, I would like to wholeheartedly extend my support for the above bill.

This bill would have a tendency to bolster the feelings of all personnel in the Criminal Justice System, knowing they have backing while performing their duties.

This type of bill has been sorely needed for a long time.

If I can be of any assistance, please do not hesitate to call me.

Respectfully yours,

HARRY W. HIRD,
President.

CUYAHOGA COUNTY
POLICE CHIEFS ASSOCIATION, INC.,
Maple Heights, Ohio, November 22, 1971.

Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

SIR: At a recent meeting of this organization House Bill was discussed at length and it was a unanimous decision to offer you our support. We strongly feel, as you do, that the family of any peace officer killed in the line of duty should be assured, at least, that their loved one has not died in vain.

All sixty one (61) members join in support of this Bill and respect all your efforts in presenting and supporting legislation that enhances law enforcement.

Sincerely yours,

EDWARD J. PRASEK,
Secretary-Treasurer.

CLEVELAND POLICE PATROLMEN'S ASSOC.,
Cleveland, Ohio, November 23, 1971.

Hon. JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: As President of the Cleveland Police Patrolmen's Association and Vice-President of the International Conference of Police Associations I wish to express the gratitude of all police officers to you for the introduction of House Bill H.R. 11677, and to your fellow members of Congress who are in support of you on this Bill.

The upholding and enforcement of the law in accordance with the spirit of the Constitution is a monumental task that the vast majority of the police officers in this Country have dedicated their lives to accomplishing.

All police officers from time to time during the course of their tours of duty get the feeling that they are all 'Alone'. This might be while walking down a dark alley on a burglary call or while facing a man with a gun whom you have just surprised during a hold-up in progress.

Police Officers the length and breadth of this great land have demonstrated time and time again the sacrifices they are prepared to make for the safety of the people. These same officers unselfishly concern themselves with the question of the welfare and well-being of their families, wives, and children if they should be killed in the line of duty.

Knowing that their Government cares about the welfare of their families should they be killed in the discharge of their duties will give to police officers peace of mind in this respect and the knowledge that such a supreme sacrifice is not in vain.

Very truly yours,

JAMES MAGAS.

FRATERNAL ORDER OF POLICE,
Parma, Ohio, December 4, 1971.

Mr. JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR MR. STANTON: I am in receipt of your letter dated November 12, 1971 informing all persons connected with the administration of Criminal Justice of your bill, HR 11677. This bill was received and read to the members of Parma Lodge #15 of the Fraternal Order of Police at their regular meeting held on the 18th of November, 1971. All attending members were very gratified at the concern that you must have for law enforcement and related agencies. A motion was made and passed requesting me to send you this letter stating the position that Parma Lodge #15 is taking on your bill. Without exception, we the members, 244 in number, of Parma Lodge #15 of the Fraternal Order of Police, stand 100% in support of your bill.

It goes without saying that the members of the law enforcement field are concerned for the welfare of their families in case they are killed in the line of duty. If the bill becomes law, it would greatly reduce the fears that law enforcement officers now have for their families should they be killed. It is a

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good feeling to know that our loved ones will be cared for if we are not here to do so. The $50,000.00 death benefit that you propose is a giant step in the right direction.

I would like to take this opportunity to again express our thanks for your concern and wish you good fortune, not only in this endeavor, but in any endeavor that you may pursue in the future.

Sincerely,

C. R. KAHLER, *Secretary.*

CITY OF CLEVELAND,
November 18, 1971.

Hon. JAMES V. STANTON,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR SIR: In reply to your letter of November 12, 1971 I feel I can speak for all of the members of the Cleveland Police Department in heartily supporting your legislation which would provide a $50,000 Federal death benefit for the family of any public safety or law enforcement officer killed in the line of duty.

We also endorse the extension of this coverage to all law enforcement officers employed on a full-time basis by that state or a unit of general local government within the state.

The most important thing to any man is the health and welfare of his family. It is, therefore, easy to conclude that a man performing a hazardous duty will be more proficient when he has knowledge that his family will be well provided for in the event of his demise.

When the burden of such responsibilities are provided for, the end results will not only benefit the law enforcement officer's family, but also the general public will be better served.

Very truly yours,

STEVE SZERETO,
Acting Chief of Police.

COUNTY OF CUYAHOGA,
Cleveland, Ohio, November 18, 1971.

Congressman JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: I appreciate receiving your letter of November 12, 1971 enclosing a copy of your bill identified as H.R. 11677. To emphasize the need for the "Public Safety and Criminal Justice and Correctional Personnel Benefits Act of 1971" would be fatuous. The facts have never been so patent, the crisis never so conspicuous, and the need never so manifest.

I whole-heartedly support this bill and shall encourage the many friends accumulated throughout my twenty-seven years of Law Enforcement at every level—Federal, State, and Local—to do likewise. My support is not only generated from my position as a Peace Officer, but also from my responsibility as a citizen of The United States.

I sincerely hope that this measure will be passed by the Congress of the United States, and that subsequently, similar considerations may be given to the civilian victims of crime as well.

Very truly yours,

RALPH E. KREIGER,
Sheriff, Cuyahoga County.

DEPARTMENT OF POLICE,
Maple Heights, Ohio, November 22, 1971.

Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

MY DEAR MR. STANTON: Please be advised that you have the undivided support of the forty nine (49) officers and men in this department, relative to House Bill 11677.

We appreciate sincerely your efforts on the part of law enforcement and assure you of support in matters of this nature.

Sincerely yours,

EDWARD J. PRASEK,
Chief of Police.

BROOKLYN HEIGHTS VILLAGE,
Cleveland, Ohio, November 19, 1971.

Hon. JAMES V. STANTON,
Member of Congress,
Longworth Building,
Washington, D.C.

MY DEAR CONGRESSMAN: I have just finished reading H.B. 11677, which you sponsored in the House of Representatives, and would like to add my support to this much needed piece of legislation.

As you may well remember, this is the first anniversary date of the kidnaping of one of the officers from this Department, Sgt. Ronald Baracz, who was held hostage for over twenty-four hours and finally released after being taken into Pennsylvania and then returned to Ohio. It is only by the grace of God that he is with us today and the kidnaper, James Kelley, is the one who lies in a grave. During those anxious and uncertain hours before his release, many thoughts went through my mind, not the least among them being how his wife and two young daughters would be provided for in the event that he did not return.

You are probably well aware that State and local laws fail to provide adequately for the financial needs of the family in such an event, and therefore I heartily support this bill.

Very truly yours,

JOSEPH E. VALINE, *Chief of Police.*

CLEVELAND FIRE DEPARTMENT,
Cleveland, Ohio, November 29, 1971.

Hon. JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR JIM: It was most satisfying to learn that firemen were included in the term "law enforcement officer" in the recent bill (H.R. 11677) you introduced.

From the ever increasing number of incendiary type fires, malicious false alarms, and incidents where firefighters have been shot at or otherwise harassed while in the performance of their duty, it becomes apparent that they should be included.

Assuredly you have my utmost support in gaining approval of this legislation.

Sincerely,

WILLIAM E. BARRY, *Chief.*

BROOKLYN HEIGHTS VILLAGE,
Cleveland, Ohio, November 26, 1971.

Hon. JAMES V. STANTON,
Member of Congress, Longworth Building,
Washington, D.C.

MY DEAR CONGRESSMAN: I have read H.R. 11677, the bill which you recently introduced in the House of Representatives, to provide Federal death benefits to the family of any public safety or law enforcement or judicial or correctional officer killed while performing his duty.

It is true that State and local laws fail to provide adequately for the financial needs of the family in such cases; therefore I heartily endorse this legislation.

Very truly yours,

LESLIE G. THOMPSON,
Fire Chief.

BROOKLYN FIRE DEPARTMENT,
Brooklyn, Ohio, November 19, 1971.

Hon. JAMES V. STANTON,
Member of Congress,
Washington, D.C.

DEAR MR. STANTON: The members of the Brooklyn Fire Department wholeheartedly support your Bill No. 11677.

We are certainly very appreciative of any consideration you can give, to the families, of the members, of our profession, in that time of dire necessity.

Very truly yours,

JOSEPH V. PUCCI,
Fire Chief.

THE JUVENILE COURT,
Cleveland, Ohio, November 18, 1971.

Re H.R. 11677.

Hon. JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: Thank you for sending me a copy of H.R. 11677. This is indeed legislation for which there is a real need in these troubled times.

As one who has been engaged in law enforcement and the administration of justice for many years, I am well aware of the extraordinary hazards faced by police and other officers of the law. I don't permit myself to dwell on the imminence of danger to my own person since if I did I'm certain it would destroy my effectiveness as a judge. However, when one considers the deranged, angry, hostile individuals, youth and adults, who daily come before the Court there is just no way to belittle the very dangerous situation of the judge who must rule on the cases of these individuals.

In our Court, and I'm sure in other Courts as well, there are times when the sheriff is unable to supply deputies to provide the necessary security and hence at such times the ordinary risks are greatly enhanced.

The logic of your legislation is irresistible; most certainly there should be compensation for the occupational hazards of police, probation officers, judges and others engaged in law enforcement and the administration of justice.

Most sincerely,

WALTER G. WHITLATCH,
Judge.

THE JUVENILE COURT,
Cleveland, Ohio, November 16, 1971.

Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

DEAR MR. STANTON: Thank you for calling my attention to your sponsorship of H.R. 11677 relating to death benefits which might be payable to the survivors of correctional personnel killed as a result of their employment.

Over the last six years there has been acute concern from time to time about the safety not only of Probation Officers but also on the part of administrative personnel, including the judiciary, as we carry out our function in the community and in the Court. Assaults which have occurred on our people and incipient threats in the form of concealed weapons taken from juveniles and adults worry staff in direct contact with an increasingly militant public.

Our direct service to probationers and in neglect cases has been affected by underlying fears our probation officers have expressed for their safety. Their decision not to go into the field in neighborhoods having high potential hazards to safety has been supported by the administration. As a consequence less dependable service has been given to wards for whom probation has been ordered. Further, to rectify this situation, we are hopeful that an application for Law Enforcement Assistance Administration funding under the Omnious Crime Control and Safe Streets Act of 1968 may enable us to get a grant to establish neighborhood based offices out of which probation officers and indigenous para-professionals may operate to improve our probation service.

Although we are conditioned to expect difficulties on occasion and thus far have experienced no killings of staff in the line of duty, it would be a comfort to know that this ultimate circumstance would not leave our families destitute and dependent upon public assistance. I therefore support your effort to amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968 and trust that H.R. 11677 may be enacted.

Sincerely yours,

JOHN J. ALDEN,
Director of Social Services.

CLEVELAND MUNICIPAL COURT,
Cleveland, Ohio, November 16, 1971.

Hon. JAMES V. STANTON,
Member of Congress,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STANTON: I wish to take this opportunity to personally commend you for your efforts in the preparation and introduction of H.R. 11677, which provides for death benefits to survivors of certain public safety and law enforcement personnel.

In this age, when reason and understanding of the judicial processes are sadly lacking, a guarantee of financial survival must be considered for dependents of court attaches. In my opinion, H.R. 11677 more than adequately compensates in this regard.

I therefore earnestly endorse the provisions of your Bill.

Respectfully yours,

JOHN A. FLANAGAN,
Bailiff.

COUNTY OF CUYAHOGA,
Cleveland, Ohio, December 1, 1971.

Hon. JAMES V. STANTON,
House of Representatives,
Congress of the United States,
Washington, D.C.

MY DEAR CONGRESSMAN STANTON: Upon receiving your welcome letter regarding the proposal HR 11677 to provide total benefits to survivors of certain public safety and law enforcement personnel and public officials, concerned with the administration of criminal justice and corrections, I give my hearty and enthusiastic endorsement to such a significant proposal.

I feel that to provide survivor's benefits up to $50,000.00 in the event my Probation Officers and administrators are killed in the line of duty, is long overdue and accentuates the area of the administration of justice which too long has been ignored and unrecognized.

Not only will I endeavor to have the Greater Cleveland Area endorse such a proposal, but on December 8, 1971, I will submit to the State organization The Ohio Correctional and Court Services Association (of which I am currently President) a proposal for State endorsement of HR 11677.

Please advise me if there are any other ways in which we can assist and expedite this Bill to become a law.

Sincerely yours,

JOSEPH A. JANESZ,
Chief Probation Officer.

PARMA MUNICIPAL COURT,
Parma, Ohio, November 26, 1971.

Hon. JAMES V. STANTON,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN STANTON: Thank you for your letter of November 12, 1971 and the copy of H.R. 11677, the bill you are sponsoring. In addition I want to acknowledge receipt of a copy of the congressional record regarding this matter.

For any and all who are willing to listen please make it known that you have the whole hearted support of myself and Judge Spanagel on this matter. As Judges we appreciate the concern you are showing for the judiciary but more than that be assured that as American citizens we are pleased to see that this bill provides for assistance to all of those fine Americans who serve as public servants in the many branches of law enforcement throughout the United States on the city, county and state level.

I am, and have been for the past eight years, a member of the National Legislative Committee of the Veterans of Foreign Wars and I am taking the liberty of sending a copy of this letter to Francis Stover, our National Legislative Director in charge of our Washington office and I am asking him to get in touch with you to see if we can aid in some way in helping you get this bill enacted.

I want to thank you for your public service. I am sure you will be very effective in the Congress through a long and impressive career.

Very truly yours,

RICHARD E. RESS,
Presiding Judge.

OHIO DEPARTMENT OF MENTAL HYGIENE AND CORRECTION,
Cleveland, Ohio, November 26, 1971.

Hon. JAMES V. STANTON,
Member of Congress,
Washington, D.C.

DEAR SIR: It was indeed a great pleasure to have had the opportunity to read the bill you introduced, H.R. 11677. In addition, it is comforting to know that there are men like yourself who will go on record as supporting the total Corrections Spectrum.

As you have indicated, the Criminal Justice System is not only composed of policemen. There are others: Parole and Probation Officers, Investigatory and Correctional personnel, Alcoholic Beverage Control Agents, Judges, Magistrates, and Officers of the Court; whose role is providing protection to this great nation and all that it stands for.

I have shared your bill with many of my colleagues. All are very grateful to you for the insight you have shown and the bill, H.R. 11677, is supported one hundred per cent by all.

In addition, I have discussed this bill with R. E. Giannetta, Superintendent of Parole, State of Ohio, and he has not only pledged the support of this Agency, the Adult Parole Authority, but that of the Department of Corrections.

The best of success in getting additional support from your fellow Congressmen as well as others in the Criminal Justice System.

Sincerely,

DAVID L. ROGERS,
Acting Regional Supervisor,
Cleveland Region.

STATE OF OHIO,
DEPARTMENT OF LIQUOR CONTROL,
Columbus, Ohio, November 15, 1971.

Hon. JAMES V. STANTON,
Member of Congress, Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN: Your letter and copy of H.R. 11677 is greatly appreciated. It is indeed good to know that as a member of Congress, you are so deeply concerned with the problems of law enforcement.

The "Public Safety and Criminal Justice and Correctional Personnel Benefits Act of 1971" as introduced on November 9, 1971 is comprehensive and covers inadequacies of existing law. This bill presents a vehicle thru which the Congress can manifest its moral and financial support of public servants who are killed in public safety duty. Enactment will be a much needed morale booster and should help furnish impetus to the recruitment of qualified peace officers.

Please consider this to be a letter of endorsement from myself and those men under my supervision. Be assured of the cooperation of this office in matters of mutual concern.

Very truly yours,

JERRY J. FEIERTAG,
Investigator-in-Charge,
Cleveland District.

P.S.—Your letter and copy of bill has been forwarded to my superior, James L. Milburn, Chief of Enforcement Operations, Ohio Department Liquor Control, Columbus, Ohio.

TRANSPORTATION NEEDS OF THE ELDERLY

The SPEAKER. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, the airline business has been most attentive to the transportation needs of the college students in our country. That business has recognized the financial straits of the average student and has responded to their travel needs by generously offering travel reductions of 50 percent or more.

This is, of course, an admirable reflection on the transportation business in this Nation. However, there is another segment of our citizenry who are deserving and who are suffering even greater financial handicaps. I speak of the elderly people of this country, those who are 65 years or older.

According to national statistics, at least 40 percent of our elderly are living at the poverty level or below. No doubt, because of current transportation costs, they are unable to provide for their basic transportation. It is because of them and their plight that I propose this Half-Fare Travel Act.

The Half-Fare Travel Act will provide the eligible elderly person, that person 65 years of age or older, half-fare passage on any interstate common carrier on a space-available basis.

In this bill I insure full-paying passengers priority over half-fare paying passengers for all services purchased.

I also amend section 3 of the Urban Mass Transportation Act so that State and local public bodies and agencies which adopt special reduced rates for elderly persons will receive preference in their application for financial assistance.

The following is a text of my bill:

H.R. 12127

A bill to allow elderly people to travel on common carriers in interstate commerce at half fare and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, this Act may be cited as the "Half-Fare Travel Act".

TRANSPORTATION IN INTERSTATE COMMERCE

SEC. 2. (a) As used in this section, the term "eligible elderly person" means any individual sixty-five years of age or older.

(b) Notwithstanding any other provision of law, no common carrier for hire transporting persons in interstate commerce shall charge any eligible elderly person more than half the published tariff charged the general public in connection with any transportation which is requested by any such person.

With respect to all services purchased, all persons paying the full published tariff shall have priority over those persons paying half the published tariff as provided for in this section.

(c) In any case in which a common carrier can show that it incurred an economic loss during any calendar year solely because of the requirements imposed by subsection (b), that carrier may apply to the head of the Federal agency having jurisdiction over the filing and publishing of the tariffs of that carrier for Federal financial assistance with respect to all or part of its economic loss. The head of the Federal agency is authorized to pay to the carrier (1) an amount not ex-

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ceeding one-half the difference between the published tariff and the tariff charged elderly persons during the calendar year covered by the carrier's application, or (2) an amount not exceeding the aggregate of the economic loss of the carrier claimed under such application, whichever is less.

(d) The head of each Federal agency is authorized to prescribe those regulations as he may deem necessary to carry out the provisions of this section, including but not limited to regulations requiring uniform accounting procedures.

(e) The head of each Federal agency is authorized to establish a commission of elderly persons to advise him in carrying out the provisions of this section.

TRANSPORTATION IN INTRASTATE COMMERCE

SEC. 3. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) In providing financial assistance under this Act, the Secretary shall give preference to applications made by States and local public bodies and agencies thereof which will adopt (or require the adoption of) specially reduced rates for elderly persons in the operation of the facilities and equipment financed with this assistance, whether the operation of these facilities and equipment is by the applicant or is by another entity under lease or otherwise. As used in this subsection, the term "elderly persons" means those individuals sixty-five years of age or older."

MONETT, MO., HIGH SCHOOL FOOTBALL TEAM OFFERS PRAYER AFTER PERFECT SEASON

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, on November 12, 1971, the Monett, Mo., high school football team, "The Cubs," completed its first perfect season in 21 years, and in so doing also became the champions of the "Big Ten Conference." This amazing team outscored their opponents 295 to 34 during their season, and have now extended their winning streak to 15 games dating back to the middle of the 1970 season.

The outstanding season enjoyed by the Monett Cubs earned a place for them in the Missouri State Class "AA" playoffs. Needless to say, the team continued to play the excellent brand of football that it had displayed all season, and on November 29 before 6,000 spectators in Briggs Stadium, Springfield, Mo., convincingly won the AA crown by defeating the defending titleholder, South Shelby of Shelbina, Mo., by a score of 37 to 8.

While I am proud to represent in the Congress the good people and fine students of Monett, Mo., I would like to call the attention of my colleagues to an incident that happened the night the team won their conference championship.

Following the victory, while the team was in the center of the field, surrounded by its happy followers, the crowd suddenly became quiet, doing so at the request of some of the players. At that time the team asked the fans to stop momentarily and join them in the Lord's Prayer, which they did.

Mr. Speaker, I call attention to this incident, not to point up the fact that this House recently rejected an attempt to amend the Constitution in order to permit voluntary prayer in public places, but to show you the kind of people that can be found in the Seventh Congressional District of Missouri—a people who believe firmly that to "bring up a child in the way he would go, and when he is old he will not depart from it." I call my colleagues' attention to the following editorial, written by Mr. Kenneth Meuser, publisher of the Monett Times, which eloquently chronicles that fine moment:

THE SAFETY VALVE

The entire Monett community today salutes the Big Ten Football Champions of 1971, the Monett High School Cubs, who finished a most successful 10–0 season last night with a 28–0 victory over Cassville and a possible berth in the Missouri High School playoffs.

There were many reasons for this great season but aside from a dogged determination on the part of the entire squad and coaching staff, they had unified group spirit.

Trite as it is to say, they had real teamwork, both the offensive and defensive units. They worked together as a coordinated squad.

The 1971 Cubs were well coached, well conditioned and hard hitting. They can point with pride to their high scoring throughout the season of 295 points while holding their 10 opponents to only 34 points.

Credit also should go to the reserves who seldom get into a varsity game. They too made their important contributions to this undefeated season.

The 1971 Monett Cubs played clean ball, kept training rules and are a reflection of the decent youth of America.

Typical of this attitude was a moving gesture at the close of last night's game in Cassville when several hundred delirious fans surrounded the Monett team and coaches in the middle of the field shouting their enthusiasm and joy at the champions. In the midst of this turmoil, several players asked the fans to stop momentarily and join them in praying The Lord's Prayer. The crowd quieted and both fans and players bowed in reverence and together gave prayerful thanks. For about two minutes everything was quiet, there were tears of gratitude among several fans and players as they prayed together. Then happily the crowd and players broke into uproarious cheers for their victorious season.

Doesn't this make you proud of Monett youth, their parents, coaches, teachers and school administrators! I think that our entire community can stand taller today by the example set by these young men.

Irrespective of how far they go in the state playoffs, they have set a record that is bound to stand for some time and after 21 years they have brought the conference championship back to Monett.

I'm sure that I speak for the entire Monett community in saying "Congratulations Monett Cubs, Big 10 Champs, for a job very well done."—K. G. M.

GOP CONVENTION PREPAREDNESS

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, in August of next year my home community, the city of San Diego, Calif., will play host to its first national political convention.

Although most observers foresee little genuine excitement surrounding the 1972 Republican Convention—and even though I, as a Democrat, do not anticipate that it will be nominating our next President—the fact remains that many prominent Americans will be gathered on this occasion. Not all of them will be convention delegates. Estimates by militant leaders, not always reliable in the past, have ranged to as high as 1 million in the number of demonstrators which they hope to lead into San Diego. That would exceed our permanent population by more than 40 percent.

The prospect of seeing anything like a rerun of the violence and bloodshed surrounding the 1968 Democratic Convention in Chicago has understandably troubled San Diego's citizenry. It is comforting to note that Police Chief Ray Hoobler, encouraged by other city officials, moved early to plan for the protection of lives and property, and the physical safety of delegates and visitors—including most prominently the President of the United States.

All law enforcement agencies in San Diego County will contribute personnel to preserve public safety during the convention. Special study teams are to be dispatched to Chicago, Miami, Washington, D.C., and other cities with experience and expertise in crowd control. Moreover, those in charge have made it clear that they will not repeat the mistake of Chicago police in barring demonstrators from the vicinity of Convention Hall.

No city, relying upon its own resources alone, can be expected to underwrite the cost of mammoth police protection of an event which truly belongs to the whole Nation. Miami, which will host the 1972 Democratic Convention, already has been allotted a $400,000 grant from the Federal Government's Law Enforcement Assistance Administration.

Presently on file with the same agency is a grant application from the city of San Diego for $920,287, to help pay for advanced study and training, for the inevitably high cost of police overtime pay and for a variety of special equipment which could be needed in the event of violence or an imminent threat of violence.

Mr. Speaker, I can assure you that few San Diegoans would choose to witness the use of grenade launchers, or see police officers decked out in body armor flak suits and carrying heat-resistant shields, wielding "nonchip plastic batons" or something called "knee knockers." We would feel moved to no carnival spirit upon hearing the report of blast grenades, triple chaser grenades, speed heat grenades, or even "strike baseball grenades."

I do not anticipate that this array of artillery will be flaunted publicly. A highly visible display of antiriot gear has been known to increase tensions during disturbances elsewhere. But we San Diegoans would feel secure, as well as proud in our role of convention hosts, to know that law enforcement is equipped and ready for any level of disturbance.

In a letter to Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, I am asking that San Diego's application be fully funded. It would doubtless help if other House Members express similar support.

A breakdown of the application follows:

GOP CONVENTION PREPAREDNESS PROGRAM

The purpose of this proposal is to train and equip law enforcement officers to insure the orderly conduct of the activities surrounding the G.O.P. Convention.

In order to fulfill the goal of an orderly G.O.P. Convention the Preparedness Task Force proposes to:

A. Investigate techniques utilized by other law enforcement agencies in handling major political conventions.

B. Conduct intensive training, utilizing the latest techniques at all levels of command and for all operating forces.

C. Coordinate the activities of all law enforcement agencies involved in the preparedness program.

D. Utilize the latest proven equipment to insure maximum deployment of manpower and efficient movement of people and equipment in the area at the time.

In order to accomplish the above, several phases will occur simultaneously:

1. A team of San Diego command personnel will be dispatched to Miami Beach, Florida; Chicago, Illinois; and Washington, D.C. to gather information and ascertain problem areas encountered by those departments in the handling of major political conventions and mass disturbances.

2. A required training program will commence within the San Diego Police Department for all law enforcement personnel which will have as its objective the successful coping with a major political convention. Subject matter such as philosophy of crowd control, containment techniques, types of crowds, arrest techniques, policies, special weapons training, etc., will be covered in depth. All law enforcement personnel who will be involved will receive training.

3. In addition to the above training, feedback obtained from the command team sent to the various cities will be incorporated into a training program, and the task force developed for the handling of the convention will undergo additional training to insure the orderly conduct of the G.O.P. Convention.

If the planning and training, and the information obtained from other agencies is effective, the following should occur. The conventions will progress in an orderly manner with a minimum of delays encountered. Mass demonstrations and potential violence will be minimized, and the participants in the G.O.P. Convention will not encounter delays and confusion experienced at other conventions in recent years.

An evaluation will be conducted by the San Diego Police Department, the City of San Diego, the G.O.P. National Convention Committee, and hopefully, by other federal agencies. The results of our participation will be available to any interested law enforcement agency.

A. PERSONNEL (EMPLOYEES)

1. Salaries:

Project Director, Inspector J. W. Connole. (1) 13 months—100% at $1715, per month (Grantee Contribution—$22,295.)

A fulltime Project Director has been appointed and has been functioning in this capacity since August 1, 1971. Inspector Connole has an extensive background in law enforcement, has attended the FBI National Academy, and has functioned in an administrative capacity for four years. He has served as a training officer and has commanded field tactical operations. He has the ability to make in-depth evaluation of the overall project. Since assuming the position of Project Director, he has undertaken the task of coordinating all law enforcement activities at the local, state and federal levels. Inspector Connole also holds an AA degree in Police Science and a bachelor's degree in Law.

Assistant Project Director, Captain K. J. O'Brien, (1) 12 months—100% at $1,555. per mo. (Grantee Contribution—$18,666.)

Captain O'Brien has been assigned as a full-time assistant to the Project Director and is presently involved in the planning of manpower, equipment and tactical operations concerning the G.O.P. Convention. Additionally, this position will be responsible for gathering all intelligence information. In addition to the above, the Assistant Project Director will have the following responsibilities: To conduct field research under the guidance of the Project Director; to relate findings to local resources and problems; and to assist the Project Director in the evaluation, training and execution of operational planning within the scope of the proposed project.

Supporting Professional Staff—

(2) Chiefs at 10.87/hr., 200 hrs. each, $4,348.

(5) Insps. at 9.86/hr., 200 hrs. each, $9,860.

(9) Capts. at 8.94/hr., 200 hrs. each, $16,092.

(9) Lieuts. at 7.72/hr., 300 hrs. each, $20,844.

(1) Sgt. at 6.84/hr., 181 hrs., $1,241.

Total, $52,385.

The above personnel will be involved in the planning activities of the convention. They will represent all participating agencies and will be responsible for developing plans in areas such as: security, manpower, transportation, traffic control, prisoner control, press relations, logistics, lodging, intelligence, health and sanitation, communications, etc. It is anticipated that the minimum time spent by the above personnel will be far in excess of the time indicated above and that more personnel will become involved as planning progresses; but for purposes of providing matching funds, the above positions and times can be isolated and verified if necessary.

Secretarial: (1) Intermediate Stenographer, 100%, 12 months at $616 per month—$7,392. (1) Intermediate Stenographer—100%, 4 months at $616 per month—$2,464. (Grantee Contribution—$9,856.)

Secretarial, receptionist and stenographic duties on a full-time basis is mandatory. In addition to providing assistance to the Project Director and Assistant Project Director, they will be responsible for preparing manuals, training aids, correspondence, and will maintain all files relevant to the planning of the convention. One secretary will be utilized for a total period of 12 months, and it is anticipated that additional help will be needed 4 months prior to the convention. Secretarial assistance will be needed to prepare information after the convention for purposes of evaluation.

1,000 Patrolmen, 175 Ranking Officers, 157 Special Detailed Officers. To be trained for a total of 39,385 hours. (Total LEAA contribution—$258,900.)

(See Attachment "A" for training breakdown).

Compensation will be paid to the above-numbered off-duty police personnel at their regular hourly rate. The rates for compensation are based on salary figures for the San Diego Police Department. This figure does not include possible salary increases or time and a half compensation that some of the participating agencies presently pay their personnel. The basic curriculum for the officers, subject to modification, is contained in Attachment "A".

2. FICA, Retirement, Social Security, Compensation Insurance, Group Insurance:

Retirement: 8.875% (for sworn personnel).

Retirement: 8.50% (for non-sworn personnel).

Social Security: 5.2% (for non-sworn personnel only).

Compensation Ins.: $390. per employee (sworn and non-sworn personnel).

Group Ins.: $107.70 per employee (sworn and non-sworn personnel).

These figures are also based upon City of San Diego computations for their employees. Other agencies may deviate from these figures and this percentage figure.

(Total Grantee Contribution—100%—$47,695 based upon 15.4% Category Total)

OVERTIME COMPUTATIONS

Agency and commitment	Overtime at time and ½	Hourly rate (overtime or straight time)	Total
Carlsbad:			
1 sergeant	Yes	$10.02	$10.02
4 patrolmen	Yes	9.08	36.32
Chula Vista:			
1 lieutenant	Yes	11.70	11.70
1 sergeant	Yes	10.35	10.35
15 patrolmen	Yes	9.00	135.00
Coronado:			
1 lieutenant	Yes	11.58	11.58
1 sergeant	Yes	10.26	10.26
7 patrolmen	Yes	8.85	61.95
El Cajon:			
1 lieutenant	Yes	11.58	11.58
1 sergeant	Yes	10.26	10.26
13 patrolmen	Yes	8.85	115.05
Escondido:			
1 sergeant	No	6.54	6.54
9 patrolmen	No	6.01	54.09
Harbor Police: 10 patrolmen	Yes	8.43	84.30
Imperial Beach: 3 patrolmen	Yes	8.77	26.31
La Mesa:			
1 sergeant	Yes	10.26	10.26
9 patrolmen	Yes	8.85	79.65
National City:			
1 lieutenant	No	7.40	7.40
2 sergeants	No	6.72	13.44
13 patrolmen	No	5.80	75.40
Oceanside:			
1 lieutenant	No	7.94	7.94
3 sergeants	No	7.20	21.60
28 patrolmen	No	6.22	174.16
San Diego City Police Department:			
2 assistant chiefs	No	10.87	21.74
4 inspectors	No	9.86	39.44
5 captains	No	8.94	44.70
16 lieutenants	No	7.72	123.52
60 sergeants	No	6.84	410.40
426 patrolmen	No	5.90	2,513.40
San Diego County D.A.: 27 investigators	No	6.51	175.77
San Diego County Marshal:			
1 assistant marshal	No	11.53	11.53
1 captain	No	10.20	10.20
2 lieutenants	No	9.03	18.06
8 sergeants	No	7.61	60.88
75 deputies	No	6.58	493.50
2 matrons	No	6.58	13.16
San Diego County Sheriff:			
2 inspectors	No	10.61	21.22
2 captains	No	9.39	18.78
7 lieutenants	No	8.31	58.17
22 sergeants	No	7.18	157.96
267 deputies	No	6.51	1,738.17

NOTES

Total officers involved (tentative commitments) excluding CHP: 1,056 men.

Cost of 1 hour overtime for 1,056 men: $6,915.76. $6,915.76 ×8 hours=$55,326. (8 hours—the 1,056 men will work 12-hour days, and can be compensated 4 hours. An equivalent number will also have to work 12-hour shifts in order to have the above 1,056 men available for convention duties. These additional people must be compensated for 4 additional hours.) $55,326 ×5.5 days=$304,293 (5.5 days—12-hour shifts should probably continue for at least 5.5 days to insure maximum availability of manpower during peak convention activities.) Total: $304,293; LEAA contribution: $304,293; Matching funds: 0.

B. PROFESSIONAL SERVICES

Instructors: (15) 825 hours at $10. per hour (LEAA Contribution, $8,250.)

Instructors will handle the major portion of the total number of hours of instruction. The average rate of pay for instructors within our school system is $10. per hour. In addition to the 15 instructors listed above, some outside experts will be utilized in the presentation of material. All instructors to be utilized in the training phase are qualified under state law and possess teaching credentials. The instructors who are also police officers will conduct their instruction in an off-duty capacity so that dual compensation does not occur. Instructors will be required, at no cost to the project, to coordinate their instructional material with the Project Director, Assistant Project Director and training

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staff of the San Diego Police Department, and with all participating law enforcement agencies.

Professional Consulting Services—

It is envisioned that private professional consulting services will be required during the preparedness program. Services in areas such as telecommunications, training, command and control, etc., may be required for bringing, for example, communications equipment to standard, i.e. mismatching problems etc. Additional experts in the area of training law enforcement officers are anticipated, i.e. the psychology of control etc.

Total, $41,000. LEAA Contribution 41,000.

C. TRAVEL

1. Travel:

a. Miami: 5 men, 5 days at 339 per man, $1,696

b. Chicago: 5 men, 5 days at 271 per man, $1,355

c. Washington, D.C.: 5 men, 5 days at 341 per man, $1,705.

d. Unanticipated disturbance observation: Team, 5 men, 5 days at 350 per man, $1,750.

Total Travel, $6,505.

2. Per Diem:

a. Miami: 5 men, 5 days at 147.50 per day, $737.

b. Chicago: 5 men, 5 days at 127.50 per day, $638.

c. Washington, D.C.: 5 men, 5 days at 137.50 per day, $687.

d. Unanticipated disturbance observation: Team, 5 men, 5 days at 140.00 per day, $700.

Total Per Diem, $2,762.

3. Local Travel:

a. (2) autos for Director and Assistant Director, 100 miles per day at $.11 per mile (mileage and depreciation) $2,200.

b. Transportation cost for supporting professional staff (mileage and depreciation) $1,949.

4. Unallocated Travel Expenses, $4,823.

Category Total, $18,239.

LEAA Contribution, $14,090.

Grantee Contribution, $4,149.

The four trips listed in items 1 and 2 above are deemed essential if the Convention Task Force is expected to avoid the problems that other law enforcement agencies have encountered in past recent conventions. Since Miami Beach and Chicago are the last two major cities to sponsor political conventions, they are deemed to be appropriate sites for visitation. Washington, D.C., is included because of their recent experience in handling large scale disturbances involving considerable numbers of people. Item d is essential. If there is a major disturbance before the G.O.P. Convention, it would be necessary to dispatch a team of observers to ascertain such things as group composition, tactical differences, the effectiveness of control measures, etc. Based on the information obtained the plans made for coping with the G.O.P. Convention may be altered.

Local travel as listed in item 3 above will be undertaken to insure there is no breakdown in coordination among the various participating agencies as well as to facilitate the planning process.

The Director, Assistant Director and the Professional Supporting Staff will have to attend planning conferences and meetings within the area of Southern California.

Item 4, unallocated travel expenses, is included so that necessary travel not anticipated at this time, will not be jeopardized. A situation where an agency has equipment that we could borrow but no one within the parent agency is able to transport the equipment (vehicle etc), then one of our personnel would be dispatched.

D. EQUIPMENT

The following listed equipment is the minimum necessary to effectively cope with the G.O.P. National Convention.

Number and Item	Quantity	Unit cost	Total cost
1. Handi-talkies, 6 frequency, T. & R., 2 watt	5	$1,200.00	$6,000
2. Satellite receiver sites (antenna system)	7	675.00	4,725
3. Satellite receivers	42	450.00	18,900
4. Vehicle radio scramblers	17	935.00	15,895
5. Base station scramblers	6	1,050.00	6,300
6. Modifications to central station consoles for scramblers			1,000
7. Portable electronic megaphones	10	190.00	1,900
8. Central police station "A" modifications			2,600
9. 6 frequency 2-way sets, 18 watts R.F.	6	1,735.00	10,410
10. Citizen band 23-channel scanner receivers	7	235.00	1,645
11. Portable Sony closed-circuit televisions with sound amplifiers	5	1,700.00	8,500
12. Small desk consoles	7	500.00	3,500
13. Gas masks with voice box	157	37.00	5,809
14. 10-ft. Econoline van	1	5,000.00	5,000
15. Plastic handcuffs	5,000	.50	2,500
16. Batons, plastic, nonchip	1,000	2.25	2,250
17. Mini-nova spotlight	5	670.00	3,350
18. Helmets with face shield and neckguard	157	26.20	4,113
19. ½-in. rope, nylon, weight No. 38, 600-ft. coil	15	73.72	1,106
20. Binoculars	4	75.00	300
21. Portable vehicle antennas	25	4.85	121
22. Cassette recorders with adapters	20	60.00	1,200
23. Body shields, "Avco," 14 lbs	100	115.00	11,500
24. Portable video cameras with zoom lens and sound	4	2,000.00	8,000
25. Body armour flak suits, "H" weight	12	$200.00	$2,400
26. Tear agents (see attached list)			7,495
27. Binocular cameras	2	350.00	700
28. Pepper fog machines	2	395.00	790
29. Night vision scope	1	4,000.00	4,000
30. Hi-intensity lantern, model WL-60	1	495.00	495
31. Earpieces for handi-talkies	125	1.00	125
32. Sony videotapes—30 min	10	10.00	100
33. Tele-land lines; leased 1 month and installed	20	30.00	600
34. Metal detection sweeper with amplifier	1	200.00	200
35. Metal detection "friskers," hand held	2		595
36. Impulse activated telephone recorder	2	260.00	520
37. Modification to command and control communications controllers			28,000
38. 12 inquiry stations for law enforcement agencies in San Diego County area	12	6,000.00	72,000
39. Installation cost, testing, and operations cost for 1 year for remote inquiry stations			[1] 25,000
40. Contingency fund			32,836
Total LEAA contribution			277,480
Total equipment			377,480
LEAA contribution			277,480
Grantee contribution			100,000

[1] Matching funds.

TEAR AGENTS

Item	Quantity	Estimated cost
Pepper fog, C.S. formula (qt.)	30	$600
Pepper fog, gas can	5	25
Grenade launcher, Federal	7	120
Grenade launcher cartridges	300	150
#514 C.S. blast grenades	100	1,100
#515 C.S. triple chaser grenades	100	1,400
#555 C.S. speed heat grenades	100	1,200
Strike baseball grenades	100	1,400
Mini-fogger formula (pt.)	30	450
Mini-fogger propane tanks (pt.)	30	30
Ferrett shotgun rounds	100	300
Kneekrockers	150	750
Total		7,495

The first 12 items, categorized as communications equipment, are necessary to overcome the present inadequacies in our current telecommunications system. In order to communicate effectively between and among the various operating units, receivers and consoles are necessary. To avoid detection with regard to security information transmittal, and to provide monitoring capabilities of any clandestine messages that might be transmitted on citizen band radios, the scramblers and citizen band receivers are essential. Monitoring convention activities and surveillance of possible dissident groups for both intelligence purposes and possible prosecution necessitate the television equipment included. The handi-talkies will be utilized for more effective communications among command personnel.

Items 13 through 30 are the minimum necessary operational requirements for the operating forces who will be directly involved in the control and orderly conduct of the G.O.P. Convention. The items listed will provide what is considered minimum protection for the officers involved. Additionally, those items such as the night vision scope, spot lights, recorders and video equipment will be used by investigative personnel assigned either to provide security at the various installations or to conduct surveillance activity among the various dissident groups. The nylon rope will be used to effectively cordon off areas and to direct the flow of pedestrians. The econoline van will be assigned permanently with the special tactical sections and will provide them immediate access to needed weapons and tear agents in the event the situation warrants such equipment. The econoline will require extensive modification to its structure to provide security, communications and storage facilities for weapons, etc. Due to these required modifications, leasing is impractical. Because of the numerous locations involved such as convention headquarters, convention arena, and the numerous hotels where delegates will be residing, there is a particular need for a mobile van of this nature.

Items 31 through 36. Items 31 and 32, the handi-talkie earpieces, and Sony video tape, will provide security of radio transmissions, particularly within the convention complex, and enable recording of both surveillance and security activities at the various locations. Item 33, in addition to providing communication backup in case of jamming, will provide effective control and communication between command elements and operating forces. Item 34 through 36 are items of special security which are deemed necessary in case armed dissidents attempt to gain access, or calls are received regarding explosives.

Items 37 through 39 consist of command and control hardware for all law enforcement agencies within San Diego County as well as Installation cost and maintenance. These items will establish an adequate interface between agencies primarily involved in the convention preparedness and enable them to inquire into a common law enforcement data base regarding problems of crime, criminals and their apprehension. These items would markedly improve the ability of the various agencies in terms of coordinating their law enforcement activities. The present law enforcement command and control system is not presently geared to accommodate the large influx of persons anticipated during the convention period. This additional equipment will overcome the present deficiency.

Item 40, Contingency fund, is included in

the event of equipment breakage and/or certain equipment is found to be ineffective and should be replaced. (Indirect Cost Allowance at approximately 5% of the total project cost of $723,777.00 would allow approximately $36,189.00 Indirect Costs. We are requesting $32,836.00)

The City of San Diego has in excess of $200,000 in communications equipment, approximately $70,000 in crowd control equipment, and approximately $25,000 in support equipment. These could be itemized if necessary to provide matching funds in justification of this Grant request.

NOTE.—Some items have been designated by brandname for purposes of identifying minimum specifications. Equipment with equivalent specifications will be acceptable.

(Total Grantee Contribution—$75,000.)

E. SUPPLIES AND OTHER OPERATING EXPENSES

1. Office space:

a. Rental value (present downtown San Diego market value is $.50/sq. ft./month. 1200 sq. ft. includes office space, classroom space, equipment storage space, etc.—$6,000.

b. Additional office space for the Convention Task Force will be required at the Royal Inns Hotel at the Wharf in downtown San Diego (present G.O.P. Convention headquarters), at $200.00/month.

Office space total, $8,000.00.

LEAA Contribution, $2,000.00.

Grantee Contribution, $6,000.00.

2. Telephones:

a. Long distance phone calls for convention business and coordination—$1,000.00.

2. Lease telephone lines for convention sites for law enforcement purposes—$2,000.

3. Postage—to cover cost of mailing correspondence between the various agencies involved in the preparedness program. This includes the mailing of reports—$1,000.00.

4. Miscellaneous costs:

Printing costs for training manuals (secretarial time, materials and printing costs) as well as the various reports required and miscellaneous supplies—graphs, pencils, notebooks, etc., $7,600.00.

Overhead projector (Bell & Howell Model 301 and necessary supplies, i.e. Overlays etc.) $380.00.

Total Supplies and Operating Expenses, $19,980.00.

LEAA Contribution, $2,380.00.

Grantee Contribution, $17,600.00.

F. I. GOALS

The primary goal of this project will be to train and equip law enforcement officers in handling the activities associated with the G.O.P. National Convention of 1972 without incurring any major disruption or disturbance.

In order to accomplish the above goal, the Convention Task Force will accomplish the below-listed objectives:

A. Thoroughly investigate techniques utilized by other agencies in handling major political conventions and large scale disturbances.

B. Conduct regional intensive training, incorporating the latest techniques, at all levels of command and for all operating forces to be utilized for the convention.

C. Coordinate the activities of all law enforcement agencies involved in the preparedness program. This includes the gathering of intelligence data, coordination with involved non-law enforcement agencies, and establishing the necessary logistics operations.

D. Utilize the latest proven equipment to insure maximum deployment of manpower and the efficient movement of people and equipment in the area at the time. This equipment will include not only crowd control equipment, but also communications equipment, monitoring equipment, and surveillance gear.

PART II. IMPACT AND RESULTS

If the above objectives are achieved, the program should have impact in the following ways:

A. The convention should progress in an orderly manner with a minimum of delays encountered. The participants in the convention, as well as spectators, will know exactly what is expected and how they are to proceed, thus minimizing confusion.

B. Mass demonstrations and potential violence will be minimized. By establishing proper channels of effective communication with those persons who would seek to become a disruptive force during the convention and setting parameters in a clear concise fashion, as well as delineating consequences, it is predicted that the dissident elements will work within the mutually conceived limits and avoid violence.

C. The use of a well disciplined, highly trained tactical force during the convention will demonstrate that local police can effectively cope with a national political convention in a professional manner. This tactical force will insure that the rights of all persons are safeguarded and that law violators are prosecuted and not persecuted.

P. III. METHODS AND TIMETABLE

In order to accomplish the above objectives, and obtain the desired impact, the following events will occur:

A. Planning: As of August 1, 1971, a convention planning unit was developed within the San Diego Police Department. This unit, consisting of Inspector Connole and Captain O'Brien, with support from the Police Department and the City of San Diego, has been responsible for establishing liaison with all other agencies, determining manpower and material needs, developing requirements for federal assistance, and with the assistance of the training director, establishing a meaningful training program.

The unit will be responsible for establishing the necessary channels of communication and logistics, and will assure that all necessary regional training conducted. They will maintain all necessary data and documentation required by the federal government.

B. Training: Regional training needs have been established for all participating police personnel who will be actively involved in the convention as well as support personnel. These training needs have been divided into three parts: Intensive training; Refresher training; and Tactical training.

This training program is designed to focus the attention of law officers on the special aspects of this convention. All levels of command will be involved either as students or instructors.

All officers involved in the program have received adequate training in the area of crowd control, tear agent devices, and mob and crowd control, but because of the specialized nature of this convention, some of the prior training is not applicable or desirable in this situation. It is for this reason the attached outline has been developed. (See attachment) All instruction has been designed to emphasize the special nature of this convention. Such topics as "types of crowds" focuses on the kinds of groups that might be encountered during the convention. "Policies" are those policies that will be in effect during the convention period. "Arrest techniques" are those techniques that will be standard operating procedure during the convention, and not those involved in the day-to-day operation of these departments. This training will enable the various enforcement agencies involved to work in a coordinated cohesive manner.

C. Equipment. After the federal grant is approved, the funds are received, and a logistics officer is appointed, bids will be solicited for the purchase of the equipment, listed previously. The logistics officer will assure that the equipment is serviceable and will be secure until such time as it is placed into service. The logistics officer will be required to maintain strict records for accounting purposes and to report to the Project Director any discrepancies noted during inspections.

Until such time as final lines of authority, with regard to the convention, are established, no item of equipment may be dispersed without the written approval of the Project Director or the Assistant Project Director. This equipment will be utilized by all the agencies involved in the program and its distribution will be based upon mutually agreeable terms.

D. Mutual Aid: When San Diego was selected as a site for the G.O.P. Convention, meetings were held with the various law enforcement agencies for the purpose of clarifying and delineating the mutual aid agreements. These meetings will continue and, approximately four to five months prior to the convention, the agreements will be reduced to writing.

E. Intelligence: Preliminary intelligence is being received, accumulated and incorporated into the convention planning program. Contacts are being developed, and intelligence efforts will be magnified as the program moves forward. Coordination among the various intelligence-gathering agencies is being developed and will be solidified within the next several months.

F. Manpower Commitments and Assignments. All law enforcement agencies within the region have been contacted and have made preliminary commitments. The final commitments and assignment of personnel should be complete, subject to last minute adjustment, by approximately March 1972.

It is presently anticipated that there will be a force of approximately 1,000 sworn police to participate in the preparedness program, in addition to the normal staffing requirements for the City of San Diego.

Regional Commitments: San Diego Police Department, 500 officers; San Diego Sheriff's Office, 300 officers; Other Regional Agencies, 200 officers.

REGIONAL TRAINING NEEDS FOR GOP CONVENTION

	Number	Hours
INTENSIVE		
Patrolmen, deputies:		
1. Types of crowds	500	8
2. Containment tactics	500	12
3. Philosophy of crowd control	500	6
3a. Constitutional protection of participants and dissenters		
3b. Law enforcement aspects of crowd control		
3c. Judicial aspects of crowd control		
4. Arrest techniques	500	8
5. Policies; local, regional, and State	500	4
6. Special weapons training	500	10
7. Location familiarization	500	4
Total		52
Sergeant:		
1. Types of crowds	65	4
2. Containment tactics	65	8
3. Philosophy of crowd control	65	2
4. Arrest techniques	65	2
5. Policies; local, regional, and State	65	4
6. Special weapons training	65	8
7. Location familiarization	65	4
Total		32
Lieutenant and Captain:		
1. Types of crowds and containment tactics	30	4
2. Command tactics and philosophy of crowd control	30	8
3. Command post operation	30	4
4. Location familiarization	30	4
5. Formations and deployment of manpower	30	8
6. Special Weapons	30	4
Total		32

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	Number	Hours
REFRESHER		
Patrolmen, deputies:		
1. Types of crowds	500	1
2. Containment tactics	500	2
3. Philosophy of crowd control	500	1
4. Arrest techniques	500	2
5. Policies; local, regional, and State	500	1
6. Special weapons training	500	2
7. Location familiarization	500	1
8. Team functions	500	1
Total		11
Sergeant:		
1 Types of crowds	65	2
2. Containment tactics	65	3
3. Philosophy of crowd control	65	2
4. Arrest techniques	65	2
5. Policies; local, regional, and State	65	3
6. Special weapons training	65	2
7. Location familiarization	65	2
Total		16
Lieutenant and Captain:		
1. Types of crowds and containment tactics	15	3
2. Command tactics and the philosophy of crowd control	15	3
3. Command post operation	15	2
4. Location familiarization	15	1
5. Formations and deployment of manpower	15	1
6. Special weapons	15	1
Total		11
Grand total		36,245

Suppliers and operating expenses for training

A. Special weapons:

1. Tear gas—$900 for tear gas demonstrations in the various training sessions.

2. Ammunition—Blanks, live rounds and special weapons demonstrations for .38 cal. and shot gun, as well as special weapons.

B. Protective devices (KENDO Equip.) for training in personal combat and overcoming resistance.

C. 137 patrolmen, 14 sergeants, 4 lieutenants, 2 captains. The above listed personnel will undergo 20 hours of tactical training and work as a team with all necessary equipment, i.e. communications gear, vehicles, etc. During this period they will be given special assignments and go through dress rehearsal type training.

Total training cost

Intensive and refresher training, $230,000.
Special equipment, $6,900.
Tactical training cost, $22,000.
Total cost, $258,900.

G. In addition to the above events, feedback will be obtained from the team of city representatives who will visit Chicago, Illinois in February, 1972, Washington, D.C., in March, 1972, and Miami, Florida during the Democratic Convention in July, 1972.

As a result of this feedback, any and/or all of the above events can be modified or the timetable (attached hereto in order) can be accelerated or retarded.

P. IV. EVALUATION

An evaluation of our preparedness program will be conducted by the San Diego Police Department, the City of San Diego, the G.O.P. National Convention Committee and, hopefully by other federal agencies.

The San Diego Police Department will be responsible for maintaining not only financial records, but records regarding training, planning, coordination, field deployment and results; i.e., number of arrests, dispositions, etc. These records will be available, approximately 60 days after the close of the convention, to any interested law enforcement agency.

It is suggested that an independent evaluation be conducted, under separate funding arrangements with LEAA, during the convention preparedness program period, and that this evaluation be made a part of any reports required to be submitted.

PART V. RESOURCES

A. J. W. Connole, Inspector, San Diego Police Department, Project Director.

Inspector Connole has 20 years' experience as a San Diego police officer. He has extensive experience in the areas of Patrol, Traffic, Investigations, Training and Administration.

He holds an AA degree in Police Science, a bachelor's degree in law, and has attended the FBI National Academy. Inspector Connole has received his Advanced Certificate, as well as the Middle Management Certificate from the Commission on Peace Officers Standards and Training (P.O.S.T.). He holds a lifetime teaching credential, and is an active member of the California Police Officers Association Legislative Committee.

B. K. J. O'Brien, Captain, San Diego Police Department, Assistant Project Director.

Captain O'Brien has 16 years' experience in the San Diego Police Department, with an extensive background in the areas of Burglary, Vice, Homicide, Intelligence, and Patrol. He has participated in intensive planning efforts in the areas of Vice and Intelligence. At this time, Captain O'Brien has 70 units of college credit, has a diploma in junior accounting, and has received his Advanced and Middle Management Certificates from P.O.S.T. He holds a lifetime teaching credential from the State of California, and has attended the Organized Crime School in Washington, D.C., as well as numerous Vice and Intelligence seminars.

C. O. W. Burkett, Captain, Director of Training, San Diego Police Department.

Captain Burkett has 21 years' experience as a San Diego Police officer. He has extensive experience in the areas of Patrol, Personnel, Training, and Investigations. He has received his Advanced Certificate from P.O.S.T., as well as the Middle Management Certificate. Captain Burkett is an active member of the California Association of Police Training Officers, and is currently president of the San Diego City College Advisory Committee on Criminal Justice.

ON THE PERSECUTION OF ROMAN CATHOLIC PRIESTS BY THE SOVIET UNION IN LITHUANIA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I address this distinguished House on behalf of five of my constituents and friends who are priests of the Roman Catholic Church and stationed in St. Francis de Sales Church located on East 96th Street in Manhattan.

All of us would like to bring to your attention an article that appeared in the November 27, 1971, edition of the New York Times. The article, datelined Moscow, November 26, spoke of two Roman Catholic Priests in Soviet Lithuania who were reported to have been sentenced to a year's imprisonment.

You will ask, of course, what their crime was? Their "crime" was, as recorded in the Times, "preparing children to take their first Holy Communion." But the indignity is not finished, for the article goes on to say that, according to underground reports, one of the priests in question was beaten so badly in prison during pre-trial investigation that his own mother had difficulty recognizing him during a subsequent visit.

The five priests of my constituency in their frustration and desperation at the senseless suffering of their fellow priests, turned to me to publicly protest in this House both the arrest and imprisonment of their brother priests for so outrageous a charge.

Both they and I join the moving petition of the parishioners of one of the imprisoned priests who, in charging that the arrest was contrary to Soviet law and the constitution, said:

We ask the leaders of the Soviet State to give us real freedom of worship and religion and to give freedom to priests to fulfill their functions without fear of harassment.

In a day when one reads of increasing dialog between Marxists and Christians in Europe and elsewhere, the sad spectacle of the imprisonment of these two priests bespeaks not the spirit of the 1970's but rather the blood purges and pogroms of the Stalin era.

We appeal to the conscience and good sense of the Soviet Government to desist and withdraw from their present policy of religious harassment. The fact that the Soviet Government, after more than a quarter of a century of persecution has been unable to destroy Catholicism in Lithuania establishes what all of us should know innately, that freedom, religious and secular, cannot be extinguished. These brave people deserve the moral support of everyone who admires liberty and courage.

TO ADJUST THE ALLOWANCE FOR TRAVEL OF MEMBERS AND STAFF TO AND FROM CONGRESSIONAL DISTRICTS

(Mr. THOMPSON of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 457, adopted by the House of Representatives on July 21, 1971, provided the Committee on House Administration the authority to fix and adjust from time to time various allowances by order of the committee. During House debate on House Resolution 457, the Members were assured that any order adopted by the committee under the authority of the resolution would be published in the CONGRESSIONAL RECORD in the first issue following the committee action. Pursuant to that commitment, Order No. 2 of the Committee on House Administration is submitted for printing in the CONGRESSIONAL RECORD. After careful consideration, the order was approved unanimously by the Subcommittee on Accounts on November 11, 1971, and adopted unanimously by the Committee on House Administration on December 8, 1971.

Order No. 2 concerns the allowance for travel of Members and staff to and from congressional districts. The basic purpose of the order is to provide Members greater flexibility in using their travel allowance. Formerly, a Member was not allowed to carry over from one session to the next any unused portion of his travel allowance. This order permits a Member to use his travel allowance at any time during the 2-year term of a Congress, but not to carry over any unused portion of his travel allowance from one Congress to the next. The order permits similar flexibility in the use of the allowance for travel of a Member's staff.

Order No. 2 provides the same number of trips for Members and staff which was formerly allowed during a Congress which stayed in session 24 months.

Hence, the primary effect of this order is to provide greater flexibility in the use of the travel allowance.

Order No. 2 follows:

TO ADJUST THE ALLOWANCE FOR TRAVEL OF MEMBERS AND STAFF TO AND FROM CONGRESSIONAL DISTRICTS

Resolved, that effective January 3, 1971, until otherwise provided by order of the Committee on House Administration:

(a) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by Members (including the Resident Commissioner from Puerto Rico and the Delegate from the District of Columbia) in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in the district which he represents, for not more than 24 round-trips during each Congress, such reimbursement to be made in accordance with rules and regulations established by the Committee on House Administration of the House of Representatives.

(b) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by employees in the office of a Member (including the Resident Commissioner from Puerto Rico and the Delegate from the District of Columbia) for not more than four round-trips during any Congress between Washington, District of Columbia, and any point in the Congressional district represented by the Member. Such payment shall be made only upon vouchers approved by the Member, containing a certification by him that such travel was performed on official duty. The Committee on House Administration shall make such rules and regulations as may be necessary to carry out this section.

(c) This order shall not affect any allowance for travel of Members of the House of Representatives (including the Resident Commissioner from Puerto Rico and the Delegate from the District of Columbia) which is authorized to be paid from funds other than the contingent fund of the House of Representatives.

ADDRESS BY PRESIDENT MEDICI

(Mr. BOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOW. Mr. Speaker, it was my honor to attend a luncheon today given by the Vice President honoring the President of Brazil and Mrs. Medici. I was impressed by the response of the President of Brazil to a toast offered by Vice President Spiro Agnew. I include the text with these remarks:

SPEECH DELIVERED ON DECEMBER 8 BY THE PRESIDENT OF THE REPUBLIC OF BRAZIL UPON THE OCCASION OF THE LUNCHEON OFFERED BY MR. SPIRO AGNEW, VICE PRESIDENT OF THE UNITED STATES OF AMERICA.

Mr. Vice-President: Both my wife and myself are extremely grateful to Mrs. Agnew and to you for the warm welcome accorded us in this house of noble traditions.

The purpose of my visit to this country is not so much to deal with specific questions and problems; I come rather in the same spirit which I discern in President Nixon, of wishing to establish a new point of departure for cooperation between our two countries in face of universal problems.

Such a dialogue has never seemed more necessary and timely than today, when enormous changes are occurring in the life, the way of thinking and the attitudes of our two nations.

We are living in a moment of transition in a world of transition. The abrupt changes of the last few months both in the diplomatic and political fields, and in the financial and monetary sectors, have put to hard test the ideas, doctrines and concepts that have upheld the Western world since World War II. Such changes are precipitating the advent of a period which is fluid and moveable, uncertain and ever-changing, fraught with both apprehension and hope, a period which finds a historical parallel with that of 1945–1948, when the foundations were laid and the great lines drawn that made possible the reconstruction and the progress of the world in which we then lived. In this transition stage, when new foundations are being discussed for international cooperation and life together, with necessary implications at a national level, Brazil cannot remain silent nor refuse its cooperation in the area of world and continental affairs, nor refrain from engaging in a bilateral dialogue with friendly nations such as yours, nations that are also old allies in the struggle for the defense of liberty and the dignity of Man—created by God, and creature, in his turn, of spiritual values.

Brazil has grown, matured and diversified itself, keeping at the same time its indestructible unity. It will not shun or shrink its share of responsibility within the community of nations, moved as it is by a profound and sincere desire to participate. It wants to participate both in the rights and in the duties of a new world order, an order which can only be a lasting one if it is not founded on considerations of power politics, which are ephemeral and changeable by nature besides being unfair and discriminatory.

Brazil does not believe that world problems can be examined and solved by a freezing of the world power structure, nor by the setting up of areas of influence. We cannot apply to our century outmoded political schemes and devices. The river of History has to follow its course; this implies mutations, changes and displacement of power. We believe in a community of free and sovereign nations, conscious of a historical need to assert themselves in a world in which the progress and development of some should not rest on the sacrifice and harming of others, in which sovereignty should be an instrument of liberty for all. For this very reason Brazil is convinced that, in order to be effective, any concrete steps towards the implementation of our concept of interdependence between the different members of the community of nations can only happen after political sovereignty and economic emancipation have been secured.

In the relations between our two countries we have to sift that which is transitory from that which is permanent, that which is contingent from that which is essential and prevent minor conflicting points from undermining the foundations of a long-term cooperation, which I consider to be vital and indispensable, not only for our two nations, but also for the preservation of peace and security in the hemisphere.

The Brazilian people cannot abide any intervention in matters of exclusively internal jurisdiction. In the face of threats of external interference we adopt security measures in order to defend ourselves from the schemes and intrigues of those who, resorting to violent methods of outside inspiration, have tried unsuccessfully to disturb our peace and tranquility and to destroy the foundations of a free society, which is striving to achieve social progress and economic development. Such is the society we are building, oriented towards Man who must be the beginning, the middle and the end of any political organization. The measures undertaken by Brazil with that purpose in mind, for the defense of its survival, laid us open to incomprehension and misunderstandings, which we regret, but which cannot make us swerve from the course we, in our sovereignty, have chosen.

With a growth rate of 9 per cent a year in its Gross National Product; with a prosperous industrial sector; with an educational program that takes up the largest share of the national budget; with an ambitious plan of social betterment, designed to diminish regional differences and to assure the well-being of every family; with a population that grows steadily to meet the needs of occupying our territory, an area which has, like your own country, the characteristics and the size of a continent; with a daring and imagination in the way it is penetrating and occupying its Amazon region—Brazil is carrying on the only form of expansion to which it is entitled and which it cannot renounce, the great expansion which it is undertaking within its own boundaries, through the unceasing effort of its people and the contribution of science, technology and the resources of all of those who are willing to join us in this gigantic endeavor. Brazil today has absolute confidence in itself.

Mr. Vice-President, from Brazil we follow with brotherly interest what is being done and thought here and, even though at times we have had trouble in coming to an agreement, it has always been easy for us to understand each other. And maybe, understanding is even more important than agreement. Let us endeavor, then, to widen our areas of agreement and at the same time let us make our mutual understanding indestructible. We want to pursue in openness and objectivity our continuing dialogue with the United States of America, a peaceful dialogue, marked by mutual understanding and joint achievements.

I shall return to my country with the assurance that, in spite of the changes and transformations taking place here, as they are in Brazil, in the context of the social and economic conditions peculiar to each country, the American nation, just as the Brazilian nation, remains faithful to itself and to the ideals that presided over the shaping of the political structures of its country, faithful to the ideal of liberty, which is our reason for being and our destiny. In this spirit I promise a toast to the health of Mrs. Agnew and yourself, assured that new ties, strong and powerful, have been established, this month of December of 1971, between the United States of America and Brazil.

THE 1971 TAX ACT

(Mr. GIBBONS asked and was given permission to extend his remarks at the point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, on Thursday, December 9, 1971, we are going to consider a conference report on the 1971 Tax Act. I am opposed to this bill, because I do not feel that we can continue to run this Government with the kind of deficits that this bill will certainly produce.

The bill, H.R. 10947, is bad economic policy and bad tax policy. It is bad economic policy, because it does not provide the economic stimulus that the economy requires in the near future to get us back to full employment. In short term, it will, however, increase the deficit to

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nearly $35 billion on a Federal funds basis for fiscal year 1972, increasing the strain on financial markets and interest rates. The bill is also bad economic policy, because it means a shift of resources from needed public programs to less essential areas unless taxes are increased in the future.

It is bad tax policy, because it throws away a substantial amount of tax revenue on a permanent basis on the grounds of meeting a short-term problem. Ironically, however, it is not likely to be effective in meeting the short-term employment problem although it clearly will be effective in achieving a permanent revenue loss.

We have already seen signs of the consequences of the permanent revenue loss from this bill and its predecessor, the Tax Reform Act of 1969. The administration has indicated that there is not sufficient revenue for new programs in the next budget. There has been increased discussion of the value added tax, essentially a Federal sales tax, as a tax necessary to provide the funds to operate our Government in the future on a balanced budget basis even in the absence of a new program. We are in the process of chipping away at our best tax, the income tax, both individual and corporate, and moving toward greater reliance on the social security tax and possibly a Federal sales tax. This is an undesirable trend in our tax structure, but unless we reverse the pattern of permanent income tax reductions embodied in this bill, we may not have any feasible alternative.

Consider the tax reductions, most of which are income tax reductions that are involved. Under H.R. 10947 as approved by the conference, the reduction in tax liability is estimated as $1.7 billion in calendar year 1971, $8.0 billion in 1972, and $6.1 billion in 1973, a 3-year total of almost $16 billion. Over this decade, or through 1980, the total revenue loss from this bill is over $70 billion. This is only the effect of those provisions considered to be in the bill, however. The tax reduction from the revised depreciation method or ADR adopted by the Treasury earlier this year should also be considered in the context of how much income tax revenue we are giving away. The conference report treats the elimination of the so-called three-quarter year convention from ADR as a revenue gain. Therefore, to include the net revenue loss from ADR, the entire loss should be added to the revenue loss figures of the conference bill. This is an additional tax reduction of $2.8 billion in calendar year 1971, $3.4 billion in 1972, and $4.0 billion in 1973, a 3-year total addition to the tax reduction of the bill of over $10 billion, and an additional tax reduction over the period through 1980 of more than $40 billion. Combining the tax reductions from the bill and the reduction from ADR—shown in No. 1 of the attached table—the tax reduction for calendar year 1971 is $4.5 billion; for 1972, $11.4 billion; and for 1973, over $10 billion. This is a 3-year total of $26 billion and over the period through 1980 is a total tax reduction of more than $115 billion.

This is by no means the entire story of the tax reductions we have recently enacted. The reductions from the Tax Reform Act of 1969 also continue to reduce tax revenue. For the same 3 years 1971, 1972, and 1973, the reduction in tax liability from the Tax Reform Act of 1969 is $1 billion, $3.6 billion, and $6.0 billion, respectively. This is a 3-year total of $10.6 billion and for the period 1969 through 1980, the total tax reduction from the 1969 act is close to $55 billion.

When these reductions are combined with the tax reductions from this bill and ADR, we can see more clearly what we have really been doing recently in terms of permanent revenue loss from our existing tax structure. The combined tax reduction totals—shown in No. 2 of the attached table—are $5.5 billion for calendar year 1971, $15 billion for 1972, and about $16 billion for 1973. This is a 3-year total of nearly $37 billion and over the period 1969 through 1980 represents tax reduction of roughly $170 billion.

As I indicated before, the effect of these massive tax reductions means that in the immediate future and probably for years to come, we will be experiencing revenue shortfalls which will preclude the introduction of new programs and require the Federal Government to operate at a deficit even with existing programs. We have simply given away too much of our future growth in revenues to be compatible with a growing country and the growing Federal initiatives to deal with the increasingly serious problems that growth creates. The solution now being pressed is for a national sales tax or higher payroll taxes to undo the damage we have done by excessive income tax reductions. I think there is fairly general agreement that these taxes are inferior to our income tax. I suggest that in the near future, or preferably before the House passed this bill, we give serious attention to what we are doing to our long-run fiscal position and tax structure through the cumulative effect of short-run decisions.

I do not mean to suggest that I am necessarily opposed to tax reductions which stimulate the economy when it is operating at substantially less than full capacity. My objection is to permanent tax reductions which jeopardize our future fiscal structure, but are adopted to meet a short-run problem. My objection is even stronger when, in addition, the tax reductions are not likely to provide the short-run stimulus which is the principal justification for their adoption. This is the basis of my objection to this bill.

One way of evaluating the short-run stimulative effect of the bill is to look at who gets the tax reductions. Of the $26 billion of tax reduction from the combination of this bill and ADR over the 3 years 1971 to 1973, individuals in a nonbusiness capacity receive $10 billion and business, primarily corporations, receives $16 billion. In the present economic context, with substantial excess capacity in business, the stimulative effect of business tax reduction is not likely to be large. It is my view, and the majority of economists appear to agree, that more stimulus would result if the tax reductions from this bill were directed toward individuals, who would be more likely to spend these reductions, rather than toward business whose major problem is lack of sufficient sales volume. Over the longer run, this imbalance between individuals and business is even greater. Thus, the income tax reductions in this bill which may necessitate a sales tax in the future go primarily to business. In other words, we are making a Federal sales tax on individuals more likely, because of the income tax cuts this bill gives to business. This does not seem to be a fair trade or proper tax policy.

Another way of viewing the alleged incentive effects of this bill is to look at the specific provisions which are supposed to induce greater economic activity in particular areas. The major provisions are the investment credit, the repeal of the auto and light truck excise tax, the DISC provision, and the liberalized guideline lives under ADR—as shown in No. 4 in the attached table. The total tax reduction from these "incentive" provisions is $3.1 billion in 1971, $8 billion in 1972, and nearly $9 billion in 1973, a 3-year total of almost $20 billion out of the total of $26 billion for this period from the bill plus ADR. In other words, about three-fourths of the revenue loss over this period is for provisions which are designed to encourage individuals and business to increase their spending in particular ways. As I have already indicated, I do not believe that in the present economic context with substantial excess capacity, the investment credit or ADR will have any significant impact on business investment. The degree of excess capacity is indicated by the fact that the utilization rate in manufacturing in third quarter of this year was only 73.2 percent. This is the second lowest quarterly rate in almost 24 years. It is lower than the fourth quarter of 1970 in which the General Motors strike occurred and it is substantially less than the rate during 1962 when the investment credit was first adopted, a period when even its proponents admit that it did not have an immediate effect. Our experience with the investment credit has been, as was pointed in 1969 when we repealed it, that it is not effective in periods of excess capacity and less than full employment, but that it may be too effective when production is at high levels for other reasons.

It is also unlikely that the repeal of the auto excise tax, which loses nearly $6 billion over this period, will have a significant impact on the purchase on new automobiles.

It seems even more clear, given the failure of the industry to increase employment recently even though automobile production has increased, that additional automobile sales will result in a significant increase of employment. The first time we passed the DISC provision, I indicated my skepticism as to the extent it would stimulate exports. If anything, I am now more convinced that it is bad tax policy and will not stimulate exports anything like enough to justify the revenue loss involved.

In short, it is difficult to see how any of these provisions which are designed to provide short-run stimulus will provide the increase in economic activity which is the basis for their inclusion in this bill. As a consequence, we are left with the long-term revenue loss I discussed previously without any real economic benefit in exchange.

TABLE 1.—ESTIMATED CHANGE IN CALENDAR YEAR TAX LIABILITY, 1971-73[1]

[In billions of dollars]

	1971	1972	1973
H.R. 10947 as approved by the conference	−1.7	−8.0	−6.1
ADR	−2.8	−3.4	−4.0
Total	−4.5	−11.4	−10.
H.R. 10947 as approved by the conference	−4.5	−11.4	−10.1
1969 act	−1.0	−3.6	−6.0
Total	−5.5	−15.0	−16.1
H.R. 10947 as approved by the conference:			
Individual nonbusiness	−2.0	−5.2	−2.8
Corporate and individual business	+.3	−2.5	−3.3
ADR (business)	−2.8	−3.4	−4.0
Total business	−3.1	−5.9	−7.3
"Incentive" provisions:			
Investment credit	−1.5	−3.6	−3.9
DISC		−.1	−.2
Repeal of auto and light truck excise tax	−.9	−2.6	−2.3
Liberalized guideline lives under ADR	−.7	−1.7	−2.4
Total	−3.1	−8.0	−8.8

[1] H.R. 10947 figures include a pickup from the elimination of the 3½ year convention under ADR. Therefore, to reflect the liberalized guidelines under ADR, the entire ADR effect should be added to H.R. 10947 totals.

DISTRIBUTION OF INCOME TAX REVENUE LOSS, REVENUE ACT OF 1971

[In billions of dollars]

	Business						Individuals					
Calendar year	ADR	WIN	7-percent investment credit	DISC	Excise	Total business	Personal exemptions	Standard deductions	Child care	Low-income allowance	Excise	Total individuals
1971	$0.7		$1.5		$0.09	$2.2	$0.9			$0.4	$0.8	$1.3
1972	1.7	$0.025	3.6	$0.1	.26	5.4	1.9	$0.3	$0.2	1.0	2.3	3.4
1973	2.4	.030	3.9	.2	.23	6.5			.2	1.1	2.0	1.3
1974	2.9	.035	4.2	.2	.22	7.3			.2	1.1	1.9	1.3
1975	3.5	.040	4.5	.3	.23	8.3			.2	1.2	2.0	1.4
1976	3.7	.040	4.8	.3	.24	8.8			.2	1.2	2.1	1.4
1977	3.4	.040	5.1	.4	.25	8.9			.2	1.3	2.2	1.5
1978	3.1	.040	5.5	.4	.38	9.0			.2	1.3	1.8	1.5
1979	3.1	.040	5.9	.5	.34	9.5			.2	1.4	1.5	1.6
1980	3.0	.040	6.3	.6	.30	9.9			.2	1.4	1.1	1.6
1981	2.9	.040	6.7	.6	.25	10.2			.2	1.5	.6	1.7
Total	30.4	.4	52.0	3.6	2.79	88.79	2.8	.3	2.0	12.9	18.3	36.3

Note: Totals may not add due to rounding.

Source: Verified by U.S. Treasury.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATHIS of Georgia (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. CURLIN (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. KLUCZYNSKI (at the request of Mr. O'NEILL), for Tuesday, December 7 and the balance of the week, on account of official business.

Mr. FOUNTAIN (at the request of Mr. O'NEILL), on account of official business.

Mr. BROYHILL of North Carolina (at the request of Mr. GERALD R. FORD), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKINNEY) and to revise and extend their remarks and include extraneous matter:)

Mr. FREY, for 5 minutes, today.

Mr. KEITH, for 15 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. BUCHANAN, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. GRIFFIN, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. WILLIAM D. FORD, for 15 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. JAMES V. STANTON, for 15 minutes, today.

Mr. RUNNELS, for 5 minutes, today.

Mr. LEGGETT, for 45 minutes, on December 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. YATES and to include extraneous matter.

Mr. YATES to revise and extend and include extraneous matter with remarks to be made in Committee of Whole today.

Mr. VAN DEERLIN and to include extraneous matter.

Mr. PASSMAN to revise and extend and include extraneous matter including tables with remarks made in Committee of the Whole.

Mrs. ABZUG to extend her remarks following those of Mr. RYAN today on H.R. 12067.

All Members (at the request of Mr. HORTON) for 5 legislative days to extend their remarks and include extraneous matter on the subject matter of his special order, today.

Mr. ROONEY of New York, immediately preceding the remarks of Mr. SEIBERLING on the Fraser amendment in the Committee of the Whole today on the foreign assistance and related programs appropriation bill, 1972.

Mr. SCHEUER, to include extraneous material in connection with his remarks today on the foreign aid appropriation bill.

Mr. GIBBONS to extend his remarks immediately preceding consideration of House Resolution 728.

Mr. FINDLEY during the Committee of the Whole on H.R. 1163 and to include extraneous matter.

Mr. ANDERSON of Illinois to revise and extend his remarks on the Conte amendment in Committee of the Whole on H.R. 12067.

Mr. PURCELL to extend his remarks following those of Mr. POAGE today on H.R. 1163.

(The following Members (at the request of Mr. MCKINNEY) and to include extraneous matter:)

Mr. BUCHANAN in four instances.

Mrs. DWYER in four instances.

Mr. WYMAN in two instances.

Mr. SCHWENGEL.

Mr. FINDLEY.

Mr. HALPERN in three instances.

Mr. O'KONSKI.

Mr. SCHMITZ in three instances.

Mr. ARENDS.

Mr. ESCH.

Mr. FISH.

Mr. DERWINSKI.

Mr. PELLY in five instances.

Mr. SMITH of New York in two instances.

Mr. FRENZEL.

Mr. BROTZMAN.

Mr. MCCLOSKEY.

Mr. ANDERSON of Illinois.

Mr. BOB WILSON in two instances.

Mr. PRICE of Texas in two instances.

Mr. GERALD R. FORD.

Mr. DU PONT.

Mr. KEITH.

XUM

Mr. WARE.
Mr. BROYHILL of Virginia.
Mr. ZWACH.
Mr. HALL.
Mr. SHOUP in two instances.
Mr. BAKER.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HAGAN in three instances.
Mr. DOW in two instances.
Mr. ROGERS in five instances.
Mr. MILLER of California in five instances.
Mr. BADILLO in five instances.
Mr. DRINAN in two instances.
Mr. CHARLES H. WILSON.
Mr. GIAIMO in 10 instances.
Mr. PUCINSKI in six instances.
Mrs. HICKS of Massachusetts in five instances.
Mr. VAN DEERLIN in two instances.
Mr. COTTER in two instances.
Mr. PICKLE.
Mr. RYAN in three instances.
Mr. NIX.
Mr. HICKS of Washington in two instances.
Mr. JACOBS.
Mr. ANDERSON of California in three instances.
Mr. WRIGHT.
Mr. BOLAND in two instances.
Mr. RANGEL in three instances.
Mr. JONES of Tennessee in five instances.
Mr. ROY.
Mr. MOSS.
Mr. HATHAWAY in two instances.
Mr. DIGGS in two instances.
Mr. VANIK in two instances.
Mrs. HANSEN of Washington.
Mr. HAMILTON.
Mr. JAMES V. STANTON.
Mr. GARMATZ in two instances.
Mr. FAUNTROY in five instances.
Mr. BURKE of Massachusetts.
Mr. PIKE.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2007. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On December 7, 1971:

H.R. 3628. A bill to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8381. A bill to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes;

H.R. 8548. A bill to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes;

H.R. 8689. A bill to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek;

H.R. 9097. A bill to define the terms "widow", "widower", "child", and "parent" for servicemen's group life insurance purposes;

H.R. 9442. A bill to authorize compensation for five General Accounting Offices positions at rates not to exceed the rate for executive schedule level IV;

H.R. 11220. A bill to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes;

H.R. 11335. A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of National Service Life Insurance policies to insurance on a modified life span with reduction at age 70;

H.R. 11334. A bill to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid up national service life insurance;

H.R. 11651. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; and

H.R. 11652. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation.

On December 8, 1971:

H.R. 5068. A bill to authorize grants for the Navajo Community College, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 9 minutes a.m., Thursday, December 9, 1971), the House adjourned until 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1346. A letter from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting certain petitions which were forwarded to the Secretary of the Navy for transmittal to the Congress; to the Committee on Foreign Affairs.

1347. A letter from the Secretary of Health, Education, and Welfare, transmitting notice of the delay in completion of a "Systems Analysis of National Health Care Plans" required under Public Law 91-515; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee of conference. Conference report on H.R. 9981; with amendment (Rept. No. 92-715). Ordered to be printed.

Mr. MILLER of California: Committee on Science and Astronautics. Report on a metric America. (Rept. No. 92-716). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 729. A resolution providing for the consideration of conference reports on the same day reported during the remainder of the first session of the 92d Congress (Rept. No. 92-717). Referred to the House Calendar.

Mr. HOLIFIELD: Committee on Government Operations. U.S. economic assistance for Laos—stabilization programs (Rept. No. 92-718). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Concentration by competing raw fuel industries in the energy market and its impact on small business (Rept. No. 92-719). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 730. Resolution providing for the consideration of H.R. 11309. A bill to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes (Rept. No. 92-720). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 11628. A bill to authorize grants and loan guarantees for construction or modernization of hospitals and other medical facilities in the District of Columbia; with amendments (Rept. No. 92-721). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 1828 (Rept. No. 92-722). Ordered to be printed.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10237. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes; with amendments (Rept. No. 92-723). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 1938. An act to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury; with amendments (Rept. No. 92-724). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN:

H.R. 12100. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 12101. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 12102. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. HALPERN:

H.R. 12103. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN (for himself, Mrs. ABZUG, Mr. DANIELSON, Mr. MOSS, Mr. DONOHUE, Mr. KOCH, Mr. HECHLER of West Virginia, Mr. REID of New York, Mr. CONYERS, Mr. ADDABBO, Mr. STEELE, Mr. MITCHELL, Mr. CORMAN, and Mrs. HICKS of Massachusetts):

H.R. 12104. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel, and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 12105. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the various ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. HUNGATE:

H.R. 12106. A bill to provide protection for consumers in the District of Columbia with respect to credit sales and direct installment loans; to the Committee on the District of Columbia.

By Mr. KUYKENDALL:

H.R. 12107. A bill to amend section 8(e) of the National Labor Relations Act with respect to its application to labor agreements relating to construction; to the Committee on Education and Labor.

By Mr. MIKVA (for himself and Mr. BINGHAM):

H.R. 12108. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 12109. A bill to amend the Vocational Rehabilitation Act to provide special services, artificial kidneys, and supplies necessary for the treatment of individuals suffering from end stage renal disease; to the Committee on Education and Labor.

By Mr. PIRNIE:

H.R. 12110. A bill relating to comparability adjustments in pay rates of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. STEED (for himself, Mr. BELCHER, Mr. JARMAN, Mr. EDMONDSON, and Mr. CAMP):

H.R. 12111. A bill to declare that the United States hold certain land in trust for the Absentee Shawnee Tribe of Indians of Oklahoma; to the Committee on Interior and Insular Affairs.

H.R. 12112. A bill to declare that the United States hold certain lands in trust for the Citizen Bank of Potawatomi Indians of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. STEED (for himself, Mr. EDMONDSON, and Mr. CAMP):

H.R. 12113. A bill to provide for the reconveyance to the original Indian grantors their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 12114. A bill to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia:

H.R. 12115. A bill to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury; to the Committee on the District of Columbia.

By Mr. BURKE of Massachusetts:

H.R. 12116. A bill to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of breeding; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 12117. A bill to provide financial assistance for a special manpower training and employment program for criminal offenders and for persons charged with crimes, and for other purposes; to the Committee on Education and Labor.

By Mr. FORSYTHE:

H.R. 12118. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 12119. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H.R. 12120. A bill to amend the Internal Revenue Code of 1954 to provide that the first $6,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania:

H.R. 12121. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail, and for other purposes; to the Committee on House Administration.

By Mr. HELSTOSKI:

H.R. 12122. A bill to establish and protect the rights of day laborers; to the Committee on Education and Labor.

H.R. 12123. A bill to amend the Internal Revenue Code of 1954 to grant an additional income tax exemption for each taxpayer and dependent of the taxpayer who is permanently handicapped; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 12124. A bill to require pension plans to provide optional annuities for surviving spouses and certain vesting rights to employees whose employment is involuntarily terminated without cause; to the Committee on Education and Labor.

By Mr. RAILSBACK (for himself and Mr. SMITH of New York):

H.R. 12125. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 12126. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RUNNELS:

H.R. 12127. A bill to allow elderly people to travel on common carriers in interstate commerce at half fare, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 12128. A bill to extend the protection provided by the Federal securities laws to persons investing in securities of carriers regulated by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. COTTER, Mr. DENT, Mr. DOW, Mr. DRINAN, Mr. DANIELS of New Jersey, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. KEMP, Mr. KOCH, Mr. KYROS, Mr. MITCHELL, Mr. MURPHY of New York, Mr. O'NEILL, Mr. PEPPER, Mr. PIKE, and Mr. PODELL):

H.R. 12129. A bill to authorize the President to designate marine sanctuaries in areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, for the purpose of preserving or restoring the ecological, esthetics, recreation, resource, and scientific values of and related to such areas; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLFF (for himself, Mr. BOLAND, Mr. DELANEY, Mr. MINISH, Mr. RANGEL, Mr. REID of New York, Mr. RODINO, Mr. ROE, Mr. RYAN, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. TIERNAN, and Mr. HATHAWAY):

H.R. 12130. A bill to authorize the President to designate marine sanctuaries in areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, for the purpose of preserving or restoring the ecological, esthetics, recreation, resource, and scientific values of and related to such areas; to the Committee on Merchant Marine and Fisheries.

By Mr. KEATING:

H.R. 12131. A bill to provide a Federal Bureau of Investigation trust fund; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.J. Res. 999. Joint resolution designating November 11 of each year as "Armistice Day"; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.J. Res. 1000. Joint resolution to designate Christmas week as "Blood Donor Week"; to the Committee on the Judiciary.

By Mr. QUIE (for himself, Mr. MELCHER, Mr. BOLAND, Mr. JONES of North Carolina, Mr. BEVILL, Mr. SCHNEEBELI, Mr. MAYNE, Mr. HECHLER of West Virginia, Mr. SKUBITZ, Mr. WARE, Mr. BARING, Mr. ANDERSON of Tennessee, Mr. ROBINSON of Virginia, Mr. SCHWENGEL, Mr. MADDEN, Mr. NIX, Mr. SANDMAN, Mr. RANGEL, Mr. WYATT, Mr. REID of New York, Mr. KARTH, Mr. HUNT, Mr. DULSKI, Mr. MINSHALL, and Mr. SAYLOR):

H.J. Res. 1001. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. QUIE (for himself, Mr. ANDREWS of North Dakota, Mr. THONE, Mr. STEIGER of Wisconsin, Mr. TEAGUE of California, Mr. GALLAGHER, Mr. KEATING, Mr. MYERS, Mr. MORSE, Mr. MITCHELL, Mr. BLATNIK, Mr. STAGGERS, Mr. FORSYTHE, Mr. EILBERG, Mr. ZWACH, Mr. STEELE, Mr. KEMP, Mr. KEE, Mr. CARTER, Mr. GOODLING, Mr. HALPERN, Mr. VEYSEY, Mr. TALCOTT, Mr. ERLENBORN, and Mr. FRENZEL):

H.J. Res. 1002. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. ST GERMAIN:

H.J. Res. 1003. Joint resolution to amend title 5, United States Code, in order to designate November 11 of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. NIX:

H. Con. Res. 478. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

XUM

By Mr. RUPPE:

H. Con. Res. 479. Concurrent resolution to seek relief from restrictions on Soviet Jews; to the Committee on Foreign Affairs.

By Mr. NIX:

H. Res. 731. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 12132. A bill for the relief of Candida Menes Malot; to the Committee on the Judiciary.

H.R. 12133. A bill for the relief of Maria Isaura Russo; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 12134. A bill for the relief of Mrs. Rita Chelnek; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 12135. A bill for the relief of Jorge Birnios; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REFLECTIONS ON THANKSGIVING

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAGAN. Mr. Speaker, the Thanksgiving season just passed reminded all thinking Americans of our blessings. In our country it is traditionally a season of giving thanks for our abundances. It is a time for families to get together, a time for reflection, and one of our best holiday observances.

As we go along through the year we are prone to take all things for granted. We seldom pause long enough to realize that with 6 percent of the world's population we annually consume nearly 50 percent of its goods. That fact could be and often is interpreted by other nations as downright selfish and may, indeed, be the real reason we are despised by so many to whom we have given so much in material things.

We tie our Thanksgivings to the custom begun by the early Pilgrims, but many people do not know that there was a gap of many years in the observance of the feast day. Also, people do not generally know that a New Jersey Congressman named Elias Boudinot was responsible for the reappearance of Thanksgiving. We should all be grateful for him, as well as for the Pilgrims.

Mr. Louis Cassels, United Press International, in his column, "National Window," published in the Dublin, Ga., Courier Herald and other papers, on November 24, 1971, tells the story of Congressman Boudinot's revival of the custom of Thanksgiving through a resolution in the House. The story follows:

NATIONAL WINDOW

(By Louis Cassels)

The first Thanksgiving observance in America as every school child knows, was conducted by the Pilgrims who settled in what is now Massachusetts in 1621.

But contrary to what most school children and ex-school children think, the idea didn't just catch on and become a national custom.

Quite the opposite. Thanksgiving as a holiday disappeared from American life shortly after the Pilgrims had that legendary turkey feed, and may never have reappeared had it not been for a little-known New Jersey congressman named Elias Boudinot.

If anyone deserves to be remembered as originator of the national holiday Americans are observing today, it's not the Pilgrims fathers, but Rep. Boudinot.

Boudinot was a deeply religious man who was a founder and first president of the American Bible Society. In 1789, at the age of 49, he was elected to sit in the first Congress of the United States.

BOUDINOT DELIVERS SPEECH

On Sept. 25, 1789, the annals of the House disclose, Rep. Boudinot delivered a speech saying he "could not think of letting the session pass over without offering an opportunity to all the citizens of the United States of joining, with one voice, in returning to Almighty God their sincere thanks for the many blessings He has poured down upon them."

He introduced a resolution requesting the president to set aside "a day of public thanksgiving and prayer."

There was, inevitably, a certain amount of opposition. In the U.S. Congress, you can't introduce a resolution hoping the sun will rise tomorrow without some colleague finding fault with it. The annals show that Rep. Thomas T. Tucker of South Carolina "thought the House had no business to interfere in a matter which did not concern them."

"Why should the president direct the people to do what, perhaps, they have no mind to do?" asked Tucker, who either was an early exponent of church-state separation or was just feeling grumpy that day.

SHERMAN PROVIDES SUPPORT

Rep. Roger Sherman of Connecticut leaped to Boudinot's support with copious biblical quotations showing that the proposal was "warranted by a number of precedents in holy writ: For example, the solemn thanksgivings and rejoicings which took place in this time of Solomon after the building of the temple."

"The question was now put on the resolution, and it was carried," the annals record.

So President Washington issued a proclamation setting aside the last Thursday in November as a national day of thanksgiving for "the many signal favors of Almighty God, especially by affording (the people of America) an opportunity peaceably to establish a Constitution of government for their safety and happiness."

And that's how the whole thing started.

TEN BOSTON POLICEMEN GIVEN MEDALS FOR NOTABLE DEEDS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, on Saturday evening, December 4, at the 100th anniversary ball of the Boston Police Relief Association 10 outstanding Boston policemen were given medals for notable deeds.

The Walter Scott Medal for Valor was presented to Patrolman James E. Hickman of district 11 for courage he displayed on August 14, 1971, while accompanying a man who was making a large night deposit in a Dorchester bank.

Hickman was shot and wounded while successfully protecting the money from four would-be robbers. While being treated at Boston City Hospital, Hickman identified and arrested the man who had shot him in the attempted holdup. The man had been admitted to the hospital for a gunshot wound inflicted by Hickman earlier.

Hickman and nine other police officers were the recipients of department medals of honor, Thomas F. Sullivan awards, Boston Police Relief Association memorial awards and the Boston bank awards.

The awards went to Patrolmen Thomas J. Gleason, district 6; Loman C. McClinton, Jr., district 4; Francis V. Connelly, Houston Patrol Division; Joseph W. Rigney, district 11; John J. H. McLaughlin, district 1; Robert J. Regan and Joseph R. Memmo, district 4; and Paul W. Condon and James J. Welch, district 4.

Gleason was cited for courage displayed on December 9, 1970, when he rescued a man from the Charles River.

McClinton was awarded a medal because of action he took while off duty on January 7, 1971. He prevented a serious assault and possible loss of life of persons at a Dorchester real estate office.

Connelly was honored for his personal courage and devotion to duty despite a hostile crowd when on January 14, 1971, he arrested three persons for violation of the firearms laws.

Rigney was cited for courage displayed while rescuing a blind man and an elderly woman from a fire in Dorchester on February 16, 1971.

McLaughlin was honored for displaying unusual courage while making an arrest in the Washington Street area of downtown Boston on July 16, 1971. McLaughlin risked his own life by not returning the gunfire of the felon he was chasing.

Robert J. Regan and Joseph R. Memmo were awarded medals of honor for their alertness and keen observation on September 10, 1971, when they arrested a dangerous escaped prisoner who had threatened the life of a county official.

Condon and Welch were cited for meritorious police duty performed on September 13, 1971, when they chased and arrested an armed man who had just robbed a bank in the South End area.

All awards were presented by Police Commander Edmund L. McNamara. The officers receiving awards were selected by a board of merit consisting of Superintendent-in Chief William J. Taylor, Superintendent Herbert F. Mulloney and Superintendent William A. Bradley

REDESIGNATE NOVEMBER 11 AS VETERANS DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mrs. GRASSO. Mr. Speaker, for years November 11 was a special day of commemoration by Americans for the veterans who had served this Nation. In the period immediately following World War I, it was known as Armistice Day—the anniversary of the day when the costly and tragic fighting ended in Europe. After World War II and the Korean conflict, November 11 was redesignated as Veterans Day, and our country honored all those brave individuals who answered the call of our Nation in time of war.

Veterans Day has always been a solemn occasion—a day to pay tribute to those who made the supreme sacrifice, and a day on which to express heartfelt gratitude to those who returned.

This year, the observance of Veterans Day occurred on October 25, and despite the worthiness of its purpose did not fulfill adequately the intent of the holiday. This is an opinion that has been communicated to me by many of my constituents. Indeed, in my own State of Connecticut, there is strong support for redesignating November 11 as Veterans Day. Dominic J. Romano, Connecticut Commander of the Veterans of Foreign Wars of the United States, believes that "it would be an excellent idea to redesignate November 11 as Veterans Day." Chet D. Hirsch, Connecticut commander of the American Legion, has mentioned that he was unable to find a single member of the American Legion who is content with the observance of this occasion on the fourth Monday of October.

Because November 11 is a day of meaningful historical significance to the people of our Nation, I have cosponsored legislation which would redesignate November 11 as Veterans Day throughout the land.

For the interest and information of my colleagues, some of the correspondence I have received on this matter follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES, DEPARTMENT OF CONNECTICUT,

November 23, 1971.

Hon. ELLA T. GRASSO,
U.S. Representative,
House Office Building,
Washington, D.C.

DEAR ELLA: I certainly want to thank you for your memo of November 15, 1971, and the copy of the letter written to you (and to other Congressmen) by Congressman Young of Florida, concerning his opposition to the last Monday of October each year as Veterans Day.

I believe that since we have had an opportunity to observe celebrations throughout Connecticut this year we are now in a position to comment.

I would have to say now that I agree with Congressman Young that it would be an excellent idea to redesignate November 11 as Veterans Day.

When the Monday Holiday Act was considered by the Congress most of the leaders of the Veterans of Foreign Wars opposed such legislation. However, when the law was enacted many of us said very little. Our reactions were definitely not violent. I think that there were a great many Americans, including veteran leaders, who felt that it made only a moderate difference. Far too many of us adopted the attitude that much of the meaning of November 11th could be readily transferred to another date during any given year.

How wrong we were! The experiences of 1971 in Connecticut prove that nearly all segments of our society absolutely refuse to accept any date near the end of October with any significance as Veterans Day. In spite of the fact that the "Law of the Land" called October 25, 1971, "Veterans Day", we could only muster a handful of our citizens to observe the day. Yet we found that with no organized effort on our part thousands of Connecticut's citizens observed November 11, 1971, as Veterans Day.

It would appear that, if the Monday Holiday Act stands, we will find that it will be only a matter of a very few years before Veterans Day becomes lost. This would, indeed, be tragic.

I do not feel that Congressman Young's resolution is the complete answer. I believe that it will become necessary to introduce legislation to remove "Veterans Day" from the provisions of the Monday Holiday Act and to designate November 11 as Veterans Day.

Representatives of this organization will be happy to discuss this further with you if you feel it to be necessary.

Sincerely,

DOMINIC J. ROMANO,
State Commander.

THE AMERICAN LEGION,
DEPARTMENT OF CONNECTICUT,
Hartford, Conn., November 22, 1971.

ELLA T. GRASSO,
House of Representatives,
Washington, D.C.

MRS. GRASSO: This is to acknowledge receipt of your letter concerning C. W. Bill Young's letter of 28 October, 1971 about the change of date of Veterans Day.

In my contacts with the Legionnaires at all seven Districts I have discussed this matter. I have yet to find one member who is content with having the date changed.

Our national convention passed a resolution to return Veterans Day to the date of November 11th.

I sincerely hope Mr. Young presents a bill to redesignate November 11th as Veterans Day. If this occurs I hope I will be informed so I may in turn inform our membership. I am sure they will express their approval.

Sincerely,

CHET D. HIRSCH,
Commander.

PAY BOARD CRITICIZED FOR LACK OF CONTROL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HANNA. Mr. Speaker, I am sure all of us are watching closely the development phases of the President's phase II program, both as to form and substance. I for one intend to compile a detailed track record of his program on which to base a continuing oversight which this body must pursue.

The quality more than the quantity of actions taken under phase II must be the starting point for this oversight activity, and it is in this regard that I am already having significant reservations. One of the more widely recognized economic reporters in the Washington area recently analyzed the day-to-day operations of the Board. I take this opportunity to bring to my colleagues' attention this critical assessment of the initial proceedings of one of the President's control bodies, the Pay Board, asking them to note particularly the observation that:

Meetings are often so confused that members are not always aware of what they are voting on. Some members have failed to be recorded on an issue because they were unaware a vote was being taken.

An article follows:

[From the Washington Post, Dec. 7, 1971]

FEUDING, NITPICKING REIGN—PAY BOARD CRITICIZED FOR LACK OF CONTROL

(By James L. Rowe Jr.)

"It can't keep going on like this," one high-ranking observer said of the 15-man Pay Board—set up by the President to administer wage and salary increases during Phase II.

The meetings (swollen with the usual coterie of alternates and staff) sometimes become so unwieldly that members are not always aware of what they are voting on, according to one source close to the board.

The board sits again today—it now meets every Tuesday, Wednesday, and Thursday. If past sessions are any indication, much time will be taken up in procedural questions, nitpicking, and personal feuding, lessening the chance for substantive accomplishment.

"They're going to have to do something different," one official observed.

So far, the administration has not been critical of the Pay Board, though Treasury Secretary John B. Connally told newsmen that as a private citizen he disagreed with the tripartite board's approval of a 16.8 per cent first year increase for soft coal miners—well in excess of the board's own pay guideline of 5.5 per cent per year.

But its decision to approve the over-guidelines wage pay boost for coal miners has been denounced as inflationary by the Price Commission, which allowed only about 60 per cent of it to be translated into higher coal prices.

The Price Commission, presumably is concerned by reports—confirmed last week by management member Virgil Day—that the Pay Board will probably approve "catch-up" arrangements similar to coal for the railroad signalmen (46 per cent over 42 months), aerospace, and dockworkers.

Cost of Living Council executive director Donald Rumsfeld still holds publicly to the line that since the President chose a "participatory" Phase II—one administered by the citizenry rather than by government officials—certain inherent efficiency problems should be expected which retard quick promulgation of guidelines as well as totally tough enforcement.

The 15 Pay Board members include five from management, five from big labor, and five from the public. Unlike its counterpart Price Commission—with seven members from the public—the Pay Board has from the outset been beset by internal rancor.

Last week the rancor on the board got so intense, one source said, that chairman George A. Boldt told labor members he would not stand for any more "rudeness." Labor members often ridicule Boldt in the meetings, and, sources said, are particularly fond of calling public member Arnold R. Weber an administration "hatchet man." According to reports, Weber "goes through the ceiling" at the continued needling.

XUM

Meanwhile, the board has yet to devise some of the basic procedures under which it must operate. For example, although beginning Jan. 1, all wage settlements affecting more than 5,000 persons must receive board approval, the board has yet to devise a prenotification procedure.

It delegated to its staff the preparation of a form prenotification units must use. The staff in turn went to the Bureau of Labor Statistics—which came back with a detailed eight-page form. The Pay Board has directed the staff to redo, and simplify the form.

Meetings are often so confused that members are not always aware of what they are voting on. Some members have failed to be recorded on an issue because they were unaware a vote was being taken.

One source cited, as an example of confusion, the recent decision merit increases. Just before Thanksgiving the board issued a guideline on merit raises, which it had to immediately clarify the next day.

Last Thursday after worried businessmen flooded the Pay Board with queries, The Wall Street Journal—with the help of three Pay Board members—put together what purported to be an accurate summary of the Pay Board's policy on merit increases.

But Friday, the Board issued another clarification, which appeared to be in conflict with its ruling—and in points was. Sources said some Pay Board members were surprised that the Friday clarification was actually what they had voted.

In the initial Pay Board guidelines issued Nov. 7, provision was made for five or more members to challenge contracts they felt to be excessive in terms of the guidelines. But the board neglected to finalize procedures for such a challenge.

Last Wednesday, shortly after the Price Commission refused to allow coal companies to pass through the entire wage settlement, the Pay Board issued its first formal challenge to a contract.

The five business members said they had heard a settlement between the Carey Grain Corp. (which operates one grain elevator at the port of Chicago) and Local 418 of the International Longshoremen's Association was far in excess of the 5.5 per cent standard.

But they knew little more about it than that—and had to ask the Phase II compliance arm, the Internal Revenue Service, to investigate.

But challenge it they did, although the contract covered only nine workers, a spokesman for the union said. If the contract becomes a model for grain elevator operators in Chicago it would affect no more than 200 workers.

One board observer suggested the board's large size contributes highly to its problems. "It's just impossible for 15 men to agree on anything," he said. He suggested Chairman Boldt, in whom the law vests all legal powers of the board, might have to take things into his own hands.

Another said it might go to the "subcommittee approach"—three members "hassle out" the issue and come back with proposals which the board could vote on.

The board is now using this approach on the question of executive salaries and compensation.

A key to the board's future will be its treatment of John Dunlop, the chairman of the Construction Industry Stabilization Committee.

Last week, amid heavy labor objection, the board "temporarily" stripped the committee of its power to rule on wage increases in the construction industry until Dunlop met with the group for a "review." The CISC had approved about 450 contracts granting retroactive payment of wage increases held up by the freeze.

"It will be a sticky fight," one observer said. "Labor is heavily in favor of CISC's activities."

Another said the board would have to "survive this one if it's to have any chance at all."

Observers conclude that the Pay Board, in fact, is confused by so many problems that the President may be forced to scrap it and start all over again—though no one in the administration will concede the President has even though of such a move.

If history is a lesson, a complete breakdown of the Pay Board would not be a surprise. It happened twice during World War II and again during Korea.

WHERE DO LIBERALS ENROLL THEIR KIDS?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. DERWINKSI. Mr. Speaker, with the debate continuing in Washington and across the country over busing of school students to achieve certain racial percentages of attendance and recognizing the political demagoguery that has been too much in evidence in this field. I believe the following article from the Perspective page of the November 25 edition of the Chicago Tribune, by Columnist Nick Thimmesch, tells a very interesting story.

The story follows:

WHERE DO LIBERALS ENROLL THEIR KIDS?

(By Nick Thimmesch)

WASHINGTON.—I can listen to, endure, be amused by, constantly observe, but never run with political liberals. I can't take their consummate hypocrisy and exhortations to the masses, especially on terrible thorny matters like school integration.

Last week on CBS, Mike Wallace's Sixty Minutes revealed for the first time on television how rank hypocrisy is on the school question among Washington liberals. For years liberals scolded the South for balking on school integration. Now they denounce President Nixon's last-resort policy on busing as an integration tool, and they deplore the raw anger mothers in Pontiac, Mich., show when confronted with compulsory busing.

What Mike Wallace showed here [and got enormous mail in response] was an array of black and white liberals who managed to keep their own children out of Washington's heavily black schools by sending them to private or suburban schools. Their explanations amount to the same voiced by many Southerners and certainly by the Pontiac mothers—we want our children to have the best education.

USED TO WHITE PEOPLE

As Mrs. Donald Fraser, whose husband is Minnesota's most liberal congressman, put it to Wallace: "Your children get educated only once." That's why the Frasers took their daughter out of Washington public schools and placed them here in Georgetown Day School, a private school. She told Wallace that her daughter was used to having white people around in school, and while there were three or four black pupils with her in each class at Georgetown Day School, "they're much nicer" than the blacks in the public school she attended.

One of Mr. Nixon's severest critics on the busing issue is Sen. George McGovern [D., S.D.], who moved into Washington from nearby suburban Maryland, but sends his daughter back to the old Maryland neighborhood to go to high school. He pays $1,450 tuition for this privilege. McGovern wasn't available for Wallace to interview on this matter.

McGovern isn't alone. Democratic Senators Teddy Kennedy of Massachusetts, Birch Bayh of Indiana, Ed Muskie of Maine, and Eugene McCarthy all sent or are sending their children to private schools. They wouldn't talk with Mike Wallace either. When Sen. Stevenson (D., Ill.) was questioned on Meet the Press as to how he could criticize White House leadership, and, as a resident of Washington, send his children to private, mostly white, schools, he answered that he wanted to send them to public schools, "but regrettably the ones available to us are not very good, and I just didn't want to sacrifice the education of my kids."

The most perplexed man Wallace interviewed was Washington's black congressman, Walter Fauntroy, whose son is the only black in a private school here. Asked to explain, especially when a group of Pontiac mothers happened by during the interview, Fauntroy cried about "a whole history of neglect of the school system of the District of Columbia" (false: D.C. schools were once very good); and overcrowded classes and underfunding (false again: D.C. schools are relatively well-funded, and are not usually overcrowded).

RICH CAN "BUY OUT"

But he isn't the only black notable whose children are used as "tokens" in the private schools. Our mayor, Walter Washington, has his child driven by limousine to private school each day, as Wallace reported. Liberal columnist Carl Rowan has his children in private school. So does civil rights activist Clifford Alexander. Supreme Court Justice Thurgood Marshall's children attended private schools here.

Commentators, national correspondents, and the great lamas of journalism, columnists, also are hypocritical on this score. One sardonic columnist for the Washington Post, interviewed by Wallace, said, "Nobody wants to make their children pay for their own social philosophy." The columnist's own son is in private school and he admits the rich can "buy out."

Then why do liberals support integration and busing if they really don't believe in it down deep? The Washington Post columnist told Wallace:

"The lines get drawn in such a way that you end up supporting something that you think is unwise, perhaps unworkable, simply because of its symbolic content, simply because you get a bunch of rabid mouth-foaming racists opposing it, so you're forced to support it."

DEVELOPMENT OF STATE NARCOTIC TREATMENT PROGRAMS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. FREY. Mr. Speaker, I am introducing legislation today which I feel may if enacted, provide the means to induce States to establish drug treatment programs for addicts who reside in the various States and, at the same time, insure that present Federal funding and, hopefully, increased levels in such funding for treatment programs will be spent on more effective programs.

The treatment of narcotic addicts, who either volunteer or are committed for treatment, is primarily a State and local responsibility. Only the State, through local law enforcement and health agencies, have the ability to assess what the narcotic treatment needs of the State are. Morover, the most successful treatment and rehabilitation programs have been community-based treatment programs. Addicts who have been removed from the communities in which they reside for treatment, have extreme difficulty in adjusting when returned to the community. A great many addicts can be successfully rehabilitated in carefully controlled out-patient programs in the community.

Few States, however, are administratively and financially geared up to effectively treat the narcotic addict population of the State. My own State of Florida, for instance, lacks a coordinated, State regulated and funded treatment program. Funding for those treatment programs which do exist comes entirely from local and/or Federal funds. Many States—at least 15—have no drug program whatsoever.

The means exist to induce the States to organize themselves and appropriate the necessary funds to treat their narcotic addict population, but neither the Congress nor the Federal granting agencies have seized upon it. Since several agencies, primarily LEAA within the Justice Department and NIMH within HEW, presently make grants to treatment programs, conditions or criteria can and should be established which States must adhere to before grants are made to that State.

Presently, however, grants are made by LEAA and NIMH directly to grantees within a State, irrespective of how that treatment program relates to an overall State's needs. Moreover, there is little, if any, coordination between LEAA and NIMH in making such grants. Mr. Dean Crowther, Associate Director of the Civil Division of GAO, which recently made a study of Federal treatment programs concluded that:

> While there is a reasonable amount of money being sent to communities by both the Department of Justice under LEAA and HEW under NIMH, there is not nearly as close a link-up as we would like to see.

In addition, LEAA lacks the competence to make such grants; LEAA is primarily a granting authority for State law enforcement activities.

The legislation I am introducing today will remedy this situation by: First, transferring the authority for making narcotic treatment grants to NIMH, thereby centralizing the bulk of grant authority in an agency competent to administer such programs; and second, inducing the various States to create narcotic treatment programs by making grants to State agencies established for such purposes for distribution to public and private programs which are components of community-based multimodality treatment programs.

Section 6 of the bill amends the Omnibus Crime Control and Safe Streets Act to delete the authority for LEAA to make grants for narcotic treatment and provides that any sum authorized to be appropriated to make such grants are "authorized to be appropriated for the purposes of section 251 of the Community Mental Health Centers Act in addition to any other sums to be appropriated for such section."

Section 5 of the bill amends the Community Mental Health Centers Act to allow States to make application for Federal funding for treatment and rehabilitation programs based upon their assessment of such needs in the State which cannot be met out of private or local and State funding, instead of private or public treatment programs making application directly to NIMH for funding of their individual program. The funds distributed to the State pursuant to such application would then be distributed by the State agency to the various private and public community treatment programs.

No application for a grant can be approved unless such application is made by a State agency—

(1) which is established, with the assistance of the Secretary, for the purpose of receiving, administering, and distributing such grants to community-based multimodality treatment programs; (2) which has submitted to the Secretary a comprehensive plan, prepared with the assistance of the Secretary, for the development of community-based multi-modality treatment programs based upon a detailed survey by such State agency of the narcotic addict treatment needs of the State; and (3) which has established, with the assistance of the Secretary, such standards as are necessary to provide criteria for the continuation of narcotic addict treatment programs in effect immediately prior to the effective date of this Act, and for the establishment of community-based multi-modality treatment programs; (4) which agrees that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary; and (5) which agrees to fund only those community-based multi-modality treatment programs which agree to treat addicts who have been committed for treatment either under the Narcotic Addict Rehabilitation Act of 1966 or under a state civil commitment program.

The term "community-based, multimodality treatment program" is defined as—

> . . . a program for the treatment of narcotics addicts, and other persons with drug abuse and drug dependence problems, established by a State, or a political subdivision thereof, for the purpose of providing comprehensive treatment, including maintenance, detoxification, social and vocational rehabilitation, and other forms of treatment suited to the individual needs of the person treated. Such program may include such public and such comprehensive treatment. Any such nonprofit private treatment agencies and organizations as subsidiary components of such program as may be necessary to provide such comprehensive treatment. "Any such program shall be organized in conformity with the State plan and standards referred to earlier.

By requiring the States as a precondition to receiving treatment grants directly to establish a State narcotic treatment agency that would scientifically ascertain what the treatment needs of the State are, develop a comprehensive plan for the development of treatment programs, and establish standards with the assistance of NIMH for such programs, we are inducing the States to recognize the role they must play in treating narcotic addicts and, at the same time, insuring that both local, State, and Federal funds for narcotic treatment are spent in an orderly, effective manner.

Such funds would be expended on "community-based, multimodality programs" because such programs offer the best chance of success and by integrating various modalities of treatment, both public and private, into a comprehensive community program the needs of the individual addict can be more effectively and economically met. Effective treatment requires a multidimensional approach in which specific services for the addict are integrated with other related health and human services and such services must be provided in a milieu in which the addict and those close to him live and to which he must return after the initial phase of treatment.

The requirement that the State fund only those programs which agree to accept addicts committed to them by State, local, and Federal courts as well as those who voluntarily seek treatment is an outgrowth of the GAO report referred to earlier.

Oftentimes, under both the Narcotic Addict Rehabilitation Act of 1966 and under State civil commitment laws such as those in New York and California, addicts cannot be committed for treatment because programs at the community level will not accept such addicts. GAO reviewed 22 NIMH grants awarded through April 30, 1970, and none of the grants included a requirement to treat those addicts referred from State and local courts. A few were required to assist the Federal civil commitment program.

States will also be required to offer treatment in lieu of prosecution for an addict charged with both a State and Federal offense who is not prosecuted at the Federal level but would otherwise be eligible for treatment in lieu of prosecution under title I of the Narcotic Addict Rehabilitation Act of 1966. Title I was intended to apply to addicts who committed such Federal crimes as mail theft, check forgery, auto theft, and other nonviolent crimes. Many of these crimes are also violations of State statutes, only under the provisions of NARA only U.S. district courts can invoke title I. Thus, when in many of these cases, addicts are referred to State or local authorities for prosecution, opportunities for pretrial civil commitment in lieu of prosecution are lost if the State does not have a civil commitment program.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

XUM

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS, DECEMBER 6

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the text of my last weekly report, December 6, on the problems of older Americans:

WASHINGTON REPORT BY CONGRESSMAN LEE HAMILTON

Some 4,000 delegates to the White House Conference on Aging gathered in Washington this week to discuss ways of focusing the Nation's attention on the problems of older Americans.

The immediate reaction to this conference among many people is either "Ho-hum, another White House Conference, so what?" or a feeling that older Americans are really pretty well taken care of with Medicare, Medicaid and Social Security. Either of these reactions is mistaken, as the delegates to the conference have made clear:

INCOME

Inadequate income is the most serious problem facing older Americans today. If their income can be raised, many of their other problems, like transportation, housing and isolation, can be solved.

One out of every 4 older Americans (about 5 million people) fall below the poverty line, and the number is accelerating. In addition, older Americans are often locked out of employment opportunities. For example, only 4% of the federal job training programs are designed for persons over 55 years of age. Many older Americans are out of work and those who are working are earning from half to three-fourths less than younger workers. Thousands of them have lost pensions which they thought they had earned.

Inflation and taxes hit them especially hard. They often live on fixed incomes (pensions, social security benefits) and the cost of many items, like medical services, which affect the elderly to a much greater degree than younger persons, have risen at a faster rate than other items. Taxes, and particularly property taxes, keep going up—property tax collections have increased by 40% in the last 5 years—even as their income keeps going down.

HEALTH

Health problems are compounded for older Americans. While they have about half the income of younger workers, they pay twice as much for health care, and are twice as likely to have chronic ailments requiring more prolonged and more expensive care. Nursing homes, which symbolize the neglect of older Americans, have come under special criticism in recent months for unsanitary conditions, poor food, fire hazards, misappropriation of funds and conditions which degrade human dignity.

HOUSING

Approximately 6 million older Americans live in unsatisfactory housing. At least 120,000 federally assisted units are needed to overcome the present deficit in housing, but we produce only about 37,000 units per year. Many of the 70% of the elderly who own their home face swiftly rising property taxes and other costs on very limited retirement incomes, and many lose their homes.

OTHER AREAS

Many older Americans retired because of age and not functional ability, are isolated by expensive or inadequate transportation and communications. They are unable to participate in their communities, although many can still make meaningful contributions, and they find few educational and recreational programs designed for them. Government research and implementation of programs for the elderly has been fragmented and haphazard.

Obviously, then, many things need to be done. The beginning point is to increase their incomes with adequate social security benefits, adjusted automatically for rising prices, and an increase in the amount they can earn without losing benefits. Relief from the crushing burden of taxes, assurance of pensions, additional health benefits are needed, too, but more important than anything is a drastic change in attitude.

We have to get away from the callous notion that old people are nice, have done their part, and should now be put on a shelf or sent to Florida or stashed away in an old age home. We must reject the idea that retirement is a status and view it as a gradual process prepared for over a period of time, and acknowledge and appreciate the useful and important contributions older Americans can and do make.

We are moving in this direction, but we are still far from achieving it.

NEW TOWNS IN MINNESOTA

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. FRENZEL. Mr. Speaker, new Towns may well provide a partial solution to providing livable housing facilities to citizens of all socioeconomic levels. Just as Reston and Columbia have proved to be worthy experiments in this area, the Johathan and Cedar-Riverside projects in Minnesota are being carefully developed, and hold great promise.

The Washington Post carried the following informative article in their December 5 issue which I commend to my fellow Members.

The article follows:

TWO WAYS TO BUILD NEW TOWNS

(By Ellen Hoffman)

By freeway, it is about half an hour from one "new town" to the next in the Minneapolis area. At one end of the path, sandwiched between the corn crop and grazing land, lies Jonathan, Minnesota's answer to Columbia and Reston. At the other end is Cedar-Riverside, a "new town in-town" nestled near the University of Minnesota atop the bluffs of the Mississippi River.

Together the towns constitute the spearhead of a federal effort to foster planned, self-supporting communities free of suburban sprawl and urban decay.

It is the government's encouragement of combined development of an urban "new town" with a rural one that makes the Minnesota projects unique. Jonathan is the first rural town and Cedar-Riverside the first urban town in the country to receive loan guarantees under the "new communities" program established by Congress in 1968 to help new towns over the costly period of early development until they can become self-supporting.

Jonathan received its guarantee of $21 million in February, 1970, and approval of Cedar-Riverside's $24 million guarantee was announced by the Department of Housing and Urban Development at the end of June, 1971. The money must be used for land development. This includes clearing land, construction of roads and sidewalks, and installation of sewers and electric lines, for residential, industrial or commercial construction.

By late summer, Jonathan had about 500 residents. About 650 persons work there and the first village center opened in May. The early industrial occupants are in businesses such as computers, food processing and research.

Cedar-Riverside, unlike Jonathan, already had a resident population when it began its transformation into a "new community." Since the developers took over, 16 of the neighborhood's 33 bars have disappeared, many of them replaced by art galleries, theaters, owner-operated shops (a dulcimer-maker, a jeweler) and campus-related services like bookstores.

SEPARATE HISTORIES

Although the projects are being developed by two separate corporations, former Minnesota State Sen. Henry T. McKnight heads both of them. And HUD made it clear in announcing the Cedar-Riverside guarantee that the potential trade-offs between the two communities were a factor in the decision to back Cedar-Riverside.

Although an official link has now been forged between their futures, until a few months ago the two communities had quite separate histories.

McKnight announced his plans to build a community of 50,000 residents within the boundaries of Chaska, Minn., in August, 1967. But during the Minnesota winter of 1968–69, recalls McKnight, "We were really in a bind. No one was buying houses and we had to stop construction of the village center."

Passage of the New Communities Act provided new hope for planners and backers. The Jonathan Development Corp. (JDC) decided to aim for a loan guarantee under the new law, although it realized that securing a guarantee would bind them to social as well as financial obligations formulated by the federal government.

The planners of Jonathan, headed by Ben Cunningham, formerly of Richmond, Va., hired some consultants to join the 20 or so staff members of the corporation in planning Jonathan, whose site was described as "gently rolling land . . . heavily wooded ravines . . . broad leaf hardwoods" which supported "wildlife, ranging from . . . gophers, chipmunks, raccoons, squirrels and rabbits; white tailed deer . . ."

They looked at this pastoral setting and visualized a community of 50,000, with half the residents living in five villages and the other half around a town center, possibly one huge, continuous, winter-proof building. They saw the town as the home of a significant number of poor and working class residents, and of blacks and Indians.

Residents would be able to walk to shopping facilities, schools and possibly even to work. The buildings and landscaping would blend with the physical features of the hilly, wooded site. Three areas would be used for industrial development, and one village was expected to emerge as a sort of "college town" around a learning center that would provide education for students of all ages.

In return for the loan guarantee, JDC agreed to write and adhere to an "affirmative action" program designed to attract nonwhite residents and employees and to bring persons of all income groups to the town. The developers also agreed that one-fourth of the residences built would be in the price range available to a family with an income of $7,800 or less, and another fourth for families with an income of $7,800 to $10,500.

JDC must submit monthly and semi-annual reports to HUD as proof that these obligations are being carried out; it risks the possibility that the government will take over the project if the corporation defaults on either social or financial obligations.

RAZING A SLUM

The first houses had already appeared on the fields of Jonathan before the present concept of a "new town-in-town" to replace the old, seedy Cedar-Riverside neighborhood had been made public.

Starting in 1963, 250 land parcels constituting 90 per cent of the private property in the riverbank community were quietly bought up by Gloria Segal and Keith Heller. Mrs. Segal, now widely known as the "Jewish mother of Cedar-Riverside," was a housewife and sometimes student at the University of Minnesota. Heller had been assistant to the dean of the university's business school. He and Mrs. Segal started buying land with the intention of building an apartment house, but as their holdings increased, their concept of redevelopment for the neighborhood broadened.

An urban renewal plan for the area was approved by the city and Cedar-Riverside Associates (C-RA), as Heller and Mrs. Segal called their enterprise, was designated as redeveloper for the neighborhood. C-RA was given five years to prove to the housing authority that the corporation should be allowed to develop the whole area, and the public agency is "watching carefully," according to an official.

In 1968 McKnight joined C-RA as chairman of the board, bringing other investors along with him.

Seven Corners, as Cedar-Riverside's main commercial intersection was called, was part of Minneapolis' skid row of the 1950s. The streets were lined almost wall to wall with bars. Alcoholics were the omnipresent inhabitants of the neighborhood.

Then in 1959 the university decided to develop a campus for 20,000 students near Seven Corners and call it the "West Bank." In the early 1960s, department by department, the university began to cross the river into the salmon-colored high-rise buildings that became the nucleus of the campus.

With the university's decision to build a major campus there, the old way of life at Seven Corners was doomed. Most of the neighborhood was occupied by 3-story frame houses built around 1900. Many of these homes lacked indoor plumbing and most were in deteriorating condition. The residents were about one-third students, one-third faculty and one-third old people.

So C-RA launched a holding effort aimed at making existing housing livable and providing needed neighborhood facilities until large-scale reconstruction of the neighborhood could begin.

UNIVERSITY AS CORE

The immediate and future presence of the University and other educational and medical institutions in the area (two hospitals and a private college) has been the strongest influence on the Cedar-Riverside plan, which calls for combining different styles of housing, eventually serving 30,000 residents, within one project. Stage One, on which construction has just begun, will include units priced from public housing levels to luxury, a rent range of $40 to $500 a month. Eleven buildings, connected by a plaza and built atop a parking garage, will make up the development. Commercial and community facilities will be built into the residential area.

A university sociologist, David Cooperman, identified a series of lifestyles of potential residents and these were used in designing housing. Plans call for living units to accommodate the "independent student" who requires a lot of study space in his apartment and doesn't socialize at home; middle-class families of faculty members and civil servants; doctors and other professionals who congregate near a university or hospital.

Officials of the university, in the face of opposition from within the student body, have given their blessing to the Heller-Segal plans. Only one dormitory has been built by the university on the West Bank, and no others are planned. Students no longer like to live in dormitories, according to university planner Hale Champion, and the university doesn't particularly want to be a landlord.

The Minneapolis housing authority has given Cedar-Riverside top priority among its projects because of its proximity to three major freeways and downtown employment opportunities.

In a joint report entitled "Pairing," planners of both new towns suggest that the flow of ideas between them may be as important as the exchange of people or facilities. Jonathan planners, for example, have already done a lot of thinking about the installation of a joint cable television system and a transportation network that might link the town with downtown Minneapolis.

Cedar-Riverside has already established itself as a cultural center; the more isolated Jonathan has set up an art center, but activity there "has been impeded by the unavailability of qualified instructors," according to the report.

The planners foresee bringing cultural groups into Jonathan—which probably will not be able to provide the financial attraction for a movie theater and similar amenities until the population expands—for both education and entertainment.

With several years of thinking and experimentation behind them, a housing corporation put together by Jonathan has developed a new system of "stack housing" that promises to offer cheap, easy-to-construct dwellings. And Cedar-Riverside, with its heavy concentration of medical facilities and personnel, hopes to develop a pioneering health care plan for its residents.

Both towns, since they are in the same metropolitan area, will face the problems of creating racially and economically integrated communities. HUD has required Jonathan to absorb its "fair share" of the metropolitan area's 3.2 per cent non-white population and a similar measure is likely to be applied to the in-town project. (A detailed agreement between HUD and C–RA is still being negotiated.)

OVERCOMING PESSIMISM

It is too early to measure the long-range success of these and other satellite towns, but some attempts at urban renewal have already become notorious, among them Southwest Washington, where public housing residents live on one side of Delaware Avenue and middle-to-upper-class residents on the other.

The planners of Cedar-Riverside have already drawn criticism from members of the university community who believe that the main goal of the redevelopment is to make a huge profit.

An assumption of the new communities program accepted by the planners of the Minnesota project is that despite the failures of the past, new communities are still worth building. As the law puts it, what is happening in Minnesota will hopefully become a contribution to "the rational, orderly, efficient and economic growth . . . and redevelopment" of the places where Americans are going to live in coming decades.

Submitting monthly reports, meeting quotas for different types of housing, actively seeking black and Indian employees—these requirements may seem too troublesome to many developers to justify seeking a loan guarantee from HUD. But first at Jonathan and now at Cedar-Riverside, the approval of the loan guarantee has proven a boon to the credibility of the communities' plans, and is likely to be a stimulus for future private investment as well as public.

"There seems to be a great question as to whether a new town is worth doing. I don't understand it . . . We just have to look at every city in the U.S. and see how they have grown, in a random way," says Ben Cunningham, the chief planner of Jonathan. And chairman McKnight argues that the challenge of controlling urban growth is so great that it must be attacked from an infinite number of directions—(including new towns.)

RHODESIAN CHROME IMPORTS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 8, 1971

Mr. BYRD of Virginia. Mr. President, on November 30 the Northern Virginia Daily of Strasburg, Va., published an excellent editorial on the subject of the agreement recently reached between representatives of the Governments of Rhodesia and Great Britain.

During the period when Congress was debating my proposal to eliminate the embargo on importing Rhodesian chrome into the United States, it was argued in opposition that to break this United Nations sanction would be to undermine the possibility of a reasonable settlement between Rhodesia and the British.

Events have clearly shown that this argument was without foundation. In fact, the action of Congress may have helped to obtain a settlement, as the late former Secretary of State Dean Acheson predicted.

I am pleased that an accord has been reached in the British-Rhodesian dispute, and I hope that the United Nations embargo soon will be abandoned.

I ask unanimous consent that the editorial, entitled "Triumph of Reason," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRIUMPH OF REASON

It is interesting to note that Rhodesia is one of the few British colonies to declare its independence from the Mother Country and get away with it. Another notable example was the United States of America in 1776.

Last week Britain and Rhodesia signed a long-awaited agreement under which Britain recognizes Rhodesian independence, and undertook economic assistance aimed at improving the educational opportunities of Rhodesia's blacks. Rhodesia, on its part, undertook certain commitments regarding gradual easing of restrictions against its black majority.

Actually, since it has now been convincingly demonstrated that Rhodesia's independence is permanent and she could never be expected to return to British control, and since it is equally true that Rhodesia's problem of what to do eventually with a black majority outnumbering the white population by approximately 4,850,000, the agreement represents a compromise with reality for both parties.

It is not wholly what either side wanted but it contains the ingredients under which

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Rhodesia can at least hope to solve a problem which certainly cannot be brushed away.

Rhodesia's leaders, their apparent apartheid convictions to the contrary, are practical men who doubtless realize that the emerging 4.5 million plus blacks in Rhodesia will require greater political and economic participation than now exists.

Under the agreement Rhodesia will give new political guarantees to the black majority; will limit the government's power to hold individuals without trial; and will fill civil service vacancies on merit irrespective of race. The concept is a program of gradualism under which Rhodesia's blacks will gain greater participation in the democratic process in direct proportion to the extent that improved educational and economic capabilities justify it.

To implement the process Britain promises $125 million over a 10 year period, the sum to be matched by Rhodesia, for a development program geared largely to improving the education of the black majority.

Because of rigid property and educational requirements, an electorate which is now made up of 85,000 white and 10,000 black voters, the present Rhodesian Assembly consists of 50 white and 16 black members. The long-range objective of the agreement is to put into motion a positive program of greater educational advantages for blacks under which their economic future will improve as the illiteracy decreases.

The final objective—political equality—will follow as the black majority earns it by gradually assuming a more meaningful role economically.

The agreement between Rhodesia and Britain, coming as it does only days after President Nixon signed into law the Byrd Amendment providing for the removal of U.S. sanctions against Rhodesian chrome, heralds a new day in the community of nations for this little country which up to now has been traveling a lonely road.

The new accord might be termed a triumph of reason on both sides.

THE REAL UNITED NATIONS

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. HICKS of Washington. Mr. Speaker, in view of tensions around the world, and in the case of India and Pakistan, open conflict, and in view of the worldwide problems of malnutrition, ill health, and illiteracy, the world's need for the United Nations is more important than ever before. In his recent address to the board of directors, Washington State Division of the United Nations Association of the U.S.A., the Very Reverend Richard E. Twohy, president of Gonzaga University, Spokane, Wash., put forth the purpose and meaning of the United Nations with great lucidity and deep understanding. I am, therefore, pleased to insert excerpts from his remarks in the RECORD so that those who may be disinclined to support the United Nations or those who have misconstrued its goals may be enlightened:

EXCERPTS FROM ADDRESS DELIVERED BY THE VERY REVEREND RICHARD E. TWOHY

"With only slight transposition one can say of the UN what Voltaire said of God: If it did not exist we would have to create it. The proof of its necessity lies in its survival. It is something in these days of rapid change and future shock, of short-lived plans and quick-fading dreams that the entity created in San Francisco in 1945 not only still lives but has grown, and manifests every sign of the presence of the great and powerful genius which, according to Rousseau, presides over things made to endure.

There are many UN's, all but one of them phony and false. There is the UN of its fickle friends who imagined it to be some kind of world government. There is the UN of the dark nightmares of the extreme right—a conspiracy of world communism to infiltrate and destroy the United States. To detractors of the UN, so-called realists and cynics, it is a force put together to maintain the status quo to the advantage of the Great Powers. There is, of course, the occasional act or gesture on the part of UN leaders which at various points in its lifetime have cast suspicion upon its viability.

The real UN is something very different, something simpler and more grand. The UN is a voluntary grouping of sovereign states in agreement upon a charter which obliges them to seek peace and the conditions of peace, and to foster the development of the human and natural resources of our globe in the interests of mankind.

It is easy to sneer that this can hardly be a common bond uniting cultures so distinct as those of Russia, China and the United States. It is equally easy to grow disenchanted with the meager successes achieved by the UN. But here lies its true greatness: it does not ask nor seek the impossible. It does provide both a place and the opportunity for nations with much more to gain than to lose to exchange ideas, to make compromises, to be in constant negotiation over matters of the greatest interest and importance to the world.

The future of the UN is assured if one does not read into that future the ushering in of a Golden Age. Men will not cease to be men nor nations sovereign very soon; but continuing negotiations can overcome problems, untiring efforts bring about peace where peace is at all possible. The relief of millions of poor and distressed through the United Nations evinces this.

PEARL HARBOR DAY—1971

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. CARNEY. Mr. Speaker, today marks the 30th anniversary of the Japanese attack on Pearl Harbor. The enmities of those bitter days have now turned to friendship. Time has healed the wounds, both physical and spiritual, that were inflicted that day.

Those of us who are old enough to remember back three decades mark with pride the sacrifice of the 3,000 men who died on that terrible Sunday. Their courage in the face of adversity in the extreme would provide a rallying cry in the hard years to come.

The men who died at the Kaneohe Air Station, who breathed their last at Hickam Field, and who are entombed in the *Arizona* these 30 years, provide a lasting example of undaunted courage in battle.

God willing, we will not have to face another such attack again. However, we will never forget the courage, the devotion to duty, and the supreme sacrifice made by the American fighting men at Pearl Harbor a generation ago.

ECONOMIC STABILIZATION ACT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, when the House takes up the renewal legislation for the Economic Stabilization Act of 1970, as reported by the House Committee on Banking and Currency, I plan to offer the following amendment at the appropriate time in the proceedings:

AMENDMENT TO H.R. — AS REPORTED BY THE HOUSE COMMITTEE ON BANKING AND CURRENCY OFFERED BY MR. ANDERSON OF ILLINOIS

At the end of section 220 insert the following new section to read as follows:

"SEC. 221. (a)(1) It is the policy of the United States to promote efficient production, marketing, distribution, and use of goods and services in the private sector, and improve the morale of the American worker, all of which are essential to a prosperous and secure free world, and to achieve the objectives of national economic policy.

"(2) The Congress finds that the persistence of inflationary pressures, and of a high rate of unemployment, the underutilization and obsolescence of production facilities, and the inadequacy of productivity are damaging to the effort to stabilize the economy.

"(3) The Congress, therefore, finds a national need to increase economic productivity which depends on the effectiveness of management, investment of capital for research, development, and advanced technology and on the training and motivation of the American worker.

"(4) The Congress further finds that at a time when economic stabilization programs require price-wage restraints, management and labor have a strong mutual interest in containing "cost-push" inflation and increasing output per man-hour so that real wages may increase without causing increased prices and that, without in any way infringing on the rights of management or labor, machinery should be provided for translating this mutuality of interest into voluntary action.

"(b) It shall be the objective of the President's National Commission on Productivity—

"(1) to enlist the cooperation of labor, management, and State and local governments, in a manner calculated to foster and promote increased productivity through free competitive enterprise toward the implementation of the national policy declared in the Employment Act of 1946 to create and maintain 'conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.'

"(2) to promote the maintenance and improvement of worker motivation and to enlist community interest in increasing productivity and reducing waste;

"(3) to promote the more effective use of labor and management personnel in the interest of increased productivity;

"(4) to promote sound wage and price policies in the public interest and to seek to accomplish that objective within a climate of cooperation and understanding between labor, management, and the public, and within a framework of peaceful labor-management relations and free and responsible collective bargaining;

"(5) to promote policies designed to insure that United States products are competitive in domestic and world markets;

"(6) to develop programs to deal with the social and economic problems of employees adversely affected by automation or other technological change or the relocation of industries.

"(c)(1) It shall be the duty and function of the Commission, in order to achieve the objectives set forth in subsection (b) of this section, to encourage and assist in the organization and the work of labor-management-public committees and similar groups on a plant, community, regional, and industry basis. Such assistance shall include aid—

"(A) in the development of apprenticeship, training, retraining, and other programs for employee and management education for development of greater upgraded and more diversified skills;

"(B) in the formulation of programs designed to reduce waste and absenteeism and to improve employee safety and health;

"(C) in the revision of building codes and other local ordinances and laws, in order to keep them continuously responsive to current economic conditions;

"(D) in planning for provision of adequate transportation for employees;

"(E) in the exploration of means to expand exports of the products of United States industry;

"(F) in the development, initiation, and expansion of employee incentive compensation, profit-sharing and stock ownership systems and other production incentive programs;

"(G) in the dissemination of technical information and other material to publicize its work and objectives;

"(H) to encourage studies of techniques and programs similar to those in paragraphs (A) to (H) of this subsection, as they are applied in foreign countries; and

"(1) In the dissemination of information and analyses concerning the economic opportunities and outlook in various regions and communities, and of information on industrial techniques designed for the increase of productivity.

"(2) The Commission shall transmit to the President and to the Congress not later than March 1 of each year an annual report of its previous year's activities under this Act.

"(3) The Commission shall perform such other functions, consistent with the foregoing, as it determines to be appropriate and necessary to achieve the objectives set forth in subsection (b) of this section.

(d) (1) In exercising its duties and functions under this Act—

"(A) The Commission may consult with such representatives of industry, labor, agriculture, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the participation of such interested parties;

"(B) the Commission shall, to the extent possible, use the services, facilities, and information (including statistical information) of other Government agencies as the President may direct as well as of private agencies and professional experts in order that duplication of effort and expense may be avoided;

"(C) the Commission shall coordinate such services and facilities referred to in subsection (B) above in order to supply technical and administrative assistance to labor-management-public committees and similar groups referred to in subsection (c)(1);

"(D) the Commission shall establish the regional offices and such local offices as it deems necessary;

"(E) the Commission shall hold regional and industrywide conferences to formulate ideas and programs for the fulfillment of the objectives set forth in subsection (C);

"(F) the Commission may formulate model programs to ameliorate the effects of unemployment caused by technological progress;

"(G) the Commission may furnish assistance to parties in collective bargaining entering into collective bargaining agreements; and

"(H) the Commission may review collective bargaining agreements already in effect or those being negotiated to ascertain their effects on productivity; and it may have the power to make recommendations with respect to the agreements made or about to be made in specific industries.

"(2) The Commission may accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities.

"(e)(1) The Executive Director of the Commission shall be the principal executive officer of the Commission in carrying out the objectives, functions, duties and powers of the Commission described in Sections 3(b) through 3(d) above.

"(2) The Executive Director of the Commission, with the approval of the Chairman of the Commision, is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for carrying out its functions under this Act, with regard to the provision of Title 5, United States Code, governing appointments in the competitive service, and with regard to Chapter 51 and Subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provision, to employ such other officers and employees as may be necessary for carrying out its functions under this Act and fix their compensation in accordance with the provisions of such Chapter 51 and Subchapter II of Chapter 53.

"(f) There are hereby authorized to be appropriated the sum of $10,000,000 to carry out the purposes of this section during the period ending April 30, 1973."

KIDNEY DISEASE LEGISLATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. PICKLE. Mr. Speaker, every year kidney disease in the United States accounts for the loss of 140 million days of restricted activity, 63.5 million days of bed disability, and 17 million workdays lost.

And, although we are getting better, it still takes about 50,000 lives a year—about 25 percent of these at the prime ages of 15 to 54.

Tragically, even though we have made great advances in research in this field, the cost of preserving the lives of people struck by kidney disease is catastrophic to any normal family.

I am introducing today legislation that I hope will cut the cost of kidney disease treatment down to budget size.

Most of us have heard of "hemodialysis"—the magic "kidney machine" which not only can keep some types of kidney disease victims alive for years but can also return them to normal lives and jobs.

But it does not hurt to remind ourselves just how expensive such treatment is—around $18,000 for the first 2 years—and $5,000 a year thereafter if the treatment is done at home—and from $15,000 on up to $40,000 a year if it must be done in a hospital.

That, obviously, is more, a lot more, than many people in this country even make per year—people that are not considered near the "poverty" level.

The one hope a person on a kidney machine has of ending this yearly expense is to receive a kidney transplant—after we get a little better at those. He can do this to the tune of $10,000 to $20,000 or more, with $1,000 per year for as long as he lives for drug therapy to keep his body from rejecting the new kidney.

We have in the past considered legislation to aid much needed research in this field. Today I am introducing legislation to help make the scientific advances from this research financially available to the common man.

The legislation provides $25,000,000 of direct financial aid to pay the cost of special services, artificial kidneys, and supplies necessary for the treatment of individuals suffering from end stage renal diseases.

We are fortunate to have a medium available to handle this service without creating a new bureaucracy—the Vocational Rehabilitation Administration.

This agency not only has the tools to reach the people in need of treatment, but also is automatically geared toward recognizing that many of the problems the patient will encounter go beyond getting properly hooked up to a machine three times a week.

Already our own Texas Rehabilitation Commission has begun a pilot project along the lines envisioned by this bill—but it can at this time supply funds for only 6 months to a limited number of "test" patients.

Many other State programs find themselves in similar predicaments.

It is the same story no matter where we look in kidney disease—only the rich, the very, very rich, and the lucky subjects of newspaper headlines and local philanthropy, currently have a chance to live.

It is time that the Federal Government took a good look at the tragic sufferers of kidney disease and did something to help them live normal lives.

PERSONAL EXPLANATION

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. DU PONT. Mr. Speaker, on Monday, December 6, I was privileged to give the second in a series of talks to the students and faculty at the University of Delaware on the subject of issues facing the Congress. Due to this conflict I was unable to be present on the floor for the voting that day. Had I been present I would have noted "no" on rollcall No. 431 and "yes" on rollcall Nos. 433, 434, 435, and 436.

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THE F-14—AN OBJECTIVE ANALYSIS

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. PIKE. Mr. Speaker, there has been so much inaccurate reporting by people who ought to know better and so much biased reporting by people who do know better on the subject of the cost, the performance, and the potential of the Navy's F–14 aircraft that it is refreshing to see an article in the highly respected and objective Armed Forces Journal making detailed cost analyses and performance comparisons between the F–14, the F–4, and various Soviet fighters.

The Armed Forces Journal calls itself "Spokesman of the Services Since 1863." Despite this appellation, it is not simply an apologist for the Pentagon. It praises them when it thinks they are right and raps them when it thinks they are wrong. As such, I am delighted to insert their comprehensive analysis in the RECORD:

NAVY'S F–14: COSTLY, BUT NOTHING ELSE WILL DO THE JOB

(By Brooke Nihart)

Congressional critics, including Senator William Proxmire (D-Wis) and the watchdog Members of Congress for Peace Through Law, may well be hanging a "bum rap" on the Navy's F–14 fighter in their sweeping adverse findings. Charges leveled include claims that: (1) the Navy doesn't need such a fighter anyway; (2) a cheap lightweight fighter could do the job; (3) F–14 performance compares unfavorably with the existing F–4 improved with slatted wings and with Soviet fighters; and (4) it costs too much.

A much different picture emerges, however, after looking at test results, design predictions, and cost comparisons, and after talking to Grumman, Navy, and ODDR&E officials with F–14 program responsibilities.

The F–14 is the *only* type of fighter that can perform the mission the Navy has prescribed, and the mission *is* valid in the 1970s and 1980s.

The cheap lightweight fighter has its place in small numbers in the air forces of small friendly countries and in large numbers in NATO, but *not* in any number in a carrier task force.

Flight test progress to date has revealed performances dramatically better than the most advanced F–4, and design predictions indicate performance from 20% to 250% better in various characteristics. Similar superiorities exist over Soviet "threat" aircraft. The F–14B, with a more powerful advanced-technology engine, will be as superior to the F–14A as the F–14A is to the F–4.

Admittedly, the F–14 costs a lot of money, but a greater-than-ever capability is being bought. Planned and contract costs for comparable numbers of aircraft have *not* increased in the 2½ years since contract signing. But, because of runaway inflation and a reduced business base—both unpredictable at contract signing time in early 1969—Grumman may lose money if held to contract prices for 1972–1975 production.

The job the Navy wants the F–14 to do is twofold—fleet air defense and air superiority against the generally agreed-upon threat.

The agreed-upon threat to naval forces and to U.S. forces in any theater requires an aircraft-weapon system capable of meeting and defeating the existing Soviet sophisticated, missile-equipped fighters under electronic control, anti-ship missiles, mobile surface-to-air missiles, and bombers firing long-range air-to-surface missiles. The threat dictated the choice of an aircraft-weapon system that is both an air-to-air missile carrier and a dogfighter. All analyses to date show that the F–14A is clearly superior in these roles to the known and projected Soviet threat in the 1970–80 period.

Moreover, according to intelligence sources, the Soviet "missile-load trend" is up. This means the proportion of Soviet heavy missile-armed fighters is growing, compared to their lightweight agile fighters.

These two missions imply several seemingly inconsistent characteristics:

Low landing speeds and good low-speed maneuverability and stall characteristics for landing on aircraft carriers.

High power-to-weight ratio for short carrier takeoffs fully loaded and dogfight maneuverability.

Large payload to carry long-range air defense missiles, attendant radar, a second crewman to operate the radar, plus fuel for a large combat radius.

Twin engines to lift the load and for over-water redundancy.

These characteristics are the antithesis of the cheap lightweight fighter. They add up to a big plane—and an expensive one. Since each carrier will have only 24 fighters aboard, they should be the best possible to do the job, an ODDR&E official told the JOURNAL. "Suppose you buy F–4s for one-fourth the cost of F–14s. You can't get as many on a carrier," he said. According to Grumman officials, the deck loading factor is 1.7 for an F–14 and 1.8 for an F–4 (based on 1.0 for an A–4), so about 10% more F–14s can go aboard than F–4s. Given the much greater capability of the F–14, nothing is gained by a deckload of F–4s but "a much lesser force for a much lower cost," the ODDR&E official said.

"Maybe you could operate 36 lightweight fighters from a carrier," he said, "but you still would have an inferior force. The fighter would be lightweight because it carried little fuel, a smaller radar, fewer shorter range missiles, and only one man to operate the system. Therefore, both plane and weapons have a shorter range ,and the carrier would have to get closer to the target. Its attack aircraft couldn't have a fighter escort to their maximum range.

"The situation is quite the opposite in Europe," the official said. "Instead of having a limited number of carrier decks projecting their aircraft against limited objectives, you have a large number of airfields and the threat is thousands of enemy aircraft attacking your territory. We need, for Europe, the planned 700 F–15s, which will do for the Air Force what the F–14 will do for the Navy, plus about 2,000 lightweight fighters in the hands of NATO countries. They would be perfectly suitable, and indeed essential, for dogfighting with hordes of attacking aircraft over our territory.

"If you have a limited number of aircraft," the official continued, "they should have the greatest possible capability and versatility. This the F–14 has as a long-range carrier of air-to-air missiles and as a dogfighter. A lightweight fighter would not have both, and a carrier version of the F–15 would have both but to a lesser degree than the F–14." He added, "It is a simple matter to convert a good carrier aircraft to ground-based use, the F–4, A–4, and A–7 being recent examples. But the reverse is much more difficult. In fact, it is difficult to think of an example."

BROADENED VERSATILITY

Actually, the ODDR&E official would like to "broaden the base" of F–14 versatility and thus utility—not to justify current procurement, which needs no justification in his opinion, but to exploit the range and payload capability of the F–14 once it has been procured in quantity for ground attack missions in the many situations where there would be little or no threat from enemy fighters.

Broadening the capability base of the F–14 could be done by "podularization" or the hanging of a "real-time reconnaissance strike pod" on the aircraft, rather than by an expensive alteration of its structure or internal components. Such a pod would contain sensors and target designators, and "smart" guided bombs and standoff missiles such as Condor and Standard ARM. Included would be FLIR (forward-looking infrared sensor), LLLTV (low-light-level TV), TISEO (target identification system electro-optical—a TV telescope), laser target designators and receiving equipment, and Condor receiving link equipment.

Converted to a ground attack role by the quick addition of a real-time reconnaissance-strike pod, the costly F–14 wouldn't have to run in close to the target for ordnance delivery and risk damage from ground fire, but would drop or fire guided standoff bombs and missiles which would home in on the surface target. Recently, a Condor fired in this manner hit a target at 35 miles range (September Journal, cover).

The official suggested that, with the real-time recce-strike "podularization" available, perhaps three 12-plane squadrons of F–14s per carrier rather than two would be the correct number. A squadron of A–6 attack aircraft would thus be eliminated, and the fighter capability would be increased 50%. Such a solution could also be an alternative to HIPASS, an advanced attack aircraft replacement for the A–6 planned for the 1980s, he said.

F–14 VERSUS F–4

The F–14, fully loaded, weighs about as much as the F–4 (53,000 pounds) and, as has been noted, occupies about as much deck space. It is, however, a fully integrated and balanced weapon system employing the long-range AWG–9 radar, teamed with the long-range Phoenix (AIM–54) missile, the medium-range Sparrow (AIM–7), short-range Sidewinder (AIM–9), M–61 20mm Gatling gun, and the Agile dogfight missile, when developed.

The multi-mission performance has been attained through weight reduction, such as microminiaturization of avionics, improved engine and airframe design, and use of lightweight titanium and boron composites. Weight has been kept down with the F–14 as never before in an aircraft's development, according to Grumman officials.

Only 1% of the aircraft's weight is devoted to systems for carrying and firing the weapons, and much of this weight is in removable pods or pallets which are not used in the dogfight configuration. Thus, weight-driven performance penalties formerly associated with multi-mission fighters have been eliminated in the F–14.

F–14 performance to date has been dramatic and has met or exceeded both specification guarantees and Navy forecasts. For example, escort radius, on internal fuel only, will be almost 20% better than specified. Another example is approach speed, which was specified to be 132 knots but which actually is 117 knots.

Actual flight-test comparisons of prototype F–14s with an F–4 chase plane to date also reveal dramatic superiorities of the F–14. The F–14 requires only one-half of the F–4's takeoff and landing distances. Actually, the F–14 has taken off in less than 1,300 feet at maximum gross weight of 53,000 pounds. It has 30% less fuel flow at cruise speeds. It is more stable with the stability augmentation system off than the F–4 with its SAS on. The F–14 was almost 100 knots faster and two miles ahead after a side-by-side acceleration test with the F–4, going from Mach 0.8 to 1.2.

Finally—and very important, since the accident rate on aircraft carriers is directly proportional to landing speeds—the F–14 has approach and landing speeds 25 to 30 knots lower than those of the F–4, which are given in *Jane's Aircraft* as 150 knots.

Navy performance estimates of the F–14A and B show marked superiority over the F–4J equipped with slatted wings. At the request of Dr. John S. Foster, jr., Director of Defense Research and Engineering, the National Aeronautics and Space Agency (NASA) made an independent assessment which confirmed the Navy's estimates.

Specifically, in the dog fighting characteristics of turning, rolling, climbing, and accelerating, the F–14 is 20 to 40% better than the F–4J equipped with a slatted wing (see table). The only performance area where the slatted F–4J is better than the present F–4J, according to Grumman officials, is in a slow-speed-turning fight. And even here the F–14 is better.

In combat radius and loiter time, important in escorting A–6 and A–7 attack aircraft and on combat air patrol protecting the fleet, the F–14 shows marked advantages over the F–4J. Advantages include 80% greater combat radius on internal fuel with equal armament load, 100% more loiter time with four Sparrow missiles, and 50% more loiter time with six Phoenix missiles than a Sparrow-armed F–4J. The powerful AWG–9 radar gives the F–14 more than twice the radar range and the Phoenix more than 2½ times the missile range of the F–4J.

Another advantage over the F–4 cited by Grumman is that the F–14 requires only 50% of the maintenance manhours per flight hour. This permits more efficient operation and fewer maintenance men.

The F–14B performance estimates, verified by NASA, show the same performance margin over the F–14A that the F–14A has over the F–4J. While the weapons system capabilities and combat radius remain the same, sustained turning ability, acceleration, and rate of climb are increased by the greater thrust. For example, the F–14B has 40% higher rate of climb at Mach 1.0 speed and 10,000 feet altitude than the F–14A, 75% more rate of climb while executing 5g maneuver at Mach 0.9 speed at 10,000 feet, and 35% better acceleration.

F–14 VERSUS THE THREAT

The latest Soviet fighters usually considered in threat analyses are: the short-legged Mach 1.5–2.0 lightweight Mig–21 Fishbed–J; the Mach 2.5 interceptor Su–11 Flagon–A; and the very high altitude Mach 3.0+ interceptor MiG–23 Foxbat. Against them the F–14 is "superior" to "vastly superior" in all recognized fighter performance criteria (see table). The F–14's advantage against threat aircraft and against current and improved F–4s comes from the very favorable thrust-to-weight ratio, the long-range radar and long-range Phoenix missile, aerodynamic refinements, and, especially for superior maneuverability, the computer-controlled swing wing. While the pilot can override the variable-sweep wing controls, the computer can sense speed and "g" force and automatically set the wing-sweep angle to outmaneuver any comparable fighter without such a capability.

F–41 VERSUS FEARLESS

Technical intelligence experts teamed with aeronautical engineers, sources state, have closely examined the trend of Mikoyan's MiG fighter designs through the MiF–23 Foxbat, together with growing Soviet technological trends and capabilities, and have postulated a next-generation MiG fighter which, following the NATO designation system, they have dubbed "Fearless." Using design points and computer analyses, they have established performance parameters for Fearless. It is close to the F–14A in performance, but the F–14B is superior to Fearless in all categories except radar detection range and missile launch range, in which it is equal.

COST GROWTH MYTH

Another attack on the F–14 program has centered around its cost. Members of Congress and congressional staffers who, for various motivations, may oppose the Navy, expensive complex weapons, or perhaps even national defense and defense spending, view with concern an F–14 program unit cost of $16.6-million and speak damningly of excessive cost growth. The Navy, for its part, would probably like to emphasize a unit fly-away cost of less than half that, or $7.8-million. Admittedly, the Navy says, the two costs are an "apples and oranges" proposition. The Navy has explained it all to Congress, it says, which raises the question: "Are the Proxmires and the Members of Congress for Peace Through Law really listening?"

The "apples and oranges" problem relates to how many aircraft are being bought and what is included in the cost. The $7.8-million figure relates to fly-away cost—the actual production cost of airframe, engines, radar and other avionics, and gun—for a buy of 710 aircraft. This is the figure from the 31 March 1971 Selected Acquisition Report (SAR) rendered to Congress. If R&D costs of $1.4-billion, support costs—maintenance and training equipment—of $634-million, and spare parts costs of $832-million are added, the program unit cost of the 710 F–14s rises to $11.6-million.

But between the 31 March and the 30 June 1971 SAR, a SecDef decision was made to reduce the buy from 710 to 301. The rationale was to reduce the total outlay from $8.4-billion to $5.2-billion, with the option to build more than 301 F–14s if the Soviet threat in 1976, when production of the 301 would be complete, continued. The problem that rattled a vigilant Congress' cage was that, although total program cost *dropped* 38%, unit cost *jumped* 43%.

The flyaway unit cost of 301 F–14s averages $9.4-million, up a modest 20% from $7.8 million for 710, but when the constant R&D $1.4 billion and the near-constant support and spare parts costs were added in and divided by 301 aircraft, the alarming figure of $16.6 million program until cost became apparent.

"Liken it to buying a new car," one officer consulted by The Journal said, trying to explain flyaway costs versus program unit cost. "You buy a new compact for your 16-year-old for $3,000. That represents Detroit's R&D cost in bringing out a new model plus the production cost. We could call it a 'drive-away' cost. But how much do you add for driving school to teach your children to operate it, insurance, its share of the dealer's service facility—tools, hoists, test equipment, mechanic training—and its share of spare parts in the dealer's stockroom and the maker's parts central? Added up, these costs might make the 'program unit' cost $6,000 rather than $3,000. Do you *not* buy the car because of the additional costs?" he asked.

F–4 COST COMPARISON

Senator Proxmire not only would compare F–14 performance unfavorably with the F–4J and an improved F–4, but he compares his version of costs in an equally unfavorable light. Proxmire understated the flyaway cost of the *last* F–4 after 3,500 had been built without including any investment costs. He then—unfairly, in the eyes of Grumman officials—compared it with the *average* investment cost of the first 301 F–14s of $16.6-million each. After some 4,500 F–4s have rolled out of McDonnell-Douglas' St. Louis plant, the flyaway cost of today's F–4 is still about $3.5-million—and this is *without* the alleged improvements of slatted wings and engines—according to Grumman sources.

A fairer way of looking at it—which congressional critics apparently choose not to see—would be to compare the costs of the first 301 F–4s with those of the first 301 F–14s. In today's dollars the actual flyaway costs of the first 301 F–4s *average* $6-million each, or only 36% less than the first 301 F–14s, which average $9.4-million each. Both a fighter pilot and a cost-effectiveness analyst might question whether a 36% saving offsets the greatly inferior performance of even today's F–4J, compared to the F–14.

COST GROWTH?

So much for cost descriptions and comparisons—but has there been an increase in cost *other* than a unit cost increase due to a fewer number being bought? Reference to the cost table shows that a 30 September 1969 program unit cost estimate in the Five Year Defense Plan (FYDP)—less than eight months after the contract was signed with Grumman—for 293 R&D and production F–14s averaged $16.6-million each. The figure is the same as the 30 June 1971 SAR program unit cost based on 313 R&D and production F–14s.

Although congressional critics—who may recall the $25,000 to $50,000 pricetag of WWII fighters or the more recent $3.5- to $6-million cost of F–4s with nostalgia—have balked at the F–14 program unit cost of $16.6-million, they *and* the Administration are concerned still further. Grumman has stated that it cannot produce the F–14 indefinitely at the agreed-upon contract price and break even, let alone make a reasonable profit. The brutal fact is that Grumman may lose a considerable amount of money and face bankruptcy, even as Lockheed.

Congress, the Administration, and the public naturally ask if this is another C–5/Lockheed situation where cost overruns were alleged to be the result of "buying" the contract by an unrealistically low bid with the contractor hoping to "get well" later with contract adjustments. First, Grumman vehemently denies that it "bought in" the contract, and the Navy confirms the denial. Second, Grumman was hit with a couple of economy "unk-unks" (unknown unknowns) that will cause higher production costs and set it back financially. Third, while some ultimate relief for Grumman may not be ruled out, the Navy is holding it to the contract price and urging across-the-board economies.

Here is what happened. According to a highly placed Navy source, there were five bidders on the F–14 contract—North American Rockwell, General Dynamics, Ling-Temco-Vought, Grumman, and McDonnell-Douglas. The first three proposals were rejected as being unsuitable designs, even though LTV's bid was the lowest of the five. This left Grumman, whose design the Navy liked although its bid was $400-million higher than McDonnell-Douglas', and McD-D, who offered a design which was merely "acceptable." At the Navy's request, Grumman "scrubbed down" its bid to a point only $100-million higher than McD-D's and got the contract. So, although it won't admit it, the Navy shares the responsibility for Grumman's plight. Surprisingly, Grumman's estimated loss is only slightly more—between $367- and $410-million—than the amount the Navy had it shave its bid.

The "unk-unks" in the economy that are causing Grumman's distress are runaway inflation and a reduced business base. With Navy approval, the 1969 contract costs were based on a 3%-per-year labor cost increase and a 2½%-per-year materials cost increase. These figures were the averages for the 1958–68 period compiled by the Bureau of Labor Statistics. After the contract was signed, the inflation rate doubled to about 6% per year. An escalation clause in the contract gives Grumman some relief—up to a 5% inflationary rise—but only beginning in 1974. What effect, if any, the presidential wage/price freeze will have on Grumman's situation remains to be seen, but all concerned are hope-

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ful that it will stem the 6%-per-year hemorrhage.

When preparing its bid, Grumman had planned on $1-billion of business a year, based on Navy, Air Force, and NASA predictions of work they would be giving Grumman. Due to cancellation or stretchout of these programs, Grumman's business base decreased to $700-million per year. This has meant that a higher proportion of Grumman's plant and administrative overhead must be assigned to the F-14 program than was originally estimated, with increased program costs the result.

Grumman's own austerity program and the wage/price freeze may enable Grumman to avoid financial disaster. Employment has been cut nearly 40%, or 14,000 people, since 1968 to enable just about a break-even on the R&D work, according to company officials. The production phase is another matter, officials say, and Grumman may have to "eat" some of its losses. However, they promise that Grumman will not become another Lockheed, while at the same time stating that they will not accept any more F-14 contracts at ruinous prices.

From the Navy's viewpoint, according to one high Navy spokesman, Naval Air Systems Command has never had a program so completely laid out, both technically and financially. This is the visibility necessary to monitor successfully all aspects of a program, say programming experts, and undoubtedly has led to early identification of the technical and costs problems that are now being dealt with.

Taking a philosophical view of the congressional critics of the F-14 program, RAdm Leonard A. Snead, program manager, said, "It's not bad to have critics sniping at you—otherwise we might get sloppy."

Most naval aviators would agree that, in 41 years of building naval aircraft, Grumman has built few, if any, sloppy ones. After talking to Grumman officials at middle to top level, it is the writer's opinion that Grumman isn't about to lose this reputation with the F-14. And, after talking with responsible Navy officials, the Navy—always capable of running a taut ship—isn't about to let Grumman get sloppy with the F-14, which the Navy badly needs.

How F-14A Costs Break Down

Only about 25% of the $9.4-million flyaway cost of each of 301 F-14A's would go to Grumman. The balance goes to subcontractors, Pratt & Whitney for engines, and Hughes Aircraft and others for avionics. Such a breakdown is roughly typical of modern military aircraft. (Dollars shown below in millions.)

	Percent	Amount
Grumman in-house	25	$2.36
Grumman subcontractors	27	2.56
Pratt & Whitney engines	21	1.94
Avionics	27	2.54
Total	100	9.40

F-14 SUPERIORITY

Parameter	F-4J	F-4J Slatted	Mig-21 Fishbed-J	Su-11 Flagon-A	Mig-23 Foxbat	Mig-7 Fearless
Turn radius	Vastly superior	40 percent better	Superior	Vastly superior	Vastly superior	Superior.
Maneuvering climb	do	27 percent better	Vastly Superior	do	Superior	Do.
Sustained "g"	Not available	21 percent better	Not available	Not available	Not available	Do.
Acceleration	Vastly superior	do	Vastly superior	Superior	Vastly superior	Do.
Rate of climb	Not available	20 percent better	Not available	Not available	Not available	Do.
Roll performance	Superior	21 percent better	Superior	Vastly superior	Vastly superior	Do.
Combat radius	Vastly superior	80 percent better	Vastly superior	do	Superior	Do.
Radar range	do	200 percent plus better	do	Superior	do	Equal.
Missile range	do	250 percent plus better	do	do	do	Do.
Cockpit visibility	do	Vastly superior	Superior	do	Vastly superior	Not available.

HOW F-14 COST 'GREW'—IT ALWAYS WAS A COSTLY FIGHTER

[Dollars in millions]

Program costs	Sept. 30, 1969 FYOP estimate	Mar. 31, 1971 SAR	June 30, 1971 SAR
R.D.T. & E.:			
F-14A	[1] $731.0	[2] $1,069.0	[3] $1,069.0
F-14B	243.0	324.0	324.0
Total	974.0	1,393.0	1,393.0
Procurement (F-14A):			
Flyaway	[3] 3,136.3	[4] 5,512.2	[4] 2,835.2
Support		634.1	464.6
Spares	763.4	832.9	514.2
Total	3,899.7	6,979.2	3,814.0
MilCon		4.9	4.9
Total program costs	4,873.7	8,376.1	5,211.9
F-14A unit cost:			
Flyaway unit	c. 11.0	7.8	9.4
Procurement unit	13.6	9.8	12.7
Program unit	16.6	11.6	16.6

[1] 6 aircraft.
[2] 12 aircraft.
[3] 287 aircraft.
[4] 710 aircraft.
[5] 301 aircraft.

Note: That the program unit cost ($16,600,000 per aircraft) was the same in 1969 (the year the contract was signed) as in 1971. The lower program unit cost ($11,600,000) in March 1971 was due to planning procurement of over twice the number of aircraft. Flyaway unit costs include only actual production costs. Procurement unit costs include flyaway plus support (maintenance and servicing equipment and training, etc.) and initial spare parts. Program unit costs include R.D.T. & E. costs added to the other costs.

THE 50TH ANNIVERSARY OF THE BURIAL OF THE UNKNOWN SOLDIER OF WORLD WAR I

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. ARENDS. Mr. Speaker, under leave to revise and extend my remarks I am inserting in the RECORD a brief but meaningful speech delivered by Hon. Hamilton Fish in honor of the 50th anniversary of the burial of the Unknown Soldier of World War I at Arlington Memorial Cemetery.

It is fitting that former Congressman Fish should be the guest speaker on this occasion. He was the sponsor of the legislation to bring back the body of the Unknown Soldier of World War I. As a matter of historic interest, it was the last measure signed by Woodrow Wilson on March 4, 1921.

Congressman Fish served in the Congress for 25 years. It was my privilege to serve with him. No man served with greater distinction. In the fullest sense, he was an effective legislator. And, I might add, his son who presently serves here is proving the truth of the adage, "like father, like son."

I commend to your reading the following address by my good friend and former colleague. Bear in mind that from the very beginning former Congressman Fish recognized communism for what it has since proven to be.

The address follows:

SPEECH OF HON. HAMILTON FISH AT THE WOMEN'S NATIONAL REPUBLICAN CLUB DINNER

I appreciate very deeply the honor of speaking at your dinner as the author of the bill to bring back the body of the Unknown World War I Soldier. This bill was introduced by me in my first term in Congress and was the last measure signed by Woodrow Wilson on March 4, 1921.

I had intended to speak on the origin of the bill and to tell how the body of the Unknown Soldier was selected and transported to Washington for burial in the National Amphitheatre at Arlington and also to describe the magnificent ceremonies at that time. All I will say is that I was delegated by the War Department to place the first wreath and the only wreath representing all the Armed Forces of the United States, on the Tomb of our Unknown Soldier in the presence of all the top officials in the United States, and the commanding officers of most of our allies in the war, before a massive crowd. In placing the wreath on the Unknown's Tomb, I had this to say.

On behalf of the ex-servicemen of the Republic, I reverently place this wreath on the tomb of our unknown comrade in arms who paid the supreme sacrifice that we might live at peace with all the world.

During the 25 years that I served in Congress, and on the Foreign Affairs Committee of the House of Representatives, I invariably did everything in my power to promote and preserve peace with all the world.

No group in America is more for the preservation of peace than the veterans who fought in all of our wars, including Vietnam. But they know peace can only be preserved through strength, and that reduction in missiles and of our military and naval strength, would make us a second class power and is the road to destruction. President Nixon should be commended for his courage and constructive leadership in refusing to cancel the five megaton underground test in the Aleutian Islands. Without such tests, we could not defend the United States against a powerful nuclear attack. President Nixon deserves the support of the American people in trying to secure a generation of peace which is the hope and aspiration of most Americans.

The Reverend Billy Graham has warned the American people that "Communism is a dangerous threat not only to America but to Christianity everywhere. Many Communist leaders have stated openly that they intend to have the whole world under their control by 1975." I agree with Billy Graham, that the Communists at Moscow plan to destroy the United States by 1975 through lulling our public officials to sleep in order to prevent the United States maintaining nuclear parity or sufficiency and guarding our international missile sites. Any unilateral reduction would be an open invitation while Moscow builds powerful hydrogen weapons for a Communist sneak attack to destroy our missile sites and take over the country.

The time has come for some plain speaking regarding nuclear preparedness for defense and as a deterrent for peace. To sin by silence when you should protest unilateral reduction of nuclear power and also in the Navy and Air Force is almost treasonable.

I am using the word survival deliberately without reservations to shock the American people into casting aside their apathy and realizing the truth about the catastrophic menace of the world Communist conspiracy to the survival of the United States as a free, independent and sovereign nation. It would be unfair to remain silent as the whole world knows that we can no longer speak or act from top military and nuclear strength. What is not so obvious but far more dangerous is what this means to the lives of 200 million Americans.

Soviet Russia plots and plans to Communize the United States either by Socialist and Marxist infiltration or by nuclear superiority which the Communist dictators in Moscow now possess for the first time. There is only one answer, to arouse the American people to the gruesome and terrible truth that we are confronted with a satanic destruction by the Godless Communist tyrants within four or five years, from a hurricane of massive, modern super-brute hydrogen weapons, unless we take immediate steps to counteract it.

If a first strike by the Communist nuclear weapons is successful, it will at once be followed by an ultimatum to the remnants of the United States to surrender or die. What can be done to survive in this nuclear age? The Americans must know the frightful truth—that they are on an almost unprotected road that might suddenly without warning, be turned into their burial grounds by an avalanche of monstrous red hydrogen bombs. There is only one way to survive and that is to restore nuclear parity or sufficiency with Soviet Russia. The Congress must authorize, no matter what the cost, the production of the most modern nuclear weapons to confront any Communist challenge and to protect their deployment. Our unknown warriors and all those who paid the supreme sacrifice in all our wars in defense of freedom and democracy will have died in vain unless we face the terrible crisis by emergency measures.

Time is the essence. Any further delay in restoring near parity may be fatal. Unless Soviet Russia realizes that we can withstand a first nuclear attack, and have the power to immediately unleash an effective nuclear counterattack, that would inflict unbearable destruction and casualties, we are inviting disaster. If the Soviet fanatical high command believes that we will be able to counterattack successfully, they will hesitate to press the nuclear button.

Hon. Clare Boothe Luce rightly said, "Will mankind eventually stand in the light of freedom or crawl in the darkness of slavery."

The main reason for the existence of any government is to protect the lives of its people and the security of the nation.

The main issue in the Presidential campaign six months from now, will be preparedness to protect America from a disastrous nuclear attack. President Nixon should take the leadership in a non-partisan warning that we must have an adequate nuclear defense to safeguard the lives of our own people and the United States.

It must be self-evident that once the truth of the danger of our nuclear disparity is known to the public, that partisanship will disappear. Self preservation is by far the most important issue and no party has a monopoly of patriotism.

GOALS OF SECRETARY BUTZ

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. FINDLEY. Mr. Speaker, following closely on his confirmation as Secretary of Agriculture, Dr. Earl Butz this week addressed the annual meeting of the American Farm Bureau Federation in Chicago.

In his speech, Secretary Butz clearly identified his position on several issues which he has been questioned about during the past month. He outlined 11 specific items he supports.

It is important that all of us in the Congress understand the position of the new Secretary of Agriculture and I include as part of these remarks excerpts from the speech delivered by Secretary Butz:

REMARKS BY SECRETARY OF AGRICULTURE EARL BUTZ

There are some real problems facing agriculture. Just to name a few, they include:

Inadequate income;
Farm labor;
Over-production;
The use of farm chemicals;
Revitalizing our rural communities;
Family farms; and
Maintaining access to foreign markets for U.S. farm products.

As I take on the job of Secretary of Agriculture, I will need your help in finding answers to those problems. We will be looking for ideas, and my door will always be open. You are invited to use it. Likewise, I expect to be knocking on your door also from time to time.

I'll need the kind of help and sound counsel that come from the way you develop your policies from the ground up—with a very democratic process where you discuss farm issues at local and county meetings, at your state meetings, and then bring your elected delegates here to establish your policies for next year. I have always regarded that as a great self-governing procedure, and I heartily endorse it. We need and want to get everyone in this nation into the process of deciding our issues of the day—small farmers, big farmers—young people and adults—the poor and the well-to-do—minorities and the majorities—Democrats and Republicans—and those who are for Secretary Butz and those who aren't for him.

None of us should be afraid to stand up and speak up—nor to take the heat that comes from speaking frankly, and honestly. It is a part of the democratic process. I hope you will continue to be vigorous spokesmen for agriculture—each of you, in your own community, in your state, and in Washington, D.C.

And I intend to be right with you speaking up on behalf of farmers. Not speaking for farmers. That's your job, your responsibility and your right as farmers and as members of a free, volunteer farm organization. You do speak for yourself, and don't let anyone take that away from you. But as Secretary of Agriculture I intend—with all the vigor I have—to speak in behalf of farmers and ranchers to the President, to the Cabinet, to Congress, to consumers and to the American people.

Rural people bring to this nation an abundance of strengths and traits that the nation needs, and this generation and the times need. Your farm family life is more centered, community centered and church centered. You place a high value on such traits as work, production, integrity, dependability, self-reliance and what some call old-fashioned patriotism. I say it's a new-fashioned patriotism—something that will never go out of style. All of those qualities that are second nature to farm and rural people are important for the strength and vitality of this nation and its society. As we move from a predominately rural to an urban nation, we stand in danger of losing some of those fundamental virtues that have served us so well in decades past. They are more important today than ever. Let's never surrender them.

What you stand for is important. The resolutions that you develop at this meeting will tell what you stand for as an organization. Knowing you as I do, that is what you and your board and your officers will live by, and live up to, during the coming year. As I have read the principles that you have written into those resolutions over the years, I know that you have a great deal to be proud of. They show high principles of leadership and awareness and compassion. You can hold up those resolutions in your hands and put your shoulders back and be proud of what you stand for, proud to be farmers, and proud to be Farm Bureau members.

I have had some experience during the last three weeks in this business of what one stands for. I have had many people, Presidential candidates and would-be candidates, and members of high councils of political organizations, tell what I stand for. Sometimes I couldn't recognize what I heard them say I stood for.

I felt the need to have in my hand a set of resolutions that I could hold up that told the world where I stood. And I don't mind telling you now some of those things that Earl Butz stands for:

1. First, I am for farmers. It may seem unnecessary for me to say that. But not everybody is for farmers. I am, and I want you and everybody else to know it.

2. I am for farmers getting a fair economic return, both on their labor—and no one works harder—and a fair return on their investment—and agriculture is the biggest business in the nation. A fair return on farm labor and investment means higher farm prices and net returns. And I'm for that. And I think that consumers are in favor of farmers having a fair return too.

That's why last Friday, on my first day in office, my first decision was to take bids to buy corn to firm up farm prices.

3. I am for farm products being able to move to market at harvest time when the crop is ready. And I'm against that kind of disregard for farmers, for consumers and for our overseas markets

The $64 question we face is what will happen at the end of the 80-day cooling off period provided by the Taft-Hartley Act. If agreement is not reached during that time, we could go right back to another shutdown.

We simply must not continue to live in a situation where we can have these intolerable tie-ups in our vital transportation services without regard to the public interest.

Early this year the Administration sent to the Congress proposed legislation known as the Emergency Public Interest Protection Act of 1971, (S. 560).

This Bill would allow the President to extend the cooling off period beyond 80 days; it authorizes the President to set up a special board to study the potential damage of a continued strike; and provide for both parties to submit final offers to a panel that would select one of the offers as binding.

This proposal has been languishing for months in Committee in the Congress. Hearings are scheduled to be resumed December 9 before the Labor sub-committee of the Senate Committee on Labor and Public Welfare. This Administration Bill needs your support.

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Some members of the Committee which is considering this legislation voted against my confirmation last week. That's all right, it's a political matter. But I'd like to see them vote for farmers, and get that bill out of committee. And I'm going to do everything I can to get that done.

4. I am for small farmers and young farmers having a chance to grow and dream and have those dreams come true. I'm not in favor of perpetual poverty. That means that small farmers and young farmers must have a chance to grow into an economic unit that keeps up with the times—so that they can live like other people. So that they can live like the people who are shedding such big tears while espousing a kind of economics that would tie farmers of the 1970's and 1980's to the farm size of the 1930's and 1940's. And anybody with any barnyard horse sense knows better.

5. I am for farm women having conveniences and decent things in their homes that they can be proud of and enjoy. That takes more farm income, and more opportunities for off-farm work for those who want it, so that farm women can have those conveniences. That among the farm women I know, is the kind of women's liberation that they are for.

6. I am for farmers having more bargaining power so that they can have more "say" over their prices and terms of sale so that they—the farmers—remain in control of farming. I stated three weeks ago before the Senate Committee on Agriculture and Forestry that I stand solidly behind the right of farmers and of farmer cooperatives to bargain with handlers and processors, just as surely as we have given that right to labor and to other groups. We obviously need legislation to implement that right. The American Farm Bureau Federation, along with other interested groups, is strongly backing the Sisk Bill. This is one of a number of bargaining bills before the Congress.

I am on record regarding the right of farmers to bargain. I now go on record favoring the principles and methods of bargaining embodied in the Sisk Bill. At the proper time I shall support it, subject of course to any minor modification that may seem appropriate as testimony proceeds before the Committee.

7. I am for farmers having strong volunteer farm organizations that develop their policies in a democratic process, after study and discussion, from the local communities on up. And I'm for preserving the freedom of farmers to do that.

8. I am for farm cooperatives that enable farmers to work together to market their products, to have electricity and telephones, and credit. And I'm for farmers running and owning these organizations.

9. I am for rural development and economic growth in the countryside so that farmers and rural towns people can enjoy schools, health care, housing, and community services that are on a par with larger cities. I'm for the kind of strong, local, private economic activity that will generate the growth and the vitality that will make this possible.

10. I am for reasonable farm labor legislation. Labor requirements are seasonal and unique for much of agriculture. Assurances must be maintained that such labor will be available when and where it is needed. Otherwise, highly perishable food will never be harvested.

Our farmers fully understand that such labor must be adequately paid and must enjoy the same amenities of family and community life as any other citizens. They also recognize the right of such labor to voluntarily join bargaining associations. However, our farmers are rightly incensed when such workers are forced, often against their will, to join any organization that employs such tactics as the secondary boycott to bring an industry to its knees. There should be no room on the American scene for such tactics.

11. I am for controlling inflation in this country. Inflation takes its toll on many fronts, but no where more strikingly than in the area of farm costs. The marked rise in farm costs over the last decade, more than the rise in farm prices received, has kept the parity ratio at an intolerabley low level. The farm community was pleased when President Nixon last August imposed a wage-price freeze in an effort to bring under control the inflated costs that had been galloping along without restraint. We are happy to note that many major farm costs have leveled off. Farm interests should and will support Phase II of our battle against inflation. The Department of Agriculture will vigorously represent your best interests in these matters.

I know that all of you are delighted with President Nixon's decision to retain a viable Department of Agriculture at a Cabinet level, streamlined to zero in on the interests of farmers and ranchers.

May I assure you that we have the full support of President Nixon and his staff in the White House as we move forward vigorously to preserve the family farm structure in American agriculture; and do our utmost to asssure a level of income for farm folks that will let them share adequately in the great American affluence; as we try to strengthen our rural communities all through America so that our young people may find good opportunities for purposeful employment and peaceful living in areas where they grew up; and finally to bring to all of us in Agriculture a deep inner sense of dignity and pride in our profession.

It is to the accomplishment of these noble goals that all of us in the United States Department of Agriculture unite in full partnership with all of you in this, the nation's largest volunteer farm organization.

FIFTIETH JUBILEE OBSERVANCE OF THE HOLY TRINITY ALBANIAN ORTHODOX CATHEDRAL

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, on the occasion of the 50th jubilee observance of the Holy Trinity Albanian Orthodox Cathedral in my district, his grace, Bishop Mark, head of the Canonical Albanian Orthodox Church in America, delivered a most inspiring address which I would like to share with my colleagues.

The Honorable Congresswoman Hicks, Reverend Clergy, Commissioner Colatos, Distinguished guests, my beloved Faithful:

This evening truly, we bless the Name of Almighty God who gathers us together as He gathered the Holy Apostles for their mission into the world. And can our mission in life and purpose be any different from tonight onward? For we are the inheritors of the Apostolic Tradition in faith and witness. We are the continuing stream coming from that meager yet vibrant source of early immigrants who established Churches and created Communities. We are the one flowing current which preserves that tradition and that witness which identifies us as Albanian Orthodox people.

We cannot deny our heritage, rather we are gathered to honor it on the occasion of this 50th Jubilee observance. The heritage of your fathers and grandfathers who with deep faith and a fear of God established our Holy Trinity Church parish, is a priceless legacy which we must keep and perpetuate. The Apostles became the fishermen of men—made wise in Divine knowledge by the grace of the Holy Spirit—so too we become the example before men by our Orthodox faith and life.

Our task is not unlike that of the Apostles nor are we lacking the inspiration to act and to do all that needs to be done to preserve our religious and community life.

In our society today we see the sad results of a moral and social breakdown so critical that new and complex problems are created every day for government, education, industry and the professions, but most important for the sacred family unit. And yet it was that same family unit—and a deep concern for it, which motivated and directed the establishment of Churches—and Holy Trinity is not an exception. However, this Jubilee gives rise to yet another important factor for the future. The need for renewal and dedication—not simply to a glorious tradition of generations of membership in the Holy Trinity Church, but to the concepts of Christian living—the practical application of a Life style, unique and Christ-like.

It seems on this Jubilee we are all called to make change happen for the future—change brought about by courage and commitment which will give new and bold direction to our Church and our people. Changes which answer the needs of the 20th century just as our forefathers 50 years ago with courage and commitment made changes which insured for them the proper ecclesiastical leadership based on dignity and principle.

A jubilee is not only reflecting on the past—it is a promise to the future—and I invite you to commit yourselves to the future which offers greater dreams for success and progress.

A Jubilee is a celebration of thanksgiving when we—in all humility—give thanks to our Eternal Father for the love and vision of our pioneering forefathers—for the devotion and perseverence of those who have maintained the Church Community thus far—for the dedication and commitment of future generations—but above all for the spirit of God which directs our pathway in the right way of righteousness and service.

In this Land of freedom and opportunity which welcomed our immigrant fathers and guarantees us the constitutional right to practice our religious faith we are pledged to uphold the democratic principles of these United States. Regrettably we are reminded that in Albania today our brothers and sisters are denied freedom of religious activity. The atheistic Communist regime has closed all Churches and Mosques in a wave of persecution and terror. We here in America, endowed with inalienable rights, must assume the awesome burden of being the hope for the enslaved people of our fathers' homeland. A hope born of the American experience and unprecedented in human history. May God help us.

Have just returned from an extended trip to Europe and the Middle East where I was permitted the honor of meeting first: His Beatitude Justinian, Patriarch of Romania in Bucharest, then His Beatitude Elias, Patriarch of Antioch in Damascus, Syria, then His Beatitude Nicholas, Patriarch of Alexandria and finally His Beatitude Teronymos, Archbishop of Athens and All Greece, I am happy to say it was my privilege to extend the respectful greetings of our Albanian Church and Faithful to each of these world leaders of Orthodoxy. Their concern and interest in us was a moving experience for me and I can assure you of their abiding love and affection for the well being and progress of Orthodoxy in America.

The magnificent work of the 50th Jubilee Committee and the Board of Directors of our Church is a credit to all who have worked under the leadership of the Chairman, Mr. Nick Adams and the President, Mr. George Kondel. It is a credit to you—the faithful members and parishioners of Holy Trinity Church who have given your moral and financial support to this joyous celebration. I congratulate you and I thank you with a fervent prayer that the Holy Trinity bless and keep you in the abundance of all good things.

We are pleased to have the pleasure of greeting Congresswoman Louise Day Hicks whose deep concerns have made her a faithful public servant. We wish her sincere and good wishes as she continues her service to the citizens of our State. Her leadership in government has exemplified courage and conviction which are the marks of dedicated public officials. A sense of commitment to public duty distinguishes Congresswoman Hicks.

The presence of our good friend, a devoted Orthodox layman, Commissioner Charles Colatos, who brought us the greetings of our Governor, gives us much joy and honor.

The Orthodox clergy of our Diocese and of our City who share with us the joy of this Jubilee deserve our thanks and appreciation. The head table guests and especially the three members who are honored for their years of service to the Church since its establishment in 1921, all give us cause to be happy and gratified. The Honorable James E. Kondel, Mr. Sotir P. Adams and Mr. Nick Adams represent before us the great number of persons who have been members and parishioners over the past 50 years. They are indeed privileged to enjoy this means too, we must remember those who have passed on—without whose labors our Church would be the poorer. May their memory be eternal.

Last but not least I commend words of praise and affection to Fr. Michael Dali a past pastor of the Church and Fr. Ilia Katre the present pastor for the happiness and deep satisfaction of this day.

May the grace of our Lord Jesus Christ, and the love of God the Father and the Communion of the Holy Spirit be with you all.

THE CIVIL AERONAUTICS BOARD AND AIR FARES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. MOSS. Mr. Speaker, on December 3, 1971, 30 of my colleagues and I filed with the Civil Aeronautics Board a reply brief dealing with airline fares in a case known as the Domestic Passenger Fare Investigation.

Our reply brief follows:

(Before the Civil Aeronautics Board
Washington, D.C.)

IN THE MATTER OF DOMESTIC PASSENGER FARE INVESTIGATION PHASE 9—FARE STRUCTURE, DOCKET 21866–9

(Reply Brief of Hon. John E. Moss, et al., Members of Congress to Examiner Robert M. Johnson)

I. INTRODUCTION

This reply brief is directed to several different issues: The nonapplicability of mail and military rate cases; the zone of reasonableness; rate-making mileages; revenue hour statistics; cost of service projections; earnings results.

II. MAIL AND MILITARY RATE CASES NOT APPLICABLE

In support of its "acid test" of how a rate formula actually affects individual carriers, Trans World Airlines (TWA) refers to the language of the Board in various mail and military charter rate situations; TW Brief, p. 5–9. For example, "so long as the overall yield to each carrier is reasonable, it is of no particular importance whether the various elements of the rate formula; *i.e.*, the line-haul charge and terminal charge, are directly related to costs involved in the particular functions; *Nonpriority Mail Rate Case*, 34 C.A.B. 143, 147 (1963).

This method of rate-making may be justified in the case of mail and military charter rates since there is no "undue" preference and prejudice because in any particular situation the party being preferred is at the same time the party being prejudiced; i.e., the U.S. Postal Service or Department of Defense. While this may also be the case in certain cases with respect to the purchase of regularly scheduled passenger services, it is not true in all cases. As a consequence, the overriding consideration in the development of a passenger fare structure is not just what the resulting payments will be to each carrier. Instead that factor must share equal consideration in the design of the formula with unjust discrimination and undue preference and prejudice because more than one purchaser of the service is involved. For this reason in designing the passenger fare structure, the question of whether the various elements are directly related to the costs involved in the particular function is equal in importance with the question of whether the overall yield to each carrier is reasonable, and mail rate law is not applicable.

III. ZONE OF REASONABLENESS

Eastern Air Lines (Eastern) does not feel that the Board should prescribe a range of fares where "carriers would be free without interference from the Board to set fares within a given range;" EA Brief, p. 33, 44. Accordingly, the Members of Congress believe the question of the application of a zone of reasonableness needs further clarification.

1

Under the Act every air carrier is entitled to file with the Board tariffs which are posted and published in such form and manner as the Board shall by regulation prescribe, Sec. 403(a). It is the duty of the carrier to establish in these tariffs fares which are just and reasonable, and not otherwise unlawful; Sec. 404. At the same time, the Board is empowered, upon complaint or its own initiative, to enter upon a hearing concerning the lawfulness of such a newly filed individual or joint fare, rule, regulation or practice; Sec. 1002(g). Pending such hearing and decision thereon, the Board may defer the use of such fares, etc., for a period of no longer than 180 days; *Ibid.* As a result, the determination and prescription of a zone of reasonableness cannot estop any carrier from filing a tariff with a fare greater than the maximum, nor lower than the minimum; nor does the prescription of such a zone of reasonableness change the Act to mean that the Board must suspend for at least 180 days any fare filed outside the zone. The Board's powers of whether or not to defer the use of a newly filed fare outside the zone of reasonableness pending its decision as to the fare's lawfulness is not affected by the establishment of a zone of reasonableness.

At the same time, neither does the establishment of minimum and maximum rates limit the Board's powers to enter upon a hearing concerning the lawfulness of a newly filed fare which falls within the zone of reasonableness; nor the Board's obligation upon complaint to either (1) hold such a hearing and issue a decision, or (2) deliver to such complainant a statement in writing of its opinion that the complaint does not state facts which warrant an investigation or action; Sec. 1002(a). Nor does the use of such a zone change the Economic Regulations of the C.A.B. which require that at any hearing involving a change in a fare, the burden of going forward with the evidence shall be upon the person proposing such change to show that the proposed changed fare is just and reasonable, and otherwise lawful; 14 C.F.R. 302.506.

Rather, all the establishment of minimum and maximum rates does is (1) to state in writing that it is the intent of the Board not to use its powers under Sec. 1002(g) to defer, upon grounds of unreasonableness, the use of any new fare falling within the zone of reasonableness pending any hearing and decision concerning the lawfulness of such fare, and (2) provide the various parties with one additional piece of rebuttable evidence as to the lawfulness or unlawfulness of any fare.

II

Given the foregoing interpretation of the zone of reasonableness and the fact that for a major part of the airline market, value of service exceeds cost of service by a great amount, the Members of Congress do not believe that cost of service should be used as the mid-point or minimum as urged by other parties. It is clear from even the most cursory reading of the Briefs of the carrier parties that the airlines are becoming increasingly aware that value of service is relatively high for businessmen and government officials, and that the carrier management desperately want to literally sock it to this group of captive travelers in order to maximize their revenues (We repeat, revenues as opposed to earnings.) Under these circumstances, the Members of Congress agree with the Department of Transportation (D.O.T.) that normally where there is more than one carrier, a rise in fare would precipitate an increase in non-price competition; DOT Brief, p. 8, and that therefore only the Board stands at the gatehouse to bar a repetition of the unsound economic conditions of the recent past brought about by a combination of too high fares resulting from an improper fare structure, and a sudden economic downturn which removed the captive traveler from the market place.

To foster sound economic conditions in air transportation under existing circumstances and conditions, the maximum rate must be based upon the Board's minimum rate-making guidelines, i.e., rate of return, load factors, etc., Sec. 102(b). As noted previously, this will not estop any carrier from filing higher fares, nor prevent the Board from permitting such fares to take effect pending a hearing, if any, as to their lawfulness. On the other hand, such a maximum rate will not tie the Board's hands from deferring the use of fares which do not even meet the Board's minimum rate-making guidelines, i.e., the lowest cost consistent with the furnishing of adequate and efficient transportation by air carrier given the Board's standards, Sec. 1002(e)(2). Instead, it will tend to assure that new fares which do appear to at least meet or exceed the Board's minimum rate-making guidelines will be allowed to go into effect pending any hearing as to their lawfulness, and that the benefits of greater flexibility provided by a zone will be directed in terms of price competition towards an alternative of more varied and potentially less sumptuous service at prices reflecting its lower cost which have heretofore been denied the public, DO Brief, p. 14, rather than continued competition in other areas such as flight frequency, lounges, piano bars, more spacious seating, etc., at inflated costs.

IV. SHORTEST OPERATED MILEAGE

The Bureau supports the use of shortest operated mileage for local service routes, BE Brief, p. 44–45, even though (1) its witness Mr. Randall D. Bennett stated in conjunction with trunkline service that "It does not make sense to charge more or less for a given trip depending on how the airplane happened to operate on a particular day," Exhibit BC

XUM

t–7, p. 2–3, and (2) the Bureau admits that in the "not too distant future" it may become feasible to have all fares based on shortest authorized, or even direct non-stop mileage, BE Brief, p. 45. One must therefore speculate that the Bureau's argument is based not so much upon rate-making factors as consideration of subsidy requirements.

In regard to this latter point, the interwoven relationship between the fare structure, pattern of service provided, and subsidy requirements of the local service carriers should not be overlooked. Federal subsidy payments are made to certain domestic carriers to enable them to provide adequate and efficient service to markets where the density of traffic is not sufficient to support such service on a purely commercial basis; Sec. 102(a), (f) and 406(c). The amount of the subsidy need flows from three factors. First the type of the equipment used to furnish such service (primarily 2-Engine Prop-jets) is not as economical to operate as trunkline jets; e.g., $6.02 vs $5.45 (adjusted) Direct Operating Cost per available seat hour. At a 54% load factor this cost differential creates a subsidy need of $3.27 per passenger-hour flown.

Second, since subsidized services are furnished to less dense markets, actual on-board load factors are less than the 54% trunkline standard. In Phase 6B, the Board adopted a 44.4% load factor guideline for local service carriers. The difference between the 54% and 44.4% load factors adds another $5.42 per passenger-hour to the federal subsidy requirement. Finally, beyond a distance of around 100 miles there is an increasing disparity between the block times of propeller and jet aircraft. Economically this means that all other things being equal, the yield per hour of propeller aircraft will diminish with increasing distance—a difference that must be made up by higher federal subsidy payments. Under the fare proposal of the Members of Congress this will add another zero dollars at 100 miles, $2.27 per passenger-hour at 200 miles, $4.86 per passenger-hour at 300 miles, $7.16 per passenger-hour at 400 miles, and $7.21 per passenger-hour at 500 miles. The total federal subsidy per passenger at various distances is as follows:

TOTAL FEDERAL SUBSIDY PER PASSENGER

Mileage	Per hour	Per trip
100	$7.79	$5.45
200	10.06	10.06
300	12.65	17.71
400	14.05	28.41
500	15.00	33.00

Given these facts, it is clear that the federal subsidy requirement can be reduced three ways: (1) reduce the length of haul/block time on the subsidy segment, (2) reduce the total number of aircraft/seat hours flown to provide such service, and (3) use more economical equipment; see Exhibit MOC 5C and MOC Brief, p. 42. For example, a passenger from Topeka, Kan. to Denver or the West Coast will require approximately $3.90 federal subsidy if routed via Kansas City (56 miles) verses over $33.00 if routed directly in a linear manner to Denver (509 miles).

Airline fares should be based upon rate-making factors, subsidy needs on social considerations. For this reason, the Members of Congress feel the Bureau's argument for adoption of the shortest operated mileage in certain situations should be rejected as being unduly preferential and unduly prejudicial, and that instead more flexible passenger routing options should be allowed to provide a more adequate, economical and efficient manner of furnishing such service.

V. REVENUE HOUR STATISTICS

Ozark Air Lines (Ozark) states that "the revenue hour approach would require a new set of statistics and recordkeeping which would add substantially to the carriers' cost if a dual element system were involved;" OZ Brief, p. 9. As the Members of Congress pointed out on Brief at page 33, footnote 25, this argument is not entirely true. The Chairman of the C.A.B. has informed the Hon. John E. Moss, M.C., that revenue hour traffice data is available from the existing recordkeeping process on an original basis. The Members of Congress know of no reason to doubt the veracity of the Chairman's statement and therefore look forward confidently to the availability of such data in the very near future.

The Members of Congress further believe the greater accuracy of this system in the measurement of cost and *revenues* for the purpose of fare construction, OZ Brief, p. 10, has been established on this record; see MOC Brief, p. 34–35. In this regard it might be wise to further note that in Exhibit MOC 1, the system average revenue per hour, $6.36, is the same as Route 4, but the average revenue per mile, 50.62¢, is considerably different that Route 4's average of 44.92¢ per mile. Conversely, the system average revenue per mile is similar to the average revenue per mile for Route 1, 50.67¢, whereas the yield per hour for Route 1 ($6.94) is substantially greater than the system average yield per revenue hour ($6.36). These facts show that there is a significant difference in revenue per mile and revenue per hour, and that there is "no doubt that revenue per hour information is worth much more than revenue per mile information, and that to get the total evaluation the two should be compared;" Witness Tom W. Woodward, Exhibit MOC T–1, p. 2. The simple fact is that annual revenues are directly related to the yield per hour, and there is no relationship directly between revenues per annum and the revenue rate per mile.

VI. COST OF SERVICE

I

There is general agreement by all parties that air transportation involves two different costs: those related primarily to the activities on the ground regarding preparation of the aircraft and passengers for a trip, and those related to the actual air movement of the aircraft and the passenger. Both costs are fixed in the sense that it is a phenomenon of air transportation that the cost of flying and servicing a given aircraft type over a specific route is about the same regardless of the number of passengers carried; MOC Brief, p. 7. That is, both categories do not vary with traffic volume, or whether such traffic moves on a non-stop or multi-stop trip with or without on-line or inter-line connections, unless the overall magnitude of the operation is changed. In other words, we are dealing with a capacity cost industry both in the air and *on the ground*.

Historically, it has been the feeling of airline cost experts that the ground costs are fixed in the sense that they do not vary with trip length, EA Brief, p. 15. But the Bureau's exhibits in the BC–4600, 4700, 4800 and 4900 series do not support such a cost thesis. Their indirect cost unit input values for ground servicing do vary with trip length. The major difference in the 4900 series relates to the use of new departures by equipment group, BE Brief, p. 21, based upon a new R.P.M. distribution with the same aggregate indirect cost values and block hours. Only the average stage length and departures per hour varied. This undoubtedly is the most important fact on the record since a number of the fare structure proposals of the carriers, the Bureau, and other parties rise or fall literally on the basis of this one key fact. The entire argument that short-haul fares cannot cover costs, and that such difference must be made up by medium and long-haul traffic is moot if the ground handling costs allocated to each unit is in point of fact affected by average stage length/block time.[1]

The Members of Congress are willing to let the Bureau's exhibits speak for themselves—and they say that different lengths of hauls/block times do have an impact on the aircraft servicing, traffic servicing, reservation and sales costs allocated to each unit when aggregate total inputs remain the same. This fact explains why the local service carriers have historically had the same ratio of direct costs to total costs as the trunkline carriers; why under the present fare structure TWA is less profitable than American Airlines (American) and United Air Lines (United) (no cross-subsidization from medium haul markets), and these two latter carriers are in turn less profitable than the medium sized carriers (who do not have to use their medium haul revenues to cross-subsidize long-haul services); why a long-haul carrier like Pan American has the highest station costs, and a short-haul carrier like Pacific Southwest Airlines relatively low indirect costs; why the ratio of ground and indirect costs to total costs shot up to 64% during World War II when service was suspended to many smaller communities, length of hop increased, and frequency of service decreased; [2] which is also the same reason why the so-called terminal costs are at present increasing much more rapidly on a unit input basis than line-haul costs, EA Brief, p. 16, as the great concentration of labor costs in the terminal cost pools, *Ibid.*, 17, are being spread over fewer units with increases in length of haul and below average load factors on such flights.

The Members of Congress are aware of the catastrophic impact which this fact has on the fare proposals of a number of the other parties but we would hasten to remind all concerned that the Members of Congress have worked tirelessly to preserve the carriers' right to set their own fares and did urge the other parties during the hearings to

[1] The finding that ground costs do in fact vary with length of haul/block time is equal in importance to the discovery that annual revenues are a function of the yield per hour, because this finding closes the last major gap to understanding why airline costs act as they do. The development of this cost concept is clearly outlined in this record: In Exhibit MOC T–4, it was indicated that there appeared to be some reason to believe that ground costs were capacity costs; Subsequently in MOC T–6 it was stated that the ground costs were in fact capacity costs affected by peaking, i.e., simultaneous operations during a limited period of time; And then finally the Bureau's cost studies confirmed the ground costs were actually capacity costs and went on to disclose the fact that the allocation of such costs to each unit was affected by the number of departures and length of haul/block time; BC 4600, 4700, 4800, and 4900 series.

While it is a fact that at the outset of this proceeding the staff of the Members of Congress was generally persuaded by the carriers' cost experts argument that ground costs did not vary with distance, the fare proposal of the Members of Congress was nevertheless geared to the historical fact that the ratio of direct costs to indirect costs are the same at all distances. As a result, the Members of Congress fare proposal is not affected by the disclosure flowing from the Bureau's cost study. Prior to the finding made in the Bureau's cost study, the staff of the Members of Congress felt that the ground costs were related in some unexplainable fashion to the so-called "stop time", and that this stop time varied with length of haul/block time because flight operations vary with distance.

[2] Gill, Frederick W. & Bates, Gilbert, Airline Competition, Howard University, Boston (1954) 498–503.

submit their own fare proposals; see letter to Examiner Robert H. Johnson, from Richard W. Klabzuba, dated April 5, 1971, Re: Phase 9—Fare Structure.

Turning now to several other matters concerning the Bureau's cost study, the Members of Congress would first observe that when the new R.P.M. distribution (Exhibit BC–4811) was used in conjunction with the departure factors (by mileage block and equipment group) as developed by the Bureau for use in its costing program to develop the 4900 series departure "in a continuing effort to reflect the average cost per passenger by mileage block using the guidelines implicit in the Board's Phase 7 decision," BE Brief, p. 21–22, the resulting indirect costs were greater than direct costs before and after deleting belly cargo revenues; i.e., $3106.2 v. $3328.2 mixed service, $2925.3 v. $3104.8 passenger service; Exhibit BC–4902, footnote 3. In Phase 7 at page 30, the Board recognized a ratio of indirect to total costs projected by the Bureau for 1972 of 48.4%, which implies that indirect costs should be less than direct costs, not greater.

III

Second, when the Members of Congress applied a ratio of 1.936 (see Exhibit MOC 12) to the Bureau's direct cost of $2925.3 million for scheduled passenger service, Exhibit BC–4902, the resulting total Operating Expense is $5669.2 million as opposed to 5984.9 million in Appendix 1 of Order 71–4–60 and $5970.2 million after adjustment for standard seating in Exhibit BC–T–3, p. 2, or about 5% less.

IV

This latter finding brings the Members of Congress to the third and final point with respect to the Bureau's cost studies. The Bureau claims that the basic difference between the 4700 and 4800 series is occasioned by the use of a new R.P.M. distribution (Exhibit BC–4811), BE Brief, p. 21. A comparison of the carriers' projected block hours from Phase 7 which were used to prepare BC–4611 with those shown in BC–4905, developed by TS and TC factors (footnote 2, BC–4905) indicate a significant difference in block hours by equipment group.

BLOCK HOURS

Equipment type	Phase 7 (BC–4611)	BC–4905	Changes
4EWB	193,454	170,682.4	(22,771.6)
3EWB	193,713	174,934.5	(18,778.5)
4ETF	979,428	781,146.6	(198,281.4)
3ETF	1,815,373	1,559,752.8	(225,620.2)
2ETF	741,054	921,051.1	179,997.1
4ETJ	461,281	393,971.6	(67,304.4)
4ETP	23,259	23,681.2	422.2
Mixed totals	4,407,562	4,025,220.2	(382,341.8)

Assuming an annual utilization of 3,000 hours per aircraft, the 179,997.1 block hours added to the Bureau's 2ETF cost program would require the trunk-line carriers to acquire an additional sixty 2-Engine Fan jets next year to reflect the Bureau's average cost per passenger. Absent these aircraft, the average stage length of the trunks would most likely increase further thereby reducing the number of departures and increasing the average cost per departure. Of course the Members of Congress do not feel that given the existing traffic and financial conditions surrounding the industry that it would be realistic for the Examiner and the Board to expect the airlines to acquire sixty more 2-Engine jet aircraft than previously planned.

V

For all these reasons, as well as those outlined previously in our Brief of November 24, 1971, the Members of Congress believe the Examiner and the Board must find those fare proposals based upon the Bureau's cost studies as being unjust and unreasonable, unduly preferential and unduly prejudicial, and otherwise unlawful.

VII. EARNINGS

It is now well settled law that under the statutory standard of "just and reasonableness" it is the result reached, not the method employed which is controlling; *F.P.C. v. Hope Gas Co.*, 320 U.S. 591, 602 (1943); it is not the theory but the impact of the rate order which counts, *Ibid.*; and that carriers must present evidence as to the rate of return they have earned and will earn if their proposal is allowed, *Increased Class & Commodity rates, Transcontinental*, 329 I.C.C. 420, 426 (1967), on the traffic that will bear the increase, *Ibid.*

A further examination of the Briefs of the various parties indicates that with the possible exception of the Associated Carriers, no party to this proceeding has attempted to determine what the results would be of their fare proposal in terms of earnings. As a consequence, the Examiner and the Board have no probative evidence upon which to make a finding that the total effect of these fare proposals would be just and reasonable to investors, and users of the services, as well as the carriers.

The Members of Congress, on the other hand, have shown in their exhibits what the revenues and earnings would be per passenger per trip, per mile, per hour. From a revenue standpoint, the individual fares in the Members of Congress proposal are lower than the other parties at certain distances for two reasons: (1) Certain costs burdens laid upon short-haul traffic by other parties are spread to longer medium- and long-haul services thereby reducing the costs of some short-haul services and raising the amount of costs allocated to longer haul flights;[3] and (2) The dilution recognized on long-haul services is reduced from 17% to 12% thereby lowering the fare charged a passenger paying a full fare in these markets despite the higher costs assigned to such passengers. Thus the total revenue is the same, the only difference being more long-haul passengers would travel at a lower full fare than a discount fare. In regards to this last, it is the opinion of the Members of Congress that the decision in Phase 5 is dependent upon the finding in Phase 9, not the other way around; re: DL Brief, p. 46–47.

Respectfully submitted,

RICHARD W. KLABZUBA,
Representative for Hon. John E. Moss, et al., Members of Congress.

December 3, 1971.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Brief has been mailed to all parties on the Appearance and Exchange List in the *Domestic Passenger Fare Investigation, Phase 9—Fare Structure*, Docket 21866–9.

RICHARD W. KLABZUBA.

December 3, 1971.

[3] The reduction in cost of service is sufficient to eliminate the need for cross-subsidization from other markets as proposed by some carriers.

NO SECURITY IN TREATIES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. SCHMITZ. Mr. Speaker, President Richard M. Nixon said:

We are entering an era of negotiations.

And John Jay, said:

I would not give a farthing for any parchment security whatever. They (have) never signified anything since the world began, when any prince or state, of either side, found it convenient to break them.

As the administration's stated fondness for negotiations increasingly shows itself to be more than just rhetoric, we must ask ourselves: Have men and nations appreciably altered their behavior toward those treaties and agreements which our Founding Fathers considered nothing more than "parchment security"? If there has been no demonstrable change, the long-range results of the administration's entire foreign policy can easily be predicted as our real power continues to decline at a rapid rate while negotiations and agreements are regarded as the mainstay of our national security.

As we examine the history of treaty performance to see if the essential realism of the Founding Fathers still holds, we can refer to a comprehensive study of every important political treaty negotiated by the United States and European nations over the last 300 years. In "The Treaty Trap," Laurence W. Beilenson reviews nearly a thousand political treaties concluded among nations between 1661 and 1965, seeking to determine whether there has been any consistent pattern of observance or nonobservance. As the author warns in the introduction to this valuable work:

Before a nation relies on new promises, good sense suggests a scrutiny of the promises previously made.

The sad truth about treaty performance, past and present, revealed in this extensively documented work may come as a shock even to those who have never been inclined to place much faith in the hooked bait of words.

The author finds a "universal regularity of breach in every age by nations with all forms of government, embracing the entire spectrum of ideologies, and led by statesmen of widely varying characters." It is especially interesting to note his statement that:

After the destruction of World War I, the statesmen erected the strongest paper structure for peace ever devised. It did not prevent as cynical a disregard for treaties as in any era of history, or the vast destruction of World War II.

Even more enlightening is the author's discovery that:

During the longest period of relative European peace (1814–1914) in the 304 years tested, the treaty structure was the weakest. The relation between peace and treaty operated in inverse ratio.

In other words, not only do peace treaties and various other agreements not prevent war, but they may actually serve to bring on a war.

Treaties, the fruit of negotiations, can actually encourage war because, among other reasons, diplomats habitually assume that they provide some real national security. "Treaty reliance" is identified in "The Treaty Trap" as "the occupational disease of statesmen." From Biblical days to modern times at Munich and Yalta, treaty reliance has proved

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fatal for any number of peoples and nations.

Since the administration continues to act as if "negotiations" could actually prevent "confrontation" with the Soviet Union, while at the same time "reordering priorities" away from essential defense measures, it is apparent that the age-old and fatal error of treaty reliance is again rampant. When, as Mr. Bellenson shows, even allies have by and large been consistently unreliable in carrying out their treaty obligations, it is foolish to expect that those with unconcealed enmity toward our way of life will honor their promises. In a separate chapter devoted to Soviet treaty performance since 1917, the author calculates that based on the average number of breaches per year the Soviets are entitled to the crown as the champion treaty breakers of all time.

The author concludes his study of three centuries of treaty performance by setting forth a basic rule to guide present and future statesmen:

In reaching a decision to act or not to act in foreign affairs—including maintenance of strong armed might in being—a nation should give little or no weight to the expectation of performance of political treaty.

This sound conclusion—echoing John Jay's—should be kept constantly in mind as we face the mounting barrage of "era of negotiations" propaganda.

THE NEW SUPREME COURT APPOINTMENTS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. SCHMITZ. Mr. Speaker, it is quite clear from the original discussion and debate concerning the Constitution of the United States that our Founding Fathers expected the House of Representatives, whose Members were popularly elected every 2 years, to be the "activist" branch of government, promoting change most vigorously. The President with his 4-year term and the Members of the Senate with their 6-year terms were expected to be a moderating influence, while life terms were provided for Justices of the Supreme Court because they were expected to be the most conservative of all, the guardians of the enduring meaning of the Constitution.

But the topsy-turvy age in which we live has completely reversed this pattern once regarded as the natural character of our Federal Government. Today the Supreme Court is the most "liberal" branch of that Government, the Senate next, and then the President, while the House of Representatives—still closest to the people—has for some time been—relatively speaking—the most conservative.

During his 1968 campaign President Nixon repeatedly promised that if elected one of his primary goals would be to right the imbalance created by the Warren Court by appointing Justices who would begin returning the Supreme Court to its proper role of constitutional guardian rather than innovator.

The best of all President Nixon's Supreme Court appointees was Judge Clement Haynsworth. A carefully planned and executed character assassination campaign, together with the "liberal" character of the Senate which must confirm all Supreme Court nominees, brought about Judge Haynsworth's defeat. The nominations of present Chief Justice Burger and Justice Blackmun were acceptable when made, if not particularly encouraging, to those aware of the immense harm the Warren Court had done to the Constitution and the country.

The two latest Supreme Court appointments, judging by the past record of the nominees, appear to be a longer step toward fulfilling President Nixon's promise.

In addition to his notable attainments in the legal profession, nominee Lewis F. Powell, of Virginia, is on record as an uncompromising defender of the fullest extent of law enforcement needed to preserve order. Interestingly enough, he also seems to have been primary author of the very valuable report of the President's Blue Ribbon Panel on Defense—see my newsletters 71–18, 71–19, and 71–20. One might almost wish he had been appointed White House adviser on defense policy, rather than Supreme Court Justice.

The other nominee, William Rehnquist of Phoenix, Ariz., seems even better. By all indications he was a genuine, philosophically committed supporter of Senator BARRY GOLDWATER in his presidential campaign of 1964, when principled conservatism finally became a major political force in modern America. If Rehnquist remains true to these principles and is confirmed by the Senate, he will finally give the "strict construction" of the Constitution a voice on the Supreme Court which it has not had since the days of Franklin Roosevelt.

Yet we dare not depend entirely on one or two individuals, however impressive their records. In the words of Thomas Jefferson in the Kentucky and Virginia resolutions of 1798:

Let no more be heard of confidence in men, but bind him down from mischief by the chains of the Constitution.

The Constitution gives Congress the power to restrict by statute law the jurisdiction of the Supreme Court. Since the House of Representatives is now the most conservative body in our Federal Government—in that respect occupying the role foreseen for the Supreme Court by our Founding Fathers—the House should demonstrate its willingness to restrict the Court where it has clearly exceeded its authority, as in its notorious decision requiring forced busing of children to achieve racial integration in public schools.

FARMER COOPERATIVES IN DEVELOPING COUNTRIES

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. HATHAWAY. Mr. Speaker, I wish to call the attention of my colleagues to a study called "Farmer Cooperatives in Developing Countries," just published by the Advisory Committee on Overseas Cooperative Development.

The Advisory Committee is an ad hoc committee of people, most of whom are business leaders of U.S. cooperatives. The organizations they represent include the American Institute of Cooperation, the Cooperative League of the U.S.A., the National Farmers Union, the National Council of Farmer Cooperatives, the National Rural Electric Cooperative Association, CUNA—credit unions—Inc., FS Services, Inc., Farmers Union Central Exchange, Inc., Agway, Inc., CF Industries, Inc., Wisconsin Federation of Cooperatives, the Foundation for Cooperative Housing, International Cooperative Petroleum Association, and League Life Insurance Co. The committee provides needed liason between U.S. cooperatives and various agencies involved with helping people in the developing countries.

The committee's report points out that:

Small farmers make up three-fifths of the people of the developing countries. (Yet) two decades of development and foreign aid have left many of them no better off than when the Age of Development began.

The Advisory Committee believes one way to help these neglected small farmers is through cooperatives. It has singled out farmer cooperatives for special study, believing them to be an effective way of providing farmers, especially the small ones, with access to the elements of a modern agricultural system: credit, production inputs, farming know-how, and dependable markets.

There is now much concern over the population explosion and how to cope with the uncontrolled mass migration from the farm to the city, and the soaring underemployment and unemployment which follows. Even the United States is not immune to this mass migration which has seen 25 million people shift from rural to urban areas in a generation.

I find the following quotation from World Bank President Robert McNamara strikingly appropriate:

The marginal men, the wretched strugglers for survival on the fringes of farm and city, may already number more than a half billion. By 1980 they may surpass a billion, by 1990, two billion. Can we imagine any human order surviving with so gross a mass of misery piling up at its base?

There is also the reminder of the Pearson Commission that:

The failure to create meaningful employment is the most tragic failure of development.

So, any proposal that offers hope of meeting the problem of jobs is worth taking a look at. The proposal set forth in this study seeks to put people to work on the land. The report insists that:

If small-farm, labor-intensive, capital-saving agriculture is to provide productive employment and is to be the strategy of the future, then the role of the cooperative becomes crucial.

The U.S. cooperatives are working overseas now in some 17 countries, trying to demonstrate the soundness of utilizing labor-intensive methods rather than capital inputs in agricultural development. The involvement of these organizations grows out of their conviction that the cooperative technique for organizing people is a proven way of inducing participation of rank-and-file citizens in development.

These programs operate on a people-to-people basis in agriculture, rural electrification, insurance, credit unions, housing, marketing and consumer distribution. The report points out the successful use of farmer cooperatives in Japan, Taiwan, and to a lesser degree in Egypt and Korea, and incipiently successful cooperative programs in Uganda and Ceylon. It also points out the reasons for failures in some other countries.

The Advisory Committee states that:

Cooperatives in the developing countries have a much broader and more meaningful purpose than being a bargaining instrument to help farmer-members lower operating costs and get better prices, as important as these objectives are.

Cooperatives to succeed must be strong enough to open their doors to millions of small subsistence farmers and give them access to tools of modern agriculture. In so doing they can wage war on unemployment by stimulating labor-intensive agriculture that will mean more jobs and better living for the people in the rural communities of the developing countries.

JAMES MADISON HIGH SCHOOL OF SAN DIEGO ANNUAL ARMISTICE DAY PROGRAM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BOB WILSON. Mr. Speaker, on Thursday, November 11, the students and faculty of James Madison Senior High School, San Diego city schools, again observed their traditional Armistice Day custom by presenting a special program in the high school auditorium in the morning and then student representatives proceeded to the national cemetery at Fort Rosecrans in the afternoon for a special ceremony conducted by them.

It is inspiring to know that the Armistice of 53 years ago and its significance is not lost to our young people—a great day of peace, of sacrifice for freedom, and a day that should be remembered as the program has expressed it; a day of heroic effort to maintain our way of life as a free people. I include the text of the program with the keynote address of guest speaker, the Reverend Robert H. Mayo, D.D., pastor of the First Presbyterian Church, San Diego, Calif.

JAMES MADISON HIGH SCHOOL PRESENTS THE ARMISTICE PROGRAM HONORING VETERANS DAY

Madison Auditorium—Period 4.
November 11, 1971—9:50 A.M.
Opening ceremonies—Madison Band.
Invocation.
Presentation of Colors—Madison R.O.T.C.
Language of Patriotism—Madison High School Students.
Music—Madison Band.
Keynote address—Removing the Veil, Second Corinthians, Chapter Two 4–18; Rev. Robert H. Mayo, D.D.
Closing Ceremonies—Madison Band.

The Armistice or Veterans Day draws our attention and respect for all veterans living and dead who served and are serving our country.

We also remind ourselves that the armistice is a day of peace, and high as the price was to win that day, it is our purpose to maintain peace and good will among men, but we do so as a free people.

VETERAN'S DAY PROGRAM, PERIOD FOUR

Chairman of the program, Tom Dargan, Madison Senior, 2nd period.

OBJECTIVE

To observe Veterans Day as a day of tribute and respect for all veterans living and dead who served their country and to unite with all citizens throughout the land, in celebrating the Armistice which means cessation of hostilities.

INTRODUCTION

This program is dedicated to the purpose of furthering our awareness of Veterans Day. It is a day of peace and thankfulness. It is also a day of looking into the future and wondering what it will bring in terms of peace or war.

We associate Veterans Day with the many who are fighting and dying every day. Think of their families and loved ones, also. And think too, of the response when these men have been called to serve their country. It is better expressed in a poem by Josiah Gilbert Holland.

Narrator.

GOD GIVE US MEN

God give us men. A time like this demands
strong minds, great hearts, true faith, and ready hands.
Men whom the spoils of office cannot buy,
Men whom the lust of office cannot kill,
Men who possess opinions and a will,
Men who have honor, men who will not lie.
Men who can stand before a demagogue and damn his treacherous flatteries without winking.
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking—
For while unruly mobs enflamed by those with baseless creeds
Their large professions and their little deeds
Mingle in selfish strife—Lo. Freedom weeps,
Wrong rules the land, and Justice sleeps.

Narrator or Chairman, Tom Dargan, 10:03.

We commemorate Veterans Day and honor every hard won peace—every effort to overcome aggression, tyranny, unjustice. We honor this day in tribute to our fighting forces, their families, sweethearts and friends who stood behind them. We pause as they did in the still Armistice after the conflict: Yorktown, Appomattox, No Man's Land on the morning of November 11, 1918, VE Day, VJ Day, to keep that momentary stillnesa a memory on an Armistice we hope some day will be permanent.

We also remind ourselves that Armistice or Veteran's Day is a day of peace and high as the price was that we paid for peace, it is our purpose to tread the path of peace and good will among men but we do so as a free people.

Finally, this day draws our attention and respect for all those we fought and are now fighting to keep our country free.

(Music Interval)

Narrator, Mary Jo Sandow, 10:05, 4th period.

The day set aside for Veterans Day is November 11. It is significant to remember this Armistice of November 11, 1918 because it symbolizes a peace after World War I that was to be peace for all time among all nations. It didn't quite turn out that way but we fought that war in a total effort and spirit that the men and women who gave their lives for this cause would not die in vain.

Narrator.

We honor all veterans on land, air, and sea. It has been exactly fifty-three years since the first World War ended with the Armistice on the battlefields of France. Only a few months earlier, American troops in force broke the three and one-half year stalemate that had soaked the earth of Europe with its blood since August, 1914. Around the world there was a universal joy with the news of peace. The war had been so gruesome and horrible. D. H. Lawrence: "All the great words to describe it had been used for a generation."

Narrator, Dennis Boudeaux, 10:06, Senior 8th period.

From March to August, 1918, the Germans massed eighty-two divisions and gave great offensives, all aimed at crossing the Marne River and on to Paris. For seventy-two days the Marne River rocked under a succession of major German attacks. "They shall not pass", was more than a by-word of the allied defenders.

The first real test for the American force was at Cantigny. Then at Chateau-Thierry and Belleau Wood, the Second and Third Divisions brilliantly smashed the spearhead of an enemy "V" pointing to Paris. Three days after it started, the German drive was crushed and the history of the world was played out in those three days. "Over the top" was heard all along the trenches as the allies prepared for the St. Mihiel and Meuse-Argonne offensives. The Americans beat their way through the vicious Argonne forest, and in the process they added the heroics of the Lost Battalion and Sgt. Alvin York.

Narrator, Laura Shiwanov, 10:08, Senior 2nd period.

American strength and spirit went into the war as though the effort would accomplish something of trancendental benefit for all mankind. When Johnny came marching home again, there were "welcome home" parades in towns and cities all over the land. At every depot and home port, our veterans hastened to rejoin their families—but for the thousands who would never come back, in our memory of them, we are reminded that winning by arms alone is not enough.

We must still win the peace.

Narrator, Denise McKenzie, 10:10, Senior 4th period.

The war had its lighter momenta. There is the tale of the carrier pigeon direct from the Argonne battle swooping into headquarters with an "urgent" message which read: "I'm tired of carrying this stupid pigeon." Then there were the songs, the memorable unforgettable tunes of World War I—"K-K-K Katy", "Oh, How I Hate to Get Up in the Morning", "You're in the Army Now", "Till We Meet Again", 'It's a Long Way to Tipperary", "Pack Up Your Troubles", and "Good Morning, Mr. Zip, Zip, Zip." Those songs all conveyed a deeper meaning beneath the surface, they expressed the true nature of the American mood for peace, brotherhood with freedom.

(Music Interval)—World War I Songs and Marches.

Narrator continues.

These are the words of Captain John D. McCrae, a great soldier who fought in that war and didn't come back; but he left this message:

Denise McKenzie, 10:11, Senior 4th period.

IN FLANDERS FIELDS

In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our places; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved and now we lie
In Flanders Fields.

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Take up our quarrel with thy foe.
To you from failing hands, we throw
The torch—be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders Fields.

Bob Calligan, 10:13, Senior 4th period.

Alan Seegar, a G.I. was among the first American soldiers to see action in France. He fell where he had a premonition he would in the midst of a barbwire entanglement during the Spring Offensive of 1918 in No Man's Land. A piece of paper dangling out of his back pocket contained his message; a poem that was to become the most famous verse of World War I.

Bob Calligan, 10:14, Senior, 4th period.

I HAVE A RENDEZVOUS WITH DEATH

I have a rendezvous with death
At some disputed barricade,
When Spring comes back with rustling shade
And apple blossoms fill the air—
I have a rendezvous with death
When Spring brings back blue days and fair.

It may be he shall take my hand
And lead me into his dark land.
And close my eyes and quench my breath—
It may be I shall pass him still.
I have a rendezvous with death
On some scarred slope of battered hill
When Spring comes round again this year
And the first meadow-flowers appear.

God knows 'twere better to be deep
Pillowed in silk and scented down,
Where Love throbs out in blissful sleep,
Pulse nigh to pulse, and breath to breath,
Where hushed awakenings are dear . . .
But I've a rendezvous with death
At midnight in some flaming town,
When Spring trips north again this year,
And to my pledged ward am true,
I shall not fail that rendezvous.

(Music Interlude)
Narrator, Arlene Hagey, 10:17, 4th period.

IN MEMORY OF HAMBURGER HILL

Albert Colletto wrote this poem after he fought in the battle of "Hamburger Hill" shortly before he was killed somewhere in the jungles of Viet Nam.

We owe many thanks to brave men like Albert Colletto.

Arlene Hagey, 10:18.

HAMBURGER HILL

As I crouch among the shattered trees
The fallen dead without shroud nor wreath
A soldier cried out "Come to me—please.
There was no need, he ceased to breathe.

The wounded dying, the dead already gone
A sergeant yelled, "get up, drive on."
With lead flying in from every way,
I didn't expect to last the day.

We fought hard trying to win
Pinned down halfway as night set in
"Dig in deep. Pass the word around."
Hold your positions and gain the high ground."

They called our assault "Hamburger Hill."
It's one to remember as I always will.
Ask the wounded torn limb from limb
What more can they tell you
What could be more grim?

The dead left their message
On Hamburger Hill
For the living that is
That we bear no ill will.

The burden of war could be relieved
If love among men were somehow achieved.
That this be our purpose in word and in deed
The promise of men as honor decreed.

Narrator concluding program, Sherri Lindmark, 10:20, 6th period.

In our respects to all Veterans on Nov. 11 this year we also respect their message to us which our program has tried to express. We particularly extend our regards and prayers to all Prisoners of War now in prison camps and who are serving their country there perhaps more than anywhere else. This poem was written by a Veteran American: Denise A. McCarthy. She inspires us all to celebrate Veteran's Day with thankfulness and compassion.

Sherri Lindmark, 10:21, 6th period.

"THE LAND WHERE HATE SHOULD DIE"

This is the land where hate should die—
No feuds of faith, no spleen of race,
No darkly brooding fear should try
Beneath our flag to find a place.
Lo, every people here has sent
Its sons to answer freedom's call;
Their lifeblood is the strong cement
That builds and binds the nation's wall.

This is the land where hate should die—
Tho dear to me my faith and shrine,
I serve my country well when I
Respect beliefs that are not mine.
He little loves his land who's cast
Upon his neighbor's word a doubt,
Or cite the wrongs of ages past
From present rights to bar him out.

This is the land where hate should die—
This is the land where strife should cease,
Where foul, suspicious fear should fly
Before our flag of light and peace.
Then let us purge from poisoned thought
That service to the States we give,
And so be worthy as we ought
Of this great Land in which we live.

Tom Dargan, 10:23.

We are honored to have with us as Guest Speaker for this program Dr. Robert H. Mayo who will deliver the Veteran's Day Address.

Dr. Robert H. Mayo, 10:25 to 10:35, closing ceremonies, Madison Band.

10:46 to 10:50, Dr. Robert H. Mayo places wreath on the tomb of the Unknown Soldier.

Music by the Madison Band.

Continuation of this program at the National Cemetery, Fort Rosecrans—12:30 PM November 11, 1971.

Madison High School presentation of the Armistice wreath, Directed by Craig McNeil, Madison R.O.T.C.

Mr. W. J. Stratton, Superintendent, Rosecrans National Cemetery, Point Loma—San Diego, California.

At the Rostrum—12:30 PM—entrance to the National Cemetery from Highway 209 (Rosecrans Boulevard) near the Cabrillo Monument.

The Madison High School R.O.T.C. and student representatives will proceed to the National Cemetery and conduct the ceremonies for placing the wreath at the memorials for our war dead.

REMOVING THE VEIL

II CORINTHIANS 3:4–18

When Moses came down from Mount Sinai with the Ten Commandments, his face was veiled, presumably because the reflected glory of the Lord upon his face was so bright, the people could not gaze upon it. (Ex 34:33–35) But in our text (vs 13) the Apostle Paul adds the further suggestion that the face of Moses was veiled in order that people might not have to gaze upon the slow fading of that glory. It is a sad thing to see the fading glory of anything, whether it is a man past his prime, a nation in decay, or the fading glory of God in the life of an individual.

I have a thesis I want to suggest to you this morning—that the fading glory of a people is primarily a religious problem. The defeat of Athens in 404 B.C. was more than just a military defeat. Stripped of the things of which Athenians were once very proud, military power, Hellenic wisdom, and world leadership, Athens turned in upon herself and developed what Gilbert Murray, in lectures which he delivered at Columbia University in 1912, called "failure of nerve," compounded by a sense of guilt. During this period of her fading glory, Murray suggests the Athenian state developed four religious heresies: (1) Anti-nomianism, literally (anti-nomos from the Latin) anti-law, rebellion against the establishment. In the days of the Judges every man was described as doing what was right in his own eyes. (Judg 17:6) Today we describe the anti-nomian spirit, "Every man does his own thing." (2) An Athenian form of Zoroastrianism which divided the world into two warring factions, black and white. (3) Astrology. Murray says that astrology fell upon the Athenian people like some exotic disease on a remote island. (4) Cynicism. Diogenes and his Cynics dropped out of the world and forsook their culture to live the life of a dog.

Does history repeat itself? I really don't know, but the similarities are striking. (1) Cynical and disillusioned young people drop out of society to lead the life of a dog in hippie communes. (2) The anti-nomian spirit in youth rebels against the establishment and reacts against authority in the home, on the streets and on our campuses in their disrespect for our police officers. (3) Neurotic national guilt feelings are illustrated by My Lai and the trial of Lt. Calley. (4) A new interest in the occult, as even Presidential aspirants like Senator Harold Hughes express their faith in astrology. (5) The division of the world (literally) into warring factions within the ghettos, of the blacks and whites. Heresies thrive in spiritual emptiness! In a period of fading glory people seek to redeem a blighted culture with shallow and second-rate solutions and begin to worship false gods.

I plead not guilty! I refuse to be caught up in this national neurosis which results in a failure of nerve, and I refuse to yield to masochistic feelings which condemn our country for being imperialistic, mercenary, or warlike. I would suggest this morning that we stand before our God with unveiled faces, (vs 18) and these are some of the veils which I suggest need to be removed in this hour.

First, there's the veil of gloom and doom. Even our American history today is being taught in this kind of atmosphere. We are the first generation of Americans to be taught to be ashamed of ourselves. It is time for us to quit apologizing for our greatness and begin to take pride in those things which have made this nation to be great. We have heard it said so many times that civilizations become decadent after 200 years that, as we begin to approach our own Bicentennial, we have almost come to believe our culture is over the hill.

Secondly, I would remove the veil which has clothed Communism in a halo of decency and has made an aristocrat out of a wanton harlot. Actress Jane Fonda told 2,000 students at Michigan State University last November 22nd, "I would think that if you understood what Communism was, you would hope, you would pray on your knees that we would some day be Communists." (Detroit Free Press, Nov. 22, 1970) I presume Jane Fonda knows what Communism really is. She has spent enough time and money propagating its doctrines. But do you know what it really is? Do you know Lenin's legacy to youth? On October 16, 1905, Lenin wrote these revolutionary instructions: "Go to the youth. From fighting squads everywhere of 3, 10, 30 persons. Let them arm themselves at once as best they can, be it with a revolver, a knife, a rag soaked in kerosene for starting fires. . . . let 5 or 10 percent make the rounds of hundreds of workers' and student study circles, and supply each group with brief and simple recipes for making bombs." This prescription for revolution was given when the Russian people were bitter over their Naval defeat by the Japanese at Port

Arthur. The Encyclopedia Britannica says, "Patriotic feeling began to turn against the government. The war grew extremely unpopular." Be warned, Christian America! War weariness is Communism's opportunism

Thirdly, I would remove the veil which confuses anarchy with dissent. The freedom to dissent is one of our most precious American freedoms. But the patriot exercises this freedom within the framework of the law. The anarchist expresses his dissatisfaction outside the law. The one is constructive; the other is destructive. President Nixon said to the graduating class at the Air Force Academy last year, "A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges." I think it's time we began to believe in ourselves, to rally constructive support for our country, and to label the anarchist as the outlaw he really is.

Fourthly, I would remove the veil of military unpopularity, with the demonstrations outside recruiting offices, antagonism against recruiting offices on college campuses, and more recently, activities which sought to keep our ships from going to sea. The expulsion of Taiwan from the United Nations has greatly sobered me. The undisguised glee with which delegates from certain nations hailed the departure of Nationalist China is a very ominous sign that our U.S. diplomacy is at its lowest ebb. We cannot afford the luxury of fighting among ourselves, civilians against the military. We must recognize that we are all part of the same team.

A hundred years ago a British soldier wrote these words on a sentry box in Gibraltar:

"God and the soldier all men adore
In time of trouble and no more.
For when war is over and all things righted,
God is neglected and the soldier slighted."

There are no atheists in foxholes in wartime and no heroes at home in peace-time.

What if our military, fed up with their critics, vacated the perimeters of our national defense to the enemy and said, "All right, you armchair critics, you peaceniks, it's your war! You take it from here!" Military men don't initiate policy; they obey orders. They're not gangsters and assassins but patriots and Christians.

We all fight under the same national ensign, and live beneath the same banner of faith. We have the same common goal, the same idealism, the same citizenship, the same love for our Lord and for our country.

Fifthly, I would remove the veil which suggests that the only road to peace is the road of withdrawal and retreat. Moshe Dayan, Israeli Defense Minister, has said, "We would not achieve peace by retreating . . . what has been offered to us is retreat without peace." The bleeding hearts in Congress and in the clergy seek to convince us that our only alternative for peace is pacifism. We chip away and we chip away at our military preparedness until we have lost our military superiority. I do not believe that we could afford another Cuban crisis today in the Near East or the Far East or in Berlin, Korea, or South America. In an eyeball-to-eyeball confrontation with the Russians, I believe we would blink. And when we do, we relinquish our place of leadership in the world.

As Admiral Moorer, Chairman of our Joint Chief of Staffs, said to the graduating class at Annapolis a year and a half ago, "In international gameamanship there is no prize for second place." Where did we ever get the idea that God can't operate through strength as well as weakness? Or that the solution to evil is to run from it, rather than stand and fight against it? Jesus said, "I have not come to bring peace, but a sword." (Mt 10:34) And if we remove from the Old Testament all the passages of Scripture in which God told the Israelites to fight against the enemy, we have a multilated Scripture. On one occasion He ordered the complete destruction of the Canaanites, every man, woman and child in order to eradicate evil from Israel. No commanding officer would give an order as harsh as that today. Take out of our Psalms the military songs, and we remove some of our most beloved hymns, including the Twenty-third Psalm. It is a privilege to be an American. Our faith is worth fighting for. But we don't preserve freedom with a naked ideal. We have to beef up our freedoms with the strength to sustain them.

Sixthly, I would remove the veil from patriotism itself. I am grateful for a service like this one. It sends chills up and down my spine to hear the voices in this great Sanctuary sing in unison "The Star-Spangled Banner." I think we as clergy and churchmen err by our silence when we fail to affirm those things which made this nation great. Before our Pilgrim forebears ever set a single foot upon that stern and rock-bound coast, they gathered together in the cabin of the Mayflower and signed a Compact: "In the Name of God, Amen. We whose names are underwritten. . . . Having undertaken, for the glory of God, and advancement of the Christian faith and honor of our King and Country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, covenant and combine ourselves together into a civil body politic." That is how it all began. That was the beginning of our country. "In the Name of God, Amen." Men and women, for the glory of God and the advancement of their faith, combined in a civil body politic. Never has that civil body politic been more threatened than it is in this hour. Never has it needed men and women to stand up and affirm their faith in this body politic more than now. We all abhor war as useless slaughter and waste. But cannot we, as Christians, seek peace with honor and victory and prove to the entire world that we have recovered from this failure of nerve?

Shakespeare wrote in Julius Caesar (Act IV, Sc 3):

There is a tide in the affairs of men,
Which taken at the flood leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current when it serves,
Or lose our ventures.

We stand at the flood tide and a failure of nerve now can cause us to lose the venture. This is no time for the faint-hearted. Jesus said, "Would that you were cold or hot! So because you are lukewarm, and neither cold nor hot, I will spew you out of my mouth." (Rev 3:15–16) A vacillating people cry out, "Peace, Peace, when there is no peace" (Jer 8:11) because they have lost their pride, their honor, and their heritage. Jesus said, "Blessed are the peacemakers." Peace is something that has to be made. We have to work at it. It occurs only when we make sacrifices for it. There are no panaceas, no bargains in peacemaking. It will take the blood, sweat, and tears of every Christian to emancipate us from this failure of nerve. And that's why I feel that our problems today are primarily religious problems.

When Jesus came down from the Mount of Transfiguration, He was greeted by the father of an epileptic boy who said, "I asked your disciples to cast the devil from my son and they could not." (Mk 9:18 T.E.V.) Will the world say to us, the Christian churchmen of America today, "We asked you to cast out these devils which debilitate and destroy and you could not"?

There is an inscription on a 17th Century church in Leicestershire, England, "In the year 1653, when all things were throughout the nation either demolished or profaned, Sir Robert Shirley, Baronet, founded this church, whose singular praise it is to have done the best things in the worst times and hoped them in the most calamitous." What a tribute to a church! In an hour of crisis to do the best things in the worst times!

I believe we will rise to our challenge. Only a miracle can save our fading glory. Only a miracle can remove the veils caused by this failure of nerve. But within the church we believe in miracles. The Scripture said, "Where the Spirit of the Lord is, there is freedom," (Vs 17) and individuals filled with the Spirit of God will help us to recover our faith, preserve our freedoms, redeem the time (Eph 5: 16), and accomplish "the best things in the worst times." It will take a miracle. But Christian statesmen can pull it off. Then when we pledge allegiance to our flag, "One nation under God," it will not be blasphemous irony.

This is not the best possible of all worlds. There's room for improvement in the church and our nation, but I would rather be here, in this hour than any other place, at any other time, in the world's history. We can't rely solely upon our military leadership to provide the patriotism and they can't rely solely upon us to provide the faith. It's our privilege to serve both our God and our country in this hour. We will meet the challenge and we will solve our problems. I believe that this failure of nerve will become the foundation of our faith, and that through patriotic Americans and faithful Christians, we will recover our fading glory. But it is the flood time!

POLITICAL ADVERTISING ON TELEVISION

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HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. YATES. Mr. Speaker, there has been a great deal of discussion about the quality of political advertising on television. Mr. John E. O'Toole, president of Foote, Cone & Belding Communications, Inc., discussed the subject in a speech on November 17, 1971, from the viewpoint of the experienced executive in the field of advertising.

I believe his views would interest Members of the House, and I am therefore attaching them to my remarks:

AND IF ELECTED, HERE'S WHAT I'D DO ABOUT POLITICAL TV SPOTS

Recently I found myself in Washington, D.C. In an earlier and more innocent era, that might be the last place you'd look for an adman. But in the balmy autumn of 1971 many of us were there at the cordial invitation of the Federal Trade Commission.

Washington is a city from which has been heard, in recent months, a lot of commentary about our business which might make the most hardened of us reluctant to tell our kids what we do for a living.

And as I was cabbing it back to National Airport, I thought about all the elected officials in that very city who had used television in their campaigns in ways that would never be tolerated for product advertising. I thought of abuses and misuses which, were they for a product, would never get past a continuity acceptance department. And I got mad. Not only because of the importance of the electoral process, but because I'm tired of the advertising business taking it in the seat of the pants for these excesses.

We have enough people on our backs now

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without the thinking electorate of the United States accusing us of "packaging candidates" and "selling Presidents."

And we can do something about it. All of us in advertising agencies and particularly people in broadcasting. We can learn from the mistakes of 1970 and make 1972 the year some maturity enters the whole area of political campaigning on television.

And there is some evidence that mistakes were made in '70. A week after the November elections Poote, Cone & Belding interviewed more than 1600 people through our Monthly Information Service and the Gallup Organization. We wanted to know if voters shared our concern with the way TV was used. We found three-quarters of the sample favoring restriction or control of political advertising on television. Most were concerned about the inequity of TV time and funds among the candidates. Of those favoring restriction, 23% felt the content wasn't truthful or honorable enough. That percentage was higher here in the West, interestingly enough.

Well, how did we reach this sorry state?

It all began back in 1952, which happened to be the first election in which I was qualified to vote. More importantly, it was the first election in which television advertising was employed.

General Eisenhower, with the help of Robert Montgomery and Rosser Reeves, did a series of spots in which he answered questions asked by voters—usually ending with: "Let's clean up the mess in Washington." From there, for twenty years, the political use of television has, for the most part, gone downhill.

There have been some brilliant exceptions. The Kennedy-Nixon debates, for example—a format so candid and revealing it has been skillfully avoided by presidential hopefuls ever since.

There has been little subsequent use of debates and longer length expositions. In the 1968 campaign, 70% of the TV advertising was in "spots."

Meanwhile, television was getting a larger and larger proportion of the campaign media expenditure. 58 million dollars in 1968. And television time got more and more expensive.

As a result, the standard campaign today is a big reach/frequency spot effort of 10, 20, 30 and 60-second commercials: the most expensive form of communication this side of Telstar.

And if you can't afford it, you don't play. Even if you're an embryonic Abe Lincoln.

With that much cash going into media, needless to say a lot of people got their mitts into the creative work. A lot of people who don't share with most of us a certain respect for the powerful tools of mass communication and for the rationality of the individual.

Professional image-builders began to emerge and take over the creation and production of the messages. In the public mind, these people were lumped into the pejorative designation "Madison Avenue," although many of them didn't represent any recognized advertising agency.

But they talked like the worst huckster stereotype. And the statements they made about their craft—statements that would get one forcibly ejected from any reputable ad agency—sounded like this:

"Our job is to glamorize them and hide their weaknesses."

"It's much more important to know the man than to know his stand on an issue."

"If I had only three weeks for a campaign, I'd pick a pretty boy."

"He was a beautiful, beautiful body and we were selling sex."

"Voting is an emotional response."

Well, friends, in my opinion that's a sad compendium of cynicism.

The people behind those statements are making some mistakes about product advertising, too. But I won't get into that right now. Their fundamental error, if not sin, is in equating the communications program of a candidate for public office with the advertising of a consumer product.

If you say it's just like advertising packaged goods, the simile breaks down immediately. Most packaged goods are minor purchases. Most depend for their survival on establishing a predisposition to repurchase. The consumer's most effective response to a disparity between advertising claim and reality is never to buy it again.

When you "buy" a political candidate as a result of his advertising, you're stuck with the "purchase" for four years—with results that can be far more devastating than not getting your teeth as white as you'd hoped.

If you draw the comparison with a big-ticket purchase, the analogy crumbles just as quickly. An appliance, an automobile, an insurance policy are not sold by advertising. They are sold by a dealer or an agent. Advertising can only establish, in the mind of the prospect, an appropriateness between his need or life-style and the product, then direct him to the personal salesman and the actual product.

Unfortunately, this essential second step is missing if you apply the same techniques to selling a candidate. And the candidate offers you neither a money-back guarantee nor any kind of service warranty.

Furthermore, none of the safeguards imposed upon contemporary television advertising apply to political spots. Even the libel laws are suspended.

The NAB and network continuity acceptance departments wouldn't think of challenging the statements, claims and promises made by a political commercial.

Indeed, I wonder if the FTC is going to insist on the same kind of documentation from candidates as it demands from automobile manufacturers in 1972.

So it's not only insulting to the issues and office involved to equate them with claims for a can of soup, it's potentially quite dangerous.

But it's been done. Done consistently since 1952. And I'd like to show you some examples.

There have been commercials that didn't mention, much less provide an opinion on, a single issue.

Films:

JFK: "It's Up to You".

Nixon: "Nixon's the One".

Taft: "One Man Who Can Win".

There have been commercials that never once showed you the candidate.

Films:

Buckley: "John Wayne".

Evans: Water ID.

There have been commercials so caught up with image-building you wouldn't know there was a political campaign going on.

Film: Agnew: "My Kind of Man".

Some just registered the product name.

Film: Mezvinsky: "What's His Name?"

And there were unsubstantiated claims galore.

Film: Stokes: "Saturday Night".

Every now and then there's been one that attempts to emulate candor.

Film: Lindsay: "Snow Removal".

But primarily the theme has been disparagement.

Film: Johnson: "Hydrogen Bomb".

Disparagement and more disparagement.

Films:

Smith: "Police are Pigs".

Humphrey: "Laughing Man".

When communication like that can form an important part of a major political campaign, there's something very wrong. And since the advertising industry is being blamed for it, I think we ought to initiate some remedies.

One possibility is for advertising agencies not to accept a political account. This is the simplest solution. It's our solution at FCB at the moment. But I'm not sure it's the right solution.

I think the talents that reside in an agency could, under the right conditions, be ideal for creating and placing meaningful messages for a candidate.

What are those conditions? Well they certainly aren't a high-level, saturation barrage of spots.

The system adopted in England seems very reasonable to me. Under the Independent Television Act, political commercials are forbidden. However, during general elections the BBC and ITA allocate a certain number of free broadcasts to each party, the number based generally on the membership of the party.

In the 1970 elections, the Conservative and Labour parties each received five TV broadcasts of ten minutes duration and seven radio broadcasts of either ten or five-minute length. The Liberal party was given three TV broadcasts and four radio.

After a year-long study headed up by Newton Minow, the Twentieth Century Fund recommended something similar for the U.S.—one of the few nations in the world, incidentally, that allows political candidates to purchase TV time.

The Fund suggested that, during the last five weeks of a presidential campaign, all TV and radio stations simultaneously carry six prime-time half-hour programs featuring the candidates and attempting to "illuminate campaign issues and give the audience insight into the abilities and personal qualities of the candidates."

That sounds pretty reasonable, too. As an absolute minimum, I think we should have the restrictions on TV expenditures put forth in the bill approved by the Senate on August 5. This bill—which would also rescind the ridiculous equal-time proviso, at least for presidential candidates—made so much sense to both parties that it passed with an 88–2 vote.

But the House has turned it into a partisan political joke composed, as far as one can perceive through the procedural pandemonium, of a multiplicity of different plans.

Equally important is the *kind* of message to be used. Notice the word "message." The idea and terminology of political TV "spots" should be dumped forever.

10-second, 30-second, even 60-second lengths are inadequate and inappropriate for presenting a candidate to the voter.

These lengths defy a discussion of issues and encourage the shallowest kind of imagery, the shoddiest kind of logic and the most reprehensible kind of mud-slinging.

I'm in total agreement with Ward Quaal of WGN Continental Broadcasting who will not allow a political message of less than five minutes on his stations.

If, in an uncharacteristic display of responsibility, the broadcasting industry would follow Quaal's example and set a five-minute minimum on political messages, many of the abuses would automatically be eliminated.

I don't think any political image-builder would risk the ennui inherent in five minutes of groovy music and up-shots of a grinning candidate.

I don't think they could successfully refrain from giving us a glimpse of their man for five minutes or manage to elude every issue.

And I am at least hopeful that they would see the peril in a full five-minute implication that the other guy is a fascist freak.

But just in case, I would suggest a few simple guidelines that would not unduly restrict the creative construction of the message.

And these guidelines would be a code for political broadcast messages that the candidate himself would assent to in writing before he or his supporters would be sold time on any station.

One, the message should be designed to help the voter know and understand the candidate, his character and his ability to communicate.

Two, the message should establish what the issues are which the candidate feels are important.

Three, the message should clearly state where the candidate stands on these issues.

That's all. It's very simple. So simple that I'm sure many of the professional image-builders would smile at the naivety of such an ingenuous proposal. They'd probably point out that longer lengths would blow their reach and frequency and render their TV campaign ineffective.

I have a little too much faith in the intelligence of the American voter, having dealt with him as a consumer for some time, to buy that.

And, like a good adman, I also have some research. There was a study done on political broadcast advertising by the School of Journalism and Mass Communication at the University of Wisconsin. It was done in areas of Wisconsin and Colorado among 512 voters after the 1970 campaigns.

Here's the last paragraph of the introduction:

"The results of this study suggest that a moderate number of high-quality, substantively informative advertisements may be more effective than a saturation presentation of superficial image-oriented spots."

And here's the final sentence of the study: "Thus, the most effective advertising strategy would be one that allocates campaign funds away from a high frequency of exposure approach into a more modest number of ads containing substantive informational content that is presented in an interesting and entertaining manner by skilled producers."

"Yeah," reply the image-builders, "but how do you make it interesting and entertaining? Five minutes of a guy talking issues is about as exciting as watching paint dry."

Well, there's only one way to prove that this kind of political message doesn't have to be dull. To make one.

At the time that thought occurred, there were only two announced presidential candidates—Representative McCloskey and Senator McGovern. We placed calls to associates of both candidates. Only Senator McGovern's group responded, and he agreed to work with us in developing the kind of message I'm talking about under the guidelines I've set forth.

So last month, one of our producers named Burns Patterson and a damn good cameraman named Al Taffet went with the McGovern group to New Hampshire.

Out of the footage they shot, every inch of which was concerned with Senator McGovern's view of the problems and his proposed solutions, comes this model for the five-minute political message. At a cost, I might add, of about one-tenth of some of those orgies of imagery I showed earlier.

Film: McGovern.

I leave it to you to judge whether that kind of treatment is too dull or too cerebral for the American voter. It's serious, I'll admit. Not a pratfall or gag-line in it. But somehow I continue to regard that job on Pennsylvania Avenue as a rather serious matter.

Ever mindful of the equal-time provision, we're offering to do the same kind of message, at cost, for any announced presidential candidate from either major party.

So that's my platform, fellow Americans. I'm urging the House to stop weaving loopholes into the bill to restrict candidates' TV expenditures.

I'm urging the broadcast industry to set a minimum length of five minutes on all political messages. And to insist that the the content concern itself with the candidate, his view of the issues and his proposed solutions.

And I'm urging all of us in the advertising business not to be beguiled into making commercials that confuse a candidate and an office with a deodorant and an armpit.

If these minimum standards of responsibility aren't observed—if we have an encore of those abuses that characterized television campaigning in '70—those fragile strands of public confidence that we're trying so hard to maintain for advertising could be eroded entirely.

And November 1972, is only twelve months away.

TRIBUTE TO AMERICAN VETERANS OF WORLD WAR II

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, on this occasion, exactly 30 years following the enemy attack on Pearl Harbor, I would take the opportunity of expressing the most profound admiration for those Americans who served in the ensuing global conflict and in so doing revealing to the world the spirit of democracy engaged against the greatest odds.

The exact moment of the attack in question is officially recorded at 7:55, Sunday morning, December 7, 1941. Actually, it may have been a few seconds earlier or later; nobody can be quite positive. Men were fighting and dying at that moment and 7:55 a.m. is as close as historical precision can come.

The first bomb cluster to fall wobbling from the first enemy plane engaged on that occasion exploded the United States into the shocking realities of a world war. It took a while for men to recognize the fact and some men died before they were fully aware of what was happening. But in a matter of moments everybody in the United States knew that war had come.

What was not then recognized was that in this moment the world itself had changed forever—for, in the lockstep of history, the first bomb to strike Pearl Harbor became the A-bomb, blasting the life out of Hiroshima; and with this development the machine age gave way to the nuclear age in which we live, precariously, today.

Forces set in motion by Pearl Harbor—dramatic as they have been over the past three decades—are expected to produce more changes equally dramatic before the turn of the century three decades hence.

The war triggered by Pearl Harbor altered the course of world politics, transformed the maps of Europe and Asia, shattered empires, and loosed the forces of change on every hand. When the fighting stopped in 1945, America stood as the unchallenged power of the world. As the one nation with nuclear capabilities at that moment, the chance for world domination was in our grasp. But America could not play that role, and turned away in hope of better things. Disarmament became our national policy and full dependence on the noble intentions of the United Nations.

Had we acted differently, who knows how it all would have worked out? As it is, we have seen a million hopes and dreams crushed by the impact of aggressive power politics, the ineffectiveness of world diplomacy, and the continued ravages of war.

We have seen, too, the dramatic growth of world communism, since World War II, establishing political domination over more than a billion people—a startling picture, tempered only by schisms in the Communist ranks and the growing realization that Communist economics are no match for the capitalist brand. Most Communist nations today are striving to find ways of incorporating the profit incentive and the mechanics of the marketplace in their own system.

But the changes generated by Pearl Harbor are not concerned exclusively with politics and power. In America, the aftermath of Pearl Harbor included the release of scientific and technological forces revolutionary in nature and of staggering significance. Nuclear power, challenging the position of all other forms of energy. Computer development, remaking the world of commerce and recordkeeping in general. Space exploration, opening avenues to intensive expansion of the rocket industry, to miniaturization in many fields, to development of new metals, and to new and broader horizons of scientific thought.

All of this evolved from the drama of World War II, and for every shortcoming we have suffered in the process there is the sobering realization of what would have happened had we not come out the victors in that war.

As national populations climb to a new zenith; as technology creates mechanical marvels to perform the work formerly performed by human hands; as minerals and other natural resources continue to be swallowed by the voracious gullet of hungry civilization—while all this goes on, mankind is rallying to meet the struggles of the future; as if, after years of internecine war, the people of the world were suddenly ready to make a stab at unity, in the knowledge that failure in this regard could well mean the failure of all mankind in its long, perilous contest with the elements. Indeed, if this is to happen, it will be none too soon.

Whether or not such unity is possible remains to this day a major mystery. Certainly, if precedent is to be followed, universal action in behalf of peace is an impossible development. On the other hand, necessity is a powerful argument, and the threat of nuclear war just may, possibly turn out to be necessary, in the eyes of all the people and rulers of the world, regardless of moral, ethical, or spiritual training or understanding.

In this event, the participants in the conflict detonated by Pearl Harbor will be able to say—"Yes, we were there when it happened. We were there when the plain old nickles-and-dimes world of the 1940's changed overnight into the smashing, blinding wonder of the nuclear age. We were involved in the battle for survival that became, in time, atomic retaliation. In short, we were a part of the military miracle of the ages—the miracle that was to lead the world either to

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blazing universal destruction, or to the great era of the nuclear peace.

This is how the world changed at 7:55 a.m. on the morning of December 7, 1941. The first Japanese bomb led to Hiroshima and the creation of the total peril, the global target, the nameless burning city.

The event to which we pay homage on this occasion—American resistance to the Pearl Harbor attack of 1941—signaled the entrance of our country into a war against slavery, and as such shall be eternally remembered by freedom-loving people everywhere. That alone is sufficient reason for hailing its participants as heroes of the highest stature. But there is more to it that that. Those who gave their lives in that holocaust did so far a noble reason—to crush the power of the war mongers and war itself, if that were possible.

As beneficiaries of the American victory in World War II, we are called upon to attain the purposes for which our heroes died; and of all these, the most vital, it would seem to me, would be attainment of the peace so vital to our cause.

Anniversaries do not create real emotions. They merely italicize them. On any day of the year, a visitor to Pearl Harbor can feel sorrow and regret over death and defeat, and pride at men's bravery and a nation's recovery, or bitterness or hate, if that he brings with him. To feel these things it is not necessary to wait for December 7.

But anniversaries do have a way of distilling in the mind the meaning of the intervening years. In this instance, looking back to 1941, it would seem proper to think in terms of peace, whenever possible.

There are still all kinds of fish among us—sharks and minnows, tunas and whales—but Pearl Harbor created for us all the universal fishpond, of which it truly can be said that either everybody sinks or everybody swims. There is no longer a freedom of choice in this perilous regard.

PRINCE SIHANOUK'S PLANS FOR AN END TO THE WAR IN CAMBODIA

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. McCLOSKEY. Mr. Speaker, Mr. Cyrus Eaton, of Cleveland, Ohio, who has long been in the forefront of the search for world peace, recently received a cable from Cambodian Prince Norodom Sihanouk, now in exile in Peking.

The cable outlines Prince Sihanouk's plans for an end to the war in Cambodia and a return to the status quo which existed prior to our invasion of Cambodia on April 30, 1971.

In view of the fact that Premier Lom Nol has recentiy expressly abandoned the concept of a democratic government in Cambodia and in view of the immense devastation of Camoodia being wrought by U.S. air power at the present time—over 2 million refugees—it would seem appropriate that we reconsider our policy with respect to Cambodia. I am pleased to insert in the RECORD at this point a recent Chicago Sun-Times column on Prince Sihanouk's views as expressed to Mr. Eaton:

[From the Chicago Sun-Times, Dec. 1, 1971]

EATON TELLS SIHANOUK PLEA FOR END OF WAR IN CAMBODIA

(By William C. Harsh Jr.)

Industrialist Cyrus Eaton disclosed Tuesday a cable from exiled Cambodian Prince Norodom Sihanouk appealing to the U.S. people to aid him in restoring Cambodian independence and neutrality.

Sihanouk, who was deposed in a coup d'etat March 18, 1970, cabled Eaton, an old friend, from his exile residence in Peking. He asked Eaton to "inform the American people of the terms of this telegram."

Eaton disclosed the contents of the cable during an interview with the Sun-Times at at Drake Hotel Tuesday.

"I would dare to hope that the American Congress and government would soon cease the aerial warfare against my people and (bring about) the complete end of the war in Cambodia," Sihanouk said in the cable, dated Nov. 16.

"In order for this war to be brought to an end, it will be sufficient if the Congress definitely refuses credits from your country in aid of the warlike and unconstitutional fascist regime in Phnom Penh.

"I can assure you that my government has the simple goal of re-establishing the status quo ante of Cambodia, that is to say its independence and its neutrality.

"It will not be a question of communizing Cambodia and even less of letting it become a satellite of Communist Vietnam, which, regardless of the recent views of Washington personalities, has no designs on my country.

"Under these circumstances, President Nixon should not continue to dispense excessive sums paid by the American taxpayers to enable the unjust survival, at any cost, of the Lon Nol regime against the wishes of the Khmer (Cambodian) people, who crave peace and the return of Cambodia to its 1947 constitution, to its independence and to its nonalignment before March 18, 1970."

Eaton, chairman of the board of the Chesapeake and Ohio Ry., Co., is a world traveler and maverick capitalist who contends that U.S. industry is ignoring "unlimited markets" by refusing to trade with communist nations.

He said he visited Sihanouk in Cambodia prior to the prince's ouster.

"I think this man is honest," Eaton said. "He is kindly, gentle and fond of music. He stands for the finest things in life, and posterity will condemn the acts of statesmen who have been invading and destroying his beautiful country."

Mr. Nixon ordered U.S. troops to invade Cambodia in May, 1970, and troops of South Vietnam have operated inside the country at various times since then.

"It grieves me very deeply to have that little country, about the size of Missouri, devastated by giant American bombers, with their destructive bombs killing defenseless women and children," Eaton said.

"I feel that in the long history of man's inhumanity to man there has never been a greater example of cruelty than America has exhibited against that little country that never did any harm to us and sought friendship."

"The historian, the playwright and the novelist of the future will tell that story and it will arouse the pity of people all over the world. And they will reflect gravely upon the humanity and the integrity of the United States," Eaton said.

Cambodia is a remnant of the Khmer Empire, which built wonders such as the ruins at Angkor Wat before it fell in the 13th Century.

Sihanouk, 49, spent most of his time since assuming power in 1941 balancing the United States, France, Russia and, more recently, China in an attempt to ward off Cambodia's ancient enemies, the Thais and Vietnamese.

But, Eaton said, "I believe he was doing his best to keep his country neutral. At times there would be people from North Vietnam there, that's true. But there would also be a number from South Vietnam and the United States always had many people in Cambodia."

FARM SUBSIDY PROGRAM: CLASSIC EXAMPLE OF FOX GUARDING THE HENHOUSE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. ANDERSON of California. Mr. Speaker, earlier today, I spoke on the waste involved in the farm subsidy program.

The current law, which allows a Federal payment of $55,000 per crop, per farm, is so fraught with loopholes and ambiguities that even the administrator of the program, according to the Washington Post, collected $190,000 in payments in 1970 and approximately $95,000 this year.

Not only are the giant agribusinesses reluctant to be weaned from the Federal trough, they have one of their own doling out the taxpayer's money.

Mr. Speaker, when a so-called public servant collects a Federal payment of $95,000—not for doing his job in the public interest, but rather for operating a farm that he is supposed to regulate—we need a reevaluation with an eye toward revamping both the program and its administrators.

For the benefit of those students of government who are interested in a classical example of "the fox in the henhouse" theory of government regulatory agencies, I include in the CONGRESSIONAL RECORD the following article which appeared in the Washington Post on December 8, 1971:

SUBSIDY CHIEF'S FARM PROBED

(By Nick Kotz)

Agriculture Department official Kenneth E. Frick, along with more than one-third of his farmer neighbors in Kern County, Calif., have been reported in violation of crop subsidy regulations. Frick runs the federal program.

Frick, administrator of USDA's Agricultural Stabilization and Conservation Service, confirmed reports to The Washington Post that his own farm, now operated by a trust, and 467 others have been cited for violating program regulations. Kern County is the nation's second richest in farm receipts and ranks second in federal subsidies. The county's 1,190 farmers will receive $27 million in federal payments this year, primarily from the cotton program.

Farmers are paid federal crop subsidies in return for taking part of their land out of production in an effort to balance supply and demand. The alleged Kern County violations include failure to take enough land out of production, counting non-farm land as retired land, and illegally evading the $55,000 per crop limitation on farm payments.

Frick stressed that official findings have not been made in any of the cases, and that farmers still may prove that they were complying with program regulations. Frick's office is in charge of enforcing regulations for the several million farmers in the subsidy program.

In addition to an investigation by Frick's farm program office, the Kern County situation now is being investigated by the General Accounting Office and USDA's Office of Inspector General.

Frick said the alleged violations in Kern County would be the most extensive in any county in the country. He said many violations probably resulted from the unfamiliarity of farmers with a new cotton program. Nevertheless, the federal official running the program in Kern County has been suspended.

Frick and his deputy administrator, Charles Cox, said the alleged violations on Frick's farm involved use of improper land as retirement land.

Cotton farmers such as Frick are required to "set aside" from production acreage equal to 20 per cent of their cotton allotment acreage. The retired acreage must be as productive as the land in production.

Cox said the Frick farm had been cited for using several acres of non-farm land (previously used as a windbreak) as his retirement land, and for using other land of questionable value for "set aside" purposes. The Frick farm and numerous others were cited by inspectors as retiring alkali land (high in salt content) rather than land comparable to that in production.

Frick said his farm interests are held in trust by the Bank of America and his farm land is managed by his brother Howard. He said the 3,000-acre farm received $190,000 in cotton payments in 1970 and about $95,000 this year. Both Frick and his brother would be entitled to a maximum $55,000 payment.

Questioned whether he is not, in effect, investigating a violation on his own farm, Frick said: "I have confidence in our inspection system. The system triggered this examination of farms. As to my farm, my brother is in charge of it and will have to answer for it."

Frick's assistant Cox then added: "Our instructions (from Frick) are to treat his farm like any other farm."

Frick said discrepancies were first turned up in Kern County in a routine "spot check," in which department inspectors visited states in which they do not normally work. Because of numerous discrepancies, Frick said, his deputies then ordered a check made of each of the county's 1,190 farms. Again, the check was made by inspectors from out of state.

He said the determination of violations is now in the hands of the Kern county ASCS committee, under supervision of the California state committee. However, he said one member of the three-man county committee is not participating in decisions because his own farm is being questioned.

Frick stressed that the county and state committeemen are elected by fellow farmers and thus are free to criticize any farm, including his own.

Cox said the inspection team turned up 547 violations on 468 farms. He said the team considered violations as "serious" on about 200 farms.

Cox said farmers could lose part of their federal farm payment for minor infractions and the entire payment for major violations. Severe violations, including fraudulent evasion of the $55,000 payment limitation, could lead to criminal prosecution.

Frick emphasized that he had initiated the "spot checks" that turned up the Kern County situation, because "we wanted to make sure that farmers understood the new cotton program and that it was working adequately."

"What we found in Kern County, I would have to describe as 'bad'," said Cox, in a joint interview with Frick. "It was not typical."

NATIONAL HEALTH INSURANCE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BROTZMAN. Mr. Speaker, during Thanksgiving week the Ways and Means Committee, on which I am privileged to serve, completed 5 weeks of hearings on a myriad of proposals generally known as national health insurance. Witnesses from all sectors of the American society were heard, and I was highly impressed with the concern exhibited by all those who testified. The hearings have made it clear that some form of Federal assistance will be necessary if quality health care is to be within the reach of all Americans.

At the outset of the hearings, I had no preconceived notion as to which, if any, of the proposals offered the best solution. Most of them contain features which, to one degree or another, would ease the financial burden brought on by catastrophic illness. Also, many of the proposals seek alternate methods of providing for the medically indigent since nearly everyone agrees that medicaid is not the answer for the poor.

Although I was not partial to any one bill at the beginning of the committee's hearings, there were several principles which I felt had to be embodied in whatever solution the committee might devise.

The first overriding principle is that we must build on the best of the present system. The fact that our health delivery system and our health financing system are not perfect does not mean that they are devoid of merit. I cannot accept the notion that the only way to answer our health care problems is to create another Federal bureaucracy. To the contrary, some of the programs now having the most trouble are those run by the Federal Government. Thus, the best national health care bill must build on that which is good in the current system.

My second principle is that there must be a choice for the patient. The patient must be free to determine not only his physician, but also the type of delivery system he prefers—be it the sole practitioner, the prepaid group, the hospital emergency or outpatient department, or any other delivery system that enterprising individuals might develop in the future.

The third principle says that Federal dollars should go most to help those who need it the most. The supply of dollars is limited. Each of them comes from the earnings of the American taxpayer. The Government should help persons who cannot afford to pay their bills, because of illness. I cannot, however, support a program which would utilize tax money to care for those who can pay their own way without incurring special problems.

Fourth, a program involving public funds should provide standard comprehensive benefits to the recipient. Certainly some form of protection against a catastrophic illness must be included. At current hospital costs, very few persons could avoid financial ruin if they were to contract a long, serious illness requiring extensive hospitalization. Also, there must be a stress on preventive care and ambulatory care.

My fifth principle is that there be review mechanisms for cost and quality of care with true professional review at local levels. The public must be assured that it is receiving the maximum return on its dollars.

The sixth and final principle is that there should be cost sharing and coinsurance unless one is totally without resources. To me, it is imperative that the individual be aware of the cost involved. People must not be permitted to disregard the cost of health care, because they feel "the Government is paying for it."

Throughout the hearings I attempted to measure each of the national health insurance proposals against the six principles I have just mentioned. Naturally, some proposals fared better than others. One proposal, the Health Care Insurance Act, most closely reflects my own thinking at this point, and I am today introducing this measure.

The general approach of the Health Care Insurance Act is to provide tax credits against individual income taxes to offset the premium cost of qualified private health insurance policies. To qualify, a policy must include catastrophic benefits and certain specified basic hospitalization benefits. The amount of the credit would vary with the income of the taxpayer. Those who pay no tax at all would receive a voucher for the purchase of health insurance. Those whose tax liability is over $891 per year would receive a tax credit in the amount of 10 percent of their health insurance premiums. A sliding scale is provided for determining tax credits for persons in between those two extremes.

The bill utilizes the existing devices of financing health care. It in no way impinges upon the patient's right to choose a physician or method of health care. The greatest amount of public support goes to those most in need. Provision is made for catastrophic illness. And, except for the poorest members of our society there is coinsurance. In short, the approach taken by the bill parallels what I believe to be the essentials of a sound national health care plan.

Mr. Speaker, of particular importance in the Health Care Insurance Act is the provision for catastrophic illness. Ironically, it has been the great strides in medical knowledge which have made catastrophic illness such a threat. Illnesses which were once fatal, and rapidly fatal at that, can now be cured, but often the cures require long hospitalization and expensive initial surgery and sometimes continuing surgery and high cost treatment.

The point at which medical expenses become catastrophic varies from family to family, largely on the basis of family income. This is recognized by the bill which provides a sliding scale for the level at which catastrophic insurance coverage must be afforded. Essentially, the bill defines catastrophic illness in terms of family income. The deductible for catastrophic care would be 10 percent of the first $4,000 of taxable income

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15 percent of the next $3,000, and 20 percent of additional income. Thus, in the case of a family of four with an income of $3,000, any expenses beyond basic hospitalization coverage would be viewed as catastrophic. For those families of four with an adjusted gross income of $7,500, the catastrophic deductible would be $338. Those with family adjusted gross incomes of $20,000 would be expected to pay for the first $2,250 of the excess of their basic hospitalization coverage, and so on.

No American family should lose its home and its hope for the future, because one family member has the misfortune of suffering from a catastrophic illness. One catastrophic illness would place the overwhelming majority of Americans on the brink of financial disaster. And, perhaps saddest of all, the next generation might be denied an education or otherwise denied a chance to get ahead in the world due to the loss of family savings brought on by a catastrophic illness.

Mr. Speaker, I still do not believe that a national health insurance bill has been drafted which cannot be improved. However, I believe the bill I am introducing today represents a solid approach, and I hope an approach which will be embraced in the Ways and Means Committee when consideration of the national health bills is resumed.

COAST GUARD COMMENDED FOR ROLE IN OPERATION DEEP FREEZE

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr GARMATZ. Mr. Speaker, on Monday, December 6, the U.S. Coast Guard cutter and icebreaker, the *Southwind*, departed Baltimore for a 4-month expedition to Antarctica, where the ship and its officers and crew will participate in Operation Deep Freeze.

Operation Deep Freeze is basically a naval operation, conducted to support the United States programs in Antarctica, including military and scientific missions. Although the men who participate in these missions deserve recognition for their outstanding contributions, the hardships and rigors they endure receive little or no publicity or public attention.

Mr Speaker, I want to say that I hold great esteem for the Coast Guard, and I participated in a bon voyage ceremony aboard the *Southwind*, because I felt the officers and men of this vessel should know that their outstanding service is valued and appreciated.

The schedule of the *Southwind*'s voyage is as follows:

December 14—Arrive Canal Zone.
December 15—Transit Canal Zone.
December 16–18—Visit Rodman, Canal Zone.
December 27–31—Visit Valparaiso, Chile.
January 6–7—Visit Punta Arenas, Chile.

At Punta Arenas, approximately 32 scientists from the universities of California, Idaho, Scripps Institute, Texas Tech, and Ohio State, and from numerous government agencies, will board the *Southwind* for transport to Deception Island and Palmer Station, which are located along the northern peninsula of Antarctic. These scientists will then form into separate smaller groups to conduct various studies on the land and water areas of the Antarctic Continent.

Upon arrival at Palmer Station, the *Southwind* will assist with resupply operations and will provide approximately 50,000 gallons of fuel for this year-round naval facility. Since the station is completely isolated during the long austral winter, these resupply activities take on a special significance in insuring the very survival of the wintering-over personnel.

After the completion of the resupply assignment, *Southwind* will journey even farther south into the Amundsen/Bellinghausen Seas to assist Dr. Albert Erickson and a scientific party from the University of Idaho in a study of the abundance, distribution, and status of the Antarctic seal population. The two amphibious helicopters aboard the *Southwind* will be used in this venture, and the study will provide essential propagation information for use in the future management of the entire world's seal population.

On approximately February 28, the *Southwind* will return to Palmer Station, then proceed back to Punta Arenas, Chile. The remainder of its return voyage home will be as follows:

March 4—Depart Punta Arenas.
March 9–13—Buenos Aires.
March 17–21—Rio de Janeiro.
April 6—Arrive Coast Guard Yard, Curtis Bay, Maryland.

Mr. Speaker, during my visit to the *Southwind* in Baltimore, I made a brief speech, in which I commended the Coast Guardsmen for their role in Operation Deep Freeze. At this point, I insert my remarks in the RECORD:

REMARKS BY CONGRESSMAN EDWARD A. GARMATZ

Captain Schwob, and officers and men of the *Southwind*.

Each time I see a Coast Guard cutter off, I marvel at the complete dedication of Coast Guardsmen.

My admiration is doubled today, because you are embarking on a rigorous and long voyage—and you will face many hardships and hazards—far away from your friends, family and other loved ones.

And yet, despite the difficulties you may encounter, as other Coast Guardsmen have in past tours of the Antarctic, I am sure your voyage will be a memorable one, and one of the outstanding experiences of your life.

Certainly, you can be proud, because you will be providing supplies to naval personnel that will be essential to their very existence. And you will be assisting scientific missions that will gather information which will help us all to better understand a hostile environment—and to preserve and protect the animals that live in that environment.

And so, because you will share in such a rewarding experience, and because you will be making such lasting contributions, I envy you as you depart for your adventure at the bottom of the world.

I am sure you have all heard the old adage about "wooden ships and iron men."

This seems to imply that our seamen are not up to the standards of those who sailed the seas before them.

But you, here on the *Southwind*, are living proof that this is not so. We now have steel ships and steel men.

As she has done for almost thirty years, *Southwind*, and the crew that mans her, will once again do the job quietly, efficiently—and with great pride.

Although I am not a sailorman in the true sense of the word, I have been so closely affiliated with the Coast Guard for so many years, that in the best traditions of the sea—

I wish you fair winds and following seas.

WHY IS THIS OFFICIAL STILL AROUND?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. SCHMITZ. Mr. Speaker, last month a most revealing article by veteran reporter, Clark Mollenhoff, appeared in a Washington publication detailing the questionable background of the Deputy U.S. Representative currently assigned to our negotiation team at SALT, Mr. J. Graham Parsons. As I previously pointed out before this body on May 12, Mr. Parsons was one of the key figures behind the incredible attempt by the State Department to smear the fine record of Mr. John D. Hemenway, a former Foreign Service officer who for 3 of his 14 years with the State Department had worked as Chief of the Berlin section in the Office of German Affairs. Indeed, after having served in Government service with loyalty and distinction for 24 years—and acquiring an unblemished record—he was dismissed without a pension.

And why was Mr. Hemenway the victim of such a harsh reprimand?

While occupying his important position in Berlin it appears that Mr. Hemenway had made the disturbing observation that his immediate superior, Mr. Alfred Puhan, was consistently deciding vital issues in favor of the Communists and actually engaging in activities which were clearly detrimental to the precarious prestige of the United States of America.

After trying in vain to warn Secretary of State Dean Rusk of the damaging activities of this serious security risk, Mr. Hemenway soon found that not only had his well-documented reports fallen on deaf ears, but that he himself had become the subject of a whitewash investigation requested by Secretary Rusk. Mr. Hemenway's reports were contemptuously rejected out of hand by the two investigators assigned to his case, former Ambassador to Iceland James Penfield—now retired—and J. Graham Parsons, a former Ambassador to both Laos and Sweden.

As a result of their investigation, in January 1969, Mr. Hemenway was fired by the Secretary of State he had tired so hard to alert. Stranger still, despite the fact that his adversary, Alfred Puhan, had long been known by intelligence agencies to be just what Mr. Hemenway had accidentally discovered—that is, a serious security risk—Mr. Puhan was actually promoted by Secretary Rusk to the strategic post of Ambassador to Hungary.

Just prior to the "selecting out" of John Hemenway, a derogatory report on his aggressive pro-American conduct was prepared by Ambassadors Parsons and Penfield and placed in his State Department file to justify that dismissal. Some further elements of this duplicity can be seen in an insertion made in the CONGRESSIONAL RECORD of December 3, 1971, by Hon. JOHN M. ASHBROOK, 44659, entitled "Dangling State Department Dirty Linen in Other People's Yards."

That highly distorted Parson-Penfield report purported to show that there had been no impropriety in Hemenway's discharge and while withheld by the State Department for many months became a key document vital to a hearing sought by Mr. Hemenway before an impartial grievance board. The report prepared by these two career officials, we might add, reached this extraordinary conclusion:

While we are not qualified to evaluate the charges (raised by Hemenway) or the rebuttal (by Puhan and Johnpoll), we find the latter prima facie persuasive.

And, as has been previously noted, Mr. J. Graham Parson is presently our No. 2 man at Vienna in the sensitive and momentous arms control and disarmament talks with the U.S.S.R.

So that the record of this man Parsons will be abundantly clear, since he was one of the authors of that controversial and damaging report condemning John D. Hemenway, I insert at this point in the RECORD the article by Clark Mellenhoff as it appeared in the November 27, 1971, issue of Human Events: "Why Is This Official Still Around?":

WHY IS THIS OFFICIAL STILL AROUND?

(By Clark Mollenhoff)

Hopefully, the optimistic reports President Nixon has been making on progress at the Strategic Arms Limitation Talks (SALT) do not come only through Deputy U.S. Representative J. Graham Parsons.

The unwarranted optimism of Ambassador Parsons has become legend in the U.S. State Department. The questioning of that optimism started with a House Government Operations Committee report in 1959 that castigated Parsons for the overzealous projections of Communist weakness that turned out to be so poor that they served as the subject of the first chapter of William J. Lederer's book, *A Nation of Sheep*.

Lederer, one of the co-authors of *The Ugly American*—another controversial book on Americans in foreign affairs—used the "erroneous reports" of Ambassador Parsons to dramatize what was wrong with American foreign aid programs.

Those who followed the earlier investigation are astounded that Ambassador Parsons is still around after the stormy session he had in 1959 with the chairman of a House investigating subcommittee. Parsons was ambassador in Laos from 1956 to 1958, and so was ultimately responsible for major corruption and mismanagement that flourished in that troubled Southeast Asian country.

One section of the report dealt with the illegal manner in which Parsons ousted an investigator for the General Accounting Office (GAO) who was in Laos in 1957 to investigate favoritism, conflicts of interest, and bribery in foreign aid contracts.

Ambassador Parsons ignored the complaints of corruption and mismanagement but expended great energy in hiding the mess in Laos from Chairman Porter Hardy (D.-Va.) and his staff of investigators.

The subcommittee evidence indicated that International Cooperation Administration (ICA) Auditor Haynes Miller "was 'railroaded' out of Laos because he was close to discovering the truth about Universal (Construction Co.), its bribes, its virtual monopoly of U.S. AID construction projects . . . and its woefully inadequate performance."

The actions to remove Auditor Miller seemed to indicate a conspiracy was at work within the U.S. Embassy in Laos to eliminate those officials who were complaining of fraud and mismanagement and to shield the men involved in the wrongdoing.

Miller's reports and his persistent efforts to get something done about deficiencies in the program only brought trouble from Parsons. Some of Miller's superiors and associates complained to U.S. Ambassador Parsons that Miller was "unable to adjust" to duty in Laos. Parsons sent a telegram to Washington stating he had invited the investigator to resign "because of obvious signs of nervous disorder."

"Ambassador Parsons' opinion of Miller's 'nervous disorder' was rendered without benefit of medical advice," the House Government Operations Committee reported. "This is contrary to Department of State regulations. Competent medical advice was available to the ambassador and could have been solicited."

"One month later, on Oct. 30, 1957," the report went on, "Miller was subjected to a full medical examination in Washington, and certified as 'qualified for general duty.'"

Officials of the AID program excused the deficiencies and maladministration in the Laotian program, with the claim that the AID program had saved Laos from communism.

"The assertion is purely speculative, and can be neither proved nor disproved," the House said in 1959. That was two years before it was generally recognized that a corrupt AID program actually may have helped the Communists in Laos.

The corruption in the Laos program gave substance to the general Communist charge of U.S. decadence. The report said that "Edward T. McNamara, (ICA) public works and industry officer, accepted bribes totaling at least $13,000 from Willis H. Bird and Gerald A. Peabody of Universal Construction Co., in return for helping them secure lucrative contracts and overlooking deficiencies in their performance."

McNamara and several others were later convicted of federal crimes in connection with the incident, thanks to the work of the Hardy subcommittee and no thanks to Ambassador Parsons. Parsons sacked Miller, the first ICA investigator who called attention to the frauds.

Parsons, by that time, had been elevated to the post of assistant secretary of state for Far Eastern affairs, and he was later named as ambassador to Sweden.

Rep. Hardy, who has since retired, went to the White House to object to President John F. Kennedy. Kennedy, with an air of futility, commented: "There isn't much I can do about that State Department. He will not do us much harm as ambassador to Sweden."

Parsons served as ambassador to Sweden from 1961 until 1967, and then served as one of the senior ambassadors on promotion panels until he was named to be deputy U.S. representative to the SALT talks in September 1970.

But he is even now embroiled in two personnel cases in which it is charged that only superficial investigations were conducted that gave a completely distorted view of the facts. In each case Parsons went along with the State Department establishment and, instead of digging into the complaints, he pursued the complainer. Both of these cases are in litigation in the personnel division.

It would seem that the President and Secretary of State William P. Rogers could find a fact finder with a better record of reliability than J. Graham Parsons.

AMERICAN ACADEMY OF PEDIATRICS SUBMIT STATEMENT ON LEAD-BASED PAINT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. RYAN. Mr. Speaker, childhood lead poisoning—a totally preventable disease—is plaguing the children of this Nation. Virtually every center of old, dilapidated housing constitutes a severe peril to the young children who pick up and eat the sweet-tasting, lead-tainted paint and plaster chips which fall from the walls and ceilings of their dwellings.

The toll of lead poisoning is devastating. Each year, it brings death and affliction to hundreds upon hundreds of youngsters. Yet childhood lead poisoning is a manmade disease, and the means are at hand to eradicate its menace from the face of this Nation.

The Food and Drug Administration presently has before it two proposals aimed at combatting lead-based paint poisoning. One, sponsored by five citizen petitioners and myself, would classify all paint containing lead as a banned hazardous substance. The other proposal, sponsored by the FDA itself, would require paints with a lead content in excess of .5 percent to bear a warning label. Interested persons have been given until December 28 to submit written comments to the Food and Drug Administration regarding either or both of these proposals.

As I have often stated to the House, it is my firm belief that if we are to eradicate lead-based paint poisoning, we must eliminate the lead in paint. Merely requiring warning labels on paint with lead content in excess of .5 percent is insufficient to safeguard the children of this country from the devastation of this disease.

On November 30, George Degnon, director of the American Academy of Pediatrics' Department of Government Liaison, submitted a statement on behalf of the academy detailing its views on the two proposals now pending before the FDA. It commented:

The American Academy of Pediatrics endorses the principle contained in the petition filed with the Commissioner that paints containing more than minute traces of lead be declared as banned hazardous substances, if intended for use on children's products or interior surfaces. It appears that cautionary labeling will not adequately protect the public health and safety.

The academy, long in the forefront of the effort to combat childhood lead poisoning, presented a very thoughtful and thorough evaluation of the dangers of lead in paint, and some of those actions it believes are essential to protect youngsters from this dread disease.

The entire text of the statement of the American Academy of Pediatrics regarding this matter follows:

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AMERICAN ACADEMY OF PEDIATRICS,
Evanston, Ill., November 30, 1971.

HEARING CLERK,
Department of Health, Education, and Welfare, Rockville, Md.

Subject: Lead Based Paint.
Reference: 21 CFR Part 191, Federal Register, November 2, 1971.

DEAR SIR: The attached statement regarding the content of lead in paints is filed with the Food and Drug Administration in response to the proposed regulations appearing in the November 2, 1971 Federal Register.

The American Academy of Pediatrics urges that the public health and safety be protected by early promulgation of final regulations pertaining to the lead content in paints, and that the limit for lead be revised downward to "minimum traces" or <0.06% of the total weight for paints intended for use on interior surfaces and on toys and other children's articles.

The Academy concurs with the statement of the Commissioner in issuing the proposed regulation that "paint containing small amounts of lead in excess of the proposed levels (.5%) may not be toxic in themselves; but when considered in conjunction with other sources of lead in the environment they constitute a substantial addition to the body burden that can reasonably be avoided through the application of available technology." It is our finding that paint with .5% lead will not provide sufficient protection for young children one to three years of age. We further concur with the FDA that "any unnecessary exposure should be eliminated or minimized," but differ in regard to the standard to be adopted to achieve this end.

Despite voluntary standards, reports indicate paint on children's toys in excess of the standard. Congressional testimony has revealed the continued availability of paints in excess of the standard for use on toys and products with which children usually come in contact. The implication that paints are safe for use on children's products through pictures thereof on paint containers nullifies the minimal value which might exist in cautionary labeling.

One of the Academy's current concerns is with the setting of limits which give some margin of safety with respect to prevention of lead poisoning in children. Unfortunately, labeling of paint containers will have little effect in preventing this disease. Consequently, it is our firm conclusion that firm action is now needed in order to minimize the lead poisoning health hazard to future generations of children.

The members of the Academy's Committee on Environmental Hazards are: Paul F. Wehrle, M.D., Chairman; Robert L. Brent, M.D.; J. Julian Chisolm, Jr., M.D.; John L. Doyle, M.D.; Emmett L. Fagan, M.D.; Laurence Finberg, M.D.; Robert W. Miller, M.D.; Andre J. Nahmias, M.D.; G. D. Caryle Thompson, M.D.; and Robert J. M. Horton, M.D., Consultant.

Please be assured of our continuing interest in this problem and our availability in further assisting the Food and Drug Administration staff.

Sincerely yours,
GEORGE K. DEGNON,
Director,
Department of Government Liaison.

LEAD BASED PAINT

Memorandum presented to: Food and Drug Administration, November 30, 1971.

Reference: 21 CFR Part 191, Federal Register, November 2, 1971.

The American Academy of Pediatrics files the following comments on the matter at issue and now under consideration:

It is recommended that the Food and Drug Administration promulgate a final regulation pertaining to the lead content in paints and that the limit for lead be revised downward from the proposed .5% to "minimum traces" or <0.06% of the total weight of the contained solids (including pigment, film solids and driers). This recommendation is based on the study of recently published materials (1, 2, 3, 4), based upon an evaluation of data published after the 1% voluntary standard for lead was originally established in 1955 by the American National Standards Institute. The American Academy of Pediatrics recommends that paints containing more than minimum traces of lead be declared banned hazardous substances, if intended for use on children's toys, furniture, or interior surfaces.

Upon review and evaluation of available data in children and adults, an Ad Hoc Committee (B. G. King, Chairman) (1) recently concluded that for children the maximum daily permissible intake (DPI) of lead from all sources should not exceed 300 μg Pb/day.—This DPI is concerned primarily with increments in oral intake of inorganic lead salts. In calculating this DPI, it was assumed that average daily respiratory exposure in most urban areas is approximately 2 μg Pb/m³. Any significant increase in respiratory intake would have to be given added weight because respiratory retention is estimated at 35–40% of very small lead-bearing particulates in the lower respiratory tract. Assimilation in the GI tract is estimated at 5–10% of oral intake. It is understood that the comments which follow apply almost exclusively to increments in oral intake in the presence of constant but low levels of respiratory exposure (2 μg Pb/m³ on the average).

If average daily intake is maintained below this level, blood lead concentrations are unlikely to exceed 40 μg Pb/100 G whole blood. At this level of intake, it is estimated that the amount assimilated by one to three year old children could probably be excreted, so that no net increment in total body lead burden would be anticipated. It is estimated that approximately one-half of this 300 μg Pb/day intake would be derived from usual food, water and air, so that intake from all other sources on the average should not exceed 150 μg Pb/day. In particular, average daily intakes below this DPI would not be associated with any significant increment in soft tissue lead content. It is this portion of the total body lead burden which appears to be responsible for the known toxic effects of lead.

Available data indicate that increments in total lead intake above this DPI increase assimilation (see Chapter 3 in Reference 2) and raise blood levels above 40 μg Pb/100 G whole blood. Such increments may be associated with increase in the soft tissue component of the total body lead burden. At blood lead concentrations of 40 to 50 μg Pb/100 G whole blood, some individuals may show minimal adverse metabolic response in the form of increased delta-aminolevulinic acid (ALA) excretion in urine (see reference No. 2, Chapter 4).

Increased ALA excretion in urine is the metabolic response most specifically associated with rising concentrations of lead in the soft tissues. Increments in total assimilation of lead to levels fivefold to tenfold above that assimilated from usual *dietary* intake, if continued for several weeks or months, clearly can bring such persons into the range of adverse metabolic effects and can be statistically correlated with blood lead levels in the range of 60–80 γg Pb/100 G whole blood. In some instances, persons with blood lead concentrations in this range may show nonspecific symptoms compatible with, but not diagnostic of, clinical plumbism. At blood lead concentrations of 60 γg Pb/100 G whole blood or higher, x-ray evidence of abnormal skeletal mineralization at the ends of growing long bones occurs in some children when excessive intake persists for several weeks or months or longer. Such undesirable effects should be avoided in young growing children.

It is concluded, therefore, to preserve health, prevent adverse metabolic effects attributable to increased soft tissue lead content in growing children and to minimize the risk of serious poisoning, the total daily intake of lead should be limited to < 300 γg Pb/day. A policy statement recently approved by the Surgeon General of the U.S. Public Health Service similarly concluded that blood lead concentrations > 40 γg Pb/100 whole blood be considered indicative of undue exposure to lead and that children with blood lead concentrations in the 50–80 γg Pb/100 G whole blood range be considered as *possible* cases of lead intoxication and that such children require further medical evaluation. (4) In view of the prevalence of pica in one to three year old children, the permissible content of lead in paint should be considered with the foregoing in mind

The content of lead in paint calculated as elemental lead and expressed as a percent of the total weight of the paint may be a good criterion by industry for the content of lead in paint per se. However, this is not a good criterion for evaluating the health hazard present in chips of paint from surface coverings of the walls, windows, doors, furniture, and other objects to which children may be exposed. It is the weight of lead in the chips that determines the health hazard. Recent studies (5) indicate that the weight of multilayer paint chips can be related to the number of layers of paint applied to a surface. In this way, the amount of lead in single and multiple layers of paint can be calculated from the percentage of lead contained in the paint. Such calculations are shown in Table 1. For example, studies at the U.S.P.H.S. Injury Control Laboratory, Providence, R.I. (5) indicate that 1 sq. cm. of one layer of interior paint may weigh 5.2–8.0 mg (avg.=6.5 mg) and that six layers of paint may weigh 37.0–40.6 mg (avg.=38.8). Sixty-nine samples of multilayer paint chips obtained from old dwellings in Philadelphia were found to weigh 89±33 mg per sq. cm. of exposed surface. (The term "sq. cm. of exposed surface" is used here because of the difficulty in sampling a precise and reproducible volume of paint under field conditions). Forty mg of interior paint (6 layers) containing 1% of lead in the final dried solids would contain 400 μg Pb. Using the same calculation, a 10-layered paint surface containing 1% lead might contain 650 μg Pb/sq. cm. of exposed surface. The calculated dose in either instance is in excess of the calculated DPI (daily permissible intake). One sq. cm. of 6 layers of paint on a surface containing 0.1% lead would contain 40 μg Pb; whereas at 0.05% lead, 1 sq. cm. of a 6-layered surface would contain 20 μg Pb. In this last instance, ingestion of a paint chip with 1 sq. cm. (6.25 cm.²) of exposed surface per day on the average can be calculated to provide a dose of 125 μg Pb. Thus, 125 μg of lead from paint, together with an allowance of 150 μg of lead from the usual lead content of food, water, and air approaches the DPI of 300 μg Pb from all sources but would make little allowance for such other non-dietary sources as the child may encounter (2, 6).

Also to be considered is the prevalence of pica in young children. It is estimated that approximately 50% of children between one and three years of age repetitively ingest non-food substances. Abdominal X-rays obtained in the diagnostic evaluation of children suspected of having lead poisoning indicate that very large quantities of foreign substances such as paint, putty, and plaster may be ingested, often without the parents' awareness.

A federal standard for lead to <0.06% is needed in order to minimize this particular health hazard to future generations of children. At the present time, lead poisoning as seen in children is related to old, deteriorated housing so that a federal standard is unlikely to have a significant impact on

plumbism as *now* seen. Nevertheless, as this old housing is replaced or rehabilitated, safe surface covering should be used in order to minimize hazards to the health of future children. Because pica has been a well-recognized habit among humans for many centuries, it appears unlikely that this behavioral pattern will quickly change.

The American Academy of Pediatrics endorses the principle contained in the petition filed with the Commissioner that paints containing more than minute traces of lead be declared as banned hazardous substances, if intended for use on children's products or interior surfaces. It appears that cautionary labeling will not adequately protect the public health and safety.

It should be further noted that therapy is not effective in reversing or preventing permanent brain damage associated with severe forms of acute lead poisoning such as acute encephalopathy. It is currently estimated that 40% or more survivors of encephalopathy sustain permanent brain damage. In order to provide a margin of safety against such occurrences, which are not reversible by current methods of chelation therapy, it is essential that the level of exposure be reduced. Promulgation of a federal standard with respect to lead to minimum traces and certainly to <0.06% Pb probably would provide a safety factor of five with respect to doses unequivocally associated with demonstrable adverse metabolic responses in virtually all individuals and clinical toxicity in some. Except in instances of voracious pica for paint, it would probably provide a safety factor of at least 20 with respect to the average daily intake, which is probably necessary to cause encephalopathy and fatalities in children. Such a safety factor would appear to be a minimum requirement.

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TABLE 1.—AMOUNT OF LEAD IN SINGLE AND MULTIPLE LAYERS OF PAINT VERSUS PERCENT LEAD CONTENT IN PAINT

Number layers	Painted surface covering—rounded average weight of paint chip (milligrams) [1]	Calculated lead content of paint chip with 1 cm.² of exposed surface	
		Percent by weight	Amount (micrograms)
1	6.5	1.0	65 μg Pb.
6	40.0	1.0	406 μg Pb.
10	65.0	1.0	650 μg Pb.
1	6.5	.1	6.5 μg Pb.
6	40.0	.1	40.0 μg Pb.
10	65.0	.1	65.0 μg Pb.
1	6.5	.05	3.2 μg Pb.
6	40.0	.05	20.0 μg Pb.
10	65.0	.05	32.0 μg Pb.

[1] Same area; e.g., 1 sq. cm. of 1, 6 and 10 layers of paint.

PROBLEMS OF AMERICAN AGRICULTURE

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. SHOUP. Mr. Speaker, I recently received a letter which I think underscores the problems faced by American agriculture. This letter from Mr. Ronald L. Moser of Missoula, Mont., speaks for itself and I insert it in the RECORD:

MISSOULA, MONT.,
November 1971.

President Richard M. Nixon,
The Reader's Digest, Orin Lee Staley, President, National Farmers Organization, Clyde Jarvis, President, Montana Farmers Union, Senate Majority Leader Mike Mansfield, Senator Lee Metcalf, Congressman John Melcher, Congressman Richard Shoup.

GENTLEMEN: I am damned irritated. I direct my letter to President Nixon because of his inexcusable ignorance and complete disregard of the depression now encompassing American Agriculture. The lowest prices received by farmers since the depth of the depression are evidence enough in support of my personal views; I direct it to the Reader's Digest because of its constant attack of subsidy payments to farmers, without which they would perish. I also challenge the Reader's Digest to print my protest. In so doing, I do not relenquish my rights to my letter or the views it contains. I also welcome the Digest's sane rebuttal based on hard, clear facts that emanate from the truth as it exists, rather than vote getting opinions it has published in the past six years; I direct the letter to Mr. Staley and Mr. Jarvis because I believe these two men and the organizations they represent truly paint a picture of the rotten conditions under which agriculture exists today; I direct the letter to the Senators and Congressmen because they represent Montana, and do a damned good job of it. I would hope it might provide them with additional ammunition to gain the desperately needed help in agriculture today *everywhere* across the nation; I would in fact like it entered in the Congressional Record that I may be assured my protest has in reality been heard, and by those in power to be able to do something about it. My reasons for the protest are as follows: On November 29, 1971, I went into a health food store in Missoula, Montana and purchased a two pound bag (plastic) of Red Cereal Wheat. The purchase price of this package was seventy-five cents retail, and wholesaled to the health store for fifty cents. I realize this wheat was "organically grown" i.e. not enhanced by commercial fertilizer or touched by toxic sprays or herbicides. Nevertheless, it has simply been cleaned of all alien seeds and packaged. It is high protein spring wheat grown in Montana and North Dakota. I don't know what the North Dakota farmer receives for it when he takes it to market, but the current price offered farmers at Brady, Montana is $1.27 per bushel. One bushel of wheat will make up *thirty* of these bags. In other words, the amount of wheat a local farmer receives $1.27 for "grows" into $38.10 in the market place. This is not the only example. For instance, my wife has in her cupboard a one pound package of cracked wheat that retailed for forty-one cents. That grew into $24.60 in the market place. Cracked wheat is discounted in the price the farmer receives when he sells it, yet develops into a luxury item when sold to the consumer. Consumers, WAKE UP!!!! A bushel of wheat will make *sixty-plus* loaves of bread. There are probably at least a hundred other such examples, and wheat is only *one* farm commodity. There are many others in a much shakier position. Now, who in hell is making all the money? I'll show you how much money I make on my own investment, and I feel that I and all other farmers are entitled to a decent return on our investment as well as Lockheed Aircraft, the Railroad industry, the Petroleum industry, the public utilities, and you name it. They are all subsidized, and to a much greater extent.

Now for my own investment. I farm 1,600 acres of the Triangle Area of North-Central Montana. I own 800 acres and rent the other 800 from my father. My dollar investment is as follows; Land—$91,000, Tractor—$14,600, Combine—$13,050, Truck—$7,050, Drills (used) $1,550, Pickup (used) $600, Cultivators—(new and used) $6,200, Grain augers (new and used) $865, Granaries and miscellaneous tools and equipment (new and used) $3,000, Operating capital (minimum annual) $12,800. The foregoing totals $150,765. We'll round that off to $150,000. The current cheapest local interest rate is 7½%. That figure applied to the total investment of $150,000 equals an annual cost of $11,250, or a total annual minimum production cost on my farm of $24,050. Of the 1,600 acres, I am only allowed to plant approximately 720 acres. My average crop dollar production per acre is approximately $40.00 per acre, or when applied to my share of 600 acres annually, a gross of $24,000. Without the ASCS payment, this reflects an annual loss of $50.00, without even considering my labor or repayment of borrowed capital. My ASCS payment currently approximates $9,000. To the latter can be added patronage dividends from local grain marketing coop and the Production Credit Association, from whom I borrow the capital. These dividends total about $2,000 annually. My gross income therefore amounts to about $35,000 annually, and after applying the $24,000 annual expenses, I realize an average of $11,000 net income, *before taxes*. Please note this is income from *two* farms, mine and my father's. Assume I will pay off my farm over the next forty years. We can then subtract $3,750 a year from my $11,000 income, leaving $7,250 before taxes. Also assuming I work 1,500 hours a year to produce that income, and I am worth $2.00 per hour, I am left with a poverty income from labor of $3,000 to support my wife and two children, in addition to a return, before taxes, on my investment of $150,000 of $4,250. Dividing $150,000 into $4,250 gives a net percentage return on investment of 2.83%. Is that a fair return? Montana Power Company is currently requesting a rate increase in Montana of 34% because they "can't make it." According to Senator Metcalf's findings, Montana Power had a net return on investment last year of 22.8%. The latter percentage figure is *eight times* that of my own. The President's Wage-Price guidelines call for a 5.5% maximum increase in wages and prices. In 1966 I sold winter wheat for $1.45 per bushel. If farmers would have had that 5% increase during the last five years, the current price for my wheat would be $1.82 per bushel. Instead, it is now $1.08, or almost a 25% *decrease just in the last five years*. During the same time, my production costs have *increased* about 25%. This one-sided situation cannot go on. On top of that, the West Coast dock strikes cost Montana farmers a reported $14,000,000 this year alone, not to mention lost markets we may never recover. The President acted on that so late he may as well have ignored it completely. There are countless other current statistics that support the fact the Government and the Grain Trade are short-selling farmers. Unfortunately, I am not a human computer, can therefore not recall that much data and consequently am limited to providing those statistics that directly affect

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me. The Reader's Digest thrives on publishing articles by congressmen and others adverse to agriculture by quoting $7,000,000,000 USDA budgets which neglect to mention that at least 80% of that budget goes not to farmers, but rather to give cheap food to consumers to get more votes, and simply to cover administration costs of the USDA bureaucratic colossus. As much money has been spent every eighteen days during the last six years in Viet Nam as has been allocated to helping the Nation's farmers each year. Each senator and congressman receives an annual salary exceeding the GROSS INCOME of 60% of all the nation's farmers. The one million plus people in New York City alone that are on welfare have an average net income in excess of at least 20% of all the nation's farmers. The farmer's *entire* income is derived from taxes, the latter's entire income is derived from work. The welfare recipients feel justified in going on "strike" while the working poor farmers who pay taxes to support them are chastised and referred to as economic parasites. I constantly see reference to "expert economic advisors." Where in hell are they to allow such preposterous inequities to exist, let alone ever have come into being?

The USDA advertises a national average loan rate on wheat of $1.25 per bushel. It is average for sure, just as surely as it is inequitable. It means in fact that while farmers in one locale receive a guaranteed loan of $1.42, my neighbors and I make up the difference by getting a $1.08 per bushel guarantee. We in the Triangle Area of Montana raise some of the best milling quality wheat in the world, yet receive up to one dollar per bushel less than some areas producing wheat of dubious quality even for domestic animal feed. We are limited to raising primarily wheat and barley because of climate nad rainfall conditions. We also have to leave half our land fallow each year to conserve moisture, and now to add insult to injury, the administrations farm program forces us to set aside additional acres, while simultaneously allowing other regions in the nation to plant all the wheat they want in land that never before grew wheat and in other land in other regions in the same fields along with other grains. What kind of asinine approach is this? Now we have as a Presidential appointment to the position of Secretary of Agriculture a Mr. Butz. He represents Purdue University, the Ralston-Purina Corporation, and is most distinguished for having served under "Ez" Bensen and the greatest agricultural debauchery of history. Farmers are tired of so-called economists who can't seem to tell the difference between profit and loss. We would prefer a man with simple common sense. The only large organization supporting his appointment is the American Farm Bureau, which in reality has a membership neither completely made up nor adequately representative of farmers. The Farm Bureau's support was largely publicized by the USDA, while the only places I saw evidence of the strong opposition of the remaining large representative farm organizations such as the NFO and Farmers Union, was in their own publications, which are for the most part read only by their own members. Agriculture is our largest industry. Without it, our balance of payments deficit would have bankrupt this nation ten years ago. European nations subsidize the farmers to up to $4.00 a bushel and many of the consumers in those same nations pay out up to 50% of their income for food. In the U.S. tens of thousands of farmers are forced off their land annually while the consumers enjoy a standard of living in which only 16% of their income goes for food. How long would General Motors stay in business if it sold its cars for 3% above cost while simultaneously giving "foreign aid subsidies" to Toyota of Japan to compete with them?

I realize my foregoing efforts are almost futile. However, near futility is better than no action at all. I have taught, have been taught, and believe that the only reliable procedure lies within the system, hence my protest letter approach. Reader, take heed, though, that that belief is tottering on a poor foundation, in my own mind, and those of three million other farmers and ranchers.

Sincerely,

RONALD L. MOSER.

HON. GREGORY B. KHACHADOORIAN RECEIVES THE FROST-DUNPHY AWARD

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, Hon. Gregory B. Khachadoorian was recently honored by the Massachusetts Society for the Prevention of Blindness, Inc., as the first recipient of the Frost-Dunphy award.

The Horace W. Frost-Edwin B. Dunphy, M.D., award is a special award granted only by a vote of the Board of MSPB for extraordinary achievement in prevention of blindness, which will affect the sight of large segments of the population.

The award will not be presented on a regular basis, but only when an individual's work has resulted in a great benefit to mankind.

The citation read as follows:

CITATION TO THE HONORABLE GREGORY B. KHACHADOORIAN, SIGHT-SAVER

Whereas—Blinded himself in an accident as a teenager Mr. Khachadoorian has devoted his professional life as a legislator to Prevention of Blindness legislation. He was the author of the Mass. School Eye Safety Law of 1964 and strengthened in 1966 (second such law in the U.S.) which provides that safety eye devices must be worn in all shops and labs in all private, public, parochial schools and colleges and universities in Massachusetts.

Whereas—Mr. Khachadoorian's historic legislation going back to 1965 to provide safer eyeglasses and sunglasses for all Massachusetts people has resulted in the 1970 FDA regulation which provides safer lenses for all people in the United States.

Whereas—Mr. Khachadoorian filed the first bills in the U.S. for safer lenses and safer frames. For years his bills were beaten in Massachusetts. Meanwhile several states enacted laws for safer eyewear based on Mr. Khachadoorian's model. However, in June 1970, Massachusetts passed the first complete Model Eyeglass law (based on NSPB text) in the U.S. The FDA regulation followed shortly thereafter.

Whereas—Mr. Khachadoorian gave legislative impetus to a program for safer eyewear long endorsed by NSPB. He has protected the vision of the millions of American men, women and children who now wear eyeglasses and sunglasses and the untold millions in generations to come.

Therefore we the Massachusetts Society for the Prevention of Blindness bestow the Frost-Dunphy Award on Hon. Gregory B. Khachadoorian for his extraordinary achievements in Prevention of Blindness.

TRADE ADJUSTMENT ASSISTANCE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I found the following article taken from this morning's Wall Street Journal to be a well documented account of the relative uselessness and ineffectiveness of the trade adjustment assistance provisions of the Trade Expansion Act of 1962, certainly as it has been interpreted by the Tariff Commission. While the article concentrates on the problems firms have had applying for adjustment assistance, the author could well devote any number of articles to an in-depth study of problems workers' groups have had in petitioning for adjustment assistance. I have come to the conclusion that the only avenue for genuine relief, certainly for the shoe industry, would be for the President to act on the industrywide relief petition which has been before him for nearly a year now. Extensive correspondence with the White House, however, reveals only that for the time being at least, the White House feels that unemployed American shoe workers have to wait for some results to emerge from the Spanish negotiations before their needs can be met. In any event, even though the article bandies about phrases like "Protectionists" rather loosely to describe Members of Congress who have been singling out trade adjustment assistance for the farce that it is, it should be required reading for any Congressman who still might feel that the Trade Expansion Act of 1962 offers any kind of real relief to those who have lost their jobs as a result of our foreign trade policies since then. I am also including some of my back-and-forth correspondence with the White House on trade adjustment assistance.

The articles follow:

[From the Wall Street Journal, Dec. 8, 1971]

FIRMS HURT BY IMPORTS, ASSURED OF HELP IN 1962, FIND IT TOUGH TO GET

(By John Pierson)

WASHINGTON.—At stake, it would seem, is peace, prosperity, free trade and nothing less than the future of the plastic piano.

You see, Estey Piano Co. of Union, N.J., and Bluffton, Ind., has been badly hurt because the government agreed to lower the tariff that kept the price of foreign-made pianos high. So the government agreed to help Estey design a less expensive plastic model, which would make the company competitive again, to help keep Estey in business until the new piano was ready and then to help produce it.

Now, after a considerable outlay of time and money all around, the government has changed its mind. Estey has laid off its 100 workers and put its factory—situated in Indiana—up for sale. (There's only an office in New Jersey.) The fate of the plastic piano is in doubt. Says Estey President Robert Mehlin, whose family has been making pianos for six generations: "We have been very seriously injured by this whole thing."

What has happened to Estey is symptomatic of what has happened to a program enacted nine years ago that was supposed to be free trade's answer to protectionism. Let us cut tariffs, free-traders told business and labor, and we'll help you adjust to the individual flood of imports. For workers, the help was to come in the form of extra unemployment benefits, retraining and relocation money. For companies, the law specified loans, technical advice and tax breaks to help them modernize present product lines or move into new ones.

ONLY TWO GOT HELP

Nearly a decade after enactment of the Trade Expansion Act of 1962, U.S. imports have doubled, thousands of workers have lost their jobs and hundreds of companies have been hurt. While many workers have been getting benefits, only two companies—a shoe manufacturer and a producer of barber chairs—have received any substantial assistance from the government. Another shoe company has been told it will get help.

This failure of the government to make good on its promise to business can only swell pressure for new protectionist moves, free-trade advocates fear. This year the Nixon administration has imposed a 10% import surcharge and has won an agreement limiting Asian shipments of synthetic and woolen textiles—atop earlier restrictions on cotton textiles and steel. If new U.S. import restraints should follow, free-traders foresee higher prices for American consumers and added bitterness between the U.S. and its trading partners.

For the first seven years after Congress passed the law, the Tariff Commission was the villain of the piece. From October 1962 to October 1969, 13 industries, eight individual companies and six groups of workers asked for help but were turned down by the commission. In November 1969, after a change in membership, the commission began interpreting the law less strictly; it ruled that the piano industry had been injured by imports resulting from tariff cuts.

Since then, two other industries (flat glass and barber chairs), 17 individual companies and 64 worker groups have passed the injury test, either through yes votes of the commission or through tie votes that President Nixon has broken in favor of assistance. The latest to qualify are Bibb Manufacturing Co., a textile maker based in Macon, Ga., and 1,000 of its workers and former workers.

SO WHAT HAPPENED TO ESTEY?

The Labor Department has certified some 20,000 workers for extra unemployment benefits. But of the 18 injured companies that so far have applied to the Commerce Department for relief, one has been denied help, two have received loans, one has been promised a loan and 13 applications are pending; Estey, which once was authorized by the Commerce Department to obtain a loan, is getting only technical assistance.

Here's what happened to Estey.

In February 1970, two months after the Tariff Commission ruled that the piano industry was injured, President Nixon gave piano makers temporary "escape clause" relief from tariff cuts and made them eligible to seek adjustment assistance.

In March 1970, Estey asked the Commerce Department for permission to apply for help. In June 1970, after determining that Estey was indeed among the injured of the industry, Commerce Secretary Maurice Stans declared the company could submit an aid proposal.

During the next nine months, Estey, the department, a management consultant hired by it, and the Small Business Administration worked out a package that included a $90,000 grant and a $2.6 million loan. The grant was technical assistance for building a prototype plastic piano and for a study to make sure there was a market for the new product. The loan was for paying off Estey's prior creditors, financing continued production of wood pianos until the plastic one was ready and the story a big play.

BIG PLAY FOR STORY

Last March, Secretary Stans certified that Estey's proposal was "reasonably calculated materially to contribute to the economic adjustment of the firm" and "authorized" the grant and loan. A Commerce Department press release heralded Mr. Stans' action. Newspapers in New Jersey and Indiana gave the story big play.

In April, Edward Killam, then director of the department's trade adjustment assistance division, wrote Estey's creditors that the government money "will be available to liquidate obligations of the firm . . . including any obligations which may exist to you."

Under the law, once he has certified a company's adjustment assistance proposal, the Secretary of Commerce first asks the Small Business Administration if it wants to make the loan and the Economic Development Administration if it wants to make the grant. If either agency says "no," then the Secretary "may" provide the help himself.

In May, the EDA said it was willing to give Estey $90,000 for the prototype piano and the market study. Then things began falling apart.

In July the SBA said it was "deferring" action on Estey's loan. Until the prototype and the study were successfully done, the SBA said, there was no "reasonable assurance"—as required by the law—that Estey could repay the government. Commerce Department sources suspect that the SBA simply preferred to have the department risk its own money.

Meanwhile, Mr. Killam had been replaced as director of trade adjustment assistance by Lewis Kaufman, former Los Angeles partner of Goldman, Sachs & Co., an investment firm. Mr. Kaufman viewed the program somewhat differently from Mr. Killam. For example, he felt that no funds should go to pay off prior creditors. As he saw it, the program was meant "for the economic adjustment of firms, not as a creditors' relief act."

Bothering Mr. Kaufman, too, was the fact that some of Estey's creditors were also principal stockholders. Although Estey's proposal stipulated that the stockholders would wait for their money until the government got its money back, Mr. Kaufman says he still worried that the loan would go to "bailing out" stockholders rather than revitalizing Estey.

So despite Mr. Stans' March authorization, despite the Commerce Department's press release, despite Mr. Killam's letters to banks and other creditors, the department joined the SBA in deferring action on the $2.6 million loan.

And in September, it refused a request from Estey for enough money to keep going until the prototype was built and the market study completed early in 1972.

Late in September, Mr. Mehlin told a Senate Commerce subcommittee that the department had a right to change its mind about the program, but he argued that once Secretary Stans had approved Estey's proposal, "he should certainly live up to that commitment."

Harold Scott, Assistant Secretary of Commerce for domestic and international business, called the Estey case "unfortunate." According to Mr. Scott, trade adjustment assistance had "languished as a relatively inactive feature" of his department, handled mainly "at the staff level."

FROM CHAIRS TO CABINETS

Mr. Mehlin said he was closing his plant in Bluffton and laying off his 100 workers, many of them experts who would be hard to replace if and when the plastic piano went into production. But he now says he'll try to persuade his creditors to hold off and not force Estey into bankruptcy. With the help of the EDA's $90,000 grant, he's going ahead with the prototype and the market study. He still believes that the new piano has "terrific" potential, and he hopes, one way or another, to prove it.

While Estey was having its ups and downs, 17 other companies were applying for help in adjusting to imports. Two have received it.

In September 1970, the SBA loaned $2 million and guaranteed a private loan of another $2.1 million to Emil J. Paidar Co. of Chicago, a maker of barber chairs. The loans were to help Paidar diversify by moving into production of dental cabinets, too. The EDA has provided $22,000 of technical assistance.

Paidar used the loans to begin work on a new plant, but Paidar President John Dlouhy says he now wants to sell the new plant and acquire another company that makes dental cabinets. So he's asking Commerce for an additional $3 million.

And early this year, the SBA loaned $1.4 million to Benson Shoe Co. of Lynn, Mass. The EDA provided $200,000 of technical assistance, and the Commerce Department gave tax aid in the form of an extra two years of net operating loss carryback.

VARIOUS STAGES OF SUSPENSE

Benson President Phillip Kaplan says government aid has allowed him to reorganize management, production and sales methods. Volume has doubled with only 20% more help. "To us the program has been good," says Mr. Kaplan.

Both these loans included funds to pay off creditors, a standard SBA practice. Both were made before the Commerce Department got adjustment assistance money of its own. Thus, the SBA had to decide the issue for itself, unlike in the Estey case.

Now that it has its own money, the Commerce Department has just agreed to lend $662,000 to help breathe new life into Louis Shoe Co. of Amesbury, Mass. The EDA will kick in $100,000 of technical aid.

Meanwhile, 13 other companies are in various stages of suspense. Some submitted their aid proposals months ago and are waiting anxiously for a response. "I just hope they can get us the assistance in time," says Victor Pomper, president of H. H. Scott Inc., a Maynard, Mass., producer of hi-fi equipment.

A few companies have gotten past the Tariff Commission but are still waiting for Commerce Department permission to apply for help. Robert Bretzfelder, president of Krakauer Brothers, a New York City piano maker, says that every time he sends department officials some figures to prove that his company has been injured, "they ask for more figures." This has been going on for half a year. "If a company was really on the brink of going out of business and had to wait this long, they'd be out of business," he says.

Commerce officials deny it, but these delays may have had something to do with the resignation last month of Mr. Kaufman, the adjustment assistance director. "There have been some suggestions that things happen faster," Mr. Kaufman concedes. "Maybe my problem is that I'm used to dealing with large, successful companies and not with small, unsuccessful ones."

But clearly there are other obstacles to winning trade adjustment assistance. The requirements for proving injury are so tightly written that few companies to begin with get by the Tariff Commission. After that, the procedure for getting help is so complicated that only a few have received it. Division of the authority for dispensing aid permits apparent buck-passing, as in the Estey case.

There may be a basic inconsistency in the law's requirements that companies must be "seriously" injured to be eligible for help and give "reasonable assurance" of repayment. By allowing companies working capital to pay creditors and meet other current expenses only in "exceptional" cases, the law holds little hope for firms like Estey that are on the brink of ruin.

Recently, President Nixon's Commission on International Trade and Investment Policy recommended a number of reforms in adjustment assistance. Among other things, it said one agency should be responsible for operating the program and there should be easier

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loan terms. Going farther, it urged the government to anticipate import adjustment problems and identify industries most likely to be hurt.

SEPTEMBER 11, 1971.

Hon. RICHARD M. NIXON,
President of the United States, White House, Washington, D.C.

DEAR MR. PRESIDENT: In writing to you to request favorable action by you on the petition referred to you after a tie vote by the Tariff Commission for industry-wide relief to unemployed shoe workers under the provisions of the Trade Expansion Act of 1962 relating to trade adjustment assistance, I am aware I am repeating myself. We have, in fact, had previous correspondence on this subject. However, hope springs eternal, and in view of the August 15th economic policy statements, I feel there may be some merit in contacting you once again. Insofar as your speech addresses itself to the problems created by increasing imports into our economy and is motivated to a large degree by a concern for rising unemployment, I felt that it might be an opportune time to remind you that you still have before you a measure which would provide a measure of decent relief to thousands of unemployed workers in an industry which few would dispute has been hardest hit in all this land by skyrocketing imports.

There is little doubt that another reason I have decided to write to you once again on this matter is the fact that the Tariff Commission has recently handed down three negative decisions in a row in cases involving shoe workers in my District. That is not to mention the unfavorable decisions involving workers in surrounding Congressional Districts in my State. Discussions to date with the Tariff Commission indicate that they are laboring under a definite handicap in the legislative language of the Trade Expansion Act of 1962 and find it next to impossible to find injuries from imports a major factor on a firm-by-firm basis. I am led to believe from these discussions that the only hope for the shoe workers in the near future appears to be a favorable decision on your part to grant industry-wide relief to the workers.

As if I needed an additional reason to write you at this time, two days ago the major newspapers in Massachusetts all carried stories of the cutback in pension payments to former shoe workers because of the dwindling contributions to the system. In other words, so many firms have closed down and the shoe worker labor force has been so markedly reduced that it is no longer possible for the pension fund to continue to pay unemployed workers at the former rate. I think this Nation has some responsibility toward those who have given some of the best years of their lives to a once proud industry in this Nation, only to find that in their declining years what little bit they got from their pension funds is being reduced and could possibly disappear altogether in the months ahead. In view of the fact that the Tariff Commission split two to two on the question, there is clearly evidence that there is more than a shadow of a doubt that imports are at fault and as one of the Congressmen who insisted on some form of trade adjustment assistance provision in the Trade Expansion Act of 1962, I feel that it is incumbent upon those of us in positions of leadership to do all within our power to assist these people. This is particularly true in view of the lack of action to date on any form of quota legislation for this industry.

Thanking you in advance for your favorable consideration of this matter at this time I remain with all good wishes.

Sincerely,

JAMES A. BURKE,
Member of Congress.

THE WHITE HOUSE,
Washington, D.C., September 29, 1971.

Hon. JAMES A. BURKE,
U.S. House of Representatives, Washington, D.C.

DEAR MR. BURKE: The President has asked me to respond further to your letter of September 11, requesting him to break the tie vote of the Tariff Commission on shoes.

As you may know, at the Council on International Economic Policy's first meeting, the President asked Ambassador-at-Large David M. Kennedy to consult with foreign governments on a number of trade issues, one of which was shoes. Following the first round of these discussions, the Italian shoe industry agreed to monitor its shoe exports to the U.S. under a visa system which, we believe, will be helpful in meeting our domestic problems. Discussions are currently under way with Spain. Should this effort fail, we would be prepared to give serious consideration to alternative actions, including that which you recommend.

Sincerely,

PETER G. PETERSON,
Assistant to the President for International Economic Affairs.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 20, 1971.

Mr. PETER G. PETERSON,
Assistant to the President for International Economic Affairs,
The White House,
Washington, D.C.

DEAR MR. PETERSON: This is to acknowledge and thank you for your reply of September 29th to my request for the President to break the tie vote of the Tariff Commission on shoes and grant a measure of industry-wide relief.

I appreciate your advising me of the very important mission assigned to Ambassador Kennedy. At the time the press reported the Italian shoe agreement, it was indicated that attempts were underway to reach a similar agreement with Spanish producers. Obviously, such an effort would require a period of time which would be difficult to predict in advance. Too, the Ambassador has obviously been very involved in the recently announced textile agreements. Now that this work has been completed, presumably the Spanish shoe problem will be moved to the forefront of his attention.

The facts, however, still remain pretty much the same for the unemployed shoe workers in Massachusetts as when I wrote to you over a month ago. While I realize that international negotiations take time, I hope you will appreciate my impatience. The passing of time is not materially helping the plight of those who have lost their jobs with the closing down of shoe plants in my District. I think that the enclosed petition sums up the frustration and despair of these workers better than any words of mine could do. It is appeals such as this which make me feel that the present system seems designed to produce stalemates and little else. The record of the Tariff Commission is deplorable and, as I have previously indicated, the recent trend of its decisions seems to hold out little hope for any worker looking to it for trade adjustment assistance. Their only recourse is to the President. Since the President is obviously relying on your advice in these matters, I have taken the liberty of writing to you directly on this matter. Is there not some way of having the President act on the industry-wide relief petition without hurting Ambassador Kennedy's chances of successful negotiations in Spain? As I look at it, the two problems seem quite separate and deserve separate treatment.

I would appreciate the benefit of your comments on this matter, as well as anything you could do to speed arrival of the day the President will finally make his decision.

With all good wishes, I remain

Sincerely,

JAMES A. BURKE,
Member of Congress.

THE WHITE HOUSE,
Washington, D.C., November 13, 1971.

Hon. JAMES A. BURKE,
House of Representatives, Washington, D.C.

DEAR MR. BURKE: Thank you for your recent letter in which you ask whether there is some way that the President could act on the footwear industry's escape clause petition without hurting Ambassador Kennedy's chances of successful negotiations with Spain.

As you know, Secretary Kennedy is engaged in consultations seeking the adoption by Spain of a system of voluntary, unilateral restraints on footwear exports to the United States. It is our view that these efforts would be inconsistent with Presidential action under the Trade Expansion Act on the industry's petition for relief and, indeed, that such action by the President would probably eliminate the possibility of voluntary cooperation by Spain.

Moreover, I should note that the footwear industry is enjoying substantial protection by virtue of the 10 percent import surcharge which, as you know, applies to all footwear products and not merely the products covered by the escape clause petition.

I appreciate your letter and you may be assured that this matter is receiving our constant attention.

Sincerely,

PETER G. PETERSON,
Assistant to the President for International Economic Affairs.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 1, 1971.

Mr. PETER G. PETERSON,
Assistant to the President for International Economic Affairs, The White House, Washington, D.C.

DEAR MR. PETERSON: I regret that I find it necessary to write to you once again on the matter of relief for our domestic footwear industry. While I am doubtful that I will be any more successful this time than I have been in the past in getting you to see the serious plight of our domestic industry and the unemployed workers in the continued absence of Presidential action on the industry's escape clause petition, I feel I would be remiss in my duties, not only to my constituents, but to the nation, if I did not try once again.

Since I wrote you last, we both know of the very serious trade deficit registered for the month of October. While complete information on the effect of the 10% import surcharge is not yet available, and probably won't be until it is too late, one thing is clear and that is that it is not providing a solution in the short run to our trade problem and the ever increasing flood of imports. The optimism accompanying the rare surplus registered in September has, I trust, been effectively put to rest by October's performance. In my opinion, it would be a serious mistake for those in positions of responsibility to put too much store on the dock strike as the complete explanation for October's sorry performance. The trend has been apparent for some time now, the dock strike's momentary influence notwithstanding.

I just cannot bring myself to agree with the faith displayed in your most recent reply that the unemployed shoe workers in my District, and those threatened with unemployment, are well advised to put their trust in the 10% surcharge and Ambassador Kennedy's seemingly endless negotiations in Spain. Aside from the fact that collections under the 10% surcharge increase each month together with imports, the fact of the matter is that a 10% surcharge is of absolutely no use as a deterrent where cheap, inexpensive foreign-made shoes are involved. Figures available to government departments should certainly confirm this, if you do not wish to rely on the word of trade associations. Ten percent of $4.50 is just not going to make American shoes competitive with those produced overseas.

In short, it seems to me that my constituents are being asked to pay an extremely high price for the dubious benefits of our present trade policies in being asked to forgo the industry-wide relief which should be available to them in their hour of need. Something must be done. If the White House does not act on this, then I am convinced that Congress will be forced to respond to the crisis at hand and undertake a complete overhaul of this nation's existing trade policies.

Believe me, I am sincere in what I say in urging prompt, immediate action from the only office in the government able to be of immediate assistance, the Presidency.

With all good wishes, I remain

Sincerely,

JAMES A. BURKE,
Member of Congress.

PROGRAM FOR MINORITIES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. ESCH. Mr. Speaker, the University of Michigan has made an affirmative response to the need for improved programs for minority students.

In my view for too long we have allowed ourselves to emphasize the negative instead of the affirmative. This program which has been undertaken by the University of Michigan can form a basis for comparable advancements in other universities. I believe the following articles which I am inserting in the RECORD are informative and worthy of the attention of every Member of this body.

As an alumnus of the University of Michigan I am proud of the school's record in taking such a praiseworthy step.

The articles follow:

[A special report from the University Record, Apr. 19, 1971]

U-M PROGRAMS FOR MINORITIES—

OPPORTUNITY PROGRAM FUNDS AND SUPPORTS

The oldest, and perhaps the most vital program at U-M for minority group students, is the Opportunity Program.

The program began in the fall of 1964 and has continuously increased minority enrollment each year since. At that time, and up until very recently, the program was called the Opportunity Award Program.

Recent expansion of the program to include projects not specifically related to financial awards—prompted the dropping of "Award" from the name. Today, the program encompasses not only admissions and financial aid, but special "supportive" services.

Admissions

Great expansion of the admissions program came during this past year with the employment of six new staff members—four admissions counselors in the Ann Arbor office and two in Detroit. Before the summer months, another counselor will be hired for a Grand Rapids office.

A major task of the admissions counselors is to visit area high school and community colleges to present information about U-M to prospective students. During the fall this year, a total of 125 high schools and 14 community colleges were visited.

Largely because of this effort, the volume of applications for admission to the University through the Opportunity Program has increased tremendously over last year. As of April 8, 426 freshmen and 32 transfer students had been admitted on the Opportunity Program for next fall.

Financial aid

Those students in the Opportunity Program who need financial aid find assistance in several ways: through University scholarships and grants, with a combination of federal assistance and other resources. Undergraduate non-Michigan residents do not normally receive University-supported Opportunity Program funds but seek such federal and outside assistance. Beyond the freshman year, employment within the University is also an important part of the program.

Supportive services

Within the office of student services, the housing office coordinates several programs for minority groups. Working with the Personnel Office's Administrative Intern Program, two or three interns work in programing, accounting, or housing placement. In addition, the housing office plans next year to operate a resident-counselor program in cooperation with the CULS office.

As part of the Opportunity Program, several special projects under the direction of Gil Maddox, director of special academic projects, have been undertaken.

In the planning stages is a Detroit Rackham Building Task Force, in which the University will participate with other colleges to provide general informational and recruitment information to Detroit-area minority groups.

The office also provides coordination and encouragement of black alumni participation to aid students to find summer jobs; provides scholarship funding, especially for out-of-state minority students; and provides career counseling.

In addition to these projects, Maddox hosts a television show on Channel 4, Detroit, called "Profiles in Black." "One function of the show," says Maddox, "is an attempt to show the larger community—especially parents—of occupations and educational options now open to minorities which were not previously open. We consider the parental influence primary on affecting the student's ultimate choice regarding higher education."

The Exchange Program with Tuskegee Institute is also administered under the office of special projects, although not directly related to the Opportunity Program. The exchange program began with student and faculty exchanges in 1965, and has continued with many schools and colleges setting up special other exchanges apart from the regular program. In 1970–71, some six to eight U-M students studied at Tuskegee, and about 14 Tuskegee students came to the Ann Arbor campus.

Events

1959—Regents Adopt Non-Discrimination Policy.

Fall, 1964—First 70 students enrolled at U-M under the Opportunity Award Program.

1965—Student and faculty exchange between U-M and Tuskegee Institute begun.

1967—Administrative Intern Program begun.

1968—Coordinator for human relations affairs appointed.

1969—Black Studies Program for undergraduates in LS&A begun.

1970—March 19: Regents undertake commitment to a 10% black student enrollment and substantially increased numbers of other minority groups by 1973–74.

Fall, 1970—Center for Afro-American and African Studies opened.

While these events are not all inclusive of the many programs instituted for black and minority groups at U-M, they are major points in the history of U-M's program. The events point to a gradual working toward a particular goal—the betterment of internal organization to improve education for minorities at Michigan.

The most active year for expansion and realization of programs, however, is the current one: 1970–71. While many programs are continuing from these early beginnings, and many more are on the drawing boards, it is the 1970–71 academic year in which active steps have been taken to fulfill the Regents' commitment.

The articles in this special report bring up to date these U-M programs—what is happening now, and plans for future development of programs.

SCHOOLS AND COLLEGES HAVE VARIED PROGRAMS

At mid-year each year, U-M schools and colleges submit progress reports regarding an affirmative action program for minority groups in accordance with the requirements by the Department of Health, Education and Welfare. Summaries from some of the schools' reports which were submitted to the office of William L. Cash, Jr., assistant to the president for human relations affairs, follows.

School of dentistry

Recruitment for minority staff members included the addition of two part-time black professionals in the fall of 1970. Recruitment of students included help from the Wolverine Dental Society and present black students. In addition to these programs, the school sponsored visits from high school and junior college students. Last summer, and again this coming summer the school participates in a summer research program of black undergraduates. Funds were made available last year to support five students up to three months to work with research programs conducted by faculty members.

Education

Last fall, the School of Education set a goal of 20% minority faculty, staff, and students. An increase in minority faculty and staff from 22 in 1969 to 64 in 1970 has been realized; an increase of undergraduate students from 15 in 1969 to 58 in 1970; and an increase of graduate students (an incomplete count) in that same period of 56.

In addition to this recruitment effort, the school has developed special programs and services, specifically for inner-city urban programs. Some of these include a new course in teacher education: Urban Tutorial Experience; a day care project; a preschool program with a training emphasis for a person working with minorities; an urban teacher training program in the Western High School constellation in Detroit; and the Urban Program in Education, located in five all-black elementary schools in Detroit.

Social work

Between 1965 and 1970–71, black student enrollment increased by 268% in the School of Social Work. The school now has one of the largest minority group faculties in the country; and half the student scholarship and traineeship funds awarded go to minority students.

Curriculum at the school has been developed with courses specifically relevant to the black community. These courses deal with the social environment of the black community, focusing on providing a general

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introduction to examine the responses of black people to basic American institutions, the origins and development of racism in society, and to study the economic, political and social processes in the black community.

Rackham

Development of a graduate school opportunity program provided an increase of about 50 new black students this year over 1969–70. The school also coordinates counseling and recruiting of black students and faculty with the departments.

Natural resources

Through the Tuskegee Program, the School of Natural Resources transfers an equivalent of a full professor to Tuskegee for one semester during the year. During summer and fall term, a Tuskegee student attends the school. Also, a visitation program to schools of predominantly black students in the Detroit area, to recruit students to the school is under planning.

Law

As part of the Law School's affirmative action program, information on the Law School was sent to more than 100 black student groups across the nation. Members of the faculty visited students at a number of campuses, including predominantly black schools. The school estimates that more than 200 applications were received last year by students who received such contact. The Law School committed $100,000 of its own resources this year to assist minority group students.

Medical school

In addition to tutorial, counseling and recruitment programs during the regular academic year, the Medical School offers several summer programs responding to the needs of minority group students. In a Summer Research Program, 15–20 students from southern schools work in the Medical School's research laboratories. Special courses in an Intercollated Year Program offer special study skill work in medicine for medical students.

Architecture and design

A summer program for students in the third and fourth year at Tuskegee Institute has been instituted at the College of Architecture and Design. Students are offered a ten-week intensive study course in architecture. A new national scholarship program was initiated by the Department of Architecture this year, in which three students at U–M were awarded full six-year support through matching grants of the Ford Foundation and the American Institute of Architects.

In addition to these programs, two courses have been added to the curriculum to provide students with an overview of some of the economic, social, and political dynamics encountered by individuals and organizations involved in urban renewal and development.

Engineering

Special counseling, orientation, and tutoring are offered by the College of Engineering for minority group students, and much of the work is coordinated with the CULS. Study groups, much like the CULS groups, are operated by the College. A full-time recruiter has been appointed for minority group recruiting.

Pharmacy

The College of Pharmacy has expanded the summer Drug Sciences Program for high school students to include recruitment of black students. A position for a black faculty member has been approved, and candidates being interviewed. Student recruitment has included notification to colleges of pharmacy that within a graduate studies program, funds have been allotted for support of minority group students.

Public health

Two special programs have been adopted by the School of Public Health: a tutorial program in general academic skills and a content-oriented tutorial program for students in the Department of Medical Care Organization.

Business administration

Within the curriculum in the School of Business Administration, a seminar in Black Capitalism and research in Black Capitalism continue to be offered to all students. School representatives have discussed opportunities for graduate study in business at U–M with minority group students in visits to the Harvard-Yale-Columbia Intensive Summer Studies Program and several predominately black colleges. Research on opportunities for minority students in business has also been undertaken.

Literature, science and the arts

Much of the more publicized elements of programs for minority group students reside under the auspices of the College of Literature, Science and The Arts. It is within LS & A that the Center for Afro-American and African Studies and the Coalition for the Use of Learning Skills office operate.

Dearborn

U–M's Dearborn Campus has formed an alliance with the business administration division program and the Inner City Business Improvement Forum projects. Business administration internees are assigned to assist inner city residents in the establishment and operation of business enterprises under this program.

Flint

U–M at Flint offers a six-week Pre-College Seminar for about 60 11th and 12th grade students, designed to uncover those with college potential and aid in motivational skills, and encourage college attendance. A vital part of the program is the involvement of parents as active participants. Parents' nights are included in the program with discussion of college admission criteria, financial aid and teacher-parent relationships.

Also, the program at Flint provides for the admittance of 25 students who, normally, would not be admitted. These students are provided with special counseling and tutorial help.

BLACK TEACHING FACULTY, THE UNIVERSITY OF MICHIGAN, 1970–71

School	Total	Professor	Associate professor	Assistant professor	Instructor	Lecturer
L. S. & A.	27	[1]5	6	[1]9		7
Medical	17	1	[2]2	4	[3]9	1
Law	1		1			
Engineering	2		2			
Education	18	[1]4	5	4	2	3
Library science	2					2
Nursing	2	1			1	
Public health	5			2	[1]1	[2]2
Dentistry	2	1			[1]1	
Architecture and design	3			1	2	
Natural resources	1					1
Music	1		1			
Social work	7	1	1	4		1
Total	88	13	18	24	16	17

[1] Includes 1 faculty member with dual appointment.

[2] Includes clinical instructor.

COMMITMENT FIRM, SAYS FLEMING

A year ago March 19 the Regents established a goal of 10 per cent black student enrollment by 1973–74, as well as "substantially increased numbers of other minority and disadvantaged groups." With the commitment went a stated recognition of increased funds for recruiting, counseling and financial aid.

Because of an apparent lack of faith in the commitment and an insistence upon greater detail, a coalition of black members of the University community called for a strike. The strike lasted for some 10 days, with as much as half the University's classes not meeting at the peak of the action. Meanwhile, a detailed understanding was worked out between representatives of the University administration and the Black Action Movement.

In the last year, higher education, including the University, has encountered increasing financial trouble. No special legislative support was given to the University for Opportunity Programs in the current fiscal year. In fact, because of a shortage of state revenue, the University was forced to cut expenses about one million dollars below the appropriation provided for this year.

Financial support in relation to obligations looks even less favorable for the coming year.

In light of inadequate funding, what happens to the commitment of the Regents of a year ago March?

"The priority of the Opportunity Program remains," says President Fleming. "We continue to hope the legislature will recognize our efforts with financial assistance. We hope to attract additional support from other sources. But as I said last year, 'We do not lightly undertake obligations, and when the University establishes a goal and says it will try to achieve that goal, it will make every effort to do so.' The commitment is firm."

OPPORTUNITY PROGRAM STUDENTS AT U–M, 1964–70

	1964–65	1965–66	1966–67	1967–68	1968–69	1969–70	1970–71
OAP students, total	70	110	176	321	429	531	726
Male	31	52	86	155	204	249	334
Female	39	58	90	166	225	282	392
By academic field:							
Architecture and design	1	1	3	6	18	24	35
Business administration	0	0	2	4	3	1	8
Education	1	1	5	10	9	15	58
Engineering	8	16	26	41	51	51	48
Literature, science, and arts	48	77	117	232	317	395	516
Music	5	6	6	5	4	7	21
Nursing	7	8	13	17	22	29	31
Pharmacy	0	1	1	2	4	2	4
Physical education	0	0	3	3	1	6	0

CENTER AIDS ACADEMIC BLACK STUDY

The Center for Afro-American and African Studies opened its doors last fall, under the auspices of the College of Literature, Science and the Arts. The main objective of the establishment of the Center is to provide programs of study and research for the black student as well as to other students interested in black culture, history, social issues and development.

"The Center provides not only the study of black culture," says Frank Yates, acting director, "but cultural analysis and applied knowledge and research—to provide some sense of where the black community is going."

Three major areas of pursuit make up the Center's programs: academic study, research, and service. At the present time, about 30-40 courses are available in the black studies program, with an undergraduate degree and hopes for a graduate degree in a year or so.

"We will be soon holding hearings on the advisability of a certificate program," says Yates, "to enable a student to specialize in another field, yet take a special program of work at the Center. This will enable the student to pursue a degree program on his own and yet provide a sense of perspective for the student by reshaping his skills to provide maximum benefit for his future employer.

"The emphasis is on the application of knowledge to the development of black institutions and a re-definition of the current institutions."

The Center offers a program whereby a U-M student may enroll in African or Caribbean universities. The program is called "Study in The Black World" and next year, eight students are expected to attend African universities and four at The University of the West Indies under its auspices.

A library and reading room have been established, providing basic periodicals as well as more esoteric materials. "We hope to have the library collections become a real research center, and include the many freedom journals from Africa which are not available elsewhere on campus," says Yates.

Speaker series and workshops are also part of the Center's overall program, with workshops on black creative writing, criticism in black arts, and art currently organizing. A special media project of filming and taping of lectures and events in black arts, history, social science and development and contemporary events, has also been undertaken by the Center's staff.

The first research efforts of the Center will be published in about three weeks, through a monograph and report series. Before the end of June, some eight to 10 papers are expected to be published by the Center.

"The series of papers will be printed in fairly small quantity, about 400 copies of each," says Yates, "and we would expect that the circulation of the papers will lead to reprints in various other journals. At the present time, the papers have been written by members of the Center staff, but this is not a prerequisite for publication."

Some of the reports to be released soon include Thomas Gordon's "Notes On The Limits of White Psychology"; William Suttles' "Voodoo And Conjuring As Ideologies In Slave Rebellions"; a paper on the African slave trade; and another on the political relationship and similarities between the black movements in North America, the Caribbean, and Africa.

Research projects include, says Yates, a survey of the black community in Ann Arbor, a study of black consumer experience and the development of approaches for the preschool education of black children.

MINORITY ENROLLMENT SURVEY, FALL, 1970, THE UNIVERSITY OF MICHIGAN

[All students (full and part time)]

	Fall 1970 headcount	Total minority	Black	Oriental	American Indian	Spanish surname	Other and non-response [1]
Ann Arbor	[3]32,940	2,400	1,546	618	71	165	2,461
Architecture and design	871	61	40	17	2	2	3
Business administration	771	27	19	3	1	4	1
Dental and dental hygiene [2]	576	16	12	1	2	1	5
Education	1,441	146	126	5	6	9	105
Engineering	3,273	221	98	84	9	30	205
Graduate, Rackham [2]	6,772	781	366	343	10	62	930
Law	1,185	89	72	13	3		1
Library science	259	14	9	3	0	2	
L.S. & A [2]	12,539	652	510	98	25	19	1,200
Medicine [2]	861	68	60	4	4	0	0
Music	765	59	41	10	4	4	0
Natural resources	483	12	7	3	1	1	1
Nursing	815	34	28	3	2	1	0
Pharmacy	259	17	8	6	2	1	2
Public health	383	86	53	17	1	15	2
Social work	618	117	97	8	1	11	9
Others [2]	1,069						
Flint	1,819	149	125	11	7	6	1
Dearborn	875	47	34	9	3	1	1
All campuses	[3]35,634	2,596	1,705	638	81	172	2 467

[1] This category includes those who do not consider themselves as either Caucasian or one of the designated minority groups, as well as those who did not respond.

[2] Of the total number of students on the Ann Arbor Campus, 1,069 were not requested to supply racial data. The programs excluded were postgraduate dentistry, postgraduate medicine, hospital training, anesthesiology, English language institute, and postdoctoral fellows. The total for the campus excluding the above is 31,871.

[3] In addition, 1,762 students are registered in the graduate resident centers; and 2,265 in other extension courses; adding up to a total fall term headcount of 39,661.

CULS PROVIDES UNIQUE STUDY GROUPS

The Coalition For The Use Of Learning Skills (CULS) is a vital part of the University's overall program for the education of minority groups. The CULS provides counseling, tutoring, reading and writing clinics, and study groups for approximately 60% of the "target" population of black and minority students.

Key to the entire program is the study group system. Approximately 30 study groups, for specific courses and sections, meet for two hours a week. The purpose of the study groups is to do four things:

Make certain that group members learn course materials and perform well on course examinations and papers;

Equip all group participants with learning and performance skills, e.g., effective reading, analytical note-taking;

Compensate for gaps in substantive material of the course with emphasis on materials related to and/or important to Black and minority communities;

Relate course material to the student's own life and the Black and minority communities.

Study groups include courses in Afro-American and African studies, botany and zoology, economics, chemistry, engineering, French, physics, mathematics, Latin, history, physiology, psychology, anthropology, English, and political science.

"The purpose of this program is not just 'getting a student through school'," says Frank Yates, director of CULS, "but to teach the things wanted by the black and minority constituencies."

"The main fault in attempts at other schools across the country is to make the black student like the white student—to change the student, to plug him into the present structure of the school."

In addition to the course study groups, several general study groups are planned for next fall in quantitative sciences, social sciences, and the humanities.

Several sections of English 123 are offered jointly between the CULS and the Department of English in LS&A. This summer, a special test will be compiled for those sections by CULS staff.

A new pre-orientation program for Opportunity Program students began this past weekend when CULS sponsored some 50 students (who will attend U–M next fall) for a special three-day weekend. The students joined present minority group students in attending classes on Friday, and met with representatives of the Black Students Union, and the financial aid and housing offices over the weekend.

"We are trying to find out what is necessary to achieve our objectives," says Yates, "and it should be emphasized that we don't have all the problems solved. But we are working in that direction."

CONGRESSIONAL WARMAKING POWERS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BOLAND. Mr. Speaker, the Congress has slowly surrendered its warmaking powers to the White House in a piecemeal process stretching over the past few decades. It is time to get those powers back. The Constitution, after all, makes

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one point explicitly plain: the Congress—and the Congress alone—has the authority to declare war. Yet President after President has stood stonily aloof to the Congress' legitimate role in shaping war policies, committing American troops to battlefields overseas without sanction from the legislative branch.

Long reluctant to delve into this issue, the Congress now appears on the threshold of taking action. The Senate Foreign Relations Committee yesterday reported out a bill that would recover our warmaking powers. The bill—virtually identical to one I am sponsoring here in the House—would prohibit any President from initiating combat activities without advance consent from the Congress. In emergency situations—four kinds are spelled out in the bill's provisions, ranging from a sudden attack against the United States to the evacuation of American civilians from places of danger—the President could act swiftly. Any American combat action stemming from his response, however, must be approved by the Congress within 30 days. Otherwise, it must cease.

For too long, Mr. Speaker, the Congress has been pressing its nose against the windows of the White House and Pentagon—peering in at the warmaking process, yet too restrained to take an active role in it.

The Vietnam war demonstrates, if nothing else, just how dangerous that posture can be.

We must reassert our Constitutional authority.

FARM GROUPS AGREE ON AGRICULTURE POLICY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. ZWACH. Mr. Speaker, on January 18 and 19 of this coming year, a two-State rural development conference will be held in Worthington, in southwestern Minnesota.

The conference is being sponsored by civic leaders in six Minnesota and four Iowa counties.

One of the major areas of concern will be agriculture. It is to note that the three leading farm organizations, the Farm Bureau, the National Farmers Organization, and the Farmers Union have already reached agreement on nine points where action is needed to help correct some of the problems of agriculture.

A series of conferences such as this held throughout the farm belt could well point the way to solutions to the problems now plaguing our countryside.

Mr. Speaker, I insert in the CONGRESSIONAL RECORD the story of this planned conference written by Lew Hudson, regional editor of the Worthington Daily Globe:

THREE AREA FARM GROUPS AGREE ON WIDE AREA OF AG POLICY ISSUES

(By Lew Hudson)

Planning for the January 16 and 19 two-state rural development conference to be held in Worthington has produced concrete results already and the event is still seven weeks away.

The conference is being sponsored by civic leaders in the six southwestern Minnesota and four northwestern Iowa counties. Discussions will take place in six major areas of concern, one of which will be agriculture.

Norman Larson, chairman of the agriculture sub-committee, said representatives of the Farm Bureau, National Farmers' Organization and Farmers' Union in the two-state area have begun discussing what they propose to present to the conference and have discovered in the process that there is more on which they agree than upon which they disagree.

At a Tuesday meeting of the planning committee, Larson said, "The news media always emphasize our disagreements, but this time we want to get together as a common voice and we're going to continue working together."

He went on to list nine points on which all three organizations agree action is needed to help correct some of the problems of agriculture.

They are:

1. Crop reporting services of USDA should be stopped.

2. No person, group or corporation should be allowed to use farm losses to obtain tax advantages from other activities.

3. Farmers should have representatives on Federal reciprocal trade agreement boards to protect farm interests in international trade.

4. Ways should be developed to enable farm representatives to follow grain from the farms to export ports to guard against deterioration, contamination and shrinkage said to take place frequently.

5. As long as farmers are docked when selling corn at more than 15 per cent moisture and soybeans at more than 13 per cent, they should get a bonus if they market grain below these levels of moisture.

6. USDA's budget should be broken down to reflect what amount is spent for farm aid and what helps consumers.

7. The secretary of agriculture should be producer oriented.

8. Quality standards should be the same for imported farm products as for domestically produced food.

9. Farmers oppose federal dolecut programs and prefer programs serving broad farm and public benefit.

Larson said further meetings of the representatives of the three farm groups will be held to continue development of a meaningful platform on agriculture's needs to be given at the conference.

Minnesota Governor Wendell Anderson has offered support and will be present for a noon luncheon address on January 18. Invitations have also gone out to Iowa Governor Robert Ray as well as a long list of other state and federal officials.

The conference idea is to first present the major problems of the two-state area as seen by people who live here and then to bring out local ideas on potential solutions. After the local people have had their say, the visiting governmental officials will be asked to respond with their thinking.

Other than agriculture, topics to be discussed include transportation, inter-city planning and cooperation, provision of vital public services, needs of the elderly and the youth, and industrial development.

The four post secondary educational institutions in the area are co-sponsoring the conference. They are Worthington State Junior College, Pipestone Area Vocational School, Jackson Area Vocational School and Northwest Iowa Vocational School of Sheldon.

REMARKS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. KEITH. Mr. Speaker, Donald R. Larrabee, the veteran Washington correspondent, has just returned from a 2-week tour of the Portuguese provinces of Angola and Mozambique. His observations, contained in a series of seven articles, provide fresh perspective on an area of the world that is as under-reported as it is under-developed.

This penetrating series gives new insights into the problems facing both Portugal and the Western World on the African continent. It wipes away some myths and misconceptions about Portuguese Africa while underscoring the positive developments that are reshaping the destiny of millions.

The series is currently appearing in the New Bedford Standard-Times, the Fall River Herald News, the Brockton Enterprise and the Quincy Patriot-Ledger, as well as numerous other newspapers in areas served by the Griffin-Larrabee News Bureau. I have the highest regard for Mr. Larrabee's integrity and objectivity as a Washington observer and commend this series to the attention of my colleagues.

Representing, as I do, more Portuguese Americans than any other Member of the Congress, I believe that my constituents will be pleased with the depth and perception of Mr. Larrabee's work—and I believe it will be of value to my colleagues.

The seven-part series follows:

THE PORTUGUESE IN AFRICA—FIRST IN A SERIES

(By Donald R. Larrabee)

LISBON.—Portugal's almost-forgotten war in its African provinces has wrought unbelievable changes, both at home and in the overseas territories, during the past ten years.

Guerilla warfare, on three separate fronts in Guinea, Angola and Mozambique, clearly has stiffened the resolve of the Lisbon government to "civilize" her African subjects until they are deemed ready for independence. But the war has helped to bring Portugal into the 20th Century.

Portugal has been at its own war longer than we have been fighting in Vietnam. But the terrorist activity, which remains a nagging problem in Portuguese Guinea and in isolated areas of the other provinces, is largely under control, thanks to the presence of a military force of around 170,000.

Still, it is questionable whether the Portuguese could stem the tide of nationalism and independence that has swept Africa in the past decade if they did not enjoy popular support among the natives they rule.

The fact is that Portugal has been shaken out of its lethargy and is moving swiftly in the fields of education, public health, housing, roadbuilding and industrial development.

There is evidence in northern Angola that thousands of blacks who fled to the Congo during the 1961 insurrection, expecting to find better living conditions, are filtering back to work in Gulf Oil's offshore operations at Cabinda (the company employs 4,000) or to share in the benefits of an expanding coffee-growing industry. They apparently failed to find the promised land.

They are being encouraged to live in secure villages with central water supplies, schools, health and community centers. Some are becoming entrepreneurs with their own coffee production. Coffee cooperatives are springing up.

Blessed with diamonds and oil, Angola is a boom territory and is only beginning to realize its potential. The slow, lazy servatile life has been replaced by a frontier spirit. The Portuguese black mixes with the Portuguese white but, more than that, he can see that life is improving steadily for him.

In Mozambique, on the East Coast of Africa, progress is slower but Portuguese authorities are raptuous over the potential of the $306 million Cabora Bassa Dam across the Zambesi River. When completed in 1974, it will be the largest hydroelectric project in Africa, fifth largest anywhere, and promises to be a veritable TVA for the Zambesi Valley.

This can mean cheap power for a vast area, including neighboring African states. But Portugal is even more intrigued by its possibilities for agriculture, for mineral development and for economic and social progress generally Mozambique.

To the east, the Portuguese are developing the finest natural deep water harbor in Africa at Nacala. Only 30 years ago, the port was a desolation of bush and sandhills. Today, its four bays are prepared to handle the biggest vessels afloat and could easily accommodate the entire Seventh Fleet. It is a port-builder's dream and will surely become a major repair berth for the era of the super-super tanker.

The first modern European nation to explore Africa, Portugal is not about to relinquish control without a fight, despite heavy and continuing pressures from the United Nations. Portuguese officials are privately fearful that these pressures will intensify with the admission of mainland China to the Security Council.

This can raise new embarrassments for the United States which has preferred to take a laissez faire policy toward Portugal's colonial policy, especially since the Nixon Administration came into power.

The U.S. attitude toward Portugal's African possessions, as expressed by Secretary of State William Rogers, is to encourage peaceful progress toward self-determination for the thirteen-million people who are living there. We respect Portugal's racial toleration, as contrasted with the apartheid (separateness) policy of South Africa and Rhodesia, and we are inclined to give the reform measures of Prime Minister Caetano a chance to work.

"I don't think our pushing them will get any action," one informed African diplomat told me. "There may be autonomy in the provinces one day but that is quite different from independence. That won't come without a lot of ferment and turmoil inside Portugal, an internal political upheaval and perhaps economic pressures."

High Portuguese officials are concerned that Americans generally, and including some important political leaders, do not fully understand the implications for the free world of a Portuguese withdrawal from Africa.

They see the anti-colonialism drive as a smokescreen for communist infiltration and takeover in Africa. They contend that it is in America's long-term self-interest to have a friend occupying seven per cent of the total land area in Africa, strategically distributed. Even a cursory glance at the map, the Portuguese say, shows that Lisbon controls points which are indispensible for the defense of the western world.

THE PORTUGUESE IN AFRICA—SECOND IN A SERIES

(By Donald R. Larrabee)

CARMONA, ANGOLA.—In this northern community of 11,000, the Capitol City of terrorist forces ten years ago, it is possible to walk down the main street at night and feel secure.

Stability and relative calm prevail in an area where there was savage slaughter and violence in 1961 in an abortive drive by "liberation" groups to separate Angola from the Portuguese nation. Large numbers of blacks fled to the bush and to the Democratic Republic of the Congo but they have returned in droves to a better life in their native tribal areas.

In the countryside, the terrorism continues sporadically. There are occasional ambushes. Land mines are used to harass both civilians and the Portuguese patrol forces concentrated in the Congo and the Zambian border areas. But there is a new security for the population.

The natives no longer live in small tribal clusters in the sparsely-settled countryside. Both for economic reasons and for their own safety, they have been regrouped in villages of 1,000 or more where they have a central water supply for the first time, their own schools and health facilities.

The men work at the biggest industry in this part of Africa—coffee production. Some of them are becoming small businessmen, if not capitalists, selling their own crops to world markets. Others are selling to cooperatives and managing their own farms at a profit.

In this once-hostile area, there is no evidence to support the claims of Radio Moscow that vast sections of Angola are controlled by the insurgent forces—either the Popular Movement for the Liberation of Angola (MPLA) or the Revolutionary Government of Angola in Exile, formerly known as UPA.

The Portuguese say the rival "liberation" movements are badly disunited and fighting among themselves, a factor which has undoubtedly bought time for the Government to launch the long-overdue educational and economic development projects which are blunting insurgency.

Guerrilla activities reportedly continue in the densely forested area in the northwest and the sparsely populated savannah region in eastern Angola. Here the Portuguese have not been able to pull the natives together in communal security. Vast areas are exposed and no wall could possibly be built to keep the enemy out.

In the eastern half of Angola, a scarce ten per cent of the population subsists in ancient tribal fashion and has barely been touched as yet by the economic and social reforms of the past few years although efforts are going forward.

In the comparative serenity of Carmona today, the Portuguese keep the population mindful of the fact that hundreds were killed and thousands hurt in the attacks of the early 1960's. A church at nearby Quitexe, where the first blows were struck, displays on either side of its portal the names of those killed since 1961. There are some 20 names with a 1970 date, silent testimony that peace still has not come to the land.

Small detachments of troops are visible in the area but much of the job of policing and protection is now handled in various ways by local militia and volunteers. The big coffee plantations, for instance, have their own security forces which are linked to military units in the area by radio.

The road from Carmona to the capital city of Luanda, a few hundred miles to the south, is not safe for individuals once they leave the city limits. Drivers must travel in convoys and there are reports of terrorist attacks along the way almost daily.

The Portuguese say armed attacks in all the affected areas of Angola average around a dozen a week among a population of 5,600,000 living in 16 districts. Casualties, country-wide, are running close to 20 a week including four or five deaths. The war in Angola is claiming about 100 lives each year.

But, clearly, subversion is being contained as the Portuguese move toward urgently needed social reforms. The war has accelerated this movement and it seems the natives, black and white, can't build schools and other community facilities fast enough to meet the demand. Carmona has a master development plan as elaborate as that of any American city's.

Beyond this, the black landowner has discovered his own earning power. He no longer wants to work for the white plantation owner south of town. The big coffee producers are finding they must import their labor.

In this northern area of ferment, those who fled to the Congo and listened to the promises of better living are filtering back. They are being welcomed and cared for. Paradoxically, the black Portuguese citizens in southern Angola who remained loyal during the terrorism are getting little reward in the way of better homes and education. They must wait until there is even greater stability in the North.

THE PORTUGUESE IN AFRICA—THIRD IN A SERIES

(By Donald R. Larrabee)

CABINDA, ANGOLA.—Missionaries have operated for many years in Angola but a new type of missionary is making his way to the northern coast of this 3,000 square mile Portuguese province these days.

This is the site of Gulf Oil's $225 million offshore petroleum discovery that has become a political issue in scores of American pulpits the past two or three years.

On the day we visited the Gulf operation, a minister from Dayton, Ohio was being shown around the premises. He had written a letter to the company complaining about Gulf's involvement in the Portuguese enclave north of the mouth of the Congo River. It has become a cause celebre among the clergy to oppose any American investment in African territories where the people remain under foreign control.

The minister will be writing his own report in due course but he indicated that at least one of his pre-conceived ideas had been dispelled. The war in Angola against the Portuguese, he found, did not have the support of any large segment of the native population. Gulf Oil, of course, has brought jobs and new opportunities to the blacks. They are working and happy.

Gulf officials said they were expecting a Presbyterian minister from the United States the next day. A Gulf spokesman commented wryly that it has become fashionable for ministers to make pilgrimages to Angola.

The anti-Gulf campaign reached a pitch last Spring when the Presbyterian Church's "Task Force on Southern Africa" took part in Gulf's annual meeting in Atlanta and backed three new members of the Board—two communist-supported African guerrila leaders and Angela Davis, a self-avowed communist and black activist now under indictment in California for complicity in murder. The issue divided thousands of church goers.

What the pilgrims to Cabinda are discovering these days is perhaps the most significant economic development in the history of Angola. There are 120 operating wells offshore. The bottom of the ocean is filled with pipe which sends the oil to an onshore tank farm. After a burn-off of final gasses, the crude oil is then delivered by gravity through a huge steel, concrete-coated pipeline to ships anchored nine miles at sea. The output averages 100,000 barrels a day and further increases in production are expected.

The operation employs 4,000 workers, mostly blacks, who are descendants of a tribal group which became a Portuguese territory in 1882 through a treaty signed between the Portuguese government and the local chieftains. The Barons of Cabinda did not want their territories incorporated into the

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encroaching colonial empires of France and Belgium.

One of the fascinating landmarks in the area today is a burial ground of the Negro Barons with the busts of three Portuguese kings majestically placed over the gravesites.

This wealthy enclave, surrounded by the two independent Congo Republics, is relatively immune to terrorist attacks these days. Soldiers who are sent to the Carmona-Cabinda region of Angola say it is common knowledge that Gulf Oil and the plantation owners in the area are paying off the insurgent leaders to keep the peace.

The young Portuguese soldier, who hears and believes this, can't be faulted for wondering why he has been sent to this outpost if peace is being purchased in a kind of phony truce.

For this reason, and others, it is becoming a difficult war for Portugal. Her young men are being uprooted from their careers for duty in remote areas where they are not directly encountering the enemy most of the time. Some of them openly question their government's policy although a Portuguese citizen, unlike America's Vietnam soldier, does not protest too much. There is no free press, as we know it, and veterans don't march on the President's palace in Lisbon.

The sporadic war in the bush country is consuming one-third of the nation's budget and involving every young man who is physically qualified for three years. Most of them must serve abroad. Portuguese Guinea, Angola and Mozambique are no longer strange and faraway places because the younger generation is seeing them at government expense. In short, the war is having a broadening effect on Portuguese youth.

Only time will tell what impact this educational experience will have on the central government in Lisbon but Portugal's young are quietly questioning time-honored policies. There is evidence that this resistiveness has not been lost on Prime Minister Marcello Caetano. He has begun to put his own liberalizing stamp on the legacy of the late Dr. Salazar.

THE PORTUGUESE IN AFRICA—FOURTH IN A SERIES

(By Donald R. Larrabee)

NAMPULA, MOZAMBIQUE.—Dr. Miguel Murupa, 32, son of a sub-chief of the Macuan tribe, will shortly become the first black editor of a major newspaper in Mozambique's second largest city, Beira.

But that is only the latest reason why the Portuguese consider the intense young graduate of Washington's Howard University to be exhibit number one for its policy of gradualism in the African provinces.

Just five years ago, as a Howard student, Murupa was recruited by the late Dr. Edouard Mondlane to join FRELIMO (the Liberation Front for Mozambique). He went to Tanzania where he interned in the terrorists' headquarters in Dar-es-Salaam, then to the guerrilla training camp at Nashingwea where the Chinese communists are helping to train insurgent forces to "liberate" Mozambique from the Portuguese.

Dr. Murupa quickly became the equivalent of a foreign minister for FRELIMO, a roving ambassador and the "house intellectual." Within the past year, he has defected and returned to the Portuguese, a disillusioned man who hopes to convince his people that they will prosper more under a peaceful revolution, even as Portuguese subjects, than under a violent one directed by outside communist forces.

We talked with Miguel Murupa for an hour or more. He confirmed the intelligence reports of the Portuguese that the Russians and Chinese are jointly training insurgents and supplying weapons and funds to the guerrilla forces.

But he also confirmed that the communist powers are locked in their own power struggle to win control in Africa. He finds all this inimical to the long-term hopes and aspirations of black Africans.

Dr. Murupa has an important story to tell. It belies the popularly-accepted accounts of the FRELIMO "freedom fighters" and reflects how little America understands of the forces at work in Africa.

"Dr. Mondlane was traveling to the United States frequently while I was at Howard University. He was trying to convince young men to come to work for FRELIMO. He was against the Portuguese but he was not for the communists. But by the time he arrived in Tanzania to lead the movement, it was already clear that it had been infiltrated by the communists.

"We were taken to the Nashingwea training center, first for political indoctrination to be brainwashed with Mao Tse-tung's revolutionary philosophy, and, second, to learn how to manage weapons. I was named assistant secretary for foreign affairs. I traveled a lot and began to see the new imperialist force that was preparing to come to Africa.

"Most Africans don't know that behind these struggles for freedom are the Soviet Union and the Chinese. I could see the strong communist penetration in government offices wherever I went and I became aware that if we were to support such movements as FRELIMO, we actually were supporting Chinese and Soviet imperialism.

"If these people (the guerrilla forces) took over, they don't have the capacity or the know-how to rule. That means that if the westerners were overcome, our leaders would come from Russia or China but it also means war between the two powers," he said.

Dr. Murupa told me that half of the Chinese teachings in the training camp were directed against the Soviets, the other half against the U.S. and the Portuguese. While he did not visit the Russian camps, which are physically located in the Soviet Union rather than Tanzania, he said others had told him that a trainee in Moscow learns that the enemy is China, as well as the U.S. and Portugal.

Dr. Mondlane was assassinated in early 1969. Dr. Murupa tried to leave FRELIMO but he was jailed. When he escaped a year ago, the Portuguese welcomed him "as a lost son coming back," he says. Now he is prepared to spread the word to Mozambique's blacks that their greatest hope lies with the Portuguese at this time.

He says blacks and whites are treated equally under the law in Portuguese Africa but he is convinced that the people are not yet prepared to run their own affairs. His greatest fear, in the wake of a revolutionary takeover, he says, is that Mozambique would actually become divided into a society which is all black in the north and all white in the south.

Dr. Murupa is not proclaiming Portuguese paternalism has been a perfect way of life. But he says the concept of a multi-racial community of peoples under one nation has been sound government policy, even if economic development and social progress have been slow in coming.

He says it has taken much too long to place Africans in key positions of authority but he also says that the opportunities are opening up quickly today as educational advantages are extended to more blacks.

He acknowledges the serious underdevelopment of Mozambique—the lack of enough good teachers, the need for more schools and roads and the benefits of modern agricultural techniques but he has faith in the sincerity of the Portuguese. He says they have proven themselves in the area of greatest need, racial equality, and he is confident they will deliver on their other promises.

"The world will see," he says quietly, "The world will see."

THE PORTUGUESE IN AFRICA—FIFTH IN A SERIES

(By Donald R. Larrabee)

CABORA BASSA, MOZAMBIQUE.—Explorer David Livingston, coming upon this narrow gorge where the Zambezi River has roared untamed for centuries, decided on a name that has stuck.

In the local dialect, Cabora Bassa means "the place where the hard work ends." In Livingston's time, it marked the end of the road from the coast. Boatmen had to make a wide overland detour. Today, the hard work of building one of the largest hydroelectric power projects in the world is proceeding around the clock amid breathtaking surroundings. The first power should

The harnessing of the Zambezi will make available huge blocks of cheap power to most of Southern Africa. It will open up the untapped potential of its hinterland, transfer ten million acres from arid wasteland to croplands and forests and trigger exploitation of significant deposits of coal, iron, manganese, and fluorite, as well as chrome, gold and nickel in the Zambezi Valley. A steel industry is inevitable.

It will mean thousands of jobs for Mozambiquans who now emigrate to find work and a type of socio-economic progress for the native population that Livingston never dreamed of. The huge lake created by the project will provide an inland commercial fishery and protein-rich fish flour. Tourism will be developed.

Finally, Cabora Bassa is expected to prevent the recurrent flooding of the lowlands while making the Zambezi navigable upstream as far as Tete, the capital city of the district, and possibly to the Rhodesian border, some 700 miles from the Indian Ocean.

In a sense, it will be a symbol of European presence in Africa since France, Italy and Germany are privately involved with Portugal in the construction.

For the Portuguese, it is no mere power production system but part of a basic infrastructure of a more ambitious plan to bring civilization and development to a remote part of Africa. It can also serve to strengthen Portugal's hold on the native population which has been under sometimes violent pressure since 1964 to throw off its foreign yoke and join the African independence movement.

Cabora Bassa is viewed less kindly by the United Nations Trusteeship Committee which called it a "crime against the people of Mozambique and a plot designed to perpetuate the domination, exploitation and continued oppression of the people in this part of Africa . . ." The theme is echoed on propaganda broadcasts by Radio Moscow and Radio Tanzania.

Amid the protests, however, the adjacent African countries are quietly showing more and more interest in obtaining some of the cheap power from the controversial project. Zambia, Malawi, Rhodesia and South Africa are already committed to buy some of the output.

The area is twice the size of European Portugal and 98 per cent of the two million natives live in tribal groups. The earliest studies gave heavy emphasis to the needs of these people and the best method of community development. There have been accidents caused by mines and terrorists have tried to disrupt resettlement of the population in the lake area. The resettlement program now has heavy military protection.

For several years, the Portuguese have lived with the threat that terrorists, trained by the Chinese in nearby Tanzania, would attack the construction camp and bomb the dam site. This seems a remote possibility to anyone who has seen the intricate security network at Cabora Bassa.

A more serious threat for the future may be posed by the 900 miles of transmission lines which will be largely unprotectable from

sabotage. Asked about this danger, a Cabora Bassa official said: "We have to expect incidents. We have to be prepared for sabotage. It can happen anywhere in the world. But we have lived with danger for ten years."

This is no overnight scheme to keep the enemy at bay. The Portuguese have been studying Zambezi River development since 1953, intensively for nine years before the work began in 1968. Typical of the problems that have been solved is the system devised to get the ships through Cabora Bassa and four other downstream dams. There will be a special railway around the dams. Trains will carry dual purpose containers which can be transferred and placed in the water at the end of the line below the dams.

The big project is on schedule. One of the two diversion tunnels has been completed and already is shunting the unruly river around the site of the 550-foot high double-curvature arch dam. Boring is well along on the left bank tunnel. The diversion tunnels are scheduled to be closed in 1974 and, according to the engineers, Cabora Bassa will back up enough of the Zambezi's waters in six weeks to generate the first power.

Current plans call for a power station capable of producing some 17 billion kilowatt hours of electricity a year, compared with 10 billion from Egypt's Aswan Dam. Cabora Bassa, if it succeeds, will literally change the face of Africa, geographically and politically.

THE PORTUGUESE IN AFRICA—SIXTH IN A SERIES

(By Donald R. Larrabee)

NAMPULA, MOZAMBIQUE.—At this headquarters of the Portuguese military forces in the north, you hear worried whispers about China's intentions in Africa.

The Portuguese are particularly concerned about a reported 30,000 Chinese who are working on the so-called Tan-Zam railway project which is designed to link land-locked Zambia to the sea. The railroad workers are said to be members of the Popular Liberation Army. And the Portuguese are convinced they will not pull out when the line is completed.

An informant connected with a major newspaper claims knowledge that 147 members of FRELIMO, the principal guerrilla organization based in Tanzania, have been killed in recent action. There is nothing official on this, no such word in the public press or any mention of a battle with Portuguese forces.

But FRELIMO is a fact of life, getting its help in arms, training and money largely from the Chinese communists, while taking all the support it can get from the Soviets, as well. Yet, the Portuguese say FRELIMO has no ideas or political philosophy of its own.

Officials on the scene say FERLIMO operates very heavily as a propaganda machine through political commissars who are planted among the native population to arouse them against their white rulers. Their efforts are followed up methodically by terrorists and guerrillas and the Portuguese contend that any local chiefs who offer serious resistance are murdered.

Anti-Portuguese broadcasts from Radio Peking, Radio Moscow and Radio Tanzania, in Portuguese and tribal languages, charge that NATO weapons are being used to kill the native population. They say the Cabora Bassa power project, if completed, will continue the domination of the white man in Africa forever. The general theme is that it is a popular war but there is no evidence anywhere in Mozambique that the population is rushing to join the revolt.

Although the Portuguese say the guerrillas are really not very impressive as soldiers, the presence of an estimated 4,000 to 5,000 terrorists here in the North means that Portugal cannot let down its guard or withdraw its forces, even if there is no direct confrontation.

To combat the enemy propaganda, the Portuguese have a well-defined system for conducting a counter-campaign in the settlements. They use loudspeakers in helicopters ("sky shouting") to get the word to natives. The planes drop leaflets with posters and news pictures to convince the tribes that China and the Soviets are seeking control of all Africa.

Beyond this, the Portuguese have pushed a program of settlement villages on the northern border of Tanzania to show the natives on the other side what is happening. The "aldeamento" settlements are showpieces, with electricity and central water, health facilities, schools, small industries, tarred roads. They are designed as visible proof that change is taking place. They are designed, of course, to discourage subversion.

The Portuguese say that not only the Chinese and the Soviets, but also Cuba, North Korea, Algeria and Czechoslovakia have had a hand in helping to train guerrillas. They say 82mm mortars and 75mm recoilless rifles belonging to the Chinese and Russians have been captured. Most of the guns and ammunition are believed to emanate from China but the mines are said to be mainly Russian.

The Portuguese also produce documents alleging that American and world-wide church groups and private foundations are providing financial support, both directly and indirectly, to insurgent forces.

To the Portuguese in Africa, communism thus is an imminent threat. They are shaken by what appears to be an American retreat from its postwar containment policy. They wonder why the nature of the threat, as they see it, does not penetrate the West.

The central Portuguese argument, for American consumption, is that it is better for the U.S. to have Portugal in control than Soviet Russia or China. With the emerging nations, they say there is no guarantee that they will be on our side at any time, while we have a firm ally in Portugal which will be there when the chips are down.

THE PORTUGUESE IN AFRICA—SEVENTH IN A SERIES

(By Donald R. Larrabee)

LISBON, PORTUGAL.—Portugal today is a country in trial and transition.

It is a black mother standing at the airport in Beira, the bustling central city of Mozambique, her face drenched in tears as she watches her son board a military transport headed north where the terrorists engage in war games.

It is a military man, governor of the vulnerable Tete District in the North, who produces a set of pocket books with Mao Tse-Tung's "Revolution" translated into Portuguese. They were taken, he says, from a prisoner trained in neighboring Tanzania for guerrilla warfare aimed at ending Portuguese rule and giving the natives their independence.

It is a young, white Portuguese aeronautical engineer who has done his military service and is restless to see his country move ahead faster. He admits there is movement but says his country waited far too long to open up the rich potential of this part of Africa to the people who live there and to the outside world.

The war and the new generation of Portuguese who have been exposed to it are destined to change the face of Portugal and Africa. The mother will learn from her son. The professional soldier senses he is sending a new breed back to civilian life. The young veteran sees no reason to emigrate to France for jobs when he has seen first-hand the need for technicians and able bodies in the overseas territories.

The violence that has rocked Mozambique, Angola and Portuguese Guinea has made the difference. By staying neutral in World War Two, the Portuguese did not benefit from the strange fruits of participation. The post-war economic boom in Europe passed them by.

Now, insurgency is shaking the foundations of one of the oldest and most tradition-bound states of Europe. Portugal today is an old man with a zip in his step. The status quo is being replaced by a spirit of creative expansion.

Prime Minister Marcello Caetano is overseeing constitutional changes which reflect the changing mood. The national assembly is being strengthened to include more delegates from the African provinces. Enabling legislation has been passed to pave the way for various forms of local autonomy in the provinces, with Lisbon still calling the basic shots and directing foreign and military affairs.

There is still no provision for political parties as we know them, although there was an opposition campaign in the 1969 elections and the press covered it to some extent. While it still borders on treason to criticize war policy, a new press law was passed last summer which abolishes censorship of most newspaper material prior to publication.

Informed American diplomats, however, see the insurgency in the provinces acting as a drain on the Lisbon government and its budget for an indefinite period. If external communist support was ended, the Portuguese say, the "liberation" movement would evaporate but there are American observers who question this judgment.

It is a heartening sign to U.S. officials that the Portuguese provinces are beginning a dialogue with African states to the north where there still is no formal diplomatic recognition but where Portuguese diplomats are active on an informal basis. Trade and business contacts are increasing with the independent African states.

Only recently, President Mobutu of the Democratic Republic of the Congo, which has just assumed its own Portuguese name of Zaire, said he could find no fault with the racial policies in the provinces and would not turn down an invitation to visit Portugal.

Things cannot be all bad when a Portuguese soldier in Angola can put on his civilian attire, on his day off, and drive across the Zaire border without fear of being stopped.

The Portuguese, meantime, have a wary eye on the United Nations and the 1972 elections in the United States. The Nixon Administration's "no policy" toward the African provinces has been appreciated. In effect, the Administration, mindful of our defense and treaty commitments with Portugal, has looked the other way. It has endorsed the right of self-determination for the 13 million people in the provinces and has accepted the fact that Portugal is making progress in this direction, while practicing racial toleration.

The admission of mainland China to the United Nations could, and undoubtedly will, rekindle the smouldering issue of Portugal's presence in Africa. The Portuguese worry less about Mr. Nixon than the possibility of a Democratic successor next year.

With Nixon engaged in bold foreign policy initiatives with Peking and Moscow, the Portuguese are wondering if the Democrats will seize on Portuguese Africa as an issue. They were upset by the belligerence of the Kennedy Administration and continue to feel that some politicians used the African issue as a means of appealing to the black vote in America. Sen. Edmund S. Muskie, in one speech, has already suggested a much tougher, prodding line toward Portugal to force her to change her colonial policies. They think he has been ill-informed on the issue.

The aim of the insurgent forces in Portuguese Guinea, they say, is Cape Verde which the Portuguese regard as the key strategic position for defense of the western hemisphere. At the moment, these islands have

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the only major airport controlling communications in the middle Atlantic.

What does the future hold for the provinces? Can they ever expect to be granted independence? One high Portuguese official replied: "My only answer to that is, we did in Brazil. I don't know what will happen in 20 or 30 years but, at the moment, they cannot be independent. They are not ready. At this stage, it would be disastrous."

American diplomats tend to feel that as long as the Portuguese take a hard line and dig in, as they are now doing, there will be no immediate change barring a radical political upheaval in the Metripole. The Portuguese believe in their mission. They are ready to fight for it.

They see themselves as lonely defenders of western civilization in Africa against the imperialistic designs of Soviet and Chinese communism. And there are times when they think that no one in the West really cares.

DAIRY IMPORTS

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. O'KONSKI. Mr. Speaker, the dairy industry is deeply concerned over the continued importation of certain specialty cheeses, which have been entering the country through price manipulation.

Almost a year ago, Swiss, Gruyere process and certain other cheeses were put under quotas; however, any of these cheeses costing 47 cents or over, were exempt from the quotas. This was an open invitation for the foreign dairy producers to raise the price of their cheese and thus legally evade the quotas. When it became evident that these importations were constituting almost one-fourth of all dairy imports, the President, in March of this year, requested the Tariff Commission to conduct hearings. This was the fourth hearing in recent years on closing the dairy importation loopholes.

I was very pleased when the Tariff Commission recommended to the President that the 47-cent price-break exemption should be eliminated and that the quotas for the specialty cheeses be set for a representative period of normal trade, before the foreign exporters flooded the market with "over 47-cent cheeses."

At the time of the March hearings, I testified for absolute quotas to protect the American cheese industry from unfair but legal quota manipulations. In September, I wrote to the President, urging prompt action in implementing the recommendations of the Tariff Commission. The White House replied to me that a Government interagency group was studying the report to prepare recommendations for the President's consideration.

During this delay, the imports of "price-break cheeses," outside of the quota have been increasing by leaps and bounds, with each month showing a dramatic increase over the previous month. For this reason, I am again urging that the President act promptly on the Tariff Commission recommendations to protect the domestic cheese and dairy industry.

CULTURE BOONDOGGLE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. HALL. Mr. Speaker, an article in the December 6, 1971, issue of Barron's deals with a number of the ridiculous and scandalous aspects of the Federal Government's mushrooming love affair with artists of all stripes, professors of various bent, and at least one art collector.

I am pleased to note that our colleague, the gentleman from Iowa, Mr. H. R. GROSS, is recognized in the article for the leading role he has played in unearthing many of the most ludicrous grants that have been made in the name of "culture."

We are helping to spend ourselves into the poorhouse by such insane projects as are mentioned in the Barron's article and I would hope that every Member of this Congress will read it.

I include the article for insertion at this point:

CULTURE BOONDOGGLE—FEDERAL SUBSIDY OF THE "ARTS" LATELY HAS TRIPLED

(By Shirley Scheibla)

("We all, no doubt, remember the debate that went on in this nation over many years over government involvement in the arts, the feeling of some that it was a frivolous waste of the taxpayers' money, the concern of others that government support might lead to government control or a drying up of the private funds on which ultimately the arts, of course, depend.

"The important thing now is that the government has accepted support of the arts as one of its responsibilities not only on the federal level but on the state and local levels as well."—*President Richard M. Nixon, to the Fifth Annual Conference of the Associated Council of Arts, Washington, D.C., May 26, 1971.*)

WASHINGTON.—If President Nixon really means what he says about holding the line on inflation, perhaps he should put his foot down the next time someone offers the government a donation for culture.

Originally, the John F. Kennedy Center for the Performing Arts was supposed to be financed entirely from private resources. But by the time it opened here last September, the tab picked up by the taxpayers had soared to $67 million and threatens to go much higher.

ART FOR WHOSE SAKE?

Again, when Joseph Hirshhorn donated his collection of modern art to the government, it didn't look like bad news for the public purse. Now, however, construction is afoot on the edge of the Mall for a huge museum and sculpture garden as a proper setting in which to display the art treasures. For taxpayers this means a bite of at least $16 million just for construction, additional expenses for restoring the art works to museum condition, plus maintenance estimated at between $2 and $3 million per year annually—to say nothing of the cost of the most valuable land in Washington for the site (now occupied by the Armed Forces Medical Museum, which is slated to be torn down).

Besides receiving such costly "gifts," the government also boasts its own foundation to hand out federal grants for culture: the National Foundation for the Arts and Humanities (NFAH). Created on the premise that support would come chiefly from nongovernment foundations and individual philanthropists, NFAH now is dispensing federal funds at the rate of $61.2 million a year, double last year's total and triple that of the previous one.

NFAH operates through two subsidiaries, the National Endowment for the Arts and the National Endowment for the Humanities. Contributions to launch them came from foundations, including several noted for their support of liberal causes, like the Stern family funds, the Ford Foundation, the Field Foundation and the Southern Education Foundation. Thus fortified, NFAH swung into action to solicit gifts of money and then to cry there was a great unmet need for supporting culture which could be filled only by the federal government.

ECOLOGY OF GAZELLES

Several Congressmen, notably Rep. H. R. Gross (R., Iowa), have begun to question the "need" for some of the activities which NFAH has financed. They include studies on the biological rhythms of the catfish, ecology of gazelles in Israel, oral folk poems of Vietnam, Africans in the Roman Empire, relations of fishing boat crew members and how they relate to conflict groups in Yugoslavia, group encounter (sensitivity training) techniques as a means of determining user needs for low-income housing, and economic and cultural effectiveness of government arts programs during the New Deal.

Grants also have gone to former Senator Eugene McCarthy for an anthology and to the Vermont Council on the Arts at Montpelier for a pilot project "to demonstrate the feasibility of making minimal-cost public sculpture for what will become the first American sculpture highway."

NFAH grants are questionable on other grounds. Subsidies to the press, for instance, could jeopardize the latter's constitutionally guaranteed freedom. The agency has subsidized 152 "literary magazines" in 38 states. It also gave $25,300 to WETA Channel 26 in the District of Columbia for "The Wolf von Eckardt Project on National Capitals." Wolf von Eckardt is a reporter for the Washington Post.

In Congressional testimony last April, Wallace B. Edgerton, acting chairman of the National Endowment for the Humanities, declared, "One goal of the Endowment in the coming years will be the broader use of the public media and the more effective use of them."

"QUALITY" ARTS PROGRAMING

According to the National Endowment for the Arts (NEA), it "is exploring cooperative programming with the Corporation for Public Broadcasting and will itself be making a limited number of grants aimed at bringing quality arts programming to audiences through the media.

The Washington Post recently reported that NEA has subsidized the American Film Institute, which, in turn, has subsidized a CBS News documentary. NEA also gives grants for the development of film courses in schools and colleges.

The National Foundation does not hesitate to plunge into controversy. At New York State University at Stony Brook, it is financing a study of "The subculture of youth, both American and European, on a comparative basis . . . The project is not an easy one but promises understanding of the worldwide phenomenon of youthful alienation and possibly some practical recommendations for dealing with it."

At the University of Hawaii, it is paying for the application of "ecological and humanistic understanding to the design of a new kind of community. Called 'eco-community,' such a community would encourage redefining the 'good life' in terms of less consumption, more perception of individual uniqueness, and more responsible use of both human and natural resources."

PARENTS BARRED

Funding of controversial ventures has received little unfavorable publicity, except in the case of Living Stage '71. In a play given for 6- to 12-year-olds, with guards barring parents from attendance, a production in Baltimore seemed to approve beating up a teacher for sending a child home for being rude. The actors were applauded when they told the audience to yell an obscenity whenever it saw something it did not like. But when the children used the same words at home that night, enraged protests from parents made the Baltimore papers. During Congressional hearings, Rep. William Scherle (R., Iowa) questioned Nancy Hanks, head of NEA, about the play. She explained that since it was improvisational theater, her organization could not pass on the performances it was underwriting. Federal support for the group continues.

PRIEST ON TRIAL

Through NEA, the government also funds the Baltimore Center Stage, which opened the season earlier this month with a play titled "The Trial of the Catonsville Nine." The author is Father Daniel Berrigan, convicted for throwing napalm on draft records, and the play is his story of his trial and that of eight others.

Charges of conflict of interest have been made by the House Administration Committee regarding the connection of Gordon Bunshaft with the Hirshhorn Museum. One of the conditions Mr. Hirshhorn set for giving his collection to the government was the right for him and the Secretary of the Smithsonian Institution to name the architect. Their choice was Mr. Bunshaft, who happens to be a member of the Fine Arts Commission. The Committee said it questioned "the propriety of appointing an architect to design the museum who at the time was a member of the Fine Arts Commission which would have to approve the final design." According to Congressional testimony, Mr. Bunshaft's fee for the $16 million museum and sculpture garden was $1.4 million. He is a partner in the firm of Skidmore, Owings & Merrill, which designed Lyndon Johnson's library in Texas and handled the controversial redesign of Pennsylvania Avenue in Washington, which has not yet been carried out.

Much more than a possible conflict of interest, however, is involved in the Hirshhorn deal. According to the agreement with the government, which fixes the conditions for his donation, the museum and sculpture garden will bear his name and be maintained by the government with free access by the public, all in perpetuity. (Traditionally, donors provide funds for the upkeep.) So far as can be determined, the agreement is the only one Congress has ever approved which binds future Congresses forever; Senator James B. Allen (D., Ala.) has questioned its legality on this ground. Nevertheless, it has been approved by Congress.

APPALLING DISCOVERY

Back in May of 1966, President Johnson held a special ceremony in the White House rose garden to announce acceptance of the collection and the conditions embodied in the pact. This was before it was submitted to Congress, although it could not be implemented without new law. The following month, however, the legislators perfunctorily approved it. Later they were appalled to learn that the garden would involve a 600-foot trench cut directly across the Mall, with vertical walls 16 feet high at some points. Now it has been redesigned at a cost of $55,000, to run beside the Mall.

Although construction is underway, and the government is committed to outlays of $16 million for it, the collection has not yet been turned over to the government and won't be until construction is complete. Meanwhile, the House Administration Committee reports that federal funds are being used for upkeep of the collection, although the Hirshhorn agreement stipulates that he will be responsible for its care until construction is finished.

HUGE TAX DEDUCTION

According to accounts in the press, Mr. Hirshhorn spent between $4 and $5 million to acquire the collection. It later was appraised at $22 million and then revised to $25 million to account for inflation. Newspaper columnist Clark Mollenhoff says S. Dillon Ripley, secretary of the Smithsonian Institution, now values the donation at $40 and $50 million, thus indicating that Mr. Hirshhorn will derive a huge tax deduction for his gift.

There's hardly a government agency without a cultural program. The Office of Education, for instance, recently gave $77,000 to the Academy Theater in Atlanta, "to extend its concept of 'involvement' of audiences into small Georgia communities, where it will attempt to influence thinking on the sensitive subject of school desegregation."

Even the National Park Service gets into the act. It is in charge of historic Ford's Theater, where President Lincoln was shot. Currently playing at Ford's, with federal subsidy, is a rock musical, "Mother Earth," with the message that because of pollution, doom is on the way. The show was given at the Interior Department on November 3 at the request of Secretary Rogers C. B. Morton.

SPECTACULAR OPENING

Ford's, of course, is dwarfed by the spectacular Kennedy Center, which opened to critics' brickbats. One of the chief complaints is that it caters more to the elite than to the general public. Orchestra tickets for opening night sold for $25.

According to Washington Star columnist Betty Beale, "Kennedy workers" want Congress to appropriate more money for additional guards and replacement of stolen items, including plated silver, crystal drops from Waterford wall brackets, pink marble handles from faucets, parts of chandeliers and hand-sewn table cloths.

In addition, Center officials are trying to persuade the National Park Service to construct an underpass or overpass to the center for pedestrians. With no public transportation to the door of the center, pedestrians now must risk life and limb to cross the interchange of highways surrounding the center. Further subsidies also are likely since, according to press reports, the Eisenhower theater does not contain enough seats to be self-supporting.

In response to the criticism, the Center's director, Roger Stevens, responded, "It's here, and there's nothing anybody can do about it." That's another way of saying, "The public be damned."

THE INDUSTRIAL WORLD AHEAD: A LOOK AT BUSINESS IN 1990

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. GERALD R. FORD. Mr. Speaker, since the shape of American life in the future depends largely on a wide range of steps taken now, I wish to call attention to a significant event that relates directly to our economic future, the White House Conference on "The Industrial World Ahead: A Look at Business in 1990."

The Nation's business press has been briefed at the White House on the aim of the Conference: To prepare for the future.

Jointly chairing the Conference are Secretary of Labor James D. Hodgson and Secretary of Commerce Maurice H. Stans. The event will take place at the Sheraton-Park Hotel in Washington. It will last 3 days, starting February 7.

A major portion of the Conference will be devoted to examining and analyzing trends affecting workers and their jobs. Continuous change will dominate the world of work in the next two decades, Labor Department experts assert. For example, in the next 10 years alone, the labor force is expected to increase by 15 million to a total of 100 million.

At this Conference, key representatives of labor and business will work together to prepare for these changes affecting our work force and to devise sound and meaningful approaches for meeting other challenges posed between now and 1990. They will work with leading representatives of the professions, education, and Government, who will also participate.

Thus, more than 1,500 leaders will pool their ideas in an intensive study of our future industrial world. This will be a joint effort representative of all parts of the Nation. The conferees are exceptionally well qualified to help solve the social-economic challenges of the future.

Two of the broad themes established for the Conference agenda are related directly to the workingman: "The Human Side of Enterprise and the Social Responsibility of Business." The other two themes are: "The Private Enterprise System" and "Technology and Resources for Business."

In sponsoring this Conference now, the Labor and Commerce Departments are to be commended for looking ahead to insure our economic and social well-being in the future. I know that my colleagues will join me in wishing the best of success to this Conference.

DISCUSSION ON ARTHRITIS AND THE RHEUMATIC DISEASES AT THE ROBERT B. BRIGHAM HOSPITAL

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, there is a very unique hospital located in my District in Boston, Mass., the Robert B. Brigham Hospital, the only hospital in the Nation devoted solely to arthritis and the rheumatic diseases.

It is my pleasure to include a very interesting roundtable discussion of three rheumatologists and a medical student as well as a biographical sketch of this dedicated group of specialists.

Dr. Theodore B. Bayles joined the medical staff at the Robert B. Brigham Hospital in 1939; at that time, he was one of only several dozen rheumatologists in the Nation. The Robert B. Brigham was established as a residential institution for incurables, and many of its early patients were disabled victims of arthritis and rheumatic diseases. Dr.

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Bayles arrived during a period of transition, as the hospital's purpose was changing from caring for the disabled to preventing disability through enlightened treatment.

A dedicated teacher and crusader for expanded training programs in rheumatology, Dr. Bayles directs the rheumatology training grants at the hospital and is an association clinical professor in medicine at the Harvard Medical School. Physicians from throughout North America came to attend a 5-day American College of Physicians course on rheumatic diseases at the hospital recently, which Dr. Bayles directed. Dr. Bayles also vice chairs the hospital's joint venture development campaign for its future home in the affiliated hospitals center.

Dr. Jean Jackson is a second-year fellow in rheumatology at the hospital. Her time is divided between seeing patients and learning to use research tools and ogy, after being exposed to rheumatology, after being eposed to rheumatologists who were dynamic teachers. Dr. Jackson received her medical degree from the University of Maryland Medical School and stayed at that school's university hospital for 3 years as a medical intern and resident. She will return to the 708-bed hospital in Baltimore, Md., next summer to become chief resident in medicine. Then, after 10 years of professional medical education, Dr. Jackson plans to combine teaching with a private practice in rheumatology.

Dr. Arthur P. Hall followed his father to the Robert B. Brigham Hospital as one of the hospital's first fellows in rheumatology. His father, Dr. Francis D. Hall, was a pioneering rheumatologist who retired from the medical staff in 1966. In addition to his private practice and teaching responsibilities, as an assistant clinical professor of medicine, at the Harvard Medical School, Dr. Hall has led the movement from improved and expanded ambulatory care within the hospital. He is the current president of the New England Rheumatism Society.

Douglas Kelling came to the hospital to get a better understanding of the problem. In his fourth and final year at Harvard Medical School, Doug elected to take a comprehensive 1-month course in rheumatology and allergy sponsored by the Robert B. Brigham.

The one-to-one student-teacher relationship enabled him to see at firsthand the decisionmaking process that dictates care for arthritis patients. The training played an important role in Doug's future plans. He plans a career in internal medicine, specializing in family care.

ROUNDTABLE

Dr. HALL. Literally, rheumatology is the study of rheumatic diseases—diseases characterized by inflammation, particularly in the joints. The field is a sub-specialty of internal medicine, and internists who study rheumatic diseases either in patients or in the laboratory could be called rheumatologists.

Dr. BAYLES. You must realize that, since I've been in rheumatology, rheumatic fever has practically disappeared. Gout is now treatable, infectious arthritis, tubercular arthritis of the joints—all of that is essentially gone. I'd say thirty per cent of the type of patients I saw when I first came to this hospital in 1939 are no longer here. We are left with the problems that are as yet unanswered—rheumatoid arthritis, degenerative joint changes, some of the rarer forms of acute inflammatory diseases.

And steady gains are being made by researchers. About eighty per cent of our patients at the hospital have rheumatoid arthritis. Until a very few years ago, the disease was believed to be related to inheritance. Current work disproves this, so scientists at this and other centers are no longer looking for some kind of metabolic defect, but rather for an entirely new event—a virus perhaps—that might set off the process. Like all specialized hospitals that are deeply committed to research and training in addition to patient care, everyone—medical men, the surgeons, the paramedical personnel—everyone is devoted to a single goal, everyone is working on the same problem.

Dr. HALL. But in addition to being focused on a single goal, we approach that goal in a unique fashion. You'll rarely see the integration of medicine and surgery that's found in this hospital.

Dr. JACKSON. This is certainly true from my experience. Major medical centers usually have rheumatologists and always have an orthopedic surgery service. Yet the rehabilitation and care of arthritis patients is seldom such a cooperative effort.

DOUG KELLING. This should really be emphasized. In our education as medical students, there is a big separation between the medical and surgical aspects of treatment, and that is true at almost every hospital.

But in the short time I have been here at the Robert B. Brigham Hospital, I have become more sensitive to the possibilities for coordinated care. One day, when I am seeing my own patients, I will know that there is expertise available not only on the medical side but on the surgical side as well.

Dr. BAYLES. Cooperation would be the one word I would select if I had to describe the approach to patient care at the Robert B. Brigham. There is a lot of talk about team care but we have made it work.

DOUG KELLING. More and more it is becoming obvious that unless the efforts of the whole medical team are closely coordinated from the nurses through the physicians, the best patient care cannot be achieved. This is especially true for chronic diseases like rheumatoid arthritis.

Dr. BAYLES. In addition to providing comprehensive care for today's patients, we assure better care for future patients through extensive on-site training programs.

Dr. HALL. I think this is practically the only place in the country that can offer really in-depth clinical training in the area of rheumatic diseases—training on the house officer level and primarily on the fellowship level. It is one of the most valuable things that we are doing.

There are about two thousand rheumatologists in this country. They are too few in number, and they are concentrated in too few places. A clinical study I made showed that a third of the patients traveled more than fifty miles to get here. That's an indication of the need for our training programs. We've finally reached the point where we are really turning out people with solid training in the field. It is very gratifying to attend professional meetings and see doctors from all over the country who are making valuable contributions—doing the kinds of things they were taught to do at the Robert B. Brigham.

But you can't teach rheumatology off the cuff. Sometimes it takes patients three months, six months to respond, so it is essential for the student to be able to see a large patient population.

Dr. JACKSON. I came here as a Fellow in Rheumatology for precisely that reason. This hospital is the one of the few places where large numbers of patients with rheumatic diseases can be seen over the long term. I need this sort of experience to learn what can be done with drugs and therapy to learn when surgery is indicated, to learn just what surgery can accomplish. It's been a tremendous experience!

The training program here for fellows in rheumatology is relatively equally divided between clinical and research responsibilities. That is another reason that brought me to the Robert B. Brigham.

It is essential that a physician treating patients with rheumatic diseases has an understanding of research. Today's research may have a role in the treatment of patients five years from now. The rheumatologist must be able to understand and evaluate the implications of research and apply them to his practice.

Dr. BAYLES. There is no end to the training programs initiated by the Robert B. Brigham. We offer a graduate course for orthopedic surgeons. Residents come here from other hospitals. Practicing physicians from throughout the country come here to attend post-graduate courses in rheumatology. The members of our medical staff travel all over the world to speak at professional meetings. And, of course, we are committed to educating the public as well.

Dr. HALL. It is a particularly difficult disease in that there is practically nothing else which combines this constant discomfort or the continuous threat of discomfort with decreasing physical independence. People with heart disease can feel quite comfortable when they are not having a chest pain; diabetics can often take a pill or a shot and forget about it. It is awfully difficult for someone with rheumatoid arithritis to forget!

Arthritis patients have a general reputation for being difficult to get along with. Usually this is because nobody's doing anything for them and they know it. They fear being crippled or confined to a wheel chair. Arthritis is an off and on disease, and rheumatologists may see a patient over many years during his difficult periods. For the rheumatologist the greatest reward is the knowledge that without him there are many patients who probably wouldn't have received help.

CONCERNING THE FUTURE OF THE AFFILIATED HOSPITALS CENTER

Dr. HALL. The waiting period here for hospitalization and ambulatory care now exceeds eight weeks. We'll have 120 beds in our tower of the Affiliated Hospitals Center—a twenty per cent increase—and this will allow us to lower the waiting period and enlarge our medical staff.

Dr. BAYLES. Of course the facilities will be newer and better, and the economies of pooling resources with the Peter Bent Brigham Hospital and the Boston Hospital for Women will be tremendous. The operating rooms, for example, will be in the Peter Bent's tower, and the physical and occupational therapy departments will be in the Robert B. Brigham.

I think the geographic situation will be one of the biggest improvements for this hospital. We will have access to a number of services that are not usually available to a small chronic disease hospital—back-up anethesia, greater ease of consultation and a critical care unit.

In the past thirty-two years, I have seen the Robert B. Brigham Hospital become a hospital specializing in the rheumatic diseases, a teachig hospital of the Harvard Medical School, a major research center in immunology and rheumatology and a renowned postgraduate training institution. The Affiliated Hospitals Center is our next big step!

AIR CARRIER INSPECTORS—MISSION IMPOSSIBLE

HON. CHARLES H. WILSON
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, I recently read an article pertaining to the duties and responsibilities of an elite corps of Federal employees that most of us do not even know exists. I am speaking of the air carrier inspectors of the Federal Aviation Administration who are charged daily with the responsibility of maintaining quality control over the more than 35,000 certified pilots who fly billions of scheduled passenger miles each year. The safety and success of air transportation rests to a great degree on the ability and integrity of this small group which must master the intricacies of a vast new spectrum pertaining to the hardware, terminology and procedures of "the jet environment." Not only must he pass the written, the oral, the simulator and flight checks on a particular plane, he must also be able to judge, examine and qualify designated airmen.

This fact filled article was written by training Capt. Ed Mack Miller, a pilot of some 33 years. Training Captain Miller started flying in 1938; he was an Air Force pilot during World War II; and, flew with the Minutemen, a jet precision team of the Colorado Air National Guard. Captain Miller, who is presently the senior Flight Instructor for United Airlines, has qualified and mastered the intricacies of our most sophisticated jet aircraft. In addition, Ed Miller is an author in his own right, having written numerous articles and books of aviation interest.

Mr. Speaker, I commend Captain Miller on the fine job he did with respect to a subject so few of us know exists. I think it appropriate at this time to submit this article for the benefit of my colleagues:

THE "MODERN" FAA INSPECTOR

(By Capt. Ed Mack Miller)

Under the pressures generated by the "technological explosion," the jet-qualified Air Carrier Inspector has found himself in a "new ball game," where he has had to scramble to keep abreast of a revolution in techniques, knowledge, and intelligent application.

Because the airline industry has fallen heir to the quantum strides and technical break-throughs engendered by the space program, the job of an FAA Air Carrier Inspector has taken on multiple new and difficult facets in the past dozen years.

In the mid-50's, an Air Carrier Inspector was usually a pilot who had qualified for the job by passing a type rating test in an antiquated DC–3 and who was then issued a certificate which stated "All Ratings Authorized." This quotation allowed him to flight check applicants on all equipment even though he was virtually unqualified. This being the case, he soon lost the respect of his aviation counterparts who were more knowledgeable of the current aircraft.

But how about the Air Carrier Inspector of today? If you were to illustrate his position with a cartoon, you would show him riding a rocket . . . hanging on for dear life. In the space of a few years, he has been projected into—and has had to master (in fact, show a greater mastery than those he is checking) the intricacies of theory and operation of such exotic equipment as complex Inertial Navigation Systems, Doppler, Loran and Consolan navigation systems, radar altimetry, automatic reporting devices . . . and a vast new spectrum of hardware and terminology and procedures termed "the jet environment."

In one giant step he had to stay abreast of a doubling, for instance, of aircraft speeds—from the 300-miles-an-hour of the Constellation and DC–6 type planes to the 600-mile-an-hour 707's, DC–8's, and 990's . . . and other first-generation jets, carrying passenger loads twice what had been normal before.

Hardly had he mastered the nuances of this vigorous new air-travel world, and its almost frantic need for newer and higher criteria of safety, when the industry began to stretch its jets . . . until, in the case of the DC–8–61, up to 250 persons could be carried.

The pressures on the small number of elite FAA jet-qualified Air Carrier Inspectors became even more agonizing as the individuals involved realized that they, and they alone, were responsible for a degree of quality control hardly ever imagined earlier. ACI's today monitor directly or indirectly over 35,000 certificated airmen in scheduled operation who fly billions of passenger miles each year.

For instance, they carried the burden of making sure that cockpit crew members, especially the Captain and the Flight Engineer, knew their equipment well and could handle it, at all times, with the maximum degree of safety—in normal or emergency circumstances. But also they had to make sure, God forbid, if something did go wrong and one of these huge "birds of burden" ended up off the runway . . . broken up, that everyone could be gotten out safely and expeditiously. They have with them now a vastly expanded area of "evacuation training." Where once it had been the pilot's simple statement, "Just follow me," now evacuation of a plane in a few seconds has become a well-planned and implemented semiscience . . . if the Inspector involved does his job well.

A world was on the move. There had been a revolution aloft. And its safety—and success—rested on the ability and integrity of a small group to monitor its standards and keep them high.

In the new jet world of great altitudes and tremendous speeds, new goblins leaped up to challenge the pilot and the Inspector; to name just a few, Clear Air Turbulence, the Jet Stream, and the Mountain Wave.

He had to insist on strict oxygen discipline ("mask on in five seconds"); he had to assure that a candidate captain could execute an emergency descent quickly, safely, and smoothly. The complications of a growing intermix of light and heavy traffic became another knotty problem confronting the Air Carrier Inspectors. They had to find time somewhere in a very tight schedule to accent and re-emphasize to flight crews "the constant and increasing importance of strict cockpit discipline and vigilance, especially in VFR flight conditions," as Mr. John H. Shaffer, the Administrator, has noted.

This flowerburst of technological expansion left little room for the Air Carrier Inspector who couldn't or wouldn't keep up. The "Stinson" days were gone forever. In addition to learning to fly newer and bigger equipment (almost every year, it seemed!), and learning it "from all three seats," there were new-type problems cropping up all the time: those associated with the Category II approaches and missed-approach procedures (especially critical); the unique problem for the jet airplane that became its particular *bete noir* . . . aquaplaning. The Inspector had to learn an entirely new kind of approach procedure (a much safer one), the high-drag approach . . . and then he had to sell it to the pilot group, which was often somewhat resistant.

He had to exert a tough quality control over pilots who often didn't "buy" such new "goodies" as the flight director—"goodies" absolutely necessary to the safe conduct of jet flight in weather conditions.

And scarcely had the overburdened Inspector almost caught up with the "sky revolution" (exploding on all fronts like Fourth of July in a fireworks factory), then along came the Wide Bodied Jets, carrying up to 362 people.

Beautiful planes, highly automated. But "quality control" was needed more than ever now. The planes were easy to fly for a veteran of ten years on first-generation jets who had been well trained on the new plane. But there were many new things for the Inspector to learn and "sell," again: autothrottles, autoland, altitude select, indicated airspeed hold . . . a raft of new and exotic "gadgets." He must hold the line for a complete program of training even though economic costs are skyrocketing. To relax now could be disastrous.

How far . . . how very far . . . the Air Carrier Inspector had been separated in a dozen years from his previous DC–3 and "All Ratings Authorized" paper qualification. The Air Carrier Inspector, with all of the learning and study, the long hours, the fantastic responsibility, now is qualified and rated on each jet aircraft from the Twin Engine DC–9 and B–737 to the jumbo B–747, and shortly the DC–10.

In addition to being able to pass the written, the oral, the simulator and flight checks on a particular plane, the jet-qualified Air Carrier Inspector must be able to do many other things. He must be able to judge, examine, and qualify designated check airmen.

He must become an expert in giving oral examinations, a fine art if it is to be done correctly. He must force himself, with the patience of a surgeon, the integrity of a District Attorney, and with the judgment and compassion of a priest . . . to efficiently but thoroughly test a man's knowledge and his reasoning capacity (especially under pressure) and have the courage to probe any soft spots. And—whether the man be a friend or the time be Christmas Eve—send him back for more training if that is the course that good sense and integrity dictate.

Giving an oral examination on a piece of airline equipment as exotic and sophisticated as a DC–10 or a B–747 is not easy. It presupposes a far greater knowledge on the part of the giver than on the part of the taker. The ACI must determine the applicant's understanding of aircraft systems, operating limitations, emergency and abnormal procedures, TERPS, and the basic pilot qualities of confidence and command.

Simulator checking is an art that has been called "almost arcane" with the advent of the "fantastic" second-generation ground trainers, which an Inspector must now be able to use for conducting the major portion of "rating rides."

Before the airline receives its approved simulator certificate, which allows it to use the flight simulator instead of the airplane, the Inspector runs the acceptance check on all the components and systems of the simulator to assure that they operate like the aircraft. He files performance tests with the simulator and compares his findings with existing flight test data that has been compiled from actual aircraft flight data. The Inspector must also check the visual system so that the pictorial display will give a realistic environment. If an Inspector approved a simulator in a sub-standard condition, it could easily affect the entire training program and flight safety.

Learning to "fly" the 747 or DC–10 simulator is not too difficult compared with learning how to operate this "first cousin of the

XUM

Apollo simulator," with its myriad systems and complicated "trouble panels."

This type simulator has "six degrees of motion," actually "flies" in its auditorium home on tall, spindly legs. The motion system is so good that, with the loss of an engine on "takeoff," you can close your eyes and tell which engine quit from the sensory cues you receive. If you were to kick a rudder too hard, anyone standing up in the simulator had better be hanging on to something solid . . . because it moves . . . fast and far.

Inside the approved simulator, the crew seats are faithful to the aircraft set-up; all the panels are the same. Everything works. It is on the left wall, just back of the first observer's seat that things look much different from a first-generation jet simulator. The old "trouble panel"—the switches and selections uesd by the two instructors to set up procedures and techniques—have, as one writer said, "gone to college and got a doctorate."

At the far end is a section of "potpourri" controls, such miscellaneous items as "Motion on," control loading, ground reset, "Flight in progress," etc.

Above this grouping is the Aircraft Location Selector, and above it the Environmental Controls, where wind, barometric pressure, icing, lapse rate, temperature, and runway conditions can be set, as well as weight and payload.

Above this unit is the large MIDU (Malfunction Insertion and Display Unit), a big white screen onto which nearly fifty slides can be projected, using selector buttons just below. Schematics of all the major systems of the plane can be "called up" in visual display. On each side of the screen are lines of switches, with lines leading from the screen display out to the buttons. Selecting a particular switch-button will cause a malfunction to occur at some time during the simulated "flight."

As an example, if the Inspector wishes to test the pilot on one or more different fire-type situations, he calls up from the computer memory bank the slide labeled "fire protection." Here he can see some 18 different fire or overheat discrepancies. He selects the situations he wants (perhaps "wheel well fire" or "Engine No. 2 fuel fire" or "Aft cargo compartment overheat") and presses the buttons.

At some point in time downstream, the appropriate lights and bells will ring, and it is up to the pilot being checked to take care of the emergency at the same time that he continues to fly the airplane accurately (or have it flown by another crew member). When the problem is over, a reset button is punched to put the "plane" back in prime condition.

The possible combinations of things that can be used in the checking process runs into the tens of thousands. If the ACI is just checking a flight engineer, the flying of the plane (and the instrument displays up front) can be divorced from the "action in the back." He can pose many mechanical problems for the engineer, for instance, as though the plane were in cruise, while in actuality the crew "up front" is "shooting landings."

Just forward of the MIDU is another "far out" gadget, the CRT (Cathode Ray Tube) which will do nearly all the things the MIDU will do . . . and many more. Its button controls will set up thousands of flight and ground situations. The ACI can call up a page out of the manual on a particular system or emergency procedure he needs to consult; he can actually "build" an entire checkride for automatic sequencing of events, or he can instantly "initialize" the simulator to any airport or any aerial location in the world (one that has been programed into the computer).

The machine is so advanced and yet so versatile that it is almost unbelievable. An Inspector must be very careful *not* to overburden the student, not to "initialize" him too often so that he gets confused, or to "ring in" emergencies at too quick a pace.

Veteran ACI's caution extreme care with the machine because, they say, it is possible to drive a tense pilot "out of his gourd" if it isn't intelligently operated.

However, if a student has made a poor takeoff or executed a poor maneuver, the Inspector can punch a "demonstrate" beton and the machine (uncannily!) will, by itself, demonstrate how the maneuver (any maneuver programmed) should be flown.

Or, by pushing another button, the Inspector can have the machine reproduce exactly, with identical displacements of throttles, stick and rudder, how the person being checked flew the last maneuver.

Or, the ACI can evoke a complete printout of the last maneuver(s) to prove to an unbelieving checkee what parameters he touched on his last maneuver(s). It is a little unearthly, even unbelievable. And certainly a far cry from giving a check ride in an aircraft of yesteryear with his old certificate of "All Ratings Authorized."

The Aircraft Visual System (one system used is called VAMP, *Visuals Anamorphic Motion Picture*) allows the Inspector to set up, variable weather situations to check the pilot's ability to transit from instrument to visual flight conditions—and effect a visual landing. In addition to allowing training in the most difficult decision the pilot must make, the VAMP system also gives a big bonus to the company and the Inspector—it allows most of the difficult rating flight to be given in the simulator—a great advantage from the safety standpoint, and a great economic saving. Other visual systems even allow circling approaches.

The VAMP is a 70 mm color motion picture (Cinerama) actually filmed from a helicopter, with an ability to be speeded up or slowed down to make it correspond with speed changes in the simulator/plane. Special effects are used to simulate fog, rain or low cloud. Night films are also used, and prisms are employed to warp the view for the pilot who is high, low, right or left of course.

The ACI, however, must be skilled in its employment to make it realistic. If he is careful and imaginative in setting up situations, the simulator becomes almost an airplane—better than the real thing in the situations of checking for proper procedures to be followed.

No one may ever be able to accurately determine how much credit the ACI should get for the airline industry's safety record—but it is considerable.

There really is no way of placing a price tag on the services of a highly trained, competent ACI.

"I only know," one veteran airline pilot said, "that the gap between what they are paid and what they should be paid is merely tremendous."

SOCIAL SECURITY BENEFITS PENALIZE OLDER AMERICANS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. GIAIMO. Mr. Speaker, despite congressional intent to the contrary, many older Americans are penalized when social security benefit increases conflict with benefit restrictions tied to the medicare and medicaid programs.

A recent article in the Wall Street Journal as well as editorials in that paper and in the New York Times have again drawn attention to this problem. The problem is encapsulated in the Journal's headline: "Dismayed Aged Learn Social Security Raise Means Cut in Benefits."

These pieces make clear the fact that Congress never intended increases in social security benefits to bring penalties in loss of medical insurance coverage. They also note that an apparent remedy is at hand—a proposal legislatively tied to the welfare reform bills now pending.

The current White House Conference on the Aging lends timeliness to a consideration of this problem. But for 9 out of every 10 years there is no White House Conference focusing attention on the needs of the elderly in America. I sincerely hope that the good intentions and dedication of the Members of this and the other body who deal with tax legislation will work to eliminate once and for all this anomaly.

Mr. Speaker, we cannot do everything immediately that we should do to guarantee older American a dignified life, but the least we can do is reduce their unnecessary anxiety and suffering that stems from conflicting laws and regulations of the Federal Government.

The three above-mentioned articles follow:

[From the Wall Street Journal, November 26, 1971]

DISMAYED AGED LEARN SOCIAL SECURITY RAISE MEANS CUT IN BENEFITS—IN MANY STATES, A $10 BOOST MAKES ELDERLY INELIGIBLE FOR FREE MEDICAL CARE

(By Tom Herman)

MIAMI BEACH, FLA.—Leah Miller is a diminutive, white-haired lady who lives alone in a small, $100-a-month hotel room here. For the past several years, Mrs. Miller has lived solely on the proceeds of her Social Security check, welfare benefits and the occasional gifts of a few close friends. Mrs. Miller is a diabetic, and after she buys her prescribed drugs and pays her rent, there's not much left over each month.

Mrs. Miller is probably just the kind of person Congress had in mind when it decided to increase Social Security payments 10%. Well, the 10% increase is in effect now, and Mrs. Miller says it has changed her life, all right.

For the worse.

"I begged the government not to make me take it," she says, "but they said I had to. I told them that's not fair. But they said their regulations won't allow them to take it back."

Mrs. Miller has not lost her mind. Because of some quirks in federal and state laws, she and thousands of other old folks in 25 states have discovered that their Social Security raises are costing them far more than they benefit them. Specifically, Mrs. Miller now gets at least $20 a month less than she did before the "increase." She also has less hospitalization insurance. And she isn't insured at all for many things she was once covered for.

NEW GARBAGE BILLS

The problem arises when elderly poor people receive just enough of a Social Security increase to make them ineligible for valuable other benefits they had been receiving, such as old-age assistance, Medicaid and free Medicare insurance. In some communities, the Social Security raise even disqualified recipients from receiving free garbage collection and forced them to pay more for their food stamps.

To some people in government, the unfairness of that ironic situation is plain, and legislation now is pending in Congress that would largely eliminate the problem. However, the proposal is a part of the controversial welfare-reform bill, which is bogged down in the Senate Finance Committee, so there's no telling when or if relief will come. In the meantime the problem is likely to be aired at the White House Conference on Aging, scheduled for Sunday through Thursday of next week.

Mrs. Miller hasn't been invited to that conference, but if she were she would have plenty to gripe about. Before the increase, Mrs. Miller's only income was $113 each month from Social Security and $6 from the state welfare department—or $1,428 a year. The state welfare department also furnished her with a little blue card that paid up to $20 a month for prescribed medicines, and it picked up her monthly Medicare insurance premiums of about $5.60.

MRS. MILLER'S SCISSORS

Then came the "raise." Now, Mrs. Miller gets $124 a month from Social Security—$11 more. But she no longer gets the $6 welfare check, or her $20 in medicines, or her $5.60 in insurance premiums. (Medicaid in Florida and 24 other states is available only to welfare recipients.) The Medicaid Mrs. Miller lost covered free X-ray treatment and skilled nursing home services—which, if the need should ever arise, she will now have to pay for herself. Medicaid also pays a patient's entire hospital bill for up to 60 days. Without Medicaid, Mrs. Miller must pay the first $60 of any hospitalization costs, and that figure will go up to $68 in January.

To make ends meet, Mrs. Miller has started cutting her most expensive pills in half with a scissors. "That way, I use them up only half as fast," she says. She also spends less on food now. She also worries.

"What would I do if I should have to go to the hospital?" she asks. "I don't know where I would get that $60. And the chances of my needing to go to the hospital get better every day. I'm 83, and I'm not getting any younger."

Mrs. Miller is confused, and she is bitter. "I still can't understand how anyone could let this happen," she says. "I told the welfare people, 'Thanks a lot for nothing.' They said they were sorry, but that their hands were tied by regulations. But what are we supposed to do, those of us who are much too old to do any work?"

Government officials don't have an answer to that question, but they say it isn't a new one. Thousands of cases like Mrs. Miller's pop up every time there's a Social Security increase, they say. "It's a real tragedy," says Virginia M. Smyth, a federal welfare official in Atlanta. "It's especially ironic because it runs completely counter to the intention of the law."

TOO OLD TO FIGHT

Although the problem may have been around for years, many government officials seem unaware of it, or assume it's not around any more. One official with the Social Security Administration in Miami recently insisted for several minutes that "the whole problem was cleared up last spring in some new legislation that you should know about." Later, after thumbing through several thick reference books, he confessed: "Well, I suppose you're right. The problem is still with us."

One reason few people seem aware of the situation is the extreme reluctance of many poor people to protest. In interviews, some people express fears that any protest would mean sharp cuts in their Social Security checks. Others simply shrug their shoulders and say they are too old to fight.

Some have reacted by pleading with Social Security officials to take back the "raise." Sam Salit, a short, stocky, 77-year-old man, lives with his wife, Julia, age 66, in a small one-room apartment in South Miami Beach, an area of the elderly and the poor. Sitting in his "living" (the front half of the apartment) on a hot afternoon, Mr. Salit mops his brow and recalls a conversation he had with a state official after he discovered that the "increase" was going to cost him at least $43 a month.

"First, I say to the man, look, I make you a deal: You take back my little increase and I won't tell a soul. In fact, I say to the man that I give back the increase gladly. The man smiles and says he's sorry. I say that sorry won't help. He says he knows. I say to myself, so what can I do? At my age, I'm going to fight the law?"

One answer, of course, would be for each state to give Medicaid to people whose incomes are too small to pay for the medical care they need. At the moment 23 states and the District of Columbia do just that. But in the others, only those on welfare are eligible for Medicaid. And it doesn't seem likely things will change. If anything, the trend is moving in the opposite direction; many states have begun or are considering cutbacks in medical care for the indigent.

Another answer would be to disregard Social Security altogether when computing welfare eligibility. That is the approach of a bill that will be introduced this winter by several Florida state senators; it is also an approach that has been proposed several times before and defeated, mainly because of cost.

Meanwhile, there is no help for people who lose money by getting money. That's especially tough on those with heavy medical expenses, such as Mary B. Powell, who lives near Miami. Back in the good old days before the Social Security increase, Mrs. Powell was technically on welfare and entitled to $45 a month in free prescription medicine. Now, she's off welfare, and the $45 a month comes from her own pocket—as does her $5.60 Medicare insurance premium.

That's not all. Mrs. Powell and her husband, James, live in an unincorporated area of Dade County, which means that, as welfare recipients, they were entitled to free garbage collection. Now that they're off welfare, they have to pay the $52 a year themselves. Like his wife, Mr. Powell lost his free medicines—$20 a month in his case. Both the Powells lost their welfare checks, of $1 each per month. The Powells figure their Social Security increase amounts to $206.40 and will cost them $810.40 a year, which means they must somehow find another $604.40—assuming they will need no X-rays, hospital care or nursing home services.

That's an unlikely assumption. Mrs. Powell is either 73 or 75—"I can't remember if I was born in 1896 or 1898, but when you're my age, what's a year or two?"—and uses a wheelchair and suffers from ulcers and arthritis. Mr. Powell, who is 76, had "a complete mental breakdown in 1965 or so" and since has had a stroke, Mrs. Powell says. So the Powells are not exactly top candidates for the labor poll.

Nor are many others. "What worries me isn't losing the welfare check," says William Lucas, age 66, of Atlanta, who is mostly paralyzed on his right side and suffers from hardening of the arteries and an arthritic left leg and wrist. "Hell, they can keep the welfare check. What I need is that $20 drug card and the Medicaid hospital coverage."

Lelia Comer, a 75-year-old St. Petersburg widow, can sympathize. Mrs. Comer's Social Security increase amounted to $12 a month and robbed her of $35.60 in welfare medical money as well as of the wide variety of hospital benefits paid by Medicaid.

Sitting on her porch with her shoes off, Mrs. Comer says: "I tell you what I think: Us old folks that worked hard, that can't work no longer, that need the money just to stay alive and buy medicine, they is the ones that can't get no money. But those young mothers that have all them babies, they get all the money they need. This raise ain't a raise none at all. It's just what they do to get us old folks off of welfare, that's all. You see what they done, they just put on to one check and took off from the other. So I'm worse off from where I was. It hurt me a heap. God knows, they think the old folks ain't got nothing to spend money on. Nothing to spend money on."

To save money for herself and her 51-year-old asthmatic daughter who lives with her Mrs. Comer says she borrows "from my neighbor on food. And I leave off (buying) some of the groceries. My daughter, she says she don't care none about leaving off some of the groceries. She say that medicine is the most important thing."

Some observers think cases like Mrs. Comer's reflect the government's—and the whole society's—lack of sensitivity to problems of the aged. Max Friedson, a 72-year-old activist for improved old age legislation, thinks he knows why no one cares: "You know why problems like this exist?" he asks; "You know why? Because some people in government today think they'll never grow old. Of course, I never thought I'd grow old either."

[From the Wall Street Journal, Nov. 30, 1971]

WHEN MORE IS LESS

Fatter Social Security benefits are naturally high on the agenda of the current White House Conference on Aging. In this connection, we trust the conferees have duly noted Tom Herman's article in the Journal a few days ago.

When it comes to government benefits, it seems that more can indeed be less, and we do not refer only to the erosion of Social Security payments through inflation. As Mr. Herman's article explains, thousands of old people in many states are finding that raises bring smaller total benefits. This crazy condition happens if a Social-Security increase is just enough to make a person ineligible for other benefits he had been receiving, such as Medicaid and free Medicare insurance. In one case cited, an 83-year-old woman is getting at least $20 a month less than before the last 10% Social-Security boost.

To the credit of the administration and Congress, legislation is pending that would largely clear up the anomaly, although it is tied to the welfare-reform bill and its prospects are thus uncertain. Anyway, the real question is how such a mess could have come about in the first place.

Without advocating the abolition of Social Security, we think it should be possible to note that the program has been oversold and overbureaucratized from the start. The addition of the vast new federal-state undertakings in health care probably made it inevitable that cross-purposes would develop. In fact, government appears to have a congenital procivity toward cross-purposes in the social-economic domain, as is so painfully evident in aspects of the farm program, urban renewal and the like.

But whatever the basic explanation of this particular mix-up, it is bound to be cold comfort to all those old people on the receiving end of government help that hurts.

[From the New York Times, Dec. 1, 1971]

ELDERS' LIB

The elderly now represent 10 per cent of the population of the United States, cast more than 15 per cent of the vote and are growing fast enough to command major political attention. No doubt these facts account for the emphasis on action instead of rhetoric at the current White House Conference on Aging, the second of its kind. Arthur S. Flemming, its chairman, wants the emphasis to fall on the older citizen's

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"inadequacy of income"—a mild phrase, considering that one-fourth of all Americans over 65 are forced to live on a poverty-level income as defined by the Department of Labor. Many more must make do on fixed incomes little above that level while wrestling with inflationary prices, rising property taxes, wretched transportation systems and even nursing homes that would take a Dickens to excoriate adequately.

The five-day conference is expected to deal with these issues, but little can be hoped for unless it comes to grips with Mr. Flemming's salient point. It is nothing short of scandalous that the recent boost in Social Security payments has meant for many elderly not more income, but less. Increased payments from this source have, under varying state regulations, automatically cut thousands from Medicaid, hospitalization insurance, welfare assistance and even food stamps. Yet they are forced to take this "raise" which leaves them substantially worse off than they were.

An injustice of far longer standing is the penalty of reduced Social Security payments for those who exceed the low annual limit of $1,680 in earned income, while no such penalty is invoked against those well off enough to collect dividends from investments. Perhaps most urgent of all, education and possibly legislation are needed to end arbitrary discrimination based on a fixed age—for employment and various types of license—rather than on a person's physical and mental state.

In this age of self-liberators, the aging should certainly not let themselves be forgotten.

SALUTE TO SENATOR BILL BROCK

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BAKER. Mr. Speaker, I was honored to participate in the appreciation dinner for Senator BILL BROCK of Tennessee in Chattanooga on December 2. It was a privilege to introduce the Senator and join his distinguished colleague, Hon. JAMES BUCKLEY of New York, in honoring this outstanding legislator.

Since his election to Congress in 1962, BILL BROCK has served the citizens of Tennessee well. In four terms in the U.S. House of Representatives, where he rose to fourth-ranking Republican on the important Committee on Banking and Currency, BILL combined expertise in national and international affairs with demonstrated concern for needs of Tennessee and Tennesseans.

He has carried his fine record into the United States Senate. Although midway through his first term in that distinguished body, Senator BROCK is not a freshman in experience. One of the Senate's youngest members, he has already made his mark on that body. Senator BROCK convincingly displayed his leadership and competence last week as floor manager for an administration bill to coordinate and direct all Federal programs against illicit drugs through a special action office. The bill, S. 2097, passed unanimously December 2.

Senator BROCK's performance is especially impressive in view of the usual Senate practice of allowing only members with several years' seniority to manage bills.

Now a national political figure, Senator BROCK has not forgotten the "folks back home" in Tennessee, as response to the Chattanooga dinner proved. He continues to work long and hard for all the people of our State.

The Chattanooga News-Free Press recently published an editorial "Salute to Senator Bill Brock" citing his fine record of public service. I join in its praise of Seantor BROCK as a man of conscience and legislator of high moral principle. I am pleased to incorporate the editorial into my remarks:

[From Chattanooga News-Free Press, Dec. 2, 1971]

SALUTE TO SENATOR BILL BROCK

There's going to be a dinner here tonight to express appreciation to Sen. Bill Brock for his service to Tennessee and the nation. The headline speaker will be outstanding conservative Sen. James Buckley of New York. Also appearing or sending messages of praise will be such leaders as President Richard M. Nixon, Sen. Barry Goldwater, Sen. John Tower, Gov. Winfield Dunn, Sen. Howard Baker and Rep. LaMar Baker.

All of these people have good reason to applaud Bill Brock because he has been an outstanding leader in association with them. But the ones who should be most appreciative are the rank and file Americans of Tennessee. Bill Brock has been a representative who has given outstanding attention to both the interests of his constituents and the national interest, a senator who has expanded his effectiveness in service.

There are few people in Congress whose efforts to give personal service to the inquiries and problems of the individual people back home can compare with those of Bill Brock. He has been more than just a representative and senator voting on the national level; he has been an accessible helping hand bridging the gap between the local people and the national government.

This is important. Also important in these grave times is upholding principle in the vital debates that shape the course of our nation. Sen. Brock has displayed intelligence in recognizing the varied aspects of national policy, strength in supporting good programs and courage in standing against bad ones. Sometimes the pressures are terrific. Often the forces that represent some narrow interest that can be harmful to the general welfare are organized and effective, while there is no equal lobby for the public or for sound principle. We need men in Congress who can stand against those pressures for what is right. Sen. Brock has shown a readiness to do that and effectiveness for sound decisions.

Few "freshman" senators have the influence and respect that Bill Brock has. He has earned that enviable position by an apprenticeship in the House of Representatives in which he showed himself eager to do his homework, willing to take the hard tasks, not seeking the spotlight as a self-promoter but always trying to make his actions and viewpoint coincide with the Constitution and the best concept of law, while lending his ear to all.

No one in Congress can make a perfect record that will suit everybody all of the time, simply because there are diversities of opinion and interest, some legitimate and some destructive. Sen. Brock has sought to uphold the common good, not by expediency, not by holding his finger to the political winds, but by adherence to the principles that have made America a great and progressing nation.

The thing that makes Bill Brock a great senator is not that he deserves credit from many of the big "names" in political life but that he has done a good job deserving credit from ordinary Americans whose names may not be known but whose interests he serves.

THE SPRINGFIELD, MASS., EXCHANGE CLUB AND ITS "STEP OUT FOR PEOPLE" PROJECT

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BOLAND. Mr. Speaker, the Exchange Club in my home city of Springfield, Mass., raised a record $68,000 in contributions for its "Step Out for People" project last spring. The greatest amount ever raised by any Exchange Club in the United States—11,000 local chapters exist—the $68,000 went for an animal care facility at Springfield's Forest Park Zoo.

"The Exchangite," the national magazine for Exchange Clubs, has just published an article outlining the 6 months of planning and work behind the Springfield project's remarkable success.

Mr. Speaker, I put the article in the RECORD at this point:

SPRINGFIELD'S "STEP OUT FOR PEOPLE" RAISES A COOL $68,000

Take a group of creative, hard-working Exchangites, add a worthy cause, capture the enthusiasm and interest of youngsters, or citizens of any age, with a new and novel idea, and you have the formula for a fund-raiser that grossed a fantastic $68,000 for the community projects of the Exchange Club of Springfield, Mass., and untold dividends in community prestige and image.

That is the extraordinary story of the Springfield Club's "Step Out For People" project held last May 8th in the Greater Springfield area. To the best of anyone's recollection, the amount collected stands as a new record among Exchange Club fund-raisers.

How was this remarkable feat accomplished? According to Public Relations Chairman Bruce M. Elmer, it took six months of planning and six to seven thousand concerned citizens and Exchangites.

Late in 1970, the Club's board of directors began looking diligently for a fund-raising project. Someone recalled that at Holyoke, Mass., a nearby community, money had been raised through the efforts of a large portion of that community in planning and participating in a hike. Ted White, coordinator of the Holyoke hike, was contacted and later presented a program on the project at a Club meeting. It was learned that the hike concept had originated in Canada and had been done successfully for a number of years. Members were heartened to learn, also, that a city the size of Springfield could be expected to raise something in excess of $50,000.

Club members responded enthusiastically. Within a few weeks the wheels of progress were rolling. An initial problem faced by the Club was finding a cause sufficiently worthwhile to capture the interest, imagination and involvement of the public. One was found—Springfield's public park had 750 acres of recreation area and a zoo, but no animal care facility or hospital. This became the goal of the hike, and the name "Step Out For People," was established. The estimated cost of the animal care facility, $40,000, was set as the monetary objective. The size of the project and the work involved turned out to be much greater than anticipated. For one thing, if the hike were to be successful, the fullest support and cooperation of the community was needed.

The project's chairman, David H. Bass, who is now president of the Club, called a meeting of student council representatives of all the junior and senior high schools in the area. The student leaders responded vigorously. They organized student action committees within their own school systems. They held assemblies and gave individual classroom talks to all students from grade six through high school. The response was overwhelming.

Adults also responded enthusiastically, and by the Saturday of the hike, some 6,000 people were on hand to begin the 25-mile, circuitous trek routed through the streets of Springfield. Another 1,000 to 1,500 persons aided at checkpoints and first aid stations.

The idea was that interested people of the community would be hikers, with each hiker also responsible for obtaining sponsors. Every sponsor, most of them ordinary citizens and householders, would pledge to pay his hiker a set amount per mile for every mile of the 25 he completed. Sponsor pledges varied from as little as 1/25 of a cent per mile to several dollars per mile. Each hiker tried to obtain as many sponsors as possible. The record amount raised by one hiker was $603. The prodigious sum raised by all the hikers exceeded $68,000. Expenses were just slightly over $2,000, primarily for printing the various forms such as the sponsor list, map of the parade route, regulations and checkpoint card; and meeting, mailing, protection, and promotion expenses.

The animal care center is almost complete now and the cost was $33,255 with an additional $5,000 for furnishings and equipment. The public has shown continual interest in the disposition of the remaining funds. A committee of interested citizens has been formed to decide where the remaining money will be spent. The committee consists of several Exchange Club members, several students who worked on the hike, the president of the Chamber of Commerce, and several citizens. Club members find it important to keep the public well-informed to avoid any credibility gaps.

Publicity played a key role in the hike's success. At first the news media were slow to take up the cause, fearing that "Step Out For People" might not be well received. But as momentum increased, local television and radio stations ran public service announcements, special contests to interest hikers, and on the day of the hike, roving cameras and news reports. The newspapers were in continual contact with various members of the Club, seeking additional information and the most up-to-date facts.

The hike itself proved to be successful in more ways than raising money. Despite the bad weather—it rained steadily from noontime on—the enthusiasm of most of the marchers remained undaunted and was very inspiring. About 6,000 people began walking at 8 a.m. and about 2,500 completed the 25 miles. Among the hikers were a dog, a boa constrictor, several people over 65, and multitudes of young people ranging from 4 years old on up. But in addition to all the marchers, many others along the 25-mile route encouraged the hikers with comments like: "Keep going . . . you're doing a great thing!" and "I didn't think kids today could do any thing this good." At many places along the hike route, residents had left hoses running for those who wanted a drink. When the rain came, several people provided hot chocolate and hot soup from their homes, reacting spontaneously to the hike and the weather. One package store owner along the route gave free cans of soda to hikers as they passed the store. Local businesses provided drinks, food, and ambulance service. In short, there was total community involvement, free of any generation gaps, apathy, or prejudice. There was genuine giving—giving from the heart.

Indeed, "Step Out For People" was, in every way, an outstanding success. And plans for "Step Out Two" already are underway. The Exchange Club of Springfield, fast earning a reputation for excitingly bold and effective community projects, is proof positive than an Exchange Club can achieve—can involve its total membership in meaningful Club activity—and can inspire a large segment of the community to active participation in a worthwhile cause. Further, we'll wager that most of the people in Springfield and environs know what the Exchange Club is.

CONSTITUTIONAL AMENDMENT TO LOWER AGE REQUIREMENTS FOR SERVICE IN CONGRESS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. VANIK. Mr. Speaker, I have recently joined with a number of other Members in cosponsoring an amendment to the Constitution which would lower the age requirement for service in the House of Representatives from 25 to 22 and in the Senate from 30 to 27.

Young Americans today are better educated and more able to assume the responsibilities of political office than a comparable group only a few generations ago. In 1910, 13.5 percent of the American people were high school graduates. College graduates were 2.7 percent of the population in 1910, but by 1970, 16.4 percent of all Americans had graduated from college. In addition, a large number of other persons had had some years of college training. Our vastly expanded educational system, accompanied by a growing communications media, has resulted in the largest, most educated electorate in the history of any democracy. Today's educated youth are more politically aware and active than at any other time in our Nation's history.

The fact that this Nation's youth deserves to and is able to participate in the political process at an earlier age was recognized by the passage, this year, of the 26th amendment, which lowered the voting age from 21 to 18. It now follows that we should allow this newly enfranchised electorate to enter directly into the business of democratic representation by lowering the age requirement for service in the Congress.

Other countries have already reacted to this need. In Australia, Canada, France, and Great Britain, to name only a few, individuals younger than 22 can serve in any legislative capacity. Among our various State legislatures, 42 permit the seating of individuals in the lower chamber before the age of 22. It is time that we permit this pool of interested talent to enter into the national legislative body.

The average age of the Nation is now approximately 26 years. The average age of Members in the House of Representatives is 52.7 to 53 years of age—nearly double the average age of the Nation. I believe that it is time that we afford an opportunity for representatives of the new generation to seek election to the National Legislature to serve, to represent, and to present the ideas of their peers.

World history gives us many examples of young men and women who displayed such remarkable talent that they rose to leadership at a young age—an age which would prohibit them from serving in our present National Legislature. Our own Nation's generation of Revolutionary War leaders were remarkably young. Jefferson wrote the Declaration of Independence at the age of 33.

During the Revolutionary War, Alexander Hamilton became one of Washington's chief artillery advisers at the age of 19 or 21. Henry Clay of Kentucky was elected Senator at the age of 29—and permitted by the Congress to which he was elected to take his seat. Clay, of course, decided to move from the Senate to the House and on his first day of service in the House was elected Speaker. These, of course, are all remarkable cases, but I believe that it is time that we change our fundamental law to permit remarkable individuals to contribute to our society when they are qualified. It is certain that it would be exceptional for a very young man or woman to be elected to the House or Senate. But these exceptional people should not be deprived of the opportunity to exercise their talents for the benefit of the Nation.

It is contrary to the best political traditions of this Nation that we should allow meaningless restrictions to hamper our political progress. Young Americans today hold their own views of where America should be going and they have their visons of what our future goals should be. To help make that future come true, we should allow participation of younger persons within the legislative process.

FREDERICK LUSSEN, A GREAT CHIEF OF DETECTIVES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BIAGGI. Mr. Speaker, on Wednesday, December 8, a host of fellow police officers and friends will be honoring a man who had an exemplary career in the New York City Police Department. Born in the Bronx and educated in the borough schools, and the son of a policeman, former chief of detectives, Frederick M. Lussen, followed in his father's footsteps and entered the department on March 9, 1936.

In a career which spanned some 35 years, Chief Lussen engaged in a wide variety of police duties—on patrol, youth work, lecturer at the police academy, desk officer, and finally, detective duty. During this period he rose steadily through the ranks and in March 1963 was appointed to the rank of chief of detectives. Former Police Commissioner Howard Leary called him the "best chief of detectives ever," and I want to take this opportunity to echo these sentiments.

Chief Lussen was well known for his superb administrative ability. While chief of detectives he made over 200 personnel changes to increase efficiency, but also undertook such innovations as creation of the Wall Street squad, the bond squad, the airport squad. He also fought for and succeeded in getting increased personnel assigned to the narcotics unit and the auto squad.

His renown, however, is not confined to the imaginative handling of adminis-

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trative duties, for he has obtained an international reputation and is acquainted with most of the top figures in foreign governments. He is probably one of the few people whom Premier Alexei Kosygin invited to visit the Russian Embassy. The chief's intelligent handling of the United Nations environs and the many embassies and consulates prevented many incidents which might have created crises situations.

The list of important cases which were personally supervised by Chief Lussen would delight the crime story writers. Just to mention a few will indicate the extent of his work and ability—the Anastasia murder case, the assassination of Malcolm X, the "Mad Bomber," investigations of the Minutemen and the Black Panthers, the attempted assassination of the son of Chiang Kai-shek, the 11th Street explosion involving the Weathermen, and the bombings in various department stores.

As in the armed services, police departments have various means of granting recognition to those who have shown exceptional courage in the performance of duty. Chief Lussen is one of those dedicated peace officers who fall within this category. The holder of some 14 commendations, his bravery led to his being awarded the second-highest medal which can be given, the Police Combat Cross. Affiliated with many civic and fraternal organizations he treasures mostly his membership in the honor legion of the police department, an organization reserved for the "finest of the finest."

When a person thinks of all Chief Lussen has accomplished in his long and arduous police career, he would surely wonder what kind of family life he led. Yet, he and his lovely wife, Kay, have much to be proud of. They are parents of two sons and a daughter, and, not surprisingly, all three have some connection with the law. Timothy, following in the tradition of father and grandfather, is now a detective in the police department, John is an attorney, and Eileen is married to a treasury agent.

When Chief Lussen retired on July 1, 1971, the New York City Police Department lost one of its most intelligent, dedicated and resourceful members. I hope that the many men he helped train can carry on his great work. However, it was not only a loss to the department but to the citizens of New York City and for them I say, "Many thanks, thou good and faithful servants."

For myself, and with your legion of friends, I say: "May your golf handicap be lowered and may God bless you with many long, healthy and happy years of retirement."

REFORMS NEEDED TO IMPROVE VOTER PARTICIPATION

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mrs. HANSEN of Washington. Mr. Speaker, the fact that 47 million eligible citizens failed to vote in the 1968 presidential election is good reason to examine our election system and seek reforms aimed at improving voter participation. In 1972, 25 million young voters will then be allowed to vote for the first time and reforms passed by Congress will add another 14 million potential voters, but it is probable that fewer than one-half will actually register and vote. Unless some action is initiated in the coming months to reduce residence requirements, and to induce more citizens to register, there will be a tragic repeat of the low voter turnout we had in 1968.

It is gratifying to see a county election official who not only shares this concern but is doing something about it. Don Bonker, the Clark County auditor in my home district, has written an excellent article on this subject and proposes some needed reforms in Washington's registration system. At 34, he is the youngest county auditor in the State and has already received national recognition for his new and imaginative ideas on improving elections. His major accomplishment is use of punchcard voting which has cut election costs 50 percent. He was the first in the State to computerize voter lists and is the only one to mail election notices and sample ballots to all registered voters before every election.

Mr. Bonker believes that Government must assume greater responsibility to encourage citizens to register and vote. He has developed a program to register 90 percent of all eligible citizens in his county by the 1972 general election.

His article illustrates some of the problems he sees in voter registration and recommends needed changes in registration laws. I insert it at this point in the RECORD.

ARTICLE BY DON BONKER

Why don't Americans vote?

Partly because it's so difficult.

The burden of registering and voting in this country is on the individual, and government has done very little to accommodate the process. Our election laws have been more concerned with controls and safeguards than with access and convenience to the voter.

The result is an election system which does more to frustrate and inhibit the voter than to encourage him on election day.

Indeed, it is ironic that America, which enjoys one of the highest literacy rates ever and which professes to be the guardian of democratic elections, claims one of the poorest voting records in the world today.

Voting statistics in our national and state elections are appalling.

Forty-seven million eligible Americans did not vote for president in 1968—a trend which, over the next 20 years, could lead to between 70 and 90 million adult citizens not voting for the highest office in the land.

Our average turnout in presidential elections is only 62 percent of the eligible voters, and in off-year elections we seldom do better than 50 percent. European countries, by contrast, average more than 75 percent of all eligible voters in their elections.

In Washington last year, we had the biggest turnout in the state's history, yet nearly 700,000 qualified Washingtonians failed to vote on election day.

Our non-voting phenomenon is serious enough that national foundations and private groups are funding projects to study the problem. Common Cause early this year launched the Voting Rights Project aimed at changing state laws in the areas of residency requirements and registration procedures. Since ratification of the 18 year old vote various youth groups have been busy with registration campaigns and they will also work towards reform of registration and voting practices.

Sensing the need for reform Congress enacted the Voting Rights Act of 1970 and lowered the voting age to eighteen in all elections. These reforms eliminate some long standing barriers in the registration system and will add 25 million potential voters in 1972, but history shows that less than half will actually vote.

The reasons for non-voting are complex and deep-rooted. It is not easy to explain why forty-seven million people did not vote in a presidential election.

Statistics show at least half that number are disenfranchised by archaic and restrictive state laws. Voter requirements (and turnout) vary greatly from state to state. In 1964 only 63% of the population voted for president—that was the average. Idaho had a high of 77.5% compared to 33.7% in Mississippi, the lowest in the country. The same election in the same country—yet a difference of 44%.

A look at the registration laws in these two states will tell us why. In neighboring Idaho registration is automatic, permanent and can be done right up to three days before an election. To be eligible a person need only reside in that state six months. By contrast, in Mississippi, an individual must have lived in that state for two years before he can vote. Registration closes early in July—four months before the election. And before the Supreme Court outlawed such things, prospective voters were expected to pay a poll tax and take a literacy test. Recently the state legislature authorized counties to cancel entire election rolls if it were felt records were outdated, thereby requiring re-registration.

The time has come for an extensive review and reform of our registration system.

Many of our registration laws were adopted at the turn of the century and were actually designed to prevent people from voting. Some were aimed at abusea of political machines and others to disenfranchise the Negro. Reasons for these requirements have long since been forgotten, but the laws remain on the books today.

State residency requirements alone exclude millions of mobile Americans from voting. In a two-year period nearly 12 million people in this country—most of them voting age—move from one state to another. Approximately 5.4 million voters were disqualified for this reason in 1968. It is obvious that a person who is qualified to vote for President in one state is no less qualified because he moves to another state. Congress agreed, and last year it reduced the residency requirement to thirty days in presidential elections.

Yet many states still have residency periods longer than is necessary. Three-fourths of the states have one year residency periods, including Washington. Twelve states have a six month requirement and in two, New York and New Jersey, it is three months. Citizens need wait only ninety days in Pennsylvania and sixty days in West Virginia before they qualify as voters.

The United States is one of the few nations in the world where the voter must qualify himself rather than being included automatically in some type of government enumeration. Given modern-day standards of literacy and communications, a voter should be able to prepare himself to vote on local candidates and issues within a few weeks or, at the most, a few months.

The "closing period" is another hurdle. In Washington a voter cannot register during the thirty days before the election—right at the time when he is most interested in voting. While the closing period may be convenient for election officials, it also inconveniences the potential voters—and prevents them from voting. There is no reason why this period could not be reduced to, say, seven days.

Also the manner of updating registration records is negative and self-defeating—it penalizes people for not voting. In Washington, if you fail to vote in a thirty-month period you are cancelled and must register anew. We could learn from the Oregon system which updates its voter records on the basis of residency rather than voter performance. Non-deliverable voter pamphlets serve as a means for election officials to verify a person's address, and if it has changed the voter simply returns a post card noting the change and is re-registered.

These are but a few examples of how state laws work to obstruct the registration process.

But laws represent only one aspect of the problem. If election reform is to be a reality we must also improve the attitudes and practices of those administering the laws. We must recognize that registration is more than a privilege—it is a right.

Government has a duty to encourage its citizens to vote and to facilitate the process in every way possible. We should do what Canada and other Western nations have done for years—put the burden of registration on government rather than on the individual.

In these countries registrars canvass every house—just as census takers do—and register everyone who is eligible.

Universal voter enrollment should be adopted in this country. Automatic, permanent, nationally valid registration of voters in national elections is long overdue. We are virtually the only advanced democratic nation without such a plan. There is legislation before Congress to tie voter registration with the social security system and to have universal voting by mail. The Federal government will step in if states are unable or unwilling to act in this area.

Washington could serve as a model in developing a voter enrollment program. Never before has state government assumed such a bold initiative in registering its citizens.

But never before has our voting system been confronted with such a challenge. The system which has at last brought voting rights into the twentieth century has failed to bring forth the additional reforms necessary for the realization of these rights by millions of Americans.

If we are to meet this challenge, government must assume greater initiative and responsibility. Certainly the same government that has so carefully devised bureaucratic systems to draft youngsters and to provide social security benefits is capable of making good the promises of democracy.

The time has come for government to shed its passive role concerning voter participation. The image does not accurately reflect our democratic ways. Here is a vital service that should clearly be taken to the people rather than waiting for people to come to it. And the public would accept and have every right to expect government to do everything possible to encourage its citizens to vote.

PRISON REFORM—AND INSPECTION

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mrs. DWYER. Mr. Speaker, the Attorney General's speech Monday at the National Conference on Corrections in Williamsburg, Va., should be a source of considerable encouragement to all who recognize the urgent need to reform and modernize the Nation's antiquated correctional systems and institutions.

Speaking with the full support of the President, Attorney General Mitchell announced several new Federal initiatives in the area of prison reform, especially in the fields of inmate education and rehabilitation, the training of correctional personnel, and the design of correctional institutions.

As important as these initiatives are, however, I found the overall tone and sense of the Attorney General's message even more significant. It was thoughtful, humane, progressive and determined. He made it perfectly clear that the President and he recognize that correctional systems, especially at the State and local levels, represent the most neglected aspect of society, that our prison system is inefficient and counterproductive in that it neither reforms criminals nor protects society, and that abusive treatment of inmates does not cure crime or criminals.

On a personal level, Mr. Speaker, I was especially pleased to read the Attorney General's remarks because the philosophy he expressed coincides so closely to my own, a fact which led me, just a few days earlier, to propose the creation of a new and independent prison inspection system as a means of arousing public understanding and support of prison reform by studying and publicizing the conditions that actually exist in specific prisons and jails throughout the country.

As a part of my remarks in the RECORD, I include both the text of the Attorney General's speech and a brief description of my prison inspection proposal from my most recent newsletter.

"NEW DOORS, NOT OLD WALLS"

(An Address by John N. Mitchell, Attorney General of the United States)

Let me join the others in welcoming you to this National Conference on Corrections. As many of you know, this conference stems from the continuing concern over prison reform by the President of the United States, and is a part of the national corrections program that he set in motion two years ago.

In 1969 President Nixon directed his Administration to pursue correctional reform along 13 specific avenues. He also appointed a Task Force on Prisoner Rehabilitation, which made a number of significant recommendations in April 1970.

Together, these directives and recommendations represent the most determined and comprehensive approach to corrections ever made in this country. I refer not only to Federal corrections, but insofar as the Federal Government can provide funds, training and leadership, this approach is a Magna Carta of prison reform for all levels of government.

We are here to review how far we have come in implementing the reforms already proposed by the President and others, and to chart a course over the vast sea of problems remaining.

Until the last two years, it could be said of prison reform what Mark Twain is supposed to have said about the weather: "Everybody talks about it, but nobody ever does anything about it."

Some of the talking was done at a National Congress on Penitentiary and Reformatory Discipline, meeting in Cincinnati. Among other things, it recommended that:

The prime goal of prisons is not to punish, but to reform.

Prison personnel should be much better trained and developed to professional status.

Prisoners should be classified and treated appropriately and separately.

They should be handled with incentives and moral suasion, not physical punishment.

They should be given hope of reduced sentence and parole for good behavior.

Their academic education and vocational training should receive primary emphasis.

They should be helped to find their way in society after release.

When were these enlightened ideas proposed? Not last month or last year, but in 1870—more than a century ago.

Forty years ago a National Commission on Law Observance and Enforcement, known as the Wickersham Commission, devoted an entire volume of its report to the subject of corrections. Among its recommendations were the very same ones that had already been recommended in 1870.

Nearly five years ago a President's Commission on Law Enforcement and Administration of Justice devoted a chapter of its final report to corrections. Among its recommendations were ones previously made in 1870 and 1931.

What was the result of this century of recommendations?

In state after state, most of the prisons have no programs for correcting the prisoner. Only a fraction of inmates in the country are exposed to such programs.

Only from 10 to 20 percent of all prison system budgets in this country is spent on actual programs to correct the inmate; the rest is spent on custody and administration.

Only 20 percent of institutional personnel are assigned to correctional-type programs.

In many states, first offenders are mingled with hardened criminals; in many cases, juveniles are mingled with adults.

In any other profession this kind of neglect would be unthinkable. How would we react if a hospital put accident victims in the Communicable Disease Ward—and at that, a ward in which the patient received a bed, but no treatment? We should be just as appalled at the situation in many of our prisons today. Little wonder that, in sounding the call for prison reform, President Nixon declared, "The American system for correcting and rehabilitating criminals presents a convincing case of failure."

There are, of course, some outstanding exceptions. But in characterizing most American prisons I need only use the same language that the Wickersham Commission used 40 years ago:

"We conclude that the present prison system is antiquated and inefficient. It does not reform the criminal. It fails to protect society. There is reason to believe that it contributes to the increase of crime by hardening the prisoner."

Today we have figures to confirm that belief. According to the FBI, those arrested on Federal criminal charges in 1970 had an average of four prior criminal arrests and an average of nearly 1½ convictions at the local, state or Federal level. The nearly 38,000 arrested on Federal charges in 1970 had a total of more than 22,000 prior imprisonments of six months or longer in one type of institution or another.

These and many other studies with similar results should not surprise us. It is as simple as the words of the novelist, Dostoyevsky: ". . . neither convict prisons, nor prison ships, nor any system of hard labor ever cured a criminal."

The fact is that other trends in American life are going to make this corrections problem even more pressing in the future. The trend toward improved law enforcement systems will not only deter crime in the long run, but in the near term one of its effects should be to increase the arrest rate. Moreover, if the court reform movement proceeds as we hope, it will speed the prosecution of

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more defendants. Together, these two factors will send many more offenders through the criminal justice system, thus putting added strain on the corrections program.

We must be prepared for this new wave of offenders coming into the prison system—ready not just with added beds and benches, but ready to make the most of an opportunity to reach a large number of offenders with modern corrections techniques.

At the same time, the rising level of education in the United States is leaving a bigger gap between the undereducated offender and society at large. So our job training and educational programs in the prisons must be pushed even harder to keep up with successes in other aspects of society.

Recognizing that there are many successful corrections programs by various jurisdictions, I would like to examine briefly the particular program developed in response to President Nixon's directions two years ago.

First, the President's program has received growing financial support from Congress, thanks to some dedicated leaders in the corrections crusade such as Senator Roman L. Hruska of Nebraska. Funds specifically earmarked for corrections, over and above the other corrections grants, have been added to the program of the Law Enforcement Assistance Administration, part of the Department of Justice.

Second, in 1970 the Inter-agency Council on Corrections was created to focus the work of all relevant Federal agencies on prisoner rehabilitation. This consists of representatives from a dozen agencies within the Departments of Justice, Labor, Defense, and Health, Education, and Welfare, as well as from the Department of Housing and Urban Development, the Office of Economic Opportunity, and the U.S. Civil Service Commission.

Third, the United States Board of Parole was reorganized in 1969 to enable Parole Hearing Examiners to conduct many of the hearings in correctional institutions across the country. This permits the Board members to devote more time to the decision-making process and to hold more appellate reviews.

Fourth, the Federal Bureau of Prisons within the Department of Justice developed a comprehensive 10-year master plan to improve the effectiveness of the Federal Prison System and hopefully to make it a model of correctional endeavor for other agencies in this country to follow. This plan emphasizes individualized treatment and community orientation. The Bureau has already made a good start in achieving these goals, particularly in two vital areas—personnel training and new facilities.

The first regional staff training center was opened last January. It provides professional training to develop the correctional officer as an agent for change rather than as primarily a custodian or keeper. The second regional training center will be opened the first of this coming year, and three more are planned for the future. As soon as possible, these facilities will also be made available to state and local correctional personnel.

This month the Bureau plans to break ground for its first Metropolitan Correctional Center in New York City. This multipurpose facility will provide pre-sentence and post-sentence short-term detention, diagnostic service to the courts, pre-release services to offenders returning to the city from other institutions, and correctional services for parolees and probationers. Construction will begin on a similar center in Chicago in June 1972, and six other centers are scheduled for urban areas where the need is most acute.

Construction will begin early next year on a facility unique in correctional practice. This is the Behavioral Research Center at Butner, North Carolina, which will provide treatment for and research on special groups of offenders, including the mentally disturbed. And in the fiscal 1972 budget, Congress provided for construction of a West Coast complex of facilities in four metropolitan areas to provide better correctional techniques for youthful offenders.

Fifth, the Law Enforcement Assistance Administration has greatly increased its funding for correctional aid to the states and localities. In fiscal 1971 this reached $178,000,000, which included more than $47 million in Part E funds that Congress, for the first time, especially earmarked for corrections, at the urging of President Nixon. This Part E funding has been more than doubled in the current 1972 fiscal year, bringing the total LEAA funding for corrections in this current year to nearly a quarter of a billion dollars. For the first time, substantial funds are available for a coordinated program to bring American penology into the 20th Century.

From its inception, the entire LEAA corrections program has had a common theme—preparing the offender for assimilation into society. One reason is that community-based programs are within the financial reach of the Federal assistance program and of the states and localities. If these correctional programs are as successful as we hope, we may not need to build all the new facilities that now seem to be required by the antiquated condition of most penal institutions. Some funds are being used for construction, but on a very selective basis which emphasizes corrections, not just detention. Already, as a result of LEAA funding, we can see some visible areas of progress. To cite only a few:

Kentucky has begun its first organized pre-release program for prison inmates.

Arizona has begun treatment programs in county jails.

Michigan is developing a million-dollar model program to treat young offenders in community-based programs.

Missouri is opening 12 new community treatment centers for offenders and ex-offenders and 36 group homes for juveniles.

Louisiana is building a state institution for women and two regional centers for offenders.

Indiana has opened two new regional centers for juveniles in the past two years and will open four more.

Florida is implementing a major probation program for juveniles directed by the state.

New York is launching a massive series of professional training programs for existing correctional personnel at all levels.

Those programs are only a fraction of the whole picture.

Last Fiscal year LEAA put over $2 million into job training and placement programs operated by private industry.

LEAA has also made direct grants to cities and counties to finance community treatment centers, narcotics and drug treatment, job placement, juvenile probation, work release, group homes, rehabilitation of alcoholics, halfway houses, volunteer aid programs, psychiatric care, and a host of other offender rehabilitation efforts.

We are also aware that many states need technical advice on how their facilities need improving, and even on how their new buildings should be designed to make maximum use of modern correctional methods. I am able to announce that, to meet this need, LEAA has funded a National Clearinghouse for Criminal Justice Architecture at the University of Illinois.

Professional assistance in planning and implementing education programs for inmates is also a need of many states and localities. For this purpose I am today directing LEAA to establish a National Clearinghouse for Correctional Education, using such funds as are now available for its initial phase of development. This Clearinghouse will give technical help, including curriculum planning and classroom and correspondence course materials, to correctional agencies establishing education programs for primary through college level.

These are only a few highlights, and they do not include numerous research programs to advance the science of corrections.

Already, because this large LEAA funding is now available, state and local correctional administrators have begun to press for change. They are documenting their needs, with new confidence that those needs will be met. No longer are they voices in the wilderness.

In addition, other Federal agencies are providing strong support. At three Federal institutions, the Office of Economic Opportunity has funded programs to prepare selected inmates for advanced educational opportunities. A number of vocational training courses for handicapped inmates have been sponsored by the Rehabilitation Services Administration of HEW. The Manpower Administration of the Department of Labor has made numerous grants to provide occupational training for inmates of Federal, state and local institutions. And the Manpower Administration is also participating with United States Attorneys and the Federal Courts in a program to provide jobs and correctional guidance to selected defendants, without trial.

Recently, steps have been taken to bring even closer coordination of Federal and state corrections programs.

A National Advisory Commission on Criminal Justice Standards and Goals, chaired by Governor Russell Peterson of Delaware, has been established by LEAA. Among the standards it will consider and establish are those for corrections. I trust that when these are forthcoming, correctional institutions at all levels will give them the most serious consideration, to the end that all such American institutions can work toward the same goals.

In addition, the cabinet heads of the Departments of Justice, Labor, and HEW last week joined in sending a letter to the governors of all states and territories, offering fresh technical and financial assistance in a coordinated Federal-state program for correction of offenders. Grants for preparation of plans will be made to all participating states before the end of this fiscal year. Sometime in February the representatives designated by the Governors will meet with Federal officials in Washington to agree upon guidelines for the program plans. The result will be that the states can make comprehensive plans with the assurance that they will receive substantial Federal financial support starting in fiscal 1973.

So we have here the first major step in articulating and implementing a national program—Federal, state and local—on the correction of offenders. I hope that your deliberations here will provide a body of professional recommendations that will guide state and Federal planners.

In short, a number of factors have combined to give us the best opportunity in this century to bring some genuine reform to the most neglected aspect of our society.

We have concerned and enlightened leadership—a President who has made prison reform one of the priorities of his Administration.

We have significant funds available and a viable program for allocating them.

We have some outstanding examples of progress in both state and Federal prison institutions.

We have a higher level of public support than ever before.

For the first time, we can mount a national corrections program that does not simply repair old buildings, and is not based only on old concepts of restraint and deterrence. Instead we can make use of the imaginative corrections principles that have been advocated for at least a century.

More than this, we can be bold enough to consider new ideas. Let me close by sharing just a few with you.

First, as you know, the need for better training and common performance standards among correctional officials is shared by all government levels. In this connection I am today directing the Federal Bureau of Prisons and the LEAA to work with the states and localities in establishing a National Corrections Academy. This would serve as a national center for correctional learning, research, executive seminars, and development of correctional policy recommendations. It would cover the whole range of correctional disciplines, from the new employee to the management level. Besides giving professional training of the highest quality, it would provide a continuing meeting ground for the exchange of advanced ideas on corrections. I believe it will be the most effective single means of upgrading the profession and assuring that correction is more than a euphemism for detention. I hope that the members of this Conference will give us the benefit of their ideas on implementing this Academy in the most effective way

Second, I call upon all agencies to increase minority employment among professional correctional personnel. In my opinion this would greatly increase the effectiveness of counseling and guidance at all stages of the corrections process. Practically all prison systems, including the Federal system, have a long way to go in this regard. I am pleased to report that the Director of the Federal Bureau of Prisons has directed all 28 Federal institutions to work toward a goal of one-third minority employment in all new hiring. I urge corrections institutions at all levels to make an extraordinary effort to find and recruit minority personnel—not only because it is the law, not only because it is fair, but because it can genuinely benefit the corrections process. LEAA is already funding a program to aid police departments in increasing their proportion of minority officers, and I am today directing LEAA to expand this program to include the same aid for correctional systems.

Third, let us recognize that correction should begin, not with the prisons, but with the courts. Let us ask whether in every case we need to achieve "the object so sublime" of the *Mikado's* Lord High Executioner—"To make the punishment fit the crime." In many cases, society can best be served by diverting the accused to a voluntary community-oriented correctional program instead of bringing him to trial. The federal criminal justice system has already used this formula in many juvenile cases—the so-called Brooklyn plan. I believe this program could be expanded to include certain offenders beyond the juvenile age, without losing the general deterrent effect of the criminal justice system. I am therefore directing the Executive Office of United States Attorneys and the Criminal Division of the Justice Department to study the feasibility of enlarging the area of criminal cases in which the prosecutor might be justified in deferring prosecution in favor of an immediate community-oriented correctional program.

Finally, I propose for your consideration a more general problem—the need to elevate public attitudes toward the releasee. Studies have shown an appalling resistance to hiring ex-offenders, even by many governmental agencies at different levels, thus frustrating other efforts at correction. Some state laws prohibit the hiring of ex-offenders by government agencies, however well adjusted or corrected they may be. When such a releasee is thus denied the means of making an honest living, every sentence becomes a life sentence. The attitude of each citizen toward salvaging offenders as valuable human beings is one of the obvious cases covered by the popular saying, "If you're not part of the solution, you're part of the problem."

It is my hope that as the rehabilitation approach to penology begins to work, the public will begin to change its archaic feeling about ex-offenders. The public's predominant impression of penology will be, not of old walls, but of new doors. And this in turn can be the final breakthrough in the centuries-old battle to reclaim and assimilate the ex-offender.

Winston Churchill once said that attitudes toward the treatment of criminals are "one of the unfailing tests of the civilization of any country." Let us do all in our power to assure that our country may yet be able to meet this test, not in shame, but with pride.

Ladies and gentlemen, I wish to thank you for your participation in this Conference. We are counting on your counsel as we enter a new phase in a national correctional program, and I trust that your dedication to this cause will produce some truly inspired guidance that is equal to the challenge.

REPRESSION VS. REHABILITATION

(By Rep. Florence P. Dwyer)

The rebellion last week at the Rahway State Prison raises some serious questions which Congress, State legislatures and society in general will continue to ignore only at the peril of us all. These questions involve the very nature of prisons: do we intend them to be mindless institutions for repressive punishment or centers for rehabilitating offenders and restoring them to useful roles in the life of the community?

When one considers that the crime rate has increased from 1,123 per 100,000 population in 1960 to 2,471 in 1969, and that the rate of recidivism (crimes committed after release from prison) is in the neighborhood of 75–80 percent, the question answers itself. Every study I've seen shows that abusive conditions in prison only hardens the prisoner's determination to exact a further price from society. He becomes committed in prison to to a career of crime, not intimidated into conformity. Conversely, these same studies show that where prisons provide decent treatment, job training, and educational opportunities, the rate of recidivism declines.

Most of us don't like to think about these things. We want to put criminals in jail as quickly and for as long a time as possible, and then forget about them. But we do care about crime and we all suffer from the increased sense of personal threat and insecurity which the growing crime rate induces. Thus, since repeat offenses account for an important share of the crime rate, this "jail 'em and forget 'em" philosophy seems pretty shortsighted. It only makes more trouble for ourselves.

INSPECTION: A PRELUDE TO ACTION

Which is exactly what we're doing. Federal prison officials tell me that conditions in most State prisons and county and local jails are atrocious beyond description, that they physically sicken in some cases these experienced observers. It is instructive, I think, that riots almost never occur in Federal prisons, despite the many and admitted shortcomings of these institutions.

There is much that can be done to remedy this situation, and the U.S. Law Enforcement Assistance Administration is at last beginning to work with some State and local governments in the area of correctional reform. But this is just a beginning.

One way we could stimulate greater progress, I suggest, would be to institute an independent prison inspection system. Unbelievably—but Federal officials confirm this—there is no such thing as a systematic and effective means of inspecting prison conditions in the United States. We don't even know what's going on in institutions which are vital to our personal security. Until we do, we can't do much to change them.

My suggestion is a simple one. It won't bring reform automatically, but it would give us the foundation on which to make informed policy decisions. I have in mind an inspection corps completely independent of Federal, State or local prison systems, operating in teams of three or more experts in various areas of prison administration, empowered to make unannounced visits to any jail in the country, and authorized to make public reports of their findings and recommendations.

This is not a "do-gooder" idea. It won't work in many cases. But if it results in even a marginal reduction in the debilitating effects of crime, then it could be eminently worthwhile.

THE INDESTRUCTIBLE MRS. MANNIX

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. SHOUP. Mr. Speaker, in these days of increased concern for the rights of women to reap the fruits of man's labor by laboring alongside him, I respectfully refer then to the story of a recently deceased Montana lady who did not—because of necessity—wait for a law to be passed to be a man's equal.

In respect to the memory of an "indestructible" Montana mother, I insert the following article in the RECORD:

"INDESTRUCTIBLE" RANCHER DIES; BURIAL IN HELMVILLE

"The indestructible Mrs. Mannix," as she was referred to in a magazine sketch in 1963, died Friday in an Idaho Falls hospital where she had been admitted only a few days previously when stricken ill.

Mrs. Will (Nettie) Mannix, who had lived in the Avon-Helmville area for most of her life, was 95 years old.

Born Jan. 13, 1876 in Marysville, she moved with her family when she was 12 to the Nevada Creek valley where, in 1898, she married William Mannix.

A story written by an Avon author, T. J. Kerttula, which appeared in the "Western Livestock Journal" in 1963, related the hardiness and determination which led her to operate the ranch which they purchased, her husband crippled with polio—10 children to raise.

In addition to running the ranch she drove twice weekly a stage from Finn, north of Avon, to the railroad at Avon, a round-trip of 30 miles. The stage carried mail, freight and passengers. For 15 years she recorded 1,560 consecutive runs without a missed trip.

After her husband's death in 1927 she let the home ranch go but 20 years later bought it back, at the age of 70. She made it into a Hereford operation and in an average year the ranch put up 800 tons of wild hay. She operated the ranch with her sons until three years ago when she moved to Idaho Falls to live with a daughter Mrs. Herbert Kiss.

Mrs. Mannix leaves 92 direct descendents.

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THE LATE THOMAS A. BURKE

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. JAMES V. STANTON. Mr. Speaker, it was with deep regret that I learned recently of the death of Thomas A. Burke, former mayor of Cleveland, and U.S. Senator from Ohio. During his tenure as mayor, Thomas Burke acted with courage and imagination both in meeting the unique problems which confronted the city in the years immediately following World War II, and in initiating new programs to facilitate the growth of Cleveland. His entire career was marked by a rare dedication to the public interest, and the people of Cleveland were most fortunate to have been blessed with leadership of this caliber.

In tribute to his many accomplishments, I include the following article concerning Thomas Burke in the CONGRESSIONAL RECORD.

THOMAS A. BURKE

Thomas A. Burke, mayor of the city of Cleveland first by succession and then by will of the people, and United States senator for a brief period by appointment, was a short, paunchy, affable man whose rose-red cheeks and ready smile gave a misleading impression that he always enjoyed a carefree political life.

This was not so. Mr. Burke, now dead at 73, met head on, and with serious determination, the vexing problems confronting the mayor of this large industrial city in the closing months of World War II and during the arduous transition to peace that followed.

He was head of the city when it was almost impossible at times to find personnel and equipment to take care of municipal chores. But Mr. Burke found ways to get the job done. It was not the most popular assignment in 1946 to convince voters, staggering out from under the load of world conflict, to agree to spend $35 million in civic improvements but Mr. Burke pushed bond issues in that amount across to keep the city moving.

He had to contend with labor problems and a utility strike and a transportation strike but he met these challenges firmly. He saw the need for a second Cleveland airport, one on the lakefront, and today there is such an airport and fittingly it bears his name.

In actual time, Mr. Burke served longer as mayor of Cleveland than any other man although Tom L. Johnson also was elected four times and Anthony J. Celebrezze, later to become secretary of health, education and welfare and now a federal judge, was chosen five times for the office.

Son of a physician, Mr. Burke grew up in what is now the Hough area. He received his law degree from Western Reserve University and after service in the county prosecutor's office, he decided to run for judge. He was defeated in 1937 and returned to private law practice but in 1941 the mayor, Frank J. Lausche, chose Mr. Burke as law director and this proved to be a turning point in his career. He succeeded Lausche as mayor in 1945 when the latter moved up to become governor of Ohio and later that year Mr. Burke sought, and was elected to, the city's top post.

Four times he steamrolled the opposition, serving a total of eight years, ten months and five days in office. In 1954 he succeeded, by appointment, the late Robert A. Taft in the U.S. Senate but when he ran for that seat later in the year he was defeated by the late George H. Bender in about as close a race as this state has witnessed. Mr. Burke lost by 6,000 votes and a possible factor in his defeat, yet one which illustrated his sense of fair play, was his announced opposition to the red-hunting tactics of the late Sen. Joseph R. McCarthy.

Mr. Burke then retired once more to private law practice but he remained, until his death, a Cleveland political figure respected and pleasantly received as a local boy who made good in his own home town.

KENT STUDENTS SEEK NIXON REVERSAL ON REQUEST FOR GRAND JURY INQUIRY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. MOORHEAD. Mr. Speaker, earlier in the year, 19 of my colleagues joined me in asking the Attorney General to convene a Federal grand jury to put an end to the bickering and confusion concerning what happened on the Kent State campus in May of 1970 when four students were killed and several others wounded.

After waiting until the Congress recessed for its summer vacation, the Justice Department decided that they were not going to pursue this question and announced that there would be no Federal grand jury.

This was expected by all who understood that this administration's commitment to the status quo far surpassed its concern for justice at Kent State.

Now students of Kent, some 10,000 of them, more than half the student body, have petitioned the President to reconsider the decision of the Justice Department.

In Ohio, other campuses are joining the petition campaign and asking Mr. Nixon to make this effort which could go a long way in restoring the faith of young people in elected public officials.

For the information of my colleagues, I am enclosing a copy of the petition signed by various Kent student leaders, as well as an excellent article written by Mary McGrory when the Kent students came to Washington and sat down with the President's assistant, Leonard Garment, to make their feelings known.

The students came to my office and I suggested certain courses of action but the ultimate act would be the decision by the President of the United States that only a Federal Grand Jury can untangle the mass of claim and counterclaim which surrounds the incidents at Kent State.

The statement follows:

STATEMENT OF THE CAMPUS ACTION BOARD REGARDING PETITIONS CALLING FOR FEDERAL GRAND JURY

We have waited and watched; watched the pitiful attempts of the "system" to live up to its claims. Watched as many churches throughout the nation called for a Federal grand jury. Watched as Senators and Congressmen called for a Federal grand jury and a Congressional investigation. Watched as over 10,000 of our fellow students signed a petition calling for this same Federal grand jury.

It is nearly eighteen months since the guns fell silent on our campus. Eighteen months since four of our fellow students attended their last day of classes. Eighteen months since our Residence Hall rooms were systematically searched without our consent. Eighteen months since Paul Brown, former State Attorney General, emphatically stated no guardsman would be held legally accountable for his action. Fourteen months since Paul Brown convened a special state grand jury to investigate (among other things) whether any guardsman would be indicted. Twelve months since Seabury Ford revealed the true tenor of the state grand jury. Twelve months since Judge Jones of the Portage Common Pleas Court forbade public criticism of the state grand jury report. Nine months since Judge Thomas of the U.S. Federal District Court ordered the expulsion of that same report. Three months since Peter Davies raised many questions which are as yet, unanswered. Two months since John Mitchell, like Pilate, washed his hands of the entire affair.

Now we watch again, our eyes focused on one man alone—The President. We are waiting to see what Mr. Nixon's concept of "law and order" is as will be revealed through his response to the petitions. Is there really such a thing as "justice"? And is it achieved thru "law and order"? And finally "law and order" for whom?

We urge that a public comprehensive investigation be undertaken by the Federal Government to study all evidence available to that body to clarify the many discrepencies, legal and political, of the Kent State Incidents, May 1–4, 1970.

Campus Action Board of Kent State University:

Dave Altekruse, Student Senator, President Pro-Temp.

Donna Clark, Vice President of the Student Body.

Jack Eyman, Chairman of the Graduate Student Council.

Kathy Jackson, Student Senator.

Carol Keith, President of Panhellenic Council.

Edward Kramer, President of Commuter and Off-Campus Student Organization.

Karl Nelson, Past-President of Inter-Fraternity Council.

Nancy Slominski, President of Kent Interhall Council.

Bill Slocum, President of the Student Body.

[From the Washington Star, Nov. 16, 1971]

STUDENT PETITION FORCING ISSUE—KENT STATE TRAGEDY HAUNTING NIXON

(By Mary McGrory)

After three years of studied antipathy and occasional outright hostility, the President suddenly has decided to make overtures to the young, many of whom will be voting for the first time in 1972.

The official publication of the Republican National Committee, "First Monday," has blossomed out with a 16-page, full-color insert recounting the President's concern and exploits for youth, emphasizing his reference to the "alliance of the generations" as if it were an accomplished fact.

EPITOMIZED SPLIT

It so happens that the President has before him the surest means of reconciliation that has presented itself during his administration. Kent State University students have submitted a petition with 10,380 signatures asking him to reverse himself and order a federal grand jury investigation of the Kent State killings.

That tragedy epitomized, as one of the petitioners said, "everything that was wrong between him and us." The demonstration that ended in death was kicked off by announcement of the Cambodian invasion. The morning after his speech the President referred to campus demonstrators as "bums." Four days later, when the National Guard opened fire and left four dead and nine wounded, the President issued a cold statement that further outraged the mourners: "When dissent turns to violense, it invites tragedy."

The Scranton Commission on Campus Unrest issued a report calling the shootings "unnecessary, unwarranted and inexcusable." The President publicly put off reading the report for months. The vice president called it "pablum for permissiviats."

The parents of the dead students, aided by an English-born insurance broker named Peter Davis, the Board of Christian Concern of the United Methodists and more recently by Sen. Edward Kennedy, agitated for a federal grand jury. Last August the attorney-general, in a statement expressing agreement with the Scranton findings of "unnecessary, unwarranted and inexcusable," said there nevertheless was nothing the Justice Department could do.

REPORT BURNED

An Ohio grand jury, meanwhile, had indicted 25 members of the student body and faculty of Kent State in the killings. No action was taken against the Guardsmen. A U.S. District judge ordered the ceremonial burning of that grand jury report, but allowed the indictments to stand.

Supreme Court Justice Potter Stewart yesterday ordered a stay in the trial of the 25, which was to have begun next week. Even if the full court rules against allowing the trial, the Kent State petition drive will go on, and indications are that the killings could become the principal issue of college youth in 1972.

The originators of the petition, graduate student Paul Keane and undergraduate Gregory Rambo, were flown to Washington on Oct. 23 in the university plane by Dr. Glenn A. Olds, the new Kent State president and an old friend of Nixon's. Dr. Olds escorted the pair to an audience with the President's adviser on civil rights, Leonard Garment.

OLDS STYMIED

Olds told Garment that he could do "nothing creative or innovative at Kent until the issue is settled."

Garment promised the President's answer by Dec. 1.

The petition is becoming a national campus crusade. The president of the Kent State student body, Bill Slocum, sent out letters to 200 student body presidents and college editors, asking for signatures. The New York Student Law Council is appealing to 800 colleges to name student petition captains. If the President does not act, the organizers expect to take their case to both national conventions.

It would go hard with Richard Nixon to reverse the attorney general, his campaign manager and arbiter of domestic policies.

But there is a potential of 25 million new voters in the country. And in Ohio, as Rambo, who is president of the Kent State Young Republicans Club, points out, there is a cutting political edge.

TOWN OR GOWN?

No Republican has ever been elected president without carrying Ohio, he notes. Recently, a group of students won a suit in federal court granting Ohio students the right to register and vote on their campuses. The case is now under appeal. If the young win, the President, who has always chosen town over gown, may feel a certain counterpressure.

He will be hearing more and more about Kent State, which has become a symbol of injustice and official insensitivity to unhappy students—unless, of course, he takes the unlikely course of ordering a federal grand jury investigation.

He has been content hitherto with campus silence and despair. But if the young are revived to rally round the Kent State dead, and as Nixon turns a deaf ear, he will be hard put to make any claim on their consideration at the polls.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. SMITH of New York. Mr. Speaker, I am pleased to place in the RECORD the December Calendar of Events of the Smithsonian Institution, as follows:

DECEMBER AT THE SMITHSONIAN

Wednesday, December 1

Free Film Theatre: *Digging for the History of Man*. Part I—Archaeological explorations retrieve the long-buried evidence of the art and architecture of the Babylonians, Sumerians, Hittites, Greeks and Romans. Part II—An archaeological examination of the ruins of Sassanian architecture, which marked the finale of ancient Persia. 12:10 and 1:10 p.m., Natural History Building auditorium.

Exhibition. *Early Christian Manuscripts*. Illuminated leaves from Armenian Christian manuscripts of the 12th to 17th centuries, part of the outstanding collection of Biblical manuscripts in the Freer Gallery; and religious and decorative objects, some from a late Roman gold treasure found in Egypt. Freer Gallery. Closing indefinite.

Lunchbox Forum: *Air Refueling Begins*. An informal discussion by Lt. Gen. Ira C. Eaker, USAF Ret., Advisory Board, Hughes Aircraft Co. Sponsored by the National Air and Space Museum. Room 449, Smithsonian Institution Building. 12 noon.

Thursday, December 2

The Proposition. Return engagement. Completely improvised musical review directed by Allen Albert, and created spontaneously by the actors and musicians built on audience suggestions, phrases, psychological problems, political issues or public personalities. No two shows are alike. Sponsored by the Division of Performing Arts and the Resident Smithsonian Associates. 8:30 p.m., Natural History Building auditorium. Tickets $5. Student tickets $3 available with I.D. For reservations, call 381–5395.

Free Film Theatre: *Digging for the History of Man*. Repeat. See December 1 for details.

Creative Screen: *The Critic*—award-winning cartoon spoof produced by Ernest Pintoff with commentary by Mel Brooks; *The Art of Collecting*—Five American art collectors interviewed by former TV art critic Aline Saarinen. 11 a.m., noon, 1 and 2 p.m., National Collection of Fine Arts.

Exhibition: *John Steuart Curry (1897–1946)*. Fifteen paintings and 20 drawings make up a selective representation of this Midwestern regionalist who was a colleague of Thomas Hart Benton and Grant Wood. Part of the series of exhibitions on lesser known American artists. National Collection of Fine Arts, through February 29.

Friday, December 3

The Proposition: Return engagement. See December 2 for details.

Saturday, December 4

The Proposition Circus: Return engagement. Musical improvisational review directed by Allen Albert, for children, and adults accompanied by children only. Sponsored by the Division of Performing Arts and the Resident Smithsonian Associates. 1:30 and 3:30 p.m., Natural History Building auditorium. Tickets $2 children; $3 adults. For ticket information call 381–5395.

The Proposition: Return engagement. See December 2 for details.

Creative Screen: *The Critic; The Art of Collecting*. Repeat. See December 2 for details.

Illustrated Lectures: *Wild Dogs—The Wolves of Africa*, film and lecture by Baron Hugo van Lawick; *Chimpanzees in Africa*, a slide lecture by Dr. Jane van Lawick-Goodall on her 10-year study. Sponsored by the Friends of the National Zoo. 2:30 p.m., Lisner Auditorium. Admission $5 general public; $4 student rate in groups of 10 or more; $3 members of Friends of the National Zoo. For tickets, call 232–4500.

Sunday, December 5

The Proposition: Return engagement. See December 2 for details.

Monday, December 6

The Proposition: Return engagement. See December 2 for details.

Tuesday, December 7

The Film and the Producer: L. M. Kit Carson and *The Future's Ours*. First in a series of programs featuring films with the producer present to discuss his work and answer questions of the audience. *The Future's Ours* is half fiction and half documentary, photographed in color by Michael Wadleigh and featuring Michael Pollard and Louis Waldon. Sponsored by the Resident Smithsonian Associates. 8:30 p.m., Natural History Building auditorium.

Wednesday, December 8

Lunchbox Forum. *History of Balloons*. An informal discussion by Roger Pineau, Project Manager of the National Air and Space Museum. Sponsored by the National Air and Space Museum. Room 449, Smithsonian Institution Building. 12 noon.

Free Film Theatre: From the series, "The Glory That Remains." Part I—*The Sudden Empire*. The rise and fall of ancient Persia told against a background of the deserted courtyards of Persepolis, the rebuilt city of Darius the Great. Part II—*Invaders and Converts*. The glittering legacy of Persian culture which flourished despite a thousand years of invasions. 12:10 and 1:10 p.m., Natural History Building auditorium.

Thursday, December 9

Free Film Theatre: *The Sudden Empire; Invaders and Converts*. Repeat. See December 8 for details.

Friday, December 10

Folk Concert: Guitarist *David Bromberg* in a program of traditional country and blues as well as a selection of his own songs. Sponsored by the Division of Performing Arts and the Folklore Society of Greater Washington. Admission: FSGW members, free; non-members, $1. Reserved seats only—call 381-5395.

Films: *A Matter of Time*—The devastating changes man has wrought on his world from early man through the age of technology; *For All To Enjoy*—A search for the source of deterioration of many of the most beautiful national parks. Sponsored by the National Parks and Conservation Association. 8 p.m., Natural History Building auditorium.

Exhibition: *Discover Graphics '71*. Prints produced in the NCFA Printmaking Program held in October and November. Prints will be included by John Sirica, NCFA artist in residence, by Federal City College students, and by D.C. high school students. National Collection of Fine Arts, through January 3.

Saturday, December 11

Exhibition. *Society of Federal Designers award winners*. Display of the best graphic illustrations, including photographs and design work, done over the last year by federal government communications personnel.

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Arts and Industries Building, through December 26.

Monday, December 13

Audubon Lecture: *East of the Mountain*, by Edward H. Schell, outstanding amateur ornithologist and photographer. Birds, wild flowers and nature scenery from the Potomac highlands through the Shenandoah Mountains and including the major Eastern Shore bird refuges, are shown through color slides taken by Mr. Schell. Sponsored by the Audubon Naturalist Society. 5:15 and 8:30 p.m., Natural History Building auditorium.

Wednesday, December 15

Free Film Theatre: *The Great Sophy.* A visit to the great city of Isfahan, built by Shah Abbas in the 16th century. Part III of "The Glory That Remains" series. *Star of Bethlehem.* The story of the nativity retold with minor woodcarved religious figures dressed in fabrics and styles of the 17th century. 12:10 and 1:10 p.m., Natural History Building auditorium.

Informal Concert: *Concerto III for organ and strings (Hallelujah)*, by Handel. John Pesperman on the organ, with a chamber orchestra. 3 p.m., Smithsonian Institution Building lounge, 1000 Jefferson Drive, S.W.

Lunchbox Forum: *The Wright Brothers.* An informal discussion by Paul E Garber, Historian Emeritus, National Air and Space Museum. Room 449, Smithsonian Institution Building. 12 noon. Sponsored by the National Air and Space Museum.

Thursday, December 16

National Capital Shell Club. *Study group* conducted by staff members of the Smithsonian's Division of Mollusks, 7:30 p.m. *Monthly meeting and slide program*, 8:15 p.m. Room 43, Natural History Building. Public is invited.

Free Film Theatre: *The Great Sophy; Star of Bethlehem.* Repeat. See December 15 for details.

Creative Screen: *Toccata for Toy Trains*—A nostalgic and historical record of great old toys from the world of trains; *Calder's Circus*—The miniature circus of Alexander Calder, brought to life with the sculptor's hands; *Snowman's Dilemma*—A sentimental, animated film of a bashful snowman and a little girl. National Collection of Fine Arts. 11 a.m., 12 noon, 1 and 2 p.m.

Saturday, December 18

Creative Screen: *Toccata for Toy Trains; Calder's Circus; Snowman's Dilemma.* Repeat. See December 16 for details.

Monday, December 20

Concert: *The Christmas Story*, by Heinrich Schütz, with Helen Boatwright, soprano; John Uhrig, tenor; George Harshaw, bass; and The Camerata Chorus of Washington conducted by Joan Reinthaler. Instruments from the Smithsonian collections will be used. 8:30 p.m., Hall of Musical Instruments, History and Technology Building. Tickets: $4; $1.50 student tickets available with I.D. at the door only. Sponsored by the Division of Musical Instruments and the Resident Smithsonian Associates. For tickets call 381–5395.

Exhibition: Cast Iron and Tinplate Toys of Yesteryear: Sears, Roebuck & Co. Collection of American Toys, 1880–1960. Some 500 toys from a collection given to the Smithsonian by Sears, most of them vehicles such as cars, fire engines, trains, and buggies. After the Washington showing, part of the collection will be circulated under the auspices of the Smithsonian Institution Traveling Exhibition Service. Museum of History and Technology, second floor, through January.

CHANGES OF ADDRESS AND CALENDAR REQUESTS

Mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560. When applicable, please include old calendar label.

HOURS—CLOSED CHRISTMAS DAY

Smithsonian museums: 10 a.m.–5:30 p.m., 7 days a week.

Cafeteria: 11 a.m.–5 p.m., daily, MHT.

Snack Bar: 10 a.m.–2 p.m., daily, MHT.

National Zoo buildings: 9 a.m.–4:30 p.m., 7 days a week.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

FOREIGN STUDY TOURS

For members of the National and Resident Associates. All 1971 tours are full. For further details on 1972 tours, listed below, write to Miss Kennedy, Smithsonian Institution, Washington, D.C., 20560.

Australia and New Zealand: Late March–April. Via Fiji and return via Tahiti, with visits to Canberra, the Australian Outback, and Christchurch.

Mexico and Guatemala: April 3–22. A visit to the historic sites including Yucatan, Oaxaca, Mexico City, Tikal, Antigua.

No-Tour Tour: Dulles-Paris-Dulles. May 29–June 19. Air France Excursion. Members make their own arrangements for travel in Europe.

Greece and Yugoslavia: June 12–July 10. Classical tour of Greek archeological sites plus Yugoslavia's Adriatic Coast and inland sites. Romanian churches and other areas may be included.

No-Tour Tour: New York-Frankfurt-New York. July 3–25. Qantas Excursion. Members make their own arrangements for travel in Europe.

King Arthur's England: July 12–Aug. 2. An archeological, architectural and literary adventure. Directed by Mrs. Helen Hill Miller, author of *Realms of Arthur.*

The Pilgrimage Road: Sept. 11–Oct. 9, traversing Burgundy, southwestern France and northern Spain, the route of the medieval pilgrims to Santiago de Campostela.

No-Tour Tour: Dulles-London-Dulles. Sept. 11–Oct. 2, BOAC Excursion. Members make their own arrangements for travel in the British Isles.

Pakistan and Afghanistan: Oct. 7–Nov. 5. Overnight stops en route in London and Paris; motoring through the provinces of Pakistan; tour will be joined by local scholars at the sites.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program scheduled for December.

FAMILY VOLUNTEERS FOR ACTION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. FISH. Mr. Speaker, for over a decade the Peace Corps has been attracting dedicated Americans, who wish to participate in self-help programs in developing nations. Now, as part of the newly created volunteer service agency—ACTION—the Peace Corps has expanded its range of potential volunteers by permitting married couples with children, to serve overseas. Hence, a whole new source of skilled volunteers can now be tapped.

Recently, an article appeared in the Washington Evening Star, containing profiles of some of these families now serving in the Peace Corps. Included among them are Mr. and Mrs. Philip Haas, of Canajoharie, N.Y., in my Congressional District. The Haases, and their three children, will soon be serving in Brazil and I am most proud to call my colleagues attention to this dedicated family and those like them.

Mr. Speaker, I insert this article in the RECORD:

[From the Washington Evening Star, Nov. 17, 1971]

FAMILY VOLUNTEERS

(By Jeremiah O'Leary)

A funny thing happened to Peace Corps volunteer Margit Haas just before her scheduled departure for 27 months in Brazil: She found out she wasn't an American citizen.

But the Peace Corps is resourceful and Mrs. Haas got her citizenship two weeks ago, just in time to leave for South America today with her husband, Philip, and their three children—Heidi, 9, Sheryl, 7, and Bryan, 3.

Mrs. Haas was born in Germany, adopted and brought to the United States at the age of 4. She always assumed she was an American citizen. Now, at the age of 27 and with the expedited help of the State Department and a federal judge, she has her citizenship and the passport that goes with it.

The Haas family is one of a group of 46 persons, including 15 minor children, who are off to Brazil as part of the new Peace Corps emphasis on sending family units—and even senior citizens—into the field.

Almost all the early volunteers a decade ago were newly graduated collegians—generalists with a bachelor's degree. But Peace Corps Director Joseph H. Blatchford is turning increasingly to older and more experienced individuals.

Phil and Margit Haas got interested when they started bringing inner city children from New York City to their home in Canajoharie, N.Y., for summer experiences through the Fresh Air Fund. When they saw the wonder in the face of an 11-year-old Puerto Rican girl who had known nothing of small town life, they got the fever to join the Peace Corps and help people in yet other worlds.

When they found out the corps would accept volunteers with small children, they volunteered, were accepted and that's how Margit found out she technically was not an American. But she is now, and is off to their assignment in Natal, in Brazil's poverty-stricken northeast.

Phil will teach woodwork, ceramics and other industrial arts, while Margit will try to launch a program similar to Headstart in the United States.

The Haas family figures the experience will be worth it even though their income will shrink from about $17,000 to about $3,000.

Jim and Jo Glass from Gainesville, Fla., represent another type of the new volunteers. Jim, 58, already is drawing retirement checks from the Coast Guard, in which he was a chief petty officer, and from RCA. He isn't ready yet to admit that he cannot now start a third course in life. Jo, 59, has been a school-teacher for years. Their children now are raised and married.

The Glasses also will go to Natal, after 300 hours of Portuguese language instruction in Belo Horizonte with the other volunteers in the group. He will teach electronics, radio and TV repair while she will teach and work on community projects.

Ronald and Iris Sherman, both 31 and from New York's West Side, are leaving computer analyst jobs that brought them $40,000 a year. They will work in Rio de Janeiro for the Peace Corps subsistence wage. They got the itch to join when Ron saw a notice on a bulletin board at IBM about another employe who had gone to Kenya for the corps. The Shermans, who will teach computer sciences, are taking their 1-year-old son, Holt along.

William Young, 36, and his wife, Kay, 31, of Gridley, Calif. are going to Joao Pessoa with their children, Kim, 11, and Kirk, 9. Young was branch manager for an agricultural chemical company and is a soil science graduate. He will try to teach Brazilian farmers the uses of fertilizer and pesticides in a region where agriculture is practiced with traditional rather than scientific means.

James Kohl, 31, and his wife, 29, of Phoenix, Ariz., have a 1-year-old daughter, Jenifer and want more children. They were busy and involved here, but both resolved to take their special skills overseas as a commitment as well as an adventure. Jim has degrees in electronics and business administration, while Jeri is a home economics teacher. Both will serve in Belo Horzonte and have an advantage over the others because they already know Spanish.

Jim will work with INDI, the industrial development organization for the state of Minas Gerais, and Jeri will teach. They have only one mild regret: their hobby is skiing and they won't find any snow in Brazil.

These families are typical of the skilled volunteers Blatchford is bringing into the Peace Corps. By the end of this year, he estimates the level of young generalists in the Peace Corps will be down to about 34 percent of the current strength of 8,139 volunteers in 55 countries.

EAST HARLEM ENVIRONMENTAL EXTENSION SERVICE, INC.—A NEW APPROACH TO URBAN HEALTH AND ENVIRONMENT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BADILLO. Mr. Speaker, housing—the need for shelter—represents one of our most urgent needs nationally. This need is particularly pressing in our urban ghettoes where lack of housing, health and sanitation services, employment and education all combine to create an environment that degrades those trapped by poverty in our slums. The East Harlem Environmental Extension Service, Inc., is trying a refreshing new combination approach to cure these ills—and it is succeeding quite well in motivating and enabling the poor to tackle and cope with their own problems. The program is encountering extreme funding difficulties, however, and needs all the assistance it can get. In fact, without the enthusiastic support given this project by the Senator from New York (Mr. JAVITS), the experimental extension service would no longer be in existence.

I have found it a pleasure to work with the Senator from New York on this very important project. He and I believe that programs similar to the environmental extension service's could profitably be undertaken in other cities of our nation.

For the information of my Colleagues, I would like to include here in the RECORD an excellent article by Robert J. Bazell on the program which appears in the most recent issue of Science magazine.

[From Science Magazine, Dec. 3, 1971]

URBAN HEALTH AND ENVIRONMENT: A NEW APPROACH

NEW YORK.—In the squalid tenements of inner-city slums—where children play in urine-soaked hallways alongside rats and junkies, where crumbling walls fill apartments with choking dust and deadly leaded paint, where often there is no heat in the winter and the plumbing doesn't work—the links between people's housing and their health are all too obvious. Thousands of people enter hospitals each year suffering from conditions ranging from carbon monoxide poisoning to asthma—all possibly resulting from wretched living conditions.

Construction of new housing and attempts at enforcing existing housing codes have done little to solve the problem. In New York City, for example, the number of low-rent units constructed between 1965 and 1968 housed less than one-tenth of the people forced out of tenements after the owners, unable or unwilling to maintain them, had left the buildings to decay. And, according to officials, for every house declared by the city to be abandoned, dozens of others are totally dilapidated, with people still living in them. Categorical health programs such as rat control and lead poisoning prevention—each aimed at a segment of the massive problem—have, by most accounts, accomplished little.

Talk of the environment as more than clean air and protected wildlife, and the use of phrases such as "comprehensive planning for environmental health services" have come into fashion recently. But few of these phrases have been translated into actions that actually improve people's surroundings and health.

At the East Harlem Environmental Extension Service, a year-old program that has already attracted national attention and may be the prototype of slum renewal efforts across the country, the rhetoric of preventive medicine and environmental improvement has been applied to training men from the East Harlem community to paint walls, repair plumbing, supervise buildings, fix boilers, organize tenants into building associations, and mop up the hallways. Such activities may appear at first sight as less than a dynamic solution to major health problems, but in the opinion of Elihu D. Richter, an associate of the Mt. Sinai Hospital Department of Environmental Medicine and one of the prime movers behind the project, "Large-scale preventive maintenance of tenement housing could do more for the health of East Harlem residents than the services of a thousand doctors."

EXTENSION SERVICE MODEL

Modeled after the agriculture extension services that give aid to farmers, the East Harlem program aims at cooperation with the area's landlords by offering them a variety of reasonably priced services that are intended to turn the dilapidated and dangerous tenements into safe and decent places to live.

Sponsors of the extension service, which is a nonprofit corporation, include a variety of groups that have often been at odds with each other in the past—groups such as tenant and landlord organizations, labor unions, and various city departments, as well as the Mt. Sinai School of Medicine.

To date, the program has trained and employed more than 70 men from the East Harlem area and, under contract for either continuing maintenance or for specific repairs, has serviced more than 40 tenement buildings. Observers with years of experience in East Harlem housing problems estimate that the extension service is directly responsible for saving as many as 20 tenement buildings from total abandonment.

FUNDING DIFFICULTIES

Despite these successes, the extension service has experienced extraordinary difficulties in obtaining funds. This for a number of reasons, not least of which is the difficulty of health and antipoverty officials in dealing with a program that solves a number of problems at once. According to the program's director, Victor Rivera, an energetic young Puerto Rican with experience in a variety of community affairs and minority labor projects, "The extension service's greatest problem has been our successes. Most antipoverty agencies are massive, self-perpetuating enterprises geared towards failure."

Originally the project, which earns an income from the fees charged landlords of about one-third of its expenses for training and subsidized services, received a 1-year $200,000 grant given to Mt. Sinai by the city's rat control program to cover the remaining two-thirds of the budget. But city officials refused to renew the grant because, in the words of one official, "our own funds were cut and the extension service is not strictly a rat control program." The program then became a football tossed from agency to agency—job training, welfare, health department, and so on—each of which endorsed the extension service but claimed it was beyond their responsibility. Finally, after considerable prodding by Democratic Representative Herman Badillo, whose district includes East Harlem, and Republican Senator Jacob Javits, both enthusiastic supporters of the program, the Urban Coalition promised the extension of some Model Cities funds—but these have yet to be allocated. As a result of the shortage of funds, says Rivera, the extension service had to cease training new men and refuse contract offers from the owners of dozens of buildings in the area.

The multifaceted aspect of the extension service is seen most clearly in the training program for the "urban extension agents," who perform the work of the program. Each man receives 2 months of in-school vocational training and an additional month of field training before beginning full-time, on-the-job training and work. At the Manhattan Vocational and Technical High School in East Harlem, the city's Board of Education uses federal Labor Department funds to train the men in boiler maintenance, building repair, plumbing, electrity, plastering, painting, and other maintenance skills. At the same time, faculty members at Mt. Sinai and personnel from the city's Health Department instruct the trainees in the health aspects of their work.

TEACHING THE SIGNIFICANCE

"What we do in the training," explains Richter, who helped set up the curriculum, "is teach the men the significance of their work in terms of improving the health of East Harlem residents." In explaining, for example, "why a working boiler is so important to the health of the people in your building," a manual prepared for the course details the physiological effects of cold on the body and the number of illnesses that can be caused by prolonged exposure to the cold. "Some of the men didn't like to mop," says Richter, "so we taught them about asthma." Other aspects of the health course include fire, poisoning, and accident prevention. In each category, instructors give considerable attention to methods that the extension agents can use to instruct the tenants to help themselves. The men have responded enthusiastically to the health course, even requesting additional instruction in subjects such as child abuse, where they thought they might be of help.

Preventive medicine is but one of many offshoots of the extension work in the field. In one building, which was turned over to the extension service by the city after it was abandoned by the owner, there had been no heat for over a year, there was no roof, no door, few windows, and, for several months, neither hot nor cold water. After reactivating the heat and the plumbing, fixing the roof and the windows, and plastering and painting the apartments, the extension agents organized regular meetings of the buildings' residents, which evolved into a tenants' association. The association now watches for people throwing garbage in the

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yard or the hallways, helps collect the rents, and forms a mechanism for requesting help when new problems appear. Such activities have earned the agents the respect of many members of the community—a factor that the program's supporters believe to be a key to its success.

"Other minority training programs, if they find a guy a job, send him downtown to be the token Black or Puerto Rican on some big construction job," says Rivera. "But here the trainee is guaranteed a job, and in his own community."

The 70 agents trained to date reflect the ethnic makeup of East Harlem—most are Puerto Ricans, with some blacks and a few Italians. While some of the men were experienced in the construction trades, others came to the program from jail, drugs, or the welfare rolls. Despite this disparity of backgrounds, the program has retained over 85 percent of its enrollees—even when the shortage of funds delayed pay checks. In fact, some of the men even left higher-paying jobs for the $100 a week paid during both training and fieldwork. Explaining this enthusiasm, one of the extension agents told *Science*, "there's no substitute for the feeling you get when you're really helping your own people."

The sense of accomplishment in the work is reflected in the men's personal lives. An East Harlem social worker reported a typical case of an extension agent who "seems to have a whole new interest and hope in his family" as a result of his work with the extension service. Referring to a second extension agent, the social worker remarked that his "increased sense of pride has begun to affect the entire family—knitting its torn ends together."

At the heat of the extension service program is the concept that the problems with housing, and hence with health, have fallen into what Richter dubbed "the semi-public domain"—building maintenance that is outside the responsibility of either the city or the individual tenants. While the program has drawn criticism from some quarters of the antipoverty movement for "catering to slumlords," Rivera believes that "the only way to get anything accomplished is to deal with everyone involved. Sure," he said, "there are plenty of landlords who would never fix anything, but the economics of East Harlem are such that, even if a landlord wanted to keep a building in decent shape, the services are either exorbitantly priced or totally unavailable."

Such attitudes are shared by Ray Galliani, president of the Federation of Lower and Middle Income Property Owners, and a member of the board of directors of the extension service. According to Galliani, the landlords of at least 200 buildings in East Harlem would take advantage of the extension service—if the facilities and manpower were available.

AMBITIOUS PLANS

Conversations with the director and the employees of the extension service reveal elaborate plans to turn the program into more than a preventive maintenance operation. They foresee, for example, hiring a full-time public health nurse to investigate medical problems and to offer health education in more detail, as well as constructing playgrounds, day-care centers, and a number of other facilities for the community. But for now, because of a chronic lack of funds, they can only perform piecemeal repair work—often scrounging up scrap materials to finish the jobs.

The triple concepts of the extension service—housing maintenance, job training, and preventive medicine—satisfy a number of the critical needs of the ghetto. And at a reasonable price: while it costs a few cents per apartment per day to maintain a building, the city spends as much as $20 per day to house refugee families from abandoned buildings in "welfare" hotels. Moreover, the controversy in the Forest Hills section of Queens over the construction of public housing indicates the resistance to construction of new low-income housing facilities—even when money is available. But as Richter told *Science*, "Everyone associated with the extension service is tired of hearing how logical we are. What the program needs now is money to do the job it can do."

ROBERT J. BAZELL.

CHARLES E. LOFGREN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BOB WILSON. Mr. Speaker, members of San Diego Branch 9 of the Fleet Reserve Association were deeply grieved to learn of the recent passing of National Secretary Emeritus Charles E. Lofgren. Words cannot express Shipmate Charlie's long years of devoted service to the Navy, the Fleet Reserve Association, and America, but I take this opportunity to share with my House colleagues a few highlights of his long and dedicated career and include the following obituary at the conclusion of my remarks:

COMDR. CHARLES ERIC LOFGREN

Retired Navy Commander Charles Eric Lofgren, 78, National Secretary Emeritus of the Fleet Reserve Association and a veteran of the Vera Cruz campaign and World Wars I and II died of cancer on Thanksgiving Day at the U.S. Naval Hospital in Bethesda, Maryland.

A native of Everett, Massachusetts, he ended his formal education after two years of attendance at Everett High School at the age of 17. Three weeks later he joined the U.S. Navy as a "landsman for yeoman second class" on 11 July 1911. Three years later he had advanced to Chief Yeoman and was the youngest, at age 20, Chief Petty Officer in the Navy. He was commissioned to Ensign on 3 July 1918 and was promoted to Lieutenant junior grade by the end of World War I. In 1920 he reverted to his permanent enlisted rating of Chief Yeoman and served in the Bureau of Navigation, which controlled naval personnel, until his transfer to the Fleet Reserve in January 1927.

A week after his military "retirement" he went to work as the national director of the Fleet Reserve Association, a comparatively new organization representing career enlisted men of the United States Navy and Marine Corps. As the F.R.A.'s national director he toured the mid-west building the Association's membership and organizing local Branches of the organization throughout the nation.

After eighteen months of F.R.A. labor, the lure of the sea and adventure called to him as he read of then—Commander Richard E. Byrd's proposed expedition to the Antarctic. He applied to Commander Byrd to become the business manager of the first Antarctic expedition. Six months later in October 1928 the Byrd expedition set out for the South Pole in the barque "City of New York." Chief Lofgren as aboard as the personnel officer and paymaster for the expedition. The expedition did not return until 22 months later. Fourteen months of that time was spent at "Little America."

When the expedition made its triumphant return in August 1930, Chief Lofgren was his American lecture tour. In January 1931 Mr. Lofgren received Commander Byrd's per-released from active duty. Commander Byrd then selected Lofgren to accompany him on mission to launch his own speaking tour. This lecture tour lasted until December 1934 with Mr. Lofgren addressing 2400 groups. The majority of "Chief" Lofgren's audiences were student bodies and he fired the imagination of his male listeners with his impeccable navy uniform and stories of the expedition's adventure and success.

Mr. Lofgren's interest in Fleet Reserve Association affairs remained strong despite his separation and travel. The organization fell on hard times in the depression years. At the Association's 10th National Convention in Boston, Massachusetts in September 1934 the delegates elected Lofgren "National Secretary." As such he was the head of the F.R.A.'s national executive offices and the organization's senior salaried officer. When he took the helm in January 1935 the group's membership had dropped to less than 2,000 and its finances were $5,000 in the red. Within six months his dynamic organizational ability and leadership had increased membership to almost 3,900 and the treasury's balance to almost $3,300 in the black.

In May 1942 he was recalled to active duty as a Chief Yeoman and promoted to Lieutenant. He again served in the Bureau of Navigation specializing in personnel matters until retired in April 1947 as a Commander. He was one of the eight enlisted men to reach that rank in that time.

He returned to work as the Fleet Reserve Association's National Secretary being re-elected every two years until he voluntarily retired in October 1957. By this time the Association's membership increased to over 50,000 and its financial assets totaled more than $250,000. In recognition of his key role in this growth the F.R.A. created the office of "National Secretary Emeritus" to honor him in his full retirement.

As the head of the Association's executive offices, Shipmate Lofgren was a registered lobbyist and represented military personnel before Congressional Committees for twenty-two years. He played a key role in obtaining personnel benefits, oftentimes originating the benefits.

CDR Lofgren was a life member of Hiram #10 Masonic Lodge of Washington, D.C. He was raised on 18 September 1919.

CDR Lofgren was also a member of the Peary Ship Post 427, Veterans of Foreign Wars and served as Commander of the Post.

Shipmate Lofgren is survived by his wife, Una, of Seminole, Florida, a son Letcher A. Lofgren of Glenwood, Md., a daughter, Mrs. Marylin A. Henze of Poway, Calif., six grandchildren, one great granddaughter, a sister and four brothers.

Commander Lofgren was laid to rest with full military honors in Arlington National Cemetery on Tuesday, 30 November 1971. In the words of Dr. Paul W. Moody;

"The Measure of a man is not the number of his servants but in the number of people whom he serves."

As the leader of the most viable career enlisted man's organization in our nation, Shipmate Lofgren directly influenced the lives of all military personnel for a span of almost a quarter of a century. Using Dr. Moody's measure National Secretary Charles E. Lofgren was one of the giants of the military personnel benefits field.

DEPARTING ILLEGAL ALIENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the average citizen is unaware of the time-consuming, laborious process that must be completed before an illegal alien can be deported.

We have no Ellis Island now in which these people can be held pending disposition of their cases.

Instead, there is a three-step procedure involving hearing officers, a board of appeals and the U.S. Circuit Court of Appeals. Theoretically, a case can even go to the Supreme Court.

This intricate procedure, which adds to the burden of the Immigration and Naturalization Service and further clogs court dockets, starts when an alien is determined to be deportable.

He is usually given 30 days to leave voluntarily.

At the end of this period, if he has failed to depart, an order to show cause is issued by the district director of his area. The order cites the allegations concerning his entry into the United States and a conclusion on his deportability. He appears before a special inquiry officer, who is a member of the bar, and has the right to present evidence and to cross-examine. The Government has the same right. A transcript is made. If the inquiry officer upholds the deportation he then orders that the alien be given time, not less than 15 days, to depart at his own expense. The order states that if he fails to depart, he will be deported.

But the alien can appeal to a five-man Board of Immigration Appeals, which is not a part of INS but within the Justice Department. Briefs may be submitted and oral arguments heard.

The Board can uphold the special inquiry officer, extend the voluntary departure period, reverse the inquiry officer, or send the case back for further study.

If the Board rules against the alien, he can ask for judicial review in the Circuit Court of Appeals. Theoretically, if the Court of Appeals upholds his deportation, the alien can appeal to the Supreme Court.

When he has exhausted all the administrative and judicial avenues afforded him in his fight against deportation, he is given not less than 72 hours to surrender. A deportation warrant is issued and he is escorted by a deportation officer to the ship or plane that will remove him from the country.

It is clear from this outline of the actual process of deportation that something must be done to cut the time and expense involved.

SYLVA ZALMANSON KUZNETSOV: AN IMPRISONED RUSSIAN JEWISH HEROINE NEAR DEATH

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. DOW. Mr. Speaker, yesterday, I introduced House Congressional Resolution 477 to call for the release of a Russian woman suffering from tuberculosis who is serving a 10-year sentence in a Soviet labor camp.

Mrs. Sylva Yosifovna Zalmanson Kuznetsov has been seeking permission from Soviet authorities since 1968 to immigrate to Israel, and she was a defendant in the 1970 "Leningrad 11" trial. The only medical care available to her is from a fellow prisoner, an old woman doctor, who has been unable to help Mrs. Kuznetsov.

I feel that the release of Lady Fleming by Greece on November 14 is a clear precedent for the release of Mrs. Kuznetsov by the Soviet Union. Lady Fleming, a consistent critic of the Athens military government, was expelled from Greece after a court said that continued imprisonment could cause irreparable damage to her precarious health.

It is discouraging enough that Mrs. Kuznetsov and other Soviet Jews cannot find freedom in their own country. I am hopeful that this effort will demonstrate the critical need for humanitarian treatment of Mrs. Kuznetsov and spur our Government into action to urge her release.

A biographical sketch, the text of the resolution, and the article concerning Lady Fleming are inserted at this point in the RECORD:

BIOGRAPHY

Sylva Yosifovna Zalmanson was born October 25, 1944 in Siberia. In 1968, she graduated from the Riga Polytechnical Institute, becoming a mechanical engineer. She worked as a designer at the "Sakana Zvaigzne" factory in Riga. In 1968, Sylva tried in vain to obtain permission to leave for Israel, and appealed through letters to Soviet and foreign organizations. In one letter to U Thant she wrote:

"I regard only Israel as my spiritual homeland and the people among whom I live consider me an alien element. . . . I believe that there will come a day when the happiness which now seems to me unbelievable will come true. But while I am outside Israel the awareness that my homeland is being created without my participation gives me unbearable pain and helplessness vis-a-vis the authorities which drives me to despair."

In 1970, Sylva married Edward Samuilovich Kuznetsov, an interpreter. During this time, she was deprived of the possibility of applying again for an exit visa to Israel since the management of her factory refused to give her the necessary personal reference.

On June 15, 1970, Sylva and her husband were arrested with a group of Jews at the Leningrad airport, and accused of an attempt to hijack a plane out from the USSR. A defendant in the infamous "Leningrad 11" trial which began December 15, 1970, she was sentenced to 10 years in a labor camp. Her husband was sentenced to death, commuted later to 15 years in a harsh prison camp.

Pregnant when arrested, Sylva lost her baby in the notorious Potma labor camp. Denied medical care, she is inflicted with severe ailments, and *is near death*.

HER COURAGE

Sylva showed remarkable bravery in the course of her trial. On December 23, 1970, in her final statement to the court, she declared:

"I don't think that Soviet law can consider anyone's 'intention' to live in another country 'treason' and I am convinced that the law ought to bring to court those who unlawfully deny our right to live where we want to. . . . Even now, I do not doubt for a minute that some time I shall go after all and that I *will* live in Israel. This dream, illuminated by 2000 years of hope, will never leave me. *NEXT YEAR IN JERUSALEM!* And now I repeat: 'If I forget you, oh, Jerusalem, let my right hand wither away—*Im eskachaich Yerushalayim tishkach yemini.*'"

Ruth Alexandrovich, in the same labor camp as Sylva, has testified to her exceptional courage, even when acutely ill.

H. CON. RES. 477

Whereas Sylva Yosifovna Zalmanson Kuznetsov is presently serving a ten-year sentence in the Soviet Union; and

Whereas this woman continues to be most desirous of immigrating to the State of Israel, and that visas have been granted to numerous other Soviet citizens; and

Whereas the condition of the health of Mrs. Kuznetsov while in prison continues to deteriorate and humanitarian considerations require an immediate change in her status by Soviet authorities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States Government urge the Soviet Union to release Sylva Yosifovna Zalmanson Kuznetsov for immigration to the State of Israel, an act which would redound to the benefit of the Soviet Union.

LADY FLEMING IS DEPORTED FROM GREECE TO ENGLAND

ATHENS, November 14.—Lady Fleming, who was convicted in September of having taken part in an unsuccessful plot to free the would-be assassin of the Premier, was stripped of her Greek citizenship and forced to board a London-bound plane at Athens airport today.

According to George Mangakis, her lawyer, the 62-year-old widow of Sir Alexander Fleming, the discoverer of penicillin, was taken from her bed in a downtown Athens apartment at 7:30 A.M. by a group of plainclothes policemen. She was driven to the Athens police headquarters for aliens before being escorted to the airport and deported aboard an Olympic Airways direct flight to London.

SHE OPPOSED DEPORTATION

Lady Fleming was temporarily released from prison three weeks ago after a court order stating that imprisonment could cause irreparable damage to her precarious health. She had been serving a 16-month prison term imposed by an Athens military tribunal.

After her release, Lady Fleming said she would not consent to deportation. "I would never leave Greece of my own will, never," she said. "I now want to live and die in this country because it is mine."

An anonymous telephone caller alerted foreign correspondents early today, saying that Lady Fleming's friends were alarmed because her telephone was being answered by a man unknown to them.

The caller said that Lady Fleming was ill and her doctor had ordered her to stay in bed because of some heart discomfort. The caller said a cardiogram was taken yesterday and another was scheduled for this week.

Lady Fleming's housekeeper said she was still asleep when the police came—four men and a woman, all in civilian clothes. "They asked her to dress and prepare a bag because she was going on a trip," she said "My lady protested and said she was ill and would not move. They asked me to pack her suitcase and help her get dressed."

GREEK CITIZENSHIP WITHDRAWN

The lawyer, Mr. Mangakis, said that the Athens Police Chief, Nikos Daskalopoulos, confirmed to him that an Interior Ministry order had been issued stripping her of her Greek citizenship for having engaged in "antinational activities."

He said this had been possible only because Lady Fleming (born Amalia Coutsouris) had dual citizenship—Greek and British—since her marriage. The regime issued the decree and an order deporting her as an "undesirable

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alien." She was expelled on her British passport.

It was not clear how the Greek authorities had overcome the legal complexities of deporting a person who was on an eight-month parole for health reasons, or of deporting a person against whom other martial-law charges were pending.

Mr. Mangakis confirmed that charges of "conspiring to commit sedition" and violation of the explosives laws had been pressed against Lady Fleming in August. Some 25 other Greeks have been charged in the same case, which was linked to an alleged attempt to set up an underground resistance movement.

Fourteen members of this group, rounded up since last November, are in custody awaiting trial, including Christos Sartzetakis, the investigating magistrate portrayed in the film "Z."

Lady Fleming was convicted of having taken part in a plot to free Alexander Panagoulis, a 32-year-old Greek imprisoned for having attempted to assassinate Premier George Papadopoulos.

SHE PLANS POLITICAL CAMPAIGN

LONDON, November 14.—Lady Fleming said at a news conference shortly after arriving at London's Heathrow Airport that she would start a "vigorous political campaign" against the Greek Government.

The first she knew of her deportation, she said, was the arrival of Greek officials at her Athens home. "They came for me in a car and took me to the airport," she said. "All they gave me was an aircraft ticket and my British passport."

She charged she was deported because her popularity in Athens after her release from prison had embarrassed the Government. "I received flowers, and people came up to me in the street to shake me by the hand," she said, "Yes, I got a wonderful reaction."

She accused the Greek Government of having betrayed an agreement that she had kept. "On the third day of my imprisonment, I was offered expulsion," she said. "I refused. But now, having gone through all that [prison], they have expelled me."

After landing at Heathrow, Lady Fleming at first refused to disembark. "I did not get off because I wanted to be taken back to Greece," she said. Officials argued vainly with her for about an hour to leave, before a friend persuaded her that there was no point in her gesture.

SARGENT SHRIVER DISCUSSES PROBLEMS AND CHALLENGES OF THE 1970'S.

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BADILLO. Mr. Speaker, last month, the first director of the Peace Corps and the Office of Economic Opportunity, Sargent Shriver, delivered a very penetrating and perceptive speech on the various problems and challenges confronting this Nation during the decade of the 1970's.

Speaking before the Puerto Rico Manufacturers Association in San Juan, the distinguished former U.S. Ambassador to France made some very cogent observations on our distorted national priorities and our frequently ineffective domestic and international policies for dealing with the problems we are currently experiencing. In discussing the commitments made during the 1960's and the failure of current institutions to meet these promises, Mr. Shriver very aptly observed that—

There is a tragic shortfall between dreams and accomplishments.

Although the challenge presented by Ambassador Shriver was directed to businessmen and while he was urging that the mainland employ some of the attributes of Puerto Rico and its people, I believe his message is equally germane to the Congress. Mr. Shriver's speech and its recommendations are based on his many years of outstanding service and progressive leadership in both the domestic and international sector. I feel we would do well to carefully consider and reflect on his remarks and I am pleased to present Mr. Shriver's speech herewith for inclusion in the RECORD:

SPEECH TO THE PUERTO RICO MANUFACTURERS ASSOCIATION

Returning to Puerto Rico, brings back for me, the warmest memories of the excitement, imagination, and patriotic dedication of the early days of the Kennedy Administration.

When I first came here, the Peace Corps was being formed in Washington. Every night idealistic men and women worked till midnight, in small offices, across Lafayette Square from the White House. Already the enthusiastic response of young people was beginning to characterize the Kennedy Administration. Talented young men and women from all walks of life were pledging to give two years of their lives to help others, and at the same time, help themselves gain a better understanding of the whole world in which they were going to live.

As we matched the needs abroad with our manpower at home, we were aware that similar adventures had failed. Previous organizations became so cumbersome and tied up in red tape that the system—the bureaucracy itself—destroyed the original idea and ideal! We wanted to preserve the idealism and excitement, and yet meet the needs of the developing nations. The question was how to put together these two essential ingredients.

As we looked around the world for help with this problem, we saw two places where similar problems were faced and successfully solved. One was the new nation of Israel. The other was the new Commonwealth of Puerto Rico.

We were not embarrassed, in those days, to seek advice. So, in the very first days of the Peace Corps, we flew to San Juan to place our problems before one of the world's great leaders, Governor Luis Muños Marin.

The Governor opened to us the entire world of new institutions and concepts he was developing in Puerto Rico. Before long, many of our Peace Corps Volunteers were coming here for training at Arecibo. They needed to learn about the way you had changed your dreams into systems that worked. We were taking nourishment from a people who had pulled themselves up by their bootstraps from the depths of desperation and poverty. An entire generation of North Americans is in debt to Puerto Rico and Governor Muñoz. He was one of the godfathers of the Peace Corps—the symbol.

As we traveled around the world, we were able to tell others what we had seen here. From a people who ranked among the lowest economically in the developing world, you had raised yourselves to a level above every other nation in the hemisphere except the affluent United States and Canada. You had done this *without* natural, physical resources. Instead, you used your brains and imagination to create opportunities for capital investment; you educated and trained your men and women to respond to technological needs.

What was most impressive, and historic, is that you achieved a "quiet revolution." You brought about significant change with neither violence nor terror. You reached towards your goals with a fierce desire to preserve individual freedom and initiative.

By contrast, in many other parts of the world, I met young leaders who told me they could gain economic freedom only by restricting individual freedom. They thought that only a regimented state could produce economic growth.

Some of these foreign leaders listened to what I had to say about Puerto Rico—but too few agreed. Most believed that real freedom could not come except through violent revolution, or the restriction of human rights. That is the tragedy of the world today. Too many people have sold their souls into bondage for anticipated economic progress. And as a result, the question faces us: What can be done to stop that trend? What can be done to preserve and extend liberty and freedom? Can Puerto Rico show the way in the '70s, as it did in the sixties?

The world has changed drastically since Luis Muñoz Marin, Teodoro Moscoso, Rafael Pico, and Rafael Durand, and my personel friend Rafael Sancho-Bonet helped set Puerto Rico on its upward and progressive path. Youthful idealism has soured into cynicism. There is a worldwide pessimism as man questions his ability to control his destiny. The people have come down from the mountainous heights of the sixties, convinced that the world they glimpsed from those heights was either a mirage, or, at best, unobtainable through the political systems which now dominate the world.

Today you cannot go anywhere in the world and sell an "operation bootstrap." Even in Puerto Rico, where your government has miraculously maintained a ten percent growth rate, even here, where a brilliant, technologically oriented governor is reaching out to new horizons, even here the universal frustrations are evident. We move everywhere from the brink of atomic war to the brink of economic disaster.

Nowhere in the world are the dreams of the sixties matched by the institutions of the aeventies. There is a tragic shortfall between dreams and accomplishment.

The dilemma is not backstage. It is "full center," in clear view of the young of the world, who are growing into maturity and power unencumbered by the promises of the past. They see with a clear eye the historical failures of religions and political philosophies and economic systems. They question Jesus as much as Marx.

In the sixties the prospects, or reality, of failure, were overcome or hidden by excitement and hope. We had the will to accomplish; the desire to succeed. Most of all, there was still time!

Now we hear there is no time left. Past failures are finally tearing apart the fabric of democratic society. More and more young people are arguing—like the foreign leaders I met in the days of the Peace Corps—that only the sacrifice of personal freedom can result in stability and growth. This is the worldwide cry of the far left *and* the far right—and, I fear, it is becoming the unarticulated desire of many who are not heard, but who have given up hope and are waiting to be shaped by events which they have given up the desire to control.

And, despite this universal crisis, we find very few new leaders rising from the populations of the world. Mao is an old man; the Russian leadership is past retirement age; the most dynamic labor leader is septuagenerian George Meany; my own Democratic Party seems to have only three or four men to offer for the most important office in the world.

If there are few men to lead, there are fewer ideas to follow. Despite their disdain for the present society, the young people of the world have not come forth with answers

of their own. The most progressive of their philosophies—by their standards—is Mao, and his is an agrarian philosophy, limited in scope and imagination, and much too close to social scientist B. F. Skinner and his box, to suit contemporary, Western man. Mao is also a Marxist, and we now know that Marxism was designed for a world before World War I. It works only in nations still struggling to emerge from feudalism and serfdom.

Yet, our own democratic society flounders from one crisis to the next. We are a nation built on the dreams of a free-floating economy, now forced to impose wage and price controls, to curtail the free operation of that philosophy. There are many to blame for what has happened: the politicians, the businessmen, the unions.

But, the facts remain:

There is not enough housing, although there are materials and manpower to build each man his dream castle.

Food rots at one end of the nation while children starve at the other.

Young men fight wars they did not begin.

Diseases are conquered, vaccines are synthesized, yet millions still die in plagues.

Larger numbers of refugees now wander hopelessly in search of a home than wandered during the times when the world was under the domination of socalled barbarians.

The systems we have developed trap as many people as they free. They were not designed for that purpose, and could function otherwise, but somewhere along the line something happened. It may be the test of this decade to find that defect—or those defects—and make the changes to allow the democratic system to flourish.

In the United States we have always assigned the solution of these problems to the political system and seldom ventured beyond that remedy. Yes, of course, there have been yearly calls, especially during the Johnson and Eisenhower years, for businessmen to become involved in the process of government. But many of these requests were made only out of political necessity. As a result the impact of the business and industrial communities on the processes of government was more fringe than substance. Government continued to function as it had throughout recent history, solving only those problems which were so critical that they could not be ignored, and pushing aside all those which could be avoided or postponed. As a result, the gap between the services a government should provide, and those actually delivered, grew immense and has produced a national rebellion.

We must find ways to close that gap. And where better to begin to solve it than here in Puerto Rico? . . . The Puerto Rico which helped provide the vision of the Peace Corps . . . The Puerto Rico which can now show all of the *Americas* (North or South) that social and economic progress can be achieved in freedom—the Puerto Rico which can show the 50 United States that if we care about our common humanity, and work to solve our common problems, there still is time.

True, we business and professional men could decide to sit in our offices and try to avoid looking out the window, at the people whose lives are scarred by our failures to solve the problems of jobs, education, transportation, race, housing, hunger and starvation—but if we do that, time will run out on the society we love. We can repeat the old wisdom that business has only one job—to make profits. That business has only one responsibility—to the shareholders.

Or business can listen to the words of Senator Edmund Muskie when he spoke here in Puerto Rico before the National Conference of Governors on September 14. Senator Muskie said:

"When we are told that there is no constituency for prison reform, we must become that constituency . . ."

"When we are told that no one will speak for the poor, we must raise our voices . . ."

"When we are told that a race or a group has no influence, we must share our influence with them . . ." Muskie spoke to the governors. He could have spoken to businessmen and said in similar manner!—

"When we are told that there are insufficient jobs, then we businessmen must provide the jobs.

"When we are told there are no houses, we businessmen must provide them.

When we are told that the environment has been polluted by business, then we businessmen must change ourselves and our companies.

I used to visit Cuba in the thirties and forties and can remember the glistening skyscrapers and the great material prosperity of those days—but that prosperity produced Castro. Why?

I can remember in many countries of Latin America—Venezuela for example—standing at nighttime in Caracas and looking at the magnificent hills covered with neon signs, all advertising products made in the U.S.A.—Coca-Cola, Chevrolet, Sears—not a word of Spanish on any one of them. Is it any wonder that there is anti-Yankeeism all over Latin America.

I can remember visiting barrios outside of Lima, Peru, Santiago, Chile, Rio de Janeiro, wondering whether it would be possible for democratic governments to survive in countries where so little was being done for so many who needed so much. Democratic government has not survived in those places and it cannot survive in any place if the leaders of government and businessmen pay more attention to economic development and material progress—and not enough to human needs of the people.

Puerto Rico so far has not fallen into the abyss. Somehow you have, it seems, maintained your individuality, your culture, your religion, your customs, despite economic progress. Black may be beautiful in the United States, and God may be red on our Indian reservations. But here in San Juan one thing is true: Latin is lovely!! But still, my friends, I am uneasy. Even in Puerto Rico, even in the presence of successful businessmen, I cannot agree that here, or in the 50 states, "God is in his heaven and all's right with the world!"

Why does the stock market continue to decline? Why are the values less today than before President Nixon announced his allegedly revolutionary new economic policy?

Why is the United States "distrusted and despised" (to quote the London *Economist*) by our allies in Europe? Has John Connally done more in one year to unite Europe against the United States than Charles de Gaulle was able to accomplish in ten? That's what they say in Europe!

Why have we lost the friendship of India, of Tanzania, of Japan, of Nigeria, of Peru—yes, even of Canada? Are those the fruits of a successful foreign policy?

Why are we suddenly so popular with dictators—of the left and the right—whether in Spain and Greece, or in China and Romania?

Why is it that we sell arms to Venezuela, where the Army, which has never fought a war—and which, according to its own commander-in-chief, is never likely to fight one—buys more and more sophisticated weapons every year from the United States. Why?

Why is it that 13 supermarkets belonging to U.S. corporations were burned to the ground in "friendly Buenos Aires" last year alone?

Why does the United States veto Felipe Herrera as reported in the New York Times of November 18, a distinguished Latin American, for Secretary-General of the United Nations, despite his years of excellent service as President of the Latin American Development Bank?

Why have we reached the point where a Roman Catholic priest, a Jesuit, writing in a weekly magazine called "America," feels compelled to say . . .

"Latin Americans have lost faith (in United Nations' promises to terminate the colonial system). They don't even want development! They want liberation! After 20 years of pursuing development, and seeing where it has gotten him, they will have no more of it. Like the man with the broken ankle who was advised to cure it by constant exercise, Latin America learned the hard way that development is not the remedy. It wants all foreign exploiters—But especially the big exploiter, the United States—off its back!"

Do these questions, leave you with the impression that the 50 United States need Puerto Rico more than Puerto Rico needs the 50 United States?

I hope so, because that's what I believe.

We need your acceptance and understanding and toleration of different races!

We need your gaiety and love of life, your compassion for the poor, your gentleness with human weakness!

We need you as a bridge to deeper understanding and more meaningful cooperation with the nations of Latin America!

Your sanctimonious, uptight, "holier-than-thou," hard-working, driven, rich northern neighbors need you!

For, it is written, that it is easier for a camel to pass through the eye of a needle than for a rich man to enter into the kingdom of heaven.

SOVIET JEWS: THEY DO NOT SUFFER ALONE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. DERWINSKI. Mr. Speaker, in inserting in the RECORD the following column from the Chicago Tribune by Mr. Frank Starr, Washington Bureau chief of that newspaper, I wish to remind the Members that for many years Mr. Starr was the Tribune correspondent in Moscow and as such is one of the few American newsmen who possess a penetrating insight into the Soviet Union:

SOVIET JEWS: THEY DO NOT SUFFER ALONE

WASHINGTON.—Americans can [and they should] do a good deal to publicize and thus ease the plight of Soviet Jewry.

But they ought to know what they are doing; they ought to have a balanced, sober, and unembellished picture of the problem. As things stand today they are not getting it.

The issue seems to have become an emotional and political one, with the result that the picture is getting pinched out of perspective.

Last week a House foreign affairs subcommittee chaired by Rep. Benjamin Rosenthal [D., N.Y.] conducted hearings with a view to producing this week a resolution on the subject and possibly getting the issue brought up in the United Nations General Assembly.

WELL EXPRESSED

The subcommittee's aim was probably well expressed by one witness, Richard Maass, chairman of the American Jewish Conference on Soviet Jewry, who spoke of the need "to bring about the removal of the restrictions and deprivations imposed on Jews in the Soviet Union.

"By exposing those restrictions to the world, we hope to bring a knowledgeable and concerned public opinion to focus upon the Soviet government for redress," he said.

XUM

This is a realistic objective; there is good evidence that on this issue the Soviets are sensitive enough that they will temporize to ease the pressure of international embarrassment. And there is no question that Soviet Jews are suffering violations of their civil rights and discrimination in those things that make them Jewish, i.e., Yiddish or Hebrew culture, education, language.

However, of 20 or so witnesses the committee heard, 9 were congressmen and 7 were representatives of American Jewish organizations. And some of the unrebutted testimony was at best misleading or at worst incorrect.

A few examples: "Nowhere among the other recognized Soviet minority groups is there anything like the repression of the Jewish community." Rep. James H. Scheuer [D., N.Y.].

"Jews, unlike other minority groups, have been placed on trial for 'hooliganism' and other crimes." Also from Rep. Scheuer.

"The Jews represent the single sustained dissent in the Soviet Union." Jerry Goodman, executive director of Maass' organization.

Then came Richard Davies, deputy assistant secretary of state, who is known to Soviet experts, both governmental and academic, as a professional's professional. He presented a scholarly treatment of the problem which the one recent Soviet emigrant there, Mrs. Rita Guzman, 23, read and felt was well balanced.

But he also punctured some misrepresentations. He said all Soviet citizens—not just Jews—suffer from the Soviet government's policies and its restrictions on emigration, that claims that the majority of Soviet Jews live in terror seem overdrawn, and that altho sharp punishments are given Jewish militants it should be noted that "other Soviet civil rights activists and minority-group militants have been subjected to similar reprisals of severity similar to or greater than" those given Jewish militants.

His reception was decidedly cool. Rosenthal said the testimony was "out of tone with the facts" and said newspaper accounts of it were "a disservice to the Congress and the world at large."

Fault may be found with the State Department for many things, but Davies' testimony is not one of them.

In fact, a less circumspect man could argue that to the extent that 7,000 Jews have left the Soviet Union this year and that hope exists for others, they as a group have an advantage denied other Soviet minorities. That they achieved this is testimony to their courage and tenacity and to the support they found abroad.

The British scholar Robert Conquest, in a book entitled "The Nation Killers," recounts the fates of eight entire Soviet nations who were deported from their homes—history and geography being rewritten to deny their existence. Despite rehabilitation, three of these still are denied access to their former homelands altho these are within Soviet borders.

ONE EXAMPLE

One, Crimean Tatars, related ethnically to Turks, were given their rights back in 1967, but families who tried to return to the Crimea were beaten and physically deported again. Their cemeteries were ploughed up, everything written in their language burned, and the history of the land they knew for centuries rewritten to deny they had ever been there. Despite valiant resistance, as this observer can attent from firsthand experience, their plight is unchanged.

To the extent that Jewish militants challenge Soviet authority and policy they are subject to surveillance, arrest, and imprisonment like other civil activists who do.

Not only Jews should be concerned about suffering of Soviet Jewry, but such suffering in Russia is not only Jewish.

ATTORNEY GENERAL AND CHIEF JUSTICE CALL FOR REFORM OF OBSOLETE CORRECTIONS SYSTEM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. MIKVA. Mr. Speaker, this week an historic conference took place in Williamsburg, Va. The subject was corrections reform, and the guest list included several hundred experts from the State, local, and Federal level.

Similar conferences have been held in the past. There is no shortage of task force reports and conference recommendations in the field of corrections reform. What distinguishes this one is the breadth of the participants, going beyond academia to include corrections officials and policymakers from every level of government.

Two of the participants were Attorney General Mitchell and Chief Justice Burger. In remarks delivered to the conference, each of them revealed an encouraging sensitivity to the past failures of prisons, and to the urgent need for a change in our attitudes and programs to deal with people convicted of crimes.

Both the Attorney General and the Chief Justice affirmed the basic need for professionally trained corrections personnel, for decent prison conditions, for increased availability of rehabilitative programs and of noninstitutional corrections, and for recognition of the human needs and rights of convicts, both during and after their period of confinement.

It is clear that a corrections system which is truly rehabilitative is our best hope for reducing the level of crime in our society. As the Chief Justice stated in his speech, we would be taking a large step toward reducing recidivism if we could just guarantee that every convicted criminal learned to read and write, to do simple arithmetic, and to develop some basic marketable skill before being released from supervision. Unfortunately, our existing corrections system does not begin to meet even these most basic needs.

Mr. Speaker, the most heartening thing about the conference at Williamsburg is the evidence it provides of a welcome commitment on the part of government officials at all levels to do something about crime in our society by doing something about the way we treat—or fail to treat—people convicted of crimes. The addresses by the Attorney General and the Chief Justice indicate a welcome if overdue willingness to face the dismal reality of how monstrous a failure our past approaches to corrections have been, and a willingness to undertake an honest evaluation of approaches which have failed, regardless of the political consequences.

The cause of corrections reform has witnessed centuries of recommendations, and decades of promises, but a dearth of progress toward the agreed goal. I am hopeful that the Williamsburg conference, and the encouraging statements presented by Chief Justice Burger and Attorney General Mitchell, augur a new commitment to corrections reform, including the necessary resources of men and money to breathe life into recommendations and promises which are as old as the prisons themselves.

I would like to insert in the RECORD at this point the text of the speeches given by the Attorney General and the Chief Justice earlier this week!

NEW DOORS, NOT OLD WALLS

(Address by John N. Mitchell, Attorney General of the United States)

Let me join the others in welcoming you to this National Conference on Corrections. As many of you know, this conference stems from the continuing concern over prison reform by the President of the United States, and is a part of the national corrections program that he set in motion two years ago.

In 1969 President Nixon directed his Administration to pursue correctional reform along 13 specific avenues. He also appointed a Task Force on Prisoner Rehabilitation, which made a number of significant recommendations in April 1970.

Together, these directives and recommendations represent the most determined and comprehensive approach to corrections ever made in this country. I refer not only to Federal corrections, but insofar as the Federal Government can provide funds, training and leadership, this approach is a Magna Carta of prison reform for all levels of government.

We are here to review how far we have come in implementing the reforms already proposed by the President and others, and to chart a course over the vast sea of problems remaining.

Until the last two years, it could be said of prison reform what Mark Twain is supposed to have said about the weather: "Everybody talks about it, but nobody ever does anything about it."

Some of the talking was done at a National Congress on Penitentiary and Reformatory Discipline, meeting in Cincinnati. Among other things, it recommended that:

The prime goal of prisons is not to punish, but to reform.

Prison personnel should be much better trained and developed to professional status.

Prisoners should be classified and treated appropriately and separately.

They should be handled with incentives and moral suasion, not physical punishment.

They should be given hope of reduced sentence and parole for good behavior.

Their academic education and vocational training should receive primary emphasis.

They should be helped to find their way in society after release.

When were these enlightened ideas proposed? Not last month or last year, but in 1870—more than a century ago.

Forty years ago a National Commission on Law Observance and Enforcement, known as the Wickersham Commission, devoted an entire volume of its report to the subject of corrections. Among its recommendations were the very same ones that had already been recommended in 1870.

Nearly five years ago a President's Commission on Law Enforcement and Administration of Justice devoted a chapter of its final report to corrections. Among its recommendations were ones previously made in 1870 and 1931.

What was the result of this century of recommendations?

In state after state, most of the prisons have no programs for correcting the prisoner. Only a fraction of inmates in the country are exposed to such programs.

Only from 10 to 20 percent of all prison system budgets in this country is spent on actual programs to correct the inmate; the rest is spent on custody and administration.

Only 20 percent of institutional personnel are assigned to correctional-type programs.

In many states, first offenders are mingled with hardened criminals; in many cases, juveniles are mingled with adults.

In any other profession this kind of neglect would be unthinkable. How would we react if a hospital put accident victims in the Communicable Disease Ward—and at that, a ward in which the patient received a bed, but no treatment? We should be just as appalled at the situation in many of our prisons today. Little wonder that, in sounding the call for prison reform, President Nixon declared, "The American system for correcting and rehabilitating criminals presents a convincing case of failure."

There are, of course, some outstanding exceptions. But in characterizing most American prisons I need only use the same language that the Wickersham Commission used 40 years ago:

"We conclude that the present prison system is antiquated and inefficient. It does not reform the criminal. It fails to protect society. There is reason to believe that it contributes to the increase of crime by hardening the prisoner."

Today we have figures to confirm that belief. According to the FBI, those arrested on Federal criminal charges in 1970 had an average of four prior criminal arrests and an average of nearly 1½ convictions at the local, state or Federal level. The nearly 38,000 arrested on Federal charges in 1970 had a total of more than 22,000 prior imprisonments of six months or longer in one type of institution or another.

These and many other studies with similar results should not surprise us. It is as simple as the words of the novelist, Dostoyevsky: ". . . neither convict prisons, nor prison ships, nor any system of hard labor ever cured a criminal."

The fact is that other trends in American life are going to make this corrections problem even more pressing in the future. The trend toward improved law enforcement systems will not only deter crime in the long run, but in the near term one of its effects should be to increase the arrest rate. Moreover, if the court reform movement proceeds as we hope, it will speed the prosecution of more defendants. Together, these two factors will send many more offenders through the criminal justice system, thus putting added strain on the corrections program.

We must be prepared for this new wave of offenders coming into the prison system—ready not just with added beds and benches, but ready to make the most of an opportunity to reach a larger number of offenders with modern corrections techniques.

At the same time, the rising level of education in the United States is leaving a bigger gap between the undereducated offender and society at large. So our job training and educational programs in the prisons must be pushed even harder to keep up with successes in other aspects of society.

Recognizing that there are many successful corrections programs by various jurisdictions, I would like to examine briefly the particular program developed in response to President Nixon's directions two years ago.

First, the President's program has received growing financial support from Congress, thanks to some dedicated leaders in the corrections crusade such as Senator Roman L. Hruska of Nebraska. Funds specifically earmarked for corrections, over and above the other corrections grants, have been added to the program of the Law Enforcement Assistance Administration, part of the Department of Justice.

Second, in 1970 the Inter-agency Council on Corrections was created to focus the work of all relevant Federal agencies on prisoner rehabilitation. This consists of representatives from a dozen agencies within the Departments of Justice, Labor, Defense, and Health, Education, and Welfare, as well as from the Department of Housing and Urban Development, the Office of Economic Opportunity, and the U.S. Civil Service Commission.

Third, the United States Board of Parole was reorganized in 1969 to enable Parole Hearing Examiners to conduct many of the hearings in correctional institutions across the country. This permits the Board members to devote more time to the decision-making process and to hold more appellate reviews.

Fourth, the Federal Bureau of Prisons within the Department of Justice developed a comprehensive 10-year master plan to improve the effectiveness of the Federal Prison System and hopefully to make it a model of correctional endeavor for other agencies in this country to follow. This plan emphasizes individualized treatment and community orientation. The Bureau has already made a good start in achieving these goals, particularly in two vital areas—personnel training and new facilities.

The first regional staff training center was opened last January. It provides professional training to develop the correctional officer as an agent for change rather than as primarily a custodian or keeper. The second regional training center will be opened the first of this coming year, and three more are planned for the future. As soon as possible, these facilities will also be made available to state and local correctional personnel.

This month the Bureau plans to break ground for its first Metropolitan Correctional Center in New York City. This multipurpose facility will provide pre-sentence and post-sentence short-term detention, diagnostic service to the courts, prerelease services to offenders returning to the city from other institutions, and correctional services for parolees and probationers. Construction will begin on a similar center in Chicago in June 1972, and six other centers are scheduled for urban areas where the need is most acute.

Construction will begin early next year on a facility unique in correctional practice. This is the Behavioral Research Center at Butner, North Carolina, which will provide treatment for and research on special groups of offenders, including the mentally disturbed. And in the fiscal 1972 budget, Congress provided for construction of a West Coast complex of facilities in four metropolitan areas to provide better correctional techniques for youthful offenders.

Fifth, the Law Enforcement Assistance Administration has greatly increased its funding for correctional aid to the states and localities. In fiscal 1971 this reached $178 million, which included more than $47 million in Part E funds that Congress, for the first time, especially earmarked for corrections, at the urging of President Nixon. This Part E funding has been more than doubled in the current 1972 fiscal year, bringing the total LEAA funding for corrections in this current year to nearly a quarter of a billion dollars. For the first time, substantial funds are available for a coordinated program to bring American penology into the 20th Century.

From its inception, the entire LEAA corrections program has had a common theme—preparing the offender for assimilation into society. One reason is that community-based programs are within the financial reach of the Federal assistance program and of the states and localities. If these correctional programs are as successful as we hope, we may not need to build all the new facilities that now seem to be required by the antiquated condition of most penal institutions. Some funds are being used for construction, but on a very selective basis which emphasizes corrections, not just detention. Already, as a result of LEAA funding, we can see some visible areas of progress. To cite only a few:

Kentucky has begun its first organized pre-release program for prison inmates.

Arizona has begun treatment programs in county jails.

Michigan is developing a million-dollar model program to treat young offenders in community-based programs.

Missouri is opening 12 new community treatment centers for offenders and ex-offenders and 36 group homes for juveniles.

Louisiana is building a state institution for women and two regional centers for offenders.

Indiana has opened two new regional centers for juveniles in the past two years and will open four more.

Florida is implementing a major probation program for juveniles directed by the state.

New York is launching a massive series of professional training programs for existing correctional personnel at all levels.

Those programs are only a fraction of the whole picture.

Last Fiscal year LEAA put over $2 million into job training and placement programs operated by private industry.

LEAA has also made direct grants to cities and counties to finance community treatment centers, narcotics and drug treatment, job placement, juvenile probation, work release, group homes, rehabilitation of alcoholics, halfway houses, volunteer aid programs, psychiatric care, and a host of other offender rehabilitation efforts.

We are also aware that many states need technical advice on how their facilities need improving, and even on how their new buildings should be designed to make maximum use of modern correctional methods. I am able to announce that, to meet this need, LEAA has funded a National Clearinghouse for Criminal Justice Architecture at the University of Illinois.

Professional assistance in planning and implementing education programs for inmates is also a need of many states and localities. For this purpose I am today directing LEAA to establish a National Clearinghouse for Correctional Education, using such funds as are now available for its initial phase of development. This Clearinghouse will give technical help, including curriculum planning and classroom and correspondence course materials, to correctional agencies establishing education programs for primary through college level.

These are only a few highlights, and they do not include numerous research programs to advance the science of corrections.

Already, because this large LEAA funding is now available, state and local correctional administrators have begun to press for change. They are documenting their needs, with new confidence that those needs will be met. No longer are they voices in the wilderness.

In addition, other Federal agencies are providing strong support. At three Federal institutions, the Office of Economic Opportunity has funded programs to prepare selected inmates for advanced educational opportunities. A number of vocational training courses for handicapped inmates have been sponsored by the Rehabilitation Services Administration of HEW. The Manpower Administration of the Department of Labor has made numerous grants to provide occupational training for inmates of Federal, state and local institutions. And the Man power Administration is also participating with United States Attorneys and the Federal Courts in a program to provide jobs and correctional guidance to selected defendants, without trial.

Recently, steps have been taken to bring even closer coordination of Federal and state corrections programs.

A National Advisory Commission on Criminal Justice Standards and Goals, chaired by Governor Russell Peterson of Delaware, has been established by LEAA. Among the standards it will consider and establish are those for corrections. I trust that when these are forthcoming, correctional institutions at all levels will give them

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the most serious consideration, to the end that all such American institutions can work toward the same goals.

In addition, the cabinet heads of the Departments of Justice, Labor, and HEW last week joined in sending a letter to the governors of all states and territories, offering fresh technical and financial assistance in a coordinated Federal-state program for correction of offenders. Grants for preparation of plans will be made to all participating states before the end of this fiscal year. Some time in February the representatives designated by the Governors will meet with Federal officials in Washington to agree upon guidelines for the program plans. The result will be that the states can make comprehensive plans with the assurance that they will receive substantial Federal financial support starting in fiscal 1973.

So we have here the first major step in articulating and implementing a national program—Federal, state and local—on the correction of offenders. I hope that your deliberations here will provide a body of professional recommendations that will guide state and Federal planners.

In short, a number of factors have combined to give us the best opportunity in this century to bring some genuine reform to the most neglected aspect of our society.

We have concerned and enlightened leadership—a President who has made prison reform one of the priorities of his Administration.

We have significant funds available and a viable program for allocating them.

We have some outstanding examples of progress in both state and Federal prison institutions.

We have a higher level of public support than ever before.

For the first time, we can mount a national corrections program that does not simply repair old buildings, and is not based only on old concepts of restraint and deterrence. Instead we can make use of the imaginative corrections principles that have been advocated for at least a century.

More than this, we can be bold enough to consider new ideas. Let me close by sharing just a few with you.

First, as you know, the need for better training and common performance standards among correctional officials is shared by all government levels. In this connection I am today directing the Federal Bureau of Prisons and the LEAA to work with the states and localities in establishing a National Corrections Academy. This would serve as a national center for correctional learning, research, executive seminars, and development of correctional policy recommendations. It would cover the whole range of correctional disciplines, from the new employee to the management level. Besides giving professional training of the highest quality, it would provide a continuing meeting ground for the exchange of advanced ideas on corrections. I believe it will be the most effective single means of upgrading the profession and assuring that correction is more than a euphemism for detention. I hope that the members of this Conference will give us the benefit of their ideas on implementing this Academy in the most effective way.

Second, I call upon all agencies to increase minority employment among professional correctional personnel. In my opinion this would greatly increase the effectiveness of counseling and guidance at all stages of the corrections process. Practically all prison systems, including the Federal system, have a long way to go in this regard. I am pleased to report that the Director of the Federal Bureau of Prisons has directed all 28 Federal institutions to work toward a goal of one-third minority employment in all new hiring. I urge corrections institutions at all levels to make an extraordinary effort to find and recruit minority personnel—not only because it is the law, not only because it is fair, but because it can genuinely benefit the corrections process. LEAA is already funding a program to aid police departments in increasing their proportion of minority officers, and I am today directing LEAA to expand this program to include the same aid for correctional systems.

Third, let us recognize that correction should begin, not with the prisons, but with the courts. Let us ask whether in every case we need to achieve "the object so sublime" of the *Mikado's* Lord High Executioner—"To make the punishment fit the crime." In many cases, society can best be served by diverting the accused to a voluntary community-oriented correctional program instead of bringing him to trial. The federal criminal justice system has already used this formula in many juvenile cases—the so-called Brooklyn plan. I believe this program could be expanded to include certain offenders beyond the juvenile age, without losing the general deterrent effect of the criminal justice system. I am therefore directing the Executive Office of United States Attorneys and the Criminal Division of the Justice Department to study the feasibility of enlarging the area of criminal cases in which the prosecutor might be justified in deferring prosecution in favor of an immediate community-oriented correctional program.

Finally, I propose for your consideration a more general problem—the need to elevate public attitudes toward the releasee. Studies have shown an appalling resistance to hiring ex-offenders, even by many governmental agencies at different levels, thus frustrating other efforts at correction. Some state laws prohibit the hiring of ex-offenders by government agencies, however well adjusted or corrected they may be. When such a release is thus denied the means of making an honest living, every sentence becomes a life sentence. The attitude of each citizen toward salvaging offenders as valuable human beings is one of the obvious cases covered by the popular saying, "If you're not part of the solution, you're part of the problem."

It is my hope that as the rehabilitation approach to penology begins to work, the public will begin to change its archaic feeling about ex-offenders. The public's predominant impression of penology will be, not of old walls but of new doors. And this in turn can be the final breakthrough in the centuries-old battle to reclaim and assimilate the ex-offenders.

Winston Churchill once said that attitudes toward the treatment of criminals are "one of the unfailing tests of the civilization of any country." Let us do all in our power to assure that our country may yet be able to meet this test, not in shame, but with pride.

Ladies and gentlemen, I wish to thank you for your participation in this Conference. We are counting on your counsel as we enter a new phase in a national correctional program, and I trust that your dedication to this cause will produce some truly inspired guidance that is equal to the challenge.

Remarks of Chief Justice Warren E. Burger

I am sure that everyone concerned about problems of corrections and prisons was heartened by the action of the President in convening this Conference. It is time for a massive coordinated effort by the state and federal governments.

It is also highly appropriate that these sessions are held in this historic place for it was a distinguished Virginian, George Keith Taylor, brother-in-law of Chief Justice Marshall, who, as a member of Virginia's House of Delegates, spoke here almost exactly 175 years ago—on December 1, 1796, to be precise—on behalf of legislation to improve the penal system of the Commonwealth.

Taylor is remembered as one of the first leaders on this continent to advocate the enlightened views of the great Italian reformer and legal philosopher, Beccaria. Thus, Virginia is a familiar forum for the problems this Conference is considering.

For as long as I have been a judge, I have tried to see the administration of criminal justice in terms of three major entities, or parts, all constituting interrelated parts of a single problem.

The first, obviously, is the police and enforcement function; the second is the judicial function; and the third is the correctional and confinement aspect, and, closely related, the vital release programs of probation, parole, and work parole.

This Conference is concerned with that third and final, and very crucial, aspect of justice. On other occasions I have said, and I strongly believe, that this third phase is perhaps the most neglected of all three of the aspects of justice, although each of the other two has strong claims, unfortunately, for first place in that respect.

The problem of what should be done with criminal offenders after they have been found guilty has baffled societies for thousands of years. Therefore, none of us would be so brash as to assume that this Conference can even discuss, let alone solve, all the enormous problems that have been with us for several thousands of years. Because of this terrifying magnitude of the problem, I hope the Conference will find a way to identify just a few of the most urgent but soluble problems and address ourselves to them at once. If we try to solve all the problems, we will solve none. We must be content with modest progress and small victories.

Ideals, hopes and long-range planning must have a place, but much can be accomplished without further research or studies in the essentially "nuts and bolts" side of corrections.

I hesitate to suggest, even in a tentative way, my own views of those solutions to an audience that includes so many genuine experts and authorities in this field. Since the recent events at Attica, New York and in California, the country has been recalling the warnings that many of you have uttered on the need to reexamine both the basic attitudes and the tools and techniques of correctional systems and prisons. (I need hardly add, to this audience, that there is a vast difference even though for shorthand we use the two terms interchangeably.)

Even to reach some solutions on the urgent, the acute, the immediate problems, will take large outlays of money, and this cannot be produced except with a high order of public leadership to develop a public commitment and, in turn, a legislative commitment at state and national levels.

As I see it, the urgent needs include these:

1. Institutions that provide decent living conditions, in terms of an environment in which hope can be kept alive.

2. Personnel at every level who are carefully selected, properly trained, with an attitude of understanding and motivation such as we seek in teachers; and with compensation related to the high responsibility.

3. Improved classification procedures to insure separation of incorrigibles from others.

4. A balanced program of productive work, intensive basic education, vocational education, and recreation.

5. Communication with inmates.

6. A system of justice in which judges, prosecutors and defense counsel recognize that prompt disposition of cases is imperative to any hope of success in the improvement of those convicted.

I. INSTITUTIONS AND FACILITIES

I will not dwell on the subject of institutional housing since most of you are better informed on the facts and more knowledgeable as to the needs than I am. I fear that if we took a realistic national inventory and determined how many states meet minimum

standards that most of us would agree on, the result would be a melancholy commentary on a 20th century society. The rise in crime has crowded most prisons beyond any reasonable bounds and new structures are needed. We know, however, that many of our problems flow from having institutions that are too large, that are poorly located and inaccessible to the family of the inmates, too far away from facilities for work release programs, and located in areas that do not provide adequate housing for personnel of the institution.

As you well know, bricks and mortar do not make a sound correctional institution any more than bricks and mortar make a university, a newspaper, or a hospital. People and programs are crucial. The recent events in two of the largest and most affluent states are evidence that more than good "plant and equipment" are needed. With all that has been said and written about the problems in New York and California, there has been almost nothing communicated to the public about the fact that the particular institutions in question are among the more modern penal institutions in a physical sense. Attica and San Quentin serve to remind us that even the best of buildings have not provided solutions.

So even when we finally eliminate the 19th century dungeons and terrible overcrowding that prevails in so many places, we will still have enormous problems left to solve. It will take millions of dollars to accomplish the changes needed, but it must be done and we must have new thinking about what constitutes a correctional institution in a purely physical sense, where it should be located and how large it should be.

II. PERSONNEL

You are well aware, but the public is not, that well-trained personnel is far more important than the bricks and mortar. "Just anybody" cannot make a sound correctional institution any more than "just anybody" can make a good parent or a good teacher. We have yet to understand that the people who operate prisons, from the lowest guard to the highest administrator, are as important in the whole scheme of an organized society as the people who teach in the schools, colleges and universities. I suspect some experts would say that is an understatement in the sense that the reasonably normal people who go to schools can overcome the handicap of poor teaching. We know that most prison inmates are not mentally and emotionally healthy and therefore need something more than normal people require. Guards and guns are not enough.

As we are now slowly awakening to the need for more intensive training for policemen on the beat and in the patrol cars, we must sense that the guards, the attendants, the teachers, and the management of prisons must be specially selected for their temperament and attitudes and then specially trained for their crucial part in the task of helping prisoners to help themselves.

I am sure that every person here must be elated over the Attorney General's proposal to establish a National Corrections Academy patterned after the great training program of the FBI Police Academy. The management and operation of penal institutions has desperately needed such a nationally coordinated program to train every level of prison personnel from guards to wardens, as the Department of Justice has done with police administrators.

This decision on the part of the President and the Attorney General could be one of the milestones in correctional history.

III. IMPROVED CLASSIFICATION PROCEDURES

In many institutions we know that overcrowding and understaffing have led to a breakdown of classification procedures and practices. In some institutions there are no such procedures. One of the high prices we pay for that lack is a mingling of youthful offenders and first offenders with recidivists, incorrigibles, drug addicts and others who are seriously mentally disturbed. A very high priority must be given to separating inmates, and this is particularly important today with respect to the riotprone inmates. Those who would disrupt and destroy a penal institution must be separated to protect those who are trying to learn and to prepare themselves for the future. Every inmate has a right to be insulated from those who are bent on lawless acts.

IV. A BALANCED PROGRAM

We need look only at the median age of inmates to see at once the need for athletic and other recreational facilities so that these young men can burn off the surplus energies of youth as many of them would be doing if they were free. The corrosive impact of enforced idleness at any age is bad enough, but on young men it is devastating. Playing cards, watching television or an occasional movie, with nothing more, is building up to an expensive accounting when these men are released—if not before. Such crude recreation may keep men quiet for the time, but it is a quiet that is ominous for the society they will try to reenter.

Some states have recognized these needs and provided for them, but many have not. If anyone is tempted to regard this as "coddling of criminals" let him visit a prison and talk with inmates and staffs. I have visited some of the best and some of the worst prisons and I have never seen any signs of "coddling" but I have seen the terrible effects of the boredom and frustration of empty hours and a pointless existence.

V. RECREATION AND EDUCATION

Recreation and education programs really go hand in hand in prisons as they do in schools and in life.

When society places a person in confinement, it deprives him of most normal opportunities and much of the motivation for self-improvement. When society does this, it has a moral obligation to try to change that person—to make a reasonably successful human being out of him. Common sense and the self-interest of society dictate this even if we lay aside all considerations of human decency and our religious beliefs as to redemption.

Here perhaps our failure is the greatest. The percentage of inmates in all institutions who cannot read or write is staggering. Another, and largely overlapping category, is made up of those who have no marketable skills on which to base even a minimally successful life.

The figures on literacy alone are enough to make one wish that every sentence imposed could include a provision that would grant release when the prisoner had learned to read and write, to do simple arithmetic, and then to develop some basic skill that is salable in the market place of the outside world to which he must some day return and in which he must compete. Since the best of human beings need motivation and hope, why have we thought prisoners can do without both? We should develop sentencing techniques to impose a sentence so that an inmate can literally "learn his way" out of prison as we now try to let him earn his way out with "good behavior."

We know that day today the programs of education range from nonexistent to inadequate, with all too few exceptions. However we do it, the illiterate and the unskilled who are sentenced for substantial terms must be given the opportunity, the means and the motivation to learn his way to freedom.

Meanwhile, we should make certain that every inmate works and works hard. With countless thousands of law-abiding citizens "moonlighting" on second jobs to make both ends meet, there is no reason why every healthy prison inmate should not be required to work to earn at least a part of his "keep." Moreover, every consideration of rehabilitation demands that inmates be kept busy with productive work, with learning and self-improvement. With this must come an expansion of psychological and religious counseling to instill motivation and maintain hope.

VI. COMMUNICATION

We know that one of the deepest hungers of the human being is communication with others on his hopes, his fears, his problems. Inside the walls of a prison this basic need of Man does not vanish and indeed we know it is greater than ever. A means of regular communication should be established between inmates and those who run the institution. We cannot turn the management of a prison over to the inmates, but society, as represented by the "keepers," can listen to what the inmates have to say.

To the extent it is feasible and consistent with orderly administration, therefore, the inmates need to have a chance to regulate some limited part of their lives, however small, by the processes of deliberation and choice. If we tie a person in a chair for a long time, we can hardly be surprised if he can't walk when we let him loose. Within limiting regulations necessary for basic order, inmates should be allowed to think and walk and talk as we will demand that they do when they are released. What can be wrong with allowing prisoners to practice, on a small scale, the very things we will insist they do when they are again free?

VII. SPEED IN ADMINISTRATION—JUSTICE

Finally, a few words need be said about the functioning of the courts in relation to the correctional system. Time does not permit discussion of standards for sentencing and related matters that you are dealing with in "work shops" and seminars, but I am confident we would all agree the judicial system has a responsibility to see to it that every criminal charge is tried as promptly as possible and that the appeal is swiftly heard and decided. In some places the time lag between arrest and trial is hardly less than a public disgrace. Some of this is due to the maneuvering of lawyers who misconceive their function and seek to postpone the trial date as long as possible; some is due to overworked defender legal aid staffs, overworked prosecution staffs, and overloaded courts—and some to poor management of the courts.

Whatever the cause, the impact of the delay in disposing of criminal cases covers a range of consequences:

(a) For any person, guilty or innocent, a long pretrial confinement is a corrosive experience; it is an enforced idleness in an environment often worse than the poorest correctional institution.

(b) Prolonged confinement after sentence and before commitment to a conventional corrections institution is likely to erode whatever may be the prospects of making a useful and law-abiding citizen out of the convicted person.

(c) We have all seen examples of defendants who have exploited procedural devices to postpone the final verdict of guilt for years with the result that their warfare with society has embedded and intensified their hostilities and rendered prospects for future improvement virtually zero.

(d) Delay in final disposition also exposes the public to added dangers when the accused is in fact an incorrigible criminal whose release on bail is exploited to commit new crimes. Sometimes this rests on a belief, widely shared by sophisticated criminals, that when finally brought to justice he will receive concurrent sentences for multiple crimes. The measure of these risks can be found in the increasing percentage of recidivists on the criminal dockets of every court in the country.

We in the legal profession and the judiciary have an obligation to put our own house in order, and to this end the Judicial Conference of the United States in October approved programs to expedite trials and

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appeals in federal courts and to establish means of identifying the cases in which there is a likelihood that delays will occur. Other programs have been instituted and yet others are to come, all directed to insure the speedy justice to which every accused is entitled and which the society has a right to demand for the protection of all its members.

The statistics of the federal courts are only a small fraction of the total picture and they show nearly 42,000 new criminal cases annually, an increase of 45% in 10 years.

VIII. PRISON VISITATION

Two and one-half years ago, in discussing corrections problems at the ABA meeting in Dallas, Texas, I urged that lawyers and judges—and indeed citizens generally—visit prisons and form their own judgments. The Young Lawyers' Section of the ABA took on the burden of promoting a Prison Visitation Program. I am not currently informed on all the details but I do know that in some states a very large number of such visits have been organized and that more and more judges and lawyers are finding out about prisons. Few things would help more than having the public fully informed on the problems of prisons and the burdens of those who administer them. Most administrators know a great deal of what ought to be done and none of my cursory observations at this Conference present anything new to you. What is desperately needed is that you have the resources and the authority that only public support and legislative action can provide. The people of this country can bring that about if they will see first hand how their institutions are being run and what support they receive. We know that not all offenders can be salvaged, as we know that not all lives can be saved from disease, but like the physician, we must try.

It is most fortunate that one of the great organizations in the country saw, two years ago, that a national effort was called for to improve our correctional processes. The ABA created not one of the usual committees of lawyers, but a Commission that includes leaders of Labor, Industry, Judges, lawyers, penologists, and other specialists, including some of the most distinguished correctional administrators in the country, and a professional staff to carry on their work. All of the members of that Commission are invited members of this Conference and I know that Governor Richard J. Hughes, its Chairman, will cooperate in every way with you.

What I have been trying to express is my deep conviction that when society places a person behind walls we assume a collective moral responsibility to try to change and help that person. The law will define legal duties but I confess I have more faith in what a moral commitment of the American people can accomplish than I have in what can be done by the compulsion of judicial decrees.

The great tradition of America comes to us from the people who came here and by work, faith and moral fortitude turned a wilderness into a nation. Most of them were the poor and the oppressed of Europe. All of them wanted something better than the life they had abandoned.

Part of the American tradition has been to give of our bountiful treasure to others to restore them from the ravages of wars and natural disasters. We have not always shared our resources wisely but we have shared them generously.

Now we must try to give leadership and guidance to see that this generous spirit and this American tradition are applied to one of the large unsolved problems of Mankind and surely one of the unsolved problems of our society.

You accept this as your obligation by being here and I accept it as part of mine. Together we must let the people and the lawmakers know what need to be done.

HILLSDALE COLLEGE: ACADEMIC AND ATHLETIC EXCELLENCE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. CRANE. Mr. Speaker, we are entering that time of the year when many of our colleagues undoubtedly will use this forum as a means of extolling the virtues of their favorite college football teams.

To be certain, this has been an exciting football season and alumnae of the Universities of Nebraska, Alabama, Oklahoma, and Michigan have much to be proud of as their schools prepare for bowl games.

But there also is much for the Nation's smaller colleges to be proud of, too, and as an alumnus of Hillsdale College in Hillsdale, Mich., I am particularly pleased that my alma mater has recently received national publicity for its football performance as well as for its dedication to educational excellence.

A recent article in Sports Illustrated about Chester Marcol, a Hillsdale football player who has attracted considerable attention as a placekicker, made reference to the school's philosophy.

Dr. Louis Pitchford, assistant to the president of Hillsdale, said:

We try to maintain values of human dignity and a belief in a powerful God, which in turn brings out the individual and his potential.

I would like to share this fine article with my colleagues, and include it at this point:

CZESLAW MARCOL IS NO POLISH JOKE

It was as bad a day as Chester Marcol is likely to have. He missed a field-goal attempt of 38 yards, one of his punts was blocked and his team, Hillsdale College of Michigan, suffered its most depressing loss of the season, 43–10 to Indiana University of Pennsylvania. The fact that Marcol saved one touchdown by making an open-field tackle on a punt return, completed two passes from kick formation, averaged 44 yards on the seven punts that were not blocked and, before the game, warmed up with several 60-yard field goals—all that was of little consolation. Chester Marcol does these things frequently.

In case you are wondering what kind of kicker performs this way on a bad day, understand that Chester Marcol is hardly ordinary. He holds the modern collegiate records for longest field goal (62 yards) and most consecutive extra points (104) and has averaged better than 40 yards a punt in his career. In case you are wondering why you have never heard of Chester Marcol, keep wondering. As the prison boss said in *Cool Hand Luke*, "What we've got here is a failure to communicate."

"It's hard to phone someone and tell him about Hillsdale College," says Mike Mills, a senior who performs a full-time sports information director's chores in addition to completing 17 hours of studies. "They just think it's another small college, but when a man is kicking, he should be judged on an equal basis with someone from the Big Ten or Southeastern Conference."

Evidently, though, some people think it is easier to kick a 60-yard field goal for a small college than for a major university. True, Hillsdale, a school of about 1,100 students some 80 miles southwest of Detroit, became a camping ground for writers and photographers the week after Marcol's 62-yarder in 1969, but publicity subsided quickly. People forgot quickly, too. When Bill McClard of Arkansas kicked a 60-yarder last year, the feat was at first reported as a modern record. When the mistake was noticed, the guilty ones often replied, "Oh, we meant NCAA record. Hillsdale is an NAIA school, and they don't count."

Oddly enough, the two people who should most resent Marcol's anonymity—Marcol and his coach, Frank (Muddy) Waters—are on the whole unperturbed. "I got enough publicity when I set the record," Marcol says. Adds Waters: "For us, being a small school like we are, we don't command the attention. We're happy to get any publicity at all. In this area alone, we're competing with Michigan and Eastern Michigan—both ranked teams."

Marcol and Waters speak with some prescience. At least half a dozen NFL teams have serious enough kicking problems to be on the lookout for top college prospects, and Marcol is likely to be the least-known first-round pick. Well, least known to the public. Gil Brandt, the superscout of the Dallas Cowboys, has a voluminous file on him, and Cleveland scout Lou Groza, who kicked more points than anyone in pro history, has said, "Marcol is the best kicker I've seen so far this year."

His punts, which are high enough to allow for good coverage, are just what the pros want. That his dual kicking talents will save pro teams one specialist enhances his attractiveness, of course. Only one pro—Dennis Partee (San Diego)—is both punter and placekicker.

In his better-known capacity, placekicking, Marcol is already ahead of most pros. This season only four NFL regulars have missed fewer field goal attempts from inside the 40. Marcol is 2 for 3 from 40 to 49 yards and only some close calls from 50 and more, abetted by stiff winds and rain, have prevented him from joining the six pros who have hit from long range. Marcol attempted a 77-yarder on the last play of one game. It was five yards short and, as the students say, right on. Marcol has kicked eight field goals of 50 yards or more at Hillsdale. He was the first player indicates people other than pro scouts are indicates people other than pro scouts are getting the message, too.

Ever since he was Czeslaw Marcol, stopping soccer balls as the goalie for his town team in Opole, Poland back in the early 1960s, Marcol has been delivering the message in one language or another. He was such a good soccer player than when his mother decided to move the family in with relatives in Imlay City, Mich. upon the death of Chester's father in 1964, the town of Opole reputedly offered to buy Chester a house to keep him in Poland.

His introduction to America was relatively free of the usual cultural hazards. A girl cousin helped him through his early days at Imlay City High and a friendly teacher tutored him overtime in English. His soccer-style kicking talents were discovered in a gym class by a teacher named John Rowan, and it was just another step to the football field. While Imlay City people are vague about the length of his field goals—estimates of his longest range from 46 to 55—he was so accurate from short range that the only two extra points he missed as a senior were blocked.

Marcol was refused admission at Michigan State because he supposedly could not pass the English requirement. "I don't think so," he says. "They say I couldn't pass the English entrance exam, but they never gave it to me. I could have entered that school as a foreign student with no problem because they offer many more languages. I could have taken Polish and Russian, which I speak."

MSU never bothered to exercise that option, but John Rowan, a Hillsdale graduate, did. He introduced Marcol to Waters and Marcol was enrolled at Hillsdale as a foreign student taking English as a foreign language. He has since been naturalized. It hardly seems too much to suggest that if Chester Marcol had been able to speak English, he might even now be kicking his long field goals on national television.

As an NAIA kicker, he is unrecognized and a bit bitter about the short shrift all kickers, especially foreign-born ones, get. A remark by Alex Karras, the former Detroit Lion defensive tackle, especially irritates him. Karras said, "I think those foreign soccer kickers should have their visas taken away from them and be returned to wherever they come from. The game is predicated arcund the touchdown, that's the way I feel about it."

Marcol, who is 6' 1" and weighs 190 pounds, is a convincing rebuttal in action. He fields errant snaps from center like the goalie he was, made six solo tackles this year and threw a 38-yard scoring pass when a field-goal snap flew over his head. Indeed, Marcol, who was a defensive halfback and split end in high school, is most likely to jeopardize his pro chances through his outspoken love of contact.

Hillsdale College is about as well known to the public as Marcol, and with as little reason. The school has been best publicized for a UFO sighting there and for its academic dean, E. Harold Munn, the Prohibition Party candidate for President. Founded in 1844 by Free Will Baptists (it is nonsectarian now), Hillsdale graduated a first class of five that included a woman and a black man named Fisk who founded a school by the same name in Nashville. Hillsdale's major is business administration and the fraternities claim about 45% of the students. The energetic new president, 36-year-old Dr. George C. Roche III, is a widely published economist-historian and friend of William F. Buckley Jr. The school is immensely proud of the fact that it has never accepted state or government aid. It is a quiet campus amid small hills in country more New England than Midwest in character and the most riotous sound emanating of a fall night is the military cadence of fraternity pledges reciting their chants.

Yet Hillsdale is less conservative than liberal, liberal in the classical mold of an institution that values individualism above all else. The school's motto is "Preparation for Leadership." Business leaders conduct seminars at the Dow Leadership Conference Center, and students are invited to watch through one-way mirrors. There are student-faculty committees and a student is expected ultimately to join the board of trustees. "We try to maintain values of human dignity and a belief in a powerful God, which in turn brings out the individual and his potential," says the president's assistant, Dr. Louis Pitchford, a big, friendly man with a remarkable resemblance to Senator Muskie.

Blending in very nicely with the school is the athletic department, which is run by the benevolent presence of Muddy Waters, who looks like a beardless Santa Claus with his white hair, ruddy face and laugh wrinkles around the eyes. There are only 48 tuition grants and no full rides for any sport. Most scholarship athletes come from out of state and work at part-time jobs to remain at Hillsdale. "I don't want an athletic dorm," says Waters. "I wouldn't take one if you gave it to me. I want our athletes to have the full college experience."

Marcol was at first very lost at Hillsdale. "My first kickoff went 20 yards," he says. "I began to ask myself, 'What am I doing here?'" (Interjects Waters, "So did I.") Marcol is now happy about his college experience, speaking English quite fluently—only an occasionally missing article gives his origins away—with the usual quota of "Oh, wow" and "man" in his vocabulary. He is a fraternity member, is pinned to a girl and lives in a typical off-campus bachelor pad with Saad Jallad, an Arab from Jerusalem who is Marcol's understudy on the team.

Last spring Marcol saved up his money to vacation in Florida. At the end of a week Waters, who also was in Florida at the time, asked him how he was doing "Coach," Marcol said, "I'm spending money like mad. I came here with $17 and now I've got $6." Waters is anxious that Marcol isn't conned financially by the pros and a well-versed economist has been chosen to advise him at contract time. "Of course," says Waters, "we don't want to ask for too much. We just want Chester to earn a good salary."

You might say he already has earned it, Muddy.

THE EGG INDUSTRY

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. DOW. Mr. Speaker, I know that many colleagues have been very interested in the bill I introduced on November 19, H.R. 11913, which is designed to assist the egg industry. I am inserting my view of the need for this important legislation and a summary of the bill so that the bill and its purposes are more easily understood.

Farm prices for eggs have been below the cost of production since 1970. This is an abnormal situation for the egg industry, and if it is allowed to continue, many of our commercial egg producers may be forced out of business.

The egg industry has had some hard times due to the control of Marek's disease, a disease of chickens, which caused 10 to 40 percent mortality in flocks prior to the discovery of a vaccine. Egg producers expanded their facilities over the years to compensate for losses caused by this disease, and now that it is under control there are simply too many eggs on the market to provide a good living from egg producing.

The egg industry, under the terms of the bill, can adjust its egg laying flocks equally and equitably among all egg producers.

My bill would provide for the registration of all commercial egg producers through county ASCS offices already established by USDA. It provides for an egg industry advisory board which would advise the Secretary of Agriculture when there was a need for adjusting the number of egg-laying fowl, and the Secretary could enforce a mandatory reduction in fowl among all commercial egg producers having over 10,000 laying fowl. Enforcement would be through county ASCS offices.

There are no bases, quotas, or farm histories required by this plan, and it only affects commercial egg producers. An adjustment program could only be put into effect after farm prices had been consistently below cost of production and only then after the egg board recommended the program. The program would cease after a specified period of time.

This emergency legislation is designed to last 2 years. It should require little or no appropriations since USDA already has the mechanism for carrying out the intent of the bill. There will be no restraint upon any person who wishes to enter or leave the business, and no adjustment program would be designed to bring about unreasonable prices to egg producers.

In capsule, this bill gives the Secretary authority to enforce a percentage adjustment in all commercial egg producing flocks upon need and request of the egg industry. Such slaughtered fowl would move into regular channels of commerce.

It should be noted that egg industry organizations have attempted, in the past, to recommend voluntary adjustment programs for the egg industry to follow. Producers have been reluctant to follow these voluntary programs for fear that any adjustment one might make would be canceled by another producer adding to his flock. Producers favor an adjustment program where each is assured the other is having to adjust accordingly.

The following organizations have already indicated their support for the bill:

Georgia Egg Association.
Georgia Egg Commission.
Georgia Poultry Federation.
Illinois Poultry Council.
Illinois Poultry and Hatchery Federation.
Midwest Egg Producers Cooperative Association.
Missouri Egg Industries Association.
Missouri Egg Merchandising Council.
National Egg Company.
New Jersey State Poultry Association.
North Carolina Egg Marketing Association.
Northeast Egg Producers Cooperative Association.
Northeastern Poultry Producers Council.
Northwest Egg Producers Cooperative Association.
Pacific Egg and Poultry Association.
Pacific Growers, Inc.
Pennsylvania Poultry Federation.
South Carolina Poultry Improvement Association.
SPICE (New York State Organization).
Southwestern Egg Producers.
United Egg Producers.
Vermont Poultry Association.
Virginia Poultry Products Commission.
Western Egg Company.

HEALTH CARE INSURANCE ACT OF 1971

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, the Committee on Ways and Means has heard many hours of testimony in support of various national health insurance plans, and it will be some time before the hearings are printed and available to all our colleagues for study. As a principal sponsor of the bill entitled "Health Care Insurance Act of 1971," I am anxious that those concerned in this vital area have benefit of information concerning the bill I have sponsored with adequate time to study its provisions

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and what I believe would be advantages in enacting this measure.

I insert the full text of the testimony of Dr. Max H. Parrott, and Dr. Russell B. Roth, jointly representing the American Medical Association, in behalf of the Health Care Insurance Act of 1971, commonly referred to as the medicredit bill:

STATEMENT OF THE AMERICAN MEDICAL ASSOCIATION BEFORE THE COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, IN SUPPORT OF HEALTH CARE INSURANCE ACT OF 1971

(By Max H. Parrott, M.D. and Russell B. Roth, M.D.)

Mr. Chairman and Members of the Committee: My name is Max H. Parrott. I am a practicing physician in Portland, Oregon and I am Chairman of the Board of Trustees of the American Medical Association. With me is Dr. Russell B. Roth of Erie, Pennsylvania, the Speaker of the House of Delegates of the AMA, and Harry N. Peterson, Director of the AMA's Legislative Department.

We are pleased to appear today to testify in support of the Health Care Insurance Act of 1971, which has been sponsored by Mr. Fulton and Mr. Broyhill. We are indeed grateful for this sponsorship as well as that of 158 other members of Congress, including additional members of this Committee. We believe that this legislation, commonly referred to as the Medicredit bill, reflects a sincere desire to meet a pressing social need in a responsible and workable way.

Doctor Roth will discuss Medicredit more fully in his testimony. I would like to speak broadly and provide a realistic background against which you can weigh the merits of the many proposals for national health insurance that have been put before this Committee.

HEALTH VERSUS MEDICINE: A DISTINCTION

It would be instructive, first, to identify and isolate some of the problems we are attempting to solve. We should keep in mind that medicine is relatively powerless before many of the major health concerns that trouble us all. This is not to say nothing can be done. But I do wish to emphasize—briefly—that approaches *other* than purely medical approaches can be more effective in raising the level of health in this country than staggering sums of money concentrated on the improvement of medical care. A distinction should be made between health objectives, which depend on preventive efforts, education, public health policy and research, and medical care, which is concerned with a physician's efforts to cure someone who is sick.

Let me give you some examples to highlight this distinction, to illustrate how some problems can be attacked through health care measures rather than medical care. Accident in our homes, in our factories and on our highways take more than 100,000 lives a year and send 8 million people annually to a hospital or a doctor's office. Bear in mind this is the most highly industrialized country in the world. It is the most highly mobile country there is. And it may well be the most violent. Such factors not only affect our health statistics. They also place a great strain on our medical system and add tremendously to our medical costs.

The choice of lifestyle also plays an important role in our health statistics. The sum of many millions of individual decisions as to health habits and risks have a profound effect on our overall health standards. To give you just one example of the way lifestyle rather than medical care can affect things, you might consider what's happened to our V.D. rate. We know how to prevent venereal diseases, diagnose them, treat them and cure them. Fifteen years ago we almost had them on the way out. But a changed lifestyle in a new generation has driven our V.D. rates to the highest level since World War II. V.D. is pandemic in this country, despite proven cures and simple preventives. It is pandemic—not because of any failing of medicine—but because of a change in lifestyle.

Medicine can ease these problems, and medicine is properly concerned with them. But the point is this: no matter how drastic a change is made in our medical care system, no matter how massive a program of national health insurance is undertaken, no matter what sort of system evolves, many of the really significant, underlying causes of ill health will remain largely unaffected. They will respond to public education and to research as much as they will to any sort of medical care program, no matter how well-intentioned or how generously financed. To tell the American people anything else is to mislead them.

Before turning to my next point, I should say a word about our organization's membership. It is said that the number of our dues-paying members is only about half the number of physicians in the country. The truth is that not all physicians are eligible for membership in the AMA. Nor are all our members charged dues. But of the active, private practice, office-based physicians in this country—the men or women you usually see when you want to see a doctor—82% belong to the AMA. I might add further that informal polls of doctors taken by two publications, the independent *Medical Opinion* and *Medical Economics*, indicate support for the legislative point of view we are advocating here today by substantial majorities.

ACCESS, COST, QUALITY

Success in reforming, modifying or improving any system of medical care depends basically on balancing three strong and competing dynamics. One of these is the desire to provide universal access to medical care, to make medical care available to all. The second dynamic is the desire to control cost. For many reasons, among them new capabilities for treatment, costs of medical care have risen sharply, as we are all well aware. The third dynamic is the desire for high quality of care. High quality demands a high professional standard for both the physician and the health care team—and the technology available to them.

Now when you devise a system of medical care and emphasize any two of these three dynamics, the two often tend to work against the third. For example, a system which combines universality of access with very tight cost controls can easily affect the quality of care. This combination reduces quality of care mainly because it causes a shift in medical priorities; it diverts a finite number of medical man-hours away from the sick to the well or worried-well. This created quite a problem for the Kaiser-Permanente plan, and I would like to read you something on the subject written by Dr. Sidney Garfield, one of Kaiser-Permanente's founders.

"Elimination of the fee has always been a must in our thinking, since it is a barrier to early entry into sick care. Early entry is essential for early treatment and for preventing serious illness and complications. Only after years of costly experience did we discover that the elimination of the fee is practically as much of a barrier to early sick care as the fee itself. The reason is that when we removed the fee, we removed the regulator of flow into the system and put nothing in its place. The result is an uncontrolled flood of well, worried-well, early-sick, and sick people into our point of entry—the doctor's appointment—on a first-come first-serve basis that has little relation to priority of need. The impact of this demand overloads the system, and, since the well and worried-well people are a considerable proportion of our entry mix, the usurping of available doctor's time by the healthy people actually interferes with the care of the sick."

Moving on to another combination of dynamics, let's see what happens when you link the quest for easy and universal access with a desire to maintain quality of care. That combination of factors works against cost. This has happened in at least two instances I can think of. During the years 1950 to 1966 Sweden, under its system of government control and financing, increased health expenditures by 614% while ours were rising 174%. I would also call your attention to the rise in hospital expenditures in Canada under a compulsory hospital insurance program. Between 1950 and 1967 per diem hospital expenditures rose 213% in Canada compared to the rise here of 148%.

Both experiences strongly suggest that when you link a desire for universal access with a desire for at least good medicine the combination works against costs—even within the framework of tight, government controls. Containment of costs does *not* automatically result from government controls. To argue so is simplistic.

Finally, if you link high quality with vigorous efforts to control costs, then there has to be pressure on access. This may explain what has happened to Medicaid in many states as deductibles have been put in effect or as the income levels for those eligible have been raised.

The search for a perfect health care system, an ideal harnessing of the three dynamics, a magic troika, if you will, is not impossible. But a system that encompasses universal access, low cost and high quality *is* difficult. No one that I am aware of has melded all three dynamics harmoniously and applied them successfully to a broad, across-the-board population base to the satisfaction of all—consumers, doctors and cost accountants. It is for this reason, I think, that we have evolved a pluralistic system of medicine in this country, and I feel we should continue this pluralism—this diverse approach—until there is clear evidence that something else will work better.

MEDICREDIT

This philosophy underlies our own Medicredit proposal for national health insurance—H.R. 4960. Medicredit replaces most of Medicaid, virtually removing the economic barriers between the poor and good medical care. It provides incentives for everyone to seek health insurance and provides generous benefits to middle income families. And it protects everyone against catastrophic costs. No family should have to suffer a financial disaster because of an accident or illness.

Most important, Medicredit preserves the flexibility of our medical system, the freedom so necessary to innovation, to evolution, to experimentation. It avoids the mistake inherent in proposals such as H.R. 22, which would lock medicine into a rigid, monolithic, no-choice, bureaucratic system before there is any real evidence that it would make things better.

Medicredit, while expensive, would be affordable. The federal cost would be some $14 billion a year, far less than H.R. 22, which under the guise of "free" medicine, would cost at least $60 billion a year. H.R. 22 would tax the average American family $1,271 a year according to one HEW estimate.

A vast, monolithic, Federalized health care system such as envisioned in H.R. 22 could easily warp our social priorities, take funds away from programs for housing, education and welfare, establish a new bureaucracy, and create new—and highly unpredictable—costs. It would be a creation almost impossible to change, a decision almost impossible to reverse, an undertaking full of early promise but empty of lasting benefit.

THE PLURALISTIC APPROACH

What has evolved in this country is a pluralistic system of medicine, just as we have a pluralistic educational system, a pluralistic agricultural system and a pluralistic economic system. And it is no wonder, for our country is unique. It is continental in size, varied as to climate and heterogeneous in background, with a population partly indigenous but drawn also from Europe, Latin America, Africa and Asia. We have population areas of high density and we have counties where the population density is less than one person per square mile. Medicine has to meet diverse needs in diverse ways, for what works in rural Alabama may not work in eastern Oregon, and what is efficient in urban Newark may not be efficient in Los Angeles.

Those who criticize our system of medicine imply that it is static and must be replaced. Let me call your attention to some of the salient accomplishments of our pluralistic medical system, accomplishments that are often obscured in the radical chic, by a disaster lobby which stridently proclaims the need for revolutionary change.

Probably our highest achievement is in the quality of medical care in this country. The world standard of medicine is here. American medical schools produce men and women with the best medical education there is. Our technology is unsurpassed. The ranks of allied medical manpower continue to grow in terms of both size and sophisticated training.

STRENGTHS, ACHIEVEMENTS, AND PROGRESS

Success, may I remind you, can never be complete in medicine, for we are all mortal. But we have made dramatic strides in increasing the number of years of useful life. Let me mention a few. Intensive care facilities and new surgical techniques prolong the lives of heart disease victims. We have in this country developed the most sophisticated cancer detection procedures that exist and we have led the advance in using high energy physics for the treatment of cancer. In dealing with accidents, we do better than anyone in repairing the human damage—in mending the wounds. In physiotherapy, plastic surgery, skin grafting. The new knowledge about the physiology of the kidney and the management of kidney failure have come from American medicine and research. New techniques of anesthesiology have increased the safety factor in all types of surgery. Amniocentesis—diagnosing genetic defects of babies still in the womb—is a product of American medicine. Vaccines that have virtually eliminated polio, and new therapeutics, especially the steroids, like cortisone, have emerged in the context of our pluralistic approach to medicine.

Maybe I should say a word about infant mortality since that is frequently—though incorrectly—offered as an index of how efficiently a nation's health system functions.

First of all, it is idle to argue whether it is the quality of medical care or the quality of a child's environment that is the more important factor in infant mortality. These cannot really be separated. No matter how good the medical care system is, mortality rates cannot be lowered below a certain point unless improvements are made in the social environment.

Nonetheless, you might consider the U.S. record in infant mortality.

In 1940 there were 47 infant deaths per thousand live births; in 1950, 29.2; in 1960, 26; and in June, 1971, 19.2.

That is better than a 25% drop just in the last decade.

We might look briefly at longevity, too. In 1940 the life expectancy of a child born in the United States was 62.9 years; in 1950 it was 68.2; in 1960 it was 69.7; and today it is 70.8 years.

Such figures argue—and argue cogently—that American medicine—our pluralistic, evolving, pragmatic system—is changing things for the better, that we *are* making progress. We are making dramatic progress in many areas, and Americans born today, both black and white, are not just living longer than their parents, but growing bigger and living longer than their older brothers and sisters.

EDUCATION AND COSTS

Change and progress can be observed in other areas, too, areas that relate more directly to the problems that are of immediate concern to this committee.

Not too long ago a medical education fell into rather neat compartments—four years of undergraduate work leading up to a Bachelor's degree, four years of medical school leading to an M.D., then a year as an intern followed by 3 to as many as 7 years in residency training.

The once visible dividing lines are blurred today. Some students now complete in college the basic science training once given in medical school. Others now enter what used to be part of the internship while still in medical school. What is taking place is an almost revolutionary telescoping of the traditional medical education. And the result, under many programs, is a physician equally or better trained than his predecessors but with a year or two years or sometimes three shaved off the time it takes to become one.

Simultaneously, there has been a sharp growth both in the size and number of medical schools. In 1967 there were 89 medical schools in the U.S. with a first year enrollment of about 9,000 students. This fall there were 108 schools—20% more—with a first year enrollment of 12,000. By 1975 with 10 or more new schools opening their doors—five of them next fall—enrollment should come to 15,000. That's probably a conservative estimate.

Now and in recent years we have been sharply increasing our physician population, adding some 8,000 doctors a year net, constantly increasing the ratio of physicians. The physician population of this country is growing at a rate more than double the general population rate.

As you know, special health manpower legislation, already passed by the House and Senate, will provide even greater impetus to medical education. The conference report resolving the differences between the House and Senate action has already been approved by the Senate. This legislation will provide greatly expanded training capability for physicians and other health personnel. It will carry greater funds for operation of medical schools, special assistance for schools in distress, and start-up funds for new schools. This legislation provides incentives for schools to shorten their curricula, thus enabling physicians to be trained in shorter time. It provides increased financial assistance to students through larger support for scholarships and loans, and it carries financial incentives to encourage students to be recruited from shortage areas and, upon completion of their training, to practice in shortage areas. It provides special assistance for the training of family physicians, for the training of physician's assistants, and for a variety of innovative training and health delivery projects.

I think it should be part of the record that the AMA has vigorously supported this legislative response to the manpower problem. As your colleagues will tell you, we have raised a strong voice in urging the passage of this legislation.

Next to questions about the number of doctors, the issue uppermost in the public mind is probably the matter of cost. Here again I think you should be aware of some things the profession itself is doing in response to the need for better controls. Again, I want to call your attention to some initiatives that have been undertaken already, some of the ways in which our pluralistic system is responding to a challenge.

PEER REVIEW

The broad principle involved is peer review—practicing physicians evaluating the quality and efficiency of services rendered by other physicians. Peer review is the means by which doctors themselves can question the necessity, quality and cost of a medical procedure. Peer review works in many ways and has for some time.

I want to draw your attention to a somewhat new and rapidly spreading application of peer review. This is the medical society foundation, which offers highly visible means of controlling costs. Foundations can and are screening hospital admissions. Other procedures work to reduce the number of days a patient stays in a hospital. Some foundations screen claims for commercial insurance programs, and when claims go beyond predetermined norms, the computers reject them. These claims then become the subject of peer review. Here physicians can examine all the circumstances and make the determinations that, in the long run, only physicians are qualified to make.

Medical society foundations are not all alike. They serve different communities in different ways, and there is no standard model of a foundation which can be applied universally. Yet they have proven effective in many localities. Foundations may not be *the* total answer to cost control. But they represent *an* answer. They give further evidence that our pluralistic system is responding to changed conditions, to new needs—in this case, the need to control rising costs.

To sum up now, I do not want to suggest to this committee that our present system of health care is perfect. It is not. It needs modifications and change. And it will serve people better with the kind of government supported health insurance we propose in our Medicredit bill.

On balance, we have a medical system with impressive accomplishments, a system that is flexible and innovative, a system responsive to the need for change and improvement. In whatever action this committee chooses to make, the American Medical Association strongly urges that you build on the very real strengths that now exist.

Mr. Chairman, this completes my testimony. I would now like to call on Dr. Russell B. Roth, Speaker of our House of Delegates.

STATEMENT BY DR. RUSSELL B. ROTH

Mr. Chairman and Members of the Committee:

I should like first to discuss the point of view of the practicing physicians who will be taking care of people under any program for the provision of medical services which may be devised. I am such a physician, engaged in private group practice.

It is our deep conviction that there are limitations to the capacity of our profession, as it now exists, and as it may be augmented in the near future. Sound planning cannot be based on promises which cannot be kept. By the same token sound planning cannot be based on misconceptions as to the facts of medical practice, nor on medical mythology which has seemed to dominate important aspects of some of the proposals which are before you.

Criticism is frequently leveled in some quarters at the American system of medical care, and various proposals call for a radical departure. References are made to such matters as emphasis on health care rather than sickness care to new technologies that must be installed, and distribution of physicians into ghetto and rural areas.

PREVENTIVE MEDICINE

First I should like to comment on the notion that it is practical or possible to try to restructure the practice of medicine so that there will be emphasis on health care rather than sickness care, and that this may

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be accomplished by the application of economic leverages.

Preventive medicine is not a new concept. Most physicians are trained to diagnose disease and to treat it, and inevitably, as they deal with individual patients, they do practice and preach preventive medicine. No one, as yet, has pointed out what it could be that the dermatologist, allergist, urologist, neurosurgeon or orthopedist should do differently under a restructured system. An orthopedist can scarcely ignore his waiting room full of sprains, fractures and dislocations while he preaches accident prevention. The idea of the legendary Chinese physician who was paid to keep people well is charming, but irrelevant to the facts of life in an age when there are so many useful things to do for people.

Multiphasic health screening, as an adjunct of preventive medicine, is an exciting development in the application of new technologies to the health care field. Techniques of computerization of the recording of medical histories, the use of multichannel analyzers for rapid economical laboratory testing, and the newer developments in electrocardiographic interpretations, plus many other existing or potential additions to the list occupy a great deal of professional attention. The Kaiser program has been pioneering in this field, along with significant projects in industry, in private groups and in university centers. It impresses us that this new science will mature more rapidly in unrestricted development than under a system circumscribed by the allocation of restricted governmental funds.

It is undeniable that multiphasic health screening has as a long range goal early diagnosis and economies to be realized through the avoidance of the necessity for treating advanced and extended illness and disability. The short and intermediate terms, however, hold no promise of economy. Quite the reverse. The sophisticated equipment is expensive. New personnel must be trained and employed to operate it. The yield, if the approach is successful, is a significant influx of previously unsuspected disease to be treated as an addition to the burden of already recognized illness.

One should not confuse automated multiphasic screening—which promotes early diagnosis—with preventive medicine. It is true that the individual undergoing the screening process is often an ideal candidate for supplementary health education, and this too is being developed.

It seems certain, however, that all of this is a development which does not require national health insurance as an economic base. It will progress as a part of what has been called our Super-Industrial Revolution.

SHORTAGE AREA PROBLEM

A mythology has built up around the motivation of physicians and should be examined. The facts which require examination are that there has been a flight from practice in center city slum areas, from small rural communities, and in truth a flight from the general primary, family type practice which used to prevail. Quite contrary to most of the allegations, physicians who have been engaged in practice in the center city or the rural areas have left and continue to leave in spite of lucrative practices and good incomes. The usual switch is to a lower income level, in specialty training, research, teaching, occupational or administrative medicine, or simply to premature retirement. There have been many tries to offer economic inducements to physicians to reverse the flow—ranging from free rent, and subsidies of all sorts, to forgiveness of loans. None of these has worked very well. Trade offs against potential military service are now being tried. But too little attention has been paid to why doctors move out once they are there, or decline to go there in the first place. Dollars are not the explanation.

The center city has become a depressing, dangerous place to live. Few physicians with their wives and families are insensitive to the environmental disadvantages of the slum, the threats to safety of person and property, the problems of educating the children, school busing, drug culture, and the like.

Many rural areas likewise lack educational facilities, as well as the opportunities for cultural activities, professional associations, and modern social exchanges. In both settings the physician finds himself subject to unremitting patient demand from which he finds it difficult or impossible to escape. His life is not so much one of a 50, 60, or 70 hour work week as it is a 24 hour, seven day week of unrelieved duty status. He decides that there has to be a better deal.

No slogan, no change in the manner in which the doctor is paid, is doing to get at the root of the problem. It is better by far to experiment, innovate and adapt. Community health centers, satellite clinics, group practice arrangements, suited to the needs of the individual situation, the population involved, and the providers of service stand far more chance of success than does any centrally mandated program. In the rural areas maximal use must be made of improved transportation and modern communications. In both settings new kinds of allied health personnel will play valuable roles in solving the problems. It should be noted that medical schools and medical societies, in conjunction with hospitals, voluntary health agencies, and the many other cooperating organizations of the Regional Medical Programs are already involved deeply in pilot studies, demonstrations, and experimentation in these fields. New legislation would be far less appropriate than support of existing mechanisms. Nothing in any of the existing proposals for national health insurance seems more promising than pursuit of the widespread efforts already under way.

The essential ingredient in any plan for the provision of medical service is enthusiastic acceptance by physicians. This is a lesson which can be learned from looking abroad. Let me quote from David M. Cleary, the distinguished science writer for the Philadelphia Bulletin, who last year spent time in Europe studying a variety of national health insurance plans. "The most important part of any health care plan, say European planners, is the attitude of the medical profession toward it, since it will be the doctors who must make it work—or can cause it to fail. The biggest task before the United States in its development of national health insurance, the European authorities say unanimously, is to produce a package physicians will accept. Mere grudging acceptance isn't enough, they emphasize. The really good plan is one that the doctors will accept enthusiastically and work at diligently." Thus, in order to achieve maximum benefits for beneficiaries of any program it should be fashioned to assure fullest cooperation from all its providers.

COST CONSIDERATIONS

Then, of course, there is the thorny matter of the economics of medical care. This is a poorly understood field, and the new economists who have concentrated upon it freely caution against transferring standard economic dicta to the medical care marketplace. The role of the physician is quite unlike the role of almost any other professional when one fits him into the supply side of the usual economic equation, since he acts in a significant sense as the purchasing agent in behalf of his patient, exercising substantial control over the demand for the bulk of the goods and services of the health industry. In federal programs, as well as in certain private programs, there has been a focus upon physician fees with the imposition of freezes at specified payment levels, and an application of arbitrary percentiles on allowable fees. This has accomplished extraordinarily little except to annoy a multitude of physicians. Approximately 13¢ of the medical care dollar ends up as physician income. Even if payments to physicians could be decreased across the board by 5% the resultant reduction in medical service costs would be less than ⅒ths of one percent. Meanwhile little has been done to exercise controls on hospital costs, other institutional costs, and administration costs, and those are areas in which physician cooperation and understanding would be far more desirable than physician estrangement. Physician fees suddenly increased after the passage of Medicare. Interestingly enough figures from the U.S. Bureau of Labor Statistics showed an initial 8.3% increase in physicians' fees, which actually masked a 24% increase for the one doctor out of three who raised his fee, usually by about one dollar. In the first few years of Medicare, physicians' fees stood out beyond other components of the cost of living index, except, of course, for hospital charges. But now many other things have surpassed the ten year increase rate for physicians. The increase has been greater in the cost of papering a room, shingling a roof, hiring a laundress, or going to a movie to name a few. It is clearly untrue that physician fees are out of line with the rest of the economy.

There has been a spurious assertion that under a restructed system of medical care delivery it would somehow be possible to provide much more preventive and therapeutic care for a great many more people, to be provided by substantially increased numbers of well-paid physicians and allied health personnel, and to spend no more than is now being spent. This flies in the face of experience and common sense.

Next it is worth noting that some planners have identified the private insurance industry as being the root of the fiscal trouble in our health care system. We believe that the insurance industry is quite capable of defending itself on that score, but we confess concern over the thought that the employees of a private competitive industry are to be replaced by government employees in a vast new bureaucracy, of a size that we can only conjecture, with complicated new duties to negotiate in advance with all providers of services concerning budgets, salaries, charges and the like. Here we would not try to enunciate a principle but would simply recall an old maxim about frying pans and fires.

FOREIGN PROGRAMS

Next, I must comment on what I would call the "greener pastures" approach to medical care planning. Planners so afflicted look abroad to Sweden, Holland, Yugoslavia or Great Britain. It seems rare for anyone to compare or contrast our medical care with the foreign country that has size and population somewhat akin to ours, and in which all the proposals of our critics have been carried out. That is Russia, where there is a ratio of physicians to population which is roughly double ours; where the profit motive has been so completely removed from medical practice that an airline hostess makes more than a young practicing physician; where there is tax paid group ambulatory outpatient care as the general pattern, and where all the mass communications media—radio, television, Pravda, Izvestia and the rest, preach incessantly to the populace that they have the finest medical care in the world. Russia, however, is not generally picked for invidious comparison because in spite of all these things their infant mortality is worse than ours and their life expectancy no better. The "greener pasture" people concentrate on a statistic—usually infant mortality. It makes no difference that they are dealing with a small country of rather homogeneous racial characteristics, little poverty, and with abortion available on demand. It makes no difference that, in Sweden for instance, tuberculosis mortality may be worse than ours, as are deaths from ulcers or pneumonia. It makes no difference that the inflationary element of health care costs has far outpaced ours. Sweden is far away, and one may play delightful statistical games. There is much more to be learned from a study of our own statistics, derived from areas of good experience and bad experience in order to identify the factors which can be modified.

If one looks at statistics in respect to the producing of physicians in the Philippines one finds that some 53 percent of the total number of registered Filipino physicians are not practicing medicine at all but have dropped from the labor force or have switched to other lower level occupations for lack of securing satisfactory employment in the medical profession. Notwithstanding an abundance of physicians, one must also remember that the Philippines, in their outislands, have a severe lack of physicians.

To be practical one might propound a principle that medical service problems in the United States are peculiarly American, and it may be seriously misleading to seek our solutions abroad.

HMO

We have studied intently the concept embraced in the new slogan, Health Maintenance Organization. Since virtually all of the descriptions of what is meant by an HMO stress that it may range from a Kaiser-Permanente prototype, complete with its own professional staff, hospitals, and the like, through looser organizations such as HIP of Greater New York which subcontracts with outside institutions, and on to a basis of medical society, hospital staff, or even less formal confederations of providers, we can only say that we have always approved of innovation and experimentation. It should be noted that our financing proposal—The Medicredit Bill—includes the option of beneficiary enrollment in such prepaid plans if they meet the criteria of approval of State Insurance Commissions. In general, it has been inherent in the prepaid group practice approach that there be available to the potential enrollee a choice of coverages. We also favor this, and it implies that medical practice shall not be frozen into a single pattern, as has so often happened abroad. The loss of a competitive factor in our estimation would be bad. Results in terms of quality, efficiency, and economy could scarcely be assessed if there were no other patterns with which to make comparisons.

Our misgivings are based on the fact that no evidence exists to prove that this type of organization guarantees greater accessibility of care, or better use of scarce professional talents, or that there are adequate safeguards against under-utilization. Paramount importance must be attached to the competence and integrity of the administrators of such a program and the physicians working within it. Given this high level of competence and integrity there is nothing to suggest that other organizational forms do not function as efficiently and economically.

AUXILIARY PROGRAMS

The American Medical Association believes that it has a sound overall program for accelerated progress toward the achievement of the agreed upon goal—the day when artificial barriers shall no longer stand between people needing professional medical service and those competent to provide it.

Ours is a program with many elements, attacking many barriers.

In every instance it builds upon the solid achievements of the past. It does not promise what cannot reasonably be delivered.

It approaches our manpower problems by supporting legislation which would enable existing schools to survive and enlarge their enrollments, as well as favoring the development of new schools. And in respect to allied medical personnel it is working diligently to construct standards for educational requirements, certifications, and the like to avoid a deluge of inadequately trained paraprofessionals.

It approaches the education of the public through extensive use of the mass communications media, seeking to reduce accidents, improve the environment, and to warn against over-eating, over-smoking, over-drugging, over-drinking and under-exercising. Its programs on emergency medical services have been making and continue to make significant contributions.

It approaches continuing medical education through promotion of refresher courses and its multiplicity of top quality professional scientific publications, as well as its convention programs, seminars and the rest.

The AMA champions peer review as the only promising method for application of quality and cost controls and has held regional and national conferences on it, together with the publication of relevant literature. Constituent and component medical societies are working with enthusiasm in experimental innovative programs applying the principles of peer review. Pending before this Congress is H.R. 6684, Peer Review Organization Act. This bill, sponsored by the AMA, would provide a system of review of need, cost and quality of medical services provided in federal health programs. There are many other things that the AMA has been doing and continues to do while others debate and philosophize.

MEDICREDIT

At this point, I want to turn to the Medicredit Bill, which addresses itself to the important problem of financing health care.

Under its basic coverage, Medicredit offers comprehensive benefits in respect to hospital inpatient (with availability of extended care services) and outpatient services, as well as full physician services. It also offers catastrophic coverage, including full hospitalization and additional extended care, with a continuation of outpatient services and full physicians' services, designed to prevent those few but highly visible disaster cases in which massive medical care costs may exhaust the resources of even the well-to-do. It puts these benefits within the reach of all Americans under age 65 as a prepaid insurance package. The benefits are uniform for all citizens under the program. For those with little or no income, the cost would be borne by the federal government from general revenues. For those with a capacity to pay part of the costs, the program is realistically geared to encourage them to do so. The motivation for participation would, we believe, be especially strong because of our incorporation of tax credits. It would cover most services now authorized under Medicaid. The details, in respect to scope of benefits and range of financial eligibility for full or partial subsidy, are not inflexible. They may be scaled to the willingness of Congress to assume the financing responsibility for those with limited means. The important principles are that Medicredit builds upon the outstanding accomplishments of American medicine which has shown a capability of being the best in the world. It reaches gaps and inadequacies in a constructive way. And it can be put into operation now. It has no dependence on untried theory or dubious economics. It does not require an unreasonable expenditure of federal dollars, and it would not jeopardize the funding of other vitally necessary programs to improve the nation's health. It places emphasis on greater financial support for persons needing this assistance. It does not create an unreasonable, unrealistic and burdensome administrative bureaucracy.

With that general description, let me now describe more fully what Medicredit does:

It is a program to give every person in America under the age of 65 equal access to high quality medical and health care regardless of ability to pay.

Without disturbing the present Medicare program for the elderly, covering services now provided under Medicaid for the poor and near-poor, it makes available to everyone under 65 a private program of comprehensive medical and health care protection, covering both the ordinary and the catastrophic expenses of illness or accident.

The protection may be fn the form of a health insurance policy from a company; membership in a prepayment plan such as Blue Cross and Blue Shield; or membership in a prepaid group practice plan. Choice of the kind of protection desired is made by the family or individual; not by anyone else. All programs offered under Medicredit would be approved by the respective states to assure that benefits meets the national standards.

Payment for the private programs of health care protection would come wholly or partly from the federal government, depending on the financial condition of the family or individual.

For persons of low-income who are unable to buy protection for themselves and their dependents, the federal government will pay the total cost of the premium or membership. For persons whose income is higher, the federal contribution is reduced along a specified sliding scale; as income rises, the federal contribution diminishes. Every family, however, is eligible for at least a small amount of federal contribution to provide an incentive for them to protect themselves with an approved policy or plan.

The complete bill is available for your study, so I will provide only limited additional details. And we have also appended to this statement, for your convenience, a brochure containing a rather complete explanation of the proposal.

Each approved insurance program under Medicredit must provide payment of expenses for inpatient care in a hospital or extended care facility; outpatient and emergency care; and physicians' services wherever they are provided. In addition, there is a provision for catastrophic coverage which pays additional expenses beyond those in the basic coverage.

In each case under the basic coverage, the hospital services for which the program pays include all of the services customarily provided, including drugs, supplies, specialized rooms, all forms of care and all needed services.

Under the basic coverage part of the program, inpatient hospital or extended facility care covers 60 days, with two days in an ECF counting as only one day. For persons who need additional care as an inpatient, the catastrophic coverage portion of the program pays for unlimited hospital days and 30 extended care facility days. Medical services would of course continue under the broad basic coverage.

Catastrophic coverage also extends benefits of outpatient or emergency care to include blood and plasma, after the first three pints, as well as prosthetic aids ordered by a physician.

The federal government pays the premium for catastrophic coverage for everyone. The government pays for all or a part of basic coverage depending on the financial condition of the family or individual, measured by federal income tax liability. If a family owes no income tax, the government pays the entire premium. As a family's income tax liability rises, the government contribution reduces from 99 percent to 10 percent, remaining at 10 percent for everyone whose tax liability is $891 or more.

As the income tax liability rises in tendollar increments, the corresponding federal contribution toward basic coverage decreases by one percent.

Naturally enough, any broad-coverage

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insurance policy, prepayment plan or membership group offering as many benefits as those offered under Medicredit's approved programs must have financial safeguards built into it. The Medicredit deductible and co-insurance are small, compared with the benefits, but they serve very important purposes. Primarily, they keep the total cost of the program lower. And secondly, they discourage abuse or overutilization of the program, either by patients or physicians.

There are deductibles and co-insurance in both the basic and catastrophic coverage, but it is important to note that those incurred under basic coverage apply to the deductible corridor required under catastrophic coverage.

Under basic coverage, the patient pays $50 per stay in the hospital as an inpatient. Second, the patient pays a co-insurance of 20 percent of the first $500 of expenses for outpatient or emergency care; and 20 percent of the first $500 for physicians' services. The co-insurance limit applies to the family as a unit.

Persons who need the additional help of hospital or extended care facility catastrophic coverage are required to satisfy a deductible "corridor" of expenses after basic coverage runs out. The size of the corridor is based on the family's taxable income, being 10 percent of the first $4,000; plus 15 percent of the next $3,000; plus 20 percent of any additional taxable income.

CONCLUSION

The American Medical Association is a responsible organization of responsible professional people dedicating its energies to professional and public education, the upholding of standards of quality, and the advancement on all fronts of the art and science of medicine for the public good. Along with its constituent and component state and county medical societies it strives to enable physicians to discharge those broad societal obligations with which individuals are virtually powerless to cope. Since part of this responsibility lies in giving public expression to convictions as to what may be constructively achieved by legislation, what may be adversely affected by legislation, and what is not amenable to legislative remedy at all, it has of necessity entered into public debate and the giving of congressional testimony. It has welcomed these opportunities, and it is pleased that there has been widespread approval of its position. It is neither surprised nor dismayed by inevitable opposition from those whose views may differ and who find the AMA views either too liberal or too conservative. It is our hope that you will find our considerations helpful in your difficult task.

Mr. Chairman, both Doctor Parrott and I want to thank you on behalf of the AMA for this opportunity of expressing our views on the subject of national health insurance. Let me assure you and this Committee that the physicians of this country want only the highest quality of health care possible to be available to all our citizens, and we want promises to be capable of fulfillment. We urge your full consideration of the Medicredit bill before you, and we sincerely offer our assistance to you in your deliberations on the important subject matter before you.

THE PILGRIMS AS OUTCASTS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. DRINAN. Mr. Speaker, on Thanksgiving Day Mr. Thomas Boylston Adams, the president of the Massachusetts Historical Society, had a most perceptive, original, and striking article in The New York Times with regard to the contemporary meaning of the Pilgrims who first came to our shores.

I call this extraordinarily creative and thoughtful article to the attention of my colleagues:

THE PILGRIMS AS OUTCASTS

(By Thomas Boylston Adams)

BOSTON.—November is the pious month. In November, politicians, editorialists and sometimes historians spout platitudes as if Plymouth Rock were Old Faithful. It would be better this grim year to remember certain realities of the American experience that began with the Pilgrims.

Mylai is now a household word. It is not remembered that Mylai is in one of the worst and oldest American traditions. On a winter day in 1623 Myles Standish and a half-dozen men from the Plymouth Colony arrived in Quincy Bay, a part of Boston Harbor. Under pretense of trade they lured some of the local Indians into their stockade. Suddenly shutting the gates, they stabbed and murdered two chief warriors, hung another with rope and shot or hacked to death three more.

This is called "the Wessagusset Affair." No white man had been attacked by any Indian. The alleged reason for the massacre was a plot suspected against the settlement at Plymouth. It is a plot whose existence is substantiated only by the testimony of those who committed the murders. It was said to be a preventive action. As such it has been condoned by historians.

One notable protest was made, however, at the time. John Robinson, the Pilgrams' spiritual leader, wrote from Holland "concerning the killing of those poor Indians"—"where blood is once begun to be shed, it is seldom stanched off a long time after." And of their military men "there is cause to fear—there may be wanting that tenderness of the life of man (made after God's image) which is meet."

Robinson's warning has turned out to be unfortunately true. The record of Americans in dealing with weak groups of people of different race has been thoroughly savage. The Pilgrims got us off to a bad start.

This is much the worst, really the only serious crime that can be charged up against the Pilgrims. They were, compared to the later settlers of Boston Bay under Winthrop, decidedly tolerant, almost gentle. And there is another part of their story pertinent to our time. We are accustomed to celebrate their fortunate landing. Material success has always pleased Americans inordinately and a turkey dinner is one of its symbols. It is more appropriate this year to remember the flight of the Pilgrims from their homeland.

In many respects the Pilgrims resembled those we now call draft resisters. They found intolerable a society whose aims they totally deplored. In protest they risked life and property and took the chance of exile.

Tudor and Stuart England required complete compliance with the King's will. Dissent was a crime and the crime of advocating dissent in others was worse still.

The whole system seemed rotten to a gradually enlarging group of serious people. Those who felt deeply the guilt of association with the corruption of government fled to Holland. But their flight was little noticed by their contemporaries. To the authorities the chief interest of the refugees was the opportunity to confiscate their property. The populace called them "Brownists," a term of contempt like our word "hippie," and occasionally enjoyed watching the humiliation or execution of one of them.

Looking back into history we can see portents where contemporaries saw only subjects for ridicule or active dislike. For when conditions become sufficiently intolerable so that an appreciable number of people flee their country things may be getting serious. It is like the flight of geese southward. So it proved with the Pilgrims. Within their generation there was a complete overthrow of the regime that forced them out. The notion of divine right on which it was based was utterly discredited and the King was beheaded.

For intolerable governments have a tendency to destroy themselves while building up and enriching other nations. America has commonly been the beneficiary of such social profligacy. Those we call Pilgrims were but the first comers. The Reformation continued to send refugees for well over a hundred years, both Protestant and Catholic. And the repressions of liberty in nineteenth-century Europe kept up the flood, aided by economics and military conscription. The enrichment of our society by the flight from fascism is a major fact of our time.

Only black slaves found America intolerable in the nineteenth century. But the increasing flight of slaves from the South foreshadowed the Civil War. The flight of young men to escape the American draft may be a similar portent. It reveals a society ill at ease, a society that depends more than formerly on repression to hold itself together. There can be no Thanksgiving till the strange unnatural tide of young Americans away from their country is stopped. Till again America is a land that Pilgrims come to, not a land that they flee.

FUTURE U.S. POLICY FOR THE INDIAN OCEAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. HAMILTON. Mr. Speaker, the fall 1971 issue of the Johns Hopkins University S.A.I.S. Bulletin contains a useful and imaginative essay on what should be the future policy of the United States in the Indian Ocean area. In it, Prof. John Badgley argues persuasively for an international agreement to demilitarize this vast sea area and to promote the development of the Indian Ocean for economic and scientific purposes. I recommend his remarks to my colleagues.

AN AMERICAN POLICY TO ACCOMMODATE ASIAN INTERESTS IN THE INDIAN OCEAN

(By John Bsdgley)

(NOTE.—Dr. Badgley, Associate Professor of Asian Studies and Political Science, is presently Director of the SAIS Asian Studies Program.)

This essay deals with the interests of major Asian powers, as well as the principal concerns of lesser powers influenced by developments in the Indian Ocean. Such considerations should remind U.S. policymakers of Asian regional interests at a time when they weigh world issues primarily for their significance in Sino-Soviet-American relations. Granting the primal importance of advancing a detente between these three great powers, the effort should not be at the expense of other Asian countries, for to ignore their interests only invites their enmity, and eventually will lead to unnecessary conflict.

Although most of these remarks are directed toward the Indian Ocean concerns of Asian states, a basic assumption should be stated at the outset. This assumption is that the Soviet Union correctly perceives itself as an Asian power, with vital strategic interest along its vast border, in the Atlantic, Pacific, and in the Indian Ocean. As long as the United States has the capability of moving long range missile craft into each of these oceans, the USSR will be vulnerable and seek to ameliorate that threat.

An economic interest in the three oceans is also significant, for over half of the Soviet Union's territory rests within the continent of Asia and much of its unexploited natural resource base is there. Internal air and ground transportation to the Pacific Maritime States remains a basic problem, therefore open shipping lanes and warm water ports, the classic Russian quest, are still vital to domestic development. Because the Trans Siberian route is vulnerable to a Chinese threat, the Indian Ocean offers an important transportation option.

Objective analysis justifies Soviet strategic interest in the Indian Ocean. Therefore the real issue is whether a Soviet naval presence is an appropriate instrument to defend that interest. (See Marshall Shulman, "What Does Security Mean Today", *Foreign Affairs*, Vol. 49, #4, July, 1971). The current disposition of a small flotilla of a dozen ships atationed between the Mauritius and the Red Sea suggests some uncertainty on their part, for no base is being developed and these craft rotate from both Pacific and Atlantic commands. Soviet Middle East commitments and the goal of global strategic parity with the United States complicates the issue, but thus far have not induced the Russians to create a major Indian Ocean naval presence. This essay will return to that issue after considering interests of other Asian states, for such a competition would drastically affect their future.

ASIAN INTERESTS

Whereas every Asian state must eventually worry about the future of the Indian Ocean, Japan has an immediate interest there, for its economic survival is at stake. Over four fifths of Japan's petroleum (or $1.7 billion worth in 1970) comes from the Middle East, and while that proportion may decline by half over the next decade as Indonesian oil exports increase, Japan will retain a strategic interest in Indian Ocean accessibility. Apart from a critical need for petroleum energy and by-products, foreign trade (over $48 billion in 1970) accounts for a quarter of Japan's burgeoning national product, and increases at a high annual rate (between 15 and 23 percent annually over the past decade). Southeast Asia, Africa, and Europe account for a third of that total, about equal to the trade across the Pacific with the United States, and most of the non-Pacific trade is shipped across the Indian Ocean or its littoral waters in Southeast Asia.

Japanese interest in open sea lanes is self-evident for these several reasons, yet Japan does not compete for naval supremacy, parity, or even a token Indian Ocean presence to parallel the Soviet and American flag showing. Why? Ostensibly the reason is in Article Nine of the Constitution which prohibits offensive weapons; nonetheless, Japan's military power is expanding without planned expenditures for a distant naval reach. No responsible Japanese politician has even suggested that Japan should create a defense for its trade routes.

Opposition party leaders agree with the government that Japan's security is not advanced by armament for strategic purposes, while support continues to rise for a military posture akin to that of "a hedgehog with rabbit ears," to use former Defense Director Nakasone's phrase, that is a capacity for defense against non-nuclear attack and a sophisticated communications network. The fourth Defense Plan calls for increased expenditures on short-range, anti-submarine vessels, aircraft, and electronic detection devices, as well as research and development of short-range missiles with an anticipated defense budget of about $4 billion by 1976; the largest in Asia apart from the USSR. Japan's defense perimeter stops at its coastal waters, with "special interest" in South Korea, Taiwan, and the potentially oil rich China Sea.

Obviously, the American nuclear umbrella is vital to persistence of this policy, which is founded upon the assumption of prompt U.S. support against nuclear threats from either the USSR or China. To loosen the credibility of the alliance could trigger a complete reconsideration of defense posture in Japan, with an Indian Ocean and Southeast Asian fleet a plausible denouement.

The situation facing the Indian government is of the same dimension as that in Japan. India has a vital stake in the disposition of military forces in the Indian Ocean, for it is the preeminent power in the region with a 800,000 man army, a significant air force, but a small navy. Like Japan, India also requires open sea lanes as its foreign trade is growing rapidly and steady economic development is absolutely critical to internal political stability, yet neither power can defend its maritime interests.

Unlike Japan, India lacks the industrial capability to develop a strategic navy should it choose to show its flag outside immediate waters to defend its burgeoning merchant fleet. Since the USSR commenced to develop its Indian Ocean flotilla in 1968, and the United States subsequently committed itself to build a major communications installation at Diego Garcia, India has pressed forward a policy of neutralization for the entire Indian Ocean, which is an extension of its traditional non-alignment policy. However, it is not clear whether Mrs. Gandhi is advocating freedom of the seas, or is interested primarily in banning super-power competition in the Indian Ocean, by denying the area to Soviet and American navies. In any event, both powers now make annual port calls in Indian ports.

There is evidence that India aspires to improve its security by becoming the paramount power in the sub-continent, particularly given its current involvement in the Bangla Desh liberation movement. The substantial aid given to Ceylon during its recent crisis, the long-standing commitments to the Himalayan states, and a covert assurance to assist Burma in the event of a Chinese attack all point towards paramountcy. Pakistan, of course, remains the chief obstacle to India's aspirations, and the current crisis in East Pakistan seriously threatens the unstable peace arranged at Tashkent in 1965.

Enlargement of the Indian navy, now about 40,000 men, continues and is viewed as a threat by Islamabad because of India's ability to blockade both East and West Pakistan ports, although that step has never been taken. The Soviet Union, of course, is India's major source of military aid, although British-made vessels constitute most of the navy, with the number of Indian-built patrol vessels increasing rapidly. The basic defense posture parallels Japan, for Indian force disposition, allowing for the differences of geography, also resembles "a hedgehog with rabbit ears."

The People's Republic of China clearly has an interest in the Indian Ocean because of its potential as a base from which submarine missiles, either Soviet or American, might be launched. Also, China shares with Japan and India a need for open sea lanes as its external trade expands; however China is least dependent on trade of these three powers at the present time, despite the need for grain following the disruptions of the Cultural Revolution and bad crop years in the late '60's.

China shares with India a desire for paramount stature in its region. However Soviet and Japanese competition, in both military and economic terms, is viewed by the present government as a serious threat to China's security and future development. Unquestionably that perception of threat accounts for China's expressed interest in the demilitarization of the Indian Ocean, as well as the removal of foreign bases from Southeast Asia, for these are both areas that appear as links in the encirclement of China by the superpowers, in league with Japan, India, and the major Southeast Asian states hostile to communism.

Indonesia is the most significant power in Southeast Asia which might threaten China should it ally with either super-power, and it also represents an alternative pole to Indian dominance of Southern Asia. Under Sukarno that polar position was emphasized and China sought an alliance to expand its zone of influence in Asia. Since 1966, however, Indonesia has scarcely had an Indian Ocean Policy, for its Russian-supplied fleet has fallen into disrepair and Sukarno's, more accurately, Subandrio's, vision of a confederation of Malay peoples stretching from Malagasy to the Polynesian Islands seems to have died.

Nonetheless, as Indonesia's power increases with its economic growth, and as skillful diplomacy on the part of Jakarta weaves a respect for regional security without super-power involvement, the prospect for Indonesian preeminence in Southeast Asia seems more plausible. Indonesia's deep economic involvement with Japan, a condition shared with other non-communist states in Southeast Asia, contributes to China's fear of Japan's dominance in the area, but from the vantage point of insular Southeast Asian states, Jakarta represents the largest neighbor, and in recent years, a responsible government with reasonably foreign policy objectives. Continuance of that trend over the next decade may lead to renewed Indonesian interest in their own Indian Ocean presence, paralleling that of India's. For the present, the government speaks casually of neutralization in South and Southeast Asia, eschewing permanent bases by either super-power or Japan.

Although Australia is not an Asian power, its propinquity requires our consideration. As with the Asian states, Australia has no capability to defend its trade routes, despite a substantial dependency upon Japanese, American, and European trade. The ANZUS Treaty has provided Australians with a sense of security that was severely challenged by Japan during World War II. Removal of the British presence east of Suez increases Australia's need for the American alliance, particularly if the Soviet Union should further expand its naval presence and increase its ability to interdict Indian Ocean shipping. Probably for that reason, Australia accepted a new American communications installation on the North West Cape, bordering the Indian Ocean, which apparently provides the United States with satellite surveillance connections to the huge station in Ethiopia and Diego Garcia. Apart from the firm alliance with the U.S., however, Australia makes no pretense at developing an Indian Ocean navy. Its 13,000 man navy is relevant to SEATO maneuvers, the first of which were held in the Indian Ocean south of Indonesia last year, and to patrolling territorial waters, but is meaningless on the 25.3 million square miles of Indian Ocean waters.

The lesser powers in Southeast Asia, ranging from Burma to the Philippines, all advocate freedom of the seas. With American disengagement from the mainland of Southeast Asia, the foreign policies of all the non-communist states begin to converge. Burma and Thailand, so long at odds on the issue of alignment vs. nonalignment, now articulate a similar goal in their efforts to accommodate China. Malaysia, the Philippines, and Singapore share Indonesia's willingness to neutralize Southeast Asia from the Cold War, and also seek a new relationship with China in the wake of American negotiations.

Each depends upon external trade and investment for their development, yet none seeks an independent naval capability to defend the sea lanes. The Seventh Fleet has

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been re-assuring to those governments who perceive a threat from China, as do the present regimes in Saigon, Phnom Penh, and Vientiane; but no government in the region has raised the specter of Soviet interdiction of their shipping. Indeed, increased Soviet trade is actively sought by all but the Indo-China states at war with North Vietnam.

A NEW POLICY

This cursory summation of Asian states' interests in the Indian Ocean provides background for a proposed new policy departure by the United States. Another vast territory bordering the Indian Ocean, Antarctica, offers a model of international amity. On May 2, 1958, President Eisenhower proposed a dramatic step forward in the attainment of world peace by seeking an avenue whereby Antarctica could avoid becoming "an object of political conflict." At the time few students of the Cold War thought the proposal could be adopted; yet within two years the international agreement was reached which enabled these two elementary objectives to be achieved: 1) an accord compatible with the strategic and security interests of neighbors and the world community; and, 2) creation of an organization for efficient development of scientific knowledge, economic resources and exploration of the continent.

Few have thought of the relevance of Antarctica, with its six million square miles and its international situation, to the Indian Ocean. Despite the enormous differences in the strategic and legal problems involved between a land and an ocean area, it would be fitting for the present administration to seek an accord paralleling that Antarctic settlement.

Consider the similarity between the problem faced in 1958 and the one we deal with today. A huge area, claimed but unsettled by the interested powers, had a potential to threaten the security of both superpowers as well as the neighboring states. Its resources were untapped, although scientists speculated that they might be of substantial value. Above all, the competition of the Cold War forced the U.S. and the USSR to perceive the area as threatening should it come under the control of the other power.

The Indian Ocean, of course, is far more vital to the Asian states, Africa, and Europe as a broad highway upon which to ship critical oil and a supply of goods essential to world economic development. The area is too important to become a cockpit of rivalry between Chiefs of Staff, it demands the attention of Heads of State.

At the present time no power has such a naval investment in the Indian Ocean that it could not be removed and still ensure its interests if other exogenous powers also withdrew. Granting the technological difficulty of preventing submarine movement through the area, one has only to consider the problem of nuclear weapons in space to see the same issue, and to find it resolved in the Space Agreement.

Forty-two political entities abut or have immediate access to the Indian Ocean; in addition, France, Great Britain, the United States, the Soviet Union, and Portugal maintain installations in the Ocean. Agreement among these highly diverse states as well as the great powers of China and Japan will doubtless be difficult to obtain. Just how such an agreement might be attained is also difficult to imagine although two distinct approaches suggest themselves. Ambassador Soedjatmoko of Indonesia has proposed an arrangement for East Asia and the Pacific as envisaged by Article 52 of the United Nations Charter, an idea that could be applied with even greater force to the Indian Ocean. (Soedjatmoko, "The Role of the Major Powers in The New Asia." Paper presented at an Arlie House Conference, May 20, 1971.) With the forthcoming admittance of the People's Republic of China to the United Nations, one major obstacle is removed. As part of our negotiations with China, the United States should raise the Indian Ocean issue, with a view to engaging Peking's support for a settlement within the framework of the United Nations.

Another approach conceived by Philip Jessup for the Antarctic problem was the formation of a Commission, akin to that of the Caribbean Commission created in 1946. (Philip Jessup. *Controls for Outer Space and the Antarctic Analogy*, Columbia University Press, 1959.) Such a Commission might enlist the participation of all littoral powers as well as those with shipping interests, with a view to developing the Indian Ocean for economic and scientific purposes.

Unquestionably, the maritime interests of the Asian states would be served by a demilitarization agreement, and the expenditures saved from the refusal to develop navies with strategic capability would be enormous. Fortunately, none of the Asian powers currently plan such naval capability. American strategic interests would be served by Soviet Agreement to withdraw flotilla, in exchange for the three American ships stationed in the Persian Gulf. It is quite possible that Soviet-American agreement would be easier to attain than the approval of India and Iran, both of whom have recently developed navies of sufficient size to dominate their immediate waters in the Persian Gulf and the Bay of Bengal, if the super-powers withdraw.

It would not be inconsistent with such an agreement for the major and lesser powers flanking the Indian Ocean to seek such improvements of their naval forces as would be consistent with internal security needs. Thus continuance of military assistance programs, the training of officers and loans for the purpose of purchasing light naval craft and short-range air craft, might be permitted within restrictions agreed upon by the signators. Furthermore, the communications facilities needed by the United States, Soviet Union, Japan, Great Britain, China, France and other countries with communication satellite programs could also be accommodated by such an agreement, given the political will. Such open surveillance probably would be necessary as insurance for the major powers that others are not cheating. Should any exogenous power seek to take advantage of the settlement, through covert development of a naval installation, exposure would be practically assured because of the active non-military development programs encouraged by an Indian Ocean Settlement.

This brief proposal is insufficiently researched to make a compelling case, but it should elicit interest from those who aspire toward a major settlement of strategic conflict in Asia. Without some such arrangement in the Indian Ocean, it is quite possible that a new arms escalation will develop within the next year, at the moment of settlement in the SALT talks and Sino-American rapproachement. Certainly, American naval strategists are uneasy with the expanded Soviet presence in the area, and Soviet suspicions are aroused by American investment in a communications facility that could easily be transferred into a naval base, once the harbor is developed. None of the major Asian powers particularly desire extension of the superpower rivalry into "their" ocean. Indeed, both India and China are strongly opposed to such a development, albeit for different reasons.

Would not all the Asian powers be prudent to take a cue from the Japanese and deter exogenous naval expansion into the area, while improving their own capability to defend themselves against local attacks? The role of submarines in this situation complicates the problem, and memories of the Washington Naval Conference failure suggest pitfalls in maritime arms control agreements. For example, India already has four submarines and China is said to be building a nuclear powered submarine which would have the capability of firing nuclear missiles. In time, such expansion of naval capability would destroy any possible agreement; however it is just conceivable that an Indian Ocean agreemant would be sufficient insurance for Asian powers to permit them to take the risk of having no strategic naval capability, and use the resources saved from such expenditures for land forces or, better yet, human resource development. Japan excepted, the population pressures on all the major Asian powers are so great that over the next three decades they may well seek to minimize the costs of military security, so as to enhance their capability to deal with threats to their political security from internal groups frustrated by the slow pace of modernization in the countryside.

SUMMARY

All of the major Asian powers, including the Soviet Union, have interests in the Indian Ocean. For Japan and India these interests represent a vital life line to continued economic growth through rapid expansion of their trade and, in the case of Japan, import of petroleum. China, Pakistan, Indonesia, and Australia are necessarily concerned about the disposition of strategic forces in the Indian Ocean for their security would be deeply influenced should a hostile power gain dominance. The lesser powers share the concerns for trade and security with the major powers, but are even less able to defend those interests.

Since no country has significant naval capabilities at the present time in the Indian Ocean, it is propitious to consider an Indian Ocean agreement that would prevent the growth of naval installations by exogenous powers, and would encourage the development of the Indian Ocean for economic and scientific purposes. Such an agreement might be an extension of the Antarctic accord which has worked to the advantage of the world community and demonstrates the feasibility of Soviet-American cooperation through elimination of the need for conflict in a region remote from both their vital interests.

COURT SHUTS DOWN A DRUG FIRM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. OBEY. Mr. Speaker, a story in the National Observer for the week ending December 11 reports that U.S. District Court Judge James A. Coolahan has ordered the Lit Drug Co., Union, N.J., to stop production and to recall 725 lots, or batches, of 243 different medicines.

The story by August Gribbin adds that the Food and Drug Administration regards Judge Coolahan's order as precedent setting, and quotes an FDA official as saying the decision:

Will prove to be a great benefit to consumers. Now when our inspectors "request" that a company make a recall or otherwise shape up, the company will take us more seriously. We can march to court and get an injunction that might require the company to get the junk off the shelves, or shut down until it does.

The story, headed "Court Shuts Down a Drug Firm," follows:

COURT SHUTS DOWN A DRUG FIRM

(By August Gribbin)

A little-known drug manufacturer has been marketing misbranded, adulterated, and potentially deadly medicines. Finally a landmark court order has forced the Lit Drug Co., Union, N.J., to stop production and to recall 725 lots, or batches, of 243 different medicines.

The court order itself is significant. Federal officials believe this is the first order to require a product recall as a condition for resuming normal business.

It is still not clear what threat persists, if any, or what harm, if any, the Lit Co. medicines may have caused patients. But U.S. District Court Judge James A. Coolahan of Newark, N.J., among others, considers the situation serious. In issuing the injunction forcing Lit to atop production and recall its faulty medicines, the judge wrote:

"Clearly, the grave, apparent, and immediate threat to public health and safety in this case is incomparable to that faced by courts in . . . [similar injunction cases], and the scope of the injunction must necessarily be broadened to accommodate this wider interest."

The Food and Drug Administration (FDA) sees Judge Coolahan's order as precedent-setting. It provides the FDA with a powerful tool—one FDA official calls it a "tremendous club"—to force drug manufacturers to pay stricter attention to FDA requests.

Lit's 1,000-plus customers include drug wholesalers, drugstores, individual physicians, and larger, better-known companies that subcontract to Lit for private-label drugs. The FDA, which routinely listed the Lit recall last week, "does not know" exactly how many different labels contain Lit products.

Company president Stuart Lazarus "won't talk about that or anything else" with The National Observer; repeated efforts to obtain comments and information from the company failed.

The unusual Lit Drug case surfaced following a routine mention of the company's large recall campaign in FDA bulletins which became available last week. As it develops, the recall is almost anticlimactic.

In three years, Lit Drug Co. has issued more than a dozen recalls of drugs, and those were just a few of the recalls the FDA had requested. After three FDA hearings on charges of drug-code violations, the company earlier this year signed a consent decree agreeing to change certain practices. A consent decree is a legal document in which the accused agrees to specified remedies but doesn't admit guilt.

But subsequent FDA charges and court findings indicate the company did not change those practices. Later, before Judge Coolahan, Lit Drug admitted to improper, inadequate, and illegal recordskeeping and paid a fine of $3,000. But the company continued the practices, admitting to that continuation in the most recent court action against it.

Current FDA policy permits the agency to conduct lengthy prerecall transactions without making them public. After a recall is announced, however, the FDA normally will add details. In the Lit case, though, the agency hasn't yet established all the details.

MANY PRIVATE-LABEL DRUGS

For instance, the FDA says it can't tell how many companies buy Lit-made products for resale under their own brand names. So there may be more companies involved than the 40 cited in the recall notice, which lists such companies as Aetna Mail Order Corp., New York City; Scarborough Health Foods, Plantation, Fla.; Prime Pharmaceuticals, Inc., Miami; and Haberle Drug Co., Inc., Montclair, N.J.

FDA officials say that practically all Lit products manufactured since 1965 are suspect because of Lit's court-admitted disregard of normal production, labeling, and testing procedures for drugs. Government inspectors say that Lit has been shipping "finished products" that failed laboratory tests, and that the company has not made the required tests for potency of various over-the-counter and prescription drugs, including medications prescribed for heart-disease and hypertension patients.

Lit Drug Co. admitted that it didn't properly inspect such important raw materials as reserpine and rauwolfia serpentina before processing them into products used by chronic high-blood-pressure victims. FDA's legal department says that some of Lit's nitroglycerin pills failed to dissolve within the required time.

To ward off attacks, some heart-disease patients must take nitroglycerin pills at the first sign of stress. The pills must dissolve in the mouth—fast. Nitroglycerin's efficacy diminishes if the medicine passes to the stomach before dissolving.

The Government has found serious problems with other Lit Co. heart-disease drugs, such as digoxin and digitalis, and also with such common products as aspirin, Vitamin C, saccharin tablets, penicillin, and prescription remedies for asthma.

No one knows, or can yet know, whether or how much anyone has been hurt by Lit's products. That information may never come out. But in explaining the scope of his legal action against Lit, Judge Coolahan wrote:

JUDGE CLOSES THE PLANT

"The defendants have been engaged in an overt, long-standing schematic, and unpenitent thwarting of the law, particularly a law enacted for the protection of an otherwise helpless consumer public. . . ."

The judge also wrote, "Only during a brief span of months in 1968 did the FDA consider Lit Drug Co. to be in compliance with the law." He then ordered the company, before resuming business, to correct 10 specific "deficient practices" in manufacturing, quality control, and records-keeping. He stipulated that Lit must make available for Government inspection all products still at the company plant and reimburse the Government for inspection costs.

Then Judge Coolahan took the unusual step of ordering the company to recall, at its own expense, all of its defective products—before resuming operations. In these cases, a court typically fines a company for violating safety laws and enjoins it not to err again. Often the fines are relatively light, little more than a slap on the wrist, FDA officials say.

The FDA cannot recall products on its own. It must request the accused company to pull back its faulty wares; it depends on the company's "voluntary compliance." Ultimately the FDA can seek court authority to seize tainted foods or drugs. But it rarely does that, assertedly because of the operational difficulties and high costs of seizure actions.

In fact, the FDA did not seek seizure authority against Lit Drug Co. Rather, after requesting many recalls of which Lit agreed to honor 15, the FDA held three hearings in Brooklyn, N.Y., alleging that Lit was violating the law and producing drugs in a potentially dangerous way.

According to Judge Coolahan's written decision, Lit Co. officially asserted at each FDA hearing that it would clean up its operations; each time, Lit did nothing. In April 1971 the Justice Department, at FDA's request, filed a criminal complaint against Lit in Federal court. The company pleaded guilty and was fined $3,000. But its offenses continued.

The FDA then returned to court with another complaint. Normally Lit could have continued its procrastinations indefinitely, letting the FDA take it to court on a case-by-case basis and calculating the relatively light fines as a business cost. Judge Coolahan made that impossible.

PRECEDENT TO HELP CONSUMERS

Finally, five weeks after the judge's verdict and three years after the FDA began pressuring Lit, the company capitulated and issued its recall. Then, in the Nov. 11 issue of its letter-size "Recall Report," the FDA officially noted Lit's "voluntary" action. Even then, only persons with access to the recall circular would have known that a serious drug hazard existed.

Says one FDA official: "The [court] decision will prove to be a great benefit to consumers. Now when our inspectors 'request' that a company make a recall or otherwise shape up, the company will take us more seriously. We can march to court and get an injunction that might require the company to get the junk off the shelves, or shut down until it does."

In his written opinion, Judge Coolahan is less sanguine about the Lit Drug affair. Said the judge: "It may well be that the FDA has not yet uncovered all infractions of which defendants are guilty. . . . The facts give rise to this presumption."

PROPER ROLE OF THE PRESS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. HOGAN. Mr. Speaker, the past year has been one of major controversy over the proper role of the press in our society. We have had an unprecedented number of court cases involving the boundaries of a reporter's right to withhold information about his sources

We have had the "brouhaha" over the publication of the Pentagon papers. And we have had the vote in these Chambers on the CBS news production, "The Selling of the Pentagon."

It is not my intention here today to discuss all the issues raised by these journalistic concerns but rather to focus briefly on "The Selling of the Pentagon" and in particular on an article written by Jimmie N. Rogers and Theodore Clevenger, Jr., which appeared in the October 1971, issue of the Quarterly Journal of Speech.

In the article the authors painstakingly document their case that the "Pentagon Propaganda Machine," written by the junior Senator from Arkansas, was the fundamental and major source for the arguments advanced, and the approach used, by CBS in "The Selling of the Pentagon."

And yet, the authors point out, nowhere in the broadcast did CBS acknowledge the role the Senator's book and arguments played in the documentary.

In conclusion the authors say:

Since we share the position with CBS that the public has a right to know, we believe the public should be informed that the principal difference between the Fulbright case against "The Pentagon Propaganda Machine" and the CBS report on "The Selling of the Pentagon" is a difference in media; significant dimensions of the message in both cases are the same, and the primary source of that message is J. William Fulbright.

If the authors' thesis is correct, then surely presentation of the Senator's influence on the broadcast should have been considered part of the public service CBS is licensed to render the Nation.

Because of the importance of the issue and its relationship to our fundamental concepts of the freedom and responsi-

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bility of the press, I insert Messrs. Rogers and Clevenger's full article into the RECORD at this point.

The article follows:

"THE SELLING OF THE PENTAGON": WAS CBS THE FULBRIGHT PROPAGANDA MACHINE?

(By Jimmie N. Rogers and Theodore Clevenger, Jr.)

On the evening of February 23, 1971, CBS broadcast a special, hour-long report on The Selling of the Pentagon.[1] Heralded as an example of investigative reporting, the documentary carried strong evaluative overtones that roused a storm of protest.

In the ensuing media coverage, commenting on the validity of the CBS stand, J. William Fulbright, junior Senator from Arkansas, noted that he had called attention to many of these issues some time ago.[2] A careful reading of the record shows that Fulbright was much too modest. In a series of four widely publicized Senate speeches in December, 1969,[3] and in a book published in November, 1970,[4] just three months before CBS presented its report, Fulbright had in fact laid out virtually the entire CBS case.

Although Senator Fulbright is nowhere mentioned in the documentary, it follows his case against "The Pentagon Propaganda Machine" almost point for point, not merely with regard to themes and issues, but in both type and usage of supporting materials. This similarity is close enough to suggest that CBS merely provided TV coverage for the case already developed by Fulbright.

In this report, we document six points of remarkable similarity between the CBS case against Pentagon public relations policy and the case made earlier by Fulbright:

1. In summarizing his case against the Pentagon, Fulbright lists seven objections to presently used public relations devices of the Defense Department. In The Selling of the Pentagon, CBS emphasizes all seven.

2. A sequential outline of the broadcast reveals virtually no topics not previously covered by Fulbright.

3. An outline of the major and minor themes covered in The Selling of the Pentagon reveals virtually no themes not previously discussed by Fulbright.

4. There is a striking similarity between Fulbright and CBS in the use of statistical support.

5. There is a striking similarity between Fulbright and CBS in the use of references to specific individuals as authorities and supporting examples.

6. A surprising number of the individual sentences read by the narrator (Roger Mudd) in The Selling of the Pentagon contain assertions previously made by Fulbright.

The similarity in viewpoint between Fulbright and CBS is perhaps most quickly grasped by viewing the documentary in light of Fulbright's summary of a major part of his own case. In *The Pentagon Propaganda Machine*, he sums up his objections to the public relations activities of the Defense Department in the following points:

1. Of course the military needs an information program. But it should be one designed to inform, not promote or possibly deceive.

2. There is no need for production of self-promotional films for public consumption. . . .

3. There is no need for sending speakers at taxpayers' expense anywhere from Pensacola, Florida, to Portland, Oregon, to talk to luncheon clubs and veterans organizations.

4. There is no need for setting up expensive and elaborate exhibits at state and county fairs.

5. There is no need for taking VIP's on pleasant cruises to Hawaii aboard aircraft carriers.

6. There is no need for "Red," "White," and "Blue" teams criss-crossing the country, "educating" people about the dangers of communism, the need for patriotism, and the Gross National Product of newly independent lands.

7. There certainly is no need for military production of television shows for domestic, commercial use showing "feature" aspects of the Southeast Asian War.[5]

All of these major Fulbright issues constitute principal thrusts of the CBS expose: costly self-promotional films, the ready availability of military speakers, expensive promotional exhibits, red-carpet tours for civilian community leaders, the "touring Colonels" promoting an outmoded cold-war view of U.S. foreign relations, and Pentagon propaganda films on the Vietnam war, all designed, not to inform the electorate but to aggrandize the military and deceive the public. Each of these points emphasized by Fulbright also receives extended coverage in the CBS report. Taken together, Fulbright's seven points summarize the CBS case about as well as they summarize his own.

The major content of the CBS broadcast is arranged under three main points, with each of these divided into a number of subpoints, according to the outline below:

SEQUENTIAL OUTLINE OF MAIN AND SUBPOINTS IN "THE SELLING OF THE PENTAGON"

I. Pentagon Direct Contacts with Citizens
A. Armed Forces Day
B. The Touring Colonels
C. Travelling Exhibits
1. General Data
2. The Thunderbirds
3. The Green Berets
D. Military Speakers
E. VIP Tours
II. Armed Forces Promotional and Propaganda Films
A. Background Information (cost and number)
B. Use of Well-Known Stars
C. Propaganda Purpose of the Films (examples)
III. Defense Department Manipulation of the Media
A. Introductory Comments (the right to know)
B. The Press Briefing
C. Obstacles to the Press
D. The Hometown News Center
E. The V-Films
F. Staging Faked News Events
G. Military Use of Jargon

All three of the broadcast's main points are dealt with at great length in Fulbright's speeches and book. With regard to the subpoints, Fulbright had failed to discuss only I–A, I–C–3, and III–G. Thus it would seem fair to say that the great majority of entries in the sequential outline of the CBS report could easily have been taken directly from the prior works of Fulbright.

In making its case against the Pentagon propagandists, CBS develops six major themes, three of them clearly differentiated into a number of minor themes, which may be outlined as follows:

MAJOR AND MINOR THEMES IN THE CBS CASE AGAINST PENTAGON PUBLIC RELATIONS

I. The Pentagon pours enormous sums into public relations.
II. Millions of civilians are exposed to Pentagon propaganda each year.
III. Pentagon propaganda takes every conceivable form.
A. Special maneuvers.
B. Promotional films.
C. Red carpet tours.
D. Traveling exhibits.
E. Military speakers.
F. Use of entertainment and media figures as spokesmen.
G. Managed contacts with the news media.
IV. Pentagon propaganda projects a distorted view and warped values.
A. It emphasizes values.
B. It glamorizes violence.
C. It is out of line with State Department policy.
D. It is obsessed with monolithic communism.
E. It insists on America's role as the cop on every beat.
V. Pentagon spokesmen distort and deceive.
A. They mislead the media and the public about
1. their intentions.
2. their propaganda methods.
3. the cost of their public relations.
4. the role of the military in the nation and the world.
B. They mislead newsmen and the public by
1. placing obstacles to the free flow of information.
2. deliberately concealing information they do not want released to the public.
3. staging faked "news" films.
4. inundating the media with favorable news releases.
VI. Pentagon public relations activity continues to proliferate regardless of the administration in power.

This outline does not reflect the order of presentation in the documentary. It emerges when one extracts the assertions made by CBS and the inferences they drew from their examples, actualities, and interviews, and organizes these assertions and inferences into a consistent pattern. As we conducted the analysis, we were repeatedly struck by the peculiar ability of the TV medium to weave a variety of themes into a single sequence of brief duration. To sort out issues and relationships in a skillfully done TV broadcast is much more difficult than to perform the same operation on a speech or essay, even for the analyst with script and videotape at his disposal. For the average citizen watching TV in his home, truly critical viewing must be almost impossible.

When the major and minor themes developed by CBS are compared with Fulbright's earlier statements, one finds no major theme not previously covered by Fulbright. Two of the minor themes (4–B and 4–C) are not dealt with directly by Fulbright, but all of the other minor themes are recurring topics in Fulbright's book and speeches. Thematically speaking, the CBS special report could have been taken virtually in its entirety from earlier works of the junior Senator from Arkansas.

Both Fulbright and CBS make extensive use of statistical evidence to support and dramatize their arguments. In The Selling of the Pentagon CBS uses 33 specific statistics. Of these, eleven are identical with figures reported earlier by Fulbright. Given the wealth of data available from the Defense Department, it is notable that CBS should have used so much of the same data as Fulbright.

Even more notable, in some cases CBS used Fulbright's figures even though more recent information was presumably available. For example CBS listed the cost of the Army exhibits program as $906,000.00, which is the amount found in Fulbright's material for fiscal 1969.[6] A more interesting use of statistics can be demonstrated by both the network's and Fulbright's reference to the cost of the program for fiscal 1969 is found in a letter from Major General Wendell J. Coats, which Fulbright inserted into the *Record*.[7] The figure of $902,529.34 was rounded off by Fulbright in his speech [8] and that rounded figure was used by CBS to describe the cost of the activity.[9]

More striking still is the extent to which CBS uses statistics to support themes earlier emphasized by Fulbright. All of the CBS statistics are marshaled to support the propositions outlined below:

1. The DoD spends a vast and increasing amount of money on information and public relations.

A. The amount is great.
B. This amount is increasing.
2. The military message is presented, at taxpayer expense, to millions of people all over the country.
A. The travelling speakers are active and costly.
1. They go to many cities.
2. They address large groups.
3. They meet many speaking engagements.
B. The military exhibits travel widely.
1. They go to many cities in many states.
2. They are seen by millions of people.
C. Specially staged war games and travelling demonstrations are seen by millions.
D. Guided tours for many influential civilians are staged at great cost.
1. Many local opinion leaders are treated to these lavish tours.
2. The guests pay only a fraction of the tour costs.
E. The Pentagon makes many films at great cost and distributes them widely.
1. The DoD makes hundreds of films a year.
2. The films cost millions per year.
3. The films are widely distributed to civilian audiences.
3. The Pentagon has a vast machinery to inundate press and media with favorable news releases, tapes and newsfilms, while concealing unfavorable news.
A. Millions of press releases and thousands of radio and TV tapes are sent out each year.
B. An enormous amount of personal communication passes into and out of the Pentagon each day.
4. Defense Department figures on the cost of these programs are unreliable.
A. Figures are adjusted to suit DoD purposes.
B. The cost of controversial programs is underestimated because certain expenses are not included in the accounting.

With the exception of point 3–B, each of the above propositions is a salient theme in the Fulbright case. He, too, uses statistical evidence generously in supporting these themes, and in most cases uses parallel figures. For instance, Fulbright reported the number of states and cities visited by the Army's Exhibit Unit (120 cities in 34 States) over a six month period,[10] CBS reported the number of cities and states (239 cities in 46 states) visited by the same exhibit in a year.[11] The cost reported for that activity was the same.

Clearly, the statistical evidence in the CBS documentary is similar where not identical in content, and is used in the same way, to support the same arguments, as statistical evidence presented earlier by Fulbright.

Both Fulbright and CBS make frequent reference to specific individuals, sometimes as authorities and sometimes as examples of a point. All together thirty individuals are mentioned by name in The Selling of the Pentagon. Fifteen of these thirty were previously identified by Fulbright, almost invariably in the same context as for CBS. Given that thousands of officers and enlisted men are engaged in public relations work for the Defense Department, and that dozens of entertainment and media personalities have contributed talent to Pentagon promotional films, it is hardly likely that coincidence would account for such a substantial overlap.

The point becomes even more convincing when we examine the themes or assertions individuals are introduced to support. The thirty specific individuals named by CBS are cited in support of the following themes:

1. Military speakers tour extensively, promoting a hawkish line on the Vietnam war at public expense.

2. The Defense Department seeks to influence local opinion leaders on expensive red-carpet tours of military bases and operations.

3. The Pentagon uses entertainment and media personnel to support their line, sometimes on a voluntary basis, sometimes in trade for direct support.

A. Many public figures are induced to cooperate out of patriotic motives.

B. Some movie makers trade talent for essential support in filming battle scenes.

4. Ex-military personnel testify to the deceptiveness of Pentagon informational techniques.

5. The Pentagon manipulates the media to achieve favorable coverage for their activities and viewpoint.

6. Pentagon representatives conceal and deceive.

Every one of these themes was earlier discussed at length by Fulbright. It is clear that CBS used references to individuals exclusively to support dominant themes first developed by Fulbright, and that in fifty per cent of the cases, the individuals were the same.

When we turn from the broad topics, main themes, and supporting materials of the CBS documentary to the individual sentences it contains, we find further evidence of close similarity between the broadcast and the earlier statements of Fulbright. So as to eliminate uncontrolled message sources, we restricted this analysis to the 191 sentences read or spoken by the narrator, Roger Mudd. These 191 sentences were under the direct and detailed control of CBS News, and our analysis of them proceeded in two stages. First, we deleted ten sentences that referred directly to CBS, its purposes, or its procedures in preparing the special report, and one sentence (a question) which was so brief as to contain no information. These eleven sentences were excluded from the analysis, leaving us with 180 sentences containing various amounts of information. Each of these sentences was then examined to determine whether it contained an assertion previously made by Fulbright or, if the sentence were a question, whether it called for specific information or evaluations previously offered by Fulbright.

TABLE 1.—NUMBER AND PERCENT OF SENTENCES IN THE BROADCAST CONTAINING ASSERTIONS PREVIOUSLY MADE BY FULBRIGHT

Part of broadcast	Number of sentences	Number containing Fulbright assertions	Percent containing Fulbright assertions
Introduction	14	12	86
Body:			
Direct contact	52	25	48
Film	39	25	64
Media	58	30	52
Total	149	80	54
Conclusion	17	3	18
Total	180	95	53

The results of this analysis may be seen in Table 1. To better display the distribution of similarities through the script, the broadcast was divided into an introduction, body, and conclusion, and the body was further divided into three main points: Direct Contacts with the Public, Pentagon Propaganda Films, and Pentagon Manipulation of the Media. These three points are readily identifiable as the main segments of the broadcast. (CBS organizes its material according to the information channels employed by the Pentagon.)

The data show that 86% of the sentences in the introduction, 54% of the sentences in the body, and 18% of the sentences in the conclusion contain assertions previously made by Fulbright. Of the total 180 sentences, 53% contain Fulbright assertions.

Apparently the conclusion contains the smallest proportion of Fulbright material; however, when we examine it sentence-by-sentence, we find eleven sentences that refer to developments since November, 1970. Since these events occurred after the publication of Fulbright's book, they could not possibly have been available to him. If these eleven sentences are deleted, 50% of the sentences in the conclusion contain Fulbright assertions, and the total for the broadcast as a whole goes up to 57%.

We conclude that the data reviewed here support our original hypothesis that the Fulbright case against "The Pentagon Propaganda Machine" and the CBS report on The Selling of the Pentagon are closely similar. We have shown that the seven Pentagon public relations techniques criticized most strongly by Fulbright are also attacked by CBS; that the main and subpoints covered in the broadcast were, with minor exceptions, previously discussed by Fulbright; that virtually all of the main themes of the broadcast were also dominant themes in Fulbright's earlier speeches and writings; that much of the CBS statistical support (some of it out-of-date at the time of the broadcast) is to be found in Fulbright's earlier statements, and that virtually all of the statistical support is used to support dominant Fulbright themes; that half of the specific individuals interviewed or mentioned in the documentary were originally identified by Fulbright, and that almost all of the others are introduced to support Fulbright's arguments; and, finally, that more than half of the sentences read by narrator Roger Mudd contain assertions previously made by Fulbright.

Striking though they undoubtedly are, these comparisons based on observable, countable content items, fail to reflect adequately the close similarity between Fulbright's position and that adopted by CBS. A viewer familiar with Fulbright's stand on foreign relations and the military establishment detects additional parallels in both semantics and lines of argument.

For example, both Fulbright and CBS give a prominent place in their arguments to the public speeches of certain high-ranking officers. Fulbright focuses most on General Westmoreland, CBS on the "touring Colonels"; thus in our content analysis the supporting materials and individual assertions relating to military speakers appear for the most part as differences between Fulbright and CBS. These differing examples, however, are used to support precisely the same two points: military officers travel widely spreading Pentagon propaganda at taxpayer expense, and the Pentagon holds an outmoded view of our relations with communist countries.

With respect to the military speakers, there is parallel even in inconsistency. In referring to the military speakers, Fulbright says that they travel about at public expense to "shape the public's mind"; [12] CBS points to military officers who "traverse the country shaping the views of their audiences." [13] Yet the excerpts given in both sources, apparently chosen to picture the military speaker at his worst, portray intellectual and oratorical skills in the dull-normal range. Thus in both sources one finds the curious inconsistency of enormous opinion-shaping power attributed to individuals whose speeches, to judge by the excerpts given, are anything but persuasive.

Considerable footage in the CBS report is devoted to showing that the Pentagon is promoting an outmoded view of our foreign relations, especially in its obsession with monolithic communism. In both the book and the speeches, Fulbright often moves close to this theme, but never specifically mentions it; thus for purposes of the content analysis, it was treated as unique to the broadcast and constitutes a major source of differences noted in the preceding analyses.

Footnotes at end of article.

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But, though he never mentions it specifically in the materials used for this comparison, Fulbright is an ardent spokesman for this point of view and has advocated it longer than any other member of the Senate. Writing in *Look* magazine five years ago, Eric Sevareid (a prominent member of the CBS news staff) commented: "Fulbright thinks the world and the nature of the threat from Communism have greatly altered since Stalin's time." [14] And "he does not believe communism is a world, monolithic force, successfully spreading its tentacles." [15] Thus, even in this case of a major "difference" between the Fulbright case and the documentary, the CBS theme is ultimately traceable to Fulbright.

As the foregoing examples show, the parallel between the CBS report and Fulbright's earlier statements goes beyond those elements that can readily be established by standard content analytic procedures. Indeed, a viewer thoroughly familiar with Fulbright's stand on the military establishment and on our relations with communist powers would have to conclude that his case against "The Pentagon Propaganda Machine" and the CBS report on The Selling of the Pentagon are so similar as to represent essentially identical arguments.

In our judgment, there is no valid objection to a TV network giving high visibility to a controversial position taken by a well-known Senator. However, early in the broadcast, in describing the CBS news team's purpose and procedures for preparing the special report, Roger Mudd said: "We sought . . . no politicians pleading special causes." [16] In this context, the word "sought" is subject to a variety of interpretations; but it is too much to believe that similarities as extensive as these could result by chance from completely independent investigations. It seems highly probable that CBS at the very least made quite extensive use of materials Fulbright painstakingly compiled over the months preceding their investigation, and in editing the final version of the broadcast they adopted Fulbright's point of view, main lines of argument, style of support, and many of his specific supporting materials. Moreover, in expressing the CBS viewpoint, as reflected in the narration read by Roger Mudd, they seem to have relied heavily on specific assertions developed originally by the junior Senator from Arkansas.

Why, then, did the CBS report fail to mention Fulbright at any time, or even to refer to him indirectly? To avoid "politicians pleading special causes" is laudable; but in this instance it seems likely that the appearance of independent objectivity was substituted for its substance. Having adopted his viewpoint, arguments, supporting materials, and many of his specific assertions, would it not have been appropriate for the network news team to identify the ideas with their source?

That they failed to do so has no bearing on the validity of the charges leveled by Fulbright against the public relations practices of the Defense Department. Indeed, his speeches and writings point at the very least to a need for closer supervision of Pentagon budgets, and CBS has performed a public service to the extent that its special report has focused public attention on that need.

But like Fulbright, the CBS report goes far beyond the public affairs of the Pentagon. On perspective: Selling of the Pentagon, Fulbright stated that his remarks were not intended to be an attack on the men of the military or the military itself, but rather were aimed at the Congress that furnished taxpayers' funds for the Pentagon to use in such a manner, and at the civilian administrators of the programs who felt compelled to spend that money.[17] Although CBS did not make such a distinction, the image of the military projected by CBS, in almost every important respect, is identical with the one pictured originally by Fulbright. But even if the purpose of the two presentations were the same, the case for their mutual validity would have been greatly strengthened if the images had been formed on the basis of completely independent investigations. The CBS report was presented so as to create the impression that this was indeed true.

The analysis presented here raises serious doubts on that point. When Roger Mudd admitted that CBS has reported "only a fraction of the total public relations apparatus belonging to the Pentagon," [18] he could have admitted that a large part of that fraction came from Fulbright's material.

Since we share the position with CBS that the public has a right to know, we believe the public should be informed that the principal difference between the Fulbright case against the "Pentagon Propaganda Machine" and the CBS report on The Selling of the Pentagon is a difference in media; significant dimensions of the message in both cases are the same, and the primary source of that message is J. William Fulbright.

FOOTNOTES

[1] "Selling of the Pentagon," CBS Reports, February 23, 1971. The script used in this analysis was the first readily available to the public. It was printed in the U.S., *Congressional Record*, 92nd Cong., 1st Sess., CXVII (February 26, 1971), 4126-30, and all references to the script are located in this document.

[2] "Perspective: Selling of the Pentagon," CBS News Special, April 18, 1971.

[3] U.S., *Congressional Record*, 91st Cong., 1st Sess., CXV (December 1, 1969), 36129-42; *ibid.* (December 2, 1969), 36317-44; *ibid.* (December 4, 1969), 37003-28; and *ibid.* (December 5, 1969), 37248-89.

[4] *The Pentagon Propaganda Machine* (New York, 1970).

[5] *Ibid.*, p. 150.

[6] *Congressional Record*, December 5, 1969, 37256.

[7] *Ibid.* 37250.

[8] *Ibid.*, 37251.

[9] *Ibid.*, February 26, 1971, 4126.

[10] *Ibid.*, December 5, 1969, 37259.

[11] *Ibid.*, February 26, 1971, 4127.

[12] *Pentagon Propaganda Machine*, p. 80.

[13] *Congressional Record*, February 26, 1971, 4127.

[14] Eric Sevareid, "Why Our Foreign Policy is Failing," *Look*, XXX (May 3, 1966), 25.

[15] *Ibid.*, 24.

[16] *Congressional Record*, February 26, 1971, 4127.

[17] "Perspective: Selling of the Pentagon."

[18] *Congressional Record*, February 26, 1971, 4130.

NATIONAL PUBLIC RADIO REPORT ON HEALTH PROBLEMS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. FAUNTROY. Mr. Speaker, we are all well aware of the health care crisis that currently exists in the United States. A recent national poll showed that a large majority of the Nation's people placed health care problems high on their list of priorities. Over 45 health care related bills have been introduced into this session of the legislature.

National Public Radio, the noncommercial radio network with 100 members operating 118 stations in 36 States, Puerto Rico, and the District of Columbia recently sponsored a series of six congressional style "NPR Health Care Hearings" in six cities across the country: San Francisco, Ann Arbor, Boston, New York, Philadelphia, and Atlanta. The purpose of these hearings was to provide an open forum at the grassroots level on the problems facing health care today, as well as to discuss legislation currently before this body.

Representatives of various interest groups, Congressmen and Senators, as well as consumers, were invited to testify at the various hearings. All who accepted the invitation were allowed to appear.

National Public Radio has provided us with a highly unique contribution to our investigations into health care legislation—a contribution which would be difficult for the House to obtain in any other way. I want to share with my colleagues the National Public Radio health care summary, "Report to Congress and the Nation: National Public Radio Health Care Hearings."

The report follows:

REPORT TO CONGRESS AND THE NATION—NATIONAL PUBLIC RADIO "PUBLIC HEALTH CARE HEARINGS," MODERATOR, BARBARA NEWMAN.

My name is Donald Quayle and I am President of National Public Radio, which is the noncommercial radio network with 118 stations broadcasting in 36 States, Puerto Rico and the District of Columbia.

Mr. Chairman, we appreciate the opportunity to appear before you today and transmit to this committee the information which National Public Radio has gleaned from its six public hearings on health care and national health insurance which were held this past September in San Francisco, Boston, Atlanta, Philadelphia, Ann Arbor, and New York.

We do not appear here today as experts on the intricacies of national health insurance nor do we come here to espouse any of the proposed bills. We appear here today to transmit to you the findings of the NPR health hearings. First, I would like to give you a little background on these hearings. Our purpose in holding them was two-fold. Because the health crisis is undoubtedly one of the most important issues on the legislative agenda of this body, we felt that it was important to inform people regarding the complexities of the proposed national health inaurance legislation to enable them to participate meaningfully in this public debate. Second, it was our purpose to facilitate communications between those most concerned about health—consumers, providers and insurers—and those who will ultimately enact health care legislation—members of the United States Congress.

We realize that this committee has permitted testimony from all who desire to appear here. However, the fact remains that the average citizen is not the customary congressional witness. So, it is our hope that we can transmit to you today knowledge which you otherwise might not have received.

I think the primary function which we can serve is to humanize the debate. These several weeks you have all been hearing testimony regarding the health crisis, testimony replete with statistics of the soaring costs of health care which command 7 percent of the GNP, of the inaccessibility of health care, of the health manpower shortage, and of uneven quality care. Statistics are a somewhat cold commodity, devoid of the urgency of human experience. What we found during our health hearings was a widespread concern about the health crisis and what we heard was the human agony which some people have experienced at the hands of the health system.

EINAR MOHN. According to the AFL-CIO

research department, sixty percent of all personal bankruptcies in America are directly attributable to health costs. But beyond the bankruptcies are the millions of people who simply do without health care except as a last resort; who delay treatment because they cannot afford it; who do not fill their prescriptions because of the cost of drugs; who must allow minor health problems to become major because in our health industry today the cash register sits next to the appointment book.

EVE MAPES. I am alone with, and support my three children, one of whom is asthmatic. Nearly every year of his life he must be hospitalized with pneumonia. Medical insurance for the whole family was cancelled on the grounds that we did not list the child's asthma as a pre-existing condition when in fact we did not know he had asthma.

This left us unexpectedly in debt for several hundred dollars. We had been a middle class tax paying family who believed in yearly medical checkups and trips to the dentists. But from that point on, our economic situation and the level of health care deteriorated. One of the worst effects of this situation was, of course, psychological. We found that we lost our dignity when we lost our money.

BARBARA NEWMAN. Health care in this nation is in crisis. Speak to almost any person in America and you get a health horror story. You hear about families with savings wiped out, about unavailability and shoddy quality of care, and a growing resentment against health providers. The image of the doctor has become somewhat tarnished.

Chairman Wilbur Mills of the House Ways and Means Committee recently opened his committee's health hearings with the remarks that Americans are increasingly resentful of trying to find their way through a maze of referring practitioners to find services for which a higher and higher part of the family budget must be used, and this without confidence that the care finally obtained is appropriate or of high quality.

Congress will undoubtedly pass a health bill within the next few years. A Harris Poll found public support for passage of national health insurance running at almost two to one, and most politicans on Capitol Hill are in favor of one of the health insurance proposals pending before Congress. The question is, what kind of a bill will be passed, and how adequate will it be in ending the health crisis?

Because health is such an important issue, and because the House Ways and Means Committee has not permitted live coverage of its health hearings, National Public Radio this past September sponsored a series of six public hearings on health care and national health insurance. With the belief that the public should be apprised of the differences in the pending legislation, and that legislators in turn should be apprised about the wishes of the public, we went to San Francisco, to Boston, to Ann Arbor, New York, Philadelphia, and Atlanta. As participants we invited those most concerned with the issue of health—health consumers, insurers, physicians, and hospital officials, as well as those who will enact national health legislation, U.S. Congressmen.

One of the most insistent themes throughout the hearings was the hardship brought by rising health costs. The two people you heard at the beginning of this program, Einar Mohn of the California Teamsters Union, and Eve Mapes, a Los Angeles housewife, testified at our San Francisco hearing.

National health costs—seventy billion dollars a year—are rising at twice the rate of the consumer price index. According to the Department of Health, Education, and Welfare medical expenses will rise fifty percent in the first half of this decade, and the rise in the health share of the gross national product will be as great as the rise in defense spending at the start of the Vietnam war.

One health planner characterizes health as the Vietnam of the 1970's. He sees billions and billions of dollars going into a quagmire. At the NPR New York health hearing, Shirley Kronberg, director of the Neighborhood Service Council of the New York Hotel Trades Council, recounted some incidents of high medical cost in a discussion with New York Republican Congressman Ogden Reid.

SHIRLEY KRONBERG. I have one bill here where a woman entered a hospital in this city at 9 AM, was discharged at 6 PM, and her bill is three hundred and nineteen dollars. Interestingly enough, laboratory services, a hundred and twenty-seven dollars. We asked the hospital for a breakdown of these laboratory costs. They sent us a list of all of the tests made. And we understand that there is now a computer through which they put these few drops of blood and they can obtain a variety of tests for a very, very small fee. Nevertheless, they charged her tests—you know, fifteen dollars, twenty dollars, twenty-five dollars—whereas in fact these tests cost them very, very little.

Congressman OGDEN REID. What was the actual room charge there?

KRONBERG. Seventy-five dollars. For room and board.

Congressman REID. For less than twenty-four hours?

KRONBERG. Six hours. Blue Cross pays eighty dollars for maternity confinement, and is now increasing this to a hundred dollars. But the average bill is over six hundred dollars. And I have a very interesting bill that was brought in by one of our workers this week in which his wife delivered prematurely at home. A policeman called, he got the ambulance, she was brought to the hospital, she was in the hospital three days. She had already delivered the baby. His bill for this three days in the hospital is two hundred and nineteen dollars for the baby, and three hundred and sixty-two dollars and fifty cents for the mother. Now this is for three days. And here are the two bills. And Blue Cross of this paid eighty dollars.

Congressman REID. Have you found, Mrs. Kronberg, that group medicine and peer pressure and peer judgment has lowered some of the costs?

KRONBERG. I don't see where the peer judgments have lowered anything. I know that the AMA spent millions of dollars fighting against Medicare, and they've been the greatest beneficiary of Medicare. The insurance companies haven't done anything over the years to stay the rising costs. And the insurance companies, and in some cases such as Blue Shield, which a doctor operated, have certainly not done anything about questioning their costs, either by the doctors or the hospitals.

NEWMAN. That was Shirley Kronberg at our New York hearing.

The greatest increase in health spending has been in hospital rates. They have risen five-fold in the last four years and now hover at about a hundred dollars a day. The *New York Times* states that some projections put average hospital room charges at a thousand dollars a day by 1981.

Critics of the health insurance industry charge that private insurance companies have not acted effectively to keep these costs down. Much of the criticism of the health industry is directed at Blue Cross, which pays about fifty percent of the nation's hospital bills. Blue Cross is non-profit and tax exempt. But some think that its very institutional structure perpetuates the interests of the hospitals at the expense of the health consumer. The American Hospital Association actually owns the Blue Cross trademark, and in most of the nation's seventy-four local Blue Cross plans, the boards of directors preponderantly represent hospitals' and physicians' interests.

The key area of debate, then, on national health insurance will be the role of the insurance industry. Of the major national health insurance bills pending before Congress, only the Health Security Act, introduced by Senator Edward Kennedy, would eliminate the insurance industry from health care. Under the Kennedy legislation, cradle-to-grave health coverage would be available to all U.S. residents. It would be administered by the Federal Government.

The administration's Health Insurance Partnership Act retains the insurance industry as fiscal intermediary in health care. It actually mandates that all employed persons must purchase private health insurance. The administration has proposed tighter regulation of the insurance industry, but would leave enforcement up to the states.

The AMA's Medicredit bill and the Health Insurance Association's Health Care bill both provide tax incentives for the voluntary purchase of private health insurance.

There are a great number of health experts who question the advisability of retaining the private insurance industry under national health insurance. From Boston, John O'Leary, former Massachusetts Rate Commissioner, and from Ann Arbor, Doctor S. J. Axelrod, Professor of Medical Care Organization at the University of Michigan. First, O'Leary.

JOHN O'LEARY. (Tape) I have considerable question in my mind as to the role that the health insurance industry should play in a national health insurance program. I cannot help but express extreme concern over the lack of effort on the part of the insurance industry, generally speaking, in the past, to try and influence the organization of the health care delivery system in order to bring about somewhat more efficient and economical delivery of service.

Doctor S. J. AXELROD. The very widespread interest in health insurance, as evidenced by the numerous proposals now before Congress, it seems to me is largely a response—a political response—the high and rising cost of medical care, primarily, and also a response to the inadequacies of private—that is to say voluntary—health insurance as a means for handling these costs. The private enterprise, or ethos, if you will, of our health service industry sees further expression in the fact that private commercial health insurance dominates the field, and this kind of dominance results in considering health insurance not so much a means of providing adequate service, but rather a means of paying bills. And along with this fiscal view of health insurance, of course, it is accepted that there will be payments levied on patients who regard themselves as insured, but payments through deductibles and co-insurance which very often act as important deterrents to the receipt of care.

The fiscal view of insurance concentrates on large medical bills which relatively few people have—very large medical bills, that is. And in general the whole coloration of the health insurance industry takes the view that health insurance should be a mechanism for exchanging dollars, rather than for providing necessary and adequate health services.

NEWMAN. That was Professor Axelrod of the University of Michigan. From California, labor leader Einar Mohn.

EINAR MOHN. For twenty-five years we have gone to the bargaining table with employers and come away with more and more money to pay for health care—money that was needed for wages and other benefits. For twenty-five years we have given the private insurance industry every opportunity to work, we have put our hard won health benefits into their hands, asking them to restrain costs, and to exercise some control over the quality of care provided in hospitals and physicians offices.

The record of achievement by the insurance industry is marked by failure, disinterest, neglect of health needs, and certainly profiteering. California's unions are now pumping one billion dollars annually into the health industry through negotiated benefits. Our estimates make us believe that at

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least twenty percent of the money negotiated for in our contracts does not go to provide health care. It goes for costs, it goes for a lot of other things, but do not provide health care. That's far too high a cost.

In good faith, labor has tried to live with the private insurance industry, and tried to live with voluntary methods of policing quality. But the experiment is over. We now want, and need, national legislation that will publicly manage our dollars and exercise public control over the health industry.

NEWMAN. On the other side of the issue are representatives of organized medicine, the insurance industry, and the hospitals who wish to retain the private health insurance industry. These views were best expressed at our San Francisco hearing by William Wayland, Executive Secretary of the California Hospital Association, and Dr. Roberta Fenlon, President of the California State Medical Society. In Ann Arbor, Edward Connors, Director of the University of Michigan Hospital, spoke for the hospital interests in favor of retaining the insurance industry and health care. First, William Wayland.

WILLIAM WAYLAND. Despite the criticism of the health industry, it has been eminently successful in fulfilling its basic goal, the provision of good quality health care.

Doctor ROBERTA FENLON. A national system of health care must be based on the insurance concept. Just as every driver in California is required to have automobile insurance, everyone should be required to carry adequate health insurance.

EDWARD CONNORS. I believe that government's role in financing should complement and strengthen the basic health insurance mechanisms, rather than replace them. I acknowledge without question that health insurance needs to be strengthened; it needs to be required or assured for all citizens. And it needs, I believe, to be subject to tighter regulation. But I think the record in many respects of health insurance in this country has been remarkably good, and I would disagree with some of the former speakers that implied that all they are interested in—these are health insurance now—that all they are interested in is just the financing portion—in trading dollars. And I think sitting from my perspective as a provider, there has been a fair amount of progress—probably more progress than in any other sector that I know of—prompted by particularly the Blues in health insurance on such important issues as the appropriate use of the hospital, and cost containment and control. And from my view I think it would be a tragedy as a public policy to dissolve this vital link in the system.

NEWMAN. That was Edward Connors, Director of the University of Michigan Hospital. In Philadelphia, Robert Carpenter, Vice President of the Penn Mutual Life Insurance Company, critiqued the proposed national health insurance bills from the insurance industry's viewpoint.

ROBERT CARPENTER. The health insurance industry's plan does not attempt to promise more than can be provided, establish a whole new government bureaucracy, create huge new demands on the existing facilities by promising "free care," and impose huge new taxes on the constituency which is already reeling from tremendously increased taxation in recent years, such as the health security act program sponsored by Senator Kennedy does. Neither does it force a substantial financial burden on employers, or provide different standards of care for different classes of citizens which the administration proposal includes. It covers the broad range of the problem as contrasted with the limited approach to covering catastrophic health care costs under Senator Long's bill. It does not place its complete reliance on the yet relatively untested organizational structure for delivering care as proposed by the American Hospital Association's Ameriplan, and it does not rely primarily upon tax incentives for private health insurance programs as proposed by the American Medical Association.

NEWMAN. Thank you very much, Mr. Carpenter. The report of the—the staff report of the Senate Finance Committee of 1970 stated: "Carrier performance under Medicare has in the majority of instances been erratic, inefficient, costly and inconsistent with congressional intent. Unquestionably, many millions of dollars of public funds have to subsidize carrier inefficiency." In view of this, why should we retain the insurance industry in national health insurance legislation?

CARPENTER. That's always an interesting question. And the health insurance industry does have to stand on its record. I believe that when any program is inaugurated you're going to have these types of problems. I think that if you were to move away from private insurance toward the direction of the national security health program advocated by Senator Kennedy you would find that the government bureaucracy to be created would be so much tremendously more inefficient that you would have much greater problems.

NEWMAN. Insurance executive Robert Carpenter found a surprising ally in Pennsylvania's State insurance Commissioner, Herbert Denenberg. Doctor Denenberg is a vociferous reformer and critic of the health insurance industry, but surprisingly refused to endorse the Kennedy health security bill. He questioned the advisability of administering national health insurance through a governmental bureaucracy.

HERBERT DENENBERG. Public confidence must be reestablished in the federal bureaucracy before great additional responsibilities are entrusted to it. The Kennedy proposal, the national health security plan, scraps private health insurance altogether. Thus, the proposal scraps good and bad insurance companies without distinction. It is true that private health insurance has not performed effectively. But it is also true that we have not subjected it to effective regulation. We are trying to make up for this shortcoming in Pennsylvania.

The Kennedy bill, in view of the deficiencies of private health insurance, would therefore abandon private insurance and substitute government insurance. Medicare demonstrates government is not the whole answer. And it can be as unsatisfactory as private insurance. Many non-profit insurance companies, for example, are doing a better job than Medicare in controlling costs and quality.

Here you see bureaucratic distortion of the intent of Congress in the establishment of the Medicare program. Congress intended Medicare to pay for the necessary costs of patient care to our senior citizens. The bureaucrats somehow distorted the congressional intent and turned Medicare for the aged into an uncontrolled educational subsidy for the medical profession. Medicare, however laudable in its social purpose, has greatly contributed to our runaway inflation of medical costs. Medicare, which should have been part of the solution, instead has become a central part of the problem of our health delivery system. Medicare not only contributes to the problem, but attempts to veil its operations in the cloak of secrecy.

We asked fo certain studies of Medicare fiscal intermediaries, and were turned down on the basis of executive privilege. The Medicare people though the studies might be "misinterpreted." Others were refused access to the studies as well. We finally obtained copies of the study, only for our own use, but they still have not been made public. How can we entrust further responsibility to a government agency that now betrays its public trust? How can we extend Medicare to national health insurance when Medicare now fails to perform its central function of cost and quality control over medical and hospital care?

The key issue is not so much the mixture of government and private insurance, as the mixture of cost and quality controls in the system that emerges.

NEWMAN. Pennsylvania's State Insurance Commissioner, Herbert Denenberg.

People often lump quality and cost together when they discuss the health crisis. For example, proponents of each of the national health insurance bills claim that their bill will provide cost controls while upgrading the quality of care.

New York City, under the direction of its Deputy Health Commissioner, Doctor Lowell Bellin, has embarked on a unique program of auditing costs and quality of care rendered by private practitioners to New York Medicaid patients. Doctor Bellin's staff actually goes into doctors' offices, randomly pulls patient files, and examines medical records. This is the only medical audit of its kind in the nation, and has aroused great resentment from physicians.

Doctor Bellin is one of the most outspoken critics of poor quality medicine and the ineffectiveness of medical peer review. Medicine is self-regulated. Traditionally, doctors have argued that only doctors can regulate quality and costs. Doctor Bellin doesn't dispute this point, but he does feel that peer review must involve outside physicians who don't have a stake in protecting their colleagues. He is not optimistic about quality controls within any of the national health insurance bills.

Doctor LOWELL BELLIN. In an attempt to meet the health care crisis, every proposal deals with financing, manpower, and improvement of the delivery system. Regrettably, every proposal also bypasses quality control of services provided to patients. For example, the major emphasis of the President's program and the Kennedy bill are cost controls and minimum standards. The American Hospital Association plan stresses cost controls and peer review. And the health insurance industry plan provides for state control and controls on over utilization through patient payments of deductibles and co-insurance.

Quality control, which includes the availability, acceptability, and nature of care, is defined as a system for verifying and maintaining a desired level of quality in a product or process by careful planning, use of proper equipment, continued inspection, and corrective action when required. Quality is the prerequisite element of that cost control. Without it any cost is too much. Because the major abuse in dollar value is over utilization of service, enormous sums of money can be saved by constraining over utilization, not only within private offices, but particularly within hospitals.

People who emphasize how much auditing of health care services cost the government are either uninformed or wish to keep others misinformed. At present the New York City Department of Health is saving and recovering two and a half to three dollars for every auditing dollar spent. There is only one spot to place ultimate auditing activities of publicly funded health care services. That spot is a public agency. This means that the public agency must have courage. Many of our public agencies are craven as well as technically incompetent.

After the instructive experience of the past five years with Medicare and Medicaid, it is incongruous that anyone dare suggest to legislators that the appropriate place for auditing is exclusively, a) within professional societies, or b) within the fiscal intermediary. They both are too intimately associated with the constituents to be granted the ultimate responsibility of either quality control or cost control. It is an administrative truism that evaluation must be isolated from operation. For the Federal government to violate this principle by funding evaluation of health care services primarily in professional societies, and/or in fiscal intermediaries, is to replicate the folly that has bedeviled Medicare and Medicaid since the mid 1960's.

Since 1965 we all should have learned that tokenistic regulation of quality and cost of health services always discredits any publicly funded health care program.

NEWMAN. Doctor Lowell Bellin, New York's Deputy Health Commissioner.

Supporters of the Kennedy National Health Security bill put great store in its quality controls. Its main quality control is that only board certified or qualified surgeons will be reimbursed for major surgery. There are currently twenty specialty boards in medicine and surgery. In order to be board certified, the doctor must participate in several additional years of post graduate work after residency, and must pass a rigorous written and clinical examination. The reason the Kennedy bill focuses on surgery is because many people feel that far too much surgery is performed in this country. Of the seventeen million surgical procedures that will be done in hospitals this year, many doctors feel that a great number will be inadvisable.

As surgery always involves risk of post operative infection or problems with anesthesia, the old adage, when in doubt, cut it out, is not good medicine. Yet *Fortune* magazine quotes an official of the AMA as saying that the rise in tonsillectomies under Medicaid verges on the scandalous. This unnecessary surgery has become so prevalent that a new term, remunerectomies, has been coined by critics.

Doctor Lowell Bellin, concerned about unnecessary surgery, does not think that even the Kennedy health bill has sufficient quality controls.

BELLIN. The basic, I think is not going to be attacked by addressing specifics, like whether or not there will be a board certified or a board eligible surgeon who is going to be reimbursed for his service. There is no guarantee, for example, that a board certified surgeon is going to do the job properly. This is only one step forward. We know, for example, the famous study carried out by Doctor Trussell, formerly the Hospital Commissioner and Dean of the Columbia University School of Public Health, some years ago here in the city of New York, that a significant portion of the surgery in New York—something like one-third was found to be inadequate, despite the fact that frequently, and most of the time, these were board certified and board qualified surgeons. When the study was continued, to actually ask the patients, what did you think of the quality of work you received; about eighty-five percent of the patients who had received this care, which in Doctor Trussell's and his staff's opinion was completely inadequate, were quite happy with that care and returned to their original doctor.

So what I'm trying to point out is this, that this is one step. But I'm even more concerned with something more fundamental, the actual issue of getting the right kind of structure to monitor this thing, to promulgate a number of standards, and to enforce these standards. This is what's the key to the entire issue.

NEWMAN. One of the basic reforms in the health system is the development of Health Maintenance Organizations—HMO's. Both the Kennedy and administration national health insurance bills provide funds and incentives for their creation. The largest HMO in the nation is the Kaiser plan on the west coast.

HMO's are actually pre-paid group practices, places where several doctors join together in a group practice and are paid a certain amount per patient per month, regardless of how often the patient uses the services. This is called payment on a capitation basis. Currently most doctors are paid on a fee-for-service basis. That is, you pay them for each office visit, and for each procedure they perform. Critics say that this encourages a system of sickness care and not health care. There is no incentive now for the physician to keep the patient well when he is paid only when they are sick.

In Atlanta, Reverend Andrew Young, Vice Chairman of the Southern Christian Leadership Conference, made a strong case for HMO's.

Reverend ANDREW YOUNG. I'd like to think of us as working toward a health care system that rewarded people and doctors for health rather than for sickness. Right now, the more operations they perform, the sicker people get, the richer doctors get. In fact, it's even more ridiculous because you get to go in the hospital and get an operation, and then your health insurance pays for it, when a doctor could probably do it in his office.

And I think the setup of our hospitalization insurance presently drives people to the hospital, and encourages hospitalization, when I think we've got to have some kind of health insurance or some kind of health plan that encourages people to stay well. Along with this I think the kind of system that would reward people for good nutrition. I'd like to see a group of patients or community served by a team of physicians where at the end of the year they would get a bonus if they had less than the national average of operations for people in that age and income bracket, rather than be rewarded for the more operations they have. I think in some health care plans—I think this was true in the Kaiser plan—where people were rewarded for going to get regular checkups. And they found that in certain categories of operations, they were remarkably less when people received rewards for staying well than they were when people almost had to get sick in order to get some kind of serious medical attention or some consideration from their insurance.

NEWMAN. Reverend Andrew Young of the Southern Christian Leadership Conference.

In San Francisco Republican William Mailliard and Kaiser Foundation Vice President Robert Erickson discuss how Kaiser has kept costs lower than commercial insurance plans. Congressman Mailliard speaks first about commercial health insurance.

Congressman WILLIAM MAILLIARD. The nature of the coverage is much more complete if a patient is hospitalized than if they're kept out of the hospital.

ROBERT ERICKSON. That's true. And our system does have comprehensive outpatient coverage as well as inpatient coverage so that the physician can choose the care that's most appropriate to the patient without being concerned about the out of pocket cost to the patient. I think the most unique feature is savings in hospital utilization.

NEWMAN. (Tape) Regarding Kaiser's ability to keep costs down and hospitalizations lower than other plans, doctors receive extra bonuses if costs are kept within a budget framework. Would you explain that, please?

ERICKSON. There is an incentive program that gives the physician an added piece of the action, you might say, in controlling costs and in accepting financial responsibility. And if there is a surplus above the budget at the end of the year, they receive a share of that surplus.

NEWMAN. Mr. Erickson, we hear that the surgical rate for those with group plans is half that for those with commercial health insurance. And people have indicated that there seems to be too much surgery—much unnecessary surgery in this country.

ERICKSON. I do know that studies have indicated that the rate of surgery in organized group practice programs, including Kaiser, is substantially less. And it may resemble a fifty to sixty percent rate, at least in many of the studies. I think it may be even more marked in some of the truly elective type of surgeries, such as tonsillectomies, OBGYN-type surgeries that are truly elective. The incentives for unnecessary surgeries are removed from an organized system, and this may be a factor in the surgical rates.

NEWMAN. Are you saying, in other words, that the doctors under the group plans such as yours are remunerated on an annual basis, and do not make extra money for doing surgery?

ERICKSON. That is correct. They are paid so much per member per month.

NEWMAN. Despite the fact that most health reformers advocate HMO's, there are some who doubt their ability to improve the nation's health system. Doctor Oliver Fein of the Health Policy Advisory Center, who has done extensive research on health, expressed his misgivings about HMO's at our New York hearing.

Doctor OLIVER FEIN. The health maintenance organization program, a program that Nixon—reorganization of the health system is pointed to as one program that is likely to keep costs down. But I say at the expense of the patient. Here's the way it works. The government contracts with an HMO to provide care to a certain population at a fixed pre-paid price. If the costs of providing care exceed the pre-paid price, the HMO will have to make up the deficit itself. If, on the other hand, the HMO keeps its costs under the pre-paid amount, then the HMO keeps the difference as profit. The profits lie in holding services to a minimum. HMO's are just one more way of reducing consumer demand. This will be done by long waiting lines, delays in elective surgery, rather than in real preventive care.

Without consumer control to monitor the practices of HMO's, they will end up serving the doctors and the hospitals interests, not the patient.

NEWMAN. Doctor Oliver Fein at the New York health hearing.

And this leads to a major issue for which we found a surprising amount of support. When one hears the words "consumer control" one tends to dismiss them as rhetoric of the left, or stale slogans of the Great Society. Yet in every city we went we found support for consumer practicipation and even control of a revitalized health system. The support came from doctors, nurses and from Pennsylvania Insurance Commissioner, Herbert Denenberg.

HERBERT DENENBERG. I think the most important thing in the whole system, and it's both the cost and quality control, is to be certain that the consumers are in control, and that the consumers are participating in these decisions as much as possible. Our health delivery system is a Frankenstein monster, built on Rube Goldberg principles, and it is now confronted by a public with rising expectations and by a new technology that is dramatically extensive and dynamic. But it goes on its merry way, indifferent to the needs of the community in its limited ability to pay ever increasing medical and hospital costs.

The system is basically run for the benefit of doctors, hospitals, the drug industry, and the other providers of medical care. I have seen first hand the contempt for consumer input and participation in our hospitals while I participated in the negotiations of a new hospital Blue Cross contract. As a result of this indifference, and even contempt, for the consumer, the system delivers bad medicine at high prices. For example, it duplicates facilities for open heart surgery for the convenience of doctors to the point where costs are way up, while quality is way down because of the limited volume in each facility.

The system's inability to control costs is exceeded only by its inability to control quality.

NEWMAN. In Philadelphia a spontaneous discussion developed on the issue of consumer control and peer review between Doc-

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tor Ted Tapper, a recent Harvard Medical School graduate, and Doctor Benjamin Friedman, a representative of the AMA.

Doctor TED TAPPER. I think that physicians reviewing their own quality and practices is like asking the owners of the National League and American League baseball teams to review their programs and practices. I think that if you have no outside people looking in, especially people who have no vested interests, as obviously physicians do, in medical schools, in practices in local areas, and in hospitals, if you have no outside people looking in, you're going to get the same kind of system that you have now. Which, in effect, is no quality control and no peer review of a true nature.

Doctor BENJAMIN FRIEDMAN. I do want to comment about peer review approach. Our desire is to create a structure so that there will be constant review of quality. We have seen in other nations where massive interference has resulted in decline in quality. It is our desire to set up a program which would not result in such massive, complicated, bureaucratic procedures so that we could not to the best of our advantage discharge our responsibility to our patients.

TAPPER. I agree with you. I think that it would be undesirable to set up a vast bureaucratic structure. And I think it would be undesirable to compromise quality of control. My only point is that if you have physicians looking after other physicians, with no one else looking at them, you are going to have the same kind of very quiet behind the scenes covering up of poor quality and rampant cost non-control. I would hope that you would get much more truly representative consumers, other than some of the mainline types who are on hospital boards of trustees, on the utilization review committees and really get people who are going to start questioning doctors, who are going to start saying why was that very minor surgical procedure kept in the intensive care unit for four days after his tonsillectomy; why was that child with an upper respiratory tract infection admitted to hospital in the first place? Until you start getting people in who are going to make these questions very, very vivid to the physicians and hospital administrators, I think that you are going to have the same sort of system that you have now, which is a very inadequate one.

NEWMAN. Doctor Ted Tapper in Philadelphia.

Several witnesses criticized all of the proposed national health insurance bills as inadequate in providing accountability to health consumers. Doctor Oliver Fein at our New York hearing.

FEIN. If we look at all the proposed schemes on the spectrum from the Nixon administration proposal, which is among the most conservative, to the Kennedy proposal, which is the most liberal, it becomes apparent the Nixon administration proposals will change almost nothing—just a larger number of people will be insured with the inadequate health insurance that Mrs. Kronberg described earlier. The Kennedy proposals will likely leave control of the system unchanged, or shift it toward control by the corporate forces, such as the big hospitals, medical centers, and insurance companies.

To this dead end I can only propose a fundamental alternative. The only way to change the health system so that it provides adequate, dignified care for all is to take power over the health system away from the people who now control it. Not merely the funding of the system, but the system itself, must be public. It then becomes possible to face such questions as how we decentralize the national health care system to make it responsible to the community and accountable to it, and how we insure that patient care is the primary priority of the system, and how we insure equal access to health institutions and to practioners.

NEWMAN. That was Doctor Oliver Fein in New York.

From Boston, Mrs. Ann Stokes, head of the Columbia Point Neighborhood Health Center's Consumer Organization.

Mrs. ANN STOKES. Health insurance bills, as they stand at the present time, do not include consumer participation in a way that the recipient of service can determine what kind of care will be given. The consumer areas of interest are: one, receiving comprehensive health care; two, to be able to give their reaction to the care received; and three, a degree of knowing that they will receive continuous family care.

The medical professionals, AMA, must begin to communicate with the communities. Information must be shared. And the professional and the community will have to work together to develop a health plan, to define concerns, and identify those powers which belong to the community, those which belong to the professional, and those we share. Or else, like welfare reform, anti-poverty programs and the various health plans will be doomed before they are implemented.

NEWMAN. Mrs. Ann Stokes in Boston.

Mrs. Ann Garland, chief outpatient nurse at Pennsylvania General Hospital.

Mrs. ANN GARLAND. Minority patients have great resentments in the hospital. Mainly among them are the first name basis. When a patient comes in the hospital, whether they're in a private room or a ward, they're not in the hospital five minutes before a nurse pops right into the room and greets them with a cherry smile and says how would this patient like to be addressed, Tom or Thomas? The hostility shield comes right down. This tends to make the patient not relate to the doctor or to the hospital. They do not tell the truth about what's wrong with them. And since the patient is not well informed about medical practice, they do not know that the doctor cannot treat them unless they tell them what's wrong with them. They think the doctor is all omnipotent, knows everything, not knowing, as we do, that they know very little unless you tell them. So when they do not tell the patient what's wrong with them—then the doctor what's wrong with them—then the treatment, of course, is stymied.

There's a total lack of privacy offered to these patients in interviews or in an examination. The policies become nonflexible with poor patients. Research is done on these patients without their permission. They know nothing about it and they give no consent. There is a lot of drawing blood for special studies not relevant to their illness, drugs given for drug reactions for these companies. These things should not be.

NEWMAN. Mrs. Ann Garland in Philadelphia.

If consumers had control over health expenditures, then according to the people we just heard they would upgrade medical care quality. They would presumably have a decisive voice in allocating health resources, and could channel funds into areas not now effectively covered by health insurance.

In Atlanta, former Congressman James Mackay, who is now President of the Metropolitan Atlanta Mental Health Association, and Reverend Andrew Young of the Southern Christian Leadership Conference each expressed a desire for greater attention to mental illness. Mr. Mackay speaks first.

JAMES MACKAY. Frankly I'm more concerned about a person's health than any other feature. If you don't feel well you can't relate to your wife and children, and you can't produce down where you work. And health is a fundamental need that we all have.

And the thing that bothers me, I might say to the members of the panel, is all of these programs are frightened by mental illness. And they generally cut you off pretty quick. And yet we know that—I think it's accepted that over half of the people in the hospital beds of America—not the mental hospital beds, but the general hospital beds—have no objective evidence of illness. But they're not functioning well. And mental health and physical health are inseparable.

Reverend YOUNG. I happened to be in Chicago in 1967 when what is commonly called a riot began. We were having a meeting in a little church and heard a disturbance outside, and got outside the church just as the police were coming to the scene and breaking up a group of kids that were in a fight around a water faucet. In the summertime they wanted to be in the sprinkler system, and the police turned it off, and that started a little incident. The young people moved over into a housing project and we followed them over there, trying to calm them down. And they immediately became inflamed by a young man who was carrying the Bible and quoting from the book of Obediah and saying that this was the day of judgment for the Lord, and the white man's day was done. And he proceeded to try and inflame that group of kids. And did succeed. We were able to try to hold on to him. We tried to get the police to come and get him, to take him out of the crowd in hopes that we could control the crowd. But we were unable to do that. And it was so obvious to us that what ended up being a full-fledged riot, running into hundreds of millions of dollars in Chicago by the time it ended a week later, really was fanned out of an incident by a young man who needed mainly mental health care. Now, he also needed a job, and I would not want to minimize the problems of unemployment and inadequate housing and education and all the other things in causing urban unrest. But the primary situation there was here was a guy that needed a psychiatrist, or at least an outpatient mental health clinic in this impoverished community.

Now I say to you that Chicago nor Atlanta's health care will never be secure so long as you have the level of mental illness which floods through our communities. And I think one of the things I've been looking for in almost all of the present health care programs is some real full-fledged attention to the problems of mental health. When we have people living in overcrowded urban areas, it's not as though it was a century ago when we were living in small towns where you could get sick and you were a hundred yards away from the next family, and your disease, whether it was mental or physical, was not contagious. In an urban area, anything that happens to anybody inevitably will affect everyone else.

And so until we have a health plan that's so comprehensive that it gets the people who are unemployed, that it gets the people who are poorly educated, that it gets the people who are mentally ill, then I think any kind of health plan we come up with will be inadequate.

NEWMAN. Reverend Andrew Young of the Southern Christian Leadership Conference in Atlanta.

Another key area of controversy surrounding national health insurance is whether legislation should restructure the health system, or simply provide health financing. Critics of the present health system feel that it is inadequate to producing enough manpower, and in rationally distributing the available resources. They point to the fact that certain suburban communities are replete with physicians, while hundreds of rural counties have not one physician.

The nation's leading advocate for restructure is Doctor S. J. Axelrod of the University of Michigan.

Doctor S. J. AXELROD. The proposed changes envisaged in the legislation with respect to the financing of health care—and the emphasis is on the financing of health care, whatever the source and the amount of funds—is not in and of itself adequate to handle the current deficiencies we have in our delivery system. We must have a significant restructuring of what it is we have at present. There is no regulation for control of the kinds of physicians that we produce or where they practice, and we have a situation, therefore, where we have many more neurosurgeons than we need, and not nearly enough family physicians. We have an excess of physicians in affluent communities, and a serious shortage of physicians and other health workers in our deprived communities.

The major proposals that have been put before the Congress respond in varying degrees to what seems to me to be the basic necessity, that is to say, to significantly restructure our medical care delivery system. Indeed, some of the bills, like the AMA's Medicredit bill, and the catastrophic health insurance bill, which are being proposed by two very important and influential legislators, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, really make no pretense at all at restructuring the admittedly inadequate delivery system. But they preserve the status quo, and deal solely with the financing of care. The catastrophic health insurance bill has a lot of political attraction to it. That is, it costs very little—so few people get the benefits. Moreover, everyone knows the care of a family that really went broke because of truly catastrophic costs. And this kind of experience is a terrifying one indeed to large numbers of people.

Other kinds of major proposals—the administration's health insurance partnership and the health insurance industry's health care plan—rely heavily on the present health care system, with emphasis on extending the admittedly inadequate private health insurance. Both of these latter schemes, the Nixon plan and the health insurance industry plan, as a matter of fact set up two standards of care—one for the poor and one for the nonpoor. And they actually provide different levels of benefits—different services—for both categories of people. I'll leave it to you to decide which of the two groups get the lesser benefits.

Really only one of the major proposals—the Kennedy/Griffiths Bill—the so-called Health Security Bill—it seems to me addresses itself very seriously to the problems of organizing a more rational delivery system. There are incentives—strong incentives—to developing of primary health care centers having a full array of health personnel available in the centers to provide a full range of benefits. The Kennedy bill carries with it important incentives for establishing linkages between various parts of the system—between hospitals and nursing homes. It modifies current patterns of physicians' care, and reinforces the position of the family physician, so he is the one who refers to the specialist, and at the same time is not in the uncomfortable position of having to carry on specialist work himself—work for which he is not trained or not qualified.

The Kennedy bill foresees important redistribution of health personnel, and carried with it cost controls. I would suggest to you that the leverage for structural change does exist in any national health insurance plan, but only in a potential sense. And American medical care it seems to me cannot continue to be unresponsive to the need for change.

NEWMAN. University of Michigan Professor, Doctor S. J. Axelrod.

On the other side of the issue was Doctor Roger Mann, who appeared in Boston on behalf of the AMA's Medicredit Plan.

Doctor ROGER MANN. Medicredit does not require restructuring of the entire health care system, which provides care very well for the vast majority of Americans. Some of the other programs before Congress would dismantle what now exists, and rebuild along untried lines. It does not hold up group practice, or any other form of medical practice, as the best or only effective system of patient care. Finally, Medicredit does not obligate government—the nation's taxpayers—to pay for care of people who can afford to handle most of their medical problems themselves.

NEWMAN. Doctor Mann was referring to the Kennedy plan, which some think by offering basic health care as a right to all U.S. residents, would bankrupt the nation. HEW Secretary Elliot Richardson, appearing before the House Ways and Means Committee, said that the Kennedy bill will cost taxpayers sixty billion dollars in new taxes, and is simply unfeasible. Backers of the Kennedy bill deny this. They admit that it would cost about sixty billion dollars, but claim that they would simply reallocate health funds currently misspent by a wasteful health system.

When all is said and done, a nation must be judged on how well it takes care of its citizens; on how it provides for the needs; and how effective it is in insuring people a climate receptive to the accomplishment of individual potential. Sickness humbles. It saps strength, confidence and drive

We will have a national health insurance bill, but we must make sure that the legislation that passes will indeed hold the cost line while upgrading quality. As former Congressman James Mackay said in Atlanta:

MACKAY. (Tape) Within the next four to eight years there will be a national health bill passed. And I'm glad we've got some lead time, because I think this panel this morning has illustrated how intricate the subject is, and how much we need to know. Thinking in terms of politics, I think the real hazard here is that we could pass a very bad bill. But I believe that we need legislation, but I don't think legislation is a panacea. A very learned man has just written an article and said that we can pass a sweeping medical insurance bill that will not appreciably improve the services to the American people. And I believe that.

NEWMAN. Only an aware and informed public will insure passage of legislation which will truly protect its interests. It was the hope of National Public Radio that we might be helpful in this effort.

This is Barbara Newman.

PUBLIC BROADCASTING UNDER FIRE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. VAN DEERLIN. Mr. Speaker, the Corporation for Public Broadcasting has been taking its raps of late, for the salaries paid its talent and executives.

As one who has supported the corporation since its inception 4 years ago, I have been saddened by this criticism, and feel that to some extent it may be undeserved.

Nevertheless, the fact remains that pay scales in the corporation and its affiliate entities by most conventional standards seem uncommonly high. These salaries may well be modest in comparison with the commercial networks, but such comparisons are not entirely relevant since ABC, CBS and NBC exist without an infusion of tax dollars.

Joseph McCaffrey, one of the most astute observers of the congressional scene, delivered a succinct analysis of public broadcasting's dilemma last week over WMAL radio and television.

While I do not necessarily concur with all of Mr. McCaffrey's points nor his conclusion—that the "dream" of public television has been shattered—I do share his feeling that public broadcasters are ill served by efforts either to imitate or to compete with the commercial networks.

So that our colleagues may have the benefit of Mr. Caffrey's opinions on this difficult issue, I include his remarks as broadcast December 3:

COMMENTARY OF JOSEPH MCCAFFREY

Dan Thomasson of Scripps-Howard has been writing about the latest television give away. Public Broadcasting. In a recent story Thomasson quotes an unidentified official of the quasi-public broadcasting organization as saying that high salaries had to be paid to get people who would draw audiences. So here is another dream shattered. The dream that public television, educational television or whatever its designation, would not adopt the bad habits of commercial television.

But no, it, too, has joined the most deadly of all games—the rating game. Ratings are the bane of commercial television. The reason that most television shows have an appeal to the 13 year old mind, is that is the way to get the biggest rating.

The best 13 year old mind appealer can usually be found up in the top rated shows. This means that programs which could be constructive, which could be inspirational, which could contribute to the commonwealth are relegated to the off beat times. The hope was that non-commercial broadcasting would concentrate on its content—ignoring the so-called "star system," and the ratings—after all, non-commercial broadcasting isn't concerned with selling soap or deodorants. It is the only area where the concentration could be solely on the product which comes over the tube. Now that it has joined the most deadly game, the rating game—another dream is shattered.

PROTECTION OF THE LOW-INCOME CONSUMER

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. HALPERN. Mr. Speaker, the Neighborhood Consumer Information Center, which is a Washington-based organization, recently published a comprehensive guide for the establishment of neighborhood centers which would exist for the purpose of educating the low-income consumer. It has been my feeling for some time, that in the course of educating the American public in this area, we have failed to realize that there are those less fortunate than you or I who do not have the means or education to gain access to this information. If a man living within the confines of the ghetto feels that he has been wronged by a given service or harmed by a product, it is likely that he will be unable to afford an attorney's fee in bringing suit. It is also probable that he will be totally unaware that there are laws which have been designed to protect him.

The Neighborhood Consumer Information Center is striving to correct these inequities through consumer education and I applaud their efforts. The following material summarizes the center's

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goals and I hope that my colleagues will take a few moments to read about this worthwhile program:

IX. EVALUATION

The preceding chapters have outlined the methods that we employed in transferring the system of institutional subordination from the unconscious and indirect to the conscious and direct. Through this process, we have come to several realizations.

First, if the system of institutional subordination is to be eliminated, the dimensions of administrative education must be expanded to include the low-income consumer. Traditional administrative education has been a process that supplemented middle-income consumers' formal education by way of periodicals, newspapers, the media, and social discussions. Unfortunately, because of low-income consumers' lack of sophistication, and because of the inability of government and industry to communicate with them in a positive manner, administrative education has been restricted to middle-income America. This has resulted in the low-income consumer not knowing the benefits to be derived from laws passed by the state and federal governments and other administrative agencies. Consequently, the alternatives, when available, have been restricted to the low-income consumer's own interpretation. With a restricted foundation upon which to base their conclusions, no positive alternatives in sight, and an increased array of problems, they become alienated and rely upon their own imagination and resources for solutions.

In many instances the low-income consumers' resources, frustration, and imagination direct them to methods of behavior that are rejected by society. It, therefore, becomes essential that they be provided with a knowledge of the laws that have been promulgated in their interest; the procedural aspects of the laws, so as to enable them to activate the enforcement of their rights. Alternatives must be recommended or their alienation shall continue, and the frustration will result in dissension.

Second, some segments of the business community have a sincere concern about the problems of low-income consumers. However, the burden for translating that concern into action must be a persistent and consistent objective analysis of the problem, and a candid presentation of the facts. In essence, the burden of the proof will rest with the organization that is attempting to convince industry that it is neglecting its responsibility to the low-income consumer.

This can only be accomplished by demonstrating the results of the procedures that the businesses are employing, and by connecting those procedures to the immediate cause. Once this is accomplished, business will recognize the problem. In some instances business readily implements changes; in other instances they become concerned about costs and the detriment that they may incur from any change. Consequently, the organization will have to assume the initiative in developing a system that remedies the industry's problem, while demonstrating how the long-term advantages will outweigh the costs. Generally, if this is accomplished, industry adopts the program. However, we would like to emphasize that industry is stubborn, and there will be areas of vivid disagreement; but if you remain persistent in your negotiations and consistent in the caliber of your documentation, the problems will be overcome.

Generally, we assume that industry is not concerned about the rights of low-income consumers. As a result, we do not approach it for policy changes. This assumption may or may not be true, but the fact remains that industry should be approached to determine its interest, if any, and the extent to which it is willing to cooperate in bringing about a change. This responsibility must be borne by the consumer organization. However, if after a sincere effort has been made and no response has resulted, you should assume that they are not interested and proceed accordingly. Conversely, if they are interested, you should develop and implement a mechanism for communication, and proceed to involve business in the process of administrative education.

Third, the media, like industry, are very dilatory in accepting their responsibility to low-income consumers. Although the media are slowly assuming the responsibility to the low-income consumer, they worry about the economic disadvantages that could ensue to them from aggressive awareness and educational materials that may offend their clients. In this instance, it is essential that the consumer organization become an advocate for proportionate distribution of media time to enable industry advertising to be balanced by consumer awareness and educational time.

When confronted with the competition for public service time, one recognizes that it becomes more imperative to acquire programming time rather than spot announcements. This decision, however, must be based upon your capacity and ability. If you have a very small staff specializing in complaints or counseling, spot announcements will be most effective. On the other hand, if you have a full-time educational staff, you can assign one person to develop a media telecasting program.

Fourth, government is willing to work with you in accomplishing small objectives, but when it appears that its aggression will have detrimental repercussions or significant impact upon a major industry, it rescinds its assistance or recommends that you proceed with caution. This factor must be attributed to the administrative procedures that the agencies employ, their leadership, and the political influence of business. In this instance you encounter procedural processes that allow a business to operate for two years after evidence has been submitted emphasizing the industry's impact upon the community, or you confront an agency that can only issue cease and desist orders, and has to transfer its materials to another agency to ensure compliance or to enforce its decision. However, these agencies, under the pretext of unfair competition, assist what are classified as legitimate merchants in protecting the interest and monopolization of unscrupulous merchants.

For example, a welfare recipient with a three or four thousand dollar income finds it difficult to acquire a bank loan, while a finance company with high interest rates that makes the loan to the consumer, or an unscrupulous merchant with an easy credit plan that gives the consumer credit, can acquire an exceptionally large loan with no difficulty.

Generally, when the problems are recognized, the government becomes concerned about the need for new legislation instead of evaluating whether existing legislation is being enforced, and if not, taking immediate steps to insure its enforcement; they then determine what additional legislation is needed to perfect the system. This process is generally increasing the consumer's expectations, but their expectations deteriorate as the administrative agency assumes its enforcement responsibility, without including an educational responsibility to notify the consumer of the processes to employ in insuring the enforcement of the regulations.

This can legitimately be accompanied under our present discriminatory system of justice, without any concern about its results. Fortunately, America's economic growth and the citizens' increased anxiety to acquire the American dream or the standards of expectation that have been set by the American society, have vividly demonstrated the deficiencies in the system and are demanding immediate reconciliation.

As a result of the preceding factors, we approach our fifth and final realization. If any low-income consumer protection agency is to become effective in eliminating the effects of institutional subordination, it must simultaneously assault, document, and develop alternatives to the present systems in the following areas:

1. Education—The consumer's lack of information and how to effectively use it within the framework of the present structure to bring about constructive change has contributed greatly to business infringement upon his rights. In this instance, you must compare the rights of the people (consumers) that spend their money on an individual basis to the rights of the people (industry) that concentrate dollars to influence consumer's behavior and market demand. In essence, you are developing an unpredictable market and subjecting industry to competition, while using the collective rights of the individual consumers to balance the political influence that industry has on the administrative agencies' enforcement authority.

2. Communication—The consumer's assets, i.e., his earnings and his rights, are sufficient instruments, when properly documented, to demonstrate the infringement by any external source, i.e., industry or government, and to demand that a mode of communication be developed whereby he can negotiate the terms under which he is willing to relinquish some of his rights of earnings to acquire certain services and benefits.

a. In requesting the development of channels of communication from industry, the consumer is to argue for his percentage of participation in the profits that the industry acquires, and the industry's ability to sustain itself by continuing to acquire a percentage of his earnings.

b. In requesting the development of channels of communication with the broadcasting media, the consumer is arguing his rights to public service programming—including entertaining, instructional, educational, etc. Although the consumer has no direct rights over the media, he has indirect rights via the Federal Communications Commission's requirement that the industry do business within the country. This requirement carries certain specifics of the obligation that the station has to the total segment of the community.

c. In requesting the development of channels of communication with the administrative agencies, you are automatically requesting the implementation of your rights as a citizen of the municipality, state, or Federal government. Moreover, you are requesting a recognition of your rights as a shareholder who has invested his hard-earned dollars (through taxes) in the establishment of a system that will provide you with certain services and benefits. In essence, your rights to communicate are legitimate ones that are entitled to be recognized and respected.

3. Organization—In this area, the consumer protection agency must accept the initiative in developing the procedures and structures that will enable the community and the other segments of the society to have a direct interchange.

4. Coordination—This is another responsibility that must rest with the consumer protection agency. It must always supervise, analyze and determine when the various segments of the society are deficient in input, and immediately proceed to provide them with the incentive that will allow them to participate at their maximum. Consequently, the program must be able to analyze internally and have such a rapport with the various segments so as to provide it with the information that would enable it to draw some type of conclusion.

5. Enforcement—With effective organization and coordination of effort, the consumer protection agency is able to detect those regulations that are not being enforced, and recognize those areas where additional legislation is necessary.

We would like to emphasize that we have found it wiser to pursue policy change in industry as a form of immediate relief that can be delivered directly to the consumer, and pursue legislative and administrative change as a long-range remedy. This decision was based upon the political nature of the District of Columbia and the low-income consumer's demand for immediate relief. However, in a state where the consumers are in a political position to elect their own officials, the reverse approach may be more beneficial.

HOSPITAL CONSOLIDATION: ANSWER TO COMPETITION?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. OBEY. Mr. Speaker, in an article in the November issue of Hospital Trustee, Marshall C. Petring, administrator of Columbia Hospital in Pittsburgh, Pa., points out that 7,000 hospitals in the United States are competing for physicians, nurses, technicians, secretaries, janitors, community support, patients, and Government money for medicare, medicaid, and building programs.

He asks:

Why is it necessary to compete in the hospital field? Is it because it has always been this way? Because each hospital is proud of what it has and feels it is better than the hospital a mile away or in the next town? Or is it because hospitals are unwilling to change; to compromise; to consider the benefits of not competing, of consolidating, of joining forces to bring prices down and to bring more services to more people in more areas.

Mr. Petring's article is thoughtful and timely, and I insert it in the RECORD at this point:

HOSPITAL CONSOLIDATION: ANSWER TO "COMPETITION?"

(By Marshall C. Petring)

Seven thousand hospitals in the United States. Seven thousand individual institutions competing for physicians, nurses, technicians, secretaries, janitors. All of these individual hospitals, from 25 beds to 2,500 beds, are competing for managers, community support, patients, and government money for Medicare, Medicaid, and building programs.

Each year, the number of hospital internship positions exceed the number of new physicians graduating from medical schools in this country, creating another area for competition. In the 1969–70 school year, the most recent one for which the total is available, there were 8,367 graduates while approximately 15,000 internship positions were offered. This situation has forced increases in the annual salary for an intern, and it forces hospitals to seek interns from outside the United States.

Most of the 7,000 individual hospitals have emergency departments that require 24-hour coverage by physicians. Therefore, hospitals are forced to compete with each other for physicians, paying from $10 to $25 per hour for physician coverage of the emergency department. This raises the question, it is necessary to have an emergency department in every hospital?

As the competition for personnel goes on and on among hospitals, what happens? Some hospitals find themselves referred to as the "haves" and some as the "have nots." Some have the money to pay large amounts for good management, good physicians and, in general, good personnel. Some do not.

IS COMPETITION NECESSARY?

Why is it necessary to compete in the hospital field? Is it because it always has been this way? Because each hospital is proud of what it has and feels it is better than the hospital a mile away or in the next town? Or is it because hospitals are unwilling to change; to compromise; to consider the benefits of not competing, of consolidating, of joining forces to bring prices down and to bring more services to more people in more areas?

How can hospitals eliminate competition among themselves? The board of trustees of each hospital can look at industry to evaluate the advantages when two companies merge. In most cases, they could see it helps both companies and provides continued and even greater service to the public. Why cannot this be true in hospitals? Why cannot hospitals consolidate or merge or work together? Why must they be behind industry? What would be wrong with having consolidated internships in which the intern rotates service in several hospitals instead of working in just one? What would be wrong with having surgical residents assist, on a rotating basis, at surgery in several hospitals with different surgeons? Would not such a system give a wealth of experience to the intern or the resident who took part in it?

MULTIPLE APPOINTMENTS

Many physicians have appointments on the medical staffs of three or more hospitals. Some specialists, such as neurosurgeons, plastic surgeons, gastroenterologists, and thoracic surgeons, have appointments on the medical staffs of as many as 11 hospitals in large urban areas.

The physicians have different committee functions to fulfill on each medical staff in accordance with the different medical staff bylaws of each hospital. How can a physician do it? Would it not be easier if several hospitals consolidated, had the same medical staff bylaws, the same committees, and the same physicians on each committee in order to spread the administrative duties among many physicians instead of giving many duties to a few physicians in several hospitals?

COMPETITION FOR MANAGEMENT

What about management? Each hospital hires an administrator, director of nursing, controller, executive housekeeper, purchasing agent, and other department heads. The hospital's size and location and the amount of competition will determine the salary the hospital pays to obtain the department head it needs. Does the hospital get the management it needs? An organization is measured by its growth, and this can be traced to the effectiveness of its management. A small organization usually cannot compete in salaries with a large organization, and, therefore, it cannot attract the most effective managers.

When the pros and cons of consolidation are examined objectively, there seem to be few negative aspects and many positive points. Improved care, reduction in the rise of cost, and cooperation—the best features of consolidation—should be considered heavily, and then the forward growth of all hospitals should proceed.

HEXACHLOROPHENE: THE FDA'S RESPONSE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. RYAN. Mr. Speaker, the Food and Drug Administration has announced that it will act favorably on a portion of my request that the use of hexachlorophene be restricted.

For the past 20 years, hexachlorophene has been extensively used as an antibacterial agent in a wide variety of products. Yet recent studies have linked this chemical to serious neurological disturbances in children and in laboratory animals.

Therefore, on September 12, I wrote Food and Drug Administration Commissione. Charles Edwards expressing my deep concern over the unfettered use of this chemical and urging him "to take every possible effort to insure that the consumer is protected from its hazards, including a restriction of its use and adequate labeling which will alert the citizen to the dangers presented by this chemical."

On September 22, the FDA responded to my request by noting that it was aware of the concern relating to the potential hazards attributable to the use of hexachlorophene, but stated that it was unwilling to take any action until it had completed studies then underway.

Although in agreement that additional research was essential, I wrote back to Commissioner Edwards expressing my belief that the public should be made aware immediately of the findings of past research in this field and the severe hazards it has uncovered. And I again urged that he advise a restriction of use, pending the final outcome of those studies being undertaken by the FDA.

Thus, I was pleased by the announcement of the FDA on December 6 questioning both the safety and effectiveness of hexachlorophene as a germ fighter and warning against certain uses. Further, the FDA revealed that it will require a warning label on soaps and skin cleansers containing 3 percent or more of this chemical and has sent a separate warning to some 600,000 physicians and health professionals.

This warning, however, does not affect the 300 to 400 other household products containing concentrations of hexachlorophene lower than 3 percent. The Food and Drug Administration is continuing its investigation into these products. Again, although I am in accord with the need for continued research, I believe that it is imperative that the public have a full understanding of the current status of research and its implications.

Therefore, I am including in the RECORD the text of the Food and Drug Administration's conclusions relating to hexachlorophene, my correspondence with the FDA on this issue, and several recent newspaper articles on hexachlorophene and its dangers:

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CONGRESS OF THE UNITED STATES,
Washington, D.C., September 12, 1971.

Hon. CHARLES EDWARDS,
Commissioner, Food and Drug Administration, Rockville, Md.

DEAR COMMISSIONER EDWARDS: I am deeply concerned by the medical hazards of hexachlorophene, widely used as a disinfectant in soap, detergents, cosmetics, mouthwashes and infant preparations.

Recent studies have linked the use of hexachlorophene with severe neurological disturbances in children and laboratory animals. These studies have disclosed that infant burn patients who were washed daily with hexachlorophene detergent suffered brain seizures and that rats fed certain doses developed paralysis, brain lesions, and poisoning.

In light of the wide variety of products in which hexachlorophene is used, I urge you to take every possible effort to insure that the consumer is protected from its hazards, including restriction of its use and adequate labeling which will alert the citizen to the dangers presented by this chemical.

I would appreciate a full report on all steps taken by the Food and Drug Administration in regard to hexachlorophene, including any studies or reviews you have undertaken.

With kindest regards,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md., September 22, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: This is in reply to your September 12, 1971 request for a full report on all steps taken by the Food and Drug Administration in regard to hexachlorophene, including any studies or reviews undertaken.

We are fully cognizant of the concern for possible hazards which have been suggested as attributable to the use of hexachlorophene.

Scientists in the Food and Drug Administration are completing comprehensive investigation of hexachlorophene which includes methods of chemical analysis, amounts of contamination of commercial samples with toxic dioxins, toxicologic studies in man and animals and metabolism of hexachlorophene *in vivo* and *in vitro*.

In the near future a report will be prepared which will consolidate the information we have on hexachlorophene. When this report is completed we will forward a copy to you together with any other information we have available at that time.

If we can furnish any further assistance, please let us know.

Sincerely yours,

M. J. RYAN,
Director, Office of Legislative Services.

UPDATED RESPONSE STATEMENT ON HEXACHLOROPHENE—JUNE 16, 1971

(To be used to answer inquiries)

Hexachlorophene has been used extensively for the past twenty years as an antiseptic for application to the skin. In addition to soaps and solutions, it has also been used in recent years as a constituent of some deodorants, anti-perspirants, feminine hygiene products, mouthwashes, toothpastes, cosmetics, and certain OTC drugs.

Hexachlorophene as an active ingredient in various formulations was cleared for safety through the new drug procedure early in the history of the 1938 Food, Drug and Cosmetic Act. More recent experience has indicated that in certain circumstances toxic amounts can be absorbed. Studies by FDA toxicologists and other FDA scientists, as well as outside investigators, are currently underway to extend our knowledge of hexachlorophene under various conditions of use.

FDA scientists have also asked cosmetic manufacturers (as reported in the Cosmetic, Toiletry and Fragrance Association, Inc. *Scientific Newsletter*, April 1971) to re-evaluate the use of hexachlorophene in their products, with respect to its need, and the optimum levels required. With these data, FDA will then be better able to ascertain the need—if any—to curtail its use.

A CT&FA survey conducted last year indicated that hexachlorophene is used at levels as low as .0003% and as high as 3%. Most uses were well below 1%.

CONGRESS OF THE UNITED STATES,
Washington, D.C., September 24, 1971.

Hon. CHARLES EDWARDS,
Commissioner, Food and Drug Administration, Rockville, Md.

DEAR COMMISSIONER EDWARDS: This letter is in further regard to my correspondence of September 12, 1971, relating to the possible health hazards of hexachlorophene.

In his letter to me of September 22, Mr. Ryan, Director, Office of Legislative Services, informed me that the Food and Drug Administration is currently undertaking a comprehensive investigation of hexachlorophene and its uses. Although such a study is absolutely essential, I believe that the public should be made aware immediately of the findings of past research in this field and the severe hazards that it has uncovered.

Specifically, I bring to your attention the article by Dr. Renate D. Kimbrough which appeared in the Archives of Environmental Health, Vol. 23, August 1971, and the study by August Curley, Robert Hawk, Renate Kimbrough, George Nathenson, and Laurence Finberg which appeared in The Lancet, August 7, 1971, entitled "Dermal Absorption of Hexachlorophene in Infants."

These studies have linked the use of hexachlorophene with severe neurological disturbances in children and laboratory animals. The conclusions of both these articles raise serious questions as to the safety of this chemical, and indicate that excessive or unnecessary use be avoided.

In light of these findings and the wide variety of products in which hexachlorophene is used, I urge that the Food and Drug Administration make every possible effort to alert the public of the potential harm of hexachlorophene and that the FDA advise a restriction of its use, pending the final results of those studies currently being undertaken by your agency.

Again, I urge you to take all appropriate actions to insure that the consumer is protected from any dangers that might be posed by this chemical.

I look forward to receiving a full report on any steps taken by the Food and Drug Administration in regard to hexachlorophene, including the results of those studies that FDA now has underway.

With kindest regards,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md., October 1, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: Commissioner Edwards has asked me to reply to your September 24, 1971 letter in further regard to possible health hazards of hexachlorophene.

We understand your concern and appreciate the depth of your interest in the recent evidence that has linked hexachlorophene to neurological disturbances in children and laboratory animals.

As you are aware, hexachlorophene has been widely used in a great many products subject to the jurisdiction of the Food and Drug Administration. Our study and evaluation of hexachlorophene has had top priority and is now nearing completion. In this connection, full consideration will be given to the position you have taken.

We will advise you as soon as possible as to the precise course of action we plan to take with respect to products containing hexachlorophene. Please be assured that any action we take will be with the idea of providing full protection to the consumer.

Sincerely yours,

M. J. RYAN,
Director, Office of Legislative Services.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md., December 7, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: This is in further reply to your September 24, 1971 letter to Commissioner Edwards concerning possible health hazards of hexachlorophene. An interim reply was sent to you on October 1, 1971.

The enclosed *Federal Register* document was published after consideration was given to reports from the National Academy of Sciences/National Research Council, current labeling for products containing hexachlorophene, and other available evidence including that of toxic effects associated with hexachlorophene use.

We are enclosing a Drug Bulletin concerning toxicity in the use of hexachlorophene in bathing infants.

We will keep you apprised of any further action we take with respect to hexachlorophene. If we can furnish any other assistance, please let us know.

Sincerely yours,

M. J. RYAN,
Director, Office of Legislative Services.

Department of Health, Education, and Welfare—Food and Drug Administration, [Docket No. FDC-D-400; NDA 6270 etc., DESI 6270]

DRUGS FOR HUMAN USE—DRUG EFFICACY STUDY IMPLEMENTATION CERTAIN PREPARATIONS CONTAINING HEXACHLOROPHENE

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Gamophen Surgical Cake Soap with Hexachlorophene; Arbrook, Div. of Ethicon Inc., Rt. 22, Somerville, N.J. 08876 (NDA 6–270).

2. pHisoHex skin cleanser containing hexachlorophene; Winthrop Laboratories, Div. of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 6–882).

3. PHisoHex Detergent Cream containing hexachlorophene; Cook-Waite Laboratories, Inc., Div. of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 8–402).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

The Commissioner concludes that, on an interim basis the labeling stated below will be acceptable pending the results of a major study of all over-the-counter drugs which is being undertaken by the Food and Drug Administration with the assistance of advisory committees.

A. Effectiveness classification

The Food and Drug Administration has considered the Academy's reports, current labeling for these products, and other available evidence including evidence of toxic effects associated with the use of hexachlorophene, and concludes that such preparations are:

1. Effective for use as a bacteriostatic skin cleanser.

2. Possibly effective for use in the treatment of impetigo in newborns and other staphylococcal skin infections, cradle cap, and in helping to clear acne.

3. Lacking substantial evidence of effectiveness for use in the relief of pruritus ani, for the broad claim as a vaginal douche, in the treatment of chronic eczema, in irrigating or cleansing wounds and burns, and as an "aid to personal hygiene."

B. Conditions for approval and marketing

The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug*—Such preparations are in a form suitable for topical administration.

2. *Labeling conditions*—

a. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

For use as a bacteriostatic skin cleanser.

b. The labeling shall also include prominent and conspicuous warnings. Recent studies confirm absorption into the blood stream when such products are used for daily bathing on infants and adults. Since this use has not been shown to be safe and is only possibly effective, it is contraindicated at this time except under the direction and care of a physician. When used on large burn areas, there are high blood levels and clinical signs of neurotoxicity. The warning statement should read:

WARNING

Do not use for total body bathing.
Rinse thoroughly after use.

3. *Marketing status*—

Marketing of such drugs may be continued under the conditions described in the notice entitled *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study* published in the Federal Register July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of a full new drug application as described in paragraph (a)(3)(iii) of that notice.

(c) For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

C. *Opportunity for a hearing*—

1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A. 3. of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the Federal Register.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the Federal Register of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6270, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Request for hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC–1) Room 6–88, Parklawn Building.

Request for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.210).

JAMES D. GRANT.

Dated: November 29, 1971.

[From the FDA Drug Bulletin, December 1971]

HEXACHLOROPHENE AND NEWBORNS

A number of recent studies have raised serious questions concerning the toxicity of hexachlorophene preparations used for total body bathing of newborn infants. A summary of three such studies follows:

1. Fifty newborn infants, bathed daily with a 3% hexachlorophene product, showed hexachlorophene blood levels of .009 to .646 micrograms/ml. on the day of hospital discharge. No obvious toxic symptoms were noted in the newborns. (Curley, A., et al. Lancet, Aug. 7, 1971.)

2. Rats fed hexachlorophene to achieve mean hexachlorophene blood levels of 1.21 micrograms/ml. showed brain changes characterized by cerebral edema limited to the white matter, and cystic spaces of the brain believed produced by fluid accumulation. (Gaines, T.B., Kimbrough, R.D. Paper read at the 10th annual meeting of the Society of Toxicology, Washington, D.C., March 7–11, 1971. See also Kimbrough & Gaines, Arch. Environ. Health 23:114–118, Aug. 1971.)

3. Newborn monkeys washed daily with 3% hexachlorophene for 90 days showed mean hexachlorophene plasma levels of 2.3 micrograms/ml. When they were sacrificed, the white matter of the brain, particularly the cerebellum, brain stem and all parts of the cord, showed lesions consisting of cystic spaces like those described above. (Studies submitted by Winthrop Laboratories to FDA on November 18, 1971.)

These studies challenge the safety of hexachlorophene bathing of infants, a practice which has been widely advocated as effective prophylaxis against nursery epidemics of staphylococcal skin infections. A critical review of the studies on which this claim is based indicates that whereas there is no doubt that hexachlorophene bathing decreases skin colonization of gram-positive organisms, there is a lack of substantial evidence that hexachlorophene washings by themselves prevent staphylococcal disease or show antibacterial activity against gram-negative organisms. Hospitals are known to operate nurseries safely without the use of this product.

The FDA has been in close contact with the Committee on Fetus and Newborn of the American Academy of Pediatrics regarding these findings. In light of these findings and since other methods of control of infection are available, we have jointly concluded that the use of hexachlorophene for total body bathing of infants in hospital nurseries or at home is not recommended. In its place the committee recommends the following procedures:

"At present we recommend dry skin care, washing with plain soap and water or tap water alone for skin care of the newborn infants. It should be emphasized that the most important factor in the transmission of infection from infant to infant is hand contact. This can be minimized by scrupulous hand washing before entering the nursery as well as just before and just after handling each infant. Either an iodophor preparation or 3% hexachlorophene emulsion is recommended."

The labeling of 3% hexachlorophene products is being amended to advise against their use for total body bathing.

The effectiveness of 3% hexachlorophene for other uses has been studied by the Food and Drug Administration and the National Academy of Sciences. On December 8, 1971, FDA published NAS Drug Efficacy Study evaluations rating such products effective for use as bacteriostatic skin cleanser (including surgical scrub). They are rated possibly effective [1] for use in the treatment of impetigo in newborns and of other staphylococcal skin

[1] A rating of possibly effective means that there is little evidence of effectiveness for the given indication. Substantial evidence of the effectiveness of drugs is required by law. The responsibility for substantial evidence of effectiveness of a drug rests with the manufacturer.

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infections, and in the treatment of cradle cap and in helping to clear acne. They are found to be lacking in substantial evidence of effectiveness for use in the relief of pruritus ani, for the broad claim as a vaginal douche, in the treatment of chronic eczema, in irrigating or cleansing wounds and burns, and as an "aid to personal hygiene".

Further studies will be necessary to determine the ultimate usefulness of hexachlorophene preparations.

[From the Wall Street Journal, Dec. 7, 1971]

FDA ORDERS LABEL WARNINGS ON HAZARDS OF HEXACHLORAPHENE IN CLEANSERS FOR SKIN

(By Jonathan Spivak)

WASHINGTON.—The Food and Drug Administration issued new warnings about the potential health hazards of hexachloraphene and ordered drug companies to adopt precautionary labeling for some products containing the germ-killing agent.

The action will have major impact on skin cleansers containing 2% to 3% concentrations of hexachlorophene, officials said. The substance has been shown to be absorbed through the skin, and in high concentrations in animal tests or in use with human burn patients, to cause severe damage to brain tissue.

The products affected by the FDA action include pHisoHex skin cleanser and pHisoHex detergent cream, made by Sterling Drug Inc., and Gamophen surgical cake soap, made by the Arbrook Inc., division of Johnson & Johnson, and HyperHaze made by Colgate-Palmolive.

While the FDA didn't offer any added information for the record, the agency is known to be considering a far more sweeping series of actions to limit the public's exposure to hexachlorophene. The chemical is contained in lesser concentrations in about 4,000 different products. These include the highly promoted feminine hygiene sprays as well as numerous bath soaps, shampoos, deodorants and numerous cosmetics, where it serves a preservative function against bacteria.

Thus, it's almost certain the agency's action against the hexachlorophene cleansers is only its first step in a regulatory policy that could have far-reaching implications for the cosmetics industry.

The high-concentration hexachlorophene products are widely used for antiseptic purposes in hospitals, particularly with infants, and also are promoted to the public for a variety of other purposes. The FDA announcement challenged the value of many of these other applications, because of a critical evaluation by the nongovernment National Academy of Sciences.

The agency said the products were only "possibly effective" for the treatment of impetigo in newborn babies and other staphylococcal skin infections, cradle cap and in helping clear acne, and lacked "substantial evidence of effectiveness" for treatment of chronic eczema, cleansing wounds and burns and as an "aid to personal hygiene."

But the FDA's chief concern was safety. It warned physicians that studies have raised "serious questions concerning the toxicity of hexachlorophene preparations used for total body bathing or newborn infants." The agency told manufacturers to include safety warnings in their labeling and advertising to caution against use either by adults or infants for "total body bathing." The FDA said such use should be permitted only under the direction and care of a physician.

The producers were given 30 days to request a hearing on the required label warnings and the deletion of specific claims for the concentrated solutions. The hearing would stay the action, but the FDA needn't grant a hearing unless it's convinced the companies can make a persuasive case that the requirements are unjustified. The companies will be given six months or more to come up with the necessary supporting evidence for those claims judged to be "possibly effective."

FDA officials said there hadn't been any evidence that widespread use of the highly concentrated products had caused health hazards except to burn patients whose skin is particularly susceptible to absorption. But, they said, recent animal experiments by Sterling Drug show that hexachlorophene may be more easily absorbed through normal skin than previously thought. Newborn monkeys that were washed daily with a 3% solution for 90 days, the normal human use, absorbed 2.3 parts a million their blood plasma, more than enough to cause damage to parts of the brain and the spinal cord. These new findings, coupled with other evidence of higher-than-expected levels of hexachlorophene in certain population groups with special exposures, such as surgeons and animal handlers, have produced a new sense of urgency about the chemical among government people.

A spokesman for Winthrop Laboratories division of Sterling Drug said the company hadn't yet seen the FDA rulings on hexachlorophene solutions such as its pHisoHex. He said, however, the ruling didn't come as a complete surprise, as there had been publicity over the hexachlorophene controversy.

The spokesman said, though, that Sterling's pHisoHex has been on the market for 22 years. "In all this time and these millions and millions of uses, there hasn't been one single report of neurotoxic reaction when (the product) was used as directed, which I think is a pretty good record." In regard to the animal studies on skin absorption of hexachlorophene, he said: "We don't know what they mean as far as their application to humans; you can't compare a rat or monkey to man."

FDA officials sketch a broad range of potential regulatory approaches, but caution that Commissioner Charles Edwards has yet to commit himself to any one. These include:

Leaving alone products that are washed off immediately, like low-concentration soaps, but restricting hexachlorophene in products like underarm deodorants and vaginal sprays, which remain in close contact with the skin.

Moving hexachlorophene soaps, like pHisoHex, Armour & Co.'s Dial and others, which are considered drugs, to prescription-only basis.

Establishing an overall limit on use of hexachlorophene in any product at preservative levels, which are a fraction of 1%, and banning concentrations above this level. The concentrations in vaginal sprays range from 0.08% to 0.1%, FDA experts say.

The FDA's dilemma with hexachlorophene stems from a continuing lack of hard scientific data on what constitutes a safe exposure level and uncertainty over how much exposure many persons currently have. Furthermore the agency doesn't have any way of knowing precisely what products contain the chemical and in what concentrations, because cosmetics makers needn't disclose their formulas.

But the agency appears to be moving toward setting a maximum safe exposure level for the public. Concentrations of 0.28 parts a million in the blood have been shown to be safe in feeding experiments with rats, while concentrations of 1.2 parts a million in the blood have produced brain lesions and concentrations of 8.5 parts a million have caused severe brain damage.

[From The New York Times, Dec. 7, 1971]

FDA WARNS OF HEXACHLOROPHENE BATHS

(By Jane E. Brody)

The Food and Drug Administration, citing findings of brain damage in baby monkeys, warned yesterday against regular bathing of infants and adults with cleansers containing 3 per cent or more hexachlorophene.

In a letter to be sent today to 600,000 doctors and other health professionals, the agency says recent studies showed that hexachlorophene can be absorbed through the skin into the blood stream, and that this absorption resulted in damage to the white matter of the brains of newborn monkeys.

The white matter is made up of bundles of white-coated axons, the parts of the nerve cells that act as intercommunicating fibers.

The agency also cites a study in rats involving ingestion of hexachlorophene, which also showed damage to the brain's white matter. The rats developed leg weakness and paralysis, but the monkeys showed no outward ill-effects.

Hexochlorophene cleansers, the most popular of which is pHisoHex, made by Winthrop Laboratories, are widely used in hospitals and in homes for daily bathing of infants to prevent skin infections.

The blood level of hexachlorophene in the monkey and rat studies was not much higher than levels that have been found in newborn human infants upon their discharge from the hospital.

The drug agency also announced that it would publish in the Federal Register today proposed new labeling for products containing 3 per cent or more of hexachlorophene. The new label would require "prominant and conspicuous warnings" against the use of such products for daily bathing of infants and adults.

Dr. Louis Gluck, pediatrician at the University of California in San Diego whose studies helped to establish routine bathing with hexachlorophene in hospital nurseries, said in a telephone interview yesterday that the result of the F.D.A.'s action "could be disastrous—it could set back infant care by many years."

Dr. Gluck noted that the Canadian Food and Drug Administration had reviewed the same study findings and had seen no reason to take such action. He added that the widespread use of hexachlorophene in nurseries had resulted in staphylococcus infections being "wiped out all over the world."

The American drug agency's decision to halt this use was reached in concordance with the American Academy of Pediatrics. Dr. Gluck said he was barred from the academy's deliberations.

In place of hexachlorophene, the American Academy recommended washing with soap and water, or plain water.

The F.D.A. also said that it would publish today the results of a drug efficacy study by the National Academy of Science which seriously questions several contentions on the effectiveness of hexachlorophene preparations.

The National Academy said that there was no substantial evidence of hexachlorophene's effectiveness as a vaginal douche and "as an aid to personal hygiene."

Hexachlorophene is an ingredient in the so-called "feminine hygiene" (vaginal deodorant) sprays, which now is said to have a $53-million market. The sprays are currently marketed as "cosmetics" and do not fall under F.D.A.'s regulatory umbrella at this time.

The National Academy described hexachlorophene as "possibly effective" in treating acne, one of the most common uses for hexachlorophene preparations.

Last week, Ralph Nader, the consumer advocate, urged the F.D.A. to end over-the-counter sales of hexachlorophene products and make them prescription items. The action announced yesterday was the first time that the drug agency has attempted to regulate hexachlorophene products.

Hexachlorophene has become a ubiquitous chemical since its discovery in 1939. In varying amounts, it can be found in 300 to 400 different products, including soaps, shampoos, foot powders, underarm deodorants, baby lotion, shoe liners, shower curtains and wearing apparel.

USED AS A FUNGICIDE

It is also registered for use as a fungicide on citrus fruits and a number of vegetables, including cucumbers, peppers, tomatoes and potatoes.

As a result, the chemical has become a common human contaminant, typically present in the bloodstream in amounts in the neighborhood of one part per billion.

Adults who shower with hexachlorophene preparations have been found with blood levels of nearly a third of that which caused brain damage in the rats.

Although it has generally been considered an extremely safe compound when used externally, hexachlorophene, which is a synthetic compound, has been associated with several hazards over the years.

One condition called chloasma, a darkening of the skin on the face, was reported a decade ago. And three years ago, coma and muscle twitching were reported to occur in burn patients treated with hexachlorophene.

The chemical has also caused on occasion a skin allergy, called photocontact dermatitis, a reaction following exposure to sunlight in which the sun's rays interact with the residue of hexachlorophene on the skin.

The damage to rats' brains was demonstrated a year and a half ago by an F.D.A. scientist, Renate Kimbrough, but her findings did not reach the public eye until last summer when they were published in the Archives of Environmental Health.

And last spring, two F.D.A. scientists—Robert E. Hawk and August Curley of the agency's Atlanta Toxicology branch—reported that individuals who had no unusual exposure to hexachlorophene commonly had blood levels of the chemical that were almost one-tenth of the levels that caused brain damage in the rats—a very small margin of safety.

These two scientists subsequently studied 50 newborn infants who had been bathed daily with hexaclorophene during their stay in the nursery at Montefiore Hospital in New York. The infants had blood levels of hexachlorophene averaging one-tenth of those levels that damaged the rats, and the highest level found in a baby was more than half that in the rats.

The latest study in the monkeys, done by Winthrop Laboratories, the manufacturers of pHisoHex, and reported to the F.D.A. two and a half weeks ago, was apparently the one that sparked the agency's action.

[From the Baltimore Sun, Dec. 7, 1971]

FDA QUESTIONS HEXACHLOROPHENE AND ORDERS WARNING LABELS

WASHINGTON.—The Food and Drug Administration questioned both the safety and effectiveness of hexachlorophene as a germ fighter yesterday and warned against its use in bathing babies and adults.

The U.S. agency ordered warning labels to be placed on soaps and skin cleaners containing 3 per cent or more of the chemical, and sent a separate warning to 600,000 physicians and other health professionals.

In controlled studies cited by the FDA, 50 newborn infants were bathed daily with hexachlorophene preparations absorbed measurable quantities of the chemical into their blood by the time they were discharged from the hospital. None displayed toxic symptoms.

It added that a group of baby monkeys bathed with a 3 per cent solution for 90 days developed brain lesions. In addition, rats fed hexachlorophene showed physical changes in the brain.

The FDA action was based on studies by the National Academy of Sciences-National Research Council which found hexachlorophene effective as a skin cleanser, at best possibly effective in treating impetigo and other staphylococcal skin infections and acne, and lacking substantial effectiveness as a vaginal douche and for treating chronic eczema, wounds and burns.

The study found the chemical lacked effectiveness as an "aid to personal hygiene," a phrase that could signal an impending inquiry into the use of hexachlorophene in aerosol deodorants and feminine-hygiene sprays. The chemical has been blamed by some doctors for skin and membrane irritations.

"Further studies will be necessary to determine the ultimate usefulness of hexachlorophene preparations," the FDA said.

The new FDA requirement for labels warning against its use in body bathing and advising thorough rinsing applies to such products as Phisohex skin cleanser and detergent cream manufactured by Winthrop Laboratories, Hyper Phase by Colgate-Palmolive, and Gamophen soap by Arbrook Division of Ethicon.

Companies have 30 days to comment on the order to be published in the *Federal Register* tomorrow and six months to prove that hexachlorophene fights staph.

In place of hexachlorophene bathing of infants, the FDA and the American Academy of Pediatrics recommended "washing with plain soap and water or tap water alone."

"It should be emphasized that the most important factor in the transmission of infection from infant to infant is hand contact," physicians were told by the FDA. "This can be minimized by scrupulous hand washing before entering the nursery, as well as just before and just after handling each infant."

IN THOUSANDS OF PRODUCTS

Hexachlorophene, introduced about 22 years ago, now is found in thousands of household products including soaps, deodorants, acne creams, hand and body lotions, shampoos, makeup, mouthwashes, toothpastes and over-the-counter drugs.

In less than five years, feminine-hygiene deodorant sprays have grown to sales this year of $53 million and are used by an estimated 24 million women.

[From the Washington Post, Dec. 7, 1971]

FDA ACTS ON GERM KILLER

(By Nancy L. Ross)

The Food and Drug Administration made its first move yesterday against hexachlorophene, announcing it would require a warning label on concentrated cleansing solutions containing that well-known germ-killer.

Tests have shown pHiso-Hex and similar products—used for years to bathe babies or cleanse wounds—with 3 percent hexachlorophene can produce toxic effects, the FDA said. In addition to the warning, the agency today will send physicians bulletins which seriously question the effectiveness of hexachlorophene as an anti-bacterial agent.

The warning does not affect 300 to 400 other household products containing hexachlorophene in lower concentrations, from minute traces up to about 1 percent. However, an FDA spokesman called the move a "door-opening action," which could pave the way for regulation of other products such as aerosol deodorants and the newly popular feminine hygiene deodorant sprays. The FDA is at present investigating these sprays, said by some users and gynecologists to cause skin and membrane irritations.

The warning label, to be published Wednesday in the Federal Register, would read: "Do not use for total body bathing. Rinse thoroughly after use."

Winthrop Laboratories, a division of Sterling Drug Inc. which manufactures pHiso-Hex, have repeatedly said they have never received a report of harm in 20 years and tens of millions of cases of the product when used as directed. (The directions urge thorough rinsing.)

Studies submitted by Winthrop itself, the FDA said, showed that newborn monkeys washed daily with 3 percent hexachlorophene for 90 days showed traces of hexachlorophene in their blood and brain damage.

Other recent studies, said the agency, have shown the substance to be not only potentially dangerous but ineffective in combating staphylococcal germs. Hexachlorophene cleansers are widely used in hospital nurseries for this purpose.

But the FDA noted: "Hospitals are known to operate nurseries safely without the use of this product."

The FDA, in conjunction with the American Academy of Pediatrics, recommends "dry skin care, washing with plain soap and water or tap water alone for skin care of the newborn infants. Either an iodophor preparation or 3 per cent hexachlorophene emulsion" is recommended by the FDA, however, for adults washing their hands before handling infants.

An efficacy rating done by the National Academy of Sciences for the FDA considers concentrated hexachlorophene products "effective" for surgical scrubs, but only "possibly effective" (little evidence of effectiveness) against impetigo in newborns, cradle cap and acne.

Hexachlorophene products were found to be "lacking in substantial evidence of effectiveness" for anal itching, as a vaginal douche, chronic eczema, cleansing wounds or burns and as an aid to personal hygiene."

The FDA said yesterday that further study is needed to determine whether action is warranted in the case of feminine hygiene deodorant sprays.

Unlike concentrated anti-bacterial cleansers which are classified as drugs, the sprays are considered cosmetics. As such their manufacturers do not have to get government clearance of ingredients nor must they list them on the label.

If FDA should seek to regulate these products, it has several possible alternatives. The agency could ban hexachlorophene outright—which it has already indicated it would not do—or try to discourage its use by manufacturers. It could require a warning or instructions on the label about how to stop the spray from getting into the vagina. Or it could seek to prevent manufacturers from making any unproven "medical claim," thus forcing the removal of such words as "hygiene" that imply medical benefit.

MRS. JOHN McCORMACK

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. NIX. Mr. Speaker, I rise to honor the memory of a dear woman who was a lady in every sense of the word. She was Harriet Joyce McCormack, beloved and loving wife of our former Speaker John McCormack.

A woman of many talents, Mrs. McCormack gave up a promising operatic career to become the wife of a young lawyer. The supportive role she played in helping John McCormack realize his great potential and achieve his ambitions was true dedication and undoubtedly was his great inspiration.

The selflessness of this woman enobled the spirit of Harriet McCormack and enriched the life of a great leader of this body. With the strength of her religious convictions she was a serene source of inspiration to us all and the warmth of her memory will remain with us all.

I wish to join with my colleagues in extending to our distinguished and beloved former Speaker our heartfelt condolences for his great and irreparable loss.

XUM

THE ENERGY CRISIS: A FURTHER VIEW

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. PRICE of Texas. Mr. Speaker, this Nation's history is one of record growth. Let us just look at the record of the last two decades. Population has soared. Industry has rapidly expanded. And, even with its current problems, the economy—as measured by the Gross National Product—has nearly quadrupled.

No nation approaches the industrial strength of the United States. And no society in the history of the world has reached our degree of prosperity. This prosperity has been generated largely by the existence and ready availability of large amounts of energy.

A look at the nations of the world points out the intimate relationship between energy supplies and prosperity. The higher a nation's per capita use of energy—as is the case in the United States and Canada—the higher its per capita real income. On the other hand, nations with low rates of energy consumption—such as India and Brazil—have low positions on the per capita income scale.

Because of the reliability of oil and gas supplies—and their low cost—the general public has given little thought about the national energy situation. To the average citizen it has been inconceivable that supplies of energy could be depleted. In fact, a recent survey conducted by Newsweek and the American Forest Institute concluded that nearly twice as many Americans are concerned that our timberlands may be nearing exhaustion than are concerned about the adequacy of our oil and natural gas supplies. Yet, despite this show of public unconcern, we are on a collision course with the energy problem.

The United States was blessed with an abundant supply of energy resources and these resources have been heavily drawn upon. This is particularly true as far as our oil and gas resources are concerned. Today, approximately 75 percent of our national energy demand is met by oil and natural gas. Not only are tremendous amounts of these fuels being consumed annually, the Department of the Interior projects that the demand for both oil and gas will just about double by the end of this century. Forecasts like this mean that the United States will consume more than twice as much oil between now and the year 2000 as it has in the entire 112-year history of the oil industry.

There are those who have made the claim that even though our energy needs are expanding, we do not need petroleum to satisfy these needs. As a matter of cold fact, nothing could be further from the truth. Alternative sources of energy production simply are inadequate for our growing energy needs.

In the past few years, the consumption of coal has been restricted due to environmental problems. Coal users have had a difficult if not impossible time meeting various tough air pollution control standards. As a consequence, there has been a marked slowdown in capital investment in coal mining and production.

Construction of nuclear power plants is running years behind the schedules of those who hailed nuclear power as the answer to the energy problem. On the basis of the number of nuclear plants that have been built, or are on the drawing boards, it is clear that nuclear capacity in the next decade may be as much as a third less than had been predicted. In fact, even further delays may occur in the construction of nuclear power plants because the courts have recently ruled that environmental impact evaluations must be conducted for about 100 operating and planned nuclear facilities.

As far as hydroelectric power goes, it has almost reached its peak in terms of utilization. Fewer and fewer sites remain suitable for hydroelectric development and stiff opposition from environmental groups is casting substantial doubt on even some of those. As a consequence of these factors, the share of the energy market taken up by hydroelectric power—which is currently about 4 percent—is expected to slowly wither away.

Finally, although synthetic fuels will ultimately become an important source of energy, they are unlikely to provide a significant share of our energy needs for many years to come. The technical feasibility of synthetic fuels has been proven in some cases, but substantial research and development must take place before these fuels can be economically produced on a large scale basis.

The meaning of these conditions in the energy industry is clear. Oil and natural gas are and will remain for some time to come the foundation of the energy industry and the foundation of our national prosperity.

From a natural resource point of view, this Nation cannot, under present circumstances, continue to rely on its own petroleum resources. For almost three decades, we have drawn heavily on our own resources. We have drawn on them to provide ourselves and the rest of our Nation with an ever-increasing level of material comforts. We have drawn upon them to fight one major war in Europe and two more in Asia. We have drawn upon them to supply our less self-reliant allies when they have been cut off from their usual supply sources.

These heavy uses have had their consequences. In 1957, we had a 12-year supply of crude oil in the lower 48 States based on then-current production rates. Today, we have less than a 9-year supply. In 1957, we had more than a 21-year supply of proven natural gas reserves. Today, we have only a 12-year supply.

Not only are our domestic supplies rapidly dwindling, exploration for new domestic reserves is at the lowest level in 23 years. In effect, we have been living off reserves discovered years ago, while making few new discoveries to compensate for the drain.

What has happened is that this Nation is turning more and more to foreign supplies of oil to meet its needs. Last year, total U.S. demand for oil was 5.4 billion barrels. Of this amount, 1.2 billion barrels—nearly one-fourth of the total demand—was imported. In light of the current status of the struggle between the Middle Eastern powers, and the ever-present maneuvering of the Soviet Union in that area of the world, it is obvious we are engaged in a very high risk enterprise by turning to the Middle East for oil supplies. If the present importation trend continues, this Nation could one day find itself at the mercy of Middle Eastern potentates and their Communist allies.

This increased reliance on foreign oil has also had its effect on the supplies of natural gas and, as those such as myself have been warning over the last few years, this Nation is starting to experience what may well become a real shortage in natural gas supplies. In fact, in the Washington, D.C., area, the supplies of natural gas are so tight, that suppliers are being forced to cut back their deliveries to some consumers, and eliminate them in the case of others.

When the key facts about the energy problem are drawn together and laid out, the picture that emerges is not a pleasant one. While we are not in the grips of an immediate energy crisis, we are facing the threat of an energy gap, with energy demands threatening to outrun available supplies by larger and larger margins. If an energy gap does develop, it will mean we may be hard pressed to supply the fuels necessary to keep our homes, schools, and offices heated. We may encounter difficulty in keeping our personal and public transportation operating. As a nation, we may find it hard to keep our industries producing. We may find it impossible to satisfy our internal energy needs while satisfying the needs that our national security forces—the Army, the Navy, and the Air Force—have. And needless to say, without a strong and healthy defense force, there may not be any domestic energy needs for us to worry about.

We should all take heart by the fact that the difference between our dwindling supply of energy and our growing demand for energy has not yet reached the critical point. We can take no comfort, however, from the thought that the critical point may soon be upon us. This means that if the energy crisis is to be avoided, action must be taken soon.

What this means is that by far the most important challenge facing the Nation now and in the near future is that of providing adequate supplies of energy at reasonable costs in a way that is consistent with our desire to preserve a quality environment.

When I am asked the question, how did a country which seemingly had an unlimited supply of fuel reach a point where demand is now outstripping newly found supplies, I have to answer that it was not easy. It did not happen overnight.

For years, knowledgeable people in the petroleum industry and in Government have been forecasting just such a predicament. Instead of their warnings being listened to, they were charged with having self-serving interests, and their predictions were ignored. As a consequence, nothing was done in the way of governmental policy to stimulate the search for new reserves, and what was even more deadly, various governmental policies have run in precisely the opposite direction than what was needed.

Sometimes I wonder whether if we had intentionally tried to create an energy crisis, we could have been as successful in sowing the seeds of one. As it stands, the governmental policies and actions that have created the present problems were largely arrived at on a piecemeal basis, without adequate thought being given to their cumulative effects on our energy supply picture.

Fortunately, the voices of the petroleum industry and other concerned individuals in Government such as myself are at last beginning to be not only heard, but listened to. As a result, a number of meaningful studies have been or are being undertaken in search of solutions to our pressing energy problems.

President Nixon has called for a comprehensive study of the total energy problem and for the development of a coordinated program designed to meet the energy needs of the Nation at the same time it meets the national environmental needs. Several Executive agencies are actively engaged in such studies right now. In addition, privately sponsored forums and seminars on the energy problem are on the increase—in fact, one was held in Washington several weeks ago, just days after a similar forum sponsored by the Southern Governors' Conference.

Among the most important of these energy studies is the one approved last May by the U.S. Senate. It is conducting a 2-year study under the auspices of the Senate Committee on Interior and Insular Affairs. This study is designed to develop the necessary background information required for establishing a long-range fuels and energy policy.

While all this is going on, I have been busy introducing various pieces of legislation in the House of Representatives, legislation designed to strike at some of the root causes of our energy problems and to stimulate our domestic industry. I have two bills pending: One would encourage the exploration for domestic petroleum resources by allowing oil and gas operators to offset exploration and drilling expenses with a 12.5-percent annual tax credit over a 10-year period and would give a similar tax credit to those who develop a deposit of oil or gas on a secondary recovery basis. My second bill would amend the Natural Gas Act and wipe out the Federal Power Commission's power to regulate the price of natural gas at the wellhead.

While I am by no means finished with my legislative attack on the energy problem, these two bills, if enacted, would significantly increase the incentives for domestic producers to explore for and develop new reserves. But to get these bills enacted as well as to get established a rational national energy program will take a massive surge of public opinion and support. And if the energy gap is to be averted and if the energy problem avoided, then the public must provide the impetus for these larger goals as well.

The American Petroleum Institute—along with other members and representatives of the oil and gas industry—is waging a campaign to increase the level of public awareness about the energy gap and to educate the American people as to the seriousness of the problem. We have all probably seen some of the advertising messages which have appeared on television—messages centered on the theme:

America runs on oil . . . and a country that runs on oil can't afford to run short.

This is a solid theme. It is an accurate theme. For truly a country that runs on oil cannot afford to run short.

Whether this theme has an impact, whether the energy problem is brought before the American people with such clarity and directness that they force a change in our present governmental policies and laws, will depend on more than an industrywide advertising campaign, no matter how effective it is. Concerned persons everywhere must shoulder a share of the great effort to awaken the American people to the existence and dangers of the energy gap.

I strongly urge the Congress to consider the imperative need for a comprehensive long-term energy policy as well as the need to give domestic producers better business reasons to search for and develop new reserves. The energy problem faces us all—because it is a common problem we must work together for its resolution.

POW EVEN FOR ANOTHER DAY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, any member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

HOUSE RESOLUTION 630

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: PROVIDED, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

TRIBUTE TO HON. THOMAS JEFFERSON MURRAY

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1971

Mr. JONES of Tennessee. Mr. Speaker, it was with deep regret that I learned of the death of Hon. Thomas Jefferson Murray, my good friend and one of Tennessee's foremost statesmen. Congressman Murray distinguished himself as a Representative from Tennessee for 24 years, January 3, 1943 until January 3, 1967.

I have known and worked with Tom in many capacities throughout my life. I can state without reservation that he was a man of outstanding character. He served the people of West Tennessee in a manner befitting their true nature of unselfishness and good will. While in the House, Congressman Murray became chairman of the Post Office Committee due to his vast knowledge and demonstrated ability.

Tom Murray's life centered around service to west Tennessee. He was born in Jackson, Tenn. on August 1, 1894. After attending public schools and Union University in Jackson, Mr. Murray took a law degree at Cumberland University in Lebanon, Tenn. Tom demonstrated his patriotism by serving overseas in the U.S. Army during World War I.

Following the war, he started law practice in Jackson and became attorney general for the Twelfth Judicial Circuit of Tennessee in 1922. In 1933 he became associated with the office of the Solicitor of the Post Office Department, where he stayed until being elected to the House of Representatives.

Tom's many friends and acquaintances share with me a deep sense of loss. I want to express personal sympathy to Tom's family but ask them to remember Tom in the light of his many contributions to his fellow men and his outstanding accomplishments.

XUM

DOING BUSINESS WITH THE U.S.S.R.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. RARICK. Mr. Speaker, the prospect of doing business with the Soviets has been made so fashionable that a primer is now available as a guideline for U.S. traders.

We are not told who paid for the treatise, but we do know who expects to profit in the final analysis—our enemy.

I include a related newsclipping in the RECORD at this point:

[From the Washington Post, Dec. 5, 1971]

PRIMER TELLS HOW TO DEAL WITH SOVIETS

Moscow.—"Half a liter of vodka is nothing for a well-trained Russian, but may greatly diminish the negotiating abilities of a Westerner the next day."

This is just one of many hints in a primer on how to do business with the Russians, a topic of major concern to many U.S. corporation chiefs these days as trade relations between the two superpowers begin to thaw.

The 199-page primer was prepared for 108 Western businessmen, mostly Americans, who are in Moscow sounding out prospects for trade with the Russians. Their companies sell a wide variety of products, and they belong to Business International, a trade promotion service with headquarters in New York.

The briefing paper put together by the organization's research staff is called "Doing Business with the U.S.S.R." It is full of details on such topics as financing sales, licensing and patent arrangements. But it also discusses some of the social pitfalls a Westerner may encounter in Communist society.

MOST GENEROUS HOST

"In the Soviet Union, Russian officials are the most generous hosts one can imagine," says the book, which appropriately has a bright red cover. "The Western businessman must be prepared to test his drinking ability with his hosts.

"This may be fine after negotiations have been concluded, but it can have disastrous effect on the Westerner if he must attend talks the next morning."

The book advises:

"Drink one large glass of mineral water after each vodka toast, whether the Russians like it or not. In this way you may drink three liters of water in one evening, but you have a good chance to be alert and firm next morning when negotiations are resumed."

A clear head is an absolute necessity, the book warns, because "Soviet officials are certainly among the toughest and smartest negotiators in Eastern Europe.

CRAFTIEST PARTNER

"Top executives of one German company that has been doing business with the Soviet Union since 1953 consider the Soviets the craftiest negotiating partners in the world, with the possible exception of the Chinese."

Other tips:

Russians are impressed by negotiators with university degrees and business cards printed in the Cyrillic, alphabet used in the Soviet Union.

"A sufficient supply of calling cards is a must. At negotiations involving half a dozen or more Soviet officials, it can be embarassing to give two or three officials a card and overlook someone who turns out to be head of the team."

"Russians are famous for their hospitality. They are also known for their love of family and children. Questions about their private life, the well-being of their family, or requests to see a picture of their children will also be most welcome."

"A Western businessman who is impressed by Moscow and its landmarks should not hesitate to say so. Proof of his sincerity is when his wife accompanies him on a later visit to see the sights too."

About 60 of the Business International party brought their wives.

"Small gifts from the West are always appreciated and help to further good personal relations."

"Western businessmen will also receive small gifts, mainly Russian handicraft, and this is a good occasion for asking the Soviet official what small Western gift he would like for the next visit."

"We haven't found anybody who disagrees with the information," said Eldridge Baynes, board chairman of Business International.

"We've given some to our Soviet friends—those who could read it—and they've been unofficially and privately complimentary."

DRUG PUSHERS: THE ONE THAT GOT AWAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. RANGEL. Mr. Speaker, narcotics are devouring my community, Harlem, and those of us who have looked to the police and the courts for action have been sorely disappointed. The widespread corruption exposed in the New York City Police Department has been a major factor in the immunity of drug traffickers in Harlem, as the residents of my community have long known. Now, the New York State Joint Legislative Committee on Crime has completed a study on the failure of our criminal justice system to put the drug merchants in prison.

The committee's report details how narcotics dealers have more than twice as good a chance of having their cases dismissed in my borough of Manhattan than they do in the Bronx. The discrepancies in the conviction rate are matched by the shocking revelation that only 2.4 percent of those arrested for felony drug sales in the period from January 1970 to May 1971 in Manhattan were ever jailed for the offense for which they were charged. In that period, 12.5 percent of those charged with felonious sale of narcotics in the Bronx were sent to prison on the original charge—over five times the rate for Manhattan.

The pattern is clear: any big-time dealer knows where to go into business, where he faces the smallest chance of conviction and imprisonment. At the same time, the citizens of communities like mine will continue to be terrorized by the increased likelihood that they will become victims of a narcotics-related robbery, mugging or assault. They will live in fear that their own children might be caught in the deadly spider web of heroin addiction.

I will shortly be calling together the district attorneys of the five boroughs of New York City to see what we, in Congress, can do to decrease the number of arrested narcotics kingpins who are released. It is imperative that funds be made available to improve cooperation among them and to provide them with as many staff members as necessary to assure the safety of our city.

The New York Times carried an account by David Burnham of the committee's report on December 2 which I would like to share with my colleagues at this point. The article follows:

[From the New York Times, Dec. 2, 1971]

DISPARITIES FOUND IN SENTENCING OF CITY'S BIG PUSHERS

(By David Burnham)

Major narcotics dealers arrested for illegal possession of a pound or more of heroin or cocaine receive substantially more lenient treatment in Manhattan and Brooklyn than they do in the Bronx and Queens, according to a study by the Joint Legislative Committee on Crime.

The study showed, for example, that while 31.6 per cent of such persons were sent to prison for more than a year in the Bronx, only 6 per cent received such a sentence in Brooklyn.

This disparity in the disposition of major narcotics arrests made by the Police Department in 1969 and 1970 prompted State Senator Abraham Bernstein, the committee's acting chairman, to say yesterday that "the people in one county don't appear to be getting the protection the people are getting in another county."

The Bronx Democrat also said the committee's study "indicates to me that something is rotten someplace."

SUBSTANTIAL DISPARITY

While the disparity was less between Manhattan and Queens than between Brooklyn and the Bronx, it was still substantial. According to the study, 27.7 per cent of the major narcotics dealers were sentenced to state prison from Queens, and 10.4 per cent were so sentenced from Manhattan.

In addition to comparing sentences for narcotics dealers, the study also compared the number of dismissals of such cases in each of the four major counties.

According to the committee, 42 per cent of such cases were dismissed in Brooklyn, 37.6 per cent in Manhattan, 33 per cent in Queens and only 15 per cent in the Bronx.

Brooklyn District Attorney Eugene Gold, responding to the report—which was released yesterday during a committee hearing at the State Building at 270 Broadway—said he was "extremely suspicious of the statistics presented by the committee; they do not reflect the facts."

David S. Worgan, the executive assistant district attorney in Manhattan, said the office of District Attorney Frank S. Hogan had "a number of basic questions about the committee's figures."

He added that the study was "of interest and concern to us, and I am sure will be discussed at the next joint meeting of the city's District Attorneys."

Because most criminal dispositions are the result of plea-bargaining betweeen the District Attorney and defense counsel, the prosecutors—rather than individual judges—have a controlling role in the broad range of sentences received by virtually all prisoners.

REASONS FOR DIFFERENCES UNCLEAR

After the comparative statistics had been presented to the committee by its executive director, John O'Connor, Senator Bernstein commented that because there was only one Police Department in New York City, "the percentages should be stable throughout the city."

"Is it a question of more efficiency or some other factor?" Senator Bernstein asked Mr. O'Connor.

The executive director first said he did not feel that the other District Attorneys were using the same methods of control exercised by Bronx District Attorney Burton B. Roberts. But he later said he was not prepared "at this time to evaluate the various District Attorney's offices."

Senator Bernstein said that "if I was going in the narcotics business, I'd look at that chart and base my operations in Brooklyn."

Another committee member, Assemblyman Arthur O. Eve, Democrat of Buffalo, said he felt the statistics indicated "something is very wrong."

A second committee study examined the disposition of selected felony narcotics sale cases in each case of the four major counties between January, 1970, and May, 1971.

This study also found a wide disparity. In the Bronx, for example, the committee found 12.5 percent of its sample was jailed for the offense charged. This compared with 3.3 percent in Brooklyn, 2.4 percent in Manhattan and no jailings in Queens.

Considering those who went to jail on a lesser charge, the committee found 68.6 percent of the sample serving some time in Manhattan, 52.5 percent serving time in the Bronx, 14.6 percent in Queens and 11.3 percent in Brooklyn.

One of the committee's studies found that in eight instances prisoners had been granted conditional discharges after being convicted of a narcotics felony charge. Mr. O'Connor said that under the state's penal law such sentences appeared to be "illegal."

DISPOSITION OF SELECTED NARCOTICS ARRESTS (16 OUNCES OR MORE) 1969 AND 1970

	Total		Manhattan		Brooklyn		Queens		Bronx	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants	213		85		50		18		60	
Dismissed	68	31.9	32	37.6	21	42	8	33.0	9	15.0
State prison	36	16.9	9	10.4	3	6	5	27.7	19	31.6
City prison	15	7.1	9	10.4	0	0	1	5.5	5	.3
Conditional discharge	17	7.9	8	9.4	6	12	0	0	3	5.0
Probation	11	5.2	2	2.4	5	10	0	0	4	6.6
Discharge on own recognition	4	1.8	1	1.2	0	0	0	0	3	5.0
Bench warrant	23	10.8	12	14.1	4	8	2	11.1	5	8.3
Pending	34	15.9	9	10.4	11	22	4	22.2	10	16.6
Other	5	2.3	3	3.5	0	0	0	0	2	3.3

DISPOSITION OF CONVICTIONS FOR FELONY DRUG SALE ARRESTS IN NEW YORK CITY (JANUARY 1970–MAY 1971)

	Total		Manhattan		Brooklyn		Queens		Bronx	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Jailed for offense chargad	31	3.0	11	2.4	15	3.3	0	0	5	12.5
Jailed for lesser charge	402	38.5	317	68.6	51	11.3	13	14.6	21	52.5
Probation	196	18.8	65	14.1	108	23.8	16	18.0	7	17.5
Narcotics Addiction Control Comm	302	28.9	26	5.6	258	57.0	14	15.7	4	10.0
Discharged	73	7.0	29	6.3	14	3.1	28	31.5	2	5.0
Other	40	3.8	14	3.0	7	1.5	18	20.2	1	2.5
Total	1,044		462		453		89		40	

LET IT NOT HAPPEN AGAIN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1971

Mr. SCHWENGEL. Mr. Speaker, George T. Nickolas, of Davenport, Iowa, has written an essay on the meaning of the 30th anniversary of the attack on Pearl Harbor.

It is an excellent work which I like to share with my colleagues:

LET IT NOT HAPPEN AGAIN

(By George T. Nickolas)

Wounds of the body and spirit are healed in time. The passage of time also clouds the horrible events of history and causes them to disappear from conscious memory. The people of the United States of America should not forget, nor should they be permitted to forget, one of the darkest days of our history. Do you remember that day? It was almost only yesterday. The sun shown brightly on the Pearl of the Pacific. It was a lovely, sleepy, early December Sunday. Men were at Sunday routine, some having a leisurely breakfast, some just lying in bed catching a few extra minutes of sleep, when out of the sun streaked a formation of planes delivering a rain of horror and terror down on citizens of the United States of America.

How could this have happened? Why would any nation dare to attack this powerful country? Yes, few could believe that anyone would sneak to attack the United States of America, but it happened. President Franklin Roosevelt, in his request for a Declaration of War, said that the day would live in infamy. The deaths of three thousand servicemen stand as eternal reminder of that day—December 7, 1941.

Over half of the people alive in this country today were not yet born on December 7, 1941. Have they heard the cries of pain and anguish of those three thousand silent sentinels who stand eternal sentry on the shores of Hawaii, or have their cries been muted by the passage of time? Have these men, in the long run, died in vain? Has the world forgotten and relegated to a page, or maybe only a paragraph in some dusty history book, that day on which they died? Or, does that day, as President Roosevelt claimed, "live in infamy"?

As long as I can stroke a key on a typewriter, as long as I can take a breath of air in a free country, I shall remind people of that day and the fact that the price of freedom is vigilence—not apathy.

This year as we observe the thirtieth anniversary of that Day of Infamy, Let us all remember—Pearl Harbor.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

CHICAGO NEWSPAPERS REJECT FAVORITISM UNDER PHASE II CONTROLS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. MIKVA. Mr. Speaker, when the Senate passed the wage and price control bill recently, an amendment was added exempting newspapers from the operation of the statute. I was proud to read on the editorial pages of the Field Newspapers in Chicago, and also in the Chicago Tribune, that these newspapers disavow any special privileges such as the Senate has offered:

As the Chicago Sun-Times stated:

The press and other communications media would be more credible in the eyes of the public if they operate under the same laws witten for other businesses.

The Chicago Daily News wrote:

We expect to be subjected to the same regulations as any other business operating under the free enterprise system. We expect and will insist that the controls be fair and uniform, but we want no special privileges on questionable constitutional grounds.

The Chicago Tribune aptly noted that—

The appearance of favoritism is ill-becoming to the press at a time when the rest of the country is being urged to make sacrifices.

Mr. Speaker, the freedom of the press is not threatened by fair and impartial regulation of circulation and advertising

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rates as part of a uniform system of economic controls. To the contrary, it is political favoritism which endangers the freedom of the press, by placing the press in the compromising position of relying on the good will of Congress.

I commend the Chicago newspapers for their principled stand, and am pleased to insert in the RECORD the three editorials referred to above:

[From the Chicago Sun-Times, Nov. 12, 1971]

PRICE CONTROLS FOR THE MEDIA

Exemption of news media—newspapers, magazines and broadcasters—from Phase II price controls is under study by the government. It is the position of the Field Newspapers—publishers of The Chicago Sun-Times and The Chicago Daily News—that there should be no such exemption; circulation and advertising rates should be subject to whatever government controls and regulations are adopted for all businesses.

Our position is contrary to that taken by some media spokesmen. They believe that the exemptions of World War II and the Korean War for the communications media should be allowed.

We do not believe the present conditions or the state of the communications industry warrant such exemptions. The wartime exemptions were granted by Congress which listened to arguments that any power to regulate the news media would collide with the First Amendment of the Constitution which forbids passage of any law that would abridge freedom of the press. Congress wished to avoid any challenge that controls might be used to affect editorial judgment.

We yield to no one in our zeal to protect freedom of the press which is a fundamental right of the people to an uninhibited and untrammeled flow of news and opinion. We have, for example, stood firm against proposals for licensing or other state or federal special legislation intended to put government in a position to interfere with a newspaper's right to be the sole judge of its editorial content or its right to access of information. We most recently argued against the right of the government to prohibit publication of the Pentagon Papers, a position upheld by the U.S. Supreme Court.

We do not, however, believe that a general price regulation, applied with uniformity to business and industry generally, falls in the category of the restrictions described here. During the present freeze, we have been prevented from putting into effect an increase in advertising rates that was announced before the Aug. 15 presidential proclamation and which was to take effect Sept. 1. The increase was deemed necessary because of increases in our own expenses, particularly new and more costly labor contracts already in effect. If the Price Commission should authorize an increase under such particular circumstances, as the Pay Board has authorized noninflationary wage boosts, we surely will accept it. But this would be under rules adopted for all businesses and not because of an exemption for the media. During the freeze and the economic burden it has put on us, we have no complaint that our rights under the First Amendment have been impeded.

Price controls will not inhibit our freedom of expression or our responsibility to criticize the government itself or the operations of the controls themselves. Publishers should not feel that they must be exempt from the law so as to preserve their duty to act as a check on government. To the contrary we believe the press and other communications media would be more credible in the eyes of the public if they operate under the same laws written for other businesses.

[From the Chicago Daily News, Nov. 12, 1971]

NO SPECIAL FAVORS, PLEASE

In the discussion of Phase II wage and price controls, the possibility of exempting newspapers and other news media has been advanced by various media representatives. Some publisher spokesmen favor such an exemption on ground that applying controls to the media would collide with the First Amendment's guarantee of freedom of the press. We do not agree.

We believe that in matters pertaining to their commercial operations, newspapers and other media should be treated like other private businesses. We consider ourself subject to the same rules, regulations and laws that apply generally to our readers and advertisers. As we see it, the special protection of the First Amendment was intended to protect our right to print what we consider fit in our news and editorial columns.

We would of course oppose any efforts by government officials to use their regulatory or lawmaking powers to gag the media so as to cover up corruption or suppress embarrassing news, or attempt to stifle the free expression of editorial opinions. But Phase II economic controls are not intended to intimidate the media or compromise the integrity of news reporting or editorial views.

In World War II and the Korean War the media were exempted from price controls. This was done by Congress to avoid any possible contention that such controls were invoked unconstitutionally to influence the editorial content of newspapers and other media. Such exemptions were unnecessary then, and are now.

It so happens that as a business the Field Newspapers—The Daily News and The Sun-Times—did suffer financially from President Nixon's wage-price freeze in August. Increases in advertising rates that we had scheduled for Sept. 1 were postponed by the freeze, resulting in a substantial loss of revenue. Because a newspaper cannot recoup losses in the way a manufacturer of less perishable products sometimes can, this is a permanent loss. Our losses (other media were more fortunate in their timing) were our bad luck; we accept them as such.

We are prepared to continue to cooperate down the line with the President's Phase II. We expect to be subjected to the same regulations as any other business operating under the free enterprise system. We expect and will insist that the controls be fair and uniform, but we want no special privileges on questionable constitutional grounds. We will stand on our constitutional rights only when doing so coincides with the public interest—specifically, the people's right to know. The main thrust of the wage-price controls is to try to contain the inflation that long threatened to make beggars of us all. The public interest will be best served if the controls work. So far as we are concerned, making them apply to the media is one way of helping to ensure success.

[From the Chicago Tribune, Dec. 3, 1971]

A FAVOR WE DON'T WANT

We appreciate the solicitous thoughts of the senators who voted to exempt the information media from wage and price controls, but this is a favor that THE TRIBUNE, for one, would prefer to do without.

The exemption was approved by the Senate in the form of an amendment to the wage and price control bill sponsored by a coalition of senators led by Alan Cranston of California. Their argument is that the press was exempted from controls during World War II and that, in Mr. Cranston's words, the present controls would give the government "economic life-or-death power over every publishing and broadcasting operation in the country."

THE TRIBUNE has a long tradition of opposition to special privileges for special interests, whether for the newspapers or anybody else. There is only one special privilege we demand, and that is the privilege of freedom granted to the press under the First Amendment to the Constitution. We have fought for this privilege and will continue to do so, because in fighting for this privilege we are fighting for the public's right to know and are not seeking to set ourselves apart from the public.

We don't consider that the present wage and price controls constitute a threat to the freedom of the press. We think Mr. Cranston exaggerates the danger. The Pay Board and the Price Commission are autonomous bodies, unlike the wartime control boards; and while we may not always approve of their decisions, there is no evidence that they are subject to improper political influence.

As finally passed by the Senate, the Cranston amendment does call on the press to abide by the guidelines on a voluntary basis. Even so, the appearance of favoritism is ill-becoming to the press at a time when the rest of the country is being urged to make sacrifices. If the amendment is approved by the House and the President, THE TRIBUNE will strive to live within the framework of the existing regulations and assume the same burdens and responsibilities as we expect of other businesses.

The country is facing a serious economic challenge. We have urged business and labor to subordinate their interests to the national interest. We are willing to do the same ourselves.

THE IDAHO SUNDAY STATESMAN, DECEMBER 7, 1941

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. McCLURE. Mr. Speaker, dateline—the Idaho Sunday Statesman, first edition—December 7, 1941. Boise weather forecasters predicted "the day of infamy" would be partly cloudy with temperatures somewhat cooler than the 39 degrees registered on Saturday. Additionally, Boise readers were told that scattered snow flurries could be expected in the mountains. In a big bold-type headline on the front page, the Statesman disclosed that bitter fighting continued as Nazi armies pushed toward Moscow. Also highlighted was the message F.D.R. sent to Japan's Emperor expressing dissatisfaction with Japanese troop concentrations in French Indochina. Little did my fellow Idahoans realize that this country, known to us today as Vietnam, would be so prominently in the news 30 years later.

Page 2. Boise citizens were told of the approaching Christmas decoration contest, with cash prizes to winners. Ten-foot Santas were soon to be positioned on the Capitol and Fairview Bridges for the holiday season. All seemed quite normal. If you needed antifreeze for your car, it was being advertised in the Statesman as a weekend special for 89 cents a gallon. Moreover, if your automobile tires were getting worn, one store offered a recognized brand for $7.99 each. More significant than the price, there was no reference to any Federal excise taxes on purchases. If you anticipated an unusually hard winter, a 12-month guaranteed battery for $6.44 may have interested you.

Sunday's editorial comment centered around economy in Government, and their words still have application today as our Federal Government struggles with the problem of establishing new priorities for the 1970's. The Statesman said:

> No one in Washington seems to know how to save money. Non-defense squandering continues. America needs some oldfashioned pinchfist economy. A curious phenomenon has arisen, every bureau and department of the government whose existence is threatened by the demand for all-out defense has evolved some scheme to prove its worthiness as a defense project."

Continuing our search through the first edition, we noted the attention given to the problems of organized labor. Concern for such things as cost of living and wages was finding its way to the printed word, no doubt as inflation crept into our economic society.

If you were thinking about a bicycle for a Christmas present, Montgomery Ward had a "honey" for $39.95 with terms available—in case you needed to stretch your hard-earned dollars. If your wife's sweeper was worn out, one was available, with all of the attachments, for $39.95.

For entertainment, Jack Benny was at his usual spot on radio station KIDO at 5 o'clock—but you already knew that without looking. Charlie McCarthy was next, then, the entire family generally liked to listen to the Ford Sunday Evening Hour before tuning in Walter Winchel's "Dateline" at 10 on KSL.

If you happened to be a football fan, you no doubt noticed the drubbing Oregon received from the Texas Longhorns in Austin the day before. Final score 71 to 7 in favor of Texas—before a sellout crowd of 26,000. How many among us would have predicted 30 years ago that 60 million Americans would view a sports event, as was the case this year in the first televised World Series night game.

A baseball owners meeting was scheduled in Chicago the week of December 8 to discuss trades and player deals. Two new managers were destined to receive the scrutiny of watchful baseball lovers' eyes. They were: Mel Ott of the New York Giants and Lou Boudreau of the Cleveland Indians.

If you planned to go to a December 7, 1941, movie, "Blossoms in the Dust," starring Greer Garson and Walter Pidgeon, was playing at a Boise theater. However, the "best bet" for the kids was "Blondie in Society" at the Rio.

The New York Stock Exchange reported a pretty good week, posting across-the-board gains. Eastman Kodak—to name one—closed at $134.50, but not many of us had $134.50 to gamble on the market.

If you read the comics it was ironic that on that December 7, 1941, morning, Flash Gordon was engaged in an air battle over water with unidentified planes launched from enemy aircraft carriers.

Unfortunately, what started out to be just another Sunday morning was not to end uneventful. The afternoon at the movies, the Jack Benny program, were soon to be forgotten as Boise citizens and all Americans awaited anxiously for news about a place called Pearl Harbor. Statesman extras and "read all about it" soon hit the streets and people everywhere stayed glued to their radio stations for the latest news broadcasts. Tuesday, December 7, 1971 marks the 30th anniversary of "the day of infamy." We all know that 30 years ago today history turned the corner.

We know too that countless articles and books have been written on the subject of the Japanese attack on Pearl Harbor. However, I am reminded of the words of Vice Adm. Homer N. Wallin, U.S.N. retired, who was commissioned to document the series of events that led to the attack and subsequent salvaging operations. Admiral Wallin had this to say:

> Warfare with its tremendous sacrifice in lives and treasure is abhorrent to all civilized people.
>
> History tells us that armed conflict is and always has been a fact of life whenever covetous governments desire their neighbors' property or whenever thirst for power dictates the purpose and aim of officials in control.
>
> Peace loving people teach and preach that National aggression and military force do not pay. But that would depend, it seems, whether or not the aggressor is met and repelled by a more powerful force in which righteousness adds to the power. That fact is true among nations even as among citizens who are menaced by criminals and bandits.

As we give thanks for the prospects for peace this December 7, 1971, let us use the occasion of the 30th anniversary of Pearl Harbor to remind our people that the United States of America remains, as it did 30 years ago, as mankind's last best hope for a generation of peace throughout the world.

And above all else let's make certain our Government has essential military and naval forces—not to "make war" but to discourage any would-be aggressor from launching another one.

SENATE—*Thursday, December 9, 1971*

The Senate met at 9 a.m. and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God whose splendor fills the earth, grant us eyes to behold and ears to hear the message of this holy season—of singing skies, of a baby's low murmur, of a mother's tender care, of simple shepherds and peasant workmen, of God in the midst of the family circle.

May we be star-guided to the manger where men of old tarried for wisdom. Quicken all our senses that each may be an opening door into the presence of the eternal. And may the anthem "Glory to God in the highest and on earth peace" become a reality in all men's hearts and in all the nations of the earth. And to Thee shall be all honor and glory, world without end. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 9, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LAWTON CHILES, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. CHILES thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of December 8, 1971, Mr. KENNEDY, from the Committee on Labor and Public Welfare, reported favorably, with an amendment, on December 8, 1971, the bill (S. 1874) to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes, and submitted a report (No. 92-564) thereon, which was printed.

CONFERENCE REPORT SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of December 8, 1971, Mr. KENNEDY, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, submitted a conference report (No. 92-565) thereon, which was printed.

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THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, December 8, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar beginning with No. 539 and ending with and including No. 542.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESTORATION OF POSTAL SERVICE SENIORITY TO ELMER ERICKSON

The Senate proceeded to consider the bill (S. 889) to restore the postal service seniority of Elmer Erickson, which had been reported from the Committee on Post Office and Civil Service with an amendment, on page 2, after line 13, insert a new section, as follows:

SEC. 2. In making any adjustment in salary level or step authorized by section 1 of this Act, no payment shall be made by the United States Postal Service for any period prior to the date of enactment of this Act.

So as to make the bill read:

S. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the laws, rules, and regulations pertaining to the seniority rights of employees of the Post Office Department, Elmer O. Erickson, of Minneapolis, Minnesota, an employee of the postal service assigned to the Saint Paul and Aberdeen railway post office, Minnesota, shall be entitled to receive credit for service performed by him in the postal service during the period from August 12, 1940, through January 13, 1961, in like manner as if the provisions of sections 748.1 through 748.17 of the Postal Transportation Service seniority rules, Post Office Department Publication 31, dated August 18, 1958, under which certain employees who transfer from and later reenter an occupational group subject to such rules will have service seniority based upon the seniority they had attained before transferring from such group, had been applicable with respect to the said Elmer O. Erickson during the period from January 14, 1961, the date he transferred from the clerical group, which is the occupational group into which he and all other former employees of the Postal Transportation Service were placed when such Service was merged into the post offices, to April 29, 1961, the date he retransferred to such group.

SEC. 2. In making any adjustment in salary level or step authorized by section 1 of this Act, no payment shall be made by the United States Postal Service for any period prior to the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–559), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to provide that, in the administration of the laws, rules, and regulations pertaining to the seniority rights of employees of the U.S. Postal Service, Elmer O. Erickson, of Minneapolis, Minn., an employee of the Postal Service formerly assigned to the St. Paul and Aberdeen railway post office, Minnesota, shall be entitled to receive credit for service performed by him in the Post Office Department during the period August 12, 1940, through January 13, 1961, as if the provisions of sections 748.1 through 748.17 of the Postal Transportation Service seniority rules, Post Office Department Publication 31, dated August 18, 1958, had been applicable to him in that period, and to permit him to retain his seniority as provided in those rules, which were terminated upon the merger of the Postal Transportation Service with the Post Office Service.

STATEMENT

On August 12, 1940, Elmer O. Erickson entered the Railway Mail Service, later known as the Postal Transportation Service. He served continuously with this branch of the post office until January 13, 1961. On January 14, 1961, Mr. Erickson transferred to a rural mail route in New Richland, Minn., and served as a rural mail carrier for approximately 15 weeks. At the end of that time, on April 29, 1961, he returned to the mobile unit section of the St. Paul and Aberdeen post office.

Under the Postal Transportation Service seniority rules (secs. 748.1 through 748.17 and particularly sec. 748.125) as they appeared in the Post Office Department Publication 31, dated August 18, 1958, Mr. Erickson could have transferred from the Postal Transportation Service into the rural mail service and, upon reentry into the Postal Transportation Service, lost only the 15 weeks' service acquired as a rural mail carrier. However, Mr. Erickson lost not only the 15 weeks' service he acquired as a rural mail carrier, but also the 20 years and 5 months' seniority he had attained in the Postal Transportation Service.

This 20 years' and 5 months' service seniority was lost by Mr. Erickson because of changes occurring in the functioning structure and rules of the Post Office beginning July 23, 1960. At that time, the Postal Transportation Service ceased to be a separate branch of the Post Office Department and was merged into the Post Office Service. In connection with this change, sections 748.1 through 748.17 of the Postal Transportation Service seniority rules were discarded. Employees of the Postal Transportation Service where to learn of these changes through notifications printed in the July 28, 1960, and the February 2, 1961, editions of the Postal Bulletin. However, at these times, employees like Mr. Erickson were primarily concerned with overcoming the difficulties involved in transferring the Postal Transportation Service from separate management into the management of the Mobile Unit Service in the Post Office Service. This involved the establishment of a completely new concept of mail service whereby sectional centers were established and a new network of star routes created. Mr. Erickson was not aware of the change in his seniority rules, and was not advised of these changes until after his seniority had been removed.

Mr. Erickson's seniority date is now listed as April 29, 1961. He is receiving credit for 10 years' seniority when, in reality, he has completed 30 years' service to the Postal Service.

The committee believes that under these particular circumstances, legislative relief should be granted to Mr. Erickson. Accordingly, it is recommended that the bill, as amended, be considered favorably.

The committee has amended the bill as referred to insure that no retroactive payment of salary shall be made to Elmer Erickson on account of the enactment of this legislation.

CIVIL SERVICE RETIREMENT CREDIT

The Senate proceeded to consider the bill (S. 1031) to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That section 8332(b) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (7);

(2) striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) inserting after paragraph (8) the following new paragraph:

"(9) subject to sections 8334(c) and 8339 (h) of this title, service as a substitute teacher for the government of the District of Columbia after July 1, 1955, if such service is not credited for benefits under any other retirement system established by a law of the United States."

SEC. 2. An annuity or survivor annuity based on the service of an employee or annuitant who performed service described in section 1 of this Act shall, upon application to the Civil Service Commission, be recomputed, effective on the first day of the first month following the date of enactment of this Act, in accordance with section 1 of this Act.

SEC. 3. Section 22 of Public Law 243, 84th Congress, enacted August 5, 1955 (69 Stat. 530), is repealed.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT AMENDMENTS OF 1971

The Senate proceeded to consider the bill (S. 2429) to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes which had been reported from the Committee on the District of Columbia with amendments on page 2, line 15, after the word "as", strike out "any" and insert "an"; on page 3, line 23, after the word "education", strike out "located in the District"; on page 9, line 8, after the word "and", strike out "(III)" and insert "(II)"; on page 10, line 21, after the word "amended", strike out "by striking out paragraph (3)."; after line 21, insert:

(A) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(B) by striking out paragraph (3).

On page 11, line 4, after the word "as", strike out "wages" and insert "earnings"; on page 12, at the beginning of line 12, insert "all colleges and universities in the District are institutions of higher education for purposes of this section"; on page 18, line 25, after "3301", strike out "3308" and insert "3311"; on page 19, at the beginning of line 12, strike out "46–303 (f))" is amended by striking out in the first sentence '(i)' and inserting in lieu thereof '(A)." and insert "46–303) (f) is amended—"; after line 14, insert:

"(A) by striking out in the first sentence "(i)" and inserting in lieu thereof "(A), or in the event any of its instrumentalities are required to be covered under this Act,"; and

"(B) by adding at the end of the second paragraph thereof the following: "The District of Columbia shall be liable only for 50 per centum of any extended benefits paid."

On page 25, line 18, after the word "in", strike out "paragraph" and insert "section"; on page 26, line 1, after the word "of", strike out "it selection" and insert "its election"; on page 35, line 14, after the word "wages", strike out "for" and insert "actually"; on page 40, line 25, after the word "benefits", insert "or"; on page 44, after line 21, insert:

(39) Section 10(d) of such Act (D.C. Code, sec. 46–310(d)) is amended by adding the following new paragraph:

"(3) Notwithstanding any other provision of this Act, compensation shall not be denied or reduced to an individual solely because he files a claim in another State (or a contiguous country with which the United States has an agreement with respect to unemployment compensation) or because he resides in another State (or such a contiguous country) at the time he files a claim for unemployment compensation."

On page 45, at the beginning of line 6, strike out "(39)" and insert "(40)"; after line 7, insert:

(A) by striking out the fifth sentence in subsection (b) and inserting in lieu thereof "The Board shall promptly notify the claimant and any party to the proceeding of its determination, and such determination shall be final within 10 days after the mailing of notice thereof to the party's last known address or in the absence of such mailing, within 10 days of actual delivery of such notice."

(B) by striking out the sixth sentence in subsection (b); by striking out the seventh sentence through the words "*Provided*, That" in subsection (b) and capitalize the word "if" immediately thereafter.

(C) by striking out "after the date of notification or" in the fourth sentence of subsection (e) and inserting in lieu thereof "of".

At the beginning of line 23, strike out "(A)" and insert "(D)"; at the beginning of line 25, strike out "(B)" and insert "(E)"; on page 46, at the beginning of line 3, strike out "(40)" and insert "(41)"; in line 17, after "1970", insert a comma and "or other Manpower Acts"; on page 47, after the word "Act", where it appears the second time, strike out the period and insert "and (B) by striking out 'the District of Columbia' in the third sentence of subsection (f) and inserting in lieu thereof 'any State'"; at the beginning of line 6, strike out "(40)" and insert "(42)"; on page 49, at the beginning of line 23, strike out "(41)" and insert "(43)"; on page 50, at the beginning of line 1, strike out "(42)" and insert "(44)"; so as to make the bill read:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Unemployment Compensation Act Amendments of 1971".

SEC. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935, as amended, is further amended as follows:

(1) Section 1(b)(1) of such Act (D.C. Code, sec. 46–301(b)(1)) is amended to read as follows:

"(1) 'Employment' means:

"(A) Any service performed prior to January 1, 1972, which was employment as defined in this subsection prior to such date and, subject to the other provisions of this subsection, service performed after December 31, 1971, including service in interstate commerce, by—

"(i) any officer of a corporation; or

"(ii) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

"(iii) any individual other than an individual who is an employee under subdivision (i) or (ii) who performs services for remuneration for any person—

"(I) as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or drycleaning services, for his principal;

"(II) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations: *Provided*, That for purposes of subparagraph (A)(iii), the term 'employment' shall include services described in (I) and (II) above performed after December 31, 1971, only if:

"1. The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

"2. The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

"3. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

"(B) Service performed after December 31, 1971, by an individual in the employ of the District or any of its instrumentalities (or in the employ of the District and one or more States or their instrumentalities) for a hospital or institution of higher education: *Provided*, That such service is excluded from 'employment' as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c)(7) of that Act and is not excluded from 'employment' under section 1(b)(1)(D) of this Act;

"(C) Service performed after March 30, 1962, by an individual in the employ of an educational organization, and service performed after December 31, 1971, by an individual in the employ of a religious, charitable, or other organization which is excluded from the term 'employment' as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c)(8) of that Act, except as provided in section 1(b)(1)(D) of this Act;

"(D) For the purposes of subparagraphs (B) and (C) the term 'employment' does not apply to service performed after December 31, 1971—

"(i) in the employ of (I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

"(ii) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

"(iii) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

"(iv) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of a State or political subdivision thereof, by an individual receiving such work relief or work training; or

"(v) for a hospital in a State prison or other State correctional institution, by an inmate of the prison or correctional institution.

"(E) The term 'employment' shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands), after December 31, 1971, in the employ of an American employer (other than service which is deemed 'employment' under the provisions of section 1(b)(2) of this Act or the parallel provisions of another State's law), if:

"(i) the employer's principal place of business in the United States is located in the District; or

"(ii) the employer has no place of business in the United States, but

"(I) the employer is an individual who is a resident of the District; or

"(II) the employer is a corporation which is organized under the laws of the District or the laws of the United States; or

"(III) the employer is a partnership or a trust and the number of the partners or trustees who are residents of the District is greater than the number who are residents of any one other State; or

"(iii) none of the criteria of clauses (i) and (ii) of this subparagraph are met but the employer has elected coverage in the District or, the employer having failed to elect coverage in any State, the individual has filed a claim for benefits, based on such service, under the law of the District.

"(iv) an 'American employer', for purposes of this subparagraph, means a person who is—

"(I) an individual who is a resident of the United States; or

"(II) a partnership if two-thirds or more of the partners are residents of the United States; or

"(III) a trust, if all of the trustees are residents of the United States; or

"(IV) a corporation organized under the laws of the United States or of any State.

"(v) as used in this subparagraph the term 'United States' includes the States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(F) The term 'employment' shall include personal or domestic service in a private

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home for an employer who paid cash remuneration of $500 or more in any calendar quarter 'Personal or domestic service' for the purpose of this subparagraph shall include all persons employed by an employer in his capacity as a householder, as distinguished from a person employed by the employer in the pursuit of a trade, occupation, profession, enterprise, or vocation."

(2) Section 1(b)(2) of such Act (D.C. Code, sec. 46–301(b)(2)) is amended—

(A) by striking out "or" after "performed within" and inserting in lieu thereof a comma;

(B) by inserting after "within and without" the following: "or entirely without";

(C) by adding after subparagraph (B) the following new paragraph:

"(C) the service is performed anywhere within the United States, the Virgin Islands, or Canada: *Provided*, That (i) such service is not covered under the unemployment compensation law of any State, the Virgin Islands, or Canada, and (ii) the place from which the service is directed or controlled is in the District."

(3) Section 1(b)(4) of such Act (D.C. Code, sec. 46–301(b)(4)) is amended to read as follows:

"(4) Notwithstanding any other provisions of this subsection, the term 'employment' shall also include all service performed after January 1, 1955, by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft: *Provided*, That the operating office from which the operations of such vessel or aircraft are ordinarily and regularly supervised, managed, directed, and controlled, is within the District."

(4) Section 1(b)(5) of such Act (D.C. Code, sec. 46–301(b)(5)) is amended—

(A) by amending subparagraph (A) to read as follows:

"(A) service performed by an individual under 18 years of age as a babysitter;";

(B) by redesignating clauses (a) and (b) of subparagraph (D) as (i) and (ii), respectively;

(C) by inserting immediately before the semicolon at the end of subparagraph (E) the following: ", except for service performed after December 31, 1971, as provided in section 1(b)(1)(B) of this Act";

(D) by striking out in subparagraph (I)(1)(c) "at a" and inserting in lieu thereof "at such";

(E) by redesignating clauses (1), (2), and (5) of subparagraph (I) as (i), (ii), and (iii), respectively;

(F) by striking out clauses (3) and (4) of subparagraph (I);

(G) by redesignating (a) and (c) of clause (1) as (I) and (III) (II) respectively;

(H) by striking out (b) of clause (1);

(I) by redesignating clauses (1) and (2) of subparagraph (K) as (i) and (ii), respectively;

(J) by inserting in subparagraph (Q) "or aircraft" after "vessel" the first and third times it appears, and by inserting "or American aircraft" after "vessel" the second time it appears;

(K) by redesignating clauses (A) and (B) of subparagraph (R) as (i) and (ii), respectively;

(L) by striking out subparagraphs (G) and (P); and

(M) by redesignating subparagraphs (H) through (T) as subparagraphs (G) through (R), respectively.

(5) Section 1(b)(6) of such Act (D.C. Code, sec. 46–301(b)(6)) is amended by striking out "5(H)" in the last sentence and inserting in lieu thereof "5(G)".

(6) Section 1(b)(7) of such Act (D.C. Code, sec. 46–301(b)(7)) is amended by inserting before the period at the end thereof the following: "or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this Act".

(7) Section 1(b)(8) of such Act (D.C. Code, sec. 46–301(b)(8)) is amended—

(A) by inserting "localized" after "Any" in subparagraph (1);

(B) by striking out "section 1(b)(5)" in such subparagraph (1) and inserting in lieu thereof "section 1(b)";

(C) by striking out "section 1(b)(8)(1)" in subparagraph (ii) and inserting in lieu thereof "section 1(b)(8)(A)";

(D) by redesignating clauses (A) and (B) of subparagraph (1) as (i) and (ii), respectively; and

(E) by redesignating subparagraphs (1), (ii), and (iii) as (A), (B), and (C), respectively.

(8) Section 1(c) of such Act (D.C. Code, sec. 46–301(c)) is amended—

(A) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(B) by striking out paragraph (3).

(9) Section 1(d) of such Act (D.C. Code, sec. 46–301(d)) is amended by inserting immediately after the first sentence the following new sentence: "After August 29, 1946, back pay awarded under any statute of the District or of the United States shall be treated as earnings."

(10) Section 1(q) of such Act (D.C. Code, sec. 46–301(q)) is amended to read as follows:

"(q) 'State' includes, in addition to the States of the United States of America, the District of Columbia (herein referred to as the 'District'), Puerto Rico, and the Virgin Islands."

(11) Section 1(r) of such Act (D.C. Code, sec. 46–301(r)) is amended by inserting immediately after "including" the following: "the District government and its instrumentalities (as specified in section 1(b)(1)(B)) of this Act,".

(12) Section 1(t) of such Act (D.C. Code, sec. 46–301(t)) is amended by inserting immediately before the period at the end thereof the following "; and the term 'American aircraft' means an aircraft registered under the laws of the United States".

(13) Section 1 of such Act (D.C. Code, sec. 46–301) is amended by adding at the end thereof the following new subsections:

"(w) 'Institution of higher education', for the purposes of this section, means an educational institution which—

"(1) admits as regular students only individuals having a certificate of graduation from a high school, or recognized equivalent of such a certificate;

"(2) is legally authorized in the District to provide a program of education beyond high school;

"(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and *all colleges and universities in the District are institutions of higher education for purposes of this section.*

"(4) is a public or other nonprofit institution.

"(x) 'Hospital' means an institution which has been licensed by the Commissioner of the District as a hospital."

(14) Section 3(b) of such Act (D.C. Code, sec. 46–303(b)) is amended by striking out ", until the effective date of this Act,".

(15) Section 3(c)(2) of such Act (D.C. Code, sec. 46–303(c)(2)) is amended by inserting immediately before the period at the end of the first sentence thereof a colon and the following: "*Provided*, That after December 31, 1971, benefits paid to an individual for any week during which he is attending a training or retraining course under the provisions of section 10(d)(2) of this Act or extended benefits paid to an exhaustee under the provisions of section 7(g) of this Act shall not be charged against such employer accounts".

(16) Section 3(c)(3) of such Act (D.C. Code, sec. 46–303(c)(3)) is amended to read as follows:

"(3) The standard rate of contributions shall be 2.7 per centum, except that after December 31, 1971, each employer newly subject to this Act shall pay contributions at a rate equal to the average rate on taxable wages of all employers for the preceding calendar year (rounded to the next higher one-tenth of 1 per centum), or 1 per centum, whichever is higher (not exceeding 2.7 per centum) until he has been an employer for a sufficient period to meet the requirement to qualify for a reduced rate as provided in paragraph (4) of this subsection; thereafter, his contribution rate shall be determined in accordance with the provisions of such paragraph (4)."

(17) Section 3(c)(4) of such Act (D.C. Code, sec. 46–303(c)(4)) is amended—

(A) by striking out subparagraph (1) and inserting in lieu thereof:

"(A) No employer's rate of contribution for any calendar year or part thereof shall be reduced below the standard rate unless and until his account could have been charged with benefits paid throughout the thirty-six-consecutive-calendar-month period ending on the computation date applicable to such year or part thereof. For the calendar years 1963 to 1971, inclusive, any employer who is subject to this Act by virtue of the amendment of former section (1)(b)(5)(G) of this Act by the Act of March 30, 1962, and who has not been subject to this Act for a sufficient period to meet this requirement, may qualify for a rate less than the standard rate if his account could have been charged with benefit payments throughout a lesser period but, in no event, less than the twelve consecutive calendar months ending on the computation date (as herein defined) for that calendar year.";

(B) by striking out subparagraph (ii) and inserting in lieu thereof:

"(B) If the amount of the fund as of June 30 of any year is less than 4 per centum of the total payrolls subject to contributions under this Act for the twelve-consecutive-month period ending on the preceding December 31, the contribution rate for each employer (including newly subject employers) shall be increased by the percentage differential between said 4 per centum of such total payrolls and said fund's percentage of such total payrolls, but in no event shall the contribution rate for any employer be more than 2.7 per centum. Said percentage differential for each employer shall be computed to the next higher one-tenth of 1 per centum.";

(C) by striking out subparagraph (iii) and inserting in lieu thereof:

"(C) If on December 20 of any year, the amount in the fund becomes less than 2 per centum of the total annual payrolls subject to contributions under the Act for the twelve-consecutive-month period ending on the preceding June 30, the Board shall make a declaration to that effect. Effective the quarter following such announcement, each employer's (including each new subject employer's) rate of contribution shall be the standard rate.";

(D) by striking out "paragraph (iv)" in the last sentence of subparagraph (iv) and inserting in lieu thereof "subparagraph (D)"; and

(E) by redesignating subparagraph (iv) as subparagraph (D).

(18) Section 3(c)(5) of such Act (D.C. Code, sec. 46–303(c)(5)) is amended—

(A) by amending the first sentence to read as follows: "The Board shall for any uncompleted portion of the calendar year beginning July 1, 1943, and for each calendar year thereafter classify employers in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts, except as provided in section 3(c)(3) of this Act."; and

(B) by striking out "3(c)(4)(1)" and inserting in lieu thereof "3(c)(4)(A)".

(19) Section 3(c)(7) of such Act (D.C. Code, sec. 46–303(c)(7)) is amended—

(A) by redesignating subclauses (1), (2), (3), and (4) of clause (ii) as (I), (II), (III), and (IV), respectively; and

(B) by redesignating subparagraphs (a) through (f) as subparagraphs (A) through (F), respectively.

(20) Section 3(c)(8) of such Act (D.C. Code, sec. 46–303(c)(8)) is amended—

(A) by amending subparagraph (1) to read as follows:

"(A) If as of the computation date the total of all contributions credited to any employer's account, with respect to employment since May 31, 1939, is in excess of the total benefits paid after June 30, 1939, then chargeable or charged to his account, such excess shall be known as the employer's reserve, and his contribution rate for the ensuing calendar year or part thereof shall be—

"(i) 2.7 per centum if such reserve is less than 0.5 per centum of his average annual payroll;

"(ii) 2 per centum if such reserve equals or exceeds 0.5 per centum but is less than 1 per centum of his average annual payroll;

"(iii) 1.5 per centum if such reserve equals or exceeds 1 per centum but is less than 1.5 per centum of his average annual payroll;

"(iv) 1 per centum if such reserve equals or exceeds 1.5 per centum but is less than 2.5 per centum of his average annual payroll;

"(v) 0.5 per centum if such reserve equals or exceeds 2.5 per centum but is less than 3 per centum of his average annual payroll;

"(vi) 0.1 per centum if such reserve equals or exceeds 3 per centum of his average annual payroll.";

(B) by inserting immediately before the period at the end of subparagraph (ii) "except as provided in subsection (c)(3) of this section."; and

(C) by redesignating subparagraphs (ii), (iii), and (iv) as subparagraphs (B), (C), and (D), respectively.

(21) Section 3(c)(9) of such Act (D.C. Code, sec. 46–303(c)(9)) is amended—

(A) by striking out "(iv)" in subparagraph (b) and inserting in lieu thereof "(D)"; and

(B) by redesignating subparagraphs (a), (b), (c), (d), and (e) as (A), (B), (C), (D), and (E), respectively.

(22) Section 3(c) of such Act (D.C. Code, sec. 46–303(c)) is amended by adding at the end thereof the following new paragraph:

"(11) After December 31, 1971, the separate account established for an employer under the provisions of paragraph (1) of this subsection shall be discontinued effective the calendar quarter next succeeding three calendar years after the employer has been determined out of business. Thereafter no employer shall have any right to or interest in such discontinued account."

(23) Section 3(e) of such Act (D.C. Code, sec. 46–303(e)) is amended to read as follows:

"(e) From December 31, 1939, to January 1, 1955, wages, for the purpose of section 3, shall not include any amount in excess of $3,000 paid by an employer to any person arising out of his or her employment during any calendar year. From January 1, 1955, to December 31, 1971, wages shall not include any amount in excess of $3,000 actually paid by an employer to any person during any calendar year. After December 31, 1971, wages shall not include any amount in excess of $4,200 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act (26 U.S.C. 3301–3311), whichever is greater) actually paid by an employer to any person during any calendar year. After December 31, 1954, the term 'employment' for the purpose of this subsection shall include services constituting employment under any employment security law of a State or of the Federal Government. After December 31, 1971, the term 'employment' for the purpose of this subsection shall include services constituting employment performed in the employ of a transferor as determined under the provisions of section 3(c)(7) of this Act."

(24) Section 3(f) of such Act (D.C. Code, sec. 46–303(f)) is amended—

"(A) by striking out in the first sentence "(1)" and inserting in lieu thereof "(A), or in the event any of its instrumentalities are required to be covered under this Act,"; and

"(B) by adding at the end of the second paragraph thereof the following: "The District of Columbia shall be liable only for 50 per centum of any extended benefits paid."

(25) Section 3(g) of such Act (D.C. Code, sec. 46–303(g)) is amended by inserting immediately before the period at the end of the first sentence a colon and the following: "*Provided*, That liability to the fund shall not exceed contributions for the three calendar years next preceding the quarter in which liability was determined."

(26) Section 3 of such Act (D.C. Code, sec. 46–303) is amended by adding at the end thereof the following new subsections:

"(h) Notwithstanding any other provisions of this section, benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection and subsection (i), a nonprofit organization is an organization (or group of organizations) described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of such Code.

"(1) Any nonprofit organization which, pursuant to section 1(b)(1)(C), is, or becomes, subject to this Act on or after January 1, 1972, shall pay contributions under the provisions of section 3(c), unless it elects, in accordance with this paragraph to pay to the Board for the District Unemployment Fund an amount equal to the amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

"(A) Any nonprofit organization which is, or becomes, subject to this Act on January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1972: *Provided*, That it files with the Board a written notice of its election within the thirty-day period immediately following such date or within a like period immediately following the date of enactment of this subparagraph whichever occurs later.

"(B) Any nonprofit organization which becomes subject to this Act after January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than the remainder of that and the next year beginning with the date on which such liability begins by filing a written notice of its election with the Board not later than thirty days immediately following the date of the determination of such liability.

"(C) Any nonprofit organization which makes an election in accordance with subparagraph (A) or subparagraph (B) of this paragraph will continue to be liable for payments in lieu of contributions until it files with the Board a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

"(D) Any nonprofit organization which has been paying contributions under this Act for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the Board not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

"(E) The Board may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

"(F) The Board, in accordance with such regulations as it may prescribe, shall notify each nonprofit organization of any determination which the Board may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of section 3(c).

"(2) Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B).

"(A) At the end of each calendar quarter, or at the end of any other period as determined by the Board, the Board shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such organization.

"(B) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this subparagraph. Such method of payment shall become effective upon approval by the Board.

"(ii) At the end of each calendar quarter, or at the end of such other period as determined by the Board, the Board shall bill each nonprofit organization for an amount representing one of the following:

"(I) For 1972, one-fourth of 1 percent of its total payroll for 1971.

"(II) For years after 1972, such percentage of its total payroll for the immediately preceding calendar year as the Board shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

"(III) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the Board shall determine.

"(iii) At the end of each taxable year, the Board may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

"(iv) At the end of each taxable year, the Board shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with subparagraph (C). If the total payments exceed the amount so determined for the taxable year, all or a part of the excess may, at the discretion of the Board, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

"(C) Payment of any bill rendered under subparagraph (A) or subparagraph (B) shall be made not later than thirty days after such bill was mailed to the last known address of

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the nonprofit organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subparagraph (E).

"(D) Payments made by a nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

"(E) The amount due specified in any bill from the Board shall be conclusive on the organization unless, not later than fifteen days after the bill was mailed to its last known address or otherwise delivered to it, the organization files an application for redetermination by the Board, setting forth the grounds for such application or appeal. The Board shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which such application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless the organization files an appeal as set forth in section 3(c)(10), setting forth the grounds for the appeal.

"(F) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that, pursuant to section 4(c), apply to past due contributions.

"(3) In the discretion of the Director, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of its election, to execute and file with the Board a surety bond approved by the Director, or it may elect instead to deposit with the Board money. The amount of such bond or deposit shall be determined in accordance with the provisions of this paragraph.

"(A) The amount of the bond or deposit required by this paragraph shall be equal to one-fourth of 1 per centum of the organization's total wages paid for employment as defined in section 1(b)(1)(C) for the four calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of money, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the Director.

"(B) Any bond deposited under this paragraph shall be in force for a period of not less than two taxable years and shall be renewed with the approval of the Director at such times as the Director may prescribe, but not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The Director shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within fifteen days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in section 4(c) of this Act, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

"(C) Any deposit of money in accordance with this paragraph shall be retained by the Board in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The Director may deduct from the money deposited under this paragraph by a nonprofit organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in section 4(c). The Director shall require the organization within fifteen days following any deduction from a money deposit under the provisions of this subparagraph to deposit sufficient additional money to make whole the organization's deposit at the prior level. The Director may, at anytime, review the adequacy of the deposit made by any organization. If, as the result of such review, he determines that an adjustment is necessary, he shall require the organization to make additional deposit within fifteen days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate.

"(D) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this paragraph, the Director may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which such termination becomes effective: *Provided*, That the Director may extend for good cause the applicable filing, deposit or adjustment period by not more than fifteen days.

"(4) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under paragraph (2) of this subsection, the Board may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.

"(5) Each employer that is liable for payments in lieu of contributions shall pay to the Board for the fund the amount of regular benefits plus one-half of the amount of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of subparagraph (A) or subparagraph (B).

"(A) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

"(B) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

"(6) Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of subsection (h)(1), may file a joint application to the Board for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this paragraph. Upon approval of the application, the Board shall establish a group account for such employers effective as of the beginning of the calendar quarter in which it receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the Board or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The Board shall prescribe such regulations as it deems necessary with respect to applications for establishment, maintenance, and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this paragraph by members of the group and the time and manner of such payments.

"(i) Notwithstanding any provisions in subsection (h) any nonprofit organization that prior to January 1, 1969, paid contributions required by subsection (c) of this section and, pursuant to subsection (h) of this section, elects, within thirty days after the effective date of such subsection (h), to make payments in lieu of contributions, shall not be required to make any such payment on account of any benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which began on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization."

(27) Section 4(a) of such Act (D.C. Code, sec. 46–304(a)) is amended by inserting ", or payments in lieu of contributions under section 3(h)," immediately after "section 3".

(28) Section 4(b) of such Act (D.C. Code, sec. 46–304(b)) is amended my inserting ", except as provided in section 3(h) of this Act" immediately before the period at the end of the first sentence.

(29) Section 4(c) of such Act (D.C. Code, sec. 46–304(c)) is amended to read as follows:

"(c)(1) If contributions or payments in lieu of contributions under section 3(h) are not paid when due, there shall be added interest at the rate of one-half of 1 per centum per month or fraction thereof from the date they become due until paid: *Provided*, That interest shall not run against a court-appointed fiduciary when the contributions or payments in lieu of contributions under section 3(h) are not paid timely because of a court order.

"(2) If contributions or wage reports are not filed on or before the fifteenth day of the second month following the close of the calendar quarter for which they are due or contributions, or payments in lieu of contributions under section 3(h), are not paid by that time, there shall be added a penalty of 10 per centum of the contributions, or payments in lieu of contributions under section 3(h), but such penalty shall not be less than $5 nor more than $25 and for good cause such penalty may be waived by the Board."

(30) Section 4(d) of such Act (D.C. Code, sec. 46–304(d)) is amended by inserting ", or payments in lieu of contributions under section 3(h)," immediately after "contributions".

(31) Section 4(e) of such Act (D.C. Code, sec. 46–304(e)) is amended by striking out "or tax" in the first and fifteenth sentences and inserting in lieu thereof ", or payments in lieu of contributions under section 3(h),".

(32) Section 4(h) of such Act (D.C. Code, sec. 46–304(h)) is amended by inserting "or penalty" immediately after "interest" in the second sentence.

(33) Section 4(i) of such Act (D.C. Code, sec. 46–304(i)) is amended to read as follows:

"(i) REFUNDS.—If not later than three years after the date on which any contributions (or payments in lieu of contributions under section 3(h) or interest thereon were paid, an employing unit which has paid such contributions (or payments in lieu of contributions under section 3(h)) or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments (or payments in lieu of contributions under section 3(h)) or for a refund thereof because such adjustment cannot be made, and the Board shall determine that such contributions (or payments in lieu of contributions under section 3(h)) or interest on any portion thereof was erroneously collected, the Board shall allow such employing unit to make an adjustment thereof, without interest, in connection with subsequent contribution payments (or payments in lieu of contributions under section 3(h)) by it, or if such adjustment cannot be made the Board shall refund said amount, without interest, from the clearing account or benefit account upon checks issued by the Board or its duly authorized agent. For like cause and within the same period, adjustment or refund may be so made on the Board's own initiative. Should benefits have been paid based upon work records filed by the employing unit, claiming an adjustment or refund, such benefit should be disregarded for purposes of figuring such adjustment or refund, and any such benefit payments already having been made at the time of the adjustment or refund, based upon records filed with this Board by such employing unit, shall to that extent be allowed and shall not be deemed to have been paid erroneously."

(34) Section 4(l) of such Act (D.C. Code, sec. 46–304(l)) is amended by striking out the first and second sentences and inserting in lieu thereof the following:

"(l) The Board may compromise any civil case arising under this Act. Whenever a compromise is made by the Board in each such case, there shall be placed in the minutes of the Board with the reasons therefor, including a statement of (1) the amount of the contributions, or payments in lieu of contributions under section 3(h), due, (2) the amount of interest due on the same, and (3) the amount actually paid in accordance with the terms of the compromise."

(35) Section 7(b) of such Act (D.C. Code, sec. 46–307(b)) is amended—

(A) by striking out the second sentence; and

(B) by striking out in the third sentence "50 per centum" and inserting in lieu thereof "66⅔ per centum".

(36) Section 7(c) of such Act (D.C. Code, sec. 46–307(c)) is amended to read as follows:

"(c) To qualify for benefits an individual must have (1) been paid wages for employment of not less than $300 in one quarter in his base period, (2) been paid wages for employment of not less than $450 in not less than two quarters in such period, and (3) received during such period wages the total amount of which is equal to at least one and one-half times the amount of his wages actually received in the quarter in such period in which his wages were the highest. Notwithstanding the provisions of paragraph (3), any otherwise qualified individual, the total amount of whose wages during such period is less than the amount required to have been received during such period under such paragraph, may qualify for benefits if the difference between the amounts so required to have been received and the total amount of his wages during such period does not exceed $70, but the amount of his weekly benefit, as computed under section 7(b), shall be reduced by $1 if such difference does not exceed $35 or by $2 if such difference is more than $35. Wages received by an individual in the period intervening between the end of his last base period and the beginning of his last benefit year shall not be available for benefit purposes in a subsequent benefit year unless he has, subsequent to the commencement of such last benefit year, performed services for which he received remuneration for personal services, whether or not such services were performed in employment as defined in this Act, in an amount equal to at least ten times the weekly benefit amount for which he qualifies in such last benefit year. Benefits payable to an individual with respect to a week shall be reduced, under regulations prescribed by the Board, by any amount received or applied for with respect to such week as a retirement pension or annuity under a public or private retirement plan or system provided, or contributed to, by any base period employer. An amount received with respect to a period other than a week shall be prorated by weeks. No reduction shall be made under the preceding two sentences for any amount received under title II of the Social Security Act."

(37) Section 7 of such Act (D.C. Code, sec. 46–307) is amended by adding the following new subsection:

(g) EXTENDED BENEFITS PROGRAM.—Notwithstanding any other provisions of this section, this subsection provides a program of extended benefits on and after January 1, 1972.

"(1) DEFINITIONS.—As used in this subsection, unless the context clearly requires otherwise—

"(A) 'Extended benefit period' means a period which—

"(i) begins with the third week after whichever of the following weeks occurs first: (I) a week for which there is a national 'on' indicator, or (II) a week for which there is a State 'on' indicator; and

"(ii) ends with either the following weeks, whichever occurs later: (I) the third week after the first week for which there is both a national 'off' indicator and a State 'off' indicator; or (II) the thirteenth consecutive week of such period: *Provided*, That no extended benefit period may begin by reason of a State 'on' indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to the District.

"(B) There is a 'national' 'on' 'indicator' for a week if the Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all the States equaled or exceeded 4.5 per centum.

"(C) There is a 'national' 'off' 'indicator' for a week if the Secretary of Labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 per centum.

"(D) There is a 'State' 'on' 'indicator' for the District for a week if the Board determines, in accordance with regulations of the Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act—

"(i) equaled or exceeded 120 per centum of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and

"(ii) equaled or exceeded 4 per centum.

"(E) There is a 'State' 'off' 'indicator' for the District for a week if the Board determines in accordance with regulations of the Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this Act—

"(i) was less than 120 per centum of the average of such rates for the corresponding thirteen week period ending in each of the preceding two calendar years, or

"(ii) was less than 4 per centum.

"(F) 'Rate of insured unemployment', for purposes of subparagraphs (D) and (E) of this subsection, means the percentage derived by dividing (i) the average weekly number of individuals filing claims in the District for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the Board on the basis of its reports to the Secretary of Labor, by (ii) the average monthly employment covered under this Act for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

"(G) 'Regular benefits' means benefits payable to an individual under this Act or under any State law (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to chapter 85 of title 5, United States Code) other than extended benefits.

"(H) 'Extended benefits' mean benefits (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to chapter 85 of title 5, United States Code) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

"(I) 'Eligibility period' of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begins in such period.

"(J) 'Exhaustee' means an individual who, with respect to any week of unemployment in his eligibility period:

"(i) has received, prior to such week, all of the regular benefits that were available to him under this Act or any State law (including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under chapter 85 of title 5, United States Code) in his current benefit year that includes such week: *Provided*, That, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

"(ii) his benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and

"(iii) (I) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other Federal laws as are specified in regulations issued by the Secretary of Labor; and (II) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

"(K) 'State law' means the unemployment insurance law of any State, approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

"(2) Except when the result would be inconsistent with the other provisions of this subsection, as provided in the regulations of the Board, the provisions of this Act which

apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

"(3) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the Board finds that with respect to such week:

"(A) he is an 'exhaustee' as defined in paragraph (1)(J) of this subsection, and

"(B) he has satisfied the requirements of this Act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

"(4) The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly basic or augmented benefit amount, whichever is appropriate, payable to him during his applicable benefit year.

"(5) The total extended benefit amount payable to any eligible individual with respect to his applicable year shall be the least of the following amounts:

"(A) 50 percent of the total amount of regular benefits (including dependents' allowances) which were payable to him under this Act in his applicable benefit year;

"(B) thirteen times his weekly benefit amount (including dependent's allowances) which was payable to him under this Act for a week of total unemployment in the applicable benefit year; or

"(C) thirty-nine times his weekly benefit amount (including dependents' allowances) which was payable to him under this Act for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this Act with respect to the benefit year.

"(D) For purposes of this paragraph, the total regular benefit amount shall be that amount (including dependents' allowances) provided in the individual's monetary determination or the amount of regular benefits (including dependents' allowances) actually received, whichever is the greater.

"(6) (A) Whenever an extended benefit period is to become effective in the District (or in all States) as a result of a State or a National 'on' indicator, or an extended benefit period is to be terminated in the District as a result of State and National 'off' indicators, the Director shall make an appropriate public announcement as provided in the regulations of the Board.

"(B) Computations required by the provisions of paragraph (1)(F) of this subsection shall be made by the Board in accordance with regulations prescribed by the Secretary of Labor."

(38) Section 9 of such Act (D.C. Code, sec. 46-309) is amended by adding the following new subsection:

"(g) Benefits based on service in employment defined in section 1(b)(1) (B) and (C) shall be payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to this Act; except that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education (as defined in section 1(w)) shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms."

(39) Section 10(d) of such Act (D.C. Code, sec. 46-310(d)) is amended by adding the following new paragraph:

"(3) Notwithstanding any other provision of this Act, compensation shall not be denied or reduced to an individual solely because he files a claim in another State (or a contiguous country with which the United States has an agreement with respect to unemployment compensation) or because he resides in another State (or such a contiguous country) at the time he files a claim for unemployment compensation."

(40) Section 11 of such Act (D.C. Code, sec. 46-311) is amended—

(A) by striking out the fifth sentence in subsection (b) and inserting in lieu thereof "The Board shall promptly notify the claimant and any party to the proceeding of its determination, and such determinations shall be final within 10 days after the mailing of notice thereof to the party's last known address or in the absence of such mailing, within 10 days of actual delivery of such notice."

(B) by striking out the sixth sentence in subsection (b); by striking out the seventh sentence through the words "Provided, That" in subsection (b) and capitalize the word "if" immediately thereafter.

(C) by striking out "after the date of notification or" in the fourth sentence of subsection (e) and inserting in lieu thereof "of".

(D) by striking out "(a)" in the penultimate sentence of subsection (e); and

(E) by inserting "or recording device" immediately after "stenographer" in the second sentence of subsection (f).

(41) Section 13 of such Act (D.C. Code, sec. 46-313) is amended (A) by amending subsection (e) to read as follows:

"(e) FEDERAL-STATE COOPERATION.—(1) In the administration of this Act, the Board shall cooperate with the Department of Labor to the fullest extent consistent with the provisions of this Act, and shall take such action, through the adoption of appropriate rules, regulations, administrative methods, and standards, as may be necessary to secure to the District and its citizens all advantages available under the provisions of the Social Security Act that relate to unemployment compensation, the Federal Unemployment Tax Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970, or other Manpower Acts.

"(2) In the administration of the provisions in section 7 (g) of this Act, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, the Board shall take such action as may be necessary (A) to ensure that the provisions are so interpreted and applied as to meet the requirements of such Federal Act as interpreted by the Department of Labor, and (B) to secure to the District the full reimbursement of the Federal share of extended and regular benefits paid under this Act that are reimbursable under the Federal Act." and (B) by striking out "the District of Columbia" in the third sentence of subsection (f) and inserting in lieu thereof "any State".

(42) Section 14 of such Act (D.C. Code, sec. 46-314) is amended—

(A) by inserting the subsection designation "(a)" immediately before "All";

(B) by striking out "$40" in such subsection (a) and inserting in lieu thereof "$65"; and

(C) by adding at the end thereof the following new subsection:

"(b)(1) There is hereby created a special deposit fund in the Treasury of the United States, separate and apart from the District Unemployment Fund, to be known as the Special Administrative Expense Fund. Notwithstanding any contrary provisions of this Act, (A) interest and penalties collected from employers, and dishonored check penalties authorized by Public Law 89-208 (79 Stat. 844), shall after January 31, 1972, be deposited into the clearing account in the District Unemployment Fund in the Treasury of the United States for clearance only and shall not, except as provided in paragraph (4) of this subsection, be deemed a part of the District Unemployment Fund; (B) thereafter, during each calendar quarter, there shall be transferred from the clearing account to such Special Administrative Expense Fund all moneys described in subparagraph (A) of this subsection collected during the preceding quarter; and (C) refunds of such moneys paid into the Special Administrative Expense Fund shall be made from such fund.

"(2) Said moneys shall not be expended or available for expenditure in any manner which would permit their substitution for, or a corresponding reduction in, Federal funds which would, in the absence of said moneys, be available to finance expenditures for the administration of this Act. Nothing in this subsection shall prevent said moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which Federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund shall be used by the Board for the payment of costs of administration which are found by the Board not to be proper and valid charges payable out of Federal grants or other funds received for the administration of this Act. All such payments of expenses shall be made by checks drawn by the Board and shall be subject to audit by the District in the same manner as are payments of other expenses of the District.

"(3) No expenditure of this fund shall be made unless and until the Board by resolution duly entered in its minutes finds that no other funds are available or can properly be used to finance such expenditures. Vouchers drawn to pay expenditures of this fund shall, among other things, include a duly certified copy of the resolution of the Board hereinbefore referred to.

"(4) The moneys in this fund shall be continuously available to the Board for expenditures and refunds in accordance with the provisions of this subsection and shall not lapse at any time or be transferred to any other fund or account except as herein provided. If, on June 30 of any calendar year, the balance in this fund exceeds $250,000 by $1,000 or more, the Board shall transfer such excess to the Unemployment Trust Fund. It shall be the duty of the Secretary of the Treasury to invest such portion of this fund in excess of $10,000 at the end of each month. Such investments shall be made in the same manner as provided in section 904 of the Social Security Act. The interest on, and the proceeds from, the sale of redemptions or any obligations held in this fund shall be credited to and form a part of this fund."

(43) Section 15 of such Act (D.C. Code, sec. 46-315) is amended by striking out "$25" in subsection (c) and inserting in lieu thereof "$50".

(44) Section 16 of such Act (D.C. Code, sec. 46-316) is amended to read as follows:

"(a) The Board is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby services performed by an individual for a single employing unit for which services are customarily performed by such individual in more than one State shall be deemed to be services performed entirely within any one of the States (1) in which any part of such individual's service is performed or (2) in which such individual has his residence or (3) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election, approved by the agency charged with the administration of such State's unemployment-compensation law, pursuant to which all the services performed by such individual for such employing unit are deemed to be performed entirely within such State.

"(b) The Board is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby potential rights to benefits accumulated under the unemployment-compensation laws of one or more States or under one or more such laws of the Federal Government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the Board finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

"(c) The Board shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this Act with his wages and employment covered under the unemployment-compensation laws of other States which are approved by the Secretary of Labor in consultation with the State unemployment-compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for (1) applying the base period of a single State law to a claim involving the combining of an individual's wages and employment covered under two or more State unemployment-compensation laws, and (2) avoiding the duplicate use of wages and employment by reason of such combining.

"(d) The Board is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby contributions due under this Act with respect to wages for employment shall for the purposes of section 4 of this Act be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another State or Federal unemployment-compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the Board finds will be fair and reasonable as to all affected interests.

"(e) Reimbursement paid from the fund pursuant to subsection (c) of this section shall be deemed to be benefits for the purpose of sections 6, 7, and 8 of this Act. The Board is authorized to make to other State or Federal agencies and to receive from such other State or Federal agencies reimbursements from or to the fund, in accordance with arrangements entered into pursuant to this section.

"(f) The administration of this Act and of State and Federal unemployment-compensation and public-employment-service laws will be promoted by cooperation between the District and such States and the appropriate Federal agencies in exchanging services and making available facilities and information. The Board is therefore authorized to make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided herein with respect to the administration of this Act as it deems necessary or appropriate to facilitate the administration of any such unemployment-compensation or public-employment-service law, and in like manner to accept and utilize information, services, and facilities made available to the District by the agency charged with the administration of any such other unemployment-compensation or public-employment-service law.

"(g) To the extent permissible under the laws and Constitution of the United States, the Board is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this Act and facilities and services provided under the unemployment-compensation law of any foreign government may be utilized for the taking of claims and the payment of benefits under the employment-security law of the District or under a similar law of such government."

SEC. 3. The amendments made by this Act shall take effect on January 1, 1972, except that the amendments made by sections 2(35) and 2(36) of this Act shall take effect only with respect to benefit years that begin on or after January 2, 1972.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-563), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 2429, as amended, is designed to implement provisions of the Employment Security Amendments of 1970 (P.L. 91-373) which made amendments to the Social Security Act and to the Federal Unemployment Tax Act, and for other purposes.

PROVISIONS OF THE BILL

In addition to giving effect to and implementing the amendments of the Employment Security Amendments of 1970 which extended and improved the protection provided to jobless workers, thus bringing the District of Columbia Unemployment Act in conformity with the federal law, the bill incorporates additional recommendations made by the President concerning state programs.

S. 2429 amends the D.C. unemployment compensation law by increasing the maximum weekly benefit amount, or ceiling on benefits, from 50 percent of the average wage of covered workers to 66⅔ percent. This would implement the goal for State benefit maximums established by President Nixon in his message to Congress of July 8, 1969. It also implements the recommendations of the Department of Labor with respect to maximum weekly benefit amounts in State laws. (The Federal Unemployment Tax and Social Security Acts provide that, for the purpose of those Acts, the District of Columbia is deemed to be a State.)

S. 2429 would also extend the coverage provisions and the protections of the District of Columbia law to workers employed in domestic service. The term "employment" in such law would be redefined to include "personal or domestic service in a private home for an employer who paid cash remuneration of $500 or more in any calendar quarter." The Department of Labor has recommended to States that State law coverage provisions be extended to include domestic service. The proposed D.C. extension is almost identical to a similiar provision in the unemployment insurance law of the State of New York which has successfully covered domestic service for more than 30 years. Coverage of domestic service employment in the District of Columbia is of particular importance to the District in view of the fact that domestic employment in the District labor market is of proportionately greater importance than in most States and because of the dependence on this type of employment in the District of significant numbers of members or disadvantaged groups.

Except for the provisions with respect to the maximum weekly benefit amount and domestic service coverage, the provisions of S. 2429 are designed merely to implement the provisions which P.L. 91-373 added to the Federal Unemployment Tax Act. The added Federal law provisions are, with few exceptions, *requirements*, and the District law must contain these required provisions effective January 1, 1972, if all employers in the District of Columbia are to continue to receive normal and additional credit against the Federal 3.2 percent tax on wages up to $4,200 in annual wages per individual worker. Should the D.C. law fail to contain all of the provisions which P.L. 91-373 requires State laws to contain by January 1, 1972, effective as of that date, the net Federal tax of D.C. employers of 0.5 percent on annual wages paid up to $4,200 per employee will increase to 3.2 percent of annual wages paid up to $4,200 per employee while their liability for tax payments to the D.C. fund would also continue. The additional and unnecessary Federal tax burden on D.C. employers, who have taxable payrolls approaching $1 billion, could amount to more than $25 million annually.

As recommended by the Committee, S. 2429 would be sufficient to implement the requirements of P.L. 91-373 and to keep the D.C. law in conformity with the Federal Unemployment Tax and Social Security Acts.

COMMITTEE AMENDMENTS

The bill contains amendments to the District of Columbia law that are designed to bring into conformity with the Social Security Act requirement for full payment of unemployment compensation when due (section 303(a)(1), Social Security Act) as interpreted by the U.S. Supreme Court in its April 26, 1971 decision in *Java v. California Department of Human Resources Development* 402 U.S. 121).

In that decision the Court held that payment of unemployment benefits awarded an individual by an initial eligibility determination may not be withheld during the pendency of an employer's appeal from that determination or during the period provided for the taking of such an appeal. Provisions for such withholding of benefit payments have hitherto been included in the District of Columbia law, as has also been the case in most State unemployment insurance laws.

This change is reflected on page 44 of the bill, lines 9 through 15.

In addition this same section is amended because of a difference in recent decisions of the District of Columbia Court of Appeals and the United States Court of Appeals for the District of Columbia Circuit. If the language remains unchanged under the District of Columbia Court of Appeals, the District Unemployment Compensation Board could never have any certainty about the finality of any of its determinations as all an interested party would have to do would be to testify that he did not receive the decision until a date within 10 days of the mailing of his appeal.

Other amendments are technical in nature.

HISTORY

On June 18, 1971, the Commissioner of the District of Columbia wrote a letter to the President of the Senate transmitting and recommending the proposed legislation. S. 2429 was introduced in the Senate on August 4, 1971, and hearings were held by the Subcommittee on Public Health, Education, Welfare, and Safety of the District Committee on November 24, 1971. Representatives of the District of Columbia government, the Metropolitan Washington Board of Trade, and the Greater Washington Central Labor Council of AFL-CIO were heard.

SICKLE CELL ANEMIA

The Senate proceeded to consider the bill (S. 2677) to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia which had been reported from

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the Committee on the District of Columbia with an amendment on page 1, after line 3 strike out:

(1) that sickle cell anemia is a disease resulting from the inheritance of a genetic factor relating to the so-called sickle cell trait which afflicts large numbers of American citizens, primarily among the black population of the United States;

(2) that this disease is a deadly and tragic burden which strikes approximately one of every five hundred young black children, and that less than half of these young people survive beyond the age of twenty;

And, in lieu thereof, insert:

(1) that sickle cell anemia is a disease resulting from the inheritance of a genetic factor relating to the so-called sickle cell trait which afflicts large numbers of American citizens;

(2) that this disease is a deadly and tragic burden which strikes many young children, and kills half of its victims before the age of twenty;

So as to make the bill read:

S. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds—

(1) that sickle cell anemia is a disease resulting from the inheritance of a genetic factor relating to the so-called sickle cell trait which afflicts large numbers of American citizens;

(2) that this disease is a deadly and tragic burden which strikes many young children, and kills half of its victims before the age of twenty;

(3) that approximately one thousand young children in the District of Columbia suffer from this disease and approximately fifty-four thousand persons in the District are carriers of the sickle cell trait;

(4) that sickle cell anemia has been one of the more common and serious childhood diseases, yet has not received the national commitment required to eradicate the disease;

(5) that efforts to control sickle cell enemia must be directed toward increased research in the causes and treatment of the disease and the education, voluntary screening, and counseling of carriers of the sickle cell trait;

(6) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait; and

(7) that programs to combat sickle cell anemia must be based entirely upon the voluntary cooperation of citizens.

(b) Upon the basis of these findings, Congress declares that in order to preserve and protect the health and well-being of citizens of the District of Columbia and to provide a model for the health of the Nation, it is necessary to establish a pilot program for the prevention of sickle cell anemia in the District of Columbia, to authorize the establishment of programs to assist in that prevention and to enlist the voluntary cooperation of all citizens in that effort.

SEC. 2. (a) The Commissioner of the District of Columbia is authorized to establish and carry out programs in the District of Columbia involving the identification and counseling of persons with sickle cell anemia or the sickle cell trait, and educating the public concerning the nature and inheritance of the aforementioned disease and trait.

(b) As used in this section, the term "programs" includes programs—

(1) for the purpose of identifying and counseling of persons with the sickle cell trait and educating the public about the nature and inheritance of the sickle cell trait;

(2) providing for screening for the sickle cell trait at appropriate locations throughout the District or Columbia, including—

(A) educational institutions;

(B) day care centers;

(C) neighborhood health centers;

(D) family planning clinics;

(E) hospitals and medical clinics;

(3) providing referral services, for persons found to carry the sickle cell trait, to appropriate organizations which provide counseling services on the nature and inheritance of the sickle cell trait;

(4) providing counseling services regarding the nature and inheritance of the sickle cell trait; and

(5) to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia.

(c) no program established pursuant to this Act shall be carried out other than on a voluntary basis.

DEMONSTRATION GRANTS

SEC. 3. For the purpose of financially assisting the District of Columbia in establishing programs to identify and counsel persons with the sickle cell trait and to educate the public concerning the nature and inheritance of the aforementioned trait and sickle cell anemia, the Secretary of Health, Education, and Welfare is authorized to make demonstration grants to: (a) the Commissioner of the District of Columbia for use in defraying expenses or other costs incurred by him in establishing and carrying out such programs; and (b) medical schools, hospitals, and research institutions in the District of Columbia for use in defraying expenses and other costs incurred by such institutions in developing and operating centers or programs for research, testing, counseling, or treatment regarding the sickle cell trait or sickle cell anemia.

Any application for a grant under this section shall be made in such manner and form and contain such information as the Secretary shall require. Such grants may be made on such conditions as the Secretary finds necessary to carry out the purposes of this Act.

SEC. 4. Any program established pursuant to this Act shall provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient or his guardian consents to be released or (B) statistical data compiled without reference to the identity of any such patient.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such sums shall remain available until expended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-562), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 2677 is to authorize programs in order to conduct voluntary screening, counseling, and public education regarding sickle cell anemia, and to aid in increased research in the prevention and treatment of the disease. The bill would achieve its purpose by authorizing two sources of funding, direct appropriations to the District of Columbia government and grants by the Department of Health, Education, and Welfare. To protect the rights and privacy of every individual, the bill provides that such programs must provide for voluntary participation and confidentiality of medical data.

HISTORY

The bill (S. 2677) was introduced on August 4, 1971, and hearings were held by the Subcommittee on Public Health, Education, Welfare, and Safety of the District Committee on October 27, 1971. Testimony was heard from Representatives of the Congress, Representatives of the District government, Howard University, Black Athlete's Foundation for Sickle Cell Anemia, National Medical Association, and the National Association for the Advancement of Colored People. No testimony was received in opposition to the bill, nor has any expression of opposition to the legislation been received by the committee.

AMENDMENT

The committee amendment is in the nature of clarification of the findings of Congress and does not relate to the substantive provisions of the bill.

DESCRIPTION OF THE DISEASE

Sickle cell anemia is an inherited blood disease in which red blood cells form a crescent or sickle shape when deprived of oxygen. As the cells pass through the blood vessels, these sharp-edged, sickle-shaped cells tend to become snagged along the blood vessels' inner lining. When large numbers of the sickled cells have collected in one place, the flow of blood to vital organs is impeded. Characteristically, the resulting symptoms are stunted growth, pain, swelling of the joints, hemorrhage, and tissue death, with subsequent failure of such organs as the heart, the spleen, and the kidneys. Blindness, stroke, and ulcers of the leg are also observed in victims of the disease. While it is characteristic for the cells to assume the sickle shape, the victims of sickle cell disease also tend to lack energy and tire easily because their body produces too few blood cells, and those cells have a shortened life.

Medical records show that the lifespan of sickle cell anemia victims themselves is shorter than normal. Most patients fail to live beyond age 20, and only rarely do they live beyond age 40. The repeated crises resulting from oxygen shortages soon take their toll on the body's vital organs, so that sickle cell anemia patients frequently die from heart attack, stroke, kidney disease, respiratory infections, or a breakdown of other critical body functions.

Sickle cell anemia is believed to have developed in Africa centuries ago as a defense against certain types of malaria. African babies who received the sickle cell gene from both parents suffered the same effects seen today among many black Americans born with the disease. But those who carried the sickle cell trait—that is, carried only one hemoglobin gene for sickling—were usually successful in warding off the effects of malaria. Through the years, sickle cell anemia has been reported in people who live in southern European countries and in India. So that today, while the principal victims in this country are believed to be blacks, the disease is known among citizens of many other lands. In fact, the World Health Organization estimates that each year 80,000 children around the world die from sickle cell anemia.

It is important to distinguish between the people who suffer with the disease and those who bear the so-called sickle cell trait. Victims of sickle cell disease suffer attacks of excruciating pain, brought on as often as six to 10 times a year in children under age 6. It is during these crises that the seriously debilitating effects described above are likely to occur.

Genetically, we know that each child receives two genes from his parents that determine the kind of hemoglobin in the infant's body. Scientists use an "S" to denote the abnormal hemoglobin that sickles. If both parents donate hemoglobin S, their child will suffer from the disease. If the child receives only one abnormal or S gene, he will have the trait and can transmit it to his children, but most likely he won't suffer from the disease himself. The child who receives two normal hemoglobin genes, however, will in no way be affected by sickle cell anemia. Thus, for parents who both carry the abnormal or S trait, one quarter of their offspring are likely to have two S genes and therefore suffer with the disease; another quarter can be expected to have two normal genes; and the remaining half will be expected to carry one S gene and one normal hemoglobin gene. Using that formula, experts have determined that of the 25 million black people in America, approximately 2.5 million may have the trait and at least 50,000 may suffer with the disease. The crucial importance of counseling can be seen in those screening programs that have identified people who carry the trait; that is, one S gene. Through continuing education and awareness projects, they can be advised of the possibility of transmitting sickle cell disease if they bear children with someone who also carries a gene for abnormal S hemoglobin.

TREATMENT OF THE DISEASE

Because people who suffer with sickle cell anemia undergo crises that are marked by attacks of extreme pain the principal efforts of treatment are designed to provide relief for these painful bouts. It is not known what precipitates such crises; neither is it possible to predict or anticipate when a crisis may occur, although some researchers have noted that conditions involving increased bodily demands for oxygen, such as high altitudes, severe infection, and etress, have been noted to precede the onset of a crisis in sickle cell patients. Most practitioners in treating sickle cell patients have used blood transfusions, surgery, and intravenous therapy to combat the disease effects. Patients are scheduled for periodic visits to clinics or hospitals in order to provide a constant monitoring of their condition. Consequently, treatment procedures for many sicklers involve a continuing contact with medical personnel to obtain therapy, medication, and vocational rehabilitation. Research to develop improved treatment procedures is receiving promising interest from many sources. Relief available for sicklers is clearly advanced beyond that of years ago. But the hope of the future lies in the development of a systematic effort to bring about the kind of effective control needed to end the scourage of sickle cell anemia.

In the meantime, with adequate medical attention from properly trained personnel, sickle cell victims can be counseled and guided so that they may enjoy life with the same fervor as others.

There is no doubt that if the problems associated with this disease had received the attention given to other maladies, particularly those striking white families, we may be much further along in understanding and learning to cope with it. But sickle cell anemia, like most other conditions affecting only blacks, has been grossly neglected through the 60 years since the first American case was diagnosed. Pioneers in the treatment and research of sickle cell anemia, like Dr. Roland Scott of Howard University, have seen sickle cell anemia patients grow to adulthood, marry, bear children, and maintain an otherwise normal life.

CONCLUSION

The committee urges the enactment of S. 2677 to establish a pilot program in the District of Columbia in view of the fact that the city has the highest percentage of black population among the major cities of the Nation and thus offers an opportunity as a demonstration laboratory.

DEATH OF FRANK CARPENTER PORTER—A GREAT REPORTER

Mr. MANSFIELD. Mr. President, all of us who knew Frank Carpenter Porter, a Washington Post reporter of outstanding ability, integrity, and knowledge, are saddened today because of his passing from life's scene.

I know that I speak for all who knew Frank and who bemoan the passing of this outstanding member of the news gathering and reporting profession. He was, as I have indicated, a man of solid knowledge—a decent man, a kindly man, a man who loved his work, and who always held the trust and confidence of those who came in contact with him.

It is ironic, as an article published in the Post this morning indicates, that one of the last acts in the life of Frank Carpenter Porter was to donate his eyes and his kidneys to patients who, unlike him, could still live. It is a mark of the generosity, the foresight, and the kindness of the man himself.

I express my deep personal sadness in the passing of this great reporter and extend to Mrs. Porter and the members of her family the Senate's deepest sympathy.

May his soul rest in peace.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial and the obituary published in today's Washington Post.

There being no objection, the editorial and obituary were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 9, 1971]

FRANK CARPENTER PORTER

Frank C. Porter, The Washington Post economics and labor reporter, who died Wednesday at the age of 53, was a man very much in the middle of life—his own and the life of this newspaper and the life of the capital city whose economic policy struggles he had covered for years. Mr. Porter was the father of four young children. He was a reporter who plunged with ease and good humor into the demanding wage-price story that has dominated the news since summer. And he died as the result of a cruel and sudden accident, so that the sense of a life interrupted rather than finished is especially acute. Even the legendary disorder of his desk—a mountain of teetering papers in which it was alleged (and denied) that the telephone could be heard to ring from time to time but not found—only seemed, when he died, a painful confirmation of how deeply engaged he had been in life's affairs at the time and how abruptly cut off from them.

Frank Porter was known around this newspaper and among his colleagues and friends and news sources outside it for his gentleness, his humor, his hardworking objective approach to a story, and his thoroughly professional capacity to turn out good copy under pressure in an unflappable way. He had none of the posturing or pushiness about him that is supposed to go with the aggressive, "Front Page" reporter of widespread stereotype, especially with the "old pro," who, like Frank Porter, is respected for his ability to get the story and for his inability to permit himself to be conned.

If you were to seek a summation of the man, none could be more to the point than the manner in which he managed, before death, to transform the terrible nature of his death itself. He had told his wife that if the circumstances were such when he died that his own vital organs could be of help in saving others, he wanted the necessary steps to be taken. And the circumstances turned out—tragically for him—to be the right ones. So as a last act of life, Frank Porter donated eyes and kidneys to patients who, unlike him, could still live. That, as it turns out, is what can and must redeem the sheer cruelty of his death and take it from the grip of blind chance and give it meaning. No one who knew him could be surprised that even suffering such a sudden and untimely death, Frank Porter managed to memorialize his own generosity and his life by giving life and vision to others.

[From the Washington Post, Dec. 9, 1971]

POST REPORTER FRANK PORTER DIES

Frank C. Porter, 53, national labor and business reporter for The Washington Post, died yesterday at George Washington University Hospital after choking on food and falling unconscious Monday night at a downtown restaurant.

He was having a business dinner at Duke Zeibert's Restaurant when a piece of steak lodged in his throat. He was temporarily unable to breathe and never regained consciousness.

Mr. Porter was described by his colleagues and competitors and the labor, business and government officials he covered as a master of one of the most complex specialties in journalism.

"Frank Porter was a credit to his profession—a dedicated, honest, careful reporter," said AFL-CIO President George Meany. "He was a fine and decent gentleman. All of us in the trade union movement which he covered so long and so well truly mourn his death."

Secretary of Labor James D. Hodgson said, "The death of Frank Porter comes as a shock to all of us.

"He was a knowledgeable and perceptive reporter. His coverage of the labor and economic scene was characterized by objectivity and fairness. The high level of professionalism he brought to his work, combined with his gracious and considerate manner toward people he dealt with, earned him the respect of all of us.

"Personally, he was sharp and incisive, without being biting or bitter. He lightened numerous press gatherings with a warm wit and humor which aptly capsulized a situation.

"Both personally and professionally, he will be missed."

Walter Heller, former president of the President's Council of Economic Advisers, said Mr. Porter's coverage of the national economic scene "was very high fidelity reporting of facts and events it was very hard to reach the essence of; he was superb."

"He came to the job without the necessary background, but he gradually enveloped the field," Heller said. "The rate of growth was tremendous. He became such a perceptive reporter and was so full of compassion and concern about the human elements of economics."

Benjamin C. Bradlee, executive editor of The Washington Post, said, "What can you say? It always sounds so trite and stupid. He was a marvelous man, a marvelous journalist, a fine reporter. You could read his stories and understand what the hell it was all about."

"He was one of the best reporters in town," said Lee M. Cohn, labor reporter for the Washington Evening Star. "I competed with him for many years, and he was always fair and friendly as well as a fine reporter.

"I think he liked the labor part of the beat more because it was a more personal sort of thing with more colorful personalities and events. But he could do anything and do it well. He earned the respect of all his colleagues and of his news sources. We're going to miss him."

Mr. Porter was born on Jan. 16, 1918, in Winchester, Mass. He was graduated from Winchester High School in 1935, attended

Phillips Academy at Andover, Mass. the next year and was graduated from Amherst College in 1940.

At Amherst, he sang in the glee club, wrote for the school paper and played both defensive and offensive tackle for the football team.

After graduation, he applied for a copy boy's job at Times Magazine that then paid $15 a week. The slots were all filled, but he was able to sign in as a contributing editor at $35 a week, writing for the People, Milestones, Miscellany, Business & Finance and Books sections of the magazine until May, 1941.

His reason for leaving: "Discharged because I was apparently too young and inexperienced for the job and because of imminence of military service."

In December, 1941, he enlisted in the Navy and was assigned to the first class of "90 day wonders" at Annapolis, an emergency program to produce officers for service in the war.

After two years in Washington, he was assigned to the destroyer USS Mugford. He served as communications officer, surviving a kamikaze attack in the Pacific.

In 1946, he transferred to the reserves as a lieutenant commander. A civilian again, he joined the staff of the Daytona Beach, Fla., Journal and in two years covered "everything but society: editorials, movie reviews, features, substituting for telegraph and city editors."

His reason for leaving in June, 1948: "Low pay and dead-end job; wanderlust, wanted to try my hand at fiction."

He went to Peru. What became of The Novel is obscure, but while in Lima he atended the University of San Marcos for seven months and wrote the Peruvian Affairs section of La Semana, a Time-style weekly published in Arequipa. It folded after seven issues.

Mr. Porter returned to the States in 1949 and in November went to work for the Baltimore Evening Sun, where he worked as a copyreader, general assignment reporter, feature writer, rewrite man, picture editor and drama critic.

He came to The Post on March 5, 1954. One of the reporters who worked for him while Mr. Porter was assistant city editor was Jean Belle Jones. They were married in 1957. Their children are John King Porter, 7; Laurie Wing Porter, 9; Robert Carpenter Porter, 12, and Stephen Jones Porter, 13.

Other members of the Porter household at 3702 Morrison St. NW have included a host of Latin American students, who have been tutored in English and in American customs and who tried without much success to improve Mr. Porter's Spanish.

Mr. Porter was fond of sailing with the family on their 32-foot, raked ketch, the "Long Gone."

He was a licensed pilot who managed to keep an old two-seater flying when he was making only $110 a week at the Sun.

His kidneys were donated to two recipients at Georgetown University Hospital yesterday, and his corneas to the Lions Club eye bank.

A memorial service will be held at 11 a.m. Saturday at All Saints Episcopal Church on Chevy Chase Circle. The family asks that any contributions be given to the Foreign Student Council of Washington or Amherst College, and requests no flowers.

Mr. GRIFFIN. Mr. President, the distinguished majority leader has eloquently stated what is on the minds of many people today, following the news of the untimely and unfortunate death of Frank Porter.

His able and distinguished service earned him great respect, not only among his colleagues in the profession of journalism, but also among those whom he wrote about in the executive and legislative branches of the Government.

I wish to associate myself with what the distinguished majority leader has said, and I wish to indicate that he speaks for Senators on both sides of the aisle. I join him in extending sympathy and our condolences to the family of Frank Porter.

Mr. PROXMIRE. Mr. President, I was shocked and saddened to hear of the tragic death of Frank Porter who reported on economic affairs for the Washington Post. In a field dubbed "the dismal science" and in which so much writing is obscure and complex, Frank Porter did a marvelous job day in and day out covering the events concerned with economic activity.

He was present at most of the major hearings of the Joint Economic Committee where we came to know him as an able, honest, diligent working reporter. Frank knew his subject. He had a vast background and experience on which to draw. He sharpened the issues in a way which clarified them and made them meaningful in the public discussion of economic matters.

Not only was Frank Porter a superb reporter and craftsman—a man who excelled in his chosen profession—but he was also a thoroughly good man and a thoroughly decent man. He was calm, thoughtful, dedicated, and fair. And his humanity became even more clear when we learned on his tragic death that he had dedicated the organs of his body for the use of the living.

Frank Porter's death is a tragedy in every way. He was struck down at the peak of his career by a disastrous and freakish event. We can all take solace in knowing that the world is a better place and a better informed place because Frank Porter lived and worked here.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. BYRD) is now recognized for 15 minutes.

SENATE RESOLUTION 211—SUBMISSION OF A RESOLUTION RELATING TO THE PLACING OF A LIKENESS OF THE LATE SENATOR RICHARD BREVARD RUSSELL IN THE SENATE RECEPTION ROOM

(Referred to the Committee on Rules and Administration.)

Mr. BYRD of West Virginia. Mr. President, I submit a resolution and ask that it be appropriately referred.

The purpose of this resolution—which is being jointly offered and cosponsored by the distinguished senior Senator from Georgia (Mr. TALMADGE), the distinguished junior Senator from Georgia (Mr. GAMBRELL), the distinguished majority leader (Mr. MANSFIELD), and myself—is to authorize the placing of a likeness of the late Senator Richard Brevard Russell in the Senate reception room. This proposed likeness would be approximately the same size and type as the paintings of the five Senators which currently grace the walls of that room.

Senator Russell was a great man and one of the most highly respected Members ever to serve in this body. He was a man of the highest honor—a man of exceptional distinction. I am grateful to have counted myself among those who benefited from his wisdom. I am honored to have served with him and honored to have been his friend.

From the beginning of Senator Russell's service in the Senate in 1933 until his death in January of this year, he accumulated a vast wealth of knowledge and experience. For almost four decades, this outstanding Georgian used this knowledge and experience and gave of his unique intellect and extraordinary skill to enhance and protect the integrity of the Senate he so deeply revered. More than any other individual I have known, Senator Russell reflected the essence of what the U.S. Senate should be.

No tribute that we could pay to this distinguished American would be too great for his 38 years of love and dedication to the Senate and to his country. It is fitting that he take his place in the company of the most renowned Senators of all time. For:

They shall not grow old, as we that are left grow old . . .
At the going down of the sun and in the morning
We shall remember them . . .

Mr. President, the resolution reads as follows:

Resolved, That, in order to honor appropriately the late Senator Richard Brevard Russell of Georgia as an outstanding American and Senator, the Committee on Rules and Administration shall have an appropriate likeness of the said Senator Richard Brevard Russell painted on a wall of the Senate reception room outside the Senate Chamber. The likeness may be procured by purchase or gift and shall be of approximately the same size as the size of each of the likenesses of the other five outstanding Senators placed in the Senate reception room.

SEC. 2. The expenses of carrying out the provisions of the first section of this resolution shall be paid out of the contingent fund of the Senate upon vouchers signed by the chairman of the committee.

Mr. President, I ask unanimous consent to insert in the RECORD a statement by the distinguished junior Senator from Georgia (Mr. DAVID H. GAMBRELL).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR GAMBRELL

I am honored today to join with my distinguished colleague, the Senator from West Virginia, in co-sponsoring a bill to have Senator Russell's portrait placed in the Senate Reception Room.

Senator Russell exemplified all that the United States Senate is. His legislative skill, his courage of conviction and his personal brilliance made him a leader in this Senate, a mentor to Presidents. His presence is still felt, nearly a year after his passing, by the many who sought his guidance and inspiration.

I can think of no more fitting honor to his memory than that he stand with other giants of the Senate like Clay and Calhoun, in the anteroom of the Senate Chamber to remind those who enter the Senate Floor of the standard of excellence and dedication to our country, set by their forebears.

The ACTING PRESIDENT pro tempore. Without objection, the resolution will be received and appropriately referred.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguished senior Senator from Georgia.

Mr. TALMADGE. Mr. President, I congratulate my warm friend, the distinguished Senator from West Virginia, the majority whip of the Senate, for offering the resolution.

It is a particular pleasure for me to join as a cosponsor of the resolution. Dick Russell was admired and loved by every Member of the U.S. Senate from both parties.

By his unique skill and his tremendous ability he contributed greatly to this parliamentary body and to the Nation he loved and served so well and so honorably.

The late Senator Russell served this body for 38 years. He was the only Member of the Senate in the history of our country who served more than half of his life in the U.S. Senate. Only one other Senator in the long history of our country, Senator Hayden, served for a longer period of years in this body than did the late Senator Russell.

As the Senator from West Virginia has pointed out, the skills and the great ability of Dick Russell are qualities that we all respect.

I think it is immensely proper and appropriate that his portrait be placed in the Senate reception room with those of the alltime great Senators.

Mr. BYRD of West Virginia. Mr. President, I thank the senior Senator from Georgia.

Mr. GRIFFIN. Will the distinguished majority whip yield to me?

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguished assistant Republican leader.

Mr. GRIFFIN. I wish to join and associate myself with the distinguished majority whip in his eloquent tribute to the late Senator Richard Russell, and I ask unanimous consent that I may be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Without doubt, Senator Russell was one of the greatest Senators in the entire history of the U.S. Senate. I believe the resolution merits not only consideration but also a favorable report by the Committee on Rules and Administration. As a member of that committee, I am glad to join in this effort.

Incidentally, I should like to take note of the fact, while I have such an appropriate opportunity—that there is no likeness of the late Senator Arthur Vandenberg in the Vandenberg Room. I believe that situation should be remedied. This room had been officially named after the late Senator from Michigan, Senator Vandenberg. There is a plaque on the wall which was authorized by the Senate.

So far as I have been able to determine, only one portrait was ever made of Senator Vandenberg. He only sat for only one artist, and that painting is in Grand Rapids, Mich. At a relatively nominal cost, I am sure that an artist could be commisisoned to duplicate and produce another painting to hang in the Vandenberg Room. Accordingly, at a later date I may offer an appropriate resolution for that purpose.

Mr. BYRD of West Virginia. Mr. President, I think it would be very appropriate—very appropriate—to have prepared such a likeness of the late Senator Vandenberg and have it placed in the Vandenberg Room. At some future time, should the distinguished assistant Republican leader deem it wise to take whatever action is necessary to consummate this suggestion, I should like to add my efforts to that cause.

I appreciate so much the request by the assistant Republican leader to join as a cosponsor in connection with the resolution I have introduced. I am very grateful for his cosponsorship.

The late Senator Russell was the man whom I most admired in Washington during my years of service in the Congress. I felt in my own heart that he was my mentor, and I have often stated that the two greatest men I ever knew, insofar as character and integrity were concerned, were my own foster father and the late Senator Richard B. Russell.

I thank all who have joined in the cosponsorship of the measure.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will return to executive session and resume its consideration of the nomination of Mr. William H. Rehnquist for the office of Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following letters, which were referred as indicated:

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Coordinating Deep-Ocean Geophysical Surveys Would Save Money", National Oceanic and Atmospheric Administration, Department of Commerce, Department of the Navy, dated December 8, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT ON SYSTEMS ANALYSIS OF NATIONAL HEALTH CARE PLANS

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, that a report on Systems Analysis of National Health Care Plans had been delayed in order to include relevant analytical material that had not been received; to the Committee on Labor and Public Welfare.

PROPOSED EMPLOYEE BENEFITS PROTECTION ACT

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Welfare and Pension Plans Disclosure Act (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. CHILES):

A letter from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting certain petitions signed by members of the Armed Forces, praying for an immediate cessation of hostilities in Southeast Asia; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCINTYRE, from the Committee on Armed Services, without amendment:

S. 2945. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies (S. Rept. No. 92-566).

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

S.J. Res. 173. A joint resolution to provide for the appointment of A. Leon Higginbotham, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 92-567);

S.J. Res. 174. A joint resolution to provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 92-568); and

S.J. Res. 175. A joint resolution to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 92-569).

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services:

Maj. Gen. Louis Metzger, U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving.

Mr. GOLDWATER. Mr. President, I report favorably 1,357 appointments and promotions in the Army in grade of colonel and below; on appointment to grade of lieutenant general and 2,610 appointments and promotions in grade of lieutenant colonel and below in the Marine Corps, and 75 appointments in the Air Force to captain and below. Since these names have already ap-

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peared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Aaron H. Wilson, and sundry other officers, for appointment in the Regular Air Force;

Kenneth W. Copeland, and sundry other persons, for appointment in the Regular Army of the United States;

Ralph P. Aaron, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Walter F. Dick, and sundry other scholarship students, for appointment in the Regular Army of the United States;

Patricia Accountius, and sundry other officers, for promotion in the Army of the United States;

James L. Anderson, for appointment as professor of physical education, U.S. Military Academy;

Maureen A. Ebert, for reappointment in the active list of the Regular Army of the United States;

Edwin H. J. Cairns, Jr., and sundry other persons, for appointment in the Regular Army;

John J. McFatridge, and sundry other persons, for appointment in the Regular Army of the United States;

Mark W. Appling, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

John W. King, Jr., and sundry other scholarship students, for appointment in the Regular Army of the United States;

Carolyn J. Auldridge, and sundry other officers, for promotion in the Marine Corps; and

Russell R. Allen, Jr., and sundry other officers, for promotion in the Marine Corps.

By Mr. BYRD of Virginia, from the Committee on Armed Services:

Lt. Gen. Robert E. Cushman, Jr., U.S. Marine Corps, to be Commandant of the Marine Corps, with the rank of general.

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Nicholas W. Craw, of the District of Columbia, to be an Associate Director of Action.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BIBLE (for himself and Mr. CANNON):

S. 2975. A bill to declare that certain federally owned land is held by the United States in trust for the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt Indian Reservation, Nevada. Referred to the Committee on Interior and Insular Affairs.

By Mr. McCLELLAN:

S. 2976. A bill for the relief of United States Forgecraft Corp. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 2977. A bill to authorize the establishment of the Springfield Armory National Historic Site, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER:

S. 2978. A bill to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the Berlin crisis. Referred to the Committee on Armed Services.

By Mr. INOUYE (for himself and Mr. FONG):

S. 2979. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor. Referred to the Committee on Armed Services.

By Mr. INOUYE:

S. 2980. A bill for the relief of Miss Natividad F. Gonzales. Referred to the Committee on the Judiciary.

By Mr. AIKEN (for himself and Mr. TALMADGE):

S. 2981. A bill to provide for environmental improvement in rural America. Referred to the Committee on Agriculture and Forestry.

By Mr. STEVENSON:

S. 2982. A bill for the relief of Minnie E. Solger. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIBLE (for himself and Mr. CANNON):

S. 2975. A bill to declare that certain federally owned land is held by the United States in trust for the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt Indian Reservation, Nevada. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, Senator CANNON, I introduce for appropriate reference a bill to declare that certain federally owned land is held by the United States in trust for the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt Indian Reservation, Nevada.

The purpose of the legislation is to add some 19,000 acres of grazing land to the existing reservation.

The Fort McDermitt Indians are an impoverished tribe living on the Nevada-Oregon border. Their chief source of income has historically been the result of inadequate livestock operations.

The Bureau of Land Management of the Department of the Interior has advised that the lands in question have been recommended for disposal. The inclusion of these public domain lands in the reservation would consolidate tribal ownership and improve range and other resource management. It would appear that the best use of this acreage would be to transfer the ownership in trust status to the tribe.

By resolution dated July 20, 1971, signed by Herman Crutcher, chairman, Fort McDermitt Paiute and Shoshone Tribe, the tribe petitioned the Nevada congressional delegation to introduce legislation to accomplish this purpose. I ask unanimous consent that this resolution be printed in the RECORD following my remarks.

I urge favorable action by the committee to secure enactment of this proposal.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE GOVERNING BODY OF THE FORT MCDERMITT PAIUTE AND SHOSHONE TRIBE

Be it resolved by the Fort McDermitt Tribal Council that:

Whereas, the Bureau of Land Management has advised that certain public domain lands in the vicinity of the Fort McDermitt Indian Reservation (see attached list) is being recommended for disposal, and

Whereas, the inclusion of these public domain lands in the Reservation would consolidate tribal ownership and improve range and other resource management, and

Whereas, the Tribe can utilize these adjacent lands to economic advantage,

Now, therefore, be it resolved that the Tribal Council of the Fort McDermitt Paiute and Shoshone Tribe does hereby request the Nevada Congressional Delegation to introduce legislation to declare that 19,094.16 acres of vacant public domain land is held in trust by the United States of America for the Fort McDermitt Paiute and Shoshone Tribe.

Be it further resolved that the Superintendent, Nevada Agency, is requested to endorse this application and notify the Bureau of Land Management to note their records of our intent to withdraw these lands in aid of legislation.

By Mr. BROOKE:

S. 2977. A bill to authorize the establishment of the Springfield Armory National Historic Site, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

SPRINGFIELD ARMORY: A NATIONAL HISTORIC SITE

Mr. BROOKE. Mr. President, the legislation which I introduce today would authorize the establishment of the Springfield Armory as a national historic site.

Commissioned in 1794, the armory was the first so designated to serve the United States. Through the years until its deactivation in 1968, it produced high quality munitions that served to defend our Nation well. Its closing was regrettable because it signaled the termination of a facility to which generations of citizens of western Massachusetts had rendered dedicated and highly proficient service.

Coupled with the armory is a museum founded in 1871 and operated by the city of Springfield. The museum includes valuable collections of cannons and guns dating back to the 14th century. Owned by the Department of the Army, these instruments represent the most complete small arms collection in the Nation that is open to public view. Each year, more than 25,000 visitors tour the museum, including large numbers of school groups.

The legislation which I propose would authorize the Secretary of the Interior to take control of the property, which is currently on loan to the city of Springfield, as well as to make appropriate arrangements with the Secretary of the Army concerning the Armory's arms collection and other museum objects. The Secretary of the Interior would also be authorized to negotiate with the Commonwealth of Massachusetts for the preservation of historic buildings and lands within the Armory which are not owned by the Federal Government.

I believe this is a most worthwhile proposal which will help to preserve an historic monument for future generations.

I ask unanimous consent that the text of this bill be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2977

A bill to authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership for the benefit and inspiration of the people of the United States the property comprising the historically significant Springfield Armory, commissioned by President Washington in 1794 and, until deactivation in 1968, the oldest manufacturing arsenal in the United States, and the site of the defeat of insurgent farmers in Shays' Rebellion (1786–1787), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to accept a donation of such real property, as in his judgment will constitute an administrable unit, together with improvements and personal property thereon, which constitutes a part of the historic Springfield Armory property, Springfield, Massachusetts, from the city of Springfield or any instrumentality thereof, for establishment as the Springfield Armory National Historic Site.

SEC. 2. The Secretary shall establish the Springfield Armory National Historic Site by publication of a notice to that effect in the Federal Register when (a) he has accepted title to the real and personal property described in section 1 of this Act, (b) he has reached a satisfactory agreement with the Commonwealth of Massachusetts, or any agency or instrumentality thereof, for preservation of historic buildings and the physical setting of lands not in Federal ownership which comprised part of the historic Springfield Armory, and (c) he has reached a satisfactory agreement with the Secretary of the Army concerning the retention or transfer of the arms collection and other museum objects at the Armory. Prior to such establishment and thereafter, the property acquired for the Springfield Armory National Historic Site shall be administered by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. AIKEN (for himself and Mr. TALMADGE):

S. 2981. A bill to provide for environmental improvement in rural America. Referred to the Committee on Agriculture and Forestry.

Mr. AIKEN. Mr. President, I send a bill to the desk on behalf of myself and the senior Senator from Georgia (Mr. TALMADGE), the chairman of the Committee on Agriculture and Forestry.

The bill provides amendments to the Hope-Aiken Watershed Protection and Flood Prevention Act, Public Law 566, and also amendments to the Bankhead-Jones Farm Tenant Act, as amended.

Mr. President, I also point out that at the present time only the Senator from Georgia and I are listed as sponsors of the bill. Undoubtedly many other Senators will want to join as cosponsors. There will be an ample opportunity to do so before the next printing of the bill.

Mr. President, I ask unanimous consent that a short explanation of the bill and the bill, itself, be printed in the RECORD.

There being no objection, the explanation and bill were ordered to be printed in the RECORD, as follows:

S. 2981

A bill to provide for environmental improvement in rural America

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Development Act of 1972."

TITLE I—AMENDMENTS TO THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED

SEC. 101. The Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended as follows:

(a) Section 1 is amended by striking out the words "the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water, and thereby of preserving and protecting the Nation's land and water resources" and substituting therefor the words "the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environment."

(b) Section 2 is amended by substituting a comma for the word "or" after clause (1) and adding after the phrase "(2) the conservation, development, utilization, and disposal of water" a comma and the words "or (3) the conservation and proper utilization of land."

(c) Section 3 is amended by changing the period at the end of paragraph (5) to a semicolon and adding the following: "(6) to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years, providing for changes in cropping systems and land uses and for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife, and recreation resources of lands within the area included in plans for works of improvement, as provided for in such plans, including watershed or sub-watershed work plans in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented. Applications for assistance in developing such conservation plans shall be made in writing to the soil and water conservation district involved, and the proposed agreement shall be reviewed by such district. In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs.

The Secretary may terminate any agreement with a landowner, operator, or occupier by mutual agreement if the Secretary determines that such termination would be in the public interest, and may agree to such modifications of agreements, previously entered into hereunder, as he deems desirable to carry out the purposes of this paragraph or to facilitate the practical administration of the agreements provided for herein. Notwithstanding any other provision of law, the Secretary, to the extent he deems it desirable to carry out the purposes of this paragraph, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of any crop; or (2) surrender of any such history and allotments.

(d) Paragraph (1) of section 4 is amended by inserting after "without cost to the Federal Government" the words "from funds appropriated for the purposes of this Act."

(e) Clause (A) of paragraph (2) of section 4 is amended by striking all words after "fish and wildlife" and substituting therefor the words "development, recreational development, water quality management, or the conservation and proper utilization of land, and".

(f) All that part of clause (B) of paragraph (2) of section 4 which follows the word "Provided," is amended to read as follows: "That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8, the Secretary may pay for any storage of water for present or anticipated future demands or needs for municipal or industrial water included in any reservoir structure constucted or modified under the provisions of this Act as hereinafter provided: *Provided further,* That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the local organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of the cost of such storage: *Provided further,* That the local organization shall, prior to initiation of construction or modification of any reservoir structure

TITLE II—AMENDMENTS TO THE BANKHEAD JONES FARM TENANT ACT, AS AMENDED

1. Provide for cost-sharing of costs of rural community water storage and water quality management.

2. Make assistance available in the control of agricultural pollution.

3. Authorize technical and cost-sharing assistance for storage of water for rural fire protection.

4. Direct the Secretary of Agriculture to inventory and monitor soil, water, and related resources conditions at five-year intervals.

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including water supply storage, make provision satisfactory to the Secretary to pay for not less than 50 per centum of the cost of storage for present water supply demands, and all of the cost of storage for anticipated future demands; And provided further, That the cost to be borne by the local organization for anticipated future demand may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands, except that (1) no payment on account of such cost need be made until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8."

(g) Subsection (4) of section 5 is amended to read as follows:

"(4) Any plans for works of improvement involving an estimated Federal contribution to construction costs in excess of $250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet which includes (a) works of improvement for reclamation, irrigation, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) Federal assistance for floodwater detention structures, (c) features which may affect the public health, or (d) measures for control or abatement of water pollution, shall be submitted to the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, or the Administrator of the Environmental Protection Agency, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President."

TITLE II—AMENDMENTS TO THE BANKHEAD-JONES FARM TENANT ACT, AS AMENDED

SEC. 201. Section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011), is amended by adding at the end thereof the following:

"The Secretary shall also be authorized in providing assistance for carrying out plans developed under this title:

"(1) To provide technical and other assistance, and to pay for any storage of water for present or anticipated future demands or needs for rural community water supply included in any reservoir structure constructed or modified pursuant to such plans: *Provided*, That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the public agency or local nonprofit organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment of the cost of such water supply storage within the life of the reservoir structure: *Provided further*, That the public agency or local nonprofit organization prior to initiation or construction or modification of any reservoir structure including water supply storage, make provision satisfactory to the Secretary to pay for not less than 50 per centum of the cost of storage for present water supply demands, and all of the cost of storage for anticipated future demands: *And provided further*, That the cost to be borne by the public agency or local nonprofit organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands except that (1) no payment on account of such cost need be made until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the advancement for such water supply is first made, which are neither due nor callable for redemption for fifteen years from date of issue;

"(2) To provide, for the benefit of rural communities technical and other assistance and such proportionate share of the costs of installing measures and facilities for water quality management, for the control and abatement of agriculture-related pollution, for the disposal of solid wastes, and for the storage of water in reservoirs, farm ponds, or other impoundments, together with necessary water withdrawal appurtenances, for rural fire protection, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs."

SEC. 202. In recognition of the increasing need for soil, water, and related resource data for land conservation, use, and development, for guidance of community development for a balanced rural-urban growth, for identification of prime agriculture producing areas that should be protected, and for use in protecting the quality of the environment, the Secretary of Agriculture is directed to carry out a land inventory and monitoring program to include, but not be limited to, studies and surveys of erosion and sediment damages, land use changes and trends, and degradation of the environment resulting from improper use of soil, water, and related resources. The Secretary shall issue at not less than five-year intervals a land inventory report reflecting soil, water, and related resource conditions.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 2689

At the request of Mr. CHURCH, the Senator from West Virginia (Mr. RANDOLPH), was added as a cosponsor of S. 2689, a bill to promote development and expansion of community schools throughout the United States.

S. 2843

At the request of Mr. DOLE, the Senator from New Hampshire (Mr. COTTON) was added as a cosponsor of S. 2843, a bill to designate November 11, each year, as Veterans Day and to make such a day a legal public holiday.

S. 2954

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the request of the Senator from North Dakota (Mr. BURDICK), that the name of the Senator from North Dakota (Mr. YOUNG) be added as a cosponsor at the next printing of S. 2954, a bill to authorize the establishment of the Knife River Indian Villages National Historic Site.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 171

At the request of Mr. MATHIAS, the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of Senate Joint Resolution 171, a joint resolution to designate March 1972 as "Exceptional Children's Month."

SENATE JOINT RESOLUTION 184

At the request of Mr. GRIFFIN, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of Senate Joint Resolution 164, proposing an amendment to the Constitution of the United States relating to the assignment and transportation of pupils to public schools.

SENATE JOINT RESOLUTION 181

Mr. TOWER. Mr. President, I am extremely pleased to join with the Senator from Maryland (Mr. BEALL) in sponsoring Senate Joint Resolution 181, to establish a Joint Committee on Aging.

The passage of this joint resolution and the subsequent establishment of such a joint committee would represent the proper mechanism in which Congress could focus on the needs of elderly Americans.

President Nixon has already pledged to make the Federal establishment more responsive to the interests of older Americans. I believe the President has already established an excellent record in this field.

Yet, there is a great need for Congress to oversee and monitor better the actions of the executive branch of Government. No less than five departments within the executive branch are involved in programs directly benefiting the elderly. The problem is complicated by the diversity of congressional committee responsibility. In the Senate alone, the Committees on Finance, Banking, Housing, and Urban Affairs; Agriculture, Labor, and Public Welfare; and Veterans' Affairs all have the power to authorize legislation in this broad general area.

The Joint Committee on the Aging would have the potential to pool all of these executive and legislative resources in order to determine where we are in meeting the needs of elderly Americans, what we have done wrong, and what new steps should be taken to upgrade the living standards of the more than 20 million Americans who are age 65 and older.

It is timely that such a proposal might be considered as an aftermath to the White House Conference on the Aging. The White House Conference provided a splendid forum for the opportunity to express divergent opinions on what type of role government should play in advancing the interests of our elderly population.

Congress must meet its responsibility. The legislative branch can no longer afford to take a back seat to the executive branch in how policy affecting our elderly citizens is to be effectuated. Over the years we have seen a proliferation of programs affecting the elderly emanating from the executive branch. Yet, there are many concerned older members of our society who believe that the Government has not taken an active enough role in this field. Perhaps what Government is doing is simply not effective. It is the constitutional responsibility of the Congress to investigate our Federal policy and see what can be done to improve it. I am convinced that a Joint Committee on the Aging could provide the means to achieve realistic and long sought after ends.

Mr. President, as a Senator representing a State having a large elderly population whose problems are in many instances compounded by unique geographical and cultural considerations, I am vitally concerned with how governmental policy is shaped. I have introduced legislation to bring about more equity into our social security system which would provide increased benefits for recipients as well as offering more incentives for these Americans to continue as a working force within our productive economic system. In addition, I have been a strong supporter of veterans' affairs legislation and continue to support such programs as the Department of Labor's Green Thumb Program which enables our elderly citizens to regain their sense of dignity by providing meaningful public service within their local community. Generally, I believe government should set as an overall objective the enactment of policies that will give elderly Americans a conclusive feeling that they are not simply to be given a small pension at retirement, but rather that they have a great stake in our system and in a variety of ways can work toward a fulfillment of the American dream for all citizens.

Congress must play an important role in seeing to it that government is responsive to the interests of older Americans in the manner I have just presented. The legislative branch can be a coordinating point between State and local governments, the executive branch, and society as a whole in focusing on these matters. There are a number of reforms and new initiatives that should be considered by the Congress. While the Joint Committee on Aging would have no real legislative authority, it would provide the impetus for a most intelligent congressional response to the myriad of ideas worthy of study that have been proposed and will be proposed in the future.

I urge Senators to give this joint resolution their close attention in the months ahead. All Americans have both a public and personal relationship with our elderly citizens who have made such a great contribution to our society and its Government.

NATIONAL COASTAL AND ESTUARINE ZONE MANAGEMENT ACT OF 1971—AMENDMENT

AMENDMENT NO. 785

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, I am submitting today an amendment to the coastal zone management bill S. 582, to provide for an independent in-depth investigation of the environmental risks and alternatives to offshore oil drilling on the Atlantic Outer Continental Shelf.

The amendment authorizes a $500,000 study to be conducted by the National Academy of Sciences and to be reported to the Congress and the Secretary of the Interior, by July 1, 1973.

The study would examine what the potential costs of offshore drilling could be to east coast residents—costs to the environment, costs to the area's beaches and recreation resources, costs to fishing grounds.

It is fine for the Secretary of the Interior to come to the Hill and discuss the geologic research that buttresses the oil compales' view that there is a profit to be made in Atlantic offshore oil drilling. There may well be an enormous profit to be made; but if it is to be at the expense of the majority of citizens of the east coast, then the oil companies may have to forego the profit.

In that regard, let me quote from the statement of the U.S. Representative at a United Nations conclave. His opening words were:

> Subsea mineral exploitation inevitable carries the potential to create hazards to other uses of the sea and to damage other marine resources.

With that potential, it seems evident that insufficient information is now available to assure us that a go-ahead for the sale of oil leases will not expose the east coast to a Santa Barbara blowout.

For that reason, an independent, nongovernmental evaluation of the risks seems to be the least that we can demand. The National Academy has indicated its willingness and its competence to undertake this study. Also, I appreciate Secretary Morton's statement that he would favor such a study. But since he would not commit himself to requesting funding for such a study, I am joining with Senator NELSON and other Senators to offer this amendment for that purpose.

The independent study is also essential because regardless of the competence of Interior Department scientists, we have seen all too frequently that studies which conflict with the administration point of view may never see the light of day.

We found that to be the case with studies dealing with the SST. More recently, we discovered that the U.S. Geological Survey and Council of Environmental Quality comments on the Amchitka underground nuclear test were suppressed for nearly a year. Only a Federal court order permitted the Congress to have access to those studies and then only 3 days before the blast itself.

I believe that the Congress has a responsibility to acquire sufficient information upon which to judge Interior Department assertions concerning both the need for and the danger of Atlantic offshore drilling.

For that reason, Mr. President, I am submitting the amendment today. And I ask unanimous consent that the amendment, and certain correspondence relating thereto, be printed in the RECORD at this point.

There being no objection, the amendment and letters were ordered to be printed in the RECORD, as follows:

On page 43, line 25, insert the following:

SEC. 316. (a) The Secretary of the Interior shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore drilling on the Atlantic outer continental shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic and research values which might be impaired by the proposed drilling, as well as alternatives to such drilling in meeting the nation's energy needs. A report shall be made to the Congress and to the Secretary by July 1, 1973.

(b) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed $500,000.

NOVEMBER 3, 1971.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: I am most disturbed at recent news accounts that the Department of Interior is preparing to lease Georges Bank for off shore oil-drilling.' I strongly urge that no further action be taken until complete, objective environmental reports have been issued. That action would assure that public hearings will take place with all relevant information available.

I have written today to the Environmental Protection Agency and the National Academy of Sciences urging an immediate study of the potential environmental hazards of the proposed oil drilling and requested those agencies to make public their recommendations and conclusions. I would hope that all action to permit any drilling would be suspended until the Environmental Protection Agency could prepare a study on this question. Oil spills have occurred in the Louisiana Gulf and in Santa Barbara. I am deeply concerned of what an accident might do to the beaches of New England and to the fishing area of the Georges Bank. The same threat exists along the shores of the other Atlantic Coast states where your Department has indicated its plans to permit exploratory drilling.

It seems to me that the ecological investigation and concerned citizen comment should precede the plans, not follow in the uproar of announced intentions. If reports are accurate that oil companies and public utilities have been canvassed regarding their interest in the project, then it is doubly disheartening that no similar canvas was made of the area's residents, the fishermen who depend on those waters for their livelihood, or those most concerned about the preservation of our natural resurces.

If we have not learned from the history of giant oil spills, if the impact of these plans on a severely depressed industry such as the U.S. fishing industry has not been found terribly important, if the citizens most directly affected are the last to be consulted, then perhaps a major re-evaluation of governmental planning is in order.

I would hope that there will be no further action until after independent studies by the Environmental Protection Agency and the National Academy of Science are completed.

Thank you for your consideration.

Sincerely,

EDWARD M. KENNEDY.

NOVEMBER 3, 1971.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: The Interior Department has disclosed plans for permitting exploratory drilling for oil off the New England and New Jersey shores. Despite the indi-

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cations from the Department that precautions will be undertaken to assure the protection of the environment, I would hope that a complete and objective investigation could be begun now into the potential ecological dangers presented by such drilling.

Both fishing and recreation resources for the 44 million residents of the Northeast Corridor would be endangered by oil spills in this area. I believe a full investigation of this situation is absolutely essential before any further steps are taken to permit exploratory drilling.

I would urge that this study be coordinated with outside environmental specialists and I might add that I have contacted the National Academy of Sciences and urged that they appoint a special task force to provide a study of this situation.

Sincerely,

EDWARD M. KENNEDY.

NOVEMBER 3, 1971.

Hon. PHILIP HANDLER,
President, National Academy of Sciences, Washington, D.C.

DEAR MR. HANDLER: The Interior Department has disclosed plans for permitting exploratory drilling for oil off the New England and New Jersey shores. Despite assurances from the Department that precautions will be undertaken to protect the environment, I believe it would be invaluable to have an independent study by a special task force of the National Academy of Sciences. I am sure such a study would be helpful to the Department of Interior in order to alleviate the natural fears of East Coast residents. We have seen the results of oil spills in the ocean near Santa Barbara and in the Gulf of Mexico and it would be tragic if we did not learn from those experiences.

There are unique recreation facilities and fishing resources that are vital to the 44 million residents of the Northeast Corridor which could be permanently damaged by a spill.

I would hope that a full investigation of the ecological hazards from oil drilling could be conducted by the Academy, which, I believe, would be a particularly appropriate institution for this undertaking.

Sincerely,

EDWARD M. KENNEDY.

NOVEMBER 8, 1971.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: I appreciate your expeditious reply to my letter concerning the Department's plans for leasing oil drilling rights off the east coast.

Although I appreciate your statement of intent to follow the requirements of the National Environmental Protection Act, I believe that the magnitude of the environmental dangers attendant on off-shore oil drilling in the Atlantic requires some additional precautions. At the outset, let me note that the history of the Santa Barbara spill and the oil spills in the Gulf of Mexico are sufficient in my mind to veto any off-shore drilling in the Atlantic in the absence of new technology that absolutely guarantees against oil spills.

Therefore, in addition to the planned activities within the Department to evaluate the environmental hazards, I would suggest that you consider the following actions:

First, I suggest that you request the Environmental Protection Agency to undertake a separate investigation of the potential environmental hazards of off-shore drilling.

Second, for a totally independent study of these matters, I would urge that you request a study from the National Academy of Sciences of the ecological risks attendant on off-shore drilling in the Atlantic.

I have contacted the Academy, and I am informed that they have the scientific skills necessary to undertake this task.

I would appreciate hearing from you on this subject.

Sincerely,

EDWARD M. KENNEDY.

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., November 12, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, D.C.

DEAR SENATOR KENNEDY: I am responding to the issue raised in your letter of 2 November 1971 suggesting that the National Academy of Sciences study the question of ecological hazards from proposed exploratory drilling for oil off the New England and New Jersey shores. The Academy is quite willing to consider a request for conduct of such a study from the Department of the Interior, from any other component of the Executive Branch of the government, or indeed, from a committee of either House of the Congress, which is prepared to finance such an undertaking. It is my understanding that the Department of the Interior already has various aspects of these problems under consideration, although I am not in position to provide any details thereof.

I regret that the response of the Academy must be conditioned by financial considerations, but we receive no directly appropriated funds from the government, have limited internal financial resources, and can undertake major studies for the government only on a cost reimbursement basis. As you may also know, neither those who serve on our advisory committees nor the Academy itself receive a fee for such services. These considerations are particularly relevant in the present instance, since the matter you have raised for our consideration would require a major study which should be carried out in a broad, multidisciplinary fashion that would include examination of social and economic, as well as biological, engineering, and geological questions.

Moreover the study should also examine alternative courses of action, and their probable consequences. It might, in fact, be desirable to broaden the study to include the entire coastline of the United States, since oil seems to appear in so many new and unexpected places under the ocean these days.

As an alternative to this broad, thorough investigation, the Academy might also review, upon request from a sponsoring agency in the government, environmental impact statements that now have to be issued in connection with any offshore drilling proposals. This is a much narrower task and, although perhaps not quite so well suited to the resources and style of the Academy, would indeed be feasible.

A committee has recently been established in our Environmental Studies Board to plan a major, multidisciplinary study of "the energy problem," with particular emphasis on the questions of resources, environmental effects, and factors that influence the demand for energy. I am certain that this study will give much thought to the issues involved in offshore drilling for oil, and I trust that some of the answers we all seek may emerge from that study.

Sincerely yours,

PHILIP HANDLER, *President.*

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 24, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, D.C.

DEAR SENATOR KENNEDY: In the absence of Secretary Morton, permit me to acknowledge your letter to him dated November 8 on the subject of the Atlantic Outer Continental Shelf.

Following the Chevron fire in the Gulf of Mexico in 1970, the Department established a continuing advisory arrangement with the National Academy of Engineering. A symposium is being jointly planned for next Spring on offshore safety systems. Also, at the request of the Geological Survey, a NASA quality control study of offshore drilling and production facilities has been underway for some time and the report nearly complete. Since 1962, the Woods Hole Oceanographic Institute has engaged in joint research with the Geological Survey of the bottom features of the Atlantic Continental Shelf which, with other information that has been or will be published, has provided valuable scientific information for continuing assessment.

We see no immediacy of leasing and subsequent exploratory deep drilling. As pointed out in the Secretary's telegram of November 4 to Governor Sargent, full public disclosure will be made as soon as our current geologic assessment is completed. This may take a few weeks to a few months. Review and substantive comment from the Environmental Protection Agency, National Academy of Sciences/Engineering and other institutions will form a valuable part of the analytical process.

It is our belief that scientists in the Department of the Interior and their counterparts in the Coastal States possess the greatest competency in evaluating the environmental and technical aspects of current and potential continental shelf resources. If, as information to date suggests, the petroleum and gas potential reservoirs lie at considerable distance off shore, the circumstances will have to be reviewed in light of present technology for safety of personnel and operations, as well as potential pollution probability and consequences. In either case, "zero risk" is the ideal goal to be aimed at, and hopefully to be achieved. There appears to be no potential near shore.

I would hope that you and your colleagues will continue to have the highest confidence in the Department's professionals for carrying out the obligations imposed by the Outer Continental Shelf Act of 1953 and the National Environmental Policy Act of 1969. We have an important mission in acquiring adequate information relating to our total resource base. This is particularly important to such regions as New England, which lack indigenous energy resources and which must rely totally on economics and deliverability instead of a secure supply. We really don't know if oil and gas do or do not exist in deep lying geologic formations off shore. We have the need to know.

In 1970, 886 tankers delivered 188 million barrels of oil to the single port of Portland, Maine. More than 50 percent of the cargo on the high seas is recorded as petroleum or its derivatives. Pollution from tankers is calculated to be more than 10 times greater than pollution from drilling off shore. As a matter of record, the one accident near Santa Barbara was the first significant shoreline pollution incident in several thousand drilling operations over a 20-year period.

The primary question before the nation is not exclusion or reduction of petroleum and natural gas from our economy, but development of technologically safer delivery systems to provide adequate and secure resources to our nation. The Executive and Legislative Branches of Government need to know what and where our resources are before they can make policy decisions for the future.

Sincerely yours,

W. T. PECORA,
Under Secretary.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore signed the enrolled bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

POSTPONEMENT OF HEARINGS ON EGG INDUSTRY ADJUSTMENT ACT

Mr. JORDAN of North Carolina. Mr. President, due to the imminent adjournment of this session of the 92d Congress, there is insufficient time for witnesses to prepare for and attend hearings this session on the Egg Industry Adjustment Act, S. 2895. It is, therefore, my intention that my Subcommittee on Agricultural Production, Marketing and Stabilization of Prices will hold these hearings as soon as is practical after Congress resumes business in January.

ANNOUNCEMENT OF HEARINGS BY DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, on behalf of the District of Columbia Committee, I wish to announce that at 9:30 a.m. on Monday, December 13, 1971, a public hearing will be held on the nominations of H. Mason Neely, to be a member of the Public Service Commission of the District of Columbia, and George Draper, to be a judge in the Superior Court of the District of Columbia. Persons wishing to testify on these nominations should contact Robert Harris, staff director of the District Committee, 6222 New Senate Office Building.

ADDITIONAL STATEMENTS

ANOTHER FRENCH GIFT TO AMERICA

Mr. MONTOYA. Mr. President, America has always shown strong loyalties toward allies, particularly those of long standing. One such is France. The United States has, in the 20th century, more than repaid any debt owed to France incurred during the American Revolution.

In World War I, as France lay exhausted, fresh American doughboys saved the day. Approximately 175,000 American boys gave their lives on French soil in that conflict.

In World War II, American troops again poured into France to liberate her from Hitler's rule. Many French villages contain two American military cemeteries; one from each war. We even bowed aside and allowed French troops under General LeClerc to officially liberate Paris, to lift the spirit of the French people.

Billions of dollars in Marshall plan money were given to France after the war to re-create her economy. All this the United States has given, and more. What have we received in return?

In the past several years it has been heroin, smuggled in vast quantities into the United States from France after being processed in facilities on French soil. A startling, severe accusation, to be sure.

Nevertheless, mounting evidence continues to point a finger at France as the source of so much of the hard drugs which can only be characterized as a cancer within the body of our society. Even worse, it is more than likely that this traffic is being carried on with the knowledge and even connivance of certain segments of French officialdom.

Today our country is face to face with the horror of hard drug addiction. Heroin is seeping into this Nation from many sources, addicting our youth, compounding the crime problem and tearing apart the fabric of millions of lives. New addicts, or potential ones are trickling back to the United States from Southeast Asia, ready to be exploited by the purveyors of this poison here at home.

Our streets have become addict-infested jungles. Street corners teem with pushers. Colleges each contain their share of heroin users. Now even our high schools are beginning to crawl with this infamous traffic, courtesy of the international drug smuggling rings.

Entire neighborhoods of many cities are almost uninhabitable by law-abiding people because of this state of affairs. The fabric of our society is straining to cope with it. No family, whatever its social standing or economic well-being, is immune.

It has reached a point where we either successfully choke off the overseas sources of heroin, or face the consequences, which are out of the question. For all these reasons, I believe the time has come for very plain talk, regardless of whose sensibilities are involved. In this case, they affect France, a so-called ally of this country. In light of recent developments, this is a highly questionable claim.

My first premise is simple. The U.S. Government and its law enforcement people know quite well where the raw opium is coming from, who buys and ships it, where it goes to, where it is refined, who ships it, and who takes over the business end of it here at home.

Dick Gregory, well known for his bitter humor in the face of ugly realities, has coined a devastating phrase. It goes as follows: "If a 12-year-old child can find the heroin man, how come the police cannot?"

That fact lands like a salvo from a battleship. And what is true of every city in the land is also true of every foreign supplier. Narcotics bureaus of Federal law enforcement agencies know the entire structure of this traffic, yet do nothing, or are prevented from doing so. Why? It seems that offending our foreign allies comes before stamping out this obscene presence pervading American life.

Most of the heroin marketed in the United States has its genesis in the opium poppy fields of Turkey. Harvested there, it is shipped to the western Mediterranean in bulk. In the process, much of it is transshipped across Syria and through Lebanon. Some traffic in the raw material takes place in Beruit, Lebanon. Governments of both countries are fully aware of what is transpiring within their borders.

Purchasers of this bulk opium are cartels of Sicilian and Corsican criminals, who oversee shipment of the material to the southern French port of Marseilles. Here is the center of refining for the drug market. Raw opium in bulk is taken to one of a dozen sophisticated chemical laboratories in that city, most or all of which are known to the French authorities. Opium must be first converted to morphine base by one reasonably sophisticated and rather dangerous chemical refining process. Then it is again treated in order to be turned into pure heroin. This is the poison that eventually reaches America's cities and our children.

It has been known for years that such operations are carried out in such manner in this area. Significant amounts of electric power are required for these transformations. At least half a dozen such operations are presently working merrily away with full knowledge of the French authorities. Once converted, pure heroin again enters the conduit that leads it eventually into the United States and hands of those who cut, wholesale, and peddle it to our children. Every Member of this House knows the truth of these accusations. We also know what the end result is in every town and city of this Nation.

Dead teenagers. Shoplifting. Muggings. Housebreaking. Fences. Prostitution. Bought-off officials and law enforcement personnel. Filthy needles. Infectious hepatitis. Scarred arms. Murder. Utter degradation. Ad infinitum. Ad nauseum.

We can stop it. We must stop it. Let every parent know the truth. Let every addict know the facts. Now is the time for us to rip away the false mask of friendship from France's face and expose the deceit, duplicity, and hatred underlying its grotesque grimace.

Here are a few hard facts. Claude Gravagna, spokesman for the French Confederation of Labor, has stated that the number of customs agents at Marseilles has dropped from 940 in 1950 to 670 in 1971. Meanwhile, traffic passing through this major port has been constantly escalating.

This gentleman has also exposed French duplicity in another area of concern. While she boasts of her share in the international war upon narcotics, the U.N. Division of Narcotics Drugs reports France has not paid her promised contribution to the U.N. Fund for Drug Abuse Control as of the end of last month. Under intense light and heat of such publicity, she at last announced a $100,000 contribution for 1972.

Even the efforts and courage of dedicated public servants go by the boards in this situation. Mr. Fitzgerald of C5–A fame may be joined by John Cusak, who is, or has been, desk chief for Europe for the Bureau of Narcotics and Dangerous Drugs. In spite of obvious efforts to shut him up, he has courageously spoken out about this intolerable situation, estimating that between eight and 12 clandestine laboratories are currently operating in the Marseilles area alone.

And as for shutting them down, only 13 such facilities have been closed by the French since the early 1950's. None have been raided and closed since fall of 1969—a period of more than 2 years.

In light of the safe environment existing in France, it is not particularly surprising that so much heroin is finding its way from there to the United States. Interceptions made here are an indication of the extent of this traffic.

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On April 5, 1971, 96 pounds of pure heroin, worth $12 million, is found in a car shipped from Le Havre by an American customs agent. In May of 1971, 201 pounds of heroin, worth an estimated $30 million at street prices, is found in San Juan, hidden in a Citroen being shipped here by two French citizens. One was an employee of the French city of Menasque.

On July 23 of this year, 100 kilos of heroin, seized in San Juan, was found hidden in a car shipped from Marseilles, 113 kilos were seized at Valencia, Spain, and a French couple en route from Marseilles were arrested.

Mr. President, at this point we should remember a few little blessings this traffic is giving America. In New York, addiction is the greatest single cause of death among those between 15 and 35. Drug related crime now costs us at least $8 billion annually in theft and court costs.

Yet Cusak is deliberately shut up by our own Government because he had the outraged courage to damn official French corruption protecting the scum profiting from American teenagers' drug addiction.

The most recent imbroglio points up the situation even more glaringly. A former French ambassador, Roger Barberot, said recently that charges of French counterespionage agents smuggling narcotics into the United States were justified. A former French ambassador to Uruguay, he made the charge in an interview on radio Luxembourg reported by Reuters several weeks ago.

Again it is obvious top French and American governmental figures are battling frantically to hush this matter up—to make it sink out of public sight—to muffle the impact it undoubtedly must make. Do mangled lives of hundreds of thousands of American young people mean anything to these diplomatic gentlemen? Do they know about young addicts returning from Vietnam? Have they any idea of the degradation a young prostitute endures to maintain her heroin habit? Do they have to live in the atmosphere of terror prevailing in so many American neighborhoods? Have they ever been confronted with the living fruits of their complicity?

Most Americans must. Most Americans should know what is going on. Most Americans are asking in bewildered outrage why we cannot stem this tide of destruction. As it grows, their frustration and anger mounts.

Mr. President, this is the truth of it and America must know. Ordinary French opportunism would be one matter. We have watched her purvey arms to all who will buy, except Israel. She has taken advantage of every opportunity to harm America. Our leading critic on Southeast Asia, France has conveniently forgotten her vicious colonialism which created the Indochinese morass. She has contentedly squatted on the sidelines, enjoying our agony, while selling weapons, encouraging Quebec separatism, opposing us in the U.N. and generally doing Uncle Sam as much harm as possible.

The growing heroin epidemic in this country, however, is another matter altogether. Obviously, France has neither the desire nor ability to act. So we must act in self-defense. The evidence is overwhelming. The United Nations is helpless and unwilling to act. In fact, I believe its officials in charge of such activities, like the French, secretly enjoy what is taking place in our country because of the heroin traffic. Our own State Department, always ready to sublimate American well-being to false foreign friends, merely makes excuses for our French "allies." While French heroin is eviscerating our youngsters, they blatter on about "unique relationships" and "long term views." Mr. President, this is so much idiocy. Congress and the President are our court of last resort. We can and must do something.

President Nixon emits noisy gurglings ever so often about law and order. What better way to commence an assault upon crime than by holding France's feet to the fire over the heroin traffic and be damned to their indignation? No amount of protestations can refute such evidence.

A nationwide boycott of French goods is another distinct possibility. Or perhaps a double surcharge on all French-made goods entering this Nation. No matter what anyone says, we must do something. Certainly the time has come to an end when we can sit calmly by and watch this situation grow worse daily with equanimity.

VIOLATIONS OF CROP SUBSIDY REGULATIONS

Mr. BELLMON. Mr. President, yesterday, the Washington Post published an article entitled "Subsidy Chief's Farm Probed," written by reporter Nick Kotz. The article points out that—

Mr. Kenneth Frick, along with more than one-third of his farmer neighbors in Kern County, California, have been reported in violation of crop subsidy regulations. Frick runs the Federal program.

The article goes on to describe a condition brought out 3 months ago by a check of compliance with farm program requirements in Kern County by an out-of-State team of USDA spot checkers. The article further states that—

The Frick farm had been cited for using several acres of nonfarm land—previously used as a windbreak—as a retirement land, and for using other land of questionable value for "set aside" purposes. The Frick farm and numerous others were cited by inspectors as retiring alkali land—high in salt content—rather than land comparable to that in production.

The article further states:

Questioned whether he is not, in effect, investigating a violation of his own farm, Frick said: "I have confidence in our inspection system. The system triggered this examination of farms. As to my farm, my brother is in charge of it and will have to answer for it."

Mr. President, I ask unanimous consent that the complete text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 8, 1971]

SUBSIDY CHIEF'S FARM PROBED

(By Nick Kotz)

Agriculture Department official Kenneth E. Frick, along with more than one-third of his farmer neighbors in Kern County, Calif., have been reported in violation of crop subsidy regulations. Frick runs the federal program.

Frick, administrator of USDA's Agricultural Stabilization and Conservation Service, confirmed reports to The Washington Post that his own farm, now operated by a trust, and 467 others have been cited for violations. Kern County is the nation's second richest in farm receipts and ranks second in federal subsidies. The county's 1,190 farmers will receive $27 billion in federal payments this year, primarily from the cotton program.

Farmers are paid federal crop subsidies in return for taking part of their land out of production in an effort to balance supply and demand. The alleged Kern County violations include failure to take enough land out of production, counting non-farm land as retired land, and illegally evading the $55,000 per crop limitation on farm payments.

Frick stressed that official findings have not been made in any of the cases, and that farmers still may prove that they were complying with program regulations. Frick's office is in charge of enforcing regulations for the several million farmers in the subsidy program.

In addition to an investigation by Frick's farm program office, the Kern County situation now is being investigated by the General Accounting Office and USDA's Office of Inspector General.

Frick said the alleged violations in Kern County would be the most extensive in any county in the country. He said many violations probably resulted from the unfamiliarity of farmers with a new cotton program. Nevertheless, the federal official running the program in Kern County has been suspended.

Frick and his deputy administrator, Charles Cox, said the alleged violations on Frick's farm involved use of improper land as retirement land.

Cotton farmers such as Frick are required to "set aside" from production acreage equal to 20 per cent of their cotton allotment acreage. The retired acreage must be as productive as the land in production.

Cox said the Frick farm had been cited for using several acres of non-farm land (previously used as a windbreak) as his retirement land, and for using other land of questionable value for "set aside" purposes. The Frick farm and numerous others were cited by inspectors as retiring alkali land (high in salt content) rather than land comparable to that in production.

Frick said his farm interests are held in trust by the Bank of America and his farm land is managed by his brother Howard. He said the 3,000-acre farm received $190,000 in cotton payments in 1970 and about $95,000 this year. Both Frick and his brother would be entitled to a maximum $55,000 payment.

Questioned whether he is not, in effect, investigating a violation on his own farm, Frick said: "I have confidence in our inspection system. The system triggered this examination of farms. As to my farm, my brother is in charge of it and will have to answer for it."

Frick's assistant Cox then added: "Our instructions (from Frick) are to treat his farm like any other farm."

Frick said discrepancies were first turned up in Kern County in a routine "spot check," in which department inspectors visited states in which they do not normally work. Because of numerous discrepancies, Frick said, his deputies then ordered a check made of each of the county's 1,190 farms. Again, the check was made by inspectors from out of state.

He said the determination of violations is now in the hands of the Kern county ASCS committee, under supervision of the California state committee. However, he said one member of the three-man county committee is not participating in decisions because his own farm is being questioned.

Frick stressed that the county and state committeemen are elected by fellow farmers and thus are free to criticize any farm, including his own.

Cox said the inspection team turned up 547 violations on 468 farms. He said the team considered violations as "serious" on about 200 farms.

Cox said farmers could lose part of their federal farm payment for minor infractions and the entire payment for major violations. Severe violations, including fraudulent evasion of the $55,000 payment limitation, could lead to criminal prosecution.

Frick emphasized that he had initiated the "spot checks" that turned up the Kern County situation, because "we wanted to make sure that farmers understood the new cotton program and that it was working adequately."

"What we found in Kern County, I would have to describe as 'bad'," said Cox, in a joint interview with Frick. "It was not typical."

Mr. BELLMON. Mr. President, as an active farmer and a Member of the Senate, I know of the importance of the farm program to the prosperity of American agriculture and the ability of this Nation's food producers to provide the abundant low-cost food which American consumers have come to expect. I also know the farm program has many problems and that it is increasingly difficult to gain the support which it must have to secure passage through the Congress.

These conditions make it absolutely imperative that the farm program be administered in a way that is completely above reproach. Certainly, in an effort as vast as the farm program, there is reason to expect that there will be cases where—either intentionally or through ignorance—violations occur. When this happens, immediate corrective action must be taken. But when it appears that a farm owned by the official charged with the national administration of the program is in violation and when he excuses this condition by saying, "My brother is in charge and will have to answer for it," I am appalled.

My personal investigation into this matter convinces me that there is much more going on inside the farm program in Kern County, Calif., than even reporter Kotz has stated. The situation there seems to raise real questions as to whether the present system for policing the program is adequate, since it places enforcement responsibility upon the same persons the program is intended to regulate.

Mr. President, I have today addressed a letter to the distinguished senior Senator from Georgia, Chairman TALMADGE of the Senate Agriculture Committee, suggesting that an investigation of this matter be undertaken by the Senate Agriculture Committee at the earliest possible date. I ask unanimous consent that the text be made a part of the record.

Mr. President, I believe the Senate and the country need the full facts of this matter.

DECEMBER 9, 1971.

Hon. HERMAN E. TALMADGE,
Chairman, Senate Committee on Agriculture and Forestry, Senate Building, Washington, D.C.

DEAR MR. CHAIRMAN: It has come to my attention that serious allegations regarding evasion of provisions of the Farm Program have been made, concerning the administration of the farm program in Kern County, California. These conditions have been brought to light as a result of the work of a team of out-of-state USDA spot checkers. Apparently, these conditions have existed with the knowledge and the sanction of the Kern County Committee.

These charges, if true, raise several serious questions in my mind:

1. Is there a serious deficiency in the policing provisions of the 1970 Farm Bill.

2. Are the compliance requirements of the Bill strong enough to give administrators the authority they need to assure compliance.

3. Is the provision which places primary responsibility for policing the program in the hands of cooperating farmers proper, or does it contribute to evasion of the law.

4. Is the Department of Agriculture making maximum effort to uncover the true conditions in Kern County and to punish any persons found guilty of violating the law.

In an effort to get the answers to these and any other questions which may arise, I strongly recommend the Senate Agriculture Committee undertake full investigation of the administration of the farm program in Kern County, California.

Sincerely,

HENRY BELLMON.

THE PRESIDENT, THE BRITISH PRIME MINISTER, AND NORTHERN IRELAND

Mr. RIBICOFF. Mr. President, while attention has been focused on the conflict raging on the Indian subcontinent, the violence and killing in Northern Ireland continues with new fury.

As I have pointed out before, the causes of the conflict in Ulster should concern all of us because they involve a denial of the basic principles of human decency and social justice. The evil of religious and racial intolerance should be denounced and opposed whether it occurs in Northern Ireland, East Pakistan, the Soviet Union, or in our own country.

Later this month, the President will be meeting with British Prime Minister Heath in Bermuda. The agenda for their discussions is certain to contain a lengthy list of outstanding issues of active interest to both governments. But I would urge the President to add another topic—the subject of Northern Ireland. In doing so, the President would not only be following in the highest traditions of compassion and concern for the suffering of others, but also would be acting in the interests of an ally whose present role in Northern Ireland raises the real possibility that Northern Ireland is becoming Britain's Vietnam.

Our own Nation's failure to speak out at the highest levels when clear moral issues are raised is puzzling to many of our friends abroad and to concerned Americans.

The President's expression of concern over the situation in Northern Ireland to Prime Minister Heath coupled with an offer of appropriate support for new British policies in Ulster would help Britain to face up to its growing dilemma. It would also be an important step in bringing justice to the oppressed minority in Northern Ireland.

The signs are becoming clear that major changes in British policy are now urgently needed. A majority of the British public now favors removal of British troops from Northern Ireland and former Prime Minister Wilson is now advocating the unification of Ireland.

If he takes up this issue with Prime Minister Heath, the President will have the support and gratitude of growing numbers of Americans concerned over developments in Northern Ireland. The guidelines set forth in Senate Resolution 180, which I introduced originally with Senator KENNEDY's cosponsorship, and which is now also being cosponsored by Senator WILLIAMS, are attracting increasing support both in this country and in Britain. On November 22, at its meeting in Miami, the AFL–CIO unanimously passed its own resolution on Northern Ireland. I invite attention to this expression of sentiment whose provisions are similar to those of Senate Resolution 180.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

DISCRIMINATION IN NORTHERN IRELAND

Whereas, For a period of half a century there has existed in Northern Ireland, a government sponsored practice of deliberate discrimination against the state's half million Catholics in a variety of ways causing them to be reduced to second-class citizens in their own country, and

Whereas, discrimination in employment has caused a chronic high rate of unemployment to exist amongst the Catholic minority for several decades, and

Whereas, For an equal period of time the government of Northern Ireland has practiced discrimination in housing against the same minority relegating them into barely habitable ghettos, and

Whereas, This program has existed in public as well as private employment and has been devised to cause unnatural divisions between the Catholic and Protestant workers of Northern Ireland, and

Whereas, After long and continued suffering from the aforesaid conditions the Catholic minority sought to demand their civil rights by marches and other peaceful and constitutional means, and

Whereas, These minority protests were met with vicious attacks and shootings, including the burning of the homes of the Catholic minority, and

Whereas, To protect the Catholic minority against Protestant extremists, the London Government sent military troops into the Derry-Belfast regions, and

Whereas, The troops were at first welcomed by the Catholic minority, but soon were found to be used to aid the persecutors, and

Whereas, Over 400 Catholics have been arrested by the British Army and interned without charge and are held without hope of trial, and

Whereas, London based prestigious Amnesty International, an organization dedicated to investigating the conditions of political prisoners everywhere, have concluded from its investigation that prisoners in Belfast are being subjected to torture, and

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Whereas, The representatives of the Catholic minority have withdrawn from the Stormont Government, and

Whereas, The Catholic minority are in the streets in open revolt against these oppressors, armed resistance to the British Army is seen everywhere, and there exists an atmosphere of hate and bloodshed, and

Whereas, The source of this deplorable situation can be traced to the unnatural division of Ireland by an Act of the British Parliament in 1920 which allocated Six Counties from the 32 Counties of Ireland with a puppet government, dominated by an all Protestant Sectarian Unionist Party which has gerrymandered the population so as to maintain Sectarian control of the governmental bureaucratics and which party has been directed and manipulated by aristocrats and landlords, who for fifty years past have been exploiting the working class of Northern Ireland and for their purpose have been keeping the working population divided on religious lines, and

Whereas, Labor Representatives of our sister trade unions in England and Ireland have condemned this exploitation and discrimination pattern, and a national poll of the people of England shows that 60 percent of the people of Great Britain wish to have their military totally withdrawn from Ireland, and

Whereas, Many of our brethren in the trade union movement in England have demanded an end to British involvement in Ireland and many of the leaders of the Labor Party of England have severely criticized the prevailing British Government for permitting the British Army to be used by the Stormont Government in one sided activities against the Catholic minority; therefore, be it,

Resolved: We the AFL–CIO, at its National Convention held in Miami, Florida on November 18, 1971, do hereby join our brothers and sisters in the Republic of Ireland and our brothers and sisters in Northern Ireland in condemning these insidious practices which have caused so much bloodshed and which threaten to engulf Ireland in further needless carnage and Civil War, and

We further call for the withdrawal of British troops from Northern Ireland and the establishment of a U.N. peacekeeping force until peace and reason prevails, and

We urge an immediate end to the Hitlerian policy of internment without charge or trial and a dissolution of the Stormont Parliament and the immediate establishment of laws which guarantee equal and just treatment for all the citizens of Northern Ireland.

We urge the establishment of a Free and Independent United Ireland with guarantees of liberty and justice to all its people.

We urge the Congress of the United States and our President to make our people's wishes known to the Government of Great Britain to the end that violence ends and peace, and full freedom come to a United Free Ireland.

Referred to Committee on Resolutions.

A JOURNEY TO INDIA AND PAKISTAN

Mr. SAXBE. Mr. President, I returned Sunday night from an informative but saddening journey which took me to both India and Pakistan and gave me an opportunity to meet with leaders of both countries. Upon my return I was asked by the Cleveland Plain Dealer to write an article detailing some of my views on the war and events leading up to it.

Because I know that Senators are interested in the subject, I ask unanimous consent that the article be printed in the RECORD. I also ask unanimous consent to have printed in the RECORD an editorial and a signed column published in today's New York Times.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A JOURNEY TO INDIA AND PAKISTAN

(By Senator WILLIAM B. SAXBE)

WASHINGTON.—The Indian-Pakistan war can only end in tragedy, and I am more convinced than ever that both sides are at fault. This is perhaps the basic conclusion I gained during my just-ended mission to that troubled part of a troubled world.

I thought that if I could talk to both Mrs. Gandhi and Pakistan's Yahya Khan and impress on them the danger of the war they were plunging headlong into, that perhaps we could help get a political settlement. This will have to be done sooner or later, and I'm further convinced that tens of thousands of lives will be saved if it's sooner. The real danger, of course, is communal or religious war. They've had communal war, hot and cold, since 1947. Passions run very deeply there, and the only thing the fighting can do is plunge the picture more deeply into gloom.

My plan when I departed for India before Thanksgiving was a simple one. India, for whom I hold high regard, was feeling the pressure of public opinion. Everyone knew that in the beginning, Pakistan had invaded East Pakistan. This conflict ended up in the forming of the Bangladesh military arm—the Mukti Bahini—and India was training these troops, giving them arms. India wanted East Pakistan to succeed in revolting.

It soon became apparent to India, however, that the Bangladesh wasn't capable of making many inroads against the organized, professional, West Pakistan army. So India began putting on pressure with her own troops—there are hawks in India just as there are in the United States—and this finally resulted in Indians crossing the border last week. I talked to Mrs. Gandhi with the idea that, if she didn't want to lose the world support she had, then the wisest course would be not to invade East Pakistan.

Meantime, I talked to Yahya Khan. Certainly as a military man, I said, you know that this is a ridiculous logistic situation for West Pakistan. There are 1,500 miles of kinks and turns between West and East Pakistan, thus making extremely difficult the supplying of 70,000 or 75,000 troops in East Pakistan. Moreover, I told him, you are completely surrounded by Indians, the people are hostile to you because the Awami League (the majority party in East Pakistan) was outlawed by West Pakistani leaders. I suggested to Yahya that he proceed with granting at least a degree of autonomy to East Pakistan. He told me he was willing to do this and he seemed very sincere. But 10 hours later, Pakistani planes bombed six military airfields inside India and this, in turn, triggered a land invasion of East Pakistan by Indian troops. Yahya Khan lied to me. He had planned that bombing mission at the time he talked to me. I believe the shooting war could have been averted and India could have been kept from launching an invasion if Pakistan had granted autonomy to East Pakistan.

Of course, Mrs. Gandhi was somewhat less than candid when I spoke with her a week earlier. There are strong doses of arrogance and pride on both sides.

In a way, this mutual arrogance and pride constitute a supreme irony. Here we have both sides telling me and others that they are reasonable people, that they don't want war, that war would be giant blows to the people and economy of both sides. Moreover, Pakistan knows it is outgunned by India on every level—planes, tanks and manpower—and it would be ridiculous for them to presume they could carry on a long war. Neither country has more than three weeks oil supply, vital in fighting any kind of prolonged war. In short, this entire pending bloodbath makes no sense whatsoever.

Another distressing factor driven home to me on the trip: substantial anti-American feeling exists on both sides, perhaps even more in India than Pakistan. This is particularly saddening. We have funneled literally billions of dollars to India since 1947. We have virtually saved entire states within India with our economic aid. We have staved off famine in dozens of places. Russia has done none of these things, but the Soviets have given India tanks and planes. Isn't it odd that our humanitarian and economic relief has resulted in very little friendship, in fact, open hostility in many quarters, where Russia—by supplying arms—is India's bosom friend today. This is precisely why I have said so often that America, despite its honorable intentions, can't buy friendship.

I found myself on more than one occasion during the trip forced into the position as an unofficial peacemaker, yet here I was without official authority outside of a strong personal interest—without portfolio, so to speak. My point is that I believe the United States maybe didn't do all it could have or should have to bring about a solution before the two sides went over the brink.

Our good offices simply were not used as much as they should have been. Look at my situation, for example. It developed that I was the only person from the United States to talk to both Mrs. Gandhi and Yahya in the final 10 days before the shooting war broke out in full fury. It seems to me that there could have been more work at the top level—our Secretary of State, for example—to accomplish a little more. They were both galloping into war.

As I indicated earlier, this shooting war will be over within three weeks or so, when both sides have exhausted their fuel supplies. India, with its superior arms and manpower, will crush Pakistan. And then our country and Russia will likely be able to impose some sort of political settlement. But what is most troublesome of all to me is that even a political agreement may not end the bloodshed on the Indian subcontinent.

The spectre of communal riots hangs over the subcontinent. This would be a holocaust, a blood bath of the kind the world has never seen. And a tragedy during the holidays of the first order. I am very sad.

THE EMERGENCE OF BANGLA DESH

Defying a United Nations plea for a cease-fire, Indian forces appear on the verge of achieving New Delhi's major objectives in East Pakistan. These are the defeat of West Pakistani military repression in the disaffected Bengali province and the creation of conditions that will facilitate the speedy repatriation of nearly ten million refugees—Moslem and Hindu—to an independent, friendly and secular "Bangla Desh."

These would represent large short-term gains for the Indians, whose fragile internal stability has been gravely threatened by recent events in East Pakistan. The dismemberment of Pakistan would all but eliminate the menace of a militant Moslem neighbor which would be reduced to less than half of its original size.

But India will have paid a heavy price for these achievements, even if the wider war with Pakistan is speedily ended without further serious loss of Indian territory in the West.

New Delhi's resort to force without first exhausting all possibilities for a peaceful resolution of the conflict—especially the cold rejection of U.N. Secretary General Thant's reasonable mediation offer—has shocked many of India's stanchest friends and alienated important segments of world opinion. India's violation of the United Nations Charter and defiance of the General Assembly has sharply diminished India's once proud moral standing.

India's support for full Bengali independence may have been made inescapable by the incredibly shortsighted and brutal policies of the Pakistani Government. But no one—especially the Indians—can ignore the new dangers and problems that will be posed by the emergence of Bangla Desh.

The success of secession in East Bengal could touch off a chain reaction of separatist demands throughout the subcontinent, in India as well as Pakistan. Desperately poor and heavily overpopulated—the present population of 75 million is expected to double in twenty years—Bangla Desh is likely to become a breeding ground for domestic unrest and a lightning rod for foreign meddling. It could become a magnet for the Bengalis of India and a destructive influence on the delicate structure of Indian unity.

To avert further impoverishment, fragmentation and conflict throughout the subcontinent it is essential that leaders in Delhi, Dacca and Islamabad thrust aside present divisions and acrimony and join in a search for new ties and institutions that will enable them to attack overriding common problems in dignity and peace. As the emerging dominant power, India has a special responsibility to assert the moral leadership for reconciliation that has been so sadly lacking in the present conflict.

[From the New York Times, Dec. 9, 1971]

WAR ON THE SUBCONTINENT—MR. NIXON AND SOUTH ASIA

(By John P. Lewis)

PRINCETON, N.J.—The Nixon Administration's South Asia policy, which had been edging toward disaster for the last eight months, finally, in a cloud of pious inanities, plunged over the brink this last weekend. Presumably for the time being the policy is beyond redemption. What now selfishly concerns me as an American is that India's leaders may exaggerate the degree to which the Administration's present aberrations represent thoughtful and enduring American opinion.

All the evidence suggests that within the Administration the aberrations trace directly and primarily to Mr. Nixon himself. For eight months he has remained officially blind to the most massive calculated savagery that has been visited on a civil population in recent times. He has been faithful to his good friend, the chairman of the savagery, Yahya Khan. Neither his hand-holding of nor any hidden leverage on the Pakistan regime has had evident effect in advancing a political solution in East Bengal.

To an Indian Government that, in the face of moral and human outrage next door and of an outlandish refugee burden, was showing remarkable restraint until recently, Mr. Nixon offered mainly counsels of restraint. He supplied no moral support. Instead for months he continued to trickle arms to Pakistan like so much gasoline onto smouldering Indian passions. The President has been fully aware both of the explosive domestic political risks the refugees posed in Indian Bengal and of the way they have totally derailed the cause of Indian development at its very moment of greatest opportunity. Yet he has not begun to exercise the leadership, either before the Congress or in the international community, needed to accomplish a quick and adequate sharing of refugee costs.

Such is the footing from which Mr. Nixon, first via his nameless State Department mouthpiece last Saturday, now from the White House itself, has branded India an aggressor. It is on this record that he has turned off, not just fresh economic assistance (which he had, in any event, been blocking since early in the fiscal year) but the unobligated portions of loans already committed. This last is extraordinarily tough action in terms of past aid practice, and one—lacking any prospect of cramping India's military capability—that can have only punitive intent.

Historians are bound to boggle at the cumulative ineptitude of this performance. In one series of strokes we have managed to align ourselves with the wrong side of about as big and simple a moral issue as the world has seen lately; we have sided with a minor military dictatorship against the world's second largest nation which happens also to be the stanches of all developing countries in its adherence to our own deepest political values; we have joined the sure-fire loser in a subcontinental confrontation; and we have depleted a once abundant, durable fund of Indo-American goodwill at a sickening rate.

It certainly would be wrong to claim to our Indian friends that, in all this, the President is swimming against a tide of public opinion. There is little American tide of opinion of any kind about the subcontinent, and its surface flow is considerably influenced by what any President does and says. Moreover many of our best editorial writers and columnists have such an absolute abhorrence of war—especially when escalated by others—whatever the provocation and whatever the closure of other options, that they cannot, just now, see much beyond the proximate causes of the Bengal border crossings.

I would like to emphasize one point that tends to be skirted, because no one wants to be caught these days suggesting that any good—even relative good, weighed against the alternative—can come of a war. The point, and it is pivotal, is that the only possible basis for a stable, peaceful East Bengal to which a large portion of the ten million refugees can return and help rebuild their nations is an independent East Bengal. Such is the effect of the program of terror since March 25; the scenario cannot be wound backwards. Hence (1) the premise of undivided Pakistan's sovereign integrity upon which American policy has rested, for at least five months, has been a nonstarter, and (2) India's support of the insurgency by the previously elected Bangla Desh regime has not been merely human and understandable; lacking alternatives, it has been the only constructive policy available.

I myself wish the Indians had escalated less, accepted a longer time frame, and kept their support less overt. But if there is any group which, having contributed most to the frustration of restraint, has least cause to fault her ensuing impatience, it is the Nixon Administration. It remains now for India to demonstrate that her objectives are those, and only those, she held out; namely, establishment of a genuinely independent East Bengal to which the refugees can return. There is a heavy obligation on Indian leaders to make sure that war fervor does not spill over into more self-serving ventures, either to the east or to the west. Meanwhile, as this demonstration is being rendered there is an obligation on Washington to keep quiet.

THE WHITE HOUSE CONFERENCE ON AGING—ADDRESS BY RUBIN MORRIS HANAN

Mr. ALLEN. Mr. President, all of us have been much impressed by the comprehensive and well-reasoned policies and recommendations emanating from the recently concluded 1971 White House Conference on Aging. The senior citizens of Alabama were well and ably represented at the Conference and particularly so by a close personal friend, Hon. Rubin Morris Hanan, president of the Alabama League of Aging Citizens, Inc., Montgomery, Ala.

Mr. President, Mr. Hanan delivered a very persuasive speech to the income maintenance section of the Conference in which he made some very forceful observations and thoughtful recommendations on the tremendously important problem of providing a workable solution to the problems of national health care under conditions which do not Sovietize our people or socialize medical care.

Mr. President, I am sure that Senators will find Mr. Hanan's speech informative and constructive. I ask unanimous consent that his speech entitled "The Right to Health," be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE RIGHT TO HEALTH

(Speech by Rubin Morris Hanan)

Fellow delegates, ladies and gentlemen, the health of the American people is the basic foundation upon which all their happiness and their security rests. Regardless of a person's wealth or his freedom or independence, he cannot truly be happy or secure without good health and good health care. Although America is a country of unlimited wealth, offering great personal freedom and possessing the highest standard of medical technology in the world-America still has great problems providing adequate health care to all its citizens.

We find ourselves living through dramatic hours; hours which demand of each of you, as delegates to the White House Conference on Aging, and as Americans, a determined and unwavering course in support of the right of health care for all Americans.

One of the great unresolved issues of the Conference is whether or not a national health system of some type should be adopted. Before going any further, I want to make one point very clear. America cannot solve its national health problem by sovietizing its people and socializing its medicine.

The type health care program made available to our citizens is something that should be examined in depth in order to safeguard quality and quantity of medicine. In my opinion, Senator Edward Kennedy's Health Security Plan has many flaws, and this and other similar plans must be studied in detail before Congress forces them upon the American people.

It is often said and agreed by many in the health field that at its best, American medicine is the best in the world. I know that because I have visited Europe and most recently the Middle East Countries. I know what socialized medicine is: half slave and half man. No American who truly prides freedom can really wish to see himself and his fellow citizens plagued by unreasonable health taxation, unwarranted government interference in his health, and unfair restriction on the exercise of individual rights. But in a society governed totally by bureaucracy, there is no such thing as total freedom. I believe the Federal Government can improve health care in America without Federal domination of the healing arts profession and the patients.

The Federal Government could rectify the shortage of medical manpower, medical schools facilities and equipment, regional cancer, heart and diabetes hospitals and research centers. The Federal Government, through its great wealth, can assist in establishing more medical schools and can create a resource distribution pattern which will assure access to health care for all Americans.

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In attempting to solve America's major problems, Congress has forgotten the need to improve financially our medical colleges, our regional research centers, and centers for many other areas of service.

I am Chairman of the joint City and County of Montgomery Health Clinic. We are charged with the responsibility of providing health care service to the indigent population of the city and county. I can verify that approximately 40,300 persons live in families which earn less than $3,000 per year in our area. Our present clinic of 9,072 square feet has overflowed into four mobile trailers in order to better serve the 10,755 patients who made over 24,000 visits to the clinic last year. Our facilities are being taxed beyond all reasonable limits. Add to this the average of 300 new patients who visit the clinic each month and it becomes obvious that either services must be curtailed, new eligible patients refused, or additional facilities must be provided. The same situation exists all over America today.

The social and economic problems of America's poor, are directly related to the solution of their health care problems. Major diseases do not respect national boundaries, neither do they respect age, sex, race or economic levels. There can be no North-South conflict over health care in this country.

What America needs is to launch an all-out attack on the causes of disease. Medical colleges and research centers and clinics need hard cash in order to conquer cancer, heart disease, diabetes, and the many crippling diseases, and to make health care and medical research in America second to no other nation.

What we don't need is Federal control of the doctor-patient relationship, and socialized medicine.

In 1968 I, and a few other ordinary citizens of Alabama started one of the largest public fund drives in the State's history to build a cancer hospital and research center as a lasting memorial to Alabama's only woman governor who died of cancer. What makes this memorial unique however is that unlike other memorials, it will provide life. The Lurleen B. Wallace Memorial Hospital and Tumor Institute will be more than brick and mortar. It will be the embodiment of a comprehensive concept for the care of cancer patients which will be available to all the people in the Southeastern part of the United States. This great hospital will become part of the University of Alabama Medical Center in Birmingham, under the leadership of Dr. Joseph Volker, Dr. S. Richardson Hill, Dr. John Durant, and the Dean of the Medical College of Alabama, Dr. Clifton K. Meador.

If we supply each citizen with a form of national health insurance, but we do not provide enough doctors, and fail in our research of major diseases, then we have taken the wrong approach to health care. Our citizens should not look to government first for all health care. I have traveled widely to participate in planning and acceleration of research programs against the dread diseases. Wherever I have gone, I have seen human beings reacting much the same way. Whatever the claims of nationality, the peculiarities of religions, the color of skin, or political practices, they have the same human reactions. The anguished cry of a mother who has lost her child, of the grief of one marriage partner after the death of the other is basically the same everywhere. Giving these people health insurance is little help, if the dread diseases are not conquered in the research centers and medical schools of the nation.

I make the following recommendations:

1. We must urge adequate Hill-Burton appropriations for constructing medical colleges and for construction and improvement of regional medical centers, research centers dedicated to conquering cancer, heart disease, diabetes, and the major crippling diseases.

2. The Federal Government must target all health resources assistance on bringing health care to all people who are sick with the dreaded diseases. We must focus our primary concern—not on expanded research for the sake of publishing more technical monographs—nor improving hospitals for the greater convenience of doctors or nurses alone but on regional medical research and treatment centers.

3. The number of medical personnel is growing less every day in relation to the population. We must urge the administration and Congress to reinstate the financial assistance to medical schools, and must assist individual students with scholarships and tax incentives in order to bring doctors into the areas most needed. The time has come when America must recognize that for millions of people the financing of educational costs is more than a mere personal problem. It is a vital national problem, and should be recognized as such in our tax laws.

4. The present shortage of health manpower is in part due to maldistribution. It is concentrated in middle class suburban America. The total supply of health personnel to all citizens is more important than a national health insurance program.

5. We must expand the range of health education opportunities, particularly for youths of lower income families. This can be done through expanded and improved medical schools and streamlined curriculum by placing greater emphasis on the paraprofessional fields. We recommend screening programs in a limited number of regional and community clinical centers, equipped with the latest in instrumentation and communication systems. It could become the cornerstone for a genuine national effort to prevent or reduce chronic diseases by detecting them in their early stages. In other words, doctors treat disease when it occurs. It has been said that the American doctors do not attempt to put obstacles in the path of disease. The American people give disease a head start, then we run to catch up with it, after it has already begun to cause real damage to the body.

6. We must permit admissions directly to nursing homes rather than only via hospitals, so that persons who are too sick to remain in their homes, but not eligible for hospital care could not be denied service.

7. We should recommend "Fall Tune Up" Programs to provide free medical tests for people 55 and over.

And finally, just as we have a Federal system of guaranteeing bank accounts, I recommend the same type system to guarantee the insurers, the physicians, nurses, and hospitals of their rights to receive fair and just compensation for their services.

I believe that every person at this conference is a humanitarian, attending today to seek a means to better man's life. Then, let the conference embrace with fatherly love, all those who suffer—the sick, the poor, the disabled.

In closing, I want to read a prayer I wrote which I hope this conference will adopt:

"Dear God, give us an understanding heart,
Clear thinking to find the essential good,
Purpose to find true goals for lasting values,
Honesty to hold and do what's right in God's sight,
Humility to know our weakness and mistakes,
Strength to meet the increasing daily demands,
Recognition to see the words of our colleague's sincere plan,
Confidence to always press forward when the cause is just,
Independence if needs to stand alone when our conscience says we must,
Gratitude for this great privilege to serve America and mankind,
Spiritual Awareness of our Nation's pledge "In God We Trust",
And now we pledge with grateful hearts our loyal service to man and God.
Thank You.

ECONOMIC PRESSURES AND NATIONAL SECURITY

Mr. HANSEN. Mr. President, a former Secretary of State, the late distinguished Dean Acheson, wrote, shortly before his passing in October, an article comparing the self-absorption circumstances prior to World War II with the inclinations among some in the Nation today to concentrate on domestic interests to the extent of ignoring the very real necessity of maintaining adequate defense capabilities.

The article was published in the Washington Evening Star of December 5, 1971. I ask unanimous consent that Mr. Acheson's thoughtful reflections be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECONOMIC PRESSURES ENDANGER OUR SECURITY

(By Dean Acheson)

Crises do not always come upon us with premonitory crashes of thunder. Too often they move at a "petty pace from day to day." So, just 40 years ago, there was moving upon us, if not the greatest crisis in our history, at least the greatest since that of 1861. Made up of convergent foreign dangers, it was hidden from us by pressing domestic troubles. Across both eastern and western oceans formidable and hostile states were finding this country an obstacle to their ambitions and were preparing to remove or reduce that obstacle. At home our economy was approaching collapse. Skillful attack on maladroit government was destroying confidence in the leadership of the state. Growing panic gripped the country and for years obscured the foreign menace.

In Germany the same depression had brought havoc to the Weimar republic. In 1930 the Nazi party rose to second place in the state. In 1933, a month before Roosevelt's inauguration, Hitler became Chancellor. By July the Nazis were the only legal political party in Germany. A year later, after President von Hindenburg's death and the murders of the "second revolution," Hitler was declared *Fuhrer und Reichskanzler* and the supreme power in the state. In "Mein Kampf" he had proclaimed his plans and methods.

Meanwhile Roosevelt, turning impatiently from international affairs after the aborted London Economic Conference, plunged into the bravura of the New Deal, pumping depreciated currency into a flat economy.

COLLISION COURSE

Japan for years had been committed to a collision course, absorbing Western technology and building an industrial and military system to drive the foreigner out of East Asia. Controversy between the strike-north and strike-south strategists—the former seeing Russia as the enemy; the latter, the United States-France-Britain-the Netherlands—was decided by imperial decision to strike south. Movement began in 1931 into Manchuria. When the League of Nations and Secretary of State Stimson fulminated, a diversionary attack on Shanghai distracted attention. Neither the League nor Washington acted.

On the contrary Mr. Roosevelt as the 1930's progressed led the country into bitter division by attacks on economic royalists, the Supreme Court, and "horse-and-buggy" philosophy. Europe and the League fell apart over the Spanish Civil War. Meanwhile, the Germans and Japanese, undisturbed and unopposed, pushed to near completion their conquests of Europe and East Asia; the former by a series of brilliant coups d'etat backed by force; the latter, by armed attack at its most brutal. In 1939 Hitler grasped at hegemony in Europe by outright war. The President reacted with the Chicago speech calling for quarantine of aggression, but a divided country shrank from involvement abroad and the rebuffed President, in the third-term election, promised there would be none. When Europe collapsed before Hitler, Hitler turned eastward smashing Russian defenses. Japanese armies having taken eastern and northern China moved south, overwhelming French and British resistance. Still the United States seemed paralyzed until the suicidal folly of the blow at Pearl Harbor, followed four days later by Hitler's equally mad declaration of war, forced the country to fight.

Now, 40 years on, our economy is again in trouble, though its productivity has vastly increased. New consumption demands are enforced by paralyzing strikes. Population growth and movement have created seemingly insoluble problems. Social discontent and frustration are widespread. Again an anarchaic activity is busy destroying confidence in government as in 1931 aud 1951—though this time aimed at the past party leaders of those instigating it.

"If I feel," with Justice Holmes, "what are perhaps an old man's apprehensions, that competition from new races (and, I may add, more disciplined peoples) will cut deeper than workinug men's disputes and will test whether we can hang together and can fight," it is because I remember and see once again foreign menace hanging over us even more ominously than 40 years ago.

STALIN AND ARMS

Since 1946, when Stalin announced that he would amass armaments capable of overcoming any that might (and according to Communist doctrine would) be brought against the Soviet Union, we have watched it happen. In 1949 Stalin added nuclear weapons, after rejecting proposals for international control of the atom; and two years later, limitation and control of all armaments. Despite Soviet aggression in eastern Europe and eastern Asia, wishful thinkers maintained, as they still do, belief in the peaceful intentions of the Kremlin. Wishful thought springs eternal and strong.

In appraising the future deterrent value of our present nuclear armament, it makes little difference whether we assume that it is now somewhat greater or less than or equal to that of the Soviet Union. Both ours and theirs have been in movement, with theirs gaining. In the Strategic Arms Limitation Talks both sides are seeking some sort of standstill; we, on offensive weapons, ICBMs, they on defensive ones. These positions throw light on each side's view of its own strength and concern. As in all bargaining, the side more eager for agreement will pay more to get it.

The coming crisis will be decided not only by the nature of an agreement made with Moscow but by what we do with one or without one. In 1922 Secretary of State Hughes negotiated an unwise treaty on limitation of naval armaments with, among others, Japan. Not only was it founded on erroneous premises but the United States did not build up to its limitations. Japan did. In 1936, Japan repudiated the treaty, obtained superiority in the western Pacific, and in 1941 took it over.

Today the pressures here to increase domestic spending are enormous. So is distrust of "the military-industrial complex." The legislative and executive branches of our government are deeply divided. Under our present suffrage, the separation of powers of government, and political method, it will be hard to stop the upward movement of wages and prices and maintain an adequate national defense. We apparently do not believe in the existence of a foreign menace and are pricing ourselves out of national security. The real crisis is thus concealed.

REPORT OF CARNEGIE COMMISSION ON HIGHER EDUCATION—"INSTITUTIONAL AID: FEDERAL SUPPORT TO COLLEGES AND UNIVERSITIES"

Mr. PELL. Mr. President, I am delighted that the Carnegie Commission on Higher Education, in its report entitled "Institutional Aid: Federal Support to Colleges and Universities," supported the philosophy and principles pertaining to student assistance and institutional aid, which are part and parcel of the Pell bill, S. 659. The subcommittee in its deliberations on higher education studied the work of the Commission, and it is, indeed, gratifying to read this latest report which clearly buttresses the Senate position. It is my hope that the report will prompt the higher education community to support our bill.

DEMOCRACY AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, some people who oppose the Genocide Convention do so because they believe that its adoption will mean the end of democracy in the United States. They believe that if the Senate gives its consent to the ratification of this treaty the American people will lose rights guaranteed them under the Constitution. To determine if there is any truth to this fear, it will be helpful for us to consider other nations which have democracies and which have ratified the Genocide Convention.

Two nations which are very similar to the United States in the rights accorded their citizens are the United Kingdom and Canada. Both guarantee freedom of speech, press, religion, assembly, and the right to a fair trial by an impartial jury. Canada has been a party to the Genocide Convention since 1952. England gave its ratification in 1970. No Canadian or British citizen has been extradited for genocide. No Canadian or British citizen has had his freedom of speech abridged by this treaty. No Canadian or British citizen has been denied his right to a fair trial, because his country ratified the Genocide Convention.

The Genocide Convention has not threatened or reduced democracy in these two countries. It is reasonable to believe that it will not do so in the United States. Rather, the Genocide Convention will protect the people of Canada, the United Kingdom, and the United States from the prospect of mass murder. Instead of denying freedom, it will increase freedom by helping to protect the greatest freedom of all—the freedom to live.

Mr. President, I call upon the Senate to ratify the Genocide Convention without delay.

IGNORANCE OF INTERNATIONAL MONETARY AFFAIRS

Mr. McINTYRE. Mr. President, since August 15 the topic of international economics has shifted from the back page of the financial section of the paper to a front page story. As a member of the Committee on Banking, Housing, and Urban Affairs, I can testify how little is known about monetary affairs in general and international monetary affairs in particular. This is unfortunate, because international monetary affairs affect all of us.

Recently the Florida Times-Union in Jacksonville, Fla., published a UPI story on the comments of John F. Cogan, Jr. Mr. Cogan, president of Fund Research and Management, Inc., of Boston, commented on the lack of general knowledge of most Americans about international monetary affairs. If we are to compete successfully in the world's markets of tomorrow, Americans and their representatives must enhance their knowledge of international economics.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOLLAR "IGNORANCE" HIT

BOSTON.—Most Americans are ignorant about the international economic developments that affect their own welfare and the welfare of the country, according to John F. Cogan Jr., president of Fund Research & Management Inc.

"Only a handful of Americans are even faintly aware of effects on our economy, of developments on the international monetary scene," he said. "About the only currency devaluation is what happens when they are traveling abroad. They discover their dollars will not buy as much as they would like. In some places, U.S. dollars aren't even accepted."

Cogan said people show no more understanding of the consequences of balance of payments deficits than they do of the current state of the art in nuclear physics.

He said the confused reactions of Americans to the dramatic developments on the international monetary front in recent months is shocking.

RELIGIOUS FREEDOM

Mr. SCHWEIKER. Mr. President, yesterday the Supreme Court of the United States heard arguments in the case of the State of Wisconsin against Jonas Yoder et al. The ultimate decision of the Court in this case will no doubt be one of its most significant on the question of religious freedom. The issue involves the right of a State to require the children of the members of the Amish faith to attend public schools under a compulsory education law which is contary to the religious principles of the Amish. Clearly, this is a most sensitive matter.

I ask unanimous consent that an article written by Mr. William R. MacKaye, entitled "High Court Hears Amish School Case" and published in the Washington Post today be printed in the RECORD. The article briefly describes the case.

Mr. President, also I ask that a summary of the case with excerpts of the

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brief filed on behalf of the Amish provided by the Reverend William C. Lindholm, Holy Cross Lutheran Church, Livonia, Mich., who is chairman of the National Committee for Amish Religious Freedom, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HIGH COURT HEARS AMISH SCHOOL CASE

(By William R. MacKaye)

The U.S. Supreme Court was asked yesterday to decide whether the responsibility of a state to ensure the adequate education of children should override the religious conviction of the Amish that eight years' schooling is enough.

The case, which pits the state of Wisconsin against three Amish fathers, poses one of the most critical religious freedom questions to come before the high court in some time.

The Wisconsin Supreme Court ruled in January that the three fathers, Jonas Yoder, Wallace Miller and Adin Yutzy, had a constitutionally guaranteed religious right to keep their children out of high school despite Wisconsin's compulsory education law.

One of Wisconsin's assistant attorneys general, John W. Calhoun, urged the federal high court to overturn the 6-to-1 ruling of his state's justices. Wisconsin's responsibility to defend its citizens' children from "the disease of ignorance" must take precedence over the Amish religious position, he said.

William B. Ball, a Harrisburg, Pa., lawyer who is one of the nation's principal legal experts on church-state matters, argued on behalf of the parents.

He laid before the clearly fascinated justices a picture of a tightly knit religious community in which wisdom is learned in the household and at the plow, and secondary schools are seen largely as purveyors of temptation and worldliness.

Wisconsin vs Yoder, as the case is known, represents the first time that the conflicts between the technology-shunning Amish and the government have been argued before the nation's highest court.

But it stands at the end of a long line of efforts by governments on this continent and in Europe to compel the Amish to soften their sturdy resistance to the ways of the modern world.

Usually the "plain people" have not combatted these efforts, but simply packed up and moved somewhere else in a continuing search to find a place where they will be left alone.

Four bearded, overalled Amish elders, three from Lancaster County, Pennsylvania, and one from Mifflin County, Pennsylvania, sat quietly in the courtroom yesterday listening to the arguments.

There are in the United States about 20,000 adherents of the most conservative Amish tradition, the Old Order Amish Church, according to the 1971 Yearbook of American Churches. Many of them may emigrate to other countries if the Supreme Court rules against them, Dr. John A. Hostetler predicted after yesterday's hearing.

Hostetler, a former Amish member who left the fold and is now a professor at Temple University and the world's leading academic expert on Amish custom, has served as an expert witness for the defense since Wisconsin vs. Yoder began.

Yoder, Miller and Yutzy, at that time all farmers in the rolling countryside outside New Glarus, Wis., were haled into county court in October, 1968, on charges that they had failed to enroll their children, Frieda Yoder, 15, Barbara Miller, 15, and Vernon Yutzy, 14, in school.

Testimony in the case noted that the New Glarus school administrator signed the criminal complaint against the three fathers immediately after learning that the Amish in the public school district had opened a private church-run elementary school.

The three fathers were convicted in the county court and again in the circuit court, and fined $5 each. At that point they appealed to the state supreme court, where for the first time in American legal history they won a decision that the Amish have a constitutional right to keep their children out of high school.

Earlier state supreme court decisions on similar cases in Kansas, Ohio and Pennsylvania upheld the right of states to maintain compulsory education.

Funds to defend the New Glarus fathers were raised by the National Committee for Amish Religious Freedom, an organization created by a Livonia, Mich., Lutheran pastor, the Rev. William C. Lindholm. Contributions paved the way for the participation by Hostetler, University of Chicago education expert Donald A. Erickson, and attorney Ball from the inception of the case.

Lindholm said he formed the organization some years ago after seeing photographs of truant officers chasing terrified Amish children through a cornfield in his native Iowa.

"I decided it wasn't right," he said.

U.S. SUPREME COURT CASE—IS THERE RELIGIOUS FREEDOM IN AMERICA—FOR THE AMISH?

(By the Reverend William C. Lindholm)

If the Old Order Amish must partake of the value system in a regular high school "their religion will be destroyed," said an anthropologist from Temple University at the trial of three Amish fathers in Wisconsin who refused to send their children to high school.

The Wisconsin Supreme Court last January in a landmark decision overturned the arrests of the Amish saying that "no liberty is more important . . . than religious liberty," and the Amish "will not be required to attend school beyond the eighth grade" because the state had shown no "compelling state interest" which would justify the overriding of the freedom of religion guarantee of the Constitution of the United States.

Moreover, the court said that Amish "education produces as good a product as two additional years of compulsory high school."

Compulsory education laws in Wisconsin require attendance to age sixteen.

The State of Wisconsin claiming that religious liberty is no defense against compulsory education laws appealed to the United States Supreme Court, and this court heard oral arguments on Wednesday, December 8, 1971.

The U.S. Supreme Court will probably issue this term their ruling on whether the Amish can be forced into high school, which is against their religious beliefs and which will apparently result in the destruction of their church-community. The questions involved in the Amish case are significant ones, may the government require a religious group to perform an action which they believe will send them to hell? Specifically, is the government's policy requiring a certain type of secondary schooling so important that it can command that policy against the religious conscience of the Amish young people and their parents to produce the effect of destroying their church?

The Old Order Amish—a minority religious group known for their shunning of modern conveniences and the driving of horses and buggies, who were among America's earliest settlers—are supported in the high court by many of America's religious denominations.

Filing friend of the court briefs in support of the Amish were the National Council of Churches of Christ in the U.S.A. representing thirty-three Protestant and Orthodox denominations, the Seventh-day Adventist Church, the Mennonite Central Committee, the American Jewish Congress, the Synagogue Council of America and the National Jewish Commission on Law and Public Affairs.

The U.S. Catholic Conference (although not filing legal briefs) also supported the Amish.

The three Amish fathers—Jonas Yoder and Wallace Miller of rural New Glarus, and Adin Yutzy, now of Elsinore, Missouri—were arrested for failure to send their high school-age youth to the two years of required high school attendance and instead gave them what the Amish always give their adolescent youth—vocational training in the community. Wisconsin law requires attendance until age sixteen.

All three courts in Wisconsin were unanimous in their findings: "the Wisconsin compulsory education law does interfere with the freedom of the defendants to act in accordance with their sincere religious beliefs." Said the Wisconsin Supreme Court, "Any high school—public or private—represents a deterrent to Amish salvation." "To the Amish secondary schools not only teach an unacceptablo value system," said the court, "but they seek to integrate ethnic groups into a homogenized society, resulting in psychological alienation from their parents and cause great harm to the child."

Defense attorneys for the Amish were William B. Ball, chief counsel; Joseph Skelly both of Harrisburg, Pennsylvania and Thomas Eckerle of Madison, Wisconsin. Assistant Attorney General John W. Calhoun handled the prosecution.

Since the Amish will not defend themselves, believing literally in the Bible—"turn the other cheek," it says—their defense was paid for by public donations through an inter faith group called the National Committee for Amish Religious Freedom, 30650 Six Mile Road, Livonia, Michigan 48152.

FACTS OF THE CASE

The facts of the case before the U.S. Supreme Court are:

Dr. John A. Hostetler, an anthropologist from Temple University testified that if the Amish are forced to partake of the values in a regular high school, "their religion will be destroyed."

A U.S. Office of Education study introduced into the trial record concluded that the Amish youth tested slightly above the norm on basic skills when compared to regular high school students.

Dr. Donald A. Erickson, education professor at the University of Chicago, said the Amish received in their own communities definitely what could be called "an education." The Amish training is of the "best kind," he said, "they learn by doing, and I would be inclined to say they do a better job than most of the rest of us judging by the fact that they have little unemployment, delinquency or divorce."

A law officer (Wilbur E. Deininger) of Monroe, Wisconsin said that even though the Amish do not go to high school, they were not involved in any crime.

The Welfare Director (Ray F. Kaskey) said that the fact that Amish to do not go to high school does not threaten the tax structure of the county because no Amish have ever been on welfare or public assistance.

Frieda Yoder, 15 year old Amish girl and old enough to marry in Wisconsin, took the stand and testified that it was against her beliefs to attend high school, and that she wanted to live the way of her people.

It was brought out at the trial that the arrests against the Amish were lodged directly upon the loss of $17,000 in state aid to the New Glarus school district because the Amish opened their own schools after disputes with authorities over such problems as shorts for gym classes.

Beyond establishing that the Amish were not attending New Glarus High School, the prosecution presented no other testimony or witnesses.

Upon these facts the Wisconsin Supreme Court ruled that the state had failed its proofs. "There is not such a compelling state interest in two years high school compulsory education as will justify the burden it places upon appellant's free exercise of their religion."

DEATH KNELL FOR AMISH?

William B. Ball, defense lawyer for the Amish, said, "The State makes no bones about its desire to enter the minds of these young people, expose them to worldly education, fill up their minds with state packaged learning, alien to the Amish way, threatening the privacy of their psyche and threatening painful personality restructuring by placing them in a high school with stress upon competition, ambition, consumerism and speed."

The attorney said in his brief to the U.S. Supreme Court, "The state is insisting that there cannot be different kinds of education . . . all education must be dictated by the state with values derived from technology or related to consumption and competition and must be imposed upon every child."

"As all three courts in Wisconsin found," said Ball, "the state is violating the free exercise of the Amish religion by interfering with the whole fabric of Amish worship life which permiates the whole of their ceremonial community and daily farm living, stopping parents from nurturing their children in the Amish faith, preventing the Amish youth from following their religious faith and farm vocations, and violating their right of communal association."

Ball said that if the U.S. Supreme Court does not stop this invasion by the state "it will sound the death knell for an old, distinctive and innocent culture."

The Wisconsin Attorney General, Robert W. Warren, in his brief to the U.S. Supreme Court said that the Amish are "neglecting" their children. Moreover, he asserts, the legislature alone controls educational policy and until that body changes the law the Amish "should be required to attend a more 'worldly' high school." (Pennsylvania, Indiana and Kansas have exempted Amish, but Wisconsin's legislature rejected consideration of the Amish problems).

The Supreme Court will now have to decide whether the constitutional guarantees of religious freedom apply to the Amish, or whether they will have to move once more this time from the United States to find a haven where they can be let alone. One whole group left Arkansas a few years ago for Central America saying, "The government is gradually taken away our religious freedom."

FRIENDS OF THE COURT

The National Council of Churches urged the U.S. Supreme Court to affirm the decision favorable to the Amish and said, "responsible religious groups in this country have the right to undertake, not just an imitation of conventional education, but a fundamentally different *type* of education from that generally prevailing in a given state—if necessary to embody and inculcate their understanding of what the Divine Will requires." The Council further said, the Amish "were engaged in general education centuries before there was a State of Wisconsin and are as fully capable of choosing among arguable theories of pedagogy as are the civil entities which have entered the field of education more recently. The Amish have made significant contributions to Western Civilization as a whole," stated the NCC, "and the entire Christian movement would be poorer if the Amish were forced to conform or emigrate."

In addition to the National Council of Churches several other religious groups supported the Amish.

The brief of the Seventh-day Adventist Church said, "A child should not, except for the gravest causes, be forced to make the psychological decision of disobeying the religious precepts of his parent . . . and the denial to a parent of the right to control the religious upbringing of his child is a denial of the free exercise of religion."

The Mennonite Central Committee through its attorney Donald Showalter of Harrisonburg, Virginia said in his friend of the court brief, "The education given Amish youth adequately prepares them for the future. . . . then clearly the legitimate state interest has been satisfied. . . . enforcement of the law beyond the rudiments will threaten the "very existence of the Amish religion in America." "Freedom of religion—a constitutionally guaranteed right—must prevail over the more nebulous and uncertain claim of the State of Wisconsin."

Nathan Lewis of Washington, D.C., counsel for the National Jewish Commission on Law and Public Affairs, said in his brief *amicus curiae*, "This case presents a disturbing illustration of an attempt by the state authorities to compel nonconformists, whose beliefs and practices are constitutionally protected, to adhere to norms that are entirely sound and desirable for most inhabitants of this country, but are offensive and harmful to the affected religious minority. . . . the Constituition and the traditions of this nation do not permit this kind of coercion which endangers all religious or ethnic minorities."

Attorney Leo Pfeffer of New York City representing the Synagogue Council of America and the American Jewish Congress said their organizations have "a strong interest in religious freedom and a religiously and culturally pluralistic America. . . . a reversal of the decision of the Supreme Court of the State of Wisconsin may imperil these precious values." Wisconsin has failed to "establish a compelling state interest to outweigh the religious freedom, parental liberty, the rights of mature minors and family privacy," said the Jewish group, and moreover, "an education which includes eight grades is adequate to insure an informed citizenry."

AMISH ARE NOT IGNORANT

Some people who are uninformed are under the impression that the Amish are ignorant and that their children are denied an exposure to a knowledge of the world and will not be able to make their living. Such is contrary to fact. The Amish are not against education, but are dissenting from a culture which is increasingly materialistic and technical. They want an education that makes men good, compassionate, God-fearing, law-abiding, heaven-preparing, and which will enable a person to earn an honest living. Since their culture is transmitted in the oral tradition—from faith to faith and father to son—and consists of on-the-job training not within four walls, it is felt by some to be "no school." However, Dr. John A. Hostetler of Temple University did a three year study under the auspices of the U.S. Office of Education and testified as to his findings at the trial of the Amish fathers. Comparing Amish students with students in regular schools "the Amish," he said, "test above the norm on the Iowa Test of Basic Skills and their I.Q. is above the norm." Dr. Donald A. Erickson, education professor at the University of Chicago, testified at their trial that the Amish are "educated" by their community. "They do a better job than most of us judging by the fact that there is no unemployment among them, very little divorce and juvenile delinquency." "They learn by doing," he said, "which is the best way." They are not an ignorant people, and these facts were in no way disputed by the State of Wisconsin. No one is contending that Amish education would fit the needs of all, but it is obviously adequate for them. Bear in mind that we are talking about only one or two years of required compulsory schooling which will not go far toward making them become scientists or engineers, but it does deprive them of a serious amount of liberty.

Chief Justice E. Harold Hallows of the Wisconsin Supreme Court stated in his eighteen page opinion favoring the Amish: "The Amish claim, with compelling merit, that their education produces as good a product as two additional years of compulsory high school education does." The Court further stated. "To force a wordly education on all Amish children, the majority of whom do not want it or need it, in order to confer a dubious benefit on the few who might later reject their religion, is not a compelling interest. Two more years of schooling do not help the Amish in his environment," the Court said.

Two former Amishmen are members of the National Committee for Amish Religious Freedom and who now hold doctorates in their fields; they strongly support the Amish in their struggle for religious freedom. These scholars say that Amish children are not seriously deprived of leaving the church if they wish—some do—and those who leave have had no difficulty in finding a place in the larger society. Employers have been eager to hire the honest self-reliant Amish craftsmen, and a number have easily passed college entrance tests. In the Wisconsin case the Amish young people testified that they did not want to go to high school, and that they wanted to follow the religion of their parents. These young people—physically capable of being parents in their own right—asked the court to grant their religious liberty to choose their faith. What many people do not realize is that they are really punishing the Amish children when they advocate that they be removed from their community for schooling, because they are being deprived of meaningful relationships which they want in their own community—and this causes psychological harm.

EXEMPTION FOR THE AMISH

Wisconsin is contending before the United States Supreme Court that the exemption of the Amish as required by the Wisconsin Supreme Court will cause educational chaos, and other dangerous groups will rush through the open doors. Experience contradicts such an assertion. States which have granted the Amish legislative or administrative exemption report that in fifteen years there have not been other groups rushing in to seek an exemption. Also the states which do not require such high school attendance report that their rates of voluntary high school attendance is not different from Wisconsin's compulsory attendance.

It must be remembered also that the Wisconsin Supreme Court only excused the readily identifiable Amish church groups until they "pose a threat" to the state. There is no known similar group which has such unique religious requirements and constitutional claims.

The Amish still drive horses and buggies, shun modern conveniences such as electricity and telephones, wear plain clothing and observe the Bible literally, "Be ye not conformed to this world."

These "Plain People" are descendants of an impressive list of Christian martyrs. In the sixtenth century their women were buried alive and the men were put in sacks and drowned in rivers because they would not accept infant baptism and the union of church and state. They were saved from extinction by William Penn who afforded them freedom in America.

The "crime" of the Amish people today is that they are dissenting from an education that is increasingly technical, secular and materialistic. The Amish want an education that makes men good, compassionate, law abiding, heaven-preparing and able to earn an honest living. They believe that "God has shown that the world's wisdom is foolishness with God." (I Cor. 1:20).

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The larger society socializes young people in a culture that stresses competitiveness, emphasizing the materialistic, pecuniary, highly technical pursuits in a teenage atmosphere of fast cars, rock music and Hot Pants. While the Amish are taught by their elders a different set of attitudes and religious values—like slowness of pace, peace, love of hard work, democratic cooperativeness, close-to-the-soil living. Sitting at a desk learning intellectual disciplines blocks Amish religious training and takes them from the training in the skills and attitudes the special life in the shops and fields requires.

(The following are summary paragraphs and excerpts of Attorney William B. Ball's defense brief for the Amish:)

Who the Amish Are. The Amish come in a familiar role: the passive and peaceful objects of civil wrath. Neither wanderers nor gypsies, but seeking always to hold fast to the land, their history nevertheless reaches back from today in Washington, D.C., and Wisconsin through yesterdays of many migrations and ultimately to the Switzerland of 1525 where their ancestors sought a return to a Golden Age. These were the "Anabaptists" who attempted, not Church reform, but restoration of a lost and primitive Christianity. To be "First Century Christians" demanded *nonconformity* to all things worldly and sinful and therefore both a life style of *austerity* and a *separated community of peacableness and mutual aid*, the individual—*baptized only when adult*—undergoing a rebirth through Christ and the working of the Holy Spirit. See generally, F. Littell, *Sectarian Protestantism and the Pursuit of Wisdom*, Public Control of Nonpublic Schools (Ericsson ed.) 81-82 (1969).)

The "separated community" implied not only separation from "the world" but also *the separation of church and state* as a safeguard of religious liberty.

From their literal reading of the New Testament ("I will destroy the wisdom of the wise, and the cleverness of the clever I will thwart . . . Has not God made foolish the wisdom of the world?" I Cor. 1:21, and ". . . I thank thee, O Father, Lord of heaven and earth, that thou has hid these things from the wise and prudent and revealed them unto babes . . ." Luke 10:21) came their sense of austerity from which flowed the "rejection of speculative philosophy and sophisticated theological reasoning" as well as rejection of technology—"opposition to the achievements of the artificer, the inventor, the scientist." Indeed it was exactly the violent persecution that well-educated authorities launched against these simple Christians that made firm their theological position and made them more determined to stress the strict moral principles of the Sermon on the Mount and the "turning of the other cheek", rather than technical cunning. Therefore, they emphasized the manifestations of God "in closeness to nature, in the soil, and in the weather, among plants and animals," [7] which were to be enjoyed and embraced.

The Anabaptists felt the fury of persecution in Europe especially for their rejecting of infant baptism, and refusal to bear arms.

"The anti-social character of these [Anabaptist] sects disturbed the Lutherans just as much as Catholics. Charles V legislated against them most rigorously. Of 877 names which appear in the Protestant martyrologies for the Low Countries, 617 were those of Anabaptists. Numerous executions took place at Louvain, Ruremonde, Maastricht, Liege, Antwerp and Bruges; the men were burned and the women buried alive. But this did not stop Mennonism and other kindred types of Anabaptism from gaining grounds . . . Slowly but surely this extremely simple form of Christianity, with its elementary dogmas, continued to spread. It was soon found in Prussia, in the duchy of Holstein, in southern Russia and in England. Crossing the Atlantic it reached North America . . ." (Danil-Rops, The Protestant Reformation)

The Anabaptists who come under the leadership of Jakob Amman (*circa* 1693), and hence were known as "Amish", migrated to America from Switzerland at least as early as 1727. They came to Pennsylvania, having selected that colony in reliance upon the pledge of religious freedom given in William Penn's "Great Law" of 1682 and the repute gained by that colony for religious freedom in actual practice. In perfect integrity, the foregoing religious beliefs, actualized in living communities, have come down to the Amish of today. To call their beliefs "nondoctrinal", or to infer that these beliefs constitute eccentric but dispensable customs, merely because they are not expressed in printed texts, decrees and regulations, is misleading. Amish "doctrine" (i.e., teaching) is supremely certain and clearly known, being safeguarded to each generation by means of an *oral tradition* which contains and repeats the essential teachings. "Antiquity much preferred that which was taught from the lips of a living person and was skeptical of the written word. The same spirit prevails in much sectarian Protestantism." (See: Littell, "Sectarian Protestantism", at 78). The moral character of any "teacher" in Amish life is basic. "There is no distinct boundary between these deliberate pedagogical measures [of the oral tradition] and the teacher's way of life as a whole.' ")

Amish Education. Some contend that Amish children are consigned to a life of "ignorance" and that the Amish do not receive an "education". But these charges depend upon definitions of education and of education's proper goals. Wisconsin infers that only a secondary education which is aimed at fitting a person for acceptance and "success" in the technological society—and which comes out of books and takes place in school buildings—is a genuine education, indeed the only education which may be constitutionally enjoyed. But, as has been seen, Amish religious principles forbid the "higher learning" whether in a public high school or any other high school.

The Amish are emphatically in favor of education—but an "education for life" as seen in terms of their religious view as to how life should be lived and as to the single goal of life which is union with God. Amish education has followed the pattern of classical *wisdom* rather than *technos*. It has emphasized the moral wisdom of producing good men, rather than the technical, which can produce the competent barbarian, the intellectual rioter, the revolutionist, and the criminal.

Only if it be deemed a crime to be an Amishman, or that the Amish should have no liberty to live the Amish life, can it be said that Amish education is not a real "education". The Amish consider that the study of elementary reading, writing and arithmetic has its place in helping a child become a participating member of the community.

As has also been shown, the Amish system of education beyond the eighth grade of "learning by doing" in the agricultural life of crop-raising, animal husbandry, farm maintenance and management—coupled with living as a helping and responsible family man and neighbor in the self-sustaining Amish faith-community—may be regarded as ideal education. Surely, not all education need take place in a school. Only those will disagree who, like the State of Wisconsin, deny that there can be *different kinds of education*, or who insist that all education must be aimed at life goals dictated by the state, or who demand that values derived from science and technology, or related to consumption and competition, must be imposed upon every child. While products of Amish education measure up well in certain accepted forms of standardized testing, showing secular competence, their admirable attitudes toward nature, the ecology, war, peace, violence, lawfulness, thrift, family, marriage, hard work, and love of neighbor are the direct outflow of that great area of their educational formation which is *religious* and concerned with the possession of *wisdom*.

Amish society uniquely recognizes the desire of individuals at the dawn of young manhood and young womanhood to get on with their life's work and to be challenged by high responsibility. Adult baptism implies, for the Amish, a time of choice, and its taking place in late adolescence accords with that recognition. Far from being denied his rights at the coming of adolescence, as the State of Wisconsin charges, the Amish person begins to move rapidly into the full enjoyment of adult rights and privileges.

The Action of the State Directly Violates Amish Religious Freedom Through Penalizing, by Criminal Sanctions, the Enjoyment of Religious Liberties Related to: Worship, Parental Nurture, Individual Choice of Religion, Vocation, Communal Association, Teaching and Learning, and Privacy

The State of Wisconsin seeks to provide Amishmen with its own definition of their religion. Carefully ignoring authoritative sources, the State bids the Amish to get in line with that version of the Amish religion which the State feels it can tolerate. So, for example, the State asserts:

"The Amish may establish their own secondary schools consistent with their religious beliefs."

This, as has been seen, the Amish religion does not permit. Similarly, in lieu of Amish high schooling, the State would require public high schooling. Indeed it is because the Amish defendants in this case refused to send their children to the New Glarus Public High School that the present criminal prosecution was instituted. But in a public high school, the Amish young person plainly could not pursue the religious life which his faith requires. The State, however, telescopes these claims into "the right to worship", thus inferentially redefining the Amish religion by reducing it to one core essential and dismissing all of the other manifestations of the Amish Way as nonessential.

It is no business of the state to define men's religions. The Petitioner State can no more do away with an essential of the Amish religion than it can an essential of any other religion. Surely, the State would not be heard to redefine Orthodox Judaism so as to exclude from it the concept of authority of the Bible. The State's contracting of the essential Amish religion into an affair consisting of worship (with beards and buggies perhaps thrown in) is an effort to camouflage and minimize the scope and impact of Wisconsin's free exercise violation. That violation strikes at the following essentials of Amish religious liberty:

Worship. Worship, in Amish life, whether for the old or the young, is not confined to a "prayer period" or a weekly hour of church-attendance. Worship permeates Amish life, and in a variety of forms. The Amish society is a "ceremonial community", its religious ceremonial life being governed by the days of the week, by seasons and by the calendar. At the time of adolescence, the Amish young adult is growing rapidly in the *life of worship* of the "ceremonial community" in which harvesting, sewing and all daily work, learning and activity are consciously offered in praise and love of God. If he is forced into high schooling at this point in his life, this life of worship is very largely ousted.

Parental nurture. The Amish religion requires Amish parents to raise their children in the Amish faith. Family life is extremely strong in the Amish community, and the close bonds related to love, nurture and obedience between parent and child are considered to be founded upon the Bible.

The U.S. Supreme Court has stated that "[t]he child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." *Pierce* v. *Society of Sisters*, 268 U.S. 510, 534 (1925). While the Amish parents are in the very midst of recognizing and preparing their children for the "additional obligations" of Amish life, the State of Wisconsin seeks to stop these parents in their carrying out this work of nurture which is to them a fundamental religious obligation.

Individual religious choice. Implicit in the State's defense of its criminal prosecution is its view—based on nothing in the record—that the Amish young people in question are not able to make a real choice that they desire to follow the Amish religion and that, for religious reasons, they feel compelled to not attend high school. Upon the trial, the defense placed on the witness stand one of the three Amish children here involved, Frieda Yoder, in order that testimony representative of Amish young people of like age might be heard with respect to whether these young men and women choose to pursue the Amish way of life. Miss Yoder was fifteen, an age at which a female in Wisconsin may marry. She testified that she believed in the Amish religion, desired to pursue the Amish way of life and that going to high school would be against her religious beliefs. It is clear the one effect of enforced high schooling of Amish young people is to violate their liberty to pursue the Amish religion.

Vocation. A unique feature of the Amish religion is that it allows of but one vocation: farm life. To interfere with the vocation is to interfere with the religion. The State interferes with the farming and farm life vocations of Amish young men and women by requiring them to attend high school, this necessarily displacing (at a vital time in the young person's development and maturation) their vocational training in the Amish farming community. They are thus "prevented from learning things they must know in order to live a successful life in the Amish community." The technical skills, attitudes toward manual work, and knowledge required to live in the Amish community cannot be acquired in the classroom. "A boy learns to plow by plowing, by knowing the condition of the soil, the degrees of moisture, the weight of the plow, the temperament of the horses." (See: J. Hostetler and G. Huntington, Children in Amish Society, 102 (1971).)

Communal association. The Amish religion is a communal religion. There exists no Amish religion apart from the concept of the Amish community. A person cannot take up the Amish religion and practice it individually. The community subsists spiritually upon the bonds of a common, lived faith, sustained by "common traditions and ideals which have been revered by the whole community from generation to generation." The Amish community remains a small brotherhood where primary face-to-face relationships are essential. The Amish religion requires pursuit of the simple life of the soil and mutual assistance; it is the community which is the indispensable means for such a life. The Amish religion requires separation from the world; this separation is made possible only through the closed, symbolic community. As expert witnesses upon the trial showed the action of the State of Wisconsin directly threatens the continued existence of the Amish church-community, *which will plainly not be able to sustain itself against the disruption caused to it by the marshalling of its youth into high schools.* This Court, however, has held that there is a fundamental constitutional "freedom to engage in association for the advancement of beliefs" *NAACP* v. *Alabama*, 377 U.S. 288, 307 (1964), and that "[t]he right of 'association', like the right of belief" is necessary to make the guarantees of the First Amendment meaningful. *Griswold* v. *Connecticut*, 381 U.S. 479, 483 (1965). In the Amish case, the right of association is inseparable from the right of free exercise of religion and must be deemed a part of the latter right, now directly attacked by the State.

Privacy. Closely related to the right of association is the right of privacy. The Amish principle of separation of the self-sustaining faith-community from the world is not based upon hatred of other human beings and arises out of no tradition of aggressions against others, or any principle of racial pride. It is based, rather, upon love of God and the belief that the life of separation, as a pilgrim people, is necessary to salvation. But here the right of privacy is also inextricably bound up with the right of free exercise of religion, since the Amish religion cannot be lived except in separation of the community from the world.

The State of Wisconsin seeks to invade the privacy of the Amish, so far as the Amish of high school age are concerned. The State makes no bones about its desire to enter into the lives of these young people, expose them to "worldly" education, fill up their minds with state-packaged learning, alien to the Amish way, which (in the phrasing of the dissenting opinion below) will "equip them for modern American life". Even the privacy of the psyche is here threatened. Amish personalities are quiet mannered, nonaggressive, considerate and careful in action; they are threatened with painful restructuring by stress upon the competition, ambition, consumerism, and speed emphasized in the larger society. For the State to reach into the Amish community with this sort of conscription of minor children is plainly to enter upon the domain of privacy of the Amish people. As has been seen, the effect will necessarily be disruptive of the Amish community, which here seeks only protection of "conditions favorable to the pursuit of happiness" among which is "the right to be let alone.",

Teaching and learning. Central to free exercise is the right of religious groups to transmit their religious beliefs and heritage to their young. Correlative to the right of the parent to teach his religion to his child is the right of the child to receive this religion—a right asserted in testimony given in this case. That the Amish religion is taught according to methods which, in considerable part, differ from those employed by other religious bodies, should in no sense be deemed to result in a diminution of those liberties for Amish people. While, for many Catholics, Jews and Protestants religious expression in the family, attendance at a parochial high school, or involvement in events at church or temple are the means whereby religion is taught and received, the Amish religion is transmitted, at the time of adolescence, through directed participation and apprenticed community activities, in addition to the formal religious teaching which is carried out in instruction for baptism and in church services. The moral example of the teacher's life is central. Thus the teaching of the Amish religion does not consist of a weekly Sunday sermon, or morning and night prayers, or an hour of religion class per day, or school instruction in secular subjects with religious insights thrown in—but instead in a constant directing, in a "school without walls", of life, in its totality, to religious ends. The State of Wisconsin would here interpose itself between parent and child in the transmitting of a sacred deposit of the Amish religion and at a supremely sensitive time in the life of the child when such interposition will interrupt and thus plainly upset and supplant (perhaps permanenty) the effort to impart the religion.

The religious liberty invasion in sum. As all three courts in Wisconsin found, the State's action, as applied to the Amish, plainly impinges upon the free exercise of their religion. They face an impossible choice: to obey the State and thereby violate their religion, or to follow their religion and thereby suffer criminal penalty. But the action of the State entails more. The Amish religion is a single fabric into which strands of worship, community, farm life, nature, parental role and the role of children are inseparably interwoven with one another, and all with the set religious teaching. The pulling out of any one strand destroys the fabric.

What is more high schooling presents the Amish with an unacceptable value system. Not only is this due to the very fact of "higher education" but to numerous specifics related to the education afforded at New Glarus High School. These pertain not only to social life, entertainment, curriculum, and the encouraging of competition, but also to the effort of that school to "teach values" with respect to life and moral conduct—without, however, offering the law of God as normative. The defense presented testimony, moreover, as to the traumatic effect upon an Amish person of fourteen or fifteen years of age caused by placing him or her in a high school. After living for that period of time within the Amish community and being completely conditioned by it, it is only logical that the most severe disturbance and alienation will result to the Amish person from the radical forced change of daily environment, especially at adolescence. As the court below truly stated,

"They would experience a useless anguish in living in two worlds. Either the education they receive in the public school is irrelevant to their lives as members of the Old Order Amish or these secondary school values will make life as Amish impossible."

The State nevertheless demands the obedience of the Amish. Placing all of the foregoing considerations of religious liberty on one side of the scale, the State says that these are outweighed by state interests so compelling as to require conformity by the Amish. While the punishment demanded by the State may have to be suffered by defendants, the State's demand that they violate their religion will almost certainly be in vain. The Amish answer to forms of legal harassment, which would force them to violate their religion, has been to sell their farms and to remove to jurisdictions, here or abroad, wherein hopefully they will be allowed peaceably to follow the will of God. While such enforced exile of the Wisconsin Amish community would constitute but one further aspect of the State's invasion of Amish freedom, it would, if this Court sustains this prosecution, sound the death knell, in this country, for an old, distinctive and innocent culture. The Amish could very soon have no place to go in this country, nowhere to be themselves, and there would take place in America yet another tragic example of the forced extinction of a culture. ("The whites were always trying to make the Indians give up their life and live like white men . . . and the Indians did not know how to do that, and did not want to anyway. . . . If the Indians had tried to make the whites live like them, the whites would have resisted, and it was the same way with many Indians." Statement of Wamditanka, Chief of the Santee Sioux, *circa* 1885, in D. Brown, Bury My Heart at Wounded Knee, 38 (1970).).

In 1849 Henry David Thoreau expressed a principle of justice profoundly relevant here:

"I please myself with imagining a State at last which can afford to be just to all men, and to treat the individual with respect as a neighbor; which even would not think it inconsistent with its own repose if a few were to live aloof from it, not meddling with it, nor embraced by it, who fulfilled all the duties of neighbors and fellow-men."

XUM

TRAGIC HEROISM

Mr. SPARKMAN. Mr. President, all too often these days, we read newspaper accounts of people being attacked on streets or in other public places within the presence or the hearing of bystanders who completely ignore the victim's plight. It would seem that many people today simply will not get involved in behalf of their fellow man.

Fortunately, everyone does not react in such a selfish way, and I feel that recognition should be given to more of the incidents that occur concerning people who do get involved with and for others. One such incident involves the late Carlton Allen Thomas, Jr., of Albertville, Ala.

On November 25, 1971, Carlton Thomas, who could not swim, plunged into the icy waters of Guntersville Lake in Alabama, trying to save the life of a man he did not know, whose car had moments before gone out of control and fallen into the lake. Carlton Thomas died as a result of this heroic act. The unselfish concern for others that was a part of Carlton Thomas' character will never be forgotten by his family and those who knew him. It should also be recognized and remembered by others. It is for this purpose and for the purpose of saluting him that I speak on this occasion.

Mr. President, the entire incident that occurred last month at Guntersville was described in an article published in the Birmingham Post Herald of November 27. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAN WHO COULD NOT SWIM DROWNS IN RESCUE ATTEMPT

GUNTERSVILLE.—A 29-year-old Guntersville man, who family members say couldn't swim, drowned in 30 feet of icy water in Lake Guntersville Thursday trying to save another man's life.

Marshall County Coroner Billy Dyar said Carlton Allen Thomas Jr., 29, of Albertville Rt. 5, drowned trying to save the life of James Breedlove of Albertville, who had lost control of his car and run off in the lake.

The accident happened at about 3:30 p.m. in the Spring Creek section of the lake off Alabama Highway 227.

Dyar and State Trooper Cpl. Larry Hardin said Thomas was traveling along the road behind Breedlove and saw him lose control and go off into the lake.

Thomas immediately stopped his car, his wife told officers, and said he was going to try to save the man whom he didn't know who had left the road. Mrs. Thomas said she urged her husband not to try the rescue because he couldn't swim, but he insisted he would be all right, she said.

Mrs. Thomas said her husband said he didn't think the water was too deep, and he was going to try and save the man.

A policeman who arrived on the scene in minutes was able to get Breedlove to shore but couldn't find Thomas.

A local rescue squad came and in their first dive, located Thomas' body.

Breedlove was taken to a Guntersville hospital where he was treated and released.

In addition to his wife, Audrey, Thomas is survived by his parents, Mr. and Mrs. Carlton Thomas.

Funeral arrangements will be announced by Adams Funeral Home in Albertville.

THE ISSUES IN THE INDIA-PAKISTAN WAR

Mr. GOLDWATER. Mr. President, having had more than a little experience in presidential election years, I know what a temptation it is to look under every rug, to listen to every whim, and to peer into every corner for issues. We have a prime example of this in presidential hopefuls now attacking the Nixon administration for action, or lack of action, or not too much action in the India-Pakistan War.

The Nixon administration's position in this unfortunate incident is, to me, sound and wise as it will not pull us into another war as we have been pulled into before by Democratic Presidents.

The best way to understand the administration's position, in my mind, is to go to the root of it, which I have done by asking the White House to send me a copy of the background briefing held December 7, 1971. The briefing, conducted by Dr. Henry Kissinger and Mr. Ronald Ziegler, points out step by step what this administration has been doing and is doing and will do, first to prevent this war, but it having started, to end it and do our best to patch up the differences that exist on that continent.

I ask unanimous consent that the background briefing and an accompanying paper entitled "The Issues" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INDIA-PAKISTAN

(Background briefing with Henry A. Kissinger)

Mr. ZIEGLER. Dr. Kissinger is here with us this afternoon. What he says to you will be background. You can attribute it to White House officials, but no direct quotations.

We have, of course, had a number of inquiries and questions about the situation in South Asia. What I am saying to you now is, of course, on background because it relates to this. We thought it might be worthwhile for Henry to come out this afternoon to discuss our views on a background basis with you to put the matter into further perspective for you.

Q. Ron, is there any necessity for no direct quotation? Could you explain why that is?

Mr. ZIEGLER. The purpose of this session is more putting our view and our position into perspective, and we would just prefer no direct quotation. I think it would be more productive for you.

Dr. KISSINGER. I thought I would talk to you about how we have approached the problem in South Asia: what we have done and what has led to the number of pronouncements that have been made by official spokesmen at the U.N. in recent days.

I do not have any organized notes, so I am going to speak to you extemporaneously, and I may refer to an occasional paper just for accuracy in the question period.

First of all, let us get a number of things straight. There have been some comments that the Administration is anti-Indian. This is totally inaccurate. India is a great country. It is the most populous free country. It is governed by democratic procedures.

Americans through all Administrations in the postwar period have felt a commitment to the progress and development of India, and the American people have contributed to this to the extent of $10 billion. Last year, in this Administration, India received from all sources $1.2 billion for development assistance, economic assistance, of which $700 million came from the United States in various forms. Therefore, we have a commitment to the progress and to the future of India, and we have always recognized that the success of India, and the Indian democratic experiment, would be of profound significance to many of the countries in the underdeveloped world.

Therefore, when we have differed with India, as we have in recent weeks, we do so with great sadness and with great disappointment.

Now let me describe the situation as we saw it going back to March 25th. March 25th is, of course, the day when the central government of Pakistan decided to establish military rule in East Bengal and started the process which has led to the present situation.

The United States has never supported the particular action that led to this tragic series of events, and the United States has always recognized that this action had consequences which had a considerable impact on India. We have always recognized that the influx of refugees into India produced the danger of communal strife in a country always precariously poised on the edge of communal strife. We have known that it is a strain on the already scarce economic resources of a country in the process of development.

Therefore, from the beginning, the United States has played a very active role in attempting to ease the suffering of the refugees and the impact on India of this large influx of unexpected people. The United States position has been to attempt two efforts simultaneously: One, to ease the human suffering and to bring about the return of the refugees; and secondly, we have attempted to bring about a political resolution of the conflict which generated the refugees in the first place.

One of the difficulties has been that the time required to bring about a political evolution is somewhat longer than what is needed to be done immediately to bring about an easing of human suffering.

Now, you have been given by Ron the figures of what we have contributed, but let me summarize them and let me refer here, because I do not have them all in my head.

There were two aspects to the refugee problem: One, taking care of the refugees that were inside India; and secondly, to avert conditions inside East Pakistan that would generate more refugees, particularly to ease famine conditions. We committed $90 million for the support of the refugees in India and $155 million to avert famine in East Pakistan, which is more than the rest of the world has done combined.

I might add that the sums that have been devoted to averting famine in East Pakistan have been contributed at the specific request of the Indian Government, which was concerned that there would be another major outflow of refugees which would make their problem totally unmanageable.

The President has requested Congress, in the present AID appropriation, for an additional $250 million to continue this work, and this is in addition to food shipments which we were prepared to make. In other words, the United States has contributed $500 million for the relief of refugees and to ease suffering in India, and to prevent more refugees from coming into India.

The United States also financed the chartering of 26 vessels to increase their capacity to transport grain from ocean ports into the interior of East Pakistan. We will give you a breakdown of all of these figures, but we wanted to give you a flavor of what was done.

Now, the United States did not condone what happened in March 1971; on the contrary, the United States has made no new development loans to Pakistan since March 1971.

Secondly, there has been a great deal of talk about military supplies to Pakistan. The fact of the matter is that immediately after the actions in East Pakistan at the end of March of this past year, the United States suspended any new licenses. It stopped the shipment of all military supplies out of American depots or that were under American governmental control. The only arms that were continued to be shipped to Pakistan were arms on old licenses in commercial channels, and those were spare parts. There were no lethal end-items involved.

To give you a sense of the magnitude, the United States cut off $35 million worth of arms at the end of March of this year, or early April of this year, immediately after the actions in East Bengal, and continued to ship something less than $5 million worth; whereupon, all the remainder of the pipeline was cut off. In other words, when one is reading some of the commentaries, the impression is created that we were equipping four armored divisions. The fact of the matter is that $35 million worth of arms were cut off immediately, and the only thing that was continued to be shipped was something less than $5 million—I don't have the precise figure: I think it is between $4 and $5 million—of spare parts that were in commercial channels under existing licenses.

So I believe it is correct to say that the United States, by its actions, took a stand, starting in March of this year; and that the United States did indicate, through its performance, what evolution it wanted to take, and that the United States has made a greater contribution than the rest of the world combined to ease the suffering in India and Pakistan, but especially the suffering generated by the actions of the end of March.

Now, then, we come to the problem of political evolution. What has the United States done in this respect?

It is true the United States did not make any public declarations on its views of the evolution, because the United States wanted to use its influence with both Delhi and Islamabad to bring about a political settlement that would enable the refugees to return. At the request of the President, this was explained by me to the Indian Foreign Minister and to the Indian Prime Minister when I was in New Delhi in early July, and both indicated that they understood our decision in this respect and made no criticism of our decision.

They did make a criticism of the arms shipments. Secondly, we consistently used our influence that we gained in this manner to urge the Government of Pakistan in the direction of a political evolution. We urged the Government of Pakistan and they agreed that relief supplies be distributed by international agencies, in order to take away the criticism in East Pakistan that they might be used to strengthen the central authority, and the Government agreed that a timetable be established for returning Pakistan to civilian rule. That was supposed to be done by the end of December.

We urged a mutual withdrawal of troops from the border, and when India rejected this, we urged a unilateral withdrawal of Pakistan troops from the border, and that was accepted by Pakistan and never replied to by India.

We urged an amnesty for all refugees, and that was accepted.

Q. By whom?

Dr. KISSINGER. By Pakistan. There are no refugees from India in Pakistan.

We urged Pakistan to extend an amnesty to all refugees so that they could return without fear of reprisals.

We went further. We established contact with the Bangla Desh people in Calcutta, and during August, September and October of this year no fewer than eight such contacts took place.

We approached President Yahya Khan three times in order to begin negotiations with the Bangla Desh people in Calcutta. The Government of Pakistan accepted. We were told by our contacts in Calcutta that the Indian Government discouraged such negotiations. In other words, we attempted to promote a political settlement, and if I can sum up the difference that may have existed between us and the Government of India, it was this:

We told the Government of India on many occasions—the Secretary of State saw the Indian Ambassador 18 times; I saw him seven times since the end of August on behalf of the President. We all said that political autonomy for East Bengal was the inevitable outcome of a political evolution, and that we favored it. The difference may have been that the Government of India wanted things so rapidly that it was no longer talking about political evolution, but about political collapse.

Without attempting to speculate on the motives of the Indian Government, the fact of the matter, as they presented themselves to us, was as follows: We told the Indian Prime Minister when she was here of the Pakistan offer to withdraw their troops unilaterally from the border. There was no response.

We told the Indian Prime Minister when she was here that we would try to arrange negotiations between the Pakistanis and members of the Awami League, specifically approved by Mujibur, who is in prison. We told the Indian Ambassador shortly before his return to India that we were prepared even to discuss with them a political timetable, a precise timetable for the establishment of political autonomy in East Bengal. That conversation was held on November 19th. On November 22nd, military action started in East Bengal.

We told the Pakistan Foreign Secretary when he was here that it was desirable on November 15th; that we thought it was time for Pakistan to develop a maximum program. He said he could not give us an answer until the week of November 22nd when he would return to his country. He also pointed out to us that there would be a return to civilian rule at the end of December, at which time it might be easier to bring about such matters as the release of Mujibur, whose imprisonment had occurred under military rule.

This information was transmitted, and military action, nevertheless, started during the week of November 22nd. So when we say that there was no need for military action, we do not say that India did not suffer. We do not say that we are unsympathetic to India's problems or that we do not value India.

This country, which in many respects has had a love affair with India, can only, with enormous pain, accept the fact that military action was taken in our view without adequate cause, and if we express this opinion in the United Nations, we do not do so because we want to support one particular point of view on the subcontinent, or because we want to forego our friendship with what will always be one of the great countries in the world; but because we believe that if, as some of the phrases go, the right of military attack is determined by arithmetic, if political wisdom consists of saying the attacker has 500 million and the defender has 100 million, and, therefore, the United States must always be on the side of the numerically stronger, then we are creating a situation where, in the foreseeable future, we will have international anarchy, and where the period of peace, which is the greatest desire for the President to establish, will be jeopardized; not at first for Americans, necessarily, but for peoples all over the world.

I have taken the liberty of coming in here to explain our point of view. You can see the necessity for a background basis, because there have been misconceptions of what we have done and of our motives. I have given you extemporaneously this brief sketch, and now I will be glad to answer any questions, or to go into more detail.

Q. Why was the first semi-public explanation of the American position one of condemning India, and why this belated explanation that you are now giving? The perception of the world is that the United States regards India as an aggressor; that it is anti-India, and you make a fairly persuasive case here that that is not the case. So why this late date?

Dr. KISSINGER. This is the highest praise I have ever had from Peter Lisagor. (Laughter)

We were reluctant to believe for a long time that the matter had come down to a naked recourse to force, and we were attempting for the first two weeks of the military operations to see what could be done to quiet it through personal diplomacy conducted by the Department of State.

We made two appeals to the Indian Prime Minister. We appealed also to the Pakistan President, and we appealed also to the Soviet Union.

Now, then, on Friday the situation burst into full-blown war and it was decided to put the facts before the public. Now, I cannot, of course, accept the characterization that you made of the way these facts were put forward; that they were put forward as anti-Indian.

Q. I said the perception of the world public was that the United States was anti-Indian because of the nature of that first background briefing at the State Department on Friday.

Dr. KISSINGER. We are opposed to the use of military force in this crisis, and we do not believe that it was necessary to engage in military action. We believe that what started as a tragedy in East Bengal is now becoming an attempt to dismember a sovereign state and a member of the United Nations.

So the view that was expressed on Saturday is not inconsistent with the view that is expressed today. What was done today is an explanation of the background that led to the statement on Saturday, and it might have been better if we had put the whole case forward.

Q. If I understand what you said, you said prior to the outbreak of full-scale hostilities between India and Pakistan that the Pakistani Government had assured the United States that it was going to take a number of steps, including return to civilian rule by the end of this month, to enter into negotiations with the Bangla Desh representatives operating in Calcutta, to withdraw its troops from the borders unilaterally. Do you know at this point whether any of those commitments by the Pakistani Government still stand? If the war can be stopped some way, are they still willing to do all those things?

Dr. KISSINGER. In fairness, let me put these into perspective, these various things.

The unilateral withdrawal, that was without any qualifications. The willingness to talk to the Bangla Desh people involved a disagreement between the Indians and the Bangla Desh on the one side, and the Pakistanis on the other. The Indians took the view that the negotiations had to begin with Mujibur, who was in prison.

What we attempted to promote was a negotiation with Bangla Desh people who were not in prison, and who were in Calcutta. The Pakistanis said they would talk only to those Bangla Desh people who were not charged with any particular crime in Pakistan, and I don't know whom that would have excluded.

But I think that part of it was not the breakdown. What created the major difference between us—not us so much, because we were not a party; we were just trans-

mitting information—between those who wanted to get negotiations started and the Indian side, was that the Indians took the view that the negotiations had to begin with Mujibur.

Let me go off the record here for a minute.

We took the view that once negotiations started, the release of Mujibur would be an inevitable consequence after some period of time, and, therefore, we felt that the most important thing was to get the negotiations started.

This part I consider off the record. It is simply for your understanding. I think it is safe to say the Indian side wanted a maximum of rapidity, and perhaps more speed than the Pakistan political process would stand. We were urging movement at the greatest speed that the Pakistan political process could stand. We felt that one way to resolve this would be for the Indians to give us a timetable of what they would consider a reasonable timetable, and this was raised first when I was there in the summer, and received no clear reply. It was raised again with the Indian Ambassador just before he left, and it was not answered.

So we never got a concrete expression of what the difference in time was. They knew that we believed that political autonomy was the logical outcome of a negotiation. Do these offers still stand? I don't know. [End off the record.]

We would be prepared, certainly from our side, if the fighting stopped and there were a withdrawal of forces, if anything, to redouble our efforts to move matters in the direction in which I have indicated.

Q. Is it a fact that two other factors that you did not deal with in your opening remarks here were also major causes in your and the President accepting India as an aggressor—that is, accusing India as an aggressor—the fact that (1) to do otherwise might lead to a collapse of the President's trip to China and the often stated in print personal preference of the President and you for General Khan over what were conaidered to be the unrealistic leaders in New Delhi?

Dr. KISSINGER. With respect to the first question, we do not have the impression that the Peoples Republic of China considers agreement with us a prerequisite for a successful visit on other issues in the United Nations, and, therefore, we do not consider that the Peoples Republic of China has a veto over our policies.

In short, our policy has been consistent. We have told the Indian Government all summer long that we want or favored political evolution leading toward autonomy; and secondly, that we were opposed to the use of military force, and we did this quite independent of what the Chinese views might be. We had no advance information of what position the Chinese would take at the United Nations, and we operated quite independently.

Secondly, speaking first about myself, the first time I visited the Indian subcontinent I was the subject, in 1962, as can easily be checked in newspaper files, to the most violent newspaper criticisms in Pakistan for my allegedly Harvard-produced preference for Indians, and so much so that I even suggested that I might cancel my visit to Pakistan.

There is no personal preference on my part for Pakistan, and the views that I expressed at the beginning, of the American position—that is, about the crucial importance of India as a country in the world and in the subcontinent—have always been strongly held by me, and I, therefore, enthusiastically support those as an expression of bipartisan American policy in the postwar period.

As for the President, I was not aware of his preference for Pakistan leaders over Indian leaders, and I, therefore, asked him this morning what this might be based on. He pointed out—as you know, I was not acquainted with the President before his present position—but he pointed out to me that on his trip in 1967, he was received very warmly by the Prime Minister and by the President of India; that the reports that he was snubbed at any point are without any foundation, and that in any event, the warmth of the reception that we extended to the Indian Prime Minister two weeks before the attacks on Pakistan started should make clear what enormous value we attach to Indian friendship.

While I can understand that there can be sincere differences of opinion about the wise course to take, I do not think we do ourselves any justice if we ascribe policies to the personal pique of individuals. Besides, the charge of aggression was not made in this building in the first place.

Q. Was there a failure of understanding between the President and the Prime Minister when she was here last month; a failure of understanding of what this country wanted and what she was planning to do?

Dr. KISSINGER. We explained to the Indian leaders, the President did and so did the Secretary of State, exactly what our position was. We pointed out the offers that had been made. We were not given any reply to the offers, and we were not given the slightest inkling that such a military operation was in any way imminent; indeed, in the interval between her departure and the beginning of military operations, we did three things:

One, we attempted to promote these negotiations between the government in Islamabad and Bangla Desh representatives approved by Mujibur. We did not get the agreement of the government in Islamabad, at the time the war had broken out, to that procedure. I am just saying what we were trying to do.

Secondly, we urged very strenuously on the Pakistan Foreign Secretary when he was here that the greatest possible number of concessions that could be made were urgently required and we were promised an answer, as it turned out, for the week that the military attacks took place.

Thirdly, and I did not mention this before, we had the approval of the Government of Pakistan to establish contact with Mujibur through his defense lawyer. All of these facts were communicated to the Indian Government, and nevertheless, military attacks took place.

Q. Dr. Kissinger, I would like to ask you a clarifying question about something you said just a moment ago.

You said that the charge of aggression was not made in this building. Two questions about that. One,——

Dr. KISSINGER. We do not disagree with it, but it was in reference to a point that the President and I have an anti-Indian bias.

Q. Does this carry the implication that you are putting the responsibility for that original charge of aggression on the State Department? That is my first question.

Dr. KISSINGER. No. There is a united governmental view on it.

Q. Secondly, I am still trying to clarify the question in Mr. Lisagor's mind and others, Mr. Ziegler did say in Florida on Saturday that India had engaged in a massive military action and he used the word "massive" which sounds like this building to us.

Dr. KISSINGER. Sounds like a what?

Q. Like a charge of aggression from this building, to me, at least.

Dr. KISSINGER. We don't disagree with it. I was trying to explain that this was not a personal idiosyncrasy. The phrase "massive military action" that Ron Ziegler used was a quote from an official Indian statement saying that massive military operations have begun in East Pakistan and Ron was simply referring to the quote from the Indian officials' statement.

Q. Dr. Kissinger, would you clarify the situation on the negotiations between the Islamabad Government and Bangla Desh? How much did they agree to do? I seem to be totally confused on what you said. Did the Government agree to negotiate with Bangla Desh representatives approved by Mujibur?

Dr. KISSINGER. No. That was a point which we were still trying to get accomplished. They had said they would consider it. They had agreed to talk to Bangla Desh representatives.

Q. Why, then, were you so certain that the results of these negotiations for which apparently you had no assurances would end in autonomy?

Dr. KISSINGER. Wait a minute. We had assurances for negotiations between the Bangla Desh people and Islamabad. We did not have assurances yet that Mujibur would select the negotiator.

Q. What, then, was the basis of your belief that the result of these negotiations would in fact be autonomy for East Pakistan?

Dr. KISSINGER. I didn't say that this would in fact be the case. I said that we had said we would support this, that we would use our influence in Pakistan to help bring this about and that we were willing to listen to a specific timetable.

Q. I thought you said that——

Dr. KISSINGER. I said it was our personal judgment; that could not be proved, and it was off the record, that it was likely that once negotiations started and were showing some progress that it would lead to the release of Mujibur, but we don't insist on this.

Q. I thought you said it was inevitable.

Dr. KISSINGER. I said off the record, that it was our judgment that the inevitable outcome would be political autonomy for East Pakistan and we had talked in this sense to the Government of Pakistan and they had in fact proclaimed that they were prepared to grant political autonomy for everything but foreign policy, defense, and currency, I believe.

Q. We have been very much involved in the negotiations, from what you say.

Dr. KISSINGER. Not on substance.

Q. Not on substance? Autonomy for East Pakistan, et cetera?

Dr. KISSINGER. Well, the negotiations had never, in fact, started.

Q. Well, in arranging them. The question I really have is: Today there is a report that Yahya Khan has called for assistance from East Pakistan in forming a coalition government. Is this in accordance with the path we were following and our goals? Did we approve this and is it encouraging in any way?

Dr. KISSINGER. We cannot accept the position that we are responsible for every detail of this negotiation. We, in general, have encouraged the return to civilian government. I do not want to go into the details of the political moves that are now being made. We were not in the position where we were taking responsibility, as a country, for every move in this negotiation. I was simply trying to explain, one, that we did show humanitarian concern, two, that we did take action at the end of March with respect to the East Bengal situation, three, that we did try to bring about the political conditions in East Pakistan that would make it possible for refugees to return.

The details of the negotiations would have had to be between Islamabad and the Bangla Desh and whether one particular government or another is the right mix is a detail into which we cannot go, particularly since I have not studied this now.

Q. May I follow that up? Were we then actually attempting to play the same role in South Asia as we have attempted to play in the Middle East, that of an honest broker? Is that what you are telling us?

Dr. KISSINGER. We were attempting to promote a political evolution which would make recourse to war unnecessary. We recognized that India had a major problem. We recognized that the conditions in East Bengal made it difficult for the refugees to return and we tried for humanitarian and other reasons and in order to preserve the peace, to bring about a humane and peaceful solution.

What we are saying now and what we said on Saturday was that the peaceful means had not been exhausted and that in the circumstances that existed on November 22 and November 29, the use of military force was not justified. That is the basis for our position and that has nothing to do with any preference for one country or another. It has to do with the impact on the peace of the world of such matters.

Q. Is it your judgment that the Indians were never interested solely in political autonomy for Bangla Desh, but wanted this——

Dr. KISSINGER. I cannot speculate on this. We have certainly told them from the beginning what we were willing to do and I don't want to speculate on that.

Q. Regardless of who was to blame for the breakdown in the negotiations you referred to, do you and the President feel personally that India is the sole aggressor in the current outbreak of hostilities?

Dr. KISSINGER. I can only repeat—I don't want to use emotionally-charged words—we are saying that military action was not justified. We are saying that there should be a cease-fire and a withdrawal of forces, after which the political evolution which we have described should be addressed with even greater vigor than before.

Q. Henry, what explanation, if any, have we received in the United States from India as to why it did resort to military action?

Dr. KISSINGER. We have received no explanation.

Q. Henry, in the beginning you talked about using our political influence with the Pakistanis as one of the reasons why we did not do anything in public; we were working privately. Can you give us any concrete illustration of where that private political influence was successful, other than promises which were either not kept or impossible to keep because of the problems that occurred subsequently?

Dr. KISSINGER. Now, wait a minute, we are not talking about promises that were not kept. Let me mention a few of the things that had been accomplished since May 1: The fact that all of the relief supplies, the relief supplies in East Pakistan, were distributed through international agencies; the announcement of a timetable for the return to civilian rule; the replacement of the military governor who had been in charge at the time that the Pakistan Army moved in at the end of March; the replacement of that military governor in East Pakistan and the establishment of a civilian governor; the declaration of amnesty; the willingness to talk to Bangla Desh representatives, even if there might have been some dispute about who they were, it never even reached that point because the thing aborted before candidates for the negotiations were ever presented by the Bangla Desh people or rejected by the Pakistanis. They never rejected anybody. The willingness to let us establish contact with Mujibur by talking to his defense attorney; the indication that substantial political autonomy would be granted to East Pakistan—all of these, I am not saying they did them only because we urged them, but it is true that they were always done after we urged them.

But I don't want to speak for the Pakistan Government and claim that everything they did was as a result of our urging, but all of these actions I have mentioned occurred after we recommended them.

Q. Do you feel that Madam Gandhi betrayed us?

Dr. KISSINGER. I would not use such words.

Q. Did she give any indication that she would seek a peaceful solution and instead do something else?

Dr. KISSINGER. All I can say is we had no reason to believe that military action was that imminent and that we did not have some time to begin to work on a peaceful resolution.

Let me make it clear, we recognize that there was not an unlimited period of time, but it seemed to us that either they could have given us a timetable or one could have waited for the return to civilian rule which was only three weeks away, to see whether that would bring about a change in the situation by bringing to the forefront individuals less intimately connected with the events that brought about the difficulties.

Q. Henry, you said earlier that we have had contact with the Soviet Union, consultations with them on the problems there. Were they aware of our actions and the progress and the hopeful circumstances as time went along, from March up until the shooting started Friday?

Dr. KISSINGER. I think they were generally aware.

Q. Were they kept aware?

Dr. KISSINGER. Well, maybe not of every last move, but I think they were aware of our general approach.

Q. What was their attitude as far as it was given to us, can you tell us?

Dr. KISSINGER. They took a formal "hands-off" attitude which may or may not have had the practical consequence of at least not discouraging what happened.

Q. What impact do you think the crisis will have on our relations with the Soviet Union now? Do you think it might have an impact on the President's trip to Moscow, for example?

Dr. KISSINGER. We believe that the basis of a peaceful evolution with the Soviet Union requires that both countries exercise great restraint in the many crisis areas around the world and that they both subordinate short-term advantages to the long-term interests of peace.

We certainly are making a great effort. We may not always succeed, but we are making an effort to approach problems everywhere, including in South Asia, with this attitude. As I have pointed out in innumerable backgrounders, the attempt to achieve unilateral advantage sooner or later will lead to an escalation of tensions which must jeopardize the prospects of relaxation. We hope that the Soviet Union will use its undoubted influence to approach problems in the subcontinent in the same spirit and not to jeopardize the very hopeful evolution that has started by a short-term approach, but we are still waiting to see. We have no judgment yet.

Q. Is it a proper role for a great nation which has maintained a posture of impartiality in South Asia for about 25 years now to take a side or to appear to take a side in this present crisis?

Dr. KISSINGER. Well, we have attempted to alleviate the suffering and we have attempted to be true to our principles of giving people an opportunity to determine their political future, but we have not done it in a pressing way. We have done it in an attempt to preserve the peace with the approval of both sides. With respect to the immediate issue which is before the United Nations, we have an obligation to make clear for the sake of peace that we do not favor recourse to military forces as a member of the United Nations, and as one of the principal countries in the world.

So, you have to separate, Peter, our attitude towards the overall problem from our attitude towards the immediate problem. On the immediate problem the facts are that, one, the vote in the Security Council has been 11 to 2. There were only two countries against our position—the Soviet Union and Poland. Eleven other countries supported our position. It is not our position. It is not a quarrel between us and India. It is our attempt to make clear to the world community that we do stand for a peaceful resolution of disputes, and it would be wrong to say one side has 600 million, and whoever has the power to settle disputes by force should do it. That would lead to international anarchy.

So what was said on Saturday refers to the military actions that are now taking place, and what was said today was to put our overall attitude in its right perspective.

Q. Why didn't you do that Saturday? You said a while ago it might have been better if you had.

Dr. KISSINGER. Because we thought that what was done on Saturday would take care of the then existing problem. There was no profound reason.

The PRESS. Thank you.

THE ISSUES

The policy of this Administration toward South Asia must be understood. It is neither anti-Indian nor pro-Pakistani.

Americans through all administrations in the post-war period have felt a commitment to the progress and development of India.

India is the most populous free country in the world. It is the world's largest working democracy.

The American people in the post-war period have contributed some $10 billion to the progress and development of India.

Last year in this Administration, India received from all sources $1.2 billion for development assistance, $700 million dollars of that came from the United States in various forms.

In short, the United States has always recognized that the success of India and India's democratic experiment would be of profound significance to many countries in the underdeveloped world.

The issue today is not opposition to India but opposition to the use of armed forces across borders to change the political structure of a neighboring state.

There is no question that the events in East Pakistan since March 25 require a political solution. The position of the United States has been that any solution must be worked out between the people of East and West Pakistan. The United States has not supported the particular solution that was attempted in March. The United States has also recognized that events there—principally the influx of refugees into India—imposed a substantial burden on India. We have recognized that it imposed a strain on the already scarce economic resources of that developing country and created the danger of communal strife there.

U.S. STRATEGY

What has been the Administration's strategy? United States has attempted two efforts simultaneously:

On the one hand, the Administration has made a major humanitarian effort (a) to ease the suffering of those refugees who had already fled their homes and (b) to avert the possibility of famine in East Pakistan which could have created more refugees.

On the other hand, we have attempted to bring about a political resolution of the conflict which caused the refugees to leave their homes in the first place.

The US recognized that the time required to bring about a political evolution would be longer than the time required to alleviate the immediate suffering of human beings and also might be longer than the Indian capacity to withstand the pressures generated by the refugees.

HUMANITARIAN

Nevertheless, the President directed an all-out effort to cope with the humanitarian problem (a) because of the simple human need to alleviate suffering and (b) the necessity to lessen the political pressures

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generated by the refugees in order to buy time for the necessary political evolution.

We committed $90 million for the support of the refugees in India and $155 million to avert famine in East Pakistan. [Note: The problem in India was to care for upwards of 5 million refugees during this period. The problem in Pakistan was to avert famine for a province of 60–70 million people.]

The President requested the Congress to appropriate under the Foreign Assistance Act an additional $250 million to continue this work. He made clear that this would be supplemented by food shipment as necessary.

In short, the United States has committed or has in prospect some $500 million for the relief of refugees already in India and to prevent more refugees from coming into India, and to create a framework within which normal political and Administrative life could return to East Pakistan.

This humanitarian effort by October had assured that there would be no province-wide famine in East Pakistan. There would be no new flood of refugees from hunger.

DEVELOPMENT ASSISTANCE AND MILITARY AID

At the same time, the Administration did not support what was done in East Pakistan.

No new development assistance has been committed to Pakistan since March. All of the economic assistance committed has been for the purpose of relief in East Pakistan.

The Administration also began the prospect of restricting military supplies immediately after the outbreak of fighting in March The U.S. immediately suspended the issuance of any new licenses for Munitions List exports and stopped the shipment of military supplies out of American depots that were under American governmental control. It stopped renewing old licenses. This immediately ended the prospect of some $35 million worth of arms in early April. In the months that followed old licenses progressively expired until the pipeline was dried up at the end of October. During these intervening months only some $5 million worth of spare parts were shipped to Pakistan on old licenses in commercial channels. There was no lethal equipment involved.

POLITICAL

As has been said, the Administration recognized that the problem was essentially one of political evolution. There were limits on what an outsider could achieve in this field because the problem was essentially an internal problem of Pakistan. The United States did not make any public declarations of its views on the kind of political settlement required because the United States wanted to retain influence both in New Delhi and in Islamabad to bring about a political settlement that would enable the refugees to return.

This was explained to the Indian Foreign Minister here in June and to the Indian Prime Minister in New Delhi in July.

The government of Pakistan agreed to a number of steps that could facilitate a return to normal conditions in East Pakistan: They agreed that relief supplies should be distributed by international agencies in order to increase assurance of their fair distribution. The government of Pakistan agreed that a timetable would be established for returning to civilian rule by the end of December. The government of Pakistan announced an amnesty for refugees, established a civilian governor in East Pakistan and finally, as tension mounted this fall, accepted the idea of a unilateral pullback of Pakistan troops from the border.

The Administration also established contact with the Bangla Desh people in Calcutta in August, September and October. President Yahya expressed his willingness to begin negotiations with those in Calcutta who had not been charged with crime in Pakistan. The Administration understood that the Indian government discouraged such negotiations.

In short, the Administration attempted to supplement the political process in Pakistan with negotiations between the government of Pakistan and those Pakistanis outside Pakistan. The government of India was aware of this exercise and was invited to help make it a serious negotiation. The Administration also told Prime Minister Gandhi when she was here of Pakistan's offer to withdraw its troops to the border, but there was no response.

No one claims that the negotiating procedures were adequate or that they had achieved the necessary. The point is that efforts were made at negotiation and that there was little effort in India to make those potential negotiations the principal vehicle of their policy.

SUMMARY

In summary, the Administration:

Through humanitarian efforts sought to achieve a framework which would allow sufficient time for a political solution;

Supplemented the political process already going on within Pakistan by seeking to facilitate a serious negotiation between the government of Pakistan and Bangla Desh leaders outside;

Painstakingly, though unsuccessfully, sought India's cooperation in making the necessary political process succeed;

Put forward numerous proposals to reduce military tension which threatened to disrupt the political process—proposals which were by and large accepted by Pakistan and ignored by India.

In short, the Administration made energetic efforts towards the achievement of a peaceful solution. Throughout the process, India refused to contribute in a constructive way and instead chose to resort to armed force to achieve its objectives. It is the U.S. view that India's recourse to military action was unjustified. Under these circumstances, the American people cannot but question the use to which extensive U.S. economic assistance to India will be put. If the U.S. were to accept the principle that "might makes right" and that a nation, by greater numbers and power, can impose political solutions on its neighbors, then anarchy must ensue.

THE FINAL TRAGEDY OF THE VIETNAM WAR

Mr. MONDALE. Mr. President, almost a year ago I read to the Senate a letter from a mother in Minnesota. Her son was killed in Vietnam in December 1970. This is a part of what she wrote me:

We have just buried my son, who never had a chance to hold his baby daughter in his arms . . . Mike went not believing in the cause but only because he felt he was no better than anyone else who was forced to go.

From the outpouring of sympathy from our relatives, friends and total strangers, I realize the people want an immediate withdrawal so no more will die in vain.

Please lead the people of this truly great country in a cry for immediate withdrawal so no more sons, brothers, and fathers will die in vain.

I said then, a year ago, that all of us—the Congress as well as the President—had to answer this mother.

But we have not answered her plea. And our failure will earn for all of us a cruel indictment in history.

As I said in that speech a year ago, this issue is far beyond partisan differences. It can never be simply Johnson's war or Nixon's war. This tragedy is the responsibility of every public official—including myself—who watched it begin and go on and on.

Some of us may have had doubts in the early years, but we found reasons to hesitate, reasons to go along.

Just as I suspect so many of us are going along now, mercifully returning to other business because we somehow believe that this horrible war is no longer an issue. And our escape now is no less blind or irresponsible than the rationalizations so many of us made in supporting the war earlier.

That mother in Minnesota, and too many others like her around the country, know what we have preferred to forget—that behind all the talk about winding down the war, behind all the claims of progress in declining casualty rates, behind all the seeming public apathy is the inexcusable fact that their sons, brothers, and fathers are still dying and suffering in this war.

For 1971, through November 20, the Pentagon informs me that only 1,355 Americans have died from hostile action in Indochina. It is even hard nowadays to find the casualty figures tucked away in the back pages of the newspaper or spoken as an incidental item on television news programs.

But how can we pretend that those 1,355 lives are incidental items for the men who died, for their loved ones, or indeed for a country whose historic greatness is supposed to be the value it places on the individual human being.

Since 1969, only 207 young men from my State of Minnesota have been killed in action in Vietnam. Yet how is any one of these deaths less painful, how can any one be less an issue for this Government, simply because it is a part of a dropping line on casualty charts in the Pentagon?

What does it say about us as a people that we turn our backs, that we go along to other business, that we let this nightmare continue one more day, because 1,355 Americans are somehow a better, more acceptable number than 9,000 or 15,000? Have we become so numb by the carnage of the last several years that American boys can go on dying so long as their numbers are below some gruesome threshold of public outrage?

It is not only our own loss we have tried to put out of our minds. The dehumanized illusions of "progress" in ending the war also hide the terrible toll of what we are doing to others.

A recent Cornell University study on the air war in Indochina tells us that civilian casualties in Laos have totalled 10,000 more in the period 1969 to 1971 than in the earlier period 1965 through 1968. That study estimated that throughout Indochina an average of 130,000 civilians have been killed, wounded, or refugeed each month since 1969. That compares to an estimated 98,000 each month during the period 1965–68.

According to Senator KENNEDY's Subcommittee on Refugees, the number of refugees in Laos since 1969 has grown to twice the total number during the period from 1965 through 1968. Homeless victims of the war in Laos now number more than 10 percent of the population of that country. Senator KENNEDY told us last April that our bombing in Laos is responsible for at least 75 percent of these refugees.

If one is a villager in Laos, Cambodia, or South Vietnam, the terror of this supposedly disappearing war is greater than ever before. According to our own official Department of Defense figures, the United States dropped 400,000 tons of bombs more in the period 1969 to the present than in the period 1965 to 1968. The tonnage totals for the period since 1969 are greater than those of all the bombs we dropped in World War II and the Korean war combined.

Or to put it another way, every month our bombs are falling on Indochina at the equivalent tonnage of twice the nuclear bomb we dropped on Hiroshima.

Of course there is no end to these numbers games. This administration and its supporters—like the last administration and those of us who supported it—can always summon reassuring statistics. The sorties are substantially down, they tell us; the casualties are low; the troops are withdrawing; the other side is exhausted; and the end is in sight.

And so it may be.

Perhaps this President will find a way to make the war disappear before the American people by the time he faces them for his reelection. Perhaps this Congress will find a way to explain to its constituents why it has not been able to cut through all the words and claims to end this war thousands of lives and billions of dollars earlier than the President would end it.

But I do not think those answers are ever going to be enough for the mother in Minneapolis. Her son's death was one of those lonely single tragedies lost in statistics that just need not have happened. For her and others like her, there will be no explanation slick enough to conceal the truth that when they cried out, no one really listened.

I do not know—nor, I suspect, does President Nixon know—exactly what will happen in Indochina when we have finally gone. But the odds are that we will leave behind there largely the same corruption and turmoil and unhappiness that we came upon more than a decade ago.

I am afraid that when that depressing fact sinks in on the American people—when they know at last the awful truth that we really had no business there and that we made so little difference in the long run—there will be no comfort in comparative casualty rates or the dropping lines on Pentagon graphs.

Then the American people are going to see clearly that their Government too long lacked the courage to face the facts, and that it too long asked American sons, brothers, and fathers to die for that lack of courage.

One of the final casualties of this war will surely be the belief of the American people in all of us in public life. And one of its ultimate tragedies will be that this casualty, like the others, could have been avoided.

U.S. RELATIONS WITH LATIN AMERICA

Mr. JAVITS. Mr. President, on December 6, David Rockefeller, the honorary chairman of the Council of the Americas, made an enlightened address about U.S. relations with Latin America. Mr. Rockefeller called for a new cooperative effort between the nations of North and South America—an Alliance for Development.

In describing this concept, Mr. Rockefeller stated:

It should embrace political development, economic development, and social development. To accomplish this far reaching goal, it would have to draw together business and governments—organizations and people—universities and international agencies. Only through such concerted efforts can it expect to overcome the common and inter-related problems that have stalled true development as one sector or the other sought domination.

Mr. Rockefeller also had some wise words on the future role of private capital in Latin America and continuing U.S. private sector involvement in the area.

I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY DAVID ROCKEFELLER

Seven years ago this week, I was one of a group of businessmen who had an appointment with the President of the United States. We were to discuss ways in which the U.S. Business Group for Latin America could help to realize the goals of an ambitious program—an Alliance between the free and independent countries of the Southern and Northern continents of America to assure the economic and social advancement of all the people.

President John F. Kennedy was unable to keep that appointment, having decided at the last moment to go to Dallas. The next day, he met his tragic end; so that our group never did meet with President Kennedy. Although the idea of government-business cooperation in Latin America was picked up and actively pursued by President Johnson and his Administration.

Regrettably, the main thrust of his Alliance for Progress, which started with such promise, has since been blunted, deflected and largely dissipated by a steadily rising demand for nationalization in Latin America and, more recently, by a short-sighted reversion to "Fortress America" sentiment here at home. Nevertheless, the Alliance in its conception, despite its critics then and now, was a significant move in the right direction.

That Alliance bound us together for a while in a single purpose—to make human existence throughout the Americas something more than merely scratching out inadequate food from the barren soil of the hills. It held out the hope that being alive in the Americas need not mean the wail of hungry children or the unbearable knowledge that there would not be enough schools or enough jobs for them even if they managed to survive and grow.

The Alliance was to have coordinated a flow of technical skills and investment resources from the U.S. private sector—in cooperation with our own and Latin American governments—to create jobs, modernize agricultural techniques, stimulate manufacturing and increase international trade in Latin American nations. To understand why an Alliance founded on these worthy objectives has fallen into its present disarray, we will have to consider—without the emotions that usually surround it—the rise of chauvinism and nationalization in many countries of Latin America.

To a considerable extent their striving for self-identity and self sufficiency, however premature from an economic viewpoint, is understandable, especially when one takes into account the extreme youthfulness of the people of Latin countries. Because of their high birth rate and rapid population growth, nearly two-thirds of the Latin American population is less than twenty-five years old. As Eduardo Frei Montalvo, former President of Chile, has pointed out, "This youthful mass is in a deeply critical mood, like their peers in the rest of the world." Consequently, he concludes, "headquarters, both for ideas and for actual change, are . . . the universities and student groups."

If that sounds familiar, it is because we, in the United States, have been responding to the same passionate involvement and political concern of our own young people who are playing a growing role in public issues. In response to their concerns, we amended our Constitution to lower the voting age to eighteen. As a nation, we should have little trouble in recognizing and accepting the reality of comparable changes in other countries. But many of us are reluctant to accept the consequences.

When these youthful nations express their independence of thought and purpose through aggressive action affecting our interests, we find many of our own legislators are tempted to respond in kind with punitive and retaliatory measures.

But neither an arbitrary, uncompensated expropriation of foreign investments, nor a resort to violence in retaliation, is an acceptable assertion of self-determination in the context of today's world. In the long run, however, ill-considered expropriation is bound to be self-defeating for those nations that have not as yet accumulated sufficient capital or managerial depth to plan and carry out self-sustaining programs for internal development. On the other hand, in view of our own revolutionary origins as a nation, there are many other expressions of the new rising nationalism in Latin America to which we should not be able to comprehend and accept with patience and insight.

This breach in our hemispheric alliance, caused in large part by the growing spirit of independence in Latin America, is further widened by a growing indifference here at home. As we approach 1972, we are preoccupied with the problems of our own people and our own nation. The young and the radicals among us, the disadvantaged minorities, the affluent and the conservative are all asking if we shouldn't solve our own internal problems of the cities, of our economy, of our youth and of our educational system before we worry about others outside our borders.

But even if it were possible to solve all our own problems without concern for and in total isolation from the rest of the world, it would prove an empty victory to emerge as an island of prosperity in a sea of misery. The truth is, of course, that we share too many common interests, cultural ties, and mutual dependencies with other nations ever to return to "Fortress America." Whether we like it or not, we live in one world and we have to act accordingly.

When I spoke before this Council one year ago, I expressed the earnest hope that we would be able to prevail on Congress, our State Department and the Executive Branch generally to respond more fully to that mutuality of interests especially as it concerns our neighbors to the south. Now, a year later, we must regretfully acknowledge that the need is greater than ever. But we can temper our disappointment by reflecting that on a number of fronts progress has been made in meeting the goals of the Alliance.

As a result of cooperative efforts over the past decade, I know of tens of thousands of miles of new roads—thousands of new schools—millions of children going to them—falling death rates—more jobs—more income—and hope that was not there before. But in the face of rapidly rising populations, the question remains, how can more progress be accomplished? The record as revealed in case after case, seems to indicate that government-to-government programs alone never really affect the root problems

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of development. What is needed is the total involvement of all sectors . . . government and private.

In the United States, the business sector from the beginning has been an integral part of our own highly successful development process and so, we realize that it must play a comparable role in helping other nations now in the process of development. The faith that this gives the Council of the Americas a noble mission which we must not abandon. It has been part of our credo from the beginning.

In my years as Chairman, I saw many U.S. companies offer their help, their manpower, their technology and their skills to the governments and people of Latin America. They were "citizens first and businessmen second." They did this without publicity or full-page advertisements boasting of their involvement. As appropriate as this modesty may have been, the lack of publicity about what U.S. companies were doing, has often resulted—even in the business community itself—in ignorance of the facts. This in turn has sometimes drawn the criticism that perhaps the Council was not fulfilling its primary mission and I fear that no detailed accounting of the impact of the U.S. private investor in Latin America, such as Herbert May's study for the Council of the Americas last year will convince the unconvinced. But even though more has been done than is generally recognized, I still do not believe the full potential of the private sector has been tapped—either by local businessmen or by foreign investors. For this reason, I hope the Council programs for 1972 which you have heard this morning will be pursued aggressively by all of us.

The U.S. business community must make the case in the most forceful terms that development depends not only on capital, manpower, technology, and skills, but on a willingness to employ every opportunity that presents itself. Development is not the exclusive goal of one political system—or of one economic system. It can best be achieved by an electric synthesis of whatever works, regardless of its origin.

The Council program for 1972 calls for a heightening of business-to-government and business-to-business missions. It does not call for confrontation, but rather for cooperation. And planning for the future, it requires genuine appreciation by all of us of the necessary elements of development, and a continuous dialogue between those who desire development assistance and those who believe they can provide it. This calls for a new Alliance, if you will—not one pronounced by governments but one agreed to by the participants.

Societies and economies, like people, must grow. They cannot simply be conceived and executed by the fiat of an outside government or by the spontaneous inspiration of an academic theorist. Only governments within the developing nations must be the ones to engage in the long-range and sustained planning necessary for their own lasting development.

On the other hand, I do not find that governments anywhere are accomplishing development entirely by themselves. Certainly the Soviet Union and the other nations of Eastern Europe are not only recognizing the necessity for private initiative, but they are approaching the great companies of the West to become involved in their development process.

But curiously as the Marxist countries in the Soviet orbit are opening their doors to Western technology. Western capital and Western know-how, some countries in Latin America are slamming their doors against such foreign assistance. That is but one paradox in a "continent of paradoxes." Another is that many Latin American nations which openly admit their need for the free enterprise elements of development, adopt regulations, sign mutual investment codes, and create a climate of uncertainty by expropriation which inevitably militate against the very investments they concede they must have.

There is still another paradox which relates to attitudes in this country. Latin America represents an enormous actual and potential market to U.S. businessmen. And yet, we find many, both in business and in government, who through neglect and by actions that discourage trade seem prepared to place our Latin trade in jeopardy.

These paradoxes do not have to remain forever unsolved. They are not riddles wrapped in mysteries inside enigmas. They are quite simply differences or outlook. Just as business no longer looks to the countries of the development world as mere stockpiles of raw materials for Western industry, Latin governments, however youthful and impetuous, should not look at business as sinister and exploitative. To resolve these misunderstandings, I believe there should be a new Alliance—an Alliance for Development. It should embrace political development, economic development and social development. To accomplish this far reaching goal, it would have to draw together business and governments—organizations and people—universities and international agencies. Only through such concerted effort can it expect to overcome the common and interrelated problems that have stalled true development as one sector or the other sought domination.

What I have described is what the Council will be attempting to do in 1972—coalesce all those who are sincere in their desire for true development, into a well-planned, coordinated, thoroughly expert and professional effort—an all-out Alliance which has the will and capacity to help.

I urge that you engage yourselves wholeheartedly to that new Alliance for Development and that you support the Council of the Americas as it seeks to lead the way.

OUR CONTEMPT FOR A POPULAR CAUSE

Mr. CHURCH. Mr. President, an informed and thoughtful columnist, Milton Viorst, has written a three-part series about the historical antecedents to the hostilities between India and Pakistan. These pieces, which appeared in the Washington, D.C., Evening Star of November 18, 20, and 22, are based on the findings of Mr. Viorst during a recent trip to that troubled region.

He demonstrates that American military assistance to Pakistan has materially helped to make its military government intransigent toward the legitimate grievances of East Pakistan—grievances which have led to bloodshed and an estimated 10 million East Pakistanis fleeing across the border into India.

At one point, Mr. Viorst correctly points out:

Sadly, the United States has once again fallen in with the oppressors—as we did in Cuba, the Dominican Republic, Greece, China, Vietnam. We have a tragic talent for it."

Mr. President, I ask unanimous consent that these three articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INDIA CONDITIONED TO ACCEPT WAR

NEW DELHI.—Within the highest circles of the Indian government, one can feel the elation that comes with the imminent war.

It's not that anyone is seeking war—and certainly no one will admit to looking forward to war. But there is a feeling that war is inevitable—if not within weeks, then within months—and no one is wringing his hands in despair.

Why? War, as an adventure, would surely be a relief from the relentless and tedious struggle in which the government is engaged against the unbelievable poverty one sees everywhere. War, as every Indian official sees it, would bring an exhilarating and prestigious victory.

But most important, war would remove—once and for all—the one military threat and the single greatest irritant that Indians see to their historical development: Pakistan.

It's apparent, after many talks in the ministries here, that India has no territorial designs in the present crisis. Whatever resentment Indians may have felt over the partition of the subcontinent when the British left in 1947, they now seem to recognize that they have enough problems without trying to swallow up parts of Pakistan, too.

But they are angry at Pakistan for continuing to be a thorn in their side—as they are angry at the United States for having made Pakistan, with a fraction of India's wealth and population, into a military power capable of giving them a good fight.

Somehow, John Foster Dulles got the idea back in the 1950s that the Pakistani nation could be forged with tanks and planes into the ring he was building around the Sino-Soviet bloc. It was a grieviously bad forecast.

Within a few years, there was no Sino-Soviet bloc. Pakistan, after flirting on and off with Russia, became an intimate friend of Communist China. America's tanks and planes, furthermore, were used only to threaten its neighbor, India. India, as a nautrality had moved closer and closer to the Soviet camp.

Now, the final proof of short-sighted—and counterproductive—American foreign policy is being played out. Pakistan is coming apart at the seams. The artificial product of British decolonization, it is showing itself to a no nation at all.

To sum up the current crisis, East Pakistan, an enclave of 75 million Bengalis surrounded on three sides by India, is in open revolt against West Pakistan, whose 65 million Punjabis have dominated the union since independence.

While West Pakistan's 60,000-man army has brutally attempted—with American arms—to suppress the rebellion, no fewer than 10 million East Pakistanis have fled into India. The number could reach 15 million by Christmas.

For India, those refugees are the rub. The Indian government is paying out at the rate of $700 million a year to support them. That's more than even a rich country could afford. For India, it represents a substantial proportion of the funds that would otherwise go to economic development.

Quite understandably, the Indians regard the burden as intolerable. The pledges of assistance made by a few countries—including our own—come up to a fraction of the cost.

The refugees, furthermore, are concentrated in the northeast, particularly around Calcutta, which is already the poorest and most explosive section of the country. They are an additional bit of kindling, waiting for a spark.

The Indians say they would like to settle the matter peaceably, and no doubt they would. But they maintain—probably correctly—that no solution short of independence for East Pakistan would get the refugees back home.

The Pakistani government, however, does not seem disposed to compromise. It has declared it will attack India if the rebels—to whom Indian help is indispensable—show signs of defeating their army.

Both sides may be bluffing about war—but there is an ominous quality to the bluff of both. Pakistan is tempted to gamble, while India is sure it would win. Indeed, the Indian government seems elated at the prospect of a rousing fight.

THE REFUGEES AND BANGLA DESH

CALCUTTA.—Of the 550 camps that the Indians have set up for the refugees of military terror in East Pakistan, I have just visited three—and the spirit I found was unmistakably of buoyancy and of anticipation.

They are restless. Yet, if they are still in the camps next year, they will, like the Palestinians, be broken, too.

The Indians know that, and are frightened by it. Once the refugees get comfortable and lethargy triumphs, they may never want to return home. There are 10 million of them. They are still coming. India cannot support them indefinitely.

Yet India has done a remarkable job in the camps. The refugees are adequately fed. They receive medical attention. Though sanitation is a problem, it is generally under control. It's not saying much—but life in the camps is probably equal to what it is here in Calcutta and in the surrounding countryside.

Winter is coming, however, and already refugee families must huddle together in their bamboo shacks to keep warm at night. The Bengalis fled with what they had on their backs. They have no warm clothes. They desperately need blankets. So the pressure intensifies to settle the matter—quickly.

Hussein Ali is the nearest thing the refugees have to a spokesman. An East Bengali Moslem, he was Pakistan's high commissioner in Calcutta. A husky, fiery man in his 40s, he describes himself as a civil servant, not a revolutionary.

But he became a revolutionary after Gen. Yahya Khan, head of the Pakistani military junta, revoked the election that had given East Bengal a majority in the Pakistan assembly and jailed Mujibur Rahman, its political leader.

Ali says he declared his loyalty to an independent East Bengal only after he became convinced of the truth of the refugees' stories of rape and pillage by the Pakistan army. Now he represents Bangla Desh in India.

"Bangla Desh is a reality," said Hussein Ali. "It's gone from West Pakistan forever. After what they did to us, there can be no compromise. It's independence or death."

Indeed, in the refugee camps, Bangla Desh is on the lips of everyone, especially the young men. They all insist they are waiting only for space to open up in the training camps, so they can fight for their country's liberation.

When asked whether a compromise was possible between Pakistan and Bangla Desh, Ali gave the standard Hanoi-Viet Cong answer: "We will be glad to negotiate the withdrawal of the Pakistani army from our country. What else is there?"

Ali dismissed Yahya's contention that the rebel movement is just another episode—stirred up by India—in the timeless conflict between Hindus and Moslems on the subcontinent.

"Pakistan has used Islam as a political weapon to suppress dissent," he said. "They have destroyed our mosques and our temples. They have desecrated the name of God."

He said that, though India was assisting the rebels, it had not in any way instigated the rebellion. He said Bangla Desh would never become a client state of India. It would, he said, be a secular democracy in which Hindus and Moslems would be treated as equals.

All insisted the rebels would defeat the Pakistani army—and would have done so long ago, were it not for American arms. In fact, most dispassionate observers here see rebel strength gaining, and consider it a matter of time before West Pakistan must surrender its rule of East Bengal.

But time is the key factor. Washington has asked India and Pakistan to withdraw their forces from the frontiers, to avoid provocations. But withdrawal does not deal with the problems of Pakistani tyranny and the 10 million refugees.

The refugees want to go home—and India wants them to go even more. But they will never go back to an East Bengal governed by West Pakistanis and ruled by their murderous army.

India will not wait much longer—but will Yahya Khan recognize his defeat in Bangla Desh soon enough? If not, there's going to be one fierce and terrible war.

OUR CONTEMPT FOR A POPULAR CAUSE

NEW DELHI.—If 10 million refugees from East Bengal explain the imminence of an Indo-Pakistan war, the imperatives of recent recent history explain its underlying causes.

On India's side, this imperative grows out of a drive toward the concentration of power in the single entity, the central government, that has the capacity to move a basically primitive country into the 20th century.

When India was a colony, the British always pursued a divide-and-rule strategy. After independence, power remained scattered and the central government was weak.

Since becoming prime minister in 1966, Mrs. Indira Gandhi has pursued a course designed to change that. She is easily the most powerful figure of the post-independence era, far more so than her revered but indecisive father, Jawaharlal Nehru.

One by one, Mrs. Gandhi has broken bastions of resistance to strong government. She routed the conservative oligarchy that dominated the Congress party. She wiped away the anachronistic prerogatives of the maharajas, who used their princedoms to thwart Delhi and enrich themselves.

In last year's election, Mrs. Gandhi won 352 of 518 parliamentary seats, an unprecedented majority. Her leadership is currently undisputed.

To Mrs. Gandhi, Pakistan is just one more obstacle to India's aspirations. As long as the government must look over its shoulder at a threatening neighbor, it is not free to pursue economic and social development at home.

To say the refugees are India's pretext for neutralizing Pakistan is an exaggeration. But they certainly present an opportunity—and Mrs. Gandhi is decisive enough to seize it.

As for Pakistan, the imperative toward war proceeds from a determination by a military and landed elite—nurtured by the United States—to retain control of the state.

The efforts of this elite began when Pakistan was founded in 1947. Its victory over the democratic forces within the country was sealed when the United States decided in 1953 to add Pakistan to its worldwide anti-Communist network.

Once Washington resolved to arm Pakistan, power gravitated relentlessly to the military. The army negotiated with the Pentagon behind the government's back. In 1958, it abandoned all pretense of working within a constitutional framework and simply took over.

The role that the military-landed ruling elite cut out for itself, thenceforth, had little to do with the American crusade against communism.

On the one hand, Pakistan used its new military hardware to threaten India, against which—in the territorial dispute over Kashmir—it had an arguable grievance. On the other, this hardware was devoted to the suppression of dissent in East Bengal, whose inhabitants were never happy sharing nationality with the dominating Punjabis of West Pakistan.

Indeed, the military junta and its moneyed allies treated East Bengal like a colony. The figures show, for instance, that only an eighth of developmental funds were spent in East Pakistan, though it is poorer and more populous than West Pakistan.

Pakistan, then, became a classic example of American foreign aid principles gone fearsomely awry. American liberals surely thought they were helping the Pakistanis. But all they achieved was to destroy Pakistan's democracy, drive India into closer relations with the Soviet Union and insure that, ultimately, the repression in East Bengal would lead to civil war.

The military-landed ruling caste still refuses to surrender its colonial prerogatives. The repression of two decades has, since the revolutionary movement surfaced in March, turned to outright terror. By this time, too much blood has been spilled for either side to turn back.

To be sure, India took advantage of the crisis by encouraging the Bengali rebels and by welcoming the refugees from the terror. Yet it would have been inhumane to do otherwise. The conflict is not of India's making but of Pakistan's.

Sadly, the United States has once again fallen in with the oppressors—as we did in Cuba, the Dominican Republic, Greece, China, Vietnam. We have a tragic talent for it.

But we also seem to have a talent—as Vietnam best demonstrates—for siding with losers. The favorites in this conflict are India and East Bengal. In our contempt for a popular cause, we seem again to be at odds with history.

THE 25 MILLION NEW VOTERS

Mr. BROCK. Mr. President, we are all aware that there will be 25 million new voters eligible to cast their first ballot for President of the United States.

President Nixon has always supported the 18-year-old vote. He endorsed it in his campaign of 1968 and he kept that promise.

The President and other Americans supported that measure because they believe that the young Americans—18, 19, and 20 years old—have the competence and the intelligence to make their own decisions as to who should govern in Washington, D.C.

And that is how we will approach the new voters in 1972—as thinking individuals, not as a voting bloc awaiting manipulation.

However, there are those who would do otherwise. There are those who believe the new voters are a political resource to be exploited, not as individuals, but in the aggregate, en masse.

We saw an example of that type thinking last weekend during the Emergency Conference of New Voters, hosted in Chicago by the Association of Student Governments.

The announced purpose was to get young voters involved in the political process to gain a voice.

However, the supposedly nonpartisan conference leadership carefully controlled the presentations and refused to allow all points of view to be presented.

No supporter of the President, for example, was allowed to speak at the conference although several offered. One Congressman, in fact, had his invitation withdrawn at the last minute when it

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was learned he would support the President.

One word of advice to those who seek the support of this generation—no one is going to tell them how to vote, or think. Those who believe they can refuse to present both sides, can limit the input for these young men and women, or try to make their decisions for them, are in for a shock.

Our young deserve better, and they know better.

U.S. RELATIONS WITH PERU

Mr. CHURCH. Mr. President, in April 1969, the Subcommittee on Western Hemisphere Affairs of the Foreign Relations Committee held hearings on U.S. Relations with Peru. One of the witnesses at those hearings was Richard M. Goodwin, a former Deputy Assistant Secretary of State for Inter-American Affairs.

A portion of Mr. Goodwin's testimony, referring to past U.S. Government policies, has elicited a demurrer from former Ambassador J. Wesley Jones. Ambassador Jones has sent me a copy of a letter which he wrote to Mr. Goodwin and has asked that it be included in the RECORD. Inasmuch as the hearings on Peru have long since been printed, I ask unanimous consent that Ambassador Jones' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FORT LESLEY J. MCNAIR,
Washington, D.C., June 22, 1971.

Prof. RICHARD N. GOODWIN,
Boston, Mass.

DEAR PROFESSOR GOODWIN: Your testimony before the Senate Foreign Relations Committee (Western Hemisphere Subcommittee) in April 1969 has only recently come to my attention and I have some reservation about that portion of it relating to the 1963 elections. On page 65 of the Hearings on "United States Relations with Peru" you are reported to have testified:

"In 1963 Belaunde was elected against our wishes, because the United States supported the candidacy of Raul *Haya de la TORRE*."

In response to a question from Sen. Church you went on, reportedly, to say:

"Well, I suppose all I am saying at this point is that we strongly expressed and made clear to the people in Peru *through the Embassy* and elsewhere that he (Haya) was strongly favored, that we were for him, etc." (Italics are mine)

Since, as you know, I was the Ambassador to Peru during that period (I presented my credentials in early February 1963 and the elections were held in mid-June of that year) I can assure you that the Embassy maintained a policy of complete neutrality and non-intervention in those elections both overtly and covertly. Further, from the time I arrived in Peru until the 1963 elections, some 4½ months later, the policy of the U.S. Government as it emanated from Washington was also one of absolute non-intervention in the electoral campaign involving Belaunde, Haya de la Torre, Odria and Sanname.

Consequently the statements attributed to you and quoted above have absolutely no basis in fact and I would be greatful if you would write to the Senate Foreign Relations Staff to correct the record. I am sending a copy of this letter to Pat Holt, the Consultant to the Western Hemisphere Subcommittee.

It has occurred to me that the error in your statement may be attributable to a confusion in dates; that you were referring in your testimony to the Elections of June 1962, when the principal candidates, Haya de la Torre, Belaunde and Odria were the same, when Jim Loeb was ambassador to Peru and when you were Deputy Assistant Secretary of State. (As I remember, you left the Department in April 1963 at least 2 months before the Peruvian Elections of that year which resulted in Belaunde's election). Since I was still in Libya for that Electoral Campaign I cannot answer for our policies and actions in it. But for the 1963 Elections, I was in Peru and very much in charge of our Embassy and its activities.

Sincerely yours,

J. WESLEY JONES.

BUSING

Mr. TOWER. Mr. President, as this year, 1971, is drawing to a close, I believe that a truly significant thing has happened in the Nation. The people of this country, North, South, East, and West, have realized that the busing of schoolchildren for the sake of racial balance simply does not make sense, nor does it further education. As the year started, the only ones vitally concerned with this issue were the parents and schoolchildren living in the South. Very quickly, however, people all over the country discovered this threat to their school systems and began trying to do something about it.

In June of this year, my colleague from Tennessee (Mr. BROCK) and I, along with several of our other Senators, introduced a constitutional amendment which would prohibit forced busing in order to achieve a racial balance. At the time that we introduced the resolution, Senate Joint Resolution 112, few thought that we had much chance to get hearings held on it. We knew that the odds against us in Congress were long, but we were determined to pursue our goal. With the help of many colleagues in the House of Representatives, we have finally reached the first stage in our goal of eventual passage of the constitutional amendment. On Tuesday, December 7, Chairman CELLER, of the House Judiciary Committee, officially announced that his committee would have full hearings on the proposed amendment early in the next session of Congress. I plan to make certain that the case of Texans on this issue is fully heard at that time.

Much yet remains to be done before we can say with certainty that the amendment will be passed and forced busing eradicated. In the meantime, we will try to see that the strong, House-passed antibusing amendments to the Higher Education Act are also adopted by the Senate. A bipartisan group, of which I am a member, is already at work in this regard. We will also be aware of other ways by which we can combat the wasteful practice of busing. Nevertheless, in the long run, I believe that what we haved one in 1971, what the people of Texas and the Nation have said this year, will hasten the day when we can restore the neighborhood school and work diligently on ways to make it an even better place to get an education. When, as the Gallup poll reports, 76 percent of all Americans say that they are opposed to busing and say that they would rather spend this money on sound, educational purposes, then I believe that we will get action. I pledge my continuing activity in this fight.

A LOOK BEHIND THE SCENES

Mr. CHURCH. Mr. President, our bloody military involvement in the unnecessary war in Indochina has not even yet been concluded, but memoirs, recountings, and recollections are already being circulated in books and newspapers and periodicals.

A most recent example was printed in Science magazine for November 26, 1971, under the title "After the Pentagon Papers: Talk With Kistiakowsky, Wiesner."

Drs. Kistiakowsky and Wiesner give us a fascinating glimpse of what they saw—and were kept from seeing—during their service in the Federal Government as Presidential scientific advisers. Particularly disturbing is the misshaping of background information as it is channeled through the governmental labyrinths to the heads of departments and to the desk of the President.

I found this oral description of the powerlessness of men in high positions most disturbing, and I hope that the Science magazine's exclusive interview will be widely read. I ask unanimous consent that the interview, as published, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AFTER THE PENTAGON PAPERS: TALK WITH KISTIAKOWSKY, WIESNER

(NOTE.—The interview took place in mid-August at Woods Hole, Massachusetts, in the offices of the National Academy of Sciences. Readers should know the conditions on which it was agreed that the interview would appear in print. Wiesner and Kistiakowsky retained the right to edit their remarks, a right both have exercised. The few places where the printed version truncates the actual discussion, or where amplification is required, are indicated in italics. A few topics have left no traces. It does not seem fair, in the case of an interview, for the interviewer to have the last word. Readers can judge for themselves to what extent the interview measured up to its purpose in candor and relevance.—E.L.)

The interview transcribed below grew out of the belief of the *Science* news department that the Pentagon Papers published by The *New York Times* in July deserved further study and discussion by the scientific community. Accordingly, *Science* asked Jerome Wiesner, now president of Massachusetts Institute of Technology, and George Kistiakowsky, professor emeritus of chemistry at Harvard University, to participate in an interview that would take the Pentagon Papers at least as a starting point. Wiesner and Kistiakowsky were science advisers to Presidents Kennedy and Eisenhower, respectively, and were among the leading spokesmen for the scientific community during the period covered by the Pentagon Papers. The interviewer was Elinor Langer, a former member of the *Science* news staff. In the introduction that follows, Miss Langer describes the ground rules under which the interview was conducted.

LANGER. [Let me start by saying that] the assumption behind this interview is that the Pentagon Papers may have more serious implications than the level of public discussion so far has really indicated. It was conceived as a kind of fishing expedition to see what

people like yourselves, who were in positions of some power—at least we were led to believe at the time—[and of] relative knowledgeability when some of the events were going on, made of the Papers. I have the impression that you're both very anxious to talk about Scientists and Engineers for Johnson, and your support for Johnson in 1964 [which is, of course, a very important part of it], but I hope our discussion can go beyond that.

WIESNER. I told you on the phone that I didn't think that anything has come out in the Pentagon Papers—though I haven't read all 47 volumes or even studied everything that's been printed—that would change my view of what Johnson did, or my attitude towards my participation in Scientists and Engineers for Johnson. I became badly disenchanted long before these papers came out, so they didn't really affect me in this respect. I don't know whether George has different views.

KISTIAKOWSKY. I have really little to say about Scientists and Engineers for Johnson-Humphrey. The amount of my active, personal involvement was relatively small.

WIESNER. Well, it was never really for Johnson, it was against Goldwater. That was the central thing. I think both of us were reacting against what Goldwater stood for and, on balance, I think I am still not sure. I wouldn't work for Johnson knowing what I know, but I would not care for Goldwater either.

KISTIAKOWSKY. I might add to that now. I vividly remember one specific issue when Dr. [Donald)] McArthur, [former deputy director for research and technology, Office of the Director of Defense Research and Engineering (DDR&E)], who was the moving spirit behind the organization, sent me, as one of the members of the central committee, a draft of election-year pamphlets to be distributed by the million. When I read it, I telephoned him and said that I was flatly opposed to it because the whole theme of it was to extol Lyndon Johnson. I said that Scientists and Engineers were a nonpartisan group who were against what Goldwater stood for, and that a pamphlet saying so is the only kind of pamphlet that I would authorize over my signature. But I would not sign the pamphlet that was being proposed. Do you remember that?

WIESNER. I remember that, and I concurred, because my own personal experiences with Lyndon Johnson in the Kennedy administration did not leave me fond of him. But nonetheless, I must admit that I believed he was interested in de-escalating the war in Vietnam.

LANGER. You were not familiar, at that time, with the plans and projections that were being made about the bombing campaign in North Vietnam?

WIESNER. I certainly knew nothing about it.

KISTIAKOWSKY. Well, you were already out of office.

WIESNER. I had been out of Washington since March '64 and the war blew up after that. In addition, I haven't studied newly released papers sufficiently to be able to talk about what was just contingency planning that is necessary and what was, in effect, government policy. I think that one has to be very careful in making such interpretations.

KISTIAKOWSKY. Yes, I must say for myself that by that time I was already, I think, sophisticated enough to sense the internal workings of the government: the fact that not everybody speaks the same language, not everybody has the same objectives. The Pentagon, for instance, is very different from the Arms Control and Disarmament Agency, and so on. But I was naive enough to think that when the President of the United States was running for election and made quite a flat, public statement that he was for peace as contrasted with his opponent—I was naive enough to believe him.

WIESNER. Well, I believed him for other reasons, too, in spite of the fact that, as I said earlier, I was not on good terms with the President. I had seen him push for disarmament initiatives inside the White House: press on the White House staff, including myself. I was not involved in Vietnam discussions because they were not a prominent part of the government business during the first months that he was President and I was still working there. There were other issues that were much more important. But in the contacts we had with him and with his senior staff during the campaign, he certainly gave us the impression of very different views about Vietnam than those that emerged later. And I suspect that neither of us would have worked for him to the degree that we did, or at all, if we had been able to anticipate the way the war was going to go.

LANGER. Does it strike you in retrospect as surprising that in your position you didn't know very much? I'm struck by the way you both sound like ordinary citizens, like the "man on the street," when in fact you both were in and out of Washington, knew a lot of people, and presumably had some power.

KISTIAKOWSKY. I think you exaggerate my position. By then I ceased to be—not that I was fired or anything—I ceased to be a member of the President's Science Advisory Committee [PSAC]. Jerry, you still were a member, weren't you?

WIESNER. Yes, I attended meetings, but even so, strategy issues were not discussed in PSAC. The point is, the thing that appalled us about Goldwater was his threats to use nuclear weapons and his very strong jingoism. Johnson never talked like that, and the contrast was attractive. We never asked the President about Vietnam specifically, so we can't say we were deceived in any literal sense. On the other hand, we were given the impression that we were supporting a peace platform: there is no question about that.

LANGER. I have a question that might clarify what the role and limits of the science advisory apparatus was at that time. When you were science adviser, did you attend National Security Council [NSC] meetings?

WIESNER. Yes.

LANGER. And did you when you were science adviser under Eisenhower?

KISTIAKOWSKY. I had a standing invitation to attend all of them. Did you?

WIESNER. I occasionally did not go if the issue was far outside my field of competence and I was not interested in it. I wasn't concerned about gold flow, for example. And occasionally I would elect not to go if I was very busy on something vital. You should remember that the National Security Council mechanism was much less formal under Kennedy than under Eisenhower, and I believe that it remained that way under Johnson. Frequently Kennedy would call together small groups of particularly interested people to discuss an issue, the Cuba crisis, for example. Before an issue was finally resolved, the entire National Security Council would discuss it, but I believe that there were many more informal discussions in the Kennedy government than there were under Eisenhower.

KISTIAKOWSKY. There were very few. The NSC met once a week unless the President was out of town, and most of the issues were usually discussed. There were a few very sensitive issues, such as U–2, which were not discussed in NSC, to some of which I nonetheless was privy. My impression is that in the Kennedy administration three men, namely the President, [Secretary of Defense Robert] McNamara, and [McGeorge] Bundy [special assistant to the President for national security affairs in the Kennedy and Johnson administrations], met frequently in private and made the major military decisions.

WIESNER. No major decision was made without a full NSC discussion, but it was frequently obvious that there had been a lot of private talk beforehand.

KISTIAKOWSKY. Were plans for the Cuban invasion discussed in NSC?

WIESNER. The Cuban invasion was not. But I think that was the experience from which he learned that he should be more careful.

LANGER. In preparing for meeting with you today, I reread a story I wrote for *Science* in 1967 based on telephone interviews with everybody who had been on Scientists and Engineers for Johnson. The range of disaffection then was certainly very great, but the article ended up by commenting on the feeling of powerlessness of all the people who had been on that committee, and I remembered wondering to myself, if those people felt powerless, who was feeling powerful at that time? Who was feeling in control?

WIESNER. I don't know.

KISTIAKOWSKY. As a reward for my services during the election campaign, I was appointed a member of—as it turned out—a fictitious organization called something like the President's advisors or board of advisors on foreign policy. It met once or twice during the campaign for a briefing and never met afterwards. But I was never formally dismissed. Hence, I wrote a letter to the President urging him to de-escalate the war in the fall of '65, about Christmas of '65. Remember?

WIESNER. I remember that.

KISTIAKOWSKY. You and I were working on it together. And that letter got no attention, shall we say?

WIESNER. And I later wrote another one with Roger Fisher [professor of law, Harvard University] which we sent in through the vice president, but the only effect was that the vice president caught a lot of hell for delivering it, according to him.

KISTIAKOWSKY. That's right, and a third letter was written by [former Ambassador to India, John Kenneth] Galbraith, who also got only a telephone message in return asking him to desist.

WIESNER. I don't know what you mean by power, because I don't think we organized Scientists and Engineers to achieve power. What we were attempting to do was publicize the issues and avoid having Barry Goldwater for President.

KISTIAKOWSKY. It was a strictly election-year organization.

WIESNER. Afterwards, many people tried to persuade us to keep it together, but we didn't believe this made any sense because it had been organized for a specific purpose and it would be wrong to try to use it for something else.

KISTIAKOWSKY. I must say my first strong, explicit disappointment with President Johnson was in January or early February '65, when the so-called Gilpatrick [Roswell Gilpartick, Deputy Secretary of Defense, 1961–1964] committee (appointed by the President) of which I was a member, orally recommended to him that he should place great emphasis on the issue of nonproliferation of nuclear weapons. The recommendation was immediately buried. There was hardly a "thank you" to the members of that committee.

WIESNER. Well, you remember what happened to us on the ABM issue? In '67 we were invited by Secretary McNamara to come to the White House to discuss the ABM.

LANGER. You two, or you two with a large group?

WIESNER. With a larger group.

KISTIAKOWSKY. All the former science advisers.

WIESNER. All the science advisers and all the previous directors of DDR&E, including [Harold] York and Harold Brown, who was head of DDR&E at that time. To a man, we were opposed to both the big system and, as far as I recall, the smaller system too, some of us more vigorously than others. And he

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not only made the decision to deploy the small system, but McNamara then sort of misused, I'd say, our position there in *support* of the small system. I think that we may have had many reasons to feel ill-used, but I didn't think the President ever owed me anything. I wasn't supporting him for his own sake or because of any personal trust. I did it for what I thought was the best interest of the country. You can question whether it was, of course, as things turned out. I think it was probably still better to have had Johnson than Goldwater, but that's a poor choice.

KISTIAKOWSKY. And of course the issue of the use of nuclear weapons in Vietnam was very much in our minds. I might mention another episode. It was about the period of the Tet offensive, when one of our senior generals from Vietnam made a public statement saying that there was no need to worry about the fate of Khe Sanh, because if conventional weapons didn't work, we would use tactical nuclear weapons. When I read that I became very much exercised and I telephoned the two gentlemen, who were science advisers before I was, and chairmen of PSAC under Eisenhower, namely [James] Killian [chairman, M.I.T. Corporation] and [I. I.] Rabi [professor of physics, Columbia University]. They agreed with me that this was a very dangerous thing even to talk about. And we constructed a telegram to ex-President Eisenhower (who was then in Palm Springs) quoting the general and saying that this would be disastrous in its own right and also raised a danger of expanding the war. We sent that telegram to Eisenhower, and as luck would have it, President Johnson was visiting Eisenhower a day or so after he got the telegram. Apparently Eisenhower was very much concerned and talked very vigorously to Johnson about it. I judge that that was the case because within less than 48 hours, each of us, Killian, Rabi, and myself, had a personal phone call from Secretary McNamara saying that he had been instructed by the President to state firmly that there was no planning, even contingency planning, to use nuclear weapons.

The "summer study" discussed below was a seminar of 47 scientists which was held under the auspices of the Jason Division of the Institute for Defense Analyses in the summer of 1966. Further discussion of it can be found in the Bantam edition of the Pentagon Papers, (pp. 483–485) and in Document No. 117 (p. 502). The New York Times, citing the original Pentagon study, emphasizes that the scientists' work was a major influence in persuading then Secretary of Defense Robert McNamara that the bombing of North Vietnam was ineffective in curtailing North Vietnam's military activities in the south.

LANGER. What was the kind of thinking that led up eventually to the 1966 summer study which at least according to the Times, turns out to have been so important?

KISTIAKOWSKY. I'll try to summarize that briefly. Jerry and I probably were responsible for its start. We had prepared several letters to President Johnson in the winter of '65–'66. We got what amounted very much to a brush-off.

WIESNER. A pointed brush-off.

LANGER. Did the study require some kind of presidential assent to set it up?

WIESNER. No, the study came about in another way. We had a small, self-initiated discussion group in Boston whose purpose was to see whether we couldn't find an acceptable way of stopping the war. We looked at a large variety of different ideas, and every time we thought we had one that looked acceptable to all sides, we would try to get the President to listen to it.

KISTIAKOWSKY. There was no substantive consideration of our proposals. They were all just dismissed.

WIESNER. What actually happened on the study referred to in the Times was that we began to examine General [James] Cavin's enclave proposal seriously and we decided we didn't have enough facts about where the troops were, where the civilian population was, and a great number of other important questions. We called somebody, I believe it was John McNaughton [Assistant Secretary of Defense for international security affairs] and asked him for a briefing and he said he would send up [Adam] Yarmolinsky [Special Assistant to the Secretary of Defense] to give us the data we wanted. And Yarmolinsky came up with a lot of facts and data and . . .

KISTIAKOWSKY. Then he went back and there were some discussions in which I didn't take part. The result of them, however, was an offer to finance, out of the funds available to the Office of International Security Affairs, a study in the summer of '66 in which a considerable group, largely of physical scientists but also some social scientists, would be involved. I don't know that I'm at liberty to mention who they were, though Jerry and I were in the steering group. Out of that study came a number of recommendations to the Secretary.

WIESNER. And a number of observations, some of which have been in the Pentagon Papers. I think, as the paper said, the study probably played a very decisive role in convincing Secretary McNamara that, in certain respects, the intelligence information he was getting was wrong, that the estimates he was getting of where they were going were not very useful.

LANGER. Just reading what's in the New York Times edition, [I think] the study seemed remarkable for the character of its thinking. It is a very agnostic document. It keeps stressing the things which can't be known—such as the effects of the bombing—and asking how can you go on basing your assumptions on these unknowables. It seems as if the social scientists around the government, the Bundys, Rostows, [Walt W. Rostow, special assistant to President Johnson for national security affairs] et cetera, were always making recommendations which implied that a certain level of military action would have certain results. What seemed remarkable to me about this was its caution and conservatism and its insistence that the relationship between the bombing and Hanoi's "will to resist" could not be known.

WIESNER. Well, you see, we were trying to deal with known facts, with statements that were being made then.

KISTIAKOWSKY. Let me put it a little differently. What we found was that the, so to speak, low-echelon findings—whether on the effect of bombing North Vietnam or on the amount of materiel and military supplies and manpower which were being brought into the south, or the number of the enemy killed—that extraordinary device, the body count . . . On all these things we found that the numbers which were deduced at the lower echelons were uncritically and selectively used. By the time this enormous mass of detailed bits and pieces are synthesized into papers of manageable size to be read by the top echelon of the government, those people—for instance the Secretary of Defense—were in no position to find the time to read the detailed stacks.

WIESNER. You see, what is important to McNamara is how the information is distilled.

KISTIAKOWSKY. He gets a short summary. The President gets a summary of a few pages and the Secretary gets 50 pages, but it is that kind of thing. By the time those papers were prepared, there was so much selection and value judgment and so-called agency position—in other words, you don't admit when you are wrong—that, in effect, the top-level papers were bearing very little resemblance to the basic background data.

WIESNER. And this is very important—they didn't show the true uncertainty. That was particularly striking. They simply appeared as if they had real validity. Of course, this problem isn't particularly unique to this situation. I remember that, after I became science adviser, I set out to see where some of the data we were given came from: information that was given as hard intelligence, like the number of Soviet missiles, or the numbers of tanks the Soviets had, or the number of divisions. And as I penetrated into the raw material I discovered that it often wasn't based on solid basic information. In fact, we caused the intelligence people to modify their estimates extensively by making them throw out the raw data they couldn't justify.

KISTIAKOWSKY. That goes even farther back. I recall that in 1959 a well known columnist, Joseph Alsop, upon hearing that I was going to be the next science adviser, but while I was still a private person, invited me to have breakfast with him. He told me that he had hard intelligence information that the Soviets had deployed about 150 ICBM's. He had pretty good intelligence that they were going to attack the United States about July 1, 1959. It so happens that I was then in possession of relevant intelligence data because I was a member of the Ballistic Missile Advisory Committee to the Secretary of Defense. But of course, listening to Mr. Alsop, I had to act as if I was innocent. And Alsop didn't keep this information to himself. You will find articles that he wrote in which he made dire predictions. And this sort of thing happens incredibly frequently in Washington.

LANGER. He's got quite a record for predictions, I think. Well, did you feel obligated for political reasons in the summer study to include something about a barrier, or was that McNamara's previous idea?

KISTIAKOWSKY. No.

LANGER. How did that proposal come about?

KISTIAKOWSKY. In our agenda proposal, one of the topics we wanted to look into was a way of minimizing or reducing the flow of supplies and manpower from the north in a way that would lead to de-escalation of the war rather than escalation and bombing.

WIESNER. You see the avowed purpose of the bombing effort was trying to stop . . .

LANGER. To stop infiltration.

WIESNER. To stop the flow of munitions. And we wanted to see whether there was an alternate way to achieve that end.

LANGER. Was there no possibility of arguing about that objective?

WIESNER. We did that too, but first of all we looked at the question of whether the bombing was an effective way of achieving that objective, and it became clear that it was not. In fact, that's one of the things we said. But we also then asked whether the materiel coming in was significant. I think the general impression was that there was a significant flow of munitions. Isn't that correct? As I recall it, the amount of munitions coming along the trail could sustain the VC, [Vietcong] although a good deal of munitions were coming in other ways too. So then the question was whether there were any technical means that we could see that might do a better job and be much less destructive. We wanted a more benign way of achieving the same end.

KISTIAKOWSKY. We were looking for ways of minimizing the casualties and minimizing . . .

WIESNER. The destruction.

KISTIAKOWSKY. The idea was to lay the so-called barrier—which had nothing to do with a fence—through the uninhabited jungles through which the Ho Chi Minh trails are cut. We were very uncertain of the feasibility of this scheme. There was a very heated internal debate in August whether we should even present the plan to Mr. McNamara.

LANGER. Because of its feasibility or because of its politics?

WIESNER. Because of its feasibility. I don't think we ever argued the politics.

LANGER. I didn't understand that the issue was breaking a law.

At this point, there ensued a brief discussion, largely excised by the interviewees, in which they explained the reasons for their reluctance to continue discussion of the barrier plan for publication. The conversation then turned to their subsequent discouragement and withdrawal from activity that was designed directly to affect the course of the Vietnam war. Wiesner, in particular, stressed that at that point his interest became focused primarily on the ABM.

WIESNER. The McNamara decision was announced in the fall of '67 and it was then that I began to oppose the ABM deployment publicly. I also stopped working within the government and started to work outside. After the so-called thin system decision, I gave up trying to convince anybody in the government to make sense on the ABM, for I regarded that as basically a political decision. There was no question in my mind that Mr. Johnson made the deployment decision for political reasons. He still expected to run for President, and he was protecting his flank by making that thin ABM decision. At least this is my view of what he did. There was no rationale to justify the ABM that I could see, and I decided to see if this waste for political reasons could be stopped.

LANGER. How do you feel about the ABM battle? What do you make of it?

WIESNER. My feelings are complicated. I'm sorry we didn't win it. I think, nonetheless, it was a vital fight. It showed that you could make a good fight against a foolish decision. I believe that it exposed the military issues in a public way for the first time, I think that personally I spent far too much time on it. But I never really felt we lost it, because we kept it down, we helped Congress be responsible, we helped the public become informed. I think much of what has happened since, in the way of public debate on many things like the environment and the SST, grew out of the ABM experience.

KISTIAKOWSKY. I very much agree with Jerry on that. In a personal sense, you might say, Jerry lost; I was a much more minor character in that one, though I lost also. So did York. But in a more fundamental sense we won, because we generated a completely new phenomenon.

WIESNER. I think in a real sense the nation won. Congress looks at everything seriously now. The public will not buy . . . new weapons without looking at their purposes. You can't scare them by telling them the Russians have three, as they used to do.

KISTIAKOWSKY. The proposals of these, I might call them "hot-rod military" types, are not sacrosanct anymore. They are challenged, and the ABM debate was the first of these public debates. You have to be aware that we thought of ourselves as what might be referred to as His Majesty's Loyal Opposition. We were working through the channels, within the organization, as yet. In my case it was a bitter experience, and it led me outside the channels. Our recommendation to Mr. McNamara, made about Labor Day, 1966, was to confirm our ideas by a detailed, larger study of professionals to be organized within the Department of Defense. You remember that?

WIESNER. Yes.

KISTIAKOWSKY. It was a very emphatic recommendation. We had even outlined a plan of what the study would involve in manpower and time and so on. Mr. McNamara's feeling was that time was of the essence. He wanted to develop details of the plan concurrently with the development of special devices, the so-called sensors, and so on, and also with plans for deployment. He felt if it were done in an orderly succession, it just would be much too slow. I think this is as far as I will go because I don't know how much of subsequent history of the fence has been revealed in the papers.

WIESNER. I don't either.

LANGER. Well, I was going to ask about that. The only thing I knew was that at a certain point you [Kistiakowsky] resigned from the committee. But I don't think it is generally known how far work proceeded.

WIESNER. I don't think we know or should talk about it.

KISTIAKOWSKY. Let's put it ths way: it's none of your business.

LANGER. It's not a question of what's my business. It's a question of what is public business.

WIESNER. Well, it's a question of what it is our right to talk about.

KISTIAKOWSKY. All I can say is that I was in one way or another connected on a part-time basis with this project. And at the end of '67, particularly after seeing that Mr. McNamara was essentially fired from his job, I reached the conclusion that it was completely futile to continue. At that point, I resigned, and resigned in what might be called a tactless way. In other words, I didn't claim illness or family business or fatigue. I just wrote that I vehemently opposed the present Vietnam policy and could not be even a minor party to it anymore. That's all I think I can say about it.

LANGER. I'd like to say that I think the question of what is public business is sort of up for grabs at this point, and the more that is public, it seems to me, the healthier things can be.

WIESNER. I think that's right, and I believe that we ought to get rid of all secrecy on such matters, I feel strongly about this. But I think that, until there is a change in the security laws, violations of security represent a form of civil disobedience, and when one undertakes to do that, he should do it for a reason. I don't think that there's an issue on this point that justifies either of us doing it.

The ABM has been held to a modest waste of money, you know, a couple of billion dollars instead of 40 or 50 billion. So even on that score I think there was substantial gain.

KISTIAKOWSKY. You see, in the first years of the existence of the President's Science Advisory Committee, when we were really very involved in military technology, there were similar battles about proposals of the military, but they were held completely *in camera*, they were on a highly classified level between the White House office and the Pentagon. The new phase is the public debate.

WIESNER. When Johnson became President, he already had a history of differences with the scientists on issues that had nothing to do with Vietnam. We had differed on the space effort. Most of us were against the crash manned space program, and we had, of course, argued about that. I had been opposed to the Mach 3 SST and he was for it. There were a whole variety of issues that had caused tensions between the Science Advisory Committee and Johnson. So when [Donald F.] Hornig became science adviser, he had to carry the burden of Johnson's alienation from the scientists. The tension was greatest on the Vietnam issue. The result was that Johnson's Science Advisory Committee didn't have as much influence on military technology as it had under Eisenhower and Kennedy. Kennedy once told a reporter that the Science Advisory Committee and the science adviser kept the government from going all one way. He appreciated what it did and President Eisenhower appreciated it too. I don't think that Johnson felt a need for such help. Once that estrangement happened, it became necessary to take the battle elsewhere.

KISTIAKOWSKY. Some of these quarrels that you are referring to, Jerry, took place long before he became President.

WIESNER. Right; when he was vice-president and chairman of the space council and space was the only real problem on which he had initiative.

KISTIAKOWSKY. And I think he thought of the scientific community as being against him.

WIESNER. Because we were. We didn't really believe that the large manned space program made any sense scientifically and we kept saying so. In the end, we were willing to accept the President's judgment that it was necessary politically, but we fought against it being started, on technical grounds.

KISTIAKOWSKY. Of course you know Johnson pushed for it before he was vice-president, while he was in the Senate.

WIESNER. Then, in the case of the SST, I wanted the United States to join the British-French consortium and build the Mach 2 aircraft. There were many reasons why, in my office, we didn't believe a Mach 3 SST made sense, but it ultimately went that route because the vice-president wanted it.

KISTIAKOWSKY. And I contributed earlier than that, in the Eisenhower administration, to rejecting an SST project that was pushed about '59 or '60.

WIESNER. So there were many issues of this kind that we disagreed on.

LANGER. When you refer to "going outside the system," you mean going outside the administrative channels in government and going to congressional channels in government.

WIESNER. Congressional and public. I made my first attempt to do something about the ABM in a public speech for the Center [for the Study of Democratic Institutions] in Santa Barbara.

LANGER. It's interesting because that distinction, which looms very large in your mind, doesn't necessarily loom so large to an outsider.

WIESNER. But it does to anyone who's worked in the government. It makes a tremendous difference for a variety of reasons. First of all, one is privy to large amounts of privileged or classified information, and so one has the problem of how to carry out an intelligent, useful discussion about something like the ABM without violating security. It was a serious problem. And, in fact, there were times when all of us were accused of violating security and threatened with prosecution for having done so.

KISTIAKOWSKY. If you go back to, say the late 50's and early 60's, you will find that there was hardly a scientist who was privy to classified information because of his active part in government operations who ever made any public—either written or oral—statements on these matters involving security. The first change in that came about when the partial test ban treaty was signed and came up for Senate ratification. At that time, I was asked by the Administration to testify along with a number of others, like York, who had been in the government but were not in it full time anymore. I had vague qualms as to whether I should testify or not.

WIESNER. But of course, you were talking in support of the Administration.

KISTIAKOWSKY. I was supporting the Administration and so I decided I would testify.

WIESNER. It was regarded as gauche.

LANGER. I remember there was a lot of criticism of you [Wiesner] and your office at that time, for not testifying in public, being secretive about the people on your staff, and so on.

WIESNER. I remember an article to that effect in *The Reporter*, but I think—I thought at the time—it was a total misreading of the role of science adviser. When I became

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science adviser, it was to be an assistant to the President, not as the representative of the scientific community or anyone else. At least this was my view of the situation. So in that role, I obviously couldn't, and didn't intend to, oppose the President. But there are obviously many different roles. In some you have much less obligation, such as when you become a member of the President's Science Advisory Committee or a Defense Department advisory committee, but are not a full-time participant. Even for such people, it's still regarded as bad taste to engage in public debate.

Some of the younger people do testify before Congress, and they've been criticized for doing so. Dick Garwin [adjunct professor of physics, Columbia University] was critized for his SST testimony because it opposed the Administration's position. There is a general view that, if you're going to be part of the Administration, you shouldn't simultaneously attack its posture. I believe that, if you join an Administration as a full-time employee, that is a reasonable position. If you become so disaffected with its programs that you want to fight, the proper thing to do is quit. But I don't think advisers should be throttled, that is, silenced on all issues, or the country is handicapped in making decisions. I've personally concluded—and I've thought about this since the Pentagon Papers were published—that the nation has paid a much higher price for its secrecy than it would have paid through a policy of complete openness. We've done many things on the basis of inadequate information, not only in the Vietnam war: I question whether the arms race would have taken the extreme form it did if the intelligence fellows had been required to say what the bases of their estimates were and to defend them. If they had been exposed to serious questioning and hammered at by skeptics and asked for example, "What makes you think the Russians are going to have a thousand bombers?" If they had been required to show their evidence, we would never have had that "bomber gap."

And there are many other examples. You mentioned, for instance, the U–2, and the extensive border penetration by U.S. electromagnetic intelligence in the 60's. When I first told Kennedy about it, he said, "My God, if the Russians did that to us, we'd go to war." And it was top secret, so secret that I, as science adviser, had a hard fight to learn about it. And after I finally had a briefing on it, I asked a colleague, "Who the hell are they keeping it from? The Russians know about it." And we concluded it was being kept from the American people so they would not know what was being done in their name. The Pentagon Papers show that there are many things of this kind. Not only should people who are government consultants not be in this embarrassing position, but the people of the nation should know what their government is doing in their name to a much greater extent than they do. I think democracy cannot function properly with so much secrecy.

The discussion ended with a brief exploration of Wiesner and Kistiakowsky's future political plans. Wiesner was asked to explain a comment he made when he assumed the presidency of M.I.T.—in effect, that he anticipated an end to his political involvements. He replied that he intended to avoid partisan politics, but not to withdraw from battle on them to be important. Kistiakowsky added that he was concerned with restoring the dignity of science in the public mind. I indicated that, if I had had their experiences in Washington, I would feel particularly discouraged about continuing to believe, as they appeared to do, that individual men, and not the system, were responsible for the country's present difficulties. "What's the choice?" Wiesner asked. And the interview came to a stop.

EXEMPTION OF NEWS MEDIA FROM WAGE-PRICE GUIDELINES

Mr. BROCK. Mr. President, I was appalled by the course of events surrounding last week's deliberations on the Cranston amendment to exempt the news media from wage-price guidelines established for all Americans.

This body was led to believe that this amendment would eliminate the possibility of subtle Government control of the public media and would strengthen and protect rights guaranteed by the first amendment. The leaders of this movement offered it under the mistaken assumption that wage-price controls over the news media would be an infringement on the freedom of the press. The subsequent progression of events followed a peculiar course of non sequitur whose end result was the passage of an amendment exempting an industry which really does not need it.

The media have no greater claim to receive exemption than any other. All indications are that in fact if there were any efforts to obtain such an exemption, it was conducted by a small minority. A frequent response from officials representing the media is that in affairs relating to their commercial operations, they should be treated equally with other members of the business community.

Many have publicly stated that should such an exemption become law, they will voluntarily submit to the guidelines which will be applied to other industries.

This reaction is admirable and refreshing. It indicates that many members of public media do not view the controls of phase II to be a threat to their freedom to broadcast, print, or publish. Further, there are adequate safeguards in phase II to allow exemptions in specific situations where they are obviously warranted.

I wish the proponents of the Cranston amendment had as much faith in this system as the people they claim to be protecting. To think that wage-price regulations applied equally could be used overtly to muffle the press is a sham. To support the exemption of this industry on the basis that phase II regulations represent a threat to our constitutional system is unjustified.

No one likes freezes or economic controls, but once instituted they should apply to all. Everyone must make sacrifices in their daily operations. Exemption should be granted solely on the basis of need. Such need has not been documented by representatives of the news media. As a part of our free enterprise system, the public media has as great a responsibility to aid in the present program to restore our economic well-being as any other industry in the Nation.

Let there be no misunderstanding; my position clearly stated is based not upon fear for the Constitution, but upon faith in it. The first amendment will be respected. Yet, I believe this exemption is patently unfair. If there is a valid constitutional question, it lies against a law which affects some and not others.

When the House begins the consideration of the economic stabilization program, I hope that Senators will honestly analyze all arguments and oppose any attempts to include such an exemption in the bill.

THE BARRINGTON SCHOOL PROJECT IMPROVES QUALITY OF EDUCATION

Mr. McINTYRE. Mr. President, I would like to share with Senators one of the most exciting projects in education that I have seen in recent years. A group of individuals in New Hampshire took it upon themselves to improve greatly the quality of education in our State by the use of a successful project in the town of Barrington.

Perhaps the most encouraging aspect of the entire project is the fact that this success story was written by the tireless efforts of private citizens, without Federal funds or even private grants. This is an example of people helping people. I am especially proud that it took place in the Granite State.

The program began with a new teaching technique introduced to the Barrington school system by Miss Catherine Harmon. Miss Harmon recognized that the technique known as individual instruction, normally used for the teaching of exceptional children could be utilized in the regular classroom as well.

This system, using a system of individual microfilm and tape devices, was then instituted by Miss Harmon into her third-grade class with the cooperation of the school principal and the superintendent of schools. Miss Harmon's father, George H. Harmon, organized interest in the project and contacted many companies which offered materials that were vital for the success of the project.

These companies, and the men who run them, deserve our special thanks for their willingness to cooperate with this pilot project in education. They are listed for recognition in the statement which I shall place in the RECORD.

The use of individualized microfilm learning may well be the course of the future education in this Nation. That the Barrington school played an important role in the development of knowledge and expertise in this area cannot be denied.

Mr. President, I ask unanimous consent to have excerpts of the Barrington school project's final report printed in the RECORD. I am confident that every Senator will be pleased by the exceptional initiative shown in this most important educational effort.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE BARRINGTON SCHOOL PROJECT

The report to follow is about an educational experiment carried out in Barrington, New Hampshire. Although, not the usual method of presenting a report, we would like to begin with the ending.

The Barrington School Project was a success. The children who participated have experienced a better relationship with the educational process and, if one can believe test results, are farther advanced than they would have been had it not been for the Project.

It is not known exactly what factors contributed to the successful educational experience of these third grade children in Barrington. The success may have been due to the teacher, the individualized instruction technique, the use of microfilm, the expanded resource that microfilm provided, the novelty of the Project, the excitement of the attention given, or some factor not even considered.

Since there has been apparent educational growth beyond normal expectations, there should be effort expended to determine what factors induced this growth and whether it is possible to induce such growth under controlled conditions.

BACKGROUND

While a student at Gorham State College, a division of the University of Maine, Catherine Harmon became interested in the educational technique known as individualized instruction. One specific method intrigued her. This is the situation where two children with vastly different capabilities study together. The system had been used with "exceptional" children with good results. The theory is that the advanced child becomes a teacher with the additional challenge while the slower child progresses at a faster rate because of the closer affinity for the child teacher than for the adult teacher. Thus, for both there is better education. Miss Harmon felt the procedure could easily be applied in a regular elementary classroom.

When Miss Harmon was interviewed for a job as a third grade teacher in Barrington, New Hampshire, she and the school principal, Mr. Barry Clough, discussed the use of individualized instruction the classroom. She then talked with her father about the subject, wondering whether microfilm and microfilm readers, rather than the book or a pair of books, could be used in the classroom for the dual studying technique. It seemed to offer great possibilities, and perhaps, should be tried. Thus began what is now known as the "Barrington School Project."

The School District was contacted to assure cooperation. Mr. Charles Morgan, the School Superintendent, approved and also received approval from the Barrington School Board. Mr. Clough was pleased to have the Project take place in his school.

It was next necessary to obtain permission from the individual publishers to microfilm those books scheduled for use in the third grade classroom. The primary publishers all gave permission to copy that material which they controlled. Total cooperation was received from American Book Company, Science Research Associates, Scott Foresman & Co., Harcourt Brace Jovanovich, and Follett Educational Corporation. The individual copyright owners were then contacted. All publishers and authors with one exception gave permission to microfilm for the Project.

Microfilming then began. Microfilming Corporation of America, Graphic Microfilm of New England and Arcata Microfilm copied the books in various microforms. Eastman Kodak produced color microfiche copies of the science book. National Cash Register produced ultrafiche copies and the Keuffel and Esser Company made some special reduction microfilm copies.

The wide variety of microforms included 16mm and 35mm roll film, 16mm in containers, and microfiche. Both negative and positive images were produced and various sizes of imagery. It was intended to check which type of microform was most appropriate for use in an elementary classroom.

Many in the microfilm industry, upon learning of the Project, offered readers, projectors and reader printers. Other equipment, such as duplicators, was offered but had to be refused for this first year of the study. Readers were received from Realist, Micro-Scan, Eastman Kodak, Arcata, University Microfilms-Xerox, Bell & Howell, Ednalite, Reproduction Systems, Viewonics, Dasa, Taylor-Merchant, Dioptrix, Information Handling Services, Washington Scientific, National Cash Register, Dietzgen, Stromberg Datagraphix and Micro Design. A reader-printer was loaned for a short period of time by SEMCO Business Products.

It was learned that a variety of other programs were being conducted. A few of these programs had generated materials for the elementary grades although most programs had been directed toward high school, junior college, and college situations. Materials on microfilm from these Projects were contributed to the Barrington School. A large number of books on film were provided by University Microfilms-Xerox and by Arcata Microfilm. Other materials were provided by Bell & Howell, Instant Information, Arbutus Publishing, Dasa, and Information Handling Services.

To judge the effectiveness of this new approach to education in the elementary school, a formal test program was devised. The use of the other third grade class at the Barrington School was not considered to be a suitable control group. It was believed that a drastic difference within the school would impose an adverse learning pattern on those students deprived of equipment and special attention. Therefore, a special program was instituted for the other third graders, and the national averages were considered the base to compare relative educational growth. Some comparisons were also to be made between the two classes.

Nancy Fletcher, the other third grade teacher brought to her class several years of teaching experience as well as background as a librarian. In the judgment of most, including the principal and other teachers, Mrs. Fletcher is an outstanding educator. (She will not be returning to the school because of winning a much sought Ford Fellowship.) The program instituted by Mrs. Fletcher involved using two readers in her classroom as a library supplement and additional educational resource. The units were placed in the rear of the room and were available for special assignments and for children who had completed their regular assignments.

The parents were kept informed about the new program. A well attended PTA meeting acquainted them with the Project. Notes to the parents advised them of the progress being made.

BLUE CROSS RATE INCREASES—CHALLENGE TO PUBLIC CONFIDENCE IN PHASE II

Mr. MOSS. Mr. President, in recent weeks I have joined a number of Senators in demanding some kind of predictability in this administration's response to our country's economical difficulties. We have stressed on numerous occasions that new guidelines must be understood widely and applied consistently if they are to inspire the broad public confidence so vital to a vigorous economic recovery.

Wage and price decisions by the administration's phase II stabilization boards, however, continue to leave most Americans entirely in the dark as to how the administration hopes to control inflation. My office has been flooded with thousands of letters and petitions expressing dismay at the gap between the declared goals and the actual performance of the President's anti-inflation machinery.

I invite attention specifically to the Civil Service Commission's announcement that Federal employees will be required to pay an additional 47.5 percent for Blue Cross protection this coming January. No single price action in memory has produced such a massive outpouring of public dismay.

Even under normal circumstances such an astounding 1-year jump in the cost of medical insurance would have created a justified public reaction. Coming as it did, at the very outset of the administration's phase II program, it led many to wonder just how serious the President could be about fighting inflation if such increases are to be permitted. To the Federal employee, who has had to bear the full brunt of wage controls during the 90-day freeze and during phase II, the Blue Cross premium hike appears as just one more example of the inequity they have felt throughout the entire stabilization program.

Mr. President, the administration has got to recognize the public's right to be informed on this matter. The Federal employee must be told the basis for wage and price decisionmaking. Political expediency alone should dictate that the President insure a nationwide recognition of the purposes and procedures of the newly instituted Pay Board and Price Commission in implementing national policy. It has been a disgrace how people have been led to expect one kind of performance by these boards and have had to witness something else altogether.

President Nixon has declared his intention to keep nationwide 1972 price increases below the 3-percent level. Quite justifiably my constituents ask me, "How can this be if Blue Cross is allowed to raise its premiums a full 47.5 percent?"

The administration informs us that such a simplistic interpretation of national guidelines is misleading. While the across-the-board national goal is to keep inflation in the 2- to 3-percent range, individual price increases will be allowed to exceed this level when they are based upon increases in the firm's costs.

Mr. President, I do not question that the implementation of a vast new economic policy requires a period of broad public education. We cannot expect everyone in the country to grasp the President's intentions overnight. What disturbs me about the administration's response to the Blue Cross rate hike has been its demonstration of an almost total breakdown of communication here in Washington.

When we see how this case was handled, at the apparent failure of both the Civil Service Commission and the Blue Cross Association to recognize their responsibilities to the Price Commission with regard to the 1972 premium increase, it is not hard to appreciate why the general public is so confused as to just what is going on in phase II.

Let us review for a moment the events surrounding the rate increase. On November 10, the Civil Service Commission made its first public announcement of the Blue Cross rate hike. Five days later the Federal Employees' News Digest carried the following lead:

Health Premiums Up—Government employees under the Blue Cross-Blue Shield high-option coverage of the Federal employee health insurance program will pay 47.5 percent more in premiums starting January 1, the Civil Service Commission has announced.

During the weeks after the announcement was made, thousands of justifiably irate Government employees wrote to me

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to express their concern that such an increase could be allowed during a period of national wage and price restraint. These letters contained a general assumption that the Civil Service Commission had the last word on the premium increases.

My constituents' view was apparently shared by Blue Cross Association and the Civil Service Commission itself. Called before a House subcommittee to explain the reasons for the 47.5 percent increase, the witnesses stated that the rate hikes were based entirely on cost increases and they did not have to give prior notification to the Price Commission. They maintained that increased medical costs, in general, and a higher rate of utilization of outpatient diagnostic services, in particular, resulted in a Blue Cross loss of $8 million in 1970 and projected loss of $60 million in 1971. The company needed the rate increases to remain solvent.

During the course of testimony, an interesting fact came to light. Blue Cross had actually negotiated only a 34.1 percent premium increase. The employee will have to pay 47.5 percent more next year because the Government could not legally increase its own contribution to the high-option premium. The Blue Cross Association submitted a cost-analysis to demonstrate their need of the 34.1 percent rate hike. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Amount	Percent
1972 income based on 1971 rates	$577, 166, 700	100.0
1971 anticipated claims	755, 011, 800	111.5
Enrollment decrease	(30, 672, 700)	(4.5)
Utilization increase	55, 202, 700	9.6
Inflation increase	14, 872, 100	2.2
1972 anticipated claims	804, 413, 900	118.8
Reduction of December 31, 1971 deficit	68, 536, 500	10.1
Establishment of Dec. 31, 1972 reserve	0	0
Expenses and other retention	48, 390, 800	7.1
Less:		
Investment income	(5, 000, 000)	(.7)
Payment from contingency reserve	(24, 696, 400)	(3.6)
Required 1972 subscription income	891, 644, 800	131.7
High option only		134.1

Mr. MOSS. Mr. President, the real value of the December 1 hearings was to point out the role of the Price Commission in the whole episode. A spokesman for the Commission declared that Blue Cross was, in fact, required to give prior notification before going through with the rate increase. The Association had to allow 30 days for the Commission to rule on the hike.

The following day, another Price Commission official appeared to restate that Blue Cross, as a "category No. 1" firm—one whose annual revenues are greater than $100 million—risked criminal prosecution and a $5,000 fine if it failed to make the necessary formal request for the increase.

Since the time of the hearings, counsel for the Blue Cross Association has continued to assert that they received no communication, public or private, from the Price Commission to the effect that they had to gain prior approval for the premium increase.

Moreover, Blue Cross cites Office of Emergency Preparedness regulations which they claim back up their contention. Their counsel maintains that economic stabilization regulations explicitly exempt Blue Cross from seeking approval since the premium increases resulted entirely from increased payment of benefits and not in a change in the formula used to determine the size of the premium.

Mr. President, I believe that this situation indicates a distressing breakdown in communication with regard to implementation of the administration's phase II policy. Here we have the Civil Service Commission—a Federal agency—and the Blue Cross Association, a firm which works closely with the Federal Establishment, holding an interpretation of price control guidelines totally at odds with the interpretation presented by the Price Commission. Is it any wonder that the general public finds it hard to appreciate the administration's intentions?

Today there is an obvious need for the Senate to conduct studies into ways of cutting down on the cost of medical insurance programs to the Federal employee. Such reductions could perhaps best be achieved through the institution of coverage plans designed to allow benefits for clinical and medical services which reduce utilization of hospital facilities.

I also believe that the Government should increase its contribution to the Federal employee insurance premium. I have, in fact, introduced legislation to do just that.

There is an even more urgent need, however, for administration anti-inflation programs to avoid the general turmoil we have experienced with respect to the Blue Cross-Blue Shield rate increases. Until the administration takes responsibility for creating orderly and well-advertised procedures for regulating price increases, we are all doomed to more confusion and recurring crises.

THE SOVIET MILITARY BUILDUP—WHY?

Mr. THURMOND. Mr. President, a recent editorial published in one of South Carolina's leading newspapers placed priorities in what I consider to be their proper order.

During recent months, it has become a matter of increasing concern to note the continuing rise in the Soviet military buildup. One must ask himself, "Why?"

If our national security is a subject to be taken seriously, we must consider the motivation of any nation which strives so determinedly to surpass us in offensive weaponry.

When the priorities of another nation, whose good will toward us is, at best, questionable, and so obviously involves military superiority, it behooves us to give great consideration to our own priorities.

I believe, as the editorial so eloquently states, that our national survival must take precedence over all other considerations. It would be good for all of us to read the editorial and heed its advice.

I ask unanimous consent that the editorial entitled "Our Top Priority Must Be The Nation's Survival," published in The State of Columbia, S.C., on November 26, 1971, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR TOP PRIORITY MUST BE THE NATION'S SURVIVAL

In speeches, magazine articles, and other means of communications, the same tune—or rather dirge—is being played: the Soviet Union has overtaken or is overtaking the United States in various critical categories of military preparedness.

There are charges that this theme is being orchestrated in the Pentagon, and therefore is self-serving. But self-serving to whom? The generals?

Perhaps. Military careers are indeed enhanced when America becomes concerned about its military strength in relation to its potential enemies. However, there are those who are prepared to argue that it is self-serving to all Americans of every ethnic and political hue.

Most of the articles and speeches that have come to our attention are heavily documented with intelligence data on the extent of the Soviet military build-up in qualitative and quantitative terms.

In a recent speech, Gen. George S. Brown said, "Admittedly, such weapons capabilities do not reveal intentions—but intentions are meaningless except in the context of capabilities. If someone has a loaded and cocked pistol pointed at your head, there are very few valid conclusions you can draw. Either he proposes to blow your head off—or, more likely, he is going to force you to do something you wouldn't otherwise plan to do."

The question of Soviet intent is one for the political leaders, the diplomats, and the high-level military strategists to figure out. But the most universal intelligence estimate is that the Russians have significantly increased and are continuing to increase their *offensive* capabilities.

For what purpose? Maybe it is out of a fear of Red China or out of a desire to do something about Red China. Maybe it is out of a desire to flex larger muscles in Europe or to undertake adventures in other parts of the world.

Maybe the Russians just like to waste money and resources on excessive armaments. (They have, for example, now achieved a numerical superiority over the United States in intercontinental ballistic missiles—ICBMs—and theirs are monsters with warheads of up to 25 megatons. There's obviously a lot of wasteful overkill here.)

Whatever, the Soviet Union since 1968 has been pouring a sizable segment of its budget into the military, leaving even Nikita Khrushchev to complain in his memoirs, "I can't help noticing that the economizing trend we started seems to have been reversed, that now money is being wasted on unnecessary items and categories and that this new trend in military overspending is putting a pinch on some of the more important but still underfinanced areas of our country's life."

It is useful to ask, with General Brown, if the Soviet people would be required to make such sacrifices "without a clear and powerful purpose."

The most charitable thought that comes to mind is that the Soviets sought to achieve parity (or something better) with the United States before agreeing to any arms limitations in the SALT talks. Unfortunately, charitable thoughts about Soviet intentions are not often healthy.

The United States can't take for granted that the Soviet buildup is for any other purpose than a continuation of its anti-American, anti-democratic policies.

As the Vietnam war grinds down, this country must guard against severe military cutbacks of the kind that followed World Wars I and II. We don't have to be wasteful and try to match the Soviets bomb for bomb. But we must maintain a defensive capability sufficient to counter the threat.

This is what patriots—in and out of the Pentagon—are trying to tell America. It's a hard proposition to sell to a nation that is suffering from a growing shortage of will power and a growing dislike for the military.

Yet the first duty of our government is to "provide for the common defense." That task, like it or not, is or should be, still priority one.

WHITE HOUSE CONFERENCE ON AGING

Mr. CHURCH. Mr. President, during the past week, approximately 3,400 concerned Americans met in Washington to participate in the second White House Conference on Aging.

Following 5 days of intensive deliberations, the participants issued a comprehensive 176-page report to establish a national policy on aging.

These recommendations—ranging from the income problems of the elderly to training deficiencies—merit the very serious attention of every Member of Congress.

Equally important, the conference provided helpful momentum for far-reaching Senate action on two fronts for 20 million older Americans. First, on Tuesday the Senate unanimously approved the Nutrition Program for the Elderly Act, a bill which I have sponsored with the Senator from Massachusetts (Mr. KENNEDY). This legislation establishes a national hot meals program for aged persons in conveniently located centers, such as senior citizen centers, schools, and other nonprofit institutions. And on Friday, the Senate approved an amendment to the supplemental appropriations bill to raise the funding level for the Older Americans Act from $44.75 to $100 million. Because I was away on official business, my remarks in support of this provision did not appear in the RECORD.

Mr. President, I ask unanimous consent that my statement, urging the adoption of this proposal, be printed at the close of my remarks.

Additionally, two recent articles, published in the New York Times and the Evening Star, raise crucial issues which should receive serious and thoughtful consideration after the White House Conference.

Mr. President, I commend these items to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MORE FUNDS FOR AOA

(Statement of Senator CHURCH)

Mr. President, I urge favorable action on the amendment to provide more adequate funding for the Administration on Aging by raising appropriations from $44.75 million to $100 million.

My reasons for supporting the amendment are these:

Congress has already authorized $105 million for the Older Americans Act. The Administration, however, did not call for appropriations equal to authorizations. In fact, the first Administration budget request was only $29.5 million. Only strenuous bipartisan efforts resulted in an appropriation of $44.75 million.

Knowledgeable witnesses have told the Senate Special Committee on Aging, of which I am chairman, again and again, that service systems for the elderly fall dismally short of need. The Gerontological Society has declared that no community in the United States has yet developed a comprehensive network of services for the aging and aged.

Delegates at this week's White House Conference on Aging declared:

"In addition to adequate income, an effective network of facilities, programs and services must be readily available and accessible to permit them to exercise a wide range of options, regardless of their individual circumstances or where they happen to live."

Until President Nixon spoke before the White House Conference—and announced for the first time that he would support a $100 million funding level for the Administration on Aging—Congress had no real assurance that the administration would support an appropriation anywhere near the amount authorized. Now that he has reversed administration policy, the way should be clear for immediate action.

[From the Evening Star, Dec. 3, 1971]

WILL CONFERENCE ON AGING PRODUCE RESULTS?

(By Carl T. Rowan)

When a nice guy like Arthur Flemming works so hard to organize something like the White House Conference on Aging, you want it to be a success.

When the outcome involves the health, well-being and dignity of more than 20 million people, most of whom sacrificed to project their children and grandchildren into happy affluence, you hope that the fruits of the conference will be many—and immediate.

That is why I have struggled to fight off the skeptics who insist that Flemming and those 3,500 delegates were just props in a political ploy to woo 1972 votes from the aged (who make up 10 percent of the population but cast 17 percent of the vote).

But when you look at the ideology of the Nixon administration and its track record over 34 months, you find it hard to believe that our senior citizens will be much better off in 1973 than they are in 1971.

As Flemming pointed out forcefully, the great need of our aged is money. One-fourth of them live below the poverty line in hunger, sickness, squalor and lonely isolation. Most of those above the poverty line still know an abundance of misery, with inadequate fixed incomes eroded away by incessantly rising prices and soaring taxes.

When all the rhetoric has faded it remains clear that Social Security is woefully inadequate. The private pension plans in too many cases have been unfulfilled promises. There simply will never be sufficient income available to our aged until the government adopts a policy of a guaranteed minimum income.

Leon H. Keyserling says the country must have a universal minimum income program, administered by the federal government and "financed entirely out of progressive taxation on a pay-as-you-go basis."

In other words, those middle aged Americans who now live lives of luxury would be taxed—heavily—so that aged people who opened the doors to their affluence might know something more than shameful neglect.

Some will tell you that the Nixon administration's proposed Family Assistance Plan (with an income floor of roughly $2,400) would be a step in this direction. The trouble is, the President has personally led a campaign to build up anti-welfare emotions in this country, with the result that his "welfare reform" bill faces a future almost as bleak as that of the very young and the very old who need a humane welfare program so desperately.

Then there is housing. Six million of the 20 million aged live in sub-standard housing. Yet in 10 years only 350,000 apartment units have been built specifically for the aged.

Why can't we have tax exemptions for the aged who own less than a decent level of possessions? Our tax laws offer myriad bonanzas (fast depreciation, investment credits, depletion allowances) for the well-heeled. Isn't it about time we lifted the burden off 70-year-olds who have sweated and strained to get most of us where we are?

Then there is health. People over 65 are shelling out an average outlay by those 19 to 64. Medicare covers only 43 percent of this and, even counting other help, it means an annual out-of-pocket health expense of $225 for a person over 65. That is a stupendous outlay for a person with what the Census Bureau says is a median annual income of $1,951.

Even as the aged were meeting here, agonizing over their health problems, Vice President • • • on the basis of his speaking before the American Medical Association in New Orleans, attacking Sen. Edward M. Kennedy's national health insurance plan.

If you think this society's failure to serve aged people in general is a crime—and that is the word Flemming used to describe it—have a look at even-more-shameful plight of nonwhites over 65.

A special Senate committee reports that while 23 percent of white older Americans live in poverty, 48 percent of non-whites live in the degradation of human want.

Under intense pressure, Flemming tried to assure blacks a meaningful voice in the conference by inviting 390 as delegates.

But when it all was over every black delegate still faced the fact that the poverty of almost one of every two aged blacks is just an extension of the poverty of black people at every age level.

If this society cannot find a way to deliver food, decent housing, adequate health care and a sense of belonging—of dignity—to nonwhites in the prime of their lives, how much dare we hope that all these things will be available in the twilight years?

Most White House conferences tend to be political exercises that cost a lot of money, produce a mountain of promises and yield a molehill of results.

Our aged have known enough cruelty. Let us hope that the conference that has just ended becomes the source of some joy for them and not just another bitter pool of political gamesmanship.

[From the New York Times, Dec. 1, 1971]

ELDERS' LIB . . .

The elderly now represent 10 per cent of the population of the United States, cast more than 15 per cent of the vote and are growing fast enough to command major political attention. No doubt these facts account for the emphasis on action instead of rhetoric at the current White House Conference on Aging, the second of its kind. Arthur S. Flemming, its chairman, wants the emphasis to fall on the older citizen's "inadequacy of income"—a mild phrase, considering that one-fourth of all Americans over 65 are forced to live on a poverty-level income as defined by the Department of Labor. Many more must make do on fixed incomes little above that level while wrestling with inflationary prices, rising property taxes, wretched transportation systems and even nursing homes that would take a Dickens to excoriate adequately.

The five-day conference is expected to deal with these issues, but little can be hoped for unless it comes to grips with Mr. Flemming's salient point. It is nothing short of scandal-

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ous that the recent boost in Social Security payments has meant for many elderly not more income, but less. Increased payments from this source have, under varying state regulations, automatically cut thousands from Medicaid, hospitalization insurance, welfare assistance and even food stamps. Yet they are forced to take this "raise" which leaves them substantially worse off than they were.

An injustice of far longer standing is the penalty of reduced Social Security payments for those who exceed the low annual limit of $1,680 in earned income, while no such penalty is invoked against those well off enough to collect dividends from investments. Perhaps most urgent of all, education and possibly legislation are needed to end arbitrary discrimination based on a fixed age—for employment and various types of license—rather than on a person's physical and mental state.

In this age of self-liberators, the aging should certainly not let themselves be forgotten.

NEW RAIL ROUTE PROPOSAL BY NASHVILLE CHAPTER, NATIONAL RAILWAY HISTORICAL SOCIETY

Mr. BROCK. Mr. President, the Nashville chapter of the National Railway Historical Society has prepared a report that my colleague from Tennessee (Mr. BAKER) and I will soon be presenting to Amtrak, which proposes a new route between Nashville and Atlanta via Chattanooga, Tenn.

We hope that Amtrak officials will give this excellent report every consideration and see its way clear to establish rail passenger service along this vital route in the not-too-distant future.

I ask unanimous consent that the report be printed in the RECORD so that we may share its valuable information with all Senators and other readers of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A CASE FOR THE "GEORGIAN"

(By the Committee on Passenger Service)

Atlanta, Georgia, metropolitan population 1,390,164, is now the largest city in the United States not served by the Amtrak system.

Though connected to the East by Southern Railway's "Southern Crescent" and to New Orleans three days a week by the same train, Atlanta, the center and hub city of the South, has no direct service to the nation's transportation center, Chicago, or to the Mid-West in general.

In addition, Tennessee's industrial corridor, East Tennessee, including two of the state's largest cities, is left with no rail passenger service at all. The need for service to these populous areas is undeniable. The question is how to provide this service most efficiently, effectively, and economically. A careful examination of possible routes, schedules, and needed equipment will indicate unequivocally that the best solution is the establishment of a new section of the existing Chicago-Miami train, the "Floridian" (formerly the "Southwind"). This new section, called in this report, the "Georgian," would provide through service between Chicago and Nashville, breaking off from the "Floridian" in Nashville, and traveling as a separate train between Nashville and Atlanta via Chattanooga.

As a result, Atlanta would have its connection to the Mid-West, and East Tennessee, i.e. Chattanooga, would once again be a part of the nation's rail passenger system. The advantages of this route are not limited to the cities served, however, for Amtrak could anticipate increased patronage of the Nashville-Chicago portion of the "Floridian" because of its connection to Chattanooga and Atlanta, as well as Birmingham and Montgomery. In addition, patronage of the proposed "Georgian" would be enhanced by its ability to connect with the "Southern Crescent" to the East, thus providing such cities as Nashville and Chattanooga with east-west service, which they do not presently have.*

A careful examination of the following proposed schedule, connections, equipment, and terminals will indicate that the establishment of the "Georgian" as a section of the "Floridian" will undoubtedly provide the best north-south service for East Tennessee and Atlanta, most economically and practically.

PROPOSED SCHEDULE

As stated earlier, the "Georgian" would operate as a section of the "Floridian," with the two trains dividing in Nashville. This schedule would facilitate a mid-afternoon arrival in Chattanooga and an early evening arrival in Atlanta. Return scheduling would call for the "Georgian" to leave Atlanta in early afternoon, arriving in Chattanooga in mid-afternoon, and connecting with the "Floridian" in Nashville in early evening. The attached schedule (based on the November 4, 1971, schedule of the "Floridian") indicates the convenience and feasibility of operating this train.

PROPOSED SCHEDULE

Read down		Miles from Chicago		Chicago to Florida / Chicago to Georgia			Read up	
Georgian	No. 52 Floridian						No. 53 Floridian	Georgian
	11:30 PM	0	Dp	Chicago, Ill.	CST	Ar	7:00 AM	
	11:59 PM	22		Homewood	CST		6:30 AM	
	12:35 AM	55		Kankakee	CST		5:50 AM	
	3:10 AM	129		Lafayette, Ind.	EST		4:40 AM	
	4:40 AM	193		Indianapolis	EST		3:10 AM	
	7:40 AM	304	Ar	Louisville, Ky.	EST	Dp	12:10 AM	
	7:50 AM	304	Dp	Louisville, Ky.	EST	Ar	11:40 PM	
	8:50 AM	418		Bowling Green	CST		8:20 PM	
	10:35 AM	491	Ar	Nashville, Tenn.	CST	Dp	6:50 PM	
11:00 AM		491	Dp	Nashville, Tenn.	CST	Ar		6:20 PM
11:45 AM		522		Murfreesboro	CST			5:40 PM
12:24 PM		560		Tullahoma	CST			4:44 PM
3:30 PM		642	Ar	Chattanooga	EST	Dp		3:45 PM
3:40 PM		642	Dp	Chattanooga	EST	Ar		3:30 PM
4:35 PM		680		Dalton, Ga.	EST			2:23 PM
5:36 PM		731		Cartersville	EST			1:25 PM
6:15 PM		756		Marietta	EST			12:51 PM
7:00 PM		776	Ar	Atlanta	EST	Dp		12:15 PM
	10:45 AM	491	Dp	Nashville, Tenn.	CST	Ar	6:40 PM	
	3:15 PM	696		Birmingham, Ala.	CST		2:20 PM	
	5:40 PM	794		Montgomery	CST		12:10 PM	
	2:55 AM	1,184		Jacksonville	EST		4:30 AM	
	6:00 AM			Orlando	EST		12:45 AM	
8:45 AM		1,422		Tampa	EST			10:10 PM
10:15 AM		1,478	Ar	St. Petersburg	EST	Dp		8:30 PM
	9:50 AM	1,456	Dp	West Palm Beach	EST		9:05 PM	
	10:45 AM	1,499		Fort Lauderdale	EST		8:15 PM	
	11:40 AM	1,696	Ar	Miami	EST	Dp	7:30 PM	

CONNECTIONS

The prime connection of the "Georgian" is, of course, with the "Floridian" in Nashville so that through service is provided between Chicago, Indianapolis, Louisville, Nashville, Chattanooga, and Atlanta. However, an additional connection in Atlanta with Southern Railway's "Southern Crescent" would provide service to Charlotte, Washington, and other cities in the East.

Coming from New York, Washington, and Charlotte, the "Southern Crescent" arrives in Atlanta at 8:30 a.m., in more than sufficient time to connect with the northbound "Georgian" leaving Atlanta at 12:15 p.m. for Chattanooga, Nashville, Louisville and Chicago. In addition, with a little juggling of schedules (one hour earlier arrival in Nashville), the southbound "Georgian" could arrive in Atlanta in time to easily connect with the eastbound "Southern Crescent." With the existing schedule, the "Georgian" would arrive in Atlanta at 7:00 p.m., the same time that the "Southern Crescent" is scheduled to leave Atlanta.

The Georgia Railroad operates a mixed train daily between Atlanta and Augusta, Georgia. The present westbound schedule of this train calls for Atlanta arrival at 11:00 a.m., enabling it to connect with the northbound "Georgian," also.

Thus, with one minor alteration of scheduling, the addition of the "Georgian" route would not only provide direct service north from Atlanta, but it would also provide excellent connecting service between Nashville and Chattanooga and Charlotte, Washington, and other eastern cities.

EQUIPMENT

Service between Atlanta and Chicago offers such potential that through cars should be provided. Thus, the initial operation should include one through coach and one through sleeper. In addition, a snack bar/coach, providing sandwiches, light meals, and complete beverage service, and a baggage/coach should be added to run between Nashville and Atlanta. (Since the proposed run between Nashville and Atlanta would start a little before noon and end in the early evening, full dining car service would not be necessary for this section of the train.) Also, because the "Georgian" would cross the scenic Cumberland Mountains during the day, a dome coach would be a worthwhile addition to the proposed run.

*NOTE.—Although not discussed in this report, the "Georgian" could continue through Atlanta to Savannah over the tracks of Amtrak member Central of Georgia Railway, where it could connect with Amtrak's New York-Miami "Silver Star." Taking into account a six-hour running time between Atlanta and Savannah, this train, with a slight alteration of schedules, could connect with the southbound "Silver Star" operating on its winter schedule, effective December 17, 1971. Likewise, the northbound "Silver Star" could connect with the proposed "Georgian" in Savannah for Atlanta, Chattanooga, and the Mid-West. This Atlanta-Savannah run would operate on a schedule similar to the former "Nancy Hanks."

The following equipment would be needed under this proposal:

Equipment	Use	Cars per train	Total cars
Coach	Chicago to Atlanta	1	3
Sleeper	do	1	3
Snack bar/coach	Nashville to Atlanta	1	2
Dome coach	do	1	2
Baggage coach	do	1	2

TERMINAL FACILITIES

Nashville's Union Station, already in Amtrak service, would serve as the junction point of the train, with switching crews from the adjoining Kayne Avenue yard handling the switching needed to make up the proposed section.

The next major stop, Chattanooga, is the only one that would require a new terminal facility. For economy, a mobile home or prefabricated structure could be used for a ticket office and passenger waiting room. With the change L & N will soon make in its lines through Chattanooga, the new station could be conveniently located in the downtown area between Market and South Broad. This new location would eliminate the need to back into the old Union Station in Chattanooga, while at the same time providing a new, clean, inexpensive facility.

In Atlanta, the "Georgian" should use Southern Railway's Peachtree Street Station to facilitate connection with the "Southern Crescent." Located on Southern's main line, the station also sits at the intersection of two major midtown expressways. Although use of this station would require approximately two miles of backing, the availability of a facility already in use, coupled with the convenience of connections for passengers, far outweighs this minor drawback. Amtrak should be responsible only for its proportionate share of the expenses at this facility.

Flag stops or other scheduled stops could be handled in existing station facilities in selected small towns, incurring no additional expense for facility construction.

Because of the availability of existing facilities in Nashville, Atlanta, and various small towns, and because of the minimum expense required for a facility in Chattanooga, terminal costs will be both minimal and feasible, especially when compared to such cities as Cleveland and Toledo.

COST

A provision of the legislation establishing Amtrak states that trains may be added to the system in either of two ways:

(1) Local and state governments can demand service by agreeing to pay two-thirds of any losses incurred in providing the service.

(2) Amtrak's Board of Directors, on their own, can decide to provide service on a trial basis on any route they select.

For three pertinent reasons, Amtrak is urged to initiate the "Georgian" under the second method. The first reason is that because of the short distance of the route (285 miles) and the relatively few pieces of equipment needed to service the route, start-up and operating costs would be relatively low. Anticipated local patronge should cover most of these costs, keeping direct losses to a minimum.

The second reason is that establishment of this route would stimulate patronage and increase revenues on the "Floridian." It would certainly be unfair, then, for Amtrak to require local and state governments to bear the direct losses (if any) incurred, when, in fact, the overall Amtrak system stands to gain revenue-wise with the establishment of this route.

Finally, Amtrak, through the establishment of several less attractive routes at its own expense, has established a precedent that must surely apply to this potentially prosperous route.

For the reasons stated in this report, this committee urges Amtrak at its expense to implement the proposed section of the "Floridian" between Nashville and Atlanta on a daily basis for a trial period of one year.

WILLIAM B. STRONG,
Chairman.

ROBERT W. THURMAN,
Co-Chairman.

ELDERLY POOR HARD HIT BY SOCIAL SECURITY-OLD AGE ASSISTANCE OFFSET

Mr. CHURCH. Mr. President, passage of the urgently needed 10-percent social security increase last March brought some relief for millions of older Americans living on limited, fixed incomes.

However, for others—especially those who also receive old age assistance—this increase has been neutralized, to a large degree, because their assistance payments have frequently been cut back by the amount of their social security raise. The net impact is that they continue on an economic treadmill. And in some cases, these low-income individuals are actually in a worse economic situation because the reduction or loss of other valuable assistance—such as reimbursement for their payments for medicare insurance, medicaid, and old age assistance—has outstripped the limited dollar gains from the stopgap 10-percent raise.

One of the major pieces of pending legislation before this Congress is the social security-welfare reform amendments, H.R. 1. And one of the key issues which merits serious congressional consideration is the problem of the "offset" for persons who receive both social security benefits and old age assistance payments.

In order to provide more information about this problem, the Senate Committee on Aging, of which I am chairman, asked the Congressional Research Service to prepare a memorandum on the effect of the 1971 social security increase on welfare payments. Mr. President, I commend this statement to the Senate and ask unanimous consent that it be printed in the RECORD.

Additionally, a recent article in the Wall Street Journal describes in very human terms the impact of this "offset" on the lives of old age assistance recipients. Mr. President, I also ask unanimous consent that this item be printed in the RECORD.

Finally, an article by Richard Critchfield, published in the Washington Evening Star of November 30, deals with the problem as it affects individuals in the District of Columbia. This excellent article is also worthy of note, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., July 26, 1971.

To: Special Committee on Aging.
From: Education and Public Welfare Division.
Subject: Effect of March 1971 social security increase on welfare payments.

This is in response to your request for information as to the general effects of the social security benefit increase enacted in March of this year on the public assistance payments for which social security beneficiaries may be eligible. The March 1971 social security amendments provided benefit increases retroactively to January 1971. The first month for which the increased benefits were payable as a part of the regular social security check was the month of May 1971, the checks for which were issued in June. The increased benefit for the months of January–April 1971 was paid in a separate check also issued in June. The March 1971 act which effected these social security increases included a special provision under which the single check for the retroactive January–April increase could, at the option of each State, be disregarded in determining the amount of public assistance payable to an individual. No such special provision was, however, included with respect to the increased benefits which are regularly payable starting with June. Thus, these increased benefits would be treated the same as any other income available to recipients and, as such, would serve to reduce the amount of assistance payable.

In general, States are required under the public assistance titles of the social security act to take into consideration all the income and resources of an individual in determining his need and, consequently, the extent of his eligibility. Ordinarily, this would mean that if an individual's income goes up (as through a social security benefit increase) the amount of his assistance would go down. States are permitted (in the programs for the aged, blind, and disabled) to disregard up to $7.50 of monthly income from any sources in determining an individual's assistance. (There are also special exclusions for earnings from employment.) Even if a State were already making use of the provision under which it is permitted to disregard up to $7.50 per month of any kind of income prior to the adoption of the recent social security benefit increases, it could, if it wished, prevent those increases in social security from being offset by decreases in public assistance payments by raising the standards of need under which it determines the amount of public assistance an individual will receive. In general, however, an increase in the needs standard would also have the effect of raising assistance payments for persons not getting social security benefits and making newly eligible for assistance persons whose incomes are above the old standard but below the new standard.

[From the Wall Street Journal, Nov. 26, 1971]

"THANKS A LOT": DISMAYED AGED LEARN SOCIAL SECURITY RAISE MEANS CUT IN BENEFITS—IN MANY STATES, A $10 BOOST MAKES ELDERLY INELIGIBLE FOR FREE MEDICAL CARE; WILL BUREAUCRATS EVER AGE?

(By Tom Herman, Staff Reporter of The Wall Street Journal)

MIAMI BEACH, FLA.—Leah Miller is a diminutive, white-haired lady who lives alone in a small, $100-a-month hotel room here. For the past several years, Mrs. Miller has lived solely on the proceeds of her Social Security check, welfare benefits and the occasional gifts of a few close friends. Mrs. Miller is a diabetic, and after she buys her prescribed drugs and pays her rent, there's not much left over each month.

Mrs. Miller is probably just the kind of person Congress had in mind when it decided to increase Social Security payments 10%. Well, the 10% increase is in effect now, and Mrs. Miller says it has changed her life, all right.

For the worse.

"I begged the government not to make me take it," she says, "but they said I had to. I told them that's not fair. But they said regulations won't allow them to take it back."

Mrs. Miller has not lost her mind. Because of some quirks in federal and state

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laws, she and thousands of other old folks in 23 states have discovered that their Social Security raises are costing them far more than they benefit them. Specifically, Mrs. Miller now gets at least $20 a month less than she did before the "increase." She also has less hospitalization insurance. And she isn't insured at all for many things she was once covered for.

NEW GARBAGE BILLS

The problem arises when elderly poor people receive just enough of a Social Security increase to make them ineligible for valuable other benefits they had been receiving, such as old-age assistance, Medicaid and free Medicare insurance. In some communities, the Social Security raise even disqualified recipients from receiving free garbage collection and forced them to pay more for their food stamps.

To some people in government, the unfairness of that ironic situation is plain, and legislation now is pending in Congress that would largely eliminate the problem. However, the proposal is a part of the controversial welfare-reform bill, which is bogged down in the Senate Finance Committee, so there's no telling when or if relief will come. In the meantime, the problem is likely to be aired at the White House Conference on Aging, scheduled for Sunday through Thursday of next week.

Mrs. Miller hasn't been invited to that conference, but if she were she would have plenty to gripe about. Before the increase, Mrs. Miller's only income was $113 each month from Social Security and $6 from the state welfare department—or $1,428 a year. The state welfare department also furnished her with a little blue card that paid up to $20 a month for prescribed medicines, and it picked up her monthly Medicare insurance premiums of about $5.60.

MRS. MILLER'S SCISSORS

Then came the "raise." Now, Mrs. Miller gets $124 a month from Social Security—$11 more. But she no longer gets the $6 welfare check, or her $20 in medicines, or $5.60 in insurance premiums. (Medicaid in Florida and 24 other states is available only to welfare recipients.) The Medicaid Mrs. Miller lost covered free X-ray treatment and skilled nursing home services—which, if the need should ever arise, she will now have to pay for herself. Medicaid also pays a patient's entire hospital bill for up to 60 days. Without Medicaid, Mrs. Miller must pay the first $60 of hospitalization costs, and that figure will go up to $68 in January.

To make ends meet, Mrs. Miller has started cutting her most expensive pills in half with a scissors. "That way, I use them up only half as fast," she says. She also spends less on food now. She also worries.

"What would I do if I should have to go to the hospital?" she asks. "I don't know where I would get that $60. And the chances of my needing to go to the hospital get better every day. I'm 83, and I'm not getting any younger."

Mrs. Miller is confused, and she is bitter. "I still can't understand how anyone could let this happen," she says. "I told the welfare people, 'Thanks a lot for nothing.' They said they were sorry, but that their hands were tied by regulations. But what are we supposed to do, those of us who are much too old to do any work?"

Government officials don't have an answer to that question, but they say it isn't a new one. Thousands of cases like Mrs. Miller's pop up every time there's a Social Security increase, they say. "It's a real tragedy," says Virginia M. Smyth, a federal welfare official in Atlanta. "It's especially ironic because it runs completely counter to the intention of the law."

TOO OLD TO FIGHT

Although the problem may have been around for years, many government officials seem unaware of it, or assume it's not around any more. One official with the Social Security Administration in Miami recently insisted for several minutes that "the whole problem was cleared up last spring in some new legislation that you should know about." Later, after thumbing through several thick reference books, he confessed: "Well, I suppose you're right. The problem is still with us."

One reason few people seem aware of the situation is the extreme reluctance of many poor people to protest. In interviews, some people express fears that any protest would mean sharp cuts in their Social Security checks. Others simply shrug their shoulders and say they are too old to fight.

Some have reacted by pleading with Social Security officials to take back the "raise." Sam Salit, a short, stocky, 77-year-old man, lives with his wife, Julia, age 66, in a small, one-room apartment in South Miami Beach, an area of the elderly and the poor. Sitting in his "living room" (the front half of the apartment) on a hot afternoon, Mr. Salit mops his brow and recalls a conversation he had with a state official after he discovered that the "increase" was going to cost him at least $43 a month.

"First, I say to the man, look, I make you a deal: You take back my little increase and I won't tell a soul. In fact, I say to the man that I give back the increase gladly. The man smiles and says he's sorry. I say that sorry won't help. He says he knows. I say to myself, so what can I do? At my age, I'm going to fight the law?"

One answer, of course, would be for each state to give Medicaid to people whose incomes are too small to pay for the medical care they need. At the moment, 23 states and the District of Columbia do just that. But in the others, only those on welfare are eligible for Medicaid. And it doesn't seem likely things will change. If anything, the trend is moving in the opposite direction; many states have begun or are considering cutbacks in medical care for the indigent.

Another answer would be to disregard Social Security altogether when computing welfare eligibility. That is the approach of a bill that will be introduced this winter by several Florida state senators; it is also an approach that has been proposed several times before and defeated, mainly because of cost.

SIX HUNDRED DOLLARS IN THE HOLE

Meanwhile, there is no help for people who lose money by getting money. That's especially tough on those with heavy medical expenses, such as Mary B. Powell, who lives near Miami. Back in the good old days before the Social Security increase, Mrs. Powell was technically on welfare and entitled to $45 a month in free prescription medicine. Now, she's off welfare, and the $45 a month comes from her own pocket—as does her $5.60 Medicare insurance premium.

That's not all. Mrs. Powell and her husband, James, live in an unincorporated area of Dade County, which means that, as welfare recipients, they were entitled to free garbage collection. Now that they're off welfare, they have to pay the $52 a year themselves. Like his wife, Mr. Powell lost his free medicines—$20 month in his case. Both the Powells lost their welfare checks, of $1 each per month. The Powells figure their Social Security increase amounts to $206.40 and will cost them $814.40 a year, which means they must somehow find another $604.40—assuming they will need no X-rays, hospital care or nursing home services.

That's an unlikely assumption. Mrs. Powell is either 73 or 75—"I can't remember if I was born in 1896 or 1898, but when you're my age, what's a year or two?"—and uses a wheelchair and suffers from ulcers and arthritis. Mr. Powell, who is 76, had "a complete mental breakdown in 1965 or so" and since has had a stroke, Mrs. Powell says. So the Powells are not exactly top candidates for the labor pool.

Nor are many others. "What worries me isn't losing the welfare check," says William Lucas, age 68, of Atlanta, who is mostly paralyzed on his right side and suffers from hardening of the arteries and an arthritic left leg and wrist. "Hell, they can keep the welfare check. What I need is that $20 drug card and the Medicaid hospital coverage."

GROCERIES OR MEDICINE

Lelia Comer, a 75-year-old St. Petersburg widow, can sympathize. Mrs. Comer's Social Security increase amounted to $12 a month and robbed her of $35.60 in welfare medical money as well as of the wide variety of hospital benefits paid by Medicaid.

Sitting on her porch with her shoes off, Mrs. Comer says: "I tell you what I think: Us old folks that worked hard, that can't work no longer, that need the money just to stay alive and buy medicine, they is the ones that can't get no money. But those young mothers that have all them babies, they get all the money they need. This raise ain't a raise none at all. It's just what they do to get us old folks off of welfare, that's all. You see what they done, they just put on to one check and took off from the other. So I'm worse off from where I was. It hurt me a heap. God knows, they think the old folks ain't got nothing to spend money on. Nothing to spend money on."

To save money for herself and her 51-year-old asthmatic daughter who lives with her, Mrs. Comer says she borrows "from my neighbor on food. And I leave off (buying) some of the groceries. My daughter, she say she don't care none about leaving off some of the groceries. She say that medicine is the most important thing."

Some observers think cases like Mrs. Comer's reflect the government's—and the whole society's—lack of sensitivity to problems of the aged. Max Friedson, a 72-year-old activist for improved old age legislation, thinks he knows why no one cares: "You know why problems like this exist?" he asks. "You know why? Because some people in government today think they'll never grow old. Of course, I don't think that's too unusual, because I never thought I'd grow old either."

[From the Evening Star, Nov. 30, 1971]

THE RAISE SPELLS HARDSHIPS

(By Richard Critchfield)

Daniel Styles is a gentle, soft-spoken, nearly blind old man who pays $35 a week for his meals and a single room in an Arlington apartment house, on South Wise Street. Since his vision turned so poor that he had to stop working as a janitor at Arlington's Colonial Village two years ago, he has lived entirely on the proceeds of a $107.45 monthly Social Security check and $20 in old-age assistance.

He is probably the kind of elderly person beset by rising living costs that Congress had in mind to help when it voted to increase Social Security payments 10 percent.

Yet as soon as the increase went into effect in July and his Social Security went up to $122.10 a month, Wise was notified he was no longer eligible for welfare. This left him $5 poorer than before.

Or take the case of a retired 65-year-old Washington business executive—call him John Martin—who lives with his wife in a public-housing project in Montgomery County. Martin had to retire prematurely because of his health. He has been hospitalized six times in the past two years with two prostate operations, cancer surgery, a heart attack and intestinal ulcer.

While he was sick recovering from his latest ailment, Martin received notice that because his Social Security had been increased, he was now $16 over the eligibility limit and would no longer receive medicaid. He was also told he would have to pay his own $5.60 medicare monthly insurance premiums. Between Sept. 30 and Oct. 1, Martin had to pay $57.48 in medical bills.

He has since appealed the decision.

These are only two examples of how a Social Security raise really cuts benefits to the elderly.

Because Social Security is a national program and medicaid, old-age assistance and food stamps are District or county-administered state programs, hundreds in the Washington area have discovered that Social Security raises are costing them in benefits more than their dollar gain.

The problem arises when a poor person receives just enough of a Social Security increase to make ineligible for valuable benefits such as old-age assistance, medicaid, $5.60 monthly free medicaid insurance or food stamps. Eligibility for the federally funded medicaid program are set locally.

This cutoff point varies from community to community. In Maryland, where anywhere up to 10 percent of the low-income group may have lost medicaid as a result of the Social Security increase in some counties in Montgomery and Prince Georges, the income eligibility ceiling is low, $1,800 for a single person, figured on a gross total income basis.

In the District, to be eligible for medicaid, a single person's net income after taxes and certain deductible expenses can be as high as $2,100 a year. In the Virginia suburbs, it can be up to $1,900 net income.

As a result, the situation is much more serious in Maryland suburbs than elsewhere in the Washigton area, where comparatively fewer people were "bumped" from benefits because of the Social Security rise. At present, maximum welfare benefits in Maryland meet only 61 percent of what a state commission has determined as a reasonable minimum living standard.

The Maryland legislature has asked counties to report on the effect of the increases but so far has taken no remedial action.

The full extent of the problem is hard to measure. Few suburban counties outside Arlington have kept records on who lost benefits solely because of the raise.

Robert C. Logan, who heads certification for the District's medicaid program, said in an interview "no one has been bumped off" since July for this reason. Yet a majority of appeals made during the last six months for restoration of canceled medicaid have been on the basis that Social Security increases made people ineligible.

A spokesman for the District's Human Resources Department declined to give out figures on medicaid appeals involving the Social Security increases, on the grounds that Health, Education and Welfare Department regulations made such statistics confidential.

One reason there is so little awareness of the problem is the reluctance of many elderly poor people to protest. Most of what has come to the surface has come from social workers who deal with the elderly in public housing. The workers often carry appeals on their behalf to the county social services departments.

The problem also has political overtones.

For instance, President Nixon's proposal for another 5 percent increase in Social Security could eliminate significant numbers of elderly people in the District from medicaid, medicare payments and food stamps, since the rise puts them above the income eligibility ceiling.

The administration's proposals and other legislation before Congress contain features to help alleviate the problem. But as long as Social Security is national and most benefits to the aged are locally regulated and administered, it cannot be eliminated entirely, especially if the states do not have the money. William C. Hudelson, the director of Prince Georges County's programs for the aging, pointed out that while Maryland law stipulates that the rise in Social Security can be disregarded for anyone receiving old-age assitance "the case workers are so poorly informed and the flow of information so slow in Maryland," that some people lost their benefits anyway.

In Virginia, the rise in Social Security was canceled out by a drop in old-age assistance for the most desperately poor, as in the case of Daniel Styles. For many others, the only real gain from the Social Security raise was a new $11.50 "disregard" payment and from $40 to $50 in back payments since the raise was made retroactive to Jan. 1.

FINANCING OF THE AMERICAN PUBLIC EDUCATIONAL SYSTEM—A GROWING DILEMMA

Mr. SAXBE. Mr. President, the time to analyze our present system of financing education is at hand.

Today, more than ever before, the education of our children is one of the most important functions of our society. We strive to teach our children well. We seek to offer them an educational foundation that will enable them not only to understand our national, state, and local problems but to solve them. We desire that they learn to improve our society and eliminate much of man's inhumanity to man. But because of the gross inequities created by our method of financing education it seems as if we are giving with one hand and taking away with the other.

We have traditionally considered education important enough to require compulsory school attendance for our children. And when it comes to raising funds for public schools the Constitution requires a system that gives a child with poor parents and neighbors the same qualified instructors and physical facilities that are given to the more wealthy. The rights and privileges held by a child cannot be increased or decreased because of the financial situation of his parents and neighbors.

We have come to the point however, where the difference between structural facilities and teachers among even neighboring school districts is so great that it is akin to sending children in high income areas to spacious "country clubs" while casting upon the financially disabled child the complexion of a prisoner; complete a 12-year sentence. The child cannot help but reflect this attitude in later life—an attitude which we have struggled to eliminate. Obviously, even with expenditures equalized, the children of the affluent will still have vast advantages. But we must now be cognizant of the fact that if public schools do not make a zealous effort to offer equality of opportunity, there will be little hope for the poor breaking out of the vicious circle of poverty, poor education, involuntary oppression, and more poverty.

Our present system, in all but two States, relies heavily upon local property taxes which causes substantial discrepancies among individual school districts in the amount of revenue available per pupil for that district's educational program. As a result, districts with a smaller tax base are not able to spend as much money per child as a district with a higher assessed valuation. At this moment in Ohio, one district may be able to afford to spend more than $1,300 per year per pupil while a contiguous, poorer district may only be able to afford $300.

Although the amount of money raised locally is often a reflection of the rate at which residents of a particular district are willing to tax themselves, as a practical matter districts with small tax bases simply cannot levy at a rate sufficient to produce the revenue that more affluent areas reap with minimal tax efforts. Thus, to a lot more educational dollars to the children of one district than another merely because of the fortuitous presence of highly valued property, is to make the quality of the child's education depend upon the existence of private, commercial and industrial complexes in his particular area.

The most significant and recent stride toward educational finance reform was taken by the California Supreme Court in Serrano against Priest, August 30, 1971. The Court held that California's present system which applies local property taxes to support individual school districts was in violation of the equal protection clause and the 14th amendment and therefore unconstitutional.

There should be no class distinctions in public education. I have long believed that Federal funds should only be used when absolutely necessary and immediate direction and control should come from State and local governments. No, I have not the solution to this imminent and perplexing problem. However, I have suggested in the past that a uniform millage tax rate may be a partial answer to this ever growing problem. Under a uniform millage system all citizens would continue to pay property tax at a uniform rate. But instead of returning the collected tax to the same districts from which it was taken it would go into a State fund and be distributed on an equal basis to all districts in the particular State. This taxing process could be supplemented by State and Federal funds until such a time when all public schools within the State can offer basically equal opportunities to all the children.

While a uniform millage may not be the total answer, it at least presents a more equitable system than presently exists. After taking the first step toward giving our young Americans the equal protection in education which they deserve we will be on our way to a better, more efficient, more equitable and more effective educational system. We must develop a method by which funds would be distributed in a manner that will enable all children regardless of the relative wealth or poverty of the school district in which they live to receive equal educational opportunities. A change will not be easy, but it must be made. We cannot continue to raise our children in an educational system that discriminates against them.

MILITARY COST OVERRUNS—A CASE OF MISPLACED MILLIONS

Mr. CHURCH. Mr. President, cost overruns and military procurements have become synonymous in recent years. These inflated expenditures stand in stark contrast to the legislative battles waged here in the Senate Chamber each year in order to add an extra dollar or two to our domestic services budgets.

The belief held by defenders of Defense Department practices that the more we spend on the military the more security we buy was recently demolished by a

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former Pentagon official in testimony before the Senate Armed Services Committee.

The witness, Pierre Sprey, formerly a weapons analyst in the Office of Systems Analysis, is quoted in the Washington Post of December 9, 1971, as saying that—

The weapons cost explosion has reached the stage where national defense is being severely impaired.

This is not the only published account of DOD waste in respect to military weaponry development. The inattention of the Pentagon to unnecessary expenditures is perhaps best illustrated by William Evans, an Air Force general, as quoted in an article in the Boston Globe on December 5, 1971. General Evans, according to the dispatch, was asked about the whereabouts of $95.1 million for weapons. In reply to the question at a meeting of the Senate Armed Services Committee, General Evans is quoted as saying:

That amount of money loses its identity when it goes back into the Air Force budget . . . I cannot tell you how the money was spent.

Our cost-conscious colleague, the Senator from Wisconsin (Mr. PROXMIRE), has focused on military mismanagement and lists several spectacular examples in a highly readable article entitled "The U.S. Navy Jet That Shot Itself Down, and Other Pentagon Lemons," published in the Washington Post of December 5, 1971.

Senator PROXMIRE describes one episode in which a Navy fighter jet, the F11F1 Grumman, was disabled in flight by shells fired from its own cannon. He goes on to relate a second episode in which a Lockheed Cheyenne attack helicopter fell apart during a test flight and a third episode in which a mammoth overland supply "train" was built for $3.7 million, but never used after testing.

The article concludes with four constructive recommendations as to how to avoid wasteful expenditures of taxpayers' funds by the Defense Department.

I ask unanimous consent that the three articles referred to in my remarks be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 9, 1971]

PENTAGON REWARDS COSTLY WEAPONS AT EXPENSE OF SIMPLICITY, HILL TOLD

(By Michael Getler)

Claiming that "the really brilliant advances in weapons come from simplification" and not from making military hardware ever more complex, a former Pentagon official warned a Senate committee yesterday that the "weapons cost explosion has reached the stage where national defense is being severely impaired."

At the same session, the Senate Armed Services Committee heard the man responsible for developing one of the simplest, cheapest and best weapons ever built—the Navy's Sidewinder missile—say that the current system for developing new weapons "rewards the design of complex and expensive systems and penalizes work on simpler and therefore less expensive ones."

The military budget process, said the Navy's Dr. William B. McLean, now "ends up being a problem of guessing what will sell rather than what is really needed or can be produced."

The former official, Pierre Sprey, who spent four years as a weapons analyst in the Office of Systems Analysis, said the fascination with sophisticated weapons technology since World War II has greatly increased the "career possibilities and influence of both civilian and military technology advocates." That influence remains relatively unchecked by "counter-advocacy and by critical and realistic testing," he added.

Sprey, who left the Pentagon in 1970, is a strong advocate of more austere weapons of all types so the United States would not be outnumbered in future battles.

But he, along with a small group of Air Force fighter experts, has pressed hard for the United States to build a lightweight, low-cost fighter stripped of everything not essential for its primary role of knocking down enemy planes under the most likely combat conditions during daylight and at speeds normally well below the top speed of new fighters.

Pressing his case in 1968 while still in the Pentagon, Sprey wrote studies which irritated some higher-ups by showing, according to his calculations, that such a plane could out fight not only Soviet Migs, but the U.S. F–4 Phantom as well, and would be a lot cheaper than the Air Force's new F–15 and Navy F–14.

Although the Senate committee's special hearings are intended to help solve the problem of ballooning weapons cost and complexity, Sprey's testimony yesterday appeared to ruffle at least two committee members.

Sen. Stuart Symington (D-Mo.), who has been sharply critical of Pentagon buying policies and has praised most of the critics who have come before the committee, said he disagreed with some of Sprey's comments and questioned Sprey mostly about his background. Both the F–15 and the Phantom are built in St. Louis.

Sen. Howard Cannon (D-Nev.), a strong advocate of tactical air power, said he disagreed with "a lot" of what Sprey said, and read aloud memoranda written by civilian Navy officials working on the new F–14 fighter which criticized Sprey's earlier studies.

Sprey said he knew about those memos but the actual technical critiques had never been shown to him for rebuttal.

Since the F–14 and F–15 programs have begun, the Pentagon has decided to undertake an experimental lightweight fighter project, with strong support by Deputy Defense Secretary David Packard.

Sprey drew support from Sen. Barry Goldwater (R-Ariz.) who said "part of our trouble lies in some of our career civilian and military who can't see anything good in a new idea."

Sprey said that the best "Mig-killer" today is the French Mirage III, which has virtually none of the sophisticated electronics going into new U.S. fighters. Nor does the Mig carry such equipment, he said.

Sprey charged that the price the military is paying for radars, radios and navigational equipment was hundreds of time higher than the price commercial airliners pay and that the commercial equipment was far more reliable, another point on which he received strong backing from Goldwater.

[From the Boston Sunday Globe, Dec. 5, 1971]

SENATE PROBING HOW THE MILITARY MISPLACED MILLIONS

WASHINGTON.—The Pentagon's solution to the Vietnam conflict—electronic warfare in which computerized air and ground weapons systems replace GI's—has spawned a financial muddle in which $460 million has been spent on other projects, some of them unspecified.

The case of the misplaced millions was first uncovered by the Electronic Battlefield Subcommittee of the Senate Armed Services Committee under Sen. John C. Stennis (D-Miss.) a year ago.

On Friday the full committee began a formal investigation into the whole question of how the United States does its military shopping.

Announcing the start of this new inquiry, Senator Stennis said: "Individuals with widely varying views of defense issues are united in their concern about the serious implications of cost and effectiveness of weapons systems."

At last year's hearings—which excited little public interest—Air Force Gen. William Evans was asked about a figure of $95.1 million which had vanished into other channels. He said: "That amount of money loses its identity when it goes back into the Air Force budget. . . . I cannot tell you how the money was spent."

His colleague Gen. Carlos Talbott, added: "I don't think we're providing a very good answer."

A later documented reply suggested the $20 million of the $95 million may have been used for bombs and ammunition, but it admitted: "The funds . . . do not retain their identities . . . to enable us to specify where that money was applied."

The Navy, which uses the new electronic techniques in river warfare, has been content to redirect a mere $8.1 million to other plans.

But Army funds have been diverted on a massive scale: A total of $356.6 million has been "reprogrammed."

The funds fall into two categories, both related to a night targeting system known as "STANO."

One is the Procurement of Equipment and Missiles, Army Fund (PEMA). The other is the Operation and Maintenance Army Fund (OMA).

PEMA was meant to buy such things as weapons sites cost $1,180 each and Mohawk surveillance aircraft at $2.2 million apiece. In fact, much of the money was devoted to "border sites," military helicopters and items which have not been specified.

Army Gen. William B. Fulton told the subcommittee that in 1967, $7.5 million was "reprogrammed" from the PEMA fund. In 1968, the sum was $66.2 million; in 1969, $172.8 million and in 1970, $94.1 million; a total of $342.6 million or almost 18 percent of the $1,700,000,000 diverted to the entire army's night targeting system.

Similarly, in 1969, $5.3 million was withdrawn from the OMA budget and in 1970, $7.7 million, a total of $13 million. Of this money, $3.7 million was "reprogrammed" for "southeast Asia supplies and spare parts" and the rest devoted to a scheme enigmatically described as "Project 703".

General Fulton's statement, implied that of the Army's reprogrammed $356.6 million, a sum of $111.9 million was not accounted for by details which were later supplied by the Army at the subcommittee's request.

This "deficit" however, was virtually eliminated in the revised estimate.

The later figures—which were now described as "net amounts"—suggested that no PEMA funds were redirected in 1967 or 1968; but that $156.8 million was in 1969 (against the earlier estimate of $172.8 million for that year) and that $77.9 million was redirected in 1970 (compared wih Fulton's figure of $94.1 million).

Thus, the general's earlier total of "reprogrammed" money had now shrunk from $356.6 million to $234.7 million.

When he was asked why the surplus PEMA funds were carried over to finance the following year's electronic warfare budget, Gen. Fulton said: The way the Army has handled this funding has been to apply it to future years."

The Army's later explanation was: "There is no provision for using these funds in subsequent years for new requirements without reprogramming and congressional approval. Funds provided from program reductions are therefore reprogrammed for unforseen requirements and program changes. . . ."

This commentary went on to claim that "the major proportion of the excess (PEMA) funds were applied as offsets to urgent unprogrammed PEMA requirements . . ."

In other words, after being "reprogrammed" out of PEMA, a major but unspecified amount was "reprogrammed" back again.

Yet even the considered reply conceded that in 1969 and 1970, a total of $234.7 million of PEMA funds was spent on M16 rifles, forklift trucks, and other items which had nothing to do with the electronic warfare project for which the money was intended in the first place.

It is hardly surprising that when he opened the latest inquiry into military spending on Friday, Sen. Stennis should complain that "we reduce and even endanger our national security by developing and procuring costly and ineffective weapons systems."

[From the Washington Post, Dec. 5, 1971]

THE U.S. NAVY JET THAT SHOT ITSELF DOWN, AND OTHER PENTAGON LEMONS

(By Senator WILLIAM PROXMIRE)

Back in 1956 there was a news story about a new Navy fighter jet, the F11F1 Grumman. It seems the jet managed to shoot itself down while flying over the Atlantic Ocean. A test pilot fired two bursts of shells from the plane's four cannon while flying along at 880 m.p.h. The jet was apparently going faster than the cannon shells, which pierced the windshield and knocked out the jet engine.

In the middle of 1969 a Lockheed Cheyenne attack helicopter was on a test flight over the Pacific Ocean. During testing for vibration, the main rotor split the body in half, killing two test pilots.

While such happenings may not be everyday events in the military, the Defense Department is plagued by waste, duplication of effort, and inter-service rivalry to the point that the security of the United States is endangered. Military procurement, the method by which jets and helicopters and a host of other expensive weapons are acquired, is in such a sad state that one can look in vain for a major weapons system which has been delivered on time, costs what the military estimated it would cost, and works according to specifications.

One need not go back to 1956 or 1969 for examples of costly projects that ended up in Uncle Sam's trash heap. Last spring, for example, a giant overland train built for the Army was sold by the government at a loss of over $3.6 million. The 500-foot lemon built nine years ago for $3.7 million was sold for $50,000. The giant vehicle, with tires 10 feet in diameter, was tested on an Arizona desert for possible use in moving equipment across roadless areas. The train's drivers' compartment is capable of housing a small family for weeks. It was never used after testing.

The C–5A cargo plane scandal is a classic example of waste and coverup. Originally the Air Force estimated it needed 40 of these planes to carry one outsized equipment of an armored division during the first two weeks of a military crisis. The Air Force argued that it should buy 120 instead of 40, because at the estimated price of $26 million per copy, the additional planes would be made cost-effective by carrying general cargo as well.

Now the costs of the plane have risen by $2 billion. The price per copy has gone up from $28 million to over $60 million, and may go even higher. But the Air Force repeatedly denied before congressional committees that any overrun existed. Finally, A. E. Fitzgerald, an Air Force industrial efficiency expert, truthfully testified before my Joint Economic Committee that the costs had gone up from $3.3 billion to $5.3 billion for the 120 planes.

Instead of giving him a medal for protecting the interests of the taxpayer and the government, the Air Force fired Fitzgerald. Instead of acting to correct the problem by holding the contractor's feet to the fire, the Air Force figuratively shot the messenger who bore the bad news.

Fitzgerald's revelations have been proved correct—in spades. Not only has the cost gone up but the performance qualifies of the plane fall so far below the original requirements that the time has come when not one more C–5A should be built.

Landing gears have collapsed. The recent Air Force grounding of the plane after a motor fell off during a takeoff run is only the latest in a series of defects and deficiencies which have come to public attention. Wing cracks, lost wheels, malfunctioning detection analysis and recording systems, lack of an operational automatic throttle-control system, malfunctioning electronic circuits, defects in the radar altimeter, and unreliable navigation equipment are all deficiencies of the C–5A which were detailed in the General Accounting Office staff study as early as March 1971.

In addition there is now a vast, unused cargo-carrying capacity in the Air Force. New planes will largely remain idle. While commercial cargo planes such as the 707 and DC–8 are used 10 to 12 hours a day, and some commercial airlines use their cargo planes as much as 14 hours a day the year round, present Air Force plans call for using the C–5A's on the average of only four hours a day

Some 60 planes are on the C–5A assembly line, or 20 more than needed for any military purpose. There is, therefore, no military or economic justification for building even one more C–5A. The program should be stopped now.

At my committee's instigation, the General Accounting Office (GAO) now makes routine reports on the difference between original Pentagon estimates of the cost of weapons and their actual cost. In their latest effort, the GAO reported that 45 major military weapons systems will cost the government $35.2 billion more than original estimates.

Cargo planes are not the only lemons in the military hardware business. The F–14 Navy fighter jet is now costing over $16 million a copy. And I predict it will go over $20 million if the program continues. This figure is three to four times the cost per copy of the F–4 fighter plane it will replace. Unfortunately, the performance of the F–14 is no better than an improved model of the F–4, and the successor to the Russian MIG–21 will no doubt exceed the F–14's performance. (Even the premise on which it is all based appears ridiculous: the F–14's basic mission is to protect an aircraft carrier against Russian-launched missiles in a non-nuclear war. The chances of ever having a non-nuclear war with Russia are slim, to say the least.)

The carriers the F–14's are supposed to protect are costly—about $2 billion per carrier, its planes, and supporting ships—and they are sitting ducks for modern missiles, especially in confined areas. As one senator said: "It is as easy to knock them out as it is to hit a bull in the butt with a bass fiddle." Yet the Navy is pressing to build new carriers, even though much of their weaponry, supporting fleet, and planes are for the defense of the carrier itself rather than for any effective military purpose.

The Main Battle Tank (MBT–70) also ranks in the category of trying to meet a need with the wrong weapon. At $1 million a copy it functions less well than the M–60. The West Germans, who were our partners in this endeavor, have gotten out. It's too bad we haven't.

Even traditional defenders of the Pentagon are beginning to get worried. "We have a real mess on our hands," said Deputy Secretary of Defense David Packard last year. "We don't need more people in the act—we need fewer people. We overorganize, overman, overspend and underaccomplish."

Packard is not alone in his condemnation of military procurement procedures. Commented Gilbert Fitzhugh, the chairman of the Blue Ribbon Defense Panel (a panel loaded with sympathetic supporters of Pentagon practices): "Defense Department policies have contributed to serious cost overruns, schedule slippage and performance weakness."

And while all this is going on, the Pentagon repeats its old chants that the Russians are threatening our military superiority and only an overblown defense budget can save America.

Tied in with the procurement of weapons is interservice rivalry which has sometimes spurred the Army, Navy, Air Force, and Marines to produce duplicate weapons systems. Such duplication obviously increases costs. For example, the Air Force is building the AX to serve as a close-support aircraft to hover over the battlefield and support the infantry at their call. The Army is producing the Cheyenne helicopter for the same purpose; so is the Marine Corps (the Harrier, built by the British). The bill for all three has thus far totaled $600 million. If the United States continues to fund production of all three, we will spend $12 billion.

Of the three, the AX is the superior plane in almost every respect. It also costs less than half of either of the other two planes. The Pentagon should back the AX and assign the close-support mission to the Air Force where it belongs. The Cheyenne, which is both a lemon and expensive, should be scrapped. And purchase of Harriers should end with the 60 planes scheduled for this year. The potential savings: $6 billion.

The military's anti-submarine warfare program is also plagued with duplication and gross overspending. At a total estimated cost of $23.3 billion, the military is producing no fewer than six major anti-submarine warfare programs. One of these, the Navy's anti-sub torpedo, the Mark 48, has one of the biggest cost overruns (on a percentage basis) of any single weapon. The original estimated cost was $720.5 million. Two years later, even with a reduction in the number of models to be purchased, the estimated cost is $2.239 billion. And it still doesn't work as well as it should.

Another drain on American dollars are the more than 400 major and nearly 3,000 minor military bases the United States has, scattered in 30 countries throughout the world. This, especially, applies to the 300,000 troops and $14 billion a year the United States provides for the NATO alliance. Although economically the Europeans are as strong as the U. S. (and stronger than the Russians), we still supply the brunt of NATO's manpower. We should, in my opinion, continue to provide the nuclear umbrella and the sea protection for NATO, but the time has come to Europeanize the defense of Europe as we are now Vietnamizing the defense of Vietnam.

The military-procurement mess, the duplication of money and effort as a result of inter-service rivalry and our disproportionate share of supporting the NATO alliance all mean one thing: the domestic needs of this country are being shortchanged. Essentially security is based on a balance between our military and our domestic needs, and between the strength of our weapons and the strength of our economy. Because of the excesses of the military, that balance now is not being maintained.

In a careful study, a group of former high-level Pentagon experts writing in the National Urban Coalition's *Counterbudget*, detailed how the military budget could be cut from $75 billion in fiscal year 1971 to $60 billion in fiscal year 1972 without endanger-

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ing our military security in the slightest degree. I agree with their conclusions and support several changes that will help bring some realism and frugality back to military spending.

An independent procurement agency. The British have a Ministry of Technology, a civilian agency which purchases military planes after needs have been determined. Their interest is the best value for the money spent, unlike our Pentagon buyers who are determined to buy specific weapons at any price. We should establish a similar independent, civilian agency for Pentagon weapons buying.

Expand the Bureau of the Budget. Its present small staff of military experts is hardly a match for the Pentagon's rows of computers and offices of planners. The Bureau of the Budget should expand its staff in order to challenge Pentagon requests on a detailed, exacting, scientific basis. While the bureau examines small requests for model cities or poverty programs with minute care, billions of dollars in Pentagon requests are approved with only nominal analysis and critique.

Broader representation on existing congressional Armed Forces Committees. These committees now consist primarily of members whose home districts house huge defense establishments. Their biases toward military spending are built-in. Also, congressional research and technical staffs are overwhelmed by the volume of the Pentagon's presentations. Just as the Budget Bureau's research staff is ill-equipped to deal carefully with the military budget, so also are the supporting staffs or congressional committees incapable of the close inspection and argument which must be given the Pentagon's requests.

Better, more balanced testimony. Almost all the testimony during congressional budget hearings is presented by the Pentagon. Instead of hearings that provide a solution based on the clash of ideas, the hearings are often secret, *ex-parte* gatherings.

The results of these changes should help avoid the building of 500-foot trains and planes that shoot themselves down. By more careful equipment procurement and expenditure of military funds, we can be assured of a more adequate defense while saving billions that can be applied to other national priorities.

CREDIBILITY IN CONTEMPORARY POLITICS

Mr. BROCK. Mr. President, credibility is a highly potent word in a time when many suggest there is a great lack of it in the realm of contemporary politics. Again and again I hear the complaint that we live in a time when there is truely a lack of "statesmen," men who can grasp valuable issues and intelligently and honestly convey their feelings to the public.

Many politicians too often speak of Utopia, of the next unsurmountable mountain, as a height that is attainable or surely within reach.

Too many politicians speak words that people want to hear instead of the truth. We must as a Nation begin to deal with situations as they exist if we are going to, in the end, alter or change their completion. Hollow banalities and unfullfilled promises can only destroy faith in a system that has unexplored, titan possibilities.

I ask unanimous consent to have printed in the RECORD an article by Mr. Irving Kristol, which appeared in the New York Times Magazine. In his candid article Mr. Irving Kristol states that "highflown utopian double-talk has driven statesman-like reasonableness out of the American forum."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FOOLISH AMERICAN ISM—UTOPIANISM

(By Irving Kristol)

Let us suppose that we have provided the President of the United States with two imaginary speeches, both of which he is dutifully prepared to deliver. They deal, in a highly general way, with the goals of American foreign policy. The first speech goes somewhat as follows.

"Our American nation, ever since its foundation, has pursued the ideal of a world without war. This ideal—the abolition of war—has been the ultimate foundation of our foreign policy, despite all circumstantial changes of strategy and tactics. The ideal is as alive today, in our hearts and minds, as it ever was. This Administration is dedicated to pursuing it with the utmost vigor, and with all the patience and skill that is necessary. We seek, by our policies, to create a world in which man's inhumanity to man will become but a horrible memory, in which men will, under the conditions of a just and secure peace, live harmoniously and creatively together. We seek a world without war, without bloodshed, without poverty, without oppression or discrimination. Such a world, I am convinced, is within our reach if only the statesmen of all nations are sufficiently farsighted to seize the opportunity. I am confident, moreover, that they will display such farsightedness, and will not let the opportunity for a universal and enduring peace slip from their grasp. The people of the world—the people of all nations—demand such a peace. We shall betray their aspirations, and shall certainly be held to account, if we fail to resolve our quarrels and conflicts so as to make man's dream of permanent peace a reality in our own time."

What would happen if the President gave this speech (in a considerably lengthier version, of course). It is fair to predict—it is indeed absolutely certain—that nothing would happen. It is a perfectly conventional speech, of a kind that many Presidents have given many times. The press corps would yawn over the familiar clichés; the citizenry would scan the headline ("President Reaffirms Goal of World Peace") and then turn to the sports or financial pages; the heads of all nations would formally indicate their approval of these noble sentiments; and "informed sources" in Washington would explain that it is too early to tell what significance, if any, the speech had for any particular area of American foreign policy. As I said: nothing would happen.

Now, let us have the President deliver a rather different speech—our second version. And let it proceed somewhat as follows:

"This American nation, ever since its foundation has for the most part pursued its national interests in a moderate and prudent way. This Administration is determined to continue on this path of moderation and prudence. However, we are well aware that there is no guaranteed path to peace with justice. True, men have always dreamed of perpetual peace, and presumably always will. This dream is a noble one, and a man must be deficient in humanity not to have felt its appeal. But let us remember: It is a dream, whereas we live out our lives in a real and material world that is governed, not by dreams, but by limited possibilities. In this real and material world, conflict between men and war between nations appear to be permanent features of the human condition. It has always been so; we must, if we are responsible statesmen, assume that it always will be so. I shall minimize our chances of experiencing war; if war is unavoidable, I shall do my best to limit its extent and the mischief it is bound to create; and whether I am able to limit it or not, I shall always do my utmost to ensure that the war we shall be engaged in will be a just war, and will be justly conducted. I cannot promise you a world without war, but such a promise is inherently fraudulent. But I can promise that we shall conduct our foreign affairs in a responsible and honorable fashion, that we shall make every effort to achieve a reasonable compromise of our differences with other nations, and that whatever calamities befall us will be as little as possible of our own making."

What would happen if the President gave this speech? One's imagination is inadequate to the prospect. It is fair to predict, however, that after a shorter or longer period of stunned silence, a storm of censure would gather round the President's head. The press corps would explode with moral indignation, and the headlines this time would be eye-catching ("President Denounces Peace as Impossible Dream"); the citizenry would be alarmed; the heads of all nations would express concern at "the new American belligerency"; only the "informed sources" in Washington would remain steady, explaining that it is too early to tell what significance, if any, the speech had for any particular area of American foreign policy.

And yet—what is wrong with the second speech? I submit that there is nothing wrong with it. It is, in every respect, superior to the meaningless banalities of the first speech. It reads 5,000 years of human experience truthfully and sagaciously, and it announces the results of this reading with a pleasing directness and candor. It is a statesman's speech—whereas the first version was nothing more than a politician's speech. True, it is an American statesman's speech; not everyone would agree that this nation's foreign policy has always displayed such moderation and prudence. But that sort of bias is comprehensible, easily discountable and even justifiable—after all, Presidents of the United States are not supposed to be objective and neutral political philosophers.

So the question arises: If the second speech is so much superior to the first, why is it that no President would ever dare to make it? Why is it that, if the President were to say that no reasonable man can expect enduring peace on earth until the day that our Redeemer cometh, this would be regarded as a terrible, cynical blasphemy—even though it is recognizably one of the most venerable platitudes of the Judaeo-Christian tradition? What is it about our political condition that constrains our leaders to define politics as the pursuit of impossible dreams? Are we the most high-minded people who ever lived, or the most hypocritical?

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For more than a century, these two traditions coexisted amiably if uneasily in American life. The exultant prophetic-utopian tradition was always the more popular, it represented, as it were, the vernacular of American political discourse. It was, and is, the natural rhetoric of the journalist and the political candidate, both of whom instinctively seek to touch the deepest springs of American sentiment. In contrast, the constitutional-legal tradition supplied the rhetoric for official occasions and for the official business of government—for Presidential messages, debates in Congress, Supreme Court decisions and the like.

Andrew Jackson, for example, was a radical populist in his time, and when he vetoed the bank bill in 1832, his followers celebrated this as "driving the money changers from the temple." He himself, however, in sending his message to the Senate, began it as follows:

"The bill 'to modify and continue' the act entitled 'An Act to incorporate the Subscribers to the Bank' was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion, that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

"A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privilegea possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the states, and dangerous to the liberties of the people, I felt it my duty at an early period of my Administration to call the attention of Congress to the practicability of organizing an institution continuing all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country."

This "high" mode of discourse—without cant, without demagogy, without bombast—was then thought to be the normal way in which the American Government should engage in public conversation with its own people or with the world at large. Concurrently, the political vernacular was infused with a declamatory passion. John L. O'Sullivan, a Jacksonian Democrat journalist who subsequently became a leading popular exponent of the United States' "Manifest Destiny" to expand over the entire continent, composed an endless stream of demagogic-prophetic editorials. They are perfect specimens of their type. Thus he wrote in 1839:

"The far-reaching, the boundless future, will be the era of American greatness. In its magnificent domain of space and time, the nation of many nations is destined to manifest to mankind the excellence of divine principles, to establish on earth the noblest temple ever dedicated to the worship of the Most High—the Sacred and the True. Its floor shall be a hemisphere. . . ."

And so on and so forth. The public lapped it up, and the Fourth of July orations continued to serve it up. But if one turns to the official statements of American foreign policy—statements by Presidents and Secretaries of State—one finds almost nothing of this sort. From George Washington to William McKinley, practically all such statements are sober and measured formulations of "sound policy," composed by constitutional lawyers who felt the need to argue the merits of their cases before the bar of rational and informed opinion. It is rare for any kind of breathless utopian or shrill prophetic notes to be sounded. Even at the outbreak of the Spanish-American War, when jingoistic rhetoric was deafening in its persistence and intensity, President McKinley's War Message to Congress was a lawyer's brief, arguing the legality of American actions, emphasizing their moderate and prudent qualities, outlining the material issues involved, and offering only a minimum of that "high idealism" that has since become obligatory in Presidential prose.

Sometime around the turn of the century, the impact of the Populist and Progressive movements combined to establish the vernacular utopian-prophetic rhetoric as the official rhetoric of American statesmen. It happened gradually, and it was not until the nineteen-thirties that the victory of the vernacular was complete and unchallengeable. But it also happened with a kind of irresistible momentum, as the egalitarian, "democratic" temper of the American people remorselessly destroyed the last vestiges of the neo-Whiggish, "republican" cast of mind. By now, we no longer find it in any way odd that American Presidents should sound like demagogic journalists of yester-year. Indeed, we would take alarm and regard them as eccentric if they sounded like anything else.

The effects of this transformation have been momentous, though not much noticed or commented upon. High-flown double-talk has become the normal jargon of American Government. This flatters and soothes the citizenry, but at the same time engenders a permanent credibility gap; instead of paying attention to what the Government literally says—a waste of anyone's time—we expend much energy trying to figure out what the Government really means. Official or quasi-official state documents, for the historian of today, have become trivial, superficial and unreliable sources of information. No historian of Abraham Lincoln's period would dare minimize the importance of what he said during his debates with Douglas or in his two inaugural addresses; no historian of the nineteen-sixties would bother paying nearly as close attention to the public words of John F. Kennedy, Lyndon B. Johnson or Richard M. Nixon. Our public rhetoric has become largely ritualistic—resounding utopian clichés that obfuscate a presumed "inside story" our reporters are always snuffling after.

The kinds of dangers this situation creates in the area of American foreign policy have been noted by some critics. Hans J. Morgenthau has pointed out that the closer we get to the Founding Fathers, the more sensible, the more forthright, the more realistic are our official statements of foreign policy. Conversely, the more we approach the present, the windier and more meaningless they become. Even our vocabularly becomes corrupted. The countries of Asia and Africa and South America used to be "poor"; in the course of the past 20 years they became first "underdeveloped," and now "less-developed." Plain language that accords with reality has become positively offensive to our sensibilities.

The corruption of plain language has been accompanied by—one might even say it has resulted in—the corruption of plain speaking. No Secretary of State can today describe the Governments of Greece or Peru or Bolivia or Spain or Argentina or Egypt as what they obivously are: military dictatorships. It would cause a diplomatic row; these nations have become so accustomed to our hypocritical double-talk they would sense some sinister intentions in any deviation from it. Similarly, no Secretary of State could ever say that a particular regime—for example, the Communist Government of China—is abhorrent to our own political values but that we are nevertheless prepared to have diplomatic relations with it and do business with it, since it suits our national interests at this time to do so. No, he has to announce the dawn of a new diplomatic era, a giant step to world peace, and all the rest of that nonsense. It is nonsense because he has no grounds whatever for believing this, and it is altogether possible that a United States-China *rapprochement* could heighten the possibility of war in some parts of the world—on the Russian-Chinese border, for instance, or the India-Pakistan frontier.

A particularly striking instance of how impossible it is for simple and incontestable truths to be uttered in high places is provided by the rhetoric in which our foreign aid programs are cocooned. Never mind, for the moment, whether these programs are good or bad, overly generous or terribly niggardly. The one certain fact about these programs is that they cannot even begin to do what they promise: Namely, in our life-time to bring the standard of living of the "less-developed" countries closer to the American-West European standard. Nothing can do that. If we allow that India's economy might grow at an uninterruptedly rapid rate (say, 10 per cent) for the next 29 years, and assume that the American growth rate will sustain itself at the modest level of 5 per cent during that period, then—because of the initial huge disparity—by the magic year 2000 the gap between the Indian and American per capita income will, in absolute terms, be greater than it is today. The notion, therefore, that any significant portion of the "third world" can even begin to "catch up" to the West in the next generation is an absurdity. Indeed, given the fact that the "less-developed" countries are dependent on fairly high growth rates in the United States and Europe for their own economic growth, the probability is that they will not "catch up" anytime in the next several generations, and there is a good chance they may never "catch up" at all.

Yet, who can say this? No United States Government official can—he would be denounced as a sour pessimist and driven from office. No official or political leader in a "less-developed" county can—he would be denounced as a traitor and driven from office. So, no one says it. Instead we talk grandly about "economic development" in a deceitful and misleading way. The inevitable result is that the economic growth which does take place in poorer lands—and many of them are doing quite well, by historical standards—is universally denounced as "inadequate." A more perfect recipe for permanent political instability in these nations cannot be imagined.

Worst of all, the corruption of language and speech results in the corruption of thought. One has only to observe the hearings before the Senate or House Foreigh Relations Committees to realize that, once you surrender the liberty to speak plainly, you lose the capacity to think clearly. Sustained hypocrisy is one of the most intolerable regimens for the mind: In the end, you find yourself believing yourself and taking your own empty rhetoric seriously.

Thus, it is one of the oldest and truest proverbs in international relations that, under certain circumstances, the enemy of your enemy becomes your friend—even if, had you a freer choice, you would never want such a friend at all. All nation's operate on this essential principle, and the United States is no exception. Yet one can read the testimony of Government officials and "expert witnesses" for years on end without coming across a clear enunciation of it as the rationale for some aspect of American policy. We have a terrible time explaining to ourselves that, while we have an instinctive, democratic (and healthy) dislike for dictatorships, we have precious little control over the way other peoples govern or misgovern themselves. Our relations with other nations, and theirs with us, are determined for the most part by calculations of mutual advantage. One gets the distinct impression that our Government is not only ashamed to admit it engages in such calculations—it actually is reluctant to engage in them, except under the random pressure of necessity which it then perceives as an "emergency." We have been telling ourselves for so long that our foreign policy proceeds on quite other principles that we have lost the art and skill of coping with the principles that do, in fact, prevail. Our statesmen are always reacting to reality as an "emergency," in an *ad hoc* fashion, and having at the same time to invent a fancy, "idealistic" motive for the most prosaic and practical actions.

Witness the typically American fuss and furor in recent months over whether the elections in South Vietnam were truly democratic—and if they were not, what we should then be doing about it. The assumption seems to be that the original purpose of our intervention in Vietnam was to establish parliamentary government there, and that the absence of such government presents us with a crisis. But this is a childish assumption. We did not intervene for any such purpose. (At least I hope we didn't—I can't bring myself to believe that the men who make our foreign policy were quite that idiotic.) Our intervention was to help establish a friendly, relatively stable regime which could coexist peacefully with the other nations of Southeast Asia.

If such a regime prefers corrupt elections to the kind of overt military dictatorship that more usually prevails in that part of the world, this is its own affair. It constitutes

no problem for us—any more than does the fact that Communist China prefers to manage with no elections at all. Our relations with both of these Asian nations are based mainly on considerations of international stability and world peace, not on how they go about governing themselves.

To be sure, being an American I am keenly aware of the merits of representative government, and I do hope that the Vietnamese (South and North) will at some time recognize these merits. But I am also aware that these merits do not automatically commend themselves to all nations, at all times, everywhere. Our foreign relations, therefore, must of necessity be more concerned with the external policies of any particular nation than with its internal form of government. This is as true for South Vietnam as it is for China or Russia or Cuba. We are perfectly free, as Americans, to be critical of, or even to have contempt for, their systems of government. But, as Americans, we are also free not to live there, and we are therefore bound to be more interested in their behavior to others than in their behavior to themselves. I think most Americans would subscribe to this common-sense proposition. But it is not a proposition we would permit our spokesman at the United Nations to enunciate. And there do seem to be many eminent Americans—notably, an entire class of liberal journalists—who have been utterly bewitched by our official platitudes. These men and women, after traveling freely throughout South Vietnam, heap scorn upon its "corrupt" democracy. They then make a strictly guided tour of China to return aglow with admiration! One can only assume that such men and women think it natural to judge our allies by quite utopian standards, but are ready to give unfriendly nations the benefit of every possible doubt.

But it is not only in foreign affairs that our Government proceeds by utopian promises of future benefits and hypocritical explanations of actual performance. Our entire domestic policy is suffused with this same self-defeating duality. Thus, as a domestic counterpart to a "war to end all wars," we have in the past decade launched a "war to end poverty." The very title of that crusade reveals a mindless enthusiasm which could only lead to bitter disillusionment.

There are two ways of defining poverty: in absolute terms or relative terms. The absolute definition, involving estimates by Government agencies of an adequate diet, adequate shelter, adequate clothing for an average family, is relatively easy to make. It is also largely meaningless in a context of "the abolition of poverty." To see just how meaningless it is, one has only to report that the majority of welfare families in New York City are now above the officially determined "poverty line." Have we ceased regarding them—have they ceased regarding themselves—as poor? Of course not, if you take a family with an annual income of $3,800 and, one way or another, increase this income to $4,500, you have helped them somewhat—but you certainly have not abolished their poverty, as grandly promised. The consequence is that the modest but real improvement is obliterated by an exacerbated sense of "relative deprivation."

Most people, when they hear talk of "abolishing poverty," inevitably and immediately have in mind a substantial relative improvement, not merely a modest absolute one. They think in terms of elevating all those below the United States median family income—approximately $9,500 a year—to the vicinity of this level. That does not look like such an unreasonable goal. After all, families that make $9,500 a year have to watch their nickels and dimes if they are to make ends meet. (Ask them, and they'll tell you—and they'll be telling the truth.) But this is one of those cases where appearances are deceptive, and what looks like a reasonable goal is in fact utopian. To achieve it would require either the creation of new income or the redistribution of existing income to the tune of perhaps $200-billion a year.* This is simply impossible; there is no policy, however "radical," that could come close to accomplishing this. We may be an "affluent" society by historical standards, but we are not nearly that affluent. (Total corporate profits last year, after taxes, were a little less than $50-billion). Yet who dares to say so? Instead, our politicians (and our journalists and professors, too) persist in holding up this impossible ideal, with the quite predictable effect of making people intensely dissatisfied with social policies that achieve (though never easily) smaller increments to their income or smaller improvements of their condition.

The upshot of this state of affairs is that any American who, today, passes his working life in moving from $4,000 a year to an ultimate $9,500 is regarded as a pathetic victim of circumstances, a prisoner in a "dead-end job." Yet just about half of all Americans pass their working lives in this way, and are going to do so regardless of anything said or done in Washington. All that our utopian rhetoric can do is to convince them that the normal working-class experience—the *inevitable* working-class experience, which would be as common in a socialist United States as in a capitalist United States—is a fate akin to degradation.

Or take "welfare problem." Welfare policy in the United States is based on a very simple—and enormously flattering—thesis about American human nature. The thesis consists of the following propositions: (1) all Americans are highly motivated to work as a means of improving their material condition; (2) those Americans who seem not to be so motivated are suffering from temporary "psychological deprivation" as a result of poverty, bad housing, bad health and so on; (3) improve their material environment and the "normal" impulse to self-betterment will automatically assert itself. It is a plausible thesis to our American ears. Moreover, there is enough historical experience behind it to suggest it is not entirely false. Only, when applied indiscriminately, it turns out to be more false than true. Some people, whether in the United States or elsewhere, respond according to this formula. A great many others, however, do not. It turns out there are lots of people in this world, including a great many Americans, who do not fill the American prescription for "human nature."

Once you think about it, this is not really surprising. For what our high expectations and our high-flown rhetoric overlook—are bound to overlook, because they are so high-flying—is that we are for the most part talking about motivation directed toward *small* improvements. You can motivate almost anyone to become a millionaire, if the possibility is offered; but that possibility rarely is. And it is another thing entirely to motivate people to move from a badly paying situation (say, casual laborer) to a slightly better-paying but also more arduous one (say, laundry worker or drill-press operator). That is the kind of grim motivation you need to get "self-sustained" economic growth, whether among nations or among individuals. Not all human beings are born with this kind of grim motivation—which is just as well, I'd say, since the earth would then be a pretty dreary, if industrious, place.

In the absence of such ingrained motivation, the usual way we motivate people—even in America—has been by adding the spur of necessity to the offer of modest opportunity. That small improvement has to make a real difference: the difference between squalor and poverty, or between poverty and minimum comfort. These "little" differences—almost invisible to the middle-class eye, and never taken seriously by middle-class reformers—are absolutely crucial to the self-discipline and self-respect of ordinary working people. They need to be very much aware of the costs of not achieving them, if the achievement is to have any merit or meaning in their eyes.

I suspect that all of this sounds petty, and sordid, and mean-spirited. We are accustomed to thinking about poor people, and about ways of helping poor people, in more elevated terms than these. And so we introduce something like our present welfare policies. The policies, at one swoop, abolish all those important little differences in achievement. They generously offer all poor people more in the way of welfare than they can get for their unskilled labor on the open market—more, often, than they would earn at the legal minimum wage. Naturally, these people, not being fanatics about work, move onto the welfare rolls in very large numbers. To be precise, the wives and children are pushed onto welfare. The men themselves drift away from their homes, demoralized by the knowledge that their function as breadwinner has been pre-empted by welfare. These men then merge into the shadows of street-corner society-superfluous men, subsisting by casual labor or casual crime, men whose families are materially no worse off for their absence and would be no better off for their presence. Has there ever been a more ingenious formula for the destruction of poor families? Indeed, one can fairly speculate how many middle-class families would hang together if the family suffered no financial inconvenience as a result of the husband's vanishing.

Welfare is wreaking devastation on the American poor—making the child fatherless, the wife husbandless, the husband useless. We see this "welfare explosion" happening and, disconcerted, turn this calamity of our own creation into an indictment of our social order.

Once you have put people on welfare, it is a nasty business getting them off. You can either (1) cut welfare rates so as to make it distinctly worth their while to go to work, or (2) keep welfare rates high for those truly unable to work—the aged, the sick, the disabled, the unemployed—but have a severe suspicious welfare bureaucracy that defines its mission as getting as many of the rest off the rolls as is possible. Neither alternative is attractive, though the latter seems to me considerably more humane. (Its social consequences are also likely to be beneficial, since we know that families on welfare tend to develop social pathologies: they produce relatively more criminals, drug addicts, alcoholics, illegitimate children, etc.) But the second option does involve our taking a more realistic view of human nature and human motivation—and this we are most unlikely to do. So we shall either veer toward the first course, indiscriminately penalizing all welfare recipients in the name of "economy," or, more probably, we shall simply stagger on until some kind of social explosion takes place.

It really is a curious phenomenon we are witnessing: a nation preferring to live under a perpetual, self-inflicted indictment of "social injustice," and amidst an ever-swelling and ever-more-demoralized population on the dole, rather than revise its utterly fanciful and utopian idea of human nature. There cannot have been many instances in history of such high-minded masochism. We may even be the first.

What is true of welfare is even more blatantly true of our other social problems. Our utopian illusions always are preferred to realistic assessments of human beings, and to the world in which real human beings live.

In no area are the ravages of American utopianism more visible than in education. Here intellectual fads and fashions reign supreme, all of them exultant in promise, all of them negligible in accomplishment. Our professional educators today are perpetually and enthusiastically engaged in deception and self-deception, in part out of necessity, in part because they actually feel this is their "responsibility." We know a great deal about the relationship between schools and academic achievement. But it is the rare educator who dares to say what we know, to challenge the sovereign platitudes as to what a school can do to the young people who enter it.

We know from the Coleman Report and other studies, for instance, that there is practically no correlation between the physical plant of our schools and the academic achievement of our students. We may desire new, well-equipped schools for all sorts of reasons. They may be good reasons; they may even, in some vague sense, qualify as "educational" reasons; but they are not academic reasons. Students learn as well in old, decrepit school buildings as in new, shiny ones; or they learn as little in the latter as in the former. Middle-class parents who think they are improving their children's academic potential by sending them to a brand-new school with a fine library, a sumptuous gymnasium, a lovely lunchroom are kidding themselves. So are slum parents who think that their children's academic potential is weakened by old buildings, cramped gymnasiums (or no gymnasium), shabby lunchrooms, paltry libraries (or no library). What determines a child's academic achievement is his genetic endowment plus the values and motivation he acquires at home. All the rest may have significant consequences for a child's life-style, his appearance, perhaps (and I myself regard this as the most important function of schools) what we call his character." But it will have little to do with his academic achievement.

Even class size turns out to have nothing to do with academic achievement. There are, in my view, good reasons—having to do with the role of the teacher as an "adult model" in the process of "character formation"—for preferring smaller classes to larger ones. But they are not academic reasons. Whether a class has 20 pupils or 30 or even 40 simply doesn't matter. Students who do well in small classes will do well in large ones. Students who do poorly in large classes will do no better in small ones. This subject has been studied to death by generations of educational researchers, and the results are conclusive.

Nevertheless, the educator who dares to utter these truths publicly is instantly classified as, best, an eccentric. His opinions are marked as "controversial"—though they are not—whereas an educator who stresses the academic importance of new schools and small classes is simply seen as tediously "sound." Every year, in New York City, a furious debate breaks out when the statistics on the reading levels in the city schools are made available. These statistics always show that the average reading levels in New York's schools are lower than the national average—and they usually show that, with each year, they are steadily falling further below the national average. The publication of these figures always shocks, always provokes front-page news stories. But far from being shocking, these statistics aren't even newsworthy, since they are perfectly predictable. The reason that reading scores in New York's schools are falling away from the national average is that an ever-icreasing percentage of our students come from very low-income families that are also broken, transient and generally problem-ridden families. The children in these families show low academic motivation and low academic aptitude. We insist that our schools "do something" about increasing the academic ability of these youngsters, and our educational leaders furiously institute every gimmick they can think of with the assurance that this time they will turn the trick.

Our insistence is as unreasonable as their assurances are worthless. The schools cannot perform this sociological miracle—which if it is to take place at all, will happen in the family, at home, over a period of time that is rarely shorter than a couple of generations. As such poor families move up the economic and social ladder, as their home life becomes more stable and the family concern for education becomes more emphatic, the student's academic performance improves. In individual cases, "miracles" do certainly occur. But in the mass, statistical probability reigns supreme—and the schools play no role in the calculations. If you want to estimate the chances of a student doing well or badly in school, give him a physical examination, look at his home, and give him an intelligence test. But don't bother him with questions about his school—it is of no importance for this purpose.

And how do we react to this fact? With furious indignation, usually. So, as the schools' importance to satisfy our realistic demands becomes ever more clear, we shall—it is already beginning to happen—abolish reading scores and reading tests on the grounds that they are irrelevant to eventual academic achievement. This monumental act of self-deception will, of course, fool nobody and change nothing. But it will certainly be hailed by professional educators as a marvelous innovation.

Of late, many educators have waxed enthusiastic over the educational possibilities of small mixed classes, with the older students helping to instruct the younger, and with every student proceeding "at his own pace." This is, of course, exactly what used to happen in the "little red schoolhouse." I have always been fond of the little red schoolhouse and was unhappy that, after a determined campaign over many decades, our professional educators succeeded in outlawing it. If they now wish to reinstitute it, I certainly have no objections. But I find it more than a little nauseating that they should now present it as a brilliant educational innovation which will solve all our educational problems. And I find it unconscionable that these educators can be so easy in mind and spirit about their newest fad when the huge educational parks which—only yesterday—they insisted were absolutely necessary, are just now coming into existence.

A good principal can always make a *small* difference in the academic power of a school—and a small difference is surely better than none at all. A dedicated teacher may make a big difference to a *few* students—and this difference is to be treasured. But none of this satisfies us. We insist that our schools fulfill impossible dreams—and so they pretend to be able to do this (given a larger budget, of course). As a result, the world of American education is at the moment suffused with charlatanism, and anyone with a sober word to say is encouraged to go elsewhere.

The consequence of this public insistence on a utopian vision of man, history and society is that our public life is shot through with a permanent streak of hysteria. We are constantly indicting ourselves, denouncing our nation, lamenting our fate. Indeed, an entire profession has emerged—we call it "the media"—which has taken upon itself the responsibility for leading this chorus. Just imagine what our TV commentators and "news analysts" would do with a man who sought elected office with the promise that, during his tenure, he hoped to effect some small improvements in our condition. They would ridicule him into oblivion. In contrast, they are very fond of someone like John Lindsay, who will settle for only the finest and most glowing goals. Public figures in our society get credit for their utopian rhetoric—for their "charisma," as we now say—and only demerits if they emphasize their (necessarily modest) achievements.

Every society needs ideals and self-criticism and some prophetic admonition. It needs faction. But when the countertendency toward insistent self-dissatisfaction becomes overwhelming, then such a society is in grave insistent self-dissatisfaction becomes overwhelming, then such a society is in grave trouble. The capacity for contentment is atrophied. So is the willingness to see things as they really are, and then to improve them in a matter-of-fact way. We certainly do have it in our power to make improvements in the human estate. But to think we have it in our power to change people so as to make the human estate radically better than it is, radically different from what it is, and in very short order, is to assume that this generation of Americans can do what no other generation in all of human history could accomplish. American though I be, I cannot bring myself to accept this arrogant assumption. I think, rather, that by acting upon this assumption we shall surely end up making our world worse than it need have been.

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* One must remember: If you establish a guaranteed minimum family income of, say $8,000 a year, you are then faced with the problems of those who work to earn $9,000 or $10,000. Are they to labor for a measly $1,000 or $2,000 a year? You cannot ask that, and they would not tolerate it if you did. So you have to make some kind of supplementary payments to these families, too. And *then* you are faced with the problem of those who work to earn $12,000 a year—and so on, and on. It is this "ripple effect" that makes the guaranteed income, at any level above a ludicrously low one, such a fantastically expensive proposition.

DEFENSE RESEARCH AND DEVELOPMENT—SOME OBSERVATIONS

Mr. McINTYRE. Mr. President, it was my privilege recently to have been invited to address a meeting of the Defense Science Board of the Department of Defense. The Defense Science Board is an organization comprised of a number of highly qualified scientists and engineers who serve as advisers to the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering matters and provide long range guidance to the Department of Defense.

I used that opportunity to expound on some major concerns which have occurred to me as chairman of the Armed Services Committee's Ad Hoc Subcommittee on Research and Development. As a matter of fact, I consider these matters to be of sufficient importance to be brought to the attention of the entire Senate.

Before addressing these subjects, Mr. President, let me mention that the Defense research and development program consumes some $7 to $7.5 billion annually which is a staggering amount of money by any measure. This of itself does not mean that too much is being spent on defense research and development. What it does mean is that we cannot afford the erosive and wasteful practices that have dissipated and undermined this important program in the past. Mr. President, as I have stated in the past, I am convinced that there is much room for improvement in the management of the research and development program of the Department of Defense, as there is for other programs of that Department.

I am reminded, Mr. President, about the country preacher who came across an old farmer who was standing in the

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road and cussing out his stubborn mule because it would not move. The preacher was shocked and reprimanded the farmer for using abusive language. The preacher then picked up a heavy stick and hit the animal with all his might. The surprised farmer asked the preacher why, and the preacher promptly responded, "Oh, that was just to get the mule's attention."

Mr. President, although this treatment was rather extreme, I feel that there is a continuing need to get the attention of the Department of Defense.

At the same time that we recite the frequent criticisms of parochialism, unwarranted duplication, nonproductive perpetuation of efforts, unnecessary paperwork, gold plating, mutual backscratching, excessive concurrency, and over-selling, it is only fair that we give due credit for some of the improvements which are becoming visible in the management of the Department of Defense. To cite a few examples, the innovative management approach adopted in the B–1 development program promises to produce significant savings in time, paperwork, and cost. However, this has yet to be demonstrated. The increased emphasis placed on the use of prototypes as a means for determining the suitability of hardware and weaponry before a major commitment to production promises to minimize cost overruns and provide effective weapon systems in a more timely manner than heretofore. Closely related is the emphasis being given to the operational test and evaluation function to insure the usefulness of weapon systems during the various stages of the weapons acquisition process. The importance of this function was recognized by the Armed Services Committee by including a new provision in the fiscal year 1972 Procurement bill, section 506, requiring the Secretary of Defense to submit periodic reports on operational test and evaluation beginning with calendar year 1973.

Now, Mr. President, I would like to turn to the specific points which I addressed at the Defense Science Board meeting. I have updated some of my remarks to reflect later events.

ADVANCEMENT PROTOTYPE PROGRAM

Several months ago Secretary Packard briefed the committee on a proposed program to increase the use of prototypes in the development and procurement of weapon systems. This is not really a new idea since it is really a throwback to an old way of doing business. I believe that it holds out much promise if properly pursued. The objective of this approach as he stated it is "to place more reliance on the performance of hardware and less reliance on paper analysis." It would also discourage precipitous production decisions by delaying production until sufficient progress had been completed in development to provide the confidence needed to progress to the next phase. The program which he outlined involves $67.5 million in fiscal 1972 and covers 12 separate programs or systems for the entire Department of Defense. It is unfortunate that the proposal was not included in the original budget request since the likelihood of having the Congress add it was even then in doubt.

Subsequently the military procurement authorization bill, as enacted by the Congress, provided only half of the funds requested. More recently, in acting on the Defense Appropriations bill, the House disapproved all but $12 million of the original amount requested and directed that these funds be used by the Air Force to support prototype development programs involving a new lightweight fighter and a medium STOL transport aircraft.

In retrospect, the most convincing method for expressing the importance that the Department attaches to this new approach would have been to propose reprograming from programs of lower priority. The next step would be to propose a logical follow-on effort in the fiscal year 1973 budget.

The key point in my view is to keep a balanced perspective in the increased use of prototyping and to avoid becoming unduly enamored of this approach as a cure-all. Instead, I believe that selectivity of programs, the assurance of competition, and top-level management attention are the basic ingredients to make this work. I believe also that multimission capability, high degree of complexity and sophistication, and unnecessary redundancy should be great deemphasized if the lessons of the past are to be taken seriously.

OPERATIONAL TEST AND EVALUATION

The Department is to be complimented on its efforts to establish an organization and a program to perform the important task of operational test and evaluation. This recommendation of the blue ribbon defense panel has great merit and offers great promise in the acquisition of weapon systems. It is less important where this function and organization is placed in the Department of Defense than that it be made directly responsible to the Secretary of Defense, at least for the major weapon systems programs. The head of that organization, General Starbird, has a reputation which speaks for itself. Some of my colleagues, as you are aware, are concerned that the organization should be directly under the Secretary rather than under D.D.R. & E., but that may be rather an academic concern. The most convincing manner in which to make this program work, both to the satisfaction of the Department and to the Congress, is to insure that there is compete objectivity and realism in establishing the requirements which must be met by a weapon system. The field tests which are conducted against real hardware where possible, or in a simulated environment if absolutely necessary, can only have meaning if biases are prevented from creeping in, and if foregone conclusions are prevented from overriding the objectivity of the tests. Even if these influences are subtle and not apparent, they must be resisted. Otherwise the whole concept could fall flat on its face. I am aware that the situation will vary by system, and that new ground must be broken, but the promise which this offers is of such potential significance that the challenge must be met. This program will be watched very closely and I would hope that some results of significance could be made known when the Department appears before the Committee next year.

UNITED STATES VERSUS SOVIET TECHNOLOGY

Let us now consider the problem of United States versus Soviet technology. This subject has been widely covered in numerous statements made by the Department of Defense to the Congress and in the press. Although there is general agreement that the Soviets have made significant gains both in the quality and the quantity of the weapons which are in their inventory today, there is some question concerning the ability of the Department of Defense to measure the relative efforts of the two countries as it concerns technology. The same doubt was expressed by the General Accounting Office, who undertook to examine into the details of the Department of Defense study. I am inclined to look at what I consider to be a more basic question. I find it hard to believe that with our tremendous intelligence capabilities, with the benefit of participation in international scientific symposia, that our own scientists are unable to lift the cloud of secrecy that covers much of the Soviet research and development work and detect what important technology the Soviets in fact are emphasizing. I find it hard to believe that we have to wait for the Paris Air Show to learn for the first time that the Soviets have produced a prototype of a new swept wing strategic bomber. It just does not add up. From a layman's point of view, I would have thought that the competence of our scientists applied to whatever information can be gleaned as to Soviet developmental work would enable us to extrapolate or project the logical progression of their work to the point that we could, with some degree of competence, determine what weapons systems were being developed or were planned for development.

In my view, the hard questions which should be addressed are: What is the threat? What specific weapons systems and other specific capabilities do we realistically anticipate the Soviets will have 5 to 10 years from now? And finally, what specific weapons systems and other capabilities should we be developing so that we can counter those of the Soviets during that time period?

These, to me, are reasonable questions which should evoke reasonable answers which can be translated into specific items to be included in the budget submitted to the Congress. I realize that there must be a degree of judgment in these determinations, but I am prepared to accept such a degree of judgment if it is tough-minded, unprejudiced and reasonable. The days of the "grab-bag" and "wish list" are long gone. We must make hard decisions, and they must be the right decisions. What we need is not a super selling job but just the plain unadulterated facts.

NATIONAL ATTITUDE TOWARD THE MILITARY

I found it interesting that in the letter of invitation to address the Defense Science Board there was mention that the agenda reveals concern about the problem of maintaining a strong research and development base for our national defense program in the face of a deteriorating climate for defense spending.

What has happened to the image of the military in recent years is very obvious to us all. I can not recall any time in my experience when the military has fallen into such general disfavor. Of course, the strain of a very unpopular and prolonged war has much to do with it. Historically, after our country has come through a major conflict, the tendency has been to retrench to a marked degree in the size and activity of our military organization. We saw this happen after World War II and again after Korea.

Now, how does research and development fit into this picture? It appears always to have been somewhat paradoxical. We, as a Nation have been wise enough in the past to have maintained a virile research and development program during those same years when all other military programs have been reduced. I think that the importance of this is generally recognized and supported by most of my colleagues in the Senate.

There is a general acceptance of the fact that we can protect our future military capability in a qualitative sense only by maintaining an adequate research and development program today. There is a danger, however, in the attitude of some people that gross dollars alone are a reasonable measure of adequacy. And, of course, one must take into account the erosive effect of inflation. But we are today faced with perhaps the most adverse climate for the Department of Defense. We could not depend alone on the general recognition of the need to maintain a relatively high level of research and development spending. The pressures to keep the levels down exist and will grow. The hard question we must ask ourselves is "What can be done to get more for the research and development dollar than in the past?" A number of possibilities comes to mind when we examine this question. Recognizing the likelihood of a ceiling on research and development in the total defense budget to be submitted for fiscal 1973, what can be done? Can we make the hard decisions to eliminate marginal research and development programs? Is there room for improvement and economy in tightening up the operations of our defense laboratories? Are there some laboratory facilities which can be closed down or consolidated with other similar laboratories?

Are we aggressively pursuing the lead laboratory concept? Is satisfactory progress being made in pursuing the increased emphasis that the Department of Defense has placed on making greater use of laboratory personnel as part of the Defense teams which manage the development of major weapons systems? This last thought promises to reduce the dependence upon and save the costs involved in continuing to employ the services of the Federal Contract Research Centers. Do we have to maintain all of the test facilities in Defense, NASA, and in industry? That's a mouthful of questions, but these and other similar questions deserve serious attention and constructive action however painful it might be.

CONTRACTOR INCENTIVES IN THE SYSTEMS ACQUISITION PROCESS

Another broad area which I would like to talk about briefly involves the practice of the use of incentives in the acquisition process for the three elements—cost, performance, and schedule. As some of you may know, the General Accounting Office has been rather critical of the use of incentives by the Department of Defense. The problem narrows down to incentives for performance and schedule. The General Accounting Office, in its investigations, has found instances where performance and schedule requirements agreed upon in negotiation appeared to have been artificially established in such a manner as to permit contractors to be rewarded where a prudent man could argue that the reward was not earned. I will not cite specific examples, but I might state a hypothetical case. A contractor may bid on a program, knowing that he can exceed the performance requirement which is established by the Government. However, he is also aware that he will win the award because of his unique competence in a particular field. When the contract is awarded, it includes incentives which will accrue to the contractor if he is able to exceed the performance requirements specified. He then proceeds to exceed the specification requirements and thereby is entitled to additional payments by the Government. This situation reflects as much on the Defense program manager and the procurement officer as it does on the contractor. In another case, a schedule is established which, under the contract, rewards the contractor if he beats certain dates which has been specified. In many cases there is nothing magic about these dates, and if the dates were met as specified, the Government would be in as good a position as if the contractor had achieved them earlier. These are just two oversimplified illustrations of what has been found. It raises the serious question as to whether or not incentives for performance and schedule should be completely eliminated, or used only infrequently when a specific justification can be made. This whole issue may be debated but, based on what little I have heard to date, it looks like an area which deserves increasing attention.

FEDERAL CONTRACT RESEARCH CENTERS

Mr. President, the history of this problem is a matter of record. Those of you who have read the Senate committee report on the fiscal year 1972 procurement bill know that a dollar ceiling again has been established on the Federal contract research centers. However, in doing so the Secretary of Defense was provided with a 5-percent increase above fiscal year 1971 for inflation and was granted a large flexibility in shifting dollars among the various contractors as the need requires.

Both appropriations bills now in conference have a somewhat different approach to the question of the Federal contract research centers. However, these differences are resolved in conference. The continuing scrutiny of this issue by Congress shows our concern that the Department of Defense is not doing much of a job of coming to grips with the question of the role that the Federal contract research centers should play in the future defense programs. I understand that D.D.R. & E. has had this matter under study recently, but I am not aware of what, if any, conclusions have been reached. This action is a subject that I expect the Department will address specifically, and I would hope to have the benefit of the knowledge gained as a result of this study.

On a related matter, let me discuss the B–1 and subsonic cruise armed decoy programs as they are presently being pursued, and the role that the Cornell Aeronautical Laboratory is playing in these programs. I have not had an opportunity yet to get into this subject in complete detail, but just on the face of it, it raises a question. On a broader basis, is there a need to continue to draw upon outside contractor assistance to provide the program manager with a degree of expertise in running a major weapon system development that he is unable to find within the Department of Defense military and civilian community? In past years, a major reason given for the difficulty encountered in attracting higher caliber civilian scientists and engineers into government service was the relatively low-salary structure of the Government. This is no longer true today. As a matter of fact, with the very sharp layoffs in defense industry, the security of government employment for such people has become highly attractive. If the Department is on its toes, it is taking full advantage of this situation.

If not, it is missing a solid bet. In effect, what I am saying is that to the extent you need people such as these, hire them and use them instead of continuing to rely upon outside contractors.

HIRING OF UNEMPLOYED SCIENTISTS AND ENGINEERS

Although I did not address the subject of unemployed scientists and engineers before the Defense Science Board, I would like to use this opportunity to express my views since this subject is so closely related to the Defense research and development program. Today, Mr. President, we are confronted with an extremely difficult situation which at the same time offers a rather unique opportunity. The very high percentage of unemployed scientists and engineers throughout the country who have lost their jobs largely because of the sharp cutback in defense contracts poses a serious problem for the entire country. It is generally accepted that the unemployment rates of these people in the aerospace industries and in the defense-related industries is higher than any other group of workers throughout the country. There are few major cities in the United States which have not felt the serious impact of this situation. Legislation has been introduced to provide a means for diverting some of these people to nondefense industries when their skills may be applied to other problems such as those of environment.

XUM

To solve the critical problem we face as a nation at home we must use to the fullest the rich reservoir of scientific and technical talent we have.

But we must also minimize the dislocations in employment of this talent by responsible action on the part of the Department of Defense. Right now, Mr. President, the Department of Defense is embarked on a program of entrenchment. Not only is the Department reducing the number of military personnel on its rolls but also civilian personnel. This can only serve to aggravate the overall situation.

As I have mentioned previously in my discussion of Federal contract research centers, the environment of government employment is highly conducive to the attraction of highly skilled scientists and engineers into government service. Salary levels in government today are comparable with those in industry and the security of government employment is particularly attractive in a period of high unemployment. Now what does this mean to our defense research and development organization?

Defense laboratories today are staffed with many senior scientists and engineers who are holdovers from World War II. This is not a criticism. However, many of these people are approaching, or have achieved, the age of retirement. Inducements may be offered to encourage their retirement as a means for making room for the younger generations of unemployed but highly trained and experienced workers from industry. In addition, the Department of Defense should also consider providing increased manpower authorizations on a selective basis in its laboratories, test facilities, and engineering organizations to permit the talents of these unemployed industry workers to be profitably used. This can be done either at the expense of other defense organizations or by obtaining executive branch approval to allow for these additions.

I am convinced, Mr. President, that our most important national asset is our trained and educated manpower. To remain passive in today's situation and permit the dissipation or misapplication of this vital national resource borders on being derelict. I am afraid that if we do not face up to this problem immediately it will be too late.

Mr. President, I appreciate having this opportunity to expose my colleagues to some of the concerns which have occupied my mind. These are some of the broader considerations, and they are by no means all inclusive. In closing, I would like to assure Senators that within the time available I will continue to direct my energies toward the objective of a Department of Defense research and development program which will insure our technological lead and our most efficient use of the American taxpayers' defense dollar.

THE FIGHT AGAINST SICKLE CELL

Mr. BAYH. Mr. President, the Senate voted 81 to 0 in its passage of the National Sickle Cell Anemia Control Act, which I cosponsored.

The unanimous vote of my colleagues reflects recognition of the serious effects that sickle cell anemia has had on a great number of our citizens. The introduction and passage of this legislation by the Senate has brought to the attention of the Congress and the American people a disease which is selective in its victims and deadly to those among us who suffer from its effects.

I was very much interested to learn that the sickle cell trait is found most often among black citizens of our country. Its cause is traceable to past generations of persons living in areas of the world where exposure to malarial infection is commonplace.

The National Sickle Cell Anemia Act is a modest beginning in what must become an all-out attack on this killer. The bill authorizes appropriations for operational programs totaling $100 million over a 3-year period—$25 million in fiscal year 1973; $35 million in fiscal year 1974; and $40 million in fiscal year 1975. In addition, research and training grants are authorized for the same period—$5 million in fiscal year 1973; $10 million in fiscal year 1974; and $15 million in fiscal year 1975.

The program will be administered by the National Institutes of Health in cooperation with the Defense Department and Veterans' Administration. Public Health Service programs of screening, counseling, and treament are also authorized.

A recent article concerning sickle cell anemia appeared in the October issue of The Black Child Advocate, a publication of the Washington-based Black Child Development Institute. The article presents a quick look at several developments at the community and university level in the fight against sickle cell. I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD with a view toward broadening our understanding of this disease.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SICKLE CELL: KILLER OF OUR CHILDREN

Sickle cell anemia is a blood disease which has tormented Black people almost exclusively. But until recently little or nothing has been done about it.

According to Lawrence D. Robinson, M.D.'s article "Sickle Cell Anemia—Danger to Our Children" in the September issue of *Essence* magazine, the disease usually begins in infancy and ends with death in the third or fourth decade of life.

"The infant with sickle cell anemia is usually pale, lethargic, irritable and subject to sudden attacks of excruciating hand or leg pain called 'pain crises,'" says the doctor.

"The chronic nature of sickle cell anemia is responsible for the lack of physical activity on the part of the child so afflicted and their inability to adopt to sudden environment changes, such as those experienced when flying," he says.

The National Sickle Cell Disease Research Foundation located at Howard University, and the Foundation for Research and Education in Sickle Cell Disease are the main groups working towards wiping out the disease. But they are small and not well funded.

In addition, Howard University and Meharry Medical College are doing research in the area.

About one out of every 500 Black people may have the disease and about 5 percent of the Puerto Rican population is also affected, statistics show. It is treated by massive blood transfusions.

Sickle Cell Anemia is inherited. If two persons possessing the trait should have children, the chances are strong that one or more of their offspring will be born with the disease. However, persons with only the sickle cell trait (carriers) can live relatively normal lives. See Dr. Robinson's article for more detailed information.

OTHER DEVELOPMENTS

The first annual Sickle Cell Anemia T.V. telethon broadcasted last month in New York and Los Angeles collected some $600,000 in donations raised on behalf of the National Sickle Cell Anemia Foundation. The six-hour New York show, hosted by Nipsey Russel, featured such noted personalities as Lena Horne, Nancy Wilson, Melvin Van Peebles, all of New York's Black Congressmen and Rev. Jesse Jackson who is a victim of the disease.

The Los Angeles Telethon, broadcast over KHJ-TV collected close to $100,000. Original plans called for the airing of the New York telethon with limited local involvement. This plan was abandoned and a local show was put together in four days. Stu Gilliam hosted the show which included Stevie Wonder and Kim Weston.

School-age children must now be tested for sickle cell anemia in New York State according to a new law. Black doctors have been urging this for years.

Some $6 million stated for sickle cell treatment and research has been delayed by HEW. The money "would have put a clinic in every city where there is a substantial Black population," according to a national Sickle Cell Disease Research Foundation spokesman.

The Black Athlete Foundation for Sickle Cell Research was formed last May to raise money to help find a cure for the disease. Thirty-two Black athletes, including Muhammed Ali, Dock Ellis and Connie Hawkins donated $1,000 a piece to start the drive. Ellis has a sickle trait. Five thousand children were tested at a carnival type fair held in Pittsburgh last month. Similar fairs are planned for other cities.

The Cook County Physicians Association, a Chicago Black group headed by Dr. Andrew Thomas, is operating a Mobile Unit for mass testing for sickle cell. Since June, the unit has tested some 15,000 persons, ten per cent of whom were found to have had the trait, throughout Chicago and in surrounding communities. The unit soon plans to move to Malcolm X College to test an estimated 3,000 students.

Chicago is also the site of a Black Panther Party Medical Clinic opened in 1969 and conducting free sickle cell tests since May. Operating on a skimpy budget from private donations and proceeds from benefits, the Panthers have managed to keep open despite threats from the Board of Health to close it and a lack of enough volunteers.

Since last May, the Panthers have conducted tests at five Chicago elementary schools, five in Maywood and at eight neighborhood sites on the north, south and west sides. Out of 4,718 persons tested, 371 were found to have a trait and seven with the full disease, according to Ronald Satchel, one of the Clinic's three directors.

HOUSE APPROVES GRAIN PRICE SUPPORT INCREASE; THE SENATE MUST ACT

Mr. METCALF. Mr. President, I invite the attention to the action of the House of Representatives late last night in passing H.R. 1136, the strategic storable grain reserve bill after amending it to include Congressman JOHN MELCHER's bill to raise wheat and feed grain price supports, on the 1971 and 1972 crops, by 25 percent.

The House voted 182 to 170 for the bill as amended, a rather close vote but, for a farm bill in that predominantly urban body, a better than average margin.

The House of Representatives is impressed that grain farmers face an extremely critical economic situation as a result of this year's abnormally large crops under the new set-aside farm program.

The corn crop, at 5.5 billion bushels, is at least a billion bushels in excess of requirements. A big crop was encouraged as a result of fear of another year of corn blight. But that is not the only big crop resulting from relaxed acreage restrictions. The wheat crop is up more than 250 million bushels from last year. Grain sorghum is up 195 million bushels and barley is up 65 million bushels.

Totally, the grain crop this year has run 1,800 million bushels more than in 1970, with a prospect that wheat carryover will be pushed close to a billion bushels next July 1 and our feed grain surplus will reach a serious surplus level—57 million tons instead of the comfortable 24 million tons as this year started.

As a result of this surplus, wheat and feed grain prices have dropped disastrously. Corn, worth $1.45 and more at times last summer, is selling under $1 in some Corn Belt States. Wheat has dropped to about $1.30 national average farm price, and it is well below that in my State of Montana.

Farmers write me daily that they are losing money on every bushel of grain they have to sell and will be unable to renew their operating loans next spring unless they get some relief.

Senator MIKE MANSFIELD, the distinguished majority leader, and I have pending before the Agriculture Committee the companion measure to the 25 percent price support increase approved by the House yesterday. Senators MCGOVERN, HUMPHREY, and others have strategic reserve bills pending. Hearings have been held.

Mr. President, action on this farm measure is imperative before we adjourn. We need to raise the price support loan level before any more of the 1971 crops move out of the hands of farmer producers, and before they have to sacrifice their grain at substantially less than cost of production.

The Department of Agriculture has estimated the cost of the increase in loan rates at $39 million in subsidies to keep wheat exports moving, and $242 million in additional loans. Much of this will be recovered, of course, when the wheat is sold. The $281 million total is after a credit of $160 million savings on wheat certificates because the farmers would get higher prices in the market. The loan increase is advantageous because it will mean higher returns on 100 percent of the cooperators' crop, not just the 40 percent protected by certificates.

The House bill was not only supported by the major national farm organizations, except Farm Bureau, but by the AFL-CIO who advised that it would have negligible effect on consumer prices.

What the proposed increase in price support rates will do is lift wheat and feed grain prices back to about their level before harvest, when price ceilings were imposed by the President.

It is estimated that the higher price supports will increase farm income $1.5 to $2 billion, at small cost to either Government or consumers, by readjusting market prices for grain toward the levels prior to the retail price ceilings.

Mr. President, the Senate should be able to handle this bill speedily. We must find time.

ADMINISTRATION PUBLIC WORKS PROGRAM IS PLANNED—PRESIDENTIAL VETO OF SUCH PROJECTS IS RECALLED

Mr. RANDOLPH. Mr. President, I was surprised by a story which appeared on the front page of the Friday, December 3, New York Times. The headline announced that a $50 million plan for jobs has been set up and a program of public works is to start in February 1972, in high unemployment areas.

The article, by Jack Rosenthal, was based on an announcement by the administration that it is activating a program to create public works jobs in communities with high unemployment. It was noted that funds would be committed to "projects that can be started quickly and whose costs are made up largely of labor costs."

This Senator and other Members of the Congress worked diligently for the passage of legislation earlier this year to create a national public works program to alleviate severe unemployment. We feel the administration's announcement is ironic.

My colleagues recall that on June 29, the President vetoed S. 575, which reached the White House as a combination of three bills—Appalachian regional development, economic development, and accelerated public works—because of President Nixon's stated opposition to the construction of public works projects as a means of relieving unemployment.

It is noted that the program said to be nearing implementation is really authorized in the language developed by the Congress as S. 2317—Public Works and Economic Development Act of 1971—and passed after S. 575 had been vetoed.

The new administration program is, in effect, a cut down version of the accelerated public works program disapproved by the President.

In his S. 575 veto message, the President bluntly stated it to be his view that a public works program would not assist the unemployed because of the long leadtime which he alleged to be required to initiate construction. And he cited inflation in the construction industry.

The President, in vetoing S. 575, the bill I sponsored, also spoke of "fear of inefficiency in a crash program," and, finally, gave this unique rationale:

False hopes would be created in many communities and this administration does not wish to be a party to these misleading impressions. The previous accelerated public works program resulted in applications for nearly double the amounts. On the basis of these expectations communities deferred locally funded projects. Therefore, the net economic impact in many communities was, actually, delayed public works projects.

Advocates of a public works program to cope with the needs of many communities, while placing unemployed people at work on useful projects, flatly rejected the President's view. Following last Friday's announcement, I do not know whether to be amazed by a complete reversal by the President or gratified by his switch of positions. Because I am a believer in the validity of well-planned public works—and in their job-providing potential—I am gratified that the administration is activating the $50 million program in high unemployment areas, even though the amount seems to me to be much too small.

The story in the Times indicated that the administration will seek a supplemental appropriation in the range of $30 to $40 million to carry the public works program beyond the limits of current appropriations for the Economic Development Administration. Coupled with existing funds, the amount is not large when gaged by the public facility needs of the country and the large number of unemployed people who could be assisted by a substantial public works effort. It is particularly ironic that the President would suggest this relatively small amount in view of the fact that his veto of S. 575 was allegedly to prevent "false hopes" and "misleading impressions" in many communities about the availability of an adequate supply of Federal funds for public works projects. There are going to be more "false hopes" and "misleading impressions" as a result of the $50 million program than we would have had with the $2 billion program which this Congress passed by overwhelming margins in both Houses and which was killed by the President's veto.

Perhaps the administration now indicates a trend toward more concern for the unemployed people of this country. Such concern is long overdue. It is my hope that the Senate will review this matter carefully when it receives the indicated request by the administration for a supplemental appropriation. And I hope Congress will provide a more adequate amount of money.

Mr. President, I ask unanimous consent that the newspaper article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIFTY MILLION DOLLAR PLAN FOR JOBS SET UP—PROGRAM OF PUBLIC WORKS TO START IN FEBRUARY IN HIGH UNEMPLOYMENT AREAS

(By Jack Rosenthal)

WASHINGTON, December 2.—The Nixon Administration announced today an immediate $50-million program to create public work jobs in communities with high unemployment.

The first phase will involve 7,000 jobs and cost $27-million, officials said. The first paychecks, they estimated, will be issued before the end of February.

Jobs created by the program will be in construction of roads, community centers and other projects that can be started quickly and whose costs are made up largely of labor costs.

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Small communities are more likely than urban centers to benefit from the program, it appeared. But, officials said, projects will be undertaken across the country.

The new program was ordered by Congress in legislation passed Aug. 5. That measure followed a far more massive bill, calling for $2-billion and 175,000 jobs, that the President vetoed in June.

The program was announced today by the Department of Commerce, which said it had been ordered by the President to proceed immediately.

The Economic Development Administration, a Commerce agency, will administer the program. The agency's general responsibility is to promote long-term economic gains in depressed areas.

The emphasis in the new program on speed will dictate short-term projects, officials said. These will involve a mix of full-time and part-time and full-year and part-year jobs.

Thus, they cautioned, the figure of 7,000 jobs should not be taken literally, since the program could bring short-term benefits to a larger number of workers.

The initial $27-million will come out of long-term program funds. But, the Commerce announcement said, the President will ask Congress for additional funds to replace at least some of this amount and to fund the new program.

Of the $50-million cost of the new program, from $30-million to $40-million will be in new funds.

The Economic Development Administration now spends about $730-million a year for long-term programs in Appalachia, parts of New England, among Indians, and in other depressed areas.

Officials said today that the new emergency program funds would be apportioned among communities with a high concentration of unemployment or poverty, whether temporary or not.

It is probable, they added, that smaller communities will benefit most. The impact of the new public works jobs will be greater in them, they said.

Communities to receive the funds, officials said, will be chosen both on the basis of assessments of need by the development agency and from among those who apply.

IMPACT OF DOCK STRIKES ON AGRICULTURE

Mr. PACKWOOD. Mr. President, Senators are well aware that the disastrous impact of recent longshore strikes, particularly the Northwest strike, has been of critical concern to me. Not only must we face growing losses in the Northwest, the east coast, and the gulf area resulting from the inability of longshoremen and shippers to resolve their current disputes, but we must also face, whether we like it or not, repetition of similar crises at unforeseeable times and places in the future. This is our destiny, Mr. President, until this body agrees to explicitly assess the problem, evaluate the alternative solutions, and make some firm decisions on new procedures for settling emergency labor disputes in the transportation industry.

In an effort to shed some light on the nature of the problem we face, I would like today to address myself to the impact of the recent dock strikes on agriculture, and particularly on agricultural exports.

Any disruption of normal marketing of agricultural products will reduce farm prices and be reflected in lower farm income and higher government costs. Therefore the dock strikes which have occurred in the past and which are occurring now constitute a major threat to our farm marketing system and consequently to farm income and farm prices.

The dock strikes seriously limit our ability to compete in the international agricultural market, and the international market is essential to our well-being. Last year agricultural exports reached a new high of $7.8 billion, and these exports contributed heavily to our Nation's trade balance. Without these farm exports our balance-of-payments problem would have reached a crisis stage long ago.

During 1970, production from 1 out of every 4 acres was exported. These markets accounted for over one-half of our wheat, soybeans and rice, nearly two-fifths of our cattle hides, and one-third of the tallow, tobacco, and cotton produced, and about one-fifth of our feed grain sales.

Our farmers are aware that their competitive position in the international market is in jeopardy, because of the transportation tieup caused by the dock strikes. The international market is a tough one to compete in and prices weigh heavily in the decision by importers as to where they will buy their products. Our one big plus in this competition has been that of the dependable supplier. But how dependable are we when we have strikes every 3 years?

The Japanese are beginning to question us regarding our dependability as a supplier. In recent bilateral discussions with the Japanese we learned that they are sending missions to other supplying countries to urge that they increase their output, especially of grains, in order to reduce Japan's dependence on the United States.

If the Japanese turn to other sources for supplies of grains, especially wheat, this would be a tragic loss to our farmers. In the Northwest wheat is produced largely for export to Japan. During the July–September period last year our sales of wheat and flour off the west coast were 58 million bushels, and during the same period this year they were less than 1 million bushels.

Our share of the Japanese wheat market for the April–October period declined from 58 percent last year to 42 percent this year. This is a decline of approximately 15 million bushels worth roughly $25 million. All of this business went to our competitors. At this time the Japanese are buying wheat for delivery next year, but because of the threat of a continuance of the west coast dock strike at Christmas, they are not buying from the United States.

During the 100-day strike on the west coast this summer and fall we suffered export losses in many commodities besides wheat. Rice exports were down from 157,000 metric tons to 35,000 metric tons. Cotton exports were down by 85 percent; fruits and vegetables were down 55 percent. Certain industries suffered severely. California alfalfa producers are a good example. Exports of alfalfa meal usually account for about two-thirds of the California output, but during the west coast strike 10 alfalfa meal dehydration plants in California had to close down. Our market was flooded with alfalfa that would normally be dehydrated for export. Furthermore, alfalfa pellets and cubes destined for export and held by the strike were exposed to the sun which reduces carotene content to no more than that of ordinary hay. As a result, their value dropped to $30 per ton compared with the prestrike price of about $50 per ton. In total, our agricultural exports off the west coast during the 100-day strike declined by $200 million over the same period a year earlier.

What happened on the west coast was repeated on the east coast, gulf coast, and in Chicago. Corn and soybeans have been backed up throughout the Midwest, and farm prices have been discounted by 5 cents per bushel for these commodities. At one time there were 60 million bushels of corn and soybeans stranded in the approaches to New Orleans.

Because so many commodities are involved, I ask unanimous consent to have printed in the RECORD a listing of several northwest export crops and the dollar volume in the summer of 1970 as compared with the volume in summer, 1971.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PACIFIC COAST EXPORTS—JULY-SEPTEMBER, 1970 AND 1971

[Dollars in millions]

Commodity	1970	1971	Percent 1971 of 1970
Grain and feed	$141.8	$13.8	10.0
Wheat and flour	88.7	1.4	2.0
Rice	25.7	5.6	22.0
Prepared feed/alfalfa meal	8.8	.7	8.0
Fats and oils	12.3	7.4	60.0
Tobacco	0	0	
Cotton	17.4	2.5	14.0
Dairy	7.0	1.5	21.0
Poultry	2.8	1.1	39.0
Livestock and meat	32.4	13.7	42.0
Tallow and greases	10.9	4.3	39.0
Hides and skins	12.0	5.3	44.0
Fruits and vegetables	69.3	30.9	45.0
Citrus fruits	11.0	8.5	77.0
Fruit cocktail	2.7	.3	11.0
Fruit juices	3.3	1.1	33.0
Other fruits and nuts	8	37.6	14.8
Vegetables	13.0	6.2	48.0
Sugar and tropical products	5.3	2.1	40.0
Total—all agricultural commodities	288.3	73.0	25.3

Mr. PACKWOOD. Mr. President, these figures speak for themselves. Magnify them severalfold and you can gage the effect of the longshore strikes around the Nation on our agricultural economy. Anyone who cares about equity for this Nation's farmers cannot close his eyes to this situation for much longer.

THE STIMULUS TO READ

Mr. EAGLETON. Mr. President, Daniel Fader, an English professor at the University of Michigan, conducted a reading experiment in a Washington, D.C. school several years ago. He has recently published a book entitled, "The Naked Children," based on his experiences with the children in Garnet-Patterson Junior High School. It is Dr. Fader's belief that children are failed by the schools. It is not that they cannot read; it is that they would not read unless given the proper stimulus.

To test his theory, Dr. Fader used newspapers, current issue magazines and paperback books to stimulate the children's interest, rather than traditional textbooks. "The Naked Children" describes the success of the experiment in terms of stimulating interest in reading and thereby improving the reading level of many of the children. Although Garnet-Patterson still reflects his new approach to the teaching of reading, the school no longer has the benefit of Dr. Fader's leadership, nor his resources.

The Washington Post recently carried excerpts from the book along with critical comments of the teachers involved. I ask unanimous consent that this article be inserted in the RECORD at the end of my remarks.

This experimental reading program is particularly important in light of the administration's right to read program. You may recall that this program was first announced in October 1969, by the late Dr. James Allen, then U.S. Commissioner of Education. Dr. Allen spoke of the 10 million American children and teenagers with serious reading difficulties. He committed the administration to a far-reaching program of educational support for these youngsters to enable them to enjoy their right to read.

Not long thereafter, President Nixon added his endorsement in a message to Congress on education reform. The President said:

I propose new steps to help States and communities to achieve the Right to Read for every young American. I will shortly request that funds totalling $200 million be devoted to this objective during Fiscal 1971. The basic ability to read is a right that should be denied to no one, and the pleasures found in books and libraries should be available to all.

Two full years have now passed since this ambitious and comprehensive program was announced and still there are no funds earmarked for such a program. Funds siphoned from other education appropriations, totaling $10 million this year, are the sole means of carrying out the administration's most worthy proposal. Isolated grants are being awarded, but their scope is extremely limited and they affect relatively few children. This is a beginning but it is not enough. The President must back up his promise to establish a comprehensive right-to-read program with the necessary funds.

Mr. President, I ask unanimous consent that an article from the Washington Post Potomac magazine of December 5, 1971, describing Professor Fadler's reading experiment be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITE TEACHER, BLACK STUDENTS AT A DISTRICT OF COLUMBIA SCHOOL: AN EXPERIMENT IN READING AND LOVE

(By Aileen Jacobson)

(NOTE.—During the school year of 1965–66, Daniel Fader commuted weekly from the University of Michigan in Ann Arbor, where he teaches Shakespeare, to Garnet-Patterson Junior High at 10th and U Streets NW, to try to teach reading.

Fader had a federal grant to test a theory he had evolved and used once before. It was a simple, almost common-sensical theory: If children are having problems learning to read, perhaps one of the reasons is that they do not like what they are given to read. Perhaps "Silas Marner" and the works of Shakespeare are written in language that is impenetrable to them. And perhaps the very books themselves, as objects, are alien and forbidding. On the other hand, what becomes familiar to these same children, and what they naturally respond to are newspapers, magazines, and paperback books on subjects they are personally interested in. So, why not give them newspapers, magazines and paperbacks? If they can learn to read from those printed pages, rather than the traditional texts, what does it matter? They still have learned to read. And maybe they even have the sensation of pleasure associated with learning. Very rare for a young student. And, perhaps, since he has found pleasure in reading one kind of publication, he will, of his own free choice, go on to read other kinds of publications. Maybe even "Silas Marner" and Shakespeare.

For his basic reading materials, Fader used 450 copies daily of The Washington Post—the "capital" or first edition, which the students especially liked because it was so full of errors. (Theoretically, errors are caught and corrected for subsequent editions.) He also used magazines and paperbacks, which he got from Joseph Ottenstein, owner of The District News Company. Ottenstein liked Fader's theory, gave him the magazines for nothing, the books at his own wholesale price.

As with any new theory and experiment, Fader encountered a certain amount of opposition at Garnet-Patterson from both teachers and students. Yet, during the year, he was able to convert many, and most important, to get students reading. Not only did they read The Post and Ottenstein's magazines, but by the Spring of that year, there was a run on the school's library.

In ways direct and subtle, whatever Fader taught and learned at Garnet-Patterson evolved from an association, a rare and special friendship he developed with five students—Cleo, Wentworth, Snapper, Rubbergut and Uncle Wiggly. Cleo, 14, was the leader of this small gang, and she maintained her leadership by her extraordinary clarity of vision, wit and toughness, and by offering her body to the four boys, ages 13 to 14, on a planned and regular basis.

Fader has written about himself and Cleo and Wentworth and the others at Garnet-Patterson in a recently published book, "Naked Children." It is an intriguing, affecting story, and privileged look at life in Washington's inner city. Excerpts from the book follow. And also, since there is still opposition to Fader and his theory at Garnet-Patterson, included after the excerpt are some comments from teachers who were at the school when Fader's narrative was being lived.)

For two days I had hounded him. It began on Thursday morning when I sat in his English classroom during the first period of the day. Charles Dickens would have recognized the teacher. Invented and educated in another age, she was uncomfortable and unhappy in the seventh decade of the 20th century. If silence is golden, her classroom was the Fort Knox of the neighborhood. Thirty-eight children in her room that morning, breathing not apparent in 35. They had long since gotten the message: Keep quiet. Keep your mouth shut and nothing can happen to you. Say something, anything, and you've said too much. Thirty-five children sat stifled in silence.

Wentworth sat second seat from the front, second row from the wall, I sat in the last seat of the row next to the wall, the teacher's desk was diagonally, across the room from me and at right angles to Wentworth. She had a view of his left side and front while I could see his right side and back. What she saw from the left-front was one more of the silent creatures who inhabited the room like fish displaced from voiceless depths. What I saw from the right-rear was a boy slowly turning the pages of a hot-rod magazine.

For all that remained of Thursday and again on Friday I followed him from class to class. By Friday noon I had seen enough; we spoke in the cafeteria.

"She says you can't read. I don't believe it."

"Maybe she jus' puttin' you on."

"Maybe you're just putting her on." We had a talking acquaintance, no more. I knew I might be presuming too much, might be invading the place where the boy kept himself hidden, but the week was nearly done and I knew I was close to the truth I had begun to suspect. When he said, in a flat voice, "I ain't doin' nothin' to nobody," my impatience and irritation must have shown in my face, for suddenly he turned away from me—we had been standing together in the cafeteria line—and took a place farther back, his face averted.

I ate quickly at a table with several teachers and waited for Wentworth to finish. I knew I wouldn't get anything from him that he didn't want to give, and I thought he would be least likely to feel like giving when he was in the company of friends. As in so many of my estimates of children, I was wrong about the effect of his friends upon Wentworth. But I erred even more than habitual underestimation can explain. I was so wrong because Cleo was completely beyond my experience.

After I had eaten quickly, wanting to be ready whenever Wentworth decided to leave, I found myself feeling like a fool as both teachers and children, who had eaten at a more sensible rate, finished their meals and their conversations and left the cafeteria. No one had left Wentworth's table by the time the last teacher departed from mine. As the only adult remaining in the room, I suddenly felt conspicuous and alone.

When the last teacher left the cafeteria, five expressionless children got up together and walked toward me across the room. As they slowly made their way through the tables, I realized that I was not only conspicuous and alone, I was also uneasy and apprehensive. Had I harassed Wentworth to the point that he had enlisted his friends to help him handle me? I pushed my chair back from the table and stood up to meet them. The cafeteria was empty but for the six of us. They formed a semicircle in the aisle while I faced them from between the tables.

"Why you messin' on Wentworth?" The only girl in the group was speaking to me. No preliminaries. Just the question.

"I'm not messing on anybody," I said.

With a word, Wentworth commented on the truth of my answer. The girl ignored him and watched me.

"He don't wanna talk to you," she said.

"But I want to talk to him. He could help me a lot if he wanted to."

"He don't want to."

"He should."

"Why he *should?*" She was surprised and turned to look at Wentworth to see if there was something he hadn't told her. A gesture of his shoulders was enough. She turned her attention to me.

"What were you looking at during your English class yesterday and today?" I asked Wentworth.

"Nothin'."

I imitated his response to my earlier untruthful answer. The girl laughed loudly. The others grinned, their attention on Wentworth and not on me.

"Lookin' at a hogbook," he said slowly, a

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smile lighting his face as he realized what I had said and who I was imitating.

"Which one?"

"Don't you know the name."

"*Hot Rod?*"

"At the one."

"You like it?"

"Some."

"Where'd you get it from?"

"Teacher had a pile of 'em onna table."

"You know where *she* got it from?" An eloquent movement of his shoulders and eyes. "I gave it to her," I said.

"You the one brung all them newspapers and magazines?" The girl was interested. So were the others.

"Yes. Friends give them to me and I bring them to you." It was hard to find the right tone. Whom was I speaking to? Children? Adults who looked like children? I needed them for what they could tell me, especially Wentworth. But I didn't seem to be getting any closer to the information I wanted.

"So Wentworth oughta talk to you on accoun' of he was lookin' at a magazine you brung?" Skepticism was in her voice.

"No," I said, realizing that was exactly what I had meant. "He ought to talk to me because he knows a lot of things I need to know."

"Like what?" she asked, disbelief spreading from her voice to her face. Like what?" she said again, more sadly, as the bell rang for change of class.

I was helpless. The whole thing was in her hands now, this girl with her retinue of grinning, disbelieving boys. Mine may not be the oldest profession, I thought, but it has to be the worst. Who else has to depend on the whims of children? I had already given up hope when I answered her: "Like why his teachers say he can't read and I see him reading a hog-book for two days in his English class?"

I was waiting on the corner across from school. It was Cleo who brought them to see me. She was in front, with Wentworth, Snapper, and Rubbergut walking together in the rear. Because I was sitting, she sat too. Snapper squatted behind me, Wentworth and Rubbergut leaned against the telephone pole, while Uncle Wiggly continued to shadowbox in the street.

"You still wanna know?" she asked.

I told her that I did.

"All right," she said. "Go on, Wentworth. Tell him."

Wentworth told me. "Sure I can read," he said. "I been able to read ever since I can remember. But I ain't never gonna let *them* know, on accoun' of iff'n I do I'm gonna have to read all that crap they got."

I knew what he said was true. I knew it was true because I had seen him reading; I knew it was true because I'd seen the brightness in his eyes and heard the deft quickness of his responses. I had assumed such children existed when I first conceived the approach to teaching literacy that was slowly making its way from Michigan to the District of Columbia. But though I knew it was true with every sense and instinct I had, I could barely believe what I had heard. A theory is a disembodied thing. To watch a theory take arms and legs and tongue . . . I realized that they were all waiting for me to speak.

"You know who Albert Einstein is?" I asked.

"Sure," said Cleo. "He was a dumbhead when he was a kid. Then he done all kind a smart things. I read 'bout him in a magazine."

My question had been pure rhetoric. They must get mighty tired of being underestimated, I thought. Tired enough to pretend they're too stupid to read. "You know what," I said, "I didn't think you'd know who he was. I'm sorry."

"Don't matter. How come you wanna know?"

"Because when Wentworth told me he really can read even though everybody thinks he can't, I guess I felt like Einstein after astronomers proved he was right when he said there had to be a planet like Neptune. He must have felt pretty good, and so do I."

"Just 'cause Wentworth can read?"

"Just because I've always been sure there must be a lot of people like Wentworth but I never met one before. It's worth a lot to me to know I'm right."

"How much?"

"How much what?"

"How much it worth to know you right?"

"I'll have to think about it some. You got a suggestion?"

"Anyway a dollar."

"Anyway," I said. "How about a dollar and a quarter? That comes out to. . . ."

"I know what it come to. A dollar and 25 is a quarter for ever' one of us. You can give it to us now if you wants to."

I counted the money out and she put it in the pocket of her coat. Thinking the interview was done, I got up from the curb to go to my car parked across the street.

"Don't you wanna hear Wentworth read somethin'?"

"Should I?" I was too surprised to find the right response.

"He could fool his teachers, he could fool you."

She was right. He could, and so could she if she wanted to. Maybe they all could. I sat down again while Wentworth opened the paperbound book that Snapper was carrying. It was Joy Adamson's "Born Free," the story of Elsa the lioness who grows up as a member of the Adamson family. Wentworth chose to read the passage that describes Elsa's first meeting with an elephant:

It was an exciting moment when the cub met her first elephant, an anxious one too, for poor Elsa had no mother to warn her against those animals who regard lions as the only enemies of their young and therefore sometimes kill them. . . .

As he read, I managed to look at their faces. Rubbergut's mouth was open; Uncle Wiggly was momentarily in repose. He had their rapt attention. I was sure that all I had to do was close my eyes and I'd find myself walking through the looking glass or down the yellowbrick road—nothing I could imagine would be less likely than sitting on a street corner in northwest Washington while an illiterate boy read "Born Free" to me and the other members of his gang.

"O.K.?" It was Cleo, and she was speaking to me.

"Sure. Fine. I'm satisfied."

"You bring the books, too?"

"Yes. From a friend of mine." "He some friend." It was Snapper, breaking his silence for the first time.

"He is. Would you like to meet him sometime and see all the books he has?"

"Sometime." The meeting was finished. Cleo had spoken the last word with a finality that none of us could miss. I watched them walk down the street in a close group. Again, none looked back.

One of the few times I saw Cleo angry—so angry that she almost lost control of herself—was when Snapper provoked a teacher into name-calling. None of us witnessed the event; all we knew of it was Snapper's report, obliquely delivered, that afternoon. We were sitting in my car, parked on 10th Street in front of school, when a teacher left the building and crossed the street in front of us.

"She ain't worth nothin'," Snapper said flatly.

"Who?"

"Her. Big Butt."

"What she do on you?"

"Lay a name on me."

"Will-*yum*?" Rubbergut said it with emphasis and with a smile. But Snapper didn't respond.

"What she call you?" Cleo's question required an answer. I was surprised at its sharpness; was there something I had missed? Why did she care what the name was? I thought Snapper felt as I did when he answered mildly—

"It don't matter none."

"You tell me what she say, I tell you iff'n it don't matter none." I had never heard her use that tone before. She was obviously prepared to be angry, but I was unable to understand why. Did a day pass that some vengeful adult didn't call them a name? It hardly seemed worth the pain to live through one of those incidents again. I was already turning the key in the ignition, hoping that noise and motion would distract them, when Snapper responded to his leader's command:

"She call me a jungle nigger."

We sat in the nearest thing to absolute silence that six people, five of them adolescents, can attain. Drops from a brief rain shower ran soundlessly down the windshield while schoolchildren hurried across the street in front of us. Sitting in the outside front seat, Cleo suddenly brought her fist down hard on the dashboard and her lips moved, though she said nothing I could hear. Then, after a brief pause—the car still soundless—she reached across Wentworth and patted my arm. They couldn't go for a ride, she explained, apology and regret in her voice. They were mighty sorry, but maybe we could all go to that place next week. And she knew it was two times that word had been laid on my ears. It wasn't no way to talk in front of a friend. The three from the back seat were already waiting on the sidewalk when Cleo and Wentworth left me alone in the car.

It showed me how thin the skin is that protects constantly abused children from their own violence. I knew perfectly well I had witnessed a prelude to vengeance. I knew the teacher, and I knew how well she deserved her reputation for a vicious mouth. I knew the children, and I had seen rage and determination in Cleo's face. Only one product was possible from those volatile elements in combination. Knowing, I was powerless to prevent it.

I was a fool to think I had witnessed a prelude to immediate violence. At least Cleo and Wentworth were too smart for that, if not the others. Which is probably to do the others an injustice, for I believe now that Snapper's reluctance to repeat the teacher's epithet grew out of his foreknowledge of Cleo's response. Whatever the reason, he had not been anxious to provoke immediate retaliation and I should have known better than to fear it. The children were as cautious and circumspect in their vengeance as they were in their friendship.

A month passed before they retaliated. Had the event occurred early in the week, I might not have known of it. Since they acted on a Wednesday, however, it was the teachers' prime topic for conversation on Thursday. What they had done was simple and devastating: they had slashed all four tires on the woman's car, and they had added sand to her gas tank, radiator, and oil system. When I heard about it, I felt only relief. I had been afraid they would act against her person instead of her possession.

Only then did I realize how certain I had been of their intent, and how much a party—though passive—I had been to their act. In spite of my bad conscience, I do not think I would have said or done anything about their vandalism had they not thrust the opportunity upon me.

The opportunity arose from another brief clash between Cleo and Wentworth. An increasing number of these confrontations marked the passage of our year together; what was happening, I think, is that the relationship between them was about to reverse itself and both were searching for new ground on which to stand. As I came to understand this, both became more admirable in my eyes for the genuine kindness with which they treated each other. Especially Cleo, who understood that Wentworth needed help in shedding his outgrown skin.

Occasion for the clash was Wentworth's admiration of Dick Gregory and Cleo's supersensitivity about the word "nigger". When we went to visit Joe Ottenstein and his District News Company, Wentworth acquired copies of "From the Back of the Bus" and "Nigger." At the time I thought Cleo had them too, but I was mistaken. She was shocked by the title of "Nigger" and had refused to take any of Gregory's books. I discovered this when Wentworth took "Nigger" out of his pocket one day and passed it to Uncle Wiggly.

"I brung it for you," he said. "Give it back when you done."

"My ma kin read it?" Uncle Wiggly's mother read everything he brought home. He had told us about her when he met us one Friday after school with three women's magazines rolled up in his hand.

"Sure," Wentworth said, and added expansively, "you gramma, too, iff'n she wants."

"Ain't fit for nobody," Cleo pronounced emphatically. She made a pushing motion with her hand, as though shoving the book away from her.

"How you know?" asked Wentworth. "You ain't never read it."

"Ain't never gonna read it neither!"

"Then how you know so much?"

"I know."

"Just 'cause he call it 'Nigger,' you ain't even gonna find out what he say?"

"Man use that word, he don't say nothin' I wanna hear."

"Ain't it a good book?" Wentworth was appealing to me. I was in, whether I wanted to be or not.

"You remember what he writes to his mother?" I asked Wentworth. He didn't, so I repeated as accurately as I could the dedication which I now quote from the book: "Dear Momma—Wherever you are, if ever you hear the word *nigger* again, remember they are advertising my book."

"Yeah," Wentworth said. "That's good."

"I like it, too," I said. "He puts that word right where it belongs."

"It don't belong on no book." Cleo shook her finger at the book in Uncle Wiggly's hand.

"You're right," I said. "It doesn't belong on a book and it doesn't belong in anybody's mouth or mind. But it's there. And it won't disappear because you want it to. It won't disappear unless you do something about it. Like Dick Gregory's doing by bringing it out in the open and laughing at it. That's one way of getting rid of it."

I knew I was walking on thin cover but I was tired of unnameable and unmentionable things: "You can laugh at it and it'll disappear. Or you can talk it away. But you can't turn your back on it. It's got to be dealt with. And when you mess up somebody's car after she calls you a jungle nigger, you aren't dealing with it because you aren't teaching her anything. Messing up her car isn't going to cost her anything but money."

"Cost her plenty a that."

"You handle it right, you could cost her her job. Insurance takes care of her car. Nothing takes care of her job. When it's gone, it's gone."

"Now how *we* gonna get *her* job?" Cleo, with interest and disbelief.

"You're not. You got sore and lost your chance. You're not the only ones who know how bad she is. But you and the rest of her students are the only ones who can prove it. When she called Snapper a jungle nigger you could all have gone to see the principal. He's a good man and you know it. He'd do something about it."

"You could tell him."

"No, I can't. I can't because I'm white and she's black and I'm a stranger here. She or somebody would swear race was the problem and the whole thing would get lost in black and white. No, not me. It had to be you." I hadn't meant my words to be so final, but they were. A depressed silence wrapped us like a winding sheet. I thought I'd buried the subject, which I hadn't wanted to do, until Snapper revived it with a sad, quiet observation:

"We could have got her *good*."

"We done it. That car ain't goin' nowhere." Uncle Wiggly, hopefully.

"Naw," Cleo, speaking slowly. "We didn't do *nothin*.' She still here, mean as ever. Messin' on her car didn't keep her from comin.' She still here, niggerin' everybody to death." Then a longer silence before she turned to me and said. "You tell us. You tell us what we kin do."

I soon discovered that they were far less interested in what I had done than where I had been when I had done it. The discovery may have been hard on my ego but it was easy on our relationship, for it freed me of identity and allowed me to become a conveyor of picture and place.

Their favorite place was San Francisco, their favorite picture the view of that pastel city from Twin Peaks. Each time they asked about it I tried to describe another aspect of the city or its peninsula. Casting about in my memory for something different on a comfortable afternoon, I remembered Chinese New Year celebrations held in San Francisco's Chinatown and told them about the great dragon that danced through the streets. The picture brought them pleasure and desire. They decided that if the Chinese New Year were celebrated in February, as I thought perhaps it was, then next month they would just have to leave their nothing school and their nowhere neighborhood (no mention of their city; they never thought of it as theirs) to go out to San Francisco and never come back.

Remembering who they were and where they were momentarily dimmed the brightness of the day. "Ever' year the Year of the Dog 'round here,' said Cleo flatly when I told her about the Chinese practice of naming each new year.

"You don't bark loud," Snapper said, to no one in particular, "You don't never get heard."

The Year of the Dog. The boys liked the image. Rubbergut picked it up and stretched it slowly in the afternoon sun. "Wouldn't be so bad to be a big old tick hound with nothin' to do but eat and sleep and run."

"What you hunt wouldn't scare you weak?" asked Snapper disdainfully. Rubbergut was a notorious coward. The rest of the boys tolerated him because he was Cleo's choice and Snapper's half brother, but his cowardice was like a rat which they threw stones at whenever it showed its head. Rubbergut retreated as Cleo turned the subject to business.

"Ever' year the Year of the Dog here," she repeated. "This school don't teach us nothin' 'cept to bark."

Spontaneously, almost in unison, the boys began to bark. I looked around, suddenly self-conscious, aware that I was a grown man sitting on steps of an unused school entrance with four barking boys and one grinning girl. A man came to the second floor window of a house across the street. I saw a dog farther down the block stop in confusion. I couldn't blame him. We must have been something to see and hear.

"I'd hunt me a teacher," Rubbergut said unexpectedly when the barking had quieted. "I'd hunt me a teacher rabbit and have me a stew."

"What else you put in?" asked Cleo, not unkindly. "Sure be a mighty thin stew iff'n you only got you a teacher rabbit."

The limits expanded that afternoon as daylight waned. For the first time the children asked me about myself, about where and how I had grown up, about my childhood family in Baltimore and my present family in Ann Arbor. The questions grew out of sudden embarrassment and tenderness of feeling when the conversation turned to teachers, and the children realized that one example of that thin and stringy stew meat was sitting beside them on the school steps.

"Wouldn't need nothin' else in no stew with you," Cleo said to me. Except for the few times when she was blinded by prejudice, she was always first to perceive and mollify hurt feelings.

"How come you a teacher?" Uncle Wiggly, oblivious to Cleo's glare. His question was kindly meant.

"Woke up one morning with a terrible itch. Turned out to be the teaching itch, so I've been scratching and teaching ever since." What I had meant to be light had turned out to be heavy and dull, but Uncle Wiggly was not put off. He was used to forgiving dullness in adults.

"You like going' to school?"

"Sometimes."

"You like goin' to our school?"

"No." Their silence invited me to say more, but I wanted a sign before taking the wrong direction.

"Then why you keep comin' back?"

"Keep hopin' it'll change, I guess."

"Hoping' never changed nothin'," Wentworth said. He had been quieter than usual, but now he was so emphatic that we all turned to look at him. "*Hope* this school gonna fall down but it don't. It stand right here, ever' mornin', ugly and mean."

"Too *gross* to fall down." Uncle Wiggly had used their favorite word. Wherever they had found it, they found a treasure; for them it summed all that was stupid, mean, and ugly into a single syllable.

"Gross," echoed Wentworth. "Grossest place in the whole world."

I meant to distract them with my question: "You want to do something about changing it?"

"Do Wentworth want a Cadillac?" Cleo, a quicker mind at 14 than most of us at any age. It was the question she had been waiting for. She had been leaning forward, resting her chin in her hands; I watched her sit up and fold her hands in her lap. She was prepared to do business.

"Let me tell you why I come down here every week. Then we can talk about changing the school."

"Tell us iff'n you wants," replied Cleo. "We done already read that little blue book."

I have never been so disconcerted by a child's direct response. "That little blue book," a pamphlet written by me and published by the University of Michigan, described the penal school program called "English In Every Classroom" which I was struggling to transfer into public school practice. That little blue book had been imported into Garnet-Patterson in August of 1965 when I first distributed a copy to each teacher. If the faculty agreed upon anything, it was that those booklets should be kept from their students. As one teacher informed me, children resent learning things that are taught in reform school. She neglected to add that they could not possibly resent it as much as some of their teachers resent teaching things that are taught in reform school.

"All of you?" I asked, foolishly. I was astounded. Later I would realize that my astonishment grew from disbelief in their literacy. I did not believe they could have read that pamphlet.

"Sure. *Ever*body want to know what you doin' here."

It was so reasonable if you were willing to credit them with normal sensibilities. You have a friend, you naturally want to know what he does with himself. If he doesn't

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know about Neptune, you find out for him. If he writes a little blue book, you read it.

"But how did you get the book? I mean. . . ." It was a stupid question. Did I want them to admit they had pilfered it? In one copy or five? I tried to retrieve my error. "I mean, I'm glad you read it."

"Anyway, we read it. You gonna tell us what we kin do?"

And that's how it began. In one way it started with Wentworth's magazine, with the Cadillac and trip to the airport, our visit to District News, a mounted policeman in front of the National Gallery. We made a number of beginnings in the last four months of 1965, but we did not begin our campaign until a Thursday in January when we sat together on the school steps in an unseasonably warm and weakening light.

We talked until the street was dark and cars were turning on their headlights as they passed. I explained the theory and operation of the program; they in turn told me where it was working in their classes and where it wasn't. In writing now about that first exchange of confidence and act of mutual recruitment, I realize how much their previous discretion made the conversation possible. Except for Snapper's reluctant revelation about the teacher who called names, and Wentworth's explicit feeling about his English teacher, none of the children had revealed to me their opinions of individual teachers and I had never asked. They had said much in general and invitation to talk about individuals, they preferred first to talk about ideas:

"If *ever'* teacher teach readin' and writin', some a them dumbheads still ain't gonna learn."

"He ain't worried none about them. He ainin' to get all the ones just *sits* there."

"Can't make a smarthead out of a dumbhead no way."

"Throw away them books, you see who's a dumbhead."

"Iff'n I could put my magazine on 'at desk, it sure be easier on my eyes." That was Wentworth's way of cooling the conversation. Any reference to the way I'd gotten to know him was usually good for a laugh.

I couldn't repeat all of that conversation even if I had full notes instead of a few words and memories in front of me. Four children actively argued the merits and deficiencies of a plan for teaching literacy, while a fifth echoed whoever was most vociferous and made occasional contributions of his own. My sense of reality, already diminished by Cleo's matter-of-fact statement that all five of them had read the booklet called "Teaching English At Boys Training School," was further weakened by evidence that they had not only read it but understood.

AT GARNET-PATTERSON THE MEMORIES ARE NOT SO FOND—"IF I COULD IDENTIFY ONE OF THE KIDS, I WOULD TELL THE PARENTS TO SUE HIM"

Teachers at Garnet-Patterson Junior High feel that Fader's book is unfair and inaccurate, and some are quite bitter about it, according to the principal of the school, Margaret Labat. Most of them, however, have not read the book, including the principal. "Dan didn't bother to send us any complementary copies," she said.

The teachers have seen articles and a review of the book, though, and the general reaction of some, expressed at a recent meeting of the Reading Mobilization Team, is that Fader has capitalized on—even exploited—his visits to the school for fame and fortune. The teachers expressed disbelief that he had spent enough time to establish a sustained relationship with any children. "Is this book fact or fiction?" one teacher asked. Another implied that he might have lifted his case histories from the teachers' weekly reports on the program.

"If he had any contact sufficient to come up with a full description for a book, then it was most unusual," Mrs. Labat said. "Contact was not approved as part of 'English in Every Classroom.' It was never intended that he should be involved with the youngsters. He was supposed to explain the intent of the program, to introduce it to us. How he could have had contact with the children is beyond me. If I could identify one of the kids, I would tell the parents to sue him." She added, "People who write are usually very creative, and it would have been easy for Dan to be creative when no one can document his facts."

Mrs. Labat said she felt "pretty excited" about the program when it first came. "The concept is not new, but it was innovative for this particular school situation. Paperbacks were just beginning to be popular then." She has read "Hooked on Books," Fader's first description of the program he brought to Garnet-Patterson, published in 1966, and felt that book was "pretty accurate."

Like the teachers, she regrets that today there are no more funds for the program, but tried to clear up one error which she thinks (from reports of teachers and newspaper accounts) the book might be perpetrating: "It's not true that teachers have gone back to their old methods of teaching. There has been a change, and the teaching here is different from that in other classrooms in the city. The English teachers say that because of Fader's experiment they have changed their teaching styles."

The teachers, meeting without Mrs. Labat, differed from her. They felt that if indeed Fader had close relationships with some of the children, that would have been fine. They just didn't believe it. In fact, they complained that he never entered the classrooms. Like their principal, thought, they had praise for the program.

Midway throught the meeting, as they were discussing their lack of knowledge of what was actually in the book, one teacher suggested, "Hey, why don't we get the library to order a copy?" Other teachers thought it a good idea, and one suggested they might even order several.

"Fader was very impatient. He couldn't understand why we couldn't pull the program out of a hat, even though the materials weren't here the first semester. He didn't give us enough information about the program. He gave us one booklet, and it was not very clear, so we had to ask him questions. And then he left the meetings displeased because of the questions we had asked.

"My criticism of the program is that there was no way of evaluating it. We asked for a diagnostic test at the beginning and at the end, but he didn't want it.

"We didn't find that much resistance to the program, though there was some resentment that it had been used in a prison before it came here. But it was the beginning of our teaching in teams, which I thought was pretty effective. It provided for a carry-over, because the English teacher would see the papers written in other classes and could correct them for grammar and for the structure of a composition. The children kept journals, though we had to censor them, because they were writing obscenities in them, and the parents objected. But the children are better-read now, and they have become accustomed to handling books. They began to write better, too, in some instances—not in all.

"We found that boys who supposedly couldn't read would keep the sports pages, and read them later. We found that if we wanted to get across to the child, we had to use the sports section.

"We feel overworked now because we have to teach these skills that should be taught, but we no longer have any hardback textbooks. Though the paperbacks are excellent, it's hard to get enough material for nine months out of them. There's no anthology, and that's what we need—if there is a good one available. That's another thing. Someone should let us know if there is."

"Most of us haven't read the book because it costs $7. If it were here, I would read it. But there aren't even any bookstores in this neighborhood.

"There's no doubt that the program is a good one. But we got no preconditoning for it. It was handed to us prefabricated, copyrighted downtown, and then laid on our desks. It's as though one morning someone came and said, 'No more books.' The teachers were in a state of shock. Since then, we've become more sophisticated. We get the community, the parents, and the teachers involved when we start a new program.

"He gave us an outline with no meat, and left us to figure it out. He had so many irons in the fire, he was hardly here at all, and he never visited the classrooms. He was no more competent to teach in junior high than I would be to take over his college Shakespeare course.

"The first semester we were very frustrated because there was only the newspaper to teach with. The rest of the materials didn't arrive until the second semester. But by the second year, when the redtape was out of the way, we were pleased.

"There were many successes, though Fader wouldn't know who they were. I think the reading level has improved. But now we are running a modified version of the program, with the paperbacks we have left and with the little money we can get in the name of 'English in Every Classroom.' I don't have the connections that Mr. Fader had. We don't have *The Post* this year because we don't have the money for it. We have adapted the program.

"There was an initial resistance to the program, but this was no more than the usual resistance you get to any new program."

FADER'S "FRIEND" REMEMBERS FONDLY: "MY GRANDCHILDREN ARE ALWAYS HAPPY WHEN I BRING THEM A NEW BOOK . . . CHILDREN ARE CHILDREN AND THEY ALL WANT THE SAME THING"

Fader's "friend" was Joseph Ottenstein, founder and president of District News, and distributor of all magazines and paperbacks for the area.

In the first of several trips they were to take, to venture together, Fader took the children to Cottage City, Md., to visit Ottenstein and his warehouse.

The visit was memorable, as Fader relates it, for a couple of reasons. First, because Ottenstein was the first Jew Cleo and her gang had ever met, outside of fleeting ghetto contacts, and the meeting affected a basic notion, or prejudice, or two.

Then, the day was lasting because Ottenstein gave them the run of his stacks, told them they could take as many books as they could carry and gave them cartons to help in the carrying.

Today, Ottenstein is "going on 76" and semi-retired, his son running most of the business. To Potomac, recently, he recalled that he began selling papers when he was nine, a year after he emigrated here from Russia, and has been selling—and giving away—papers, magazines and books ever since.

"Mr. Fader did a good job on the book, and he did a good job in person, on the program. He wanted to get the kids 'hooked on books,' that's what he said. I gave away thousands of paperbacks, in other programs, too. The kids ate it up. Kids do learn to read if they have access to books. They enjoy reading about something they know, in the sports field primarily, and if they can choose the book. We had a bookmobile once, and the kids were supposed to buy the books, but many of them stole them. But I don't care if they get away with a few under their shirt, if they want to read them. I would have liked to have given books to every child in town.

"I have 11 grandchildren, and so naturally I'm interested in the welfare of children. My grandchildren are always happy when I bring them a new book, and they always want me to read to them. Well, children are children, and they all want the same thing, and they all have the same tastes. Business is so hard and cold and cruel, and the bigger you get, the harder it is to make human contact. Before, you could encourage a young man by taking him to the ball game and buying him a hot dog and a soda. Now you buy the tickets and distribute them. It's not the same thing."

CURRENT ECONOMIC DIFFICULTIES

Mr. PACKWOOD. Mr. President, the attached editorial comment was sent to me by a very good friend who asked that it be submitted for the RECORD so that Senators might have the opportunity to review it. While some of us may differ with this analysis of the basis of our current economic difficulties, it is certainly worth reading as it represents the thinking of a successful small businessman—one who represents the backbone of the American economy.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON SHAPING UP—OR SHIPPING OUT

By the time this appears in print the President will have revealed what measures will be taken to replace the temporary wage-price freeze due to end this month. Regardless of the details, however, and regardless of the obvious necessity to exert some sort of stabilizing influence on the economy in order to halt or at least slow down the destructive inflation/unemployment spiral, more needs to be said on the subject.

What we are looking at here are measures designed to deal with the symptoms of the problem and not the sickness that is causing it. And that sickness is, of course, the fact that we are—and have been for many years—spending more money than we have been taking in. The deficit in trade payments is part of it, but only part. What the government is handing out to support other governments, many if not most of which are of questionable viability and morality, makes our import-export imbalance pale by comparison. But add both to our deficit spending here at home and the sickness begins to look terminal.

The truth of the matter is that, despite the roseate glow cast by our still ascending gross national product, we are facing national bankruptcy somewhere down the road. Before this point is reached we will all have to bite the bullet and shape up financially or ship out to a new status as a declining world power, dependent upon other nations for survival. Perhaps a good place to start would be with the public payroll, which is growing faster than the private payroll which supports it.

Sincerely yours,

KENNETH W. FORD,
President.

THE NATIONAL ENVIRONMENTAL CENTER ACT

Mr. EAGLETON. Mr. President, no nation in the world is as richly endowed with scientific expertise and capabilities in the environmental field as the United States. Literally thousands of American engineers and scientists connected with hundreds of organizations are engaged in research on our environmental ills.

It is probably correct to say that few environmental problems are receiving too much attention from the scientific community at the present time. However, it is equally true that some environmental problems have been overlooked in the past and have not received the scientific attention they deserved, and that other environmental problems have been studied from too narrow a perspective.

These shortcomings result from the fact that environmental science in the United States is so heavily dispersed among literally hundreds of organizations, and because too little attention has been devoted to coordinating the use of our environmental scientific resources to insure that they are applied in the most effective and efficient manner. S. 1113 passed by the Senate earlier this week establishes an independent environmental research agency to focus and coordinate environmental research. It should insure that priority problems receive priority attention, that significant environmental problems will not be allowed to fall between the cracks, and that environmental research will be conducted from a broad enough viewpoint to make the results of that research pertinent and useful to decisionmakers and the public.

It should be pointed out, though, that the National Environmental Center—though independent—will not be an irresponsible or unresponsive body. A full-time Board of Trustees comprised of seven nongovernment members will be responsible to the Congress and the President for the operation of the center and its work.

Responsiveness of the National Environmental Center to the needs of the Government agencies engaged in environmental protection efforts will be insured through a Federal Agency Liaison Committee comprised of the heads of the Federal agencies concerned with, or involved in, environmental protection efforts. This committee will serve as a two-way channel of communication between the center and the several environmental agencies, and should serve a valuable mechanism in the center's efforts to provide focus and direction for Government and Government-assisted environmental research.

S. 1113 also provides for another important channel of communication from the general public to the National Environmental Center through a General Public Advisory Committee comprised of nine public members who will represent the public in advising the Board of Trustees on the conduct of the center's business.

Mr. President, the point is often made that we have enough—or nearly enough—organizations and individuals engaged in environmental research, and that our most urgent need is for better utilization of these existing resources. S. 1113 responds to that point. It authorizes the Board of Trustees of the National Environmental Center to designate or establish not more than six national environmental laboratories to carry out the work of the Center on environmental problems. Thus it permits, but does not require, the establishment of new scientific organizations manned by new scientists. Where national needs would be served better by such action, it permits designation of existing organizations and the scientific talent that goes with them as environmental laboratories.

In addition to its important authority to establish or designate national environmental laboratories, the Board of Trustees has a broad array of other organizational and managerial tools to enable it to call upon a wide variety of scientific resources in the performance of its responsibilities. I want to call particular attention to one of these tools. It is the authority conferred upon the Board to contract with State, local, and private agencies and with organizations, institutions, and individuals for the performance of scientific research. Thus, in addition to the power to conduct in-house research, the National Environmental Center clearly is authorized to engage the services of an almost infinite array of organizations and individuals to perform research for the Center when and where it is appropriate.

Mr. President, I hope—and I expect—that the Board will make a special effort to use this authority and the other authorities available to it in structuring imaginative, productive, working relationships with scientists and engineers in the private sector of our economy. These men and women, and the organizations with which they are affiliated, bring to bear exciting knowledge and analytical skills in their research on environmental and other problems. Far too frequently, this environmental scientific resource is overlooked by those responsible for Government research efforts and very substantial public benefits are denied the American public as a result.

Another vital responsibility of the Center and its Board to which I would call the Members' attention is its responsibility to insure that the public is informed about its work of the Center and the scientific findings it produces. The explicit requirement that the National Environmental Center provide support for an appropriate mechanism to insure public understanding of environmental issues is of great importance generally, and is of particular importance since our system of government depends, in the ultimate analysis, upon the involvement of a public that is well informed about the problems the Government faces.

Mr. President, the State Environmental Center Act amendment is truly a beneficial and worthwhile addition to S. 1113. That amendment will fill an important gap in many State environmental programs by insuring that each State is provided with scientific research capabilities to attack the problems that affect it most directly. Additionally, the State centers authorized by the amendment will, as one of their principal responsibilities, conduct a uniquely valuable education extension program to provide a full range of educational and communications services. Those services will be directed toward the general public, all units of government in the State, the private sector, and to civic, fraternal, and other public interest groups. Included among

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the educational and communications services to be provided by State environmental centers is the critically important function of providing reference services to facilitate rapid identification, acquisition, retrieval and use of environmental information.

Mr. President, I think S. 1113 is a sound, constructive, and much-needed piece of legislation and I am pleased that Senators have given it their support.

ANTIOCH'S NEW APPROACH TO LAW STUDY

Mr. HART. Mr. President, over the weekend, I was pleased to note that the Board of Trustees of Antioch College, in Yellow Springs, Ohio, unanimously decided to establish the Antioch School of Law in Washington, D.C., to open in September 1972. My understanding is that the school will utilize the "learning by doing" approach for which Antioch is nationally known. The Urban Law Institute, a federally funded public law firm, will be at the core of the teaching institution.

It will not be just another law school. Rather, it will be the first to incorporate a wholly "clinical" approach to the teaching of law, much as an intern's affiliation with a teaching hospital. The school will be both a public law firm, involved in class action litigation on behalf of the poor, as well as an educational institution where students will be active participants throughout their schooling in advocacy procedures. I am told that there will be a heavy emphasis on course work in Federal programs, housing for the poor, consumer protection, and other areas of urban law.

It is a significant achievement for the Urban Law Institute, Antioch College, and for the designated co-deans, Jean Camper Cahn, director of the Urban Law Institute, and Edgar S. Cahn, director of the Citizens Advocate Center, both eminent attorneys who have made bold breakthroughs in many areas of civil rights and public interest law. The Cahns are credited with developing the basic blueprint for the national legal services program, which now employs over 2,000 attorneys representing the poor. Four years ago the Urban Law Institute began as a small pilot project, funded by the Office of Economic Opportunity, in reforming legal education. Over a period of 3 years it has won national recognition and acclaim for pioneering the concept of the teaching law firm as an instrument for training law students and young lawyers in what has been termed the "medical school approach."

Chief Justice Burger in earlier speeches has declared that:

> One could hardly conceive a system of legal education further removed from the realities of life than the case method," and further criticized that, "Today, in many courtrooms cases are being inadequately tried by poorly trained lawyers, and people suffer because lawyers are licensed, with very few exceptions, without slightest inquiry into their capacity to perform the intensely practical functions of a counselor or advocate.

The Antioch School of Law plans to expose students first hand to the problems of the poor by having them spend a night in jail, ride in police cars, and make applications for public housing, welfare, and food stamps.

This new concept seems an attractive and exciting way to enhance the practice of law as an instrument for securing justice for all people.

JUSTICE BRANDEIS—ADDRESS BY SENATOR MUSKIE

Mr. RIBICOFF. Mr. President, last month, the distinguished Senator from Maine (Mr. MUSKIE) addressed the annual Brandeis University dinner. His eloquent remarks were more than a testimonial to a great jurist—but a tribute to the ideals for which Louis Brandeis lived.

Senator MUSKIE reminded his audience that Brandeis not only represented judicial excellence, but as a Jew was devoted to what was in his lifetime only a dream—the creation of a Jewish state.

Commenting on the reality of Israel today, Senator MUSKIE reasserted his support for greater American diplomatic and military assistance to Israel and called for a reversal of the administration's "senseless decision to put more pressure on Israel and less pressure on Cairo which moves us further from peace, not closer."

In his address, Senator MUSKIE called attention to Brandeis' pursuit of social justice and individual freedom for all Americans, worthy goals for all of us.

I am pleased to call my colleagues' attention to the Senator from Maine's speech and I ask unanimous consent that the full text be inserted in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TO STAND IN THE BRANDEIS TRADITION

I am proud to join you tonight at the Twenty-Second Annual Brandeis Dinner—to speak with you about a remarkable past and to work with you in building the future of a great American university.

Since the hopeful spring of 1948, when the Jewish people founded a college in the countryside of Massachusetts and a homeland in the desert half a world away, Brandeis University has stood for all that is new and good in higher education . . .

For the breakdown of barriers which deny poor and minority students a decent change.

For the freedom to teach and to learn in an atmosphere untrammeled by political or ideological doctrine . . .

And for the creation of a just society . . . worthy of the young men and women who will inherit it.

But Brandeis is more than a distinguished university. It is also the namesake and the symbol of one of those very few, very special men who define the history and the heritage of America.

Louis Brandeis died before most of the students in Waltham were born. They read his words only when an occasional assignment requires reference to a Court decision. They speak his name only when others ask what school they attend. They see his image only in the bronze statue on the hill in front of Sherman Hall—and they see him, if at all, as nothing more than a figure from the fading past.

But Louis Brandeis is very much a part of our future. His parents escaped the oppression of central Europe in 1848 to seek the refuge of freedom in America. Like my own father and mother fifty years later, they taught their son to catch the spirit that moved our country and to care for the people who found hope and decency in this land.

Brandeis devoted his public life to those people—to their human rights and their personal dignity. He fought for the same fundamental equality that we must fight for today. And his efforts were inspired by the same faith and vision that later gave birth to Brandeis University.

So tonight, as we look ahead to the next twenty-three years in Waltham and in the country, we should pause for a few minutes and look back to the Brandeis tradition.

The talents and ideals of Louis Brandeis took him into countless areas of social importance . . . more than I could mention here. But three of his many lives bear a special relevance to the kind of world we hope to shape in the 1970's—his life as a Jew . . . his life as a Justice . . . and his life as a public servant.

For many years, as a leader of the Zionist movement in America, Brandeis worked for a Jewish homeland in Palestine. He was always aware of his heritage—of the four thousand years of joy and pain which had combined to make him a Jew. And he saw that only the protection of nationhood could ultimately preserve the ageless traditions of the Hebrew people.

Brandeis did not live to witness the birth of the state he helped to create. But he was always more concerned about today's challenge than yesterday's triumph. And so he left us with the challenge of safeguarding the life and strength of Israel . . .

Not just because Israel's independence serves our interests, but because it serves the intereats of every nation . . .

Not for Jews alone, but for all humanity . . .

And not with mere words and promises, but in our actions and our deeds.

That is why we must help to sustain the prosperity of Israel and ease the burdens which threaten to undermine one of history's most stunning economic miracles.

That is why we must provide the tools to do the work of survival and send the Phantom jets to Israel now.

And that is why the Nixon Administration must stop undermining Israel's bargaining position. The President must reverse the senseless decision to put more pressure on Israel and less pressure on Cairo, which moves us further from peace, not closer. And Israel must become as certain of our support as she is of her own resolution.

Brandeis joined in the effort to end two thousand years of homelessness. Now we must stand in the Brandeis tradition—to guarantee that the children of Israel have and hold their promised land forever.

Brandeis knew that the Jewish people could find freedom and peace in the Middle East. But he also believed that people from all religions and all races could build a decent nation here in America. And his life was an eloquent witness to that belief. On June 5, 1916, Louis Brandeis took his place in his country's destiny, when he became the first Jew to sit on the United States Supreme Court.

He served the Court as he served his faith, with absolute respect for its traditions and its heritage. He thought of the Supreme Court as the one institution in our society insulated from the passions and tides of politics and the caprice of personal ideology. "I have no rigid social philohophy," he explained. "I have been too intent on the concrete problems of practical social justice."

Brandeis had no tolerance for anyone who showed less than his own respect for the Court. He spoke out against what he called "the subtle encroachments of men of great zeal" who aimed to bend the Court's integrity to their own purposes.

We could use his voice today. He would have been appalled by the exploitation of the Supreme Court in the last three years . . .

By the selection of some nominees who lacked the depth and objectivity to reach conclusions which serve the country and no one else . . .

By the attempt to make a seat on the Supreme Court a gift to a political region or a hostage to hardened judicial ideology.

By the willingness to surrender constitutional principles and human rights to domestic political concerns.

Last month, the President named two men to the Court . . . one an outstanding leader in legal affairs—the other a lawyer with at least the intellectual talents Brandeis would have demanded. Though I have other doubts about William Rehnquist, I have no questions about his competence. But we must all question the leadership of the President who appointed these men because public opinion forced him to—not because he shared Louis Brandeis' reverence for the Constitution and the Court. President Nixon has yet to stand in the Brandeis tradition—to recognize that he has an obligation to the Court he is sworn to protect, as well as to the voters he wishes to influence.

But Louis Brandeis stood for more than judicial excellence and the promise of Israel. He was also deeply concerned with the quality of life in America.

By the time he was twenty, after compiling the highest grade average in the history of the Harvard Law School, Brandeis had established one of the most successful law practices in Boston. In the years that followed, he amassed a fortune representing corporate clients. But at the age of forty—in the midst of social turmoil, of strikes and violence and the pains of growth—he abandoned his private practice and took the American people as his only client. He had incredible vision—Franklin Roosevelt called him Isaiah, the Prophet—and he perceived fifty years ago the dangers which still surround us.

Brandeis was a prophet in the struggle for individual liberty. With his law partner, he defined and created a new legal concept—the right to privacy. He argued that every citizen should be safe from unwarranted surveillance and prying. And he convinced the Courts.

And now, more than ever, we must stand in the Brandeis tradition—and fight for every American's right to be left alone. When a CBS reporter named Daniel Schorr is subjected to a full field security check because he reports facts which upset the White House—when a Harvard Law Professor named Laurence Tribe becomes the object of federal harassment because he exposes the mediocrity of a Supreme Court nominee—when credit bureaus and employers and government agencies keep personal files on countless citizens—then the Brandeis plea for privacy must be heard and heeded again. We must speak up—and we must stand in the Brandeis tradition.

Brandeis was also a prophet for the people who are now demanding more power over their own lives.

He fought to protect the rights of individuals against the exploitation of large and powerful interests. "Some men buy yachts," he once said, "others collect fine paintings and precious works of art, but I consider my hobby or pleasure the pursuit of the public interest."

And we must make the cause of Brandeis the cause of every American. Together, we must wage his fight—

To redistribute wealth and power in this society . . .

To develop a tax system which no longer lets some millionaires pay less than their secretaries . . .

To develop a welfare system which will never again permit another year like last year, when the number of people in poverty actually increased . . .

To use our economic greatness to help the many who are in need instead of the few who are already well-off.

Louis Brandeis dreamed of a fair and good America . . . of at least one place on this planet where there could be full justice for the least member of our society. He never defined his country by the wrong that it did—only by the right that it could do. And he devoted his energy and his genius to improving the lives of other human beings. He sought justice through the law and on the Supreme Court. He sought peace and hope in the Middle East. And he sought compassion and equality at home.

By the time of his death, Brandeis had moved America in the right direction. Now all of us must work to make a nation's plan from the Brandeis dream.

You have started in Waltham, Massachusetts at the school which bears his name. Brandeis University has always been a symbol of change and progress. The students have sometimes expressed their hopes and frustrations in disruptive and even violent ways. But most of them have sought to reform their country in peace and with respect. For twenty-three years, the students at Brandeis have stood in the Brandeis tradition. You have built well—for them—and for America. And in the years to come, that may make all the difference.

ST. MARY'S CITY: MARYLAND'S ORIGINAL SETTLEMENT AND FIRST CAPITAL

Mr. MATHIAS. Mr. President, in these uncertain times, it is often useful to recall our past and the courageous men and women who established and developed this Nation. One site that is particularly conducive to such contemplation is historic St. Mary's City, Md. St. Mary's City, near the point at which the Potomac River flows into Chesapeake Bay, was the first white settlement in Maryland and the first capital of Maryland.

This lovely site is now undergoing important archeological and restoration work, under the aegis of the St. Mary's City Commission which was established by the State in 1966.

Visitors may inspect the reconstructed statehouse of 1676 and view the site where the first colonists landed, establishing on this continent the principle of religious freedom.

Mr. President, one of the local newspapers in St. Mary's County, the Enterprise, recently published a special supplement on St. Mary's City which outlines in detail the beauty and significance of this community. I ask unanimous consent that articles from this supplement be printed in the RECORD; and on behalf of the St. Mary's City Commission, I extend a cordial invitation to all Senators to visit St. Mary's City.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WELCOME FROM THE ST. MARY'S CITY COMMISSION

(By Robert E. Hogaboom)

As Chairman of the St. Mary's City Commission I am happy to assure the people of Maryland, and particularly those of Southern Maryland and St. Mary's County, of their continuing welcome to ancient St. Mary's City, Maryland's original settlement and for 61 years its capital. We are in the process of designing and developing a historic park of statewide and even national significance. We hope you will not only visit this inspiring and beautiful site at an early date but will return from time to time to witness its progressive development.

In the current state of development of the historic park, visitors are greeted at the Reconstructed State House. This replica of the State House of 1676 is the central point of interest today as it was three centuries ago. Additionally, it presently serves as a visitor reception center and museum. The visitor to St. Mary's City should begin his tour by going first to the old State House where a guide is prepared to provide informational material and guide services. A visitors' parking area is provided adjacent to the State House.

From the State House the visitor can explore on foot portions of the Governor's Field, the waterfront at Brome's Wharf, Trinity Church and churchyard and Church Point. By car the visitor can inspect and enjoy such sites as the Father White Memorial Garden, the Anne Pope Washington Garden at Pope's Freehold, the St. John's Palace site, John Hicks site and the natural history trail at Chancellor's Point.

Visitors to St. Mary's City who arrive by sail or power boat will find convenient docking at the newly restored Brome's Wharf in front of the old State House.

Whether your interest be historic, scenic, natural history study, simple relaxation or some combination of these, you will find a visit to St. Mary's City an experience well worth the time.

MARYLAND'S STATE HOUSE OF 1676

Maryland's first formal State House, designed specifically for that purpose was constructed in 1676 at the period of greatest development of St. Mary's City. Even so, the town at that time was hardly larger than a good sized English village. The town was essentially a transplanted English settlement.

The brick State House of 1676 fitted quite naturally into that riverside village. Its brick and tile roofing were locally manufactured from the native clay. The timbers were of native white oak and the upper flooring of "Pine of this Country sawmen while the Turpentine is in them."

For many years following the initial landing and prior to 1676, there was no regularly appointed place of meeting for the Maryland Assembly. It met in such places as St. Mary's Fort, St. Inigoes' Fort, St. John's Palace, West St. Mary's Manor, and on occasion, at Patuxent. In 1662 the Province acquired an inn and tavern where the Assembly, when in session, ate, slept, drank and legislated.

Not until 1674 did the Assembly pass an act providing for the construction of a proper State House. The appropriation for construction was the "sum of three hundred and thirty thousand pounds of Tobacco." The structure was completed in 1676 and served as Maryland's State House until the seat of government was moved to Anne Arundel (now Annapolis) in 1695.

Thereafter the old State House was used as a Court House for St. Mary's County until the county seat was moved to Seymour Town (now Leonardtown). It then was used as a chapel and in 1720 the Assembly in Annapolis deeded it to the Church of England. After being used as a church for over 100 years it was dismantled in 1829 and its brick used to construct Trinity Church close by. Twelve stones in Trinity churchyard mark the location of the original State House.

The old State House you now visit at St. Mary's City is a replica of the original. It was reconstructed in 1934 by the State to

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commemorate the 300th anniversary of the founding of the colony. It is essentially authentic, rebuilt to its original dimensions and structural features with brick and lime prepared as they were originally. It was reconstructed on land given to the State by the Howard and Brome families.

The old state House is an interesting place to visit and revisit. In the past few years it has been greatly improved for visitors. Heating has been added, the woodwork treated and preserved and the interior cleaned and repainted. Informative and educational exhibits, a model of the ancient city and a model of the planned development have been placed on the second floor.

The grounds have been extended to include the waterfront, Brome's Wharf and a portion of the Governor's Field. From this beautiful naturally landscaped area a magnificent view can be had of St. Mary's River, of Chancellor's and Church Points and of West St. Mary's and Porto Bello on the far shore.

The State House today serves additionally as a Visitor's Center. Here well trained guides can provide informational and guide services as well as historical material and maps. For your visit to St. Mary's City, the State House should be your starting point. Adjacent parking is provided.

St. Mary's City—A Place To Visit

Indians standing on Chancellor's Point might have looked down the river in late March of 1634 and been surprised at the approach of Lord Baltimore's two ships, the Ark and the Dove, coming to safe harbor and beginning the history of Maryland. The scene remains now, as it was then, essentially untouched and under-developed; the entire St. Mary's River not so changed as to be unrecognizable to the first colonists. Chancellor's Point, once again a property of the state, as were all the lands of Maryland during the 150 years of proprietary government, and about 1000 adjoining acres, are planned for permanent preservation by the state as a great historic park.

The place chosen for settlement, and named St. Mary's, was an Indian village. A voyager on the Ark says that young Governor Leonard Calvert spent the night in the house of the Indian leader, and they went the next day to look at the country and "that day being spent in viewing the places about that towne, and the fresh waters which there are very plentifull and excellent good (but the maine rivers are salt) the Governor determined to make his first Colony there and so gave order for the ship and pinnacles to come hither." The fresh cold water still runs into the river from the hillsides around St. Mary's City.

Apparently the Maryland colonists came well prepared. Perhaps they had learned not only from the already established settlements in Virginia and Massachusetts but also from the many unsuccessful, half-planned, half-hearted tries at placing the English flag permanently on the landmass that blocked the way to Cathay. And also the hard-won rights of Englishmen were transported to Maryland via the charter that was read by the Governor to the settlers upon landing.

So the colony was off to a good start; the grant of land to Lord Baltimore contained millions of acres from the ocean to the headwaters of the Potomac, and settlement moved north and west up both the rivers Potomac and Patuxent and the Chesapeake Bay. St. Mary's City became inconvenient, out-of-the-way. The English religious wars and revolution and suppression were used against the tolerance established at St. Mary's and eventually Annapolis was selected for the place to be the seat of government.

St. Mary's gradually was forgotten, "the ancient city was stripped of her privileges, of everything that gave her life, and she was left to waste and perish from the earth." An occasional eloquent 19th century author recalled her significance as the beginning place and as a place where a unique experiment in the relationship between man and the state had once worked well.

Now in our time, the state once again concerns itself with St. Mary's. In 1966 a Commission was established consisting of seven members appointed by the Governor to make plans for its preservation. From this Commission has evolved the concept of a great historic park. Entering the park via a wooded parkway incorporating the 17th century Mattapony Street, and on a hill overlooking the site, the visitor will learn at the orientation center and museum what he will see when he descends to the plain below. When he strolls on the patios or verandahs of the visitor center, he will see lying before him the last great dormant 17th century town site in English-settled America.

All the buildings are gone, but the ground is to be mined for the treasure of information and artifacts it contains. Here at St. Mary's City, amazingly still undisturbed, are 335 years of occupation representing an early successful English colonizing experiment, and then the gradual modification of the Englishness of the colony into the new country and culture that the modern United States has become. To be discovered under the English settlement is the village of the Indians who had occupied the lands as early as 5,000 years before the advent of Lord Baltimore's people.

The visitor, sensing the excitement of the developing park, might return over the years, watch the phasing out of much of the imprint of the 20th century on the land—and it was within the 20th century only—except for the intrusion of the college in the 19th century—that any notable change occurred in the area after the first structures of the 1600's. He will be able to note the location and redevelopment of the early roads—almost paths. There will be little reconstruction or restoration since this type of interpretation requires large expenditures on buildings whose original appearance is largely conjectural. Over around Clocker's Fancy, one of only two early structures remaining, he will see a colonial farm developing and will discover animals and plants bred back to the scruffy, runty ancestors of today's pure bred cow and horse, and hybrid corn and tobacco.

Perhaps illustrated will be the farming methods which wore out the land, forced abandonment of fields to broomsedge, scrub pine and erosion, and ultimately contributed to the westward search for new land. Coastal vessels will be moored in the river, a boat trip available to St. Clements Island or to St. Andrews Creek to watch the small boat building and seasonal crabbing and oystering activities going on there.

The returning visitor will also be pleased to see good motels being built, recreational facilities and inns and activities that will invite his longer stay.

Along walking trails to sites and reconstructions will be presented the natural history of the park—its flower, tree and bird and animal life. The visitor will sense the close relationship man has always had to a nature that has, until these times, controlled him almost completely. And by presenting to the visitor the natural history and great beauty of the St. Mary's area, through the medium of trails and nature center, the historic park will enhance the story being told and will utilize fully the ample meadows and woods of the town-land.

There exists at St. Mary's City, here in St. Mary's County, the unparalleled opportunity to probe deeply the beginnings, growth and maturity of America itself, and in the years of historical, archaeological and social research that lie ahead, perhaps to find in the buried past here some answers to show us the way to a more secure and happy future. Our country today seems to be reconsidering its present course; perhaps clues can be supplied for guidance from the tenacious, sometimes tragic, yet enduring 17th century colony of Englishmen at St. Mary's City.

Anne Pope Washington Garden

Just east of Route 5 as you enter St. Mary's City from the north is an attractively landscaped garden area separated from the road by a rustic two-rail post and rail fence. The entrance sign reads "Pope's Freehold Scenic Overlook." Many visitors find this quiet garden spot an interesting place to visit. Anne Pope Washington, George Washington's great grandmother lived here and most probably was born here.

Anne's father, Nathaniel Pope, a friend of Leonard Calvert, came to Maryland prior to 1637; by 1642 he was a member of the Assembly and had patented a 100 acre freehold which now lies largely in the north campus of St. Mary's College. Here Nathaniel erected a house and lived there until he moved across the Potomac and up river from St. Clements Island into Virginia where he patented land on Pope's Creek near an area now known as Wakefield.

It was here at Pope's Creek, in 1657, that John Washington arrived as mate and part owner of the ketch, Sea Horse of London. John was the first Washington to come to America and here at Pope's Creek in Virginia he met Miss Anne Pope, formerly of St. Mary's City. John Washington's ship, laden with tobacco, suffered damage in a storm and ran aground near Pope's Creek, whereupon he decided to quit the sea, marry Anne Pope and become a planter in America. John Washington and his wife Anne thus became the great-grandparents of George, our great Revolutionary War leader and first president.

A visit to the Pope's Freehold site at St. Mary's is historically informative and here at the present time a very interesting archeological project is being dug. Additionally, this site provides a beautiful view of St. Mary's Bay and Pagan Point and West St. Mary's on the far shore.

Father White Memorial

The Father Andrew White Memorial site is well worth a visit from those with an historical interest or who can enjoy and appreciate a quiet secluded garden with an impressive view of St. Mary's Bay and the long stretch of the St. Mary's River toward St. George's Island and the Potomac. To reach this inviting spot the visitor should turn off Route 5 on the Father White Memorial Road just north of St. Mary's City and proceed about three-tenths of a mile and turn left into the small wooded parking lot.

This small park is a memorial to Father Andrew White who accompanied Leonard Calvert and the first settlers in the two small ships, the Ark and the Dove. The park contains a brick and stone structure in the form of a segment of a circle, shaped like an altar. On either side a few dark-colored bricks are inserted crosswise, taken from the original St. Mary's Chapel at St. Mary's City. The altar was erected in 1934 by the Society of the Pilgrims of St. Mary's to commemorate the landing of the settlers of Maryland and to honor the principal chronicler of the voyage from England to America and of the early years of the colony.

The altar was designed by Christopher La Farge, a noted architect, nephew of Father La Farge who served in St. Mary's County for many years and is fondly remembered by many older persons in the County. The site overlooks St. Mary's Bay. The visitor standing on the altar steps commands a sweeping view of St. Mary's City, Pagan Point, Chancellor's Point and the channel up which the Ark and the Dove sailed in March of 1634.

This two and one-half acre garden was deeded to the State of Maryland in 1969 by the Pilgrims of St. Mary's and is being maintained and developed by the St. Mary's City Commission. When you visit St. Mary's City this quiet and beautiful spot should be included in your itinerary.

Research for a Better Museum

From the beginning the Commission recognized the importance of research in building an outstanding museum and in providing a creative educational experience for visitors to St. Mary's City. Today nearly half of its yearly appropriation of operating funds goes to support the work of a professional staff that includes a historian, an archaeologist, and an architectural historian.

Their research is most visible to the public during the summer, although it continues year around. In June and July, for example, our archaeologist, Mr. Gary Stone, excavated an area in front of the Reconstructed State House to test the location of one of two main streets that ran through the old town. In August he and his crew of ten students opened another excavation on the site of Pope's Freehold, traditionally the residence of George Washington's great-great grandfather and home of his great grandmother. Visitors are always welcome to come and see what the archaeologists are finding.

Two other current projects will be of special interest to southern Marylanders. Dr. Lois Carr, the Commission's historian, has recently compiled a series of four detailed 17th-century maps of St. Mary's County on which she has identified and located nearly every patent and land grant made prior to 1705. Some of these three hundred year old tracts still have colonial dwellings standing on them. Too many, unfortunately, are neglected and in poor repair. Those that are most dilapidated will be photographed and recorded by a team of architectural historians headed by Mr. Cary Carson, the Co-ordinator of Research for the Commission. This project, sponsored jointly by the Commission and the Maryland Historical Trust, is made possible by generous grants from the United States Department of the Interior and the Smithsonian Institution.

Each of these research activities is designed to add a fresh dimension to our understanding of the planting society that flourished in tidewater Maryland during the colonial period. Over the years archaeologists will lay bare more and more of the vanished capital. The architectural historians' studies of surviving colonial buildings will provide information about the appearance of the public buildings, the inns, the houses, and the outbuildings that once made St. Mary's City look like an English village. Finally, it is the historians' job to stand back and view St. Mary's City in the wider, more meaningful context of the Chesapeake region and indeed, as part of a far flung Atlantic community. Together these separate specialities contribute to the Commission's central work of building a rich and varied historical park. Increasingly, the results of its research will be seen in better exhibits, films, reconstructions of typical buildings, and innovative artifact displays.

Still, many people ask if all this research is really necessary. It may dot i's and cross t's, but will it bring more visitors and more money to the county? Our practical answer to a practical question is "yes." The St. Mary's City Commission is trying to make its way in a tough league. The competition for visitors is keen. The Williamsburgs and the Sturbridge Villages already sustain large research establishments. St. Mary's City must make up in quality and imagination what it now lacks in size and experience.

Good research is also vital in obtaining government and private grants-in-aid which increasingly are the major source of outside funding. Agencies such as the National Endowment for the Humanities are ready to give liberal financial support to museums that take seriously their educational responsibilities. Funds are not available to mere amusement parks and tourist traps. So far the Commission has done well in earning a share of the grant monies. Since January its research division has received over $10,000 from public and private institutional donors. Most of the money is spent here in the county employing local students in the excavations, the architectural surveys, the archaeological laboratory, and as guides at the State House.

Good research makes good sense in the process of making a good museum and historical park at ancient St. Mary's City.

Chancellor's Point

One of the most serene and beautiful spots in all of the serene and beautiful extent of ancient St. Mary's town-land is Chancellor's Point. This site is the traditional landing point of the Ark and Dove upon their arrival in March of 1634. Though recent historical research casts doubt upon this tradition the site is still a scenic and historic place to visit.

A house was built here shortly after the colony was founded. We know Henry Wiseman, one of the "gentlemen adventurers" who came to Maryland on the Ark, lived here as early as 1642. The foundations of his house and nearby buildings will one day be excavated by the archaeologist.

The name, Chancellor's Point, is derived from its 17th century owner, Philip Calvert, who served as Chancellor of the Province and later as its Governor. Philip was a brother of Cecil, the second Lord Baltimore. It is now a beautifully wooded river-side site with several hundreds of yards of waterfront and with a scheduled lagoon at its northern limits.

Mrs. Dudley Chase, former owner of Chancellor's Point, wished this site to be preserved for the people of Maryland and generously granted a portion of the value of the property and sold it to the state well below its fair market value.

The visitor to Chancellor's Point will find a parking space provided from which point natural history trails lead through the woods to the lagoon and along the beach to the point. A spectacular view is offered of St. Mary's River and the stretch leading down stream to St. George's Island and a vista across the Potomac into Virginia. Upstream Church Point and the State House can be viewed and across the river Porto Bello and West St. Mary's Manor.

Eventually the results of archaeological investigation will be on display here and a Natural History Center located in the vicinity to tell the story of the flora and fauna of early Maryland.

John Hicks's Wine Bottles

The visitor to St. Mary's City may note a small wooded park in front of Caroline Hall, the newer of the two women's dormitories at St. Mary's College. This park is identified by a marker that reads "John Hicks Site." Its nicely landscaped garden embraces the site and remains of the house of one of St. Mary's City's early citizens.

John Hicks probably came to Maryland sometimes between 1683 and the end of the century, lived and prospered in St. Mary's City and finally returned to England in 1749. There he died about 1753 and his name and deeds passed into the mist of the past only to reappear last year when the Commission through its archaeologist and historian brought them back to light.

Learning of the plans for a new college dormitory the research staff, by probes and hasty trenching of the site, discovered a foundation and began an orderly archaeological dig. Gradually uncovered by the shovels, trowels, root cutters, brushes and other tools of the diggers was evidence of a frame dwelling some 16' x 40' with large brick chimneys at each end. The chimney foundations have been newly capped with brick above ground level, and the extent of the dwelling and cellar are now outlined on the ground.

In the cellar and in trash pits scattered about the dwelling was uncovered a great variety of artifacts embracing the whole range of household utensils and equipment and farm and craftsmen tools and products. Outstanding in the dig, however, was an array of wine bottles, mostly broken but several choice samples were found intact or with only minor chips. And the most positive clues of the dwelling's occupant were the dated wine bottle seals, stamped in the glass; seals that read "John Hicks" together with the vintage date, some as early as 1723.

Of interest to the visitor to the John Hicks site are facts that have been uncovered by the Commission's Historian. John Hicks came from an English family of substance, and perhaps of gentility. He was appointed a commissioner to divide St. Mary's County into parishes, he attained the title of "Captain," was a justice of the peace, and of the Provincial Court and for three years served as sheriff of St. Mary's County.

John Hicks's will listed 3½ pounds of silver, a great deal of pewter, a decanter (a fitting accessory to his many wine bottles), a clock, slaves to the value of 465 English pounds sterling and 3,050 acres of land.

On the second floor of the old State House is an interesting display of artifacts uncovered at the Hicks House site together with a couple of his wine bottles and wine bottle seals.

St. Mary's City Visitor and School Children History Program

The purposes of the St. Mary's City preservation and development project are declared by its enabling law to be educational in nature. To put this educational obligation into effect the Commission provides the widest possible scope of historical and cultural information relating to early Maryland for the visitor to St. Mary's City. Additionally, the Commission has now for a number of years been involved in a program of bringing to St. Mary's City the school children of Maryland to give them a practical and vivid lesson in their state's history.

In the schools of Maryland the state's history is generally covered at the elementary level in the 4th grade and at high school level in the 11th grade. The Commission therefore, has a program of inviting annually the 4th and 11th grade pupils of the public and parochial schools to visit St. Mary's City for a combined walk and bus study-field trip of the historic town-land under the guidance of specially trained guides.

The program initially started with the school children of St. Mary's County but has been extended to the counties of Southern Maryland and is gradually being broadened to embrace the schools of the whole state. Letters are addressed to county superintendents of education, to school principals and to individual grade teachers inviting them to schedule history field trips to their state's original settlement and first capital. Increasingly large numbers of classes are scheduling trips each year.

The field trip is normally preceded by class room instruction and preparation with lecture and reading assignments relating to the founding of Maryland as a province of the Lords Baltimore dedicated to the concepts of peace and tolerance. The actual field trip begins at the old State House where the bus loads of pupils, with their teachers, are grouped into small sections of 10 to 20 pupils each with a trained guide designated to conduct the tour. Both visually through prepared exhibits and by oral description the students are given a brief but accurate and inspiring story of the Lords Baltimore and the Calvert family, of the voyage of the Ark and the Dove, of the founding of the colony, of the Indians who were here when

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the settlers arrived, of the concept of peace and tolerance and of the life and customs of the early settlers.

The tour takes the pupil groups through the State House and grounds, the church yard and grounds of Trinity Church and if their schedule so permits they tour by bus such points as the Father White Memorial, Pope's Freehold, St. John's, Chancellor's Point and St. Ignatius Church at St. Inigoes. Usually a picnic luncheon is scheduled for the Governor's Field or on Church Point. During the past spring session 1,441 pupils visited St. Mary's City for this program.

GUIDE PROGRAM

To provide adequate well trained guides for this Program the Commission recruits and trains volunteers from history students of St. Mary's College. Each fall St. Mary's College students receive questionnaires to determine their interest in the program. Those well motivated and best qualified are selected and given a course of reading, lecture and demonstration to qualify them for this guide service. The response and results have been very successful. For this portion of the program the college student receives academic credit.

The student participating in this program has an opportunity to learn much of Maryland's early history and at the same time profits from the practical experience of teaching, guiding and leading a group of young future citizens of Maryland. Additionally, the guide is aided in meeting his tuition and college expenses by receiving a compensation for each hour spent in this program.

SELF-GUIDED TOUR OF ST. MARY'S CITY

For those who wish to make a self-guided tour of St. Mary's City in its present state of preservation and development, and many do, the following is suggested, though the sequence of sites visited may be varied to meet individual taste. The numbers refer to the map to the left. (Map not printed in RECORD.)

1. The tour should begin at the Reconstructed State House of 1676. Visitor parking lot available. Here, a trained information guide can provide maps, pamphlets and information for specific interests. Tour the State House including the historic exhibits and models on the second floor.

A walking tour of The Governor's Field and Trinity Churchyard should follow and should include:

2. Leonard Calvert Monument, erected by the state in 1890 on site of historic mulberry tree.

3. Lord Copley's Tomb, first royal governor of Maryland, erected 1922 by Colonial Dames.

4. The twelve stones marking the outline of foundations of original State House of 1676.

5. Margaret Brent Stone, erected 1955 by Daughters of Founders and Patriots of America.

6. Ark and Dove Monument, erected 1934 by Daughters of the Revolution.

7. Trinity Church, constructed 1829 of brick of original State House. Communion rail made from historic mulberry tree.

8. Church Point, Commemorative Cross, picnic tables.

9. Reconstructed Broome's Wharf. Beautiful view of the river and far shore.

From the State House the remainder of the tour should be by car. Visitors parking is available at exact site:

10. Freedom of Conscience Monument, by the noted sculptor Hans Schuler; erected 1934.

11. Father White Memorial Park. Brick and stone altar designed by Christopher La Farge, 1934.

12. Pope's Freehold. Garden dedicated to Anne Pope Washington, great-grandmother of George Washington.

13. St. John's Palace Site. Dwelling site of Charles Calvert, the Third Lord Baltimore. Here on June 24, 1648, Margaret Brent made her plea for the right to vote.

14. John Hicks Site; late 17th and early 18th century resident of St. Mary's City.

15. Chancellor's Point. Natural History Trail. Traditional landing site of the Ark and Dove.

16. St. Ignatius Church; located near Webster Field.

17. Should you wish to visit the offices of St. Mary's City Commission they are presently located on the first floor of Calvert Hall.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

EXECUTIVE SESSION—NOMINATION OF WILLIAM H. REHNQUIST

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Senate will now go into executive session to continue the consideration of the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to legislative session for not to exceed 10 minutes and that the distinguished Senator from Nevada (Mr. BIBLE) be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CAPITOL REEF NATIONAL PARK, UTAH—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah.

I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of November 30, 1971, at p. 43360–43361.)

Mr. BIBLE. Mr. President, I move the adoption of the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

CONNECTICUT HISTORIC RIVERWAY

Mr. BIBLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 36.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 36) to preserve and promote the resources of the Connecticut River Valley, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 3, line 1, after the word "the", strike out "advisory committee" and insert "Gateway Committee"; in line 12, after the word "he", strike out "determines are" and insert "shall designate as being"; in line 17, after the word "this", strike out "Act." and insert "Act, or whenever in his judgment the estimated cost of acquiring the lesser interest would be a substantial percentage of the estimated cost of acquiring the fee simple title."; in line 21, after the word "property", strike out "within such unit" and insert "not so designated"; on page 7, line 23, after the word "thereof", strike out "or permanently preserved for conservation purposes under the ownership of a nonprofit, nonstock organization"; on page 10, line 3, strike out "Advisory" and insert "Gateway"; in line 5, after the word "Riverway", strike out "Advisory" and insert "Gateway"; and, on page 14, at the beginning of line 19, strike out "not to exceed $23,000,000 to carry out the provisions of this Act" and insert "such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $17,450,000 for the acquisition of land and interests therein, and not to exceed $4,569,000 (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

STATEMENT OF POLICY

SECTION 1. The Congress finds that the Connecticut River and the first tier of towns bordering the river in the States of Connecticut, Vermont, and New Hampshire, and the Commonwealth of Massachusetts, as generally depicted on the map entitled "Connecticut River Valley corridor", numbered NSR–CON–91,000 and dated August 1970, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior, possess unusual scenic, ecological, scientific, historic, recreational, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress further finds that it is in the best interests of the citizens of the United States for the United States to take action to preserve and promote such values for the enjoyment of present and future generations, to preserve the natural ecological environment and develop the recreational potential of the area, and to encourage maximum complementary action by State and local governments and private individuals, groups, and associations.

CONNECTICUT HISTORIC RIVERWAY

SEC. 2. In order to provide for conservation of the scenic, scientific, historic, ecological, and other values contributing to public enjoyment, as well as the public outdoor recreation use and enjoyment of the Connecticut River Valley corridor, consistent with the well-being of present and future residents of the area, there is hereby established the Connecticut Historic Riverway (hereinafter referred to as the "riverway"). The boundaries of such riverway shall be as generally delineated on the map numbered NR–CON–40,000, and dated July 1970. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the riverway from time to time with a view to carrying out the purposes of this Act, with the approval of a majority of the Gateway Committee for such unit, as established and described in section 6 of this Act and hereinafter referred to as the "committee", but the total acreage within the revised boundaries of the unit shall not exceed twenty-three thousand and five hundred acres.

ACQUISITION OF PROPERTY FOR THE CONNECTICUT HISTORIC RIVERWAY

SEC. 3. (a) Within the boundaries of the riverway, the Secretary may acquire without the consent of the owner not to exceed five thousand acres of privately owned lands, waters, and interests therein which he *shall designate as being* presently needed to carry out the purposes of this Act: *Provided*, That the Secretary may acquire a fee title only in cases where, in his judgment, the acquisition of scenic easements or other less-than-fee interests would not be adequate to carry out the purposes of this *Act, or whenever in his judgment the estimated cost of acquiring the lesser interest would be a substantial percentage of the estimated cost of acquiring the fee simple title.* The remaining privately owned property *not so designated* may not be acquired by the Secretary without the consent of the owner or owners (hereinafter referred to as "owner") for one year following the date of enactment of this Act, and thereafter so long as an appropriate local zoning agency shall have in force and applicable to such a property a duly adopted, valid zoning ordinance approved by the Secretary. In order to carry out the provisions of this section, and following public hearings, the Secretary shall issue regulations, specifying standards that are consistent with the purposes of this Act. Such regulations and amendments thereto must receive the approval of a majority of the committee before issuance.

(b) The standards specified in such regulations shall have the object of (i) regulating new commercial or industrial uses of such property consistent with the purposes of this Act, and (ii) promoting the protection and development for purposes of this Act of such property by means of acreage, frontage, setback design, and subdivision controls and by prohibiting the cutting of timber, burning of undergrowth, removing soil or other landfill, and dumping or storing refuse in such a manner that would detract from the natural or traditional riverway scene: *Provided*, That such standards shall not discourage the constructive development and use of land for industrial and commercial purposes which are consistent with the purposes of this Act.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (i) contains any provisions that he considers adverse to the protection and development of such property in accordance with the purposes of this Act, or (ii) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this section, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may terminate the suspension of his authority to acquire such property by condemnation: *Provided*, That the owner of any such property shall have ninety days after written notification from the Secretary to discontinue the variance, exception, or use referred to in such notification.

(f) The Secretary shall furnish to any party in interest, upon request, a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

ADDITIONAL PROPERTY ACQUISITION PROVISIONS

SEC. 4. (a) The Secretary is authorized to acquire the lands, waters, and interests therein (including scenic easements) within the riverway by donation, negotiated purchase with donated or appropriated funds, transfer, exchange, or condemnation except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically provided in section 3 of this Act.

(b) With the exception of any lands which the Secretary determines are presently needed for public use facilities to carry out the purposes of this Act, any owner of improved property within the unit on the date of its acquisition by the Secretary may elect, as a condition to such acquisition to retain a right of use and occupancy of the improved property for noncommercial residential and agricultural purposes for a period ending at the death of the owner or his spouse, whichever occurs later, or for a fixed term not to exceed twenty-five years. The Secretary shall pay to the owner the fair market value of the property on the date of its acquisition less the fair market value on such date of any right retained by the owner. Any retained right of use and occupancy may be transferred or assigned. Whenever the Secretary finds that the property or any portion thereof has ceased to be used for noncommercial residential purposes, he may terminate the right of use and occupancy upon tendering to the holder thereof an amount equal to the fair market value of the portion of said right which remains unexpired on the date of termination.

(c) As used in this section, the term "improved property" shall mean a one-family dwelling the construction of which was begun before July 1, 1970, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling and land for noncommercial residential or agricultural purposes, together with any structures accessory to the dwelling which are situated on the land so designated: *Provided*, That the Secretary may exclude from the land so designated any water bodies together with so much of the adjacent land as he deems necessary for public access thereto.

(d) Any property or interests therein within the riverway which are owned by a State or by any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the riverway may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration by him as part of the recreation area.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Secretary shall administer and protect the riverway with the primary aim of conserving the natural resources located within it and preserving the area in as nearly its natural state and condition as possible. No development or plan for the convenience of visitors shall be undertaken in the riverway which would be incompatible with the overall lifestyle of residents of the area, accepted ecological principles, the preservation of the physiographic conditions now prevailing, or with the preservation of such historic sites and structures as the Secretary may designate.

(b) The riverway shall be administered, protected, and developed by the Secretary in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), except that the Secretary may utilize any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the riverway in accordance with the applicable laws of the States concerned and of the United States, except that the Secretary may designate zones where, and establish periods when, no hunting, no fishing, or trapping shall be permitted for reasons of public safety, fish or wildlife management, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary prescribing any such restrictions shall be issued only after consultation with the appropriate agency of the State concerned.

(d) The Federal Power Commission shall not authorize the construction, operation, or maintenance within the riverway of any dam, water conduit, reservoir, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already licensed.

(e) Designated National Park Service employees of the riverway may make arrests for violations of any Federal laws or regulations applicable to the area, and they may bring the accused person before the nearest magistrate, judge, or court of the United States having jurisdiction in the premises.

GATEWAY COMMITTEE

SEC. 6. (a) There is hereby established the Connecticut Historic Riverway Gateway Committee.

(b) Such committee shall be composed of members appointed for a term of two years by the Secretary as follows:

(1) a member appointed to represent the State of Connecticut. Such appointments shall be made from recommendations of the Governor of the State of Connecticut;

(2) a member appointed to represent the appropriate regional planning commissions or agencies of Connecticut. Such appointments shall be made from recommendations of the heads of such commissions or agencies;

(3) a member appointed to represent each town referred to in section 1 of this Act that

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is directly affected by the establishment of the riverway and such appointments shall be made from recommendations of the governing body of such towns; and

(4) a member to be designated by the Secretary; and

(5) a member to be designated by the Administrator of the Environmental Protection Agency or other such Federal agency which assumes the responsibility for the protection of the environment by change of law or by Executive order, unless that agency is under the administrative jurisdiction of the Secretary of the Interior.

(c) The chairman of the committee shall be elected by the membership thereafter for a term of not to exceed two years. Any vacancy in the committee shall be filled in the same manner in which the original appointment was made.

(d) All members of the committee shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the committee in carrying out their responsibilities under this Act on the presentation of vouchers signed by the chairman.

(e) The Secretary or his delegate shall consult regularly with the committee with respect to all matters relating to the development and administration of the riverway, and with respect to carrying out the provisions of this Act, including but not limited to matters relating to the acquisition of lands, the issuance of regulations specifying standards for zoning ordinances, and the administration of the riverway.

(f) The committee shall make available to the Secretary an annual report reviewing matters relating to the development of the riverway, including land acquisition and the zoning standards policies, and shall make recommendations thereto.

CONNECTICUT RIVER VALLEY CORRIDOR

SEC. 7. (a) The Secretary, in accordance with authority contained in the Act of May 28, 1963 (77 Stat. 49), and in consultation with the New England River Basin Commission and the advisory committee established by section 6 of this Act, shall encourage coordinated planning for the conservation and development of the scenic, ecological, scientific, historic, and recreational resources of the Connecticut River Valley corridor which is defined for the purpose of this section as that part of the Connecticut River Valley corridor depicted on the map referred to in section 1 of this Act which is located within the State of Connecticut. The Secretary shall give particular attention to encouraging and coordinating the conservation and development of the outdoor recreation resources of the corridor that are outside the boundaries of the riverway, and he is authorized to provide technical assistance to State and local governments and private individuals, groups, and associations with respect to the conservation and development of such resources. The Secretary is authorized to establish a regional office of the Bureau of Outdoor Recreation within the boundaries of the Connecticut River Valley corridor in order to facilitate the planning and coordination under this section.

(b) The Secretary shall encourage State, regional, county, and municipal bodies to adopt and enforce adequate master plans and zoning ordinances which will promote the use and development of private owned lands within the corridor in a manner consistent with the purposes of this section, and he is authorized to provide technical assistance to such bodies in the development of such plans and ordinances.

(c) The Secretary shall cooperate with the appropriate State and local agencies to provide safeguards against pollution of the Connecticut River and unnecessary impairment to the scenery thereof.

(d) In order to avoid, insofar as possible, decisions or actions by any department, agency, or instrumentality of the United States which could have a direct or adverse effect on the outdoor recreation resources of the corridor, all departments, agencies, and instrumentalities of the United States shall consult with the Secretary concerning any plans, programs, projects, and grants under their jurisdiction within the corridor. Any Federal department, agency, or instrumentality before which there is pending an application for a license for any activity which could have such effect on the outdoor recreation resources of the corridor shall notify the Secretary, and, before taking final action on such application, shall allow the Secretary ninety days to present his views on the matter.

(e) The Secretary of Agriculture shall study means of preserving the agricultural, forest, and rural open space character of the corridor, and shall submit a report of his findings and recommendations to the President and Congress within one year after the date of this Act.

SHORELINE EROSION CONTROL

SEC. 8. The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for shoreline erosion control of the Connecticut River; and any protective works for such control undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of this Act.

APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $17,450,000 for the acquisition of land and interests therein, and not to exceed $4,569,000 (August 1971 prices) for development, plus or minus such amounts if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

Mr. BIBLE. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as thus amended be considered as original text for the purpose of further amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I send amendments to the desk and ask unanimous consent that they be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments will be stated.

The legislative clerk read as follows:

On page 3, line 1, insert "Connecticut Historic Riverway" prior to the word "Gateway."

On page 3, line 17, add a period after the word "Act" and strike all thereafter through the period on line 20.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. BIBLE. Mr. President, the Committee on Interior and Insular Affairs has approved S. 36 with amendments, to authorize the establishment of a Connecticut historic riverway.

The riverway would be composed of 23,500 acres of land and water extending for 11 miles along the Connecticut River from Old Saybrook to East Haddam in the State of Connecticut. The bill authorizes the Federal Government to purchase, by eminent domain proceedings if necessary, up to 5,000 acres of land. The remaining portions of the riverway would remain in private ownership under a "conservation zone" arrangement. The total cost of land and development would be $22,019,000.

The Connecticut River flows for 400 miles through the very heart of New England. Fifty million Americans live within 250 miles of its banks. The proposed riverway area itself is within 90 miles of New York City and 120 miles of Boston. Yet, despite its proximity to major metropolitan areas, many parts of the river retain a scenic and historic charm.

The Committee on Interior and Insular Affairs has been deeply concerned with the need to provide open space, recreational and park areas for the people of the northeast sections of the United States. It is also aware of the growing need to protect the quality of the national environment by preserving those areas of especial beauty and tranquillity which remain in the most crowded parts of our country.

The committee believes that authorization of the Connecticut historic riverway is another urgently needed step toward these goals.

Three years ago, the Secretary of the Interior, Stewart Udall, presented a comprehensive report recommending the establishment of a Connecticut national recreation area. A short time ago, Secretary Morton voiced his strong support of this proposal.

The Interior Department report, entitled "New England Heritage," proposed three Federal enclaves along the Connecticut River to be complemented by other State and local conservation efforts. The Connecticut historic riverway encompasses the first of these Federal areas.

The area is one of quiet beauty and historical interest. The Connecticut River at this point is a major estuary flowing freely toward Long Island Sound. It is the only major river remaining on the eastern seaboard without an urban or industrial center at its mouth. The riverbank is alternately low-lying marshes and steep forest-covered slopes. Small islands are scattered here and there. Picturesque Yankee towns such as East Haddam, Chester, Deep River, and Essex are settled amidst the slopes and flatlands. The area remains one where commercial and industrial development has been slow.

The bill would permit Federal acquisition of land and waters up to 5,000 acres. Of the land 93 percent so acquired is completely undeveloped. The cost of land acquisition is estimated to be $17,450,000.

The remainder of the area—17,500 acres—would remain in private ownership under a "conservation zone" arrangement. In such a zone privately owned land would be exempt from Federal acquisition as long as prevailing zone regulations met standards developed by the Secretary of the Interior with the assistance of a local advisory committee. These standards, while not designed to inhibit normal growth patterns, would protect the area from developments which would detract from the natural or traditional riverway scene.

The committee expects development costs of the National Park Service within the Connecticut Historic Riverway to be limited. The nature of the countryside and environment will not sustain new road systems or massive development. Much of the Yankee heritage and scenic tranquillity of the area would be lost. It is expected that group camping, hiking, boating, fishing, and cycling will be major activities. In addition, the Federal land acquisition will protect most of the valuable estuarine marsh areas along the riverbanks.

Mr. President, many sections of the Connecticut River are polluted. But, a comprehensive State and Federal program of abatement is now underway to clean the river. A Connecticut River free of pollution will attract a higher intensity of uncontrolled commercial development. Already, the signs of such development are present.

As a result, much of what we seek to preserve will be threatened. The committee believes action is needed now to have the Connecticut River.

Mr. RIBICOFF. Mr. President, S. 36, the bill now before the Senate, will be the first step toward preserving the few remaining unspoiled sections of the 400-mile-long Connecticut River Valley.

Before commenting on the particulars of this bill, I would like to express my thanks and pay tribute to the distinguished chairman of the Interior Committee's Subcommittee on Parks and Recreation (Mr. BIBLE) for the significant role he has played in the development of this legislation.

Ever since the idea for preserving the Connecticut River Valley area was proposed, Senator BIBLE has worked closely with me, representatives of the National Park Service, and local residents in an attempt to develop the best possible legislation. He fully understands the many problems which arise in such an undertaking and has shown great patience as we have worked to create a park in an area which has been settled for over 300 years and has deeply ingrained traditions.

Situated in the center of historic New England, and in part surrounded by the great urban sprawl in industrial America, the Connecticut River provides an unmatched array of the vital natural resources which are fast disappearing in our modern society. The preservation and renewal of these assets is of both regional and national concern.

We in New England have been the fortunate beneficiaries of a river which has remained largely unspoiled even to the present day. By a quirk of fate, the sand bars along the Connecticut shore have limited the flow of commercial river traffic. As a result, the Connecticut stands alone as the single major American river without an industrial or urban center at its mouth. Thus, despite some pollution and normal commercial growth, much of the river valley retains its original unique charm.

But how long this situation will continue is a question of great importance. More than 6 million people live within 50 miles of the river. The clean salt marshes at its mouth lie less than 100 miles from the center of Manhattan. Seven interstate or limited access highways serve the Connecticut River corridor. Now the trout filled headwaters on the Canadian border are only a few hours drive for New Yorkers and Bostonians.

While, with few exceptions, the river's shoreline and surrounding countryside have not been marred by commercial developments, the river itself is seriously polluted in many sections and has been for several years. This pollution has discouraged developers and other businessmen from seeking to tamper with the beauty of the river valley.

But the pollution problem, thanks to Federal and State programs, is being solved and hopefully the river will be clean again in a few years. Once the purity of the waters of the Connecticut is restored, careless, uncontrolled developments projects may begin.

In an attempt to prevent this, I introduced in 1966, with the support of the entire New England senatorial delegation, legislation authorizing a comprehensive study of the Connecticut River Valley in order to formulate the necessary steps to preserve this great river.

In 1968, the Department of the Interior issued its report, "New England Heritage," which gave us, for the first time, a regional format within which we could work to restore and preserve the beauty of the Connecticut River Valley.

"New England Heritage" recommended a three-unit Connecticut River National Recreation Area in Connecticut, Massachusetts, Vermont, and New Hampshire.

Following an inspection trip of the entire river valley with Senator BIBLE, I introduced in July 1970, a bill to create the Connecticut historic riverway in the estuary region of southern Connecticut. This bill, which was almost identical to the legislation we are now considering, passed the Senate on October 7, 1970. Unfortunately, the House of Representatives was not able to act on the matter before the end of the 91st Congress.

Because of the importance I place on the riverway, the first piece of legislation I introduced in the 92d Congress was another bill to create the Connecticut historic riverway.

This bill, which is now before us, would cover 23,500 acres along an 11-mile stretch of the river from Old Saybrook to Haddam, Conn. Within the riverway, the Secretary of the Interior would be authorized to acquire up to 5,000 acres. The preliminary studies reveal that only 4,100 acres need be bought and that almost all of it is still undeveloped. In fact, 870 acres will be tidal marshland which, while of limited economic value, is essential to the survival of aquatic and marine wildlife.

The remaining acreage would constitute a conservation zone similar to the one in Cape Cod and Fire Island National Seashore. Property in this zone would remain in private ownership exempt from condemnation as long as zoning standards approved by the Secretary are effectively administered.

Because the riverway encompasses a relatively heavily settled area, the bill establishes a local committee to assist in the administration of the riverway. This committee would consist of representatives from the several towns adjacent to the area as well as representatives from the State and regional planning commissions. Consultation with the Secretary of the Interior on matters relating to the development and administration of the area would be on a regular basis.

Mr. President, the basic principle around which this legislation has been developed is that the nature of the resource should dictate its best use. As every person familiar with the area knows, the lower Connecticut Valley cannot sustain intensive development. The small coves, the marshlands, the forested hills, and valley are locations of rare solitude and beauty. The Connecticut towns and countryside are of continuing historic interest. The protection and maintenance of the serene character of this part of the river is the best overall use of this resource. That is exactly what this bill will do.

I hope that after the Senate acts today, my colleagues in the House of Representatives will support prompt approval of this legislation. Time is crucial to the success of our efforts. If further delays occur, there may be little left in the estuary region to preserve.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 36) was ordered to be engrossed for a third reading, was read the third time, and was passed, as follows:

S. 36

An act to preserve and promote the resources of the Connecticut River Valley, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

STATEMENT OF POLICY

SECTION 1. The Congress finds that the Connecticut River and the first tier of towns bordering the river in the States of Connecticut, Vermont, and New Hampshire, and the Commonwealth of Massachusetts, as generally depicted on the map entitled "Connecticut River Valley corridor", numbered NSR–CON–91,000 and dated August 1970, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior, poesess unusual scenic, ecological, scientific, historic, recreational, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress further finds that it is in the best interests of the citizens of the United States for the United States to take action to preserve and promote such values for the enjoyment of present and future generations, to preserve the natural ecological environment and develop the recreational potential of the area, and to encourage maximum complementary action by State and local governments and private individuals, groups, and associations.

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CONNECTICUT HISTORIC RIVERWAY

SEC. 2. In order to provide for conservation of the scenic, scientific, historic, ecological, and other values contributing to public enjoyment, as well as the public outdoor recreation use and enjoyment of the Connecticut River Valley corridor, consistent with the well-being of present and future residents of the area, there is hereby established the Connecticut Historic Riverway (hereinafter referred to as the "riverway"). The boundaries of such riverway shall be as generally delineated on the map numbered NR–CON–40,000, and dated July 1970. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the riverway from time to time with a view to carrying out the purposes of this Act, with the approval of a majority of the Connecticut Historic Riverway Gateway Committee for such unit, as established and described in section 6 of this Act and hereinafter referred to as the "committee", but the total acreage within the revised boundaries of the unit shall not exceed twenty-three thousand and five hundred acres.

ACQUISITION OF PROPERTY FOR THE CONNECTICUT HISTORIC RIVERWAY

SEC. 3. (a) Within the boundaries of the riverway, the Secretary may acquire without the consent of the owner not to exceed five thousand acres of privately owned lands, waters, and interests therein which he shall designate as being presently needed to carry out the purposes of this Act: *Provided*, That the Secretary may acquire a fee title only in cases where, in his judgment, the acquisition of scenic easements or other less-than-fee interests would not be adequate to carry out the purposes of this Act. The remaining privately owned property not so designated may not be acquired by the Secretary without the consent of the owner or owners (hereinafter referred to as "owner") for one year following the date of enactment of this Act, and thereafter so long as an appropriate local zoning agency shall have in force and applicable to such a property a duly adopted, valid zoning ordinance approved by the Secretary. In order to carry out the provisions of this section, and following public hearings, the Secretary shall issue regulations, specifying standards that are consistent with the purposes of this Act. Such regulations and amendments thereto must receive the approval of a majority of the committee before issuance.

(b) The standards specified in such regulations shall have the object of (i) regulating new commercial or industrial uses of such property consistent with the purposes of this Act, and (ii) promoting the protection and development for purposes of this Act of such property by means of acreage, frontage, setback design, and subdivision controls and by prohibiting the cutting of timber, burning of undergrowth, removing soil or other landfill, and dumping or storing refuse in such a manner that would detract from the natural or traditional riverway scene: *Provided*, That such standards shall not discourage the constructive development and use of land for industrial and commercial purposes which are consistent with the purposes of this Act.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (i) contains any provisions that he considers adverse to the protection and development of such property in accordance with the purposes of this Act, or (ii) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this section, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may terminate the suspension of his authority to acquire such property by condemnation: *Provided*, That the owner of any such property shall have ninety days after written notification from the Secretary to discontinue the variance, exception, or use referred to in such notification.

(f) The Secretary shall furnish to any party in interest, upon request, a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

ADDITIONAL PROPERTY ACQUISITION PROVISIONS

SEC. 4. (a) The Secretary is authorized to acquire the lands, waters, and interests therein (including scenic easements) within the riverway by donation, negotiated purchase with donated or appropriated funds, transfer, exchange, or condemnation except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically provided in section 3 of this Act.

(b) With the exception of any lands which the Secretary determines are presently needed for public use facilities to carry out the purposes of this Act, any owner of improved property within the unit on the date of its acquisition by the Secretary may elect, as a condition to such acquisition to retain a right of use and occupancy of the improved property for noncommercial residential and agricultural purposes for a period ending at the death of the owner or his spouse, whichever occurs later, or for a fixed term not to exceed twenty-five years. The Secretary shall pay to the owner the fair market value of the property on the date of its acquisition less the fair market value on such date of any right retained by the owner. Any retained right of use and occupancy may be transferred or assigned. Whenever the Secretary finds that the property or any portion thereof has ceased to be used for noncommercial residential purposes, he may terminate the right of use and occupancy upon tendering to the holder thereof an amount equal to the fair market value of the portion of said right which remains unexpired on the date of termination.

(c) As used in this section, the term "improved property" shall mean a one-family dwelling the construction of which was begun before July 1, 1970, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling and land for noncommercial residential or agricultural purposes, together with any structures accessory to the dwelling which are situated on the land so designated: *Provided*, That the Secretary may exclude from the land so designated any water bodies together with so much of the adjacent land as he deems necessary for public access thereto.

(d) Any property or interests therein within the riverway which are owned by a State or by any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the riverway may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration by him as part of the recreation area.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Secretary shall administer and protect the riverway with the primary aim of conserving the natural resources located within it and preserving the area in as nearly its natural state and condition as possible. No development or plan for the convenience of visitors shall be undertaken in the riverway which would be incompatible with the overall lifestyle of residents of the area, accepted ecological principles, the preservation of the physiographic conditions now prevailing, or with the preservation of such historic sites and structures as the Secretary may designate.

(b) The riverway shall be administered, protected, and developed by the Secretary in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), except that the Secretary may utilize any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the riverway in accordance with the applicable laws of the States concerned and of the United States, except that the Secretary may designate zones where, and establish periods when, no hunting, no fishing, or trapping shall be permitted for reasons of public safety, fish or wildlife management, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary prescribing any such restrictions shall be issued only after consultation with the appropriate agency of the State concerned.

(d) The Federal Power Commission shall not authorize the construction, operation, or maintenance within the riverway of any dam, water conduit, reservoir, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided*, That the provision of that Act shall continue to apply to any project, as defined in that Act, already licensed.

(e) Designated National Park Service employees of the riverway may make arrests for violations of any Federal laws or regulations applicable to the area, and they may bring the accused person before the nearest magistrate, judge, or court of the United States having jurisdiction in the premises.

GATEWAY COMMITTEE

SEC. 6. (a) There is hereby established the Connecticut Historic Riverway Gateway Committee.

(b) Such committee shall be composed of members appointed for a term of two years by the Secretary as follows:

(1) a member appointed to represent the State of Connecticut. Such appointments shall be made from recommendations of the Governor of the State of Connecticut;

(2) a member appointed to represent the appropriate regional planning commissions or agencies of Connecticut. Such appointments shall be made from recommendations of the heads of such commission or agencies;

(3) a member appointed to represent each town referred to in section 1 of this Act that is directly affected by the establishment of the riverway and such appointments shall be made from recommendations of the governing body of such towns; and

(4) a member to be designated by the Secretary; and

(5) a member to be designated by the Administrator of the Environmental Protection Agency or other such Federal agency which assumes the responsibility for the protection of the environment by change of law or by Executive order, unless that agency is under the administrative jurisdiction of the Secretary of the Interior.

(c) The Chairman of the committee shall be elected by the membership thereafter for a term of not to exceed two years. Any vacancy in the committee shall be filled in the same manner in which the original appointment was made.

(d) All members of the committee shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the committee in carrying out their responsibilities under this Act on the presentation of vouchers signed by the chairman.

(e) The Secretary or his delegate shall consult regularly with the committee with respect to all matters relating to the development and administration of the riverway, and with respect to carrying out the provisions of this Act, including but not limited to matters relating to the acquisition of lands, the issuance of regulations specifying standards for zoning ordinances, and the administration of the riverway.

(f) The committee shall make available to the Secretary an annual report reviewing matters relating to the development of the riverway, including land acquisition and zoning standards policies, and shall make recommendations thereto.

CONNECTICUT RIVER VALLEY CORRIDOR

SEC. 7. (a) The Secretary, in accordance with authority contained in the Act of May 28, 1963 (77 Stat. 49), and in consultation with the New England River Basin Commission and the advisory committee established by section 6 of this Act, shall encourage coordinated planning for the conservation and development of the scenic, ecological, scientific, historic, and recreational resources of the Connecticut River Valley corridor which is defined for the purpose of this section as that part of the Connecticut River Valley corridor depicted on the map referred to in section 1 of this Act which is located within the State of Connecticut. The Secretary shall give particular attention to encouraging and coordinating the conservation and development of the outdoor recreation resources of the corridor that are outside the boundaries of the riverway, and he is authorized to provide technical assistance to State and local governments and private individuals, groups, and associations with respect to the conservation and development of such resources. The Secretary is authorized to establish a regional office of the Bureau of Outdoor Recreation within the boundaries of the Connecticut River Valley corridor in order to facilitate the planning and coordination under this section.

(b) The Secretary shall encourage State, regional, county, and municipal bodies to adopt and enforce adequate master plans and zoning ordinances which will promote the use and development of private owned lands within the corridor in a manner consistent with the purposes of this section, and he is authorized to provide technical assistance to such bodies in the development of such plans and ordinances.

(c) The Secretary shall cooperate with the appropriate State and local agencies to provide safeguards against pollution of the Connecticut River and unnecessary impairment to the scenery thereof.

(d) In order to avoid, insofar as possible, decisions or actions by any department, agency, or instrumentality of the United States which could have a direct or adverse effect on the outdoor recreation resources of the corridor, all departments, agencies, and instrumentalities of the United States shall consult with the Secretary concerning any plans, programs, projects, and grants under their jurisdiction within the corridor. Any Federal department, agency, or instrumentality before which there is pending an application for a license for any activity which could have such effect on the outdoor recreation resources of the corridor shall notify the Secretary, and, before taking final action on such application, shall allow the Secretary ninety days to present his views on the matter.

(e) The Secretary of Agriculture shall study means of preserving the agricultural, forest, and rural open space character of the corridor, and shall submit a report of his findings and recommendations to the President and Congress within one year after the date of this Act.

SHORELINE EROSION CONTROL

SEC. 8. The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for shoreline erosion control of the Connecticut River; and any protective works for such control undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of this Act.

APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $17,450,000 for the acquisition of land and interests therein, and not to exceed $4,569,000. (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of executive business.

There being no objection, the Senate proceeded to the consideration of executive business.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Without objection, it is so ordered.

NOTICE OF VOTE ON CLOTURE MOTION ON FRIDAY, DECEMBER 10, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the hour to be set aside, after the first legislative day, for consideration prior to the vote on the cloture motion, begin at the hour of 11 a.m. and that the vote occur at 12 o'clock noon.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, we are at present as a body operating under the mandatory requirements and time limitations provided for under rule XXII designed to deal with how the Senate as an institution can terminate debate. In language which is perhaps more apropos and more widely understood by average citizens throughout the country, we are operating under those provisions which have been historically used as a vehicle to terminate a filibuster.

The Senate's history is filled with instances of filibustering—whether we call it that or prolonged debate. The Senate RECORD is filled with instances in which some Members of this body, as is their right, have resorted to all of the parliamentary shenanigans and tactics available. Every loophole has been utilized by various Senators in the past to keep issues from being put. All-night sessions, prolonged dissertations on subjects and substances totally irrelevant to the discussion, repetitive speeches revealing no new information, as well as being totally irrelevant, the business of reading poetry and prose and documents totally unrelated or only vaguely related to the question at issue have been utilized on many occasions.

It was to try to stem this type of tactic, the arbitrary use of parliamentary rights on the part of a minority—ofttimes a very small and scant minority—that the Senate enacted in its rules the cloture provision to terminate debate.

Mr. President, I hope that between now and noon tomorrow Senators will examine the RECORD, will examine what has been said on the floor of the Senate, will examine the tactics that have been used by those of us who have deep concern and reservations about the nominee, as well as the tactics and rhetoric used by those who are supporting the nominee, and then, and only then, be prepared for the vote to determine whether the Senate is indeed in the process of being filibustered or whether the Senate is going through the common legislative process of trying to decide a very controversial issue.

I have been in public life for 17 years. Many in this body have been in public life a good deal longer. Perhaps this confession or admission is not a good one, but I have not yet reached a place where criticism does not hurt. I have learned to accept it and tolerate it. I have not yet reached the place where I do not care about being readily accepted and being on friendly terms and likable terms with my colleagues. I think it is relevant to say that, because I am not totally unaware of the pressures which exist in this body today that have absolutely nothing to do with the issues before us,

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There is great pressure to adjourn. There is great pressure on all of us to be with our families, our friends, and our constituents, and to have the chance to enjoy a well-deserved rest. It is a very difficult position for those of us who are concerned over the nomination of Mr. William Rehnquist to be in. The Christmas spirit exists outside this Chamber. For this reason it is hard sometimes to keep attention on the legislative process. And some interpret the process as far from the Christmas spirit.

Be that as it may, and at the risk of offending some of my colleagues whose friendship I value highly, nevertheless, I, as one Member of the Senate, do not intend to be as much concerned about waging a popularity contest as I am about seeing that all the issues about the Rehnquist nomination are properly put.

This body in its finest moment has not avoided controversy. It has not sought the easy way and the convenient way. I intend, as much as one Senator can accomplish his own desires, to see that this is one of those moments in which the Senate rises above its own personal convenience and deals with this issue only after it has been fully discussed and some of the critical questions that are yet unanswered are put to rest.

I do not believe several of the issues have been as clearly stated as I would like, and I must admit that it is extremely difficult to get individual Senators at this time, with their minds filled with the other problems that they have individually, with the other problems that confront our country and the world, and with the pressures that they all have to terminate their legislative business, to look at the merits, pro and con, of the Rehnquist nomination. The general attitude seems to be, "Well, let's give the President his way and go home."

In my judgment, this is a very dangerous attitude, one which needs to be changed.

In light of some of the dialog that we have had on the floor of the Senate and indeed in light of some of the comments I have heard some Senators make off the floor, I fear that the Senate does not yet properly understand its role in the advise-and-consent process.

I did not have the good fortune of hearing my distinguished friend and colleague, the Senator from Kentucky—who I notice is on the floor—respond to a WTOP letter to the editor, or an editorial, but I did have it relayed to me by a member of my staff who heard him. The Senator is a persuasive advocate, and he is an honest, tenacious man who pursues his thoughts in as dedicated a manner as any other Member of this body. On many issues we find ourselves comrades in arms. I do not want to put words in his mouth, nor do I want to bring him unnecessarily into the debate, but I do not believe that it is the feeling of those of us in the Senate, nor do I believe that the WTOP editorial that I now have before me can be accurately described as opposing Mr. Rehnquist because he is an ultraconservative. We are concerned not about the general judicial conservative philosophy attributed to him by the press, but we are concerned about how Mr. Rehnquist would vote, what he has said, and thus what he appears to believe in two general areas that go far beyond the general philosophy of liberal and conservative, or strict constructionist or judicial conservative.

The concerns that the WTOP editorial expresses, after talking in terms of Lewis Powell, Harry Blackmun, and Warren Burger, when it says, "In our judgment, all three of these men have what Mr. Rehnquist lacks, a sense of the unique and perishable character of the American experiment," over Mr. Rehnquist's views on civil liberties and on human rights, are concerns about matters which characteristically are not divided into little packages marked conservative and liberal. In fact, as was brought out during the debate yesterday, the main proponents of individual liberties, the main protectors of those liberties from incursions and encroachments by the Federal Government or the State governments, have been the stalwart conservative judges who have sat on the Supreme Court of the United States.

I suggest that it is fully within the role of the Senate to look at the legal qualifications, to look at the integrity, to look at the intellect, and to look at the views of any nominee, particularly the basic fundamental views in the area of human rights, civil rights, and civil liberties.

Mr. President, there is no stronger advocate for the rule that the basic philosophy of a nominee should be considered than the nominee himself. In the Harvard Law Record, he wrote persuasively that the Senate was not fulfilling its responsibility unless it looked at the general philosophy of a nominee.

But the general philosophy of the nominee does not concern the Senator from Indiana. I have said previously that that battle was lost in the 1968 election, and those who are now concerned about the Rehnquist nomination perhaps wish they had been a bit more concerned about the outcome of the 1968 election. But that is past history. When Richard Nixon was elected President, anyone with a nickel's worth of sense should have recognized that it was only reasonable to expect that nominees would be forthcoming whose views would be closer to the Richard Nixon philosophy than to the philosophies of some of the Members of this body.

But in the specific area of civil liberties, the great fundamental principles of the Bill of Rights, and in the area of basic human rights, civil rights, if the nominee is wrong there, then in my judgment he is wrong for the Court.

There have been several issues raised that I hope Senators will direct their attention to between now and the vote on cloture. It seems only reasonable to expect that until each Senator in his own mind has resolved the issues on the merits and has had the questions which have been raised laid to rest to his own satisfaction, he can hardly suggest that the Senate is involved in a filibuster.

Our distinguished minority leader yesterday talked about a lonely vigil, and I suppose by inference suggested that the Senator from Indiana alone was concerned about this nomination. It is rather ironic that shortly after that, for about a 2- or 3-hour period, we had the most vigorous debate of the entire period of time in which we have been going into the matter; and for the first time, those who supported the nomination attempted—I say attempted because I do not think they succeeded—to deal with the questions some of us have raised that have caused our concern about the qualifications of the nominee.

There are a number of Senators who wish to speak and will speak between now and the cloture vote tomorrow, and hopefully if the issue is not laid to rest then, will have the opportunity to continue speaking, and continue to articulate the issue. The questions that have been raised have not yet been sufficiently answered in the minds of several of our colleagues. In fact, I doubt if many of our colleagues have had the opportunity even to study some of these issues. I say this not as criticism, but out of recognition of the fact that there are many competing interests for the minds and concerns of each Senator right now. There could be no more disadvantageous time to have a critical, controversial, complicated issue before the Senate than at this particular moment.

I want to, for the sake of the RECORD—with the hope that now that this issue has been perhaps more clearly joined, because there are those who are suggesting that we should no longer have the chance to debate it—touch on some of these questions, and hopefully my colleagues will take the opportunity of looking at this RECORD before the rollcall vote tomorrow, and then they can decide in their own minds and their own consciences, as each Senator must do, whether these particular questions have been laid to rest in the mind of the individual Senator involved.

Do Senators realize the position of the nominee as far as the basic guarantees of the Bill of Rights are concerned?

Are they aware that both in his speeches and in his testimony before the Judiciary Committee at his nomination hearings, he said, in response to questioning, that he saw no constitutional issue involved in the right to privacy where surveillance was involved?

It is all well and good for us to say, "Well, now, this really does not mean anything"; but every Senator had better be prepared to know what it means. It does not mean that we are not going to make new law. It means we are going to change present law; because the Supreme Court, in the Griswold against Connecticut case, has held that there is a constitutional right to privacy, and if we put on that Court a man who says there is not a constitutional right to privacy, I suggest we are in the process of changing the law—not just staying where we are; not just preventing legislation on the Court, but increasing the chance of it; not just preventing positive movement ahead by the Court, but in danger of regressing and going backward.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I rise to speak in opposition to Senate confirmation of the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States. Although the Senate has already voted 89 to 1 to advise and consent to the nomination of Lewis F. Powell, Jr., to be an Associate Justice of the Supreme Court, I will also in this statement explain my reasons for my vote for confirmation of Mr. Powell's nomination.

Mr. President, at the outset I think we can all agree that the overwhelming vote of confirmation of Mr. Powell's nomination, to borrow a phrase, "makes one thing perfectly clear"—that the Senate will indeed give its advice and consent to the Supreme Court nomination of a qualified southerner. This was my contention at the time that the Senate withheld confirmation of the Haynsworth and Carswell nominations, and I am delighted my prophesy has become reality in such an overwhelming way.

A DUAL NOMINATION PLAY

Before going further, Mr. President, I wish to comment on the way in which these nominations came to us in the Senate. I most strongly object to the attempt which has been made to compel the Senate to make a judgment on two such vital nominations concurrently. It may have seemed cagey strategy to the President to confront the Senate with a pair of nominations so as, seemingly, to dilute the focus of critical judgment with respect to each nomination. But, to me, presenting "an entry" of nominees is an attempt to manipulate the Senate in its exercise of the constitutional responsibility to advise and consent in Supreme Court nominations.

Mr. President, I understand from press reports that the President of the United States is an ardent football fan. Indeed, I share with him a keen interest, both as participant and spectator, in sports and physical fitness. But I do not believe it appropriate to make decisions of state by borrowing from a chalkboard diagram of a football play, and, thus, it seems to me particularly regrettable that the President has seen fit to devise and execute a dual nominee play, in which one nominee is assigned the role of running interference for the other. Which nominee is to be the running back and which the blocking back in this play is to be determined later based on whom the other team—the Senate—wishes most to tackle.

This kind of "tie in" has long been declared illegal under the antitrust laws and, in my judgment, serves to demean the nomination of each man by casting an inference that the nomination of neither is sufficiently secure to stand separate and independent scrutiny if the gordian knot binding them together should be severed.

It is, therefore, extremely fortunate that the distinguished majority leader (Mr. MANSFIELD) decided to put an end to this misbegotten strategy by scheduling Senate consideration of the noncontroversial nomination before we turned to consideration of the pending one.

I congratulate the leader for this excellent decision.

Mr. President, since the two nominations came before us during the same week, it is instructive, in evaluating Mr. Rehnquist's qualifications in certain respects, to indicate how Mr. Powell's differ, and I will do so during the course of this statement where appropriate.

STANDARDS GOVERNING SENATORIAL ADVICE AND CONSENT RESPONSIBILITY

In preface to discussion of the individual qualifications of the two nominees, it is first necessary to discuss both the standards for evaluation of Supreme Court nominations and the singular importance of such nominations under our Constitution.

First, I would like to suggest what standards should not be applied.

It has been suggested by some that perhaps it would be the better part of discretion for a Senator to swallow his concerns and principles and accept a nomination because it appears far less outrageous by comparison with a nomination that might have been made.

Similarly, some also suggest that if acquiescence is not secured by relief at being spared a worse fate, toleration of a questionable nomination should be prompted by fear of the kind of nominee which might be put forward if the present nomination should be rejected. This latter postulate draws both support and nonsupport from the parade of nominees for the last vacancy which was ultimately filled by Mr. Justice Blackmun. Many felt that the nomination of then Judge Carswell was considerably more intolerable than the nominee rejected before him for that position. But the Senate, despite expressions of concern as to who might be a third nominee should Mr. Carswell be defeated, performed its constitutional responsibility, regardless of such fears or concerns.

Mr. President, I find these two apologist standards totally unacceptable. The only end they serve is to encourage a President to follow a pattern of sending mediocre or worse nominations to the Senate and to adopt a strategy of compiling smokescreen lists of mythical nominations which might be seen as placing his actual nominations in a more favorable light by contrast.

Rather, in my view it is the responsibility of each Senator to judge each nomination on its own individual merits and to reach an independent decision without regard to the qualifications or lack thereof of any other nominee, past, present, or potential. That is what I have attempted to do with respect to the four Supreme Court nominations which I have been called upon to consider prior to these and what I have attempted to do with respect to the two present nominations.

SINGULAR IMPORTANCE OF SUPREME COURT NOMINATIONS

Mr. President, a nomination to the Supreme Court of the United States and the coordinate action of the Senate in giving or withholding its advice and consent is a more important appointment than any other within Presidential and senatorial prerogative. Whereas Presidential appointments of Cabinet or sub-Cabinet rank usually serve no longer than 4 years and would be most unlikely to serve more than 8 years, it is not uncommon for Supreme Court Justices to sit for two or sometimes three decades on the High Court. A Supreme Court Justice is in a virtually unparalleled position in our society of laws to have impact on the most pressing legal, social, ethical, and political questions facing several generations of Americans.

I should point out that this opportunity for decades of influence on the future course of Supreme Court decisions is singularly available to Mr. Rehnquist, who at 47 years old, promises to serve far longer, if confirmed, than Lewis Powell, Jr., who is 17 years his senior.

Unlike a Cabinet Secretary or a President, unlike a Senator or a Congressman, a Federal judge has lifetime tenure and can be removed from office only upon impeachment and conviction of the most severe of high crimes. Presidential appointees in the executive branch, by contrast, serve at the pleasure of the President, and we elected officials are directly accountable to the electorate every 2, 4, or 6 years.

Thus, once appointed after Senate confirmation, a Supreme Court Justice is accountable only to himself for the judgments which his high office calls upon him to make. For all practical purposes he is removed from control or sanction by the people. In contrast, these other appointed and elected officials are able to make their decisions on the merits at best only imperfectly, given the vicissitudes of public life and the various pressures and interests which permeate the political, democratic processes in our country.

It thus becomes startlingly important, based upon the available information, for each individual Senator to make a sound judgment as to how a Supreme Court nominee would perform this enormous responsibility of decisionmaking free, virtually entirely, from any dictates other than those of his own sense of justice and conscience.

The framers of our Constitution, in the exercise of their characteristically extraordinary wisdom, refused to entrust the selection to fill such a mighty office to any one official. And they chose also not to entrust the appointment separately to either of the other two coequal branches of Government. Rather, the appointment of Federal judges with lifetime tenure was made a shared responsibility between the President and the Senate of the United States.

Thus, whereas the benefit of the doubt should, I believe, be afforded nominations by the President of appointees to serve him in the executive branch, where they are subject to the scope and continuation of his popular mandate—and I have tried to give the President's executive branch nominations such a presumption—no such presumption should properly govern the exercise of senatorial advice and

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consent in the case of lifetime judicial appointments. This is particularly so in the case of the highest of all such appointments, nominations to the Supreme Court of the United States.

At the same time, however, I do not mean to suggest that it is the province of the Senate or an individual Senator to attempt to substitute his judgment for that of the President when deciding upon advice and consent to a Federal judicial nomination. Clearly, the question for a Senator is not whether or not this is a nominee whom he would have chosen had he been President, but whether the nominee meets minimum standards of qualification for the judicial position to which he has been nominated.

MINIMUM QUALIFICATIONS FOR SUPREME COURT NOMINATIONS

This brings me, then, to a description of the criteria I believe should govern a Senator's determination of the qualifications of a Supreme Court nominee.

As stated in the individual views of Messrs. BAYH, HART, KENNEDY, and TUNNEY (exec. rept. No. 92–16), the very minimum qualifications are intellectual and legal excellence and personal integrity. No nominee who does not possess at least these qualifications should even be submitted to Senate consideration. To be confirmed, a nominee should possess more.

Surely, a third qualification is judicial temperament. Judicial temperament, it seems to me, can comprehend more than merely the ability to present a dignified and dispassionate demeanor on the bench.

In the broadest sense, judicial temperament includes the capacity to perform the essential functions of a judge; that is, to be dispassionate—in the sense of being personally "disinterested," although not uninterested, in the result of a case, to be impartial, to be balanced in approaching a judicial question, and to be able to maintain the appearance, as well as the reality, of those qualities. Webster's new collegiate dictionary—1961—defines the word "temperament" as "internal constitution with respect to balance or mixture of qualities or parts."

To a considerable extent, this notion of the capacity for judicial balance may involve the question of "judicial philosophy" which, itself, can also be considered a fourth qualification for Supreme Court appointment.

Regarding the appropriateness of such a judicial philosophy qualification, I find no valid argument, in either senatorial practice or tradition, or in commonsense, for holding that a judicial nominee's prospective judicial philosophy is no business of the Senate.

In fact, the history of Senate action in advising and consenting to Supreme Court nominations presents a compelling brief that judicial philosophy is, and has always been, a legitimate matter for Senate scrutiny. According to the excellent memorandum prepared for the Senator from Indiana (Mr. BAYH) by Professors Brest, Grey, and Paul—which appears in the CONGRESSIONAL RECORD of November 5, page 34591, during the 19th century the Senate refused to confirm 21 nominees to the Supreme Court. And the grounds for Senate rejection were by and large based upon the political views of the nominees.

In the 20th century, prior to this administration, this memorandum indicates, there were at least seven instances in which significant concern was expressed by Senators and nominations were opposed, because of a nominee's prospective judicial philosophy. Of course, the nominees substantive views on the fundamental question of racial justice were deeply involved in the Carswell and Haynsworth confirmation battles.

Thus, it is clear that many, many Senators in the past, as well as very recently, have voted against Supreme Court nominations, because these Senators strongly objected to the judicial philosophy of a particular nominee. I might add that quite often those applying this qualification to a judicial nominee have been Senators who themselves have held a politically conservative philosophy.

Second, regarding evaluation of judicial philosophy, given all that has recently been said and written with regard to the Senate's coequal role in appointments to the Supreme Court, when the President himself in the most explicit way—in a clearly calculated attempt to arouse public opinion in support of his nominee—states publicly that probably the overriding qualification sought by him in making the nomination was consistency with his own judicial philosophy, how can it possibly be contended that a Senator should not concern himself with that same qualification when he makes his decision on confirmation?

In this particular instance, on October 21, 1971, the day before the President sent these two nominations to the Senate, he appeared on nationwide radio and television and stated:

> You will recall, I am sure, that during my campaign for the presidency, I pledged to nominate to the Supreme Court individuals who shared my judicial philosophy which is basically a conservative philosophy.

He said quite openly that he had this in mind when he nominated Mr. Rehnquist and Mr. Powell. It is pure sophistry to suggest that we should not employ the same criterion in evaluating these nominations.

THE REHNQUIST AND POWELL NOMINATIONS

Mr. President, since I do not serve on the Judiciary Committee, I have reserved judgment on these nominations until I have had a full opportunity to review the record of their nomination hearings, the committee reports and individual views on their respective nominations, and other respective nominations, and other materials relevant to their qualifications, as well as to discuss the nomination with fellow Senators who have had a similar opportunity to brief themselves. Yesterday, during debate on the nomination, I asked a number of questions of the Senator from Indiana (Mr. BAYH) and the Senator from North Carolina (Mr. ERVIN), both outstanding lawyers and members of the Judiciary Committee. Their answers were most helpful and I thank them.

INTELLECTUAL AND LEGAL EXCELLENCE AND PERSONAL INTEGRITY

There is no real question raised with respect to either nominee in terms of their satisfying standards of intellectual and legal excellence or personal integrity. All members of the Judiciary Committee were in agreement of this score as were the members of the American Bar Associations Standing Committee on Federal Judiciary. Nor have I seen any contrary indication on these accounts in what I have read regarding these two nominees.

JUDICIAL TEMPERAMENT

With regard to judicial temperament in terms of such matters as demeanor, there would seem no question that each nominee passes muster. But, regarding the broader and more significant characteristics also involved in judicial temperament, I find Mr. Rehnquist not qualified and Mr. Powell qualified. To explain the reasons for my conclusions requires some discussion of the judicial philosophy question as well.

I find nothing in what I have learned of Mr. Powell's activities, viewpoints and statements to lead me to conclude that he is not capable of making dispassionate, impartial and balanced judicial judgments. Indeed, the evidence is to the contrary. His balanced approach to highly sensitive and controversial problems is nowhere more critically evidenced than in his statements and actions as chairman of the Richmond City School Board following the historic Supreme Court decision in Brown against Board of Education. Whatever may have been Mr. Powell's personal views, predilections or preferences in that highly complex emotion-charged situation, his posture was at all times measured, judicious and firm in promoting clear movement toward compliance with the supreme law of the land as laid down in the Brown case. In addition to this clearly balanced behavior, Mr. Powell's actions were also most courageous in terms of the tide of opinion in his community.

The same temperament was evidenced in Mr. Powell's work as president of the American Bar Association in 1964–65 in pressing for and beginning a comprehensive and scholarly study to formulate minimum standards for the administration of criminal justice, and urging strong support from the organized bar for the legal services program.

The judicious way in which he dealt with these highly emotion-charged issues convinces me of his capacity for appropriate judicial temperament.

I might add, Mr. President, that the directions in which he was moving were also directions which accord with my personal policy views in these particular instances. But that is hardly the case with respect to some of his views on other matters particularly, questions of criminal law.

With respect to Mr. Rehnquist, on the other hand, I find his record almost totally lacking evidence of a balanced, dispassionate, impartial approach to legal and policy questions. From an extensive review of his writings and his testimony before the judiciary committee, I find him to be an extraordinarily committed idealog who first forms conclusions according to the dictates of his ideology and then afterwards reasons backwards to justify those conclusions. Mr. Rehnquist uses his considerable intellect to examine microscopically arguments opposed to his conclusion, but often applies this same intellect only superficially to probe the merits of the arguments supporting his position.

I am convinced that he uses this backward reasoning process with respect to his position regarding racial equality, civil disobedience, the 18-year-old vote, and equal rights for women amendments, the President's war powers, rights of arrested persons, privacy, political association, Government surveillance, and other first amendment issues.

The evidence supporting my conclusion in these areas has been clearly laid on the public record in the Judiciary Committee hearings, the individual views of Messrs. BAYH, HART, KENNEDY, and TUNNEY, and in the CONGRESSIONAL RECORD.

It has been argued that Mr. Rehnquist's expressions of views and legal analysis while he was Assistant Attorney General were often made in the posture of an advocate and do not necessarily represent his personal views. There is no way we can find out if that is the case. For Mr. Rehnquist refused to clarify this issue for the Judiciary Committee. The burden of proof is, therefore, on those who would conclude that his official statements as Attorney General do not represent his personal views.

On this question Mr. Rehnquist was uncooperative with the Judiciary Committee members who tried to determine and explore his personal viewpoints. His invocation of an attorney-client relationship with the Attorney General and the President is unique. Based on advice I have received, it is also insupportable. I might add, parenthetically, that Mr. Rehnquist's capacity in this instance for innovative theorization in the face of the doctrine of stare decisis is not without appeal, but, again, he uses this new theory only to support his end result. Moreover, on several occasions on which he might also have refused to answer based on this new found privilege, he chose not to invoke the privilege.

I am not suggesting that Mr. Rehnquist at his confirmation hearing should have engaged in discussions of specific fact situations that might later form the basis for actual cases that might come before him on the Supreme Court should he be confirmed. Nor did any member of the Judiciary Committee quarrel with his altogether commendable desire to avoid such prejudgments. But he carried this reluctance to a point where he was not forthcoming in many of his responses.

There are four more points that should be made regarding his failure to discuss his personal views.

First, his attitude on civil rights is expressed largely in statements and actions prior to his tenure as Assistant Attorney General.

Second, at no time during his confirmation hearing did he suggest that his official expressions of views were hostile to his own personal views. He did admit he would have resigned had he felt he was being called upon to defend indefensible or unconscionable Government policies.

Third, Mr. Rehnquist, himself, has stated in a 1970 Arizona Law Review article that he was chosen Assistant Attorney General on the basis of his intellectual compatibility with the views he subsequently advocated in that position. His selection for that position was recommended by Deputy Attorney General Kleindeinst whose views he knew well and shared during their political collaboration in Arizona. So he had every reason to know what he was undertaking as John Mitchell's advocate.

Fourth, even if one should disregard the ultimate positions he was called upon to defend as Assistant Attorney General, the thought processes and legal analysis underlying his defense are undeniably his own. And on that score, in my judgment, his work evidences a clear lack of balance and essential fairness in evaluating competing contentions. He displays none of the characteristics of judiciousness one would hope to find in an intellect of his stature.

Thus, I conclude that Mr. Rehnquist by refusing to answer specific questions at the Judiciary Committee hearings regarding which of the views he espoused were as an advocate and which were his own, left us no alternative but to judge his capacity for a balanced approach and his judicial philosophy on the basis of what he has said and done, including his activities as Assistant Attorney General for legal counsel.

Essentially, I find that Mr. Rehnquist consistently accords the most narrow interpretation to Supreme Court decisions and constitutional concepts that protect individual rights and liberties. At the same time, he accords the broadest possible interpretation to opinions and concepts that sanction Government restrictions on individual rights and liberties.

For example, he places great weight on the need to avoid constraints which might "dampen the ardor" of government investigators. But he generally gives no weight to the danger that such investigations can have a "chilling effect" on the exercise of free speech or association by those being investigated or placed under surveillance. For him there is no real effort to balance the scales of justice with the interests of the individual. His scales of justice are those of the horserace handicapper with the Government's interest already weighted before the ostensible balance is made.

His result-oriented approach is perhaps most clearly evidenced by his failing completely to recognize the very substantial societal and governmental interest in our democracy in the widest official sanctioning and encouraging of the exercise of freedom of speech, association, and belief. He seems to consider the first amendment as something designed only in the interests of particular individuals—a few "radicals," pornographers, or Communist sympathizers—and not in the interest of all of us and the Government that serves us all.

Another example of his lack of dispassionate approach is in his calculated use of McCarthyite innuendo to characterize the authors of Supreme Court first amendment cases with which he disagrees. I say "calculated" because Mr. Rehnquist is too able a lawyer and verbal stylist to use words carelessly.

In characterizing two decisions handed down by Mr. Justice Black in 1957 which dealt with the permissible scope of inquiry by State bar examiners about previous political beliefs, Mr. Rehnquist impugned the motives of Mr. Justice Black and the majority of the Court. In describing these decisions which happened to deal with an admitted former Communist and an alleged former Communist, he stated in a Bar Journal article that these decisions were "based on a combination of charity and ideological sympathy." This is a highly inflammatory piece of not very subtle rhetoric straight from the red-baiters school of politics.

Mr. Rehnquist began this same Bar Journal article with the lead sentence:

> Communists, former Communists, and others of like political philosophy scored significant victories during the October, 1956, term of the Supreme Court of the United States.

This hardly ranks as a piece of scholarly, measured legal analysis and judicious evaluation of the decisions of the highest judicial body in our Nation.

Mr. President, this is hardly the kind of reverence for the rule of law that is expected of an attorney—an officer of the court.

JUDICIAL PHILOSOPHY

With respect to the judicial philosophy of Mr. Powell, I am willing to accept the conclusion of Messrs. BAYH, HART, KENNEDY, and TUNNEY in their individual views—Executive report No. 92–17—that—

> He does, indeed, possess the strong dedication to preserving our basic civil liberties which we believe any nominee to the Supreme Court must have.
>
> We believe he is committed to guaranteeing for every citizen all of the protections of the Bill of Rights.

I have already cited Mr. Powell's record of work to bring peaceful desegregation of schools to Richmond, Va., and his devotion to the OEO legal services program I am also deeply impressed by the testimony in support of his nomination by a number of blacks. Including particularly that of Mrs. Jean Camper Cahn, a black attorney known for telling it straight from her shoulder.

She says, based upon her close working relationship with Mr. Powell in setting up the legal services program:

> My support is based upon the fact that I am drawn inescapably to the sense that Lewis Powell is, above all, humane, that he has a capacity to empathize, respond to the plight of a single human being to a degree that transcends ideologies of fixed position. And it is that ultimate capacity to respond with humanity to the individual instances of injustice and hurt that is the best and only guarantee I would take that his conscience and his very soul will wrestle with every case until he can live in peace with a decision that embodies a sense of decency and fair play and common sense.

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Would that such a credible witness had attributed the same characteristics to Mr. Rehnquist.

My conclusion that Mr. Powell is qualified in terms of judicial philosophy does not mean that I am in accord with all of his views on public policy, but rather that I believe that in the crucial area of respect for individual rights and liberties he has the basic commitment which I believe is a minimum qualification for a Supreme Court Justice.

With respect to Mr. Rehnquist's judicial philosophy, first it should be noted that he, himself, in a 1959 Harvard Law Review article called on the Senate when considering Supreme Court nominations, to "restore its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him." He expanded on this by saying:

> The only way for the Senate to learn of these sympathies of nominees on great legal issues is to inquire of men on their way to the Supreme Court something of their views on these questions.

As I pointed out earlier, under questioning Mr. Rehnquist was extremely reluctant to discuss his personal views on the basic questions of human rights and individual liberties.

I find virtually no indication in his record of statements or actions which do other than raise the most significant doubts in my mind about his commitment to civil rights. His grudging statement at his confirmation hearing that he now no longer opposes a public accommodations law is too self-serving, and too lacking in an essential understanding of equal justice, to be accorded any weight.

At his confirmation hearing, he described his change of heart—to the view that it is now acceptable for the Government to insure that a black man can receive service at a lunch counter in public accommodations facility—as being motivated by his present greater realization in 1971 than he had in 1964 of "the strong concern that minorities have for the recognition of these rights." I am totally unimpressed with this new vision of light which on its stated justification misses the essential of fundamental justice and dignity involved in human rights matters.

The same callous insensitivity to human rights is displayed in Mr. Rehnquist's 1967 letter to the Arizona Republic in which he stated strong opposition to a series of prior articles discussing the need to take moderate steps to achieve integration of the Phoenix schools. Mr. Rehnquist first seemed to indicate that issues of minority group individual rights were somehow under our system appropriate for resolution by the majority based on their personal convenience. He put forth for serious consideration—13 years after the Supreme Court in Brown against Board of Education had held that separate educational facilities are "inherently unequal"—the proposition that—

> We are no more dedicated to an integrated society than we are to a segregated society. . . .

Mr. Rehnquist's nomination is a shattering blow to all minority Americans and all Americans aspiring for equal justice and opportunity in this country and who, in the last analysis, must look to and rely upon the Supreme Court to vindicate the human rights they are guaranteed under our Constitution.

With respect to civil liberties, I have already cited a number of areas in which Mr. Rehnquist comes down on the side of less liberty rather than more. This is no coincidence. I find his record devoid of evidence of any basic commitment to the individual liberties which are inherent in the fabric of the Bill of Rights and serve as the last bulwark between the overwhelming force of the Government and the individual citizens' privacy, person, and interests.

In the area of wiretap and government surveillance of persons, I find Mr. Rehnquist's statements to be so extreme as to raise grave questions about his fundamental grasp of the system of checks and balances under our Constitution. The distrust of the unfettered exercise of the power of the sovereign, particularly in the area of belief, association, and speech, led directly to the founding of our Nation and permeates the philosophy underlying and explicit in the Bill of Rights.

In a March 19, 1971, speech, Mr. Rehnquist stated:

> I do not believe, therefore, that there should be any judicially enforceable limitations on the gathering of this kind of public information—[through surveillance by government agents]—by the executive branch of the government.

Eight days before, he made this remarkable statement, Mr. Rehnquist explained this view in testimony before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary as follows:

> I think it quite likely that self-discipline on the part of the executive branch will provide an answer to virtually all of the legitimate complaints against excesses of information-gathering.

Could our individual freedoms and our constitutional democracy survive if this totalitarian doctrine became the doctrine of the Supreme Court? Why have a Constitution? Why have three branches of Government? Why have checks and balances?

Mr. Rehnquist's extraordinary trust in the good faith of the executive branch of the Federal establishment is frighteningly naive to me. He says there is no serious constitutional question in the Government placing people under surveillance for exercising their first amendment rights.

I say such a procedure arrogates to what should be a democratic government the tools of the dictator. In my view, Mr. Rehnquist is sadly and totally out of step with our basic constitutional protections against unwarranted invasions of personal privacy.

In the same way, Mr. Rehnquist contends that the Attorney General has power to authorize wiretaps when he concludes there is a domestic threat to national security even though the Supreme Court in Katz against United States in 1967 held that wiretapping falls within the protection against unreasonable searches and seizures under the fourth amendment. Mr. Rehnquist's position on this score manifests a basic insensitivity to the historic framework leading up to the adoption of the fourth amendment: The abusive searches and seizures directed against the colonists under the sovereign and inherent powers of King George III. He also ignores the reasons why three coordinate branches of Government were created to share governmental power under the Constitution.

Consistently, in the area of individual liberties, Mr. Rehnquist disregards the fact that the Government represents each of us and all of us collectively in keeping us secure in our persons, beliefs and associations and treating each of us with maximum recognition of and respect for our privacy. He thus disregards the most basic principle of our constitutional democracy—that the Government itself and all of us collectively have a fundamental stake in not invading or denying individual liberties.

I, unlike Mr. Rehnquist, do not believe that it is even a tenable position simply to rely upon the good faith of the executive branch to vindicate the privacy of each individual citizen.

Finally, a somewhat novel but to me, very signficant argument was made to me in a recent letter from assistant professor of law Loftis Becker, Jr., of the University of Minnesota Law School.

Professor Becker alluded to the current conflicts between the powers of the Congress and the powers of the President, for example, in the area for foreign and military affairs. He points out that the Senate must take into consideration a nominee's opinion of the balance between congressional and executive branch powers.

The Senate, Professor Becker said, would be "arranging in advance to lose its own battles" if it sent to the Court a man who has evidenced his belief that in virtually all conflicts between Congress and the President, the Court should strike the balance on the side of the executive branch.

Mr. Rehnquist has indicated on a number of occasions a very clear disregard for the prerogatives of the Congress when they come into conflict with those of the executive branch. Two notable examples are his enormously broad reading of the President's so-called war powers with respect to the Cambodian invasion—he says that the Government of Cambodia's protest at this violation of its sovereignty was only perfunctory and thus not deserving of respect—and his creation of an attorney-client privilege under which he refused to provide information to the Senate Judiciary Committee exercising its constitutional function of evaluating presidential Supreme Court nominations.

Mr. President, I ask unanimous consent that Professor Becker's November 22 letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 22, 1971.

Senator ALAN CRANSTON,
Washington, D.C.

DEAR SENATOR CRANSTON: May I presume upon a brief meeting for a few minutes of your time? It seems to me that discussion of the Senate's role in confirmation of William Rehnquist's nomination to the Supreme Court has ignored one important point. Even if it be assumed that as a general matter the Senate should not deny confirmation to a nominee because of his political and legal views, I question whether this proposition has any force when the views in question relate to the relative powers of Congress and the President. Such conflicts these days are coming increasingly to the fore. Some of them, doubtless, will not result in any justiciable questions; *but some of them will.* In these cases, the Supreme Court must be the ultimate arbiter of the relative powers of the two branches. Yet unless the Senate takes into consideration a nominee's opinions on congressional and executive power, these cases will finally be decided by judges chosen entirely by one of the two parties to the dispute. It seems to me nonsensical to suggest that the Constitution was intended to so bias decisions against the Congress.

With regard specifically to Mr. Rehnquist, it is apparent to me that he would give little weight indeed to the prerogatives of Congress when it comes into conflict with the executive branch. To give merely a single example, he has argued that to disclose his personal views with regard to matters about which he counselled the Justice Department would be to violate the attorney-client privilege. Of course, if he is serious in this claim it would of itself disqualify him from service on the Supreme Court, since the privilege protects against all forms of public disclosure, and disclosure in the form of judicial opinions is hardly less public than disclosure to the Senate. If Mr. Rehnquist's claim makes any sense at all, it must be simply a claim that the executive branch is entitled to withhold information from Congress whenever it desires to do so. Such a broad claim of executive privilege is startling, to say the least; it is frightening when made by one who, if confirmed, may be deciding precisely this question if the issue should ever come to litigation. If the Senate refuses to take such views into consideration in deciding whether it wants Mr. Rehnquist on the Supreme Court, it is arranging in advance to lose its own battles. If the Congress is ever to reasert its power vis-a-vis the executive branch, it cannot afford to allow the President to guarantee the outcome of a struggle.

Sincerely yours,

LOFTUS E. BECKER, JR.,
Assistant Professor of Law.

Mr. CRANSTON. It is thus my conclusion that on a broad range of questions involving human rights, individual liberties, and the prerogatives of the Congress, Mr. Rehnquist's judicial philosophy is so extreme as to raise grave questions about his qualifications to serve on the Supreme Court.

CONCLUSION

Mr. President, because I find Mr. Rehnquist lacks requisite judicial temperament and because I find that he embraces an extreme and unbalanced judicial philosophy, I shall vote against the confirmation of his nomination as Associate Justice of the Supreme Court.

Because I find that Mr. Powell possesses not only intellectual and legal excellence and personal integrity, but also requisite judicial temperament and a judicial philosophy which is not extreme, I have already voted to confirm his nomination as Associate Justice of the Supreme Court.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial broadcast on radio station WTOP against the nomination of William H. Rehnquist, and a very fine reply to the editorial by the distinguished junior Senator from Kentucky (Mr. COOK).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WTOP EDITORIAL REGARDING REHNQUIST

WTOP urges the Senate to vote no on the nomination to the Supreme Court of William Rehnquist. The Senate is confronted with the difficult and distinctive prospect of refusing to confirm a man on what amounts to ideological ground. But a seat on the Supreme Court is too powerful, the condition of individual freedom on this planet is too perilous and the nominee's record is too extreme for the Senate to do otherwise. The issue is not one of liberalism versus conservatism, nor is it one of being pro-Nixon or anti-Nixon. Lewis F. Powell, Jr., who was endorsed by the Senate almost unanimously this week for a seat on the Supreme Court is by common understanding a judicial conservative. The same can be said of Chief Justice Warren Burger and Justice Harry Blackmun, both of whom also were Nixon appointees. In our judgment all three of these men have what Mr. Rehnquist lacks—a sense of unique and inperishable character of the American experiment in government. The civil liberties of American citizens, those principles enshrined in the Bill of Rights distinguish this nation from every other nation which has ever existed in the history of the world. Yet they are the most fragile part of our contract with our government. The nub of the case against Mr. Rehnquist that he has consistently displayed in his writings and his speeches insensitivity toward our basic freedoms which approaches blindness. If he sits on the Court he can be counted on in our view to assist and promote the erosion of our liberties and the enhancement of the already chilling powers of the government. After very long and very careful deliberation we have concluded that William Rehnquist would be a distinct liability for the Supreme Court and for the nation. The Senate we hope will deny him the seat.

STATEMENT BY SENATOR MARLOW W. COOK

A WTOP editorial urged that William H. Rehnquist's nomination be denied. In essence, the editorial said that the nominee's ideology or political philosophy disqualified him for a position on the Supreme Court.

I do not believe this to be the proper criteria for either rejection or confirmation. The legislative branch is the correct arena for bloody battles in politics and ideology; the Supreme Court is not.

The High Court has often rejected legislative acts passed by an emotionally charged or overly politicized Congress. Would WTOP have our future Supreme Court act in a manner similar to these past Congresses? I think not.

I believe WTOP is opting for a political Court, not a judicial Court.

Tom Wicker of the New York Times, a writer of impeccable liberal credentials, said that to reject Rehnquist solely on his political views "would tend to politicize the court, would punish some people for their ideas, while frightening others out of having any, and would lead inevitably to political retaliation."

As Senator Kennedy so aptly stated during the Senate's consideration of Thurgood Marshall.

I believe it is recognized by most Senators that we are not charged with the responsibilities of approving a man to be associate justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue, or on a given issue of fundamental importance; we are interested really in knowing whether the nominee has the background, experience, qualifications, temperament and integrity to handle this most sensitive, important, responsible job.

Even taking into full account Mr. Rehnquist's alleged anti-libertarian views on the first ten amendments, I believe if conservative or even arch conservative views can disqualify a person, then what prevents future Senates from rejecting a nominee for his liberal or "new left" views?

WTOP should know that this is not a one-way street.

Supreme Court nominees should be considered on the basis of intellectual and legal ability, temperament and ethical and personal conduct. They should not be considered on the basis that they will stand in my stead and adjudicate as I would.

On these grounds there is little dispute; Mr. William Rehnquist should be confirmed.

Mr. FANNIN. Mr. President, a column in today's Washington Post carries the headline "Rehnquist: Top Mind."

Joseph Kraft is the writer who points out that William H. Rehnquist has the intellect that can in fact help expand the capacity of the Supreme Court to deal with the issues of today.

Let me make clear that I do not subscribe 100 percent to Mr. Kraft's column, but I do think that he makes some very worthwhile observations concerning the excellent qualifications of Mr. Rehnquist.

Mr. President, I ask unanimous consent to insert the Kraft column in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 9, 1971]

REHNQUIST: TOP MIND

(By Joseph Kraft)

Justice Holmes, on being asked what he thought of the intellectual abilities of another judge, once replied: "I never thought of him in that connection." And there lies the nub of the powerful, positive case that can be made for Senate confirmation of President Nixon's latest nominee for the Supreme Court, William Rehnquist.

For years now hardly anybody has thought of the Supreme Court as performing an intellectual function. Mr. Rehnquist, far more than any other recent nominee, has the calibre to restore intellectual distinction to the Court.

To understand why, it is necessary to say a word about the role of the Court in the country. The country is dominated by the million and one daily actions of an energetic population largely unconstrained in its capacity to buy and sell, move and dream, educate and obscure, build and tear down.

Given the nearly universal disposition toward almost constant action, it is ludicrous to think of tyranny being imposed on this country from above by some establishment eager to freeze the status quo or turn back the clock.

XUM

The central political problem of a populist country is to preserve some modicum of elite values—respect for achievement; toleration for difference of outlook; regularity of procedure. Partly by original design, but even more by the chance accretions of history, the Supreme Court has come to be the defender of those values—the elitist institution in a populist country.

Unfortunately for the Court, certain political decisions were thrust upon it by the deadlock that developed between Executive and Legislature during the post-war period. In the fields of civil rights and legislative reapportionment, the Court felt obliged—understandably considering that all other avenues seemed closed—to make rulings that might much more appropriately have been the work of the President and the Congress.

In the heady atmosphere engendered by those decisions, the Court headed by Chief Justice Earl Warren became result-oriented. In case after case, it was increasingly hard to discover the inner logic of decision-making. Blacks seemed to be favored because they were blacks, baseball because it was a good clean American sport, anti-trust plaintiffs because they were against economic monsters.

President Nixon's efforts to correct the imbalance have been fumbling to the point of casting doubt on the sincerity of his claim to want "strict constructionists." His preferred candidates have been right-wingers, so little distinguished that the Senate and the American Bar Association have constrained him to throw them back in the pond.

Mr. Rehnquist is something else. He has not shown sensitivity to the needs of people in trouble, and he has said some hardline—and to me silly-sounding—things about the influence of Supreme Court clerks and the softness of judges towards communism. Some of these comments may be what ambitious juniors are required to say in order to get ahead in the Republican Party of Barry Goldwater and the Justice Department of John Mitchell. Still, I suppose they represent a genuine right-wing conviction.

But Mr. Rehnquist also has a mind of the highest candle-power. His comments in the Judiciary Committee hearings have been unfailingly lucid and discriminating. He has been "hesitant"—a favorite word—when unsure of the fine details of a problem.

Even one of his staunchest opponents, Sen. Edward Kennedy, described him as "a man with a quick, sharp intellect, who quotes Byron, Burke, and Tennyson, who never splits an infinitive, who uses the subjunctive at least once in every speech, who cringes when he sees an English word created from a Greek prefix and a Latin suffix."

Only it happens that the qualities that Senator Kennedy is pleased to dismiss so crudely express a critical aspect of the Court's present work. The Court does not now need more liberals, more conservatives, or more middle-of-the-roaders. There are enough of those to assure that nothing drastic is going to happen in civil rights or criminal law.

What the Court needs is more brains. Mr. Rehnquist has them—more abundantly perhaps than any present member. And by uplifting the quality of the Court in general, he will do far more than any particular decision in any particular case can do to advance the values thoughtful men hold dear.

Mr. FANNIN. Mr. President, Mr. Rehnquist has a keen legal mind, a great ability to understand issues and the human qualities we all want to see in those concerned with justice in America.

It is significant that the opposition to Mr. Rehnquist comes exclusively from people who never have really known the man. Those who have worked with him, or against him, and have personal knowledge of his character, have come out strongly in favor of confirmation. These supporters include men who are quick to say that they have been in disagreement with Mr. Rehnquist concerning political philosophy in general or some issue in particular.

In this morning's Washington Post there was another example of this.

Mr. President, I ask unanimous consent to include in the RECORD a letter to the editor which appeared in the newspaper.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REHNQUIST'S APPROACH

Since the public discussion of the nomination of William Rehnquist to the Supreme Court has turned to a considerable extent on his civil rights record, I believe that some comments of mine may be pertinent.

I served as an attorney in the Office of Legal Counsel of the Department of Justice for eight years (1961–65, 1967–71). In the latter period, which included two years under Mr. Rehnquist, I worked on most of the civil rights problems handled by the Office, including the question of the legality of the Philadelphia Plan.

Mr. Rehnquist's approach to these problems, like his approach to all other matters on which we worked together, was objective and lawyerlike in the highest degree. He never expressed or showed, to my knowledge, any reluctance or disinclination to interpret or enforce the laws against discrimination in accordance with a sympathetic reading of their terms. Indeed, the legal opinions and memoranda on civil rights matters issued by the Office during Mr. Rehnquist's tenure differed little, if at all, in general philosophy from those issued by his predecessors.

It was suggested, however, in Professor Arthur Miller's article of some weeks ago that Mr. Rehnquist's legal conclusions as head of the Office of Legal Counsel were shaped by a desire to please his superiors. No lawyer can be oblivious to the needs of his client, and the President's lawyer's lawyer is no exception. For any head of the Office of Legal Counsel there is an obvious tension between his role as advisor to and advocate for the Executive Branch and his role as the foremost interpreter and expounder of the law to the Executive Branch. I served in the office under four assistant attorneys general, all lawyers of uncommon ability and integrity. Of the four, Mr. Rehnquist was, in my opinion, the most objective, and the most rigorous in excluding nonlegal considerations from the process of resolving a legal problem.

In his tenure as head of the Office of Legal Counsel Mr. Rehnquist has won the respect and high regard of his colleagues, including many, like myself, whose views on political and social issues differ considerably from his. I believe that Mr. Rehnquist is highly qualified for service on the Supreme Court and that the Senate should confirm his nomination.

RICHARD K. BERG.

ARLINGTON.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORTS OF THE SECRETARY OF DEFENSE AND THE SECRETARY OF TRANSPORTATION ON AWARDS FOR SUGGESTIONS

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with the provisions of 10 U.S.C. 1124, I am pleased to forward the reports of the Secretary of Defense and the Secretary of Transportation on awards made during fiscal year 1971 to members of the Armed Forces for suggestions, inventions and scientific achievements.

Participation by military personnel in the cash awards program was authorized by the Congress in September 1965. There could be no better demonstration of the program's success than the fact that tangible first-year benefits in excess of $555 million have been realized from the suggestions of military personnel since the program began.

The tangible first-year benefits resulting from adopted suggestions submitted by Department of Defense and Coast Guard military personnel during fiscal year 1971 totaled $117,676,188, the second highest annual amount in the history of the program. Cash awards presented to military personnel for their adopted suggestions during fiscal year 1971 totaled $1,919,121.

RICHARD NIXON.

THE WHITE HOUSE, *December 9, 1971.*

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. HARTKE. Mr. President, the Senate has been called upon to give advice and consent to the nomination of William Rehnquist to the Supreme Court of the United States. The role of the U.S. Senate in giving advice and consent on executive nominations is a serious matter. This is a function that can only be carried out after due deliberation and consideration. Although the President has and continues to show the highest disregard for the advice of the Senate, I hope my colleagues will remain strongly committed to their constitutional obligation to make a susbtantive analysis of the President's nominees for the Supreme Court. This penchant for failing to take cognizance of the sense of the Senate has been the subject of recent action I have taken. On Monday, July 26 of this year, I introduced a Senate resolution affirming the constitutional prerogatives of the Senate with respect to the foreign relations of the United States. It is my contention that consideration of Supreme Court nominees are similar to negotiation of treaties in that both of these functions are to be shared by the Senate and the President.. The Senate resolution that I offered was designed to restore the Senate to its rightful constitutional place in the treatymaking process of the United States and thereby, facilitate a speedy end to our involvement in the Indochina war.

Writing in 1969 in a book entitled "You and Your Senator," I pointed out that:

The Senate—may—be posed against the President in dramatic confrontation because of the treaty-making power of the constitution—jealous of its responsibility as a partner in treaty-making the Senate has insisted on its right to deliberate a treaty with due regard for all the considerations attached to it, relying on the executives advice and information, but feeling free to accept or refute provisions as its independent authority deems wise. From the start, the Senate has made it clear that it prefers to deliberate freely—and without pressure presence of the President or his representatives.

Mr. President, today the Senate is facing a similar situation. The Senate is called upon to exercise its responsibility as a partner in the political prodess. Although it relies on the Executive's advice and information regarding nominees to the Supreme Court, the Senate must be able to deliberate freely and without pressure presence of the President or his representative.

The role of the Senate in considering nominations to the Supreme Court is an integral part of separations of power principle that has embodied the governmental development of this nation. This position has been well developed in a number of Federalist papers.

At this time, I feel it would be appropriate to reflect on selections of those documents central to this discussion. In Federalist No. 48, James Madison stated:

It will not be denied, that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary; the next, and most difficult task, is to provide some practical security for each, against the invasion of the others. What this security ought to be, is the great problem to be solved.

Madison realized that this was by no means an easy task. He continues:

Will it be sufficient to mark, with precision, the boundaries of these departments, in the Constitution of the Government, and to trust to these parchment barriers against the encroaching spirit of power? This is the security which appears to have been principally relied on by the composers of most of the American Constitution. But experience assures us, that the efficacy of the provision has been greatly overrated; and that some more adequate defense is indispensably necessary for the more feeble, against the more powerful members of the Government.

A most important point made in this section is that:

Power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.

In No. 51, James Madison continues to discuss the need for limiting the encroachment of one branch of government over the other. He says:

To what expedient then shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is that as all these exterior provisions are found to be insdequate, the defect must be supplied, by so contriving the interior structure of the Government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places.

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives to resist encroachments of the others.

Mr. President, Mr. Madison has stated a precept that has become part of the underlying theory of our constitutional framework which is being constantly eroded. I ask where have we seen the erosion of the role of the Senate? We have seen the erosion of the role of the Senate in numerous activities that I will discuss later.

Madison recognized that there must be vigilance to control the abuses of government. He stated:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government, which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself.

Therefore, to maintain the necessary control, the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other; that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite to the distribution of the supreme powers of the state.

Mr. President, a section of this fine work captures the essence of all attempts to develop workable and viable governments. I will repeat it:

But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government, which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself.

I ask: Have we seen self-imposed restraint on the part of this administration? I say we have seen example after example of attempts to aggrandize rather than to limit power.

One example with which I am very familiar is the attempt to aggrandize executive power in the area of treaty-making. The treatymaking power is a matter of great concern to the Senate, and has been the subject of considerable discussion in this body.

During the course of the debate on the Indochina war, the Senate questioned the extent of the President's power to make war. It has examined scholarly writings on the constitutional limitations of the war power and it has examined the history of the exercise of that power. The result of this study and this debate, caused the Senate to pass the national commitments resolution, which attempts to limit the warmaking powers to the proper constitutional boundaries. It was in the same spirit that I offered a resolution to attempt to restore the Senate to its proper role in treatymaking.

One of the arguments made against the resolution that I offered was that senatorial involvement in delicate and necessarily confidential international negotiations, can only be dangerously counterproductive. It asserted that had the authors of the Constitution been able to foresee the perilous world political conditions in which we are obliged to operate, they would surely have posed no obstacles to the exclusive conduct of foreign affairs by the Executive.

We have seen this argument offered time and again by this administration. They want to participate alone because they are afraid of a "leak." This is important because the nominee we are considering today has been the architect of much of the administration action. This attitude has been reflected on numerous occasions, and has been directed against the judicial branch as well as the Senate.

One example is in the area of wiretapping. Even though the case of *McDonald v. United States*, 335 U.S. 451, raised serious doubts as to the unilateral action by law enforcement authorities in conducting surveillance activities, the administration failed to perceive that grave constitutional questions are involved. The Government brief's basic inference was that by requiring court action prior to surveillance activities, there was too strong a possibility of a "leak."

We have seen this type of attitude in other administration activity; that is, the Pentagon papers, Cambodian invasion, and even secrecy shrouds the nomination process, most recent examples being the Supreme Court nominees, and the nomination of Mr. Butz as Secretary of Agriculture.

Surprisingly, the minority leader, who is attempting at this time to do everything he can to insure that Mr. Rehnquist's nomination is confirmed, has been a complainant against this procedure. After all, not only is he a Member of the Senate, entitled to be advising the President in that capacity; he is a member of the political party of the President, entitled, under courtesy, to be an adviser to the President. My distinguished colleague from Pennsylvania, Mr. SCOTT, has made public disclosure of the fact that, rather than being in a position of advice, he was merely notified of the nomination of Mr. Butz. The minority leader has stated that much difficulty can have been avoided, if the advice of the minority party is sought, or at least consulted on Executive nominations.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HARTKE. I am glad to yield.

Mr. BAYH. I think my colleague hit on a very important matter here on which I would like to get his further views, if

I may, before he goes on to the substance of his argument.

The way in which the President has consulted with his leaders in the Senate and the great speed with which we are now urged to rush through this nomination indicate almost a fear that the Senate might reject the nominee if it had adequate time to explore all the ramifications of the nomination. We were only in the second full day of debate—almost 48 hours to the moment when the debate had started—over the critical nomination to the Supreme Court, when the first cloture motion was filed.

Does the Senator from Indiana feel that it is the obligation of the Senate to jump when the Executive feels that a nomination such as this should be confirmed, or does the Senator from Indiana feel that the history of the Senate would show a number of instances in which long deliberation has resulted both in the turning down and the seating of nominees, but that the decision was not made until the questions had been fully discussed and laid to rest in the minds of the Senators?

Mr. HARTKE. I think the Senator is correct in his assumption which comes from the first part of his question, which is simply that there is haste here. Every attempt is being made to bring this nomination to a close quickly. Of course, I will have to say that there are Members of the Senate who are interested in having a termination of this debate for reasons other than merely pushing through the nomination of Mr. Rehnquist and putting him on the bench of the Supreme Court. The Christmas vacation is held up as a sort of carrot in front of everyone's eyes, and they are saying, very simply, "If you really want to adjourn, why don't you cut off the debate on Mr. Rehnquist and go home?"

If they are really interested in simply assuring a Christmas holiday, we can adjourn after making an agreement to return at a date certain and vote on the nomination. I think my colleague from Indiana has agreed to such a procedure, as long as the debate is permitted to be of the type and nature which would permit each Senator to fully discuss this nomination. This would also permit an opportunity for the public to analyze this appointment.

This takes time, and it cannot be done in 48 hours.

I agree with my distinguished colleague from Indiana that it is not in the best interests of the Nation to push this nomination through in a hurry.

The difference between this nomination and that of a Cabinet officer is substantial.

If the Supreme Court is to maintain its role as a coordinate body of our Government, we cannot limit the period of time for debate of the qualifications of the nominee.

Mr. BAYH. The Senator has expressed another good point in mentioning the time reference. The Senator from Massachusetts (Mr. KENNEDY) pointed out yesterday that a few years ago, when one of the truly great Justices of the Supreme Court in history, Justice Cardozo, was before the Senate for confirmation, there was a very heated, harried, and lengthy debate. In fact, the hearings were reopened a time or two. That was done not by a minority of the opposition that was dragging the Senate into it, but by the proponents of Cardozo who wanted to see that all the questions were appropriately laid to rest. After they had gone through the series of hearings, and had had extended and sufficient floor debate, Cardozo was put on the Court, but not until all the questions had been laid to rest.

I am not suggesting that we need the kind of time that was utilized by the Senate when it was discussing the Cardozo nomination. Nor do I believe that we need the same long time used by some of the opponents of Justice Fortas and the nominee Thornberry, but I do believe that it is premature to suggest that the debate should be cut off after only 2, 3, or 4 days of debate, particularly in light of the new information brought to the attention of the Senate, in the Brown against Board of Education memorandum and now the letter of yesterday afternoon. What are Jackson's views? I do not know. I have three staff members in the process now of trying to find out, so that it will be easy to see whether the memorandum comes close to what Justice Jackson said in the Korematsu case, in the Jehovah Witnesses' flag case, the Pledge of Allegiance flag case.

I must say, from what I know of the cases, that Justice Jackson always defended the right of individuals, and did not suggest that property rights should take equal or greater priority precedence in the eyes of the law. We have to have some time to investigate these matters in order to make an intelligent decision. The Senator from Indiana intends to make such an investigation and such a decision.

I am very glad that my colleague from Indiana has brought out the strange shortness of in this case.

Mr. HARTKE. Mr. President, I notice the chairman of the National Republican Party (Mr. DOLE) the Senator from Kansas, is in the Chamber. He may wish to comment on the degree to which the administration has sought advice on executive nominations requiring Senate approval.

Under the rules, the cloture motion will have to be acted on. Nonetheless, I think that it is in order that this matter be temporarily laid aside, to permit Senate consultation with the President upon this nomination. The President has not done what the Constitution requires in that regard, which is that advice be transmitted to the President other than through debate on the floor of the Senate. This might be a question of procedure subject to a point of order, and I do not know that a point of order would be sustained, but the fact remains that the President has not sought the advice of the Senate.

There is an argument made, for example, that Senators should not be consulted. I think that argument has little reason and no precedent. In the case of this nomination it is evident that everyone was caught by surprise. That may be good politics for 1972 but I do not think it is a very good way to select a Supreme Court Justice. We are not talking about the politics of the future, we are talking about the people of the future. They are the ones ultimately who are going to have their rights and privileges adjudicated by the Supreme Court.

Mr. DOLE. Mr. President, will the Senator from Indiana yield for a unanimous-consent request which has nothing to do with the nominee?

Mr. HARTKE. Perhaps the Senator, who is chairman of the Republican National Party, would like to advise the Senate as to when he was notified of the choice of this nominee. I am glad to yield to the Senator from Kansas.

Mr. DOLE. That has been so long ago that I cannot remember when I first knew about it.

Mr. BAYH. Mr. President, let me make one last reference and then I will stop interrupting my distinguished colleague. He mentioned a moment ago that the Christmas vacation was being held as a carrot in front of our colleagues. That is accurate, but I must say that it is also being held as a stick over the backs of some of us who are desirous of getting full debate.

I want to say for the record now, and I will document it in further detail later on during the day, that the Senator from Indiana has not and will not refuse to accept a date certain after a reasonable amount of debate. I do not suggest the type of lengthy, protracted debate that some of the proponents of Mr. Rehnquist had in trying to keep Mr. Fortas off the Court or in keeping him from being the Chief Justice.

I have not totally resolved what that reasonable time length is. However, I am opposed, if we should be successful in voting down the cloture motion, to trying to defeat Mr. Rehnquist by a one-third vote. I want the Senate to work its will but only after there has been sufficient time for this body to do so under circumstances in which it can give some attention to the nominee and not just what has been before the Senate in the last few hours.

Mr. HARTKE. I hope that my colleague from Indiana would make that intention known to Senators immediately prior to the time of the vote on the cloture motion. I think it is very important for Senators to understand that there is no intention of any protracted debate being envisioned by my colleague from Indiana.

Now, Mr. President, I would like to return to my prepared remarks.

I have raised the issue of executive aggrandizement of power because Mr. Rehnquist has been inextricably intertwined in this activity of the administration. He has written the legal defense of the Cambodian invasion. He played an integral part in the preparation of activity to stop the publication of the Pentagon Papers and he has appeared before the Senate to justify the administration's policies on numerous occasions.

In March of this year, Mr. Rehnquist appeared before the Senate Judiciary Subcommittee on Constitutional Rights. At that time, he said:

> I do not conceive it to be any part of the function of the Department of Justice or of any other governmental agency to survey or otherwise observe people who are simply exercising their first amendment rights.
>
> When you go further as, say: "Isn't a serious constitutional question involved?" I am inclined to think not . . . this practice is undesirable and vigorously should be condemned, but I do not believe it violates the particular constitutional rights of the individuals who are surveyed.

He was then questioned by my distinguished colleague from North Carolina, Senator ERVIN:

> Doesn't surveillance tend to stifle the exercise of first amendment rights?

And Mr. Rehnquist responded by saying:

> No. When the Army did this—and it apparently was generally known that they were doing it—about 250,000 people came to Washington on two occasions to protest the President's war policies.

In effect what Mr. Rehnquist has done is to say that the Government is entitled not only to be a "Peeping Tom," but also to look over shoulders. It is certainly that type of activity which creates apprehension in the minds of everyone. I do not mind telling the Senate that I was the only one who spoke in Washington on April 24. It is hard to say how many people were there. All I do know is that there was a massive crowd. I do know there was apprehension by many citizens, citizens who were afraid to come for fear they might be incarcerated for exercising their constitutional rights.

Mr. Rehnquist has stated that surveillance does not raise a serious constitutional question. The point is made that if someone is under surveillance and is aware of the fact that he is under surveillance, this somehow justifies such surveillance. Nothing could be further from the truth.

This is the argument to be expected from one who is committed to the proposition that surveillance of any type is not only permissible, but desirable. The Senator from Arkansas (Mr. FULBRIGHT) has recognized the constitutional issues inherent in surveillance activities and has pondered the effect such conduct may have on the country. Surveillance activities can contribute to a gradual erosion of the democratic spirit of our Nation. Unfortunately in some quarters the feeling that this country is dependent on individual rights has little currency.

We have recently seen the erosion of individual rights in other nations of the world. That creates anguish for us all. For example, we have all witnessed the distortion of human rights in Greece.

I have heard defense of that Government from many quarters. Yet, I might point out that the Council of Europe, a great protector of human rights was ready to expel Greece because of the fact that country failed to respond to the necessary prerequisite of human dignity and human rights. Knowing that this action was going to occur, Greece withdrew from the Council of Europe.

I later had a conversation regarding that matter with the Prime Minister of Sweden. He pointed out that if democracy was going to be defended by the United States and its NATO allies, as was done in Greece, that Sweden could do without that type of defense.

Lady Flemming, the widow of the discoverer of penicillin came to the United States at my request, after her release from a Greek jail.

She told me that after her arrest in Greece, the Greek Government offered to make her the minister of education of Greece if she would endorse the dictatorship in Greece. She told them that she would not.

She told me that that offer was made to her three separate times and that on three separate times the alternative was explained to her. The alternative was that she would suffer physical punishment. I suppose perhaps some people would have yielded at that point. She did not.

This is just one example of the infringement of human rights. This type of activity is contrary to every precept of American constitutionalism. It is contrary to the reasons that brought our ancestors to this country.

In an earlier appearance before the Senate Judiciary Subcommittee on constitutional rights, Mr. Rehnquist conceded that some improper surveillance and investigation may occur—that is, in the absence of statutory authority, constitutional authority, or need. He stated:

> I think it quite likely that self-discipline on the part of the executive branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering.

That is one of the statements which we frequently hear. It is a statement which is based on an assertion rather than fact. It is a statement used by those who have nothing else on which to rely.

Again, we see the attitude that the executive branch can carry on the function of Government quite well, alone. In his testimony, Mr. Rehnquist failed to recognize that the legislative and judicial branches are coequal with the executive branch in our governmental framework.

Unfortunately this attitude of executive supremacy is a malaise sweeping the entire administration.

Mr. President, the administration must realize that the Senate and judiciary are intended to help the President in a common enterprise: they are not hostile institutions. The President must realize that the Senate is his constitutional and only responsible counselor; that the Senate and the courts are jointly responsible for the function of Government.

Section 2 of article II of the Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint Judges of the Supreme Court and all other officers of the United States," including Federal judges. There can be no question from the language of the Constitution, or the history of article II, that the power of the President to nominate is absolute and unfettered. Nor can there be any question that the appointment is subject to the advice and consent of the Senate.

History shows that originally it was suggested that Supreme Court appointments be exclusively under the control of the Senate.

Subsequently, the decision was made that the nominations would be made by the President, with the advice and consent of the Senate.

Alexander Hamilton stated in the Federalist Papers—numbers 76 and 77:

> It will be the Office of the President to *nominate*, and, with the advice and consent of the Senate, to *appoint*. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another: But they cannot themselves *choose*—they can only ratify or reject the choice of the President.
>
> But might not his nomination be overruled? I grant it might, yet this could only be to make place for another nomination by himself. The person ultimately appointed must be the object of his preference though perhaps not in the first degree. It is also not very probable that his nomination would often be overruled. The Senate could not be tempted, by the preference they might feel to another, to reject the one proposed: Because they could not assure themselves, that the person they might wish would be brought forward by a second or by any subsequent nomination. They could not even be certain, that a future nomination would present a candidate in any degree more acceptable to them; and as their dissent might cast a kind of stigma upon the individual rejected, and might have the appearance of a reflection upon the judgment of the chief magistrate, it is not likely that their sanction would often be refused, where there were not special and strong reasons for the refusal.

Hamilton then states, "To what purpose then require the cooperation of the Senate?" He answers, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.

It will readily be comprehended, that a man who had himself the sole disposition of offices, woud be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State, to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to

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render them the obsequious instruments of his pleasure.

Hamilton further stated:

"If it be said they might sometimes gratify him by an acquiescence in a favorite choice, when public motives might dictate a different conduct, I answer, that the instances in which the President could be personally interested in the result, would be too few to admit of his being materially affected by the compliances of the Senate. The *power* which can *originate* the disposition of honors and emoluments, is more likely to attract than to be attracted by the *power* which can merely obstruct their course. If by influencing the President be meant restraining him, this is precisely what must have been intended. And it has been shown that the restraint would be salutary. At the same time that it would not be such as to destroy a single advantage to be looked for from the uncontrolled agency of that magistrate. The right of nomination would produce all the good of that of appointment, and would in a great measure avoid its evils.

Mr. President, it is clear that Mr. Hamilton believed the confirmation process to be a serious one. I call upon my colleagues to reflect on the thoughts of Mr. Hamilton as we consider this nomination.

Mr. Rehnquist himself has recognized that the confirmation process is a serious constitutional function. Writing in 1959 he stated:

The Supreme Court of the United States is now in the midst of one of the storms of criticism which have periodically assailed it. Bills have been introduced in Congress to limit the jurisdiction of the High Court, to overrule some of its controversial non-constitutional decisions, and to declare the sentiment of the Senate as to the necessity of judicial background on the part of a nominee to the court. It has been urged that the "advice" of Senate be sought by the President before any nomination to the court is made.

Criticism of the Supreme Court can easily become frustrating to the critics, because the individual justices are not accountable in any formal sense to even the strongest current of public opinion. Nonetheless, it ill behooves the critics of the present Court to seek imposition of new curbs on it until such controls as now exist are fully tested and found wanting. Specifically, until the Senate restores its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him, it will have a hard time convincing doubters that it could make effective use of any additional part in the selection process.

The Supreme Court, in interpreting the Constitution, is the highest authority in the land. Nor is the law of the Constitution just "there," waiting to be applied in the same sense that an inferior court may match precedents. There are those who bemoan the absence of stare decisis in constitutional law, but of its absence there can be no doubt. And it is no accident that the provisions of the Constitution which have been most productive of judicial law-making—the "due process of law" and "equal protection of the laws" clauses—are about the vaguest and most general of any in the instrument. The Court in *Brown* v. *Board of Education*, supra, held in effect that the framers of the fourteenth amendment left it to the Court to decide what "due process" and "equal protection" meant. Whether or not the framers thought this, it is sufficient for this discussion that the present Court thinks the framers thought it.

Given this state of things in March, 1957, what could have been more important to the Senate than Mr. Justice Whittaker's views on equal protection and due process? It is high time that those critical of the present Court recognize with the late Charles Evans Hughes that for one hundred seventy-five years the Constitution has been what the judges say it is. If greater judicial self-restraint is desired, or a different interpretation of the phrases "due process of law" or "equal protection of the laws", then men sympathetic to such desires must sit upon the High Court. The only way for the Senate to learn of these sympathies is to "inquire of men on their way to the Supreme Court something of their views on these questions."

Although Mr. Rehnquist has recognized the need for inquiry by the Senate into the fitness of one to serve on the Supreme Court, it has been suggested by my colleagues that he has failed to candidly discuss his judicial philosophy with the Senate.

In essence he has failed to follow his own advice. This action would rebut his own admission that the Senate has not only the right but the obligation to obtain an incisive view into a nominee's views on constitutional issues.

I have heard that this action has been taken under the cloak of privileged communication. Unfortunately, Mr. Rehnquist has approached the Senate hearings as an adversary proceeding. He may have followed this role as the "President's lawyer" but a nominee to the Supreme Court of the United States has an obligation to more than the President. The Supreme Court nominee must be able to transcend his political affiliations and recognize that he may become part of an institution that owes an obligation to the Nation and not to one man. The country is not only entitled to know, but demands to know how William Rehnquist, the Supreme Court nominee, views the Constitution. So far we have seen only the view of William Rehnquist the "President's lawyer."

In considering this nomination, there are still many unanswered questions that must be considered.

First, will the Senate perform its proper constitutional function in giving advice and consent on the Supreme Court nominee? I have outlined how the President has been allowed to pre-empt the role of the Senate in foreign affairs. The question is, will the Senate stand up to its constitutional role in the confirmation process?

Secondly, this issue of Presidential aggrandizement of power is of particular importance in this nomination because William Rehnquist has played a significant role in the President's action to restrict the role of, not only the Senate, but the judicial branch as well. I am sure many of my colleagues can cite examples of this conduct.

Third, as a result of the failure of the nominee to develop his constitutional views before the judiciary committee, many questions have been raised that should be answered before the nominee is confirmed.

Some of these serious charges have appeared in a recent New York Times editorial and articles. One article states that Mr. Rehnquist:

Has repeatedly shown himself opposed to judicial or legislative efforts to eliminate racial discrimination. There was a time decades ago when a nominee with Mr. Rehnquist's opinions would have been confirmed for the court with hardly a ripple of controversy. But twenty-five years of Supreme Court rulings, congressional legislation and social upheaval have made him an anachronism. Commitment to equality of treatment and opportunity for all races has become one of the indisputable standards of modern constitutional democracy. Since Mr. Rehnquist is lacking in such a commitment, the Senate, if it confirmed him, would be voting to turn back the clock.

Mr. Rehnquist's evident lack of sympathy for individual liberties also disqualifies him. The Constitution is a libertarian document. The first ten amendments and many other provisions are prohibitions against the exercise of certain kinds of power by the Federal Government and against the arbitrary, excessive, or unreviewed exercise of other powers.

As a political activist and as an Assistant Attorney General, Mr. Rehnquist has relentlessly argued in favor of abridging and diminishing the liberties of the citizen and enhancing the powers of government—to tap the citizen's phone and "bug" his home and office, to enter his premises without knocking, to use tainted evidence against him, to arrest him in dragnet sweeps, to compel him to testify against himself, to deprive him of his right to practice his profession if he is a radical lawyer.

It is easy and comfortable for the ordinary, law-abiding citizen to assume that these intrusions of governmental authority will never touch his life, but the whole history of human liberty shows that the unpopular dissenter is the first—but rarely the only—victim of arbitrary power.

In voting for the first time in fifty years to oppose a nominee for public office, the national board of directors of the American Civil Liberties Union stated: "We know Mr. Rehnquist as a person committed to the notion that in every clash between civil liberty and state power, it is civil liberty that should be sacrificed."

Free societies are judged by how they treat their racial minorities and by the extent of the liberty they allow the individual citizen. On both counts, Mr. Rehnquist fails to qualify as one of the guardians of a Constitution of free men.

This article raises important questions of the nominees sensitivity to the crucial issues of our times. It may be that he has lived a sheltered life unexposed to the human side of the masses of people. When a man has failed to have that experience, or at least to have the time to understand that part of life, it is frequent that he takes a viewpoint that is similar to that which Mr. Rehnquist has followed.

Oftentimes this is the view of those who have never seen an unemployment line, or never visited a ghetto, or seen the anguish and deep suffering that is the daily fare of many of our citizens.

Mr. President, the Members of the Senate must bring these questions out into the open. This must be done to ensure that the public can continue to feel that the Supreme Court is truly an impartial body. Under our constitutional theory the Supreme Court is to be an umpire. The questions that have been raised about Mr. Rehnquist's actions, both as a lawyer and a public official, threaten the feeling of confidence the public has in the impartiality of the Supreme Court. We must determine whether we are confirming a man committed to the preservation of that institution as a viable force in our Government or whether we are adding a member of the executive branch to the Supreme Court, and in essence "turning the blade inward."

I yield the floor.

Mr. FULBRIGHT. Mr. President, even though I agree with George Washington when he said:

As the President has a right to nominate without giving his reasons, so has the Senate a right to dissent without giving theirs.

Nevertheless, I wish to give some of my reasons for opposing the nomination of Mr. Rehnquist as a Justice of the Supreme Court.

In this age of Executive predominance in so many areas of our Nation's affairs, it is suggested that it is improper for the Senate to withhold confirmation on any but the most narrow grounds of personal dishonesty or intellectual deficiency. We in the Senate have no right, it is said, to take into account the nominee's constitutional philosophy in making our decision, although the right of the President to nominate an individual because of his political, or constitutional or judicial philosophy is unchallenged.

President Nixon himself asserted this viewpoint in a letter dated March 31, 1970, in support of an earlier nomination.

The President said:

What is centrally at issue in this nomination is the constitutional responsibility of the President to appoint members of the Court—and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment.

President Nixon went on to say that—

If the Senate attempts to substitute its judgment as to who should be appointed, the traditional constitutional balance is in jeopardy and the duty of the President under the Constitution impaired.

This letter, with its extraordinary claims of Executive supremacy, was reportedly drafted for President Nixon by the nominee now under consideration, Assistant Attorney General William Rehnquist. It demanded that the Senate voluntarily abstain from exercising a power explicitly vested in it by the Constitution in order to allow the President the privilege of absolute appointment power for which there is no constitutional sanction whatever.

As the individual views accompanying the Judiciary Committee's report on this nomination point out, the Constitution intended the Senate to play a positive role in determining whether to give its advice and consent to a judicial nomination. During the Constitutional Convention of 1787 it was at first anticipated that Congress or the Senate alone would have the power to appoint Supreme Court Justices. Only near the end of the Convention was the existing system adopted under which the President has the power to appoint judges but only with the advice and consent of the Senate.

The notion that the Senate is somehow acting illegitimately when it weighs the qualifications of a judicial nominee in more than a superficial and perfunctory way appears to me to be one more manifestation of the prevailing and undemocratic "cult of the Presidency." The President's insistence upon his exclusive right to appoint members of the Court, as expressed in his letter of March 1970, contains disturbing echoes of something like royal prerogative. Living as we do in a time in which independent legislative bodies are in decline all over the world, it seems to me imperative that we assert once again the right and indeed the responsibility of the Senate to make an independent judgment on a matter entrusted to it by the Constitution. I contend, therefore, that the social, and, above all, constitutional philosophy of William Rehnquist is of the greatest relevance and importance to the Senate's deliberations on whether to grant or withhold its consent to his nomination.

It should also be recalled that President Nixon, in his televised address of October 21, placed great emphasis on "philosophy" as a basis for his selection of his nominee.

By all available evidence—and there is a great deal of it—Mr. Rehnquist's constitutional philosophy is one of executive supremacy in virtually all areas of public policy. A great deal has been said and written in recent weeks on Mr. Rehnquist's views on the Bill of Rights and on past Supreme Court decisions in the area of civil rights. Relatively little, however, has been called to public attention regarding Mr. Rehnquist's advocacy of sweeping Presidential authority in relation to the Congress, particularly in the field of foreign relations. Far from adhering to the strict constitutional constructionism which many of us in the Senate support, and which Mr. Nixon says that he supports, the nominee has shown in his writings and public statements that he favors an exceedingly liberal construction of the Constitution, that indeed he is a judicial activist, at least to the extent of advocating an expansive view of the powers of the Executive as against the constitutional role of the Congress and the rights of individuals.

The nominee has demonstrated his lack of understanding of the proper role of the Congress in our constitutional system on at least two recent occasions. As the individual views accompanying the report of the Judiciary Committee pointed out, Mr. Rehnquist declined to express his opinions on such topical matters as national security, wire tapping, preventive detention, no-knock, the legality of the Executive order granting certain powers to the Subversive Activities Control Board, the scope and extent of executive privilege, Government surveillance practices, and other matters. Mr. Rehnquist invoked the "privilege" of an attorney in relation to his client as an excuse for withholding this information, although the "clients" in question were not individuals whose rights were at stake but the President and the Attorney General who had nothing at stake but the risk of political embarrassment. Mr. Rehnquist himself has on previous occasions acknowledged the right and duty of the Senate to inquire into a nominee's judicial philosophy in considering confirmation. Nonetheless, he invoked a dubious form of "privilege" to escape such accountability himself.

The other recent demonstration of Mr. Rehnquist's disdain for the authority of Congress occurred last July when he argued before Senator ERVIN's Subcommittee on Separation of Powers in support of a sweeping doctrine of executive privilege. He based his argument not on the Constitution but on an accumulation of historical precedents—and approach which is the classic resort of "loose" constructionists. The essence of the doctrine of executive privilege is the claim of executive branch officials to a freedom from accountablity to Congress. Both by argument and by example, Mr. Rehnquist has demonstrated his strong commitment to that claim.

There have been other noteworthy instances of the nominee's support of arbitrary Executive authority. During the May Day demonstrations last spring, Mr. Rehnquist espoused a doctrine of "qualified martial law," a doctrine totally inconsistent with the guarantees enumerated in the Bill of Rights, and one which fortunately was dismissed summarily in a recent decision by the U.S. Court of Appeals, which invalidated most of the mass arrests made at the time by the Washington police. Another striking instance of this attitude occurred during testimony before Senator ERVIN's Subcommittee on Constitutional Rights when Mr. Rehnquist stated that even Senators ought to be put under surveillance if the Executive thought it necessary. Asked by the Senator from North Carolina whether he as a Senator could legitimately be spied upon, Mr. Rehnquist replied in part:

I don't think it raises a First Amendment violation.

Finally, to turn to a matter which has received less attention than it warrants, Mr. Rehnquist has been an active and articulate supporter of the Executive's claim to an unrestrained and unlimited power to make war. In a speech in New York in May 1970, subsequently reproduced in the New York Law Journal on June 8 and 9, 1970, Mr. Rehnquist defended President Nixon's invasion of neutral Cambodia. Raising the question whether the United States may lawfully engage in armed conflict with a foreign power in the absence of a congressional declaration of war, Mr. Rehnquist said:

I believe that the only supportable answer to this question is "yes".

Going on to consider the limits—if any—of the President's power as Commander in Chief, Mr. Rehnquist asserted that—

One need not approach anything like the outer limits of his power, as defined by judicial decision and historical practice, in order to conclude that it supports the action that he took in Cambodia.

In the manner of the loose constructionist, Mr. Rehnquist went on to cite previous instances of unauthorized Presidential action as if these precedents gave constitutional sanctity to patently unconstitutional actions. "Our history," said Mr. Rehnquist, "is replete with instances of 'undeclared wars.' It simply will not do, then," he asserted, "either

as a matter of constitutional law or as a matter of historical practice, to say that armed hostilities engaged in by the United States in the absence of a declaration of war by Congress are unlawful."

It is pertinent to contrast Mr. Rehnquist's claim of an unchecked Presidential power to make war with the view of the late Justice Jackson for whom Mr. Rehnquist once served as a law clerk. In this opinion in Youngstown against Sawyer in 1952, Mr. Justice Jackson stated:

Nothing in our Constitution is plainer than that declaration of a war is entrusted only to Congress. Of course a state of war may in fact exist without a formal declaration. But no doctrine that the Court could promulgate would seem to me more sinister and alarming than that a President whose conduct of foreign affairs is so largely uncontrolled, and often even is unknown, can vastly enlarge his mastery over the internal affairs of the country by his own commitment of the Nation's armed forces to some foreign venture.

On December 7, the Foreign Relations Committee gave its unanimous support to a war powers bill which purports to implement the philosophy expressed by Mr. Justice Jackson, which is also a philosophy that has gained increasing support in the Congress in recent years, most notably with the adoption of the National Commitments Resolution in 1969.

Mr. Rehnquist has shown himself to hold a philosophy strikingly at variance with the strict constructionist view of the Constitution, not only in matters of individual liberties but also in matters relating to the constitutional authority of the Congress, particularly the authority to initiate war.

To summarize my views, during the past 30 years, three wars and a succession of major crises have caused serious domestic turmoil and disunity, and have induced an atmosphere of apprehension and insecurity which in turn has resulted in a serious distortion in our constitutional system.

The legislative branch, under these circumstances, has acquiesced in the usurpation of power by the Executive to such an extent that some spokesmen for the Executive have asserted that the Constitution is obsolete in such fundamental provisions as the power to initiate war against a foreign nation, the rights of individuals under the fourth amendment and the freedom of the press of the first amendment.

My opposition, therefore, is not based upon Mr. Rehnquist's views about current social or political issues about which there are legitimate differences of opinion among reasonable and honorable men.

My opposition is based upon his attitude toward the constitutional system of government under which our Nation grew and flourished for nearly 200 years. The essential virtue of that system is a balance among the three branches, the legislative, the executive, and the judicial.

From his record, it seems to me that Mr. Rehnquist is committed to the supremacy of the Executive power to such an extent that his influence on the Court would undermine that essential virtue of our Constitution, and, therefore, I shall vote against his confirmation.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BAYH. Mr. President, I listened with great care to the concern expressed by my colleague from Arkansas. As one who has not had the opportunity to study the foreign policy issues that have come before the Senate as thoroughly as the chairman of the Committee on Foreign Relations has, I was very impressed with the way in which the Senator from Arkansas brought into this debate the feelings of the nominee relative to the expansion that he feels is appropriate in Executive authority.

This has been a matter of grave concern to the Senator from Indiana, whether it is the invasion of our individual privacy—by stating that surveillance presents no constitutional question—or by suggesting that voluntary restraint would appropriately curb executive excesses in the domestic field, which are the matters stressed by the Senator from Arkansas.

I think the issue here is much broader than most of our colleagues have described it. It is not a conservative versus liberal situation. It is not a matter of how a person might believe philosophically. It is a matter of how a man believes and will vote on the court. It concerns some of the very basic assignments of power that will determine the direction this court will go in the future. I appreciate the comments of the Senator from Arkansas. I think this will make a great contribution to the RECORD.

Mr. FULBRIGHT. I appreciate the comments of the Senator from Indiana. I have read that the nominee has written a long letter to the Senator from Mississippi stating that he now affirms his commitment to the doctrine of the Brown decision. This is a matter on which men of good will can have legitimate differences.

I think people can differ on this, and I certainly would not vote against Mr. Rehnquist, because he and I did not agree upon the Brown decision.

My concern is that the press and those who have commented on this nominee have neglected this fundamental problem of our constitutional system itself. I do not think there is really anyone in this body who would say that he does not believe in our constitutional system. In fact, when Senators enter this body everyone of them takes the oath, just as the President does, to support the Constitution, and we thereby assert that we believe in it.

Here is a man who, it seems to me, on several occasions has evidenced a lack of acceptance of the Constitution, as I read it, especially in the field of foreign relations. This is the area that currently is causing most of our trouble. I firmly believe that much of our internal domestic turmoil and trouble flows from the disregard of the Constitution by previous Executives—particularly the preceding one.

I think that our major troubles—the worst troubles we have had since the Civil War—have arisen from the disregard of our constitutional system, and from the disregard of the provision that the Congress, including the Senate, should be consulted, and must exercise the war power granted to it by the Constitution.

From that disregard have come so many of the troubles that afflict us. They have given rise to circumstances which have caused these further usurpations by the Executive mentioned by the Senator from Indiana, such as the mass arrests, the invasion of privacy, and wiretapping.

The Executive felt, I think erroneously, the necessity of infringing upon other parts of the Constitution, because of these conditions arising out of this serious and fundamental disregard of our Constitution.

What bothers me in considering the nominee as a future Justice of the Supreme Court is that these issues will continue to plague us, because our country is in trouble. Everybody knows that. Matters of major importance—involving the constitutional rights of the Congress are dealt with by the Court—such as the declaration of war, which has already been before the Court, or such issues as the publication of the Pentagon papers, which relates to this question of declaration of war, and power of the Executive to conceal what they are doing from everybody, Congress as well as the public. This nominee's attitude would seem to me to be in the direction of saying "Anything the Executive says goes," and I think that would undermine our constitutional system.

Mr. BAYH. The Senator has been one of the leaders in this body who has tried to reverse the trend over the years in which the Senate has really forfeited some of its prerogatives. He is one who has said, "Let us turn it around. Let us restore this balance of power."

Is the Senator concerned, now that we have realized our role in foreign policy as well as national policy and that we have begun to move in that direction, and more and more Senators are aware of what has been happening, that if, indeed, we put a man on the Supreme Court who feels differently about it, that could reverse the process once again?

Mr. FULBRIGHT. It certainly would be an influence in that direction insofar as the Supreme Court might become involved. These issues have a way of getting to the Supreme Court. Therefore, I am concerned that, while the Senate has, since 1969, at least, begun moving in the direction of reestablishing a better balance between the executive and the legislative, there could be this possibility that the process would be reversed. The war powers bill that has just been reported on this subject has sponsorship from various elements in the Senate—the Senator from New York (Mr. JAVITS), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. STENNIS), and the Senator from Virginia (Mr. SPONG).

Mr. BAYH. I think the Senator from Indiana is on that bill. If not, I wish the Senator would make me a cosponsor.

Mr. FULBRIGHT. There were four original sponsors. I do not make it a practice of becoming a sponsor on a bill that is before the Committee on Foreign Relations, but this measure has been approved by the committee.

It is an important step on behalf of the committee, supported by other prominent Senators, in the restoration of the Senate's proper role. This, it seems to me, is quite contrary to the views of the nominee. He apparently does not think there is any necessity for this kind of action.

This is not new with the nominee. One of his predecessors, not precisely in the same position, but one of the preceding Attorneys General and Under Secretary of State, Mr. Katzenbach, absorbed this kind of philosophy in the executive branch and made statements in public sessions of the Committee on Foreign Relations very much in accord with some of the statements by Mr. Rehnquist. I took issue with him then. There were considerable objections, by Senators and others, Mr. Katzenbach's thesis that the war power provisions of the Constitution were obsolete, which was essentially what he said. That is an oversimplification, but the gist of it was that in this modern day it is no longer possible to have Congress participate in the declaration of war.

This is a tendency on the part of the executive branch, not just Mr. Rehnquist. However, he has been an outspoken and strong voice in expressing this attitude.

In today's Washington Post one of the columnists remarked upon Mr. Rehnquist's powerful intellect. However, this is no consolation at all if that intellect is going to be directed at the undermining of our constitutional system. We have seen other instances in our Government of great intellects, including some of the past and present members of the White House staff. These are very intellectual gentlemen, extremely well versed in history and literature, and, as the columnist said this morning, who never split an infinitive. But what was the result of their judgment in the interest of this country? I do not mind if one splits an infinitive now and then if his judgment is correct and he does not help lead us to the destruction of this Government. That is what bothers me—the tendency to alter the basic constitutional system.

Through distortion of constitutional principles in the last 6 or 7 years, the system has not worked as it should. It has not worked, because the Executive departed from these principles. When we ignore fundamental constitutional principles, as we have in recent years, the system does not work. It is not because the system is at fault. In my opinion, it is because we have not adhered to sound constitutional doctrine. That is what bothers me about this nomination.

Mr. BAYH. The Senator is doubly concerned, as I understand his remarks this morning, that the system has not been working as the Constitution and as our forefathers intended to have it work, and the nominee has supported such a malfunction.

Mr. FULBRIGHT. He apparently does assert and support the supremacy of the executive, but I think the legislative has a proper role to play. I do not mean that the Senate is infallible. I have never thought that Members of Congress were infallible and that we do not make mistakes, but I believe in the collective judgment of the Congress. It is the best way to prevent mistakes that destroy a country. If we do not assert our prerogatives or are not allowed to function, if we are not allowed to participate in basic decisions, I think our country is in serious trouble. I think one of the reasons the Nation is in as serious trouble as it is today is because we have departed from our constitutional provisions. I make no apologies. I believe in the Constitution, and I believe the nominee is not a strict constructionist. I believe he is a loose constructionist, especially in the very important areas that we have been discussing.

Mr. BAYH. I appreciate the contribution of the distinguished Senator from Arkansas, who is uniquely qualified because of the experience he has had on this committee——

Mr. FULBRIGHT. I am uniquely qualified only because I have been here a long time and have observed the diminution of the influence of Congress. I do not believe the Executive alone is at fault. We have acquiesced in much of it. I would not claim I have not participated in it. Nevertheless, that is no reason why we should not recognize it when it becomes clear, and certainly a number of us have recognized it for years, but not for as long as we should have. No one of us here is endowed with as much foresight as we should have. That does not mean we should not move in the right direction. We ought to take whatever measures are necessary to reverse that trend and to reestablish the primacy of the constitutional provisions themselves. Among them is the importance of the legislative branch. I do not know why people make a cult of the Presidency. It is not just in this country; it is worldwide. We are not immune to it. Look all over the world. We played court just yesterday to the President of Brazil. Brazil is a great country, larger than we are in geography, although with not as many people, that formerly had a legislature and a parliamentary system. They became impatient with it and they abolished it, so that country now has a dictatorship.

I do not necessarily mean this as criticism of Brazil, but simply as an observation. They were unable to make a parliamentary system function, I assume. I do not want my remarks to be interpreted as meaning that I am trying to criticize Brazil or any other country. It is simply that I do not wish to promote a different form of government here or anywhere else. I do not wish to intervene or cause trouble to Brazil. However, I do not think we ought to give our substance to support them.

If they wish that kind of a system, that is their business. But this is true all around the world. Very few people are left in this world community who are governed by a system in which a legislature such as ours participates. I would doubt if it is a fourth of the human race today. I have not calculated it on that basis, but I would doubt whether a fourth are under systems comparable to ours.

So it is a trend. The complexity of modern life may make our system unworkable. I do not think it is unworkable. I think it will work if we abide by our fundamental constitutional principles. If Congress has a fair chance, even though it has acquiesced in the past in the erosion of its own powers, I think we can prevent some of the grave mistakes that threaten the future of our country and our world.

I do not necessarily take issue with the nominee's views about current events and current issues, with which, in some cases, my own views have been in accord. I accept the idea that just because one's views about current political issues are different, that is not a basis for rejection.

But on the question of whether or not our Constitution should be supported, I do not see much room for difference of opinion. Especially, it seems to me, when Senators have taken an oath to support the Constitution, it is odd that they would approve of a man whose views and actions seem to be contrary to the popular construction of what our Constitution means.

That is the sum and substance of my argument.

Mr. BAYH. I certainly thank the Senator.

WILLIAM H. REHNQUIST A JUDICIAL CONSERVATIVE

Mr. DOLE. Mr. President, in his television address to the Nation announcing the Supreme Court nominations of William H. Rehnquist and Lewis F. Powell, Jr., President Nixon described his nominees as judicial conservatives. The meaning of this term has since been the subject of some debate and considerable misunderstanding, particularly with regard to Mr. Rehnquist. Indeed, in some quarters there seems to have been an effort to put the nominee on the defensive about his philosophy, as if there were something sinister or at least out of date in being a judicial conservative.

As a lawyer and citizen who has looked with apprehension and concern on some of the Supreme Court's decisions over the past 10 to 20 years I have been hopeful that the Court's activist-interventionist phase would be ended some day by the seating of Justices who would swing the Court away from the role of a super-legislative, policymaking body and back to its proper function as an arbiter of cases and controversies in line with the intent of the Constitution's framers.

As a Senator who supports the President in his efforts to provide the Supreme Court with a new philosophical orientation and a shifted emphasis in the trend of its decisions, I have never felt the need to defend, excuse or apologize for a conservative judicial approach.

VALUABLE HEARINGS

Thus, I welcomed the nominations of Mr. Powell and Mr. Rehnquist, because these men promise to become important influences for change within the Court and because the hearings on their nominations offered an exceptional opportunity to explore and illuminate the meaning of the term judicial conservative.

To my view, those hearings demonstrate convincingly that the Senate, far from being defensive or reluctant about

confirming persons with this philosophy, should welcome their appointment and the opportunity to join in placing them on the Court. As I understand Mr. Rehnquist's views, confirmation of his nomination—like that of Mr. Powell earlier—will serve the best interests of all three branches of the Federal Government and thereby the best interests of the American people.

It will serve the interests of the Court by giving it another extremely able and vigorous Justice. It will benefit the executive branch by providing a Justice who will view the enforcement and execution of the laws fairly, impartially, and with an effective understanding of the executive branch's operation. The best interests of the legislative branch will be served by putting on the Court a Justice whose belief in the principle of judicial restraint and whose recognition of the Court's strictly adjudicative character will enhance the prestige and powers of the Congress as the proper source of the laws the Court is bound to interpret.

PRINCIPLES OF JUDICIAL CONSERVATISM

To call one person a judicial conservative and another a judicial activist or liberal in the context of Supreme Court decisions on constitutional law is to attempt a distinction between general attitudes or approaches that those who sit on the Court may take in deciding issues before them. Of course, these terms are not precise, and Justices can fall anywhere along the broad spectrum between extremes of conservative and liberal judicial behavior. Generally, however, a judicially conservative Justice observes two primary principles. First, he refuses to make decisions on the basis of his personal views of what he believes the law should be. Second, he believes the proper judicial function lies solely in interpreting the law and that public policy decisions on the formulation and execution of the law should be left entirely to the political branches of Government.

Mr. Rehnquist's testimony amply demonstrates that he subscribes to both of these principles. In response to a question from the Senator from Maryland (Mr. MATHIAS) concerning the liberal-conservative distinction, the nominee stated:

It is so difficult to pin down the terms "Liberal" and "Conservative," and I suspect they may mean something different when one is talking about a political alignment as opposed to a judicial philosophy on the Supreme Court.

I think to an extent, in discussion about the Court, there has been a tendency to equate conservatism of judicial philosophy not with a conservative bias, but with a tendency to want to assure one's self that the constitution does indeed require a particular result before saying so, and to equate liberalism with a feeling that, at least on the part of the person making the observation, that the person tends to read his own views into the constitution.

These views comport with those of a long line of judicially conservative judges, including, notably, Justices Holmes, Frankfurter and, in recent years, Mr. Justice Black. I think we might better understand judicial conservatism and its importance to the good functioning of our Government by looking at some decisions by those Justices.

NOT A POLITICAL CONSERVATIVE OR LOWER COURT JUDGE

At the outset, however, I think we need to understand what a judicial conservative is not. First of all, as Mr. Rehnquist indicated in his response to Senator MATHIAS, a judicial conservative is not the same thing as a political conservative. His political philosophy may be conservative or it may be liberal, experience showing a wide variation on this score, but there is no real correlation. The pre-Roosevelt Court of the nine old men, it will be recalled, was politically conservative, but from the standpoint of economic regulation it can fairly be termed judicially liberal and active. That Court sought to read its own notions of public policy into the Constitution with the result that freedom of contract was given constitutional sanctity to the detriment of executive and legislative views on economic policy.

On the other hand the liberal-activist Warren Court did demonstrate a fairly close relationship between political and judicial philosophies.

It also seems to me that judicial conservatism as observed in Supreme Court Justices does not relate to methods employed by lower court judges to interpret decisions of higher courts. Judges in trial and midlevel appellate courts are in the position of applying a decision of a higher court to a situation that is distinguishable from the one that gave rise to the original case. The judge must determine how to construe the earlier decision; he may do so either narrowly, to make it inapplicable to the case under consideration, or broadly, to cover the new situation. The role of the judge in this instance is not to state or define the law but to predict what the higher court would do in the situation at hand. Thus, a judge might be liberal in construing decisions of higher courts, yet, were he promoted to a higher bench, he might be conservative in his statements of legal principles to be followed by lower courts. On the Supreme Court, the Justices do not predict the law; rather, they determine what it is in an absolute sense. There is a significant difference in these judicial roles.

I would like to focus now on the sort of Supreme Court jurist I believe the President had in mind when he chose to term William Rehnquist a judicial conservative. As I indicated earlier we may be able to get a better understanding of what a judicial conservative is by examining the statements of past Justices who exemplified this philosophy. Several individuals fit this mold, although I suspect that Oliver Wendell Holmes, Felix Frankfurter, and Hugo Black are the best examples.

JUSTICE HOLMES REJECTED PERSONAL VIEWS

Mr. Justice Holmes sat on the Court at a time when its political conservatives had adopted a policy of judicial activism with respect to economic matters. A majority of the Court had used the doctrine of substantive due process to read into the Constitution its own notion of freedom of contract. Consequently, for many years, they prevented the States and the Federal Government from regulating property rights to any significant extent.

One of the more significant cases, in this area was *Lochner* v. *New York*, 198 U.S. 45 (1903), a case involving a New York State statute which provided that no bakery employee be required to work more than 60 hours a week or 10 hours a day. The Court held that the statute was an unreasonable, unnecessary, and arbitrary interference with the right and liberty of the individual to contract and thus void as a matter of constitutional law. Holmes viewed the case as an attempt by the Court to decide public policy and impose its desires on the political branches of Government under the guise of constitutional interpretation. His dissent is a classic statement of judicial conservatism:

This case is decided upon an economic theory which a large part of the country does not entertain. If it were a question whether I agree with that theory, I should desire to study it further and long before making up my mind. But I do not conceive that to be my duty, because I strongly believe that my agreement or disagreement has nothing to do with the right of a majority to embody their opinion in law. It is settled by various decisions of this court that state constitutions and state laws may regulate life in many ways which we as legislators might think as injudicious, or if you like as tyrannical, as this, and which, equally with this, interfere with the liberty to contract . . . The fourteenth amendment does not enact Mr. Herbert Spencer's social statics . . . [A] Constitution is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the State or of *Laissez Faire*. It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar or novel and even shocking ought not to conclude our judgment upon the question whether statutes embodying them conflict with the constitution of the United States.

It seems to me, that it is difficult for any student of government or the Constitution who sits in the Senate to quarrel with this position. In fact, we should be enthusiastic in our reception of nominees sent to us for confirmation who embrace it and, regardless of their personal feelings, believe that the Supreme Court ought not substitute its judgment on the formulation of the laws for that of the Congress.

JUSTICE FRANKFURTER ADVOCATED JUDICIAL RESTRAINT

Felix Frankfurter is a second outstanding example of a judicial conservative, and in the record of the hearings it can be seen that Mr. Rehnquist believes his philosophy to the Judiciary Committee as Frankfurter's.

The nominee described Frankfurter's philosophy to the judiciary committee as follows:

[He] came on the Court at a time when I think it was clear to most observers that the old court of the nine old men of the twenties and thirties was indeed, on any objective analysis, reading its own views into the Constitution, and Justice Frankfurter, of course, prior to his ascent to the bench had been critical of this, and as a Justice he helped demolish the notion that there was some sort of freedom of contract written into the Constitution which protected businessmen from economic regulation. And yet, when other doctrines were tested later in the Court, it proved that he was not simply an exponent of the current politically liberal ideology and reading that into the Constitution. He was careful to try to read neither the doctrine of the preceding court nor perhaps his own personal views at a later time into the Constitution, but to simply read it as he saw it.

As we all know, Frankfurter was one of the foremost advocates of judicial restraint as a principle of constitutional law. He was also by most accounts a political liberal. In speaking of Frankfurter during the hearings Mr. Rehnquist stated again and again that he approved of this philosophy. For example, he said:

I subscribe unreservedly to that philosophy, that when you put on the robe, you are not there to enforce your own notions as to what is desirable public policy. You are there to construe as objectively as you possibly can the Constitution of the United States, the statutes of Congress and whatever relevant legal materials there may be in the case before you.

JUSTICE BLACK SAW COURT'S LIMITS

In addition to the writings of Holmes and Frankfurter, I think the later opinions of Mr. Justice Black demonstrate that he too believed the proper role of the Court was defined by the tenets of judicial conservatism. In recent years, there have been several examples of divisions on the Court between judicial conservatives and judicial activists. One example, is found in the poll tax case, *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966). A split in this case developed between Justices Black and Douglas, two generally acknowledged political liberals, over the constitutionality of Virginia's poll tax. An earlier supreme court case had upheld the constitutionality of the poll tax as a prerequisite to voting, and on the strength of this earlier case a lower Federal court had refused to strike down Virginia's tax. Douglas, for a majority of the Court, said that notwithstanding the earlier precedent, the poll tax violated the equal protection clause. In the course of his opinion he sated:

Notions of what constitutes equal treatment for purposes of the equal protection clause *do* change (383 U.S. at 669).

This attempt by the majority to update the Constitution in accordance with its opinions as to the best public policy, prompted Black to write a strong dissent in which he stated:

I can only conclude that the primary controlling, predominate, if not the exclusive reason for declaring the Virginia law unconstitutional is the Court's deep-seated hostility and antagonism, which I share, to making payment of a tax a prerequisite to voting.

The Court's justification for consulting its own notions rather than following the original meaning of the Constitution, as I would, apparently is based on the belief of the majority of the Court that for this Court to be bound by the original meaning of the Constitution is an intolerable and debilitating evil; that our Constitution should not be "shackled to the political theory of a particular era," and that to save the country from the original Constitution the Court must have constant power to renew it and keep it abreast of this Court's more enlightened theories of what is best for our society. It seems to me that this is an attack not only on the great value of our Constitution itself but also on the concept of a written Constitution which is to survive through the years as originally written unless changed through the amendment process which the framers wisely provided. (383 U.S. at 6770678).

Black alternatively concluded that, since Congress had the constitutional authority to abolish the poll tax, the decision should be left to it and not be made by the Court. The important aspect of his dissent is that, although he clearly believed that as a matter of policy the poll tax should be abolished, he declined to require it on the basis of a twisted interpretation of the Constitution.

During the hearings, the Senator from Arkansas (Mr. MCCLELLAN) quoted several passages from opinions written by Black in two other cases, *Lee* v. *Florida* 392 U.S. 378 (1968) and *Katz* v. *United States* 389 U.S. 347 (1967). All were similar in import to the passage from the Harper case. One was as follows:

In interpreting the Bill of Rights, I willingly go as far as a liberal construction of the language takes me, but I simply cannot in good conscience give a meaning to words which they have never before been thought to have, and which they certainly do not have in common with ordinary usage. I will not distort the words of the [fourth] amendment in order "to keep the Constitution up to date or to bring it into harmony with the times. It was never meant that this court have such power, which in effect would make us a continuously functioning Constitutional convention.

When asked if he agreed with this statement, the nominee replied:

I subscribe to the statement read unequivocally.

CLEARLY STATED BELIEFS

I have cited only a few instances in the hearings when Mr. Rehnquist illuminated his judicial philosophy. There are many other examples in the record, and they all have the same thrust. First, he believes that personal views are irrelevant to the decisionmaking role of a Supreme Court Justice. Second, he believes the Court's proper role is constitutional interpretation and that decisions of policy must be reserved to the political branches of Government, the Congress and the executive.

THE VALUE OF JUDICIAL CONSERVATIVES

I said at the outset, I believe it is in the best interests of the Senate to confirm the nomination of William Rehnquist precisely because he has embraced this philosophy. Regardless of our political philosophies, we in the Senate should appreciate that the presence on the Supreme Court of the judicial conservatives in the tradition of Holmes, Frankfurter and Black, is a firm cement for the foundation of our governmental system.

Judicial conservatives respect the boundaries and lines of demarcation established by the Constitution between the separate branches of Government. They recognize the necessity of upholding the Constitution and requiring conformity with it of legislative acts and executive undertakings, but they also seek to avoid the temptation to translate their personal opinions and preferences into fundamental law. Judicial supremacy in constitutional interpretation is one thing; judicial lawmaking and policysetting is quite another. Judicial conservatives know the distinction and observe it in the fulfillment of their offices.

REHNQUIST SHOULD BE CONFIRMED

Because William Rehnquist is a judicial conservative and unquestionably possesses other qualifications which meet the Senate's necessarily high standards for professional competence and unimpeachable integrity, he should be speedily confirmed.

ORDER FOR STAR PRINT OF A BILL

Mr. DOLE. Mr. President, as in legislative session, I ask unanimous consent that a star print be made of my bill, S. 2800, dealing with assistance to rural areas, in order to include corrections in the text of the bill and for the purpose of adding the names of additional cosponsors.

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection, it is so ordered.

THE DEATH OF RALPH BUNCHE

Mr. BROOKE. Mr. President, it was with great personal sadness that I have learned of the death of Ralph J. Bunche.

I have known Dr. Bunche for many years. He was my professor of political science at Howard University. As a teacher he had the extraordinary capacity to inform and inspire his students.

His passing is an irreplaceable loss to the Nation and the world he served. Few men have had so great an opportunity to dedicate their lives to the attainment of peace. And even fewer men have had so many accomplishments in pursuit of that good.

Ralph Bunche was a founder of the United Nations and served that organization as its Under Secretary for Special Political Affairs.

It was Ralph Bunche who brought about the armistice between Israel and the Arab states in 1949. For this accomplishment, he received the Nobel Peace Prize in 1950.

It was Ralph Bunche who directed the U.N. operations in the Congo in 1960, which were primarily responsible for keeping the Great Powers out of an internal struggle and enabling the people of what is now the Republic of Zaire to resolve their own differences.

It was Ralph Bunche who directed the U.N. peacekeeping force on Cyprus, which prevented the outbreak of further hostilities between that island's Turkish and Greek citizens.

In his quarter century of service to the United Nations, Ralph Bunche has been personally responsible for most of the U.N.'s accomplishments in the achievement and preservation of peace. Over the last quarter century, his name has become virtually synonymous with that of the world body which he helped to found. His values and principles, and those of the United Nations, have been one: peace, human rights, justice, and social progress.

Others will follow in his footsteps, and will seek to carry out his goals. But few if any will ever be able to equal the personal and professional accomplishments of this great statesman, great scholar, great peacemaker, and great man.

To his wife, Ruth, and to his surviving children, Joan and Ralph, Jr., I extend

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my heartfelt sympathy, for theirs is the greatest loss of all.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. FULBRIGHT. Mr. President, I wish to associate myself with the Senator's comments. I had not heard, until listening to what the Senator from Massachusetts has just stated, that Ralph Bunche had died. I have known Mr. Bunche for many years, and there is no man in public life for whom I have had a higher respect. He was extraordinarily helpful and effective in his position in the United Nations, and we were extremely lucky to have him.

I am very sad to hear the news of his death. Although I had heard he was in ill health, I did not know he had died until the Senator just stated it. So I wish to associate myself with his comments about the services of Mr. Ralph Bunche.

Mr. BROOKE. Mr. President, I thank the chairman of the Committee on Foreign Relations for his expression of sympathy. I know that the passing of Ralph Bunche, even though he had been sick, as the chairman has stated, for a long period of time, comes as a great shock to the Nation and to the world.

Mr. FULBRIGHT. He was a great man, I think, in every respect.

Mr. BROOKE. I thank the Senator. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I wish to add my statement to those of other Senators in respect to the passing of Ralph Bunche, the Deputy Secretary General of the United Nations, who was a friend of mine for 25 years or more, and a man whom I considered most skillful and most authoritative in every way, and a Nobel laureate—a prize which he probably considered the greatest recognition of his life.

He was for me, Mr. President, one of the true world figures of our times, with a passion for peace, and yet, when he sought for peace, he sought it with a determination and a dedication that were a complete absorption, which, unhappily for our world, meant generally to vote for war.

In addition to all of that, of course, he was such a magnificent exemplar of the capacity of black people as to dash completely the parochial ideas of those who seek to draw a distinction between the intellectual capacities of black and white people.

I join the other Senators who have spoken in my expression of sadness and of loss personally and in behalf of my constituency, at Ralph Bunche's passing; and Mrs. Javits and I, since we both knew them well, and they had been in our home many times, extend our profound condolences and sympathy to Mrs. Bunche, and only hope that this exalted position of esteem in which the world held Ralph Bunche may be of comfort to her and to their family in such a trying hour.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that Mr. NELSEN of Minnesota had been appointed as a conferee at the conference on the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, vice Mr. SPRINGER, excused.

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 6893) to provide for the reporting of weather modification activities to the Federal Government.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1163. An act to authorize the establishment and maintenance of reserve supplies of corn, grain, sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains; and for other purposes; and

H.R. 12067. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 29. An act to establish the Capitol Reef National Park in the State of Utah; and

S. 1237. An act to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 1163. An act to authorize the establishment and maintenance of reserve supplies of corn, grain, sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains; and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 12067. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes; to the Committee on Appropriations.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. JAVITS. Mr. President, the time has now come for Senators who have come to a final decision on the Rehnquist nomination, which we are now debating, to state their point of view. One could just wait for the vote and cast it without comment, but it seems fairer, in a matter which is of such deep interest to the country, where Members wish to evaluate the arguments of those for and those against the nomination, where perhaps even factual replies may come forward when particular issues are raised, to declare oneself as well as one's reasons as a matter of conscience and public duty, and it is in that spirit that I speak today. I bear in mind the dignity of this appointment, and of the individual, who is a well-known member of the bar, highly respected, and I know that most of his colleagues who have made any statements in opposition to the nomination have not expressed themselves in derogation of the nominee as an individual or as a lawyer.

Probably the most important single factor affecting my own judgment in this matter—and I have concluded that I must vote against this nomination—is a speech I made in the Senate on October 20, when it was believed that the President was considering a group of individuals from which to make appointments to the Court. That compelled me to think through my own attitude on the confirmation of Supreme Court nominations and what criteria I would follow in deciding upon my vote on those subjects, in the best interests of the people of my State and of the Nation.

I came to the conclusion that I had, in the case of the nomination of a Supreme Court Justice, the same obligations that the President did, and this is the reason why I have decided to vote "no," because I am applying that standard of value to the nomination of Mr. Rehnquist.

The standards that I established for myself as to what I would seek in a Supreme Court nominee are the following:

First, an abiding love of freedom and human dignity and justice, and deep faith in and respect for the people.

Second, a high level of professional competence and technical craftsmanship as a lawyer, and personal integrity worthy of the Supreme Court.

Third, high intellectual quality, with the capacity to understand complex sociological issues, and the ability to see

those issues within the framework of broader social, economic, and Government concerns.

Fourth, objectivity on the great national questions which are before, or likely to come before, the Court, combined with a sure understanding of the governmental imperatives embodied in our Constitution and the place of the Supreme Court in a government with an independent judiciary.

Fifth, an understanding of the constitutional limits upon the powers of the executive and legislative branches and of the States, particularly with respect to the individual's rights, and importantly also with respect to the individual rights of the weak and the unpopular.

Sixth, an understanding of the constitutional limits upon the judicial power also, with respect for the authority of the other branches of Government—particularly as Supreme Court Justices are not subject to removal through the political process.

In that same speech I noted a distinction between nominees for the High Court and nominees for the President's Cabinet. For example, because the same standards do not apply to the latter, and because I believe the President should be allowed great latitude in choosing his own official family, I had no hesitation about voting to confirm the nomination of Secretary of Agriculture Butz only last week, though I may not have agreed with him in many of the things he has advocated, or is said to have advocated.

But a lifetime appointment to a judicial post of such power and importance—particularly when the nominee is of an age where he will most probably influence constitutional history for a quarter of a century or more—requires a far larger role by the Senate if it is to fulfill its constitutional duty. So, in establishing my own criteria for acting on Supreme Court nominations, I said:

> I have heard it said that the Senate ought to confirm a nominee unless we find the nominee either lacking in integrity or basically incompetent, and that otherwise the choice is for the President. I thoroughly disagree, for both historical and practical reasons.

Interestingly enough, Mr. President, my staff has discovered a quotation from the nominee himself which may be illuminating on that score.

Twelve years ago, a young attorney, writing in the Harvard Law Record deplored the failure of the Senate to inquire into the judicial philosophy of nominees for the Supreme Court prior to confirmation. Arguing that those who would change the Court could best do so by exercising a coequal role with the President in filling vacancies on the Court, the author, Mr. Rehnquist, favored a broad ranging interview of the nominee. While a nominee's "integrity, his learning, his success at the bar would be the only necessary subjects of inquiry in the case of a judge appointed to a lower court" since "he is not there to apply his own judicial philosophy, willynilly to the litigants before him, but rather to decide the case of those litigants by application of the principles laid down by higher courts," different standards should be applied to nominees to the higher court.

Referring to the then recent—14 years ago—confirmation of Mr. Justice Whittaker, Mr. Rehnquist asked—and this is very illuminating:

> Given this state of things in March 1957, what could have been more important to the Senate than Mr. Justice Whittaker's views on equal protection and due process? It is high time that those critical of the present Court recognize with the late Charles Evans Hughes that for one hundred seventy-five years the constitution has been what the judges say it is. If greater judicial self-restraint is desired, or a different interpretation of the phrases "due process of law" or "equal protection of the laws," then men sympathetic to such desires must sit upon the high court. The only way for the Senate to learn of these sympathies is to "inquire of men on their way to the Supreme Court something of their views on these questions."

It is, Mr. President, precisely those criteria that I established before this nomination came to us, and it is those criteria which have led me to the conclusion that I must vote "no" on the confirmation of this nomination.

There has never been any question about Mr. Rehnquist's high intelligence, ability as a legal craftsman or his personal integrity; and none is raised now. I might say parenthetically that I heard with deepest interest the very moving statement by the Senator from Wisconsin (Mr. PROXMIRE), with whom I am very closely associated in many things, and for whom I have a very high regard, on that subject. The nominee is a man of high intelligence, great ability as a lawyer, and great personal integrity, and I raised no question about that whatever. But I believe it is my duty to oppose the nomination solely on the basis of my disagreement with Mr. Rehnquist on many questions of constitutional law, and that were I not true to my own beliefs, I would be failing in my duty to my State and to the Nation and its future.

One must be specific. So here are some specific areas in which I disagree with Mr. Rehnquist's concepts of the Constitution.

I gather that the nominee believes that the Attorney General may wiretap without judicial authority, the communication of any person he believes to pose a threat to the national security. I emphasize the word "he." I believe the extraordinary right to wiretap without a warrant granted by the 1968 act is limited to cases of subversion from abroad and not to a threat to national security known as "internal subversion." In the latter case the Attorney General should be required to get a court order. While Mr. Rehnquist has every right so to interpret the statute until the Supreme Court makes a final decision this term, I believe this distinction illustrates a deep philosophical gap between us.

I might add, in substantiation of that, that when I was attorney general of the State of New York, I also had wiretap authority with regard to every kind of crime, including very serious crime. I practiced what I preach; I got court orders, and got them under a code of practice which I initiated myself, and which contained all the requirements since recommended by bar associations and civil libertarians.

The next point upon which I disagree with the nominee is the question of Government surveillance. The nominee believes "that self restraint on the part of the executive branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering." I am far less sanguine, given recent revelations about the magnitude and scope of Army Intelligence activities, regarding the preservation of every American's right to be let alone. Courts are vital to the preservation of this right, and justices who see no danger of excesses amounting to a threat to freedom in such surveillance are unlikely to be vigilant in its protection. I thoroughly disagree, therefore, with that philosophical concept.

The nominee, in an article published just this year, makes a case for restricting the free speech rights of Government employees in terms indicating that he values efficiency in Government more highly than first amendment rights in such cases. Again, I philosophically disagree.

Another point, and this is very recent, and I do not think it has been adequately discussed in this very fine debate—I say that for both sides—is the nominee's role in the arrest and prosecution of thousands of May Day demonstrators this year—which I characterized at the time as "clearly improper," and precluding the possibility of successful prosecutions. The nominee had a significant role in those May Day arrests. According to the hearing record, he attended numerous strategy sessions in the Justice Department, in which he was an important official, when this policy was being formulated, and significantly, within days of this disaster in law enforcement, defended the Government's actions in a lengthy speech citing, in the course of that justification, the rather original and highly dubious doctrine of "qualified martial law."

To me, if there is anything outstanding about the record of the nominee which is exceedingly relevant because it is so contemporary, it is this relationship to the May Day arrests—not the demonstrations and not how they were dealt with, but with the arrests. There he was addressing himself to a legal problem which he must meet as a Justice of the U.S. Supreme Court.

In my judgment, a lawyer worthy to sit on the Court should have seen the fact that the nature of the arrests, and so forth, the manner in which they were carried out, guaranteed the shambles that resulted, characterized by strict detention without law and, in my judgment, without even color of law.

To me, this is a critically important point, because I believe that prosecutors have a duty to show people innocent as well as guilty; and they have a duty, certainly, to see that the rights of the accused are protected, even though he may not have a lawyer or an adequate lawyer. How much more is this true of so supreme a judge as a justice of the U.S. Supreme Court?

So, to me, this is a very critically important point. And it did not rest upon silence. I understand that he sat in on the strategy sessions. When my staff wrote this statement for me—or a good deal of it, in terms of the basic facts—they made the point that according to

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his own testimony he did not protest decisions made at the Justice Department on the handling of demonstrators. I struck it out and paid no attention to it. If he wanted to sit silent, that was his business. But he did not continue to sit silent, a few days later when he spoke in North Carolina.

So far as I am concerned, when he expressed himself on the critical basis involved, that was very critical testimony as to his capability for being a Justice of the U.S. Supreme Court, in my eyes.

The next point is the nominee's critical role in the enactment of the District of Columbia crime bill last year included unqualified support for the repressive doctrines of preventive detention and no-knock warrants which I characterized in voting against the conference report as "a drastic overreaction to a critical problem."

Lest I leave some of those who want to be tough on crime with the idea that I am soft on crime, let me say that I have had enough experience on both sides of the issues, in highly litigated cases, to believe—and I state this not only as a Senator but also as a lawyer of very great experience—that right now, with the state of the law as it is, if a prosecutor has a case, he is not being inhibited or restricted by any of the protections which the so-called Warren court has established for the accused. On the contrary, if a citizen has no right to be pilloried or is innocent, he has an infinitely better chance, under those rules, than he had before; and it is right that he should, because that is the whole concept, philosophically, of our criminal justice system.

So, on the whole, it has been a completely net plus, and has not in any way in my judgment, invalidated or jeopardized law enforcement by any prosecutor who had a case worthy of the name. If you are looking for shortcuts or ways in which to shut your eyes to the innocence of the accused because it is your job to get convictions—then, yes; it could embarrass you as a prosecutor. But that is not my idea of a prosecutor or a judge.

Finally, Mr. President, is what I consider to be—and this has been referred to in the debate—an almost incredible insensitivity to the critical national problem of the last decade and for perhaps decades to come, legislation to correct unconstitutional racial discrimination, which I find in the nominee.

When a private citizen with no constituency, "without a client" as Mr. Rehnquist himself put it, voluntarily works, writes and speaks against those necessary changes time and time again, his acts clearly reflect a deep personal conviction.

So I specify, Mr. President, as the ground for my opposition to confirmation, certain of the signal instances in which the nominee has shown this position.

I respectfully submit—and I have read it in detail—that a blanket statement which the nominee just made, literally the other day, about one of these incidents, in which he said:

I wish to state unequivocally that I fully support the legal reasoning and the rightness from the standpoint of fundamental fairness of the Brown decision, does not seduce me in the face of the record.

Not that I am callous and indifferent to changes in man. It is properly in the mind of many Senators, and in my mind, that in the case of Mr. Justice Black, who turned out to be a great lawyer on the issue of equal rights in terms of racial discrimination, there was a great deal of record which went the other way. But where you have deep philosophical concepts, not just rumors about what Justice Black's connections were with the Ku Klux Klan, but where a man of ability and standing expresses profound philosophical concepts, the number of cases in which the Brown decision has to be applied practically, whether it is the pupil placement or busing or something else, are so infinite and so varied that the basic philosophical concept is infinitely more important than the generous statement of support for Brown against Board of Education, which is now the highest law of the land, anyhow, and is very unlikely, as a basic principle, to be overturned. Operating within it, you can either destroy or dismantle all those civil rights or establish and secure them. That is where I think the nominee falls short.

I say that for this reason: I took special note of his attitude toward local public accommodations statutes as recently as 1964, and the questions raised about practicality in respect to those statutes. I also took significant account of the general philosophical attitude that Mr. Rehnquist is not on the side of segregation or desegregation. If that is his attitude, then what is the Constitution all about?

Mr. President, on the issue of restraints on government under questioning by the distinguished Senator from North Carolina (Mr. ERVIN), the nominee said:

I think it quite likely that self-restraint on the part of the Executive Branch will provide the answer to virtually all the legitimate complaints against excesses of information-gathering.

Mr. President, this, plus what I consider to be the neutrality on a firm constitutional guarantee represents, to me, profound philosophical approaches which I cannot agree with in terms of applying the criteria I have established for myself in sending a lawyer to be a Justice of the Supreme Court.

The much quoted text of the memorandum which the nominee drew for Mr. Jackson 19 years ago in which he sustained the rightness of the equal but separate doctrine of Plessy against Ferguson could properly be objected to by him. Mr. Rehnquist should have the right to explain the memorandum he wrote as a law clerk for Justice Jackson 19 years ago, and he should be permitted to explain that away, as to his present struggle, and in light of the passing of 19 years. I agree with that.

But when we have a constant succession of reiterations of the same philosophy going on through the years until the May Day arrests which are so current, there I must give weight to the previous statement because, in my judgment, this is a materially uncontradicted statement by the historical record based on the philosophical approach to the enforcement of constitutional rights.

Thus, I shall vote "no" for the reasons which I have stated.

I wish to refer also, as I think it is important, to a letter to Members of the Senate sent by 20 members of the Harvard Law School faculty who wrote as follows:

Our opposition to Mr. Rehnquist is based on our perception that his views on the relation between government and the individual in the area of security and the relation between established power and the disadvantaged in the area of human rights are so exceedingly deferential to the former and so undervalue the latter as to place him outside that central stream.

Mr. President, I concur in that assessment and ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., November 29, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I enclose a statement on the subject of the pending nomination of William H. Rehnquist signed by those members of the Harvard Law School faculty whose names appear at the bottom of the attached page.

Sincerely,

LOUIS L. JAFFE,
Byrne Professor of Administrative Law.

STATEMENT

It is doubtless appropriate for the President to exercise his power of nomination to shift the Supreme Court in the direction of his constitutional philosophy. But history, from 1795 to the present, demonstrates that it is no less appropriate for the Senate to deny confirmation to a Presidential nominee, despite his personal integrity and professional competence, because the Senate believes that the addition of a man of the nominee's philosophy is, under the existing circumstances, against the best interests of the country and the effective functioning of the Court.

In deciding whether to confirm the Hon. William H. Rehnquist in this period of deep change and conflict, the Senate has a special obligation to preserve the position of the Supreme Court as an effective organ in our system of government. Recent changes have already shifted the consensus or balance of opinion in the Court. Within the central stream of contemporary constitutional thought exemplified by all present members of the Court and their predecessors for the past thirty years, there is a wide range for differences of constitutional view—and thus for Presidential and Senatorial choice. Our opposition to Mr. Rehnquist is based on our perception that his views on the relation between government and the individual in the area of security, and on the relation between established power and the disadvantaged in the area of human rights, are so exceedingly deferential to the former and so undervalue the latter as to place him outside that central stream. Twentieth century problems require Justices with a clearer sense of the ingredients of constitutional decision.

Accordingly, we urge that confirmation of William H. Rehnquist be denied.

Victor Brudney, Derrick A. Bell, Jr., Vern Countryman, Abram Chayes, Alan M. Dershowitz, Ruth B. Ginsburg, William B. Gould, Philip B. Heymann, Louis L. Jaffe, Andrew L. Kaufman, Frank I. Michelman, Arthur R. Miller, Karen S. Metzger, David Rosenberg, Henry J. Steiner, Stanley S. Surrey, Laurence H. Tribe, James Vorenberg, Robert B. Washington, Jr., Lloyd L. Weinreb.

November 29, 1971.

Mr. JAVITS. Mr. President, I conclude as follows: With all respect—and I do not in any way beg that question—for Mr. Rehnquist's intelligence, ability, and integrity—and I have had the privilege of conferring with him personally and I am grateful to him for being willing to meet Members like myself on a direct basis—and with respect to his right as a private citizen to his convictions on equal rights and equal opportunity, this is a nominee whose philosophy as a lawyer and a citizen, in my judgment, makes him unacceptable as one of the final arbiters of the rights of 200 million Americans so that I cannot, in good conscience, vote to put him on the Supreme Court.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Post of December 8, 1971, entitled, "The Rehnquist Rush," and an editorial from the New York Times of December 8, 1971.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Post, Dec. 8, 1971]

THE REHNQUIST RUSH

While all sorts of important responsibilities and obligations go with the post of U.S. Senate Majority Leader, it is nowhere specified that the incumbent must assume the meek role of a minority follower.

Nevertheless, that seemed to be the preference of Sen. Mansfield (D.-Mont.) yesterday when he was asked about the prospects for a confirmation vote on Assistant Attorney General Rehnquist's appointment to the U.S. Supreme Court.

"I would hope we wouldn't have to spend too much time on Rehnquist," the Senate leader commented. "I don't think any minds are going to be changed." He said he was hoping for a vote by tomorrow.

With that kind of opposition, perhaps neither Rehnquist nor his allies need worry. In fact, however, there are many grounds for differentiation between Lewis F. Powell Jr., the Virginia lawyer confirmed yesterday, and Rehnquist. There is a clear case for re-examining at length on the Senate floor the discrepancies and evasions in Rehnquist's testimony. Surely the fact that the American Civil Liberties Union has reversed a 51-year-old policy of neutrality toward court nominees in rejecting Rehnquist deserves thoughtful attention from every wavering Senator.

At this moment, no agency except the U.S. Senate can hold up this obnoxious appointment and subject it to extended scrutiny—and it has the duty to do so. We urge Sen. Javits and others who have spoken out against Rehnquist's nomination to join in stopping the stampede. Rehnquist could well be serving—if confirmed—on the high court in the year 2000. What's the rush? Are his sponsors fearful that the record will not survive full debate—or new disclosure?

[From the New York Times, Dec. 8, 1971]

THE REHNQUIST NOMINATION

With only one dissenting vote, the Senate has confirmed the nomination of Lewis Powell to the Supreme Court. In this decisive manner, the Senate has shown how false was the imputation that it would not approve a Southerner or a conservative. When a nominee is a man of professional stature, wide experience, and a fundamental belief in the basic guarantees of the Constitution, no regional bias or philosophical disagreement bars his way.

It is a source of profound regret that President Nixon's other nominee for the Court is not of the same quality. Instead, by submitting the name of William Rehnquist, the President has once again provoked the turmoil of a confirmation struggle.

The grounds for rejecting Mr. Rehnquist are quite different from those on which the Senate refused to confirm two earlier Nixon nominees. His record does not show either insensitivity to potential conflicts of interest or deficient professional qualifications. Rather, his are the defects of basic insensitivity to racial equality and seriously deficient understanding of the Bill of Rights.

He has repeatedly shown himself opposed to judicial or legislative efforts to eliminate racial discrimination. There was a time decades ago when a nominee with Mr. Rehnquist's opinions would have been confirmed for the Court with hardly a ripple of controversy. But twenty-five years of Supreme Court rulings, Congressional legislation and social upheaval have made him an anachronism. Commitment to equality of treatment and opportunity for all races has become one of the indisputable standards of modern constitutional democracy. Since Mr. Rehnquist is lacking in such a commitment, the Senate if it confirmed him would be voting to turn back the clock.

Mr. Rehnquist's evident lack of sympathy for individual liberties also disqualifies him. The Constitution is a libertarian document. The first ten amendments and many other provisions are prohibitions against the exercise of certain kinds of power by the Federal Government and against the arbitrary, excessive, or unreviewed exercise of other powers.

As a political activist and as an Assistant Attorney General, Mr. Rehnquist has relentlessly argued in favor of abridging and diminishing the liberties of the citizen and enhancing the powers of Government—to tap the citizen's phone and "bug" his home and office, to enter his premises without knocking, to use tainted evidence against him, to arrest him in dragnet sweeps, to compel him to testify against himself, to deprive him of his right to practice his profession if he is a radical lawyer.

It is easy and comfortable for the ordinary, law-abiding citizen to assume that these intrusions of governmental authority will never touch his life, but the whole history of human liberty shows that the unpopular dissenter is the first—but rarely the only—victim of arbitrary power.

In voting for the first time in fifty years to oppose a nominee for public office, the national board of directors of the American Civil Liberties Union stated: "We know Mr. Rehnquist as a person committed to the notion that in every clash between civil liberty and state power, it is civil liberty that should be sacrificed."

Free societies are judged by how they treat their racial minorities and by the extent of the liberty they allow the individual citizen. On both counts, Mr. Rehnquist fails to qualify as one of the guardians of a Constitution of free men.

Mr. BAYH. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BAYH. I have listened with great interest to the statement of my friend and colleague from New York and I just want to add my voice in agreement to the position he has espoused.

I could not help thinking that the editorial that the Senator put in the RECORD entitled "The Rehnquist Rush" is most appropriate here, on the eve of the vote on the cloture motion, particularly when we look at the amount of time that has been utilized during past deliberations on Supreme Court nominees. It is even more relevant when we compare this situation with the way other legislation of less significance has been treated in this body, and when we consider the critical nature of the decision we are making here. It is not a transitory decision that can be changed when we come back, or with a new Congress or a new President, but this decision is one for life—not for the life of any Member of the Senate, or for any President, but for the life of the nominee.

I, for one, hope that it will be a long one. But, because of the duration as well as the philosophy of the nominee, I think that the Senate would be better advised to consider this nomination more carefully under present circumstances. We are about to be denied this opportunity and I appreciate the insistence of the Senator from New York that we study this more carefully.

Mr. JAVITS. I thank my colleague very much for his graciousness. I am not satisfied that we will be denied this opportunity. I would like to state my own judgment as to the votes on cloture. I am glad that the Senator from Indiana (Mr. BAYH) was the principal leader of the opposition, as a member of the Committee on the Judiciary and as a Senator, and has stated that he does not intend to and is not filibustering this nominee, and that he certainly will not be a party to a filibuster. That ground rule having been laid down, I believe that the opponents are entitled to full and fair debate. I believe also that Senators are fair enough, even if they will vote for Mr. Rehnquist—although I will vote against him—to assure that debate—just as I will, at a given time, if I am satisfied—and I am against the Rehnquist nomination—I am satisfied that the opponents have had full and fair debate. I shall vote for cloture and then I shall vote against the nominee.

The matter needs to be fully explored. We have a literal veneration for this body, and I have that, too, of course, and I know it is shared by every Senator. It will be further justified by the fact that Members will vote on cloture, and they should vote on cloture, whatever our feelings about our desire to go home, which we all share—and we will go home—it is not a matter of weeks or months but only a few days.

It is the feeling of all of us that we have enough self-discipline to see that everyone gets a fair chance at it, and then when we have had that fair chance, we will vote our consciences yea and nay; but it will not affect what we consider to be a fair opportunity to debate. I hope

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that will be the history of the votes on successive cloture motions.

Mr. BAYH. I hope that the Senator is right. I appreciate not only his confidence but also his articulating so clearly and well what our responsibility is.

I came on the floor when my colleague from Indiana made reference to the fact that the Christmas vacation was like a carrot that was being dangled in front of our noses, urging our rapid solution to this problem. On the one hand it is a carrot being dangled in front of our noses, and on the other it is a stick on the back of those of us who feel we have not had enough time. I think the way to be the most unpopular Member of the U.S. Senate is to proceed as the Senator from Indiana has, because we all do want to go home. Unfortunately, most Senators have other specific jurisdictions within the Senate that demand their attention immediately on a day-to-day basis. They do not have the time to study this matter thoroughly, as some of us on the Committee on the Judiciary do. Perhaps they would reach contrary conclusions from the Senator from Indiana, but at least it would seem to me that, in light of everything else that has been happening over the past few days—everything that is calling the attention of almost every Senator—that we ought to have a little time to meditate upon and to deliberate upon the matter before us.

I appreciate the concurrence of the Senator from New York.

Mr. SAXBE. Will the Senator yield?

Mr. BAYH. I yield.

Mr. SAXBE. I just must point out at this time when we are talking about sufficient time, the lengthy quorum calls and the absence of many on the floor. We worked last Monday at probably the slowest pace the Senate could work. I was here this morning at 9 o'clock, and we could not find anybody to talk until after 10 o'clock. Last night the Senate quit at 4:30 or 4:45, and probably will want to do it again today.

I just think, with all the gratuitous words in the past about this, we need time to discuss this, and we need time to debate this. It seems to me that these self-serving words should not go unchallenged, when there is nobody to talk and nobody wants to talk.

Mr. JAVITS. Mr. President, I did not complain about the Senator's rights or his point of view. I have been here a long time, 15 years, and with all respect, I do not believe that it is indicated that all time should have expired and the debate ended. A debate has to incubate. I have seen it happen time and again where on the 14th, or the 15th day, or the 13th day, or the 8th day—whatever is the given situation—the debate suddenly becomes hot and things come up which have not come up before.

A new light is cast on a given situation somehow which takes months, like a baby, to just state the fundamental issues in a debate and argument. I think it is rather more our fault, I say to the Senator, that we do not have enough Senators on the floor. We are all terribly preoccupied with many, many things. I will not give an accounting for myself, although I think the Senator will agree that I work as hard as anybody does here. I do want to say—and I say it unilaterally—I have no desire to have controversy with the Senator, but I do think in putting the matter before the country in terms of the length of debate, that something must be said for the fact that it does take a certain amount of time, even if that time is consumed in quorum calls, or days on which there is an early adjournment, in order to develop that climate and understanding which represents the consummation of a complete debate. I say that unilaterally. That is my idea.

Mr. SAXBE. I would just like to say on that matter that the nomination was made October 21 and the hearings began on November 3. That is some time ago. The hearings concluded on November 10, and the committee wanted to act, and Senator BAYH and a few others did not want them to act. They met on November 11. They met on November 18. They met on November 23. The minority views were filed on November 30, and the debate began on December 6. That was not yesterday, and I would like to also point out that Mr. BAYH at the time on December 6 said, "and maybe the week after that."

They were talking about time, and Senator HRUSKA was trying to say that we will be here all week and everyone will have his day in court, but Mr. BAYH said:

> Maybe not that week; maybe the week after that. Does not the Senator from Nebraska feel that perhaps it would be more helpful to those who are trying to study this, since he has made certain charges, for the Senator from Indiana to have a chance to have a colloquy right now?

Mr. BAYH. Would the Senator put those remarks in proper perspective? Are those words out of the air, or are they from the hearings, or are they from the RECORD?

Mr. SAXBE. I am reading them from the RECORD.

Mr. BAYH. Since the Senator is using my words, I would like to know where I used them.

Mr. SAXBE. This is in the CONGRESSIONAL RECORD of the Senate of December 6, 1971.

Mr. BAYH. I thank the Senator for informing me where I was when I said that.

I would also point out to my friend, the Senator from Ohio, that he has not had the opportunity, because he had duties elsewhere, to follow this debate on a day-to-day basis or an hour-to-hour basis, as the Senator from Indiana has. That is not his responsibility, and I do not say that critically at all.

Perhaps he was unaware, when he suggested that the Senator from Indiana was holding up debate, that Senator HRUSKA and members on his side of the Committee on the Judiciary absolutely refused to let us vote on the first day the Committee on the Judiciary met on the nomination of Lewis Powell. Therefore, we sat here until the day before yesterday with one totally unnecessary vacancy. There was no opposition to Mr. Powell then. We were the ones who urged that this man, over whom there was no opposition, be sent to the Senate as soon as possible. The other side refused.

Mr. SAXBE. All I am trying to point out in my statements here today—and I felt called upon after the statement of the Senator from New York—is that a small minority of Senators who are opposed to the nomination are trying to prevent a vote on this nomination, and while saying that it is not a filibuster, at the same time they are not taking the time that is available, if they want to present their views. They are dragging their feet. It is a filibuster, and I hope that they will recognize that the majority should have the opportunty to express their will.

Mr. JAVITS. Mr. President, as I have the floor, I wish to say that this particular member of that minority—if it be a minority, which is yet to be seen—will act diligently. I have already made plain my view. Given a reasonable period for gestation of this issue, I will myself vote for cloture, and my vote will help to bring it about. So I have no trouble with my own conscience in terms of the length of the debate. I would say that debate having opened on December 6 on a matter as portentous as this—again it has been unilateral, and my friend and colleague, the Senator from Ohio is entitled to his views as much as I am to mine—this is not a totally inordinate period to close off debate by cloture tomorrow. This is still the same week in which debate opened in the Senate.

I used to be on the Committee on the Judiciary; I am not now. Most of us who had to await the action of the committee, then had to analyze a record which is very complex, and a record that one must really dig into. It took me most of a day and a half to acquaint myself with the ins and outs of this controversy until I felt I was ready to make up my mind.

I insisted to the press that I be listed as undecided because I was. It was only after giving it time and attention that the nomination deserves that I was able to announce my views today.

Mr. President, as I say, I have no desire to claim that my view is superior to that of my colleague, the Senator from Ohio, but I do not believe that has been foot dragging or a filibuster. And I hope very much that whatever may be the views, the Senators will agree to that in terms of fairness and free and open debate.

Mr. COOPER. Will the Senator yield?

Mr. JAVITS. I yield to the Senator from Kentucky.

Mr. COOPER. I agree with the Senator from New York on the question of voting on cloture.

The Senator from Ohio may be correct in stating there was delay in reporting the nomination to the Senate, a delay which need not have occurred; but nevertheless we have had a week to debate this matter.

Without regard to my position on confirmation, which I will state, because of the importance of the confirmation of a Supreme Court Justice, I will not vote for cloture this week. I will vote for cloture next week, but I think it summary to close debate tomorrow or Saturday on an issue which is of importance to the country.

Will the Senator from New York yield to me for 4 or 5 minutes?

Mr. JAVITS. Yes. Why does not the Senator get the floor himself?

Mr. COOPER. I want the Senator from New York to be here.

Mr. JAVITS. Of course.

Mr. COOPER. I am always glad to listen to my colleague and close friend from New York, and particularly on legal and constitutional matters. I consider him the greatest lawyer in this body, dispassionate, a man of judgment, restraint, and one whose conscience and mind always moves him to what he thinks is right.

He has concluded to take the position he has stated, because of a series of statements and actions by the nominee for Associate Justice of the Supreme Court.

His conclusion that the nominee has fixed philosophical and institutional views on the question of civil rights and civil liberties which would not change if he became a Justice of the Supreme Court causes me to say that there are certain matters in his record which have given me trouble and pause. But I have reached a different conclusion than that of my friend from New York and I would like to address myself to the specific issues raised by the Senator from New York.

First, I shall speak of the memorandum the nominee wrote to Justice Jackson in 1952 when he was his law clerk, dealing with the segregation of schools, supporting Plessy against Fergusen and stare decisis. I think we have to consider the memorandum in the context of the times. In 1952, the Supreme Court had not made its decision, and could not reach a decision until 2 years later. Four cases had been appealed from the lower courts. The lower courts had held in the two cases from the Southern States, and from the non-Southern States involved, Delaware and Kansas, essentially to the doctrine of Plessy against Ferguson, although they had trouble with it. As I have said, it took 2 years for the Supreme Court to reach a unanimous and proper decision Brown against Board of Education in 1954. I do not believe the memorandum can be taken out of the context of the times. Many judges and lawyers were in disagreement on that subject.

I am troubled about the nominee's statement on the public accommodations ordinance, proposed in Phoenix City in 1964. The House had passed a bill approving public accommodation and there was a continuing debate in the Congress and throughout the country upon the subject.

The Senator from New York will remember that we served together as members of an ad hoc committee, to manage on the floor certain titles of the Civil Rights Act of 1964. Senator Douglas and I were assigned to assist in the management of the title dealing with education and desegregation of schools.

I supported the act, voted for it, and had introduced bills on public accommodation and civil rights before the administration introduced its bill. So naturally I have been troubled about the statement.

But in fairness, I must bring out a fact that has not been mentioned in this debate, to my knowledge. It has been argued by my distinguished friend from Indiana that Mr. Rehnquist did not change his mind about public accommodations until he was a witness before the committee. The RECORD shows that in 1966, when he was a representative to the conference on uniform State laws, one of the subjects of that conference was public accommodations, as a part of a uniform act for adoption by the States. The nominee voted for the draft model act, which included public accommodations. That was 5 years ago. So we cannot say, as was argued in the minority views, and in speeches on the floor that he only reached support of public accomodations in 1971.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAYH. I do not wish to interrupt the Senator, but this is one of the points I was going to bring up relative to my good friend from Ohio, who asserted that we were conducting a filibuster.

One aspect that did not come to our attention when the hearings were held, and did not come to light until the final day in executive session when we voted, was this uniform commission matter.

I would like to point out to my friend from Kentucky that although he did vote as was stated, he did everything he could to lessen the impact of that effort so that it was not a uniform bill but a model act, relieving himself of the responsibility to go home and urge its adoption.

Mr. COOPER. It was a model act, hoped to be made uniform throughout the United States. I say this in all respect, but I do not agree with the Senator. The nominee, according to the RECORD, did not oppose the accommodations section and voted for it in 1966.

Mr. BAYH. With all respect, that is not what I said. I said he not only did everything he could to oppose the uniform act and public accommodations, but he led the effort to make it a model act. That commission did not adopt a uniform act; it adopted a model act.

Mr. COOPER. I understand, but I am talking about the public accommodations section.

The contrast between his position in 1964 and 1966 is much different than arguing that he waited until 1971, as a witness before the committee, to assert his support of public accommodations.

I now proceed to the next charge concerning his position on proposals for the city of Phoenix, Ariz., on schools—desegregation and other problems relating to discrimination in the schools. The minority brief does not quote his statement on integration fully. The last clause is left out, in which he said he believed in a free society where every man stands equal before the law to have the maximum liberty. It may be construed in various ways, but that is what he said. It does not appear in the minority brief, and I have not voted in reference to it in the speeches made against his confirmation.

With respect to the subject of busing, raised in connection with Phoenix and inherent in the "neighborhood school" position that also is still very much before the country. So far the Supreme Court has not passed comprehensively on the issue. There have been a number of decisions in Circuit Courts of Appeals varying decisions, some ruling against busing, some giving it large scope, some allowing it in limited circumstances, but the Supreme Court has not yet made a comprehensive decision. The debate in Congress on busing continues.

I know that some leaders of liberal beliefs—and I hope I am considered a liberal in my viewpoints—have changed their position of support of busing, and with the exception of a few brave men—the Senator from New York (Mr. JAVITS) is one, the Senator from Michigan (Mr. HART) is one, are fleeing from what they believe to be the opinion of their constituents.

So the argument about what the nominee said in 1967 is not conclusive either on the issue or on his past beliefs. The courts continue to decide the cases on "busing" and "neighborhood schools" on the facts.

Now I go to the question of wiretapping and surveillance. I wish the Senator from New York were here, because I believe that his statements on that subject do not conform wholly with the record of the Congress and the Executive. On the question of wiretapping for national security, it has been noted that not only has every President claimed this right, but has used it. The distinction between its use against external subversion or internal subversion I do not believe has been closely examined, but it has been used, and inferentially, supported by the Congress.

Also, it appears in the RECORD that the nominee, on this issue of the absolute right of the Executive to exercise the right of wiretapping in cases of national security, has questioned the theory of absolute right.

On the question of general wiretapping and surveillance, I would like to point to the attention of the Senate the fact that Congress in 1968 passed the omnibus crime bill, expanding authority for wiretapping, and the bill passed almost unanimously. It had a provision which allows officers to wiretap without a warrant if the officers make the decision that they do not have time to secure warrants in the proper manner.

Mr. President, I spoke against the bill on the floor of the Senate, upon the basis that it gave an unwarranted right and power to the Attorney General, or police officers. I voted against the bill. In that same bill, there were sections designed to weaken the famous cases of Miranda and Mallory, concerning the admission of confessions and the right of a person not to be detained after arrest and to be taken immediately before a magistrate. I make these points to indicate that the Congress seemed to have approved these provisions now used as arguments against the nominee.

In these circumstances, I find nothing

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on the question of wiretapping which argues against the confirmation of the nominee.

Finally, on the question of the May Day arrests, I have some questions about the arrests. I do not know how much the nominee had to do with it. I assume he could not give an order. There is a statute which prohibits demonstrations upon the Capitol Grounds. I do not think it is constitutional. If there is any place where the people should have a right to present their petitions, it is the Capitol. The statute is on the books, however, and police authorities must carry out the law and its provisions. I am a supporter of first amendment rights; but a great many of the practices claimed by some as rights—violence, disobedience of law—are not first amendment rights.

Yet, reviewing each one of the arguments made against the nominee, I have come to the conclusion that in several cases they have been strained, and I do not see a case for voting against the nominee.

Finally, may I say this: It is said by all that he is a man of unquestioned integrity and great ability. If a man is of unquestioned integrity and great ability, it implies that he also has the quality of mind and of intellect, and character that he can look at cases upon their merits, that he can change, if necessary, any views he may have had, upon that great Court.

As my colleague, the Senator from Ohio, has said that is the record of the Supreme Court and of great Justices. There are Justices who have changed their minds. Justice Black was not a great lawyer when appointed to the Court. His practice was as a police court lawyer. I did not say police court lawyers are not good lawyers, but they do not try a great variety of cases. He had been a member of the Ku Klux Klan. He said he had been a member of the Ku Klux Klan. But he became a great champion of civil rights and civil liberties.

There are many other examples.

A few days ago the Senator from Arizona (Mr. GOLDWATER) placed a statement in the RECORD which, honest as he is, he said, not being a lawyer, it was prepared by his legal counsel. He named eight or 10 great Justices of the Supreme Court, described their background, their early views and how—as Justice Frankfurter once said in an opinion—the law itself, the times come to bear upon them as judges.

I think, with the exception of Justice Taney, I would agree with the estimates of the Justices made by the Senator from Arizona (Mr. GOLDWATER). Two of them were natives of my State. Judge Brandeis was born in Louisville, Ky., and Justice Harlan, the grandfather of the great Justice who has just completed service on the Supreme Court, was from Kentucky. The earlier Justice Harlan was a southerner, who had served in the Confederate Army, and was a former slaveowner. He wrote the great dissenting opinion in the civil rights cases for public accommodations based on the 14th amendment.

I take no issue with any of my colleagues in this Chamber. I have the greatest respect for their positions but there are organizations that want members of the Supreme Court to be with them in all matters, whether or not justified. That is not the proper function of a Justice.

Finally, I cannot accept the position that a man of integrity, which is admitted, a man of ability, which is admitted, a man of scholarly attainments and intellectual ability, which are admitted, cannot meet the problems of this country as a member of the Supreme Court.

Recently, I read a statement of Justice Frankfurter on this very issue expressing his belief in the conscience and mind of a Justice to discharge this duty. I read a little book a few nights ago by Justice Jackson, "U.S. Supreme Court—American System of Government."

He asserted the same faith.

We remember the writings by Brandeis, Cardozo, Holmes, maintaining that a man of character, intellect, integrity, and ability deserves that same faith.

I think it illiberal to hold otherwise. I think to say that a man is frozen, because of a few statements or positions—and there are four or five, and they have been strained, not by the argument of my friend from New York, but strained in the minority report. There have been omissions from the minority report. I noted an omission upon the question of harassment at the polls. The minority report does not contain the full text of the letter by Judge Hardy.

I have faith that a man of his ability, integrity, and scholarship can meet the challenges and the great problems of the Supreme Court, which are our problems, in the future.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, I could say evey word the Senator from Kentucky has said about me about him, in terms of his being a lawyer, his character, and his honesty; and I do think that by an interchange between us, we might helpfully sharpen the issue for our colleagues.

But I shall not endeavor to do anything, but emphasize the two points that I think are most important when laid side by side with what my beloved friend, the Senator from Kentucky, has said.

I think the two important points are these:

First, I have based my judgment not upon the individual instances, beginning in 1952, because I said myself—the Senator may not have heard me, but that is not material—that surely I have said things myself that I would be very sorry about, and I would expect to be understood and forgiven within the context of my life.

So I based my judgment on the total 19 years from the time he was a clerk up until the May Day demonstrations, and his testimony before the committee as a whole, and I see, after considering it as a whole, rather a hardening, in his professional capacity as a lawyer, of opinions with which I could not agree. That is point one.

My second point is that there may be a basic difference between my criteria in casting my vote and those of the Senator from Kentucy or other Senators. I do not believe my criteria can be based solely on the fact that he is a man of integrity, ability, and professional standing, and a sincere man, because a man can be extremely wrong and yet extremely sincere. Some of the most inveterate opponents of civil rights in this body, in all the years I have fought for it since I have been here, since 1957, have met fully every one of those qualifications—able, sincere, and good lawyers; but they were absolutely wrong, and the Court said they were wrong time and time again.

I believe that it is my duty to determine, in my best conscience, whether this is a nascent Justice Black or whether this would be an influence on the Court which I think would be inimical to the future of our country. In this particular case, I came down on the latter side.

I might have voted against Black. I do not know what I would have done then. But then I would have been the first to throw myself at the feet of the Senate and confess my error. But I believe I would have had to judge at that time, not just on my finding of the fact that he was a man of quality, integrity, and professional skill, but that his basic constitutional philosophy gave an assurance of an approach to constitutional questions which might be for me or against me, but which I thought was consonant with the fundamental thrust of the Constitution itself.

Mr. COOPER. Let me say just one more word.

I agree with the Senator from New York that we cannot consider this nomination solely on the question of ability, integrity, and scholarship, as important as those qualities are. But I came to the conclusion, after looking into the broader questions, that the statements in question did not confine him, and that he could rule justly upon questions before the Court, not only from a sense of justice, but from a mind which, by reason of his abilities, is more likely to be enlightened than the mind of a lesser man.

A Senator's position will always be interpreted in different ways. I do not know that I have ever been more consonant with the views of another Senator on civil rights and liberties than I have been with those of the Senator from New York than with anyone else in this Chamber. I do not think we have ever differed upon the issue or the necessity for action, and we have voted together. Once or twice we have differed as to the best means to accomplish the end, I remember once on the question of voting rights and on another occasion upon public accommodations; but we have usually been together, and I am very proud to say that while in my whole life, this question has never been a problem to me, at home before I came here, as a judge, or as a Member of the Senate, I have been helped greatly by the ability, the reasoning, and my association with the Senator from New York.

Mr. JAVITS. I thank my colleague very much.

Mr. BAYH. Mr. President, I listened with a great deal of interest to the statement of my friend from Kentucky. As he knows, I have the greatest of respect and admiration for him.

I want to say just one or two words to clarify some statements that have been made on this issue, wherein our efforts have been attributed to filibustering. On occasion certain Senators who had suggested they had a speech to make were not here at the appointed hour. But I would suggest that anyone who is familiar with what most of the Senators are doing now—working on conference committees and trying to wind up the last minute legislative issues for which they are responsible—knows full well why it is extremely difficult for any Senator to be on this floor at any specific time. That reaffirms the position of the Senator from Indiana that we need more time for Senators who want to speak and who want to listen to the colloquy to be here.

Perhaps my friend was not here when the distinguished minority whip suggested we had a filibuster going on before even one word had been spoken.

I want to give one word of explanation to my friend from Kentucky relative to some items that he characterizes as omissions from the minority report: We have taken sentences and we have taken parts of letters and included them in the minority views. But certainly this is in no way designed to distort their true meaning. Nor does it result in any distortion.

Anyone who is at all familiar with the hearing proceedings knows that there is a full, detailed, word-for-word record of everything that was said, and both statements, parts of which are in the minority views, are listed fully not only in the hearing record but also in the CONGRESSIONAL RECORD. If we had listed every document to which we referred in the minority views, we would have had minority views fully as voluminous as the hearings.

I hope that any Senator who reads the minority views will not take part of a sentence or part of the letter but will look to the whole content here. Normally when a report is printed one tries to hit the high points and decrease the volume that otherwise would result.

I am concerned about cloture being invoked at this time because we still have facts that just now are being brought to our attention which have not been considered thoroughly. I have to admit that some of these facts have not even been adequately considered by the Senator from Indiana, much as I have tried to be familiar with the issue before us. There has been a great deal of discussion relative to the Brown against Board of Education memorandum written by Mr. Rehnquist. Only yesterday afternoon—not even a day ago—a letter came from the nominee trying to explain the content of that previous memorandum.

On first examination, the explanation of that earlier memorandum and the efforts to try to attribute those thoughts not to the nominee but to a former Justice of the Supreme Court, who is no longer alive and is unable to defend himself, raise rather critical questions in the mind of the Senator from Indiana. I am hard pressed to know what the man thinks. I would like to take everyone at his word, just as I would like to be taken at my word. It is only when I find contradictory remarks attributed to an individual on the issue at point that I then have cause to wonder.

Because of the critical nature of the Brown against Board of Education case, because of the controversy surrounding the Brown against Board of Education memorandum, and because of the letter yesterday, the Senator from Indiana would like to take a few minutes of the Senate's time to try to put this whole thing in perspective, with emphasis on the fact that we do not know—and probably cannot know—the answers. I do not know. I have deep concerns, but I must say that if I were called to judge beyond a reasonable doubt now on the question I am about to raise, I could not.

Last Sunday, December 5, it became known that William Rehnquist had written a memorandum to Mr. Justice Jackson during the 1952 term of the Supreme Court, while he was clerking. This memorandum urged that Plessy against Ferguson was right and should be reaffirmed. I was not out searching for this; neither was anybody on my staff. I received a phone call from a newspaper reporter who said, "Did you know this article was going to appear in Newsweek?" And there it was.

I still do not know what the source of that memorandum was. But nobody has doubted that Mr. Rehnquist did, indeed, prepare it. There is now some question as to the reason why he prepared it and whether these were his thoughts or those of Justice Jackson. But there it came Sunday night, about 6 or 7 o'clock.

The conclusion, the tone, and the language of this memorandum are strikingly close to the hostility that Mr. Rehnquist expressed to equal justice under law throughout his later life, including his opposition to a public accommodations ordinance in Phoenix in 1964, his opposition to anti-blockbusting and other key provisions of the Model State Antidiscrimination Law of 1966, and his opposition to modest efforts to deal with de facto school desegregation in 1967, coupled with his statement at that time that we are "no more dedicated to an integrated society than a segregated society."

Despite the very substantial questions presented by this memorandum, and in contrast to the Justice Department's almost instantaneous—indeed, in some cases, anticipatory—response to other questions raised by the nominee's nomination, no response was made until the afternoon of Wednesday, December 8. We learned of this on Sunday, and it was not until late in the day yesterday that somebody came forth with an explanation.

Mr. Rehnquist's letter now says unequivocally that he fully supports Brown against Board of Education. One would certainly hope this statement was the fact and is, indeed, his true feeling. But I must admit that a statement made at the crucial moment in a nominee's confirmation debate, in which we now find ourselves, must certainly be read in the light of this circumstance and the condition in which it is made, and with a view to a lifetime of prior opposition and, indeed, on occasion antagonism toward the rights of minorities. The most recent example of that antagonism occurred less than 2 years before he became an official of the Federal Government back in 1969. One has cause to wonder.

A matter of even greater concern than Mr. Rehnquist's recent statement on Brown against Board of Education is his questionable effort to attribute the ideas expressed in the memorandum to the late Justice Jackson. I do not think any of us, in fairness to the nominee, can really recall with total precision what was going on in our minds 19 years ago. I could not. I think most of us would be quick to say, "I do not know. I do not remember." The Senator from Indiana is concerned about the efforts not to say, "I do not know," or, "I do not remember." Any of us could understand that. But the attempt is made to suggest that these thoughts were not Mr. Rehnquist's although his initials appeared on the memorandum, and he has not denied preparing it. Instead he has said that these were really thoughts of the late Justice Jackson.

Mr. Rehnquist claims that his memorandum was written after an oral discussion with Justice Jackson and "as a statement of his views to be used at the conference of Justices rather than as a statement of my views." Unfortunately, as Mr. Rehnquist knows, it is impossible for Mr. Justice Jackson to deny these allegations. But a good deal can be inferred from the text of Mr. Rehnquist's 1952 memorandum.

An examination raises the gravest question of basic honesty and candor. If a man felt something in 1952, he ought to admit it and say he has changed his mind; or, if he cannot remember, he ought to say that. But I am deeply concerned when, instead of following either of these alternatives, there is an effort to shift the blame for these thoughts and attribute these thoughts to someone who is no longer alive.

In the first place, contrary to Mr. Rehnquist's explanation, the entire tone of the memorandum is one from a law clerk to his Justice, not one of a Justice's draft statement prepared by a clerk. Would a law clerk really have put such conclusory language, such sweeping statements, into the mouth of a Justice, after an oral discussion on the subject? If the views were really prepared for the purpose Mr. Rehnquist suggests, would they have been headed "A Random Thought on the Segregation Cases"? That is hardly the kind of brief a Supreme Court Justice would carry into a conference to argue with his fellow justices.

Even more damaging is the final paragraph of Mr. Rehnquist's 1952 memorandum. Even after an "oral discussion", would any law clerk have written for his justice's mouth the sentence:

> I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think Plessy against Ferguson was right and should be reaffirmed?

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Mr. Rehnquist now claims in this letter that this sentence "is not an accurate statement of my own views at the time." But does this sentence express the beliefs of Mr. Justice Jackson—who joined the court's unanimous decision in Brown against Board of Education—or does the memorandum instead contain the thoughts and language of William Rehnquist, the same William Rehnquist who in 1957 wrote an article for U.S. News & World Report criticizing:

The tenets of the "liberal" point of view which commanded the sympathy of a majority of the—Supreme Court—clerks I knew?

Mr. President, there is a great similarity between the feelings of Mr. Rehnquist's acknowledged piece from 1957 and the concluding paragraph of the 1952 memorandum.

Mr. BAYH. I appreciate the comments of the Senator from Kentucky. I certainly hope that will always be the case even when we are sometimes on opposite sides of an issue.

Mr. President, equally damaging is the fact that the thoughts in this memorandum are consistently at odds with the most fundamental principles of Mr. Justice Jackson, principles enunciated year after year in his writings, in his decisions, and in his opinions on the High Court, and this is something I am still trying to answer in my mind. I do not know the answer to the question. I do not know what conversation went on between Mr. Rehnquist and Justice Jackson. It is difficult for me to believe that anyone could really remember it in detail 19 years later. But we do have some positive evidence to look to. We can look to the specific wording in the memorandum under the authorship—whatever its purpose—of Mr. Rehnquist, and then we can look at some of the great decisions which were authored by Justice Jackson. Then we have to ask ourselves whose thoughts were really reflected in the 1952 memorandum.

The memorandum states:

Urging a view palpably at variance with precedent and probably with legislative history, appellants seek to convince the Court of the moral wrongness of the treatment they are receiving. I would suggest that this is a question the Court need never reach; for regardless of the Justice's individual views on the merits of segregation, it quite clearly is not one of those extreme cases which command intervention from one of any conviction.

Now those were the thoughts that Mr. Rehnquist now says he composed to represent what were Justice Jackson's views. He claims that it was Mr. Justice Jackson who did not feel that segregation was one of those extreme cases which merited intervention from one of any conviction.

Well, I ask the Senate, is this the thought of Mr. Justice Jackson, who 2 years earlier had voted with the Court in *Sweatt* v. *Painter*, 339 U.S. 629 (1950), to strike down under the Equal Protection Clause a State's refusal to admit Negro law students to the State law school? Is this the thought of Justice Jackson who voted with the Court in *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637 (1950), to prohibit a State university from treating black graduate students differently than white graduate students? Or is this the thought of William Rehnquist who still believed in 1967 that "we are no more dedicated to an 'integrated' society than a 'segregated' society"?

That is a question that the Senate has to raise or should raise and should answer.

The memorandum states further:

To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John Marshall, that a majority may not deprive a minority of its constitutional rights, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are.

Now Mr. Rehnquist says these were the views of Justice Jackson. I wonder. Is this the thought of Justice Jackson who dissented in *Korematsu* v. *United States*, 323 U.S. 314 (1944), the case upholding the right to exclude American citizens of Japanese descent from the west coast of the United States? Is this the Justice Jackson who attacked the majority in Korematsu, saying they had—

Validated the principle of racial discrimination in criminal procedure and of transplanting American Citizens. The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition imbeds that principle more deeply in our law and thinking and expands it to new purposes?

Is this the Justice Jackson who spoke out against the arbitrary treatment of Japanese American citizens or, instead, is it the thought of Mr. Rehnquist himself who, in 1964, opposed a Phoenix public accommodations ordinance that would have allowed black people into the drugstores and lunch counters of his home town, saying—

Now there have been other restrictions on private property. There have been zoning ordinances and that sort of thing but I venture to say that there has never been this sort of an assault on the institution where you are told, not what you can build on your property, but who can come on your property?

Is it the thought of a nominee who agreed at the hearings that it could fairly be said that in 1964 he felt that personal property rights were more important than individual freedoms, the individual freedom of the black to go up to a lunch counter?

Is that the thought of a nominee who agreed at the hearings that in 1964 he felt that personal property rights were more important than individual freedoms, the individual freedom of the black to go up to a lunch counter?

Finally, the memorandum says:

One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest.

Mr. President, we are told by Nominee Rehnquist that these words contained in the 1952 memorandum were not the words of William Rehnquist but were the words of Justice Jackson. I wonder. Are these the words of Mr. Justice Jackson who wrote the majority decision in the landmark case of *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624 (1943), ruling that the first and 14th amendments guarantees of religious freedom prohibit the state from forcing Jehovah's Witnesses to perform a flag salute?

Some Members of the Senate may disagree with the *Barnette* opinion, but the late Justice Jackson is the man who wrote the majority opinion. Could this be the same Mr. Justice Jackson who had the insensitivity portrayed in the 1952 memorandum?

Could this be the same Mr. Justice Jackson who said in that opinion:

But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

That was what Justice Jackson wrote in the published opinion about the rights of a minority, the right of a child of a Jehovah's Witness father not to stand up and pledge allegiance to the flag if that violated his constitutional principle.

I wonder. Was that antipersonal anti-minority language in the 1952 memorandum really the writing of Mr. Justice Jackson, as Mr. Rehnquist now professes, or was that the thought of William Rehnquist himself who, in 1964, wrote the editor of his local newspaper that—

If in fact discrimination against minorities in Phoenix eating-places were well nigh universal, the question would be posed as to whether the freedom of the property owner ought to be sacrificed in order to give these minorities a chance to have access to integrated eating places at all?

Mr. President, I have struggled with the inconsistencies contained in the 1952 memorandum and the great documents written by the late great Justice Jackson. They are in no way similar. I must say that, since it was only less than a full day ago that the Senate was advised for the first time that these views were not really the views of Mr. Rehnquist, but were those of Mr. Justice Jackson, I have not had the opportunity to read all of the cases that were authored by the late Justice Jackson. However, as of this moment, I cannot believe that this memorandum written in 1952 reflects the views of Justice Jackson, a man who, after suffering a heart attack in the spring of 1954, returned to the bench on May 17 of that year in order to demonstrate by his personal presence his support of the antisegregation decision that was handed down that day. He did so despite warning of the risk of a recurrence of his ailment, choosing to continue at the work to which he had dedicated his life. A second and fatal heart attack finally overtook him on October 9, 1954.

No, Mr. President, there is no similarity between the Plessy against Ferguson

views expressed in that 1952 memorandum and the dramatic personal effort that was made by the justice, who was to die before the year was out, but who was determined to be present and vote "yea" in a unanimous decision in that landmark, keystone case that for the first time in history opened the school house doors.

Mr. President, I am deeply concerned that the nominee's attempt to explain away the memorandum has only succeeded in raising a serious quesion concerning Mr. Rehnquist's candor. I for one believe this question must be answered before the Senate votes on the nominee.

This is not a charge that the Senator from Indiana makes lightly, because he realizes its critical nature. As I said earlier, I have not had a chance as yet to fully document it by reading all of the cases of Justice Jackson. However, since on tomorrow at noon we are going to be forced to vote on whether we will be given more time to explore the critical nature of this charge which, I think, can legitimately be speculated upon, I have no alternative, but to raise this question at this time for the consideration of my colleagues.

I for one believe that this question must be answered before the Senate votes on the nominee. It is a judgment which each Senator must make for himself on the basis of the evidence. But there is no argument in favor of making such a weighty judgment under the threat of cloture in the haste to get home for Christmas, when we are tired at the end of a long session.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. AIKEN when he introduced S. 2981 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

DISPOSITION OF CERTAIN INDIAN CLAIMS

Mr. METCALF. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 602.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate the amendment of the House of Representatives to the bill (S. 602) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket numbered 50233, U.S. Court of Claims, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, shall be used as follows: 90 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on the date of this Act; the remainder may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the Tribes shall not be subject to Federal or State income tax.

SEC. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

Mr. METCALF. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed Mr. MCGOVERN, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. HANSEN conferees on the part of the Senate.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate, in executive session, continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. GOLDWATER. Mr. President, earlier today my friend from New York (Mr. JAVITS) indicated that a critically important point relative to his own position on Mr. Rehnquist was his stand relative to the rights of persons arrested during the May Day incident in Washington.

Mr. President, it is a fact that there have been many erroneous news reports printed about Mr. Rehnquist's views on the May Day matter, and I hope that none of these exaggerated misstatements entered into my distinguished friend's thinking about the nominee.

It is important that all Senators should be aware that the nominee took the opportunity of the recent hearings on his nomination to rebut these false reports and to explain exactly what his very limited role and his impressions were in connection with the May Day situation.

In order to set the record straight today and to show that Mr. Rehnquist took no actual part at all in the arrest procedures, I ask unanimous consent to insert the remarks which Mr. Rehnquist made on this issue during questioning at the Judiciary Committee hearings.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

TESTIMONY OF WILLIAM REHNQUIST AT HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, WEDNESDAY, NOVEMBER 3, 1971

Senator KENNEDY. Could I move to another area. Mr. Rehnquist, in the May Day situation, could you tell us what your role was? Did you have a role, to start off with?

Mr. REHNQUIST. This presents me with the same sort of problem, which I must resolve for myself, realizing that if I resolve it against answering anybody on the committee, or anybody in the Senate, is entitled to hold against me my refusal to answer.

I did speak publicly on the May Day matter down in North Carolina 2 or 3 days after it and I, therefore, feel that I do owe an obligation to the committee to describe at least in a general nature my role, without necessarily, without revealing, and "revealing" probably is not the right word, describing the various internal deliberations that went on in the Department. And this is a difficult line to walk.

I will try to walk it. My role, up until the time of the events that actually took place was being consulted as to the propriety of the use of the Federal troops in certain situations under the provisions of 10 U.S.C. 331 through 334. And I drafted an opinion which the Attorney General gave to the Secretary of Defense, saying that it was legally permissible to use Federal troops in order to preserve the operation of the Federal Government under the situation where a fairly large number of people had announced their intention to shut it down.

And that opinion was transmitted by the Attorney General to the Secretary of Defense. I participated in two or three meetings over the weekend, immediately prior to the demonstrations, at which a good number of people were present. I do not really think I had any significant input or contribution to make at those meetings.

During the time the events were actually happening, I was in and out of the Attorney General's office. I was at a large meeting in the Criminal Division at which a number of people from the Corporation Counsel's office, the U.S. Attorney's Office, our Criminal Division, our Internal Security Division, were present.

I do not believe I remained long, and since my own knowledge of the local practice of arraignment and arrest and that sort of thing is not very large, I found I had very little to contribute. There may have been more, but that is all that occurs to me now.

Senator KENNEDY. Well, at any time that how to handle the demonstrators was being discussed, did you raise any objections to the anticipated plans or programs?

Mr. REHNQUIST. One decision reached at a meeting that I was at over the weekend, was that the permit should be revoked for the campground down at Hains Point, I believe it was. I made no objection to that decision.

Senator KENNEDY. Well, at some time during the weekend there was a decision made to suspend the constitutional rights of the demonstrators and impose martial law, or qualified martial law were the words I think you used. And I was wondering whether, at any time during the meetings which you attended, you expressed any reservation about such a suspension or the imposition of qualified martial law?

Mr. REHNQUIST. I believe you have misread my statement, Senator.

Senator KENNEDY. This was at Boone, N.C.?

Mr. REHNQUIST. Yes.

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Senator KENNEDY. Did you make a statement there defending the law enforcement actions that were taken at the May Day demonstrations?

Mr. REHNQUIST. I made a statement saying that the abandonment of the field arrest procedures and the consequent, or perhaps not necessarily consequent, delay in bringing the defendants before an arresting magistrate, or a committing magistrate, was, I thought, defensible because the requirements that a defendant be brought before a magistrate were that he brought before the magistrate within a reasonable time, and that in my opinion a reasonable time in this situation should take into consideration the necessity of the arresting officer, having made the arrest, continuing to be the field to prevent the occurrence of other violence.

I went on to say in the statement in Boone that in a situation more serious than that which prevailed in Washington on May Day, the doctrine of qualified martial law had on occasion been invoked. I made, I thought, quite clear, not only that it had not been invoked in Washington, but that it would be justified only in a more aggravated situation.

Senator KENNEDY. You are suggesting it was not imposed on May Day?

Mr. REHNQUIST. I certainly am suggesting that.

Senator KENNEDY. Well, what doctrine was imposed on May Day? It certainly was not probable cause in terms of the arrest procedures, was it?

Mr. REHNQUIST. Well, knowing the volume of arrests which were made, I simply would not be in a position to comment on whether any particular arrest was made with or without——

Senator KENNEDY. Well, do it in a general kind of way. You made a general endorsement of the procedures which were followed at May Day. You did that in North Carolina.

Mr. REHNQUIST. Well, I stand by the language I used in North Carolina, and I would call it something less than a general endorsement of everything that was done on May Day.

Senator KENNEDY. What was done on May Day that you did not think was right?

Mr. REHNQUIST. Well, I would have to know more about the facts to be satisfied that a particular thing done was not right. I did specifically say that I thought the abandonment of the field arrest forms by Chief Wilson was a legitimate and proper decision under the circumstances which he had to, I understand, confront.

Senator KENNEDY. What about the arresting without probable cause?

Mr. REHNQUIST. I do not think arresting without probable cause is ever proper, and if, in fact, it happened on May Day, I do not agree with it. I do not know enough about the facts to say that there were or were not arrests without probable cause on May Day.

Senator KENNEDY. Well, the thing I am driving at, Mr. Rehnquist, is that at some time, as you described here, you were involved in the development of the procedures which were outlined for May Day. I can understand that there may have been actions which preceded the suggested procedures which were agreed on at the meetings which you attended, and that you are not prepared to comment or describe or elaborate because you do not have those particular facts. But, nonetheless, you cannot get away from the fact that of the approximately 12,000 arrested, only really a handful ever were found guilty of any charge.

Mr. REHNQUIST. That is my understanding.

Senator KENNEDY. Which would suggest that the procedures—well, what does that suggest to you?

Mr. REHNQUIST. It suggests to me that whereas there may have been probably cause for the arrest of the great number of people, the District of Columbia police were faced with such an overwhelming situation of violation of the law that they chose to try to keep the streets free, and rather than to preserve the necessary information that would enable them to later show either that there had been probable cause for an arrest, or probable cause to bind a man over.

Senator KENNEDY. Well, if there are so many people that deserve arrests, I do not see why they followed a procedure that resulted in the arrest of a lot of people who were innocent.

Mr. REHNQUIST. I am not satisfied that they did arrest a lot of people who were innocent.

Senator KENNEDY. That were just bystanders, that were just walking to work, that were just students coming out of restaurants. The newspapers were full of these instances. I do not think there were many of us in the Congress who did not have constituents that had reports of this type of occurrence. With the cases that they had, so many that were violating the law, I find it difficult to understand why they were arresting so many others that were not.

And as well, thousands were "detained" on the basis of no evidence at all. Others were called for trial and came to trial where there was not the slightest basis for trying them. There were judicial findings for refund of bonds and recall of arrest records. You could almost say, given the results of the courts' rulings, what really went wrong with the development——

The CHAIRMAN. That is a rollcall.

Senator KENNEDY. Can he just answer this?

The CHAIRMAN. That is a rollcall vote.

Mr. REHNQUIST. Could I have the question repeated?

Could I have either the reporter read the question back or——

Senator KENNEDY. Yes. I was just saying that given the fact that there were thousands that were detained on the basis of no evidence at all, and these are court findings, others called for trial when there were no basis for trying them, and there were judicial orders for the refund of bonds and the recall of arrest records, I am just wondering what went wrong? Was it the development of the procedures to be followed on May Day or the execution of them?

Mr. REHNQUIST. I think one thing that happened was that the number of people who were to be involved in May Day was an overwhelming large number, larger than the Metropolitan Police contemplated. As a result, they were faced with a choice of either, when an individual policeman arrested a law violator, or someone he thought was a law violator, of himself taking that man to the stationhouse, booking him, and going through the usual procedures, or simply having the man taken in some other manner to the stationhouse.

And the policemen then would stay on the streets to try to arrest the next bunch who were coming along. And as I understand it, they were very deliberately trying to obstruct the movement of traffic, frequently by hazardous means. I think the District police opted in favor of the latter choice, and I cannot find it in myself to fault them for it.

The CHAIRMAN. The committee will stand in recess for a few minutes and will return right after a vote.

(Short recess.)

The CHAIRMAN. The committee will come to order, please.

Senator Kennedy.

Senator KENNEDY. If I got your final response to the question right, Mr. Rehnquist, you indicated that you were in general support of the law enforcement activities which were undertaken during the course of May Day. You had expressed earlier some reservations about particular actions and were unprepared to comment on some cases, but you were in general agreement.

Am I correct in that?

Mr. REHNQUIST. No; I would not interpret my final answer that way.

Senator KENNEDY. Would you restate it, then?

Mr. REHNQUIST. I think what I said was that the Chief of the Metropolitan Police made a decision to abandon field arrest forms and run some risk of being unable to follow up on the prosecution of arrestees in the interest of keeping his forces on the street in order to preserve order, and that I could not fault him for that decision.

Senator KENNEDY. Is there any procedure that was used during the course of that day, related to regulations, rules, or procedures which were established within the Justice Department, that you would have disagreed with?

Mr. REHNQUIST. Well, the abandonment of field arrest forms, as I understand it, there was no decision taken within the Department.

Senator KENNEDY. No; that was done in the field. But, in terms of the regulations and procedures to be followed on May Day, you were involved in these decisions at the Justice Department. As I understand from what you are saying here, you did not express any reservations about them during the course of their development, nor even in the wake of how they were implemented that particular day. In hindsight, would you have done anything differently?

Mr. REHNQUIST. I was involved in some of the decisions, Senator. I suspect there were a great many that I was not involved in. It is, of course, relatively easy to look back in hindsight and say that one would have done something differently.

And the one thing that occurs to me, and this is strictly a matter of hindsight, and I do not believe this was something that could have been fairly anticipated, was to supply more adequate facilities for those who were detained.

Senator KENNEDY. This is the only, the only point of departure?

Mr. REHNQUIST. Well, you have made the statement that there were arrests made without probable cause simply as bystanders and people who were walking to work. If that was the case I would certainly have done that differently.

Senator KENNEDY. Did you ever come to the belief that that was the case any time prior to the point where the court was throwing these cases out?

Mr. REHNQUIST. No; I did not.

Senator KENNEDY. Did you, in the course of those days, read the newspapers and hear about innocent people being arrested, put in the jails or the detentiton centers? Did you feel that there was a possibility of people being arrested without probable cause?

Mr. REHNQUIST. Well, certainly after newspaper accounts occurred one could not rule out that possibility.

Senator KENNEDY. Well, I am just trying to think back with you, Mr. Rehnquist, to that time. It appears to me that just from a general reading of the newspapers it was clear that there were hundreds of young people being detained under very trying circumstances, under very desperate conditions. I am just wondering whether you independently might have been sufficiently concerned about the possibility of false arrests or indiscriminate arrests or any of the other practices which led to the courts throwing these cases out, whether the chance that a great deal had gone wrong struck you prior to the time that the courts made these decisions?

Mr. REHNQUIST. Well, it certainly struck me after reading the stories in the newspapers, that if those accounts were true, people have been improperly arrested.

Senator KENNEDY. Did you feel you ought to do anything about it, as somebody who is in an important and responsible position in the Justice Department, and who has responsibility for insuring the protection of the rights of individuals?

I am wondering whether this aroused you so much that you felt that maybe you would walk down the corridor, so to speak, and speak to the Attorney General, and say: "If this is what is happening, Mr. Attorney General, I think we ought to do thus and so; we should not wait for the courts?"

Mr. REHNQUIST. By the time the newspaper accounts occurred, I think whatever had happened had happened and the Corporation Counsel and United States' Attorney's Office, as I understand it, were already engaged in a screening process. I did not do anything. I did not feel there was anything that would be appropriate for me to do.

Senator KENNEDY. Well, again, it was 2 days after the demonstrations you were down in North Carolina, I think, and one would have to say from your speech you were endorsing or supporting the May Day procedures. Was that a time when the Attorney General was suggesting that these procedures ought to be duplicated in cities all over the country? And this was 2 days afterwards, and it seems to be during that period of time it became eloquently apparent to many in the House and the Senate that there were many travesties of justice. Certainly that opinion was supported almost unanimously by the various court decisions that ruled on those cases. And I am just interested whether, when it became apparent to you that there had been an entrenching on basic rights——

Mr. REHNQUIST. My statement in North Carolina, Senator, as I recall it, and as I see it, glancing through it, dealt with the abandonment of field-arrest forms, and the concept of a reasonable time in which to take a person before a committing magistrate. It did not purport to sweepingly endorse everything that had been done during the May Day demonstrations.

As to what I may have done on my own, my own initiative, after becoming aware, I have already answered that I did nothing, and I did not think it was appropriate to do anything.

Senator KENNEDY. You would not deny that your statement down in North Carolina was a general endorsement of the steps that were taken by——

Mr. REHNQUIST. I have it in front of me, if you want me to read over a few pages and answer your question, I will do it or I will give you my recollection.

Senator KENNEDY. Well, why don't you give us your recollections?

Mr. REHNQUIST. I do not concede it to be a general endorsement.

Senator KENNEDY. Well, at any time did you express any dismay, either privately or publicly, about the procedures which were followed? You had a situation where you had about 12,000 arrests, practically all but a handful thrown out for a variety of different reasons, and I am just interested in whether you——

THURSDAY, NOVEMBER 4, 1971

Senator COOK. Getting back to another discussion of yesterday, I feel that great emphasis was made of how you completely and absolutely condoned, and were enthusiastic about, or words to that effect, the Government action in the May Day affair in Washington. Again, Mr. Chairman, I would like to put into the record the speech that Mr. Rehnquist made at Appalachian State University, I might say out of a speech of some 24 pages, the first five and a half pages dealt with a very general discussion of the ability of police departments to function, the ability to formulate a policy in its broadest sense under certain conditions. I find nowhere in here any endorsement of the actions of, or any mention of the police officials in the city of Washington other than the fact that you made reference to the fact that there was a metropolitan police force of approximately 5,000 men and that within the first few hours they had to make no less than 7,000 arrests.

Then you allude to what is referred to as qualified martial law. I might suggest I hope you and I both agree that this qualification is nothing new in the law.

I have before me a book entitled "A Practical Manual of Martial Law" that was written in 1940 by Frederick B. Wiener, Special Assistant to the Attorney General of the United States. It has quite a dissertation in the field of qualified martial law.

Would you tell me what you feel would be a definition of qualified martial law?

Mr. REHNQUIST. Recalling as best I can from Mr. Wiener's book, which I believe is the source of my knowledge on the subject, it is the situation where the force brought to bear against the law enforcement forces is such that the normal procedure of individual arrest and booking and admission to bail and appearance before a community magistrate simply cannot be carried out and in this situation it is my understanding that the courts, including the Supreme Court of the United States in the case of *Moyer* v. *Peabody*, have said it was lawful for the Government in that situation to resort to a situation of arrest not on the basis of criminal charge of individual wrongdoing but on a very temporary basis of simply restoring order, and that the process was not arrest in the normal sense and that release was required in a very short order as soon as the serious emergency has passed.

That is a short summary of my understanding of it, Senator.

Senator COOK. And, as a matter of fact, rather than be of the opinion as we discussed yesterday that there may have been either martial law or qualified martial law on that occasion, in your speech in North Carolina you took the position that there had been neither. I quote from page 4, "Indeed if one takes a more extreme situation than that which prevailed in Washington during the past couple of days," and then you went into a dissertation on qualified martial law. Is that not correct?

Mr. REHNQUIST. It is correct, Senator.

Senator COOK. Thank you, Mr. Rehnquist. Thank you, Mr. Chairman.

Mr. ALLEN. Mr. President, when the President announced in his speech on television that he was going to nominate Mr. Lewis Powell and Mr. William Rehnquist for positions on the Supreme Court made vacant by the retirement of Mr. Justice Black and of Mr. Justice Harlan, the junior Senator from Alabama felt that the President had made two excellent choices for these positions.

From that moment on, the junior Senator from Alabama has been ready to vote on these nominations. He has been ready to vote at all times since that time. He is ready now to vote, and he hopes that at an early date we will be allowed to vote on the nomination of Mr. Rehnquist, the Senate already having acted favorably on Mr. Powell's nomination by a vote of 89 to 1.

But tomorrow the question is not going to be whether we favor the confirmation of the nomination of Mr. Rehnquist to be a Justice on the Supreme Court; the question is going to be whether we shall cut off the debate on this question.

Since coming to the Senate almost 3 years ago, the junior Senator from Alabama never has voted to apply cloture. He has never voted to end debate on any subject under debate in the Senate. The right to engage in unlimited debate is one of the great rights that sets the U.S. Senate apart from all other legislative bodies in the world.

We have had debates on this floor on several occasions since I came to the Senate having to do with amending rule XXII to allow 60 percent of the Senators to cut off debate rather than the two-thirds that are now necessary.

The Senate never has been willing to cut off debate by a two-thirds vote on the question of reducing to 60 percent the number necessary to cut off debate.

Just recently three distinguished Senators in this body, the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), and the Senator from Maryland (Mr. MATHIAS), who theretofore had supported the concept of reducing the number of Senators necessary to cut off debate from two-thirds down to 60 percent, changed their position herein the Senate Chamber and stated they were going to support the requirement of a two-thirds vote to cut off debate in the Senate.

So, much as I disagree with the Senator from Indiana on whether Mr. Rehnquist's nomination should be confirmed—he taking the position that his nomination should not be confirmed and the Senator from Alabama taking the position that his nomination should be confirmed—I will on tomorrow vote against the cloture motion seeking to cut off debate.

I want to make the record clear that my vote on this question on tomorrow does in no sense indicate that I am not a staunch supporter of Mr. Rehnquist for the position on the Supreme Court to which he has been nominated, but I believe that the question of allowing this debate to continue should be decided in the affirmative—that debate should not be cut off.

In due time debate will be cut off, and I certainly am not going to regret seeing that action taken, but it cannot be taken, certainly at this time, with the vote of the junior Senator from Alabama.

So I believe the concept of free and unlimited debate should continue. If we do not set any store by the principle of allowing free and unlimited debate in the Senate, it soon is going to be that if any question has the support of two-thirds of the Senate, then it can pass, whether or no, even though full debate has not yet been had.

If there is no validity to the concept of allowing free and unlimited debate in the Senate, then we might just as well say that if any question can get two-thirds of the votes, then debate automatically is cut off; that if that many want to vote for it, then there is no need of having the limitation of rule XXII, because the question would be: "Are you for a measure or against it?" If two-thirds are for it, then there is no need to have any debate.

Mr. TOWER. Mr. President, does the Senator conceive of any occasion in which he would vote for cloture?

Mr. ALLEN. I do not see any occasion at this time. Yes, I would feel that if the fate of the Republic were at stake, certainly to that extent I might be, but I am not allowing myself to speculate

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that on this issue I would and on that I would not.

I will say to the Senator from Texas that on the matter of the extension of the draft, while I was strongly for the extension of the draft and voted for it on every occasion, I did not vote to apply cloture, and have not since coming to the Senate voted to apply cloture. From time to time the distinguished Senator from Texas has voted on some occasions to apply cloture and on other occasions not to apply cloture, and the junior Senator from Alabama would infer from that that on those proposals that the Senator favors he would vote for cloture and on those proposals that he opposes he would not vote for cloture.

The junior Senator from Alabama is trying to be a little more consistent than that and to allow free and unlimited debate even on questions that he supports, because the principle of free and unlimited debate in the Senate is more important to the junior Senator from Alabama than whether we confirm Mr. Rehnquist on Friday, on Saturday, or next week.

I yield the floor.

A TRIBUTE TO RALPH BUNCHE

Mr. KENNEDY. Mr. President, I join in mourning the death of Ralph Bunche. His life was typified by the tremendous force of his dedication to the cause of peace and justice throughout the world. During the years of his magnificent career, Ralph Bunche symbolized the ideals of human understanding and social equality. Perhaps, more than any other single person, he represented the true spirit of self-determination for the developing era of the United Nations. Ralph Bunche was admired by peoples all over the world. Yet, here in his own country, black Americans were denied access to social justice and equality at a time when his brilliance and skill were helping to bridge the gaps of despair between nations.

It is my hope that the work of Ralph Bunche will be properly recorded in the annals of historic triumphs by great Americans. For in these times, when conflict and warfare seem to appear as normal and natural aspects of modern life, we must highlight the work of those among us who have tried to achieve peace and understanding among all men.

It is my hope that his life will be an inspiration for all who work and pray for an end to the turmoil and anguish of human conflict.

ORDER FOR RECOGNITION OF SENATOR McGOVERN AND SENATOR MAGNUSON TOMORROW

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that on tomorrow, immediately following the remarks of the distinguished Senator from New Jersey (Mr. WILLIAMS), the distinguished Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 15 minutes, and that at the conclusion of his remarks, the distinguished senior Senator from Washington (Mr. MAGNUSON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIVISION OF THE HOUR PRECEDING THE VOTE ON CLOTURE

Mr. BYRD of West Virginia. Mr. President, has the time under the rule with respect to the 1 hour preceding the vote tomorrow on cloture been divided yet?

The PRESIDING OFFICER. No; it has not.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 1 hour under rule XXII be equally divided tomorrow between the distinguished Senator from Indiana (Mr. BAYH) and the distinguished minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that, at the conclusion of the remarks by the distinguished Senator from Washington (Mr. MAGNUSON) on tomorrow, there be a period for routine morning business for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator wish to include a limitation of 3 minutes on speeches of Senators?

Mr. BYRD of West Virginia. Yes, Mr. President, with a 3-minute limitation on statements made therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF NOMINATION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on tomorrow, the Senate return to executive session and resume the consideration of the nomination of Mr. William H. Rehnquist to the office of Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. TOWER. Mr. President, I have always believed in the thesis advanced by William S. White that one of the vital functions performed by the Senate is to protect the minority against the precipitate and emotional tyranny of the majority. Until recent years I never voted for cloture, even when I was in disagreement with those who were filibustering, an example being the communications satellite, but I have suddenly come to realize—perhaps not so suddenly, but gradually come to realize—that rule XXII, which provides for virtually unlimited debate, is not being used in the way that it has traditionally and historically been used in this Chamber, and that is on issues of vital, profound, deep-seated social, and constitutional concern.

As a matter of fact, it appears now that a certain group of willful men have discovered unlimited debate as a means of preventing the Senate from working its will on almost anything that they want to prevent the Senate from working its will upon, and I have come to the conclusion also that some people tend to claim unlimited debate, not as a means to an end, but as an end unto itself. I have, therefore, in recent months voted for cloture.

As a matter of fact, during the debate on the loan guarantee, I filed three cloture motions myself—quite a departure from my traditional stance. Many times I participated in what we might as well call filibusters, or, in the words of the late great Everett Dirksen, attenuated educational dialog, in an attempt to prevent matters from coming to a vote; but in each instance I have participated in those extended debates in order to prevent coming to a vote on a measure I thought was being carried on the wave of popular emotion, but that was contrary to the letter and the spirit of the Constitution of the United States.

We desperately need in this country to change the complexion of the Court, and that is what this debate is all about. I intend not only to vote for cloture as many times as is necessary so that this issue can be voted upon—the confirmation of Mr. Rehnquist—because I think everybody is pretty adequately informed, and I think arguments against Mr. Rehnquist are without substance and are so recognized by most commentators, but, Mr. President, I will go beyond that. I believe that the next time the issue of rule XXII comes up, I will abandon my traditional position of favoring a two-thirds majority to cut off debate and will accept the motion that 60 percent should be adequate to cut off debate, because I think too many matters of great public import have been postponed beyond a reasonable time by virtue of the fact that only one-third can thwart the Senate from working its will.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Michigan.

Mr. GRIFFIN. I wish to commend the Senator from Texas for his statement. Although I come from a different part of the country, and I have approached the question of cloture from a different point of view, I believe he has made a very significant statement that deserves the attention and consideration of other Senators, particularly those from the South.

In the past, the junior Senator from Michigan has voted for proposals to change the cloture requirement to three-fifths rather than two-thirds. Frankly, I will say that, in some respects, it is too bad that the Senate should have to make such a change. There is a good deal to be said for keeping the cloture rule as it is now. But when there are Senators who are so inflexible that they will never vote to invoke cloture under any circumstances—when it gets to the point where the Senate cannot get to a vote even on appropriation bills, which was the case in the last session, then it would seem clear that we are left with no real choice but to change the rule.

Mr. TOWER. The Senator will note that several southerners have signed cloture motions this year—the distinguished Senators from Mississippi, for example. I would think otherwise if unlimited debate were used as it was formerly used in the Senate, only on matters that involved vast and sweeping social change, or involved interpretation of the Constitution of the United States or matters that involved State sovereignty or statehood—as in the case of the State of Arizona. I remember our recent great colleague, Carl Hayden from Arizona, never voted for cloture except one time when he conceived that it was in the national interest to do so.

I have come to my current view reluctantly, because I wish we could leave it at two-thirds; but right now, as I have noted, there are willful men who from time to time will use unlimited debate on any issue to prevent the Senate from working its will.

I think that those of us, myself included, who have in the past been inflexible on the matter of cloture have done a disservice to the right of unlimited debate. I have mended my ways, and the next time the issue comes up, I will certainly support a vote of 60 percent of those present and voting to bring debate to a close. I think in the context of the current times that is reasonable and rational.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. THURMOND. Mr. President, President Nixon is to be congratulated on his selection of William H. Rehnquist to be an Associate Justice of the Supreme Court. In making this selection, the President has chosen a man unquestionably qualified to fill this high office.

Having served as a law clerk for Associate Justice Robert H. Jackson and having personally tried several cases before the Supreme Court, William H. Rehnquist is uniquely familiar with the operation of the Court.

Mr. President, the Supreme Court is the ultimate body of the judicial branch of our Government, and it is the duty of the Senate to carefully examine the qualifications of a nominee for this body. William Rehnquist is well qualified for the position of Associate Justice. He is an exceptionally qualified attorney with positive scholastic achievements. In his engagements in the practice of law and in his position as Associate Attorney General of the United States, he has performed with legal and professional excellence.

Mr. Rehnquist received his B.A. degree from Stanford University "with great distinction" and was Phi Beta Kappa. He earned his M.A. degree from Harvard University, and received his LL.B. degree from Stanford University with a ranking of No. 1 in his class. While he was attending law school at Stanford, he was a member of the board of editors of the Stanford Law Review.

Mr. Rehnquist was engaged in the private practice of law in Phoenix, Ariz., for 16 years before he was appointed Assistant Attorney General, Office of Legal Counsel by President Nixon in January 1969. His job description in this position was described by Mr. Nixon as "the President's lawyer's lawyer."

Mr. President, as Assistant Attorney General, Mr. Rehnquist frequently appeared before various congressional committees testifying as to the position of the Department of Justice on various issues. On several occasions he appeared before the Committee on the Judiciary of which I am a member. His testimony, and analysis and perceptive responses to inquiries were always of the highest calibre, and I have always been impressed with his intelligence and professional competency.

The Constitution is the gulding document upon which our great country functions. The ultimate interpretation as to its application is made by the Supreme Court. As a member of that body, William Rehnquist will insure that equal justice under law will have real meaning and application.

Mr. President, it is with distinct pleasure that I shall vote to confirm the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court. As a member of that body Mr. Rehnquist will be a strong advocate for the quality of life under the Constitution as envisioned our forefathers.

Today an article appeared in the Washington Post by Joseph Kraft entitled, "Rehnquist: Top Mind." This article concisely establishes the fact that Mr. Rehnquist is eminently qualified to be an Associate Justice of the Supreme Court.

Even though I do not agree with every idea expressed in this column, I agree with its basic premise, that is, "Mr. Rehnquist, far more than any other recent nominee, has the calibre to restore intellectual distinction to the Court."

Mr. President, I believe this article by Mr. Kraft sufficiently evidences the fact that Mr. Rehnquist is qualified for the Supreme Court and I ask unanimous consent that the article entitled, "Rehnquist: Top Mind," which appeared in the Washington Post on December 9, 1971, be printed in the CONGRESSIONAL RECORD following these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 9, 1971]

REHNQUIST: TOP MIND

(By Joseph Kraft)

Justice Holmes, on being asked what he thought of the intellectual abilities of another judge, once replied: "I never thought of him in that connection." And there lies the nub of the powerful, positive case that can be made for Senate confirmation of President Nixon's latest nominee for the Supreme Court, William Rehnquist.

For years now hardly anybody has thought of the Supreme Court as performing an intellectual function. Mr. Rehnquist, far more than any other recent nominee, has the calibre to restore intellectual distinction to the Court.

To understand why, it is necessary to say a word about the role of the Court in the country. The country is dominated by the million and one daily actions of an energetic population largely unconstrained in its capacity to buy and sell, move and dream, educate and obscure, build and tear down.

Given the nearly universal disposition toward almost constant action, it is ludicrous to think of tyranny being imposed on this country from above by some establishment eager to freeze the status quo or turn back the clock.

The central political problem of a populist country is to preserve some modicum of elite values—respect for achievement; toleration for difference of outlook; regularity of procedure. Partly by original design, but even more by the chance accretions of history, the Supreme Court has come to be the defender of those values—the elitist institution in a populist country.

Unfortunately for the Court, certain political decisions were thrust upon it by the deadlock that developed between Executive and Legislature during the post-war period. In the fields of civil rights and legislative reapportionment, the Court felt obliged—understandably considering that all other avenues seemed closed—to make rulings that might much more appropriately been the work of the President and the Congress.

In the heady atmosphere engendered by those decisions, the Court headed by Chief Justice Earl Warren became result-oriented. In case after case, it was increasingly hard to discover the inner logic of decisionmaking. Blacks seemed to be favored because they were blacks, baseball because it was a good clean American sport, anti-trust plaintiffs because they were against economic monsters.

President Nixon's efforts to correct the imbalance have been fumbling to the point of casting doubt on the sincerity of his claim to want "strict constructionists." His preferred candidates have been right-wingers, so little distinguished that the Senate and the American Bar Association have constrained him to throw them back in the pond.

Mr. Rehnquist is something else. He has not shown sensitivity to the needs of people in trouble, and he has said some hardline—and to me silly-soundlug—things about the influence of Supreme Court clerks and the softness of judges towards communism. Some of these comments may be what ambitious juniors are required to say in order to get ahead in the Republican Party of Barry Goldwater and the Justice Department of John Mitchell. Still, I suppose they represent a genuine right-wing conviction.

But Mr. Rehnquist also has a mind of the highest candle-power. His comments in the Judiciary Committee hearings have been unfailingly lucid and discriminating. He has

been "hesitant"—a favorite word—when unsure of the fine details of a problem.

Even one of his staunchest opponents, Sen. Edward Kennedy, described him as "a man with a quick, sharp intellect, who quotes Byron, Burke, and Tennyson, who never splits an infinitive, who uses the subjunctive, at least once in every speech, who cringes when he sees an English word created from a Greek prefix and a Latin suffix."

Only it happens that the qualities that Senator Kennedy is pleased to dismiss so crudely express a critical aspect of the Court's present work. The Court does not now need more liberals, more conservatives, or more middle-of-the-roaders. There are enough of those to assure that nothing drastic is going to happen in civil rights or criminal law.

What the Court needs is more brains, Mr. Rehnquist has them—more abundantly perhaps than any present member. And by uplifting the quality of the Court in general, he will do far more than any particular decision in any particular case can do to advance the values thoughtful men hold dear.

Mr. COOK. Mr. President, earlier, I addressed the Senate in regard to the qualifications of Lewis F. Powell to be an Associate Justice of the Supreme Court as judged by the criteria or standards that I developed in previous Supreme Court nominations.

I now wish to examine the other nominee, Mr. William H. Rehnquist, in light of these standards.

WILLIAM H. REHNQUIST

In this instance, I am also combining the first two standards and considering them together.

1 AND 2. COMPETENCY; ACHIEVEMENT OR DISTINCTION

In 1948 Mr. Rehnquist graduated "with great distinction" from Stanford University and was elected to Phi Beta Kappa. The next year he received an M.A. from Harvard in government. At Stanford Law School he received his LL.B. degree, graduated first in his class, was elected to the Order of the Coif and served on the board of directors of the Stanford Law Review. Phil C. Neal, dean of the University of Chicago Law School has stated to the committee:

Rehnquist was a student of mine at Stanford Law School. He was not only the top student in his class but one of the best students in the school over a number of years. He has remained in my mind as one of the most impressive students I have had in some twenty-two years of teaching.

Mr. Jarril F. Kaplan, a Phoenix attorney who has publicly stated that he does not share the nominee's political views or philosophy, said in a letter to Senator BROOKE:

I have known Mr. Rehnquist well as a professional colleague for many years. He is an outstanding lawyer, completely thorough, scholarly, perceptive, articulate and possessed of the utmost integrity as well as a keen wit. He enjoys the highest respect of his fellow lawyers for his legal talent. There is, in my mind, no question about Mr. Rehnquist's legal qualifications to serve upon the Supreme Court.

Another prominent Arizonian familiar with the nominee, but who also disagrees with some of his views, Representative MORRIS K. UDALL, stated:

I say this though I can attest to his complete integrity and adherence to the highest ethical standards. In addition, he has had excellent legal training and experience and possesses a clearly superior legal mind. He certainly meets the demanding professional standards for and would bring intellectual distinction to the Supreme Court.

A number of law professors have given the nominee very high marks. Ralph K. Winter, Jr., of Yale Law School, said in a letter to the committee:

Mr. Rehnquist is experienced in matters of constitutional law. He will bring to the Court knowledge and a sense of history as well as intellectual power. He understands, and accepts, the fundamental principles of government established by the Constitution and appreciates the difficult role a court must play as a constitutional arbiter in a democratic society.

Thomas E. Kauper, professor of law at Michigan, said that:

He has all the qualities to become a truly great judge.

Willard H. Pederick, dean of the Arizona State University College of Law, thought so highly of Mr. Rehnquist's qualifications that he "was moved to approach him a year ago about the possibility of an academic career with the faculty of the college of law."

John Bingham Hurlbut, Jackson Eli Reynolds, professor of law at Stanford and a former law clerk to Chief Justice Earl Warren, and also a former teacher of the nominee, praised his abilities in the following manner:

Mr. Rehnquist is the product of the Stanford Law School, a member of one of those remarkable and very competent postwar classes, composed largely of veterans, eager to exploit what the law school had to offer in the pursuit of a solid foundation for a professional career in private practice and in public service, and for satisfying those heavy obligations of a lawyer citizen. And on the other side of the platform a strong, demanding, dedicated faculty including such names as Phil Neal (now law dean at Chicago), Sam Thurman (now law dean at Utah), Harold Shepherd (former dean at Duke), and Paul Freund (visiting professor from Harvard for a term). In this setting he was graduated first in his class—and as one of my former colleagues at Stanford has put it, "he was the outstanding student of his law school generation."

I can, I think, speak with some authority on William Rehnquist the student. He was a member of my class in criminal law in his first year and evidence in his third year. For a while he was my research assistant. We had a common interest in intercollegiate athletics as well as the law. So I saw a great deal of him in the classroom, in my office, and in my home.

As a student he was nothing short of brilliant, determined to achieve excellence, and persistent in his expectation of excellence on the other side of the podium. In the give and take of the classroom he was sharp, forthright, courageous, and objective—precise and deep in his analysis of difficult problems—insistent that a problem be turned over and over to expose all of its facets before its solution—and always a gentleman.

Upon graduation from law school, the nominee served as a law clerk for Mr. Justice Robert H. Jackson. From 1953 through 1969 he was a lawyer in private practice in Phoenix and according to the American Bar Association's report to the committee:

Was clearly a person of recognized professional quality who, for his age, was highly regarded.

The ABA standing committee on Federal judiciary further stated that his rating, AV, in Martindale-Hubbell was the highest rating a lawyer could receive. In his present position as an Assistant Attorney General of the United States and head of the Office of Legal Counsel, he has clearly demonstrated for the public record that he is all of what his many admirers say he is. A perusal of his statements before the various House and Senate committees clearly reveals the qualities of legal scholarship and keen intellect for which he is famous. He has demonstrated his expertise in broad areas of constitutional law through these writings.

Mr. President, only time and space in the CONGRESSIONAL RECORD prevent me from continuing in the documentation of his competency and level of achievement and distinction within his chosen profession.

3. TEMPERAMENT

Here, I once again turn to those who know the nominee best, even though many of them are in fundamental disagreement with his political or philosophical views. I believe this to be an important qualification, because hostility to a certain class of litigants cannot be condoned in any judge, but especially for a Justice of the Supreme Court. Self-discipline is essential.

Judge Walter E. Craig, U.S. District Judge for the District of Arizona, a former president of the American Bar Association, and a man who has known the nominee for 25 years had the highest praise for patience and temperament. In testimony before the committee, Judge Craig said:

He has demonstrated, I think, his patience and judicial temperament in appearing before this body. I have observed it for 19 years, so it does not come as a surprise to me that he has handled himself so magnificently here. I have seen only a relatively few minutes of his testimony, but I have kept in some touch with the progress of the hearings.

In his appearances before my court, Mr. Rehnquist conducted himself not only with outstanding professional skills but with dignity, intelligence, and integrity. I think he has conducted his life that way so long as I have known him.

Prof. Thomas E. Kauper declared that—

William H. Rehnquist is as fine a lawyer as I have encountered. He has a scholarly, intellectual approach to legal problems which is not found in many practicing lawyers. While he and I did not always agree on the resolution of legal issues, I always received a fair hearing and found him eager to learn all that he could before making a decision.

There have been many allegations that the nominee is a "racist" or an extremist and that he, therefore, does not possess the necessary open-mindedness and judicial temperament.

Jarril F. Kaplan, a former chairman of the Phoenix human relations commission, said that during all of his years of service he never once heard reference to the nominee's hostility toward any minority group. In his letter to Senator BROOKE urging favorable consideration, he stated:

Parenthetically, I wish to state that I do not share much of Mr. Rehnquist's political views or philosophy. But that hardly detracts from his legal abilities or from my recognition of those abilities. Nor am I aware of any real basis for characterizing his views as extremist. Mr. Rehnquist is a consummate advocate, as any good lawyer must be. He states his views (or the views of those whom he represents) with the zeal of a skilled advocate. This is what he is trained to do, and should not be misunderstood as extremism.

Another supporter of the nominee, a professor of law at Yale University Law School, and a man who has seen him in action was equally impressed. Robert H. Bork stated in a letter to the committee:

I have seen Mr. Rehnquist engage in debate on highly controversial subjects. Though some persons on both sides of the issue became quite heated, he did not. He remained calm but forceful in the presentation of his views, marshalling his arguments with great skill. That performance was indicative not merely of great professional qualifications, but also of a judicial temperament.

The Reverend George Brooks, a former president of the Arizona NAACP, had charged at one time that Mr. Rehnquist harrassed and denounced in an abusive manner certain civil rights demonstrators in 1964 at the Arizona State Capitol. As the Nov. 3 edition of the Washington Post reported, the Reverend Mr. Brooks has clarified his original statement:

By the end of last week, Brooks was telling a different story. He now says that the discussion with Rehnquist was calm, "the tone was professional, constitutional, and philosophical," he said. He was neither harassed nor intimidated, Brooks added.

His latest opinion certainly agrees with that of all the others who have commented on the nominee's temperament.

Finally, the nominee has been charged with attempting to deprive certain minority groups of their voting rights in the 1960's. The committee report more than adequately replies to these unsubstantiated allegations. I refer to pages 8–13. In addition, Mr. Rehinquist in a reply to questions from Senators BAYH, HART, and KENNEDY categoricaly denies these assertions. I ask unanimous consent that question No. 10 of the Senator's letter, and Mr. Rehnquist's reply be printed in the RECORD at this point.

Mr. President, in summary, many have called Mr. Rehnquist, "the ultimate reasonable man." The record certainly supports this description.

4 AND 5. ETHICAL CONDUCT; PERSONAL CONDUCT

Mr. Rehnquist has undergone a thorough investigation of his personal life by the Federal Bureau of Investigation as well as by private individuals and groups. Furthermore, Senator BAYH questioned him extensively about his law practice and the record reveals absolutely nothing which would indicate that he violated either the canons of ethics or the statutes governing the standard of conduct required of members of the bar. Professor Hurlbut succinctly summarized the thinking of everyone who knows William Rehnquist when he said that:

Above all else he is a man of complete intellectual and personal integrity.

CONCLUSION

Mr. President, as I have repeatedly stated, I do not believe that political philosophy or ideology is a relevant factor in the Senate's confirmation of Supreme Court nominations.

On November 28, Representative PAUL MCCLOSKEY, during an appearance on the WTOP–TV program "Newsmakers," stated his opinion as to Mr. Rehinquist's qualifications and temperament. He said, in part, that—

Bill Rehnquist, in my judgment, has a reverence, respect for the law.

In reply to a question about the nominee's philosophy, Representative MCCLOSKEY summarized my feelings on this matter when he said,

I think—as I say, his political views I don't agree with at all. But I hate to see us get to the point in this country where because a man is behind the times politically we deny him a seat on the court. I think the law's too important to have political views play a part in whether he's qualified or not.

Because Mr. MCCLOSKEY's comments on "Newsmakers" were so timely and pertinent, I ask unanimous consent that the relevant portions of that program, exhibit "B", be printed in the RECORD at the conclusion of my remarks.

In an article entitled "The Rehnquist Dilemma," Tom Wicker said in the November 11, 1971, edition of the New York Times concerning the nominee's rejection on ideological grounds:

So the real question before the Senate is whether it can, or should, reject Mr. Rehnquist solely because of his political views. On the one hand, the writers of the Constitution, in giving the Senate the power to confirm or reject presidential nominees to the Judiciary, clearly meant the legislative branch to play a substantive role with the executive branch in this process. The Senate has the right, therefore, to judge for itself the qualifications of a man to sit on the Supreme Court.

On the other hand, to make that judgment solely on the basis of his political views (which, after all, may change) is dangerous business. It presumes some kind of rightful political orthodoxy.

In that same column he rebutted the argument of rejecting Rehnquist because the President has nominated a conservative, political activist by saying:

And the Senate is likely to compound the damage if it denies Mr. Rehnquist his court seat solely because of his political views.

Tom Wicker's credentials as a stout defender of political liberalism are, I believe, impeccable. However, he believes so strongly that Mr. Rehnquist should not be opposed on philosophical grounds that he wrote another column on this subject. In speaking once more of the liberal's dilemma, Mr. Wicker stated:

That means that the battle has to be fought, if at all, on the tricky ground of Mr. Rehnquist's political views—whether it is called his "judicial philosophy" or his "constitutional approach." The view was put forward in this space on November 11 that this kind of opposition was "dangerous business"—that it suggested the existence of a kind of political orthodoxy, would tend to politicize the Court, would punish some people for their ideas while frightening others out of having any and would lead inevitably to political retaliation.

He further went on to say:

On balance, with full awareness that Mr. Rehnquist's views on the Bill of Rights seem antilibertarian, and despite weighty arguments from many who disagree, it still is "dangerous business" to reject him for his political views. Is it seriously to be asserted that conservative—even arch-conservative—views disqualify a man for service on the Supreme Court? If so, then what prevents some other Senate from disqualifying a man for strongly liberal views or for being a "new leftist" or a "neo-isolationist" or some other stereotype?

I believe, as does Mr. Wicker, that it is much too late for many of Mr. Rehnquist's opponents to be faulting him on constitutional interpretation. Mr. Wicker has this to say:

Can it be shown that Mr. Rehnquist's views are factually in error or substantively wrong? No, it is a matter of interpretation, and it is late in the day for liberals to start asserting that the Constitution is an absolute document not subject to interpretation or differing ideas. It is, in fact, the prime duty of the Supreme Court to decide what the Constitution means, on given subjects at given times in history.

I ask unanimous consent that both of these columns by Mr. Wicker be inserted in the RECORD at the conclusion of my remarks as exhibits "C" and "D."

In conclusion, after attending the judiciary hearings, and examining the record I wish to give my unqualified endorsement of this very distinguished lawyer and legal scholar. As with Mr. Justice Powell, I believe Mr. Rehnquist to be uniquely qualified to sit on the Supreme Court of the United States.

If I may depart from my objectivity for just a moment, and insert a personal note, this is the first instance that I have had the opportunity to be personally acquainted with a Supreme Court nominee. I know that Bill Rehnquist is a superior human being in every sense of the word. He is superior in intellect, temperament and compassion. I wish him well.

Mr. President, I urge the immediate confirmation of the nomination of Mr. William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States.

I ask unanimous consent that other exhibits be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EXHIBIT A

QUESTION 10 BY SENATORS BAYH, HART, AND KENNEDY

10. Please describe in as much detail as possible your position (including title and the manner in which you were selected); responsibility, and activities in connection with Republican Party efforts to challenge Democratic voters in Arizona for each of the following elections, separately: 1958, 1960, 1962, 1964, 1966, 1968.

In addition, please answer the following questions concerning your position, responsibility or activities in each of the above-mentioned years:

(a) Did you personally engage in challenging the qualifications of any voters? If so, please describe the nature and extent of the challenging you did and the bases on which the challenges were made.

XUM

(b) Did you train or counsel persons selected to be pollwatchers or challengers about the procedures to be used in challenging? If so, please elaborate concerning how the persons were selected, and the training that you gave. Did you in any of the above-mentioned years train or counsel persons selected to be pollwatchers on the bases on which challenges could be made? If so, please elaborate concerning what you advised these persons were proper bases under law for challenges in each of the relevant years.

(c) Did you prepare, select or advise on the use of printed passage from the Constitution designed to be employed by challengers to determine the literacy of a potential voter? Did any such practice come to your attention? Did you think it proper and lawful? If not, did you take steps to curb such procedures?

ANSWERS TO QUESTION 10 BY MR. REHNQUIST

10. During the course of the Committee's deliberations, I submitted the following affidavit to the Chairman of the Committee:

"I have read the affidavits of Jordan Harris and Robert Tate, both notarized in Maricopa County, Arizona. Insofar as these affidavits pertain to me, they are false. I have not, either in the general election of 1964 or in any election, at Bethun precinct or in any other precinct, either myself harassed or intimidated voters, or encouraged or approved the harassment or intimidation of voters by other persons."

In order to fully respond to question 10, an understanding of the background of Republican challenging procedures in Maricopa County is necessary. I have therefore tried as best I can to recall and set forth that background.

A combination of the peculiarities of Arizona election law, the customary practices of the Board of Supervisors in appointing precinct election officials, and the numerical weakness of registered Republicans in part of the County resulted in the fact that the only method by which a Republican observer or poll watcher could be stationed inside a particular polling place in many precincts in order to watch for voting irregularities was to be there as a "challenger." While he was authorized by law to challenge voters, the prospects of his being successful were not great, since the challenges he made were ruled upon by a three-man election board (two judges and an inspector) and in the precincts with extraordinarily heavy Democratic registration at least two and often three members of this board would be Democrats. The challenger's real usefulness to the Party, therefore, was not that he was going to be able to prevail upon the election board to disqualify any large number of voters, but that his mere presence as a party representative would have a tendency to discourage any large-scale irregularities in voting procedures at that precinct. My recollection is that the most frequent cause of dispute which arose in Election Day during the late 50s and early 60s was the nature of the credentials required for a challenger to be allowed to enter and remain in a polling place, since in many of these precincts there had never been a Republican representation on the scene during Election Day.

With respect to the specific questions posed, I have attempted to refresh my recollection by speaking with several persons in Arizona who acted in Republican Party affairs during the years covered in this question and to Judge Hardy, who was active for the Democratic Party at the same time. I have also had occasion to see two local newspaper articles which appeared in the Fall of 1964, describing my position during the elections of 1960, 1962, and 1964. I recall that at the time there were written schedules, instructions, and the like prepared at least for the elections of 1960, 1962, and 1964, but I have not found anyone who was able to locate any of this written material, and it may no longer be in existence.

In 1958, I became involved in the Election Day program on quite short notice, and spent all the day at Republican County Headquarters in Phoenix answering questions as to the election laws on the telephone. So far as I remember, I was the only person having this responsibility at County Headquarters. I don't believe I had a title, and I cannot remember by whom I was selected. As I recall, Don Reese, then of Phoenix but presently of Houston, Texas, was County Chairman in 1958.

My attention has been called to a clipping from the *Arizona Republic* in October 1964, which states that in 1960 I was co-chairman of the "Ballot Security Program." I do not have any independent recollection of this fact, but I have no reason to dispute the account in the newspaper. As I recall, however, the program in 1960 was not called the "Ballot Security Program," since I don't remember hearing that term used before 1964.

In 1960, I supervised and assisted in the preparation of envelopes to be mailed out in advance of the election for the purpose of challenging voters on the basis of their having moved from the residence address shown on the poll list; I also recruited about a half a dozen lawyers to work on a "Lawyers Committee" on Election Day. I did not myself recruit challengers, but I did speak to a "school" held for challengers shortly before election, in order to advise them on the law. I believe I also supervised and assisted in the assembling of returns of our mailings which were returned "addressee unknown", so that they could be made available to the particular challenger who was stationed in the precinct in which the address was located. On Election Day, I believe that I spent most of the day in County Headquarters. In that year, however, we had enough other lawyers available in County Headquarters so that I probably spent some of the day going to precincts where a dispute had arisen, and attempting to resolve it.

I cannot remember whether Don Reese or Ralph Staggs was County Chairman in 1960; I believe I was designated by whoever was County Chairman that year.

With respect to 1962, I have been shown an article in the October 1964, *Arizona Republic* which states that I was Chairman of a Lawyers Committee which operated on Election Day. This is consistent with my own recollection. I do not believe that in this year I participated in the mailing out of envelopes prior to election, though I may have. I did speak at a school for challengers, I believe, in much the same manner as in 1960. On Election Day, my recollection is that I spent most of the day in Republican County Headquarters; however, I think that on several occasions in 1962, just as in 1960, I went to precincts where disputes had arisen in an effort to resolve them.

With respect to 1964, I have seen an article in the *Arizona Republic* dated October 1964, stating that I was Chairman of the "Ballot Security Program." This is consistent with my recollection. I presume that I had overall responsibility for the mailing out of envelopes, the recruiting of challengers, and the recruiting of members of the Lawyers Committee to work in County Headquarters; however, I believe that there were individuals other than me who were directly responsible for each of these aspects of the program. At this time, Wayne Legg was Chairman of the Republican County Committee, and I presume it was he who designated me as chairman. My recollection is that on Election Day during this particular election I spent all of my time in County Headquarters.

I also think, though I am not certain, that I spoke at the school for challengers held just before the election; if I did not speak to the school, I believe I was present when someone else spoke on the law. Challengers were advised in this year, pursuant to an opinion issued by the State Attorney General, that challenging at the polls on the basis of literacy or interpretation of the Constitution was unlawful by virtue of the Federal Civil Rights Act of 1964.

In 1966, my best recollection is that I played no part at all in the election activities, though I am not absolutely certain. If I played any part, it was simply to serve as a lawyer on duty at County Headquarters for a period of several hours in order to handle questions that might come in over the phone.

In 1968, I played no part at all in the election activities.

(a) In none of these years did I personally engage in challenging the qualifications of any voters.

(b) The recruitment of challengers in each of these years was under the direct supervision of someone other than me. However, in at least two of these elections—1960 and 1962—and perhaps in 1964, I spoke at a challengers' school conducted shortly before the election. The purpose of my talk was to advise the various persons who were to act as challengers as to what authorization was required in order to enable them to be present in a polling place during the time the election was being conducted, and also as to the various legal grounds for challenging as provided by applicable Arizona law. My recollection is that I simply recited the grounds set forth in the Arizona Revised Statutes as to the basis for challenge, the method of making the challenge, and the manner in which the challenge was to be decided by the Election Board of the precinct in question.

(c) I did not. No such practice came to my attention until sometime on Election Day, 1962. The manner in which I saw this type of challenge being used, when I visited one precinct, struck me as amounting to harassment and intimidation, and I advised the Republican challenger to stop using these tactics. Since no question was raised at that time as to the propriety or lawfulness of the use of printed passages from the Constitution by challengers in conjunction with the election board in an otherwise courteous and lawful manner, I did not consider it. Shortly after the election, I discussed this type of challenge with Charles Hardy, now Judge of the Superior Court of Maricopa County, and expressed my vigorous disapproval of any scattergun use of literacy challenges. By the time of the next biennial election, in 1964, such challenges were no longer permitted under federal law.

EXHIBIT B

U.S. REPRESENTATIVE MCCLOSKEY COMMENTS ON REHNQUIST NOMINATION

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CAROLYN LEWIS. Paul McCloskey is a third term congressman from the State of California. He's also the only announced Republican candidate for President. McCloskey served as a Marine in Korea and was decorated three times. He says he isn't against all wars; he is against America's involvement in Vietnam. The Vietnam war, however, is not the only issue dividing Paul McCloskey from Richard Nixon.

Joining us this evening is columnist and commentator Carl Rowan.

Mr. McCloskey, not long ago you criticized President Nixon for what you called a lack of moral leadership on civil rights. Today civil rights leaders are strongly opposed to the Supreme Court nomination of William Rehnquist. Yet you support William Rehnquist. Why?

Representative PAUL N. MCCLOSKEY, Jr. Bill Rehnquist, in my judgment, has a reverence, respect for the law. I disagree almost entirely with his political views. But I think that the crucial thing with our courts and our legal system is that the law must be absolutely separated from politics. You can't have legal involvement in politics, and you shouldn't have political influence in the court.

I've known Bill for I guess twenty years. He's always had almost a fetish that people should not have their political views intrude in their judicial decisions. If there's going to be any conservative judge on the court, this would be the man I would pick.

CARL ROWAN. I find this interesting because some months ago you said this to *Congressional Quarterly:* "The attack on crime, in my judgment, is not a matter of removing civil liberties, as the Attorney General now prefers." There are a lot of people who think Rehnquist was the ringleader in the Justice Department's efforts to destroy civil liberties. How do you reconcile this to your view?

Representative MCCLOSKEY. Well, I don't know that to be true. And I have some skepticism about assigning to the counsel or the attorney for someone the basis for the arguments that were made. I know that Bill Rehnquist carries out the Attorney General's instruction. I know that he probably carries out the President's instructions. And I don't think you blame the attorney for the position that they necessarily take on all occasions.

ROWAN. Now you also have been harshly critical of President Nixon for backing away from enforcement of civil rights laws, particularly the Voting Rights Act. We've had some criticism come out of Arizona claiming that Rehnquist tried to stop blacks from voting. Is it that you don't believe the criticism, or what?

Representative MCCLOSKEY. No, I honestly don't believe that. As I say, I've known Bill since law school. He was the top man in the class the year that I left law school and went to Korea. He's not the kind of a man that would be down in the voting line elbowing people out. He just isn't the kind of a guy to do that. And I can recall in those years back in the early sixties when sometimes Democratic politicians did run people through the voting lines that may or may not have been qualified to vote in specific urban precincts. I accept Bill's explanation that he advised the people that were checking on the polls, but did not participate in it himself.

LEWIS. Mr. McCloskey, only recently Mr. Rehnquist admitted that he was a little behind the times on wanting blacks to have equal access to public accommodations. Don't you think this shows that he lags at least behind the general populace even on these issues and perhaps has . . .

Representative MCCLOSKEY. I think so.

LEWIS. . . . What did you say?

Representative MCCLOSKEY. I think so. I think—as I say, his political views I don't agree with at all. But I hate to see us get to the point in this country where because a man is behind the times politically we deny him a seat on the court. I think the law's too important to have political views play a part in whether he's qualified or not.

LEWIS. What about his sensitivity to these major issues which are cropping up and will crop up in the seventies and eighties, and probably the nineties? Don't you think a man on the court should have a sensitivity to these things?

Representative MCCLOSKEY. Very much so. But I don't think that the speed at which sensitivity comes to him—Bill is forty-seven. He's still learning; he's still growing. He's a man who, I think, is capable of changing his mind. And, you know, what are the real attributes of a judge? Reverence, respect for the law, an open mind, an absolute insistence on not having his political views intrude into his judicial decisions.

I disagree strongly with most everything Bill believes politically. But it seems to me that this is precisely what we need—is a man unwilling to let his political views intrude in his judicial decisions.

ROWAN. Well, you've touched upon a critical question there, and that is whether political views do intrude. You remember that marvelous quote from Chief Justice Hughes, who said the Constitution is what the judges say it is. Well, a man's political views go a long way toward determining how he rules on critical cases like *Brown* v. *Board of Education*, the 1954 school desegregation decision . . .

Representative MCCLOSKEY. I agree with you.

ROWAN. . . . So how can you assure the public that Rehnquist will not let his political views get into his interpretation of the Constitution?

Representative MCCLOSKEY. Well, because if you go back into Bill's history you find that even in law school he was concerned that liberal judges were writing their political opinions into judicial decisions. It's almost been a fetish with him, as I say, that he has opposed this concept.

Now when you take a judge ruling on the Constitution, he's taking the history of the country, the history of the Constitution, the evolution of our laws, the prior court decisions. Now, Bill Rehnquist could no more bring himself to back away from, say, *Brown* v. *Board of Education*, or any one of the great civil rights cases of our time, than the man in the moon.

I don't worry about him at all in that respect. My worry about his political views goes to his authoritarian comments about the position of the executive branch of government. I think we've reached the stage where if you took Attorney General Mitchell's concept that we're entitled to wire tap because we think it's right, or we're entitled to keep these papers secret because we think it is right, there is the real danger that you have. And there I'm convinced Bill Rehnquist is a far better lawyer than to permit his political views to intrude in his decisions.

LEWIS. But he's the lawyer who argued that case for the Attorney General.

Representative MCCLOSKEY. I know. I've debated with him at tremendous length and in some violent disagreement before my own committee on government information.

ROWAN. What we really have here is you expressing a hope and trying to reassure the public on the basis of your personal friendship with Rehnquist. Isn't that about the shape of things?

Representative MCCLOSKEY. No, because you can't really say that we're friends. We've known each other. We're not of the same temperament. We have as I've mentioned, I think we disagree on nearly everything. But I would feel very comfortable, Mr. Rowan, arguing a civil rights or a human rights, or a sensitivity case in front of Bill Rehnquist. I think he'd bend over backwards to try to base his judgment on the law and the facts. And that's what you're looking for in a judge. The whole practice of law—and I come from three generations of lawyers—the whole beauty of the law is the independence and the judicious temperament of the judge that rules on it. That's where the confidence and the support and the faith in the law comes from.

And I think this man can do it, even though we disagree so violently politically.

ROWAN: Well, of course, the Rehnquist appointment is only one tiny aspect of the performance of the Nixon administration, civil rights-wise and otherwise. Does this indicate a general satisfaction, on your part, with the performance of the administration?

Representative MCCLOSKEY. Not at all. I—you know, I'm accused of being a one issue candidate, because I've opposed the war. And I run against the President primarily because of the war. But the two things that bother me almost equally as much is this administration's secrecy, concealment of information, deception. That's the first thing, because they've made news management, concealment and deception almost a trademark of this administration.

The second is their failure and their refusal to enforce the civil rights acts, particularly the Voting Rights Act of 1965. When this Attorney General refused to enforce that law down in Mississippi, when he pulled the voting registrars out, refused to send them back; when he said I can't enforce the law—I think there's a Circuit Court of Appeals down in Alabama that has bitterly characterized the Attorney General as a Pontius Pilate washing his hands of the civil rights act and his responsibility even to respond when they asked whether or not the Voting Rights program received his approval.

If I thought Bill Rehnquist had any part of the advice to the President or the participation in not enforcing the Voting Rights Act, it would certainly change my opinion. I can't believe that he'd do this . . .

[From the New York Times, Nov. 11, 1971]

EXHIBIT C

THE REHNQUIST DILEMMA

(By Tom Wicker)

The spectacle of Senator Edward Kennedy defending the reputation of William Rehnquist against allegations by Joseph Rauh of the A.D.A. suggests the painful dilemma in which liberals and civil libertarians have been placed by Mr. Rehnquist's nomination to the Supreme Court.

This nomination is not like that of Clement Haynsworth, whom President Nixon earlier tried to put on the Court. Judge Haynsworth was not confirmed by the Senate on the ostensible ground that his record on the bench showed a lack of perception of possible conflict-of-interest situations.

Nor is the Rehnquist case similar to that of Mr. Nixon's other rejected nominee, G. Harrold Carswell. Judge Carswell was found to have made misstatements to a Senate committee, and his confirmation hearings disclosed a glaring lack of qualification for the Supreme Court.

The Rehnquist matter is not even like that of Lewis Powell, whom Mr. Nixon has also named to the Court.

Mr. Powell is a pillar of the Southern establishment, a good credential in the Senate, he is 64 years old and his tenure on the Court will be limited by that; he is not expected by most observers to become a powerful leader within the Court.

Mr. Rehnquist is a horse of a very different color. At 47, he can look forward to a long and active tenure on the bench. Moreover, his record is that of a hard-working and vigorous champion of conservative political causes, both in Arizona and within the Nixon Administration. Persons in and out of the Administration who know his work credit him with superior intellect and skill in the law.

Thus Mr. Rehnquist on the Court is altogether likely to become a driving force for the principles he espouses. There are those who believe that as the years go along he will be a more formidable leader than Chief Justice Burger in the conservative wing of the Court—a wing that may already be in the majority on some issues and will almost surely become dominant if Mr. Nixon wins another term in the White House.

It is no wonder, then, that liberals and liberatarians are desperately casting about for means of defeating the Rehnquist nomination in the Senate. Mr. Rehnquist's record of opposition to civil rights measures, his strong advocacy of state powers that would threaten Bill of Rights guarantees—at least what many people passionately believe to be guarantees—his youth and his obvious leadership qualities might alter the course of the Supreme Court for decades to come.

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But the hard fact is that no one has as yet produced any evidence of the kind of ethical tangles that ruined Judge Haynsworth's chances—and before that led to the resignation of Abe Fortas from the Court; nor has anyone been able to identify misstatements like those that sank Judge Carswell, let alone a lack of legal or intellectual qualifications.

It was, in fact, on the matter of Mr. Rehnquist's integrity that Senator Kennedy rebuked Mr. Rauh. The latter had suggested that the nominee had been less than candid in denying ever having been a member of the John Birch Society. The Senator could hardly be sympathetic to a man of Mr. Rehnquist's views, but he insisted that the nominee's basic integrity was unchallenged.

So the real question before the Senate is whether it can, or should, reject Mr. Rehnquist solely because of his political views. On the one hand, the writers of the Constitution, in giving the Senate the power to confirm or reject Presidential nominees to the judiciary, clearly meant the legislative branch to play a substantive role with the executive branch in this process. The Senate has the right, therefore, to judge for itself the qualifications of a man to sit on the Supreme Court.

On the other hand, to make that judgment solely on the basis of his political views (which, after all, may change) is dangerous business. It presumes some kind of rightful political orthodoxy; it would tend to politicize the courts according to the temporary political coloration of Congress; it could punish some individuals for their ideas and frighten others out of having any.

Moreover, it is bound to lead to retaliation, as it did when Republicans and conservatives defeated President Johnson's nomination of Justice Fortas to be Chief Justice, at least partially on political grounds. Paying off that score had a good deal to do with Jude Haynsworth's subsequent rejection.

It may be argued that Mr. Nixon should not have handed Senators this dilemma by appointing an activist political figure to a nonpolitical court; but the precedents are ample, and the Senate is likely to compound the damage if it denies Mr. Rehnquist his Court seat solely because of his political views.

EXHIBIT D

IN RE REHNQUIST

(By Tom Wicker)

WASHINGTON.—The Senate apparently will confirm Lewis Powell next week as an Associate Justice of the Supreme Court. After that, it will either face up to or delay the far more controversial and difficult matter of William Rehnquist, President Nixon's other nominee to the Court.

As it now appears, Mr. Rehnquist will be confirmed, too, unless those who oppose him are determined enough and able to put together something like the filibuster that, in 1968, prevented confirmation of Abe Fortas as Chief Justice.

This is at least a long-shot possibility because of Mr. Rehnquist's comparative youth (47) and his reputation as a skilled, active and intent champion of strongly conservative causes. Liberals fear he may become for many years the vigorous leader of a reactionary Court, but their dilemma is that no ethical or professional charges sufficient to warrant Mr. Rehnquist's rejection have so far been proved.

That means that the battle has to be fought, if at all, on the tricky ground of Mr. Rehnquist's political views—whether it is called his "judicial philosophy" or his "constitutional approach." The view was put forward in this space on Nov. 11 that this kind of opposition was "dangerous business"—that it suggested the existence of a kind of political orthodoxy, would tend to politicize the Court, would punish some people for their ideas while frightening others out of having any and would lead inevitably to political retaliation.

On balance, with full awareness that Mr. Rehnquist's views on the Bill of Rights seem antilibertarian, and despite weighty arguments from many who disagree, it still is "dangerous business" to reject him for his political views. Is it seriously to be asserted that conservative—even arch-conservative—views disqualify a man for service on the Supreme Court? If so, then what prevents some other Senate from disqualifying a man for strongly liberal views or for being a "new leftist" or a "neo-isolationist" or some other sterotype?

This is not to deny that the Senate has a duty to consider the qualifications of a nominee to sit upon the Court. Or that among the qualifications it ought to consider is his general political, constitutional and judicial view of things. Judge Carswell, for instance, was judged to be lacking in intellectual and legal competence, a judgment that could be solidly documented.

But can it be shown that Mr. Rehnquist lacks fidelity to the Constitution? No, only that in his view it allows more power to the state and less to the individual than many other Americans believe to be the case.

Can it be shown that Mr. Rehnquist's views are factually in error or substantively wrong? No, it is a matter of interpretation, and it is late in the day for liberals to start asserting that the Constitution is an absolute document not subject to interpretation or differing ideas. It is, in fact, the prime duty of the Supreme Court to decide what the Constitution means, on given subjects at given times in history.

Nor is the political aspect of the Rehnquist nomination an open-and-shut affair. No doubt Mr. Rehnquist will be a formidable conservative force on the Court (although that remains a supposition that only time can justify). Even so, the damage he might do to liberal causes could well be less than the political consequences of a third rejected Nixon nominee, a third defeated conservative, in a Senate dominated by liberal Democrats. Just as the Court itself must sometimes practice "judicial restraint," so it may be that the Senate ought to practice some political restraint. This, of course, is a value judgment that each Senator must make for himself.

That also is true of the really crucial question about Mr. Rehnquist, which can best be explained by reference to Mr. Powell. Those who know the Virginia lawyer, a former American Bar Association president, concede that his views in many ways are as conservative as those of Mr. Rehnquist—and that fact was documented in an article by Mr. Powell recently reprinted on this page.

But Mr. Powell, it is said, is an experienced and fair-minded man of judicial temperament who, in deciding legal and constitutional questions, will put aside any personal or political preferences and prejudices that can't be squared with the law and the facts of a case. He might, for instance, generally approve wiretapping as a law-enforcement tool—yet be willing to rule against it when, in some particular case, the facts showed that the law and the Constitution had been violated.

It is to be hoped that this is true—of Mr. Powell and of any nominee, liberal or conservative. Whether or not it is true of William Rehnquist is the vital question about his nomination, and one that each Senator must judge for himself. If Mr. Rehnquist can put his personal views aside when they can't be fairly justified by the law and the facts, then those views should not be the deciding factor; but if any Senator feels that Mr. Rehnquist, or any other nominee, could not so discipline himself intellectually, voting to reject him would surely be a duty.

[From the Washington Post, Dec. 9, 1971]

REHNQUIST: TOP MIND

(By Joseph Kraft)

Justice Holmes, on being asked what he thought of the intellectual abilities of another judge, once replied: "I never thought of him in that connection." And there lies the nub of the powerful, positive case that can be made for Senate confirmation of President Nixon's latest nominee for the Supreme Court, William Rehnquist.

For years now hardly anybody has thought of the Supreme Court as performing an intellectual function. Mr. Rehnquist, far more than any other recent nominee, has the calibre to restore intellectual distinction to the Court.

To understand why, it is necessary to say a word about the role of the Court in the country. The country is dominated by the million and one daily actions of an energetic population largely unconstrained in its capacity to buy and sell, move and dream, educate and obscure, build and tear down.

Given the nearly universal disposition toward almost constant action, it is ludicrous to think of tyranny being imposed on this country from above by some establishment eager to freeze the status quo or turn back the clock.

The central political problem of a populist country is to preserve some modicum of elite values—respect for achievement; toleration for difference of outlook; regularity of procedure. Partly by original design, but even more by the chance accretions of history, the Supreme Court has come to be the defender of those values—the elitist institution in a populist country.

Unfortunately for the Court, certain political decisions were thrust upon it by the deadlock that developed between Executive and Legislature during the post-war period. In the fields of civil rights and legislative reapportionment, the Court felt obliged—understandably considering that all other avenues seemed closed—to make rulings that might much more appropriately been the work of the President and the Congress.

In the heady atmosphere engendered by those decisions, the Court headed by Chief Justice Earl Warren became result-oriented. In case after case, it was increasingly hard to discover the inner logic of decision-making. Blacks seemed to be favored because they were blacks, baseball because it was a good clean American sport, anti-trust plaintiffs because they were against economic monsters.

President Nixon's efforts to correct the imbalance have been fumbling to the point of casting doubt on the sincerity of his claim to want "strict constructionists." His preferred candidates have been right-wingers, so little distinguished that the Senate and the American Bar Association have constrained him to throw them back in the pond.

Mr. Rehnquist is something else. He has not shown sensitivity to the needs of people in trouble, and he has said some hardline—and to me silly-sounding—things about the influence of Supreme Court clerks and the softness of judges toward communism. Some of these comments may be what ambitious juniors are required to say in order to get ahead in the Republican Party of Barry Goldwater and the Department of Justice of John Mitchell. Still, I suppose they represent a genuine right-wing conviction.

But Mr. Rehnquist also has a mind of the highest candle-power. His comments in the Judiciary Committee hearings have been unfailingly lucid and discriminating. He has been "hesitant"—a favorite word—when unsure of the fine details of a problem.

Even one of his staunchest opponents, Sen. Edward Kennedy, described him as "a man with a quick, sharp intellect, who quotes Byron, Burke, and Tennyson, who never splits an infinitive, who uses the subjunctive at least once in every speech, who cringes when he sees an English word created from a Greek prefix and a Latin suffix."

Only it happens that the qualities that Senator Kennedy is pleased to dismiss so crudely express a critical aspect of the Court's present work. The Court does not now need more liberals, more conservatives, or more middle-of-the-roaders. There are enough of those to assure that nothing drastic is going to happen in civil rights or criminal law.

What the Court needs is more brains. Mr. Rehnquist has them—more abundantly perhaps than any present member. And by uplifting the quality of the Court in general, he will do far more than any particular case can do to advance the values thoughtful men hold dear.

Mr. BROOKE. Mr. President, the confirmation proceedings on the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court appear to have narrowed to the actual intent of the nominee's 1952 memorandum to the late Justice Jackson. In a letter to the chairman of the Judiciary Committee (Mr. EASTLAND), Mr. Rehnquist has set the memorandum into a narrow context of a statement for Justice Jackson's tentative use in conference. Without attacking Mr. Rehnquist's candor in regard to this memorandum, I believe that serious questions can be raised as to the actual context in which the memorandum was drafted and for which the memorandum was to serve.

I ask unanimous consent that the memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

Rehnquist states that the memorandum was prepared "as a statement of Justice Jackson's tentative views for his own use" for the conference of the Justices in the *Brown* case rather than as a statement of Rehnquist's own position and recommendation to the Justice.

1. The memorandum does not represent what is known of Justice Jackson's views on minority rights. It is highly improbable that he at any time believed that *Plessy* v. *Ferguson* had been rightly decided. Justice Jackson had a strong record against racial discrimination, exemplified most notably by his dissenting opinion in the Japanese relocation case, *Korematsu* v. *United States*, 323 U.S. 214, 242. (I should point out two cases in which he voted to sustain California's restrictions on aliens' rights to own land and fish, *Oyama* v. *California*, 332 U.S. 633, *Takahashi* v. *Fish & Game Commission*, 334 U.S. 410.) More telling, perhaps, is that Mr. Justice Jackson ultimately not only voted with the rest of the Court in *Brown* v. *Board of Education* but actually left his hospital bed to go directly to the Court to be present for the announcement of the decision on May 17, 1954. And aside from his judicial career, Justice Jackson had been America's chief prosecutor at the Nuremburg trials where his opposition to racism was manifested and reinforced. He referred to that experience in *Beauharnais* v. *Illinois*, 342 U.S. 250, 304 (dissent):

"Group libel statutes represent a commendable desire to reduce sinister abuses of our freedoms of expression—abuses which I have had occasion to learn can tear apart a society, brutalize its dominant elements, and persecute, even to extermination, its minorities. While laws or prosecutions might not alleviate racial or sectarian hatreds and may even invest scoundrels with a specious martyrdom, I should be loath to foreclose the States from a considerable latitude of experimentation in this field."

Even in that context, however, he was conscious that such laws must be carefully drafted because "the shoe may be on the other foot in some prosecution tomorrow." *Id.*

Not only does Justice Jackson's prior record on race repel the attribution of a pro-*Plessy* v. *Ferguson* view to him, but the memorandum contains another position which could not possibly have been intended to reflect that of the Justice:

"To the argument made by Thurgood, not John Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are. One hundred and fifty years of attempts on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men."

Even if it stood alone, his opinion in *West Virginia Board of Education* v. *Barnette*, 319 U.S. 624, would be eloquent testimonial that he believed that the Court can and must protect the rights of minorities, including "Jehovah's Witnesses." Of the many passages in the opinion which bear this out, quotation of one is sufficient:

"It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings. There is no mysticism in the American concept of the State or of the nature or origin of its authority. We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority.

"The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds. We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. When they are so harmless to others or to the State as those we deal with here, the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us." *Id.* at 641–642 (footnote omitted).

Indeed, Mr. Justice Jackson's entire career repudiates the claim that the memorandum reflected the Justice's view that

"* * * where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases."

See, e.g., *American Communication Assn.* v. *Douds*, 339 U.S. 382, 422 (separate opinion) (freedom of speech and association); *Johnson* v. *United States*, 333 U.S. 10 (Fourth Amendment); *Everson* v. *Board of Education*, 330 U.S. 1, 18 (dissenting opinion), and *Zorach* v. *Clauson*, 343 U.S. 306, 323 (dissenting opinion) (both dealing with minority rights under First Amendment's Religion clauses). Justice Jackson sometimes disagreed with other members of the Court as to the scope of individual rights under the Constitution, but he yielded to no one in his insistence that the protection of such rights was a primary function of the Supreme Court. To put into his mouth the sentence "One by one the cases establishing such rights have been sloughed off, and crept silently to rest" is to contend that Justice Jackson was willing to repudiate a substantial part of his life's work.

2. There is considerable internal evidence in the memorandum, aside from the views which it expresses, to show that it could not have been intended for the use of Justice Jackson in a conference.

a. Taking the memorandum as a whole, it contains nothing that Justice Jackson did not know, or of which he would have to be reminded by a written memorandum. Doubtless, Justices ask their law clerks to draft summaries of precedents, or arguments of counsel to be used by a Justice at conference. But this memorandum does not contain that kind of legal analysis. It is, rather, a statement of judicial philosophy and well known, if somewhat one-sided, judicial history. It is doubtful whether any Justice would have needed a memorandum to refresh his recollection of the matters contained in that memorandum, but surely Justice Jackson, who was generally regarded as the most able and eloquent advocate on the Court, was unneedful of this kind of prop and would not have asked for it.

b. The title itself is a giveaway, "A Random Thought on the Segregation Cases." A memorandum drafted for use by a Justice in conference would probably have no title at all, but "random" is hardly an appropriate description of a memorandum written pursuant to instructions and for use in serious deliberations. On the other hand, the title is entirely appropriate if the memorandum is indeed what it otherwise appears to be, a memorandum from Mr. Rehnquist to Justice Jackson expressing the law clerk's views.

c. The history recited in the memorandum is so elementary that it would have insulted the intelligence of the other Justices if it had been recited in conference.

d. The personal references to the Justices are inconsistent with the tone which Mr. Jackson would have used, or could have been expected to use. There are three examples of this in the memorandum. Each of these is sufficiently telling that it merits separate attention.

i. "I would suggest that this is a question the Court need never reach; *for regardless of the Justice's* individual views on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction."

If the "I" throughout this memorandum is Justice Jackson (that is, if the memorandum was, as Mr. Rehnquist asserts, a statement of Justice Jackson's own position), then the phrase *"for regardless of the Justice's* individual views on the merits of segregation" does not ring true. Rather, Justice Jackson would have said "I would suggest that this is a question the Court need never reach; for regardless of *our* individual views * * *." Indeed, the singular "Justice's" is (unless it is a typographical error) evidence that the Justice referred to is Justice Jackson being addressed by Mr. Rehnquist.

ii. "If this Court, because its members individually are 'liberal' and dislike segregation, now chooses to strike it down, it differs from the McReynolds court only in the kinds of litigants it favors and the kinds of special claims it protects."

XUM

It is at least unlikely that Jackson would have referred to the other members of the Court as "liberal" or that Rehnquist would have thought that this usage was proper for a statement that Jackson would make.

iii. The Third passage leaves little doubt that the "I" is Rehnquist, not Justice Jackson.

"I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by 'liberal' colleagues, but I think *Plessy* v. *Ferguson* was right and should be re-affirmed."

I know of no evidence that Justice Jackson was ever "excoriated by 'liberal' colleagues," that is, by other members of the Court. Indeed, since Justice Jackson had never previously taken any position suggesting that *Plessy* v. *Ferguson* was correct, there would have been no occasion for such excoriation. Mr. Rehnquist's explanation is questionable also because the "'liberal' colleagues" are referred to in the third person, which would have been inappropriate if the memorandum was drafted for Justice Jackson to use in conference when only those colleagues would be addressed. If the memorandum was really intended for Justice Jackson's use in conference, it would have read something like "I realize that it is an unpopular and unhumanitarian position, for which I may be excoriated by some of my brethren • • •."

A minor, and perhaps less compelling, point as to the use of the third person is that one member of the Court is more likely to refer to the others as "brethren," and that a clerk writing for a Justice would adopt this formula. On the other hand, the word "colleague" is precisely the one which one would expect if a clerk was complaining about the treatment he was receiving from his fellow law clerks. Finally, it is particularly unlikely that Mr. Justice Jackson, of all people, should have required a law clerk to draft language for him in response to other members of the Court who had excoriated him for his position. Mr. Justice Jackson, as is well known, was entirely able to take care of himself in such intramural debate.

e. The tone of the memorandum is uncharacteristic of Justice Jackson, but more characteristic of Mr. Rehnquist. Most obvious, perhaps, is the *ad hominem* thrust, "To the argument made by Thurgood, not John Marshall • • •."

3. Evidence of Mr. Rehnquist's subsequent actions strongly suggests that the memorandum is a representation of Mr. Rehnquist's own views.

As I pointed out in an earlier floor speech.

a. The memorandum is entirely consistent with the position Mr. Rehnquist took on racial issues until the time of his nomination. For, even a decade after the *Brown* decision Mr. Rehnquist opposed a local anti-discrimination ordinance, expressing greater concern for the discriminator than those discriminated against. And in 1967 Mr. Rehnquist opposed integration of the Phoenix public schools saying, in that context, "we are no more dedicated to an 'integrated' society than we are to a 'segregated' society." It is far more plausible to attribute the views of that memorandum to one with Mr. Rehnquist's unfortunate record on racial matters than to Mr. Justice Jackson.

b. The passage quoted earlier, "I have been excoriated by 'liberal' colleagues," is illuminated by Mr. Rehnquist's article about the practices of law clerks at the Supreme Court. In that article in *U.S. News & World Report* he objected that "the political cast of the clerks as a group was to the 'left' of either the nation or the Court". It would now appear that the article was, in part, Mr. Rehnquist's reaction to the excoriation to which he referred in his memorandum to Justice Jackson. In that same article Mr. Rehnquist said:

"An ideal clerk ought, in most aspects of his official capacity, to mirror as best he can the mind of the Justice for whom he works. There is room for sensibly presented difference of opinion when the lines of dispute are clearly drawn and in the open, but there is no room for the clerk's deliberate use of his position as research assistant to champion a cause to which his Justice does not subscribe."

As we have already shown, the statement does not appear to mirror Mr. Justice Jackson's mind, particularly on the question of the role of the Court in protecting minority rights. Indeed, if the memorandum is what it appears to be, Mr. Rehnquist's statement of his own views to Justice Jackson, it violates the very precepts which Mr. Rehnquist purported to set forth in the article and whose unconscious violation he ascribed to the other clerks.

c. The *ad hominen* approach of the memorandum is consistent with Mr. Rehnquist's normal style. As I pointed out in my remarks Tuesday, "the contemptuous tone of Mr. Rehnquist's letter [of October 21, 1971, to the *Washington Post*] is almost as disturbing as its content."

d. Mr. Rehnquist's cavalier use of history in the memorandum is mirrored by his argument in opposition to the proposed public accommodation ordinance in Phoenix where he stated:

"There have been zoning ordinances and that sort of thing but I venture to say that there has never been this sort of an assault on the institution where you are told, not what you can build on your property, but who can come on your property."

Yet, in fact, since 1701 the common law has been that a businessman, particularly an innkeeper, is "bound to serve the subject in all things that are within the reach and contemplation of" his calling. *Lane* v. *Cotton*, 12 Mod. 472, 484 (1701), quoted in *Lombard* v. *Louisiana*, 373 U.S. 267, 274 at 277 (concurring opinion). As of 1964 many states and cities had ordinances such as the one proposed for Phoenix. One such was sustained by the Supreme Court during Mr. Rehnquist's own tenure as law clerk. *District of Columbia* v. *John R. Thompson*, 346 U.S. 100.

Mr. SCOTT subsequently said: Mr. President, I have a cablegram addressed to Mr. J. R. Kendall, International Government Relations Adviser, Washington, from "Mobileurope, London." The cablegram is from Mr. Donald Cronson. The cablegram, which is from London, reads as follows:

Please relay following memorandum to William Rehnquist.

A reporter telephoned me from the States last night and asked if I had any recollection concerning the memorandum on the segregation cases attributed to you in Newsweek. As a result of his request I have examined my files and reflected on the matter. It is my recollection that the memorandum in question is my work at least as much as it is yours and that it was prepared in response to a request from Justice Jackson to prepare such a memorandum. My recollection of the events leading to it is as follows.

Prior to the preparation of the memorandum referred to in Newsweek another memorandum was prepared of which I still have a copy. It is my recollection that I actually typed the first memorandum, although it is possible that you did. It was in any case the result of collaboration between us. That first memorandum supported the position that Plessy was wrongly decided, and that the Court should announce that it was wrongly decided, but that the Court should leave to the Congress the responsibility for taking action to change the system of segregated education that had grown up on the basis of the wrong decision in Plessy. After examining that memorandum—

I say parenthetically that it is still in the possession of Mr. Cronson, in London.

Justice Jackson requested that a memorandum be prepared supporting the proposition that Plessy was correctly decided. The memorandum supporting Plessy was typed by you, but a great deal of its content was the result of my suggestions. A number of phrases quoted in Newsweek I can recognize as having been composed by me, and it is probable that the memorandum is more mine than yours.

I leave to your good judgment whether my recollection as set forth above should be publicized.

If you think I can provide any further information that will be helpful please telephone me. My office number in London is 839 1262. My home number is London 493 8181 or Gstaad, Switzerland, 43674.

DONALD CRONSON.

I think that this furnishes some very interesting and further enlightenment and establishes the credibility of Mr. Rehnquist which was so unwarrantedly attacked today.

If reporters are interested, let them call Mr. Cronson in London.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS of Arkansas, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mr. BYRNES of Wisconsin, and Mr. BETTS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS of Arkansas, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mr. BYRNES of Wisconsin, and Mr. BETTS were appointed managers on the part of the House at the conference.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana (Mr. LONG) be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the conference report which the Senator from Louisiana is about to call up be limited to 1 hour, to be equally divided between the able Senator from Louisiana (Mr. LONG) and the able Senator from Nebraska (Mr. CURTIS).

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I want to ask the Senator from Louisiana, if it will suit his convenience, to give me a few minutes for colloquy, as we struck out the amendment we carried in the Senate unanimously. I understand why we have structured it out, but we should spread the facts on the RECORD and whenever the Senator could accommodate me in that respect, I would appreciate it.

Mr. LONG. Of course.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, my understanding is that we are in agreement that a yea and nay vote will be requested on this conference report.

Mr. GRIFFIN. I am glad the Senator from West Virginia has indicated that.

Mr. BYRD of West Virginia. So Senators should be alerted to that fact.

Mr. LONG. Mr. President, I would like to have the attention of the Secretary of the Senate or his representative and ask that he undertake to see that the staffs of the Committee on Finance and the Joint Committee on Internal Revenue Taxation be alerted to the fact that this conference report is now under consideration, in order that members of those staffs may be available to consult with and advise Senators on technical aspects of the conference report while it is being considered on the floor.

REVENUE ACT OF 1971—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 4, 1971 at pages 44768–44776.

Mr. LONG. Mr. President, I cannot say that I view this as a very satisfactory conference agreement from the standpoint of the Senate. I say this because the Senate will find that many of the provisions added here on the Senate floor have been deleted. Despite this, there were many Senate provisions which were accepted in conference and which will become part of the final law.

As I analyze the situation, there are two basic reasons which account for the deletion of most of the Senate provisions which proved to be unacceptable to the House conferees. The first of these reasons is that the Senate in its action here on the floor added very appreciably to the revenue loss. Some of us recognized that this might occur and tried—I know that I tried—although unsuccessfully—to prevail upon the Senate to accept other amendments—such as the cutback in depreciation—which would have recouped an appreciable amount of this loss. That, in my judgment, would have been necessary if we were to persuade the House to agree to some of the Senate provisions entailing a large tax reduction and a large revenue loss.

The result of this was that the House passed a bill which, in the 3 years 1971, 1972, and 1973, would lose $15.4 billion.

The Senate action increased the total for this 3-year period to $27.9 billion—actually some $12.5 billion more than that provided by the House bill. I should note that virtually all of this was added on the Senate floor. The House conferees felt that a revenue loss in the range of $15 to $16 billion was all that was appropriate at this time. They believed that any appreciably larger revenue loss would tend to refuel the inflationary fires despite our wage and price controls. This was the principal reason why the House conferees were unwilling to accept the following amendments—

First, extending the investment credit for farm machinery back to January 1. This involves a revenue loss of $75 million in 1971.

Second, allowing a 10-percent investment credit in place of a 7-percent credit in rural areas and in central city areas. This represents a revenue loss of $100 million in 1971, $750 million in 1972, and $750 million in 1973.

Third, increasing the minimum standard deduction from $1,050 to $1,300 for 1971. The revenue cost of this was $1.4 billion in 1971.

Fourth, increasing the personal exemption for 1972 and subsequent years from $750 to $800. This involves a revenue loss of slightly over $1.8 billion in 1972 and slightly over $1.9 billion in 1973.

Fifth, providing a tax credit for college education expenses. This involved a revenue loss of $2.2 billion in 1972 and $2.3 billion in 1973.

Sixth, providing a tax credit for real property taxes or rents paid by the elderly. This involves a revenue loss of $225 million in 1972 and $235 million in 1973.

Seventh, providing an extra exemption for the disabled. This involves a revenue loss of $190 million in 1972 and $200 million in 1973.

Eighth, finally, in this category, requiring only quarterly deposits of withholding and social security taxes collected by employers from employees where the number of employees is 50 or less. In terms of the fiscal year collections for 1972, this would have involved a decrease in collections of $1.5 billion.

In some of the other modifications of Senate amendments also, the modifications were designed, at least in part, to save revenue.

The second reason the House conferees refused to accept an appreciable number of Senate amendments was that they considered a number of the amendments as not being germane under their rules. That included six items some of which I sponsored and fought for hard myself, and some of which I hope we may yet enact. In the Legislative Reorganization Act of 1970 a provision was added which, with respect to the House rules, had the effect of providing that the House conferees may not accept—without subjecting the conference report to a point of order—a provision which could not have been added on the floor of the House when the bill was originally considered.

No one can be quite sure how this would be interpreted under the House rules since, with the closed rule under which the House customarily acts on a tax bill, there have been very few prior tests of germaneness in the case of tax provisions. The House conferees seemed to feel, however, that since the bill the House sent over to the Senate constituted basically an amendment to the Internal Revenue Code of 1954, amendments to be germane must either be amendments directly to the Internal Revenue Code or amendments which were clearly related to material which is in that code.

If this interpretation of the House rules is correct, this represents a severe restriction on Senate action, not only with respect to tax bills, but also with respect to other legislation. It seems to me that this is a problem which the Senate must face up to if it is to maintain its position in legislation, not only in the area of taxation but in other areas as well.

The Senate provisions which were not agreed to in large part because the House conferees believed the provisions were not germane under the House rules are as follows—

First, the Senate provision allocating 7 percent of alcohol tax receipts to the highway trust fund—this was an amendment to the highway trust fund rather than to the Internal Revenue Code.

Second, the Senate provision which would authorize the President to impose quotas and import surcharges up to 15 percent on articles imported during a balance-of-payments emergency period. This amendment also directed the Secretary of the Treasury to exempt from the present import surcharge, piston-type internal combustion engines to be installed in snowmobiles.

Third, the portion of the work incentive program—WIN—amendments which relates to changes in the WIN program in the Social Security Act. As indicated elsewhere, the tax credit relating to the

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WIN program was agreed to by the conferees.

Fourth, the amendemnt offered by Senator MAGNUSON which would have provided unemployment compensation benefits for up to 26 weeks to unemployed individuals who have exhausted their right to both regular unemployment benefits and emergency benefits provided for under the 1970 Act. This is the amendment which would have provided the additional unemployment benefits in those States where unemployment benefits in those States where unemployment was at a rate of 6 percent or above.

Fifth, the amendment which would have required the President to transmit reports to the Congress and the Comptroller General containing information as to appropriated funds which are impounded.

Sixth, and finally, the amendment offered by Senator COTTON which would have authorized the President under certain conditions to impose import quotas and other import restrictions on imported articles.

Those were amendments that, under the House rules, we were informed could not be agreed to because they were subject to a point of order. I regret that the Senate agreed to a provision, as part of the Reorganization Act, which, in effect, prevented the Senate from obtaining consideration of amendments which were in order under the Senate rules. This rule in effect, set the foundation for the House to decline to accept Senate amendments because they are not germane under the rules of the House of Representatives.

In my judgment, when the Senate did that, it did a very foolhardy thing. It tended to make the Senate an inferior, rather than a coequal body in this legislative process.

I would hope that the Senate some day would realize the folly of that action and try to do something about it. I had hoped to try to prevent this from happening in the first instance.

That was the reason why the Senate was not even able to obtain consideration of six important Senate amendments, some of which I was privileged to sponsor myself while this measure was being considered in the Committee on Finance.

Mr. President, turning now to the political contribution and public campaign financing amendments, as Senators undoubtedly know, the House did agree to the Senate amendments but with some very significant modifications. The House agreed to the tax credit of up to $25 for joint returns and $12.50 for single returns, as well as the alternative of a deduction for up to $100 in the case of joint returns and up to $50 in the case of separate or single returns.

In addition, the House conferees agreed to the checkoff system for the public financing of presidential elections. However, in view of the President's attitude toward this provision, the House conferees were unwilling to make this provision effective for the 1972 election. The House conferees believed, given the President's direct statement that he would veto the bill if this provision were in it, that to make this provision applicable to the 1972 elections would defeat any public campaign financing either for 1972 or for subsequent years. In addition, the President's attitude, would presumably also defeat the passage of any tax reduction for individuals and provisions of an investment credit for business, at least in this session of Congress.

I must say that it is with great reluctance that I and the majority of the other Senate conferees went along with the change making the checkoff system inapplicable to the 1972 election. However, as unfortunate as I believe that is, this provision is still in the bill and will be applicable to all presidential elections after the 1972 election. I believe that this is a great step forward as I am sure the majority in this body will believe also. In any event, let us hope that postponing the provision beyond the 1972 election will, in fact, give us a little bit more bipartisan support for the provision.

Despite the fact that I have devoted some time to pointing out the unsatisfactory aspects of our conference on the Revenue bill of 1971, there were a great number of changes proposed by the Senate which were accepted by the House conferees. In fact, I think I can say that for the most part, the Senate amendments which did not involve an appreciable revenue loss or which did not fall before the House germaneness rule in almost all cases survived and are in the conference report before us. These include some 26 provisions. They are as follows:

First, the provision which gave taxpayers the option in their accounting methods of either flowing through the benefit of the investment credit to profits currently or of flowing these benefits through to profits ratably over the life of the property. As approved by the conferees, this provision applies both to the report to Federal agencies and also to all reports over which any Federal agency has jurisdiction—this includes financial reports to shareholders over which the SEC has jurisdiction. The conferees provided an exception to this treatment in the case of regulated public utilities subject to the special rules relating to the treatment of the investment credit for ratemaking purposes. This was provided because taxpayers taking the second option—namely, the option of flowing the benefits of the investment credit through in profits over the life of the asset—also are required to account generally in their financial reporting for the credit on the same basis. However, it is expected that regulated companies which do not select this option will have the same rights as taxpayers generally to either flow the benefits of the credit through in profits currently or ratably over the life of the asset as they choose.

Second, the Senate amendment which would have permitted the administration to deny the investment credit for foreign produced property on a country-by-country basis even though the surcharge is repealed. The House agreed to a version of this amendment under which this is treated as another method of offsetting under the Trade Act of 1962, discriminations imposed by foreign countries with respect to U.S. products.

Third, the treatment of used property under the investment credit provided by the Senate bill. Thus, the investment credit will be available for up to $50,000 of used property and the amount of the credit which can be taken for used property will not be offset by any new property purchased by the taxpayer and eligible for the investment credit.

Fourth, the Senate modifications of the House bill designed to perfect the treatment of the investment credit in the case of regulated public utilities. These were accepted with virtually no modifications from the Senate-passed provisions.

Fifth, the Senate version of the limitation which permitted only 20 percent of pre-1969 investment credit carryovers to be used in any one year. The Senate version of the bill made this inapplicable to the portion of the year coming after August 15, 1971. The House would have continued the application of this 20-percent rule with respect to the second portion of 1971.

Sixth, the Senate provision for deduction for domestic service and child care. The Senators will recall that the Senate version of the bill contained a provision making a deduction of up to $400 a month available for domestic service or child care expenses either in the home, or in the case of child care expenses, to a limited extent, outside the home. In the case of single persons and also in the case of couples where one spouse was disabled, this was available under the Senate version without any income limitation. For married couples, the provision was limited to those where both were working and the combined incomes were $18,000 or less. A transitional rule provided for those with incomes immediately above $18,000. The House conferees agreed to the Senate provision but made this $18,000 rule applicable across the board, not only to married couples but also to single persons as well. In addition, as agreed to by the conferees, this deduction will be available only to those who itemize their personal deductions. This modification from the Senate provision is expected to save $170 million.

Seventh, the Senate provision requiring that a levy generally cannot be made on a salary or wages of an individual until he is notified of this in writing.

Eighth, the Senate provision providing that, in the case of a taxpayer who is the dependent of another taxpayer, the percentage standard deduction and low-income allowance are to be computed only with reference to that individual's earned income.

Ninth, the Senate modification of the House provision relating to the limitation on the carryover of unused investment credits, foreign tax credits and unused net capital losses. The Senate amendment provides that this rule is not to apply to reorganizations and other changes in ownership in the case of plans or contracts entered into before September 29, 1971.

Tenth, the changes in the definition of a net lease agreed to by the Senate. These apply for purposes of the minimum tax on tax preferences and also for purposes of the limitation of the deductibility of excess investment interest.

Eleventh, the Senate provision postponing for 1 year the application of the capital gain distribution rules applicable in the case of accumulation trusts in existence on December 31, 1969.

Twelfth, the modifications made in the provision relating to whether a corporation qualifies for Western Hemisphere Trade Corp. treatment when it derives income from within the Virgin Islands.

Thirteenth, the Senate provisions providing that bribes, kickbacks, medical referral payments, and other illegal payments are not to be deductible for income tax purposes with two modifications. First, the conferees provided that the burden of proof as to whether a payment is an illegal payment is to be upon the Government to the same extent as the Government bears this burden of proof in tax cases relating to fraud. Second, in the case of medical referral payments, instead of amending the Social Security Act to make these illegal as such, the conference agreement treats such payments as not being deductible. I expect the Finance Committee, in connection with subsequent social security legislation, to again propose a provision making medical referral payments illegal.

Fourteenth, the modification made by the Senate in the provision of present law which provides a rebuttable presumption that an activity is engaged in for profit if there is a profit in the activity in 2 out of 5 of the last taxable years—or 2 out of the last 7 in the case of the breeding or raising of horses.

Fifteenth, the Senate amendment providing that a distribution of property to a foreign corporation—unless effectively connected to a trade or business in the United States—is, for tax purposes, to be the fair market value of the property distributed.

Sixteenth, the Senate provisions relating to original issue discount.

Seventeenth, the Senate provision providing that if a taxpayer leases a domestically produced aircraft or vessel to a U.S. person he may treat the income derived as income from sources within the United States.

Eighteenth, a portion of the Senate amendment relating to industrial development bonds. The House conferees accepted the portion of this amendment which places in a separate category bonds issued with respect to the furnishing of water. It did not, however, agree to permit the issuance of industrial revenue bonds in the amount of $5 million irrespective of the size of the other capital investments made by the company involved. Instead, the conferees agreed that the escape valve which does not deny the exemption where the capital expenditures made in the period 3 years before or 3 years after the issuance of the tax exempt bonds exceed the $5 million limit by no more than $250,000 was to be raised to $1 million.

Nineteenth, the Mathias amendment prohibiting those who prepare tax returns for compensation from disclosing information on the returns or from using the information for other purposes, except to the extent provided for by regulations.

Twentieth, in the case of the amendment which would have required the publication of estimates of tax expenditures in the budget or related budget documents each year, although the amendment as such was deleted, the Treasury has promised to make these reports annually to the tax committees and it may also include estimates of this type in the annual report of the Secretary of the Treasury. In any event, the material will be published in a form which will be available to the general public on an annual basis.

Twenty-first, the Senate amendment repealing the excise tax on trailers used primarily in connection with light-duty trucks where the gross vehicle weight of the trailer is 10,000 pounds or less.

Twenty-second, the amendments providing for exemption of the tax on busses used in urban mass transportation service and the truck tax on domestic trash containers.

Twenty-third, the Senate amendment subjecting to tax tires and tubes on imported vehicles.

Twenty-fourth, the Senate amendment providing for a credit against the Federal occupational tax on coin-operated gaming devices where similar State taxes are imposed. However, the conference agreement omits the requirement that the State tax be one which is in effect on the date of enactment of this bill.

Twenty-fifth, most of the Senate amendments with respect to the DISC—domestic international sales corporation—provision. The House conferees did not agree to the termination of the provision after a 5-year period but they agreed to the other basic changes made by the Senate.

Twenty-sixth, the tax credit provided to employers who, through the work incentive—WIN—program, hire individuals who are on welfare. The tax credit in this case is 20 percent of the payments made in the first year.

Despite the fact that the House conferees were unwilling to go along with the Senate on those amendments which involved a large revenue loss or those which were considered not germane under the House rules, in virtually all other cases, the House conferees did accept the Senate amendments. In view of this and the importance of this bill in increasing production in the period ahead, I would urge the Senate to agree to the conference report.

In summary, let me add these personal thoughts. I believe the bill we have brought from the conference is a good bill as far as it goes, but should have gone further in the direction of tax relief for individuals than it did. Personally, I supported many of the Senate amendments calculated to make the bill more responsive to what I considered to be in the best interest of the people of the United States, and I hated to lose them in conference.

When one examines the tax bill it is apparent that permanent new tax relief of tremendous magnitude is being provided for the business community. I do not quarrel with that; taxes are too high. But, unfortunately, so far as individual taxpayers are concerned the bill adds little new relief to the tax cuts Congress approved in 1969. Rather, it merely accelerates these tax cuts and makes them available a little sooner than otherwise would be the case.

I recognize fully that the effect is lower taxes now and now is when the economy needs the stimulus that comes from lower taxes. I remain convinced, however, that in the long run Congress is going to have to do more to lift the burden of individual income taxes either through changes in the tax rates, or by permanent increases in the personal exemption, and I intend to direct my efforts to this end.

I have made reference to the fact that many important Senate amendments to the bill were rejected because it was claimed that the rule of germaneness in the House of Representatives would not permit them. I believe that provision is wrong in principle. It is, in fact, an affront to the Senate. There is no doubt in my mind that we made a grievous error when we permitted that provision to be included in the Legislative Reorganization Act. No doubt it will haunt future conferees.

In my many years as a conferee with those conferees who represent the House of Representatives in the conferences, the conferees have always been willing to consider the proposals of the Senate. However, they are now less willing to discuss proposals properly made in accordance with the Senate's rules. In fact, they were never less willing to consider amendments appropriate under the Senate rules than they were on this bill. The Senate can blame itself for that result, especially in having, in effect, imposed a House rule upon the Senate.

I repeat this is a good bill as far as it goes. It is my hope that on another bill at another time we can persuade the House conferees of the wisdom and desirability of some of the tax-cutting amendments, as well as some of those proposals which were considered nongermane on this bill, which they so adamantly refused to accept as part of this bill.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MOSS. Mr. President, do I correctly understand from the Senator's report that the conferees did keep a tax checkoff on the return, but set off the date until 1976?

Mr. LONG. The Senator is essentially correct. Under the compromise agreed to between the two Houses, a taxpayer for returns filed starting in January 1973 would have the privilege of marking on the tax return whether he wanted his dollar to go to the party of his choice or whether he wanted that dollar to go into the nonpartisan presidential election account.

The House was unwilling to agree to the automatic appropriation. It was contended that that might be subject to a point of order in the House of Representatives. It also was anticipated by the House conferees that there would be serious opposition from members of the

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House Appropriations Committee. Therefore, the House was willing to agree only that this be an authorization subject to annual appropriations.

I honestly think that if this provision works as we think it will work and tens of millions of people signify their desire that their dollars be used in the fashion they indicate, Congress in practice will be required to respect their wishes.

Whether the checkoff can be provided for the 1972 election or not before the 1976 election, it still would be very desirable that we propose again what we did in our version of the bill, a permanent appropriation that would automatically take effect and make the will of the people felt when they mark on their tax return that they want their $1 used in the manner in which I have described.

Mr. MOSS. This was objected to by the House conferees as a nongermane item. They thought there would be objection from their Appropriations Committee.

Mr. LONG. In the conference every Democrat voted to agree at least in part to what the Senate did in regard to the tax checkoff; every Republican voted against it. It was a partyline vote, insofar as the conference was concerned. Those who agreed to go along with the tax checkoff did not feel that, in view of the problems I have mentioned, they could persuade the House at this point to accept the automatic appropriations.

I would hope we could renew this issue on the permanent appropriation, but I would submit to the Senator if the people of this country do what I think they will do, and that is mark on their tax returns that they want $1 used in this fashion, it will strengthen our hand and help us prevail on the Congress and the President to respect the wishes of the people in this regard.

Mr. MOSS. It seems to me we made a most significant change in the Senate. The Senator well remembers, because he was the manager of the bill, that we spent many hours debating this provision. There were a number of rollcall votes perfecting that part of the bill.

As a matter of fact, I felt that was one of the many great strides forward we had made toward relieving the election process of the one who could scare up the biggest contributors. To set it aside now and say that because there is an election in the offing and that we will put it off until after that election, seems to me to take most of the steam out of it and put it back in the debating situation rather than one of action.

I deeply regret that the conferees came to that conclusion.

If it were not so late in the session, with the pressures that are on us so much for the tax features of the bill, with which I agree, and I think that is important to our economy, I think this is one instance where we should disagree and have some further conference with the House.

Mr. LONG. I have been struggling in this area for more than 6 years, as the Senator well knows. If I thought we could have achieved any more than we accomplished at this point I would never have signed the conference report. The Senator can be sure of that.

I am reminded of an illustration one of our colleagues who has since departed this body gave on one occasion. He said that the situation could be compared to that of a farmer trying to get a wagon up a steep hill, with a horse pulling on the wagon and the farmer pushing on the wagon. He would manage to move the wagon up the steep hill to the point where the horse could not pull any further and he could not push it any further. When this point was reached our former colleague suggested it was a good idea to put a rock under the wheel, rest both the horse and the man and then, thereafter, to see if they could push the wagon farther, and if not, go down the hill to get help to push it farther.

In a similar fashion I think we have done everything we could at this time. My guess is that if we had refused to make this agreement we would have accomplished nothing. We would have wound up either defeating the entire bill, which the country much needs for the purpose of economic recovery, and in any event we would have failed to get any part of our tax checkoff proposal.

As it stands now, we have provided the American people with the oportunity to express their wishes, and we have the authorization on which the appropriation can be voted as an amendment to any appropriation bill. Further, I am persuaded that having moved this far, we are now in a position to take this matter to the American people. I do not have the slightest doubt that even though we cannot finance the campaign this way in 1972, this will be discussed more. Every time I explain this to an audience, as I did today to a group of young people, they say they have no doubt that those of us who voted for this were right.

Mr. President, I would like to say this takes effect in 1972, and for the small amount of money involved—about $50 million once every 4 years, which is the equivalent of a revenue impact of about $12.5 million a year—it will be a most significant change. It will change our way of financing campaigns. It will be a most important stride toward making the Government a government of the people, not controlled by the power of private financial contributions.

Mr. MOSS. I hope it has that effect. I agree that to establish the principle is a very significant step. If we have done that, it is significant.

Did the tax credit remain in where a person may contribute $25, or a couple $50, and get a 50-percent tax credit?

Mr. LONG. The Senator is correct.

Mr. MOSS. That is a significant step, and it will encourage the small contributor, who in no way could be suspected of buying influence. This gets away from the big, heavy contributor.

Mr. LONG. I wish to say to the Senator that it does this. This feature of the Senate amendment will be in effect in 1972 and it will make money easier to raise, particularly insofar as the little people are concerned, people who are willing to make a modest contribution that could not possibly result in any undue influence.

Mr. MOSS. Their names could not even be known, there would be so many.

Mr. LONG. Then there also is the deduction of $50 a couple that will be the law, which should make it easier to raise money for the next campaign.

Further, we succeeded in enacting a law where there is a limit as to how much can be spent through the news media. Also we have provided ways which should make money in small amounts easier to raise.

I am sorry we could not prevail with the $1 checkoff for the coming election. If the Senator had his way and I had my way it would have been in effect in the last presidential election, not to mention 1972. The Senator did the best he could to help me enact that measure.

Mr. MOSS. I thank the Senator.

Mr. LONG. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOSS. Mr. President, I would like to commend the Senator from Louisiana for the job he has done on this very complex and difficult bill, for managing it through the Senate, as well as serving on the conference. I recognize that when we go to conferences it is a matter of compromise in order to get a bill.

In expressing my disappointment I do not want to reflect at all on my confidence in the work done by the chairman of the Committee on Finance. I think we are making a fundamental step forward in the entire financial picture of our country, as well as the matter we are talking about on the political checkoff.

Mr. JAVITS. Mr. President, will the Senator yield to me briefly?

Mr. LONG. I yield.

Mr. JAVITS. Mr. President, when the Senate debated the tax bill it agreed to an amendment, which I had offered, which would have required inclusion in the annual budget of Treasury estimates of "tax expenditures," which are revenue losses from special tax provisions. Naturally I had hoped that the House would recede from its disagreement to this amendment and I am disappointed that it did not. However, I am gratified that the conferees have arranged for reporting of the tax expenditure data compiled by the Treasury to the tax committees of the Congress. It is my understanding that this data will be presented in no less detail than in the 1968 annual report of the Secretary of the Treasury; this format will be most useful. The Department of the Treasury has also undertaken to furnish this information to the Joint Economic Committee, which will thereby be in a position to analyze tax expenditures in connection with its annual report. It is my hope that current data will be provided to the Joint Economic Committee promptly at the beginning of each calendar year, at the same time as the annual and the committee's preparation of its report. I very much appreciate the efforts of the conferees and the cooperation of the Department of the Treasury on this matter. I ask unanimous consent that the appropriate passage from the conference report, describing the arrangement with the Treasury for making this information available to the Congress, and also the letter from

Senator PROXMIRE and myself to Secretary Connally and the reply of John S. Nolan, Deputy Assistant Secretary, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

BUDGET INFORMATION WITH RESPECT TO REVENUE LOSSES AND INDIRECT EXPENDITURES

Amendment No. 74: The Senate amendment amends the budget and accounting act to require the budget submitted by the President (or special analyses presented with the budget) to contain estimates of losses in revenue from provisions of the Federal income tax laws and also estimates of indirect expenditures through the operation of Federal tax laws.

The conferees concluded that it would be more appropriate to have such estimates of tax expenditures made by the Treasury Department and to have the estimates submitted annually to the Committee on Ways and Means of the House, the Committee on Finance of the Senate and the Joint Committee on Internal Revenue Taxation. It is expected that these tax expenditure reports to the tax committees will initially be modeled after similar reports previously made and included in the Annual Reports of the Secretary of the Treasury in 1968 and 1970. Modifications may, of course, be made from time to time in consultation with the tax committees. In addition to making these reports to the tax committees on an annual basis, the Treasury Department may desire to include these data on tax expenditures in the annual report of the Secretary of the Treasury. The Treasury Department has indicated its willingness to submit information to the tax committees in the manner indicated above and as a result the amendment no longer appears necessary.

The Senate recedes.

DECEMBER 9, 1971.

Hon. JOHN B. CONNALLY, JR.,
Secretary, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: The Conference Report on H.R. 10947, the Revenue Act of 1971, states that the Treasury Department is willing to submit annually to the Committee on Ways and Means of the House, the Senate Finance Committee and the Joint Committee on Internal Revenue Taxation estimates of tax expenditures, in addition to including these tax expenditures in the annual report of the Secretary of the Treasury. Because of this willingness on the part of the Treasury Department, the conferees on H.R. 10947 felt that there was no need to publish estimates of tax expenditures in the U.S. budget as required by the Javits amendment to the Revenue Act of 1971.

We consider the Treasury's action to be a significant step toward giving the public balanced information as to the economic effect of the Federal government's activities and commend you for your willingness to supply this information to the Congress.

However, we also feel that the information submitted to the tax Committees should be made available to the Joint Economic Committee at such time as it may request the information. The Joint Economic Committee would find such information extremely useful in its continuing review of the economy and would be the most appropriate vehicle for any public discussion of the tax expenditure figures. Therefore, we request that the Treasury Department agree to make this information available to the Joint Economic Committee as well.

Sincerely yours,

WILLIAM PROXMIRE,
Chairman, Joint Economic Comittee.
JACOB K. JAVITS,
Member, Joint Economic Committee.

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 9, 1971

Hon. WILLIAM PROXMIRE,
Hon. JACOB K. JAVITS,
Joint Economic Committee, U.S. Senate, Washington, D.C.

DEAR SENATORS PROXMIRE AND JAVITS:

In your letter of December 9, 1971, you have requested that the Treasury Department make available to the Joint Economic Committee information as to so-called "tax expenditures" which we will be furnishing annually to the House Ways and Means Committee, the Senate Finance Committee, and the Joint Committee on Internal Revenue Taxation. As I am sure you know, we have agreed to make such information available on the basis that it was previously compiled by the Treasury Department or as specifically requested by those Committees. We do not propose to make decisions as to what are to be deemed "tax expenditures" in compiling such information. On this basis we are entirely agreeable to supplying the information to the Joint Economic Committee as well.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. JAVITS. Mr. President, my question is this, Will it be understood that the tax expenditure information will be made available, generally speaking, about the time the President submits his budget and the special analysis presented with the budget?

Mr. LONG. It might not be quite that soon, but we will request the presentation of the material as early in the year as it is practicable.

Mr. JAVITS. The Senator satisfies us and assures us that it will be made available to us, to be utilized in connection with our report and recommendations, which are so heavily based on the President's budget.

Mr. LONG. I think I can assure the Senator that that will be the case.

Mr. JAVITS. Mr. President, I believe that the regular availability of tax expenditure information to the Congress is a step toward rational budget priorities and tax reform. I understand that it is the intention of the Joint Economic Committee to publish this information so that it will also be available to the public, which should be fully informed of the revenue losses in question.

Furthermore, now that it has been agreed that tax expenditure data can and will be provided in a meaningful and systematic manner to the Congress and to the public, I believe that it is appropriate for the Committee on Government Operations to consider how such data can best be coordinated with the annual budget. It may still be useful in clarifying the meaning of tax expenditures to have a format setting forth and comparing both indirect tax expenditures and direct outlays. In his testimony before the Joint Economic Committee in 1969 Secretary Barr made such a comparison and it was most illuminating.

I thank my colleague.

Mr. CURTIS. Mr. President, the chairman has accurately described the content of the conference report. It is true we lost a lot of good amendments to the House, but it is also true that the House accepted a good many Senate amendments. Many of those the House did not accept were accurately portrayed by the President as "budget busting" amendments.

At another time in a different context, no doubt, some of these Senate provisions would have been more attractive than the House conferees found them in this bill. But today, we are confronted with a serious situation. Our balance of payments is in trouble, unemployment continues at record highs, and the stifling influence of today's tax law discourages job development investments by business enterprise.

We undo in this legislation some of the things that were done in the so-called Tax Reform Act of 1969, which was one of the greatest mistakes this Congress ever made. I am delighted that we are undoing part of that law now. The act of 1969, in my opinion, was responsible to a large degree, for our present recession.

The bill is, I believe, accurately called a job development bill. The investment tax credit has already established its ability to spur job developing investments. The repeal of the automobile excise tax on cars and on light-duty trucks will substantially reduce the cost of these items and generate greater sales activity leading to the creation of more jobs in automobile manufacturing, sales, and service.

The codification of the so-called asset depreciation range rules of the Treasury Department, as this bill provides, will create certainty in the business community where today uncertainty prevails. Taxpayers will know that faster depreciation is theirs if they wish to take advantage of it. This more rapid depreciation, coupled with the restoration of the investment tax credit, goes a long way toward equalizing the cost of capital formation in this country, as compared to the other leading industrial nations of the world. It will not completely close the gap, and we need to do more in the future. But it is a good, desirable first step in recognizing that American business must be competitive with foreign business if it is going to survive.

I am pleased at the conference decisions with respect to the DISC. These provisions are now written in such a way as to be a true incentive to export stimulation. Today, far too many American businesses are expanding their production facilities abroad, rather than at home. This has taken jobs out of America, and no doubt, it has influenced the level of unemployment we face today. The DISC can, and I am hopeful will, encourage plant expansion in this country, rather than abroad, and that jobs which today are being lost to overseas plants will be retained here, and the products we make will be sold in foreign markets in volumes sufficient to help restore a fair balance in our international payments position.

The acceleration of the increase in the personal exemptions and standard deduction gives balance to the bill by cutting personal taxes and increasing consumer purchasing power now when the economy can stand an increased flow of dollars without setting off another round of inflationary pressures.

H.R. 10947 is thus a balanced attack on the economic problems facing the Nation. On the one hand, it encourages business to invest more, to produce more,

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and to sell more. On the other hand, it assures lower prices for one of the most costly items in the American economy—the automobile. It also assures more dollars in the hands of consumers to buy the greater output of American industry.

Frankly, I am pleased that this integral, double-barrel assault on inflation and business lethargy, as recommended by President Nixon in his August 15 speech, has been retained in the bill.

Now, a word about political campaign financing. Speaking candidly, making the checkoff plan apply to the 1976 election, rather than in 1972, is a victory for this bill. In my opinion, the Senate amendment represented an unwise abrogation by Congress of its appropriation responsibility. It involved nothing less than an appropriation of public moneys without the benefit of current congressional scrutiny.

As it is now drafted, we will have 4 years within which to explore, debate, and amend the checkoff plan, and we can do this in a more orderly fashion than we could hope to achieve if this tax bill—so badly needed by today's economy—were held up by prolongation of the tax checkoff debate.

Now let me say a word about the conference procedure. In my experience, I cannot recall a conference where the House conferees were less willing to consider the merits of Senate amendments than this one. In far too many instances, they took the position—from which they would not budge—that Senate amendments were not germane to this bill. Strangely, the House conferees on the public debt bill earlier this year raised no objection on the ground of germaneness to the Senate amendment attaching a social security increase to that bill. But this time any amendment, no matter how trivial, which amended an act outside the Internal Revenue Code was resisted on the ground of germaneness with a fervor uncommon to the House conferees.

Despite the efforts of our distinguished chairman and the support he got from other Senate conferees, we could not breach the solidarity of the House conferees on the germaneness question. In my opinion, if this situation continues in the future, it is going to affect comity between the House and the Senate.

Mr. President, I urge the Senate to approve the conference report.

Mr. ALLOTT. Mr. President, a few weeks ago in good conscience I had to vote against final passage of this bill. I pointed out how the Senate had nearly doubled the revenue loss and had warped the President's economic measures out of recognition. The bill we have before us today for approval is a much improved piece of legislation.

Mr. President, I wish to, at this time, commend the conferees for their diligent and admirable work in arriving at this compromise. The present revenue losses contained in the conference bill are in line with fiscal realities; and ungermane and amendments unnecessary to economic recovery have for the most part been eliminated.

It is for these reasons that I am voting for the conference report.

Mr. President, I ask unanimous consent that a table supplied by the Treasury Department, setting forth the revenue losses for fiscal years, 1972, 1973, and 1974, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REVENUE LOSSES UNDER H.R. 10947

[In billions]

	Fiscal year		
	1972	1973	1974
As proposed by administration	$6.0	$7.6	$5.2
As passed by Senate	8.3	12.3	11.6
As passed by House	5.0	6.1	6.0
As agreed in conference	4.4	6.9	6.1

Mr. DOLE. Mr. President, President Nixon's position on the economy further illustrates his nonpartisan concern for the American people and this country. I want to focus, for a moment, on two recent issues.

The economy and phase II of the economic program have dominated national interest. Many national figures have criticized phase II even though their criticisms bear no foundation. The fact is that these people who criticize the economic policy of the present administration do not offer a better approach for tackling this problem nor do they offer a stronger alternative program. While criticism is highlighted by the media, President Nixon continues his honest effort to rejuvenate the economy for the long term. He is not interested in producing a false prosperity which would assure him reelection. Rather, he is risking his political life in order to save the economy and strengthen America. President Nixon must share the responsibility of this effort with the American people.

An honest man could not suggest that this burden is the President's alone, or that any citizen is capable of restoring the economy without cooperation from the people involved daily with the economy of the United States. Yet, only a few weeks ago, George Meany and the AFL–CIO officials welcomed President Nixon and the new economic policy to their convention in Miami with threats and demeaning treatment. While Mr. Meany's behavior does not reflect that of the people he supposedly represents, it was inexcusable and an obvious effort to deter a stable and prosperous economy from the American people. President Nixon has created a Pay Board with members representing labor, business, and the general public. Mr. Meany's harassments accomplish nothing except the degradation of the position he maintains. The President's economic program is working and will continue to work with the cooperation and participation of all the American people, including the rank and file of organized labor.

Another economic issue is President Nixon's tax program. Some of my colleagues, both in the Senate and House have sought to tack a campaign financing scheme to the tax program. Interested supporters of this effort are contenders for the Democratic presidential nomination in 1972.

What does this "tax checkoff" campaign finance provision really accomplish? Millions of dollars of Federal tax money which could finance important concerns such as health, aid for the poor, and education would instead finance presidential campaigns. And we must expect the figure to escalate with the growth of the population. Proliferation of funds through taxes will not be controlled. Organized labor would have a disproportionately powerful role in presidential elections since the "education" fund would exempt it from the amendment's provision. Minor party candidates who generally lack national credibility would have nothing to lose by running in a presidential campaign since the taxpayer would finance the expense.

And the question of whether the amendment is constitutional surfaces. Would Congress be delegating a nondelegable function to private citizens—that of appropriating funds from the Federal Treasury? We must also consider the amendment's impingement on freedom of expression and its discriminatory treatment of splinter party candidates.

Two of President Nixon's most serious efforts to renovate the economy—phase II of the economic policy and the tax program—have been under attack by men with partisan concerns. The President's interest is only with what is good and wise for all the American people. We must not allow fabricated issues to overshadow concrete solution. This time America cannot afford the intolerable burden of selfish citizens.

I have here a column from the New York Times written by Tom Wicker, not normally a supporter of the President, which offers further insight to the situation we confront. This administration piloted the programs. President Nixon has made the initial efforts. The responsibility is now ours in the Congress. We must rise about partisan politics and personal gain to consider what is best for the people. The decisions this Congress makes concerning the economic policies of this Nation must be decisions which are not only for the constituency each of us represents, but for the Nation and the entire citizenship of the United States.

I commend the entire column to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 2, 1971]

THE BLAME GAME

(By Tom Wicker)

The public is likely to consider even the most partisan President as more nearly concerned for the general welfare than is any representative of a narrower interest. That is because the President is elected by the people; no matter how narrow his margin, he can rather effectively claim to represent them.

That is a lesson George Meany and organized labor ought to be learning as a result of their confrontation with President Nixon on Phase Two of his economic program. It will be difficult for them to maintain their hostility without looking as if they are grabbing for advantage or sulking in a corner while the President tries to curb inflation and boost the economy.

It is a lesson that Congressional Democrats and their party's National Committee also may be taught in their conflict with Mr. Nixon over the campaign financing scheme they have inflicted on his tax program. The elimination by a House-Senate conference committee of some tax reduction amendments the President did not want has narrowed the issue to ground on which Mr. Nixon can fight most effectively. That is, if the conferees do not eliminate the campaign financing plan too, he can throw down the gauntlet with a veto.

What position would the Democrats then be in? Theoretically, they could override the veto, but that takes a two-thirds majority in each house and the dollar check-off amendment barely scraped through the Senate on a virtual party-line vote. Overriding, therefore, is a forlorn hope.

Alternatively, the Democrats controlling Congress could refuse to pass a new tax bill embodying Mr. Nixon's economic program. But aside from the merits, or lack thereof, of the campaign financing plan, it would clearly provide a terrific windfall for the Democratic party in 1972—a year when they badly need such largesse and the well-heeled Republicans do not.

Thus, if the Democrats allowed the Nixon tax program to go down the drain because he would not countenance their dollar check-off windfall, they are bound to look as if they were willing to sacrifice the general welfare to their own financial needs. This is doubly true since the President's economic proposals are mostly tax reductions, and he would not hesitate to point out who had kept them from going into effect.

Larry O'Brien, the Democratic chairman, has attempted to get out front on this issue by charging that Mr. Nixon wants to keep political finance in the hands of fat-cat contributors. This is a splendid example of Mr. O'Brien's gift for Irish blarney, and a pretty good political try, but as Lyndon Johnson used to say, "That dog won't hunt."

No party in history ever fell further into dependence on big contributors than the Democrats under Mr. Johnson and in the 1968 campaign. One of the main reasons that the party is in such financial straits today is because for so long it put its reliance on devices like the $1,000-a-membership President Club, while signally failing to develop any widespread base of financial support against the time when it would be out of power. In the same years, the Republicans were developing the best small-contributor financial support any modern American party has had. Barry Goldwater in 1964 had the most broadly based financial support of any major-party nominee.

This is not to suggest that Mr. Nixon does not have many big contributors behind him; he does, but to picture him and his party as the only offenders in this respect is poppycock. In fact, through the years since President Kennedy's elections finance commission recommended tax incentives to stimulate small contributions, Democratic Congresses have repeatedly refused to take this major, necessary step.

Even as the Democrats gear themselves up to picture the Republicans as the villains of the piece, what are they doing on another front in the Congress they control? In the bill to limit campaign spending they are carving a loophole big enough to push a fat cat through.

Another set of House-Senate conferees has eliminated the Republican-sponsored plan to have tough disclosure reports filed with a new, bipartisan Federal Elections Commission; instead, contributor and spending reports will continue to be filed with political employes of Congress, the secretary of the Senate and the clerk of the House. This all but guarantees that absolutely nothing will be done, as nothing ever is under present law, about violations of the statutes controlling political contributions and expenditures; and it assures that the public will remain mostly in the dark, where it now is kept.

Thus, it will not be easy for the Democrats to pose as fervent reformers of campaign finance; and anyway, if they go so far as to frustrate the President's proposed tax reductions, what grounds can they then find for blaming a lack of economic recovery on him?

Mr. HOLLINGS. Mr. President, if any article of our American faith should be held sacred, it is that each individual have the opportunity to share in both the burdens and the benefits of democracy. That faith has seen us through two centuries of challenge and change, including the most awful wars in the history of man. When there is a burden to be shouldered, the people must shoulder it together. Similarly, when there is a break to be enjoyed, the people should enjoy it together.

When it comes to giving a tax break, Congress has always found the opportunity to take care of the big businessmen who are afforded loophole after loophole, incentive after incentive, depreciation allowance after depreciation allowance, write-off after write-off. And what about Mr. and Mrs. Average American? Well, they work hard and file their returns and pay their taxes, and do not get any special breaks—but watch out if they deduct a dollar too much or list a questionable expense. It is long past time that the hard-working breadwinner—the backbone of America—got some tax relief and some tax incentive. He has been watching Congress help the Haves and the Have Nots—and he wonders what about himself. What about the Have Somes who keep America going?

On November 15, I offered an amendment to the Tax Revenue Act to provide relief to parents who are struggling to provide their children with a college or trade school education. The provision was not new. It had passed the Senate on two prior occasions—only to be deleted in conference with the House. On November 15, the Senate again approved the amendment by a margin of two-to-one.

By adopting this amendment, we recognized two vitally important facts. First, the tax bill had to be balanced more in favor of the individual middle-income bracket taxpayer. Secondly, the soaring costs of education are rapidly pricing most families out of the market.

I was hopeful that this amendment would be agreed to by the House conferees. The old argument that the budget would not allow such a break was clearly irrelevant this time around. A small reduction in the write-off benefits given the wealthy in the $30 billion package would have easily afforded the $2.2 billion for the tax credit in 1972.

The amendment was deleted in conference. My surprise in learning of its deletion was exceeded only by my dismay in learning that almost no time was devoted to study of the measure. Certainly tuition credit affects more people than the Presidential Campaign Fund provisions, which were debated for days. Meanwhile, 8 million students were callously disregarded—not to mention their tax-paying parents.

Mr. President, legislators spend a lot of time talking about what is germane and what is not germane. Let us be germane. If we would spend a tenth as much time talking about the financing of education as we do about busing students miles away from their homes, then we could make some real progress. If we would worry about the substance of bills rather than about some legislator's fear that his prestige might be damaged by a set-back on the floor or a presidential veto, we would be much better off.

I do not believe that the conferees' decision to delete the tuition tax credit represents the will of the majority of Congressmen. We know the Senate favors the bill—it has passed it three times now. And the chairman of the House Ways and Means Committee (Mr. MILLS) has indicated that if the tuition tax credit were considered on the floor of the House, it would pass overwhelmingly.

Mr. President, I stand opposed to the conference report. I will vote against it. I will not be party to a measure which ignores completely the interests of the average American taxpayer. Mr. and Mrs. Average American are tired of rhetoric, tired of can't, tired of promises. They want performance. And they want a little recognition for their contribution to making America what it is. This conference report gives them nothing but the back of the hand. I urge my colleagues to vote "Nay" on the report of the conference committee. And I urge them to go to work on a tax revenue bill which lives up to the ideals of fairness and equity which Americans have been fighting for throughout history.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Beisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The Presiding Officer (Mr. BROCK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

CONQUEST OF CANCER—S. 1828—UNANIMOUS-CONSENT AGREEMENT ON CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the conference report on S. 1828, conquest of cancer, be limited to 30 minutes, to be equally divided between the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASED AVAILABILITY OF DENTAL CARE, S. 1874—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on S. 1874, a bill to provide for increased availability of dental care, be limited to 30 minutes, to be equally divided between the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished minority leader or his designee.

Mr. GRIFFIN. Mr. President, would the majority whip think he should provide some limit of time for the possibility of amendments?

Mr. BYRD of West Virginia. Yes; shortly I shall do so.

S. 2945—SERVICE ACADEMY ADMISSIONS—A UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. I ask unanimous consent that at such time as S. 2945—a bill by the Senator from New York (Mr. BUCKLEY) to provide for service academy admissions to sons of prisoners of war—is called up, there be a time limitation thereon of 30 minutes, to be equally divided between the distinguished Senator from New York (Mr. BUCKLEY) and the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that time on any amendments in the second degree, motions, appeals, or points of order, with the exception of nondebatable motions, to any of the foregoing, be limited to 10 minutes, to be equally divided between the mover of such and the manager of the bill or conference report whichever is the case.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON S. 1828

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the vote on the pending conference report, the Senate proceed to the consideration of the conference report on the conquest of cancer, S. 1828, and that upon the expiration of the time on that conference report, or the yielding back thereof, whichever may occur, the Senate proceed without a vote thereon to the consideration of S. 1874, a bill to provide for increased availability of dental care; and that at the expiration of the time thereon, or the yielding back thereof, whichever may occur, the Senate then return to the consideration of executive business for a resumption of consideration of the pending nomination, with the understanding that the votes on the conquest of cancer conference report and the bill (S. 1874) dealing with dental care occur in that order, and without further debate thereon, tomorrow morning immediately following the remarks of the distinguished Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the conquest of cancer conference report and on S. 1874 the dental care conference report at this time, and with one show of seconds.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Massachusetts (Mr. KENNEDY), I asked for the yeas and nays on the conference report on the conquest of cancer and on S. 1828, dealing with dental care.

The yeas and nays were ordered.

Mr. GRIFFIN. Have the yeas and nays been ordered on the pending conference report?

Mr. BYRD of West Virginia. Yes.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. PASTORE. Mr. President, may we have an indication of when a vote on the conference report may take place? We are engaged in a serious conference over on the House side, and away from a telephone.

The PRESIDING OFFICER. The Chair would advise the Senator from Rhode Island that the time for debate on the conference report expires at 5:03.

ORDER FOR RECOGNITION OF SENATORS JACKSON AND PERCY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Washington (Mr. MAGNUSON) tomorrow, the distinguished junior Senator from Washington (Mr. JACKSON) be recognized for not to exceed 15 minutes, and that at the conclusion of his remarks, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10604.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. CURTIS, and Mr. MILLER conferees on the part of the Senate.

REVENUE ACT OF 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. GRIFFIN. Mr. President, will the Senator from Nebraska yield a few minutes to me?

Mr. CURTIS. I yield 5 minutes to the Senator from Michigan.

AUTO AND LIGHT-DUTY TRUCK PARTS AND ACCESSORIES

Mr. GRIFFIN. Mr. President, for the purpose of establishing legislative history, I wish to direct an inquiry to the distinguished chairman of the Finance Committee as to his understanding, and what he believes to be the committee's understanding, of how parts and accessories are treated under the manufacturers' excise-tax provisions.

Both the Senate and the House decided against exempting parts and accessories for light-duty trucks in this bill, even though light-duty trucks are themselves exempt from the tax. There were a number of considerations involved in not exempting replacement parts, including the factor that many of the parts or accessories used for replacement purposes on the light-duty trucks are interchangeable with parts and accessories which are used in connection with passenger automobiles. These interchangeable parts have been exempt since the Excise Tax Reduction Act of 1965 and continue to be exempt under this bill. I believe it would be helpful to clarify the treatment of these replacement parts for the benefit of those who manufacture interchangeable parts.

As I understand it, the parts and accessories tax will not be imposed upon any part or accessory which is suitable for use and ordinarily is used on or in connection with, or as a component part of, passenger automobiles, passenger automobile trailers and semitrailers, and house trailers, whether of domestic or foreign manufacture.

In my State of Michigan, there are at least 50 manufacturers of replacement parts and accessories for all types of motor vehicles. I understand there has been substantial difficulty in dealing with the application of the present parts tax because no regulations have been promulgated in the 6 years since the 1965 act was enacted. It appears that the Internal Revenue Service has averaged a little more than one published ruling per year with no straightforward criteria to assist taxpayers in evaluating their potential tax liability. The lack of regulations has caused considerable difficulty because Internal Revenue agents, not only in Michigan but throughout the United States, have different viewpoints on what parts and accessories should be considered as exempt.

In my view the lack of regulations is particularly distressing because the 1965 changes are permanent law, not simply a transitory change in Federal excise taxation. The need for a common understanding and uniform application of the parts tax is imperative to a healthy and competitive industry. As evidenced by a recent Court of Claims decision (*IBM v. United States*, 343 F. 2d 914), the lack of uniformity in applying manufacturer's excise taxes can cause severe dislocation of business opportunities.

Just this past week the Service published two rulings establishing some useful guidelines. One important element that remains to be established, however, is how large a portion must be passenger auto usage in order to satisfy the common usage or interchangeability test.

Now, I have no brief for any particular numbers in this area, but one approach that I have heard suggested would be that if at least one-third of the highway vehicle usage is on passenger autos, then the part is commonly used on passenger autos and is exempt; if less than one-third is on passenger autos, then each case would be decided on its own facts and circumstances under criteria which could be set forth in regulations.

In view of Congress' decision not to exempt light-duty truck parts and accessories the administration of present law remains critical, and I would appreciate any comments of the distinguished chairman of the Finance Committee on this point.

Mr. LONG. Mr. President, as the Senator from Michigan has so well noted, the committee decided not to exempt light-duty truck parts and accessories, largely because most of these parts and accessories are interchangeably usable on passenger autos, and so are exempt. I think that the Senator's description of how the Internal Revenue Service could go about deciding what is a taxable part and what is an exempt part, is sensible and is in accord with what the committee understood to be the effect of these provisions when it reached its decisions.

Mr. GRIFFIN. I thank the distinguished chairman very much.

Mr. KENNEDY. Mr. President, I am pleased to support the conference report on the Revenue Act of 1971. Although I disagree with a number of its specific tax provisions, and although I regret that some of the most important Senate floor amendments were dropped by the conferees, I believe that overall, the legislation will be of substantial assistance in restoring the good health of our economy, and I also believe that it will become a landmark in our efforts to reform the financing of campaigns for public office.

Indeed, I believe that the importance of the election reform aspects of this legislation—the tax incentives for small contributions, and the public financing provisions for presidential campaigns—will be recorded as among the truly significant reforms of this century in the political process in America. It is for this reason that I wish to take the opportunity to make some general remarks on the constitutionality of the public financing amendment, as well as some comments on the deepening crisis the Nation now faces over the abuses in campaign financing.

An analysis of the relevant Supreme Court precedents—which follows as an appendix to these remarks—demonstrates that the Senate had adequate constitutional authority to enact the campaign fund provision, and that there is ample justification for the President to sign it. Inevitably, of course, the final determination of constitutionality will be made by the courts, and that is where the issue ought to be tested.

Now that the Senate and House conferees have removed the most bitterly contested provision of the bill by deleting its application to the 1972 campaign, there appears to be no real doubt that President Nixon will sign the bill into law. In approving this legislation, the President will be following essentially the same course he followed in the case of the bill approved by the Senate in 1970 lowering the voting age to 18. There, the President signed the bill, expressed his reservations as to its constitutionality, and directed the Attorney General to seek a rapid court test of the issue.

As it should be, the real question over the public financing amendment is not the constitutional issue, but the policy issue squarely raised in the Senate debate—whether the financing of presidential election campaigns belongs to the people or to the special interests.

The more we learn about the present system, the more distressed we are, and the more momentum we accumulate for real reform. The enormous recent escalation in the cost of political campaigns has brought new and unparalleled urgency to the movement for reform. I am pleased that the conferees were able to salvage the essential parts of the public financing amendment, because I believe it will become the centerpiece of all our efforts for reform.

Long after the partisan aspects of this controversy are forgotten, the enactment of public financing will be remembered as a landmark reform in the political process in America. It will rank with the Civil Rights Acts of the sixties, and with the constitutional amendments extending the franchise to women and lowering the voting age to 18, as the major milestones in election reform in this century. And let us hope that the 1972 campaign will be recorded as the last campaign that was the private preserve of the special interests.

The American people are fed up with the abuses of money in politics. A rising tide of public and congressional opinion supports the principle of public financing for political campaigns, and the action of the Senate will bring rich rewards to our democratic system of government in the future. I hope the conference report will be approved by an overwhelming margin in the Senate, and that it will be signed into law by the President.

I ask unanimous consent to have the appendix printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The appendix follows:

APPENDIX—MEMORANDUM SUPPORTING THE CONSTITUTIONALITY OF THE PUBLIC FINANCING AMENDMENT FOR PRESIDENTIAL CAMPAIGNS

Although the following paragraphs are not intended as an exhaustive analysis of all the constitutional issues that may be raised with respect to the provisions of the so-called Campaign Fund or public financing amendment for Presidential elections—Title VIII of H.R. 10947 as approved by the conferees of the House and Senate—they do deal with the principal issues, and they establish, I submit, both that Congress has ample constitutional authority to enact the amendment, and that whatever doubts that may remain may appropriately be left for final resolution by the courts.

A. CONGRESS HAS BROAD GENERAL POWER TO LEGISLATE IN THE AREA OF FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

A long line of Supreme Court decisions, extending back over nearly a century, establishes the power of Congress to regulate financial and other abuses in Federal elections in general, and in Presidential elections in particular. Thus, *Ex parte Siebold*, 100 U.S. 371 (1880), sustained a Federal criminal statute prohibiting fraud in Congressional elections.

Smiley v. Holm, 285 U.S. 355 (1932), contains the famous declaration of Chief Justice Charles Evans Hughes, writing for a unanimous court, that Article I, Section 4 of the Constitution, which gives Congress the power to regulate the "Times, Places, and Manner," of Congressional elections, is broad enough to authorize Congress to write a complete election code, including the prevention of "corrupt practices" and other abuses in the area of campaign financing.

In *Ex Parte Yarbrough*, 110 U.S. 651 (1884) sustaining a reconstruction statute prohibiting the intimidation of voters in Federal elections, the court dealt with the question of the influence of money in elections, suggesting that the power of Congress to protect the election of Federal officials from violence, corruption, and fraud was an inherent power of sovereignty. As the Court stated,

"If the recurrence of such acts as these prisoners stand convicted of are too common in one quarter of the country, and give omen of danger from lawless violence, the free use of money in elections, arising from the vast growth of recent wealth in other quarters, presents equal cause for anxiety.

"If the government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage, without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, and the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force, on the one hand, and unprincipled corruptionists on the other." *Id.*, at 667.

In a separate passage in the Yarbrough case, the court had dealt specifically with the power of Congress in presidential elections:

"That a government whose essential character is republican, whose *executive head* and legislative body are both elective . . . has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the gravest consideration." (Emphasis added.) *Id.*, at 657.

Fifty years later, in *Burroughs v. United States*, 290, U.S. 534 (1934), the Supreme Court held unequivocally that Congress had extensive power to control the use of money in Presidential elections. As the Court stated:

"The President is vested with the execu-

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tive power of the nation. The importance of his election and the vital character of its relationship to and effect upon the welfare and safety of the whole people cannot be too strongly stated. To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the nation in a vital particular the power of self-protection. Congress undoubtedly possesses that power, as it possesses every other power essential to preserve the departments and institutions of the general government from impairment or destruction, whether threatened by force or by corruption." *Id.*, at 545.

The decision in the Burroughs case also establishes a separate and equally important principle for present purposes—the principle that it is for Congress, and Congress alone, to determine the manner of safeguarding Presidential elections. So long as the judgment of Congress bears a reasonable relation to the goal to be achieved, the Courts will not substitute their judgment for the judgment of Congress. In language reminiscent of Chief Justice John Marshall's famous definition of Congressional power under the Necessary and Proper Clause of the Constitution in *McCulloch* v. *Maryland*, 4. Wheat. 316 (1819), the Supreme Court went on to state in the Burroughs case that:

"The power of Congress to protect the election of President and Vice President from corruption being clear, the choice of means to that end presents a question primarily addressed to the judgment of Congress. If it can be seen that the means adopted are really calculated to attain the end, the degree of their necessity, the extent to which they conduce to the end, the closeness of the relationship of the means adopted and the end to be attained, are matters for congressional determination alone." *Id.*, at 547–548.

Obviously, the broad principles enunciated in these decisions do not decide the concrete issues involved in the public financing amendment. They do, however, set the overall tone in which these issues must be considered. That tone is clearly one of broad congressional power over Presidential elections, and broad judicial deference to the exercise by Congress of its admitted power.

An analysis of three of the most significant constitutional issues follows:

B. THE 3-PERCENT—25-PERCENT FORMULA IN THE PUBLIC FINANCING AMENDMENT IS A REASONABLE AND CONSTITUTIONAL ACCOMMODATION OF THE INTERESTS OF MINOR PARTIES AND NEW PARTIES IN THE ALLOCATION OF PUBLIC FUNDS

The public financing amendment contains a series of provisions enabling both minor parties and new parties to participate in the allocation of public funds. In order to qualify for public funds, such parties must attain at least 5% of the vote in either the preceding Presidential election or the current election. If such parties achieve more than 25% of the vote, they are entitled to share in the public funds on an equal basis with major parties.

The constitutional question contained in the provisions dealing with minor parties and new parties is the question whether the provisions unconstitutionally discriminate against such parties. The most relevant constitutional guidelines have been set out by the Supreme Court in two recent decisions dealing with the restrictions that States have traditionally imposed upon minor parties seeking a position on the ballot.

Williams v. Rhodes, 393 U.S. 23 (1968), involved the constitutionality of the election laws of the State of Ohio, which contained a provision that minor parties must file a petition signed by 15% of the voters in the past election, as well as a number of other extremely onerous requirements, including prohibitions against write-in votes and against independent candidates and unreasonably early filing deadlines for candidates not endorsed by established parties. The Supreme Court held that these requirements were so severely restrictive that they effectively limited the ballot to the Republican and Democratic candidates, and thereby precluded minor parties from qualifying on the ballot, in violation of the rights of free speech and association protected by the First Amendment and the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the Constitution.

Subsequently, however, in *Jenness v. Fortson*, 403 U.S. 431 (1971), the Court distinguished the Williams case and sustained a Georgia law establishing a series of much more lenient requirements for minor parties to qualify on the ballot, including a provision requiring such parties to file petitions signed by at least 5% of those eligible to vote in the last election. In upholding the Georgia law, the Court pointed specifically to provisions freely allowing write-in votes, recognizing independent candidates, and establishing reasonable filing deadlines.

Thus, in the treatment of minor parties, as in so many other areas of the Constitution, the Supreme Court applies a balancing test that weighs the legitimate interests of minor parties against the legitimate interests of government in enacting reasonable measures regulating the election process. A wide range of other Supreme Court precedents in the area of election laws could be cited to establish the same principle. It is clear that the Court will require proof of a "compelling state interest" in sustaining laws that differentiate between major and minor parties, but it is also clear that the Constitution does not prohibit all such differentiations.

A strong argument can be made that the provisions of the public financing amendment meet this test of reasonable differentiation. The 5% cut-off for minor parties to qualify for public funds is precisely the sort of reasonable provision sustained by the Supreme Court in the Jenness case. The amendment contains none of the onerous requirements held unconstitutional by the Court in the Williams case. Thus, write-in designations are permitted, and designations may be made for independent candidates. If a tax return is filed before a candidacy is declared, the taxpayer may file an amended return at a later date to make his designation.

In addition, the amendment contains additional safeguards enabling new parties that meet the 5% requirement in the current election to qualify for retroactive reimbursement of their expenses, so that new parties may enjoy the benefit of the amendment even if they have no prior election record.

In enacting the public financing amendment, Congress clearly weighed the interests of minor parties. The resulting legislation contains a series of provisions that are designed neither to encourage the artificial proliferation of minor parties formed solely for the benefit of obtaining public funds, nor to freeze the status quo of the present two parties. As such, the legislation is a reasonable exercise of Congressional power in the area of election reform. The Constitution demands no more.

C. THE PROVISIONS OF THE AMENDMENT LIMITING INDIVIDUAL CONTRIBUTIONS AND EXPENDITURES ON BEHALF OF CANDIDATES USING PUBLIC FUNDS DO NOT VIOLATE THE CONSTITUTION

In general the public financing amendment prohibits major party candidates using public funds and their authorized committees from accepting private contributions. Candidates and committees of minor parties receiving public funds are authorized to accept private contributions in order to reach the expenditure limit imposed on major parties. In addition, no unauthorized committee may spend more than $1,000 on behalf of a candidate receiving public funds.

The constitutional issues that arise under these provisions present a variety of different and complex questions, virtually all of which were extremely well canvassed and debated in the present Congress in connection with S. 382, the Election Reform Act passed by the Senate last August, and H.R. 11060, the similar Act passed last week by the House of Representatives. These bills contain a series of major provisions limiting campaign expenditures by or on behalf of candidates for Federal office, and they also contain strict requirements for the reporting and disclosure of such contributions and expenditures.

The Federal Corrupt Practices Act of 1925, for all its loopholes and lack of enforcement, has long been accepted as establishing the principle that Congress has the authority to enact reasonable limitations on campaign contributions and expenditures. See *Burroughs* v. *United States*, supra. The principal constitutional questions deal with the First Amendment problem of the restrictions on freedom of speech and freedom of association inherent in any such limitations, and the application of these vital constitutional guarantees to such diverse issues as: limits on the amount of contributions; limits on the source of contribution, such as contributions by individuals as opposed to corporations or labor unions; limits on expenditures as opposed to contributions; limits on expenditures by individuals, as opposed to expenditures by committees; limits on certain categories of expenditures, such as broadcasting expenditures, as opposed to expenditures for the written press or other media; and, the appropriate level of all such limits.

Apart from the Supreme Court decisions previously cited in Part A, two of the most important precedents setting forth the constitutional considerations in this area are the statement of Justice Douglas in *United States* v. *Auto Workers* 352 U.S. 567 (1957), and Justice Rutledge in *United States* v. *C.I.O.*, 335 U.S. 106 (1948). As Justice Douglas stated, in an opinion joined by Chief Justice Warren and Justice Black in the Auto Workers case:

"If Congress is of the opinion that large contributions . . . to candidates for office and to political parties have had an undue influence upon the conduct of elections, it can prohibit such contributions." *United States* v. *Auto Workers, supra*, at 598, n. 2.

And as Justice Rutledge stated in the C.I.O. case:

"There is therefore an effect in restricting expenditures for the publicizing of political views not inherently present in restricting other types of expenditure, namely, that it necessarily deprives the electorate, the persons entitled to hear, as well as the author of the utterance, whether an individual or a group, of the advantage of free and full discussion and of the right of free assembly for that purpose." *United States* v. *C. I. O., supra*, at 144.

Another leading Supreme Court decision with strong implications in this area is *United Public Workers* v. *Mitchell*, 330 U.S. 75 (1947), in which the Supreme Court sustained the constitutionality of the Hatch Act and its severe restrictions on political activity by Federal employees. The decision involved in part the case of a Mr. Poole, a skilled mechanic employed in the Federal mint, whose job involved no contact with the public. Mr. Poole asked the Court to declare that his outside political activities as an individual in his free time were a negligible threat to the integrity of the Federal Civil Service, as compared to the infringement on his constitutional rights. The Court rejected his contention, saying:

"There are hundreds of thousands of United States employees with positions no more influential upon policy determination than that of Mr. Poole. Evidently, what Congress feared was the cumulative effect on employee morale of political activity by all employees who could be induced to participate actively. It does not seem to us an unconstitutional basis for legislation." *Id.*, at 101.

By analogy, it may be argued in the present circumstances that Congress is equally entitled to protect the Presidential election process from the collective influence of political committees in a position to give or to spend more than $1,000 on the candidate of their choice, thereby achieving the twin goal of not only limiting the influence of large contributions, but also reducing the disparity between the rich and the poor in their ability to make political contributions.

According to this view, in the exercise of its bfoad power to regulate Presidential elections, Congress is constitutionally entitled to set a $1,000 limit on expenditures, as a reasonable accommodation between the First Amendment interests of groups of citizens in expressing their views, and the power of Congress to prevent the undue influence of money in Presidential elections. In addition, by deleting the provision in the Senate amendment that set a similar limit on spending by individuals—so that the limit now applies only to political committees—the Senate-House conferees have avoided altogether the need to deal with one of the most difficult aspects of this issue.

Moreover, the present amendment, with its $1,000 limit, offers a somewhat easier case than would exist in the absence of the tie between the limitation and the public financing provisions. The limitation applies only to Presidential candidates who choose to go the route of public financing for their campaigns. It does not apply to candidates who elect to finance their campaigns with private contributions. In these circumstances, it may be argued, the $1,000 limitation is an even more clearly reasonable restriction on the expression of political views, since substantial public funds are already being made available to advance the views of the candidate, and since the individual still retains the right to spend a substantial sum from his own funds.

Finally, it is worth emphasizing that, whatever the result of a court challenge to the $1,000 limit, it would have no impact on the central and crucial feature of the public financing amendment—the allocation of public funds to Presidential candidates. Under traditional constitutional doctrines of severability, a holding of unconstitutionality with respect to the $1,000 limit would not invalidate other provisions of the amendment. The sole result would be that Presidential candidates using public funds would also be entitled to receive private contributions, and political committees would be subject to no restrictions on their expenditures, other than those now applicable under existing law. Congress clearly stated its preference in the amendment to limit private financing for candidates using public funds, but just as clearly, the overriding goal of the amendment was to provide public funds for Presidential campaigns. That goal can be accomplished regardless of the outcome of litigation on the $1,000 limit.

D. THE TAX CHECKOFF PROCEDURE IS A CONSTITUTIONALLY PERMISSIBLE METHOD FOR CONGRESS TO DETERMINE THE ALLOCATION OF PUBLIC FUNDS

The funds to be made available under the public financing amendment are determined in the first instance by the actions of individual taxpayers, who are authorized to designate that $1 of their income tax may go either into a special account established in the Treasury for the Presidential candidate of a particular party, or into a general account that may be allocated in certain circumstances for the benefit of all the candidates.

Far from being an unconstitutional delegation of the power of Congress to appropriate Federal funds, the so-called "check-off" procedure actually helps to meet a number of the constitutional objections that might possibly be raised against the amendment. In effect, by adopting the check-off procedure, Congress has removed itself from a major part of the decision on the allocation of public funds, and thereby eliminated a corresponding part of the constitutional objections, whether valid or not, that might possibly be raised were Congress simply to legislate its own formula for allocating funds between major and minor parties. By the simple expedient of the check-off procedure, Congress enables individual taxpayers to determine the amount of public funds that candidates are entitled to receive, subject only to the 5% threshold mentioned above and to specified ceilings on the total amount of public funds for which they are eligible.

In effect, the check-off procedure is comparable in many respects to a 100% tax credit for political contributions, with the Treasury serving as transfer agent for the individual to forward his contribution to the candidate of his choice. A separate title of the tax bill contains a provision enacting a 50% tax credit, up to a total credit of $25, for contributions to candidates for all public offices—Federal, State, or local—and for all elections—primary, general, or special. Surely, it may be argued, Congress has the power to enact a 100%, $1 tax credit solely for Presidential candidates and solely for the general Presidential election.

Two additional considerations lead to the view that the check-off procedure is not an unconstitutional delegation by Congress of its power of appropriation. First, as Section 9006 of the amendment as approved by the conferees makes clear, Congress itself has specifically provided for the separate appropriation of Federal funds, in accord with the amounts designated by taxpayers for the accounts of the various candidates.

The check-off procedure simply provides a method by which the amount of the appropriation is to be determined, with Congress itself retaining the final power to transfer the funds. In this respect, the check-off procedure is not substantially different from countless other formulas in other Federal statutes that determine how Federal funds are to be allocated. Traditionally, for example, the funds appropriated for many Federal grant programs are apportioned among the States according to formulas that take into account such factors as population, per capita income, and the local need for the specific programs. As such, the formula in the check-off procedure is unobjectionable.

Second, the Supreme Court has repeatedly sustained the relatively broad delegation by Congress of its legislative powers. I know of only three major decisions in which such delegation has been held unconstitutional.

The decisions in *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935), and *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935), involved the broad economic controls given President Roosevelt under the National Industry Recovery Act of 1933. If those decisions are still law today, they would probably require a holding of unconstitutionality with respect to the recent delegation by Congress of the powers the President is now using to justify the current wage and price controls over the economy.

The other precedent is *Carter v. Carter Coal Co.*, 198 U.S. 238 (1936), which authorized coal producers and miners to exercise broad and coercive economic powers over minority producers and miners. As such it is hardly a valid precedent for the public financing amendment, since the objectionable element of coercion is absent.

In fact, the judicial precedent most nearly in point strongly supports the constitutionality of the delegation of powers in the check-off procedure. In *Cincinnati Soap Co. v. United States*, 301 U.S. 308 (1937), the Supreme Court specifically sustained a statute providing that taxes collected from the local manufacturers of coconut oil in the Philippines were to be held in a separate fund for the Philippine Treasury. The Court upheld the tax, even though the proceeds were earmarked for a special purpose. As the Court stated:

"If Congress, for reasons deemed by it to be satisfactory, chose to adopt the quantum of receipts from this particular tax as the measure of the appropriation, we perceive no valid basis for challenging its power to do so." *Id.*, at 313.

Similarly, Congress is entitled to measure the appropriation of public funds for presidential candidates in accord with the designations of individual taxpayers, without violating any constitutional prohibition against the undue delegation of its powers.

Mr. MANSFIELD. Mr. President, I am happy to note that the conferees have now completed work on the President's economic tax package. I wish at this time to commend them for the expeditious manner in which they addressed themselves to the task of constructing a measure that we all hope will put this Nation's economy back on its feet. Particularly, I am pleased that the conferees retained the concept of election financing.

Overall, in this endeavor, the conferees undertook an enormous task, thrashed out the differences and pieced together what appears to be a reasonably balanced package; one that we hope will both stimulate productivity, encourage employment and for the first time remove the primary dependency on election costs from the large economic interests of the Nation.

My personal view is that the measure is somewhat defective in at least one major respect. For the first 3 years of operation the permanent revenue loss under this measure will reach close to $16 billion; and the permanent loss of well into the billions will continue every year thereafter. Such losses will occur in my judgment at too great an expense to the consumer and lower income Americans and with too great a benefit to the large economic business interests of the Nation. Aside from this imbalance, however, for the sake of this Nation and its floundering economy, I hope and pray this program achieves the ends it seeks.

The ravages of inflation, unemployment and the host of ills that have followed in their wake have been permitted to endure for too long. Too many Americans have been made to suffer. To put it plainly, the need for this tax bill is now, and I am pleased indeed that the veto talk which greeted its reference to conference has subsided.

Of course, it is the President's prerogative at any time to indicate to the Congress through his press secretary, or otherwise, his concern over various features of legislation passed by both Houses. Just as certainly, conferees meeting in such cases are not bound by such admonitions. Indeed, in the conference, the President's views may or may not be helpful.

What is clear is that the conference on the economic tax measure is now over

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and what must come first and foremost is this Nation's economy. It was out of a deep concern for the economy that the Congress—the Senate and the House alike—joined to expedite this measure as the President's No. 1 priority legislative item. It did so to help an economy that has been plagued for too long by worsening unemployment, increasing inflation and a dollar that has been severely and permanently weakened.

In the process, other legislative business of the Senate—also most important and even vital to the American people—has been postponed, or otherwise moved aside to help turn the economic tide and get this Nation back on its feet. As a result, the economic tax bill went through in record time for a measure of such far-reaching dimensions. As was expected, too, the proposal underwent the give and take and working out that is an essential part of the legislative process.

In that respect, I think a word ought to be said about those provisions of the measure which for the first time will permit the public to help finance election costs. Let me first dispel all doubts on this matter at this time; election financing is here to stay as far as this Senator is concerned. The issue is larger than 1972. It is larger than any party as well. Much larger. The law is on the books, and as a first step, commencing next year, all citizens, no matter their income status, will be encouraged to participate in the elective process with tax credits and tax deductions. They will benefit all candidates to whatever office—Federal, State, or local.

It is only in this way, may I say, that a candidate can be able to overcome his becoming just another investment for some large economic interest. Only with such assurance can an end be put to the notion that this elected official or that is "labor's man" or "industry's man" or whoever else's man. Only with such a system can there be a man elected by and for all people, insulated from dependency upon either his own personal fortune or that of some wealthy interest group that chooses to back him or, to state it honestly—to buy him.

For the presidential campaign the feature of this proposal that allows the people to participate is enormously important. It was most unfortunate that its effect was postponed. The sooner implemented, the better off will be this Nation and its ability to protect and preserve the democratic institutions we love and cherish so much.

If by postponing its effective date a veto was avoided, that is well. In my judgment there is nothing sacred about the year 1972. But it is tragic that this matter was viewed by some in such political and partisan terms. The particular financial condition of one or another of the political parties at a given time should not be a factor. Whether it has $40 million in the bank obtained largely from enormous economic interests or whether it is in debt, the people should not be precluded from joining the elective process.

Beginning in 1973, what this proposal provides is that on a voluntary basis, citizens themselves can authorize the campaign funds for the presidential race. That is well. It would make it permissible for the American people—if they so choose—to absorb a portion of election costs that have skyrocketed beyond all reason. In turn, it would compel those seekers of this Nation's highest elective office to be beholden but to a single, solitary interest group—the American people themselves.

Indeed, this provision must remain. Without it, democracy as it has been here constituted and as we have come to know and love it today, simply cannot endure.

Mr. CURTIS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, before the Senator yields back his time, will he yield to me?

Mr. LONG. I yield.

Mr. BYRD of West Virginia. Mr. President, Senators will recall that the distinguished Senator from Rhode Island (Mr. PASTORE) came into the Chamber a moment ago, and it was indicated to him that the time would be up on the pending conference report at 3 minutes after 5. Would the Senator allow a quorum call so that Senator PASTORE and other Senators could be advised?

Mr. LONG. If the Senator has no objection, we can yield back the time and then can have the quorum call.

Mr. BYRD of West Virginia. Yes.

Mr. LONG. I yield back the remainder of my time.

Mr. CURTIS. I yield back the remainder of my time.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to be recognized for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF RULE XII ON S. 1874

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that rule XII be considered to be waived with reference to the vote on S. 1874, a bill to provide for the establishment of projects for dental care.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the vote on the pending conference report on H.R. 10947, the Senate go into executive session for not to exceed 5 minutes, and then return to legislative session to take up the conference report on the conquest of cancer, S. 1828.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOSS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate returns to legislative session, following the 5 minutes within executive session, the distinguished Senator from Utah (Mr. Moss) be recognized for 2 minutes prior to the calling up of the conference report on the conquest of cancer, S. 1828.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVENUE ACT OF 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. TOWER. Mr. President, it is with reluctance that I shall vote to support the conference report on the Revenue Act of 1971. I voted against the bill when it passed the Senate, believing that not only was the revenue loss too great, nearly $45 billion, but that the so-called campaign financing plan was an unconscionable raid on the Federal Treasury.

To its credit, the conference committee was able to significantly clean up this bill and report it back to the Senate in very nearly the form that the President had requested. The reduction in taxes is close to the figure that the President had suggested. It is a figure that should stimulate economic growth without generating a new inflationary spiral.

Unfortunately, the Conference Committee did not eliminate the checkoff campaign financing provision, though it did change its effective date until 1973. I very strongly believe that the Federal Government should not become involved in structuring and financing political institutions. From past experience, it is quite evident that what the Federal Government finances, it eventually controls. Should the Government ever control our political parties, freedom in this country will be extinguished. I believe that this proposal is most unwise and should not be enacted.

I urge the President to seek an early court challenge to the constitutionality of this section. The checkoff is a partisan raid on the hard-earned tax dollars of the American people and should not be allowed.

Mr. HART. Mr. President, shortly before we began debate on the Revenue Act of 1971, I made the following statement regarding my intention to vote against it as it was proposed by the administration:

We all want inflation slowed and more jobs created.

We all want Phase II to work effectively and fairly.

Unhappily, Phase II is stacked against the individual wage earner. And even worse, perhaps, not only does the Phase II tax bill heavily favor industry, but it will probably do little to increase employment.

If it isn't changed from its present form, I will vote against it, while opposing any effort to water down repeal of the excise tax on cars and trucks.

Also, in the interest of fairness and in the interest of creating more jobs, wage increases frozen during Phase I should be treated in the same way as future wage increases will be treated. That means workers should be paid retroactively for all frozen back wages if the payments fall within the general guidelines established for the months ahead.

When the proposed tax cuts were totaled, industry was getting a $75 billion cut over the next 9 years, while reductions for individuals would have been less than one-fifth that figure. Clearly, such a proposal was out of balance.

This body labored long and hard to redress this imbalance. The bill we have before us now is a mixed bag. Although many of the changes we made were not sustained in conference, happily enough were kept so that the individual taxpayer is assured a somewhat better break. Over a 3-year period, estimates indicate that tax cuts for business will now be $15 billion, compared with $11 billion for individuals.

The opportunity to move on the issue of public financing of presidential campaigns, as represented by the Senate's inclusion of the contribution check-off system, was one which I welcomed. My views of the necessity of eliminating the real or imputed influence of large contributors have been expressed before. When a presidential campaign is planned on such a grand scale that $5 million must be raised in a single evening, to support a candidacy yet to be announced, it is time we revamped the whole system.

So I see the postponement to 1976 of the opportunity to avoid private fundraising in a presidential race as a great loss—a loss not to the candidates who might use public funds so much as a loss of the chance to restore integrity and dignity to political campaigning and to restore confidence in the political structure.

Of course, I am delighted that the conferees retained provisions for tax credits and deductions for political contributions. This at least begins the process of moving away from reliance on the fat cats of politics.

On balance, then, I support passage of the Revenue Act of 1971, fully realizing that the proposals we sent to the conference represented a preferable approach.

Mr. HARTKE. Mr. President, I am disappointed by the actions taken in conference on this legislation—I shall reluctantly, vote for this bill.

But I do not blame the conferees for their action. It was clear that they were working under the threat of a Presidential veto.

Apparently the President believes that it is big industry and not the average consumer who needs tax relief at this time. The simple facts are, that this legislation contains three times as much tax savings for business as it does for the individual taxpayer. I believe that that is a mistake, perhaps a fatal one for our economy. What we need now are balanced incentives which help both the businessman and the ordinary consumer, and not lopsided bonuses for industry.

The proposal that I offered, which would have increased the personal exemption to $800 next year, was a responsible attempt to bolster consumer demand at a time when such bolstering is desperately needed. I regret that it was deleted in conference, but I do not blame the conferees, I blame the President.

As the author of legislation which would have reinstated the investment tax credit at a level of 10 percent, I am not unmindful of the legitimate capital needs of business at this time. However, there is no logic in also accepting the fantastically expensive accelerated depreciation system which merely adds to the capital investment incentives already provided in the investment tax credit.

In sum, I am saying that this bill lacks equity. At a time when it is the average taxpayer who needs help the most, we are giving the juiciest plums to those who need it the least.

Mr. EAGLETON. Mr. President, the Senate worked long and hard on the Revenue Act of 1971. Some very positive good could have come out of our effort including, I believe, my own amendment to provide tax relief for the elderly. This revenue bill, as it left the Senate, would have provided roughly $21 billion worth of tax relief for individuals which would soon have been converted into consumer spending. It provided roughly $15 billion in tax relief for business.

The conference committee has reversed this balance. It provides $15 billion relief to business and $11 billion for the individual taxpayer, with a total loss to the Treasury of $25 billion for the 3-year period 1971–73.

The catch is that the tax relief for individuals is simply an acceleration of what was already scheduled, whereas the corporate tax breaks represent a permanent loss of revenue—investment tax credit, ADR, repeal of the excise tax.

Of all the tax adjustment amendments we passed, only the child care deduction provision remains in the bill. The improvements we made, the efforts we expended, have gone for naught.

Mr. President, the tax bill before us is supposed to provide the shot in the arm required to get the economy moving again. We need a short-run stimulus that will not undermine the inflation control goals of phase II.

How can we accomplish this objective? With an investment credit, when the lead time of many businesses for their major capital projects is sometimes as long as 5 or 6 years? By liberalizing depreciation rules when no one can produce conclusive evidence that establishing an arbitrary time period for the useful life of a machine in any way affects the actual usefulness or encourages increased productive investment? Does it help to create a billion dollar loophole in the corporate income tax law by exempting the export profits of a DISC, without any incentive to increase exports?

The essential trigger for an economic resurgence is consumer demand. The inflation we now have in this country is not a demand-pull, but a cost-push inflation. The phase II controls will be sufficient to ward off pressures that might ordinarily be generated by an increase in demand. So we have a reasonably good opportunity to stimulate the economy in the short run without undermining the efforts to curb inflation. Instead, this bill opts for tax cuts which, if they have an effect at all, provide longrun stimulus, and result in permanent loss of revenues.

Furthermore, the erosion of the tax base in the face of so many pressing national needs is something for which we will pay heavily in the future. Charles L. Schultze, former Budget Director and now senior fellow at the Brookings Institution, in testimony before the Joint Economic Committee on August 20, 1971, articulated my sentiments exactly:

While welcoming the aggregate stimulating effect (of the particular components of the President's proposals), I do not believe they are at all well-balanced from the standpoint of equity or national priorities.

A related point has to do with the *permanent* nature of part of the tax reductions proposed by the President. The auto excise tax repeal and 5% of the investment credit represent permanent tax reductions, losing about $5 billion a year in revenues. While we need tax cuts at the present time, to help bring the economy out of recession, we will—once the economy has returned to full employment—need every dime of revenue generated by the present tax system to meet even a minimal estimate of national needs in the public sector. Almost every future projection of the fiscal dividend for the mid 1970's shows that it is very slim indeed, and far too small to be eroded by permanent tax cuts.

Finally, I direct my attention to the conference committee action on the Pastore campaign financing amendment.

In analyzing this "compromise" we must first examine the basic premise behind the amendment.

The essence of our democratic process is that there will be competition among candidates of different parties and differing philosophies seeking the same public office. This is true whether the office sought is the Presidency, U.S. Senator, Governor, mayor, or alderman. In recent years, the campaign expenses entailed in seeking any of these offices have soared astronomically. The traditional methods of campaigning—large public rallies, placards, handout cards, radio speeches, et cetera—were relatively speaking, inexpensive. These methods have been either replaced or supplemented by the "modern" techniques—television commercials including half-hour, Hollywood-style films, jet aircraft caravans, direct mailings to every regis-

tered voter, et cetera. These techniques are horrendously expensive and for our only nationwide offices, President and Vice President, ridiculously so.

Analysts are still guessing as to the cost of the 1968 campaign. Newsweek magazine this week estimated $300 million. Newsweek says the figure for 1972 will likely be $400 million.

The costs are such that a presidential aspirant has to place himself at the mercy of big money—big money from individuals, big money from special interest groups, big money from big labor. A big campaign contribution is a big investment—an investment in seeing to it that the candidate espouses a certain position.

Thus, a candidate for President, in order to be competitively viable and have the financial wherewithal to pursue an effective campaign, must pander to the "big boys" for their monetary aid.

The thrust of the original Pastore amendment was to take the Presidency off the big money auction block and put it where it traditionally belongs, in the public domain for all of the people.

I strongly supported that amendment.

But now, Mr. President, the conference committee has injected a new ingredient into the picture which disquiets me.

I am not referring to the postponement of the implementation of the amendment beyond the 1972 election. I presume the Nation can endure one more "money bag" election. I realize that in the art of legislative compromise the postponement may have been a pragmatic necessity.

I am referring to the addition of the new ingredient that these funds must now be appropriated by the Appropriations Committees of the House and Senate.

The privilege to appropriate or not to appropriate puts in these two already powerful congressional committees an additional awesome power. If it should result, as we get close to the 1976 presidential campaign, that one or two candidates in each party appear to be emerging as the likely nominees, and if such likely nominees appear to be philosophically at variance with the concensus philosophy of the Appropriations Committees, then these committees could legally use their discretionary power to influence the outcome of the respective national political conventions.

Thus, Mr. President, we may be substituting for the power of big private money the power of a few Members of Congress serving on the Appropriations Committees.

The revenue bill we vote on today is in its present form for one simple reason: This is the way President Nixon wants it.

This is the way he wants the tax package balanced.

This is the way he wants the 1972 presidential campaign financed.

He made it plain that the bill would be vetoed if it did not suit—and a veto would mean delay and further uncertainty in an economy already suffering deeply from delay and uncertainty. Regrettably, a veto of the conference report by the Senate would have about the same result.

Therefore I shall reluctantly vote "aye"—hoping as I do it that the bill will at least contribute some buoyancy to the American economy—that there will be at least a few beneficiaries of the administration's latest exercise in trickle down economics—and that we will soon make another opportunity to save ourselves from the evils of big money politics.

Mr. ROTH. Mr. President, this tax bill is entirely different from the one we sent to the conference committee. It is, in my judgment, a far more equitable measure and one that deserves our prompt support.

In the course of the two week debate on the bill, we added provisions which would have reduced Federal revenues nearly $13 billion over fiscal years 1972–74, and added more than $2.5 billion to the $34 billion anticipated deficit for this year.

Now, the bill returning from conference has been stripped of $12 billion in revenue losing proposals, over these 3 fiscal years. The remaining provisions are, I believe, designed to produce a balanced and prudent incentive to businesses and individuals alike.

The added exemptions and larger minimum deductions will provide particularly lower income families much needed funds. We have seen savings rates increase and consumer credit decrease over the last 18 months. A tax measure designed to reverse these trends will be an important contributor to restoring consumer confidence, a key stimulus in generating new buying power.

Further, the investment tax credit and the accelerated depreciation schedules will help to spur the needed capital investment which is necessary to keep our physical plant competitive with foreign manufacturers. Repeal of discriminatory excise taxes on autos and light trucks will stimulate—as it already has—sales in one of our most important business sectors.

THE INEVITABILITY OF TAX INCREASES

Mr. STENNIS. Mr. President, at the time that the Senate originally passed the Revenue Act of 1971, I voted against it. Having studied the bill as it emerged from conference, I have decided to vote affirmatively on the conference report. I believe this bill should pass, and that the tax cuts incorporated in it will be beneficial to the economy by spurring its growth. But, I must state that the stimulus of tax cuts can only be effective in the short-run, and that tax increases are inevitable. We can cut taxes now but will later have to bear the responsibility of increasing them.

The philosophy behind the tax cut in the Revenue Act of 1971 is that decreased taxes will leave more spending money in the hands of the consumer, and the increased spending will stimulate the economy. The increased spending would bring in revenues in such forms as the excise tax, but the question is whether the amount of increased revenue tax generated by the growth in the economy will be sufficient to cover the increased cost of Government programs or to cover the gap left in tax revenue by the cuts incorporated in the bill.

Facts and figures that I have studied and will briefly discuss to make my point lead me to believe that the current tax cuts may well stimulate the economy in the short-run, but in the long run these cuts cannot be maintained, or if they are maintained, our Government spending must be drastically reduced and new programs envisioned by the administration, the public, or both, and by many Members of Congress, must be abandoned.

The national debt, created by the difference between spending and revenues, is now $418 billion, up $100 billion from 1965. For fiscal year 1972, with unemployment running 6 percent, the budget deficit is estimated to be $28.1 billion. In fiscal year 1971, the deficit was $24.2 billion.

Having so high a national debt—and increasing it so much each year—necessitates paying a huge amount of interest each year. For fiscal year 1971, the gross interest expense on our national debt was almost $40,000 per minute, or a total of about $21 billion. That $21 billion that paid the interest could have bought all HEW programs except social security or covered all allowances and pay, except retirement, of all military personnel including Reserves for fiscal year 1971.

The larger the gap between revenues and spending, the larger the deficit is each year to add to the national debt. Federal spending is rising sharply each year and is running at about $232 billion this fiscal year. Expenditures increased at an annual rate from the first quarter to the third quarter of 1971 of 11 percent, more than double the 4.7 percent annual rate from mid-1968 to early 1970. If spending is increasing at this rate, revenue—to cover the expenditures—must also increase.

Fiscal spending has been increasing from $10–$20 billion per year, as follows: Fiscal year 1970—$197 billion; fiscal year 1971—$212 billion; fiscal year 1972—$232 billion (estimated).

If this trend continues, and there are no indications to the contrary, the budget for fiscal year 1973 will be as high as $245 billion. Revenue this fiscal year is estimated at $204 billion and would have to increase about $12 billion in fiscal year 1973 just to hold the deficit at its current $28 billion level.

The trend of increased Federal spending, which has occurred throughout the Government and its many functions and interests, is best seen in the human resources area—an undeniably important area of high public priority. In the 6 years from fiscal year 1966 to 1972, education and manpower costs have doubled; income security costs, which include welfare and retirement, have more than doubled; health costs have increased sixfold. These demands will increase rather than decrease.

Briefly looking at the defense budget, it was lower in fiscal years 1971 and 1972 than it had been previously (fiscal years 1967–70). I have done what I could to bring about reasonable reductions and shall continue to do so. Secretary Laird has said that the request for the military will go up next year. I hope this is error. There are other unfunded obligations of large sums and these will continue to increase.

One large part of the national defense figure is military retirement, which increases yearly. From fiscal year 1966 to 1972, the cost of paying military retirement more than doubled. And the accrued, unpaid military retirement rose from $66 billion in fiscal year 1966 to $113.8 billion in fiscal year 1972.

I have given just a few examples of the trends in Government spending, but it is evident that we are spending more and more. The current tax cut can only be effective in the short-run as a stimulus to the economy and will, I believe, inevitably give way to tax increases to cover the rising cost of Government programs. I think the people should be fully advised of this fact now so that they may fully understand the situation and make their plans accordingly.

HIGHWAY TRUST FUNDS MUST BE PROVIDED TO COMPLETE PROGRAM

Mr. RANDOLPH. Mr. President, I call the attention of the Senate to the deletion by the conferees of a section of the Revenue Act of 1971 which would have prevented a reduction in income for the Highway Trust Fund.

In its original consideration of this measure, the House Ways and Means Committee repealed the excise tax on light trucks, a tax that is dedicated to the Highway Trust Fund and one that would provide approximately $350 million during the current fiscal year for highway transportation development. I called this situation to the attention of the Senate Finance Committee, explaining that this loss of income for the trust fund would prolong the meeting of highway program commitments. To compensate for this loss, the Senate Finance Committee designated 7 percent of the excise tax on wine and beer for the Highway Trust Fund.

During floor consideration of the bill, there were proposals to earmark this money for other purposes and others to delete it entirely from the trust fund. All of these proposals were rejected by the Senate.

I inquire of my friend, the chairman of the Finance Committee, if it is correct that the germaneness rule of the House of Representatives was imposed on the Senate during the conference on this bill so that the transfer of money to the trust fund could not be agreed to. Did this rule give the Senate conferees no choice but to accede to avoid a total impasse on important legislation?

Mr. LONG. That was exactly the situation. It was purely a matter of germaneness. I regret that was the case. However, as I said in my previous statement, unfortunately under the Reorganization Act, the Senate has permitted itself to be governed by the House of Representatives rule of germaneness rather than by the Senate rule.

Mr. RANDOLPH. Is it also true, Mr. Chairman, that the elimination of the transfer was not based on opposition by the conferees to the highway trust fund or the program it supports, but was solely a matter of adhering to the House rule?

Mr. LONG. The Senator is entirely correct.

Mr. RANDOLPH. I remind Senators that the action they approved last month was not an addition of new revenues to the highway trust fund. It was compensation for revenues that will be lost because of the repeal of the light truck tax. The deletion of this income will cause a total loss estimated at $2.2 billion over the present statutory life of the trust fund. This is equivalent to approximately 40 percent of 1 year's income for the Federal highway program.

I ask the chairman of the Finance Committee if this deficiency in income means that the trust fund will have to be continued beyond its present 1977 expiration date since the lost revenues are needed to complete the Interstate System and to carry out other facets of the highway program already authorized?

Mr. LONG. If we are unable to provide additional tax so as to provide for this, I hope the Committee on Appropriations will be willing to vote an appropriation into the trust fund to assure enough funds will be available to keep the highway program on schedule.

Mr. RANDOLPH. The concept of the highway trust fund is being questioned and there are those who believe its resources should be committed to other transportation purposes.

The action of the conferees in reducing the trust fund's income, however, can not be looked at as a victory for this point of view. It must, instead, be recognized as a setback. Not only does the loss of revenue to the trust fund prolong the day when consideration can be given to altering the form and direction of the highway program, it denies improved transportation to the American people and raises the ultimate cost they must pay for highway construction.

Mr. President, I thank the chairman for his responsiveness and his attention to the subject. Our debate highlights the importance of restoring this lost revenue in the future.

The PRESIDING OFFICER (Mr. BURDICK). All time on the conference report has expired.

The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Texas (Mr BENTSEN), who is absent on official business. If he were present and voting, he would vote "yea;" if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Virginia (Mr. BYRD), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Texas (Mr. BENTSEN) is absent on official business.

I also announce that the Senator from Idaho (Mr. CHURCH) is absent because of illness.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. Jackson), and the Senator from California (Mr. TUNNEY) would each vote "yea."

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) and the Senator from South Dakota (Mr. MCGOVERN), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Nebraska (Mr. HRUSKA), the Senator from Maine (Mrs. SMITH), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

Also, the Senator from New York (Mr. BUCKLEY), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 71, nays 6, as follows:

[No. 443 Leg.]

YEAS—71

Aiken	Ellender	Packwood
Allen	Fong	Pastore
Allott	Fulbright	Pearson
Baker	Goldwater	Pell
Bayh	Griffin	Proxmire
Beall	Gurney	Randolph
Bellmon	Hansen	Ribicoff
Bible	Hart	Roth
Boggs	Hartke	Saxbe
Brooke	Inouye	Schweiker
Burdick	Javits	Scott
Byrd, W. Va.	Jordan, N.C.	Sparkman
Cannon	Jordan, Idaho	Spong
Case	Kennedy	Stennis
Chiles	Long	Stevens
Cook	Magnuson	Stevenson
Cooper	Mathias	Symington
Cotton	McGee	Taft
Cranston	McIntyre	Thurmond
Curtis	Metcalf	Tower
Dole	Miller	Welcker
Dominick	Mondale	Williams
Eagleton	Montoya	Young
Eastland	Moss	

NAYS—6

Brock	Fannin	Hollings
Ervin	Gravel	Nelson

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—22

Anderson	Hatfield	Muskie
Bennett	Hruska	Percy
Bentsen	Hughes	Smith
Buckley	Humphrey	Stafford
Byrd, Va.	Jackson	Talmadge
Church	McClellan	Tunney
Gambrell	McGovern	
Harris	Mundt	

So the conference report was agreed to.

EXECUTIVE SESSION—NOMINATION OF WILLIAM H. REHNQUIST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go

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into executive session and that the distinguished minority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. SCOTT. Mr. President, I send to the desk a cloture motion and ask that it be stated.

The PRESIDING OFFICER. The motion for cloture having been filed, the clerk will state the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the confirmation of the nomination of William Rehnquist, to be an Associate Justice of the Supreme Court of the United States.

1. Hugh Scott.
2. Paul J. Fannin.
3. William B. Saxbe.
4. Marlow W. Cook.
5. Lowell P. Weicker, Jr.
6. J. Caleb Boggs.
7. Robert Dole.
8. Robert Taft, Jr.
9. Carl T. Curtis.
10. Howard H. Baker, Jr.
11. Henry Bellmon.
12. Peter H. Dominick.
13. Gordon Allott.
14. Ernest F. Hollings.
15. Strom Thurmond.
16. Bill Brock.
17. Richard S. Schweiker.
18. William V. Roth, Jr.
19. Robert P. Griffin.
20. James O. Eastland.
21. Len B. Jordan.
22. Clifford P. Hansen.
23. Barry Goldwater.
24. Jack Miller.
25. James B. Pearson.
26. James L. Buckley.
27. Edward J. Gurney.
28. Norris Cotton.
29. J. Glenn Beall, Jr.
30. John G. Tower.

Mr. SCOTT. Mr. President, after consultation with the distinguished majority leader, I ask unanimous consent that the time on this motion start running on Saturday morning at 10 a.m.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, I want to ask a question of our distinguished minority leader. Is it a sign of weakness that the Senator might have to use that second cloture motion?

Mr. SCOTT. I will be glad to reply on my time.

The Senator reserved the right to object?

Mr. BAYH. I shall not object.

Mr. SCOTT. I understand. I am glad to reply. It is a sign of convenience. We are trying to accommodate Senators; and also it is a sign of credibility, because I promised Senators that I will file a cloture motion every day from now until the end of the session.

I assume that if the stars are in the right ascendancy perhaps the motion on Saturday will not be necessary and that we may be able to bring matters to a solution tomorrow in the vote.

But I am one who believes in caution and confidence, as I said to my friend the other day. Therefore, I will be doing this every day until Senators decide they want to go home. I rather think two-thirds of the Senators want to go home now. If they do not, we will give them another chance, and another next week.

Mr. BAYH. Mr. President, will the Senator yield for an observation?

Mr. SCOTT. I yield.

Mr. BAYH. I hope that more than one-third of the Senate and hopefully a majority of the Senate on both sides will be more concerned about other things than how the stars are, and weigh the merits of this man who will be on the Supreme Court for many moons if he is confirmed.

Mr. SCOTT. The merits bring us to invoke the rule. We are convinced, I believe, that a vast majority of the Senators, based on the merits, are in favor of the nominee, and believing that, we see in our minds that the time has come to vote. The Senator from Indiana may be unwilling to vote now or at any time in the foreseeable future, but this is one of the things on which we disagree.

Mr. BAYH. I respect the Senator's right to disagree, but I assure the Senator there are foreseeable dates in the future when the Senator from Indiana would be willing to vote.

I would like to ask my friend, the Senator from Pennsylvania, if he had an opportunity to read or have discussed with him the remarks that the Senator from Indiana made today in which he read into the RECORD the historical decisions that had been decided by the late distinguished Justice Jackson, and if he had a chance to review the memorandum, which the nominee said were Justice Jackson's views and not his own. The decisions, I cited we know, are Justice Jackson's.

Mr. SCOTT. I would say this to the Senator.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. The distinguished Senator will remember I said yesterday that the nominee had been requested by the Justice to furnish him information on one side, one point of view of the question. I made the point that I, myself, disagreed with that point of view. I further went on to say that those who knew Justice Jackson, and we had outside information on this, know he already had the views of his brethren on the bench on the opposite side and he was, therefore, asking an employee to prepare information on one side of an issue, having been informed on the other. I do not see anything wrong with that.

The Senator from Indiana has staff members and he probably asks them to give him both sides of a question because he wants to be a well-rounded Senator—because the Senator is not as well rounded in some aspects as I may be, but well rounded—and I am sure he likes to hear both sides of the question.

Mr. BAYH. The observation of the Senator from Indiana is that these are various questions that we are trying to resolve. The Senator from Indiana and some of us are concerned, deeply concerned. I understand the junior Senator from Massachusetts has a presentation he wishes to make. We are looking at information on Rehnquist as we received it 24 hours ago. It is rather contrary to that stated by the Senator from Pennsylvania. This is the kind of thing we want the Senate to consider without thinking of the tinkling of Christmas bells and without being under the pressure of cloture. This is hardly the way to put a man on the Supreme Court.

Mr. SCOTT. I may be wrong but I have a strong impression the Senator from Indiana was prepared to vote against the nominee before he heard of him and certainly from the moment he did hear of him, but I am not sure too many others have been similarly persuaded. We will find out if the Senator lets us get to a vote. If we apply the standards which the Senator from Indiana is seeking to apply he very well knows one-half of the Founding Fathers of this Nation would never have qualified for confirmation to the Supreme Court.

He knows that Abraham Lincoln could not have made it before he came to the Presidency because of the Lincoln-Douglas debate in which his remarks in today's context would certainly be deemed negative in some respects by some people—by many people. Certainly I think the only member of the Founding Fathers who was in the clear, by the Senator's test, would be Benjamin Franklin.

Mr. BAYH. The Senator from Indiana has read some chapters of history relative to some of the activities of our beloved Mr. Franklin in Paris that might bring into question whether he would be qualified under the test placed by some, but I am not suggesting this type of thing.

I think my friend, the Senator from Pennsylvania, is not his usual benevolent and straightforward self when he suggests that any Member of this body is prepared to vote against a nominee before he has even heard of him.

I was more than happy to go along with Justice-designate Lewis H. Powell. I was hoping to be able to go along with William H. Rehnquist, but I must say I am concerned, and I think I have the obligation to express this concern. I would like to have the question fully discussed before the Senate votes on him, even if we are voted down by an overwhelming vote.

Mr. SCOTT. I thank the Senator. He has expressed his views, and he has done so with considerable opportunity to appear many times, more often than any other single Senator has appeared, on this issue.

The Senator opened this colloquy by asking me whether the filing of a cloture motion was a sign of weakness. I think I had better answer that it is a sign of strength. If the Senator thinks there are any signs of weakness around here, why does he not bring the matter to a vote and we shall see where the weakness is?

Mr. BAYH. The Senator from Indiana is perfectly happy to suggest that the nomination be put to a vote when the Senate has had an adequate time to discuss it; this is my position now, and I do not intend to change it.

Mr. SCOTT. The Senator continues to hold that time when we can come to a vote, if I can use a papal term, in pectore—only in his own breast. He has not confided to the Senate and to his colleagues when it will be revealed from within his breast his intention to let the remainder of the Senate express its will.

We have been through this sort of thing before, and we have only one remedy, which is cloture, and I am sure the Senator applauds my filing of the cloture motion, because I am so clearly within the rule.

Mr. BAYH. The Senator from Indiana in no way suggested that his friend, the Senator from Pennsylvania, would violate that first rule of the Senate, and I think he approaches this with not only his conscience but his duty in mind. I would suggest that I can better answer that question, whether it is in pectore, or ad infinitim, or whatever it might be.

Mr. SCOTT. Or even ad nauseam.

Mr. BAYH. Well, perhaps it is ad nauseam to all of us.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Pennsylvania? Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, has the Senate gone back into legislative session?

The PRESIDING OFFICER. No, it has not.

Mr. BYRD of West Virginia. Under the order, the Senate was to go back into legislative session.

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.

LEGISLATIVE SESSION

The Senate resumed the consideration of legislative business.

ORDER FOR RECOGNITION OF SENATOR JORDAN OF NORTH CAROLINA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the Senator from Utah (Mr. Moss) under the previous order, the Senator from North Carolina (Mr. JORDAN) be recognized for not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLAIM OF SHOSHONE TRIBE OF INDIANS

Mr. MOSS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2042.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2042) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriate deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in this Act.

SEC. 2. The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366.

SEC. 3. The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326–H and 367.

SEC. 4. The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965.

SEC. 5. For the purpose of apportioning the award in accordance with this Act, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on the date of this Act, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after the date of the enactment of this Act authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on the date of the enactment of this Act;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final.

SEC. 6. The funds apportioned to the Northwestern Band of Shoshone Indians, less attorneys' fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of this Act.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

SEC. 7. (a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be distributed per capita to all persons born on or before and living on the date of this Act who are duly enrolled on the roll prepared in accordance with section 5(a) of this Act.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of

trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per capita distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 8. The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of the Act of May 19, 1947, as amended (61 Stat. 102; 25 U.S.C. 611–613).

SEC. 9. Any funds distributed per capita under provisions of this Act shall not be subject to Federal or State income tax.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Mr. MOSS. Mr. President, on October 13, 1971, the Senate passed with committee amendments, S. 2042, to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets, No. 326–D, 326–E, 326–F, 326–G, 326–H, and 367 before the Indian Claims Commission and for other purposes.

The purpose of S. 2042, which I sponsored with others, is to provide for the division of a $15,700,000 judgment, plus accumulated interest, between the three tribal groups of the Shoshone Tribe or Nation of Indians and to authorize the use of the funds. The money has been appropriated. A sum of $500,000 is specifically earmarked in favor of the Shoshone-Bannock Tribes at Fort Hall, Idaho. Legislation (S. 101) covering this portion of the award was approved by the Senate on June 9, 1971.

On December 6, 1971, the House passed H.R. 10846, a similar bill with a committee amendment. The committee amendment struck the provision which would have exempted any funds distributed per capita from consideration as income, revenue, or expendable funds under the provisions of the Social Security Act.

In considering S. 2042, the House struck out all after the enacting clause and substituted in lieu thereof, the provisions of H.R. 10846.

Mr. President, while I continue to believe that the provision in my bill which was stricken by the House amendment was meritorious, I am prepared to accept the change in S. 2042 for several reasons. First, the several tribal groups authorized to share in the judgment fund award have waited patiently for many years for the successful prosecution of their claim through the Indian Claims Commission. Second, the Indian recipients of the award have constructive plans for the individual and collective uses of their funds. In order that we may fulfill our obligation to the Indian people and bring justice to this long awaited claim against the Federal Government, I recommend to the Senate that it concur in the House-passed version of S. 2042.

Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

RIVER BASIN MONETARY AUTHORIZATION ACT OF 1971

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina (Mr. JORDAN) is recognized for not to exceed 2 minutes.

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2887.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2887) authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes which was to strike out all after the enacting clause, and insert:

That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Act of Congress	Amount
Alabama-Coosa River	Mar. 2, 1945	$38,000,000
Arkansas River	June 28, 1938	57,000,000
Brazos River	Sept. 3, 1954	20,000,000
Central and southern Florida	June 30, 1948	18,000,000
Columbia River	June 28, 1938	130,000,000
Mississippi River and tributaries	May 15, 1928	97,000,000
Missouri River	June 28, 1938	101,000,000
North Branch, Susquehanna River	July 3, 1958	17,000,000
Ohio River	June 22, 1936	62,000,000
Quachita River	May 17, 1950	1,000,000
San Joaquin River	Dec. 22, 1944	44,000,000
South Platte River	May 17, 1950	37,000,000
Upper Mississippi River	June 28, 1938	2,000,000
White River	do	4,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed $528,000,000.

SEC. 2. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to perform such work as may be required, including the construction of dikes, to prevent shoaling near the pumping plant intake of the Frazer-Wolf Point irrigation unit on the Fort Peck Indian Reservation, located on the north bank of the Missouri River about thirty miles downstream from the Fort Peck Dam, at an estimated cost of $335,000 subject to the provision that the Bureau of Indian Affairs, Department of the Interior, obtain all necessary lands, easements, and rights-of-way, and maintain the project after completion.

SEC. 3. (a) That in connection with the improvements authorized by section 6 of the Act approved October 3, 1962 (76 Stat. 704, 706), to be undertaken on the Crow Creek Sioux Reservation in South Dakota, the Secretary of the Army is authorized and directed to provide the following under plans approved by the Crow Creek Sioux Tribal Council, at an estimated cost of $800,000:

(1) in connection with the community center building which serves as the Crow Creek Tribal Council offices: offices or conference rooms for visiting Bureau of Indian Affairs personnel, auditorium facilities, sufficient offices and conference rooms for tribal offices, and an adequately sized and equipped kitchen to serve community gatherings;

(2) adequate water, sewer, and drainage facilities;

(3) a street lighting system throughout the townsite;

(4) widening of streets and provision of offstreet residential parking;

(5) sufficient parking near the community center for community gatherings;

(b) The Secretary of the Interior is hereby authorized and directed to reimburse the Crow Creek Sioux Tribe, from appropriations authorized by subsection (a) of this section, for all attorneys' fees and engineering fees, and expenses related thereto, as approved by the Secretary of the Interior, that the tribe has incurred or will incur in obtaining and implementing legislation to remedy difficulties arising from implementation of the Act of October 3, 1962 (76 Stat. 704), but such reimbursement shall not exceed a total of $22,500.

SEC. 4. Section 221 of the Flood Control Act of 1970 (84 Stat. 1324, 1831) is amended by striking the period at the end of subsection (f), substituting a comma therefor, and adding the following: "or to the assurances for future demands required by the Water Supply Act of 1958, as amended."

SEC. 5. The Secretary of the Army, acting through Chief of Engineers, is hereby authorized to cause a survey to be made for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects on Chiltipin Creek at and in the vicinity of Sinton, Texas.

SEC. 6. The project for flood protection on Fourmile Run, city of Alexandria and Arlington County, Virginia, approved by resolutions of the Committees on Public Works of the United States Senate and House of Representatives, dated June 25, 1970, and July 14, 1970, respectively, in accordance with the provisions of section 201 of the Flood Control Act of 1965 (Public Law 89–298), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall replace the George Washington Memorial Parkway bridge over Fourmile Run, at Federal expense, substantially as recommended by the Chief of Engineers in his report dated March 2, 1970, published as House Document Numbered 91–358.

SEC. 7. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified to provide that local cooperation to be hereafter furnished in connection with the Obion River Diversion aspect of the Tiptonville to Obion River, Tennessee project, authorized by the Act approved June 22, 1936, and amended by the Act approved July 24, 1946, shall consist of the requirement that local interests agree to maintain the completed works in accordance with the provisions of section 3 of the Act of May 15, 1928, and hold and save the United States free from damages due to the construction works.

SEC. 8. Nothing in any prior Act of Congress, committee report, or congressional document, shall be construed as requiring the State of West Virginia, in connection with the construction of the Stonewall Jackson Lake, West Fork River, West Virginia, and the Rowlesburg Lake project, Cheat River, West Virginia, to furnish assurances that it will hold and save the United States free from any claims for damages from storage of water.

SEC. 9. The Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632) as amended by Public Law 91–282, is further amended by inserting immediately after the end of the Act the following:

"The Secretary of the Army is authorized to contract with the city of Arlington, Texas, for the use of water supply storage in the Benbrook Reservoir for municipal water supply for any storage not used by the city of Fort Worth or the Benbrook Water and Sewer Authority, for a period not to exceed four years or until such time as the water supply storage is needed for navigation purposes, whichever first occurs."

SEC. 10. (a) In order to protect the environment, promote safety, and provide access to the public use recreation area around Perry Reservoir, Kansas, the Secretary of the Army, acting through the Corps of Engineers, is authorized and directed, notwithstanding any other provision of law, to take such action as may be necessary to improve the following roads in the vicinity of the Perry Reservoir area, Kansas:

(1) The road leading north from United States Highway Numbered 24, at Perry, Kansas, to an intersection with a black top road east of the dam, consisting of approximately three miles;

(2) The road on the west side of Perry Reservoir beginning at the north end of Delaware State Park running north and west and intersecting State Highway K Numbered 92 approximately one and one half miles west of Ozawkie, Kansas, consisting of approximately six miles; and

(3) The road beginning on State Highway K Numbered 92, one mile east of Old Town Public Use Area, and running north approximately eight miles to intersect with State Highway K Numbered 4 and State Highway K Numbered 16 east of Valley Falls, consisting of approximately nine miles.

(b) In carrying out such improvements, the Secretary of the Army shall be authorized to realign and grade such roads, and to pave such roads with a plant-mix bituminous surface (including chemical stabilization), in accordance with secondary road standards of the State of Kansas.

SEC. 11. (a) In order to provide adjustments in the lands or interests in land heretofore acquired for the Verdigris River portion of the McClellan-Kerr River Navigation Project in Oklahoma to conform such acquisition to a lesser estate in lands now being acquired to complete the real estate requirements of the project the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to reconvey any such land heretofore acquired to the former owners thereof whenever he shall determine that such land is not required for public purposes, including public recreational use, and he shall have received an application for reconveyance as hereinafter provided, subject to the following limitations:

(1) No reconveyance shall be made if within thirty days after the last date that notice of the proposed reconveyance has been published by the Secretary in a local newspaper, an objection in writing is received by the former owner and the Secretary from a present record owner of land abutting a portion of the reservoir made available for reconveyance unless within ninety days after receipt by the former owner and the Secretary of such notice of objection, the present record owner of land and the former owner involved indicate to the Secretary that agreement has been reached concerning the reconveyance.

(2) If no agreement is reached between the present record owner of land and the former owner within ninety days after notice of objection has been filed with the former owner and the Secretary, the land made available for reconveyance in accordance with this section shall be reported to the Administrator of General Services for disposal in accordance with the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377).

(b) Any such reconveyance of any such land or interests shall be made only after the Secretary (1) has given notice, in such manner (including publication) as regulations prescribe to the former owner of such land or interests, and (2) has received an application for the reconveyance of such land or interests from such former owner in such form as he shall by regulation prescribe. Such application shall be made within a period of ninety days following the date of issuance of such notice, but on good cause the Secretary may waive this requirement.

(c) Any reconveyance of land therein made under this section shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest, except that no mineral rights may be reserved in said lands unless the Secretary finds that such reservation is needed for the efficient operation of the reservoir project designated in this section.

(d) Any land reconveyed under this section shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements made thereon by the United States (the Government shall receive no payment as a result of any enhancement of values resulting from the construction of the reservoir project specified in subsection (a) of this section), or (2) any decrease in the value thereof resulting from (A) any reservation, exception, restrictions, and condition to which the reconveyance is made subject, and (B) any damage to the land caused by the United States. In addition, the cost of any surveys or boundary markings necessary as an incident of such reconveyance shall be borne by the grantee.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify that notice has been given to the former owner of such land or interest as provided in subsection (b) and that no qualified applicant has made timely application for the reconveyance of such land or interest.

(f) As used in this section the term "former owner" means the person from whom any land, or interests therein, was acquired by the United States, or if such person is deceased, his spouse, or if such spouse is deceased, his children or the heirs at law; and the term "present record owner of land" shall mean the person or persons in whose name such land shall, on the date of approval of this Act, be recorded on the deed records of the respective county in which such land is located.

(g) The Secretary of the Army may delegate any authority conferred upon him by this section to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(h) Any proceeds from reconveyances made under this Act shall be covered into the Treasury of the United States as miscellaneous receipts.

(i) This section shall terminate three years after the date of its enactment.

SEC. 12. The project for Whiteoak Dam and Reservoir on Whiteoak Creek, Ohio, Ohio River Basin, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in his report on the Development of Water Resources in Appalachia, dated April 1971, at an estimated cost of $40,031,000, except that no funds shall be appropriated to carry out this section until the project is approved by the Appalachian Regional Commission and the President.

SEC. 13. (a) The Lower Monumental Lock and Dam Project, Snake River, Washington, authorized by the River and Harbor Act approved March 2, 1945 (59 Stat. 10), is hereby modified to provide that the United States shall perform, or pay the cost of performance of, such measures as the Secretary of the Army determines are or may have been necessary to protect any railway bridge or structure from damage caused by the project.

(b) The Secretary of the Army in making the determination required by subsection (a) of this section shall charge to the owner of any such bridge or structure an amount equal to the net value to such owner of any direct and special benefits accruing to the owner from any improvement or addition to or betterment of the bridge or structure, including any expectable decrease in repair, maintenance, or operating expense.

SEC. 14. This Act may be cited as the "River Basin Monetary Authorization Act of 1971".

Mr. JORDAN of North Carolina. Mr. President, it is my understanding that the Senator from Kentucky (Mr. COOPER) has some remarks to make on this matter, and I am glad to yield to him.

Mr. COOPER. Mr. President, I do not oppose this measure. I had understood that three amendments were added by the House, one dealing with the reconveyance of some acres purchased by the Corps of Engineers to the original owner along the Kerr-McClellan River Basin. I understand there is no objection to that. There were two other items added by the House which I understand have not been the subject of hearings.

I think it has become more common for items and great river basin developments costing millions of dollars to be placed in the bill when no hearings have been held on those projects. We usually have a clause that it shall be subject to the approval——

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will suspend until there is order. Will Senators desist from conversation?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator be allowed 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, the amendments authorizing river projects on which no hearings have been held usually have in them a clause that they will not be final until approved by the President. I think it places a burden on the President that he should not be required to bear. I believe the growing habit of placing in the bill projects on which no hearings have been held, costing millions of dollars, is bad. I just wanted to say that. I am not going to object, but I think it is something that should be considered by the Public Works Committee next year.

I thank the Senator for yielding.

Mr. JORDAN of North Carolina. Mr. President, each of the projects that were added by the House have been checked out by the committee staff and with the Senators in whose States the projects will be located. They have all been cleared. There is no opposition to these items. The Committee on Public Works of the Senate did hold a hearing on one of the projects last year. Whether the House did or not, I do not know, but they have all been checked out. As I have stated, they have been checked by the staff of the Public Works Committee and cleared by the Senator in whose State the project will be located.

XUM

Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to previous order, the Senate will proceed to the consideration of the conference report on S. 1828.

NATIONAL CANCER ACT OF 1971—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date.

The PRESIDING OFFICER (Mr. BURDICK). In accordance with the previous order, the Senate will proceed to consideration of the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 8, 1971, at pages 45220–45222.)

Mr. KENNEDY. Mr. President, as I understand, there has been a time set aside for a vote on the conference report. Am I correct in that assumption?

The PRESIDING OFFICER. Will the Senator repeat the question?

Mr. KENNEDY. There has been a time set aside for a vote on the conference report tomorrow, as I understand it; is that correct?

The PRESIDING OFFICER. The vote will occur tomorrow morning after the speech by the Senator from Illinois (Mr. PERCY).

Mr. KENNEDY. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KENNEDY. Mr. President, first of all, I wish to express my very warm appreciation to the senior Senator from New York (Mr. JAVITS)—Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. To the distinguished senior Senator from New York (Mr. JAVITS) and the distinguished Senator from Colorado (Mr. DOMINICK) for the work they have done in bringing S. 1828 to the Senate, in the Health Subcommittee, the full Committee on Labor and Public Welfare, and also for the very extraordinary degree of support that they gave to the Senate position in the conference. I also thank the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), who is now the ranking Republican member of the Health Subcommittee, for his efforts.

Mr. President, some time ago, in 1970, the Health Subcommittee held some 2 days of hearings to hear the report of a very distinguished group of lay and professional citizens who had been charged, under a Senate resolution, to consider how this country could best develop a program to meet what I think is really perhaps the No. 1 health hazard today, which is the danger of cancer.

This panel, made up of some very distinguished lay and research people and successful businessmen charged with this responsibility, gave an extraordinary amount of their time to an effort to developing a series of recommendations which were the basis of the initial bill which the former Senator from Texas, Mr. Yarborough, had considered, developed, and introduced as well as the basis of the bill that I introduced, of the bill that Senator DOMINICK introduced, and also of the conference report which is now before the Senate.

The chairman of that committee was the very distinguished Mr. Benno Schmidt, of New York City, who has achieved preeminence in the field of business and has also had a very deep concern for the problems of cancer. He has devoted his very considerable talents to helping us develop a program to meet the cancer problem.

We have heard the report of that panel. Initially, legislation was developed and introduced. After the elections of 1970, I assumed the chairmanship of the Senate Health Subcommittee and reintroduced such legislation with numerous cosponsors.

We had extensive hearings, and modified the legislation in conformance with a number of recommendations that were made by the administration. I must say at this point that I have yet to see the kind of cooperation and close working relationships that were developed between both Democrats and Republicans on the committee and the administration, on any other piece of legislation, as were developed on this program.

A considerable number of hearings were held, we debated the proposition on the floor of the Senate, and it was passed overwhelmingly by a vote of 79 to 1. I believe, in the Senate. Then we went to conference.

The House of Representatives had the benefit of our legislation and patterned their program very much after the Senate bill, with one key exception. Many of us had felt that in order to develop a sufficient program to attack the problems of cancer, we ought to create a type of program modeled on the Space Agency. There were those in the scientific and biomedical research field who felt it should remain within the National Cancer Institute, and the House provided accordingly. But in most other respects, the Senate and the House programs were consistent.

The conference met on three different occasions, and at this time we are prepared to present the conference report, which I do enthusiastically. I believe that the conference report retains the better features of both the House and Senate bills. It preserves the National Cancer Institute, but provides that the Director of the National Cancer Institute be a Presidential appointee.

It provides as well for a new advisory board, with much expanded responsibilities and with an expanded participation by the scientific community as well as the lay community. It provides for a President's cancer panel that will work very closely with the President of the United States to provide him with a direct line, direct liaison, and direct oversight into the progress of the Cancer Institute, and also to the contributions that are being made by the Cancer Advisory Board. It provides for independent budgeting, for independent reporting to the President of the United States, and for what I think is a greater sense of line authority by the President, in selecting the person that he wants to develop and direct this effort to meet the attack on cancer. It provides as well for the establishment of some 15 cancer research centers around the country, refunded at approximately $5 million each, so that we can develop an even greater effort in the research areas on cancer. It also provides for some line authority for a 3-year authorization, with some $400 million, $500 million, and $600 million in 3 successive years. That will bring a continuing oversight responsibility to the Congress of the United States which has heretofore not existed or had existed only in a very general way in the National Institutes of Health.

I believe that we have here, Mr. President, legislation which will give the President of the United States the necessary tools so that he can direct his very considerable sense of urgency toward meeting the problems of cancer. I think we have provided authorization for the resources which are necessary. I think we have provided the kind of line authority in management which was recommended by the panel to obtain the greatest sense of managerial technique and skill and to avoid the bureaucracy which often slows down programs.

I am extremely pleased and delighted to present this program to the Senate, and to say that it does, I believe, represent the best judgment of the members of the Health Subcommittee, the ranking Republican members of the full Committee on Labor and Public Welfare (Mr. JAVITS), Senator SCHWEIKER, Senator DOMINICK, and the members of the committee on the Democratic side, who have devoted such energy and effort to seeing that this is achieved.

I feel that it is important that we have a rollcall vote on this issue. I think it is important that those who will be charged with the responsibility for the program have a very clear indication of the kind of support this program has in Congress, and I think it is important that the American people understand the very strong commitment that we in the Senate feel about this effort and the energies that we are going to continue to devote to see that this scourge is ended.

Mr. JAVITS. Mr. President, I strongly support the report on the National Cancer Act of 1971 and hope that the Senate will approve it. This legislation will enable us to establish a national program for the conquest of cancer, essential if we are to exploit effectively the great opportunities which are presented as the result of our knowledge about cancer research, treatment, and diagnosis.

There was not nearly the abyss of differences between the Senate and the House versions that we have been led to believe. To illustrate that the legislative differences were matters of rhetoric, not reality:

First, both bills were essentially the same in their findings and declarations, except the Senate did not make reference to other major diseases. I might note that the conference substitute now before us also limits itself to the problem under attack, cancer.

Second, both bills provide for direct transmittal of the cancer budget to the President. Although the House did permit others to comment, the House bill specifically precluded any change in the budget sent to the President.

Third, both bills assured dissemination and exchange of scientific knowledge regarding cancer within the institutes of the National Institutes of Health and other scientific, medical, and biomedical disciplines.

Fourth, both bills provide for the utilization of existing peer review groups and the establishment of new ones where necessary.

Fifth, both bills provide for the direct submission of annual reports to the President.

Finally, both bills, in essence, sought to achieve the same goals by providing new authorities to the existing cancer institute. However, where the Senate bill renamed the Cancer Institute as an agency within the National Institutes of Health and gave direct access to the Director the House sought to accomplish the same results through the formation of a cancer attack panel.

Also, I might add that the Senate's National Cancer Advisory Board prevailed, which was a thoroughly implemented and a well-articulated provision, which will engage the best brains in the field so far as the Senate is concerned.

The real difference was in direct access by the Director of the Cancer Institute to the President or an attack panel to monitor the work of the institute, which was in the House bill. We took the House bill, but there is nothing in this provision of the House bill which would prevent the President from putting the Director of the Cancer Institute, if he wishes to do so, on the Panel, or making him a Presidential special assistant. The President sent us a letter, when we wrote to him and asked him exactly how he wanted this worked out, in which he said that if he wants access to the Director, he is sure he can get it. And he is right.

There can be no question regarding the accuracy of the President's position. The President said:

> The normal powers of the executive could still be used to include the agency heads when desirable if the House view is adopted.

The Senate conferees concurred. There is nothing in the House amendment which could preclude the President from naming to membership on the Panel or naming as Chairman of the Panel a Federal employee, such as the man or woman the President appoints as Director of the National Cancer Institute. Also, the President could utilize his Executive powers to also name the presidentially appointed National Cancer Institute Director to be a special assistant to the President.

I ask unanimous consent that our letter to the President—that of Senator KENNEDY and myself—and the President's letter to us be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 3, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the Senate and the House of Representatives are now in conference on the bill S. 1828, the cancer legislation. Given the urgency for the Congress to enact effective legislation in respect to an enhanced effort to conquer cancer and given your strong personal interest in assuring that such a program be practically capable of early implementation at the Executive level, we would greatly appreciate your views in respect to the substantive areas of differences between the Senate and House bills. We are hopeful that such specific guidance from you will form a basis upon which all of the conferees will find it possible accordingly to agree upon a bill which can be sent to you for your signature.

Specifically, we would find it helpful to have your views regarding the principal function and requisite membership of the Cancer Attack Panel. As you know, the House-passed bill envisions such a panel as performing oversight functions and therefore its membership to consist of non-governmental experts whose responsibility is to advise you in respect to the cancer program. The Senate conferees have suggested that the functions of the panel be enlarged to include three of the key program experts so as to make it possible for them to have a suitable channel for direct access to you that will ensure that they can directly advise you regarding the implementation of the entire cancer program. In this regard, the Senate conferees have suggested that the Attack Panel be enlarged to six members by adding to it the Director of the Cancer Program, the Chairman of the Cancer Advisory Board, and the Director of the National Institutes of Health. With such an arrangement we believe that it would be possible for the Senate to concur with the provisions in the House bill which are designed to further assure that the cancer program will remain an integral part of the broad-based biomedical research programs carried out by the National Institutes of Health. Related to this enlarged concept of the Attack Panel, proposed by the Senate conferees, of course, is the enlarged scope of responsibilities contained in the Senate bill for the National Cancer Advisory Board.

Your assistance in this matter will be greatly appreciated. Our conference is scheduled to resume Tuesday, December 7, 1971.

Sincerely yours,

EDWARD M. KENNEDY, HARRISON A. WILLIAMS, JR., WALTER F. MONDALE, CLAIBORNE PELL, HAROLD E. HUGHES, ALAN CRANSTON, THOMAS F. EAGLETON, RICHARD S. SCHWEIKER, AND JACOB K. JAVITS.

THE WHITE HOUSE,
Washington, December 6, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR JACK: Thank you for your letter of Decemmber 3, 1971 requesting my views concerning the differences between the Senate and House versions of pending legislation to help conquer cancer.

With respect to your specific question regarding the function and membership of the Cancer Attack Panel, my view is that I could work effectively with either version. The Senate version would have the advantage of bringing those who are directly responsible for the Government's cancer effort into all discussions with the President concerning its progress. On the other hand, I can understand the feeling of the House conferees that the activities of the National Cancer Institute can be more effectively monitored if the heads of that program are not monitoring their own performance. In any event, the normal powers of the executive could still be used to include the agency heads when desirable if the House view is adopted, or to exclude them when appropriate if the Senate view prevails.

With respect to the National Cancer Advisory Board, I would like to see the legislation provide functions and powers for the board along the lines of those which are provided in the Senate bill. This provision would allow for the greatest possible scientific contribution from the private sector. Here again, we could work with the provisions of the House bill if that is necessary to gain prompt passage of the legislation. I hope, however, that we will not let the opportunity which the Senate version provides for expanded outside assistance slip by for unfounded bureaucratic reasons.

The most important point I can make about the cancer legislation concerns the need to pass it promptly. The differences which still exist are largely a matter of detail and I urge the conferees to resolve them during the current session of the Congress so that I can sign cancer legislation into law in the very near future.

Both the Senate and House bills clearly recognize the complexities and difficulties we face in the cancer field and both provide the avenue for hope which the American people deserve and desire.

The fact that we are now so close to final legislation reflects great credit on the members of the Senate and the House who have given so much time and thought and energy to this subject—which is so critically important to so many millions of Americans.

As you know, I have personally favored an approach to the Government's cancer program which gives the person in charge of the program a high degree of independence and responsibility, so that he can cut through the red tape which so often has choked other Government programs. It is my judgment that, with strong leadership, either of the bills now being considered would allow us to mount and sustain an effective attack against cancer. I intend to provide this kind of leadership—and I again urge the Congress to move quickly in passing this vital legislation.

Sincerely,

RICHARD NIXON.

Mr. JAVITS. Mr. President, it was on that basis that we settled the situation.

I deeply believe that this is a landmark, historic bill.

I wish to mention the name of former Senator Yarborough, of Texas, as the one who introduced Senate Resolution 376, causing the establishment of a panel of consultants on the conquest of cancer chaired by Benno C. Schmidt, and to pay my tribute to Senator Yarborough, with whom I cooperated in this matter—as I have cooperated with Senator KENNEDY—and to Benno C. Schmidt, managing partner of J. H. Whitney & Co., New York City, who has rendered fantastic public service, and to Dr. Sidney Farber, of Boston, the scientific cochairman of the panel, and to each member of the panel, who were:

I. W. Abel, William McC. Blair, Jr., Elmer Bobst, Dr. Joseph Burchenal, Dr. R. Lee Clark, Dr. Paul B. Cornely, Emer-

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son Foote, G. Keith Funston, Emil Mazey, Michael J. O'Neill, Jubal R. Parten, Laurance S. Rockefeller.

Dr. Solomon Garb, Mrs. Anna Rosenberg Hoffman, Dr. James F. Holland, Dr. William B. Hutchinson, Dr. Henry S. Kaplan, Dr. Mathilde Krim, Mrs. Mary Wells Lawrence, Dr. Joshua Lederberg, Dr. Jonathan E. Rhoads, Dr. Harold P. Rusch, Dr. Wendell G. Scott, Lew Wasserman.

Mr. President, I hope the Senate will—as it certainly should—agree to this conference report and I am confident that the President will provide the kind of leadership necessary to mount, coordinate, and sustain an effective attack against cancer which is of critical importance to so many millions of Americans.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a summary report of the special panel of cancer consultants; a letter dated December 3, 1971, the President; and a letter dated December 6, 1971, from the President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY REPORT OF THE SPECIAL PANEL OF CANCER CONSULTANTS

The principal findings and recommendations of the Panel were as follows:

1. Cancer is the No. 1 health concern of the American people. A poll conducted in 1966 showed that 62 percent of the public feared cancer more than any other disease. Of the 200 million Americans alive today, 50 million will develop cancer at present rates of incidence, and 34 million will die of this painful and often ugly disease, if better methods of prevention and treatment are not discovered. About one-half of cancer deaths occur before the age of 65, and cancer causes more deaths among children under age 15 than any other disease. Over 16 percent of all deaths in the United States are caused by cancer, making it by a wide margin our second greatest killer (after cardiovascular diseases). Cancer often strikes as harshly at human dignity as at human life, and more often than not it represents financial catastrophe for the family in which it strikes.

2. The amount spent on cancer research is grossly inadequate today. For every man, woman, and child in the United States, we spent in 1969: $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 on foreign aid and only $0.89 on cancer research. Cancer deaths last year were 6 times the number of lives lost in 6 years in Vietnam, 5½ times the number killed in automobile accidents, and greater than the number of Americans killed in battle in all 4 years of World War II. Given the seriousness of the cancer problem to the heath and morale of our society, this allocation of national priorities seems open to serious question. In addition to the poignancy of the disease, and the death and suffering that it causes, the economic loss is staggering, with estimates of its costs to the Nation running as high as $15 billion per year, of which some $3 to $5 billions represents direct care and treatment costs and the balance is loss of earning power and productivity.

3. The incidence of cancer is increasing. This is partly due to the fact that a greater number of our citizens are reaching more advanced ages, where cancer strikes more frequently, but it is also due to the sharp increase in lung cancer, undoubtedly attributable to the air pollution in certain environments and most importantly to the self-pollution of those who smoke cigarettes. It is estimated that if the American people stopped smoking cigarettes this alone would eliminate about 15 percent of all cancer deaths.

4. The nature of cancer is not yet fully known. We know that human cancers are caused by certain chemicals, by certain types of radiation, and probably by viruses. The precise mechanisms by which these carcinogenic agents cause, or interact to cause, cancer is not known, and very little is known about the natural defense mechanisms that prevent cancer in some cases and not in others. A great deal more must be learned about chemical carcinogens, radiation, and viruses, and how they work. We must also learn more about what takes place at the cellular level when cancer occurs. There is very strong suggestive evidence that viruses cause some human cancers, but which viruses, how they are transmitted, and how they operate are unknown. It is erroneous to think of cancer as a single disease with a single cause that will be subject to a single form of immunization (as in the case of polio) or a single cure. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways. However, as our knowledge is expanded, more and more cancers will become preventable or curable.

5. The cure rate for cancer is gradually improving. In 1930 we were able to cure only about one case in five; today we cure one case in three; and it is estimated that the cure rate could be brought close to one in two by a better application of knowledge which exists today, i.e. detection at an earlier stage through the more widespread use of existing techniques (such as the Papanicolaou test for women and mammography), coupled with an extension to all citizens of the same quality of diagnosis and treatment now available at the best treatment centers. There are three methods for curing cancer today; surgery, radiation therapy, and chemotherapy. Often two or even three of these methods are used in combination. Some types of cancer are far more curable than others. For example, early breast cancer treated by surgery, cancer of the cervix by radiation or surgery, and choriocarcinoma and Burkitt's tumor by chemotherapy, are among those most susceptible to cure today. Treatment techniques are improving markedly, particularly in radiation therapy and chemotherapy, and more widespread availability of the best quality detection and treatment will give us more and more cures. However, it is still true that those cancers which disseminate rapidly are seldom curable today, and this represents a major gap in our existing knowledge. Where we stand today in our knowledge of the causes, nature, prevention, diagnosis, treatment, and control of cancer is set forth in detail in part II of this report.

6. There have been major advances in the fundamental knowledge of cancer in the past decade, and these advances in knowledge have opened up far more promising areas for intensive investigation than have ever heretofore existed. These areas of special promise must be explored with vigor, if we are to exploit the great opportunities that lie before us. They are examined in detail in part II of this report.

Among the areas of special promise which must be aggressively pursued are:

(*a*) The identification and study of the chemical, physical, and other environmental factors that cause cancer (food additives, air pollutants, industrial hazards, radiation, and other carcinogens);

(*b*) Viruses causing cancer (what viruses cause cancer, how are they transmitted, and how do they act);

(*c*) Cell and tumor biology (including cell surface phenomena, molecular functions, differentiation and genic expression, controls of cell division mechanisms of metastasis, nutritional requirements and other biological factors);

(*d*) Immunology (host resistance against cancer, its nature, causes and therapeutic use);

(*e*) Epidemiology (the variables in cancer incidence and types stemming from geographic, social, economic, nutritional, occupational, and constitutional differences);

(*f*) Cancer prevention (more effective utilization of existing knowledge and intensified research on preventive measures);

(*g*) Diagnosis (the development of new and improved diagnostic techniques);

(*h*) Chemotherapy (the development of new and better drugs and improvement in their uses);

(*i*) Radiotherapy (development of new and better techniques and apparatus for radiation therapy);

(*j*) Surgery (the best techniques in cancer surgery coupled with earlier diagnosis must be made generally available in order to further increase the cure of cancer. Better rehabilitation techniques must be further developed and utilized to return the cancer patient to an active and full life);

(*k*) Combinations of treatment modalities (improvement in treatment results by better combinations of surgery, radiotherapy, chemotherapy, and immunotherapy).

7. A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today:

First, effective administrative with clearly defined authority and responsibility;

Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitively laid out nor long-range objectives clearly specified; and

Third, the necessary financial resources.

At the present time there is no coordinated national program or program plan. The National Cancer Institute has done excellent work itself and has supported grants and contracts in the scientific community which have resulted in much outstanding work, but the overall research effort is fragmented and, for the most part, uncoordinated. The effort in cancer should now be expanded and intensified under an effective administration charged with developing and executing a comprehensive national plan for the conquest of cancer at the earliest possible time. The three foregoing elements are considered separately in more detail in the succeeding paragraphs 8, 9, and 10.

8. *Administration.*—An effective major assault on cancer requires an administrative setup which can efficiently administer the coherent program that is required in this formidable and complex scientific field. Such a setup will not be easy to achieve within the Federal Government. The effective implementation of such a program will require a simplification of organization arrangements and a drastic reduction in the number of people involved in administrative decisions. This type of straight-line organizational efficiency does not exist today in the National Cancer Institute, the National Institutes of Health, or the Department of Health, Education, and Welfare. Obviously, from many standpoints it can be argued that any cancer programs should be in the Department of Health, Education, and Welfare and indeed that it should be in the National Institutes of Health. However, there is real doubt whether the kind of organization that is required for this program can in fact be achieved within the National Institutes of Health or within the Department of Health, Education, and Welfare.

Apart from the question of whether it can be done, there is also the question of whether it would be wise to require the Secretary of Health, Education, and Welfare to attempt to give cancer the priority necessary to carry out the congressional mandate in a department charged with the multiple health and other responsibilities of that Department.

In the past when the Federal Government has desired to give top priority to a major scientific project of the magnitude of that involved in the conquest of cancer, it has on occasion, with considerable success, given the responsibility for the project to an independent agency. Such an agency provides a degree of independence in management, planning, budget presentation, and assessment of progress which is difficult if not impossible to achieve in a large government department. Accordingly, if the Congress and the administration are truly committed to making the conquest of cancer a "national crusade", as expressed in the concurrent resolution of the Congress, it is the view of the Committee that a National Cancer Authority should be established whose mission is defined by statute to be the conquest of cancer at the earliest possible time. All the functions, personnel, facilities, appropriations, programs, and authorities of the National Cancer Institute should be transferred to the National Cancer Authority. The Authority should be headed by an Administrator appointed by the President with the advice and consent of the Senate, and he should report directly to the President and present his budgets and programs to the Congress. In considering the feasibility of an independent agency, it should be borne in mind that we are talking about a major scientific program and, as pointed out in subsequent paragraphs, not the delivery of patient care generally in cancer cases. The only patient care involved in this program will be that associated with clinical research and teaching and the development and demonstration of improved methods in the delivery of patient care undertaken as a part of the comprehensive program plan.

The powers of such a National Cancer Authority should be very broadly defined in order to accomplish a mission of this complexity. It would not be useful to attempt to enumerate here all the powers that such an Authority should have and in the writing of the implementing legislation, the Committee believes that the powers should be broadly defined and not enumerated. However, the following are illustrative of the kinds of powers which the National Cancer Authority will have to be able to exercise in order to carry out a comprehensive program of the type envisaged:

(a) The power to enter into prime contracts with authority in the prime contractor to enter into subcontracts;

(b) The power to commit available funds until expended rather than on a year-to-year basis;

(c) The power to authorize exceptions to existing regulations, where necessary, to permit the use of experimental drugs, biologicals, and devices in cancer research;

(d) The power to establish or support the large-scale production of specialized biological materials for cancer research, such as viruses, cell cultures, animals, and the like, as well as the power to set standards of safety and care for those using such materials;

(e) The power to support research outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants, and training of American scientists abroad and foreign scientists in the United States, to the extent that such activities will promote the accomplishment of the mission. The Committee believes that cancer research offers a particularly fruitful field for collaboration with other nations, including those nations with whom present cooperation is limited but with whom greater collaboration is desired;

(f) The power to fund by loan, grant, contract, or otherwise any facilities or programs, or to take such other actions, as may be required for the accomplishment of the mission.

9. *Program plan.*—A comprehensive national plan for the conquest of cancer should be developed as promptly as possible. The development of a coherent overall program plan should include the following features:

(*a*) The present research activities now being carried forward under the National Cancer Institute should in no way be impeded or interrupted while plans are being made for the expansion, intensification, and coordination of the cancer research program;

(b) Existing research facilities and manpower should be used as promptly as possible for the accelerated exploitation of the opportunities in the areas of special promise. There is substantial unused capacity in this country today that should be utilized in order to attract and retain the manpower that is needed. It is a myth that we could not spend effectively on cancer very much more than is now being spent. The fact that Federal support for cancer research has leveled off since 1967 and that, due to inflation, the actual amount of work done has decreased, has created a serious gap between what we are doing now and what we could and should be doing in cancer research. It is estimated that current expenditures could be doubled within the framework of the existing facilities and manpower potential of this country today, exclusive of the great industrial research capability in this field which should be brought to bear on an appreciable scale in high priority areas to which this type of capability is particularly suited.

(*c*) Existing cancer centers should be strengthened and additional cancer centers in different parts of the country should be created. The solution of the cancer problem lends itself to a multidisciplinary effort, where teams of highly qualified specialists are available to interact on problems of research, both clinical and nonclinical, teaching, diagnosis, preventive programs, and the development of improved methods in the delivery of patient care, including rehabilitation. Among those who work in the cancer field, there is great emphasis on the advantages of critical mass—a critical mass of scientists and physicians committed to the cooperative solution of the cancer problem, of research facilities, of patients, and of financial and other resources. This is simply another way of saying that the comprehensive cancer center offers the best organizational structure for the expanded attack on cancer. In addition to the few comprehensive cancer centers that exist in the United States today, there are a number of other institutions which combine all or most of the capabilities for a multidisciplinary effort in cancer. These could serve as a base for the creation of additional centers. The new centers should have appropriate geographic distribution and should, wherever possible, be created where a nucleus of scientific, professional and managerial personnel already exists and preferably where a university or a medical school affiliation exists or is planned.

In the creation of new cancer centers, manpower limitations should be taken into account, and new centers should not be created where there would be a dilution in the effectiveness of existing centers which would offset any gain from the new center. There should be a realistic operating plan for each center which assures the scientific and managerial commitment and ability necessary to the creation and operation of a successful center.

It should be emphasized that the strengthening of existing cancer centers and the creation of new cancer centers does not mean that under this program general responsibility should be undertaken for the care of the Nation's cancer patients. The delivery of patient care in cancer cases is a part of the general problem of the delivery of patient care and should be so dealt with. However, this inhibition must not prevent the cancer centers from including such patient care facilities as are necessary for clinical research and teaching and for the development and demonstration of the best methods of treatment in cancer cases.

(d) The cancer centers should also serve as administrative coordinators of those programs which require regional coordination. Such centers should support and assist clinics and community medical centers in their own geographic areas in order to assure the widespread use of the best available methods for early detection and treatment of cancer. They should also serve to collect data useful in the prevention and cure of cancer, including patient follow-up information, and be responsible for the dissemination of information, both at the lay and professional levels, that is useful in the prevention, diagnosis and cure of cancer. The effective dissemination and utilization of such information is a most important part of any national plan to conquer cancer.

(*e*) A national plan of the type envisaged must take account of the manpower requirements for this effort. There is a critical need for training and career opportunities for young scientists, physicians, and other personnel in this program. We must reaffirm to young investigators our confidence in the future of American science and in our national dedication to success in the conquest of cancer. A manpower program in this field should include training stipends, predoctoral fellowships for particularly promising candidates, postdoctoral fellowships for brilliant investigators, and career positions where appropriate through career initiation awards, career development awards, and senior career awards.

(*f*) A national plan for the conquest of cancer should provide for the generous use of grants as well as contracts and other methods of funding. There should be increased emphasis on the grants mechanism in order to stimulate continued independent exploration, particularly in those areas where knowledge is not sufficiently mature for a coordinated program aimed at reaching defined objectives.

(*g*) A comprehensive national program requires optimum communication and centralized banks of information. There must be an accurate and prompt information flow in both directions. This will call for integrated data processing, storage, and retrieval in order to rationalize the decision-making and where needed. As indicated above, the an to make information available when centers can be important foci in both the collection and dissemination of this information.

(*h*) A coordinated national program plan should, to the greatest possible extent, be generated by the voluntary productive interaction and joint planning of the scientists who will be responsible for doing the work. The program should not be the result of the happenstance of a multitude of random decisions independently arrived at. An integrated and coherent plan resulting from the joint effort of representative scientists who will be responsible for its execution is fundamentally different from the hierarchial imposition or direction of a research program from above. However, the effective use of collective planning does not mean that centralized administration or management of resources should be sacrificed.

10. *Funding.*—The Committee estimates that a coordinated national program aimed at the conquest of cancer at the earliest possible time, as envisaged by the concurrent resolution of the Congress, would require

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an appropriation in fiscal 1972 of approximately $400 million. Thereafter, the cost of the program would increase at the rate of approximately $100 to $150 million per year, reaching a level of $800 million to $1 billion in 1976. These sums are not large in terms of our national resources or of the human suffering and economic loss attributable to cancer. A program of the type herein recommended is so important to the American people and to the world that we feel that the amounts called for should be provided even if this necessitates the raising of additional revenues. It is of utmost importance that the financing of this program not result in cutbacks in other health programs.

11. *National Cancer Advisory Board.*—Both the public and the scientific community must be effectively represented in this effort, and must have a part in its planning as well as its execution. To this end, a National Cancer Advisory Board should be created with 18 members, nine of whom are distinguished scientists and doctors in the field of cancer, and nine of whom are distinguished laymen. The members should serve for a term of 6 years with the terms of one-third of the members expiring every 2 years. Members of the Board should be appointed by the President of the United States with the advice and consent of the Senate. The Chairman of the Board should be elected by the members and should serve for a term of 2 years. The Board should meet not less than once each quarter and its function should be to advise and assist the National Cancer Authority and its Administrator in the development and execution of the program. The Administrator should be an ex-officio member of the Board. The Board should have statutory responsibility for the approval of each year's program plan and budget, but the responsibility for administering the program should rest with the Administrator. The Board should have full investigatory powers and should be required to report once each year to the President and the Congress on the progress of the National Cancer Authority in the accomplishment of its mission. This Board should supersede the presently existing National Advisory Cancer Council, and the members of that Council should serve as additional members of the National Cancer Advisory Board for the duration of their present terms.

12. Cancer is an implacable foe and the difficulty of eliminating it as a major disease must not be underestimated. A top priority commitment by the Congress, the President, and the American people is required if we are to mount and sustain an assault on cancer of the magnitude envisaged by Senate Resolution 376 and the concurrent resolution of the Congress. Such a commitment involves a recognition not only of the difficulty and complexity of cancer but also of the time and resources required to attack it effectively. While it is probably unrealistic at this time to talk about the total elimination of cancer within a short period of time or to expect a single vaccine or cure that will eradicate the disease completely, the progress that has been made in the past decade provides a strong basis for the belief that an accelerated and intensified assault on cancer at this time will produce extraordinary rewards. The Committee is unanimously of the view that an effective national program for the conquest of cancer should be promptly initiated and relentlessly pursued.

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., December 3, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the Senate and the House of Representatives are now in conference on the bill S. 1828, the cancer legislation. Given the urgent need for the Congress to enact effective legislation in respect to an enhanced effort to conquer cancer and given your strong personal interest in assuring that such a program be practically capable of early implementation at the Executive level, we would greatly appreciate your views in respect to the substantive areas of differences between the Senate and House bills. We are hopeful that such specific guidance from you will form a basis upon which all of the conferees will find it possible accordingly to agree upon a bill which can be sent to you for your signature.

Specifically, we would find it helpful to have your views regarding the principal function and requisite membership of the Cancer Attack Panel. As you know, the House-passed bill envisions such a panel as performing oversight functions and therefore its membership to consist of non-governmental experts whose responsibility is to advise you in respect to the cancer program. The Senate conferees have suggested that the functions of the panel be enlarged to include three of the key program experts so as to make it possible for them to have a suitable channel for direct access to you that will ensure that they can directly advise you regarding the implementation of the entire cancer program. In this regard, the Senate conferees have suggested that the Attack Panel be enlarged to six members by adding to it the Director of the Cancer Program, the Chairman of the Cancer Advisory Board, and the Director of the National Institutes of Health. With such an arrangement we believe that it would be possible for the Senate to concur with the provisions in the House bill which are designed to further assure that the cancer program will remain an integral part of the broad-based biomedical research programs carried out by the National Institutes of Health. Related to this enlarged concept of the Attack Panel, proposed by the Senate conferees, of course, is the enlarged scope of responsibilities contained in the Senate bill for the National Cancer Advisory Board.

Your assistance in this matter will be greatly appreciated. Our conference is scheduled to resume Tuesday, December 7, 1971.

THE WHITE HOUSE,
Washington, D.C., December 6, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR TED: Thank you for your letter of December 3, 1971 requesting my views concerning the differences between the Senate and House versions of pending legislation to help conquer cancer.

With respect to your specific question regarding the function and membership of the Cancer Attack Panel, my view is that I could work effectively with either version. The Senate version would have the advantage of bringing those who are directly responsible for the Government's cancer effort into all discussions with the President concerning its progress. On the other hand, I can understand the feelings of the House conferees that the activities of the National Cancer Institute can be more effectively monitored if the heads of that program are not monitoring their own performance. In any event, the normal powers of the executive could still be used to include the agency heads when desirable if the House view is adopted, or to exclude them when appropriate if the Senate view prevails.

With respect to the National Cancer Advisory Board, I would like to see the legislation provide functions and powers for the board along the lines of those which are provided in the Senate bill. This provision would allow for the greatest possible scientific contribution from the private sector. Here again, we could work with the provisions of the House bill if that is necessary to gain prompt passage of the legislation. I hope, however, that we will not let the opportunity which the Senate version provides for expanded outside assistance slip by for unfounded bureaucratic reasons.

The most important point I can make about the cancer legislation concerns the need to pass it promptly. The differences which still exist are largely a matter of detail and I urge the conferees to resolve them during the current session of the Congress so that I can sign cancer legislation into law in the very near future.

Both the Senate and House bills clearly recognize the complexities and difficulties we face in the cancer field and both provide the avenue for hope which the American people deserve and desire.

The fact that we are now so close to final legislation reflects great credit on the members of the Senate and the House who have given so much time and thought and energy to this subject—which is so critically important to so many millions of Americans.

As you know, I have personally favored an approach to the Government's cancer program which gives the person in charge of the program a high degree of independence and responsibility, so that he can cut through the red tape which so often has choked other Government programs. It is my judgment that, with strong leadership, either of the bills now being considered would allow us to mount and sustain an effective attack against cancer. I intend to provide this kind of leadership—and I again urge the Congress to move quickly in passing this vital legislation.

Sincerely,

RICHARD NIXON.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New York has 12 minutes, and the Senator from Massachusetts has 4 minutes.

Mr. JAVITS. I yield myself 2 additional minutes.

Mr. President, I believe that all the information which is required to show the legislative intent respecting this act is clearly spelled out in everything we have already stated and put into the RECORD.

I believe that one thing must be emphasized—that our debate here and our debate in the conference showed that we expect a massive attack to be made on cancer, that that is the purpose of this. It is not just to absorb it as another one of the activities of the National Institutes of Health, just with more money; but, really, we expect that we are going to use this particular scourge as a breakthrough point. We want to break through on cancer. We believe it can be done. We believe that the American people want it done, even though the bigger killer is heart disease. We believe—and scientific analysis seems to bear it out—that a real breakthrough, not just one cure—there are an infinite variety of cancers—is possible in this field.

Therefore, we hope that in the administration of the law, the President will have in mind our strong intention that this shall be the point of breakthrough with respect to a massive killer the American people believe can be broken through with this massive application of means.

Mr. ROTH. Mr. President, I join with my colleagues today in applauding the fine work of the cancer conferees with regard to the National Cancer Act of 1971. Their promptness in reaching an agreement will insure final congressional consideration of this important legislation before adjournment. The timely action of the conferees is consistent with the fact that throughout this session of Congress, the cancer issue has both deserved and received consideration of the highest priority.

The National Cancer Act of 1971 will provide our country with the means to develop and implement an effective and coordinated national program against a disease which annually claims the lives of over 300,000 Americans. By greatly strengthening and streamlining the cancer program at the National Institutes of Health, the act incorporates the major recommendations of the Senate Panel of Consultants and also permits maximum utilization of the fine resources already available through NIH. In addition, the authorizations of approximately $1.6 billion over a 3-year period insure that the program will have the requisite financial resources to conduct and support the type of research programs necessary for the achievement of its goals. Without causing major disruption of the existing cancer program, the act also provides for incorporating new approaches and new ideas—through creation of a new National Cancer Advisory Board and a three-member Presidential Cancer Panel to monitor the progress of the program.

Mr. President, the National Cancer Act is among the most important of the legislative matters now before the Congress. Its prompt passage and enactment will provide us with the means by which to strengthen the program aimed at eliminating the disease which is the major health concern to the American people.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, so do I.

The PRESIDING OFFICER (Mr. ALLEN). All time has now been yielded back.

CHILDREN'S DENTAL HEALTH ACT OF 1971

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the Senate will now proceed to consider the bill, S. 1874, which the clerk will state.

The assistant legislative clerk read as follows:

S. 1874, a bill to provide for the establishment of projects for the dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Children's Dental Health Act of 1971".

SEC. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XI—DENTAL HEALTH PROJECTS

"GRANTS FOR PROJECTS FOR DENTAL CARE FOR CHILDREN

"SEC. 1101. (a) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $15,000,000 for the fiscal year ending June 30, 1973; and $30,000,000 for the fiscal year ending June 30, 1974; which shall be used by the Secretary to make grants to the health agency of any State (or political subdivision thereof) or to any other public or nonprofit private agency, organization, or institution to pay for part of the cost of the carrying out (on a planned and systematic basis) by such agency, organization, or institution, of one or more comprehensive projects for dental care and services for children of preschool and school age. Any such project shall include such comprehensive corrective, followup and preventive services (including dental health education), and treatment as may be required under regulations of the Secretary.

"(b) Grants under this section shall not be utilized to provide or pay for dental care and services for children unless such children are determined (in accordance with regulations of the Secretary) to be (A) from low-income families, or (B) unable, for other reasons beyond their control, to obtain such care and services.

"(c) Grants under this section may be utilized for the conduct of research, demonstrations, or experimentation carried on with a view of developing new methods for (A) the prevention, diagnosis, or treatment of dental problems, (B) the payment of dental care and services, or (C) the utilization of dental health care personnel with various levels of training; except that not more than 10 per centum of any grant under this section shall be so utilized.

"(d) In making grants under this section, the Secretary shall accord priority to projects designed to provide dental care and preventive services for children of preschool age and school age children who are in the first five grades of school.

"GRANTS FOR WATER TREATMENT PROGRAMS

"SEC. 1102. (a) There are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972; $3,000,000 for the fiscal year ending June 30, 1973; and $4,000,000 for the fiscal year ending June 30, 1974; which shall be used by the Secretary to make grants to States, political subdivisions of States, and other public or nonprofit private agencies, organizations, and institutions to assist them in initiating, in communities or in public elementary or secondary schools, water treatment programs designed to reduce the incidence of oral disease or dental defects among residents of such communities or the students in such schools (as the case may be).

"(b) Grants under this section may be utilized for (but are not limited to) the purchase and installation of water treatment equipment.

"(c) Grants under this section shall not exceed—

"(1) 80 per centum of the cost of the treatment program with respect to which such grant under this section is made in the case of any grant under section 1101; and

"(2) 66⅔ per centum of the cost of the treatment program with respect to which such grant is made in the case of any other grant.

"GRANTS TO TRAIN AUXILIARY DENTAL PERSONNEL

"SEC. 1103. There are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1972; $20,000,000 for the fiscal year ending June 30, 1973; and $25,000,000 for the fiscal year ending June 30, 1974; which shall be used by the Secretary to make grants to public and nonprofit private institutions to assist them in establishing and carrying out programs to educate and train persons for careers as auxiliary dental personnel with special emphasis on the education and training of veterans of the Armed Forces who have received experience and training in dental auxiliary functions.

"PROJECTS TO PROMOTE EFFECTIVE USE OF AUXILIARY DENTAL PERSONNEL

"SEC. 1104. (a) There are hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; and $10,000,000 for the fiscal year ending June 30, 1974; which shall be used by the Secretary to make grants and enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 539) under subsection (c) and to make grants to dental schools, and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 529) with individuals, agencies, organizations, and institutions, for projects described in subsection (b).

"(b) Grants and contracts under this section may be made or entered into for projects for—

"(1) planning, establishing, demonstrating, or supporting programs to teach dental students and dentists the efficient and effective utilization of dental auxiliaries and the management and supervision of total dental health teams (including, but not limited to, teams consisting of various types of auxiliary dental personnel who are trained in carrying out expanded functions or procedures which do not require the knowledge and skill of the dentist), with special emphasis on the employment and utilization of veterans of the armed forces who have received experience and training in dental auxiliary functions;

"(2) demonstration and experimentation of ways to organize dental health services to achieve maximum effectiveness in the use of auxiliary dental personnel, which projects take into account such factors as patient acceptance, quality of care, and cost of services; and

"(3) planning, establishing, demonstrating, or supporting field training programs for dental students and auxiliary dental personnel in which dental care and preventive services are provided by such persons under professional supervision in areas characterized by low family incomes or shortages of and need for dental services.

"(c) The Secretary is authorized to utilize sums appropriated pursuant to subsection (a) to make grants to dental schools and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations, and institutions for special projects related to investigation and demonstration of ways of providing incentives for developing or establishing dental facilities or services in areas or communities in a State determined by the appropriate State health authority in such State to have a shortage of and need for dentists.

"DENTAL ADVISORY COMMITTEE

"SEC. 1105. (a) The President shall appoint a Dental Advisory Committee consisting of seven members, four of whom shall be selected from the dental profession and three from the general public. Members shall be appointed from among persons who, by virtue of their training, experience, and background, are exceptionally qualified to appraise the programs established by this title. The Secretary shall be an ex officio member of the Committee.

"(b) (1) Members shall be appointed for six-year terms, except that of the members first appointed three shall be appointed for

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two years, two shall be appointed for four years, and two shall be appointed for a term of six years as designated by the President at the time of appointment. The members shall select their own chairman.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) The Dental Advisory Committee shall advise the Secretary in regard to the reports required under section 1006, in regard to programs established under this title, and in regard to activities carried on by the Department of Health, Education, and Welfare related to dental health, dental manpower, or dental training and services, and shall serve as a reviewing body for grants made pursuant to this title, where such review is deemed necessary by the Secretary.

"(4) Members of the Dental Advisory Committee who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently.

"(5) The Secretary shall make available to the Dental Advisory Committee such staff, information, and other assistance as it may require to carry out its activities.

"(6) The Secretary, after consultation with the Dental Advisory Committee, shall promulgate such rules and regulations as are necessary to carry out the purposes of this title.

"REPORT

"SEC. 1106. (a) The Secretary shall submit a report to the Congress not later than January 31 of each year on the progress of the implementation and administration of the programs established under this title.

"(b) The Secretary shall submit to the Congress a report containing his recommendations concerning the need and feasibility of a comprehensive national dental health program for children within ninety days before the end of the fiscal year ending June 30, 1974."

SEC. 3. Section 1902(a)(10) of title XIX of the Social Security Act is amended by adding at the end thereof the following: "and except that services described in paragraph (10) of section 1905(a) may be made available to individuals or groups of individuals under age eighteen without making available such services of the same amount, duration, and scope to individuals of any other ages;".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"SECTION 1. Titles I to XI, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), as sections 1201 through 1214, respectively.

SEC. 5. Section 602 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new subsection:

"(g)(1) If it is a dentifrice and (A) because of its nature, composition, or packaging it involves a potential risk to consumers including but not limited to its potential sensitizing, allergenic, or abrasive character or (B) because of any foreseeable handling, storage, or use by individuals it presents such a potential risk; then such dentifrice shall bear adequate cautionary labeling (such labeling shall be conspicuous and shall include first-aid information if appropriate). Whenever the Secretary finds any dentifrice or class of dentifrices to be subject to this subsection and in his judgment a declaration to that effect will reduce the potential risk to the consumer, he may by regulation declare such dentifrice or class thereof to be subject to such provision and may in such regulation specify the content of such cautionary information, the appropriate type size to be used for such warning, its placement on labels and may in pursuance of the objective of this subsection require the submission of the quantitative formula for such dentifrice or class thereof by the manufacturers of such dentifrice.

"(2) If it is a dentifrice and its labeling fails to bear cautionary information in the manner prescribed in clause (1) of this subsection.".

SEC. 6. Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new subsection:

"(y) The term 'dentifrice' means any cosmetic, drug, or other article recommended, suggested, or indicated for use by humans in the cure, mitigation, treatment, or prevention of diseases of the teeth or for cleansing or beautifying teeth.".

SEC. 7. Title V of the Lead-Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new section:

"AUTHORITY TO MAKE GRANTS TO STATE AGENCIES IN CERTAIN CASES

"SEC. 504. Notwithstanding any other provision of this Act, grants under sections 101 and 201 may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose; and in any such case the term 'local' when used in section 101 or 201 with respect to any program shall be deemed to read 'State'."

Mr. KENNEDY. Mr. President, I yield myself what time I need. This bill was introduced by the distinguished Senator from Washington. It has been carefully examined, and amended as a result of hearings held by the Health Subcommittee I have the privilege of chairing. It has been unanimously approved by the full Committee on Labor and Public Welfare. It bears the cosponsorship of 38 Members of this body from both sides of the aisle. It has been warmly endorsed by such concerned national organizations as the American Dental Association, the National Dental Association, the AFL–CIO, the American Academy of Pediatrics, the National Congress of Parents and Teachers, the Consumer Federation of America, and the American Society of Dentistry for Children.

Its progress, then, has been swift but measured. That has come about, I think, for a number of sound reasons.

The first that should be mentioned is that the bill has been authored and introduced by the distinguished senior Senator from the State of Washington. Few Members of this body enjoy the high level of affection and respect that he does. His very authorship of a bill commends it favorably to the attention of all of us.

Another powerful reason for our committee's prompt action on this bill is the simple fact that it is so well designed to meet needs we all know have existed not for a few months nor even a few years, but literally for decades; needs that are far from being met.

It is, I should think, a common experience in most congressional offices to receive inquiries about dental care services for poor children, or ways in which readier access to dental services can be achieved by those living in small, semi-isolated communities, or ways in which Federal resources can be used to assist the States and localities to improve the dental health of their people. It has been exceedingly difficult to be responsive to such legitimate requests for help. It has been difficult, first of all, because the size of the problem is such that one hardly knew where to begin. A decade ago, Wilbur Cohen, then as Assistant HEW Secretary, noted that—

> Dental disorders are the most neglected of all health conditions plaguing the American people.

It has been difficult, second, because the Federal Government has never really gotten down to the business of analyzing what appropriate role it could play in the area of dental health. And, as with any area victimized by inattention, the result has been administratively chaotic as well as, in instances, fiscally wasteful.

S. 1374 would begin to rectify this situation. It would not solve overnight the complex problems that have been festering for so long, but it would put us on the right path. It would permit rational planning and establishment of a sound order of priorities. It is long overdue.

The heart of the bill is contained in four sections: First, project grants for dental care of children; second, grants for water treatment programs; third, grants to train auxiliary dental personnel. The sections would have a 3-year life and the total authorization for them is $142 million. While the section-by-section analysis of S. 1874, which I am placing into the RECORD, explains fully the thrust of each aspect of S. 1874, there are some additional comments that can usefully be made on these four sections in particular.

PROJECT GRANTS FOR DENTAL CARE FOR CHILDREN

There are today some 63 million youngsters in this Nation between the ages of 2 and 17. Of that total, approximately 14 million are members of families with annual incomes of under $5,000.

Current estimates being made by the American Dental Association indicate that nearly 50 percent of the children in this Nation under the age of 15 have never been to a dentist. Among poor children, almost 70 percent have never been to a dentist.

As a result, statistics show that the average 15-year-old American child has had 11 teeth attacked by decay while, for every 100 selective service recruits, the Armed Forces needs to perform or supply 500 fillings, 80 extractions, 25 bridges, and 20 dentures. Nor is tooth decay the only manifestation of dental disease suffered by children. It is estimated that nearly half of America's children have the beginnings of gum disease and each year in this country some 6,500 children are born with cleft lip, cleft palate, or both.

As is generally true with all aspects of health, the burden of disease falls most heavily on the poor. The progressive nature of dental disease—tooth decay and gum disease are not self-healing, they continually worsen if not attended to—means that the oral health of the poor child can deteriorate to the point where it seriously affects not only his physical well-being, but also his capacity to fulfill his potential in the classroom and elsewhere. The national nutrition survey, conducted by the U.S. Public Health Service, discovered cases of children whose general nutrition was deficient, because their teeth hurt them so badly they could not chew food.

This is disgraceful and unconscionable.

S. 1874 could move into this area with both short-range and long-range effect. The authorized funds would permit direct care to be given to perhaps as many as 1 million children who do not now receive dental treatment; children in inner cities as well as those living in rural poverty. That in itself justified the $60 million expenditure that is authorized by the committee's bill under section 1101.

The bill would do more than that, however. By directing that these care projects be established in various settings and by making use of various administrative and delivery methods, we can derive hard, reliable data on which methods show the greatest promise in terms of efficiency and economy. Such data will be invaluable when we move, as we soon must, toward a dental health program encompassing all the Nation's children.

GRANTS FOR WATER TREATMENT PROGRAMS

The universal incidence of dental disease has long impelled researchers to search for methods whereby we might be protected against the beginning of such disease. In the case of the most common sort of dental disease, tooth decay, the search has long proved frustrating. There may someday be a vaccine against tooth decay or some other method of inoculation. Today, there is not and we spend an estimated $2 billion a year in repairing the damage done by it.

The early years of the 20th century, however, witnessed the discovery of a public health measure that, after years of meticulous testing, proved to be an eminently safe, effective, and economical weapon against tooth decay. This is, of course, fluoridation.

The efficacy of fluoridation was widely known for some years before it was put into practice as a public health measure. Its safety had to be conclusively documented before any community should be asked to begin fluoridating. The scientific literature establishing fluoridation's acceptability includes literally thousands of references.

Our committee, Mr. President, received overwhelming scientific evidence of the safety and the effectiveness of fluoridation as a powerful preventive weapon against dental disease. I ask unanimous consent to include in the RECORD at the conclusion of my remarks a brief summary of some of that evidence which caused our committee to unanimously order this bill favorably reported to the Senate.

Fluoridation in the United States celebrated in 1970 its 25th anniversary. It bears the endorsement of every reputable health organization that has investigated it, including the U.S. Public Health Service, the American Medical Association, the Pan American Health Organization, the American Heart Association, the American Public Health Association, the Association of State and Territorial Health Officers and, of course, every major dental organization beginning with the American Dental Association. It is unequivocally endorsed, as well, by such groups as the National Congress of Parents and Teachers, the National Education Association, the American Public Welfare Association, and the AFL–CIO.

The progress of fluoridation has been heartening, particularly with respect to major, urban areas. Regrettably, though, there are still more than 100 million people who do not enjoy its benefits, which include documented reduction of tooth decay by as much as 65 percent.

For many smaller communities, the major obstacle to fluoridating has been the one-time costs incurred at the time it begins. Equipment must be purchased and installed and initial operating expenses must be met.

An informal survey of a number of States taken late this summer by the directors of dental health confirms this belief that financial considerations are indeed a barrier. In response to an inquiry, for example, the dental health department in Wisconsin noted that—

> There were 257 communities below 5,000 in population . . . Many of these smaller communities would, we feel, fluoridate if funds were made available for the purchase and maintenance of equipment.

A reply from Massachusetts indicated that in towns containing fully 10 percent of the total State population, fluoridation has been "ordered and legal steps accomplished but not funded." Georgia noted that 60 communities in that State, with a total population of more than 200,000, said they were not yet fluoridating because they had not the money to begin. Arkansas pointed to 40 communities within its jurisdiction that wish to fluoridate but lacked the money to do so. Tennessee, in 1965, carried out a State-level program of financial assistance to communities wishing to fluoridate and, the first 9 months, had received requests from 25 communities. Twenty more came into the program during the remainder of its life.

The evidence is clear, then, that a modest amount of assistance could produce enormous benefits. Section 1102 of S. 1874 authorizes the expenditure of only $9 million. These would be one-time, matching grants and, it is estimated, could bring fluoridation benefits to as many as 30 million more people, or about one-third of those who do not now enjoy the benefits of fluoridated water.

One more thing remains to be said. Fluoridation, we all know, has been the subject of political controversy on more than one occasion and in more than one community. While the controversy has subsided considerably in recent years, it still exists in some places. I regret that there are still those who still suffer fears and doubts. I do not believe, however, that the fears of a few should stand in the way of a community if it decides that it wishes to fluoridate. And, of course, it should be clearly kept in mind that S. 1874 provides that each community must decide this issue on its own by whatever method is acceptable to it. Only after a community has decided in favor of fluoridation and only after it has initiated a request to the Federal Government would S. 1874 come into play. There is nothing compulsory in this provision of the bill. It is wholly voluntary. I do not see how a more reasonable provision could have been written.

What we are talking about, then, is tooth decay on which we spend as much as $2 billion a year. What we are suggesting is that $9 million be authorized over a 3-year period to help as many as 30 million people, if they wish, to fluoridate their water supplies and thus reduce the incidence of tooth decay by as much as 65 percent.

DENTAL AUXILIARY TRAINING

The dental profession in the United States has traditionally shown an enlightened, progressive attitude toward the question of auxiliary assistance. Investigation after investigation has shown how substantially an individual dentist can increase his productivity by the judicious use of well-trained auxiliaries. Productivity increase is of substantial importance in an area where you are faced with universal incidence of disease and a severe shortage of professional practitioners.

The most recent of such studies shows that a dentist who increases from one to two auxiliaries could increase his office's productivity by 44.2 percent; a dentist who increases from two to three auxiliaries increases productivity by 25 percent; and a dentist who increases from three to four auxiliaries increases productivity by 21.9 percent. If a dentist increased his staff from zero auxiliaries to four auxiliaries, the same study shows, his office productivity could jump as much as 225 percent.

These are exciting findings. They have urgent relevance today as we are moving toward implementation of the right to health care for all Americans. The problems, however, is that there is a desperate shortage of dental auxiliaries and, at the present rate of progress, that shortage will not significantly improve during the decade of the 1970's.

There is today one dental hygienist for every five or six dentists. There ought to be at least one hygienist for every two dentists. We have today some 103,000 dental auxiliaries, but there ought to be about 225,000 such auxiliaries. By 1980, under present circumstances, we will be short about 25,000 hygienists and 137,000 dental auxiliaries.

The funds available under S. 1874 would enable us to narrow that gap sig-

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nificantly. Or, to put it more positively, it means we could have available an immensely greater dental care capability than would otherwise be obtainable. The amount being asked by way of authorizations is $57 million. That would fund 3 years of programs. Today, we are spending more than $60 million every week, 52 weeks a year, in purchasing dental care services. What we are suggesting, then, is the equivalent of 1 week's expenditure to be invested over a 3-year period in order to substantially increase the capability of the dental care system. And, also, it is reasonable to suggest this will reduce the per unit cost of dental care since auxiliary personnel will be available to perform many of the duties now undertaken only by the dentist himself.

There will be those, I know, who contend that this section of S. 1874 duplicates existing legislation. This may have some theoretical truth, but the facts of the situation are otherwise.

The only funds currently available for the purpose of this section are authorized under the Health Manpower Training Act. Experience with that program, which is designed to cover the whole spectrum of health professions personnel and thus encompass literally thousands of institutions, demonstrates that it cannot do the job unaided, much less do it with sufficient swiftness to fill shortage gaps in any one area. Regrettably, the administration's recent meager budget request for that act reinforces my conviction that this legislation is urgently required.

In fiscal 1971, for example, more than 800 dental auxiliary curriculums had distributed to them only some $9 million in basic improvement grants. This translates to about $12,000 per curriculum. There are some 26,000 students in the total curriculums.

The provision in S. 1874, then, contemplates a targeted approach designed to meet a specific, identifiable need in the field of dental health. The productivity statistics that I have cited earlier demonstrate that we know precisely how much assistance we can purchase with the grants and how valuable it will be.

EFFECTIVE USE OF AUXILIARY PERSONNEL

Section 1104 of S. 1874 is closely related to provisions of section 1103 in respect to manpower. This section would provide some $26 million over the life of the bill to promote effective use of dental auxiliary personnel. If a young man or woman enters dental school and spends 3 or 4 years being trained to render care on a solo basis, we can hardly expect that, after graduation, that young dentist will be inclined to begin practicing with the assistance of auxiliaries. The student must, instead, be taught how to use such assistance properly during the education process. Such a program, I might add, has been in existence, with Federal support, in dental schools for some time and has proved invaluable. The Federal funding, however, has never had a statutory existence and the annual uncertainties of the budgetmaking process has militated against effective planning and efficient use of the available funds. Section 1104 of S. 1874 will remedy that. In addition, this section will permit the schools to broaden the work they are doing in this area in a number of other interesting and useful ways. It asks the dental schools, for example, to make greater use than they do now of veterans who have received training and had experience in dental auxiliary duties while in military service. It would encourage field training programs, using the dental team approach, that will bring properly supervised dental students and auxiliaries to areas where there is a shortage of dental care. And it will also permit exploration of incentives for developing more permanent solutions for areas suffering from a dentist shortage.

SUMMARY

The 18th century English scholar Samuel Johnson once remarked that "those who do not feel pain seldom think it is felt." An admittedly bitter remark, it nonetheless has some relevance here today.

I would suppose, in one sense, that there is no one within range of my voice who has not felt the pain of dental disease at some time or other. But, for a great many of us, it is a pain that is under control because there is a dentist to whom we can go and whose services we can afford. For too many millions of Americans, over too many long years, this has not been so. That, I think we can all agree, must change.

If it is going to change, however, we must undertake a sober reconsideration of what we have been doing, or not doing, about dental disease. We have invested too little thought and, on the Federal level, even less money to the subject.

The universality of dental disease has long made it plain to those who have invested time, thought, and effort that the only sane approach to control of it is prevention. And to prevent dental disease means to pay special attention to children. It also means that we must somehow achieve a sufficient supply of manpower so that preventive services are readily available to everyone. And, finally, it means that we must make intelligent use of safe and effective preventive measures as are now available.

S. 1874 takes these steps. It is a modest bill in terms of its years of life and in the amounts of money it would authorize. But it is a most significant proposal.

The time is swiftly drawing near, as every Member of this body realizes, when this Nation will at long last inaugurate a national health insurance program. Dental care is inescapably an integral part of such a program; dental care today consumes some 9.3 percent of the private health dollar. S. 1874 is an important precursor to national health insurance with respect to the prevention of dental disease. I urge my colleagues on both sides of the aisle to vote for this excellent bill.

Mr. President, I ask unanimous consent to have printed in the RECORD the strong letter of support for the provisions of S. 1874 which I received from the chairman of the Labor-HEW Appropriations Subcommittee, Senator MAGNUSON.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., November 9, 1971.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Health Subcommittee, Old Senate Office Building.

DEAR MR. CHAIRMAN: I am writing to reiterate my conviction that enactment of the Children's Dental Health Act (S. 1874) would be a responsible and effective step toward the eventual solution of this country's dental health problem. I am very hopeful that the full Labor and Public Welfare Committee will act on this legislation before the Senate adjourns for the holidays and that it will report favorably on the bill as it was approved by the Health Subcommittee.

Each of the four major components of this legislation would serve an important part in an effective national dental health effort. Congress recognized the need for dental care projects to serve low-income children when it enacted Title V of the Social Security Act in 1967. Unfortunately, however, that law's failure to provide a separate authorization for children's dental care projects has resulted in an almost total disregard by the executive branch of Congress' concern for the dental health of poor children. As you know, since 1967 only slightly more than $1 million has been spent on the dental projects authorized under Title V and, at best, only about 15,000 youngsters have been served by them. Section 1101 of the Children's Dental Health Act would provide the separate authorization for pilot dental care projects for economically disadvantaged children which is necessary if the Congress' concern for the dental health of these youngsters is to ever be translated into meaningful action.

The $9 million authorized in Section 1102 for matching grants to public schools and communities wishing to fluoridate their water supplies would be a sound investment in preventive dental care. At a time when Americans are spending nearly $4 billion each year for corrective dental care it is entirely appropriate that the federal government should spend $9 million to assist those communities and schools which wish to utilize water fluoridation to prevent costly dental disease. As you know, the decision to fluoridate or not fluoridate any school or community's water supply would be made entirely by local officials and no community or school would be required by this bill to fluoridate its water.

Projections indicate that unless we sharply accelerate the training of new paradental personnel we will face a shortage of 23,500 technicians, 25,000 hygienists and 137,000 assistants by 1980. Concern over these forthcoming shortages is evidenced in the recently enacted Comprehensive Health Manpower Training Act, but it must be noted that separate authorizations are not provided in that Act for programs to train *dental* auxiliaries. Without separate authorizations, I fear that dental auxiliary training programs will meet the same fate as have the children's dental care projects provided for under Title V of the Social Security Act. That fear is heightened by a close reading of the Administration's White Paper entitled "Towards a Comprehensive Health Policy for the 1970's." Written last Spring by Secretary Richardson, this policy statement indicates no intention on the Administration's part to increase our output of dental auxiliaries. In view of the fact that there is specific reference in the White Paper to increasing the supply of *physicians* assistants, the omission of any reference to dental auxiliaries does not appear to be an inadvertent one. For these reasons, then, a separate authorization for programs to train dental auxiliaries is included in S. 1874 as Section 1103. Similarly, section 1104 provides a separate authorization for programs to teach dentists and dental students how to effectively utilize dental auxiliaries whereas the Health Manpower Training Act does not.

In sum, passage of the Children's Dental Health Act as it is now written would, for the first time, identify dental disease as the major national health problem it is and would provide a coordinated beginning toward an effective national dental health effort.

Warmest personal regards.

Sincerely,

WARREN G. MAGNUSON,
U.S. Senator.

Mr. JAVITS. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. I tell the Senator that I think this is a very fine bill. I have only one comment to make on the question of fluoridation which was raised in committee. It was able to be shown that the evidence is so overwhelming on that subject now that the cliches and the prejudices which persisted sometime ago are not tenable in the face of the facts.

I deeply believe that this may prove to be one of the best things to come out of the bill in a peripheral sense. It is a very fine bill dealing with the health of our children in a basic and constructive way and in which the chairman of the subcommittee, the Senator from Massachusetts (Mr. KENNEDY), has taken a fine lead. I am very much pleased to see it come so close to the voting stage now.

Mr. KENNEDY. I thank the Senator from New York. There is an area that has been of some concern to Members; namely, the second provision dealing with fluoridation. As we indicated previously, the program of fluoridation can have a significant impact in terms of dental health for all the people of this country.

Mr. JAVITS. Mr. President, as I said before, I strongly support the Children's Dental Health Act, S. 1874. This legislation—authored by Senator MAGNUSON and of which I am a cosponsor—permits us to launch a substantially expanded Federal dental health effort in this area of critical need.

To begin to bring dental care to the more than half the children in this Nation who have never visited a dentist—and I might note that among low-income groups the number approaches 70 percent, which is to say that almost three-quarters of these children have never seen a dentist—a total of $50 million is authorized over 3 years for pilot dental care projects providing preventive, corrective, and followup care to children. These dental projects will not provide care to all children or even to all economically disadvantaged children. We have neither the funds nor the manpower to set out upon such an ambitious course. Instead, these would be pilot projects which—while providing direct care to 1.5 million disadvantaged children—would also provide an opportunity for determining how quality dental care can be provided to large numbers of people with maximum efficiency and minimum cost.

No child should be permitted to suffer ill health because he lives in an isolated area or because his father is poor and this provision would move that principle from promise to performance. To make it possible for the American people to save a sizable proportion of the nearly $4 billion which they are spending every year on corrective dental care, the bill provides $9 million over 3 years for Federal matching grants to schools or communities wishing to fluoridate their water supplies. The effectiveness and safety of fluoridation in preventing tooth decay has been demonstrated again and again and in March 1969, the Surgeon General stated:

The United States Public Health Service endorses water fluoridation as a safe and effective public health measure and urges all communities to make its benefits available at the earliest possible time.

I wish to repeat that I recognize that fluoridation has been the subject of intense controversy; however, dental, medical, and statistical data, judged by a committee of experts and special councils of national and international organizations concerned with public health, concluded that the adjustment of the fluoride content of water supplies to a concentration optimal for dental health is a safe and beneficial procedure with no detrimental effects of any kind. In addition, long-term health studies in cities having controlled fluoridation continue to attest to the effectiveness and safety of fluoridation. Also, this bill would not require any school or community to fluoridate its water. What the bill would do is assist those schools and communities which decide—on their own—that they wished to fluoridate their water.

We must not only improve our dental care delivery system but also train much larger numbers of dental health personnel. While we must continue to increase our supply of dentists, we can no longer rely upon dentists alone to provide dental care. The bill authorizes $57 million over 3 years to train new dental auxiliaries and thus improve our capacity for meeting increased demands for dental services. In addition, $26 million is authorized to train dentists and dental students to work with auxiliary personnel. We will thus be provided with dentists and dental auxiliaries trained to work as efficient, productive teams capable of providing higher quality dental care to more Americans than ever before.

For both philosophical and practical reasons, dental auxiliaries assume today more importance than ever before in our history.

We know there are a number of dental care duties that auxiliaries can perform and that they can be educated in a much shorter period of time, and at much less expense than a dentist. We know that a dentist with just one well-trained auxiliary can stretch his productivity by more than 50 percent.

If our shortage of dentists is acute, the shortage of dental auxiliaries is even more critical. At the present time, there are some 18,000 full-time—or full-time equivalent—dental hygienists in practice. This gives a ratio of one hygienist to every five or six dentists. At a minimum, the desirable ratio should be one hygienist for every two dentists.

The numerical shortage of trained dental assistants is even worse. Presently, there are some 103,000 dental assistants in practice, giving a ratio of about 1 to 1 with repect to dentists. A minimally desirable ratio would be two assistants for every dentist.

The third auxiliary, the dental laboratory technician, does not engage in chairside care nor is he normally employed directly by the dentist. His work, however, is vital and the shortage here is also quite severe.

Based on the current graduation rate, the deficit by 1980 for these three auxiliaries with respect to the desirable ratios will be 25,000 hygienists, 137,000 assistants and 23,500 technicians.

The bill would help move us toward achievement of the proper ratios in an accelerated way.

The next logical step in the attempt to stretch dentists' productivity—and as provided for by this bill—is to institute, on a much broader scale than has heretofore existed, programing to instruct both the practicing dentist and the dental student on how to work most effectively with auxiliaries and thus create and use the most effective dental team possible.

Given what we know about the potential to be realized from effective use of auxiliaries, it would be logical to assume that no dental student is permitted to graduate today without intensive instruction in this subject area. In fact, this is not so. Current surveys indicate that almost no first- or second-year students receive it, and that few third-year students have such training. Moreover, senior students have far less of it than necessary.

This relative inattention lies in the fiscal crisis that has gripped the dental education system for some years now. The lack of such education during school years—coupled with the shortage of auxiliary personnel—goes far toward explaining why there are still some 15,000 dentists who practice without auxiliaries. This legislation would enable us to change this and increase the availability of dental care in a relatively short period of time.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a very fine statement containing some facts concerning the safety of fluoridation and various studies which justify the action which has been taken in the inclusion of that provision in this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE SAFETY OF FLUORIDATION

The Division of Dental Health endorses and actively promotes the fluoridation of community water supplies as an effective method of preventing tooth decay. This stand is based on several decades of study of the effects of fluorides. Because of the widespread occurrence of fluorides as a normal constituent of water supplies, research scientists have had a natural laboratory of unprecedented scope.

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The first established relationship between fluorides and dental health concerned mottled tooth enamel. Culminating investigations that began about 1908, researchers reported in 1931 that persons with noticeably mottled enamel had invariably been reared in areas where *excessive* quantities of fluoride appeared naturally in the water supply. Those who were studying the mottling phenomenon noticed that mottled teeth, although they were not considered well developed, did not suffer as much decay as teeth that were apparently normally developed. This observation led to studies to determine the exact relationship between tooth decay and fluoride in drinking water.

Results of these studies and others conducted in several countries were remarkably uniform. They demonstrated conclusively that persons born and reared in temperate-climate communities having from 1.0 to 1.5 parts per million of fluoride in the water had only one-third as much tooth decay as persons living in areas where the drinking water was without fluoride.

Further, at this level of fluoride concentration teeth did not show undesirable mottling. These and other epidemiological findings, together with the results of animal studies on the caries-inhibiting effects of ingested fluorides, led to the conclusion that fluorides added in optimum amounta to water supplies would result in substantial reductions in the incidence of tooth decay.

The early dental investigations were carried out in areas where millions of people had been using naturally fluoridated water throughout their lifetimes, with fluoride concentrations ranging up to 14 parts per million. Later, medical and dental teams also conducted detailed long-term general health studies in high fluoride areas. Though tooth mottling was evident in people from communities having high fluoride concentrations, neither the dental researchers nor the medical teams found any detectable adverse effect on the general health of the population examined.

The evaluation of mortality-morbidity rate data in relation to the use of fluoride-bearing water was another method used in investigating the influence of fluoride ingestion on general health. Both the incidence of selected diseases and the numbers of deaths resulting from them in areas having significant concentrations of fluoride in drinking water have been compared with those in areas having very little fluoride. No patterns were found that suggest any relationship between mortality-morbidity rates and the consumption of fluoride-bearing water.

The dental, medical, and statistical evidence has been judged by committees of experts and special councils of National and international organizations concerned with public health. Specific allegations of injury or hazard have been carefully evaluated. The conclusions have been that the adjustment of the fluoride content of water supplies to a concentration optimal for dental health is a safe and beneficial procedure with no detrimental effects of any kind. Long-term health studies in cities having controlled fluoridation, some of them under way nearly twenty-five years, continue to attest to the effectiveness and safety of fluoridation.

In March 1969, Surgeon General William H. Stewart reiterated the position of the Public Health Service by saying:

"The United States Public Health Service endorses water fluoridation as a safe and effective public health measure and urges all communities to make its benefits available at the earliest possible time."

COMPREHENSIVE DOCUMENTATION, WITH INDEX, OF SAFETY AND EFFECTIVENESS OF FLUORIDATION

INDEX

The following publications present a comprehensive scientific basis for water fluoridation as a safe, effective caries-preventive public health measure. After the complete bibliographic reference, there appears in parenthesis an abbreviated title as used in this index to the publications.

Water Fluoridation—The Search and the Victory by Frank J. McClure, National Institute of Dental Research, National Institutes of Health, Department of Health, Education, and Welfare. Government Printing Office, Washington, D.C., 1970. (Fluoridation.)

The Role of Fluoride in Public Health—the Soundness of Fluoridation of Communal Water Supplies, a Selected Bibliography by Irene R. Campbell, Kettering Laboratory, College of Medicine, University of Cincinnati, Cincinnati, Ohio, 1963. (Role of Fluoride.)

Classification and Appraisal of Objections to Fluoridation by Kenneth R. Elwell and Kenneth A. Easlick, The University of Michigan, Ann Arbor, Michigan, 1960. (Objections.)

Fluoridation: A Modern Paradox in Science and Public Policy by Freeman H. Quimby, Science Policy Research Division, Legislative Reference Service, the Library of Congress, Washington, D.C., February 17, 1970. (Paradox.)

Fluoridation Issue, the Journal of the American Dental Association, Vol. 65, No. 5, November 1962. (1962 JADA)

Special Issue, the Journal of the American Dental Association, Vol. 74, No. 2, January 1967. (1967 JADA)

Background

Books and general reviews, Pp. 1–5—Role of Fluoride.

General, pp. 3–10—Paradox.

Occurrence of fluoride in nature, pp. 6–9—Role of Fluoride; pp. 191–5—Fluoridation.

Biology and safety

Metabolism and deposition of fluoride in animals and man, Pp. 10–50—Role of Fluoride; pp. 197–200—Fluoridation; pp. 82–87—Paradox; pp. 598–602—1962 JADA.

Nature and extent of scientific consensus, Pp. 14–22—Paradox.

Use of fluoridated water in artificial kidneys, PHS statement, enclosed.

Diseases alleged to be caused or made worse by consumption of fluoridated water, PHS statement on allergy, enclosed Pp. 1–17—Objections; a copy of the table of contents listing specific diseases is attached.

Mortality statistics, Pp. 233–8—Fluoridation; pp 15–16—Paradox.

Caries reduction and fluoride water, Pp. 51–62—Role of Fluoride; pp. 75–108—Fluoridation.

Preventive effects in adult life Caries, Pp. 153–6—Fluoridation.

Possible skeletal benefits, pp. 161–3—Fluoridation.

Studies of populations drinking fluoride waters, Pp. 109–152, 220–231—Fluoridation; pp. 11–13, 21—Paradox; pp. 581–7, 608–21—1962 JADA; pp. 233–302—1967 JADA.

Mottled enamel and fluoride water, Pp. 57–74—Fluoridation.

Endemic skeletal fluorosis, U.S., Pp. 231–3—Fluoridation.

Approval of water fluoridation, Pp. 245–61—Fluoridation.

Approving organizations, pp. 249–52—Fluoridation; Statement on Health Insurance Assn., enclosed.

Other means of controlling caries by fluoride, Pp. 175–88—Fluoridation; pp. 62–8—Role of Fluoride, pp. 63–8—Paradox.

CURRENT STATUS REPORT ON THE FLUORIDATION OF PUBLIC WATER SUPPLIES

OCTOBER 21, 1971.

A comprehensive study on the need for funds for purchase and installation of fluoridation equipment was carried out in 1967 by the Division of Dental Health of the Public Health Service. Results of this study clearly showed that serious problems in the fluoridation of community's water systems centered around the need for the federal funding of community programs.

A more recent (August 9, 1971) survey of the Directors of Dental Health in several states revealed the following facts on status of fluoridation of communal water systems:

1. There are a significant number of community water supplies in the various states polled that understand the positive value of fluoridation, and honestly desire to implement such a system.

2. A major factor preventing implementation is simply the initial cost of purchasing equipment and supplies.

The following are excerpts from the responses to an inquiry that asked the States Department of Dental Health Director if there were any communities that would fluoridate their water supplies, but could not because of lack of funds to purchase equipment.

Wisconsin: "We have 257 communities below 5,000 in population who would benefit from the passage of the Children's Dental Health Act of 1971. Many of these smaller communities would, we feel, fluoridate if funds were made available for the purchase and maintenance of equipment. Costs are always an issue whenever fluoridation is mentioned."

Massachusetts: "Fluoridation ordered and legal steps accomplished but *not funded* (in) 10% of total Massachusetts population." This includes a list of 14 towns of 586,811 people.

Illinois: "There are a number of small communities in Illinois who state that due to financial reasons it is difficult for them to comply with the Mandatory Fluoridation Law in Illinois. Since the Mandatory Fluoridation Law passed in 1967, we have increased 6.5 million to more than 10 million people now receiving fluoridated water; however, we still do have some small communities who have not fluoridated or implemented their plans which they have sent to us."

Maryland: "Enclosed please find a list of communities in Maryland with central water supplies that can feasibly be fluoridated. It appears that the main obstacle to fluoridation is the original cost of fluoridation equipment." The list had 36 towns of 40,000 population.

Colorado: "Approximately three years ago we made such monies available for the town of Walden to install fluoridation equipment. This represented approximately $4,900. This year the town of Trinidad is considering installing fluoridation equipment." Attached were news clippings from the communities of Walsenburg and Del Norte indicating that they were ready for fluoridation if money was available.

West Virginia: "In answer to your telegram of August 9, 1971, we can assure you there have been and will continue to be towns in West Virginia that cannot fluoridate solely because of a lack of funds to purchase equipment."

Georgia: "In sixty communities in Georgia, lack of funds to purchase equipment is given as the reason for not fluoridating. These communities serve more than two hundred thousand population."

Kansas: "We have known for several years that the reason some of the smaller communities in Kansas have not initiated the fluoride adjustment of their fluoride-deficient public water supplies is because of the initial cost involved in the purchase of fluoridation equipment."

Arkansas: "We have about forty small communities that would be willing to install fluoridation but for the lack of funds. These communities all do not have full time water works employees so that too is a cost factor."

Tennessee: The State Public Health Service instituted a program in 1965 to provide matching funds to qualified small community applicants that desired to install fluoridation equipment in their water systems. The purpose of the program was to spur the fluoridation effort and test the often given reason of financial embarrassment for not fluoridating. In the first nine months of the program, 28 communities applied, and 25 communities remitted their share of the costs. In a five year period, 45 towns had taken advantage of this after asking for financial assistance. It is conceivable that this program could serve very well as a pilot study in considering financial assistance programs to fluoridate on a nationwide basis.

Wyoming: "I am personally convinced that availability of funds would solve at least ¾ of our problems. I have said this to Federal people for years and I have said this at the American Dental Association level. I hope I live long enough to see something done."

The last statement perhaps represents most closely the concern of the profession that has in its hands a safe and effective means of alleviating dental decay, yet cannot complete its implementation because of the lack of financial resources.

Forty-seven per cent of the nation's population are now effectively protected by properly fluoridated communal water systems. But those covered are mainly from large urban centers with fiscal resources to implement this safeguard of children's oral health. The smaller communities, the rural communities are not able to avail themselves of this positively beneficial health program. This inequity could be resolved with a one-time matching grant fund that would help communities to begin fluoridation if they desire to do so, such as are found in the provisions of the Children's dental Health Act of 1971.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. ALLEN). All time has now been yielded back. The vote on this bill will take place tomorrow, following the vote on the conference report on S. 1828.

THE CLOSING OF PUBLIC HEALTH SERVICE HOSPITALS

Mr. SPONG. Mr. President, this morning's Washington Post included a news item attributing to an Assistant Secretary of the Department of Health, Education, and Welfare a memorandum to the Secretary of Health, Education, and Welfare concerning the closing of public health service hospitals. The memorandum is quoted as suggesting to Secretary Richardson that we tell the Congress "as little as we can get away with." A similar article in the New York Times quotes the memorandum more fully. It says: "Hopefully, decisions about these two cases"—that is, the Boston and San Francisco hospitals—"will be made prior to any further detailed discussion with key elements of the Congress." The memorandum further states:

> We decided that the better part of valor at this time would be to offer them as few materials as we can get away with and hold off for as long as possible a confrontation concerning what we will or will not do vis-a-vis each of the hospitals.

Just four pages further on in the Washington Post than the first item, the Secretary of Health, Education, and Welfare is quoted as having blamed the low public image of Federal employees on "the propensity of politicians who promise more than they can obviously deliver."

If there is any bad image, the Secretary obviously has not named the full cause. I have stated on a number of occasions that one of our major problems in this country is overpromise, but that can hardly create a bad image of executive branch employees themselves. Both Senate and House committees have been attempting to obtain definitive information concerning HEW's plans with respect to the public health service hospitals. I have been unable to obtain any information concerning the advantages of either closure of these hospitals or transfer of operation to some other agency. So far as I know neither of the committees involved has been able to obtain information.

The news articles referred to a letter of November 24 to key Members of Congress, and I have a letter from the Secretary dated November 15 which says that:

> None of the proposals is at this time sufficiently well spelled out to provide us with all of the data and information we would need to take final action hospital by hospital.

Apparently, HEW, without adequate information, has already decided to discontinue its operation of the Boston and San Francisco hospitals, has established its priority for closing all eight of the hospitals, and has informed the administrators of the hospitals of the procedures to follow in negotiating with other bodies for the operation of these hospitals.

In the meantime, those individuals authorized medical care in public health service hospitals including merchant seamen, fishermen, Coast Guard personnel, and armed services' dependents are just as much in the dark as the Congress.

The distinguished chairman of the Subcommittee on Public Health and Environment in the other body, the Honorable PAUL ROGERS of Florida, has scheduled a hearing for tomorrow morning on the matter. I hope the chairman can obtain information concerning just what HEW plans to do. In the meantime, perhaps the Secretary should look to his own house and his own executives for the cause of any bad images the public may see.

ORDER TO VACATE ORDER FOR RECOGNITION OF SENATOR McGOVERN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order recognizing the distinguished Senator from South Dakota (Mr. McGOVERN) tomorrow for 15 minues be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous concent that immediately following the remarks of the distinguished Senator from Illinois (Mr. PERCY) on tomorrow, the junior Senator from West Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME OF VOTE ON CONFERENCE REPORT ON NATIONAL CANCER ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of the Senators for 15-minute speeches on tomorrow, the first rollcall vote, the vote on the conference report on the National Cancer Act of 1971, then occur.

Mr. GRIFFIN. Mr. President, reserving the right to object, would the Senator restate that request?

Mr. BYRD of West Virginia. Mr. President, my request was that at the conclusion of the 15-minute speeches on tomorrow, the rollcall vote, which had been ordered on the cancer conference report, then occur. That would make it occur at about 10:15 a.m., in the event all orders are consumed.

Mr. GRIFFIN. Mr. President, reserving the right to object, several Senators have asked for assurance that the first vote not occur prior to 10 o'clock. It is my best judgment that it would not occur prior to 10 o'clock. I wonder if we might not have that understanding.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the conference report on the National Cancer Act of 1971 begin at 10:15 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, if one of the Senators should decide tomorrow to vacate his order for a 15-minute speech, and should a hiatus occur, I ask unanimous consent that, following the conclusion of the remarks of the last Senator on the list and until the hour of 10:15 tomorrow morning, there be a period devoted to the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, has an order been entered for the return to executive session immediately following the two rollcall votes that are scheduled for tomorrow morning?

The PRESIDING OFFICER. The Senator is correct. An order has been entered to that effect.

PROVISIONAL ORDER ON DIVISION OF TIME UNDER RULE XXII ON SATURDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time during the 1 hour for debate under rule XXII on Saturday—if a vote occurs on cloture again on Saturday—be equally divided between the distinguished Senator from Indiana (Mr. BAYH) and the distinguished minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

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QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO VACATE ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I wish to make a slight revision in the schedule for tomorrow morning. There was an earlier order for the transaction of routine morning business for not to exceed 30 minutes on tomorrow. I ask unanimous consent that that order be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO CONSIDER HOUSE MESSAGE ON S. 1866 TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the junior Senator from West Virginia (Mr. BYRD) on tomorrow, the Senate proceed to consideration of the House message on S. 1866.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the time thereon be limited to 20 minutes, to be divided as follows: 15 minutes under the control of the distinguished Senator from New York (Mr. JAVITS) and 5 minutes under the control of the distinguished Senator from North Dakota (Mr. BURDICK).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the action on the House message on S. 1866 tomorrow, the Senate proceed to the consideration of routine morning business, with statements limited therein, and that such period not extend beyond 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROLLCALL VOTE ON CANCER ACT CONFERENCE REPORT TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 10:30 a.m. tomorrow the rollcall vote on the cancer conference report occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I trust that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF ORDER RECOGNIZING SENATOR BYRD OF WEST VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the junior Senator from West Virginia (Mr. BYRD) for remarks tomorrow be revised to place a limitation thereon of 5 minutes instead of 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. After the two leaders have been recognized, the following Senators will be recognized for not to exceed 15 minutes each, and in the order stated: Mr. WILLIAMS, Mr. MAGNUSON, Mr. JACKSON, and Mr. PERCY, after which the junior Senator from West Virginia (Mr. BYRD) will be recognized for not to exceed 5 minutes.

At the conclusion of such orders the Senate will proceed to the consideration of a message from the House of Representatives on S. 1866, with a time limitation thereon of 20 minutes, to be divided as follows: 15 minutes under the control of the distinguished senior Senator from New York (Mr. JAVITS) and 5 minutes under the control of the distinguished junior Senator from North Dakota (Mr. BURDICK).

At the conclusion thereof, if the hour of 10:30 a.m. has not arrived, there will be a period for the transaction of routine morning business not to extend beyond 10:30 a.m., with statements limited therein to 3 minutes. In any event, when the hour of 10:30 a.m. arrives, the Senate will proceed to vote by rollcall on the cancer conference report, without any debate thereon.

Immediately following the rollcall vote on the cancer conference report, the Senate will proceed by rollcall to vote on the so-called dental care bill, without debate thereon.

At the conclusion of the rollcall vote on the dental care bill, the Senate will go into executive session to resume the consideration of the nomination of Mr. William H. Rehnquist to the office of Associate Justice of the Supreme Court of the United States.

At 11 o'clock a.m., the 1 hour for debate under rule XXII will begin to run. The time will be divided between the distinguished junior Senator from Indiana (Mr. BAYH) and the distinguished Republican leader (Mr. SCOTT) or his designee.

At the conclusion of the 1 hour, in accordance with the rule, at 12 noon, the Senate will proceed to establish a quorum, which is mandatory under the rule. Once a quorum has been established, the rollcall on the motion to invoke cloture will occur, it being mandatory under the rule. Hence, the rollcall vote on the motion to invoke cloture will begin at about 12:15 p.m. tomorrow.

Other votes will likely occur tomorrow, but, Mr. President, we are certain that there will be at least three rollcall votes tomorrow, the first to occur at 10:30 a.m. Various conference reports remain to be acted upon, and they may be called up at any time, and rollcall votes may be ordered thereon.

There will be a session Saturday.

A second motion to invoke cloture has been introduced today, and in the event that the first motion to invoke cloture fails of approval on tomorrow, a second vote to invoke cloture will occur on Saturday.

Mr. President, the distinguished majority leader has already entered an order for the convening of the Senate at 9 o'clock a.m. on tomorrow and on Saturday. Was an order entered with respect to whether or not the Senate would adjourn or recess today and tomorrow?

The PRESIDING OFFICER. No such order has been entered.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ORDER FOR ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 9 A.M. SATURDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9 o'clock a.m. on Saturday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Friday, December 10, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 9, 1971:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

George W. Draper II, of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, as prescribed by Public Law 91-358, approved July 29, 1970, vice Mary O. Barlow, retired.

Joseph M. F. Ryan, Jr., of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, as prescribed by Public Law 91-358, approved July 29, 1970, vice Mary C. Barlow, retired.

HOUSE OF REPRESENTATIVES—*Thursday, December 9, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Trust ye in the Lord forever: for in the Lord God is everlasting strength.—Isaiah 26: 4.

O God, most merciful and gracious, may this new day glow with a deep experience of Thy presence and an actual awareness of the leading of Thy spirit.

Inspire us with the conviction that as we live and labor for Thee we also live and labor for the good of our country and the peace of the world.

Give us the assurance that there is a power working for righteousness, justice, and good will in our world and may we have faith enough to work with it and strength enough to live by it, for Thine is the kingdom, and the power, and the glory forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 29) entitled "An act to establish the Capitol Reef National Park in the State of Utah."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1237. An act to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 978. An act authorizing the conveyance of certain lands to the University of Utah, and for other purposes;

S. 1113. An act to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems;

S. 1438. An act to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; and

S. 2676. An act to provide for the control of sickle cell anemia.

ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 732) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 732

Resolved, That H. John Heinz III of Pennsylvania be, and he is hereby, elected a member of the standing committee of the House of Representatives on Government Operations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORTING OF WEATHER MODIFICATION ACTIVITIES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6893) to provide for the reporting of weather modification activities to the Federal Government, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 10, strike out "which" and insert "who".

Page 1, line 10, strike out "not".

Page 2, line 1, after "tivities" insert: ", except where acting solely".

Page 2, lines 3 and 4, strike out "intentional, artificially produced change" and insert: "activity performed with the intention of producing artificial changes".

Page 2, line 15, after "before" insert: ", during,".

Page 2, after line 24, insert:

"(c) In carrying out the provisions of this section, the Secretary shall not disclose any information referred to in section 1905 of title 18, United States Code, and is otherwise unavailable to the public, except that such information shall be disclosed—

"(1) to other Federal Government departments, agencies, and officials for official use upon request;

"(2) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding; and

"(3) to the public if necessary to protect their health and safety.".

Page 2, line 25, after "person" insert: "whose activities relate to weather modification".

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON SENATE CONCURRENT RESOLUTION 6—PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia.

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of the distinguished gentleman from West Virginia, the chairman of the Committee on Interstate and Foreign Commerce, if this is the sense of Congress resolution having to do with the utilization of U.S. Public Health Service hospitals?

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, yes, it is.

I might explain this briefly to the gentleman from Missouri. The conference, in the first instance, broke up in disagreement. In the meanwhile one of the U.S. hospitals closed at Fort Worth. We went back into conference and we accepted the fact that we had to get together in order to keep these hospitals operating and until we did have a study made of the situation. We came together, and this is essentially the House proposition that that facility be kept open until July 1972.

Mr. HALL. This "hospital" that closed was the Fort Worth, Tex., narcotics treatment facility of the Public Health Service which has been closed in the interim by the executive branch?

Mr. STAGGERS. That is right.

Mr. HALL. Then we are just accepting that as a fait accompli and going ahead in expressing the will of the Congress that the remainder be kept open? In other words, the will of the House, except for that one facility, has been preserved; is that correct?

Mr. STAGGERS. That is correct.

Mr. HALL. And, are we bringing this up after it has been duly filed, because I

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notice a conference report is not available to the Members?

Mr. STAGGERS. Yes. However, I have one here which I shall be glad to furnish to the gentleman.

Mr. HALL. I thank the gentleman.

Mr. STAGGERS. This is essentially what passed the House.

Mr. HALL. Is there any increase in cost or are there any nongermane amendments in the conference report?

Mr. STAGGERS. None whatsoever.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 2, 1971.)

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT NO. S. 1828, NATIONAL CANCER ACT OF 1971

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 1828) to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. HALL. Mr. Speaker, reserving the right to object, will the gentleman again explain exactly what happened under this reservation, provided the unanimous-consent request is granted for this to be taken up at this time.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, the cancer bill is a very important bill, as you well know. We just finished the conference night before last, late in the evening, and in order to get the conference report ready it was finished last night. However, it does appear in the RECORD for today. I might explain briefly what it does.

Mr. HALL. Mr. Speaker, I will point out to the gentleman that it still requires unanimous consent because otherwise its consideration at this time would be in violation of the rules of the House concerning the 3-day provision, and inasmuch as the conference report is not available to the Members.

Further, I would ask the gentleman whether or not the Members on the part of the minority have been notified as to its being called up at this particular time?

Mr. STAGGERS. Yes. I had the permission of the gentleman from Ohio (Mr. DEVINE) who is present in the Chamber at the present time. The gentleman from Illinois (Mr. SPRINGER) is not present but I cleared it with him and with the distinguished minority leader to the effect that we were going to bring it up this morning.

Mr. Speaker, I support the adoption of the conference report on S. 1828, the proposed National Cancer Act of 1971.

I am sure the House is familiar with the general outline of the way the legislation before us developed.

Last year the House and the Senate both passed House Concurrent Resolution 675 expressing the sense of the Congress that the conquest of cancer is a national crusade.

In addition, a distinguished panel of experts was established by the Senate Labor and Public Welfare Committee to recommend necessary program changes to improve our national effort against cancer. That panel, chaired by Benno Schmidt, submitted a report to the Senate, and made a number of recommendations.

Legislation carrying out those recommendations was introduced in both the House and the Senate last Congress and this Congress. Hearings were held in the Senate, and legislation passed that body establishing an independent conquest of cancer agency, ostensibly within the National Institutes of Health, but actually so independent in its administrative structure that, as a practical matter, it was taken out of the National Institutes of Health. That legislation then passed the Senate by an overwhelming vote.

Hearings were held before the Subcommittee on Public Health and Environment on this legislation, and it developed that there was a serious spread in the scientific community. A substantial percentage of cancer researchers favored the Senate approach, but the overwhelming majority of the remainder of the scientific community was opposed to taking the National Cancer Institute out of the National Institutes of Health.

The compromise between these positions was devised by the gentleman from Minnesota, Mr. NELSEN, which was to leave the Cancer Institute within the National Institutes of Health; to provide that Institute with independent budget authority; and to establish a three-man panel which would oversee the work of the Institute, and report directly thereon to the President. That revised version passed the House overwhelmingly.

In conference our disagreement over these two philosophies was quite sharp, but we were able to reach agreement.

In general, the conference substitute follows the provisions of the House version, and leaves the National Cancer Institute within the National Institutes of Health. The Cancer Institute will retain independent budget authority, and the three-man panel is preserved just as the House bill provided.

The Senate amendment had revised the structure and function of the National Advisory Cancer Council, by creating it as an independent Board, with expanded duties. The conference agreement accepted this expanded Board, with revisions. Membership on that Board consisting of representatives of the Veterans' Administration and of the Department of Defense is continued, as well as providing for membership of three officers provided by the Senate amendment—the Secretary of HEW, the Director of the Office of Science and Technology, and the Director of NIH. This Board will carry out the same functions as are today carried out by the National Advisory Cancer Council, but has authority to hold hearings, make recommendations with respect to the overall plans and budget of the Institute, and will make reports to the Congress and the President.

The House bill had provided some upgrading of the Director of the National Cancer Institute, the National Institute of Neurological Diseases and Stroke, and the National Institute of Heart and Lung Diseases. The conference substitute eliminates this feature, as a part of an overall conference agreement to limit this bill exclusively to cancer.

Mr. Speaker, as often happens in conference between the two Houses, I believe we have brought to the House a better bill than either of the two bodies have passed, and I urge the adoption of the conference report.

This was signed by all members of the conference, and we had the full subcommittee present, I just did not take the usual number, because I wanted all of the subcommittee present to debate the bill. We all came to a unanimous conclusion. We brought back practically what the House passed without exception, really, of anything important, because we wanted to keep the National Institutes of Health together. We have done that. It still retains the name, the National Cancer Institute under the National Institutes of Health.

Mr. HALL. Then, Mr. Speaker, am I to understand that this will be a working, integral part of the National Institutes of Health with the added emphasis for cancer research which of course we are all anxious to conquer?

Mr. STAGGERS. The answer is yes, and with the same amount of money that the House passed in the first instance.

Mr. HALL. With the same amount of money?

Mr. STAGGERS. That is correct.

Mr. HALL. And there have been no nongermane amendments added on by the other body, that were accepted by the conferees of this body?

Mr. STAGGERS. That is right; there are no nongermane amendments. We made some small changes, but they are very small. We took the Board that the House agreed to, and agreed to the inclusion of the ex officio members to make the Surgeon General and the health officers and the Department of Defense, and also the Veterans' Administration members on the Board. We kept the panel, as the gentleman from Minnesota (Mr. NELSEN) had proposed in the committee, and the National Cancer Institute will get their money direct to the Cancer Institute so that it will not have to go through different branches.

Mr. HALL. Mr. Speaker, it seems to me that the members of the conference committee on the part of the House are to be congratulated. Inasmuch as we did have a record vote in the House on this, and in view of the gentleman's explanation, I see no reason for not expediting acceptance of this conference report.

So, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. ROGERS. Mr. Speaker, reserving the right to object, and I shall not object, of course, because I strongly support the legislation, this is an excellent piece of legislation, and as the chairman, the distinguished gentleman from West Virginia (Mr. STAGGERS) has stated, it is basically the House bill which the House approved, and I would urge the adoption.

Mr. Speaker, this report represents a substantial victory for the House of Representatives, the biomedical community, and the American people. It insures a national attack on cancer—the most dramatic attack ever mounted on a single disease—through building on the existing strengths of the National Cancer Institute within the National Institutes of Health. By insuring that the well-integrated research program of the NIH will participate in the fight against the disease most feared by Americans, the American public is guaranteed that this Nation's attack on cancer will be through a marshalling of all our resources.

The members of the Subcommittee on Public Health and Environment—Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, and Mr. SCHMITZ—have worked tirelessly throughout this session to attempt to develop significant legislation in the health and environment field. I am grateful to each of them.

Mr. Speaker, I wish to compliment all my colleagues on the subcommittee, as well as the full committee chairman, Mr. STAGGERS, and the ranking minority member, Mr. SPRINGER, for their efforts in support of the concept of maintaining the Federal cancer research effort within the NIH. Their work paid off, because almost all of the features of the House bill were retained by the conferees.

Mr. Speaker, briefly, besides providing for a stepped-up research effort within the National Institutes of Health, the conference report provides for the following significant improvements in existing procedures, all of which were contained in the House version:

The three-man panel created by the House to oversee the functions of the National Cancer Institute was retained intact. The conferees discussed a Senate proposal that the membership of the panel include the Director of the National Institutes of Health, the Director of the NCI, and the Chairman of the National Advisory Council. This proposal was rejected by the conferees, and it is clearly intended that the members of the panel should not be affiliated with Government. As the House report states, one panelist should be skilled in management and the other two should be distinguished scientists or physicians. Of these, one should be from the clinical research community and one should be selected from the basic research community.

Clinical research centers, which now number eight, will be increased by 15 and will be eligible for block grants from the NCI Director. These grants can provide up to $5 million per center. In the past, as many as 30 or 40 separate grants were required to maintain a clinic's work.

Cancer control programs, which were financially phased out a year ago, will be reactivated and placed under the control of NCI. Funds for these programs over a 3-year period are $90 million. This includes Pap tests for cervical cancer, breast checks, and oral examinations, and the training for personnel in cancer. The gathering of cancer statistics will also be included to give the medical-scientific communities better profiles of the disease.

The budget for NCI is sent directly to the President, with the Director of NIH and the Secretary instructed to comment, but not alter it. As a further check on the adequacy of the budget, the Advisory Board will also comment.

The budget is $1.590 million for 3 years.

To develop a comprehensive program the bill requires a national plan of attack, to be revised annually.

Mr. Speaker, two other provisions deserve mention. In the House bill, the Directors of three of the National Institutes—the National Cancer Institute, the National Heart and Lung Institute, and the National Institute of Neurological Diseases and Stroke— were designated as Associate Directors of the NIH. This provision was intended to insure that the research effort against heart and lung disease and stroke would not be placed on a level of less importance than cancer research. The other body's conferees felt that references to diseases other than cancer should not be made in the National Cancer bill. For this reason, the conferees agreed that none of the three would be designated as Associate Directors. In this way, the three Directors shall continue to have equal status.

The Director of the NIH and the NCI are to be appointed by the President, but the Senate receded from its provision that the appointment be with the advice and consent of the Senate. The conferees felt that confirmation would not be appropriate for appointments which are based, in the first instance, on scientific excellence, and that the prestige of a Presidential appointment will be sufficient to insure selection of highly qualified candidates.

Also, Mr. Speaker, the conferees accepted the Senate provision which reconstitutes the National Cancer Advisory Council as a 23-member Board, whose appointive members will be selected by the President. It is to be fully understood that the integrity of the present peer review system, and its present means of insuring adequate scientific review by study groups is not to be altered. The only effect this act is to have on scientific review is the section authorizing the Director of the National Cancer Institute to approve grants-in-aid of $35,000 or less without Board review.

Mr. Speaker, I can think of no better Christmas present for the American people than to have this bill passed by this body and signed by the President without delay. I urge unanimous approval of this measure by the House and Senate and hope that the President can sign it into law as soon as possible.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, the House has taken a giant step forward with this legislation. We now have reason for hope.

Unfortunately, we nearly get mired down within the scientific community on "how" to direct the fight. Regrettably, the split was small in nature when compared to the enormity of the disease. I still cling to the conviction that the American public does not care so much about the "how" as they do about the "when."

Personally, I would still prefer giving the President the flexibility to require the Director of National Institutes of Health to report directly to the White House. However, only time and pride will prove whether this is needed.

The important thing now is that we get underway with the fight. To date, progress on cancer has been painfully slow; yet we know that cancer is the one disease feared by most Americans. Let us get busy and put aside the smaller arguments that nearly scuttled the program before we got underway. At last, the cry for help has been heard.

Mr. CARTER. Mr. Speaker, today we face a great problem in America. Today we have before us an opportunity to commence an expanded search for solutions to this problem. Let us now move forward to conquer cancer.

Mr. Speaker, I urge adoption of this conference report.

Mr. PEPPER. Mr. Speaker, I strongly urge acceptance of this conference report and wish to commend the distinguished chairman of the Interstate and Foreign Commerce Committee (Mr. STAGGERS) and my very able colleague from Florida (Mr. ROGERS) for their leadership in bringing to legislative fruition this program to mount a massive cancer attack.

Last year, when I joined the then chairman of the Senate Health Subcommittee, Senator Yarborough, in sponsoring legislation to create a National Cancer Authority, I emphasized that the most important thing was for the Congress to make, on behalf of the American people, a national commitment to find a cure to cancer.

Later, on February 4 of this year, when I introduced with 111 other Members, H.R. 3655 and companion bills, to authorize a new cancer research program is noted that there was a "vicious cycle" of too little funding for cancer research, which was used an an excuse—as late as July 28, 1970, by Secretary of Health, Education, and Welfare Richardson—for not supporting more funds for training

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biomedical researchers, and a lack of funding for researchers, which was then used as an excuse for not appropriating more funds for cancer research.

I said then:

It is time to break this vicious cycle with a national commitment to provide enough money for cancer research to finance all the researchers we can train and to train the researchers as fast as they may be needed to utilize massive amounts of cancer research funds.

I spoke of this problem out of long familiarity with the Nation's cancer research program. I was privileged during my first year in the Senate to be a sponsor of the legislation establishing the National Cancer Institute, the first of our National Institutes of Health. I voted for our first cancer appropriation—a mere $400,000 for the fiscal year 1938.

It may now seem surprising, but the sums appropriated for cancer research were not significantly increased until after World War II. On January 8, 1947, I introduced in the Senate S. 93, which is described in the Digest of General Public Bills as a bill:

To authorize and request the President to undertake to mobilize at some convenient place or places in the United States an adequate number of the world's outstanding experts and coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer.

My bill—in 1947—would have authorized $100 million a year for this "supreme endeavor to discover means of curing and preventing cancer."

As chairman of a subcommittee of the Senate Education and Labor Committee I held lengthy hearings on S. 93, in which some of the outstanding authorities of the country appeared in behalf of my bill. Due to our efforts—the bill was cosponsored in the House by former Senator M. M. Neely—the Congress and the country became conscious of the need to increase our cancer research effort, which was funded in 1946 at only $549,000.

As a result, we were able to obtain an appropriation of $1,821,000 for fiscal 1947, and a very significant jump to $14,500,000 for fiscal 1948. This was a major milestone in our efforts to conquer cancer and I am proud to have been a part of its accomplishment, as I am proud to have played a role in this new increase in the order of magnitude of our commitment to cancer research, which is the thrust of the conference report we are considering today.

In the postwar years our investment in cancer research grew gradually until it reached $190 million for fiscal 1970. The Congress sought to raise this to $230 million for fiscal 1971, only to have the administration withhold most of the increase—at least until another bold effort was made to arouse the consciousness of the American people to the momentous challenge and opportunity of conquering cancer.

The proposal to create a National Cancer Authority has served this function—of breaking us through to a new level of commitment in the fight against cancer—just as my 1947 bill and hearings served to raise our sights in the period immediately after the Second World War.

The President soon proposed to add $100 million to cancer research and, upon the disclosure that his administration was holding up some of the money already appropriated, released the remainder of the 1971 funds. Thus, with congressional concurrence in the addition of the $100 million, our investment in cancer research has risen for the current fiscal year to $337 million.

This legislation would increase the authorization for the current fiscal year to $400 million, and would authorize $500 million for fiscal 1973 and $600 million for fiscal 1974. I would have preferred higher authorization figures, but, as I have said, I believe the most important aspect of our action here today is the ratification of a new commitment by the Congress and the American people to raise the fight against cancer to a new level, to a higher scale of assault which can promise victory in the foreseeable future.

This new commitment is not represented by money alone. We have also, as a result of the effort to create a National Cancer Authority, shaken the National Institutes of Health and the medical research establishment out of the comfortable, if not complacent, attitude of research for research sake, and research business as usual.

I am confident that the administrative changes incorporated in S. 1828, as reported by the conference, will mean a more effective attack upon the problem of cancer, which has such a widespread and terrifying impact upon the consciousness of the people of the world. I feel I can support this legislation with all of my heart and be secure in the conviction that we have made a bold and effective step forward.

This bill gives to the Congress and the country and to all of those who are working in the field of cancer research an awareness of the emergency, a sense of the imperative motivation which must guide cancer research. I consider this an achievement of the first magnitude for this, or for any other, Congress.

Mr. ROGERS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 8, 1971.)

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 10947, REVENUE ACT OF 1971

Mr. MILLS of Arkansas. Mr. Speaker, I call up the conference report on the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 4, 1971.)

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS of Arkansas. Mr. Speaker, I yield myself 10 minutes.

The revenue bill of 1971, in terms of the welfare of our economy, could well be the most important legislation before us in 1971. As you will recall, the tax measure passed by the House was carefully designed to—

Put our lagging economy on a high growth path;

Increase the number of jobs and decrease the high unemployment rate;

Relieve the hardships imposed by inflation on those with modest incomes;

Provide a rational system of tax incentives to aid in the modernization of our productive facilities; and

Increase our exports and improve our balance of payments.

The most difficult aspect of this has been to obtain a balance of providing enough stimulus, but at the same time not providing so much stimulus that our price and wage control program becomes ineffective. This bill, of course, is not the only determinate in that respect, but certainly is a major contributor in any such determination.

The Senate made substantial changes in the bill which meant that we had no small task in the conference committee. The conferees had to go through 126 Senate amendments to the House bill, some of which consisted of six or eight different parts requiring separate consideration.

In addition, the Senate amendments, had the conferees accepted them all, would have changed the revenue impact of the bill drastically. The House passed a bill which granted $15.4 billion of tax reduction in the 3-year period 1971 through 1973. Certainly, this was a very appreciable tax reduction and one which, in the view of the House conferees, represented about as large a reduction as it was appropriate to make at this time, in view of the conflicting considerations of holding down inflationary pressures while, at the same time, providing a stimulant for the economy. However, as a result of a number of floor amendments added in the Senate, the bill as it came to us would have granted $27.9 billion of tax reductions over the 3-year period 1971 through 1973—actually $12.5 billion more than the $15.4 billion provided by the House bill. In our estimation this substantially exceeded what can be viewed as prudent in the present circumstances.

A number of the amendments that the Senate sought to add were measures which would have an appeal under a different fiscal situation, but we believe they could not be justified in the present circumstances.

In conference we accepted many of the Senate amendments but most of these were in the nature of perfecting changes—improvements that we could expect and hope to see as a result of the additional study which the Senate had the opportunity to give to the bill. Nevertheless, in conference we eliminated the bulk of the revenue losing provisions added by the Senate. This can be seen from the fact that the revenue loss of the conference action over the 3-year period 1971 through 1973, is estimated at $15.7 billion, or only three-tenths of a billion dollars more than the House total.

The bill, as agreed to by the conference committee, carries out the basic objectives of the House bill. It provides a balanced program of tax reductions for individuals and tax incentives for business. It will help put our economy back on a high growth path and improve our balance-of-payments position.

Let us turn now to the major provisions of the House bill. I believe it would be most useful if I would spend my time with you outlining the significant modifications in these provisions. I will attach a summary indicating all of the important changes in the House bill as agreed to by the conferees.

As you know, the 7-percent investment credit—4-percent for public utility property—was provided for property acquired after August 15, 1971. Also, the House bill provided for the credit in the case of property ordered after March 31, 1971, even though acquired before August 16 in order to avoid discriminating against those who took action on or after April 1 on the basis of assurances that they would receive any credit provided. The conference committee retained these basic dates of the House bill, although in the case of the exclusion for foreign produced property, as I will outline in a moment, the rules of the House are modified somewhat.

In the case of used property a Senate amendment extends the investment credit to up to $50,000 of such property. This is the same treatment as was provided under prior investment credit. We concluded that this was simpler and more effective than the House provision which would have extended the credit to $65,000 of used property but reduced the amount of credit available for used property by the amount of new property acquired by the taxpayer which is eligible for the credit.

We also accepted several Senate amendments designed to give the President greater flexibility in the treatment of foreign produced property under the investment credit. As a general rule, foreign property is not eligible for the investment credit during the period when the import surcharge applies. However, the President is given the authority to continue the exclusion of foreign property from the investment credit after the expiration of the 10-percent surcharge if he determines that the foreign country concerned makes use of nontariff trade restrictions. In addition, the President is given the authority to allow the investment credit to be extended to foreign property retroactively to any date after August 15, 1971, where he determines this to be in the public interest.

We also agreed to a Senate provision extending the investment credit to foreign property in cases where the order was placed after March 31, 1971, and before August 16, 1971. This treatment appears appropriate since taxpayers purchasing foreign property during this period of time could not have known that such property would be excluded from the investment credit subsequently provided.

In addition, a Senate amendment specifically gave taxpayers the option in their accounting methods of either flowing through currently the tax benefit of the investment credit in their profits or of flowing these benefits through to profits ratably over the life of the asset. This is consistent with prior practice and the conferees concluded that it was appropriate to incorporate this provision in the bill.

As approved by the conferees, this provision applies both to the reports to the Federal agencies and also to all reports over which any Federal agency has jurisdiction—this includes financial reports to shareholders over which the SEC has jurisdiction. The conferees provided an exception to this treatment in the case of regulated public utilities subject to the special rules relating to the treatment of the investment credit for rate-making purposes. This was provided because taxpayers taking the second option—namely, the option of flowing the benefits of the investment credit through in profits over the life of the asset—also are required to account generally in their financial reporting of the credit on the same basis. However, it is expected that regulated companies which do not select this option will have the same rights as taxpayers generally to either flow the benefits of the credit through in profits currently or ratably over the life of the asset as they choose.

In addition, a provision as to accounting for the investment credit in profits is to be under a method consistently followed by the taxpayer except that the Secretary of the Treasury or his delegate may permit changes in practice where this is appropriate.

One more change should be noted in the case of the investment credit. Under the House bill the so-called 20-percent rule wherein no more than 20 percent of the carryovers of investment credit from before 1969 could be used in any year was made inapplicable to 1972 and subsequent years. A Senate amendment to which the conferees agreed would make this 20-percent rule inapplicable for the portion of the year 1971 which occurs after August 15.

The House provision incorporating the class life system of depreciation in the Internal Revenue Code, as passed by the House, was basically accepted by the Senate without change. This includes the House removal from the prior ADR system of the Treasury Department of the right of taxpayers to use the so-called three-quarter-year convention in the first year an asset is put in operation. You will recall that we concluded that this convention granted excessive depreciation allowances with respect to a depreciable asset in its first year in service.

The conference action, however, would accept a Senate amendment providing transitional rules for depreciation on real property and depreciation on subsidiary assets such as tools, jigs, and dies. These assets have not been adequately worked into the ADR system developed by the Treasury Department and it was concluded that the prior practices in these cases appropriately should be continued during a 3-year transitional period or until such time as the Treasury was able to develop appropriate class lives for these assets.

The Senate also added a provision to the bill designed to encourage the hiring of individuals who otherwise would be on welfare. The Senate granted employers an income tax credit equal to 20 percent of the wages paid during the first 12 months of employment in the case of an individual hired under a work incentive program—WIN—established under the Social Security Act.

In the area of the individual income tax, the conference bill also follows the main outlines of the House bill. Individuals are given significant tax benefits through the acceleration of the tax relief measures scheduled under the Tax Reform Act of 1969 and by the adoption of additional tax relief provisions. These substantial tax reductions for individuals will increase consumption and accelerate our economic recovery.

In 1971, the personal exemption is moved up to $675 and the low-income allowance is liberalized by removing limitations which cut back on the allowance as income increases over specified levels. In 1972, the personal exemption is moved up to $750 and the standard deduction is increased to 15 percent of income with a ceiling of $2,000. Also accepted is the House provision which raises the low-income allowance in 1972 to $1,300 in order to grant tax relief to low-income people who have been particularly hard hit by inflation.

In the area of individual income taxes, however, two quite significant Senate provisions were agreed to by the House conferees. The first of these provides a special deduction for single individuals and working couples who support a child under the age of 15, or disabled dependents or disabled spouses in the household. The deduction in this case is for domestic help expenses and child care expenses incurred in order to permit the taxpayer or taxpayers in the case of married couples to be gainfully employed. The deduction permitted is for up to $400 a month for child care and domestic help expenses where these expenses are incurred in the home. The $400 deductible amount also covers child care expenses outside of the home up to $200 a month in the case of one child, $300 a month for the care of two children and $400 a month for the care of three or more children.

In the case of married couples, this

deduction is available only where both are working and where the income of the two does not exceed $18,000. In addition, the conferees limited this deduction even for single people to those with incomes not over $18,000. For those with incomes above $18,000 the deduction is phased out by 50 cents for each dollar of income above $18,000. This deduction is allowed only where the taxpayer, or taxpayers in the case of a married couple, are employed on a substantially full-time basis.

I should also emphasize that this deduction covers only domestic help or child care help incurred in order to enable the taxpayer or taxpayers to be gainfully employed. It would not, for example, include an individual who is employed predominantly as a gardner, bartender, chauffeur, or for any other purpose which is not predominantly related to freeing the taxpayer or taxpayers for employment. This deduction is to be a personal deduction available only to those who itemize their deductions.

This provision replaces the quite limited child care provision in existing law. The House managers believe this change is a good idea. The new provision will provide significant relief to large numbers of working individuals who incur substantial extra expenses in the case of a household where there are dependent children, disabled dependents or a disabled spouse. This provision is also beneficial because it should encourage employment of domestic help.

The second significant change in the area of individual income taxes agreed to by the conferees relates to the withholding tax provisions. In order to prevent approximately $2 billion of under withholding which would otherwise result, the House bill adjusted withholding in two stages. The first step was to be effective with respect to wages paid after November 14, 1971, and the second stage with respect to wages paid after December 31, 1972. The November 14 date, since it already has passed, obviously had to be changed. The withholding changes, in order to give adequate time to employers will be made effective after January 15, 1972. In addition, we agreed to the Senate amendment providing that the withholding changes would take effect in one stage—that is, with respect to wages paid after January 15, 1972. This change will have the effect of placing everyone under the best possible withholding system as soon as possible. It will mean some increases in withholding in some cases. This is inevitable, however, since in some cases—for example, where both husband and wife work—the present withholding rates are altogether too low.

The conferees also agreed to a number of modifications in the structural improvements passed by the House and in some cases added new ones. For the most part these are of a relatively technical nature and will be included in my summary at the end of my statement. However, let me mention three.

First, the Senate added an amendment which we agreed to in a modified form providing that private firms which have been preparing tax returns for individuals may not make the information they obtain from these returns available to third parties for purposes such as solicitation for the sale of products or services. We believe that this amendment was wholly desirable and after having worked out some of the technical problems have included it in the conference agreement.

A second structural improvement worth noting deals with the situation where a taxpayer has a dependent—generally a child—who also must file a return. In this case there has been some tax avoidance whereby stocks or other property which were income-producing were transferred to the dependent in order to obtain both the exemption and $1300 low income allowance available to the dependent who filed separately and also available to the person who claimed him as a dependent. The House bill contained a provision dealing with this matter but there was an opportunity to work it out on a better basis on the Senate side and we agreed to the Senate amendment.

Third, the Senate added a provision agreed to by the House conferees, providing that bribes, kickbacks, and other illegal payments may not be deducted for Federal tax purposes. Certain payments of this type already were not deductible. The action by the Senate makes this more comprehensive. We agreed to this provision with minor modifications.

Let me turn now to the repeal of the 7-percent excise tax on autos and the 10-percent excise tax on light-duty trucks. As you will recall, these taxes were repealed by the House bill. The Senate, for the most part, accepted these provisions and they are incorporated in the conference agreement.

I might note that the Senate amended these provisions to repeal the tax on trailers used in connection with light trucks. In addition, the Senate subjected to excise tax original tires and tubes on imported vehicles in order to place these tires and tubes in the same tax status as domestically produced tires and tubes. We agreed to these modifications along with a few other relatively technical changes in this area.

I am glad to report that the conferees' agreement includes the basic provisions relating to DISC—Domestic International Sales Corporation—that were in the House bill. We agreed to a Senate amendment, however, which applies the deferred tax treatment available to a DISC Corporation only to one-half of the export profits of the DISC. This replaces the House provision which would have granted the deferred tax treatment only to incremental exports above 75 percent of the level in the period 1968 to 1970. The conferees concluded that this change is desirable because it achieves the desired objective of providing significant incentive to expand export operations but provides this treatment more simply and equitably than did the House provision.

We also accepted a Senate provision denying tax deferral to DISC profits which are invested in foreign plant and equipment. The conferees agreed with the Senate that to allow tax deferral on amounts invested abroad would be inconsistent with the primary purpose of the DISC provision which is to encourage our exports abroad.

In accepting these amendments, however, the House conferees did not accept a Senate amendment which would have provided for the automatic termination of the DISC provision on January 1, 1977.

I now come to the final major set of provisions on which agreement was reached by the conferees. These were clearly the most controversial provisions in the bill. I am referring, of course, to the Senate amendments relating to political campaign financing. These have received widespread public attention and I think that it is important that the reasons for our action in this regard be fully understood.

The Senate bill provided for campaign financing in three ways: First, individuals were allowed a credit against their income tax for one-half of their political contributions with a maximum credit of $25 on the joint return of a married couple and a maximum of $12.50 on the return of a single person or married person filing separately.

As an alternative to the credit, individuals were permitted to deduct their political contributions up to a level of $100 in the case of a joint return or $50 in the case of a single person or married person filing separately.

These two provisions were generally agreeable and we accepted them for contributions made in 1972 and later years.

The third set of provisions concerned the so-called checkoff procedure for financing presidential election campaigns. Under the Senate amendment an individual can designate that $1 of his tax liability is to be set aside in a special account in the presidential election campaign fund for the candidate of the party of his choice. In the case of a joint return with a tax liability of $2 or more, both husband and wife can designate that $1 is to be paid into such an account. Taxpayers can designate that the dollar they check off either may be set aside for the candidate for a specific political party or they can designate that it be set aside in a nonpartisan general account in the fund or they can make no designation at all. If no designation is made, then nothing is to be set aside in any account. Under the Senate amendment this checkoff system would have been effective for tax returns filed for 1971 and, as a result, would have been in time to make the funds available for the 1972 presidential election. There are, of course, ceilings on the funds which can be made available in this manner for candidates for President. For major parties the limit is 15 cents per person over age 18 or given the present population, $20.4 million. Minor parties receive the same proportion of this $20.4 million which their vote is of the average major party vote.

I want to make it clear at the outset that I believe that this check-off system for the financing of presidential elections is an eminently reasonable and fair procedure. In a democratic system it is only appropriate that there be equality of financing for the major political parties. The issues should be fought out with words and ideas and not with dollars.

Moreover, there should not be the slightest hint or inference that Presidential actions, after a campaign, have been influenced by campaign contributions of private persons. The checkoff system of financing presidential elections, although it may have some shortcomings, would achieve this result.

After enacting campaign financing in 1966, I understand the then President Johnson, appointed an informal three-man committee to explore every possible alternative way of financing a presidential campaign. Two of the three-man committee, after spending 3 or 4 months exploring all of the possible alternatives, concluded that the checkoff system, while it might not be perfect, was the best available method of financing the campaigns of presidential candidates. The third member of the committee, while not approving of the checkoff system, was unable to come up with a satisfactory alternative. I understand this report is now reposing somewhere in the LBJ Library in Austin.

I think we should give the checkoff system a chance to operate—a chance to see it in operation during a presidential campaign. We will not find the difficulties with it or improvements needed until we do that.

Frankly, I would favor making the checkoff system of financing presidential elections effective for the 1971 tax returns so that the funds could be used for the financing of the 1972 election. However, the administration has made it perfectly clear that it is opposed to the checkoff procedure and is willing to jetison the entire tax bill if it cannot have its way on this matter.

I concluded that with this attitude on the part of the administration there would not, in any event, be a checkoff system in operation for 1971 returns. Moreover, I believe that this tax bill is essential to a healthy American economy and I believe that this commands the highest priority in decisionmaking. I should also say that I recognize that the checkoff system had become a partisan matter insofar as the 1972 election is concerned. That would have represented an unfortunate climate for the adoption of a provision making a fundamental change of this type. In view of all of these factors, I and the majority of the House conferees, concluded that the best solution was to postpone the effective date of the public financing provision so that it becomes operative after the 1972 presidential campaign.

In the checkoff system we have made provision for a quick court review of any issues raised with respect to the system so that it will not interfere with the public financing of the presidential campaign after this next one. In addition, before the funds which taxpayers have asked be set aside in the presidential election campaign fund under the checkoff system may be made available, it will be necessary for the Congress to act through the regular appropriation process. I regret the necessity of the postponement involved in making this provision effective, but in view of all of the hard facts that we face, we had no justifiable alternative.

We must give priority to the economic needs of the country which requires the prompt action on this conference report.

I ask that action on the part of the House.

I include at this point the summary of the significant changes included in the conference agreement as well as a series of tables setting forth the revenue effects of the bill as agreed to by the conferees:

SUMMARY OF SIGNIFICANT ADDITIONAL CHANGES INCLUDED IN CONFERENCE AGREEMENT

A summary of the more significant provisions as agreed to by the conferees is presented below.

(1) Taxpayers are to be permitted, in making financial reports to (or under the jurisdiction of) Federal agencies, to account for the investment credit either as a tax reduction in the year in which the credit arises or ratably over the life of the asset which generates the credit. This will permit taxpayers who so desire to account for the credit in a manner which has a favorable effect on net income and, thus, a significant stimulative effect on the economy. The method of accounting for the investment credit selected by a taxpayer under this provision must be consistently followed by him in all his financial reports. The House bill did not contain a provision of this nature.

(2) Since taxpayers who ordered (or commenced construction of) investment credit property after March 31, 1971, in reliance on Secretary Connally's statements could not have known that foreign property would not be eligible for the investment credit until the President's announcement in August, it is provided that the foreign property limitation is not to be applicable to property otherwise eligible for the credit which was ordered before (or the construction of which began after March 31, 1971, and before) August 16, 1971. Accordingly, this property will not be denied the credit under the foreign property limitation. The House bill would not have allowed a credit in these cases.

(3) As a further means of aiding the achievement of more equitable international trading conditions and the restoration of the U.S. balance-of-trade position, the President is given authority to continue the exclusion from the investment credit for foreign produced property after the termination of the temporary additional import duty. He may exercise this authority with respect to an article (or class of articles) manufactured in a foreign country if he determines that the country maintains burdensome non-tariff trade restrictions against U.S. exports or engages in discriminatory actions or policies which unjustifiably restrict U.S. exports. The House bill did not provide for the continuation of the exclusion past the termination of the additional import duty.

(4) To prevent the allowance of the credit for livestock (other than horses) from creating an artificial tax shelter, it is provided that the cost of acquired livestock taken into account for purposes of the credit is to be reduced by the amount realized on the sale or other disposition (other than an involuntary conversion or disposition subject to the recapture rules) of substantially identical livestock within the period of 6 months before or 6 months after the acquisition. The House bill did not contain a provision of this nature.

(5) To resolve the difficulties which arose under prior law in determining the type of property which qualified for the credit as a "storage facility," it is provided that this provision applies only to the facilities for the bulk storage of fungible commodities, including commodities in a liquid or gaseous state. In addition, congressional intent regarding the allowance of the credit for railroad track is clarified. It is provided that a railroad which uses the retirement-replacement method of accounting for depreciation for railroad track may claim the credit for replacement track generally where the replacement is made pursuant to a systematic program, mechanical detection, physical observation or as a result of a casualty. The House bill did not contain provisions dealing with these matters.

(6) The investment credit is to be available, as under prior law, for up to $50,000 of used property placed in service during a year. Under the House bill, the limit was $65,000, but was reduced by any new property placed in service by the taxpayer during the year which would have significantly limited the availability of the credit to many small business taxpayers who use both new and used property in their businesses.

(7) To prevent the credit from resulting in improper discrimination between regulated companies and unregulated businesses which install their own communications equipment, the 4-percent credit generally available to regulated utilities is also to be applicable (instead of the 7-percent credit) with respect to communication property acquired by an unregulated business, if the property is of the type used by regulated companies in providing telephone or microwave communications services and is used predominantly for communication purposes. The House bill would have allowed a 7-percent credit with respect to this property.

(8) At the time of the termination of the investment credit in 1969, it was provided, in general, that not more than 20 percent of a taxpayer's aggregate carryovers and carrybacks of unused investment credits to a taxable year could be claimed in that year. This was designed to prevent the delay in the impact of the repeal which could have occurred from the use of carryovers which would have been allowed by the absence of currently generated credits. Since the restoration of the investment credit as of August 16, 1971, will result in currently generated credits from that date on, the 20-percent limitation is made inapplicable to carryovers and carrybacks to that portion of a taxable year ending in 1971 which occurs on or after that date as well as for carryovers to future years. The House bill removed the 20-percent limitation in the case of carryovers and carrybacks to future years (i.e., taxable years ending after 1971).

(9) New tax withholding provisions which reflect the changes in the personal exemption and the standard deduction made by the bill, as well as minimize the underwithholding which exists under present law, are to take effect in one stage with respect to wages paid after January 15, 1972. This will correct the present underwithholding as soon as possible and thus avoid an additional year of large final tax payments. Under the House bill the new withholding provisions took effect in two stages. The first stage would have applied to wages paid after November 14, 1971, and the second stage to wages paid after 1972.

(10) The conference agreement substantially liberalizes the very limited deduction allowed under present law for child care expenses to provide more adequate recognition in the tax laws of expenses which taxpayers must incur for child care services and household help to enable them to be gainfully employed and to encourage the providing of employment opportunities for domestic help. Under the conference agreement, an itemized deduction is to be allowed for household service expenses and dependent care expenses incurred to enable the taxpayer to be gainfully employed in situations where the taxpayer's household includes a dependent child under age 15, a disabled dependent or a disabled spouse. The deduction is to be allowed for up to $400 a month of expenses for services of these types which are provided in the home. In addition, in the case of expenses for child care outside the home, up to $200 a month of the $400 amount may be for

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the care of one child, up to $300 a month for the care of two children, and up to the full $400 for the care of three or more children. The deduction is to be available only for household or child care services which are necessary to enable the taxpayer to be gainfully employed and, thus, is not to be available for amounts paid to an individual who is predominantly employed, for example, as a gardener, bartender, or chauffeur.

The deduction under this provision is to be available to single taxpayers who are employed on a substantially full time basis whose annual adjusted gross income is not above $18,000. It is also to be available to married taxpayers who file a joint return if both spouses are employed on a substantially full time basis and their combined annual adjusted gross income is not above $18,000. For single persons or married couples whose income is above $18,000, the otherwise available deduction under this provision is to be reduced by 50 cents for each dollar of income above $18,000. A reduction in the amount of expenses otherwise eligible for deduction with respect to a disabled dependent or spouse is provided for adjusted gross income or nontaxable disability payments in excess of $750 received by the dependent or in the case of a spouse for the amount of nontaxable disability payments received by the spouse. The reduction applies, however, only to those expenses which relate solely to the disability of the dependent or spouse and not to general household service expenses allocable to the dependent or spouse. The House bill did not contain a provision of this nature.

(11) A taxpayer who is a dependent, generally a child, of another taxpayer is not to be allowed to claim the standard deduction (either the minimum standard deduction or the percentage standard deduction) with respect to his unearned income, such as dividends or interest. He may, however, claim the personal exemption against this type of income. This will prevent the abuse of allowing two standard deductions (one to the parent and one to the child) for unearned income of the same family unit, but, on the other hand, will avoid practical administrative problems by not requiring a return to be filed by a child with only a few dollars of unearned income. The House bill would have disallowed both the personal exemption and the standard deduction, but only with respect to income from certain types of trusts.

(12) Under present law, excess investment interest is subject to the minimum tax on tax preferences (before 1972) and to a limitation on its deductibility (for 1972 and later years). Interest with respect to property which is not leased is considered investment interest. For this purpose property is considered net leased if the trade or business deductions with respect to it are less than 15 percent of the rental income from the property. To provide taxpayers with a means of avoiding administrative allocation problems which arise in applying the 15-percent rule in situations where the taxpayer has leased a parcel of real property under a number of leases, taxpayers are to be allowed to aggregate all their leases on a single parcel of real property and treat them as a single lease in determining whether in the aggregate the property is net leased under the 15-percent rule. In addition, to make the treatment of excess investment interest more equitable in situations where an actual out-of-pocket loss is incurred on leased property, it is provided that the amount of excess investment interest (subject to the minimum tax or to disallowance) is to be reduced by the amount of the taxpayer's out-of-pocket losses with respect to the leased property (i.e., the excess of the taxpayers' deductions for business or investment expenses, interest, and property taxes with respect to the property over the rental income from the property). The House bill did not contain provisions of this nature.

(13) No deduction is to be allowed for bribes, kickbacks or other payments which are illegal under a U.S. law or a generally enforced State law if the law involves a criminal penalty or a loss of license to engage in business. Under present law, a deduction may be denied for these illegal payments only if there is an actual conviction, which unduly restricts the application of the denial provision. The Internal Revenue Service is to have the same burden of proof as to whether a payment is illegal as it does in cases involving fraud under the tax laws. In addition, a deduction is not to be allowed for kickbacks, bribes or referral fees made with respect to medical services covered under the Medicare or Medicaid programs. The House bill did not contain a provision of this nature.

(14) To prevent the avoidance of U.S. income tax on the appreciation element of property which is distributed as a dividend by a domestic corporation to a foreign corporate shareholder, it is provided that the amount of the dividend is to be the fair market value of the property distributed (unless the amount is effectively connected with a U.S. business of the shareholder). Under prior law, the amount of the dividend in this case was only the adjusted basis of the property to the distributing corporation and, thus, the appreciation element could escape U.S. taxation. The House bill did not contain a provision of this nature.

(15) To increase the availability of financing for ships and aircraft used in international commerce and, thus, to allow the desired stimulative effect of the investment credit in this sector to be achieved, rules are provided to deal with the situation where the financing is accomplished under a lease arrangement between the lender, such as a financial institution, which purchases the ship or aircraft and the air carrier or ship operator. These rules allow the lessor to engage in a transaction of this type without it causing a loss of its otherwise available foreign tax credits (which could occur since typically the lease produces a tax loss in the early years that under present law is considered a foreign source loss that reduces the foreign tax credit limitation). Generally, the conference agreement provides that a taxpayer leasing a domestically produced aircraft or vessel may elect to treat all income (or losses) with respect to the aircraft or vessel (whether arising under the lease or otherwise) as U.S. source income (or loss). The loss then will not affect its foreign tax credits. The House bill did not contain a provision of this nature.

(16) Under present law, although interest on industrial development bonds generally is subject to tax, an exemption from this rule is provided for certain small issues of industrial development bonds. Generally, the exemption applies to bond issues of up to $5 million with respect to a facility if the total cost of the facility is not over $5 million. The cost of a facility for this purpose is measured by the capital expenditures made with respect to it during the 3 years before and the 3 years after the bonds are issued. Present law contains a safe-haven rule which allows the $5 million limit on the size of the facility to be exceeded by up to $250,000 in situations where expenditures which could not have been reasonably foreseen at the time of the bond issue are incurred for the facility. To increase the workability of this provision, the conference agreement increases the limit on the safe-haven rule to $1 million so that up to this amount of unforeseen expenditures may be incurred for a facility without causing a loss of the tax-exempt status of the bonds relating to the facility. The conference agreement also clarifies the fact that unforeseen expenditures include those caused by things such as erroneous cost estimates, increases in cost due to inflation, strikes, delays or minor architectural modifications (but not expansions). The conference agreement also eliminates the unintended requirement of present law under which a facility for the furnishing of water may not serve more than a local area (i.e., not more than 2 contiguous counties) if the interest on the bonds issued with respect to the facility is to be tax exempt. The House bill did not contain a provision of this nature.

(17) To assure that tax return information provided to a tax return preparer is treated in a confidential manner, a criminal penalty (a fine of up to $1,000 or not more than a year imprisonment, or both) is provided in the case where a person engaged in the business of, or in providing services connected with, preparing tax returns (or who does so for compensation) either discloses the information furnished to him in connection with the return or uses the information for any other purposes. It is provided, however, that the information may be used in the preparation of State tax returns or declarations of estimated tax of the person to whom the information relates and also as the result of an order of a court. In addition the provision is not to apply to a disclosure or the use of information which is permitted by regulation prescribed by the Treasury Department. Presumably, where appropriate the Treasury Department will permit the use of the information within the business organization of the preparer of the return if the taxpayers has indicated in writing that he desires the information to be used by the organization for some purpose specifically benefitting the taxpayer. The taxpayer could, for example, if the Treasury regulations approve, authorize the use of the information in determining his qualifications for a loan from the same organization which prepared the return. In no event, however is it contemplated that the regulations would permit the use of the information outside of the organization of the preparer of the return.

(18) To provide Congress with a more accurate picture of the operation of the tax laws and their indirect effect, the Treasury Department is to annually submit estimates of indirect expenditures made through the operation of the Federal tax laws to the House Ways and Means Committee, the Senate Finance Committee, and the Joint Committee on Internal Revenue Taxation. Initially, these reports will be modeled on similar reports made by the Treasury in 1968 and 1970. Since the Treasury Department has indicated its willingness to submit information of this type to the tax committees, this provision has been included by the conferees in the Joint Explanatory Statement rather than in the conference report. The House bill did not contain a provision of this nature.

(19) To provide parity of treatment between trailers which are used in connection with passenger automobiles and trailers which are used in connection with light-duty trucks, the 10-percent truck excise tax is made inapplicable to light-duty trucks. The House bill eliminated the auto excise tax on small auto-towed trailers suitable for use with passenger automobiles but would have retained the truck tax on light-duty truck trailers.

(20) To prevent imported vehicles from being treated more favorably than domestic automobiles and trucks, the 10-cents-a-pound manufacturers' excise tax on vehicle tires and tubes which under existing law continues to be applicable to original tires on domestic vehicles is also made applicable under the conference agreement to original tires and tubes on imported vehicles. The House bill did not contain a provision of this nature.

(21) Tax deferral is to be available for 50 percent of the export related profits of a domestic international sales corporation (DISC). This eliminates the inequities and complexity which would have arisen under the incremental approach of the House bill which provided tax deferral for that portion of a DISC's profits attributable to the exports of the DISC and its corporate group in excess of 75 percent of the group's average exports in the period 1968–1970.

(22) To provide assurance that tax-deferred DISC profits which are loaned to a related U.S. manufacturing company producing for export are not used for foreign manufacturing facilities, it is provided that the tax deferral will terminate if these profits are considered invested in foreign plant or equipment. The amount considered invested in this manner generally is the net increase in foreign assets of members of the DISC's corporate group but not more than the smaller of the actual amount transferred abroad by the domestic members of the group or the outstanding amount of the DISC's loans of tax deferred profits to the domestic members. In determining the extent to which tax-deferred DISC profits are invested by the group in foreign assets, foreign assets are to be considered acquired first from specified types of foreign funds obtained by the group after 1971 as well as transitional amounts of funds obtained prior to 1972. The House bill did not contain a limitation of this nature.

(23) The benefits of the export trade corporation provisions of present law are to continue to be available in the case of any corporation which qualified as an export trade corporation for a year beginning before November 1, 1971, and which continues to qualify after that time. The House bill would have repealed the export trade corporation provisions for years after 1975.

(24) To provide an incentive to private employers to hire individuals who would otherwise be on welfare, employers are provided an income tax credit for hiring individuals under a work incentive (WIN) program established under the Social Security Act. The credit is to be an amount equal to 20 percent of the cash wages paid to the individual during the first 12 months of his employment. If the employer does not retain the individual for a total of 24 months, then the credit is to be recaptured. There is not to be a recapture, however, if the employee becomes disabled, leaves work voluntarily, or is terminated due to his misconduct as determined under the relevant State unemployment compensation law. The House bill did not contain a provision of this nature.

(25) The conference agreement provides for the allowance of an income tax deduction, or alternatively, a tax credit for small political contributions. It also provides a system of public financing for the general election campaigns of presidential and vice-presidential candidates. Under the conference agreement an individual is to be allowed an income tax credit for one-half of his political contributions during the year up to a maximum credit of $12.50 (or $25 in the case of a joint return of a husband and wife). Alternatively, the taxpayer is to be allowed an itemized deduction for political contributions made by him during the taxable year up to a maximum amount of $50 (or $100 in the case of a joint return). This credit or deduction is to be available for political contributions made to candidates for nomination or election to Federal, State or local office in a primary, general, or special election. In addition, contributions may be made to a political committee. The credit or deduction is to be available only for contributions made after 1971. Public financing is provided under the conference agreement for presidential and vice-presidential general election campaigns by the so-called check-off system starting with income tax returns for the calendar year 1972. Under this system an individual can designate that $1 of his tax liability (and in the case of a joint return with a taxable liability of $2 or more, each spouse may designate that $1 of the liability) is to be set aside in the Presidential Election Campaign Fund in a special account for the candidates of the party of his choice or in a general nonpartisan fund. If the taxpayer makes no designation, nothing is to be set aside. The amounts checked off and designated into the accounts in the fund are to be available to presidential and vice-presidential candidates who elect public financing beginning with the 1976 general presidential election campaign. These amounts may be paid to the candidates, however, only after they have been so appropriated by Congress through the normal appropriation process. The presidential and vice-presidential candidates of each major party would be entitled to a maximum amount of public financing equal to 15 cents multiplied by the number of U.S. residents age 18 or more as of the first day of June in the year preceding the presidential election.

A major party is one which received 25 percent or more of the total popular votes cast for president in the preceding election. A minor party (one that received more than 5 percent and less than 25 percent of the popular vote in the preceding election) would be entitled to a maximum amount of public financing equal to that percentage of a major party's entitlement which the minor party's vote in the preceding election is of the average vote of the two major parties in that election. Provision is also made for new parties which obtain more than 5 percent of the popular vote in a presidential election to share in public financing after the election. Payments to candidates of a major or minor political party which elect public financing are to be made out of the special account designated for that party. If on the 60th day before the election the amount in any account is less than the entitlement of the party, it is provided that there is to be transferred to the separate account up to 80 percent of the amount in the general account. The amounts transferred are to be based on the entitlements of the major and minor parties at that time. No amount is to be transferred to a special account to the extent it would bring that account above the entitlement of the party to which it relates. Provision is also made for the transfer of any amounts remaining in the general account 30 days after the election to make up deficiencies in the separate accounts.

A major party which elects public financing cannot spend on the general campaign more than its entitlement and may accept contributions for the general campaign only to the extent of any deficiencies in its account. A minor party or a new party which accepts public financing cannot spend more on the general campaign than the entitlement of a major party and may retain private contributions only to the extent its allowable amount of campaign expenses is not covered by public financing. Public financing funds may be used only for campaign expenditures incurred by the electing candidates or their authorized committees with respect to the campaign period beginning on the first of September (or in the case of a major party, the date on which it nominates its candidate for President if earlier), and ending 30 days after the presidential election. Reports on amounts candidates spend, and propose to spend, are to be made throughout the campaign to the Comptroller General who is to certify the amounts payable out of the accounts to the eligible candidates. Provision is also made to allow the Comptroller General (who may use his own legal counsel) as well as individuals, organizations, and political parties to obtain expeditious judicial review of, or with respect to, the public financing provisions. Generally, it is provided that actions under these provisions are to be brought before a three-judge district court and are to be expeditiously tried. Appeals from decisions of that court are to go directly to the Supreme Court. The House bill did not contain provisions of this nature.

TABLE 1.—ESTIMATED EFFECT OF THE REVENUE ACT OF 1971, AS APPROVED BY THE CONFERENCE ON CALENDAR YEAR TAX LIABILITY 1971–73, FISCAL YEAR TAX RECEIPTS 1972–74 [1]

[In millions of dollars]

Provision	Calendar year tax liability			Fiscal year tax receipts		
	1971	1972	1973	1972	1973	1974
Liberalizing exemption and standard deduction provisions of the individual income tax:						
Eliminating phaseout from 1971 minimum standard deduction and increasing exemption from $650 to $675	−1,370			−1,370		
Advancing 1973's 15 percent standard deduction and $750 exemption to 1972		−2,190		−855	−1,335	
Increasing the minimum standard deduction to $1,300 for 1972 and thereafter		−1,040	−1,090	−405	−1,105	−1,110
Denying the standard deduction (both minimum and percentage) to the unearned income of taxpayers who are dependent children of other taxpayers		+70	+75	+5	+70	+75
Providing household-help, and liberalizing child care, deduction		−145	−150	−15	−145	−105
Providing a tax credit for political contributions		−100	−25	−10	−90	−30
Collecting individual income tax withholding				+725	−75	
Providing tax credit to employers of public assistance recipients under the work incentive program (WIN)		−25	−30	−10	−25	−3
Reinstating investment credit:						
As passed by the House	−1,500	−3,600	−3,900	−2,420	−3,590	−3,960
Reducing the limitation on used property to $50,000	+5	+10	+10	+5	+10	+10
Allowing credit for $50,000 of used property without reducing it for purchases of new property	−15	−20	−20	−15	−20	−20
Eliminating 3½-year convention from the asset depreciation range (ADR) system	+2,100	+1,700	+1,500	+2,470	+1,660	+1,470
Repealing automobile excise tax	−800	−2,200	−1,900	−2,200	−2,000	−1,800
Allowing credit for State tax on coin operated gaming devices		−10	−10		−10	−10
Imposing excise tax (10¢ per lb.) on tires of imported automobiles	Neg.	+25	+25	+10	+25	+25
Repealing truck (10,000 G.V.W. lbs. or less) and local transit bus excise tax	−100	−365	−365	−280	−365	−365
Providing tax deferral for domestic international sales corporations (DISC)		−100	−170	Neg.	−100	−170
Total	−1,680	−7,990	−6,050	−4,365	6,945	−6,115

[1] Estimates for all provisions in this table reflect growth except for the provisions relating to excise taxes.

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TABLE 2.—ESTIMATED EFFECT OF THE REVENUE ACT OF 1971 AS APPROVED BY THE CONFERENCE BY TYPE OF TAXPAYER, CALENDAR YEAR TAX LIABILITY 1971–73, FISCAL YEAR TAX RECEIPTS 1972–74 [1]

[In millions of dollars]

Provision	Calendar year tax liability			Fiscal year tax receipts		
	1971	1972	1973	1972	1973	1974
Liberalizing exemption and standard deduction provisions of the individual income tax:						
Eliminating phaseout from 1971 minimum standard deduction and increasing exemption from $650 to $675	−1,370			−1,370		
Advancing 1973's 15-percent standard deduction and $750 exemption to 1972		−2,190		−855	−1,335	
Increasing the minimum standard deduction to $1,300 for 1972 and thereafter		−1,040	−1,090	−405	−1,105	−1,110
Denying the standard deduction (both minimum and percentage) to the unearned income of taxpayers who are dependent children of other taxpayers		+70	+75	+5	+70	+75
Providing household-help, and liberalizing child-care deduction		−145	−150	−15	−145	−150
Providing a tax credit for political contributions		−100	−25	−10	−90	−30
Correcting individual income tax withholding				+725	+75	
Individual, nonbusiness	−1,370	−3,405	−1,190	−1,925	−2,530	−1,215
Providing tax credit to employers of public assistance recipients under the Work Incentive Program (WIN): Corporate		−25	−30	−10	−25	−30
Reinstating investment credit:						
Individual, business	−305	−725	−785	−375	−735	−785
Corporate	−1,205	−2,885	−3,125	−2,055	−2,865	−3,185
Corporate and individual, business	−1,510	−3,610	−3,910	−2,430	−3,600	−3,970
Eliminating ¾ year convention from the asset depreciation range system:						
Individual, business	+420	+340	+300	+450	+340	+290
Corporate	+1,680	+1,360	+1,200	+2,020	+1,320	+1,130
Corporate and individual, business	+2,100	+1,700	+1,500	+2,470	+1,660	+1,420
Repealing automobile excise tax: [2]						
Individual, business	−120	−330	−280	−330	−300	−270
Individual, nonbusiness	−600	−1,650	−1,430	−1,650	−1,500	−1,350
Individual, business and nonbusiness	−720	−1,980	−1,710	−1,980	−1,800	−1,620
Corporate	−80	−220	−190	−220	200	−180
Corporate and individual	−800	−2,200	−1,900	−2,200	−2,000	−1,800
Allowing credit for State tax on coin operated gaming devices: Corporate		−10	−10		−10	−10
Imposing excise tax (10¢ per lb.) on tires of imported automobiles: [2] Individual, nonbusiness	Neg.	+25	+25	+10	+25	+25
Repealing truck (10,000 G.V.W. lbs. less) excise tax: [2]						
Individual business	−40	−165	−165	−120	−165	−165
Individual, nonbusiness	−50	−160	−160	−130	−160	−160
Individual, business and nonbusiness	−90	−325	−325	−250	−325	−325
Corporate	−10	−40	−40	−30	−40	−40
Corporate and individual	−100	−365	−365	−280	−365	−365
Providing tax deferral for domestic international sales corporations (DISC): Corporate		−100	−170	Neg.	−100	−170
Total:						
Individual, nonbusiness	−2,020	−5,190	−2,755	−3,695	−4,165	−2,700
Individual, business	−45	−880	−930	−375	−860	−930
Individual, business and nonbusiness	−2,065	−6,070	−3,685	−4,070	−5,025	−3,630
Corporate	+345	−1,920	−2,365	−295	−1,920	−2,485
Corporate and individual business	+340	−2,800	−3,295	−670	−2,780	−3,415
Grand total, corporate and individual	−1,680	−7,990	−6,050	−4,365	−6,945	−6,115

[1] Estimates for all provisions in this table reflect growth except for the provisions relating to excise taxes.

[2] Assumes that the tax changes under these provisions are passed on to the purchasers of the automobiles and trucks.

TABLE 3.—ESTIMATED INCREASE (+) OR DECREASE (−) IN INDIVIDUAL INCOME TAX LIABILITY [1] UNDER THE REVENUE ACT OF 1971 AS APPROVED BY THE CONFERENCE, CALENDAR YEARS 1971–73, BY ADJUSTED GROSS INCOME CLASS

[In millions of dollars]

Adjusted gross income class (thousands)	Liberalization of exemption and/or standard deduction provisions (1971 income levels)			Reinstatement of the investment credit [2] (current income levels)			Elimination of ¾ year convention from the Asset Depreciation Range (ADR) System [3] (current income levels)			Denial of the standard deduction to the unearned income of taxpayers who are dependent children of other taxpayers (current income levels)			Provision of a household-help, and liberalization of the child-care, deduction (current income levels)			Provision of a tax credit or a deduction for political contributions			Total		
	1971 [3]	1972 [4]	1973 and thereafter [5]	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
$0 to $3	−56	−225	−180	−3	−6	−7	+4	+3	+3		+48	+52		−1	−1		(6)	(6)	−55	−181	−133
$3 to $5	−227	−487	−358	−16	−37	−40	+22	+18	+16		+19	+20		−3	−3		−1	(6)	−221	−491	−365
$5 to $7	−310	−526	−339	−27	−66	−71	+38	+31	+27		+3	+3		−8	−8		−2	−1	−299	−568	−389
$7 to $10	−223	−608	−115	−41	−96	−104	+56	+45	+40		(6)	(6)		−32	−34		−7	−2	−208	−698	−215
$10 to $15	−276	−689		−51	−122	−132	+70	+57	+50		(6)	(6)		−37	−39		−21	−6	−257	−812	−127
$15 to $20	−135	−267		−32	−76	−82	+44	+36	+31		(6)	(6)		−40	−42		−17	−4	−123	−364	−97
$20 to $50	−116	−231		−73	−173	−187	+100	+81	+72		(6)	(6)		−24	−25		−36	−9	−89	−383	−149
$50 to $100	−20	−39		−33	−78	−85	+45	+36	+32		(6)	(6)					−11	−3	−8	−92	−56
$100 and over	−5	−11		−29	−71	−77	+41	+33	+29		(6)	(6)					−4	−1	+7	−53	−49
Total	−1,368	−3,083	−992	−305	−725	−785	+420	+340	+300		+70	+75		−145	−152		−99	−26	−1,253	−3,642	−1,580

[1] Exclusive of the impact of the excise tax on automobiles and small trucks on the individual income tax liability of sole proprietors and partners.

[2] Change in tax liability of sole proprietors and partners.

[3] Elimination of the phaseout from the 1971 minimum standard deduction and increasing the exemption from $650 to $675.

[4] Advancement of 1973's 15 percent standard deduction and $750 exemption to 1972 and increase in the minimum standard deduction from $1,000 to $1,300.

[5] Increase in the minimum standard deduction from $1,000 to $1,300.

[6] Less than $500,000.

TABLE 4.—INDIVIDUAL INCOME TAX LIABILITY UNDER PRESENT LAW AND DECREASE (−) OR INCREASE (+) UNDER THE REVENUE ACT OF 1971 AS APPROVED BY THE CONFERENCE, CALENDAR YEARS 1971–73—BY ADJUSTED GROSS INCOME CLASS

[Dollar amounts in millions]

Adjusted gross income class (thousands)	1971			1972			1973 and thereafter		
	Tax under present law	Tax change under bill		Tax under present law	Tax change under bill		Tax under present law	Tax change under bill	
		Amount [1]	Percent		Amount [2]	Percent		Amount [3]	Percent
$0 to $3	$531	−$55	−10.4	$490	−$181	−36.9	$445	−$133	−29.9
$3 to $5	2,715	−221	−8.1	2,482	−491	−19.8	2,352	−365	−15.5
$5 to $7	4,905	−299	−6.1	4,550	−568	−12.5	4,364	−389	−8.9
$7 to $10	11,222	−208	−1.9	10,721	−698	−6.5	10,228	−215	−2.1
$10 to $15	20,754	−257	−1.2	19,891	−812	−4.1	19,202	−127	−.7
$15 to $20	14,630	−123	−.8	14,158	−364	−2.6	13,891	−97	−.7
$20 to $50	18,912	−89	−.5	18,608	−383	−2.1	18,377	−149	−.8
$50 to $100	7,323	−8	−.1	7,257	−92	−1.3	7,217	−56	−.8
$100 and over	7,696	+7	+.1	7,669	−53	−.7	7,658	−49	−.6
Total	88,687	−1,253	−1.4	85,826	−3,642	−4.2	83,735	−1,580	−1.9

[1] Col. 20, table 3.

[2] Col. 21, table 3.

[3] Col. 22, table 3.

TABLE 5.—FEDERAL INDIVIDUAL INCOME TAX BURDEN [1] UNDER PRESENT LAW AND UNDER THE REVENUE ACT OF 1971 AS APPROVED BY THE CONFERENCE, TAX LIABILITY, CALENDAR YEARS 1971, 1972, AND 1973 AND THEREAFTER

[Assuming deductible personal expenses of 10 percent of income]

Adjusted gross income (wages and salaries)	1971				1972				1973 and thereafter			
	Present law tax	Bill [2]			Present law tax	Bill [3]			Present law tax	Bill [4]		
		Tax	Tax decrease			Tax	Tax decrease			Tax	Tax decrease	
			Amount	Percent			Amount	Percent			Amount	Percent
Single person:												
$1,700 [5]	0	0	0		0	0	0		0	0	0	
$1,725 [6]	$4	0	$4	100.0	$4	0	$4	100.0	0	0	0	
$1,750 [7]	7	$4	3	42.9	7	0	7	100.0	0	0	0	
$2,050 [8]	52	46	6	11.5	49	0	49	100.0	$42	0	$42	100.0
$3,000	207	189	18	8.7	193	$138	55	28.5	185	$138	47	25.4
$3,500	296	272	24	8.1	276	217	59	21.4	268	217	51	19.0
$4,000	396	362	34	8.6	367	302	65	17.7	358	302	56	15.6
$5,000	599	552	47	7.8	557	491	66	11.8	548	491	57	10.4
$7,500	1,084	1,063	21	1.9	1,058	995	63	6.0	1,031	995	36	3.5
$10,000	1,603	1,596	7	.4	1,566	1,530	36	2.3	1,530	1,530	0	
$12,500	2,185	2,178	7	.3	2,104	2,059	45	2.1	2,059	2,059	0	
$15,000	2,877	2,869	8	.3	2,717	2,703	14	.5	2,703	2,703	0	
$17,500	3,551	3,543	8	.2	3,458	3,443	15	.4	3,443	3,443	0	
$20,000	4,289	4,281	8	.2	4,272	4,255	17	.4	4,255	4,255	0	
$25,000	5,933	5,924	9	.2	5,914	5,895	19	.3	5,895	5,895	0	
Married couple with no dependents:												
$2,350 [9]	0	0	0		0	0	0		0	0	0	
$2,400 [9 10]	7	0	7	100.0	0	0	0		0	0	0	
$2,500 [7]	22	14	8	36.4	14	0	14	100.0	0	0	0	
$2,800 [8]	67	56	11	16.4	56	0	56	100.0	42	0	42	100.0
$3,000	79	84	13	13.4	84	28	56	66.7	70	28	42	60.0
$3,500	174	155	19	10.9	155	98	57	36.8	140	98	42	30.0
$4,000	254	230	24	9.4	230	170	60	26.1	215	170	45	20.9
$5,000	422	386	36	8.5	386	322	64	16.6	370	322	48	13.0
$7,500	835	829	24	2.8	820	753	67	8.2	786	753	33	4.2
$10,000	1,266	1,257	9	.7	1,228	1,190	38	3.1	1,190	1,190	0	
$12,500	1,754	1,743	11	.6	1,677	1,628	49	2.9	1,628	1,628	0	
$15,000	2,310	2,298	12	.5	2,172	2,150	22	1.0	2,150	2,150	0	
$17,500	2,873	2,860	13	.5	2,785	2,760	25	.9	2,760	2,760	0	
$20,000	3,456	3,442	14	.4	3,428	3,400	28	.8	3,400	3,400	0	
$25,000	4,764	4,748	16	.3	4,732	4,700	32	.7	4,700	4,700	0	
Married couple with 2 dependents:												
$3,650 [9]	0	0	0		0	0	0		0	0	0	
$3,750 [9]	15	0	15	100.0	0	0	0		0	0	0	
$3,800 [10]	22	7	15	68.2	0	0	0		0	0	0	
$4,000 [7]	52	35	17	32.7	28	0	28	100.0	0	0	0	
$4,300 [8]	97	77	20	20.6	70	0	70	100.0	42	0	42	100.0
$5,000	206	178	28	13.6	170	98	72	42.4	140	98	42	30.0
$7,500	607	578	29	4.8	561	484	77	13.7	514	484	30	5.8
$10,000	1,019	1,000	19	1.9	962	905	57	5.9	905	905	0	
$12,500	1,468	1,446	22	1.5	1,371	1,309	62	4.5	1,309	1,309	0	
$15,000	2,018	1,996	22	1.1	1,864	1,820	44	2.4	1,820	1,820	0	
$17,500	2,548	2,523	25	1.0	2,435	2,385	50	2.1	2,385	2,385	0	
$20,000	3,110	3,085	25	.8	3,060	3,010	50	1.6	3,010	3,010	0	
$25,000	4,352	4,324	28	.6	4,296	4,240	56	1.3	4,240	4,240	0	

[1] These burdens have been computed without use of the optional tax table.

[2] Eliminates the phaseout from the minimum standard deduction and increases the exemption from $650 to $675.

[3] Advances 1973's 15-percent standard deduction and $750 exemption to 1972 and increases the minimum standard deduction from $1,000 to $1,300.

[4] Increases the minimum standard deduction from $1,000 to $1,300.

[5] Highest level at which there is no tax in 1971 and 1972 under present law.

[6] Highest level at which there is no tax in 1971 under the House bill.

[7] Highest level at which there is no tax in 1973 under present law.

[8] Highest level at which there is no tax in 1972 and 1973 under the House bill.

[9] Highest level at which there is no tax in 1971 under present law.

[10] Highest level at which there is no tax in 1972 under present law.

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TABLE 6.—FEDERAL INDIVIDUAL INCOME TAX BURDEN [1] UNDER PRESENT LAW AND UNDER THE REVENUE ACT OF 1971 AS APPROVED BY THE CONFERENCE, TAX LIABILITY, CALENDAR YEARS 1971, 1972, AND 1973 AND THEREAFTER

[Assuming deductible personal expenses of 18 percent of income]

Adjusted gross income (wages and salaries)	1971				1972				1973 and thereafter			
		Bill [3]				Bill [4]				Bill [4]		
			Tax decrease				Tax decrease				Tax decrease	
	Present law tax	Tax	Amount	Percent	Present law tax	Tax	Amount	Percent	Present law tax	Tax	Amount	Percent
Single person:												
$1,700 [5]	0	0	0		0	0	0		0	0	0	
$1,725 [5]	$4	0	$4	100.0	$4	0	$4	100.0	0	0	0	
$1,750 [7]	7	$4	3	42.9	7	0	7	100.0	0	0	0	
$2,050 [6]	52	46	6	11.5	49	0	49	100.0	$42	0	$42	100.0
$3,000	207	189	18	8.7	193	$138	55	28.5	185	$138	47	25.4
$3,500	296	272	24	8.1	276	217	59	21.4	268	217	51	19.0
$4,000	396	362	34	8.6	367	302	65	17.7	358	302	56	15.6
$5,000	586	552	34	5.8	557	491	66	11.8	548	491	57	10.4
$7,500	1,005	1,000	5	.5	995	984	11	1.1	984	984	0	
$10,000	1,482	1,476	6	.4	1,470	1,458	12	.8	1,458	1,458	0	
$12,500	1,990	1,984	6	.3	1,978	1,965	13	.7	1,965	1,965	0	
$15,000	2,536	2,529	7	.3	2,522	2,509	13	.5	2,509	2,509	0	
$17,500	3,123	3,116	7	.2	3,109	3,094	15	.5	3,094	3,094	0	
$20,000	3,753	3,745	8	.2	3,737	3,722	15	.4	3,722	3,722	0	
$25,000	5,176	5,167	9	.2	5,158	5,140	18	.3	5,140	5,140	0	
Married couple with no dependents:												
$2,350 [5]	0	0	0		0	0	0		0	0	0	
$2,400 [5, 10]	7	0	7	100.0	0	0	0		0	0	0	
$2,500 [7]	22	14	8	36.4	14	0	14	100.0	0	0	0	
$2,800 [6]	67	56	11	16.4	56	0	56	100.0	42	0	42	100.0
$3,000	97	84	13	13.4	84	28	56	66.7	70	28	42	60.0
$3,500	174	155	19	10.9	155	98	57	36.8	140	98	42	30.0
$4,000	254	230	24	9.4	230	170	60	26.1	215	170	45	20.9
$5,000	418	386	32	7.7	386	322	64	16.6	370	322	48	13.0
$7,500	782	772	10	1.3	763	744	19	2.5	744	744	0	
$10,000	1,171	1,162	9	.8	1,152	1,133	19	1.6	1,133	1,133	0	
$12,500	1,589	1,578	11	.7	1,567	1,545	22	1.4	1,545	1,545	0	
$15,000	2,040	2,029	11	.5	2,018	1,996	22	1.1	1,996	1,996	0	
$17,500	2,523	2,510	13	.5	2,498	2,473	25	1.0	2,473	2,473	0	
$20,000	3,035	3,023	12	.4	3,010	2,985	25	.8	2,985	2,985	0	
$25,000	4,156	4,142	14	.3	4,128	4,100	28	.7	4,100	4,100	0	
Married couple with 2 dependents:												
$3,650 [5]	0	0	0		0	0	0		0	0	0	
$3,750 [5]	15	0	15	100.0	0	0	0		0	0	0	
$3,800 [10]	22	7	15	68.2	0	0	0		0	0	0	
$4,000 [7]	52	35	17	32.7	28	0	28	100.0	0	0	0	
$4,300 [6]	97	77	20	20.6	70	0	70	100.0	42	0	42	100.0
$5,000	206	178	28	13.6	170	98	72	42.4	140	98	42	30.0
$7,500	544	527	17	3.1	510	476	34	6.7	476	476	0	
$10,000	924	905	19	2.1	886	848	38	4.3	848	848	0	
$12,500	1,314	1,295	19	1.4	1,276	1,238	38	3.0	1,238	1,238	0	
$15,000	1,754	1,732	22	1.3	1,710	1,666	44	2.6	1,666	1,666	0	
$17,500	2,205	2,183	22	1.0	2,161	2,117	44	2.0	2,117	2,117	0	
$20,000	2,710	2,685	25	.9	2,660	2,610	50	1.9	2,610	2,610	0	
$25,000	3,792	3,764	28	.7	3,736	3,680	56	1.5	3,680	3,680	0	

[1] These burdens have been computed without use of the optional tax table.
[2] Eliminates the phaseout from the minimum standard deduction and increases the exemption from $650 to $675.
[3] Advances 1973's 15-percent standard deduction and $750 exemption to 1972 and increases the minimum standard deduction from $1,000 to $1,300.
[4] Increases the minimum standard deduction from $1,000 to $1,300.
[5] Highest level at which there is no tax in 1971 and 1972 under present law.
[6] Highest level at which there is no tax in 1971 under the House bill.
[7] Highest level at which there is no tax in 1973 under present law.
[8] Highest level at which there is no tax in 1972 and 1973 under the House bill.
[9] Highest level at which there is no tax in 1971 under present law.
[10] Highest level at which there is no tax in 1972 under present law.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Ohio.

Mr. VANIK. I wonder if the distinguished chairman could provide the House with the estimated Treasury loss resulting from the investment credit, the statutory establishment of the asset depreciation range, the changes in personal exemptions and the minimum deductions, the excise taxes, and DISC as developed through the conference just completed?

Mr. MILLS of Arkansas. Let me give you some figures for the calendar year 1972.

Title I, which is the investment credit, involves the loss of $3.6 billion, but after offsetting this far the savings through cutbacks in depreciation which the bill also contains, the loss from this title is reduced to $1.9 billion.

Title II, individuals, involves a loss of $3.4 billion.

We gain in title III on structural change—that is, the elimination of loopholes—some $70 million.

Title IV, excise taxes involves a revenue loss of $2.6 billion.

Title V, the DISC provision, in 1972 will cost about $100 million.

Title VI, the WIN credit—that is the work credit for employment of these people who were on welfare—will result in a loss of about $25 million.

The political contributions part, which is title VII, the one that makes provision for the deduction and credit, the Treasury estimates will result in a loss of revenue of $100 million. That covers contributions for campaign expenses for local officials, for State officials, as well as for those running for Federal office. The contributions can be for expenses in the general elections, special elections and primaries. These contributions may cover campaign excuses for the 1972 campaign, contrary to the general impression that has been created around the country.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman.

Mr. GIBBONS. Mr. Speaker, I notice you had estimates with regard to the figures for 1971.

Mr. MILLS of Arkansas. For the 1972 calendar year.

Mr. GIBBONS. Do you have any estimates for a 10-year projection on this thing and what it will cost us?

Mr. MILLS of Arkansas. No, I do not. I gave you the estimates of the cost for a 3-year period, calendar years 1971, 1972, and 1973. I do not have estimates as to the cost over a 10-year period.

Mr. GIBBONS. Let me ask you a question about the conference report. On page 42, in the next to the last paragraph down there it is discussing what we call certain expenditures to enable individuals to be gainfully employed. As I understand it, this was a provision Senator LONG pushed over in the Senate and it was one we had not discussed in the House. I wanted to get a little better concept of what you could do under this provision.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MILLS of Arkansas. I yield myself an additional minute.

Mr. GIBBONS. As I understand it, a couple with an average gross income of up to $18,000 is allowed under this to hire a maid or a babysitter or someone who is not predominantly—and that is what worries me—not predominantly a bartender or not predominantly a gardener or not predominantly a chauffeur. Does that mean you get a tax deduction for that?

Mr. MILLS of Arkansas. What we are trying to do is to say we are limiting this deduction for expenses which must occur in a household to a situation where a man and his wife are both working or one of them is unable to work because of disability or where there is only one adult. The deduction even then will be available only where there are minor children in the household or a disabled dependent or spouse. This both makes an allowance for the cost of child care in these situations and also represents an inducement to employ individuals who might not otherwise be employed except for this provision.

The Senate conferees advocated this very strongly.

What we are trying to do is not to pick up the salaries of people who would be employed in the house or as chauffeurs, for example, in any event but only those who are employed to enable the taxpayer and his spouse—if he has one—to be gainfully employed. In addition we are trying to create jobs that are not now being filled. These are the whole purposes of this provision.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. In the deductions for political campaign purposes of $100 million, does the gentleman know whether the Treasury estimated that $100 million in loss or credit or whatever it is called to cover administrative expenses? It seems to me the administrative expenses would be quite high.

Mr. MILLS of Arkansas. It is my understanding that ordinarily they do not include administrative costs incident to the enforcement of a provision in their revenue loss estimate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MILLS of Arkansas. I yield myself 1 additional minute.

Mr. HALL. Will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman.

Mr. HALL. Mr. Speaker, inasmuch as I have gone through the statement of the managers on the part of the House and noted the number of times that the other body receded and the House receded, is it a fair assumption that your statement was we receded only on the technical amendments of the other body or the unimportant amendments of the other body and that we came through on the major subjects because the tally is 33 to 18 in favor of the other body?

Mr. MILLS of Arkansas. We accepted many of their amendments but we accepted very few of their amendments representing any appreciable revenue loss. What we did was to reduce this $12.5 billion of additional loss to the Treasury involved in the Senate amendments to $300 million. So as a result of the conference report the loss over this 3-year period will be about $15.7 billion as compared to the loss of about $15.4 billion as contained in the House bill and as compared to about $27.9 billion under the Senate bill.

Mr. HALL. I appreciate the gentleman's statement. I have presumed that was true in view of the gentleman's original statement.

I wonder if the distinguished chairman of the Committee on Ways and Means would care to comment as to whether or not in your report you detail changes in the treatment of stock options or capital gains, and whether or not we allow incentives for executive personnel types to operate businesses after the entrepreneurs establish them, and in this respect provide more jobs.

Is there a worry on the part of the distinguished chairman in this respect?

Mr. MILLS of Arkansas. I do not have that concern primarily because in the 1969 act we provided a maximum tax rate of 50 percent for earned income for those who do not have tax preference incomes. However, I am greatly concerned about some aspects of the pension problem and I think action needs to be taken on this matter. I do not think we did much in the Tax Reform Act of 1969 with respect to stock options except provide alternative ways of paying young executives—such as in the form of cash bonuses which may be subject to the 50-percent limit.

We do, however, have this great problem of treating more fairly many who do not have adequate pensions or whose pension rights do not vest soon enough. I do not believe we have yet dealt adequately with differences in the treatment of executives and the self-employed.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement. Certainly, the abuses should be corrected as we discussed at the time we passed the 1969 revision.

However, I am concerned for the young executive type that did not live through the last depression but who has had the personnel and organizational techniques and the drive to continue to build businesses, or the ones who since World War II have provided the job opportunities without which we would be in a far greater jobless position than we are today.

We need to have some pension rights and incentives in business in order that they may be continually attracted to take up this cudgel.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from New York.

Mr. CAREY of New York. I note the "Ship American" amendment is in here that was in the House bill and was extended so that future trade would be encouraged not only with U.S. vessels but also with U.S. aircraft.

Mr. MILLS of Arkansas. Yes; the Senate extended the DISC 10 percent deferral provisions to transportation by U.S. aircraft. I though this was appropriate.

Mr. CAREY of New York. I think it is an excellent amendment. I notice that the balance of payments is adversely affected by about $4 million, but this should help correct that balance-of-payments problem. I think it is an excellent amendment and I urge its approval.

Mr. MILLS of Arkansas. I appreciate the comments of the gentleman from New York.

Mr. Speaker, I urge my colleagues to accept the conference report that was approved between the House and the other body.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, before commenting generally on the conference report. I would like to point out that one part of it is in error as far as explaining the action of the conference is concerned. While this is a relatively small item, I think it is important that the actions of the conference be accurately reported and accurately understood. Therefore, I have prepared a statement with respect to it, and I would ask the gentleman from Arkansas, the chairman of the committee, his views on it.

Mr. Speaker, you will recall that the Senate version of the bill contained an amendment designed to remove from the surcharge internal combustion engines installed in snowmobiles. As you know, we did not accept this amendment in the conference. Instead, a statement relative to this matter was incorporated in the joint explanatory statement of the committee of conference. This statement indicates that the United States-Canadian Auto Products Agreement is, in practice, achieving unreciprocal results, an example being the inclusion of snowmobiles in an agreement on trade in automobiles. The explanatory statement of the conferees notes that one would not ordinarily expect that an agreement, designed to provide for free trade in automotive products, would cover the duty-free treatment of snowmobiles. The report goes on to state, however, that this is the fact, in terms of how the agreement was implemented, and that the conferees urged the Secretary of the Treasury to give consideration to the competitive position of domestic manufacturers of snowmobiles by providing an exemption from the surcharge for engines imported for installation in snowmobiles.

I believe the speaker will agree that this is actually a misinterpretation of the decision of the conferees and certainly does not accurately reflect the desires of the House conferees. My recollection is that we recognized that U.S. manufacturers of snowmobiles who use engines from Japan or Germany, which are now subject to the import surcharge, are placed at a competitive disadvantage with respect to manufacturers in Canada who incorporate the same types of engines, also imported from Japan or Germany, in their snowmobiles, which are then brought into the United States duty-free under the Automotive Products Trade Act. The temporary disadvantage to some U.S. manufacturers of snowmobiles as a result of this situation is clear. However, it is my recollection that, rather than urge the removal of the surcharge in this case, the consensus of the conferees was to urge a reinterpretation of the United States-Canadian Automotive Products Trade Act more in line with the common, ordinary facts of

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life—that snowmobiles are not automobiles and their free importation should not be provided for under this act.

If we were to urge the removal of the surcharge in the cases of engines installed in snowmobiles, as the joint statement of managers seems to imply is our desire, we would be discriminating against U.S. producers of engines for installation in snowmobiles and also against domestic manufacturers of snowmobiles who install domestically produced engines in snowmobiles. I thought it was clear that the intent of the conferees was not to urge that the surcharge in the case of engines for snowmobiles be removed but rather that snowmobiles imported from Canada be removed from the United States-Canadian Auto Products Agreement. Only by providing for an import surcharge on all foreign snowmobile engines imported in the United States is it possible to protect domestic manufacturers of snowmobile engines from discrimination due to in appropriate valuation of foreign currencies relative to those in the United States. Could the chairman express his view on this subject?

Mr. MILLS of Arkansas. The gentleman from Wisconsin is entirely correct. The joint explanatory statement of the conference committee on page 54 does not, in my opinion, accurately reflect the intent of the conference. At the time, some confusion existed as to why the automotive agreement applied to snowmobiles in the first place. As the gentleman from Wisconsin has said, our belief was that the United States-Canadian Automotive Products Agreement should not apply to imports of snowmobiles from Canada. If snowmobiles were removed from the agreement and the implementing legislation, the surcharge would not only apply to the snowmobile engines imported directly from Japan, but also to the snowmobiles imported from Canada, whether they contained Canadian or Japanese engines. I certainly felt it was the desire of the conference that the State Department and the Treasury Department seek a change in the interpretation of the United States-Canadian Automotive Products Agreement so as to exclude snowmobiles from its application.

We took no action in conference as to what should be done with respect to the application, or exemption from the application, of the surcharge to foreign engines used in snowmobiles.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am grateful to the distinguished gentlemen, Mr. MILLS of Arkansas and Mr. BYRNES of Wisconsin for taking the time to clarify the intent of the conferees with respect to the amendment exempting improved snowmobile engines from the import surcharge.

The colloquy that has just taken place does clarify and resolve an issue which is of great concern to the snowmobile engine manufacturers of my State of Wisconsin.

When the amendment was adopted by the Senate a few weeks ago, there was a widespread misunderstanding that no American company makes an engine suitable for installation in snowmobiles and, therefore, domestic manufacturers of snowmobiles faced a double difficulty in competing with Canadian snowmobile manufacturers, because these machines come into the United States duty free and also contain Japanese and European engines on which the Canadian manufacturers pay no surcharge.

The premise that no American company makes snowmobile engines was a false premise. A number of Wisconsin companies produce such engines. Among them are Kiekhaefer Aeromarine, Inc., the Kohler Co., the Harley-Davidson Motor Co., and two divisions of the Outboard Marine Corp.

If the conferees had accepted the Senate-passed amendment this action would have done unintentional but severe injury to the above-named companies as well as other American producers of snowmobile engines. I am grateful to the House conferees for not receding to the other body on this amendment. The remarks of Mr. MILLS of Arkansas and Mr. BYRNES of Wisconsin, clarifying that decision, deserve a special note of appreciation.

Mr. Speaker, I want also to express my support for the adoption of the conference bill. While I disagree with the checkoff provision in title X, I am hopeful that the 92d Congress will repeal that particular title. At a time when all taxpayers feel strongly for or against one Federal program or another, it is a dangerous precedent for Congress to approve the earmarking of tax payments for a single purpose whatever. I feel certain that the Houses of Congress will again recognize this precedent as ill-advised and mischievous, and accordingly I have no hesitation in voting for the entire conference report.

Mr. COLMER. Mr. Speaker, will the gentleman yield to me for one question?

Mr. BYRNES of Wisconsin. I yield to the distinguished gentleman, chairman of the Committee on Rules.

Mr. COLMER. Mr. Speaker, if I understand correctly, and I have not seen the conference report, you have this checkoff provision in the bill for the contributions in presidential elections.

As I understand it, it is agreed to by both sides that the only way we can express our disapproval of it, and I certainly do disapprove of it, is to vote against the conference report. Does the gentleman agree?

Mr. BYRNES of Wisconsin. Oh, no, I disagree completely.

Let me address myself generally to the conference report and then specifically to that particular matter.

Mr. COLMER. If the gentleman will permit me——

Mr. BYRNES of Wisconsin. I think the gentleman under any circumstances should support the conference report at this time.

Mr. COLMER. I did not understand the gentleman.

Mr. BYRNES of Wisconsin. The gentleman should, as all Members of this Congress should, support the conference report.

Mr. COLMER. Well, I would be happy to support the conference report under certain conditions—and I am not saying now what I will do on it—but I do disagree most emphatically with bringing the camel's nose under the tent here on this thing of checking off contributions for presidential elections.

Mr. BYRNES of Wisconsin. Mr. Speaker, I agree with the gentleman's judgment as to the merits of title X of the Senate bill.

Mr. COLMER. With the indulgence of my good friend, may I continue further?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Mississippi.

Mr. COLMER. If this is bad medicine in 1972, then it would be bad medicine in 1973, 1976, and from here on out. Once this thing starts, it will grow like Topsy and it will not be confined to presidential elections. I merely wish to file my protest. I thank the gentleman for yielding.

Mr. BYRNES of Wisconsin. I appreciate the statement of the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I would like to conclude my general statement with respect to the conference report and then get into the specific issue of title X, but I will yield to the gentleman from Iowa at this point.

Mr. GROSS. Just to ask a question of the gentleman. As I understand it, there is no way to get a separate vote on this checkoff business, to which I am utterly and absolutely opposed. Can the gentleman suggest any way by which we can get a separate vote on that provision?

Mr. BYRNES of Wisconsin. I am advised that it is a germane amendment and, therefore, does not come under the new rule which requires a separate vote. That would have been the case had it not been a germane amendment.

Mr. GROSS. Or brought back in disagreement.

Mr. BYRNES of Wisconsin. Or brought back in disagreement, yes. Let me complete my remarks generally on the conference report, and then I will comment on this particular matter briefly.

It seems to me the real need right now is to get this tax bill to the President for signature, so that it can become law at the earliest possible time. That, to me, is the essential point as we discuss this conference report.

If our economy is to move ahead and expand, it needs this tax bill. It also needs, it seems to me, to be freed from some of the clouds of uncertainty that overhang it.

One of those clouds of uncertainty has to do with what is going to happen with respect to the tax recommendations of the President and the tax provisions contained in both the House and Senate versions of the bill with which there is no disagreement. Another cloud of uncertainty involves the question of what is going to happen with respect to the dollar in international markets and international trade.

Uncertainty also exists as to what

Congress is going to do about extending control authority beyond April 30, 1972. And it seems to me the sooner we can get all of these uncertainties cleared from the atmosphere, the sooner we will give our economy an opportunity to move forward and upward.

The stimulus that would be provided by the tax bill, then, quite obviously is desirable as far as moving the economy ahead is concerned. And equally desirable is elimination of the uncertainty that has existed over the last several months as to exactly what Congress finally would do. So the Congress will be accomplishing two very necessary objectives, it seems to me, as it adopts this conference report and sends it to the President to be signed and enacted into law.

The only real controversy with respect to the report, I believe, is that which relates to title X, the so-called checkoff for Presidential election campaigns.

Let me comment on that very briefly, because I do not see any point at this time of going into the details of this particular proposal.

We had a similar provision before us in 1966. It was somewhat less refined but it was the same basic proposition, and it followed practically the same route. It was added by the Senate to another tax measure which was enacted. However, Congress moved to make the provision in operative before its true effective date, in 1968.

Let me emphasize that the provision was mischievous in 1966, but we had a year in which to correct it, and we did correct it. Congress made it inoperative through amendments in 1967.

Now we have before us a provision which is also mischievous in my book. But its effective date is not 1972, as provided by the Senate. The conference made the effective date January 1973.

Let us understand that this bill relates only to Presidential elections, and no payments will be made under it, therefore, until 1976. So instead of having 1 year in which to correct a bad provision, as was the case in 1966, in this situation we have 3 years.

So it seems to me the situation we face today is this. Yes, there is a provision in this bill that many of us find most defective—and I could talk on virtually indefinitely about the defects of title X—but I would rather save that until a later time when we can address ourselves to that issue on an unemotional basis and without having hanging over our heads the urgency of getting much needed tax provisions written into law.

So, Mr. Speaker, while this one provision is bad, I would urge adoption of the conference report in order to get these tax provisions into law. Later, we can address ourselves, bearing in mind the defects of this particular provision on the taxpayer checkoff, to either the improvement or the correction of those defects, or their elimination at as early a date as possible within the next 3 years.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Georgia.

Mr. LANDRUM. Mr. Speaker, let me say I agree completely with the statements the gentleman from Wisconsin is making, and then say that I, with him, believe that the importance of adopting this conference report is so overriding that we can postpone this emotional proposition, this opposition to the checkoff proposition.

I am opposed to it. I believe the gentleman from Wisconsin is stating logically and clearly here that we have ample time to correct this provision.

I want to commend the conferees, the chairman of the Committee on Ways and Means, and the gentleman from Wisconsin for putting an effective date on this over beyond 1972. I am opposed to that part of it, but I shall support the conference report.

Mr. BYRNES of Wisconsin. I thank the gentleman.

The important thing is to get this bill on the way to the White House, to get the President's signature, and to have it as a part of the Internal Revenue Code at the earliest possible date.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. I agree with the statement the gentleman has made. Beyond agreement, I should like to thank him and the other conferees for the services they have rendered the Nation in bringing this conference report back characterized by good sense and not by some of the ridiculous proposals added by the other body.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield myself 1 additional minute, and I yield to the gentleman from Ohio.

Mr. LATTA. I want to compliment the gentleman in the well and the members of the committee for the excellent job they have done on this comprehensive tax bill, which is the most comprehensive since I have been in the Congress. They have done an excellent job.

I join my colleague from Georgia (Mr. LANDRUM) in opposing the checkoff system and I hope that in the future we can take it out completely.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Indiana.

Mr. MYERS. I completely agree with the gentleman's remarks about the urgency of this tax reform, but for the life of me I do not understand how we have hope that next year or the year after that we can get this reversed, if you were not able to do it in conference. What hope is there, if there is no leverage? I would hope that they would have the same feeling of urgency about tax reform and would go along with the House in not liking the tax checkoff.

I agree with the gentleman from Mississippi, who says this is the nose of the camel under the tent.

What hope is there for a reversal?

Mr. BYRNES of Wisconsin. All one has to do is to look at history to get some pretty substantial hope. We had this same basic proposition presented to us under similar circumstances in 1966. We accepted the amendment in conference. One of the factors that led us to accept it was that it was effective a year later and we had a chance to change it. And the Congress did change it. I believe we will do it again.

The SPEAKER pro tempore. The gentleman from Wisconsin has consumed 21 minutes.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BETTS), a member of the committee.

Mr. BETTS. Mr. Speaker, I take this time to direct an inquiry to the chairman of the committee, if I may.

On page 71 of the Senate report on this bill it is stated that in some situations under section 308 of the bill involving stock options and capital gains derived from sources outside the United States, a foreign country will impose no tax on capital gain increases because the transaction on which the gain arises is not considered to be a taxable transaction and that it may be so considered under U.S. laws. The Finance Committee further states that it wishes to make it clear that in such cases the minimum tax would not apply.

Mr. Speaker, simply for the purpose of clarifying the record, am I correct in assuming that the conference committee agreed with the Senate Finance Committee on this point?

Mr. MILLS of Arkansas. The answer is "yes."

Mr. BETTS. I thank the chairman.

Mr. GIBBONS. Mr. Speaker, I should like to make a unanimous-consent request.

Mr. BYRNES of Wisconsin. I am glad to yield to the gentleman from Florida.

Mr. GIBBONS. The gentleman may want to object after he yields.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the gentleman so that he may make the request.

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that we have 30 additional minutes to continue the explanation of this conference report, the time to be equally divided.

Mr. BYRNES of Wisconsin. Mr. Speaker, I do not know why we need more time. Does the gentleman need more?

Mr. GIBBONS. The chairman only has 3 minutes, and I do not want him——

Mr. BYRNES of Wisconsin. May I ask, Mr. Speaker, how much time I have left? Maybe I can accommodate the gentleman in time.

Mr. VANIK. I have a request, too.

The SPEAKER. The gentleman from Wisconsin has 7 minutes remaining.

Mr. MILLS of Arkansas. Mr. Speaker, I am perfectly willing to yield my 3 minutes to either of the gentlemen who want to speak in opposition to the conference report.

Mr. VANIK. I think we ought to have 3 minutes of opposition talk.

Mr. MILLS of Arkansas. Let me yield my 3 minutes to the gentleman from Ohio.

Mr. BYRNES of Wisconsin. I will yield some of my time.

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Mr. MILLS of Arkansas. I will yield 3 minutes and you yield 2.

Mr. GIBBONS. Mr. Speaker, I made a unanimous consent request.

Mr. BYRNES of Wisconsin. I object to the added time, because I think we can try to accommodate the gentleman in the time we have.

Mr. MILLS of Arkansas. Mr. Speaker, I yield to the gentleman 3 minutes.

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the gentleman from Ohio 2 minutes.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Ohio makes the point of order that a quorum is not present. Evidently a quorum is not present.

Mr. MILLS of Arkansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 449]

Andrews, Ala.	Fish	Roncallo
Annunzio	Ford,	Rostenkowski
Belcher	William D.	Sarbanes
Blackburn	Gallagher	Scheuer
Blanton	Gray	Sisk
Blatnik	Gubser	Spence
Casey, Tex.	Hastings	Springer
Chisholm	Hébert	Stanton,
Clark	Jarman	James V.
Clay	Jones, Ala.	Steed
Collins, Ill.	Kluczynski	Stokes
Daniels, N.J.	Lujan	Stuckey
Derwinski	McCormack	Sullivan
Diggs	Mikva	Tiernan
Dowdy	Mills, Md.	Waldie
Edwards, La.	Montgomery	Wilson, Bob
Erlenborn	Murphy, N.Y.	Winn
Evins, Tenn.	Pepper	

The SPEAKER. On this rollcall 380 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 10947, REVENUE ACT OF 1971

Mr. MILLS of Arkansas, Mr. Speaker, I yield to the gentleman from Ohio (Mr. VANIK), a member of the committee, the 3 minutes I have remaining.

Mr. VANIK. Mr. Speaker, when this tax bill was first reported out of the House Ways and Means Committee on September 29, I set forth my opposition in dissenting views appended to the report.

I oppose this legislation because there is not an acceptable relationship between the loss of Treasury revenue and the touted potential of the legislation to stimulate employment and to fire up the economy.

There are varying estimates of the Treasury loss—one of the most reliable is the September 1971 Monthly Review of the Federal Reserve Bank, which points out that the investment credit, plus the asset-depreciation range, should mean a reduction of $8 billion or more in business taxes during the next year alone.

This bill does provide a few crumbs for the average taxpayer—but there is little need for rejoicing—what is given by the one hand will be taken away by higher social security taxes next year.

In the passion of September, the House of Representatives very quickly adopted the President's investment credit proposal—get the economy moving—restore employment—stimulate purchasing and production. The House acted passionately and quickly to turn things around.

As the weeks rolled on, it became quite apparent that the investment credit was not meeting its expectations.

At the end of November, machine tool orders were down. Machine tool orders are generally regarded as the best barometer of a developing recovery. The late November reports also indicated a substantial rise in unemployment from 5.8 percent to 6 percent, followed by a continued rise in the wholesale price index.

From these circumstances, it is apparent that the economy is offering very little—if any—response to the administration's investment credit incentive program, a costly and wasteful diversion of critically essential tax revenues.

Not until the administration suggested the possibility of increasing the dollar price for gold—officially devaluating the American dollar—did the economy develop some signs of life and vitality.

For all purposes, the investment credit is a give-away—a tax loss—a form of revenue wasting with no purpose. Seventy-five percent of the revenue loss provides tax credit for capital expenditures which would be made without the tax credit. There are other ways to stimulate the economy—the investment credit is the most costly and the most uncertain.

A vote for this massive and perhaps permanent longterm give-away of Federal revenues is a vote for reduced expenditures for health and welfare needs of the American people. A vote for this tax give-away is a vote to reduce Federal expenditures for education, for public works, and for restoring the quality of the environment.

With the tax loss compounded by the cost of the Investment Credit and the Asset Depreciation Range, the huge annual deficit—the difference between government receipts and expenditures—will become permanent. The pressures will continue to erode essential Federal programs and services—and the citizen will be the loser.

Finally, a vote for this tax give-away is a vote for higher taxes in 1973.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Speaker, I am going to yield 2 minutes to the gentleman from Ohio, if that will help him, even though I disagree with him 1000 percent in what he says. I want him to have time to say whatever he wants to say.

Mr. VANIK. Mr. Speaker, I thank the gentleman.

Finally, a vote for this tax giveaway is a vote for higher taxes in 1973. The billions of dollars given away to a few special taxpayers will have to be collected from all of the taxpayers when we come to our senses after the politics of 1972.

Make no mistake about it. The taxpayers of America will be called upon very soon to make up—to pay for the folly of this day. You will have to vote for either a regressive value-added tax or a surtax of at least 10 percent.

I urge you to vote down this conference report. I urge that this Congress undertake a more certain and less costly program of creating jobs and restoring the economy. We should prudently legislate for the decade—instead of the election year.

I urge defeat of the conference report.

Mr. FRASER. Will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, I want to associate myself with the remarks of the gentleman. I think this is a most unwise measure, and I, too, plan to vote against it.

Mrs. ABZUG. Mr. Speaker, the conference report on the Revenue Act of 1971, represents no material improvement on the version of this bill which the House adopted in October. Most of the benefits contained in this bill will go to those who least need additional help at the expense of those who need it most. Big business is the major beneficiary by virtue of the investment credit and accelerated depreciation provisions. The individual tax relief provided as a sweetener falls far short of what is needed.

One of the most remarkable aspects about this bill and the discussion which has surrounded it is the extent to which the paramount cause of inflation has been ignored. I refer, of course, to the inflationary pressures created by our military spending. This cancer now amounts to $76 billion a year, and the administration seeks to increase it. That is the real cause of our economic problems—let us not lose sight of that fact. The most positive steps which could be taken to strengthen our economy would be to end, immediately and completely, American involvement in the war in Indochina, cut back dollar-draining military bases in Europe and elsewhere, and apply the resulting "peace dividend" to pressing national problems such as mass transit, adequate housing, child care facilities, and job-creating public projects.

One aspect of the conference report which should be brought into proper perspective, lest it be mistaken for a provision which assists the truly needy, is the tax deducation provided for day care expenses. The conference provision increases the maximum amount which may be deducted from $900 to $4,800 a year and extends the availability of the deduction to more people. However, the crucial flaw in this provision is that it is only available to upper-middle and upper-income individuals because the deduction can only be taken as an itemized deduction. Poor and middle-income people do not itemize deductions—in most cases, they use the standard deduction. Thus, in the guise of individual tax relief, we again would benefit the least needy at the expense of the most needy.

I have introduced legislation which would treat this issue comprehensively, granting tax relief to those who need it most—women in low- and middle-income families who work or want to work, but cannot afford to bear the high cost of child care without any attendant tax relief. I regret that this legislation has not been brought to the floor.

The provision before us is not even a drop in the ocean. Coupled with the President's veto of the Child Development Act which we passed earlier this week, it is a tragic fraud.

H.R. 10947 does not do anything to solve the basic economic distortions which are ripping this Nation apart. The bill embodies the administration's "job development credit," the discredited investment tax credit under a new name, without any evidence that it will stimulate the creation of any sizable number of new jobs or that it will even stimulate prudent, productive business investments. It also legitimizes the accelerated depreciation rate—the asset depreciation range—which the President illegally instituted earlier this year.

This bill will result in a business boondoggle of perhaps $9 billion over the next 2 years, a giveaway of money which will then not be available to meet the desperate needs of the cities and of the people. And what is worse, this boondoggle to business is no one-shot deal. We will lose this revenue for years and years to come. We are not just damaging our present, we are damaging our future and our childrens' future.

I oppose this conference report as I opposed the Revenue Act when it first came before the House. It is a big business bill. I urge my colleagues to join me in defeating the conference report on H.R. 10947.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman.

Mr. REUSS. Mr. Speaker, I shall vote against the adoption of the conference report on H.R. 10947, the Revenue Act of 1971.

H.R. 10947 is basically the same bill President Nixon sent to Congress in August, although some changes and improvements were made, principally by the House Ways and Means Committee. The purpose of his tax proposals, President Nixon said, was to "create 500,000 new jobs in the coming year"—address to Congress, September 9, 1971.

A laudable purpose, certainly. But the means he has chosen to achieve it are ill-designed and wasteful. Multibillion-dollar tax reductions for business may perhaps lead to more jobs in the long run. But that is small comfort to the 5 million unemployed who need jobs now. President Nixon, a self-proclaimed Keynesian, should recall that it was Lord Keynes who laid down the dictum that "in the long run we shall all be dead."

If it is the creation of jobs that we are concerned about, there is an instrument ready at hand that will create 500,000 jobs far more quickly and less expensively than granting $8 billion a year in tax breaks to corporations with the fond hope that maybe someday some of it will trickle down in the form of more jobs. It is to expand the present token public service jobs program, to create a total of 500,000 immediate federally financed public service jobs. Legislation to do just this was introduced last week by more than 50 Democratic Members of the House—see CONGRESSIONAL RECORD, December 2, 1971, pages 44359–44361. It would cost less than half as much as President Nixon's budget-busting tax handouts for corporations.

It is possible to make the case that the economy needs a temporary fiscal stimulus. But to proceed from this to the granting of permanent tax reductions like the investment tax credit and accelerated depreciation schemes—which will cost the Treasury some $8 billion a year for the next 10 years—is an economic non sequitur over and beyond the call of duty. If the economy needs a temporary boost, by all means let there be temporary tax reductions or temporary increases in spending. The expanded public service jobs program would be just the kind of temporary fiscal stimulus, since it is designed to operate only when national unemployment exceeds 4 percent. But now is not the time to erode the permanent Federal tax base any further. The Tax Reform Act of 1969 cost the Treasury about $8 billion a year in lost revenue. And now, just 2 years later, there is going to be another permanent revenue loss of about the same size piled on top of it.

There must be an end to this. The demand for health, education, housing, transportation, and pollution control is not going to decline over the next 10 years. The money for them is going to have to come from somewhere.

The shortsightedness of these revenue-fracturing exercises is illustrated by two recent projections of Federal revenues and expenditures through the 1976 fiscal year.

The first, the National Urban Coalition's "counterbudget," recommends a substantial reordering of budget priorities and concludes by estimating that their recommended fiscal year 1976 budget of $353 billion would exceed revenues from the present tax system by nearly $70 billion. H.R. 10947 would obviously widen the gap even further.

The second study, prepared by a Brookings Institution team headed by former Budget Director Charles L. Shultz—"Setting National Priorities: The 1972 Budget"—attempts to project the so-called fiscal dividend for the 1974 and 1976 fiscal years. This projection assumes no changes in existing programs, and no new programs beyond those proposed in the President's fiscal year 1972 budget. Their conclusion, briefly, is that there will be no fiscal dividend at all in 1974, and only a small—1 percent of GNP—and somewhat conjectural dividend of $17 billion in 1976. Again, H.R. 10947 would simply make things worse.

Reducing taxes has its charms for all politicians, and I certainly include myself in this. But the day of reckoning eventually comes. In this case, I predict it is going to come sooner than many think. I will not be surprised if President Nixon, after discovering shortly that his fiscal year 1973 budget is going to show an even bigger deficit than his first two, comes up to Congress early next year with proposals for new taxes. Already the talk of a regressive, tough-on-the-average-taxpayer value-added tax is becoming prevalent.

The tax bill should be defeated.

Mr. VANIK. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I appreciate the gentleman yielding me the 1 minute to discuss this $170 billion giveaway that we have here today.

This is bad economics; it is bad tax policy. You are going to have to swallow a value-added tax or a national sales tax to make up for this. We are already $35 billion in the hole for this fiscal year, and you are going $115 billion more in the hole in this specific bill alone in the next 10 years. If that is not fiscal irresponsibility, I have never seen it.

I intend to vote against this bill, and I hope the other Members will, also.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I would like to make use of this time given to me to inquire of the chairman.

Mr. Chairman, page 34 of the Senate report states that in determining the amount of credit available with respect to a motion picture or TV film, all costs of production which the taxpayer capitalizes should be taken into account in determining the basis of the film.

Mr. Chairman, simply for the purpose of clarifying the record, am I correct in my understanding that this rule was adopted by the committee of conference?

Mr. MILLS of Arkansas. Will the gentleman yield?

Mr. CORMAN. I am glad to yield to the chairman.

Mr. MILLS of Arkansas. The gentleman is correct. The answer is "Yes."

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the chairman of the committee in order that he might make a request for all Members.

GENERAL LEAVE TO EXTEND

Mr. MILLS of Arkansas Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks at this point in the RECORD on the conference report being considered.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BURLESON of Texas. Mr. Speaker, in my judgment there is little choice but to support this conference report. It is an essential part in the overall effort to combat inflation and make the adjustments in our economy now so heavily challenged by foreign trade deficits,

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unemployment, and underproduction in industry.

As is the case in many instances where it is a case of "take it or leave it," there are things included in this legislation which I regret to have to vote for and which I feel to be basically wrong.

Especially do I disapprove of the scheme to finance future political campaigns with taxpayers' money. I am aware, of course, that this provision is not effective until 1973 and will not be available for financing presidential campaigns until 1976 but we are voting on a fundamental change in the system and in my opinion it is not justified.

Under the rules of the House there is no way by which a separate vote may be had on this provision and that is unfortunate. I have the feeling that there would be a fair chance of rejecting this section of the bill, put in by the Senate, if the Members of the House had the opportunity of a direct vote on this issue. Since this is not possible under the circumstances here today I hope the Congress will, in its wisdom, repeal this portion of this legislation before it become effective in 1973.

In the meantime, I feel that it would be an irresponsible act to turn down this entire package because of this and a few other objectionable provisions, which could have a vital effect on the immediate direction of our economy.

Mr. COTTER. Mr. Speaker, I reluctantly support the conference on the tax bill.

My concern over this bill is twofold. First, I am concerned that the tax relief for business; that is, the investment tax credit, the previously approved accelerated depreciation schedule and the repeal of the auto excise tax, will not accomplish the goals for which they were ostensibly designed: The creation of new jobs.

Our Nation is currently in the midst of an unemployment crisis. The figures show that 6 percent of our Nation's work force is unemployed. It is reliably estimated that an additional one-half million have stopped looking for work and as a result are not even counted in this figure. The adjusted unemployment figure for the State of Connecticut is a shocking 9.5 percent of the work force, and the Hartford area reflects this unacceptably high figure.

I have listened to the experts carefully and the consensus of these economic analysts is that our current recession is caused primarily by the underutilization of our productive capacity. Over 25 percent of our production facilities are currently not in use. The message is clear: Low production equals fewer jobs. Unfortunately, the latest figures on our economy suggest that this trend will continue with only the slightest upturn. Productive output has registered only meager advances during this year. Further, and more to the point, the relationship of the investment tax credit and the accelerated depreciation allowance to the creation of new jobs is not very clear.

One current example reinforces my concern in this area. The repeal of the auto excise tax—which I support because the savings will be passed on to the consumer—has not generated any new jobs and information from the auto manufactures indicates that there is no likelyhood that this tax relief will produce any new jobs in the future. Therefore, my colleagues can understand why I am skeptical about the job-producing aspects of this tax cut.

Second, I am concerned, and in this I am supported by many economists, that the current recession is caused by the lack of consumer spending. The reason for this lack of consumer confidence is easily understood. My constituents who are unemployed cannot afford to spend nonexistant wages. Those who are employed are realistically hesitant to spend because they do not feel secure in their jobs. It was for this reason that I supported efforts to increase economic stimulation by putting more money in the pockets of workingmen and women. Last September, before the House even considered the tax bill, I wrote to the Ways and Means Committee urging that a new higher personal tax deduction of $800 be added to the tax bill. Such a proposal would have granted realistic tax relief and increased the availability of money to the consumer. This, in turn, would have increased consumer demand and thereby stimulated production and created new jobs. I was happy when the Senate adopted this constructive proposal and keenly disappointed when the conference rejected it.

However, in spite of these serious reservations, I have decided to support the tax conference report. I believe the modest increase in personal exemption is long overdue, the repeal of the auto excise tax will provide increased savings to the workingmen and women of our Nation and tax relief to our poorer citizens. Yet, I will continue to follow the effectiveness of the investment tax credit and the accelerated depreciation allowance to assure that these expensive tax breaks really provide the new jobs that they were designed to create.

On the issue of the campaign writeoff I support this concept. There has been considerable misunderstanding on this matter. First the writeoff is completely voluntary. The individual taxpayer must elect a party to which he contributes or he can elect not to contribute at all. The choice is his alone to make. Further, I believe that the American political system would be more representative if presidential candidates were not dependent on the campaign funds of wealthy contributors. It is unfortunate, but nontheless a fact, that presidential campaigns cost millions of dollars. I have supported and will continue to support limitations on campaign expenditures but it is patently obvious that the costs of campaigns will continue to require great amounts of money and I believe that this tax writeoff is a constructive step in providing these funds.

Therefore, Mr. Speaker, I will vote for the conference report, but only with serious reservations.

Mr. DRINAN. Mr. Speaker, I wish indeed that I could support the Revenue Act of 1971, H.R. 10947. I find, however, that after a careful inspection of the 1,362 pages of testimony before our Ways and Means Committee and thorough reading of the committee report and conference report on this bill I am persuaded by the Members of Congress on the Ways and Means Committee who dissented from the recommendations of their committee.

I regret that I cannot concur in the recommendations made by the conference committee since I want desperately the restoration of a sound economy, the elimination of unemployment and the stabilization of inflation. I think that all of us agree that the restoration of a sound economy in this country transcends all partisanship because the restoration of a sound economy is an absolute prerequisite to the resolution of all the problems of poverty, crime, delinquency, and racial disorders which now plague us.

If the Members of Congress had been permitted to discuss each of the proposals in the Revenue Act of 1971 and had been able to vote each of them in order, a much more reasoned choice could be made by the Members of this House. By the mechanism of a completely closed rule, however, the members of the Ways and Means Committee along with the members of the Rules Committee have deprived their colleagues of participating in a dialog which surely would have led to a better bill. Now, we are presented with another fait accompli in the form of a conference report.

I would like to talk about the major provisions of the Revenue Act of 1971:

I. INVESTMENT TAX CREDIT AND RAPID DEPRECIATION RULES

It should be noted that President Nixon in his tax reform message to Congress on April 21, 1969, spoke of the investment tax credit, which he now recommends for enactment, in these words:

> This subsidy to business investment no longer has priority over other pressing national needs.

President Nixon in these words was consistent with the February 1970 statement of the President's Council of Economic Advisers which declared:

> The national priorities of the 1970's do not require or justify this special incentive.

The Tax Reform Act of 1969 repealed the investment tax credit presumably because it was bad tax policy and bad economics.

The conference committee report and the President's recent message change the term "investment tax credit" to "job development investment credit." No satisfactory explanation, in my judgment, has been offered to justify this change in name with no change in substance of the allowance given to business.

The fact is that there is scarcely any evidence that more capital equipment is needed by industry at this particular time. Business is currently operating at only 73 percent of capacity. Most companies today have more plants and more equipment than they can use. They do not need tax credits to purchase more capital equipment, but rather consumers to buy the products and consume the services which they are equipped to provide. I doubt that massive purchasing of new machines will create jobs at this time. Indeed, some argue credibly that such a program will result in job attrition through automation.

When President Nixon agreed in 1969 that the investment tax credit was no longer needed to stimulate industrial investment, business at that time was operating at 85 percent of capacity. If, as Mr. Nixon agreed, the investment tax credit was not necessary in April of 1969 under those conditions, it is difficult to see how a case for more capital spending at this time can be made. When the investment tax credit is added to the benefits obtained by business under the asset depreciation range system—ADR—the need for which is challenged by many economists—the result is that business pays lower taxes and obtains a subsidy from the Government for doing those things which it would be doing anyway.

It seems probable that the tax credit and the rapid depreciation made available by the administration without the authorization of Congress will tend to encourage marginal investments of dubious economic value.

An artificial stimulant to capital investment by way of tax credits and rapid depreciation also makes it much more difficult to keep interest rates at a normal level. If businessmen are seeking loans for a new plant and for new equipment in which they have been induced to invest, everyone else who must borrow money for home or auto loans will almost inevitably find himself paying more to obtain loans. Banks, like businesses, should be expected to act in their pecuniary self-interest.

The investment tax credit coupled with the rapid depreciation formula represents an almost fantastic and permanent drain on the Treasury of the United States. It is estimated that this bill, the Revenue Act of 1971, will cost the Treasury $25.8 billion in lost revenue in the period 1971–73, or, according to another computation, $9 billion every year over the next 10 years. At the same time there is little indication that the investment tax credit will in fact result in a significant number of jobs for the more than 5 million men and women who are now unemployed. The Emergency Employment Act of 1971, which provides $2.25 billion over 2 years, is calculated to produce some 130,000 jobs. These public service jobs could be quadrupled for only a fraction of the $9 billion dollars a year which the Revenue Act of 1971 will cost the Treasury. In my judgment greater increases in net employment would result from direct incentives for consumer spending.

It seems to me that any proposed new economic plan must have as its central target the creation of jobs which will not be dead ends but which, as in the Emergency Employment Act of 1971, will be the starting point of new careers for people who are currently unemployed. In that connection, I have joined with Congressman HENRY REUSS and others in sponsoring legislation to create 500,000 additional federally funded public service jobs.

There is little evidence that I have found in the hearings or in the reports that the so-called trickle down theory will result in any significant number of jobs for the unemployed. What the Revenue Act of 1971 does is to reduce the tax base by startling dimensions at the very time when it is clear that we need ever more generous resources from the Government for elementary and secondary education, for health research and medical care, for mass transit and for expanding the budget of the Environmental Protection Agency.

One of my fundamental objections to this bill is that it drastically reduces the amount of revenue that will be available to the Federal Government over the next decade. If there were substantial evidence that this reeducation is necessary to reduce unemployment and to stabilize the inflationary spiral I would be persuaded to vote for this bill. Under those circumstances the bill would offer a resolution to the two most agonizing problems of the economy at this time—massive unemployment which has again risen to 6 percent and uncontrolled inflation. But there is little evidence that these two closely interrelated problems will be resolved by the Revenue Act of 1971. I cannot vote for a bill which drastically erodes the permanent tax base and makes $25.8 billion unavailable over 3 years for spending in such areas as health, education, transportation, pollution control and housing.

II. EQUALIZING THE FINANCING OF SOCIAL SECURITY

Business will improve if consumers have money and are prepared to spend it. The most certain way of producing this consumer demand is to place more income in the hands of the poor or those with a low income, since it is these groups which most certainly will need to spend and will not be able to save. Virtually the only relief that low-income taxpayers receive in this bill is a very small acceleration of the deduction and exemption increases. This alteration in the tax structure can hardly be expected to increase disposable income so that business, now operating at 73 percent of capacity, might return to at least the 85 percent of capacity at which it was operating when Mr. Nixon entered the White House.

One way of increasing money in the hands of moderate income families would be to revamp the social security system. As it now stands social security is paid for by a 10.4-percent tax on all wages and salaries up to a ceiling of $7,800 a year—$9,000 a year beginning January 1, 1972. This tax, which has no ceiling and no floor, is very regressive. It actually penalizes the wage earner with a low or moderate income. This tax, which is in effect a payroll tax, inhibits and therefore tends to depress the economy. If the ceiling were removed from this tax and the floor raised so that no one under the poverty level would have to pay this payroll tax a vast amount of disposable income would be created. If changes in taxes are necessary to stimulate the economy it makes much more sense in my judgment to change the social security tax so that low and moderate income taxpayers have more disposable income rather than having corporations permanently excused from billions of dollars in taxes in the foreseeable future.

III. DOMESTIC INTERNATIONAL SALES CORPORATIONS—DISC

The Members of Congress under the closed rule by which H.R. 10947 originally came to the floor and in the context of the Conference Report are precluded from voting for or against the Domestic International Sales Corporations—DISC—authorized in this bill.

Under the DISC scheme an American corporation would be allowed to establish a subsidiary for the exclusive purpose of exporting. Taxes on the profits of these DISC subsidiaries would be deferred so long as the gains were retained by the subsidiaries for activities related to the business of exporting goods. The purpose of the creation of DISC tax benefits is to stimulate and increase the volume of exports by U.S. firms. It appears, however, that large corporations that are now major exporters may reap the benefits of this new provision without actually expanding their export volume in any significant way.

It may be that the Domestic International Sales Corporations would be a very valuable device to maximize the exportation of goods made in the United States. But the Members of the House of Representatives can hardly be expected to make a sensible judgment on this matter when they are asked to vote on an extremely complex and potentially very costly proposal inserted into a bill already replete with other complex and potentially very expensive proposals.

One of the reasons why I am voting today against the Revenue Act of 1971 is the conviction that, as a trustee of the taxpayers' money, I cannot vote for a proposal like DISC, which might turn out to be a fantastic handout in the millions, or even billions, to those corporations that already account for the vast majority of U.S. exports. The DISC provision in H.R. 10947 is, to be sure, improved over a similar provision which was incorporated in the Trade Act of 1970 which passed the House. In my judgment, however, there are still inadequate safeguards for the taxpayers' money against the claims of this new type of U.S. corporation, to be known as the Domestic International Sales Corporations.

IV. TAX REFORM

This bill is entitled "The Revenue Act of 1971." I regret to say that I find that this act does more to decrease revenue than increase it. We are already confronting a deficit substantially in excess of $27 billion for the present fiscal year. Now this bill proposes to add more than $25 billion to the deficit over the next 3 calendar years from 1971 to 1973.

The burden is on the House Ways and Means Committee to turn up in the immediate future with proposals which will recoup some of the revenue which H.R. 10947 gives away. Despite the Tax Reform Act of 1969, the fact is that the

percentage depletion in excess of cost for oil, gas, and other minerals, deprives the Treasury annually of $1.3 billion. The absence of a capital gains tax on property transferred at death results in a revenue loss of $3.1 billion.

In the report of the 1969 Tax Reform Act the Ways and Means Committee said that—

> Estate and gift taxes are an area of the tax law your committee will undertake to study as soon as possible.

The committee went on to say in its report, under date of August 2, 1969, that it had "the expectation of reporting out a bill on this subject in this Congress." I would hope that, in view of the billions lost by the Revenue Act of 1971, the Committee on Ways and Means would fulfill the promise which it made more than 2 years ago and bring forward reform measures relating to the revision of the estate and gift tax laws—areas clearly in need of a substantial measure of reform.

I regret that by opposing this bill I am unable to register my endorsement of those provisions of the bill which increase the permissible deduction for child care expenses of working parents. I believe these provisions are a step in the right direction and they are consistent with the OEO-child care bill which I have supported and which recently passed in the House. However, taken as a whole this bill does not justify a yes vote, notwithstanding such provisions.

Unfortunately this bill does virtually nothing directly or indirectly to improve living conditions in the cities and towns of our Nation which are desperately near bankruptcy. Unfortunately the Revenue Act of 1971 offers little evidence that it can produce jobs for 5 million American citizens, or even one-tenth that number. Unfortunately it contains no likely remedy for inflation. I must therefore vote against it since the bad outweighs the good. The priorities implicit in this bill are out of step wth our real national needs in 1971.

Mr. SEIBERLING. Mr. Speaker, I rise in opposition to the Tax Reform Act—H.R. 10947—as reported by the House-Senate conference committee.

When this bill came before the House in October, I spoke at some length on my reasons for opposing it at that time. In brief, I concluded that the bill fell far short of meeting its avowed purpose of stimulating the economy, and that in providing business with a $14.1 billion tax break and consumers with only a $5.7 billion tax break, the bill was both unfair and inadequate.

I was hopeful that as the bill moved through the legislative process some of the objections which I, and many of my colleagues voiced against it would be met. However, the bill before us today is substantially the same as the one passed by the House on October 6.

In my opinion, passage of this bill will result in such a serious revenue loss, and will so aggravate the already huge Government deficit that it can only be justified if it is clearly going to have the beneficial effects on the economy that is its stated purpose.

Unfortunately, for the reasons I pointed out in my October 5 speech before the House, the stimulation to the economy will be relatively weak compared to the serious loss to Federal revenues, and I cannot justify voting for such irresponsible financing.

Mr. WYMAN. Mr. Speaker, while I support and am prepared to vote in favor of the revenue provisions of this conference report, I cannot vote for the report because it also includes a provision designed to fatten the campaign chests of incumbent Congressmen and Senators. Unfortunately, under the rules, we are not provided an opportunity to vote separately on the outrageous proposal added by the Senate that would permit taxpayers to take a credit against their taxes due the United States of America for political contributions to candidates for election to either State or Federal office, up to $25 in each calendar year starting with 1972. In the alternative, they may deduct political contributions up to $100 in each year.

I never thought I would live to witness a situation where elected public office holders with constitutional authority to take money from people in taxes and impose criminal penalties for willful failure to pay, would deliberately vote to permit taxpayers to pay a portion of their taxes to a political fund for their reelection. This is a scandalous abuse of the taxing power. It is a violation of public trust and confidence. In my opinion it represents a total abdication of the responsibilities of public office and should be so remembered at the polls.

There are also serious constitutional questions inherent in this sort of venture, such as whether each taxpayer has a right that the taxes paid by any other taxpayer must be applied to the costs of Government? In no sense except the most specious, can it be contended that political campaigns are a cost of Government.

The conference report we are about to vote on contains another Senate amendment for a checkoff starting in 1972 of a dollar on each taxpayer's return to the political party of his choice, to be applied to the presidential election in 1976 and thereafter. Not only does this offend those concerned with proper application of taxes, but it presents a blatant opportunity for tax return tampering to any politically inclined examiner of returns, for individual taxpayers may not check a dollar off to a political party, but the examiner easily can do so on their return, and who is to know the difference?

For the foregoing reasons, Mr. Speaker, I feel conscientiously obliged to vote against this conference report. I am constrained to say once again, that I am shocked and amazed that such a proposal should be proposed to this Congress, but even more disturbed that it should be presented in such a way that Members must vote down meaningful tax revision in order to register their protest.

Public money should not be diverted to political campaigns. Initiation of such a precedent is to open a Pandora's box of enormous potential harm to the political structure of this country.

Mr. PICKLE. Mr. Speaker, the House leadership is to be commended for their approach to this difficult tax bill. Today, I hope—and I think we are—taking an important move toward stabilizing our economy.

In general, the approach is sound, although I do have some reservations. Specifically, I wonder if enough safeguards have been written into title 10 dealing with checkoff of an individual's tax dollar for political campaign spending. I cannot help but question whether we have cleared the way for even higher campaign spending in the long run. It will take history to bear me out on this theory—but I can forsee the day when a bill will come forth raising this $1 checkoff to $2—and if we take that step, $5 and $10 are within reach. There is a serious question whether we can or should fund Federal tax money for Federal elections on a partisan basis.

Instead of curbing spending, I wonder if we are not instead encouraging spending in the long run. This bill today is merely an authorization; it is not an actual appropriation. Between now and the 1976 effective date, we have a presidential election campaign year—I think we should use this year to measure this checkoff proposal. Further, I think we should look long and hard at the appropriations when that time comes.

I offer this word of caution: A campaign spending ceiling is only as good as the enforcement of the ceiling. If there is no strong enforcement, the ceiling would be merely acoustical—that is, it would merely sound nice. The only real solution is complete and mandatory full reporting of spending and the abolition of dummy committees.

Regrettably this bill comes to us with no vote possible on this separate issue.

Mr. BADILLO. Mr. Speaker, I voted against the legislation carrying out the administration's tax proposals when it first came before the House. Although I was encouraged by the action of the Senate in scaling down the tax concessions to corporations while expanding the tax relief provisions for individuals and families, the action of the conference committee in emasculating the Senate amendments leaves me no choice but to oppose this conference report.

This bill does little more than perpetuate the administration's distorted fiscal priorities and makes Congress a full partner in the crime. Just this week, we heard threats of a presidential veto aimed at the OEO-child development bill—a measure of vital necessity to millions of American families—on the ground that it was too costly. At the same time, that same administration is seeking to spend $3 billion more in the defense budget, even as the Vietnam war purportedly winds down. Those are typical of this administration's priorities and a tax bill that simply exaggerates the existing inequities in our tax structure should not be allowed to pass.

Finally, it should be realized that at a time when this Nation is yearning for Congress to assert itself and realize its constitutional obligations to set national policy, the action of the conferees in bowing to the President's threat of a veto over the tax-checkoff for presidential campaigns provision was nothing less than cowardice. Is it not enough that we are permitting the executive branch to pervert the intent of Congress by administratively rewriting the laws and refusing to spend appropriated funds? Must we also roll over and play dead just because the President looks us in the eye and threatens a veto?

The tax-checkoff for presidential campaigns was perhaps the most redeeming feature of the Senate version of the tax bill. It represented a major step toward taking the influence of private and corporate wealth out of national politics. It was not, to my mind, a provision in the Democratic or Republican interest, but rather in the national interest and it should have been retained. Including this provision and making it effective not in next year's presidential election but in 1976, is not sufficient reason to support the bill overall.

Mr. Speaker, this legislation does no credit to the Congress. It may represent a short-term political victory for Richard Nixon and it certainly represents a major victory for the giant corporations and their lobbyists, but it is not a measure of which Congress or the American people can be proud.

Mr. UDALL. Mr. Speaker, there is much that I approve in the bill we will undoubtedly pass today. But I feel compelled to vote against the conference report and I think I owe an explanation to my constituents and to my respected and distinguished colleagues from the Committee on Ways and Means who have worked so hard on this difficult legislation.

And I vote as I do despite the fact that I support much—but not all—of President Nixon's New Economic program.

We have all heard about new priorities for our nation. Certainly this bill is perhaps the most important priorities decision of the 92d Congress. And the decision being made is not for new priorities but for huge new consumer expenditures—against more Federal dollars for healing the cities, building mass transit systems, improved medical facilities, fighting crime, drug abuse, pollution, and hodge-podge development of our lands. Passage of the bill is a decision that building schools and hospitals and ending hunger are less important than more cars and crowded highways.

It has been said that this bill, over the next 10 years, will take more than $100 billion from the Treasury. Yet when a new President takes over the White House in 1973 or if Mr. Nixon then begins his second term, the demands will be heavy indeed for money to carry out programs to overcome many of this country's really serious troubles. But those moneys are being voted away.

Granted the economy needs stimulation. But increased public spending will stimulate it just as effectively as tax-cuts and would allow us some of the moneys we need to rescue this country. Of course, paying higher taxes—or not cutting taxes—is not very appealing. As I have noted before the bill says to industry: go ahead and produce, whether we really need it or not, and it gives the public some of the money to buy whatever is produced.

I would like to add that the Senate, where there is so often strong talk about bold new priorities, engaged in an orgy of tax cutting on its own. The conferees had the good sense to throw out those cuts.

Cutting back our appetite for material gadgets is not a prospect which stirs the brave impulses that pulled us through times of war or other crises. It is really too bad. If it did we might really put together a sound priorities game plan.

Mr. BINGHAM. Mr. Speaker, the gentleman from Ohio (Mr. VANIK) and the gentleman from Florida (Mr. GIBBONS), both members of the Ways and Means Committee, have stated very eloquently the reasons which impel me to vote against this conference report. I do so reluctantly, because there are some good things in this bill as it now stands and nobody likes to vote against tax cuts, but I believe the overriding national interest calls for a negative vote.

I have also found useful for my thinking a recent letter from the AFL–CIO. The text of the letter follows:

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS,
Washington, D.C., Dec. 7, 1971.

Hon. JONATHAN B. BINGHAM,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: The Conference Committee report on the Administration's tax proposals would, if enacted, undermine the federal tax structure. Fairness to the individual taxpayer demands the defeat of this unconscionable redistribution of wealth to those who already have much.

The miniscule benefits to individual taxpayers provided in this bill are more than wiped out by the unwarranted expansion of tax loopholes for corporate America. Corporate income taxes, as a percentage of total income tax receipts, have been declining in recent years. This raid on the Treasury would add a further 15 to 20 percent tax cut for corporations.

The billions of dollars that will now go into corporate treasuries will be diverted from America's pressing public investment needs in schools, hospitals, medical facilities, housing, mass transit and pollution control.

While the individual taxpayers would be shouldering an increasing percentage of the tax burden, this measure offers meager sops in the form of increased personal exemptions and an increased standard deduction. But the American people deserve more than sops, they deserve true tax reform and tax justice.

The only other redeeming feature of this bill is the elimination of the excise tax on automobiles. But this benefit to taxpayers is not sufficient to gain acceptance of the entire package. The elimination of the auto excise tax—indeed, the elimination of all excise taxes which are only disguised sales taxes—could be easily accomplished in a separate bill after the present measure is defeated.

Tax justice must be the goal of the Congress. Tax folly, such as this measure, must be defeated and individual taxpayers spared the ignominy of further tax cuts for business at their expense.

No one should be deceived by the Madison Avenue gimmickry in the title. It will not develop jobs or revive America's badly depressed economy. All it would do is give public money to private corporations who certainly don't need a government handout.

Therefore, the AFL–CIO strongly urges your vote to reject the Conference Committee report.

Sincerely yours,
ANDREW J. BIEMILLER,
Director, Department of Legislation.

Mr. RANDALL. Mr. Speaker, I shall support the conference report on what is described as the Revenue Act of 1971.

The purpose of this measure is to provide for the development of jobs in this time of rising unemployment by a new investment credit and at the same time to increase consumer purchasing power by the reduction of certain individual income taxes. Equally important as a job development measure is the repeal of the 7-percent excise tax on passenger automobiles.

Time or space will not permit comment on each change. In our judgment some things were not done which should have been done and other things were done which would have been better omitted. Taken overall, the conference report merits the approval of the membership.

We are sorry to see that our conferees forced the Senate to recede on the Senate provision that as to property placed in service in rural areas the investment credit would be 10 percent instead of 7 percent. Everyone recognizes the desperate plight of our farmers at the present time. Moreover, if there is ever to be a turnaround of the migration of thousands upon thousands from the farms to the cities, there must be some type of rural revitalization or redevelopment, to be achieved by such tax credits.

As to child care, only this week we had a lengthy debate over an amendment added to the poverty bill called the comprehensive child development program. As we said when we opposed this far-reaching and very expensive plan for which $2 billion was appropriated for just 1 fiscal year, we were not opposed to reasonable tax credits or deductions for child care expenses to provide for those expenses which taxpayers must incur for child care and household help to enable them to be gainfully employed. This conference report for the Revenue Act of 1971 contains the very thing that many had in mind as the best course, rather than a comprehensive program for all the children of America including medical expenses, nutrition, and education of pre-school children. We believe the best way to approach the problem of child care is to allow deductions for necessary care services for gainfully employed mothers and others. The conference report allows a deduction of up to $400 a month for dependent care expenses in the home. Up to $200 of the $400 may be for the care of one child and up to $300 for the care of two children and the full $400 for the care of three or more children. This kind of child care provision makes sense. It is something we are able to afford in contrast to the $2 billion cost for the first year of the so-called comprehensive child development program attached to the poverty bill.

This year both bodies of Congress have spent a considerable portion of their time on matters debating welfare and social security amendments. One in-

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stance is our own H.R. 1. But now in the Revenue Act of 1971 is a provision which gives a tax incentive to private employers to hire individuals who would otherwise be on welfare. This is the WIN program and gives employers an income tax credit for hiring individuals under a work incentive program in an amount equal to 20 percent of the cash wages paid to individuals during 12 months of employment, with the stipulation that the employee must be retained for a period of 24 months or else the credit would be recaptured. Because our House bill did not contain such provision we are indebted to the other body for translating oft-repeated rhetoric into action to get people off the welfare rolls and on payrolls through these tax credits.

In this time of talk rather than action to help our older Americans it is a shame that our managers insisted upon and caused the Senate to recede in the matter of an income tax credit not to exceed $300 for real property taxes paid by individuals 65 or older whose income does not exceed $6,500. While it could be appropriately argued that tax credits for our elderly is a matter that should be handled by the States through homestead exemptions, the facts are the States have not acted and most States give no indication they will act. As chairman of the House committee charged with investigations of problems of the aging, I can report that more and more attention is being given to what is called outreach, meaning home visitation and one hot meal a day to our elderly with low incomes in their own homes, rather than transferring them to the much more expensive and also less desirable or acceptable institutional care.

Mr. Speaker, along with all of the others who represent rural areas, I was most pleased that the conferees accepted the repeal or suspension of excise taxes not only on passenger automobiles but on light-duty trucks, although the exemption as to said light-duty trucks applies only after September 22, 1971 rather than August 15. It should be recalled that in some of the earlier drafts of the House bill, only passenger cars were included. This meant that the pickup trucks used and operated on the farms all over America and the thousands upon thousands of sleepers and campers used by our sportsmen would not have been included in this excise tax repeal. To have left the excise tax on these pickup trucks would have been another blow against our hard-pressed small farmers. Their situation, because of falling farm prices is desperate enough. Yesterday, we passed a farm bill which was designed to increase the income of these small farmers. This added measure to relieve them of the 10 percent excise tax on their small trucks is not only welcome, but sorely needed. I am proud to be one of three members of the Missouri delegation who called the attention of our House Ways and Means Committee to this first omission leaving out these pickup trucks and campers used by our farmers and the sportsmen.

In conversations with several of my colleagues whether to support or oppose the conference report, doubts were raised again and again, whether it is responsible to support a bill which would result in the loss of substantial Federal revenues at a time of increasing Federal deficits.

It is true there are increasing deficits. It is also true that our economy is floundering. Somehow, some way, we must stimulate or quicken the pace of the economy if we can expect any reduction in unemployment.

Mr. Speaker, I decided to support this conference report as a calculated risk. If it produces the desired result and stimulates the economy everything will come up roses. If it does not and things do not improve we will be worse off because after suffering a loss of revenues we are still without the much-needed new jobs. But the question must be raised, would we not all be blamed much more if we do not show the courage to take this risk?

After we support these tax concessions to business and to individuals it means that every one of us must vote against all nonessential Federal expenditures the rest of this year and all of next year and thereafter until such time as a reviewed and healthy economy produces new revenues to offset the losses from this bill.

With the personal resolve and firm determination to oppose all nonessential expenditures hereafter, all that is left to reach a good decision is the willingness to take the risk that this measure will generate, because of increased business activity, more new revenues as the economy quickens then the short-term losses of revenue required to get the economy moving again. It is only after a consideration of the foregoing that an affirmative decision should be reached to support a tax reduction of this kind. I am prepared to take the risk with the hope and prayer that the result is successful. It is better than to do nothing to save our sinking economy.

Mr. RARICK. Mr. Speaker, the many tax breaks contained in the conference report on the Revenue Act of 1971 are indeed tempting, but the tax checkoff to finance national political parties dulls the luster of the Christmas tree.

In governments as in religion, we must occasionally return to basics to decide if we are on or off course.

I am reminded of the warning by President George Washington in his Farewell Address when he cautioned us—his posterity—against the evils of partisan faction and loyalty over our constitutional obligations.

The Constitution does not even mention political party, let alone national parties, nor any delegated power or right of this body to take taxpayers' dollars to subsidize political candidates—deduction from individual taxpayer or not—the dollars still come from the U.S. treasury.

The inevitable result of such a program can be but to give added financial power and control to the national party with tendencies to ever diminish the candidate's basic loyalty to the Constitution.

My people sent me to Congress to perform under my constitutional oath and not to subsidize political parties or candidates with their tax dollars. I must cast my people's vote "no."

Mr. MIZELL. Mr. Speaker, I rise at this time to offer my support for this tax bill, which is so essential to the success of President Nixon's new economic policy.

I would hasten to add, however, that my support for the tax measures the President has requested does not extend to the $1 income tax checkoff system providing for Federal financing of Presidential campaigns.

I am very definitely opposed to this system, and I intend to introduce legislation to repeal that section of the bill as soon as it is signed into law, if we decide to pass it here.

As some of my Republican colleagues in the Senate have already pointed out, this checkoff system represents nothing more and nothing less than a raid on the Federal Treasury by the opposition party which is apparently in desperate need of campaign contributions.

At this time of year we all feel, perhaps, a bit more charitable toward those less fortunate than we are, but even in the generous Christmas season, the American taxpayer should not have to play Santa Claus for the Democratic Party.

On a more serious side, I sincerely believe the provision for political contributions and political identification on income tax returns opens the door for political harassment of the taxpayer.

Such harassment is not a probability, but it is a possibility. It could happen, and that is a real danger.

Anyone who wants to contribute to a political party or a candidate has that freedom now. He does not need a checkoff system to make that contribution, and if the Democrats do not have enough popular support left to get a voluntary contribution, it certainly should not be incumbent on the American taxpayer to bail them out.

It is interesting to me that many of the same people who so vehemently opposed guaranteeing a loan for Lockheed Aircraft not long ago, spoke so eloquently and passionately in favor of the government giving the Democratic party's Presidential contenders—including roughly the entire left-hand side of the U.S. Senate—an outright subsidy.

I want to make clear that I am casting my vote for this measure in spite of this checkoff provision, not because of it. I resent the fact that some in the opposition party have sought to hold the economic recovery of this country as ransom for a $20.4 million reward. I applaud the conferees for delaying this provision until after the 1972 election, and I fully intend to press with vigor and determination to get this notorious checkoff system repealed completely and without delay. If I have my way, this provision will be repealed before the ink in President Nixon's signature beneath this bill is dry.

Mr. FRENZEL. Mr. Speaker, I am pleased that the conference committee has finally produced a tax bill that most of the Members of Congress, the President, and the people of this country can support.

I am dismayed that it has taken us 3 months to pass this bill, but pleased that the House of Representatives, at least, moved it along with dispatch proportional to our economic emergency.

I greatly regret that the other body saw fit to play political games with the bill. Senate treatment not only imperiled passage, but delayed the effect of this needed incentive legislation. The delay in passing the vital legislation has shaken the confidence of the people of this country in our economy and the Congress.

Mr. Speaker, President Nixon has presented us with a fine, and most necessary, piece of legislation. The personal incentives, the capital goods spending incentives, and the auto excise repeal are desperately needed. Fortunately the politically motivated checkoff to replenish the depleted coffers of the Democratic National Committee has been deferred. It should be removed as an affront to democracy.

The conference report comes close enough to the original wishes of the President that I can support it with enthusiasm.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, I rise in support of this conference report.

I would like, for a moment, to ask one brief question which has been raised to me and that is whether or not underground storage tanks for service stations are intended to be included in the investment credit?

Mr. MILLS of Arkansas. Mr. Speaker, if the gentleman will yield, they certainly are.

Mr. WAGGONNER. I thank the chairman for that affirmative response.

Ladies and gentlemen of the House, we have come to the point where if we are going to get a tax package and an economic program in support of the administration's efforts and America's efforts to do something soon as we must about inflation and the economy in this country, we will have to vote for this conference report. Without this economic package there is no conceivable way that we can attack our economic problems as we should except to adopt this conference report. Even this may not be enough.

Now, Mr. Speaker, the conference report which we have before us today is one which most of us supported when it was before the House.

I call to your attention that insofar as dollars are concerned there are only $300 million more involved in revenue loss in the conference report than was the case when the tax package passed the House on October 6. Revenue losses are to be compensated for by reductions in Federal expenditures.

Mr. Speaker, there is only one major provision which has been added, other than the tax checkoff for campaign finances and that is the provision having to do with a tax deduction for day care for working parents. It is a good provision in my opinion.

But, Mr. Speaker, let me speak specifically to the real controversy here today, and that has to do with campaign finances by checkoff.

I have probably helped generate as much opposition to the checkoff system of campaign finances as has any man in this House. In my opinion it is completely wrong and should never be. I say to you today that the compromise which has been made by the conferees, whether we like it or not and I do not, must be subordinated to the major tax and economic provisions of the bill. We have got to support our Nation's needs with regard to this question, and give due and priority consideration to the economic needs of this country and the need for this tax package.

Therefore, I say to you that we must, in spite of our dislike of this checkoff provision, we must support this conference report. We must do so, I repeat, even though you do not like it and because there has been a compromise made, perhaps, not to your liking and certainly not to my liking, but it does represent something in which the Congress will have another voice.

This is an authorization, no more and no less, that requires an appropriation, and Congress must make that appropriation if indeed there ever is an appropriation. You know as well as I do what action is required for this to come about. No trust fund is created. A trust fund can only come into play when Congress votes to appropriate money to that trust fund. I say to you here and now that I will vigorously oppose any such appropriation. In fact, I am going to try to repeal the authorization.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield the 1 remaining minute on our side to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. Yes, I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I want to say that I am going to support this conference report although it is not to my liking. However, there must be something done to give some relief for the betterment of our production facilities with the tax incentive of 7 percent. However, I do not know how, by what stretch of the imagination, that a 7-percent excise tax forgiveness can be given to foreign manufacturers. On the Japanese automobiles coming into this country there was a 3.5-percent tariff. Yet, when we are through, the 7-percent excise forgiveness on Japanese cars coming into America the tariff will be 3 percent further adversely affecting our own automobile industry. Sooner or later we will learn that the only ingredient in a prosperous economy is a job—at home here in the U.S.A.

Mr. WAGGONNER. I thank the gentleman for his comments.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from California.

Mr. CORMAN. I thank the gentleman for yielding, and although I do not share his view on the dollar checkoff, I certainly do agree with his view in support of this tax bill. In my opinion it is the only hope of getting industry moving again and getting men back to work.

Mr. WAGGONNER. Ladies and gentlemen of the House, the overriding consideration is the economic condition of this country. The best and only help we can get for the foreseeable future for our economy comes from the adoption of this bill, and we should support this package in spite of some logcal and legitimate objections on the part of some Members of this body, objections which I share. This is not an ideal choice, in the instance of checkoffs it may not even be desirable, but to say the least it is the best of poor alternatives.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. MILLS of Arkansas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 321, nays 75, not voting 35, as follows:

[Roll No. 450]

YEAS—321

Abbitt	Cotter	Harrington
Abernethy	Coughlin	Harsha
Adams	Curlin	Harvey
Addabbo	Daniel, Va.	Hastings
Alexander	Daniels, N.J.	Hathaway
Anderson, Calif.	Danielson	Hays
	Davis, Ga.	Hébert
Anderson, Ill.	Davis, S.C.	Heckler, Mass.
Anderson, Tenn.	Davis, Wis.	Heinz
	de la Garza	Henderson
Andrews, N. Dak.	Delaney	Hicks, Mass.
	Dellenback	Hillis
Archer	Dennis	Hogan
Arends	Dent	Holifield
Ashley	Devine	Horton
Aspinall	Dickinson	Hosmer
Baker	Dingell	Hull
Baring	Donohue	Hunt
Barrett	Dorn	Hutchinson
Bell	Downing	Ichord
Bennett	Duiski	Jarman
Bergland	Duncan	Johnson, Calif.
Betts	du Pont	Johnson, Pa.
Bevill	Dwyer	Jonas
Biaggi	Edmondson	Jones, Ala.
Blester	Edwards, Ala.	Jones, N.C.
Boggs	Eilberg	Jones, Tenn.
Boland	Esch	Karth
Bow	Eshleman	Kazen
Brasco	Fascell	Keating
Bray	Fish	Kee
Brinkley	Fisher	Keith
Brooks	Flood	Kemp
Broomfield	Flowers	King
Brotzman	Flynt	Koch
Brown, Mich.	Foley	Kuykendall
Brown, Ohio	Ford, Gerald R.	Kyl
Broyhill, N.C.	Forsythe	Kyros
Broyhill, Va.	Fountain	Landgrebe
Buchanan	Frelinghuysen	Landrum
Burke, Fla.	Frenzel	Latta
Burke, Mass.	Frey	Leggett
Burleson, Tex.	Fulton, Tenn.	Lennon
Burlison, Mo.	Fuqua	Lent
Byrne, Pa.	Galifianakis	Link
Byrnes, Wis.	Gallagher	Lloyd
Byron	Garmatz	Long, La.
Cabell	Gaydos	McClory
Caffery	Gettys	McCloskey
Camp	Giaimo	McClure
Carey, N.Y.	Goldwater	McCollister
Carter	Goodling	McCulloch
Cederberg	Gray	McDade
Celler	Green, Oreg.	McDonald, Mich.
Chamberlain	Griffin	
Chappell	Griffiths	McEwen
Clancy	Grover	McFall
Clark	Gubser	McKay
Clausen, Don H.	Gude	McKevitt
	Hagan	McKinney
Clawson, Del	Halpern	McMillan
Cleveland	Hamilton	Macdonald, Mass.
Collier	Hammer-schmidt	Mailliard
Collins, Tex.	Hanley	Mann
Colmer	Hanna	Martin
Conable	Hansen, Idaho	Mathias, Calif.
Conte	Hansen, Wash.	Mathis, Ga.
Corman		

XUM

Matsunaga	Quillen	Steiger, Ariz.
Mayne	Railsback	Steiger, Wis.
Mazzoli	Randall	Stephens
Meeds	Reid, N.Y.	Stratton
Melcher	Rhodes	Stubblefield
Michel	Riegle	Stuckey
Miller, Calif.	Roberts	Symington
Miller, Ohio	Robinson, Va.	Talcott
Mills, Ark.	Robison, N.Y.	Taylor
Minish	Rodino	Teague, Calif.
Mitchell	Roe	Teague, Tex.
Mizell	Rogers	Terry
Mollohan	Rooney, N.Y.	Thompson, Ga.
Monagan	Rooney, Pa.	Thomson, Wis.
Moorhead	Roush	Thone
Morgan	Rousselot	Ullman
Moss	Roy	Van Deerlin
Mosher	Runnels	Vander Jagt
Murphy, Ill.	Ruppe	Vigorito
Myers	Ruth	Waggonner
Natcher	Sandman	Ware
Nelsen	Satterfield	Whalen
Nichols	Saylor	Whalley
O'Konski	Scherle	White
O'Neill	Schneebeli	Whitten
Patten	Schwengel	Widnall
Pelly	Scott	Wiggins
Perkins	Sebelius	Williams
Pettis	Shipley	Wilson,
Peyser	Shoup	Charles H.
Pickle	Shriver	Winn
Pirnie	Sikes	Wolff
Poage	Sisk	Wyatt
Podell	Skubitz	Wydler
Pofi	Slack	Wylie
Powell	Smith, Calif.	Yatron
Preyer, N.C.	Smith, Iowa	Young, Fla.
Price, Ill.	Smith, N.Y.	Zablocki
Price, Tex.	Snyder	Zion
Pryor, Ark.	Staggers	Zwach
Puciński	Stanton,	
Purtell	J. William	
Quie	Steele	

NAYS—75

Abourezk	Gibbons	Patman
Abzug	Gonzalez	Pike
Ashbrook	Grasso	Rangel
Aspin	Green, Pa.	Rarick
Badillo	Gross	Rees
Begich	Haley	Reuss
Bingham	Hall	Rosenthal
Boiling	Hawkins	Roybal
Brademas	Hechler, W. Va.	Ryan
Burton	Helstoski	St Germain
Carney	Hicks, Wash.	Scheuer
Chisholm	Howard	Schmitz
Clay	Hungate	Selberling
Conyers	Jacobs	Stanton,
Culver	Kastenmeier	James V.
Dellums	Long, Md.	Stokes
Denholm	Madden	Thompson, N.J.
Dow	Mahon	Udall
Drinan	Mink	Vanik
Eckhardt	Mitchell	Veysey
Edwards, Calif.	Moss	Wampler
Evans, Colo.	Nedzi	Whitehurst
Findley	Nix	Wyman
Ford,	Obey	Yates
William D.	O'Hara	Young, Tex.
Fraser	Passman	

NOT VOTING—35

Andrews, Ala.	Edwards, La.	Roncalio
Annunzio	Erlenborn	Rostenkowski
Belcher	Evins, Tenn.	Sarbanes
Blackburn	Kluczynski	Spence
Blanton	Lujan	Springer
Blatnik	McCormack	Steed
Casey, Tex.	Metcalfe	Sullivan
Collins, Ill.	Mikva	Tiernan
Crane	Mills, Md.	Waldie
Derwinski	Montgomery	Wilson, Bob
Diggs	Murphy, N.Y.	Wright
Dowdy	Pepper	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Springer.
Mr. Rostenkowski with Mr. Erlenborn.
Mr. Blatnik with Mr. Belcher.
Mr. Andrews of Alabama with Mr. Blackburn.
Mr. Kluczynski with Mr. Crane.
Mr. Casey of Texas with Mr. Derwinski.
Mr. Tiernan with Mr. Lujan.
Mr. Mikva with Mr. Metcalfe.
Mr. Montgomery with Mr. Mills of Maryland.
Mr. Evins of Tennessee with Mr. Spence.
Mr. Roncallo with Mr. Diggs.
Mr. Waldie with Mr. Bob Wilson.
Mr. Steed with Mr. Pepper.
Mr. Wright with Mr. McCormack.
Mr. Blanton with Mr. Dowdy.
Mr. Collins of Illinois with Mr. Sarbanes.

Mr. DENHOLM changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I missed the vote on rollcall No. 450 on account of attending a hearing in the House Committee on Crime.

If present, I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 6065, TO AMEND SECTION 903 OF THE SOCIAL SECURITY ACT

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6065) to amend section 903(c)(2) of the Social Security Act, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, BYRNES of Wisconsin, and BETTS.

APPOINTMENT OF CONFEREES ON H.R. 10604, TO AMEND TITLE II OF THE SOCIAL SECURITY ACT

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and unrelated expenses for an insured individual whose body is unavailable for burial, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, BYRNES of Wisconsin, and BETTS.

RICHARD C. WALKER—ADDITIONAL JUDICIAL DISTRICT, LOUISIANA

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3749) for the relief of Richard C. Walker, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, after line 17, insert:

SEC. 3. (a) Section 98 of title 28 of the United States Code is amended to read as follows:

"§ 98. Louisiana

"Louisiana is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of Louisiana.

"Eastern District

"(a) The Eastern District comprises the parishes of Assumption, Jefferson, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Tammany, Tangipahoa, Terrebonne, and Washington.

"Court for the Eastern District shall be held at New Orleans.

"Middle District

"(b) The Middle District comprises the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Point Coupee, Saint Helena, West Baton Rouge, and West Feliciana.

"Court of the Middle District shall be held at Baton Rouge.

"Western District

"(c) The Western District comprises six divisions.

"(1) The Opelousas Division comprises the parishes of Evangeline and Saint Landry.

"Court for the Opelousas Division shall be held at Opelousas.

"(2) The Alexandria Division comprises the parishes of Avoyelles, Catahoula, Grant, La Salle, Rapides, and Winn.

"Court for the Alexandria Division shall be held at Alexandria.

"(3) The Shreveport Division comprises the parishes of Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster.

"Court for the Shreveport Division shall be held at Shreveport.

"(4) The Monroe Division comprises the parishes of Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.

"Court for the Monroe Division shall be held at Monroe.

"(5) The Lake Charles Division comprises the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vernon.

"Court for the Lake Charles Division shall be held at Lake Charles.

"(6) The Lafayette Division comprises the parishes of Acadia, Iberia, Lafayette, Saint Martin, Saint Mary, and Vermilion.

"Court for the Lafayette Division shall be held at Lafayette."

(b) The district judge for the Eastern District of Louisiana holding office on the day immediately prior to the effective date of this section, and whose official station on such date is Baton Rouge, shall, on and after such date, be the district judge for the Middle District of Louisiana. All other district judges for the Eastern District of Louisiana holding office on the day immediately prior to the effective date of this section shall be district judges for the Eastern District of Louisiana as constituted by this section.

(c)(1) Nothing in this section shall in any manner affect the tenure of office of the United States attorney and the United States marshal for the Eastern District of Louisiana who are in office on the effective date of this section, and who shall be during the remainder of their present terms of office the United States attorney and marshal for the Eastern District of Louisiana as constituted by this section.

(2) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and marshal for the Middle District of Louisiana.

(d) The table contained in section 133 of title 28 of the United States Code is amended to read as follows with respect to the State of Louisiana:

"Districts	Judges

• • • • •

"Louisiana:	
"Eastern	9
"Middle	1
"Western	4".

(e) Section 134(c) of title 28 of the United States Code is amended by deleting the first sentence.

(f) The provisions of this section shall become effective one hundred and twenty days after the date of enactment of this Act.

Amend the title so as to read: "An Act for the relief of Richard C. Walker and to create an additional judicial district in the State of Louisiana."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

(Mr. CELLER asked and was given permission to extend his remarks at this point in the RECORD).

Mr. CELLER. Mr. Speaker, the Senate amendment to the text of H.R. 3749 provides for the creation of a new judicial district in the State of Louisiana by dividing the present eastern district of Louisiana into two districts, the eastern and middle districts. Identical provisions creating a new judicial district in the State of Louisiana have been favorably reported to the House by the Committee on the Judiciary in another measure—H.R. 11394; House Report No. 92-677. The Senate amendment does not create any new judgeship.

The Senate amendment to the title of the bill conforms the title to the bill, as amended.

With respect to the creation of a new judicial district in the State of Louisiana, the following excerpt from the Judiciary Committee report (H. Rept. No. 92-677) is relevant:

At present, the eastern district of Louisiana consists of two divisions, one of which sits in New Orleans and the other in Baton Rouge, the State capital. The bill would convert the Baton Rouge division into a new district to be known as the middle district of Louisiana.

In recent years the eastern district of Louisiana has had one of the most persistent civil backlog problems in the United States. At the end of fiscal year 1970, there were 4,385 civil cases pending on the docket, an increase of 4.2 percent over the prior year. The civil business of the eastern district is exceeded in only three other Federal districts, the District of Columbia, the southern district of New York, and the eastern district of Pennsylvania.

The major portion of the workload in the district is in the New Orleans division, where, through the efforts of the judges and personnel of the eastern district, the Federal Judicial Center, and the Administrative Office of the U.S. Courts, better calendar control and new procedures in the clerk's office have been accomplished recently. These joint efforts have been directed almost entirely at the New Orleans division. Indeed, the problems and caseload demands of the Baton Rouge division are very different from those confronting the New Orleans division.

A major part of the civil caseload of the Baton Rouge division consists of maritime and seaman's cases attributable to the port of Baton Rouge, ranked seventh in the Nation in total annual tonnage handled. Since the State penitentiary at Angola, La., is located in the Baton Rouge division, a majority of the habeas corpus petitions for the entire State of Louisiana are brought in this division.

The total number of civil cases filed in the Baton Rouge division in fiscal year 1970 exceeded the civil filings in 24 districts in the United States. In fiscal 1969, the civil filings in this division exceeded those in 28 other districts. Thus, the size of the Baton Rouge division's civil caseload is certainly sufficient to justify the creation of a separate district.

In fiscal year 1970, 57 civil cases involving the United States of America and 58 criminal cases were filed in the Baton Rouge division. In fiscal year 1971, 58 civil cases involving the United States and 72 criminal cases were filed. Hearings or trials in these cases require the presence of the U.S. attorney or one of his assistants. There is no assistant U.S. attorney assigned to the Baton Rouge division, and for each civil or criminal case appearance the U.S. attorney or an assistant must travel from New Orleans, a distance of nearly 80 miles. The division could be much more efficiently operated if it were a district unto itself. Furthermore, since the Federal court building has recently been extensively renovated, no new physical facilities are anticipated if this bill becomes law.

The bill has the support of the Judicial Council of the Fifth Circuit, the judges of the eastern district, and the Louisiana State Bar Association. Support has also been expressed by the U.S. attorney, the chief probation officer, and the U.S. marshal for the eastern district. More significantly, despite a general policy in opposition to the creation of new districts, the Judicial Conference of the United States has expressed its approval. The Department of Justice has deferred to the recommendations of the Judicial Conference of the United States and the Judicial Council of the Fifth Circuit.

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOGGS. Mr. Speaker, I rise in support of H.R. 3749, as amended by the other body.

This bill would establish, for reasons of judicial efficiency, a third judicial district in Louisiana, to be known as the middle district of Louisiana.

I wish to emphasize that this bill would not create new judgeships in Louisiana. Its sole purpose is to create a third judicial district from portions of the present, eastern and western districts of Louisiana. A new middle district of Louisiana will enable the U.S. district court in Baton Rouge to better administer justice in the large and growing central Louisiana area.

This area is presently served either by the eastern district, headquartered more than 200 miles away in New Orleans, or the western district, equally distant, in Shreveport.

This bill is supported by the Louisiana delegation and by everyone from the local chambers of commerce to the judges of the district courts, the Fifth Circuit Court of Appeals, and the Judicial Conference of the United States.

I urge my colleagues to join me in supporting passage of this legislation to improve the administrative efficiency of the U.S. district courts in Louisiana.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORTS THE SAME DAY REPORTED DURING REMAINDER OF FIRST SESSION, 92D CONGRESS

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 729 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 729

Resolved, That during the remainder of the first session of the Ninety-second Congress it shall be in order to consider conference reports the same day reported, notwithstanding the provisions of clause 2, rule XXVIII.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the distinguished and able gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, I assure the Speaker and the Members of the House that I do not intend to use anything like the time that is permitted under the rule.

Mr. Speaker, this is a very simple resolution.

Under the rules of the House conference reports on bills must lay over, for a period of 3 days and be printed in the RECORD.

Now, under the standing rules of the House, for the last 6 days of the session, the House can take such action.

Mr. Speaker, since we are in the drive for adjournment and since no one can predict accurately when the 6 days begins, this is a simple resolution to expedite the consideration of the conference reports. Otherwise we would be forced to await the joint adoption of a sine die resolution before this waiver could become effective.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the gentleman never spoke truer words in his life than when he said this is a simple resolution but, believe me, it covers the waterfront.

Apparently the Rules of the House are to be scrapped for the sake of expediency. The gentleman well knows, and he has already stated it, that the House has a process at hand for the immediate consideration of legislation and that is to fix an adjournment date. But apparently no one wants to fix the sine die adjournment date, and so there is this resort to expedients of this kind. This resolution will abrogate for the remainder of this session the rule that requires that certain legislation be filed in the House for 3 days before consideration, and if I remember correctly it was only last year that we adopted this 3-day rule. Now it is proposed to throw it right out the window.

Mr. COLMER. If the gentleman will permit, he is absolutely correct. This rule was not provided until last year in the Reorganization Act. I think it is a wise rule. But I repeat, and I am sure that the gentleman from Iowa is just as anxious as the rest of us are to expedite this adjournment of the Congress—which I think is the best thing that could happen to this country; because if we adjourn then we will not be enacting a lot of hasty and unwise legislation around here.

So I am sure that on reflection the gentleman from Iowa would agree that this is not only expedient, but it is wise, if we are going to reach that goal of adjournment.

XUM

Mr. GROSS. If the gentleman will yield for another 30 seconds or so——

Mr. COLMER. I will be happy to yield further to the gentleman from Iowa.

Mr. GROSS. I think it is a most unholy proceeding. Was this resolution supported unanimously in the Committee on Rules?

Mr. COLMER. It was.

Mr. SISK. Mr. Speaker, would the gentleman yield?

Mr. COLMER. I will be happy to yield to my friend, the gentleman from California (Mr. SISK), the chairman of the Subcommittee on Reorganization, responsible for the basic rule.

Mr. SISK. Mr. Speaker, let me say to my good friend, the gentleman from Iowa, that I think what we did in the reorganization bill last year was a good thing—to require a 3-day rule of laying over of conference reports so that Members might know what was in those conference reports.

I am strongly—and I want to make it clear—and vigorously and continuously in support of that kind of a procedure. However, as my good friend, the gentleman from Iowa, I am sure, knows, and I agree with him, we need to adjourn this Congress. I agree completely with my friend, the gentleman from Mississippi (Mr. COLMER) that I think the sooner we get out of here the sooner we are going to cease to pass what may be, I am afraid, bad legislation.

In essence, what we did yesterday in the Committee on Rules in supporting this is in a sense, in my opinion, actually a 6-day adjournment resolution.

Apparently there seems to be a problem about arriving at a date certain to adjourn. I wish that that did not exist, and that we might pass such a 6-day resolution to adjourn, so that these things could occur, but that is the basis upon which I am supporting it, in an effort to get the Congress adjourned, I would hope, within the next 5, 6, or 7 days.

Mr. GROSS. Mr. Speaker, would my friend, the gentleman from Mississippi, yield further so that I might respond very briefly to the gentleman from California?

Mr. COLMER. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. If the 3-day rule was good at the start of this session, and during the intermediate stages of this session, what is wrong with it now?

Mr. SISK. Mr. Speaker, would the gentleman from Mississippi yield to me again for a response?

Mr. COLMER. I yield further to the gentleman from California, for a response.

Mr. SISK. Of course, as my good friend knows, under the existing rules of the House, if we pass a resolution of adjournment on a day certain, then on the last 6 days of the session automatically this would be permitted. In other words, the 3 days are not required in the closing 6 days of the session. That is already a part of the rules.

My colleague agrees with that—is that not correct? That was not repealed or changed by the Reorganization Act.

Mr. GROSS. You could resort to suspension of the rules for 6 days preceding sine die adjournment. But the reason that rule is not available is because the leadership in Congress will not fix the date for sine die adjournment 6 days in advance.

If it is so good to get this Congress out of session, why do you not fix the sine die adjournment date right now?

Mr. SISK. That is not a matter within the hands of this particular Member, I am sure, any more than it is with my good friend, the gentleman from Iowa.

In essence what we are saying is that here I am acting on the basis that we are within, let us say, a week of adjourning this Congress. For all practical purposes in order to expedite the adjournment, we actually are adopting a rule which will permit that. I would hope, I may say, that this Congress will adjourn within the next 5, 6, or 7 days.

Mr. COLMER. Mr. Speaker, in further reference to the statement of my friend, the gentleman from Iowa, of course, no one in this House is more familiar with the rules of this House or the procedure of the Congress. Now the gentleman is certainly aware of the fact that we cannot unilaterally pass an adjournment resolution—the other body has to concur in that. Therefore, all we are doing here is trying to expedite adjournment and we are not trying to put anything over on my friend, the gentleman from Iowa, or anyone else.

I can assure the gentleman, while I am not authorized to speak for the House leadership, but I can assure him that in my judgment the leadership is most anxious to adjourn this Congress sine die. This resolution is one of the things they are trying to do in order to accomplish that objective.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman of the Committee on Rules yielding to me.

Mr. Speaker, it is indeed disheartening and even difficult to believe, that the Committee on Rules would spring a resolution like this, which denies due process, after having been the savior of the Reorganization of the Congress Act in 1970. Had it not been for the Committee on Rules, as we who served on the Joint Commission on the Reorganization of the Congress in 1965 through 1970 well know, that reorganization, whatever it may eventually come to mean, would have gone down the drain. In fact, it was revived in the 91st Congress after having died on the Speaker's desk in the 90th Congress as a result of the good work of the Subcommittee of the Committee on Rules.

Now this was simply in the interest of due process so that Members would have an opportunity to see, to study, and to do their homework on conference reports or those of committees. The other remedies have not been mentioned and I will not belabor that, but I will take exception to my friend's statement, the gentleman from Mississippi, that we need this as a technique for adjournment; or that we must depend on the other body in order to adjourn sine die.

There is history and precedents replete in the annals of the House where we have passed a 3-day resolution on the completion of our work and passed the responsibility off of our shoulders on to the other body and gone to our districts and homes for the celebration of the season of the advent.

Our leadership knows that if we had the intestinal fortitude to set the sine die adjournment on a day certain, we will start toward adjournment over a 3- to 6-day period and do only what is necessary thereafter in the recognized legislative manner. On the completion of our work we would long since have been under the rule of suspension and we would not now be denying due process. I for one refuse to let that fraternity known as the other body call the tune.

Mr. Speaker, I say it is a travesty and unconscionable. This resolution like other tricks of technique by which we have obviated the reorganization rule should be voted down out of hand.

Mr. COLMER. If the gentleman will give me an opportunity to do so, I would like to advise my friend from Missouri, a man for whom I have the greatest admiration and one whom I consider one of my leaders around here, that I follow him a great deal. He is a dedicated legislator, and although I have gotten personal, I do not want to get personal in the opposite way. But if I recall correctly, only yesterday I heard my distinguished leader (Mr. HALL) on the floor of this House arguing for adjournment and hasty adjournment. I know he is in the same position that I and most of the Members of this House are in. We want to expedite the business and get the Members out of here.

The gentleman has used some pretty strong language. Ordinarily he is a little more temperate than he has been on this occasion. The gentleman, of course, has the privilege of voting against this resolution. But I want to say that I am amazed that my friend should be raising questions about the resolution since it would bring us closer to the objective that we all seek. There is nothing underhanded about this matter.

Let me say further, while I have the floor, in my own position I think the gentleman knows that I have done everything that I possibly could to expedite the business of the House. We have practically placed a padlock on the doors of the Rules Committee Room in order to expedite adjournment, which I still contend would be in the best interests of this country, preventing the passage of hastily conceived legislation, in my opinion. I know I am not going to make any friends by this remark, but yesterday we had a good illustration of hastily enacted legislation which I do not think is for the best interests of the country.

The doors of that committee are going to be open only in extreme matters of emergency, and that of a procedural nature. We have tried to hold the line. We have held the line with very few exceptions.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Iowa, and when I have time available on any occasion I am glad to yield to the gentleman further.

Mr. GROSS. The gentleman from Mississippi referred to my friend from Missouri as having used rather pointed language a few minutes ago. Let me say to the gentleman from Mississippi that he plays no favorites in that department. He sometimes uses pointed language when talking to me.

Mr. COLMER. Privately.

Mr. GROSS. And sometimes semipublicly, and even publicly. So I hope the gentleman takes no umbrage from what has been said here this afternoon.

Mr. COLMER. Let me thank my friend for his further contribution here. If I have offended either of my leaders, the gentleman from Iowa or the gentleman from Missouri, I want to publicly apologize.

Mr. ANDERSON of Illinois. Mr. Speaker, for reasons already adequately explained by the chairman of the Rules Committee, I merely concur with him and urge the House to adopt House Resolution 729.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. GRIFFITHS) and ask unanimous consent that she may speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REPORT ON HOUSE BEAUTY SHOP

Mrs. GRIFFITHS. Mr. Speaker, I would like to make a very happy announcement. The House Beauty Parlor is running in just great shape. This year we have paid for medical examinations for all these girls. The doctor's office has examined the shop itself. We guarantee that it is clean and well run and efficiently managed.

Now for the really happy news. This beauty shop has returned to the Treasury of the United States this year, in lieu of rent, $9,400.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MADDEN) and ask unanimous consent that he may speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

IMPORTANT VICTORY FOR FAMILY FARMS

Mr. MADDEN. Mr. Speaker, last night at midnight after 6 hours of teller votes, numerous amendments, strong White House opposition and the use of every tactic in the book by the Republican leaders to defeat a farm bill, the House passed the bill with almost exclusive Democratic votes.

This was a bill to help the family farmers of America. They are in a desperate situation and the smaller farmers are unable to tide themselves over for another year without some help. Without help, hundreds of thousands of them will move into cities. It is far cheaper and better to give them a chance to survive in their rural homes instead of moving into the cities at a time when we have too much congestion and unemployment.

The Republican leaders fought this bill every step of the way. It took 3 days to complete hearings before the Rules Committee. The Farm Bureau bombarded the Congress with telegrams against the bill. The Farmers Union, NFO, National Grange, and some other farm organizations helped, as well as the AFL–CIO, but the opposition was diehard and the White House pulled out every stopper in trying to defeat the bill.

How can a bill pass over all of these obstacles? The answer is that some midwestern Democrats who are interested in rural problems simply had enough ability and experience to get the job done. In the last election, nine out of 10 seats that were won from Republicans came from the farm belt. The rest of the country notices this and, to those of us in the cities, this means that the farmers are expressing the need for change. Back in 1965 and following the 1964 election when a new group of Democrats came to Congress, we passed a meaningful farm bill but in 1966 most of those congressional Democrats were defeated and farmers apparently did not express alarm again until this last election. In the meantime, legislation went from bad to worse and the farm situation with it. My congressional district is the Calumet industrial area in northwest Indiana.

I am not from a farm area but it gave me great heart to see these farm State representatives at work and getting the cooperation from some of us in the cities whose problems they have tried to appreciate and understand when we needed their help. The author of the bill was Congressman NEAL SMITH of Iowa, who, with his several years of seniority, has gained a personal and working relationship with his urban colleagues. Members elected in the last Congress who helped to rally the votes included BOB BERGLAND, of Minnesota; ARTHUR LINK, of North Dakota; LES ASPIN, of Wisconsin; JAMES ABOUREZK, of South Dakota; FRANK DENHOLM, of South Dakota; GUNN MCKAY, of Utah; WILLIAM ROY, of Kansas; and MIKE MCCORMACK, of Washington.

Others who have been here longer but played important roles included WAYNE HAYS, of Ohio; JOHN CULVER, of Iowa; WILLIAM HUNGATE, of Missouri; DAVE OBEY, of Wisconsin; ED JONES of Tennessee; BILL BURLISON of Missouri; LEE HAMILTON, of Indiana; JOHN MELCHER, of Montana; J. EDWARD ROUSH, of Indiana, and THOMAS FOLEY, of Washington.

The chairman of the subcommittee handling the bill was GRAHAM PURCELL, of Texas, and they reported a bill that would be good for the family farmers of America supported by these respected voices from the Midwest.

The White House steamroller, the Farm Bureau bombardment and Republican leaders maneuvers were overridden. It may have taken until midnight to get the job done but it was a great victory for this group of Democratic Congressmen and shows what an area can do if they have the right kind of representation.

If the Senate will enact the House Farm legislation, without major amendments and President Nixon signs, the American Family Farm can enjoy prosperity in the not too distant future.

Mr. COLMER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MILLER).

(Mr. MILLER of California asked and was given permission to speak out of order.)

PICTURE OF DR. GODDARD FOR THE COMMITTEE ROOM

Mr. MILLER of California. Mr. Speaker, I would just like to announce to the House that last night the National Space Club presented a very fine picture of Dr. Robert Goddard, the father of rocketry, that now hangs in the Science and Astronautic committee room. I expressed the desire to get such a picture for our hearing room to the National Space Club. The club acting on my desire had this picture made. It is a fine picture of Dr. Goddard and a credit to the man who is the founder of rocketry in this country and one of its greatest scientists.

I thank the Club for this fine and appropriate gift.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 342, nays 48, not voting 41, as follows:

[Roll No. 451]

YEAS—342

Abbitt	Brown, Ohio	Danielson
Abernethy	Broyhill, N.C.	Davis, Ga.
Abourezk	Broyhill, Va.	Davis, S.C.
Adams	Burke, Fla.	Davis, Wis.
Addabbo	Burke, Mass.	de la Garza
Anderson, Calif.	Burleson, Tex.	Delaney
	Burlison, Mo.	Dellenback
Anderson, Ill.	Burton	Dellums
Andrews, N. Dak.	Byrne, Pa.	Denholm
	Byrnes, Wis.	Dent
Arends	Byron	Devine
Ashbrook	Cabell	Dickinson
Ashley	Caffery	Dingell
Aspin	Camp	Donohue
Aspinall	Carey, N.Y.	Dorn
Badillo	Carney	Dow
Baker	Carter	Downing
Baring	Cederberg	Drinan
Barrett	Celler	Dulski
Begich	Chappell	Duncan
Bell	Chisholm	Dwyer
Bennett	Clancy	Eckhardt
Bergland	Clark	Edmondson
Betts	Clausen, Don H.	Eilberg
Bevill		Esch
Biaggi	Clawson, Del	Eshleman
Boggs	Cleveland	Evans, Colo.
Boland	Collier	Fascell
Bolling	Collins, Tex.	Findley
Bow	Colmer	Fish
Brademas	Conable	Fisher
Brasco	Conte	Flood
Bray	Corman	Flowers
Brinkley	Cotter	Flynt
Brooks	Culver	Foley
Broomfield	Curlin	Ford, Gerald R.
Brotzman	Daniel, Va.	Ford, William D.
Brown, Mich.	Daniels, N.J.	

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Forsythe	McDade	Rooney, N.Y.
Fountain	McDonald,	Rooney, Pa.
Frelinghuysen	Mich.	Roy
Frey	McEwen	Roybal
Fulton, Tenn.	McFall	Runnels
Fuqua	McKay	Ruppe
Galifianakis	McKevitt	Ruth
Gallagher	McMillan	Ryan
Garmatz	Macdonald,	St Germain
Gaydos	Mass.	Sandman
Gettys	Madden	Satterfield
Gialmo	Mahon	Saylor
Goodling	Mailliard	Scheuer
Grasso	Mann	Schneebeli
Green, Oreg.	Martin	Schwengel
Green, Pa.	Mathias, Calif.	Scott
Griffin	Matsunaga	Sebelius
Griffiths	Mazzoli	Shipley
Grover	Meeds	Shoup
Gubser	Michel	Shriver
Gude	Miller, Calif.	Sikes
Hagan	Mills, Md.	Sisk
Haley	Minish	Slack
Halpern	Mink	Smith, Calif.
Hamilton	Minshall	Smith, Iowa
Hanley	Mitchell	Smith, N.Y.
Hanna	Mizell	Snyder
Hansen, Idaho	Mollohan	Staggers
Harrington	Monagan	Stanton,
Harsha	Moorhead	J. William
Harvey	Morgan	Stanton,
Hastings	Mosher	James V.
Hathaway	Murphy, Ill.	Steed
Hawkins	Murphy, N.Y.	Steele
Hays	Myers	Steiger, Ariz.
Hechler, W. Va.	Natcher	Stephens
Heckler, Mass.	Nedzi	Stratton
Heinz	Nelsen	Stubblefield
Helstoski	Nichols	Stuckey
Henderson	Nix	Symington
Hicks, Mass.	Obey	Talcott
Hicks, Wash.	O'Hara	Taylor
Hillis	O'Konski	Teague, Calif.
Hogan	O'Neill	Teague, Tex.
Holifield	Passman	Terry
Horton	Patman	Thompson, Ga.
Hosmer	Patten	Thompson, N.J.
Howard	Pelly	Thomson, Wis.
Hull	Pepper	Thone
Hutchinson	Perkins	Udall
Ichord	Pettis	Ullman
Jacobs	Peyser	Van Deerlin
Jarman	Pike	Vander Jagt
Johnson, Calif.	Pirnie	Veysey
Johnson, Pa.	Poage	Vigorito
Jonas	Podell	Waggonner
Jones, Ala.	Poff	Wampler
Jones, N.C.	Powell	Ware
Jones, Tenn.	Preyer, N.C.	Whalen
Karth	Price, Ill.	Whalley
Kastenmeier	Pryor, Ark.	White
Kee	Pucinski	Whitehurst
Keith	Purcell	Whitten
King	Quie	Widnall
Koch	Quillen	Wiggins
Kyl	Railsback	Williams
Kyros	Randall	Winn
Landrum	Rangel	Wolff
Latta	Rarick	Wyatt
Leggett	Rees	Wydler
Lennon	Reuss	Wyman
Lent	Rhodes	Yates
Link	Riegle	Yatron
Lloyd	Roberts	Young, Fla.
Long, La.	Robinson, Va.	Young, Tex.
Long, Md.	Robison, N.Y.	Zablocki
McClory	Rodino	Zion
McClure	Roe	Zwach
McCulloch	Rogers	

NAYS—48

Abzug	Gross	Moss
Archer	Hall	Pickle
Biester	Hammer-	Price, Tex.
Bingham	schmidt	Reid, N.Y.
Buchanan	Hungate	Rosenthal
Conyers	Hunt	Rousselot
Coughlin	Kazen	Sarbanes
Crane	Keating	Scherle
Dennis	Kemp	Schmitz
du Pont	Kuykendall	Selberling
Edwards, Ala.	Landgrebe	Skubitz
Edwards, Calif.	McCloskey	Steiger, Wis.
Fraser	McCollister	Vanik
Frenzel	McKinney	Wilson, Bob
Gibbons	Mathis, Ga.	Wylie
Goldwater	Mayne	
Gonzalez	Miller, Ohio	

NOT VOTING—41

Alexander	Andrews, Ala.	Blackburn
Anderson,	Annunzio	Blanton
Tenn.	Belcher	Blatnik
Casey, Tex.	Hébert	Roush
Chamberlain	Kluczynski	Spence
Clay	Lujan	Springer
Collins, Ill.	McCormack	Stokes
Derwinski	Melcher	Sullivan
Diggs	Metcalfe	Tiernan
Dowdy	Mikva	Waldie
Edwards, La.	Mills, Ark.	Wilson,
Erlenborn	Montgomery	Charles H.
Evins, Tenn.	Morse	Wright
Gray	Roncalio	
Hansen, Wash.	Rostenkowski	

So the resolution was agreed to.

Mr. SEIBERLING changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Speaker, I voted in the affirmative, on the majority side.

Mr. Speaker, I move to reconsider the vote by which the resolution was agreed to.

The SPEAKER. The gentleman from Georgia moves to reconsider.

MOTION TO TABLE OFFERED BY MR. COLMER

Mr. COLMER. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER. The question is on the motion to table, offered by the gentleman from Mississippi.

The question was taken and the Speaker announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. THOMPSON of Georgia. Mr. Speaker, a parliamentary inquiry. According to rule XVIII, section 819, debate on the motion to reconsider:

A motion to reconsider is debatable only if the motion proposed to be reconsidered was debatable.

The motion was debatable.

The SPEAKER. The House is not voting on the motion to reconsider. It is voting on the motion to table. That motion is not debatable.

So the motion to table was agreed to.

PERSONAL ANNOUNCEMENT

Mr. CRANE. Mr. Speaker, I was not present for rollcall vote No. 450. Had I been here I would have voted "nay." I ask that the RECORD show my vote would have been "nay."

CONFERENCE REPORT ON H.R. 11955, SUPPLEMENTAL APPROPRIATIONS 1972

Mr. MAHON submitted the following conference report and statement on the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–725)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11955) "making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 17, 23, 25, 26, 47, 59, 65, 66, 67, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 18, 19, 27, 30, 50, 52, 53, 54, 56, 58, 63, 64, 69, 70, 71, 72, and 73, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$650,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,250,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

Insert the matter proposed by said amendment, amended to read as follows:

"OFFICE OF COAL RESEARCH

"For an additional amount for 'Salaries and expenses', $5,120,000, to remain available until expended, of which not to exceed $40,000 shall be available for administration and supervision."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 11, 12, 13, 15, 16, 20, 21, 24, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 51, 55, 57, 60, 61, 62, 68, and 75.

GEORGE MAHON,
JAMIE WHITTEN,
JOHN J. ROONEY
(except as to amendment No. 25),
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
TOM STEED,
NEAL SMITH,
JULIA BUTLER HANSEN,
JOHN J. MCFALL,
E. A. CEDERBERG,
JOHN J. RHODES,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
JOSEPH M. MCDADE,
Managers on the Part of the House.

ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN C. STENNIS,
JOHN O. PASTORE,
ALAN BIBLE,
GALE W. MCGEE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
GORDON ALLOTT,
NORRIS COTTON,
CLIFFORD P. CASE
(except as to amendment No. 25),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

CHAPTER I—SECURITIES AND EXCHANGE COMMISSION

Amendment No. 1: Inserts headings and appropriates $1,587,000 for salaries and expenses as proposed by the Senate. The committee of conference is agreed that the funds should be used solely in problem areas and to administer direct workload increases. No positions are approved at this time for additions in public information, policy research, and organization, and management improvement activities. The critical need to strengthen regulatory, investigative, and enforcement activities in regional offices should receive primary attention by the Commission in allocating the funds that are provided.

CHAPTER II—DEPARTMENT OF THE INTERIOR

Amendment No. 2: Changes chapter number.

Amendment No. 3: Appropriates $85,000 for "Bureau of Land Management, management of lands and resources" as proposed by the Senate instead of $160,000 as proposed by the House.

Amendment No. 4: Inserts name of Bureau "Bureau of Indian Affairs".

Amendment No. 5: Appropriates $230,000 for "Bureau of Indian Affairs, resources management" as proposed by the Senate.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $550,000 for "Bureau of Indian Affairs, construction".

Amendment No. 7: Appropriates $650,000 for "Geological Survey, surveys, investigations, and research" instead of $1,190,000 as proposed by the Senate. The amount provided includes $150,000 for establishing an Experiment and Evaluation Office for the Earth Resources Observation System at the Mississippi Test Facility, and $500,000 for implementation of the Gulf Coast Hydro-Science Center.

Amendment No. 8: Appropriates $300,000 for "Bureau of Mines, conservation and development of mineral resources" as proposed by the Senate.

Amendment No. 9: Appropriates $6,250,000 for "Bureau of Mines, health and safety" instead of $5,250,000 as proposed by the House and $7,225,000 as proposed by the Senate. The increase over the amount provided by the House includes $1,000,000 for development and purchase of specialized equipment needed to detect and rescue trapped miners.

Amendment No. 10: Appropriates $5,120,000 for "Office of Coal Research" instead of $10,280,000 as proposed by the Senate. The amount provided includes $1,170,000 for the Hydrogasification Project at Chicago, Illinois; $450,000 for the Lignite Gasification Project at Rapid City, South Dakota; and $3,500,000 for the BI-GAS Process at Homer City, Pennsylvania. Of the total amount provided, $40,000 shall be available for administration and supervision, instead of $80,000 as proposed by the Senate.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $2,325,000 for "National Park Service, construction" instead of $110,000 as proposed by the House.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with Senate language providing that notwithstanding the Act of March 18, 1950, as amended, not to exceed $2,215,000 shall be available for airport planning, development, or improvement at the Jackson Hole Airport pursuant to the Act of March 18, 1950, including availability through the Jackson Hole Airport Authority as sponsor's share of project costs for any grant made pursuant to Public Law 91–258.

The conferees recommend approval of the construction project at the Jackson Hole Airport in Grand Teton National Park, solely in the interest of safety and with the clear understanding that this action shall not be construed as a precedent for the establishment or construction of airport facilities in other National Parks by the National Park Service. It is further agreed that the National Park Service shall be responsible for monitoring the construction so that any interference with various conservation practices which exist in this area will be restricted to an absolute minimum.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $96,000 for "National Park Service, parkway and road construction (liquidation of contract authority)".

Amendment No. 14: Appropriates $500,000 for "Office of the Secretary, salaries and expenses" as proposed by the House instead of $518,000 as proposed by the Senate.

Related Agencies

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $3,500,000 for "Youth Conservation Corps, salaries and expenses".

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $42,000 for "Health Services and Mental Health Administration, Indian Health Facilities".

Amendment No. 17: Deletes item proposed by the Senate to appropriate $1,500,000 for "Smithsonian Institution, The John F. Kennedy Center for the Performing Arts".

Amendment No. 18: Appropriates $1,400,000 for "American Revolution Bicentennial Commission, salaries and expenses" as proposed by the Senate instead of $1,800,000 as proposed by the House.

CHAPTER III

Amendment No. 19: Changes chapter number.

Department of Labor

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $26,207,000 for "Manpower Administration, Salaries and expenses" instead of $26,607,000 as proposed by the Senate, and delete language making the appropriation available only upon enactment of authorizing legislation. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amount of $26,207,000 includes no additional funds for the Veterans Employment Service.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $776,717,000 for "Manpower Administration, Manpower training services instead of $817,597,000 as proposed by the Senate, and delete language making the appropriation available only upon enactment of authorizing legislation. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 22: Appropriates $6,000,000 for "Limitation on grants to States for unemployment insurance and employment services" instead of $4,500,000 as proposed by the House and $24,640,000 as proposed by the Senate.

Amendment No. 23: Deletes appropriation of $400,000 for "Office of the Secretary, Salaries and expenses" proposed by the Senate.

Department of Health, Education, and Welfare

Office of Education

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $32,500,000 for "Elementary and secondary education" with language providing that the aggregate amounts made available to each State in fiscal year 1972 under Title I–A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be less than such amounts as were made available for that purpose in fiscal year 1971.

Amendment No. 25: Deletes appropriation of $265,000,000 for "School assistance in Federally affected areas" proposed by the Senate.

Amendment No. 26: Deletes appropriation of $2,500,000 for "Environmental education" proposed by the Senate.

Amendment No. 27: Appropriates $3,000,000 for "Higher education" as proposed by the Senate.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $492,980,000 for "Health manpower" instead of $707,157,000 as proposed by the Senate. The managers on the part of the Senate will move to agree to the amendment of the House to the amendment of the Senate.

Pertinent statistics for the entire Health Manpower program are shown in the following table, including sums in connection with the Labor, and Health, Education, and Welfare Appropriation Act for 1972 (Public Law 92–80):

	Budget estimate	Senate amendment	Conference agreement
1. Medical, dental, and related health professions:			
a. Institutional support:			
(1) Capitation grants:			
MOD	$120,000,000	$160,000,000	$130,000,000
VOPP	20,400,000	30,000,000	25,200,000
(2) Startup assistance:			
New schools	2,580,000	2,900,000	2,580,000
Converting schools	4,700,000	4,700,000	4,700,000
(3) Special projects	36,000,000	70,000,000	53,000,000
(4) Financial distress	20,000,000	20,000,000	20,000,000
(5) Health manpower education improvement awards	20,000,000	30,000,000	20,000,000
b. Student Assistance:			
(1) Student loans: United States	30,000,000	40,000,000	30,000,000
(2) Scholarships:			
United States	15,500,000	35,000,000	15,500,000
Physician shortage		1,000,000	
(3) Traineeship and fellowships:			
Family medicine	5,000,000	5,000,000	5,000,000
Family Practice of Medicine Act		1,000,000	100,000
Health professional teachers	1,000,000	1,000,000	1,000,000

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	Budget estimate	Senate amendment	Conference agreement
c. Construction:			
(1) Grants	82,000,000	190,616,000	142,385,000
(2) Interest subsidy	800,000	2,000,000	800,000
d. Computer technology	1,000,000	3,000,000	3,000,000
e. Education cost studies	2,015,000	2,015,000	2,015,000
f. Educational grants and contracts and direct operations:			
(1) Grants	927,000	927,000	927,000
(2) Direct operations	4,232,000	4,232,000	4,232,000
Total, health professions	366,154,000	603,390,000	460,439,000
Dental health:			
(1) Educational grants and contracts	5,909,000	6,409,000	5,909,000
(2) Direct operations	5,941,000	5,941,000	5,941,000
Total, dental health	11,850,000	12,350,000	11,850,000
Nursing:			
a. Institutional support:			
(1) Capitation grants		$63,000,000	$31,500,000
(2) Special projects (G&C)	$18,000,000	20,000,000	20,000,000
(3) Financial distress	5,000,000	10,000,000	10,000,000
b. Student assistance:			
(1) Student loans	21,000,000	25,000,000	21,000,000
(2) Scholarships	19,500,000	35,000,000	19,500,000
(3) Traineeships	10,470,000	15,000,000	10,470,000
c. Construction:			
(1) Grants	9,500,000	25,000,000	19,500,000
(2) Interest subsidy	200,000	200,000	200,000
d. Educational grants and contracts and direct operations:			
(1) Recruitment (G&C)	2,000,000	2,000,000	2,000,000
(2) Grants and contracts	3,805,000	3,805,000	3,805,000
(3) Direct operations	6,915,000	6,915,000	6,915,000
Total, nursing	96,390,000	205,920,000	144,890,000
Public health:			
a. Institutional support:			
(1) Schools of public health	5,554,000	7,000,000	5,554,000
(2) Graduate public health training	4,517,000	4,517,000	4,517,000
(3) Traineeships	8,400,000	8,400,000	8,400,000
(4) Direct operations	573,000	573,000	573,000
Total, public health	19,044,000	20,490,000	19,044,000
Allied health:			
a. Institutional support	10,000,000	15,000,000	10,000,000
Traineeships	3,750,000	6,000,000	3,750,000
Allied health special projects (grants and contracts)	14,745,000	15,745,000	14,745,000
Direct operations	2,159,000	2,159,000	2,159,000
Total, allied health	30,654,000	38,904,000	30,654,000
Program direction and manpower analysis:			
Planning and analysis	4,068,000	4,068,000	4,068,000
Program direction	2,655,000	2,655,000	2,655,000
Total, program direction	6,723,000	6,723,000	6,723,000
Grand total	530,815,000	887,777,000	673,600,000

NOTE: The conferees are agreed that $10,616,000 of the funds made available for construction shall be for the construction of a veterinary school in the southern part of the Nation.

Social and Rehabilitation Service

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $45,750,000 for "Special programs for the aging" and $9,500,000 for "Research and training", with an amendment to make the appropriations available for obligation through December 31, 1972. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Office of Child Development

Amendment No. 30: Inserts heading as proposed by the Senate.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $376,317,000 for "Child development" instead of $376,817,000 as proposed by the Senate, and delete language proposed by the Senate making the appropriation available only upon the enactment of authorizing legislation. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The committee of conference is agreed that the reduction from the amount proposed by the Senate is to be applied against the amount budgeted for evaluation programs.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that maternal and child health grants under sections 508, 509, or 510 of the Social Security Act may be for periods ending prior to July 1, 1973.

Related Agencies

Occupational Safety and Health Review Commission

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $660,000 for "Salaries and expenses" to be derived by transfer from the appropriation to the Department of Labor, "Workplace Standards Administration, Salaries and expenses".

Office of Economic Opportunity

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $741,380,000 for "Economic opportunity program" instead of $780,400,000 as proposed by the Senate, and delete language proposed by the Senate making the appropriation available only upon the enactment of authorizing legislation. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CHAPTER IV—LEGISLATIVE BRANCH

Amendments Nos. 35 through 46: Reported in technical disagreement. Inasmuch as these amendments relate solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements, and the other concurs without intervention, the managers on the part of the House will offer motions to recede and concur in Senate amendments nos. 35 through 46.

Amendment No. 47: Deletes appropriation of $1,521,000 for "Restoration of the Old Senate Chamber and Old Supreme Court Chamber in the Capitol" proposed by the Senate.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which will appropriate $66,000 for "Senate Office Buildings".

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which will appropriate $270,000 for "Extension of Additional Senate Office Building Site".

CHAPTER V—CORPS OF ENGINEERS—CIVIL

Amendment No. 50: Changes chapter number.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment appropriating $102,400,000 for "Construction, General", instead of $34,100,000 as proposed by the House, and inserting language providing that not to exceed $1,400,000 shall be available for emergency flood control construction of debris basins and channel clearing in the Carpinteria, California, area affected by recent fires.

The funds appropriated under this heading are to be allocated for construction on projects as shown in the following tabulation:

State and project—Conference allowance	
Arkansas: Dierks Lake	$600,000
California:	
Alameda Creek	435,000
Buchanan Lake	400,000
Dry Creek Lake	1,850,000
Lytle and Warm Creeks	500,000
Martis Creek Lake	210,000
Mojave River Reservoir	200,000
New Melones Lake	3,650,000
Sacramento River bank protection	800,000
San Diego Harbor	500,000
Santa Barbara County fires (Carpinteria)	1,400,000
Recreation facilities, completed projects:	
Lake Mendocino	149,000
Harry L. Engelbright Lake	87,000
Connecticut:	
Derby	400,000
Trumbull Lake	1,000,000
Illinois:	
Kaskaskia River navigation	8,000,000
Rend Lake	1,400,000
Smithland lock and dam, Illinois, Indiana, and Kentucky	9,000,000
Iowa:	
Missouri River Levee System, Iowa, Nebraska, Kansas, and Missouri	425,000
Kansas:	
Clinton Lake	2,200,000
Louisiana:	
Lake Pontchartrain	3,245,000
New Orleans to Venice	250,000
Red River emergency bank protection	1,100,000
Massachusetts:	
Charles River Dam	400,000
Michigan:	
River Rouge	500,000
Missouri:	
Harry S. Truman Dam and Reservoir	7,600,000
St. Louis	925,000
Montana:	
Libby Dam (Lake Koocanusa)	8,000,000

New Mexico:	
Cochiti Lake	9,000,000
Ohio:	
Alum Creek Lake	725,000
Caesar Creek Lake	1,200,000
Clarence J. Brown Lake	500,000
Fremont	1,440,000
North Branch, Kokosing River Lake	400,000
Paint Creek Lake	560,000
Willow Island lock and dam	800,000
Oklahoma:	
Hugo Lake	2,000,000
Webbers Falls lock and dam	1,000,000
Oregon:	
Yaquina Bay and Harbor	700,000
Texas:	
Wallisville Lake	$2,600,000
Washington:	
Ice Harbor lock and dam	200,000
Lower Granite lock and dam	16,300,000
Lower Monumental lock and dam	1,455,000
The Dalles lock and dam	6,000,000
Wynoochee Lake	2,759,000
Miscellaneous:	
Reduction for anticipated savings and slippages	−465,000
Total, construction, general	102,400,000

Bureau of Reclamation

Amendment No. 52: Appropriates $9,210,000 for "Construction and Rehabilitation" as proposed by the Senate instead of $7,000,000 as proposed by the House.

The funds appropriated under this heading are to be allocated for construction on projects as shown in the following tabulation:

California:	*Conference allowance*
Central Valley project:	
Sacramento River division	$2,550,000
San Luis unit	3,650,000
Auburn Folsom south unit	210,000
Washoe project	40,000
Klamath project	80,000
Kansas: Pick-Sloan Missouri Basin program: Bostwick division	40,000
Oklahoma: Mountain Park project	1,000,000
Texas: Palmetto Bend project	1,000,000
Washington: Columbia Basin irrigation facilities	715,000
Reduction for anticipated savings and slippages	−75,000
Total, construction and rehabilitation	9,210,000

Amendment No. 53: Appropriates $6,800,000 for the "Upper Colorado River Storage Project" as proposed by the Senate instead of $4,800,000 as proposed by the House.

The funds appropriated under this heading are to be allocated for construction on projects as shown in the following tabulation:

Colorado:	*Conference allowance*
Curecanti unit	$1,000,000
Utah:	
Bonneville unit, Central Utah project	5,500,000
Jensen unit, Central Utah project	300,000
Total, Upper Colorado River storage project	6,800,000

The Managers have approved the acceptance of $30,000 in contributed funds from local interests for preliminary data gathering activities on the West Divide project, Colorado, preparatory to the review and approval of the initiation of advance engineering and design work.

CHAPTER VI

Amendment No. 54: Changes chapter number.

Department of Commerce

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $4,000,000 for National Oceanic and Atmospheric Administration, Satellite Operations, instead of $4,919,000 as proposed by the Senate. The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 56: Appropriates $2,035,000 for the Patent Office as proposed by the Senate.

Related Agencies

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $32,225,000 for International Radio Broadcasting Activities instead of $36,225,000 as proposed by the Senate, and providing not to exceed $32,000,000, rather than $36,000,000 proposed by the Senate, for grants to Radio Free Europe and Radio Liberty. The managers on the part of the Senate will offer a motion to concur in the amendments of the House to the amendment of the Senate.

CHAPTER VII

Department of Transportation

Amendment No. 58: Changes chapter number.

Amendment No. 59: Appropriates $2,500,000 for Office of the Secretary, transportation planning, research, and development as proposed by the House instead of $5,000,000 as proposed by the Senate. The committee of conference is agreed that this program should be reviewed carefully during the consideration of the regular fiscal year 1973 budget.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to provide that $200,000 of the $2,200,000 proposed by the Senate for Federal Aviation Administration, United States International Aeronautical Exposition, shall be derived from the appropriation for "Office of the Secretary, salaries and expenses". The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to provide that $2,000,000 of the appropriation for Federal Aviation Administration, United States International Aeronautical Exposition, shall be available only upon the enactment of authorizing legislation by the Ninety-Second Congress.

Related Agencies

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $750,000 for Aviation Advisory Commission, salaries and expenses (Airport and Airway Trust Fund) and to extend to March 1, 1973, the availability of the funds appropriated in the Second Supplemental Appropriations Act, 1971.

CHAPTER VIII

Amendment No. 63: Changes chapter number.

Postal Service

Amendment No. 64: Appropriates $200,000,000 for payment to the Postal Service Fund as proposed by the Senate instead of $216,400,000 as proposed by the House.

General Services Administration

Amendment No. 65: Deletes center heading proposed by the Senate.

Amendment No. 66: Deletes the appropriation of $11,200,000 for Construction, Public Buildings Projects as proposed by the Senate.

Amendment No. 67: Deletes the appropriation of $250,000 for Sites and Expenses, Public Buildings Project as proposed by the Senate.

Funds appropriated to the President

Economic Stabilization Activities

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment striking the proviso in the Senate language requiring that not less than $3,000,000 of the amount allowed be derived by transfer from the Exchange Stabilization Fund. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees direct that the Office of Management and Budget report to the Committees on Appropriations of the House and Senate, at the end of each calendar quarter, the amounts and sources of funds transferred under this authority.

CHAPTER IX

Amendment No. 69: Changes chapter number.

Amendments Nos. 70 and 71: Add the citation to include claims and judgments contained in Senate Document Numbered 92–45 as proposed by the Senate; and appropriate $21,569,856 for claims and judgments as proposed by the Senate instead of $19,029,784 as proposed by the House.

CHAPTER X

Amendments Nos. 72 and 73: Modify headings as proposed by the Senate.

Amendment No. 74: Deletes General Provision, Section 902, proposed by the Senate which provided that certain property should continue to be Federal property for the purposes of Public Law 81–874 for the fiscal year ending June 30, 1972. H.R. 11809, which passed the House under suspension of the rules on December 6, will accomplish the same purpose if enacted into law.

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate permitting the appropriation for Salaries and Expenses, Federal Bureau of Investigation to be used for the exchange of identification records with officials of certain banking institutions and state and local governments, with an amendment to change the section number. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the committee of conference, with comparisons to the 1972 budget estimate total, and the House and Senate bills follows:

Budget estimates	$8,254,924,371
House bill	786,282,654
Senate bill	3,998,045,371
Conference agreement	[1] 3,406,385,371

[1] Includes amounts in amendments reported in technical disagreement.

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Conference agreement compared with—
Budget estimates ..... +151,461,000
House bill ..... +2,620,102,717
Senate bill ..... −591,660,000

GEORGE MAHON,
JAMIE WHITTEN,
JOHN J. ROONEY
(except as to amendment No. 25).
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
TOM STEED,
NEAL SMITH,
JULIA BUTLER HANSEN,
JOHN J. MCFALL,
E. A. CEDERBERG,
JOHN J. RHODES,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
JOSEPH M. MCDADE,
Managers on the Part of the House.

ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN C. STENNIS,
JOHN O. PASTORE,
ALAN BIBLE,
GALE W. MCGEE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
GORDON ALLOTT,
NORRIS COTTON,
CLIFFORD P. CASE
(except as to amendment No. 25)
Managers on the Part of the Senate.

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

PARLIAMENTARY INQUIRIES

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Is this conference report being called up under the authority of House Resolution 729?

The SPEAKER. The gentleman from Texas is calling up the conference report.

Mr. GROSS. Which was passed 1½ minutes ago, or the vote announced 1½ minutes ago?

The SPEAKER. The gentleman is calling it up under a resolution of the House.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry. Are there any copies anywhere in existence of the conference report?

The SPEAKER. The Chair is unable to answer.

Mr. MAHON. Copies of the conference report are not generally available. Copies of the bill showing all the amendments are available; H.R. 11955. I propose that we will explain exactly what is in the bill. It is the supplemental bill that passed the House and went to the other body. We whittled it down by some $200 million or $300 million. We will present it to you if we can.

Mr. GROSS. A further parliamentary inquiry, Mr. Speaker. When might a point of order be made against consideration of the conference report?

The SPEAKER. Before the reading of the same.

Mr. GROSS. Before the reading of the same. Has the conference report been read?

The SPEAKER. Is has not.

Mr. GROSS. I thank the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House today.)

Mr. GROSS. Mr. Speaker, I now rise to make a point of order, if it is in order to make a point of order, against the consideration of the conference report.

The SPEAKER. The gentleman's request comes too late.

Mr. GROSS. I thought the Speaker said after the reading of the conference report.

The SPEAKER. A unanimous consent request to read the statement in lieu of the report was granted, and the Speaker waited and there was no point of order raised and no objection.

Mr. GROSS. Mr. Speaker, in view of the fact that I told the Speaker that at the proper time I wanted to make a point of order against the conference report, I thought my rights would be protected.

The SPEAKER. The Chair answered the only inquiry the gentleman made. I have no recollection and I do not think the RECORD will show any inquiry made except when would it be in order to make a point of order. The Chair said after the reading of the report, and the request was made that the statement be read in lieu of the report, and there was unanimous consent given to the reading of the statement.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I will make a point of order that a quorum is not present.

The SPEAKER. The Chair will count. Evidently a quorum is not present.

Mr. MAHON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 452]

Adams	Clay	Jones, Ala.
Alexander	Collins, Ill.	Kluczynski
Anderson, Tenn.	Coughlin	Kyros
	Dent	Lujan
Andrews, Ala.	Derwinski	McCormack
Annunzio	Devine	McCulloch
Aspinall	Diggs	McKevitt
Baring	Dingell	Martin
Belcher	Dowdy	Meeds
Bell	Duiski	Metcalfe
Blackburn	Edwards, Ala.	Mikva
Blanton	Edwards, La.	Mills, Ark.
Blatnik	Erlenborn	Mizell
Brademas	Evins, Tenn.	Mollohan
Buchanan	Fish	Montgomery
Carey, N.Y.	Fraser	O'Hara
Carney	Frey	Pepper
Carter	Gibbons	Peyser
Casey, Tex.	Gray	Podell
Celler	Griffiths	Preyer, N.C.
Chamberlain	Gubser	Rodino
Clark	Hastings	Roncalio
Clausen, Don H.	Hébert	Rostenkowski
	Horton	Roush
Scheuer	Sullivan	Wilson, Charles H.
Schneebeli	Tiernan	Wright
Spence	Udall	Young, Tex.
Springer	Vander Jagt	Zion
Steiger, Ariz.	Waldie	
Stokes	Widnall	

The SPEAKER. On this rollcall 345 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 11955, SUPPLEMENTAL APPROPRIATIONS, 1972

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

PARLIAMENTARY INQUIRIES

Mr. BOW. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOW. I was wondering whether, under the rules of the House, we do not divide the time on this, with 50 percent of the time to the minority under the rule.

The SPEAKER. The gentleman is correct; 50 percent of the time belongs to the majority and 50 percent to the minority.

Mr. BOW. I thank the Chair.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. That rule has not been suspended by the Rules Committee?

The SPEAKER. That was the rule adopted by the House.

OVERALL CONFERENCE SUMMARY

Mr. MAHON. Mr. Speaker, we are considering today the conference agreement on the supplemental appropriations bill for 1972.

The conference agreement on the measure before us provides an appropriation of $3.4 billion.

When this bill left the House it contained appropriations totaling $786 million. It went to the other body, which also considered estimates of $2.3 billion deferred by the House, because they lacked authorization. The other body increased the President's budget request by $742 million. The increases were made principally in the areas of health manpower and education.

I, for one, was most disturbed when the other body raised the bill above the budget by $742 million, but I can say to you now that the conference agreement is—and this is still a large sum—about $152 million above the budget requests rather than $742 million.

I am pleased that we are able to say that. It must be explained perhaps in some more detail why the bill passed the House at a figure of less than $1 billion, while it passed the other body by a figure close to $4 billion. This is partly explained, of course, by the increases in the budget made by the other body, but also by the fact that the House did not consider certain budget estimates which were considered by the other body. For example, about $2 billion for OEO programs was not considered by the House, but was considered by the other body. Estimates for health manpower programs totaling about $350 million were also deferred by the House and considered only by the other body. In addition to these programs on which the House deferred action, because of the lack of authorization there were also regular 1972 supplemental estimates considered only by the other body, because they were submitted after the House had acted on the supplemental bill.

I submit for the RECORD a summary table that will help to explain in broad terms the recommendations of the conferees:

SUMMARY STATEMENT OF CONFERENCE ACTION, THE SUPPLEMENTAL APPROPRIATION BILL, 1972 (H.R. 11955)

Chapter No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action	Conference action compared with—Budget estimates	House bill	Senate bill
I	HUD-Space-Science-Veterans	$1,587,000		$1,587,000	$1,587,000		+$1,587,000	
II	Interior and related agencies:							
	New budget (obligational) authority	26,076,000	$8,170,000	29,495,000	21,302,000	−$4,774,000	+13,132,000	−$8,193,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	(10,096,000)	(10,096,000)	(+96,000)	(+96,000)	
	Transfers	(4,172,000)	(3,746,100)	(3,746,100)	(3,746,100)	(−425,900)		
III	Labor and Health, Education, and Welfare:							
	New budget (obligational) authority	2,684,655,000	334,439,000	3,401,667,000	2,838,790,000	+154,135,000	+2,504,351,000	−562,877,000
	Transfer	(2,560,000)	(1,900,000)	(2,560,000)	(2,560,000)		(+660,000)	
IV	Legislative:							
	New budget (obligational) authority	27,719,515	23,549,920	26,443,515	24,922,515	−2,797,000	+1,372,595	−1,521,000
	Fiscal year 1971 (by transfer)			(250,000)	(250,000)	(+250,000)	(+250,000)	
V	Public Works—AEC: New budget (obligational) authority	$119,010,000	$46,500,000	$119,010,000	$119,010,000		+$72,510,000	
VI	State, Justice, Commerce, and Judiciary:							
	New budget (obligational) authority	86,471,000	72,094,000	115,273,000	110,354,000	$+23,883,000	+38,260,000	−$4,919,000
VII	Transportation:							
	New budget (obligational) authority	60,244,000	55,544,000	60,994,000	58,294,000	−1,950,000	+2,750,000	−2,700,000
	Appropriation to liquidate contract authority.	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)			
	Transfer		(200,000)		(200,000)	(+200,000)		(+200,000)
VIII	Treasury, Postal Service, and General Government:							
	New budget (obligational) authority	227,592,000	226,956,000	222,006,000	210,556,000	−17,036,000	−16,400,000	−11,450,000
	Transfer	(1)		(20,153,000)	[1] (20,153,000)	[1] (+20,153,000)	[1] (20,153,000)	
IX	Claims and judgments	21,569,856	19,029,734	21,569,856	21,569,856		+2,540,122	
	Grand total:							
	Fiscal year 1972:							
	New budget (obligational) authority	3,254,924,371	786,282,654	3,998,045,371	3,406,385,371	+151,461,000	+2,620,102,717	−591,660,000
	Appropriations to liquidate contract authority	(20,000,000)	(20,000,000)	(20,096,000)	(20,096,000)	(+96,000)	(+96,000)	
	Transfers	(6,732,000)	(5,846,100)	(26,459,100)	[2] (26,659,100)	[2] (+19,927,100)	[2] (+20,813,000)	(+200,000)
	Fiscal year 1971 (by transfer)			(250,000)	(250,000)	(+250,000)	(+250,000)	

[1] Reflects a specific transfer of $20,153,000 for "Economic Stablization Activities, salaries and expenses," for which unimited transfer authority was requested.

[2] Unlimited transfer language.

It all comes down to this: The contest in the supplemental relates to large items which the House deferred, for health manpower and poverty programs and to the large increase in the budget for education. Funding for the poverty program is recommended below the President's request. The other body added to the bill for the impacted school construction program about $200 million. The House position was maintained and the whole sum was eliminated in conference. The other body added $65 million above the budget for impacted aid under so-called category C. That was all elimnated in the conference recommendations.

In the bill as we bring it back to you there are $143 million above the budget agreed to by the House as a compromise in the health-manpower items. That would include such things as capitation grants for medicine, osteopathy, dentistry, the field of veterinary medicine, podiatry, and various school assistance programs, scholarships, training, and fellowships, additional assistance for nurses programs, and grants of various types.

I would say the managers on the part of the House did the best we could in the closing days of the session to bring in a bill which was as reasonably acceptable as we thought it could be from the standpoint of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from Texas for yielding, and I must make an observation before asking a question, that observation being that it was my understanding in a private conversation with the gentleman from Texas yesterday afternoon or evening as the case may be, that the conference report would be filed yesterday, that it would be printed in the RECORD this morning and thus Members of the House would have the opportunity to scrutinize the conference report.

Mr. MAHON. Yes.

Mr. GROSS. That did not happen. Therefore, I must ask this question: Would the gentleman be good enough to enumerate the unauthorized items which the House conferees accepted, if there are unauthorized items in this conference report?

Mr. MAHON. The gentleman is speaking now not of the appropriations above the budget but within the level of authorizations? The gentleman is speak- of unauthorized items?

Mr. GROSS. Yes, that is correct; unauthorized items.

Mr. MAHON. Not how much below authorization, but items for which authorization had not been enacted through the authorizing committee procedures.

Mr. GROSS. By authorizing committees of the House.

Mr. MAHON. The main item would be about $2 billion added for the poverty program. That was the item on which final action had not been taken when the House considered the supplemental bill. It had not been enacted into law although it had been voted on in the House. However, it is a continuing program and the poverty program was continued under the continuing resolution.

There are one or two others, but there is certainly nothing major.

Mr. GROSS. Well, if the gentleman's very efficient committee staff should discover any other items, I would personally appreciate knowing about them, because I would like to know what we are going to vote on in this conference report—whether or not there are any other unauthorized items in this conference report.

Mr. MAHON. I will have the staff check at the moment and inform you as to whether or not there may be any other unauthorized items. As the gentleman knows, the House considered the supplemental appropriation bill under a rule.

Mr. GROSS. If the gentleman from Texas would yield for an additional 30 seconds, I would only say that I hope he appreciates the position of those of us who try to do some homework in the

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House of Representatives and would like to know what is going on. I hope the gentleman appreciates the dilemma in which we find ourselves here this afternoon, to have a sheet like this presented to us and not a detailed printed copy of the conference report. This is all the information that we have on this $3.4 billion conference report.

I hope the gentleman appreciates the position in which we find ourselves.

Mr. MAHON. I thoroughly appreciate the situation and I regret the situation.

If we had had authorization bills earlier and if we had been able to come to an agreement earlier, this information would be available. But, the House is seeking to adjourn, and we are doing the best we can to accommodate the will of the leadership and the House.

HEALTH MANPOWER PROGRAMS

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Florida, who must be unhappy, because we reduced some of the high dollar figures in the other body's version of the bill in the area of health manpower.

Let me say that the members of the conference are very sympathetic, and unquestionably next year additional moneys will be appropriated in this area. But we did the best we could within the realm of reality.

So, Mr. Speaker, I am glad to yield to the gentleman for a question.

Mr. ROGERS. Mr. Speaker, my question is, and in that question I would like to express some shock at the astoundingly low figure that the committee has come back with from the conference for health-manpower, when the Senate figure was $707 million.

Mr. MAHON. Above the budget?

Mr. ROGERS. No; that was not above the budget, I think that was the total figure.

Mr. MAHON. Oh, yes; on health manpower.

Mr. ROGERS. On health manpower. And it is my understanding, as I said, that the Senate figure was $707 million, although we had authorized $861 million, and it is my understanding that the conferees did not even split the difference, in spite of the fact that we know we have a health manpower shortage.

We are 50,000 doctors short, and 150,000 nurses short, and this appropriation does not even begin to address itself to the problem.

These appropriations are intended to provide the first real measure of support for the landmark provisions of the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971 which we enacted last month—just last month. It is clear from the appropriations levels in the conference agreement that support is to be pegged far below the level of need established in this health manpower legislation. I think this is a sorrowful day for American medical care.

Effective funding of the programs contained in those two bills is essential for a meaningful effort to deal with the crisis in health manpower that faces this Nation. Now the country is doomed to remain still longer in the grip of its health manpower crisis.

The need for health manpower is critical. The fact that today's demand for health services and for health manpower in the United States outruns the supply is so well known that it hardly seems to need proof. Although much remains to be done to refine methods of measuring manpower needs and demands, there is overwhelming evidence of both needs and demands that are unmet today. Demand for health services has been growing—and will continue to grow—in response to a variety of changing and interrelated circumstances and needs. These include: Population growth, rising consumer incomes, increasing insurance coverage, public policies giving increased attention to the disadvantaged, and developments of medical science and growth of specialization.

Between 1970 and 1980, the population of the United States will increase by about 27 million—from 205 million to a projected total of 232 million in 1980. This increase alone will add substantially to future demand for the services of health manpower. The amount of health care which people seek and receive is significantly affected by their purchasing power. Between 1950 and 1965, personal income per capita—after taxes and in 1958 prices—increased about 34 percent. This increase is estimated to have added at least 13 percent to the demand for physicians' services. It has been estimated that by 1975, rising personal income would further increase the demand for physicians' visits by 6.5 to 7.0 percent.

Health insurance coverage has done much to reduce economic barriers to health care. The continued growth of such insurance and the general inclusion of group health insurance among workers' fringe benefits is adding to the demands for health service. The 92d Congress is debating bills to provide a national system of health insurance. But experts in health care delivery are sounding urgent warnings about setting up and funding such insurance before enough health workers are available to provide the services.

In answer to those warnings we developed the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971. They are major commitments of substantial and continuing assistance to health manpower education. The Public Health and Environment Subcommittee held 9 days of hearings to document the health manpower problem. We worked with experts in the health field from across the Nation. And we prepared goal-oriented legislation which was to close the health manpower gap. We assessed the realistic financial requirements necessary to achieve that goal and we authorized that level of appropriations in the legislation.

Here in Congress, we approved those authorizations. In the White House, the President signed the authorizations into law. When he signed the laws, the President declared:

> They constitute the most comprehensive health manpower legislation in the Nation's history.

He went on to say that legislation was only a first step. Said the President:

> These new programs must now be adequately funded and effectively carried out.

Then the Office of Management and Budget took out its scalpel and started to cut. We stand here today in witness of its work.

The supplemental budget request for Federal assistance in the education of health professionals and of nurses was $350.2 million. Together with the $180.6 million included in the regular Labor-HEW apropriations bill for fiscal 1972, the supplemental request would have made available only $530.8 million out of authorized appropriations of $1,116 million. Close scrutiny of the supplemental request showed that it actually sought $15.9 million less than had been sought initially for the same programs in the January budget. And this was true despite the intervening enactment of the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971. Although 63 medical schools in fiscal 1971 faced such serious financial pressure that they required special Government assistance, the fiscal 1972 supplemental request for special project and financial distress grants for medical schools was actually $13.5 million below fiscal 1971 appropriations. Although approved but unfunded construction projects for all of the health professions include a total of 2,464 additional first-year places, the fiscal 1972 supplemental request for construction assistance was $48.8 million below fiscal 1971 appropriations.

I remember when the President said in his February message on health that to make good health care readily available to all of our citizens:

> It is important that we produce more health professionals and that we educate more of them to perform more critically needed services.

The sad fact is, however, that the supplemental appropriations request and the funding levels in the conference report fall far below the levels authorized in the health-manpower legislation and far below the needs of this Nation.

I know that it is too late to do anything now, but I would urge the Members of this House to check on the health-manpower problems in their districts, so that when we come back in session next year, we can do something about this if we are serious about improving the health of the people of this Nation.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MAHON. Mr. Speaker, I would say to my good friend, the gentleman from Florida (Mr. ROGERS) that we have many shortages in this country. All of us want to do something about health-manpower training. The funding levels are moving up rather precipitously this year, and next year we will, I suspect, move up even more rapidly. And we will no doubt go on and on to higher and higher figures.

However, while we do have a health-manpower shortage, we are also confronted currently with a money shortage, with a deficit this year in Federal funds of probably $35 to $40 billion. So the managers on the part of the House attempted to be as realistic as possible. We agreed that we would go on this figure $143 million above the budget. Then we very carefully applied it where the funds would be allocated the best, and that is where we are at this time.

It is impossible to do everything that we all want to do.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I want to point out that the money to be spent in fiscal year 1972 should have been authorized a year ago last October, but the authorization for this money was never enacted into law until November 18 of this year. In this very important field, the authorizing committee's legislation was 13.5 months late with the authorizing legislation; and when the authorization is some 13.5 months late, they cannot expect full consideration for the money.

Mr. MAHON. That is correct.

Let us proceed. I would suggest that the gentleman from Ohio (Mr. Bow) use time at this point.

Mr. BOW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I did not sign this conference report. This conference report is $151,400,000 over the budget.

I have heard a great deal of talk here recently from a number of people in the well about a large deficit and about the amount of money that is being spent and about the national debt. If we all believe what has been said here, then when we bring in this appropriation bill for $151 million, I admit the committee did a good job, cutting down the amount in the budget from $700 million. I still think $151 million over the budget is too much of an amount of spending.

So far as the gentleman from Florida is concerned, I think the gentleman knows that I supported his bill. I believe in it, but it has been pointed out by the gentleman from Iowa, and I agree with him that if we had had the authorizations so that the committee could have taken it up in the regular bill—that is, if we had had the authorization early enough.

But this is a supplemental for 1972 and you cannot expect full funding in a supplemental bill of this kind.

I think the committee was most liberal.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. ROGERS. I realize the situation, but I do think, and this is the point I was making, that, since the Senate held hearings and approved $707 million, I think it is regrettable that our conferees were not even willing to go 50–50 on the difference went only 40 percent.

Mr. BOW. Let me say to the gentleman, perhaps the other body had some hearings, and I have respect for the other body—but I am not willing to take the fact that they had some hearings and came to a conclusion—and we had not.

It would seem to me that we should not depend on their hearings. If the gentleman will look sometimes at the difference between the House hearings and the hearings of the other body, and the details that are gone into in the House hearings as compared with them, I think you will understand why some of us would like to see House hearings rather than rely on hearings of the other body.

So we were not given an opportunity—and I do not believe the gentleman really believes that the mere fact that there is an authorization for a larger amount is binding on the Committee on Appropriations for this new word that we have found recently of "full funding."

I think the committee has the responsibility of hearing and making a determination by the committee and then coming to the House and giving to the House its right to work its will upon the hearings conducted by the Committee on Appropriations.

Mr. ROGERS. Mr. Speaker, if the gentleman will yield further, that is the optimum condition. But we are not operating under those circumstances.

What I am saying is that your committee has not had an opportunity to have hearings, but the Senate has and I was hopeful that that even though we are not expecting full funding, you would provide sufficient money to constitute at least a beginning to get at the manpower shortage problems that we have.

Mr. BOW. Mr. Speaker, I had not expected to take as much time as I have.

Again I will point out this is $150 million over the budget. I have not signed the report. Other members of the committee of the minority did. So at this time I ask unanimous consent that the further control of the time on this side of the aisle be given to the gentleman from Michigan (Mr. CEDERBERG).

The SPEAKER. Without objection, it is so ordered.

Mr. CEDERBERG. Mr. Speaker, it is not our purpose on our side of the aisle to take very much time on this conference report. We have worked long and hard in conference. You do not make any friends really when you are a member of the Committee on Appropriations because we do have decisions that are very difficult to make.

We had conferees, ranking Members on our side, conferees on the committee available to answer any questions that anyone may have.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. STEIGER of Wisconsin. First of all, along with the gentleman from Iowa, I want to express dismay that this conference report of over $3 billion comes to us in the way that it does.

I have two specific questions on which the gentleman from Pennsylvania (Mr. FLOOD), chairman of the subcommittee, and Mr. MICHEL of Illinois, the ranking minority Member, might wish to comment, if the gentleman will yield for that purpose.

With reference to amendment No. 21, Manpower Administration—the figure recommended, as I understand it in the supplemental, is $776,717,000 instead of $817,597,000, as recommended by the other body.

That reduction in manpower training funds I find difficult to understand, when we consider the rate of unemployment and the contribution that manpower training makes to counter unemployment. It is the one program that enables the unemployed and unskilled to achieve skilled training. I wonder if you would be willing to give the House some idea as to why that reduction was made.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman's yielding. That represents a 5-percent cut in the item to which the gentleman makes reference. I must confess that I, too, am rather concerned that the cut should come from that particular item. There was some controversy in the conference with respect to where we should make a cut in the overall economic opportunity program, and it was the general feeling that we would like to recoup $80 to $100 million. Rather than taking a 10-percent cut from the OEO item, which was suggested, it was agreed that a 5-percent cut in the manpower training and a 5-percent cut in the OEO would be made.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield further?

Mr. CEDERBERG. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate very much the candid response of the gentleman from Illinois. I can but indicate my unhappiness with the reductions that are made in both the manpower training and OEO items.

Let me go back to amendment No. 33, which would provide $660,000 for the Occupational Safety and Health Review Commission by transferring funds from the Department of Labor. Am I correct in understanding that the additional appropriation provided by this amendment would enable the Occupational Safety and Health Review Commission to hire the review officers which are needed to handle the large case load that is now pending?

Mr. MICHEL. If the gentleman will yield further the answer is "Yes." So far as funds are concerned this is strictly a transfer item a transfer from Department of Labor appropriations. There is no appropriation of new money.

Mr. STEIGER of Wisconsin. I thank the gentleman from Michigan and the gentleman from Illinois for their responses. I would only stress that the need is great for Safety and Health hearing examiners; we in the Congress must make sure we provide the funds that are necessary for this new agency.

Mr. CEDERBERG. Mr. Speaker, before yielding the floor, I would like, if I may, to enter into a little colloquy with my distinguished friend, the Chairman of the Post Office Subcommittee, Mr. STEED of Oklahoma. The gentleman will recall that the Senate had placed in the bill an item of $11,200,000 to begin the construction of the Pat McNamara Federal Building in the City of Detroit. The gen-

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tleman from Oklahoma objected to this method in going about construction of this building. He felt in the conference, and so stated, that it would be better to appropriate the full amount of money in the next year's budget that he will handle, and that in the light of his experience, he felt that if it was done in this manner, it would have a year's time, I believe he said, and also the cost would probably be less than if we proceeded as the Senate had indicated by appropriating $11,200,000.

So that we can get a little legislative history on the subject, am I correct in stating that it is the gentleman's position that this is a very high-priority item, and that he looks upon it with favor and will give it serious consideration and be of assistance in seeing that this matter is taken care of next year?

Mr. STEED. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Oklahoma.

Mr. STEED. I want to assure the gentleman it is true that the Detroit project is probably as deserving of top priority as any of the many projects that are pending in the country today. I have made my views in this regard known to both the GSA and OMB. The reason why we object to it had nothing whatsoever to do with the need for the building or the merit of the project.

As the gentleman knows, we got into the business some years ago of the partial construction of buildings, and it proved to be very costly; plus the fact that it had the effect of delaying the construction of the buildings. In order to get away from that system, we devoted 78 percent of the budget this year to cleaning up all of those old projects.

So we are now in a position to enter into the type of construction where we do the whole job in one movement. We are talking here, I think, only about a 6 months' delay, because it will be possible in the upcoming budget to fund that project in its entirety, and we have been assured by GSA that this can well save 2 years and maybe more from the date of the start until the building can be occupied.

As the gentleman knows, it is very expensive not to have the building already, and the sooner we can have the building, the sooner that unnecessary outflow of cost can be eliminated.

So far as I know, I know of no other project in the country that is more badly needed than the Detroit one, and I intend to do everyhing I can to see that it is in the next budget.

Mr. CEDERBERG. Mr. Speaker, I appreciate the comments of the gentleman from Oklahoma.

I did want to say this was authorized in 1963, ground was broken in 1968, and the mayor and the other people in Detroit are concerned. They will be gratified with the remarks of the gentleman from Oklahoma. I appreciate the gentleman's remarks very much.

Mr. MAHON. Mr. Speaker, at this late hour in the session of the Congress, we did our best to bring in a bill that would be reasonably acceptable to, shall I say, the high-dollar people and the low-dollar people. Of course, in relation to the budget requests, we are more on the low-dollar side, as compared to the Senate bill, as has been indicated. This is the best we were able to do in conference on the many matters involved.

Mr. Speaker, unless there is further desire for discussion, I shall presently move the previous question.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

I cannot help but ask in wonderment how someone could refer to a specific amendment, as those in a prior discussion did, for example, amendment 29 or amendment 31. I have no way of knowing whether there are any specific amendments anywhere, in the odd "crash" situation in which we find ourselves, or whether or not there are any amendments in technical disagreement.

Of course, under the procedures of the House, there are options available when there are amendments in technical disagreement, and the gentleman from Texas will file separate motions at a later date. Are there any amendments in technical disagreement?

Mr. MAHON. There are quite a number of amendments in technical disagreement.

Mr. HALL. It would certainly be nice had we had an opportunity to see those.

ECONOMIC OPPORTUNITY AND HEALTH MANPOWER PROGRAMS

Now, under item No. 3 of the chart—or worksheet—just supplied, I will ask the gentleman from Texas, are we to presume that the whopping big increase over the House bill of $2,504,351,000, plus $660,000 in transfers, as has been discussed here, does that include $2 billion for that unconscionable OEO, and something like $200 million for additional impacted aid that the gentleman alleges the other body put in, and for the capitation grants for the Health Manpower and Health Professions Training Act—is there anything else in that $2,504,000,000 increase, I will ask the gentleman? If so, are any of them in disagreement?

Mr. MAHON. Referring to chapter III, the conference agreement is above the budget by $142 million in the case of the health manpower. But, since that item was not in the House bill, but was added by the Senate, the entire amount of the conference agreement on health manpower, shows as an increase over the House bill. The OEO programs were likewise not in the House bill. The conference agreement is about $2 billion.

Mr. HALL. If the gentleman will yield further, does the gentleman know how much that makes us totally over last year's appropriation in the same area—for total appropriations?

Mr. MICHEL. Mr. Speaker, if the gentleman will yield, I think it should be pointed out that for OEO we are at the budget figure minus the 5 percent cut which the conferees agreed to. For Headstart there is $376,317,000 in the bill. It is at last year's program level and $500,000 under the budget. That reduction represents the budgeted increase for evaluation. I think that was one appropriation to which the gentleman made reference.

Mr. HALL. That is very interesting. What I am really trying to find out is, where is the rest of the half billion dollars, the $504,351,000?

I understand some of it is for impact aid and some of it is for health.

Mr. MAHON. The other half-billion dollars is essentially represented by the health manpower increases, which we have been discussing with the gentleman from Florida. The House bill did not include any provision for health manpower, so the entire conference amount, namely, $493 million, shows as an increase over the House bill.

Mr. HALL. Does the gentleman have the answer to my other question, about how much it is over last year's appropriation?

Mr. MAHON. I do not have the figure at my fingertips. I yield to the gentleman from Illinois, a member of the conference committee.

Mr. MICHEL. In the regular fiscal 1972 bill there was $180 million for health manpower. The supplemental request by the administration was for $350 million to augment the health manpower legislation which was signed into law just a few days ago. The Senate added to that $357 million. As the chairman pointed out, we agreed to $143 million of that increase. So we would add $143 million plus $350 million plus $180 million to get the total amount of $673 million for health manpower in the current fiscal year.

Mr. HALL. That is over and above last year's appropriation?

Mr. MICHEL. Considerably, yes.

Mr. HALL. I have only one other question.

LEGISLATIVE BRANCH ITEMS

Is there anything in item four of this "poop sheet" which came to us after we took up the conference report, under "Legislative" that would explain the additional $1,372,595 above the House-passed figure? I am well aware, Mr. Speaker, it is custom and comity with the other body to allow their expenses. Specifically I want to know whether there is anything there for land acquisition or building on the part of the other body?

Mr. MAHON. There were a number of housekeeping items inserted by the other body. They are shown in the Senate passed bill and explained in the Senate report, which I have here at the table.

For example, there is $42,500 for a gratuity to the widow of the late Senator Prouty.

There is $21,770 for committee employees of the Senate.

There is $597,535 for administrative and clerical assistants to Senators, and language increasing clerk hire allowances.

Mr. HALL. That probably will account for all the self-styled presidential candidates' "staffs" in that other body, I would presume.

Mr. MAHON. I am not acquainted with that.

There is $68,390 for the Sergeant at Arms and Doorkeeper.

There is $14,000 for folding documents.

There is $275,000 for miscellaneous items, including $145,000 to modernize the Senate disbursing office and $130,000 and language to increase the number of home-State offices from two to three, and an increase of allowances for operations of home-State offices.

There is a transfer of $250,000 from fiscal year 1971 appropriations to miscellaneous items, and so forth.

There is $17,000 for an increase in stationary allowances of Senators in various population categories, and so forth.

It is all set out in the Senate committee report, which is available to Members.

Mr. HALL. I will phrase the question again for the gentleman. Is there anything in the miscellaneous and the various "and so forths," he has related, which will be used for land acquisition on the part of the other body?

Mr. MAHON. There is one amendment that involves a land purchase.

In the Senate committee report, of December 2, page 51, it is stated in part:

The Committee recommends an appropriation of $270,000 for the acquisition of lot 18 in square 724 of the District of Columbia, located directly to the north of the New Senate Office Building and bounded by C, First, D and Second Streets, N.E. The site is presently being used as a commercial parking facility open to the public on a fee basis.

This appropriation is authorized in S. 2687, which passed the Senate October 29, 1971. Following is an excerpt from the report on this bill submitted by the Senate Committee on Public Works:

Mr. HALL. I thought so; and I thank the gentleman.

ECONOMIC OPPORTUNITY PROGRAMS

Mr. PERKINS. Mr. Speaker, will the distinguished chairman yield to me briefly?

Mr. MAHON. I yield to the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. If I understand the discussion, you cut the funds by 5 percent in the Economic Opportunity Act, including training programs. Is that correct?

Mr. MAHON. That is correct.

Mr. PERKINS. One other item. I understood the gentleman from Illinois to state the figure for Headstart of $500 million was cut back to about $376 million. Am I correct in that, I ask the gentleman from Illinois?

Mr. MAHON. I yield to the gentleman from Illinois to respond to the question as to what was done in conference with respect to Headstart.

Mr. MICHEL. I am not sure what the authorization is but we agreed to the budget figure that the Senate had in the bill with a relatively small reduction of $500,000.

Mr. PERKINS. I thank the gentleman.

Mr. MAHON. I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, I want to be absolutely sure that 350 positions added for coal mine health safety inspection and the 19 positions added for the assessment of civil penalties by the House were retained by the conferees.

Mr. MAHON. With respect to that item, the total amount in the House bill was retained in conference.

Mr. HECHLER of West Virginia. I thank the gentleman.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield to me?

Mr. MAHON. I yield to the gentleman from Illinois.

INCREASING DISINCLINATION TO HOLD THE LINE ON SPENDING

Mr. FINDLEY. I thank the gentleman for yielding.

Mr. Speaker, I have been in this body for just 11 years, and I do not have the background of the gentleman from Texas. In fact, I do not know of anyone in this body who is better equipped to deal with the question that I would like to raise than the gentleman from Texas.

I heard the gentleman in a statement during a colloquy the other day make an estimate that we would probably finish this fiscal year with a deficit of about $40 billion. Am I correct on that?

Mr. MAHON. I believe I said that in the current fiscal year, which is fiscal year 1972, we would probably finish the year with a deficit of from $35 billion to $40 billion in Federal funds. Of course, we borrow certain moneys from the trust funds, which must be paid back with interest, but I am talking about Federal funds. That is really the area which concerns me most, because there is where the public debt goes up. That is the key figure.

Mr. FINDLEY. As I recall it, we finished the last fiscal year with a deficit in the neighborhood of $30 billion.

Mr. MAHON. $30 billion in Federal funds.

Mr. FINDLEY. The reason why I mention this, Mr. Chairman, is my concern of what is happening in the appropriation discipline. The Committee on Appropriations was established, as I understand it, in an effort to bring about a discipline throughout the Federal Establishment so that our outflow would roughly equal the income of the Government. We have lost control some place. I wonder if the gentleman from Texas can tell us what we can do to bring about a better discipline on the part of the appropriation process.

Mr. MAHON. Well, it is fundamentally a question of will. A democracy will perish unless the people have the will and the restraint necessary to make democracy work. Formerly on the Committee on Appropriations we would take pride in saving the taxpayers' dollars and reducing the budget as much as possible. To reduce below the budget is becoming more and more difficult. Now our fight tends to consist in trying to prevent going inordinately above the budget.

WILL SPENDING APPROACH A GOOGOL OR A GOOGOLPLEX?

For example, we are saying here for health manpower that we went above the budget only $143 million. Of course, many of these programs are attractive and important, and we are finding it more and more difficult to resist the temptation to spend. We are finding ourselves under constant attack because Members say to the Appropriations Committee:

Well, you did not provide for full funding.

If we provided full funding for all projects, public spending would go so high that the public debt sooner or later would probably approach a googol.

A googol is the figure 1 followed by 100 zeros. Then beyond that you step to what is called a googolplex. That is, indeed, an astronomical sum.

What the committee is trying to do is to prevent the public debt and the annual budget from going to a googol and, certainly, we want to avoid for this country a debt in the sum of a googolplex.

It is a most disturbing situation.

Congress is going far beyond appropriating all the money there is in hand and all the money there is in sight. It is becoming increasingly more difficult to hold the line. This lack of restraint jeopardizes the dollar. It is perhaps the principal cause of the great economic distress.

The SPEAKER. All time of the gentleman from Texas has expired.

Mr. CEDERBERG. Mr. Speaker, I would like to reply to the gentleman from Illinois (Mr. FINDLEY) and say that all the gentleman has to do is to vote against several of these authorization bills that keep coming down the road and not put the total blame on the Appropriations Committee. When the programs are authorized, then the Appropriations Committee has to make some effort to fund these programs to some degree.

I think the colloquy which we have had today has been very interesting because here we have a supplemental well above the budget, but all I have heard is complaining about the fact that it is not above the budget enough. Most of the colloquy has been that it has not been above the budget enough.

Mr. FINDLEY. Mr. Speaker, if the gentleman will yield, I raised the question to the chairman of the Appropriations Committee in all sincerity because my understanding of the appropriations process is that the reason the Appropriations Committee was established originally was to provide a central discipline within the House of Representatives over the spending of money. I want to know why it is not working and what can be done about it.

Mr. CEDERBERG. It is working within the committee quite well, but it does not work quite that well after we get it out of the committee.

Mr. FINDLEY. I am speaking about right here on the floor of the House right now.

Mr. MAHON. Mr. Speaker, will the gentleman from Michigan yield?

Mr. CEDERBERG. I am glad to yield to the chairman of the Appropriations Committee.

Mr. MAHON. Another factor in the current fiscal and budgetary picture is that in the interest of stimulating employment and the economy generally, we are adopting legislation cutting taxes some $15 billion over a 3-year period. We have also cut taxes in some recent years but we have not reaped the rewards that we had hoped to reap in increased revenues as a result of this effort at stimulation of the economy.

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BUDGET WILL NOT BE EXCEEDED IN THE APPROPRIATION BILLS

But, that is another problem. However, let me say this: This Congress this year will not, in the appropriation bills, appropriate more money than has been requested by the executive branch. We are sharply below the Executive request for foreign aid appropriations. We are sharply below the Executive request for Defense appropriations. We are below the Executive request in certain other areas. However, in many of these social programs, there seems to be an irresistible urge to go higher and higher and higher.

What the Congress will eventually do about these trends, I do not know. But I believe the Congress and the people generally must somehow find the will to exercise more restraint in fiscal matters.

Mr. CEDERBERG. What the gentleman from Texas says may be true as far as our committee is concerned, but looking down the road to the future, we have authorized far more than has been requested. That is what gets us in trouble in future years.

NEED FOR MORE TIMELY AUTHORIZATIONS

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I would like to point out that when we refer to the orderly proceedings in connection with the appropriations, I am sure I speak my own feelings and that of many others when I say that one of our major problems is that the authorizations never get out in time for us to complete the appropriations hearings and markup by the time we should and that is July 1, the beginning of the new fiscal year.

Mr. Speaker, it was considered by the Appropriations Committee and more or less agreed on at the conclusion of our work 2 years ago that we would proceed with our hearings with or without authorizations and when we got through, we would mark up the bill based on the prior year's appropriation, and as I recall this was agreed to by the leadership, and see whether or not we had enough authorizations and if we did not, then we could have a rule. We did this. That is one approach that we could follow in order to bring about an orderly process out of what appears to be chaos. However, that still leaves the problem that the gentleman from Texas pointed out and that is the problem of trying to hold the lid on after we complete our work. But we cannot bring order out of chaos if we mark our bills up on preceding appropriations, and if we had no authorization which raises another dilemma that we went through and that is to give us a rule on these authorizations.

Give us a rule or give us an authorization. That could be done, and I hope it will be seriously considered.

Mr. CEDERBERG. The gentleman from Mississippi makes a good point.

Mr. Speaker, I yield back the balance of my time because I know we have other business to take care of.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 302, nays 73, not voting 56, as follows:

[Roll No. 453]

YEAS—302

Abernethy	Dwyer	Landrum
Abourezk	Eckhardt	Leggett
Abzug	Edwards, Calif.	Lennon
Adams	Esch	Lent
Addabbo	Eshleman	Link
Alexander	Evans, Colo.	Lloyd
Anderson, Calif.	Fascell	Long, La.
Anderson, Ill.	Fish	Long, Md.
Andrews, N. Dak.	Flood	McClory
Ashley	Foley	McCloskey
Aspin	Ford, Gerald R.	McClure
Aspinall	Ford, William D.	McCulloch
Badillo	Forsythe	McDade
Begich	Fountain	McDonald, Mich.
Bergland	Fraser	McEwen
Bevill	Frelinghuysen	McFall
Biaggi	Frenzel	McKay
Biester	Frey	McKinney
Bingham	Fulton, Tenn.	McMillan
Boggs	Gallifianakis	Macdonald, Mass.
Boland	Garmatz	Madden
Boiling	Gaydos	Mahon
Brademas	Gettys	Mailliard
Brasco	Giaimo	Martin
Brinkley	Gibbons	Mathias, Calif.
Brooks	Gonzalez	Mathis, Ga.
Broomfield	Grasso	Matsunaga
Brotzman	Gray	Mazzoli
Brown, Mich.	Green, Oreg.	Meeds
Brown, Ohio	Griffin	Melcher
Broyhill, N.C.	Gubser	Michel
Broyhill, Va.	Hagan	Miller, Calif.
Buchanan	Halpern	Miller, Ohio
Burke, Mass.	Hamilton	Minish
Burleson, Tex.	Hammer-schmidt	Mink
Burlison, Mo.	Hanley	Minshall
Burton	Hanna	Mitchell
Byrnes, Wis.	Hansen, Idaho	Mollohan
Cabell	Hansen, Wash.	Monagan
Caffery	Harrington	Moorhead
Carey, N.Y.	Harsha	Morgan
Carney	Harvey	Morse
Carter	Hastings	Mosher
Cederberg	Hathaway	Moss
Chamberlain	Hawkins	Murphy, Ill.
Chappell	Hechler, W. Va.	Murphy, N.Y.
Chisholm	Heckler, Mass.	Natcher
Clark	Heinz	Nedzi
Clausen, Don H.	Helstoski	Nelsen
Clay	Henderson	Obey
Cleveland	Hicks, Mass.	O'Hara
Collier	Hogan	O'Neill
Colmer	Holifield	Passman
Conable	Horton	Patman
Conte	Hosmer	Patten
Corman	Howard	Pepper
Cotter	Hull	Perkins
Coughlin	Hungate	Pettis
Culver	Ichord	Peyser
Curlin	Jacobs	Pickle
Daniels, N.J.	Jarman	Pike
Davis, Ga.	Johnson, Calif.	Pirnie
Davis, S.C.	Johnson, Pa.	Poage
de la Garza	Jones, Ala.	Podell
Delaney	Jones, N.C.	Preyer, N.C.
Dellums	Jones, Tenn.	Price, Ill.
Dent	Karth	Pryor, Ark.
Dingell	Kastenmeier	Pucinski
Donohue	Kazen	Quie
Dorn	Keating	Railsback
Dow	Kee	Randall
Downing	Keith	Rangel
Drinan	Kemp	Rees
Dulski	Koch	Reid, N.Y.
Duncan	Kuykendall	Rhodes
du Pont	Kyl	Riegle
	Kyros	Robison, N.Y.
Rodino	Slack	Vanik
Roe	Smith, Iowa	Vigorito
Rogers	Smith, N.Y.	Waggonner
Rooney, N.Y.	Staggers	Wampler
Rooney, Pa.	Stanton, J. William	Ware
Rosenthal	Stanton, James V.	Whalen
Roy	Steed	Whalley
Roybal	Steele	White
Runnels	Steiger, Wis.	Whitten
Ruppe	Stephens	Widnall
Ryan	Stratton	Williams
St Germain	Stubblefield	Wilson, Bob
Sandman	Stuckey	Wilson, Charles H.
Sarbanes	Symington	Winn
Saylor	Taylor	Wolff
Scherle	Teague, Calif.	Wyatt
Scheuer	Teague, Tex.	Wydler
Schwengel	Terry	Wyman
Sebelius	Thompson, N.J.	Yates
Selberling	Thomson, Wis.	Yatron
Shipley	Ullman	Young, Tex.
Shriver	Van Deerlin	Zablocki
Sikes	Vander Jagt	Zion
Sisk	Veysey	Zwach
Skubitz		

NAYS—73

Abbitt	Fisher	Poff
Archer	Flowers	Powell
Arends	Flynt	Price, Tex.
Ashbrook	Goldwater	Quillen
Baker	Goodling	Rarick
Bennett	Gross	Roberts
Betts	Grover	Robinson, Va.
Bow	Haley	Rousselot
Bray	Hall	Ruth
Burke, Fla.	Haya	Satterfield
Byron	Hillis	Schmitz
Camp	Hunt	Schneebeli
Clancy	Hutchinson	Scott
Clawson, Del	Jonas	Shoup
Collins, Tex.	King	Smith, Calif.
Crane	Landgrebe	Snyder
Daniel, Va.	Latta	Steiger, Ariz.
Danielson	McCollister	Thompson, Ga.
Davis, Wis.	Mann	Thone
Dellenback	Mayne	Whitehurst
Denholm	Mills, Md.	Wiggins
Dennis	Myers	Wylie
Dickinson	Nichols	Young, Fla.
Edwards, Ala.	O'Konski	
Findley	Pelly	

NOT VOTING—56

Anderson, Tenn.	Dowdy	Mills, Ark.
Andrews, Ala.	Edmondson	Mizell
Annunzio	Edwards, La.	Montgomery
Baring	Eilberg	Nix
Barrett	Erlenborn	Purcell
Belcher	Evins, Tenn.	Reuss
Bell	Fuqua	Roncalio
Blackburn	Gallagher	Rostenkowski
Blanton	Green, Pa.	Roush
Blatnik	Griffiths	Spence
Byrne, Pa.	Gude	Springer
Casey, Tex.	Hébert	Stokes
Celler	Hicks, Wash.	Sullivan
Collins, Ill.	Kluczynski	Talcott
Conyers	Lujan	Tiernan
Derwinski	McCormack	Udall
Devine	McKevitt	Veysey
Diggs	Metcalfe	Waldie
	Mikva	Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Springer.
Mr. Hébert with Mr. Devine.
Mr. Blatnik with Mr. Belcher.
Mr. Tiernan with Mr. Spence.
Mr. Barrett with Mr. Talcott.
Mr. Hicks of Washington with Mr. Bell.
Mr. Reuss with Mr. Veysey.
Mr. Rostenkowski with Mr. Gude.
Mr. Byrne of Pennsylvania with Mr. Collins of Illinois.
Mr. Andrews of Alabama with Mr. Blackburn.
Mr. Blanton with Mr. Lujan.
Mr. Green of Pennsylvania with Mr. Conyers.
Mr. Gallagher with Mr. McKevitt.
Mr. Evins of Tennessee with Mr. Erlenborn.
Mr. Eilberg with Mr. Derwinski.
Mr. Mikva with Mr. Metcalfe.
Mr. Nix with Mr. Roush.

Mr. Kluczynski with Mr. Dowdy.
Mr. Casey of Texas with Mr. Mizell.
Mr. Celler with Mr. Diggs.
Mr. Montgomery with Mr. Mills of Arkansas.
Mr. Wright with Mr. Waldie.
Mr. Udall with Mr. Stokes.
Mrs. Sullivan with Mr. Anderson of Tennessee.
Mr. Baring with Mr. Edmondson.
Mr. Purcell with Mr. Fuqua.
Mr. Roncalio with Mrs. Griffiths.

Mr. CARNEY changed his vote from "nay" to "yea."

Mr. SNYDER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 2, line 20, insert:

"CONSTRUCTION

"For an additional amount for 'Construction,' $550,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: On page 3, line 21, strike out "$110,000," and insert "$2,325,000."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12:

Page 3, line 22, insert: "*Provided*, That notwithstanding the Act of March 18, 1950, as amended, not to exceed $2,215,000 shall be available for airport planning, development, or improvement at the Jackson Hole Airport pursuant to the Act of March 18, 1950, including availability through the Jackson Hole Airport Authority as sponsor's share of project costs for any grant made pursuant to Public Law 91-258."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 4, line 4, insert:

"PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

"For an additional amount for 'Parkway and road construction (liquidation of contract authority)', $96,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 5, line 9, insert:

"YOUTH CONSERVATION CORPS

"SALARIES AND EXPENSES

"For expenses necessary to carry out the provisions of the Act of August 13, 1970 (Public Law 91-378), establishing the Youth Conservation Corps, $3,500,000, to remain available until expended: *Provided*, That $1,750,000 shall be available to the Secretary of the Interior and $1,750,000 shall be available to the Secretary of Agriculture."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 5, line 17, insert:

"DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

"INDIAN HEALTH FACILITIES

"For an additional amount for 'Indian health facilities', $42,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: Page 6, line 24, insert:

"SALARIES AND EXPENSES

"For an additional amount for the Manpower Administration, $26,607,000: *Provided*, That $26,207,000 of this appropriation shall be available only upon the enactment into law of S. 2007 or other authorizing legislation by the Ninety-second Congress."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment, as follows: In lieu of the matter proposed in said amendment insert

"SALARIES AND EXPENSES

"For an additional amount for the Manpower Administration, $26,207,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: Page 7, line 4, insert:

"MANPOWER TRAINING SERVICES

"For expenses necessary to carry into effect title I of the Economic Opportunity Act of 1964, as amended, $817,597,000: *Provided*, That the amounts heretofore appropriated for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of programs authorized under the provisions of subsection 123(a) (5) and (8) of the Economic Opportunity Act of 1964, as amended, shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act: *Provided further*, That this appropriation shall not be available for contracts made under title I of the Economic Opportunity Act extending for more than twenty-four months: *Provided further*, That all grants agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bears exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964 and for the purchase of real property for training centers: *Provided further*, That this appropriation shall be available only upon the enactment into law of S. 2007 or other authorizing legislation by the Ninety-second Congress."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment as follows: In lieu of the sum named in said amendment insert "$776,717,000," and delete the last proviso.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: On page 9, line 4, insert:

"ELEMENTARY AND SECONDARY EDUCATION

"For an additional amount for 'Elementary and Secondary Education', $32,500,000, which shall be for title I–A of the Elementary and Secondary Education Act: *Provided*, That the aggregate amounts made available to each State in fiscal year 1972 under such title for grants to local educational agencies within that State shall not be less than such amounts as were made available for that purpose in fiscal year 1971."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

XUM

The Clerk read as follows:

Senate amendment No. 28: Page 11, line 14, insert:

"NATIONAL INSTITUTES OF HEALTH

"HEALTH MANPOWER

"For an additional amount for 'Health manpower', $707,157,000 of which $217,816,000 shall remain available until expended to carry out part B of title VII and part A of title VIII of the Public Health Service Act: *Provided*, That $120,000,000 to carry out sections 772, 773, and 774 shall remain available for obligation through September 30, 1972: *Provided further*, That $10,616,000 shall be for a construction grant to the Louisiana State University, as authorized by title VII of the Public Health Service Act and $1,000,000 shall be used to carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress).

"Loans, grants, and payments for the next succeeding fiscal year: For making, after December 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, F, and G of title VII, and parts B and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such loans, grants, and payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C and G of title VII, and in part B of title VIII for these purposes for the next succeeding fiscal year."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"NATIONAL INSTITUTES OF HEALTH

"HEALTH MANPOWER

"For an additional amount for 'Health manpower', $492,980,000 of which $162,885,000 shall remain available until expended to carry out part B of title VII and part A of title VIII of the Public Health Service Act: *Provided*, That $93,000,000 to carry out sections 772, 773, and 774 shall remain available for obligation through September 30, 1972: *Provided further*, That $100,000 shall be used to carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress).

"Loans, grants, and payments for the next succeeding fiscal year: For making, after December 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, F, and G of title VII, and parts B and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such loans, grants, and payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C and G of title VII, and in part B of title VIII for these purposes for the next succeeding fiscal year."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29: Page 12, line 17, insert:

"SOCIAL AND REHABILITATION SERVICE

"SPECIAL PROGRAMS FOR THE AGING

"For an additional amount to carry out, except as otherwise provided, the Older Americans Act of 1965, $45,750,000.

"RESEARCH AND TRAINING

"For an additional amount to carry out, except as otherwise provided, titles IV and V of the Older Americans Act of 1965, $9,500,000."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SOCIAL AND REHABILITATION SERVICE

"SPECIAL PROGRAMS FOR THE AGING

"For an additional amount to carry out, except as otherwise provided, the Older Americans Act of 1965, $45,750,000, to remain available for obligation through December 31, 1972.

"RESEARCH AND TRAINING

"For an additional amount to carry out, except as otherwise provided, titles IV and V of the Older Americans Act of 1965, $9,500,000, to remain available for obligation through December 31, 1972."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 13, line 2, insert:

"CHILD DEVELOPMENT

"For an additional amount for 'Child Development', $376,817,000, to carry out Project Headstart, as authorized by section 222(a)(1) of the Economic Opportunity Act of 1964: Provided, That this appropriation shall be available only upon the enactment into law of S. 2007 or other authorizing legislation by the Ninety-second Congress."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$376,317,000" and delete the proviso.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 32: Page 13, line 9, insert:

"MATERNAL AND CHILD HEALTH

"Grants made during the current fiscal year for any project under section 508, 509, or 510 of the Social Security Act may be for periods ending prior to July 1, 1973."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 33: Page 14, line 1, insert:

"OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses,' for expenses of additional hearing examiners, $660,000, to be derived by transfer from the appropriation to the Department of Labor, the Workplace Standards Administration, for 'Salaries and expenses.'"

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: Page 14, line 9, insert:

"OFFICE OF ECONOMIC OPPORTUNITY

"FEDERAL FUNDS

"ECONOMIC OPPORTUNITY PROGRAM

"For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, $780,400,000, plus reimbursements: *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available only upon the enactment of S. 2007 or other authorizing legislation by the Ninety-second Congress."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$741,380,000" and delete the last proviso.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

Mr. MAHON. Mr. Speaker, inasmuch as amendments Nos. 35 through 46 relate solely to the other body, I ask unanimous consent that these amendments—that is, Nos. 35 through 46, inclusive—be considered en bloc.

SENATE HOUSEKEEPING-TYPE ITEMS

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if he thinks the other body would do as much for us as he requests in an attempt to expedite the effort to adjourn.

Mr. MAHON. Normally when we insert housekeeping items of the House, the other body does not object but concurs in the House action.

Mr. GROSS. I have long understood the business of comity between the two bodies. I have long since learned all about that. I can see a tremendous amount of reading here for the reading clerk, and I am not going to object, but I just want to be assured that the Senate will do as much to cooperate in the rush to adjourn when the occasion presents itself.

Mr. MAHON. I am most hopeful that now that we have all the appropriation bills delivered to the other body, the other body will act. If the other body does not, then we will have to decide what to do.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

Mrs. GREEN of Oregon. Reserving the right to object, and I know that this question comes a little bit later than it should but I would like to address a question to the Chairman of the Appropriations Committee, if I may, in regard to the OEO legislation. If a veto message comes to the House this afternoon and the entire OEO bill with the child development program is vetoed, the appropriation is still in the conference report. Does the appropriation then have the impact of authorizing the legislation, and the appropriation would be in effect this year?

Mr. MAHON. I believe that the appropriation bill would control and that the funds for the OEO would be available even though there should be a veto of the OEO authorizing legislation, S. 2007.

There was language in the Senate bill making the availability of the funds contingent upon an authorization bill being enacted into law, but this language was stricken out in conference. The language that was stricken out reads as follows:

Provided further, that this appropriation shall be available only upon the enactment of S. 2007 or other authorizing legislation by the 92d Congress.

That language appeared in four places in the appropriation bill with regard to Economic Opportunity activities. That was stricken from the bill in each instance. So under the circumstances I believe that this bill would control and that the funds would be available even if there is a veto of the Economic Opportunity authorization bill.

Mrs. GREEN of Oregon. Mr. Speaker, further reserving the right to object, then if this legislation that we are now considering has the effect of both authorizing and appropriating funds, would the chairman tell me whether it would be the appropriations for the new bill that was written this year and was passed by the House or would it be for the OEO bill as it existed last year?

Mr. MAHON. It will be for the authorization that lost was in effect if the bill that Congress has recently passed is vetoed. It will tie to legislation that had been continued to be funded by the continuing resolution and will not be based upon the new proposed legislation if it is vetoed.

Mrs. GREEN of Oregon. But your contingency clause, "contingent upon S. 2007 being enacted into law," that legislative history would not change what the gentleman has just said? It would not have the effect of appropriating funds for the bill as it was passed this year instead of the OEO legislation that was passed last year or the year before?

Mr. MAHON. I believe it would have the effect of appropriating funds for the program as it is now being carried on, and that is under the old law rather than the new legislation recently passed by the House and the Senate.

Mrs. GREEN of Oregon. Does the conference report make that clear that it is the old bill without any changes?

Mr. MAHON. We just say a certain amount is available, for the Headstart program, for the manpower programs, and for the Office of Economic Opportunity.

Mrs. GREEN of Oregon. And it does not include, for instance, child development or the other changes?

Mr. MAHON. It does not include the new programs which would be initiated under the new legislation which recently went to the White House. For example, regarding the Office of Child Development on page 13, amendment No. 31, the language of the bill is—

For an additional amount for "child development" $376,817,000 to carry out Project Headstart, as authorized by section 222(a)(1) of the Economic Opportunity Act of 1964 . . ."

So that would be the proviso.

Mrs. GREEN of Oregon. And not the new program.

Mr. MAHON. That is right, whether the President signs the new bill or vetoes it there are no funds provided for the proposed child development program or any other new program.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Mr. Speaker, I did not quite understand the answer given to the gentlewoman. It appears that it is the intention of the amendment now before us to make the spending of the funds that are appropriated herein subject to all the provisions of the Economic Opportunity Act of 1964, which was Public Law 88-452. Is that correct?

Mr. MAHON. Will the gentleman advise what amendment he is looking at, the page?

Mr. WILLIAM D. FORD. On OEO.

Mr. MAHON. On OEO?

Mr. WILLIAM D. FORD. It is No. 34 on page 14.

Mr. MAHON. And it continues on page 15 with language that was stricken in conference. The language that was stricken is:

Provided further, That this appropriation shall be available only upon the enactment of S. 2007 or other authorizing legislation by the 92d Congress.

So it would be based upon existing law, the Economic Opportunity Act of 1964, as amended.

Mr. WILLIAM D. FORD. There is no existing law. The law expired on July 1 of this year. That is why I wanted to determine from the gentleman if we would interpret this language as if we were reenacting that act?

Mr. MAHON. We gave the act of 1964 a transfusion and we have kept it alive through the technique of the continuing resolution, and now continue its funding in this bill.

Mr. WILLIAM D. FORD. Is it the interpretation of the Chairman then that the restrictions contained in that statute, would apply to the funds under this conference report?

Mr. MAHON. I would say the existing restrictions would apply. There are other members of the committee who are far more expert in this field than I am.

The Chairman of the Subcommittee, the gentleman from Pennsylvania (Mr. FLOOD) is here.

Mr. FLOOD. If the gentleman will yield, that is quite right, yes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments, as follows:

Senate amendments Nos. 35 through 46: Beginning on page 15, line 5, strike out "CHAPTER III" and insert "CHAPTER IV"

LEGISLATIVE BRANCH.

And on line 7 insert: "SENATE"

And on line 8 insert: "For payment to Jennette Herbert Hall Prouty, widow of Winston L. Prouty, late a Senator from the State of Vermont, $42,500."

And on line 11 insert:

"SALARIES, OFFICERS AND EMPLOYEES"

And on line 12 insert:

"COMMITTEE EMPLOYEES

"For an additional amount for 'Committee Employees', $21,770, to include herein, from and after January 1, 1972, the positions made permanent by Public Law 92-136, approved October 11, 1971."

And on line 17 insert:

"ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

"For an additional amount for 'Administrative and Clerical Assistants to Senators', $597,535: *Provided*, That the clerk hire allowance of each Senator from the States of Maryland and Tennessee shall be increased to that allowed Senators from States having a population of four million, the populations of said States having exceeded four million inhabitants, that the clerk hire allowance of each Senator from the State of Florida shall be increased to that allowed Senators from States having a population of seven million, the population of said State having exceeded seven million inhabitants, and that the clerk hire allowance of each Senator from the State of Michigan shall be increased to that allowed Senators from States having a population of nine million, the population of said State having exceeded nine million inhabitants: *Provided further*, That effective January 1, 1972, the table contained in section 105(d)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, is amended to read as follows:

"$295,938 if the population of his State is less than 3,000,000;

"$321,768 if such population is 3,000,000 but less than 4,000,000;

"$345,138 if such population is 4,000,000 but less than 5,000,000;

"$362,850 if such population is 5,000,000 but less than 7,000,000;

"$382,038 if such population is 7,000,000 but less than 9,000,000;

"$403,440 if such population is 9,000,000 but less than 10,000,000;

"$424,842 if such population is 10,000,000 but less than 11,000,000;

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"$446,244 if such population is 11,000,000 but less than 12,000,000;

"$467,646 if such population is 12,000,000 but less than 13,000,000;

"$488,556 if such population is 13,000,000 but less than 15,000,000;

"$509,466 if such population is 15,000,000 but less than 17,000,000;

"$530,130 if such population is 17,000,000 or more."

On page 17, line 10, insert:

"OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

"For an additional amount for 'Office of Sergeant at Arms and Doorkeeper', $68,390: *Provided*, That effective January 1, 1972, the Sergeant at Arms may appoint and fix the compensation of an additional assistant video engineer at not to exceed $17,958 per annum, a senior programer at not to exceed $17,712 per annum, two program analysts at not to exceed $15,006 per annum each, four operators at not to exceed $10,086 per annum each, a liaison and documentation specialist at not to exceed $12,054 per annum, a job controller at not to exceed $12,054 per annum, and a key punch operator at not to exceed $6,642 per annum."

And on line 22 insert:

"CONTINGENT EXPENSES OF THE SENATE"

And on line 23 insert:

"FOLDING DOCUMENTS

"For an additional amount for 'Folding Documents' $14,000."

On page 18, line 1, insert:

"MISCELLANEOUS ITEMS

"For an additional amount for 'Miscellaneous Items', fiscal year 1971, $250,000 to be derived by transfer from the appropriation 'Salaries, Officers and Employees', fiscal year 1971.

"For an additional amount for 'Miscellaneous Items', $275,000: *Provided*, That each Senator shall be entitled to office space suitable for his official use at not more than three places designated by him in the State he represents. The Sergeant at Arms shall secure for each Senator such suitable office space in post offices or other Federal buildings at the places designated by each Senator. In the event suitable space is not available in post offices or other Federal buildings at any place designated by a Senator within his State, the Senator may lease or rent other office space for the purpose at such place, and the Sergeant at Arms shall approve for payment from the contingent fund of the Senate vouchers covering bona fide statements of rentals due for such office. In addition, the Sergeant at Arms shall approve for payment from the contingent fund of the Senate to each Senator, upon his certification, the official office expenses incurred in his State, telephone service charges officially incurred outside Washington, District of Columbia, and charges incurred for subscriptions to newspapers, magazines, periodicals, or clipping or similar services. Payment of rentals due and such expenses and charges shall not exceed the amount of $7,800 each calendar year, of which amount not to exceed $3,600 shall be available for the payment of rentals due, except that in the case of a Senator holding his office as Senator for less than a full calendar year such $7,800 and $3,600 shall be prorated for that portion of such year he has served as a Senator. The aggregate of payments to or on behalf of a Senator shall not exceed at any time the sum of $650 multiplied by the number of months (or fractions thereof) elapsing from (1) the first day of the calendar year in which the payment is made, or (2) the day during such year in which the Senator assumed the duties of his office, whichever day is applicable, to the date of payment, and the amounts included in such sum as payment for rentals due shall not exceed $300 multiplied by the number of such months (or fractions thereof), except that nothing in this sentence shall preclude the payment of rentals at the beginning of the month for which they are due. In the case of the death of any Senator, the chairman of the Committee on Rules and Administration may certify for such deceased Senator for any portion of such sum already obligated but not certified to at the time of such Senator's death, and for any additional amount which may be reasonably needed for the purpose of closing such deceased Senator's State office, for payment to the person or persons designated as entitled to such payment by such chairman. The proviso relating to strictly official telephone service charges incurred by Senators outside the District of Columbia appearing in the first paragraph of chapter VIII of the Second Supplemental Appropriation Act, 1967 (2 U.S.C. 46d–3), is repealed, and the paragraphs relating to the securing of office space for Senators in post office or other Federal buildings in their States and to the payment of official office expenses incurred by Senators in their States appearing under the heading 'Senate' in the Legislative Branch Appropriation Act, 1957, as amended (2 U.S.C. 52, 53), are repealed. The preceding seven sentences and the proviso preceding such sentences are effective January 1, 1972."

On page 20, line 14, insert:

"STATIONERY (REVOLVING FUND)

"For an additional amount for 'Stationery (Revolving Fund)', $17,400: *Provided*, That effective with the fiscal year 1972 and thereafter, the annual allowance for stationery for the President of the Senate shall be $3,600, and such allowance for each Senator shall be as follows:

"$3,600 if the population of his State is less than 3,000,000;

"$3,800 if such population is 3,000,000 but less than 5,000,000;

"$4,000 if such population is 5,000,000 but less than 9,000,000.

"$4,200 if such population is 9,000,000 but less than 11,000,000;

"$4,500 if such population is 11,000,000 but less than 13,000,000;

"$4,800 if such population is 13,000,000 but less than 17,000,000;

"$5,000 if such population is 17,000,000 or more."

On page 21, line 8, insert:

"ADMINISTRATIVE PROVISION

"In the event of the death, resignation, or disability of the Secretary of the Senate, the Assistant Secretary of the Senate shall act as Secretary in carrying out the duties and responsibilities of that office in all matters, except those matters relating to the Secretary's duties as disbursing officer of the Senate, until such time as a new Secretary shall have been elected and qualified or such disability shall have been ended. For purposes of this paragraph and the last full paragraph under the heading 'SENATE' in the First Deficiency Act, fiscal year 1936 (44 Stat. 162; 2 U.S.C. 64a), the Secretary of the Senate shall be considered as disabled only during such period of time as the Majority and Minority Leaders and the President pro tempore of the Senate certify jointly to the Senate that the Secretary is unable to perform his duties."

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments numbered 35 through 46 be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, that covers, I take it, the extension of the additional Senate Office Building site?

Mr. MAHON. No, I believe not. That, I believe, is a subsequent amendment.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendments of the Senate numbered 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: On page 24, line 17, insert:

"SENATE OFFICE BUILDINGS

"For an additional amount for 'Senate Office Buildings', $66,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Does the mean an additional Senate office building?

Mr. MAHON. I believe you refer to the next amendment.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: Beginning on page 24, line 20, insert the following:

"EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

"To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, in addition to the real property contained in square 724 in the District of Columbia heretofore acquired under Public Law 85–429, approved May 29, 1958 (72 Stat. 148–149), and Public Law 91–382, approved August 18, 1970 (84 Stat. 819), for purposes of further extension of such site or for additions to the United States Capitol Grounds, all publicly or privately owned real property contained in lot 18 in square 724 in the District of Columbia, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That for the purposes of this Act, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further*, That, upon acquisition of any real property under this Act, the jurisdiction of the Capitol Police shall extend over such property: *Provided further*, That, any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368): *Provided further*, That upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any structures on, or constituting a part of, such property and to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: *Provided further*, That, such real property, when acquired under authority of this Act, shall be subject to the provisions of the Act of July 31, 1946, as amended (40 U.S.C. 193a–193m, 212a, and 212b): *Provided further*, That, the Architect of the Capitol under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, expenditures authorized by Public Law 91–646, approved January 2, 1971 (84 Stat. 1894–1907), applicable to the Architect of the Capitol, and expenditures for any other required items, as may be necessary to carry out the provisions of this appropriation; $270,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein.

PURCHASE OF PROPERTY FOR THE SENATE

Mr. MAHON. Mr. Speaker, I believe the gentleman from Iowa is interested in discussing amendment No. 49, which has been the subject of an earlier colloquy and which is described on page 51 of the Senate report on the supplemental appropriation bill.

This is an appropriation agreed to by the House conferees. It would provide $270,000 for the acquisition of lot 18 in square 724 of the District of Columbia located north of the New Senate Office Building, and is for the use of the Senate.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Does that mean the Senate is preparing to construct another Senate office building? Is that the purpose of it?

Mr. MAHON. My understanding is that this is for a parking lot. That is what the report indicates.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: On page 28, line 7, strike out "For an additional amount for "Construction General", $34,100,000, to remain available until expended."

and insert in lieu thereof:

"For an additional amount for "Construction, General," $102,400,000, to remain available until expended or which not to exceed $1,400,000 shall be available for emergency flood control construction of debris basins and channel clearing in the Carpinteria, California, area affected by recent fires, and such work is hereby authorized."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 55: On page 30, line 1, insert:

"NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"SATELLITE OPERATIONS

"For an additional amount for 'Satellite operations,' $4,919,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$4,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57: On page 30, line 20, insert:

"For expenses necessary for international radio broadcasting and related activities, as authorized by law, including not to exceed $36,000,000 for grants to Radio Free Europe and Radio Liberty, $36,225,000: *Provided*, That this appropriation shall be available only upon the enactment into law of S. 18 or other authorizing legislation, 92d Congress."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of $36,000,000 named in said amendment, insert the following: "$32,000,000";

And in lieu of $36,225,000 named in said amendment insert the following: "$32,225,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 60: On page 31, line 22, strike out "$200,000, to be derived from the appropriation 'Office of the Secretary, salaries and expenses'" and insert in lieu thereof "$2,200,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert the following: "$2,200,000, of which $200,000 shall be derived from the appropriation 'Office of the Secretary, salaries and expenses'".

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Is this the item for which authorizing legislation was sought, I believe on Monday of this week, and was defeated?

Mr. MAHON. It failed because it did not have the necessary two-thirds vote.

Mr. GROSS. Yes. But it was defeated, was it not?

Mr. MAHON. Yes.

Mr. GROSS. So it is right back here now on a forward funding basis, is it not?

Mr. MAHON. No. There is contained in the appropriation paragraph the statement that the funds shall not be available unless authorizing legislation is enacted.

Mr. GROSS. I say that Congress has now come to forward funding. We cannot wait, so we make the money available. It is a before-the-fact situation. Is that not right?

Mr. MAHON. The contingency clause governs. The money will not be available unless Congress provides the authorization. This aviation show is scheduled for next spring, and if the Congress does not see fit to enact additional authorization, these funds cannot be expended.

Mr. GROSS. But what we are really saying here is "the money is all ready for you. Just pass the authorization. Then hop to it and spend it." That is about the story, is it not?

Mr. MAHON. We are simply saying here that, unless it is authorized, the money cannot be made available.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 61: Page 31, line 25, insert: "*Provided*, That $2,000,000 of this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-second Congress."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 61 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: Page 32, line 10, insert:

"AVIATION ADVISORY COMMISSION

"SALARIES AND EXPENSES

"(Airport and Airway Trust Fund)

"For an additional amount for the Aviation Advisory Commission, authorized by section 12 of the Act of May 21, 1970 (Public Law 91–258), as amended, $750,000 to be derived from the Airport and Airway Trust Fund and to remain available until March 1, 1973: *Provided*, That funds for the Aviation Advisory Commission, as provided for in chapter XI of title I of the Second Supplemental Appropriations Act, 1971, shall also remain available until March 1, 1973."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

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Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 68: Page 34, line 15, insert:

"FUNDS APPROPRIATED TO THE PRESIDENT

"ECONOMIC STABILIZATION ACTIVITIES

"SALARIES AND EXPENSES

"For expenses necessary to carry out the Economic Stabilization Act of 1970, as amended, including activities under Executive Orders No. 11615 of August 15, 1971, and No. 11627 of October 15, 1971, both as amended; activities under Proclamation 4074 of August 15, 1971; and hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for GS–18, such amounts as may be determined from time to time by the Director of the Office of Management and Budget but not to exceed $20,153,000, of which not less than $3,000,000 will be derived by transfer from the Exchange Stabilization Fund and the remainder to be derived by transfer from balances reserved for savings in such appropriations to the departments and agencies of the Executive Branch for the current fiscal year as the Director may determine: *Provided*, That advances or repayments from the above amounts may be made to any department or agency for expenses of carrying out such activities."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

"FUNDS APPROPRIATED TO THE PRESIDENT

"ECONOMIC STABILIZATION ACTIVITIES

"SALARIES AND EXPENSES

"For expenses necessary to carry out the Economic Stabilization Act of 1970, as amended, including activities under Executive Orders No. 11615 of August 15, 1971, and No. 11627 of October 15, 1971, both as amended; activities under Proclamation 4074 of August 15, 1971; and hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for GS–18, such amounts as may be determined from time to time by the Director of the Office of Management and Budget but not to exceed $20,153,000, to be derived by transfer from balances reserved for savings in such appropriations to the departments and agencies of the Executive Branch for the current fiscal year as the Director may determine: *Provided*, That advances or repayments from the above amounts may be made to any department or agency for expenses of carrying out such activities."

FUNDS FOR ECONOMIC STABILIZATION ACTIVITIES

Mr. GROSS (during the reading). Mr. Speaker, I ask unanimous consent that the remainder of the motion be considered as read and printed at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. GROSS. Is it impossible to wait for the bill to come up to authorize this?

Mr. MAHON. There is now economic stabilization legislation on the books which does not expire until April 30, 1972. This paragraph is not contingent on further authorization. This does not make available new funds, but it provides for the salaries and expenses of the economic stabilization program by transfers of certain funds heretofore appropriated.

Mr. GROSS. Hopefully, within the next 15 minutes we will take up the extension of the Stabilization Act, is that not right?

Mr. MAHON. This item relates to the economic stabilization activities which are underway now. The measure which the House is scheduled to consider shortly provides authority for economic stabilization activities for an additional year—through April 30, 1973. This amendment which we are considering now is for the present program.

Mr. GROSS. This is wonderful procedure, I will say to the gentleman from Texas.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 75: Page 36, line 19, insert the following:

SEC. 903. The funds provided in the Department of Justice Appropriation Act, 1972, for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned Act.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment insert the following: "902".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the conference report and on the various amendments which have been considered herein, and that they be permitted to include pertinent extraneous material and that I be permitted to insert appropriate tables and other pertinent matters.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON SENATE JOINT RESOLUTION 176, TO EXTEND THE AUTHORITY OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT WITH RESPECT TO INTEREST RATES ON INSURED MORTGAGES

Mr. PATMAN submitted the following conference report and statement on the Senate joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-727)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

FLEXIBLE INTEREST RATE AUTHORITY

SECTION 1. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709–1), is amended by striking out "January 1, 1972" and inserting in lieu thereof "June 30, 1972".

AMENDMENTS TO THE FEDERAL FLOOD INSURANCE ACT OF 1968

SEC. 2. (a) Section 1336 (a) of the Housing and Urban Development Act of 1968 is amended by striking out "December 31, 1971" and inserting in lieu thereof "December 31, 1973".

(b) The provisions of section 1314(a)(2) of such Act shall not apply with respect to any loss, destruction, or damage of real or personal property that occurs on or before December 31, 1973.

(c)(1) Section 1305(a) of such Act is amended by striking out "and" after "families" and inserting in lieu thereof ", church properties, and".

(2) Section 1306(b)(1)(C) of such Act is amended by inserting "church properties, and" immediately before "any other properties which may become".

TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 3. When the Secretary of Housing and Urban Development determines that such action is necessary to avoid excessive discounts on federally insured or guaranteed mortgages, the Government National Mortgage Association may, for a period of six months after the date of approval of this joint resolution, issue commitments to purchase mortgages with original principal obligations not more than 50 per centum in excess of the limitations imposed by clause (3) of the proviso to the first sentence of section 302(b)(1) of the National Housing Act, and it may purchase the mortgages so committed to be purchased.

EXTENSION OF DATES APPLICABLE TO CERTAIN PROVISIONS OF LAW RELATING TO THE TAXATION OF NATIONAL BANKS

SEC. 4. (a) The Act entitled "An Act to clarify the liability of national banks for certain taxes", approved December 24, 1969 (83 Stat. 434), is amended by striking out "1972" in sections 2(b) and 3(a) and inserting in lieu thereof "1973".

(b) The Board of Governors of the Federal Reserve System shall make a study of the probable impact on the revenues of State and local governments of the extension under subsection (a) of the termination date of interim provisions regarding intangible personal property taxes of State and local governments on national banks. The Board shall report the results of its study to the Congress not later than six months after the date of approval of this joint resolution.

REQUIREMENT AFFECTING THE PREPAYMENT OF PREMIUMS BY INSURED INSTITUTIONS TO THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

SEC. 5. Section 404(g) of the National Housing Act is amended by striking out "1¾" and inserting in lieu thereof "1⅜".

WAIVER OF CERTAIN REQUIREMENTS APPLICABLE TO GRANTS FOR BASIC WATER AND SEWER FACILITIES

SEC. 6. Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "October 1, 1971" and inserting in lieu thereof "June 30, 1972".

EXPANSION OF SUPPLEMENTAL GRANT ASSISTANCE UNDER NEW COMMUNITY ASSISTANCE PROGRAM

SEC. 7. The first sentence of section 718(a) of the Housing and Urban Development Act of 1970 is amended by striking out "State or local public body or agency" and inserting in lieu thereof "State, local public body or agency, or other entity".

INCREASE OF AUTHORIZATIONS FOR COMPREHENSIVE PLANNING GRANTS AND OPEN-SPACE LAND GRANTS

SEC. 8. (a) The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "$420,000,000" and inserting in lieu thereof "$470,000,000".

(b) Section 708 of the Housing Act of 1961 is amended by striking out "$560,000,000" and inserting in lieu thereof "$660,000,000".

PUBLIC HOUSING RENT REDUCTIONS

SEC. 9. Section 2(1) of the United States Housing Act of 1937 is amended by adding at the end thereof a new paragraph as follows:

"Notwithstanding any other provision of Federal law or regulations thereunder, a public agency shall not reduce welfare assistance payments to any tenant or group of tenants in low-rent housing as a result of any reduction in rent resulting from the application of the rent limitation set forth in this paragraph (1) and required by such limitation."

SBA GUARANTEE OF DEBENTURES ISSUED BY SMALL BUSINESS INVESTMENT COMPANIES

SEC. 10. Section 303(b) of the Small Business Investment Act of 1958 is amended—

(1) by inserting the following in lieu of the first sentence thereof: "To encourage the formation and growth of small business investment companies the Administration is authorized (but only to the extent that the necessary funds are not available to said company from private sources on reasonable terms) when authorized in appropriation Acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by such companies. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.";

(2) by inserting "or guaranteed" following "purchased" each time it appears in paragraphs (1) and (2) thereof and in the second sentence thereof;

(3) by inserting "or guarantees" following "purchases" in the last sentence of paragraph (2) thereof; and

(4) by inserting "or guarantee" following "purchase" in paragraph (3) thereof.

And the House agree to the same.

WRIGHT PATMAN,
W. BARRETT,
LEONOR SULLIVAN,
HENRY S. REUSS,
FERNAND J. ST GERMAIN,
FRANK ANNUNZIO,
WILLIAM B. WIDNALL,
FLORENCE P. DWYER,
GARRY BROWN,
J. WM. STANTON,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS, JR.,
THOMAS J. MCINTYRE,
JOHN TOWER,
W. V. ROTH, JR.,
EDWARD W. BROOKE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S.J. Res. 176) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

NATIONAL FLOOD INSURANCE PROGRAM

Land use and control measures

The House amendment extended for 24 months to December 31, 1973, the period in which states and localities could adopt adequate land use and control measures in order to qualify for the National Flood Insurance program. The Senate Resolution contained no such provision and none is contained in the conference report.

Flood insurance coverage for church properties

The House amendment included church properties within the definition of those properties eligible to be covered under the National Flood Insurance program. The Senate Resolution contained no such provision. The conference report contains the House provision. The conferees wish to state that the purpose of this provision is to cover only those church properties actively used for religious purposes and not those properties owned by churches for income producing purposes.

GNMA—TEMPORARY WAIVER OF MORTGAGE LIMITATIONS

The Senate Resolution authorized the Government National Mortgage Association (GNMA), upon declaration by the President, until June 30, 1972, to purchase mortgages under its special assistance functions without regard to the limits that apply to such purchases under section 302(b)(1) of the National Housing Act; under that section, GNMA cannot purchase mortgages with a principal amount in excess of $22,000 ($24,500 for four-bedroom or larger units). The House amendment authorized GNMA, until June 30, 1972, to purchase mortgages up to 150 percent of the mortgage limits in section 302(b)(1) in areas where the HUD Secretary determines that cost levels so require or that such action is necessary to avoid excessive discounts on Federally-insured or guaranteed mortgages. The conference report contains the House amendment with an amendment which authorizes an increase in mortgage limits simply upon a determination by the HUD Secretary that such action is necessary to avoid excessive discounts.

STATE TAXATION OF NATIONAL BANKS

The Senate Resolution delayed for one year to January 1, 1973, the termination of interim provisions governing state authority to tax national banks. The House amendment contained no such provision. The conference report contains the Senate provision with an amendment which directs the Board of Governors of the Federal Reserve System to make a study of the estimated fiscal impact on state and local governments due to the loss of revenue resulting from the extension of interim provisions governing state authority to tax the intangible personal property of banks. The Board shall report the results of this study to the Congress no later than 6 months after date of enactment of this Resolution.

WATER AND SEWER PLANNING REQUIREMENTS

The House amendment extended to June 30, 1972, the period within which communities must meet full comprehensive planning requirements in order to be eligible for basic water and sewer grants. The Senate Resolution contained no such provision. The conference report contains the House provision.

NEW COMMUNITIES SUPPLEMENTAL GRANT ASSISTANCE

The Senate Resolution permitted any entities eligible for a basic categorical grant to also be eligible for a supplemental grant to assist construction of public facilities in new communities. The House amendment contained no such provision. The conference report contains the Senate provision.

AUTHORIZATION FOR COMPREHENSIVE PLANNING AND OPEN SPACE PROGRAMS

The Senate Resolution increased the authorization for the comprehensive planning program by $50 million and for the open space program by $100 million. The House amendment contained no such provision. The conference report contains the Senate provision.

PUBLIC HOUSING

The Senate Resolution prohibited the reduction of welfare assistance payments to public housing residents who benefit from reductions in rents required by law under the HUD Act of 1969 which provides that the rent of a public housing tenant may not exceed 25 percent of the family's income. The House amendment contained no such provision. The conference report contains the Senate provision.

SMALL BUSINESS INVESTMENT COMPANIES

The House amendment clarified the authority of the Small Business Administration to guarantee debentures issued by small business investment companies. The Senate Resolution contained no such provision. The

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conference report contains the House provision.

WRIGHT PATMAN,
W. A. BARRETT,
LEONOR SULLIVAN,
HENRY S. REUSS,
FERNAND J. ST GERMAIN,
FRANK ANNUNZIO,
WILLIAM B. WIDNALL,
FLORENCE P. DWYER,
GARRY BROWN,
J. WILLIAM STANTON,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON A. WILLIAMS,
THOMAS J. MCINTYRE,
JOHN TOWER,
W. V. ROTH, JR.,
EDWARD W. BROOKE,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON DISTRICT OF COLUMBIA TO FILE CERTAIN REPORTS

Mr. CABELL. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRINTING OF "REVIEW OF SEC RECORDS OF THE DEMISE OF SELECTED BROKER-DEALERS"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–728) on the resolution (H. Res. 633), providing for the printing of additional copies of the committee print entitled "Review of SEC Records of the Demise of Selected Broker-Dealers," and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. RES. 633

Resolved, That there shall be printed one thousand additional copies of the committee print entitled "Review of SEC Records of the Demise of Selected Broker-Dealers" for the use of the Committee on Interstate and Foreign Commerce.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF DEDICATION CEREMONY OF PORTRAIT OF HON. F. EDWARD HÉBERT

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–929) on the resolution (H. Res. 648), authorizing the printing as a House document the dedication ceremony of the portrait of the Honorable F. EDWARD HÉBERT, chairman, Committee on Armed Services, and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. RES. 648

Resolved, That the transcript of the proceedings in the Committee on Armed Services of October 12, 1971, incident to the presentation of a portrait of the Honorable F. Edward Hébert to the Committee on Armed Services be printed as a House document with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed two thousand copies of such document for the use of the Committee on Armed Services.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF "A PRIMER ON MONEY"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a priviledged report (Rept. No. 92–730) on the concurrent resolution (H. Con. Res. 439) to provide for the printing of 50,000 additional copies of the subcommittee print of the Subcommittee on Domestic Finance, of the House Committee on Banking and Currency, entitled "A Primer on Money," and ask for immediate consideration of the resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 439

Resolved by the House of Representatives (the Senate concurring), That fifty thousand additional copies of the Subcommittee Print of the Subcommittee on Domestic Finance of the Committee on Banking and Currency, of the House of Representatives, Eighty-eighth Congress, second session, entitled "A Primer on Money" be printed for the use of the Committee on Banking and Currency of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF "THE JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS: PURPOSE, LEGISLATIVE HISTORY, JURISDICTION, AND RULES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–731) on the concurrent resolution (H. Con. Res. 441) authorizing the printing of "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules" as a House document, and for other purposes, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 441

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document, with illustrations and with a suitable cover approved by the Joint Committee on Printing, a compilation of materials entitled "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules"; and that there shall be printed two thousand five hundred additional copies of such compilation for the use of the Joint Committee on Congressional Operations.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF EULOGIES ON THE LATE JUSTICE HUGO L. BLACK

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–732) on the concurrent resolution (H. Con. Res. 469) to provide for the printing as a House document a compilation of the eulogies on the late Justice Hugo L. Black, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 469

Resolved by the House of Representatives (the Senate concurring), That there be printed with illustrations as a House document a compilation containing the eulogies on the late Justice Hugo L. Black delivered in the Congress and such other materials as Congressman Bob Eckhardt deems appropriate.

SEC. 2. There shall be printed and bound, as directed by the Joint Committee on Printing, five thousand five hundred and fifty copies, of which four thousand three hundred and fifty copies shall be for the use of the House of Representatives, one thousand copies shall be for the use of the Senate, and one hundred and fifty copies shall be for the use of the widow of the late Justice Hugo L. Black, Mrs. Elizabeth Seay Black.

SEC. 3. Copies of such document shall be prorated to Members of the House of Representatives and the Senate for a period of sixty days, after which the unused balance shall revert to the respective House and Senate document rooms.

With the following committee amendments:

Page 1, line 5, strike out the words "Congressman Bob Eckhardt deems" and insert in lieu thereof "may be deemed".

Page 1, line 9, strike out the words "and fifty".

The committee amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF THE STUDY "SOVIET SPACE PROGRAMS, 1966–70" AS A SENATE DOCUMENT

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–733) on the Senate concurrent resolution (S. Con. Res. 30) authorizing the printing of the study entitled "Soviet Space Programs, 1966–70" as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate's concurrent resolution as follows:

S. CON. RES. 30

Resolved by the Senate (the House of Representatives concurring), That the study entitled "Soviet Space Programs, 1966–70", prepared for the use of the Senate Committee on Aeronautical and Space Sciences by the Congressional Research Service with the cooperation of the Law Library, Library of Congress, be printed with illustrations as a Senate document, and that there be printed three thousand additional copies of such document for the use of that committee.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF "FEDERAL AND STATE STUDENT AID PROGRAMS, 1971" AS A SENATE DOCUMENT

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–734) on the Senate concurrent resolution (S. Con. Res. 31) authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Federal and State Student Aid Programs, 1971", prepared by the Library of Congress for the Senate Committee on Labor and Public Welfare be printed as a Senate document; and that there be printed sixty-eight thousand two hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives, ten thousand three hundred copies shall be for the use of the Senate, ten thousand copies shall be for the use of the Senate Committee on Labor and Public Welfare, and four thousand copies shall be for the use of the House Committee on Education and Labor.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balances shall revert to the respective Senate and House document rooms.

With the following committee amendment:

Page 1, lines 7 and 8; strike out "forty-three thousand nine hundred" and insert in lieu thereof "forty-four thousand".

The committee amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF THE PRAYERS OF THE CHAPLAIN OF THE SENATE DURING THE 91ST CONGRESS AS A SENATE DOCUMENT

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–735) on the Senate concurrent resolution (S. Con. Res. 34) authorizing the printing of the prayers of the Chaplain of the Senate during the 91st Congress as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 34

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elston, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-first Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand thirty would be for the use of the Senate and nine hundred seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF "INTERNATIONAL COOPERATION IN OUTER SPACE: A SYMPOSIUM" AS A SENATE DOCUMENT

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–736) on the Senate concurrent resolution (S. Con. Res. 44) authorizing the printing of the study entitled "International Cooperation in Outer Space: A Symposium" as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 44

Resolved by the Senate (the House of Representatives concurring), That the study entitled "International Cooperation in Outer Space: A Symposium", prepared for the use of the Senate Committee on Aeronautical and Space Sciences under the direction of the staff of such committee, be printed with illustrations as a Senate document, and that there be printed three thousand additional copies of such document for the use of that committee.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF HANDBOOK "GUIDE TO FEDERAL PROGRAMS FOR RURAL DEVELOPMENT"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–737) on the Senate Concurrent resolution (S. Con. Res. 50) authorizing the printing of the handbook entitled "Guide to Federal Programs for Rural Development" as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 50

Resolved by the Senate (the House of Representatives concurring), That with the permission of the copyright owner the handbook entitled "Guide to Federal Programs for Rural Development", published by the Independent Bankers Association of America, be printed with emendations as a Senate document, and that there be printed twelve thousand additional copies of such document for the use of the Senate Committee on Agriculture and Forestry.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

KADASHAN BOTTOM WATERSHED

The SPEAKER laid before the House the following communication; which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.,
December 2, 1971.

HON. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the following work plan transferred to you by executive communication and referred to this Committee. The work plan is:

Watershed: Kadashan Bottom.
State: Oklahoma.
Executive communication: 556, 92nd Congress.

With every good wish, I am,
Sincerely yours,
W. R. POAGE, *Chairman.*

AWARDS TO MEMBERS OF ARMED FORCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with the provisions of 10 U.S.C. 1124, I am pleased to forward the reports of the Secretary of Defense and the Secretary of Transportation on awards made during fiscal year 1971 to members of the Armed Forces for suggestions, inventions and scientific achievements.

Participation by military personnel in the cash awards program was authorized by the Congress in September 1965. There could be no better demonstration of the program's success than the fact that tangible first-year benefits in excess of $555 million have been realized from the suggestions of military personnel since the program began.

The tangible first-year benefits resulting from adopted suggestions submitted by Department of Defense and Coast Guard military personnel during fiscal year 1971 totaled $117,676,188, the second highest annual amount in the history of the program. Cash awards presented to military personnel for their adopted suggestions during fiscal year 1971 totaled $1,919,121.

RICHARD NIXON.

THE WHITE HOUSE, *December 9, 1971.*

HOUR OF MEETING TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow morning.

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The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman be good enough to wait to see whether we are going to stay until midnight tonight or some such hour before making this request?

I would suggest to the gentleman that we proceed for a time.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the distinguished majority leader.

Mr. BOGGS. I will be happy to comply with the gentleman's request. But I would inform the gentleman that we are not going on until midnight tonight. The House was in session until after midnight last night.

It is asking too much of the Members to sit here again until midnight tonight. I would hope in further response to my friend that we could dispose of the debate on the rule and the general debate on the phase II program and then rise and come back tomorrow morning, when we would conclude this bill. The gentleman has talked to me several times about adjournment, and this bill is essential to adjournment. That is the only reason I am asking for this consent.

Mr. GROSS. The distinguished gentleman is making a request which is somewhat out of the ordinary. Could the gentleman now tell us when we might expect adjournment sine die?

Mr. BOGGS. The gentleman is asking a very fair question and I shall try to respond to the best of my ability. Except for four District bills, the bill which the gentleman from Texas (Mr. PATMAN), has scheduled is all of the legislative business remaining in this session, except for the conference reports which must be considered. The principal conference reports are, of course, coming from the Appropriations Committee, and, as the gentleman knows, there has been difficulty in relation to the foreign aid authorization bill and the foreign aid appropriation bill.

As far as I know, this bill and the conference report on the bill which must follow the four District bills will conclude the business of this session. We would hope to conclude the business of this session no later than next Wednesday.

Mr. GROSS. Does the gentleman anticipate a Saturday session?

Mr. BOGGS. To be quite frank with the gentleman, I do not, unless a Saturday session would expedite adjournment. If there is still some difficulty about the conference on foreign aid and some of the other matters, that would not necessarily be the case, and the gentleman from Texas has a matter of great importance that will require him to be absent on Saturday, so that the conference cannot take place on Saturday.

Mr. GROSS. Of course, we would all like to accommodate the gentleman or any other Member of the House.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. ARENDS. I would like to ask the gentleman from Texas whether it is his intention, should we convene at 10 o'clock tomorrow morning, to finish consideration of the bill before he leaves town.

Mr. PATMAN. If the gentleman will yield, yes, I believe it can be completed within 3 hours if no more amendments are submitted, or no more than I have been told will be submitted. I believe we can get through with the bill in 3 hours. I would hope, of course, to dispense with the reading of the bill. The first section is not controversial.

Mr. GROSS. Then the majority leader would like to bring up the bills of which he spoke from the House District Committee thereafter, tomorrow afternoon, is that correct?

Mr. BOGGS. No, I cannot, because those bills can only be brought up on District Day unless we have rules; and at this time we do not have rules. So they will have to be called up on Monday. I will tell the gentleman that I would be very happy to bring up those bills tomorrow afternoon if I could.

Mr. GROSS. In the immediate situation, it is an hour under the rule and an hour for general debate; is that correct?

Mr. BOGGS. That is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. RYAN. Mr. Speaker, reserving the right to object, I wonder if we could have some assurance on the part of the distinguished majority leader as to what is contemplated for tomorrow after completion of the economic stabilization bill.

Mr. BOGGS. The conference reports that have been completed and are in order. Several of them will be available at that time.

Mr. RYAN. For instance?

Mr. BOGGS. There are a number of conference reports. It is difficult for me to answer that question categorically because the conferees are meeting. In the case of the Appropriations Committee, there is the District of Columbia appropriation and the defense appropriation bills. We have completed action on the supplemental. That is it. I have already mentioned the foreign aid authorization and appropriation bills.

Mr. RYAN. Are they coming up tomorrow?

Mr. BOGGS. They will come up if they are ready. There is a whole series of conferences. They are all important measures. Among them there is the Flood Insurance Act of 1968 and the District of Columbia revenue bill. I do not have a complete list of the bills. The chances are that unless we can adjourn on Saturday night, the House will complete its business early tomorrow evening.

Mr. RYAN. Mr. Speaker, it would be helpful if we could have some indication so that Members may plan tomorrow. Once the economic stabilization bill is out of the way, will it be necessary to be in session? When does the chairman of the Banking and Currency Committee expect to be finished?

Mr. PATMAN. We cannot tell.

Mr. BOGGS. The gentleman knows we are close to adjournment and that as conference reports become available, it is the intention of the leadership to call up as many as we can expeditiously take care of. As I said to the gentleman, the gentleman from Texas plans to leave after the completion of this bill, and if these conference reports are available we will call them up, but it is my belief we will conclude the work tomorrow by 5 or 6 o'clock in the afternoon.

Mr. RYAN. Would the distinguished majority leader be able to give us some assurance that the defense appropriation bill conference report will not come up until next week?

Mr. BOGGS. The chairman of the committee is not here. I cannot give that assurance. We are trying to adjourn Congress. But the Defense Department appropriation bill is a very important bill, and I am not in a position to give the gentleman assurance that the conference report will not be called up. I would say if the conference report is available, it will be called up.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 730 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 730

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 11309) to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking and Currency now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and shall be read by sections. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 11902 as an amendment to the committee amendment in the nature of a substitute. At the conclusion of the consideration of H.R. 11309 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 11309, it shall be in order in the House to take from the Speaker's table the bill S. 2891 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11309 as passed by the House.

Mr. COLMER. Mr. Speaker, it is regrettable that we do not have more Members here for consideration of what I regard as one of the most important bills that has come up or will come up for consideration in this session of the Congress.

I have never been one who liked to speak just for the purpose of hearing his own voice, and I do not propose to go into any great, lengthy discussion of this bill. Members have heard the resolution read. They know what it provides for.

I would just reiterate, briefly, for any of those who might not have heard the reading of the resolution, that there will be 1 hour of general debate. Then there will be an open, free consideration, under an open rule for the offering of such amendments as the membership might see fit to offer.

The resolution makes in order the offering of an amendment upon certain classified employees that are requested by the administration and included in the bill. The only reason for this is that the Committee on Post Office and Civil Service felt this was an invasion of the jurisdiction of that committee. Therefore, the Rules Committee made in order an amendment, to wit, a bill, H.R. 11902, that would provide for these classified employees and further to reduce the number from 40 to 20. At the appropriate time, it is my understanding, the gentleman from North Carolina (Mr. HENDERSON) representing the Post Office and Civil Service Committee, will offer such an amendment to the bill H.R. 11902, that is made in order under the rule.

For the benefit of those who might be interested in offering amendments to the bill under consideration, the rule provides that the bill shall be read by section. There is nothing unusual about this. This is the usual procedure. Ordinarily and usually when a bill is read for amendment under the 5-minute rule it is so read by section. But I mention this particularly because there might be some confusion among the membership when Members desire to offer amendments.

The bill itself consists of only two general sections. Yet the bill consists of a number of specific sections. Therefore, when the bill is read and the second section is completed—and that is the only one, I assume, that would be amendable or which anyone would want to amend—then they may offer amendments to that particular section.

Mr. GONZALEZ. Will the gentleman yield to me?

Mr. COLMER. I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the distinguished gentleman for yielding.

I am a little in need of clarification. This is the usual way to bring up a bill, reading it section by section. So what would be the difference in this instance in our ability to offer amendments section by section?

Mr. COLMER. There will be no difference, I say to my friend. I merely want to emphasize that the rule providing for the usual procedure might be misconstrued because of the number of sections under section 2 of the bill that the gentleman's committee reported.

Mr. GONZALEZ. I understand that. I thank the gentleman.

Mr. COLMER. So I think I should clarify that matter. So much for the rule.

I just want to comment briefly on the necessity for this legislation. I am not going to go into any lengthy or detailed discussion of it. I just want to call the attention of the membership and of those interested citizens throughout the country to the fact that we have reached a point in the inflationary trend where we are either going to have to do something to stop this inflationary trend or we are going to lose the most precious heritage that any people have ever received, that is, the form of this American Republic.

This is strong language, but I think we have reached the point where we have become oblivious to the question of fiscal responsibility. We owe well over $400 billion; we are spending somewhere in the neighborhood of $40,000 or more a minute just to pay the interest on the national debt; but more important than that is the fact that the value of the 1939 dollar has now reached a value of 33 cents plus. And I am talking about plus in fractions.

What does this deficit spending do? This all adds to inflation. And we in this Congress keep passing bills calling for more and more and more expenditures. In my humble judgment, we are spending the people's money like a drunken sailor or a Santa Claus.

Somewhere along the line there has got to be a point at which we have got to halt. I do not know but what we have gone too far already.

Mr. Speaker, what does that do? I respect that all contributes to inflation. It is the biggest contributor toward inflation.

The Members of this House have an opportunity here to reverse that trend; at least to halt inflation. You are giving the President of the United States unusual powers to do something about stopping this inflation. I hope he will use them and I hope he will use them wisely. I hope he will use them firmly. I believe he will.

Again, I want to contribute to my unpopularity with certain people by pointing out the fact that the very people in many instances who criticize the President for not using the powers that we gave him earlier are now opposing the granting of these powers to him or of his using them. You, in this bill are giving him a great responsibility, one that we ordinarily would not conceive of giving to a President in a nonwartime period.

However, I would say to you that we are engaged now in warfare, and I am not talking about Vietnam. I am talking about war against inflation. If we lose this battle against inflation, then we have lost everything. You let the value of the dollar continue to depreciate—and it is already at a most dangerously low level—you let that continue and when your dollar has no value, the confidence in your Government is gone. The wheels of industry stop and then it is—and I have said this at least a dozen times in this House before over the past 20 years—then it is that the Communists who have not fired a single gun with a Russian soldier will move in and take over, or in the alternative—and it does not really make much difference—the strong man on the horse will take over. Then all of the precious, priceless heritage that our forefathers have left us—the men whose crosses shine overseas who have defended their country—will be lost.

I know that there are those who feel that they have to respond to certain minority groups. I am not talking now about race. I am speaking of special interest groups. These seats here in order to be secure to them, those who occupy them, will listen to certain groups. What is it going to profit you who feel that way, if you not only lose the seat that you occupy, but you lose to posterity the most perfect embodiment of human government ever conceived by the mind of man?

There are going to be amendments offered to strengthen this bill. I wish it were a stronger bill as far as I am concerned. I do not want to go back home and face my constituency and tell them what I felt the true condition of this country was, and what our fiscal affairs had gotten into, and the dangers of the future; I would not be too much concerned about that, and if I were returned to the tranquillity of domestic life it would not worry me too much because the minority groups thought that they ought to have this, that, and the other, because I could still remember that I struck a blow for the preservation of this Republic.

Mr. Speaker, I think the resolution should be adopted. I think that the bill should be adopted, I hope with some strengthening amendments.

I hope that, above everything else, Mr. Speaker, in the consideration of this bill that partisanship will be forgotten, the 1972 election will be forgotten, but that uppermost in the minds of the Congress will be the preservation of our form of government.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Louisiana, our distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I wish to take one moment to extend our appreciation to the Committee on Rules for their expeditious consideration of this legislation, and to the members of the Committee on Banking and Currency for reporting out the bill which, we concede, is an important one.

I hope the rule will be adopted, and the bill will be passed.

Mr. Speaker, despite the desire which I feel certain we all must possess to expedite the pending phase 2 economic stabilization legislation, I believe I would be more than derelict in failing to salute the outstanding job of legislative craftsmanship which the House Banking and Currency Committee under the leadership of its able chairman, the gentleman from Texas (Mr. PATMAN), has brought to the floor today. I am personally certainly not lacking in knowledge of the difficulties involved in drafting wage and price control legislation. A generation ago, as a freshman Member of this body,

I sat on the Banking and Currency Committee and was a participant in the creation of World War II's OPA. I can recall no more arduous task during my some 30 years of congressional service.

The gentleman from Texas, likewise sat on the Banking and Currency Committee during that period. He also played a leading role in fashioning the economic stabilization legislation of the Korean conflict years. But he is most certainly not an intellectual prisoner of the past. The measure which he presents to us this afternoon is by no means just a retread of the OPA of the 1940's or the OES of the 1950's. Rather it is tailored to meet the particular economic problems of the present.

There were certain highly placed officials in the executive branch who expected this Congress to merely rubber stamp whatever legislation in this area which the bureaucracy might choose to devise. My friends, the Congress is constitutionally certainly a co-equal branch of Government, but I feel very strongly that this co-equalness poses a character far greater in scope than the purely legalistic framework within which it is customarily treated.

This is not a matter of partisanship. Rather, it is illustrative of the fact that our congressional committee system, unique among the parliamentary bodies of the world, is in a position to make a valuable and balanced contribution to the development of national economic policy. The reason for this is two-fold. First, to the senior members of such a committee as Banking and Currency Committee, there is very little in the way of public issues, entirely novel or unusual, presented to it. Besides the chairman's World War II experience, the committee possesses a number of members as well as staff personnel who wrestled with comparable problems during the Korean years. There is no similar bank of historical experience in the executive branch; the emergency agencies who administered earlier anti-inflationary programs, of course, have long since disappeared from the scene. Second, the Banking and Currency Committee is an open input system. By this, I mean that the various elements in the American economy whose cooperation is prerequisite for any successful stabilization program can be and were given their day in court to present their views. The committee then adjudicated and balanced those views and, drawing on its institutional "memory bank," produced the compromise product which we have here before us. Of course, it is not entirely satisfactory to any of those groups, but when enacted into law, it will not grossly offend any of them, they will cooperate with its enforcement and we can get on with the job of economic stabilization.

In effect, our Banking and Currency Committee has done the administration a favor. It has fashioned a product which no element of our national economy will find intolerable. It has done what a few technicians in the Treasury Department could not accomplish, even if they were of the mind to, because they simply do not possess the institutional mechanism to accomplish this highly delicate and sophisticated task. A congressional committee, solely within the Federal Government, is the instrument competent to attain this end.

Once again, my congratulations to Chairman PATMAN and his committee for a task superbly well done. Theirs has been a classic display of the congressional committee process at its very best.

Mr. ANDERSON OF Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the fact that many Members of this body are now taking a very well-earned and well-deserved respite from the Chamber. I somehow wish that there were more Members here at this hour, but I do appreciate the fact we are well into the dinner hour, not because any of the words that I have to say possess any great intrinsic value, but because as I listened to the words of my distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER) a few moments ago, it occurred to me that as we near the end of a long and even enervating session of the Congress that I would certainly want to pay tribute to the gentleman as one of the most dedicated men in this House.

Those of you who know me will appreciate the fact that we have not always agreed on every issue, we have not always voted alike, and yet as he spoke movingly, eloquently, and with deep feeling just a few minutes ago, it seemed to me that I would be remiss if at this time I did not pay him my respects—my very deep personal respects.

He is a man who feels and believes very deeply in the viewpoint that he espouses on each and every occasion that he takes the well of this House, and I honor him and I respect him for it.

Mr. Speaker, I certainly concur in his observation that House Resolution 730 does bring, if adopted, before this House one of the most important measures to be considered in this first session of the 92d Congress.

And appreciating with him, as I do, the importance of this legislation and not wishing to trespass on the time of members of the legislative committee who have been allotted only 1 hour under this rule to discuss this very vital legislation, perhaps those of you who are still here at this late hour will indulge me these few minutes, if I state and I hope rather briefly some of the reasons why I think it is important that we adopt this rule and the legislation that it makes in order.

Mr. Speaker, it is imperative that we act today to provide the President with economic stabilization powers for an additional year beyond April 30, 1972. Phase I was an overwhelming success precisely because there was certainty about the ground rules and about the duration of the freeze. As a result, we saw a remarkable turnaround on almost every economic front. Where the wholesale price index had been increasing at almost a 5-percent annual rate during the first half of this year, it actually declined during the last 3 months under the freeze; where interest rates had begun to climb again during the second quarter, rates have dropped significantly in recent months on almost every type of financial instrument—the prime lending rate, corporate bonds, Treasury bills, home mortgages. Until the President's dramatic announcement of August 15, both consumers and businessmen had been cautious and wary: New investment plans were delayed or put on the shelf, and the consumer savings rate stuck at over 8 percent—one of the highest rates in the post-war period.

Mr. Speaker, now all of that has changed. We are in the midst of the biggest auto sales boom since the middle of the last decades with new sales during September and October registering an $11 billion annual rate; during the third quarter new consumer installment credit rose at over a $10 billion annual rate—more than three times the growth rate of the first quarter; a recent survey shows that businessmen plan to increase their investment outlays by over 7 percent during the coming year, almost twice the rate of 1971; and, finally, the consensus of economic forecasters now suggests a $100 billion GNP increase next year with 6 percent of that 9 percent gain consisting of real growth rather than inflation. As Hobart Rowen concluded in an article in the Washington Post this morning:

Production will climb, jobs will expand, and 1972 will look like that "very good year" Mr. Nixon promised.

Mr. Speaker, this is an impressive performance for which much of the credit must go to the imaginative and decisive leadership that the President has displayed on the economic front since last August. Today, it is our responsibility to help insure that this heartening upturn is not halted or reversed, to help insure that the new surge of confidence and vigor displayed by consumers, businessmen, and the stock market continues its upward trend. By giving the President the 1-year extension of the economic stabilization powers that he has requested, we can fulfill that responsibility; our action will provide the public with the certainty about the scope and duration of phase II that will be essential to its success.

Mr. Speaker, in general, I think the committee has reported a good bill that provides the President, and the phase II machinery that he has established, the necessary tools and powers to get the job done, and to achieve the goal of a 2 to 3 percent inflation rate by the end of next year. The bill is not perfect, however, and I think there are a number of changes that we ought to make on the floor this afternoon that would improve this legislation, and enhance the chances for a successful phase II effort.

First, I think we ought to delete the so-called Minish amendment in its entirety. It not only contradicts and nullifies a previous section in the bill concerning the question of retroactive pay increases, but makes no economic sense besides. Now, I know the argument is made that if workers were promised pay increases and took on financial responsibilities with the expectation that they would be fulfilled, that those increases should be forthcoming. But I would remind my colleagues this afternoon that this question is a two-way street. For every group of employees that were caught on the short end of the stick on August 15, there are just as many employers and businesses caught in the same position; in the period just before the freeze, they too took on forward financial commitments in the form of wage increases or contracts for new supplies, equipment or services on the expectation that compensating price increases could be made at a later date, increases that now have been denied. Yet if we allowed for retroactivity in all of these cases, obviously all the gains of the freeze would be undone. By its very nature a freeze is bound to arbitrarily cut through the intricate adjustment cycle in a complex economy of billions of transactions like ours, and as a result, there is simply no way that we can provide for complete equity, if we think a freeze and economic controls are the price we must pay to get our economy back on the path of non-inflationary growth and prosperity.

Mr. Speaker, it is also argued in behalf of complete retroactivity that the additional wage costs involved are miniscule compared to the size and volume of overall activity in our economy. This may be true if these costs are examined in isolation—I believe the figure is less than $1 billion. But what this argument ignores is that nothing in a dynamic economy like ours occurs in a vacuum.

While the Price Board has ruled that no price adjustments will be allowed to cover the costs of retroactive wage payments, I would point out that this ruling was made on the premise that retroactivity would be only allowed in a narrow range of cases as provided in a previous decision of the Pay Board. If we are now to throw that Pay Board ruling overboard and allow across-the-board retroactivity, the pressures will be enormous for a corresponding revision of the price regulations.

Yet, many firms are, obviously, merely suppliers of other firms just down the line. So if price compensation to cover the retroactive wage costs of firm A is in order—and I think it should be—would not compensation to cover the increated supply cost of firm B be in order as well, and would not this kind of ripple effect work its way through the entire economy taking on increased magnitude at each successive stage of the adjustment process? In short, full retroactivity would likely have a multiplier effect that would have a far greater ultimate impact on the price level than the mere additional wage costs taken in isolation. This is to say nothing about the administrative nightmares that it would cause for the Price Board and other stabilization agencies.

Mr. Speaker, having said this, I want to also make clear that there is one condition under which retroactive pay adjustments should be in order; namely, in those cases where employers—whether they be manufacturing firms, school boards or whatever, had already taken the necessary action through price, tax, or other revenue adjustments to cover the costs of wage or salary hikes that were scheduled to take effect during the freeze. To prohibit retroactive adjustments in these cases would result in unfair windfall gains for which there can be no justification. So I would support an amendment that I understand will be offered by the gentleman from Georgia (Mr. STEPHENS) that would allow for adjustments in these cases. This kind of retroactivity adjustment would be far preferable to the Minish amendment and to the provision in section 203(c)(2) as well.

Finally, Mr. Speaker, I believe that the provision in section 210, which would allow individuals to bring treble damage suits in U.S. district court, is extremely ill advised and unwarranted. It is an open invitation to a deluge of litigation that would cripple the administration of phase II, possibly undermine the process of economic recovery, and is something that is totally out-of-step with the spirit of cooperation and voluntary compliance on which this whole undertaking rests. I think this provision should be stricken from the bill, or failing that, the liability should only be for the excess charged, not the entire transaction. To allow treble damages for the entire amount of the transaction will, in my view, be an irresistible temptation for some to bring litigation and could become a source of contention and irritation of such magnitude that the entire program would be jeopardized. I think the kind of widespread voluntary cooperation we saw during the freeze provides ample evidence that phase II controls can be enforced without this kind of potentially disruptive provision.

Mr. Speaker, I have no further requests for time.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11309) to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11309, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the passage of H.R. 11309 is necessary to assure the continuation of the economic stabilization program—the so-called phase II of wage-price controls.

It is an important piece of legislation—certainly one of the most far-reaching economic measures to come before this Congress in some years. Your Banking and Currency Committee has kept in mind the magnitude of this legislation and the bill before you today has been thoroughly studied and carefully amended in an attempt to provide a truly workable and equitable phase II economic program.

The administration originally sent this legislation to Congress on October 19. The original bill was short on equity and workability and long on vagueness and administrative shortcuts. The committee labored to revise the bill and to establish an equitable law which would withstand legal challenges and build the confidence of the American people in the phase II program.

The original bill sent forward by the administration wiped out application of the basic safeguards of the Administrative Procedures Act. The committee insisted that administrative review procedures be inserted requiring hearings with adequate advance notification and opportunity for interested persons to be heard on rulemaking procedures.

The original administration bill provided no wage-price machinery at the local level. The committee adopted an amendment requiring the establishment of local protest boards to help clarify rulings and to provide an entity—at the local level—to receive complaints about the operation of the law.

The original bill did not recognize the plight of low-income workers, the working poor, and those required to subsist on substandard wages. The committee insisted on an amendment which would exempt the working poor from regulations which might prevent their escaping poverty.

The original bill provided no means for policing prices except in the most general sense. The committee insisted that consumers, small businessmen, and others—who are the victims of willful price violations—be given the opportunity to seek civil damages three times the amount of the transaction. The committee established a price-policing mechanism which costs the taxpayers nothing and provided a strong deterrent to cheating.

The gentleman from Illinois (Mr. ANDERSON) made a good speech. He made some criticism of this particular section about treble damages. I most respectfully take issue with him so far as the small businessman is concerned. The small businessman has more to gain from this than any other person, the consumer or any other person. He will be protected against the unfair practices of the large competitors. In a similar law—the Robinson-Patman Act—small businesses have profited more from this type of legislation, which helps to enforce the law, incidentally, without public expense; and the small businessman will gain more than all the rest on this provision.

The original administration bill did not mention the word "profits." The committee insisted that the spotlight be

thrown on excess profits and provided for the establishment of a Board on Profits which must keep check on excessive profits and make at least quarterly reports on the issue.

The original administration bill did not recognize the special problems of wage earners and others who must depend on mass transit facilities, many of which are totally unregulated by local authorities. The committee insisted that mass transportation companies be required to seek prior approval from the President—presumably delegated to the Price Commission—before any fare increase could go into effect

The original administration bill provided for a temporary emergency court of appeals and other judicial procedures in connection with the wage-price program. The committee accepted the basic thrust of the administration proposal in this area, but restructured the section to place it in more orderly, logical, and understandable form.

The original bill tied the President's powers to roll back prices to levels not less than those existing on May 25, 1970. The committee felt that this was much too rigid and insisted that the President be allowed to determine whatever levels were appropriate to achieve the goals of the Economic Stabilization Act—without regard to the arbitrary May 25, 1970, date.

The original bill gave extraordinary powers to the chairmen of the stabilization boards and commissions without regard to the other members of these bodies. The committee insisted that any action taken be based on a decision by a majority of the members of the particular board or commission and not solely by the chairmen.

The administration bill did not deal with the question of pay contracts and agreements entered into prior to August 15, 1971—before the President revealed his plans to control prices and wages. The committee insisted that this nagging—and divisive—question be dealt with by providing that such contracts and agreements were to be honored unless the President could determine that they were unreasonably inconsistent with the rate of wages in the economy generally.

The administration bill provided only a vague standby authority for the possible control of interest rates. The committee felt the provision was far too weak and insisted that it be broadened to include finance charges, and that the President be required to stabilize interest rates and finance charges whenever he triggered any other part of the wage-price authority. The committee further provided that any exception to this would have to be by a specific determination issued by the President—accompanied by a statement of reasons—that interest rates in a given category were satisfactory and approved by the administration.

Mr. Chairman, these are some of the significant areas where the committee felt it important to make substantive improvements and clarifications. All of you have access to the report which describes these and other provisions which were dealt with in detail in the committee. The legislation extends the President's authority to carry out the economic stabilization program until April 30, 1973—as he requested—and authorizes the hiring of personnel and funds necessary to administer the act. Once this legislation is enacted, phase II will be fully on the road.

THE PAY QUESTION

Much controversy has centered around the question of retroactive and deferred pay. It has been a nagging question that has caused divisiveness at a time when we should be pulling the country together behind the phase II program. As I noted earlier, the committee decided that this question should be dealt with firmly and we provided that wage contracts and agreements entered into prior to August 15 should be validated unless they were "unreasonably inconsistent" with the rate of increases of wages in the economy generally.

We feel that it is best that this question be resolved by the Congress in a firm manner so that we can put an end to the political and administrative jockeying which seems to have surrounded the issue. It seems only fair that the Congress take the steps necessary to remove the administrative uncertainties which have been hanging over the heads of teachers and other wage and salary earners concerning contracts which were legally entered before anyone had any idea that a wage-price freeze was to be implemented.

In many cases, wage earners made employment decisions—and other commitments—based on the contracts entered into prior to August 15.

For example, there were teachers who signed contracts as early as March and April of this year and then—based on the anticipation of higher earnings—made decisions to go back to school and take special and expensive education courses during the summer.

Other wage earners decided to buy homes—made downpayments—and committed themselves to high interest charges based on the anticipation that they had a legal and binding contract. In these cases, on the one hand the administration is insisting that the mortgage contract remain intact, while, on the other hand, attempting to invalidate the wage contract.

More importantly, it is obvious that some prices were raised as soon as contracts were signed and these increases have been allowed to remain while the wage contracts—on which they were based—are not being honored. This means that many corporations have reaped a large bonanza by retaining the funds that were due their workers during the freeze.

Administration spokesmen have plainly indicated that the payment of the retroactive contracts will not upset the phase II program despite the propaganda to the contrary. Dr. Charls Walker, the Under Secretary of the Treasury, on November 23, in a speech to the District of Columbia Bankers Association, minimized the idea that the payment of the contracts would have an inflationary impact. He said:

> If all the deferred increases were suddenly granted, we would still have used up only one-half per cent of what we have to work with . . . Economically, we can't say that there will be a catastrophe if the deferred increases were granted.

In addition, the President retains full power to block any "unreasonably inconsistent" contracts. In short, we are leaving the President with all of his anti-inflationary tools intact and at the same time providing equity in the wage-price program.

INTEREST RATE PROVISION

Some in the administration have defended the failure to control the prices of banks and other lenders by insisting that interest rates have been coming down. Most of the talk has centered around various fluctuations in the money market rates and some reductions in the rates paid by the largest and most affluent—the prime—customers of the big banks.

These money market rates have varied over the past few months and all of them remain at extremely high levels. More important, however, is that these reductions have in very few instances filtered down to the small businessman, the farmer, the consumer—the people who are demanding—rightfully—that the program be administered equitably.

The decision to control interest rates cannot be made solely on the basis of what the largest—the prime—business corporations are charged. This Congress should concern itself with what the majority of the American people are required to pay on mortgages, consumer loans, and similar borrowings. In addition, there have been many predictions that the money market rates will start rising again in 1972. If the efforts to stimulate the economy are successful—as the administration assures us they will be—then there will be a heavy business loan demand. In the past, such loan demands have provided an excuse for an increase in interest rates at all levels.

The time to apply controls is now and not after these money market rates have skyrocketed again. Once the rates go up in the money markets, the pressure by the big banks would be heavy for the administration to keep hands off. To avoid this pressure which is sure to mount as the months go by in 1972, the President can use the powers provided in this bill to issue immediate orders covering the interest rates on the various classes of loans.

The bill provides that he must stabilize interest rates whenever controls are used on any sector of the economy unless he issues a precise determination—accompanied by a definite statement of reasons—that interest rates imposed on each category of loans are satisfactory and approved by the administration.

Today, home mortgages—according to the surveys of the Federal Home Loan Bank Board—are in the range of 7.83 percent and, in some areas, the rate is more than 8 percent plus points. Millions

of consumers are forced to obtain small loans at interest rates of 36 percent, and the Washington Post in recent weeks has carried lengthy investigative news stories revealing that second mortgages are as high as 68 percent. Even high-grade corporate bonds are going at interest rates well over 7½ percent. It would appear unlikely that any President would determine that such levels of interest rates should bear the imprint of approval from the Federal Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PATMAN. Mr. Chairman, I yield myself 3 additional minutes.

All of you have access to the report which describes this, and I hope that you read the report.

The legislation extends the President's authority to carry out the economic stabilization program until April 30, 1973. That is what the President wanted. He wanted to extend it for 1 year in the beginning. The House has granted that and the Senate has granted it, so that there will be no difference to be settled by the conferees. It will be a 1-year extension from April 30, 1972, to April 30, 1973.

Personally I think it is a good thing to pass it now and get it behind us so that when we have the conventions coming up next year preceding a general election in the fall. We are in a better position to consider this legislation now.

So, it will be more conducive to sober thought and meditation to follow this procedure, Mr. Chairman, when politics will not be connected with it. I think that is a good move that the President made and I am glad that the Congress has supported his efforts and the legislation extends the President's authority to carry out this act and authorizes the hiring of the personnel and the funds necessary to administer the act.

Mr. Chairman, once this legislation is enacted, phase II will be on the road.

Now, Mr. Chairman, the distinguished gentleman from Illinois (Mr. ANDERSON) mentioned the fact about interest rates. It is true that some interest rates have been lowered. But, may I invite your attention to the fact that the consumer rates are just about exactly where they were before. The rates on the poor people and the middle-income group. These people are required under existing law and regulations to obligate themselves to pay on the purchase of a $20,000 home $35,000 in interest on that home, or $55,000 for a $20,000 home. So, that does not mean that interest rates have been reduced much to the person who has become a homeowner. It is about the same and the record will show that.

And, did you know that the consumers are still paying 18 percent interest and 36 on the purchases through retail establishments. They are also paying more percent interest on small loans all over this Nation.

This is against conscience, but you never hear of them saying anything about reducing the 36 percent interest. However, you hear them say, "Let us pass the Uniform Credit Code in all the States." It has been submitted to every State legislature, all 50, and it has actually passed in a number of States. That provides for an increase from 18 percent to 24 percent on revolving credit to 36 percent on other loans. That is not helpful to the consumer. It is harmful to him.

Mr. Chairman, the more money that is taken from the poor man in interest rates, the less money that goes into the channels of trade and distribution. It hurts everyone.

Mr. Chairman, I believe that this bill protects the consumer more than any bill that we have had in a long time. I hope and trust that the consideration given to this bill will be divorced from politics. We do not want politics in it. This is one time we must work shoulder to shoulder with the President. We must win this fight against inflation. We do not want it to happen in this country like it happened in Germany and one time in France where it required a wheelbarrow load of paper money to buy one loaf of bread.

It can happen, gentlemen; it could happen here. Let us not let it happen here. Let us pass this bill for effective controls in order to lick inflation.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 11309.

In view of the short time the report has been before the House and my personal disagreement with some of the views expressed in it I would like to review this with you a little more completely than I sometimes do.

First I think it important to give the proper recognition to the background of this legislation.

I think it is fair to say that when the President made his announcement of wage and price controls on August 14 he deviated from the firmest personal convictions about his abhorrence of economic controls in the interests of the Nation's welfare. He recognized, as surely we must that this Nation is in the midst of a grave economic crisis. To cope with it he initiated a series of domestic controls and incentives and international monetary and trade policies which I think most of us would agree are, or were, a good if painful first step toward the resolution of that crisis. The bill before us today deals only with the domestic controls so let me restrict my further remarks to that problem.

Twice since the 92d Congress convened we have voted to extend the President's authority to exercise wage and price controls. On each occasion, and in between, Members have advocated the exercise of this authority. On August 14 the President acceded to those admonitions and introduced a 90-day freeze which he and all of his administrators are willing to admit resulted in numerous inequities because the freeze was applied across-the-board and was not riddled with special treatment for a favored few. On October 7, after lengthly consultations with labor, management, and representatives of the public, he announced the outlines of a second phase of the program. If not perfect it was at least a program designed to assure that all affected parties would have some say in deciding what sacrifices each would have to make if this Nation was to successfully resolve its problems and bring inflation under control.

Twelve days after his October 7 announcement the President sent to us the proposal for the legislation now before us. Having acceded to our urgings these proposals said in effect, "Having yielded to your judgment give me time, give me people, and give me some temporary tools to make it work." In the meantime, while we deliberated on this request, the President, having embarked on a new economic policy affecting the well-being of over 200 million Americans, has had to try and make that policy work. It would be folly for me to stand here and try to convince you those efforts have been wholly successful to date; but it would be equally foolish for any of us to think that the boards and commissions which the President has established can do any kind of a job if, and as long as, we sit up here second guessing every decision they make.

This then brings me to the question of what kind of a bill we are dealing with today. I think it is largely—and I think it should be—only a bill which sets forth the broadest guidelines of a program. We are not equipped here in the Congress to deal with all of the ramifications of even such basic questions as retroactivity of pay increases negotiated prior to August 15. From all the evidence we have seen it is quite obvious that some retroactive payments can and should be made—while others, which if required, would plunge companies into bankruptcy and employees onto welfare. Under the circumstances it would be foolhardy for us to dictate more than a mandate requiring an examination of all the facts in individual cases before decisions are made—and prohibiting blanket rules that are not subject to appeal.

In considering this legislation we must avoid legislative provisions which restrict the administrators' flexibility. Let us not kid ourselves, economic controls mean sacrifices. Nor should we kid ourselves that we here in Congress could ever write the thousands of pages of rules, regulations, and interpretations that have accompanied every other attempt at such controls. The best we can do is provide the guidelines. Having induced the President to embark on this program let us not tie his hands before he has a chance to make it work.

If you can agree with me that we do not have the ability to legislate every detail of an economic control program I think you can agree that H.R. 11309 contains ample guidelines for the President to follow. Unfortunately some of its provisions are too limiting and should be deleted particularly if they deny the President authority to determine facts before deciding what is equitable. Any other amendments of this nature offered on the floor should be defeated.

In summary let me say this:

First, I think it is obvious from the problems which have presented themselves since August 15 why economic controls are abhorrent to us.

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Second, having finally embarked on this distasteful route to the solution of our domestic economic problems I think it would be a big mistake to vacillate at this time by denying a 1-year extension of this authority or by trying to change all the rules the administration laid down in the absence of more complete congressional guidance; and

Last, but not least, I think it is time we recognized that the problems our Nation faces today transcend political issues and require that we face up squarely to the fact that to get inflation under control is going to require some personal sacrifices. In the long run we are going to face far less difficulty if we accept that fact realistically. I still hear the applause that followed John F. Kennedy's statement—

Ask not what your country can do for you, ask what you can do for your country.

I think we can ask people to tighten up on prices, wages, rents, and all the rest right now for the sake of their country without any apologies, and I think that when we stop second-guessing the people down the street who have the time to listen to the facts in each case they can administer this program fairly.

Let me point out that there has been a tremendous amount of misunderstanding about the operations of the economic controls and their relationship to H.R. 11309. I hope that during our debate today Members will recognize that the rules which prevailed during phase I have been changed and do not justify the inclusion in this legislation of amendments directed at problems which no longer exist. Let me assure you that your committee has heard every conceivable kind of complaint and it is my judgment that the guidelines set forth within the bill represent an adequate framework for the administration of a fair and equitable program. I urge the enactment of the bill with a few amendments we feel are needed.

Mr. BARRETT. Mr. Chairman, in some quarters, the Economic Stabilization Act has been seized on as a great opportunity to make the workingman and labor unions the whipping boys for all our economic troubles.

It is easier for some to talk about the $15 a month increase of a worker than it is to discuss the excesses of the big business and banking community and the other fat cats in our society.

Mr. Chairman, I have talked with many labor people and I know that the American workingmen and women are willing to cooperate with this program so long as it is equitable—so long as everyone—big and small—is treated alike.

The AFL–CIO has made its position clear in testimony before the Banking and Currency Committee. The official position is contained in this statement adopted by the Executive Council of AFL–CIO:

If the President determines that the situation warrants extraordinary overall stabilization measures, the AFL–CIO will cooperate so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaires. We are prepared to sacrifice as much as anyone else, as long as anyone else, so long as there is equality of sacrifice.

Mr. Chairman, we can help provide the equity so badly needed in this program by adopting the committee bill which provides that wage contracts and agreements entered into prior to August 15 be valid unless they are unreasonably inconsistent with other increases in wages in the economy generally.

The working people had no knowledge that the President was planning to impose a freeze on August 15. They entered into these agreements in good faith and in many instances made commitments to purchase homes, automobiles or to send their children to school based on the belief that they had a binding contract for higher wages. Many of these contracts were entered into months—and in some cases—years—before the President's freeze order of August 15. Teacher contracts, in most school districts, were signed in the spring and many of these teachers made employment decisions based on these binding agreements.

These contracts—contrary to the propaganda flowing forth from the administration—do not involve high-paid affluent workers. Hundreds of these contracts involve low income workers, many of whom are supporting families on less than $6,000 a year.

The administrative rulings that have come forth under this program have blocked, in some cases, wage increases as low as $8 a month and, in one instance, prevented employees from obtaining the right to sick leave. The great majority of these contracts involve relatively small sums, but amounts which are important to the individual worker.

It is not the fault of the workers that the Nixon administration waited so long to control inflation and failed to do something about unemployment. The President's economic hesitation has cost the country dearly, but it is wrong—very wrong—for the administration to now say that the working people must bear the burden of these mistakes.

Mr. Chairman, the pay contracts entered into prior to August 15 should be validated by the Congress and not left to further maneuvering in the political and administrative arena. We should put the phase II show on the road and put behind us these divisive questions hanging over from the prefreeze period.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, because of the importance of the legislation before us, I would like to direct my remarks to section 203 of H.R. 11309 because this section really goes to the heart of the matter which we are considering.

Section 203 deals with presidential authority.

Paragraph (a) authorizes the President to issue such orders and regulations as may be appropriate—

First, to stabilize prices, wages, rents, and salaries;

Second, to stabilize Federal expenditures; and

Third, to stabilize interest rate and finance charges and corporate dividends.

Paragraph (b) says—in stabilizing the above components of the economy, the President, in effect the Pay Board, shall issue standards to serve as a guide in determining the levels of wages and prices and so forth.

These standards shall, pursuant to the legislation: First, be generally fair and equitable; and second, provide for making such general exceptions and variations as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, and serious market disruptions, domestic shortages of raw materials, localized shortages of labor, and windfall profits.

Third, take into account changes in productivity and cost of living.

Fourth, provide for reductions in prices and rents whenever warranted.

Fifth, call for generally comparable sacrifices by business and labor as well as other segments of the economy.

Section 203(c)—and this begins to get critical—says that retroactive and deferred pay increases that were contracted for before August 15, but not paid because of the freeze, shall be paid unless the Pay Board—again, in effect, the President—the Pay Board finds that the increase is unreasonably inconsistent with standards promulgated by the Pay Board pursuant to paragraph (b) which I have just read.

I want to point out that this language found in paragraph (c)(1) of section 203 on page 4 of the bill presents a very different test for the payment of retroactive and deferred pay increases than that contained in section 216 on page 23. In fact, as the gentleman from Illinois (Mr. ANDERSON) has pointed out, the two sections are quite contradictory, which can only be explained by the extremely close division within the committee itself.

During committee consideration an amendment similar to section 216 was offered by the gentleman from New Jersey (Mr. MINISH) in place of section 203, but it was defeated by a 1-vote margin. The same amendment with slight modification was later offered by Mr. MINISH as section 216, and on this occasion it prevailed by a 1-vote margin.

Section 216 also provides for the payment of retroactive and deferred pay increases, but the test which it applies is much more loosely drawn and all inclusive. It states that all such increases must be paid unless the Pay Board finds that an increase is unreasonably inconsistent with the rate at which wage and salary increases have increased in the economy generally. We know that the average rate of wage and salary increase in the economy generally during the 8½ months immediately prior to the August 15 freeze was between 7½ and 8 percent. Thus section 216, the so-called Minish amendment, mandates the payment of

retroactive and deferred increases that are not unreasonably inconsistent with the general increase in the neighborhood of 8 percent.

What this would mean I would ask Mr. MINISH on tomorrow, but I would suppose an increase of 10 percent would not be construed to be unreasonably inconsistent with an 8-percent rate of increase in the economy generally.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield 1 more minute to me?

Mr. PATMAN. I am sorry I cannot do so.

Mr. ASHLEY. Mr. Chairman, will the gentleman from New Jersey yield me 2 minutes?

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio.

Mr. ASHLEY. I appreciate the gentleman's yielding me this time.

Unlike the test in section 203, section 216 strips the Pay Board of any flexibility by adopting a standard which accepts and is predicated upon a rate of wage and salary increase that contributed directly to the August 15 freeze. At the appropriate time, therefore, Mr. Chairman, I will either offer, or in case it is offered by Mr. STEPHENS, I will support an amendment to strike section 216.

In closing, let me say that the legislation before us offers the opportunity but not the assurance of checking inflation and promoting orderly growth. If the Congress elects to direct the Pay Board or the Price Commission, for that matter, to approve increases that are not consonant with economic stability and they will have this option, then it will have forfeited its responsibility to the Nation. If, as I trust will be the case, we treat economic stability as a national priority of the highest order and are faithful to this goal, then we will have succeeded in overcoming differences among us for the common good of our society, and perhaps for the preservation of our competitive enterprise system as we know it.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. BROWN).

The CHAIRMAN. The gentleman from Michigan (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Michigan. Mr. Chairman, the first responsibility of this body, it seems to me, is to act properly as a legislative body and not as a pay board, a price commission, an interest and dividends commission, or any other body to which may be delegated by the President the implementation of our economic and stabilization program. Included within this responsibility is a further obligation to make sure that equity to all within the control structure is not jeopardized by our legislative action. Since no one in this Congress would suggest that he has the all-encompassing knowledge to appreciate all the diverse and varied situations, whether in wages or prices or in other factors with which the pay and price boards will be confronted, it is absolute folly for us to adopt too rigid, too restrictive, too inflexible legislative provisions, thereby denying to these boards and commissions an opportunity to do justice to all affected by the just concluded freeze of wages and prices as well as those who will be affected in the future.

To the extent that we write into this legislation a general overall fix on wages, especially increases therein which occurred but were not paid during the freeze, we are rewarding the good and the bad, the just and the unjust, in exactly the same way and to the same extent. There can be little question but what this question of retroactive wages will occupy more of the time and attention of this House than any other issue incorporated in this legislation.

Sound economic growth cannot occur unless there is an opportunity for all to share in it equitably, receiving from it according to the amount they have contributed to it. The freeze caused and perpetuated inequities which must be corrected. Phase II legislation should provide the tools for the correction of these inequities. The failure to pay any wages during the freeze period would clearly be unconscionable. Failure to pay the increases in wages which were scheduled to that effect during the freeze would be likewise unconscionable if such retroactive wages were contemplated by the industry, the income of the industry was increased through an increase in prices, or similar prefundng of the payment of the increases had been contemplated.

This is equally applicable, whether we are talking about products or services, and certainly those in the teaching profession, who have raised the question with many Members, in many cases are in the situation where it would be unconscionable for their raises that occurred during the freeze not to have been paid.

But, Mr. Chairman, in addition to this basic inequity, if we are going to have the sound orderly economic growth that this whole program is aimed at, we must make sure that the equity has been or is incorporated into the implementation of the program through guidelines where applicable or through the handling of individual cases where applicable, so that there will not be an impact upon the economy which will continue again the spiral of inflation, or which will be so inequitable as to be insupportable by the public, even though there may be special interest opposition.

In conclusion, let me just say that there are many facets to this legislation which permit—not only permit, but provoke—special interest political considerations. I will only trust that this body will not permit itself to succumb to that type of determination in writing the legislation tonight or tomorrow.

Mr. PATMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, it is time for the Congress to deal in a clear and decisive manner with the question of deferred and retroactive pay.

The Banking and Currency Committee—on a 19 to 17 vote—has adopted an amendment to the President's phase II legislation which will provide a firm resolution to this issue. The amendment which I sponsored in the committee simply provides that the pay contracts entered into prior to August 15 be honored unless the President determines that the wage increases are "unreasonably inconsistent" with the rate at which wages have increased in the economy generally.

This amendment clears the air and puts an end to the conflicting and ambiguous rulings which have surrounded this issue since the freeze was imposed on August 15. This amendment will help put an end to the divisiveness and controversy which has plagued the economic stabilization program.

So today I sincerely hope we can provide the kind of equity, fairness, and logic which are so badly needed to make phase II succeed.

It is well known that many corporations raised prices when wage contracts were signed earlier this year. These corporations have continued to charge these higher prices based on wage agreements which have now been invalidated. These corporations have been reaping windfall profits while workers and teachers have been refused the benefits which they openly and fairly contracted for before the President announced his freeze.

Mr. Chairman, this provision covers both union and nonunion agreements that were entered into at a time when no one had an inkling that the Economic Stabilization Act was to be triggered. Millions of teachers and workers made employment decisions based on what they believed were binding agreements. Many purchased homes and entered into long-term mortgage contracts at high interest rates based on the anticipation that their contracts were valid. Now we learn that many wage contracts are to be declared invalid while allowing the mortgage contracts—and other commitments—to remain in full force and effect. This is a double standard which the Congress cannot condone and which is corrected by the legislation before us today.

Mr. Chairman, most of the people involved in this question of deferred and retroactive pay are low- and moderate-income families, teachers, and public employees who are not among the affluent. Hundreds of these contracts involve sums of only $15, $20, or $25 a month. I have seen some of these contracts where the increases are as small as $8 a month. These are the increases which the opponents of my amendment are fighting on the grounds that they are inflationary.

Mr. Chairman, at this point I should like to place in the RECORD a series of examples of various contracts in different parts of the Nation involving low-income workers earning from $1.70 to slightly more than $3 an hour. These are all wage agreements which were entered into prior to August 15, but which have been denied under the wage-price freeze:

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MANY LOW WAGE WORKERS EARNING $2 TO $3 AN HOUR (LESS THAN $6,000 A YEAR) WERE DENIED DEFERRED INCREASES DURING THE FREEZE PERIOD

Union	Firm	Location	Industry	Number of workers	Previous existing rate	Deferred increase due between Aug. 15 and Sept. 13
RCIA	Miracle Mart, Inc.	Cumberland, Md.	Retail	150	$1.70 to $2.10	+$0.05–$0.10
RCIA	Topps	Baltimore, Md.	do	800	$1.85 to $2.20	+.25
RCIA	do	Menandes, N.Y.	do		$1.85 to $2.25	+.20
ATU		Eastern & Allentown, Pa.	Transit	75	$3.27	+.10
ATU		Wilkes-Barre, Pa.	do	75	$3.03	+.05
ATU		New Bedford, Mass.	do	75	$3.03	+.14
ATU	Broward Transport	Palm Beach, Fla.	do	75	$2.80	+.10
ATU		Richmond, Va.	do	400	$3.29	+.13
IUE	Wynnewood Products, Inc.	Jacksonville, Tex.		25	$1.88 to $2.30	+.12
IUE	Redmond Industries	Washington Court House, Ohio	Mobile homes	110	$2.15 to $3.05	+.10
IUE	P. R. Mallory & Co.	Indianapolis, Ind.	Metal parts	306	$2.70 average	+.10
IUE	Eastern Air Devices	Dover, N. H.		136	$2.35½ to $3.90½	+.08
IUE	Queen City Dinettes	Florence, Ky.		239	$1.78 to $2.14	+.07
IUE	Singer Co.	Elizabeth, N.J.		2,300	$2.27 to 7	+.13–.28
ACWA	Cotton Garment Industry (Nationwide)		Clothing	120,000		+.12½
AIW	Essex International Conirols	Logansport, Ind.	Electrical equipment	1,000	$2.67	+.08
LWIU	Pittsburgh Laundry	Pittsburgh, Pa.	Laundry		$1.94	+.40
IBEW	Admiral Corp.	Chicago, Ill.	Electronics	3,000	$2.84 (assembler)	+.15
IBEW	Amphanol	Danbury, Conn.	do	350	$2.65 (assembler)	+.21
IBEW	Burns Airking	Chicago, Ill.	Metal	500	$2.75 to $3.81	+.15
MCBW	R. J. Reynoids Foods	Jackson, Ohio	Food processing	350	$2.03	+.10
MCBW	Maplewood Packing Co.	Belfast, Maine	Poultry	300	$2.15	+.08
MCBW	Wayne Poultry	Albertville, Ala.	do	250	$2.13	+.06
MCBW	Fish Industry	Southbend, Wash.	Fish processing	250	$2.35	+.07

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to H.R. 11309.

I am not in favor of wage and price controls.

I am in favor of economic stabilization.

For 25 years, since the declaration of the national policy on employment—generally called the Employment Act of 1946—we have followed a course of deficit budgets and increased Federal intervention into every aspect of national activity obsessed with the misguided notion that this was the only route to full employment. This policy has been a prime cause of inflation.

If there is one good thing in this bill, it is the recognition in the Statement of Findings—section 202—that a stable dollar is the keystone to economic growth, a healthy economy, and full employment.

I wholeheartedly endorse the statement in this bill that "it is necessary to stabilize Federal taxes and expenditures" and the congressional expression that "the President should make every effort to reduce Federal expenditures and taxes by submitting a balanced budget in an effort to stabilize the economy and eliminate the need for the exercise of any controls under this title." I hope every Member will recognize the significance of these expressions, and keep this policy in mind as we vote authorizations and appropriations in the months ahead.

I recommend my colleagues carefully consider the dissenting views of my fellow Congressmen BLACKBURN, CRANE, WYLIE, and myself on page 43 and pages 45 through 56 of the report of the House Committee of the Banking and Currency, entitled Economic Stabilization Act Amendments of 1971, dated December 7, 1971 (Rept. No. 92-714).

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, I do not believe anyone is happy with the idea of wage and price controls, but tomorrow, when we move into the reading of this bill and get to the 5-minute rule there are two tremendous dangers which will face this House as a whole.

One is that this Congress, representing people of all different types of special interests from all different parts of the country, may see fit in its wisdom the desire to change this bill for one interest group or another.

The greatest danger that we could possibly do to this bill and to the economic stabilization of this country would be to take the special interest of any one group and put it above the good of the whole of this Nation.

Mr. Chairman, no one in the free enterprise system can be happy with controls. It would take a genius; in fact, it would take a Solomon to make them fair and equitable across the board. But for Congress itself to try to set out here and change for each different special interest group the general thrust of this bill would be to destroy the President's chance of bringing economic stability to this country.

There is another danger. There are people here who are against this bill and who feel that this bill is not needed and that the President has powers that last until April 30, 1972.

But, Mr. Chairman, I would suggest that one of the reasons that this country is still having the economic problems it has, one of the reasons for business not going ahead with investments—and we heard the statements last night about the farmers—is the fact that when this Congress has so held up action that the business community; yes, the workers, the teachers, the entire Nation has no way of knowing where it is or where it is going, and until we fully back this bill, and achieve a sense of permanancy we will not fully solve our problem.

Mr. WODNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, as a member of the Committee on Banking and Currency which considered this economic stability legislation, H.R. 11309, I am satisfied that we have produced a bill which generally is going to be satisfactory.

It authorizes and ratifies the machinery which the President has asked for, and which is operating at this time. This machinery and the operation thereof is going to move us closer to our goals of containing inflation and moving our economy back to a vigorous and full employment level that we seek.

Mr. Chairman, I would like to commend the chairman of the committee, the gentleman from Texas (Mr. PATMAN) and the members of the committee who showed such determination to bring this bill to the floor promptly in order that we might give to the President these powers.

The committee, as the gentleman from Connecticut (Mr. MCKINNEY) pointed out, exercised a good deal of self-restraint in not adding to this bill a large number of special interest amendments.

Mr. Chairman, in fact, many of the committee amendments were positive. Some of these were: Administrative procedures; eliminating the poor from the list controls; and adding to the findings that it is necessary for the Federal Government to reduce its expenditures.

On the other hand, Mr. Chairman, there were some unwise amendments. The Minish amendment which has already been discussed was, in fact, unwise. It is my understanding that an amendment will be offered in the consideration of this bill which will provide for the allowance of retroactive wage increases where prices have been raised or budgets approved. This amendment should satisfy the arguments of the gentleman from New Jersey (Mr. MINISH).

In section 203(f), we have put in another discriminatory amendment regarding pensions that applies to some wage earners but unfortunately not to most.

In section 210 there is another unwise amendment which makes the triple damages apply to "transactions" instead of "overages."

If some of these discrepancies can be cleaned up, Mr. Chairman, I think we can have a fine bill of which we can all be proud.

Again and again in our hearings in the committee, leaders of organized labor asked us, and the country, for equality of sacrifice. Every loophole, and every Minish amendment, and discriminatory pension amendment that we put in this bill lessens the equality of sacrifice. I call on this House and on each of us in the Committee of the Whole to exercise at least the self-restraint which the committee exercised.

An amendment to repair the Minish language is necessary. Some good work in conference is also necessary. But other amendments should be resisted to maintain equality of sacrifice.

Mr. PATMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. Mr. Chairman, I rise in support of this legislation and was privileged to cosponsor it. Though wage and price controls are bitter, we do have to deal with the problem of inflation and hopefully overcome the challenge it provides.

Other efforts have been made but they failed, thus this appears to be the remaining option. I am optimistic that this program, given sufficient time, can succeed.

I want to reflect on an issue, though not referred to in this bill, but indeed vital to its intent, and that is the Federal employee pay freeze. The Senate version of this legislation considered the problem and by an overwhelming vote of 79 to 1 adopted an amendment which has the effect of lifting the July 1, 1972, freeze, and thus treats Federal employees identical to those in the private sector.

The pay increase due Federal employees on January 1, 1972, is not a creature of the Congress, but instead it is the well thought out product of the President's Advisory Committee on Federal Pay. It determined that to assure compliance with the law, and that is the Comparability Act, a January 1, 1972, wage increase was due Federal employees in recognition of prevailing Bureau of Labor statistic figures, and thus in its first official act, presented the recommendation to the President who was virtually committed to acceptance.

Subsequently, on August 15, the President announced his new economic plan, and to the disenchantment of many, stated that he was delaying this increase until July 1, 1972.

Certainly the Advisory Committee must have been jolted, as were the Federal employees, who have since wondered why they were being treated as second-class citizens. All they ask is treatment equal to the rest of our society. In fact the language of the present act actually restricts the President from imposing selective treatment on any segment within our society.

This Federal pay freeze was ill conceived. In fact, it was announced prior to the establishment of any guidelines, thus it was apparently predetermined that this category of employees were to be scapegoats, not really to assist the inflationary problem, but rather to accommodate the impending budget deficit.

The issue is one of fairness—I commend the Senate action and urge the House conferees to agree.

Mr. PATMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I would like to bring to the attention of the House a gap that exists between the Pay Board's regulations and the directive in H.R. 11309 to allow retroactive payments to cover wage increases not paid during phase I for contracts negotiated prior to August 15.

The Pay Board has ruled that payments may be made retroactively to cover wage increases not made in phase I in instances of contracts adopted after August 15 if approved by the Pay Board. According to the regulations, the Pay Board may approve these retroactive payments if it can be established that the contract adopted after August 15, 1971:

Succeeded an agreement, schedule, or practice that expired or terminated prior to August 16, 1971, and retroactively is demonstrated to be an established past practice of an employer and his employees or retroactivity had been agreed to prior to November 14, 1971.

The problem is that neither the committee bill nor the Pay Board regulations cover new contracts; that is, first collective bargaining agreements, reached during phase I. I have a case in my congressional district in which an initial contract was signed September 1 with an effective date of July 1, 1971. Even though retroactivity had been established well before November 14, as required by the Pay Board, this new contract cannot meet the requirements of succeeding a prior agreement or contract; there was no prior contract—people simply were the employees of the institution.

Thus, the Pay Board's position, out of failure to issue regulations for an initial contract agreed to during phase I, is discriminatory toward a new union. The employees of new unions are being placed at a disadvantage. Equity requires, however, that every advantage be given to the new unions whose employees are at the verge of obtaining the first fruits of collective bargaining. Generally, it is the employees of the new unions that have labored under substandard wages—indeed in the case I have in mind, most of the employees are women who have been the victims of a discriminatory labor market that could command their employment at lower wages.

The problem of the Pay Board seems to be one of establishing that the date of retroactivity established in the contract reached during phase I was reached in good faith. In the case I have referred to, every effort was made to comply with the policies and objectives of the Cost of Living Council. Negotiations had started in early July. The effective date of July 1, 1971, was established early in the negotiating process prior to August 15. Nevertheless, when this new union consulted with the Pay Board after the issuance of the regulations on November 23, 1971, they were advised informally by the general counsel's office here in Washington that they would not be eligible for retroactive payment of scheduled increases in wages that had not been payed between August 16 and November 14, because of the freeze.

It is only equitable that the existence of new unions—and their unique circumstances—that concluded agreements during phase I receive the attention of the Pay Board.

Would the distinguished chairman of the Banking and Currency Committee, (Mr. PATMAN) agree that the bill does not make any provision for the payment of wage increases retroactively for agreements reached during phase I with an effective date either prior or during phase I, because there was an assumption that the Pay Board would establish a procedure by which such parties, particularly in the instance of an initial contract, could show that the effective date was established in good faith by the bargaining parties, and without any reference to any existing guidelines or contemplated regulations?

Mr. PATMAN. The gentleman is absolutely correct.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. HELSTOSKI) such time as he may use.

Mr. HELSTOSKI. Mr. Chairman, I rise in support of the committee amendment which directs the retroactive payment of wage increases negotiated prior to August 15, but prevented from going into effect by the President's freeze orders.

Since the President first announced this ex-post facto abrogation of solemnly negotiated contracts, I have been actively working to reverse this injustice done to millions of wage earners in the United States. I have had a round of correspondence with General Lincoln urging him to modify the freeze as it related to previously negotiated wage increases. And I have filed my own bill, H.R. 11879, which is similar to the amendment adopted by the Committee on Banking and Currency. I am happy to have the opportunity to speak and vote this afternoon in support of that amendment.

As a former educator, who is well acquainted with the contracting procedures concerning teachers, I am greatly distressed by the administration's apparent ignorance of faculty members' pay situations both in New Jersey and across the United States.

In New Jersey, for example, teachers are employed on a 12-month basis, but 95 percent of the educators in my congressional district negotiated their contracts on a 10-month basis. These are negotiated usually in January preceding the start of a new academic year, the school budget is approved in February and teachers sign their contracts in April. Raises go into effect with the start of each academic year in September. Thus, teachers in New Jersey had their pay raises signed and sealed last April and in good faith waited for them to be delivered in September. Mr. Nixon's arbitrary choice of August 15 as the beginning of the freeze period thus did a grave injustice to teachers simply on the basis of the unique features of their work year and contracting features. I would also like to point out that the salaries most of these teachers are working for were negotiated in January of 1970; these educators, therefore, having had their wages frozen in effect for almost 2 years.

The inequities of the freeze as it applies to teachers are legion. In one case, some teachers are working under contracts with raises, since they elected to work during the summer intersession.

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School boards are continuing to pay them at the new level. In another instance, some teachers are working under contracts which also became effective July 1. However, they did not teach during the intersession and did not receive scheduled raises. This creates an extremely unfortunate situation as these experienced teachers find new faculty members, without equivalent experience and who taught during the summer, receiving the same salaries since they were eligible for scheduled increases.

In still another case, the experienced teachers in one school system find their colleagues with equal experience receiving salaries at the newly negotiated rate since the latter worked during the intersession. Finally, in other cases, teachers accrued raises during the summer months, but received cutbacks on September 1. And, some school systems decided to give all teachers raises despite the freeze.

Mr. Chairman, these rampant inequities can only be eliminated by adoption of the committee amendment to H.R. 11309.

The situation of teachers is serious, but the hardship and inequities imposed on other workers by the President's actions call for rectification as well. In all of these instances, I am concerned with the dangerous precedent established by the President's freeze orders. I find it shocking that a "law and order" administration can, by a stroke of a pen, abrogate contracts legally and solemnly entered into by Americans. The implications of such an action are most disturbing: With the President's directives of August 15, the groundwork is now laid for the nullification by executive fiat of any other type of voluntary contract, be it a mortgage, corporate bond issue, or sales contract.

Furthermore, I believe that we should consider the windfall which the President's actions provided for industries which had raised their prices before August 15 in anticipation of wage increases. The extra money generated by these price hikes has now gone into corporate vaults instead of workers' pockets. By avoiding payment of an agreed 5-percent increase for their workers, the railroads alone are estimated to have kept in their treasuries some $40 million due to employees under a pre-August 15 contract.

Mr. Chairman, I would point out also that only the incomes of wage earners have been frozen in this respect. There is no legal limit on corporate profits, interest rates, dividends, the incomes of land speculators or stock market players. In one of his letters to me, General Lincoln of the Office of Emergency Preparedness wrote:

> The implementation of any new economic program carries with it the possibility that all sectors of the economy will not be affected equally.

In view of the so-called new economic policy's abject failure to control the incomes of the rich and the corporations, its call for massive, multibillion dollar tax breaks for industry and its approval of phase II price hikes well above the 2½ percent guideline, I can only say that General Lincoln has come up with the understatement of the year.

Mr. Chairman, let us ratify the committee amendment and give the wage earner a break for a change.

Mr. WIDNALL. Mr. Chairman, I yield to the gentleman from Michigan (Mr. BROWN) such time as he may require.

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman for yielding, because I want to comment or, more accurately, to ask a question of the gentleman from New Jersey (Mr. MINISH) regarding his statements, since he seems to cast the impression that a contract once negotiated and once executed and once entered into should be inviolate and should never be subject to reconsideration or renegotiation.

It is my recollection—and I could be wrong on this so therefore I am posing the question to anyone on that side of the aisle—in the automobile industry back at the first time a cost-of-living increment was added to and negotiated in the contract that cost-of-living factor was one that moved both up and down with regard to wages and that there was a triggering device which caused an increase in wages when the cost of living went up but that triggering device also prompted a reduction in wages when the cost of living went down.

Following the Korean war, when there was a slowdown in the economy and the cost of living went down, the triggering device which would have reduced wages was activated. At that time it was the late and the very respected Water Reuther who argued that a contract is not written in concrete and that a contract is not inviolate from that standpoint but, rather, a contract is a living contract; it is a living contract concept. You have to be able to look at that contract and you have to be able to follow it up basically and make adjustments to it when there are circumstances or a situation which occurs that was not contemplated by those who entered into the original contract.

I ask anyone on that side of the aisle if he would care to answer what happened to the living contract concept.

Mr. MINISH. Will the gentleman yield?

Mr. BROWN of Michigan. I certainly will.

Mr. MINISH. Is that a question or a speech?

Mr. BROWN of Michigan. Both.

Mr. MINISH. Just let me recall what the Secretary of Labor said yesterday.

Mr. BROWN of Michigan. Excuse me. When I yield to the gentleman I am only yielding to him for the purpose of answering my question.

Mr. MINISH. I do not negotiate the UAW contracts. Maybe you do and know better than I do.

Mr. BROWN of Michigan. Do you agree or do you disagree with the living contract concept?

Mr. HANNA. Will the gentleman yield?

Mr. BROWN of Michigan. It is not my time.

Mr. WIDNALL. I control the time.

Mr. HANNA. I think the answer to the gentleman's question is very simple. A living contract goes to the parties of the contract. We are here dealing with the actions of somebody who is outside the purview of the parties to the contract. So the gentleman's question is not relevant to this particular legislation.

Mr. BROWN of Michigan. Will the gentleman yield so I can respond?

Is the gentleman saying that the self-interest of the parties to the contract shall be, in effect, superior to the welfare of the country?

Mr. HANNA. No. The gentleman is saying that the contract is made by parties to the contract and the only people who can change it or make it live are the people who are the original parties to the contract.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

There is no question in my mind but that we must pass this legislation. I voted against reporting the bill from the Committee on Banking and Currency, because of the so-called Minish amendment. Treasury Secretary Connally, during a recent press conference, said that if we pass the bill with the Minish amendment in it we might as well forget wage and price controls. Wage and price controls have been working, and I hope we can pass this bill without the Minish amendment in it.

No one can predict with any degree of certainty as to the state of the economy a year hence. I am reminded of a quotation of a judge who was deciding a dispute surrounding a contract in a law case. One of the parties suggested that certain things had happened after the contract was entered into and, therefore, the contract should be void. The judge said a classic quote which I shall never forget—I read this while I was in law school:

> A wisdom born after the event is the cheapest wisdom of all. Anybody could have discovered America after 1492.

It is too bad we cannot start next December with 20–20 hindsight and see what might happen over the next year.

For a short time after President Nixon was elected, Vietnam was the No. 1 issue according to every poll. When the President announced his program of troop withdrawal, the state of the economy became the No. 1 issue.

I will not go into the causes of the inflation which we had when Mr. Nixon was sworn in as President in 1969.

But in 1969 various solutions were suggested to cope with the rising inflation. Most of them started with the proposition that Federal spending needed to be reduced or brought in line with tax receipts.

I can still recall those first hearings of the Banking and Currency Committee after the President was elected. Many witnesses came before the Banking and Currency Committee. One day we would have a professor of economics from Harvard, summa cum laude, telling us how to reduce inflation and save the country. And the next day we would have a professor of economics from Yale, summa cum laude, telling us something else. To say the least, economics is not an exact science. The fact remains that in 1969 the American people would not have accepted wage and price controls. Every poll indicated otherwise. In my own congressional district, 55 percent said no wage and price controls—mandatory or voluntary. The other 45 percent said some wage and price controls. Less than a year later, people felt otherwise. Again, in my own district the reverse was true. Now 45 percent were against wage and price controls; 55 percent were in favor. In our democracy, the people govern, and economics and the problems of inflation are difficult even for brilliant economists, this is not something on which the average American thinks on a day-to-day basis. Still, those of us who are elected to public office do not make it a practice to say the people are wrong.

It was evident to everyone by July 1971 that the policies which had been invoked to control inflation were not working. So, something drastic had to be done and drastic it was when President Nixon announced on August 15 of this year that wage and price controls would be imposed for a period of 90 days. The American people applauded him and the President's popularity shot up overnight. Best of all, it worked. The wholesale price index dropped three-tenths of a percent in September and again by one-tenth of a percent in October. The industrial commodities component of the wholesale price index dropped by three-tenths of 1 percent in October, the largest 1-month decline in 11 years. Savings accounts, which were unusually large, reflecting a lack of confidence, now declined. Consumer installment credit, as you know, reached a $12-billion annual rate in September, the largest single increase on record. Every economic indicator showed that the President's wage and price freeze was working, except one. The stock market continued to decline. In recent days, it has begun to improve.

On November 15, phase I ended and phase II began. Just before the announcement of phase II on October 19, 1971, the President sent to Congress a message containing a proposed bill to extend and amend the Economic Stabilization Act of 1970. Generally, the phase II program might be said to entail flexible controls with certain exemptions and authority for adjustments to bring about equity, rather than across-the-board freezes on wages, salaries, rents, and prices. On December 1, the Senate passed its version of a bill on wage and price stabilization. Among other things, the bill would extend the authority to control prices, rents, wages, and salaries to include interest rates and corporate dividends. The language of the bill set standards, the characteristics of which would be increases which would be: First, generally fair and equitable; second, provide for the making of such general exceptions and variations as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw material, localized shortages of labor, and windfall profits; third, take into account changes in productivity and the cost of living, as well as other such factors consistent with the purposes of this act as are appropriate; fourth, provide for the requiring of appropriate reductions in prices and rents whenever warranted after consideration of such matters as lower costs, labor shortages, and other pertinent factors; and fifth, call for generally comparable sacrifices by business and labor as well as other segments of the economy.

It was found that the job of the Pay Board and Price Commission would be so tremendous if they were required to rule on every application for a wage and price increase that specific exemptions were included such as: First, firms with annual sales or revenues of less than $50 million during their most recent fiscal year; second, firms whose prices or rents have increased at a rate of less than 2 percent during their most recent fiscal year; third, pay adjustments which apply to or affect less than 1,000 employees; fourth, pay adjustments which apply to or affect employees of State or local governments; fifth, pay adjustments which apply to or affect workers whose rate of pay increase was less than 5 percent during the most recent calendar year; sixth, rates charged by any common carrier or other public utility whose rates are regulated by a Federal, State, or local governmental agency.

Generally, the Senate agreed that there may be many firms and employees which have not contributed to inflationary prices and wages and should not be included in the general wage-price guideline. The Senate agreed with two exceptions that granting broad exemptions from the legislation could make it impossible for the administering agencies to meet the criteria of fair and equitable which the bill established as a broad principle. Despite the decision not to grant general exemptions, first, was made to wages or salaries of any individual receiving substandard earnings—generaly defined as poverty wages; second, wage increases that might be required under the first Labor Standards Act; third, another was added on the floor which would exempt employees of all news media. Another section would provide for retroactive pay increases entered into before August 15 unless the President determines that the increase provided in the contract is unreasonably inconsistent with the standards for wage and salary increases required to be published by subsection (b) of this section.

The major difference between the House bill and the Senate bill on retroactive pay increases is in the language. But, what a difference. An amendment was offered in the House bill by Congressman MINISH which would permit retroactive wage increases unless such increases would be grossly disproportionate with wage and salary increases in the economy generally. Now what does grossly disproportionate mean? This amendment was defeated by a vote of 18 to 18 during the reading of the bill. After the reading of the bill and after all amendments had supposedly been considered, Congressman MINISH was permitted to offer an amendment in the form of an addition of a separate section which would say that retroactive pay increases are permitted unless the Pay Board determines that such increases would be unreasonably inconsistent to the rate at which wages or salaries have increased in the economy generally. In other words, the words "grossly disproportionate" were changed to read "unreasonably inconsistent." This amendment was adopted 19 to 17. This amendment is for all intents and purposes all inclusive. What does unreasonably inconsistent mean? The language pertaining to this subject in the Senate bill was the reverse. The pay increase had to be generally fair and equitable and would not contribute to inflationary wages and prices. In one instance, the wages would go into effect if the Pay Board approved same; in the other instance, the Pay Board would make these findings subsequent to the wage increase. Generally, I feel the program is working. The whole concept of the phase II program is voluntary compliance. The administration is convinced that the move from the rigid freeze of phase I to a slow and careful thaw of phase II is more likely to gain public support and that if the thaw is too rapid, controls may well dribble away into unacceptable nothings. If this occurs, we will have merely jumped from the inflationary pot into the inflationary frying pan.

Voluntary compliance, of course, depends on the cooperation of labor. It is known that the administration set up the Pay Board, as Mr. Meany requested, so that Labor would be one part of the tripartite Board. Generally, I think the 80 million working people across the Nation support the wage-price freeze and feel that generally they would not favor the Minish amendment knowing it would surely defeat the whole purpose of phase II.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I presume that the gentleman from New Jersey (Mr. WIDNALL) has finished his time?

The CHAIRMAN. The Chair will state that the gentleman from New Jersey (Mr. WIDNALL) said he had no further requests for time.

Mr. PATMAN. I thank the Chairman.

Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. CRANE. Mr. Chairman, would the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, those who have asked Congress to approve a program in which the executive branch of Government is free to institute compulsory wage and price controls as it sees fit, have done so for a variety of reasons. They argue that the first and most important of these is that such compulsory wage and price controls will stem the mounting inflation with which we have been faced in recent years.

In reviewing the arguments of the advocates of controls, it appears that great hope is held forth for such controls as the answer to our economic problems. It is almost as if the concept of compulsory controls was a new one, and had not been attempted in other societies at other times.

Yet, a brief review of only our own

century shows that compulsory controls have been tried in other societies for precisely the reasons they are being advocated in our own. It was said then, and is said now, that such controls will ease inflation and will not, in the long run, damage individual freedom, either economic or otherwise.

Let us review the experiences of three societies which instituted the kinds of controls now being requested.

ARGENTINA

Wage and price controls implemented from time to time during the administration of Juan Peron in Argentina from 1946 to 1955 did not have the desired effect of controlling inflation. What did happen was that these measures, along with other factors, contributed to general discontent and resulted in the ouster of Peron by the military on September 19, 1945.

Peron's stated objectives for Argentina were social justice, economic independence, and complete national sovereignty. These, he argued, were to be achieved by combining the best features of both socialism and capitalism. Peron had to work within an economy which was characterized by rampant inflation. He decided to use State intervention in an attempt to balance public finances. Shortly before his inauguration, Peron attempted to convince Argentine businessmen that they should not raise prices and at the same time tried to persuade the workers that prices were not being raised. This so-called battle of 60 days, as he labeled the measure, was generally ineffectual.

In June 1947 the Government instituted a program of fixing retail prices and seized factory stocks of clothing and shoes for distribution at these prices. Numerous price violators were arrested. Then, in an attempt to control prices, the Government began to subsidize foodstuffs in the 1948–49 period. It bought wheat from the farmers and sold it to the miller in an attempt to control the price of bread. The same policy was followed with regard to meat, cooking oils, and the milk supply. The controls did not work and in 1949 all public services, including railroads, increased prices. The cost of other commodities increased: gasoline rose from 35 to 60 centavos per liter, bread from 50 to 80 centavos per loaf, meat from 1.80 pesos to 2.50 pesos, and clothing prices soared.

During this 1946–49 period, Peron supported increases in salaries although he tried to keep labor demands at a minimum. Peron settled a strike in the important sugar industry in Tucuman, however, in 1949 by granting workers a 60-percent increase in wages. Peron began to grant further wage increases in the face of growing labor discontent. In these first years of Peron's administration, the workers received an increase of 34 percent in real wages. The military also received substantial pay increases.

After 1950, Peron attempted to contain the inflationary process. He attempted to reduce public expenditures, to restrict credit granted to the private sector, and to curb salary increases. He took measures to prolong labor's collective bargaining agreements and attempted to assure "equilibrium" between prices and salaries. This equilibrium implied curbing increases of salaries although the increase in the price level made salaries smaller.

Although Peron controlled the important General Confederation of Labor, support began to wane. Peron began to link wage increases to increases in productivity and put pressure on the workers to moderate their demands for wage increases. In 1954 he granted such small wage increases that an epidemic of wildcat strikes in various industries posed serious problems with the labor movement.

Because of his failures, Peron lost support and he resigned the Presidency under military pressure on September 19, 1955, and soon afterward fled to Paraguay. Compulsory wage-price controls in Argentina did not solve inflation. Instead, they led directly to the downfall of the leader who instituted them.

ITALY

In Italy, Benito Mussolini formed his first cabinet on October 31, 1922, which included several non-Fascists who were later eliminated. He then devised several measures with the aim of concentrating all power in his own hands. On December 24, 1925, and July 31, 1926, Mussolini introduced laws which gave him a special position as prime minister and as head of the executive, legislative, and judicial prerogatives. On November 6, 1926, all opposition activity was prohibited. On May 17 and September 2, 1928, a new electoral law was also approved which gave the electors only the right to accept or reject the whole list submitted by Mussolini.

For the purpose of bringing Italian economic life under the control of the executive, Mussolini created the 22 "Corporazionie," which he presided over. The Rocco law of corporations, April 3, 1926, created an organization of employers and employees over which the dictatorship could exercise its complete authority. Mussolini also promulgated the Labor Charter of April 21, 1927, which spelled out Fascist principles regarding labor and management. These principles were that the life and aims of the state were superior to the individual and that labor was a social duty and under the guardianship of the state. Article IX of the charter specifically allowed the state and the dictatorship to intervene in all economic matters:

> State intervention in economic production takes place only when private initiative is lacking or insufficient, or when the state's political interests are at stake. Such intervention may take the form of controls encouragement or direct management.

Intervention and control was established and maintained by the corporative machinery. This was soon expanded to provide controls of and plans for the economy and to establish a new corporate mechanism for governing. This machinery, created primarily by the law of February 5, 1934, and the law of January 19, 1939, envisaged the governmental structure representing the corporate bodies and dictatorial authority. Despite the attempts to keep prices stable by rigid price fixing, Italian prices declined and the generally depressed economic conditions threatened many businesses. To save them, the state established the Instituto per la Ricostruzione Industriale—January 23, 1933—which provided state funds for recovery. This, of course, led to the state acquiring large holdings in business. The corporate state structure envisaged to represent the cooperation between capital and labor, in reality established a structure which gave Mussolini tight and absolute control over the domestic labor movement and somewhat less control over management.

Here again, compulsory wage and price controls failed to provide economic stability. What they produced, instead, was total government control over the economy—fascism.

GERMANY

The course of events was similar in Nazi Germany. On March 23, 1933, Hitler secured passage of an Enabling Act, which gave the government the power to issue decrees independently of the Reichstag and of the President. The Enabling Act remained the constitutional basis of Hitler's dictatorship. No new constitution was ever introduced to replace that of the Weimar Republic. New laws were simply promulgated as they were required.

In May 1933, trade unions were suppressed and merged into a German labor front. On January 20, 1934, the law regulating national labor, known as the Charter of Labor, was enacted. Paragraph 2 of the law set down that "the leader of the enterprise makes the decision for the employees and laborers in all matters concerning the enterprise."

Wages were set by the so-called labor trustees, appointed by the Labor Front. In practice, they set the rates according to the wishes of the employer. There was no provision for the workers even to be consulted in such matters, though after 1936, when help became scarce in the armament industries and some employers attempted to raise wages in order to attract men, wage scales were held down by orders of the state. Hitler was quite frank about keeping wages low.

> It has been the iron principle of the National Socialist leadership . . . not to permit any rise in the hourly wage rates but to raise income solely by an increase in performance.

On October 24, 1934, the law of the Labor Front was enacted, depriving the German worker of his trade unions, collective bargaining, and the right to strike. In September 1938 the 4-year plan was inaugurated, designed to put Germany on a total war economy.

According to Historian William Shirer in "The Rise and Fall of the Third Reich":

> The purpose of the plan was to make Germany self-sufficient in four years, so that a wartime blockade would not stifle it. Imports were reduced to a bare minimum, severe price and wage controls were introduced, dividends restricted to 6 percent, great factories set up to make synthetic rubber, textiles, fuel and other products from Germany's own sources of raw materials, and a giant Hermann Goering Works established to make steel out of the local low-grade ore.

William Shirer also points out that during the 1930's wages were reduced despite a 25-percent increase in the cost of living.

In the case of Germany, compulsory wage and price controls were simply a component part of the march toward

dictatorship. In the cases of all three of these examples—Argentina, Italy, and Germany—wage and price controls did not solve economic problems but did result in the end not only of economic freedom, but of religious, political, and intellectual freedom as well.

SYMPTOMS NOT CAUSES

Why, for example, will compulsory wage and price controls not solve our economic problems? The reason is that they treat only the symptoms of inflation, not its causes. This fact seemed to be well understood by Richard Nixon during the 1968 presidential campaign. At that time he declared that—

> The accelerated rise in prices in recent years has resulted primarily from an excessively expanding money supply which in turn has been fed by the monetization of federal government deficits. The way to stop inflation is to reverse the irresponsible fiscal policies which produce it.

Concerning the specific question of wage and price controls, Mr. Nixon stated quite clearly that—

> The imposition of price and wage controls during peacetime is an abdication of fiscal responsibility. Such controls treat symptoms and not causes. Experience has indicated that they do not work, can never be administered equitably and are not compatible with a free economy.

What has happened to change the administration's approach to this question is difficult to understand. The facts with regard to the basic cause of inflation remain unchanged.

One economist, Prof. Murray Rothbard, gives this brief description of why such controls cannot work:

> The controls won't work. The prime reason why they won't work is that they do not tackle the cause of inflation, but only lash out at the symptoms . . . Every price is simply the terms of an exchange on the market . . . When I buy a newspaper for a dime, ten cents of money is being exchanged for one newspaper . . . And so the key to what makes price high or low is the relationship between the supply of goods available and the supply of money . . . Suppose that by some magic process, the quantity of money in the country doubles overnight. The supply of goods remains the same, for nothing has really happened to lower or raise them. But then we will all enter the market with twice as many dollars burning a hole in our pocket as compared to yesterday . . . we will all have to pay twenty cents for the same newspaper.

Professor Rothbard states that—

> The supply of dollars has continued to go up, and even to accelerate especially under the Johnson and Nixon Administrations. And as the supply of dollars has risen and risen ever faster, prices have gone up as well . . . This year, for example, the supply of money has been increasing at a rate of 12–16% . . . The culprit is none other than the federal government itself. It is the federal government . . . that has absolute control of the supply of money, and regulates it to its own content. It has been the federal government that has been merrily increasing the supply of money, to "stimulate" the economy, to finance its own enormous budget deficits, to help out favored borrowers, to lower interest rates, or for any other reason.

Yet, those who call for compulsory wage and price controls do not call for a balanced budget, a new policy for the Federal Reserve System with regard to the money supply, or anything else that might deal with the real causes of inflation. What is being called for is only an effort to deal with inflation's symptoms and to do so by government decree, thereby eliminating the operation of the market system.

There are some who argue that economic freedom can be limited, or even eliminated, without also limiting or eliminating political freedom. While this viewpoint may be arguable in theory, it has never been evident in practice. Too few of those who have endorsed a government-controlled economy seem to have considered the intrinsic link between these two freedoms.

In his important volume, "Capitalism and Freedom," Prof. Milton Friedman points out that—

> The kind of economic organization that provides economic freedom directly, namely, competitive capitalism, also promoted political freedom because it separates economic power from political power and in this way enables the one to offset the other.

Professor Friedman notes that—

> Political freedom means the absence of coercion of a man by his fellow men. The fundamental threat to freedom is power to coerce, be it in the hands of a monarch, a dictator, an oligarchy, or a momentary majority. The preservation of freedom requires the elimination of such concentration of power to the fullest possible extent and the dispersal and distribution of whatever power cannot be eliminated—a system of checks and balances. By removing the organization of economic activity from the control of political authority, the market eliminates this source of coercive power. It enables economic strength to be a check to political power rather than a reinforcement.

THE CAUSE OF INFLATION

Inflation will not be stopped until those in authority understand its cause. That cause was explained in these terms by the noted economist, Prof. Ludwig von Mises:

> Inflation is the process of a great increase in the quantity of money in circulation. . . . In this country inflation consists mainly in government borrowing from the commercial banks and also in an increase in the quantity of paper money of various types and of token coins. The government finances its deficit spending through inflation.

Discussing those who advocate such solutions as compulsory wage and price controls, Professor Von Mises states that—

> While fighting the symptoms they pretend to fight the root causes of the evil. And because they do not comprehend the causal relation between the increase in money in circulation and credit expansion on the one hand and the rise in prices on the other, they practically make things worse. . . . The problems the world must face today are those of runaway inflation. Such an inflation is always the outcome of a deliberate government policy. The government is on the one hand not prepared to restrict its expenditure. On the other hand it does not want to balance its budget by taxes levied or by loans from the public. It chooses inflation because it considers it as the minor evil. . . .

The tremendous German inflation which reduced the purchasing power of the mark in 1923 to one-billionth of its prewar value is relevant to America at this time. Professor Von Mises states that—

> It would have been possible to balance Germany's postwar budget without resorting to the Reichsbank's printing press. The proof is that the Reich's budget was easily balanced as soon as the breakdown of the old Reichsbank forced the government to abandon its inflationary policy. But before this happened, all German would-be experts stubbornly denied that the rise in commodity prices, wage rates and foreign exchange rates had anything to do with the government's method of reckless spending. In their eyes only profiteering was to blame. They advocated thoroughgoing enforcement of price control as the panacea and called those recommending a change in financial methods "deflationists."

HISTORY REPEATS ITSELF

Unfortunately, we seem to have learned no lessons from the economic experience of even the recent past. Once again we are going down the road to Government intervention in the economy when inflation can, in fact, only be alleviated by a reduction of Government spending and a balanced Government budget and contraction of the money supply. The same Government officials who urge wage and price controls also urge a huge new welfare reform measure, an expensive health care bill, a costly child development scheme, and a myriad of other new projects. The end result will be not only continued inflation but the possible end to economic freedom for all of us.

Commenting upon this dangerous possibility, the Wall Street Journal editorialized that—

> Without wanting to sound apocalyptic, we find rather dismaying the ease with which the business community and a Republican Administration have accepted—and often welcomed—the prospect of a controlled economy.

The Journal reminded its readers of the larger questions which are often forgotten:

> Beyond all that is a question of politico-economic philosophy. We see a free economy—and we would have assumed most businessmen and supposedly conservative government officials do likewise) not only as something good and marvelously productive in itself. It is also part and parcel of the whole broader concept of individual freedom. This is whst has made the U.S. pre-eminent both economically and as a political model. But at root individual freedom is a moral issue.

It is to the question of the morality of wage and price controls that Prof. Milton Friedman turned his attention in two important articles which appeared in the New York Times. He wrote that—

> The controls are deeply and inherently immoral. By substituting the rule of men for the rule of law and for voluntary cooperation in the marketplace, the controls threaten the very foundations of a free society. By encouraging men to spy and report on one another, by making it in the private interest of large numbers of citizens to evade the controls, and by making actions illegal that are in the public interest, the controls undermine individual morality. . . . The freeze and even more the pay board and price board of the Phase II controls are clearly another massive step away from the rule of law and back to the rule of men. True, the rule of men will be under law but that is a far cry from the rule of law—Stalin, Hitler, Mussolini, and now Kosygin, Mao and Franco all rule under law.

Professor Friedman reminds us that the excuse for the destruction of liberty is always the plea of necessity, that there is no alternative:

> If, indeed, the economy were in a state of crisis, of a life-and-death emergency, and if controls promised a sure way out, all their

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evil social and moral effects might be a price that would have to be paid for survival. But not even the gloomiest observer of the economic scene would describe it in any such terms. Prices rising at 4 per cent a year, unemployment at a level of 6 per cent—these are higher than we would like to have or than we need to have, but they are very far indeed from crisis levels. On the contrary, they are rather moderate by historical standards. And there is far from uniform agreement that wage and price controls will improve matters. I happen to believe that they will make matters worse after an initial deceptive period of apparent success.

THE U.S. EXPERIENCE

The experience in our own country with wage and price controls during World War II certainly justifies the skepticism about such a policy expressed by Professor Friedman, Professor Rothbard, Professor Von Mises, and other leading economists.

The initial effort to keep prices from rising through a combination of "moral suasion" and of requiring sellers to set ceiling prices on their merchandise had little if any effect. From January 1941 to October 1942 wholesale prices rose almost 24 percent and consumer prices over 18 percent. Following the imposition of more severe controls in October, the rise in prices was sharply curtailed. Between October 1942 and August 1945 wholesale prices rose only 5.7 percent and consumer prices approximately 8.7 percent. The record is actually not as good as the indexes indicate, however, because an allowance must be made for the deterioration in the quality of some goods and for the volume of black market sales at high prices. During this period in which the controls were relatively successful, OPA officials in each community set ceiling prices for groceries and required that lists of these prices be posted in all grocery stores. In addition the OPA rationed most consumer goods, controlled all rents, and established a system of subsidies for certain agricultural commodities to stabilize their prices despite rising costs. After the war the controls broke down and prices rose rapidly. During the 15 months from August 1945 to November 1946 wholesale prices rose over 32 percent and consumer prices almost 18 percent.

The following table from the U.S. Bureau of Labor Statistics shows the increases in wholesale prices, consumers' prices, and hourly wage rates in manufacturing during selected periods from January 1941 to November 1946, a period of controls:

Period	Percentage increase		
	Wholesale prices	Consumers' prices	Hourly wage rates in manufacturing
January 1941 to October 1942	23.8	18.1	30.7
October 1942 to August 1945	5.7	8.7	14.7
August 1945 to November 1946	32.1	17.7	11.2

Source: U.S. Department of Labor, Bureau of Labor Statistics, Handbook of Labor Statistics, 1947 edition, Bulletin 916 (Washington: Government Printing Office, 1948), pp. 107-8, 127-28, and 54 and Monthly Labor Review, November 1943, p. 879; November 1945, p. 1045; and November 1947, p. 609.

Prof. Colin Campbell, another noted economist, reports that—

The National War Labor Board's control of wages was not as effective as OPA's control of prices, despite severe restrictions on unions. Thus hourly wage rates in manufacturing rose 30.7 per cent from January 1941 to October 1942 and 14.7 per cent from October 1942 to August 1945."

It seems clear that wage and price controls have never stemmed inflation either in our own society or in those other societies in which such a policy has been instituted. The reason is that these controls do not deal with the cause of inflation but only with its symptoms. This is something which the Republican Party and Richard Nixon stated quite clearly in 1968. It remains equally true today.

Freedom can be lost in a society in many ways, and those who take it from us do not always announce their intention. In his study, "The Rise and Fall of the Roman Empire," Gibbon notes that—

Augustus was sensible that mankind is governed by names; nor was he deceived in his expectation that the Senate and people would submit to slavery provided that they were respectfully assured that they still enjoyed their ancient freedom.

Congress should not abdicate its authority by passing what is, in effect, an economic Gulf of Tonkin resolution, giving all authority over the economy to the Executive, to do whatever he sees fit. Our Government was created as one of strict checks and balances. In the Federalist Papers James Madison states plainly that—

In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

Only by limiting Government spending, eliminating unbalanced budgets, and repaying our previous deficits, can we restore our economy to the health and vigor it once had. We cannot accomplish this by going even further down the road to Government power and control. The end of that road, as we have seen historically, is not an end to inflation but an end to freedom.

Mr. ST GERMAIN. Mr. Chairman, and Members of the House, we have heard I think what the thrust of tomorrow's efforts are going to be. Most of the action will be directed at the Minish amendment, and at retroactivity.

Mr. Chairman, H.R. 11309, as amended and reported out of the House Banking and Currency Committee, requires the President to impose generally comparable sacrifices on business and labor, and for that matter all segments of the economy. The bill states clearly that insofar as it is possible, everyone is to be treated equally in this unprecedented and painful effort underway to return the Nation to economic stability, halt inflation and reduce the country's agonizing rate of unemployment. In effect, the bill says we are equal under the authority the President is utilizing and we must be treated that way.

This provision is in the bill because the President has lost sight of, if he has not in truth ignored, the fact that his economic stabilization program has made sacrificial victims of millions of working people of the Nation.

In announcing provisions of phase II of this stabilization program, the President allowed that for the most part all wage increases negotiated prior to phase I which were temporarily barred under the general wage and price freeze of phase I were for the most part to be permanently barred, and wage increases scheduled to be implemented thereafter were to be restricted. Wage contracts affecting millions of people—wage contracts which were negotiated in good faith without the slightest knowledge that the President was going to invoke the authority of the Economic Stabilization Act—are to be invalidated with a casual flick of the Presidential pen. Presumably it does not matter to the President that the wage increases these contracts provide mirror inflationary cost rises that had occurred prior to ratification of these agreements. The President told the working people of the Nation that, in his view, drowning in a sea of rising costs was not such a bad thing and that in any case they would have to get used to the sensation.

It did not matter that the beneficiaries of these contracts might have made serious financial commitments in expectation of receiving pay raises. It did not matter they signed mortgage contracts for new homes in the expectation that they could now afford them. It did not matter that families thought they now could afford to send children to college or to technical schools and had borrowed in anticipation of being able to repay these loans on the basis of increased wages. It did not matter that medical care that had been delayed was now being purchased with the expectation that there would now be enough money to pay for it. None of these things seem to matter to the President.

Well, Mr. Chairman, they matter to me, and they ought to matter to every Member of this Chamber.

There is something else that ought to matter equally as much. The President, under the authority of the Economic Stabilization Act, singled out labor contracts alone to receive the harsh restrictions he imposed on them under his phase II program. No such restrictions were placed on any other contracts which were negotiated prior to August 15, 1971, when he launched his economic stabilization program. No restrictions were placed on rising mortgage contracts carrying interest rates of 8 percent and more. No restrictions were placed on contracts for the installment purchase of cars under interest rates of 18 percent and more. No restrictions were placed on consumer loan contracts with inflationary interest rates of 18, 24, and 36 percent. No restrictions at all, yet every one of these agreements reflect rising cost increases.

Frankly, Mr. Chairman, the President's action mystifies me. He seems to be saying that all other contracts, however inflationary they may be, are to be condoned, despite the fact that he has prevented a large number of people from meeting these costs by keeping from them pay increases they have every right to receive.

The final cruel irony of the situation rests in the fact that the wage increases

management had agreed to pay the workers of the country are now being pocketed in the form of windfall profits in the name of achieving economic stabilization. This is not economic stabilization. This is economic instability. In the name of justice, we must adopt the provisions of H.R. 11309—the Minish amendment—that require payment of wage increases negotiated prior to August 15, 1971, unless they are grossly out of line with wage increases that were generally being made at the time these contracts were being negotiated.

It is true that the Senate bill to amend the Economic Stabilization Act, S. 2891, contains language similar to the House Banking and Currency bill on the subject of allowing retroactive pay increases. But the provisions of the Senate bill on this point are totally inadequate. In substance; the Senate bill says to the President that he must grant wage increases negotiated before August 15, 1971, unless he finds that they exceed the wage guidelines he himself has established. What kind of double talk is this? This is telling the President that he must grant the increases under the standards he has adopted to bar and restrict these same increases.

Mr. Chairman, the Members of this Chamber cannot adopt halfway measures to right a severe wrong. We can do no less than adopt the provisions of H.R. 11309 as it was reported by the House Banking and Currency Committee.

I would like to touch slightly upon the Stephens amendment. I have a great deal of respect for my colleague, the gentleman from Georgia (Mr. STEPHENS), but when we examine his amendment it states that the President shall be permitted—not required—to grant the increases.

The Stephens amendment says that it would "permit" the Pay Board to approve these pay increases. The Pay Board is "permitted" to approve any or all pay raises at this very moment under existing law. The Stephens amendment changes absolutely nothing. It does nothing but provide a congressional sanction for administrative policies which deprive teachers and workers of the benefits of contracts legally entered into prior to the President's freeze announcement on August 15.

Moreover, the Stephens amendment can be interpreted to allow price increases to go into effect without reouiring corresponding wage increases thus continuing the intolerable situation that exists today by virtue of the fact that wage increases, which were to have been, and should be, paid the workers in question, are now counted as corporate profits.

Mr. UDALL. Mr. Chairman, the bill that is being debated today is one that I wholeheartedly support since such measures are necessary if we are to get our economy moving again. The work we do here tonight will be of great benefit to all Americans during the coming years. But there is one group of Americans whom we must not forget and this is what I want to discuss at this point.

I am referring to our employees, the Federal worker. In the bill before us today, there is no language which will allow the Federal worker to be treated as an equal partner in our struggle against inflation. All other Americans are allowed at least a 5.5-percent annual increase in their pay right now. But the Federal worker is denied such action until next July, at the earliest; for some, it will even be longer.

The Senate's version of the Economic Stabilization Act recognized this inequality and by an overwhelming margin voted to treat the Federal worker as an equal with his private sector counterpart. Their bill provides that the Federal worker can have his pay adjusted exactly as those in the private sector—under no circumstances could the pay adjustments be greater for the Federal employee than for the private employee. This action on the part of the other body has my support and the support of a majority of my colleagues on the Post Office and Civil Service Committee.

I understand and appreciate the complications of inserting such language in the House version but want to register my strong hope that our colleagues who are appointed to the conference committee will vote to accept the Senate language on this matter.

If the conference report comes back without such language, I would surely feel obliged to register a protest and vote against it. I hesitate to do so, but there is no good reason why we should unfairly discriminate against our own employees, especially when the adjustments due them in January of 1972 would not violate the provisions in President Nixon's phase II economic program.

I also would remind my colleagues that many of you previously voted to support President Nixon's action in postponing the Federal employee pay raise on the basis that if we did not, harm might be done to phase II of the President's program. At that time, my esteemed colleague, the minority leader, Mr. FORD, assured us that he would support action in phase II which guaranteed equity for all Federal workers.

I would quote, at this point, Mr. FORD's words:

If there is a general increase granted to those in the private sector in Phase II then I will be willing to support legislation that would add a comparable amount for those in the employment of the Federal Government. I think that is a fair promise on my part under the circumstances.

Mr. Chairman, that is my position exactly. We have legislation before us that allows us to do exactly that and I hope the conferees on the part of the House will agree to the Senate language so that all of us, including the distinguished minority leader, can vote in favor of equality for Federal employees.

Mr. LLOYD. Mr. Chairman, it is with real regret that I support a continuation of controls over our economy even though they be flexible and even though there is a cutoff date of April 30, 1973. The leadership provided by this country in the interests of the world's freedom, the opportunity that is provided to all our citizens and the leading standard of living which we have achieved have been a direct result of the competitive system where free people have been encouraged to compete against each other to see who could produce better products at lower prices. To anyone but the hopelessly prejudiced, this free system has proved its superiority over any other system in the blessings it bestows upon those who live within it.

There are many factors which have contributed to the overriding necessity which now confronts us to place some controls upon this free system for a temporary period. The factors are too numerous for mention but among the most prominent are:

First. The dedicated resolve to reduce our Armed Forces in Southeast Asia and to wind down and wind out our military operations there. This has resulted in a reduction of forces and a reentry into the civilian job market of over 350,000 men in 3 years.

Second. Federal expenditures beyond the Nation's ability to pay, going back more than 10 years, much of the fault of which can be laid at the doorstep of the Congress of the United States.

Third. The success of organized labor in the securing of wage increases for their members in excess of increases in productivity and in many cases in excess of the increases of the cost of living.

The 90-day freeze, which ended on November 15, was supported overwhelmingly by the citizens of this country, many of whom bore inequities, in most cases cheerfully, in order to place a halt to the inflation which had over the years approached runaway proportions. Inasmuch as the prime forces of excessive inflation are still with us, it becomes necessary to continue controls over our free system during a phaseout period. During this period there are inequities which should be corrected.

To me the No. 1 inequity involves schoolteachers. These are the members of our society who cannot, by any stretch of the imagination, be said to be overpaid. In most cases they are underpaid. In most cases their contracts were negotiated prior to August 15 and in most cases there had been projection of income to accommodate the wages which had been negotiated. Teacher salaries are not inflationary in the first place and they would be higher were it not for the inhibiting nature of the taxes required to pay the bills. Recognition of negotiated contracts for teachers is an absolute necessity based on merit and justice and should not be delayed further.

For those employers who cooperated in freezing prices during the 90-day freeze, it is unconscionable that retroactive wage increases should now be forced upon them except in those cases where price increases were already made to accommodate previously negotiated settlements.

These are two of the most important of the issues which call for resolution by this Congress before it acts on the overriding necessity of continuing phaseout controls in a manner which will allow the competitive system to outlive the controls in a healthy and vigorous state.

Mr. PATMAN. Mr. Chairman, since all time has expired, I ask that the Clerk read.

The CHAIRMAN. Under the rule, the amendment in the nature of a substi-

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tute recommended by the committee and printed in the bill will be read by sections as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Stabilization Act Amendments of 1971".

Mr. PATMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 11309) to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of revising and extending their remarks within 5 days and to include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR MANAGERS TO FILE CONFERENCE REPORT ON H.R. 11341, DISTRICT OF COLUMBIA REVENUE BILL

Mr. CABELL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill, H.R. 11341.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask if the conference report is complete and whether the conferees have completed their work?

Mr. CABELL. The conference has been completed. This has been cleared with the members of the committee, the leadership on both sides of the aisle and the ranking minority member.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, what is the nature of the legislation?

Mr. CABELL. This is the District of Columbia revenue bill for the fiscal year 1972.

Mr. GROSS. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92-740)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 9, 15, 16, 17, 19, 20, 21, 22, 28, 30, 31, 32, 33, 34, 35, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 8 and 10 and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

On page 4, line 3, of the Senate engrossed amendments, strike out "502" and insert in lieu thereof the following: "402".

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with amendments, as follows:

On page 4, line 7, of the Senate engrossed amendments, strike out "503" and insert in lieu thereof the following: "403," and strike out the period immediately following "Act".

On page 4, line 8, of the Senate engrossed amendments, strike out "7-1571a" and insert in lieu thereof the following: "47-1571a".

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

On page 4, line 11, of the Senate engrossed amendments, strike out "504" and insert in lieu thereof the following: "404".

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 405. The amendments made by sections 401 and 402 of this title shall apply with respect to taxable years beginning after December 31, 1971, but before January 1, 1974. The amendments made by sections 403 and 404 of this title shall apply with respect to taxable years beginning on or after January 1, 1974."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with amendments as follows:

Restore the matter proposed to be stricken out by the Senate amendment and—

On page 7, line 17, of the House engrossed bill insert "(a)" immediately after "601.".

On page 7 of the House engrossed bill, strike out lines 19 through 21 and insert in lieu thereof the following: "is amended to read as follows:

" 'SECTION 1. There are authorized to be appropriated, as the annual payment by the United States toward defraying the expenses of the government of the District of Columbia, not to exceed $173,000,000 for the fiscal year ending june 30, 1972, and not to exceed $178,000,000 for the fiscal year ending June 30, 1973, and for each fiscal year thereafter. Sums appropriated under this section shall be credited to the general fund of the District of Columbia.'

"(b)(1) In addition to the amount authorized to be appropriated under section 1 of Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a) for the fiscal year ending June 30, 1972, there is authorized to be appropriated to the District of Columbia for such fiscal year not to exceed $6,000,000 which may only be used in such fiscal year to pay officers and employees of the District of Columbia increased compensation which is required by comparability adjustments made on or after January 1, 1972, in the rates of pay of statutory pay systems (as defined in secton 5301(c) of title 5, United States Code) based on the 1971 Bureau of Labor Statistics Survey.

"(2) In addition to the amount authorized to be appropriated under section 1 of Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a) for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, there is authorized to be appropriated to the District of Columbia not to exceed $12,000,000 for each such fiscal year which may only be used to pay officers and employees of the District of Columbia increased compensation which is required by comparability adjustments made on or after January 1, 1972, in the rates of pay of statutory pay systems (as defined in section 5301(c) of title 5, United States Code), based on the 1971 Bureau of Labor Statistics survey."

And the Senate agree to the same.

Amendment Numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendments as follows:

Restore the matter proposed to be stricken out by the Senate amendment, and—

On page 10, line 16, of the House engrossed bill, strike out "(including a sublessor)".

On page 10, line 18, of the House engrossed bill, strike out "shall" and insert in lieu thereof the following: ", after appropriate notice to all interested parties and an opportunity for a hearing, may."

On page 10, line 20, of the House engrossed bill, strike out "such notice" and insert in lieu thereof the following: "the notice to the Commissioner".

On page 11, line 22, of the House engrossed bill, strike out "shall" and insert in lieu thereof the following: ", after appropriate notice to all interested parties and an opportunity for a hearing, may".

On page 12 of the House engrossed bill, insert after the period at the end of line 11 the following: "If such recipient vacates the premises with respect to which such allegation was made, rents other premises in the District of Columbia, and the Commissioner determines on the basis of such allegation that such recipient was justified in vacating the premises with respect to which the allegation was made, the Commissioner may pay to the recipient an amount (not to exceed his monthly shelter allotment) to enable him to make the rental payment required (if any) for such other premises for the period preceding the period for which the recipient will first receive his monthly shelter allotment under the preceding sentence."

On page 12, of the House engrossed bill, strike out lines 12 through 14 and insert in lieu thereof the following:

"(d) The failure of any lessor to receive all or part of a monthly shelter allotment withheld from any recipient pursuant to subsection (b), or the suspension of rental payments under subsection (c), of this section shall not be cause for eviction of any recipient.

On page 12, line 25, of the House engrossed bill, strike out the quotation marks and add after line 25 the following:

"(f) For purposes of subsections (b) and (c), the term 'lessor' includes a sublessor.

"(g) The District of Columbia Council is authorized to issue such regulations as may be necessary to carry out the provisions of this section.".

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24 and agree to the same with an amendment as follows:

On page 7, line 10, of the Senate engrossed amendments, strike out "705" and insert in lieu thereof the following: "705".

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "706".

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "707".

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out by the Senate amendment and on page 14 of the House engrossed bill insert the following after line 21:

"Sec. 708. (a) Section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36-404(b)) is amended—

"(1) by inserting 'or' at the end of paragraph (4),

"(2) by striking out '; or' at the end of paragraph (5) and inserting in lieu thereof a period, and

"(3) by striking out paragraph (6).

"(b) The amendments made by subsection (a) of this section shall take effect January 1, 1972."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "709".

And the Senate agree to the same.

Senate amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36 and agree to the same with an amendment as follows:

On page 10, line 18, of the Senate engrossed amendments strike out "805" and insert in lieu thereof the following: "805".

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
ADLAI E. STEVENSON III,
CHARLES MCC. MATHIAS, Jr.,
LOWELL P. WEICKER, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following Senate amendments made technical, clerical, clarifying, or conforming changes: 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 25, 26, 29, 31, 32, 33, 34, and 35.

With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clerical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

CIGARETTE TAX

Amendment No. 1. This amendment added to the House bill a provision which increases the sales tax in the District of Columbia on cigarettes from 4 cents per pack to 6 cents per pack. The Senate recedes.

UNINCORPORATED BUSINESS TAX

Amendments Nos. 11, 13 and 14. These amendments added to the House bill provisions which increase, in two stages, the rate of the tax on the income of unincorporated businesses in the District of Columbia. The first increase, Senate Amendment No. 11, increases the tax rate from 6 percent to 7 percent, effective with respect to taxable years beginning after December 31, 1971, but before January 1, 1974. The second increase, Senate Amendment No. 13, increases the tax rate from 7 percent to 8 percent, effective with respect to taxable years beginning on or after January 1, 1974. The House recedes with technical amendments.

The House conferees have agreed to the second increase in the tax rate on the income of unincorporated businesses because they believe that the additional revenue derived therefrom will be needed to offset the loss of revenue to the District of Columbia on account of the three-staged repeal of the business inventory tax made in section 201 of the House bill.

CORPORATE INCOME TAX

Amendments Nos. 12 and 14. A provision in the House bill raised the tax rate of the tax on the income of corporations in the District of Columbia effective with respect to taxable years beginning after December 31, 1971 but before January 1, 1974. The Senate amendments add a second increase of such tax rate, from 7 per centum to 8 per centum, effective with respect to taxable years beginning on or after January 1, 1974. The House recedes.

The House conferees have agreed to the second increase in the tax rate on the income of incorporated businesses because they believe that the additional revenue derived therefrom will be needed to offset the loss of revenue to the District of Columbia on account of the three-staged repeal of the business inventory tax made in section 201 of the House bill.

FEDERAL PAYMENT FORMULA

Amendment No. 18. This amendment added to the House bill a provision authorizing an annual Federal payment to the District of Columbia equal to 43 percent of all general fund revenues derived by the District of Columbia from taxes, and that part of the motor vehicle registration fees which is credited to the general fund. Senate Amendment No. 18 is in lieu of the House provision which increased the authorization of the annual Federal payment from $126,000,000 to $170,000,000.

The conference agreement authorizes the Federal payment to the District of Columbia to be increased in two steps. For the fiscal year ending June 30, 1972 there is authorized not to exceed $173,000,000, and not to exceed $178,000,000 for the fiscal year ending June 30, 1973, and for each fiscal year thereafter. In addition to such amounts authorized for such fiscal years, the conference agreement authorizes not to exceed $6,000,000 for the fiscal year ending June 30, 1972, and not to exceed $12,000,000 for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, which may only be used to pay officers and employees of the District of Columbia (other than teachers, policemen, and firemen) increased compensation required by comparability adjustments made on or after January 1, 1972, in the rates of pay of statutory pay systems, based on the 1971 Bureau of Labor Statistics survey.

The managers believe that the Federal payment which is being authorized for the District of Columbia is a sum which represents not only, as it has in the past, a sum representing the amount of real estate taxes which would be paid to the District if the real property owned or held by the Federal Government in the District were subject to taxation, but also an amount to compensate the District because the Congress has decided that at this time it is unwise to levy an income tax on non-residents of the District who are employed in the District. Were the Congress to decide to authorize a non-resident income tax, it is expected that there would be a reduction in the Federal payment.

The managers have also for the first time authorized a two-step increase in the Federal Payment taking into account the anticipated revenue needs of the District government. This is to enable the District government to plan intelligently the allocation of its resources prior to the beginning of its fiscal year. By Congress setting the authorization in advance, the District government will know exactly what the authorized Federal Payment will be and, barring completely unforseen circumstances, the payment authorized will not be raised. In fact, barring such circumstances the appropriate committees of the Congress do not intend to be dealing with the Federal Payment during the second session of this Congress.

It should be noted that $6 million of the amount authorized for the Federal payment for fiscal year 1972 and $12 million of the amount authorized for fiscal year 1973, and for each succeeding fiscal year, have been specifically allocated to pay increases in compensation of officers and employees of the District of Columbia if authorized by Congress. These pay increases do not include any increases for policemen, firemen, or teachers. If the District government intends to ask Congress to consider pay increases for these groups, it is expected that in the same legislation there will be a financing proposal which in some way raises local taxes. There will be no increase in the Federal payment to cover this type of pay increase.

RENTAL PAYMENTS

Amendment No. 23. A provision of the House bill authorized the Commissioner of the District of Columbia to withhold a rental allotment payable to a tenant who fails to make his regular rental payment for 10 days. The tenant would retain possession of the rented premises until entitlement to the rent payments could be established. If the landlord is entitled to such payments, future monthly shelter allotments for such tenant would be made directly to the landlord. Similarly, the tenant could have such payments which were being made on his behalf stopped if the landlord failed to properly maintain the premises, or otherwise breached the rental agreement. Senate Amendment No. 23 strikes out this provision.

The conference agreement follows the House bill with changes which provide for notice to be sent to a tenant when his landlord notifies the Commissioner of a default on his rent payment and which give the tenant an opportunity for a hearing before his monthly shelter allotment is withheld. In addition, the conference agreement provides that if a tenant, on whose behalf rental payments are being made by the Commissioner, moves because the landlord has failed to maintain the premises according to applicable District housing regulations, the Commissioner may make a payment to such tenant, in an amount not to exceed his monthly shelter allotment, to enable him to rent new quarters.

IMPOUNDMENT OF MOTOR VEHICLES

Amendment No. 24. This amendment added to the House bill a provision which would authorize the police in the District of Columbia to impound a motor vehicle, against which there are at least two warrants or outstanding unsettled traffic tickets, if found unattended and without regard to whether it is at that time parked in viola-

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tion of the traffic laws of the District of Columbia. The House recedes with a technical amendment.

OVERTIME REQUIREMENTS

Amendment No. 27. A provision of the House bill amended paragraph (6) of section 4(b) of the District of Columbia Minimum Wage Act to exempt interstate motor carriers domiciled in the District of Columbia from regulations imposed by the Wage and Hour Board of the District of Columbia if the carrier was subject to regulation by the Secretary of Transportation under section 204 of part II of the Interstate Commerce Act. Senate Amendment No. 27 strikes out this provision.

The conference agreement repeals the provisions of paragraph (6) of section 4(b) of the District of Columbia Minimum Wage Act.

REAL PROPERTY TAX EXEMPTION

Amendment No. 28. This amendment added to the House bill a provision authorizing the Commissioner of the District of Columbia, under regulations prescribed by the District of Columbia Council, to exempt property from real estate taxes. The Senate recedes.

COUNCIL TAXING AUTHORITY

Amendment No. 30. This amendment added to the House bill a provision authorizing the District of Columbia Council to impose any new tax in the District, except for an income tax on nonresidents, and to change the rate of any existing tax in the District. The Senate recedes.

CONGRESSIONAL POLICY ON METRO

Amendment No. 36. This amendment added to the House bill a provision reaffirming the policy of the Congress that the costs of the regional transit project not covered by user charges should be equitably shared among the Federal, District of Columbia, and participating local governments in the transit zone. The House recedes with a technical amendment.

TRANSPORTATION FUND

Amendment No. 37. This amendment added to the House bill a provision authorizing the District of Columbia to issue bonds, to be marketed through public sale on sealed bids and to be repayable in substantially equal installments over up to thirty years, in order to finance the District's share of capital outlays for approved transportation projects. The Senate recedes.

This amendment proposed a new method of financing the District's obligations for the Metro system and approved highway projects. The amendment is also relevant to the general problem of financing the District's capital outlays in the most efficient and economical way. While the Senate recedes on this amendment, the managers on the part of both Houses believe that these questions should receive further attention in this Congress, and hereby announce an intention to pursue the subject and explore all alternatives, including recommendations which may be made by the Nelsen Commission next spring.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.,
ANCHER NELSEN,
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CHARLES MCC. MATHIAS, Jr.,
LOWELL P. WEICKER, Jr.,
Managers on the Part of the Senate.

GENERAL LEAVE ON CONFERENCE REPORT ON S. 1828

Mr. McKINNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report on S. 1828, approved by the House today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROPOSED AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

(Mr. MCCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCULLOCH. Mr. Speaker, today I have introduced legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide benefits to survivors of law enforcement officers killed in the line of duty. Cosponsoring this legislation are the distinguished minority leader, GERALD R. FORD, and Messrs. MCCLORY, SMITH of New York, SANDMAN, RAILSBACK, FISH, COUGHLIN, HOGAN, and KEATING.

This bill would enable the Law Enforcement Assistance Administration to make payments from funds appropriated for that purpose upon certification to LEAA by the Governor of any State that a law enforcement officer, employed on a full time basis by that State or a unit of local government within that State, has been killed in the line of duty.

In June of this year, President Nixon recommended similar legislation that would provide $50,000 to survivors of policemen killed in the line of duty. Mr. Speaker, my bill differs in that it expands the coverage to include, in addition to police officers, correction officers, sheriffs, court guards, prison guards, judges, magistrates, and prosecuting attorneys.

In recognition of the every-day perils faced by our law enforcement officers and the disparity in benefits among the several States, this legislation would authorize payment of a gratuity of $50,000 to the family of a slain law enforcement officer. This gratuity would be in addition to any other benefit or payment made under any other State or local law or plan.

The major benefactor of this legislation, Mr. Speaker, will be the policeman. It is common knowledge that police officers are in increasing danger of their lives and well-being. During 1969, 35,202 policemen were assaulted, stabbed, beaten, or shot while on duty. This dismal statistic is unbecoming a civilized society.

In 1968, 64 police officers died in the line of duty. This figure jumped to 86 in 1969, and to 100 in 1970. In 1971, 99 policemen were murdered while protecting society. In the 10-year period—1961–71—more than 1,024 officers died in the line of duty. Despite all the dangers involved in keeping the peace, many States and communities have failed to provide death benefits to the survivors of the slain policeman. The Department of Justice reported in September of this year that:

As of October 1970, there were 18 States that provided no financial assistance to the immediate survivors of law enforcement men and women. Moreover, many small cities and towns throughout the land do not provide such benefits, or make only minimal compensation payments compared to that provided by large municipalities.

Even in those States that have compensation programs, there are wide gaps between the various plans, and an individual officer may or may not be covered by one or the other of them.

Workmen's compensation programs are spotty. Many local law enforcement officers are not covered for one reason or another. In many instances where they are eligible, the payments to their families are only minimal.

Although the Deputy Attorney General was addressing the problem of the deficiency in police officers death benefits, I am sure that most of his discussion is also germane to corrections. We are all well aware of the tragedies that have recently occurred at some State penitentiaries. Correctional officers, like policemen, confront daily the criminal element in our society. These people play a very important part in our system of criminal justice.

If we expect these hard-working and dedicated men and women to put their lives and safety on the line, day after day, the least this Government can do is provide some financial protection for their families.

Law enforcement like medicine will always have 24 hour responsibilities. Recruitment problems are aggravated by occupational dangers, low salaries, and long working hours. Law enforcement is, in fact, a difficult and often frustrating and discouraging field. Mr. Speaker, I am of the opinion that the benefits authorized in this legislative proposal may make these important jobs a little more acceptable and a little more attractive to those people interested in a career in law enforcement.

TRIBUTE TO TURNER N. ROBERTSON, MAJORITY CHIEF PAGE

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from North Carolina (Mr. FOUNTAIN) is recognized for 60 minutes.

Mr. FOUNTAIN. Mr. Speaker, a man whose face and name have been familiar to most members of this body for more than 32 years will soon enter into a well-earned retirement. I am referring to our good friend, Turner N. Robertson who has served the House of Representatives so ably and faithfully in his present capacity, as majority chief page, since 1947.

I think it is both fitting and proper that we pay tribute to this dedicated public servant before he leaves us.

The smooth and efficient functioning of the House of Representatives depends upon the dedicated work of many, many people—some in the limelight and some behind the scenes. In his unassuming way Turner Robertson has contributed greatly to this process during his years of dependable service to the Members of this body. Although Turner is officially an employee of the majority, I am sure his many helpful services are appreciated by Members on both sides of the aisle.

My predecessor in the Second Congressional District of North Carolina, the late John Kerr, brought Turner Robertson to Washington on April 6, 1939. Under Congressman Kerr's patronage, Turner served successively as an elevator operator, as a member of the Capitol Police Force, as a doorman on the House floor, as assistant librarian of the House of Representatives, and as librarian.

Then, on June 1, 1947, Turner Robertson was appointed chief page by the Speaker, who was then the Honorable Sam Rayburn. Subsequently, he was reappointed by Speaker McCormack and, also, by Speaker ALBERT.

The duties of chief page are well known to every Member of this body and to our staffs. We call upon Turner Robertson and his hardworking staff of 51 young men every day of every session, and we know that we can always count on their faithful service.

It is not easy to supervise 51 high-spirited and bright young men, but Turner does the job with skill and great patience and understanding. He not only has trained these young men to serve us courteously and efficiently, but he has in so many ways served them—as a friend, confidant, and, at times, a substitute father. The smooth and efficient way in which our page system functions is a great tribute to his tact, wisdom, and leadership.

Only eight Members of this 92d Congress were here as Congressmen in 1939 when Turner Robertson came to Washington from Scotland Neck, N.C. Many Members have come and gone since then, and Turner has greeted each of them with a winning, friendly smile, and a willingness to be of assistance in every way possible.

Turner Robertson is a native of Macon, N.C. Mrs. Robertson, the former Dorothy Ernestine Whitehead, hails from Hobgood, N.C. Both towns are located in the Second Congressional District of North Carolina, which I have the honor to represent. The Robertsons have one daughter, Mrs. Barbara Cooksey of Manassas, Va.

Not long ago I asked Turner to reminisce about his years on Capitol Hill. He spoke of memorable, but tragic days, such as when war was declared in 1941, and when news of the assassination of President John F. Kennedy reached Washington; he spoke of historic votes on legislation of great national consequence; he spoke of longer and longer sessions, and more and more legislation; he also spoke of physical changes to the Chamber and to the Capitol Building.

But, mostly, he spoke of how much he has enjoyed every day of his career on the Hill and how each Member he has known—and I expect he has known them all—has been helpful and considerate to him.

I suspect that his greatest thrill, through the years, has come from seeing our young pages develop and mature under his sympathetic and understanding guidance.

Well, Turner, you have been helpful and considerate to each one of us, too, and I know I express the sentiment of the entire House when I say Godspeed to you and your wonderful, loving, and devoted wife, Ernestine—wherever you go and in whatever you undertake. If at any time you would like to return here, I am confident we would quickly put you back to work.

Mr. Speaker, I now yield to my distinguished colleague from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Speaker, I thank the gentleman. It is an honor to rise to note the retirement of one of nature's gentlemen, Turner Robertson.

I want to commend the gentleman in the well for bringing about this special order, to give us an opportunity to express our feelings about Turner. I regret that it occurs at this hour of the night, at this stage of the legislative week, but I am sure the special order appearing in the RECORD tomorrow will provoke a great outpouring of expression of appreciation to Turner.

As a relatively new Member of Congress, I want to pay tribute to Turner Robertson for all he has meant to the new Members of Congress. Turner is efficient, helpful, and useful to all Members of Congress; but to freshman Members he is much more—he is essential. To the neophyte lost in the parliamentary and legislative maze of the House, there was only one solution—"Ask Turner." I speak for all who have ever been freshmen Congressmen during Turner's reign in expressing to him our sincere appreciation for his unfailing courtesy and sympathy to those who stand lowest on the seniority totem pole, and for sharing so generously with us the legislative lore he has accumulated over 32 years of service to the House of Representatives.

Turner comes naturally by his courtesy and intelligence since he was born and raised in North Carolina. We are proud of our native son and his record. Scotland Neck, N.C., his home, is famous for two things—Turner Robertson, and the millions of starlings which unaccountably settle there near Turner's home each winter. The word is that when Turner retires and moves to Fort Lauderdale, the birds are going, too. They know a good man when they see him. We will miss Turner much more than the birds.

We hope Turner will remember North Carolina, and I know he will never forget the House of Representatives and the years he has spent here and the friends he has made. The House of Representatives will never forget its faithful servant, Turner Robertson.

Mr. FOUNTAIN. Mr. Speaker, I thank my distinguished colleague from North Carolina (Mr. PREYER) for his generous remarks. I, too, should like to say that I regret we did have to pay this tribute at such a late hour, because I am sure there are many, many Members of the House who would like to express themselves.

As the gentleman has pointed out, I hope that this discussion, as it appears in the RECORD, will serve notice to the Members that they will have time within which to express themselves.

GENERAL LEAVE

Mr. Speaker, at this point I ask unanimous consent that all of the Members of the North Carolina delegation be permitted to revise and extend their remarks relative to Turner Robertson immediately following the remarks just made by the gentleman from North Carolina (Mr. PREYER), and I ask unanimous consent that all Members of the House have 5 legislative days within which to extend their remarks on the same subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONAS. Mr. Speaker, I am pleased to join my distinguished colleague from North Carolina (Mr. FOUNTAIN) and others who will be participating in this discussion, in saying a few words of tribute to Turner N. Robertson who is retiring after more than 32 years of service to the Members of the House of Representatives.

Although Turner Robertson's title has been that of chief Democratic page, he has rendered services from time to time to those of us who sit on the Republican side of the aisle. I wish to comment especially on his uniformly friendly attitude and his willingness to go beyond the call of duty in accommodating me on many occasions during my 19 years of service in this body. I have had occasion frequently to seek information from him and to solicit his help and always found him willing to cooperate and anxious to please.

I can say without any fear of contradiction that Turner Robertson enjoys the respect and confidence of all the Members of the House of Representatives, and this includes Republicans as well as Democrats.

Mr. Robertson is completing a career of outstanding service as an employee of the House, where he has directed the activities of the pages under his jurisdiction with efficiency, courtesy and dedication, and in doing so he has gained the affectionate regard of all of us who serve here.

I join his many friends in this body and elsewhere in wishing for him in his retirement many long years of happiness and peace of mind. As he leaves Washington he will go with the understanding that he will be missed by all of us who have been the beneficiaries of his service.

Mr. LENNON. Mr. Speaker, I rise today to honor a fellow Tarheel, who has served the U.S. House of Representatives for over 32 years with dedication, sincerity, modesty, and pride. His service has been marked with distinction and honor, because he is a sensitive individual and responsive to the needs of those about him. As you know, Mr. Speaker, I am talking about our own chief page, Mr. Turner Robertson.

Turner has served with some great Representatives in the U.S. Congress as Democratic Chief Page. His appointment by Sam Rayburn on January 4, 1947, and his subsequent appointments by Speaker John McCormack and Speaker CARL ALBERT are living testimony of their faith in his ability and his outstanding performance.

It is a privilege to have worked with Turner Robertson, and I join with my many colleagues in wishing him a con-

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tinued long life of service to mankind in his future undertakings.

Mr. HENDERSON. Mr. Speaker, I want to join my colleagues in paying tribute to one who has served us all faithfully and well for a long time.

Turner Robertson, our chief page, has been foster father, boss and field general of our pages for many years. It is significant of the job he did that we seldom received any complaints from the pages and very few from Members regarding the quality of the service they received.

On the surface, it might seem that the job of heading up the page service would be an easy one or at least one lacking in significant pressures or responsibility, but often some of the most vital and important communications in the Nation have been entrusted to our page service and mistakes or dalliance in their handling could have been of critical importance.

Turner Robertson has approached his work on the theory that service to the Members of the Congress is the sole reason for being of the page setup, and he has performed his function so well that we have come to take for granted the extremely high degree of excellence he has maintained.

We will all miss Turner. He has set a high standard for his successor to follow and I know all of us wish him well as he begins a well-deserved retirement and enters a new phase of his activity.

Mr. TAYLOR. Mr. Speaker, during the time that I have been in Congress, "calling Turner" has been the quickest and most effective way of finding out what is happening on the House floor and what will most likely happen next.

Very few people outside of Congress realize the full responsibilities of a chief page or the contribution that an outstanding chief page can make to the orderly and efficient operations of the House. Turner Robertson has made us realize that a chief page can be one of the most important officials connected with this body.

When I think of Turner Robertson's 32 years of service in the House of Representatives, competence, integrity and performance are the words that enter my mind. I appreciate his competence and I treasure his friendship.

Turner Robertson is retiring as chief page at a point in time when the House is on the threshold of joining the computer era. Within a year, plastic cards will instantly register our votes and better technical methods may be devised for getting information from the House floor to our offices; but technological progress will never replace the warm, personal responsiveness that has been Turner Robertson's hallmark. His willingness to serve, his unusual degree of knowledge and diligence and his unfailing loyalty to the House have earned for him the respect and admiration of all Members of this body.

Doubtless, other Members of Congress who have sponsored more pages than I will comment on the personal confidence which Turner has given to the hundreds of young men whose good fortune placed them under his supervision.

I feel a deep sense of loss in thinking of Turner's absence from the daily sessions of this body, but this is coupled with a feeling of appreciation for being for 11½ years a beneficiary of his labors.

I will miss my fellow North Carolinian, Turner Robertson, and the example he has set for us in our daily operations here. Let us hope that his retirement will be long and enjoyable and rewarding as his career has been, and that when the fish are not biting in Florida he will frequently pay us surprise visits and we can again be "calling Turner."

Mr. BROYHILL of North Carolina. Mr. Speaker, after more than 32 years of service in the House of Representatives, Turner Robertson has decided to retire to Fort Lauderdale, Fla. In my five terms in the House, I have found Turner to be most helpful. He has always been ready to lend assistance and he has been a storehouse of knowledge. When called upon for information, he has always responded quickly and accurately, and I am most appreciative of his friendly and courteous manner.

Of course, I have urged that Turner stay with us in the House, but I respect his personal decision to seek a little quieter life. I want to extend to Turner my sincere thanks for a job well done and to offer to him my best wishes for many more years of happiness.

Mr. JONES of North Carolina. Mr. Speaker, I am happy to participate in this tribute to my good friend, and as a matter of fact, a friend to every Member of this House—Turner Robertson. All of us have observed during his many years of service his pleasant disposition and genuine warmth, and I challenge anyone to recall a day or an occasion when we were not greeted by Turner with a warm, friendly smile, and more important, a pleasant word. In fact, the word "service" must be his motto.

His job of advising and directing the young pages I am sure at times has been most trying. But their admiration and respect for him was evidenced at a reception given him by his employees a few days ago. Yes: the House floor will not seem the same when Turner and his wife leave the Capital City for a well deserved retirement in the State of Florida.

Along with others, I sincerely wish him many years of health and happiness, and this includes hopefully, pleasant memories of the Members of Congress just as we shall hold the same kind memories of him.

Mr. GALIFIANAKIS. Mr. Speaker, the playwright Ibsen once wrote:

A thousand words will not leave so deep an impression as one deed.

After 32 years of Turner Robertson's deeds, there are few words that could add to the indelible impression this remarkable man is leaving on the U.S. House of Representatives.

Those of us from North Carolina feel a very special pride in the accomplishments and contributions made here by our fellow Tar Heel and Turner has reciprocated by making all of us feel very special.

I think it can be safely said that this conscientious, courteous, and kind gentleman is truly loved by all those who have had the privilege of knowing him. His perennial patience, calmness, and cheerfulness have made many dull, dark days sparkle because of his particular brand of sunshine.

As he goes now to enjoy his own well-deserved days of sunshine, Turner will be missed, but the spirit of friendship and cheer with which he has touched all our lives will remain in this body forever.

It is with great gratitude that I join my fellow Tar Heels today in offering a heartfelt thank you to this splendid public servant.

And I would like to share with my colleagues the recent unsolicited expression of one of Turner's pages, who offered perhaps the most significant tribute of all. He said simply, "Turner Robertson is the greatest guy in the world."

Mr. FOUNTAIN. Mr. Speaker, I am happy to yield to the gentleman from West Virginia (Mr. KEE).

Mr. KEE. I thank the gentleman in the well very much.

Having known Turner during his entire career here, I could not agree with the gentleman more. He has been the most effective man that we have had to help us, to guide us; not only the new Members but also folks who have been here for a few years and folks who have been here during his entire service.

I have never seen a more dedicated and more cooperative public servant or man to help us do our job.

I thank you very much.

Mr. FOUNTAIN. I thank the gentleman very much.

Mr. McKINNEY. Will the gentleman yield?

Mr. FOUNTAIN. I am delighted to yield to the gentleman from Connecticut.

Mr. McKINNEY. I am a freshman here myself. I know that if the minority leader were here, he would want to join in personally congratulating Turner Robinson for all his good service to this House.

I would simply state that although I am a freshman and certainly not having known Turner very long, I would like to pay all of the respect that the Members on the minority side of the aisle feel for Turner on this occasion.

Mr. FOUNTAIN. I thank the gentleman for his remarks.

I am sure, also, the minority leader would want to express himself on this subject, and I hope he will take advantage of the opportunity to do so.

I yield to the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. Mr. Speaker, I would like to be associated with the gentleman's remarks regarding Turner Robinson. The appraisal you make is a truthful and well founded one.

I know in the 9 years I have been here Turner has been truly helpful at every turn. He has always been gracious and polite. It is amazing how he handles these young, bright upstarts, as you say.

So it has all been delightful. You are on a good foundation when you praise Turner Robinson.

I do not know the details and I did not know you had this special order, but I am happy to join with you and vouchsafe that we have learned to love and admire him, and we wish him and his family the best of everything that may be in their plans.

Mr. FOUNTAIN. I thank the gentleman very much.

I have just been advised that three of these "upstarts" to whom the gentleman makes reference are Members of Congress of the United States today and are Members who served under Turner when they were pages here in this body.

Mr. WYLIE. Will the gentleman yield?

Mr. FOUNTAIN. Yes. I yield to the gentleman.

Mr. WYLIE. I would like to associate myself with the remarks of the gentleman in the well and join him in paying tribute to Mr. Turner Robinson.

Mr. Robinson will not remember this incident as I do. It is a little personal incident that took place on the first day I arrived in the Capitol after having just been elected to Congress in December of 1966.

Fishbait Miller was introducing me around when Turner Robinson came into his office. He was very cordial and made me feel most welcome at a time when I was a little awed by the whole situation, by the circumstances and the setting.

I would like, because of that little personal incident and the friendship he showed me, to acknowledge in my own way his outstanding contribution to this Nation as a person who has worked effectively for this House of Representatives for such a long time.

Now, I have heard it said that Turner has a little place that he is going to retire to in Florida. Well, I go down to Florida rather frequently myself, and I intend to be down there over the holidays this year, as I have every Christmas since 1952, I guess, and I hope that we can get together so that I can further pay my heartfelt respect to this great gentleman.

I thank the gentleman for yielding.

Mr. FOUNTAIN. I thank the gentleman for his very kind remarks.

Someone suggested at a luncheon today given to Turner by the North Carolina delegation at which time they presented him with a plaque commemorating his many years of service here that Turner Robinson ought to erect a guesthouse back of his home in Fort Lauderdale, Fla., so that those of us who had been associated with him for these many years would have the opportunity of visiting with him.

He said he did not know about that, but we were all welcome. So, I am sure there will be some bedrooms and some floorspace if we get stranded there on any occasion, or if we under any other circumstances are there, I am sure Turner will be delighted to see us.

Mr. GONZALEZ. Mr. Speaker, I take this opportunity to add my voice to that of my colleagues who have extolled the virtues of Mr. Turner Robertson and have expressed regrets because of his retirement from service.

I wish to express my deep and heartfelt gratitude to Turner for his many courtesies and kindness. I will say, by way of conclusions, as we say in Texas: "Hasta la vista, Turner."

PROPERTY TAX RELIEF FOR THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, 40 Members of Congress are joining me today in reintroducing H.R. 11640, a bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65. A list of the cosponsors follows my remarks. Each believes that it is time to do something about—to use the President's phrase—"the crushing burden of property taxes for older Americans."

Probably the one thing which most jeopardizes the security of old age, which most threatens the happiness of older Americans, is the property tax. The effect which it can have upon the elderly can be devastating.

The facts are that 70 percent of all Americans over 65 own their homes. It is the accumulation of a life's work, containing the memories, both happy and sad, of marriage, children, and all the things that make up life.

Yet, spiraling property taxes are forcing many to sell their homes and move into small, cramped, unfamiliar quarters, or to liquidate precious retirement assets which should be used sparingly only to provide for the necessities of old age. Those who live in apartments feel the burden just as painfully in the form of rent increases.

In the last 5 years alone, property taxes have shot up by 40 percent. Those over 65 generally live on greatly reduced incomes which are either fixed or declining. Income taxes take their changed economic status into account, but ever-increasing property taxes do not. As the President told the White House Conference on Aging, "because of property taxes, the same home which has been a symbol of their independence often becomes the cause of their impoverishment."

This bill we are introducing today provides older Americans of low income a $300 Federal income tax credit, or a payment from the U.S. Treasury if they pay no income taxes, to offset State and local property taxes they must pay on their homes.

Those over 65 whose annual income is under $6,500 would be eligible, whether they own their own house or not. If they rent, the portion of rent which covers taxes will be computed. If their Federal income tax is $300 or less, they will be eligible for a payment from the U.S. Treasury instead of a tax credit to make up the difference. The maximum tax credit or payment will be $300.

This tax break for the elderly will not be inexpensive, but we can be sure that the money will be going to those who most need it. It is estimated that three quarters of the cost to the Treasury will be in the form of direct payments to those elderly whose income is so low that they pay no income taxes at all. This should surprise no one, since a congressional committee has estimated that 25 percent of all older Americans have an income of less than $2,000 per year.

These are the people who desperately need help. These are the ones who will not be helped at all by other proposals for property tax reform. President Nixon has wisely recommended a "complete overhaul of our property taxes and of our whole system of financing public education," but such an overhaul will undoubtedly be too little and too late to help the elderly who are now being crushed by property taxes. Whatever reform is finally adopted—whether it be revenue sharing, "piggybacking," a national sales tax, or some other—no one suggests that already high property taxes will decline. Yet it is today's high property taxes which are forcing too many Americans to sell their homes and spend their last years in poverty.

President Nixon told the aging conference last week:

These remedies will involve large sums of money. But we are prepared, however, to make the hard decisions we are going to have to make to provide property tax relief.

The Members who cosponsor this bill today are similarly prepared to make those hard decisions.

I hope that at an early date hearings will be scheduled on this bill, and that when older Americans file their 1972 tax returns, they can look forward to a Federal tax credit or payment for the property taxes they must pay.

LIST OF COSPONSORS

James Abourezk, Democrat, of South Dakota; Joseph P. Addabbo, Democrat, of New York; Tom Bevill, Democrat, of Alabama; Edward P. Boland, Democrat, of Massachusetts; James M. Collins, Republican, of Texas; William R. Cotter, Democrat, of Connecticut; John G. Dow, Democrat, of New York; Robert F. Drinan, Democrat, of Massachusetts; Thaddeus J. Dulski, Democrat, of New York; Paul Findley, Republican, of Illinois; Hamilton Fish, Jr., Republican, of New York; Edwin B. Forsythe, Republican, of New Jersey.

Cornelius E. Gallagher, Democrat, of New Jersey; Barry M. Goldwater, Jr., Republican, of California; Ella T. Grasso, Democrat, of Connecticut; Seymour Halpern, Republican, of New York; Lee H. Hamilton, Democrat, of Indiana; Michael Harrington, Democrat, of Massachusetts; Augustus F. Hawkins, Democrat, of California; Ken Hechler, Democrat, of West Virginia; Floyd V. Hicks, Democrat, of Washington.

Frank Horton, Republican, of New York; Jack F. Kemp, Republican, of New York; Joseph M. McDade, Republican, of Pennsylvania; F. Bradford Morse, Republican, of Massachusetts; Robert N. C. Nix, Democrat, of Pennsylvania; David Pryor, Democrat, of Arkansas; Tom Railsback, Republican, of Illinois; John J. Rhodes, Republican, of Arizona; Donald W. Reigle, Jr. Republican, of Michigan; Robert A. Roe, Democrat, of New Jersey.

William R. Roy, Democrat, of Kansas; Fernand J. St Germain, Democrat, of Rhode Island; Fred Schwengel, Republican, of Iowa; Robert L. F. Sikes, Democrat, of Florida; Robert H. Steele, Republican, of Connecticut; Charles Thone, Republican, of Nebraska; John Ware, Republican, of Pennsylvania; Gus Yatron, Democrat, of Pennsylvania; John M. Zwach, Republican, of Minnesota.

Mr. Speaker, my distinguished colleague from Illinois, Congressman RAILSBACK, is a cosponsor of this bill. He has

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long demonstrated a deep and abiding interest and concern for the problems of the elderly. I yield to my good friend for such comments as he may wish to make.

Mr. RAILSBACK. Mr. Speaker, property taxes affect all homeowners, but for those who live on a fixed and limited income they are a heavy burden.

About 70 percent of the 20 million senior citizens in the United States own their own home. However, one in four of these Americans is now living on an income of less than $2,000. They are desperately in need of a tax break.

Unlike our Federal income tax, property taxes have no relation to the income of the taxed. Instead, the value of the property, achieved only after years and years of mortgage payments, is considered. In the past 5 years, property taxes have risen 40 percent. Relief must be offered to our senior citizens, whose incomes have not kept pace with inflation.

In Fairfax, Va., a new ordinance will exempt certain senior citizens from property tax liability. Those included will be individuals 65 or older with gross incomes of less than $7,500 a year and net worth—excluding their homes—of $20,000. It has not as yet been determined how the loss of revenue is to be absorbed, but it is clear that some assistance to senior citizens is long overdue.

President Nixon has also pledged to ease the crushing burden of property taxes on the aged. At the White House Conference on Aging, he stated we must do something because, "the entire Nation has a high stake in a better life for its older citizens."

Therefore, I am pleased to join the gentleman from Illinois (Mr. FINDLEY) in sponsoring legislation which will give senior citizens of limited income a Federal income tax credit to offset the local and State taxes they presently pay on their home property.

Under this proposal, a person whose annual income is under $6,500 would be eligible. He would receive a tax credit or payment of up to $300 from the U.S. Treasury.

I certainly hope this legislation will be given a hearing and an evaluation at the earliest possible time. We must provide relief for the many millions of Americans whose tax problems have been ignored too long.

GENERAL LEAVE

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks as a part of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE BUFFALO RIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, on behalf of myself and Congressmen DULSKI and CONABLE, I am introducing a bill to authorize a program for the improvement and restoration of the Buffalo River Basin, N.Y.

Mr. Speaker, the bill contains the following provisions:

First, the Secretary of the Army, acting through the Chief of Engineers, would be authorized to investigate, study, and undertake measures in the interest of water quality, environmental quality, waste-water management, recreation, fish and wildlife, and flood control, for the Buffalo River Basin, N.Y. Such measures would include, but not be limited to, clearing, snagging, and removal of debris and derelict structures from the river's bed and banks; removal of polluted materials; esthetic and structural measure to improve appearance and water quality; and bank stabilization by vegetation and other means. In carrying out such studies and investigations the Secretary of the Army, acting through the Chief of Engineers, would cooperate with interested Federal and State agencies.

Second, in the words of the bill, prior to initiation of measures authorized by the act, such non-Federal public interests as the Secretary of the Army, acting through the Chief of Engineers, may require, shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

Since the late 1960's, considerable local, State, and Federal efforts have been expended to abate the pollution discharged into the streams in the Buffalo, N.Y., area. Industries, which include some of the largest steel, coke, refinery, and chemical manufacturing complexes in the United States, have met and exceeded Federal and State standards through the installation of equipment at a cost of more than $50 million.

In a joint venture with the city of Buffalo, these industries developed a low-flow augmentation project at an initial cost of $8 million. The companies have assumed the cost of the loan for the project, as well as operating expenses. The city also sought and received a matching grant in 1969 from the Federal Government to abate oil pollution. To date, these efforts have been highly successful.

The cleanup of municipal wastes has not been as rapid. However, all of the communities whose sewage discharge to the Buffalo River and its tributaries, are within State timetables to remedy their respective problems. Most of the pollution will be solved through the construction of a $73 million tertiary treatment plant by the city of Buffalo to which wastes from more than 500,000 individuals who reside in the Buffalo River watershed will be transported. Therefore, by 1975, the date the Buffalo sewage treatment plant will be in operation, most of these wastes will be abated.

Despite these efforts, the Buffalo River, which drains more than 400 square miles, will remain a liability if additional measures are not taken. These problems include flooding, erosion, and the leaching of pollutants from the sediment. To solve these situations that could negate more than $100 million in past and present expenditures, a comprehensive improvement program must be instituted. This must include upstream dredging, removing debris—fallen trees, cars, and so forth—and bank improvements. The bill which is being introduced today would accomplish these objectives.

Mr. Speaker, I believe that there is an urgent need for this legislation. We are all aware of the tragic condition of the Cuyahoga River which is so badly polluted, that not long ago it caught fire and damaged a number of bridges. Imagine—if you can—a river even more polluted than the Cuyahoga. In 1966, the Buffalo River was described by the Commissioner of the Federal Water Pollution Control Administration as "the worst polluted river in the country." The commissioner put the Cuyahoga River and the Detroit River in the same unhealthy category and stated:

These are three of the most grossly polluted rivers in the country. There are other sources of pollution, but these three rivers are the worst examples.

Our goal of a clean Lake Erie will never be achieved until these rivers are restored. Last year a bill similar to the Buffalo River proposal was introduced for the improvement of the Cuyahoga River. That legislation is now public law and the Corps of Engineers informs me that studies for the Cuyahoga's restoration are now in progress.

The passage of the Buffalo River bill would mean that two out of three of the worst polluted waterways in our country would be well on their way to being restored.

Furthermore, a restored Buffalo River could serve as a model and incentive for other pollution abatement programs in the United States, as well as a graphic example to the Canadian Government whose section of the Niagara River and Falls is fouled by this tributary, of our cooperation in the improvement of the quality of boundary waters.

A beginning has been made and I believe that the bill which I am introducing today for myself and Congressmen DULSKI and CONABLE will be another vital step forward toward a pollution-free Lake Erie and clean waterways for our Nation.

The Buffalo River has been described by the environment editor of the Chicago Tribune, Casey Bukro, as a "swamp in slow motion." I include at this time his article concerning the Buffalo River which gives a vivid description of the extent of its pollution.

[From the Chicago Tribune, Oct. 13, 1970]

THE BUFFALO RIVER: SWAMP IN SLOW MOTION

(Three years ago, The Chicago Tribune began a campaign to end the pollution of Lake Michigan and other Great Lakes. Its slogan was "Save Our Lake," which caught the imagination of millions of people thruout the country. Its symbol was a pollution-coated black band. This is a progress report)

(By Casey Bukro)

The Buffalo River in Buffalo, N.Y., looks like a swamp in slow motion.

The water is black and seemingly motionless. Years of heavy oil pollution have left the river water syrupy, so that waves formed by passing boats are flattened by the weight of the dense pollution. There is no biological life in the lower river.

The Buffalo is one of the many grossly polluted rivers that contribute to the pollution of the Great Lakes.

COULD BE USED FOR ROAD

"It is the only water I've seen in the country outside of a swamp that looks like that," said a federal pollution official of the river. He looked serious when he said that waste sediment covering the river bottom to a depth of six or seven feet is so much like asphalt, it could be used to pave a road.

Crumbling timber docks and abandoned warehouses give the riverside area the dilapidated look of a ghost town. The water comes alive, tho, where industrial wastes tumble and gush into the waterway that once was described as "a stagnant cesspool."

"We are not happy with the state of the Buffalo River," said William M. Friedman, regional director of environmental quality for the New York Department of Environmental Conservation. "It's a mess, but it was a messier mess a year and two years ago. It is improving and will continue to improve."

OIL REFINERY SUED

In the last three years, the state of New York has sued the Mobil Oil refinery in Buffalo for failing to comply with an order to improve waste treatment at the plant by 1969. The town of West Seneca also was sued. Both of them discharge wastes into the Buffalo River.

The Buffalo Dye Division of Allied Chemical Corp., Republic Steel Corp., and the Donner-Hanna Coke plant have been ordered by the state to complete water pollution control improvements by next year. Asked if industry in the area was dragging its feet on pollution control, Friedman replied:

"The fact that some of them have been referred for legal action meant they were lagging."

POLLUTION IS NOTORIOUS

Pollution in the Buffalo River is notorious because slow flow caused wastes to stay in the river as long as 70 days, while industry continued to draw water from the river and discharge more wastes. Industrial wastes and oil became highly concentrated and rotted until the river flow moved again, forcing giant slugs of concentrated pollution into the northeastern tip of Lake Erie and into the Niagara River, then over Niagara Falls.

A TRIBUNE reporter-photographer team accompanied Lawrence Moriarty, acting regional director of the Lake Ontario basin office of the Federal Water Quality Administration on an inspection tour of the Buffalo River by boat to view its legendary pollution.

The still black waters offered a stark backdrop for the multicolored display of pollution we saw.

WATER IS RUST COLORED

Rust-colored wastes rushed from a small tunnel from the Republic Steel plant, like a boiling river of red paint. The river seemed alive with billowing clouds of red sand swirling in the water, leaving a dusty film of iron particles on the surface.

The most brilliant and diverse pollution display came from the Buffalo Dye Division of Allied Chemical Corp. Every few minutes, wastes of a different color would spill from the dye plant and into the river—blue, green, red, yellow, orange and purple.

Some colors combine on the surface, forming psychedelic swirling patterns. When the dyes mixed with clumps of rotting sewage, they turned purple and gave the river surface the lumpy, discolored look of skin cancer. The air was heavy with the smell of shoe polish.

The Buffalo dye plant has been spilling its wastes into the Buffalo river for decades. The dyes, reacting with the river water, are what has turned the river black, said federal officials.

DETERGENT SUDS FLOW

White detergent suds streamed from another Allied Chemical plant nearby.

The Buffalo River is always coated with oil, its most visible problem. It has been estimated that industry in the Lackawanna-Buffalo area dumps 43,000 pounds of oil into waterways every day. Principal sources of oil were identified as the Pennsylvania railroad shops, Mobil Oil refinery, Donner-Hanna Coke, and the Republic Steel Corp.

The amount of oil accumulating on the river has dropped noticeably since last year, when the department of the interior announced it intended to trace all sources of oil being discharged into the river as an oil removal demonstration project. Mere announcement of the program caused Buffalo industry to begin tightening up on oil disposal practices, said an official.

Some improvement in the appearance of the river has been made by five Buffalo River industries that began pumping water from Lake Erie in 1967, and discharging the used water into the Buffalo River at the rate of 100 to 150 million gallons a day. This gives the five industries cleaner water than they got from the Buffalo River, and creates a flow in the river so wastes do not stagnate over long periods of time.

"It serves to flush out the stagnant river and add a little dilution water," said a federal official, but it does not reduce the amount of wastes being discharged.

The so-called Buffalo River Improvement Project had been under consideration by Buffalo industry since 1937. Among the industries taking part are the Buffalo dye plant, Mobil Oil, Republic Steel and Donner-Hanna Coke.

Moriarty points out that as old problems are corrected, new ones appear. His staff is engaged in field surveys and reports on the mercury content of the waters of Lake Ontario and the Buffalo and Niagara Rivers.

"Right now, they're driving us crazy with this mercury business," said Moriarty. The only commercial fisherman in Buffalo left last year when state officials confiscated $15,000 worth of fish found to be contaminated with mercury.

OMNIBUS CORRECTIONAL REFORM ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I would like to bring to the attention of my colleagues the Omnibus Correctional Reform Act of 1971. This act is designed to change the nature and direction of the Nation's correctional system over the next 20 years. The need for such legislation is vital and I trust the subject will be given top priority when Congress reconvenes for the 1972 session.

The main feature of the five-part bill is its emphasis upon replacing the present system of large penal institutions located far from major urban areas with small, community-based corrections facilities designed to make rehabilitation a realistic goal. More than $800 million would be authorized in the first year alone for this and other purposes, including expanded rehabilitation services, new training and education programs, special probation programs, and a Federal Corrections Institute.

For too long, the Congress and the Nation have wasted billions of dollars in a vain attempt to salvage an archaic system which does far more harm than good. Our prisons do not correct offenders; they create them, toughen them, embitter them, and further educate them in the ways of crime. My proposal would give us a chance, in the course of the next 20 years, to sweep away the present system and replace it with a system that is correctional in the true sense of the word.

The events of the last week at Attica State Prison dramatically illustrate the dire need for penal reform. The Tombs, San Quentin, and Attica will merely be the first in a long line of prison uprisings, unless we face the fact that a major overhaul of our prison system is the only way to overcome its failure.

Arrest, court, and prison records all testify to the fact that the American prison system actually contributes to the Nation's crime problem. According to the FBI's Uniform Crime Reports, 70 percent of all crimes committed in this country last year were committed by people with previous convictions. Of the approximately 100,000 persons released from confinement each year and returned to society, 75 percent again commit serious crimes and return to confinement.

The proposed legislation contains five approaches:

First, the bill would provide funds to phase out the large penal institutions located a substantial distance from major urban areas and replace them with small, community-based corrections designed to utilize the most modern corrections theory.

Second, the bill would provide funds for programs of rehabilitation, job placement, on-the-job counseling, and correctional education for criminal offenders, youth offenders, and juvenile delinquents.

Third, the bill would provide special funding for the development of specialized school curricula, for the training of educational personnel, and for research and demonstration projects. These programs would be primarily tailored to the needs of persons detained in State and local correctional institutions.

Fourth, the bill would provide financial assistance to the States for the creation of special probation programs designed to reduce the necessity of committing youthful offenders to State correctional institutions.

Fifth, the bill would create a Federal Corrections Institute to provide a focal point for the collection and dissemination of information in the corrections field.

It would be ironic, indeed, if it were to take a tragedy of the magnitude of Attica to bring major correction reform to our Nation, but the greatest irony of all would be to learn no lesson from the lamentable events still so fresh in our memory.

In light of these facts, Mr. Speaker, I would like to submit an article from the Christian Science Monitor depicting the problems faced by those released from prison and the efforts being made to help them.

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[From the Christian Science Monitor, Apr. 28, 1971]

HELPING CONVICTS KEEP "EX" RATING

(By Landt Dennis)

NEW YORK.—First one telephone rang, then the other. David Rothenberg answered both. Could he wangle two tickets to "Hair," one caller asked. Her husband was in jail. Could he help her find a way to support herself and her two children, queried the other. "I said, yes, to the prisoner's wife. No, to the other."

That was the moment Mr. Rothenberg gave up the theater publicist job, to devote all his time to helping prisoners and their families. "The importance of the one clearly outweighed the routine of the other," Mr. Rothenberg remembered.

Today Fortune Society, which he founded in 1967, attracts more than 150 ex-convicts each week. "All of them come to us because they know they will receive understanding in their fight against fright, and search for direction," the young crusader says.

"Many of these men and women have spent the majority of their lives behind bars. For the most part, they haven't been motivated or rehabilitated to cope with 'the outside world.'

"They need jobs, housing. Sometimes, they're drug addicts. Others are alcoholics. We held them with all these problems. But above all, we're out to show the public that indifference to prison reform breeds crime's expansion.

"Over 90 percent of the people in jail will get out. But, the majority of them will return after committing another crime, perhaps worse than the one they're in for now," he contends.

Originally oblivious to prison life and inmate frustration, Mr. Rothenberg's exposure to it came unexpectedly. As a highly successful press agent for Broadway shows, including "Hamlet" with Richard Burton, he was asked to read the script to "Fortune in Men's Eyes." It was written by an ex-convict, John Burton.

"The play's honesty about prison life and the need for change struck me immediately," Mr. Rothenberg said. "Producers everywhere turned it down. It was too strong for the public, they said. So, I stepped in. On $12,000, we opened off-Broadway. For the 11 months it ran, it was commercially unsuccessful. We never had a full house. Not once. But what happened was more important. We exposed a desperately overlooked cry for help."

Advertising post-performance discussions on prison problems between the cast and the audience, "Fortune in Men's Eyes" began to attract ex-convicts to the theater.

"I'll never forget the first time one of them stood up," Mr. Rothenberg continued. "He admitted he'd been in prison 20 years, then proceeded to tell what it was really like. The audience was electrified. 'If there's a fault in the play, it's because it understates the situation,' he said."

Soon Mr. Rothenberg felt compelled to form an unofficial organization to assist the growing number of parolees and former inmates who came to the theater for help. He named it Fortune Society.

Shortly afterward ex-convicts appeared on the David Susskind television program. "Twice they mentioned the informal help Fortune Society gave and the address of the office," Mr. Rothenberg said. "Both times, they were asides, since the men were on the show to talk about prison reform, not our work."

Next day he was barely able to fight his way into his office because of the several hundred people, who had seen the show and come for assistance. Mr. Rothenberg immediately took steps to expand.

Today, backed financially by over 5,000 contributors, and with more space, and a larger staff, he still is barely staying afloat. "Shortly, we'll have to move again. Over 150 ex-cons come here each week and there just isn't space to fit everyone in."

Away from the theater entirely now, the Fortune Society director scratches his full head of curly black hair over the nation's penal system.

"Because all prisoners, from petty thieves to psychopathic murderers are put together, prisons breed criminals," he says. "Prison systems are to help correct, to heal people, right? You can therefore say they're like hospitals in a way. But, it turns out they're hospitals which release patients in such poor health they need a rest home to recover."

A "rest home" which, to date, has helped over 5,000 ex-convicts, the Fortune Society's hope is "to go out of business eventually," according to Mr. Rothenberg. By that he means the day may arrive when prison reform makes his job unnecessary.

"Right now, things look better, but I'm not counting on closing down for a long time to come," he says.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

According to the Federal Power Commission, the United States still leads the world in electric generating capacity, with more than twice the kilowatt hours as the Soviet Union.

OLDER AMERICANS ACT AMENDMENTS OF 1972

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. BRADEMAS) is recognized for 15 minutes.

Mr. BRADEMAS. Mr. Speaker, during the past 20 years the average life span here in the United States has increased by over 20 years. Uncounted millions of dollars and years of human energy have been expended toward this achievement. Ironically, however, not nearly as much money or dedication has been spent to see that these added years are not only years of comfort and enjoyment but also years of contribution to society.

There are today in the United States 21.5 million men and women over the age of 65 and by 1990, the Census Bureau tells us, there will be nearly 30 million older persons in the nation.

Over and over again we have been reminded of the needs of the elderly in American life—adequate retirement income, decent health care, sound nutrition, recreational and community service opportunities, housing, transportation, education and employment, housing—to cite only the most obvious.

Last week the second White House Conference on Aging in 10 years was completed in Washington. I call your attention to material which I inserted into the RECORD—December 2, page 41326–41327—from that conference.

Mr. Speaker, local, State, and national conferences on problems of aging are all well and good. But if nothing but reports and rhetoric come out of them, such conferences might as well not be held.

On June 25, 1971, President Nixon declared that "the generation over 65 is a very special group which faces very special problems—it deserves very special attention."

I concur with these words of the President and it is for that reason that along with other colleagues of this Body, I am sponsoring H.R. 12017, the Older American Act Amendments of 1972—aimed at providing comprehensive services for the elderly, including nutrition, transportation, preretirement training, health and expanded work service opportunities.

Mr. Speaker, let me conclude with some words of an old friend of mine whom I once had the honor to serve for nearly a year, the late Adlai E. Stevenson.

Said Mr. Stevenson:

What a man knows at 50 that he did not know at 20 is, for the most part, incommunicable. The knowledge that he has acquired with age is not the knowledge of formulas or forms or words, but of people, places, action—a knowledge not gained by words but by touch, sight, sound, victories, failures, sleeplessness, devotion, love—the experiences and emotions of this earth and one's self and of other men and perhaps, too, a little faith and a little reverence for the things you cannot see.

The kind of knowledge, the kind of faith, the kind of reverence which characterizes the older people of our society is much too scarce and much too precious in this great and wealthy Nation of ours to be either wasted or, perhaps worse, ignored.

The time has come then—the time is now—for a genuine commitment—not of words but of deeds—to lifting the quality of life of the older citizens of the United States.

Mr. Speaker, on December 2, 1971, on behalf of myself and other members of the Committee on Education and Labor, I introduced H.R. 12017, the Older Americans Act Amendments of 1972 and today, I introduce identical companion bills on behalf of other Members of the House who are cosponsoring this legislation.

Following is a list of cosponsors to date of the Older Americans Act Amendments of 1972:

Mr. Brademas, Mr. Perkins, Mrs. Mink, Mr. Meeds, Mr. Scheuer, Mr. Gaydos, Mr. Clay, Mrs. Chisholm, Mr. Dent, Mr. Reid, Mr. Meicher, Mr. Badillo, Mr. Mikva, Mr. Dingell, Mr. Boland, Mr. Bevill, Mr. Rosenthal, Mr. Carney, Mr. Harrington, Mr. Koch, Mr. Hechler (W. Va.), Mr. Hawkins, Mr. Podell, Mr. Vanik, Mr. Green (Pa.), Mr. Yates, Mr. Bingham, Mr. Halpern, Mr. Rangel, Mr. Nix, Mr. Sarbanes, Mr. Miller (Calif.), Mr. Addabbo, Mr. Karth, Mr. Brasco, Mr. Dulski, Mr. McDonald, Mr. Gonzalez, Mr. St Germain, Mr. Yatron, Mr. Gallagher, Mr. Rees, Mr. Moorhead, Mr. Keating, Mr. Hathaway, Mr. Ryan, Mr. Cotter, Mr. Mitchell, Mr. Link, Mr. Ellberg, Mr. Fascell, Mr. Stokes, Mr. William Ford (Mich.), Mr. Ullman, Mr. Roncallo, Mr. Biaggi, Mr. Begich, Mr. Corman, Mr. Abourezk, Mr. Pucinski, Mr. Roy, Mr. Rooney (Pa.), Mrs. Hicks, Mr. Helstoski, Mr. Edwards (Calif.), Mr. Denholm, Mr. Burke (Mass.), Mr. Roe, and Mr. Rodino.

LEGISLATION FOR SENIOR CITIZENS

Mr. ST GERMAIN. Mr. Speaker, the empty promises that have marked Federal efforts to help the elderly under the Older Americans Act of 1965 have dramatically demonstrated the need for stronger and more comprehensive legislation.

In order to revitalize and strengthen these programs, I have today joined a number of colleagues in the House in introducing a comprehensive older Americans services bill.

I am sponsoring this legislation because I understand the problems facing the Nation's 20 million citizens over 65. Present laws, or the lack of them, have forced many hardworking citizens into poverty and an early grave.

Regardless of where they live, in the big city or the rural hamlet, the biggest problem of the aging is always the same—money. Today's economic situation puts particularly acute burdens on the elderly, and the longer they live the worse it gets.

Understandably, the elderly blame the Government for the constant erosion of their incomes in the squeeze between rising costs and their fixed incomes. They feel the Government has failed to take adequate steps to protect them against inflation. I have repeatedly called for social security increases to keep pace with our rising cost of living.

Increased school and property taxes, food allowances that are far below survival levels, and the limitations of medicare and medicaid conspire to deprive the elderly of essential nutrition and health care at a time when they need it most.

As one senior citizen recently told a Senate Committee on Aging:

We are not beggars, neither do we want to feel that we are a burden on our children. As long as we are able to work, we would like to be engaged in some part-time employment to furnish these extras. Low-cost housing would eliminate worries of high fuel bills and constant repairs, and our lives would be more carefree and, consequently longer.

Old age should be more than a period when people decline and die. Life has been hard for many of our citizens. They have made many sacrifices, and yet for the great majority, the margin of savings has been small. Furthermore, they have made many worthwhile contributions to society and have a right to enjoy the remaining years they have to live. In short, they would like to be happy, but happiness is not something one can buy, it is not something that can be given us. To those for whom life is dear, it cannot be found by making adventurous explorations in space. For many aged citizens happiness is a state of mind that results from a sense of well-being based on an independence they can maintain if given the opportunity of part-time employment.

That is one of the goals of the legislation being introduced today. This measure will provide effective coordination of Federal aging programs, upgrade the Administration on Aging to a position directly responsible to the Secretary of Health, Education, and Welfare; establish multipurpose senior citizen community centers, authorize a new national information and resource center on aging, create a research center to study the aging process, and establish a new system of delivering services to older citizens.

More concretely, it is designed to provide a wide range of services including nutrition, pre-retirement training, low cost transportation, and health services.

Previous efforts to create a central agency to coordinate Federal programs for the elderly, such as the Older Americans Act of 1965, were hobbled by shortsighted planning. These efforts fell apart when their authority was splintered and their programs were scattered with few clearcut goals.

I believe 1972 is the year in which mounting doubts about the effectiveness of these programs have reached their peak.

The Older Americans Act of 1965, which expires in June 1972, has raised a crucial question about the future of Federal programs for the aging: How should these programs be changed to best help the Nation's 20 million elderly?

I feel our senior citizens deserve something better than being forced into poverty. Retirement should not be a form of solitary confinement; it should be a time of happiness, a time to do things and see places that they have never before been able to do or see.

To a very large degree, all Americans, regardless of their ages, have a vital stake in the future of this legislation. For someday we must all face old age.

This legislation I am sponsoring today is the first step toward the kind of national policy for the aging we need to provide the kind of happiness and comfort our older citizens deserve.

ASPIN SCORES AIR WAR OVER NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the Pentagon recently released statistics detailing the level of bombing over North Vietnam. Those figures indicate that the air war over North Vietnam is increasing at an alarming rate.

The Cornell air study, which was released November 7 and which I discussed with my colleagues on November 9, contained data through July of this year indicating an escalation of the air war over North Vietnam in 1971 compared to 1970. However, since July, there has been, according to the most recent Pentagon figures, an even more dramatic escalation of the bombing compared to previous years. From July 1, to December 1, 1971, there have been 37 protective reaction raids. Only four such raids were conducted during the same period last year, and only six during 1969. Since December 1, there have already been five raids over North Vietnam. No protective reaction raids occurred during either December 1970 or December 1969.

Protective reaction raids have been described by the administration as air strikes to protect aircraft operating over North Vietnam, Laos, and South Vietnam, and occasionally for the protection of ground troops. Some attacks are massive raids involving as many as 200 sorties and more than 300 tons of bombs against SAM missile sites, others against antiaircraft guns, against artillery in North Vietnam, and the demilitarized zone.

These raids are divided into three types, according to the Pentagon. The first type is described as immediate protective reaction for North Vietnam reconnaissance missions. If a plane over North Vietnam is fired upon, often we will return to attack the antiaircraft position. The second category of raid is an immediate protective reaction for aircraft in Laos and the Republic of Vietnam near the North Vietnam border. The Pentagon also indicates that this type of raid may be used in response to enemy action against U.S. and Allied forces, including ground troops. The third category is termed by the Pentagon as limited duration protective reaction strikes.

The third type of raid is the most destructive. This type is carried out not because of a specific provocation, but as a normal bombing raid. Some of the raids, according to the command in Saigon, have been directed against not only missile sites but also oilfields.

It is clear now what is happening. With no notice to the American people, the administration is sharply stepping up the pace of bombing over North Vietnam.

These raids have little, if anything, to do with the withdrawal of American troops, which is going on hundreds of miles away in the south. The Nixon administration, with its troop withdrawals, has attempted to lull the American people into believing that the war is ending. The war is not ending.

As the Cornell air war study indicated and the latest Pentagon figures confirmed, the war is now being conducted in the air, including over North Vietnam.

The Cornell air war study indicated that there had been an increase in air activity over North Vietnam during the first 7 months of 1971. During 1970 there was a total of 20 protective reaction raids over North Vietnam. That number was doubled during the first 7 months of 1971. A total of 46 raids were conducted over North Vietnam during the first 7 months of 1971.

I was very concerned when I read the Cornell air war study about the increase of air activity over North Vietnam. I am now shocked to learn that the air war has so dramatically escalated over North Vietnam during the past several months. During November 1971 there was a total of 15 raids over North Vietnam. During November 1969 there was only one protective reaction raid. In November 1970 there were only two such raids. There is no doubt that the air war has intensified over North Vietnam during the past year.

The administration has indicated the use of air power is the key to success of the Vietnamization program. That policy, more than any other, results in the death of innocent people in Indochina. As the Cornell air war study indicated, air power has failed to reach our objectives in Indochina. Yet the United States continues to follow a policy that not only emphasizes but, in fact, is totally dependent upon the use of air power. The lesson of the Cornell air war study clearly has not been learned. This adminis-

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tration plans to continue to rely on the often indiscriminate bombing of sites both military and civilian throughout Indochina.

As the data which follows indicates one aspect of that air war over North Vietnam has escalated during the last several months. The chart follows.

CHART I

PROTECTIVE REACTION RAIDS AGAINST NORTH VIETNAM

	1969	1970	1971
Total number of raids	75	20	[1] 88
Total number of raids (July–November)	6	4	37
Total number of raids, November	1	2	7
Total number of raids, December	0	0	[2] 5

[1] As of Dec. 9, 1971.
[2] Through Dec. 9, 1971.

CALLING OFF THE COLD WAR IN EASTERN EUROPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, the time is opportune for U.S. initiatives to seek improved political relations with the countries of Eastern Europe and a substantial increase in trade between our countries. In particular, if the United States move to settle some disputes with various Eastern European countries that date back to the immediate post-World War II years, and to lift our many restrictions on trade with these countries, we will have gone a long way toward calling off the cold war in Eastern Europe.

The United States and the countries of Eastern Europe obviously stand to benefit directly from increased contacts and exchanges of goods. Because the accompanying reduction in cold war tensions between our countries should also further the cause of detente throughout Europe, all countries stand to gain.

Much has transpired in the recent past to indicate that U.S. overtures to Eastern Europe would now be timely.

First, there is evidence of some softening in Soviet policies toward Eastern Europe. Second, there are increasing contacts between the countries of Western Europe and Eastern Europe. Third, several countries in Eastern Europe now appear disposed to respond favorably to U.S. initiatives.

Even though it has been only 3 years since the invasion of Czechoslovakia and the announcement of the interventionist Brezhnev doctrine, the Soviet Union has recently indicated that it is finding such an extreme position counterproductive. While Russia certainly has not instituted a "Good Neighbor Policy" toward the Communist countries on its periphery, there are signs of a greater toleration of independent activities by the countries of Eastern Europe. Several examples of this toleration come to mind. The most prominent is the willingness of Soviet Communist Party Leader Brezhnev to recognize the special status of Yugoslavia in his recent visit to Belgrade. Probably the most significant aspect of the worker's riots in Poland last December was that Moscow refused to intervene directly to assist Polish Communist Party First Secretary Gomulka. In the last analysis it would appear that the Russians are willing to go to fairly great lengths to avoid another Czechoslovakia, even though that invasion effectively halted Czechoslovakia's headlong rush toward independence.

There are other indications that the Soviet Union wants to pursue a policy of detente in Eastern Europe. The initialling of the Four Power Berlin Agreement is one of these. Further, the Russians have pressured the East Germans to negotiate seriously with Bonn on the provisions necessary to implement the accords. It would have been easy for the Russians to allow their East German clients to stall sufficiently to prevent implementation of the accords.

In addition to local Eastern European considerations, there are special factors which have helped condition the Soviet Union to seek detente in Europe. It is evident that the Russians are very concerned about the Chinese. Whether or not this fear is justified, it is real and is a significant incentive to Soviet cooperation in efforts to promote restraint and calm in Europe. There are also special economic reasons for present Soviet policy. Clearly, Moscow desires more normal relations with the West in order to obtain advanced Western technological and managerial assistance.

From the point of view of U.S. policy, the main problem in calling off the cold war in Eastern Europe lies in reconciling the immediate, direct interests of the Soviet Union in the area with the more general, indirect U.S. interests in the same area. We must move to improve our position in Eastern Europe and, at the same time, make it clear that we have no intention of trying to supplant the Soviet Union. We must not directly threaten Russian political and economic interests in Eastern Europe while carrying out our policy. The best way of achieving our goals here is by enlisting the aid of our European allies.

We are now reaching a time when the unnatural division of Europe as a result of the Second World War makes less and less sense to all Europeans. There are several indicators that this division is becoming less effective as a barrier. Perhaps the most significant of these is the burgeoning economic interchange between Eastern and Western Europe. East European imports from the West have doubled since 1963, from $9 billion to $18.4 billion a year. The largest share of this trade in 1970 was with West Germany—$2.1 billion—and Italy—$1.5 billion. The U.S. portion of this $18.4 billion was a meager $240 million.

Members of the European Economic Community are the major trading partners of the countries of Eastern Europe for reasons of contiguity, cultural affinity, and immediate availability of many desired goods. For these same reasons, political relations between the Six and Eastern Europe have improved steadily.

This situation offers a rare opportunity for the United States to build upon the foundations that the West Europeans have laid without appearing to directly threaten Soviet interests. In this respect, the Ostpolitik of West German Chancellor Willy Brandt could be considered an extension of U.S. policy, since it is an attempt to lessen tensions in an area of direct U.S. concern. As the specter of an aggressive, militaristic Germany fades, the Soviet Union will have less and less justification for repressive policies in Eastern Europe.

As for the countries of Eastern Europe, it is clear that the neighbors of the Soviet Union are themselves the strongest supporters of detente. A policy of detente will allow them more latitude in their unequal relationship with Moscow. The history of Eastern Europe since 1945 has been that of the efforts of various countries to gain the maximum freedom from Russian domination that their geographic position would allow. The East German worker's riot in 1954, the Hungarian revolt and Polish near-revolt in 1956, and the Prague spring are all manifestations of the strong desires of the Eastern Europeans to control their own affairs. This same basic desire for more independence lies at the base of East European support for the proposed European Security Conference.

Thus, if we examine the situation in Eastern Europe today, we see several factors working toward detente. The West Europeans, for both economic and political reasons, wish to normalize relations in Eastern Europe. The Eastern Europeans themselves, for political and economic reasons—though different in motivation from their western brethren—seek the same goal. And finally, the Soviet Union appears to realize that change in Eastern Europe is inevitable, and that it had better adjust rather than risk the creation of a ring of chronically unsettled satellites that prove to be an economic and strategic liability rather than an economic and strategic asset.

Having touched upon the general background in which a realistic U.S. policy must operate, I would now like to look at some specific relationships between Eastern European countries and the United States, to identify some issues of particular concern and to examine the potential for better U.S. trade relations.

U.S. relations with Rumania are a good example of what can be accomplished by flexible U.S. policies in situations which at first glance may not be economically and politically promising.

The policy followed by Rumanian President Nicolae Ceausescu has as its basic goal establishing economic independence from Russia to accompany Rumania's independence in foreign policy. President Ceausescu is trying to place his country in a stronger position to resist the use of economic pressures by the Soviet Union designed to force compliance with Soviet foreign policy. In addition to differences on foreign policy, Rumania was unwilling to accept the second class status assigned to it by the Soviet union in Comecon planning. Rumania's desire not to be the hewer of wood and drawer of water for Eastern Europe means that Bucharest will be extremely interested in importing capital goods, from whatever source, that will allow it to industrialize its economy. As a result of Rumania's independent economic policy, Russia's share of Rumanian exports has fallen from 40 percent in the mid-1960's to 28 percent, while imports from Russia have declined from 38 percent to 27 percent. U.S. exports to Rumania total some $32 million a year. While this is an increase from the $6 million figure for 1965, it is still an extremely small percentage of total Rumanian imports of $1.8 billion.

President Nixon, to his credit, has cultivated improved relations with Rumania. His visit to Bucharest in August 1969 was the first visit of an American President to a Communist country. By October 1970, United States-Rumanian relations had reached the point where President Ceausescu's visit to Washington included talks with the Secretary of Commerce and American industrialists designed to improve conditions for U.S. investment in Rumania and for expansion of trade between the two countries.

In Yugoslavia, the political system is relatively responsive to the wishes of the people, there are no state trading agencies to deal with, the economy is open to foreign investment under certain conditions, and the country studiously avoids bloc politics. The desire of President Tito for complete independence has been the foundation for the relatively open social and economic structure in Yugoslavia. The visit of President Tito to this country in late October of this year served to strengthen further recent good relations between the United States and Yugoslavia. The level of trade and investment between our two countries remains disappointingly small, however. Total U.S. exports in 1970 amounted to $160 million out of total Yugoslav imports of $3.2 billion.

Other East European countries offer a rather different picture. All still have tightly controlled economies and political systems, and all follow closely the Soviet line in foreign policy. In recent years the Hungarians and Poles have made tentative moves in the direction of rationalizing and decentralizing their economies. Such changes in direction, however beneficial, are often difficult to implement. In Poland, for example, movement toward rationalization led to riots by workers last December. Both Hungary and Poland have indicated that they intend to devote more resources to consumer goods production. The United States can have only a peripheral indirect role in such an evolutionary process. We can encourage the trends toward liberalization, all the while keeping in mind our limited leverage and the complications that could result from an overactive policy.

Even with major changes in U.S. policy, there seems to be little prospect for any quick improvement in relations with East Germany. The departure of Walter Ulbricht from power has brought no change in the rigid, orthodox, cold war position of the East German government. East German Communist Party First Secretary Eric Honecker has indicated that he intends to forge even closer ties with the Soviet Union while, at the same time, continuing to rationalize the East German economy. Honecker's desire to forge closer ties with the Russians has already had unexpected repercussions. The most interesting of these, already noted, was the pressure on the East Germans by the Russians to negotiate the operational portions of the Berlin Accords in good faith. Thus, it is possible the Russians may actually encourage further East German flexibility to fit in with present Soviet policy. However, even if East Germany did move toward more normal relations with the West, the most likely beneficiary would be West Germany—already East Germany's major western trading partner.

The possibility for improved relations with Poland is greater than it is for East Germany, Czechoslovakia, or Hungary. Because of the riots at the end of 1970 and the leadership change which resulted from them, an atmosphere of change exists. The Polish Politbureau has stated that more resources were to be devoted to consumer goods and that expanded trade with the West would be given a high priority. The presence of First Secretary Giereck and a large delegation at the Poznan Trade Fair is an indication of the seriousness of Polish intions to expand trade, some 70 percent of which now comes from or goes to other Communist countries.

In foreign policy, the Poles fall somewhere between East German rigidity and Romanian independence. Former Party First Secretary Gomulka negotiated the treaty normalizing relations between Poland and West Germany and gradually responded to Chancellor Brandt's Ostpolitik. As time passes and Polish fear of West Germany decreases, the flexibility of Polish foreign policy should increase. Any increase in Polish flexibility is likely to benefit United States-Polish relations, which have already registered steady improvement over the last several years.

So much for the present status of U.S. policy toward the area, and the specific problems facing us. I now turn to some of the possible steps we can take to indicate that we are willing to call off the cold war in Eastern Europe.

In the economic sphere, it should be emphasized that there is potentially a sizable market for U.S. goods and services in Eastern Europe. It has been estimated that total U.S. sales to this area could reach $2 billion in 5 years. Regardless of the actual amounts, a ready market exists today for certain American goods, specifically, computers and advanced office equipment, electronic numerically controlled machine tools, specialized road construction machinery, and agricultural produce, especially soybeans and soybean derivatives. In addition to these immediate commodity needs, there is a very strong demand in the East European countries for American management skills and techniques in the operation of the advanced capital equipment needed for development. This demand is universal, and we are excellently placed to meet it since we possess the most advanced managerial and industrial technology. And unlike the Soviet Union, our own development requirements do not impede our ability to meet the demand for these exports.

Thus, there are real opportunities in Eastern Europe for American firms offering both advanced technology items and specific agricultural commodities. Now we must develop the potential market.

There are several specific policies we could adopt that would make it easier to increase the level of trade with Eastern Europe.

First, a generalized most-favored-nation treatment could be accorded all of the countries of the area. At present, only Yugoslavia and Poland receive most-favored-nation treatment, leaving the other countries of Eastern Europe to face high tariffs on their exports to this country. Generalized most-favored-nation treatment would make it easier for Eastern Europeans to trade with us in order to generate hard currency to pay for U.S. exports. In addition, granting most-favored-nation treatment would be tangible evidence of our interest in accelerating the reduction of cold war tensions in Eastern Europe.

In the Senate, Senators MAGNUSON, RIBICOFF, and COOPER, along with 22 of their colleagues, have introduced the East-West Trade Relations Act of 1971 (S. 2620), which would authorize the President to extend most-favored-nation treatment to all the countries of Eastern Europe. Along with eight of my colleagues in this body, I have sponsored similar legislation (H.R. 10443). It is my hope that in the next session of the Congress, the administration will actively support consideration and passage of this legislation.

A second step which should be taken is to liberalize export controls. U.S. strategic export controls are the most stringent in the non-Communist world. None of our NATO allies or trading partners have the extensive limitations on trade that we do. One result of our policy is that Eastern Europeans often purchase second-hand American technology or management techniques from non-Communist European countries rather than buying direct from American firms. A general loosening of export controls would allow American firms to compete in the areas of our greatest strength. Specifically, manufacturers of electron tubes and very heavy transportation equipment have indicated that a ready market exists for their products, but that it is effectively blocked because of export controls. A corollary to liberalized export control is more even-handed administration. While U.S. permission for Rumania to purchase a catalytic cracking petroleum plant may have furthered United States-Romanian relations, denial of a similar request by Poland certainly did not help United States-Poland relations at all.

The recent passage of Public Law 92–126, the Export Expansion Finance Act of 1971, is a good example of our willingness to move toward a normalization of trade relations with Eastern Europe. However, the 1971 act did not go far enough, since a presidential determination is still required, according to section 2(b)2 of the basic legislation, before any sales to Eastern European countries can

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take place. Therefore, section 2(b)2 of the Export-Import Bank Act should be deleted in future legislation. The language of section 2(b)3 contained in Public Law 92–126 provides adequate protection to American national interests without unduly restricting trade.

In the political sphere, we should give our enthusiastic backing to Chancellor Brandt's Ostpolitik, since this is the best route to detente in Europe itself. As the Russians and East Europeans begin to lose their fear of West Germany, political, cultural, and economic relations will return to a more normal basis. While there are potential commercial problems with this policy—the West Germans taking economic advantage of good political relations—the resulting overall detente will mean much greater opportunities for sales of those categories of goods in which the United States is clearly the world leader.

Politically, the United States could also accelerate the process of detente in Eastern Europe by resolving the expropriation and war damage claims against Czechoslovakia and Hungary. In 1962, the Foreign Claims Settlement Commission recognized some 2,630 claims against the Czech Government. The total of these claims, including interest, now amounts to $113 million. No negotiations concerning these claims have taken place between our Government and the Czech Government since 1968. In return for an equitable resolution of the claims, we could give our agreement to the Tripartite Gold Commission to release the $20 million worth of Czech gold that was stored in London during the Second World War. Since the British and French have already agreed to the return of the gold, our permission is all that is lacking. A similar process should be undertaken with Hungary where there are some $58 million in claims outstanding.

In general, efforts by the administration to normalize relations with the Soviet Union should be encouraged. While it is not the primary goal of his trip to Moscow next spring, the President can further detente in Eastern Europe by confirming our interest in improved trade relations with this area as well as with the Soviet Union. Visits by U.S. Cabinet figures to Eastern European countries also serve to indicate that the United States is prepared to do its part to call off the Cold War in Eastern Europe. The recent visits to the Soviet Union and Poland by Commerce Secretary Stans, and to Poland by Transportation Secretary Volpe, are good starts on demonstrating our interest in improved trade relations. These visits should be followed by others.

The role of Congress in promoting improved relations with Eastern Europe can be a major one. Building on past investigations, hearings by the appropriate committees can follow and project the impact of increased political and economic interchange with Eastern Europe. As part of a continuing reexamination of United States-East European relations, more visits to Eastern Europe by Congressmen and Senators should be undertaken in order to gather first-hand information.

The Congress could also take the initiative and pass the Ribicoff-Magnuson East-West Trade Exchange Act (S. 2460). The act is designed to help develop academic, business, and financial expertise on Eastern Europe and the Soviet Union through personnel exchanges, participation in educational and technical conferences, and reciprocal studies of market and nonmarket economics. Through such legislation, Congress can take the lead in making available to its members and the general public realistic and comprehensive data on the social, political, and economic structures of Eastern Europe and the Soviet Union.

I believe that U.S. relations with Eastern Europe can be improved substantially. But we must approach that region with an appreciation of the existing political and economic realities, or our policy will be either destructive or nonproductive. We know that a substantial market for American goods exists there. Breaking into it will require thorough preparation, and it is by no means an uncompetitive situation. Regardless, this market should be developed.

If we proceed with a realistic awareness of the power relations in the area, our interests in detente can coincide with the interests of the Russians in achieving the same goal. Finally, the Congress can and should play a major role in persuading the American people that the cold war in Eastern Europe can be ended, and should be ended.

STATEMENT OF CONGRESSWOMAN ABZUG IN SUPPORT OF HER RESOLUTION REQUESTING THE PRESIDENT TO DECLARE AN INDEFINITE MORATORIUM ON ALL U.S. UNDERGROUND NUCLEAR TEST EXPLOSIONS, TO INITIATE ACTIVE NEGOTIATIONS SEEKING AGREEMENT WITH THE SOVIET UNION ON A COMPREHENSIVE BAN ON ALL NUCLEAR TEST EXPLOSIONS, AND TO WORK TOWARD EXTENSION OF A PROHIBITION AGAINST NUCLEAR TEST EXPLOSIONS TO THE OTHER NUCLEAR POWERS, INCLUDING FRANCE AND CHINA

The SPEAKER pro tempore. Under previous order of the House the gentlewoman from New York (Mrs. ABZUG) is recognized for 15 minutes.

Mrs. ABZUG. Mr. Speaker, the Atomic Energy Commission, under express orders from the President of the United States, and evidently contrary to the advice of the majority of advisers in his own executive family, has detonated "Cannikin," a 5-megaton nuclear weapons test on the Island of Amchitka in the Aleutians. This test was finally admitted to be a test of the Spartan missile, a major component of the ABM system.

The test was said to have been "successful" from the military point of view, and the AEC promised that it would be the last of the large underground tests and the last at Amchitka. Where does that leave us? The AEC has already resumed testing of smaller weapons in the Southwest of the United States.

The test was said to have "yielded the necessary information," although the full extent of the damage to the ecology will not be known for months, if ever. Already the AEC has admitted that the effects of the explosion on the creatures of the ocean and their watery environment was greater than anticipated by the "experts." While we mourn for uncounted and uncountable numbers of sea otters and other wildlife, including fish, which perished from the effects of the blast, we are relieved that to date no catastrophe to man appears to have occurred as a result.

The AEC promised that "Cannikin" would be the last of the large underground tests and the last at Amchitka. Where does that leave us? Testing of smaller nuclear devices in the Southwest of the United States has already resumed.

In the Soviet Union, likewise, these explosions will go on. More radioactive poisons will be locked into the earth's crust—unless, of course, there is some kind of mishap, and Mother Earth decides to regurgitate them.

The United States has announced a total of 336 underground nuclear tests. The Soviet Union is believed to have conducted 59. This makes us a few up in this game of underground overkill—the ratio is about 6 to 1 in our favor. If quantity is any indicator, it appears that we know a whole lot more than they do.

What else do we need to know? We know how to kill people with big nuclear bombs and small nuclear bombs, with intercontinental ballistic missiles—ICBM's—with weapons launched from aircraft, from ships and submarines, in single shots and in clusters. Our ABM marksmen now claim to be able to stop a nuclear "bullet" in midair.

American taxpayers have spent billions and billions of dollars and exploited the talents of thousands of scientists to gain this information, this capability.

Is there anything more to be gained from piling on more and more refinements, more and more sophisticated methods of killing with weapons which will never be used? If we continue this madness, will we be any more secure?

The time is long overdue to put a stop to it. Our true security, as we are learning to our sorrow, lies not in weapons of destruction but in the health, prosperity, and well-being of our citizens, in the soundness of our economy, and in the permanent reduction of world tensions.

I am therefore today introducing a resolution, which I hope will be overwhelmingly endorsed by my colleagues in the House and in the Senate, that the United States declare and observe an indefinite moratorium on all future underground nuclear testing. The resolution recommends that active negotiations be undertaken immediately with the Soviet Union to extend the limited test ban treaty negotiated in 1963 to all nuclear tests of any kind. It further recommends that the United States actively seek to extend the prohibition on nuclear testing to the other nuclear powers, including France and China, through negotiations conducted at the Geneva Disarmament Conference scheduled for early next year.

At the time the limited test ban treaty was negotiated, grave fears were expressed in Congress that the Soviets would abrogate the treaty or cheat in some way that would bring mortal peril to the United States. These fears have proved groundless.

Nevertheless, our Government is still sound by four "safeguards" which were recommended by the Joint Chiefs at that time and exacted by suspicious legislators in return for approving the treaty. These so-called safeguards include the maintenance of nuclear weapons laboratories at peak efficiency and capacity, constant readiness to test nuclear weapons in the atmosphere, and the conduct of an aggressive underground nuclear test program. These programs have cost the taxpayers literally billions of dollars over the past 8 years. It is time—long past time—to let them fade away.

As for the proposed comprehensive test ban treaty, I do not intend to become mired in the quicksands of arguments supporting or opposing this or that number of onsite inspections. Nor shall I attempt to explore the possibilities of hiding illegal nuclear weapons tests in natural earthquakes or masking their size through various diabolical techniques. Dr. John Foster, Director of Research and Engineering in the Department of Defense, and his opposite number in the Soviet Union, can doubtless dream up ways to "cheat" on any arms control treaty either nation might sign, if they continue to be provided with the funds and the will to do so.

When will we begin to use a little commonsense in these life and death matters? The Soviets have not abrogated the limited test ban treaty. Why should they now abrogate a comprehensive test ban treaty? They can simply refuse to sign it, as they have before. Then the onus for continuing the arms spiral will be on them.

Our nuclear weapons technology is in fact what the weapons experts call "mature." That means that we have reached the point of diminishing returns on further testing. I should like to read to you the figures supplied to me by the Atomic Energy Commission since the Amchitka test on the total numbers of tests conducted in the atmosphere, under the sea, and under the ground by the Soviet Union and the United States. They are:

	U.S.	U.S.S.R.
Underground	336	59
Atmospheric	181	124
Underwater	5	1
	522	184

These figures indicate that we have a 4-to-1 lead in all types of nuclear test explosions and about a 6-to-1 lead in underground tests.

It appears that every scientist of note who through government service has had access to the facts of nuclear weaponry agrees that it is time to stop this continuously dangerous test program. The environmentalists certainly oppose it. Only a few diehards in the Pentagon, and a few politicians who, for undeclared purposes, desire to continue the arms spiral, press for continuation.

The former Director of the Arms Control and Disarmament Agency, William C. Foster, in a speech at Fairleigh Dickinson College February 21 of this year, stated categorically:

> It is fully within our scientific competence to monitor . . . a total test ban. With our present means of instrumentation and other sources of information, it is not conceivable that the Soviets could carry out clandestine testing *on a scale which could affect the strategic balance.* (Emphasis added.)

William Foster went on to point out that the risks of continuing the arms race are infinitely greater than the miniscule risks of undetected violation. A comprehensive test ban, he said, would "deal a blow at the very heart of the nuclear arms race." He believes that a total test ban would make progress on the limitation of strategic nuclear weapons—that is, progress at the SALT talks—much more likely.

There is an argument to the effect that nuclear testing is needed to assure the continuing reliability of our nuclear deterrent. In answer to this, let me read a sentence from a recent report of the Subcommittee on Arms Control, International Law, and Organization of the Senate Foreign Relations Committee, as follows:

> Any diminution of confidence in the reliability of the nuclear stockpile should operate with comparable effect on all nuclear powers which are parties to [a comprehensive test ban] treaty, and hence a CTB could be a stabilizing factor *which would actually enhance the existing state of mutual deterrence.* (Emphasis added.)

In other words, under a total test ban agreement, any limitations on us, would be equally operable on them. It is as if the referee in a boxing match said, "OK, fellahs, I am going to tie one of your hands behind your backs."

And we are going to have to agree to keep one hand tied behind our backs. David Packard, the Deputy Director of the Department of Defense, in a remarkable conversation with the Aviation Space Writers Association at the National Press Club on October 21, 1971, put it this way, and I quote from an unofficial transcript:

> I think we're in a situation today that almost any conceivable nuclear exchange is going to be almost unlivable for both the Soviet Union and the U.S. So, when you talk about superiority in terms of nuclear war, the question of whether you have a few more or less is not really the issue.
>
> Both the U.S. and the Soviet Union have adequate number of weapons that [sic] a nuclear war is unthinkable today, particularly in terms of what it was 10 or 15 years ago; it was unthinkable then but it's just completely unthinkable today.

The Deputy Secretary of Defense says the nuclear war is unthinkable. Let us pause a moment to think about the unthinkable. Let us resolve to make it impossible. And the sooner the better.

Finally, I should like to urge my colleagues to recall that in two separate treaties within this past decade, this Nation solemnly pledged to work for "discontinuance of all test explosions of nuclear weapons for all time," and agreed to continue negotiations to this end. This was the language incorporated into the limited test ban treaty of 1963. The same pledge was made by us in the preamble of the nonproliferation treaty which came into force on March 5, 1970, having been consented to by the Senate on March 13, 1969, and signed by the President on November 24, 1969.

We have made some progress in the past decade in getting this genie of nuclear weapons back into its bottle. China's entry into the world family of nations is an encouraging development and it may soon be possible to conduct arms control negotiations with China.

Certainly, China's statement at the United Nations that she will never be the first to use nuclear weapons should be welcomed by all nations, and a similar pledge should be made by the United States and the other nuclear powers.

At a time when we see an old war continuing in Indochina, a new one developing between India and Pakistan, and the Middle East still standing on the precipice of armed conflict, the United States has an obligation to change those policies that, by example, encourage other nations to attempt to resolve disputes by military force.

As the House knows, I believe our Government should promptly withdraw all its forces from Indochina. This action, together with a moratorium on nuclear testing as a prelude to a comprehensive nuclear test ban, could dramatically change the international situation and strengthen the hopes of all mankind for world peace. These two steps can be taken by the President without his having to set foot out of the White House. They would certainly make his coming visits to China, the Soviet Union and other foreign countries much more productive.

I know that my colleagues in the House share my concern on these issues, and I hope that this resolution will receive speedy consideration.

The resolution follows:

H. CON. RES. 480

Concurrent Resolution expressing the sense of Congress that the President should take the necessary steps to initiate active negotiations seeking agreement with the Soviet Union on a comprehensive ban on all nuclear tests, explosions, to work towards extension of a prohibition against nuclear testing to the other nuclear powers, including France and China, and to declare and observe an indefinite moratorium on all nuclear test explosions

Whereas, the United States solemnly pledged itself in both the Limited Test Ban Treaty and the Nonproliferation Treaty to work towards "discontinuance of all test explosions of nuclear weapons for all time" and to continue negotiations to this end; and,

Whereas, the security of our nation and of all mankind is diminished by the continuing upward spiral of the nuclear arms race; and,

Whereas, due to progress in methods of detection, the risks of "cheating" on underground nuclear tests are now virtually nil; and,

Whereas, such "cheating," if it occurred, could in no way affect the military strategic balance; and,

Whereas, a comprehensive ban on nuclear weapons test explosions would stabilize and retard the arms race and make early agreement among the nuclear powers on a mutual limitation on strategic nuclear weapons much more likely; and,

Whereas the requirements of national security include the health, prosperity and well-being of our citizens, the soundness of our economy and the reduction of tensions at home and abroad;

Resolved by the House of Representatives (the Senate concurring), that it is the sense of Congress that the President should immediately take the necessary steps to initiate

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active negotiations seeking agreement with the Soviet Union on a comprehensive ban on all nuclear test explosions; and,

Resolved further, that it is the sense of Congress that the President should take the necessary steps to work toward extension of a prohibition against nuclear testing to the other nuclear powers, including France and China; and,

Resolved further, that it is the sense of Congress that the President should immediately declare an indefinite moratorium on all nuclear test explosions.

[KENNEDY LETTER, SEPTEMBER 11]

LETTER FROM PRESIDENT KENNEDY TO SENATORS MANSFIELD AND DIRKSEN REGARDING THE TEST-BAN TREATY, SEPTEMBER 11, 1963 [1]

DEAR SENATOR MANSFIELD AND SENATOR DIRKSEN: I am deeply appreciative of the suggestion which you made to me on Monday morning that it would be helpful to have a further clarifying statement about the policy of this Administration toward certain aspects of our nuclear weapons defenses, under the proposed test ban treaty now before the Senate.[2] I share your view that it is desirable to dispel any fears or concerns in the minds of Senators or of the people of our country on these matters. And while I believe that fully adequate statements have been made on these matters before the various committees of the Senate by the Secretary of State,[3] the Secretary of Defense,[4] the Director of Central Intelligence, the Chairman of the Atomic Energy Commission, and the Joint Chiefs of Staff, nevertheless I am happy to accept your judgment that it would be helpful if I restated what has already been said so that there may be no misapprehension.

In confidence that the Congress will share and support the policies of the Administration in this field, I am happy to give these unqualified and unequivocal assurances to the members of the Senate, to the entire Congress, and to the country:

1. Underground nuclear testing, which is permitted under the treaty, will be vigorously and diligently carried forward, and the equipment, facilities, personnel and funds necessary for that purpose will be provided. As the Senate knows, such testing is now going on. While we must all hope that at some future time a more comprehensive treaty may become possible by changes in the policies of other nations, until that time our underground testing program will continue.

2. The United States will maintain a posture of readiness to resume testing in the environments prohibited by the present treaty, and it will take all the necessary steps to safeguard our national security in the event that there should be an abrogation or violation of any treaty provision. In particular, the United States retains the right to resume atmospheric testing forthwith if the Soviet Union should conduct tests in violation of the treaty.

3. Our facilities for the detection of possible violations of this treaty will be expanded and improved as required to increase our assurance against clandestine violation by others.

4. In response to the suggestion made by President Eisenhower to the Foreign Relations Committee on August 23, 1963,[5] and in conformity with the opinion of the Legal Adviser of the Department of State, set forth in the report of the Committee on Foreign Relations,[6] I am glad to emphasize again that the treaty in no way limits the authority of the Commander-in-Chief to use nuclear weapons for the defense of the United States and its allies, if a situation should develop requiring such a grave decision. Any decision to use such weapons would be made by the United States in accordance with its Constitutional processes and would in no way be affected by the terms of the nuclear test ban treaty.

5. While the abnormal and dangerous presence of Soviet military personnel in the neighboring island of Cuba is not a matter which can be dealt with through the instrumentality of this treaty, I am able to assure the Senate that if that unhappy island should be used either directly or indirectly to circumvent or nullify this treaty, the United States will take all necessary action in response.

6. The treaty in no way changes the status of the authorities in East Germany. As the Secretary of State has made clear, "We do not recognize, and we do not intend to recognize, the Soviet occupation zone of East Germany as a state or as an entity possessing national sovereignty, or to recognize the local authorities as a government. Those authorities cannot alter these facts by the act of subscribing to the test ban treaty." [7]

7. This Government will maintain strong weapons laboratories in a vigorous program of weapons development, in order to ensure that the United States will continue to have in the future a strength fully adequate for an effective national defense. In particular, as the Secretary of Defense has made clear, we will maintain strategic forces fully ensuring that this nation will continue to be in a position to destroy any aggressor, even after absorbing a first striking by a surprise attack.[8]

8. The United States will diligently pursue its programs for the further development of nuclear explosives for peaceful purposes by underground tests within the terms of the treaty, and as and when such developments make possible constructive uses of atmospheric nuclear explosions for peaceful purposes, the United States will seek international agreement under the treaty to permit such explosions.

I trust that these assurances may be helpful in dispelling any concern or misgivings which any member of the Senate or any citizen may have as to our determination to maintain the interests and security of the United States. It is not only safe but necessary, in the interest of this country and the interest of mankind, that this treaty should now be approved, and the hope for peace which it offers firmly sustained, by the Senate of the United States.

Once more, let me express my appreciation to you both for your visit and for your suggestions

Sincerely,

JOHN F. KENNEDY.

MCNAMARA-SEABORG LETTER, APRIL 16

LETTER FROM SECRETARY OF DEFENSE MCNAMARA AND AEC CHAIRMAN SEABORG TO PRESIDENT JOHNSON: IMPLEMENTATION OF TEST-BAN TREATY SAFEGUARDS, APRIL 16, 1964 [1]

DEAR MR. PRESIDENT: The Department of Defense and the Atomic Energy Commission have reviewed the status of our joint progress on the implementation of the limited test ban treaty safeguards recommended by the Joint Chiefs of Staff and approved by President Kennedy.

The status of implementation of the safeguards is as follows:

SAFEGUARD 1

"The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future."

In the eight months since the signing of the limited test ban treaty, the United States has announced a total of 20 underground detonations. The test program has in fact been more extensive than this since it has been and will continue to be the policy that the AEC will not announce all detonations at the Nevada Test Site.

Important information has been obtained on new weapons designs and weapons effects. The highest yield nuclear device ever detonated in the continental United States was fired underground at the Nevada Test Site. Weapons effects tests have been carried out underground and others are being planned and prepared.

SAFEGUARD 2

"The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain and insure the continued application of our human scientific resources to these programs on which continued progress in nuclear technology depends."

During Fiscal Year 1964, the AEC and DoD will spend about $350 million on weapons development and effects laboratory research. During this period, over $25 million will be expended on improvements of AEC nuclear laboratory facilities. Technical programs are being maintained at a high level to meet military requirements and increased effort is being placed on research and development programs to gain more fundamental knowledge in nuclear weapons technology.

Program adjustments are underway in the Department of Defense weapons effects laboratories. These adjustments are designed to emphasize development of improved laboratory simulation and analytical approaches to weapons effects problems, as well as full exploitation of underground testing.

SAFEGUARD 3

"The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security or should the treaty or any of its terms be abrogated by the Soviet Union."

The DoD and AEC are proceeding on schedule, with the development of a capability "to institute promptly nuclear weapons tests in the atmosphere" on minimum reaction times. As of January 1, 1965, the United States will have the capability to proceed with: (a) tests to verify designs of stockpile weapons within two months; (b) tests of entire nuclear weapons systems, including delivery vehicles, missile and nuclear warhead proof tests within two months; (c) tests of experimental devices designed to explore new concepts of nuclear weapons technology within three months; and (d) tests relating to military effects of nuclear detonations within a period of six to nine months.

SAFEGUARD 4

"The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of the Sino-Soviet nuclear activity, capabilities, and achievements.

The Atomic Energy Detection System is being augmented to improve our capability to monitor atmospheric tests by other countries and to improve our identification ability at higher altitudes. Studies are continuing in ways and means to improve detection techniques and systems for both underground and space shots. The detonations at the Nevada Test Site are providing valuable information to improve techniques for detection of underground nuclear shots. A nuclear experiment designed specifically to provide data for improvement of underground nuclear shots. A nuclear experiment designed specifically to provide data for improvement of underground detection systems was executed on October 26, 1963, near Falon, Nevada. Construction is proceeding for other experiments designed to investigate the phenomenology of underground detonations. In mid-October 1963 an Atlas Agena rocket successfully placed into orbit two instrumented satellites designed for the detection of nuclear explosions in deep space. Work is continuing on ground based detectors of nuclear explosions in space.

We will be pleased to discuss any aspects of these programs at your convenience.

Respectfully yours,

ROBERT S. MCNAMARA,
Secretary of Defense.
GLENN T. SEABORG,
Chairman, Atomic Energy Commission.

[Limited Test Ban Treaty Preamble, 1963]

TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties",

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

ARTICLE I

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from * * *

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS. JULY 1, 1968 [70]

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,[71]

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency [72] and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

FOOTNOTES

[70] ACDA files. The treaty was opened for signature on July 1, 1968, at Washington, London, and Moscow. The following countries signed it on that date at Washington: Afghanistan, Austria, Barbados, Bolivia, Botswana, Bulgaria, Ceylon, China, Colombia, Costa Rica, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, El Salvador, Finland, Ghana, Greece, Haiti, Honduras, Hungary, Iceland, Iran, Ireland, Ivory Coast, Kenya, Korea, Laos, Lebanon, Liberia, Malaysia, Mauritius, Morocco, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Romania, San Marino, Senegal, Somalia, Togo, Tunisia, U.K., U.S., U.S.S.R., Uruguay, Venezuela, Vietnam. The U.S., the U.K., the U.S.S.R., and many of these countries also signed the treaty at London and Moscow. The U.A.R. signed it at Moscow and London. The treaty was signed at Moscow by Chad, the so-called German Democratic Republic, Iraq, Mongolia, and Syria. For the U.S. attitude toward signature by the G.D.R. or other unrecognized regimes, see statement of June 12 by Ambassador Goldberg (*Department of State Bulletin*, July 1, 1965, pp. 7–8).

[71] *Documents on Disarmament, 1963*, pp. 291–293.

[72] *American Foreign Policy: Current Documents, 1956*, p. 915.

KENNEDY ADDRESS, JUNE 10

We have also been talking in Geneva about other first-step measures of arms control, designed to limit the intensity of the arms race and to reduce the risks of accidental war. Our primary long-range interest in Geneva, however, is general and complete disarma-

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[1] *Department of State Bulletin*, Sept. 30, 1963, pp. 496–498.

[2] *Ante*, pp. 291–293.

[3] *Ante*, pp. 302–311.

[4] *Ante*, pp. 312–326.

[5] Nuclear Test Ban Treaty: *Hearings Before the Committee on Foreign Relations, United States Senate, Eighty-eighth Congress, First Session, on Executive M, 88th Congress, 1st Session*, pp. 846–848.

[6] *Ante*, pp. 343–346.

[7] *Ante*, p. 308.

[8] See *ante*, p. 313.

[1] White House press release, Apr. 20, 1964. The White House also made the following statement:

"In releasing this letter, the President re-

emphasized the statement he made today in a speech before the Associated Press [*infra*] that his administration is committed to the policy first expressed in the four points in President Kennedy's letter to Senators Mansfield and Dirksen on September 11, 1963 [*Documents on Disarmament, 1963*, pp. 489–490]. These four points were restated in the McNamara-Seaborg letter released today.

"The President also pointed out that while an adequate underground testing program is, under present circumstances, essential to our national security, the United States continues to be alert to possibilities for the relaxation of tensions and the building of a permanent peace. Although we are testing nuclear weapons as now permitted by the limited test ban treaty [*Ibid.*, pp. 291–293], we still support a complete cessation of all testing of nuclear weapons accompanied by an adequate system of inspection to insure both sides against violations. The United States Government is ready at any time to negotiate a treaty providing for such a comprehensive test ban."

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ment, designed to take place by stages, permitting parallel political developments to build the new institutions of peace which would take the place of arms. The pursuit of disarmament has been an effort of this Government since the 1920's. It has been urgently sought by the past three administrations. And however dim the prospects may be today, we intend to continue this effort—to continue it in order that all countries, including our own, can better grasp what the problems and possibilities of disarmament are.

The one major area of these negotiations where the end is in sight, yet where a fresh start is badly needed, is in a treaty to outlaw nuclear tests. The conclusion of such a treaty—so near and yet so far—would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security; it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

I am taking this opportunity, therefore, to announce two important decisions in this regard.

First: Chairman Khrushchev, Prime Minister Macmillan, and I have agreed that high-level discussions will shortly begin in Moscow looking toward early agreement on a comprehensive test ban treaty. Our hopes must be tempered with the caution of history, but with our hopes go the hopes of all mankind.

Second: To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one. Nor would such a treaty be a substitute for disarmament, but I hope it will help us achieve it.

PAYMENT OF CLAIMS RESULTING FROM DAMAGE ASSOCIATED WITH METRO CONSTRUCTION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, during the consideration of the supplemental appropriations bill—H.R. 11955—a question was asked me concerning the payment of claims for damages incidental to the construction of the Metro system.

Subsequent to that inquiry, I requested that the Washington Metropolitan Area Transit Authority provide a statement on this subject. Their statement is as follows:

COST OF DAMAGE ASSOCIATED WITH METRO CONSTRUCTION

In all construction projects, it is anticipated that some damage may be occasioned through circumstances unforeseen by the contractors. For this reason, contractors are required to be covered by sufficient insurance to meet any claims which may develop.

This far Metro has had little experience in this regard. Some superficial damage resulted in connection with the underpinning of the Smithsonian Fine Arts Gallery. The cost of this will be covered by the contractor. It has been erroneously reported that some damage was caused to the Treasury Department Building. This report is incorrect. The only damage in the vicinity of the Treasury relates to cracks in sidewalks. These will be repaired by the contractors.

In short, damages incidental to construction will not increase cost of Metro.

ADDITIONAL SPONSORS IN REFILING THE FOREIGN TRADE AND INVESTMENT ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, my action today in refiling the Foreign Trade and Investment Act of 1972 with 24 additional cosponsors should be viewed against the depressing backdrop of dismal unemployment figures, dismal trade figures, and dismal balance-of-payment figures that we have been experiencing these past few months. Legislation as complicated and far reaching as this act does not pick up support all that easily. Members who agreed to cosponsor this legislation know full well they are cosponsoring controversial legislation. Thus, just as it is true that legislation such as this would not have been filed in the first place were it not for the serious situation our country is facing, it is also the reason why so many have since agreed to cosponsor it. In fact, they were compelled to do so because of the extreme gravity of the economic crisis currently facing this country. The last thing that this Nation can afford at the present moment is more unemployment from any cause. When a cause such as cheap foreign imports is so easily singled out as a major contributor to the serious decline into which many of our key industries have fallen lately, then it is time to act. Certainly it is time to begin to act, for Congress to begin consideration of remedial legislation. In this case, nothing more nor less than a complete review of this Nation's existing trade policies is in order. As I said the other day:

If there is a need for action on the domestic front in the form of phase I and phase II, there is as much need for action on the international front. Without such corresponding action, phase I and phase II will be doomed to failure.

Therefore, I am very happy to be welcoming to the ranks of the ad hoc committee to save our jobs, 24 new members; I am particularly pleased that a number of my colleagues on the Ways and Means Committee, which has jurisdiction in this area, have seen fit to join me in this important legislation. I am also proud that a number of Members have seen fit to file in their own name legislation either exactly the same as mine or a modified version. These, too, I welcome to the save our jobs committee of the House of Representatives. The complete list of the committee is as follows:

Bella S. Abzug, New York; Joseph P. Addabbo, New York; Frank Annunzio, Illinois; William A. Barrett, Pennsylvania; and Nick Begich, Alaska.

Tom Bevill, Alabama; Ray Blanton, Tennessee; Edward P. Boland, Massachusetts; Frank J. Brasco, New York; and Jack Brinkley, Georgia.

James A. Byrne, Pennsylvania; Goodloe E. Byron, Maryland; Charles J. Carney, Ohio; Shirley Chisholm, New York; and Frank M. Clark, Pennsylvania.

James C. Cleveland, New Hampshire; George W. Collins, Illinois; William R. Cotter, Connecticut; Dominick V. Daniels, New Jersey; and George E. Danielson, California.

John H. Dent, Pennsylvania; Thaddeus J. Dulski, New York; Joshua Eilberg, Pennsylvania; Daniel J. Flood, Pennsylvania; and Richard H. Fulton, Tennessee.

Edward A. Garmatz, Maryland; Joseph M. Gaydos, Pennsylvania; Ella T. Grasso, Connecticut; William J. Green, Pennsylvania; and Charles H. Griffin, Mississippi.

Seymour Halpern, New York; James M. Hanley, New York; William D. Hathaway, Maine; Augustus F. Hawkins, California; and Ken Hechler, West Virginia.

Louise Day Hicks, Massachusetts; Ed Jones, Tennessee; James Kee, West Virginia; Peter N. Kyros, Maine; and Mike McCormack, Washington.

Joseph M. McDade, Pennsylvania; Spark M. Matsunaga, Hawaii; Ralph H. Metcalfe, Illinois; Joseph G. Minish, New Jersey; and Robert H. Mollohan, West Virginia.

Thomas E. Morgan, Pennsylvania; John M. Murphy, New York; Robert N. C. Nix, Pennsylvania; Carl D. Perkins, Kentucky; Bertram L. Podell, New York; and Melvin Price, Illinois.

James H. Quillén, Tennessee; Roman C. Pucinski, Illinois; William J. Randall, Missouri; Teno Roncallo, Wyoming; Fernand J. St Germain, Rhode Island; and John P. Saylor, Pennsylvania.

Robert L. F. Sikes, Florida; John M. Slack, West Virginia; Harley O. Staggers, West Virginia; Samuel S. Stratton, New York; Robert O. Tiernan, Rhode Island; Joe D. Waggonner Jr., Louisiana; and Gus Yatron, Pennsylvania.

FELONIOUS ASSAULTS AGAINST FIREMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, I take no joy in doing this, but it is imperative that I set the RECORD straight on the personal danger that confronts the firefighters of this Nation and that brings anxiety to their families. Who would believe that the Nixon administration, which has produced reams of propaganda about law and order, would profess not to know that our city firemen literally place their lives in jeopardy every day that they report for duty? Time and again, this Congress has been given the facts on this situation, yet we find that on November 30 an administration spokesman made an appearance before Members of the Senate and said:

By and large, they (the firefighters) are not victims of felonious assaults.

The witness, Mr. Speaker, was Richard Velde of the Law Enforcement Assistance Administration. He was objecting to a proposal under which the families of firemen would be included in legislation that provides a $50,000 death benefit when law enforcement officers get killed while performing their duty.

I would like to know, Mr. Speaker, how many more firemen will have to lose their lives, or be wounded, or be shot at, or become the target of rocks and other missiles, before the administration will bring itself to admit that what we are dealing with may safely be defined as "felonious assaults?" I, for one—and I am certain this is true of most of my colleagues here—became convinced of this fact a long time ago. I have statistics which I am about to produce, but I want to say first that, long before I obtained these figures, I was aware of what was happening. In fact, virtually every citizen knows this. Is it possible that the administration is ignorant of what is going on?

As a citizen of Cleveland, Ohio, I know that about a dozen bullets were sent crashing into a fire station at East 105th Street and Superior Avenue about a year and a half ago. I know that the men working out of that station were returning from a false alarm a short time afterward and were fired at four times by snipers. I know that a fire station at East 66th Street and Chester Avenue twice became the target of snipers, the first assault occurring while two firemen stood on the sidewalk in front of the station. I know that firemen working out of the station at East 79th Street and Holton Avenue were stoned when they responded to still another alarm.

I know too, Mr. Speaker, because I come from a family of firefighters, that these hazards are not part of custom or tradition. They constitute new perils that affict these public servants as a result of the troubled times we live in. I recall the stories I was told about my grandfather, the late Fire Lieutenant Peter McFadden. When he would arrive at the scene of a fire, half the neighborhood would turn out to help the firemen in any way they could. Today, my brother Thomas Stanton, also a firefighter, often finds himself in need of a police escort when he rushes to the scene of a conflagration. He goes there to save lives, and then finds that his own life is threatened.

Mr. Speaker, on the same day that Mr. Velde gave his testimony on behalf of the administration, a statement was submitted to the Senate Subcommittee on Criminal Laws and Procedures by the International Association of Firefighters. This statement asserted:

The Federal Government's own investigation into the loss of life and injury during the riots of Watts, Detroit, Newark and Cleveland showed that firefighters suffered more casualties than police officers.

One year ago, a House judiciary subcommittee was advised by this same organization:

Any discussion of firefighting today must include acknowledgment of a new hazard. Fire fighters are prime targets—sitting ducks—to those who foment and promote civil disorders. Virtually every city in the land is experiencing a fantastic increase in the number of false alarms to which firefighters must respond. A firefighter is just as dead when killed by a fall from his truck as he is when killed in a burning building. And every additional false alarm increases the chances of such a fatal accident. A firefighter is just as dead when killed by a sniper's bullet as he is when killed in a burning building. And our newspapers and other news media have been filled with stories of sniping attacks on firefighters during times of civil disorder. Indeed, one study of civil disturbances in 11 cities reported four firefighters killed and some 400 injured, a greater toll than that suffered by police.

At about the same time, the Senate Internal Security Subcommittee heard this testimony from the firefighters' organization:

If there is a conspiracy against the establishment, and we believe there is, we firefighters are a part of the establishment, and in our every day work are sitting ducks for attacks from this sick element in our society. Will you picture in your mind a firefighter on a ladder silhouetted against a fire-filled window—what a target for that sniper atop the building across the street.

Do you gentlemen, of this Committee, realize that in many of our cities fire equipment will not roll into certain sections until police protection arrives, and when attacks, throwing of rocks and bottles, and sniper fire become too intense, the firefighter is under orders to withdraw and let the fire rage until it burns itself out. This is an intolerable situation and a solution must be found.

The facts are, Mr. Speaker, that from 1967 to 1969, over 600 firefighters were injured during civil disorders. In 1970, 195 firefighters were injured during such disturbances, and an additional 113 sustained injuries due to acts of individual violence. In my own vocabulary, these are felonious assaults.

However, as I pointed out to my colleagues here yesterday, it is not only policemen and firemen who are threatened—or who feel threatened. All persons involved in law enforcement, public safety work, and the administration of criminal justice, with their families, have become the victims of fear. For this reason, I have introduced legislation, H.R. 11677, which extends the $50,000 death benefit coverage to all these public servants. For technical reasons, I have also introduced a companion bill, H.R. 11993: I expect hearings to be scheduled early next year on one or both of these bills, and I urge all my colleagues here to support the legislation.

At this time, as another showing of the scope of this problem, I would like to commend to the attention of my colleagues a letter I received today from the Chief Probation Officer of the Cleveland Municipal Court. The letter follows:

CLEVELAND MUNICIPAL COURT,
PROBATION DEPARTMENT,
Cleveland, Ohio, December 7, 1971.

Hon. JAMES V. STANTON,
Congress of the United States,
Washington, D.C.

DEAR JIM: It was with relief that I read the copy of your bill since each working day begins with fear and trepidation as our probation officers set out to visit the homes of their probationers. No area is safe and many persons have suggested that we discontinue field calls. I have resisted setting such a policy since our work requires a close relationship with persons placed on probation by the court. Our offenders are misdemeanants, often thought of as persons in trouble rather than criminals. If we are to succeed even remotely in our efforts to help them become productive members of society, we must do so by individualized counselling through the establishment of a professional relationship based on knowledge, confidence and trust. Such a relationship must be preceded by getting to know the person in his individual milieu.

Our departmental problems in this area have to date been somewhat minor, but the atmosphere of fear prevails. It is only just that in the event of the death of a probation officer, some considefation might be given to his family. I would wish that your bill could include some plan for compensation in the event of attack and injury.

Thank you for your consideration of this problem and I wish you unqualified success.

Sincerely,

MARY E. BUSHER,
Chief Probation Officer.

GENERAL LEAVE TO EXTEND

Mr. KEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the conference report on House Concurrent Resolution No. 6.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

GENERAL LEAVE

Mr. KEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the special order given today by the gentleman from Indiana (Mr. BRADEMAS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

REMARKS OF GENERAL STILLWELL TO THE GRADUATING CLASS OF THE INTERNATIONAL POLICE ACADEMY

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, on November 5, 1971, the International Police Academy, a part of the Office of Public Safety of our Agency for International Development, graduated another class of security officers and national police officers, who come from many nations in the world to learn the techniques of law enforcement.

At the request of Mr. Byron Engle, Director of the Office of Public Safety, General Stillwell delivered the address at the graduating ceremony, a task that was enjoyed by this Member of Congress on an earlier occasion.

Herewith for the enlightenment of our colleagues, are the remarks of Gen. Richard Stillwell:

INTERNATIONAL POLICE ACADEMY GRADUATION

Members of the Diplomatic Corps, members of the graduating classes of the International Police Academy, Mr. Engle, Mr. Finn and distinguished guests:

There are several reasons why I consider it a privilege to have the opportunity to participate in this graduation ceremony.

The first—and most obvious—is to extend heartfelt congratulations to the 81 officers who have completed their studies at this Academy. Each of you has full reason to be proud of the achievement this graduation represents. Even cursory examination of the several curricula makes one appreciate that these past few weeks have placed heavy demands on mind and spirit—in terms of intellectual concentration and exercise of reasoning powers; in terms of absorption through linguistic and cultural barriers; and in terms of distilling from total intakes that

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which has application to your special environment and responsibilities.

This is a unique institution—one that exemplifies multi-lateral co-operation. Its real value and strength stem from the pooling of knowledge and experience, the sharing of problems (some peculiar to individual countries and some common to many) and the joint addressal of solutions. No one could have explained this synergistic effect better than did Commissioner Tapesar in his perceptive remarks. Thus, each participant contributes much and each gains more. And the Academy itself constitutes a permanent and expanding memory bank from which all can draw. This is the essence of a viable partnership among nations. So I'd like to pay homage to the late President Kennedy who inspired the concept; to the high-level group—chaired by Ambassador Alexis Johnson—that developed the design; and to the chief architect who translated blueprint into structure: my long time friend, Mr. Byron Engle. The two of us have been associated off and on for twenty years. I have a deep respect for him and for the Office of Public Safety over which he presides. The latter has contributed significantly to the collective security of the Free World.

Thirdly, this occasion allows me, as a representative of the Armed Forces, to express admiration for the professionalism and dedication of members of National Police Forces throughout the Free World. In more than three decades of soldiering—mostly abroad—I have had the good fortune to have been in many of the 22 countries you represent; and have rubbed shoulders with your fellow police officers in areas urban and rural, on highways, waterways and frontiers, during the conduct of investigations and in the combating of active insurgency. I have deep appreciation for the challenges and vicissitudes your organizations face, and full understanding of the vital role you play in the quest for the establishment for the rule of law—locally, nationally and throughout the international community.

The police officer and the soldier have much in common. Both wear a uniform; both are symbols of order and authority; both are sworn to defend the institutions and populace from enemies, foreign or domestic; and both are prepared to lay down their precious lives in the execution of their tasks. The policeman and soldier come from the people; their effectiveness depends on close affinity with and support of the people; and yet they are men apart. Neither the soldier nor the policeman get much in the way of intrinsic reward for the dangers to which exposed, the arduous conditions under which they operate or the relentless pressures which engulf them. The sustaining strength which makes soldier and policeman brave in battle, and circumspect of conduct before the civilian populace, is a deeply held belief in the supreme importance of their role as guardian of country and people.

These points of commonality between the military and the police in no way suggest interchangeability of roles. The enforcement of a country's laws, the guaranteeing of social justice, the collection, analysis and evaluation of intelligence vital to the security of the nation are all indisputable police tasks demanding the utmost professionalism and meticulous preparation. The vital and sensitive duties of search, arrest, criminal investigation, detention, and interrogation must be carried out with precision and in a framework of civil law which all understand. By the same token, a policeman cannot also be a field soldier, chasing guerrillas through mountains, jungle, and swamp. Consequently, one must be skeptical about programs for mobile police reserves, armed and equipped as light infantry and charged with tasks which parallel the traditional functions of the military.

Every country needs a police force. And every country—except those few fortunate enough to have no potential external threat—needs an Army. Each force has exclusive tasks which shape its doctrine, organization equipment and training. Conversely, each force has—or should have—the capability to complement and assist the work of the other. And indeed, experience of the past two decades—the world over—has taught us that mutual cooperation and support between the military and the police are vital to the security of countries threatened from within or without. Permit me just a few observations in this regard.

We of the military—while constantly prepared for war in the conventional sense—will hopefully always be in reserve; when and if required to do battle, it will normally be on the frontiers—apart from the populace. Not so the police. Your duties are constant, around the clock; and your "front lines" are in the midst of your countrymen. In any nation, a government's concern for the security and well-being of its citizens is manifested through its programs and the representatives who administer those programs at various echelons. The people's judgment of responsiveness of government to their basic needs will depend, in large measure, on the manner in which these representatives carry out their duties.

The police constitute the most visible link between the government and the people; and bear the enormous responsibility of carrying out the two most crucial obligations of any state: the maintenance of order and the protection of person and property. These are tough tasks under any circumstances; they are doubly so when banditry and terrorism and subversion are rife. They can only be accomplished by a police force that reflects high discipline, professionalism, scrupulous personal conduct and rigid observance of local custom. Conversely, the police force that can meet these basic needs of the people, can in fact be the "keepers of the law" and arbiters of social justice, will do more to insure local acceptance and support of the government than any other national instrument.

A police force which has demonstrated its competence, its interest, its objectivity will earn the respect of the population and the confidence that flows therefrom. A policeman isolated from the community has only one pair of eyes and ears—and these not fully effective. A policeman who is as one with the population finds he has 1000 eyes and ears. He will then be able to discern aberrations on the local scene, to have early evidence of incipient problems, to detect subversive activities outside the law. Such a police force can deal with threats to internal security in the early stages. And that is certainly the common objective!

In the turbulent years of 1964–65 in Vietnam, it was the absence of this kind of police force which led to the rapid loss of confidence of the people in the government and the equally rapid expansion of the Viet Cong structure and capabilities. When, at length, the rebuilding of the Vietnamese National Police Force was addressed, it proceeded all too slowly due to misjudgments as to correct priorities. Happily, the situation has since been rectified thanks to the diligent efforts of Mr. Engle's Office of Public Safety and key decisions by the Vietnamese Chief of State. In my estimate, a principal reason for the current advanced state of pacification throughout South Vietnam is the fact that over 50% of the National Police Force of over 110,000 is positioned at the village level.

There is at least one very major lesson from the Vietnam conflict with universal applicability. When a country is confronted by an aggravated threat to its internal security, the *first* countermeasure—and the *top* claimant for additional resources—*must* be the strengthening of the National Police.

The scope and diversity of specialized functions a National Police Force must perform are bewildering—even your wide ranging coverage here was not all-inclusive. A related fact is the limited human resources that a country can afford to put in uniform. We have a saying in our reducing Army, "every man must count." I submit this is a lesson to which the National Police must be attentive. This means a professional force—with high standards for acceptance and retention; and training programs which are rigorous and progressively more advanced. Poorly motivated and poorly trained policemen are worse than none at all. I remember the comments of Sir Robert Thompson in a field Special Branch installation in Southeast Asia two years ago. Twelve men proved incapable of dealing with the jobs at hand. Sir Robert's analysis was that two properly prepared men could easily accomplish what the twelve could not do.

While the primary responsibilities for maintenance of the rule of law and of internal security reside with the police, the military has key support roles on both an ad hoc and a continuing basis.

When police resources are inadequate to meet unexpected crises, the military should be called upon for reinforcement. The length of time required to field a professional policeman and the size of the training establishment preclude rapid expansion of the police force; furthermore, it would be an unwise diversion of resources to attempt such expansion for short term needs. Conversely, the military constitute a ready force-in-being to directly augment a police unit, or to cordon off an infected area or to help enforce population/resource control and perform related tasks, in coordination with and as agents of the police. As you have learned, the U.S. Armed Forces, primarily Army, have a contingent responsibility to assist our State authorities in quelling civil disturbances, when the President so directs. But even then the fundamental principle remains inviolate: the enforcement of law is still the responsibility of civil authorities. Our military forces are employed in a security role only; and they have performed this role with commendable restraint and discipline—as late as last May in Washington.

Second, the military can assist importantly in training regular police and auxiliaries. In the interest of economy, efficiency and speed, maximum use should be made of military facilities and instructor capability for police specialty training and to handle unprogrammed requirements beyond normal capacity of the police establishment. The same applies for training of para-military forces intended to operate under police aegis. As one example, my Army runs a periodic Civil Disturbance Training Course for large numbers of civil police at Fort Gordon.

Thirdly, the military can provide significant help to the police in the area of recruitment by earmarking capable, knowledgeable personnel on the eve of their release from active srvice; by providing their names and records to police authorities; and by facilitating their transfer. The U.S. Army does this in major degree. In close coordination with the International Association of Chiefs of Police, we even provide such personnel, while still on active duty, an initial 240-hour course of instruction in law enforcement.

These are typical of areas in which the military can be of help to the police and other agencies charged with the maintenance of the kind of order and internal stability within which a society may evolve without violent upheavals. But I would stress that these military contributions can only be of a supporting nature. Even under conditions of insurgency, most of the myriad of countermeasures are outside the military ken; all must be in accordance with the body of law—and law enforcement is *not* a military function. What is vital is to insure the closest liaison, planning and co-operation among the military, the police and the civil authorities to insure the decisive concentration and application of all available resources.

Although we would wish it otherwise, there is nothing on the horizon to suggest that the tasks you face in your respective countries will ease in the years ahead. To the contrary, the prospect is for problems of heightened complexity and difficulty. You can expect accelerated pressures for change—political, economic, societal—in your country; and all the pressures associated with such changes. These are natural concomitants of the evolution of any society; but they do bring into play dislocations and turbulence which place the great demands on the police. Beyond that, however, there will be darkly sinister forces at play in Latin America, in Asia, throughout the Free World—to include my country. Such forces will continue to seek by all means—clandestine and overt, outside of the law and by clever manipulation thereof—to undermine the fabric of government, subvert values and destroy relations between government and governed. Externally inspired guerrilla warfare will still be in vogue; and urban areas will be increasingly the focus of attack. In combating these inimical and dangerous forces, your National Police Forces, as Ambassador Johnson said some weeks ago, "will be the first line of defense." And the supreme challenge to your professionalism will be to achieve full success in suppressing the violent and ruthless attempts to overthrow your nation's institutions while allowing orderly change to occur. No element of your government will be as embattled as the police; but no other service has such potential to bring about realization of the legitimate aspirations of your peoples.

The final thing that the soldier and the police officer have in common is concept of duty, in the performance of which they must be uncompromising and unyielding. It is that fierce allegiance—to country, institutions and citizenry—which summons from within us that extra effort which ofttimes spells the difference between success and failure. I know that you possess that concept of duty.

In conclusion, let me repeat that it has been an honor to have been with you on this auspicious occasion. On behalf of the United States military, and on the eve of your return home to loved ones and to assume your most significant responsibilities, I wish you an abundance of all things good, personal and professional.

Thank you.

THE PRAYER AMENDMENT—A THOUGHTFUL COMMENTARY BY THE LAWRENCE EAGLE-TRIBUNE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, recently the House considered the proposed constitutional amendment to allow voluntary prayers in the public schools of America. I supported this amendment, because of my belief that our Founding Fathers intended to allow such prayers when they wrote the Constitution. It is my firm belief that it is the courts which have altered the Constitution and that the amendment we considered would have restored it to what it was throughout our history until the 1960's.

It is important that this House not lose sight of the important fact that an overwhelming majority of the American people favor allowing voluntary prayers to be said in our schools. Recently the Lawrence, Mass. Eagle-Tribune commented on this situation, in an editorial which is deserving of our attention.

The editorial follows:

NO PRAYER IN SCHOOL

The session of the House as usual was opened with prayer. And chiselled in sight of all the representatives was the national motto, "In God We Trust." Then the House refused to approve an amendment to the Constitution that would permit voluntary prayer in public schools. The effort required for success a two-thirds majority. The vote was 28 short.

The strongest reason for rejecting the amendment is the fact that the Supreme Court in its original decision did not invalidate voluntary prayer in the schools. It invalidated only officially prescribed prayer.

Thus theoretically voluntary prayer can be uttered in public schools without statutory action or constitutional amendment. Actually, however, it can't as the Massachusetts town of Leyden learned when it tried to restore prayer to its classroom in strict conformity with the court's original decision.

The amendment failed, however, for the traditional reason—fear of violating the First Amendment by inviting or encouraging the establishment of a state religion. This fear was expanded by the American Jewish Congress which called the proposed prayer amendment a dangerous precedent, "paving the way to other restraints on our basic liberties such as freedom of speech, press and assembly."

This reasoning baffles us. The First Amendment sternly forbids Congress to make any law respecting an establishment of religion or abridging the freedom of speech and press and the right of assembly. Nothing in prayer in school has even the remotest bearing on a law to establish a religion.

Prayer in school was an American tradition until less than a decade ago. No religious tyranny developed from this tradition.

The question of prayer in school should be resolved locally. In some communities there may be in classrooms students of so many different faiths or lack of them that prayer would be objectionable. In others, however, it could be a inoffensive and beneficial custom.

If God is as dangerous, as the foes of His presence in the classroom believe, then the national motto should be abolished and Congress should not open its sessions with prayer.

LYNDON B. JOHNSON, A MOST REMARKABLE LEGISLATIVE LEADER

(Mr. ROBERTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, one of the most controversial and difficult issues to come before this Congress has been the foreign aid bill. And yet, this is not a new struggle. A recent column by Robert E. Thompson which appeared in the Hearst newspapers traces another long and arduous congressional deliberation over the foreign aid bill which took place 8 years ago.

Mr. Thompson's comments concern President Lyndon B. Johnson's account of the December 1963 passage of the foreign aid bill in his book, "The Vantage Point." I share his deep admiration and sense of awe for Lyndon Johnson's legislation and leadership ability. History has shown again and again that Lyndon Johnson is truly "a most remarkable man."

I would like to share Mr. Thompson's excellent article with my colleagues. I think it offers an interesting perspective for all of us as the session draws to a close.

PERSPECTIVE

(By Robert E. Thompson)

NEW YORK.—It is difficult, if not impossible, to imagine that the Senate could have indulged itself in such a shocking and reckless charade as the recent 41–27 rejection of foreign aid in the days when Lyndon Johnson was a majority leader or president.

This is a thought that comes to mind while reading the former president's new book, "The Vantage Point," and from having watched him at close hand during the tumultuous White House years when he initiated and succeasfully passed an unparalleled domestic legislative program.

Johnson was not only a staunch advocate, and sometimes savior, of American economic and military assistance abroad, he was a master at counting heads, influencing votes and timing legislative showdowns so that he could win. He understood the storage, intricate maneuverings of Congress as well as any man who ever sat in its halls and he knew how to utilize them to achieve his objectives.

As majority leader, Johnson simply would not have permitted so crucial a vote to take place with one-fourth of that body's members absent. As president, he would have not been caught off guard by the vote nor would he have spared himself or his staff in his relentless battle to save foreign aid.

It goes without saying that had Johnson or the 1968 Democratic presidential nominee, Hubert Humphrey, been at the helm of government when the United Nations voted to exclude Taiwan and include mainland China, they would have been crucified by the Republican right wing. But even under such circumstances, Johnson would have recognized the impending doom in the Senate and refused to lose his foreign aid bill by default.

I recall vividly the dramatic role played by Johnson, then Senate majority leader, in the final, hectic hours of a congressional session at the end of the Eisenhower Administration. In and out of conferences, on and off the telephone, Johnson spent an entire night working out compromises that would prevent the demise of Ike's foreign assistance program.

When he suddenly was thrust into the presidency in November, 1963, Johnson's first major legislative battle was over foreign aid, a struggle that he describes graphically in "The Vantage Point."

It began as soon as he and Lawrence O'Brien, then the president's congressional liaison chieftain, returned to the White House from laying John Kennedy to rest in Arlington National Cemetery. Faced with a Senate vote the following day on a foreign aid amendment that would have prevented the United States from selling wheat to the Soviet Union, Johnson summoned the grief-stricken O'Brien to his office to map their strategy.

The issue involved not just continuation of foreign aid but also a threat to the new president's executive authority. Johnson was not about to forfeit either after only four days in office.

"If those legislators had tasted blood then," Johnson writes in his book, "they would have run over us like a steamroller when they returned in January, when much more than foreign aid would depend on their actions."

Johnson and O'Brien won their skirmish in the Senate. But, despite their valiant efforts, they suffered a setback in the House, where many congressmen sympathetic to the legislation already had headed home for the Christmas recess.

The new president refused to be defeated. He summoned the congressmen back to Washington. He and Ladybird entertained them with a Dec. 23 reception at the White House, where Johnson mounted a chair to make a passionate plea for his foreign aid bill. Then, at 7 o'clock the next morning the House approved the bill and defeated the crippling amendment.

XUM

Writing of the incident, Johnson recalls: "A weary Congress headed for home. An even wearier president boarded Air Force One and flew to the LBJ ranch for the Christmas holidays.

"I had just completed one of the most trying and most intensive, sustained efforts of my life. While I knew there would be hard days ahead—and bitter fought battles—I knew at least that the reins of government were in my hands for a while. And I believe the nation knew it too."

This is but one memorable anecdote from "The Vantage Point" that provides us with an insight into Johnson's monumental success with Congress. He fought for what he believed in and he did not give up until he had won.

It is true, as others have written, that the great power and sweep of Johnson's personality—the humor, the mimicry, the folksiness, the fantastic fund of memories—are diluted by the formal prose of the book. He obviously felt it necessary in this first major endeavor since leaving the White House simply to record, as he says, "a president's personal and political philosophy, a president's experience and knowledge, a president's aspirations, and a president's response to the demands that were made on him."

Perhaps now that he has accomplished this task, he will undertake to write, in his own inimitable personal style, the colorful story of his life. It is one of the most remarkable stories in the annals of American history because Lyndon Johnson himself is a most remarkable man.

MR. PRESIDENT, HAVE YOU FORGOTTEN THE HOUSEWIVES?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, yesterday, President Nixon proposed a plan to reform and expand private retirement programs and to preserve pension rights of employees. This program, while laudable, omits from consideration our Nation's hard-working homemakers who toil daily to maintain their homes and families. In this era of equal rights I am surprised that the President neglected our Nation's housewives.

In order to render justice to the American housewife, today I am introducing, along with 39 cosponsors, a bill to provide a pension plan for these forgotten workers. This proposal is unique because it is the first attempt to afford our housewives the right to their own pension. My plan would give these working Americans a chance to save for their later years, just as every other self-employed American is allowed.

The American housewife is not covered by existing minimum wage and hour laws; yet her work, as the traditional saying goes, "is never done:" her services are essential to the well being of our Nation's homes, families, and our society. I believe that the American housewife should be financially secure in her later years, and my plan would provide for this security.

For too long a period of time the housewife has taken a back seat when benefits were administered. Now, every household manager, whether married or single, would be eligible to participate if they have no other pension or retirement plan. Women who manage homes are fulfilling a vocation. On any form or questionnaire asking for "occupation," the response "housewife" is accepted.

Managing a home is most definitely employment. Housewives surely rate benefits that accrue to other employees in general. Pensions or retirement plans are one of the benefits of employment. Under my proposal, almost 30 million American women would qualify as household managers and be eligible for the housewives pension plan. Under my plan, the housewife could use a percentage of the money that she received for the weekly management of her household to create a retirement fund for herself. She would receive the designation of "independent proprietor." After all, her proprietary work includes a range of activities from child care to accountancy. She must be a combination manager-economist, laborer-psychologist. Moreover, while all currently eligible pensionees leave their work at the end of their day, our Nation's housewives, currently ineligible for pension rights, can never truly leave their work.

It is a fact of life and death that women usually outlive men. There are many cases of widows living on their husband's social security or retirement benefits. But if the woman is fortunate to have her retired husband alive, and if she were a housewife throughout her life, the two would have to share only the husband's retirement benefits. The woman, never having had an independent income, would have no fund of her own to draw upon.

The plain fact is that the notion that two can live as cheaply as one is sheer fantasy when the two must worry about high medical expenses and the rising cost of living. Too often, the benefits received by our senior citizens are below subsistence level. My proposal would provide a partial solution by creating a fund that a woman could draw upon if she were suddenly widowed or that she and her husband could use upon retirement.

The plan itself is simple in concept and operation. A housewife would deposit in a bank or invest a sum of money up to $25 per week. This maximum of $1,250 per year could be invested until retirement at the age of 59. At that time, the housewife would draw upon this sum as a pension until her death. This fund could take the form of a trust, an annuity, or a custodial account. The money would not be subject to taxation until it is withdrawn from the fund upon the retirement of the individual. The $25 maximum per week was designated to prevent the retirement fund from becoming an income averaging plan in which the wealthy could put away money to prevent its being taxed at the present rate. There would be penalties established for any funds withdrawn earlier than the law permits.

President Nixon's proposal announced yesterday would allow individuals to deduct from their tax returns up to $1,500 per year. Self-employed individuals would be given a more generous credit, with up to $7,500 per year being tucked away in a retirement plan. This $5,000 a year increase for self-employed individuals and the $1,500 a year deduction for other workers do not provide for our Nation's hard-working housewives. My proposal of $1,250 per year for housewife retirement is not outrageously large but is essential in order to provide some equality for all American workers.

In addition to creating equality for all occupations, this bill will provide a sense of recognition to all housewives that her occupation is definitely part of America's labor force.

The bill also encourages the housewife to provide for her retirement. The $25 per week would be tax exempt at the time it is earned. The fact that this money would earn interest would add a new dimension to the traditional idea of the "rainy day fund."

If my plan were instituted by Congress, I believe that it would free the American housewife from the financial insecurity she often must face. By providing an incentive for the housewife to put away money from her household management funds, I believe that we will meet the American housewife's desire for some financial independence and security.

While this proposal does not liberate our women from the kitchen or any of the other household chores, it is a start toward recognizing their work as legitimate employment. Twenty-five dollars per week put toward a pension fund is a sum we must allow the housewife when considering all the cleaning, cooking, darning, dishwashing, laundering, and marketing she labors at without any monetary compensation.

REORGANIZATION WITHIN NASA

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD.

Mr. MILLER of California. Mr. Speaker, the Science and Astronautics Committee was recently notified of a reorganization within NASA whereby the Office of Space Science and Applications has been divided into two new offices, one for science and the other for applications, with an Associate Administrator at the head of each.

The stated purpose is to strengthen NASA activities in the development of space applications.

I want to call my colleagues' attention to the fact that one of our most distinguished Members was instrumental in bringing about this reorganization in NASA.

I am referring to our colleague the Honorable THOMAS N. DOWNING of Virginia, a senior member of the Science and Astronautics Committee who has served for several years as the ranking majority member of the Subcommittee on Space Science and Applications.

Congressman DOWNING saw the need to place greater emphasis on space applications some time ago, and has made public statements urging NASA to do so.

Let me quote briefly from a speech he made last October in which he observed that the need for increased public support is a matter of great importance to the future of the space program.

He went on to say:

I believe that NASA must place a much stronger emphasis on those activities in space that will result in economic benefits for our people.

I have in mind, of course, applications satellite systems—communication, meteorology, earth resources surveys, navigation and air traffic control . . . .

Much more can and should be done in this area. In order to insure that the space applications program will receive appropriate emphasis in the future, I would recommend that NASA establish a separate office of applications and appoint an associate administrator as its head.

Congressman DOWNING has earned the respect of NASA's top management because of his thoughtful and dispassionate contributions to that Agency's policy-making.

I am proud to have THOMAS DOWNING with me on the Science and Astronautics Committee, and I am pleased that the National Aeronautics and Space Administration has the wisdom to listen when he speaks.

CONSTITUENT GIFT TO FIGHT DRUG ABUSE

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD).

Mr. MILLER of California. Mr. Speaker, I would like to share with my colleagues a story of extraordinary generosity on behalf of one of my constituents, Mr. Mervin G. Morris, chairman of the board of Mervyn's, a northern California department store chain. Mr. Morris has given to the San Lorenzo Unified School District a gift of $36,000 to be used over the next 2 years for their drug abuse project.

The major objective of this project is to establish effective drug treatment and prevention programs within the school system. In order to achieve the major objective, the following are the specific objectives of the program:

First. To establish on-campus centers to deal with drug-related crises at the high school level;

Second. To provide direct counseling and treatment services for all students who have a drug problem and wish to obtain help;

Third. To create a school environment and educational program which enhances the self-concepts of all young people, thereby equipping them to confront realities without resorting to drugs;

Fourth. To enhance the home environment by facilitating greater mutual understanding between parents and youth; and

Fifth. To attempt to develop interest alternatives for young people of a recreational, social and educational nature.

To achieve the stated objectives, the project will be composed of five basic components, which will be implemented systematically through the district, over a 2-year period.

TRAINING

In-service activities to train teachers, counselors and students in group counseling techniques will be proyided. This will establish a pool of training personnel to work at the various levels within the schools in both the treatment and prevention of drug problems.

PARENT

Parent groups of the following types will be made available:

First, counseling groups for parents of drug abusers;

Second, counseling groups for parents whose children are presenting serious nondrug oriented behavioral problems at home and/or school;

Third, small discussion groups centering on the general problems of drug abuse; and

Fourth, small group workshops designed specifically to enhance communication skills.

STUDENT

Student groups will be established at each school as need develops. Leadership will be provided by trained teachers and counselors. It is anticipated that some student leadership will be employed. Groups will not necessarily be formed on the basis of drug abuse.

TEACHER

Teachers will be trained in methods which make them more sensitive to the needs of youth. The classroom atmosphere will facilitate improved self-concepts and an increased sense of personal worth and acceptance of responsibility for one's behavior.

EVALUATION

At the end of each year, an evaluation will be made of the effectiveness of the various components of the project. Evaluations will involve self-appraisal, subjective evaluation of all participants, and analysis of numbers participating in each of the components.

Mr. and Mrs. Morris have four children. Mr. Morris, a third-generation Californian, was born in San Francisco and raised in the San Joaquin Valley. Following service in the U.S. Army in World War II, he opened a small two-employee clothing store in San Lorenzo in 1949. Today, Mervyn's has eight stores and 2,000 employees. Mr. Morris is active in numerous civic and community affairs throughout the San Francisco Bay area.

Commenting on his gift, Mr. Morris said:

I shall always be grateful to the community which helped launch this business and which today provides a cordian environment for the corporation's headquarters. I share, with others, a deep concern for all young people to overcome the tragic menace of drug abuse.

THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of California. Mr. Speaker, a few weeks ago it was my privilege to serve as the congressional adviser to the American delegation at the meeting of the Ministers of Science of the OECD in Paris.

As many members are aware, the OECD, which is the Organization for Economic Cooperation and Development, is the organizational outgrowth of the Marshall Plan. Originally it consisted only of those industrial European nations which had common postwar economic problems. Now it has been expanded to include 25 of the most advanced countries in the world, and aside from the Western European nations includes the United States, Canada, Japan, Australia, and others.

Essentially, the OECD has grown into one of the more influential international bodies which concentrates on the following areas: Economic affairs, environment, development assistance, international trade, financial affairs, science and education, manpower and social affairs, industry and energy, agriculture and fisheries, and nuclear power.

The meeting of the Ministers of Science of the OECD countries, held in mid-October, was the fourth plenary session of its kind since the OECD was formed 11 years ago. It was, however, the first meeting of the Science Ministers of the 25 nations involved since 1968.

The entire conference was devoted to the problems of "Science and Technology for Society." Particular attention was given to: First, changing patterns of national R. & D. priorities toward qualitative objectives; second, the encouragement of technological innovation in the context of economic growth; third, the need for innovation in the social and service sectors; and fourth, international cooperative projects designed to assess technological options for social and environmental improvement.

The U.S. delegation was headed by Dr. Edward David, Jr., Science Adviser to the President and Director of the Office of Science and Technology. His alternates were the Honorable Joseph A. Greenwald, the American Ambassador to the OECD, and Dr. John V. Granger, Deputy Director, Bureau of International Scientific and Technological Affairs of the Department of State. In addition to the congressional adviser, the delegation included such advisers as the Honorable James Wakelin, Assistant Secretary for Science and Technology of the Department of Commerce, and Dr. Raymond L. Bisplinghoff, Deputy Director of the National Science Foundation.

Mr. Speaker, in a few days I shall issue a complete report of the meeting to the Committee on Science and Astronautics and to the Congress. The report will undertake to describe not only the background of the conference, but the American philosophy presented there, the observations of the congressional adviser, the action taken by the OECD and its significance.

I will not take the time at this point to elaborate further on the details of the conference.

I do wish to point out, however, that it would hardly be possible for anyone to observe a meeting of this kind and remain unaware of the marked extent of two things: First, the close relationship which technology and its applications has for the respective economies of each of the nations involved; second, the degree of interface, or interrelation, mutually shared in these matters by the OECD nations. Indeed, it is my belief that one could go further and apply the same rules not only to the OECD nations but to virtually all of the world's national political units.

XUM

Mr. Speaker, it is my hope that when the report I have referred to is issued that it will serve as a useful communication not only to the appropriate committees of the House and Senate, but to the executive departments and agencies as well.

LEAA COMMUNICATIONS EQUIPMENT GRANTS SUSPENDED IN IOWA

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, recently the House Government Operations Subcommittee on Legal and Monetary Affairs, which I chair, concluded a series of hearings on the administration of the block grant programs of the Law Enforcement Assistance Administration—LEAA. In the course of the testimony it was disclosed that purchases of communications equipment by State and local governmental agencies in Arkansas and Wisconsin were frequently made without competitive bidding and on specifications prepared predominantly by one supplier and that LEAA had failed to act effectively to insure adherence by State agencies to proper purchasing practices. It was announced at the hearings that the Governor of Wisconsin would impose a freeze on grants for the purchase of communications equipment pending implementation of new procurement policies and completion of State investigations on the extent of abuses in the purchase of such equipment under the LEAA programs. The State of Arkansas has informed the subcommittee of a series of basic reforms that it has instituted in this area subsequent to the subcommittee's hearings.

I have been advised that in the last few days another State has imposed a freeze on grants for the purchase of communications equipment under the LEAA block grant program. Gov. Robert Ray of Iowa is to be commended for the forthright action he has taken to make this important program function honestly and effectively in that State. The suspension of grants and the investigations that his and the State's attorney general's offices have commenced in this area are evidence that a nationwide attack on this problem is necessary.

Following are a series of newspaper articles from the Des Moines newspapers reporting the actions which have been taken and the reasons for those actions:

[From the Des Moines Register, Nov. 21, 1971]

FREEZE IOWA CRIME FUNDS; PROBE BIDS—QUESTION CONTRACTS FOR RADIOS

(By Michael Serkin)

A $665,000 federal anticrime grant to Iowa lawmen has been frozen pending an investigation into suspected bid-rigging on police communications equipment.

The freeze affects funds that were to have been distributed to police and sheriff's departments in some 60 Iowa counties by the Iowa Crime Commission, which administers the money.

The commission ordered a ban on distribution of the funds immediately after it was discovered that the Cerro Gordo County Crime Commission had awarded a contract for a police radio setup to a supplier who bid almost $14,000 higher than the lowest bid, The Sunday Register learned.

METHOD USED

The winning supplier had made it impossible for competitors to get the contract by drafting the exact specifications used by the Cerro Gordo County commission and then analyzing for the commission all of the bids received, said George Orr, director of the state Crime Commission.

The winner bid $79,800 for the equipment, he said, adding that another firm offered a comparable "if not better system" for $65,950. He declined to name the winning supplier.

The same supplier has had "amazing luck" in winning other contracts throughout the state, said John Van Brocklin, the state Crime Commission's project director.

He said a still-uncompleted survey of all county and multi-county crime commissions reveals that this supplier has been awarded "an extremely high percentage" of contracts for police and sheriff's department radio and other communications networks.

Orr said he ordered the statewide ban on distribution of the funds after conferring with the Iowa attorney general's office.

A recommendation to Orr from Asst. Atty. Gen. Bennett Cullison, jr., said:

"Pending completion of the investigation, no further Crime Commission funds be released for purchase of communications equipment where there is reason to believe all suppliers have not had an equal opportunity to submit proposals, or that suppliers themselves have allocated customers or rigged their bids."

Van Brocklin said he and agents of the State Bureau of Criminal Investigation will be in Mason City this week to investigate the Cerro Gordo County situation.

Said Orr: "It is timely that the state . . . make sure that bid rigging, price fixing or other unethical practice is not making victims of the taxpayers of Iowa."

The frozen funds are part of $5.7 million allocated to Iowa for 1973 by the Law Enforcement Assistance Administration (LEAA) of the U.S. Justice Department. The program is the Nixon administration's anticrime revenue sharing assistance to state and local governments.

The federal government funds 75 per cent of these programs, while local governments pay the remaining 25 per cent.

There are indications the LEAA program may be in trouble nationwide.

Recently the governor of Wisconsin put a freeze on LEAA funds for communications purchases in that state. A Wisconsin official told a congressional commitee investigating the LEAA that grants for communications equipment will be held up "until we are satisfied at the bidding practices."

One communications company, Motorola, Inc., has captured nearly all the market for communications equipment in both Wisconsin and Arkansas, the committee was told.

Motorola had 90 per cent of the market for police communications equipment in Arkansas in 1969 and 100 per cent of the sales there so far this year, David Hodges of the Arkansas Crime Commission told the House investigating committee in October.

One problem in Iowa, Van Brocklin said, is that there is no state law requiring government agencies to take formal bids on equipment purchases.

But there is a state law requiring agencies to use "sound business practices," Van Brocklin said. "That means you have to have a pretty good reason not to take the lowest offer," he added.

Van Brocklin said he also is concerned about "the small town official who is being taken in by the smarty."

State Crime Commission records list the following allocations to county and multi-county crime commissions for now-frozen communications purchases. In some cases, the allocations are tentative:

Allamakee, $14,000; Benton, $9,893; Black Hawk, $15,000; Buchanan, $12,800; Beuna Vista, $9,700; Cass, $17,460; Cedar, $4,163; Cerro Gordo, $30,500; Clay, $2,800; Clayton, $3,600; Davis, $4,000.

Also, Des Moines, $32,600; Dickinson, $1,500; Dubuque, $2,600; Fayette, $3,200; Floyd, $20,616; Franklin, $2,700; Fremont, not specified; Grundy, $850; Hancock, $11,778; Harding, $16,600; Henry, $5,540.

Howard, $2,900; Humboldt, $1,675; Iowa, $1,300; Jackson, $3,250; Lee, $13,700; Linn, $14,263; Louisa, $1,200; Lucas, $325; Mahaska, $6,750; Marshall, $7,900; Mills, $3,500.

Also, Mitchell, $5,000; Muscatine, $1,750; Northwest Iowa Regional Crime Commission, $14,202; Palo Alto, $1,250; Plymouth, $3,300; Central Iowa Regional Crime Commission (Polk County), $524,000; Powshiek, $1,304.

Ringgold, $5,200; Sac, $6,700; Scott, $4,315; Shelby, $1,400; Southwest Iowa Regional Crime Commission, $7,401; Stony, $1,080; Tama, $1,650; Van Buren, $600; Washington, $5,300; Winnebago, $3,535; Woodbury, $23,310; and Wright, $8,525.

[From the Des Moines Register, Nov. 23, 1971]

ORDERS RADIO BIDDING PROBE

(By James Flansburg)

Gov. Robert Ray said Monday he has ordered a check of state purchases of radio equipment.

The governor's order came on the heels of a freeze on a $665,000 federal anticrime grant pending an investigation of suspected bid-rigging on police communications equipment by local crime commissions.

Ray said he wants to know if the bid specifications on radio equipment bought by the state—primarily the Public Safety Department—are fair to all equipment suppliers.

He said investigators are working on reports—involving the freeze on the anticrime money—that an equipment supplier has written specifications for local crime commissions so that the supplier's equipment is the only equipment meeting the specifications.

Ray identified the supplier as Motorola, Inc., which has captured nearly all the market for communications equipment in Arkansas and in Wisconsin, where Gov. Patrick Lucey has ordered a similar freeze on purchases of radio equipment.

[From the Des Moines Tribune, Nov. 23, 1971]

DENY BIDS REVIEWED BY FIRM

MASON CITY, IOWA.—City officials have denied that the company that won the contract for Mason City police communications equipment analyzed the bids for the city before they were awarded.

The denial followed disclosure by the Iowa Crime Commission that an investigation was under way into suspected bid-rigging in connection with a contract awarded by the Cerro Gordo County Crime Commission for police radio equipment in Mason City.

The state agency ordered a freeze on $565,000 in federal anti-crime funds to lawmen in some 60 counties pending completion of the Cerro Gordo County probe.

Motorola, Inc., an electronics and communications manufacturing firm, was awarded the contract here even though its bid was $13,850 higher than the only other bid—submitted by General Electric.

Iowa Crime Commission Director George Orr charged that the winning supplier made it impossible for competitors to get the contract by drafting the exact specifications used by the Cerro Gordo County commission and then analyzing for the county unit all bids received.

COMPLAINT

Orr said Monday a complaint from General Electric prompted the investigation by his office.

But Mason City Mayor Tom Jolas said, "General Electric never complained about the specifications."

Orr said Monday he was "asking the question if there was a possibility" that incorrect bidding procedures had been used.

Orr said Glenn Anderson, state communications director, analyzed the bids and the review of the bids and had told Orr "the review was awfully close in the way the specifications were written."

Jolas said no engineer from Motorola or General Electric analyzed the bids for the city council.

REVIEW

He said sales representatives of the two firms reviewed each other's bids when they were opened by the council.

"The council reviewed the bids," Jolas said. "We used the specifications from a Waterloo communications system and modified them for Mason City."

Orr said it would be "foolish in the light of national concern over the bidding procedures that we not investigate these charges."

Meanwhile, Gov. Robert D. Ray has ordered a check of state purchases of radio equipment. He said he wants to know if the bid specifications on radio equipment bought by the state—primarily the Public Safety Department—are fair to all suppliers.

[From the Des Moines Register, Nov. 26, 1971]

ALMOST PAID $6,744 MORE ON EQUIPMENT—STATE HAD ACCEPTED HIGHER BID

(By James Flansburg)

The Iowa Executive Council almost paid $75,544 last year for radio equipment that could be bought for $68,800, says a staff report to Gov. Robert Ray.

Ray had ordered a check on state purchases after a freeze on a $665,000 federal anticrime grant pending an investigation of suspected bid-rigging on police communications equipment by local crime commissions.

CURRENT PROBE

The staff report said that the Executive Council in the summer of 1970 had thrown out a low bid of another supplier and had accepted a higher bid by Motorola, Inc. of Chicago, Ill.—the firm in the center of the current investigation—to supply eight pieces of radio equipment to the state.

Later, the council reversed itself and accepted the lower bid of Technical Products Engineering Co., Hollywood, Calif.

The Executive Council makes many of the day-to-day administrative decisions in state government and consists of Ray, Secretary of State Melvin Synhorst, State Auditor Lloyd Smith, State Treasurer Maurice Baringer and Secretary of Agriculture L. B. Liddy.

Executive Council minutes say that the acceptance of the Motorola bid, which was $6,744 higher than Technical Products' bid, was recommended by State Communications Director Glen Anderson and by Boyd Porter, communications supervisor in the Department of Public Safety.

They argued that the Technical Products' equipment used only one common power supply so that the whole radio console, to be used by the Iowa Highway Patrol, would break down—unlike the Motorola unit, which would only partially break down because the different parts of the console have different power supplies.

STIFF PROTEST

A stiff protest by the Technical Products firm led the council to turn down the recommendation by Porter and Anderson and to buy the Technical Products' equipment.

All of the Executive Council actions were unanimous.

Motorola, in a letter to the council, complained that the Technical Products' bid did not meet specifications.

Earlier this week, Ray said that state investigators are working on reports—involving the state's freeze on the anti-crime money—that Motorola has written specifications for local crime commissions so that Motorola equipment is the only equipment meeting the specifications.

Motorola has captured nearly all the market for communications equipment in Arkansas and in Wisconsin, where Gov. Patrick Lucey has ordered a similar freeze on the purchases of radio equipment.

RURAL POST OFFICES ON THE CHOPPING BLOCK?

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PICKLE. Mr. Speaker, already we are seeing the results of the Postal Reform Act. Already we are seeing the price of stamps keep marvelous pace with the inflationary cycle—and we will see even more increases in the costs of stamps.

But there is another move afoot that sounds unbelievable and almost sinister on the face of it. Postal Service officials tell me that surveys are underway throughout the Nation with an eye toward closing out many small rural post offices. Is that what the Congress intended?

I suspect that many of these small post offices could shortly become window dressing only—that is, they would become one-window operations with no postmark, little service, and little function.

This survey is being conducted in the name of efficiency. Mr. Speaker, I contend this is counter-productive. I might even be so bold to say that it will not speed the mail service and will, instead, impede the flow of mail in rural America. I am unconvinced that a streamline operation in a large metropolitan area can offset the miles of mail that will be trucked into the sectional centers.

There are two basic ways to cut the cost of mail: Reduce service and increase the price of stamps. Unfortunately, the Postal Service has done both.

Unfortunately, we see the signs of less and less service for rural America—instead of more and more.

For some time now, we have known that the Postal Service was considering putting the torch to the smaller third and fourth class post offices. While this is regrettable, what I am telling you is even more so. In addition to the third and fourth class facilities, the Postal Service is considering closing or severely reducing the services of some second class and even first class post offices in rural communities.

This is serious—real serious. Just the fact that a task force is even considering closing down first class operations is a sober, shocking realization. I think all Members of Congress should begin to give this development their long, hard attention. The new Postmaster General should personally look into this matter immediately.

DO NOT DRAFT MARITIME CADETS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, a constituent of mine recently brought to my attention the fact that cadets attending State maritime academies are eligible for the draft while cadets attending the U.S. Merchant Marine Academy are deferred from being drafted. The Assistant Secretary of the Navy for Manpower and Reserve Affairs, James E. Johnson, has stated:

As cadets in the U.S. Maritime Service, and as members of a quasi-military organization, they (cadets at state academies) are required to take naval science courses and U.S. Naval Reserve commissions upon graduation. They appear, from the viewpoint of the Navy, to be entitled to deferments in much the same manner as midshipmen in the U.S. Merchant Marine Academy.

Because of the concerns of my constituent, which I share, I requested the Department of Defense to review the apparent inequity in draft classification policy afforded cadets of State maritime academies.

I was gratified to receive a reply from Assistant Secretary Johnson indicating the Navy is requesting the Director of Selective Service to grant draft exemption for cadets at the maritime colleges. In addition, Mr. Johnson indicates he has initiated action to consider the appropriateness and the legality of appointing the cadets at the various State maritime academies as midshipmen in the U.S. Naval Reserve.

Assistant Secretary Johnson, on behalf of the Navy, has taken commendable action. I am hopeful that the Director of the Selective Service System will do likewise. The correspondence follows:

WASHINGTON, D.C.,
December 6, 1971.

HON. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR MR. MONAGAN: Your letter of December 1, 1971, addressed to Mr. Richard G. Capen, Jr., has been referred to me for reply as a matter under the cognizance of the Department of the Navy.

Your letter forwarded correspondence from Mr. Albert Gartland, Trumbull, Connecticut, and the Selective Service Headquarters, Washington, D.C. Both letters referred to the Selective Service status of cadets attending State Maritime Academies. This matter is of primary concern to me and I am requesting the Director of the Selective Service System to reconsider his decision concerning the eligibility of the cadets at the Maritime Colleges for draft deferments. I am urging him to grant draft exemptions for these individuals so that the Maritime Colleges may continue to contribute to all aspects of our maritime capability. I have every hope that the Director of the Selective Service System will be able to grant these students a deferment by virtue of their cadet status. A copy of my letter to Dr. Tarr is attached.

I have also initiated action to consider the appropriateness and the legality of appointing the cadets at the various State Maritime Academies as midshipmen in the U.S. Naval Reserve.

The Department of the Navy is genuinely concerned over the draft status of the cadets involved, and we will continue to take appropriate action to insure that the cadets may complete their training in an orderly fashion.

Your interest in this matter is sincerely appreciated.

Sincerely yours,

JAMES E. JOHNSON,
Assistant Secretary of the Navy,
Manpower and Reserve Affairs.

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DEPARTMENT OF THE NAVY,
Washington, D.C., November 22, 1971.

Dr. CURTIS W. TARR,
Director, Selective Service System,
Washington, D.C.

DEAR CURTIS: It is my understanding that young men enrolled as cadets in the state maritime academies of Maine, Massachusetts, New York, Texas and California are no longer eligible for student deferments under the 1971 revisions to the Selective Service Act.

I would urge you to reconsider their eligibility. As cadets in the U.S. Maritime Service, and as members of a quasi-military organization, they are required to take naval science courses and accept U.S. Naval Reserve commissions upon graduation. They appear, from the viewpoint of the Navy, to be entitled to deferments in much the same manner as midshipmen at the U.S. Merchant Marine Academy.

The historic close association of the Merchant Marine with the Navy, as separate but complementary forces to exploit seapower in support of the National Interest, especially in time of war, is a matter of history. The need for a viable merchant marine, manned by professionally trained officers has been amply demonstrated, but perhaps we in the Navy realize better than anyone the vast amount of cooperation and coordination which is essential to effective joint operations. Such operations can only be conducted by officers knowledgeable of each other's capabilities and limitations. The state supported maritime academies currently furnish over 50% of the officers required by the various merchant shipping companies.

In the Navy of today and tomorrow, implementation of the All Volunteer Force has dramatically reemphasized the role of the Reserve components within the Total Force concept for the defense of our country. If we are to attract and retain Reserve officers qualified to exercise, in addition, the unique capabilities of the U.S. Merchant Marine in peace and in war, we must support the state maritime academies as well as the federal academy, as the only visible sources of such officers. Continuation of draft exemptions for the cadets at the state supported maritime academies will enable these institutions to continue to contribute to all aspects of our maritime capability. I highly recommend such a course of action to you.

I would be pleased to discuss this matter further with you at your convenience.

Sincerely yours,

JAMES E. JOHNSON,
Assistant Secretary of the Navy,
Manpower and Reserve Affairs.

CLAREMONT DAILY EAGLE PRAISES INNOVATIVE EDUCATIONAL PROGRAM

Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, for some time now I have been disturbed by the apparent lack of results commensurate with the large investment the Federal Government makes annually to improve education. Recently an editorial was brought to my attention which lauds the achievements of a program called "performance contracting," initiated as an experiment in 1970 by the Office of Economic Opportunity. I believe that the preliminary success of this program deserves recognition and consideration.

Performance contracting introduces into the educational system a profit motive, keener competition and, consequently, more tangible results. The contractor gets paid according to the actual advances made by the students and does not get paid if there are no gains.

Initially many teachers feared they might lose their jobs to performance contractors, but evidently they are benefiting instead by learning how to be "more efficient, more effective teachers."

Many people have accepted as absolute the premise that the quality of education is directly proportional to the quantity of money spent. In turning attention more towards performance and results, perhaps, as the editorial states, we might be "on some sort of right track."

The editorial, which appeared in the Claremont, N.H., Daily Eagle, a respected New Hampshire newspaper, on October 21, 1971, follows:

Don't look now, but after all these years educators may finally be discovering why Johnny can't read, especially if Johnny comes from an inner-city school. To be more accurate, they are finding out more about the how-to of reading, which is only the other side of the why-not.

One of the most promising, certainly one of the most controversial, developments is "performance contracting." A publisher of learning materials guarantees to raise the performance levels of a certain number of pupils by a certain amount in a certain period of time. No performance, no payment.

The first experiment took place in Texarkana in 1969 when Dorsett Educational Systems contracted to teach reading and mathematics to potential high school dropouts. Results were encouraging but marred by charges that some of the pupils had been coached on tests.

In April, 1970, the Office of Economic Opportunity initiated a $6.5-million experiment involving six companies in 18 school districts. By the next school year, more than 40 companies were negotiating performance contracts in 170 school districts.

The results from one of them, Philadelphia's inner-city District 4, were released recently and are the most encouraging to date.

A total of 14,261 students participated in a program known as "Project Read G," conducted by Behavioral Research Laboratories (BRL) of Palo Alto, Calif. Project Read is a system of individualized reading materials. Each student works at his own pace in the programmed text and receives continual testing, reinforcement and encouragement from the classroom teacher, who is assisted by professional BRL consultants.

Of the total, 9,914 students were eligible for the money-back guarantee by attending classes 150 days or more. Of these, 50 per cent gained one full academic year or more. About 60 per cent achieved month-for-month gains. The average growth for all students was nine months during the eight months of the program.

The results are particularly striking when it is realized that about 5,000 of the students were selected for the program because they were underachievers. Included among them were 506 retarded children.

The company lost money on the majority of these, yet according to District 4 superintendent, Dr. Ruth W. Hayre, "many of them did make gains of as much as six to nine months, or more than they had ever achieved previously."

In this as in other performance contracts there are a number of beneficial side effects. Probably the most important is a feeling of pride and accomplishment in children who have known mostly failure in school work. Success in reading, the most basic of knowledge skills, cannot help but be reflected in other studies.

The principal of a Lansing, Mich., high school also took part in a Project Read program, reports that since the children now experience success rather than frustration, his discipline problems have been cut in half.

Teachers are also discovering that performance contractors are not taking over their jobs or "programming" them out of the classroom. Instead, they are being helped to be more efficient, more effective teachers.

Performance contracting is not, of course, a magic wand that will transform every student into a scholar. As the experiments continue, there will undoubtedly be mixed results from some teaching methods or programs and possibly some negative results.

But we do seem to be on some sort of right track.

THREE GOOD MONTHS ON THE INFLATION FRONT

(Mr. ARENDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ARENDS. Mr. Speaker, release of the wholesale price index for November shows that since the freeze began we have had 3 extremely good months on the inflation front. For the whole period of the freeze wholesale prices actually declined. The seasonally adjusted index for all commodities at wholesale rose only one-tenth of 1 percent in November, following a similar small rise in October and a decline of four-tenths of 1 percent in September. The index for industrial commodities is especially significant, because the prices there are less volatile and because the prices of raw agricultural products are not controlled. The index for industrial commodities did not rise at all in November, declined by three-tenths of 1 percent in October, and declined by one-tenth of 1 percent in September. Altogether the total index fell by two-tenths of 1 percent during the 3-month freeze period and industrial commodities fell by three-tenths of 1 percent.

Mr. Speaker, despite these statistics we are constantly barraged by political-type statements to the effect that the President's economic program is not working. We in this House understand the dialog of politics, but at a time when inflationary expectations are being rapidly eroded by the new economic policy, it is quite clear that there are some in this country who for their own special interests do not want to see this all-out effort succeed. I, for one, hope the American people will reject these divisive voices and will base their economic plans on the more positive factors implicit in the official statistics.

NATIONAL FORESTS IN JEOPARDY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the St. Louis Post-Dispatch of November 22, 1971, carried an editorial under the heading "National Forests in Jeopardy" in which this outstanding newspaper took note of the fact that our national forests are "being needlessly wasted and abused."

The article refers to a bill, H.R. 7383, which I have had the honor to cosponsor with my good friend, Congressman JOHN D. DINGELL of Michigan. I commend this editorial to my colleagues and that its text appear at this point in the RECORD:

NATIONAL FORESTS IN JEOPARDY

Americans, as they take to the open road during the vacation season, can observe how a priceless part of their natural heritage—the national forests—is being needlessly wasted and abused. The deterioration of this great material and recreational asset, described in a recent series of articles by Gladwin Hill of *The New York Times*, is all the more regrettable because, unlike other aspects of the environmental crisis, it is due largely to mismanagement by the federal government.

Although the 187,000,000 acres in the national forests (including 1,426,000 acres in Missouri) are by law supposed to serve multiple functions, the Forest Service has allowed the commercial functions of timber production, grazing and mining to take precedence over the conservation functions of watershed maintenance, recreation and wildlife preservation.

The commercial emphasis takes visible form in Montana, where whole mountainsides have been skinned of centuries' growth of Douglas fir and ponderosa pine; in West Virginia, where the Monongahela National Forest is riddled by coal mining oprations and the landscape defaced and wild game routed by clear-cutting of timber; in various parts of the West, where 18 million acres have been declared in "poor" condition as a result of systematic over-grazing.

As Senator Gale McGee of Wyoming has pointed out, "soil is eroding, reforestation is neglected if not ignored, streams are silting, and clear-cutting remains a basic practice." Clear-cutting is a major example of bad management. Adopted in 1964 under pressure from the timber industry, it consists of stripping forest tracts bare, a practice which not only undermines watershed maintenance, wildlife protection and recreational values but also runs counter to the selective cutting and sustained yield concepts by which the Forest Service is supposed to operate.

So strong has been the commercial bias of the Forest Service that it has increased the "allowable cut" from 5.6 billion board feet in 1950 to 13.74 billion feet in 1971 without a corresponding increase in the yield of comparable timber. As a result, some critics foresee a timber "deficit" in less than 50 years.

While the Forest Service has concentrated on timber production, it has let its recreational facilities and services deteriorate and has resisted and hampered efforts to set aside some 6,000,000 to 8,000,000 acres (about 4 per cent of its lands) as wilderness areas. Already under heavy pressure from timber, mining and grazing interests and poorly organized for its task of management for multiple purposes, the Forest Service's job is being made even more difficult by White House insistence on still higher timber production to meet projected future needs for housing lumber. And Senator Mark Hatfield of Oregon, a state with big timber interests, has introduced a bill with the same objective. (Meanwhile timber exports are running at about 5 billion board-feet a year.)

To protect the public interest in both national and private forests, Rep. John Dingell has drafted a bill to set up federal standards for timber management, logging and environmental protection on public and private forest lands. And the President's Advisory Council on Executive Reorganization—viewing the Forest Service as a land management rather than a crop-growing agency—has recommended that it be removed from the Department of Agriculture and put into a new Department of Natural Resources.

To rescue the Forest Service from its commercial constituency and give it a better chance to serve its 200,000,000 owners, Congress should give prompt consideration to both the Dingell bill and the reorganization plan.

LEST WE FORGET—THE NATIONAL DEBT REACHED $414,620,110,923.89 ON NOVEMBER 30

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, on November 30, 1971, the gross public debt of the United States of America reached the grand total of $414,620,110,923.89. That amount represented an increase of $2.7 billion since November 1. Compared to the same date 1 year ago, the gross public debt increased over $30 billion.

I bring these staggering figures to your attention, because there is an all too unfortunate tendency on the part of Members of both Houses of Congress to forget that the American taxpayer is forced to shoulder the financial burden resulting from our deliberations.

Day after day, month after month, and year after year, Federal programs for this, that, and everything are added to the law books and the money used to pay for the schemes thus created comes from the citizen's wallet.

When, and usually, money is not readily available to pay for the programs voted by Congress and approved by the President, the size of the national debt is increased; the resulting debt is financed through the issuance of Government securities. In order to pay the interest cost on this whopping debt of nearly $415 billion, the Federal Government has budgeted the tidy sum of $21,150 million for fiscal year 1972.

To pay interest on the debt, during the month of November, the Federal Government made withdrawals in the amount of $2,247,188,533.92 from the accounts of the Treasurer of the United States. That amount was the third largest withdrawal for the month following withdrawals for, first, the Department of Defense; second, Federal old-age, disability, and health insurance trust funds; and third, "all other" withdrawals.

One tends to ignore figures of the magnitude thus far mentioned—therefore, a more meaningful and personal comparison is made: The current gross national debt on November 30, 1971, is a financial burden to the tune of $1,989.52 for each of the 208,402,503 men, women, and children in the United States. For the average family of four, its national debt bill was $7,958.08 on November 30.

In times past, when the people demanded that the Federal Government give to the public without first taking from the public, the solution was the printing of worthless paper money, commonly referred to as "greenbacks." When used by the Central Government to pay its bills, such paper money acquired value at the expense of the value of all the other money. The printing of greenbacks—to permit "giving" without seeming to be taking—was, in effect, an invisible tax on anybody who had any money.

Today, under the more sophisticated modern banking system, Government no longer prints greenbacks when it is called upon to spend more money than it takes in from taxes or through the sale of bonds to the public. In order to raise additional funds necessitated by congressional and executive action, the Government sells interest-bearing securities in the financial market. Many of the Government IOU's become a part of the commercial bank's reserves thus permitting the creation of "checkbook" money. The effect of this checkbook money on the value of the public's money is the same as if greenbacks had been printed. But it also has an effect that greenbacks did not have: The public must be taxed to pay the bank interest on the IOU's and then taxed again to pay back the banks.

This custom of governments everywhere, and particularly the Federal Government of the United States—the creation and spending of new, unearned money—is the root cause of inflation. The simple lesson to be learned from this admittedly abbreviated discourse on economics is that in order to control inflation, the Federal Government must be controlled. And that is our primary responsibility as Members of Congress.

TRIBUTE TO THE LATE RALPH J. BUNCHE

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, early this morning death came to one of the greatest citizens of this country and of the world—Ralph J. Bunche. Born in poverty in the black ghetto of Detroit, Ralph Bunche rose to become one of the world's foremost international statesmen as Under Secretary General of the United Nations. No American has ever surpassed his record of accomplishment in the United Nations system.

As the U.N. mediator in Palestine his efforts resulted in the armistice agreements between Israel and the Arab States in 1949. In recognition of his work there he was awarded the Nobel Peace Prize in 1950. As Under Secretary General for Special Political Affairs he played the leading role in U.N. peacekeeping for almost two decades in the Middle East, Kashmir, the Congo, Yemen, and Cyprus. Long active in efforts to create international systems for the control and peaceful use of atomic energy he was principally responsible for the establishment of the International Atomic Energy Agency.

In the field of education he held professorships for many years at Howard and Harvard Universities. A fighter for human rights for more than 40 years, he was instrumental in achieving racial desegregation of public facilities in the District of Columbia during the 1930's. In recognition of his outstanding work in many fields the President of the United States awarded him the Presidential Medal of Freedom in 1963.

While attaining positions of world prominence, Ralph Bunche never lost his feeling of basic humility and compassion

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toward his fellow man—qualities which endeared him to both friend and foe in the international community. He was the epitomy of the unselfish international civil servant, an untiring soldier for peace, whose passing will be mourned by men and women of peace throughout the world.

I am planning a special order next Tuesday for a more extended discussion of the enormous contributions which Ralph Bunche made to our Nation and to the world.

NIXON VETO A CRUEL FREEZE ON THE LIVES OF CHILDREN

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, President Nixon's veto today of the legislation containing the comprehensive child development program imposes a cruel freeze on the lives of millions of children.

With one stroke of the pen, President Nixon has broken his own promise to support child development and has shattered the chances for healthful and stimulating growth of preschool children of middle-income families as well as children of the poor.

Mr. Speaker, President Nixon's veto of this historic advance for young children and working mothers is one more example of his failure to match his political promises with action.

For it was, I remind you, President Nixon, who in February 1969, told Congress:

So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

And I remind you, Mr. Speaker, that it was President Nixon who on August 11, 1969, in proposing his welfare reform bill and calling for federally supported child development centers said:

The child care I propose is more than custodial. This Administration is committed to a new emphasis on child development in the first five years of life.

Mr. Speaker, the child development program contained in the bill extending the Economic Opportunity Act provides just the kind of quality services for all American children that President Nixon has repeatedly said he wants.

That he killed this bill for children is therefore all the more astonishing. Moreover, Mr. Speaker, until the White House mounted a campaign to defeat the child development bill in the House of Representatives, this legislation had enjoyed wide bipartisan support.

For example, Republican Members of the Senate voted for the bill by a margin of over 2 to 1.

Indeed, the Republican leader of the Senate and the Republican whip both voted for the bill as did the chairman of the Republican National Committee, also a Senator.

Still further I would add, Mr. Speaker, nearly 100 Members of the House of Representatives, Republicans as well as Democrats, introduced child development legislation this year, thereby indicating their support for such programs.

Mr. Speaker, I would recall to your attention that it was the White House Conference on Children of 1970, called by President Nixon himself, that endorsed the comprehensive child development bill and declared this legislation to be its No. 1 priority.

I was struck, Mr. Speaker, by the irony of the speech delivered in Washington yesterday by the distinguished Secretary of Health, Education, and Welfare, the Honorable Elliot Richardson, in which he attacked, to quote him, "the propensity of politicians who promise more than they can possibly deliver."

Mr. Speaker, I am sure you will agree that in light of what Mr. Nixon has been promising for children, today's veto makes President Nixon a prime example of what Mr. Richardson was complaining about.

WHY CHILD DEVELOPMENT LEGISLATION

Now, Mr. Speaker, why is child development legislation so important?

First, more and more research has told us of the significance for the rest of human life of what happens in the earliest years.

Again and again child psychologists and educators have attested to the value of early childhood education. I here cite only one of the most frequently quoted findings—that of Benjamin Bloom; namely, that:

In terms of intelligence measured at age 17, about 50% of the development takes place between conception and age 4, and 30% between ages 4 and 8, and about 20% between ages 8 and 17.

A second reason for the comprehensive child development bill is the finding of the Coleman report that poor children develop much more rapidly when they participate in programs with children of middle-income backgrounds than when they are segregated by family income.

This is not a function of race; poor black children in classes with middle-class black children progress more rapidly than do poor black children segregated by socioeconomic background.

Our bill seeks to encourage the mixture of children of various social and economic backgrounds.

There is yet a third aspect of this legislation which makes it so significant that we must not forget it.

There are today some 8 million preschool children below the age of 6 in the United States whose mothers work; yet, day-care services are available to less than 700,000 of these children.

And this problem will be immensely compounded in the coming years because the U.S. Department of Labor estimates are that by 1980 there will be close to 7.6 million working mothers with children under 6 years of age—an increase of 43 percent between 1970 and 1980. This is a fact with obvious immense implications for the development of very young children in our country.

I have given you only three of the manifold reasons that those of us in Congress who have shaped this legislation—Senator WALTER MONDALE, of Minnesota, Representatives PATSY MINK, of Hawaii, OGDEN REID, of New York, and I—believe it so important.

As I have said, Mr. Speaker, nearly 100 Members of the House of both parties introduced the comprehensive child development bill on March 25, 1971.

On September 23, 1971, the full Committee on Education and Labor voted favorably to report the bill by a record vote of 28 to 3 and one present, with only two Republican votes against the measure.

PRINCIPAL CHARGES AGAINST THE LEGISLATION

Now, Mr. Speaker, I want to comment on three of the principal charges brought against the bill.

ADMINISTRATION OF PROGRAMS

First, it is contended that the bill does not allow an adequate role to the States in child development and that the program authorized is administratively unworkable.

Over two-thirds of the Republicans in the Senate obviously did not agree with this judgment.

But to get to the point it is simply inaccurate to charge that the States do not have a significant role.

Indeed, the language is specific in requiring State involvement at every stage: creation of prime sponsors, formation of comprehensive child development plans and project operation.

Moreover, up to 5 percent of operating funds will become available to States to carry out their functions. In this way, States are encouraged to provide technical assistance and coordination of child programs within their boundaries. The States can thus identify problems, help in solving them, and advise the Department of Health, Education, and Welfare on how effectively programs are meeting child development standards.

But there is still another way in which States may participate in the program. The bill specifically authorizes the Secretary to fund directly any program—including that of a State—whenever he finds that a local community has not submitted a program, submitted an inadequate program, or where a program does not or cannot meet the needs of children.

In fact, there can be no question that the comprehensive child development program which the President today vetoed provides a more important role for the States than does the present Headstart program.

So the argument that there is an inadequate role for the States is patently incorrect.

I must further add, Mr. Speaker, that the legislation also provides encouragement to local communities to join together to apply as prime sponsors for child development programs and the suggestion therefore that every small community in the country will be directly applying to the Federal Government is equally without foundation.

COST

Mr. Speaker, another major objection advanced by opponents of the bill is that its costs will be exorbitant and will damage attempts to reduce governmental spending during phase II.

Let me point out, however, that the bill requires the creation of a Child Development Council and the preparation and approval of a comprehensive child development plan. This means that 12 to 18 months will elapse before any substantial number of communities will be able even to qualify for operating funds. Therefore, neither the budget for the current fiscal year nor for fiscal year 1973 will be significantly affected.

The first substantial impact of the legislation will therefore not occur until fiscal year 1974. Even then, it is doubtful that communities will be prepared to spend more than $200 to $300 million above present levels. Surely, that level of funding, or even twice that level, is not excessive when viewed in light of the present total Federal budget of nearly $200 billion.

But, Mr. Speaker, we must look at the question of cost of the program as measured against the need for it.

Let me here cite two estimates. If $2 billion were available—the amount authorized for the next fiscal year—and if there were provided part-day services to children 0 to 5, we would be able to serve 1,538,462 children—42 percent of the eligible population under the family income level of $4,320.

For purposes of comparison, we are today serving only 20 percent of that population. In fiscal year 1972 all children served totaled 479,400.

Let me cite another estimate. With $2 billion, if it were decided to serve children of school age up to 14, and to provide full-day services for children 0 to 5 from families under $4,320 income, it would be possible to serve 625,000 preschool and 1,428,572 children of school age, a total of 2,053,572.

So clearly, Mr. Speaker, the funds authorized in this bill—even assuming full appropriations—would be far short of meeting the need.

Mr. Speaker, there is another charge on which I wish to comment.

COMMUNAL APPROACH

Some rightwing extremists are contending that the bill will produce a Sovietization of our children or as President Nixon said "commit the vast moral authority of the National Government to the side of communal approaches to child rearing" and their takeover by the Federal Government.

This charge of course is absurd and irresponsible. We have carefully drafted the bill to protect the rights of parents and their children.

First. Participation in the program is completely voluntary. Children will not participate without the specific request of a parent or legal guardian.

Second. Children will not be tested unless the parent or guardian is informed and given an opportunity to accept the child.

Third. The bill contains specific language providing protection against any infringement of the moral or legal right of parents or guardians with respect to the moral, mental, emotional, or physical development of their children.

To reiterate, the Child Development program, unlike the Public School program, is totally voluntary.

PARENTAL CONTROL

But even beyond what I have already said, I can tell you that no item in the bill received more attention than parental involvement and control.

The sponsors of the bill went to great extremes to assure that the legislation would help strengthen the family and family ties rather than weakening them.

I should explain that the bill provides Federal money to support comprehensive child development programs which includes day care, health, and educational programs. These programs must be planned, created, and operated at the local level by parents or by persons of their choosing. The Office of Child Development in the Department of Health, Education, and Welfare would be involved only in setting common standards and administering the funds on an allotment basis.

Indeed, we wanted this program to be operated locally without a new army of bureaucrats, as Mr. Nixon claims this legislation would produce.

Indeed, a principal purpose of the bill is to give the taxpayer some of his money back so that churches, schools, settlement houses, and parents of the local level can provide preschool programs for their children without the control of either State or Federal Governments.

Clearly, therefore, the bill would not mean, as some have charged, that the Federal Government take over responsibility for child development. This legislation should be viewed rather as providing an incentive to States and local communities to help them in developing their own child development programs.

NEED

Mr. Speaker, in his veto message President Nixon states that—

Neither the immediate need nor the desirability of a national child development program of this character has been demonstrated.

Mr. Speaker, I am tomorrow going to send President Nixon a set of the hearings of the Select Subcommittee on Education of the House Committee on Education and Labor during the period between 1969 and 1971 during which hundreds of witnesses—166 witnesses and statements—including parents, officials representing the Nixon administration, Governors from across the country testified on the need for precisely the kind of program which President Nixon today killed.

If the President will read these hearings he will see that many Republicans as well as Democrats on our committee indicated their conviction that indeed there is "immediate need" for such a program and that, moreover, it is highly desirable.

President Nixon has evidently not followed the expressed views of members of his own party in Congress nor indeed does his veto message reflect an awareness of his own previously stated calls for a national commitment to exactly the kind of program in the bill he has vetoed.

For, Mr. Speaker, to reiterate, President Nixon calls for day-care centers in his welfare program contained in H.R. 1.

In his August address, he said that he called for these day-care centers to provide care that would be "more than custodial."

He said then that the day care that would be part of this plan would be a quality that would help in development of children and provide for their health and safety.

But in his veto message today the President has retreated from this commitment and says only of H.R. 1 that day-care centers are needed for the children of the poor so that their parents can leave the welfare rolls to go on the payrolls. All of us, of course, want to encourage people on welfare to work whenever possible.

But it is indeed distressing that the President now seems to view day-care programs as simply babysitting centers to enable parents to work and has abandoned his earlier, more understanding view, that child development programs must focus on the good of the child.

All those who have been champions of child development legislation including, I have little doubt, some of my Republican friends, must be astonished at this latest Presidential retreat.

And, Mr. Speaker, do not forget that the Republican leader of the House, the gentleman from Michigan, Mr. GERALD R. FORD, was a cosponsor of a comprehensive child development bill last year, so I must assume that he thought there was a need for it.

In this connection, Mr. Speaker, is the President seriously charging—to quote his veto message once more—that the National Government is going to support "communal approaches to child rearing over against the family-centered approach"?

Is the President seriously charging that all those Republican Senators who voted for this legislation were voting for "communal approaches to child rearing over against the family-centered approach."

No thoughtful person would suggest that they would, any more than those of us who have championed this legislation do.

The President's charge is a specious one and is an indication of the extreme to which he has found it necessary to go to appease his radical rightwing critics who are distressed over his forthcoming visits to Moscow and Peking. He seems more interested in appeasing them than he does in making good on his 1969 commitment to American children.

Mr. Speaker, President Nixon said today in his veto message—

We owe our children something more than good intentions.

We owe the children of America, to quote Richard Milhous Nixon, "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

NEW NATION OF BANGLA DESH

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point and to include a resolution and extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, I am today introducing a simple House resolu-

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tion calling on the administration to extend full diplomatic recognition to the new nation of Bangla Desh.

My resolution, the text of which I shall include in the RECORD at the conclusion of my remarks, speaks for itself. The Government of Pakistan, through its heinous repression of the Awami League and the civilian population of East Bengal has forfeited any claim to the allegiance of the citizens of that region. The civil war which was initiated by Yahya Khan on March 25 and the recent outbreak of hostilities between India and Pakistan have sealed the fate of Pakistan as a unified nation.

Mr. Speaker, it is only a matter of time before Bangla Desh is an independent country. This morning's reports from that region indicate that Indian forces and the Mukti Bahini have surrounded and nearly defeated the Pakistani Army in what was once East Pakistan. I see no reason why victory will not be in the hands of these forces very shortly.

The United States, if acting only from realism, should take note of these recent developments and extend diplomatic recognition to this new nation of Bangla Desh. But reasons more compelling than international political pragmatism should prompt our Government to reverse its callous policy of support for the repressive Yahya regime and face up to the facts of life in South Asia.

Since March 25, our Government has, through its policy of silence, countenanced the genocidal attack which the West Pakistani Government launched against the East. India's vehement protests that this civil war, which had driven 10 million refugees into the environs of Calcutta, must be ended through international pressure on Yahya Khan fell on deaf ears in the White House and Foggy Bottom. The unresponsiveness of our Government and its addiction to cold-war attitudes which required continued support of the Yahya government, served only to heighten tensions in South Asia and drive India to a friendship pact with the Soviet Union. The bankruptcy of our Government's ambivalent policy toward the tragedy of Bangla Desh is no better exemplified than by the administration's allowing arms shipment to continue to Pakistan for 8 months after the outbreak of the civil war.

Our policy of equivocation and appeasement of the Pakistani Government must end if the United States is to regain its good name in South Asia and hope for any measure of influence there in the decades ahead. Unfortunately, even in light of the rapidly changing political and military situation surrounding Bangla Desh, the U.S. Government fails to divorce itself from the Yahya dictatorship.

American policy in South Asia, thus, must be modified. The resolution I am introducing today provides us with a broad, new South Asian policy framework which would serve the interests of the United States and the peoples of South Asia well.

Apart from granting belated American recognition to the valiant independence efforts of the people of Bangla Desh my resolution calls for an immediate cease-fire coupled with withdrawal of all foreign troops from all sectors of South Asia. This would mean, among other things, withdrawal of Indian troops from Bangla Desh and a Pakistani withdrawal from Kashmir. We must not ignore, as well, the plight of West Pakistani troops now surrounded in Bangla Desh. In light of the atrocities perpetrated by the Pakistani Government in the past 9 months, it is not surprising that revenge might be wreaked on these survivors by elements in Bangla Desh. However, simple morality and respect for international law requires that no reprisals be undertaken. Accordingly, my resolution calls for prompt and safe repatriation of these West Pakistani troops. We must also press for similar treatment of Bengalis now in West Pakistan.

And, of course, my resolution recognizes that immediate efforts must be made to repatriate the millions of homeless refugees now in India. Our traditional American policy of giving succor to the suffering of the world dictates that we take the lead among developed nations in providing funds and material for this repatriation effort.

Mr. Speaker, I am convinced that time and a sense of belated concern for the masses in East Pakistan will require eventual recognition of Bangla Desh. Why not initiate such a policy now before the people of that new nation are totally alienated from the United States as well as from their former government in Islamabad? We must recover our sense of justice and morality in the field of foreign affairs. A start can be made by undertaking this long-overdue revision of our policy toward the peoples of South Asia.

Under unanimous consent, Mr. Speaker, I am including at this point in the RECORD several relevant articles from the New York Times as well as the text of my resolution:

RESOLUTION

Expressing the sense of the House of Representatives relative to the crisis in South Asia.

Whereas the people of East Bengal voted overwhelmingly last year for self-determination and autonomy, and

Whereas the government of Pakistan has engaged in a ruthless suppression of the civilian population of that region, has slaughtered hundreds of thousands and has driven 10 million refugees into India, and

Whereas the government of Pakistan has thereby forfeited any moral authority over East Bengal and has permanently and totally alienated the population of that region, and

Whereas the government of the United States has consistently failed to take note of the moral imperatives for ceasing support of the brutal and anti-democratic government of Pakistan, and

Whereas the current crisis has been aggravated by hostilities between India and Pakistan: Now, therefore, be it

Resolved, that it is the sense of the House that:

(1) The United States government should immediately take steps to modify significantly its policy in South Asia, especially with respect to the serious deterioration of its relations with the Government of India,

(2) The current embargo on arms shipments to both India and Pakistan should be extended indefinitely, and the United States should scrupulously avoid any military involvement in South Asia,

(3) The President should extend full diplomatic recognition to Bangla Desh as a free and independent nation,

(4) The government of the United States should press for a total cease-fire in South Asia, coupled with complete withdrawal of all foreign troops from Bangla Desh, Pakistan and India, including Kashmir,

(5) There should be a swift repatriation of all captives and refugees and full compliance with international law governing the treatment of prisoners and the conduct of war,

(6) There should be held, as soon as peace is restored, free elections in Bangla Desh to establish a provisional government, and

(7) The United States government should undertake maximum diplomatic efforts and should provide full economic and humanitarian relief assistance to aid in the attainment of the goals of this resolution.

STATE THAT NEVER WAS

LONDON.—On the Indian subcontinent a state is dying and a new nation has been born.

The theocratic state of Pakistan is struggling to avoid dismemberment, though it has but one unifying force within its boundaries: the Islamic faith of the majority of its citizens. It was in deference to religious bigotry that the geographic and cultural monstrosity called Pakistan came into existence in the first place.

Now the nationalism of the Bengalis has shattered Muslim unity, set an example for the disaffected Pathans and reduced the loyal area of Pakistan to the two provinces of Punjab and Sind. Since India cannot cope with the ten million refugees from East Bengal and wishes to send them back over the border, Mrs. Gandhi has seized upon President Yahya Khan's difficulties and by a skillful military escalation hopes to give the new nation of Bangla Desh the chance of self-government. The supply lines of the Pakistan Army are hopelessly stretched and they are being harassed by the Mukti Bahini in East Bengal. Since the Pakistanis also face trouble in the North-West Frontier Province and Baluchistan, they cannot long sustain Indian military pressure. As the chances of Chinese help recede their plight is desperate.

Pakistan has little claim upon our sympathy. She became a state because the intransigence of Mr. Jinnah and the Moslem League destroyed the chance of a secular all-Indian confederation. From its foundation this artificial state has been militaristic and bellicose and for two decades has spent 80 per cent of its budget on defense. Its present rulers are as stupid as they are brutal. Instead of working for a compromise with Sheik Mujibur Rahman and his Bengali Awami League, President Yahya Khan unleashed Gen. Tikko Khan and the Pakistan Army upon the hapless Bengalis in a campaign of indiscriminate slaughter.

Last week, as if to confirm the fact that he has very little political judgment, he banned the West Pakistan National Awami party and arrested some of its leaders. In so doing he has disfranchised the North-West Frontier Province and Baluchistan, which are now disaffected and may require watching by the already very much overcommitted Pakistan Army.

Perhaps the Pakistanis calculated that all internal risks were manageable because of the assured support of China. If so, they have been outmaneuvered by India and badly served by the U.N. vote that admitted China to membership. The Indians have exerted military pressure at a time when the mountain passes, through which Chinese help would have to come, are blocked by snow. They will stay blocked for at least another three months, which gives the Indian Army plenty of time to intensify its military activity to the point where Pakistan breaks.

Not that it is very likely that the Chinese have considered sending help. It would be a bad start to China's U.N. membership for her to become involved in an Asian land war that might well involve not only India but also the U.S.S.R. The Chinese have more important aims than the maintenance in power of Yahya Khan. The Sino-Pakistan alliance has always been an opportunistic deal between utterly dissimilar societies who believe they have common enemies. China will not wish to be saddled with an ally who cannot maintain internal peace and so threatens to embroil the Chinese in conflicts which do not affect their national interests.

The Pakistanis fear that if they wait upon events the Indian Army will not confine its activities to the frontier regions of East Bengal but will strike at Lahore in an attempt to cut West Pakistan in two. India has 29 divisions to Pakistan's 19, a million men to 400,000, command of the sea, more and better tanks and twice as many military aircraft. Despite the excellent quality of the Pakistani forces there is little doubt about the result of full-scale warfare. The Indians hold the initiative and it is to be hoped that circumstances will allow them to use it for ending the existence of the unitary despotism which is the present Pakistan and bringing to birth new states with more reasonable aims and boundaries.

ALIENATING INDIA

President Nixon's declaration of "absolute neutrality" in the Indian-Pakistani conflict fails to conceal Administration policies, which have, in fact, been obviously biased in favor of the Government of President Yahya Khan in Islamabad.

During the eight months of repression in East Pakistan which led to the present international conflict on the subcontinent, Washington's "neutrality" consisted of maintaining silence while Yahya's troops suppressed a freely elected autonomy movement in East Pakistan, were responsible for the death of thousands of Bengalis and forced millions more, mostly Hindus, to flee to India where their presence has posed a growing threat to Indian political, economic and social stability. For many months the Administration actually gave material support to this unconscionable repression by continuing to ship small amounts of military supplies to Islamabad.

Administration officials argue, as a White House briefing emphasized yesterday, that their public silence and the continuance of aid were designed to strengthen quiet efforts to promote a political settlement in East Pakistan that would bring peace and the return of the refugees. But there is no evidence that President Yahya has tried to reach any accommodation with the imprisoned Sheik Mujibur Rahman and the other elected representatives who command the confidence of the overwhelming majority of Pakistan Bengalis.

Having failed to condemn the repression in East Pakistan, the United States now charges India with "major responsibility" for the resulting international conflict; having waited months to suspend arms aid to Pakistan, the Administration has promptly suspended military and economic aid to India. This is hardly "absolute neutrality"—even though it must be fully recognized that India is by no means guiltless in the actual outbreak of armed conflict, and, despite all the hypocritical and self-serving statements issued from New Delhi almost daily, has been aggressively maneuvering against her northern neighbor. There is plenty of blame to go all the way around.

United States efforts at the United Nations, first in the Security Council and now in the General Assembly, have been aimed at bringing about a simple cease-fire and withdrawal of forces. Urgent and desirable as such action surely is, it cannot be practically effective unless the United Nations and its leading members—especially the United States—are prepared at the same time to recognize and attempt to deal with the root cause of the problem in Pakistan.

AN EFFECTIVE NATIONAL DEFENSE—WHY?

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, in October 1962 the world witnessed the Cuban missile confrontation between the two nuclear superpowers. In those few days the world moved rapidly toward the precipice of nuclear disaster. Because of the courage and determination of a great President and because of the strength of U.S. defensive power, the crisis passed and stability was returned to the Caribbean area.

Since that time it appears the Soviet Union has embarked on a deliberate course of obtaining military superiority over the United States. The Soviets have the SS-9 nuclear missiles with a capability of over 20 megatons—the equivalent of 20 million tons of TNT, an almost unimaginable explosion. This power is far in excess of the largest single nuclear missile in our stockpile. Their naval nuclear submarine strength has grown appreciably over the past few years and it is estimated that within a few years they will have more nuclear submarines capable of striking the United States than we have on station in the Atlantic, Mediterranean, and Far East in support of our commitments.

It is to prevent a recurrence of a Cuban missile crisis that both the United States and the Soviet Union are striving to develop an agreement at the strategic arms limitation conference currently underway in Vienna. I believe everyone in the Congress and the country joins me in the hope that there will be success at the SALT conference, and we will take a step away from the abyss of nuclear disaster.

It is well to look at both sides of the delicate balance of terror between the United States and the U.S.S.R. We pray for peace but yet we watch with anguish the ever-growing strength of the Soviet Union.

In this connection on Wednesday, November 17, 1971, Vice Adm. H. G. Rickover spoke before the American Ordnance Association in New York to discuss the need for an effective national defense. His speech gives cause for concern and, I think, deserves the attention of all of us.

In his speech, Admiral Rickover says:

If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace loving nations, if the former is militarily strong and the latter are not. . . . What it means to be weak and without American protection should be evident to all who observed the tragic drama of Czechoslovakia "negotiating" with Russia the continuing subjugation of her people.

This week marks the 30th anniversary of the attack on Pearl Harbor. At that time our Nation was ill-prepared for war; our Pacific Fleet based in Hawaii presented an inviting target; the country was divided on our role in the ever-widening war abroad; and many of our Government leaders were attending a Redskins football game when the attack came.

Sound familiar—well it has been suggested that what is past is prolog but I do not believe that history should be allowed to repeat itself. I believe that we should never again issue an invitation to disaster. We must remain militarily strong, at the same time we must strive for peace through mutual arms reduction. These twin goals can and must be accomplished.

I include Admiral Rickover's remarks in the RECORD at this point:

AN EFFECTIVE NATIONAL DEFENSE—WHY?

(By Vice Adm. H. G. Rickover)

I have been asked to give you an estimate as to where we are and where we are going and what needs to be done in a military way in these times of turmoil and peril. There is, as you know, a division of opinion among the American people regarding the necessity of reinforcing our military strength.

The first point I would like to make is that in judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, not as we would wish it to be. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forego recourse to arms? A look at history should put us on guard against those who claim that humanity has now reached a state where, in formulating national policy, the possibility of armed aggression can be safely disregarded.

I am reminded of the intense opposition to the Navy's 15-cruiser bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before it was no longer necessary to build new warships. And this in light of the lessons of World War I which erupted despite the various Hague peace treaties. These ships were of inestimable value in helping us win World War II. The war itself was prolonged because Congress—heeding the "merchants of death" argument—in 1939 prohibited shipment of war materials to Britain and France.

Then, too, weight must be given to the *credentials* of those propounding opposite views. Are they public servants charged with the awesome responsibility to secure our country against foreign conquest, or are they private individuals not accountable to anyone for the consequences of their opinions; are they private individuals who feel free to express their personal abhorrence of war and to agitate, within the screen of rhetoric, for a reduction of the financial burden that military preparedness imposes on the taxpayer? Would the majority of the electorate accept their argument that, given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our defense capability, recognizing full well that there will then be no one left to prevent the takeover by Communist power. Whether one takes the optimistic view that a permanent East-West détente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this Nation

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has no future if it allows itself to be outmatched militarily.

As for the high cost of preparedness, the approximately 70 billion dollars allocated to defense for fiscal year 1971 was the smallest percentage of our Gross National Product in 20 years—just seven percent. Defense expenditures in that fiscal year represented about 35 percent of our total Federal budget outlays, compared to 44 percent in FY66. Omitting the costs of the Vietnam war and allowing for inflation, our Armed Forces have less buying power today than they had two decades ago. In the Soviet Union, on the other hand, resources have been diverted from the farm sector to defense, and there appears to be increasing preoccupation with national security. And you must bear in mind that actual war costs absorb but a small portion of their expenditures while we are spending many billions of dollars a year in Vietnam. As for myself, I would rather be alive at ten percent than dead at seven percent.

If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace loving nations, if the former is militarily strong and the latter are not. Yet there are those who deprecate the need to maintain military supremacy or at least parity with the Communist empires, on the grounds that other nations have accepted a decline from first to second or third rank and that we ourselves for most of our history were militarily a second-rate power yet secure enough within our borders. They forget that we then profited from the Pax Britannica, even as the former great powers of Europe who have lost their defense capability enjoy political freedom today only because we are strong enough to defend them and ready to do so. What it means to be weak and without American protection should be evident to all who observed the tragic drama of Czechoslovakia "negotiating" with Russia the continuing subjugation of her people.

The concept that a "weapons race" is the cause of war was a widely held theory prior to World War I. Many historical studies of the causes of that war have disproved this fallacy. And certainly it cannot be claimed that World War II was caused by an armaments race. In fact that war might well have been prevented had Britain, France, and the United States been better prepared. It was for this very reason that at the end of World Wars I and II we vowed never again to be caught unprepared. Whether or not to use our military forces is decided by our civilian leaders, not by the military. The military is asked for advice, but the decision is that of the civilian leadership.

Our Navy is not a direct threat to any country. Its strength lies in its ability to be deployed rapidly at distances from the United States. Its very existence as a "fleet in being" serves to deter those who might otherwise think lightly about starting hostilities.

Many valuable lessons for today can be drawn from our experiences in past years. For example, when Germany decided to invade Russia in 1941, their staff studies showed that the Soviet Union would be defeated in eight weeks, ten weeks at most. Our military attaché in Moscow advised the War Department that the war would be over in three months. I well remember that the German estimate for the length of World War I was also three months.

These estimates should place us on guard against those who believe that long, worldwide wars are no longer possible. Even the present "minor" Vietnamese war has endured for longer than the foremost defense civilians and our military leaders predicted. Having served in both World Wars, I may perhaps be forgiven for not being as optimistic about permanent peace, the beneficence of unilateral disarmament, and the current belief held by many—especially by our "intellectuals"—that the sheer horror of a long war will compel its avoidance.

A brief look at some of the grim statistics of World War II will show why prevention of war is an order of magnitude less costly than engaging in it. The money we save today in lowering our defense will surely be but a pittance compared to what it will cost us if we are not strong enough to deter war.

Russia was invaded in June 1941. By winter of that year the cost of the war was already truly colossal. To the six million, possibly as many as eight million military losses in killed and captured were added millions of civilian casualties, a million or more dead of starvation alone in Leningrad during the winter of 1941–1942.

By the end of 1941 the Soviet Union had lost 47 percent of her inhabited places, territory in which 80 million persons had lived. That territory had produced 71 percent of Soviet pig iron, 58 percent of its steel, 63 percent of its coal, and 42 percent of its electricity. By the end of their 1941 offensive the Germans had occupied areas that had produced 38 percent of the grain and cattle and 84 percent of the Soviet sugar.

The total military service deaths on the Soviet side reached more than 12 million. The West German estimate of Soviet military losses is 13.6 million, including 1.75 million permanently disabled. The war also cost the Soviets some seven million civilians. The losses, civilian and military, of Finland, the Baltic States, and of eastern and southeastern European countries added millions more.

The German military dead in World War II numbered between three and 3.5 million; their civilian dead 1.5 million.

The figures I have stated are vastly increased by the military and civilian dead of Great Britain, France, the United States, Austria, Hungary, Italy, Japan, China, and of many more countries. Poland lost one-quarter of her entire people. The total of all soldiers killed in World War II was 26.8 million.

Unfortunately, few people study history, which accounts for the truism that history repeats itself. In fact, not many of our people understand the devastation wrought by World War II. That war ended a quarter of a century ago. Half the people in the United States were not alive then; they, as well as people then in their early teens had no direct connection with the war. It is not too farfetched to say that 75 percent of the American people have no vivid memory of what a world war really means. The lesson of that war, its page of history, is worth a book of logic.

You may remember Blackstone's statement that security of the person is the first, and liberty of the individual the second "absolute right inherent in every Englishman." Just so, the first right of every American is to be protected against foreign attack, and the first duty of Government is to keep our Nation alive. Given the world situation, this calls for maintenance of a defense capability adequate to discourage potential aggressors. President Nixon has said: ". . . it is essential to avoid putting an American President, either this President or the next President, in the position where the United States would be second rather than first, or at least equal to any potential enemy." He has also said, in discussing the Cuban Missile Crisis: "I do not want to see an American President in the future, in the event of any crisis, have his diplomatic credibility impaired because the United States was in a second-class or inferior position. We saw what it meant to the Soviets when they were second."

Turning back to the present, you may ask what needs to be done in these times of turmoil and peril. The blunt situation facing us is that Soviet Russia is doing all the things a nation would do if it wanted to be the number one military power with clear unequivocal superiority. The U.S. Navy has not taken any further steps to increase its strategic offensive force. There has not been an arms race; the Soviets have been running at full speed all by themselves.

However, as I am most familiar with the threat posed by the Soviets to our naval power, I would like to confine myself to this area, and specifically to submarines. But the logic of what I say is valid for our land, sea, and airpower as well.

The Soviets are embarked on a program which reveals a singular awareness of the importance of seapower, and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong, modern merchant marine, and a powerful new navy. They are surging forward with a naval and maritime program that is a technological marvel.

Starting with 200 diesel powered submarines at the end of World War II, most of which were obsolete, the Soviet Union embarked on the largest peacetime submarine construction program in history, producing over 580 modern submarines in 26 years—most designed for long-range operations. During the same period the United States built 113 submarines. In two years alone, 1955 and 1956, the Soviets completed 150 submarines, almost one and one half times the total number of submarines this country has produced in the past 26 years.

The Soviets have applied tremendous national resources to the expansion and modernization of their submarine construction yards. They now have the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States.

They are credited with a nuclear submarine production capability of 20 ships a year on a single shift basis. They have the facilities to increase this rate of production considerably. At present, while our Poseidon conversions are going on, the maximum U.S. capacity to build nuclear submarines is less than half that of the Soviets. Upon completion of these conversions—about 1977—the best we could do would still be well below their capacity.

One of the most important steps they have taken has been the development of a large reservoir of trained engineers to support their submarine design and building program. They graduate ten times as many naval architects and marine engineers per year as we. While we cannot specifically count the number of Soviet scientists and engineers devoted to naval work, it is apparent that they have created a broad technological base. They have committed extensive resources to support development of their naval forces.

According to the latest unclassified data the Soviets now have a total of about 340 submarines, all built since World War II. About 100 of these are nuclear powered. The total U.S. force is 137 submarines, 95 of which are nuclear powered, the remainder diesel powered. Most of our diesel units were built during World War II.

Today, as a result of the Soviet large-scale construction program, our lead in nuclear powered submarines has disappeared. They are yearly outproducing us in nuclear submarines by 3 or 4 to 1. Even if we should decide at once to reverse this trend, our efforts could not begin to bear fruit for several years; in the interim the Russian lead will grow substantially. By 1975 it is estimated they will have something like 50 percent more nuclear submarines than the United States.

Of even greater concern than total numbers is the fact that since 1968 the Soviets have introduced several new designs besides converting older designs to improve their capabilities. They have introduced significantly improved second generation versions of the first generation attack, cruise-missile and ballistic-missile nuclear submarine designs.

One of their current new designs is the Yankee Class nuclear powered ballistic-missile submarine introduced in 1968. These submarines look very much like our latest Polaris type, and are capable of submerged launching of 16 ballistic missiles with a range of 1,300 miles.

They now have some 35 of the Yankee Class in operation or under construction; this class is being built at a rate of about six to eight a year. It is estimated that they will surpass our Polaris fleet of 41 by 1974, probably sooner. Further, it must not be forgotten that the Soviets also have over 30 conventional and nuclear powered ballistic-missile submarines of an earlier design. Thus, we are faced with the imminent loss of our lead in numbers of sea based strategic missiles—no matter what action we take today.

While the extent of their submarine design and construction effort is alarming, this is not the only area of concern. We have long relied on superior quality in our submarines to compensate for lack of numbers. But recent evidence indicates that the Soviets are making considerable progress in all aspects of submarine capability, thus markedly reducing whatever qualitative advantage we may have had. Weapon systems, speed, detection devices, quietness of operation all make a significant contribution to the effectiveness of a submarine force. From what we have been able to learn, they have attained equality in a number of these characteristics, and superiority in some.

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open ocean operations and is being used to support foreign policy in various areas of the world. Last year the tempo of worldwide Soviet submarine operations was at an all time high. During their 1970 large-scale naval maneuvers that included over 200 ships in the Atlantic and Pacific Oceans and in nine adjoining seas, they deployed a large number of nuclear submarines away from their home bases.

Because of their expanding range of operations, the Soviet Navy can now deploy long-range missiles in submarines hidden underwater along the entire length of our Atlantic and Pacific coasts and in the Gulf of Mexico. Thus, they can bring 95 percent of American population and industrial centers within the range of their submarine based missiles. We must now reconcile ourselves to living with the possibility of Russian submarines targeting their nuclear missiles on us from nearby ocean areas we thought of until recently as friendly American waters.

The Russians are in the Mediterranean. They operate regularly and continually in the North Atlantic and the Norwegian Sea. Russian naval units now are being seen with regularity in the Indian Ocean and off both coasts of Africa. They are in the Pacific, the Arctic, and the Antarctic. The swimming Russian bear is not yet ten feet tall, but he is five feet, eight inches, and growing rapidly. He has not yet wrested supremacy of the seas from the free world but he is making a very determined effort to do so. If we are not alert, we may find tomorrow that our strength has been checkmated at sea.

Throughout our history the waters that wash our shores have been friendly. They have given us geographical protection, making it practically impossible for anyone to attack us. They have also given us time to build up our strength when danger threatened.

But the tempo of modern technology has changed all this, as it has changed so many other things. It has stripped this country of our "friendly oceans." The Atlantic and the Pacific are no longer "friendly"; they have become broad highways whence attacks can be launched against us.

The fact that our country, previously invulnerable, has now become vulnerable must sink into the public consciousness.

Today it is fashionable to advocate a reduction in defense and to use the money saved for domestic purposes. Those who so advocate do not test their theories for their deductions by events. While men are perishing from the eruption of a volcano they are blissfully beating time and listening to the music of the heavenly spheres and marveling at the harmony. Meanwhile Soviet Russia is preparing a military establishment which, by 1975, can be ahead of ours in virtually all respects.

The bearer of bad news is always punished. In ancient times, he might be put to death. Today he becomes "controversial" and unpopular. But if there is one subject on which the American people must know the truth, however unpalatable, it is our military position vis-a-vis the Soviets.

"Peace for our time!" declared Neville Chamberlain. And what was to follow was six years of one of the bloodiest conflicts ever experienced by mankind—a conflict that nearly wrecked Western Civilization. Let us hope that the lessons of appeasement and unpreparedness have not receded into the dim shadows of past victory.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. VEYSEY, for December 10 and balance of the week, on account of meeting in Sacramento, Calif., with Federal and State officials on Salton Sea feasibility study.

Mr. THOMPSON of New Jersey, for December 13, 14, and 15, on account of official business.

Mrs. MINK, for December 10, 1971, and for 10 days thereafter, on account of official business.

Mr. GUDE (at the request of Mr. GERALD R. FORD), from 4:30 p.m. today and balance of week, on account of official business.

Mr. TALCOTT (at the request of Mr. GERALD R. FORD), after 4 p.m. today, on account of official business.

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD), from 3:30 p.m. today, on account of death in family.

Mr. MIZELL (at the request of Mr. GERALD R. FORD), after 3:30 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKINNEY), to revise and extend their remarks, and to include extraneous matter:)

Mr. FINDLEY, today, for 5 minutes.
Mr. KEMP, today, for 15 minutes.
Mr. HALPERN, today, for 10 minutes.

(The following Members (at the request of Mr. KEE), to revise and extend their remarks, and to include extraneous matter:)

Mr. BURKE of Massachusetts, today, for 5 minutes.
Mr. GONZALEZ, today, for 10 minutes.
Mr. BRADEMAS, today, for 15 minutes.
Mr. ASPIN, today, for 5 minutes.
Mr. REUSS, today, for 30 minutes.
Mr. FUQUA, today, for 10 minutes.
Mrs. ABZUG, today, for 15 minutes.
Mr. MCFALL, today, for 5 minutes.
Mr. JAMES V. STANTON, today, for 15 minutes.
Mr. DIGGS, on December 14, for 60 minutes.
Mr. FRASER, on December 14, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. ABZUG to extend her remarks on the tax bill following the remarks of Representative FRASER.

Mr. BARRETT (at the request of Mr. PATMAN) to extend his remarks in committee of the Whole on H.R. 11309.

Mr. HOLIFIELD to follow special orders today and include a speech by Adm. H. G. Rickover.

Mr. MILLER of Ohio in the body of the RECORD.

(The following Members (at the request of Mr. MCKINNEY), and to include extraneous matter:)

Mr. WARE.
Mr. GERALD R. FORD.
Mr. FREY.
Mr. CARTER in three instances.
Mr. JOHNSON of Pennsylvania.
Mr. STEIGER of Arizona.
Mr. THOMSON of Wisconsin in two instances.
Mr. HOSMER.
Mr. FISH.
Mr. BRAY in two instances.
Mr. GUDE in two instances.
Mr. HASTINGS.
Mr. MINSHALL in two instances.
Mr. BOB WILSON.
Mr. MCDONALD of Michigan.
Mr. MCCLORY in two instances.

(The following Members (at the request of Mr. KEE), and to include extraneous matter:)

Mr. DINGELL in two instances.
Mr. ROY.
Mr. GONZALEZ in two instances.
Mr. RARICK in three instances.
Mr. ROGERS in five instances.
Mr. HAGAN in three instances.
Mr. KLUCZYNSKI in three instances.
Mr. FOUNTAIN in three instances.
Mr. PUCINSKI in six instances.
Mr. ASPIN.
Mr. BOLLING in two instances.
Mr. KASTENMEIER in two instances.
Mr. PRYOR of Arkansas.
Mr. SYMINGTON in four instances.
Mr. MATSUNAGA in two instances.
Mr. BRINKLEY.
Mr. FULTON of Tennessee in two instances.
Mr. FOLEY in two instances.
Mr. KARTH.
Mr. VANIK in two instances.
Mr. BIAGGI in five instances.
Mr. BYRNE of Pennsylvania.
Mr. HARRINGTON.
Mr. JAMES V. STANTON.
Mr. JACOBS.
Mr. BURKE of Massachusetts.
Mr. MIKVA in five instances.
Mr. WOLFF.
Mr. RYAN in three instances.
Mr. BOGGS.

XUM

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 978. An act authorizing the conveyance of certain lands to the University of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1113. An act to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems; to the Committee on Science and Astronautics.

S. 1438. An act to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

S. 2676. An act to provide for the control of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 29. An act to establish the Capitol Reef National Park in the State of Utah; and

S. 1237. An act to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster.

ADJOURNMENT

Mr. KEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: accordingly (at 4 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 10, 1971, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1348. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

RECEIVED FROM THE COMPTROLLER GENERAL

1349. A letter from the Comptroller General of the United States, transmitting a report on the management of selected aspects of the strategic and critical materials stockpile by the Office of Emergency Preparedness and the General Services Administration; to the Committee on Government Operations.

1350. A letter from the Comptroller General of the United States, transmitting a report on the feasibility of coordinating the deep-ocean geophysical surveys of the National Oceanic and Atmospheric Administration, Department of Commerce, and the Department of the Navy; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee of conference. Conference report on H.R. 11955. (Rept. No. 92-725). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. S. 1163. An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes; with an amendment (Rept. No. 92-726). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee of conference. Conference report on Senate Joint Resolution 176 (Rept. No. 92-727). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Resolution 633. Resolution providing for the printing of additional copies of the committee print entitled "Review of SEC Records of the Demise of Selected Broker-Dealers" (Rept. No. 92-728). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Resolution 648. Resolution authorizing the printing as a House document the dedication ceremony of the portrait of Hon. F. Edward Hébert, chairman, Committee on Armed Services (Rept. No. 92-729). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 439. Concurrent resolution to provide for the printing of 50,000 additional copies of the subcommittee print of the Subcommittee on Domestic Finance, of the House Committee on Banking and Currency, entitled "A Primer on Money" (Rept. No. 92-730). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 441. Concurrent resolution authorizing the printing of "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules" as a House document, and for other purposes (Rept. No. 92-731). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 469. Concurrent resolution to provide for the printing as a House document a compilation of the eulogies on the late Justice Hugo L. Black; with amendments (Rept. No. 92-732). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 30. Concurrent resolution authorizing the printing of the study entitled "Soviet Space Programs, 1966-70" as a Senate document (Rept. No. 92-733). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 31. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document; with an amendment (Rept. No. 92-734). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 34. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 91st Congress as a Senate document (Rept. No. 92-735). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 44. Concurrent resolution authorizing the printing of the study entitled "International Cooperation in Outer Space: A Symposium" as a Senate document (Rept. No. 92-736). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 50. Concurrent resolution authorizing the printing of the handbook entitled "Guide to Federal Programs for Rural Development" as a Senate document (Rept. No. 92-737). Ordered to be printed.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 11992. A bill to amend the District of Columbia Election Act, and for other purposes; with amendments (Rept. No. 92-738). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 12115. A bill to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury; with amendments (Rept. No. 92-739). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee of Conference. Conference report on H.R. 11341, with amendment (Rept. No. 92-740). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS (for himself, Mr. REID of New York, Mr. MELCHER, Mr. BADILLO, Mr. MIKVA, Mr. DINGELL, Mr. BOLAND, Mr. BEVILL, Mr. ROSENTHAL, Mr. CARNEY, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. KOCH, Mr. HAWKINS, Mr. PODELL, Mr. VANIK, Mr. GREEN of Pennsylvania, Mr. YATES, and Mr. BINGHAM):

H.R. 12136. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. HALPERN, Mr. RANGEL, Mr. NIX, Mr. SARBANES, Mr. MILLER of California, Mr. ADDABBO, Mr. KARTH, Mr. BRASCO, Mr. DULSKI, Mr. MCDONALD of Michigan, Mr. GONZALEZ, Mr. ST GERMAIN, Mr. YATRON, Mr. GALLAGHER, Mr. REES, Mr. MOORHEAD, Mr. KEATING, Mr. HATHAWAY, Mr. ROE, Mr. RODINO, and Mr. RYAN):

H.R. 12137. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. COTTER, Mr. MITCHELL, Mr. LINK, Mr. EILBERG, Mr. FASCELL, Mr. STOKES, Mr. WILLIAM D. FORD, Mr. ULLMAN, Mr. RONCALIO, Mr. BIAGGI, Mr. BEGICH, Mr. CORMAN, Mr. ABOUREZK, Mr. PUCINSKI, Mr. ROY, Mr. ROONEY of Pennsylvania, Mrs. HICKS of Massachusetts, Mr. HELSTOSKI, Mr. EDWARDS of California, Mr. DENHOLM, and Mr. BURKE of Massachusetts):

H.R. 12138. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. CHAMBERLAIN:

H.R. 12139. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPPELL (for himself, Mr. FREY, and Mr. ROGERS):

H.R. 12140. A bill to provide for the establishment of a national cemetery in Florida; to the Committee on Veterans' Affairs.

By Mr. DANIELSON:

H.R. 12141. A bill to amend the Internal Revenue Code of 1954 to raise the limitations on contributions by self-employed individuals to certain retirement plans and to permit certain employees to established qualified pension plans for themselevs in the same manner as if they were self-employed; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 12142. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. EDWARDS of California (for himself, Mr. BURTON, Mr. DELLUMS, Mr. GUBSER, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. MOSS, Mr. WALDIE, Mr. GARMATZ, Mr. PELLY, Mr. CLARK, Mr. MAILLIARD, Mr. DINGELL, Mr. MOSHER, Mr. LENNON, Mr. KEITH, Mr. DOWNING, Mr. BRAY, Mr. BIAGGI, Mr. STEELE, Mr. ANDERSON of California, Mr. FORSYTHE, Mr. KYROS, Mr. DU PONT, and Mr. TIERNAN):

H.R. 12143. A bill to provide for the establishment of the San Francisco Bay National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. GUDE:

H.R. 12144. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia; to the Committee on Interior and Insular Affairs.

By Mr. MCCULLOCH (for himself, Mr. GERALD R. FORD, Mr. MCCLORY, Mr. SMITH of New York, Mr. SANDMAN, Mr. RAILSBACK, Mr. FISH, Mr. COUGHLIN, Mr. HOGAN, and Mr. KEATING):

H.R. 12145. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of law enforcement officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 12146. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. OBEY:

H.R. 12147. A bill to authorize emergency loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961 to mink farmers who suffer severe losses caused by economic conditions; to the Committee on Agriculture.

By Mr. O'HARA:

H.R. 12148. A bill to require that all schoolbuses be equipped with seatbelts for passengers and seatbacks of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL (for himself, Mr. FRASER, Mrs. MINK, Mrs. CHISHOLM, Mr. KOCH, Mr. GETTYS, Mr. BURTON, Mr. THOMPSON of New Jersey, Mrs. HICKS of Massachusetts, Mr. ANNUNZIO, Mr. SYMINGTON, Mr. DANIELSON, Mr. GARMATZ, Mr. COLLINS of Illinois, Mr. BARRETT, Mr. THOMPSON of Georgia, Mr. MATSUNAGA, Mr. PEPPER, Mr. STEELE, Mr. MAZZOLI, Mr. PUCINSKI, Mrs. GREEN of Oregon, Mrs. ABZUG, Mr. GALLAGHER, and Mr. BIAGGI):

H.R. 12149. A bill to amend the Internal Revenue Code of 1954 to provide that the retirement benefits available to self-employed individuals shall be available to women who are able to put part of their household allowances into savings; to the Committee on Ways and Means.

By Mr. PODELL (for himself, Mr. MIKVA, Mr. ROSENTHAL, Mr. BRASCO, Mr. WALDIE, Mr. HOWARD, Mr. NIX, Mr. SCHEUER, Mr. MITCHELL, Mr. BINGHAM, Mr. BADILLO, Mr. HALPERN, Mr. WOLFF, Mr. RANGEL, Mr. RYAN, and Mr. WAGGONNER):

H.R. 12150. A bill to amend the Internal Revenue Code of 1954 to provide that the retirement benefits available to self-employed individuals shall be available to women who are able to put part of their household allowances into savings; to the Committee on Ways and Means.

By Mr. THOMPSON of Wisconsin:

H.R. 12151. A bill to make an appropriation for fiscal year 1972 for grants for programs to prevent and control measles; to the Committee on Appropriations.

H.R. 12152. A bill to amend section 6 of the United Nations Participation Act of 1945 to require approval by the Congress of the use of Armed Forces of the United States under article 42 of the Charter of the United Nations; to the Committee on Foreign Affairs.

H.R. 12153. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Commitee on Veterans' Affairs.

By Mr. VANIK:

H.R. 12154. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. VEYSEY (for himself, Mr. ADDABBO, Mr. BRINKLEY, Mr. DANIELSON, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mr. ESHLEMAN, Mr. FRENZEL, Mr. GARMATZ, Mrs. GRASSO, Mrs. GREEN of Oregon, Mr. GUDE, Mr. HALPERN, Mr. HOSMER, Mr. KEMP, Mr. MCDADE, Mr. MAZZOLI, Mr. MITCHELL, Mr. MORSE, Mr. RANGEL, Mr. REES, Mr. RODINO, Mr. RUNNELS, and Mr. STEELE):

H.R. 12155. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. COTTER, Mr. DENT, Mr. DOW, Mr. DRINAN, Mr. DANIELS of New Jersey, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. KEMP, Mr. KOCH, Mr. KYROS, Mr. MITCHELL, Mr. MURPHY of New York, Mr. O'NEILL, Mr. PEPPER, Mr. PIKE, and Mr. PODELL):

H.R. 12156. A bill to authorize an investigation and study of coastal hazards from offshore drilling on the Outer Continental Shelf in the Atlantic Ocean; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF (for himself, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. DELANEY, Mr. FORSYTHE, Mrs. GRASSO, Mr. HATHAWAY, Mr. MINISH, Mr. RANGEL, Mr. REID of New York, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SARBANES, and Mr. TIERNAN):

H.R. 12157. A bill to authorize an investigation and study of coastal hazards from offshore drilling on the Outer Continental Shelf in the Atlantic Ocean; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF (for himself, Mr. BURKE of Massachusetts, Mr. FORSYTHE, Mrs. GRASSO, and Mr. SARBANES):

H.R. 12158. A bill to authorize the President to designate marine sanctuaries in areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, for the purpose of preserving or restoring the ecological, esthetics, recreation, resource and scientific values of and related to such areas; to the Committee on Merchant Marine and Fisheries.

By Mr. YOUNG of Texas:

H.R. 12159. A bill to amend title 37, United States Code, to continue the retired or retainer pay of a member or former member of the uniformed services while in a missing status; and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. HALPERN, Mr. BOLAND, Mr. BADILLO, Mr. DELANEY, Mr. RANGEL, Mr. BYRNES, of Pennsylvania, Mr. THOMPSON of New Jersey, Mr. HELSTOSKI, Mr. CORMAN, Mr. CAREY of New York, Mr. DONOHUE, Mr. ADDABBO, Mr. HARRINGTON, Mr. BINGHAM, Mr. ST GERMAIN, and Mrs. HICKS of Massachusetts):

H.R. 12160. A bill for the relief of residents of northern Ireland; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 12161. A bill to amend the Social Security Act to provide for the payment (from the old-age and survivors insurance trust fund) of special allowances to help elderly low-income persons and families to meet their housing costs; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia (for himself, Mr. GUDE, and Mr. STUBBLEFIELD):

H.R. 12162. A bill to exempt from taxation certain property in the District of Columbia owned by the Daughters of the American Revolution, Inc., and for other purposes; to the Committee on the District of Columbia.

By Mr. BURKE of Massachusetts (for himself, Mr. ADDABBO, Mr. BARRETT, Mr. BEGICH, Mr. BEVILL, Mr. BOLAND, Mr. BYRON, Mr. CLARK, Mr. COLLINS of Illinois, Mr. DANIELS of New Jersey, Mr. DANIELSON, Mr. FULTON of Tennessee, Mr. GARMATZ, Mrs. GRASSO, Mr. GREEN of Pennsylvania, Mr. GRIFFIN, Mr. KEE, Mr. KYROS, Mr. MCCORMACK, Mr. MCDADE, Mr. MORGAN, Mr. MURPHY of New York, Mr. NIX, Mr. ST GERMAIN, and Mr. SAYLOR):

H.R. 12163. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 12164. A bill to amend title 10, United States Code, to broaden the definition of the term "dependent," for certain purposes; to the Committee on Armed Services.

By Mr. DELLENBACK:

H.R. 12165. A bill for the relief of the city of Oakridge, Oreg.; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. ABOUREZK, Mr. ADDABBO Mr. BEVILL, Mr. BOLAND, Mr. COLLINS of Texas, Mr. COTTER, Mr. DOW, Mr. DRINAN, Mr. DULSKI, Mr. FISH, Mr. FORSYTHE, Mr. GALLAGHER, Mr GOLDWATER, Mrs. GRASSO, Mr. HALPERN, Mr. HAMILTON, Mr. HARRINGTON, Mr HAWKINS, Mr. HECHLER of West Virginia, and Mr. HICKS of Washington):

H.R. 12166. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. FINDLEY (for himself, Mr. HORTON, Mr. KEMP, Mr. MCDADE Mr. MORSE, Mr. NIX, Mr PRYOR of Arkansas, Mr. RAILSBACK, Mr. RHODES, Mr. RIEGLE, Mr. ROE, Mr ROY, Mr. ST GERMAIN, Mr. SCHERLE, Mr. SCHWENGEL, Mr. SIKES, Mr. STEELE, Mr. THONE, Mr. WARE, Mr. YATRON, and Mr. ZWACH):

H.R. 12167. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. ABOUREZK, Mr. BURTON, Mr. CARNEY, Mrs. GRASSO, Mr. HANNA, Mr. METCALFE, Mr. MURPHY of Illinois, Mr. PATTEN, and Mr. RODINO):

H.R. 12168. A bill to amend and expand the

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Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth; to the Committee on Education and Labor.

By Mr. ROY:

H.R. 12169. A bill to amend the Watershed Protection and Flood Prevention Act so as to provide necessary assistance in connection with rural development; to the Committee on Agriculture.

By Mr. SEBELIUS:

H.R. 12170. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12171. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. STRATTON (for himself and Mr. REID of New York):

H.R. 12172. A bill to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower; to the Committee on Appropriations.

By Mrs. ABZUG:

H. Con. Res. 480. Concurrent resolution expressing the sense of Congress that the President should take necessary steps to initiate active negotiations seeking agreement with the Soviet Union on a comprehensive ban on all nuclear test explosions, to work toward extension of a prohibition against nuclear testing to the other nuclear powers, including France and China, and to declare and observe an indefinite moratorium on all nuclear test explosions; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H. Con. Res. 481. Concurrent resolution expressing the sense of the Congress with respect to the rights of mentally or physically handicapped persons; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H. Con. Res. 482. Concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H. Con. Res. 483. Concurrent resolution providing for the reprinting of a House document entitled, "Report of Special Study of Securities Markets by the Securities and Exchange Commission"; to the Committee on House Administration.

By Mr. HELSTOSKI:

H. Res. 733. Resolution expressing the sense of the House of Representatives relative to the crisis in south Asia; to the Committee on Foreign Affairs.

By Mr. MORSE (for himself, Mr. SCHWENGEL, and Mr. GUDE):

H. Res. 734. Resolution to amend rules X, XI, and XIII of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. REES:

H. Res. 735. Resolution expressing the sense of the House of Representatives concerning the situation in Bangla Desh; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred to as follows:

By Mr. DORN:

H.R. 12173. A bill for the relief of Edwin A. Manos, lieutenant colonel, U.S. Air Force; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 12174. A bill for the relief of Alma Carrillio Custodio; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 12175. A bill for the relief of Azucena Castillo-Artavia; to the Committee on the Judiciary.

H.R. 12176. A bill for the relief of Gloria Hernandez; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 12177. A bill for the relief of Rico, Inc.; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 12178. A bill for the relief of Timothy J. Mayer; to the Committee on the Judiciary.

By Mr. YOUNG of Texas:

H.R. 12179. A bill for the relief of Swift-Train Co.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

EMPHASIS IN SOLID WASTE HAS SHIFTED FROM DISPOSAL TO RESOURCE RECOVERY

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 9, 1971

Mr. SPONG. Mr. President, Mr. David P. Reynolds, executive vice president and general manager of Reynolds Metals Co., recently was named "Packaging Man of the Year" by the Packaging Education Foundation, Inc.

In accepting the award, Mr. Reynolds called upon the packing industry to use its technology and creativity in a united effort to solve the solid waste problem. He observed that technology is available now for separating steel, aluminum, glass, paper, and other materials from mixed garbage, and for recycling them into new products or useful energy.

He said the packaging industry is seeking to develop the most efficient and economical systems for bringing all of this technology into plants that can serve a whole municipality or region. He predicted that within the next several years the Nation will see the first municipal recycling plants begin operations in major cities.

Mr. President, it was Mr. Reynold's company, headquartered in Richmond, Va., which initiated the first national program to reclaim and recycle aluminum cans and other aluminum packaging at the consumer level. Representatives of the company testified on this achievement during hearings that led to the development of the Resource Recovery Act of 1970.

Mr. President, Mr. Reynold's comments on recycling will be of interest to every Member of the Senate, and I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY DAVID P. REYNOLDS

Mr. Chairman, Mrs. Knauer, distinguished guests, and my friends in the packaging industry: Thank you for this great honor. Nothing could be more gratifying to me than this award, because my company began as a packaging company, and I have spent the greater part of my life in packaging. I accept your award with humility, because no single person or company can claim more than a small role in an industry so large, so diverse and so important to modern life.

I am sure I don't have to sing the glories of packaging to this audience. Many of you have been in it longer than I have. But, since this is National Packaging Week, let us remind ourselves—and the world—of some of the contributions which packaging makes to the quality of life.

The packaging industry today is a vital part of our economy and society. It's a $21 billion-a-year industry in which hundreds of thousands of people design, engineer, manufacture and recycle billions of packages which bring us nature's bounty from all over the world—improve nutrition—protect our health—save us money—and add beauty, brightness and convenience to our lives.

And by all means—and I'm sure Mrs. Knauer would agree—let's not forget what packaging has done for women's liberation. It has telescoped meal preparation from hours to minutes.

There are some who decry our material progress and prosperity . . . our labor saving appliances . . . our convenience foods and packaging. They say we need more emphasis on spiritual and cultural values. This is true. But we must not forget that our business system and our technology have given us the leisure and resources to pursue the good and the beautiful.

Today there is rising public concern over solid waste and conservation of resources. It is ironic that this concern is focused on packaging, for packaging of all kinds amounts to only 13½ per cent of urban and industrial solid waste.

You are aware of the misguided legislative moves to restrict packaging . . . most numerous of which are bills to ban, tax or impose a deposit on non-returnable beer and soft drink containers.

The fallacies and futility in such legislation have been pointed out by William D. Ruckelshaus, head of the Environmental Protection Agency. In a press conference two weeks ago he made these points.

No. 1, increased use of returnable containers could worsen the solid waste problem because returnables have to be heavier to stand up to repeated use.

No. 2, requiring a deposit does not make the public return containers. Several surveys of litter have shown that people throw away returnable bottles—those on which they paid a deposit—almost as much as non-returnables.

No. 3, if the deposit was raised high enough to encourage people to return them, that would bring a new problem—counterfeiting. In a federally aided test in California, in which a deposit of 11 cents was established, counterfeiters discovered they could make the bottles cheaper than that, so they began making unauthorized bottles just to collect the deposit.

It is gratifying that a federal statesman like Mr. Ruckelshaus is "telling it like it is" in this era when so many public officials are tempted, by uninformed public pressure, to impose non-solutions on the litter and solid waste problems.

Even though it is subjected to much unjust criticism, the packaging industry recognizes packaging's role in ecological problems. Our industry has launched an enlightened, all-out attack on many fronts against litter and solid waste.

Recycling projects for all the packaging materials—glass, paper, steel, aluminum and plastics—are in high gear. Many of the major packaging suppliers and users are setting up collection programs at the consumer level. Many are doing research directed at total recycling.

You are doing this with individual company programs, through your trade associations, and in cooperative work with universities, research organizations and governmental agencies.

You are the main supporters of Keep America Beautiful in its fight against litter. Last June, when two million children and adults participated in Scouting Keep America Beautiful Day—the biggest one-day nationwide cleanup in history—the packaging industry played a leading role. More than a million tons of litter were picked up on that day.

Our progress in controlling the litter problem is not limited to a single day, either. The National Litter Index compiled by Keep America Beautiful went *down* in 1969, and went *down* again in 1970, for a total decline of 8½ per cent after five years of annual increases.

All of us in packaging, along with organized labor, are supporting the research and coordinating efforts of the National Center for Resource Recovery.

When that organization was established a year ago it was called the National Center for Solid Waste Disposal. The recent name change reflects the transition that has occurred in everybody's thinking. We started with a problem of solid waste disposal. Now we see that solving it through recycling will make another key contribution, that of conserving natural resources for future generations.

Colleges and universities have started training young people to help us. I'm happy to see that those with packaging departments and degrees, which are supported by the Packaging Education Foundation, have been adding courses on ecology and solid waste technology. The packaging executive of the future will have to be just as knowledgeable on solid waste systems and recycling as he is on merchandising and package design.

I'll frankly admit that five years ago—when my company launched its program to collect aluminum cans from the public—I did not dream that things would move as rapidly as they have.

But, our thinking soon leaped ahead . . . from the litter problem to the solid waste problem, and on to the larger concept of recycling for resource recovery.

By the summer of 1969, I knew we had gotten involved in something pretty big and complicated. We looked for know-how in solid waste technology and hired Dr. Robert F. Testin of Battelle Memorial Institute.

Once he was aboard it became obvious that the biggest contribution he could make, to aluminum and the whole packaging industry, was to find ways of "mining" municipal refuse and garbage. He and his colleagues have been giving top priority to that assignment and are making significant progress. I know that many of you and your organizations also are vigorously advancing programs of this type.

I think I can speak for the packaging industry when I say that our objective is nothing short of total recycling at the municipal level. We have the technology now—for separating paper, glass, steel, aluminum and other materials from mixed garbage—and for recycling them into new products or useful energy. What we are working toward are the most efficient and economical systems for bringing all of this technology together into plants that can serve a whole municipality or region.

Such plants already are on the drawing board. Pieces of the system are already in operation in scattered locations. Industry and government are working hard on plans that will "put it all together."

Within the next year or two we will see that first of such municipal recycling plants begin operations in major cities. The impact on society is going to be revolutionary in terms not only of cleaning up our environment but in conserving our earth's precious but limited treasure hoard of raw materials and energy. And the packaging industry is leading the way.

At the same time, we can count on public cooperation in our programs to collect packaging materials at the consumer level for recycling. Personally, I *know* this public enthusiasm is no temporary phenomenon, because aluminum can collections are constantly increasing and will exceed 750 million cans this year. The 660 collection stations in 31 states, supplemented by a fleet of mobile units, are operated by soft drink bottlers and beer distributors, an oil company and the aluminum companies.

In addition there are hundreds of collection centers being operated by the steel can and glass bottle industries, bringing in millions of additional cans and bottles. Every container recycled through these programs relieves the burden on our municipal facilities.

Now that the emphasis in solid waste has shifted from disposal to resource recovery, a lot of good things can happen. The packaging industry can help solve problems in other industries. Take the housing industry, where our nation is still struggling to fill the vast need for good, low-cost housing. Recycled material could help here.

Our friends in the glass industry are pointing the way with experimental bricks made from recycled glass, and with 'Glasphalt' paving material.

Waste paper could be made into roofing felt or pressed board for insulation and interior walls.

Aluminum beverage cans and other aluminum scraps already are being recycled and can become residential siding and other home components.

Scrap polyvinyl chloride could be recycled into sewer pipe, floor title or combined with waste paper and aluminum foil to make decorative panels.

Those of you in the steel industry know that the surface treatment of steel leaves a waste liquor which can be processed to yield gypsum. Of course, the steel industry also is recycling, and manufactures building products.

If we think enough along these lines, I can envision a house that is completely built of recycled materials.

There are some who point to technology as the villain in contemporary social and ecological problems. But, it's impossible to shut off inventive imagination. A public policy directed at stopping technological development would be tragic. It's the best way to insure that we don't solve our environmental and social problems.

The real problem is that technology has progressed unevenly. In certain areas—like aerospace—we advanced technology thousands of years in less than a century. But in other areas—like housing and solid waste disposal—we are still using essentially the same technology as the ancient Greeks and Romans.

Fortunately, because of work already done, we know it is now technically possible to recycle any and every packaging material. But much work needs to be done, each industry doing its part with its own material.

We should look at the potential markets for salvaged packaging materials. If there is no market in the salvaged form, can we convert it to something that is in demand in the marketplace? To answer that, we need experimental technical work along with economic studies.

All our knowledge and expertise must be combined into comprehensive systems to handle everything in solid waste.

The meat industry has long boasted that it uses every part of the pig except the squeal. I believe we'll see the day when we use everything in garbage except the smell.

But this will require all of us to consult and cooperate with each other and to form a united effort. The packaging industry has always been ahead of its time in serving the public with better product protection, distribution and merchandising and consumer convenience.

I am confident we'll be leading the recycling revolution as well. Gentlemen, let us work together on this.

REPORT TO THE NATION

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, last week I had the privilege of meeting with some of the young officers of the Vocational-Industrial Clubs of America. I would like to bring to the attention of my colleagues a report to the Nation presented by Mr. Larry Allen of Searcy, Ark., at the Vocational-Industrial Youth luncheon held on November 18 in the Rayburn Building. Larry, who is a senior at Searcy High School, is the national president of this organization.

I include his report at this point in the RECORD:

REPORT TO THE NATION

Reaching out . . . for new experiences, new horizons, new opportunities, new ways to serve. Reaching out . . .

The past year, 1970–71, has been a time for just that . . . for VICA members. We've been reaching out, doing things, getting involved.

United in VICA, industrial-technical youth have the strength, the opportunity, the obligation to serve, and VICA youth are stretching to meet the challenge . . . reaching out and asking other youth and adults as well—people like those of you here with us today—to join with us.

It has been a growing year. A top 103,000 membership figure . . . two new state associations, Idaho and Mississippi . . . and much new interest and activity in other states that may join this year—Connecticut, South Dakota and Maryland. Based on the groundwork in our state associations and on strong involvement, we are striving for a membership this year of 150,000.

It has been an involvement year. The highest number ever—1800—took part in the National VICA Leadership Conference in Indianapolis last June. What's more, over 800 of the students participating were involved in the VICA competitive activities program. They were there to compete in 25 general ability and skill contests, to test themselves, to win . . . or lose . . . but to gain something from the experience—a pride in self and recognition for achievement. We think the expanding competitive activities program is a strength of the VICA program, drawing new members to VICA.

At our National Conference, we kicked off a student-initiated drive—"Pennies for the Center." We had a wishing well to collect

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member contributions toward the national center we will build to house conference facilities, national staff and a supply service. Several state VICA associations also made contributions during the year to the building fund. Special thanks to the members from Virginia, Ohio and Illinois and to all those who made individual contributions.

Speaking of involvement, many of you chose to become involved with VICA and we're glad and proud. New associate industrial members are the National Associated General Contractors of America and the Virginia branch of this distinguished group; the General Motors Corporation; and a long-time supporter, Mr. Harry Sears, representing the American Technical Society.

Contributors to our Youth Development Foundation included International Business Machines Corporation, The James F. Lincoln Arc Welding Foundation, The Alcoa Foundation, American Institute of Cooperation, L. G. Balfour Company, The American Vocational Association and E. I. duPont de Nemours and Company.

Our thanks is also extended to the National Machine Tool Builders Association whose Education Committee has endorsed the aims and goals of VICA.

It has been an *expansion* year for our National VICA Office. For those who remember when a few people seemed to be doing everything—and indeed they were!—it may seem incredible that there are now nine VICA staff members; two have been added this year—making it possible to better and more efficiently serve VICA as it grows. The National Office has also expanded to nearly twice its size in office space. One important addition has been a conference room where smaller meetings can be handled without the need to use hotel facilities.

For the readers of *VICA* magazine, perhaps you've already noted an innovation of which we're very proud. We're talking about the new look for *VICA* with a four-color cover and even a touch of color inside. We're just as happy as *VICA's* readers that we no longer have to look at the world through strictly black and white glasses!

It has been a *planning* year—planning for the future. The post-secondary national and state officers who met in Washington in October were concerned with planning for growth, the growth of their own division within VICA. They are especially anxious to reach out and involve interested adults. Many adults are already participating in VICA; many others would like VICA to serve them a professional organization.

More planning, on the part of interested VICA alumni, was underway during our last National Conference. Former VICA members with an interest in continuing ties to VICA, will meet again with us at our National meeting in Roanoke, Virginia to discuss an alumni division. Others will be laying groundwork for bringing younger members into VICA, to form a Junior VICA organization.

It has been a good year . . . a year, as we put it, for reaching out. And we are especially proud of the way VICA members have been making an impact, not just on the state and national scene, but at home—in their schools and their communities. President Richard M. Nixon is particularly concerned just now with the loss of faith in "the work ethic." He and his very youth-oriented staff are interested in VICA because this is one of our concerns and one of the reasons for being—to instill pride in the dignity of work. Just two weeks ago, we were thrilled with an invitation for our post-secondary secretary, Arthur Gilmore, to witness, at the White House, the signing by the President of a proclamation for National Youth Appreciation Week. The White House has also requested information on the many community service activities of VICA clubs. The President, we were told, might like to visit one of our clubs during his travels.

This was a request that sent us scurrying for a good hard look at our club programs . . . and we were proud of what we found. So many members . . . reaching out to serve.

VICA members . . . like those in Yuba City, California who tutor handicapped adults in a sheltered workshop . . . sheet metal students at Kent County Vocational-Technical Center in Woodside, Delaware who are lending their skills to help a financially hard-pressed parochial school . . . others at Middlesex County Vo-Tech in Woodbridge, New Jersey—a school that serves many black and Puerto Rican families. The VICA members there plan to introduce community organization services to students who need them and will steer students with problems to agencies that can help. In Charleston, West Virginia, VICA members last year raised more than any other organization in the state for the drive on muscular dystrophy. These are just a few of the many, many ways in which VICA members have chosen to serve.

Yes. VICA members are reaching out. And as we do, the future looks bright, the horizon is expanding. We're more excited than ever about what we're doing and we're humble, yet proud, that you have taken an interest and are with us . . . all the way!

RECENT DEVELOPMENTS IN THE UNITED NATIONS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, December 9, 1971

Mr. THURMOND. Mr. President, on October 27, 1971, Gen. Ho Ying-chin, president of the U.N. Association of the Republic of China, made a statement concerning recent developments in the United Nations.

Gen. Ho Ying-chin points out the utter disregard the members of the U.N. have for the very principles of the U.N. Charter.

The Red Chinese Government has engaged in a policy of aggression and Communist world domination for many years. They have not set aside these goals, and continue to espouse world takeover.

Mr. President, the United States can ill afford to forget such long standing allies as the Republic of China. The U.N. has become unduly influenced by Communist nations, and we should give serious consideration to a drastic reduction of our financial support to the U.N. These comments deserve the consideration of the Congress.

I ask unanimous consent that the statement by Gen. Ho Ying-chin be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY GEN. HO YING-CHIN

The twenty-sixth session of the United Nations General Assembly, in utter disregard of righteousness and justice, and in violation of the provisions of Articles 4, 18 and 23 of the Charter, rejected the resolution proposed by the United States of America and other democratic countries to designate any proposal for the expulsion of the Republic of China an important question, but adopted instead the resolution for the expulsion of the Republic of China and admission of the Chinese Communist regime proposed by Albania and other countries which are currying favour with the Chinese Communists. This is tantamount to inviting disaster to the United Nations itself and destroying its own future. Henceforward this sacred and solemn international organization will become a place where Machiavellian machinations of power politics will grow reckless. It will disintegrate and decompose with time. As a result the world situation will gradually move closer to disorder and chaos. This Association resolutely opposes to the validity of this illegal resolution of the current session of United Nations General Assembly which was adopted in flagrant violation of the provisions of its own Charter.

The fact that Albania should have had its scheme eventually realized by taking advantage of the mob psychology has proved that a number of nations, fearful of the threat of the group of violence, have abnegated the Charter of the United Nations vainly hoping for a peace of humiliation. However, this hallucination of appeasement is certain to be completely dissipated after the Chinese Communist bandit regime usurps the seats in both the General Assembly and the Security Council, and these very nations will then eat their own bitter fruit.

It has been well known to the whole world that the Republic of China, ever since it initiated and played an active role in the establishment of the United Nations Organization, had strictly observed the purposes and principles of the United Nations Charter and faithfully fulfilled the obligations of a member nation. On the other hand, the Chinese Communist bandit regime, ever since its being formally condemned by the United Nations General Assembly as an aggressor on the last of February, 1951 for its invasion of the Republic of Korea by force, not only has its roaring blaze of aggression not been curtailed, but has turned from bad to worse by creating numerous disturbances in different parts of the world, not to mention the preposterous plans for the destruction of the United Nations as advocated by Mao Tse-tung. And yet, many pro-Chinese Communist countries should choose to adopt the resolution for the admission of the Chinese Communists proposed by Albania when the Chinese Communists had either indicated their willingness to support world peace or their readiness to apply for U.N. membership. It is particularly lamentable that the authorities of a certain number of countries should have no remembrance of the material and moral support given them by the United States which saved them from certain destruction in the two world wars, and chose to join the camp of Chinese Communists Supporters, thus degrading their national dignity.

Having undergone such a calamity, the sanctity of the United Nations Charter and justice have been violated. Only the outer image of the United Nations is left while its inner life is already dead. Not only it has no more power to settle the tense situation of the world, but owing to the illegal participation of the Chinese Communist regime the United Nations will instead become into an arena for the so-called "International United Front." As a result we are apprehensive that this critical situation will lead to another world war and invite irretrievably once again a scourge to mankind. The timely announcement made by our country to withdraw from the organization that has destroyed its own Charter and degraded itself into a den of calamities and disasters, is indeed an act of wisdom. It no doubt is supported unanimously by our whole nation.

Although the Republic of China has already withdrawn from this international organization, we shall continue to be guided by the purposes and principles of the United Nations Charter in the international community and shall continue to fight for the upholding of international right and justice, and for the vindication of world peace and security. On this occasion, we wish to express our profound gratitude to the governments, parliaments and peoples of the United States of America, Japan and other friendly nations for their efforts in support of our legal status and righta in the United Nations and their appeal for justice. All of our fellow citizens should abide faithfully by the guidance and instructions of our President Chiang Kai-shek: "we are not fearful, or disappointed, and do not cheat ourselves when the storm comes; all of us should strengthen our will and spirit as the going worsens." We can be sure to break through all adversities, overcome all difficulties, turn the tide and create new opportunities.

NIXON DRUG BILL ASSESSED

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. SYMINGTON. Mr. Speaker, I would like to call to the attention of my colleagues and the public an extremely informative article written by Representative PAUL G. ROGERS, chairman of the Public Health and Environment Subcommittee. The article appeared in the New York Law Journal, Monday, December 6, 1971.

Chairman ROGERS' assessment of the administration drug bill is of special value to all those concerned with consolidation and improvement of the many Federal drug programs. Mr. ROGERS reviews the world of drugs, the GI drug abuse in Vietnam, and the crisis among our youth.

Most importantly, Chairman ROGERS calls for a total commitment, in terms of personnel and dollars, to conquer drug abuse.

In his perceptive analysis of the whole administration approach, Representative ROGERS points out the need to utilize more fully the resources and expertise of the FBI to combat drugs. He says the fight against drugs must go to the very sources, particularly the Far East region of Laos, Thailand, and Burma. I agree with Chairman ROGERS, and I am privileged to cosponsor with him a modified version of the new drug action bill. Finally, I commend this article to my colleagues as indicative of the insight and diligence Mr. ROGERS has shown in this area.

[From New York Law Journal, Dec. 6, 1971]

NIXON DRUG BILL ASSESSED

(By Paul G. Rogers)

More than a decade ago the American public was given and quickly accepted a new and somewhat technical vocabulary as this nation's space flight program jumped off the drawing boards into our living rooms via the six o'clock news.

Trajectory, apogee, lunar modules. From the first A–OK to the time that the first man circled the moon, the nation was fed technical jargon that entered the language as we entered a new world—the world of space flight.

This was the result of a national program of which all Americans were keenly aware.

WORLD OF DRUGS

And during the past five years the American public has seen the uncovering of yet another world—an underground world, yet one they are now eminently more familiar and involved with—the world of drugs.

Five years ago a parent who knew the meaning of "pot" was either an adult whose children had a run-in with the law, living in the ghetto, or someone in the professional area of drugs.

The vernacular now runs to acidheads, speed freaks, main-lining, uppers, downers, narcs and on and on. The difference now is that Americans are on speaking acquaintances with these terms because we are in the midst of a national crisis involving the use of drugs.

Parents now familiar with the terms of the drug subculture are not necessarily parents of children involved with drugs. But one can be assured that the parent of a child past the age of ten in a major metropolitan area has the fear of this subculture adding his child to its growing population.

Laws were examined and at first were amended to make them more punitive. Then the question of what marijuana really did to the individual was posed and the scientific body was split at best on its estimates of the harm done by this ancient product. Some state laws were relaxed and the Congress relaxed federal penalties for possession. A Presidential Commission on Marijuana and Drug Abuse was formed to afford the question of Marijuana a truly scientific examination.

MORE FRIGHTENING

But hardly had this effort got off the ground when lines of communication from the subculture started throbbing a new and much more frightful story.

Heroin, an absolute tyrant over man's body and mind, was spreading and spreading fast.

Unlike marijuana, there was no question about heroin. Marijuana is relatively cheap, a take-it-or-leave-it item. But a man embarking on an adventure with heroin is doomed to a slavery more insidious than anything practiced 100 years ago.

Reports from Asia indicated that large numbers of American servicemen were becoming addicts. And because of inadequate treatment and rehabilitation, these men were being sent back into society with "a monkey on their backs." The overwhelming number of heroin addicts must turn to crime to support their habit and no matter what statistics are used, this amounts to millions of dollars and thousands of crimes against society.

GI USE STUDIED

I and other members of the Subcommittee on Public Health and Environment went to Vietnam earlier this year to investigate the extent of heroin addiction among our servicemen stationed there. Our findings were not encouraging. We found that heroin addiction has crippled from 15 per cent to 40 per cent of some units.

Heroin became a recognized national problem. The President, on June 1, sent to the Congress a legislative proposal to create a Special Action Office to combat this situation and the bill was referred to the House Subcommittee on Public Health and Environment.

Congress and the President recognized heroin as a national problem, and earlier in this session of Congress, legislative proposals designed to combat the admittedly fragmented and under-funded attempts to treat and rehabilitate addicts were improved.

SHADOWY DIRECTION

Essentially the bill called for a director to coordinate the various agencies already responsible for the educational programs, treatment and rehabilitation of the addicts and gives him somewhat shadowy direction to effect policy on military activities in the area of drugs, but is silent on law enforcement effort activities.

I believe efforts to coordinate treatment and rehabilitation are necessary, and I support the concept of the formulation of a Special Action Office to assist in this effort. Nevertheless, I view the President's legislative proposal as an interim measure which principally attempts only one sector of the approach necessary if an effective national effort is to be mounted.

To me this represents a totally "after-the-fact" attack. This office would treat and rehabilitate, but it would not go on the offensive to mount an effective national program against drugs.

An addict represents the final product of drug operations. To halt the use of drugs, the problem must be attacked prior to the addiction stage where treatment is required. The addict represents the evidence of an unsuccessful effect to combat drug traffic.

There could be no addict without an addicting drug. We know where heroin is grown and refined. Should not then a national strike force program include provisions which would allow us to direct efforts at halting the growth of heroin which is grown exclusively abroad?

UTILIZING THE FBI

The second step in the heroin chain is the distribution system which carries it from the fields to the street corner. Should not a national effort have as part of its machinery provisions for increased detection and enforcement? A ready asset exists through use of the FBI, with its thousands of highly trained agents and vast expertise, in addition to the current force within the Bureau of Narcotics and Dangerous Drugs. Under the existing proposal the FBI is not called upon to act in this national effort, and the BNDD would be outside the guidance of the special action office.

Naturally, education rehabilitation and treatment are necessary. But I do not think we can call a coordinated treatment-rehabilitation program a national effort against drugs. If we are to find a solution to this nation's drug crisis, coordination efforts must include not only treatment and rehabilitation, but also controls over international aspects of narcotics production and trafficking and domestic law enforcement. The legislation proposed by the President, if enacted unchanged, would be more correctly titled "Special Action Office for Coordination of Treatment and Rehabilitation of Drug Addicts."

CHAIN OF COMMAND

A diagram of the program which I envision as necessary would have a director in a box with lines going directly down to three other boxes. These lower boxes would represent deputy directors for Enforcement, Rehabilitation, and International Affairs.

This program would not take from existing departments and agencies their drug-related activities. The Bureau of Narcotics and Dangerous Drugs would not be lifted from the Department of Justice. Nor would the FBI, nor the Immigration and Naturalization Service. Nor would the Bureau of Customs be removed from the Treasury Department.

The deputy in each of the boxes would not have absolute power over these areas. But they would have responsibility in these areas and provisions for proper budgets would come under the director's purview.

As an example, the Deputy for International Affairs would meet with those in the Department of State who are on the Far East Desk. He would oversee their efforts at negotiations to reach agreements with the governments of Laos, Thailand, Burma and Vietnam to halt the production, refining and trafficking of heroin.

FUNDING ACTION

This might require financial commitment, and the deputy would recommend this to the director for approval and budgetary action.

If we are determined to organize a strike force against drugs, then we will have to do more than simply go to the area of rehabilitation. For such an effort would soon collapse

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under the weight created by non-action in the area that produces the addicts.

The Subcommittee on Public Health and Environment is now writing the final legislation in response to the President's recommendations. I believe that we will give the President the authority he has requested to coordinate treatment and rehabilitation programs. But I also believe that the subcommittee will make it clear that this is to be viewed as an interim measure—and only a partial attack on heroin.

The final measure must represent a total commitment to this fight, marshaling the total resources of this nation.

ARIZONA HEART INSTITUTE COMPLETES PHASE I OF CONSTRUCTION

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. STEIGER of Arizona. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following five-page typewritten statement entitled "Arizona Heart Institute Completes Phase I of Construction."

ARIZONA HEART INSTITUTE COMPLETES PHASE I OF CONSTRUCTION

Phase I of the Arizona Heart Institute's $3,280,000 construction program came to a close today (Oct. 18) with the completion of its major surgical and intensive care areas. Further construction of special diagnostic laboratories is scheduled for completion by Dec. 2.

Unique in the Southwest, the Institute is designed as a one-floor facility on the second floor of the Northeast Wing of St. Joseph's Hospital and Medical Center, Phoenix. According to the Hospital's executive director, Sister Mary dePaul, "The heart institute offers a means for providing the most advanced forms of diagnosis and treatment currently available for all forms of cardiovascular disease.

"The Institute has been established at St. Joseph's to provide a multi-disciplinary approach to the cardiovascular disease problem in the area of patient care, research and education. It will serve not only the local Phoenix area and Arizona, generally, but will provide a referral center for patients from any section of the United States as well as foreign countries.

"A staff of eminently qualified physicians and personnel—headed by Dr. Edward B. Diethrich—has been selected to participate in the activities of the institute thereby assuring the highest quality of patient care, research and educational activity. This staff has committed itself to meet the challenge of the cardiovascular disease problem."

In the compact 17,300-square-foot area of the institute are contained two cardiovascular operating rooms, four diagnostic laboratories, a six-bed coronary care and intensive care unit, a monitoring area and supporting facilities.

"The geographic relationship between the diagnostic and therapeutic facilities of the Institute is unique in relation to any other cardiovascular institute in the world," said Dr. Diethrich, medical director of the Arizona Heart Institute.

"It has been our belief for some time," he commented, "that when you are dealing with a serious cardiovascular disease, it is vitally important that the diagnostic areas be close to the therapeutic—both surgical and medical—so you don't find yourself in the awkward position of having a very ill patient on the sixth floor of the main hospital when you are in dire need of an operating room . . . which just happens to be several floors away!"

This kind of sound reasoning has been the ground plan for the entire institute. It will mean, as Dr. Diethrich pointed out, "that patients, regardless of their disease problem, can be quickly transported to the proper areas of the institute, whether it be the operating rooms, the coronary care or intensive care units, or one of the diagnostic areas—with a minimum of delay."

Patient services in the institute will cover coronary, valvular and congenital diseases, said Dr. Diethrich: "We will be concentrating on the diagnosis and treatment of diseases afflicting the blood vessels and heart. Although we call this a 'heart' institute, we are actually interested in cardiovascular disease anywhere in the body."

To support the institute's far-reaching program is an investment of over $1 million in highly specialized equipment. Among such "old standbys" as heart-lung machines are a number of space-age spin-offs.

For example, an Anesthesia Console, developed for the surgical suites of the institute by Grumman Aerospace of Houston, brings together in one neat, compact space—thanks to miniaturization—over a dozen separate tools and therapeutic aids which by themselves would clutter the surgical floor.

Suspended from the ceiling in the surgical suites is another space-age device called a Diagnostic Op. This elaborate x-ray device allows surgeons to watch the ebb and flow of blood in a patient's coronary arteries prior to, during and following a surgical procedure, to assure that the surgical correction is functioning as it should.

The Diagnostic Op is used in conjunction with another advanced piece of equipment in surgery: an operating table mounted to a fixed base which provides full x-ray capabilities and can be used as a litter to transport patients from their rooms to surgery.

In the intensive and coronary care units special monitoring systems have been installed which utilize a unique single screen to project changes in patient's blood pressure and EKG.

From the nursing viewpoint, another important design aspect of the intensive care areas is the development of identical bedside facilities. "This," said T. Abner Huff, hospital administrator, "allows the nursing staff to become oriented to the disease entity and the patient, instead of the physical plant, and enables nurses to rotate through other areas of the unit without delays for retraining."

Project architects for the Institute are Varney, Sexton, Sydnor Associates of Phoenix, in cooperation with Magadina Associates, Phoenix, consultants on structural engineering; and Lowry and Sorensen, mechanical and electrical engineering consultants.

Following over 200 hours of conference time, working drawings for the project were submitted in February, 1971.

On March 29 full field direction for construction of the Arizona Heart Institute became the responsibility of Kitchell Contractors, Inc., of Phoenix. Under Superintendent Charles Nelson, the company remodeled the second floor of the Northeast Wing of the hospital, built a two-story structural shell for a new addition to be completed by Dec. 2, 1971, and installed 27 tons of new highly-specialized diagnostic and therapeutic equipment.

JOBS FOR VETERANS REPORT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. ASPIN. Mr. Speaker, I was delighted to read in the JFV—Jobs for Veterans—report an editorial from the Beloit Daily News, one of the leading dailies in my congressional district, concerning the need for finding jobs for veterans. I think the statement of the Beloit Daily News editorial column of September 21 is an excellent one, and I insert it in the RECORD for the consideration of my fellow Congressmen:

NOTES AND QUOTES

"This nation is doing a lot for its Vietnam and other veterans, but the most important thing it could do for the returning young men is to make sure that each of them has an opportunity to work.

"This is a special concern of President Nixon, who has stressed the need to find the jobs for them as a first priority in the efforts to cut the persistently high rate of unemployment.

" . . . The government is spending $11 billion a year to help veterans and some 28 million from past wars are still living, with more being added every month.

"Many are in hospitals and nursing homes, receiving disability compensation, or educational financing.

"In the current crop of veterans are many who are under-educated, underskilled and underprivileged. They need special attention that they are not getting despite the nation's massive expenditures.

"Not every veteran needs or asks assistance, and of the Vietnam veterans, 9 out of 10 are in school or working a year after discharge.

"The other 10 per cent pose the most serious problem. The dismal prospects of welfare and unemployment must be changed and the best way to do it is through creation of jobs in private enterprise." (Editorial, *The News*, Beloit, Wis., Sept. 21)

PETER McGUIRE TO RECEIVE MAN OF THE YEAR AWARD BY NEW YORK'S WEST SIDE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. BIAGGI. Mr. Speaker, on Saturday, December 18, 1971, the West Side Businessmen Associates, and the West Side Youth Council, New York City, will honor Peter McGuire, as their "Man of the Year." He is one of the real angels that came out of Hell's Kitchen.

Pete, as he is affectionately known to his friends on the West Side and here in Washington, has achieved an admirable position in the world of labor. He presently serves as national legislative representative of the Brotherhood of Railway, Airline, and Steamship Clerks.

Pete, was born and raised on West 67th Street, Upper Hell's Kitchen. He was chosen for this honor, because of his dedication to vocation, loyalty to friends, and service to the community. It is particularly gratifying to me and his many friends to know he has been singled out for this award.

Twenty-five years ago Pete started working with and for the kids on the West Side. He organized a voluntary group to promote the idea that juvenile decency should be nourished and delinquency played down to keep it from becoming glorified.

He has been "Mister Volunteer," when it came to organizing citizen action groups to aid the youth in Hell's Kitchen. Through his efforts problems affecting youth where highlighted, programs designed to attack and solve these problems were formulated, and the activities of various groups were coordinated to achieve success. Today the West Side Businessmen Associates sponsor holiday parties, boat and bus rides, little league teams, and achievement contests as well as an annual children's Christmas-Chanukah party at the Hotel New Yorker.

Pete's boundless energy moved him to an active career in other organizations. He is a past Grand Knight of McGivney Council, Knights of Columbus, past president of the NYCRR Anchor Club, and an active member of Elks No. 1 Lodge, the Ancient Order of Hibernians, and the Grand Street Boys Association.

An inspiration to his many friends and associates, a model for the youth of the community, a person of wit and wisdom, Pete is most deserving of the honor to be bestowed upon him.

May God grant him a long, healthy, and active life so that he can continue his selfless dedication to coworkers, friends, and his fellow countrymen.

OFFSHORE OIL DRILLING

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. WOLFF. Mr. Speaker, as a result of a meeting yesterday morning between our congressional working group on offshore oil drilling and Secretary of the Interior Rogers Morton, I, along with 40 of my colleagues, have introduced legislation which we feel is imperative in view of the material contained in the Secretary's briefing.

The two measures which we have introduced provide for a 2-year ban on offshore drilling and lease sales in the Atlantic, and would authorize the National Academy of Sciences to conduct a full investigation of the environmental dangers of offshore drilling and possible alternatives to it.

I feel that the adoption of these bills is crucial to the preservation of the valuable marine resources and priceless recreation areas along the Atlantic coast. Earlier this year, the Interior Department stated that:

It is recognized that incremental amounts of oil will be released into the environment during production operations. Furthermore, the potential of a major spill, either by error or accident, is ever present.

Due to statements such as this and the rumored accelerated efforts of the Interior Department to lease offshore lands, we formed our working group and requested Secretary Morton to discuss this matter with us.

The Secretary could not assure our group that disastrous oil spills could be prevented or that the Atlantic coast submerged lands would not be put up for sale. This legislation would guarantee

against environmental damage by preventing the drilling operations until we fully evaluate the energy needs and the technology involved.

We cannot allow technological progress to be based, as the Secretary indicated, on experimental tragedies. We must not allow our environment to be sacrificed in this rush for oil.

Similar legislation has been introduced on the Senate side by the distinguished Senator from Massachusetts (Mr. KENNEDY), a member of our working group and a leader in the effort to protect our environment. Because of the Secretary's comments on exploration areas, I have requested our colleagues in both bodies from Virginia to Florida to join the present group, composed of Members from Maine to Maryland, in its efforts on this critically important issue.

WHAT THE WAR HAS DONE TO THE SOUTH VIETNAMESE LANDSCAPE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. KASTENMEIER. Mr. Speaker, I would like to call to the attention of my colleagues three articles on Vietnam that were prepared for Environment magazine by two distinguished scientists, Dr. E. W. Pfeiffer from the University of Montana and Dr. Arthur H. Westing from Windham College, Putney, Vt. Both Dr. Pfeiffer and Dr. Westing are familiar with South Vietnam since the two scientists previously had traveled there to analyze the effects of the wartime use of herbicides. Last August, they visited South Vietnam again on behalf of the Scientists' Institute for Public Information and Environment to investigate the extent to which U.S. military operations have altered the landscape of South Vietnam by the weapons of war.

Mr. Speaker, the reports of Dr. Pfeiffer and Dr. Westing follow:

I. CRATERS

(By E. W. Pfeiffer)

During the Indochina war the U.S. has dropped more than two times the tonnage of bombs that was dropped in Europe, Asia, and Africa during World War II, most of it in Vietnam, a country about the size of New England or one-half the size of the state of Montana. Rockets, artillery shells, and mines have been exploded on a vast scale in many areas in Vietnam, in addition to explosives dropped from aircraft. This ordnance has been used principally in free-fire zones or special strike zones, which all people except the National Liberation Front and its North Vietnamese allies have supposedly vacated. Data on the extent of the free-fire zones of South Vietnam would permit calculation of the percent of Vietnamese land surface that has been intensively subjected to these weapons. These data are not, however, presently available.

Although few details have been released regarding expenditures or target locations for the various types of munitions, the following summary figures for all of Indochina have been made available by the Department of Defense.

MUNITIONS USED IN INDOCHINA WAR

[In millions of pounds]

	Air munitions	Surface munitions	Total
Year:			
1965	630	7	630
1966	1,024	1,164	2,188
1967	1,866	2,413	4,278
1968	2,863	3,003	5,866
1969	2,774	2,808	5,583
1970	1,955	2,389	4,344
Total	11,112	11,777	22,889

We do not know what fraction of the 23 billion pounds of munitions expended during these six years was small arms and other ordnance that would not produce craters (nor do we know what the distribution is among South Vietnam, North Vietnam, Cambodia, and Laos). To make some wild assumptions, if half the munitions (by weight) were of the sort that produce craters (bombs, shells, etc.) and if each was a 500-pound bomb, then Indochina's landscape would now be more or less permanently rearranged by more than twenty million craters. Using an estimated average diameter of 30 feet, the holes alone would cover a combined area of about 325,000 acres. Although occasional, scattered craters can be found almost anywhere in rural South Vietnam, we have observed large areas of severe craterization in the provinces of Tay Ninh, Long Khanh, Gia Dinh, Hau Nghia, Binh Duong, Quang Ngai, Quang Tin, and Quang Nam. We have been told about similar areas in Kien Giang, An Xuyen, and Quang Tri. No type of habitat seems to be spared, including forests and swamps, fields and paddies. Many severely craterized areas—such as the so-called free-fire zones, free-bomb zones, or specified strike zones—were formerly inhabited and farmed. Such regions of important military activity as War Zones C and D, the Iron Triangle, the Rung Sat and U Minh Special War Zones, the Demilitarized Zone, and the Ho Chi Minh Trail are among those regions that have been subjected to repeated saturation or pattern bombing.

What is this unprecedented bombardment doing to Vietnam and its people? In order to make a preliminary assessment of the effects of these explosives, Arthur H. Westing and I visited Vietnam in August 1971. In preparation for our trip we had sought information from many sources on effects of bomb craters resulting from military activities, but were unable to find any significant information.

We flew over bombed areas in helicopters and rode in armored personnel carriers to observe at first hand craters from B–52 strikes. We interviewed in the field Vietnamese farmers who were trying to reclaim bombed land, Vietnamese loggers who were operating in bombed and shelled areas, and several Vietnamese and American officials.

In order to judge the magnitude of the problem it is necessary to have some idea of the number of bombs dropped and the amount of territory affected. Earlier studies have presented data which suggest that some 7.5 million craters have been formed as a result of the massive bombardment. Although we estimate that the current figure for South Vietnam is in excess of 10 million, we are currently awaiting Department of Defense data to verify this figure.

The standard weapon of the B–52s is a 500-pound bomb; each B–52 carries 108 five-hundred pound bombs. Each bomb produces a hole 20 to 50 feet wide and 5 to 20 feet deep, depending on soil conditions. The bombs are usually dropped from over 30,000 feet by the B–52 aircraft and can have sufficient force on impact to penetrate deeply into certain types of soil.

Severely bombed areas observed on our trip included the following land types:

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heavily cultivated areas of the Mekong Delta, intensively cultivated mountain valleys in the northern region of Vietnam, mangrove forests, evergreen hardwood forests of the flat terraces northwest of Saigon, and evergreen hardwood forests of the precipitous mountain areas in the Da Nang-Quang Ngai area.

Because of the war situation at the time of our visit, we were unable to fly over, even at high altitude, the most intensively bombed regions of South Vietnam which lie in the northwest corner of the country and along the Demilitarized Zone. We were also very disappointed to find that security problems made it very difficult to visit on foot bombed areas in all of the regions that we attempted to study. It is important to note that there are areas of South Vietnam, particularly in the delta region, that do not reveal, at least from the air at 3,000 feet, much evidence of war damage. Large areas, however, have been hit very intensively by several types of ecologically devastating weapons.

What are the effects of the massive bombardments on cultivated areas such as the Mekong Delta? Our observations made both in wet and (on previous visits) dry seasons show that in the delta the B–52 craters and those caused by large artillery shells are permanently filled with water, probably because the craters penetrate the water table. In many areas waters of different colors fill adjacent craters. Some of the waters in the craters are aquamarine while others have a more bluish to greenish tint, and many are simply a muddy brown. These differences in coloration are apparently due to growths of varying types of algae. It is interesting that different growths occurred in contiguous craters.

I was able to visit on foot three such craters in an agricultural area about 31 miles south of My Tho in the heart of the Meking Delta. The area, near the hamlet of Hoi Son, had been a free-fire zone until fairly recently, but farmers were now being resettled on their land because senior officials considered the region relatively secure. The degree of security became evidence. During my stay in the area U.S. aircraft were rocketing and strafing only a few miles away. I interviewed some families who had left the area eleven years ago because of the fighting. They took me to three craters made in 1967. I would estimate that they were caused by 500-pound bombs dropped by fighter bombers. Each crater was about 30 feet in diameter, filled with water and, at the time of my visit, about 5 feet deep in the center, as proven by one of my guides. He waded into the center of the crater where he could just manage to keep his nose above water while standing. The entire immediate vicinity had been a rice paddie; the rice had been replaced by a very tall reed (6 to 8 feet), genus *Phragmites*, which surrounded the craters at a distance of 10 to 20 feet. Growing from the rim of the craters and into the reeds was a species of relatively short grass, genus *Brachiaria*. A taller grass, *Scirpus*, was also prevalent. The whole area was inundated by very shallow water, as it was the middle of the wet season. The farmers were growing seed rice near the craters and were plowing under reeds and grasses in preparation for planting rice. It was obvious that they could not use the cratered areas for rice cultivation, because the water was much too deep. One solution to the problem is to bring in soil from elsewhere. Although I could not confirm it, one farmer said that the craters I observed yielded exceptionally good fish catches. The fish presumably had moved into the craters during the monsoon flooding. Surrounding the area that had been cultivated in rice were banana, coconut, and jackfruit trees. The jackfruit was dead as a result of herbicides; the coconut trees were destroyed by the bombing, leaving only bare stumps.

In our conversations with these and other farmers who were trying to resettle their fought-over land, it became obvious that their main problem was the presence of unexploded munitions in the areas. The Hoi Son people stated that within the last few weeks three women had been killed and one badly wounded when plows detonated unexploded weapons. We learned that mines in some resettled areas have been cleared, but the problem of locating and neutralizing unexploded ordnance before land is resettled is an urgent one. On several occasions we encountered the fear of unexploded munitions, which probably accounts for a phenomenon we often observed from the air: fields with craters were usually not being cultivated although nearby fields were. One farmer whom we interviewed stated that the people do not like to plow in the bombed areas because the shrapnel in the dirt cuts the buffalos hoofs, resulting in infection.

According to science spokesmen of the U.S. Agency for International Development (USAID) and the Military Assistance Command, Vietnam (MACV), bomb craters are sometimes used as sources of freshwater for irrigation. In much of the southern Mekong Delta, brackish (salty) water floods cultivated lands at high tides if it is not kept back by dikes. Thus, irrigation is necessary and freshwater in the craters could be useful.

Presumably the permanently water-filled crater areas of the delta region are excellent breeding grounds for certain species of mosquitoes and other carriers (vectors) of disease. Those craters not invaded by predators of mosquito larvae provide conditions for greatly accelerated reproduction of mosquitos and other vectors. According to MACV-Command Information pamphlet 6–70, February 1970, "malaria has been causing increasing concern in Vietnam. . . . Up until recently it (*Plasmodium falciparum*) only affected regions of I and II Corps but has now spread to other areas throughout the country." We discussed with several scientists the possible relationship between craterization and this increase in malaria, but no studies have yet been made of this problem as far as we could determine. A USAID specialist in public health with headquarters in Saigon stated that the current alarming increase in hemorrhagic (dengue) fever seen in the Vietnamese was *not* related to craterization because the mosquito vector for this disease, *Aëdes aegypti*, lives only in and around houses and would thus not be affected by ecological changes such as craterization. (We do not know of any field research which supports this view.) We flew a mosquito-control spray mission in a C–123 aircraft from which malathion was being sprayed (one-half pound per acre) over and around an Australian military base. There are only two aircraft now carrying out this program, and, as far as we were able to determine, there is no spray program involving treatment of cratered areas.

We observed many craters in isolated mountain valleys near Da Nang. They were in small clusters in mountain rice fields and thus were probably caused either by artillery or fighter-bomber strikes and not by B–52s. In these valleys the craters were generally filled with water as in the delta, but they probably are without water in the dry season and thus cannot be used for fish culture. The paddies that had been cratered were not being cultivated. During our visit we flew over many rice paddies with ponds in the centers almost comparable in size (about ten feet across) to the bomb craters, but these were fish ponds and apparently did not interfere with the cultivation of the rice surrounding the ponds. It is thus unlikely that scattered craters could create changes in soil moisture or other conditions that would make cratered paddies uncultivatable.

We observed from the air large areas of the mangrove swamps of the Rung Sat Zone which had been subjected to very heavy B–52 strikes. These are all permanently water-filled and obviously would make transportation into the area very difficult. Thus could be of some significance because the mangrove forests have been regularly used as sources of wood for charcoal and for fishing grounds.

We observed many craters at first hand in the Boi Loi woods area. This had been an evergreen hardwood forest on the flat terrace northwest of Saigon. Most mature trees were dead from defoliation (herbicide spraying) but there was a very thick understory of useless broadleafed brush, vines, bamboo, and *Imperata* grass reaching a height of 15 to 20 feet. Craters were very numerous in this area and were scattered at least every 100 feet or so. Each crater was 20 to 30 feet across and 5 to 10 or more feet deep. They were all in a grey podzolic soil (a poor soil often formed in cool, humid climates) with poorly defined horizons (layers). There were many generations of craters. The most recent ones were bare of vegetation but contained a little rain at the bottom. In the older ones a few sprigs of grass, probably *Imperata*, were sprouting in the center. (We also noted the beginning of plant growth in the center of some of the water-filled craters in the delta.) As the craters age the grass grows radially, covering the bottom, and finally grows up the sides to meet vines growing down from the peripheral vegetation. There is some filling of old craters with soil washed down from the sides, but this is limited because old craters completely covered with grass were still 5 to 10 feet deep. We did not observe any broadleafed plants invading these holes.

We were able to learn something of the effects of saturation bombing and artillery fire upon forest timber resources through interviews with loggers and saw mill operators and by inspection of damaged logs, mainly in the Ben Cat and Chon Thanh areas. We also interviewed South Vietnam forestry officials about the problems of utilizing bombed forest areas. These officials indicated that loggers do not like to operate in bombed timber because the trees have metal fragments in them which greatly reduce the value of the logs. (One logger estimated that the price of logs containing metal is reduced by 30 percent.) We could understand the reason for the reduced value when we observed piles of saws with teeth ripped out and examined discarded logs from which we dug pieces of metal. In some logs there were dead areas about twelve inches in diameter and six inches deep from which we recovered bomb fragments. We learned that when mature timber is punctured by metals such as steel shards or bullets, entry is provided for disease organisms, probably fungi, which result in dead areas that increase in size as the wound ages. Thus, largely unlike trees in temperate zones, the trees of Vietnam are susceptible to rot when penetrated by metal. This greatly decreases the value of the timber and also weakens trees so that they are much more subject to being blown down. An official of a French rubber plantation told us that he had lost many rubber trees on his plantation because the trees had been weakened by fungous infection followed bomb damage and then blown down in one of the frequent violent wind storms that occur in the area. The loggers whom we interviewed said that the craters in the forest made passage very difficult for trucks and loaders, a situation that necessitated cutting much shorter logs than desirable in such areas. (We saw 90 foot logs coming out of undamaged forests.)

We were able to observe from a high-flying helicopter the craters caused in a mountain forest near Da Nang by a B–52 strike about one and one-half years earlier. The craters were still obvious on the mountainside and along the ridges. The large burned areas in these forests appeared to be even more significant; they had apparently resulted from fires started by various types of ordnance such as white phosphorus, napalm, and flares.

We tentatively conclude that those cultivated areas hit heavily with conventional high explosives will be very difficult, if not impossible, to recultivate. They can perhaps be used as fish-rearing ponds or, in certain situations, as sources of freshwater for irrigation. They may provide additional breeding areas for insect vectors of disease. In the forested areas that have not been killed by chemical defoliation, the bombing has created problems that are probably just as great as those caused by defoliation. However, the immediate problem of greatest concern is the vast number of unexploded mines, bombs, rockets, and so forth, that must be removed if the land is to be resettled. Since the Department of Defense reports that approximately 1 to 2 percent of our air and ground munitions fail to explode, there are several hundred thousand of these randomly buried throughout Indochina.

We recommend studies to determine the relationship of water-filled craters to the spread of certain diseases, and to determine how cratered areas can best be rehabilitated. We also recommend that greatly expanded operations be initiated to locate and neutralize unexploded ordnance in agriculturally useful areas.

II. Leveling the Jungle

(By Arthur H. Westing)

Despite the lavish application of great wealth and superior technology, the U.S. has made suprisingly little headway over the years against the National Liberation Front and its North Vietnamese allies. With the growing realization that the forest functions as a key ally of guerrilla fighters by providing cover and sanctuary, more and more effort has been directed toward its obliteration. For a number of years reliance was placed primarily on chemical destruction. This approach reached its peak in 1967, but largely because of pressure exerted by the scientific community, it now not only has been reduced to a low level (see *Environment*, July/August 1970, p. 16) but also has been entirely "Vietnamized." The herbicidal assault has left South Vietnam with a legacy of many millions of dead, now rotting trees, and with locally debilitated ecosystems. A second approach that has been employed through the years to make the forest less hospitable to the other side is a bombing and shelling program of incredible magnitude. The 23 billion pounds of total munitions expended in Indochina between 1965 and 1970 alone are more than double those used by us throughout World War II in all theaters.

In recent years, however, a new technique has emerged. Born about 1965, developing into major proportions in 1968, and growing ever since, a vast program of systematic forest bulldozing now exists. The U.S. Engineer Command in Vietnam is daily putting Hercules and his twelve labors to shame. This report outlines the methods, scope, and magnitude of this "jungle eating" program and speculates on its economic and ecological impacts.

The basic tool of the landclearing operations in Vietnam is the 20-ton D–7E Caterpillar tractor fitted with a massive 11-foot wide, 2.5-ton "Rome plow" blade equipped with a special 3-foot splitting lance or "stinger," and with 14 tons of added armor. A very limited number of the even more immense D–9 tractors are also in use. More than twice the size and weight of the D–7, each of these machines is said to be the operational equal of several. The tractors are presently organized into five companies of three platoons each, each company operating 30 or more tractors. Unofficially, the companies go under such names as Rome Runners, Land Barons, and Jungle Eaters. These outfits bulldoze continuously from dawn to dusk, seven days a week under what can only be described as spine-twisting and gut-wrenching (to say nothing of dangerous) conditions. No tree appears to be too large and no jungle too dense to escape these powerful machines in what must certainly be the most intense land-clearing program known to history.

The bulldozing began on a very small scale in 1965 and was devoted primarily to the clearing of roadsides and other lines of communication in order to discourage enemy ambushes. It was not until mid-1967 that the tractors were organized into small units. By the beginning of 1968, most of the major road systems in the central half of South Vietnam (Military Regions II and III) had already been cleared. Although this mission still continues, virtually all major roads in the country have now been cleared for 300 to 600 feet or more on each side. These swaths throughout forest and plantations are now a conspicuous feature of the Vietnamese landscape. In some instances chemical herbicide treatment has helped to maintain these strips in a treeless condition.

The employment of massed tractors organized into companies for extensive forest clearing began in 1968, and the program has expanded ever since. In it's primary mission of denying forest cover and sanctuary, the "Rome plow" appears to be without equal. Effectiveness of the tractors is clearly superior to that of aerial application of chemical antiplant agents. The devices are considered, for example, to be playing an instrumental role in the attempt to "secure" the region centered around Saigon (Military Region III). They are also of considerable importance in the northern half of the country (Military Regions I and II). The U.S. has outfitted and is training two Vietnamese landclearing companies as one of the facets of "Vietnamization."

We were able to spend one day in action with the 984th Landclearing Company, which at the time was operating in the southeastern corner of Tay Ninh province. During our stay, the company was in the final stages of obliterating the Boi Loi woods. More accurately, it was supplying the *coup de grace* to this longtime enemy stronghold that previously had been treated at least once with herbicides, had been subjected to saturation bombing from B–52 stratofortresses, and had also been shelled by artillery.

We joined the outfit on its twenty-seventh day in the Boi Loi woods. During the past 26 it had already scraped clean 6,037 acres. Several days more and this job would be finished, permitting the 984th to move on to greener pastures. Before this job, the men had eliminated the 9,000-acre Ho Bo woods in nearby west-central Binh Duong province.

The Boi Loi woods was enemy territory and we were dropped in by helicopter. We accompanied one of the platoon commanders in his armored personnel carrier and were flanked by several Sheridan tanks of the Eleventh Armored Cavalry. Although we had no contact with the enemy that day and hit no landmines, we were informed that both were regular occurrences. In the past 26 days, for example, several enemy attacks had been repulsed and the tractors had set off no less than 37 mines in the course of their work. (Seven casualties from landmines had been sustained during this period.)

In operation, the tractors were strung out in a long staggered formation, the lead tractor being directed for much of the time by the company commander circling overhead in a small helicopter. The large number of bomb craters made the job of maneuvering the large tracked vehicles most difficult. The heat was oppressive (hovering around 130 degrees F. in the tractor cabs) and the work was truly arduous. But the morale of the men seemed very high, despite their fifteen-hour work days, seven days a week, wet season and dry. The company was proud of its abilities and accomplishments and, we are told, was among the rare units in Vietnam without a drug problem.

At the time of our visit, the unbulldozed terrain was covered largely by a tangle of head-high, broad-leafed brushly plants and vines intermingled with *Imperata* grass and shrubby bamboos. Of the scattered trees, more than half were dead. The plow blades were set to skim the surface, each tractor scraping bare almost an acre per hour. The big trees came crashing to the ground with great regularity. Most were simply pushed over, but the really large ones were first split by the stinger.

The terrain was flat and the soil a heavy grey podzolic, so that neither erosion nor laterization (hardening of soils to a brick-like substance) are likely to be problems here. In view of available seed (or other reproductive plant parts) and shadeless conditions, this area is likely to be quickly dominated by a combination of *Imperata* grass and shrubby bamboos, thereby largely precluding reforestation for years (perhaps decades) to come. In other areas we inspected in Binh Duong province that had been bulldozed two or three years previously, by far the most prevalent vegetation was the worthless and pernicious weed *Imperata*. Indeed, of the thousands of acres of formerly bulldozed areas that we were able to see on this and our previous visits, there was only one area where forest trees (a commercially low-grade species of *Dipterocarpus*) were recolonizing naturally. Where bulldozing is done in more hilly terrain, erosion can become a severe liability. Moreover, with the elimination of the enormous water-holding capacity of an extant forest, the heavy rains characteristic of Vietnam can produce severe flood damage. We learned of one devastating flash flood in a recently bulldozed area in Khanh Hoa province.

It cannot be denied that there are advantages to the bulldozing, given the conditions of this grim war. First, bulldozing largely clears areas of landmines, an ever-present horror throughout much of Vietnam to all who attempt to reutilize a war-visited area. (One Vietnamese whom we came to know has so far lost six relatives to mines left behind by one side or the other.) Secondly, some of the timber can subsequently be salvaged, particularly for firewood and charcoal manufacture. Thirdly, some of the bulldozed lands in "secure" areas have been taken over for agricultural pursuits, although this is often not feasible even in such areas because of extensive craterization by explosives. Farming is particularly evident in the roadside strips near population centers. A small fraction of the clearing by bulldozers is actually said to be done with subsequent resettlement or agricultural pursuits in mind (see, for example, *New York Times*, July 15, 1971, p. 3).

Bulldozing has, according to official military sources, leveled over 750,000 acres to date. I estimate that clearing continues at a rate of more than 1,000 acres per day. Because I was unable to obtain a breakdown of land and land use categories that have fallen to the relentless bulldozers, it is difficult to estimate the overall economic loss that can be attributed to these operations. However, some partial indications can be presented. With respect to the timber resource, the South Vietnamese forest service has determined that at least 126,000 acres of prime timber lands accessible to lumber operations have been destroyed through 1970, together with an estimated twenty million board feet of marketable tropical hardwood timber. At recent Saigon market values, averaging about $72 per thousand board feet, this amounts to a loss of $14.7 million. To this sum must be added a future loss due to destruction of growing stock. With respect to the rubber resource, the French rubber interests in South Vietnam have determined that substantially more than 2,500 acres of producing rubber trees (representing just over 1 percent of South Vietnam's total rubber) have so far been destroyed by bulldozers. There are about 120 rubber trees per acre, with an average value of $88 per tree. Total loss here can thus be estimated to exceed

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$28.4 million. (I might add that to the consternation of the French owners, they have received no compensation.)

There are, of course, many other losses attributable to the bulldozer program, most of which are impossible to quantify. Among them can be listed site degradation, erosion, weed invasion, destruction of wildlife habitat, flood damage, and miscellaneous property loss. One recent press report from western Hau Nghia province tells of the obliteration by bulldozers of a still partially inhabited farming region and the consequent disruptive impact (*New York Times*, May 7, 1971, p. 5). Even whole villages have been obliterated (*Nation*, Oct. 23, 1967, p. 397). Discussions with professional Vietnamese foresters revealed yet another headache connected with the landclearing operations. In its nationwide forest conservation program, the South Vietnamese forest service issues timber-cutting permits on a judiciously restricted basis. However, corrupt province chiefs have, during the past year or so, come to realize that a denied local cutting permit can often be circumvented by turning to the Vietnamese Defense Department and, for pretended reasons of military necessity, request that the area be designated for bulldozing. If the request is granted, the chiefs can then cut the timber for personal profit. Finally, another use of the bulldozers results in a small amount of additional and unnecessary damage. In their lighter moments the engineers occasionally turn to carving up the landscape for the sheer hell of it. Thus one can now find a U.S. First Infantry Division emblem, covering some 1,500 acres, carved into the landscape about 25 miles northwest of Saigon (*New York Times*, Apr. 5, 1970, p. 7) a giant peace symbol is similarly engraved near Hue (*Life* magazine, July 2, 1971, p. 72).

In conclusion, the question is raised—although not answered—of how much forest loss can be sustained by an area before the regional ecology is adversely affected to a substantial extent. Before the war, more than 25 million acres of South Vietnam were covered by forest, representing about 60 percent of the country's total area of 43 million acres. So far, the war has claimed at the very least 3 million acres of the forest cover. The herbicide program has accounted for somewhat more than a third of this, the bulldozing somewhat less than a third, and the bomb, rocket, and shell craters (plus damage from other munitions) the remainder. Although the estimated 12 percent reduction in forest cover may not have a dramatic influence on the overall ecology of South Vietnam, detailed investigation will elucidate the magnitude of the subtle changes that have resulted. In the numerous local areas of severe damage, often covering several thousands of contiguous acres, the repercussions—both ecological and sociological—will be profound.

III. The Big Boma

(By Arthur H. Westing)

In this report I summarize our findings about a new bomb in the U.S. arsenal, a bomb unique to the Second Indochina War. Owing to the paucity of information domestically available, I describe in some detail the bomb's general characteristics and employment.

The BLU-82/B general-purpose high-explosive concussion bomb turns out to be one of the most awesome and least publicized weapons to have been spawned by the war. It is a bomb with record-breaking dimensions: It is 4.5 feet in diameter, over 11 feet long, and weighs 15,000 pounds. Within its thin steel case are 12,600 pounds of a special, dense blasting agent (DBA-22M) consisting of a gelled aqueous slurry of ammonium nitrate and aluminum powder (plus a binding agent). This formulation provides a concussive blast surpassed only by that of a nuclear bomb.

Often referred to in Vietnam as the "Daisy Cutter" and sometimes as the "Cheeseburger," this super bomb is delivered by C-130E aircraft, of the 463rd Wing of the Seventh Air Force flying out of Cam Ranh Bay air base). Even though the bomb is floated to the ground by parachute from altitudes of 7,000 to 10,000 feet and occasionally even over 20,000 feet, the Seventh Air Force claims that the point of impact seldom is more than 300 feet off target and usually less than 150 feet. Timing of the drop is determined by ground radar.

The Daisy Cutter was developed primarily for the instant creation of clearings in dense jungle. Such clearings can then be used immediately as a landing zone by assault helicopters in locations inaccessible to conventional land-clearing equipment and techniques. The progenitor of this unique bomb was the 10,000 pound "blockbuster" bomb of World War II. Several dozen or more of these bombs were left over from that conflict. These were used in Indochina on an experimental basis, apparently beginning in 1967. The presently used BLU-82/B was developed and became operational in early 1970.

The bomb is detonated by an impact fuse at the end of an attached three-foot probe which sets off the main charge simultaneously at both ends of the bomb just above the ground. If all goes well, the resulting radial blast leaves no crater, but rather uproots and blows away all trees and other obstructions—even in heavy jungle—to create a virtually perfect clearing about the size of a football field. Although the size of each clearing differs, of course, according to local conditions of terrain and vegetation, the average radius of the opening, according to the Air Force, is about 160 feet, and its area thus about two acres. No fires are reported to have been set by these bombs and only minimal charring occurs. The blast is spectacular: A mushroom cloud rises some 6,000 feet into the air, and light aircraft flying more than two miles from the explosion are badly shaken by the shockwave. The landing zone, suitable for landing within minutes of the blast, can accommodate one to several assault helicopters at a time. The military code name for such an operation is "Commando Vault."

According to the Seventh Air Force, the average rate of use of the Daisy Cutters in South Vietnam has been one to two per week in recent months. (We were made aware of five drops during a one-week period in mid-August.) Although the total number of drops to date is classified information, an official spokesman for the U.S. Military Assistance Command in Vietnam (MACV) informed me that it is well in excess of 100. One press report claims that 160 drops occurred prior to June of 1970 (*Los Angeles Times*, June 1, 1970, p. 20). Most of the drops in South Vietnam have occurred in the northern half of the country and in the delta region to the south (Military Regions I, II, and IV). Information on the drops in Cambodia and Laos was not made available to us.

In the briefing we received on the Commando Vault operations, an official spokesman for the Seventh Air Force stressed and restressed that use of the Daisy Cutters was restricted to the creation of landing zones and that they were nothing more than "explosive bulldozers." He went into some detail on how the local populace is always alerted prior to a drop. On the other hand, we learned from another local Air Force source that exceedingly strict security is always maintained before a drop to avoid alerting the enemy; the flight crew does not even receive the target location or drop time until just before takeoff.

The Daisy Cutter is officially designated as a general-purpose bomb and has been used in a number of ways in Indochina beyond the creation of landing zones. One Air Force report explains that the bomb can be used for road interdiction by triggering landslides. In the Hanoi press this past spring (in an otherwise unconfirmed report) there is a description of the obliteration of an entire hamlet in Laos by this means. We also learned from three independent sources (two military and one embassy) that the Daisy Cutter has been and is being employed against enemy or suspected enemy troop concentrations. Moreover, in one of Commando Vault missions we inspected from the air, the bomb had been dropped, according to our official military guide, onto a suspected enemy rocket emplacement. This mission had been carried out in June of this year in Quang Nam province nineteen miles southwest of Da Nang. The antipersonnel use of this bomb has also been reported in the press (for example, *New York Times*, Apr. 13, 1971, p. 1; Apr. 15, 1971, p. 5; Apr. 18, 1971, p. E2). Press reports describe one additional use for the bomb, that of removing the thick jungle canopy above suspected enemy storage areas (*New York Times*, Apr. 15, 1971, p. 5).

What is the environmental impact of a Daisy Cutter? Here I am chagrined to report that of the scores of Commando Vault missions, old and new, no site could be found by MACV in an area secure enough for us to visit. U.S. citizens are generally not aware that the National Liberation Front and its North Vietnamese allies control virtually all of the forest and other wild lands of South Vietnam. Moreover, we could find no one who had examined or even thought about these sites with ecology in mind, not even the MACV science advisor or his staff. Although the immediate overt impact is easy to surmise, the more subtle and long-term effects must await further study.

According to an official Seventh Air Force source, the blast of a Daisy Cutter is of such intensity that all terrestrial and arboreal wildlife (as well as any luckless humans) within a radius of approximately 3,280 feet are killed outright by the concussive shockwave. The lethal zone from one such bomb thus covers an area of about 776 acres.

Beyond this circle of death, concussion injury diminishes to insignificance radially outward for a distance of another 1,640 feet or so. This larger area of both death and injury to wildlife thus encompasses about 1,746 acres per bomb. Assuming that the total number of bomb drops to date has been 150, the forest area totally eliminated by this means has been only about 300 acres. Of much greater concern, all the wildlife occupying 116,400 acres or more have been killed. The wildlife on again as much area have sustained injuries. The Daisy Cutter thus adds significantly to the already severe stress imposed by the war on Vietnam's wildlife.

With respect to the vegetation, my information on damage is less complete. The innermost circle of two acres is, of course, totally annihilated. (One press report claims that even the worms in the ground are killed in this zone (*Life* magazine, May 21, 1971, p. 41).) I suspect that damage to the flora beyond the central, cleared area becomes negligible within a modest distance, but actual extent of damage will require on-site investigations. Recolonization by plants in the central, cleared zone seems to be fairly rapid, at least in the delta region. An Air Force officer familiar with the delta told us that a Commando Vault landing zone blasted out in that region looks green from the air within several weeks; it often becomes unusable within several months because of the regrowth of brush. Past experience suggests that the upland clearings will be quickly invaded primarily by *Imperata* grass and/or a variety of low-growing, brushy bamboo species, all tenacious and worthless weeds.

The Daisy Cutter is, in the words of one military officer we met in Vietnam, "a super bomb with super punch." MACV has been using these bombs on a steady basis for more than a year and a half now, apparently with no mention of them in the official daily, weekly, or monthly war news summaries. One senior Seventh Air Force officer explained to us, "they have such a devastating effect that we hate to give them much publicity."

The Commando Vault 7.5 ton bombs provide just one more means by which we casually rearrange the environment of Indochina with little if any concern about either the immediate or the long-term impact on the ecology of the area. I am painfully aware of how little in the way of biological data this report contains, but in providing the first detailed account of this new, indiscriminately wide-area weapon for the open literature, I hope that it will stimulate the necessary wildlife and other ecological studies as conditions permit.

NEWSLETTER FROM YOUR OPEN DOOR IN WASHINGTON—CONGRESSMAN ALBERT W. JOHNSON

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, for the information of the Members and other interested persons, I am presenting today the completed computation of the results of my recent special questionnaire. As has been my custom in the past, the results of the questionnaire are set out in the form of a newsletter containing the following caption: "Newsletter From Your Open Door in Washington—Congressman ALBERT W. JOHNSON, 23d District of Pennsylvania—Newsletter 20, November 1971."

The newsletter also contains a picture of myself in front of the door of my office, in which picture I am holding a publication of the Pennsylvania Department of Commerce entitled, "Discover the New Pennsylvania." The newsletter then continues as follows:

NEWSLETTER

Dear Folks in the 23rd Congressional District:

Last month, because of the unusual interest generated by President Nixon's announcements of his planned trip to Red China and the imposition of Wage and Price Controls, and the furor over busing of school children to achieve a racial balance, I issued a Special Questionnaire to homes in my district. I am now pleased to present the results along with my comments. This questionnaire was a punch out form to be counted by a computer. My January 1972 questionnaire will resume its regular format, with room for comments, and will cover a wide variety of current topics.

Question No. 1—Do you favor President Nixon's efforts in trying to establish friendlier relations with Mainland China?

The answer: Yes: 78.6%. No: 17.3%. No response: 4.1%.

Since World War II our Red China policy has been one of containment. President Nixon became convinced this policy has been a failure, and during this period we became involved in the Korean and Vietnam Wars, all backed and greatly financed by the Red Chinese. Any American policy toward Asia must come urgently to grips with the reality of China. We must recognize the present and potential danger from Communist China. The President, therefore, feels we simply cannot afford to leave China forever outside the family of nations. It is estimated that China, in the not too distant future, will have a significant deliverable nuclear capability and, if outside any Nonproliferation Treaty, could, if it chooses, scatter its weapons among "liberation" forces anywhere in the world. We cannot afford then to have China exiled from society forever.

Seven years have passed since Red China exploded its first nuclaer device. Five years ago they flew a nuclear-tipped missile across 400 miles of desert, and have recently sent one 2,200 miles. Just 16 months ago the Chinese first placed a satellite in earth orbit. They have set off 11 nuclear explosions, bigger than the Hiroshima bomb. Reports are that they have 100 to 150 nuclear bombs and missile warheads. They are building a 3,000 mile range bomber.

It is within this range of potential for destruction that the President made his decision. I am sure the President will be gratified to hear that 78.6% of the people in the 23rd Congressional District agree with him.

Question No. 2—Do you favor the President's proposed trip to Mainlaud China?

The Answer: Yes: 67.5%. No: 27.8%. No response: 4.7%.

While 67.5% approve of the President's trip to China, somewhat less than the 76.5% who favor the establishment of friendlier relations, this reduction is of course due to the uncertainties involved in the journey.

The President's announcement on July 15, 1971 that he would visit Red China next year came as a virtual bombshell. In announcing the trip, he made one of the shortest Presidential Messages on record. He opened his speech by saying: "I have requested this television time tonight to announce a major development in our efforts to build a lasting peace in the world."

The plan of the China mission has great importance beyond the trip itself:

(a) it could well mean an earlier peaceful end of the Vietnam war.

(b) it has resulted in Nixon's plan to also visit Russia in order to relieve tensions.

(c) 20 years of distrust between U.S. and China is being eased.

(d) Arms control talks between U.S. and China and vast trade are a fervent hope.

While Members of Congress, the Nation, and the World were astonished by the announcement, the response to the "Journey for Peace" has been an overwhelming approval. The Senate adopted the following Resolution: "Resolved by the Senate (the House of Representatives concurring), That the President of the United States be and is hereby commended for his outstanding initiative in furtherance of the foreign relations of the United States and world peace by deciding to undertake a 'journey for peace' to the People's Republic of China. Resolved further, that the Congress offer and does hereby offer its full support to the President in seeking the normalization of relations with the People's Republic of China."

Question No. 3—Would you favor the admission of Mainland China to the United Nations provided Nationalist China retains its seat in the United Nations?

The answer: Yes: 74.3%. No: 17.8%. No response: 8%.

The admission of Red China to the United Nations at this current Session was almost inevitable. It reminds me of the saying often quoted by the late Senator Dirksen: "As strong as an army is the strength of an idea whose time has come." As indicative of the world-wide mistrust of Red China in the last 20 years, the 1952 vote to seat her in the United Nations was 7 for and 47 against. Support for seating increased, and in 1970 the vote was 51 to 49 in favor of seating, however, at that time the Assembly said the issue required a 2/3's majority so membership was denied. In 1970, President Nixon appointed a 50-member Commission to study the problem and make a report. On April 26th of this year the Commission, headed by Henry Cabot Lodge, recommended that Red China be admitted to the United Nations, but also called the continued membership of Nationalist China "imperative." Following this finding, on August 2nd, the United States announced it would no longer stand against Red China's entry to the United Nations, thus reversing a position held and defended for two decades. Our plan, however, called for Nationalist China to remain a member.

Question No. 4—Would you favor the admission of Mainland China to the United Nations, even if the result is Nationalist China's withdrawal or removal from the United Nations?

The answer: Yea: 23.3%. No: 69.7%. No response: 7%.

The negative response to this question in the district pretty much reflects the opinion held nationwide as the country reacted drastically against the expulsion of Nationalist China from the United Nations. The policy of the United States was to admit Red China providing Nationalist China also kept its seat. We were playing a losing game and did not realize it. In the first place, the policy of 2 Chinas was unacceptable to the 2 Chinas themselves as each claimed to be the one and only legitimate government of China. Red China vehemently stated they would not accept the seat if Nationalist China remained. The problem this year was also compounded by the fact that there are now 131 member countries in the United Nations, and 71 of these countries have fewer people than New York City, and several fewer than Syracuse, New York. Also, 65 of these countries have a gross annual income less than our state of Connecticut. However, they each have one vote in the United Nations.

Secretary of State Rogers and UN Ambassador Bush made a valiant effort to save Nationalist China. We contended that the matter of expulsion was an "important question," which required 2/3's vote. It was on the vote on this matter that Nationalist China was excluded. The Resolution failed by a vote of 59 to 55. The vote to seat Red China, and expel Nationalist China was 73 to 35 (with 17 abstentions).

This action has had an adverse reaction in the United States. The U.S. Senate defeated the Foreign Aid bill for the first time since World War II. It was pointed out that 54 nations on the receiving end of U.S. aid refused to support the United States on the UN vote. The Foreign Aid bill will pass later, cut considerably and with new direction. Awaiting action in the Congress are 3 other aid bills to International institutions who dish out foreign aid, and in the Congress itself the United Nations appropriation is under fire, as we supply 31% of the annual $200 million in budget.

Question No. 5—Do you favor extension of the 90-day price-rent freeze order beyond November 13, 1971?

The answer: Yes: 69.6% No: 25.4%: No response: 5%.

On August 14th, President Nixon dropped another bombshell when he announced the imposition of a Wage-Price freeze as well as other drastic economic measures. The possibility of this action had been imminent since Congress passed the Economic Stabilization Act in August of 1970. This Act was a maneuver by the Democratic Party whose policy advocated wage and price controls. The power to impose them was attached to another bill, and when the President signed the law, they began pushing him for controls. George Meany, on "Meet the Press" July 11, 1971, said: "If I were President Nixon, I would impose controls at this time. I don't see any other way that this situation is going to get under control." In March of 1971, the Gallup Poll indicated that Wage-Price curbs were backed 49% to 38%, with members of labor-union families just as likely to favor the controls as non-union families.

On August 14, 1971, when the President and his advisors went to Camp David to draft the control order, it was apparent to the

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President that his call for voluntary restraints had fallen on deaf ears. He was presented with some pretty grim facts:

(1) There was another jump in living costs and inflation was at an all-time high and going higher.

(2) Unemployment was around the 6% mark and was not improving.

(3) A deficit in our International balance of payments had been incurred during the first 6 months of 1971 of $11.5 billion.

(4) There had been a drop in spending by business for new plants and machinery of over $3 billion.

(5) Many new 1971 cars remained unsold in dealers hands.

(6) Industrial output had dropped 5½%.

(7) Our Gold supply had dropped to $9.8 billion.

(8) There were approximately 32 billion in dollars abroad which we had guaranteed to buy back in gold.

(9) Japanese imports were up to $7.2 billion, while our exports to Japan had dropped from $4.9 billion to $4.2 billion.

From the Camp David meeting emerged the following new economic plan:

(1) A 90-day freeze of all prices, wages, and rents, now continued in Phase II.

(2) The United States to discontinue buying back dollars abroad with gold.

(3) A 10% surcharge on all imports.

(4) A request to Congress to: (a) give industry a 10% Investment Tax credit (reduced to 7%); (b) to repeal the 7% excise tax on automobiles; (c) to increase personal exemptions by $50; (d) a cut in Federal spending of $4.7 billion and a 6-month freeze of Federal pay increases.

Question No. 6—Do you favor a freeze on interest rates?

The Answer: Yes: 72.6%. No: 21.9%. No response: 5.5%.

The freeze has been criticized because it did not cover interest, profits, and dividends. The Administration does not favor a freeze on interest charges because they claim the frozen interest rate would be forever the fixed rate, with no hope of a reduction. Also, Secretary of Treasury Connally stated that interest rates have been going down this year and since controls were put on. On local Washington, D.C. radio stations, the Savings and Loan Associations are advertising that they will pay 5% in passbook savings, and 6% on Certificates of Deposits. It is obvious that a lowering of mortgage interest rates will of necessity reduce the rate depositors receive. Instead of a fixed interest rate control, the President has established a Committee on Interest and Dividends, the main role of the Committee being to concentrate on home mortgage interest charges, and otherwise stabilize interest charges. However, the new Price Control Bill before the Congress could well require frozen interest ceilings.

Question No. 7—Do you favor a limit on profits?

The Answer: Yes: 55%. No: 39%. No response: 6%.

A smaller number of persons favor this control than the other categories. Here again the Administration does not favor a limit on profits. This is because American business profits have been steadily decreasing percentagewise during the past few years, and the competition from cheaper goods made abroad makes it increasingly more difficult for American businessmen. To limit profits will require an Act of Congress renewing the old excess profits tax, which has been discredited.

Present Corporation tax rates, both Federal and in Pennsylvania, are high enough now to keep profits in line. For instance, the Pennsylvania Legislature recently raised the Corporate Business Tax to 12%. The Pennsylvania tax on capital stock was also sharply increased. However, the President does not rule out an excess profits tax law, if the Wage and Price Board deem it necessary.

Question No. 8—Do you favor imposition of the 10% import tax?

The answer: Yes: 73.3%. No: 21%. No response: 5.6%.

As previously stated, when the President acted on August 15th, the U.S. International balance of payments deficit was $11.5 billion the first 6 months of 1971. Great demands were being made on the President and Congress to impose import controls on goods coming into the United States from abroad, mostly Japan, which has been causing widespread unemployment in the United States. As stated earlier, our trade with Japan was reduced, and their trade with the United States went skyrocketing.

For the past 25 years the United States has championed free trade because protective tariffs in the 1930's divided the world into trade blocs. But the time had come for Nixon to blow the whistle. For instance, the Japanese have placed extremely tight restrictions on imports into Japan making it almost impossible for American businessmen to sell their goods in Japan, whereas we have given Japanese goods and machinery quite free access to our markets. And other countries have held down the value of their currencies, making it possible to sell exports to the United States at extremely low prices.

It is said that the 10% surcharge was really directed at Japan, but it has hit other countries especially hard. Canada for instance is facing a real crisis as their immensely favorable balance of payments surplus was due to trade with the United States, especially cars, and auto parts. However, despite the drastic nature of the surcharge, United States business has already shown signs of improvement as a result.

Question No. 9—Do you favor the repudiation of the promise to buy back U.S. dollars abroad with gold?

The Answer: Yes: 53.2%. No: 33.3%. No response: 13.5%.

On August 15, 1971, President Nixon, in addition to putting on the 10% import surcharge, announced that the U.S. would no longer ship gold abroad in settlement of dollar claims of other nations, and would no longer maintain the dollar at fixed rates of exchange with other currencies. Our agreement to freely exchange gold for dollars was decided at the International Bretton Woods (New Hampshire) Conference in 1944. At that time the United States held most of the world's gold, and by 1949 had $25 billion worth at Fort Knox valued at $35 an ounce. Following World War II the nations of the world needed a strong currency to peg their money to and that was the dollar. We could afford to make this agreement because we had a trade balance and Europe needed to buy huge quantities of everything to rebuild. The system worked well for 15 years, until the United States, because of its huge foreign aid gifts, tourist travel and defense activities abroad, accumulated a balance of payments deficit of over $50 billion. Nations abroad had received gold for dollars so that on August 15th our gold reserve was down to $9.8 billion, with over $32 billion abroad eligible to receive gold in exchange. These nations were ready to demand our remaining gold supply, despite the fact that they had stubbornly in the past maintained low exchange rates for their currencies, while the Bretton Woods system was rigged against a fixed dollar value.

Now as a result of the President's move, we have a floating dollar and we will keep our gold supply. Nations need a gold reserve for use in times of financial panic when their currencies will not be accepted for food and supplies necessary for survival. This is especially true in times of war. The nations of the world are now making moves to substitute a new medium of exchange to supplant the Bretton Woods agreement which survived 27 years.

Question No. 10—Do you favor the 10% tax credit for one year on the cost of new machinery and equipment to expand jobs and modernize U.S. plants?

The Answer: Yes: 72.6% No: 21.8%. No response: 5.7%.

Granting industry this investment tax credit has in the past proven to be a tremendous stimulant for new jobs and industry expansion. This credit, first proposed by President Kennedy as a measure to foster long-term economic growth, worked out so well that President Johnson had it suspended in October 1966 as an anti-inflation measure, but had to replace it 5 months later to combat a minirecession. President Nixon rescinded it in early 1969 also as an anti-inflation move. Now, in a time of necessity to revive business, he is asking Congress to restore it. In the bill before Congress, the credit is fixed at 7% instead of 10% and is only applicable if the machinery is bought in the United States. This has of course aroused foreign indignation. President Nixon predicts the credit will quicken the pace of recovery and take thousands of men off the unemployment rolls. I personally feel the credit is necessary and never should have been suspended.

Question No. 11—Do you favor an amendment to the U.S. Constitution which would require that no public school student shall because of his race, color, or creed be assigned to or required to attend a particular school?

The Answer: Yes: 72.1%. No: 23%. No response: 4.9%.

This spring, by a unanimous decision, the U.S. Supreme Court decided that busing of school pupils is a proper means of ending school segregation, but did hold that the decision does not mean that "every school in every community must always reflect the ratio of composition of the school system as a whole." On August 3, Chief Justice Burger delivered a clarifying opinion in another case and warned Federal Judges that they were misreading the Court if they believed it now required racial balance in every school in a system. To add to the confusion, the U.S. Supreme Court on October 26th refused to review a Federal District Court's order that requires the busing of some 10,000 pupils to improve racial balance in public schools in Pontiac, Michigan.

This year the school bus became a symbol of one of the most controversial developments in American life: the forced transportation of children away from neighborhood schools to distant classrooms, in obedience to court-ordered desegregation plans.

Busing is beginning to emerge as one of the major political issues of 1972. President Nixon, sensing the mood, has made it plain that he strongly opposes "busing of children for the sake of busing," and has repudiated the Department of Health, Education and Welfare's massive busing plan for Austin, Texas. Over 100 Congressmen have endorsed the Constitutional Amendment in this question 11. And early in November Northerners and Southerners (Conservatives as well as Liberals) united to insert in an Education appropriations bill a ban on any use of the money for busing.

The latest Gallup Poll shows 76% of the nation's voters are opposed to busing. In many school districts where busing is now in use to bring about desegregation it is meeting with success. However, in many other school districts it has been a failure and has increased drug addiction, robberies and violence.

ADJOURNMENT OF CONGRESS

As I complete this Newsletter, Congress is about to adjourn until January 1972. This Congress has not passed the President's program in the field of Revenue Sharing nor the President's Plan for Governmental Reorganization, both of which I favor in general. Congress has put into law the request of President Nixon relating to the Wage-Price freeze. The power of the President to free wages and prices will have been extended from April 30, 1972 to May 31, 1973. Also, the Tax Reform bill is in conference, and by the time you receive this Newsletter, it will be on the President's desk for signature.

This Tax bill postpones the right of taxpayers to earmark $1 of their income tax to finance a presidential campaign until 1976. Also in the political area, the bill would allow limited tax credits and deductions for federal, state and local campaign contributions, effective next year.

The bill reduces taxes by $15.8 billion. The bill would cut individual income taxes by increasing the personal exemption from $650 to $675 on 1971 income and to $750 starting with 1972 income; by raising the low-income allowance from $1,050 to $1,300, by increasing the standard deduction from 13% of gross income, up to $1,500, to new levels of 15% or $2,000, and by allowing deductions up to $400 a month for child-care expenses. I intend to support this Conference Report.

MONETARY CRISIS IMPROVING

The monetary crisis continues as a problem but it is moving toward a solution as a result of a 10-nation Conference held in Rome the first week in December. The U.S. agreed to consider concessions, and European countries agreed to enter serious talks on lowering trade barriers against U.S. goods. The Conference will reconvene in Washington on December 17. The U.S. does not want to revalue the dollar in terms of gold, but is ready to make concessions as other nations agree to also revalue their currencies as against the dollar. The Wharton School of the University of Pennsylvania, which I attended, reports that business next year will be considerably better. They predict that the 1972 gross national product will be $1,150 billion or an increase of $106 billion over 1971. They state further this gain will be from solid, real growth rather than price increases. They also forecast a drop in unemployment in 1972. However, the U.S. Commerce Department reported during the 3rd quarter of this year the balance of payments deficit was $12.1 billion, a dangerous figure. This compares with $11.5 billion the first six months. Watch for further dramatic moves by the Administration as a result of this excess of the import over the export dollar.

In closing, I want to thank those who took the time and made the effort to return the Questionnaire. The return of the Questionnaire makes this Newsletter possible, which I trust you will find interesting.

Sincerely yours,

ALBERT W. JOHNSON.

LEGISLATION TO REMOVE AN INADVERTENT INEQUITY IN THE CHAMPUS PROGRAM

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, I am introducing a bill today that is intended to remove a serious and, I believe, inadvertent inequity in the civilian health and medical program of the uniformed services, which is more commonly known by its acronym of CHAMPUS.

In 1956, when the legislation authorizing the establishment of this program was first enacted, the framers of that legislation very wisely included a provision under which the children of members of the uniformed services who have been incapacitated and rendered incapable of self-support before reaching the age of 21, which is the normal cutoff age for dependent children under the CHAMPUS, may continue to be covered by the CHAMPUS regardless of age so long as the incapacity exists. Apparently, however, they overlooked the fact that dependent children who are in college retain their eligibility through age 22.

Recently, several cases have come to my attention involving cases—particularly cases involving serious automobile accidents—which occurred at age 22 while the child was attending college. These children are rapidly reaching age 23 at which time, under present law, they will lose all of their CHAMPUS benefits. The result will be financial disaster for their parents since these cases not infrequently cost as much as $150 per day.

My bill would apply the "incapacity" rule to the student group I have just described and remove this unintended inequity from the law.

TENNESSEE AND THE MAGNAVOX CORP.—A SILVER ANNIVERSARY

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. FULTON of Tennessee. Mr. Speaker, the State of Tennessee and the Magnavox Corp. are celebrating their 25th year together. For both it has been a rewarding and productive association.

A quarter of a century ago, Magnavox chose the quiet and picturesque town of Greeneville, Tenn., to initiate their operations in the South. It all began in a leased tobacco warehouse at Greeneville which was converted into a cabinet manufacturing plant. A year and a half later, Magnavox launched its first radio assembly at Greeneville. Two years later, in 1950, television production made its debut at Magnavox's Greeneville facility.

So it has gone and grown through the years until the Magnavox Corp. today is one of Tennessee's largest employers and finest corporate citizens.

Today, the firm employs 6,500 persons with an annual payroll of $29 million. Today, Magnavox pays $1 million in State and local taxes each year. In addition, over the past 5 years this firm has contributed some $600,000 in money, equipment, and products in the State of Tennessee. These donations went to schools, hospitals, United Funds, local charities, and civic organizations.

Magnavox sponsors a scholarship program to assist deserving individuals and many thousands of dollars more worth of Magnavox products and equipment are donated by Magnavox to technical schools, hospitals, and so forth. Last year, the firm spent more than $100,000 to reduce and eliminate pollution in Tennessee.

Mr. Speaker, this very briefly is the story of Magnavox and Tennessee. A quarter of a century ago firm officials came south looking for a place to settle a part of their organization. They discovered Tennessee and for a period of 25 years this association has been advantageous to Tennessee and to Magnavox.

We anticipate and look forward to another 25 years over which the rewards and achievements of the past will be mere fractional yardsticks of those to come.

Magnavox means "great voice." For Tennessee Magnavox also means great employer, great contributor, and great citizen.

PHYSICAL FITNESS CAN BE FUN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. BOB WILSON. Mr. Speaker, staying fit is not always fun or for that matter very easy. But in my district of San Diego, citizens have found that physical fitness can be fun, as well as a family affair. This unusual project is the result of the genius and energies of Deborah Szekely and Dr. John L. Boyer, both members of President Nixon's Council on Physical Fitness and Sports. They have three family fitness centers operating in San Diego and hopefully 13 new ones will be in business early next year, all as part of the city's park and recreation program. The success of this program was reported recently in a Los Angeles Times article which I know will be of interest to our colleagues. Therefore, I insert it in the RECORD along with a statement that gives additional details about this unique effort to keep Americans active in a healthy way:

SAN DIEGO'S NEW FAMILY FITNESS NIGHTS SOON TO BE A SWEET 16

Family Fitness Fun Centers, a project just begun this October, have been operating at capacity three nights a week Tuesday through Thursday, 5:30 to 7:30 p.m., at three San Diego park and recreation centers. The reception has been so enthusiastic that announcement now is made of thirteen additional centers to be opened three at a time right after the first of the year, augmenting the original program at Allied Gardens, Colina del Sol, and at the Pacific Beach Recreation Center.

Conducted without charge for anyone from kindergarten age and up who wishes to participate, the centers drew their first crowds by promising fun and fitness, *now* music and something far removed from the usual calisthenics. The program delivered, and the first registrants quickly became regulars. They will tell you that they enjoy the sessions, they enjoy the way the sessions make them feel—and they are happy about the unwanted pounds they have lost.

Part of the popularity of the Family Fitness Fun Nights is that they are not entirely structured but remain sensitive to the moods of any particular group on any particular night. Some crowds, once they get moving and establish their own rhythm and style, don't want to quit but stay with the music until closing time. Others may break off into supervised splinter groups for sports, jogging or what appear to be rousing parlor games. Sometimes gimmicks are employed—everything from sticks to ropes to colored parachutes and pastel tires. Often a participant is called upon to lead his own group.

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"These classes are so far removed from ordinary calisthenics that they are most easily taught by someone who simply is a good dancer," says Deborah Szekely. Mrs. Szekely and John L. Boyer, M.D., both members of President Nixon's Council on Physical Fitness and Sports, are co-sponsors of the family fitness movement. "People find their own pace and intensity. Improvement comes through repetition, rather than through a do-or-die effort. The people are shown ways to test themselves, but most emphasis is placed upon fun.

"The fact, of course, is that we are trying to set up the first workable solution to the terrifying statistics about heart disease affecting young and old.

"Everybody agrees that Americans must change their inactive patterns. This is the first attempt to offer an alternative pattern, a workable scheme to keep dad from settling into an easy chair right after work and preventing the kids from following six hours at school desks with another solid six hours in front of the television set.

"We are encouraging families to get out together before dinner, move around, be a family, and then go home and all sit down to dinner at the same time. Dinner becomes a joyous occasion, because dad and mom are relaxed and unwound by a change in pace, and one eats less food with more pleasure. Since dinner is at 7:30 or 8 instead of 6 p.m., the late-night snack is no longer a problem."

All this doesn't sound hard to do. Many people are finding it very easy. And if the system spreads as extensively as the sponsors dream, it may prove an answer to the question: How to prevent some of these one million yearly deaths from heart and circulatory problems?

The almost dance-like steps and maneuvers look simple enough, but Doctor Boyer emphasizes that each little movement has a meaning all its own. "Everything that is done in these exercise classes is very specific. Each exercise is designed to increase something, to improve something—muscular agility, endurance, strength.

"For a long time in this country, we were taught it was most important to be strong. But strength alone doesn't guarantee fitness. You have to have a balanced combination of all three to be really fit. One of these qualities alone won't bring you the other two.

"Another myth was that sports would make us fit because they increase our agility. However, in a game like bowling, for instance, one minute and fifty-seven seconds are spent in actual activity during any bowling contest. The rest of the time you're walking back in line, chatting, watching the other guy perform, drinking a beer.

"We begin the physical fitness nights with little warmups that scarcely look important. But they are getting our joints and tissues ready. Then we do things specifically for agility, specifically for strength, and we get our cardiovascular engine running."

The potential of these Family Fitness Nights is considered sufficiently impressive to merit federal funding. This provides the instructors, under San Diego Park and Recreation Department jurisdiction, whose director, Miss Pauline des Granges, has given much personal attention to the program.

Jack Krasovich of the City Recreation Department is coordinating. Assisting each center's supervisor are undergraduate students; in charge of their recruiting is Ray Butler, chairman of San Diego State College's Recreation Department.

The San Diego City Schools system also has lent is sponsorship to the program, and is represented by Ash Hayes, health and physical education specialist.

PHYSICAL FITNESS NOW A FAMILY AFFAIR

(By Patricia Lee Murphy)

SAN DIEGO.—"I'm overwhelmingly enthused," puffed Mrs. Grace Dorman, a Pacific Beach real estate agent, midway through a volleyball game in which her co-players were a truck driver, a punch press operator, a school secretary, a dance teacher, a housewife, a mechanical engineer and a student.

That game in the Pacific Beach Recreation Center was a U.S. first under a pilot "Family Fitness Center" program expected to trumpet similar drop-the-blubber sessions across the country—resulting eventually in a trimmer, healthier citizenry.

Mrs. Dorman and 790 other San Diego residents came three nights last week to what is billed as the city's "fresh, new solution for physical fitness." After three years of planning, it got off the ground because of a one-year $20,000 federal grant.

The inaugural "Family Fitness Centers" opened at Pacific, Colina del Sol and Allied Gardens recreation centers under the guidance of two members of President Nixon's Council on Physical Fitness and Sports.

One is Dr. John H. Boyer, a San Diego cardiologist and associate professor of physical education at San Diego State College; the other, Mrs. Deborah Szekely, who adapted the high priced exercise routines of her two spas, Golden Door and Rancho la Puerta at Tecate, B.C., into free family routines.

The project is being presented by the city's school and recreation departments, the latter under the guidance of Pauline des Granges, director of the San Diego Park and Recreation Department.

Federal funds pay for a professional supervisor in each recreation center. San Diego State College supplies students—working for credit and exactingly trained—to conduct the classes. The city provides facilities. And citizens tote in the extra pounds and inches.

Dr. Boyer is an enthusiastic supporter of the project because he says, "the effect of sedentary living beginning early in life is one of the major causes of heart disease.

"Physical inactivity leads to weight gain with increased body fat. The average American has 25% to 30% body weight as fat—the total should be 12%."

PROVEN AT RESORTS

"The idea is based largely on a fitness approach which has been proven popular and effective at private resorts," Mrs. Szekely said. "This is the first time such a program has been adapted for extensive general use and offered to the public without charge."

Last Tuesday, Wednesday and Thursday evenings—the first week of the fitness sessions—families and adult and student singles often came back all three nights, something the leaders had not anticipated.

The program is unstructured, scaled to individual capacity and no one frowns if a participant attends only a part of the 5:30 to 7:30 p.m. sessions.

Children under 11 are presently segregated into their own class, but Dr. Boyer said there is no rigid age division.

INCENTIVE PLAN

"We have a kind of incentive plan," he explained. "Those youngsters who show sufficient coordination will move up into the older group and do their thing right along with their parents. It might just be some answer to the generation problem, a kind of 'the family that plays together, stays together' thing."

He expressed surprise that the rigorous exercise periods seemed to be what people liked best during the first week, more than the volleyball and basketball games.

"It's probably because we do it to today's music—people respond to the rhythm," he said.

The exercise periods are hard work. There was a lot of amiable groaning and frequent dropping out for rest. There was also a lot of laughter and camaraderie among people who had arrived as strangers.

"Once you're huffing and puffing together," said Dr. Boyer, "you find you are all on the same communications channel."

The plan calls not just for physical exercise, both patterned and free play, he said. Attention will be given to diet control, low-fat cooking, weight management and an antismoking clinic, steps towards what he calls "total family fitness."

During the pilot period Dr. Boyer feels many mistakes will probably be made and rectified; that the program will undergo many changes. After a year he will present an analysis to the President's council and certain scientific journals.

It is probable, too, that a workbook or manual will be published for use by recreation departments of other cities in establishing similar programs.

The first night at Pacific Beach Recreation Center was a melange of some 80 people including 16 of the under-11 group, many students, housewives, two San Diego firemen, a teaching couple from Rancho Santa Fe (with their 9-year-old daughter), a food service worker, bookkeepers, data processors, a saleswoman, an unemployed federal worker with his wife, two children and an aunt, a dental assistant and one who listed herself as a "professional sitter." In response to the part of the questionnaire that asks, "How many hours a week do you spend sitting?"—meaning "How sedentary are you?"—the latter woman answered, "I sit too much."

Relating to this, Dr. Boyer advises, "Mother and the kids should bring dad a sweatsuit and a pair of comfortable shoes and meet him at the center. It's important that dad go directly from work because once he's home and sits down, the evening is gone.

"Sitting has become such a habit that it interferes with the human animal's normal need to move in spurts of real activity during waking hours," Dr. Boyer said.

"Perfect strangers have been calling to tell me how great they think the program is and how much they feel it will do for them."

SUPREME COURT AND AMISH SCHOOLCHILDREN

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. CARTER. Mr. Speaker, I was very much interested this morning to read the article concerning a case in which the U.S. Supreme Court has been asked to decide whether it is the responsibility of a State to insure that adequate education of children should override the religious conviction of the Amish that 8 years' schooling is enough.

For several years, I have asked myself what education actually is. The dictionary states that to educate is to provide schooling for; to develop mentally and morally, especially by instruction; to train, instruct, or teach.

Mr. Speaker, I submit the training the Amish fathers and mothers give their children is a basic and vocational form of education.

"Ye shall know them by their fruits."

If anyone visited in an Amish agricultural area, it immediately became apparent that they are the finest farmers in the United States. Again, I submit that they did not learn this in school, but on the farm and from their fathers and mothers.

In 8 years of training our schools should give the basic elements of education, reading, writing, and arithmetic. Further training by these parents has developed the Amish children into fine Christian farm men and women.

It is my devout wish that the Supreme Court will decide in favor of the Amish people.

[From the Washington Post, Dec. 9, 1971]

HIGH COURT HEARS AMISH SCHOOL CASE

(By William R. MacKaye)

The U.S. Supreme Court was asked yesterday to decide whether the responsibility of a state to ensure the adequate education of children should override the religious conviction of the Amish that eight years' schooling is enough.

The case, which pits the state of Wisconsin against three Amish fathers, poses one of the most critical religious freedom questions to come before the high court in some time.

The Wisconsin Supreme Court ruled in January that the three fathers, Jonas Yoder, Wallace Miller and Adin Yutzy, had a constitutionally guaranteed religious right to keep their children out of high school despite Wisconsin's compulsory education law.

One of Wisconsin's assistant attorneys general, John W. Calhoun, urged the federal high court to overturn the 6-to-1 ruling of his state's justices. Wisconsin's responsibility to defend its citizens' children from "the disease of ignorance" must take precedence over the Amish religious position, he said.

William B. Ball, a Harrisburg, Pa., lawyer who is one of the nation's principal legal experts on church-state matters, argued on behalf of the parents.

He laid before the clearly fascinated justices a picture of a tightly knit religious community in which wisdom is learned in the household and at the plow, and secondary schools are seen largely as purveyors of temptation and worldliness.

Wisconsin vs Yoder, as the case is known, represents the first time that the conflicts between the technology-shunning Amish and the government have been argued before the nation's highest court.

But it stands at the end of a long line of efforts by governments on this continent and in Europe to compel the Amish to soften their sturdy resistance to the ways of the modern world.

Usually the "plain people" have not combatted these efforts, but simply packed up and moved somewhere else in a continuing search to find a place where they will be left alone.

Four bearded, overalled Amish elders, three from Lancaster County, Pennsylvania, and one from Mifflin County, Pennsylvania, sat quietly in the courtroom yesterday listening to the arguments.

There are in the United States about 20,000 adherents of the most conservative Amish tradition, the Old Order Amish Church, according to the 1971 Yearbook of American Churches. Many of them may emigrate to other countries if the Supreme Court rules against them, Dr. John A. Hostetler predicted after yesterday's hearing.

Hostetler, a former Amish member who left the fold and is now a professor at Temple University and the world's leading academic expert on Amish custom, has served as an expert witness for the defense since Wisconsin vs Yoder began.

Yoder, Miller and Yutzy, at that time all farmers in the rolling countryside outside New Glarus, Wis., were hauled into county court in October, 1968, on charges that they had failed to enroll their children, Frieda Yoder, 15, Barbara Miller, 15, and Vernon Yutzy, 14, in school.

Testimony in the case noted that the New Glarus school administrator signed the criminal complaint against the three fathers immediately after learning that the Amish in the public school district had opened a private, church-run elementary school.

The three fathers were convicted in the county court and again in the circuit court, and fined $5 each. At that point they appealed to the state supreme court, where for the first time in American legal history they won a decision that the Amish have a constitutional right to keep their children out of high school.

Earlier state supreme court decisions on similar cases in Kansas, Ohio and Pennsylvania upheld the right of states to maintain compulsory education.

Funds to defend the New Glarus fathers were raised by the National Committee for Amish Religious Freedom, an organization created by a Livonia, Mich., Lutheran pastor, the Rev. William C. Lindholm. Contributions paved the way for the participation by Hostetler, University of Chicago education expert Donald A. Erickson, and attorney Ball from the inception of the case.

Lindholm said he formed the organization some years ago after seeing photographs of truant officers chasing terrified Amish children through a cornfield in his native Iowa.

"I decided it wasn't right," he said.

ILLINOIS LEGISLATURE BACKS NATIONALIST CHINA

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. McCLORY. Mr. Speaker, reaction to the recent expulsion of Nationalist China from the United Nations has been pouring into my office in the form of constituent letters, letters from concerned citizens from all over the country, newspaper editorials, and most recently, in the form of House Resolution 437 which passed the Illinois General Assembly on November 13, 1971.

The comments which have reached me generally reflect my own feelings about the unfortunate situation prevailing at the U.N. as a result of the expulsion of the Republic of China. I am dismayed not only because the U.S. proposal for accommodating both mainland China and Taiwan was defeated, but also because the U.N. vote appears to set a dangerous precedent whereby a viable and dedicated member nation which has complied fully with the U.N. Charter can be expelled without any evidence whatsoever of wrongdoing.

Mr. Speaker, I applaud the action taken by the Illinois General Assembly, and I commend House Resolution 437 to my colleagues' attention:

HOUSE RESOLUTION 437

Whereas, The United States, by official vote of its delegates in the United Nations over the recent span of 2 decades, has stood resolute in support of the Nationalist Chinese Government of Taiwan to continued permanent membership in the world body for that government; and

Whereas, The United States during this period in the United Nations has rightfully and repeatedly resisted each effort to recognize and seat the Communist regime on the Chinese mainland as the claimed sole representative of the Chinese people, while in the meantime emphatically and consistently voting "no" to unseating the Taiwan Government; and

Whereas, The Taiwan Government has not committed nor has it been charged with infraction of the U.N. Charter which would support its expulsion; and

Whereas, Not one member nation heretofore has been expelled from the United Nations; and

Whereas, On October 25, 1971 the Chinese Government of Taiwan was expelled from the World Body by vote of the General Assembly; and

Whereas, On this same date the Communist regime was voted an U.N. membership seat as the only lawful representative of the Chinese people; and

Whereas, These actions may set a precedent with serious implications; and

Whereas, The United States delegation vigorously oppoeed such expulsion and seating and voted in opposition to it; therefore, be it

Resolved, By the House of Representatives of the Seventy-seventh General Assembly of the State of Illinois, that we commend the United States Government's delegation in the United Nations on the occasion of its courageous stand and vote against the expulsion of Nationalist China from the United Nations and the seating in its place of the Communist Government of China, and express how much we deplore the loss of our staunch friend and ally of long-standing, the Taiwan Government as a member nation of the United Nations and signatory to its historic Charter; and, be it further

Resolved, That in the light of these unprecedented actions we urge the Congress of the United States to curtail the extensive financial support so generously furnished to the United Nations by each United States taxpayer; and, be it further

Resolved, That a suitable copy of this preamble and resolution be forwarded by the Office of the Secretary of State to each member of the Illinois congressional delegation.

Adopted by the House, November 13, 1971.

TRIBUTE TO HERBERT LINCOLN HARLEY, FOUNDER OF THE AMERICAN JUDICATURE SOCIETY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. GERALD R. FORD. Mr. Speaker, 58 years ago a Michigan native—Herbert Lincoln Harley—founded an organization dedicated to the promotion of the efficient administration of justice. All of us with a legal background know and admire the work of the American Judicature Society. The end of this year—December 31—marks the 100th anniversary of Herbert Lincoln Harley's birth, and so it is appropriate at this time that we pay tribute to the American Judicature Society and to its founder.

Harley was one of a small group of men who organized the Judicature Society as a means of reforming and modernizing our judicial system from within.

Through the early years of the society, Harley served as a central force within the organization, holding it together and guiding it into new frontiers of judicial administration.

Born in Manistee, Mich., on December 31, 1871, Harley earned his law degree at the University of Michigan and engaged in private practice in Manistee. In conversations with Charles Ruggles, a wealthy Michigan lumberman, Harley conceived the idea of forming a society

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to promote the efficient administration of justice.

Harley took his plans for an American Judicature Society to Dean Henry M. Bates of the University of Michigan Law School. Although the society first was housed at Northwestern University, it moved to the University of Michigan in 1931 and remained there until 1954.

In 1964 the society offered a Herbert Lincoln Harley Fellowship in Judicial Administration covering a year's graduate study in the University of Michigan Law School.

Michigan was among the first States to embrace the society and to benefit from many of Harley's proposed reforms. Court organization, centralized administrative control of the courts, the integrated bar and pretrial conferences were all accepted early in Michigan, largely through the efforts of the society.

Harley's establishment of the Judicature Society in 1913 marked the beginning of an unusual career that spanned more than a third of a century. During this time, Harley became one of the most outspoken leaders in judicial administration. His advice and expertise were sought for almost every important project dealing with the improvement of the administration of justice in this country.

Although Harley was the secretary treasurer of the society, he served it in any way he could—at various times as errand boy, workhorse or record-keeper. His goal was to improve the U.S. court system. Because of Harley, great improvements were made in our court system although many more must still be implemented.

It is to this man that tribute is due this month, as we look ahead to the 100th anniversary of his birth.

AMERICAN TROOP WITHDRAWALS FROM WESTERN EUROPE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. BOLLING. Mr. Speaker, Crosby S. Noyes, writing in the Evening Star of December 7, analyzes the implications of American troop withdrawals from Western Europe. The article follows:

[From the Washington Star, Dec. 2, 1971]

U.S. PULLBACK FROM EUROPE AN ILLUSORY THESIS

(By Crosby S. Noyes)

Highly recommended reading for Sen. Mike Mansfield, D-Mont., and others who have been calling and voting for large, unilateral American troop withdrawals from NATO is a new study of the question released by the Brookings Institution here.

The book, "U.S. Troops in Europe," was written by John Newhouse, author of "De Gaulle and the Anglo-Saxons," together with Melvin Croan, a specialist in Soviet affairs; Edward R. Fried, a former staff member of the National Security Council, and Timothy W. Stanley, executive vice president of the International Economic Policy Association.

Unlike most of its kind, it rates as a genuine study. It is not a book that starts out from a predetermined conclusion and simply marshals the arguments and evidence to support it. Indeed, the authors seem to reach their conclusions with considerable reluctance after examining all the alternatives. Their judgements, although far from categorical, are very different from those drawn by Mansfield and his friends.

All of the many arguments and rationalizations advanced to justify significant American troop withdrawals from Western Europe are carefully analyzed and found wanting in terms of American interests. The findings on the political and military realities in Europe today make sobering reading for those who have long concluded that NATO and the American contribution to it are an anachronism left over from the cold war.

Europe, and particularly Eastern Europe, is still an essentially unstable area and probably will remain so for many years to come. Although some progress has been made in the direction of East-West negotiation and the easing of tensions, the achievement in Europe will be a long, hard business.

The problem for the Soviet Union is how to expand its contacts with Western Europe while maintaining its control of its Eastern European client states. The problem for the West is how to maintain a security system capable of minimizing or containing the consequences of instability in the East.

Stability in Europe, the study finds, depends on maintaining a rough balance in the conventional forces available to NATO in the West and the Warsaw Pact nations in the East. Such a balance as now exists depends very heavily on the present American contribution to that balance. A significant reduction of these forces would have a highly destabilizing effect, gravely weakening the political-military deterrence the NATO represents.

A favorite thesis of the pullout enthusiasts—that an American withdrawal from NATO would be followed by a similar withdrawal of Russian forces in Eastern Europe—is found to be more than somewhat unlikely. Such a move by the United States probably would be seen by Moscow as an opportunity to bring stronger political leverage to bear on Western Europe, and particularly on West Germany.

The Bonn government always has shown strong anxiety when it comes to the political effect of an American withdrawal. A rising sense of insecurity in West Germany would provide the Soviet Union with an opportunity to apply the kind of pressure made possible by nearby Soviet military strength. If Germany reacted to an America pullout by pressing for closer West European defense cooperation, the need for strong Soviet forces in Eastern Europe would be greater than ever.

The ability of Western Europe to defend itself at this stage of its development is, in any case, extremely doubtful. As a group of small and medium powers, none of the Western European countries is capable of defending itself or assuming a significantly larger share of the joint burden.

The belief that Europe can be defended only as long as the United States maintains its commitments and a strong military presence in NATO is close to being an article of faith in European political and defense circles. In time, perhaps, developing political unity in Europe may change this sense of dependence on the American presence. But for the forseeable future, the stability of the area will depend essentially on a bipolar balance between the two super powers.

Finally, the savings that would be realized by bringing American forces back to the United States are found to be very largely illusory.

Although it should be possible to offset the $2 billion yearly cost in foreign exchange for our European forces, little, if anything, would be saved by stationing them in this country. Complete deactivation of our NATO forces would imply a very major reduction of our peacetime force structure and a return to a strategy of heavy reliance on nuclear deterrence.

Altogether, the evidence advanced in this study firmly supports the final conclusion about the existing security system in Western Europe and the American contribution to it:

"It is likely to remain the safest, least troublesome, and quite possibly the most economical way to meet the security requirements of NATO countries and at the same time provide a basis for healthy change."

EDUCATION AID FOR VETERANS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. DULSKI. Mr. Speaker, the Subcommittee on Education and Training of the Committee on Veterans' Affairs, of which I am a member, is holding hearings on veterans' education programs.

A witness today was Frederic W. Ness, president of the Association of American Colleges and executive vice chairman of the National Council of Independent Colleges and Universities.

Mr. Ness made a very interesting presentation on this overall subject from the college standpoint which I believe will be of interest to my colleagues. Following is his text:

STATEMENT BY FREDERIC W. NESS

Thank you for the opportunity to testify this morning on veterans' educational benefits.

First of all, permit me an observation which is well understood by every member of this subcommittee: the veterans educational legislation created by the Congress of the United States, particularly the Servicemen's Readjustment Act of 1944, more familiarly known as the World War II GI Bill, has had a greater positive effect on higher education, both as far as institutions of higher learning are concerned as well as the aspirations of our citizenry to obtain higher learning, than any single piece of any kind of legislation to date, with the possible exception of the Morrill Act of 1862.

We in higher education speak to, and hear about, the need to reform and change higher education. The Congress has literally transformed higher education in the instances referred to above, in the process of assuring our returning veterans an education they might not otherwise have been able to afford and restoring lost educational opportunities for those whose careers have been interrupted or impeded by military service to our country. We support you in your primary efforts to serve the educational needs of veterans and accept gratefully all the benefits which flow concomitantly to the institutions of higher learning.

Second, let me state briefly the nature of the educational associations I represent today. The Association of American Colleges dates back some sixty years and is dedicated to undergraduate liberal learning. Because most of our membership comprises the independent sector, and these members have requested the development of their own voice to speak to their unique contributions and interests, this Association has affiliated and funded this year the National Council of Independent Colleges and Universities. It is for the latter group of almost 1,000 colleges and universities that I speak this morning.

GI BILL 25 YEARS AGO

Twenty-five years ago the first GI's hit the campuses. They immediately added new dimensions, not only in numbers but also, and particularly, in maturity. They brought a new purpose and determination to study, they provided leadership in greatly needed ways—in short, they brought for the first time a broader cultural and intellectual mix to the campuses of our country.

The prominent educator who felt that the GI's would turn the campuses into intellectual hobo jungles could not have been more in error. Today, twenty-five years later, these same veterans as the parents of college youth, are still providing the surge toward educational aspirations and proving the title in *American Education* (September, 1965, USOE) that "Education Begets Education," a report which highlighted the first twenty years of veterans' educational benefits.

While the colleges in 1946 were ill-prepared to accommodate greatly increased numbers of students, they undertook the task; the colleges and the veterans grew simultaneously. In the peak year of World War II GI enrollment, 1947–48, there were 1,245,000 GI's on our college campuses, two-thirds of which were independent (1,221) and one-third public (638). Slightly more than one-half of all students were in independent colleges, a proportion true also for veterans as a group.

A second surge of veterans' impact on education was felt in the early sixties when the "war babies" began following their parents' footsteps. It took a Higher Education Facilities Act (1963) and a Higher Education Act (1965) to help the institutions keep pace with that growth period.

KOREAN VETERANS

Before the "war babies" fully reached college age, however, another international crisis in the form of the Korean Conflict was upon the nation. Only one-third as many men and women were needed then by the military services.

And when the conflict ceased about one-half the number of veterans as after World War II used federal benefits to pursue higher learning. The colleges were in a somewhat better position to handle this smaller number, with 38% of the veterans choosing independent colleges and 62% public colleges under a new GI Bill.

This year, on the silver anniversary of the original GI Bill, the Congress continues, on behalf of the nation, to assist veterans through a variety of training programs, by no means exclusively those in higher learning.

We are encouraged by the soaring veterans participation rate since 1967 and are pleased to learn that it may this year or next year surpass 50%, exceeding the original GI Bill in this respect. Indeed, the number in training in higher education this year (917,000) is fast approaching the peak year (1947–48) after World War II (1,245,000).

Colleges and universities are further encouraged by the rate at which veterans are choosing higher learning over other options, a rate almost double compared with the original GI Bill. What was true in 1946 is still true today—the veteran is a highly desired citizen and student on our campuses. They bring a highly desirable balance to a student body.

The Report of the President's Committee on the Vietnam Veteran may state its best when it refers to the Vietnam-era veteran as showing great potential, generally being young (between ages 20–24), better educated than veterans of earlier wars, reflecting the same racial proportions as the total American society, and representing high economic potential. These references are true, whether or not they apply to veterans from a war that was wise, popular, or successful.

OUTREACH PROGRAM

Our association is so interested in these young men and women we have joined the Association of American Junior Colleges in a program sponsored by the American Legion, the Veterans Outreach Program, whose intent is to bring the veteran back into the education process.

We are pleased that limited federal student assistance programs are now available to veterans with demonstrated financial need. Our colleges will benefit from their enrollment.

In this silver anniversary year of the World War II GI Bill, however, the independent colleges benefit less from veteran enrollment than in earlier years. Not benefit less in the sense of reduced tuition income, although more dollars would be helpful, but in terms of the insights these men and women would bring to our campuses.

For, while our independent colleges continue to grow (although at a slower rate than public colleges), we have fewer veterans. An associate dean in New Jersey says we miss those serious-minded students (veterans); another dean in Minnesota says, "The principal benefit of having veterans among our student body would be the perspectives which these persons would bring to the student body as a whole."

The shift of veterans from independent colleges is attributed largely, we believe, to the change in providing benefits from the World War II GI Bill system. Veterans are being forced to make higher learning decisions based on economic considerations rather than on educational preferences.

While independent colleges still enroll one-third of the students pursuing a college degree, and while 57 percent of all institutions of higher learning are independent, and while there are approximately only 25 percent fewer veterans in training in 1971–72 than in 1947–48, only slightly more than 20 percent of the veterans in higher learning, according to Veterans Administration information (Information Bulletin, September 1971), are enrolled in independent colleges.

It would appear that more than two-thirds of our member colleges which enrolled more than 200 veterans in 1947–48 now have less than fifteen percent of that number.

FINANCES ARE DECIDING

The determinative factor is financial: where our college costs have at least tripled (300%) in the last twenty-five years at 90% of our colleges, the federal support of veterans has increased about 30%.

A retired U.S. Marine Colonel, now Registrar at one of our member colleges, says, "As I am sure you are aware, the World War II GI Bill benefits were such that they paid for most, if not all, of a veterans' (college name) expenses. Now the benefits amount to about $1600 for a single veteran, which cover only about 40% of his expenses. I am sure the percentage of expenses covered at a public institution are much higher. This in itself offers mute explanation of why the percentage of veterans at (college name) is so much lower now."

We respectfully urge, therefore, the Congress to increase its support to veterans, consistent with its intention to aid the veteran in completing his education without underwriting its full cost. This recommended increase should be sufficient to provide the veteran a wider choice of colleges.

This could be achieved either by an increase of 50% or more in educational assistance payments to a veteran himself or by a tuition payment of $1,000 or 75% of tuition, whichever is lesser, directly to the college.

Not to do either means, in effect, that from one-fourth to one-third of our college students will not benefit from close association with a Vietnam veteran, or that the veteran himself will be denied the range of choices which he richly deserves.

We respectfully request in conclusion to associate ourselves with the testimony of the Association of American Junior Colleges and the written communication of December 8 from the American Council on Education suggesting the reduction of clock time for PREP and section 1691, plus permitting high school equivalency programs under PREP.

JOURNALISTIC ADVOCACY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. GUDE. Mr. Speaker, television performs invaluable service when it focuses with such clarity on a public issue as station WRC has recently done with the problems of the institutional treatment of the mentally retarded. WRC's series on Maryland's Rosewood State Hospital through investigative reporting and editorial advocacy has brought home to us the tragedy of the conditions at Rosewood and society's continued neglect.

The Baltimore Sun pointed up TV's contribution to public awareness of this problem in the following commentary on the WRC series by reporter Clare Crawford:

[From the Baltimore Sun, Nov. 17, 1971]

TUBE LIGHTS UP TRAGIC RECESSES OF ROSEWOOD

(By Judy Bachrach)

For those of you who would like to see what fine investigative reporting executed on a local level is really like, try tuning in Channel 4 at 7 P.M. Because, from what I have seen, Claire Crawford has done a magnificent job on Rosewood.

If we are to look for radical improvements within the confines of Baltimore's public institutions it would appear that electronic journalists are under stringent professional as well as moral obligations to expose conditions for what they are. At present there is no medium around that can compare with television's capacity for engendering the mass visceral response requisite for massive change. It is television, therefore, that must shoulder a large measure of that responsibility. Clare Crawford began her three-part report on Baltimore's home for the retarded Monday night; on Tuesday the Rosewood administration was shuffled around.

Mrs. Crawford has spared no one—least of all the audience—in her attempt to bring the full atmosphere of Rosewood into the living room. There is little narration, and most of the footage speaks more than eloquently for itself; close-up shots of vacuous, purposeless faces stuffed into overcrowded, understaffed rooms; scenes of restless children spraying around the slop that constitutes their dinner; mute pictorial epitaphs for the bed-ridden, not all of whom are mentally retarded, but who are all given the same program as the mentally retarded. Rosewood's inmates are beyond conventional deception: private agony distorts features, convulses the body.

PERSONAL TRIBULATIONS

It is the reporter's contention that people who happen to possess low intelligence quotients do not necessarily pose a threat to society, but she has wisely refrained from being the sole speaker. A young woman named Linda, endowed with a higher degree of intelligence than most Rosewood inmates, vented her own grievances last night—poor food, unhealthy, malodorous conditions, shapeless uniforms—and that quintessential element of personal tribulation was precisely

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what was missing from last year's treatment of Rosewood.

There are problems, of course, the most notable being that Mrs. Crawford speaks too fast, and a lot of important statistics get lost in the jumble of slurred words. But I guess what impresses me most about her work is that it is well-calculated, well-defined, well photographed, and yet local. There is, after all, no law that specifies that local endeavors must be low-level endeavors, and none that relegates advocacy journalism to the dim confines of the occasional TV editorial. The only sad thing about the series is that we must look to Washington to reveal our problems.

YOUTH

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. THOMSON of Wisconsin. Mr. Speaker, there has been great confusion about what our young people are thinking today and their potential impact in the elections of 1972. Editor Edwin W. Shear of the Hillsboro Sentry-Enterprise in Hillsboro, Wis., makes some thought-provoking editorial comments in his December 2 issue under the title "Youth Today Wants Old Promises Made Real." We would all do well to remember that the idealism of today's young people is essentially the same as that of each preceding generation. I, for one, hope that they are as successful in building their dream for America as have been the past generations which founded this Nation and developed it into the most prosperous and most protective of individual liberty in the history of man.

YOUTH TODAY WANTS OLD PROMISES MADE REAL

This country seems now to be among the most disjointed nations on the face of the earth. The gaps between its different components have been increased at a rate that is alarmingly injurious to the traditional social and political conglomerate we know as America.

The separations between generations, vocations, classes, races, organizations, ethnic and culture groups of many kinds seem to widen as each tries to save and propagate benefits they have had, while often striving for new benefits which they believe justified.

But why all the turmoil, the uncertain striving, the fears for tomorrow and the growing lack of confidence in united objectives and national destiny? It seems unreal and unjustified—and the need to reassert reality grows with each cry for justice in behalf of this nation and its people.

It's time to hearken to today's youth who seem now and then to be radicals because they shout forth—ask for—demand—the policies their parents and their grandparents sought.

A recent survey by Newsweek Magazine (October 15, 1971) shows that of new voters, under 21 years—a total of 49 percent want less U.S. funds expended for economic foreign aid, 68 percent want less spent for space exploration and 64 percent want less spent for military foreign aid.

In contrast—the survey showed that 78 percent of the young people want more federal funds expended in the fight against air and water pollution; 68 percent want job training for the unemployed; 56 percent want more money to fight organized crime; 55 percent want to invest more money in improving schools; 49 percent want bigger appropriations to fight steet crime; 48 percent want increased medicare benefits and 51 percent want more housing for the poor.

None of these hopes are new. All date prior to World War II or before. Youth has enlisted in the crusades of their forefathers—crusades that were postponed while the nation fought, sacrificed and invested to guarantee its safety. Even while America is still in the midst of an armed conflict (in Vietnam), most of its citizens have decided that the time for war is over—that the decisions war was to bring have long since arrived.

And now the nation—and especially its youth—is awaiting the opportunity to return to the pattern of peace and the planning and working for peaceful benefit begun by other generations of Americans.

The foremost and wisest leaders have heard the voice of peace—the voices of youth—and in many instances, the revived voices of the middle aged and older (voices which have been mute for several decades). President Richard Nixon is one that has heard and he is trying to lead the nation into the new day he sees coming.

In an article that was primarily concerned with America's relations with other countries, U.S. Justice William O. Douglas penned some lines which are of poignant importance within our nation. These lines, originally printed in the Center Magazine and quoted in the magazine, "Intellectual Digest" of October 1971, say:

"There is no growth in democratic traditions unless there is a chance to develop them. There is no opportunity as long as the people do not exercise the franchise." In other words—to make democracy work—people have to have interest in it and a willingness to participate in it.

Justice Douglas quoted President Abraham Lincoln who, as a campaigner in 1857, said of the signers of the Declaration of Independence (1776):

"They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated; and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere."

The late Professor Clinton Rossiter, in an article which was also first printed in The Center Magazine and quoted in The Intellectual Digest, said that after American Independence had been won in the 1770's—

"Social and economic development . . . was a half century in the coming, and was largely achieved by the self-starting ambitions and energies of thousands of free men. The result was an unplanned, erratic, and yet dynamic process of economic expansion and social progress."

During the past several decades the United States has spread its wealth thin around the world, helping many deserving nations and also many which were not and are not deserving of that assistance.

At home American government has initiated, in this same time, only a few basically beneficial programs for its people (as compared to the great reforms from 1890 to 1920) and has given much consideration to the organization of government and the establishment of a powerful bureaucracy to direct, strengthen and perpetuate that organization. While this has been in progress, national legislators have come to fear the bureaucrats and to be servants of the latter more than advocates for the people.

Meanwhile the people have remembered the promises—the hoped for efforts of government to build a better United States and with the pondering of many citizens there grew a new realization—that government is growing away from the people and that consequently many of the people feel embittered, frustrated and even betrayed.

Now comes the new generation to demand that the promises made to their elders be kept. These younger people do not defy the government—but they do remember a much older and sincerely ordered directive relating to the direction and use of power—"honor thy father and mother." And they know the elder members of their families are leaders in true moral sense when they ask that American democracy be restored to its rightful eminence and that the promises of governmental leadership for a better life in the United States be brought to actual realization.

In all this there is neither conservative nor liberal—neither radical nor traditionalist—but a great national surge of sentiment which rises above and engulfs these blocs. It is simply a growing demand that the federal government, and those who lead or administer, give genuine heed to the "manifest destiny" of a growing, surging, confident America.

THE STRATEGIC GRAIN RESERVE BILL

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. SYMINGTON. Mr. Speaker, yesterday's passage of the strategic grain reserve bill by the House of Representatives reminds us again of the great productive capacity of American farms—the great agricultural wealth that sometimes, ironically, means hardship to America's farmers.

But this debate might serve to illuminate another responsibility which such abundance implies—the responsibility which the United States has long recognized—to share this plenty with less productive and less fortunate nations.

It would, indeed, be a tragedy if we allowed the political confusion generated by the current confrontation between India and Pakistan to blind us to the intense human distress that exists in those countries.

Food for peace agreements were signed with Pakistan on August 6 and September 10, with the commodities earmarked for East Pakistan relief. Of the amounts allotted, 275,000 metric tons of wheat, 50,000 metric tons of rice, and 8,700 tons of vegetable oil have been shipped. But due to jammed receiving facilities, the effect of the war on insurance rates, and the difficulties with landing food shipments due to the hostilities, a promised 500,000 metric tons of wheat and 35,000 metric tons of vegetable oil have not been delivered.

Although the cut off of developmental assistance to India did not include shipments of food for peace commodities for counterpart funds, nevertheless, no agreements have been signed with India for fiscal 1972 under title I of Public Law 480. But since the end of fiscal 1971, carryover shipments under that year's agreements have amounted to 437,000 metric tons of wheat, 8,000 metric tons of vegetable oil, and 75,000 bales of cotton. It is incumbent on this Nation, in

my judgment, to make every effort to conclude the fiscal 1972 agreements with India at the earliest possible date.

Beyond the present efforts, we would do well to consider the future relationship between our anticipated food surpluses and the anticipated needs of the people on the Indian subcontinent when the war ends. To people whose existence is marginal at the best of times, war, with its interruptions of food production and upheaval of population, can only mean widespread starvation.

My own interest in these problems and belief in the wisdom of our food for peace efforts stems from my experience as deputy director of the program under Senator McGOVERN in the early 1960's. I felt then as I do now that in a world of hunger, American agricultural abundance should not be considered a problem but an opportunity.

TRIBUTE TO WES BURMEISTER, ROADBUILDER

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. THOMSON of Wisconsin. Mr. Speaker, the citizens of Wisconsin have been well served for 42 years by their present State highway engineer, Wesley J. Burmeister, who will retire early next year.

I have known Wes personally for many years and can testify to his thorough knowledge of highway engineering and his high sense of dedication in his duties as State highway engineer. It was during my years as Governor of Wisconsin that Wes Burmeister moved from relative obscurity as district engineer at Waukesha, to become statewide chief maintenance engineer in 1957.

Wes has been a dedicated public servant since his days of summer school employment with the Wisconsin Highway Commission in 1927 and 1928. He received his civil engineering degree in 1929 from the University of Wisconsin.

Wes went on from being chief maintenance engineer to become director of planning and research in 1960, served as director of research for the highway advisory committee of the legislative council of the Wisconsin Legislature from 1960 to 1965, and since 1965 has had a distinguished tenure as State highway engineer.

Wes is a registered professional engineer. He has served as president—1955—of the southwest chapter, Wisconsin Society of Professional Engineers, and a director of the State chapter—1958. He was secretary-treasurer of the Mississippi Valley Conference of State Highway Departments in 1962 and president in 1963.

Currently, Wes Burmeister serves as president of the American Association of State Highway Officials and a member of the executive committee. He is a director of the American Road Builders' Association and a member of its cooperative educational committee.

The people of Wisconsin will miss the experience and dedication of Wes Burmeister when he retires in January.

CENTER HILL, ARK.—FASTEST GROWING MUNICIPALITY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. ALEXANDER. Mr. Speaker, the testimony from my community development hearing in Walnut Ridge, Ark., which I would like to share with my colleagues today presents a contrast in municipalities, but a similarity in problems.

Minturn, Ark., which is represented by the statement of Mayor Charles L. Jones, is one of the First Congressional District's smallest municipalities. Mayor Charles Harvill talks about Center Hill, the second fastest growing municipality in Arkansas, according to the 1970 census. William B. Fisher, president of the Chamber of Commerce of Paragould, testified about a medium-sized Arkansas city which has achieved steady growth progress.

Despite their differences in size and circumstance, it is clear to me, as I believe it will be to my colleagues who read this testimony, that they share a common problem—lack of funds to carry on the necessary community improvements. This is a problem of nonmetropolitan areas which the Congress has begun to give increasing recognition. I believe the comments of these officials should be included in our consideration of solutions to these difficulties of community development and revitalization.

The testimony follows:

A TESTIMONY PRESENTED TO CONGRESSMAN BILL ALEXANDER AT WALNUT RIDGE, ARK., OCTOBER 23, 1971

I have been asked to present the most urgent needs of Minturn, Arkansas. I would like to list them and then explain why I feel they are urgent. They include: a water treatment plant, a sewer treatment plant, police and fire protection and census taking.

The citizens of Minturn, Arkansas are drinking water that is unfit for human consumption! They are drinking water that has been condemned by the State Health Department. Why? Supposedly because the rates would be too high for an F.H.A. financed water system. However, what is the price of a person's health?

In 1965 a preliminary engineering plan for city water was drawn up for Minturn. The estimated cost was $39,000 or a $10/month average bill. The plan was discarded by the administration because this average bill was too high. In June of 1971 I asked for another preliminary report. This time the estimate was $68,000.

Unless we could receive at least a 50% grant there would be no way for Minturn to obtain water and have it at a reasonable cost. I consider a reasonable cost not to average over $5/month because this is all the residents can afford.

I would also like to say that in the preliminary survey only two people in the whole town refused to accept city water if it could be obtained. That speaks for itself.

In 1970 six cases of hepatitis occurred in Minturn. A check by the State Health Department traced the cause to drinking water. This immediately caused a condemnation of a well at one dwelling. This is only one example, there are many more. Several residents cannot and will not drink the water on their premises. I would also like to bring out that there are only two towns between the Missouri border and Little Rock that do not have water and Minturn is one of these.

We must have a water system in a short time and we must have a source of income to pay for it.

This brings me to another urgent need of our municipality. That need being adequate sewer treatment facilities. Practically every road ditch is full of sewage. This makes a healthy place for germs and an unhealthy place for habitation of humans. Several of the citizens cannot even enjoy a cook-out in their backyard because of the smell.

One resident of the town wanted to put in an F.H.A. financed trailer court. However, after inquiring, he could not obtain the money because of lack of adequate water and sewer facilities. That caused the town of Minturn to lose 10 or 15 new citizens.

The town cannot mow weeds in several of the ditches because they stay wet from sewer drainage. Something must be done!

I have already been informed by an F.H.A. representative that Minturn would be unable to have a sewage treatment plant due to its small size. That sounds ridiculous and it is ridiculous. Size is not the question. It is the amount of pollution and contamination that is occurring.

Another urgent need is police protection. Our present budget will not allow us to hire a city marshal. We must depend on the sheriff's office in Walnut Ridge or the state police. There needs to be some way other than the Crime Commission grants to obtain money for police protection. The grants given out by the Arkansas Crime Commission are generally missed by the smaller towns such as Minturn due to a lack of matching funds.

Along with police protection comes fire protection. Minturn must depend upon Walnut Ridge for protection and then the cost is $50 per run.

The last need I will bring out is more of a gripe than a need. It concerns the taking of census. The population count of Minturn has fluctuated from 69 to 136 in 10 years.

In the 1950's the population was 136. When the count was taken for 1960 the population fell to 69 but a special census taken showed 118. Then in 1970 the population fell to 96 and recently an unofficial count has revealed the population at 130. We are losing much needed state turnbacks from this inefficient census taking. This is a loss of $610.50 for 1971! Perhaps that is a small sum to many towns but to Minturn that is a lot of money.

The people of Minturn need help and need it quickly. I know that many people would like to live in Minturn if there was only adequate water, sewer and police protection. No one wants to raise a family where conditions are unsanitary. These are the main problems faced by our city.

The day of the outdoor privy is gone. It has been replaced by open ditch cesspools!

Thank you,

CHARLES L. JONES, *Mayor,*
Minturn, Ark.

CITY OF CENTER HILL—CHARLES HARVILL, MAYOR

The city of Center Hill was incorporated in October 1959. It joins Paragould on Center Hill's east side and was the second fastest growing city in Arkansas during the last census.

Our immediate needs are public utilities—sewers, fire protection, competitive electrical rates, and garbage service. I realize that most cities have passed this stage of development and their immediate needs will be our future needs. The most urgent need of Center Hill is a $600,000 loan and grant from HUD

for a sewer system and improvement to the existing water system.

Center Hill is the largest city in Arkansas without a sewer system. Proceedings began in November 1965 for a loan and at the time I took office in January two requirements were necessary to become eligible: (1) that the city own the existing water system, and (2) that the proposed water sewer project be economically feasible for the citizens of Center Hill. The only possible method of obtaining the existing water system was through eminent domain proceedings. At that time we did not have $40,000 on hand or an avenue through which we could borrow this amount. One possible way of starting eminent domain proceeding was to ask the citizens of Center Hill to deed their interest in the existing water system to the city of Center Hill. Eighty-six percent conveyed their interest, however, this meant that we still needed $6,500. We had some money and I thought that we had the problem solved. However, I find that just because a city has money doesn't mean it can use it for such an urgent need.

At that time we needed a channel like this community development program where a city could borrow money on an economically sound program. We were able to solve our problem by borrowing the money locally. Banks certainly enjoy making short-term loans to cities at six percent.

Eminent domain proceedings were filed July 6 and a revised application on the water and sewer project was submitted to HUD. We have received no word at this time; and frankly, citizens of Center Hill are let down with the governmental processes.

At the present time we are faced with the problem of operating a water system without any revenue. Water is provided by the city of Paragould and the existing meters are owned by the city of Paragould. Therefore, all the revenue goes to the city of Paragould. We need immediate approval of the pending application or a method of obtaining $10,000 to buy a master meter and the existing water meters. By doing this we could buy water wholesale and retail to the citizens of Center Hill, therefore keeping any profit made on the water within our system.

Our source of electrical supply is a unique situation. Paragould is on the east side with a very economical electrical rate. Center Hill is served by Craighead Electric Co-Op and Ark-Mo Power Company. Electrical rates of these three companies are not the same. Providing a competitive electrical rate may be solved by buying the existing line. I do not have any idea of the value of these lines, the cost of operation and maintenance, the cost of city lighting, or the cost of necessary parks needed by the city of Center Hill. I am sure that the city of Center Hill will need a source of revenue for these necessary expansions.

PARAGOULD, ARK.

(By William B. Fisher)

Political Science teaches that there are three distinct levels of government: Local, State and Federal. Local government is responsible for developing programs through local effort, obtaining local approval for those programs and financing those local programs through taxation or other means. The role of the State government is usually in the area of technical assistance for promoting local growth within the various communities that comprise the State. The State often times approves taxing means whereby State funds may be returned to local communities for approved programs. However, the bulk of taxation is on the Federal level and thus the role of the Federal government becomes one of tax collection and disbursement of those taxes to States and local communities. Then the local community with its limited taxation structure can only impose so much tax in keeping with the wishes of the electorate. This is somewhat true at the State level because people can identify with State government and feel that limits can be imposed here also. This, however, does not seem to be true with the Federal government, because people have a difficult time relating with Federal taxation programs but do relate very closely with the disbursement of those tax dollars. Thus, a taxing avenue has been created (one which the electorate takes for "here-to-stay") and each community must of necessity seek Federal funds to construct, plan, or develop community projects and programs (a concept which has become accepted).

With this prelude the following community services are addressed in terms of existing problems of expansion to meet community needs and the financing of those expansion needs.

HEALTH SERVICES

Manpower: Various assistance programs are presently underway to assist teaching institutions in preparing persons for health work, also various programs to assist individuals in their pursuits of health careers are available. Then the real problem in health manpower apparently lies in the distribution of health manpower.

Solution: Some type of incentive program should be prepared to entice manpower to move to the area of need.

Facilities: The cost of construction of new or additional health care facilities imposes a great financial burden on local communities. Local taxing programs are not adequate, in most cases, to meet the need in a growing community like Paragould.

Solution: Hill-Burton funds should be increased from the present ⅓ matching to at least ⅔ matching, for inpatient and outpatient construction projects. Low interest loans to private physicians to construct and equip clinic facilities is needed.

COMMUNITY MEETING AND RECREATION FACILITIES

Community facilities for meeting and recreation should be encouraged through governmental grants of at least 75%.

LIBRARY FACILITIES AND MATERIALS

Material: Federal Government grants to local and regional libraries should be available to purchase books, audio-visual aids, and etc. on at least a 50% matching basis.

Facilities: Construction or addition of new facilities should be encouraged by governmental grants of at least 75%.

Adequate public facilities such as Courthouses, and city halls should be encouraged by Federal grants of at least 50% for construction.

HOUSING

Presently there are various Federal housing programs, which could adequately meet the needs if H.U.D. would authorize more units.

STREETS AND HIGHWAYS

Good highways are essential to industrial growth as well as continued agricultural development and a return of our population to living on the land. As jobs are offered in principal cities and roads are developed, we can see the redevelopment of the rural areas of Eastern Arkansas. If our needs can be summarized and stated in a brief form, the following would be our answer:

1. An expanded development of our trunk line highways that serve our principal towns which contain our industry. The Interstate system is nearing completion but we need to connect our county seats and other population centers to this system by an adequate system of big highways. This will promote industry, recreation, travel, education and all the other facilities essential to healthy growth.

2. A continued development of our rural roads so that people can return to the land and work in our growing industrial cities. This will help in school transportation as well as agricultural marketing. We need to offer good paved roads so that our growing population can spread into the rural areas.

3. The development of our street systems in our towns and cities should be modernized to meet present traffic with room for expansion in the future. Urban transportation problems are not confined to our large metropolitan areas but exist in all of our cities and towns.

EDUCATION

How can the Federal Government provide specialized services at the local level? The problems of boys and girls are such today, that better trained guidance counselors, social workers, and psychologists are needed at the local level to help these boys and girls. Financial incentives are needed to encourage young men and women to go into these specialized fields.

Can the Federal Government furnish more financial aid for vocational education to the local school districts? Most of the vocational education training schools in the State of Arkansas are now being conducted by the State Department of Education at the regional post-secondary level. Why can't more vocational education money be administered at the local level? Categorical aid based upon the needs at the local level could better provide the training needed for boys and girls before they drop out of school or graduate.

Buildings for instructional activities, such as media centers, special education, vocational education, and remedial instruction, are inadequate to meet the specialized needs of today. Help is needed because the local tax base is insufficient to provide for all the changes needed in today's highly specialized instructional program.

AGRICULTURE

1. Drainage on Cache River would open up a more diversified farming area for western Greene County and would hold the people on the farm.

2. High cost of production is causing many people to stop farming. They need more research on lowering the cost of major crops such as cotton, soybeans, and rice.

3. Pesticides are necessary in the production of food and fiber. Farmers do not need any additional restrictions on these items of production.

ELECTRIC POWER

Light Plant Commission's present and future requirements:

1. In the year 1971, the Light Company's peak load was 26,400 KW.

2. Our projected KW demand for 1975 is 45,342 KW.

3. Our present contract demand with Southwestern Power Administration calls for 30,500 KW.

4. This leaves 14,842 KW to be provided for by the City of Paragould, either in purchased power or power obtained from some outside source.

5. The most economical source of providing this 14,842 KW would be gas turbines. The smallest size that can be purchased are 20,000 KW, which, at $1.25 per KW, would amount to an investment of $2,250,000. The gas turbine is almost prohibitive in our area because of the high fuel cost, as are most other sources of generation.

6. The most logical solution to our problem would be a joint venture between surrounding municipalities building a steam plant in some location near an abundant water supply.

This would require some government aid in both securing a generation site, necessary monies to fund such a project, and to help enact laws that would permit such joint effects.

PARAGOULD AIRPORT

Paragould is a city of approximately 10,000 people that is the center of a trade and industrial area with 100,000 people within 25 miles.

Paragould has five major industries and several smaller ones that employ 3,500 people in industrial jobs. All of these major industries and several smaller ones fly in material, supplies, corporate people, maintenance people and customers. They also fly out a large quantity of products manufactured here.

Paragould has a 130 bed hospital that serves this area that is the best equipped and staffed with specialists of any hospital in the area from St. Louis to Memphis to Little Rock. Specialized physicians and equipment technicians for sophisticated equipment are flown in and out of Paragould quite frequently.

The larger aircraft and larger loads require longer and better runways and a better airport facility.

Correspondence is being carried in advance of an application to the Federal Aviation Agency for financial assistance to acquire additional land, lengthen and improve the runways and taxiways and improve the airport lighting.

The Federal Government would contribute substantially to the economic situation in this area by making available financial assistance for this project. The estimated cost of these improvements is $150,000.

WATER AND SEWER

1. Wastewater treatment must be updated to meet requirements of the Environmental Protection Agency, New Lagoons or more treatments Plants, also

Extend sewer and water lines to every part of the city, including areas which will be annexed the next 10 years.

2. We must look at the E.P.A. Interim Basin Plan with regard to wastewater. This should include Center Hill and other small Communities around Paragould, also subdivisions already planned for our system. Projected cost of approximately 2 million dollars in the next 10 years. There are many needs to repair and maintain our present system to handle the new load.

3. With new cost requirements under E.P.A. and the Interim Basin Plan, more and bigger grants under PL 660, also new grants for small towns with the Interim Basin Plan.

PARAGOULD—CENTRAL BUSINESS DISTRICT REDEVELOPMENT—CBD

"Bootstrap" is a favorite and familar word and popular concept with both the public and private sectors of our country. The redevelopment of the central business district (CBD) of Paragould is the prime goal of the entire Paragould area and supported by all groups. The urgency and reasoning is as follows:

A. Paragould is unique in that the CBD is and has been in the past the most dynamic, vigorous, and vital focus point of the city. Paragould's trade area is vast. It extends to neighboring counties and Southeast Missouri. Paragould probably has more furniture stores, beauty shops, barber shops, and service and related businesses than Fayetteville, a town of almost three times this size.

B. The entire community and area would suffer if the central business is allowed to deteriorate such as has recently been seen in Jonesboro. The tax base for the Paragould Public Schools, the same school district being the smallest (six square miles) in the state would virtually spell economic doom for the schools and community. Attractive shopping areas developing in Missouri and Jonesboro have greatly hurt and damaged this community which has been the key servant of Northeast Arkansas.

C. Money spent in the redevelopment of the CBD of Paragould, Arkansas would thus be the "Bootstrap" of rural Northeast Arkansas.

D. Plans are well under-way and applications have been made for financial assistance. Paragould appreciates this opportunity to acquaint our representatives of this plan and program and would welcome further opportunity to place it within its proper prime place in the goals of Eastern Arkansas. Our current plan is ambitious; and we feel will attract not only additional trade to the entire area, but additional tourists.

FINANCING DEVELOPMENT

The success enjoyed by our community through the utilization of Act 9 Bonds has been outlined in detail in another section of this document. Therefore, I shall merely refer to this success in urging that serious consideration be given to raising the limits placed on tax free bonds. The request is logical in nature, in our opinion, because of increased cost of construction and equipment. Many communities are experiencing difficulties within the present framework of the limitations of tax free nature of bonds, because the industries in question are requiring more financing than can presently be provided.

It is widely recognized by all authorities that Arkansas is seriously deficient in capital for expansion of existing industries, the development of commerce, and the orderly development of our natural resources. Thus, the majority of industrial bonds sold over the past ten years have been unrated bonds (bonds not rated by any recognized rating authority, i.e. Moody's or Standard & Poors). The reasons our bonds are unrated are many, primarily one of an expense, and one of Arkansas' bonds continuing to receive poor ratings. This emphasis is given to the fact to point out the urgency of retaining the advantage of tax free bonds in order to provide for capital to develop our area.

Banks in the immediate area and throughout Arkansas and the investing public have bought bonds for two primary reasons:

1. In order to aid and assist in the development of the State, and

2. Because of the tax free nature of the bonds and the yields that may be derived therefrom.

The interest rates bonds would sell for if they were not tax free would be exorbitantly high to the extent that it would render most industrial programs unfeasible.

We strongly urge that the limit of tax free bonds that may be issued for the purpose of financing industrialization be increased. With equal urgency we urge that any attempts to remove the tax free nature of the industrial revenue bonds be abandoned forthwith.

FINANCING DEVELOPMENT OF NATURAL RESOURCES

The Paragould Area Chamber of Commerce strongly recommends that some means be devised to finance the development of a broad area of resources (*The Crawley's Ridge Area*). These resources are rapidly becoming recognized as a most important facet of our society. That being the natural resources enjoyed throughout most of rural Arkansas.

We recommend that consideration be given to the establishment of a natural resources finance program similar to the present urban renewal programs utilized in many of the larger cities. If rural areas were permitted to adequately develop their facilities immediately, you would see substantial alleviation of the ghetto problem. We commend the Congress for its attention to the development needs of Arkansas, and we particularly commend the delegation representing us.

RÉSUMÉ OF PAST PROJECTS

Water and Sewer system

In 1964, the Paragould Water Works received a total of $760,000 from two Federal Agencies—namely: Accelerated Public Works and Health, Education and Welfare. An equal amount of money was raised locally through a Bond Issue. The total amount of $1,520,000 was spent to renovate the then existing water and sewer systems and in extensions of both systems to better serve our Community.

Municipal airport

In 1955–56, the Industrial Development Committee of the Paragould Chamber of Commerce conducted a survey to ascertain the value of having a municipal airport in or near Paragould. Approximately 100 acres of land was purchased with funds solicited within the city of Paragould. The lands were conveyed to the city of Paragould, Arkansas. Following the purchase of the lands and the appointments of a Municipal Airport Commission, an application was lodged with the U.S. Department of Commerce, Civil Aeronautics Commission.

On August 8, 1958, the Civil Aeronautics Commission awarded a grant to the city of Paragould in the amount of $30,985 for the purpose of constructing and hard-surfacing runways, and general development of a municipal airport. The end results was that with this grant and matching funds one 2800 x 60 ft. hard-surfacing runway was constructed. Other improvements have been made from time to time in order that the facility could serve the Community.

City light and power

In 1939, the city of Paragould received a Federal Grant in the amount of $90,000 to be used in the construction and development of a municipal electric facility. A Light Plant Commission was named and a $110,000 matching fund was secured through a revenue bond issue.

The City Light and Power began serving our Community on December 13, 1939 and has continued to do so since that time with no further grants from any Government Source.

Industrial development

Paragould has neither applied for or received any Federal Grant to be used in securing and developing new industries. Our Community has had great success in its industrial development programs. Various methods of financing have been used for some industries, such as public subscriptions, bank loans, etc. Arkansas Act 9 and Arkansas approved method of municipal financing of industries have been used in some cases for a total of $10 Million.

Public housing

In 1969, the city of Paragould received a $180,000 preliminary loan to be used in the planning, development and construction of a public housing project. Recently the city of Paragould received approval through Housing and Urban Development a Federal Grant in the amount of $1,823,000 for the purchase of lands and construction of 120 family dwelling units.

Some three or four residential builders have been building and selling homes under title No. 235. No exact count is available on the number of units or monies expended.

Community Methodist Hospital

Paragould has received a total of $658,000 through the Hill Burton Act as follows: 1949—$99,000, 1969—$259,500, 1971—$200,000. Matching funds for these grants were secured through municipal bond issues.

These grants have made it possible for Paragould to have a modern hospital in which to care for the entire population of Paragould and Greene County.

Community center

In 1969, Paragould received a grant in the amount of $389,000 from the Federal Government to be used in the construction of a Community Center in which to serve Paragould and Greene County. Matching funds were solicited locally without bond issue. Thus, we now have a Community Center worth more than One Half Million Dollars, free of debt.

XUM

Community park

In 1971, the city of Paragoud received two grants from the Federal Government totaling $111,000. Matching funds were raised locally without bond issue. All funds are being used to purchase 20 acres of ground and constructing facilites such as park lots, concession stands, four baseball diamonds, and several tennis courts. Additional plans call for play ground equipment for younger children.

Mr. Speaker, this is the 11th insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my search for ways to assist community development in nonmetropolitan areas. Other materials on this subject appear in the CONGRESSIONAL RECORD, volume 117, part 25, pages 32740–32741; part 26, pages 34505–34506; part 27, pages 35409–35410; 36133–36135; part 28, pages 37358–37360; part 29, pages 38121–38123; part 30, pages 39156–39158; part 31, pages 40813–40817; part 32, pages 41882–41884; part 34, pages 44697–44699.

A TRIBUTE TO JACK ROSEN, CARICATURIST EXTRAORDINAIRE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. HALPERN. Mr. Speaker, I would like on this occasion to commend the work, the spirit, and philosophy of a great American, the internationally renowned cartoonist Jack Rosen of New York. Mr. Rosen's talent for caricature has involved him in direct contact with the great and the humble, rich and poor, the mighty and the meek. To people of every class and every kind, he has brought to bear the force of his abilities, with remarkable effect.

It is a notable fact that Jack Rosen has just completed his 100,000th caricature. In his long and distinguished career this brilliant artist has sketched wounded veterans, hospitalized kids around the world, orphaned kids and other victims of misfortune, as well as scores of dignitaries, from Presidents Eisenhower and Roosevelt, Winston Churchill, and Wendell Willkie to Moshe Dayan, Nikita Khrushchev, General Westmoreland, and at least 70 heads of state—not to mention the countless world leaders in all walks of life.

Jack Rosen has wisely utilized his vantage point while serving in the security department of the Waldorf-Astoria for 28 years by meeting with many of these leading world figures during their stay at the hotel. He has captured remarkable likenesses of about 400 notables, all of whom have recognized his skill by signing their own portraits, many by commenting laudably on the accuracy of his portrayals. The resulting signature collection is one of the most incredible in the world.

Since retiring from the Waldorf in 1969, Jack has been involved in many endeavors in behalf of those in need, touring hospitals around the world, drawing pictures of the patients, to their delight. He has visited orphanages in 48 States and is a member of the 52d Association which works for veterans 52 weeks of the year. Upon returning from Vietnam, following a recent tour of hospitals in the vicinity of Da Nang, he received a personal citation from the President.

The value of humor and laughter in the world is self-evident, and as a humorist Jack Rosen has proven his abilities beyond question. Having charmed the important and the influential, on the one hand, and the unfortunate on the other, he has revealed a special understanding of the human spirit that renders him important to all mankind.

Through his efforts and good humor, laughter has found its way to the hearts of many thousands of Americans, and his performance is worthy of our fond best wishes and heartiest congratulations. Our hats are off to you, Jack Rosen.

ONE GIANT STEP FOR MANKIND

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. HASTINGS. Mr. Speaker, today's passage of the House-Senate Cancer Conference report on the bill S. 1828, is the culmination of untold hours of effort by Members of Congress to develop an effective and comprehensive program to attack the Nation's most dreaded disease.

Cancer, the cruelest of killers, has stalked mankind bringing agony and despair not only to the victims, but also to their loved ones.

I commend the gentleman from Florida (Mr. ROGERS) chairman of the Subcommittee on Public Health and Welfare, and the gentleman from Minnesota (Mr. NELSEN) who untiringly worked to develop a bill to meet the needs of the Nation, the expectations of the public and give the necessary impetus to the scientific community for an expanded effort to find a treatment and cure for all forms of cancer.

Much progress has been reported in the early treatment of cancer, but the key to a cure remains tragically elusive. This legislation represents a major effort by the Federal Government to marshal all its resources to relocate that key.

In fact, it is the first time that such impressive resources have been unleased in a single effort against a single disease.

The $1.6 billion in program and research funds for the next 3 years will implement a program that will allow the President to monitor and optimize the national research and clinical efforts against cancer.

The primary thrust for the new program will be in the National Cancer Institute at the National Institutes of Health. The NCI director, who will be appointed by the President, will have direct budget and reporting access to the Chief Executive. Also, the NIH director will be appointed by the President. In addition, a three-member panel, composed of two distinguished cancer scientist-doctors and a layman of expert management background, will monitor the Institute's efforts and report its progress directly to the President.

This measure also provides for the establishment and funding of 15 new cancer centers throughout the United States which will bring the latest research breakthroughs immediately into the clinical setting to help those stricken with cancer.

Mr. Speaker, this is truly a giant, and humanitarian, step for all mankind.

WENATCHEE HAS TWO OF STATE'S TOP FOOTBALL TEAMS

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. FOLEY. Mr. Speaker, the city of Wenatchee has long been recognized by the people of the Fifth Congressional District as the apple capital of the world. This year, the city has the honor of being the football capital of Washington State, because two of its teams have become State champions.

The amazing Wenatchee High School Panthers, coached by Lee Bofto, completed a second straight undefeated season and were rated the No. 1 class AAA high school team in the State by both the Associated Press and United Press International. It was the second straight year the Panthers were the State's top high school team.

The community was further honored by having the No. 1 community college football team in the State—the hard-driving Wenatchee Valley College Knights, coached by Paul Seale.

The Knights won the State championship and have been rated the No. 10 community college team in the Nation.

I know that everyone in the community is extremely proud of these accomplishments.

Mr. Speaker, I include in the RECORD at this point several newspaper articles which tell the story of these two outstanding football teams:

[From the Wenatchee Daily World, Nov. 23, 1971]

PANTHERS HONORED AFTER BIG SEASON

Tackle Rebb Firman and linebacker Bob Simpson shared the inspirational award in Wenatchee High School football for the 1971 season.

Firman and Simpson were among those receiving special awards at the annual parents-organized banquet honoring the Wenatchee High School football team.

A huge throng packed the spacious lodge room of the Elks building to pay tribute to Wenatchee's second successive unbeaten football team and Big Nine Conference champions Monday evening. The attendance was estimated at 390, including football players.

The banquet hall was colorfully decorated. One wall was plastered with gold stars bearing the names of each Panther; another wall was decorated with symbols of the Panther opponents, with a Panther in the middle, and the table decorations included gold, foot-high figure 1's, each bearing a cut-out of the state of Washington and signifying Wenatchee's claim to the mythical state championship.

In addition to Firman and Simpson, those receiving special awards were:

Honorary Captains: Rick Mitchell and Jim Pruss.

Ron Weeks Memorial award for most improved player: shared by Stan Bratton and Larry Duncan.

Scholarship award: Kurt Collyer with a perfect 4.0 grade point ("Burrelle Duvauchelle was close behind with one 'B'," Principal Tom Byne said in making the presentation).

Oil Can award (goes to the player who keeps everybody loose): Rick Colwell.

Head Coach Lee Bofto and his staff received a standing ovation.

Bofto had special praise for each of his coaches: Gene Baker, Dale Skalisky, Dennis Esser, Paul Reasor and Brad Riggs. He acknowledged all the individuals and organizations who had a hand in making the season a success.

"It's all these people working at a unified effort," he said. Among those receiving plaudits from Bofto were volunteer trainer Jim Duck, team physician Dr. Phil Davenport, stats-man Manuel Diaz, films-man John Rutherford Jr., band director Gene Huber ("We probably have the best band in the league, if not the state," Bofto commented. "Our halftime performances are second to none"), veteran p.a. announcer Paul Pugh, custodian Coy McGaha, junior high coaches Bob Pell and Darrel Lee, the cheerleaders, Apple-ettes drill team and pep club.

"All these things together are what make the program a success," Bofto emphasized.

Bofto also had special praise for Managers Andy Barthol, Mike Reister and Gary Harris and student trainers Jon Pifer and Rick Mulligan.

Featured speaker Mel Thompson, a member of Jim Owens' coaching staff at the University of Washington, told the audience: "You've got something here that's very vital—you've got pride and you've got involvement." He was referring to Wenatchee High School's successful football program, along with the solid backing of the community.

Esser, in presenting the junior varsity players, noted that the JV teams played 18 games this fall and that the 105 boys in the program (including varsity) all had game action on the same night once during the season.

The football players serenaded the coaches with their own musical composition and then presented novelty awards. Bofto received a buddha statue, Baker a baker's hat symbolic of his position as head man of "Baker's Dozen," and Skalisky a gold-plated spittoon and a lifetime supply of sunflower seeds.

The players also gave plaques of appreciation to Duck Diaz and Dr. Davenport.

The football banquet was combined with a sprinkling of information on other Panther sports.

Bill Sauve, in reporting on the Panthers' 5–5 (wins and losses) year in cross-country, said of his boys: "They work very hard at what they do." He estimated that a cross-country man runs 250 to 300 miles per season.

Looking ahead to the winter sports seasons. Wrestling Coach Tom Black said: "I think we have the best potential that we've ever had—provided everybody performs up to his potential." The wrestlers open against Moses Lake Dec. 2.

"I'm really looking forward to it," commented newly-appointed basketball Coach Jack Brantner. "We're got some great kids."

The climax of the evening came when master-of-ceremonies Charles (Bud) Preston presented each coach and his wife with reservations for a Jan. 1 Rose Bowl date.

Spearheading the banquet organization were Mr. and Mrs. Wally Collyer, Mr. and Mrs. Louis Crollard, Mr. and Mrs. Mike Madland, Mr. and Mrs. Roger Johnson, Mr. and Mrs. Gordon Isaacson, Mr. and Mrs. Chuck McHaney and Wanda Skalisky.

[From the Wenatchee Daily World, Nov. 23, 1971]

COACHES, WIVES HONORED WITH ROSE BOWL TRIP

The three members of the Wenatchee High School varsity coaching staff, and their wives, were stunned by a special presentation at the tailend of the Panther football banquet Monday evening.

Master-of-Ceremonies Charles (Bud) Preston, representing "Panther fans," presented each couple with airline reservations and all the other trimmings which will provide them with an all-expense paid trip to the Rose Bowl in Pasadena, Calif.

The "Panther fans," in showing their appreciation for the dedicated efforts of Coaches Lee Bofto, Gene Baker and Dale Skalisky, in a week's time raised the necessary money to send the three and their spouses to the Rose Bowl.

Judging from the emotional reaction of the wives, the presentation, indeed, came as quite a surprise and provided a fitting climax to the banquet.

[From the Wenatchee Daily World, Nov. 30, 1971]

KNIGHTS FETED; MCDONALD, COEN SHARE HONOR

Two record-breaking offensive stars, quarterback John Coen and split end Mark McDonald, shared the "most valuable player" award, a presentation which climaxed an evening of accolades for the Northwest JC football champion Wenatchee Valley College Knights.

Coen, the Knights' sophomore leader from Hawaii, and McDonald, the freshman will-of-the-wisp from Vancouver, B.C. were the key offensive players in the Knights' championship campaign. Coen passed for a school record 1,230 yards and McDonald shattered all WVC pass receiving records with 64 catches for 831 yards and nine touchdowns.

They were among eight Knights to receive special awards at the post-season banquet honoring the team at Roy's Chuck Wagon Monday evening.

The team's "most inspirational player" award was shared by two sophomores from West Seattle, linebacker Steve Adelson and fullback Tom Jensen.

Another former West Seattle gridder, sophomore defensive guard Rick Ritch, shared the "On the Spot" outstanding lineman award with center Vince Kauzlarich, sophomore from Issaquah.

Other major award winners were Ken McEachern, 18-year-old sophomore from Regina, Sask., outstanding defensive back, and Harry Knell, rugged wingback from Honolulu, outstanding offensive back.

The banquet had its moments of nostalgia, as the large gathering paid tribute to longtime line Coach Bill Penhallegon, who earlier had informed WVC President Dr. William Steward of his plans to retire from coaching.

As the banquet drew to a close, Penhallegon was presented with a plaque in recognition of his 18 years of dedicated service to the football program. Earlier, he and his wife Barbara were given a standing ovation.

"I feel that I have been rewarded by the boys who have gone on to play elsewhere," Penhallegon said in accepting the plaque. He called the 1971 team "the greatest group of boys since I've been here."

Head Coach Paul Seale, who once played under Penhallegon, commented: "He's just so invaluable to this whole program."

No player went home without a trophy. Each was awarded a small trophy symbolizing his participation on a championship team by the conference.

In giving out the awards to the defensive troops, defensive line coach Jim Norton said: "All the boys performed admirably, both in practice and in the games."

There was "real competitiveness in the secondary," defensive backfield Coach Sandy Cooprider said of his boys.

Other comments by the coaches:

Norton, on his 170-pound defensive terror: "Jim Carter, I believe, was the best defensive lineman we had all year."

Penhallegon, on center Vince Kauzlarich: "This guy started 19 games for us—which is a record."

Seale: "There's just not enough you can say about the best quarterback in the nation and that is John Coen—he took a loser and made it a winner. . . . A lot of the success of John Coen and our other backs goes to one tough son-of-a-gun—Tom Jensen (in recognition of the fullback's great blocking). . . . The toughest game of the year was in our practice (in paying tribute to the defense)."

In introducing the assistant coaches, Quarterback Club President Frank Kuntz said:

Of Norton—"I don't think anyone can overemphasize Jim's contribution to the team this year."

Of Cooprider—"I know he's going to go a long ways in coaching, but I hope he doesn't go anywhere for awhile."

Commented Athletic Director-basketball Coach Frank Mataya: "Coach Seale, you really are a tough act to follow."

Mataya mentioned some of the unheralded sophomores who played little, yet hung with the squad until the end: "The attitude of this ball club was exemplified by these young men."

In opening the program, livewire master-of-ceremonies Kuntz read congratulatory messages from Congressman Tom Foley, Governor Evans and State Rep. Stu Blensoe.

Seale gave special recognition to the many unsung people wo helped make the season a success, including the Quarterback Club ("It's the real reason why we're here tonight"); Al Schuster, unofficial host at each of the WVC Quarterback Club's weekly meeting; veteran bus driver Roy Reinstra ("an extra coach"); the cheerleaders ("Tremendous job of support by the cheerleaders and also the Royal Squires"); the team doctors, John Jacobsen and Dale Peterson; student trainer Keith Kladnick and manager Barry Dollis ("A lot of long, hard hours").

COUNTDOWN '72

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. ROY. Mr. Speaker, in order for the American political system to be a success, it must have the participation of all segments of society. Realizing this, it is extremely encouraging to note that an increasing number of young people are working seriously and constructively in politics.

The National Youth Caucus, formed in Chicago this past weekend, holds great possibilities for responsible student action.

Kansas has been one of the leading States in regard to student interest and involvement in political activity. On October 30–31, a statewide voter registra-

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tion conference called "Countdown '72" was held on the campus of Kansas State University in Manhattan, Kans.

The conference drew 375 of Kansas' most able young leaders together for an in-depth briefing on the electoral process. Mr. Speaker, I would like to take this opportunity to congratulate the staff of Young Kansans for Kansas who organized this excellent meeting.

I participated personally in the conference, and I can attest to the fine job done by the conference coordinators and the entire staff, and the enthusiasm shown by the hundreds of delegates.

For 7 weeks a staff of 14 student volunteers worked long hours and traveled many miles in an effort to develop a truly bipartisan conference. They set about this task not aiming at a student takeover of college communities, but because it is their conviction that the only avenue for responsible, positive change in our society is through the polls—not in the streets.

For too many years the young people of our country have been led down the primrose path in the name of some magical, mystical revolution in our streets. Now with the passage of the Voting Rights Act of 1970 and the advent of the 26th amendment, the Congress of the United States and its people have offered our young citizens an alternative route.

Those two measures alone have done much to relieve a degree of the frustration felt by the young. But that in itself is not enough. It now becomes incumbent upon individuals of this body and public officials everywhere to help assure the exercising of this new right.

I believe participation in projects such as "Countdown '72" is one method to accomplish that. If conferences and follow-up programs such as our "Countdown '72" are carried on in a responsible fashion by responsible people, we can be sure that the 304,000 new voters in my State, and the other 24,821,000 in other States, will be motivated and educated as to the intricacies of the voting laws.

Once this great task is completed and we have registered the young laborer in Kansas City, the PFC at Fort Riley, the high school student in Wichita, the sophomore at Kansas State University, the housewife in Topeka, and the farmworker in Fredonia, we will have established these young people as a responsible and respected portion of the electorate.

Conscience demands no more than that we try—history will accept no less.

The "Countdown" in Kansas has begun, and I believe the coordinators of that conference have done the young people in my State a great service. I thank them.

SUMMER INTERN PROGRAM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. HARRINGTON. Mr. Speaker, I am today refiling along with 89 cosponsors, a bill which would extend the summer intern program as originally provided for by House Resolution 416 of the 89th Congress.

In 1966 when the House passed House Resolution 416, minimal funds were set aside enabling each Member to employ one summer intern. In order to qualify for the internship, a person must have been a bona fide student at a college during the academic year immediately preceding his employment. Each Member was allotted an allowance of $750 for the 2½-month intern period, payable from the contingency fund of the House.

I have taken advantage of this opportunity for the past two summers and found the internship program a welcome addition to my office. More importantly, spending productive time in a congressional office affords a young person the opportunity to learn about his Government first-hand. It has been widely publicized that many young people are disenchanted with the Government and unsure about its responsiveness. In order to increase understanding of how our political system operates and to foster individual participation, I think it would be beneficial to expose more of our young people to the congressional system.

Unfortunately, many young people who want the opportunity to work within the congressional process are denied the chance because funding is not available. Today's high cost of university education coupled with the present state of the economy necessarily eliminates many qualified students of government from ever taking part in a congressional intern program.

Because the minimal intern program now in effect has worked very well and has even greater possibilities, I reintroduced with 41 of my colleagues in May an amended version of House Resolution 416 expanding the program to include two additional student congressional interns. Today I am reintroducing the legislation in a further amended version with my original 41 colleagues and with an additional 48 colleagues. The legislation we are reintroducing today would allow student interns to be employed here in Washington or in our local congressional offices, thereby enabling those students who may not be able to afford the living or moving expenses in Washington to participate in the program.

My colleagues and I hope this resolution will find widespread support in the House and will have a hearing in the near future. The resolution as proposed is a modest but important beginning for the establishment of a more meaningful intern program. The ensuing advantages to both the young people hired and the congressional office are enormous.

Those in the House who have lamented the lack of understanding of our processes on the part of many young people should welcome the chance to provide this experience to them.

I include the list of cosponsors and the resolution at this point:

LIST OF COSPONSORS

Mr. Abourezk, Mrs. Abzug, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Badillo, Mr. Bell, Mr. Begich, Mr. Biester, Mr. Brademas, Mr. Burke of Massachusetts, Mr. Chappell, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conte, Mr. Corman, Mr. Coughlin, Mr. Dellenback, Mr. Denholm, and Mr. Diggs.

Mr. Dow, Mr. Drinan, Mr. Dupont, Mr. Eckhardt, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Esch, Mr. Forsythe, Mr. Frenzel, Mrs. Grasso, Mr. Gray, Mr. Halpern, Mr. Hamilton, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Helstoski, and Mrs. Hicks of Massachusetts.

Mr. Horton, Mr. Hungate, Mr. Keating, Mr. Kemp, Mr. Leggett, Mr. McCloskey, Mr. McCollister, Mr. McCormack, Mr. McCulloch, Mr. McKinney, Mr. MacDonald of Massachusetts, Mr. Matsunaga, Mr. Mazzoli, Mr. Metcalfe, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Morse, Mr. Mosher, and Mr. Moss.

Mr. Pepper, Mr. Peyser, Mr. Podell, Mr. Powell, Mr. Rangel, Mr. Rees, Mr. Reid, Mr. Riegle, Mr. Rodino, Mr. Roe, Mr. Roncallo, Mr. Rosenthal, Mr. Roy, Mr. Runnels, Mr. Ryan, Mr. St Germain, Mr. Sandman, Mr. Scheuer, Mr. Schwengle, and Mr. Shoup.

Mr. Steele, Mr. Stokes, Mr. Teague, Mr. Thone, Mr. Tiernan, Mr. Udall, Mr. Ullman, Mr. Vander Jagt, Mr. Williams of Pennsylvania, and Mr. Wolff.

H. RES. —

Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia

Resolved, That, until otherwise provided by law, each Member of the House of Representatives (including the Resident Commissioner from Puerto Rico and the Delegate from the District of Columbia) is authorized to hire and pay not more than two additional student congressional interns (to serve as such within or outside the District of Columbia) in accordance with and subject to the provisions of H. Res. 416, Eighty-ninth Congress, adopted June 16, 1965, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967 (80 Stat. 369; Public Law 89–545; 2 U.S.C. 60g–2), which are hereby made applicable with respect to each additional student congressional intern hired and paid under authority of this resolution. The contingent fund of the House is made available to carry out the purposes of this resolution.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if, at this late date, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

H. RES. 630

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

SOVIETS SEEK CONTROL OF WORLD BEEF MARKET

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. RARICK. Mr. Speaker, yesterday the House passed the foreign aid bill and the Agriculture Committee held hearings on how the U.S. taxpayers have subsidized Soviet agriculture. It is a strange double standard that on one hand we arm the nations of the world to stop Russian expansionism and aggression while on the other we are not only trading with the enemy, but also discounting his purchases. I use the term "enemy" because it would seem that if the taxpayers are to put up $552 million for defensive armament of our foreign aid "friends," there must be someone who is the bad guy. In the final analysis it is the Soviet Union.

The members of the Agriculture Committee heard testimony from Clarence D. Palmby, Assistant Secretary of Agriculture, confirming the sale of oats and barley to the Soviet Union at prices far below any available to the American farmer.

The Department spokesman testified that in excess of 20 million bushels of oats were sold to the Soviet Union at prices ranging from 40 cents per bushel to 47 cents per bushel at a time when the market price in the United States stood at 60 cents a bushel.

Mr. Palmby also testified that 11½ million bushels of barley were sold at 91 cents a bushel at a time when the U.S. farmer was paying 10 to 12 cents a bushel higher.

Inasmuch as the sales came from the Commodity Credit Corporation, a taxpayer-supported Government agency whose purpose is to support farm prices, the losses suffered in the sale to Russia were at the expense of the U.S. taxpayers.

The Department representative testified that:

The Department's authority to sell CCC-owned commodities for export without limitation as to price stems from the Agricultural Act of 1949. That act specifically exempts sales for export from the requirement that CCC-owned grain may not be sold at less than 115 percent of the average loan rate plus carrying charges.

The same Department representative commented on significant herds of breeding cattle being purchased by the Soviet Union:

Also important in the long run is the significant number of beef breeding cattle Russia is buying from free world markets. This includes 300 head of U.S. cattle shipped from Richmond last September, nearly 1,000 head of Canadian cattle, and more than 100 Hereford bulls from the United Kingdom.

These purchases of breeding stock are thoroughly consistent with the ambitious goals the U.S.S.R. has set for itself in the production of animal products. Its latest 5-year plan projects a 27-percent increase from 1971 to 1975 in the case of both meat and eggs and a 19-percent increase in the case of milk.

Any doubt that the Russian goal is to enter the international beef market in competition with the U.S. cattleman is dispelled by an article entitled "Cyrus Eaton: The Communists Best Capitalist Friend," appearing in the Parade magazine, a Sunday supplement for December 4, 1971. We read:

KOSYGIN BUYS BEEF

Cyrus Eaton's most recent venture with the Soviets occurred a few weeks ago when he sold Premier Kosygin 350 head of choice beef cattle, 80 of which came from his own prize-winning stock.

This deal, Eaton points out, could lead to Soviet purchases of as many as 200,000 American beef and dairy cattle within the next two years.

"The Russians," he says, "are trying to expand meat consumption among their people. They want to change from their present dual-type of cattle, raised for meat and milk, to specialized breeds of fast-gaining beef cattle and high yielding dairy cattle which we raise in this country."

Eaton has urged U.S. authorities to allow giant transport planes to land in Illinois, Ohio, Colorado, and other states to load cattle and thereby avoid lengthy shipment by sea. He feels strongly that if a dollar can be earned by trading with the Soviets, the American farmer should get his rightful share. Why should the Soviets trade with France, England, West Germany, Japan, and other major capitalistic countries and not with us?

The Assistant Secretary's testimony contained many excuses in an attempt to justify the sale. He testified that—

First, it opens up a brand new market for U.S. feed grain exports in Rusala at a time when that country and many of its East European neighbors have established huge goals for increased livestock production and show signs of a swing to Western feeding practices.

Second, it paves the way for expanded future grain trade with Russia following the President's decision in reversing the earlier directive that required at least half of grain tonnage destined for the U.S.S.R. and certain other East European nations to be carried in U.S.-flag vessels.

Third, it provides for the export during the present marketing season of up to 80 million bushels of U.S. corn for which no market was otherwise in sight. This is approximately one-sixth of total U.S. corn exports during the 1970–71 marketing season.

Fourth, it cuts burdensome Government inventories of barley and oats, recovers almost $45 million of public funds invested in these commodities, and saves storage costs in excess of $9 million a year.

The Department official even went so far as to explain the sale as an indication that the Russians were interested in increasing their beef production to improve the Russian citizen's diet with more meat. If this assumption is true, then it would seem that the U.S. taxpayer is footing the bill for a new kind of international food stamp to improve the diet of the impoverished Russian people. No one would dare suggest that if the Communist power structure is able to improve their beef production and quality, the increase will be used as another item for export on the world market in competition with U.S. beef.

When has the Soviet ever placed its people before world domination?

If transactions such as these are allowed to continue unchecked, the American beef producer will soon find himself in competition with the Soviets at a distinct disadvantage because the Soviet beef has been raised on subsidized American grain available to the Russians at a much lower cost than to America's own farmers.

The simple truth is that only a few people in either country will profit by the grain sale. It is, on the face of it, trading with the enemy—not for profit, but at a loss to the U.S. taxpayers. Next we can expect the Ex-Im Bank, which was included in the Foreign Aid bill, to extend easy credit to assist the Russians in purchasing American grain at a price discounted far below the U.S. open market.

The Russian grain deal is comparable to the Federal Reserve Bank selling $100 bills to the Soviets for $80 with the explanation that such action is beneficial to the U.S. economy by spurring United States-Soviet trade.

A related newsclipping follows:

[From the Evening Star, Dec. 9, 1971]

STANS HOPEFUL RUSSIAN TRADE WILL MOUNT INTO THE BILLIONS

Commerce Secretary Maurice Stans today said he is "very hopeful" that the present small volume of trade between the United States and the Soviet Union can be expanded to billions of dollars a year.

Just returned from a 17-day trip to Russia, Poland and Sweden, Stans emphasized, however, that he made it clear to Soviet leaders that continued improvements of political relations is necessary for two-way trade to grow.

At present U.S.-Soviet trade totals about $170 million annually. "As Chairman Kosygin said, that's no trade at all," Stans says.

The Commerce secretary, while declining

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to name a specific target, said he thought U.S.-Soviet trade could total billions of dollars a year if political differences and problems facing businessmen are worked out.

"But, believe me, it's at a very preliminary stage," he said.

Stans rejected the idea that increased trade with the Soviet Union might contribute to Russia's warmaking capabilities.

"We put ourselves in a rather ridiculous position if we refuse to sell to the Soviet Union items of equipment which they can buy in Germany, France, Italy, Switzerland or Britain," Stans said.

The secretary, who consulted with Premier Alexi Kosygin and many other Russian leaders during his trip, cited natural gas as one of many raw materials that the Soviet Union could export to the United States in exchange for U.S. technology and goods.

As the Russians see things, he said, American business interests would help develop gas fields, build a pipeline to a port and provide the ships to take the gas to the United States in liquid form.

This would cost billions of dollars, Stans said, but he noted that the Soviet Union appeared prepared to deliver $1 billion worth of natural gas per year for many years under such an arrangement.

Asked about an outstanding World War II lend-lease debt owed the United States by Russia, Stans indicated this was one of the things that would have to be settled as part of increasing trade relations.

When negotiations between the United States and the Soviet Union were broken off ten years ago, the Russians were offering a $300 million settlement while the United States was asking $800 million, Stans noted.

[From the Washington Post, Dec. 9, 1971]

FEW OBJECT TO SOVIET GRAIN DEAL

(By Murrey Marder)

Only scattered protests about "trading with the enemy" were raised yesterday over the U.S. sale of grain to the Soviet Union, which a Nixon administration official called a "history-making" event.

If the hearing before two House Agriculture subcommittees accurately reflects the national mood for expanding East-West trade, even while the Indochina war continues, a considerable shift of U.S. attitude has occurred.

Nixon administration officials, many of whom have reversed their own positions, are convinced there is such a national change of attitude. They believe these trade initiatives, now overshadowed by more dramatic international news, can be a more important long-term development in East-West relations.

"To call this transaction history-making is putting it mildly," testified Assistant Secretary of Agriculture Clarence D. Palmby. "It is one of the most significant agricultural events in my public career."

An administration-negotiated deal with the U.S. maritime unions last month cleared the barrier to the sale of $135 million to $190 million worth of American corn, barley and oats to the Soviet Union. The unions dropped their insistence on shipping half of American commercial grain exports to Communist nations on higher-cost U.S. shipping. All foreign shipping can now be used for this sale, with the unions counting on an assured share for American shipping out of future U.S.-Soviet trade deals and government subsidies.

Continental Grain Co. of New York, and Cargill, Inc., of Minneapolis, both are handling the grain sale to the Soviet Union. It includes barley and oats from U.S. government stocks at world market prices below domestic prices, plus huge amounts of overabundant American corn.

Grain traders recalled yesterday that President Nixon, in private law practice, had an association with Cargill.

Political biographies of the President list Cargill among the many large corporations represented by the law firm which Mr. Nixon joined in 1963 and which became Nixon, Mudge, Rose, Guthrie, Alexander and Mitchell.

Published accounts note that Mr. Nixon politically was personally opposed to such trade when Continental and Cargill in 1963–64 made the first and very controversial grain sale to the Soviets. The 50–50 U.S. shipping requirement ordered by President Kennedy blocked all intervening sales.

Palmby testified yesterday that there was no direct contact between the U.S. and Soviet governments for the current sale, initiated by Continental with Cargill coming in later and obtaining a "much smaller" contract. Palmby said "White House leadership" cleared the shipping obstacles to this sale.

A hearing, concluded in one day, was called on charges that use of government-owned oats and barley at lower world prices in the sale amounts to "subsidizing the Russians." Palmby disagreed, saying "the (U.S.) taxpayer benefits, on all counts."

Most of the congressmen present indicated agreement with him. However, Rep. John R. Rarick (D-La.) charged "that we are not only trading with the enemy at discount rate . . . some of these farmers have their sons in Vietnam" and "of course, it is Russian hardware that is being used to shoot at our men."

"Mr. Congressman, I have a son in Vietnam too," countered Palmby sharply. The issue is not whether the Russians will get grain, said Palmby, but whether the United States will continue to foreclose itself from world trade competition.

Rep. Robert D. Price (R-Tex.) said, "I have never advocated trade with Communist nations" and he said the Soviet Union supplies North Vietnam with the bulk of its weaponry. But if a decision has been made to trade with the Russians, said Price, "I feel that the American farmer should not be left out."

SALUTE TO COMDR. HUGH O. DEFRIES

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. JAMES V. STANTON. Mr. Speaker, at times we become so involved with the political issues at stake in the Vietnam war that we lose sight of some of the very real human problems which have arisen because of it. Specifically, I am referring to the extraordinarily large number of our soldiers who have suffered serious wounds which, a decade or so ago, would almost certainly have resulted in death, but who are now able to be saved because of the great advances in medical science. For these soldiers, the main question becomes one, not of life or death, but rather how they will adjust to life with the handicap imposed upon them by their disability. In this connection, I would like to pay tribute to the excellent work now being done by Comdr. Hugh O. deFries and his colleagues at the Bethesda Naval Hospital in treating soldiers who have suffered some form of serious facial wound.

Dr. deFries has evolved a new grafting technique which, in essense, provides a new jawbone for those who have suffered a serious injury of this kind. Many soldiers have been the victims of such disfigurement in combat. However, because of the work of Dr. deFries, these wounds can now be repaired, and the soldiers will be able to return to a normal life. In addition, this technique reportedly may be used in treating cancer victims.

I salute Dr. deFries for his fine efforts which will, I am certain, immeasurably improve the lives of a great many people.

WILL THE FDA GET THE LEAD OUT?

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. RYAN. Mr. Speaker, each year some 400,000 children are the victims of lead-based paint poisoning. The effects of this disease can be devastating—mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and even death.

The striking aspect of this disease, however, is that it is totally preventable. As Dr. Jane S. Lin-Fu, pediatric consultant, Division of Health Services, Department of Health, Education, and Welfare, wrote in an article entitled "Childhood Lead Poisoning—An Eradicable Disease," Children magazine, January–February 1970, page 2, said:

In the history of modern medicine, few childhood diseases occupy a position as unique as lead poisoning. It is a preventable disease. The etiology, pathogenesis, epidemiology, and symptomatology have all been well defined. Methods for screening, diagnosis, and treatment have long been available.

Yet, despite the fact that lead poisoning is preventable, this disease, as Dr. Lin-Fu writes, "exists in epidemic proportions in many cities."

The problem lies in the congruence of two factors. The first is the disposition in young children to eat foreign materials, a craving called pica. The second factor is the presence of lead in paint used on interior surfaces of many dwellings. These two factors combine to result in young children, most but not all living in decaying slum housing, eating lead-tainted paint and plaster chips fallen from the walls and ceilings of their apartments and hallways, and thus developing lead-based paint poisoning.

To combat this menace, I have joined with five child health advocates in petitioning the Food and Drug Administration to classify lead-based paint as a banned hazardous substance, under the provisions of the Hazardous Substances Act.

On November 2, the FDA published our petition in the Federal Register. At the same time, however, that agency also published a proposal of its own, which would merely require that paint with a lead content in excess of 5 percent bear a warning label. Interested persons have until December 28 to submit written comments on either or both of these proposals.

Unfortunately, the FDA-sponsored labeling requirement would be totally insufficient to protect the children of this Nation from the peril of lead-based paint poisoning. If we are to eradicate this disease, we must eliminate the lead from paint.

Joseph A. Page, associate professor of law at the Georgetown University Law Center, has written a compelling article on the hazards of childhood lead poisoning and the failure of the Food and Drug Administration to take decisive measures against this silent epidemic. This article appears in the December 10 edition of Commonweal magazine and I am including it in the RECORD at this point for the benefit of my colleagues:

[From Commonweal, Dec. 10, 1971]

WILL THE FDA GET THE LEAD OUT?

(By Joseph A. Page)

The timid regulations recently proposed by the Food and Drug Administration (FDA) requiring cautionary labels on certain lead-based household paints typify the shameful refusal of officials at all levels of government to take decisive measures against the "silent epidemic" of lead poisoning that afflicts some 400,000 predominantly poor children annually

Though city air, foods and water contain concentrations of lead, the ingestion of flakes of lead-based paint is by far the most common and dominant cause of lead poisoning among children. The disease has long been recognized as an environmental hazard. Yet it was not until 1970 that Congress finally acted, with the passage of the Lead-Based Paint Poisoning Prevention Act.

The law itself is limited in scope. It seeks to promote the removal of lead paint from existing homes and to curtail its use in federally assisted housing. The Nixon Administration tried to smother the Act at its birth by asking for an appropriation of only $2 million for its implementation. The efforts of Congressman William F. Ryan of New York and others secured an appropriation of $7.5 million, still only a fraction of what a meaningful attack on the "silent epidemic" would require.

The dimensions of the lead-poisoning problem are staggering. The Department of Health, Education and Welfare (HEW) estimates that each year 16,000 victims of the disease need treatment, 3,200 incur moderate to serious brain damage, and 800 must have medical care for the rest of their lives. A recent study found that 30 to 50 percent of the babies born in the District of Columbia may be expected to develop undue body burdens of lead, producing effects ranging from nervous disorders to severe mental retardation.

Though the worst cases of lead poisoning result from children eating flakes of paint manufactured before World War II and containing a high content of lead, the human body can accumulate dangerous lead levels from the ingestion of paint with a low lead content. The paint industry itself recognized this 16 years ago when it adopted a voluntary standard limiting the lead content in household paint to 1 percent.

But the FDA, charged for more than a decade with responsibility for protecting the public against hazardous household products, has moved with glacial speed to utilize its legal authority to counter the lead-paint problem. On October 28, 1971, the agency finally proposed regulations under the Hazardous Substances Act dealing with lead-based paint. They provide for mandatory cautionary labeling of household paint containing more than 0.5 percent lead.

The National Paint, Varnish and Lacquer Association, which represents 90 percent of the paint industry, immediately applauded this proposal, as did the lead industry's trade association. On the other hand, the dictates of common sense suggest that warning labels remain with the containers, and are of no use after the paint is applied to a surface. A tenant will scarcely be in a position to know the lead content of the paint in the house or apartment he is renting.

This past summer, despite the paint industry's own voluntary standard, paints with up to 10.8 percent lead levels were found on the shelves of New York stores. The FDA regulations would not prohibit the sale of these paints so long as their containers bear warning labels.

The Lead-Based Paint Poisoning Prevention Act, which went into effect on January 13, 1971, authorized the Secretary of HEW to take steps to prohibit the use of paint with 1 percent or more lead content in homes constructed or rehabilitated with federal funds. It was not until November 16 that the Secretary got around to implementing this mandate by publishing a regulation that calls upon other federal agencies to prohibit the use of such paint by means of clauses in contracts for the federally assisted construction or rehabilitation of houses or apartments. Experience with other forms of contract-compliance enforcement as a method of carrying out federal policies teaches that this approach is very often a sham, a classic "no-law law" in its de facto nonapplication.

An obvious way to prevent the sale and application of leaded household paints is to invoke provisions of the Hazardous Substances Act enabling the FDA to ban the marketing of dangerous products used in the home. Under the Act, the FDA can invoke such a ban after finding that no amount of cautionary labeling would be sufficient to protect the public health and safety from a serious, substantial hazard.

An ad hoc committee of doctors and scientists brought together by the Bureau of Community Management of the U.S. Public Health Service recently concluded that the maximum daily permissible intake of lead from all sources for children is 300 micrograms. Studies have shown that a child ingests 106 to 146 micrograms each day from food, water and air. An average chip of paint with 0.5 percent lead contains 450 micrograms of lead.

Despite these figures and increasing medical concern over the dangers of low levels of lead intake, the FDA has thus far eschewed an aggressive attack on the problem, preferring instead to keep the paint and lead industries happy. Its performance adds fuel to the fires of those supporting a bill latterly drafted by the Senate Commerce Committee to dismantle the FDA and build a new Consumer Safety Agency from scratch.

Congressman Ryan, *Village Voice* editor Jack Newfield, Dr. Edmund O. Rothschild of New York, myself and two Georgetown law students have filed their own petition with the FDA, calling for a ban of all household paints containing more than trace elements of lead. During the next month and a half, interested parties may file with the agency comments on both this petition and the FDA's proposed regulations. The FDA itself must then decide which route to take.

The Environmental Hazards Committee of the American Academy of Pediatrics has just taken a position favoring the petition filed by Congressman Ryan *et al.* The Committee has urged that the maximum limit of lead content in paints be set at minimum traces, or 0.06 percent.

It is, and has been for some time, technologically feasible to take the lead out of paints. Hence bureaucratic and Congressional lethargy must bear more than a small share of the blame for debilitating the health of countless children.

CLAYTON KIRKPATRICK, EDITOR OF CHICAGO TRIBUNE, HONORED AS COMMUNICATOR OF THE YEAR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. PUCINSKI. Mr. Speaker, last night at the Pick-Congress Hotel in Chicago, Mr. Clayton Kirkpatrick, editor of the Chicago Tribune, was honored by the State of Israel as the "Communicator of the Year" for 1971.

Several hundred people assembled to pay tribute to Mr. Kirkpatrick, one of the Nation's most intuitive journalists, who in January 1, 1969 took a great newspaper and as its editor, made it even greater.

It was in 1969 that Mr. Kirkpatrick assumed the awesome responsibility of becoming editor of the Chicago Tribune—one of the world's greatest newspapers.

Through his good judgment and insight, Mr. Kirkpatrick has brought a new dimension of leadership to the Chicago Tribune.

He has made it one of the most objective publications in America and one of the most informative.

Clayton Kirkpatrick's influence is being felt throughout this beautifully edited publication.

The news stories have taken on a new and exciting scope of objectivity, accuracy, and thoroughness.

The layout has come alive and the photos literally breath excitement in depicting graphically the news events of the day.

The special features have taken on new and exacting meaning: The financial section is a storehouse of knowledge; the sports sections poignantly describe the living drama of American sport and the women's section is one of the best in the world.

The Chicago Tribune's editorials have taken on a new dimension of objectivity and are not only a chronicle of Tribune editorial opinion but a warehouse of facts and figures unparalleled in American journalism.

Mr. Kirkpatrick gives living meaning to the Tribune's credo that a free press provides for our Nation that guarantee of freedom no Constitution in itself could provide.

Significantly, Mr. Kirkpatrick was selected as communicator of the year by the State of Israel because both he and the Tribune have shown an inspiring degree of understanding of Israel's struggle for survival.

The Chicago Tribune has become one of the world's most impressive communicators in providing full coverage of Israel's enormous struggle for freedom.

Mr. Kirkpatrick will deserve the honor for himself and his newspaper.

The tribute to Mr. Kirkpatrick was announced by Harry Zaidenberg, general chairman of the greater Chicago committee for the State of Israel bonds.

Jack Mabley, distinguished columnist and associate editor of Chicago Today served as banquet chairman.

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It was my privilege to participate in the tribute to Mr. Kirkpatrick last night and in brief remarks I was pleased to point out Israel's struggle is no longer a sentimental journey for the Jewish people alone—it is in the highest interest of all freedom-loving nations.

Israel is our first line of defense against Soviet colonialization of the Middle East. If Israel should ever fall, Russia would have an open field to take over the rich-in-natural-resources continent of Africa.

I was pleased to note that in a recent article by the Tribune's financial editor, Nick Poulos, it was pointed out not one dollar of American money loaned to Israel banks ever leaves the United States.

The tribute to Mr. Kirkpatrick made it possible to rekindle our determination that Israel must be given all the weapons she needs to protect her survival. There can be no equivocation. on this subject.

Mr. Speaker, in his introduction of Mr. Kirkpatrick, Mr. Zaidenberg paid high tribute to the honoree.

Mr. Zaidenberg asserted that Mr. Kirkpatrick is being honored "for bringing a new standard of excellence to the field of mass communications."

"Mr. Kirkpatrick is a man of wit and exceptional brilliance, a social commentator whose view of the news is colored only by his love of humanity," Zaidenberg said. "As editor of one of the most influential newspapers in the country, he has brought a new and vital leadership to the Chicago Tribune which has added another chapter of greatness to its proud history."

Mr. Kirkpatrick, who also serves as vice president of the Chicago Tribune Company, was appointed editor of the Tribune on January 1, 1969. He was elected to his fourth term as president of the City News Bureau in 1968.

During his journalistic career with the Chicago Tribune, which spans more than three decades, Kirkpatrick has worked at numerous reportorial and editorial assignments. He was appointed city editor of the Chicago Tribune in 1961, assistant managing editor in charge of local news in 1963, and managing editor in February, 1965. In 1967 he was elected a vice president of Chicago Tribune Company and promoted to executive editor.

Clayton Kirkpatrick joined the Chicago Tribune in October, 1938, as a reporter for the northwest neighborhood section. A year later, he was transferred to the newsroom as a general assignment reporter. In 1940 he was assigned to the federal beat where he remained until his enlistment in the U.S. Army in March, 1942.

Two of Kirkpatrick's three and one-half years in the army were spent in England in the intelligence section of the 100th bombardment group of the 8th Air Force. Discharged from the army in November, 1945, he returned to the Tribune and resumed work as a general assignment reporter. He won the Edward Scott Beck award in 1950 for a series of seven articles on the dictatorship of certain trade unions.

In 1954 he was assigned to the paper's local desk as a copy editor. He was named assistant make-up editor in July, 1954, and early in 1955 was assigned as chief of the Thursday neighborhood news section. In 1957, he returned to the copy desk as copy editor and relief slot man, where he served until he was named day city editor in 1958.

Mr. Kirkpatrick is a member of the American Society of Newspaper Editors; Associated Press Managing Editors Association; and a committee member of the American Newspaper Publishers Association. He belongs to the Chicago Club, the Commercial Club, the Executives Club, the Glen Oak Country Club, the Tavern Club, and is a member of Northwestern University Associates and of the Citizens Board of the University of Chicago.

Born in Waterman, Illinois on January 8, 1915, Kirkpatrick was educated at Waterman public schools and the University of Illinois, from which he was graduated with honors in 3½ years. He married Thelma DeMott of Chicago on February 13, 1943. They have four children; Pamela, born in 1946; Bruce, born in 1948; Eileen, born in 1952; and James, born in 1954.

ENERGY AND THE ENVIRONMENT

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. WARE. Mr. Speaker, I want to take this opportunity to bring to the attention of Members of the House of Representatives the remarks made by Robert G. Dunlop, chairman of the board, Sun Oil Co., before the Wharton School Alumni Society, University of Pennsylvania, upon receipt of the Wharton Gold Medal on December 2.

I feel that the subject "Energy and the Environment" should be of particular interest at this time and I am pleased to share Mr. Dunlop's views with my colleagues:

ENERGY AND THE ENVIRONMENT: BALANCING REQUIREMENTS AND RESPONSIBILITIES

President Meyerson, Governor Shapp, ladies and gentlemen:

It would be difficult for me to express fully the deep sense of pride I feel in accepting the Wharton Gold Medal this evening.

I am proud because I am keenly aware of the extraordinary reputation for excellence that the Wharton School and its staff and graduates have achieved in the academic and business worlds. To be associated with that reputation for excellence and with the people who fashioned it, through the medium of this award, is an outstanding honor, indeed, and I thank you.

It is particularly a pleasure to receive the Gold Medal on the 50th Anniversary of the Graduate Division. I wish you a happy birthday, and at the same time extend my congratulations to the five distinguished alumni whom you are honoring on this memorable occasion.

Perhaps at this point I ought to share with you a personal story. In announcing my selection, the University said it was a break with the tradition of not considering Wharton alumni for the award. What it didn't say was that for some years now my voice has probably been the loudest and most persistent in pushing for precisely that—recognition of alumni. So I face you this evening with the lingering thought that maybe my selection was simply a means of finally shutting up Dunlop on the alumni issue.

If that is the case, I am only slightly embarrassed.

I want to add that the pride I feel this evening is tempered by an equally strong sense of humility. For I recognize that in honoring me you are really honoring many others who have contributed very directly to whatever measure of success I have achieved.

Among those in my thoughts tonight are my mother and father, who taught me early in life the importance of establishing personal goals and persisting in efforts to attain them. My wife, who has given me wise counsel, honest but gentle criticism, and continuous encouragement. Mr. J. Howard Pew, who over a period of many years has shared with me his wisdom and knowledge and honored me with his confidence and trust. Other business associates who have given me unswerving loyalty and true friendship. And the Wharton School itself, which prepared me to take advantage of the opportunities that have made my career in business an unending source of challenge, satisfaction and enjoyment. I have much to be thankful for, and many to be thankful to, and I am intensely aware of both this evening.

Now I am going to ask you to consider with me briefly a matter that I feel is vital to the future well-being of our Nation and all of its people. I refer to the gathering storm over energy and the environment. I know the issues involved are not new to you, for they have been highly visible in the news media during the past year. But today the controversy is with increasing frequency being billed as energy *vs.* the environment. And the grave implications of those words point to a compelling national need to dig below the surface of day-to-day developments and to confront directly the basic issues we face—our requirements and our responsibilities—in the intertwined areas of energy and the quality of life.

The heart of the matter is that for the first time ever in peace-time we face the real possibility of a shortage in energy supplies, particularly petroleum supplies. In a sense we are faced with potentially starving in the midst of plenty. For the National Petroleum Council recently estimated that 55 per cent of the discoverable oil in this Country and 66 per cent of the discoverable natural gas are still in place waiting to be found.

We simply are not finding and developing those reserves at a rate commensurate with steadily rising demand. Since 1960, proved reserves of natural gas have dropped from a 20-year to a 13-year supply, and oil reserves have fallen from a 13-year to a 9-year supply (excluding Alaskan oil which is not now available for use). Our reserve oil producing capacity—the capacity that enabled our Country and our allies to weather such past emergencies as the Suez Canal closure in 1967—is steadily disappearing, and will be completely gone by 1975 if the present trend continues.

The result is that we are becoming increasingly dependent upon foreign oil. The National Petroleum Council has warned that if present policies are continued we will depend upon foreign nations for almost 60 per cent of our oil by 1985. That reliance would be heavily concentrated in the Middle East, where most of the oil is and where political considerations raise grave questions about continuity of supply.

The growing concern over energy supplies has been matched by a growing concern for preservation of the environment. And since both the development and use of energy have a relatively high pollution potential, much of the environmental anxiety has tended to focus on petroleum-related issues. Several accidental oil spills, particularly the major spill in the Santa Barbara Channel off California, have heightened tensions. As a result, strong opposition has developed to offshore exploration and drilling and to the location of transportation and processing facilities in what are regarded as ecologically-sensitive areas.

It is against this background that I want to direct your attention to the urgent need for rational discussion and reasoned judgment in working out policies that will effectively balance our environmental and energy requirements and responsibilities in the national interest.

The requirements are clear-cut, and quickly stated.

We depend upon petroleum for fully three-quarters of all the energy we consume in this Country. And much of it is used in the form of transportation fuels for which there is essentially no substitute technologically available today. In brief, our military security and our economic productivity—and, therefore, our very existence as a Nation—are directly and inescapably tied to the availability of petroleum.

In the face of rising petroleum demand, environmentalists and others have argued eloquently for conservation of our energy supplies through more efficient use. I wholeheartedly support that objective. But I must say also that even maximum efficiency in use will not solve our energy supply problem. For energy requirements will steadily rise as our population grows, and as we produce more to meet the essential needs of people who are not now fully sharing in our economic progress. I suspect that there are few among us who would seriously opt for zero growth. Surely those who want improved educational and vocational opportunities for their children would not—nor, significantly, would those who realize what tremendous capital investments will be required to clean up our air and water.

Equally important as the need for fully developing our energy resources is the nonnegotiable need to do so in a way that is not damaging to the environment.

The responsibilities that parallel these energy and environmental requirements are not quite so clear. So defining and accepting the responsibilities are the real challenges we face.

I acknowledge at the outset that the heaviest responsibility rests squarely upon the petroleum industry. I see this as a three-fold one.

First, our industry must improve its technical capability to find and produce efficiently conventional supplies of oil and gas. Concurrently, we must develop through continuing research and experimentation a new capability to produce at acceptable costs synthetic fuels from the coal and oil shale deposits which we have in abundance.

Second, we must accomplish this without damaging our air and water resources or otherwise harming the environment. This requires, first, that environmental impact be a priority consideration in all policy and operational decision-making. And it further requires continuous effort to build environmental safeguards into equipment and procedures and processes, and continuing research on new and more effective approaches to eliminating or controlling pollution.

Third, we must make our special knowledge of the energy business and its problems and prospects available to those in government who are charged with formulating energy policies that will effectively advance the national interest.

I will add very frankly that in my view we can and must improve our performance in each of these areas.

The responsibilities of government rank just below those of the petroleum industry in priority.

Over-riding all others is the direct responsibility of government to establish energy policies that will encourage and stimulate effective private development of our resources. This will require, above all else, policies that are based on minimal government interference with market processes.

To put it another way, to assure the energy this Nation needs for the future we must halt the trend toward public decision-making on energy matters and permit market forces to operate with the maximum degree of freedom consistent with military and economic security requirements. The outstanding example of counter-productive interference with the market is the natural gas price control our industry has lived with since 1954. It has played an important part in precipitating the energy problems we face today, and will be equally damaging in the future if continued.

I realize that economic measures now being implemented by the Administration run directly counter to the free market concepts I have just espoused. Hopefully, they will be of short duration, for I am convinced that protracted interference with the market will have disastrous consequences.

Second, Government must provide leadership in the environmental improvement effort through the formulation of basic policies and the setting of standards. It is extremely important here that the policies established be directed toward the achievement of realistic goals, and that regulations be sufficiently flexible to permit varied and innovative responses to problem situations.

In my view, effective fulfillment of these responsibilities by government will require major changes in direction in energy policy and a much more objective and much less political approach to decision-making on environmental matters.

Next are the responsibilities of those who have chosen to assume leadership roles in the environmental improvement and conservation areas. I suggest that these people and organizations have two major responsibilities of equal importance.

The first is functioning in a watchdog role to assure that full consideration is given to environmental factors in resource development and other undertakings. This monitoring activity is a service to the entire Nation, and deserves the support of the entire Nation.

Second is a responsibility to provide objective evaluation of the environmental impact of proposed developments and reasoned recommendations that honor both environmental goals and other essential needs of people. And here, I think, many environmentalists have a considerable distance to go to reach a posture that is in the best interests of the American people.

The essence of the problem as I see it was caught very neatly in a recent *New York Times* review of a new book by Barry Commoner. The reviewer, who gave Mr. Commoner a high mark for objectivity, made the point that environmentalists usually speak in one of two voices: A high, thin hysterical shriek, or a deep rumbling anticipation of gloom. Both seem to reflect a complete preoccupation with the environment as an entity, to the exclusion of people and the processes that support people. A moderated voice of reason between the two extremes is heard far too infrequently.

But the need for reason and realism on all sides is essential if we are to deal effectively with the energy-environment issue. For it is a fact of life today that offshore and onshore areas that are considered to be ecologically sensitive are the most promising for new petroleum discoveries. Atlantic Coast offshore areas and Alaska are key examples. Many environmentalists are opposing petroleum exploration and development projects in these locations on grounds ranging from unsightliness to disturbing wilderness areas to seriously upsetting ecological balances.

The primary example of the impact of these views is the Santa Barbara Channel, where the Federal Government recently refused to permit the placement of additional drilling platforms.

Perhaps an even more significant example is the opposition that is building to petroleum exploration offshore of the Atlantic Coast. No leases have yet been offered for sale, but the scheduling of an environmental impact hearing for next November has drawn sharp criticism from East Coast government officials and environmentalists. The nature and philosophy of the opposition came through clearly at a conference earlier this year sponsored by the New York Ocean Science Laboratory:

The Speaker of the New York General Assembly warned that (and I quote) "those who would like to find new energy sources are in for serious trouble" . . . representatives of Long Island conservation groups said they were preparing for (and I quote) "the biggest environmental lawsuit in history" . . . and another New York assemblyman promised to introduce legislation establishing a sanctuary and banning drilling.

The danger is that in this flood of rhetoric and charge and counter-charge the thread of the public interest is going to be completely lost. For there is an unfortunate tendency among environmentalists to take positions based on their perception of what is necessary to preserve the environment, with little or no consideration of the other needs and expectations of people.

What we desperately need today are objective analyses of the facts and reasoned judgments about how we can best protect our environment and meet our essential energy needs at the same time. To achieve this we must keep two points firmly in mind.

First, we need to realize that new legislation and new investments in facilities and research have set the stage for real progress in pollution abatement and control in the next five to 10 years. But time is required to get results, and in the interim we should avoid rash actions or reactions that could have dangerous implications for the future.

Second, we must consider environmental issues in the light of past performance and experience over time and not just on the basis of individual incidents. I submit, for example, that the petroleum industry's conservation record is a good one—not the best possible, not impossible of improvement, and not even as good as we would like it to be—but still a good one. There have been only six major mishaps, three spills and three fires, in the drilling of more than 14,000 offshore oil and gas wells up through 1971—and the fires involved little or no pollution. This is an accident rate of four ten-thousandths of one per cent. And we are working to do better.

What the issues boil down to, ultimately, are judgments about the acceptance of reasonable risks. And I think objective analysis will show that the environmental risks involved in offshore drilling are, indeed, reasonable and acceptable.

The final responsibility I want to mention is in some respects the most important of all. I refer to the responsibility of the academic community—a responsibility shared by many of you.

If there is one group to which we look above all others for objective analysis, intellectual honesty and reasoned judgments, it is you. Traditionally, you have carried a heavy responsibility to represent the general public interest, as a balancing factor in groups where others have special interests. I suspect that seldom in our history has the need for calm deliberation and wise judgment in the public interest been more vital than it is now in relation to energy and the environment. The issue literally demands your attention, your analysis, your deliberation, and ultimately, your policy recomendations in the public interest.

I am convinced that what we need most as a Nation today is a new commitment to cooperative effort in striving to reach common goals. And I think you can contribute much to building that commitment. For you who represent our great universities have a unique opportunity, through a combination of talent, and tradition to help develop the climate in which conflicting views can be reconciled, and to identify the common ground on which issues can be resolved.

Early in the preparation of my remarks for this evening, I faced the question of whether I should lay this heavy burden on your shoulders. I decided that I must because the security and economic well-being of our Country are at stake. Furthermore, time is

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running out. So I urge you to become involved, to contribute your special capabilities to a shared effort to secure the future.

In asking this, I am reminded of these words of Albert Schweitzer:

"The development of civilization comes about, to put it quite generally, by individual men thinking out ideals which aim at the progress of the whole, and then so fitting them to the realities of life that they assume the shape in which they can influence most effectively the circumstances of the time."

THE RIGHT OF HANDICAPPED CITIZENS TO PARTICIPATE IN FEDERAL PROGRAMS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. VANIK. Mr. Speaker, the treatment and regard for the rights of handicapped citizens in our country is one of America's shameful oversights. In an effort to provide increased assistance and equal opportunity for the handicapped of our Nation, I am today introducing legislation to provide equal treatment of the handicapped in all programs which receive Federal assistance.

More than 40 million Americans of all walks of life have been disabled in our wars, in our highway accidents, through disease, and by the ravages of poverty.

Twenty-two million people in the United States have a physically disabling condition severe enough to interfere with their major daily activity; one in 10 Americans has a mental condition severe enough to require psychiatric treatment; 6 million persons are mentally retarded; hundreds of thousands have been crippled in traffic accidents. Disabled war veterans from World War I and II, Korea, and Vietnam number several million. Two hundred thousand Vietnam veterans are receiving compensation from the Veterans' Administration for service-connected disabilities.

The number of handicapped is growing daily. Every year 100,000 babies are born with defects that will force them to use crutches, braces, or wheelchairs for all of their lives.

The masses of the handicapped live and struggle among us, often shunted aside, hidden and ignored. How have we as a nation treated these fellow citizens?

In this country we still have the snakepit mental institutions—institutions for confinement without treatment, where brutality and unexplained deaths are common. We have 1 million handicapped children who are excluded from school. We have employers who fear to hire the handicapped believing that the handicapped are more likely to have accidents, thus raising the workmen's compensation rates and insurance costs. Our Governments tax these people, their parents and relatives, but fail to provide services for them. The parents of handicapped children pay school taxes—and cannot send their children to public school. They pay Federal taxes, but how much effort is made to help educate the nonschool handicapped child through ESEA, impacted aid, and other programs. The armed services train hundreds of thousands for jobs—but have abandoned efforts to use slow learners and retarded persons in low skilled jobs. Where is there a Job Corps camp for the handicapped? The opportunities provided by the Government almost always exclude the handicapped.

Today, the handicapped are generally a hidden population. Only the most daring and brave risk the dangers and suffer the humiliations they encounter when they try to live normal, productive lives. But the time has come when we can no longer tolerate the invisibility of the handicapped in America. We can no longer ignore the fact that the U.S. Office of Education estimates that over 1 million handicapped children are excluded from school and exist in a no-man's land between school, the State institution, and home. The opening statement of the report of the Joint Committee on Mental Health of Children speaks of this cold reality:

> We proclaim that we are a nation devoted to its young. We believe that we have made great strides toward recognizing the needs of children and youth. Yet we find ourselves dismayed by the sheer number of emotionally, mentally, physically, and socially handicapped youngsters in our midst. It is shocking to know that thousands of children are still excluded from our schools, that millions in need go untreated, and that many still suffer from hunger and malnutrition . . . . Unwillingly, we have failed to commit our vast resources to promote the healthy development of our young.

Education and vocation training is perhaps the great equalizer of employment opportunity in that it provides the individual with the most basic tools of any trade. Education of the handicapped is one of the most cost-effective endeavors the American educational enterprise has ever undertaken. It costs the State $150,000 for the lifetime of a mentally handicapped person in an institution, but appropriate educational services for the handicapped can turn a negative societal contribution into a positive one for the individual and for the whole society.

Handicapped children, even the most severely handicapped, do learn when given the chance to participate in educational programs tailored to meet their special needs. The incredible number of mentally handicapped not receiving any educational services is one of the great tragedies in the American way of life. I discovered from the U.S. Office of Education that less than 40 percent of the 7 million handicapped children receive the educational services they need.

"Closer Look," a project funded by the Bureau of Education for the Handicapped, receives 35,000 inquiries a year from parents seeking appropriate educational services for their children. The following cases are examples of the inquiries they receive:

> (1) I have an emotionally disturbed son, one of five children. He is nine years old. I have tried to get him in special education for almost two years. I keep hearing he's on a list; wait. He had all tests, I talked to teachers, principals, psychologists. That does no good, if they go on ignoring the problem. I am very concerned and wonder how many other children are neglected like this. You advertise on TV, in newspapers, then have no room for these children! Maybe it is only in my area. I hope it isn't a widespread problem.
>
> (2) My son is very unhappy. I hear so often, "I want to die." I know his environment and also I am partly to blame. I am raising the children alone now. I'm on welfare out of necessity. I would like to work but with his problem plus the other children I feel I should be here to give him some kind of security. He had a tumor removed in June, and needs orthodontic work I can't afford and eye problems which also add to his inferiority feeling and depression. If only I knew who to turn to for help, I would. I would also like to help others with similar problems.
>
> (3) If you can give me any information or help, it would be very much appreciated. Sometimes I wonder if you even know how little help is really given to the ones that need it. I've already been to Mental Health Services and Family Service which I go to regularly. Mental Health Services saw him once a week for a while but didn't seem to think it helped. I really don't mean to blame anyone, I'm just trying to find help.

Another letter from a California dentist indicates that the problem is not limited to financial means:

> My wife and I have exhausted all local agencies in an effort to get schooling for our thirteen year old autistic son. With only two years of schooling (in private school) our son can read at eleventh grade level, and shows an interest in social and geographical subjects. He reads encyclopedias, and is knowledgeable in natural science. He is at home, and needs desperately to attend school.

The importance of education is being increasingly recognized by our citizens, educators, and employers.

Judge Wilkins of the Third Judicial District Court of Utah, in 1969, rendered a decision concerning the denial of admission to the regular school system to two trainable mentally retarded children:

> Today it is doubtful that any child may reasonably be expected to succeed in life if he is denied the right and opportunity of an education. In the instant case, the segregation of the plaintiff children from the public school system has a detrimental effect upon the children as well as their parents.

Recent decisions in various judicial jurisdictions have attempted to define and guarantee the rights of handicapped citizens. In the past, the reason for excluding these children from their right to an education has never been very clear. At times, handicapped children were seen as a physical threat or as uneducable. In one case a court ruled that a cerebral palsied child, who was not a physical threat and was academically competitive, should be excluded from public school, because his teacher claimed his physical appearance "produced a nauseating effect" on his classmates.

The U.S. District Court for the Eastern District of Pennsylvania has just handed down an order which provides a revolutionary landmark decision respecting the rights of the handicapped and those who support them. The case entitled Pennsylvania Association for Retarded Children against the Commonwealth of Pennsylvania, involved a court suit against the State for failure to educate all its retarded children. The parents of the children argued that the denial of such education was a violation of the equal protection clause of the 14th amendment of the United States. The court noted that if education was provided for some it must be provided for all.

Cases like this one are developing across the country. The movement into the courts reflects the parents' frustration with the situation that exists in our present school systems and State and Federal aid programs.

There is a vital message in the decision for those in America who wish to protect the civil rights of the handicapped. Not only is exclusion from educational services a discriminatory practice, but it is a violation of due process rights. While implementation of full due process will be burdensome to the schools, it will serve the best interests of the children, which they are entitled to as U.S. citizens.

In response to an inquiry from my office, the Secretary of Health, Education, and Welfare, Elliot Richardson, indicated:

> In our view, the Court's decision in this case [P.A.R.C. v. Penna.] has no direct bearing on legislation now in effect in states other than Pennsylvania, since the action taken by the Court was predicated on the consent of both parties to the suit. However, it is hoped that other states will follow Pennsylvania's lead in inaugurating the important reforms represented by the Court's two orders.

My proposed legislation will insure equal educational and employment opportunities for the handicapped by making discrimination illegal in federally assisted programs and activities.

ABUSE OF PRIVILEGES BY TAX-EXEMPT GROUP

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. FREY. Mr. Speaker, there occurred over the weekend a so-called Emergency Conference on New Voters that was run by the Association of Student Governments, a tax-exempt group, and the Americans for Democratic Action under allegedly nonpartisan auspices, as it must by law. That the conference was never meant to be nonpartisan and was deliberately designed as an assault on the President and the Republican Party was clear from its choice of speakers, participants and its open exclusion of Presidential supporters. Well-known office holders and supporters of the President and spokesmen for the mainstream of Republican thinking were denied repeated requests to be allowed to appear.

It must be said that many of the participants there were shocked by the cavalier in which the leadership of the conference attempted to manipulate the young people for their own political ends. Indeed those who cynically try to exploit the new young voters by covert use of the cover of a nonpartisan tax-exempt group in order to attract well-meaning young people are deserving of only the contempt and disgust of the young. The contrast between this way of reaching young people and that of our President who is proud of his record and quite prepared to defend it in the open political arena for all to see and judge is indeed a stark one.

STEF A CHAMPION AS A DELEGATE AND AS A MAN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to call the attention of my colleagues to a resident of my congressional district whose life story offers an unmatched example of courage and of success despite overwhelming odds.

The man is Stefan Florescu, and to hear of his achievements and accomplishments you would never dream that he has been a quadriplegic, confined to a wheelchair, for the past 20 years.

Florescu, or Stef, never dreamed the path his life was to follow when he was graduated in 1951 with a degree in sociology from St. Ambrose College, Davenport, Iowa. He was a four-letter man in track, and has been voted track athlete of the year.

Just 1 year later, after a diving accident, he was left paralyzed and his plans for a bright future appeared doomed. But his courage had not been affected. In the intervening two decades, Stef has won medals for athletic prowess; he has become a nationally known leader of the handicapped; he is a writer, editor, and publisher; and he is one of the most active Democratic precinct delegates in my district.

Some of Stef Florescu's accomplishments are outlined in an article which appeared in the November issue of the Michigan Democrat, and I would like to include the article in the RECORD at this point:

> STEF, A CHAMPION AS A DELEGATE AND AS A MAN
>
> Stefan Florescu is a Democratic delegate in the 4th precinct of the 15th District, Lincoln Park.
>
> In 1951 he was graduated from St. Ambrose College, Davenport, Iowa, with a degree in sociology.
>
> Stef was a four-letter man in track. A champion. The St. Ambrose Monogram Club voted him "Track Athlete of the Year." That, too, was in 1951.
>
> A year later, a diving accident left Stef "medically classified as totally and permanently disabled."
>
> A quadraplegic but still a champion—as an athlete and as a man.
>
> In the 1964 Tokyo Wheelchair Olympics he won a Gold Medal in table tennis. Silver and Bronze medals in swimming.
>
> If there were any medals around today for champion precinct delegate, Stef would have to be up for a Gold.
>
> He works at the job of precinct delegate.
>
> Example: A questionnaire. Eight hundred distributed in his precinct. More than 100 returned, filled out. The questionnaire stated, in part:
>
> "I am trying to do a good job in my first year as your elected precinct representative. Won't you please help me by taking a few seconds to fill out this brief questionnaire. You don't have to answer these questions but at least give me your name and address so I can let you know what's going on."
>
> Stef asked if the neighbor was registered, or "not certain." He asked for the names of "teens and pre-teens" in the family.
>
> Comments and suggestions were sought:
>
> "How do you feel about state taxes, Lincoln Park schools, urban renewal, crime, the war?"
>
> Taxes, Stef found, were the top concern.
>
> His quiz sheet ended with a thanks and noted:
>
> "Now at the next political meeting I know that I will be representing somebody other than just myself. I am convinced that some form of grass root participation in the government of our country is necessary to preserve our democtraic processes."
>
> Stef followed up by inviting the 100 who replied to a meeting. It was a success. He reports:
>
> "And now I have a nucleus group with whom to work and represent at 15th District meetings."
>
> Invitation to the meeting was on a postage-prepaid return postal. His message said, in part:
>
> "Thank you for the interest you have shown. The overall response was beyond my expectations and it may just be possible that our neighborhood will become a community-wide example of what grass root citizenship can do."
>
> That meeting was at the Florescu home, 1466 Lafayette, on August 20. There have been meetings every month since. A "Fourth Precinct Caucus" of the 15th District has been organized and the District encouraged to:
>
> "Appoint a standing education committee to provide information, instruction and help in guiding precinct delegates in effective and progressive participation" at the grass roots level.
>
> In addition to being a precinct champion, Stef is a writer, editor, publisher, song leader, promoter of wheelchair athletic programs and competitions.
>
> His wife, the former Caroline Tupper, is a graduate of St. Thomas Aquinas College and is an assistant Wayne County prosecutor. They met at a swimming party—he's the better swimmer.
>
> Florescu is either founder, charter member, past president or active member of many local, state and national associations.
>
> He is founder of the Annual Michigan Wheelchair Games; founder of the Michigan Paralyzed Veterans of America; founder of the Detroit area's Architectural Barriers Committee; past board member of the Michigan Rehabilitation Association; past member of the Executive Committee on the President's Committee on Employment of the Handicapped; a member of the National Wheelchair Athletic Association; a member of the V.F.W. Davenport American Legion, past National President of the National Association of the Physically Handicapped.
>
> Stef is currently editor and publisher of the "Wheelchair Competitor," the first magazine devoted exclusively to reporting and promoting wheelchair sports.
>
> Slogans for Stef's magazine is:
>
> "Minimize the Handicap and Maximize the Achievement."
>
> For Stef it's a personal creed.

BUDGET WOES PLAGUE IMMIGRATION AND NATURALIZATION SERVICE FIELD OPERATIONS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. McDONALD of Michigan. Mr. Speaker, there has been a sharp cut-

back in Immigration and Naturalization Service field operations against illegal aliens as a result of "strict budgetary limitations and shortage of available funds."

The quotation is from a teletype message sent August 27 by Leonard W. Gilman, INS southwest regional commissioner in San Pedro, Calif., to the Los Angeles district office.

Gilman's instructions were that only Mexicans here illegally who had money for their fares were to be loaded aboard buses for return to Mexico. "Voluntary departure" status would be granted aliens unable to pay. Previously, if an alien could not pay his way home, the Government bought his ticket.

The practical effect of this order was to cause the release of many Mexicans illegally in this country who claimed they could not buy a bus ticket.

Granted "voluntary departure," the Mexican is given a card bearing a green stamp that authorizes him to work until he leaves. This amounts to permitting him to stay in the country until he can acquire a wife or family or job skills that would entitled him to remain in the country under existing law and court rulings.

The same order also called for release of aliens held in jails for deportation because of the costs incurred:

In a subsequent August 30 letter to police officials, Donald T. Williams, acting district director in Los Angeles, said that:

Because of the shortage of funds we will no longer be able to authorize the booking of deportable aliens at Orange County or Los Angeles County jails, nor in any other facility which would result in detention expenses to us, except when approved in writing by this service. This condition will exist until further notice.

Similar letters went to police authorities throughout the Nation.

In Boston, police subsequently released eight aliens being held for deportation, one of whom had been convicted of armed robbery. Another had been arrested during a narcotics raid.

An alien convicted of a felony such as armed robbery often receives only a suspended sentence because he can be deported. In this instance, and possibly in many others, a shortage of money with which to carry out the law seems to be having the effect of circumventing justice.

ED KING, HOST OF "PARTY LINE," DIES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. GAYDOS. Mr. Speaker, in mid-November, thousands of radio listeners in Pennsylvania and throughout the United States lost a man they had come to know as a warm, personal friend—Mr. Ed King.

Ed, along with his gracious wife, Wendy, hosted an audience participation program on radio station KDKA in Pittsburgh for more than 20 years. "Party Line" premiered on January 1, 1951, and grew to be one of the station's most popular shows, solely because of the charm, intelligence, and personality of Ed and Wendy. The show was on six nights a week and in all that time Ed missed only two programs—until November 5, when he learned he had terminal, inoperable lung cancer.

Born in LaCrosse, Wis., Ed began his broadcasting career early. He was only 12 when he did a show for WKBH in his hometown. Later he worked for WSJW in Winston-Salem, N.C., and at WOWO in Fort Wayne, Ind. He left Fort Wayne to enter the service during World War II. Ironically, his place at the station was taken by the young lady he was destined to marry after the war. Ed returned from the service, met his wartime replacement and married Wendy in 1945. Six years later, at KDKA, Ed introduced "Party Line," which would have celebrated its 22d year next month.

Ed King's thirst for knowledge was unquenchable. He was a voracious reader and a veritable warehouse of facts and figures. KDKA listeners were amazed to learn Ed used no reference books on "Party Line," although the questions put to him and Wendy touched on any and all subjects.

Ed King made no secret of his pride and love for America. He was a student of history with a particular bent toward the Civil War. It was not surprising, therefore, that before his death he expressed the desire to be buried in a national military cemetery. He was—in Gettysburg National Cemetery, Gettysburg, Pa., where his grandfather and great-grandfather are also buried.

Mr. Speaker, Ed King died November 18, almost 108 years to the day after Gettysburg National Cemetery was dedicated by President Lincoln on November 19, 1863. He will be sorely missed by the thousands who knew him personally and the thousands more who knew him as the genial host of "Party Line."

ALASKA NATIVE LAND CLAIM SETTLEMENT LEGISLATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. DINGELL. Mr. Speaker, I ask to insert the text of a letter which I have received, together with the text of a speech mentioned therein, dealing with Alaska Native claims legislation at this point in the CONGRESSIONAL RECORD:

"THE OTHER 80%,"
Anchorage, Alaska.

Subject: Alaska native land claim settlement Legislation.

DEAR SIR: Please find a recent speech made to the public on television and to the Anchorage Press Club by an Alaskan Legislator, Mr. Earl Hillstrand to our Anchorage and Fairbanks audience during the first week of December.

We urge you, to please spend the short time it takes to read it, as it is felt, this represents the attitude of the great majority of Alaskans.

Possibly you will question, why Alaskans haven't spoken up before. It is because we did not know what kind of Bill was going to be passed by the House and Senate until two weeks ago. The average Alaskan is still unaware of the implications of this Bill. It is true, Alaskans spoke, saying "Settle the Native Land Claim". But we never meant at any price!

It is our fervent hope that this Bill will not pass at this time, so Alaska may re-assess the proper settlement of these claims on a less urgent and more rational basis.

Please, will you help us?

Very best regards,

RICHARD B. DAMEY,
Chairman, "The Other 80%."

EARL HILLSTRAND SPEECH

Good evening. Although I am an Anchorage Legislator, I speak to you about the native claims if you will let me, primarily as a father and a grandfather of Alaskans, wanting only one thing for them and the children of all races, living in Alaska, to live in a state under the accepted right of equal treatment for all people. Equal opportunity if you please, to work toward a satisfying, rewarding life where all are treated the same, none differently. In reviewing the buildup of the claims I remember that when I first came to Alaska no one really bothered, no one was concerned. The natives were using the land for whatever they wished in and out of the villages doing the things they chose to so. Then came oil. Oil was found in economic quantities in Cook Inlet followed shortly by the sale by the Tyoneks of this resource. The drums began to beat, people gathered to the cause of the native claims, little thought being given to whether or not they were truly native leaders, persons inside and outside of Alaska, native and non-native interested in securing the benefits of sudden wealth. The professionals joined the group and about that same time the politicians did likewise for the platform of both major political parties started having planks urging the early, equitable, just and generous settlement of the claim.

Now what was the Alaskan thinking about when this began? Just about like you do now, revelling in the good fortune anticipated by the natives. After all, who could find fault with equity and justice, much less the good fortune of your friends, your neighbors, and your brother?

Several years passed and Secretary Udall of the Interior comes to Alaska and offers to settle the claims by giving the natives approximately 170 million dollars out of revenues from Gulf of Alaska oil. The professionals, the politicians, the native leaders were joyous. But this did not last long for as you remember, the offerings and the demands led from four million acres to eight million acres to sixteen million acres and on up, money increasing all the time. And then we have Prudhoe Bay and the "lid" comes off the claims.

We are faced today, at this very moment, with measures being considered by the preconference committee in the House and the Senate that could very well affect the lives and the social and economic and political well-being of this state forever. We are told that these are good bills, good for Alaska and its people. But are they? Have our leaders really created a beneficent and just "Jolly Green Giant" or have they spawned a monster, destructive to the way of life as Alaskans know it, the desires of its people?

Let us review what the proponents say are the benefits of the measures and you judge for yourself. First of all it is claimed by the proponents that with this money and with this wealth of land the native will be brought victoriously and triumphantly into the 20th century, able to cope with the complexities and sophistications that exist. Now this is not true at all. For example, I will remind you that since the turn of the century the homestead laws have permitted natives and non-natives to secure right title and interest to 160 acres of land. Cabin and homesites have been available to all citizens together with the trade and manufacturing sites that have also been available to be secured by natives and non-natives. In addition to these we have "The Native Allotment Act" which permits the natives, a prerogative only shared by the natives, to secure up to 160 acres of land if they choose, any time, any place without doing all the things that the homestead laws require.

Then too, under the mineral leasing laws, every citizen of this state can go upon the land, discover an item of value, do his work and eventually prove up. The amount of land was unlimited. These are three basic avenues of acquisition of land that have not been taken advantage of except that in the last few years the native allotment plan has been activated coincidentally in the areas of the pipe line corridor. Now we are concerned with the second element that gives the lie to this being the answer. That is the one that the money will provide the means of transition. I will remind you, in case you've forgotten, that the American taxpayer, the Alaskan taxpayer, since the turn of the century has spent hundreds and hundreds and hundreds of millions and millions of dollars just for the natives, for his health and hospitalization, for his travel and transportation, for his welfare, for his education, yes even his housing and I am sorry to report, or at least confirm, that this has not been successful. It's availed the native not. And in the third part of this conjecture that shows the proponents are wrong in this point, is that the trouble with the white man, and the trouble with 20th century thinking, is that he believes he can equate all of the problems with money, and money most time is not the true answer. The truth of the matter is that to assist the natives to succeed in his lifetime you must do one thing, and one thing only, and that is to permit him to walk the pathways of his chosing, and at his own pace. Sure, assisting him and helping him wherever you can and wherever it is proper but as a citizen of the state, not as a Native, but as another human being.

Now, we are told that with the settlement of claims as proposed we will make redress for dislocation, mistreatment and exploitation.

Now all you have to do is ask yourself when, how, and where or by whom. Now it may be true in experience with the Russians and I understand through the Native history that it is true between native tribes, fighting and preying, one upon the other but as far as the American government is concerned and as far as the Alaskan government is concerned it is not true and has never been true.

Now we speak on the third point, or the proponents do, about extinguishing *aboriginal* claims. Yet just the other day, in his flap with Governor Egan, Don Wright, one of the leaders said concisely and clearly that the natives must be guaranteed the right to select first, those lands of *economic value*. Not lands of my father, not lands that I have reduced to use, not lands where I fish, not lands where I trap, not lands that I want to pass on to my sons, but lands of *economic value*. Everybody in Alaska today, knows that this economic value relates solely and simply to *oil*. It was on this admission that I said before the press club, the other day, that Don Wright speaks with a forked tongue.

In speaking with another leader, Mr. Harry Carter, the other day, I am told by him, that this measure confronting congress today, if passed, will forever ban discrimination. To this I say hog wash. Nothing could be further from the truth. Here in Alaska, the example of integration, where the color of a man's skin hasn't the meaning it has elsewhere. Congress proposes to establish what could be the most divisive of measures, laws under which Alaskans will have to live. For it proposes to take lands that yesterday thought belonging to all, and give them to a few. It proposes to take five hundred million dollars out of the pockets of all Alaskans and give it to just some. What Mr. Carter has on his mind, when he says that this will end discrimination, I don't. But I say to you that this discrimination of the first order, because it establishes the power of a monarchy in the hands and for the benefit of those who qualifications for such privilege comes to them through blood lines and when we talk about the 20th century it is pretty hard to conceive of such a happening. Now we are told too, by those advocates of these measures, that with the passage of these bills that a permit to build the pipe line will issue.

The pipe line will be built and Alaska's economy will be assured. Now this could be, but let's think about it for a minute. You know that the gullible will believe anything and you people in Fairbanks know, as the people in the business community down here know, that the over inventoried business man, men with tremendous amounts of equipment in their yards rusting, and the bankers knocking on his door wanting payment, has got to believe this. The third group are what I term the, "game players". Now let us concern ourselves with the gullible, and consider the besieged business man. Now believe me, for what it is worth, that every person in Alaska sympathizes with you, that there is an answer, there is a way but certainly you will agree with this that it be not at the expense of the Alaskan way of life, and it should not result in a divisive measure visited upon the people of Alaska. Now as far as those that play games let me recount a little history. First of all we have one of the outstanding petroleum attorneys in the world, Mr. Wm. Block Jr., who wrote an opinion that states categorically that there is not legal right to the claims, but let's settle them anyhow because that will permit the unlitigated acquisition of the pipe line corridor route. Following this we have an expression by the head of the Alyeska Pipe Line who says, "you've got to settle the claims before the pipe line can be built". Now these men that are listened to by Alaskans and apply tremendous pressures because these are the things we want and yet the former Secretary of Interior, Wally Hickel, stated categorically that the technological advancement of the Americans' capability is such that they can build a suitable and safe pipe line any time, any where. Let me tell you, that the pipe line will be built and only built the minute the oil companies want it, not one minute before. So much for the proponents, saying what they think the bill will do. Let's look at the bills themselves and see if there is all sweetness and light.

For example I want you to think about this. There is not sufficient lands in Alaska to accommodate both the demands of the natives and the balance of the lands that remain for state selection, if you consider lands in Alaska under 2000 feet being of value. Now consider the alpine level which is beneath 2000 feet and then you really get in trouble selecting lands for all of Alaska after the Natives have selected theirs. Another shortcoming of the measure is that both measures repeal the native allotment act and this removes from the natives prerogative one more opportunity for being free and independent. Reading the bills causes one to shudder when one realizes that there is no protection for the little people from the power of economic control and minipulation that is engendered from such tremendous wealth. Can you imagine a native or non-native getting along without the approval of his masters, the kings of the funds and the land trusts. There is no protection against this tremendous power, and there should be.

One of the elements that has met the greatest storm of protest is the one where all public lands are withdrawn from use and that includes mining. You people in Fairbanks, as well as you miners throughout the rest of Alaska, should be real concerned because what this does is remove the lands and then put them back after some vague time and if classified for mineral purposes, the one who finds it, has the opportunity to compete in bidding for it. Now can you imagine a little prospector roaming the west lands of Alaska searching for something of value and then finding it only to become a loser because there was someone else able to bid more money for it. This is ridiculous because those that think this is smart believe they are going to increase revenues. And what it will do will be just the opposite. One of the heads of one of the largest mining combines in the world said recently that when they examined all the holdings they found that 80 percent of them stemmed from the search and the finding of the little prospector and Alaska, and its way of life will lose, will suffer by this.

Now we talk about taxes for a little bit and the bills do not provide much for taxing except on third party income and just the other night one of the leaders said we, the natives, ought to be free of property taxes for 20 years. Now, really, if there is anything in it, I would love to agree that this would be something, provided it applied to all people. But it doesn't, and this is a poor way of saying to us, or to anyone, to "pass these bills and we will come into the twentieth century where people are to be treated equally", not so.

It is doubtful too, that the natives will get all there is coming to them under these measures the way the proposal is structured. For example, you divide the number of natives into the acreage involved and you find that each and every man, woman and child that is of native extraction, will receive 700 to 800 acres each. Divide the number of natives into the money involved and you find they will get $18,000 to $20,000 for each man, woman and child. And yet just the other day Mr. Willy Hensley said on TV "I do not know what all the flap is all about, it only means a couple hundred dollars to each of us". And this started me thinking, and looking into the bill we find where this may be true, because the structures that are established, spread throughout 7 to 12 corporations and 200 villages are so staffed and so programmed as to wear out the money by the time it would normally reach the truly proper recipient.

Another thing that is bad is that no time has really been provided within which to study these measures. Very few, you can count them on the fingers of one hand, have had a chance to study the senate bill. How in the world would you expect Alaskans to understand the effect of the measure? But yet we are told to shut up, don't say anything, don't rock the boat, you've had plenty of time and you should be informed, we are told that this is a good measure, good for Alaska. Even the right to contest it is removed from the province of the citizen, only an official can correct it.

My time is about up and if you believe that these bills could be destructive of Alaska's way of life and devisive amongst its people, I want you to do one thing, I beg you to do it. Write or wire Governar Bill Egan no later than tomorrow, a night letter will do better, it is a little bit cheaper, and if you will do this you will be doing two things by this one simple act and that is you will be reaffirming to Governor Egan your faith in Alaska and you will be impressing Congressman Wayne Aspinall of the fact that you are concerned enough to care.

Do this, not because I have asked you really, but do it because you love Alaska. Do it because you have hopes for children of all races in Alaska's tomorrow.

XUM

In closing, I want to thank the "Other 80 percent", a group of non-political, non-partisan people interested solely in the welfare of their state as they see it, who have distributed cards like this, that are to be signed and sent to Wayne Aspinall, so send in your cards, tell our leaders what you think. Thank you and good evening.

AN ALTERNATIVE TO ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. HOGAN. Mr. Speaker, one of the terrible paradoxes of the current abortion-on-demand movement is that while abortion proponents have been arguing that women should not bring unwanted and unloved children into the world, thousands of couples, many of them childless, have been frustrated time and time again in their efforts to adopt a child, because no children are available.

Thus the abortion-on-demand movement is not only denying the unborn child his constitutional right to life but also is denying both the child and his potential adoptive parents the chance to participate in loving family life.

This is an unconscionable price to pay, simply because some women are unwilling to endure the inconvenience of carrying a child until his birth.

As Dr. L. Nelson Bell points out in an article which appeared in Christianity Today, the solution to the problem of unwanted pregnancies is not killing unsuspecting innocents in the womb, but rather persuading women to carry their children to term and then place them for adoption.

Dr. Bell, who has spent his entire working life trying to save lives, is deeply concerned about the abortion-on-demand trend, and I insert his article in the RECORD at this time:

AN ALTERNATIVE TO ABORTION

Coming out of a restaurant where I had had lunch I met a young couple I have known for a long time. They have been married six years, and I knew they were childless. But in his arms there was one of these "punkin' seats" and in it a precious baby, sleeping quietly with a cherubic smile on its face.

These young people told me about their search for a baby and how this one had come to them through an adoption agency when he was only twelve days old. He is now in a home where the warmth of love surrounds him, and he has brought to that home great joy.

As we talked they told of another couple, also known to me, living in one of our large Northern cities. They too have been searching for a child to adopt but have been frustrated again and again.

As I walked away there swept over me the feeling that here is the answer to the problem of unwanted babies, the alternative to the burgeoning abortion mills of our land! Tens of thousands of couples would gladly welcome these babies into their hearts and homes.

Not in years have I been as shaken as now, as I realize the widespread indifference to the implications of abortion on demand and the commercialization of this destruction of life.

Although I have retired from the practice of medicine, I am still on the active rolls of some medical societies, and as a result I receive solicitations from organizations that have sprung up like mushrooms in New York State, where abortion on demand is legal. So far I have received letters from six apparently unrelated groups that say they are prepared to handle the whole matter safely and conveniently for those who are referred to them.

That we have embarked on this new approach to the termination of pregnancies bodes ill for America as well as for those churches that have become active in this. It evidences a callous disregard for the realities of the unwarranted termination of life, which sears the souls of all concerned.

There are, obviously, two groups of women who ask for abortions, married and unmarried. The married woman may feel she already has as many children as she wants, or may cite poverty or any one of a number of other reasons, while the unmarried woman may ask for an abortion because she wishes to rid herself of her guilt.

In both cases, how much better to accept the consequences of pregnancy and then permit the babies to be welcomed into the hearts and homes of the childless! This may be "inconvenient," but I believe it is the "Christian" way out of a difficult situation.

I write from neither ignorance nor inexperience, for I have performed abortions in cases where, after full consultation, it was decided that termination of pregnancy was necessary. But I find the brazenness and coldness of approach among some ministers and politicians—and now the "abortion expediters"—unbelievable.

Some of the same people who are urging the abolition of capital punishment are taking the lead in advocating abortion on demand. Has the willful murderer more rights than the unwanted child?

The current movement toward abortion on demand can have disastrous results, for not infrequently abortion leads to a psychological trauma. The feeling of guilt can rise up again and again to plague those who have compounded one grave mistake with another.

Another effect of abortion on demand is to give added impetus to the growing trend toward sexual laxity. Young people—confused by the modern interpretations of "love," distracted by church and college leaders who have fallen for either the pagan philosophy of free love or situation ethics, hooked on the assurances of "the pill," and lacking biblically based moral and spiritual values—are highly susceptible to the abortionist's promise of temporary release from the problem of biological cause and effect. The fact that some official church departments have become agents of abortion on demand, and have assigned persons to carry out this program, adds greatly to the confusion.

What is the "Christian" solution to an unwanted pregnancy? I do not believe that it is abortion. Those who seek counsel should be pointed to a better way out. They should be told that the *life* of the unborn is at stake, that it too has "rights" that must be preserved. If the woman is unmarried, the second step should be to recommend a Christian home for unwed mothers, of which there are many, where she will find love, compassion, and sorely needed spiritual help. Finally, those involved in the decision should be led to face up to the rightness of releasing the child for adoption.

I admit that "trouble" and "waiting" are involved, but I insist that this course of action is infinitely better and, I believe, more in accordance with God's will than the wanton destruction of life, which is what abortion on demand really is.

As a physician I well know that there are times when an abortion is necessary, but the reasons then are basically medical, and it is physicians in consultation who alone are competent to determine this matter.

The Christian minister increasingly finds himself called upon for counsel by pregnant unmarried girls. It is a responsibility he cannot shirk. But it is disturbing to see that many ministers are meeting this situation by referring the girls to the various abortion services now available through church agencies.

As a physician and a Christian, one who can well understand the emotional agonies involved for parents and daughters, I urge all concerned not to accept what seems to be the easy way out but to face up to the fact that a human life is involved—a life that cannot defend itself and is in no way responsible for its plight.

Confronted with what is, sad to say, a growing problem in the life of America, where Christian convictions and moral standards are on the wane, Christian parents and ministers must look for the solution that most clearly conforms to God's will for us sinners.

The consequences of sin cannot be avoided, but they must not be compounded by a further step in the wrong direction. I urge that parents and ministers encourage the unmarried mother-to-be to let the pregnancy continue, while she spends the waiting period in one of the available homes for unwed mothers where an atmosphere of Christian love and care can bring healing to the spirit. Then do whatever possible to pave the way for the child's adoption into a loving home. That baby who is unwanted by some is yearned for by others.

This can be the "Christian" way out of a tragic predicament.

BILL KISER—COLUMNIST

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. GIAIMO. Mr. Speaker, during a recent meeting of the North Carolina Rehabilitation Association at Raleigh, N.C., I had the privilege of meeting a remarkable man named Bill Kiser.

Afflicted with cerebral palsy since birth 44 years ago, Bill Kiser has climbed a long and lonely road, but now, through his syndicated newspaper column, dispenses helpful information to some 40 million other handicapped Americans, and their families and friends.

Born in Greenville, S.C., Bill was unable to attend public schools. Taught at home by his parents, he received a State High School Certificate, and subsequently audited over 50 credit hours of college work at Greenville's Furman University.

Bill had limited use of his hands, a severe speech impediment and was confined to a wheelchair; surgical attempts were made to help him, but without success. Bill was fortunate, however, in having a former professor who also served on the board of directors of the Winston-Salem Goodwill Center, and Bill received a program of evaluation through the center. He has also been sponsored by the South Carolina Department of Vocational Rehabilitation and the North Carolina Department of Vocational Rehabilitation.

Two years ago, working with his mind to overcome his handicapped body and showing the kind of determination to be useful and to give of himself that is so often found in the handicapped, Bill began writing a weekly newspaper column called the "Handicapped Mailbag" in the Winston-Salem Journal and Sentinel. Bill's column was subsequently syndicated, and is now carried in the Asheville Citizen-Times, the Easley Progress, the Kannapolis Independent, the Anderson Independent-Daily Mail, the Columbia Record and the Charlotte Observer.

The idea of the column was to present information about the handicapped that would be helpful both to them and to people in a position to help them. Bill reasoned that a general audience would profit from such information since all of us come into contact with handicapped people through our business, professional and social lives, and, therefore, all of us should have accurate information about the abilities and the limitations of the handicapped.

Bill has also found time to serve as the news director for the Goodwill Center of Winston-Salem and as editor of the Tarheelia News, the newsletter of the United Cerebral Palsy organization of North Carolina. With some professional help, he organized the Bill Kiser News Service, Inc., to increase the circulation of his column and to provide brochures and related publication services on the handicapped for businessmen.

Bill Kiser has justifiably received numerous accolades for his work in helping other handicapped people to be better understood and helped. Harold Russell, for example, Chairman of the President's Commission on Employment of the Handicapped, said that:

Bill Kiser's "Handicapped Mailbag" column fills a great need. Not only the handicapped, but their families, friends and coworkers can benefit from the solid, practical advice Bill dispenses.

I am privileged to have met Bill Kiser, Mr. Speaker, and to learn a little more about the spectacular results that individual fortitude and a generous spirit can bring in the handicapped. I am especially pleased to bring his weekly syndicated column to the attention of this House and the readers of this RECORD. His column certainly deserves the widest readership possible, and those interested in evaluating or using it can write to Bill Kiser at 2701 North Cherry Street, Winston-Salem, N.C. 27105.

ARCHBISHOP IAKAVOS: 1971'S MAN OF CONSCIENCE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. BOLAND. Mr. Speaker, Archbishop Iakavos, primate of the vast Greek Orthodox Archdiocese of North and South America, was honored in New York last night by the Appeal of Conscience Foundation—an interfaith organization of leading Protestants, Catholics, and Jews.

The foundation, formed in 1965 to promote religious liberty, named Archbishop Iakavos its Man of Conscience for 1971. Long in the vanguard of what is now called the "ecumenical movement," ever since its first tentative gropings in the 1950's, Archbishop Iakavos helped bridge the doctrinal gaps among the world's major religions during two terms as president of the World Council of Churches.

Just a few weeks ago the Archbishop was honored in my home city of Springfield, Mass., at a dinner held by the St. George Greek Orthodox Church there.

I had the pleasure of taking part in this dinner and of speaking briefly about Archbishop Iakavos' role in ecumenism.

Among guests at the dinner were the Most Reverend Christopher J. Weldon, bishop of the Roman Catholic Diocese of Springfield; the Reverend Emerson Smith, executive secretary of the Council of Churches of Greater Springfield; Rabbi Herman E. Snyder of Sinai Temple, Springfield; the Reverend Eugene Rianovitch, pastor of St. Peter and St. Paul Russian Orthodox Church, Springfield; and three Greek Orthodox priests, the Reverend Harry Bulopas of Holyoke, the Reverend Athanasious Chameeras of Thompsonville, Conn., and the Reverend Peter Katopis of Chicopee.

With permission, Mr. Speaker, I put in the RECORD a Springfield, Mass. Union article about the Archbishop's talk at this dinner and a New York Times article about his award last night:

GREEK PRIMATE SEES R.C. PRIESTS' MARRYING

(By Arthur Gould)

The Roman Catholic Church will allow its priests to marry, the spiritual leader of nearly 2 million persons in the Greek Orthodox Church said last night.

"The Roman Catholic Church will come to a point when it must appreciate the reality of human nature and allow priests to marry," Archbishop Iakovos, primate of the Greek Orthodox Church in North and South America, said.

Archbishop Iakovos attended a banquet in his honor given by the congregation of St. George Greek Orthodox Church of Springfield at the Highpoint Motor Inn, Chicopee.

Women, however, should not be priests, he said.

"When women are ordained priests, it indicates lack of interest on the part of men to enter the priesthood. I cannot accept that situation," he said.

"I believe women should be given equal rights in society, but many oppressed people in the world have equal rights to declare wars of liberation," Archbishop Iakovos, who has served as copresident of the World Council of Churches for eight years, said.

The church must stand for freedom, the dignity of man and the responsibility of the individual in society, he said.

He would make no comment about the political situation in Greece.

The country has been ruled by army officers under Col. George Papadopoulos since a preelection coup d'etat April 21, 1967.

He said he is not happy with the moral condition of the world, but the church should not change its traditional beliefs because men change their ideas about life.

"Of course, man-made rules must always be changed to make institutions serve men in better ways," he said.

In the Greek Orthodox Church priests may marry before they are ordained, but married men in the church cannot ascend to the ranks of bishop and archbishop, he said.

"This is a rule that may be changed. A man who has served the church loyally for many years and is a good leader should not be denied ascendency to the rank of bishop only because he is married," he said.

"Marriage is not part of man's lower nature. It is a serious element in his whole nature," he said.

According to Iakovos, when the war in Vietnam is over, the U.S. may have a "happier day."

"The war is not the bankruptcy of America, but of a philosophy in foreign policy that made America the policeman of the world," he said.

He told 500 persons at the banquet a new society of men is coming to the world and it is the church's responsibility to bring up the new generation.

"There are a number of views about the new man. Some persons think he will be a socialistic man, others a rationalistic man.

"The young believe he will bring a new civilization.

"Christians believe the new man will be spiritually pure. I believe in the ecumenical man, someone with a general concern for all men," he said.

Guests at the banquet included the Most Rev. Christopher J. Weldon, bishop of Springfield Roman Catholic Diocese; the Rev. Emerson Smith, executive secretary of the Council of Churches of Greater Springfield; Rabbi Herman E. Snyder of Sinai Temple.

Other guests were the Rev. Eugene Rianovitch, pastor of St. Peter and St. Paul Russian Orthodox Church, Springfield; and Greek Orthodox priests, the Rev. Harry Bulopas of Holyoke; the Rev. Athanasious Chameeras of Thomasville, Conn., and the Rev. Peter Katopis of Chicopee.

Also at the banquet were U.S. Rep. Edward P. Boland and Springfield Mayor Frank H. Freedman.

Gregory Contos, St. George congregation president and Mrs. Katherine Krokidas, president of the Ladies Philoptopps Society of the Church, represented the congregation at the head table.

James P. Danalis, president of the St. George Church building fund committee, was toastmaster.

INTERFAITH UNIT HONORS IAKOVOS

(By George Dugan)

Archbishop Iakovos, Primate of the Greek Orthodox Archdiocese of North and South America and spiritual leader of 1.5 million churchgoers on two continents, was named Man of Conscience for 1971 last night by an organization of leading Protestants, Roman Catholics and Jews.

The honor was conferred on the Greek prelate by the Appeal of Conscience Foundation at its annual award dinner at the Pierre Hotel.

Rabbi Arthur Schneier, president of the interfaith organization, made the presentation to Archbishop Iakovos, who recently served two terms as president of the World Council of Churches and who is a high-ranking leader of Eastern Orthodoxy over the world.

The rabbi, who is also spiritual leader of the Park East Synagogue, called the Archbishop "one of the great ecumenical figures of our time—a man of charity and righteousness who has actively led and supported moral causes throughout the world."

BUSH IS SPEAKER

George Bush, United States Representative to the United Nations, was the principal speaker at the award dinner.

Mr. Bush told the dinner guests that for all its "short-comings," the United States was a "nation of conscience."

"I do not pretend that our policies have always been right or wise, or that we alone know the truth," he declared.

"But I do know that out of our national experience we have learned a decent respect for mankind and a willingness to compromise, not on principle but on methods for inching the world a bit closer toward peace and community."

Mr. Bush said the United States had no

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desire to be the world's policeman, "but we recognize a responsibility to alert the world's conscience and carry our share of the burden of deterrence and peace-keeping."

The Appeal of Conscience Foundation, founded in 1965, is an organization committed to the search for religious freedom for all faiths throughout the world.

Following the presentation of the award to Archbishop Iakovos, Rabbi Schneier read messages from President Nixon and Governor Rockefeller praising the prelate as one of the world's most effective religious leaders.

The Rev. Dr. Harold A. Bosley minister of Christ Church, Methodist, and the Rev. Thurston N. Davis, former editor of the Jesuit weekly America, are vice presidents of the Appeal of Conscience Foundation.

LCI (L) FLOTILLA II REUNION ASSOCIATION HOLDS CEREMONY IN WASHINGTON, D.C.

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. BRINKLEY. Mr. Speaker, the LCI (L) Flotilla II Reunion Association is an organization of proud and patriotic veterans of World War II. Mr. L. M. Moye, a constituent from Stewart County, Ga., is the vice president of the association. Recently he called to my attention a ceremony held in Washington, D.C., on October 21, 1971, in which a ship model was presented to the Department of the Navy. I found the account of the presentation ceremony very impressive and commend it to the attention of my colleagues.

The articles follow:

LCI (L) FLOTILLA II

U.S. Navy ships numbering from 30 to 34 commissioned vessels were commissioned in the Fall of 1942 and embarked for the European theatre early in 1943.

By way of Bermuda and Arzu, North Africa this Flotilla activity engaged the enemy across North Africa, Sicily, Italy, and later served the allied forces both British and American in the invasion of Normandy. In the spring of 1945 the American ships that survived were lend-leased to the British in Scotland and the crews were returned to the United States to prepare for the invasion of Japan.

After the war the men of Flotilla II have periodically convened for reunion and salutation to the men and cause which was such an important milestone in their lives. These conventions have been held in Baltimore, Pittsburgh, New York City, Chicago, Philadelphia, Cincinnati, Boston, Jekyll Island, Georgia, and Coronado Beach, California. The 1973 reunion is scheduled for London, England.

Reaffirmation of a Coronado presentation took place at the Washington Navy Yard October 21, 1971. The Vice President of LCI (L) II Association is a resident of Lumpkin, Georgia, a former reserve officer and a distinguished American, Mr. L. M. Moye participated in this presentation and we are privileged to report it to this record.

PRESENTATION SPEECH OF DEAN T. HELM, PRESIDENT, LCI (L) FLOTILLA II REUNION ASSOCIATION

Admiral L. S. Sabin (Ret.) presented Flotilla II background and record including special tribute to Capt. E. N. Wilson (deceased) successor Flotilla commander. He also introduced William L. Anderson the ship model craftsman. Subsequently Rear Admiral Hooper USN accepted the presentation for the Navy department.

Mr. Helm: Admiral Sabin, Mrs. Sabin, Admiral Delaney, Admiral Hooper, distinguished friends in the Navy, Flotilla II comrades and their families:

American history has volumes written of famous battles, of naval victories at sea but little of the success of the Navy men against great odds. The men and ships of LCI (L) Flotilla II waged war not only against a skillful and cunning enemy, but also against difficult physical elements with ship facility as a war strategy untried.

Flotilla II represented men of the Navy and their performance, the legends of Americans and their finest hour. The civilian amateurs showed that courage and determination teamed with professional leadership were proper ingredients to subdue a vicious enemy on foreign soil. Further this combination could effectively serve and live with the armies of all nations on land and sea. In practice the American dream of victory and peace with honor was a fact not a blueprint.

Today special tribute is directed to our absent Comrades, to our beloved Admiral Sabin (who forever in naval history represents the spirit and vision of the amphibious force), and to those who continue the tradition, where we had a part. No American effort has labored harder in war and in peace with firmer dedication than the men of Flotilla II.

This presentation is not only of the skill and genius of William L. Anderson who crafted this beautiful model of his own ship, but it is also the symbolic transfer of a spirit—it is a reaffirmation to the Navy Department of the hearts and hopes of our men and their families and it is our prayer that the resolve of Flotilla II will find a firm pocket in the American Navy.

Also we would salute Admiral Hooper for the Secretary of the Navy to Admiral Jack Shanahan for his adoption and inspiration when this moment was conceived. *Admiral Hooper* on behalf of these comrades, for the deeds they performed, for the meaning of their lives, for a world at peace and our Navy we give thanks and pass to you for posterity Flotilla II.

DIRECTOR OF NAVAL HISTORY AND CURATOR FOR THE NAVY DEPARTMENT,
October 28, 1971.

DEAR MR. HELM: It was a distinct privilege last Thursday to accept from you, on behalf of the Secretary of the Navy, the scale model of Landing Craft Infantry (Large) No. 10 presented by the Flotilla II Reunion Association.

The model has been accessioned into the records of the Curator as historical property and has been assigned USN Accession Number 71-482-A.

I want to express again my heartfelt thanks to you and to all members of the Association for donating this fine model to the Department of the Navy. It is a highly significant addition to our collection and one which will be seen and appreciated by a great many people in the years ahead.

We shall send you pictures when they are ready.

Sincerely yours,

EDWIN B. HOOPER,
Vice Admiral, USN (Ret.)

HOUSE OF REPRESENTATIVES—*Friday, December 10, 1971*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Seek ye the Lord while He may be found, call ye upon Him while He is near.—Isaiah 55: 6.

Almighty and Eternal God, whose blessings are for the good of men and whose benediction is the glory of life, grant that through the hours of this day we may feel Thy presence near and in the assurance of Thy spirit receive wisdom to make wise decisions and power to be true to the high principles of our American democracy.

Inspire us with a faith that never falters and a fortitude that never fails as we endeavor to be loyal to the royal within ourselves and to labor for the highest good of our beloved land.

Help us to walk along the way toward a growing national unity in which we shall be one people with liberty and justice for all.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10947) entitled "An act to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2042. An act to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326-D, 326-E, 326-F, 326-G, 326-H, 366, and 367 before the Indian Claims Commission, and for other purposes; and

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 602) entitled "An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGOVERN, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. HANSEN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10604) entitled "An act to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. CURTIS, and Mr. MILLER to be the conferees on the part of the Senate.

ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11309 to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11309, with Mr. BOGGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. BOGGS). When the Committee rose on yesterday, the Clerk had read the first section of the committee amendment in the nature of a substitute, beginning on page 14, line 19. The Clerk will read section 2.

The Clerk proceeded to read:

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that it be printed in the RECORD at this point and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object, did the gentleman say further reading of the bill?

Mr. PATMAN. Yes; of the substitute amendment, which under the rules of the House is being read as an original bill for the purpose of amendment. I ask unanimous consent that the further reading of it be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 454]

Abourezk	Edwards, La.	Mollohan
Alexander	Eilberg	Moorhead
Anderson, Tenn.	Erlenborn	Morse
Andrews, Ala.	Esch	Nix
Annunzio	Evans, Colo.	Powell
Ashbrook	Evins, Tenn.	Pryor, Ark.
Baring	Foley	Purcell
Belcher	Ford, William D.	Rangel
Bell	Fuqua	Reuss
Bevill	Galifianakis	Roncalio
Bingham	Gallagher	Rooney, N.Y.
Blackburn	Goldwater	Rosenthal
Blanton	Gray	Rostenkowski
Blatnik	Green, Pa.	Roush
Boland	Griffiths	Runnels
Bow	Gude	Scherle
Bray	Hagan	Scott
Broomfield	Hammer-schmidt	Selberling
Broyhill, Va.	Harsha	Sisk
Carey, N.Y.	Hébert	Spence
Casey, Tex.	Helstoski	Springer
Celler	Hicks, Wash.	Stanton, James V.
Chisholm	Jarman	Steed
Clark	Kluczynski	Steiger, Ariz.
Clay	Lloyd	Stokes
Collins, Ill.	Lujan	Sullivan
Colmer	McCormack	Talcott
Conyers	McKevitt	Teague, Tex.
Corman	Macdonald, Mass.	Thompson, N.J.
Culver	Martin	Tiernan
Dellums	Metcalfe	Udall
Dent	Mikva	Veysey
Derwinski	Mills, Md.	Whalley
Diggs	Mink	Williams
Dowdy	Minshall	Wilson, Bob
Eckhardt	Mizell	Wright
Edmondson		Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11309, and finding itself without a quorum, he had directed the roll to be called, when 322 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. For what purpose does the gentleman from Texas (Mr. PATMAN) rise?

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that the further reading of the committee substitute amendment be dispensed with and that it be printed in the RECORD at this point and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The remainder of the committee amendment in the nature of a substitute is as follows:

ECONOMIC STABILIZATION ACT OF 1970

SEC. 2. Title II of the Act entitled "An Act to amend the Defense Production Act of 1950, and for other purposes" approved August 15, 1970 (Public Law 91-379), is amended to read as follows:

"TITLE II—COST OF LIVING STABILIZATION

"§ 201. Short title

"This title may be cited as the 'Economic Stabilization Act of 1970'.

"§ 202. Findings

"It is hereby determined that in order to stabilize the economy, reduce inflation, minimize unemployment, improve our competitive position in world trade, and protect the purchasing power of the dollar, it is necessary to stabilize Federal taxes and expenditures, prices, rents, wages, salaries, dividends, and interest. The adjustments necessary to carry out this program require prompt judgments and actions by the executive branch of the Federal Government. Further, it is the sense of the Congress, that consistent with the purposes of this title, the President should make every effort to reduce Federal expenditures and taxes by submitting a balanced budget in an effort to stabilize the economy and eliminate the need for the exercise of any controls under this title. The President is in a position to promptly and effectively implement the program authorized by this title.

"§ 203. Presidential authority

"(a) The President is authorized to issue such orders and regulations as he may deem appropriate, accompanied by a statement of reasons for such orders and regulations, to—

"(1) stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970, or at such other levels as the President may deem appropriate to achieve orderly economic growth and otherwise carry out the purposes of this title;

"(2) stabilize Federal expenditures; and

"(3) stabilize interest rates and finance charges in connection with the extension of credit, and corporate dividends and similar transfers, at levels consonant with orderly economic growth.

Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

"(b) In carrying out the authority vested in him by subsection (a), the President shall issue standards to serve as a guide for determining levels of wages, salaries, prices, rents, interest rates and finance charges in connection with the extension of credit, corporate dividends, and similar transfers which are consistent with the purposes of this title and orderly economic growth. Such standards shall—

"(1) be generally fair and equitable;

"(2) provide for the making of such general exceptions and variations as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw materials, localized shortages of labor, and windfall profits;

"(3) take into account changes in productivity and the cost of living, as well as such other factors consistent wtih the purposes of this title as are appropriate;

"(4) provide for the requiring of appropriate reductions in prices and rents whenever warranted after consideration of lower costs, labor shortages, and other pertinent factors; and

"(5) call for generally comparable sacrifices by business and labor as well as other segments of the economy.

"(c)(1) The authority conferred on the President by this section shall not be exercised to limit the level of any wage or salary (including any insurance or other fringe benefits offered in connection with an employment contract) to a level below that which has been agreed to in a contract which (A) related to such wage or salary, (B) has been executed prior to August 15, 1971, and (C) is scheduled to take effect after November 13, 1971, unless the President determines that the increase provided in such contract is unreasonably inconsistent with the standards for wage and salary increases published under subsection (b).

"(2) The President shall promptly take such action as may be necessary to permit the payment of any wage or salary increase (including any insurance or other fringe benefit offered in connection with an employment contract) which (A) was agreed to in an employment contract executed prior to August 15, 1971, (B) was scheduled to take effect prior to November 14, 1971, and (C) was not paid as a result of orders issued under this title, unless the President determines that the increase provided in such contract is unreasonably inconsistent with the standards for wage and salary increases published under subsection (b).

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"(d) Notwithstanding any other provision of this title, this title shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

"(e) Whenever the authority of this title is implemented with respect to significant segments of the economy, the President shall require the issuance of regulations or orders providing for the stabilization of interest rates and finance charges, unless he issues a determination, accompanied by a statement of reasons, that such regulations or orders are not necessary to maintain such rates and charges at levels consonant with orderly economic growth.

"(f) The authority exercised under this title shall not be exercised with respect to a plan which meets the requirements of section 401(a) or 404(a)(2) of the Internal Revenue Code of 1954 or with respect to an annuity contract described in section 403(b) of the Internal Revenue Code of 1954.

§ 204. Delegation

"The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he deems appropriate, or to boards, commissions, and similar entities composed in whole or in part by members appointed by the President to represent different sectors of the economy and the general public. The President, in carrying out his authority under this title, shall establish a board for the purpose of studying, evaluating, and reporting quarterly to the Congress on the relationship between excess profits, the stabilization of the economy, and the creation of new jobs. Where such boards, commissions, and similar entities are composed in part of members who serve on less than a full-time basis, legal authority shall be placed in their chairmen, who shall be employees of the United States and who shall act only in accordance with the majority vote of members. Nothing in section 203, 205, 207, 208, or 209 of title 18, United States Code, shall be deemed to apply to any member of such board, commission, or similar entity who serves on less than a full-time basis because of membership on such board, commission, or entity. Members who serve on less than a full-time basis shall be compensated from the date of their appointment at a rate equivalent to that of level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the business of the board, commision, or similar entity. Funds of departments and agencies of the United States shall be available for the performance of any function so delegated and, at the direction of the President, any other functions performed under authority of this title.

"§ 205. Confidentiality of information

"All information reported to or otherwise obtained by an agency exercising authority under this title which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers, agencies, boards, commissions, or similar entities empowered to carry out this title solely for the purpose of carrying out this title or when relevant in any proceeding under this title; and except that disclosure may be made to Federal executive departments, agencies, and other establishments of the Federal Government under regulations promulgated by the President or his delegate for use in any matters officially before them.

"§ 206. Subpena power

"The head of the agency or his duly authorized agent shall have authority, for any purposes related to this title, to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as is paid to witnesses in the courts of the United States. In case of refusal to obey a subpena served upon any person, firm, association, or corporation under the provisions of this section, the head of the agency may request the Attorney General to seek the aid of the district court of the United States for any district in which such person, firm, association, or corporation is found to compel such person, firm, association, or corporation after notice to appear and give testimony, or to appear and produce documents before the agency.

"§ 207. Administrative procedure

"(a) The functions exercised under this title shall be excluded from the operation of the Administrative Procedure Act (sections 551 et seq., title 5, United States Code), except as to the requirements of section 552 of title 5, United Sates Code.

"(b)(1) Notwithstanding the provisions of subsection (a), with respect to any board, commission other entity carrying out functions under this title, general notice of proposed rulemaking shall be published in the Federal Register, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include—

"(A) a statement of the time, place, and nature of public rulemaking proceedings;

"(B) reference to the legal authority under which the rule is proposed; and

"(C) either the terms of substance of the proposed rule or a description of the subjects and issues involved.

This subsection does not apply—

"(i) to interpretative rules, general statements of policy, or rules of organization, procedure, or practice; or

"(ii) when for good cause it is found (and there is incorporated the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

After notice required by this subsection, interested persons shall be given an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, there shall be incorporated in the rules adopted a concise general statement of their basis and purpose. The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except—

"(a) a substantive rule which grants or recognizes an exemption or relieves a restriction;

"(b) interpretative rules and statements of policy; or

"(c) as otherwise provided for good cause found and published with the rule.

Interested persons shall be given the right to petition for the issuance, amendment, or repeal of a rule.

"(2) Notwithstanding the provisions of subsection (a), with respect to any board, commission, or other entity carrying out functions under this title, prompt notice shall be given of the denial in whole or in part of a written application, petition, or other request of an interested person made in connection with any proceeding under this title. Except in affirming a prior denial or when the denial is self-explanatory, the notice shall be accompanied by a brief statement of the grounds for denial.

"§ 208. Sanctions; criminal fine and civil penalty

"(a) Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000 for each violation.

"(b) Whoever violates any order or regulation under this title shall be subject to a civil penalty of not more than $2,500 for each violation.

"§ 209. Injunctions and other relief

"Whenever it appears to any officer, department, agency, board, commission, or similar entity authorized by the President to exercise authority under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any such order or regulation, it may request the Attorney General to bring an action, in the appropriate district court of the United States, to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any order or regulation issued under this title. In addition to such injunctive relief, the court may also order restitution of moneys received in violation of any order or regulation issuod under this title.

"§ 210. Suits for damages or other relief

"(a) Any person suffering legal wrong because of any act or practice arising out of this title, or any order or regulation issued pursuant thereto, may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, and/or damages.

"(b) In any action brought under subsection (a) against any person renting property or selling goods or services who is found to have overcharged the plaintiff, the court may, in its discretion, award the plaintiff reasonable attorney's fees and costs, plus whichever of the following sums is greater:

"(1) an amount not more than three times the amount of the transaction upon which the action is based, or

"(2) not less than $100 or more than $1,000; except that in any case where the defendant establishes that the overcharge was not intentional and resulted from a bond fide error notwithstanding the maintenance of procedures reasonably adapted to the avoidance of such error the liability of the defendant shall be limited to the amount of the overcharge: Provided, That where the overcharge is not willful no action for an overcharge may be brought by or on behalf of any person unless such person has first presented to the seller or renter a bona fide claim for refund of the overcharge and has not received repayment of such overcharge within ninety days from the date of the presentation of such claim.

"(c) For the purposes of this section, the term 'overcharge' means the amount by which the consideration for the rental of property or the sale of goods or services exceeds the applicable ceiling under regulations or orders issued under this title.

"§ 211. Judicial review

"(a) TEMPORARY EMERGENCY COURT OF APPEALS.—

"(1) CREATION.—There is hereby created a court of record of the United States to be known as the Temporary Emergency Court of Appeals.

"(2) MEMBERSHIP.—From among the judges of the United States district courts and United States courts of appeals, the Chief Justice of the United States shall designate not less than three such judges to serve as members of the Temporary Emergency Court of Appeals. The Chief Justice of the United States may from time to time (A) designate additional judges of the United States district courts and United States courts of appeals to serve as members of the Temporary Emergency Court of Appeals, and (B) revoke prior designations.

"(3) CHIEF JUDGE.—From among the judges who are designated to serve as members of the Temporary Emergency Court of Appeals, the Chief Justice of the United States shall from time to time designate one such judge to serve as the chief judge of such Temporary Emergency Court of Appeals.

"(4) DIVISIONS.—The chief judge of the Temporary Emergency Court of Appeals may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court.

"(5) SEAL; SESSIONS; CLERK.—The Temporary Emergency Court of Appeals shall have a seal, hold sessions at such places as it may specify, and shall appoint a clerk and such other employees as it deems necessary or proper.

"(6) PROCEDURE.—The Temporary Emergency Court of Appeals shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases.

"(7) POWERS.—Except as otherwise limited in this section, the Temporary Emergency Court of Appeals shall have the powers of a United States court of appeals with respect to the jurisdiction conferred on it by this title.

"(b) JURISDICTION.—

"(1) UNITED STATES DISTRICT COURTS.—Except as otherwise provided in paragraph 2 (B), the United States district courts shall have exclusive original jurisdiction of cases and controversies arising under this title and under regulations and orders issued under this title.

"(2) TEMPORARY EMERGENCY COURT OF APPEALS.—

"(A) APPEALS.—The Temporary Emergency Court of Appeals shall have exclusive jurisdiction of all appeals from United States district courts in cases and controversies arising under this title and under regulations or orders issued under this title, except as otherwise provided in this section. Such appeals shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

"(B) CERTAIN CONSTITUTIONAL QUESTIONS.—The Temporary Emergency Court of Appeals shall have exclusive jurisdiction to determine the constitutional validity of any provision of this title and any regulation or order issued under this title.

"(3) SUPREME COURT REVIEW.—Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28 of the United States Code.

"(4) OTHER COURTS.—Except as provided in this section, no Federal, State, or local court shall have jurisdiction or power to (A) consider the constitutional validity of any provision of this title or any regulation or order issued under this title, (B) stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title authorizing the issuance of any such regulation or order, or any provisions of any such regulation or order, or (C) restrain or enjoin the enforcement of any provision of this title or any regulation or order issued under this title.

"(c) PARTICULAR PROCEEDINGS.—

"(1) SUBSTANTIAL CONSTITUTIONAL ISSUE.—With respect to any civil action brought in connection with this title, or any regulation or order issued under this title, which is determined by the United States district court in which it is brought to involve a substantial constitutional issue, such district court shall certify such issue to the Temporary Emergency Court of Appeals. Upon such certification, the Temporary Emergency Court of Appeals shall determine the appropriate manner of disposition which may include (A) requiring that the entire record be sent up for determining of the entire matter in controversy, or (B) remanding the matter to the certifying court with binding instructions on the issues certified.

"(2) DECLARATORY JUDGMENTS.—The provisions of section 2201 of title 28 of the United States Code, relating to declaratory judgments, shall apply to actions arising under this title and under regulations and orders issued under this title, notwithstanding the amount in controversy.

"(d) SETTING ASIDE REGULATIONS AND ORDERS.—

"(1) REGULATIONS.—No regulation issued under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that the issuance of such regulation is in excess of the issuing agency's authority or is arbitary or capricious.

"(2) ORDERS.—No order issued under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that such order is in excess of the issuing agency's authority, or is based upon facts which are not supported by substantial evidence.

"(e) INTERLOCUTORY DECREES; PERMANENT INJUNCTIONS; ETC.—

"(1) INTERLOCUTORY DECREE.—The Temporary Emergency Court of Appeals shall not have the power to issue any interlocutory decree staying or restraining, in whole or in part, any provision of this title or the effectiveness of any regulation or order issued under this title.

"(2) PERMANENT INJUNCTIONS.—A permanent injunction restraining the enforce, operation, or execution of this title or any regulation or order issued under this title shall not be granted by any United States district court or judge thereof. Such an injunction may be issued by the Temporary Emergency Court of Appeals upon appeal, or, after hearing, upon recommendation of a United States district court or judge thereof. Such an injunction may also be issued by the United States Supreme Court as provided for by this section.

"(3) EFFECTIVENESS OF CERTAIN JUDGMENTS OF TEMPORARY EMERGENCY COURT OF APPEALS.—The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside, in whole or in part, any provision of this title or any regulation or order issued under this title shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (b) (3) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court.

"(f) APPLICATION OF SECTION.—The provisions of this section shall apply to any actions or suits pending in any Federal, State, or local court on the effective date of this section in which no final order or judgment has been rendered. Any affected party seeking relief shall be required to follow the procedures of this title.

"§ 212. Personnel

"(a) Any agency or officer of the United States Government carrying out functions under this title is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this title.

"(b) The President may appoint five officers to be responsible for carrying out functions of this title of whom three shall be compensated at level III of the Executive Schedule (5 U.S.C. 5314) and two at level V of the Executive Schedule (5 U.S.C. 5316). Appropriate titles and the order of succession among such officers may be designated by the President.

"(c) The President may require the detail of employees from any executive agency to carry out the purpose of this title.

"(d) The President is authorized to appoint, without regard to civil service laws, such advisory committees as he may deem appropriate for the purpose of consultation with and advice to the President in the performance of his functions under this title. Members of advisory committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or while otherwise serving at the request of the President may be paid compensation at rates not exceeding those authorized for individuals under section 5332 of title 5, United States Code, and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(e)(1) Under such regulations as the President may prescribe, officers and employees of the United States Government who are appointed without a break in service of one work day or more to any position for carrying out the functions of this title may be entitled, upon separation from such position, to reemployment in the position occupied at the time of appointment or in a position of comparable grade and salary.

"(2) An officer or employee who, at the time of his appointment under paragraph (1) of this subsection, is covered by section 8336(c), title 5, United States Code, shall continue to be covered thereunder while carrying out the functions of this title.

"§ 213. Experts and consultants

"Experts and consultants may, as authorized by section 3109 of title 5 of the United States Code, be employed for the performance of functions under this title and individuals employed may be compensated at rates not to exceed the per diem equivalent of the rate for grade 18 of the General Schedule established by section 5332 of title 5 of the United States Code. Such contracts may be renewed from time to time without limitation. Service of an individual as an expert or consultant under this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees.

"§ 214. Mass transportation systems

"No company, or other entity constituting a public benefit corporation, charged by law or contract with the responsibility to operate a mass transportation facility or facilities shall increase any fare without first obtaining approval under this section from the President or his delegate.

"§ 215. Local protest boards

"(a) The President shall establish local protest boards throughout the United States in connection with any procedure he provides for the granting to persons of exemptions from, and the making of changes in, regulations and orders issued under this title.

"(b) It shall be the function of such local protest boards to receive complaints and advise appropriate persons with respect to the need for exemptions from, or changes in, regulations and orders issued under this title. The President shall establish such local protest boards in such manner and organize them into such system so as to provide expeditious review of complaints and, when appropriate, speedy remedial action on the

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part of the President. No court hearing a matter brought in connection with this title or any regulation or order issued under this title shall require, as a prior condition to the bringing or carrying forward of a legal action, that a party proceed under a procedure established pursuant to this section.

"(c) In establishing such local protest boards, the President may draw upon the resources of the Internal Revenue Service or any other appropriate establishment in the executive branch of the Government, or any combination of such establishments, which can provide the necessary personnel and local facilities.

"§ 216. Pay contracts entered into prior to August 15, 1971

"Notwithstanding any other provision of this title, effective November 15, 1971—

"(1) the authority conferred on the President by this title shall not be exercised to limit the level of any wage or salary (including any insurance or other fringe benefit offered in connection with an employment contract) to a level below that which has been agreed to in a contract which (A) related to such wage or salary, and (B) has been executed prior to August 15, 1971; and

"(2) the President shall promptly take such action as may be necessary under this title to require the payment of any increases in wages and salaries (including any insurance or other fringe benefit offered in connection with an employment contract) which were agreed in employment contracts executed prior to August 15, 1971, but which were not paid between August 15, 1971, and November 15, 1971, as a result of his Executive Order 11615, issued August 15, 1971, relating to the freeze on prices, wages, and salaries.

This section shall not apply in the case of any wage or salary contract which the President determines has the effect of increasing wages or salaries in the industry or segment of the economy to which it applies at a rate which is unreasonably inconsistent to the rate at which wages or salaries have increased in the economy generally.

"§ 217. Funding

"(a) There is hereby authorized to be appropriated to the President, to remain available until expended, such amounts as may be necessary from time to time to carry out the purposes of this title.

"(b) The President may accept and use in furtherance of the purposes of this title money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

"§ 218. Expiration

"The authority to issue and enforce orders and regulations under this title expires at midnight April 30, 1973, but such expiration shall not affect any action or pending proceeding, civil or criminal, not finally determined nor any action or proceeding based upon an act or acts committed prior to May 1, 1973.

"§ 219. Ratification

"The authority granted to the President by the Economic Stabilization Act of 1970, as amended, and in effect on the date of enactment of this title, in respect to the assignment of personnel and expenditure of funds in exercising that authority are hereby approved, ratified, and confirmed.

"§ 220. Severability

"If any provision of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of the title, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

AMENDMENT OFFERED BY MR. STEPHENS

Mr. STEPHENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: On page 17, strike line 24 and all that follows through line 10 on page 18; on page 35 strike line 23 and all that follows through line 23 on page 36 and insert in lieu thereof on page 17 after line 23 the following:

"(2) Beginning on the date on which this subsection takes effect, the President shall promptly take such action as may be necessary to permit the payment of any wage or salary increases (including any insurance or other fringe benefits offered in connection with employment) which have been, or in the absence of this subsection would be, withheld under the authority of this title, if the President determines that—

"(A) such increases were provided for by law or contract prior to August 15, 1971; and

"(B) prices have been advanced, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases."

Renumber the sections properly as necessary.

Mr. STEPHENS. Mr. Chairman, in explanation of the amendment I have offered today, I would like to start out by saying that my amendment is a compromise between two extreme positions on the freeze that has taken place on the question of whether or not retroactive wages will be paid. As I have said, it is a compromise between the language of the bill when it came into our committee and the amendment that is now in the bill. Those are the two extremes.

Prior to what the committee did on the amendment offered by the gentleman from New Jersey (Mr. MINISH) no right was provided in the bill for a retroactive pay agreement to be put into effect which would pick up the wage increases that had been promised but were cut off from the 15th of August to the 15th of November. The amendment which was offered in the committee and is now language in the bill provides that everyone who would receive a pay increase through an agreement would get that pay increase. The other extreme position was that they would not get it at all. The Minish amendment provides that everybody would get it.

My amendment would put some limitations which would bring the pendulum back to a more or less middle position. If we should adopt the language now in the bill, we might just as well never have had any freeze at all, because it will put into the economy all the funds that were withheld by the freeze. If you do that, you will hurt some small and some large businesses all over this country, because when you say to a company that they must pay a wage increase that was agreed to before the freeze, but as a result of the freeze the company cannot make any price adjustments of any kind to earn what would be necessary to pay the wage increases, then you are going to say to them also, "We are going to force you into bankruptcy or you are going to have to extend your credit. You will have to go into your capital to pay a lump sum in retroactive pay."

There are circumstances which my amendment takes care of in which by right the pay increase ought to be made, the pay adjustment ought to be made, and those are circumstances in which there was an agreement that a wage adjustment be made and where prices had been raised for the purpose of paying the wage increase that was cut off by the freeze. The company would have received the profits from a price increase but still cannot pay the wage increase. It is not right for the profits to be held, profits which consumers have paid for, and which were supposed to go to pay the wage increase. Such increases ought to be paid, and my amendment would allow them to be paid.

To go over into the field of public affairs, the second thing that my amendment would do is that where an increase was agreed to and the necessary statutory or budgetary appropriations, or whatever you might call them in the area of monetary affairs, have been set in motion, then that money should not be held in the Treasury or diverted to some other purpose when it is supposed to go to pay raises.

There are alternative features so far as the amendment is concerned that should be clear. If not, I shall entertain questions. The language of the bill has been very carefully worked out and studied by the gentleman from Florida (Mr. CHAPPELL). We were never able to give it complete consideration in our committee. I believe that the language of the amendment will keep inequities from happening which will happen if we do not change the bill as it now is.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Pennsylvania (Mr. BARRETT), a member of the committee.

Mr. BARRETT. I think every Member of the House knows that the gentleman from Georgia is one of the most capable members of the Committee on Banking and Currency and also a most capable member of my Housing Subcommittee.

Mr. STEPHENS. I am glad I yielded to the gentleman.

Mr. BARRETT. We have great respect for the gentleman but with all due respect to the gentleman from Georgia I want to ask him: Does this not actually water down the Minish amendment?

Mr. STEPHENS. No, not really. What it does is take the inequities out of it. It takes the unfair element out of it.

Mr. BARRETT. Does it not do unjustifiable harm to the teachers' contracts and prevent them from getting the proper raises on the basis of contracts made prior to August 15?

Mr. STEPHENS. In reply to that, I would say this. I do not believe there will be a change of any single teacher's situation under my amendment such as the gentleman is talking about.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. STEPHENS was allowed to proceed for 5 additional minutes.)

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Ohio.

Mr. ASHLEY. With respect to the question of the gentleman from Pennsylvania (Mr. BARRETT) concerning the application of the gentleman's amendment to the teachers, is it not true the gentleman from Georgia specifies in his amendment that retroactive and deferred wage increases shall be paid where there has been a tax, budgetary, or other adjustment to accommodate such pay increase?

Mr. STEPHENS. That is absolutely correct.

Mr. ASHLEY. It is my understanding that with respect to the teachers, both those under contract and those not under contract, about 98 percent would be covered by the first part of the gentleman's amendment. Therefore, I would say the amendment of the gentleman from Georgia, unlike the Minish approach contained in section 216, much more directly takes care of the situation involving the teachers and others in like circumstances.

Mr. STEPHENS. The language that the gentleman from Ohio (Mr. ASHLEY) is referring to is:

(A) such increases were provided for by law or contract prior to August 15, 1971; and (B) prices have been advanced, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases.

That takes care of every teacher, I believe.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I just want to refer to the statement of the gentleman from Ohio. Would this not take it out of the hands of the board and put it in the hands of the President, so he must make the final determination whether the teachers' contracts would be held valid?

Mr. STEPHENS. In answer to what the gentleman says, I point out that as a matter or right, in this amendment I offer they will have a right to demand it. It does not leave it up to the President. It is a matter of right

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Chairman, let me point out that in the bill before us, where we say or where we find the "President" in most cases can be read as "pay board" because there is a section on delegation which makes it clear that the President is authorized to delegate this authority to the pay board, to the pay commission, or to other bodies which he may create. So if the gentleman is having a problem with respect to that simple matter of delegation, he should not have.

Would not the gentleman from Georgia agree with me that this is no point of concern? What is of concern is the fact that the Stephens' language much more directly takes care of the situations confronted by the teachers of this country than does the language of the gentleman from New Jersey (Mr. MINISH) in section 216.

Mr. STEPHENS. Mr. Chairman, let me say and repeat that so far as the teachers are concerned, I have no intention of harming the teachers, and I do not intend to harm the teachers. I think the amendment I offer gives them a better right to get what they are entitled to than does the Minish amendment. This gives them an absolute right to come in and ask for it and get it. It is better than we have in the other language.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, I appreciate the gentleman yielding.

I also appreciate the fact that the gentleman has always tried to be a constructive member of the committee and generally is trying to work out things for the best. But let me ask the gentleman a few specific questions. Supposing I am a member of a union that has negotiated a contract for an increase in wages on the basis of my increase in productivity, so there is a situation in which the company for whom I work does not have to increase the price of its products, because it has realized already a profit on my increased productivity.

Mr. STEPHENS. I understand.

Mr. HANNA. In that type of situation am I correct in assuming that the gentleman's language would not cover me, if I had negotiated a contract?

Mr. STEPHENS. It would not cover that situation, but let me point out that the reason for having the freeze was to take care of that situation.

Mr. HANNA. I beg your pardon.

Mr. STEPHENS. The reason for giving the President standby authority to put a freeze into effect was to stop the inflationary spiral under those circumstances.

Mr. HANNA. But, to clarify what I am saying——

Mr. STEPHENS. What the gentleman says is correct.

Mr. HANNA. What I say is correct; this is not inflationary, this is an increase in wages based upon an increase in productivity. It was negotiated before the 15th. It does require, to be equitable, acceptance for retroactivity.

Mr. STEPHENS. Let me answer that. What the gentleman says is right, but what we also have to take into consideration is that there is language in this bill whereby the situation—if it is reasonable, if it is one that is inequitable to leave the freeze in effect—can be taken care of. The language is still in this bill that would allow that to be brought before the necessary authorities and to be carried out.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. In answer to the question of the gentleman from California, I believe the language does cover it, because to the extent there has been an increase in productivity there has been an increase in income, an increase in profit to that employer. The gentleman's amendment says that these retroactive wages can be paid if funds have otherwise been raised or provided for and to the extent there has been an increase in productivity obviously indirectly some funds have become available.

Mr. STEPHENS. Regardless of the language in my amendment, that situation can be taken care of.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Stephens amendment is highly dangerous not only to longstanding legal approaches to wage matters in this Nation, but to the basic efforts of our current economic stabilization program.

The Stephens amendment is a direct contradiction of the announced goal of promoting productivity. The amendment singles out the productive worker for special penalties.

The Stephens language says that the pay increases can be paid only in those cases where it can be proven that the plant increased prices in anticipation of a wage increase. In the plants where the increased wages were to be absorbed—because of increased worker productivity—the worker would not be entitled to the pay increase. We are trying to increase productivity and here we have an amendment which encourages inflation—encourages the passing on of costs in the form of higher prices.

This amendment is a cruel joke on the teachers who have been depending on the Congress to put some equity into the wage-price program. The amendment does not require that anyone do anything about the wages that were contracted for prior to August 15. It just says that the President shall permit the employers—school district boards included—to pay the increases if they meet certain very narrow criteria. It is strictly permissive and requires nothing.

Even if the contract should meet the impossible standards of the Stephens amendment, it would still be up to the discretion of the employer to pay or not pay the increase. These contracts are now two-sided agreements between employer and employee. The Stephens amendment would tear up the contracts and convert them into one-sided arrangements—solely at the discretion of the employer—if they met the narrow standards proposed here.

Mr. Chairman, the Stephens amendment is not needed in the President's economic program. Administration spokesmen have been very candid about the minimal effect that the payment of these retroactive wages would have on the economy. I quote from a comment by Secretary of Labor James Hodgson in the New York Times of yesterday—Thursday:

Mr. Hodgson said today that the retroactive payment of frozen wages would cause few problems for President Nixon's program, even if the liberal provision for retroactivity contained in the bill before the House of Representatives is adopted.

There have been some rumors floating around that the Stephens amendment is acceptable to teacher groups and other organizations representing working people. These rumors are false. The Stephens amendment is not supported by these organizations or by the individual teachers and working people.

Mr. Chairman, since these rumors have come about, I want to quote a telegram I received yesterday from the National Education Association which represents 1.1 million teachers across the Nation:

On behalf of the 1.1 million members of the NEA, we thank you for your support of the provisions of section 216 of H.R. 11309, providing for retroactive payment of salaries in effect before imposition of the wage-price freeze. We solicit your continuing insistence

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that this provision be included in the bill to be acted upon by the full House tomorrow. We fully support the bill—without amendment—as reported by your Committee, and hope that the House concurs.

STANLEY J. MCFARLAND,
Assistant Executive Secretary,
Government Relations and Citizenship.

Mr. Chairman, this morning, representatives of the NEA reaffirmed their stand in favor of the bill as reported from the committee in support of the Minish amendment. They are not supporting the Stephens amendment.

I also place in the RECORD a copy of a telegram from the American Federation of Teachers and from the AFL–CIO in support of the bill as reported:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., December 9, 1971.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, Washington, D.C.

DEAR MR. CHAIRMAN: The AFL–CIO supports H.R. 11309, the Economic Stabilization Bill as it was reported from the House Banking and Currency Committee. The AFL–CIO would have preferred that Congress provide the authority only to May 1, 1972 so as to allow for a re-examination after six months of Phase Two's operations. Further, while this measure does not provide machinery to control profits as we had asked to insure equality of sacrifice, it does provide presidential authority to control dividends, interest rates, rent and prices along with wages and salaries. We urge that the measure be adopted.

Sincerely,
ANDREW J. BIEMILLER,
Director,
Department of Legislation.

DECEMBER 8, 1971.

DEAR CONGRESSMAN: The American Federation of Teachers, AFL–CIO, strongly urges that you support H.R. 11309, the bill to extend the Economic Stabilization Act, as reported by the House Committee on Banking and Currency.

This bill in its current form is a much needed measure that will correct many of the inequities of both the freeze and Phase II program. H.R. 11309 is of special importance to teachers.

Its enactment will in some measure compensate teachers for the gross injustice which the wage freeze inflicted upon them. We respectfully urge your support of H.R. 11309 as recommended by the Banking and Currency Committee.

Sincerely,
DAVID SELDEN,
President,
American Federation of Teachers.

Mr. WIDNALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Stevens amendment.

Mr. Chairman, we have had this bill under consideration for many weeks in our committee. We finally reported it out although there was considerable disagreement with respect to the Minish amendment. It was finally included by a one-vote margin in the committee, and that was after it had been voted down by a committee vote prior to that time.

Mr. Chairman, I think we have given very weighty thought to the problem at hand.

We recognize the opposition of the teachers up to this time. However, I do not believe that they have been fully and favorably considered in the Stephens amendment.

I am sure that if what the chairman says is so, that no one had seen the Stephens amendment and did not know what it contained up to this time—I think I am repeating what he says—yet he has a telegram in opposition to the amendment and supporting the Minish amendment.

I, certainly, as a Member of this House feel my responsibility very heavily in doing a fair, a sound and equitable job for all of the people in this country. I do not believe that any particular group should be favored above all others.

Mr. Chairman, this amendment has been carefully gone over and its wording has been looked at by many, many Members of the House who are confident that it provides that very equity about which I am talking.

I would like to say that we think this is an amendment that can be supported by all Members of the House, whether they consider themselves pro-labor, pro-management or anything else that they want to say.

It does provide a sound basis for carrying on phase II of the President's program.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. Not at this time. I yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. I thank my colleague for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from New Jersey (Mr. WIDNALL). The gentleman has really put his finger on the actual problem. Not too many people know about the Stephens amendment in the educational field. I have been talking to some of them this morning and, really, the people who have been penalized are those who will be taken care of by the Stephens amendment. The educators I talked with are in agreement with the Stephens amendment.

The teachers in my district and all over the Nation are those persons who should have received their money.

There is no penalty insofar as money is concerned because the money for the teachers' salaries that they did not get by virtue of the freeze has already been included in all of the school budgets, especially in the State of New Jersey. So the school boards themselves are not in opposition to it and the teachers are not in opposition to it.

Mr. Chairman, I feel very strongly that the teachers should receive their money because all of the contracts were entered into prior to the freeze but they were penalized when the freeze came along.

Mr. Chairman, many of our people in the educational field in New Jersey have received the money, those who are in the service positions, those who are secretaries and those engaged in administrative activities have already received their raises. The only ones who have not received them are those who are engaged in the actual teaching, who started the new teaching year in September 1971. For that reason, Mr. Chairman, I am going to support the position of the gentleman from New Jersey. I believe we should give the educators their money, to which they are entitled. Therefore, I am going to support the gentleman from New Jersey in support of the Stephens amendment and I compliment the gentlemen (Mr. WIDNALL) on his fine statement.

Mr. WIDNALL. I thank the gentleman for his contribution.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if I understand the situation correctly, in those cases where the local school board prior to August 15 had taken some action, revenuewise, some authorization, to increase taxes or otherwise, to pay for those increases, that the retroactive wage increases could be paid. Is that correct?

Mr. WIDNALL. That is correct.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. MINISH. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, the House of Representatives might as well face the issue of wage contracts and agreements squarely.

The Minish amendment—contained in the bill as reported by the committee—deals directly with the issue and makes it clear where everyone stands.

The Stephens amendment—which was drafted to gut the Minish amendment—sets up a series of vague requirements which leave the teachers and workers in a much worse position than if we enacted nothing.

Mr. Chairman, the Stephens amendment tears up the contracts entered into before August 15. The amendment says that the employer—the businessman and the school district—may permit the payment of these wages. It does not require the payment of the wages and it leaves this matter solely to the discretion of the employer even if the contract meets the highly restrictive standards contained in the Stephens language.

In actual practice, the Stephens amendment would place an impossible burden on teachers and workers to prove that they meet the standards. In truth, few would be able to qualify after all of these determinations have been made. And even after they qualify, it is still up to the employer to decide whether he wants to permit the increase.

The Stephens amendment also calls for a congressional endorsement of a policy which would penalize the more productive worker. The amendment says that the increases can be allowed where it is shown that prices have been raised in anticipation of the wage contract. In the plants where the wage increases are absorbed—because of increased worker productivity—the worker would not be able to qualify for his pay increase. So the efficient plant, with productive workers, would not qualify under the Stephens amendment.

This is counter to everything we are trying to accomplish in the economic stabilization program.

The Stephens amendment does nothing more than reaffirm—and ratify—the present policies of Judge Boldt's Pay Board. At the present time, the Pay Board has effectively blocked all retroactive pay increases.

The Stephens amendment picks up the basic thrust of the Bay Board and attempts to give it congressional sanction.

The teachers and working people will get nothing in the way of retroactive increases under the present Pay Board standards. The Stephens amendment changes nothing and if it is adopted we might as well be handling the teachers and the workers—who had valid contracts prior to August 15—a blank sheet of paper. The Stephens amendment is a mammoth joke on people who entered into wage agreements in good faith before anyone knew the President was planning to implement a wage-price program.

In contrast, my amendment provides two very specific guidelines on pay contracts:

First. It provides that legal contracts and agreements entered into prior to the President's August 15 announcement are valid.

Second. It provides a single exception to that guideline. It says the President—presumably delegated to the Pay Board—may stop the wage agreement if he is able to legitimately determine—on a factual basis—that the wage increase is "unreasonably inconsistent" with the rate of increase of wages in the economy generally.

In summary—the Minish amendment basically provides for validation of contracts and agreements entered into in good faith before the wage-earner had any knowledge of a freeze. At the same time, it leaves the Pay Board with the power to deal with extreme cases—where there can be a factual determination that the contracts were "unreasonably inconsistent."

The gentleman from New Jersey, the ranking minority member of the committee (Mr. WIDNALL) said yesterday—and I will quote from the RECORD:

> It would be folly for me to stand here and try to convince you those efforts have been wholly successful to date; but it would be equally foolish for any of us to think that the boards and commissions which the President has established can do any kind of a job if, and as long as, we sit up here second guessing every decision they make.

I might say further that Secretary of Labor James Hodgson said it would not have any affect; and I quote from the New York Times of Thursday, December 9:

> Mr. Hodgson said today that the retroactive payment of frozen wages would cause few problems for President Nixon's program, even if the liberal provision for retroactivity contained in the bill before the House of Representatives is adopted.

And Under Secretary of Treasury Charls Walker said it would amount to only one-half percent of the amount they have to play with in this whole program.

> If all the deferred increases were suddenly granted, we would still have used up only one-half percent of what we have to work with. Economically, we cannot say that there will be a catastrophe if the deferred increases were granted.

So I would think that the administration should support my amendment. It causes no problem for the stabilization program by the admission of the administration spokesmen themselves.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I think it would be unconscionable for us to pass legislation which would permit an employer not to pay retroactive wages where funds for the payment of such increases or wages have been raised or provisions have been made for their payment.

I think it is just as unconscionable for us to pass legislation demanding that retroactive wages or increases in wages be paid where there has been no opportunity to provide the funds for the payment of such wages due to the freeze, or that the increases were not contemplated so that the adjustment that is necessary could be made.

The chairman of our committee has spoken about the situation with respect to teachers, and I am very concerned because teachers are not only at the mercy of their employers but they are at the mercy of the taxpayers.

But, with rare, if any, exception the school districts budgets have contemplated salary increases. The school year having begun in September, the contracts were negotiated by law, the salaries were provided for prior to August 15, 1971.

The Stephens amendment specifically requires the Pay Board to permit the payment in such circumstances.

Now then—what if the funds are not available in these rare instances, if any, where there is a school district that had not contemplated and had not budgeted and had not provided for the wages of teachers; or in any industry where the same thing would be applicable?

Obviously, the only answer is, if you have got to pay the increase and pay the retroactive wages and there are not the funds to do it, there would have to be a reduction in the work force and the workers and teachers would have to be laid off so that the adjustments could be made.

Are the opponents of the Stephens amendment saying that they would rather have some teachers and some employees laid off and receive no pay and no wages than to have them working, although admittedly without the pay increases or retroactive wage?

We have to keep in mind that although the Stephens amendment relates to action that the President shall take, in effect, all of the action under the economic stabilization program is being performed by boards and commissions to whom have been delegated the authority by the President.

So when you say that the President shall require—or the President shall take action to permit this, it means the Pay Board—it means the Pay Board cannot adopt an impediment to the payment of these wages or salaries, if the conditions set forth in the Stephens amendment are met.

The Stephens amendment says that if funds have been contemplated for payment of such wages or retroactive wages, then the Pay Board may not impose any impediment to the payment and may not impose any impediment to the employers' obligations to comply with such contract.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Texas.

Mr. GONZALEZ. The reason I have interrupted the gentleman, and I hate to do that, is I do want to clarify something about which there is some disagreement here.

What you said a minute ago contradicts what you said which was that the Stephens amendment "would or may be required"—you use the word "require"—the Pay Board to grant this.

Mr. BROWN of Michigan. I will repeat what I said.

Mr. GONZALEZ. Now you are saying they will "permit." There is a difference between a requirement and a permissive grant, which is what the Stephens amendment provides.

Mr. BROWN of Michigan. If the gentleman will once again listen, I will repeat what I said the first time. I said the Stephens amendment specifically requires the Pay Board to permit the payment in such circumstances. That is exactly what I said before. In effect this amendment takes away the possibility of the Pay Board imposing any impediment under the controls on a contract that was in existence on August 15, 1971, where the funds are available and the circumstances have been met.

Mr. GONZALEZ. Now, just a moment. How can you say that the Stephens amendment requires—requires—the Pay Board to permit? It is either a mandate or a permission. You cannot have it both ways.

Mr. BROWN of Michigan. It is just exactly that. The Stephens amendment requires the Pay Board to permit these retroactive wages to be paid under a contract which is in existence. In other words, the Pay Board may not impose itself on an impediment to the contractual obligation of the parties.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. KAZEN, and by unanimous consent, Mr. BROWN of Michigan was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Texas.

Mr. KAZEN. We have a situation in my State where the fiscal year ends on August 31. The legislature of my State granted increases to State employees and to the schoolteachers for the term beginning September 1. Since the fiscal year ends on August 31, I am wondering whether under the Stephens amendment there was or was not a contract on August 15. What is your interpretation?

Mr. BROWN of Michigan. I do not know your State law——

Mr. KAZEN. It is very simple. The fiscal year begins on September 1. The legislature passed an act to become effective on September 1 granting an increase

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to my State employees and to my teachers. If you are going to say that that law was not in effect on August 15, then they are knocked out of any increase.

Mr. BROWN of Michigan. No. Let me clarify this. First of all, what we are talking about here is an affirmative obligation. It is an affirmative obligation. In effect it says the Pay Board may not impose an impediment to the payment of these wages. This does not mean that the Pay Board has to in other circumstances impose such an impediment. So you are not taking away the authority from the Pay Board to do exactly what you think should be done, and that is to have those increases become effective on September 1, and retroactive through September 1. The Pay Board still has that authority. What the Stephens amendment does is to impose a further obligation upon the Pay Board to permit those contracts to go into effect when the circumstances are met.

Mr. KAZEN. The "circumstances met" is that that contract be in effect on August 15.

Mr. BROWN of Michigan. No, no. The gentleman is not listening. The Stephens amendment imposes a further obligation, an affirmative obligation upon the Pay Board, and that is under these circumstances to permit the contract to go into effect.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Chairman, in answer to the question of the gentleman from Texas, the Stephens amendment is very clear. It has two conditions. One is that such increases be provided for by law or contract prior to August 15, 1971.

Mr. KAZEN. In our situation the legislature provided for it prior to August 15, but the act does not take effect until September 1.

Mr. ST GERMAIN. Just a minute. I would like to speak a few minutes before I yield. Let us take a look at the Stephens amendment. The Stephens amendment says that the increases will be permitted if the President determines that—

(A) Such increases were provided for by law or contract prior to August 15, 1971.

The section reads—

(2) Beginning on the date on which this subsection takes effect, the President shall promptly take such action as may be necessary to—

And here is the rub. The original Stephens amendment read—

. . . to require the payment of any wage or salary increases . . .

Now perhaps we could have lived with that. However, the word "require" has been stricken and has been replaced by the word "permit" which brings us back to the situation we are in right now without the adoption of legislation. It is permissive. The Pay Board has had this authority all along. This makes no change whatsoever in the existing situation. It merely reaffirms the existing situation.

And I might say this. Just yesterday, on December 9, Mr. Hodgson said:

That the retroactive payment of frozen wages would cause few problems for President Nixon's program, even if the liberal provision for retroactivity contained in the bill before the House of Representatives is adopted.

Further, in addition to Secretary Hodgson's statement, there was an earlier statement by Under Secretary of the Treasury Charls Walker who supported the provisions of the Minish amendment as reported by the House Banking and Currency Committee.

Secretary Walker has said that allowance of all deferred pay increases provided by contracts negotiated prior to the implementation of the Phase I program on August 15, 1971, would have little if any impact on the President's economic stabilization program.

Mr. Chairman, the Minish amendment is right in line with the statements of these administration leaders. The Minish amendment in H.R. 11309 would require the payment of wage and fringe benefit increases contained in labor contracts negotiated prior to August 15, 1971, unless the President finds such increases to be unreasonably inconsistent with wage increases that have been generally made in the economy at the time these agreements were being negotiated. Is this not almost exactly what Secretary Hodgson said the administration expected would have to be done regarding initial contracts approved under the phase II program? How can the President under these circumstances support his position of all but barring wage increases negotiated in contracts prior to phase I but not scheduled to be implemented until after the start of phase I on August 15?

If the Secretary of Labor declares that it is a simple matter of justice to depart from the phase II wage guidelines during the initial months of that program, then it is no less equally just and equitable that we adopt the Minish amendment as it was reported from the House Banking and Currency Committee in H.R. 11309.

That amendment reflects acknowledgment of the fact that wage contracts negotiated prior to the start of phase I reflect cost-of-living increases that had occurred prior to settlement and ratification. To bar these increases, and allow the cost rises that these contracts were designed to meet to remain unchanged, is to impose a harsh and utterly discriminatory penalty on millions of workers and schoolteachers throughout the Nation.

The President, by his decision to bar these increases, singled out wage contracts to the exclusion of all other agreements for sacrifice in the phase II program. He did not place any restrictions on mortgage contracts that were implemented at the time with near record high interest rates of 8 percent and more. He did not restrict provisions in installment loan contracts carrying interest rates of 18 percent, 24 percent, and 36 percent. He did not bar any of the provisions of small loan contracts which are notorious for their high interest charges.

Moreover, the workers who were to benefit from these wage increases have every right to receive them. The good faith negotiations which resulted in these pay raises were conducted without the slightest idea that the President was going to utilize the authority of the Economic Stabilization Act. Consequently, the beneficiaries of these contracts made important financial commitments based on the expectation that their pay increases would allow them to afford them. Commitments like the purchase of new homes and household items. Commitments like borrowing to receive medical treatment that could now be afforded due to the wage increases provided by these agreements. Commitments like borrowing to allow children to go to college and technical school.

To prevent these workers from receiving the benefits of these wage contracts would be the grossest injustice.

Mr. Chairman, I am greatly relieved that Secretary Hodgson agrees with this position. I am happy that Undersecretary Walker has said that allowing the increases provided by these contracts would make little difference to the phase II program. With that kind of support, we can do no less than adopt the Minish amendment as it is contained in the bill reported out of the Banking and Currency Committee.

Let me turn to another point. It has been said here that the teachers really do not know what this is all about, and therefore cannot be in opposition to the Stephens amendment. All we have to do is to walk out into the hallway and there the teachers will greet the Members and inform them of the fact that the teachers can read. They know the English language. It is their mission in life to teach and to understand words and the wording of this amendment is very clear. It says "permit" and it does not say "require." So the people who expected these increases and who had entered into contracts legitimately and legally and who subsequently bought homes and committed themselves to educating their children and probably went into hospitals or undertook other medical care which they had deferred prior to that, undertook these things on the expectation of the pay increases, but they have been denied these increases.

The Minish amendment and those who support it, as opposed to the Stephens amendment, take the view that these people are entitled to that which they have contracted for legitimately.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman from Rhode Island will be willing to continue the discussion on the Stephens amendment, I wish to call another point to the Members' attention. First of all I think the gentleman from Rhode Island was correct in pointing out that there were two provisions in the Stephens amendment, but he failed to read to the body the second part of those provision which states, that if the President determines:

Prices have been advanced, taxes have been raised, appropriations have been made, . . . or funds have otherwise been raised or provided for in order to cover such increases.

Let us talk about the teachers in New Jersey, just mentioned. The gentleman has already stated that the New Jersey Legislature acted.

Mr. ST GERMAIN. It was Texas.

Mr. ROUSSELOT. I respectfully disagree. The gentleman from New Jersey was complaining about the problem of teachers in New Jersey. The New Jersey body has acted legislatively. They have appropriated the money for the teachers, and if that money has been appropriated, then the pay raise would be granted under the Stephens amendment language. So the gentleman has failed to point out one of the most important aspects of the Stephens amendment. That is part (2) (B) which outlines the various conditions I have stated.

Mr. ST GERMAIN. If the gentleman will yield, excuse me, the Stephens amendment says that the President can permit—it is permissive—he can permit these increases to take effect.

It does not say he must. The original Stephens amendment said the President is required, but there was halfway across the ballfield a change, and the wording is changed to "permit."

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Ohio.

Mr. ASHLEY. Let us clear up this almost deliberate misunderstanding. The gentleman from Rhode Island is a lawyer and he knows perfectly well under this language, beginning on the date on which this subsection takes effect, "The President"—and let us read that "The Pay Board"—shall promptly take such action, and let us say that "shall" means "require." Then we can say that beginning on the date on which the subsection takes effect, the President, that is, the Pay Board, is required to do this.

Mr. ST GERMAIN. Excuse me—it is "require."

Mr. ASHLEY. Let us follow the language.

It reads that the President shall promptly take such action. This is the Stephens language. The President can direct the Pay Board. We can add that the Pay Board shall promptly take such action. We can agree that "shall" means required, so we can arrive at this language:

Beginning on the date on which this subsection takes effect, the President—that is, the Pay Board—shall—that is, is required—promptly take such action as is necessary to permit the payment of any wage or salary increase.

The Pay Board is mandated to permit such increases as are covered by the Stephens amendment. This is the point. This is not permissive language. This is about as mandatory as can be.

Mr. ROUSSELOT. I believe the gentleman from Ohio has stated it very concisely. He has been intimately involved in the drafting of this legislation. I believe he has restated the point I was trying to make; that is, that those wage increases which have been granted under the appropriation process are very precisely covered and the Board must perform under this language. I believe the gentleman from Ohio has made this very clear.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Georgia.

Mr. STEPHENS. In explanation of what this argument is about, let me point out that if we use the word "permit" it sounds as if we are making it permissive, but we have to take into consideration the language which precedes it, which says "he shall permit," this means if somebody comes in and puts these facts before him, then he gets the pay raise. If they cannot put the facts before him, of course, that is a different proposition. But it says he shall permit them to grant this as a matter of right.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I should like to say to the Members of the House and the gentleman from Rhode Island in particular, though I am not a lawyer I believe it is pretty clear that a contract is law. That refers to a contract between a town and a teacher or between a city or a State and its employees.

Once this is agreed to and comes into law by any action of a legislative body, the only thing that could defer it was the action of the board.

This amendment very clearly states that that action will be taken away; that they shall permit this. Then the law which in this case is the contract, and the law that is the State law, automatically takes over. The minute a town says it is going to pay a teacher, even though that pay raise may not come into effect for 2 months, or even though the increase in taxes may not take place for 7 months, they have committed themselves to a counteraction which must take place by State law, and I do not believe there is a State in the 50 States in this Union which says that any town or State may willingly go into a deficit position. The simple fact is that every State or local employer in this country, who has been given a valid contract, has become a part of the law. The amendment states quite clearly that the President shall—meaning must or will—permit these laws to go into effect.

Mr. BRASCO. Mr. Chairman, I rise in opposition to the Stephens amendment.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the chairman of the committee.

Mr. PATMAN. I should like to know how we stand as to whether or not we have heard enough debate on this. We are trying to get through here today, and we will have to limit some of these amendments. I wonder how many Members who have not spoken on this before would like to speak? I see there are quite a few.

Mr. Chairman, I wonder if a 40 minute limitation would be satisfactory?

Mr. CHAPPELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. PATMAN. I suspect it is a little early. We will forgo it.

Mr. BRASCO. Mr. Chairman and members of the Committee, the very issue which is before the House today is whether or not we want to allow to be paid the fruits of labor contracts legally negotiated prior to August 15 of this year.

I might say that these were negotiated for one reason and one reason alone; because prices had gone up.

Mr. STEPHENS states that prices have not been given a chance to be raised, that is not so, because they were already raised and that is why the negotiations for increased wages took place.

Mr. STEPHENS is a very distinguished member of the committee and is very highly respected by myself and others. However, he says his amendment is a compromise. Those of us who are on the committee know that it is not a compromise. The only vehicle that gives the wages negotiated prior to August 15 to the employees is the Minish amendment. This amendment won, I must say, twice in committee. We had two separate and independent votes on the Minish amendment, and it won on two separate occasions.

Mr. STEPHENS says in his amendment teachers' raises are taken care of. To back that up Mr. ASHLEY stated not only are they taken care of but 95 percent of what is in the Minish amendment is taken care of by the Stephens amendment.

If that be so, I do not know what the debate is all about. I am sure it is not for 5 percent of what is left over, and I am sure it is not for pride of authorship in this amendment.

I will tell you what the debate is all about.

Mr. WIDNALL, another good friend of mine and a distinguished member of the committee, put it very succinctly when he said if you are for the Stephens amendment, you can be prolabor, you can be promanagement, and you can be proeverything. Yes, you can, because the Stephens amendment does nothing while it purports to grant the increases, it cuts everything.

Right now the Pay Board and this administration has the right to do everything that the Stephens amendment seeks to codify. If we adopt the Stephens amendment, what we are saying is that we are adopting nothing.

Let me give you the real reason why I am concerned about this.

It is because if we give authority to the Pay Board—and I think Mr. ASHLEY said if you are talking about the Pay Board, you are talking about the administration—to make the decision in this case, then I am afraid what is going to happen is what has happened with the Federal employees. Right now Federal employee wages have been held up. They have been held up unconscionably. Yet I am a member of the Committee on Post Office and Civil Service and, lo and behold, an arm of this administration, the Civil Service Commission, comes before the Committee on Post Office and Civil Service with the vice presidents of Blue Cross and Blue Shield and recommends a 34-percent increase in the health premiums for Federal employees, while on the other hand the administration is

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holding up the wage increases for Federal employees.

That is the kind of equity we are going to become involved in if we allow these negotiated legally binding contracts to be decided by the Pay Board and by the administration. It is a kind of philosophy that says if you put money in the pocket of the little man, it is inflationary, but you take the money out of his pocket and give it to a big guy, that is combating inflation. Well, that is not so.

The only way that the people we all say we are concerned about, the working Americans, are going to get their increases, increases upon which they are depending and upon which they made obligations, is to sustain in this bill the Minish amendment. If we do any less than that, then I will agree with Mr. WIDNALL and say that we have not stood for anything today.

Thank you.

AMENDMENT OFFERED BY MR. LATTA TO THE AMENDMENT OFFERED BY MR. STEPHENS

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA to the amendment offered by Mr. STEPHENS: In paragraph (B), after "been advanced," insert "productivity increased".

Mr. LATTA. Mr. Chairman, let me say that I believe that everyone in this Chamber today wants equity for both the employers and the employees of this Nation. I support this amendment because I believe by its adoption it is the only way we can obtain equity for both.

Mr. Chairman, many cases come to my mind under the existing wage-price freeze where raw materials have not been frozen and have continued to rise in price since August 15. However, the prices of the products processed or manufactured from these same raw materials have been frozen and the affected companies have been restricted by law from increasing their prices. This regulation was certainly inequitable and unprofitable for these companies. To say to these same companies that you now have to pay wage increases retroactively for this same period would be giving them a second economic blow to which they are not entitled. I think that the Stephens amendment attacks this problem and brings equity to the situation.

The question has been raised by the chairman of the committee that this amendment as written would not reward increased productivity during this period. I am very much concerned about this and, certainly, if the Stephens amendment does not reward increased productivity, then I think that it should and we should spell it out in this bill in no uncertain terms as this is what this country needs. Whenever employees increase their productivity—and in turn the productivity of this Nation—we want to make certain that they are rewarded for it. The amendment which I am now proposing as an amendment to the Stephens amendment would so reward these employees.

Mr. Chairman, I have discussed this amendment with the gentleman from Georgia (Mr. STEPHENS) and I now yield to the gentleman for any comments he may wish to make.

Mr. STEPHENS. I thank the gentleman from Ohio for yielding. I believe what the gentleman is proposing would be acceptable, and I would like to say that it is acceptable to me and to the others on this side of the aisle that favor my amendment.

Mr. LATTA. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I favor the amendment as I have read it very carefully and I feel that this would be a healthy change in order to correct some of the conflicts which exist between some of the Members of this House. Therefore, I think we should accept this amendment.

Mr. LATTA. I thank the gentleman from New Jersey and urge the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA) to the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment was agreed to.

Mr. HOWARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the acceptance of the Latta amendment, as far as I can understand it, although I have not seen a copy of it, still leaves the word "permits" in this legislation and eliminates the word "requires" with reference to honoring contracts.

So, Mr. Chairman, I feel that we must sustain the committee in relation to contracts that were signed by workers and schoolteachers throughout America. It is incumbent upon the Congress to see that these contracts are honored and we must state quite clearly that when agreement is made—such as a signed contract—we expect both parties to that contract to keep their word.

It was mentioned in relation to my own State of New Jersey a few moments ago that the schoolteachers in New Jersey approve of the acceptance of the Stephens amendment.

Mr. Chairman, I would like to read into the record a statement which I received less than 5 minutes ago from the Public Relations Director of the New Jersey Education Association, a professional association that represents over 90 percent of the schoolteachers in New Jersey, from Mr. Lewis Applegate in which he stated as follows:

I am authorized to report that the New Jersey Education Association supports the Minish amendment and is 100-percent opposed to the Stephens amendment.

Mr. Chairman, concerning the problems of this country and the efforts of Congress to meet them, we are getting ourselves involved in agreements and contracts that have been made by employers and employees.

We have no right in the Congress, nor does the administration, to tell people that, "You do not have to keep your word; you do not have to meet your commitments."

And, Mr. Chairman, what is worse about this whole idea of breaking contracts is that we are breaking only half of a contract. Agreements were made and people said, "I think I will change my job next year because I will get a better deal than I am now getting in another industry." We say, "If you will work at your job, and do these duties for the coming year, you will receive this amount of pay."

An agreement was made that the worker will work at that job, and the employer will pay him a stated salary. Now, the Federal Government comes along and says, "We are going to break half of that. The obligation of the worker to show up for work, to do this job, to work these hours throughout the years stays in. He has to meet his half of the contract." But as far as the employer is concerned, they say, "You do not have to meet your commitment. You will get the labor force, you will get the hours you want, you will get the job done, but you do not have to pay the salary you agreed upon."

That is what is wrong about the whole thing, and that is what is needed in the committee action and in the Minish amendment that, no matter what the people say about the economic conditions and what Congress does about them, we may raise taxes too much, we may spend money in a way that they do not want us to do, but at least you have the people in America saying that the Congress is fair, it is fair to all people.

There are many other inequities in this phase II operation, but this is the most glaring one. So let us not leave here today and have the Congress say that we will break contracts for some of the people, and hold people to other contracts. The only way we can be completely fair is to sustain the committee's action on the Minish amendment.

Any amendment that would make it permissible for any board of education—and the Stephens amendment says the board of education may do what is right if he feels it is right, but if it does not feel it is right, it does not have to do so.

My point, however, is this: These contracts have already been signed. The board of education had earlier agreed that the amount of money to be paid a given teacher was fair and equitable. Therefore, there is an obligation to make good on that contract or promise. The same should apply to any labor contract.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, would not the gentleman say that when a contract is negotiated between an employer and employees, that there is also contemplated in that contract an understanding between the employer, his employees, and the persons to whom the firm sells whatever the labor produces, that price increases will occur to fund such increases in pay? Do you say it is fairer for the Government to step in and prevent the employer from having the ability to pay increased wages, than it is to step in between the employer and the employees regarding payment of their wages?

Mr. HOWARD. I agree, and that is the reason I say that nothing should have been done—nothing should have been done until after August 15. It is the same thing with someone who made a bid for a contract with the Federal Government, and he considered, in making his bid, how much he would have to pay for materials from the manufacturer, as well as increasing salaries, and then August 15 comes along, and he finds out, gee, I am not going to have to pay that increase in salaries, and the additional prices, because of the freeze on the goods of the manufacturers for their products, but I can still get the same amount of money on my bid, so I have a tremendous windfall here. I am saving money from both the manufacturer and the businessman, and also on the salaries. But there was no change in the price of my bid, and therefore I have a tremendous windfall coming to me.

That is unfair.

Mr. BROWN of Michigan. But what the gentleman is describing is covered by the Stephens amendment. If it is adopted, there will be no windfalls derived in contemplation of payment, and then nonpayment of retroactive wages.

Mr. HOWARD. There can be no increases in teachers' pay or salaries from the budget paid by the people in the communities by the amount of extra tax money that was collected, and which is sitting in the treasury of the board of education now, that would not be affected at all, but as long as the word "permit" is in there then you have complete freedom to do the way you wish.

So I believe the Minish amendment should be supported.

Mr. CHAPPELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Stephens amendment.

The CHAIRMAN. The Chair will state to the Members that the Chair is trying to recognize the members from the committee first when they rise, and the Chair is trying to alternate.

However, if the Members on one side do not rise promptly, and a member of the committee on the other side rises promptly, that Member will be recognized.

The Chair is trying to be fair.

Mr. CHAPPELL. Mr. Chairman, I think it is important for us to remember that the powers which we gave the President some time back to stabilize this economy were given to him by this Congress. It was broad authority. He has exercised that authority and has tried to stabilize the economy, in part by the freeze on wages and prices.

If this Congress now, after the President has already taken action under the powers it gave him, and snatches part of that authority retroactively from him, then a serious injustice will be done to a large segment of our people. It is not now fair to retroactively "unfreeze" wages without doing the same for prices unless prices had already been increased in anticipation of agreed wage increases.

It seems to me, if we are trying to get at the situation that some gentlemen are talking about here in support of the Minish proposition, then an amendment should be offered which would require the President to permit future increases in prices to offset increases in wages which were not permitted during the freeze period. Such action would be clearly inflationary.

Mr. Chairman, this amendment addresses itself solely to the 90-day freeze period. Solely that period between August 15 and November 15—and to no other. It addresses itself solely to the question of whether or not we are going to require now employers to go back and pay wage increases without allowing a comparable price increase to shoulder the increased business cost resulting from such a wage increase.

This amendment simply intends to do equity between labor and management. It provides that wage increases fully provided for prior to the freeze date of August 15, 1971, and due to be paid during the 90-day freeze would be allowed retroactively. In order to find such wage increases entitled to retroactivity the President would find that an affected employer had in fact increased his prices or his productivity in contemplation of the wage increase or in the instance of public employees, he would find that funds had been provided for in support of wage or salary increases previously arranged by contract or by law.

Much has been said of the use of the word "permit" that it requires the President to do nothing. I cannot agree. The amendment requires the President to promptly take such action as may be necessary to permit payment of such wage and salary increases contemplated by the amendment.

It is a mandatory proposition—it should be so. Certainly, however, we would not intend to require the Wage Board to go all over the United States filing suits for others to bring this about. The use of the word "permit" is proper. It is mandatory, that the President clear the way for payments entitled to retroactivity. I cannot see for the life of me why there is such a big play on the word "permit."

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman.

Mr. BRASCO. The gentleman in the well has on several occasions indicated that contracts should be paid only if management had an opportunity to increase the prices.

So far as I am concerned, with my own knowledge of labor law, management never grants an increase and then raises prices to take care of the increases that have been granted.

Before they even begin to negotiate increases in wages, they take care of their increases in prices and they take care of their stockpiles and the things that they need in terms of their own productivity.

Mr. CHAPPELL. Then you certainly should be in favor of this amendment. That is exactly what it would permit, if price increases were made in anticipation of wage increases, then retroactivity would be allowed. Fairness and justice would demand it.

Mr. BRASCO. They have to prove that they did it to the satisfaction of the Pay Board, which by virtue of their own guidelines indicated that they have made up their minds with respect to that. That is what we are concerned about.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman.

Mr. HANNA. I think it is rather important to have very clearly on the record what this amendment means because there is a possibility that we will adopt this amendment.

I think the gentleman will agree with me that if the President had not acted, the contracts would have been carried out under the contract law. Any dispute including failure to perform provisions for pay increase could be taken into court under the law and be required to pay in court; is that not correct?

Mr. CHAPPELL. That is absolutely correct.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. CHAPPELL, at the request of Mr. HANNA, was granted permission to proceed for 2 additional minutes.)

Mr. HANNA. Then the next step—if the President had not said, "I will not permit these payments to be made"—they would have been made?

Mr. CHAPPELL. That is absolutely correct.

Mr. HANNA. So what you are trying to do is to say the President shall go back to the point before we enacted the law, that is, permission is now given whereas these contracts were interfered with because he would not permit them to go ahead and be carried out during the freeze period.

Mr. CHAPPELL. Absolutely. If compensating price increases had already taken effect before August 15, 1971, the increases should be allowed for the freeze period. Otherwise, they should not be allowed.

It is a matter of pure fairness. It would be unfair to require people whose prices were frozen to go back now and pick up increases retroactively unfrozen. In such instances this could result in severe damage to the businesses and economy of this Nation. There is no question in my mind about it.

Mr. HANNA. In the gentleman's opinion, the language of the amendment would put us back into the situation that existed before the President acted on the freeze.

Mr. CHAPPELL. That is absolutely correct.

Mr. HANNA. I thank the gentleman.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I do appreciate my good friend's courtesy in yielding. I find myself strongly in agreement with the comments of the distinguished gentleman from Florida. He has made a very able statement. I fully and strongly support the Stephens amendment. I feel it provides a reasonable and necessary approach to the solution of a difficult problem. It will help to assure economic stabilization.

Mr. CHAPPELL. I thank the gentleman for his comments. Let me say in closing

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that if we want to be fair and assure justice in this matter and help the President do that which we intended for him to do in the first place, we can do nothing less than to pass the Stephens amendment.

Mr. WYLIE. Mr. Chairman, I rise in support of the Stephens amendment.

Mr. Chairman, in my judgment the amendment we are discussing contains the guts of the bill and will determine whether we will have wage and price controls or not.

The impression was left by the distinguished Chairman of our committee, though I do not think he intended to leave such an impression, that he had a statement from the Secretary of Labor to the effect that the administration could live with the Minish amendment, thereby implying administration approval.

On November 22, at a press conference held with the Honorable John B. Connally, Secretary of the Treasury, one of the members of the press said——

Mr. Secretary, the legislation that is taking shape in Congress to cover phase II has retroactive wages and the House bill has controls. Would you advise the President to veto such a bill?

The Secretary replied——

With respect to the Minish amendment in the House: we strongly opposed that amendment. A similar amendment was offered in the Senate that is much more acceptable.

I mention that because the administration does not think that the Minish amendment will accomplish the purpose of wage-price controls.

The Minish amendment must be stricken from the bill, and that is one of the things the Stephens amendment would do. Let us look at it for a moment. The Minish amendment states——

Notwithstanding any other provisions of this title, effective on November 15, 1971, the authority conferred on the President by the title shall not be exercised to limit the wage or level of any wage or salary . . .

And so forth. That language is ambiguous when you read section 203 of the bill. In my judgment, the two are in conflict. So we have an ambiguous situation developing which would be impossible to administer. In my judgment, the Stephens amendment clarifies the intent of the Minish amendment in that it provides that if wage increases have been granted, they will go into effect if the wage increases have been provided for by taxes, price increases, or other source of revenue. In other words, the Stephens amendment prohibits deficit financing, which has been the root cause of our inflation in the first instance, in my judgment. Voluntary compliance will depend, of course, on the cooperation of labor, and I think voluntary compliance is essential in the administration of wage-price control.

The Pay Board was established as a tripartite Board, as Mr. Meany requested, so that labor would be a part of the decisionmaking as far as pay increases are concerned. Generally I think that the 80 million working people across the Nation support the wage-price freeze—at least that is what my mail says—and if they knew what the Minish amendment does and knew that it would defeat the basic purpose of the wage-price freeze, they would be opposed to it.

There is no question, in my mind, that this would be the impact of the Minish amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, the gentleman is on our committee, and I admire him very much, but I just wonder, since the gentleman is advocating this amendment, if this amendment were to be adopted, would the gentleman vote for the bill?

Mr. WYLIE. The Stephens amendment?

Mr. PATMAN. Yes; the Stephens amendment.

Mr. WYLIE. Yes; I will vote for the bill if the Stephens amendment is adopted.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I submit to the members of the committee that the gentleman has made a very significant contribution. He is into an area which is very hard to understand, but I do think he has made a point which has been reiterated several times before, but for the benefit of those who do not seem to agree with it, all we can do is repeat it again and again.

First of all, the Stephens amendment is "shall" and is mandatory language?

Mr. WYLIE. That is my position, exactly.

Mr. J. WILLIAM STANTON. The proponents of the Stephens amendment have the understanding that the vast majority, if not all of the teachers in the contracts which have been entered into in this particular period will be honored by the Stephens amendment.

Mr. WYLIE. I think the gentleman is correct again. The Stephens amendment would more likely assure teachers of an increase in salary agreed to prior to August 15. I thank the gentleman for his contribution.

Mr. MINISH. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from New Jersey.

Mr. MINISH. Mr. Chairman, I remember the gentleman in the well said the Treasurer of the United States, that is the Secretary of the Treasury, said he was opposed to the Minish amendment. I am reminded of a great Speaker in the House of Representatives who said, when he was asked about the possibility of a Senator from his State accepting nomination of Vice President, that he did not think he should. But the next morning he advised the Senator to accept it. When he was asked why he changed his mind, he said, "I am a much smarter man this morning than I was last night."

It reminds me of the statement that Secretary Connally made on November 22. Now I want to talk about a later statement, made in December.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. WYLIE) has expired.

(On request of Mr. MINISH, and by unanimous consent, Mr. WYLIE was allowed to proceed for 1 additional minute.)

Mr. WYLIE. That is the Secretary of Labor the gentleman is talking about now.

Mr. MINISH. That is right.

Mr. WYLIE. I was talking about the Secretary of the Treasury.

Mr. MINISH. I want to read a statement from the New York Times concerning Secretary of Labor Hodgson. Secretary Hodgson said today that—

The retroactive payment of frozen wages would cause few problems for President Nixon's program, even if the liberal provision for retroactivity contained in the bill before the House of Representatives is adopted.

I assume he speaks for the administration.

Mr. WYLIE. That was the impression which was left by the distinguished chairman, and I wanted to allay that impression. I would say if any one person speaks for the administration on the wage-price question, it is the Secretary of Treasury.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 12:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. DENNIS. Mr. Chairman, I dislike to object, not being a member of the committee, but I agree with what has been said here, that the debate on the bill centers on this measure. I think it is a pretty important bill, and I think every Member should have the chance to talk if he wants to. So I object.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 12:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 60, noes 24.

So the motion was agreed to.

The CHAIRMAN. Members standing at the time debate was limited will be recognized for 45 seconds each.

(By unanimous consent, Mr. GERALD R. FORD yielded his time to Mr. ANDERSON of Illinois.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

(By unanimous consent, Mr. GONZALEZ yielded his time to Mr. MINISH.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I should like to ask the chairman of the committee, with reference to State employees, particularly as it applies to my State of Texas, if under the committee bill the State employees or teachers would be assured of their retroactive pay.

Mr. PATMAN. I am certain that they would. It is questionable whether they would under the Stephens amendment.

Mr. PICKLE. I should like to ask the gentleman from Georgia the same question. Under his amendment, for a State like mine, whose State employees were to get a raise on August 15, when the freeze caught them, would it be the intent of his amendment that they would be considered as having a legal contract and would be entitled to retroactive pay?

Mr. STEPHENS. It is my intent that that be done.

Mr. PICKLE. I thank both gentlemen.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

AMENDMENT OFFERED BY MR. PIKE TO THE AMENDMENT OFFERED BY MR. STEPHENS

Mr. PIKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is it an amendment to the pending amendment?

Mr. PIKE. It is an amendment to the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. PIKE to the amendment offered by Mr. STEPHENS: Strike out "permit" and insert "require".

Mr. PIKE. Mr. Chairman, I offer this amendment simply to remove an issue from this amendment offered by the gentleman from Georgia which I really do not believe ought to be there. I believe the gentleman's amendment is mandatory, is intended to be mandatory, read in context is clearly mandatory; but this particular issue has been raised. It has been argued. People have talked about it. Because the word "permit" is in the amendment people say it is permissive. I just want to get rid of this false issue, and make it clear that under all of the circumstances set forth in the amendment of the gentleman from Georgia it would be mandatory to grant the raises previously negotiated.

The CHAIRMAN. Does any Member on the list wish to speak on this particular amendment?

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman previously has been recognized.

Mr. DENNIS. Not on this amendment, Mr. Chairman.

The CHAIRMAN. The time is limited, and the gentleman cannot be recognized again.

The question is on the amendment offered by the gentleman from New York (Mr. PIKE) to the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Thank you, Mr. Chairman.

It is indeed a paradox of inconsistency that so many Members of this House who for so long had called for wage and price controls to combat inflation now seek to gut the very policy it espoused. It was in fact many of these same Members who gave the President the authority which he did not seek or request. However, if you now want to sabotage the administration's fight on inflation for political expediency vote for the Minish amendment. It is just that simple.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to any effort which would eliminate from the Wage Stabilization Act the provision that contracts calling for wage increases negotiated prior to August 15 must be honored notwithstanding any other provision of this act.

The Banking and Currency Committee has quite properly included in the legislation before us today a provision calling for retroactive payment of wage increases and fringe benefits if such increases were negotiated prior to August 15.

The committee's recommendation recognizes the sane principle that neither Congress nor the President of the United States can void contractual agreements worked out in good faith at the bargaining table.

The Stephens amendment would void the committee recommendation.

It seems to me incredible that the Congress of the United States should be asked to void by legislative act contracts and agreements entered into under the collective bargaining process between labor and management.

We are talking here about contracts that may have another year to two to run. We are not discussing contracts that will be negotiated in the future.

It occurs to me that Congress will be setting a very dangerous precedent if by a legislative act we can void and negate contracts entered into legally and in good faith. This is a precedent which could have all sorts of ramifications and for that reason I hope the Committee will reject the Stephens amendment and require the payment of retroactive pay as required in any collective bargaining agreement signed prior to August 15.

Mr. Chairman, I have serious misgivings about this entire proposal. The record of this administration in implementing the Stabilization Act of 1970 leaves much to be desired. It is my hope that the administration will administer this new act with a good deal more equity and without putting both labor and industry into a hopeless straitjacket of bureaucracy.

I believe I should call attention of the House to the fact that there are some very serious legal questions involved in this legislation. I am following with great interest a legal action working its way to the Supreme Court filed on behalf of the Amalgamated Meatcutters & Butcher Workmen of North America, AFL–CIO, by the law firm of Jacobs, Gore, Burns & Sugarman of Chicago.

Mr. Albert Gore, a member of this firm, was good enough to supply me with copies of two memorandums filed with the district court challenging the constitutionality of the wage-price freeze initiated by the President on August 15.

I believe Mr. Gore raises some very significant legal points and it is my hope that the courts will carefully study the constitutionality of the very broad and excessive power which Congress is giving the President to deal with inflation.

My concern is that mismanagement of this legislation by the executive branch of Government could plunge this nation into a very serious economic crisis and bring industry to a grinding halt.

I believe the administration of this law will require great skill because the backbone of America's capitalistic system lies in its freedom.

My fear is that when we impose severe limitations on the rights of labor to seek its just goals at the bargaining table and when we impose excessive restrictions on the right of industry to seek its best level of growth, we are indeed making a historic change in our economic thinking.

I shall watch with great interest and concern the administration of this legislation by the President and I shall not hesitate to point out its shortcomings whenever they occur.

As the appropriate time I shall ask permission of the House to include in my remarks today the two memorandums prepared by Mr. Gore.

Those memorandums follow.

[In the U.S. District Court for the District of Columbia]

MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION AND THREE-JUDGE COURT

(Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO, plaintiff versus John B. Connally, et al., defendants, civil action, No. 1833–71)

STATEMENT OF FACTS

Plaintiff, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO, is a labor union with more than half a million members (Complaint, Count I, par. 2). The Union and its constituent locals have collective bargaining contracts with employers engaged in commerce in the meat packing industry, the retail foods industries, the fur and leather industry, the food processing, poultry and seafood industries, the canning industry, and miscellaneous nonfood industries (Compl. Count I, par. 7). Those collective bargaining agreements provide for increases in salaries, wages, pension contributions and contributions to health and welfare funds that are scheduled to take effect between August 15 and November 13, 1971, affecting in excess of 150,000 employees. The wage increases range from 4¢ to 35¢ per hour, and the salary increases range from $10.00 to $27.00 per week. The scheduled increases in contributions to health, welfare and pension funds range from 1¾¢ per hour to 10¢ per hour, and, on a monthly basis, from $10.00 to $28.00 per month (*Ibid*). These increases in wages, salaries and fringe benefits were but a part of the entire contractual package negotiated by the Union and each employer, and represented a settlement by both sides in which various other demands were abandoned or modified in the process of reaching a meeting of the minds. All such collective bargaining agreements had become effective prior to August 15, 1971.

On August 15, 1971, President Nixon issued Executive Order 11615. In that Order, the President directed that all "prices, rents, wages, and salaries" in virtually all sectors of the economy be "stabilized for a period of 90 days from the date hereof at levels not greater than the highest of those pertaining to a substantial volume of actual transactions

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by each individual, business, firm or other entity of any kind during the thirty day period ending August 14, 1971, for like or similar commodities or services" (EO 11615, § 1(a)).

In his speech announcing the wage-price freeze, the President declared that he was imposing these restraints even though the national economy had been improving without them. Thus, he said that the nation's "unemployment rate today is below the average of the four peacetime years of the 1960's;" and that "from the high point of six per cent a year in 1969, the rise in consumer prices has been cut to four per cent in the first half of 1971" (Weekly Comp. of Pres. Doc., Vol. 7, No. 34, issue of Aug. 23, 1971).

The Executive Order was predicated on the authority given the President by Congress in the Economic Stabilization Act of 1970, as amended (P.L. 91–379, 84 Stat. 799; P.L. 91–558, 84 Stat. 1479; P.L. 92–8, 85 Stat. 13; P.L. 92–15, 85 Stat. 38), hereinafter referred to as "the Act." The Act authorized the President "to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970," but also empowered him to "provide for the making of such adjustments as may be necessary to prevent gross inequities" (§ 202(a)).

The Executive Order also created the Cost of Living Council, and delegated to the Council "all of the powers conferred on the President by the Economic Stabilization Act of 1970" (EO 11615, §§ 2(a), 3(a)). The Council is empowered to "(i) prescribe definitions for any terms used herein, (ii) make exceptions or grant exceptions, (iii) issue regulations and orders, and (iv) take such other actions as it determines to be necessary and appropriate to carry out the purposes of this Order" (EO 11615, § 4(a)).

Executive Order 11615 was intended by the President, and has been so construed by the Council, to impose a freeze on all wages, salaries, and fringe benefits as they existed just prior to August 15, and to prohibit any increase for the next 90 days in wage and salary rates, or in fringe benefits and employer contributions to health, welfare and pension funds, even though such increases may have been contracted for prior to August 15 (Compl., Count I, ¶6).

Relying on Executive Order 11615 and Council rulings implementing the Order, a number of employers have advised the Union that they are prohibited from implementing the increases in wages, fringe benefits and contributions to health, welfare, and pension funds to which they had previously agreed (Compl., Count I, ¶ 8). Among the employers so refusing to abide by their contracts are the eight who are defendants in this suit, and who employ a combined total of 50,000 workers: Swift & Company; Armour & Company; Hygrade Food Products Corporation; Wilson Certified Foods; Wilson-Sinclair; Wilson Beef & Lamb Co.; John Morrell & Co.; and Cudahy Packing Company. Those employers have refused to implement a 25c per hour wage increase that was supposed to be accorded their employees effective September 6, 1971 (Compl., Count II, ¶¶ 15–18; Poole Affidavit, ¶¶ 2–4).

Under the terms of the Executive Order, as interpreted and applied by the Council, the increases in earnings and fringe benefits denied the employees during the freeze period will be forever lost to them, because the Union and the employers with whom it deals are precluded from agreeing to a retroactive payment of the scheduled increases after the freeze expires. Accordingly, the Union has brought this suit for declaratory judgment and injunctive relief.

ARGUMENT

I. The Economic Stabilization Act of 1970 is unconstitutional

A. The Act Improperly Delegates Legislative Power to the President

Article I, Section 1, of the Constitution provides:

"All legislative Powers herein granted shall be vested in a Congress of the United States . . ."

The Economic Stabilization Act of 1970, however, vests unbridled legislative power in the President. Without a declaration of the reasons for the legislation, the circumstances in which the power may be invoked, or the methods to be used, Congress simply authorized the President "to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970." (Section 202(a).) [1]

This naked grant of authority empowers the President to determine whether prices, rents, wages or salaries will be controlled, and the scope, manner and timing of those controls. Under this Act, he has the power to freeze them, lower them or raise them directly, and he can regulate them indirectly by banning strikes, regulating production, and by innumerable other means.

The authority thus conferred by Congress on the President constitutes a clear violation of the separation of powers between the Executive and Legislative branches of the Government which the Constitution mandates. The Economic Stabilization Act of 1970 ignores the distinction between "the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law" (*Panama Refining Co. v. Ryan*, 293 U.S. 388, 426 (1935)). The latter is constitutional; the former is not.

The authority granted the President by the Act is no more legitimate than the grant of Presidential authority challenged in *Panama Refining*, *supra*. There, the Court held unconstitutional Section 9(c) of Title I of the National Industrial Recovery Act (48 Stat. 195, 200), which gave to the President the power to prohibit the interstate transportation of oil produced in excess of State-imposed production quotas. Describing Section 9(c), in terms equally applicable here, the Court said (293 U.S. at 415):

Section 9(c) does not state whether or in what circumstances the President is to prohibit the transportation of the amount of petroleum or petroleum products produced in excess of the state's permission. It establishes no criterion to govern the President's course. It does not require any finding by the President as a condition of his action. The Congress in section 9(c) thus declares no policy as to the transportation of the excess production. So far as this section is concerned, it gives to the President an unlimited authority to determine the policy and to lay down the prohibition, or not to lay it down, as he may see fit. And disobedience to his order is made a crime punishable by fine and imprisonment.

The Court recognized that Congress does have the power to enact legislation establishing primary standards and "devolving upon others the duty to carry out the declared legislative policy; as Chief Justice Marshall expressed it, 'to fill up the details' under the general provisions made by the Legislature" (293 U.S. at 426). Analyzing the precedents, however, the Court went on to say (*id.*, at 432):

"Thus, in every case in which the question has been raised, the Court has recognized that there are limits of delegation which there is no constitutional authority to transcend. We think that section 9(c) goes beyond those limits. As to the transportation of oil production in excess of state permission, the Congress has declared no policy, has established no standard, laid down no rule. There is no requirement, no definition of circumstances and conditions in which the transportation is to be allowed or prohibited.

"If section 9(c) were held valid, it would be idle to pretend that anything would be left of limitations upon the power of the Congress to delegate its lawmaking function. The reasoning of the many decisions we have reviewed would be made vacuous and their distinctions nugatory. Instead of performing its lawmaking function, the Congress could at will and as to such subjects as it chooses transfer that function to the President or other officer or to an administrative body. The question is not of the intrinsic importance of the particular statute before us, but of the constitutional processes of legislation which are an essential part of our system of government."

Panama Refining is now thirty-six years old, but the passage of years and growth of administrative agencies have not sapped the vitality of its teachings. In *Kent v. Dulles*, 357 U.S. 117 (1958), the Court held that the Secretary of State's promulgation of regulations denying passports to citizens who refused to sign a non-Communist affidavit was in excess of the powers conferred on him by Congress. In reaching this conclusion, the Court said (357 U.S. at 129):

". . . the right of exit is a personal right included within the word "liberty" as used in the Fifth Amendment. If that "liberty" is to be regulated, it must be pursuant to the law-making functions of the Congress. Youngstown Sheet & Tube Co. v. Sawyer [343 U.S. 579]. And if that power is delegated, the standards must be adequate to pass scrutiny by the accepted tests. See Panama Refining Co. v. Ryan, 293 U.S. 388, 420–430. •••Where activities or enjoyment, natural and often necessary to the well-being of any American citizen, such as travel, are involved, we will construe narrowly all delegated powers that curtail or dilute them. See Ex Parte Endo, 323 U.S. 283, 301–302. Cf. Hannegan v. Esquire, Inc., 327 U.S. 146, 156; United States v. Rumely, 345 U.S. 41, 46. We hesitate to find in this broad generalized power an authority to trench so heavily on the rights of the citizen.

The right to secure the benefits of valid employment contracts lawfully entered into is no less protected by the Fifth Amendment than is the "right of exit," and the principles found applicable in *Kent v. Dulles*, quoted above, are no less applicable to the case at bar. As stated by Justice Brennan, concurring in *United States v. Robel*, 389 U.S. 258, 274–277 (1967):

"Congress ordinarily may delegate power under broad standards. • • • No other general rule would be feasible or desirable. Delegation of power under general directives is an inevitable consequence of our complex society, with its myriad, ever changing, highly technical problems. "The Constitution has never been regarded as denying to the Congress the necessary resources of flexibility and practicality • • • to perform its function • • •. Panama Refining Co. v. Ryan, 293 U.S. 388, 421. It is generally enough that, in conferring power upon an appropriate authority, Congress indicates its general policy, and act in terms or within a context which limits the power conferred. • • •

"The area of permissible indefiniteness narrows, however, when the regulation invokes criminal sanctions and potentially affects fundamental rights. . . . This is because the numerous deficiencies connected with vague legislative directives whether to a legislative committee, United States v. Rumely, 345 U.S. 41; to an executive officer, Panama Refining Co. v. Ryan, 293 U.S. 388; to a judge and jury, Cline v. Frink Dairy Co., 274 U.S. 445, 465; or to private persons, Bantam Books, Inc. v. Sullivan, 372 U.S. 58; see Schechter Poultry Corp. v. United States, 295 U.S. 495; are far more serious when liberty and the exercise of fundamental rights are at stake.

"• • • Formulation of policy is a legislature's primary responsibility, entrusted to it by the electorate, and to the extent Congress delegates authority under indefinite standards, this policy-making function is passed on to other agencies, often not answerable or responsible in the same degree to the people. • • •

"The need for legislative judgment is especially acute here, since it is imperative when liberty and the exercise of fundamental freedoms are involved that constitutional rights not be unduly infringed. Cantwell v. State of Connecticut, supra, 310 U.S., at 304. Before we can decide whether it is an undue infringement of protected rights to send a person to prison for holding employment at a certain type of facility, it ought at least to appear that Congress authorized the proscription as warranted and necessary. Such congressional determinations will not be assumed."

See also *Gutknecht v. United States*, 396 U.S. 295, 306–307 (1970).

The "separation of powers" issue goes to the very core of this nation's government. In *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), the Court struck down the President's seizure of the nation's steel mills by executive order during the Korean War as an unconstitutional exercise of legislative power. Justice Jackson's eloquent concurring opinion therein aptly presents the matter. He said:

"The opinions of judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic." (343 U.S. at 634.)

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"I did not suppose, and I am not persuaded, that history leaves it open to question, at least in the courts, that the executive branch, like the Federal Government as a whole, possesses only delegated powers. The purpose of the Constitution was not only to grant power, but to keep it from getting out of hand. • • • The example of . . . unlimited executive power that must have most impressed the forefathers was the prerogative exercised by George III, and the description of its evils in the Declaration of Independence leads me to doubt that they were creating their new Executive in his image. • • • And if we seek instruction from our own times, we can match it only from the executive powers in those governments we disparagingly describe as totalitarian." (343 U.S. at 640–641.)

Thus, the genius of the framers of our Constitution placed in the hands of Congress the power to legislate to avoid the creation of another George The Third in the name of the Presidency. Hence it is for Congress to constitutionally empower the President to take action, but it must be sure that the power is administrative, not legislative. That legislative function was defined in *Yakus v. United States*, 321 U.S. 414 (1944), where, in rejecting thec laim that the Emergency Price Control Act of 1942 (56 Stat. 23) was an unconstitutional delegation of legislative power to the executive branch of the government, the Court said (321 U. S. at 424–425):

"The essentials of the legislative function are the determination of the legislative policy and its formulation and promulgation as a defined and binding rule of conduct—here the rule, with penal sanctions, that prices shall not be greater than those fixed by maximum price regulations which conform to standards and will tend to further the policy which Congress has established. These essentials are preserved when Congress has specified the basic conditions of fact upon whose existence or occurrence, ascertained from relevant data by a designated administrative agency, it directs that its statutory command shall be effective."

Or, as stated in *Bowles v. Willingham*, 321 U.S. 503, 515 (1944):

"Congress does not abdicate its functions when it describes what job must be done, who must do it, and what is the scope of his authority."

See also *Opp Cotton Mills v. Administrator*, 312 U.S. 126, 144–145 (1941). And Chief Justice Warren, speaking for the majority of the Court, in United States v. Robel, 389 U.S. 258 (1967) said that even the war power "cannot be invoked as a talismanic incantation to support any exercise of Congressional power which can be brought within its ambit," nor does it "remove Constitutional limitations safeguarding essential liberties • • •. It has become axiomatic that "[p]recision of regulation must be the touchstone in an area so closely touching our most precious freedom." (389 U.S. at 263–265.)

Measuring the Economic Stabilization Act of 1970 by the yardstick described in the cases cited above, one is compelled to conclude that Congress in 1970 unconstitutionally abdicated its functions to the President by conferring far-reaching authority upon him, but failing to describe the job to be done, the scope of his authority and the standards to which Congress shall conform. There is nothing in the Act remotely approaching the objects and standards set forth by Congress in the Emergency Price Control Act of 1942, quoted in *Yakus*, *supra*, 321 U.S. at 419–421, or in the Defense Production Act of 1950, 50 U.S.C.A. App. Secs. 2062, 2101–2102.

A comparison of the Economic Stabilization Act of 1970 with the relevant portions of the Defense Production Act of 1950 is instructive. The 1950 Act is replete with Congressional findings and declarations of policy and intent. In Section 2 of that Act (50 U.S.C.A. App. Sec. 2062), Congress declared:

"It is the policy of the United States to oppose acts of aggression and to promote peace by insuring respect for world law and the peaceful settlement of differences among nations. To that end this Government is pledged to support collective action through the United Nations and through regional arrangements for mutual defense in conformity with the Charter of the United Nations. The United States is determined to develop and maintain whatever military and economic strength is found to be necessary to carry out this purpose. Under present circumstances, this task requires diversion of certain materials and facilities from civilian use to military and related purposes. It requires expansion of productive facilities beyond the levels needed to meet the civilian demand. In order that this diversion and expansion may proceed at once, and that the national economy may be maintained with the maximum effectiveness and the least hardship, normal civilian production and purchases must be curtailed and redirected.

"It is the objective of this Act to provide the President with authority to accomplish these adjustments in the operation of the economy. It is the intention of the Congress that the President shall use the powers conferred by this Act to promote the national defense, by meeting, promptly and effectively, the requirements of military programs in support of our national security and foreign policy objectives, and by preventing undue strains and dislocations upon wages, prices, and production or distribution of materials for civilian use, within the framework, as far as practicable, of the American system of competitive enterprise."

And in establishing the President's authority to impose price and wage controls, Congress said (Section 401, 50 U.S.C.A. App. Sec. 2101):

"It is the intent of Congress to provide authority necessary to achieve the following purposes in order to promote the national defense: To prevent inflation and preserve the value of the national currency; to assure that defense appropriations are not dissipated by excessive costs and prices; to stabilize the cost of living for workers and other consumers and the costs of production for farmers and businessmen; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from abnormal market conditions or scarcities; to protect consumers, wage earners, investors, and persons with relatively fixed or limited incomes from undue impairment of their living standards; to prevent economic disturbances, labor disputes, interferences with the effective mobilization of national resources, and impairment of national unity and morale; to assist in maintaining a reasonable balance between purchasing power and the supply of consumer goods and services; to protect the national economy against future loss of needed purchasing power by the present dissipation of individual savings; and to prevent a future collapse of values. It is the intent of Congress that the authority conferred by this title shall be exercised in accordance with the policies set forth in section 2 of this Act, and in particular with full consideration and emphasis, so far as practicable, on the maintenance and furtherance of the American system of competitive enterprise, including independent small-business enterprises, the maintenance and furtherance of a sound agricultural industry, the maintenance and furtherance of sound working relations, including collective bargaining, and the maintenance and furtherance of the American way of life."

Moreover, along with the power to impose economic controls, Congress prescribed for the President the standards he should use and the factors he should consider in stabilizing prices and wages in all or any part of the economy (Section 402, 50 U.S.C.A App Sec. 2102).

The 1970 Act, on the other hand, merely contains the grant of authority to "stabilize" prices and wages (Sec. 202(a)); empowers him to delegate that authority to any government officer or agency he may choose (Sec. 203); provides for fines and injunctive relief against violators of "any order or regulation under this title" (Secs. 204–205); and states that the President's authority shall expire "at midnight April 30, 1972" (Sec. 206). Unlike the 1950 Act, there is no declaration of policy, no statement of Congressional intent, no standards to guide the President, and no limitations on his exercise of the powers conferred, except as noted in footnote 1, *supra*.

It is no accident that the Act is barren of any declaration of policy, guidelines or con-

[1] There are only two limitations on this authority: one is that it expires at midnight, April 30, 1972 (Section 206); the other requires that the President first make a determination of special need based on enumerated factors before singling out "a particular industry or sector of the economy upon which to impose controls" (Section 202(b)). The latter limitation was added by Congress in the Spring of 1971 because of its disapproval of the President's exercise of power to impose controls on union-negotiated wages in the building and construction industry. See Sen. Rep. No. 92–89, 92nd Cong., 1st Sess., reported in U.S. Code Cong. & Adm. News, pp. 662–663 (1971).

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trols. For, the legislative history of the Act makes plain that Congress intended to confer upon the President the unbridled power to impose general economic controls of whatever kind and at whatever time he saw fit.[2] Indeed, a number of legislators opposed the Act precisely because of the breadth and scope of the delegation of power contained therein.[3]

In sum, in the Economic Stabilization Act of 1970, Congress sought to confer on the President total untrammelled discretionary power to make the major policy determinations whether, when and how economic controls should be imposed upon this nation, without spelling out guidelines or standards. Manifestly, Congress in the instant Act failed to comply with the Constitutional principle that "more is required of legislatures than a vague delegation to be filled in later by mute acquiescence" [*Barenblatt v. U.S.*, 360 U.S. 109, 140 (1959)]. Thus, by its action, Congress abdicated its constitutional responsibilities. Clearly, therefore, the Act is null and void as being violative of Article I, Section 1, of the Constitution.

B. The Act Abridges Rights Under the Fifth Amendment

As interpreted by the President, the Act empowers him to freeze prices, rents, wages and salaries at levels not lower than those prevailing on May 25, 1970, regardless of existing contracts that may call for increases in those levels. It is settled law, however, that under the Due Process Clause of the Fifth Amendment, the federal government may not impair the obligation of existing contracts. *Thorpe v. Housing Authority*, 393 U.S. 268, 278, n. 31 (1969); *Home Building & Loan Assn. v. Blaisdell*, 290 U.S. 398, 440 (1934); *Block v. Hirsh*, 256 U.S. 135, 154–155 (1921). This is not to say that Congress may not pass laws affecting freedom of contract or rights under existing contracts when "the vital interests of its people" are at stake (*Blaisdell, supra*, 290 U.S. at 434). But the test of constitutionality is "whether the legislation is addressed to a legitimate end and the measures taken are reasonable and appropriate to that end" (*id.*, at 438).

Among the vital interests of a people is its economic well-being, and the state can modify or curtail rights under existing contracts to protect or promote that interest. *City of El Paso v. Simmons*, 379 U.S. 497, 508 (1965); *Blaisdell, supra*, 290 U.S. at 437. Such modification or curtailment, however, "must be consistent with the fair intent of the constitutional limitation" against "modify[ing] or affect[ing] the obligation of contract." *City of El Paso, supra*, 379 U.S. at 509. The state's power of modification and the Constitution's injunction against impairment "must be construed in harmony with each other," which "precludes a construction which would permit the state to adopt as its policy the repudiation of debts or the destruction of contracts or the denial of means to enforce them." *Ibid.*; *Blaisdell, supra*, at 439.

The reason for requiring the state to give reasons for restricting a constitutional right is quite obvious. If a restriction can only be imposed when a certain set of facts are found to exist, the actual existence of those facts must be open to judicial scrutiny to protect the rights of those affected thereby. As the Court said in *Blaisdell*, wherein it upheld the constitutionality of a state law imposing a moratorium on mortgage foreclosures during the Great Depression (290 U.S. at 442):

". . . while the declaration by the Legislature as to the existence of the emergency was entitled to great respect, it was not conclusive; and, further, . . . a law "depending upon the existence of an emergency or other certain state of facts to uphold it may cease to operate if the emergency or the facts change, even though valid when passed." It is always open to judicial inquiry whether the exigency still exists upon which the continued operation of the law depends." Chastleton Corporation v. Sinclair, 264 U.S. 543, 547, 548.

In the case at bar, there is no way to harmonize the Constitution's injunction against impairing the obligations of contracts with Congress' grant of such power to the President. In the Economic Stabilization Act of 1970, Congress made no finding or determination that modification of existing contract rights is necessary, nor did it require the President to make such a finding before imposing economic controls. The Act is thus "in notable contrast with historic practice . . . by which declarations of policy are made by the Congress and delegations are within the framework of that policy and have relation to facts and conditions to be found and stated by the President in the appropriate exercise of the delegated authority" (*Panama Refining Co. v. Ryan, supra*, 293 U.S. at 431). In the absence of a legislative finding of need, therefore, the Act's restrictions on plaintiff's freedom of contract must be declared unconstitutional.

There is yet another respect in which the Act is deficient under the Fifth Amendment. In adopting the legislation, Congress made no provision for administrative or judicial review of the rules, regulations and determinations of the agencies administering the Act. Persons affected by orders and regulations issued under the authority of the Act are afforded no opportunity to be heard or present evidence before they are adversely affected by administrative action. Moreover, the courts are afforded no opportunity to pass upon the regulations and orders issued pursuant to the Act, and no basis for determining whether they are proper. This failure to provide a procedure for review of executive action taken pursuant to the provisions of the Act is a clear violation of the due process requirements of the Fifth Amendment. *United States v. Robel, supra*, 389 U.S. at 277–281 (concurring opinion); see *Yakus v. United States, supra*, 321 U.S. at 433, 437–438.

II. Executive Order 11615 Constitutes an Improper Exercise of Legislative Power and Violates the Fifth Amendment

Just as the Economic Stabilization Act of 1970 violates constitutional requirements by failing to provide a policy, standards and findings of fact to guide the President and the nation, so too does Executive Order 11615 violate the Constitution by failing to show that the drastic action ordered therein—even if properly authorized—is warranted.

"The executive order contains no finding, no statement of the grounds of the President's action in enacting the prohibition. * * * If it could be said that from the four corners of the statute any possible inference could be drawn of particular circumstances or conditions which were to govern the exercise of the authority conferred, the President could not act validly without having regard to those circumstances and conditions. And findings by him as to the existence of the required basis of his action would be necessary to sustain that action, for otherwise the case would still be one of an unfettered discretion as the qualification of authority would be ineffectual." (*Panama Refining Co.* v. *Ryan, supra*, 293 U.S. at 431.)

Indeed, not only did the President make no findings of fact in the executive order to support his sudden imposition of far-reaching economic controls, but in his speech announcing the issuance of the order, the President actually stated facts showing that such controls were not needed. Regarding unemployment and inflation, two major elements that were the alleged target of the wage-price freeze, the President said:

"First, on the subject of jobs. We all know why we have an unemployment problem. Two million workers have been released from the Armed Forces and defense plants because of our success in winding down the war in Vietnam. Putting those people back to work is one of the challenges of peace, and we have begun to make progress. Our unemployment rate today is below the average of the four peacetime years of the 1960s.

* * * * *

"The second indispensable element of the new prosperity is to stop the rise in the cost of living.

"One of the cruelest legacies of the artificial prosperity produced by war is inflation. Inflation robs every American. The 20 million who are retired and living on fixed incomes are particularly hard hit. Homemakers find it harder than ever to balance the family budget. And 80 million wage-earners have been on a treadmill. In the four war years between 1965 and 1969 your wage increases were completely eaten up by price increases. Your paychecks were higher, but you were no better off.

"We have made progress against the rise in the cost of living. From the high point of six percent a year in 1969, the rise in consumer prices has been cut to four percent in the first year of 1971. * * *"

Thus, the President explained that his existing economic policies were effective in eliminating unemployment and reducing the inflationary spiral, and because there was no emergency requiring the immediate imposition of restrictions on the people's liberties, he was announcing a "new economic policy" commencing with strict economic controls on wages and prices. On the basis of the facts relied on by the President in his speech, Executive Order 11615 is clearly unwarranted and unauthorized by Congress, and therefore unconstitutional. *Youngstown Sheet & Tube Co. v. Sawyer, supra.*

Even assuming the President could lawfully establish certain controls on the economy pursuant to the Act, and that he made the necessary findings to justify taking some action, the controls he imposed exceed that which the Act can reasonably be construed to permit. Nothing in the terms or legislative history of the Act supports the President's view that it conferred upon him the power to impair the obligations of existing contracts. Congress made no finding or determination that existing contract rights should be impaired when it empowered him to "stabilize" wages and prices, and this issue was not a subject of Congressional debate. Absent clear evidence that Congress intended to confer on the President the power to affect existing contracts, the Act should not be construed to grant that authority. For, such a precious right should not be deemed suspended or abridged unless the need to do so is clear and compelling. See *Kent v. Dulles, supra*, 357 U.S. at 127–129.

In addition to freezing wages and salaries at the level they attained on August 14, 1971, Executive Order 11615, as construed by the Cost of Living Council, also froze fringe benefits such as paid break time, holidays, vacations and insurance benefits at the levels as they existed on that date. The Act, however, does not mention fringe benefits, but only "wages and salaries."

In the Defense Production Act of 1950, when Congress authorized the President to impose economic controls, it said he could issue "regulations and orders stabilizing wages, salaries, *and other compensation* . . ." (emphasis added). 50 U.S.C.A. App. Sec. 2102(b)(1). The phrase "and other compensation" clearly evidenced Congressional intent to cover *all* forms of remuneration for work performed, and under that provision, fringe benefits were regulated. That phrase does not appear in the Economic Stabilization Act of 1970. Accordingly, Congress must have intended that certain forms of compensation not constituting wages or salaries be excluded from regulation as not having a sufficient impact on the economy to warrant emergency control. The Council's attempt to regulate such benefits, therefore, is beyond the scope of its power under the Act and should be enjoined.

CONCLUSION

In enacting the Economic Stabilization Act of 1970, Congress sought to delegate to the President the unpleasant and difficult task of formulating a program of economic controls and restraints, without attempting to define, for his guidance, the objects to be accomplished, or the nature and timing of the program. By so doing, Congress improperly surrendered its constitutional responsibilities, and this Court should not permit the attempted delegation to stand. The Supreme Court said in *Aptheker* v. *Secretary of State*, 378 U.S. 500, 515 (1964):

". . . this Court will not consider the abstract question of whether Congress might have enacted a valid statute but instead must ask whether the statute that Congress did enact will permissibly bear a construction rendering it free from constitutional defects."

In the case at bar, the statute Congress enacted will not permissibly bear a construction rendering it free from constitutional defects. The Economic Stabilization Act of 1970 should therefore be declared unconstitutional and its enforcement enjoined.

In any event, even assuming the Act is constitutional, Executive Order 11615 is itself illegal and void because it was issued at a time when the President himself announced there was no need for it. Moreover, the executive order goes far beyond the limits imposed by the Act in seeking to impair existing contract rights, and by freezing benefits that Congress never intended should be regulated.

For the foregoing reasons, we respectfully submit that a three-judge court should be convened, and that it issue a preliminary injunction restraining the Cost of Living Council from enforcing the Act and Executive Order 11615.

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Attorneys for Plaintiff.

SEPTEMBER 21, 1971.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum in Support of Plaintiff's Motion for Preliminary Injunction and Three-Judge Court was served on September 21, 1971, by first class mail, postage prepaid, on the parties below:

United States Attorney General, Department of Justice, Washington, D.C.

United States Attorney, United States Court House, 3rd & Marshall Place, N.W., Washington, D.C.

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SOLOMON I. HIRSH.

[In the U.S. District Court for the District of Columbia]

PLAINTIFF'S REPLY MEMORANDUM IN SUPPOAT OF ITS MOTION FOR A PRELIMINARY INJUNCTION

(Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO, Plaintiff versus John B. Connally, et al., Defendants, civil action No. 1833–71)

1. In its memorandum in opposition to the Union's motion for a preliminary injunction, the Government asserts that the Union has an adequate remedy at law and has made no showing it will suffer irreparable harm if interlocutory relief is not granted. The facts, however, are to the contrary.

As shown in the complaint, the Union represents over 150,000 employees, covered by more than 150 collective bargaining contracts, who are being denied increases in wages, pensions and health and welfare benefits during the period of the President's freeze. The hardships these people must endure during the freeze can hardly be measured in dollars. As a result of the freeze, retirees are being denied pension increases which are needed now to pay for the increases in the cost of food, clothing, shelter and transportation that have eroded the value of their savings and pensions. As a result of the freeze, workers are being forced into desperate financial straits to pay medical bills that are due as a result of serious illness and injuries; the financial security of these people will not be returned to the *status quo antc* when, many months hence, the coverage of their medical insurance will be belatedly increased so as to protect them should serious illness or injury ever strike again. And, as a result of the freeze, ordinary working men and women whose wages only follow—not lead—the inflationary spiral, are being forced to make substantial sacrifices in their living standards and that of their families; they must borrow money at interest rates that are not frozen in order to pay for necessities or to help send children to school, cancel vacation plans, postpone purchases, and find second jobs in order to make ends meet.

These people will not be made whole simply because they will get a raise several months from now. Such harm is substantial and irreparable, and provides ample basis for the granting of injunctive relief as a preliminary matter. See *Burns v. Montgomery*, 299 F. Supp. 1002 (N.D. Cal. 1968), aff'd 394 U.S. 848, where a three-judge court granted a preliminary injunction restraining the enforcement of California's residency requirement for welfare applicants, upon a finding that the plaintiffs were being denied money for food, rent and medical care.

In addition to the harm being suffered by the Union and its members now as a direct result of the President's freeze order, other serious damage could befall the economy if the freeze is not immediately enjoined by a preliminary injunction. The affidavit of the Union's Executive Vice President, Harry Poole, which is attached to our motion for preliminary injunction, shows that the eight employer-defendants herein employ more than 50,000 workers covered by contracts with the Union, and that all of these people were entitled to a 25 cents per hour wage increase effective September 6, 1971. If none of this money were to be paid until a final order of this Court in favor of the Union—possibly many months hence—the financial burden on these meat packers would be staggering. The total back pay of 50,000 employees at 25 cents per hour from September 6, to November 13, assuming no overtime, is five million dollars. We have no doubt that the employer-defendants could secure that much money from their various sources, but the long-term consequences to them of having to raise such a substantial sum could be quite harmful. And as for other, smaller employers who employ some of the remaining 100,000 Union members due an increase in wages and benefits during the freeze (see Poole Affidavit, §§ 5–7), a sudden obligation to pay back pay of tens of thousands of dollars could drive them out of business.

In sum, the harm which the Union's members are suffering now is substantial and irreparable; and the harm which its members, employers, and other elements of the economy may suffer in the future will also be substantial and perhaps irreparable. Under these circumstances, a preliminary injunction is warranted, for none of the injuries described above can be adequately compensated by damages awarded in an ordinary civil action. Thus, in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952), the Government opposed the District Court's grant of a preliminary injunction against the President's seizure of the nation's steel mills on the ground that the owners could recover full compensation from the Court of Claims should it ultimately be decided that the seizure was an unlawful taking of property. The Supreme Court rejected the Government's argument, finding that:

". . . seizure and governmental operation of these going businesses were bound to result in many present and future damages of such nature as to be difficult, if not incapable, of measurement. Viewing the case this way, and in the light of the facts presented, the District Court saw no reason for delaying decision of the constitutional validity of the orders. We agree with the District Court and can see no reason why that question was not ripe for determination of the record presented."

Here, as in *Youngstown Sheet & Tube, supra*, the freeze is "bound to result in many present and future damages of such nature as to be difficult, if not incapable, of measurement." Under these circumstances, there is no reason to delay decision on the substantive issues of this case pending filing of the Government's formal answer to the complaint and a hearing on the permanent injunction.

2. The Government asserts (Memo. pp. 9–10), that "the Courts, including the Supreme Court, have always sanctioned the broadest possible delegation of authority in areas where, as here, the nature of the subject and the expertise of the Executive combine to call for timely and particularized action . . ." By careful selection and editing of quotes from various authorities, the Government seeks to give this Court the impression that there are virtually no limits on the power of Congress to delegate authority to the President, and that the delegation under challenge here is of a type long sanctioned. Analysis of the authorities cited by the Government, however, do not support its claims.

The Government places strong reliance on a law review article (Jaffe, *Delegation of Legislative Power:* II, 47 Colum. L. Rev. 561 (1947)) which, it claims, strongly implies that *Schechter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935); and *Panama Refining Co.* v. *Ryan*, 293 U.S. 388 (1935)—cases upon which the Union relies—are no longer good law. The Government's claim is based on the first part of a sentence from the article (47

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[2] See . Rep. No. 91–1330, *Defense Production Act Extension and Economic Stabilization Act*, 91st Cong., 2d Sess., pp. 9, 11 (1970); remarks of Congressman Patman, 116 Cong. Rec. H7502 (daily ed., July 31, 1970); remarks of Congresswoman Sullivan, *id.*, at H7510; remarks of Congressman Leggett, *id.*, at 7527; remarks of Congressman Waggonner, *id.*, at H7537; remarks of Congressman Wright *id.*, at H7542; remarks of Congressman Williams, 117 Cong. Rec. H1382 (daily ed., March 10, 1971); remarks of Congresswoman Sullivan, *id.*, at H1383; remarks of Congressman Barrett, *id.*, at H1383–84.

[3] See, e.g., Additional views of Congressmen Brown, et al., H. Rep. 91–1330, *supra*; Additional views of Congressman Brown, *Extending Until March 31, 1973, Certain Provisions of Law Relating to Interest Rates and Cost-of-Living Stabilization*, H. Rep. 92–36, 92nd Cong., 1st Sess., p. 7; remarks of Congressman Brown, 116 Cong. Rec. H7520, H7544–45 (daily ed., July 31, 1970); remarks of Congressman Wylie, *id.*, at H7520; remarks of Congressman Williams, *id.*, at H7522; remarks of Congressman Crane, *id.*, at H7525–26; remarks of Congressman Gross, *id.*, at H7545 and H8259; remarks of Senator Packwood, 117 Cong. Rec. S. 6135–36, S. 6137 (daily ed., May 3, 1971); remarks of Congressman Frenzel, 117 Cong. Rec. H1384 (daily ed., March 10, 1971); remarks of Congressman Rousselot, 117 Cong. Rec. H1384–85 (daily ed., March 10, 1971).

Colum. L. Rev. at 578), which says: "Since *Schechter* no delegation has been held invalid . . ." The rest of the sentence, however, not quoted by the Government, explains why no delegation was held invalid between 1935 and 1947, and points up the basic deficiency in the Economic Stabilization Act of 1970. The full sentence reads (*ibid.*):

"Since *Schechter* no delegation has been held invalid, but none of them has had quite the imposing generality of NRA and the Court has been careful to distinguish it."

The "imposing generality" which marked the National Recovery Act also marks the Economic Stabilization Act of 1970. As we showed in our original memorandum, the Act imposes no standards, guidelines or limitations on the President's power to impose wage and price controls on the economy as a whole, except that wage or price levels cannot be set below those existing on May 25, 1970. The Act does not even contain a generalized statement of purpose, which the NRA did contain. Thus, the considerations that led the Supreme Court to declare the NRA unconstitutional dictate a similar result in the case at bar.

The Government also quotes (Memo. p. 11) from Justice Brennan's concurring opinion in *United States v. Robel*, 389 U.S. 258 274–275 (1967), setting forth that part of the decision in *Panama Refining, supra*, which gives recognition to the right of Congress to delegate power under broad standards. Interestingly, however, the Government's memo fails to show that Justice Brennan was quoting from *Panama Refining*, and that he was concurrent in a decision holding a provision of the Subversive Activities Control Act unconstitutional, based on his view that Congress had improperly delegated legislative powers to the Secretary of Defense. More of Justice Brennan's opinion is quoted in our original memo, pp. 8–9, and we invite the Court's attention thereto for a full exposition of the principles of law which require that the Economic Stabilization Act be held unconstitutional.

Just as *Robel* is of no aid to the Government in this case, neither, we submit, is *Yakus v. United States*, 321 U.S. 414 (1944). The lengthy excerpts set forth in the Government's memo, pp. 12–13, only serve to emphasize the crucial deficiencies in the 1970 Act which render it unconstitutional. See pp. 11–12 of our original memo.

Allen v. Grand Central Aircraft Co., 347 U.S. 535 (1954), which the Government cites at p. 19 of its memo, is totally inapposite. In *Allen*, the Court sustained the validity of certain regulations issued under the Defense Production Act of 1950 as being within the power conferred upon the President by that act.[1]

In reaching this conclusion, the Court pointed out that the statutory provision relied on by the President in the 1950 Act was "derived from" the Stabilization Act of 1942 (347 U.S. at 541), and followed the earlier statute "almost word for word" (*id.*, at 546). For that reason, the Court held, "To read the Defense Production Act of 1950 without reference to this model is to read it out of the context in which Congress enacted it (*id.* at 541). No similar claim can be made about the derivation of the Economic Stabilization Act of 1970. As we showed in our original memo, pp. 11–13, a comparison of the 1970 Act with the acts of 1950 and 1942 shows that the most recent economic stabilization legislation is as much like the earlier as a blunderbuss is like a sniper's rifle.[2] There is absolutely no similarity in form or substance between the 1970 legislation and the economic controls Congress authorized during World War II and the Korean conflict. For this reason, the Government's claim that the 1970 Act must be considered with reference to the earlier legislation can only hurt, not help, its case. For, the elements in the earlier legislation which the Supreme Court in *Yakus* relied on to sustain its constitutionality are totally lacking here.

3. In its memo, pp. 6–9, the Government argues that when Congress used the words "wages and salaries" in the Act, it intended to encompass all forms of compensation for services rendered, and that the President was therefore empowered to freeze fringe benefits and wage increases previously agreed to. The Government's argument based on the presumed meaning of "wages and salaries" is patently incorrect.

If, as the Government claims, the 1970 Act should be construed in the light of the Defense Production Act of 1950, then it is clear that Congress did not intend to regulate all forms of compensation. For, as pointed out in our original memo, p. 20, the 1950 Act authorized the President to impose economic controls over "wages, salaries, and other compensation" (50 U.S.C.A. App. Sec. 2102(b)). The phrase "and other compensation" was omitted by Congress from the 1970 Act, thus warranting the inference that not all forms of compensation were intended to be controlled. Indeed, the President has declined to freeze profits—one form of compensation—on the ground he is not empowered to do so.

The Government seeks to justify imposing controls on fringe benefits by arguing that increases there "are just as likely to increase the cost of doing business without corresponding increases in productivity" (Gov't. Memo, p. 9). By the same token, however, increases in profit margins would also increase the cost of doing business, but we do not see the Government moving to regulate those. In short, the mere fact that Congress could have or should have authorized controls on fringe benefits does not mean that it did so, and Congress' failure to include the phrase "other compensation" warrants the conclusion that fringe benefits were not intended to be controlled.

Similarly, if Congress intended the President to deny employees their right to pay raises under existing contracts, it should have made that fact unequivocally clear. The only argument the Government makes in support of construing the Act to cover such raises (aside from the one, discussed above, that Congress intended its grant of power to have the broadest possible scope) is that it would be inequitable to permit some employees to get wage increases during the freeze while others were denied them (Memo. pp. 6–7). Suffice it to say that such an "inequity" would be lost among the myriad inequities which the President's freeze itself has generated. Employees covered by contracts providing for periodic increases gave up other benefits at the time the contracts were signed in order to secure such future protection. See Plaintiff's Complaint, Count I, ¶9, and Count II, ¶15. Since employers usually anticipate higher wages by raising prices well in advance, the wage increases provided for in the Union's contracts would not have had an inflationary effect, but would have permitted the employees covered thereby to catch up with the increases in the cost of living during the preceding months. Accordingly, the policy argument offered by the Government for sustaining the freeze on wage increases previously agreed to should be rejected as lacking in merit.

Finally, the Government cites to Section 202 (b) of the Act as evidence of the care with which Congress delegated powers to the President (memo, p. 17). Under that provision, the President is required to make certain findings regarding specified factors before he can take action to "stabilize" prices or wages in "a particular industry or segment of the economy. . . ." By virtue of this provision, it is apparent that Executive Order 11615 is invalid on its face. The President excluded from its coverage profits, interest rates, dividends and raw agricultural products. Thus, since the Executive Order applies to less than the economy generally—i.e., to a "segment of the economy"—the President was precluded by Section 202(b) from exercising his powers under the Act unless he first took into account "the seasonal nature of employment, the rate of employment or under-employment, and other mitigating factors, that prices or wages in that . . . segment of the economy have increased at a rate which is grossly disproportionate to the rate at which prices or wages have increased in the economy generally." The Executive Order does not show that the enumerated factors were taken into consideration when the President imposed controls on a large segment of the economy, and so the Executive Order is void.

CONCLUSION

For the foregoing reasons, and for the reasons set forth in our main memorandum, we respectfully submit that a three-judge court should be convened and that the Court should preliminarily enjoin the enforcement of Executive Order 11615 and the Economic Stabilization Act of 1970.

ALBERT GORE,
SOLOMON I. HIRSH,
JERRY D. ANKER,
Attorneys for Plaintiff.

SEPTEMBER 28, 1971.

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Plaintiff's Reply Memorandum in Support of its Motion for a Preliminary Injunction was served on September 28, 1971, by first class mail, postage prepaid, on the parties below:

L. Patrick Gray, III, Esq., Assistant Attorney General, Department of Justice, Washington, D.C., and Thomas A. Flannery, Esq., United States Attorney, United States Court House, 3rd & Marshall Place, N.W., Washington, D.C., attorneys for the Government Defendants.

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SOLOMON I. HIRSH.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia (Mr. STEPHENS) which would eliminate the retroactive feature covering pay increases obtained during the 90 day wage-price freeze.

I think it is quite clear to everyone here that the President's phase I and phase II programs are heavily weighted in favor of big business. This "trickle down" theory of pouring billions into the hands of the "fat cats" does not help the middle and lower income wage earner at all.

The committee modified the President's plan a little so that persons expecting wage increases under previously negotiated contracts would receive them. This is only fair.

The Federal Government does not have the right to nullify contracts properly entered into by labor and management. Yet this is what we would be doing if we permitted the President to eliminate all retroactive payments of wage increases.

Teachers particularly should be granted their retroactive pay increases. This group of workers more than any other has suffered greatly as a result of the wage-price freeze and the phase II controls. Teachers are generally paid on a 9-month-school-year basis. Thus, they were hit hardest by the freeze. Now to deny them normal increases—especially longevity increases—would be asking them to bear a far greater burden of the fight against inflation than almost anyone else.

I believe we have given big business enough in this bill to permit the retroactivity portion for the wage earner to stand. It provides a minimum degree of balance to the bill.

Moreover, any attempts to eliminate the exemption for the working poor and those with substandard wages should also be defeated. To deny those who are barely making a living a sizable increase in salary is virtually inhuman. Whether we have inflation or deflation we should continue every effort that will help raise the standard of living of our lowest paid workers. To do less would be unconscionable.

Mr. Chairman, I strongly urge that this amendment be defeated in the interests of every hardworking American and in the interests of the national economy as a whole.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BRASCO).

(By unanimous consent, Mr. PATMAN yielded his time to Mr. BRASCO.)

Mr. BRASCO. Mr. Chairman, again I urge this Committee to support the Minish amendment and to vote against the Stephens amendment.

Let me say this: the amendment of Mr. PIKE to the Stephens amendment, which changes the word "permit" to "require" does not really help the situation at all, because what is really the problem is subdivision 2. That is the criteria that has to be applied before the wage increases can be honored.

They are specifically, prices have been raised, taxes have been raised, and appropriations have been made or funds have been authorized, raised, or provided for in order to compensate for such increases. This places an impossible burden on labor. Indeed what this does is it codifies the already existing guidelines used by the Pay Board now.

And under those guidelines, the Pay Board has said that there shall be only a 5.5-percent increase and only some industries would receive it retroactively. They are being so selective that if we adopt this amendment, which in turn is the Pay Board procedure, none of these contracts entered into before August 15 will be honored.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I rise in opposition to the Stephens amendment to the Economic Stabilization Act Amendment of 1971. The language of this amendment speaks to the very controversial and important provisions of this bill relating to retroactive pay.

The committee bill provides that retroactive pay under wage agreements negotiated prior to the wage-price freeze shall be paid unless the President, through phase II machinery, should determine that an individual wage agreement is unreasonably inconsistent with increases in the same overall sector of the economy. I agree with Mr. STEPHENS that the language of the committee bill is too broad, in respect to retroactive increases. It is broader than in the Senate bill, for example, which permits retroactive increases that are not found to be unreasonably inconsistent with other increases, but the Senate bill goes on to apply certain phase II standards in determining what is unreasonably inconsistent and what is not. I am inclined to agree with the majority of the Senate which felt that Congress should set some guidelines or standards for the President to determine what Congress means by unreasonably inconsistent.

The Stephens amendment, on the other hand, does not go far enough. It applies the seemingly reasonable principle that retroactive pay increases should be granted only in cases where it can be demonstrated that the firm, school district, or other entities involved had already increased prices or taxes or other sources of revenue in anticipation of having to pay the negotiated increase. This approach, instead of eliminating inequities caused inadvertently by the timing of the August 15 phase I announcements, could in fact complicate and perpetuate such inequities. In the case of school districts, for example, where tremendous inequities have occurred as a result of the freeze, it would be difficult if not impossible to apply the Stephens amendment in an equitable way. One school board, having signed a wage agreement with its teachers in July, may have acted immediately to increase tax rates to pay for the increase.

In other cases, and also inadvertently, the school board meeting at which tax rates were to have been taken up may not have been scheduled until after August 15, and in those cases, tax rate adjustments to compensate for negotiated increases may have been postponed because of the freeze announcement. Thus, under this amendment, it would still be possible for teachers in the same building with the same seniority to receive different rates of pay for the same work, and for some teachers to receive lower rates of pay than newer, less experienced teachers who have received new pay rates as a result of regulations of the Cost of Living Council during the freeze period.

While many have raised the argument that retroactive increases, as provided by the Senate and the House committee bill, should not be granted because there are many industries and institutions which did not increase wages and taxes in anticipation of increased wages. Despite several attempts by members of the Banking and Currency Committee to determine from the Department of Labor and the Treasury Department just how extensive this problem would be, in terms of numbers of workers, and numbers of major contracts, no specific information could be obtained. It would seem to me that whether Congress finally enacts a retroactive pay provision similar to the Senate or House committee bill, or one somewhere in between, the Pay Board and Price Commission could work hand in hand to work out any special cases which would arise in this area.

The requirement of the Stephens amendment that retroactive pay be granted only where it can be shown that price or tax increases have already gone into effect in anticipation of wage raises, would create severe administrative and bureaucratic problems, bringing innumerable and conflicting cases before both the Pay Board and Price Commission. These panels would be forced to consider whether the combined effect of price or tax increases, productivity increases and profit rates would or would not justify retroactive pay in each case. Thus, not only would the Stephens approach not eliminate inequity, it would be extremely cumbersome to implement.

Mr. Chairman, I believe that it is extremely important that the President's economic program receive the broadest degree of public support and cooperation possible, from every economic sector. Phase II was specifically designed to end and correct some of the severe inequities caused by the 90-day wage-price freeze. One of the greatest inequities lies in the field of pay increases negotiated prior to the freeze, but deferred or canceled by the timing of the President's announcement. While there have already been problems winning the full cooperation of labor groups for phase II programs, the answer to these disagreements does not lie in making those workers who have suffered severe inequities the whipping boys of the fight against inflation and for productivity improvements.

A solution to the retroactive pay problem must be found which does not defeat the purpose of phase II controls, and which does eliminate the most glaring inequities caused during phase I. The Stephens amendment does not fill this requirement, and the committee language may go too far in the other direction. One alternative approach I have considered is to offer retroactive pay to November 14, the date phase II began. This would still exact severe sacrifices from some whose wage agreements were

[1] The Court expressly refrained from passing on the constitutionality of the substantive provisions of the wage and price controls imposed by the 1950 Act, finding that the employer had failed to exhaust its administrative remedies. 347 U.S. at 553, n. 22.

[2] In footnote 4 of its memo, the Government notes as "relevant" the fact that the 1970 Act "was Title II of Public Law 91–379, the first title of which was an amendment to the very same Defense Production Act as was involved in the *Allen* case." The relevance of this fact is not readily apparent, since Title II, with which we are here concerned, was *not* an amendment to the Defense Production Act of 1950. The economic controls contained in the 1950 act expired on April 30, 1953, and have never been revived. See 50 U.S.C.A. App. Sec. 2101 (Supp. 1971).

signed prior to the freeze, but it would not undo any of the progress we have made during the phase I freeze. This approach, or a reasonable compromise between the Senate bill and the present House committee language, would be far more acceptable from every standpoint than the overly restrictive provisions of the Stephens amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I rise in strong support of the Stephens amendment as amended today.

Without the Stephens amendment, the President and the Pay Board are stripped of their power to stabilize the economy during the original 90-day freeze period.

Without the Stephens amendment, we will mandate by law another large, but not a majority, class of Americans as a special group with special privileges. We are still asking for equality of sacrifice. The Stephens amendment takes us closer to equality.

The Stephens amendment gives positive assurance to teachers that they will get their increases. I have stated since September that the Pay Board should adopt the principles of the Stephens amendment. I have publicly urged the Pay Board to do so because I wanted equity for the teachers of my State. I believe the Stephens amendment gives teachers a fairer shake than the Minish language now in the bill.

Mr. Chairman, if we don't pass the Stephens amendment, we will be delaying the stabilization of our economy, and perhaps denying equity to large groups of our wage earners. I urge its immediate passage.

(By unanimous consent, Mr. FRENZEL yielded his remaining time to Mr. McKINNEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, it should be very obvious to all of us that economic stability in our Nation is both our No. 1 objective and our No. 1 problem. The standby authority for wage-price control provided by Congress has served as an important vehicle in the hands of the President in the efforts to bring order out of seriously threatening economic chaos. However, this is only a beginning in the difficult problem of securing the continuing cooperation and support of all segments of the economy. This must be achieved or we shall lose all we have gained and more.

Mr. Chairman, I feel that it should be obvious the Stephens amendment is essential if we are to continue to have an orderly wage-price control program, with sufficient flexibility to permit sound application and a successful outcome and I strongly urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I am going to support the Stephens amendment because I think it is fair. I think it is mandatory and I think it is just.

Mr. Chairman, the President must provide for these wage increases, these retroactive wage increases, if he does two things. First, he has got to find that the wage increase was provided for by law or there was a contract for such increase, and the second thing is that the employer has got the money set aside with which to pay these retroactive increases. If the employee met the first test, then the President must decide if the test of subparagraph (B) has been met. If that simple test is met the pay increase is required.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The Chair recognizes the gentleman from Michigan (Mr. BROWN).

(By unanimous consent, Mr. BROWN of Michigan yielded his time to Mr. ANDERSON of Illinois.)

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, let us take a cold, hard look at the Stephens amendment and recognize it for what it is.

The Stephens amendment states:

> The President shall permit any wage increase negotiated in contracts prior to August 15, 1971, if prices have been increased, taxes have been raised or appropriations have been made to cover these wage increases.

Mr. Chairman, with all due respect for my esteemed colleague from Georgia, this amendment says absolutely nothing because it merely repeats the authority already granted to the President by the Economic Stabilization Act.

Ironically, the Stephens amendment runs counter to the expressed aims of the phase II program. The President and his advisers have repeatedly said that they want to check inflation through increased productivity and a reduction in costs. This is the way they see to revitalize the economy in terms of strengthening our ability to compete and to stabilize the economy. But instead of achieving these things, the Stephens amendment would provide pay increases only on the basis of increased prices or increased taxes. It would not reward workers for achieving greater productivity. In fact, it would penalize increased productivity because no benefits for the workers would come from it.

Mr. Chairman, let us not adopt an amendment that would bring complete confusion if not disaster to the phase II program. Let us adopt the Minish amendment in H.R. 11309 as it was reported by the House Banking and Currency Committee. That amendment simply states that the President must grant wage increases negotiated prior to August 15, 1971, unless he finds such increases are unreasonably inconsistent with wage increases that were generally being made in the economy at the time the contracts were being negotiated. It does not go to contracts that were negotiated after the start of the President's economic stabilization program. It does not in any way tamper with the President's authority to conduct economic stabilization efforts following the start of the economic stabilization program.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I am going to vote against the Stephens amendment. I do not know how the test spelled out about appropriations and taxes could be met, but I think it could be very easily evaded. It is my judgment that the language is very badly drafted. It is part and parcel of the inconsistencies which are clearly apparent in the application of the guidelines throughout phase II.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. CHAPPELL).

(By unanimous consent Mr. CHAPPELL yielded his time to Mr. ASHLEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, what the Stephens amendment does is to distinguish between two categories of retroactive and deferred pay increases that were put in abeyance by virtue of the freeze.

One category includes those pay increases which were accompanied by a price, tax or budgetary adjustment to accommodate pay increase. The Stephens amendment would direct the Pay Board to permit these increases to be paid and thus would directly take care of the situation facing teachers and others in like circumstances.

The second category of retroactive and deferred pay increases is comprised of those provided for by contract but where there was no price or other increase to accommodate or offset the pay raise.

For this category of retroactive and deferred increases, the Stephens amendment relies upon the directive language of section 203, paragraphs (b) and (c)(1) on pages 16 and 17, respectively, which together require their payment unless the increase is found to be unreasonably inconsistent with the standards adopted by the Pay Board.

It is worth noting that the standards set forth in paragraph (b) are the standards currently being used by the Pay Board in considering and acting affirmatively on certain retroactive pay increases.

I think it is important, from the standpoint of legislative history, to underscore the intent of Congress that the Stephens amendment, together with the language of section 203, provides separate tests for the two types or categories of retroactive pay increases. The general language in section 203(b) is intended to be used, inter alia, as the test to determine whether or the extent to which retroactive pay increases should be permitted with respect to contracts entered into before August 15, 1971, but suspended because of the freeze. The language in section 203(c)(1), of course, would apply to contracts executed prior to August 15, 1971, and scheduled to take effect after November 13, 1971.

The Stephens amendment to section 203(c)(2), as we know, would direct the payment of retroactive pay increases where pay and tax increases or appropriate budgetary action has already taken place to accommodate such increases.

With respect to that part of the Stephens amendment which would strike title XVI, this is clearly necessary if the ambiguity is to be resolved between the language of section 203, starting on page 15, and section 216, starting on page 35.

These two sections are clearly contradictory.

Section 203 says that retroactive and deferred increases shall be paid if such increases are not unreasonably inconsistent with standards promulgated by the Pay Board.

Section 216, the Minish amendment, on the other hand, says that all retroactive and deferred increases must be paid unless they are found to be unreasonably inconsistent with the rate of pay and salary increases in the economy generally. This is a much broader test, quite clearly, and, in my view, is one which would jeopardize the entire effort to bring stability to our foundering economy.

I, therefore, urge adoption of the Stephens amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. MCKINNEY).

(By unanimous consent, Mr. ROUSSELOT yielded his time to Mr. MCKINNEY.)

(By unanimous consent, Mr. WIDNALL yielded his time to Mr. MCKINNEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, in my entire time in politics as minority leader in the State of Connecticut, and in this House, I have pledged each and every single thing I have done to the teachers in my State, and I continue to pledge it to them.

I have never heard of people being more misled about what an amendment does. If the Minish amendment is passed, take a very simple look at what you are doing to this Nation. You are saying that the 18 to 20 million contracted laborers in this Nation will automatically get a wage increase regardless of what has happened. But what about the 60 million Americans who work and who do not have a contract? What about the 60 million workers who do not have this ability to put the muscle of organized labor behind them? Those are the people who will get stuck with the price increases that we are going to put in by the automatic assumption of the Minish amendment. Teachers and State employees, every single teacher in this Nation, regardless of what the fiscal year is in that State, regardless of when the contract was written, will get the money due them. Their contracts are law and will be honored.

I am amazed that we can get into confusion on the word "permit" when it follows the word "shall"—what will we permit? And we even changed that to require. We are simply saying that any law which was stopped by the freeze shall now be permitted. In fact, now we are saying it shall be required to be accepted. So that every teacher, every State employee, will get their increase.

Now, what are we doing? We are putting two exceptions down at the bottom. We know that under law all States of this Union, if a State employee or a teacher has been granted an increase, that State, that school board, that county district, or what have you, must balance its budget. It is in violation of the State constitution if it does not. So that by the very recognition of an increase, by the very granting of a contract, regardless of at what level it was granted, they said, "Yes, we will collect the money." We do not do that in this Congress because we print it here. But we still have said it when we authorize an increase for Federal employees. So that is the law.

But at the same time we are saying to the rest of America, "Look, if there has been no action to inflate the economy, the contract should live under the rules, if General Motors has raised their prices, if the meatpackers have raised their prices in anticipation of a wage increase, then the contract with the workers must be honored. They are certainly owed the money for more than management is deserving of the profit.

It has been said that this amendment has a little in it for everyone. It may be right. It is an attempt to go between two terrible extremes. It is an attempt to build a mechanism which will attempt to be fair.

The CHAIRMAN. The time of the gentleman has expired.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

(At the request of Mr. BARRETT, the time allotted to him was granted to Mr. ST GERMAIN.)

Mr. ST GERMAIN. Mr. Chairman, I think there should be a few other things pointed out.

Under the Stephens amendment, the burden of proof is on the employees. They have to prove that the conditions existed. This is why teachers are against it nationally. Something like 17,000 different school districts, which have to employ attorneys to make their case.

The point is here that this is not a big union amendment, the Minish amendment. It covers all contracts and, believe you me, the majority of the smaller contracts affected are nonunion contracts or they are the contracts entered into by little unions. These are the unions that cannot afford to employ high priced counsel to prove their case.

By adopting the Minish amendment we, in effect, give to all of those who are entitled to their increases under the contract, those increases.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, I appreciate the careful attention that has been given to my amendment.

Let me point out that arguments were raised as to the terminology by Members who are opposed to this amendment. We have corrected the terminology as they propose, and they are still opposed to the amendment.

So those arguments about what words ought to be put in the bill so far as words were concerned are out of this debate. This should make it possible for those gentlemen to vote for my amendment if they were serious.

There is no way in the world that I am trying to harm anybody by my amendment. All I want to do is to get the inequities out of the Minish amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the Stephens amendment. It is essential, I believe, to avoid an inflationary ripple effect throughout the entire economy.

We are not simply looking at a small percentage of the national wage bill in isolation. No economic decision is taken in a vacuum.

The adoption of the Minish amendment is going to put irresistible pressure on the Price Commission to abandon its position of no price increases to cover retroactive costs.

Mr. Chairman, I support this amendment because I am in complete agreement with the words of my colleague on the Banking and Currency Committee, the gentleman from Michigan (Mr. BROWN), when he said during the general debate yesterday:

> The first responsibility of this body, it seems to me, is to act properly as a legislative body, and not as a pay board, price commission, an interest and dividend commission, or any other body which may be delegated by the President the implementation of our economic stabilization program.

Mr. Chairman, I think that statement is precisely on target because we simply do not have the expertise and detailed information available before this body to make accurate and equitable judgments as to how the stabilization standards and regulations should be applied in concrete situations. In particular, I would like to point out that yesterday the gentleman from New Jersey (Mr. MINISH) presented some evidence designed to support the thesis that in his words—

> Most of the people involved in deferred and retroactive pay are low and moderate income families . . . who are not among the affluent.

Well, I have obtained some information from the Bureau of Labor Statistics, as to major contracts involving more than 1,000 workers, in which deferred increases or new increases came due during the freeze. And after looking at that data I would ask whether you think construction workers are among the underpaid and low-income families that would be hurt if we deleted his amendment. Let me just give you a few examples of the deferred increases that were due in construction during the freeze period:

	Per hour
Associated General Contractors, southern California	$0.85
Philadelphia electrician workers	1.05
Plumbing and pipefitters, southern California	.85
Plumbing and pipefitters, Boston	1.30
Laporte, Ind., carpenters	.90
Baltimore carpenters	.70
Rochester electrical workers	1.00

These are just a few examples. Moreover, I would ask the gentleman: does he think that members of the Teamsters Union are underpaid, represent low income families? Yet there were scores of

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local teamsters contracts all across the country that called for a second year increase of 25 cents an hour during the freeze period. Is it all that unfair to ask these well-paid workers to share in the sacrifices that all Americans were asked to make during the freeze?

I would also ask the gentleman whether he think members of the packinghouse workers union, who are already earning over $4 and hour are part of this underpaid group of which he speaks. Yet members of this union were scheduled to receive increases ranging from 25 cents an hour to 50 cents an hour in plants all across the country. The same point can be made concerning rubber workers, transportation equipment workers, and a whole range of other groups that were scheduled for second and third year increases during the freeze.

Mr. Chairman, my point is this: The gentleman from New Jersey is just plain wrong if he would lead this body to believe that most of the workers involved in this retroactivity question are low paid workers, as he indicated in his remarks yesterday. The evidence simply does not support that assertion. So if this is the main argument on which the gentleman rests his case, then I do not think he has been very convincing. And this kind of loose tossing about of the "facts" should be ample demonstration of the truth of the statement made by my colleague from Michigan, which I quoted earlier: We cannot decide these questions here on the floor because we do not have the time or the information to consider them carefully and thoroughly. This question of retroactivity is largely one for the stabilization machinery established by the President to work out. Therefore we should adopt the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. MINISH) to close debate.

Mr. MINISH. Mr. Chairman, it seems that some of the people who are opposed to the Minish amendment do not seem to have found the time to read all of the amendment because it says here, and this should clear up any concerns in the mind of the gentleman from Illinois (Mr. ANDERSON) as it relates to the so-called inflationary increases. The Minish amendment says:

> This section shall not apply in the case of any wage or salary contract which the President determines has the effect of increasing wages or salaries in the industry or segment of the economy to which it applies which is unreasonably inconsistent with the rate at which raises or salaries have increased in the economy generally.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. MINISH. I do not know what the gentleman is concerned about. This provides full protection, I am sorry I do not have enough time to yield.

But I want to say this—the Stephens amendment is laying the ground rules after the game is over. You are saying that practices have to be advanced and taxes have to be raised and appropriations have to be made. A whole new set of guidelines which teachers and workers will be unable to meet. We should keep in mind that there are companies in the United States that do not have to raise prices to meet contractual pay increases. You are denying the people, in these plants from obtaining these pay increases. What you are saying to the teachers and others is, "You have to go back and renegotiate the contract that you negotiated prior to August 15."

The fair and honest thing to do here is to support the Minish amendment to require those people who signed contracts to live up to them. The legitimate contracts which were legally entered into prior to August 15.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Georgia (Mr. STEPHENS) as amended.

TELLER VOTE WITH CLERKS

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PATMAN. Mr. Chairman, I demand tellers with Clerks.

Tellers with Clerks were ordered; and the Chairman appointed as tellers Messrs. STEPHENS, PATMAN, WIDNALL, and MINISH.

PARLIAMENTARY INQUIRY

Mr. MINISH. Mr. Chairman, will the Chair state the question we are voting on?

The CHAIRMAN. The Chair states that the Committee is voting on the Stephens amendment, as amended by the Pike amendment and the Latta amendment.

Mr. MINISH. Would the Chair state that in effect a vote for the Minish amendment would be a "no" vote on the recorded teller vote about to take place?

The CHAIRMAN. The Chair has put the question. It is for the Members to decide.

The Committee divided, and the tellers reported that there were—ayes 209, noes 151, not voting 72, as follows:

[Roll No. 455]

[Recorded Teller Vote]

AYES—209

Abbitt	Clancy	Ford, Gerald R.
Abernethy	Clausen,	Forsythe
Anderson, Ill.	Don H.	Fountain
Andrews,	Clawson, Del	Frelinghuysen
N. Dak.	Cleveland	Frenzel
Archer	Collier	Frey
Arends	Collins, Tex.	Garmatz
Ashley	Colmer	Gettys
Aspinall	Conable	Gibbons
Baker	Conte	Goodling
Baring	Coughlin	Griffin
Bennett	Crane	Gross
Betts	Daniel, Va.	Grover
Biester	Davis, Ga.	Gubser
Bray	Davis, S.C.	Hagan
Brinkley	Davis, Wis.	Haley
Broomfield	Delaney	Hall
Brotzman	Dellenback	Hamilton
Brown, Mich.	Dennis	Hammer-
Brown, Ohio	Devine	schmidt
Broyhill, N.C.	Dickinson	Hansen, Idaho
Broyhill, Va.	Dorn	Harvey
Buchanan	Downing	Hastings
Burke, Fla.	Duncan	Henderson
Burleson, Tex.	du Pont	Hillis
Byrnes, Wis.	Edwards, Ala.	Hogan
Byron	Erlenborn	Hosmer
Cabell	Esch	Hull
Caffery	Eshleman	Hunt
Camp	Fascell	Hutchinson
Carter	Findley	Ichord
Casey, Tex.	Fish	Jarman
Cederberg	Fisher	Johnson, Pa.
Chamberlain	Flowers	Jonas
Chappell	Flynt	Jones, Ala.
Jones, N.C.	Myers	Slack
Jones, Tenn.	Nelsen	Smith, Calif.
Keating	Nichols	Snyder
Keith	O'Konski	Stanton,
Kemp	Passman	J. William
King	Pelly	Steele
Kuykendall	Pike	Steiger, Wis.
Kyl	Pirnie	Stephens
Landgrebe	Poage	Stuckey
Landrum	Poff	Taylor
Latta	Preyer, N.C.	Teague, Calif.
Lennon	Price, Tex.	Teague, Tex.
Lent	Purcell	Terry
Long, La.	Quie	Thompson, Ga.
McClory	Quillen	Thomson, Wis.
McClure	Rarick	Thone
McCollister	Rhodes	Ullman
McCulloch	Roberts	Vander Jagt
McDonald,	Robinson, Va.	Waggonner
Mich.	Robison, N.Y.	Wampler
McEwen	Rogers	Ware
McKinney	Rousselot	Whitehurst
McMillan	Ruppe	Whitten
Mahon	Ruth	Widnall
Mailliard	Sandman	Wiggins
Mann	Satterfield	Williams
Mathias, Calif.	Saylor	Wilson, Bob
Mathis, Ga.	Schmitz	Winn
Mayne	Schneebeli	Wyatt
Mazzoli	Schwengel	Wydler
Michel	Scott	Wylie
Miller, Ohio	Sebelius	Wyman
Mills, Md.	Shipley	Young, Fla.
Mizell	Shoup	Zion
Montgomery	Shriver	Zwach
Morse	Sikes	
Mosher	Skubitz	

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Abzug	Gaydos	Natcher
Adams	Gonzalez	Nedzi
Addabbo	Grasso	Nix
Albert	Green, Oreg.	Obey
Anderson,	Green, Pa.	O'Hara
Calif.	Halpern	O'Neill
Anderson,	Hanley	Patman
Tenn.	Hanna	Patten
Aspin	Hansen, Wash.	Pepper
Badillo	Harrington	Perkins
Barrett	Harsha	Peyser
Begich	Hathaway	Pickle
Bergland	Hawkins	Podell
Bevill	Hays	Price, Ill.
Biaggi	Hechler, W. Va.	Pucinski
Bingham	Heckler, Mass.	Railsback
Boggs	Heinz	Randall
Boland	Helstoski	Rees
Bolling	Hicks, Mass.	Reid, N.Y.
Brademas	Holifield	Riegle
Brasco	Horton	Rodino
Brooks	Howard	Roe
Burke, Mass.	Hungate	Rooney, N.Y.
Burlison, Mo.	Jacobs	Rooney, Pa.
Burton	Johnson, Calif.	Rosenthal
Byrne, Pa.	Karth	Roy
Carey, N.Y.	Kastenmeier	Roybal
Carney	Kazen	Ryan
Chisholm	Kee	St Germain
Clark	Koch	Sarbanes
Cotter	Kyros	Scheuer
Culver	Leggett	Selberling
Curlin	Link	Sisk
Daniels, N.J.	Long, Md.	Smith, Iowa
Danielson	McCloskey	Staggers
de la Garza	McCormack	Stratton
Dellums	McDade	Stubblefield
Denholm	McFall	Symington
Dent	McKay	Thompson, N.J.
Dingell	Madden	Van Deerlin
Donohue	Matsunaga	Vanik
Dow	Meeds	Vigorito
Drinan	Melcher	Waldie
Duiski	Miller, Calif.	Whalen
Dwyer	Mills, Ark.	White
Edwards, Calif.	Minish	Wolff
Flood	Mitchell	Yates
Ford,	Mollohan	Yatron
William D.	Monagan	Young, Tex.
Fraser	Morgan	Zablocki
Fulton, Tenn.	Moss	
Gallagher	Murphy, Ill.	

NOT VOTING—72

Abourezk	Clay	Evins, Tenn.
Alexander	Collins, Ill.	Foley
Andrews, Ala.	Conyers	Fuqua
Annunzio	Corman	Gallifianakis
Ashbrook	Derwinski	Giaimo
Belcher	Diggs	Goldwater
Bell	Dowdy	Gray
Blackburn	Eckhardt	Griffths
Blanton	Edmondson	Gude
Blatnik	Edwards, La.	Hébert
Bow	Eilberg	Hicks, Wash.
Celler	Evans, Colo.	Kluczynski

Lloyd	Pryor, Ark.	Steiger, Ariz.
Lujan	Rangel	Stokes
McKevitt	Reuss	Sullivan
Macdonald,	Roncalio	Talcott
Mass.	Rostenkowski	Tiernan
Martin	Roush	Udall
Metcalfe	Runnels	Veysey
Mikva	Scherle	Whalley
Mink	Smith, N.Y.	Wilson,
Minshall	Spence	Charles H.
Moorhead	Springer	Wright
Murphy, N.Y.	Stanton,	
Pettis	James V.	
Powell	Steed	

So the amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. HANLEY

Mr. HANLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANLEY: On page 34, immediately following line 2, insert a new subsection to read as follows:

"(F)(1) In addition to the number of positions which may be placed in GS–16, 17, and 18, under section 5108 of title 5, United States Code, not to exceed forty positions may be placed in GS–16, 17, and 18, to carry out the functions under the Economic Stabilization Act of 1970, as amended (Public Law 91–379; Public Law 92–15).

"(2) The authority under this Act shall be subject to the procedures prescribed under section 5108 of title 5, United States Code, and shall continue only for the duration of the exercise of functions under the Economic Stabilization Act of 1970."

Mr. PATMAN. Mr. Chairman, will the gentleman yield to me briefly?

Mr. HANLEY. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on all amendments close at 2:30.

The CHAIRMAN. On this amendment?

Mr. PATMAN. On all amendments. That is nearly 2 hours.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BADILLO. Mr. Chairman, I object.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I move that all debate close at 2:30 on the bill and all amendments thereto.

The motion was agreed to.

Mr. HANLEY. Mr. Chairman, my amendment adds the provisions of H.R. 11902 relating to supergrades as a new subsection to section 212 of title 2 of H.R. 11309.

The provisions will authorize not to exceed 40 supergrade positions to carry out the functions under the Economic Stabilization Act of 1970. It will require that the additional positions be subject to the existing statutory procedures applicable to supergrade positions. One procedure under 5 U.S.C. 5108(a) requires that the Civil Service Commissioners actually approve the description of the duties which justify placing a position in GS–16, 17, or 18. Another procedure under 5 U.S.C. 3324 requires that the Civil Service Commission actually approve the qualifications of the individual to hold such a position.

The administration bill, as introduced, (H.R. 11309), authorized 40 additional supergrades to be filled without regard to the controls by the Civil Service Commission under either section 3324 or 5108(a) referred to above.

Our Committee on Post Office and Civil Service recommended to the chairman of the Banking and Currency Committee that such provisions should be removed from the bill since legislative matters relating to supergrades were within the jurisdiction of our committee.

I appreciate the cooperation of the Banking and Currency Committee in adopting an amendment to remove the provisions.

In the meantime H.R. 11902 was introduced and referred to our committee. Testimony was received from the witnesses for the Civil Service Commission and the Cost of Living Council. The subcommittee felt that sufficient justification was not presented for the 40 positions but did recommend favorably on the granting of 20 supergrade positions. The subcommittee also felt very strongly that the most important feature of this whole matter is that the filling of any supergrade positions must be subject to the usual civil service procedures required by sections 3324 and 5108(a) of title 5 United States Code.

As I have indicated, the introduced bill (H.R. 11902) provides for 40 additional supergrade positions. The subcommittee's recommendation is for 20. Accordingly, a substitute amendment will be offered which I will support which will provide for only 20 additional supergrades, and will make the necessary technical changes in language to conform the amendment to the provisions that are contained in the amendment proposed by the Committee on Banking and Currency to H.R. 11309.

As I have indicated, when the substitute is offered, I will support the substitute.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, we accept the amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the chairman of the committee.

Mr. PATMAN. Mr. Chairman, we accept the amendment.

Mr. HANLEY. I appreciate that. I understand that a substitute amendment will be offered which will reduce the number of supergrades from 40 to 20, in which I concur.

SUBSTITUTE AMENDMENT OFFERED BY MR. HENDERSON FOR THE AMENDMENT OFFERED BY MR. HANLEY

Mr. HENDERSON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON in the nature of a substitute for the amendment offered by Mr. HANLEY: On page 34, immediately following line 2, insert the following:

"(f)(1) In addition to the number of positions which may be placed in GS–16, 17, and 18, under section 5108 of title 5, United States Code, not to exceed twenty positions may be placed in GS–16, 17, and 18, to carry out the functions under this title.

"(2) The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5, United States Code, and shall continue only for the duration of the exercise of functions under this title."

Mr. HENDERSON (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HENDERSON. Mr. Chairman, my substitute provides for 20 additional supergrade positions rather than the 40 positions authorized by the introduced bill. This is the only substantive change made by my substitute.

In addition, technical changes are made so that the provisions will conform with the provisions of title II, as proposed to be added by the legislation.

My Subcommittee on Manpower and Civil Service was not convinced by the information furnished during the hearings on this proposal, that there is sufficient justification for the 40 positions. The Cost of Living Council has not had sufficient time for a full evaluation of its proposed organization, and has not had sufficient time to present the proposed supergrade positions to the Civil Service Commission for approval. If it should develop at a later time that additional supergrade positions are justified, my subcommittee will give immediate consideration to any request to increase the number beyond 20.

One of the most important features of this legislation is that my bill, and the substitute amendment, requires that the actual job description of these positions be evaluated by the Civil Service Commission, and a determination made as to whether the job description actually justifies a supergrade position. Also, the Civil Service Commission must approve the qualifications of the individual before he can be appointed to one of the positions. These are the usual procedures required for filling supergrade positions.

The Committees on Post Office and Civil Service of the House and Senate are charged with the responsibility of controlling top level jobs in the Federal Government. In this role, our chairman, Hon. THADDEUS J. DULSKI, contacted the Chairman of the Committee on Banking and Currency, Hon. WRIGHT PATMAN, regarding the provisions for 40 supergrades in H.R. 11309, as originally written. Chairman PATMAN and members on that committee, in response to Mr. DULSKI's request, amended subject bill by striking out the provisions for supergrade positions. This was done with the understanding that our committee would consider the needs for additional top level jobs.

The Post Office and Civil Service Committee's Subcommittee on Manpower and Civil Service, of which I have the honor of being chairman, held hearings December 6 on the requirements for additional supergrade positions to carry out the functions under the Economic Stabilization Act of 1970, as amended. We took testimony from officials of the Civil Service Commission and the Office of the Cost of Living Council. As the result of these hearings, I have been authorized

by the Subcommittee on Manpower and Civil Service to make this amendment today, authorizing 20 additional supergrades for this temporary economic program.

My substitute amendment provides for 20 supergrades, namely positions paying between $28,129 and $36,000 per year, for the duration of the program outlined in H.R. 11309. The number of 20 is in direct contrast to the 40 provided by the Senate in S. 2891.

I also want to add that this substitute amendment does something else that is most important and that is in direct contrast to the Senate bill. My substitute amendment requires the Civil Service Commission to review all proposed supergrade positions and thereby determine if they actually warrant a GS–16, GS–17 or GS–18 level. The Commission must also certify as to the qualifications for nominees to all supergrade vacancies. S. 2891 circumvented the role of the Civil Service Commission in these two important manpower management controls.

Mr. Chairman, I feel that my substitute amendment is both realistic and quite necessary to make fully responsive the provisions in the bill before us today and I urge the support of all members for this substitute.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am happy to yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, we accept the amendment.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from North Carolina (Mr. HENDERSON), for the amendment offered by the gentleman from New York (Mr. HANLEY).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HANLEY), as amended by the substitute.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. REES

Mr. REES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REES:

Page 19, after line 6, insert the following: "(g) In the exercise of the authority conferred by this title, the President shall take no action which directly or indirectly impairs or detracts from the protections guaranteed by the First Amendment of the Constitution of the United States."

Mr. REES. Mr. Chairman and members of the committee, this is a rather technical procedural amendment. Its purpose when the conferees will be discussing the effect of the first amendment to the Constitution, on "media," is to get into the conference all "media" as covered by the first amendment to the Constitution. It really does nothing to the bill because it says that the President shall take no action which directly or indirectly impairs or detracts from the protections guaranteed by the first amendment of the Constitution of the United States.

The President will not do this anyway because he has taken an oath of office to support the Constitution. However, in the Senate version of this bill there is an amendment that exempts certain classifications of media from wage and price guideline controls, on the grounds that they are covered by the first amendment to the Constitution.

I, personally, believe that the Senate amendment is a loosely drawn amendment and goes way past the guarantees of the first amendment. But the problem is in defining what is under the first amendment because there are several entities that are covered by the first amendment that are not in the Senate amendment. So, in order to give the conferees the latitude to discuss all of those endeavors under the first amendment, I offer this amendment.

Without this amendment, our conferees would be restricted to discussing only those items that were enumerated in the Senate amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I am acquainted with the gentleman's amendment, and I agree with what the gentleman says, that this is very necessary. We are willing to accept it on this side, and we hope it is adopted.

Mr. ROONEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Pennsylvania.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I rise in support of the amendment to protect the media from undue influence in the administration of the provisions of H.R. 11309.

I recognize fully that only the broadest possible application of wage and price restraints can achieve the economic recovery we all seek. But in our endeavors to control inflation and strengthen our economy we have no license to run roughshod over the Constitution.

The framers of our Constitution recognized that the free society they envisioned in the United States would be largely dependent upon a free press. Our system of government could not endure without the free flow of information and ideas to the public through the media.

The Constitution clearly states that Congress shall not enact any law to abridge the freedom of the press. Yet any measure which imposes economic restriction upon the press has the potential to abridge the freedom of the press. A free press could be totally destroyed through economic pressures. A free press might be intimidated through threat of economic pressures. In my view, we have a fundamental constitutional obligation to insure that neither will occur.

In the past, Congress has very carefully avoided economic restriction of the press for this very same reason. Communications media were specifically exempted from controls in both World War II and the Korean war and this House just recently refused to permit taxation of newspaper advertising in the District of Columbia.

Thus, by adopting this amendment we are not granting the media a special privilege. Instead, we are carefully safeguarding a constitutionally guaranteed freedom without which our representative government could not possibly survive.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. REES). I hope that it will be adopted. It gives the conferees a chance to work out a very technical and important problem.

Mr. REES. Mr. Chairman, I appreciate the comments of the gentleman from Texas.

Again I must reiterate that this makes no change in the bill. Its purpose is to conform to the rules of the House.

Mr. Chairman, I ask for a yea vote on the amendment.

Mr. J. WILLIAM STANTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment offered by the gentleman from California (Mr. REES)—and the gentleman was kind enough to furnish us with a copy of the amendment ahead of time—says that the President shall not violate the first amendment. That is exactly the words of the amendment.

Of course the President cannot violate the first amendment. That is No. 1.

Secondly, the gentleman from California and the author of the amendment (Mr. REES) stated that the motion picture association is the one who is interested in this particular amendment. It is the hope that if we pass this amendment, that the motion picture association should somehow or other in the conference be included under this legislation. I would say to the gentleman that on the face of it, just looking at the words, that I think first of all it is completely meaningless. Our chairman says that this is a very important amendment. I would have to disagree with the chairman on that statement.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from California.

Mr. REES. Mr. Chairman, in my explanation I said it was for procedural purposes only, so that when the conferees are in conference and discussing the Senate amendments, and discussing whether they are going to exempt anyone under the first amendment, they can look at all those entities covered by the first amendment. The film industry is not in the Senate amendment despite the fact that they are protected by the first amendment to the Constitution. So under the Senate amendment television films and motion pictures could not even be considered by the conferees when they are discussing the Senate amendment. This is merely a procedural vehicle so that our conferees will have the latitude

that they need to consider the first amendment situation. That is all the amendment does.

Mr. J. WILLIAM STANTON. I appreciate very much what the gentleman from California has said, and I would simply like to repeat that this does allow the motion picture industry an opportunity in conference to come back at something that the other body defeated, and that was to be excluded from this legislation.

I admire the gentleman for his attempt, and I certainly would have done the same thing if I had been in his place.

Mr. REES. Mr. Chairman, if the gentleman will yield further, this amendment is the exact language of the amendment that was offered in the Senate by Senators PACKWOOD and WEICKER during the Senate debate, and was voted down by the Senate.

Mr. J. WILLIAM STANTON. Which was defeated.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I am just a little bit confused as to why this amendment comes in the form that it does. Are we to not have an amendment that specifically mentions the motion picture media? We are just inferentially, to take this amendment, to include the media, is that the reason?

Mr. J. WILLIAM STANTON. Of course the amendment says that the President shall not violate the first amendment.

Mr. STEIGER of Wisconsin. That is like "did you beat your wife last night?"

Mr. J. WILLIAM STANTON. That is correct.

So what this amendment does is to permit the motion picture industry to come back into the conference, if we pass it.

Mr. STEIGER of Wisconsin. And the other body defeated an amendment including specifically the motion picture industry?

Mr. J. WILLIAM STANTON. As I understand it.

Mr. STEIGER of Wisconsin. I want to join the gentleman from Ohio in opposing the amendment.

Mr. FRENZEL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I understand the reluctance of the gentleman from Ohio (Mr. J. WILLIAM STANTON) to support this amendment. Nevertheless, I think it may be more important than many of us realize.

The Senate, in its infinite wisdom, passed an amendment which I consider totally objectionable in exempting from stabilization controls a large number of the media, the news dissemination outlets.

In my judgment, this was a terrible error, and unwise because it creates another separate class, another loophole, another reduction in the equality of sacrifice that we are all seeking here.

It seems to me that the gentleman from California (Mr. REES) in giving us an alternative would arm our conferees with some ammunition which they could use to resist what I consider to be an objectional Senate amendment.

Mr. Chairman, for this reason I would urge this body to accept the Rees amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. REES).

The question was taken; and on a division demanded by Mr. PICKLE) there were—ayes 46, noes 36.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: Page 19, line 8, after "Section 204. Delegation", strike out lines 8 and 9, and line 10 through "appropriate," and insert: "The President is authorized to create an Office of Economic Stabilization for performance of functions under this title,' ".

Mr. GONZALEZ. Mr. Chairman, my amendment simply authorizes the President to set up an Office of Economic Stabilization for the purpose of carrying out the program.

Presently, the program is being administered primarily by the Internal Revenue Service which is neither equipped or suitable for the task at hand.

The primary duty of the Internal Revenue Service should be to administer our tax laws, which is an important enough function and duty. It will be difficult enough for the IRS to manage the tax changes that were just legislated yesterday without having the added duty of enforcing a far-reaching and very complex system, as you have already noticed, and a very difficult wage and price control system.

I have been saying this, even if I know it is like a coyote out in the brushwood—but I am appealing to the future to vindicate me even if it is not considered seriously here today. It is already evident that one of the biggest blunders committed in the attempt to carry out the control system has been to use the Internal Revenue Service as the enforcement branch.

As I said, aside from the fact that it is imprudent to burden the Internal Revenue Service with added duties, I believe it an error to make this agency responsible for carrying out economic policy. Citizens who feel that they have been burdened with inequity by one or another of the policies created under this program will be very hesitant to challenge those policies if the IRS is the administering agent, simply because they would fear, and rightly so, that their cause, no matter how justified, would only land them in tax trouble either immediately or at some time in the future. A man would hesitate to complain if he felt that his complaint would only lead to tax harassment.

Historically, this was revealed during a past administration in an altercation with the steel industry, in which an incumbent president sent an emissary to the steel management and said, "Now, if you do not behave, we are going to look into this tax situation of yours with the IRS." The steel industry complied, and there was no question that there was a cause and effect in this approach, and this was done when the president maybe had to resort to it, if you want a rationalization, because he had no authority at that time such as perhaps is the case now with the present President.

This sort of tactic might have been justified under the circumstances if we wanted to justify it, but it certainly clearly shows that a precedent has been established that we are charged with knowledge that it is not only likely to happen but it will inevitably happen even if it is not on the presidential level that it happens.

I believe that rather than running a spectre of tax harassment for citizens who complain or who somehow fail to meet the requirements of this program, we should create a new agency solely for the purpose of administering the program.

My amendment is not mandatory. It would merely authorize as did the enabling legislation. It certainly does express a concern on the part of Congress as to this facet of administrative performance, and I sincerely and most urgently request your serious consideration of this amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Texas makes an excellent point with respect to the use of personnel of the Internal Revenue Service. However, I am afraid his amendment does not go nearly far enough. It would create an office, but there would then be nothing to prevent the continued use of the 3,000 Internal Revenue Service employees. It seems to me the Internal Revenue Service is oversupplied with personnel if at this time, especially in the months of heavy tax returns, it can continue to contribute 3,000 employees to administration of this Stabilization Act.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. On the question of whether the IRS has all the personnel it needs, let me cite an experience in Baltimore. One of my constituents tried to get in touch with the Baltimore office of the Internal Revenue Service to get some matter cleared up. After waiting for a busy signal for a long time, someone finally answered the phone and said "hold," and that was all the satisfaction my constituent could get.

I asked my staff to check through in the same way. They got the same response. The IRS cannot begin to cope with the problems that are arising. It does not have the staff. It was a great mistake to try to dump this mess on the Internal Revenue Service.

Mr. GONZALEZ. I thank the gentleman. Let me say by way of conclusion, and in reference specifically to the remarks of the very able gentleman from Iowa, we are caught here in a dilemma, and I, for one, am a respecter of the clear line of demarcation which should exist between our legislative functions and the administrative functions of the President. I do not want to tell the President to set up anything administratively.

I think it would be improper. I think it

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would be an improper encroachment on our part. I am very much concerned, and I think the future will bear this out, but I think if we cast our vote in the shape of an authorization, it merely indicates to the President that the Congress is concerned about the present role that has been designated for the IRS, and I think any President would be sensitive to the expression of congressional intent and would act accordingly. If in the future it is shown that our fears have been confirmed, perhaps then the Congress could act more specifically and positively.

Mr. Chairman, I urge adoption of this amendment, because it merely authorizes and does not compel anything.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I agree with what has been said by the gentleman from Texas, but I think his vehicle is mistaken and wrong. During committee consideration the committee turned down amendments that would have provided legislative language that would have fixed in the legislation provision for the Pay Board and Price Commission, and so forth. The reason we turned down these amendments was that we wanted to provide maximum flexibility to the administration that is charged with carrying out the stabilization program.

It seems to me that the amendment offered by the gentleman from Texas likewise would impair this Presidential flexibility. I think that it is only fair to recognize that what the legislation does that is before us today is to give broad authority to the President to act to stabilize our economy. We give him this broad authority and say that it is his responsibility to use it effectively. I think that it is a mistake, having given him this authority and having imposed upon him this responsibility, then to say, "But now you are going to have to create an Office of Economic Stabilization." Maybe this is not the way he wants to go about it.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, the gentleman just made a statement that is not in keeping with the intent of our amendment. The gentleman said if we adopt this, we are telling the President he has to set it up. We do not do that at all. It is permissive. It says the President is authorized to set up the Office of Economic Stabilization. It has nothing mandatory about it.

Second, when the gentleman talks about considering this in the committee, we did not consider this in the committee.

Mr. ASHLEY. Mr. Chairman, I decline to yield further. The gentleman is saying I said something I did not say. What I said was that during committee consideration, we considered and turned down amendments that would have provided legislative language to fix in the legislation specific provision for the pay board, the price commission, and so forth. We most certainly did consider that. If the gentleman does not recall it, perhaps he was not present.

Mr. Chairman, I decline to yield further. The purpose of the gentleman's amendment is clear. He would strike lines 8 and 9 and line 10, and what these lines say is that the President may designate any function under this title to such officers of the United States as he deems appropriate. Do we mean to take that authority away from him? If we do, by all means let us support the gentleman's amendment.

I think it is a mistake to do so. We give the President responsibility for stabilizing the economy.

Let us not take away from him the flexibility necessary to accomplish this important task.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HANNA

Mr. HANNA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANNA: Page 37, strike out line 7 and all that follows thereafter down through line 13.

And redesignate the succeeding sections accordingly.

The CHAIRMAN. The gentleman from California (Mr. HANNA) is recognized for 5 minutes in support of his amendment.

(By unanimous consent, Mr. HANNA was allowed to proceed for an additional 5 minutes.)

Mr. HANNA. Mr. Chairman, I have offered this amendment to H.R. 11309 because I want the House to carefully consider what it has been asked to do. There are many controversial subtopics in this bill—each in its own right is an important issue—but I fear that so much attention has been drawn to these subtopics that we may lose sight of the more fundamental issue at hand. And that is, Do we at this time extend the administration's wage and price authority for a year beyond its current course and, in so doing, endorse the administration's economic track record to date? Make no mistake about it—if this bill passes with section 218 intact, it will be viewed by the public and the administration as an endorsement of every action and of every month of inaction since the enactment of the current law.

Now, Mr. Chairman, I think we ought to look very carefully at what we are asked to endorse. In my judgment, we are being asked to endorse a state of confusion and mystery.

A few examples will suffice to make the point. In Monday's Wall Street Journal, Albert Hunt reports what is a classic case of how the current law is being implemented. He reports on the Pay Board's handling of the question of merit pay boosts. The Pay Board issued one policy statement and then reversed itself, saying the first statement was an error on the part of its staff. The article suggests that this is "symptomatic of the disarray and confusion that continues to plague the panel." Pay Board staffers label the situation a "nightmare." The article further states that, even after the second statement on merit pay, the Board members themselves could not agree as to the interpretation of their own guideline.

Mr. Chairman, I ask unanimous consent that this article be included in the RECORD at this point:

REVERSAL ON MERIT RAISES SAID TO MIRROR PAY BOARD'S STAFFING, COORDINATING WOES

(By Albert R. Hunt)

WASHINGTON.—The Pay Board's handling of merit pay boosts, insiders lament, is proving symptomatic of the disarray and confusion that continue to plague the panel.

In reversing its Nov. 24 explanation of how merit raises should be treated in Phase 2, the board said any such increases that aren't specifically covered by a labor contract will count against the general 5.5% guideline after all, regardless of previous pay practices.

Earlier, several board members and a special background paper put out by the board's staff indicated a directly counter policy, stating that any well-established merit pay plan could continue without counting against the guideline. But red-faced top staffers concede this was erroneous, and the board all along intended to adopt a more stringent policy on merit pay increases—though several board members were unaware of this themselves.

A REAL NIGHTMARE

Some board officials say that they unintentionally created the confusion and misinformation on this issue. "This has been a real nightmare," says Herbert L. Wurth, director of public affairs for the board. "I'm afraid we just put out totally wrong information on merit pay increases."

Even more important, other board members and staffers say, this is only indicative of the tremendous coordinating problems the board is experiencing. There has been a continuing turnover of top staff, and one of the few subjects that the labor, business and public members all agree on is that the internal work of the board has been inconsistent and generally unsatisfactory. "The staff work has been really awful," says one board member, "although it's threatening to get a little better."

In its latest clarification of the merit situation, the board said it wished to make "absolutely clear" that where a labor agreement doesn't exist, any aggregate increase in wages and salaries under any merit or salary administration plan must be part of the allowable 5.5% increase.

Of course, any individual's pay increase may exceed 5.5%, but the aggregate total for any economic unit must be kept within that standard.

If a labor contract specifically covers merit increases, however, that practice may be continued without regard to the 5.5%, officials said. Labor officials explained that under such contracts usually, if the overall pay range for a particular job classification is, for example, $2 to $2.25 an hour, then most new workers are likely to begin at the bottom end of that scale.

But, labor officials said, some contracts have provisions allowing workers in this category to receive merit boosts up to the maximum of the range, depending usually on their performance and length of service. These types of existing merit pay practices included in contracts may be continued without counting as part of the 5.5% guideline, the board has ruled.

DUAL SYSTEM

The board readily acknowledges this amounts to a "dual system" on merit increases that favors union contracts. But the official explanation is that "merit plan ranges under labor agreements are narrow, rigidly controlled and don't involve substantial increases in pay."

Merit pay boosts where a labor agreement doesn't exist, however, "are generally wide, flexible, discretionary and do involve substantial increases in pay," the board said. In some of these instances "the increases often constitute an individual employe's entire wage increase for a given year." Thus, officials reasoned, these increases should be covered by the 5.5% standard.

Before this latest board edict, however, both members of the panel and top staffers were misinterpreting the policy. Shortly after the first decision on allowable merit increases, the board's public affairs department put out a background paper that said: "Where no labor agreement exists, merit pay plans contained in existing pay practices may be continued into the future without counting against the 5.5% guideline.

Also, two business, one labor and one public member of the board gave similar misinterpretations in private interviews. Virgil Day, a General Electric Co. vice president and leading spokesman for the five business representatives on the board, told The Wall Street Journal earlier last week that "well-established merit pay plans," even where a labor agreement doesn't exist, could be continued.

Other board members, however, disagreed with this interpretation and after a Wednesday Wall Street Journal story, brought the matter before the panel again. Then the board settled on the latest general ruling, stating that all merit pay increases must be covered within the 5.5% guideline if a labor contract doesn't exist, although most of the business members remain unhappy with the situation.

But potential problems of interpretation still exist. Elliot Bredhoff, a top lawyer for the Steelworkers union and an alternate on the board, concedes there are still "unanswered questions."

POSSIBLE EXCEPTIONS

For instance, he says, if a contract only vaguely refers to the right of management to give merit boosts but doesn't specifically define the range of these increases, this still might qualify as failing under the contract and thus be exempt from the 5.5% guideline. "The real question here is whether this is an established secondary range and the range of management discretion is fairly well known," he says. "If it is a practice deemed to be part of the contract then it might fall under the labor contract provision for merit."

There also may be cases in the nonunion sector, he adds, where there are tightly controlled merit increase ranges, and these firms could come to the board for an exception. Mr. Bredhoff is considered one of the board's leading experts on this subject.

The leader in insisting on a dual system for treatment of merit pay boosts, members say, was Kermit Gordon, president of the Brookings Institution and one of the public representatives on the panel. A factor in this decision, sources say, was the concern among some public members that unless noncontract merit pay increases were included in the 5.5% standard, colleges and universities and some large companies, such as Eastman Kodak Co., could use the merit provision as a major loophole to grant hefty wage boosts.

Over the weekend, the Pay Board's legal staff tried to refine some of the difficulties in writing further regulations on merit pay boosts, and these may be taken to the full board tomorrow.

ON TURNOVER, "REJECTS"

But, several board members say, it was the lack of a stable and competent top staff that created many of the problems on merit pay all along. "Most of the staff never did understand the merit situation, so they were of minimal help to any of us," says one member.

A major reason for these staffing problems, insiders say, is that until the wage-price legislation clears Congress, the Phase 2 control agencies primarily must depend on specialists on loan from other federal agencies. Thus, there has been a constant turnover that severely has hampered internal operations. The Pay Board, for instance, is on its second executive staff director, who also will be leaving shortly, and has yet to appoint a permanent staff chief.

A further illustration of the chaos we are asked to endorse here today is provided by James Rowe of the Washington Post. In his article of December 7, he describes the bedlam of the current mechanism. The situation is best summed up in one paragraph, which reads:

Meetings are often so confused that members are not always aware of what they are voting on. Some members have failed to be recorded on an issue because they were unaware a vote was being taken.

I ask the Members of this House to consider whether or not they are prepared, here and now, to endorse this chamber of horrors by granting it an extended lease on life.

Confusion also is characteristic of the Price Commission, as the following story out of the Wall Street Journal suggests:

A BRIEF, UNHAPPY HISTORY: PAY-PRICE INCREASE FORMS

Small firms can be doubly thankful they don't have to report pay or price changes.

The reporting form distributed to larger manufacturers by the Price Commission contains six sections of questions including such toughies (question 11, Part II) as "describe method used to translate cost increase to requested or reported price increase." It also wants precise percentage changes in "direct labor" and also "other labor" productivity.

Then, a few days ago the Commission issued "clarifying instructions." These are nearly as long as the original form and even contain spelling corrections, such are "includable" for "includible." (Both are permitted by Webster's, but the former is preferred.)

Pay Board forms aren't generating confusion because they're not yet out. They were to have been distributed but were so "hopelessly confusing," says one source, that they are being redone.

While the performance on the price side has been given less critical attention, its time will come. Both boards have been guilty of following guidelines unraveling with exemptions. We have all seen the headlines, such as "Price Commission Approves Seven Boosts, Three of Which Exceed the 2.5-Percent-Guideline."

Public confidence will not endure such a record, Mr. Chairman. Nor will it endure the price guideline violations that are bound to occur. As the Wall Street Journal article of December 7 points out, small businesses that are not required to report to the Price Commission are planning to revise prices 10 percent or more upward and keep their workers' pay at current levels. Mr. Chairman, I insert these articles at this point in the RECORD:

[From the Washington Post, Dec. 7, 1971]

FEUDING, NITPICKING REIGN—PAY BOARD CRITICIZED FOR LACK OF CONTROL

(By James L. Rowe, Jr.)

"It can't keep going on like this," one high-ranking observer said of the 15-man Pay Board—set up by the President to administer wage and salary increases during Phase II.

The meetings (swollen with the usual coterie of alternates and staff) sometimes become so unwieldly that members are not always aware of what they are voting on, according to one source close to the board.

The board sits again today—it now meets every Tuesday, Wednesday, and Thursday. If past sessions are any indication, much time will be taken up in procedural questions, nitpicking, and personal feuding, lessening the chance for substantive accomplishment.

"They're going to have to do something different," one official observed.

So far, the administration has not been critical of the Pay Board, though Treasury Secretary John B. Connally told newsmen that as a private citizen he disagreed with the tripartite board's approval of a 16.8 per cent first year increase for soft coal miners—well in excess of the board's own pay guideline of 5.5 per cent per year.

But its decision to approve the over-guidelines wage pay boost for coal miners has been denounced as inflationary by the Price Commission, which allowed only about 60 per cent of it to be translated into higher coal prices.

The Price Commission, presumably is concerned by reports—confirmed last week by management member Virgil Day—that the Pay Board will probably approve "catch-up" arrangements similar to coal for the railroad signalmen (46 per cent over 42 months), aerospace, and dockworkers.

Cost of Living Council executive director Donald Rumsfeld still holds publicly to the line that since the President chose a "participatory" Phase II—one administered by the citizenry rather than by government officials—certain inherent efficiency problems should be expected which retard quick promulgation of guidelines as well as totally tough enforcement.

The 15 Pay Board members include five from management, five from big labor, and five from the public. Unlike its counterpart Price Commission—with seven members from the public—the Pay Board has from the outset been beset by internal rancor.

Last week the rancor on the board got so intense, one source said, that chairman George A. Boldt told labor members he would not stand for any more "rudeness." Labor members often ridicule Boldt in the meetings, and, sources said, are particularly fond of calling public member Arnold R. Weber an administration "hatchet man." According to reports, Weber "goes through the ceiling" at the continued needling.

Meanwhile, the board has yet to devise some of the basic procedures under which it must operate. For example, although beginning Jan. 1, all wage settlements affecting more than 5,000 persons must receive board approval, the board has yet to devise a prenotification procedure.

It delegated to its staff the preparation of a form prenotification units must use. The staff in turn went to the Bureau of Labor Statistics—which came back with a detailed eight-page form. The Pay Board has directed the staff to redo, and simplify the form.

Meetings are often so confused that members are not always aware of what they are voting on. Some members have failed to be recorded on an issue because they were unaware a vote was being taken.

One source cited, as an example of confusion, the recent decision merit increases. Just before Thanksgiving the board issued a guideline on merit raises, which it had to immediately clarify the next day.

Last Thursday after worried businessmen flooded the Pay Board with queries, The Wall Street Journal—with the help of three Pay Board members—put together what purported to be an accurate summary of the Pay Board's policy on merit increases.

But Friday, the Board issued another clarification, which appeared to be in conflict with its ruling—and in points was. Sources said some Pay Board members were surprised that the Friday clarification was actually what they had voted.

In the initial Pay Board guidelines issued Nov. 7, provision was made for five or more

members to challenge contracts they felt to be excessive in terms of the guidelines. But the board neglected to finalize procedures for such a challenge.

Last Wednesday, shortly after the Price Commission refused to allow coal companies to pass through the entire wage settlement, the Pay Board issued its first formal challenge to a contract.

The five business members said they had heard a settlement between the Carey Grain Corp. (which operates one grain elevator at the port of Chicago) and Local 418 of the International Longshoremen's Association was far in excess of the 5.5 per cent standard.

But they knew little more about it than that—and had to ask the Phase II compliance arm, the Internal Revenue Service, to investigate.

But challenge it they did, although the contract covered only nine workers, a spokesman for the union said. If the contract becomes a model for grain elevator operators in Chicago it would affect no more than 200 workers.

One board observer suggested the board's large size contributes highly to its problems. "It's just impossible for 15 men to agree on anything," he said. He suggested Chairman Boldt, in whom the law vests all legal powers of the board, might have to take things into his own hands.

Another said it might go to the "subcommittee approach"—three members "hassle out" the issue and come back with proposals which the board could vote on.

The board is now using this approach on the question of executive salaries and compensation.

A key to the board's future will be its treatment of John Dunlop, the chairman of the Construction Industry Stabilization Committee.

Last week, amid heavy labor objection, the board "temporarily" stripped the committee of its power to rule on wage increases in the construction industry until Dunlop met with the group for a "review." The CISC had approved about 450 contracts granting retroactive payment of wage increases held up by the freeze.

"It will be a sticky fight," one observer said. "Labor is heavily in favor of CISC's activities."

Another said the board would have to "survive this one if its to have any chance at all."

Observers conclude that the Pay Board, in fact, is confused by so many problems that the President may be forced to scrap it and start all over again—though no one in the administration will concede the President has even thought of such a move.

If history is a lesson, a complete breakdown of the Pay Board would not be a surprise. It happened twice during World War II and again during Korea.

[From the Wall Street Journal, Dec. 3, 1971]

PRICE COMMISSION APPROVES SEVEN BOOSTS, THREE OF WHICH EXCEED THE 2.5-PERCENT GUIDELINE

WASHINGTON.—The Price Commission approved seven more requests for price increases. These include a 3.4% boost for electric ranges and refrigerators sold by White Consolidated Industries Inc. that will add 0.075% to the company's annual revenue, the commission said.

In all cases the commission approved the full amounts sought by the companies, but only three exceeded the panel's 2.5% guideline.

Cummings Engine Co. was allowed a 3.2% price increase for diesel engines, which will result in a 1.1% increase in annual revenue, according to the commission.

Allegheny Ludlum Industries Inc. got approval of a 2.76% increase for lawn and turf equipment produced by its Jacobsen Manufacturing Co. subsidiary. This should add 0.12% to annual revenue, the commission stated.

Heublein Inc. was granted a 2.5% increase for the vodka sold by its Smirnoff beverage division and a 2.34% increase for wines of its United Vintners Inc. subsidiary. The price boosts should add 1.2% to company revenue, the commission said.

Pet Inc. got a 2.3% increase in the price of candies sold by its Whitman chocolates division, which will add 0.1% to annual revenue, the commission disclosed.

A. C. Nielsen Co. got a 1.14% increase in charges for marketing research, which will produce 0.7% more in annual revenue, the commission said.

The increases reflect higher labor and materials costs, adjusted to reflect increases in productivity, or output per man-hour, the commission explained.

The Price Commission also asked coal companies to resubmit any price increase applications with labor costs separated from pension fund maintenance costs.

The Pay Board recently approved the first year of a coal contract which provides for an increase in pay and benefits of more than 15%, but 4.1% of the increase is earmarked for the miner's pension fund.

Earlier this week the Price Commission said it may not allow companies to cover with higher prices any part of a wage agreement exceeding 5.5%. But the commission said it will allow the coal companies to pass on the higher pension payments.

The separation of pension costs from wage costs will help the Price Commission analyze coal company bids to lift prices in response to the wage settlement.

The commission also listed 84 more applications for price increases it had received. For the first time it specified in most cases what products or services would be covered by the proposed increases. So far 354 companies have asked for 423 price increases.

Separately, Monsanto Industrial Chemicals Co., an operating unit of Monsanto Co., said in St. Louis it has applied to raise the price of sodium tripolyphosphate, which is used in making detergents. The requested price increase is 35 cents per hundred-weight, across the board. Carload and truckload prices for technical and feed grades would be $7.95 per hundredweight for bulk quantities and $8.70 per hundredweight for bag shipments.

The latest applicants include the following. The first figure given indicates the amount of increase sought and the second represents the impact on the company's total revenue:

Standard Brands Inc., 2.34% for planted products, 0.3%; Ralston Purina Co., 25% for feed, 0.9%; Northwestern Steel & Wire Co., 10% for steel and wire, 2.4%; Hoover Ball & Bearing Co., (three applications), 6.11% for an unspecified product line, 0.06%, 3.48% for another unspecified product line, 0.1%, and 6.3% for trailer hitches made by its Draw-Tite unit, 0.2%;

General Signal Corp., 4.1%, 0.1%; Interstate Brands Corp.'s bread division, 1.8% for bread and related products, 1.2%; Interstate's cake division, 6.4% for cakes and other sweets, 1.2%; Interstate's Baker Canning Co. subsidiary, 1.0% for peas, beans and corn, 0.1%; M.T.D. Products Inc., 5.73% for garden and tools equipment, 0.3%; Bliss & Laughlin Industries Inc.'s coated metallic products division, 5.18%, 0.2%;

Great Northern Nekoosa Corp.'s Nekoosa Edwards Paper Co. subsidiary, 2.5% for paper products, 0.03%; Dow Chemical Co., 0.09% for chemicals and other products, 0.09%; Munford Inc.'s cold storage warehouse division, 1.98%, 0.1%; Anchor Hocking Corp.'s Phoenix Glass Co. unit 8.45% for glass products, 0.2%; Anchor Hocking's Zanesville Mould unit, 12.4% for glass products, 0.2%; Anchor Hocking's tableware division, 10% for tableware, 2.7%; Anchor Hocking's closure division, 8.4% for metal caps and closures, 0.7%;

Dow Jones & Co., 0.08% for advertising rates for Barron's national business and financial weekly, 0.06%, and 2.16% for advertising for Oneonta Star, Pocono Record, Plattsburgh Press, etc., 0.4%; Signal Cos.' Garett Corp. subsidiary, 3.4% for commercial spare parts price catalog, 0.06%; Dresser Industries Inc.'s Harbinson-Walker Refractories Co. unit, 8.2% for refractory products and other materials, 0.6%; Dresser's Dresser Manufacturing Division, 4.4% for bolted products, clamps, closures, valves, etc., 0.2%; and Dresser's hand tool division, 5.3% for hand tools, 0.2%;

J. P. Stevens Co., 6.03% for 33 different products, 0.1%; Ladish Co., 3.5% for industrial forgings, valves, blades, etc., 3.7%; Sybron Corp., 3.2% for paper, 0.2%; Chrysler Corp.'s Mopar-parts division, 4.4% for automotive parts, 0.2%. Chromalloy American Corp.'s Shunk Manufacturing Co. unit, 4.6% for chemical equipment manufactured blade parts, 1.8%, and Chromalloy's Pockman Manufacturing Co. unit, 7.1% for poultry cages, etc., 3.5%; BASF Wyandotte Corp., 7.58% for soda ash, 1.0%; Kansas Power & Light Co., 0.48% for natural gas, 0.02%, and Central Soya Co., 18% for frozen precooked chicken, 0.01%.

The commission said the following applicants submitted incomplete data. The percentage price increase being requested wasn't "readily apparent in form submitted, requiring further analysis," the commission said:

Allied Mills Inc. for dog food; Brown-Forman Distillers Corp., for bourbon whiskey; Heeger for aluminum products; Pennwall Corp.'s J. F. Jelenko unit for dental gold alloys and dental equipment; Southdown Inc. for Coca-Cola foliage and sale of refined sugar; the city of Bloomfield, Iowa, for natural gas; the Commonwealth of Virginia State Milk Commission for milk.

Also, Michigan Consolidated Gas Co. for natural gas; Tenneco Inc.'s Midwestern Gas Transmission Co. subsidiary for natural gas; Chicago Rock Island & Pacific Railroad Co. for railway fares; Commonwealth Edison Co. for electric billings; Consolidated Edison Co. of New York for gas, electric and steam fuel; National Gypsum Co.'s Gold Bond building products division; Southern Railway System; Cities Service Gas Co.; borough of Metuchen, N.J.; Cutler Hammer Inc., for electronic control package for single customer use; Chromalloy American Corp.; Baker Toola Inc.'s Baker division; Hygrade Food Products Corp. for manufacturing of fresh and processed meats; Earle M. Jorgeson Co. for steel and metal products; United Illuminating Co.; Tappan Co.'s Tappan division for household appliances; Hebrew National Kosher Foods Inc. for kosher food; E. R. Squibb & Sons Inc. for vitamin products, and General Mills Inc. for breakfast foods.

[From the Wall Street Journal, Dec. 7, 1971]

PRICE UNIT APPROVES BOOSTS FOR 13 FIRMS, REDUCES REQUESTED INCREASES IN FOUR CASES

WASHINGTON.—Thirteen more companies got approval for price increases ranging up to 5.7%.

In four of the 13 cases the Price Commission scaled down the requested increases to take into account anticipated improvements in productivity.

Fibreboard Corp., which had asked for a 5.4% increase in paperboard and packaging prices, was granted a 3.6% boost, for an overall impact on company revenue of 2.1%.

Kelsey-Hayes Co., which had sought a 5.02% increase in auto, truck and mobile home parts, got a 4.48% rise. The increase should add 3.6% to annual revenue, the Price Commission said.

Akzona Inc., which had requested a 5.1% increase in rayon prices, got a 4.9% increase. The resulting gain in overall company revenue should be 3.3%, according to the commission.

Eaton Corp. was allowed increases on four specific product lines—reduced from the amounts requested in three cases—as well as the full 2½% average it had sought for an across-the-board increase.

Eaton got a 5% increase on industrial truck prices, instead of the 5.1% it requested, for an addition to total revenue of ¼%. It got a 4.23% increase in prices of gears, down from 4.55%, for a gain in overall revenue of 0.04%, and a 2% increase in shovel-clutch prices, down from 2.95%, for a revenue boost of 0.02%. The company was granted the full 3.54% increase it sought for drop-forging prices, which should add 0.01% to revenue, the commission said.

The commission said the 2½% company-wide increase was approved on condition that the four specific product-line increases wouldn't bring the average above the 2½% level.

The following companies had their proposed increases approved in full:

Emerson Electric Co., 5.7% for stationary power tools and electric welders. The addition to revenue should be 0.5%.

Kinney Service Inc., 5.7% for janitorial services offered by five of its companies in Pennsylvania, New York, Illinois, Ohio and Massachusetts. The addition to revenue is expected to be 0.05%. Kinney got approval earlier for a 4.7% increase in janitorial services offered by three companies in New Jersey and Ohio. The revenue gain of those increases was 0.07%, the commission said.

J. P. Stevens & Co., 3.95% for cotton material, which should add 1.5% to revenue.

Koehring Co., an across-the-board 3.8% for construction equipment, with an equal gain in revenue.

National Gypsum Co., 3.8% for rock and 2.3% for crude gypsum. The commission didn't state the estimated revenue impact.

American Broadcasting Cos., 3% for selected commercial advertisements. The increase should add 0.59% to overall revenue.

Wyman-Gordon Co., 2.5% for aerospace forgings, which should add 0.8% to overall revenue.

Honeywell Inc., 2.2% for test instruments, which should add 0.04% to revenue.

Stanadyne Inc., 1.3% for cold-finished steel bars and wires, which should add 0.29% to revenue.

The Price Commission also said it received 63 new applications for increases from 47 companies.

Among new applications. First National Bank of Chicago said it asked for a 50% increase in the charges it makes for keeping records for various profit-sharing trusts. A bank spokesman said that recent regulatory changes require that the records be kept in a more extensive form and an outside accounting firm has been hired. He said the higher price won't increase the bank's profit at all. The commission said the proposed increase would boost the bank's revenue by 0.01%.

[From the Wall Street Journal, Dec. 7, 1971]

UNFAZED BY PHASE II: SMALL FIRMS PLAN RISES THEY NEEDN'T SHOW

(By Alfred L. Malabre Jr.)

Allied Iron Works Inc. plans a 10% price increase early next year, and it faces no requests from or reports to the Price Commission. The Fort Worth maker of decorative architectural products will simply go ahead and boost its prices. The only people who will be told will be the customers.

If a corporate giant tried to do what Allied plans, it would clearly violate Phase 2 regulations. These state that firms with annual sales of $100 million or more must get Price Commission approval for price boosts and those with sales of $50 million to $100 million must report boosts. Similarly, companies employing more than 5,000 persons must obtain Pay Board approval for pay hikes, and those employing 1,000 to 5,000 must report hikes.

Allied, however, is no General Motors. It employs 50 persons, and its annual sales are below $1 million. Accordingly, it's not obligated to request permission for, or even report, price or pay increases. Subject only to government spot checks, Allied is expected to adhere to the general guidelines of 2.5% for price increases and 5.5% for pay raises. But exceptions are allowed where, for instance, costs are exceptionally high. Allied feels its outsize price increase can be fully justified; its labor costs have climbed about 5% in the past year while its prices have fallen nearly 6%.

AN IMPORTANT SEGMENT

Precisely because they are small and don't have to keep government regulators abreast of their doings, firms like Allied tend to be overlooked in all the attention being focused on Phase 2. Yet such companies, taken together, make up an enormously important segment of the overall economic picture. They account for about half of total sales and employ more than 80% of the work force. Clearly, without their cooperation Phase 2 cannot work.

Will they cooperate?

Interviews with executives of several dozen small companies, ranging from steel fabricators to candy manufacturers, provide some clues. The sampling is admittedly unscientific, and perhaps it is too early for lasting conclusions to be drawn. But with those caveats in mind, here are the findings:

—About two-thirds of the companies polled intend to boost prices in the next six months or so; about half of these plan to increase prices by more than the 2.5% guideline. The remaining third mostly claim competition will keep price levels about flat in the months just ahead. A few say they may be forced to cut prices.

—On the other hand, not a single company anticipates giving pay rises above the 5.5% guideline in coming months. Several believe they will be able to continue paying at present levels, and most expect to negotiate only slight increases at most. The main explanation: The labor supply—mostly nonunion—is abundant.

—At least half of the executives seem confused about even the most basic Phase 2 regulations. Some mistakenly believe they are required to report price and pay changes. Those executives who do appear clear on the rules generally express delight that they aren't being closely supervised. No company reports it has been spot-checked, and most guess that visits from Uncle Sam will be few and far between, if at all.

LITTLE GIANT'S PLANS

Among companies planning substantial price rises is Little Giant Products Inc., a maker of lift-truck equipment. "We hope to raise our prices on special-handling devices, which account for about 70% of our business, by 8% to 10% next year," says H. G. Sharp, chairman of the Peoria, Ill., concern, which employs 100 and whose annual sales are "well below $50 million."

In the fiscal year ended last month, during which Little Giant's sales fell 10%, there was no change in these prices, the executive says. But in recent weeks business has been improving, so a price boost is likely to stick, he says. "Phase 2 will affect us less than a big company," Mr. Sharp says, adding that "we're only chicken-feed in the big economic picture."

In most cases where smaller price increases are being mapped, or where no boosts are planned, business hasn't yet shown the pickup that Little Giant is beginning to experience. This sluggishness, rather than any great concern about Phase 2, seems chiefly responsible for any price stability. Such is the case at Essex Brass Corp., a Detroit producer of lubricating devices for machine tools. Essex boosted prices 5%, on the average, last April, but no new increases are planned "because of the competition," says John Q. Nagel, president.

In some instances, price levels will depend on what will be charged by large competitors subject to direct control by the Price Commission. This is the situation at Electric Hose & Rubber Co. of Wilmington, Del. "What happens to our prices next year will depend entirely on what our big competitors like Goodrich and Goodyear are allowed to do with their prices," says M. R. Karrer, chairman.

Among firms staying well under the 5.5% guideline on pay is Sligh Furniture Co. The Holland, Mich., manufacturer employs about 250 nonunion workers. "We don't plan any pay increases in the near future," reports Charles R. Sligh Jr., chairman. "The economic facts of life, rather than the government's control program, are the determining factor." He says the firm is operating far below capacity and faces "tough competition."

More typical perhaps is the 3% pay-and-benefits increase that Salsbury Laboratories will give 300 nonunion employes on Jan. 1. Dr. J. G. Salsbury, chairman of the Charles City, Iowa, producer of animal vaccine, feels even this increase is most generous in view of the price competition his firm faces. He says, for instance, that the price of a particular chicken vaccine has dropped from eight cents per dose to three cents in the past year, and a further cut to two cents will probably have to be made next month.

Competition is occasionally keeping a tight lid on pay raises even where union employes are present. Essex Brass Corp.'s 50 employes are members of a United Auto Workers local. The company's labor contract expired Dec. 1, without any pay boost—or any strike. Instead the workers, whose last pay hike was in December 1970, are continuing at their jobs on a day-to-day basis, Mr. Nagel says. But he doesn't appear worried by the no-contract situation. He expects that a new agreement eventually will be signed, with provisions for a "moderate" increase. "Our people are glad to be employed," the executive declares.

If business improves next year, as many small firms believe it will, pay increases may get fatter. Government statistics show that over the years wage and salaries of nonunion people, though generally much lower than those of union personnel, respond more quickly to the ups and downs of the economy.

Among executives who appear confused by Phase 2 is Carl C. Wells, president of Modern Welding Co., an Owensboro, Ky., steel fabricator. Modern Welding's sales run about $20 million yearly, and it employs about 500 workers, yet the executive expresses some worry over having "to make periodic reports" to government controllers. Similarly, Dr. Salsbury of Salsbury Laboratories mistakenly declares that "we would have to get permission" from the Pay Board if any pay rises of more than 5.5% should be given.

Such small companies are subject only to spot checks, and William B. Riley, president of Brock Candy Co. in Chattanooga, Tenn., says: "We haven't heard of any small company like ours being spot-checked." And he adds, "Frankly we don't expect any."

A few firms find themselves in the odd position of qualifying for spot-check treatment in only one category. Woodward Governor Co. of Rockford, Ill., employs over 1,000 persons, thereby necessitating reports to the Pay Board. But its annual sales amount to some $40 million, so price boosts don't have to be reported. Bruce M. Livingston, a Woodward vice president, says that a "really big year" in 1972 could push sales over $50 million. "That would be sweet," he says, "but not quite as sweet as before Phase 2 came along."

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It must be added at this point that the individual confusion and disarray of the two panels is only exceeded by the lack of coordination of the two. Any economist or layman, for that matter, knows how closely wages and prices are linked in any economy. To successfully stabilize wages and prices, decisions affecting them must be jointly considered. The separation of wage and price supervision, with each panel setting its own guidelines irrespective of the other, seriously reduces the program's chances for success—and yet we are asked to extend it at this time for 1 additional year.

Mr. Chairman, the question of extension should be answered in the negative today and the question raised again next March. We can pass H.R. 11309 today without this section and, in March, take a very simple bill—one page—to extend the program for an additional year. Congress will have made a valuable input into the operation of phase II and will again have the opportunity to review the results. Perhaps the system can be debugged in the next 2 months. If so, we can then offer our endorsement by way of an extension.

If the Congress extends the present law at this time, it will be surrendering one of its greatest responsibilities, that of congressional oversight of the administration.

This responsibility is the cornerstone of our system of checks and balances. We have an obligation to do all we can to insure the proper enforcement and administration of the law. We must hold the administration accountable for its actions. This is, of course, the very reason that the administration asked for this bill—they want to be free of the watchful eye and effective power of the Congress. I ask the Members: Does the administration's track record instill in you a feeling of confidence such that you desire to forfeit your opportunity to review and raise questions about the economic stabilization policy? I certainly have no such confidence at this point.

I wish to make one final point as to the overall economic posture of the administration. Most people seem to have taken comfort in the fact that the President has at least done something at long last. As time passes, however, I think people will reflect on how that something was done and will see that many of the pitfalls could have been avoided if the administration had as great a devotion to planning ahead as it has love for surprise. We all know that the 90-day freeze was entered into without the foggiest idea of what was to follow the freeze. The last half of that phase I was used to construct phase II and, obviously, that job is still not completed. I submit that at least the basics of phase II should have been decided upon before the freeze was imposed. Had this been the case, the freeze would not have had to last as long as it did and we could have moved more smoothly into phase II. Had that kind of forethought and planning characterized the "New Economic Policy," I would not feel so strongly about this issue of extension today. Of course, had that been the case, the President probably would have had the self confidence to wait until next February or March to ask for an extension if one were necessary.

In conclusion, I urge that the Members vote to strike this section. The Congress should neither extend this disarray nor endorse its stumbling. Let us serve notice that we want to see a more orderly ship before we commission her for an extended cruise.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. HANNA. I yield to the gentleman.

Mr. ROUSSELOT. I want to compliment the gentleman on a careful and precise analysis and bringing to this body the results of what has happened since this wage-price control program began. I support the general concept of the gentleman's amendment.

Mr. HANNA. I thank the gentleman. I hope there will be others not present in this House and those who are here, also, who will recognize the wisdom of what I am suggesting.

Mr. WIDNALL. Will the gentleman yield?

Mr. HANNA. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I would just like to call the attention of the gentleman to the fact that if this amendment is adopted, I think we will have the most utter confusion in the business community with regard to where we are going from here on. This will cut the cutoff date that was accepted by the committee of a year and a half. I think this is necessary in order to develop exactly any programs that may be necessary for the future. This will only preserve uncertainty by doing what you are trying to do. I understand your own approach to it, but at the same time I think it would be a great mistake.

Mr. HANNA. I appreciate the gentleman's comments, but I think if you want to see where confusion is, you just need to look at the reports of the boards and commissions now functioning.

I suggest to you that the Congress is saying what it wants to say in this bill. I am not saying that we defeat the bill.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my distinguished colleague from California (Mr. HANNA) is quite right when he says that this House adopted the Economic Stabilization Act of 1970 almost 2 years ago and the President only chose to take action under this authority on August 15, 1971.

However, Mr. Chairman, what the gentleman fails to state is that the President was criticized for not taking action sooner and then he was criticized when he did take action.

He was forced into taking action because we permitted deficit spending to go on unchecked. This fueled the fires of inflation until we forced the President to take action.

Mr. Chairman, the question before us today right now on this amendment is this, Are we going to give the President the power to bring inflation under control and help our economy to recover, or are we going to accept this amendment and say that he has only the power to use these economic stabilization measures until April of next year? If we do this, no one is going to pay a lot of attention to it.

I am somewhat surprised to find the gentleman from California criticizing the Wage and Price Boards. They were set up well after we started the consideration of H.R. 11309.

Of course, there is confusion; of course, they have to have time to get their feet on the ground. They have only been operating for a matter of weeks; yes, since November. We were holding hearings to report this legislation out back in October.

So I think that the Wage and Price Boards may settle down and do a good job, just as I think the committee ultimately reported out a bill about 100-percent different than the originally submitted bill and 100-percent different from the bill which we had about 2½ weeks ago.

So, I say let us give the President a chance to get our economy back on the track. Let us extend his powers for 1 year. Then, if things get as bad as the gentleman from California (Mr. HANNA) thinks they may get, we can always pass an amendment next year to change "1973" to "1972."

So, Mr. Chairman, I urge the defeat of this amendment.

Mr. ASHLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is entirely true that if we decline to extend the authority contained in the legislation before us to April 1973, then obviously the authority will expire in April of next year. In my opinion this would be a big mistake, Mr. Chairman. It would suggest to the public an unwillingness on the part of the Congress to undertake long-range solutions, or solutions which may turn out to be long-term, to very deep-seated problems which beset our economy at this time.

Mr. Chairman, the argument has been made that this would somehow reinforce the oversight responsibility of Congress. I would submit, Mr. Chairman, that the Committee on Banking and Currency and, indeed, the other committees of the Congress, have the oversight responsibility at any time that they choose to exercise it, and we still have legislative responsibility in this area if we choose to exercise that. So I do not think that the Committee on Banking and Currency will act any more responsibly or responsively by curtailing the expiration of this act to April of next year.

I believe it would be a very serious mistake on the part of this committee to limit the application of this legislation for such a short period of time. Such action would be broadly misunderstood by the public. There would be false expectations that phase II would end at that time. I agree with those who say this would cause very considerable injustice, and I would urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HANNA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HANNA. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: At the end of section 220 insert the following new section to read as follows:

"SEC. 221. (a)(1) It is the policy of the United States to promote efficient production, marketing, distribution, and use of goods and services in the private sector, and improve the morale of the American worker, all of which are essential to a prosperous and secure free world, and to achieve the objectives of national economic policy.

"(2) The Congress finds that the persistence of inflationary pressures, and of a high rate of unemployment, the underutilization and obsolescence of production facilities, and the inadequacy of productivity are damaging to the effort to stabilize the economy.

"(3) The Congress, therefore, finds a national need to increase economic productivity which depends on the effectiveness of management, the investment of capital for research, development, and advanced technology and on the training and motivation of the American worker.

"(4) The Congress further finds that at a time when economic stabilization programs require price-wage restraints, management and labor have a strong mutual interest in containing "cost-push" inflation and increasing output per man-hour so that real wages may increase without causing increased prices and that, without in any way infringing on the rights of management or labor, machinery should be provided for translating this mutuality of interest into voluntary action.

"(b) It shall be the objective of the President's National Commission on Productivity—

"(1) to enlist the cooperation of labor, management, and State and local governments, in a manner calculated to foster and promote increased productivity through free competitive enterprise toward the implementation of the national policy declared in the Employment Act of 1946 to create and maintain "conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power";

"(2) to promote the maintenance and improvement of worker motivation and to enlist community interest in increasing productivity and reducing waste;

"(3) to promote the more effective use of labor and management personnel in the interest of increased productivity;

"(4) to promote sound wage and price policies in the public interest and to seek to accomplish that objective within a climate of cooperation and understanding between labor, management, and the public, and within a framework of peaceful labor-management relations and free and responsible collective bargaining;

"(5) to promote policies designed to insure that United States products are competitive in domestic and world markets;

"(6) to develop programs to deal with the social and economic problems of employees adversely affected by automation or other technological change or the relocation of industries.

"(c)(1) It shall be the duty and function of the Commission, in order to achieve the objectives set forth in subsection (b) of this section, to encourage and assist in the organization and the work of labor-management-public committees and similar groups on a plant, community, regional, and industry basis. Such assistance shall include aid:

"(A) in the development of apprenticeship, training, retraining, and other programs for employee and management education for development of greater upgraded and more diversified skills;

"(B) in the formulation of programs designed to reduce waste and absenteeism and to improve employee safety and health;

"(C) in the revision of building codes and other local ordinances and laws, in order to keep them continuously responsive to current economic conditions;

"(D) in planning for provision of adequate transportation for employees;

"(E) in the exploration of means to expand exports of the products of United States industry;

"(F) in the development, initiation, and expansion of employee incentive compensation, profit-sharing and stockownership systems and other production incentive programs;

"(G) in the dissemination of technical information and other material to publicize its work and objectives;

"(H) to encourage studies of techniques and programs similar to those in paragraphs (A) to (H) of this subsection, as they are applied in foreign countries; and

"(I) in the dissemination of information and analyses concerning the economic opportunities and outlook in various regions and communities, and of information on industrial techniques designed for the increase of productivity.

"(2) The Commission shall transmit to the President and to the Congress not later than March 1 of each year an annual report of its previous year's activities under this Act.

"(3) The Commission shall perform such other functions, consistent with the foregoing, as it determines to be appropriate and necessary to achieve the objectives set forth in subsection (b) of this section.

"(d)(1) In exercising its duties and functions under this Act—

"(A) the Commission may consult with such representatives of industry, labor, agriculture, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the participation of such interested parties;

"(B) the Commission shall, to the extent possible, use the services, facilities, and information (including statistical information) of other Government agencies as the President may direct as well as of private agencies and professional experts in order that duplication of efforts and expense may be avoided;

"(C) the Commission shall coordinate such services and facilities referred to in subsection (B) above in order to supply technical and administrative assistance to labor-management-public committees and similar groups referred to in subsection (c)(1);

"(D) the Commission shall establish the regional offices and such local offices as it deems necessary;

"(E) the Commission shall hold regional and industrywide conferences to formulate ideas and programs for the fulfillment of the objectives set forth in subsection (C);

"(F) the Commission may formulate model programs to ameliorate the effects of unemployment caused by technological progress;

"(G) the Commission may furnish assistance to parties in collective bargaining entering into collective bargaining agreements; and

"(H) the Commission may review collective bargaining agreements already in effect or those being negotiated to ascertain their effects on productivity; and it may have the power to make recommendations with respect to the agreements made or about to be made in specific industries.

"(2) The Commission may accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities.

"(e)(1) The Executive Director of the Commission shall be the principal executive officer of the Commission in carrying out the objectives, functions, duties and powers of the Commission described in Section 3(b) through 3(d) above.

"(2) The Executive Director of the Commission, with the approval of the Chairman of the Commission, is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for carrying out its functions under this Act, with regard to the provision of Title 5, United States Code, governing appointments in the competitive service, and with regard to Chapter 51 and Subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provision, to employ such other officers and employees as may be necessary for carrying out its functions under this Act and fix their compensation in accordance with the provisions of such Chapter 51 and Subchapter II of Chapter 53.

"(f) There are hereby authorized to be appropriated the sum of $10,000,000 to carry out the purposes of this section during the period ending April 30, 1973."

Mr. ANDERSON of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. PATMAN. Mr. Chairman, reserving the right to object, I would ask the gentleman from Illinois if this is the amendment that is in the Senate bill?

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield, this is the identical amendment that I showed the chairman, the gentleman from Texas (Mr. PATMAN), earlier today. I have also circulated the amendment among the minority members of the committee. It is an amendment that was agreed to by a unanimous vote of 85 to nothing in the Senate. It would simply mandate the National Productivity Commission, which is now in existence, to set up local productivity councils to address themselves specifically to the problem of trying to increase productivity in the country.

Mr. PATMAN. Mr. Chairman, several of the Members have talked to me about the amendment, and I am inclined to agree with the gentleman, and accept the amendment.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I want to join with the gentleman from Texas in the acceptance of this amendment. I think it is good, and would be very helpful.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, if I may have the attention of the gentleman from Illinois, in the future I think it would be nice to distribute some copies to the majority members.

Mr. PATMAN. The gentleman did.

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Mr. ST GERMAIN. The gentleman showed it to the chairman, and some of the minority members.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield, I would say in response to the inquiry of the gentleman from Rhode Island that I did put this amendment in the RECORD the day before yesterday, and I did show a copy to the chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois (Mr. ANDERSON) is recognized in support of his amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, during its proceedings to extend the economic stabilization powers of the President, the Senate adopted an amendment offered by Senator JAVITS of New York, by a vote of 85 to 0, which was designed to expand and augment the authority and resources of the President's National Commission on Productivity. This is a simple, yet extremely important amendment, and since it is not included in the language of the bill reported by the Committee on Banking and Currency, I would urge that we add it to the bill we are considering this afternoon.

Mr. Chairman, this economic stabilization legislation is designed to meet extraordinary circumstances and provide unprecedented powers to the President to directly control millions of daily transactions in a trillion dollar economy. Much as I, and I am sure many of you, regret that we were forced to turn to measures so inimical to the free market system that has served this Nation so well in the past, we simply had no other choice. While I expect that the expedient of direct controls will decisively puncture the inflationary psychology that has wreaked havoc with the economy over the last 2 years, controls cannot do the entire job, and they cannot keep us on the path of noninflationary growth permanently, nor should we expect or want them to. Much of the job of defeating inflation—especially over the long run—will depend upon whether we can get the rate of productivity improvement back on its historic track—at a rate of about 3.2 percent annually. This amendment can contribute to the accomplishment of that urgent task by providing a focus for renewed national efforts to spur the efficiency and productivity of the U.S. economy.

Mr. Chairman, during the last 4 years, the productivity growth rate for the private economy grew at less than 1.7 percent annually—almost half its historic average. During that same period, output per man hour for almost all of our leading industrial competitors grew at many times that rate. Let me just briefly give you a few examples: During the period 1965-70, the annual productivity growth rate for Germany was 5.3 percent, for France 6.6 percent, for Sweden 7.9 percent, and for Japan 14.2 percent; even the "sick man" of Europe, Great Britain, had a productivity growth rate almost double our own. In light of these figures, then, is it any wonder that our trade balance has slipped from an annual surplus of nearly $6 billion in the first half of the decade, to $3.3 billion in the second half, to $1.3 billion during the period 1968–70, and now in 1971 to a deficit for the first time in this century?

Mr. Chairman, it would be foolish to pretend that an upgraded National Productivity Commission can turn around our productivity performance singlehandedly or overnight; but it can provide the kind of focused national effort and attention to this important factor of economic life that a similar mechanism accomplished during World War II and the Korean war. And if anyone should doubt that these efforts made a difference, I would like to quote the words of Dr. Arthur Burns, Chairman of the Federal Reserve Board and long-time student of the American economy.

During World War II, labor-management committees were established in thousands of war plants as a means of getting maximum production out of resources that were fully utilized. The program worked, because management and labor shared a common interest in solving a problem of paramount importance to the country.

Mr. Chairman, my amendment is designed to help duplicate that kind of cooperative national effort. It would authorize the President's National Commission on Productivity to "encourage and assist in the organization and work of labor-management public committees and similar groups on a plant, community, regional, and industry basis." It would also be empowered to make recommendations and formulate proposals designed to improve our competitive position in international markets, upgrade and increase the output of our work force, develop ways to mitigate the impact of automation and other devices aimed at increased output per man-hour, and to encourage the adoption of employee compensation, profit sharing, stock-ownership systems and other production incentive programs.

Finally, it would increase the resources and funds available to carry on the work of the Commission. While the current Commission is comprised of 27 of the top industrial, labor, and public leaders of the Nation, these are all individuals with their own heavy load of responsibilities; individuals who cannot possibly bear the entire burden of organizing a renewed national productivity effort alone. To do the job, they will need staff, experts, and services of the Nation's most qualified individuals in the area of productivity, yet at present, the Commission has only one professional staff member and one secretary. I think improved productivity deserves a higher place on the national priorities agenda than that. This amendment will provide the able individuals on the Commission with the resources and staff backing needed to mount the major effort that the Nation desperately needs.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Does this amendment provide for the creation of a committee or of a commission?

Mr. ANDERSON of Illinois. No, this Commission, I would say, in reply to the question of the gentleman from Iowa, is already in existence. It is the President's National Commission on Productivity. It presently consists of 27 of top industrial, labor, and public leaders of the country. This would provide for further responsibilities and for augmenting the resources of that Commission.

Mr. GROSS. Am I right in assuming that there is no farm or agricultural representation on this Productivity Commission?

Mr. ANDERSON of Illinois. I am sorry I cannot answer the gentleman from Iowa, but I have been informed there are top industrial, labor and public leaders on the Commission. I do not know whether a member of the agricultural community is on the Commission or not, but I agree with the gentleman from Iowa that there certainly should be.

Mr. GROSS. I thank the gentleman.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the success of our free enterprise system has resulted in large part from the great productivity which has been made possible through improved techniques, labor-saving equipment, and close coordination between the management, production, and distribution segments of American industry. Indeed, the opportunities for combating inflation, holding down over-all production costs, and benefiting consumers throughout the Nation, are made possible through better productivity practices. Mr. Chairman, this amendment offered by my colleague from Illinois (Mr. ANDERSON) authorizing creation of the President's National Commission on Productivity appears to me to be an essential part of an overall economic stabilization program. Mr. Chairman, I intend to support this bill (H.R. 11309) with the Stephens and the Anderson amendments.

Mr. Chairman, the President's economic program already has produced excellent results. The rate of inflation is way down, employment is up, the gross national product is at a record level, and other indices show that the steps which have been taken, so far, are most beneficial to the American economy.

Mr. Chairman, the cooperation of the laboring men and women of our Nation is vital to the ultimate success of our efforts to emerge from a wartime economy to a peacetime economy. They and all us can expect to benefit from an economic stabilization program in which all elements of our society participate equally, and in which all are treated fairly.

Mr. Chairman, I view the President's proposal as logical and necessary under the present circumstances, and I intend to support the bill, H.R. 11309, that we are now debating. I congratulate my colleague (Mr. ANDERSON) for proposing the amendment which will establish the President's National Commission on Productivity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEPHENS

Mr. STEPHENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: On page 25, line 20 after the word "willful", insert the following: "within the meaning of Section 208(a) of this Act,".

Mr. STEPHENS. Mr. Chairman, I made an amendment to the bill that would say before a person could make a claim for treble damages, they had to present a claim.

Before that, the way the legislation read, you did not have to present a claim before you asked for treble damages. All you had to do was to go to court.

What I am asking for is a clarification of the word "willful" so it will fit into the criminal liability of the statute which was intended. There might be someone who has willfully charged a price, but does not know that it violates the law. I think it is merely a technicality and makes it conform with the other parts of the statute. In further explanation, the amendment is for clarification and to avoid rendering the proviso to section 210(b) meaningless.

Section 210 provides for private actions to recover overcharges. A proviso to section 210(b) requires that a demand for refund be made before bringing litigation. A demand for refund should not be necessary where a seller imposes prices, knowing that they violate the law or otherwise acts in deliberate disregard of the law. For this reason, the proviso was made applicable only in those circumstances "where the overcharge is not willful."

The use of the term "willful" is appropriate since it is the same term that describes the type of violation which is the subject of criminal penalties under section 208(a) of the act. However, the term "willful" has occasionally been defined to mean only that a person intends to do an act. In this case, for example, that a seller intended to charge the price actually charged. With this kind of interpretation it makes no difference whether the person has knowledge that the price violates the law or that the price might have been set in a bona fide effort to comply with the law.

Accordingly, if the term "willful" is left unexplained, it is possible that the proviso would rarely if ever come into play except for the very limited circumstances of a clerical error. The problem is particularly serious in light of the nature of the Price Commission regulations: The Price Commission does not approve most prices in advance, the regulations are general, are subject to legitimate varying interpretations, and compliance frequently requires the exercise of reasonable judgment. The proviso should apply in any circumstance where there is a bona fide effort to comply with the law.

It will then discourage unnecessary and protracted litigation, and prevent the Federal courts from being inundated with claims which legitimate businessmen would in fact pay were they aware of an overcharge problem.

To carry out the intention of the proviso, the amendment would simply equate the term "willful" to the same term used in the sanction provisions under section 208(a).

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman.

Mr. WYLIE. In view of the uncertainty accompanying certain of the rules and regulations being issued under this act, suppose a person interprets a regulation in good faith and prices his prices or rentals. Thereafter, an official judicial or regulatory interpretation is issued to a contrary effect. Is such an overcharge, under those circumstances, "willful" within the terms of the proviso contained in section 210(b) under your amendment?

Mr. STEPHENS. No. A charge made based upon a good faith interpretation of the law or regulation, cannot be considered a willful overcharge.

Mr. WYLIE. I thank the gentleman.

Mr. PATMAN. Does this reconcile the language in two places?

Mr. STEPHENS Yes, sir; that is correct.

Mr. PATMAN. I think that is all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BRASCO

Mr. BRASCO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRASCO: Page 19, after line 6, and the following new subsection:

"(g) No State or portion thereof shall be exempted from any application of this title with respect to rents by virtue of the fact that it regulates rents by State or local law, regulation or policy."

Mr. BRASCO. Mr. Chairman, what this amendment seeks to do, very simply put, is to prohibit any State or portion thereof which regulates rents by law to raise those rents without first coming under the guidelines as set forth in the Economic Stabilization Act, and in view of the fact that this act deals with both wages and prices, it would seem to me to be both fair and just that rents, an integral part of a family's life, be covered by the legislation.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. It is my understanding that this amendment applies only to New York and Cambridge?

Mr. BRASCO. As I understand it, there are two cities in the country that are under rent control. They are New York and Cambridge. I understand that from counsel. I do not know of any other area to which it would apply.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Ohio.

Mr. ASHLEY. I think the gentleman has presented a very sound amendment, and I am happy to support it.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentlewoman from New York, who is the architect of the amendment and has worked diligently for its passage.

Mrs. ABZUG. Mr. Chairman, I want to express my thanks to the gentleman from New York (Mr. BRASCO), who is a member of the Committee on Banking and Currency, for agreeing to offer my amendment. I also want to thank the chairman, Mr. PATMAN, and the ranking minority member, Mr. WIDNALL, for their gracious acceptance of it.

The Price Commission has decided to allow areas which have their own rent control or rent stabilization laws to, in effect, set their own rent guidelines by exempting them from the guidelines on that subject which the Price Commission will soon establish. Unfortunately, however, there has been no sign that the Pay Board will exempt from its 5.5 percent guideline the wages of tenants in those areas.

Under rent control and rent stabilization as they exist in New York City, the tenants of nearly 2 million dwelling units are about to be hit with rent increases of between 7½ and 13 percent, while their wages will not be permited to rise more than 5½ percent. To permit the ruling of the Price Commission to stand would unfairly penalize millions of people and, in addition, would create an almost unbearable situation for individuals—many of them elderly or handicapped—who live on fixed incomes.

What we are doing with this amendment is saying that the administration cannot limit wage increases and then turn its back on rent increases. Landlords in New York will have to comply with the Price Commission's rent guidelines in the same manner as landlords everywhere else in the country, and if one of them wants to seek some sort of exception to those guidelines, he will have to apply to the Commission in the same manner as a landlord anywhere else in the country.

This is not an attempt to abolish local rent control or preempt any locality from having rent control. It is not intended to prevent any locality from pegging its own rent increase guidelines at a lower level than those set by the Price Commission.

If we really want to stop inflation, and we expect all Americans to share equally the burden of doing this, we must not turn one isolated portion of the job over to a local authority which bears no responsibility for the other portions, lest we get what portends in New York if this amendment is not adopted—rent increases far in excess of wage increases. This amendment is intended to insure that rent increases will not outstrip wage increases, and I urge its adoption.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the chairman of the committee.

Mr. PATMAN. Mr. Chairman, we have discussed the amendment. We have looked into it, and we are willing on our side to accept it.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Michigan.

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Mr. BROWN of Michigan. I thank the gentleman for yielding. What you are saying in your amendment is that any State or a portion of a State shall not be exempted from Price Board determinations merely by virtue of the fact that it also regulates rents.

Mr. BRASCO. Correct.

Mr. BROWN of Michigan. If there was any other basis for exempting States or portions of States——

Mr. BRASCO. That has nothing to do with it.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the distinguished ranking minority member of the committee.

Mr. WIDNALL. I thank the gentleman. As I understand, the amendment applies to two municipalities, Boston and New York. There may be a few others, but it seems to me that the situation there is unusual, and we will certainly accept the amendment.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Georgia.

Mr. LANDRUM. Mr. Chairman, I would direct this question to the chairman of the committee, the gentleman from Texas. In the Senate version of this economic bill there is a provision which states—

(f) For the purposes of this section, the terms "wages" and "salaries" do not include contributions by any employer pursuant to a compensation adjustment affecting less than one thousand employees for—

(1) any pension, profit sharing, or annuity and savings plan;

(2) any insurance plan; or

(3) any disability and health plan;

unless the President determines that the contributions made by any such employer are unreasonably inconsistent with the standards for wage, salary, and price increases published under subsection (b).

Would the gentleman give me some idea of how he feels about that provision? It seems to me it is not inflationary and ought to be included in the final version of the bill.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Texas.

Mr. PATMAN. I am very much impressed with that. It impresses me as being the type of legislation that is needed. If I am not convinced otherwise, I will be in favor of it.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. I rise only to tell the gentleman in the well that there is an amendment by the gentleman from Indiana on our side which applies specifically to the question which the gentleman from Georgia asked. I think it is the next amendment to be offered.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I rise to support the amendment to require rent guidelines established by the Price Commission to be applied in areas which have local rent control laws as well as in those which do not.

It has long been my position that, due to the very difficult financial squeeze in which tenants find themselves, the freeze on rents should continue. To that end, I introduced legislation (H.R. 10945 and H.R. 10946, with cosponsors) which would continue the freeze on rents through the period of economic stabilization, and I testified in support of it before the House Banking and Currency Committee on October 29. I think that it is especially important that the freeze on rents continue in areas where the market has been so tight that local rent controls have been enacted. These are areas which have recognized the importance of holding down the ever-increasing pressures of real estate interests to raise rents.

This amendment provides that States or localities are not exempt from Federal rent guidelines, because of the existence of State or local rent control laws. Of course, the amendment will not preempt local or State rent control laws which are more stringent than guidelines promulgated by the Price Commission.

This amendment is necessary because of the arbitrary action of the Price Commission on November 22. On that date the Price Commission announced that rent increases on rent-controlled units authorized by State and local rent control agencies would be allowed to go into effects.

This action of the Price Commission was outrageous for several reasons. First, in taking this action, the Price Commission violated its own previously announced procedures. On November 12 the Price Commission announced that guidelines for rents would be developed after consultations with the Rent Advisory Board, which had not yet been appointed. In the interim the freeze on rents was to continue. Then on November 22, after a series of meetings with New York City real estate interests, the Price Commission announced that rent increases on rent-controlled units authorized by State and local rent control agencies will be allowed to go into effect. But this decision was reached before the Rent Advisory Board had been appointed. The appointment of the members of the Rent Advisory Board was then announced the next day. This is a totally unacceptable way of carrying out public policy.

The Price Commission's action was outrageous also, because the Commission failed entirely to examine the basis for the rent increases authorized under local law and regulations, which the Price Commission's ruling sanctioned.

In the case of New York City, under amendments to the local law enacted before the period of economic stabilization began on August 15, on January 1 tenants in 1.3 million rent-controlled apartments face 7.5 percent rent increases. Clearly the Price Commission must look into the adequacy of local rent control to determine whether or not tenants will be protected from excessive rents during the period of national economic stabilization.

Such increases would be unbearable in any event, but are especially onerous at a time when wages and salaries are subject to control.

It is assumed that a tenant pays approximately 25 percent of his income for rent. To restrict wages and salaries and at the same time permit an unregulated increase in the largest segment of a tenant's cost of living budget makes a mockery of the President's program to control inflation.

The ruling by the Price Commission blows a hole in the entire economic stabilization program. By this action the Price Commission allows the rent on private rent-controlled apartments to rise as though wages and prices elsewhere in the economy were subject to no controls whatsoever. It is manifestly unconscionable and unreasonable to allow rents to rise without Federal controls, while the other segments of the economy are subject to Federal controls.

I, therefore, urge most strongly that this amendment be accepted.

I include at this point in the RECORD my letter of December 1 to the Price Commission in which I urge that—

First. The Price Commission's decision allowing locally authorized rent increases to go through be rescinded.

Second. The Rent Advisory Board be allowed to advise on all rent policy, not just some of it.

Third. The Rent Advisory Board hear representatives of tenants' organizations as well as concerned public officials before an overall rent policy is formulated.

Mr. Chairman, the letter is as follows:

WASHINGTON, D.C.
December 1, 1971.

DR. JACKSON GRAYSON,
Chairman, Price Commission,
Washington, D.C.

DEAR DR. GRAYSON: I was shocked by the Price Commission's decisions on November 22 to exempt from the freeze rents in New York City apartments which had been subject to the freeze but which now face rent increases of 7.5 percent as of January. This was particularly disturbing in view of the fact that the Price Commission violated its own previously announced procedures in rendering this decision. As you well know, on November 12 the Price Commission announced that guidelines for rents would be developed after consultations with the Rent Board, which had not yet been appointed. In the interim the freeze on rents was to continue.

Then, on November 22, after a series of meetings with New York City real estate interests, the Price Commission announced that private, rent-controlled apartments would no longer be subject to the federal freeze when there were local rent control laws. As you know, this decision was made before the Rent Advisory Board had been appointed. The appointment of the members of the Rent Advisory Board was then announced the next day. This is a most unfortunate method of carrying out rent policy.

Now today, according to the New York Times, you have asked landlords to postpone rent increases on residential properties which are not subject to local rent control laws. You ask for the continuance of this freeze on these non-controlled properties until the Rent Advisory Board has had time to develop rent guidelines.

Why was not similar forbearance asked in the case of residential property which is subject to local so-called rent controls?

What effort was made by the Price Commission to evaluate the effectiveness of local rent control laws—whether or not they actually place a ceiling on rents, are illusory, or have loopholes which negate their purpose. For instance, the 7.5 percent increases, which will be permitted under the local New York City law, was set forth before the initiation of the President's Economic Stabilization Program. It is inconsistent with the underlying policies of that program.

During this period of economic stabilization I have sought to avoid just such a chaotic and unfair situation from developing with respect to rents. On September 28, I introduced H.R. 10945, with cosponsors, which would freeze rentals and carrying charges by statute.

On October 28, I urge the Chairman of the Cost of Living Council to continue the freeze on rents by administrative action throughout phase II of Economic Stabilization.

On November 3, I wrote Secretary Connally urging that there be adequate tenant representation on the rent board, so that decisions rendered would be fair to tenants.

And on November 22, I telegraphed you, urging that no decision on rents be reached prior to appointment of the rent board, and urging further that no decision on rents be rendered without consultation with tenant groups and other concerned parties.

And yet the Price Commission in exempting residential rent-controlled apartments from the federal freeze has now acted in disregard of tenant interests and in violation of the Commission's own procedures. I urge that the decision be rescinded forthwith. I urge that the Rent Advisory Board be allowed to formulate all rent policy, not just some of it. And in formulating that policy I urge that the Rent Advisory Board hear representatives of tenants' organizations as well as concerned public officials before an overall rent policy is formulated.

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. KOCH. I rise in support of the amendment, and would like to add this one addendum.

Members of the New York delegation wrote to the mayor of the city of New York on the question of keeping New York City under Federal rent guidelines and he specifically responded by saying that the city of New York had not requested an exemption. I am pleased, as are other Members of the New York delegation, that the city will now be included as a result of the adoption of the Brasco amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BRASCO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair might state the Chair is trying to get all the amendments taken care of before the deadline.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: At page 20, strike out all of lines 13 through 24 inclusive and at page 21 strike out all of lines 1 and 2, inclusive, and insert in lieu thereof the following:

"All information reported to or otherwise obtained by any person exercising authority under this title which contains a trade secret or process shall be considered confidential, except that such information may be disclosed to other officers, agencies, boards, commissions, or similar entities empowered to carry out this title solely for the purpose of carrying out this title or when relevant in any proceeding under this title. All other information received in justification of wage or price increases shall be made available to the public."

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Texas.

Mr. PATMAN. We have studied the gentleman's amendment and it may have some merit.

Mr. BADILLO. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, the heart of this amendment is the last sentence which says that all other information received in justification of wage or price increases shall be made available to the public, and the purpose of this amendment is to implement the statement that is made in the committee report at page 6, which says, "that public disclosure, to the fullest extent possible of the information on which policies, regulations and controls are predicated to carry out the purposes of this title is necessary to achieve and maintain the widest possible confidence, and by the same token, the largest possible degree of public cooperation."

Mr. Chairman, even though the committee says that there should be public disclosure in order to see to it that the public at large will respond positively to this program, the fact is that the section that is incorporated by reference under section 205, that is section 1905 of the Criminal Code, in fact, not only prevents the Price Commission from disclosing what is going on, but makes it a crime to disclose what is going on. The section referred to, section 1905 of the Criminal Code reads, in part, as follows:

§ 1905. Disclosure of confidential information generally.

Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by a return, report or record made to or filed with such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work or apparatus, or to the identity, confidential statistical data, amount or source of any income, pending losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than $1,000, or imprisoned not more than one year, or both; and shall be removed from office or employment. (June 24, 1948, ch. 645, 62 Stat. 791.)

The function of the Commission is exactly to entertain questions that have to do with income and with profits. Unless this amendment is adopted, it means that the Price Commission would be prohibited under penalty of criminal indictment from letting the public know what is going on. It means that the proceedings of the Price Commission would take place by having the corporations applying to the Price Commission and having the decisions being made in a dialog between the Price Commission and the corporations only. That is precisely the kind of secrecy which would discredit the entire Commission, because there are many corporations which are closely held, some of the largest in this country, and they would be able to come to the Price Commission under secret proceedings, get an increase, and the Price Commission would be prohibited from making public the information on which its decision is based.

I think if we believe the Price Commission has an important job to do, and I think it does, we should make the proceedings, except for trade secrets which this amendment provides for, available to the public.

We should give parties who have an interest the right to appear, the right to look at the information being supplied by those who seek a price increase, and the right to challenge it. Under the provisions as they stand now this would not be the case.

Mr. Chairman, everyone who has talked about the phase II program of economic controls, from the President on down, has emphasized that the program cannot possibly work unless it has the confidence and acceptance of businessmen, labor, farmers, consumers, and the public at large.

And everyone, from the President on down, has made the point that phase II will get that kind of confidence and acceptance only if it is basically fair and equitable in the way it allocates benefits and hardships among different groups in the economy.

This amendment is intended to help the program win that acceptance and confidence by giving the American people access to the data submitted to the Price Commission in support of price increase requests by our giant corporations.

If section 205 is approved in the form reported, we will have the following situation:

Benefits obtained by labor in the form of wage increases approved by the Pay Board will be fully in the public domain. Anyone interested can find out exactly what the workers got before the wage increase and what they will get after it. The public will have what it needs to judge whether the Pay Board acted wisely or not.

The same will be true of benefits obtained by a single-line corporation in the form of a price increase granted by the Price Commission. If the single-line corporation is a public company—that is, one whose securities are registered with the Securities and Exchange Commission—it sends detailed quarterly reports to its stockholders and files even more detailed reports with the SEC. The information in these reports, which are in the public domain, can enable an interested party to estimate fairly accurately the effect on profits of a particular price increase.

We have a very different situation, however, where a giant, multiline com-

pany seeks Price Commission approval for a price increase on a single product. Here, it must submit full profit and loss data to the SEC only on a consolidated basis. As far as particular lines of business are concerned, the corporation must report only the respective contributions to sales and income—or loss—without any of the other ordinary financial statement data.

And if the giant company should be closely held and never registered an issue of securities with the SEC, there will probably be no information at all available to the public on which to evaluate the merits of a price increase.

Approval of this amendment would bring into the public domain all information offered in justification of wage and price increases by the category I—prenotification firms, and the category II, reporting firms, as defined in the phase II regulations.

Closely held corporations and multiline corporations would be disclosing more to the public than they do now, but not any more than their publicly held and single line competitors have been disclosing all along.

It should be clear that this amendment will in no way force disclosure of legitimate trade secrets. It even strengthens the committee bill in that regard by adding after the words "trade secret" the words "or process" to indicate that proprietary technical data, including manufacturing and other secret business processes, that come into the hands of the Price Commission or any of the other phase II agencies will be held strictly confidential.

Another point to remember is the extremely limited percentage of all American companies that will be affected by the full sweep of phase II, and this amendment. For all practical purposes, the Price Commission is going to be concerned only with price increases of some 2,500 corporations.

There are some 1,300 category I firms—those with over $100 million a year in business receipts. This represents less than one-tenth of 1 percent of the corporate population but about 45 percent of all business receipts.

Category II firms—those with annual receipts between $50 million and $100 million—number just over 1,000 and represent nearly 5 percent of all business receipts.

Category III firms—those whose annual receipts are under $50 million—represent 99.8 percent of the corporate population, but only half of all corporate receipts.

This amendment is intended to insure that regardless of category, there shall be the fullest public disclosure. I urge its adoption.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Ohio.

Mr. ASHLEY. Would this mean that if a corporation were seeking a price increase and presented itself to the Price Commission with its company books, those company books would be available to the public?

Mr. BADILLO. Not insofar as they contain information which has to do with patents or trade secrets. But insofar as they contain information which has to do with the income and profits or losses of that company, and the justification for the extent of the price increase, that information would be made available to the public, yes.

Mr. ASHLEY. I agree with the thrust of the gentleman's amendment. I am not sure that the limitation he places on the amendment would conform with general practice. In my view, the amendment would require public disclosure of a whole range of business matters as a condition for applying for a price increase. The amendment goes much too far, in my view, and would be counterproductive in its application. It should be defeated.

Mr. BADILLO. I am a certified public accountant, as the gentleman may know. From a practical point of view the nature of an application for an increase does not have anything to do with patents or copyrights or trade secrets.

The secret which is involved here is that the company is losing money. The application that would be made by the lawyers and accountants would have to do with the justification for the increase. This is the way in which it was operated under the OPA. The nature of the procedure is such that this is precisely the kind of information which should be made public.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I consider this a very dangerous amendment which will submit the business community in this Nation to unusual harassment, as well as customers of business.

For the past 100 years in this Nation we have had a protection to the American people against full disclosure of certain information.

The gentleman is right; under the Freedom of Information Act there is a protection against disclosure of trade secrets and confidential processes.

Likewise under the Crimes Act, in section 1905, there is a protection against disclosure of statistical information by a firm or a person.

The bill in front of us very carefully preserves the protection against disclosure of trade secrets and also preserves from disclosure the statistical information, and says that section 1905 of the Crimes Act shall apply.

The gentleman's amendment would preserve the protection of trade secrets, but would put the door wide open so far as disclosing information is concerned within the realm of commercial transactions.

This would mean that a company which came to the Price Board with its books would give to the public their precise costs, the costs of its labor and material, by product lines or by the entire line. It would mean they would have to make public their calculations of their productivity, their customary price markups, and past and estimated profits on the item. That is confidential information to the particular firm.

What would that mean to the firm, if the amendment carried? The firm would be inhibited from disclosing this type of information, and so the price board would be without the necessary information it needed.

I know if I were a businessman, and if I had to come before the Price Board, which I would have to do, I certainly would not want, if I were General Motors or any other firm, to give information to that Board which say the Ford Motor Co. could use against me on competitive lines.

The disclosure of this information, protected for the last 100 years, would bring about collusion among competitors and, as I see it, throw fear into anybody going in front of the Board.

They would not disclose what they should disclose in order to have a good ruling. Therefore, I say it would put an unreasonable burden on industry.

Likewise, if this information is made public, everybody would come to the Price Commission on a fishing expedition to read through records and find out what they could. It would put an unusual and unreasonable burden on the Price Board and would be a bonanza to competitors.

Therefore I think it is a dangerous amendment.

We should preserve the protection of the last 100 years written into this act in front of us today and we should vote down this amendment resoundingly.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. JOHNSON of Pennsylvania. Yes. I yield to the gentleman.

Mr. ROUSSELOT. I think the gentleman has been very thoughtful to bring this particular point up regarding disclosure of confidential information under 1905 of the crimes and criminal procedure laws.

I would like to quote from the law, because I know the gentleman from New York certainly wants to live within the law that protects consumers as well as businessmen. "Confidential information" about any consumer's records could possibly be made public unnecessarily and without the consent of the consumer. Let me quote from the law:

§ 1905. Disclosure of confidential information generally.

Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with such department or agency or officer or employees thereof, which information concerns or relates to the trade secrets, processes, operations, style of work or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than $1,000, or imprisoned not more than one year, or both; and shall be removed from office or employment. (June 25, 1948, ch. 645, 62 Stat. 791.)

I think the gentleman has made an excellent point. This law has stood for years. To tamper with it now, to alter and change it and lay customers open to public disclosure that they may not want to have revealed I think would be high handed. I think the gentleman is to be complimented for raising this very important issue.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think perhaps this amendment, with its thrust at the private books and private information of private business, confidential information of private business, is perhaps as convenient a time as any to make a few general and fundamental remarks on this whole subject. I personally would be sorry to see the debate close without somebody making remarks of this character.

Mr. Chairman, we are talking about amendments here. We are talking about an amendment now which is an important amendment. We have had other important amendments, such as the Stephens amendment, which I supported; but the real question before us now is whether we ought to have controls at all. These amendments have as their central issue merely the question of how do we carry out these controls.

I think we ought to think a little bit about the question, how did we get into the position where these controls seem to be necessary. Most of us seem to have arrived at the conclusion that when an inflationary spiral, such as the one we have, faces us we have very little choice but to embark on a system of controls. It is important to think about how we got here, because, as this amendment shows and as every amendment shows, controls are basically antithetical to a free economy and a free society, and they are going to do injustice in many individual cases, even if we conclude that as an emergency measure we have to have them.

Now, how did we get to the point where we are talking about this sort of thing? I submit the reason we have arrived at this point is, first, that we have followed a long-continued and utterly irresponsible course of governmental spending, both in war and in peace, which I think is probably one of the prime examples in history of trying to have guns and butter and bread and circuses in unlimited quantities, without restraint and over a protracted period of time. That causes inflation.

The other thing is that we have permitted, or at least one other thing is that we have permitted, the big labor unions to acquire a monopoly power in this society which no segment in our society ought to be allowed to acquire.

This has built in a steadily accelerating increase in the cost of production, which is growing all the time, is not subject to control, and is not amenable to the ordinary economic processes or to the ordinary methods of checking inflation.

Now, Mr. Chairman, the bill before us does nothing to meet any of these very serious problems. At the most we are putting a legislative poultice on the running sore, while we are not excising the malignancy.

Mr. Chairman, I must regretfully say that I see no indication that this Congress is about to face up, or is about to find the courage to face up, to any of these fundamental problems.

We keep on spending money here like water every day in the week, and we get a bigger deficit every day we are in session.

Mr. Chairman, just a few days ago here there was going to be a modest amendment offered by the gentleman from Illinois (Mr. CRANE) the effect of which, had it been voted on, was to attempt to control the political use of union dues and union funds; but we could not even get a vote on it, due to a smooth working bipartisan coalition which prevented it.

Yesterday we passed a very expensive farm bill of dubious value.

Mr. Chairman, why was the price of corn so shockingly low? Well one of the main reasons why corn is sitting on the ground in the Middle West and cannot be disposed of is because the dock strike has tied up all of the shipping and the corn cannot be moved. The Government of the United States has to stand helplessly by while that condition exists.

Mr. Chairman, I am not antilabor, I am not antiunion labor or anti to any segment of our American society, but I am antimonopolistic power in the hands of anyone, and I say to the committee that unless some Congress, if not this Congress, stands up, and stands up soon, and faces and finds some solutions to some of these problems, we will have more amendments like this one and we will have more controls such as we have in this bill. We will end up, Mr. Chairman, with the loss of our liberty to the point where this bill now pending before us may well look like a pale preview of things to come.

Mr. KOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment.

I would like, with the permission of the Chair, to read a small section of the committee report, because what this amendment really proposes to do is in a sense, if adopted, executing that which the committee report recommends be done.

I quote from the report of the committee as follows:

This section applies section 1905 of title 18 of the United States Code to all information obtained by any agency delegated by the President to carry out the purposes of this Act. Application of Section 1905, title 18, and the provisions of the Economic Stabilization Act as amended in this section, means that all information so acquired may be shared only by other officers, agencies, boards, commissions and similar entities authorized to carry out the purposes of this title and by Federal departments and agencies for use regarding official matters not necessarily related to the purposes of this Act.

It is the intention of your Committee, through provisions of this section, to guard against disclosure of information which would tend to damage the competitive position of persons, organizations, businesses and industries providing such information. At the same time the Committee deems it necessary to point out that it should be recognized by the President and those to whom he has delegated authority, that much of the information obtained in carrying out the purposes of this title cannot be construed as a trade secret or be classified as otherwise sensitive to those disclosing it. Moreover, it is the view of your Committee that public disclosure, to the fullest extent possible of the information on which policies, regulations and controls are predicated to carry out the purposes of this title is necessary to achieve and maintain the widest possible confidence, and by the same token, the largest possible degree of public cooperation to assure the success of efforts to achieve economic stability. Attention is called to this point in relation to the Administration's often repeated statement that economic stability cannot be achieved without full public support and cooperation.

Mr. Chairman, I take some pride in the fact that this language was incorporated into the committee report at my suggestion when the committee was marking up the bill.

It is important to note that our colleague, the gentleman from New York (Mr. BADILLO) points out that the bill itself, by reference to section 1905, title XVIII, Crimes and Criminal Procedures, specifically would bar the release of any information which relates to income, profits, losses or expenditures. That kind of information surely, is not confidential information relating to trade secrets which is after all that which we wanted to protect from public disclosure.

I agree with the President, and I agree with the gentleman, Mr. DENNIS, who last spoke that if we make our society so restrictive we will end up with a police state. I am for this bill, because we need it, but I am not for extra restrictive measures that are not necessary. If we do not want to have an open society we will bar the public from every aspect of information. If, on the other hand, we want to protect legitimate matters requiring protection, like trade secrets, but make available all other information, we should incorporate the gentleman's amendment in the bill.

I urge the minority to accept that amendment, because I honestly believe it carries out the philosophy which all of us, no matter on which side of the aisle we are on, support, which is an open society.

The CHAIRMAN. The Chair will call to the attention of the Members that, if the remaining amendments are to be considered, the committee is racing against a 20-minute deadline.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Federal Deposit Insurance Corporation would not even reveal to the Comptroller of the Currency the names of banks which are in some difficulty. This is because of the dire results that could be caused by a run on the bank by a lack of confidence in that bank.

If we are going to take the statistical information of a company that may be in some difficulty and has gone to the Price Board to ask for an increase in prices, and make its figures available to the public, that company is going to be in danger of going under. It is going to lose customers. It is going to lose the confidence of its stockholders.

That is why I say we should not tamper with the section of the U.S. Crimi-

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nal Code that has been mentioned here before.

Mr. Chairman, I urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. BADILLO. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BADILLO. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. BADILLO, JOHNSON of Pennsylvania, PATMAN, and ROUSSELOT.

The Committee divided, and the tellers reported that there were—ayes 73, noes 275, not voting 83, as follows:

[Roll No. 456]

[Recorded Teller Vote]

AYES—73

Abourezk	Denholm	Miller, Calif.
Abzug	Dow	Minish
Adams	Drinan	Mitchell
Addabbo	Edwards, Calif.	Morgan
Anderson, Calif.	Fascell	Moss
	Fraser	Murphy, Ill.
Anderson, Tenn.	Gonzalez	Nedzi
	Grasso	Nix
Aspin	Green, Pa.	O'Hara
Badillo	Halpern	Patman
Barrett	Hanna	Patten
Begich	Harrington	Podell
Bingham	Hathaway	Pucinski
Brademas	Hawkins	Reid, N.Y.
Brasco	Hechler, W. Va.	Riegle
Brooks	Helstoski	Rodino
Burke, Mass.	Hicks, Mass.	Rosenthal
Burton	Howard	Roybal
Byrne, Pa.	Koch	Ryan
Carey, N.Y.	Leggett	St Germain
Carney	Link	Scheuer
Chisholm	McCormack	Thone
Daniels, N.J.	McFall	Vigorito
Danielson	Matsunaga	Waldie
Delums	Melcher	Yates

NOES—275

Abbitt	Clancy	Ford, Gerald R.
Abernethy	Clark	Ford, William D.
Alexander	Clausen, Don H.	Forsythe
Anderson, Ill.	Clawson, Del	Fountain
Andrews, N. Dak.	Cleveland	Freilinghuysen
Archer	Collier	Frenzel
Ashley	Collins, Tex.	Frey
Aspinall	Colmer	Garmatz
Baker	Conable	Gaydos
Baring	Conte	Gettys
Bennett	Cotter	Giaimo
Bergland	Coughlin	Goodling
Betts	Crane	Gray
Bevill	Culver	Green, Oreg.
Biaggi	Curlin	Griffin
Blester	Daniel, Va.	Gross
Boggs	Davis, Ga.	Grover
Boland	Davis, S.C.	Gubser
Bolling	Davis, Wis.	Hagan
Bray	de la Garza	Haley
Brinkley	Delaney	Hall
Broomfield	Dellenback	Hamilton
Brotzman	Dennis	Hammer-schmidt
Brown, Mich.	Dent	
Brown, Ohio	Devine	Hanley
Broyhill, N.C.	Dingell	Hansen, Idaho
Broyhill, Va.	Dorn	Harsha
Buchanan	Downing	Harvey
Burke, Fla.	Dulski	Hastings
Burleson, Tex.	Duncan	Hays
Burlison, Mo.	du Pont	Heckler, Mass.
Byrnes, Wis.	Dwyer	Heinz
Byron	Edwards, Ala.	Henderson
Cabell	Erlenborn	Hillis
Caffery	Esch	Hogan
Camp	Eshleman	Holifield
Carter	Fish	Horton
Casey, Tex.	Fisher	Hosmer
Cederberg	Flood	Hull
Chamberlain	Flowers	Hungate
Chappell	Flynt	Hunt
Hutchinson	Mizell	Sebelius
Ichord	Mollohan	Selberling
Jacobs	Monagan	Shipley
Jarman	Montgomery	Shoup
Johnson, Calif.	Moorhead	Shriver
Johnson, Pa.	Myers	Sikes
Jonas	Natcher	Skubitz
Jones, Ala.	Nelsen	Slack
Jones, Tenn.	Nichols	Smith, Iowa
Karth	Obey	Smith, N.Y.
Kastenmeier	O'Konski	Snyder
Kazen	O'Neill	Staggers
Keating	Passman	Stanton, J. William
Kee	Pelly	
Keith	Pepper	Steele
Kemp	Perkins	Steiger, Wis.
King	Pettis	Stephens
Kyl	Peyser	Stratton
Kyros	Pickle	Stubblefield
Landgrebe	Pike	Symington
Landrum	Pirnie	Taylor
Latta	Poage	Teague, Calif.
Lennon	Poff	Terry
Lent	Preyer, N.C.	Thompson, Ga.
Long, La.	Price, Ill.	Thompson, N.J.
Long, Md.	Price, Tex.	Thomson, Wis.
McClory	Purcell	Ullman
McCloskey	Quie	Vander Jagt
McClure	Quillen	Vanik
McCollister	Railsback	Waggonner
McCulloch	Randall	Wampler
McDade	Rarick	Ware
McDonald, Mich.	Rees	Whalen
	Rhodes	White
McEwen	Roberts	Whitehurst
McKay	Robinson, Va.	Whitten
McKinney	Robison, N.Y.	Widnall
McMillan	Roe	Wiggins
Macdonald, Mass.	Rogers	Williams
	Rooney, N.Y.	Wilson, Bob
Madden	Rooney, Pa.	Winn
Mahon	Rousselot	Wolff
Mailliard	Roy	Wyatt
Mann	Ruppe	Wydler
Mathias, Calif.	Ruth	Wylie
Mathis, Ga.	Sarbanes	Wyman
Mayne	Satterfield	Yatron
Mazzoli	Saylor	Young, Fla.
Meeds	Schmitz	Young, Tex.
Michel	Schneebeli	Zablocki
Miller, Ohio	Schwengel	Zion
Mills, Md.	Scott	Zwach

NOT VOTING—83

Andrews, Ala.	Fuqua	Roncalio
Annunzio	Galifianakis	Rostenkowski
Arends	Gallagher	Roush
Ashbrook	Gibbons	Runnels
Belcher	Goldwater	Sandman
Bell	Griffiths	Scherle
Blackburn	Gude	Sisk
Blanton	Hansen, Wash.	Smith, Calif.
Blatnik	Hébert	Spence
Bow	Hicks, Wash.	Springer
Celler	Jones, N.C.	Stanton, James V.
Clay	Kluczynski	
Collins, Ill.	Kuykendall	Steed
Conyers	Lloyd	Steiger, Ariz.
Corman	Lujan	Stokes
Derwinski	McKevitt	Stuckey
Dickinson	Martin	Sullivan
Diggs	Metcalfe	Talcott
Donohue	Mikva	Teague, Tex.
Dowdy	Mills, Ark.	Tiernan
Eckhardt	Mink	Udall
Edmondson	Minshall	Van Deerlin
Edwards, La.	Morse	Veysey
Ellberg	Mosher	Whalley
Evans, Colo.	Murphy, N.Y.	Wilson, Charles H.
Evins, Tenn.	Powell	
Findley	Pryor, Ark.	Wright
Foley	Rangel	
Fulton, Tenn.	Reuss	

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Chairman, I offer an amendment.

Mr. RYAN. Mr. Chairman, this legislation extending the Economic Stabilization Act of 1970 contemplates wage and price control machinery which will continue at least through April 30, 1973; and, of course, it can be extended beyond that date. If wage and price controls are to be incorporated into the economy, then it is important to anticipate their impact on various elements in the economy.

I have been very much concerned about the effect of the wage freeze upon substandard wage earners and the working poor who should not be locked into poverty. But that is exactly what happened to many workers during Phase I of the President's new economic policy. Contracts already negotiated and agreed upon, which provided wage increases for the working poor, were not allowed to go into effect.

Therefore, I introduced legislation—H.R. 11406 and House Concurrent Resolution 414 and companion resolutions with 24 cosponsors—which would exempt from the wage freeze any individual whose earnings are substandard or who is amongst the working poor or near-poor, until such time as his earnings are no longer substandard or he is no longer a member of the working poor or near-poor.

On October 29, I testified before the House Committee on Banking and Currency concerning economic stabilization. In that testimony I advocated that the wages of the working poor be allowed to rise freely to the point where they are no longer substandard.

I am pleased that the Banking and Currency Committee recognized the plight of substandard wage earners and the working poor and provided for a well-justified exemption.

Title II, section 203(d) of the economic stabilization legislation before us (H.R. 11309) provides that—

(W)age increases to an individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

The committee report on this bill states:

It is the intention of the Committee that this exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics in determining an income necessary to afford adequate food, clothing and shelter and similar necessities. (Report No. 92–14, p. 5.)

This exemption for low-paid workers was the substance of my bill H.R. 11406, which the distinguished gentleman from Maryland (Mr. MITCHELL) offered as an amendment in the Banking and Currency Committee. I appreciate very much the support Mr. MITCHELL gave to this amendment and his successful efforts in obtaining its adoption. I also appreciate the support given to this amendment by the gentleman from Wisconsin (Mr. REUSS), the gentleman from New Jersey (Mr. MINISH), the chairman of the committee (Mr. PATMAN), as well as other concerned members of the Banking and Currency Committee.

There is certainly ample precedent for a low-paid worker exemption from wage restraints during a period of economic stabilization. Both the War Labor Board of World War II and the Wage Stabilization Board of the Korean war made provision for workers with substandard wages.

By an Executive order, the War Labor Board of World War II was instructed not to authorize further increases in wages unless it was clearly necessary to correct substandards of living. The Board specifically exempted from any control any wage increases for workers whose earnings were at or below 50 cents an hour. At that time the Federal minimum wage was 30 cents an hour. Thus there is plenty of precedent for regarding the minimum wage as substantially beneath what is considered to be substandard earnings for purposes of economic stabilization legislation. Now the minimum wage is $1.60 an hour, and the legal minimum in New York is $1.85 an hour. Using a similar approach today would exempt from controls any union or nonunion worker with hourly earnings of over $3 to $3.50 an hour.

Similarly, during the Korean war, defense production workers were granted an exemption from wage controls if they were paid less than $1 per hour. At that time the minimum wage was 75 cents an hour.

The plight of low-paid workers certainly warrants an exemption of their wages from restraints during economic stabilization. There are, indeed, millions of families and individuals in this country whose incomes, derived from decent, steady employment, fall below the most meager estimate of what is required for an acceptable standard of living. According to figures released in May of this year, there are some 16 million families in this country who have incomes of less than $7,000. In addition, some 11 million individuals have incomes of less than $6,000.

Perhaps several examples will serve to illustrate the difficult circumstances in which low-paid workers find themselves. Workers of District 65, Distributive Workers of America, earn salaries of from $91 to $110 a week. Before the freeze, they were scheduled by contract for automatic increases of from $7 to $10 a week. In addition, they were scheduled for a cost-of-living increase of $5 a week. Thus, overall they were slated for about a 12-percent salary increase, which is higher than the allowable 5.5 percent set forth by the Pay Board. Yet even with these increases these workers will still be only making about $5,800 a year, substantially below the Bureau of Labor Statistics estimate of a $6,960 minimum budget for an urban family of four.

As David Livingston, president of district 65, pointed out in a cogent letter which appeared in the October 6 issue of the New York Times:

If the President fails to meet the responsibility to those who don't make a living, then the Congress should. If both fail, it would be tantamount to a Government edict to condemn poorly paid American workers to permanent poverty.

A second example of the need to exempt low-paid workers from Government wage restraints is presented by New York Hotel and Motel Trades Council, whose president is Jay Rubin. In view of the squeeze on their wages contemplated by phase II, the trades council, in early October, petitioned the President urging that the following four principles be made part of government policy:

1. Immediate exemption from the freeze of all who earn less than $125 a week or $6,500 a year.

2. Establishment of a National Wage Review Board to fairly adjust the wages of those earning more than $125 a week or $6,500 a year.

3. Immediate restoration of the right of all workers to bargain for improved health, welfare and pension plans, since such funds are non-inflationary.

4. That all wage adjustments negotiated before the freeze be paid as of the date they were due—and that the government not allow employers to pocket money which contractually belongs to the workers.

The Senate Banking and Currency Committee was also concerned about the plight of the working poor and included in the bill which passed the Senate the following provision—section 203(d) of S. 2891:

No order of regulation issued under this section shall apply to the wages or salary of any individual receiving substandard earnings. The President shall prescribe regulations defining for the purposes of this subsection the term "substandard earning". In no case shall such term be defined to mean earnings less than those resulting from a wage or salary rate which yields, on an annual basis, an income below the poverty level for a family of four (or an appropriated equivalent in the case of workers employed in part-time or seasonal occupations) as prescribed annually by the Office of Management and Budget.

The Senate bill thus sets a floor on the possible definition of substandard earnings.

Senator STEVENSON, who offered the substandard wages amendment in the Senate Banking and Currency Committee, has made clear that he intends that the definition of substandard wages be higher than this floor, rather than being pegged near it. The OMB poverty level is $3,968 which, of course, would freeze workers at the poverty level and be totally unfair and unrealistic in view of the Bureau of Labor Statistics estimates of a minimum annual budget.

It may be instructive to review the conclusion of the Senate Committee on Labor and Public Welfare that the poverty index is arbitrary and that the real poverty population is considerably higher than estimated—see Senate Report No. 92–331, report on S. 2007, Economic Opportunity Amendments of 1971, July 30, 1971. In that report the committee points out how the Bureau of Labor Statistics arrived at a "lower" family budget for an urban family of four. This is consistent with the expressed intent of the Committee on Banking and Currency that the substandard wage exemption "apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics in determining an income necessary to afford adequate food, clothing and shelter and similar necessities."

I include the following excerpt from pages 5 to 7 of Senate Report No. 92–331:

STUDY OF THE POVERTY INDEX

In measuring the extent of the poverty problem in America, the committee gave consideration to the manner in which the so-called poverty index was developed.

Obviously when embarking on an effort to reduce poverty and to evaluate the progress of this effort, it is necessary to set certain benchmarks. However, testimony before the committee has emphasized anew the arbitrary nature of the poverty index, which is presently set at $3,970 a year for a family of four. As alarming as it is to know that there are 25.7 million people living in poverty and another 22 million who are "near poor," it is entirely possible that the poverty population is much larger than we consider it to be simply because of the limitations of the poverty index, which the present measurement of poverty.

Miss Millie Orshansky of the Social Security Administration, who has been closely involved with the development of the poverty index, testified before the Subcommittee on March 23. She discussed the limitations of the index as a measurement of poverty.

The poverty index, originally published in 1965 and based on 1963 income, "was an attempt to specify in dollar terms the minimum level of income need for families of different types that would be in keeping with American consumption patterns. She testified that:

"The basis of the poverty index is an assumption, based on a 1960–61 survey conducted by the Labor Department and the Agriculture Department, which 'suggested that the food expenditures of average families of three or more represented about one-third of their money income after taxes.'"

Starting with this assumption, therefore, a cost was calculated for the Agriculture Department "economy food plan," which represented a level of expenditure at which an average housewife had about an even chance of providing a fair diet for her family. The cost of this economy food plan was then multiplied by 3 to determine the poverty level income. Miss Orshansky testified:

"We elected to make—in the absence of conventional standards—as few decisions of judgment in determining the poverty level as possible.

"We estimated the food needs and total income. All the other things were left unspecified. We really did not and do not know how families with that income or below it have to assign their funds—what they can buy and what they must do without."

Miss Orshansky also pointed out that the poverty index was "arrived at late in 1964 in the light of then readily available data, data already in the main 9 years old at that point; the income criteria have not been updated in a real sense, that is, to take account of the greater degree of consumption potential that prosperity has made possible for the majority of American families." (Page 73, Subcommittee hearings.)

The arbitrariness of the poverty index, and the extremely low level of the presently established poverty level income, indicates that the real poverty population may be considerably larger than estimated.

The Bureau of Labor Statistics has developed a report entitled "Three Standards of Living for Urban Families of Four Persons." The Bureau's definition of "urban" includes communities of 2,500 population and larger.

The three budgets are described as "lower, intermediate and higher." The lower income budget was set at $6,960 a year for a family of four for the spring of 1969 (even though the date was released in December 1970).

The Bureau of Labor Statistics "lower" family budget is made up of the following items:

Food	$1,905
Housing	1,429
Transportation	505
Clothing and personal care items	807
Medical care, hospital insurance	562
Other family consumption:	
Recreation, school expenses, tobacco, miscellaneous items	345
Contributions, gifts	165
Life insurance	120
Occupational expenses	58
Social security	345
Personal taxes	719
Total	6,960

XUM

An examination of this rather strict budget for a family of four illustrates the limitations of the poverty index. No comparable calculations as to the actual cost of living for a family of four are made in setting the poverty income level at $3,970.00. The poverty index is based almost entirely on the arbitrary assumption that food represents one-third of family living costs. Furthermore, the determination as to the cost of that food is made arbitrarily and then multiplied, compounding any error.

Representatives of the Bureau of Labor Statistics in testifying before the Subcommittee on March 23 pointed out that the poverty level income makes no allowances for taxes and estimates food costs to be much less than in the Bureau of Labor Statistics "lower" family budget.

At the time this issue was discussed at the Subcommittee hearing, the poverty income level was set at $3,800, based on the assumption that food costs for a family of four were $25 per week. In the Bureau of Labor Statistics "lower" family budget, food costs for a family of four are estimated at $37 per week.

Peter Henle, Chief Economist, Bureau of Labor Statistics, testified:

"According to USDA home economists, menus for food at home based on the low cost food plan (used in the Bureau of Labor Statistics budget) require a considerable amount of home preparation as well as skill in cooking to make varied and appetizing meals even though the cost level of this plan is 25 percent higher than the economy plan (used in the poverty level income calculation)."

If the cost of food is in fact 25 percent greater than allowed for in the present poverty income level, the entire poverty index becomes a very unreliable measurement of the number of persons actually living in poverty.

Since the language of the Senate bill could be subject to misinterpretation by an administrator who does not understand the problem, it is important that the language of the House bill with respect to substandard wages be adopted by the conference committee, and I urge the House conferees to insist upon the House position.

Not just from the point of view of equity but from the point of view of the overall economy, it makes good sense to allow the wages of the working poor to rise to the point where they are not substandard. These workers of necessity spend a very great percentage of their total income. Thus, this money is pumped into the economy, stimulating aggregate demand. This in turn helps the GNP to rise. For, in order to put this economy back on its feet, the GNP must rise substantially, in order to cut unemployment.

Therefore, it is both equitable and economically sound to allow the wages of the poor to rise out of substandard levels during this period of economic stabilization.

Mr. BRASCO. Mr. Chairman, I was on my feet seeking recognition as a member of the committee.

The CHAIRMAN. The gentleman from Indiana is recognized. He had been seeking recognition for an hour and the Chair has been trying to get to him.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LANDGREBE: Page 19, on line 6 following "1954." insert a comma and the following: "unless the President determines that the contributions made by any such employer are unreasonably inconsistent with the standards for wage, salary, and price increases published under subsection (b)."

The CHAIRMAN. The gentleman from Indiana (Mr. LANDGREBE) is recognized for 5 minutes in support of his amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield for one question?

Mr. LANDGREBE. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I would like to tell the gentleman we discussed this fully in the committee, and there was a unanimous vote in favor of the Hanley amendment. I am not commenting otherwise, but there was a unanimous vote in favor of the Hanley amendment.

Mr. LANDGREBE. Mr. Chairman and members of the committee, I should like to point out that this does not replace the Hanley amendment but is an addition to it. The Hanley amendment exempts all pension and welfare plans that meet the requirements of sections 401, 404, and 403 of the Internal Revenue Code. My amendment simply adds the language "unless the President determines that the contributions made by any such employer are unreasonably inconsistent with the standards for wages, and price increases published under subsection (b)."

In other words, Mr. Chairman, this simply gives some control to the President in bringing about what we are trying to achieve, a slowdown of inflation in our country. I believe this is a very good amendment.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to my colleague from Indiana.

Mr. HILLIS. I thank the gentleman for yielding. I should like to associate myself with the gentleman's remarks, and urge approval of the amendment.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. I believe the gentleman should make clear that originally he had an amendment which would have replaced the Hanley amendment, but this is not the amendment we are speaking of at the present time.

Mr. LANDGREBE. This is an addition to the Hanley amendment, rather than a substitute for it.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. The gentleman's amendment is practically the same language as is in the Senate bill, is that not correct?

Mr. LANDGREBE. That is right. The language is taken from the Senate amendment.

Mr. BROWN of Michigan. All the gentleman's amendment does is to say that the only time the pay board may exercise some jurisdiction and authority over these benefits is when the President determines that payment of them would be unreasonably inconsistent with the whole theory of the economic stabilization program, is that correct?

Mr. LANDGREBE. That is exactly right.

Mr. BROWN of Michigan. I believe the gentleman's amendment should be adopted.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to my colleague from Indiana.

Mr. MYERS. Does the amendment provide for any exemptions at all? The original language in the amendment offered by the gentleman from New York (Mr. HANLEY) is now in the bill and provides for some exemptions that the President may allow from control. Under the amendment the gentleman is offering to this language, are there any exemptions allowable at all?

Mr. LANDGREBE. Not complete exemptions. These programs that are registered with the IRS would not be under control, unless it was determined by the President that they were unreasonably inconsistent. At that time the Board could move in and take action.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. Perhaps the gentleman from Michigan can clarify this.

Mr. BROWN of Michigan. As the language presently reads in the bill, with the Hanley amendment, there is presently no opportunity for the President, delegating authority to the Pay Board, to even look at qualified pension plans under section 401 of the Internal Revenue Code. All the gentleman's amendment would do is to say that if the President determines that the impact of the benefits would have an inflationary effect unreasonably inconsistent, then they would be able to control them. It just gives some authority to the President if they are unreasonably inconsistent with the guidelines.

Mr. BAKER. Mr. Chairman, it is important, I feel, in this legislation to make sure small employers have the right to establish employee fringe benefits in order to attract and keep good employees. In this respect, the Senate bill is preferable to what appears in the House bill today on page 19, line 1 through line 6.

The present language of H.R. 11309, as I interpret it, with respect to employee fringe benefits, allows qualified pension and profit-sharing plans to be established, but does not allow other important employee fringe benefits such as group life insurance, hospitalization insurance, and major medical insurance.

To deny the small employer the right to establish these employee benefit plans gives the major employer a distinctly unfair advantage and since such employee benefits in the small businesses involve greater employee participation in the cost, the inflationary effect is virtually nil.

The social and economic loss to the hundreds of thousands of employees of such employers is incalculable.

The Federal Government has long recognized the social importance and the economic benefits of private pension plans, profit-sharing plans, sickness and accident insurance plans, et cetera, and, in fact, has encouraged their adoption by way of tax benefits. In short they have recognized these benefits as a legitimate cost of doing business.

Thousands of employers of fewer than 1,000 people do not have these employee benefit plans now because:

First, they are aware, for the first time, of the need for a systematic retirement plan; or second, they are just now financially able to institute such plans; or third, they have been in business a relatively short period of time.

One side effect of denying him the right to institute such plans now is his vulnerability to the loss of key personnel to the larger company that already has attractive fringe benefits. This means the small employers will be less able to compete and, thus, a major threat to private enterprise in our great country.

Mr. ROUSSELOT. Mr. Chairman. I rise in opposition to H.R. 11309, legislation extending the President's authority to issue regulations to control wages, prices, rents, and salaries for an additional year—that is, from April 30, 1972 to April 30, 1973. In my opinion, it is clear that wage and price controls are not the answer to our economic problems and that by imposing these controls, we are treating only the results of inflation rather than the causes.

On December 20, 1945, Ludwign Von Mises, a classical economist, clearly explained the causes and effects of inflation to a war weary nation, struggling to rid itself of wage and price controls, in an article which appeared in the Commercial and Financial Chronicle. Although I inserted this article in the November 10 CONGRESSIONAL RECORD, page 40550, I would like to again bring the following excerpts from this article to the attention of my colleagues as I feel Mr. Mises' comments are particularly relevant to our situation today:

Inflation is the process of a great increase in the quantity of money in circulation. Its foremost vehicle in continental Europe is the issue of non-redeemable legal tender notes. In this country (the U.S.) inflation consists mainly in government borrowing from the commercial banks and also in an increase in the quantity of paper money of various types and of token coins. The government finances its deficit spending by inflation.

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The problems the world must face today are those of runaway inflation. Such an inflation is always the outcome of a deliberate government policy. The government is on the one hand not prepared to restrict its expenditure. On the other hand it does not want to balance its budget by taxes levied or by loans from the public. It chooses inflation because it considers it as the minor evil. It goes on expanding credit and increasing the quantity of money in circulation because it does not see what the inevitable consequence of such a policy must be.

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The superstitution that it is possible for the government to eschew the inexorable consequences of inflation by price control is the main peril. For this doctrine diverts the public's attention from the core of the problem. While the authorities are engaged in a useless fight against the attendant phenonena, only few people are attacking the source of the evil, the Treasury's methods of providing for the enormous expenditures.

We cannot expect to control the inflation in our economy until the Federal Government is prepared to reverse its policy of deficit spending. The December 2 daily statement of the U.S. Treasury lists the total public debt as $418,510,011,559.53, an increase of about $30 billion over this time last year. For 25 years, since the declaration of the national policy on employment—generally called the Employment Act of 1946—we have followed a course of deficit budgets and increased Federal intervention into every aspect of national activity obsessed with the misguided notion that this was the only route to full employment. It is this policy which has been the prime cause of inflation.

The committee adopted my amendment to H.R. 11309 which states in section 202 that it is the sense of Congress that the President should make every effort to reduce Federal expenditures and taxes by submitting a balanced budget in an effort to stabilize the economy and eliminate the need for the exercise of any controls under this title. Even though my amendment was included in the bill, I am still firmly opposed to the very nature of this legislation which extends the executive branch's wage and price control authority.

In addition, other provisions in the legislation as reported are confusing and do not adhere, in my opinion, to any rational sound fiscal policy. Section 203 (c)(2) and section 216 are apparently contradictory in their approach to granting retroactive pay increases. In any event, however, I am opposed to both provisions because they both discriminate against the worker who is not a member of organized labor and therefore not covered by an employment contract. In addition, the payment of these retroactive wages could virtually bankrupt some corporations and businesses under current price restrictions. If the Price Commission were to allow these companies to raise prices to compensate for retroactive wage increases, this means that the consumer ultimately would carry the burden. Another provision which demonstrates the inherent inequities that result from attempting to provide for a wage-price control program is section 203(a)(3). This provision authorizes the President to stabilize corporate dividends, a source of income to many retired persons, widows, and the disabled, as such a limitation would unjustly effect pensions, trusts, and other sources of investment income.

It is virtually impossible to administer a program of these controls that is fair to all sectors of the economy. This is vividly demonstrated by decisions of the Pay Board, the Price Commission, and particularly the Construction Industry Stabilization Committee. I have selected a sampling of article headlines and lead paragraphs which are clear examples of the inequities which have surfaced during phase II:

ENTER PHASE II—MANY IN UNITED STATES GET PAY RAISES BEYOND 5.5 PERCENT UNDER NEW GUIDELINES—LOOPHOLES ABOUND IN RULES, AND CONFUSION STILL REIGNS—PAY PANEL LEADERSHIP GAP? A PRICE POLICY IS DUE SOON

The Phase 2 guidelines for wages and benefits could give thousands of workers raises far greater than the general limit of 5.5% a year. (The Wall Street Journal November 10, 1971.)

AS COULD BE EXPECTED, MANY OILMEN OPPOSE PHASE II CONTROLS ON PRICES BUT NOT WAGES

Phase 2 holds an unexpected promise—of blackouts and brownouts and a possible rationing of fuels. (The Wall Street Journal, November 17, 1971.)

COAL MINERS' 15-PERCENT INCREASE IS APPROVED BY PAY BOARD

Over the strong objection of public members, the Pay Board in a 10–3 vote yesterday said that the first year increase of the three-year soft coal contract signed last week—far in excess of the 5.5 per cent wage standard—should "take effect without modification." (*The Washington Post*, November 20, 1971.)

PAY BOARD SCOLDED FOR COAL ACTION

Pay Board Chairman George H. Boldt acknowledged yesterday that the government approved pay raises for the nation's coal miners could increase coal prices more than 6 per cent. (*The Washington Post*, November 21, 1971.)

PHANTOM PHASE II? NUMBER OF EXCEPTIONS TO WAGE-PRICE GUIDES SPURS DOUBTS OF PLAN—REGULATORS SAY SUCH CASES ONLY PUT THINGS IN LINE; NEW BREACH; 7 PERCENT STEEL RISE—"WHO'S EVER GOING TO KNOW?"

The Phase 2 guideline on wage increases is 5.5%, but coal miners have been granted increases of 15%. The Phase 2 guideline on price increases is 2.5%, but two steelmakers yesterday were granted increases of over 7% on tinplate products.

PRICE PANEL CLEARS STEEL BOOSTS TRIPLE ITS TARGET; CHIEF SAYS THIS ISN'T PRECEDENT, STANDARDS INTACT—BETHLEHEM TINPLATE TO CLIMB 7.6 PERCENT, NATIONAL STEEL'S 7.2 PERCENT—CRANE UNIT DETAILS 8 PERCENT RISE

The Price Commission approved steel-price increases ranging to more than three times its stated target, but the panel's chairman insisted the move doesn't set a precedent.

A.T. & T.'s WESTERN ELECTRIC LIFT QUOTES; PRICE COMMISSION LISTS MORE APPLICANTS

Western Electric Co., the manufacturing and supply arm of American Telephone and Telegraph Co., boosted prices 3.9% on telecommunications equipment, an increase that is expected to add about $130 million a year to Bell System equipment costs.

The company acted in New York at just about the same time as the Price Commission announced in Washington it would allow the increase to go into effect.

GM ASKS 3-PERCENT BOOST IN AUTO PRICES—FORD LIFTS ITS RISE REQUEST TO 4.4 PERCENT—MANY IN INDUSTRY SURPRISED, RELIEVED THAT NO. 1 MAKER SEEKS OVER 2 PERCENT FROM PANEL

General Motors Corp. asked the Price Commission for approval to raise prices on its cars, trucks, and optional equipment about 3%, but the auto giant left the door open for a further increase at yearend to cover additional safety equipment required on all new cars starting January 1. (The Wall Street Journal, November 24, 1971.)

PAY BOARD UPSET—INVITES COMMITTEES HEAD TO HEARINGS

The Pay Board, apparently upset with some contracts approved by the Construction Industry Stabilization Committee, yesterday invited CISC Chairman John Dunlop to appear before the board next week. (The Washington Post, December 3, 1971.)

PANEL ALLOWS HUGE PAY RISE

The Construction Industry Stabilization Committee yesterday said it has approved contracts granting a 56.2 per cent increase

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over two years to Delaware plasterers and 36.6 per cent over 24 months to Philadelphia cement masons.

IRS CITES LIMITS ON RENT RISE—TENANTS GET POINTERS ON RENT-RISE LIMITS

The Internal Revenue Service ruled yesterday that tenants may refuse to pay added rent unless landlords can prove the increase charges were being paid on 10% of their similar units prior to the August 15 wage-price freeze. (The Washington Post, December 4, 1971.)

It is evident from these examples that a controlled economy does not work and only the free market disciplines can fairly uphold the concept of consumer choice.

The Congress, however, does have the power to control the battle against inflation. Reducing Federal spending in order that revenues can be brought in balance with expenditures would bring a stop to the inflationary spiral, and is in my opinion, the only answer. For this reason, I am today introducing legislation which presents a fiscally sound alternative to wage-price controls.

Mr. HANLEY. Mr. Chairman, I rise in opposition to the amendment.

The intent of the amendment as expressed by the author was not considered in the House committee. My amendment prevailed overwhelmingly. In essence the expressed intent of the substitute would assign to the executive branch the prerogative of determining what type of pension program should be allowed to employees.

I do not believe that is the intent of the Congress with regard to the Equalization Stabilization Act.

I earnestly ask that this amendment be rejected.

I further add that the language has been contained in the Senate version, and this matter will be disposed of in the House-Senate conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. LANDGREBE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. HANLEY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HANLEY. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. LANDGREBE, PATMAN, BROWN of Michigan, and HANLEY.

The Committee divided, and the tellers reported that there were—ayes 170, noes 184, answered "present" 1, not voting 77, as follows:

[Roll No. 457]

[Recorded Teller Vote]

AYES—170

Abbitt	Broomfield	Carter
Abernethy	Brotzman	Cederberg
Anderson, Ill.	Brown, Mich.	Chamberlain
Andrews, N. Dak.	Brown, Ohio	Chappell
	Broyhill, N.C.	Clancy
Archer	Broyhill, Va.	Clausen,
Arends	Buchanan	Don H.
Baker	Burke, Fla.	Clawson, Del
Baring	Burleson, Tex.	Cleveland
Betts	Byrnes, Wis.	Collier
Bray	Byron	Collins, Tex.
Brinkley	Camp	Colmer
Conable	Jonas	Railsback
Crane	Jones, N.C.	Rarick
Davis, Ga.	Jones, Tenn.	Rhodes
Davis, Wis.	Keating	Robinson, Va.
Dellenback	Keith	Robison, N.Y.
Dennis	Kemp	Rousselot
Devine	King	Ruppe
Dickinson	Kyl	Ruth
Downing	Landgrebe	Sandman
Duncan	Landrum	Saylor
du Pont	Latta	Schneebeli
Dwyer	Lent	Schwengel
Edwards, Ala.	McClory	Sebelius
Erlenborn	McCloskey	Shoup
Esch	McClure	Shriver
Findley	McCollister	Sikes
Fish	McCulloch	Smith, N.Y.
Fisher	McDonald, Mich.	Snyder
Flowers	McEwen	Stanton, J. William
Flynt	McKinney	Steele
Ford, Gerald R.	McMillan	Steiger, Wis.
Forsythe	Mahon	Stephens
Frelinghuysen	Mailliard	Teague, Calif.
Frenzel	Mann	Terry
Frey	Mathias, Calif.	Thompson, Ga.
Goodling	Mathis, Ga.	Thomson, Wis.
Gross	Mayne	Thone
Grover	Michel	Vander Jagt
Gubser	Miller, Ohio	Waggonner
Haley	Mills, Md.	Wampler
Hall	Mizell	Ware
Hammer-schmidt	Montgomery	White
Hansen, Idaho	Mosher	Whitehurst
Harsha	Myers	Widnall
Harvey	Nelsen	Wiggins
Hastings	Nichols	Williams
Heinz	O'Konski	Wilson, Bob
Henderson	Passman	Winn
Hillis	Pelly	Wydler
Hogan	Pettis	Wylie
Hosmer	Pirnie	Wyman
Hull	Poage	Young, Fla.
Hunt	Poff	Zion
Hutchinson	Price, Tex.	Zwach
Jarman	Quie	
Johnson, Pa.	Quillen	

NOES—184

Abourezk	Dow	Madden
Abzug	Drinan	Matsunaga
Adams	Dulski	Mazzoli
Addabbo	Edwards, Calif.	Meeds
Albert	Eshleman	Melcher
Alexander	Fascell	Miller, Calif.
Anderson, Calif.	Ford, William D.	Minish
Anderson, Tenn.	Fountain	Mitchell
Ashley	Fraser	Monagan
Aspin	Gallagher	Moorhead
Aspinall	Garmatz	Morgan
Badillo	Gaydos	Morse
Barrett	Gettys	Moss
Begich	Gialmo	Murphy, Ill.
Bennett	Gonzalez	Natcher
Bergland	Grasso	Nedzi
Bevill	Gray	Nix
Biaggi	Green, Oreg.	Obey
Biester	Green, Pa.	O'Hara
Bingham	Griffin	O'Neill
Boggs	Hagan	Patman
Boland	Halpern	Patten
Bolling	Hamilton	Pepper
Brademas	Hanna	Perkins
Brasco	Hansen, Wash.	Peyser
Brooks	Harrington	Pickle
Burke, Mass.	Hathaway	Pike
Burlison, Mo.	Hechler, W. Va.	Podell
Burton	Helstoski	Preyer, N.C.
Byrne, Pa.	Hicks, Mass.	Price, Ill.
Cabell	Holifield	Pucinski
Caffery	Horton	Purcell
Carey, N.Y.	Howard	Randall
Carney	Hungate	Rees
Casey, Tex.	Ichord	Reid, N.Y.
Chisholm	Jacobs	Riegle
Clark	Johnson, Calif.	Roberts
Conte	Jones, Ala.	Rodino
Cotter	Karth	Roe
Coughlin	Kastenmeier	Rogers
Culver	Kazen	Rooney, N.Y.
Curlin	Kee	Rooney, Pa.
Daniel, Va.	Koch	Rosenthal
Daniels, N.J.	Kyros	Roy
Danielson	Leggett	Roybal
Davis, S.C.	Lennon	Ryan
de la Garza	Link	St Germain
Delaney	Long, La.	Sarbanes
Dellums	Long, Md.	Satterfield
Denholm	McCormack	Scheuer
Dent	McDade	Scott
Dingell	McFall	Selberling
Donohue	McKay	Shipley
Dorn	Macdonald, Mass.	Sisk
		Skubitz
		Slack
Smith, Iowa	Thompson, N.J.	Wolff
Staggers	Ullman	Wyatt
Stratton	Vanik	Yates
Stubblefield	Vigorito	Yatron
Stuckey	Waldie	Young, Tex.
Symington	Whalen	Zablocki
Taylor	Whitten	

ANSWERED "PRESENT"—1

Schmitz

NOT VOTING—77

Andrews, Ala.	Galifianakis	Reuss
Annunzio	Gibbons	Roncalio
Ashbrook	Goldwater	Rostenkowski
Belcher	Griffiths	Roush
Bell	Gude	Runnels
Blackburn	Hanley	Scherle
Blanton	Hawkins	Smith, Calif.
Blatnik	Hays	Spence
Bow	Hébert	Springer
Celler	Heckler, Mass.	Stanton, James V.
Clay	Hicks, Wash.	Steed
Collins, Ill.	Kluczynski	Steiger, Ariz.
Conyers	Kuykendall	Stokes
Corman	Lloyd	Sullivan
Derwinski	Lujan	Talcott
Diggs	McKevitt	Teague, Tex.
Dowdy	Martin	Tiernan
Eckhardt	Metcalfe	Udall
Edmondson	Mikva	Van Deerlin
Edwards, La.	Mills, Ark.	Veysey
Ellberg	Mink	Whalley
Evans, Colo.	Minshall	Wilson, Charles H.
Evins, Tenn.	Mollohan	Wright
Flood	Murphy, N.Y.	
Foley	Powell	
Fulton, Tenn.	Pryor, Ark.	
Fuqua	Rangel	

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dow: Page 18, line 22, after the word "charges," insert "corporate dividends, and similar transfers," and on line 24, after the word "charges," insert "corporate dividends and similar transfers."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Dow).

The amendment was rejected.

Mr. BOLAND. Mr. Chairman, many amendments will be offered to this bill today. It is not hard to understand why: President Nixon's economic restraint program, despite its modest success so far, falls short of the millenarian goals envisioned by his architects. And, similarly, this bill extending the President's authority to restrict wages and prices is something less than perfection itself. Disgruntled by the program—even bedeviled by it—many in business and labor alike are reluctant to endow the President again with what they consider to be meddlesome powers, at best, and at worst, a kind of sweeping economic carte blanche. Phase II, it appears, is particularly disagreeable to the program's critics.

I am willing to concede, Mr. Chairman, that few people are enraptured by the President's program.

But I want to emphasize, just as strongly as I can, that such restraints are necessary for economic recovery.

Prices have been steadily moving upward over the past 6 years. The pace, until quite recently, has been all but dizzying. Ask any housewife. The cost of a loaf of bread, a pound of hamburger, a suit of clothes has reached levels that are much too high. Unemployment, too, has climbed far beyond reasonable economic expectations—as high as 20 percent in regions with the most threadbare economies. In my own congressional district fully 10 percent of the work force is now idle.

These problems have taken on all the dimensions of a crisis.

We in the Congress cannot turn our backs on them, hoping they will go away all by themselves.

They will not.

Under the President's program, however distressing it appears, the economy is beginning to shake itself out of its lethargy. Granted, the cost of living is still inching upward month by month—but at a rate significantly less alarming than the one a year ago. Granted further, unemployment still defies whatever steps the economists take. Unemployment levels, however, seem to be stabilizing, and a few heartening signs point to a drop in the levels soon.

The bill now before us, moreover, would put into the economic restraint program the kind of evenhanded justice it now lacks. First, the bill would permit all but the most inflationary retroactive pay increases—a provision that maintains the sanctity of the labor contract, and prevents any windfall business profits stemming from price increases made in anticipation of the wage-price freeze.

Second, the bill allows anyone wronged by the program to bring suit in U.S. district court—and, if rejected there, to appeal to a temporary emergency court of appeals sought in the legislation.

It is plain, Mr. Chairman, that effective controls are our only hope for reviving the economy.

Unlimited wage increases mean nothing, after all, if an American worker's household costs routinely outstrip those increases—or if he loses his job.

I urge passage of the Economic Stabilization Act. Failure to do so would surely and positively result in a spiraling increase in prices and wages. The public, the consumer, the wage earner, labor, and business would all be harmed badly if this proposal is not passed by this Congress.

Mr. DRINAN. Mr. Chairman, I rise in opposition to the amendment by Congressman STEPHENS to the Economic Stabilization Act of 1971. The Stephens amendment would, in effect, preclude equitable relief to teachers and other employees who have lost wages to which they were entitled pursuant to wage contracts entered into prior to August 15, 1971. This amendment would permit, but not require, the President to allow employers to make retroactive wage payments.

There has been an enormous national debate on the issue of retroactive pay. I am at a loss to understand the arguments made by those who oppose retroactivity. A contract is a solemn and binding agreement. When we suspend the operation of a duly executed contract we are trifling with the legitimate plans and expectations of parties to that contract.

Thousands and even millions of citizens based their economic plans on wages to which they were entitled pursuant to contracts executed before August 15. If we now abrogate those contracts by legislative fiat, we will be saying to those individuals that they have no right to rely on legally binding documents to which they are parties.

Under the Stephens amendment the only workers allowed retroactive payment would be those in plants or institutions where prices were raised in anticipation of the wage increase. In those plants or institutions which were able to absorb the wage increase without raising prices the increase would not be allowed. By passing this amendment we would be endorsing a plan directly contrary to a cornerstone of the current economic stabilization efforts.

It should be particularly noted that if this amendment is enacted it would completely bind the Pay Board. Even if the Pay Board later decided it made a mistake in its earlier denials of pay increases, its hands would be tied by the restrictions of this statute.

Only 2 days ago, Secretary of Labor Hodgson stated, and I quote from the New York Times of December 9:

The retroactive payment of frozen wages would cause few problems for President Nixon's program, even if the liberal provision on retroactivity contained in the (unamended) bill before the House of Representatives is adopted.

In view of the foregoing statement, in view of other statements by the Pay Board and other administration sources, in view of the critical need to allow individuals to make expenditures and economic plans on a predictive basis, and in view of the manifest equities involved, I urge my colleagues to oppose this amendment and to support the committee bill and other proposals to permit retroactively the payment of wages lost as a result of a plan announced in Washington on August 15, 1971.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in opposition to the Stephens amendment. This amendment would severely undermine the intent and thrust of action taken in committee which guarantees that teachers would receive the raises for which they contracted and upon which State laws based their salary. This provision, an amendment in committee by Mr. MINISH, sets right a major inequity initially perpetrated against teachers by the Cost of Living Council.

One of the major problems of wage and price controls is the inequity which comes about as a result of across-the-board, generalized regulations which fail to take into account unique differences in various wage structures. When the Cost of Living Council first promulgated its wage regulations it had no one on its staff familiar with the unique structure of teacher salaries. As a result teacher salaries were lumped together under other regulations in spite of the unique structure by which teachers are paid. The increases which teachers were denied by the Cost of Living Council regulations were in fact, not raises. They were the normal structural, automatic increments which formed the basis for teachers' salaries throughout their entire career. The additional increment was part of a single salary schedule, enforced by legislation, and contracted for as soon as the first contract with the school system was signed.

In some cases teachers received their increments, not because they had contracted for them prior to August 15, but because some teachers in the same school system had worked during the summer school session, the "golden sheep rule." In systems which had no summer sessions, no teachers were permitted their increments nor, for that matter, the increases of those increments for which they had also bargained. As a result many teachers were denied raises in spite of the fact that neighboring jurisdictions had granted them. In practically all cases, denial of the raises would result in unjust enrichment by school boards.

The sanctity of the contract in American law goes back many hundreds of years. The committee proposal would repair the error made by the Cost of Living Council and restore the sanctity of the teachers' contracts. As it stands now, the quid pro quo bargained for by teachers has been unilaterally abrogated by the Cost of Living Council, an uninvited third party to the contract which interjected itself after contracts had been signed and, in many cases, after performance of the contract had actually begun.

I strongly urge my colleagues to reject the Stephens amendment and let the Minish proposal in the committee bill stand upon this issue.

Mr. SCHEUER. Mr. Chairman, I rise in support of the amendment to require the forthcoming rent guidelines to be applied in areas which have local rent control as well as in those which do not.

The Price Commission has decided to exempt from its rent guidelines those areas, such as New York City, in which there are State or local rent control laws.

Mr. Chairman, if this decision is permitted to stand, most of the tenants in controlled apartments in New York City will face a 75 percent rent increase next month.

An increase of this magnitude is grossly unfair at a time when wages are controlled by the Pay Board and will be permitted to rise only 5.5 percent per year.

To permit the Rent Board's decision to stand would unfairly penalize hundreds of thousands of low- and middle-income people and make life exceptionally difficult for those, such as the handicapped and the elderly, who live on fixed incomes.

Mr. BADILLO. Mr. Chairman, I am voting against the Economic Stabilization Amendments of 1971 not because I am opposed to the type of controls this legislation contemplates, nor because I am opposed to everything in this bill. I am voting against the bill because it has two major flaws: a blank check 16-month extension of the most sweeping and unprecedented authority ever delegated to the President by Congress, and a provision which precludes the public and the press from having access to the data submitted by corporations in support of their requests for price increases. These flaws make the bill unworthy of support, in my judgment.

The bill does have several good features and I want the RECORD to show that I do appreciate the following provisions:

First, I support the bill's provision upholding wage contracts entered into prior

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to August 15, 1971, as long as they were not unreasonably inconsistent with the rate at which wages or salaries have increased in the economy generally. These contracts were entered into in good faith long before any one had knowledge of an impending wage-price freeze and particularly in the cases of teachers. Purchases and employment decisions were made on the basis of those agreements. I agree with the committee that Congress would be unwise to allow the destruction of private contracts by administrative fiat, except perhaps in the most dire of circumstances.

I also support the committee provision enabling consumers and small businessmen to seek civil damages if there have been willful price violations.

Two additional provisions, of particular concern to the people of New York City, also have my strong endorsement. These are the committee provisions requiring mass transportation systems—such as the New York City Transit System—to obtain approval of fare increases from the Price Commission before they may go into effect, and the Brasco amendment accepted in the Committee of the Whole, bringing apartments under rent control in New York under jurisdiction of the Price Commission.

In addition, I support the committee provision requiring the President to establish local protest boards as a means of giving full and fair hearing to all those who feel they are adversely affected by any of the decisions made under the phase II program. It remains my very strong feeling, however, that the bill is woefully inadequate in providing the kind of mechanisms and protections that would result in full public participation in and support for the phase II operation.

Perhaps the most glaring and fatal defect in this bill, Mr. Chairman, is the provision in section 205 which prevents the Price Commission from making public the data on which corporations seek to justify their price increases. In fact, this provision incorporates section 1905 of the Criminal Code and attaches criminal sanctions to any Federal official or agency which discloses this data.

In my judgment and as I made clear in offering my amendment to cure this flaw, public confidence and support for the phase II program just will not exist as long as price decisions are made in secret. My remarks on my amendment set forth my views on this issue fully.

Likewise, the blank check 16-month extension of the President's authority to impose sweeping economic controls is another fatal flaw in the bill. It is yet another deplorable abdication of congressional responsibility to set national policy and it is fraught with peril for this Nation. It may be politically wise, in the short term, to let the President shoulder the full burden of our economic problems, but it is most definitely not in the national interest for the Congress to so cavalierly ignore its own obligations.

I could support this legislation if these flaws were to be corrected in conference. I have no confidence, however, that this will happen and I am prepared to vote against the conference report as well.

Mr. KOCH. Mr. Chairman, H.R. 11309 requires that all mass transit systems receive approval of the Price Commission before implementing any fare increases. Section 214 states:

> No company, or other entity constituting a public benefit corporation, charged by law or contract with the responsibility to operate a mass transportation facility or facilities shall increase any fare without first obtaining approval under this section from the President or his delegate.

It is important that the Price Commission examine and act on proposed mass transit fare increases. Transit rates are a basic cost of employment to millions of Americans and ultimately these fares affect wages and the price of goods. Escalating transit fares have a definite cost-push on the economy. And so, if the wage and price stabilization program is to be successful, it is essential that the Price Commission have control over increases in this primary factor in individual and business costs.

Some transit systems like the Metropolitan Transportation Authority in New York City, are not regulated by an independent city, State or Federal body. Section 214 will be particularly important in the instance of these systems. Requiring prior approval by the Price Commission for fare increases would insure that the public interest in any fare increase receives careful consideration.

The most important aspect of section 214 is that it establishes in the law that any mass transit fare increases must receive the approval of the Price Commission. It assures the riding public that transit fares will never be placed in an unregulated category by the Cost of Living Council.

Presently, mass transit is treated as a public utility by the Price Commission. Under revised regulations that are expected to be published in the Federal Register in the next several days, all public utilities having gross receipts of $50 million or more must notify the Price Commission for proposed fare increases and receive a certification from its regulatory body that the rate increases are consistent with the Price Commission's stabilization criteria. An unregulated public utility must provide its own certification; that is, it must provide evidence that the proposed rate increase is consistent with Price Commission regulations. In the instance of all public utilities with gross receipts of $100 million, prenotification and certification are required and the Price Commission has 10 days to review the proposed increase before it can go into effect.

Section 214 of H.R. 11309 requires notification and approval by the Price Commission of fare increases proposed by all mass transit systems, no matter what their gross receipts are.

I am so pleased that in the committee's consideration of this legislation there were several versions of the bill and in each my amendment was included.

Mr. RANDALL. Mr. Chairman, I support H.R. 11309, not as some have put it, reluctantly, but admittedly without being completely satisfied with some of the content, and along with a measure of disappointment that there are some things which should have been done that were omitted.

By this measure, we have granted the President an awesome power. Such has been done only twice before during times of national emergency. It is for this reason that it became most necessary that such far ranging authority be accompanied by some basic guidelines to make certain the power is administered equitably.

When I observed that I was disappointed because of some things which were omitted, I had reference to interest rate controls. I mean by that that it is important for all elements of the economy be treated equally and no group be allowed special treatment. Today, we find wages frozen and yet interest charges go on to become a staggering proportion of the monthly budget. It is true there is provision for what is called the stabilization of interest rates and I suppose what the committee proposes is the best we could get approved by the House. I was hopeful there would be some way to control the rise in the rate of interest because it is a key factor in the cost of living of every single consumer and for that matter every businessman.

It is estimated the total annual interest cost is $150 billion. It is of some comfort to note there is a mandatory provision that the President must issue regulations or orders for stabilization for finance charges and interest rates unless he makes a determination of finding accompanied by concise and complete statements of reasons that interest rates on all type of loans are satisfactory and this would mean that all existing rates are thus to be approved by the administration.

The second concern which I am sure I share with many of our colleagues is what this Economic Stabilization Act Amendments of 1971 do to certain contracts entered into prior to August 15. It should go without saying that in a free society private contracts freely and fairly entered into should be inviolate and should not be impaired or destroyed by the flat of any Government agency. Many contracts and agreements were entered into by thousands of nonunion employees as well as some union members at a time when no one knew about an impending wage-price freeze. Certainly, these contracts were entered into in good faith. These same wage earners proceeded to make purchases or other decisions and commitments based on these contracts. The most classic example is our teachers, most of whom signed contracts in March and April of this year. They certainly had a right to anticipate these higher earnings. Most of them then enrolled in summer school and incurred the additional expense of improving their teaching abilities this past summer. For others, it may have been a decision to buy a home or make a downpayment. All these decisions were made in the belief they had a legal and binding contract with their employer.

Mr. Chairman, that brings us down to the very troublesome difference between whether the Pay Board should approve salary increases contracted prior to August 15 and which would have been scheduled to be paid during phase I. I supported the proposition that such increases should be granted unless, according to the wording of H.R. 11309, they would be unreasonably inconsistent to rates of increase in wages in the economy generally. In other words, those contracts which had been approved prior to August 15 would be effective in phase I and phase II.

I opposed the Stephens amendment because it simply provided such increases provided by law of contracts entered into prior to August 15, 1971, would be effective at the discretion of the President. This criteria means the burden would be placed on such groups as our teachers and many others to have to prove once again their contracts were, in fact, entered into in good faith and, moreover, would have to prove the contract was legally and fairly entered into. For my part, I do not want to leave this cloud of administrative uncertainty hanging over the heads of teachers and others and particularly those who had definite wage and salary agreements entered into prior to August 15.

Mr. Chairman, our mail contained communications from the media for and against being included under wage and price controls. The exemption passed by the other body sponsored by the gentleman from California, of course, was a complete exemption. Some of our media wanted to exempt all news media from phase II of price and wage controls. Others said they supported President Nixon's phase I and support phase II and thought it would be unfair for others to be included and the press exempted. Of course, this exemption in the other body had to do with the first amendment or the freedom of the press. Our side of the Congress may not have hit this issue head-on, but by the adoption of the Rees amendment we did provide that in implementing H.R. 11309 the President should and must take in consideration the first amendment.

It is encouraging to note rents have been included and there were also provisions concerning dividends and profits. Mr. Chairman, I supported the Hanley amendment which exempts pension funds of retirement plans which are now under Internal Revenue and supervised by the Department of Labor. I concur in the belief that, as to these pension funds, once again we are involving ourselves in the area which might or could impair the sanctity of contracts. I do not believe these pension or retirement plans should be placed under any stabilization board.

As chairman of the House Subcommittee on the Aging, we plan to call a series of witnesses to testify concerning those pension plans which have not served the purpose of their beneficiaries. We all know the classic case of loss of all pension funds by the journeymen barbers all across America. We certainly should not interfere with the operation of any of these funds or plans to the detriment of the elderly beneficiaries. I was disappointed the enforcement was left to the IRS. Who can dare question the taxman, no matter how arbitrarily he may act. They have enough to do to collect taxes.

Mr. Chairman, there are several things about this bill which are unpalatable. But I for one, refuse to be cast in a role of in any way, contributing to any greater uncertainty than presently exists in the state of our economy. It has been argued the Congress should not act at this time, but wait until nearer the time of expiration of the present authority—April 30, 1972. I reject that argument outright as productive of a situation which would indicate the Congress had doubts whether the authority might be extended. This would leave planning and all measures of preparations for the future for both, as to individuals and business organizations hanging in the balance. It is important we act well in advance of this expiration, if we are to eliminate uncertainty on the part of individuals and nervousness on the part of business and industry.

So far as I can determine, we cheerfully granted to the President the previous authority for wage and price controls. He ordered phase I and is now involved in phase II. For my part, I think it is important that Congress give him a chance to make phase II successful. The condition of our economy is of such transcending importance, that we must cooperate with the President in this matter. For those who say the President will not use the authority we delegated either fairly, equitably, equally, or consistently, let me respond to these by saying if that does happen, there will be plenty of time for the Congress to act. For now, we must eliminate all uncertainty and show we are extending this stabilization program, adding only a minimum of guidelines in the interest of fairness and justice. We must get on with the key job of controlling inflation and stabilizing the economy.

Mr. RARICK. Mr. Chairman, as I regard H.R. 11309, it is an effort to make an unworkable economic blueprint workable with some wanting to close loopholes and others to create new nooses. The reason we are here today debating phase II is to figure out why phase I failed.

Since neither the people nor the free enterprise system created inflation and the morass in which the bureaucrats now find themselves—just everyday commonsense and simple logic should tell us that we are not going to cure the national ills without removing the cause.

The problem that we are here trying to solve by police state discipline over our people and a free economy was caused by too much interference and deficit spending. Yet the real troublemaker—Federal spending above our income without increased productivity—is neither brought under control nor given serious consideration.

A Socialist-type controlled economy has never worked in any country. How can anyone seriously believe that it will work in the United States, even assuming that many patriotic and well-meaning citizens will try to readjust their lives to comply with the new order?

This same body that earlier this week passed a $3 billion foreign giveaway of American tax dollars to supposedly free foreign citizens just does not make sense when we now want to place police state restrictions and computer-type automation over our own people and machines of production. One thing is for certain, the Stabilization Act does not apply to foreign aid, tax-free foundations, interest on the national debt, income tax increases, or additional deficit spending by this body.

The emotional appeals and the hysteria in behalf of individual freedom from repression and escaping the chains of bondage heard during debate in this body on many legislative measures are not heard when it comes to shackling economic freedoms. Do not the chains on economic freedom also manacle individual liberty?

A strong free people make a strong country. A strong political leadership only results in a strong political control over the people.

Socialism is a proven failure. Its rejection requires only that the people awaken to the realization of how much freedom they have lost by the use of their own tax dollars, fancy promises, and unworkable programs.

I regard this legislation as not in the best interests of a free people, a free country, and a free economy. It will not work unless our people succumb to a national Socialist state. I shall cast my people's vote "no."

Mr. GONZALEZ. Mr. Chairman, by our action today we have enacted what you might call an economic Gulf of Tonkin resolution. We have acceded to the demands of an administration that has made no sound, no convincing case for the draconian powers authorized in this bill—powers no President has asked for or received in peace or war.

We have no national emergency—no world war, no uncontrollable depression. We have only a vague specter, or the rumor of one, called inflation. And we are, in this economic policy, placing the whole burden of that inflation on the workingman. But the truth is, and the statistical evidence bears this out—is that the wages of industrial workers in this country are pretty much in line with their productivity. This new economic policy does not recognize this; and to compound the error it does little or nothing to touch the real sources of inflation, which are the service segments of our economy. The fastest rising price of all is for medical care, and we are not doing anything about that here. No, we are only telling a worker in New York, who might be making $500 or $600 a month—that he cannot get increases of more than 5 percent without disrupting the economy. Yet this same policy, which we are today endorsing, would allow rent increases to those same workers of 8 or 10 percent.

We are not only endorsing a policy that is manifestly unjust, but we are extending the hands of Congress and inviting the administration to place the manacles on them. It would have been wise for us, in the light of the dismal and utter failure of the last administration economic policy, to retain the right to effectively review progress next spring, and then revise our policies as needed. But no, we are extending this law until 1973, so there can be no effective review until that time.

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Have we not learned from the last game plan, how wrong economic policy can be, and how stubbornly the administration can cling to it? No, not if we gage our learning index by the action we are taking today.

This policy may well be grounded on a complete misunderstanding of the nature of our economic system and its ills. It may in fact freeze into place the problems, the injustices, the inequities that we know exist today. Rather than bringing about prosperity, this policy may well simply create a kind of gray mediocrity. And it will guarantee that present rates of unemployment will be frozen for a year or more at about their present 6 percent. For minority groups, for teenagers, this number is more like 12 or 18, and in places it is higher still. Yet this policy would continue that situation deliberately. I do not want to be a party to such an action.

Since we are binding our own hands here today, I would ask the House, what will we do if this policy works out to be as bad as the last one was? Where will be our independence to act, our ability to forge a new policy? It will be gone.

Maybe the majority here today is correct. The chances of that being the case are something less than half, based on recent experience. What the administration has done to earn the vote of confidence represented by this bill, I do not know.

Mr. GROSS. Mr. Chairman, this is a sad day in the annals of a once proud and free nation.

This legislation points up eloquently and tragically the results of too many years of improvident, irresponsible acts of Congress and the equally improvident, irresponsible acts of a succession of administrations in the executive branch of Government.

No single period in the history of this Nation has witnessed more irresponsibility in the legislative and executive branches of Government than in the past decade.

Through these and other years, but especially in the past decade, this Government has spent untold billions of borrowed dollars. It has kited checks to the point that it now faces the crisis of insolvency.

And so we have before us today a bill that is euphemistically entitled the "Economic Stabilization Act." In the opinion of this Member of the House, it is fraudulent and for the reason that in conjunction with the controls that have been invoked and will be continued under this act, there is not the slightest indication that there will be meaningful reductions in expenditures.

President Nixon can ask for, and Congress can enact economic and monetary control measures from now until doomsday, but unless there are drastic reductions in expenditures, inflation and the slide to financial collapse will continue.

Last year the Federal deficit was more than $25 billion. It is freely predicted that at the end of the current fiscal year it will be $30 to $35 billion. No stabilization act can save the American people from this kind of folly and irresponsibility.

Mr. Chairman, never did I think I would live to see the day when this proud Nation would tolerate controls and regimentation in time of peace. It bespeaks moral decadence—a tragic loss of integrity and courage.

I cannot vote for this legislation for I am convinced that it is an expedient which will only further lull the people of America into a false sense of security.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11309) to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes, pursuant to House Resolution 730, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROUSSELOT. I definitely am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ROUSSELOT moves to recommit the bill H.R. 11309 to the Committee on Banking and Currency.

Mr. PATMAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. WIDNALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 326, nays 33, not voting 72, as follows:

[Roll No. 458]

YEAS—326

Abbitt	Anderson, Tenn.	Barrett
Abernethy	Andrews, N. Dak.	Begich
Abourezk	Arends	Bennett
Abzug	Ashley	Bergland
Adams	Aspin	Betts
Addabbo	Aspinall	Bevill
Alexander	Baker	Biaggi
Anderson, Calif.	Baring	Biester
Anderson, Ill.	Barrett	Bingham
Boland	Hammer-schmidt	Pepper
Bolling	Hanley	Perkins
Brademas	Hansen, Idaho	Pettis
Brasco	Hansen, Wash.	Peyser
Bray	Harrington	Pickle
Brinkley	Harsha	Pike
Brooks	Harvey	Pirnie
Broomfield	Hastings	Poage
Brotzman	Hathaway	Podell
Brown, Mich.	Heckler, Mass.	Poff
Brown, Ohio	Heinz	Preyer, N.C.
Broyhill, Va.	Helstoski	Price, Ill.
Buchanan	Henderson	Price, Tex.
Burke, Fla.	Hicks, Mass.	Pucinski
Burke, Mass.	Hillis	Purcell
Burlison, Mo.	Hogan	Quie
Byrne, Pa.	Hollifield	Quillen
Byrnes, Wis.	Horton	Railsback
Byron	Hosmer	Randall
Cabell	Howard	Rees
Caffery	Hull	Reid, N.Y.
Camp	Hunt	Rhodes
Carey, N.Y.	Hutchinson	Riegle
Carney	Ichord	Roberts
Carter	Jacobs	Robinson, Va.
Casey, Tex.	Jarman	Robison, N.Y.
Cederberg	Johnson, Calif.	Rodino
Chamberlain	Johnson, Pa.	Roe
Chappell	Jonas	Rogers
Clancy	Jones, Ala.	Rooney, N.Y.
Clark	Jones, Tenn.	Rooney, Pa.
Clausen, Don H.	Karth	Rosenthal
Clawson, Del	Kastenmeier	Roybal
Cleveland	Kazen	Ruppe
Collier	Keating	Ruth
Collins, Tex.	Kee	Ryan
Colmer	Keith	St Germain
Conable	Kemp	Sandman
Conte	King	Sarbanes
Cotter	Koch	Satterfield
Coughlin	Kyl	Saylor
Culver	Kyros	Scheuer
Curlin	Landrum	Schneebeli
Daniel, Va.	Latta	Schwengel
Daniels, N.J.	Leggett	Scott
Danielson	Lennon	Sebelius
Davis, Ga.	Lent	Shipley
Davis, S.C.	Link	Shoup
Davis, Wis.	Long, La.	Shriver
Delaney	McClory	Sikes
Dellenback	McCloskey	Sisk
Denholm	McClure	Skubitz
Dent	McCollister	Slack
Devine	McCormack	Smith, Iowa
Dickinson	McCulloch	Smith, N.Y.
Donohue	McDade	Snyder
Dorn	McDonald, Mich.	Staggers
Downing	McEwen	Stanton, J. William
Drinan	McFall	Steele
Dulski	McKay	Stephens
Duncan	McKinney	Stratton
du Pont	McMillan	Stubblefield
Dwyer	Macdonald, Mass.	Stuckey
Edwards, Ala.	Madden	Symington
Edwards, Calif.	Mahon	Taylor
Erlenborn	Mailliard	Teague, Calif.
Esch	Mann	Teague, Tex.
Eshleman	Mathias, Calif.	Terry
Fascell	Mathis, Ga.	Thompson, Ga.
Findley	Matsunaga	Thompson, N.J.
Fish	Mayne	Thomson, Wis.
Fisher	Mazzoli	Thone
Flood	Meeds	Ullman
Flowers	Melcher	Vander Jagt
Flynt	Metcalfe	Vanik
Ford, Gerald R.	Miller, Calif.	Vigorito
Forsythe	Miller, Ohio	Waggonner
Fountain	Mills, Md.	Wampler
Fraser	Minish	Ware
Frelinghuysen	Mitchell	Whalen
Frenzel	Mizell	White
Frey	Monagan	Whitehurst
Gallagher	Montgomery	Whitten
Garmatz	Moorhead	Widnall
Gaydos	Morgan	Wiggins
Gettys	Morse	Williams
Giaimo	Mosher	Wilson, Bob
Gibbons	Murphy, Ill.	Wilson, Charles H.
Goodling	Murphy, N.Y.	Winn
Grasso	Myers	Wolff
Gray	Natcher	Wyatt
Green, Oreg.	Nelsen	Wylie
Green, Pa.	Nichols	Wyman
Griffin	Obey	Yates
Grover	O'Konski	Yatron
Gubser	O'Neill	Young, Fla.
Hagan	Passman	Young, Tex.
Haley	Patman	Zablocki
Halpern	Patten	Zion
Hamilton	Pelly	Zwach

NAYS—33

Archer	Burleson, Tex.	Chisholm
Badillo	Burton	Crane
Gonzalez	Hanna	O'Hara
de la Garza	Hawkins	Rarick
Dellums	Hechler, W. Va.	Rousselot
Dennis	Hungate	Schmitz
Dingell	Landgrebe	Selberling
Dow	Long, Md.	Steiger, Wis.
Ford, William D.	Michel	Waldie
Gross	Moss	Wydler
Hall	Nedzi	
	Nix	

NOT VOTING—72

Andrews, Ala.	Fulton, Tenn.	Reuss
Annunzio	Fuqua	Roncalio
Ashbrook	Gaillanakis	Rostenkowski
Belcher	Goldwater	Roush
Bell	Griffiths	Runnels
Blackburn	Gude	Scherle
Blanton	Hays	Smith, Calif.
Blatnik	Hébert	Spence
Bow	Hicks, Wash.	Springer
Broyhill, N.C.	Jones, N.C.	Stanton, James V.
Celler	Kluczynski	Steed
Clay	Kuykendall	Steiger, Ariz.
Collins, Ill.	Lloyd	Stokes
Conyers	Lujan	Sullivan
Corman	McKevitt	Talcott
Derwinski	Martin	Tiernan
Diggs	Metcalfe	Udall
Dowdy	Mikva	Van Deerlin
Eckhardt	Mills, Ark.	Veysey
Edmondson	Mink	Whalley
Edwards, La.	Minshall	Wilson, Charles H.
Eilberg	Mollohan	Wright
Evans, Colo.	Powell	
Evins, Tenn.	Pryor, Ark.	
Foley	Rangel	

So the bill was passed.

The Clerk anounced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Hicks of Washington against.

Mr. Reuss for, with Mr. Eckhardt against.

Mr. Roncalio for, with Mr. Conyers against.

Mr. James V. Stanton for, with Mr. Clay against.

Mr. Hébert for, with Mr. Dowdy against.

Mr. Kuykendall for, with Mr. Goldwater against.

Mr. Rostenkowski for, with Mr. Diggs against.

Until further notice:

Mr. Blanton with Mr. Minshall.

Mr. Hays with Mr. Bow.

Mr. Kluczynski with Mr. Martin.

Mr. Mikva with Mr. Metcalfe.

Mr. Celler with Mr. Gude.

Mr. Blatnik with Mr. Lloyd.

Mrs. Sullivan with Mr. Lujan.

Mr. Jones of North Carolina with Mr. Derwinski.

Mr. Charles H. Wilson with Mr. Bell.

Mr. Tiernan with Mr. McKevitt.

Mr. Mollohan with Mr. Broyhill of North Carolina.

Mr. Foley with Mr. Powell.

Mr. Fulton of Tennessee with Mr. Belcher.

Mr. Fuqua with Mr. Ashbrook.

Mr. Corman with Mr. Collins of Illinois.

Mr. Edmondson with Mr. Scherle.

Mrs. Griffiths with Mr. Smith of California.

Mr. Andrews of Alabama with Mr. Spence.

Mr. Evins of Tennessee with Mr. Springer.

Mrs. Mink with Mr. Talcott.

Mr. Evans of Colorado with Mr. Steiger of Arizona.

Mr. Gallifanakis with Mr. Veysey.

Mr. Eilberg with Mr. Whalley.

Mr. Rangel with Mr. Udall.

Mr. Stokes with Mr. Van Deerlin.

Mr. Steed with Mr. Wright.

Mr. Pryor of Arkansas with Mr. Runnels.

Mr. Mills of Arkansas with Mr. Roush.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, pursuant to the provisions of House Resolution 730, I call up for immediate consideration the Senate bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of S. 2891 and insert in lieu thereof the provisions contained in H.R. 11309, as passed, as follows:

That this Act may be cited as the "Economic Stabilization Act Amendments of 1971".

ECONOMIC STABILIZATION ACT OF 1970

SEC. 2. Title II of the Act entitled "An Act to amend the Defense Production Act of 1950, and for other purposes", approved August 15, 1970 (Public Law 91-379), is amended to read as follows:

"TITLE II—COST OF LIVING STABILIZATON

"§ 201. Short title

"This title may be cited as the 'Economic Stabilization Act of 1970'.

"§ 202. Findings

"It is hereby determined that in order to stabilize the economy, reduce inflation, minimize unemployment, improve our competitive position in world trade, and protect the purchasing power of the dollar, it is necessary to stabilize Federal taxes and expenditures, prices, rents, wages, salaries, dividends, and interest. The adjustments necessary to carry out this program require prompt judgments and actions by the executive branch of the Federal Government. Further, it is the sense of the Congress, that consistent with the purposes of this title, the President should make every effort to reduce Federal expenditures and taxes by submitting a balanced budget in an effort to stabilize the economy and eliminate the need for the exercise of any controls under this title. The President is in a position to promptly and effectively implement the program authorized by this title.

§ 203. Presidential authority

"(a) The President is authorized to issue such orders and regulations as he may deem appropriate, accompanied by a statement of reasons for such orders and regulations, to—

"(1) stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970, or at such other levels as the President may deem appropriate to achieve orderly economic growth and otherwise carry out the purposes of this title;

"(2) stabilize Federal expenditures; and

"(3) stabilize interest rates and finance charges in connection with the extension of credit, and corporate dividends and similar transfers, at levels consonant with orderly economic growth.

Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

"(b) In carrying out the authority vested in him by subsection (a), the President shall issue standards to serve as a guide for determining levels of wages, salaries, prices, rents, interest rates and finance charges in connection with the extension of credit, corporate dividends, and similar transfers which are consistent with the purposes of this title and orderly economic growth. Such standards shall—

"(1) be generally fair and equitable;

"(2) provide for the making of such general exceptions and variations as are necessary to foster orderly economic growth and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw materials, localized shortages of labor, and windfall profits;

"(3) take into account changes in productivity and the cost of living, as well as such other factors consistent with the purposes of this title as are appropriate;

"(4) provide for the requiring of appropriate reductions in prices and rents whenever warranted after consideration of lower costs, labor shortages, and other pertinent factors; and

"(5) call for generally comparable sacrifices by business and labor as well as other segments of the economy.

"(c)(1) The authority conferred on the President by this section shall not be exercised to limit the level of any wage or salary (including any insurance or other fringe benefit offered in connection with an employment contract) to a level below that which has been agreed to in a contract which (A) related to such wage or salary, (B) has been executed prior to August 15, 1971, and (C) is scheduled to take effect after November 13, 1971, unless the President determines that the increase provided in such contract is unreasonably inconsistent with the standards for wage and salary increases published under subsection (b).

"(2) Beginning on the date on which this subsection takes effect, the President shall promptly take such action as may be necessary to require the payment of any wage or salary increases (including any insurance or other fringe benefits offered in connection with employment) which have been, or in the absence of this subsection would be, withheld under the authority of this title if the President determines that—

(A) such increases were provided for by law or contract prior to August 15, 1971; and

(B) prices have been advanced, productivity increased, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases.

"(d) Notwithstanding any other provision of this title, this title shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

"(e) Whenever the authority of this title is implemented with respect to significant segments of the economy, the President shall require the issuance of regulations or orders providing for the stabilization of interest rates and finance charges, unless he issues a determination, accompanied by a statement of reasons, that such regulations or orders are not necessary to maintain such rates and charges at levels consonant with orderly economic growth.

"(f) The authority exercised under this title shall not be exercised with respect to a plan which meets the requirements of section 401(a) or 401(a)(2) of the Internal Revenue Code of 1954 or with respect to an annuity contract described in section 403(b) of the Internal Revenue Code of 1954.

"(g) In the exercise of the authority conferred by this title, the President shall take no action which directly or indirectly impairs or detracts from the protections guaranteed by the First Amendment of the Constitution of the United States.

"(h) No State or portion thereof shall be exempted from any application of this title with respect to rents by virtue of the fact that it regulates rents by State or local law, regulation or policy.

"§ 204. Delegation

"The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he deems appropriate, or to boards, commissions, and similar entities composed in whole or in part of members appointed by the President to represent different sectors of the economy and the general public. The President, in carrying out his authority under this title, shall establish a board for the purpose of studying, eval-

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uating, and reporting quarterly to the Congress on the relationship between excess profits, the stabilization of the economy, and the creation of new jobs. When such boards, commissions, and similar entities are composed in part of members who serve no less than a full-time basis, legal authority shall be placed in their chairmen, who shall be employees of the United States and who shall act only in accordance with the majority vote of members. Nothing in section 203, 205, 207, 208, or 209 of title 18, United States Code, shall be deemed to apply to any member of such board, commission, or similar entity who serves on less than a full-time basis because of membership on such board, commission, or entity. Members who serve on less than a full-time basis shall be compensated from the date of their appointment at a rate equivalent to that of level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the business of the board, commission, or similar entity. Funds of departments and agencies of the United States shall be available for the performance of any function so delegated and, at the direction of the President, any other functions performed under authority of this title.

"§ 205. Confidentiality of information

"All information reported to or otherwise obtained by an agency exercising authority under this title which contains or relates to a trade secret or other matter referred to in section 105 of title 18, United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers, agencies, boards, commissions, or similar entities empowered to carry out this title solely for the purpose of carrying out this title or when relevant in any proceeding under this title; and except that disclosure may be made to Federal executive departments, agencies, and other establishments of the Federal Government under regulations promulgated by the President or his delegate for use in any matters officially before them.

"§ 206. Subpena power

"The head of the agency or his duly authorized agent shall have authority, for any purposes related to this title, to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as is paid to witnesses in the courts of the United States. In case of refusal to obey a subpena served upon any person, firm, association, or corporation under the provisions of this section, the head of the agency may request the Attorney General to seek the aid of the district court of the United States for any district in which such person, firm, association, or corporation is found to compel such person, firm, association, or corporation after notice to appear and give testimony or to appear and produce documents before the agency.

"§ 207. Administrative procedure

"(a) The functions exercised under this title shall be excluded from the operation of the Administrative Procedure Act (sections 551 et seq., title 5, United States Code), except as to the requirements of section 552 of title 5, United States Code.

"(b)(1) Notwithstanding the provisions of subsection (a), with respect to any board, commission, or other entity carrying out functions under this title, general notice of proposed rulemaking shall be published in the Federal Register, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include—

"(A) a statement of the time, place, and nature of public rulemaking proceedings;

"(B) reference to the legal authority under which the rule is proposed; and

"(C) either the terms of substance of the proposed rule or a description of the subjects and issues involved.

This subsection does not apply—

"(1) to interpretative rules, general statements of policy, or rules of organization, procedure, or practice; or

"(ii) when for good cause it is found (and there is incorporated the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

After notice required by this subsection, interested persons shall be given an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, there shall be incorporated in the rules adopted a concise general statement of their basis and purpose. The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except—

"(a) a substantive rule which grants or recognizes an exemption or relieves a restriction;

"(b) interpretative rules and statements of policy; or

"(c) as otherwise provided for good cause found and published with the rule.

Interested persons shall be given the right to petition for the issuance, amendment, or repeal of a rule.

"(2) Notwithstanding the provisions of subsection (a), with respect to any board, commission, or other entity carrying out functions under this title, prompt notice shall be given of the denial in whole or in part of a written application, petition, or other request of an interested person made in connection with any proceeding under this title. Except in affirming a prior denial or when the denial is self-explanatory, the notice shall be accompanied by a brief statement of the grounds for denial.

"§ 208. Sanctions; criminal fine and civil penalty

"(a) Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000 for each violation.

"(b) Whoever violates any order or regulation under this title shall be subject to a civil penalty of not more than $2,500 for each violation.

"§ 209. Injunctions and other relief

"Whenever it appears to any officer, department, agency, board, commission, or similar entity authorized by the President to exercise authority under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any such order or regulation, it may request the Attorney General to bring an action, in the appropriate district court of the United States, to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any order or regulation issued under this title. In addition to such injunctive relief, the court may also order restitution of moneys received in violation of any order or regulation issued under this title.

"§ 210. Suits for damages or other relief

"(a) Any person suffering legal wrong because of any act or practice arising out of this title, or any order or regulation issued pursuant thereto, may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, and/or damages.

"(b) In any action brought under subsection (a) against any person renting property or selling goods or services who is found to have overcharged the plaintiff, the court may, in its discretion, award the plaintiff reasonable attorney's fees and costs, plus whichever of the following sums is greater:

"(1) an amount not more than three times the amount of the transaction upon which the action is based, or

"(2) not less than $100 or more than $1,000;

except that in any case where the defendant establishes that the overcharge was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to the avoidance of such error the liability of the defendant shall be limited to the amount of the overcharge: *Provided*, That where the overcharge is not willfull within the meaning of Section 208(a) of this Act, no action for an overcharge may be brought by or on behalf of any person unless such person has first presented to the seller or renter a bona fide claim for refund of the overcharge and has not received repayment of such overcharge within ninety days from the date of the presentation of such claim.

"(c) For the purposes of this section, the term 'overcharge' means the amount by which the consideration for the rental of property or the sale of goods or services exceeds the applicable ceiling under regulations or orders issued under this title.

"§ 211. Judicial review

"(a) TEMPORARY EMERGENCY COURT OF APPEALS.—

"(1) CREATION.—There is hereby created a court of record of the United States to be known as the Temporary Emergency Court of Appeals.

"(2) MEMBERSHIP.—From among the judges of the United States district courts and United States courts of appeals, the Chief Justice of the United States shall designate not less than three such judges to serve as members of the Temporary Emergency Court of Appeals. The Chief Justice of the United States may from time to time (A) designate additional judges of the United States district courts and United States courts of appeals to serve as members of the Temporary Emergency Court of Appeals, and (B) revoke prior designations.

"(3) CHIEF JUDGE.—From among the judges who are designated to serve as members of the Temporary Emergency Court of Appeals, the Chief Justice of the United States shall from time to time designate one such judge to serve as the chief judge of such Temporary Emergency Court of Appeals.

"(4) DIVISIONS.—The chief judge of the Temporary Emergency Court of Appeals may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court.

"(5) SEAL; SESSIONS; CLERK.—The Temporary Emergency Court of Appeals shall have a seal, hold sessions at such places as it may specify, and shall appoint a clerk and such other employees as it deems necessary or proper.

"(6) PROCEDURE.—The Temporary Emergency Court of Appeals shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases.

"(7) POWERS.—Except as otherwise limited in this section, the Temporary Emergency Court of Appeals shall have the powers of a United States court of appeals with respect to the jurisdiction conferred on it by this title.

"(b) JURISDICTION.—

"(1) UNITED STATES DISTRICT COURTS.—Except as otherwise provided in paragraph 2 (B), the United States district courts shall have exclusive original jurisdiction of cases and controversies arising under this title and under regulations and orders issued under this title.

"(2) TEMPORARY EMERGENCY COURT OF APPEALS.—

"(A) APPEALS.—The Temporary Emergency Court of Appeals shall have exclusive jurisdiction of all appeals from United States district courts in cases and controversies arising under this title and under regulations or orders issued under this title, except as otherwise provided in this section. Such appeals shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

"(B) CERTAIN CONSTITUTIONAL QUESTIONS.—The Temporary Emergency Court of Appeals shall have exclusive jurisdiction to determine the constitutional validity of any provision of this title and any regulation or order issued under this title.

"(3) SUPREME COURT REVIEW.—Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28 of the United States Code.

"(4) OTHER COURTS.—Except as provided in this section, no Federal, State, or local court shall have jurisdiction or power to (A) consider the constitutional validity of any provision of this title or any regulation or order issued under this title, (B) stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title authorizing the issuance of any such regulation or order, or any provision of any such regulation or order, or (C) restrain or enjoin the enforcement of any provision of this title or any regulation or order issued under this title.

"(c) PARTICULAR PROCEEDINGS.—

"(1) SUBSTANTIAL CONSTITUTIONAL ISSUE.—With respect to any civil action brought in connection with this title, or any regulation or order issued under this title, which is determined by the United States district court in which it is brought to involve a substantial constitutional issue, such district court shall certify such issue to the Temporary Emergency Court of Appeals. Upon such certification, the Temporary Emergency Court of Appeals shall determine the appropriate manner of disposition which may include (A) requiring that the entire record be sent up for determining of the entire matter in controversy, or (B) remanding the matter to the certifying court with binding instructions on the issues certified.

"(2) DECLARATORY JUDGMENTS.—The provisions of section 2201 and of title 28 of the United States Code, relating to declaratory judgments, shall apply to actions arising under this title and under regulations and orders issued under this title, notwithstanding the amount in controversy.

"(d) SETTING ASIDE REGULATIONS AND ORDERS.—

"(1) REGULATIONS.—No regulation issued under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that the issuance of such regulation is in excess of the issuing agency's authority or is arbitrary or capricious.

"(2) ORDERS.—No order issued under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that such order is in excess of the issuing agency's authority, or is based upon facts which are not supported by substantial evidence.

"(e) INTERLOCUTORY DEGREES; PERMANENT INJUNCTIONS; ETC.—

"(1) INTERLOCUTORY DECREE.—The Temporary Emergency Court of Appeals shall not have the power to issue any interlocutory decree staying or restraining, in whole or in part, any provision of this title or the effectiveness of any regulation or order issued under this title.

"(2) PERMANENT INJUNCTIONS.—A permanent injunction restraining the enforcement, operation, or execution of this title or any regulation or order issued under this title shall not be granted by any United States district court or judge thereof. Such an injunction may be issued by the Temporary Emergency Court of Appeals upon appeal, or, after hearing, upon recommendation of a United States district court or judge thereof. Such an injunction may also be issued by the United States Supreme Court as provided for by this section.

"(3) EFFECTIVENESS OF CERTAIN JUDGMENTS OF TEMPORARY EMERGENCY COURT OF APPEALS.—The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside, in whole or in part, any provision of this title or any regulation or order issued under this title shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (b)(3) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court.

"(f) APPLICATION OF SECTION.—The provisions of this section shall apply to any actions or suits pending in any Federal, State, or local court on the effective date of this section in which no final order or judgment has been rendered. Any affected party seeking relief shall be required to follow the procedures of this title.

"§ 212. Personnel

"(a) Any agency or officer of the United States Government carrying out functions under this title is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this title.

"(b) The President may appoint five officers to be responsible for carrying out functions of this title of whom three shall be compensated at level III of the Executive Schedule (5 U.S.C. 5314) and two at level V of the Executive Schedule (5 U.S.C. 5316). Appropriate titles and the order of succession among such officers may be designated by the President.

"(c) The President may require the detail of employees from any executive agency to carry out the purpose of this title.

"(d) The President is authorized to appoint, without regard to civil service laws, such advisory committees as he may deem appropriate for the purpose of consultation with and advice to the President in the performance of his functions under this title. Members of advisory committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or while otherwise serving at the request of the President may be paid compensation at rates not exceeding those authorized for individuals under section 5332 of title 5, United States Code, and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(e)(1) Under such regulations as the President may prescribe, officers and employees of the United States Government who are appointed without a break in service of one work day or more to any position for carrying out the functions of this title may be entitled, upon separation from such position, to reemployment in the position occupied at the time of appointment or in a position of comparable grade and salary.

"(2) An officer or employee who, at the time of his appointment under paragraph (1) of this subsection, is covered by section 8336 (c), title 5, United States Code, shall continue to be covered thereunder while carrying out the functions of this title.

"(f)(1) In addition to the number of positions which may be placed in GS–16, 17, and 18, under section 5108 of title 5, United States Code, not to exceed twenty positions may be placed in GS–16, 17, and 18, to carry out the functions under this title.

"(2) The authority under this subsection shall be subject to the procedures prescribed under section 5108 of title 5, United States Code, and shall continue only for the duration of the exercise of functions under this title.

"§ 213. Exports and consultants

"Experts and consultants may, as authorized by section 3109 of title 5 of the United States Code, be employed for the performance of functions under this title and individuals employed may be compensated at rates not to exceed the per diem equivalent of the rate for grade 18 of the General Schedule established by section 5332 of title 5 of the United States Code. Such contracts may be renewed from time to time without limitation. Service of an individual as an expert or consultant under this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees.

"§ 214. Mass transportation systems

"No company, or other entity constituting a public benefit corporation, charged by law or contract with the responsibility to operate a mass transportation facility or facilities shall increase any fare without first obtaining approval under this section from the President or his delegate.

"§ 215. Local protest boards

"(a) The President shall establish local protest boards throughout the United States in connection with any procedure he provides for the granting to persons of exemptions from, and the making of changes in, regulations and orders issued under this title.

"(b) It shall be the function of such local protest boards to receive complaints and advise appropriate persons with respect to the need for exemptions from, or changes in, regulations and orders issued under this title. The President shall establish such local protest boards in such manner and organize them into such system so as to provide expeditious review of complaints and, when appropriate, speedy remedial action on the part of the President. No court hearing a matter brought in connection with this title or any regulation or order issued under this title shall require, as a prior condition to the bringing or carrying forward of a legal action, that a party proceed under a procedure established pursuant to this section.

"(c) In establishing such local protest boards, the President may draw upon the resources of the Internal Revenue Service or any other appropriate establishment in the executive branch of the Government, or any combination of such establishments, which can provide the necessary personnel and local facilities.

"§ 216. Funding

"(a) There is hereby authorized to be appropriated to the President, to remain available until expended, such amounts as may be necessary from time to time to carry out the purposes of this title.

"(b) The President may accept and use in furtherance of the purposes of this title money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

"§ 217. Expiration

"The authority to issue and enforce orders and regulations under this title expires at midnight April 30, 1973, but such expiration shall not affect any action or pending pro-

ceeding, civil or criminal, not finally determined nor any action or proceeding based upon an act or acts committed prior to May 1, 1973.

"§ 218. Ratification

"The authority granted to the President by the Economic Stabilization Act of 1970, as amended, and in effect on the date of enactment of this title, in respect to the assignment of personnel and expenditure of funds in exercising that authority are hereby approved, ratified, and confirmed.

"§ 219. Severability

"If any provision of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of the title, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 220. (a) (1) It is the policy of the United States to promote efficient production, marketing, distribution, and use of goods and services in the private sector, and improve the morale of the American worker, all of which are essential to a prosperous and secure free world, and to achieve the objectives of national economic policy.

"(2) The Congress finds that the persistence of inflationary pressures, and of a high rate of unemployment, the underutilization and obsolescence of production facilities, and the inadequacy of productivity are damaging to the effort to stabilize the economy.

"(3) The Congress, therefore, finds a national need to increase economic productivity which depends on the effectiveness of management, the investment of capital for research development, and advanced technology and on the training and motivation of the American worker.

"(4) The Congress further finds that at a time when economic stabilization programs require price-wage restraints, management and labor have a strong mutual interest in containing "cost-push" inflation and increasing output per man-hour so that real wages may increase without causing increased prices and that, without in any way infringing on the rights of management or labor, machinery should be provided for translating this mutuality of interest into voluntary action.

"(5) It shall be the objective of the President's National Commission on Productivity—

"(1) to enlist the cooperation of labor, management, and State and local governments, in a manner calculated to foster and promote increased productivity through free competitive enterprise toward the implementation of the national policy declared in the Employment Act of 1946 to create and maintain "conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power";

"(2) to promote the maintenance and improvement of worker motivation and to enlist community interest in increasing productivity and reducing waste;

"(3) to promote the more effective use of labor and management personnel in the interest of increased productivity;

"(4) to promote sound wage and price policies in the public interests and to seek to accomplish that objective within a climate of cooperation and understanding between labor, management, and the public, and with within a framework of peaceful labor-management relations and free and responsible collective bargaining;

"(5) to promote policies designed to insure that United States products are competitive in domestic and world markets;

"(6) to develop programs to deal with the social and economic problems of employees adversely affected by automation or other technological change or the relocation of industries.

"(c) (1) It shall be the duty and function of the Commission, in order to achieve the objectives set forth in subsection (b) of this section, to encourage and assist in the organization and the work of labor-management-public committees and similar groups on a plant, community, regional, and industry basis. Such assistance shall include aid:

"(A) in the development of apprenticeship, training, retraining, and other programs for employee and management education for development of greater upgraded and more diversified skills;

"(B) in the formulation of programs designed to reduce waste and absenteeism and to improve employee safety and health;

"(C) in the revision of building codes and other local ordinances and laws, in order to keep them continuously responsive to current economic conditions;

"(D) in planning for provision of adequate transportation for employees;

"(E) in the exploration of means to expand exports of the products of United States industry;

"(F) in the development, initiation, and expansion of employee incentive compensation, profit-sharing and stockownership systems and other production incentive programs;

"(G) in the dissemination of technical information and other material to publicize its work and objectives;

"(H) to encourage studies of techniques and programs similar to those in paragraphs (A) to (H) of this subsection, as they are applied in foreign countries; and

"(I) in the dissemination of information and analyses concerning the economic opportunities and outlook in various regions and communities, and of information on industrial techniques designed for the increase of productivity.

"(2) The Commission shall transmit to the President and to the Congress not later than March 1 of each year an annual report of its previous year's activities under this Act.

"(3) The Commission shall perform such other functions, consistent with the foregoing, as it determines to be appropriate and necessary to achieve the objectives set forth in subsection (b) of this section.

"(d) (1) In exercising its duties and functions under this Act—

"(A) the Commission may consult with such representatives of industry, labor, agriculture, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the participation of such interested parties;

"(B) the Commission shall, to the extent possible, use the services, facilities, and information (including statistical information) of other Government agencies as the President may direct as well as of private agencies and professional experts in order that duplication of effort and expense may be avoided;

"(C) the Commission shall coordinate such services and facilities referred to in subsection (B) above in order to supply technical and administrative assistance to labor-management-public committees and similar groups referred to in subsection (c) (1);

"(D) the Commission shall establish the regional offices and such local offices as it deems necessary;

"(E) the Commission shall hold regional and industrywide conferences to formulate ideas and programs for the fulfillment of the objectives set forth in subsection (C);

"(F) the Commission may formulate model programs to ameliorate the effects of unemployment caused by technological progress;

"(G) the Commission may furnish assistance to parties in collective bargaining entering into collective bargaining agreements;

"(H) the Commission may review collective bargaining agreements already in effect or those being negotiated to ascertain their effects on productivity; and it may have the power to make recommendations with respect to the agreements made or about to be made in specific industries.

"(2) The Commission may accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities.

"(e) (1) The Executive Director of the Commission shall be the principal executive officer of the Commission in carrying out the objectives, functions, duties and powers of the Commission described in sections 3(b) through 3(d) above.

"(2) The Executive Director of the Commission, with the approval of the Chairman of the Commission, is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for carrying out its functions under this Act, with regard to the provision of title 5, United States Code, governing appointments in the competitive service, and with regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, and is authorized, subject to such provision, to employ such other officers and employees as may be necessary for carrying out its functions under this Act and fix their compensation in accordance with the provisions of such chapter 51 and subchapter II of chapter 53.

"(f) There are hereby authorized to be appropriated the sum of $10,000,000 to carry out the purposes of this section during the period ending April 30, 1973."

Amend the title so as to read: "An Act to extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT

Mr. PATMAN. Mr. Speaker, I offer an amendment to this title.

The Clerk read as follows:

Title amendment offered by Mr. PATMAN: Amend the title so as to read: "To extend and amend the Economic Stabilization Act of 1970, as amended, and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 11309) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to S. 2891, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ST GERMAIN, MINISH, WIDNALL, JOHNSON of Pennsylvania, J. WILLIAM STANTON, and BROWN of Michigan.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein relevant material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1828) entitled "An act to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11341) entitled "An act to provide additional revenue for the District of Columbia, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 36. An act to preserve and promote the resources of the Connecticut River Valley, and for other purposes;

S. 889. An act to restore the postal service seniority of Elmer Erickson;

S. 1031. An act to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement;

S. 2429. An act to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes; and

S. 2677. An act to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and for next week, if any.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to my friend the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, responding to the question of the distinguished minority leader, we plan to conclude one conference report today, that is the conference report on the District of Columbia Revenue Act authorization. After that, we plan to go over to Monday next to conclude the business of this session.

On Monday and for the balance of the week, we have scheduled the five bills from the District of Columbia Committee:

H.R. 12115, interest and consumer amendment;

S. 1938, interest and usury amendment;

H.R. 11992, Election Act amendment;

H.R. 10237, Unemployment Compensation Act amendment; and

H.R. 11623, hospitals and medical facilities authorization.

In addition, we will call up a continuing resolution from the Committee on Appropriations on Monday which will cover appropriations for the foreign aid agency.

There are a number of other conference reports remaining and we hope to take all of those up on Monday. If not on Monday, certainly no later than Tuesday.

We hope to conclude the business of this session on Monday—and again, if not on Monday, no later than Tuesday.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

ADJOURNMENT OVER TO MONDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C.,
December 10, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I respectfully submit my resignation from the District of Columbia Committee effective at once.

With respect and regards,

Yours sincerely,

WILLIAM L. HUNGATE.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

CURTIS A. CHRISTIANSON

(Mr. NELSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSEN. Mr. Speaker, we have on our staff here in the Congress Curtis A. Christianson from Minnesota. He came to Washington in 1930 and worked with Congressman Jones at that time. In 1943 to 1945 he was in the U.S. military service, working wih the Norwegian Government, and was personally decorated by the King of Norway—now that is really an accomplishment.

He resumed his service on Capitol Hill as a tally clerk in 1946 and has served faithfully and conscientiously until the present time and will retire at the end of this session.

Curtis was born in 1906 on a large farm near Dawson, Minn. He was one of seven children and his brother, Theodore, served as the Governor of Minnesota from 1925 to 1931, and was later a Representative in Congress for 4 years. Curtis married Bertha Duncan from Montana. He first met his wife while they were both waiting in line on the first day they attended McAlester College in St. Paul, Minn. He graduated from George Washington University in Washington, D.C., and started his career in Washington at the Library of Congress in 1930.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the distinguished chairman of the Committee on the District of Columbia.

Mr. McMILLAN. Mr. Speaker, I would like to associate myself with the remarks made by the gentleman from Minnesota. I have been in this body almost the same length of time as has Mr. Christianson. I have never known a more loyal worker on Capitol Hill. I know he has been a great asset to the Congress since he has been serving in the position he holds today.

Mr. NELSEN. I thank the gentleman.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the majority leader.

Mr. BOGGS. I would like to thank the gentleman for the statements he has made about a most loyal and dedicated employee of this body, Curtis Christianson. All of us know that without employees who work here day in and day out like Chris, this institution could not function. I join in wishing him our best.

Mr. BROYHILL of Virginia. Mr. Speaker, I join with the gentleman from Minnesota in expressing sincere appreciation to Curtis Christianson for many, many years of outstanding, loyal, and devoted service to the House of Representatives. He has served us for 42 years, a long time to serve any one employer. There is no question that his retirement will represent a great loss to the Congress of the United States.

While I offer him my wholehearted congratulations for a job well done, I do not join with my colleagues in bidding him farewell. He is a resident of Arlington County, Va., and a constituent of mine. I therefore say, "I'll be seeing you, Chris," because I know we will be working together in the future for the best interests of good government. I do join my colleagues in wishing him many years of good health and a pleasant retirement.

Mr. ZABLOCKI. Mr. Speaker, it is an honor to join my colleagues in paying tribute to Curtis Christianson on his retirement as assistant tally clerk to the House of Representatives. His long and untiring service has been a commendable contribution to the Congress. He will be missed by his many friends at the Capitol. I want to wish "Chris" the best of health, happiness, and every success in his future endeavors.

XUM

GENERAL LEAVE

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that other Members may be permitted to insert their remarks relative to this very fine public servant within the next 5 days.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL EXPLANATION

Mr. JONES of North Carolina. Mr. Speaker, on rollcall No. 458 I was in my office attending to official business, in conference with the Honorable William Dwyer of the British Embassy. Therefore I was not present at the rollcall. If I had been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 11341, DISTRICT OF COLUMBIA REVENUE ACT OF 1971

Mr. CABELL. Mr. Speaker, I call up the conference report on the bill (H.R. 11341), to provide additional revenue for the District of Columbia, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, is it proposed to take some time to explain to the House what appears in this conference report, and particularly with reference to the provisions for fiscal 1973? If it is, I have no objection; but if not, we will be around here for as long as I can prolong this session, because I want a real explanation of why the committee went beyond, it seems to me, all bounds in forward financing of the District of Columbia.

Mr. CABELL. If the gentleman will yield, as a manager on the part of the House, I shall be delighted to provide all the information it is possible to give the gentleman.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 9, 1971.)

The SPEAKER. The gentleman from Texas is recognized for 30 minutes and the gentleman from Minnesota will be recognized for 30 minutes.

Mr. CABELL. Mr. Speaker, I yield myself such time as I shall consume.

The conferees went into the conference dedicated to the premise that we would retain as much of the wishes, the demands, and the mandate of the House as we could possibly retain. While we were not capable of batting 1,000 percent, we came out with a batting average of better than 0.750.

For example, the Senate receded on 23 of their amendments which were in controversy, while the House found it necessary to recede on only two minor amendments.

There was one point at which the House found itself unable to do other than to make some slight concessions.

The authorization as passed by the House called for a Federal base payment of $170 million for the fiscal year 1972. The Senate bill called for $181 million as a base contribution, plus, or in line with, a percentage factor of 43 percent of the revenues which they collect.

They further extended in their bill a second-year authorization, plus a factor of inflation allowance that would have made their contribution approximately $190 million, or could have been even greater by applying the 43 percent factor.

Under the agreement made by the conferees, we agreed to a base contribution of $173 million, and in addition, a contingency of $6 million, which would be one-half a year's cost provided the Congress approved a salary increase for the classified workers. We further agreed that we would accept a base rate of $178 million for the second year, and with the contingency of $12 million provided that the pay increases came up to that amount. The rationale behind that was—and the committee report very clearly stated it—that we will not conduct revenue hearings for fiscal year 1973, but that is it, do not come back screaming and moaning for any more.

I might say further than in the event the police, firemen and teachers were granted a raise by the Congress, it could only be made effective if they raised their own taxes within the district by whatever they requested for this increase for the police, firemen, and teachers.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, it was my understanding, and I left early but I did sit in on another part of this committee's deliberations—that the $6 million in addition to the $173 million is contingent upon the action of the Congress. If we raise it, that amount will be added; if we do not raise it, that amount will not be added.

Mr. CABELL. The gentleman is correct.

Mr. NELSEN. In other words, if it is done by our action, then we are responsible—in other words, if we want to hold it down to $173 million, that is up to us to do it.

Mr. CABELL. That is entirely correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, why the forward financing?

If the pay raise is granted, Congress could fund it whether in 1972 or 1973. It would be $6 million in the remainder of the fiscal year 1972 and $12 million, as I understand it, for all of fiscal year 1973; is that not correct?

Mr. CABELL. Mr. Speaker, if the gentleman will yield; that is correct.

May I remind the gentleman that this will not be funded. This is a contingency that will be funded only in the event that this Congress grants those pay increases and will only be funded up to this maximum amount.

Mr. GROSS. But why the authorization? I do not understand why, and I do not understand why you are authorizing funds for the District of Columbia for fiscal year 1973.

Mr. CABELL. The reasoning behind that, if the gentleman will yield, is as I tried to explain, that this will eliminate the cry that they do not know what they are going to get, and they cannot prepare their budget. Consequently, when we tell them flatfootedly that this is the maximum they are going to get, and they had better learn how to live with it, the rationale was possibly this will have a deterrent effect on their coming up and wanting to double practically the amount of the contribution they have been getting from year to year.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, so far as I know Congress has not authorized nor appropriated funds for other pay increases to Federal employees that might be approved as of January 1. But I have not seen funds for this purpose in any appropriation bill. If anyone else has seen funds for that purpose, tell me about it. Or are you doing this because the House District Committee seeks a more comfortable way of life?

Or is that to fend off people who come in wanting money for certain projects? Is it beyond the capability of the House District Committee to fend off the District of Columbia lobbyists who come here wanting more and more money all the time? I am beginning to believe that when these pampered city officials cannot get money they will be perfectly willing to take our blood.

Mr. CABELL. May I say that the District of Columbia Committee has long since abandoned the idea that we will ever enjoy a more gracious life.

Mr. GROSS. This conference report would increase the Federal kick-in to the District of Columbia—tell me if I am incorrect—up to $190 million in fiscal year 1973, if there is a pay increase?

Mr. CABELL. The gentleman is entirely correct, provided that the Congress authorizes such a pay increase.

Mr. GROSS. And that despite the fact that in the last fiscal year the Federal kick-in to the District of Columbia was $162 million; is that not correct?

Mr. CABELL. No, sir.

Mr. GROSS. I am not talking about the current fiscal year; I am talking about the previous fiscal year.

Mr. CABELL. In the previous fiscal year, I hasten to advise, it was $126 million.

Mr. GROSS. Is it $126 million?

Mr. CABELL. That is correct.

Mr. GROSS. For the District of Columbia to go from $126 million in fiscal year 1971 to $190 million projected for 1973 is an incredible gouging of the taxpayers of the Nation.

Mr. CABELL. I would be the last man in the world to quarrel with my distinguished friend from Iowa over his statement that these costs have gone up in orbit.

However, there are 435 Members of the House and there are 100 Members of the other body. The individual desires of a very astute and careful man such as the gentleman from Iowa do not always prevail.

Mr. GROSS. I doubt that I will prevail this time, either, but Members can be assured they will have an opportunity to vote on this, if I have my way and if someone does not beat me to it. They will have an opportunity to vote on this unconscionable increase in the handout to the District of Columbia. I just cannot believe it.

Mr. CABELL. If the gentleman will permit, I believe that this will save some trouble, furthermore, because either in the general Federal budget or this budget, had we not made this contingent provision, they would have been back in here with a supplemental which would have had to be granted if it had been provided. This will at least eliminate one more supplemental appropriation being laid before us.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. CABELL. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding to me to the extent that he has.

Even though this is a comparatively small amount of the billions of dollars authorized by Congress, it is another example of the improvidence on the part of the Congress of the United States and the executive branch of the Government that brought us today to the sad and sorry spectacle of witnessing an extension of the Stabilization Act which is destructive of competition in this country, destructive of the once proud record of this country in behalf of private and free enterprise. The House approved the so-called Stabilization Act because of improvidence, and irresponsibility in the spending of public funds and this is symbolic of that improvidence of the past, I would say to the gentleman.

Mr. CABELL. The gentleman at the microphone will state he would not have the temerity to argue with the very erudite statements just placed in the RECORD by the gentleman from Iowa.

Mr. Speaker, at this time I yield to the distinguished chairman of the full committee (Mr. MCMILLAN).

Mr. MCMILLAN. Mr. Speaker, the House District Committee has worked diligently for long hours during the past few months in an effort to try to reduce some of the expenditures in the Nation's Capital. We realize everything, including salaries, has increased substantially during the past 3 years; however, we thought possibly there might be some programs that could be eliminated without drastically effecting the efficiency of the District government.

Congressman CABELL, of Texas, has spent between 3 and 4 months checking into numerous expenditures in the Nation's Capital; however, since the legislative committee is not in any position to reduce or cut off some of these programs, we can only point out to the taxpayers and the Appropriations Committee where we think expenditures could be reduced.

We know that the public welfare program in the District of Columbia has completely gotten out of hand. Every applicant should be properly checked to see if they are physically able to work and what conditions exist in their homes. I believe millions and millions of dollars could be saved for the taxpayers in the Nation's Capital and throughout the United States if a check of this nature could be made of the residents here in the District of Columbia. Each applicant for public welfare assistance in South Carolina is checked before he or she is granted public welfare benefits.

We spent 3 days in conference with the Senate conferees and I believe we came out with the best bill we could possibly have under the circumstances. I want to congratulate the members of the committee on the very difficult and hard work they have done in an effort to solve some of the problems confronting the District of Columbia during this session of Congress.

Mr. CABELL. Does the distinguished ranking member desire time?

Mr. NELSEN. Yes. I just want to make some comments relative to the way that the budget has grown.

In our deliberations in the committee, rather than take the figures that the District gave us, I asked that they give me the figures they had previously had and then give me the figures as to the things that were added by the Congress.

For example, policemen, as I recall, cost $19 million. We demanded more policemen. We got them, but it cost us $19 million.

In the court reorganization and the new judges, which has been for years a demand of the Congress, we never got it. Finally, after long and hard work, we proceeded and did pass the crime bill which set up a new court system with a new superior court. We have about 5,000 cases that are untried, of criminals roaming the streets, repeaters out on bail. They have never been tried. This has to be done, seemingly.

We could go on further to point out the Washington Technical School and the liberal arts college which are things that we did in the Congress.

I know of no way to change the picture as it stands, but I do know this: It is not a comfortable seat to be on the District of Columbia Committee. I am surprised that people would even spend their time there, because it is nothing but a hazard to be on it.

I must say to Mr. CABELL and to Mr. MCMILLAN that we did our best in the conference to try to hold it down to the $170 million which I felt they had to live within. The salary increases are there, and the contingency funds are totally dependent on what we do here. If we want to hold it down to $173 million, you will have a chance to do so when you vote.

I hope the report is adopted.

I want to say that I am not critical of my friend from Iowa (Mr. GROSS) for being an observing and diligent Member in his endeavors to hold the line, because it seems to me it is darn near time that we gave thought to it right here in the District of Columbia.

I may say that our group is working carefully in the hope that we can find ways to hold the line, and we have to improve things here so that a better picture may evolve because of better administration of the city government.

I thank the gentleman for yielding and thank my chairman for his diligent efforts, also.

Mr. CABELL. I yield to the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. I thank the gentleman for yielding.

I merely ask for this time in order to associate myself with the remarks of the gentleman from Iowa about this Federal contribution which is going out of all bounds.

Mr. CABELL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 242, nays 93, not voting 96, as follows:

[Roll No. 459]

YEAS—242

Abourezk	Carey, N.Y.	Fountain
Abzug	Carney	Fraser
Adama	Carter	Frelinghuysen
Addabbo	Casey, Tex.	Frenzel
Anderson, Calif.	Cederberg	Frey
Anderson, Ill.	Clausen, Don H.	Gallagher
Anderson, Tenn.	Cleveland	Garmatz
Arends	Collier	Gaydos
Ashley	Conable	Gettys
Aspin	Conte	Giaimo
Aspinall	Coughlin	Gibbons
Badillo	Culver	Gonzalez
Barrett	Curlin	Gray
Begich	Daniels, N.J.	Green, Oreg.
Bergland	Danielson	Green, Pa.
Biaggi	Davis, Ga.	Halpern
Biester	de la Garza	Hamilton
Bingham	Delaney	Hanley
Boggs	Dellenback	Hanna
Boiling	Dellums	Hansen, Idaho
Brademas	Denholm	Hansen, Wash.
Brasco	Dingell	Harrington
Brinkley	Donohue	Harvey
Brooks	Dorn	Hathaway
Broomfield	Dow	Hawkins
Brotzman	Drinan	Hechler, W. Va.
Brown, Mich.	Dulski	Heckler, Mass.
Brown, Ohio	du Pont	Heinz
Broyhill, Va.	Dwyer	Helstoski
Buchanan	Edwards, Ala.	Henderson
Burke, Mass.	Edwards, Calif.	Hicks, Mass.
Burleson, Tex.	Erlenborn	Hillis
Burlison, Mo.	Esch	Hogan
Burton	Eshleman	Holifield
Byrne, Pa.	Evans, Colo.	Horton
Byrnes, Wis.	Fascell	Howard
Byron	Findley	Hull
Cabell	Flood	Jacobs
Caffery	Flowers	Jarman
	Ford, Gerald R.	Johnson, Calif.
	Ford, William D.	Jones, Ala.
	Forsythe	

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Karth	Natcher	Shriver
Kastenmeier	Nedzi	Sikes
Kazen	Nelsen	Sisk
Keating	Nix	Smith, N.Y.
Kee	Obey	Staggers
Keith	O'Hara	Stanton,
Koch	O'Neill	J. William
Kyros	Perkins	Stanton,
Landrum	Pickle	James V.
Leggett	Pike	Steele
Lent	Pirnie	Steiger, Wis.
Link	Poage	Stratton
McClory	Podell	Stubblefield
McCloskey	Preyer, N.C.	Stuckey
McClure	Price, Ill.	Symington
McCormack	Pryor, Ark.	Taylor
McCulloch	Pucinski	Teague, Tex.
McDade	Quie	Thompson, N.J.
McDonald, Mich.	Railsback	Tiernan
	Rees	Ullman
McFall	Reid, N.Y.	Vander Jagt
McKay	Rhodes	Vanik
McMillan	Riegle	Vigorito
Macdonald, Mass.	Roberts	Waldie
	Robison, N.Y.	Wampler
Madden	Rodino	Ware
Mahon	Roe	Whalen
Mailliard	Rogers	White
Mathias, Calif.	Rooney, N.Y.	Whitehurst
Matsunaga	Rooney, Pa.	Widnall
Mazzoli	Rosenthal	Williams
Meeds	Roy	Wilson, Bob
Melcher	Roybal	Winn
Miller, Calif.	Ruppe	Wolff
Minish	Ryan	Wyatt
Mitchell	St Germain	Wyman
Monagan	Sandman	Yates
Moorhead	Sarbanes	Yatron
Morgan	Scheuer	Young, Tex.
Mosher	Schwengel	Zablocki
Moss	Scott	Zwach
Murphy, Ill.	Selberling	
Murphy, N.Y.	Shipley	

NAYS—93

Abbitt	Hagan	Nichols
Abernethy	Haley	O'Konski
Andrews, N. Dak.	Hall	Passman
	Hammer-schmidt	Poff
Archer		Price, Tex.
Baker	Harsha	Purcell
Baring	Hosmer	Quillen
Bennett	Hungate	Randall
Bevill	Hunt	Rarick
Bray	Hutchinson	Robinson, Va.
Burke, Fla.	Ichord	Rousselot
Camp	Johnson, Pa.	Ruth
Chappell	Jonas	Satterfield
Clancy	Jones, N.C.	Saylor
Clawson, Del	Jones, Tenn.	Schmitz
Collins, Tex.	Kemp	Sebelius
Colmer	King	Shoup
Crane	Kyl	Skubitz
Daniel, Va.	Landgrebe	Slack
Davis, Wis.	Latta	Smith, Calif.
Dennis	Lennon	Smith, Iowa
Devine	Long, La.	Snyder
Dickinson	Long, Md.	Teague, Calif.
Downing	McCollister	Terry
Duncan	McEwen	Thompson, Ga.
Findley	Mathis, Ga.	Thomson, Wis.
Fisher	Mayne	Waggonner
Flynt	Michel	Whitten
Goodling	Miller, Ohio	Wiggins
Griffin	Mills, Md.	Young, Fla.
Gross	Montgomery	Zion
Grover	Myers	

NOT VOTING—96

Alexander	Dowdy	McKevitt
Andrews, Ala.	Eckhardt	McKinney
Annunzio	Edmondson	Mann
Ashbrook	Edwards, La.	Martin
Belcher	Ellberg	Metcalfe
Bell	Esch	Mikva
Betts	Eshleman	Mills, Ark.
Blackburn	Evans, Colo.	Mink
Blanton	Evins, Tenn.	Minshall
Blatnik	Foley	Mizell
Boland	Fulton, Tenn.	Mollohan
Bow	Fuqua	Morse
Brinkley, N.C.	Galifianakis	Patman
Celler	Goldwater	Patten
Chamberlain	Grasso	Pelly
Chisholm	Griffiths	Pepper
Clark	Gubser	Pettis
Clay	Gude	Peyser
Collins, Ill.	Hastings	Powell
Conyers	Hays	Rangel
Corman	Hébert	Reuss
Cotter	Hicks, Wash.	Roncalio
Davis, S.C.	Kluczynski	Rostenkowski
Dent	Kuykendall	Roush
Derwinski	Lloyd	Runnels
Diggs	Lujan	Scherle
Schneebeli	Sullivan	Wilson,
Spence	Talcott	Charles H.
Springer	Thone	Wright
Steed	Udall	Wydler
Steiger, Ariz.	Van Deerlin	Wylie
Stephens	Veysey	
Stokes	Whalley	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Gude.
Mr. Hébert with Mr. Gubser.
Mr. Hays with Mr. Bow.
Mr. Roncalio with Mr. Peyser.
Mr. Rostenkowski with Mr. Martin.
Mr. Blatnik with Mr. Goldwater.
Mr. Blanton with Mr. Hastings.
Mr. Andrews of Alabama with Mr. Ashbrook.
Mr. Hicks of Washington with Mr. Metcalfe.
Mr. Boland with Mr. McKevitt.
Mr. Celler with Mr. Collins of Illinois.
Mr. Kluczynski with Mr. Kuykendall.
Mr. Clark with Mr. Eshleman.
Mr. Mann with Mr. Belcher.
Mr. Charles H. Wilson with Mr. Conyers.
Mrs. Sullivan with Mr. Lujan.
Mr. Wright with Mr. Esch.
Mr. Mollohan with Mr. Bell.
Mr. Mikva with Mrs. Chisholm.
Mr. Pepper with Mr. Lloyd.
Mr. Reuss with Mr. Stokes.
Mr. Fulton with Mr. McKinney.
Mr. Fuqua with Mr. Betts.
Mr. Galifianakis with Mr. Broyhill of North Carolina.
Mr. Foley with Mr. Diggs.
Mr. Evins of Tennessee with Mr. Minshall.
Mr. Roush with Mr. Chamberlain.
Mr. Evans of Colorado with Mr. Pelly.
Mr. Ellberg with Mr. Scherle.
Mr. Edmondson with Mr. Mizell.
Mr. Mills of Arkansas with Mr. Morse.
Mr. Steed with Mr. Pettis.
Mr. Stephens with Mr. Blackburn.
Mr. Alexander with Mr. Derwinski.
Mr. Cotter with Mr. Powell.
Mrs. Grasso with Mr. Clay.
Mr. Dent with Mr. Rangel.
Mr. Davis of South Carolina with Mr. Spence.
Mr. Corman with Mr. Talcott.
Mr. Van Deerlin with Mr. Veysey.
Mr. Udall with Mr. Schneebeli.
Mr. Patten with Mr. Steiger of Arizona.
Mr. Dowdy with Mr. Thone.
Mr. Eckhardt with Mr. Springer.
Mrs. Mink with Mr. Whalley.
Mrs. Griffiths with Mr. Wydler.
Mr. Runnels with Mr. Wylie.

Mr. POAGE changed his vote from "nay" to "yea."

Messrs. LONG of Louisiana and GOODLING changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 11341.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMENT MADE BY MEMBER OF OTHER BODY

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, the Peoria Journal Star on December 1 printed an interview with a Member of the other body, the Senator from South Dakota who is seeking to become a presidential nominee.

During the interview the nomination of Lewis F. Powell, Jr. to the Supreme Court was discussed. The Journal Star reported:

Though giving the 64-year-old Virginian a "C" rating, he said, "We won't have to live with him very long."

This is a highly improper, cynical and callous statement, certainly one unworthy of a Member of the other body, and definite indication of his lack of fitness for consideration for the Presidency. Comment on a man's occupational abilities is one thing, but a personal attack such as this on a distinguished legal scholar, who was approved with only one dissenting vote, indicates a politically ruthless character. While the Senator is making his campaign pitch on his alleged humanitarian image and concern for the people, this statement is indicative of an entirely different personality.

All I can say about the Member of the other body wno made this statement, is that way down deep, you know he is shallow.

THE RIGHT OF ATTORNEYS TO COMMENT ON THE JUDICIARY

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, the appellate division, first department, of the New York State judiciary has commenced disciplinary proceedings which I believe threaten the impartiality and efficiency of our judicial system, and which merit the attention of our colleagues.

The facts, briefly, are these: Martin Erdmann, an attorney with the Legal Aid Society in New York, in charge of the society's Supreme Court operations in the five boroughs, was the subject of a recent article in Life magazine. The article detailed Erdmann's activities as a lawyer and quoted his views on judges in New York, as follows:

There are so few trial judges who just judge, who rule on questions of law, and leave guilt or innocence to the jury. And Appellate Division judges aren't any better. They're the whores who became madams.

Asked if he would like to be a judge, Erdmann replied:

I would like to—just to see if I could be the kind of judge I think a judge should be. But the only way you can get it is to be in politics or buy it—and I don't even know the going price.

Because of Erdmann's criticisms, the appellate division lodged a complaint against him with the grievance committee of the Association of the Bar of the city of New York. The committee investigated the matter and decided to take no action.

The appellate division then began its own proceedings to punish and perhaps disbar Erdmann on the grounds that his remarks lessen public confidence in our legal system. The trial is to be conducted before the appellate division, third department in Albany, which now makes the appellate division, an object of Erdmann's criticism, his accuser, judge and jury.

In my estimation, public confidence in the judiciary is undermined far more by the appellate division's action in this case than by the remarks of Martin Erdmann.

The public has little knowledge of the day-to-day administration of justice, but it does know that our courts are desperately in need of reform and that judgeships are often obtained through political influence rather than ability.

Martin Erdmann then has only articulated, on the basis of 25 years' experience in our courts, what the public is more or less aware of, and his views surely reflect those of many other practicing lawyers. The disciplinary proceedings initiated by the appellate division seem clearly intended to intimidate and thereby suppress healthy criticism that is essential if we are to reform our courts. It is one thing to hold an attorney in contempt for statements made in open court and entirely another to punish him for exercising his first amendment right to speak out on a matter of urgent public interest on which he is particularly knowledgeable and qualified.

No one in our society should be immune from legitimate criticism. This attempt to silence Martin Erdmann is a serious error that will only serve to deter other experienced and public spirited attorneys from speaking out and, in the end, will harm the public and the judiciary.

I urge all members of the New York Bar to contact the New York Civil Liberties Union to register their support of Martin Erdmann and to learn how they can join with their fellow members of the bar in upholding the first amendment right of attorneys to comment on the judiciary.

CANNIKIN JUDICIAL DECISION

Mr. BOGGS. Under a previous order of the House the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, I have recently seen a copy of a judicial decision rendered on November 2, 1971, by the Honorable Raymond E. Plummer, U.S. district judge for the district of Alaska, which dismissed a suit to prevent the Cannikin test on Amchitka Island in the case of the Aleut League versus the Atomic Energy Commission. His decision was not appealed.

My colleagues are already aware that the test was successfully conducted on November 6, 1971.

The Cannikin test was also the subject of other litigation in the U.S. District Court for the District of Columbia, appellate decisions by the U.S. Court of Appeals for the District of Columbia, and a denial by the U.S. Supreme Court of an application to enjoin the test. At the Supreme Court level a written opinion was prepared by only one of the dissenting Justices. There was no written opinion of the majority of the four Justices who, after hearing oral argument on November 6, 1971, denied the application for an injunction. The Supreme Court action on that date was preceded by an order of the U.S. district court on November 1 denying a request for a preliminary injunction and by a per curiam opinion of the U.S. Court of Appeals for the District of Columbia Circuit on November 3 which denied the plaintiffs' appeal from the lower court decision.

Although these appellate decisions arising out of the litigation in the U.S. District Court for the District of Columbia are available, in my view Judge Plummer's decision deals most comprehensively and lucidly with the Cannikin issues raised in the Alaskan suit. Accordingly, I include it in its entirety in the RECORD at this point:

[No. A-127-71 Civil]

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF ALASKA

(The Aleut League, on behalf of itself, its members and all those similarly situated, Plaintiffs, versus The Atomic Energy Commission; James R. Schlesinger, Chairman of the Atomic Energy Commission; James T. Ramey, Wilfred E. Johnson, Clarence E. Larson and William O. Doub, Commissioners of the Atomic Energy Commission, Defendants.)

JUDGMENT

This case came on for hearing before the court on September 27 and 28, 1971 on plaintiffs' motion for a preliminary injunction and defendants' motion for summary judgment or; alternatively, dismissal. On October 12, the parties filed a stipulation agreeing that the hearing held on September 27 and 28 would be considered by both sides to be a full hearing on the merits; and the court having considered the testimony of the witnesses called by the respective parties, all documents and exhibits offered and admitted into evidence, the briefs and arguments of counsel, and having filed its Findings of Fact, Conclusions of Law and Order for Judgment

NOW, THEREFORE, pursuant thereto, it is determined by the court that plaintiffs take nothing by this action and the same is hereby dismissed.

MEMORANDUM OF DECISION AND ORDER

On September 2, 1971, plaintiffs commended this action specifically to prevent the detonation of a nuclear device termed Cannikin on Amchitka Island. Plaintiffs' motion for a preliminary injunction was filed on September 13, 1971, and defendants' motion for summary judgment or alternatively, dismissal, was filed on September 21, 1971. Hearings were held on both motions on September 27 and 28.

On October 8, the court denied plaintiffs' motion for a preliminary injunction, reserved judgment on defendants' motion for summary judgment or dismissal, and ordered a full hearing on the merits to commence on October 13. A stipulation was filed October 12, wherein the parties agreed that the hearing held September 27 and 28 would be considered by both sides to be a full hearing on the merits and that the standing of plaintiffs to sue in this action and their position as proper parties would not be contested by defendants.

Therefore, a brief was filed by defendants on October 22 and by plaintiffs on October 25.

JURISDICTION

Federal courts have special and limited jurisdiction, so the threshhold inquiry in each case must be directed toward a determination of whether the court has power to entertain and decide the matter in controversy in the proceeding before it. United States District Courts have no jurisdiction except that conferred by the Constitution and laws of the United States and the presumption is, that the case is without their jurisdiction, unless the contrary affirmatively appears.

The party asserting jurisdiction has the burden of proof, and, if his allegations of jurisdictional fact are challenged in an appropriate manner, he must support them by competent proof.

Jurisdiction cannot be conferred by consent, waiver or conduct of the parties, and if the question is not otherwise suggested, the court must in every case on its own motion determine whether it has jurisdiction.

Paragraph 2 of plaintiff's complaint alleges that jurisdiction is conferred upon this court by: 5 U.S.C. §§ 701–706 (Administrative Procedure Act); 28 U.S.C. § 1331 (Federal Question); 28 U.S.C. § 1343 (Civil Rights); 28 U.S.C. §1353 (Indian Allotments); 28 U.S.C. §1361 (Mandomus); and 43 U.S.C. § 1332 (Federal Control over the Outer Continental Shelf).

The statutes alleged by plaintiff, with the exception of 43 U.S.C. § 1332 (Federal Control over the Outer Continental Shelf), are ones which would empower the court to act if plaintiff has proved facts bringing it within their purview. 43 U.S.C. § 1332 is a declaration of the policy, jurisdiction and construction of the United States with reference to the subsoil and seabed of the Outer Continental Shelf. It is not a statute conferring jurisdiction on the United States District Courts.

Paragraph 3 of plaintiffs' complaint alleges that this action arises under: The Fifth Amendment to the Constitution of the United States (Due Process, Equal Protection); 25 U.S.C. §§ 2, 9 and 43 U.S.C. § 1457(10) (Fiduciary obligations owed to Indians); 33 U.S.C. §§ 1151, 1162 (Control of Water Pollution by Hazardous Substances); 42 U.S.C. § 2011 et seq. (Atomic Energy); 42 U.S.C. §§ 4331–4332 (National Environmental Policy Act), 48 U.S.C. § 357, as amended (Alaska Native Allotments); and that the matter in controversy herein exceeds $10,000 exclusive of interest and costs.

The Fifth Amendment to the Constitution of the United States in pertinent part provides in substance that no person shall be deprived of life; liberty, or property, without due process of law; nor shall private property be taken for public use, without a just compensation.

Plaintiff asserts that defendants' preparation and planned execution of the CANNIKIN nuclear experiment amounts to a violation of its Fifth Amendment right to due process and guarantee against the taking of private property without just compensation. There is no evidence that plaintiff is the owner of any personal or real property. The major portion of the Aleutian Islands is a national wildlife refuge. There is some private ownership of real property by members of plaintiff's league in Unalaska and a few other places. There are references to ownership of fishing boats, air planes, fishing and hunting rights and claims of aboriginal title. Plaintiff has not proved that it or any of its members have any vested interest in hunting rights, fishing rights or aboriginal title to any land. *See* Tlingit and Haida Indians of Alaska v. United States, 389 F.2d 778 (Ct. Cl. 1968). The evidence does not establish that plaintiff or any of its members have been or will be deprived of life, liberty or property, without due process of law or that any private property has been or will be taken for public use, without just compensation.

The Fifth Amendment contains no equal protection clause and restrains only such discriminatory legislation by Congress as

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amounts to a denial of due process. Due process of law and the equivalent phrase "law of the land" have frequently been dafined to mean a general and public law operating equally on all persons in like circumstances, and not a partial or private law affecting the rights of particular individuals or class of individuals in a way in which the same rights of other persons are not affected. Plaintiffs assert that in view of the fact that the Aleutian Islands on which the proposed detonation will occur are populated principally by Aleut people, minority people, that the United States has not taken proper cognizance of the interests of these people and the action of the proposed detonation therein and of itself constitutes discrimination against them as opposed to other persons in the United States of America. Plaintiff also asserts that the location of this test on Amchitka Island in the Aleutians is discriminatory against the Aleut people and does constitute possible serious harm to their lives, property and culture, while the AEC has recognized the rights of other persons, specifically, those who live in other zones that might be affected by a nuclear detonation if it were detonated in some other part of this country or elsewhere.

Courts may take judicial notice of the federal census or of an official census taken under the state laws such as a school census, and of the results of such censuses and can resort for information to appropriate documents of reference. The 1970 Census of Population, PC(V1)-3, Alaska, Advance Report, December 1970, pages 6-9, reflects the following:

Location:	Population
Shemya	1,131
Adak	2,249
Atka	88
Nikolski	57
Unalaska	178
Akutan	101
False Pass	62
Pavlov Harbor	39
Cold Bay	256
King Cove	283
Belkofski	59
Sand Point	360
Squaw Harbor	65
Ivanov Bay	48
Perryville	94
Chignik	83
Chignik Lake	117
St. Paul	450
St. George	163
Nelson Lagoon	43

The above information also appears in 1970 Census of Population, Number of Inhabitants, Alaska, PC(1)-A3, Issued May 1971, pages 3-10.

The 1970 Census of Population and Housing Final Report, April 1971, PHC(2)-3 Alaska, pages 3-7, provides the following information:

Aleutian Islands:	
White	5,564
Negro	237
All others	2,256
Total	8,057

Judicial notice may be taken of the relative distances from certain places to other parts of the same state. In this manner or by use of a map with a scale showing the number of miles per inch, the approximate distances between the villages lying easterly of Amchitka Island may be ascertained. The court has determined these distances to be approximately as follows:

From Amchitka to:	Approximate miles
Adak	200
Atka	300
Nikolski	550
Unalaska	650
Akutan	700
False Pass	900
Pavlov Harbor	
Cold Bay	930
King Cove	
Belkofski	960
Sand Point	1,030
Squaw Harbor	
Ivanov Bay	
Perryville	1,210
Chignik	1,260

Plaintiff's Exhibit 32 reflects that the distance from Amchitka to Shemya, which is located westerly of Amchitka, is 250 miles. There are no Aleuts residing on Amchitka Island and there are no Aleut villages on the Aleution Chain westerly of Amchitka.

From the foregoing, it is readily apparent that there are 3,380 persons residing at Shemya and Adak that are nearer to Amchitka than the 88 persons who reside at Atka, the Aleut village located nearest to Amchitka, and that there are 5,795 non-Aleuts as compared to a possible 2,256 Aleuts that live on the Aleutian Islands. There is no evidence that the 2,256 Aleuts have been or will receive protection or treatment different in any degree or respect than that which has been or will be afforded the 5,795 non-Aleuts residing in the area. Plaintiff's assertion of discrimination and lack of equal protection as to the Aleut people has no factual basin.

25 U.S.C. § 2 provides that the Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations.

25 U.S.C. § 9 provides that the President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any Act relating to Indian affairs and for the settlement of the accounts of Indian affairs.

43 U.S.C. § 1457 provides that the Secretary of the Interior is charged with the supervision of public business relating to certain following subjects and agencies therein stated included in which is the subject of Indians.

These statutes are totally unrelated to any rights, duties or responsibilities between plaintiff and the defendants in this case.

33 U.S.C. § 1151 pertains to the Congressional declaration of policy in controlling water pollution and the right of States to waters.

33 U.S.C. § 1162 relates to the control of pollution by hazardous substances, and authorizes the President to promulgate rules and regulations designating hazardous substances and to recommend methods and means for the removal of such substances.

These statutes are unrelated to the defendants and the proof in this case.

48 U.S.C. § 537, as amended August 2, 1956, C. 891 § 1(a)-(d), 70 Stat. 954, 48 U.S.C. § 270-1, authorizes the making of homestead allotments to native Indians, Aleuts, or Eskimos.

28 U.S.C.A. § 1353, provides that the District Courts shall have original jurisdiction of any civil action involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any Act of Congress or treaty. The complaint demonstrates that it does not seek relief on behalf of plaintiff or its members as persons who have been excluded from an allotment or have been excluded from or are entitled to possession of a parcel of land. The statutes cited by plaintiff are obviously intended to provide relief to Aleuts entitled to possession of allotments and similar interests. The cases and statutory law have ascribed to the word "allotment" a well recognized meaning. The nature of the interest asserted by plaintiff does not resemble that described in the statutes. *See* Affiliated Ute Citizens of State of Utah v. United States, 431 F.2d 1349 (10th Cir. 1970).

28 U.S.C. § 1331 provides in part that District Courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the. sum or value of $10,000 exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States. A federal question is presented only where the correct decision in a case depends upon the construction or interpretation of the Constitution, treaties or laws of the United States, or on the validity of a statute or treaty. Otherwise stated, to bring a case within a statute, a right or immunity created by the Constitution, treaties or laws of the United States must be an element, and an essential one, of the plaintiff's cause of action. The right or immunity must be such that it will be supported if the Constitution, treaties or laws of the United States are given one construction or interpretation, and defeated if they receive another. It is doubtful on the pleadings in this case whether there is any dispute between the parties as to the meaning of any provision of the Constitution or the laws or treaties of the United States. This is essential to federal question jurisdiction.

Paragraph 1 of plaintiff's complaint alleges that this action was brought specifically to prevent the detonation of a nuclear device termed CANNIKIN on Amchitka Island, Alaska, in accordance with the rights, title and interest of the plaintiffs. All other Constitutional questions sought to be raised are incidental to this purpose. Under these circumstances the case cannot be said to "arise" under the Constitution, laws or treaties of the United States. The fact that it may be necessary in the course of litigation to construe or apply provisions of the Constitution, laws or treaties of the United States is not sufficient to give application to 28 U.S.C. § 1331. *See* Pierre v. Jordan, 333 F.2d 951 (9th Cir. 1964); Walker v. Bank of America, 268 F.2d 16 (9th Cir. 1959), Beistline v. City of San Diego, 256 F.2d 421 (9th Cir. 1958); Marshall v. Desert Properties Co., 103 F.2d 551 (9th Cir. 1939).

Plaintiff asserts jurisdiction under 28 U.S.C. § 1343 dealing with civil rights and elective franchise. However, no claim under the Civil Rights Act has been alleged or proved by plaintiff. *See* Hoffman v. Holden, 268 F.2d 280 (9th Cir. 1959).

This action was brought specifically to prevent the detonation of CANNIKIN on Amchitka Island: The Civil Rights Act contemplates that the prime objective of suits brought thereunder is to redress the deprivation of any right, privilege or immunity secured by the Constitution and laws of the United States. Where there is some other principal objective of the litigation, and the deprivation of Constitutional rights is asserted only as a means of achieving that objective, the subject matter is not cognizable under the Civil Rights Act, and District Court jurisdiction thereunder is lacking. *See* Pierre v. Jordan, *supra*.

28 U.S.C. § 1361 provides that the District Court shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff. Again, plaintiff fails to relate this assertion of jurisdiction to the facts and proof in the case.

Mandamus is an extraordinary remedial device that may issue only when the claim for relief is clear and certain, and the duty of the officer involved is ministerial, plainly defined, and preemptory. Plaintiff has not alleged or proved facts that would justify the granting of mandamus and the court is without jurisdiction under 28 U.S.C. § 1361.

In the memorandum of decision and order entered in this case on October 8, 1971, the court stated: "Accordingly, there is little information before the court as to the membership of the Aleut League, the class it purportedly represents, the location of the various members of the class from Amchitka Island, whether they have been notified and consented to this action and their being represented by plaintiff. The lack of this and other information makes it at least questionable as to who the proper parties are."

The court then and now has insufficient information to enable it to make a reasoned determination as to whether 1) a class exists, 2) the class is so numerous that joinder of all members is impracticable, 3) whether the claims or defense of the representative parties are typical of the claims or defenses of the class, 5) whether the representative parties will fairly and adequately protect the interests of the class, and 6) whether the party or parties opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

In plaintiff's post-hearing brief, it asserts that the Administrative Procedure Act requires that, in making the determinations necessary under the Act the "whole record" be reviewed. However, 5 U.S.C. § 706 provides in part that in making the determinations enumerated therein, the court shall review the whole record *or those parts of it cited by a party*. (Underlining supplied).

Plaintiff further asserts that although it is AEC's responsibility to obtain and set forth the opposing scientific views, citing 42 U.S.C. 4332, and, otherwise to file the whole record or at least that portion of the Administrative record which directly pertains to the proposal to detonate CANNIKIN, all elements of the record which have been filed to date are conclusions supporting the AEC decision. 42 U.S.C. § 4332 requires only that "prior to making any detailed statement, the responsible federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and to the public, as provided by Section 552 of Title 5, and shall accompany the proposal through the existing agency review processes," AEC has strictly complied with this requirement of the law.

Plaintiff further suggests that on the basis of press reports, the recent decision in *The Committee for Nuclear Responsibility, Inc., v. Seaborg*, No. 71-1732 (D.C. Cir. October 5, 1971); and *Mink v. Environmental Protection Agency*, No. 71-1708 (D.C. Cir. October 15, 1971), the court should enter an immediate order requiring the defendants to file the remaining portions of the record before the AEC, including those documents in issue in the *Mink* suit, which can be inspected *in camera*, and any and all other studies or reports of other Federal agencies relating to CANNIKIN.

In case No. 71-1732, *supra*, plaintiff commenced discovery proceedings in an attempt to establish the deficiency of the Environmental Impact Statement's treatment of potential dangers of the test. They were precluded from accomplishing this by the entry of summary judgment in favor of the defendant.

In case No. 71-1708, *supra*, suit was brought by 33 members of Congress under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to obtain several documents pertaining to CANNIKIN. The district court declined to compel disclosure of the requested documents on the ground that they were exempted by the express provisions of FOIA. The circuit court directed that the documents be produced for *in camera* inspection by the district court and for such further proceedings as might then be indicated.

In the case before this court, the record does not reflect that plaintiff has initiated any discovery procedures. The record does not indicate that plaintiff has at any time requested and been refused documents available under the provisions of 5 U.S.C. § 552. Subsection (a)(3) of the Act provides:

"(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

Unless plaintiff takes steps to comply with the requirements of the foregoing Act, the court is without jurisdiction to consider the suggestions contained in its post-trial brief.

5 U.S.C. § 702 provides that a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.

42 U.S.C. § 2231 provides in pertinent part that the provisions of the Administrative Procedure Act shall apply to all agency action taken under this chapter, and the terms "agency" and "agency action" shall have the meaning specified in the Administrative Procedure Act.

In *Elv.* v. *Velde*, 321 F. Supp. 1088 (D. Va. 1971), the court held that the National Environmental Policy Act, 42 U.S.C. § 4321, 4331 *et seq.*, were relevant statutes within the meaning of 5 U.S.C. § 702 and that the plaintiff's interest came within those sought to be protected by the Act.[1]

The court having considered the testimony of the witnesses called by the respective parties, all documents and exhibits admitted in evidence, the briefs and arguments of counsel, and being fully advised in the premises, now makes and enters the following:

FINDINGS OF FACT

1. The National Environmental Policy Act is a relevant statute within the meaning of the Administrative Procedure Act.

2. The agency action to be reviewed by the court under 5 U.S.C.A. § 706(2) and 42 U.S.C. § 2231, is the decision by the AEC to conduct the detonation of the underground nuclear explosion code-named CANNIKEN on Amchitka Island, Alaska.

3. Executive Order 1733, issued by President Taft in 1913, which designated that part of the Aleutian Chain which includes Amchitka as a wildlife preserve, specifically provided that "The establishment of this reservation shall not interfere with the use of the Islands for . . military . . . purposes."

4. The Atomic Energy Commission, hereinafter referred to as AEC, is an agency of the United States Government, created by Act of Congress, 60 Stat. 756, 42 U.S.C. § 2031, and is authorized by laws of the United States to conduct tests of and research into nuclear weapons.

5. 42 U.S.C.A § 2121 entitled "Authority of Commission—Research and development; production of atomic weapons", provides:

"(a) The Commission is authorized to—

(1) conduct experiements and do research and development work in the military application of atomic energy; and

(2) engage in the production of atomic weapons, or atomic weapon parts, except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year."

6. On August 5, 1963, representatives of the United States, United Kingdom, and Union of Soviet Socialist Republics, signed a treaty prohibiting nuclear explosive tests in the atmosphere, outer space and under water, but permitted certain underground nuclear explosions. The United States Senate gave its advice and consent to the ratification of the Limited Test Ban Treaty on September 24, 1963.

7. Since 1963, the AEC has maintained an active underground nuclear testing program in southern Nevada. The primary purpose of the program is to test and evaluate nuclear weapons concepts as needed to meet the requirements of national security.

8. In October of 1965, Long Shot, a Department of Defense-sponsored underground nuclear test was carried out at Amchitka. Bioenvironmental surveys were done.

9. In June 1966, the Department of Defense requested the AEC to develop a warhead for a proposed antiballistic missile system.

10. In 1966, it appeared that the Department of Defense would soon ask the AEC to design a nuclear explosive of yields larger than could be safely tested at the existing Nevada test site, the limitations there being the ground motion and its effect on high-rise buildings in Las Vegas. The AEC's Nevada operations office and its contractor in the weapons laboratory (Los Alamos Scientific Laboratory, Lawrence Radiation Laboratory, and Sandia Laboratories) began to look for supplemental test sites. The basic criteria were that the sites have geology proper for the proposed tests and for containment of resulting radioactivity and that the sites be sufficiently remote to give reasonable assurance of safety.

11. For this reason, the AEC caused an extensive search to be conducted for a suitable site for high yield tests. Sites at Red Desert, Wyoming; Desert Valley, Nevada; San Augustine Plains, New Mexico; Kaiparowits Plateau, Utah, Fortification Range, Ne-

[1] The court notes the possibility that a different result might be reached on the record in the present case where, 1) the decision to use Amchitka Island as a site for high yield nuclear experiments and tests was requested by AEC and approved by the President in December of 1966 and preparations and planning for the CANNIKIN test were commenced in 1966, more than three years prior to January 1, 1970, the effective date of NEPA, and thereafter continued to the present date, and 2) the proof before the court establishes the CANNIKIN test will not significantly affect the quality of the human environment. *See* Pennsylvania Environmental Council, Inc. v. Bartlett, 315 F. Supp. 233 (D. Pa. 1970); Investment Syndicate, Inc. v. Richmond, 318 F. Supp. 1030 (D. Ore. 1970); Brooks v. Volpe, 319 F. Supp. 90 (D. Wash. 1970).

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vada; Steens Mountain, Oregon; Hualapai Mountains, Arizona; Paradox Base, Utah-Colorado; White Sands, New Mexico; Davis Mountains, Texas; North Brooks Range, Alaska; Hawaiian Islands; Black Rosk Desert, Nevada; Yuma-Tule Area, Arizona; San Juan Basin, New Mexico; Hyco Range, Nevada; Pancake Range, Nevada; Panamint Valley, California; Oyhee County, Idaho, Jemez Mountains, New Mexico; Delaware Basin, New Mexico; Amchitka, Alaska; Christmas Island (British); and Western Australia, were seriously studied and considered by AEC.

12. The sites recommended and the problems related thereto were:

Amchitka, uncertain geology, ecology, weather, cost.

Central Nevada, ground water, ground shock (Yield limitation).

North Brooks Range, uncertain geology, caribou, lichen, time, costs.

Christmas Island, foreign.

Western Australia, foreign.

13. Of the locations considered, it was found that the island of Amchitka best satisfied the requirements for the tests involved. It is not a large island, and is remote, situated about 1400 miles southwesterly along the Aleutian Chain from Anchorage. While there are small populated areas closer to Amchitka, in no instance are they so close that the nuclear test being planned would endanger people or create a hazard to structures. Amchitka Island is also accessible by sea and air at all times of the year.

14. The geologic properties of Amchitka Island were proper for deep hole drilling and containment of the underground experiments, and finally, both the cost of conducting tests at Amchitka and the time required to prepare and execute those tests would be much less than would be required for operations in the more remote northern slopes of the Brooks Range in Alaska. While the Amchitka climate is generally unpleasant, it is not severe. On the other hand, the climate at an alternative site on the northern Brooks Range is so extreme that necessary operations would have been exceedingly difficult and slow.

15. Before seeking Presidential approval to use Amchitka Island for the conduct of high yield tests, the AEC consulted various interested federal departments and agencies, including the Department of the Interior. Presidential authorization to proceed with an initial survey of Amchitka Island as a possible supplemental test site was received in August 1966. Planning for operations at Amchitka was also coordinated with the State of Alaska, initially in 1966, and subsequently as plans were developed.

16. After the completion and review of the 1966 study and survey, and after consulting with the Secretary of the Interior, AEC requested permission to use Amchitka Island to conduct the tests necessary to develop the Department of Defense proposed warhead. This authority from the President was received in December 1966.

17. Although preparations for the CANNIKIN test began in 1966, more than three years prior to January 1, 1970, the effective date of the National Environmental Act of 1969, environmental matters and factors were of major importance during the consideration of all phases in the planning and preparations for the contemplated test.

18. By January of 1967, work had commenced and people and equipment began arriving in Amchitka. Actual drilling work started by March 1967, even though the camps, roads and facilities were not then fully completed.

19. As a part of its preparation for the CANNIKIN test, the AEC conducted a calibration test of about one megaton, codenamed MILROW, on October 2, 1969, to collect data concerning the physical and biological effects of a high yield underground explosion upon the Amchitka environment, and to provide an experimental basis for prediction of CANNIKIN effects to supplement the theoretical predictions. The results of the MILROW test coincided closely with the predictions, and provided valuable information and evidence that the CANNIKIN test can be fired safely and without important impact on the environment.

20. CANNIKIN is the code-name used to designate a nuclear test of experiment planned to be conducted on Amchitka Island, Alaska in the fall of 1971. CANNIKIN entails the site preparation, detonation and monitoring of an explosive device approximately 6,000 feet beneath the surface of the island. CANNIKIN is the culmination of approximately four or five years of intensive preparation and planning by the AEC. The need for the CANNIKIN test is vital to the development of the United States weapons program.

21. The AEC is required under the Atomic Energy Act to take all necessary measures to protect the public health and safety in connection with all United States nuclear detonations. In meeting its responsibilities, it has conducted numerous studies and reviews to enable it reliably to predict the effects of nuclear detonations on the safety of persons and property. A detailed recitation of the deliberately repetitive review process developed by the AEC to insure safety in connection with nuclear operations is set forth in the publication entitled "Nuclear Discussions of Off-Site Safety Programs for Underground Nuclear Detonations" (NVO—40, REV. No. 2, May, 1969), which summarizes the extensive technical studies pertaining to effects of nuclear detonations on public health and safety.

22. Safety studies undertaken specifically in connection with AEC's operations associated with the development of the Spartan warhead were begun as early as 1966, and continued until the present day. These studies were conducted by the AEC with extensive participation from outside the AEC itself. Public hearings on the safety and environmental impact aspects of the CANNIKIN test were held in Juneau, Alaska on May 26, 1971, and in Anchorage, Alaska on May 28–29, 1971. The safety studies, as well as the predictions of the expected effects of the CANNIKIN test, are summarized in the CANNIKIN environmental statement, Defendants' Exhibit No. 2 and Defendants' Exhibit No. 3 through No. 16, all of which are available to the public.

23. The selection of Amchitka as the test site for underground nuclear testing in 1966 and all matters relating to the preparation and development of the site and testing program were widely publicized throughout Alaska, and those matters, as well as the fact that preparations were being made for a higher yield underground explosion on Amchitka Island, have been matters of common knowledge throughout Alaska, including the Aleutian Islands, for the past several years.

24. Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the AEC issued a draft environment statement on CANNIKIN on June 17, 1970. This statement was prepared and transmitted in accordance with the interim guidelines of the Council on Environmental Quality and implementing AEC regulations to appropriate federal agencies having jurisdiction by law or special expertise with respect to environmental impact, and to State and local agencies authorized to develop and enforce environmental standards. Notice of public availability of the statement was published in the *Federal Register* on June 20, 1970. Copies of the draft environment statement on the CANNIKIN test were in 1970 sent to the Governor of the State of Alaska, Senator Mike Gravel, and to the Honorable Carl Moses, president of the Aleut Indian League, and to over 300 individual requesters. All comments received by the AEC on the draft statement were taken into consideration during the preparation of the final environmental statement on the draft. Comments submitted to the AEC by federal, State and local agencies were included in the final statement.

25. The final "Environment Statement—CANNIKIN" was submitted to the Council on Environmental Quality on June 23, 1971. Copies of the statement were also sent to all groups and individuals listed in Exhibit 17, among others, including the Joint Committee on Atomic Energy and the Appropriations Committee of both the Senate and House of Representatives. Copies of the transcript of the public hearings referred to in paragraph 22 were also sent to the Joint Committee on Atomic Energy, the Undersecretary's Committee of the National Security Council, and the Council on Environmental Quality, among others.

26. The Environmental Statement CANNIKIN, June 1971, contains a detailed statement of R. E. Hollingsworth, General Manager and responsible official of the United States Atomic Energy Commission, setting forth—

1. the environmental impact of the proposed action.

2. the adverse environmental effects which cannot be avoided should the proposal be implemented,

3. alternatives to the proposed action,

4. the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity,

5. any irreversible and irretrievable commitment of resources which would be involved in the proposed action should it be implemented.

27. AEC has used all practicable means, and to the fullest extent possible, consistent with other essential considerations of national policy has fully and in good faith complied with the requirements of NEPA and the guidelines issued by the Council on Environmental Quality.

28. The AEC has acted and is acting within the scope of its authority. The final agency action or decision by AEC, now being challenged, was based on a consideration of all relevant factors and in accordance with the necessary procedural requirements. There has been no error of judgment on the part of AEC and its final decision is not arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law.

29. The court finds that the final Environmental Statement CANNIKIN prepared and submitted by the AEC in June 1971, which forms a part of the record in this case, is sufficient in detail, adequate in scope of coverage, and satisfies the requirements of NEPA and the guidelines supplementing that Act issued by the Council on Environmental Quality. That AEC in preparing and planning for the CANNIKIN test, has complied with the provisions of NEPA and all relevant laws and treaties related thereto, and has not acted or threatened to act beyond the scope of its authority or in abuse of its discretion or to engage in any unauthorized or illegal actions.

From the foregoing facts, the court makes and enters the following:

CONCLUSION OF LAW

1. Plaintiff has failed to prove by a preponderance of the evidence the claims alleged in Courts 1, 3 and 4 of the complaint and the same should be dismissed.

2. The court has jurisdiction under 5 U.S.C. § 706(2) and 42 U.S.C. § 2231, to review the final agency action taken by the AEC to conduct the detenation of CANNIKIN on Amchitka Island, and to review the sufficiency of the final Environmental Statement—CANNIKIN, June 1971.

3. The AEC has at all times acted and is acting within the scope of its authority. The final agency action or decision by AEC, now being challenged, was based on a consideration of all relevant factors and in accordance with the necessary procedural requirements. There has been no error of judgment on the part of AEC and its final decision is not arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law.

4. The court finds thatthe final Environmental Statement—CANNIKIN, prepared and submitted by the AEC in June 1971, which forms a part of the record in this case, is sufficient in detail, adequate in scope of coverage, and satisfies the requirements of NEPA and the guidelines supplementing that Act issued by the Council on Environmental Quality. The AEC in preparing and planning for the CANNIKIN test, has compiled with the provisions of NEPA and all relevant laws and treaties related thereto, and has not acted or threatened to act beyond the scope of its authority or in abuse of its discretion or to engage in any unauthorized or illegal actions.

5. Plaintiff has failed to prove by a preponderance of the evidence the allegations set forth in its second claim, and the same should be dismissed.

Let judgment be entered accordingly.

THE ECONOMIC FREEZE SHOULD APPLY TO GOVERNMENT, TOO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, during this session of Congress, I have found it necessary to vote against several important pieces of legislation, including appropriations bills, which contained worthy, even badly needed programs. In each case, the decision was not made lightly. I had to consider the consequences of not voting for a program which a sizable number of people favored.

Politically, I suppose, some of my votes may not be too helpful to my career. But in each case, I felt that there was one overriding consideration—the $40 billion deficit which our Government will run this year. This huge deficit, more than any factor, will fuel the inflationary fires that today destroy the incomes of all Americans.

Wage and price controls are fine for their psychological effect. The controls can help to bring the economy back into line. But if the Government refuses to abide by the same guidelines it sets for labor and industry, the controls will have only a cosmetic effect and cannot halt inflation.

In my opinion, the economic freeze authorized by the Congress and announced by the President, should apply equally to the Federal Government—to Government salaries and especially to Government spending. With a $40 billion deficit, it can only be said that the Government has ignored the freeze. If inflation continues, as I fear it will, the Federal Government will have only itself to blame.

Inflation is the cruelest tax of all—far worse than any other imposed upon the people by their Government. Like all other taxes, it is imposed upon the people by their Government. And, as everyone knows, taxes have been going up.

Early in May, most Americans got in the mail a delightful notice from the county treasurer telling them what they must pay in taxes because they are property owners. As Mr. Average American tore open the envelope, he probably had a slight sinking sensation. He knew before he read the notice what the answer would be—higher taxes.

If his taxes are like they are in Pike County, Ill., my home, he is paying about $1 a day in property taxes alone. Most people pay over $300 a year. Even those who do not own property still pay taxes indirectly through rent.

Mr. Average American is married and has two children. He is salaried, and makes a little more than $9,500 a year—before taxes. Like you and me, he is burdened by a mind-boggling array of taxes.

He pays the Federal Government $1,500 income and social security taxes.

In Illinois he pays $125 in State income taxes.

He pays his local government $300 in property taxes.

And this is only the beginning. He has a multitude of other taxes to pay: sales, excise, gasoline taxes, and taxes on manufacturers by the hundreds which are of course passed on to him in the prices of the things he buys. When he buys a new car, for instance, $1 in every $4 is for taxes.

Add them all up, and Mr. Average American pays an estimated $3,000 yearly in taxes of all kinds. Think of it. That is $11.50 each working day. Every morning when he rolls out of bed to go to work he faces the task of earning $11.50 for government taxes before earning anything for himself and his family. He works nearly 2 hours 25 minutes each day just to meet this tax bill. Not many years ago, Henry Ford shocked the industrial world by announcing a minimum wage of $5 a day. Now the tax bill alone gobbles over twice that amount.

His morning already off to a bad start, Mr. Average American picks up his morning paper and reads that the national debt is now $407 billion, and that the temporary debt ceiling was just hoisted again for the 16th time since 1961—this time a record $35 billion to $430 billion. On top of all this, he is shocked to find out that even with taxes as high as they are, the Federal Government had an estimated deficit this past fiscal year of $30 billion. This year, the deficit will be even higher—$40 billion.

A little pencil work and Mr. Average American figures that his family's share of the national debt is $7,400 and that not one penny of the $11.50 a day he pays for taxes goes to pay the debt principal—just interest. The cost of handling the Federal debt has risen so high that the average American's family's share of the interest load alone is $380 a year—more than $1 a day for interest costs for the Federal debt.

By now the breakfast coffee is cold, and Mr. Average American has probably lost a lot of his zip for the day's work ahead. He shakes his head sadly, pulls his ear and moans, "We've got to do something about taxes. How can we stand any more? Where's it going to end?" His wife provides no satisfactory answer so he shuffles off to work.

By the time he has paid his Federal income taxes, his State taxes, his property taxes and has had a heart-to-heart talk with the tax assessor, he probably feels like the fellow who got through paying his income tax and immediately saw his lawyer to change his will.

He told the lawyer to state plainly in his will that he did not want a conventional funeral. He wanted to be cremated, and he wanted the undertaker to put the ashes in a box and send them to the Director of Internal Revenue with a note saying, "Now you have everything."

The Federal Government indeed taxes us heavily, but what is disturbing is the fact that each year the burden grows worse. I recently came across an old speech I gave in 1961, and noticed that the average Federal income tax collected that year came to $535 per person. I called IRS to get the figure for 1971. I was shocked to learn that today—just 10 years later—the Federal tax alone has almost doubled. It is just over $1,000. Do you believe most Americans think they are getting double their money's worth in government services over what they got 10 years ago?

Worse still is the increase in all taxes combined over the last 10 years. In that 1961 speech I reported that the average family man paid $853 yearly for taxes—about one-third as much as today.

Mr. Average American is in a pretty tight spot, is he not, having to pay all these taxes?

Yet, the cruelest tax of all, the one tax that misses no one, the one that hits hardest the elderly, the poor, and those on fixed incomes—is inflation.

Inflation is an abstract term, hard to put your finger on and to understand. But everyone knows when prices go up for the things he buys. Put simply, at the present rate, inflation currently undermines the value of our dollar at an annual rate of about 4 percent a year—and this represents an improvement over the 6 percent rate of just a year ago. Today, the dollar is worth only 73 cents compared with 10 years ago. Compared with 30 years ago, the dollar today is worth a mere 34 cents. If, at the rate recently prevailing, inflation continues for the next 10 years, a dollar saved today will be worth only 57 cents in 1981.

What does all this mean?

It means eroding bank accounts.

It means an undermined life insurance policy that, when Mr. Average American needs it, it will have sharply declined in real worth.

It means that pension payments, so essential to his retirement will buy less and less.

On a world-wide level, it means foreign countries not buying American products as we price ourselves out of the market.

The trade deficit shows this is already happening.

Inflation has already had a tremendous effect on our lives. If you were making $3,000 in 1940, to have the same buying power today, you must now make about $10,000.

In 1940 a man read an ad in a newspaper. It showed a happy couple under the palm trees, and the caption read, "How you can retire in 15 years on $150 a month."

All he had to do was buy an insurance program, and the insurance company would guarantee him and his wife a lifetime income of $150 a month.

So he bought the insurance. Ten years later, leafing through a newspaper, he saw an almost identical ad by the same company, but this time it read, "How you can retire in 15 years on $200 a month."

Fifteen years after he bought the insurance program, the year he was supposed to be able to retire comfortably under the palm trees for the rest of his life, he read another ad by the same company. The happy couple and the palm trees were the same, but the caption now read, "How you can retire on $300 a month in 15 years."

Can Mr. Average American today confidently buy a retirement program assured that it will be adequate when he retires? All he can do is buy the best he can afford with today's dollars, and hope that the inflated annuity dollars that come later will still be big enough to keep him going.

With a dollar that is shrinking steadily every year, how can he set up an adequate estate for his family? How can he go about funding his child's education? How about pensioners? Old folks on fixed incomes? What happens to institutions with fixed endowment income?

A friend and businessman in Pittsfield, Ill., I have known and respected for 25 years wrote me this in May:

> I am concerned with increased debt, increased taxes, and the road we are traveling without taxpayers' consent. Let's start with the poor guy in the 19 percent income tax bracket. He needs a dollar for food. How much must he earn to buy that food?

He then gave me figures to show that the man must earn $1.42 just to buy a dollar's worth of food.

What has happened is that the man who plans for his family's future by saving during his productive years, often finds later that he is no better off than those who do not provide for their own future. The man who saves for his child's education may find the dollars he saved when the boy was growing up are just not enough to pay for the young man's college tuition. The money he has set aside for retirement may not be enough to allow him to quit work and retire when that day comes.

Inflation does more than undermine the value of the dollar. It also undermines the confidence of people in their society and their Government. It undermines their will to work and build for the future. When the man who saves for the future is no better off than the man who does not, inflation destroys the whole fabric of society and the very moral foundations of our country. That, truly, is the worst cost of inflation.

Wages and prices in their traditional battle to outdo each other, have skyrocketed. Recent wage settlements in steel, railroads and other major industries have provided increases of 10 percent a year over the next 3 years. Inflation is locked in. Inflation is not a joke, it is not a tiny increase each year, a healthy sign of national growth. Today it has such momentum that it threatens to wreck our entire economic structure. For when people begin to expect inflation, they build it into their long-term contracts, and thus help assure more of the very thing they wish to avoid.

And what about our Mr. Average American? Facing these depressing facts, he can find consolation in only one hope, and that is, maybe the worst is over, maybe prices will stabilize where they are.

But, look at these danger signals:

First. Despite the economic freeze and the establishment of the Wage and Price Review Boards, inflationary wage and price increases continue. Although the upper limit for raises is 5.5 percent, the first increase approved by the Wage Board was 15 percent for the coal industry—almost three times higher than the guideline. The record of the Price Commission has been similarly dismal. In the face of a 2.5 percent guideline for price increases, the Commission has approved increases as high as 4.93 percent—almost twice the permissible level. Wage and price controls so far seem to have been ignored more than they have been followed—even by the boards set up by the Government to administer them.

Second. The world monetary and trade crisis is still critical, despite all of the efforts of President Nixon and Treasury Secretary Connally. The quarter just reported has shown the worst balance-of-payments deficit in U.S. history. This year we will have a trade deficit for the first time since 1893. Trade barriers with Common Market nations have suddenly sprung up.

Nations with which we have a net balance of trade surplus complain that the 10-percent surcharge is unfair.

Worse still, our inflated dollar is becoming so overvalued in relation to other currencies that many of our friends are insisting that it be devalued.

Third. Worst of all, however, is the dangerous course the Federal Government has taken in recent years—spending far more money than it receives in taxes. More than any other factor, Government deficit spending has caused inflation.

This policy has caused the national debt to surge $120 billion in the last 10 years. The interest alone Uncle Sam must pay on this debt is $19 billion. That amounts to $1½ billion a month, or $40,000 every minute of every day. No wonder your share of it is so high. In fact, the interest on the national debt is the largest item in the Federal budget except for defense.

Is the situation hopeless? Is runaway inflation a certainty?

Of course not. We have the means to control it. We need only the will to employ them.

Price and wage disciplines are necessary. But the discipline most needed and most lacking is fiscal—Government spending policy. If we are to be successful, we must adopt a responsible Federal fiscal policy.

To control inflation we must live within our budget as a nation, and pay our bills out of current income. Keynesian economic theory—spending more than the government takes in in taxes—may make sense to theorists; but it certainly does not make political sense. Even Lord Keynes always maintained that each budget deficit must be offset with a budget surplus of equal amount in a subsequent year. But no President or Congress has been willing to produce the offsetting surpluses because of the political consequences of cutting Government spending.

We must have a stable economic foundation upon which to build a secure future. To achieve that stability will require some hard decisions. Some worthy projects will have to be delayed. It is this factor, and no other, which has caused me to vote against appropriating millions of extra dollars for some Federal programs.

But the signs all indicate it is unlikely that Government will do anything about inflation unless there is a relentless demand from the people for action. This demand must come from more than just the fringes. It must well up from the great American heartland, the middle class, the small cities and towns, from suburbia, from farmers and bankers, from small businessmen. It must ring loud and clear, and not let up until steps are taken to stop inflation.

Unfortunately, 90 percent of the letters I get ask for more Government spending, not less.

AN INCIDENT OF ENVIRONMENTAL REJECTION UNDER THE GUISE OF ENVIRONMENTAL PROTECTION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Jersey (Mr. SANDMAN) is recognized for 15 minutes.

Mr. SANDMAN. Mr. Speaker, I consider it my duty to bring an extremely disturbing report into the Chamber today concerning an incident of environmental rejection under the guise of environmental protection.

It is an example of how the legitimate concern we all have for the quality of our environment can be exaggerated into an instrument of awesome power and backward public policy.

And I fear, Mr. Speaker, that this incident that occurred in my State of New Jersey on Wednesday is the first volley of what may become an all-out war on private property rights that could bring even the most orderly and environmentally sound developments around the Nation to a screeching halt.

Because I know these remarks will otherwise be misunderstood, I must point out for the record that I take a back seat to nobody in terms of my long personal and legislative record at both the State and Federal levels to restore and protect the quality of our environment.

At both levels of government, I have been recognized as a leader in the fight against pollution and for the orderly and ecologically sound development of our land. No Member of Congress has devoted more time in this fight than have I—even before it became fashionable. My efforts to end ocean dumping are widely known. All of the Green Acres referendums to preserve open spaces in New Jersey have had my support.

The Garden State's valuable wetlands must be protected and I have been among the leading advocates of that. In fact, one third of Cape May County, N.J., where the Anglesea project is located, is wetlands, generally referred to as the Great Meadows. The irony of it all is that the project's site occupies about five acres that would be marina area. On the opposite side of the highway is the Great Meadows comprising untold thousands of acres that is properly planned to remain in its virgin state. The city of North Wildwood, in which municipal bounds the project is located, has rigidly zoned this area for marine use. The city, because of its abnormally high cost of beach erosion protection, needs the additional $10 million of ratables involved in this project. The mayor, the council, and as far as I know, every resident in the city of North Wildwood favors this project.

We do not preserve anything when we allow a polluted stream to remain polluted. There is nothing beautiful or natural about it. To the contrary, good conservation practices include dredging in some cases to reopen up a free flow of water.

And, Mr. Speaker, we gain nothing by "leaving in its natural state" a rat-infested former city dump when private interests who own the property are willing to transform it into a beautiful marina.

New Jersey is one of those states that has gone off the deep end in some of its efforts to protect the environment. Some of the actions taken by the State have been positive and have my full support. But many other decisions and actions have not only been ill-advised, but they have been detrimental to the planned and healthy growth of a great State.

The chief executive of the State has declared a statewide moratorium against dredging Many areas of that State should not be dredged—the great meadowlands should certainly be preserved in their natural state, cleaned up if necessary.

But how in heaven's name can it be wise in any practical sense to inflict upon an entire coastal State such a moratorium against the improvement of all lands by hydraulic dredging. It can not be.

And while such a moratorium on dredging along all 200 miles of New Jersey coastline is in effect, the Governor unveils his own scheme to convert the Hackensack meadows into the sports palace of the East.

That plan to develop the Hackensack meadows will require an exemption from the moratorium on dredging. Correspondingly, where dredging can make an improvement, other exemptions must be granted providing dredging to be done would not have any adverse effects on the surrounding environment.

In my district, Mr. Speaker, there is a terrible eyesore, commonly known as the North Wildwood city dump. It is adjacent to a lovely development where similar land was converted into beautiful houses, a shopping center, and a motel-restaurant complex, all carefully planned with all environmental considerations in mind and all overlooking the Hereford Inlet from the Atlantic Ocean. This development, known as Anglesea Beach Colony, is across the road from the world-famous Zaberers' Anglesea Inn.

The Anglesea Beach Colony Co. has already invested some $5 million into beautiful improvements on the adjacent land. This has not only beautified the area, but it has restored the land, provided homes, recreational entertainment, and convenient shopping facilities, thereby improving the economy of the entire area.

The Anglesea Beach Development Co., in May of 1971, applied for a permit from the New Jersey Natural Resources Council and produced evidence of a $10 million mortgage supporting a $10 million plan of additional construction. This would supply more than 200 winter jobs in Cape May County, where the unemployment rate reaches 16 percent seasonally, highest in the State of New Jersey.

After waiting for more than 3 months for action by the State, the company contacted me to try to help expedite a decision so that constituents who needed those 200 new jobs and hundreds of others involved in various supply and service businesses could go to work.

The plan would have transformed the ugliest part of the dump into a beautiful new marina. What was to be dredged to make the marina would not have been wetland, but merely debris from the landfill. And this substance was to be deposited on the other dry land to build it up as underfooting for the buildings to make them safe against flooding, as required by flood insurance regulations. The entire cut was to be bulkheaded and protected all of the way around. No possible sewerage problem existed because city sewerage is available. In fact, the treatment plant is close by.

In midsummer, the Federal agency involved, the Environmental Protection Agency, issued its prompt and favorable recommendation that a permit be issued for the project "with the stipulation that the dredged areas be extended to and made part of existing waters of the same or greater depths."

Continuing to flounder about on the matter through numerous monthly meetings and despite pleas from me and many others to act with dispatch, the council finally flatly rejected the entire project on Wednesday, December 8, as being detrimental to the environment.

Incredible as it is, Mr. Speaker, to this moment, not a single shred of proof or justification for the charge of any adverse environmental effects of this proposal has been presented. Not a shred.

In fact, for the third time, I traveled all the way to Trenton from the Capitol Wednesday in anticipation of some sort of decision. That final decision was voted upon Wednesday—the result was a 4-to-4 tie with only eight of the 12 council members present.

Mr. Speaker, not only is this a severe blow to the Anglesea Beach Colony, the city of North Wildwood, Cape May County, and to the thousands of tourists who would enjoy the new facilities at Anglesea every summer, it is a severe blow to the economy of my district.

Furthermore, and perhaps as important on the overall picture, yesterday's incident in New Jersey is a crushing setback to the credibility and rationality of those in whom we place trust to protect our envirnoment. This agency is entrusted with the highest authority, not only in the issuance of permits such as referred to in the Anglesea case, but it is also entrusted with the handling of riparian rights and riparian grants and other such interests as the State may have in the tidal lands throughout the State. Some of the members of this board are fully qualified for such authority. Unfortunately, others on this board are not. Consequently, in a State that has a population of 7½ million people, this board can arbitrarily stop, as it has done in the Anglesea case, billions of dollars worth of promotion and development. The New Jersey board meets only once a month. On more than half the occasions between May and December of this year, it failed to have a quorum to conduct business. It has a backlog of similar matters that, for the most part, have been untouched throughout the calendar year.

Mr. Speaker, it is time the Nation recognized that we can go overboard on any effort, just as New Jersey's council has unquestionably done on the Anglesea Beach Colony case.

To be critical of anything done in the name of the environment these days, whether right or wrong, is tantamount to heresy or even treason in the eyes of some. And it is supposed to be suicide for a politician.

But I am being critical of Wednesday's decision in Trenton. And though it may be too much to expect, I think responsible environmentalist groups and leaders should investigate this matter and join me in condemning the decision because it casts doubt on the credibility of the entire cause.

I have written a formal letter of protest in strongest possible terms to New Jersey Commissioner of Environmental Protection Richard J. Sullivan, the full text of which I ask be reproduced in full in the CONGRESSIONAL RECORD.

And finally, Mr. Speaker, I am urging all public officials at all levels of government to be alert against the possibility that for whatever reason they may have, a group of perhaps well intentioned persons might gain a foothold of such awe-

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some power elsewhere and be legally able, in the name of protecting the environment, to bring progress of society to a standstill.

As demonstrated so cruelly in this Anglesea case in New Jersey, it is possible.

My formal letter of protest follows:

WASHINGTON, D.C.,
December 10, 1971.

HON. RICHARD J. SULLIVAN,
Commissioner, Department of Environmental Protection, Trenton, N.J.

DEAR COMMISSIONER SULLIVAN: Enclosed herewith is a copy of an address I delivered on the Floor of the U.S. Congress today on a subject of an extremely serious nature—so serious in fact that I am alerting the entire Nation so that others might act now to prevent such an incident from ever happening in their States.

I take a back seat to nobody, anywhere in this Country, in terms of my long record of personal and legislative efforts to restore and forever protect the quality of our environment. I have fought this fight long before it was fashionable.

However, I must protest in strongest possible terms the four to four vote decision reached yesterday by New Jersey's "Natural Resource Council" in the case of the Anglesea Beach Colony in North Wildwood, N.J.

The Council's denial of Anglesea Beach Colony's development application is the most flagrant example of exaggerated harassment in the name of environmental protection that I have ever seen or heard of.

This unconscionable action vetoes the Colony's well-planned and environmentally careful $10 million transformation of an ugly, vermon-infested city dump into a beautiful place where people could live in harmony with nature.

Of course, I am extremely disappointed with the Council's unreasonable decision on the Anglesea Beach Colony case, but even more distressing is the prospect of similar decisions in the future by a Council that has assumed such awesome power.

As the person accountable for the actions of this Council, you are beseeched to take immediate and appropriate action not only to reverse the Anglesea Beach Colony decision but to prevent such unwarranted action from ever occurring again.

I want you to know that the facts of this matter are being sent to the Governors, Attorneys General, Legislative leaders and environmental officials and agencies of all 50 States plus Federal lawmakers and others to serve as an example of the danger of backward public policy.

I am reminded of the motto of one of the Nation's most constructive environmental organizations—the Sierra Club. You should paint it in foot-high letters on your Council's wall: "Not blindly against progress, but against blind progress."

Very truly yours,

CHARLES W. SANDMAN, JR.,
Member of Congress.

LEGISLATION TO EXCLUDE PERSONNEL RECORDS OF DISTRICT OF COLUMBIA POLICE FROM PUBLIC RECORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, I am today introducing legislation to exclude the personnel records of officers and members of the Metropolitan Police Department of the District of Columbia from public records.

In recent months the need for this legislation has become clear. I can recall at least four different occasions when the home address of a police officer has been reported in the press following an arrest or police slaying.

I would ask the question, what purpose does the publication of the police officer's home address really serve insofar as the news story is concerned?

Further, the numerous slayings of policemen around the country, as well as in the Nation's Capital, are enough of a problem with which to cope without subjecting the lives of the policeman's family to danger as well.

This information leak cannot be attributed to the Metropolitan Police Department as Police Chief Jerry Wilson has issued orders that no officer's address is to be released. Further, he has established an agreement with area newspapers by which an officer's address will not be printed.

Obviously, there are loopholes in this procedure otherwise we would not be reading the addresses of police officers and their families in news stories.

One such loophole is the existence of title 4, section 135, paragraph (3) of the District of Columbia Code which includes police personnel records in those records which are designated to be open to the public. This provides any interested party an open door for access to this information.

The bill which I am introducing today would strike police personnel records from this provision of the District of Columbia Code.

Two recent incidents spell out dramatically the problems which result from the publication of these home addresses.

Just this past weekend we read of the incident on South Capitol Street, leading into my congressional district, in which two off-duty District of Columbia policemen became involved with occupants of another automobile who opened fire on the two policemen. One of the officers was wounded by the gunmen and then dragged to his death by their automobile.

In reporting the incident, the news stories included the address of the dead policeman's nearest relatives in this area. I am told that during the course of the weekend the family was so harassed by the press that they would have moved from their home had they been able to.

The harassment is magnified one hundredfold when an arrested individual or his friends and relatives attempt to intimidate the officer's family.

Such might have been the case as the result of an incident which occurred last April 9. On that day, a Metropolitan Police officer answered a false policeman in trouble call and became the target of a premeditated ambush by two youths whom he and another officer had arrested the previous week. The police officer was able to escape the assassination attempt with minor wounds.

While he lay in the hospital under protective guard, the police officer's home address was printed in an account of the attack in one of the major Washington dailies. In this case, particularly, such a publication might have resulted in further tragedy. Is it not likely that those who set the original ambush for this officer might attempt to levy their wrath on the innocent family members of the attacked officer?

Disaster, however, was averted in that the address released was one from which the officer's family had very recently moved. Had it been correct, however, the ending might have been tragically different.

The two assailants in this case had coldly planned the officer's death, and certainly were not beyond attacking this family when their initial plan failed. The assailants remained at large for 4 days—days which were immeasurably fear-laden for the members of that police officer's family.

I am hopeful, Mr. Speaker, that committee action on this bill can be taken with dispatch. It is an urgent, life-or-death, matter for the police officers and their families in the Washington metropolitan area.

Finally, Mr. Speaker, I am also preparing legislation to amend the Freedom of Information Act, Public Law 85–619, to afford the same kind of protection to Federal law enforcement officers.

I include my bill to remedy the District of Columbia situation in the RECORD at this point.

H.R. 12191

A bill to exclude the personnel records of officers and members of the Metropolitan Police Department of the District of Columbia from public records

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 389 of the Revised Statutes, relating to the District of Columbia (D.C. Code, sec. 4–135), is amended by striking out "(3),".

FOOTBALL AND TV BLACKOUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, the growth of professional football in the last decade has led to unprecedented job opportunities, expanded fringe benefits, and a steady rise in salaries for the more than 1,400 players of the National Football League, with millions of fans enjoying the games at home and on television.

This did not come about by accident, and I have always felt that one of the great attractions of professional football is the tremendous identification that fans at the games have with football and which not only comes across in the stadiums but comes across to the millions of viewers who watch on television. I do not ever want professional football to become just a TV sport as has happened to other sports.

No phase of National Football League operations appears to be more misunderstood than the league's so-called blackout practice. Much of the current comment suggests that it is misunderstood both as a legal proposition and as a matter of business practice. The practice is nothing more than the practice of not televising locally the same games being played locally.

I would like to include in the RECORD at this point for the attention of my fellow Members of Congress the position of the National Football League with regard to this practice. As former president of the American Football League Players Association for 5 years and cofounder of the association, I always felt that there was great need for better communication between management and the players. Not only is that important but there is an even greater need for communication with Members of Congress and the public at large.

To that end, Mr. Speaker, I think this paper will be very helpful in laying to rest some of the myths about TV blackouts, this little-understood but extremely vital aspect of professional football's operation.

The article follows:

TV "BLACKOUTS" AND THE NATIONAL FOOTBALL LEAGUE

The Legalities. Although statements to the contrary are common, the blackout practice did not originate with the 1961 Congressional Act (Public Law 87–331). Nor did it acquire its legal justification under that Act. The practice has been followed by the member clubs of the League since the earliest days of television.

During the 1940's and 1950's, each NFL member club individually negotiated its own television arrangements with television interests. In 1950, one member club, acting under a guarantee of gate attendance by a TV sponsor, undertook to telecast its home games within its home territory. The decline in the club's stadium attendance (despite a championship season) was so marked that the sponsor bore a severe financial penalty. No NFL club has followed the practice of televising its home games into its home territory since.

No known principle of law requires them to do otherwise. The two clubs participating in a local football game have no more obligation to make their own entertainment event available on free home television in the area where the game is being played than do the producers of any other form of entertainment. The producers of motion pictures do not; those responsible for performances at the Kennedy Center, at the Washington Coliseum, and at the National Theater do not. The practice is wholly without antitrust implications, since it has nothing to do with competition among the member clubs of the League.

In 1951, the Department of Justice instigated a thorough court review of the NFL's television practices (see *U.S.* v. *N.F.L., et al.,* 116 F. Supp. 319 (1953)). Throughout this litigation, neither the Court nor the Department of Justice ever questioned the right of the member clubs of the NFL not to offer locally the same NFL games being played locally.[1] Indeed the Court's decree specifically provided that the clubs participating in any game could agree "that such game shall or shall not be broadcast or telecast" and on "the terms and conditions under which the rights to broadcast or telecast such games shall be sold."

In 1961, Congress enacted Public Law 87–331. This legislation was in no way directed at any phase of the National Football League's traditional "blackout" policy. The legislation had been requested by the League because it felt that team balance within the League required that each member club have equal access to television facilities and derive approximately equal revenue from television. Legislation was required for the simple reason that the earlier Court decree assumed that the NFL member clubs would continue to sell their television rights individually.[2] In enacting Public Law 87–331, Congress wanted to insure that the new joint sale authority granted to the NFL was not employed by the NFL member clubs to bring about a general reduction in their home TV programming or the transferral of their games from standard broadcast facilities to pay-TV facilities. Congress therefore added the present Section 2 of the 1961 Act. That section was intended to do nothing more than to restate the League's already established blackout rights and to confirm the member clubs' traditional practice.

Some five years after the enactment of this legislation, the NFL member clubs agreed voluntarily to waive their legally established rights with respect to *outside* game telecasts being brought into another member club's home territory when the home team was playing at home. The clubs recognized that this "modified lift" policy would have some impact on gate attendance among the weaker teams of the League. It was felt, however, that the popularity of NFL football had risen to a level where a partial relaxation of the NFL's former "blackout" policy was feasible and that home territory fans of professional football, including those who could not obtain access to tickets for the games of their home team, should be given the privilege of viewing other NFL games on Sunday. Accordingly, under the League's present practice, home territory fans today regularly have access to two other NFL telecasts when a home team is playing its game at home and to three NFL telecasts when the home team is playing away and bringing its own home game back on television into its home territory.

The "issue" therefore is not a "blackout" issue at all. The issue is simply *which* NFL game is to be televised in *which* area on what occasions. For Congress to intervene to tell the producer of a form of television entertainment when and how its programming is to be present would, to say the least, be unprecedented.

The Business Aspects of the Practice. The practice is neither arbitrary nor the product of greed. It derives from the conviction, shared by all member clubs, that television is a useful adjunct to stadium attendance but that it should not be permitted to become a substitute. The heart of professional football still rests with fans at the stadium. Professional football is determined not to follow the path of professional boxing—with contests being staged in small and half-empty arenas before vast television audiences.

Generalities about percentages of League-wide stadium capacity on any particular Sunday have no practical significance. Only a handful of NFL clubs are assured of stadium sellouts in advance of the season.[3] Most do so only rarely or do so only with respect to particular games. Many clubs achieve sellouts on an individual game basis only at the last minute through ticket sales occurring right up to the moment of kick-off. Others offer last-minute standing room where conditions permit and the demand is exceptional.

If any NFL club were to televise its home games locally, it would have to do so on the basis of a pre-determined and publicly announced policy. Good faith with its ticket-buying fans requires this. It would be the height of bad faith to solicit ticket sales and thereafter announce to the public that the game would be offered on free home TV.

If a team announced in advance a policy of televising its home games locally whenever a sellout had been achieved, the effect on ticket sales would be wholly unpredictable. Holdbacks on ticket purchases would be the order of the day, as fans attempted to predict sellout possibilities, team standing, and even weather conditions on a seasonal basis or on a game-by-game basis. Season tickets would be sharply reduced in value, as every fan would know in advance of the season that he would either be able to obtain tickets to each game on a last-minute basis or be able to view the game in the comfort of his own home.

Few clubs would want to experiment with the dramatic impact that guessing games of this character could have on gate attendance. Nor would knowledgeable stadium authorities, almost all of whom have their rental income based on a percentage of gate receipts.

The suggestion that local telecasts of home games would actually benefit the member clubs financially is a rather remarkable one. It proceeds on the assumption that the member clubs either do not understand their own business or that they are, for no rational reason, stubbornly resisting the opportunity to advance their own financial interests.

But the opposition of the member clubs to local telecasts of their home games is not limited to the potential effect on ticket sales. It is also based on the clubs' desire to preserve professional football principally as a stadium spectator sport. The clubs do not want adverse weather conditions or poor standing of the local team during the latter part of the season to result in home games being played in half-empty stadiums even where sellouts have been achieved. How many Redskins fans might have made last-minute decision not to attend the Redskins home opener with the Houston Oilers (played during and after twelve hours of steady rain) if the game had been available on local home television? Can any opponent of the League's present policy actually say? And what of the circumstances in other League cities offering a less dramatic return of the home club to its home city?

Lastly—a factor quite ignored by those pressing for mandatory home telecasts of home games—any enforced revision of the NFL's present practices would totally disrupt all phases of professional football's television planning and programming. Indeed it would be questionable whether the League could rationally conduct contract negotiations with any network on such a basis.

[1] As might be expected, the Court and the Department were concerned solely with anti-competitive agreements among the member clubs. The Court and the Department directed their attention solely to agreements among the member clubs not to telecast *outside* games into another member club's home territory (a) when the home team was playing a game at home, and (b) when the home team was playing away but bringing its own game back on local television into its home territory. On these issues, the Court concluded that the first prohibition was entirely reasonable because of the potential impact that *outside* game telecasts might have on the home team's gate attendance but that the prohibition against outside games being brought into a member club's home territory when it was not playing a game at home was unreasonable, since the effect of such prohibition was simply to limit home territory television competition among the member clubs of the League.

[2] At that time, other sports leagues, including the then American Football League, the National Hockey League, and the National Collegiate Athletic Association, were already selling the television rights of their members jointly to networks.

[3] It is an error to assume that ticket sale conditions in Washington, D.C. are characteristic of the League at large. In most NFL cities, ticket sales increase or decrease from game to game and from season to season based on the anticipated performance of the home team, the drawing power of the visiting team, weather conditions, or other local factors. In 1970, for example, sellouts were not even achieved for all the divisional play-off games (played in home towns of one of the participating teams). One NFL Super Bowl game was not even sold out—largely because of speculation as to the possibility of a local telecast of the game.

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With the expansion of the NFL to 26 teams, it no longer became feasible for the NFL clubs to limit their Sunday afternoon games to the broadcast facilities of one network. Moreover the use of a single network would have sharply curtailed the volume of professional football home telecasts previously offered to the public. Accordingly, the League now makes use of two networks on each Sunday during the NFL regular season with one network telecasting the games of the teams in the National Conference and the other network telecasting the games of the teams in the American Conference.

As an illustration, when the Redskins are playing at home, a local NBC affiliate regularly offers a directly competitive American Conference game on television and a second nationwide telecast of another NFL game usually follows (on either CBS or NBC depending on the West Coast home game schedules, time differences, and other factors). Each network also has the obligation to carry each road game of each of its own Conference teams back to the home city of the away team on a regional basis, regardless of time factors or other conflicts.

If both networks had the obligation to vary these patterns on the basis of last-minute ticket sale factors, total confusion would be produced among the networks, their local broadcasting affiliates, their network and station advertisers, and the corporation supplying the network cable facilities. Even the local TV listings would be unreliable guides. An additional game telecast would be injected into each home territory broadcast picture on the basis of factors wholly unrelated to television. This enforced third telecast would be carried on a different network and on a different broadcasting station in substitution for or in direct conflict with other game telecasts already scheduled. No television sponsor, no network, and no local broadcasting station would know in advance what cable facilities were required, what broadcast time could be offered for sale to sponsors, what the television competition for such broadcast would be, or what market coverage or audience ratings could be anticipated. Reproduction of these circumstances in twelve of the country's major metropolitan TV markets on each Sunday would transform the purchase and sale of NFL television time into an exercise in speculation.

These are among the many reasons why the NFL's present practice—which is not a "blackout" practice at all—is entirely reasonable. Even outsiders with knowledge of the facts have come to accept the full propriety of this NFL member club policy.

THE FUROR OVER PRESIDENT NIXON'S VETO OF THE EXTENSION OF THE ECONOMIC OPPORTUNITY ACT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the furor that has begun over President Nixon's veto of the extension of the Economic Opportunity Act gives us some indication of the priorities for the President's critics. It appears their priorities will not be good legislation based on principles well thought out in committee hearings and fully debated. Rather, the 1972 Democratic hopefuls seem to want headline-oriented bills written to win the support of powerful pressure groups—regardless of the ultimate effect on the average taxpayer.

As a supporter of both the concepts of legal services to the poor and child care, I applaud the President's courage in vetoing the poverty bill extension. I could not bring myself to support the bill that passed the House because I feel that it could not do successfully what it promised to do. And if our Nation has learned anything from recent Democratic administrations, it is that we should not promise what we cannot deliver—or would deliver so poorly that it sets the stage for wasteful scandal.

It might have been politically expedient for President Nixon to embrace this bill, laud the pressure groups that pushed it through, and herald a new day for America. After all, next year is an election year—and this program wouldn't really be rolling until after that election. But what about after that?

Instead, the President looked at this bill closely and found provisions that no responsible administration could countenance. The child care provisions should never have been included in a "poverty" program in the first place. Those provisions are aimed at plowing new ground in the education and medical care of all the Nation's youth and should have been subject to the most exhaustive study before implementation. Potentially, this vetoed bill would have set up 40,000 new offices around the nation to run a new kind of sophisticated day-care center—but the coordination would have been from Washington—not locally or at the State level. To thus ignore existing local structures in education, health, and so forth, in setting up a new $2 billion program is no way to treat 54 million younger citizens.

President Nixon has expressed his support for improving the health and education of our Nation's preschool youth. But he was clearly right to insist that it be done through decent legislation that would provide for sound administration. It now remains to be seen whether the Congress will rise to his challenge.

NATCHER—NATURALLY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 5 minutes.

Mr. GRIFFIN. Mr. Speaker, the records of the Clerk of the House of Representatives disclose that Representative WILLIAM H. NATCHER has a perfect voting record.

Representative NATCHER was sworn in as a Member of Congress on January 6, 1954, and has never missed a rollcall vote since he has been a Member of the House of Representatives. During this 18-year period thousands of rollcalls have been held. A perfect voting record, Mr. Speaker, of course, is not the sole test of a good Representative, but clearly indicates that our friend, BILL NATCHER, believes that we should all stand up and be counted on each issue.

On July 16, 1963, Ralph R. Roberts, then the Clerk of the U.S. House of Representatives, directed the following letter to Representative NATCHER:

JULY 16, 1963.

Hon. WILLIAM H. NATCHER,
House of Representatives,
Washington, D.C.

DEAR MR. NATCHER: After a careful check of your voting record from the day that you were sworn in on January 6, 1954 to the present date. I hereby certify that you have never missed a Yea and Nay vote on legislation from the 83rd Congress 2nd Session through July 16, 1963 of the 88th Congress as follows:

83rd Congress 2nd session, 76 yea and nay votes.
84th Congress 1st session, 76 year and nay votes.
84th Congress 1st session, 76 yea and nay votes.
85th Congress 1st session, 100 yea and nay votes.
86th Congress 2nd session, 93 yea and nay votes.
86th Congress 1st session, 87 yea and nay votes.
86th Congress 2nd session, 93 year and nay votes.
87th Congress 1st session, 116 yea and nay votes.
87th Congress 2nd session, 124 yea and nay votes.
88th Congress to 7-16-63, 43 yea and nay votes.

Total, 891 yea and nay votes.

The above shows that you have a perfect Voting Record on Legislation. I know of no other Member who has a comparable record.

Sincerely yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

The letter directed to Representative NATCHER from the Clerk of the House, Ralph R. Roberts, includes that period from January 6, 1954, to July 16, 1963. Since that time the Clerk of the House has, at the close of each session of Congress, directed a letter to Representative NATCHER indicating that he has answered every rollcall vote. The last letter was received from W. Pat Jennings, Clerk of the U.S. House of Representatives, dated January 7, 1971, and is as follows:

JANUARY 7, 1971.

Hon. WILLIAM H. NATCHER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NATCHER: After a careful check of your voting record, I hereby certify that you were present and voting for all roll calls and were present for all quorum calls during the Second Session of the Ninety-first Congress.

With kind regards, I am

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

During the first session of the 92d Congress, which is now coming to a close, BILL NATCHER has not missed a vote.

Mr. Speaker, as you know, Representative NATCHER is a member of the Committee on Appropriations, serving as chairman of the District of Columbia Budget Subcommittee; No. 2 on the subcommittee that appropriates the money for the Department of Labor and the Department of Health, Education, and Welfare, and No. 2 on the subcommittee that appropriates the money for the Department of Agriculture—Environmental and Consumer Protection.

Mr. Speaker, I commend my friend, BILL NATCHER, on this outstanding and excellent voting record.

MANKIND SERVED IN LIFE'S WORK OF DR. MARK HOLLIS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, some men walk with giant strides.

Their lives leave an imprint for ages to come. Such a man is Dr. Mark D. Hollis.

It seems only fitting and proper that a tribute to him should be delivered in these pages of the journal of the Congress, for Dr. Hollis is one of the great men of our time and his record of service to mankind in public health has never been excelled.

I wanted to make these remarks because of the regard I have for the Hollis family. They are distinguished and proud, and in making this tribute to Dr. Hollis here today, I want to express a note of gratitude to each of them for their contributions.

You see, Dr. Hollis was for 30 years a commissioned officer with the U.S. Public Health Service, for 15 of those years the Assistant Surgeon General of the United States.

He continues a proud tradition begun by his father, Dr. Mark D. Hollis, Sr., a medical doctor, who was a commissioned officer with the U.S. Public Health Service from 1909 until 1932, and carved out an enviable record of service in his own right. His mother's maiden name was Anne Tharpe, a music teacher.

Both parents were Georgians and there is a strong tie of love and loyalty in the family for this great State.

Four sons were born to this union.

Howell T. Hollis retired 2 years ago after a fine career of service with the athletic department of the University of Georgia.

William Mercer Hollis is a distinguished man and Mason, member of the supreme council of the Scottish Rite, a past grand master of Masons in Florida, and serves as the vice president for the Publix food chain. Might I add, a very warm personal friend.

Mark was the third of the sons, born in Buena Vista, Ga., on September 24, 1908.

Jeff F. Hollis decided on a military career, retiring as a colonel after a distinguished record which included the Battle of the Bulge in World War II.

The family moved around as the father was given new assignments. There were four high schools in four States, including a 2-year stay in China, 1910–12, when Mark was 2.

The family lost Mrs. Hollis in 1922 and the father carried on. He was a man whom his sons greatly admired and their lives are perhaps the greatest tribute that he would have wanted for remembrance.

Dr. Hollis attended the University of Georgia where he received a bachelor of science degree in civil engineering in 1931.

The University of Florida conferred a doctorate degree in 1956.

Most people, when they hear his name and know of the Public Health Service, think that he is a member of the medical profession. Rather, he is a distinguished engineer and is a member of a corp of dedicated men who serve the Nation and world in fighting disease far beyond what most people realize.

After his graduation from undergraduate school, he worked with the Rockefeller Foundation before joining the Public Health Service in 1933.

The U.S. Public Health Service at that time was the fifth of the Nation's uniformed services, a little known fact. Later the Air Force was added to that number of the Army, Navy, Marines, and Coast Guard.

The President dictates the use of the Public Health Service in wartime—President Wilson using the Service as a Corps in the Army and President Roosevelt splitting its service as the need dictated among the various services. That work was in tropical diseases, critical in the Pacific campaign, and some environmental programs.

Dr. Hollis has a basic belief that there are no failures in research. His first work with the Rockefeller Foundation was research on typhus fever in Alabama where there was a large epidemic at that time.

The cause, after much study and failure, was that this was a rat borne pestilence coming from parasites or tick feeding off of the rat. The job then became one of getting rid of the hosts.

When DDT came into being, it was found to be highly effective in controlling rats and literally ended typhus fever in military areas in the United States.

His career has been varied and exciting, working to eradicate disease and water pollution. One of his projects was the first study of what happens to sewage in waterways and the resulting pollution.

A stint in North Dakota developed the State's environmental structure from a health department of two people.

In 1938, he was assigned to Cincinnati where the Army Engineers were just beginning to build impoundments. Here the work was in developing multipurpose uses for the impounded waters, work which set the stage for such use over the Nation since that time.

Dr. Hollis left Cincinnati at the beginning of World War II to come to Washington to work in development of defense related activities.

This set the stage for a move to Atlanta to specialize in eradication of tropical diseases—vital to the war effort as tropical diseases were a major threat to our fighting forces in the Pacific.

Perhaps the man he has most admired in his professional career was the late Dr. Thomas Parran, Surgeon General of the United States. Dr. Hollis calls him one of the greatest men who ever lived and his career was greatly influenced and encouraged by Dr. Parran.

Dr. Hollis retired from the U.S. Public Health Service in 1961, with the rank of rear admiral.

For 15 years he was Assistant Surgeon General, Chief Engineer, with the rank of major general.

Since 1961, Dr. Hollis has served with the World Health Organization—first as Chief Engineer in Geneva, Switzerland, and now is retiring as Chief Engineer of the Pan American Health Organization, Washington, D.C.

In his 40 years as a public servant, Dr. Hollis has made outstanding contributions to the development of programs, both national and international, in the field of environmental engineering-science.

In essence, his philosophy has been to anticipate impending developments in technology so that the strategy of public-health practice would rely less on corrective measures applied after outbreaks of epidemics or other health-related disasters and more on the ability to predict and control the future security and well-being of a changing society.

Repeatedly, this policy found practical expression in his participation in reorienting the National Institutes of Health toward investigation of basic biological and environmental phenomena, his role in extending the center in Atlanta beyond malaria eradication to a broad program of preventing communicable diseases, and his influence in encouraging the center in Cincinnati to encompass all environmental stresses in its investigations.

His early concern with the unrestricted discharges of heavy metals, as basic biological threats, have been vindicated by recent history, and his present predictions of environmental changes, from the tropics to polar regions, now have the attentive ear of health authorities.

During the war years, Dr. Hollis directed war-related programs in tropical diseases, giving special attention to malaria, dengue, endemic typhus, and filariasis. He was a central figure in the planning and establishment of the U.S. Public Health Service's Communicable Disease Center in Atlanta, Ga., and served as its director.

In 1947, Dr. Hollis served on the three-man committee established by Surgeon General Parron to plan expanded research facilities for the National Institutes of Health. Dr. Hollis was essentially responsible for the establishment—1952—of the USPHS Robert A. Taft Engineering Center in Cincinnati, Ohio.

His major contributions have been as a developer and administrator of health-related programs, with emphasis on emerging social, political, and economic trends and on forecasting—and effecting corrective or remedial means to meet—the impacts of advancing technology.

Dr. Hollis was awarded the Distinguished Service Medal in 1961 for his work in the Public Health Service.

He is a fellow in the American Society of Civil Engineers, a founder of the American Academy of Environmental Engineers, and a member of numerous boards and commissions, both national and international.

Dr. Hollis is past president of the National Malaria Society, past president of the Water Pollution Control Federation, director of the National Sanitation Foundation, and a life member of the COA, APWA, and CSS.

In the spring of 1967, Dr. Hollis was honored by election to membership in the National Academy of Engineering and is presently serving on several NAE committees.

His numerous publications have gone beyond technical literature—including a cover article on air pollution in the U.S. News & World Report. This article, appearing in 1958, forecast the air-pollution situations we are now experiencing.

In the early 1950's, Dr. Hollis spoke out strongly about the growing significance of chemical pollutants in the environment. His views have also received coverage in other media, including the daily press, radio, and television.

Who's Who in Engineering, Who's Who in America, and Who's Who in the World are among the several publications con-

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taining biographical sketches of Dr. Hollis.

Having made so many decisions in life, Dr. Hollis is correct in his belief that the best decision he ever made was in being fortunate enough to meet a lady named Virginia Houchins, of Gaithersburg, Md., and to win her hand.

From this union came two beloved children, Mark, Jr., who teaches in the Montgomery County school system in Maryland, and a daughter, Mrs. Virginia Ann McKenzie, of Rockville, Md.

Dr. and Mrs. Hollis are the proud grandparents of Mark's daughter, Shelley, and Virginia Ann's son and daughter, Mark and Bebe.

His has been a great career. I take great pride in saluting a distinguished American and worthy representative of a truly fine family.

SHIPYARD FOLLIES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, the following article appeared in that respected publication, the Wall Street Journal this morning. It documents many of the fears that many of the Members of this body and the other had when the decision was made to give the entire shipbuilding program of the Navy to one shipyard. As a Congressman representing the district which includes the world famous Fore River Shipyard in Quincy, Mass., I cannot help but call the attention of the American taxpayer to the gross waste and inefficiency which had resulted from this decision.

It also bothers me deeply that at the very time that the historic Fore River Shipyard is faced with the imminent possibility of closing because of a lack of orders after October of 1972, that there should be a backlog of $3 billion worth of Government contracts in one yard which is already over a year behind schedule.

Mr. Speaker, Massachusetts contributes more than its fair share of tax revenues to our Federal Government. In view of the tremendous importance of Government spending to the economy of whole areas around this country, it seems to me that some of the wealth could be spread around a little bit better, a little more equitably, and a little more efficiently than it has in this instance. The results would not only have made better economic sense, but better business sense and better sense for the security of our Nation. If the article is even remotely accurate in its reporting, then it seems to me there is every justification for Congress to look into the situation firsthand so as to avoid such extravagant mistakes again in the future.

The article follows:

[From the Wall Street Journal, Dec. 9, 1971]

SHIPBUILDING SETBACKS—DELAYS, PROBLEMS AT A NEW SHIPYARD RAISE FEARS THAT NAVY'S FLEET MODERNIZATION MAY BE DELAYED

(By Richard J. Levine)

PASCAGOULA, MISS.—The Austral Envoy is a hard-luck ship.

Still at the shipyard more than a year after it was to have been delivered, the 30,000-ton container vessel has been dogged by trouble since Litton Industries Inc. started work on it. Many of the 240 steel sections of which it is composed didn't fit quite right. After the ship was launched in June, its 520-ton deckhouse sagged nine-sixteenths of an inch; bulkheads below buckled. One of its cargo holds was too shallow. Its anchor didn't work right. The ship is three inches shorter than allowed in contractual specifications.

"I think I've seen everything *not* to do in shipbuilding done on that ship," says John MacInnes, the Federal Maritime Administration's construction representative at the Litton yard.

For months now Litton has been busily fixing those things that can be fixed. But the sorry saga of the Austral Envoy still has a lot of top Washington officials worried. For it is the first ship built at Litton's highly touted new automated "shipyard of the future" here on the Gulf Coast—a yard that has a backlog of nearly $3 billion in Navy work and a plethora of problems ranging from management turnover and manpower shortages to late deliveries and shoddy workmanship.

Unless solved quickly, these problems threaten serious financial and technical trouble for two of the biggest shipbuilding projects in Navy history. They are the building of five amphibious assault ships (known as LHAs) the size of older aircraft carriers and designed to carry combat-ready Marines, and the building of 30 fast 7,000-ton destroyers (known as DD–963s) that will replace World War II warships.

REASON TO WORRY

Setbacks on the LHA and the DD963 would surely hurt Litton, produce new congressional probes into "Pentagon mismanagement" and jeopardize the Navy's extensive plans for fleet modernization. Problems with the destroyer project would be especially embarrassing, since the Pentagon, over the strong objection of many lawmakers, insisted on building the ships at a single unproven yard in hopes of saving money.

Litton and Navy, officials maintain that the "startup problems" that plagued the Austral Envoy are rapidly being overcome and that the Navy programs are in good shape.

Rear Adm. Charles Payne, the Navy's shipbuilding supervisor in Pascagoula, says the slippage on the LHA, already a year late, "has mostly occurred" and that the DD963, slated to go into production in January 1973, is "on schedule." (In Washington, one gets a slightly different destroyer status report: Navy officials say the program is currently two months behind schedule but that this won't delay production.) And while Fred O'Green, Litton's energetic executive vice president, admits the new yard still has "a lot of problems," he insists: "We're doing just great."

Others—in Congress, the Maritime Administration, the shipbuilding industry and the Navy itself—aren't so sure. Despite recent signs of progress here, the general view among outsiders is that vastly improved management—as well as a bit of luck—will be required to get the yard "debugged" fast enough to avoid problems on the Navy work.

Sen. Margaret Chase Smith, the Maine Republican who sought the $2.1 billion destroyer contract for a home-state company, has charged that "as time goes on" the DD963 program has the earmarks of "another C5A scandal." Though there's obviously a bit of political hyperbole in that statement, a Navy insider, who believes Litton "bit off more than they can chew," is worried. "All the evidence seems to point to trouble," he reflects. "Maybe Margaret is right." Federal Maritime Administrator Andrew Gibson views the yard's start-up woes as "far more severe" than normal. "Layman or nonlayman, you have to have some concerns" about the future, he says.

CONCEPT STILL SEEMS SOUND

Significantly, the problems at the yard, known as Litton Ship Systems, haven't brought into question the basic soundness of its advanced assembly-line concept. Financed with a $130 million Mississippi state bond issue, the 18-month-old facility is radically different from conventional shipyards, where vessels are built in one piece from the bottom up.

Here, as in the most modern Swedish and Japanese yards, ships are constructed in relatively small assemblies and sub-assemblies. Already fitted with piping, electrical wiring, machinery, boilers and other equipment, these sections are then fastened together in giant "modules" that weigh thousands of tons. Finally, the modules are "mated" to form the complete ship. Litton believes the facility, designed for large-scale production, will be able to produce higher-quality ships at lower cost than conventional yards.

Thus far, however, Litton has found the new techniques easier to describe in slick, multicolor brochures than to execute. And Mr. O'Green concedes that Litton will lose a substantial amount of money on the $20 million Austral Envoy, built for Farrell Lines Inc. of New York; he won't say how much.

The main problem seems to have been people—at the top and at the bottom of the organization.

At the top, where Litton has been accused of having too many former aerospace executives, there has been considerable turnover. The president of the yard, Robert Roderick, was replaced last month by Mr. O'Green, and a general manager was named. Earlier this year two key executives in the shipbuilding program—Ellis Gardner, senior vice president, and Harry Gray, senior executive vice president—left the company.

CHANGE IN ATTITUDE

Mr. O'Green's decision to run the yard himself, at least temporarily, pleases federal officials. In the past "we tried to give them guidance but were completely ignored," says a Maritime Administration man. "Since O'Green, the attitude of management has turned about 180 degrees."

Today Litton officials, reviewing the mistakes made on the Austral Envoy, believe they should have moved into the new modular construction techniques more gradually, building a greater portion of the ship by conventional methods. During and after a quick walkthrough inspection of the Austral Envoy Mr. O'Green and others discuss these troubles.

Many steel plates were cut too short, a major reason the sections failed to fit together smoothly. This means a lot of steel had to be scrapped and new pieces cut, adding to the cost of the ship.

Complicating the problem, some steel beams were welded in the wrong place, something one yard official blames on "inexperienced people." In some cases, others say, instructions on "work packages" weren't clearly written and proved difficult for employes to follow.

Asked about the most spectacular failure—the sagging superstructure—a vice president of the yard replies bluntly: "We just goofed." Somehow, six steel beams that help support the deckhouse were left out during construction, and the mistake wasn't discovered until too late. To correct the sag, the entire superstructure has had to be jacked up and the missing beams inserted.

"Bad engineering" and "bad castings" produced an anchor that now sits improperly in the "anchor bolster," a device designed to keep the hoisted anchor from damaging the hull when the ship is under way.

SECOND SHIP LOOKS BETTER

Most of these problems have been corrected, but there's nothing to be done about those missing three inches in length. Yet Litton officials assert it isn't much of a mistake anyway. Specifications allow shipbuilders some leeway—6.68 inches in the case of the 668-foot Austral Envoy—but the ship turned out to be nearly 10 inches short, or some three inches beyond the margin for error.

Missing inches and sagging superstructures are a thing of the past, Litton officials insist. They say quality control has been improved and the yard is benefiting from a "learning curve"—aerospace argot for experience. Indeed, independent observers confirm that a second ship (of four) being built here for Farrell is turning out a lot better.

In the long run, however, the toughest problem confronting Litton here is likely to be recruitment and retention of the large, skilled labor force required for the giant Navy projects. There now are 5,200 workers at the new yard, and plans call for expanding the work force to 12,000 by the spring of 1973, when the LHA will be well into production and the destroyers will just be starting.

It won't be easy. At the moment, the yard has 1,800 fewer employes than specified in an energetic recruitment drive. Litton attributes the shortage largely to the impact of a recent month-long strike, low pay scales under an old labor contract and inadequate housing in the Pascagoula area.

Yet officials remain optimistic, contending that a new labor pact signed early last month will prove an important asset. With the increased wages the new contract provides and the huge backlog of work, "what we're promising (prospective workers) is long-term security," says Ben Borne, vice president for industrial relations at the yard.

From management's perspective, perhaps the most important feature of the new contract is the clause allowing the company to assign work without regard to traditional craftlines. This flexibility, it's hoped, will enable Litton to make the most efficent use of the assembly-line, modular construction techniques.

As the company moves into full swing on its Navy contracts, it has another important asset—its Ingalls nuclear shipbuilding yard, just across the Pascagoula River from the new yard. Ingalls has been in business since before World War II, enjoys a good reputation for conventional shipbuilding and employs 8,500 workers.

Programs as well as workers have already shifted between the sister yards. With the Farrell Line ships way behind schedule, last May Litton moved construction of four ships for American President Lines to Ingalls. It's hoped this change will ease pressure on both Navy programs.

But there is also a drawback. The new yard will have less experience when it undertakes LHA and DD963 production, and this has not gone unnoticed within the Navy. "We're not guaranteed the mistakes (on the Farrell ships) won't recur," says Rear Adm. Nathan Sonenshein, head of the Naval Ship Systems Command in Washington. "But we're hopeful the bugs will be worked (of the yard)."

The LHA and DD963 delivery schedules are considered "damn tough"—though possible—by Litton officials.

The first LHA, whose keel was laid on Nov. 15, is due to be delivered in April 1974, 12 months late. Litton says numerous design changes and coordination problems with the Navy caused the delay. The Navy won't discuss the situation because, with a penalty clause in the contract for lateness, it will be a subject of intensive Navy-Litton negotiations next year.

Those talks will also involve the size of the government payment due Litton as a result of the Navy's decision to reduce the LHA program to five ships from nine. The cancellation cost could run as high as $109.7 million. The reason given last January for the LHA cutback was "overall Navy reductions," but the suspicion lingers that Litton's unforeseen start-up problems had something to do with the decision.

The first DD963 is scheduled for delivery in October 1974, and starting with the 10th ship Litton is obligated to deliver one destroyer a month. Navy officials are heartened by the fact that the engineering design work is, according to a key admiral, "essentially on track." Another good sign for the Navy is that Litton has let subcontracts totaling $573 million.

The current price tag for the 30 destroyers, including government-furnished equipment, is $2.71 billion, or $90.5 million apiece. The constantly rising cost of labor and material, covered by an escalation clause, will drive that up further—and late delivery would inflate the bill even more.

If this happens it won't be easy for the Navy to cut back the number of ships in the program. Under the cancellation clause, it could cost the government $335 million to back out of the deal for ships 10 through 30.

THE NEED FOR RECOMPUTATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the President of the United States has made it very clear that he wants an "all volunteer force" of active duty personnel to maintain our national security during peacetime, supplemented by a strong Reserve Force in the event that contingencies should break out which will exceed the capabilities of the Active Forces.

In other words he proposes to maintain adequate Active and Reserve Forces in the future in a zero draft environment.

Many of us have questioned the capability of the Defense Department to do this, but all of us concede that it is worth a try.

For it to succeed requires new incentives for both the Active and Reserve Forces. These incentives must be genuine and strong by motivating if they are to have an effect.

In the light of this premise, with which I believe we all must agree, I have read the President's Interagency Committee's Report to the President recommending a new retiring law with surprise bordering on shock.

Let me give you some highlights of this proposed plan.

First, I should report to you the objectives that the committee states are necessary. I quote—

The non-disability retirement subsystem has two general objectives: management effectiveness and just treatment of members.

Under the caption of "Just Treatment" of its members the committee states—

Provide, after many years of faithful service, some degree of financial security that is understood, guaranteed, and protected against the inroads of inflation.

Let me point out to the Members of this body that this is precisely what our forefathers in the Congress did over 100 years ago when they passed the first Military Retirement Act and included the principle of recomputation. When the Congress in concert with the Executive in 1958 and again in 1963 broke faith with the military and rescinded this law it shook military personnel and their families from stem to stern. How then can they be persuaded to assume that anything in this new plan can be accepted as "guaranteed"?

I say to the Members that the only way in which confidence can be restored in the minds and hearts of the members of the military services to the point where they can accept any kind of retirement plan as a "guarantee" is to return to the principle of recomputation.

The committee then goes on to say that there are three primary reasons for changing the retirement system. These three reasons are said to be: it is inefficient; it creates inequities among members; it has a high and increasing cost.

The charge of inefficiency is a sweeping generality not supported by facts and contradicts the University of Michigan study which was made several years ago for the Senate.

The charge that it creates inequities is true. Of course it does—but the source of the inequities created, is the elimination of recomputation from the law. A restoration of recomputation would erase these inequities at once.

As for cost, any retirement system which will be attractive will be costly. To reduce the emoluments will not only break faith again but will also reduce the attractiveness of a military career.

Now, let us look into the the DOD proposals.

The first is to increase the multiplier in computing the retired pay of older longer service retirees from 2½ percent to 3 percent for each year of service from 25 through 30 years and from 0 to 2 percent for each year of service from 31 through 35 years.

Mr. Speaker, in the course of the many years that I have spent on the Military Appropriations Subcommittee it has been my privilege to meet and to know literally hundreds of generals and admirals in the services. They are of the highest caliber and have my deep respect and admiration. Generally speaking, these men want to stay on active duty beyond their mandatory retirement dates. They want the opportunity to do so more than they want further incentive.

From the standpoint of retention needs or management effectiveness the administration proposal is invalid and serves only to place these high ranking officers on the retired list with even higher pay at the expense of the relatively junior officers and the enlisted men.

The second proposal is to reduce the retired pay of younger, shorter service retirees by an age and length of service formula which will reduce their retired pay by 2 percent per year for each year that the retiree is under the age of 60. The reduction will be lifted at age 60. The retired pay of those with less than 25 years of service will be reduced by 2 percent for each year the retiree will be under the age of 55. The reduction will be lifted at age 55.

This is a shocking proposal. The rationale for it is based upon a desire to retain military personnel past the 20-year point. This premise is false. The great majority of the officers who retire with 20 years of service are forced into retirement by the attritive provisions of

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the promotion laws to maintain the pyramidal structure of the officer grades in the several services.

Let us take the case of a young man who graduates from the Air Force Academy and enters into a professional career in the Air Force. At this point, he has two important incentives. The major one of course is a full career, culminating in his attaining general officer rank. The other, is the knowledge that there will be attrition and a certain percentage will be forced into retirement at the 20 and 26 year, but if this befalls him, he has a retirement income that will see him through at this critical time in his family life.

Our young man has turned in a good performance, but in the competition for selection to the grade of lieutenant colonel, he is not among the best qualified. Due to the inexorable provisions of attrition, he is forced into retirement upon completing 20 years of service.

The provisions of this new proposal will reduce his retired pay by 2 percent per year for 18 years or, by 36 percent, until he reaches the age of 60.

There are other provisions relating to the active forces which I will not take up on the floor other than to say that they are already provided for in law today.

With the all volunteer force concept a goal and the consequent reliance upon Reserves make it imperative that Reserves also be given strong incentives; yet most of the proposals for Reserves will result in lower retired pay for them due to a computation based upon pay scales in effect upon transfer to the Retired Reserve instead of when they are transferred to the retired list with pay.

The proposal also limits medical coverage of champus for Reserve retirees.

For both active and Reserve personnel pay scales for retirement purposes would be based upon the average of the highest 3 years of pay. The purpose is baldly to cut down on the amount of retired pay drawn. It could result in a lieutenant colonel retiring on the pay scale of a major.

There are some good provisions in the Reserve retirement proposals but in every respect the retired pay accruing to the reservists will be reduced.

Mr. Speaker, time prohibits me from going into all aspects of these proposals. There are those who feel in it may be termed a general's bill and an admiral's bill for they profit most by its works.

We should not attempt to reduce the retirement rights of our military to the level of either civil service or private retirement plans. They are based on entirely different requirements for service. The rigors of service life, the family separations, the overtime without pay that is constantly required, the rigid discipline, the different judicial code under which they live, the fact that they must face attrition at an early age and the overriding factor that they place their lives at the service of their country puts them in an entirely different status that demands better not equal or worse treatment.

Mr. Speaker, the security of our Nation is in the hands of its military personnel, Regular and Reserve. This money-saving crown of thorns must not be pressed down upon their brows. After the holidays I intend to offer legislation which will retain the splendid retirement system designed by our forefathers in this Congress, which has passed the tests of time for over 100 years, and return to these splendid men and women the principle of recomputation which is their right.

SOUTH AFRICA IN A CHANGING AFRICAN SCENE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the South African Scope of November–December 1971, contained a comprehensive statement on the Republic of South Africa which tells much that is not known about the efforts of that fine country toward a better understanding with its neighbors. The article is written by Dr. C. P. Mulder, South African Minister of Information. We will do well in the United States to try to understand the objectives and efforts of this nation which has been a constant and dedicated friend of the United States. Dr. Mulder's article follows:

[From the South African Scope, November–December 1971]

SOUTH AFRICA IN A CHANGING AFRICAN SCENE

We live in a changing world and Africa is, especially since 1960, a fast-changing continent. Independence was given to many African countries. In some of these countries stability and gradual growth in different spheres, were the fruits of this step. In many other African countries the whole system collapsed, and after a period of chaos, riot and civil war, order is gradually returning. Leaders came and went—but in this whole process, Africa was adapting itself to the new changed situation.

The African continent woke up after its sleep of many centuries—the young giant was looking around in the world of the twentieth century asking himself what part he was to play. During this period of adaptation, many ideas, concepts and systems of the previous period were evaluated in the light of new circumstances. Some were totally rejected, others maintained or reformed to fit into the African concept according to the customs and demands of Africa. In many African countries this process is still continuing.

The fact of the matter is that the continent of Africa is finding its own feet and rightful place in the Third World. The nations of Africa are preparing themselves to play their part.

South Africa not only sincerely wishes them well, but also claims to be part and parcel of the awakening Africa, doing its share in its own way to assist African countries where ever possible and by guiding the nine African nations within our boundaries to full independence and sovereignty, and full participation in international affairs.

South Africa claims to be one of the first African countries to obtain full independence, after its long history of colonial government.

We in South Africa have chosen Africa as our one and only fatherland at a time when many European countries still regarded Africa as a dark and backward continent. Mr. Chairman, more than two centuries ago we accepted the names Afrikaners, and called one of our official languages, Afrikaans, in this way permanently binding ourselves in love and loyalty to the continent of Africa.

By doing this we became really and truly Africans, white Africans, more than two centuries ago. And this we still claim to be today. Africa has treated us well, and we will serve not only South Africa, but also Africa to the best of our ability.

Far from being left behind, or shunted aside, South Africa has been in the very forefront of the changing African scene. By virtue of her political stability, economic vitality and general capability, she has been able, and willing to provide the friendship, support and assistance of which many emerging African countries obviously stand in need. South Africa believes that she can make, and has already made, a valuable contribution to the development of other African states and to the peace and security of Africa.

South Africa has repeatedly stated that she is at all times prepared to help, as far as is practically possible, other African states to help themselves. She does not believe in give-aways or hand-outs or assistance with strings attached. The aid given must not impair the self-respect of the country concerned—this is the only way in which lasting, long-term development can take place in Africa.

Co-operation must be on a basis of equality; it must be based on the recognition of the sovereign independence of states. Nigeria for example, will surely and rightly not be prepared to allow South Africa to tell her how to deal with her domestic affairs. In the same way South Africa has the right to solve her problems in her own way. But still these two countries could co-operate in solving mutual problems of Africa. Only on this basis there can be constructive co-operation and true friendship between states despite possible differences in domestic policies.

Surely, the United States of America, does not agree with the domestic policies of Russia or Red China, but that does not prevent her from co-operating with Russia in the space program, or playing ping-pong in Peking. It is interesting that both President Pompidou and Mr. Heath emphasized that membership of the Common Market did not mean the disappearance of essential properties of sovereignty.

This is exactly the basis for South Africa's approach to multi-national development in South Africa itself as well as in respect of the economic inter-dependence of the states of Southern Africa. This should also form the basis for co-operation between all African countries. Israel, as you know, has made it clear that she is willing to co-operate with her neighbors, but only on condition that the Hebrew character and identity of Israel were not endangered.

The South African nation, for its part, is prepared to co-operate with its immediate and more distant, neighbors, but it is not prepared to sacrifice its political-cultural identity. We believe in self-determination of nations and equality of people. That is the reason why we are assisting the nine black nations in South Africa to achieve sovereignity and full independence. And we have gone a long way towards success. All of these nations have progressed considerably since 1959. Many black leaders have come forward to speak of the sincerity and integrity of the South African government's attempts, not only to assist them to obtain a better standard of living, but also to obtain political freedom. And may I remind you Sir, that this is all being done without any foreign aid or assistance.

We believe that these nine nations must become sovereign independent states in their own right, exactly as free as Ghana, Nigeria, or the United Kingdom, with full membership of the United Nations if they so desire. We also believe that they are entitled to maintain their own way according to their own wishes in their own geographical territories. To achieve all these ends we are not only offering them a helping hand, but are encouraging them as far as possible.

At the same time we also believe that the South African nation is similarly entitled to self-determination and the maintenance of its own identity in exactly the same way.

My Prime Minister has proved himself to be prepared to meet fair requests for greater realism in racial matters in South Africa as far as possible. We know him as a very practical man, who is prepared to face the realities of life. He has stated quite clearly that separate development is not a denial of human values, but that it flows from the acceptance of human values.

For this reason he has quite often spoken out and acted to ensure that the dignity of all people in South Africa remains intact.

He is also a courageous man who is prepared to bring about changes, if and where necessary, and even face criticism and a break away from his party, as happened in 1969, when he believes it to be in the interest of South Africa.

But, if we are asked to change certain laws and customs in South Africa—laws and customs which may be unpopular according to world opinion, but which are devised to prevent friction among the different nations and to maintain and protect the identity of the South African nation, then the world is asking too much. The reply must, and will always remain: "No, we are not prepared to sacrifice our identity as a nation in our own right, or our future, to satisfy the demands of world opinion."

It is true that for a period of time, feeling between South Africa and Black Africa was being whipped up by our enemies to an explosive pitch, and the impression created that racial tension in Africa was rising towards breaking point. And let us face facts: some of our more unscrupulous critics have quite obviously been relishing the prospect of a racial explosion. That, after all, was what they had consistently prophesied, and they were obviously not prepared to be disappointed in their expectations.

That Black Africa could display a measure of understanding of our particular situation and resultant policies instead of presenting an allout intractibility and hostility, was not apparently regarded as within the bounds of possibility. Time is proving that a racial confrontation in Southern Africa is not necessary. And the South African Government, of which I am a member, certainly does not believe it to be necessary. In fact, we have never believed that it was inevitable.

We believe that there is diversity in the unity of God's creation on earth. We believe that there are well founded differences between people, which do not make them superior or inferior to one another, but distinctly different from one another. These differences, if not guided carefully with tact and wisdom, will cause friction and may even flare up in war and bloodshed. These differences may be in religion as in India and Pakistan, or in Northern Ireland. These differences may be in language, as in Belgium, Switzerland or Canada. These differences may be in color and race as in the United States. These differences may be in culture and custom as it is found in countries like Nigeria, Somalia, Ethiopia, Kenya, and others.

These differences have nothing to do with superiority or inferiority, but they cannot be ignored. It is a plain matter of fact, to be accepted and handled with great care, diplomacy and wisdom in order to prevent friction and revolt.

In South Africa we have a combination of all the differences mentioned above, i.e., religion, language, color, race, culture and customs. It must therefore follow that South Africa has more potential for strife and friction than most countries of the world. And yet I make bold to say that very few countries can equal South Africa's record of peaceful co-existence, stability, economic growth and high standard of living for all its peoples comparatively speaking. May be that is the reason why we have to have check points on our borders, not to prevent people from breaking out, but to prevent people from illegally entering South Africa to find employment and a higher standard of living. And Sir, I have never heard of free people voluntarily trying to slip into a police state (as South Africa is often made out to be) to be suppressed and belittled. We firmly believe that in the fullness of time, common sense and rational thinking will prevail over misunderstanding, emotion and, in some cases, downright ill will.

What has encouraged us in this belief more than anything—have been the good and improving relations we have long had with the Black nations in South Africa as well as in our immediate proximity; with countries like Malawi, Swaziland, Lesotho and Botswana.

Dialogue with the Black people of South Africa takes place every day. Perhaps I must mention for example that since January of this year, full delegations of at least three Black developing nations in South Africa, went to Cape Town and had official discussions with my colleague responsible for Bantu Administration and Development, as well as with our Prime Minister. Round table conferences took place and matters of mutual interest were discussed at length. Press interviews were arranged after these meetings and Black leaders spoke out clearly on this dialogue between the South African Government and Black developing nations in our midst. Subsequently the leaders of the Vendas and the North Sothos had official discussions with the Prime Minister in June this year Mr. Wessel Mota, leader of the South Sothos at Witzieshoek, visited Pretoria to negotiate, while Chief Gatsha Buthelezi, the leader of the Zulus, who has just returned from a visit to the United States, had discussions with Mr. Vorster shortly afterwards.

According to my information Mr. Kaiser Matanzima, Chief Minister of the Transkei, Chief Lucas Mangope, leader of the Tswanas, and Chief Buthelezi of the Zulus will visit Europe later this year, and will be able to speak for themselves on the future relations between their countries and South Africa.

Political leaders from independent states such as Botswana, Swaziland, Lesotho, Republic of Malagasy, Mauritius and Malawi visited South Africa recently and fruitful discussions took place.

Our previous Prime Minister Dr. Verwoerd, started the dialogue with our neighboring Black states when he had discussions with Prime Minister Jonathan of Lesotho in September 1966. Mr. Vorster has continued and extended this practice and even paid a visit to Malawi last year. Mr. Banda will reciprocate later this year when he officially visits Pretoria as Head of State of Malawi.

These people after all know us best, and if they can see sincerity in our intentions, it is possibly just a matter of time, or of opportunity, before other states in Africa gain a more realistic insight into what we in South Africa are trying to do. Our friendship with these neighboring states has not remained purely a matter of exchanging courtesies and civilities; it has assumed in many cases a concrete form. Realising that they are developing states that have had to come to grips with various development problems, we are doing what we can to assist them.

Assistance has been given in the form of for example famine relief, supply of electricity, provision of health and welfare services, signing of trade agreements to ensure markets for agricultural produce, the planning designing and constructing of various projects, and the provision of low-interest loans, while the private sector in South Africa has been responsible for the opening of hotels, factories, plants and works, as well as the construction of railway lines and the building up of a physical infra-structure.

I can mention numerous further examples of definite assistance to these and many other African countries, but do not wish to ponder this aspect, as it may, perhaps cause embarrassment to some of these states.

The degree of economic and other co-operation between South Africa and her immediate neighboring states is far advanced. These states not only form a customs union with South Africa, but also a monetary union.

The Republic provides employment for a large percentage of their labor force, as also a ready market for their produce. Directly and indirectly they benefit from the South African infra-structure such as transport, harbors, power grid, communications, health services, industry and technology, and research institutions in virtually every field of activity.

From this secure basis of friendly relations with our immediate neighbors, we are now reaching out towards an extension of the friendly areas in Black Africa, and the past year in particular has brought significant developments.

There has been, first of all, a closer relationship with a number of these countries. Trade Missions have been exchanged and official visits were paid by leaders and ministers for the purpose of discussing the co-operation and assistance, technical and otherwise, that South Africa would be able to render.

In Maroh this year, Dr. Muller, our Minister of Foreign Affairs, speaking on a motion in the South African Assembly approving the Government's policy of friendly relations and co-operation with other states in Africa, said that "hardly a week passed without South Africa having discussions with states in Africa."

A week or two later, our Prime Minister, Mr. John Vorster, in the course of his press conference made it clear that he would not only welcome a dialogue with Black African leaders but that such a dialogue could well include a discussion of the policy of separate development. He said:

"I will welcome the opportunity to discuss it with everybody concerned for the simple reason that more nonsense has been written and spoken about separate development than about any other subject that I know of. I will make use of the opportunity to explain what separate development is, that it is not what people think it is."

The Prime Minister has made it clear that South Africa is prepared to discuss any matter affecting peace and prosperity in Africa with other leaders in Africa on a basis of equality.

Late in April the President of the Ivory-Coast, M. Felix Hophouet-Boigny made a statement advocating direct talks with South Africa, and calling on other African leaders to follow him.

This forthright statement, taken in conjunction with views expressed by other African leaders such as Prime Minister Busia of Ghana, President Bongo of Gabon, President Banda of Malawi, President Tsirinana of Malagasy and Prime Minister Jonathan of Lesotho, signals a new attitude in Africa.

This is not to say that one should expect radical achievements in the short term. There are bound to be set-backs, disappointments, hindrances. A great deal of hard work and patience from all concerned lie ahead. Nevertheless there is good reason to believe that we are entering a new era.

I believe that the future of Africa has to be decided and determined in the first place by its own peoples; by Black and White African states.

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The United Kingdom has played its part in Africa in the previous decade, and so have France, Belgium, Italy, Germany, Spain and other countries. In future most of these countries will be mainly interested observers with indirect interests while we will be direct participants.

We have a duty towards Africa, more so than towards any other continent on the globe.

To return to the general topic of South Africa playing its part in a changing Africa, which is the main theme of this address, South Africa is well equipped appreciably to assist its neighbors and other friendly states in their development. Whatever people may say about South Africa, they cannot deny its economic pre-eminence on a continent which has always battled to make its way, a continent where poverty, ignorance and disease have flourished far better than have high living standards. In South Africa, taking into consideration all the challenges and moods of an ever changing Africa, a modern technostructure has been created on, and out of, the African soil. This benefits not only the black and white nations in South Africa, but also many African nations further afield.

The facts of South Africa's economic position in Africa are well known to you. She accounts for 40 per cent of Africa's total industrial production and 45 per cent of the mineral output. She produces the bulk of the continent's steel, coal and electricity; she possesses half of all Africa's motor vehicles and telephones, and also carries half of all Africa's railway freight. Then, with a total foreign trade exceeding $2.8 billion per annum, South Africa ranks high among the world's leading trading nations.

South Africa's Foreign Trade figures for 1969 provide some very interesting reading. South Africa's imports from Africa amounted to R111,000,000 which puts Africa fifth after the United Kingdom, the United States, Western Germany and Japan, while the export figure of R255,000,000 puts Africa second only to the United Kingdom.

My country can, and will, if the goodwill and co-operation between ourselves and the rest of Africa are forthcoming, make a contribution to the continent's development and welfare.

We have, after all, already achieved for the developing nations in South Africa, excellent educational, medical, housing, transport and employment facilities and conditions.

I believe in the future of the African continent. It has the natural resources, it has gold, coal, diamonds, platinum, antimony, vanadium, chrome, asbestos, manganese, iron, copper, uranium, oil, it has vast open spaces which can be developed, it has the vegetation, the timber the water, the climate—but above all, it has the human resources, people, Black and White, who really love Africa and are prepared to play their part in developing this vast pioneering continent. Even if it took many years, Africa may well become the continent of the future.

I do think it is essential now that South Africa and Black African countries talk with one another, that we understand one another, and accept one another. Once we get to know more about one another, understanding and acceptance will follow. No doubt there are aspects on which we can criticise one another. We in South Africa do not regard ourselves as being above criticism; as a matter of fact, we have made mistakes in the past and we will make mistakes in the future, because we are human and therefore fallible.

Similarly, other nations, in Africa, and elsewhere, have policies which we feel quite able to criticise, should we feel so inclined. Negative criticism and condemnation will take us nowhere. But if we are prepared to accept one another's bona fides, we in Africa shall be well on our way towards peaceful and beneficial co-existence.

Then I think we in Africa will be able to come face to face with the real problems of our continent. Then the different ways in which different countries run thier own domestic affairs, can be regarded as relatively insignificant compared with other challenges facing Africa. Then we shall all realise that we are wasting time and energy critisizing one another, and that we should rather provide for the real needs of Africa which are better education, more health facilities, bigger economic development, improvement in the field of agriculture, further industrial expansion, better housing and improved living conditions for all.

Then we shall also realise that the real danger is communist infiltration—whether it be Russian or Red Chinese, and that we should forget our small squabbles and differences and create better understanding amongst African countries.

In the light of this, South Africa's formal offer of non-aggression pacts with African countries, proves our bona fides, and offers the possibility to form a common front to combat communist infiltration.

These are the real problems facing us in Africa, and in this gigantic project, South Africa shall try to play her humble but very essential part.

NATION LOSES AN ABLE REPORTER

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, we are all saddened by the death of an able man no matter when it comes, but when a man in the middle of an active and useful life comes to an untimely end because of a cruel accident, we are deeply shocked. The loss of Frank C. Porter, The Washington Post economics and labor reporter, is deeply felt by many. I am among those, for I had the privilege of knowing Frank when he covered legislation emanating from the Ways and Means Committee. Frank had the knack of unraveling the most complicated economic issues and stating them in simple and understandable terms.

Because the Washington Post article of December 9 about Frank is not only an account of Frank's many abilities, but because it is an inspiring story of how a man makes the best use of his talents, I would like to have the article inserted in the RECORD for all Members to read.

The article follows:

NATION LOSES AN ABLE REPORTER

Frank C. Porter, 53, national labor and business reporter for The Washington Post, died yesterday at George Washington University Hospital after choking on food and falling unconscious Monday night at a downtown restaurant.

He was having a business dinner at Duke Zeibert's Restaurant when a piece of steak lodged in his throat. He was temporarily unable to breathe and never regained consciousness.

Mr. Porter was described by his colleagues and competitors and the labor, business and government officials he covered as a master of one of the most complex specialties in journalism.

"Frank Porter was a credit to his profession—a dedicated, honest, careful reporter," said AFL-CIO President George Meany. "He was a fine and decent gentleman. All of us in the trade union movement which he covered so long and so well truly mourn his death."

Secretary of Labor James D. Hodgson said, "The death of Frank Porter comes as a shock to all of us.

"He was a knowledgeable and perceptive reporter. His coverage of the labor and economic scene was characterized by objectivity and fairness. The high level of professionalism he brought to his work, combined with his gracious and considerate manner toward people he dealt with earned him the respect of all of us.

"Personally, he was sharp and incisive, without being biting or bitter. He lightened numerous press gatherings with a warm wit and humor which aptly capsulized a situation.

"Both personally and professionally, he will be missed."

Walter Heller, former president of the President's Council of Economic Advisers, said Mr. Porter's coverage of the national economic scene "was very high fidelity reporting of facts and events it was very hard to reach the essence of; he was superb."

"He came to the job without the necessary background, but he gradually enveloped the field," Heller said. "The rate of growth was tremendous. He became such a perceptive reporter and was so full of compassion and concern about the human elements of economics."

Benjamin C. Bradlee, executive editor of The Washington Post, said, "What can you say? It always sounds so trite and stupid. He was a marvelous man, a marvelous journalist, a fine reporter. You could read his stories and understands what the hell it was all about."

"He was one of the best reporters in town," said Lee M. Cohn, labor reporter for the Washington Evening Star. "I competed with him for many years, and he was always fair and friendly as well as a fine reporter.

"I think he liked the labor part of the beat more because it was a more personal sort of thing with more colorful personalities and events. But he could do anything and do it well. He earned the respect of all his colleagues and of his news sources. We're going to miss him."

Mr. Porter was born on Jan. 16, 1918, in Winchester, Mass. He was graduated from Winchester High School in 1935, attended Phillips Academy at Andover, Mass., the next year and was graduated from Amherst College in 1940.

At Amherst, he sang in the glee club, wrote for the school paper and played both defensive and offensive tackle for the football team.

After graduation, he applied for a copy boy's job at Times Magazine that then paid $15 a week. The slots were all filled, but he was able to sign in as a contributing editor at $35 a week, writing for the People, Milestone, Miscellany, Business & Finance and Books sections of the magazine until May, 1941.

His reason for leaving "Discharged because I was apparently too young and inexperienced for the job and because of imminence of military service."

In December, 1941, he enlisted in the Navy and was assigned to the first class of "90 day wonders" at Annapolis, an emergency program to produce officers for service in the war.

After two years in Washington, he was assigned to the destroyer USS Mugford. He served as communications officer and senior watch officer, surviving a kamikaze attack in the Pacific.

In 1946, he transferred to the reserves as a lieutenant commander. A civilian again, he joined the staff of the Daytona Beach, Fla., Journal and in two years covered "everything but society: editorials, movie reviews, features, substituting for telegraph and city editors."

His reason for leaving in June, 1948: "Low pay and dead-end job; wanderlust, wanted to try my hand at fiction."

He went to Peru. What became of The Novel is obscure, but while in Lima he attended the University of San Marcos for seven months and wrote the Peruvian Affairs section of La Semana, a Time-style weekly published in Arequipa. It folded after seven issues.

Mr. Porter returned to the States in 1949 and in November went to work for the Baltimore Evening Sun, where he worked as a copy-reader, general assignment reporter, feature writer, rewrite man, picture editor and dama critic.

He came to The Post on March 5, 1954. One of the reporters who worked for him while Mr. Porter was assistant city editor was Jean Belle Jones. They were married in 1957. Their children are John King Porter, 7; Laurie Wing Porter, 9; Robert Carpenter Porter, 12, and Stephen Jones Porter, 13.

Other members of the Porter household at 3702 Morrison St. NW have included a host of Latin American students, who have been tutored in English and in American customs and who tried without much success to improve Mr. Porter's Spanish.

Mr. Porter was fond of sailing with the family on their 32-foot, raked ketch, the "Long Gone."

He was a licensed pilot who managed to keep an old two-seater flying when he was making only $110 a week at the Sun.

His kidneys were donated to two recipients at Georgetown University Hospital yesterday, and his corneas to the Lions Club eye bank.

A memorial service will be held at 11 a.m. Saturday at All Saints Episcopal Church on Chevy Chase Circle. The family asks that any contributions be given to the Foreign Student Council of Washington or Amherst College, and requests no flowers.

STRIP MINING: A NATIONAL TRAGEDY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, we must face up to the facts and realize that strip mining has become one of the major environmental problems of our time. Up until recently, most people have thought of strip mining as being a peculiarly Appalachian problem. Representing the largest coal-producing State in the Nation, I can sadly state that strip mining has ripped the guts out of our mountains, polluted our streams with acid and silt, uprooted our trees and forests, devastated the land, seriously disturbed or destroyed wildlife habitat, left miles of ugly high walls, ruined the water supply in many areas, and left a trail of utter despair for many honest and hard-working people. Now strip mining is a national problem, with the land being ripped up and strippable reserves available in 28 States.

It is for this reason that I insert in the RECORD the following article by Miss Louise Dunlap which appeared in the January 1972 issue of Not Man Apart:

WHY STRIPPING MUST STOP

(By Louise Dunlap)

Surface mining is a mineral or fuel recovery process which removes all topsoil, rock, and other strata that make up the "overburden" above the extractable deposit. Strip mining is one of five surface mining processes. The others involve open pit mining (quarry, open cast), auger mining, dredging, and hydraulic mining.

Strip mining employs two methods based on slope. Area stripping, involving a series of trenches or "box cuts", creates miles of giant washboards, and is limited to relatively flat terrain. Contour stripping is practiced on hilly and mountainous slopes, typically over 13 degrees. Contour stripping usually follows the bed along the hillside, creating massive shelves contributing to landslides. The inside of the cuts form "highwalls", often more than 100 feet high. Appalachia alone has more than 20,000 miles of these highwalls. Auger mining may follow contour mining, when the ratio of overburden to the seam becomes uneconomical. At that point, the auger bores horizontally into the seam, sometimes 200 feet into a hillside with the help of cutting heads seven feet in diameter.

STRIPPING BOOM—DEEP-MINE BUST

The coal industry, once a deep-mine industry, is fast on its way to becoming the most extensive and devastating strip mine industry in the nation. Coal first stripped around 1915 constituted 1.5 percent of total coal production in 1920. Between 1920 and 1970, total coal production rose by 6 percent, while strip mine production as a percent of the total rose by 2600 percent.

Since World War II, new technology (power shovels with capacities of up to 325 tons a bite, bulldozers with seven-foot-high blades) and unprecedented electric power generation have been key factors. Stripping is expected to have captured more than 50 percent of total coal production by the end of 1971. Electric power utilities, with a 435 percent rise in coal consumption (1946–1969), are the largest single consumer of coal.

Evidence already exists that deep mining is in competitive trouble. The National Coal Association reports that between 1969 and 1970, while stripping increased by 47,094,000 tons, a rise of 23.9 percent, deep-mine coal production slipped 2.4 percent, or 8,344,000 tons.

STRIPPING OF THE WEST

A recent Bureau of Mines open-file report indicates that strippable coal resources total about 128 billion tons, while strippable reserves approximate 45 billion tons. Total deep-mine coal reserves are estimated at 750 billion tons. Unlike most mining industries, coal has a viable choice to extract deep-mine reserves first. The real riches lie in the west, where 13 states west of the Mississippi contain 77 per cent of the total strippable reserves. Western coal, lying in thick seams, holds approximately 25.5 billion tons of the low-sulfur coal. Wyoming and Montana hold 21 billion tons of low-sulfur reserve.

ENVIRONMENTAL EFFECTS

Although the west, with its vast low-sulfur reserves, is anxiously encouraging an unprecedented coal rush, a variety of sensitive ecosystems are less likely to share in the profit.

Stripping scarred 3.2 million acres by 1965. No official cumulative count has been taken since 1965, but in 1969, the Bureau of Mines reports that 67,000 acres in 22 states were disturbed. If the federal government gives the green light to strippers, 71,000 square miles will ultimately be affected, an area the size of Pennsylvania and West Virginia combined.

Environmental damage is incurred as early as site preparation. Studies abound documenting the known damage wrought in the east. If the site was previously forested, clear-cutting is a prerequisite, other results include permanent damage to the water table by blasting, acid and mineral pollution, tension cracks, spill slippage, landslides, constant cutting-and-filling erosion cycles, siltation, loss of water retention capacities of watersheds, flash floods, reduced storm-carrying capacities of rivers, excessive silt pavements on riverbeds, loss of aquatic invertebrates, loss of oxygen, reduction in spawning, avalanches of rock and mud, houses washed down hillsides, soil sterility, exposed saline sub-soils, exposed and subsequently baked shales in lieu of topsoil, sparse vegetation—rarely consistent with surrounding ecosystem, loss of agricultural and grazing capacities of the soil, artificially induced and highly vulnerable sylvan monocultures. These are but a few of the documented effects of stripping.

SOCIAL COSTS

Social costs of strip mining, like the environmental costs, extend far beyond the aesthetic. In West Virginia, nine out of ten counties with the highest 1969–70 strip-mine production experienced population decreases of 6.25 to 29 percent; average decline, 17.6 percent. Similar population declines have been documented in Ohio and Kentucky with directly proportional relationships to increased strip mining. A study in Ohio, for example, indicates a decline of more than 50 percent in the assessed value of buildings per acre in Belmont County, as well as a decline in assessed value per acre. The Cleveland *Plain Dealer* documented that one coal company grossed $65,000 per acre, paid $17 in taxes and $300 per acre for reclamation. In many cases coal companies, when stripping is completed, either resell stripped lands at a slightly enhanced value if they have fulfilled the technical requirements of reclamation in the state, or donate the land to the locality or state, thus gaining a handsome tax advantage. The on-site and off-site environmental damage is clearly being externalized by the coal industry and passed on to the taxpayer as a social cost.

"RECLAMATION" OR CAMOUFLAGE?

Twenty-six states have enacted surface mining laws. The recently enacted Pennsylvania law is considered the most stringent, with Kentucky and West Virginia laws close behind. But, even in states with the toughest laws, stripping continues unabated, and it is exceedingly rare—certainly the exception—to find any piece of strip mined land devoted to productive use. Existing surface mining legislation has been without exception inadequate in its conception and subject to lax and ineffective enforcement. There is a lack of state land-use planning. No state engages in a systematic process by which certain lands are designated as unsuitable for strip mining and permanently set beyond the reach of strip-mining operations.

Reclamation requirements in state regulations are totally inadequate. The term "reclamation" itself is generally defined, if defined at all, as reconditioning, regrading, occasionally reseeding under an approved plan, with camouflage, not restoration, as a mark of "reclamation." State regulations focus on technical procedures rather than results.

Performance bonds in state regulations do not come near to reflecting the true costs of reclamation. Pennsylvania is the only state with a bond deposit greater than $1,000 per acre, and many states place bond requirements at $50 per acre. Officials in Pennsylvania claim that $250–$500 per acre is adequate for reclamation, but the Peabody Coal Company has testified that it is spending $8,000 to $10,000 per acre at a site in western Pennsylvania. The state of Ohio permits a stripper to substitute reclamation efforts on older stripped land to meet reclamation requirements in lieu of restoring freshly stripped lands.

Most states lack manpower and dollars to carry out even the weakest sections of the

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laws. Wyoming has a grand total of one inspector for all mining operations in the entire state. North Dakota has appropriated only $3,000 for two fiscal years.

Basic to any regulatory strip-mine legislation is the assumption that stripped lands can be "reclaimed." But studies and experience on a site by site basis indicate that "reclamation" typically means camouflage, or "alternate use" and that restoration to at least the original state and potential is almost non-existent. The political and economic influence of the coal industry make strict enforcement, even in states with weak legislation, improbable if not impossible.

SAFETY

A persistent argument used by opponents of a stripping ban is that miners would be deprived of the relatively greater safety of surface mines and condemned to work in more dangerous deep mines. In fact, the poor deep mine safety record is largely a product of industry negligence. The United Kingdom, with three times the deep miners of the U.S., has a fatality rate one-quarter that of the U.S. The specifically named Coal Mine Health and Safety Act of 1969, which begins "The first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner," constitutes a congressional acknowledgement that deep mine operators have been remiss. Its feeble implementation—since 1971 $6.3 million in fines have been assessed by the Bureau of Mines, $5.2 million affirmed, but only $.8 million collected from violators—is continuing evidence of recalcitrance to apply existing technology that could make deep mines safe today. Why the recalcitrance? Deep mine operators are being hard-pressed by competition from cheaper strip mined coal, and cannot stay in business if they spend the money to make the mines safe. The "captive" mines owned by U.S. Steel which has a strong economic interest in avoiding interruption-causing mine fatalities, has a rate of .08 fatalities per million man hours, as compared to the national average of 1.02 per million man hours. Deep mine safety is a matter of economics. Increased strip mine competition will further impede enforcement of the 1969 Health and Safety Act.

BLACK LUNG CAN END

Dr. Lorin Kerr, Director, Department of Occupational Health, United Mine Workers of America, who has studied the relationship of black lung disease to underground coal mine dust levels, reports that 75 percent of underground coal mine dust levels are now below the limit set by law, 3 milligrams of dust per cubic meter. He estimates that 45 percent are already below the 2 milligram level, and that achievement of the 1 milligram limit would essentially wipe out black lung in one generation.

A report on Australian experiences in coal dust suppression by T. M. Clark, chief mining engineer of the Joint Coal Board of Sydney, says that by 1947 black lung compensation was threatening the economic viability of some sections of the industry. "Control measures subsequently introduced have been so successful that the medical branch of the Joint Coal Board now advises that for practical purposes no new cases of pneumoconiosis are being produced." Again, deep mine health technology exists and works. Continued strip mining cannot be justified by citing poor deep mine health records.

THE QUESTION OF JOBS

No one contends that a ban on strip mining would not create a problem of job resettlement. In 1969 approximately 22,000 men were employed in coal strip mines, and 99,000 in deep coal mines. Most strip mines employ skills that are suited to land engineering projects in general: highway construction, housing construction, public works projects—all would be sources of employment that could absorb former strip miners with little or no retraining. The increased demand for deep mine production that would result from a ban on strip mined coal would create many jobs. In 1969 the deep mine productivity average was 15.61 tons per man per day while in strip mines it was much higher, 35.71 tons per man per day. This difference in productivity means the job potential in deep mines is much greater than it is in strip mines. Most deep mines now operate on a two shift, five-day-a-week schedule. While new deep mines would be opening following a ban on stripping, during a 30-month adjustment period, a three-shift, six-day work schedule would provide an additional 150 million tons of coal annually—as well as thousands of new jobs. The Conservation Foundation estimates that 10,000 men could be absorbed by the deep mining industry following a contour strip mining ban. The long term employment potential of the mining industry will be in danger if low-employment strip mines continue to cause the closing of high-employment deep mines. Conversely, a ban on strip mining would create thousands of long term job opportunities for miners.

Another source of new employment could be projects to reclaim the abandoned strip mined lands that the Department of Interior estimates now total 922,500 acres in the Appalachian states alone. Since reclamation involves many of the same skills and equipment used in the original stripping activity, little retraining or capital investment would be required. The job question, then, is a matter of resettlement and training rather than unemployment.

WHAT CAN YOU DO

A tough legislative battle looms in Congress, with House and Senate Interior Committee action expected in early 1972. Support the Coalition Against Strip Mining in its legislative efforts by writing or visiting your Congressman and Senator.

ANOTHER EXPLOITATION OF APPALACHIA

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, exploration for oil and gas in eastern Kentucky has uncovered vast amounts of fuel reserves never before touched. Many of the coal companies associated with the devastating strip mine process have fallen into oil-gas ownership and will once again take advantage of the Appalachian people under the authority of the infamous broad-form deed.

With this unending race for energy sources, the same few people are getting rich and the same masses are getting nothing but devastation, trouble, and heartbreak.

For the benefit of the Members and the public in general, I insert the following article by Mr. Phil Primack which appeared in the November 22, 1971, issue of Nation:

OIL IN THE HILLS—SECOND RAPE OF APPALACHIA

(By Phil Primack)

(NOTE.—Mr. Primack works with the Mountain Eagle in Whitesburg, Ky. He also does free-lance photo-journalism in eastern Kentucky.)

Coal still reigns as monarch in eastern Kentucky, but some blood relatives are quietly moving in. Even while coal production (and injuries) continues at record levels, mostly from the cancerous spread of surface mining, exploration for oil and gas has uncovered a vast and mostly untapped fuel reservoir. In fact, a spokesman for the Kentucky Geological Survey was prompted to note, "Acre for acre, both the gas and oil deposits in eastern Kentucky are of the same order as those of the Louisiana-Texas Gulf coast."

That may be great news for a nation whose power supplies are allegedly dwindling, but for many eastern Kentucky mountaineers it means little more than a new innovation in the delivery of industrial grief. For them, the movement of gas and oil development into their hills and hollows is a near replay of history—somebody from the outside with a lot of money again wants something they're sitting on. Most mountain folks do not control their "material rights," that valuable asset so eagerly sought for "development." Those rights were signed away, usually with an "X," for pennies an acre at the turn of the century when coal company lawyers convinced mountaineers to sign the infamous "broad-form deed." Thrice upheld by the Kentucky Court of Appeals, it gave the purchaser rights to coal, oil, gas "and other minerals" and "access thereto" beneath the surface of the signer's property.

In practice, the broad-form deed cleared the way for massive destruction of the land and the people of eastern Kentucky. Over the years, small coal firms bought or leased mineral rights from the big corporations and began to machine their way through the protests and anger of landholders. "I'm sorry that that's your corn patch, buddy. But this here deed says I got access to the coal (gas, oil, brine, etc.) under it. Now kindly step aside and let my 'dozer through."

With few exceptions, those 'dozers have gone through. A few mountaineers have successfully stood them off with shotguns, but with the courts, law and, ultimately the firepower on industry's side, most people have been sufficiently intimidated to back off and let their homeland be torn apart, getting at best a token payment or pittance royalty in return.

Now, seventy or eighty years after the coal men first arrived, those same tainted documents are being used to suck out newly found oil and gas from beneath the coal. Today, a bulldozer clearing a gash up an eastern Kentucky mountain is not necessarily opening a strip mine; there's a good chance it is clearing the way for a gas transmission line—headed for somewhere like Pittsburgh with another piece of eastern Kentucky.

No one is quite certain just how much oil and gas there actually is. The only truly organized research has been made by the oil and gas firms, and they don't talk. Also, only recently have the larger, better financed firms arrived on the exploration scene.

Nevertheless, even without accurate figures, it is easy to see that a new fuel bonanza is indeed in the making. All you need to do is drive around. Elk Creek and Bull Creek, Millstone and Carcassone in Letcher County, are dotted with wells and pipelines. In Knott County, 6-inch lines run right along Ky. #80. Tanker trucks are parked in Floyd County. Throughout the mountains, occasional 100-foot columns of thick, acrid smoke mark where the excess oil in gas transmission lines is being burned off, to the rage of neighbors.

Truly extensive drilling got under way in Letcher County around 1968. In that year, according ot the annual report of the state's Department of Mines and Minerals, Letcher's oil production was 112,792 barrels. One year later, the figure had more than doubled, to 257,792 barrels. And critics of the state agency contend that, since it relies primarily on voluntary declarations by the industry, annual report figures are probably low.

The jump in oil production is the more significant because, by the industry's own accounts, most of the activity has been for natural gas, with oil an auxiliary consideration for the moment. (That has meant more than $800,000 in "secondary" income to oil and gas firms working in Letcher County alone.)

Oil and gas come up from the ground together. So a cylindrical device called a separator is attached to the well pump. It sends gas directly into the pipelines and moves the oil into large storage tanks on the drilling site. As many as six or seven of these tanks are clustered together on some hillsides; they are emptied daily.

Production figures for natural gas are harder to come by. Says the state's Gas and Oil Division, "These figures are not required to be reported to the Commonwealth of Kentucky (one reason being that the state has no severance tax whatsoever—a mild issue in this year's gubernatorial contest). It is thus necessary to turn to federal records for information. Unfortunately, these are broken down into fuel zones, in addition to states, with no further subdivision, such as counties. Nonetheless, the 1970 Minerals Yearbook of the U.S. Department of the Interior ranks Kentucky twelfth in gas production, with a gross of roughly $25 million. But how much of that derives from eastern Kentucky and how much from the more established western Kentucky field is not specified.

On this point, Kentucky West Virginia Gas Co., one of the most active firms in the mountains, supplies a clue. A company official has said that "as much as 70 to 80 per cent of gas produced in Kentucky comes from eastern Kentucky now." And, according to the Kentucky Geological Survey, total 1969 gas production in the state was 73.5 billion cubic feet.

Kentucky West Virginia has refused to designate the exact sources of its production. "We'll gladly provide area-wide statistics," an official told *The Mountain Eagle*, the Letcher County weekly which first called attention to the new fuel strike, "but not specific county figures." He explained, "We just don't want to give trade secrets away. We're not the only people in the field." There is one specific county figure: at latest report, the company paid less than $18,000 in taxes to Letcher County.

Kentucky West Virginia is not an independent firm. It is wholly owned by the Equitable Gas System, based in Pittsburgh. Equitable's president, J. T. Brown, has high hopes for his stockholders' eastern Kentucky investment. In his 1970 report, Brown mentioned an agreement between his and other firms "to explore the gas producing horizons of the company's acreage in Kentucky." An exploratory well will reach a depth of 12,500 feet, "at an estimated cost of between $550,000 and $650,000." Signal Oil and Gas, a large Los Angeles-based operation, "has the major participating interest."

The real significance of this well, as Brown noted, is that Equitable's "approximately 1 million acres in eastern Kentucky have never been drilled to this contemplated depth." He concluded with elegant understatement, "We are looking forward with interest to the results."

Further evidence of how eastern Kentucky lures the fuel conglomerates comes from the 1970 annual report of the Signal Companies. Among other things, Signal owns Mack Trucks, but despite the immense presence of those road-wrecking vehicles in the Kentucky mountains, it is another Signal subsidiary—Signal Oil and Gas—that is about to move in. Having shed some of its operations, that company, says the report, "is now able to concentrate almost exclusively on the exploration and production of crude oil and natural gas. . . ." It adds, the company in 1970 "continued to improve its acreage position in the southeastern United States—*one of the most promising areas of the country*" (my emphasis).

Within that most promising area, the Kentucky mountains figure high. "Seismic and gravity detail have been completed in Kentucky, where Signal is acquiring a 40 per cent interest in more than one million acres."

The consensus is that the real finds do lie deep, that what has been tapped thus far is the rich frosting. One Letcher County well reportedly made a 40-million-cubic-feet hit at about 7,500 feet. And up in Pike County, Signal Gas and Oil has already drilled that exploratory well to 12,500 feet. No findings have been publicly released.

Dr. Edward A. Wilson of the Geological Survey told the *Eagle* last fall: "Deep exploration in eastern Kentucky is in its infancy. But it's ready to take off." He added that he would "definitely recommend" that oil and gas firms move into the region. They're doing just that.

In many cases, though, the oil and gas operations are appearing in the form of coal companies, quietly completing the energy marketing circle. Congress and others have been alarmed of late by the trend of huge oil conglomerates to buy out coal companies and their reserves. The Senate Subcommittee on Antitrust and Monopoly, chaired by Sen. Philip Hart, conducted hearings more than a year ago to consider "Competitive Aspects of the Energy Industry." Testimony revealed the extent to which oil conglomerates have taken over coal, placing themselves in the position, admirable for them, of owning their competition. Of the nation's top ten coal companies, only two are owned independently. Nearly 20 per cent of all coal produced nationally is at present under the direct control of two oil giants, Continental and Occidental.

Even the laggard Federal Trade Commission which, after all, allowed most of the mergers in the first place, is expressing retroactive concerns. House hearings were begun in the middle of July by a Small Business Subcommittee chaired by Rep. Neal Smith (D., Iowa). Smith is continuing his investigation, probing the monopolistic impact of the conglomerates on small business.

Thus, many of the coal companies associated with eastern Kentucky's bleak history are falling into oil-gas ownership. It means that Appalachian Kentucky, abused for decades by these coal concerns, is being dragged into oil and gas exploitation without missing a scoop. It means that the same few folks are getting rich and the same many folks are losing out—once again.

Some people in the area argue that, as an industry, oil and gas is preferable to coal. Drilling is far less destructive than strip mining and it certainly presents less of an occupational hazard than does coal mining. But very few local people are employed at all by the gas-oil combines; even the scant return offered the region by pay checks for coal is absent.

Further, since the new fuel miners utilize the same infamous broad-form deeds, the private landholders still has virtually no legal or financial redress. The going rate for having a pipeline laid right through your valuable bottomland is $1 a rod—barely 6¢ a foot. If a well is actually drilled on your surface, and it hits a good strike, you may also receive a royalty payment. The catch there is how much and on what. Kentucky West Virginia claims it pays the landowner "one-eighth of the wholesale price of the gas or oil at the wellhead," but people affected report that they've been unable to get any kind of satisfactory settlement, let alone that much (wellhead quantities and values are conveniently determined by the company itself).

Joe and Susan Haynes live down on Bull Creek on the Letcher-Perry County border. Toward the end of 1968 they were approached by a lawyer for Kentucky West Virginia. "The man said they was going to drill a well on our land, and he said they had a right to do that. He promised they wouldn't bring any machinery on the place," Mrs. Haynes recalled. Since then, the Hayneses claim, their best land has been torn up by pipeline and a well, and their creek contaminated, killing some fifty hens who drank from it. "And we ain't yet received a penny," said Joe Haynes.

His wife continued: "Once, two lawyers come back and says they'd leave this paper, like it was a big deal to get our four heirs to sign it. One asked the other what the most they could pay us was, and he says '$60.' I said our boys wouldn't sign for that, for $15 apiece. I burnt the paper when they left."

After that, she said, "they didn't ask us any more," and moved onto the land. Finally, the family was offered "about $300." Joe Haynes, whose black lung prevents him from working, is incredulous that "they can stand there tellin' us that $300 is all we can get for all the damage they done here."

The gas company claims that "in 99 per cent" of their dealings they reach "satisfactory settlements," and that the Hayneses are "obstinate" exceptions. If the firm is right, the unsettled 1 per cent must be vocal far beyond their numbers, for tales of land and water damage done by oil and gas rigs abound throughout the countryside.

Of course, many people have settled and will continue to settle, just as they have with the strip miners. They need that money, and usually have no other place to get it. "My wife, she was real sick, needed that operation bad," explained one 66-year-old man who signed for $300 with the gas company, "Oh, that branch is pitiful now," he said, pointing to the water flowing in front of the house. "Been that way ever since they come in. Now it's just filled with washout from that well. Destruction, I call it. That's all it is."

As a result of gas and oil damage, as well as the continuing outrages of strip and auger mining, residents of the lower end of Letcher County have organized into the "Citizens' League to Protect the Surface Rights." Chairman Joe Begley claims "there's little difference beween those oil companies and the strippers. They both come in here tellin' us that they want somethin', and that they're gonna take it, and to hell with us."

Begley and others throughout the mountains hope that the course of the exploitation' sweepstakes can be altered before the oil-gas combines get too firmly implanted, but they're not particularly optimistic. Without financial backing, and with the law and the government officials seemingly aligned against him, the average mountaineer—who more than anything else just wants to be left alone—appears to be in for it again.

PRESIDENT VETOES ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

(Mr. EDWARDS of Alabama asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, I want to commend President Nixon for his courageous decision yesterday in vetoeing the Economic Opportunity Amendments of 1971. It was a decision based on a logical and responsible concern for all Americans, not just a select few.

Of primary significance is the fact that his decision to veto this legislation was based, not on a desire to simply satisfy the needs of all Americans, but to satisfy those needs through the implementation of a sound fiscal as well as an administratively workable program—a program which would not sacrifice the spirit of family unity within our society.

Progress in these areas would be sharp-

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ly curtailed were this legislation ever to be approved.

Under the language of the legislation, as it was drafted and sent to the President, there was a noticeable lack of allowances for administrative discretion, there were fiscal inconsistencies and there was a question as to public acceptance of its principles.

The President's nine specific objections, as outlined in his veto message, were consistently logical and conceived from a sincere concern for the total welfare of the Nation. They could not be considered otherwise.

The President deserves a special measure of praise for standing up against the onslaught of fiscal irresponsibility and administrative incohesiveness spelled out in the provision calling for the establishment of an adolescent dependency program.

I am completely in accord with the need for all American children to realize a healthful and stimulating upbringing. But, this can be accomplished without sacrificing our American tradition of pursuing a parent's right to supervise and care for children.

As the President stated in his veto message, "we cannot and will not ignore the challenge to do more for America's children in their all-important early years." But, we cannot do so at the risk of losing, for generations to come, the spirit of family unity which represents the cornerstone of our free society.

Mr. Speaker, if this provision should become law, I believe that the regimentation of our society which would follow would signal the downfall of a very cherished American virtue—the happiness and strength nurtured by the security of family love and unity. We must never allow such a dogmatic experience to permeate our lives or the lives of our children and our children's children.

Mr. Speaker, I applaud the President for vetoing this bill. I will vote to sustain the veto when the matter comes back to the House.

OPPOSE U.S. MILITARY INVOLVEMENT IN INDOCHINA

(Mr. FLYNT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FLYNT. Mr. Speaker, in the event anyone has the mistaken notion that there are no serious-minded, conservative Americans who oppose indefinite continuation of the U.S. military involvement in Indochina, I think it is well to take a look at an event which recently took place at the Georgia Institute of Technology, Atlanta, Ga.

Historically and traditionally the student body at Georgia Tech has been conservative in economic and political views. I remember the Georgia Tech participation in "Affirmation Vietnam" sponsored by a statewide student movement in Georgia in which I and, to the best of my recollection, every member of the Georgia delegation in Congress participated, and the Secretary of State of the United States was the principal speaker.

On only two occasions in recent years has the Georgia Tech student government organization turned its attention toward national political affairs.

First, in 1966, the student council voted to endorse "Affirmation Vietnam," an effort by students across Georgia to express support of the United States commitment in Vietnam at that time.

Second, on December 10, 1971, I received a letter from Mr. Chris Bagby, student body president, advising me that the student council at Georgia Tech has voted to a resolution expressing opposition to the war in Vietnam on an "out now" basis along with a request for immediate withdrawal of U.S. troops.

I am personally acquainted with many Georgia Tech students on an individual basis. I am also well acquainted with them on a student body basis, having worked rather closely with Georgia Tech's students and participated in a series of student sponsored programs.

Mr. Speaker, as a part of my remarks I include a letter from Chris Bagby, student body president, Georgia Tech, and the text of the resolution adopted by the Georgia Tech student council.

GEORGIA TECH STUDENT GOVERNMENT,
Atlanta, Ga., December 6, 1972.

Hon. JOHN J. FLYNT JR.,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN FLYNT: The Georgia Tech Student Government has turned its attention to national political affairs on only two occasions in recent years.

In 1966, the Student Council voted to endorse the "Affirmation; Vietnam" movement, an effort by students across Georgia to express support of the United States' commitment in Vietnam at that time.

At a meeting this quarter, however, the Student Council voted to adopt a resolution expressing opposition to the war in Vietnam and endorsing the November 6 peace demonstrations which occurred in Atlanta and sixteen other cities of the United States. As you know, the theme of the demonstration was "OUT NOW," a request for immediate withdrawal of the U.S. troops.

This action by such a traditionally conservative body as the Georgia Tech Student Council, in contrast to its previous policy of support for the Vietnam commitment, demonstrates to me that the time has come when most Americans feel that there is nothing more to be gained by continued military involvement in the Vietnam War, and that our men stationed there should be brought home immediately.

Enclosed is a copy of the resolution which was adopted. It is our hope that it will influence your voting and hasten the end of the Vietnam War.

Yours truly,

CHRIS BAGBY,
Student Body President.

A RESOLUTION RELATIVE TO STUDENT CONCERN FOR THE WAR IN SOUTHEAST ASIA

Whereas, the mission of Georgia Tech includes assisting the student in the cultivation of a critical awareness and perspective on the perennial evaluative issues that confront man, as an individual and as a member of a complex social order, and preparing him to participate in the resolution of the scientific and technological issues of our time; and

Whereas, the tragic war in Southeast Asia persists as a major concern of the United States and its citizens; and

Whereas, November 3 will be observed on many campuses across the nation as a day for expressing opposition to the war in Southeast Asia and calling for a halt to the bombing and the withdrawal of all United States troops; and

Whereas, a peaceful, legal, non-confrontational demonstration against the war will occur in Atlanta and in sixteen other cities of the United States on November 6; and

Whereas, it is the desire of the students of Georgia Tech to have peace both within the nation and throughout the world;

Now, therefore be it resolved by the Student Council of the Georgia Institute of Technology that November 3, 1971 be observed on the Georgia Tech campus as a day for expressing opposition to the war in Southeast Asia; and

Be it further resolved that members of the Georgia Tech faculty be requested to devote a portion of the classtime on that day for serious and critical discussion of the war issue by students and faculty, particularly as it relates to the programs of learning of Georgia Tech; and

Be it further resolved that the Student Council express its support for the peaceful demonstration against the war in Southeast Asia occurring in Atlanta on November 6, 1971, urging all students to participate in the demonstration.

Adopted by the Georgia Tech Student Council, November 2, 1971.

THE 1972 BIRMINGHAM FESTIVAL OF ARTS

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, when Birmingham was named an "All America City" by the National League of Municipalities and Look magazine in March of this year, the city's flourishing Festival of Arts program was cited as one of the principal reasons for this honor.

As Birmingham's representative in the Congress, I certainly share the great pride which its citizens have in the Festival of Arts and want to take this opportunity to share some of the excitment of this event with my colleagues.

The Festival of Arts program is America's oldest continuous arts festival, which for 21 years has been dedicated to the conviction that through the unity of the arts, nations and men can become united. A different country is saluted by the festival each year, with dignitaries, cultural displays and performing artists from that country giving the festival a delightful international flavor. The busy festival schedules are filled with concerts, dramas, operas, ballets, and special exhibits of painting, sculpture and crafts.

In previous years, the festival has honored: Japan, France, Latin America, The Netherlands, Mexico, Belgium, Sweden, Scandinavia, Greece, Italy and Great Britain. In this way, the festival's activites have stimulated a unity between Birmingham's native citizens and those of foreign descent.

The 22d Annual Festival of Arts, to be held from February 25 through March 12, 1972, will salute the United States in an attempt to find unity and reconciliation for Americans through the arts. Events planned for the 1972 festival include appearances by music, drama, and art groups from throughout the United States.

Some of the announced activities include: A "Montage of Black Culture," music-drama by the Alabama Center for Higher Education, a consortium of nine black Alabama colleges; presentations of "West Side Story" and "Oklahoma"; an exhibit of five American painters, 1872–1972; a black artists' show; Mary Costa with the Birmingham Symphony Orchestra, directed by Amerigo Marino; David Amram, American composer and conductor; a major sculpture exhibit; Richard Tucker; three American operas; a William Frye exhibit; and Edward Villella.

Focal point of the festival, as always, will be the International Fair, to be held for the first time in the Exhibition Hall of the city's new civic center. Throughout the city, store windows, building lobbies, sidewalks and parking areas will display examples of Americana throughout the festival.

Anyone who has ever participated in Birmingham's Festival of Arts can easily understand why it has come to be known around the world. For several years, the National Association of Travel Organizations has chosen the festival as one of the 20 top travel events in America for the month in which the event occurred.

The outstanding success of this event has also been amply attested to by the large number of people who come from near and far to participate in it. In 1971, more than a quarter of a million people enjoyed the Festival of Arts' Salute to Spain.

Into any successful event must, of course, go a great deal of time and effort. The hundreds of hours and thousands of dollars which the citizens of Birmingham give toward the Festival of Arts are also a source of pride for me and I could not discuss the festival without expressing my personal gratitude for these significant contributions. Leading the work which is already well underway for the 1972 festival are Mr. L. R. Jordan, president of next year's festival and Mrs. William B. Scott, chairman.

Mr. Speaker, I feel that my words cannot adequately convey the special excitement of the Festival of Arts. It is my hope, therefore, that many of my colleagues in the Congress and people throughout the United States can visit Birmingham during the 1972 festival and see for themselves. Without hesitation, I can promise that such a visit will be a most enjoyable and rewarding experience.

NATIONAL LEGAL SERVICES CORPORATION

(Mr. STEIGER of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, in view of the President's veto message on the Economic Opportunity Amendments of 1971, S. 2007, Mr. DELLENBACK and I are today introducing a bill containing word-for-word the sections of S. 2007 relating to the establishment of an independent National Legal Services Corporation.

The legal services portion of the conference bill was a painstakingly constructed compromise that represents a full year of effort on the part of hundreds of people. That work must not be lost.

To salvage the National Legal Services Corporation legislation, the new bill just filed is in every respect identical to title IX and the related sections of title X of the conference bill, S. 2007.

It is the fervent hope of Mr. DELLENBACK and myself that this legislation will be supported by both Houses again, without change.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Moss, for period from December 13 through December 19, 1971, on account of official business.

Mr. Bow (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. RANGEL (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. CORMAN, for Friday, December 10, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. KASTENMEIER, for 60 minutes, on Monday, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DU PONT), to revise and extend their remarks, and to include extraneous matter:)

Mr. HOSMER, today, for 10 minutes.
Mr. FINDLEY, today, for 5 minutes.
Mr. SANDMAN, today, for 15 minutes.
Mr. HOGAN, today, for 10 minutes.
Mr. KEMP, today, for 15 minutes.
Mr. BROWN of Ohio, today, for 5 minutes.

(The following Members (at the request of Mr. CURLIN) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.
Mr. GRIFFIN, for 5 minutes, today.
Mr. RARICK, for 15 minutes, today.
Mr. FUQUA, for 10 minutes, today.
Mr. BURKE of Massachusetts, for 5 minutes, today.
Mr. ALEXANDER, for 45 minutes, on December 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSSELOT to extend his remarks following those of Mr. LANDGREBE in the Committee of the Whole today.

Mr. RYAN and to include extraneous matter in remarks made in Committee of the Whole after the vote on the Badillo amendment and prior to the offering of the Landgrebe amendment.

Mr. HANNA and to include certain extraneous material he referred to during his remarks made in Committee of the Whole.

Mr. SIKES in five instances and to include extraneous material.

Mr. GROSS to extend his remarks immediately preceding final vote on H.R. 11309, the so-called Economic Stabilization Act.

Mr. MILLER of California in five instances and to include extraneous matter.

Mr. PUCINSKI to include extraneous matter during debate on Economic Stabilization Act.

(The following Members (at the request of Mr. DU PONT) and to include extraneous matter:)

Mr. REID of New York.
Mr. WYMAN in two instances.
Mr. HUNT.
Mr. FORSYTHE in two instances.
Mr. ARENDS in two instances.
Mr. KUYKENDALL.
Mr. BOB WILSON.
Mr. DERWINSKI.
Mr. CHAMBERLAIN.
Mr. ROBISON of New York.
Mr. FISH.
Mr. DUNCAN.
Mr. KEMP in two instances.
Mr. MOSHER.
Mr. THOMPSON of Georgia.
Mr. ANDREWS of North Dakota.

(The following Members (at the request of Mr. CURLIN) and to include extraneous material:)

Mr. BRASCO.
Mr. GONZALEZ in two instances.
Mr. HAGAN in three instances.
Mr. RARICK in three instances.
Mr. DINGELL in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN.
Mr. VANIK in two instances.
Mr. O'HARA.
Mr. ROGERS.
Mr. DANIELS of New Jersey in three instances.
Mr. WALDIE in four instances.
Mr. BROOKS.
Mr. DRINAN.
Mr. SCHEUER in three instances.
Mr. BEGICH in five instances.
Mr. JACOBS in two instances.
Mr. BEVILL.
Mr. GRIFFIN in three instances.
Mr. BOGGS.
Mr. KYROS in four instances.
Mr. CABELL.
Mr. ROY.
Mr. CULVER.
Mr. Moss in five instances.
Mr. PUCINSKI in six instances.
Mr. ZABLOCKI in two instances.
Mr. HARRINGTON in four instances.
Mr. GAYDOS in three instances.
Mr. SMITH of Iowa in three instances.
Mr. HECHLER of West Virginia in three instances.
Mr. WOLFF.
Mr. DIGGS in two instances.
Mr. O'NEILL.
Mr. OBEY in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 36. An act to preserve and promote the resources of the Connecticut River Valley,

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and for other purposes; to the Committee on Interior and Insular Affairs.

S. 889. An act to restore the postal service seniority of Elmar Erickson; to the Committee on Judiciary.

S. 1031. An act to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement; to the Committee on Post Office and Civil Service.

S. 2677. An act to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia; to the Committee on the District of Columbia.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10947. An act to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

ADJOURNMENT

Mr. CURLIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Monday, December 13, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1341. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 203 of title 37, United States Code, to provide additional pay for permanent professors at the U.S. Military Academy and the U.S. Air Force Academy; to the Committee on Armed Services.

1342. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

1343. A letter from the Comptroller General of the United States, transmitting a report on the need for coordinated consideration of buy-national procurement program policies by the Office of Management and Budget; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE of Illinois: Committee on Standards of Official Conduct. H.R. 11453. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes (Rept. No. 92–741). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 6730. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; with an amendment (Rept. No. 92–742). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 10086. A bill to provide for increase in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes; with an amendment (Rept. No. 92–743). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 12180. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 12181. A bill to eliminate television blackouts in the case of certain soldout games; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 12182. A bill to eliminate the ceilings on the amounts of group life insurance policies available in the District of Columbia; to the Committee on the District of Columbia.

H.R. 12183. A bill to amend section 62 of the Internal Revenue Code of 1954 to provide that amounts which the taxpayer pays as alimony or separate maintenance shall be deductible from his gross income in determining adjusted gross income; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 12184. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 12185. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 20 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. DINGELL (for himself, Mr. PELLY, Mr. KARTH, Mr. MAILLIARD, Mr. WILLIAM D. FORD, Mr. DU PONT, Mr. MCCLOSKEY, Mr. NEDZI, Mrs. GRIFFITHS, Mr. MOSS, Mr. PICKLE, Mr. O'HARA, Mr. GARMATZ, Mr. KEITH, Mr. LENNON, Mr. RUPPE, Mr. DOWNING, Mr. GOODLING, Mr. ROGERS, Mr. LEGGETT, Mr. ANDERSON of California, Mr. FORSYTHE, Mr. KYROS, and Mr. TIERNAN):

H.R. 12186. A bill to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FORSYTHE:

H.R. 12187. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 12188. A bill to amend the Railroad Unemployment Insurance Act to provide that active service in the Armed Forces or the National Guard, performed by an individual during his base year, will be counted in determining such individual's qualification for benefits thereunder; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 12189. A bill to amend section 109 of title 48, United States Code, to provide benefits for members of the Armed Forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. GUDE:

H.R. 12190. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of limitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 12191. A bill to exclude the personnel records of officers and members of the Metropolitan Police Department of the District of Columbia from public records; to the Committee on the District of Columbia.

By Mr. KEMP (for himself, Mr. CONABLE, and Mr. DULSKI):

H.R. 12192. A bill to authorize a program for the improvement and restoration of the Buffalo River Basin; to the Committee on Public Works.

By Mr. PEYSER:

H.R. 12193. A bill to amend the Urban Mass Transportation Act of 1964 to make it clear that a mass transportation system must include provision for meeting the special needs of the elderly in order to qualify for financial assistance thereunder; to the Committee on Banking and Currency.

By Mr. RARICK:

H.R. 12194. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

By Mr. ROUSSELOT:

H.R. 12195. A bill to provide for a balanced Federal budget, regular reports by a Taxpayers' Advocate to the Congress and American people on the status of the public debt, and the reduction of that debt on an annual basis; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. HOSMER, Mr. SKUBITZ, Mr. KYL, Mr. MCCLURE, Mr. DELLENBACK, and Mr. MCKEVITT):

H.R. 12196. A bill to authorize appropriations for additional costs of land acquisition for the national park system; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself and Mr. DENT):

H.R. 12197. A bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic reduction of the public debt; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin (for himself and Mr. DELLENBACK):

H.R. 12198. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. STRATTON (for himself and Mr. TERRY):

H.R. 12199. A bill to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower; to the Committee on Appropriations.

By Mr. STRATTON:

H.R. 12200. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. ULLMAN (for himself and Mr. BETTS):

H.R. 12201. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of net operating losses of regulated transportation corporations; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. DULSKI, Mr. DANIELS of New Jersey, Mr. BRASCO, Mr. SCOTT, Mr. HOGAN, and Mr. HILLIS):

H.R. 12202. A bill to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WOLFF (for himself and Mr. PEYSER):

H.R. 12203. A bill to authorize an investigation and study of coastal hazards from offshore drilling on the Outer Continental Shelf in the Atlantic Ocean; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself and Mr. DENT):

H.J. Res. 1004. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mr. ABOUREZK, Mrs. ABZUG, Mr. ANDERSON of Tennessee, Mr. ASPIN, Mr. BADILLO, Mr. BELL, Mr. BEGICH, Mr. BIESTER, Mr. BRADEMAS, Mr. BURKE of Massachusetts, Mr. CHAPPELL, Mrs. CHISHOLM, Mr. CLAY, Mr. COLLINS of Illinois, Mr. CONTE, Mr. CORMAN, Mr. COUGHLIN, Mr. DELLENBACK, Mr. DENHOLM, and Mr. DIGGS):

H. Res. 736. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. HARRINGTON (for himself, Mr. DOW, Mr. DRINAN, Mr. DU PONT, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. EDWARDS of Louisiana, Mr. EILBERG, Mr. ESCH, Mr. FORSYTHE, Mr. FRENZEL, Mrs. GRASSO, Mr. GRAY, Mr. HALPERN, Mr. HAMILTON, Mr. HATHAWAY, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, and Mrs. HICKS of Massachusetts):

H. Res. 737. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. HARRINGTON (for himself, Mr. HORTON, Mr. HUNGATE, Mr. KEATING, Mr. KEMP, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. MCCOLLISTER, Mr. MCCORMACK, Mr. MCCULLOCH, Mr. MCKINNEY, Mr. MACDONALD of Massachusetts, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. METCALFE, Mr. MIKVA, Mrs. MINK, Mr. MITCHELL, Mr. MORSE, Mr. MOSHER, and Mr. Moss):

H. Res. 738. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. HARRINGTON (for himself, Mr. PEPPER, Mr. PEYSER, Mr. PODELL, Mr. POWELL, Mr. RANGEL, Mr. REES, Mr. REID of New York, Mr. RIEGLE, Mr. RODINO, Mr. ROE, Mr. RONCALIO, Mr. ROSENTHAL, Mr. ROY, Mr. RUNNELS, Mr. RYAN, Mr. ST GERMAIN, Mr. SANDMAN, Mr. SCHEUER, Mr. SCHWENGEL, and Mr. SHOUP):

H. Res. 739. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. HARRINGTON (for himself, Mr. STEELE, Mr. STOKES, Mr. TEAGUE of California, Mr. THONE, Mr. TIERNAN, Mr. UDALL, Mr. ULLMAN, Mr. VANDER JAGT, Mr. WILLIAMS, and Mr. WOLFF):

H. Res. 740. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. THOMPSON of New Jersey:

H. Res. 741. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DANIELSON:

H.R. 12204. A bill for the relief of Jay Alexis Caligdong Siaotong; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 12205. A bill for the relief of Earl P. Dick; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 12206. A bill for the relief of William Karsten; to the Committee on the Judiciary.

SENATE—*Friday, December 10, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, in the mood of high expectation enable us to hear once again the call of the herald:

Repent . . . for the kingdom of heaven is at hand . . . Prepare ye the way of the Lord, make his paths straight . . . (Matthew 3: 2, 3)

Give us the wisdom and the will to respond by emptying our hearts of all that corrupts or mars the divine image, and all that separates us from Thee or from our fellow man. May the truth of these advent days penetrate our soils and saturate our society so that love replaces hate, generosity replaces selfishness, truth replaces falsehood, and peace replaces war. Come to us in all Thy renewing power that we may be born again to that higher life to which we have aspired but never yet attained. And to Thee shall be all Christmas glory and praise. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 9, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—VETO MESSAGE (S. DOC. NO. 92–48)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

I return herewith without my approval S. 2007, the Economic Opportunity Amendments of 1971.

This legislation undertakes three major Federal commitments in the field of social welfare: extension of the Economic Opportunity Act of 1964, creation of a National Legal Services Corporation, and establishment of a comprehensive child development program.

As currently drafted, all three proposals contain provisions that would ill serve the stated objectives of this legislation, provisions altogether unacceptable to this administration.

Upon taking office, this administration sought to redesign, to redirect—indeed, to rehabilitate—the Office of Economic Opportunity, which had lost much public acceptance in the five years since its inception. Our objective has been to provide this agency with a new purpose and a new role. Our goal has been to make the Office of Economic Opportunity the primary research and development arm of the Nation's and the Government's on-going effort to diminish and eventually eliminate poverty in the United States. Despite occasional setbacks, considerable progress has been made.

That progress is now jeopardized. Two ill-advised and restrictive amendments contained in this bill would vitiate our efforts and turn back the clock.

In the 1964 act the President was granted authority to delegate—by executive action—programs of OEO to other departments of the Government. That flexibility has enabled this administration to shift tried and proven programs out of OEO to other agencies—so that OEO can concentrate its resources and talents on generating and testing new ideas, new programs and new policies to assist the remaining poor in the United States. This flexibility, however, would be taken away under amendments added by the Congress—and the President would be prohibited from spinning off successful and continuing programs to the service agencies.

If this congressional action were allowed to stand, OEO would become an operational agency, diluting its special role as incubator and tester of ideas and pioneer for social programs.

Secondly, the Congress has written into the OEO legislation an itemized list of mandatory funding levels for 15 categorical programs. This specific earmarking of funds for specific programs at OEO is genuinely reactionary legislation; it locks OEO executives into sup-

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porting and continuing programs that may prove less productive; it inhibits the very experimentation and innovation which I believe should be the primary mission of OEO; it denies administrative discretion to the executives of OEO and, most important, it restricts and limits the amount of funds available for hopeful new initiatives.

Should these amendments become law, OEO's days as the principal pioneer of the Nation's effort to combat poverty would be numbered; OEO would rapidly degenerate into just another ossified bureaucracy. Even if OEO legislation were to come separately to my desk, containing these provisions, I would be compelled to veto it as inconsistent with the best interest of America's poor. I urge the Congress to remove these restrictions.

The provision creating the National Legal Services Corporation differs crucially from the proposal originally put forth by this administration. Our intention was to create a legal services corporation, to aid the poor, that was independent and free of politics, yet contained built-in safeguards to assure its operation in a responsible manner. In the Congress, however, the legislation has been substantially altered, so that the quintessential principle of accountability has been lost.

In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.

The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions, the President has full discretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.

The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to, and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.

To compound the problem of accountability, Congress has further proposed that during the crucial 90 day period—when the corporation is set into motion—its governance is to rest exclusively in the hands of designees of five private interest groups. That proposal should be dropped.

It would be better to have no legal services corporation than one so irresponsibly structured. I urge the Congress to rewrite this bill, to create a new National Legal Services Corporation, truly independent of political influences, containing strict safeguards against the kind of abuses certain to erode public support—a legal services corporation which places the needs of low-income clients first, before the political concerns of either legal service attorneys or elected officials.

But the most deeply flawed provision of this legislation is Title V, "Child Development Programs."

Adopted as an amendment to the OEO legislation, this program points far beyond what this administration envisioned when it made a "national commitment to providing all American children an opportunity for a healthful and stimulating development during the first five years of life."

Though Title V's stated purpose, "to provide every child with a full and fair opportunity to reach his full potential" is certainly laudable, the intent of Title V is overshadowed by the fiscal irresponsibility, administrative unworkability, and family-weakening implications of the system it envisions. We owe our children something more than good intentions.

We cannot and will not ignore the challenge to do more for America's children in their all-important early years. But our response to this challenge must be a measured, evolutionary, painstakingly considered one, consciously designed to cement the family in its rightful position as the keystone of our civilization.

Further, in returning this legislation to the Congress, I do not for a moment overlook the fact that there are some needs to be served, and served now.

One of these needs is for day care, to enable mothers, particularly those at the lowest income levels, to take full-time jobs. Federal support for State and local day care services under Headstart and the Social Security Act already totals more than half a billion dollars a year—but this is not enough. That is why our H.R. 1 welfare reform proposals, which have been before the Congress for the past 26 months, include a request for $750 million annually in day care funds for welfare recipients and the working poor, including $50 million for construction of facilities. And that is why we support the increased tax deductions written into the Revenue Act of 1971, which will provide a significant Federal subsidy for day care in families where both parents are employed, potentially benefiting 97 percent of all such families in the country and offering parents free choice of the child care arrangements they deem best for their own families. This approach reflects my conviction that the Federal Government's role wherever possible should be one of assisting parents to purchase needed day care services in the private, open market, with Federal involvement in direct provision of such services kept to an absolute minimum.

A second imperative is the protection of children from actual suffering and deprivation. The administration is already moving on this front, under a policy of concentrating assistance where it will help the most—a policy certain to suffer if title V's scatteration of attention and resources were to become law. Action we are presently taking includes:

—Expansion of nutritional assistance to poor children by nearly tripling participation in the food stamp program (from 3.6 million people to 10.6 million people) and doubling support for child nutrition programs (from less than $600 million to more than $1.2 billion) since 1969.

—Improvement of medical care for poor children through the introduction of more vigorous screening and treatment procedures under Medicaid.

—More effective targeting of maternal and child health services on low income mothers who need them most.

Furthermore, Headstart continues to perform both valuable day care and early education services, and an important experimentation and demonstration function which identifies and paves the way for wider application of successful techniques. And the Office of Child Development which I established within the Department of Health, Education, and Welfare in 1969 provides overall leadership for these and many other activities focused on the first five years of life.

But, unlike these tried and tested programs for our children, the child development envisioned in this legislation would be truly a long leap into the dark for the United States Government and the American people. I must share the view of those of its supporters who proclaim this to be the most radical piece of legislation to emerge from the Ninety-second Congress.

I also hold the conviction that such far-reaching national legislation should not, must not, be enacted in the absence of a great national debate upon its merit, and broad public acceptance of its principles.

Few contend that such a national debate has taken place. No one, I believe, would contend that the American people, as a whole, have determined that this is the direction in which they desire their government and nation to go.

Specifically, these are my present objections to the proposed child development program:

First, neither the immediate *need* nor the desirability of a national child development program of this character has been demonstrated.

Second, day care centers to provide for the children of the poor so that their parents can leave the welfare rolls to go on the payrolls of the Nation, are already provided for in H.R. 1, my workfare legislation. To some degree, child development centers are a duplication of these efforts. Further, these child development programs would be redundant in that they duplicate many existing and growing Federal, State and local efforts to provide social, medical, nutritional and education services to the very young.

Third, given the limited resources of the Federal budget, and the growing demands upon the Federal taxpayer, the expenditure of two billions of dollars in a program whose effectiveness has yet to be demonstrated cannot be justified. And the prospect of costs which could eventually reach $20 billion annually is even more unreasonable.

Fourth, for more than two years this administration has been working for the enactment of welfare reform, one of the objectives of which is to bring the family together. This child development program appears to move in precisely the opposite direction. There is a respectable school of opinion that this legislation would lead toward altering the family relationship. Before even a tentative step is made in this direction by their government, the American people should be fully consulted.

Fifth, all other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated.

Sixth, there has yet to be an adequate answer provided to the crucial question of who the qualified people are, and where they would come from, to staff the child development centers.

Seventh, as currently written, the legislation would create, ex nihilo, a new army of bureaucrats. By making any community over 5,000 population eligible as a direct grantee for HEW child development funds, the proposal actively invites the participation of as many as 7,000 prime sponsors—each with its own plan, its own council, its own version of all the other machinery that has made Headstart, with fewer than 1,200 grantees, so difficult a management problem.

Eighth, the States would be relegated to an insignificant role. This new program would not only arrogate the initiative for preschool education to the Federal Government from the States—only 8 of which even require kindergarten at present. It would also retain an excessive measure of operational control for such education at the Federal level, in the form of the standards and program guidelines to be set down by the Secretary of HEW.

Ninth, for the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family-centered approach.

This President, this Government, is unwilling to take that step. With this message, I urge the Congress to act now to pass the OEO extension and to create the legal services corporation along the lines proposed in our original legislation.

RICHARD NIXON.

THE WHITE HOUSE, *December 9, 1971.*

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the veto message of the President of the United States be held at the desk until later today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 11, 12, 13, 15, 16, 24, 32, 33, 35 through 46, 48, 49, 51, 61, and 62 to the bill and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 20, 28, 29, 31, 34, 55, 57, 60, 68, and 75 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions:

S. Con. Res. 30. Concurrent resolution authorizing the printing of the study entitled "Soviet Space Programs, 1966–70" as a Senate document;

S. Con. Res. 34. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 91st Congress as a Senate document;

S. Con. Res. 44. Concurrent resolution authorizing the printing of the study entitled "International Cooperation in Outer Space: A Symposium" as a Senate document; and

S. Con. Res. 50. Concurrent resolution authorizing the printing of the handbook entitled "Guide to Federal Programs for Rural Development" as a Senate document.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 31) authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 439. Concurrent resolution to provide for the printing of 50,000 additional copies of the subcommittee print of the Subcommittee on Domestic Finance, of the House Committee on Banking and Currency, entitled "A Primer on Money";

H. Con. Res. 441. Concurrent resolution authorizing the printing of "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules" as a House document, and for other purposes; and

H. Con. Res. 469. Concurrent resolution to provide for the printing as a House document a compilation of the eulogies on the late Justice Hugo L. Black.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 439. Concurrent resolution to provide for the printing of 50,000 additional copies of the subcommittee print of the Subcommittee on Domestic Finance, of the House Committee on Banking and Currency, entitled "A Primer on Money";

H. Con. Res. 441. Concurrent resolution authorizing the printing of "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules" as a House document, and for other purposes; and

H. Con. Res. 469. Concurrent resolution to provide for the printing as a House document a compilation of the eulogies on the late Justice Hugo L. Black.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, under "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, under "New Reports" will be stated.

U.S. MARINE CORPS

The second assistant legislative clerk read the nomination of Lt. Gen. Robert E. Cushman, Jr., U.S. Marine Corps, to be Commandant of the Marine Corps, with the rank of general.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, if the Chair will allow me, I should like to extend congratulations, as a former private, first class, in the Marine Corps, to new Commandant, General Cushman.

Mr. SCOTT. If the distinguished majority leader will yield, I too, should like to join in congratulations to General Cushman. He is a celebrated marine with an illustrious record. I wish that I, too, had been a private in the Marine Corps.

Mr. MANSFIELD. Well, may I say, there is an old saying, "Once a marine, always a marine," so it is not often that a former private, first class, gets a chance to call up the nomination of a Commandant for the Marine Corps.

Mr. SCOTT. Mr. President, my only claim to fame in that connection is that, as a young man in the Marine Corps, stationed at Quantico, Va., I was a civilian office boy for Colonel Snyder, then the commanding officer of the Officers' School at Quantico, Va. I am proud even of the tenuous association with the marines.

The second assistant legislative clerk read the nomination of Maj. Gen. Louis Metzger, U.S. Marine Corps, to be lieutenant general.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

ACTION

The second assistant legislative clerk read the nomination of Nicholas W. Craw, of the District of Columbia, to be Associate Director of Action.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

XUM

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE AIR FORCE, IN THE ARMY, AND IN THE MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Marine Corps, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc; and, without objection, the President will be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of the Calendar beginning with No. 545 and ending with No. 548.

The PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT BY PRESIDENT OF CERTAIN ADDITIONAL PERSONS TO SERVICE ACADEMIES

The bill (S. 2945) to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10 of the United States Code is amended as follows:

(1) Section 4342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, and sons of members who are in a 'missing status' as defined in section 551(2) of title 37."

(2) Section 6954(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, and sons of members who are in a 'missing status' as defined in section 551(2) of title 37."

(3) Section 9342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, and sons of members who are in a 'missing status' as defined in section 551(2) of title 37."

Mr. MANSFIELD. Mr. President, may I take this occasion to commend the distinguished Senator from New York (Mr. BUCKLEY) for his initiative in introducing this proposal and for his interest in the relatives of the prisoners of war and the recoverable MIA's?

He has done a good job and he deserves the highest commendation.

Mr. SCOTT. Mr. President, I want to thank the distinguished majority leader for having arranged with the Senator from New York (Mr. BUCKLEY) to have this matter called up and disposed of promptly today.

Mr. MANSFIELD. May I say that it could not have been called up without the approval of the distinguished minority leader.

Mr. BUCKLEY. Mr. President, I thank the distinguished majority leader (Mr. MANSFIELD) for his generous remarks. I also want to thank him and the distinguished minority leader (Mr. SCOTT) for arranging for this legislation to come to the floor on such very short notice. In addition, I want to thank the distinguished chairman of the Armed Services Committee (Mr. STENNIS) for the speed with which his committee considered and reported out the bill in these hectic closing days of the current session. Finally, Mr. President, I wish to thank the 58 Senators who joined in sponsoring S. 2945.

I think it is particularly appropriate that this legislation should have been enacted by the Senate at this time. This is a time of year when families all over America will be coming together to celebrate the Christmas holidays. In 1,600 homes, however, there will be a son or a brother or a husband who will not be celebrating the season with his family; a son or a brother or a husband who is either known to be held as a prisoner of war under conditions which flaunt the minimum requirements of the Geneva Convention or who occupies that awful limbo which comes from a listing among the missing in action.

By enacting this bill today, a bill which will give the sons of our prisoners of war and missing in action a special priority in competing for appointments to our service academies, we will be telling these brave men and their equally brave families that they are not forgotten, that they have the continuing gratitude and affection of this Nation.

I know that all of us look forward to that happy day when all of these men will be returned to these shores. Let us pray that that day will soon be upon us.

A. LEON HIGGENBOTHAM, JR., CITIZEN REGENT, BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 173) to provide for the appointment of A. Leon Higginbotham, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 173

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That A. Leon Higginbotham, Junior, a resident of Philadelphia, Pennsylvania, be appointed a member of the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, for the statutory term of six years.

Mr. SCOTT. Mr. President, I should like to comment on the appointment of Judge A. Leon Higginbotham. He was named a Federal judge by the joint action of former Senator Clark of Pennsylvania and myself.

Judge Higginbotham is one of the ablest members on the bench. As a regent of the Smithsonian Institution, I have joined in his selection and in the selection of the other two citizen members. This will be a very good thing for the country and for the Smithsonian Institution.

JOHN PAUL AUSTIN, CITIZEN REGENT, BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 174) to provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 174

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That John Paul Austin, of Atlanta, Georgia, be appointed a member of the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, for the statutory term of six years.

ROBERT FRANCIS GOHEEN, CITIZEN REGENT, BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 175) to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 175

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert Francis Goheen, of Princeton, New Jersey, be appointed a member of the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, for the statutory term of six years.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New Jersey (Mr. WILLIAMS) is now recognized for a period not to exceed 15 minutes.

(The remarks of Mr. WILLIAMS when he submitted Senate Concurrent Resolution No. 53 are printed in the RECORD under "Submission of a Concurrent Resolution.")

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the senior Senator from Washington is recognized for not to exceed 15 minutes.

SENATE RESOLUTION 212—SUBMISSION OF A RESOLUTION RELATING TO THE FEEDING OF HUNGRY PEOPLE IN SEATTLE AND OTHER AREAS OF ECONOMIC DISASTER

UNANIMOUS-CONSENT REQUEST FOR IMMEDIATE CONSIDERATION

Mr. MAGNUSON. Mr. President, I have served in the U.S. Senate for over 25 years, and in all of that time I have never felt so humiliated by my Government as I do now. Today I stand in almost total humiliation. The hungry people of Seattle, Wash., and the surrounding area, are being kept from hunger, in part by mercy shipments of food from Japan, while the U.S. Government, in violation of the law, refuses to open its food warehouses to these starving women, children, and unemployed men.

While my Government pleads for billions to send overseas to help emerging nations—and to buy loyalty with arms—thousands of people in the State of Washington, and hundreds of thousands more in other States, are going hungry. Because the U.S. Department of Agriculture steadfastly and callously denies the use of federally owned surplus food commodities to feed those who are hungry, claiming there is no hunger problem.

Mr. President, if you have followed the national press, you know I am not talking about some local issue, confined to my constituent's interest for hunger is widespread. But it is so serious in Seattle that the people of Japan are making volunteer shipments of food to the people of Seattle—a humanitarian gesture of unequaled compassion, from a nation who was a bitter adversary 30 years ago. Those who hold responsible positions of government in this country—with their oratorical proclamations of concern for the less fortunate—should be ashamed of themselves. The people of Japan, in a simple, honest gesture of humanitarianism, in sending rice and canned goods to hungry people in Seattle, have made the great institutions of the U.S. Government look callous and cruel. In one simple humanitarian gesture, Japan has made a mockery of our pious claims of being a nation dedicated to serving the cause of human dignity and concern for the well-being of our citizens.

Bureau of Customs officials in Seattle—after some uncomfortable analysis and uncertainty and an initial decision to confiscate the Japanese food shipments—allowed the food to be received so it could be distributed by Neighbors in Need, a church-sponsored organization; and other volunteer groups. The customs officials in Seattle finally recognized the dire need for food, even if the Department of Agriculture, ignoring its responsibility under the law, has turned its back.

The authority for surplus commodity distribution programs, in parallel with food stamp programs, has been provided by Congress. The Department has the authority in two different sections, and the Office of Economic Opportunity has similar authority under its emergency food and medical services program which we passed yesterday, allotting them sufficient money to do this job in the supplemental appropriation bill.

On top of that, Congress has appropriated the funds.

But what has happened? Nothing. The Department of Agriculture, in a complete disregard of human suffering, insists that there is no hunger problem in Seattle that food stamps will not handle. How, I ask you, can you accept that position when 8,000 persons receive donated food from Neighbors in Need every week—and 12,000 more are turned away? Why is it that Japan, thousands of miles away, can easily see the need to provide mercy shipments of food to Seattle, but officials in this administration cannot even see a hunger problem? The only explanation for the Department's position is one of cruelty and ignorance and that its only food concern is to provide huge surpluses to benefit other pocketbooks.

This administration can see great humanity in providing a $250 million loan for a hungry corporation, but cannot see spending another dime on hungry human beings.

I have asked OEO, with strong support from my colleagues here in the Senate, to undertake the feeding of the hungry under its emergency food and medical services authority. The Congress has even approved the apropriations for that section—including a total of $32 million in the supplemental appropriation bill. While the Director of OEO shows his enthusiasm and gives me his support, nothing has happened because the White House to date has backed up the callous rulings of USDA.

There is a great financial bottleneck in this country, when it comes to providing for help for the less fortunate. I will not mention specifics, except that the authorizations and appropriations flow down the Hill from here and seem to get caught in that bottleneck in administrative procedures—that is, unless it is for weapons of destruction or for providing economic improvements for big people.

Mr. President, it is even more disheartening to realize that the severe hunger crisis in most areas is the direct result of the economic policies of the day. We have the highest unemployment rate in the Nation, as of last week, and you do not have to sit on this side of the aisle to make that observation. In my own State, every public official I know of—from both major political persuasions—has not only recognized the problem, but used every known method, including outright pleading, to get the Department of Agriculture to feed the hungry people.

Just this week, a Federal District Court judge in Seattle ruled that the Department of Agriculture had acted illegally in withholding food commodities from the city.

I have appealed to the U.S. Attorney General to file no appeal on the matter, and to instruct the new Secretary of Agriculture to comply with the law.

And yet I read in the paper yesterday that they had not made up their mind whether or not they would appeal the decision of the U.S. District Court—an appeal taking place while people would be going hungry—which could take weeks or months.

I offer at this point, for printing in the RECORD, excerpts from a report by the Senate Select Committee on Nutrition and Human Needs requested by Senator MCGOVERN and Senator PERCY. The report was made after a thorough study of the Seattle situation, including an inspection trip, and is appropriately entitled "Seattle, the New Poor," and the opinion of District Court Judge Beeks' ruling against the Department of Agriculture.

I ask unanimous consent to have the excerpts from the report printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE ECONOMIC SITUATION

The Pacific Northwest region today contains 6.25 million Americans, almost 3 million more than lived there 30 years ago. Over half of this total live in Washington State, and half of those people live within 40 miles of downtown Seattle. The four counties surrounding Seattle have a population of 1.9 million. The population of that area exploded during the last decade, increasing by 421,000 persons—or 27 percent of the current number. Nearly 60 percent of this increase, or 259,000, occurred from 1965 to 1970. Most of these people were attracted to the area by about 50,000 new jobs in the growing aerospace industry of 1966–68. Employment rose by 43 percent during the decade, from 527,000 to 752,000 jobs.

In mid-1968, the aerospace industry in the greater Seattle area employed a peak of 106,000 workers. In 1969, the aerospace payroll was cut by 17,000 workers. Total employment in the area only dropped by 14,000, however, which meant that jobs were still being created in other sectors of the economy. In 1970, aerospace employment dropped another 34,000, twice the amount of the previous year. This time—instead of being partially offset by other economic activity—it resulted in total employment plunging 60,000. Most of this secondary loss occurred in areas of trade, services, utilities and construction.

The plunge has continued during 1971. During the first 5 months of the year, 18,000 jobs were lost; 8,000 at the Boeing Company alone and 10,000 elsewhere. Estimated job losses for the entire year are around 40,000—equally divided between aerospace and other activities.

The magnitude of the Seattle area's rise and fall are, perhaps, best summed up in the following way:

From 1965 through 1968, employment increased by 170,000, a record unequalled since the early days of World War II—that was the rise.

From January 1970 through August of this year, unemployment went from 43,900 to 106,400—that was the fall.

Putting it another way, now there are as many people unemployed as were employed by the Boeing Company at its peak.

The unemployment rate for the State during these years mirrors the actual job losses. From 1966–68, the unemployment rate averaged 4.3 percent or less each year. In 1959, when the slide began, the rate rose to 4.8 percent. By January of 1970, the rate rose to 6.5 percent. By the end of the 1970, unemployment was 10.1 percent. And, by the beginning of 1971, the rate was 11.8 percent and still climbing. During June—with the labor market swelled by summer job seekers—the unemployment rate stood at 12.4 percent, and the total number of unemployment was placed at 181,700 persons.

Sixty-eight percent of the June unemploy-

ment occurred in the State's three principal urban areas. The Seattle area was hardest hit—the rate reaching a high of 15.7 percent, a 156-percent increase from June 1970, and the most severe in the Nation for a metropolitan area.

The rate throughout the area this fall has hovered around 12.5 percent and is expected to rise to slightly over 12 percent by this winter. Slight improvement is expected during the remainder of next year—the rate is predicted to hover around 11 percent.

Despite this drain on the area's economy during the past 3 years, the area still has a net-job gain—96,000 at the end of last year—as compared to the pre-aerospace boom era. But most of this gain is in areas of secondary economic activity such as service stations, department stores, insurance companies, schools, hospitals, hotels, restaurants, and banks. One of the key questions facing the area now is: How long can these secondary jobs survive until the recession in primary jobs bottoms out and rights itself?

The stability of these secondary jobs is a tribute to the fundamental soundness of the economic base of Seattle and Washington State. This area is rich in natural resources, producing over $2 billion of forest products, and $800 million of farm products annually. Washington is one of the Nation's leading wheat producing and exporting States. The Washington Customs District is fast becoming a major trading center, doing $3 billion business last year, an increase of 21 percent, and 12 percent annually for the past decade. Tourism is a $400 million a year industry with a growth rate of 6 percent annually.

This fundamental soundness makes it difficult for the casual visitor to Seattle to see the depths of the area's economic decline. The freeways are still crowded with cars. The city's skyline is being enlarged by new high-rise office buildings and hotels. The view of Puget Sound and the Olympic Mountains from a room of a high-rise hotel, just completed, is still spectacular. Downtown stores seem busy and the figures indicate that, for the most part, retail sales are holding up. The best restaurants still do a respectable business at lunchtime.

The truth, of course, is that there are two Seattles. For the employed 85 percent of the work force and their families, life is still good and getting better. This is the Seattle that the casual visitor sees. For the 15-percent unemployed—the 100,000—life is hard and getting harder. This Seattle is hidden to the casual eye, but painfully visible beneath the city's surface. Or, as one of the city's leading business bulletins put it:

For the employed, Seattle still offers the good life; but, for a steadily increasing part of the community, the present situation is murky and the future looks dark.

RESPONSE TO THE ECONOMIC CRISIS

Unemployment Insurance, Public Assistance, Food Stamp, School Lunch, and Food Bank programs have all responded to Seattle's economic crisis. But, there is now widespread concern over the fact that these programs are no longer adequate to deal with the situation—without additional resources and other kinds of assistance.

Unemployment insurance

Unemployment Insurance has been the mainstay of the 100,000 men and women who have been laid off during the area's recession. In June of this year, a total of 103,354 persons were receiving benefits under Federal, State regular and extended programs. This figure represented an increase of 37 percent over the previous year. But the program is now beginning to be unequal to the burden placed upon it.

During the year prior to May 1971, almost 48,000 workers had periods of unemployment of sufficient length to exhaust regular unemployment compensation benefits. This represented about half of all new beneficiaries filing during the same period. In recent months, the number of workers exhausting extended benefits has been heavy. It is estimated that, in the year prior to last August, 11,000 workers in the Seattle area exhausted eligibility for extended benefits. The estimate for the State is nearly 93,000 workers losing their regular benefits, with 21,000 more terminating their extended benefits.

As of October 2, the situation took a decided turn for the worse, with another 10,000 workers exhausting their extended benefits. It is now estimated that the monthly rate of workers exhausting benefits has increased from 4,000 to 9,000 a month; and, that by next March, an additional 27,000 workers will lose their benefits.

A working paper drafted by the staff of the Health, Education and Welfare Policy Advisory Committee of the Puget Sound Governmental Conference described the Unemployment Insurance crisis this way:

. . . the gravity of the unemployment situation had been greatly ameliorated by unemployment compensation until recent months when the gap between total employment and benefit coverage began to widen dramatically. This trend will continue in the immediate future, as a consequence the number of unemployed not receiving benefits will exceed those covered. Thus even though the economic situation will in all likelihood improve and the number of unemployed decline steadily during the coming months, the problem as measured in human need will increase in gravity.

Saying it in somewhat simpler terms, the thread by which so many workers and their families have hung thus far is fast running out. And, as that thread breaks, the already heavy burden on the remaining support programs can only increase.

Public assistance

The growth of the Seattle and State welfare rolls is another indication of the area's economic need. By the end of last May, the number of persons receiving some form of assistance was 234,105—an increase of 45 percent from May of 1969. During the same period, the number of persons receiving Aid To Dependent Children benefits had risen from 77,959 to 145,051—a percentage increase of 86 percent. In Seattle and King County nearly 67,643 persons are receiving assistance. And, in Seattle's Model City Neighborhood, the number of welfare recipients had increased by about 250 percent in the past 2 years, to a point where nearly 20 percent of its residents are receiving some kind of assistance.

The State's total expenditure on public assistance will have increased from $123.3 million to $171.6 million during the period of Fiscal Year 1970–72. This increase and projected increases could not be borne by the State budget. This fact resulted in a 15 percent reduction in public assistance grants across the board last April. The effect of this cutback on recipients was immediate. Those who had been surviving suddenly found their income reduced while their basic costs of living remained the same or increased. The effect of the cutback was aggravated by the fact that the State's public assistance payments are pegged to the 1967 cost-of-living and, therefore, do not account for the inflation of the past 4 years.

While it is, as yet, difficult to estimate the increased burden facing the Public Assistance Program, because of the increasing loss of unemployment benefits to area workers, there is little doubt that the burden will grow.

The effect of the 15-percent cut on the ability of people to participate in the Food Stamp Program, however, is already clear and, unfortunately, quite adverse.

Food stamps

The Food Stamp Program in Seattle and Washington State is generally considered among the most efficiently operated in the country. There is no question that State and local officials have made significant efforts to put the program within reach of those who are potentially eligible. Those eligible were estimated to be nearly 164,000 households—or 442,000 individuals—in 1969, when the unemployment rate was about 5 percent, or less than half the current figure.

The Food Stamp Program has responded remarkably well to the crisis. In May 1969, 93,035 persons were utilizing the program. Two years later, the number was 263,259—an increase of 182 percent. In fact, the increase was so striking that Seattle began to be called the country's "food stamp capital."

The adverse effect of the public assistance cutback on food stamp participation, however, showed itself by July of this year. The official report of the State's Department of Social and Health Services says:

The first month of fiscal 1972 showed a decrease in the number of participating food stamp households of 4,638 or 5.1 percent from the 91,143 households in June to 86,505 households in July. The July figure represents the lowest number of participating households since October 1970. The greatest decrease was in assistance households which dropped from 51,604 households in June to 49,025 households in July—a decline of 2,579 or 5.0 percent; and nonassistance households decreased from 39,539 households in June to 37,480 households in July—a decline of 2,059 or 5.2 percent.

The latest estimate of participation in the Food Stamp Program stands at 255,388 persons—as few as 52 percent of the minimum number potentially eligible. The two key problems in qualifying for food stamps are delays in getting certified—a minimum of 8 days—and the requirement to get a particular office and present complete documentation of all income, assets, and expenses including rent and utilities. The primary problem is that people can't afford food stamps because it requires cash and they *won't* or *can't* sell their house or car or other vital family assets.

Food banks

Late in 1970, the Church Council of Greater Seattle, the Ecumenical Metropolitan Ministry, the Fellowship of Christian Urban Service, and the Churches of Greater Seattle joined in establishing an emergency food program called "Neighbors in Need." In the first 4 months of 1971, the 34 emergency Food Banks set up by Neighbors in Need distributed cartons of food to 75,000 persons. This demand prompted the following telegram to President Nixon from the Presbyterian United Synod of Washington-Alaska:

Dear Mr. President: Unemployment in Seattle now past 15 percent. In black Central District over 48 percent. State Welfare seriously reduced; church sponsored food banks serving emergency needs of 20,000 monthly. $750,000 in food has been given by churches. Religious community of Seattle unable to meet growing need unaided.

Since its inception, Neighbors in Need has filled 300,000 requests for food from its 34 Food Banks. As the year has gone by, the volume of requests has increased. During February and March of this year, requests went up 50 percent and, in April, an additional 33 percent. The increase in April coincided with the cut in public assistance payments. In March, 32.8 percent of those served by the Food Banks were receiving some form of public assistance. After the April cuts, that figure rose to 52 percent. It is currently estimated that the Food Banks are serving 12,000 persons a week, 48,000 monthly.

While there may be some nonindigent persons using the Food Banks, and while a significant number may be repeaters, this is still an important indicator of the nutritional needs of the Seattle area.

THE HUNGER GAP

The failure of the Food Stamp Program to fill Seattle's hunger gap by itself is perhaps best described in the report "Hunger in Washington" compiled by the office of the Secretary of State:

The best way to fully appreciate the dramatic effects of the drop in real personal income . . . has on a family is to construct an average family budget. This process shows why the present Food Stamp Program and lack of commodities are causing such hardship for so many families in Washington State.

For a family of four, the Washington Department of Labor and Industries cites the following monthly average costs in the Seattle metropolitan area. These costs are from the department's "lower budget" which utilizes minimum expenditures below which elements of a family's health, security, and nutrition would be jeopardized:

Transportation	$40.50
Personal care and clothing	69.70
Medical care	47.00
Other family consumption costs	27.00
Housing	137.50
Food	161.25
Taxes	56.90
Other	56.90
Total	599.35

To be eligible for food stamps the income of a family of four cannot exceed $355, which is only 60 percent of the above budget. In order to purchase food stamps the family must save $80 which leaves only $275 to pay for $438.10 of expenses (above total less food). As can be seen by the total below, even if the family paid no transportation costs, no "other family consumption costs," and no "other" expenses, the $275 would not cover housing, medical care, clothing, and taxes:

	$137.50
	69.70
	47.00
	56.90
	311.10

Clearly something must give. The family will fall behind in payments. Their medical expenditures will drop dangerously low. Perhaps clothing and personal care expenses will be sacrificed. This lack of income leads to garnishment, mortgage foreclosures, utility shut-offs, evictions, poor health, and loss of jobs through lack of transportation or improper clothing. The $80 Food Stamp requirement obviously impairs many familys' (sic) ability to meet their budgets by paying their other bills, foregoing food stamps, and getting (additional income) from the food bank—or else they go hungry.

In a survey of people waiting in food lines, 38 percent said they couldn't afford food stamps and 50 percent said they had once been on food stamps but could no longer afford them. The budget also indicates that many of those who are purchasing food stamps (the number has increased by 189 percent in 2 years) are doing so at the expense of other needs such as medical and dental care, housing, utilities, and clothing.

The adverse situations of a number of actual families is further detailed in a law suit filed recently against the U.S. Department of Agriculture by the Center on Social Welfare Policy and Law in New York City, and the Seattle-King County Legal Aid Bureau, Inc. The purpose of the suit is to require the USDA to approve concurrent programs. The plaintiffs in the suit were described as having the following resources to draw upon for food stamps:

Plaintiff Florence Sloan, aged 66, has a total monthly income of $151.66. Her monthly expenses, for rent ($98), past debts ($22), utilities ($13), telephone ($8.33), and laundry ($5) total $146.33. These expenditures do not even include such necessities as clothing, food, medical costs, transportation, household supplies, and hygienic items. As a result, she is unable to pay the $14 purchase price for food stamps. She barely survives in irregular donations from the Churches' Food Bank; her total monthly food expenditures for September were only $6.

Plaintiff Selma Waldman, together with her child aged 15, barely subsist on $200 of monthly income. Out of this meager income, she must monthly, pay for rent ($110), oil heat ($35), electricity ($10), water and garbage ($5), telephone ($7), and transportation ($6), a total of $173. The $27 that remains must be utilized for such necessities as food, clothing, school supplies, medical costs, laundry, household supplies and hygienic items. Since plaintiff Waldman must pay $28 to obtain her monthly food stamp allotment, she has been unable to purchase a full month's worth of food stamps.

Plaintiff Josephine Evans, and her five children, receive a total monthly income of $272. Her total expenditures for rent, electricity, oil, telephone, school lunch fees, school transportation fees, and her transportation expenses total $192.25. This leaves her with $79.75 for such necessities as food, clothing, school supplies, medical costs, laundry, household supplies and hygienic items. She is unable to pay the $82 monthly purchase price required to buy food stamps for her family and has, therefore, failed to obtain food stamp relief for over a year.

Plaintiff Beatrice Smith's seven-person household has a total monthly income of $360. After paying her family's expenses of house payment, oil for heating, water, electricity, telephone, debts, household supplies, clothing, laundry, and medical expenses—such expenses totalling over $273—she has less than $87 left for food, house repairs, school expenses, transportation, and several other necessities. As a result, she cannot pay the $100 monthly purchase price to buy her way into the Food Stamp Program. Plaintiff Smith's household has, therefore, been unable to purchase the full monthly food stamp allotment for the past 4 months.

The office of King County Executive John Spellman has conducted a thorough study of the food availability and hunger problems in the area. The following findings are listed in that study:

1. There is an extensive group of county residents, which for reasons of geographical isolation and lack of adequate transportation facilities, is experiencing great difficulty in making use of the Food Stamp Program. Located in the unincorporated area of the county or on the fringes of incorporated jurisdictions, these people, often elderly, experience problems in reaching Food Stamp Certification Centers, Food Stamp Distribution Centers and food outlets . . .

2. A second problem area is indicated by the present situation in the housing market in King County. Homes reacquired and in inventory by FHA now exceed 2,700 units in this area. There are many thousand delinquencies and there is virtually no market for homes. The effect of this situation is to provide no alternative for persons whose income has been drastically reduced, other than to continue making substantial home payments, thereby reducing disposable income available for food purchase.

3. Associated is the problem of persons qualifying for the Food Stamp Program near the high end of the income standard. Fixed costs of living tend to reduce actual disposable income below the Food Stamp cost requirements thereby effectively eliminating such persons and families from the program. A variety of individual solutions to this problem have been attempted, but the problem has been compounded by other factors.

As an example: Many people, including many elderly persons, are seeking relocation in order to reduce rental costs and free additional dollars for food. During the first quarter of 1971, local requests were made for 2,200 additional rental units under the provisions of Section 23 of the Housing Act to provide rental assistance. At present, there are insufficient low cost or supplemental units of people threatened with dislocation as a means of remaining in the Food Stamp Program.

The final step in this tragic chain has been the increased cost of stamps under the new Food Stamp regulations. People who can't relocate to reduce their rent because of a lack of low cost units, whose welfare allotments have recently been cut, whose basic cost of living has increased since welfare standards were last updated, whose minimal resources are, in fact, not liquid under present economic conditions now must pay an increased cost for food stamps.

Clearly, there are many people who simply cannot avail themselves of the Food Stamp Program even though on paper they seem to qualify. Statistics from the Washington State Department of Social and Health Services show a continuing decline in the number of Food Stamp recipients in recent months even though unemployment continues to rise.

4. Current State Public Assistance Rules still preclude payments to single individuals between the ages of 18 and 50. Without the benefits of some assistance, many of these people just cannot afford to take part in the Food Stamp Program. The rule was required to obviate potential State fiscal problems; but, it has a singularly bad effect in an economy like King County where unemployment exceeds 15 percent.

5. Single people, attempting to pool resources in order to survive in the present economic climate, find they are not eligible for food stamps due to restriction on communal living arrangements—even though such arrangements could make possible utilization of the combined resources of the people involved. In King County we are not talking about groups of idle, voluntarily unemployed persons. Voluntary unemployment is an invalid and untenable consideration when there are no jobs or when your age precludes you from active employment.

6. As Case No. 1 from the visiting nurses points out, individuals who attempt to gain employment are, in fact, penalized by rules of the Food Stamp Program. Casual workers with variable monthly incomes are required to obtain monthly recertification. As income rises, so does the cost of food stamps. Yet, other bills don't change with increased income—housing, utilities and medical bills remain constant. Only under the Food Stamp Program rules do we create a basic living cost increase with expanded income.

7. Still another problem area relates to seasonal variations vis-a-vis living costs. It is obvious that utility costs are higher during the winter months as more heat and light are required in the home. (In fact, the cold spring and early summer in the State probably kept utility costs high past their normal downturn point.) No consideration is given such factors in determining costs standards. Along the same line, families with children in school can avail themselves, in some cases, of hot breakfast and, in most cases, hot lunch programs during the school year. In the summer months, however, these programs drop leaving families with effectively increased food costs and no built-in adjustment to compensate for this very real seasonal change. If such adjustments are not possible, these other special food programs should be extended on a year-round basis.

8. Finally, we find the general emergency kinds of cases. This area includes persons awaiting qualification for Food Stamp and other assistance programs, persons experiencing unexpected costs such as medical bills, and those whose food stamps or cash are lost or stolen. Considered as a single problem type, it appears that State and Federal programs fail, at present, to consider these short-term problems which result in hunger for many households. A capability for immediate action to feed people for the duration of emergencies would be a major improvement in the Food Stamp and other assistance programs.

As a result of this study, King County

Executive John Spellman requested the Department of Agriculture to authorize concurrent Food Stamp and Direct Distribution Programs, certification and distribution of food stamps through retail stores, revised standards of food stamp eligibility to recognize the difference between "real" and "apparent" assets; and, either a reduced cash contribution by an individual to his stamp purchase, or granting of the bonus stamps without requiring the cash contribution at all. The Agriculture Department responded by offering the following opportunities to the State and the county to improve the operation of the stamp program and otherwise alleviate the hunger problem. The Department offered to permit stamps to be distributed through post offices, to have permit certification for the program to take place at unemployment offices, to expand the special feeding program for infants and mothers from 750 to 1,500 slots and to permit nonprofit institutions to take advantage of Federal surplus commodities. Beginning on October 12, there were 33 post office branches dispersing food stamps in King County. This effort has been received with great enthusiasm and praise in the Seattle area and it may be propitious to now expand this experiment on a national basis.

The Department also conducted an on-site investigation of the Seattle Food Stamp Program to determine in what manner it might be better operated to serve potential recipients. The investigators determined, on the whole, that the program was among the best operated in the country but that hardship provisions—special deductions from gross income for unused expenses—would not be uniformly administered. State officials agree that better administration of hardship provisions might enable more persons to participate in the program. And the State was recently given permission by the Agriculture Department to calculate real utility expenses, rather than a previously fixed amount, in granting hardship allowances. This concession should be of some assistance to a number of the area's poor. But State officials, while pleased with this further flexibility on hardship allowances, fear that its impact will be necessarily limited by the ability of caseworkers to implement it. The granting of the allowances involves increased documentation and verification, further complicating an already burdensome application process for both the administrator and the applicant.

Even if this additional use of hardship provisions should prove helpful in a number of individual cases, State officials believe this help will be more than offset by the grossly adverse effects of the new Federal Food Stamp Regulations scheduled to be implemented in the State within the next month. The officials estimate that at least 26,000 families, and as many as 35,000 persons, may be rendered ineligible for food stamp benefits because of the new regulations.

The inherent limitations of the Food Stamp Program plus the inadequate and now increasingly unavailable benefits from Unemployment Insurance have made the volunteer Food Banks the last resort for many of Seattle's needy. A newspaper series by the Associated Press, published in the Seattle Times, described the New Poor who had come to depend on the Food Bank:

Society may be evolving ways to impoverish people faster than it is developing means to help them, a survey of the hungry in Washington indicates.

The chasm between new needs and old solutions widens so much daily that private efforts often reach back to the frontier spirit of neighbors helping neighbors.

Society is not prepared to think of a middle class suburban home owner with two cars in the garage as being in need of outside help to put food on his table.

But neither can that man bring himself to sell his property in order to fit the official definition of poor.

Advancing technology and shifting economic trends have combined to create a new class of poor.

They are too well-to-do to receive assistance meant for the poor but yet unable to provide for themselves.

In that same series, one of the Neighbors in Need organizers, the Reverend Alan Ward of the Metropolitan Ecumenical Ministry of Seattle, described the emotional state of many of the New Poor by the time they show up at one of the Food Banks:

The one thing that will drive proud people to seek charity when they wouldn't otherwise is the hunger of their kids.

We've had family after family which has gone without food for several days. Usually the father comes in and says "I wouldn't be here but I can't stand to have my kids hungry."

The Committee staff visited several Food Banks, one located in an old house in a neighborhood known as Capital Hill. Food was being handed out when the staff arrived. The process for giving out the food was courteous and quick. The people had all received numbers and were milling around in front of the house, or waiting in line at the door for their number to be called. Once a person's number was called, he would move into a front room of the house for an interview with one of the volunteers. The interview consisted mainly of questions regarding the person's participation in other programs such as Unemployment Insurance, Food Stamps or Public Assistance. Invariably the replies indicated that most people were either not in these programs, or that the programs still did not supply enough for adequate nutrition. After this interview, the person moved to a nearbly table where he was handed a carton of groceries. The cartons clearly contained no more than several days worth of food, certainly no more than a week's supply. As the line of recipients began to dwindle, so did the food available.

One of the volunteer staff said that the recipients actually had to arrive at the house early in the morning—sometimes as early as 6 a.m.—to receive their numbers. If, on a particular day, the crowd was especially heavy, there would be an attempt to refer an overflow to other Food Banks that were less crowded. Food began to be distributed around 9 a.m. and distribution was usually completed by noon or 1 p.m. Sometimes, when food was in short supply and the needy were out in force, the atmosphere of the Food Bank could turn frightened and angry. "The strain on the staff is terrible when that happens," said one of the volunteers. "They have to start keeping track of how much food is left and how many people they still have to go. A couple of times, we have had to close the Bank down because we were running out. Once we had a near riot."

The increasing likelihood of this difficulty was evident during a visit to the Neighbors in Need warehouses at the Sand Point Naval Station. The warehouses, stocked full months ago, were practically bare—except for cartons of canned salmon which had been processed and donated by the State. Not only was the warehouse practically bare, but there was no assurance of a supply of food to restock it again.

The latest effort to raise money for Neighbors in Need was called Operation Hunger. According to its director, Mike McManus, Operation Hunger succeeded in raising between $30–$40,000 over the summer—and another $10,000 more recently. But now the well of volunteer donations is about dry. "The community has simply run out of the ability to give," said McManus. "People have no idea where it is going to end. Twenty to 25 percent of the givers in the past have been unemployed themselves."

Mr. McManus and others knowledgeable regarding the Food Banks said they are now existing day-to-day and may have to close down soon. "If that happens," said one volunteer, "I don't know what people will do this winter. They just might get themselves together and march down to the Federal food warehouse at Sand Point and take the food they need."

FEASIBILITY OF A FEDERAL SURPLUS FOODS PROGRAM

The warehouse mentioned by the Food Bank volunteer is the USDA storehouse for surplus commodities—now primarily used for the State's School Lunch Program. When the State operated a Direct Distribution Program, the warehouse served that purpose as well.

The existence of the Sand Point warehouse and its stock of food—so close to the Neighbors in Need warehouses, that are now practically bare—is a source of great discontent in the Seattle community. An editorial in the Seattle Times summed up this feeling:

"Those involved in food-bank and hot-meal programs are becoming concerned that government agencies are deliberately ignoring their responsibilities and leaving things to the volunteer organizations.

"Ironically, this Nation sends aid to the hungry of other nations, yet is failing to provide minimal basic relief of hunger for people walking Seattle streets."

It is difficult for people to understand, for instance, why the food that is so desperately needed cannot simply be transferred from one warehouse to the other. The difficulty with such a transfer, as the Agriculture Department has explained, is that the Neighbors in Need Food Banks do not use any eligibility or screening requirements when they distribute food. This is because of a deep conviction on the part of Neighbors in Need staff that only desperately hungry individuals come to the Food Banks, and that it would be an intrusion on their already invaded privacy to ask detailed personal questions. The USDA, on the other hand, must account for Federal food which is distributed and prove that it only goes to truly needy individuals.

It is for all of these reasons—the dwindling unemployment benefits, the limitations of the Food Stamp Program and the crisis facing the volunteer food effort—that Washington State applied officially for permission to operate a Direct Distribution Program concurrent with the State's Food Stamp Program. The Direct Distribution is less satisfactory than the Food Stamp Program in almost every conceivable way except one. It does not provide most recipients with as much food or as good quality nutrition as food stamps. It is often more difficult for recipients to take advantage—because of the bulky nature of the food package. It offers less choice than food stamps used in the neighborhood market. It is less satisfactory in all of these ways, but it has one overwhelming advantage for those that do not have enough money to buy stamps. It is completely free. There is no purchase price requirement for surplus food as there is for stamps. A food stamp allotment of $28 to a person—when he needs $14 to buy the stamps and doesn't have that $14—is useless. That same person, however, would be entitled to $18 worth of surplus food for nothing.

There are clearly a significant number of persons in the Seattle area who are in exactly that kind of situation. It is for that reason that the State has applied for permission to operate a Direct Distribution Program.

The State's request for concurrent programs

The initial involvement of the State of Washington in requesting an expanded role for USDA feeding programs came in a joint letter from Senators Magnuson and Jackson, and Congressmen Foley, Adams, and Hansen on December 14, 1970. That letter requested that the pilot Food Certificate Program then in operation in Yakima, Washington, be extended to the whole State; or, that the Supplemental Food Program then in operation in Seattle be extended to the entire State. On December 15, 1970, Governor Evans wired

Secretary Hardin in support of the congressional delegation's letter.

The response from Assistant Secretary Lyng came on January 4, 1971, and indicated that the U.S. Department of Agriculture was "firmly committed to the Food Stamp concept for supplying the family with its basic food needs" and that, nonetheless, "budgetary limitations" would not permit significant expansion of either program. On January 5, 1971, Senator Magnuson wrote again to Secretary Hardin about the inconsistencies in Assistant Secretary Lyng's statements concerning budgetary requirements.

The next significant request from the State came on May 1 when Governor Evans wrote to Secretary Hardin asking that any future pilot projects include areas in Washington State. On May 28, the Secretary wrote to the Governor indicating that the Department of Agriculture was evaluating its programs to determine if expansion was warranted.

On July 15, Assistant Secretary Lyng met with the Washington State Congressional delegation in Senator Magnuson's office. At that meeting, Lyng said that he could not possibly foresee circumstances under which a dual program would be operated in Washington State or anywhere in the Nation. Later that day the Governor received a call from Lyng denying any such dual operation. Upon the Governor's arrival at the Western Governors Conference at Jackson Hole, Wyoming, on the same day, he told reporters that he was "disappointed and angry" with USDA's decision.

On July 21, the dual operation request was formally submitted through USDA channels. Mary Lou Everson, Assistant Secretary for Economic Services in the State Department of Social Health Services, wrote to Charles Ernst, Western Regional USDA administrator, making the request. Miss Everson's letter was based on the authority contained in Public Law 91–671 and Public Law 92–32. Her letter made it clear that the State of Washington was fully committed to paying for the modest administrative expenses involved in a Direct Distribution Program.

The following day Governor Evans received a letter from Assistant Secretary Lyng which, in effect, reduced his telephone conversation of July 15 to writing. Lyng said, in effect, that the Food Stamp Program was doing an effective job and was being well administered. Governor Evans traveled to Washington, D.C. on July 28 to present a whole economic package to the Office of Management and Budget which included the dual operation of both feeding programs.

Finally, on August 5, Mr. Ernst of USDA responded to Miss Everson's official letter of request. He said that "while Public Law 91–671 does permit the dual operation, the Department has decided it will not approve any dual operation . . . it cannot be justified."

Subsequently, during the course of hearings by the U.S. Senate Select Committee on Nutrition and Human Needs on the Commodity Distribution Program, Senator Percy questioned Assistant Secretary Lyng very closely on the Department's refusal to grant the State of Washington's request for dual program operation.

Lyng admitted that the Department would be "perfectly willing to permit simultaneous distribution of these commodities and food stamps where there seems to be . . . a practical, sensible reason for so doing. But we don't think that situation exists or a good cause has been made for it by Washington State." Furthermore, Lyng stressed that there is "no hard evidence" that the Food Stamp Program was not meeting the needs of the people of Washington.

On October 13, Governor Evans held another press conference in which he indicated that Assistant Secretary Lyng did not know the difficulties and problems that confronted the people of Washington. Then, later last month, Secretary Lyng came to Seattle to meet with the Governor and County Executive, and to visit the Food Banks run by Neighbors in Need. At this moment, the Agriculture Department maintains that there is simply no need for dual food program operation in Washington State.

Congressional intent: Concurrent programs

The Food Stamp Act before 1970 clearly prohibited concurrent programs, except in unusual circumstances. The language of the Act before 1970 read:

In areas where a food stamp program is in effect, there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a national or other disaster as determined by the Secretary (7 U.S.C. § 2013(b))

Under this language, the Agriculture Department only permitted direct distribution programs to operate in areas struck by a natural disaster—such as a hurricane or flood. The reasoning, in such a case, was that the normal channels of food distribution had been disrupted.

In the past several years, however, as the Food Stamp Program expanded dramatically—replacing Direct Distribution programs—the problem of people having enough money to purchase food stamps became more apparent. In many places, there were dramatic reductions in participation in Food Stamp Programs as opposed to previously operating Direct Distribution Programs. This problem was communicated to the Congress and played a significant part in the changes that were made in the Food Stamp Act in 1970. Specifically, Section 4(b) of the Act was changed to read:

In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such periods of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) on request of the State agency: Provided, That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods under this clause (3). (7 U.S.C. § 2013(b)) (emphasis added)

It should be noted that—while there was considerable controversy and disagreement over the differing Food Stamp amendments passed by the Senate and the House of Representatives in 1970—there was unanimity between the Senate and the House conferees on this provision. It was clearly the purpose of the conferees to encourage States and local jurisdictions—where they are willing to pay the administrative cost—to operate a Direct Distribution Program concurrent with the Food Stamp Program.

The House Report to the 1970 Food Stamp Act amendments states: "If the State agency requests simultaneous operation for a period of time beyond that deemed necessary for an orderly transition to a stamp program, or if the State agency wishes to institute the Commodity Distribution Program in an existing food stamp area, the full cost of handling and issuing the commodities in the food stamp area would be at the expense of the State agency or the local government unit." (House Rep. No. 91–1402, 91st Cong., 2d Sess. (1970)).

The conferees further had reason to believe that the provision was fully supported by the Administration speaking through the Secretary of Agriculture. Testifying before the House Agriculture Committee, former Agriculture Secretary Clifford Hardin said:

At present, State and local governments may not operate both food stamp and commodity programs in the same area except during a brief period of transition from one program to the other. We have proposed that *both programs should be allowed to operate simultaneously wherever the local government is willing to assume the additional administrative expenses.* (Hearings on the Amendments to the Food Stamp Act before the House Agriculture Committee (1970), at 9) (emphasis added)

After Secretary Hardin's prepared statement was completed, he had the following exchange with Congresswoman Katherine May:

MRS. MAY. Now, to go to the direct distribution program question again, you have requested that we be able to continue direct distribution of commodities along with food stamp programs, which in the original presentation of this bill to Congress, was not to be allowed if savings dollar-wise and more efficient distribution of nutritional food were to be accomplished. But I understand you propose now being able to have both programs. *Now, under what circumstances in a county would this be necessary?*

Secretary HARDIN. This would be, first, if the city or county was willing to carry the total cost of administering both programs.

MRS. MAY. The total cost of administration, not the cost of the program?

Secretary HARDIN. No, administration. And of course any one family or individual would be on only one or the other of the programs, not both . . . (Hearings, *Ibid*, at 24–25) (emphasis added)

The Secretary was then pressed to explain the rationale for implementing both food relief programs, and under what circumstances such concurrent operations would be accomplished. The Secretary provided the following information to the committee:

Since the Food Stamp Program has been in operation there have been requests to operate both the Food Stamp Program and the Commodity Distribution Program in the same area. In most instances, these requests were made by groups or governmental agencies which felt that the Food Stamp Program was not reaching all of the needy people because some could not afford to purchase the stamps or that the lowest-income families were not receiving enough stamps to meet their minimum nutritional needs.

* * * * * *

We . . . believe that when a State or local government feels it has a special problem, and if they are willing to bear the additional administrative cost, we believe that such simultaneous operations should be permitted. (Hearing, *Ibid*, at 25) (emphasis added)

Congressman W. R. Poage, Chairman of the House Agriculture Committee, taking Secretary Hardin at his word, had the following to say on the floor of the House before the 1970 amendments were voted on:

"The Department of Agriculture has endorsed the bill and calls attention to some of the provisions of the committee bill which are clearly intended to and do liberalize the existing law. Here are the provisions with which the Department is especially pleased: . . . Simultaneous distribution of food stamps and commodities in local areas requesting both programs." (Cong. Rec., 91st Cong., 2d Sess. (December 15, 1970), at H11818)

Further congressional intent on concurrent programs, particularly in areas of high unemployment such as Seattle, was indicated in the passage of the 1972 Appropriations Act for the Departments of Labor, and Health, Education, and Welfare, and Related Agencies. The Act included an amendment—sponsored by Senator Warren Magnuson, Chairman of the Appropriations Subcommittee on Labor-HEW—providing:

That $20 million of this appropriation shall be used by the Office of Economic Opportunity to finance Emergency Food and Medical Services programs in eligible areas of

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exceedingly high unemployment, as defined in section 6 of the Emergency Employment Assistance Act of 1971, to be reimbursed to the Manpower Training Services Appropriation by the Office of Economic Opportunity immediately upon enactment of an Appropriation Act for the Office of Economic Opportunity in fiscal 1972.

Senator Magnuson's purpose in sponsoring this amendment to the Appropriations Act was to provide funds—for Seattle, and similar areas—to finance the operation of concurrent food programs.

Following the passage of the Appropriations Act, Senator Magnuson wrote the Director of the Office of Management and Budget, George Shultz, requesting immediate implementation of the emergency food provision. The OMB replied that it did not believe the emergency funds were required to meet the nutritional needs created by Seattle's economic difficulties, since the area had an operating Food Stamp Program. If the Food Stamp Program proved inadequate to the crisis, the OMB said, then the emergency money would be released.

CONCLUSIONS

1. Seattle and its surrounding areas have suffered a severe economic setback in the past several years. There are now almost as many people unemployed as were employed by the aerospace industry at its peak. There are no immediate prospects for a rapid improvement in the area's economy. The unemployment rate is expected to remain at an extremely high level—probably around 11 percent—during the next year. Despite the generally sound economic base of the State as a whole, it is not unfair to call Seattle an area of "economic disaster."

2. As a consequence of the depressed economic conditions, there is widespread evidence that many families are suffering nutritional deprivation. This deprivation is likely to become more severe as the available social welfare support programs become more inadequate to meet visible needs. Unemployment benefits are being exhausted at an increasing rate, now estimated at 9,000 a month. The Public Assistance Program—despite a dramatic growth in the past 2 years—is proving inadequate to fill all of the area's nutritional needs and has been cut back 15 percent by the State in order to balance its budget. It is probable that less than half of those eligible for the Food Stamp Program are participating in it. Clearly, many are not participating because they cannot afford to buy into the program to receive their bonus stamps.

3. The Seattle community has made a remarkable effort to fill the area's hunger gap by sponsoring a network of volunteer Food Banks. Since they began operating, it is estimated that the Food Banks have filled 300,000 requests for food. A large number of those persons going to the Food Banks report that they are unable to afford the cost of food stamps and that public assistance payments do not provide enough for them to eat adequately. This volunteer effort—a last resource for so many Seattle needy—is in danger of collapsing. As one official put it: "The community has simply run out of the ability to give." There is deep concern throughout the community about the possible adverse effects of an end to the Food Banks—particularly should it occur as winter approaches.

4. There is clearly a demonstrated need for further food assistance in the Seattle area. The Food Banks indicate the usefulness and feasibility of a Direct Food Distribution Program. The Federal Government's Direct Distribution Program could be of vital assistance in alleviating the area's nutritional needs. The Agriculture Department has ample foodstuffs available and has clear legislative authority to approve the State of Washington application to operate a Direct Distribution Program concurrent with the Food Stamp Program in the Seattle area. The Agriculture Department has taken the position that it does not intend to approve such an application for Seattle—or any other jurisdiction. This position is clearly contrary to the intent of Congress, as expressed in the Food Stamp Amendments of 1970. The U.S. Department of Agriculture should approve the application of Washington State for concurrent programs forthwith.

5. Many of the New Poor will still be ineligible for Federal food benefits because of other resources and assets. It is imperative that these families have some place to turn in moments of crisis, so that they will not go hungry. The volunteer Food Banks have served this purpose in the past and, with additional support, can continue to do so in the future. These Food Banks represent an ideal opportunity for the Federal Government to experiment with a Food Assistance Program to serve those who are clearly needy but do not fall wtihin the minimum eligibility requirements governing other programs. It would appear that funds made available in the 1972 HEW-Labor Appropriations Act for the Emergency Food and Medical Services Program of the Office of Economic Opportunity for emergency food programs in high unemployment areas are ideally suited for the crisis now facing the volunteer food assistance effort in Seattle. Efforts should be made immediately to provide those funds, on a flexible basis, to Neighbors in Need that they may continue operating their volunteer Food Banks.

Mr. MAGNUSON. Mr. President, I shall not rest until the last vestiges of hunger in Seattle are wiped out—and wiped out with the use of federally owned surplus food commodities as a major tool in the restoration of humanitarianism in the Government of this Nation.

To signal the start of a fresh campaign to reeducate the bureaucrats as to the real meaning of our democracy, I am offering a "sense of the Senate" resolution for consideration as one of the final acts of the first session of this Congress.

This resolution calls upon the Attorney General of this Nation to honor the judgment of the Federal court in Seattle, by not appealing its ruling in favor of feeding the poor and further calling upon the Department of Agriculture and other agencies to face the truth, that there is a severe hunger problem in this Nation, and to fulfill their responsibility under the law by making available, surplus food commodities to feed the hungry.

Mr. President, why must citizens of the richest Nation in the world have their survival dependent upon mercy shipments of rice and canned goods from another nation across the Pacific? There is no answer to that question that is consistent with the U.S. Constitution or the concepts of democracy, human dignity, and individual worth upon which this Nation was created.

Mr. President, I send my resolution to the desk and ask unanimous consent that it be placed upon the calendar and be immediately considered by the Senate and that its text be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 212

Whereas the Seattle, Washington area is suffering the highest rate of unemployment in the United States and thousands of hungry people are unable to find sufficient food; and

Whereas the federal Food Stamp Program in the State of Washington is inadequate to meet the basic needs of the hungry citizens as is fully documented by the Report of the Senate Select Committee On Nutrition and Human Needs; and

Whereas Congress has provided extensive authority and funds for food distribution programs to be provided in addition to the existing food stamp program; and

Whereas the administration has refused to implement or abide by the laws enacted by Congress to feed hungry people; and

Whereas the failure of the Executive Branch to implement the laws and provide sufficient food distribution in the Seattle area has resulted in thousands of hungry citizens relying upon voluntary private food donations and on foreign aid from Japan, which is providing rice and canned goods and will continue until we take action on our own; and

Whereas the District Court for the Western District of Washington has ruled that the Secretary of Agriculture acted unlawfully, arbitrarily and capriciously in refusing to implement the law and to approve a commodity distribution program for King, Pierce, Snohomish and other counties in the State of Washington; and

Whereas the Department of Agriculture has indicated that they may appeal the court decision and not agree to comply with the law to feed hungry people: Now, therefore, be it

Resolved, That the Senate recommends and urges that the Attorney General of the United States forthwith advise the District Court for the Western District of the State of Washington that the decision of that Court holding that the Secretary of Agriculture has acted unlawfully in refusing to approve food distribution programs for Seattle and adjacent areas will not be appealed and, it is further

Resolved, That the Senate recommends and urges that appropriate officials of the Executive Branch take all necessary steps to fully implement existing laws for the feeding of hungry people in Seattle and adjacent areas and wherever economic conditions require similar action.

The PRESIDENT pro tempore. Is there objection to its immediate consideration?

Mr. MANSFIELD. Mr. President, reserving the right to object——

Mr. GRIFFIN. Mr. President, reserving the right to object, what is the request?

Mr. MAGNUSON. That we consider the resolution.

Mr. GRIFFIN. I am sorry, but I do not know what the resolution is.

Mr. MAGNUSON. I just submitted it to the desk.

Mr. GRIFFIN. For reference?

Mr. MAGNUSON. No; for immediate consideration.

Mr. President, I suggest the absence of a quorum until the distinguished acting minority leader can read it.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold his request?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, for the time being I object.

The PRESIDENT pro tempore. Objection having been heard, the resolution will go over under the rule.

Under the previous order, the Senator from Washington (Mr. JACKSON) is recognized for 15 minutes.

Mr. JACKSON. Mr. President, on Tuesday, a Federal judge in Seattle found that former Agriculture Secretary Clifford Hardin acted unlawfully in refusing to release surplus food to feed the hungry in the Seattle metropolitan area.

The decision could be the climax to months of work by many of us in public office to persuade the Department of Agriculture to use the authority granted by Congress to operate a dual food program in Seattle—to make food available to the hungry by operating a direct distribution program concurrently with the food stamp program already in operation.

I join today with Senator Magnuson in a resolution urging the Attorney General to notify the district court that the Federal Government will not appeal the district court's ruling.

The hunger problem in the Seattle area has become increasingly serious. As U.S. District Judge William Beeks stated in his opinion:

If dual operation cannot gain approval here, where the unemployment rate is the highest in the nation . . . and where thousands have exhausted their unemployment compensation, then the Act has been rendered a nullity.

While the food stamp program has helped, there are inherent limitations in the program, such as delays in getting certified and the requirement of presenting documentation of all income, assets and expenses. The major roadblock is that people cannot afford food stamps because it requires cash. In a depression many people cannot sell their house or car or other vital family assets. In fact, as few as 52 percent of those potentially eligible are actually participating in the program.

Faced with people who had no food, the community responded by setting up a volunteer effort to supplement the food stamp program. The volunteer program, called "Neighbors in Need" currently operates 34 food banks in the Seattle area. "Neighbors in Need" collects food, and money to buy food, and then distributes it through the food banks. In fact, when I was home in September, a woman came to our home, north of Seattle, collecting for Neighbors-in-Need. It reminded me too vividly of the great depression, nearly 40 years ago.

Recognizing the large number of people who could not utilize food stamps, and realizing that the volunteer effort could not go on forever, Senator MAGNUSON and I contacted the Department of Agriculture and asked for help to alleviate the problem. But we were told that there was no hunger problem in Seattle, and that food stamps could take care of the situation.

We have called repeatedly for a dual food program in Seattle. Our colleagues in the House of Representatives have joined in our efforts. The Governor, the King County executive, and the mayor of Seattle have also urged the Department to take such action. But the Department has not responded to this bipartisan appeal.

The Secretary of Agriculture has stated over and over again that there is no hard evidence that the food stamp program is failing to meet the needs of the hungry. Assistant Secretary Richard Lyng visited Seattle in October and restated the Department's position. He saw no need for the dual program.

I do not know where the Secretary looked—but I do know, and Senator MAGNUSON knows, that there are hungry people in Seattle; I have seen them, I have talked with them, I have read their letters—they are hungry and the food stamp program is not taking care of them.

Mr. President, winter is approaching; unemployment compensation is running out; and the food banks continue to be the last resort for many of Seattle's hungry. Tens of thousands of dollars have been raised by "Neighbors In Need," but the community's ability to give is drying up. If the food banks shut down, and the Agriculture Department does not act, we could witness a severe tragedy.

Mr. President, it is ironic that at the same time that the district court was acting, the residents of Kobe, Japan were shipping 1,000 pounds of canned food to the hungry in Seattle. It is hard to imagine that in this great country people who are hungry must turn to our foreign neighbors for help, when their own Government turns its back.

It will be tragic if the Attorney General appeals this case, ending the hope that the hungry might have the food that they need before Christmas.

A country as great and as rich as America cannot turn away from the poor and the hungry and say:

We are too busy . . . we don't want to help.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JACKSON. I am very happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I am shocked by the Federal refusal of surplus food in the Seattle situation. I agree with everything the junior Senator from Washington has said. Where America slams the door, Japan opens its heart. I think this is one of the most humiliating experiences that has ever happened to us as a great Nation. Not that I condemn or criticize the Japanese; I think they are generous, and they are doing this out of the goodness of their hearts. But the mere fact that a nation that we have helped from a point of prostration—she was on her knees in 1945, a conquered nation—is today offering food for our hungry. That Seattle is dependent on Japanese charity—is a moment of shame for America.

It is a moment of shame for America that we do have the food and we do not have the will to feed our own people. It is disgraceful.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. JACKSON. I would point out, Mr. President, that Kobe, Japan, has already shipped the food. I think this is a great tragedy and a great humiliation to our Government, to have it appear in a news dispatch that a foreign country is sending food to help the hungry——

Mr. PASTORE. In America.

Mr. JACKSON. And the needy in America, at a time when a Federal judge has ruled that the Secretary acted in an arbitrary and capricious manner in not exercising the discretion vested in him by the Congress of the United States to distribute the food, under the circumstances that are so clear in this case.

Mr. PASTORE. Will the Senator yield further?

Mr. JACKSON. I yield.

Mr. PASTORE. In the newspaper only the other day I saw a picture where our bins were all overflowing. There was not adequate storage space any more. Food stuffs were piled up in the streets and at the same time Americans go hungry. I am telling you, this is a sad day for America, to put it mildly. What a paradox—plenty and poverty—overflowing harvests and hungry people.

Mr. MAGNUSON. Mr. President, may I suggest, if the Senator will yield, that in the Pacific Northwest there are warehouses full of surplus food right now?

Mr. JACKSON. I yield.

Mr. PASTORE. That is right. But somehow it is not getting to the hungry.

Mr. MAGNUSON. That is right.

Mr. JACKSON. Mr. President, I might also point out that at the time the Department of Agriculture people refused to make food available to the needy in Seattle, we were shipping food out over the docks from Seattle to assist foreign countries in helping them with their food problem. We all agree that we want to help the hungry abroad, but it is rather ironic that in Seattle food is going out over the docks to nations abroad that need food to take care of their people; but we are not taking care of our own citizens.

Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to have printed in the RECORD—I have sent to the desk the court ruling—an article published in the Seattle Times, entitled "New Food Stamp Rules May Bump Many Off Rolls," written by William W. Prochnau, a distinguished journalist of the Times, in which he points out, in a rather long article, that the new food stamp rules will bump many more off the rolls.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW FOOD-STAMP RULES MAY BUMP MANY OFF ROLLS

(By William W. Prochnau)

WASHINGTON.—Seattle's new poor, as Senator George McGovern has called them, can be forgiven if they get the impression that government gives to them with one hand and takes away with the other.

This week a federal judge has ordered a reluctant Agriculture Department to make surplus food available to the hungry in Seattle. And the Senate has made a desperate 11th-hour effort to extend unemployment benefits in Washington and other hard-hit states.

But, at the same time, the government is preparing to implement regulations which could cut as many as 35,000 persons from the food-stamp program in Washington state.

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The regulations, which will replace eligibility rules with a national standard, were announced last summer but are just now beginning to go into effect. Eight states already have complied, with Washington state expected to make the change over after the first of the year.

The Agriculture Department, which came up with the national regulations under congressional order but not under congressional direction, says that about 2 million new persons will become eligible under the change.

Department spokesmen also say the change will deny stamps to at least 75,000 persons now receiving them. But other sources, including Schlossberg, say that the number will be considerably higher.

Unquestionably, the new regulations will mean benefits for many poor, almost destitute, families—especially in the South and some poor areas of the Midwest. All of the benefits will go to states which have income ceilings lower than the new federal-eligibility standards.

But the problem will arise in states which had more liberal rules—Washington, California, New Jersey, New York, Massachusetts, Michigan, Minnesota, Rhode Island, Vermont, Wisconsin, South Dakota and Nebraska.

In Washington, the elderly probably will be the hardest hit. Washington has had relatively high-income ceilings for families of one or two persons—family sizes in which most elderly persons find themselves.

Under the old rules, a one-person family could have a monthly income of up to $195 and still receive some food-stamp benefits. Now the ceiling will drop to $160. For a two-person family, the ceiling will fall from $250 a month to $210.

Among larger families, the new regulations appear to be more liberal. A family of six, for example, will qualify for food stamps with an income of $493. The old rules in Washington state cut a family of six off at $435.

But Schlossberg contends that the higher ceilings are misleading.

Under the old rules a family of six, with the maximum permissible income, would have paid $112 for $144 worth of stamps. Under the new rules the family would pay $139 for $148 worth of stamps.

Schlossberg argues that few families will bother with the $9 bonus and instead will drop out of the program.

The hardest hit are expected to be the elderly who are on low, fixed incomes. They could be knocked out of the program entirely.

But the "new poor"—the aerospace engineers and highly skilled workers, many of whom now have been out of work for months or even years, also could be deeply affected and perhaps edged out of their benefits.

Under the regulations, a marginally poor family with the program's maximum allowable income probably will find food stamps barely worth the effort of obtaining them.

A family of four with a $360 monthly income—about what unemployment benefits provide in Washington state—will have to pay $99 to receive stamps worth $108. The family now would pay $82 for $106 worth of food stamps.

Kem Schlossberg, staff director of McGovern's select Committee on Nutrition and Human Needs, says that the "new poor" will find food stamps "practically a waste of time" after the new regulations are in effect.

Schlossberg charges that the regulations are "deliberately calculated" to push such families out of the program and thereby reduce federal costs. "It is a hell of a crazy program," the McGovern aide said.

Senator Warren G. Magnuson, who has been a sharp critic of the Agriculture Department's handling of aid for the hungry, agrees that the changes probably will mean "a smaller total federal expenditure" for the food stamp program.

Magnuson added that he thought it was odd that this should come at a time when there has been strong congressional pressure to increase aid to the hungry.

"This is a real setback for these people, certainly no gale at all," Magnuson said. "It is especially painful in Washington state, where the cost of food is the fourth highest in the nation."

Mr. MAGNUSON. Our unemployment is getting to the point where our rate is not only the highest in the Nation, but it is going up instead of down.

I realize the problem of the distinguished acting minority leader, that he may want to discuss the resolution with some of the people on his side of the aisle, and take a look, which I am sure he would want to, at the district court ruling, since we only quote the ruling of the district court.

Someone down at the Department has said that the Secretary may appeal. An appeal would take months. In the meantime, they are walking the streets, 8,000 now being fed by Neighbors-in-Need. That is all the donated food we have, except what we are getting from Japan, which may add to it. There are 10,000 being turned away every week. This is an emergency. This is not to chide anyone down at the Department of Agriculture, but they absolutely refuse to budge. We have had meeting after meeting with them, and they still insist that the food stamp program is sufficient, while everyone says it is not, including a Senate committee which made a report last week.

Seattle is a disaster area, and I say it is humiliating—the Senator from Michigan was not here earlier—it is humiliating to me to have the people of Japan sending us food when we have surpluses and they keep insisting that the food stamp program is sufficient. It is not.

It is not only Seattle that is involved. Some other problem areas have shown up in the State of Washington.

I hope we can get some action on this matter. I have no word that the Attorney General will definitely appeal this case. I think they have enough compassion down there that they would not appeal, and perhaps the new Secretary of Agriculture will do something. I do not know. In the meantime, it is pretty bad. It is very bad at this time of the year, during the winter months. I am going to try to go home next week. How can I face 18,000 people who are hungry?

Mr. GRIFFIN. Mr. President, will the Senator yield briefly for a comment?

Mr. MAGNUSON. I yield.

Mr. GRIFFIN. Mr. President, I want to make it clear that my temporary objection to immediate consideration and passage of the resolution this morning does not go to the merits of the resolution, necessarily. Indeed, I do so with some reluctance, because I can understand the deep feelings of the Senator from Washington.

Mr. MAGNUSON. My colleague and I have had many conferences with the Department.

Mr. GRIFFIN. I can understand the feelings of both Senators from Washington. At times I have been rather unhappy with some of the bureaucratic decisions made within the Department concerning programs to feed the hungry in my own State, particularly in Detroit.

Mr. MAGNUSON. Yes.

Mr. GRIFFIN. So I know something about the problem.

Mr. MAGNUSON. Of course, this applies to all States.

Mr. GRIFFIN. I would not be fulfilling my leadership responsibility if I were to let this resolution, which I have just seen for the first time, go sailing through by unanimous consent. The resolution would involve the Senate in a judicial proceeding that is underway. It is necessary that other interested Senators at least have noticed that the resolution is before the Senate. I am sure the Senator from Washington, who is chairman of one of the committees on which I serve, will understand my responsibility in this respect. I would not be representing the Senators on this side of the aisle if I did not at least do that. As I understand the rules, the objection will cause the bill to go on the calendar, and it can be taken up tomorrow.

Mr. MAGNUSON. I ask the Chair whether that is correct.

The PRESIDENT pro tempore. The Senator is correct.

Mr. MAGNUSON. I know that the Senator from Michigan is doing what he thinks he should do as acting minority leader. But I sat for a whole day hearing testimony on this, a month ago, and some of the people came from the Detroit area and talked about their problem. I do not know whether it is any better or any worse than mine, but there is a problem there. The Senator from Connecticut has many problems in his State, where unemployment has gone up. All we are trying to do is get the Senate to consider this matter and put on the record its position on the utter disregard of the Agriculture Department and the White House to the problem facing thousands in western Washington.

The PRESIDENT pro tempore. The time of the Senator from Washington has expired.

Mr. MAGNUSON. I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDENT pro tempore. Under the previous order, the Senator from Illinois (Mr. PERCY) is to be recognized.

Mr. BYRD of West Virginia. Mr. President, may I ask the distinguished assistant Republican leader whether or not the distinguished Senator from Illinois (Mr. PERCY) will be here to claim his time under the order?

Mr. GRIFFIN. It is my understanding that he will not.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be substituted for the distinguished Senator from Illinois (Mr. PERCY) and be recognized for 15 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The Senator from West Virginia is recognized for 15 minutes.

Mr. BYRD of West Virginia. This will not alter the overall time schedule. I yield my time now to the distinguished Senator from Washington.

Mr. MAGNUSON. I do not want to belabor this matter, but this is an emergency. It is most amazing. We have been trying to get this done for months to change the callous position of the Department of Agriculture. The Senator from South Carolina, the Senator from Georgia, the Senator from South Dakota, will agree with everything we are saying here, that something should be done immediately. The resolution is triggered by two things—first, an announcement that Japan is sending us food and the decision of a U.S. district court that USDA had acted "arbitrarily, capriciously, and unlawfully" in refusing to distribute commodities in western Washington.

I served in the Pacific during the war, and I am surprised about how we are reversing foreign relations. The city of Kobe and the other Japanese officials acted with some compassion. They believe that we needed help, and they took a look at our problem. They would not be sending us food if they did not think we needed it. This is humiliating for the United States. This resolution was also triggered by the fact that there was a suit in the district court and the judge ruled last week against USDA.

The Salvation Army and church groups in Seattle got together—they call themselves neighbors in need—and they are now serving 8,000 people each week, from contributions of food and money from myself or anybody else who sends them something. They are turning away some 10 to 12 thousand people each week.

The Senate Select Committee on Nutrition and Human Need sent their staff members to Seattle, along with my staff and Senator JACKSON'S staff, in order to investigate the crisis in Seattle. This was done at the urging of Senator MCGOVERN and Senator PERCY. Senator PERCY made a speech on the floor of the Senate about a week ago, stating that western Washington was a disaster area, and stated this report as evidence of that fact.

Many things have happened since we started this and each has been rebuffed by USDA. This is why I would like some emergency action by the Senate.

Mr. COOK. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from Kentucky.

Mr. COOK. I say to the Senator from Washington that I would hope that he would let it lay over until tomorrow.

Mr. MAGNUSON. Yes; I am willing.

Mr. COOK. I ask unanimous consent that this resolution be immediately printed and that a copy be on the desk of each Senator tomorrow morning.

This is an argument that we have gone through time and time again with the Agriculture Department. We pass bills—the House and the Senate. We say that they can work in compatability with each other, that they work as a matter of necessity with each other where you can have a distribution system and a stamp program in counties that can run parallel, where the necessity is, and the agriculture Department has refused to do it.

I might say that I would hope that between now and tomorrow, Senators would digest this resolution and that the Agriculture Department would digest this resolution. It seems rather harsh language on page 2, such as "unlawfully, arbitrarily, and capriciously," but this is what the lower court decision said.

Mr. MAGNUSON. That is right.

Mr. COOK. This is what the judge said the Agriculture Department had done in relation to the law.

So I think that the Members of this body should have an opportunity to read this resolution, and then let us discuss it again tomorrow. I would hope that between now and tomorrow, the Agriculture Department would realize the seriousness of the problem of the Senator from Washington and, frankly, realize the seriousness of this resolution.

Mr. MAGNUSON. If the Agriculture Department says today that they will supply emergency assistance, I will be glad to withdraw the resolution.

But, on top of that, I want to say to the Senator from Kentucky, I put in the Labor, HEW appropriations bill—this was in July, when this started—$20 million, as the Senator will recall, which was given to the Labor Department, which in turn was going to send it to OEO for their emergency food and medical services program. In the meantime, we had not authorized OEO. Now the OEO is authorized, and in that bill is another $32.5 million which the Appropriations Committees of both the House and the Senate agreed to unanimously, so they have funds. This can be used all over the United States. This is for Detroit, perhaps counties in Kentucky, and in Connecticut. For some reason, they just will not agree to spend any of this money. The Office of Management and Budget operating with direct orders from the White House has impounded the funds for the emergency food and medical services program.

As the Senator from Kentucky has pointed out, we use in the resolution the language that Judge Becks used in his decision. That is all we have done.

Mr. COOK. This is not the language of the Senator from Washington. This is the language of the Federal district court.

Mr. MAGNUSON. And they had a long hearing on this.

In the meantime, we are in serious trouble. Our rate of unemployment has not gone down at all. As a matter of fact, the House is hopefully going to recommend on Monday that we extend unemployment insurance, on that issue both sides of the aisle supported me unanimously.

It gets down to people on social security who get $140 a month. The first thing they are going to do is to pay their rent and pay for electricity and pay for heat, to keep warm this time of the year, in my part of the country. They simply cannot afford to buy food stamps.

I do not understand the position of USDA. The Senator from South Carolina is deeply disturbed about it. He went out there with me. The fact is, there is plenty of surplus food to use. Also the humiliation of having Japan send us food, we will have come to a sorry end if this great country cannot do something about its own problems. It is humiliating. I do not know if this has ever happened in the United States before. I cannot recall it. I support giving food to hungry people wherever they may be. But, charity begins at home. Let us first take care of our own. That is what this resolution is about. So I appreciate the feelings of the Senator from Michigan about this. I know that he wants to see something happen. I brought this matter up under unanimous consent, it was the only way to do it, after these things had happened to me. Yesterday, we okayed in conference the supplemental appropriation bill which has some money in it for OEO, and it contained both a law and a directive.

So I am very glad to have this resolution go over until tomorrow, but I hope that we will be able to have a vote on it because the resolution states only cold, hard facts. The Senator said it contains some pretty rough language, but that is what the U.S. district court said. They had a pretty lengthy proceeding out there.

I do not know whether the President is aware of this matter as much as he should be, but as of now his domestic advisers have been backing up the Department of Agriculture's original ruling. Maybe the new Secretary of Agriculture will do something about it. I do not know. But if he does, between now and tomorrow, I shall be the happiest person in Washington and will be very glad to consider withdrawing the resolution and to work with the new Secretary.

OEO has money and authority. It was just appropriated; they got their money yesterday. There is no problem of distribution. Neighbors in Need is made up of church volunteers, the Salvation Army, Good Will Industries, and all those other good people who will be glad to distribute surplus food, so that there will not be any problem about the cost of distribution.

Neighbors in Need went to Walla Walla, when the President was there about 4 weeks ago, and they tried to talk with him about this problem. I do not know what happened. They did not get to see him. I have a note here, which I did not read until this morning, that the OEO authorization has been vetoed but there is still the money and authority in the appropriation bill—plenty of money available for feeding hungry people.

So, Mr. President, before yielding the floor, let me say that I surely hope the Senator from Michigan and the Senator from Kentucky who have been so helpful in this matter, as well as the Senators from Illinois and South Dakota, and other Senators, will vote for this resolution tomorrow.

I yield the floor.

The PRESIDENT pro tempore. Objection has been heard to the resolution——

Mr. MAGNUSON. Mr. President, a parliamentary inquiry——

The PRESIDENT pro tempore. Since there has been objection to the immediate consideration of the resolution, it will go over under the rule.

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. How much time does the Senator have remaining?

The PRESIDENT pro tempore. Four minutes.

Mr. BYRD of West Virginia. Will the Senator yield to me?

Mr. MAGNUSON. Yes, I yield.

Mr. BYRD of West Virginia. Mr. President, under the previous order, the 1 hour for debate on the cloture motion tomorrow will begin running at 10 a.m.

Under the rule, the Senator's resolution would come up on tomorrow as a part of the morning business prior to the 10 a.m. deadline. Therefore, I think that,

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to be sure the Senator will get a vote on his resolution tomorrow if he wants a vote, I ask unanimous consent that the distinguished Senator from Washington (Mr. MAGNUSON) be recognized at 9:30 a.m. for not to exceed 15 minutes, and that a vote occur on the resolution at 9:45 a.m.; and, in the meantime, he may wish to withdraw the resolution, as he has already indicated, but this would assure the vote at 9:45 a.m. The vote would be completed and at 10 a.m. the 1 hour under the rule XXII would begin, as previously ordered.

Mr. COOK. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. Is the Senator making that request?

Mr. BYRD of West Virginia. I made that request and now the Senator from Kentucky (Mr. COOK) is reserving the right to object.

Mr. COOK. Mr. President, I will not object, but I wonder whether the Senator from West Virginia would extend the time from 15 to 30 minutes.

Mr. BYRD of West Virginia. No. May I suggest to the distinguished Senator from Kentucky that he get 15 minutes prior to——

Mr. COOK. That will be all right.

Mr. MAGNUSON. I will not use up all my time and will be glad to yield the remainder to anyone else.

The PRESIDENT pro tempore. Is objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I do this to assure the Senator from Washington that I will be sure the people in the Department of Agriculture are made aware of the fact that this resolution is pending.

One part of the request that concerns me a little bit is that if there were to be amendments offered to the resolution, there would not be much opportunity for consideration of those amendments.

Maybe that could be worked out but, of course, if there were votes on amendments then the time could well run past the 10 o'clock deadline.

Mr. BYRD of West Virginia. Mr. President, may I revise my unanimous-consent request accordingly, in view of what the Senator from Michigan has just said.

I ask unanimous consent, following the recognition of the two leaders tomorrow, that the distinguished Senator from Washington (Mr. MAGNUSON) be recognized for not to exceed 15 minutes, and that following the remarks of the Senator from Washington, the Senator from Kentucky (Mr. COOK) be recognized for not to exceed 15 minutes; and that, at the conclusion of the remarks by the Senator from Kentucky (Mr. COOK), at 9:30 a.m., a vote occur on the resolution: *Provided, however,* That on any amendment, motion, appeal, or point of order with the exception of nondebatable motions, there be a time limit of 5 minutes, to be equally divided between the senior Senator from Washington and the minority leader or his designee.

Mr. COOK. Mr. President, reserving the right to object——

The PRESIDING OFFICER pro tempore. Is there objection to the request of the Senator from West Virginia?

Mr. COOK. Mr. President, reserving the right to object, I say to the Senator from West Virginia that I do not think I will need 15 minutes. We may probably get this problem resolved, and we have time for a vote, apparently, tomorrow morning, on the resolution, anyway—other than the fact that the Senator from Washington obviously can ask for unanimous consent at any time that the vote be withdrawn; but I want to make it clear that this Senator would not need more than 5 minutes——

Mr. MAGNUSON. I was thinking that I may wish to yield to my colleagues for 5 minutes, anyway, and if the Senator from Illinois (Mr. PERCY) is here, I know that he wants to speak on it, and I will be glad to yield my time to those who want to speak for it.

Mr. GRIFFIN. Mr. President, reserving the right to object, I think that, for the time being, until I do have a chance to check with the minority leader and others concerning this matter, I will at this time reluctantly object to the unanimous-consent request.

The PRESIDENT pro tempore. Objection is heard.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. BYRD) is now recognized for 5 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing me for not to exceed 5 minutes be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under a previous order, the Senate will now proceed to the consideration of S. 1866 with a time limitation thereon of 20 minutes, to be divided between the Senator from New York (Mr. JAVITS), 15 minutes, and the Senator from North Dakota (Mr. BURDICK), 5 minutes.

RELIEF OF CERTAIN PERSONS

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1866.

The PRESIDING OFFICER (Mr. BENTSEN) laid before the Senate the amendment of the House of Representatives to the bill (S. 1866) for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John", which was, on page 1, line 10, strike out "heretofore or hereafter published," and insert "heretofore published, or hereafter published by or on behalf of said trustees, their successors or assigns,":

Mr. BURDICK. Mr. President, the bill, S. 1866, was returned to the Senate with a minor, technical amendment. The Senate is perfectly willing to accede to the House on this matter.

At this time I move that the Senate concur in the amendment of the House.

I believe that the Senator from New York (Mr. JAVITS) has a word to say on this matter.

Mr. GRIFFIN. Mr. President, if the Senator would yield, I think it would be well if we had a quorum call, the time to be charged to the time allocated to the Senator from New York pending his arrival.

Mr. BURDICK. That will be fine.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. What is the pending business?

The PRESIDING OFFICER. The amendment of the House to bill S. 1866.

Mr. JAVITS. Mr. President, what is the time allocation.

The PRESIDING OFFICER. The Senator from New York had 15 minutes. The quorum call has taken 4 minutes. He has remaining 11 minutes.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, this bill which is before us purports to vest in the trustees of the estate of Mary Baker Eddy an exclusive copyright on her great work, "Science and Health," upon which a copyright still remains under various extensions of the copyright law for the one edition which was published in 1906. Numerous editions published between 1875 and 1906 are now in the public domain, and, of course, other revisions may take place hereafter.

At the specific request of the Association of the Bar of the city of New York I have previously asked that consideration of S. 1866 be delayed in order to give the association an opportunity to file a statement of its objections to the bill. The chief sponsor of the bill, Senator BURDICK, has graciously agreed to delay consideration of the bill for a few days in order to give the association time to transmit its statement.

I have now received the report of the civil rights committee of the association, which is authorized to speak for the entire association on matters within its jurisdiction. I ask that the committee's report, together with the earlier telegrams to me from the chairman of the Committee on Civil Rights and the Committee on Copyright Law be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON CIVIL RIGHTS,
November 30, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: Enclosed is a report of the Committee on Civil Rights of the Association of the Bar of the City of New York on the subject of S. 1866. This report is forwarded to you on behalf of the Association and with the approval of the President of the Association, the Honorable Bernard Botein.

On behalf of the Association, we again strongly urge that this bill not be enacted. As you will note, the report recommends the rejection of the bill or, as a possible alternative, its recommittal to the Committee on the Judiciary for hearings on the constitutional issues involved, so as to give its proponents an opportunity to respond to our views as to the bill's unconstitutionality.

I also want to tell you that we all deeply appreciate the strength of your position on the "front lines" of this issue during this past week, so that the Association would have an opportunity to make its views on the constitutional issues known to the Senate.

Warmest regards,
Sincerely yours,
ROBERT M. KAUFMAN.

ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, COMMITTEE ON CIVIL RIGHTS

S. 1866—COPYRIGHT PROTECTION FOR WORKS OF MARY BAKER EDDY

Recommendation: Rejection (Or, in the alternative, recommittal to the Committee on the Judiciary with instructions to hold hearings on the issue of constitutionality.)

There is now pending in the Senate a private bill, S. 1866, entitled "An Act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John", which would grant copyrights to the trustees under the will of Mary Baker Eddy in various editions of the basic text of the Christian Science Church. The Association's Committee on Copyright Law, basing its stand on the constitutional provisions for copyright and the policy of copyright law, has announced its opposition to certain portions of the bill. We oppose the bill because it would violate the First Amendment prohibition of Congress making a "law respecting an establishment of religion, or prohibiting the free exercise thereof."

The bill, which was amended and passed by the House following earlier passage in slightly different form by the Senate, provides that all editions of works variously entitled "Science and Health with Key to the Scriptures", "Science and Health", and "Science and Health; with a Key to the Scriptures" (hereinafter simply "Science and Health") written by Mary Baker Eddy, the founder of Christian Science, heretofore published or hereafter published by or on behalf of the trustees, would be subject to copyright for 75 years from the effective date of the law or the date of first publication, whichever is later. The bill would affect numerous editions of the work published between 1875 and 1906, 16 of which had copyrights which have expired, and one edition, published in 1906, on which the copyright would have expired in 1962 but for the general legislation which has extended copyrights from year to year while Congress has been considering revision of the Copyright Act. In addition, the bill, by its terms, would be applicable to an unlimited number of editions which might at any time "hereafter" be published by the trustees. In order to give some protection to those who have made use of those portions of Mrs. Eddy's books which have been in the public domain, the bill provides that "no liability shall attach . . . for lawful uses made or acts done" prior to the effective date or, with respect to business undertakings or enterprises involving certain prior commitments, for one year thereafter.

Under the Copyright Act, as now in effect, registration may be obtained for an initial period of 28 years and a renewal term of 28 years. The pending revision of the Copyright Act would create a fixed period of 50 years following the death of the author or, in the case of anonymous and certain other works, 75 years following publication. As indicated above, in order to give existing copyrights the possible benefit of a general expansion of the registration period, Congress has extended from year to year (now through December 31, 1972) all existing copyrights, thereby including the 1906 edition of Science and Health. However, just as that edition's copyright registration would have expired without the general extension, so too would it expire with the adoption of the revision because Mrs. Eddy died more than 50 years ago. In sum, the effect of S. 1866 would be, whether eventually the Copyright Act remains unchanged or the pending revision is adopted, to single out Mrs. Eddy's works in the following respects: (a) remove all versions published prior to the 1906 edition from the public domain and impose thereon until 2046 or 2047, either a new copyright or, a copyright for the first time; (b) extend to the same date the copyright on the 1906 edition; and (c) allow future versions to be registered for a period of 75 years from date of publication.

Private bills in the realm of copyright appear to be rare and S. 1866, in dealing specially with the period of protection, appears to be unique. In support of the bill, Senate Report No. 92-280 of the Committee on the Judiciary (adopted in substance in House Report No. 92-604 of the Committee on the Judiciary) cites only nine private copyright bills which Congress has enacted (three of which apparently deal with different editions of the same work), all in the period 1828-1898. We are informed that all of those bills relate to technical defects or a failure of timely registration and the like, none going to the basic policy of the Copyright Act with respect to the length of time a work is to be protected.

The purpose of giving special protection to Science and Health is set forth in the committee reports cited above. Adherents of the Christian Science religion look to that book "as the fundamental statement of the religious teachings of Christian Science." Together with the Bible, it is considered "the basic textbook for all instruction in the Christian Science religion, and for the teaching and practice of the spiritual healing which is a central part of this religion." Likewise, the Bible and Science and Health are regarded "as the only Pastor of this Church", so that weekly sermons "are comprised of readings of scriptual texts and correlative passages from 'Science and Health'." The sermon for each week is uniformly read throughout the world in every Church of Christ, Scientist, the citations having been publicized in advance through the Christian Science Quarterly. Church members "are reliant upon the integrity and purity of the exact statement of Christian Science as set forth in 'Science and Health with Key to the Scriptures', and upon the uniform system of pagination and line numbering which it employes, in order effectively to study and practice Christian Science, and to participate in the religious services and exercises of the Church of Christ, Scientist. . . . Unless the book meets these [two] requirement [*i.e.*, authenticity in containing the exact words of Mary Baker Eddy and uniformity of pagination, etc.] it cannot serve its purpose as the denominational textbook of Christian Science."

On the floor of the Senate, Senator Burdick, one of the sponsors of S. 1866, expressed his concern that, if the book fell into the public domain, "Amended editions, annotated versions, modernized editions, and abridged editions could all be published and would cause great distress and confusion, not only among Christian Scientists, but among those of the general public wishing to obtain a correct and complete statement of the teachings of this religion." He also argued that the bill "would create no restraint upon free expression of religious ideas [but] would only limit those who would seek to express the ideas of Mary Baker Eddy in her words."

Senator Burdick concluded his remarks, as follows:

"Mr. President, in view of the fact that the book Science and Health with Key to the Scriptures play such a unique role in the life of an American religion and since the book is bringing personal profits to no one, I urge its passage. At the same time I wish to point out most emphatically that the committee considers this bill an exception to its general policy of opposition to private patent and copyright bills, especially those providing for a longer term." (Cong. Rec. S. 11899-900, July 22, 1971.)

According to an article in the New York Times of November 25, 1971, quoting Dr. J. Buroughs Stokes, manager of the committee on publication for the church of Boston, absent copyright protection of the earlier editions of Science and Health, commercial interests might "revise it and change it to heighten what they might consider to be its appeal to the mass market and advertise it and sell it as 'Science and Health Revised and Modernized.'" The Times also mentioned that, according to church leaders, annual royalties on the book amount to about $200,000 and are used for church purposes.

Whatever the validity of the arguments advanced for passage of S. 1866—and it seems to us that the desired doctrinal purity and uniformity is obtainable, as it is for other religions, by use of an authorized edition without the aid of copyright registration—we believe that those very arguments point up the unconstitutionality of the bill. While mindful of the usual difficulties of applying the establishment and free exercise clauses of the First Amendment, we confess ourselves unable to perceive how S. 1866 can be other than unconstitutional. Its purpose and its ultimate effect are to single out a particular doctrine within a particular church, to grant to writings embodying that doctrine protection that has never been made available to any other religious or non-religious writings, and to supply civil and criminal sanctions against those who, religiously or non-religiously, whether calling themselves Christian Scientists or not, may choose to deviate from that doctrine. Indeed, our research, though necessarily abbreviated because of time limitations, has failed to disclose any constitutional decisions involving similar statutes—an indication, if unconstitutionality can be regarded as quantitative, of how "extremely unconstitutional" S. 1866 is. However, we may still be guided by the words of the Supreme Court in First Amendment religious cases, which follow:

Everson v. *Board of Education*, 330 U.S. 1, 15-16 (1946), upholding New Jersey's school bus law for church-related school: "The 'establishment of religion' clause of the First Amendment means at least this: . . . Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organization or groups."

Burstyn v. *Wilson*, 343 U.S. 495, 505 (1952), invalidating New York's ban on "sacrilegious" films: "It is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine. . . ."

Fowler v. *Rhode Island*, 345 U.S. 67, 70 (1953), invalidating the application to a meeting of Jehovah's Witnesses of a municipal ordinance forbidding addresses to religious meetings in public parks: "Nor is it in the competence of courts, under our constitutional scheme to approve, disapprove, classify, regulate, or in any manner control sermons delivered at religious meetings. Sermons are as much a part of a religious service as prayers."

Epperson v. *Arkansas*, 393 U.S. 97, 103-4 (1968), invalidating Arkansas' anti-evolution statute: "Government in our democracy, state and national, must be neutral in matters of religious theory, doctrine and practice . . . it may not aid, foster, or promote one religion or religious theory against another or even against the militant opposite."

XUM

Walz v. *Tax Commission*, 397 U.S. 664, 673 (1970), upholding New York's real property tax exemption for churches: "[New York] has not singled out one particular church or religious group or even churches as such; rather it has granted exemption to all houses of religious worship within a broad class of property owned by nonprofit, quasi-public corporations . . ."

Lemon v. *Kurtzman*, — U.S. —, 29 L. Ed 745, 755 (1971), invalidating certain state aid to religious-related schools: "Three such tests [of constitutionality] may be gleaned from our cases. First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . . ; finally, the statute must not foster 'an excessive government entanglement with religion' . . ."

Some guidance may also be obtained from lower federal courts. In *Anti-Defamation League of B'nai B'rith* v. *F.C.C.*, 403 F. 2d 169, 171-2 (D.C. Cir. 1968), cert. denied, 394 U.S. 930 (1969), Circuit Judge (now Mr. Chief Justice) Burger, in upholding the renewal by the F.C.C. of a radio station license, quoted with approval the remarks of Commissioner Loevinger: "For the FCC to promulgate rules regarding permissible and impermissible speech relating to religion would be . . . an unconstitutional infraction of the free exercise clause and the establishment clause of the First Amendment. . . . [Religious] subjects will and must be discussed. But they can not be freely discussed if there is to be an official ban on the utterance of falsehood."

Swan v. *First Church of Christ, Scientist in Boston*, 225 F. 2d 745 (9th Cir. 1955), is particularly instructive. The plaintiff, who had written and copyrighted a book, "God on Main Street," popularizing the teachings of Mary Baker Eddy, sued the Christian Science Church, alleging a conspiracy to suppress and discredit his book. In upholding the granting of summary judgment to the defendants, the court stated: "According to the complaint, what the defendants were doing was to disapprove the manner or language in which the appellant endeavored to advocate adherence to the Christian Science religion. The absolute right of the defendant in this respect is comparable to the absolute right of any religious order to select its own ministers, advocates, authors and sacred writings." (p. 751).

Applying the judicials opinions quoted above to S. 1866, we note that its enactment would constitute open participation in the affairs of a religious organization (*Everson*), could bring government into the business of suppressing (through copyright infringement proceedings) attacks upon a particular religious doctrine (*Burstyn*), would cause Congress to control religious sermons (*Fowler*), would possibly promote one religious theory against another (*Epperson*), and would, unlike general copyright legislation, single out one particular religious group (Walz). Moreover, S. 1866 would fail at least the first two and possibly all three tests of *Lemon* v. *Kurtzman* (secular legislative purpose; primary effect neither advances nor inhibits religion; does not foster excessive government entanglement), any one such failure resulting in unconstitutionality. S. 1866 would also result in an official ban on "falsehood" (*Anti-Defamation League, etc.*), at least as defined by the presently constituted Christian Science church. Finally and ironically, S. 1866 would deprive Christian Science dissidents, of the right accorded the church against such a dissident in *Swan*, to select their own "sacred writings" if those writings happened to be those of Mary Baker Eddy.

We note that the reimposition, as well as the initial granting, of copyright privileges to works long in the public domain by an author long dead, and for extended periods (172 years in the case of the earliest publication), particularly in a specific instance rather than by general law applicable to all authors, may well exceed the constitutional grant of power to Congress by Article I, Section 8 to secure "for limited times to authors . . . the exclusive right to their . . . writings" and, additionally, may violate the freedom of press and speech guaranteed by the First Amendment. However, we are content, at this time, to limit our opposition to S. 1866 to its attempted establishment of religion and prevenion of the free exercise of religion by others.

ADDITIONAL CONSIDERATIONS

If it is the belief of the sponsors and proponents of this legislation that it could fall within the constitutional limitations of the First Amendment, we believe that they should have an opportunity to establish this position. A delay in action on the bill should in no way prejudice their interests, since the general copyright extension bill extends the copyright on the 1906 edition through December 31, 1972 and this is the only edition presently under copyright. The Committee on Copyright and Literary Property of this Association, which has joined with the Committee on Civil Rights in opposing the enactment of S. 1866, has invited the General Counsel of the First Church of Christ Scientist, Boston, Massachusetts, to meet with that Committee on December 15, 1971 to explain his views on the constitutional issues raised by the bill.

In view of all of the foregoing, it is respectfully submitted that this legislation should not be enacted.

COMMITTEE ON CIVIL RIGHTS,
ROBERT M. KAUFMAN, *Chairman.*
Charles R. Bergoffen, Michael Cardozo, Jack David, Stephen J. Friedman, Murray A. Gordon, Alan U. Schwartz, Paul L. Trachtenberg, Raymond S. Calamaro, Simeon Golar, William S. Greenwalt, Eric L. Hirschhorn, (Mrs.) Maris L. Marcus, Donald S. Shack, Hon. Donald J. Sullivan, Eastman Birkett, John R. Fernback, Alfred J. Law, John J. Kirby, Jr., Mrs. Susan F. Teich, Milton L. Williams.

Mr. JAVITS. Mr. President, the report of the civil rights committee of the New York City Bar Association does raise some fundamental questions concerning possible conflict between S. 1866 and the first amendment provisions concerning religion. In addition, the copyright committee of the association opposes the bill because, in their judgment, it violates the basic principle which they feel should govern the granting of copyrights. I note also that when this bill was before the Senate last July, the Senator from Michigan (Mr. HART) raised similar questions.

In my opinion the arguments raised against S. 1866 present some serious questions. Clearly, by granting a special 75-year copyright on all editions of "Science and Health" heretofore published by Mary Baker Eddy or the trustees of her estate, this bill does give special aid to a specific religion—Christian Science—which has never been given to any person or organization, religious or nonreligious, in this century. As a result of this bill the church will be able to continue to receive all proceeds—now about $200,000 per year—from the sale of Mrs. Eddy's book. Furthermore, the bill may, to some extent, inhibit the formation of dissident groups within the Christian Science Church or could limit the public's right to enjoy great books in the public domain, because it will deprive anyone but the trustees of Mrs. Eddy's estate from publishing a revised version of "Science and Health With Key to the Scriptures."

Yet, there is also much to be said for the arguments advanced by representatives of the church for this bill. Unquestionably "Science and Health With Key to the Scriptures" plays a truly unique role within the Christian Science Church. It is, in fact, the pastor of the church—there is no ordained clergy—and Christian Scientists all over the world study the same passages at the same time. The purity of the text, and its proper pagination and lineation, is therefore vital to enable practitioners of Christian Science to practice their religion.

The publication of "revised" editions of the book could thus conceivably have a disruptive effect on the religion itself, and could also mislead members of the public who are not familiar with the Christian Science religion.

A number of leading members of the church have personally expressed their concern to me about the possibility of such disruption, and I am completely convinced of their heartfelt sincerity in supporting this bill. In addition, during the past 10 days I have received several thousand telegrams and letters from Christian Scientists supporting S. 1866.

Mr. President, again I would like to sum up the arguments of the association of the bar—contained in the following statement relating to the copyright. They say:

Its purpose and its ultimate effect are to single out a particular doctrine within a particular church and grant to writings embodying that doctrine a protection that has never been made available to any other religious or nonreligious writing, and to apply civil sanctions against those who, religiously or nonreligiously—whether calling themselves Christian Scientists or not—may choose to deviate from that doctrine.

Another pertinent statement is:

Finally and ironically, S. 1866 would deprive Christian Science dissidents of the right accorded the church against such a dissident in Swan . . .

Which is one of the major cases on the subject. I continue to quote:

To select their own sacred writings, if those writings happen to be those of Mary Baker Eddy.

Mr. President, I am persuaded by this opinion. I believe that there is at the very least a very strong case of constitutionality, and constitutionality is always a matter submitted to the Senate. So I felt we should hear the arguments and then decide by vote. I shall vote no, against the bill, and I want the RECORD to so reflect.

I have no interest whatever in impeding the great practice of this religion which so many wonderful people believe in so very deeply, except the constitutional issue which relates to taking out of the public domain, which this bill does, a great body of religious literature and putting it into a private document in a copyright.

I should imagine that the Catholic Church would be very happy to have a copyright on the New Testament; and I know the Jewish faith would like to

Mr. President, I have one last observation. There is a question which a copyright raises of a monopoly and accessibility of this great religious book to everyone. On that, and I am persuaded by the church, I do not think there is much question about the fact that its constant unvariable practice has been for very broad accessibility to the book, and that it will so continue. In order to certify that that is the case, I have a letter from Mrs. Leonore D. Hanks, chairman of the trustees under the will of Mary Baker Eddy. The Senator from North Dakota will confirm that she constitutes the highest authority in the church. In the letter she states as follows:

The usual attempts that a commercial publisher would make to stimulate sales on a grand scale through advertising in the trade press and promotional campaign are simply not made, and this is in accord with Mrs. Eddy's basic view of the nature of the book and its essentially religious purpose. Science and Health is available for purchase in bookstores and Christian Science Reading Rooms throughout the United States and many foreign countries in paperback editions selling as low as $1.95 per copy. There has been no attempt to restrict the sale in any area or to any person. It is widely placed in libraries, available free to those serving in the Armed Forces, distributed free at drug rehabilitation centers and on records and cassettes at libraries for the blind, etc. It is the intention of the Trustees that it be available for the widest possible public use and dissemination consistent with the protection of the purity of the text and the message. This basic policy will continue as long as our Church exists.

The clear record of the history of the book indicates that it was conceived as a matter of service to humanity, and the Christian Science Church sees this book in these of the nature of the conveyance of rights by the author to the Church she founded.

Mr. President, I am persuaded that this is a complete commitment to the public domain with regard to accessibility.

In view of the apparent fact this has not struck any fire or aroused great interest elsewhere, except among those who practice the religion, and in view of the finding of unconstitutionality by the bar association, to which I have referred, and I respect it so highly I am going to vote "no." However, I felt there was no proper substantive reason for me to delay the matter further, after giving the bar association a full opportunity to look at the matter.

Asssuming the bill is passed and the President signs it, it still must run the gauntlet of legal challenges from anyone who wishes to challenge it.

Those are the circumstances in which I leave the matter. I ask unanimous consent to have printed in the RECORD the letter from Mrs. Lenore D. Hanks and other correspondence from the association of the bar of the city of New York.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRISTIAN SCIENCE CENTER,
Boston, Mass., December 6, 1971.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: As chairman of the Trustees under the Will of Mary Baker Eddy and speaking for all the Trustees, I am glad to assure you that for decades the policy of our Church toward *Science and Health with Key to the Scriptures* has been one of trusteeship and service rather than financial gain. This policy will remain unchanged and unaffected by the passage of S1866.

The usual attempts that a commercial publisher would make to stimulate sales on a grand scale through advertising in the trade press and promotional campaigns are simply not made, and this is in accord with Mrs. Eddy's basic view of the nature of the book and its essentially religious purpose. *Science and Health* is available for purchase in bookstores and Christian Science Reading Rooms throughout the United States and many foreign countries in paperback editions selling as low as $1.95 per copy. There has been no attempt to restrict the sale in any area or to any person. It is widely placed in libraries, available free to those serving in the Armed Forces, distributed free at drug rehabilitation centers and on records and cassettes at libraries for the blind, etc. It is the intention of the Trustees that it be available for the widest possible public use and dissemination consistent with the protection of the purity of the text and the message. This basic policy will continue as long as our Church exists.

The clear record of the history of the book indicates that it was conceived as a matter of service to humanity, and the Christian Science Church sees this books in these terms—indeed, must see the book in these terms—because of the nature of the conveyance of rights by the author to the Church she founded.

The purpose of our Church is service, and this remains the overriding concern of our entire organization.

Sincerely yours,
Mrs. LENORE D. HANKS,
Chairman.

Hon. JACOB K. JAVITS,
U.S. Senator,
Washington, D.C.:

On behalf of the Committee on Civil Rights of the Association of the Bar of the City of New York, I strongly urge that no action be taken by the Senate on S. 1866 "for the relief of Clayton Bion Craig et al." Which raises serious constitutional problems relating to the constitutional provisions prohibiting the establishment of religion, as well as other constitutional provisions.

The Committee on Civil Rights, as well as the Committee on Copyright Law of this association, is studying this problem and plans to report thereon as soon as possible.

The postponement of action on this bill should not prejudice the parties concerned in view of the blanket copyright extension legislation recently passed.

ROBERT M. KAUFMAN,
Chairman, Committee on Civil Rights, the Association of the Bar of the City of New York.

NEW YORK, N.Y.

Senator JACOB JAVITS,
Old Senate Office Building,
Washington, D.C.:

The following telegram was sent yesterday to all members of the House Judiciary Committee: "At its meeting last night the Committee on Copyright and Literary Property of the Association of the Bar of the City of New York unanimously disapproved that portion of S. 1866 which purports to restore to copyright protection editions of science and health which have long been in the public domain. The bill would create for the first edition of that work a copyright term in excess of 170 years. We believe that such action exceeds the congressional power under article 1, section 8, of the Constitution and would represent unsound copyright policy. We urge you to object to the passage of private bill S. 1866".

CARLETON G. ELDRIDGE, Ja.,
Chairman.

Mr. BURDICK. Mr. President, I wish to say to my friend from New York that this matter was gone into by the various committees. I believe it was gone into in great depth by the House committee. Now, it comes back with this very minor amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary on the constitutionality of the bill, together with the authorities therefor.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PRIVATE BILL S. 1866: CONSTITUTIONAL BASIS

Article I, Section 8 of the Constitution provides:

"The Congress shall have Power To . . . promote the Progress of Science and Useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;"

A. Private Copyright Acts. Congress has heretofore enacted a number of private Copyright Acts for specific works. A list of these Acts is attached. Although these private Acts do not appear to have been tested in the courts, statutes involving private Patent Acts arising under the same provision of the Constitution have been tested in the courts. A list of these cases is attached. The courts have uniformly sustained these enactments on the ground that they constitute a proper exercise of the power of Congress granted under Article I Section 8 of the Constitution. The most recent of these cases is *Radio Position Finding Corp.* v. *Bendix Corp.* which was decided by a three judge court in 1962, and was affirmed per Curiam by the Supreme Court of the United States in 1963.

The cases listed support the proposition that the power granted to the Congress under Article I Section 8, is not limited to the enactment of "general" patent or copyright statutes, but may be exercised in respect of specific inventions or to protect the invention of a specific inventor. By the same token, it would include the enactment of a statute to secure exclusive rights in a specific "writing" created by a specific author.

B. Establishment of Religion. Copyright protection for religious works does not constitute the establishment of religion. If it did, then the present copyrights laws of the United States would be unconstitutional. The extension and grant of copyright under S. 1866 creates no right of a kind which has not heretofore existed under the general copyright laws of the United States. Section 5(c) of the present law makes special provision for the protection of sermons. Section 104 of the present law and Sections 110(3) and (4) of the proposed general revision (S. 644) also make special reference to works of "a religious nature" and exempt performance of works "in the course of services at a place of worship or other religious assembly" or where the proceeds are used for "religious" purposes.

C. Free Exercise of Religious. Copyright protection for *Science and Health with Key to the Scriptures* is an important element in the free exercise of religion for adherents of Christian Science and those who wish to learn and study this religion. Such protection is vital for preventing the issuance of books containing changes, variations, deletions or additions to *Science and Health*, and for avoiding confusion to the public which in buying or borrowing the work from bookstores and libraries would not know whether the copies offered are the correct and complete text authorized by Mary Baker Eddy. If such variant texts were issued, either intentionally or as the result of carelessness, the correlation between *Science and Health* and the Lesson-Sermon in the *Christian Science Quarterly* would be destroyed. This correlation between the Lesson-Sermons and the au-

thentic text is an important element to be protected by copyright, and it is this correlation which enables the textbook to function effectively as the Pastor of the Christian Science religion.

D. Freedom of Expression. There is no monopoly over expression and copyrights do not limit what may be said freely in public. A copyright simply prevents "copying or reproduction of a work" and does not prohibit the use of ideas or what may be said about a copyrighted work. Nor does it prevent textual or historical criticisms. Under the doctrine of fair use, not only may writers engage in comment and criticism, either favorably or adversely, but they are even permitted to quote portions of a work for this purpose.

E. Limitation of Duration. The term of copyright under S. 1866 is for a fixed period of time and is patterned on the 75-year provisions for institutional works under the proposed general copyright revision bill (See S. 644, 92d Congress, Section 302(c)). Thus, it complies with the Constitutional requirements of copyrights "for limited Times."

F. Rights of Trustees. Congress has the power to grant copyright protection to trustees of an estate and such protection has been extended for many years. Section 9 of the Copyright Act reads: "The author *or proprietor* of any work made a subject of copyright by this title *or his executors, administrators or assigns* shall have copyright for such work * * *" The trustees of an estate can be proprietors of a copyright and are the assigns of the author's executor.

G. Science and Useful Arts. Congress is granted power to create copyrights "to promote the Progress of Science and useful Arts," but this language does not limit the subject matter of works which may be copyrighted. If religion is not a useful art, then no religious works could enjoy copyright protection, since the copyrights would not promote the progress of the useful arts. Clearly, under our system of copyrights, protection is afforded to religious works as useful arts. Section 5(c) of the present 1909 law specifically provides for copyright registration of sermons even though not reproduced in copies for sale.

CASES ON CONSTITUTIONALITY OF PRIVATE EXTENSION BILLS

Radio Position Finding Corp. v. The Bendix Corp., 205 F. Supp. 850 (D. Md. 1962), aff'd per curiam 371 U.S. 577, 83 S. Ct. 548 (1963).

Evans v. Jordan, 9 Cr. 199 (1815).

Bloomer v. McQuewan 14 How. 539, 548 (1852).

Bloomer v. Millinger, 1 Wall 340, 350 (1864).

Evanson v. Dodge, 18 Wall. 414, 416 (1873).

Bloomer v. Stolley, 5 McLean 158, Fed. Cas. No. 1559 at p. 731 (1850).

Jordan v. Dobson, 2 Abb. U.S. 398, Fed. Cas. No. 7519 at p. 1095 (1870).

Blanchard's Gun-Stock Turning Factory v. Warner, 1 Blatchf. 258, Fed. Cas. No. 1521 at p. 856 (1846).

Blanchard v. Haynes, 6 West. Law J. 82, Fed. Cas. No. 1512 at p. 828 (1848).

Stephens v. Howells Sales Co., Inc., 16 F. 2d 605 (S.D.N.Y. 1926).

Marx v. United States, 96 F. 2d 204, 37 U.S.P.Q. 380 (9th Cir. 1938).

Edward B. Marks v. Jerry Vogel Music, 42 F. Supp. 859 (S.D.N.Y. 1942).

Mr. HART. Mr. President, "Science and Health With Key to the Scriptures" is a text regularly used in the teaching and practices of the Christian Science religion. It contains the fundamental statement of the teachings of the Christian Science Church. The Christian Science religion requires that the original text of the book by Mary Baker Eddy be reproduced in haec verba without any deviation whatever—including pagination and the placement of the words on each page.

Of course, all of us respect the requirements and the teachings of the Christian Science religion. But the Congress of the United States ought not aid directly a specific religious institution. In my view, enactment of S. 1866 violates the first amendment to the Constitution's guarantee of freedom of religion in this country.

This is precisely the view articulated by the Bar Association of the City of New York and by a number of distinguished jurists in that State.

Finally, enactment of S. 1866 violates the copyright clause of the Constitution. Article 1, section 8 of the Constitution precludes extension of copyright protection to the trustees of an estate. The limitation to authors is specific, and Mary Baker Eddy was afforded ample protection and monopoly power over her work since 1875, notwithstanding the normal copyright protection being 28 years with the right of renewal for an additional 28 years.

The constitutional collision course being steered by S. 1866 can and should be easily avoided—and with no adverse effect upon the Christian Science Church. An official and authorized version of the text could be established and recognized and denominated as such by the church to assure the page for page, line for line, word for word adherence to the original text, which the church deems essential to its members. This is a well-recognized practice in other religions with regard to their basic religious texts. I opposed the bill in committee and renew my opposition now.

Mr. BURDICK. Mr. President, at this time I am prepared to yield back my time if the Senator from New York is prepared to do so.

The PRESIDING OFFICER. All time has expired.

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. JAVITS. Mr. President, I wish to be recognized.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. I wish to be recorded as voting "no."

The PRESIDING OFFICER. The Senator is so recorded.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to routine morning business for a period not to extend beyond 10:30 a.m.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

ADDITIONAL PAY FOR PROFESSORS AT MILITARY AND AIR FORCE ACADEMIES

A letter from the Secretary of the Army transmitting proposed legislation to provide additional pay for permanent professors at the U.S. Military Academy and the U.S. Air Force Academy (with accompanying papers); to the Committee on Armed Services.

ADDITIONAL POSITIONS IN THE TREASURY

A letter from the Secretary of the Treasury submitting proposed legislation to establish certain positions in the Department of the Treasury and to fix the compensation for these positions, and for other purposes (with accompanying papers); to the Committee on Finance.

REPORTS OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General of the United States submitting, pursuant to law, two reports, one entitled "Coordinated Consideration Needed of Buy-National Procurement Program Policies"; and the other entitled "Management of Selected Aspects of the Strategic and Critical Stockpile" (with accompanying reports); to the Committee on Government Operations.

REPORT OF THE NATIONAL SAFETY COUNCIL

A letter from the president of the National Safety Council, Chicago, Illinois, submitting, pursuant to law, its annual report (with accompanying report); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 213. An original resolution to pay a gratuity to Frances J. Bangert;

S. Res. 201. A resolution supplementing the limitation with respect to experts and consultant expenses that may be incurred by the Committee on the Judiciary for a study relating to constitutional rights (Rept. No. 92–570);

S. Res. 200. A resolution to print as a Senate document a compilation entitled "Majority and Minority Leaders of the Senate" (Rept. No. 92–571);

S. Res. 195. A resolution to print as a Senate document, with illustrations, a report entitled "Financial Management in the Federal Government—Volume II" (Rept. No. 92–572); and

S. Con. Res. 41. A concurrent resolution authorizing the printing of the report of the proceedings of the forty-fifth biennial meeting of the Convention of American Instructors of the Deaf as a Senate document (Rept. No. 92–573).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 210. A resolution authorizing the printing of the report of the 1971 White House Conference on Aging as a Senate document (Rept. No. 92–574).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 216. A bill to permit suits to be brought against the United States to adjudicate disputed land titles (Rept. No. 92–575).

By Mr. STENNIS, from the Committee on Armed Services, with amendments:

H.R. 8856. An act to authorize an additional Deputy Secretary of Defense, and for other purposes (Rept. No. 92–576).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. GURNEY, from the Committee on the Judiciary:

William Terrell Hodges, of Florida, to be a U.S. district judge for the Middle District of Florida.

By Mr. BURDICK, from the Committee on the Judiciary:

Jon O. Newman, of Connecticut, to be a U.S. district judge for the district of Connecticut;

Arnold Bauman, of New York, to be a U.S. district judge for the southern district of New York;

Lee P. Gagliardi, of New York, to be a U.S. district judge for the southern district of New York; and

Bruce M. Van Sickle, of North Dakota, to be U.S. district judge for the District of North Dakota.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, December 10, 1971, he presented to the President of the United States the following enrolled bills:

S. 29. An act to establish the Capitol Reef National Park in the State of Utah; and

S. 1237. An act to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 2983. A bill to provide for the establishment of a national cemetery in the State of Maryland. Referred to the Committee on Veterans' Affairs.

By Mr. EAGLETON:

S. 2984. A bill to amend title II of the Social Security Act so as to remove the present dollar limit on the amount of the lump-sum death payment. Referred to the Committee on Finance.

By Mr. HUMPHREY (for himself, Mr. HOLLINGS, Mr. HUGHES, Mr. TUNNEY, Mr. ANDERSON, Mr. JAVITS, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. RANDOLPH, and Mr. CRANSTON):

S. 2985. A bill to establish a program for the distribution of surplus American military equipment in Southeast Asia. Referred to the Committee on Armed Services.

By Mr. STAFFORD:

S. 2986. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes. Referred to the Committee on Government Operations.

By Mr. JAVITS (for himself, Mr. PASTORE, Mr. GOLDWATER, and Mr. FANNIN):

S. 2987. A bill to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, New York, out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENS:

S. 2988. A bill to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974. Referred to the Committee on Commerce.

By Mr. HARTKE:

S. 2989. A bill to amend title 28, United States Code, to make the United States liable for acts of medical malpractice committed by its employees against members of the armed forces of the United States. Referred to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 2990. A bill for the relief of John Panamarioff and others. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2991. A bill to provide for the establishment of the War in the Pacific National Historical Park on the Island of Guam, and for other purposes; and

S. 2992. A bill to provide for the establishment of the Guam National Seashore, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2993. A bill to amend the Communications Act of 1934 with respect to the renewal of broadcasting licenses. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 2983. A bill to provide for the establishment of a national cemetery in the State of Maryland. Referred to the Committee on Veterans' Affairs.

Mr. BEALL. Mr. President, I introduce today a bill to establish a National Cemetery in the State of Maryland. The bill directs the Secretary of the Army either to purchase or to acquire by donation, a suitable site for such a cemetery in Maryland and also authorizes funds for its care and maintenance.

Last week I had the privilege of meeting with a number of Maryland veterans and discussed with them many areas of concern to them. One of their major concerns, was the fact that there is no longer any burial space in a national cemetery in Maryland.

Mr. President, from the Revolutionary War to the present conflict in Vietnam, Marylanders have distinguished themselves in the service of the Nation. They have not failed to answer their country's call. There are approximately 516,000 veterans in Maryland, and while I cannot speak for all of these men and women, views expressed last week during my meeting with some of them, indicates they feel the country has let the veterans down by denying veterans the honor, if they so desire, to be buried in a national cemetery. This is an appalling fact, and I introduced this measure today in response to the critical situation in Maryland.

Maryland's situation only reflects the larger national picture, and we probably need a new national policy on this matter. Whether it be in comprehensive national legislation, or in the bill I have just introduced, I intend to work to improve the present sorry situation.

By Mr. EAGLETON:

S. 2984. A bill to amend title II of the Social Security Act so as to remove the present dollar limit on the amount of the lump-sum death payment. Referred to the Committee on Finance.

Mr. EAGLETON. Mr. President, I am today introducing a bill to remove the present statutory dollar limit of $255 on the Social Security lump-sum death payment.

Under present law, the lump-sum death payment is three times the worker's primary insurance amount or $255, whichever is the smaller.

As a result of this dollar limitation, the amount of the lump-sum death payment no longer bears a reasonable relationship to the earnings record of the worker. In 1970 there were approximately 1.25 million claims for lump-sum death payments. About 75 percent of these claims were limited by the $255 maximum.

Another result of this dollar limitation is that the lump-sum death payment no longer bears a reasonable relationship to the expenses connected with death. For example, the cost of the average adult funeral in the United States rose from $578 in 1952 to $926 in 1969. Funeral expenses not covered by the lump-sum death payment must often be met by the survivors out of their monthly Social Security benefits.

As long ago as 1965, the Advisory Council on Social Security urged that:

> The lump-sum should not be subject to a dollar limit that is allowed to remain stationary when other provisions of the law are changed, but rather . . . the dollar limit should be adjusted with other provisions of the law as earnings levels rise.

Earlier this year, the 1971 Advisory Council on Social Security recommended that:

> The fixed-dollar limit of $255 be removed and that the lump-sum death payment be three times the worker's primary insurance amount up to a maximum payment equal to the highest family monthly benefit paid under the law.

My bill would carry out this recommendation of the Social Security Advisory Council and thereby restore the earnings-related character of the lump-sum death payment.

The Social Security Administration estimates that this change in the law would result in the payment of $195 million in additional benefits in fiscal 1973.

By Mr. HUMPHREY (for himself, Mr. HOLLINGS, Mr. HUGHES, Mr. TUNNEY, Mr. ANDERSON, Mr. JAVITS, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. RANDOLPH, and Mr. CRANSTON):

S. 2985. A bill to establish a program for the distribution of surplus American military equipment in Southeast Asia. Referred to the Committee on Armed Services.

WAR-TO-PEACE SURPLUS EQUIPMENT ACT

Mr. HUMPHREY. Mr. President, on November 23, I introduced an amendment to the Defense appropriation bill calling for a special program for the disposition of surplus military equipment in Vietnam. I reintroduce my amendment today in the form of a bill with some minor revisions and ask unanimous consent, Mr. President, that the War-to-Peace Surplus Equipment Act be printed in the RECORD following my remarks.

The purpose of this measure is to

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maximize the efficient use of a vast storehouse of military equipment for our urgent needs at home. These needs do not have to be enumerated. They vividly confront us in urban and rural America.

Less than 10 blocks from the Senate we can see what those needs are. Our educational facilities are inadequate. Our housing is below standard and insufficient, and medical care and hospital facilities are not meeting the needs of all Americans for quality health care.

I would not be surprised to find that the Medivac program for Army personnel in Vietnam is more efficient than any of our programs here at home.

Urban planners and rural development experts have suggested that helicopters be used as ambulances to speed emergency cases to a downtown hospital or a county health center.

Medivac is a pace-setting program and should be maintained. Our Armed Forces should, therefore, retain the necessary helicopters to continue this facility.

The armed services in Vietnam possess the tools—the construction equipment and the vehicles—to build roads and bridges in Appalachia or the Ozarks. And I am sure that State and National park systems could benefit from the distribution of such heavy equipment to meet the growing need for more and better recreational facilities.

I am not suggesting that our Armed Forces in Vietnam should be deprived of any military and other logistical equipment. But as they withdraw—and the President has at least assured us that withdrawals will continue—the requirements of our Armed Forces change proportionately.

In its 1968 annual report the Department of Defense indicated that 9,129,000 measurement tons of Army cargo were shipped by sea into the area of Southeast Asia. Of that total, 7,679,500 came from the United States. This was support equipment for an army at roughly a 550,000 troop strength level. Now we expect to have force levels reduced to 139,000 by February 1 of this year, roughly one-fifth of what we had in 1968. Still, we have not reduced our appropriations for military equipment to Vietnam in the same ratio.

A GAO review of the phasedown of U.S. military activities in Vietnam indicated in August of this year that our Armed Forces could do much to reduce the flow of materiel to Vietnam. It suggested that new lower stockage levels must be calculated which would result in order deferrals or prevent replenishment actions. Second, the GAO report suggested that the practice of open requisitions by units being redeployed or deactivated be canceled. Together, these steps would reduce sharply unnecessary shipments to Vietnam. There would be more materiel in the United States, originally requisitioned for Vietnam, which could be made available for domestic purposes. Of the surplus materiel now in Vietnam, a greater percentage could be shipped home and put to immediate practical use. Some of that surplus will stay in Vietnam, but a greater share could be retrograded to the United States.

To be sure the Defense Department has a retrograde program, handled by the Installations and Logistics division. In fact, the Army should be congratulated for its SCRAM—Special Criteria for Retrograde of Army Materiel—program which has withdrawn equipment valued at over 4 billion dollars. At the same time, most of this equipment is shipped back with the Army unit leaving Vietnam or to an American installation in the Pacific. According to a newspaper report, the Army's figures show that only approximately 5 percent of its equipment being shipped out of Vietnam is put back to work immediately.

What I am proposing today is a means of putting that materiel to use immediately. The General Services Administration has had a "Home Run" and "Home Run Extended" program for domestic use of surplus military property in Southeast Asia. In the last year it has distributed at Federal, State, and local levels equipment and supplies valued at roughly $21.6 million. But this figure represents less than 5 percent of the surplus material. A substantially higher portion, 90 percent, is retained by the DOD. What the Installations and Logistics division determines as excess to the DOD's needs is that which is made available to the public. What now qualifies as excess is anywhere in the range of between 5 to 10 percent of surplus military equipment requisitioned for Vietnam. The Vietnam Surplus bill would cover all equipment "no longer necessary for use of armed forces of the United States in Southeast Asia." The DOD, as a result, would be hard put to argue that only 5 percent of equipment and supplies for Vietnam qualifies as surplus material.

Up to this point, I have only addressed myself to the question of surplus equipment which has had a great potential for nonmilitary purposes in America. But there is an equally important facet relating to surpluses available for strictly military purposes: the heavier hardware like planes, tanks, and artillery. Here, there has been a disturbing loophole in bureaucratic practices which has permitted a thriving international arms trade to flourish. Defense articles declared to be in excess are made available to foreign countries through direct purchasing, grants, and through third parties. This year the Defense Department requested a ceiling for defense articles valued at $220 million, compared to the fiscal year 1971 authorization of $100 million. The ceiling is even higher than the authorization figure, considering the fact that defense articles are presently valued at one-third acquisition costs. That means that the Army can purchase a $9 million plane, the next day register its value at $3 million, and give it to a foreign country at this price. For true accounting purposes this year's ceiling is actually about $660 million.

Once this kind of authorization is passed, there is no congressional determination of where the defense articles wind up. Hence, we may discover that the United States is furnishing countries with military hardware when we should not be as in the case of Pakistan, or Cambodia.

Military assistance programs are designed to be tools of our diplomacy; they are not intended to dictate our diplomacy and that is what may happen if controls are not devised for these programs. Otherwise, we will continue to witness their self-perpetuation. This year, for example, in requesting a $220 million ceiling for excess defense articles, DOD argued that raising the ceiling would mean more effective use of surplus military hardware in Vietnam. In the narrowest terms, that may be true, but the fact that a large surplus is thereby made available for unidentifiable purposes hardly would seem to be effective in the broader context of trying to reduce the arms flow into Southeast Asia.

The bill I am introducing would provide a check on the use of our excess defense articles and would facilitate the disposition of a greater portion of our surplus equipment for domestic purposes. The Office of Southeast Asia War Surplus would have the responsibility for coordinating the entire program. Through the Secretary of Defense, the office would establish procedures for local, State, and Federal agency applications for surplus material and would be charged with the responsibility for a fair and equitable disposition of the property covered by this act.

In the case where the sale of surplus material abroad would be more economically efficient than direct distribution at home, the office would be required to set up a special trust account for sales proceeds. The funds in the special account would be subject to the same restrictions set out in the Foreign Military Sales Act. I can imagine cases when certain nonmilitary equipment might have minimal value here at home, but in high demand elsewhere. Foreign countries are willing to pay hard currency for these goods, and the ultimate benefit to our domestic programs would be greater because funds would be made available for the purchase of equipment commensurate with our specific development needs. At the same time the purchasing country would also be better off as a result of the transfer and sale of the surplus item.

I cannot imagine anyone's disputing the usefulness of this program. The facts speak for themselves. We should endorse the principle of expanding our surplus programs at home and we should provide the most suitable facility to coordinate the disposition and distribution of this materiel. Mr. President, I urge my colleagues to take this opportunity not just to consider our priorities, but to act as if we knew what they were. Withdrawing from Vietnam involves planning for the future of our Nation, and the legislation I am offering is one step in this direction.

I would like to announce that Senators HOLLINGS, HUGHES, TUNNEY, ANDERSON, JAVITS, MONDALE, MONTOYA, MOSS, RANDOLPH, and CRANSTON are joining with me as cosponsors of the War-to-Peace Surplus Equipment Act of 1971.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "War-to-Peace Surplus Equipment Act of 1971".

FINDING AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that (1) there is a demonstrated need on the part of Federal, State, and local governments for surplus equipment of the United States in Southeast Asia, (2) such need has also been shown to exist among certain private, nonprofit organizations engaged in urban and rural development programs in the United States or in assistance to low-income persons in the United States, (3) that surplus equipment can be returned to the United States from Southeast Asia at a cost that is only a small fraction of the original price paid for such equipment and, in most cases, at only a fraction of the fair market value thereof.

(b) It is hereby declared to be the policy of Congress to assure the prompt and equitable distribution of surplus equipment under the provisions of this Act.

DISPOSITION OF SURPLUS MILITARY EQUIPMENT IN SOUTHEAST ASIA

SEC. 3. (a) There is established in the Department of Defense and office known as the Office of Southeast Asia War Surplus (hereinafter referred to as the "Office") which shall be headed by a civilian appointed by the Secretary. The head of such office shall be directly responsible to the Secretary of Defense.

(b) Notwithstanding any other provisions of law, the Secretary of Defense shall, through the Office—

(1) determine the kinds and amount of equipment and materials owned by the Department of Defense in Southeast Asia which are no longer necessary for the use of the Armed Forces of the United States in Southeast Asia;

(2) assess and evaluate such equipment and material for the purpose of determining whether it can be used by Federal, State or local governments in the United States or by private enterprises or persons in the United States in either urban or rural areas;

(3) serve as a central office for the disposition of all such equipment and materials;

(4) make such equipment and materials available to other departments and agencies of the Federal Government and to State and local governments without charge;

(5) make such equipment and materials available without charge to private nonprofit organizations determined by the Secretary of Defense, after consultation with the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity, to be engaged in programs of urban or rural development or programs of assistance to low-income persons.

NOTIFICATION TO STATES, LOCAL OFFICIALS, AND INTERESTED PERSONS

SEC. 4. (a) The Secretary of Defense is hereby directed to notify in writing the Governors of the several States, mayors or managers of defined urban places and other interested persons (as determined by him) as to the exact nature of surplus equipment and material available under the provisions of this Act.

(b) The Secretary of Defense shall actively seek the participation of Governors, mayors, or managers of defined urban places in the benefits of the program authorized by this Act.

AUTHORITY OF OFFICE TO SELL SURPLUS EQUIPMENT AND MATERIALS ABROAD

SEC. 5. (a) The Office may authorize the sale abroad for dollars of any equipment or materials of the Department of Defense located in Southeast Asia determined by the Office to be no longer needed by the Armed Forces of the United States if the Office further determines that to sell such equipment or materials abroad and use the proceeds of the sale for the purposes stated in subsection (b) of this section would be economically sounder than to incur the expense of transporting such equipment or materials back to the United States for distribution under this Act. Notwithstanding the foregoing provisions of this section, no sale may be made abroad under this section if such sale would be inconsistent with the Foreign Military Sales Act.

(b) The proceeds of any sale made under subsection (a) of this section shall be credited to a separate account in the Treasury to be known as the Southeast Asia surplus equipment account. Funds deposited in such account shall be available only for carrying out programs for urban or rural development in the United States, programs provided for under the Economic Opportunity Act of 1964, and similar-type programs. Funds shall be appropriated from such account for such programs from time to time in appropriation Acts.

REGULATIONS

SEC. 6. The Secretary of Defense shall, through the Office, prescribe by regulation the procedures for making application for equipment and materials made available under this Act and for the fair and equitable disposition of such property to eligible applicants.

SEC. 7. The Secretary of Defense shall require any State or local government or any private, nonprofit organization receiving equipment or materials to the United States or to pay the United States the fair market value thereof (as determined by the Secretary) in the event that such State, local government, or organization fails to use such equipment or materials for the purpose for which they were made available under this Act.

REPORT TO CONGRESS

SEC. 8. The Secretary of Defense shall submit a written report to the Congress within ninety days after the date of enactment of this Act indicating what action has been taken to carry out the provisions of this Act. He shall include in such report such recommendations for legislation as he deems appropriate for the improvement of the program provided for herein.

By Mr. STAFFORD:

S. 2986. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes. Referred to the Committee on Government Operations.

Mr. STAFFORD. Mr. President, today I introduce a bill designed to guarantee the American public full access to information concerning the activities of the private forces that influence the shape of our government.

The Open Government Act would require virtually every aspect of congressional lobbying to be pulled out of the shadows of Capitol Hill and into the spotlight of public scrutiny.

I want to stress, however, that the purpose of this bill is not to halt or even to curtail legitimate lobbying activities, but, rather, to require full disclosure of such activities.

This measure very carefully preserves the constitutional rights of the public to freedom of expression and the rights of everyone to petition their government.

At the same time, it is a disclosure bill designed to inform the public—and the Congress—about the spending and other activities of persons, who for pay, support or oppose national legislation.

This bill is similar to a measure recently approved by the Committee on Standards of Official Conduct of the House of Representatives.

I was a member of that House Committee until my recent appointment to the Senate, and I participated in the hearings and deliberations of that committee in the other body of this Congress.

The House bill is a good one and is a big step in the right direction, but I think it contains some weak spots that are a natural result of the compromises that take place in the committee deliberation process.

My proposal is more demanding of disclosure. I think legislation in this field should be as tough as possible, because I have become increasingly concerned by what appears to be a growing skepticism among Americans about the credibility of their government.

My proposal is designed, quite simply, to bring congressional lobbying out into the open.

The Open Government Act would be administered by the Comptroller General and it contains both civil and criminal penalty clauses.

It would require, among other things, public disclosure of:

The names of lobbyists and of their clients.

Lobbying income and expenditures for purposes covered by the act.

Every communication between a lobbyist and a Member of Congress, and congressional staff members, and identification of the specific legislation discussed.

By Mr. JAVITS (for himself, Mr. PASTORE, Mr. GOLDWATER, and Mr. FANNIN):

S. 2987. A bill to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. JAVITS. Mr. President, I send to the desk on behalf of myself and the distinguished Senator from Rhode Island (Mr. PASTORE) a bill which will be simultaneously introduced in the other body by Representative JOHN H. TERRY of New York, in whose district Eisenhower College is located, Representative SAMUEL S. STRATTON, who is a member of the board of the college, and Representative OGDEN R. REID as cosponsors.

Mr. President, the bill will provide legislation authorizing the Secretary of the Treasury to make a grant to the Eisenhower College in Seneca Falls, N.Y., of $1 from the proceeds received from the sale of each "proof" Eisenhower silver dollar being sold for $10 to collectors.

In 1963 the late President Eisenhower agreed to the establishment of Eisenhower College as a living, permanent memorial to his years of service to the Nation in war and in peace. In subsequent years, the Eisenhower family—Mrs. Mamie Eisenhower, Dr. Milton Eisenhower, and John Eisenhower—have actively supported the establishment of the school, its development, and the funds necessary for its success. They have been joined by some 12,000 donors who have contributed more than $7 million to the college.

In 1968, Congress enacted Public Law

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90-543 providing $5 million for the Eisenhower College on a matching basis. This amount has been matched by foundation, corporate, and individual gifts and pledges. The $20 million anticipated from the bill I am now introducing for the sale of "proof" Eisenhower silver dollar coins would supplement the $5 million appropriated in 1968. Some $46 million in Federal funds has been expended on construction, bonds, and land acquisition for the Kennedy Center.

The Bank Holding Company Act Amendments of 1970, Public Law 91-607, authorizes the minting of Eisenhower silver dollars. Twenty million "proof" coins are being sold to the public—coin collectors and collectors of Eisenhower memorabilia—at $10 each. One dollar of this $10 would go as the Secretary of the Treasury may direct, to the Eisenhower College up to a maximum amount of $20 million.

In addition to the "proof" Eisenhower silver dollar coins being sold for $10 each, the Treasury is also selling 130 million "uncirculated" Eisenhower silver dollar coins, each in a plastic case, for $3 apiece. The $390 million proceeds from this sale would not be affected by my bill, the entire amount going to the Treasury.

Eisenhower College is a living memorial to a great American who led the people of his Nation in war and in peace. A former college president himself, President Eisenhower saw Eisenhower College, an institution of higher learning, as a proper memorial. At the groundbreaking ceremony in September of 1965, he said:

This is an honor that will be prized by me every day of my life, for I can think of no greater monument to any man than a college bearing his name; an institution which will be a vital, vigorous champion of freedom through proper education.

This bill would help translate the will into the deed, the dream into reality.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement from Mrs. Dwight D. Eisenhower, and one from Dr. Milton Eisenhower.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

A STATEMENT FROM MRS. DWIGHT D. EISENHOWER

No one can, I think, fully understand what Eisenhower College means to me. It has already proven to be a college of character and distinction, qualities which my husband hoped for as he watched its start and early growth.

It made me happy that he felt so honored to have it carry his name. He admired everything about it, the courage of its founders, the generosity of thousands across the country who joined in financing its start.

Now, I am his and my own witness to the the truly wonderful progress of the College. I feel very much a part of it, indeed honored, too, in having the Academic Hall named for me. I want to do everything I can to help it serve those students who, in years to come, will follow the charming and able young people I have talked to on campus.

As I see it, and as his friends have said, this is not only a memorial, it is an institution of great importance to this country. The funds to complete it will constitute an investment which will produce each year graduates who will take a responsible position in society. I don't think we can ask for more.

With enthusiasm and very deep gratitude, I welcome any effort which will assure and hasten the completion of Eisenhower College.

MAMIE DOUD EISENHOWER.

DECEMBER 8, 1971.

STATEMENT OF DR. MILTON EISENHOWER

My brother first told me of a proposal that a College be named Eisenhower in 1962. When he discussed the matter with me, I told him that I admired the idea as much as he did. When he gave his approval, however, I could not help wondering how the College would be developed.

If I had reason for concern in those early days, I soon found good reasons to have confidence in the deliberate and meaningful ways in which the Trustees and Administrators approached their challenging mission.

As I hoped, there was appointed an able faculty of dedicated teachers; there was created a distinctive curriculum which one day will be evaluated as distinguished, and a spacious campus was designed on which more than half the buildings are completed. Most important, there has been attracted to Eisenhower College a body of students who are motivated toward service and achievement and who are proud of their association with the College.

In short, I am greatly impressed with what has been accomplished, as is Mrs. Dwight Eisenhower. I know President Eisenhower would be proud of the College and happy with his decision to have it named Eisenhower. Too, he would be grateful that large numbers of his friends have helped, through their gifts and service, in giving the institution vitality and its leaders hope and confidence. I believe all of them, as I do, would give warm approval to the legislation Senator Javits is now presenting to the Senate.

MILTON S. EISENHOWER.

DECEMBER 8, 1971.

Mr. GOLDWATER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. GOLDWATER. I would deem it a real honor if the Senator would add my name as a cosponsor of his bill.

Mr. JAVITS. I would be delighted to do that and, Mr. President, I ask unanimous consent that the name of the Senator from Arizona be added as a cosponsor of this bill.

Mr. FANNIN. Will the Senator from New York add my name also?

Mr. JAVITS. Also the distinguished Senator from Arizona (Mr. FANNIN) as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. I am complimented that I have been invited to address the student body at Eisenhower College and I shall do so at the earliest opportunity.

Mr. JAVITS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2987

A bill to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, New York, out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Treasury is authorized to make grants to Eisenhower College, Seneca Falls, New York, in an aggregate amount equal to 10 per centum of the amounts received by the Secretary for the issuance of proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower, and minted under the authority of section 101 (d) of the Coinage Act of 1965, and section 203 of the Bank Holding Company Act Amendments of 1970; the amount received by the Secretary for each minted proof dollar coin being $10 per coin.

By Mr. STEVENS:

S. 2988. A bill to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, today I am introducing legislation which would authorize the appropriation of $250,000 to the Secretary of Commerce to assist in financing the Arctic Winter Games to be held in Alaska in 1974.

Inaugurated in 1970, the games are international in scope, with the Northwest and Yukon Territories and the State of Alaska acting as joint sponsors. Contestants participate in such sports as badminton, basketball, boxing, curling, figure skating, hockey, shooting, cross-country skiing, table tennis, and volleyball. In the past, several hundred athletes from Alaska and Canada have been attracted to the games, which have been enjoyed by many thousands of American and Canadian spectators.

At present, approximately two-thirds of the funding for this event comes from the Canadian Federal Government. The balance is provided by the Northwest and Yukon Territories, the State of Alaska, the host city, and through the cash donations of various companies and individuals. Regrettably, the United States has never appropriated moneys for this worthy purpose.

I believe that our failure to do so is a great mistake. Not only do the games foster a spirit of healthy competition between the athletes involved, they also lead to increased fellowship among the participants and spectators, greater understanding between the United States and Canada, and increased economic activity in the area in which they take place. For these reasons, I believe that the games are worthy of Federal funding and request that this body give very careful consideration to the bill which I am introducing today.

I ask unanimous consent that the bill be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2988

A bill to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Commerce the sum of $250,000, for the purpose of assisting the financing of the Arctic Winter Games to be held in Alaska in 1974. The Secretary shall provide for the disbursement of such funds (including the making of grants to appropriate persons or organizations) on such terms and under such conditions as he deems appropriate, including the submission to him of such reports from persons or organizations to which such funds are disbursed as the Secretary considers necessary to protect the interests of the United States and assure that such funds have been used for the purpose for which they were disbursed.

By Mr. HARTKE:

S. 2989. A bill to amend title 28, United States Code, to make the United States liable for acts of medical malpractice committed by its employees against members of the Armed Forces of the United States. Referred to the Committee on the Judiciary.

AMENDMENT TO FEDERAL TORT CLAIMS ACT

Mr. HARTKE. Mr. President, when a civilian employee of the United States is injured by the negligence of a fellow employee, he is given a remedy under the Federal Employees Compensation Act—5 U.S.C.A. 751, and the following. If a private citizen falls victim to the negligence of an employee of the United States, that citizen is entitled to recover the complete measure of his injury, including pain, suffering, and psychological harm from the United States under the Federal Tort Claims Act—28 U.S.C.A. If a soldier is injured by the negligence of a fellow soldier and that negligence results in a disability that affects the soldier's ability to perform as a soldier, the victim is entitled to a pension—33 U.S.C.A. 901 and the following. However, if that injury—no matter how painful and disfiguring—fails to result in a "disability," the victim is left to shoulder his loss alone.

In 1948, the U.S. Supreme Court was asked whether a serviceman could recover damages for personal injury resulting from an automobile accident. It replied in the affirmative, disagreeing with the argument that the serviceman did not have the right to sue simply because he was a serviceman. The Court held that the automobile accident had nothing to do with the serviceman's military career, but that if it had, that would be a "different case." *Brooks* v. *U.S.*, 337 U.S. 49, 52 (1948).

In 1950, the "different case" was put to the court when two servicemen who had been injured in an Army hospital because of negligence along with a serviceman who was injured when his barracks caught fire sued the Federal Government for damage. The Supreme Court said that the Government was not liable for injuries to servicemen when the injuries arise out of or in the course of activity incident to services. *Feres* v. *U.S.*, 340 U.S. 135, 146 (1950).

For the past 20 years, the Feres decision has been used to deny recovery to servicemen for injuries arising out of activity incident to their service. This rule has even been extended to servicemen injured in military hospitals due to the negligence of military medical staffs. These servicemen have been denied recovery simply because they were servicemen. See *Norris* v. *U.S.*, 137 F. Supp. 11 (1955), *Weiserbs* v. *U.S.*, 199 F. Supp. 329 (1961), *Gamage* v. *U.S.*, 217 F. Supp. 381 (1962), *Bauer* v. *U.S.*, 241 F. Supp. 3 (1957), *Dilworth* v. *U.S.*, 387 F. 2d 590 (1957), *Van Sickel* v. *U.S.*, 285 F. 2d 87 (1960). Usually these cases mention the statutory relief available to servicemen injured in service-connected activity as mitigating the harshness of denying recovery in a legal action. A good summary of this relief can be found in *Jefferson* v. *U.S.*, 77 F. Supp. 706, 711 n. 1 (1948). However, even where no redress other than a legal action is available, courts have denied recovery, basing their decision on the Feres case, and saying that the injured serviceman must go to Congress for relief. *Healy* v. *U.S.*, 192 F. Supp. 325 (1961), and *Knoch* v. *U.S.*, 316 F. 2d 532 (1963). In an attempt to persuade courts to carve out an exception to Feres where the injury involved malpractice, servicemen have argued that while in military hospitals they are not really in a "command function."

They have been met, however, with the argument that according to Army regulations, AR-2, section II, paragraphs 3 and 4a, they are in a "command function," and therefore recovery must be denied. *Bailey* v. *Vanbuskirk*, 345 F. 2d 298 (1965), *Bailey* v. *Dequevedo*, 241 F. Supp. 335 (1965), affirmed at 375 F. 2d 72 (1967), *Schwager* v. *U.S.*, 326 F. Supp. 1081 (1971), and *Shults* v. *U.S.*, 421 F. 2d. 170 (1969). Some servicemen have even sued the military doctor personally, only to be thrown out of court on the ground that the Federal Government's immunity extends to the doctor. See Vanbuskirk, and Dequevedo, supra. It should be noted that once servicemen are discharged and become veterans, they can sue the Federal Government for negligence in veterans hospitals so long as the negligence occurred after their discharge. *U.S.* v. *Brown*, 348 U.S. 110 (1954). Allowing veterans but not servicemen to sue has been called "unjustifiable discrimination." See dissent of Justices Black, Reed, and Minton, *U.S.* v. *Brown*, 348 U.S. 110 at 114 (1954).

The main reasons courts give for not allowing servicemen to recover usually are that military morale and discipline would be undermined, and the "floodgates of litigation" would be opened. See Jefferson, and Healy, supra. But courts never discuss precisely how military discipline would be undermined if a serviceman lying in a hospital bed or on an operating table is given the right to sue for negligent acts committed against him. Some would argue that such suits would be detrimental to health care in military hospitals, although they would concede that litigation would probably correct certain deficiencies in medical procedures, thereby improving to that extent the quality of medical care.

On the contrary, malpractice suits would improve military medical care by making medical personnel more careful and by impressing upon them their high responsibility for the care of their patients. Nor do I hear an inundation of the courts unless malpractice is rampant in military hospitals.

Mr. President, I introduce for appropriate reference a bill designed to close this loophole in Federal law, and ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2989

A bill to amend title 28, United States Code, to make the United States liable for acts of medical malpractice committed by its employees against members of the armed forces of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 2674 of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "Such liability includes liability for personal injury, death, or other loss caused by any negligent or wrongful act or omission of an employee of the Government acting within the scope of his office or employment in furnishing medical care or treatment to a member of the military or naval forces of the United States."

SEC. 2. The amendment made by the first section of this Act shall apply to any claim arising on or after its enactment.

By Mr. BURDICK:

S. 2991. A bill to provide for the establishment of the War in the Pacific National Historical Park on the Island of Guam, and for other purposes; and

S. 2992. A bill to provide for the establishment of the Guam National Seashore, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, I send to the desk for appropriate reference two bills relating to the Territory of Guam. The first bill provides for the establishment of the War in the Pacific National Historical Park on the island of Guam. The second measure would provide for the establishment of the Guam National Seashore.

Mr. President, in May 1971, I had the privilege of attending the Conference of Pacific Legislators in Guam and to spend several days in the Territory meeting with government officials and leading businessmen in the community. I was very impressed by the economic growth and development of the territory which stems very largely from the Guam Rehabilitation Act passed by the Congress in 1963. It is well known that Guam was occupied by the Japanese in World War II and suffered extensive damage when the island was retaken by U.S. forces in July 1944.

By letter of June 9, 1971, I asked that the Secretary of the Interior have draft legislation prepared authorizing the establishment of the War in the Pacific National Historical Park and the Guam National Seashore. I think it proper that the Congress preserve and protect historic sites having value in commemorating the Pacific phase of World War II, with specific emphasis on the Battle of Guam. The proposed Guam National Seashore, contiguous to the war in the Pacific National Historical Park, would preserve an area along the southwest coast of Guam rich in natural scenic values, along with sites and antiquities associated with nearly 4 centuries of European global discovery, exploration and settlement.

As I indicated, these bills were prepared by experts in the Department of the Interior and represent their thinking in terms of land areas and acquisition procedures best suited to the establishment of the historical park and the national seashore. When hearings are held on these measures, the appropriate representatives of Guam will be afforded an opportunity to make recommendations and suggestions that they feel would be desirable to protect private property owners within the boundaries of the two projects.

Mr. President, I ask unanimous consent that the response to my request contained in the letter of October 27 from the Legislative Counsel of the Department of the Interior be inserted at this point in the RECORD, together with the text of the two bills I am introducing.

There being no objection, the letter and bills were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 27, 1971.

HON. QUENTIN N. BURDICK,
Chairman, Subcommittee on Territories and Insular Affairs, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR BURDICK: Pursuant to your request of June 9, 1971, we are enclosing herewith two draft bills. One draft is entitled "To provide for the establishment of the War in the Pacific National Historical Park on the island of Guam, and for other purposes," and the other is entitled "To provide for the establishment of the Guam National Seashore, and for other purposes."

In regard to the National Historical Park, section 1 of the draft bill authorizes the Secretary of the Interior to establish and administer the park for the purposes set forth in the section. Section 2 authorizes the Secretary to acquire not more than 2800 acres of lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, or by transfer from another Federal agency.

Section 3 provides specific authority to the Secretary in regard to landscaping, erection of markers, construction of museums and other appropriate buildings.

As provided in section 4, the War in the Pacific National Historical Park shall be established by publication of a notice to that effect in the *Federal Register* at such time as the Secreary determines sufficient lands have been acquired to constitute an administrable unit. The area is to be adminstered in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 *et seq.*)

Section 5 authorizes the Secretary to cooperate with the appropriate interested officials in order to insure coordination of historical activities, and the last secton authorizes such appropriations as may be necessary to carry out the purposes of the Act.

Except for some variations in language, the draft bill is substantially the same as H.R. 1726, introduced by Representative White.

In regard to the Guam National Seashore bill, section 1 authorizes the Secretary to establish the seashore to comprise the area as generally depicted on the boundary map referred to in the section. Establishment would be by publication of a notice to that effect in the *Federal Register* at such time as he deems sufficient lands have been acquired to constitute an administrable unit. The Secretary is also authorized to revise the boundaries from time to time by publication of a map or other boundary description in the *Federay Register*, but the total area of the seashore may not exceed 19,000 acres. A copy of the map referred to is enclosed.

Within the boundaries, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or by transfer from another Federal agency.

Section 2(b), 2(c), and 2(d) relate to the acquisition of improved residential property. Pursuant to these sections an owner of improved residential property, as defined in section 2(c), may, at the time of acquisition reserve a right of use and occupancy for noncommercial residential purposes for a term ending either not more than 25 years from the date of acquisition, or at the death of the owner or his spouse.

Section 2(e) contains special provisions relating to the villages of Umatac and Merizo. In essence, the section prohibits condemnation of lands within those villages for a period of one year after enactment, in order to permit the formulation of land use regulations providing for development and expansion, compatible with the seashore, of the villages and additional, agricultural, area. Upon adoption of a land use regulation satisfactory to the Secretary, he may designate such areas as "private use zones" and, as long as property is utilized in accordance with a satisfactory land use regulation, the Secretary's condemnation authority would be suspended in the private use zones.

Section 3 of the draft seashore bill provides for the continuation of hunting and fishing in accordance with applicable laws of the Territory and the United States, except that the Secretary may designate times when, and zones where, no hunting or fishing may be permitted for reasons of public safety, administration, or fish and wildlife management.

The seashore shall be administered in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) as amended and supplemented, except that any other statutory authority for the conservation of natural or historical resources may be utilized.

The final section authorizes the appropriation of such sums as may be necessary to carry out the purposes of the Act.

These bills have been prepared as a service to you. Since they have not been cleared by the Office of Management and Budget, you will appreciate, I am sure, that we can make no commitment at this time with respect to this Department's position on the bills.

Sincerely yours,

FRANK A. BRACKEN,
Legislative Counsel.

S. 2991

A bill to provide for the establishment of the War in the Pacific National Historical Park on the island of Guam, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish and administer the War in the Pacific National Historical Park (hereinafter referred to as the "park") on the island of Guam, to stand as a reminder of the truths forged in armed combat which have proved the need, and heightened the desire, for world peace, to commemorate the bravery and sacrifice of those participating in the campaigns of the Pacific theater in World War II, including the Guam campaign, and to interpret this significant period in the history of our Nation.

SEC. 2. The Secretary is authorized to acquire not to exceed 2,800 acres of lands and interests in lands for the purpose of the park by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency. Property owned by the Territory of Guam may be acquired only with the consent of the owner. Notwithstanding any other provision of law any Federal property may, with the concurrence of the agency jurisdiction thereover, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the park. Lands acquired for the park shall include, but not necessarily be limited to, that area of Guam comprising the initial major landing area of July 21, 1944, by the invading forces of the United States on Asan beachhead, the mountain and plateau areas adjacent to said landing area, and any other pertinent areas on the island selected after consultation with the Governor of Guam.

SEC. 3. To facilitate the commemoration and interpretation of the historic role of Guam and of the War in the Pacific, the Secretary is authorized to landscape, erect markers, construct a museum and other appropriate buildings, provide exhibits and interpretive material, and otherwise appropriately develop the Park.

SEC. 4. The Secretary shall establish the "War in the Pacific National Historical Park" by publication of a notice to that effect in the Federal Register at such time as he deems that sufficient lands have been acquired to constitute an administrable unit. Pending establishment and thereafter, lands and interests therein acquired for the Park shall be administered in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 5. In order to assure coordinated historical development and preservation, the Secretary is authorized to cooperate and consult with the Governor of Guam, military and naval historians, the American Battle Monuments Commission and other affected United States agencies of the Government.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

S. 2992

A bill to provide for the establishment of the Guam National Seashore, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish and administer the Guam National Seashore (hereinafter referred to as the "seashore"). The seashore shall consist of those lands and waters as generally depicted on the drawing entitled "Boundary Map, Proposed Guam National Seashore," numbered NS–GUA 7101–A, and dated June 1967, a copy of which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the seashore by publication of a notice to that effect in the Federal Register at such time as he deems that sufficient lands have been acquired to constitute an administrable unit. The Secretary may revise the boundaries from time to time by publication of a map or other boundary description in the Federal Register, but the total acreage of the seashore may not exceed 19,000 acres.

SEC. 2(a). Within the boundaries of the seashore, the Secretary may acquire lands, waters and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Property owned by the Territory of Guam may be acquired only with the consent of the owner. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having jurisdiction thereover, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the seashore.

(b) With respect to improved residential property acquired for the purposes of this Act, which is beneficially owned by a natural person and which the Secretary determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the seashore, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(c) The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before September 1, 1971, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(d) The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(e)(1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all property located within the villages of Umatac and Merizo, for a period of one year from the date of enactment of this Act. Thereafter, the Secretary may designate by publication of a notice to that effect in the *Federal Register*, after consultation with the Governor of Guam and other appropriate officials, the said villages, together with lands adjacent thereto necessary for expansion, and such other areas as the Secretary may deem proper, as private use and development zones: *Provided*, That the Secretary shall not designate any such zone unless a satisfactory land use regulation, as hereinafter set forth, is applicable thereto.

(2) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all property within private use and development zones at all times when there is in force and applicable to the lands within such zones valid land use regulations promulgated by the Territory of Guam, and approved by the Secretary. The Secretary's approval shall be evidenced by publication of approved land use regulations in the *Federal Register* by him.

(3) No land use regulation or amendment thereto shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the seashore, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such land use regulation.

(4) If any property with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the approval, in accordance with the foregoing provisions of this section, of a land use regulation applicable to such property,

(a) is made the subject of a variance under or an exception to such land use regulation, which variance or exception fails to conform or is in any manner opposed to or inconsistent with any approved land use regulations, or

(b) is property upon or with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such land use regulations, which fails to conform or is in any manner opposed to or inconsistent with the land use regulation,

The Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: *Provided, however*, That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the seashore.

SEC. 3. The Secretary shall permit hunting, and fishing, on lands and waters under his jursdiction within the boundaries of the seashore in accordance with the applicable laws of Guam and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

SEC. 4. Pending establishment and thereafter, lands and interests in lands acquired for the seashore shall be administered in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural or historical resources may be utilized to the extent he finds such authority will further the purposes of the Act.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2349

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2349, the Voting Rights Amendments of 1971.

S. 2515

At the request of Mr. WILLIAMS, the Senator from Ohio (Mr. TAFT) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 2515, the Equal Employment Opportunities Enforcement Act of 1971.

S. 2709

At the request of Mr. HATFIELD, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2709, a bill to permit American citizens to hold gold in the event of the removal of the requirement that gold reserves be held against currency in circulation.

S. 2734

At the request of Mr. SCHWEIKER, the Senator from Kentucky (Mr. COOK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 2734, a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

S. 2738

At the request of Mr. HUGHES, the Senator from Delaware (Mr. BOGGS), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. HART), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Alaska (Mr. STEVENS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 2738, a bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria.

S. 2629

At the request of Mr. BAYH, the Senator from Maryland (Mr. BEALL), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 2829, a bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes.

S. 2890

At the request of Mr. Moss, the Senator from Washington (Mr. MAGNUSON), the Senator from California (Mr. TUNNEY), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2890, a bill to authorize the Civil Service Commission to furnish assistance to provide for the emergency transitional employment by State or local governments of Federal employees who lose their positions as the result of reductions in force in areas of high unemployment.

S. 2892

Mr. BOGGS. Mr. President, I ask unanimous consent that the names of the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) be added as cosponsors at the next printing of S. 2892, a bill to amend the Outer Continental Shelf Lands Act, as amended, to require a study of the environmental im-

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pact of mineral exploration in the Atlantic Ocean.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I want to say how delighted I am to be a cosponsor of the bill introduced by the distinguished senior Senator from Delaware (Mr. BOGGS) and the distinguished Junior Senator from Delaware (Mr. ROTH). It has been a source of great concern to me that the understandable emotion that has characterized so much of the recent public discussion of the issue of offshore drilling for oil in the Atlantic Ocean, that there has been a tendency to draw premature conclusions as to the extent on the environmental hazards which such drilling may pose. I hasten to say that this vigorous public reaction has had the very beneficial effect of focusing the attention of officials at all levels of Government on the potential damage which could result from oil spills along this country's densely populated East Coast. Now that public attention has been captured, what is now urgently required is a thorough, coordinated analysis of all those aspects—economic, environmental, technological—which must be examined with the greatest of care in order to have the best possible factual basis for an ultimate decision on whether or not we may safely proceed with such exploration; and if so, under what conditions.

The legislation at hand is specifically designed to collect and analyze the requisite information, and is to be undertaken by those Federal agencies which are most competent to make the study—the Environmental Protection Agency, the Department of the Interior, and the National Oceanographic and Atmospheric Administration of the Commerce Department. The report which they will produce, when complemented by those investigations currently underway within private citizen and conservation groups, will, I am confident, present a valuable, objective base of information for the decisionmakers.

Mr. President, one of the aspects which this tripartite group is specifically directed to examine is "the probability of any accident associated with such mineral exploitation that could cause an adverse impact on marine exosystems of the territorial seas or shorelines of the United States." We all understand that our current level of technology is not, at this time, sufficiently advanced to assure that exploitation of oil in any offshore province in the world can be conducted with zero risk of spillage.

In passing, it is worth noting that offshore drilling is not the only source of oil pollution. In fact, it probably passes a far smaller risk to the environment of the Atlantic coast than the super tankers which daily bring many huge cargoes to our East Coast refineries. For example, pollution from tankers is calculated to be more than 10 times greater than pollution from offshore drilling. This suggests that there is a great need to develop technologies for safer systems of delivery of all sources of oil, domestic and foreign. Progress is being made in this direction, as is suggested by an article in the May-June 1971 issue of Sea Frontiers, the magazine of the International Oceanographic Foundation, in which the author, Michael Gruber, describes a new industry which has been organized for the invention and production of devices for removing oil from water. Gruber accutely observes:

It often requires a great disaster to thrust into the public consciousness ills that have long endured.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks. If the author is correct in his observation that unlike other problems that plague our environment, oil pollution is one for which a purely technological solution seems feasible, then we are under a serious obligation to encourage the development of such a solution, and, once perfected, to insist upon its scrupulous use.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GREAT OCEAN SWEEPSTAKES

(By Michael Gruber)

• • • Bantry Bay class tankers. Should one of these monsters founder on or near an inhabited coast, the public outory would rattle governments and boardrooms. Catastrophe aside, every time a citizen steps on a piece of "tar" on the beach or sees a patch of iridescence on the water, he knows he is seeing something bad, something with an identifiable source and cause, something that could have been prevented, but was not. Oil pollution is unsubtle.

OIL GETS EATEN

It is therefore ironic that of all the major aquatic pollutants, oil in its natural state is perhaps the least harmful biologically. Petroleum has been seeping naturally from crevices for millions of years, and since it is an organic substance, a host of microorganisms have become adapted to feeding on it. Eventually, oil spilled in the ocean is converted by these organisms into carbon dioxide, water, and other simple substances. A few years after the wreck of the tanker *Tampico* on Mexico's undeveloped west coast (*See* "Tampico," *Sea Frontiers*, Vol. 13, No. 4, July-August, 1967) the small cove that had received the bulk of the spill was completely recovered. Compared to mercury compounds, or chlorinated hydrocarbons, or organophosphates, which invisibly tear apart a whole ecosystem, oil pollution seems positively benign.

But not quite. It is undeniable that oil spills take an inordinate toll of the most desirable and valuable animals: birds, marine mammals, fishes, and shellfishes. The mucky asphaltlike fractions of petroleum, which persist even after burning, can destroy oyster beds, wipe out whole rookeries of birds, or cause heavy kills of fishes and crabs. Then there is the esthetic loss; politically this is no small thing. A photograph of a blackened tourist beach, a strangling otter, can negate millions of dollars of public relations efforts on behalf of the responsible oil company. Public outrage is exacerbated by the not unreasonable notion that the immensely profitable oil industry should have spent more money and effort on preventing such pollution. When the *Torrey Canyon* cracked up, it soon became perfectly clear that no one in the oil industry or its transport associates had adequately prepared for such an event.

A NEW TECHNOLOGY

In the blackened wake of the *Torrey Canyon*, in the aftermath of the Tampa Bay stranding, the *Ocean Eagle* wreck, the blowouts in the Santa Barbara channel and off the Louisiana coast, a new industry has arisen, organized for the invention and production of devices for removing oil from water. Such devices fall into two broad classes, the physical and the chemical, and there are numerous hybrids. The industry is still chaotic and slightly zany, which is characteristic of a new technology dominated by invention, but it draws real strength from the acute need for its services and the ample rewards that await the proprietors of successful systems. Also, unlike the other problems that plague our environment, oil pollution is one for which a purely technological solution seems feasible.

Oil does not blend physically with water under normal conditions, and hence it can be separated by mechanical means. It is lighter than water, as well, and so it is no surprise that the majority of oil cleaning devices are either booms to contain the oil slick or skimmers to remove it from the surface, or combinations of the two.

FENCES IN THE WATER

Booms are simply fences in the water, designed to interdict the shallow layer of sea to which oil is confined. An anti-oil boom must be flexible enough to shape itself to the sea surface, so as not to allow oil to spill over or slip underneath it. It must be sturdy, resistant to corrosion and weather, and light enough to transport easily to the site of the slick. Since oil slicks may be very large, cost per unit length is an important factor.

A flexible boom designed by the Arrowhead Division of Federal-Mogul Corporation, Los Angeles, consists of 100-foot modules erected by an inflatable rubber helix. The modules are carried on a reel at the stern of a work boat and inflated as they roll off into the water. Quick-disconnect couplings join the modules and sections, which are held in place by a weighted chain used to tow and deploy the device. Flexibility is achieved in another way in the Kemper Sea Curtain, which is essentially a plastic sausage of foam with a plastic curtain hanging beneath it. A chain running through a loop at the bottom of the curtain provides both ballast and tension. The system was successfully used to contain part of the Santa Barbara Channel blowout.

PLYWOOD AND OLD CANS

Several boom designs have been constructed of rigid vertical panels connected by flexible joints. Alcoa's Sea Fence has panels made (naturally) of aluminum, connected by a cable and floated with plastic foam. Crudely simple was the boom of this type put up in the immediate aftermath of the *Ocean Eagle* wreck in San Juan harbor. It consisted of 4 x 8-foot marine plywood panels bolted to oil drums. The drums were strung on a wire rope and the gaps between the panels were filled with plasticized canvas, which was also used to make the skirt hanging beneath the panels. Although this boom saw little use at San Juan because of the successful removal of most of the oil from the stricken *Ocean Eagle*, one of the same type was the backbone of the containment effort during the Chevron Oil Company's blowout and spill at Main Pass Block 41, off the Louisiana coast.

In this operation plywood/can booms were used in both the primary barrier around Block 41 (where it replaced lighter booms that failed to stand up to weather and wave) and to corral drifting oil slicks. The weight and deep draft of this boom makes it easy to tow and well adapted for corralling. Also it is cheaply and easily constructed from materials available in any coastal town.

Rigid booms, however, have important drawbacks. Even a weak current moving at right angles to the boom will force oil under the skirt, and seas above 2 to 4 feet will throw oil over the top. Designers have tried to alleviate these faults by striving for the right combination of flexibility and strength.

GUMMING UP SLICKS

The ultimate in flexibility is the air barrier, of which a prototype has been built by Ocean Science and Engineering and Submersible Systems Inc. This method relies on a perforated conduit that sits on the sea bottom or is suspended at various depths. Air is pumped through at pressure and a screen of tiny bubbles rises to the surface, forming a dike against the passage of oil. Unfortunately, air barriers will not hold oil in currents stronger than about 0.7 feet per second, although they seem to be fairly effective in quiet waters, and they are very easy to set up.

The work of a boom would be made much easier if the oil itself were thickened or made less "oily." This can be accomplished with materials called sorbents, of which hay, straw, polyurethane and treated sand are common examples. The best oil sorbents in terms of oil absorbed per weight of material are the polyurethane and urea formaldehyde foams. If these are not available or are considered too expensive, baled hay or straw can be used. The sorbents are distributed over the slick as fine particles, by throwing the material into the boat's prop wash or by using a power mulcher to shred it and spit it out. Even matted with sorbent, oil will still slip under some booms when pushed by currents swifter than 1 foot per second, and so netting has been used to collect or hold back oil thus treated. This, however, is only practical with small slicks.

FAIR WEATHER FRIENDS

If an oil spill occurs far out at sea, it can safely be left to evaporate and decay. Inshore slicks that threaten harbors and beaches must be swept from the sea, and for this purpose a wide variety of skimming devices have been designed. Skimmers are almost always used with booms, and in some cases the skimmer is incorporated into the boom itself. An example of this design is a boom-skimmer invented for the Mobil Oil Corporation, which consists of an inflatable rubber tube with a trough built into it; the oil is supposed to collect in this trough, from which it can be drawn off by pumps. Obviously, such a system would work only on the calmest waters. Deepsea Ventures, Inc., has a boom that was specifically designed for a rough water use, and this has a skimmer attachment too. The boom is of the jointed, rigid skirt type. It is kept vertical in the face of currents by tension lines going to a secondary float line. The skimmer is connected to the boom skirt and consists of a lower oil pump and an upper air pump. The air pump creates suction that draws a flexible foam foot down on the oil slick. This makes a sealed pumping chamber that renders oil collection much more efficient.

True skimmer designs are legion, but almost all of them fall into three categories: weir or vortex skimmers, floating suction heads, and belt or absorbent surface skimmers. Weir skimmers maintain a suction head beneath the water-oil interface; this sucks the oil down and away. An unusual example of the type is the French Bertin vortex device. In this the suction head cylinder contains an impeller, which spins at high speed to create a vortex or whirlpool. The surface layer, consisting largely of oil, is pumped out to the storage vessel. Great care is needed to insure that the oil does not reach the impeller; this would emulsify the oil in water and create a secondary ascending vortex. The system works well in swells and currents and can be set up so that any winds accelerate the movement of hydrocarbons into the vortex established by the impeller.

Another French device is a variation on the floating suction head: instead of chasing through the slick with a suction head, the slick is corralled and brought to a pumping barge. In operation the suction barge is supplied with a retrievable corral boom and moored to a service ship. A second ship tows the free end of the boom around the slick and back to the pumping barge, where it is made fast. As the barge's floating suction head pumps the oil layer into floating storage tanks, the corral is continuously reeled in until all the oil has been removed. Suction head devices are generally ineffective in disturbed seas, but are well-suited for cleaning in harbors.

BELTING OUT THE OIL

The third and most complicated type of skimmer is the absorbent surface design. In these, an endless belt of some absorbent material is dipped into the oiled water and run back to some sort of extractor that wrings out the oil. The best belt material has been found to be polypropylene wool. This material floats but does not absorb water nor freeze. It does absorb oil, however, to a degree that varies with the grade and form of the polypropylene and the type of belt construction.

One such oil scrubber, developed at Shell Pipeline Corporation and Murphy Pacific Marine Salvage, demonstrates the basic features of this sort of system. A belt of polypropylene felt is run around a wringer out in a wide circle around an idler capstan supported by a boom. The wringer unit sits in a tub on the deck of the service vessel and the oil squeezed out of the belt is picked up by a sump pump at the bottom of the tub. The wringer also supplies the motive force for the belt. The rate of oil recovery using a 4-inch belt and a 3-horsepower motor can approach 500 gallons an hour, or more if a boom is used to collect the oil. The system is cheap, flexible, and can be adapted for use on a wide variety of water craft.

Rather more elaborate is the method used in Ocean Design Engineering Corporation's urethane chip harvester. (*See* "New Device Harvests Spilled Oil," *Sea Secrets*, Vol. 14, No. 4, July–August, 1970.) The method involves spraying urethane chips onto an oiled sea surface. The chips absorb oil and are then swept by harvesting booms onto conveyor belts. The belts take the chips to a compression unit which squeezes out the oil. The oil is pumped into storage tanks and the chips are cast once more onto the water. The method is relatively impervious to wave action since the chips, which are the actual recovery units, stay with the surface and are not submerged by the rise and fall of the vessel.

DEADLY MOUSSE

Chemical methods of oil dispersion, including burning, are more complicated than might first appear. The powerful industrial detergents used during the *Torrey Canyon* cleanup proved to be far more toxic to marine life than the oil itself. The beaches where such chemicals were used stank of solvent for weeks afterward. Also, where strong surf occurred, the water, detergent, and emulsified oil were whipped into a gray-brown sludge called "chocolate mousse," which proved nearly as obnoxious and difficult to remove as the original crude.

Early attempts to remove oil by burning it also proved frustrating. The flames consumed only the volatile fractions (which would have evaporated anyway) and left a tarry and nearly fireproof residue. In the last three years much effort has been directed at finding non-toxic detergents and methods of controlling burning.

The search for a harmless oil dispersant seems to have ended in success, at least as far as the British Board of Trade is concerned. The BBoT has ordered 50 sets of detergent spraying and mixing equipment to be mounted on sea-going tugs. The detergent they use is BP 1100, a solvent-surface agent mixture that is nontoxic in the concentrations used. The surface agent is an extract of a natural fat and is soluble in oil rather than water. The chemical is thus safe for use on beaches or in very shallow areas.

Although such a method may protect a coast against "ordinary" spills, some supplementary method would be required to cope with a major slick. Controlled burning might be such a method. Such burning requires bringing the sluggish petroleum into the region of combustion, rather like a wick does in a candle.

One means of doing this is with cellulated glass beads. Developed by Corning, these SeaBeads were used to burn the slick resulting from the wreck of the *Arrow* off Nova Scotia, with good results. After burning, only a negligible amount of oil and the nontoxic beads remained on the surface. In another instance, the Swedish Coast Guard burned a fuel oil spill with the aid of Cab-o-Sil ST-2-0. This chemical, developed by Cabot Corporation of Boston, is an extremely fine silica powder treated with a silane coating to render it water repellent. When spread onto a slick, the chemical forms a thin, foamlike coating on it. When combustion begins this coating acts as a wick, drawing warmed oil to the surface and insulating it from the cold oil and water below. Burning induced in this way will destroy 98 per cent of the oil, with the remainder forming a light and easily collectable crust.

For the removal of massive oil spills on the high seas, cost no object, the ultimate weapon seems now to be Shell Oil Company's huge oil sinking dredge. Shell is reported to have spent about $100,000 equipping a large dredge with two 60-foot booms and the apparatus required to spray tons of specially treated sand on the oil. The sand combines with the oil and sinks it to the bottom, where it is broken down by bacteria. Investment is heavy using this method because an equal weight of sand to oil is required. It is efficient, however, with 95 per cent removal, and most of all, fast: In tests off the coast of Holland 100 tons of oil were sunk in 15 minutes!

The most satisfying solution to a pollution problem is to find some way of augmenting natural controls. Research now going on is aimed at maintaining bacterial populations on surface oil slicks long enough for the bacteria to consume them. The major problem seems to be supplying adequate levels of some important nutrients, chiefly phosphate and nitrate, without which the bacteria cannot metabolize the hydrocarbons. Simply adding nutrients to the slick does not work; they would dilute far too quickly. Some scientists believe that nutrients can be uncapsulated in molecular packets that will stay with the oil and keep the bacteria going.

VIGILANCE AND OUTRAGE

A program is under way at Georgia State College, Atlanta, to investigate the uses of marine yeast in this regard. Yeasts are known to occur naturally in oil-polluted waters, and these populations seem to increase with the extent of pollution. If they do thrive on oil, they might prove even more useful than bacteria, since they are not as vulnerable to sunlight.

At this stage it would seem that the tools for controlling oil pollution are on hand. Whether they will be used correctly or in time to stop environmental damage is another story. It is sad history that the means for controlling other forms of pollution have existed, in many cases, for years. They were not effectively used, generally because such use conflicted with short-term economic goals. Probably it will require continued public vigilance and outrage to insure that oil spills are prevented where possible, and that when accidental spills occur they are removed by the most appropriate means.

S. 2894

At the request of Mr. BAYH, the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 2894, a bill to provide financial assistance for State and local small, community-

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based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums; the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes.

S. 2944

At the request of Mr. BUCKLEY, the Senator from New Jersey (Mr. WILLIAMS), was added as a cosponsor of S. 2944, a bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

S. 2945

At the request of Mr. BUCKLEY, the Senator from New Jersey (Mr. WILLIAMS), was added as a cosponsor of S. 2945, a bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies.

SENATE RESOLUTION 213—REPORT OF AN ORIGINAL RESOLUTION TO PAY A GRATUITY TO FRANCES J. BANGERT

(Ordered placed on the calendar.)

Mr. JORDAN of North Carolina reported the following resolution:

Calendar No. 549

S. RES. 213

Resolution to pay a gratuity to Frances J. Bangert

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Frances J. Bangert, widow of Richard H. Bangert, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE CONCURRENT RESOLUTION 53—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE INTERNATIONAL ECONOMIC AND SOCIAL CONSEQUENCES OF ENVIRONMENTAL STANDARDS AND REGULATIONS

(Referred to the Committee on Foreign Relations.)

ENVIRONMENTAL PROTECTION AND INTERNATIONAL TRADE COMPETITION

Mr. WILLIAMS. Mr. President, today I submit a concurrent resolution to express the sense of the Congress that the 1972 United Nations Conference on the Human Environment consider the international economic and social consequences of environmental standards and regulations.

I submit the resolution on behalf of myself and the following Senators: Messrs. RANDOLPH, MUSKIE, CASE, BENTSEN, BURDICK, BYRD of West Virginia, CHURCH, COOPER, CRANSTON, HUGHES, HUMPHREY, JACKSON, JAVITS, KENNEDY, MAGNUSON, MANSFIELD, MCGOVERN, PELL, RIBICOFF, SPONG, and TUNNEY.

Mr. President, one of the most immense and most urgent tasks facing us today is the need to halt the continued degradation of our environment, and begin correcting the enormous damage which man has already done to it.

And, this is perhaps the most universal problem we have, so universal that it transcends age differences, political philosophies, economic rivalries, and national boundaries.

It threatens, in fact, the health and well-being of every human on this planet, and in doing so gives us common ground to stand upon for perhaps the first time in history, for if the pollution trend is not reversed soon, many scientists tell us that the very existence of man on this earth could be in jeopardy.

I want to say right now that I am not among those who believe the human race is on the verge of suffocating in its own wastes.

I do believe that such a disaster is well within the realm of possibility.

However, I also believe in our capacity to recognize this threat and do something about it.

Mr. President, throughout the world there is a rapidly growing awareness of the danger of pollution.

Along with it has come a ground swell of grassroots demand for effective solutions.

In this country, the environmental movement has become one of our most powerful political currents.

At every level of government there is now being felt a demand by the citizenry to take strong action to protect the environment.

At the local level, this demand is being answered by better land management, stricter enforcement of housing and zoning regulations, and better regulation of human and industrial wastes.

At the State level, new environmental protection laws are being enacted, and strong, new agencies are being created to administer them.

And at the national level, Congress has in recent years enacted stringent antipollution standards.

There has also been established a unified Environmental Protection Agency which, hopefully, will be given the funds and the freedom to effectively implement the programs mandated by Congress.

One indication of the rise of environmental concern lies in the amount of environmentally oriented legislation we have recently dealt with.

The Legislative Reference Service reports that in the last Congress, one-fifth of all bills introduced addressed themselves in one way or another to preserving the environment.

Furthermore, of the total of 695 bills signed into law during the last Congress, 121 were environmentally oriented.

The trend has been the same during the current session.

This concern about the environment is also being manifested, in varying degrees, in most other industrialized countries throughout the world.

From Scandinavia to the Far East, people are demanding an end to pollution—and governments are responding.

However, there is one serious roadblock to effective, worldwide pollution control.

That roadblock is the lack of any meaningful international coordination of environmental protection measures.

Strange though it may seem, the nations of the world have not yet joined together to integrate their attempts at controlling this universal problem.

It is for that reason, Mr. President, that I have today submitted a Senate concurrent resolution to express the sense of the Congress on this urgent matter.

This resolution addresses itself to a proposal for an agenda item at next year's United Nations Conference on the Human Environment.

As Senators know, this Conference is to be convened next June 5 in Stockholm, Sweden.

On that date the representatives of 130 countries, and several dozen international organizations, will gather for what one observer has described as, "one of the boldest and most comprehensive adventures in international cooperation ever attempted."

The goal of the resolution I have introduced today is to place before that assemblage the question of how we can insure that efforts at pollution control do not place individual nations at a disadvantage in international trade.

The resolution seeks to overcome that obstacle by establishing worldwide standards of environmental protection.

Further, there would be a multinational enforcement mechanism to insure that nations agreeing to the standards actually abide by them.

The resolution declares it is the sense of Congress that the United States delegates to the conference propose such a plan.

It directs our delegates to formulate, propose, and support, "Multilateral accords to achieve standards and regulations of environmental protection enforceable by the United Nations or multilateral economic sanctions."

It also specifies that such accords include mechanisms to assist the efforts of developing nations in meeting the antipollution standards.

Mr. President, it seems clear to me that the ultimate answer to our pollution problems must involve international standards of environmental protection.

Obviously, pollutants recognize no national boundaries.

Sewage in a river does not dissipate when the river flows over a frontier, and smog in the atmosphere does not evaporate when it drifts from one nation to another.

But if there is to be any hope for such worldwide efforts at pollution control, we must recognize that such action is necessarily entwined with economic realities.

Pollution control efforts can, and do, have a dramatic impact on international trade.

We have discovered that it is all too easy for the industry of a nation with aggressive environmental protection requirements to be undercut by industries in nations with less stringent standards.

The international nature of environmental degradation, and the importance of worldwide efforts to combat it, is, I think, self-evident.

A great American statesman, Adlai Stevenson, eloquently described the dilemma we face in these words:

> We all travel together, passengers on a little spaceship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and the love we give our fragile craft.

Certainly, from an environmental point of view, there is a very strong case to be made for international pollution control efforts.

However, any move in that direction will certainly founder on the rocks of reality if individual nations believe their efforts to fight pollution will place them at a serious trade disadvantage.

I think it is grossly counterproductive to penalize the nations which are trying hard to control pollution by allowing their industry to suffer in international competition.

Yet, this is precisely the situation we face today because of the lack of international standards of environmental protection, and an effective mechanism to enforce them.

I am proud that the United States is moving to lead the way in many aspects of environmental protection.

Due largely to strong antipollution measures enacted by Congress in the past few years, we are committed as a nation to restoring and preserving our environment.

However, this massive job carries with it a massive price tag—one that I feel Americans are willing to pay.

Federal officials estimate that American companies will spend some $18 billion over the next 5 years to meet pollution control requirements.

These expenditures may in large part be passed along to the rest of our country in the form of higher prices.

However, not every other industrialized country has moved as quickly as we have to impose strict regulations, thus raising the specter of unfair competitive advantage.

As a result, advantages that foreign producers may now enjoy can in many cases be further enhanced thereby improving the position of their products in this country in relation to our own domestically manufactured products.

In one particular industry—steel—this situation has been painfully apparent.

Last year alone, American steel companies invested more than $166 million in pollution control facilities.

During the last 6 years, this investment has totaled nearly $465 million.

In addition, the cost of operating and maintaining this equipment comes to about 12 percent of its original cost.

However, one of the American steel industry's chief competitors—the Japanese steel industry—has not yet been required to make such a massive investment in pollution control.

As a result, the Japanese producers do not have that additional expense to compute in their cost-of-production figures.

Their prices in the international marketplace reflect these lower production costs, and have helped place American producers at a competitive disadvantage.

Mr. President, it is clear that we must commit ourselves in no uncertain terms to cleaning up our national environment.

But it is just as clear that a nation in which some 5 million workers cannot find jobs, simply cannot afford to ignore the international trade implications of environmental protection.

The answer, I believe, lies not in lowering our own standards, but rather in encouraging other nations to agree to equally high requirements, and insofar as possible, a unified approach.

This is the thrust of the resolution I have introduced today.

During the coming months, the United States will be formulating its official position for the Stockholm Conference.

And, the agenda for that Conference will be more firmly established during this time.

To this date, there is nothing in the Conference agenda, or in the initial U.S. position, that specifically deals with formulation of worldwide environmental protection standards designed at least in part to preclude international trade disadvantages.

In my judgment, such standards are essential if we are to effectively combat pollution on the international scale required.

They will help insure that one nation's waste does not become another's pollution problem; they will help win acceptance for pollution control measures from manufacturers who might otherwise fear being placed at a competitive disadvantage; and they will remove the possibility that those nations doing most to control pollution might be penalized for their efforts.

It is entirely appropriate for the Congress to direct our delegates to the United Nations Conference to propose a plan for such worldwide standards, and I thus commend this resolution to Senators' consideration.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

Whereas the General Assembly of the United Nations passed a resolution on December 3, 1968, to convene a Conference on the Human Environment in Stockholm, Sweden in June 1972, to emphasize the importance and urgency of environmental problems and to identify those aspects of these problems that can be solved through international cooperation and agreement;

Whereas the General Assembly of the United Nations has proclaimed the International Development Strategy for the Second United Nations Development Decade beginning on January 1, 1971, suggesting that Governments intensify national and international efforts to arrest the deterioration of the Human Environment and to take measures toward its improvement;

Whereas environmental improvement activities may have significant implications for the social and economic functions of individual nations;

Whereas strict environmental standards and regulations may not be agreed to by all nations thereby increasing the possibility of international trade disadvantages; and

Whereas the possibility of adverse impact on trade regulations may inhibit the international acceptance of such standards and regulations;

Resolved, (1) That those delegated to represent the United States of America at the 1972 United Nations Conference on the Human Environment advocate and support multilateral accords to achieve standards and regulations of environmental protection enforceable by the United Nations or multilateral economic sanctions;

(2) That such accords include mechanisms to assist the efforts of the developing nations in meeting such standards and regulations;

(3) That such accords be formulated and proposed to the 1972 United Nations Conference on the Human Environment by the delegates representing the United States of America.

Mr. CASE. Mr. President, as one of two Senate Members of the U.S. delegation to the United Nations Conference on Human Environment in Stockholm next year, I am happy to join in sponsoring this resolution which gives congressional support to the objectives I intend to seek at the conference.

The resolution expresses the sense of Congress that the Stockholm Conference should consider the international economic and social consequences of environmental standards and regulations.

It has long been my position that as we seek to protect the environment we must also consider the social and economic effects of these efforts. This is true of efforts made on a national basis and it is even more true of those made on an international basis, particularly in regard to the social and economic effects on underdeveloped nations.

Attempts to limit the use of DDT and other harmful pesticides, for example, are bound to fail in impoverished, hungry nations of the world unless we can provide adequate substitutes to control destruction of their food supplies or in some other way alleviate the hardships that might be caused.

Pollution is the special product of any society which places a high value on the production of goods and has the means to provide those goods in abundance.

This means the developed nations of the world are the largest contributors to the pollution of the earth's environment. As such, they have a special obligation to bring it under control and to assist the underdeveloped nations, as they increase their living standards, to guard against a corresponding increase in pollution.

I believe this resolution recognizes this responsibility and I believe it would lend support to those of us who will represent the United States at the Stockholm conference.

SENATE CONCURRENT RESOLUTION 54—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "WAR POWERS LEGISLATION"

(Referred to the Committee on Rules and Administration.)

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Mr. FULBRIGHT submitted the following concurrent resolution:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Foreign Relations five thousand additional copies of the hearings entitled "War Powers Legislation" held before the Senate Committee on Foreign Relations.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 45

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senator from Nevada (Mr. CANNON), the Senator from Wyoming (Mr. HANSEN), the Senator from Washington (Mr. JACKSON), the Senator from Iowa (Mr. MILLER), the Senator from Rhode Island (Mr. PASTORE), the Senator from Virginia (Mr. SPONG), and the Senator from Vermont (Mr. STAFFORD), be added as cosponsors of Senate Concurrent Resolution 45, providing for United Nations Charter review. This brings the total of cosponsors to 68—along with me making 69 Senators on this resolution.

The PRESIDING OFFICER. (Mr. BENTSEN). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 203

At the request of Mr. HATFIELD, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Resolution 203, to express the sense of the Senate that U.S. fishing industry representatives be included in the U.S. delegation to the 1973 United Nations Law of the Sea Conference.

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS—AMENDMENT

AMENDMENT NO. 787

(Ordered to be printed and to lie on the table.)

Mr. HARTKE. Mr. President, the aviation system of our country is growing rapidly. While the current economic recession has forced a cutback in the services of scheduled airlines, general aviation, charter services, and commuter operations are on the increase.

Despite the importance of aviation to our economy and to the well-being and livelihood of millions of Americans, we have not done enough to plan for a safe aviation system either now or 10 years from now. So that we might have more information at our disposal to make such plans, I am today introducing an amendment to S. 1821 which requires the Administrator of the Federal Aviation Agency to make an annual report to the Congress which includes all data pertinent to aviation safety.

Mr. President, I ask unanimous consent that the text of my amendment be printed at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 787

On page 4, between lines 15 and 16, insert the following new section:

SEC. 601. (f) The Administrator shall convey to the Congress no later than March 1 of each year a full report of actions taken during the previous year to improve the safety of the aviation system. Such report shall include, but not be limited to, the following information:

(1) All revisions of the regulations which pertain to aviation safety;

(2) Proposed revisions of the regulations either currently pending or to be proposed which pertain to aviation safety;

(3) Steps taken to improve the safety of airports;

(4) Steps taken to improve the air traffic control systems;

(5) Those specific steps taken to improve the safety of general aviation;

(6) Those specific steps taken to improve the safety of charter aircraft operations;

(7) Those specific steps taken to improve the safety of commuter and air taxi operations;

(8) Steps taken to improve the safety instrumentation of all classes of aircraft;

(9) Steps taken to improve the training, certification, and recertification process for pilots of all classes of aircraft;

(10) Steps taken to improve the standards and effectiveness of approved and non-approved flight schools;

(11) Steps taken to improve the working relationship between Federal and State aviation agencies;

(12) Steps taken to improve the surveillance of aircraft in production;

(13) Steps taken to improve the surveillance of aircraft and airmen; and

(14) Steps taken to prevent aviation accidents.

HOUSING REFORM AMENDMENTS ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 788 AND 789

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. BROOKE. Mr. President, earlier this fall, the distinguished Senator from Minnesota (Mr. MONDALE) and I announced our intention to introduce legislation designed to expand and simplify existing housing assistance programs. At that time I placed in the RECORD a summary of the intent of this proposed legislation so that it could be reviewed and discussed during the hearings then being conducted by the Housing Subcommittee of the Committee on Banking, Housing and Urban Affairs. Today, along with Senator MONDALE, I am introducing the actual legislation in the form of two measures to be known collectively as the Housing Reform Amendments Act of 1971. By so doing we hope to build on the much-needed consolidation and simplification efforts already undertaken by the administration in S. 2049. Our overriding interest as we seek to effectively merge the present array of housing assistance programs must continue to center around the alternatives that make these programs more responsive to the needs of families who cannot afford housing within the private market. Moreover and equally important, we must realistically come to grips with the problems facing developers and sponsors of such housing.

During the past 35 years, we have seen an emerging recognition of nationwide need for safe and decent housing designed to serve those who have been priced out of the private market. In response, Congress has adopted a number of important and far-reaching programs over these years in an effort to address this need. However, these programs were enacted on an ad hoc basis with the predictable development of a fragmented, complicated and too-often confused national housing assistance policy.

Many of these impediments can be traced to the formulation of special programs to meet specific needs and to the adoption of a variety of approaches, each with its own eligibility requirements, definitions, restrictions, and regulations. The resulting situation of near chaos remains chiefly characterized by a lack of uniformity of requirements and gaps in coverage while confusing and often conflicting guidelines continue to unnecessarily hamper developers and sponsors who are attempting to produce sufficient housing to adequately accommodate the needs of low- and moderate-income families.

More important, we cannot ignore the impact that this patchwork of programs has had on the families that have attempted to find adequate and safe housing. Who can explain to a family in need of shelter why, under the current law, they may be eligible to rent an apartment in one building built under one Federal program but ineligible to rent a nearly identical unit in another building constructed under a different Federal program. An even greater explanation is needed for those needy families who must be told that they will be denied the benefits of all federally assisted housing because they do not fall within the specific eligibility criteria of any program. We cannot continue to allow varying rent requirements, definitions of income, income limits, and family eligibility to frustrate our efforts to provide effective Federal housing assistance for all people of clearly demonstrated need.

Another set of problems, generated in part by this fragmentation of programs, centers around the isolation and segregation of families on the basis of their incomes. Public housing has become poor peoples' housing while other programs have excluded the lowest income families and served only a narrow range of moderate income families. An even more unfortunate ramification of this approach is found in those areas where one race or another makes up the lowest income group. In these areas, a federally assisted housing program can become an unwitting, albeit de jure, accomplice to the perpetuation of de facto racial segregation. Only recently has this issue been raised in our Federal courts. The judicial response to date has amplified the need for us to deal with the impact of federally sponsored income segregation on existing housing patterns.

Another undesirable ramification of income segregation lies in the endangered economic and social viability of the project. How much longer can we ignore the compilation of evidence coming from projects that continue to isolate the lowest income and problem families needing the heaviest support services. How many more Pruitt-Igoes will it take before we decide to strike at the heart of the problem? Even in moderate income projects, narrow ranges of eligibility, coupled with increasing construction costs, are bound to jeopardize their economic feasibility.

The administration's proposal, S. 2049, the Housing Consolidation and Simplification Act of 1971 is, in my estimate, a step in the right direction. It proposes to rewrite the National Housing Act and thereby reduce the number of programs administered by the Federal Housing Administration. However, its focus is on nonassisted programs. If passed as introduced, S. 2049 would maintain the differences now existing between public housing and FHA-assisted low- and moderate-income programs.

Mr. President, Senator MONDALE and I believe that the Housing Reform Amendments Act, building on the initiatives of S. 2049, will do much to alleviate the problems that I cited above. We believe that by establishing a unified housing policy, standardizing program requirements, eliminating segregation of projects by income and by offering incentives to encourage the production of assisted housing, we will effectively broaden the scope of existing programs to cover families and areas where real housing needs exist.

The key elements of this program are standardization of requirements and a flexible subsidy formula based on need. As to the first element, two separate programs, public agency housing and FHA insured assisted housing, would continue but would serve the same range of families. Both programs would have maximum development costs geared to a flexible formula using prototype construction cost figures. Thus they would be producing nearly identical products—safe, decent housing at a reasonable cost but containing amenities consistent with community standards and of a high architectural quality. The same income groups would be served by each program from those of lowest income to those of median income in the area, thus eliminating the gaps in coverage in existing programs.

At the same time, however, each project would be required to reserve at least 20 percent of its units for those of very low income requiring a subsidy of 60 percent of the market rent or more. With this approach, I believe we can enrich the economic mix of our housing assistance programs, increase their economic viability, yet insure that those families with the greatest need will not be harmed in the process.

There would be one standard national definition of income applicable to all families. Further, rent requirements—the same for each program—would be tied to income with a national requirement that no family be obligated to pay more than 25 percent of its income for rent. Locally, lower ratios could be established, with the Secretary's approval, to reflect differences in family size, income and local rent income patterns. However, each project or program would be required to maintain an average rent income ratio of at least 20 percent.

There would be no continuing occupancy income limits. As family income increased, the rent would also increase to the point where the family would be able to pay the full market rent for the unit.

Mr. President, the other major component in the program is the subsidy formula. In essence the single subsidy formula that we propose would cover the difference between total costs—debt service, management, maintenance, and operational costs, real estate taxes, tenant services—and total revenues—rents and other income.

This flexible formula is, in essence, the same as that which is now used in the public housing program as a result of amendments which the distinguished chairman of the Housing Subcommittee (Mr. SPARKMAN) and I introduced in 1968 and 1969. What is proposed in the housing reform amendments is an extension of the principle of the variable subsidy to the FHA programs. These programs now contain a minimum rent requirement that restricts FHA program sponsors from instituting adequate management and tenant services programs.

Mr. President, there are a number of other features of the housing reform amendments that I would like to summarize briefly. First, the existing FHA homeownership assistance program would be similarly standardized and expanded to permit assistance to cover total debt service; it is now limited to the difference between a market rate mortgage and a 1 percent mortgage on the same property. Also the homeownership counseling program—section 237—would be maintained.

Second, the act would create a new program to assist in the refinancing of existing properties in conjunction with local programs aimed at neighborhood preservation. One major cause of abandonment of many structurally sound buildings has been the unavailability of private mortgage money to refinance these properties. For too long we have ignored the economic and social desirability of neighborhood preservation. Abandoned housing is rapidly reaching epidemic proportions in many of our urban areas. These provisions would strive to reverse this eroding influence. Likewise the bill increases the authorization for the section 312 rehabilitation loan program to $150 million annually in an attempt to provide additional direct Federal assistance in rehabilitating existing structures.

Third, the act provides for special incentives to encourage communities to assist in providing low- and moderate-income housing. A program of public service grants would be established to help offset any increases in public services resulting from the addition of new federally-assisted housing. Thus grants could run for 10 years and not exceed $250 per unit annually except for units designed for large families where the grant could go up to $400 annually.

In a selected area the measure would provide that new public agency housing pay full local real estate taxes. Under existing law, public housing projects usually make a payment in lieu of taxes, not adequate to finance the range of public services required. This requirement has proven to be a handicap to the location of public housing in many communities.

Fourth, the act would put in motion a program to identify "housing emergency areas" and provide direct Federal provision of housing in these areas. These "housing emergency areas" would thereafter be defined as areas where a substantial number of low- and moderate-income families reside or work, who need housing, and where there is no sponsor willing to provide such housing.

Fifth, the housing reform amendments would revise and update the national housing goals. The Secretary of HUD would be authorized to encourage the establishment of State and local housing goals to provide a base for determining material housing requirements. Such State and local goals would also include actions necessary to maintain the existing housing stock. Specific annual needs for subsidized housing on a 5-year basis would be included.

This section would also provide for the periodic updating of the national housing goals and provide that these goals be based on national data, State, and local housing goals, and community development needs—relocation and replacement housing. Likewise, this section would require the Secretary to justify all authorization and appropriation requests for assisted housing programs in terms of the established assisted housing goals. Seventy-five million dollars would be authorized to fund the annual goals report and to assist in preparing local and State goals.

Sixth, the demonstration housing allowance program which was adopted as part of last year's Housing and Urban Development Act would be expanded to permit a greater variety of experiments. The authorization for the program would be increased to $25 million annually in contract authority.

While my initial suggestions of a housing allowance program met with considerable resistance, I have seen mounting evidence that the tide is changing. As we move closer to meaningful welfare reform, I am confident that we will see an increasing focus of attention on this concept. The time to prepare for this attention is now, in order that we may move forward with the best possible program at the appropriate time.

In summary, Mr. President, the housing reform amendments bill which I am introducing today addresses itself to strengthening Federal housing assistance at five key points where experience demonstrates it now requires improvement.

In the first instance, uniformity of occupancy requirements among all programs will go a long way toward stimulating housing production by eliminating administrative burden and confusion or consternation for the Federal Government, the housing developer, the public agency, the non-profit sponsor and the family to be assisted.

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In the second instance, unfair discrimination against those families requiring housing assistance but ineligible under the present fragmentation of assistance programs by reason of different income requirements would be ended.

Third, the provision for a cross-section of income occupancy, tied to a flexible and dependable subsidy mechanism would insure that social and economic problems would be minimized, and that changing local conditions could be accommodated without disastrous defaults and financial crises.

Fourth, the establishment of the requirement for local and State housing goals would provide a needed input into the development of national housing goals and into the levels of Federal funding for housing assistance. At the same time, local goals would become the basis for housing allocations to local areas.

Finally, Mr. President, I believe that the Housing Reform Amendments Act will move us toward the position of encouraging areawide housing development. It is clear by now that meaningful housing development, with its interconnecting relationship to other areas of expanding community growth, must transcend the limits of local planning.

Mr. President, the measures that I am introducing will require a fundamental reexamination of past practices and procedures. But the problems that I have outlined are stark and unremitting as they continue to restrict the most effective and efficient use of our Federal resources. Commitment is no longer enough to see us through. We must move forward with confidence based on a realistic assessment of the past.

I ask unanimous consent that the full text of these amendments along with a summary thereof be printed in full at this point in the RECORD.

There being no objection, the amendments and summaries were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 788

On page 5, beginning with line 16, strike out through line 22 on page 6, and insert in lieu thereof the following:

SEC. 3. (a) The Secretary shall not insure a mortgage under section 402 or 502 covering property in an area which exceeds, for that part of the property attributable to dwelling use, the sum of (A) 120 per centum of the prototype construction cost for the area and (B) the appraised value of land and the actual cost of site improvements, except that the Secretary may insure a mortgage for a greater amount on an individual case basis if he determines that the particular project or dwelling is subject to unavoidable or unforeseeable cost increases.

(b) The Secretary shall determine prototype construction costs for each type and size of dwelling unit and project in each area at least annually on the basis of (1) his estimate of the construction costs of comparable new dwelling units of various types and sizes, (2) the extra durability required for economical maintenance of such housing, (3) the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment, (4) the application of good design as an essential component of such housing and maintenance of quality in architecture to reflect the standards of the neighborhood and community, (5) the effectiveness of existing mortgage limits in the area, and (6) the advice and recommendations of local housing producers. The prototype costs for any area shall become effective upon the date of publication in the Federal Register.

(c) As used in this section the term "construction costs" means those cost items which are normally reflected in the amount of a home mortgage or multifamily mortgage insured under section 402 or section 502, except the costs of land and site improvements.

On page 9, line 26, before the semicolon insert the following: "and home mortgages insured under section 401(g)".

On page 25, after line 25, insert the following:

(g)(1) In order to assist in preserving and improving the quality of existing neighborhoods and properties, and to prevent abandonment of properties in viable neighborhoods, the Secretary is authorized to insure any mortgage executed by the occupant of a single family dwelling to refinance an existing mortgage on that dwelling.

(2) To be eligible for insurance under this subsection, a mortgage shall—

(A) be secured by the property which is to be refinanced with the proceeds thereof;

(B) be in a principal amount not exceeding the sum of 90 per centum of the appraised value of the property at the time of its refinancing under the mortgage plus the estimated cost of any repairs; and

(C) provide for complete amortization by periodic payments within such term as the Secretary may prescribe.

(3) No mortgage shall be insured under paragraph (1) unless the Secretary determines that (A) the property to be refinanced is located in a neighborhood which is sufficiently stable and contains sufficient public facilities and amenities to support long-term values or in which the community is planning to carry out a program for neighborhood preservation, conservation, or rehabilitation, and (B) the property is basically sound or capable of repair without substantial rehabilitation.

On page 10, line 4, before the semicolon insert the following: "and project mortgages insured under section 501(j)".

On page 33, between lines 4 and 5, insert the following:

(j)(4) In order to assist in preserving and improving the quality of existing neighborhoods and properties, and to prevent abandonment of properties in viable neighborhoods, the Secretary is authorized to insure any mortgage executed by the occupant of a single family dwelling to refinance an existing mortgage on that dwelling.

(2) To be eligible for insurance under this subsection, a mortgage shall—

(A) be secured by the property which is to be refinanced with the proceeds thereof;

(B) be in a principal amount not exceeding the sum of 90 per centum (97 per centum in the case of a cooperative) of the appraised value of the property at the time of its refinancing under the mortgage plus the estimated cost of any repairs; and

(C) provide for complete amortization by periodic payments within such term as the Secretary may prescribe.

(3) No mortgage shall be insured under paragraph (1) unless the Secretary determines—

(A) that the property to be refinanced is located in a neighborhood which is sufficiently stable and contains sufficient public facilities and amenities to support long-term values or in which the community is planning to carry out a program for neighborhood preservation, conservation, or rehabilitation;

(B) that the property is basically sound or capable of repair without substantial rehabilitation; and

(C) in the case of a refinancing which involves an existing owner, that the management and maintenance services provided by that owner have been adequate.

(4) If the Secretary determines that an extension of the amortization term of any mortgage insured under this subsection would avoid or reduce the amount of any rent increase (or any increase in charges in the case of a cooperative project), he may extend such term.

(5) Nothing in this section shall be construed to preclude the insurance of mortgages which involve projects containing units to be made available to low or moderate income families, or which involve a change in the form of ownership or manner of operation of a project.

On page 26, beginning with line 1, strike out through line 3 on page 30 and insert in lieu thereof the following:

HOMEOWNERSHIP ASSISTANCE

SEC. 402. (a) For the purpose of assisting lower income families in acquiring homeownership or in acquiring ownership of a dwelling unit in a cooperative project, the Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of such homeowners and cooperative unit owners. The assistance shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements specified in this section.

(b) To qualify for assistance payments, the homeowner or the cooperative unit owner shall be of lower income and satisfy eligibility requirements prescribed by the Secretary, and—

(1) the homeowner shall be a mortgagor under a mortgage which meets the requirements of and is insured under this section; or

(2) The owner of a dwelling in a cooperative project shall be a mortgagor under a mortgage which meets the requirements of and is insured under this Section; such dwelling unit shall be in a cooperative housing project the construction, substantial rehabilitation or acquisition of which has been financed with a mortgage insured under section 501 of the Revised National Housing Act and which has been completed within two years prior to the filing of the application for assistance payments and the dwelling unit has had no previous occupant other than the mortgagor or which is an existing project insured under section 213, section 221(d)(3), or section 236 of the National Housing Act, or receiving the benefits of section 101(a) of the Housing and Urban Development Act of 1965, or which is a rental project financed under the United States Housing Act of 1937, and such units in the cooperative project are to be sold to purchasers eligible for mortgage insurance and assistance payments under this section: *Provided*, that the cooperative project involved has consumer-oriented sponsorship and will continue to provide community facilities for the owners of such units,

except that assistance payments may be made on behalf of otherwise eligible families with respect to a mortgage or part thereof on a home or a cooperative housing project which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section.

(c) The assistance payments to a mortgagee by the Secretary on behalf of a mortgagor shall be made during such time as the mortgagor shall continue to occupy the property which secures the mortgage. Such payments may also be made on behalf of a homeowner or owner of a dwelling unit in a cooperative project who assumes a mortgage insured under this section and who occupies the property secured by the mortgage with respect to which assistance payments have been made on behalf of the previous owner, if the new homeowner or owner of a cooperative unit is approved by the Secretary as eligible for receiving such assistance. The Secretary is also authorized to continue making assistance payments where the mortgage has been assigned to the Secretary.

(d) The assistance payments shall be in an amount not exceeding the lesser of—

(1) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium due under the mortgage remaining unpaid after applying 20 per centum of the mortgagor's income; or

(2) the difference between the amount of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage and the monthly payment for taxes, insurance, and mortgage insurance premiums,

except that the mortgagor shall be required to make payments in an amount which shall not be less than the sum of the monthly payments for taxes and insurance.

(e) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (d) or (j)(6), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

(f)(1) Procedures shall be adopted by the Secretary for recertifications of the mortgagor's income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for the purpose of adjusting the amount of such assistance payments within the limits of the formula described in subsection (c).

(2) No assistance payments shall be made under this section unless the Secretary is satisfied that the mortgagor's residual income is sufficient to pay normal utility and maintenance costs.

(g) The Secretary shall prescribe such regulations as he deems necessary (1) to assure that the sales price of, or other consideration paid in connection with, the purchase by a homeowner or cooperative unit owner of the property with respect to which assistance payments are to be made is not increased above the appraised value on which the maximum mortgage which the Secretary will insure is computed, and (2) to provide where necessary to prevent excessive profits for the repayment out of the net proceeds accruing to a homeowner or cooperative unit owner as a result of any sale or other disposition of property with respect to which assistance payments under this section were made, of an amount equal to the amount of principal attributable to such assistance payments, or such lesser amount as the Secretary determines to be equitable taking into account the circumstances surrounding such sale or disposition.

(h)(1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make the assistance payments under contracts entered into under this section. The aggregate amount of outstanding contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed $75,000,000 per annum prior to July 1, 1969, which maximum dollar amount shall be increased by $125,000,000 on July 1, 1969, by $150,000,000 on July 1, 1970, by $200,000,000 on July 1, 1971, by $250,000,000 on July 1, 1972, by $300,000,000 on July 1, 1973, and by $350,000,000 on July 1, 1974.

(2) Notwithstanding the provisions of subsection (b) (2) or (1), not more than 30 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts to be made after July 1, 1972, may be made with respect to existing dwelling or dwelling units in existing projects, except that such payments may be made with respect to dwelling units in existing projects occupied by displaced families as defined in section 221(f) of the National Housing Act or by families which include five or more minor persons without regard to the limitations of this paragraph.

(3) Not less than 10 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts to be made after July 1, 1972, shall be available for use only with respect to dwellings or dwelling units in projects which are approved by the Secretary prior to substantial rehabilitation.

(i) The Secretary is authorized to insure a home mortgage (including open-end advances) meeting the requirements of section 401, except that such mortgage shall—

(1) involve a single-family dwelling or a one-family unit in a cooperative or condominium, and

(2) have a principal obligation not to exceed an amount equal to the sum of (A) the appraised value of the property on the date the mortgage is accepted for insurance (or, in the case of rehabilitation, the sum of the estimated cost of rehabilitation plus the estimated value of the property prior to rehabilitation as determined by the Secretary), and (B) an amount not to exceed the total of all closing costs and prepaid expenses less $200, to be determined by the Secretary, to cover such costs and expenses.

(j)(1) In addition to mortgages insured under the provisions of subsection (i), the Secretary is authorized, upon application by the mortgagee, to insure a mortgage (including advances under such mortgage during rehabilitation) which is executed by a nonprofit organization or public body or agency to finance the purchase of housing, and the rehabilitation of such housing if it is deteriorating or substandard, for subsequent resale to lower income home purchasers who meet the eligibility requirements for assistance payments prescribed by the Secretary under subsection (b). Commitments for the insurance of such mortgages may be issued by the Secretary prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe.

(2) To be eligible for insurance under paragraph (1) of this subsection, a mortgage shall—

(A) be executed by a private nonprofit organization or public body or agency, approved by the Secretary, for the purpose of financing the purchase (with the intention of subsequent resale), and rehabilitation where the housing involved is deteriorating or substandard, of property comprising one or more tracts or parcels, whether or not contiguous, consisting of (i) four or more single-family dwellings of detached, semi-detached, or row construction, or (ii) four or more one-family units in a structure or structures for which a plan of family unit ownership approved by the Secretary is established, except that in a case not involving the rehabilitation of deteriorating or substandard housing the property purchased may consist of one or more such dwellings or units;

(B) be in a principal amount not exceeding the appraised value of the property at the time of its purchase under the mortgage plus the estimated cost of any rehabilitation;

(C) bear interest (exclusive of premium charges for insurance and service charge, if any) at not to exceed such per centum per annum (not in excess of 6 per centum), on the amount of the principal obligation outstanding at any time, as the Secretary finds necessary to meet the mortgage market;

(D) provide for complete amortization (subject to paragraph (4)(E)) by periodic payments within such term as the Secretary may prescribe; and

(E) provide for the release of individual single-family dwellings from the lien of the mortgage upon their sale in accordance with paragraph (4).

(3) No mortgage shall be insured under paragraph (1) unless the mortgagor shall have demonstrated to the satisfaction of the Secretary that (A) the property involved is located in a neighborhood which is sufficiently stable and contains sufficient public facilities and amenities to support long-term values, or (B) the purchase or rehabilitation of such property plus the mortgagor's related activities and the activities of other owners of housing in the neighborhood, together with actions to be taken by public authorities, will be of such scope and quality as to give reasonable promise that a stable environment will be created in the neighborhood.

(4)(A) No mortgage shall be insured under paragraph (1) unless the mortgagor enters into an agreement, satisfactory to the Secretary, that it will offer to sell the dwellings involved, after purchase and upon completion of any rehabilitation, to lower income individuals or families meeting the eligibility requirements established by the Secretary under subsection (b).

(B) The Secretary is authorized to insure under this paragraph mortgages executed to finance the sale of individual dwellings to lower income purchasers as provided in subparagraph (A). Any such mortgage shall—

(i) be in a principal amount not in excess of that portion of the unpaid principal balance of the blanket mortgage covering the property which is allocable to the individual dwelling involved;

(ii) bear interest at the same rate as the blanket mortgage; and

(iii) provide for complete amortization by periodic payments within a term equal to the remaining term (determined without regard to subparagraph (E)) of such blanket mortgage.

(C) The price for which any individual dwelling is sold under this paragraph shall be in an amount equal to that portion of the unpaid principal balance of the blanket mortgage covering the property which is allocable to the dwelling plus such additional amount, not less than $200 (which may be applied in whole or in part toward closing costs and may be paid in cash or its equivalent), as the Secretary may determine to be reasonable.

(D) Upon the sale under this paragraph of any individual dwelling such dwelling shall be released from the lien of the blanket mortgage. Until all of the individual dwellings in the property covered by the blanket mortgage have been sold, the mortgagor shall hold and operate the dwellings remaining unsold at any given time, in such manner and under such terms as the Secretary may prescribe, as though they constituted rental units.

(E) Upon the sale under this paragraph of all the individual dwellings in the property covered by the blanket mortgage and the release of all individual dwellings from the lien of the blanket mortgage, the insurance of the blanket mortgage shall be terminated and no adjusted premium charge shall be charged by the Secretary upon such termination.

(5) Where the Secretary has approved a plan of family unit ownership the terms "single-family dwelling", "single-family dwellings", "individual dwelling", and individual dwellings" shall mean a family unit or family units, together with the undivided interest (or interests) in the common areas and facilities.

(6) In addition to the assistance payments authorized under subsection (b), the Secretary may make such payments to a mortgagee on behalf of a nonprofit organization or public body or agency which is a mortgagor under the provisions of paragraph (1) in an

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amount not exceeding the difference between the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage and the monthly payment for interest, taxes, and mortgage insurance premium.

(k) The Secretary is authorized to provide, or contract with public or private organizations to provide, such budget, debt management, and related counseling services to mortgagors whose mortgages are insured under this section as he determines to be necessary to meet the objectives of this section. The Secretary may also provide such counseling to otherwise eligible families who lack sufficient funds to supply a down payment to help them to save an amount necessary for that purpose.

(l) For the purpose of this section "lower income families" means those families whose incomes do not exceed the median income for the area as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median for the area on the basis of his findings that such variances are necessary because of the prevailing levels of construction costs, unusually high or low median family incomes, or other factors.

(m) In determining the income of any family for the purpose of this section, the Secretary shall consider income from all sources of each member of the family residing in the household, except that there shall be excluded—

(1) the income of family members under 18, the income of full-time students (unless such members or students are heads of households), and any non-recurring income;

(2) an amount equal to $300 for each dependent and for each secondary wage earner;

(3) an amount equal to 5 per centum of gross income (or, in the case of an elderly family, 10 per centum of gross income); and

(4) such unusual or extraordinary medical or other expenses as the Secretary approves for exclusion.

(n) In addition to the assistance payments authorized under the other provisions of this section, the Secretary may make assistance payments, subject to subsection (d), to a mortgagee on behalf of a homeowner who meets the income requirements of this section if (1) the mortgage with respect to which such payments are to be made was executed for the purpose of rehabilitating or renovating the property involved, (2) that mortgage is insured under or meets the requirements of subsection (i) of this section, and (3) that homeowner continues to occupy such property.

On page 32, between lines 23 and 24, insert the following: "and, in the case of properties or projects intended for the use of elderly or handicapped persons, the units, spaces, and facilities may incorporate design features to serve the special needs of such persons,".

On page 33, beginning with line 5, strike out through line 8 on page 39, and insert in lieu thereof the following:

MULTIFAMILY HOUSING ASSISTANCE

SEC. 502. (a) For the purpose of reducing rentals for lower income families, the Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of the owner of a rental housing project, which shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements specified in this section.

(b) Assistance payments with respect to a project shall only be made during such time as the project is operated as a multifamily housing project and (1) is subject to a mortgage which meets the requirements of and is insured under, subsection (j), or which has been assigned to the Secretary, or (2) is owned by a private nonprofit corporation or other private nonprofit entity, a limited dividend corporation or other limited dividend entity, or a public agency or a cooperative housing corporation, and is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which involves either new or existing construction which is approved for receiving the benefits of this section with respect to all or part of the project.

(c) The amount of any assistance payment by the Secretary on behalf of a project owner shall not exceed the difference between total costs attributable to the project (principal, interest, mortgage insurance premiums, taxes, utilities, maintenance, management, and operating costs (including appropriate tenant services approved by the Secretary)) and the total revenues accruing to the project (rents or cooperative charges, other fees and charges, rents or other income from nonresidential tenants, interest or any direct project investments and other revenues as determined by the Secretary). The Secretary may, from time to time amend any contract for such payments as may be necessary to reflect changes in project costs or revenues.

(d) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (c), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

(e) As a condition for receiving the benefits of assistance payments, the project owner shall operate the project in accordance with such requirements with respect to tenant eligibility and rents as the Secretary may prescribe. Procedures shall be adopted by the Secretary for review of tenant incomes at intervals of two years (or at shorter intervals where the Secretary deems it desirable).

(f) (1) For each dwelling unit there shall be established with the approval of the Secretary—

(A) an operating rental charge determined on the basis of operating, maintaining, and managing the project exclusive of debt service payments, and

(B) a fair market rental charge determined on the basis of operating the project with payments on principal, interest, mortgage insurance premium, which the mortgagor is obligated to pay under the mortgage covering the project.

(2) The rental for each unit shall be based on local rent-to-income ratios, determined by the locality, or by the sponsor in any case where local ratios are not available, and approved by the Secretary for the project. In determining such ratios, such factors as family income, size of family, and prevailing income patterns in the community shall be considered, except that (A) in no case shall a family pay a rental which exceeds 25 per centum of its net income, and (B) the average rent-to-income ratio in a project shall be not less than 20 per centum, except that beginning two years after the date of enactment of this Act, any family which is receiving a majority of its income under a federally-assisted public assistance program shall pay as rental not less than the operating rental charge established under paragraph (1)(A) of this subsection.

(g) The project owner shall, as required by the Secretary, accumulate, safeguard, and periodically pay to the Secretary all rental charges collected in excess of those charges specified for collection in the assistance contract with the mortgage. Such excess charges shall be deposited by the Secretary in a fund which may be used by him as a revolving fund for the purpose of making assistance payments with respect to any rental housing project receiving assistance under this section, subject to limits approved in appropriation Acts pursuant to subsection (i). Moneys in such funds not needed for current operations may be invested in bonds or other obligations of the United States or in bonds or other obligations guaranteed as to the principal and interest by the United States.

(h) (1) The Secretary shall require, in the case of any new project, that at least 20 per centum of the units initially be made available for very low income families. The Secretary shall also prescribe regulations to ensure that new units in any such project shall be made available to low income families on a pro rata basis. The requirements of this paragraph may be waived by the Secretary in any case in which he determines that the project cannot meet such requirements or that the project was not intended to carry out the purpose of such requirements.

(2) The Secretary shall prescribe regulations to insure that the availability of units in any new project shall be published, along with a range of rentals, in a daily newspaper of general circulation in the area in which the project is located, and, in the case of any project located in a standard metropolitan statistical area, in a newspaper which serves the central city in such area.

(3) For the purpose of this subsection, the term "very low income family" means any family with respect to which assistance payments in excess of 60 per centum of the rental charge established under subsection (f) (1) (B) would be paid.

(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make assistance payments under contracts entered into under this section. The aggregate amount of contracts to make such payments shall not exceed amounts approved in appropriation acts, and payments pursuant to such contracts shall not exceed $75,000,000 per annum prior to July 1, 1969, which maximum dollar amount shall be increased by $125,000,000 on July 1, 1969, by $250,000,000 on July 1, 1970, by $280,000,000 on July 1, 1971, by $350,000,000 on July 1, 1972, by $400,000,000 on July 1, 1973, and by $450,000,000 on July 1, 1974.

(j) (1) The Secretary is authorized to insure a mortgage (including advances on such mortgage during construction) which meets the requirements of section 501, except as modified under this subsection, upon a multifamily housing project to be occupied primarily by lower income tenants.

(2) If the mortgage is executed by a mortgagor which is a cooperative, a private nonprofit corporation or association, a public agency, or a builder-seller, as defined by the Secretary, the principal obligation of the mortgage shall not exceed—

(A) in the case of new construction, the Secretary's estimate of the replacement cost of the property or project when the proposed improvements are completed;

(B) in the case of rehabilitation, the sum of the Secretary's estimate of the cost of rehabilitation plus the Secretary's estimate of the value of the property before rehabilitation; or

(C) in the case of the purchase or refinancing of existing property without rehabilitation, the appraised value of the property as of the date the mortgage is accepted for insurance.

(3) If the mortgage is executed by a limited distribution corporation or other limited dividend entity, as defined by the Secretary, or an investor-sponsor who agrees to sell the project to a cooperative, and who meets such requirements as the Secretary may prescribe to assure that the consumer interest is protected, the amount of the mortgage shall not exceed 90 per centum of the amount otherwise authorized under this section.

(4) In the case of a project financed with a mortgage insured under this subsection which involves a mortgagor other than a cooperative, a public agency or a private nonprofit corporation or association and which is sold to a cooperative or a nonprofit corporation or association, the Secretary is further authorized to insure under this subsection a mortgage given by such purchaser in an amount not exceeding the appraised value of the property at the time of purchase, which value shall be based upon a mortgage amount on which the debt service can be met from the income of the property when operated on a nonprofit basis, after payments of all operating expenses, these are required reserves.

(5) With the approval of the Secretary, the mortgagor may sell the individual dwelling units to eligible lower income purchasers. The Secretary may consent to the release of the mortgagor from his liability under the mortgage and the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage, upon such terms and conditions as he may prescribe, and the mortgage may provide for such release.

(k) For the purpose of this section—

(1) the term "tenant" includes a member of a cooperative and the terms "rental" and "rental charge" mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative;

(2) the term "low income tenants" means those tenants whose income do not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors;

(3) the term "tenant services" includes but is not limited to the following services and activities for families living in housing projects assisted under this section: counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services;

(4) in determining the income of any family, the Secretary shall consider income from all sources of each member of the family residing in the household, except that there shall be excluded—

(A) the income of family members under 18 and the income of full-time students (unless such members or students are heads of households), and any non-recurring income;

(B) an amount equal to $300 for each dependent and for each secondary wage earner;

(C) an amount equal to 5 per centum of gross income (or, in the case of an elderly family, 10 per centum of gross income); and

(D) such unusual or extraordinary medical or other expenses as the Secretary approves for exclusion; and

(5) the term "cooperative" means a nonprofit corporation or a nonprofit housing trust which has consumer-oriented sponsorship and which is organized for the purpose of construction, rehabilitation, or acquisition of housing and related facilities when the permanent occupancy of the dwellings will be restricted to members of such a cooperative.

(l) The Secretary is authorized to enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make assistance payments, subject to the terms and conditions specified in this section and in rules, regulations, and procedures adopted by the Secretary under this section, with respect to a project which has been approved by the Secretary prior to the beginning of construction or rehabilitation. Any funds provided by a State or agency thereof for the purpose of making assistance payments shall be administered, disbursed and accounted for by the Secretary in accordance with the agreements entered into by the Secretary with the State or agency thereof and for such fees as shall be specified herein. Before entering into any agreement pursuant to this subsection the Secretary shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of assistance payments for the full period specified in the assistance payment contract, and the Secretary shall undertake no obligation to make such assistance payments as surety, guarantor, or in any other similar capacity.

On page 33, beginning with line 5, strike out through line 8 on page 39, and insert in lieu thereof the following:

MULTIFAMILY HOUSING ASSISTANCE

SEC. 502. (a) For the purpose of reducing rentals for lower income families, the Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of the owner of a rental housing project, which shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements specified in this section.

(b) Assistance payments with respect to a project shall only be made during such time as the project is operated as a multifamily housing project and (1) is subject to a mortgage which meets the requirements of and is insured under, subsection (j), or which has been assigned to the Secretary, or (2) is owned by a private nonprofit corporation or other private nonprofit entity, a limited dividend corporation or other limited dividend entity, or a public agency or a cooperative housing corporation, and is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which involves either new or existing construction which is approved for receiving the benefits of this section with respect to all or part of the project.

(c) The amount of any assistance payment by the Secretary on behalf of a project owner shall not exceed the difference between total costs attributable to the project (principal, interest, mortgage insurance premiums, taxes, utilities, maintenance, management, and operating costs (including appropriate tenant services approved by the Secretary)) and the total revenues accruing to the project (rents or cooperative charges, other fees and charges, rents or other income from on-residential tenants, interest or any direct project investments and other revenues as determined by the Secretary). The Secretary may, from time to time amend any contract for such payments as may be necessary to reflect changes in project costs or revenues.

(d) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (c), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

(e) As a condition for receiving the benefits of assistance payments, the project owner shall operate the project in accordance with such requirements with respect to tenant eligibility and rents as the Secretary may prescribe. Procedures shall be adopted by the Secretary for review of tenant incomes at intervals of two years (or at shorter intervals where the Secretary deems it desirable).

(f) (1) For each dwelling unit there shall be established with the approval of the Secretary—

(A) an operating rental charge determined on the basis of operating, maintaining, and managing the project exclusive of debt service payments, and

(B) a fair market rental charge determined on the basis of operating the project with payments on principal, interest, mortgage insurance premium, which the mortgagor is obligated to pay under the mortgage covering the project.

(2) The rental for each unit shall be based on local rent-to-income ratios, determined by the locality, or by the sponsor in any case where local ratios are not available, and approved by the Secretary for the project. In determining such ratios, such factors as family income, size of family, and prevailing income patterns in the community shall be considered, except that (A) in no case shall a family pay a rental which exceeds 25 per centum of its net income, and (B) the average rent-to-income ratio in a project shall be not less than 20 per centum, except that beginning two years after the date of enactment of this Act, any family which is receiving a majority of its income under a federally-assisted public assistance program shall pay as rental not less than the operating rental charge established under paragraph (1)(A) of this subsection.

(g) The project owner shall, as required by the Secretary, accumulate, safeguard, and periodically pay to the Secretary all rental charges collected in excess of those charges specified for collection in the assistance contract with the mortgage. Such excess charges shall be deposited by the Secretary in a fund which may be used by him as a revolving fund for the purpose of making assistance payments with respect to any rental housing project receiving assistance under this section, subject to limits approved in appropriation Acts pursuant to subsection (i). Moneys in such fund not needed for current operations may be invested in bonds or other obligations of the United States or in bonds or other obligations guaranteed as to principal and interest by the United States.

(h) (1) The Secretary shall require, in the case of any new project, that at least 20 per centum of the units initially be made available for very low income families. The Secretary shall also prescribe regulations to insure that new units in any such project shall be made available to low-income families on a pro rata basis. The requirements of this paragraph may be waived by the Secretary in any case in which he determines that the project cannot meet such requirements or that the project was not intended to carry out the purpose of such requirements.

(2) The Secretary shall prescribe regulations to insure that the availability of units in any new project shall be published, along with a range of rentals, in a daily newspaper of general circulation in the area in which the project is located, and, in the case of any project located in a standard metropolitan statistical area, in a newspaper which serves the central city in such area.

(3) For the purpose of this subsection, the term "very low income family" means any family with respect to which assistance payments in excess of 60 per centum of the rental charge established under subsection (f) (1) (B) would be paid.

(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make assistance payments under contracts entered into under this section. The aggregate amount of

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contracts to make such payments shall not exceed amounts approved in appropriation acts, and payments pursuant to such contracts shall not exceed $75,000,000 per annum prior to July 1, 1969, which maximum dollar amount shall be increased by $125,000,000 on July 1, 1969, by $250,000,000 on July 1, 1970, by $280,000,000 on July 1, 1971, by $350,000,000 on July 1, 1972, by $400,000,000 on July 1, 1973, and by $450,000,00 on July 1, 1974.

(j)(1) The Secretary is authorized to insure a mortgage (including advances on such mortgage during construction) which meets the requirements of section 501, except as modified under this subsection, upon a multifamily housing project to be occupied primarily by lower income tenants.

(2) If the mortgage is executed by a mortgagor which is a cooperative, a private nonprofit corporation or association, a public agency, or a builder-seller, as defined by the Secretary, the principal obligation of the mortgage shall not exceed—

(A) in the case of new construction, the Secretary's estimate of the replacement cost of the property or project when the proposed improvements are completed;

(B) in the case of rehabilitation, the sum of the Secretary's estimate of the cost of rehabilitation plus the Secretary's estimate of the value of the property before rehabilitation; or

(C) in the case of the purchase or refinancing of existing property without rehabilitation, the appraised value of the property as of the date the mortgage is accepted for insurance.

(3) If the mortgage is executed by a limited distribution corporation or other limited dividend entity, as defined by the Secretary, or an investor-sponsor who agrees to sell the project to a cooperative, and who meets such requirements as the Secretary may prescribe to assure that the consumer interest is protected, the amount of the mortgage shall not exceed 90 per centum of the amount otherwise authorized under this section.

(4) In the case of a project financed with a mortgage insured under this subsection which involves a mortgagor other than a cooperative, a public agency or a private nonprofit corporation or association and which is sold to a cooperative or a nonprofit corporation or association, the Secretary is further authorized to insure under this subsection a mortgage given by such purchaser in an amount not exceeding the appraised value of the property at the time of purchase, which value shall be based upon a mortgage amount on which the debt service can be met from the income of the property when operated on a nonprofit basis, after payment of all operating expenses, taxes, and required reserves.

(5) With the approval of the Secretary, the mortgagor may sell the individual dwelling units to eligible lower income purchasers. The Secretary may consent to the release of the mortgagor from his liability under the mortgage and the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage, upon such terms and conditions as he may prescribe, and the mortgage may provide for such release.

(k) For the purpose of this section—

(1) the term "tenant" includes a member of a cooperative and the terms "rental" and "rental charge" mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative;

(2) the term "low income tenants" means those tenants whose incomes do not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors;

(3) the term "tenant services" includes but is not limited to the following services and activities for families living in housing projects assisted under this section: counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services;

(4) in determining the income of any family, the Secretary shall consider income from all sources of each member of the family residing in the household, except that there shall be excluded—

(A) the income of family members under 18 and the income of full-time students (unless such members or students are heads of households), and any non-recurring income;

(B) an amount equal to $300 for each dependent and for each secondary wage earner;

(C) an amount equal to 5 per centum of gross income (or, in the case of an elderly family, 10 per centum of gross income); and

(D) such unusual or extraordinary medical or other expenses as the Secretary approves for exclusion; and

(5) the term "cooperative" means a nonprofit corporation or a nonprofit housing trust which has consumer-oriented sponsorship and which is organized for the purpose of construction, rehabilitation, or acquisition of housing and related facilities when the permanent occupancy of the dwellings will be restricted to members of such a cooperative.

(l) The Secretary is authorized to enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make assistance payments, subject to the terms and conditions specified in this section and in rules, regulations, and procedures adopted by the Secretary under this section, with respect to a project which has been approved by the Secretary prior to the beginning of construction or rehabilitation. Any funds provided by a State or agency thereof for the purpose of making assistance payments shall be administered, disbursed and accounted for by the Secretary in accordance with the agreements entered into by the Secretary with the State or agency thereof and for such fees as shall be specified herein. Before entering into any agreement pursuant to this subsection the Secretary shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of assistance payments for the full period specified in the assistance payment contract, and the Secretary shall undertake no obligation to make such assistance payments as surety, guarantor, or in any other similar capacity.

On page 76, line 9, before the period insert a comma and the following: "including responsibility for the establishment of rents and eligibility requirements (subject to the approval of the Secretary)".

On page 76, beginning with line 15 strike out all through line 10, on page 77, and insert the following:

"'(A) The term 'low-income housing' means well-designed but not luxurious housing in a local area, as determined by the Secretary, the construction cost of which does not exceed by more than 20 per centum the appropriate prototype construction costs for the area. Prototype construction costs (excluding the cost of land, demolition, and site improvements and nondwelling facilities) shall be determined at least annually by the Secretary on the basis of his estimate of the construction and equipment costs of new dwelling units of various sizes and types in the area. The Secretary in determining an area's prototype costs shall take into account the extra durability required for economical maintenance of assisted housing, and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment. Further, in the development of such prototypes, emphasis shall be given to encouraging good design as an essential component of such housing and to producing housing which will be of such quality as to reflect the architectural standards of the neighborhood and community. The prototype costs for any area shall become effective upon the date of publication in the Federal Register.

"(B) Occupancy shall be limited to families who at time of entry into a project are low-income families. Rents for low-income housing shall be determined by the public housing agency with the approval of the Secretary. The average rental for dwelling units administered by a public housing agency shall be not less than one-fifth of family income, and no rental for any single dwelling unit shall exceed one-fourth of family income. Income, for purposes of this Act, means income from all sources of each member of the family residing in the household who is at least eighteen years of age; except that (i) non-recurring income, as determined by the Secretary, and the income of dependent, full-time students shall be excluded; (ii) an amount equal to the sum of $300 for each dependent, $300 for each secondary wage earner, 5 per centum of the family's gross income (10 per centum in the case of elderly families), and those medical expenses of the family properly considered extraordinary shall be deducted; and (iii) the Secretary may allow further deductions in recognition of unusual circumstances."

On page 77, beginning with line 11, strike out all through line 10 on page 78 and insert the following:

"(2)(A) The term 'low-income families' means families the income of which do not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median income for the area on the basis of his finding that such variations are necessary because of prevailing levels of construction costs, unusually high or low median family incomes, or other relevant factors.

"(B) The term 'families' includes families consisting of a single person in the case of elderly families and displaced families, and includes the remaining member of a tenant family.

"(C) The term 'elderly families' means families whose heads (or their spouses), or whose sole members, are at least fifty years of age, or are under a disability as defined in section 223 of the Social Security Act, or are handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have a physical impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes his ability to live independently and (iii) is of such a nature that such ability could be improved by more suitable housing conditions.

"(D) The term 'displaced families' means families displaced by governmental action, or families whose present or former dwellings are situated in areas determined by the Small Business Administration, subsequent to April 1, 1965, to have been affected by a natural disaster, and which have been extensively damaged or destroyed as the result of such disaster."

On page 79, beginning with line 24, strike out all through line 3, on page 80, and insert the following:

"(6) The term 'public housing agency' means any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof), including a metropolitan or regional agency, or any multi-State agency, which is authorized to engage in or assist in the development or operation of low-income housing."

On page 82 beginning with line 16, strike out all through line 9, on page 87, and insert the following:

"ANNUAL CONTRIBUTIONS FOR LOW INCOME HOUSING PROJECTS

"SEC. 5. (a) The Secretary may make annual contributions to public housing agencies to assist in achieving and maintaining the low-income character of their projects. The Secretary shall embody the provisions for such annual contributions in a contract guaranteeing their payment. The contribution payable annually under this subsection shall in no case exceed a sum equal to the annual amount of principal and interest payable on obligations issued by the public housing agency to finance the development or acquisition cost of the low-income project involved. The amount of such annual contributions which would be established for a newly constructed project by a public housing agency designed to accommodate a number of families of a given size and kind may be established under this subsection for a project by such public housing agency which would provide housing for the comparable number, sizes, and kinds of families through the acquisition, acquisition and rehabilitation, or use under lease of structures which are suitable for low-income housing use and obtained in the local market. Annual contributions payable under this subsection shall be pledged, if the Secretary so requires, as security for obligations issued by a public housing agency to assist the development or acquisition of the project to which such annual contributions relate and shall be paid over a period not to exceed forty years.

"(b) Any contract for loans or annual contributions, or both, entered into by the Secretary with a public housing agency, may cover one or more than one low-income housing project owned by said public housing agency; in the event such contract covers two or more projects, such projects may, for any of the purposes of this Act and of such contract (including, but not limited to, the determination of the amount of the loan, annual contributions, or payments in lieu of taxes, specified in such contract), be treated collectively as one project.

"(c) In recognition that there should be local determination of the need for low-income housing—

"(1) the Secretary shall not make any contract with a public housing agency for preliminary loans (all of which shall be repaid out of any moneys which become available to such agency for the development of the projects involved) for surveys and planning in respect to any low-income housing projects (i) unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such preliminary loan; and (ii) unless the public housing agency has demonstrated to the satisfaction of the Secretary that there is a need for such low-income housing under the conditions set forth in this Act; and

"(2) the Secretary shall not make any contract for loans (other than preliminary loans) or for annual contributions pursuant to this Act unless the governing body of the locality involved has entered into an agreement with the public housing agency providing for the local cooperation required by the Secretary pursuant to this Act.

"(d) (1) In addition to the annual contributions authorized under subsection (a), the Secretary may make contributions to public housing agencies to assist in the operation of their projects. Contributions under this subsection shall be payable annually and shall not exceed such amounts as the Secretary determines are required (A) to assure the low-income character of the projects involved, and (B) to achieve adequate operating services and reserve funds. The Secretary may embody the provisions for annual contributions in accordance with this subsection in a contract guaranteeing their payment.

"(2) At the initial stage of development of each new low-income housing project, or in the case of existing projects at the earliest practicable time after the date of enactment of this section, the public housing agency operating the project shall determine with the approval of the Secretary, appropriate and required operating services and reserve funds, including tenant services, based on the character and location of the project so the characteristics of the families to be housed. Services so determined shall constitute the base level of operating services of a public housing agency. If income from a project of a public housing agency will not be sufficient in any year to meet the agency's base level of operating services at projected costs for that year, the Secretary may make contributions to meet the residual cost. The commitment to maintain a base level of operating services shall be incorporated in an annual contributions contract. A public housing agency shall signify its base level of operating services requirements at the beginning of its operating year and at the time of the preparation of its annual budget. A public housing agency shall at the time of its reexamination of tenant income (at least every two years) reexamine its base level of operating services in order to determine the adequacy of the services provided for in the light of changing conditions and standards.

"(e) In addition to the annual contributions authorized under subsections (a) and (d), the Secretary may make contributions to public housing agencies to effect such improvement in existing projects administered by such agencies as the Secretary determines are necessary to bring such projects up to minimum standards prescribed by the Secretary for new projects. Contributions under this subsection shall be payable annually and provision therefor may be embodied in a contract guaranteeing their payment.

"(f) Income limits for occupancy, rents, and other requirements applicable to low-income housing projects shall be determined without regard to whether annual contributions with respect to such projects are being provided pursuant to subsections (d) and (e).

"(g) Any portion of an annual contributions payment made to a public housing agency pursuant to a contract under this section which is not used by the agency in the year for which it was made shall, under regulations prescribed by the Secretary, effect a pro tanto reduction in any subsequent annual contributions payment made to such agency.

"(h) Subject to the specific limitations or standards in this Act governing the terms of sales, rentals, leases, loans, contracts for annual contributions, or other agreements, the Secretary may, whenever he deems it necessary or desirable in the fulfillment of the purposes of this Act, consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, amount of annual contribution, or any other term, of any contract or agreement of any kind to which the Secretary is a party. When the Secretary finds that it would promote economy or be in the financial interest of the Federal Government or is necessary to assure or maintain the low-income character of the project or projects involved, any contract heretofore or hereafter made for annual contributions, loans, or both, may be amended or superseded by a contract of the Secretary. Contracts may not be amended or superseded in a manner which would impair the rights of the holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged. Any rule of law contrary to this provision shall be deemed inapplicable.

"(i)(1) The aggregate contracts for annual contributions entered into by the Secretary under subsection (a), and section 10 of this Act as it existed prior to the date of enactment of the Housing Consolidation and Simplification Act of 1971, shall not exceed $1,424,250,000 per annum, which limit shall be increased by $350,000,000 on July 1, 1972, by $400,000,000 on July 1, 1973, and by $450,000,000 on July 1, 1974: *Provided*, That at least 30 per centum of the total amount of such contracts entered into in any fiscal year pursuant to new authority granted to the Secretary by any Act of Congress enacted on or after December 31, 1970, shall be entered into with respect to units of low-income housing in private accommodations provided under section 8 (section 23 of this Act as it existed prior to the date of enactment of the Housing Consolidation and Simplification Act of 1971). The Secretary is also authorized to enter into contracts for annual contributions (A) under subsection (d) aggregating not more than $300,000,000 per annum, and (B) under subsection (e) aggregating not more than $100,000,000 per annum.

"(2) The Secretary shall enter into only such new contracts for preliminary loans as are consistent with the number of dwelling units for which contracts for annual contributions may be entered into under subsection (a). In administering the authority provided under this section, the Secretary shall assure that public housing agencies have complied with the requirements of section 8(a)(1) concerning the provision of low-income housing in private accommodations. The faith of the United States is solemnly pledged to the payment of all annual contributions contracted for pursuant to this section, and there is hereby authorized to be appropriated in each fiscal year, out of any money in the Treasury not otherwise appropriated, the amounts necessary to provide for such payments. All payments of annual contributions pursuant to this section shall be made out of any funds available for purposes of this Act when such payments are due, except that funds obtained through the issuance of obligations pursuant to section 4(b) (including repayments or other realizations of the principal of loans made out of such funds) shall not be available for the payment of such annual contributions."

On page 99, beginning with line 10, strike out all through line 22, on page 100, and renumber succeeding sections accordingly.

On page 87, beginning with line 25, strike out all through line 11, on page 88, and insert the following:

"(b) Every contract made pursuant to this Act for loans (other than preliminary loans) and annual contributions shall provide that the construction cost of the project (excluding the cost of land, demolition, site improvement, non-dwelling facilities, and the cost of relocation assistance) on which the computation of any annual contributions under this Act may be based shall not exceed by more than 20 per centum the appropriate prototype cost for the area, except where the Secretary determines (on a proj-

act-by-project basis) that this limitation should not be applied to the project because of special considerations."

On page 88, strike out lines 14–18.

On page 88, line 19, strike out "(2)" and insert "(1)".

On page 89, line 1, strike out "(3)" and insert "(2)".

On page 89, beginning with line 11, strike out all through line 22, on page 90, and insert the following:

"(d) Except as otherwise herein provided, every contract for annual contributions under section 5(a) shall provide that no annual contributions shall be made available for any project which is exempt from real and personal property taxes levied or imposed by the State, city, county, or other political subdivision in which the project is located. Notwithstanding the foregoing, such contributions may be made available for an existing project which is exempt from such taxes and with respect to which a public housing agency is required to make payments in lieu of taxes, if the amount of such payments is increased by not less than 10 per centum each year until such time (not later than 10 years after the first such increased payment) as the amount of such payments equals the full amount of such taxes which would be paid with respect to the project except for the exemption. The Secretary shall cause outstanding contracts for annual contributions to be amended in conformity with the provisions of this subsection. Estimates for the amounts by which such provisions require an increase in the annual contributions payable to any public housing agency shall be submitted to the Secretary by such agency not later than 6 months after the effective date of this section."

On page 90, line 23, strike out "(f)" and insert in lieu thereof "(e)".

On page 93, after line 4, insert the following:

"(f) Effective on January 1, 1975, every contract for annual contributions shall provide that, notwithstanding any other provision of this Act, the rent required of any tenant family receiving a major portion of its income in the form of public assistance payments under any Federal or State program shall be not less than an amount equal to (A) that part of the operating costs of the project which is attributable to the dwelling unit occupied by such family, and (B) the cost of the utility services furnished to such dwelling unit. For the purposes of this subsection, the operating costs of a project do not include principal and interest charges on obligations issued by the public housing agency to finance the development or acquisition cost of the project.

"(g) (1) Every contract for annual contributions shall provide that, if the Secretary and the public housing agency agree that a project with respect to which such contributions are made is obsolete as to physical condition or location, the Secretary may, in lieu of any other obligation under such contract with respect to such project, make a grant to such agency in an amount sufficient to retire the outstanding indebtedness on the project and, if the project is not to be sold, the cost of demolition. Any such grant shall be conditioned upon the public housing agency providing satisfactory replacement or relocation housing as determined by the Secretary.

"(2) There is authorized to be appropriated not to exceed $100,000,000 for grants under this subsection. Any amounts so appropriated shall remain available until expended."

On page 93, beginning with "Expenditures" in line 24, strike out all through line 3, on page 94, and insert the following: "Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing shall be considered as one of the costs of the project, except that not to exceed 25 per centum of the cost of providing food and service shall be included."

On page 100, beginning with line 23, strike out all through line 25, on page 103, and insert the following:

"HOMEOWNERSHIP FOR LOW-INCOME FAMILIES

"SEC. 10. (a) For the purpose of assisting families of low income in acquiring homeownership or in acquiring membership in a cooperative or other association operating a housing project, a public housing agency is authorized to develop, acquire, or lease low income housing for subsequent resale to low income housing tenants and families eligible for low income housing under the terms and conditions contained in this section. The provisions of this section also apply to the sale of rental housing owned by the public housing agency.

"(b) (1) To purchase low-income housing under this subsection, a mortgage or other obligations shall—

"(A) be given to the public housing agency by a family of low income eligible for low-income housing, a tenant family in low-income housing, or a qualified entity approved by the Secretary;

"(B) be secured by the property which is to be purchased;

"(C) be in a principal amount of not more than the sale price plus closing costs and prepaid expenses;

"(D) bear interest at a rate not to exceed the maximum rate applicable to mortgages insured under section 402 of the Revised National Housing Act, or the rate on the public housing agency's principal debt on the project, whichever is applicable;

"(E) provide for a maturity satisfactory to the Secretary, but not to exceed forty years;

"(F) provide that the purchaser's income contribution to monthly homeownership expense shall be an amount equal to one-fifth of the purchaser's income, but in no case shall the purchaser's income contribution be less than the amount of 'monthly homeownership expense' excluding payment for principal and interest;

"(G) provide that the income contribution to monthly homeownership expense for a purchaser which is a qualified entity shall be determined by using an aggregate amount based on the contribution that would be required under paragraph (6) of each family who occupies a dwelling unit in the purchased property;

"(H) provide that the purchaser shall make monthly payments for any services furnished by the public housing agency to the purchaser; and

"(I) include other terms and conditions which the Secretary determines are required to carry out the purposes of this section.

"(2) As used in this subsection, the term 'monthly homeownership expense' shall include monthly amounts for principal and interest under the amortization provisions of the mortgage or other obligation, amounts for insurance and taxes, and an amount attributable to the cost of utilities as determined by the Secretary on the basis of estimated costs for utilities in the area. Subject to subsection (e), the term 'sale price' means (A) in the case of housing newly developed, acquired, or leased for subsequent resale under this subsection, the portion of the unpaid balance on the public housing agency's principal debt on the project at the time of sale which is allocable to the dwelling unit or units involved, (B) in the case of low-income rental housing, the appraised value of the property at the time of sale, or (C) in cases where participants in mutual-help projects or homebuyers in homeownership opportunity projects voluntarily elect to purchase their low-income housing units under the terms of this subsection, the purchase price provided for under their lease with option to purchase type of contracts with the public housing agencies involved.

"(c) (1) In furtherance of the purposes of this section, and as an alternative procedure for assisting families of low income to acquire homeownership, any public housing agency may permit any adult member of a tenant family to enter into a contract (either individually or as a member of a group) for the acquisition of a dwelling unit in any project of the public housing agency, if the property to be acquired is sufficiently separable from other property retained by the public housing agency to make it suitable for sale and for occupancy by such purchaser or a member or members of his family, upon the following terms:

"(A) The purchaser shall pay at least (i) a pro rata share cost of any services furnished him by the public agency, including but not limited to, administration, maintenance, repairs, utilities, insurance, provision of reserves, and other expenses, (ii) local taxes on his dwelling unit, or a portion thereof, as determined by the Secretary, and (iii) monthly payments of interest and principal sufficient to amortize a sales price, equal to the greater of the unamortized debt or the appraised value (at the time such purchase contract is entered into) of the dwelling unit, in not more than forty years.

"(B) If at any time (i) a purchaser fails to carry out his contract with the public housing agency and if no adult member of his family who resides in the dwelling assumes such contract, or (ii) the purchaser or a member of his family who assumes the contract does not reside in the dwelling, the public housing agency shall have an option to acquire his interest under such contract upon payment to him or his estate of an amount equal to his aggregate principal payments plus the value to the public housing agency of any improvements made by him.

"(2) The public housing agency shall continue to make local tax payments upon the sale under this subsection of the project, or any dwelling unit in the project, if (A) the local governing body so requests, or (B) the Secretary determines that such payments should be continued, in whole or in part, to make it possible for any low-income family to purchase a home. Any payments so made shall (i) be in lieu of real or personal property taxes which might otherwise be levied or imposed on the project or dwelling unit, as the case may be, and (ii) be considered one of the costs of the project for purposes of annual contributions.

"(d) Notwithstanding any other provision of this Act, the sale of a project or dwelling unit in a project shall not affect the Secretary's commitment to pay annual contributions with respect to such project, but such contributions shall not exceed the maximum contributions authorized under this Act.

"(e) A public housing agency shall, before selling any project or dwelling unit in a project pursuant to this section, make such repairs or improvements to the project or dwelling unit as may be necessary to conform to standards prescribed by the Secretary. In addition to the contributions authorized under section 5, the Secretary may make annual contributions to any public housing agency in such amounts as the Secretary determines are required to pay the interest and principal charges on obligations issued by the public housing agency to finance repairs or improvements in accordance with the provisions of this subsection. The sales price of any project or dwelling unit with respect to which repairs or improvements are made under this subsection shall include that portion of the unpaid balance on the public housing agency's debt, at the time of sale, which was incurred to finance such repairs or improvements and is allocable to the dwelling unit or units involved.

"(f) The Secretary shall by regulation prescribe the conditions under which a low-income family which purchases a dwelling unit pursuant to this section may sell such unit. Among the conditions so prescribed shall be a requirement that upon the resale of any such unit the seller shall be obligated to pay to the United States an amount equal to (1) the Federal subsidy received by, or for the benefit of, the seller in reduction of the principal amount of any mortgage covering property during the period in which it was held by the seller, or (2) that part of the sales price which is in excess of the seller's equity (including the reasonable value of repairs and improvements made by the seller) in the property at the time of the sale, whichever is the lesser.

"(g) Subject to the approval of the Secretary, any conveyance, contract, or agreement heretofore executed by a public housing agency for the sale or lease of low-income housing to low-income families or public housing tenants may be amended to include any of the terms and conditions of this section."

On page 110, strike out lines 7–11, and insert the following:

"SEC. 208. Except as provided in sections 201–207, this title shall take effect on January 1, 1973; except that—

"(1) any adjustment required by the provisions of the United States Housing Act of 1937, as amended by section 201 of this title, in what is to be considered income, or in rents for dwelling units in low-income housing shall be made at the first regular reexamination of tenant income following such date; and

"(2) the provisions of section 5(d) of the United States Housing Act of 1937, as amended by section 201 of this title, relating to annual base level operating assistance contributions pursuant to contracts entered into by the Secretary, shall take effect upon the date of enactment of this Act."

SECTION-BY-SECTION SUMMARY OF AMENDMENT 788 TO S. 2049, THE HOUSING SIMPLIFICATION AND CONSOLIDATION ACT OF 1971

This amendment proposes a series of changes to S. 2049 in the following areas:

TITLE I: MORTGAGE CREDIT ASSISTANCE

Title I of S. 2049 contains a complete rewrite of the National Housing Act and proposes a seven title "Revised National Housing Act." Amendment 788 would modify the following sections of this "Revised National Housing Act.":

Section 3. Flexible mortgage amounts.—The proposed section 3 of S. 2049 would be deleted and new section inserted in its place. Subsection (a) would prohibit the Secretary from insuring any mortgage under section 402 (Homeownership Assistance) or section 502 (Multifamily Housing Assistance) which exceeds, for that portion attributable to dwelling use, the sum of (1) 120% of the prototype construction cost for the type of dwelling in that area and (2) the appraised value of the land and actual cost of site improvements. However, the Secretary could insure a mortgage under section 402 and 502 which exceeded the above on an individual case basis if he determines that the particular project or dwelling is subject to unavoidable or unforeseeable cost increases.

Subsection (b) directs the Secretary to determine prototype construction costs for each type and size of dwelling units and project in each housing market area at least annually. These prototypes would be based on the following: (1) an estimate of the construction costs of comparable new dwelling units of various types and sizes; (2) the extra durability required for economical maintenance of such housing: (3) the provision of amenities to guarantee safe and healthy family life and neighborhood environment, (4) good design and quality in architecture to reflect neighborhood and community standards; (5) the effectiveness of existing FHA mortgage limits in the areas, and (6) the advice and recommendations of local housing producers. These prototype construction costs would become effective upon the date of publication in the *Federal Register*.

Subsection (c) would define "construction costs" as those cost items which are normally reflected in the amount of a home mortgage or multifamily mortgage insured under section 402 and 502, except for the cost of land and site improvements.

Section 201. Insurance funds.—Section 201 (b) of S. 2049, which describes the Special Risk Insurance Fund would be amended to include the mortgages of two new programs subsequently added to the "Revised National Housing Act." Section 201(b)(2) would be amended to include home mortgages insured under section 401(g) and section 201(b)(4) would be amended to include multifamily mortgages under 501(j) [refinanced mortgages].

Section 401. Home mortgage insurance.—Basic insurance program.—Section 401 of the "Revised National Housing Act" as proposed in S. 2049 would be amended by adding a new subsection (g). This subsection would authorize the Secretary to insure a mortgage executed by the occupant of a single family dwelling to refinance an existing mortgage on that dwelling so to assist in preserving and improving the quality of existing neighborhoods and properties and to prevent the abandonment of such properties. Mortgages eligible for insurance under this subsection shall: (1) be secured by the property which is to be refinanced; (2) be in a principal amount not exceeding the sum of 90 percent of the appraised value of the property plus the estimated cost of any repairs; and (3) provide for the complete amortization by periodic payments within such term as the Secretary prescribes.

No mortgage can be insured under this subsection unless it is (a) located in a stable neighborhood containing adequate public facilities or in an area in which the community is planning to carry out a program for neighborhood preservation, conservation or rehabilitation and (b) the property is basically sound or capable of repair without substantial rehabilitation.

Section 402. Homeownership assistance.—S. 2049 provides in section 402 a program to assist lower income families in acquiring homeownership. (This would replace the present section 235 program.) This entire section would be deleted and a new section 402, dealing with homeownership assistance, inserted in its place.

Subsection (a) authorizes the Secretary to make and to contract to make periodic assistance payments on behalf of eligible lower income families to assist them in acquiring homeownership or ownership of a unit in a cooperative (sales cooperatives). Such assistance will be in the form of payments to mortgagees holding mortgages meeting the special requirements in this section.

Subsection (b) sets forth the general requirements for assistance under section 402. The homeowner or owner of a cooperative unit must be of lower income and satisfy eligibility requirements prescribed by the Secretary. For homeownership (including ownership of a condominium unit) the owner must be a mortgagor under a mortgage meeting the requirements of and insured under section 402.

For ownership of a unit in a cooperative, the owner must be a mortgagor under a mortgage meeting the requirements of and insured under section 402. Such a unit must be (a) in a cooperative project, the construction, substantial rehabilitation or acquisition of which was financed through a mortgage insured under section 501 of the Revised National Housing Act, completed within two years prior to the filing of an application for assistance; and had no previous occupant: or (b) in an existing project, insured under Sections 213, 221(d)(3) or 236 of the National Housing Act, receiving rent supplements or financed under the low rent public housing program, and the units are to be sold to purchasers eligible for mortgage insurance and assistance payments under this section. The subsection also provides that to be eligible for assistance, the cooperative must have consumer-oriented sponsorship and will continue to provide community facilities for the owners of such units.

This subsection also provides an exception to the above and permits the Secretary to make assistance payments on behalf of otherwise eligible families involving homes or cooperative units which are being financed through a state or local program providing assistance through loans, loan insurance, or tax abatement and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section.

Subsection (c) provides that assistance payments may be made during such time as the mortgagor continues to occupy the property. Such payments may continue to be made if a new owner purchases the property and is approved by the Secretary as eligible to receive such assistance. The Secretary is also authorized to continue making assistance payments where the mortgage has been assigned to him.

Subsection (d) provides that assistance payments shall be an amount not to exceed the lesser of (1) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurances premiums due under the mortgage remaining unpaid after deducting 20% of the mortgagor's income; or (2) the difference between the monthly payment required for principal, interest, taxes, insurance and mortgage insurance premium and the monthly payment for taxes, insurance and mortgage insurance premium. In no case, however, shall monthly payments be less than the sum of monthly payments for taxes and insurance.

Subsection (e) permits the Secretary to include in that payment to the mortgagee an amount to reimburse the mortgagee for its expenses in handling the mortgage.

Subsection (f) provides that procedures shall be adopted to recertify mortgagor's income every two years for the purpose of adjusting the amount of assistance. This subsection also provides that no assistance payments shall be made unless the Secretary is satisfied that the mortgagor's residual income is sufficient to pay normal utility and maintenance costs.

Subsection (g) requires the Secretary to prescribe regulations to assure that the sales price of properties to be purchased under the program are not increased above the appraised value on which the maximum mortgage is computed. This subsection also requires the Secretary to prescribe regulations to present excessive profits upon sale or disposition of property assisted under this section, in which case the seller would be required to repay, out of net proceeds, an amount equal to that portion of the assistance payments which covered principal determined by the Secretary to be equitable taking into account the circumstances surrounding the sale or disposition.

Subsection (h) authorizes the appropriation of funds to carry out the provisions of this section including sums to make assistance payments under contracts entered into under this section. Such contract authority

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shall not exceed amounts approved in appropriation acts, and such contracts shall not exceed $75 million prior to the beginning of fiscal year 1970, and shall be increased by $125 million in fiscal year 1970, $150 million for fiscal year 1971, and $200 million for fiscal year 1972, $250 million in fiscal year 1973, $300 million in fiscal year 1974, and $350 million in fiscal year 1975.

This subsection also provides that not more than 30 percent of the contract authority approved in appropriations acts made after July 1, 1972 be made with respect to existing units except in the case of units for families displaced by public action or families with five or more minors where this limitation will not apply. Also, not less than 10 percent of this contract authority approved in appropriations acts shall be used for properties approved by the Secretary prior to substantial rehabilitation.

Subsection (i) authorizes the Secretary to insure a home mortgage (including open-end advances) under this section which meets the requirements of section 401 except that such a mortgage shall: (1) involve a single-family dwelling or a one-family unit in a condominium or cooperative, and (2) have a principal obligation not to exceed (a) the appraised value of property (or if a rehabilitated property, the sums of the estimated cost of rehabilitation plus the estimated value of the property prior to rehabilitation), and (b) an amount not to exceed all closing costs and prepaid expenses less $200.

Subsection (j) authorizes the Secretary to insure a mortgage executed by a nonprofit organization, public body or agency to finance the purchase (and rehabilitation if necessary) of housing for resale to families eligible for assistance under section 402. The housing must include five or more one-family dwellings or units in any case where rehabilitation is involved. The mortgage shall not exceed the appraised value of the property at time of purchase plus the estimated cost of rehabilitation and bear market rate interest. Properties eligible for insurance shall be located in stable neighborhoods with adequate public facilities or amenities or in areas where action is being taken (including the rehabilitation under this section) to give reasonable promise that a healthy environment will be created.

Under subsection (j)(4) the Secretary is authorized to insure the individual mortgages given to finance the resale of this housing to families eligible to receive assistance under this section after the purchase and/or rehabilitation of the property. The Secretary also is authorized to pay on behalf of the mortgagor the difference between the required monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium obligated under the mortgage and the monthly payment for interest, taxes, and mortgage insurance premiums.

Subsection (k) incorporates Section 237 of the National Housing Act. The Secretary is authorized to provide, or contract with public or private organizations to provide, budget, debt management and related counseling services to families whose mortgage is insured under this section the Secretary may also provide counseling to eligible families who lack funds for a downpayment to help them save for this purpose.

Subsection (l) defines "lower income families" to mean those families whose income does not exceed the median income for the area. The Secretary may make adjustments for family size and can raise or lower these ceilings if construction costs, unusually high or low median family incomes, or other factors warrant such action.

Subsection (m) defines "income" to mean all income from each member of the family in the household, with the following exceptions: (1) the income of family members under 18, the income of full-time students (unless such members or students are heads of households), and nonrecurring income; (2) an amount equal to $300 for each dependent and each secondary wage earner; (3) an amount equal to 5 percent of gross income (10 percent in the case of an elderly family); and (4) medical or other expenses as the Secretary approves for exclusion.

Subsection (n) provides for assistance to owner occupants to rehabilitate their own property, if such owner-occupant is otherwise eligible for assistance. It authorizes the Secretary to make assistance payments, subject to subsection (d), to a mortgagee on behalf of a homeowner who meets the income requirements if (1) the mortgage was executed for the purpose of rehabilitating or renovating the property involved, (2) that mortgage is insured under or meets the requirements of subsection (l) of this section, and (3) that homeowner continues to occupy such property.

Section 501. Project mortgages—Multifamily housing—Section 501 of S. 2049 sets forth the general insurance requirements for multifamily housing. It would be amended as follows:

Section 501(l) of S. 2049 sets forth certain requirements for insuring project mortgages. This subsection would be amended to permit projects or properties, intended for the use of the elderly or handicapped, to incorporate design facilities to serve the special needs of these families.

Section 501 of S. 2049 would also be amended by adding a new subsection (j) to cover insurance of refinanced mortgages meeting specified requirements. Under this new subsection, the Secretary would be authorized to insure any mortgage covering a multifamily housing project to finance an existing mortgage on that project so as to assist in preserving and improving the quality of existing neighborhoods and properties and prevent the abandonment of such properties. Mortgages eligible for insurance under this subsection shall: (1) be secured by the property which is to be refinanced with the proceeds; (2) be in a principle amount not exceeding the sum of 90 percent of the appraised value of the property (97 percent in the case of cooperatives) plus the estimated cost of repairs; and (3) provide for complete amortization by periodic payments as prescribed by the Secretary.

No mortgage shall be insured under this section unless the Secretary determines (a) that the property to be refinanced is located in a neighborhood which is sufficiently stable and contains sufficient public facilities and amenities to support long-term values or in which the community is planning to carry out a program for neighborhood preservation, conservation, or rehabilitation; (b) that the property is basically sound or capable of repair without substantial rehabilitation; and (c) that, when refinancing involves an existing owner, maintenance services provided have been adequate.

The Secretary may extend the amortization term of any mortgage insured under this subsection if he determines that a rent increase would be reduced or avoided.

This section does not preclude the insurance of mortgages which involve projects containing units to be made available to low or moderate income families, or a change in the form of ownership, or manner of operation of the project.

Section 502. Multi-family housing assistance.—S. 2049 provides in Section 502 a program designed to reduce rentals for lower income families. This entire section would be deleted and a new Section 502 dealing with multi-family housing assistance inserted in its place.

Subsection (a) authorizes the Secretary to make, and to contract to make, periodic assistance payments on behalf of the owners of rental housing projects. This would be accomplished through payments to mortgagees holding mortgages meeting the special requirements of this section.

Subsection (b) provides that assistance payments would be made only so long as the project is operated as a multi-family housing project and is subject to the mortgage which meets the requirements of and is insured under Subsection (j) or which has been assigned to the Secretary. Additionally, assistance payments would be made if the project is owned by a private non-profit corporation or other private non-profit entity, a limited dividend corporation or other limited dividend entity, or a public agency or a cooperative housing corporation and is financed under a State or local program which is providing assistance through loans, loan insurance, or tax abatement. Upon meeting the requirements above, assistance payments can be made for either new or existing construction and for all or part of a project.

Subsection (c) provides that the amount of any assistance payment shall not exceed the difference between total cost attributable to the project (principal, interest, mortgage insurance premiums, taxes, utilities, maintenance, management and operating costs as well as tenants services) and the total revenues accruing to the project (rents or cooperative charges, other fees and charges, grants or other income, non-residential tenants, interest or any direct project investments and other revenues as determined by the Secretary). Contracts can be amended by the Secretary to reflect the changes in project costs or revenues.

Subsection (d) provides additional assistance payments to reimburse the mortgagee for its expenses in handling the mortgage.

Subsection (e) provides that receiving the benefits of assistance payments is made conditional on the project owner operating the project in accordance with such requirements that the Secretary may prescribe with respect to tenant eligibility and rents. Also, the Secretary is required to adopt procedures for reviewing tenants income at intervals of not more than 2 years.

Subsection (f) requires that an "operating rental charge" and a "fair market rental charge" be established for each assisted unit. The operating rental charge would be based on the cost of operating, maintaining and managing the project, exclusive of debt service. The fair market rental would be based on the cost of operating the project with payments on principal, interest, and mortgage insurance premium. The actual per unit rental would be based on local rent to income ratios determined by the locality (or sponsor if no such local ratios exist) and approved by the Secretary. Such ratios would take into account family income, family size and local income and spending patterns; however, no family would pay in excess of 25 percent of income for rent and the average rent to income ratio in each project should be at least 20 percent. The only exception to these provisions would be families who receive a majority of their income through federally-assisted public assistance who, two years after enactment of this provision, would be required to pay as a minimum the operating rental charge. This two year period would provide the time necessary for any changes in state or local welfare laws and regulations to carry out the section.

Subsection (g) would require the project owner to accumulate and to pay periodically to the Secretary any rental charges received in excess above the amounts specified in the assistance contract. The Secretary would deposit these in a revolving fund to be used to make additional assistance payments. Moneys not needed for current obligations could be invested in government obligations or government guaranteed obligations.

Subsection (h) would require that, in the case of a new project, at least 20 percent of the units initially be made available for families of very low income, defined as those requiring an initial assistance payment in excess of 60 percent of the fair market rental charge. The requirement could be waived if, due to local or special circumstances, the project cannot meet this requirement. This subsection also requires the Secretary to prescribe regulation to insure that the availability of units in any new project shall be published, along with a rental range, in a daily newspaper of general circulation in the area where the project is located, and in a newspaper serving the center city if the project is located in a standard statistical metropolitan area.

Subsection (i) authorizes the appropriation of funds to carry out the provisions of this section including sums to make assistance payments under contracts entered into under this section. Such contract authority shall not exceed amounts approved in appropriation acts, and such contracts shall not exceed $75 million prior to the beginning of fiscal year 1970, and shall be increased by $125 million in fiscal year 1970, $250 million in fiscal year 1971, $280 million in fiscal year 1972, $350 million in fiscal year 1973, $400 million in fiscal year 1974 and $450 million in fiscal year 1975.

Subsection (j) authorizes the Secretary to insure a mortgage (including advances on such mortgages during construction) under this section to be occupied primarily by lower income tenants. Such a mortgage should meet the requirements of section 501 with the following exceptions. If the mortgage is executed by a cooperative, nonprofit corporation or association, a public agency, or a builder-seller, as (defined by the Secretary) the principal obligation shall not exceed: (a) if new construction, the estimated replacement cost of the project when completed; (b) if rehabilitation, the sum of the cost of the rehabilitation plus the estimated value of the property prior to rehabilitation; or (c) if refinancing, the appraised value of the property. If the mortgage is executed by a limited distribution corporation or other limited dividend entity or an investor-sponsor who agrees to sell the project to a cooperative, the principal amount shall not exceed 90 percent of the above.

If a project is financed with a mortgage executed by other than a cooperative, nonprofit, or public agency and later sold to a cooperative or nonprofit association or corporation the Secretary under subsection (j)(4) is authorized to insure such a mortgage not exceeding the appraised value of the property at time of purchase, based on a mortgage amount on which debt service can be met from the income of the property, when operated on a non-profit basis, after payment of all operating expenses, taxes and reserves. Subsection (j)(5) permits the sale of individual units to eligible lower income families under such regulations as the Secretary may provide.

Subsection (k)(1) defines the term "tenant" to also include a member of a cooperative. It also defines the terms "rental" and "rental charge" to include the charges under the occupancy agreements between cooperative members and the cooperative.

Subsection (k)(2) defines the term "low income tenants" to mean tenants whose incomes do not exceed the median income for the area. The Secretary may make adjustments for family size and can raise or lower these ceilings if construction costs, unusually high or low median family incomes, or other factors warrant such action.

Subsection (k)(3) defines the term "tenant services" to include: counseling on household management, housekeeping, budgeting, money management, child care and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community sources, services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services for families living in housing projects assisted under this section.

Subsection (k)(4) defines "income to mean all income from each member of the family in the household, with the following exceptions: (1) the income of family members under 18, the income of full-time students (unless such members or students are heads of households), and nonrecurring income; (2) an amount equal to $300 for each dependent and each secondary wage earner; (3) an amount equal to 5 percent of gross income (10 percent in the case of an elderly family); and (4) medical or other expenses as the Secretary approves for exclusion.

Subsection (k)(5) defines "cooperatives" as a non-profit corporation or a non-profit housing trust which has consumer-oriented sponsorship and which is organized for the purpose of construction, rehabilitation, or acquisition of housing and related facilities. Occupancy of the cooperative is restricted to members.

Subsection (l) authorizes the Secretary to enter into agreements with a state or its agency where such a state or agency contracts to make assistance payments, subject to this section and such rules and regulations adopted by the Secretary, with respect to a project approved by the Secretary prior to the beginning of construction or rehabilitation. Any funds provided by the state or agency should be administered by the Secretary according to the agreement between the states or agency and the Secretary. Before entering into such agreements to administer such state programs, the Secretary should determine that the state or agency will provide sufficient funds for the full period specified in the assistance payment contract.

TITLE II: PUBLIC AGENCY HOUSING ASSISTANCE

Title II of S. 2049 contains a complete rewrite of the United States Housing Act of 1937 and proposes a 13- -section revised "United States Housing Act of 1937". A series of amendments are proposed to this revised "United States Housing Act of 1937", which would result in the following.

Section 201. This section would amend and supersede the U.S. Housing Act of 1937.

Short title

Section 1. The Act would be cited as "The United States Housing Act of 1937".

Declaration of policy

Section 2. The Declaration of Policy of The United States Housing Act of 1937 would be amended as proposed in S. 2049, except the phrase in the existing 1937 Act including "responsibility for the establishment of rents and eligibility requirements, subject to the approval of the Secretary of HUD", would be retained.

Definitions

Section 3. This section defines "development", "operation", "acquisition cost", "State", "low income housing project" or "project", "families", "elderly families", and "displaced families" as proposed in S. 2049. The terms "low-income housing", "low-income families" and "public agency housing" are defined as follows:

The term "low-income housing" means well-designed but not luxurious housing in a local area, as determined by the Secretary, the construction cost of which does not exceed by more than 20 per centum the appropriate prototype construction costs for the area. Prototype construction costs (excluding the cost of land, demolition, and site improvements and non-dwelling facilities) shall be determined at least annually by the Secretary on the basis of his estimate of the construction and equipment costs of new dwelling units of various sizes and types in the area. The Secretary in determining an area's prototype costs shall take into account the extra durability required for economical maintenance of assisted housing, and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment. Further, in the development of such prototypes, emphasis shall be given to encouraging good design as an essential component of such housing and to producing housing which will be of such quality as to reflect the architectural standards of the neighborhood and community. The prototype costs for any area shall become effective upon the date of publication in the Federal Register. Occupancy shall be limited to families who at time of entry into a project are low-income families. Rents for low-income housing shall be determined by the public housing agency with the approval of the Secretary. The average rental for dwelling units administered by a public housing agency shall be not less than one-fifth of family income, and no rental for any single dwelling unit shall exceed one-fourth of family income. Income, or purposes of this Act, means income from all sources of each member of the family residing in the household who is at least eighteen years of age; except that (i) non-recurring income, as determined by the Secretary, and the income of dependent, full-time students shall be excluded; (ii) and amount equal to the sum of $300 for each dependent, $300 for each secondary wage earner, 5 per centum of the family's gross income (10 per centum in the case of elderly families), and those medical expenses of the family properly considered extraordinary shall be deducted; and (iii) the Secretary may allow further deductions in recognition or unusual circumstances.

The term "low-income families" means families the incomes of which do not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median income for the area on the basis of his finding that such variations are necessary because of prevailing levels of construction costs, unusually high or low median family incomes, or other relevant factors.

The term "public housing agency" means any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof), including a metropolitan or regional agency, or any multi-State agency, which is authorized to engage in or assist in the development or operation of low-income housing.

Loans

Section 4. This section is the same as Title II, Section 4 of S. 2049.

Annual contributions

Section 5. This section provides for annual contributions contract provisions in two parts: (1) capital debt requirements and (2) operating services and reserve funds.

(a) The Secretary would make annual contributions to public agencies to cover principal and interest payments payable on obligations issued by the public housing agency to finance the development or acquisition cost of the low income project. This subsection is the same as Title II, Section 5(a) of S. 2049.

(b) This subsection is the same as Title II, Section 5(d) of S. 2049; and provides for collective coverage of two or more projects under one contract.

(c) This subsection is the same as Title II, Section 5(e) of S. 2049 which requires the approval of the local governing body of all public housing agency applications and the demonstration of the need for low income

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housing, except that (ii) is amended to read as follows: "and (ii) unless the public housing agency has demonstrated to the satisfaction of the Secretary that there is a need for such low-income housing under the conditions set forth in this Act".

(d)(1) This subsection is almost identical to Title II, Section 9(a) of S. 2049, and provides for annual contributions for operating services. In addition to the annual contributions authorized under subsection (a), the Secretary may make contributions to public housing agencies to assist in the operation of their projects. Contributions under this subsection shall be payable annually and shall not exceed such amounts as the Secretary determines are required (A) to assure the low-income character of the projects involved and (B) to achieve adequate operating services and reserve funds. The Secretary may embody the provisions for annual contributions in accordance with this subsection in a contract guaranteeing their payment.

(2) This subsection is not included in S. 2049 and spells out the procedure for allocation of annual contributions for operating services. At the initial stage of development of each new low-income housing project, or in the case of existing projects at the earliest practicable time after the date of enactment of this section, the public housing agency operating the project shall determine, with the approval of the Secretary, appropriate and required operating services and reserve funds, including tenant services, based on the character and location of the project and the characteristics of the families to be housed. Services so determined shall constitute the base level of operating services of a public housing agency. If income from a project of a public housing agency will not be sufficient in any year to meet the agency's base level of operating services at projected costs for that year, the Secretary may make contributions to meet the residual cost. The commitment to maintain a base level of operating services shall be incorporated in an annual contributions contract. A public housing agency shall signify its base level of operating services requirements at the beginning of its operating year and at the time of the preparation of its annual budget. A public housing agency shall at the time of its reexamination of tenant income (at least every two years) reexamine its base level of operating services in order to determine the adequacy of the services provided for in the light of changing conditions and standards.

(e) This subsection authorizes the Secretary to use annual contributions to make improvements in existing projects by providing that in addition to the annual contributions authorized under subsection (a) and (d), the Secretary may make contributions to public housing agencies to effect such improvement in existing projects administered by such agencies as the Secretary determines are necessary to bring such projects up to minimum standards prescribed by the Secretary for new projects. Contributions under this subsection shall be payable annually and provision therefore may be embodied in a contract guaranteeing their payment.

(f) This subsection insures uniformity of treatment for tenants in low-income housing and provides that income limits for occupancy, rents, and other requirements applicable to low-income housing projects shall be determined without regard to whether annual contributions with respect to such projects are being provided pursuant to subsections (d) and (e).

(g) This subsection is the same as subsection 5(e) of S. 2049, and provides that any portion of an annual contributions payment made to a public housing agency pursuant to a contract under this section which is not used by the agency in the year for which it was made shall, under regulations prescribed by the Secretary, effect a pro tanto reduction in any subsequent annual contribution payment made to such agency.

(h) This subsection is the same as subsection 5(f) of S. 2049, granting the Secretary the authority to modify the rate of interest and other terms of contract to which he is a party, under certain conditions.

(i) (1) This subsection is in substitution of subsection 5 (c) of S. 2049, and provides for total contract authority, and for a portion of new authority to be utilized for Section 23 leased housing. The aggregate contracts for annual contributions entered into by the Secretary under subsection (a), and section 10 of this Act as it existed prior to the date of enactment of the Housing Consolidation and Simplification Act of 1971, shall not exceed $1,424,250,000 per annum, which limit shall be increased by $350,000,000 on July 1, 1972, by $400,000,000 on July 1, 1973, and by $450,000,0000 on July 1, 1974: *Provided*, That at least 30 per centum of the total amount of such contracts entered into in any fiscal year pursuant to new authority granted to the Secretary by any Act of Congress enacted on or after December 31, 1970, shall be entered into with respect to units of low-income housing in private accommodations provided under section 8 (section 23 of this Act as it existed prior to the date of enactment of the Housing Consolidation and Simplification Act of 1971). The Secretary is also authorized to enter into contracts for annual contributions (A) under subsection (d) aggregating not more than $300,000,000 per annum, and (B) under subsection (e) aggregating not more than $100,000,000 per annum.

(2) This subsection is the same as the second part of Subsection 5(c) of S. 2049, and provides that the Secretary shall enter into only such new contracts for preliminary loans as are consistent with the number of dwelling units for which contracts for annual contributions may be entered into under subsection (a). It also provides that public housing agencies must comply with the requirements of section 8 (a) (1) concerning the provision of low-income housing in private accommodations. The faith of the United States is solemnly pledged to the payment of all annual contributions contracted for pursuant to this section.

Contract provisions and requirements

Section 6. This Section would include the following subsections as proposed in S. 2049, with the changes noted.

(a) Same as Title II, subsection 6 (a) of S. 2049—covering (1) the right of the Secretary to include conditions in loans, annual contributions, contracts or other instruments or agreements, necessary to insure the low income character of the project (2) a contract condition requiring open space or playground, if deemed necessary by the Secretary, and (3) a contract condition that no highrise elevator projects, except for elderly, shall be developed for families with children, unless the Secretary determines there is no practical alternative.

(b) This subsection is in substitution for subsection 6(b) of S. 2049, and provides that every contract made pursuant to this Act for loans (other than preliminary loans) and annual contributions shall provide that the construction cost of the project (excluding the cost of land, demolition, site improvement, non-dwelling facilities, and the cost of relocation assistance) on which the computation of any annual contributions under this Act may be based shall not exceed by more than 20 per centum the appropriate prototype cost for the area, except where the Secretary determines (on a project-by-project basis) that this limitation should not be applied to the project because of special considerations.

(c) This subsection is the same as subsection 6(c) (2) and (3) of S. 2049, requiring (1) Certification and two-year review of regulations and (2) notification procedures for ineligible applicants.

(d) This subsection is a substitute for subsection 6(d) of S. 2049 providing that all new public agency assisted housing would pay full real and personal property taxes levied or imposed by a state, city, county, or other political subdivision. It would further provide that existing public housing developments not now paying such full taxes would proceed to make increased tax payments on a fixed level, annual basis until they are paying full taxes, at a rate of at least 10 percent increase a year, but reaching a full level tax payment within at least ten years. Estimates for increasing annual contribution contracts to cover full property taxes in existing projects would be submitted by the Secretary within six months after enactment of this Act.

(e) Subsection 6(e) of S. 2049 is deleted; conditions for reduction of subsequent annual contributions are covered under subsection 5(g). The new subsection 6(e) is the same as subsection 6(f) of S. 2049, covering conditions in the event of default.

(f) This would be a new subsection providing that after January 1, 1975, a family receiving the major portion of its income from public assistance shall pay rent at least equal to the operating costs attributable to its housing unit, including utilities. Operating costs shall mean all costs except for principal and interest payments on capital debt.

(g) This would be a new section providing that if the Secretary and the public housing agency jointly agree that an existing project is obsolete with respect to physical condition or location, that the Secretary can make a capital grant to pay off the indebtedness so that the project can be demolished or sold. The capital grant would cover the cost of demolition, if required. The local public agency would be required to provide replacement or relocation housing for existing tenants. A capital grant authorization of $100 million is provided for this purpose, to remain available until expended.

Congregate housing

Section 7. This section is the same as Title II, Section 7 of S. 2049, except for the final sentence, which is revised to read: "Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing shall be considered as one of the costs of the project, except that only up to 25 percent of the cost of providing food and service, shall be included."

Low-income housing in private accommodations

Section 8. This section is the same as Title II, Section 8 of S. 2049.

Section 9. This section of S. 2049 is deleted; operating service contributions are covered under Section 5.

Homeownership for low-income families

Section 9. This section is in substitution for Title II, Section 10 of S. 2049 and sets forth the terms and conditions for homeownership under the public agency low-income housing program. It is the same as Section 10 of S. 2049, except for the following major changes:

(a) The rate of interest for a mortgage is the same as that under the FHA Section 402 homeownership program, or the rate on the public housing agency's principal, whichever is "applicable" (S. 2049 provides for the "greater" interest rate);

The home purchaser concept of the existing Turnkey III housing program is extended by providing an alternate method for a low-income family to achieve homeownership; under this alternative, the Secretary of HUD would have the discretion to assist the low-income home purchaser to meet all or part of total real property tax payments (c);

Upon sale of any unit, the family would be required to pay from the sales proceeds, if sufficient, any subsidy which has covered principal.

The conditions for disposition of a housing development, either for sale to low-income tenant purchasers, or to non-profit, or cooperative purchasers shall include a requirement that any necessary repairs or improvements be made prior to disposition of the property. The Secretary is authorized to provide supplemental annual contributions to cover the debt service on loans to make such repairs and improvements. The sale price shall cover: The outstanding bonded indebtedness, the costs of any supplemental loan to cover necessary repairs and improvements, the costs of conversion, closing costs and prepaid expenses. The legislation makes clear that annual contributions will continue to cover debt service both on the original capital cost and the loan, as well as prepaid expenses and closing costs.

General provisions

Section 10. This section is the same as Title II, Section 11 of S. 2049.

Financing low-income housing projects

Section 11. This section is the same as Title II, Section 12 of S. 2049.

Labor standards

Section 12. Section is the same as Title II, Section 13 of S. 2049.

Applicability of rental requirements

Section 202 of S. 2049 is deleted.

Exemption of mutual help projects from rental formula

Section 202 is the same as section 203 of S. 2049.

Repeal of specification requirements

Section 203 is the same as Section 204 of S. 2049.

Retroactive repeal of section 10(J)

Section 204. This section is the same as Title II, Section 205 of S. 2049.

Amendment to National Bank Act

Section 205. This section is the same as Title II, Section 206 or S. 2049.

Amendment to Lanham Act

Section 206. This section is the same as Title II, Section 207 of S. 2049.

Effective date of title II

Section 207. This section is in substitution for section 208 of S. 2049. Except as otherwise provided in Sections 201–202, the provisions of Title II shall be effective beginning on January 1, 1973, except that any adjustment in income eligibility or rent payment shall take place at the first regular reexamination of tenant income following January 1, 1973. Further, the Secretary is authorized to proceed immediately upon the effective date of this Act to execute "base level" operating assistance contract agreements with existing public housing agencies.

AMENDMENT No. 789

At the end of the bill insert the following new sections:

HOUSING GOALS AND ANNUAL HOUSING REPORT

SEC. 309. (a) Section 1601 of the Housing and Urban Development Act of 1968 is amended

(1) by striking out the section heading and inserting in lieu thereof the following: "Reaffirmation of National Goal; Development of State and Local Goals";

(2) by inserting "(a)" after "SEC. 1601."; and

(3) by adding at the end thereof the following new subsections:

"(b) The Congress further finds that the achievement of the national housing goal will require a more efficient use of the Nation's existing housing stock through such measures as preservation, rehabilitation, and improvements in management and maintenance policies, in order that losses to the housing stock may be minimized and the current level of housing services improved.

(c) In order to facilitate the achievement of the national housing goal and provide a more precise basis for determining national housing requirements, the Secretary of Housing and Urban Development shall encourage (through the provision of planning assistance and otherwise) the formulation of State and local housing goals covering major housing market areas. Such State and local housing goals shall be developed and formulated so as to include both the housing production requirements of the areas involved and the actions needed to preserve the existing housing stock in such areas, including—

"(1) the numbers and types of subsidized housing units which are needed annually to serve various income groups and are necessary for relocation or replacement housing resulting from community development programs,

"(2) the Federal, State, and local programs which might or should be utilized to meet the goals established, and the adequacy of private financing resources in meeting these goals,

"(3) the identification of impediments to meeting these goals, such as unrealistic or obsolete building codes and zoning regulations, and any recommendations or proposals for eliminating such impediments, and

"(4) plans for the general location of low- and moderate-income housing so as to provide the residents thereof with greater access to employment opportunities."

(b) Section 1602 of such Act is amended—

(1) by inserting "(a)" after "SEC. 1602."; and

(2) by adding at the end thereof a new subsection as follows:

"(b) The President shall from time to time report to the Congress such changes in the plan submitted pursuant to subsection (a) as he determines to be necessary or appropriate for the realization of the goal referred to in section 1601. Revisions so reported shall take into account (1) State and local housing goals which have been developed and formulated as prescribed in section 1601 (c), and (2) community development needs pursuant to the Community Development Assistance Act of 1971. Requests to the Congress for appropriations or new authorizations to carry out Federally-assisted housing programs shall be in three-year increments and shall be accompanied by explanatory material indicating the manner in which the requests will further the realization of the goal referred to in section 1601."

(c) (1) Section 1603 of such Act is amended by redesignating paragraph (5) and (6) as paragraphs (8) and (9), respectively, and by inserting after paragraph (4) the following new paragraphs:

"(5) include a contingency plan for the provision of required mortgage credit, setting forth proposed governmental actions to be carried out in the event of adverse mortgage credit conditions;

"(6) provide an analysis of changes affecting housing costs borne by occupants, together with recommended actions to reduce the cost of any inflationary elements;

"(7) provide an analysis of annual changes in the number and conditions of units in the national housing inventory;".

(2) Such section is further amended by adding at the end thereof the following: "As an aid in the preparation of such periodic reports, the Bureau of the Census shall make such annual surveys as the President deems necessary to obtain current information on the national housing inventory. Expenses incurred in the making of such surveys or portions thereof shall be reimbursable from the appropriation authorized under section 1604."

(d) Title XVI of such Act is amended by redesignating section 1604 as section 1605, and by inserting after section 1603 a new section as follows:

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 1604. There is authorized to be appropriated not to exceed $75,000,000 to carry out the provisions of sections 1601–1603. Sums so appropriated shall be available for expenses incurred in the preparation of the reports referred to in such sections; to provide such additional planning assistance to the States and localities as may be necessary, as determined by the Secretary of Housing and Urban Development, to carry out the provisions and purposes of section 1601(c); and to reimburse the Bureau of the Census for expenses incurred in the making of surveys pursuant to section 1603."

(e) Section 701(a) of the Housing Act of 1954 is amended by striking the next to last sentence of this section and inserting in lieu thereof the following: "Planning carried out with assistance under this section shall also include a housing element as part of the preparation of comprehensive land use plans. The development and formulation of State and local goals pursuant to title XVI of the Housing and Urban Development Act of 1968 shall be required as part of such a housing element. Consideration of housing needs and land use requirements for housing in each comprehensive plan shall take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities, and population growth is based, so that the housing needs of both the region and the local communities studies in the planning will be adequately covered in terms of existing and prospective in-migrant population growth."

PUBLIC SERVICE GRANTS

SEC. 310. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to enter into contracts to make, and to make annual grants to municipalities and other political subdivisions of States to assist such localities in meeting the increased cost of providing needed governmental services in connection with new federally assisted housing located in such localities. In no case shall a contract provide for such grants with respect to any such housing for a period in excess of ten years.

(b) A grant under this section shall not be made unless the Secretary has obtained assurances that the locality involved will maintain during the period of the contract a level of expenditures for governmental services at not less than its normal expenditures for such services prior to the execution of the contract. The amount of any annual grant under this section with respect to any housing shall not exceed an amount equal to the sum of (1) $250 multiplied by the number of dwelling units in such housing having less than three bedrooms, and (2) $400 multiplied by the number of dwelling units in such housing having three or more bedrooms.

(c) The Secretary is authorized to make such rules and regulations, and to adopt such procedures as he deems necessary or desirable to carry out this section.

(d) As used in this section, the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(e) There are authorized to be appro-

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priated such sums as may be necessary to carry out the provisions of this section, including the making of annual grants under contracts entered into under this section. The aggregate amount of contracts to make such grants shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed $150,000,000 per annum prior to July 1, 1972, which maximum dollar amount shall be increased by $150,000,000 on July 1 of each of the years 1973 and 1974.

INCREASED AUTHORIZATION FOR REHABILITATION LOANS

SEC. 311. Section 312(d) of the Housing Act of 1964 is amended by striking out "$150,000,000" and inserting in lieu thereof "$200,000,000".

HOUSING EMERGENCY AREAS

SEC. 312. (a) The Congress finds and declares—

(1) that a serious impediment exists with respect to the realization of the national housing goal, established in the Housing Act of 1949, in those areas of the country where a substantial number of low- and moderate-income families are unable to obtain decent, safe, and sanitary housing because of a lack of public or private organizations willing or able to sponsor, with or without Federal assistance, the housing requisite to meet their needs; and

(2) that there is a need to formulate criteria for identifying such areas as "housing emergency areas", and to provide the necessary authority for the Secretary of Housing and Urban Development to act as sponsor "of last resort" of the requisite housing in such areas.

(b) The Secretary of Housing and Urban Development shall submit to the Congress, at the earliest practicable date (in no event later than one year after the date of enactment of this Act), his recommendations for legislative and administrative actions necessary for implementing, within two years after such date, the policy stated in this section.

EXPANSION OF EXPERIMENTAL HOUSING ALLOWANCE PROGRAM

SEC. 313. (a) Section 504(a) of the Housing and Urban Development Act of 1970 is amended to read as follows:

"(a) In carrying out activities under section 501, the Secretary shall undertake on an experimental basis a program to demonstrate the feasibility of providing families of low income with housing allowances to assist them in obtaining housing of their choice. For this purpose, the Secretary is authorized to make, subject to the limitations contained in section 501, monthly housing allowances to such families in localities determined by the Secretary as having an adequate supply of appropriate housing units."

(b) Section 504(b) of such Act is amended to read as follows:

"(b) The program undertaken pursuant to this section shall include the development and utilization of different types of housing allowances, and different techniques for providing such allowances to families of low income, in order that a wide variety of potentially effective types of and techniques for providing housing allowances may be tested and evaluated. Particular attention shall be given (1) to the impact of such allowances on rent levels for housing units of comparable size throughout the housing market and the extent to which any increased rent levels reflect improved housing services, and (2) to areas where no eligible housing sponsors (public or private) are providing housing assistance and in which there is a need for such housing assistance."

(c) Section 504(d) of such Act is amended by striking out "not to exceed $10,000,000 in each of the fiscal years 1972 and 1973" and inserting in lieu thereof "not to exceed $25,000,000 in each of the fiscal years 1972, 1973, and 1974".

(d) Section 504(e) of such Act is amended by striking out "1972 and 1973" and inserting in lieu thereof "1972, 1973, and 1974".

(e) Section 504(g) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

A SECTION-BY-SECTION SUMMARY OF AMENDMENTS TO S. 2049, THE HOUSING SIMPLIFICATION AND CONSOLIDATION ACT OF 1971

Title III of S2049 provides for a series of amendments to existing law. This amendment, number 789, would add at the end of Title III the following new sections:

Section 309. Housing goals and annual housing report.—This section would amend Title X of the Housing and Urban Development Act of 1968 by creating a mechanism to update the housing goals and modifying the requirements of the annual housing goals report, especially relating to assisted housing.

It would authorize the Secretary of The Department of Housing and Urban Development to encourage the formulation of State and local housing goals (local goals usually based on Standard Statistical Metropolitan Area's) to provide a base for determining national housing requirements. This would be accomplished usually through the "701" Urban Planning Assistance Program. Such State and local goals would also include actions necessary to maintain the existing housing stock. Specific annual needs for subsidized housing on a five-year basis would be included.

This section would also provide for the periodic updating of the national housing goals and provide that these goals be based on national data, state and local housing goals, and community development needs (relocation and replacement housing). Likewise, this section would require the Secretary to justify all authorization and appropriation requests for assisted housing programs in terms of how these figures will approach the assisted housing goals.

The scope of the annual housing goals report would be expanded to include (a) an analysis of the effect of changes in housing costs and recommendations for reducing any inflationary increases; (b) an analysis of annual changes in the quantity and condition of the national housing inventory.

Seventy-five million dollars would be authorized: to fund the annual housing goals report; to assist in the formulation of state and local housing goals (either as a supplement to "701" assistance or as a separate grant); and to contract with the Bureau of Census to do an annual evaluation of the national housing inventory.

Section 310. Public Service Grants.—This section would authorize a new program of $150 million in new contract authority annually for three years for payments to localities to assist them offset increases in public services resulting from the provision of new federally-assisted housing within their communities. Contracts for such public service grants could not exceed ten years and could not exceed $250 per unit annually, except for units designed for large families (3 or more bedrooms) where such amount can be increased to $400 annually.

The section also requires the Secretary of the Department of Housing and Urban Development to obtain assurances from localities receiving such assistance that the locality will maintain a level of expenditures for governmental services at not less than its normal expenditures for such services prior to the execution of the contract.

Section 311. Increased authorization for rehabilitation loans.—This section would amend Section 312 of the Housing Act of 1964 to increase the annual amount of funds authorized for the Section 312 Rehabilitation Loan Program from 150 million dollars to 200 million dollars.

Section 312. Housing emergency areas.—Subsection (a) would state that it is the finding and declaration of Congress that a serious impediment exists in achieving the national housing goal in those areas of the country where a substantial number of low and moderate-income families are unable to obtain decent, safe and sanitary housing because of a lack of public or private organizations willing or able to sponsor, with or without federal assistance, such housing. The subsection further declares that there is a need to formulate criteria for identifying such housing areas as "housing emergency areas" and to provide the necessary authority for the Secretary of Housing and Urban Development to act as sponsor "of last resort" of the requisite housing in such areas.

Subsection (b) would require the Secretary of the Department of Housing and Urban Development to submit not later than a year after the enactment of this act his recommendations for legislative and administrative actions necessary for implementing, within two years after such date, the policy stated in this section.

Section 313. Expansion of experimental housing allowance program.—This section amends Section 504 of the Housing and Urban Development Act of 1970 to authorize a demonstration on housing allowances to test methods in addition to a single housing allowance formula (i.e. the difference between 25% of a family's income and the maximum full market rental established in the locality). It would permit the development and utilization of different types of housing allowances and different techniques for implementation.

This title further provides for evaluation of the impact of such allowance on rent levels throughout the housing market area and the extent to which any increased rental levels reflect improved housing services and its use in areas where no eligible housing sponsor (public or private) is providing housing assistance and in which there is a need for such housing assistance.

The housing allowance contract authority is increased to $25 million for each of the next three fiscal years.

Mr. MONDALE. Mr. President, I am pleased to join with my distinguished colleague from Massachusetts (Mr. BROOKE) in introducing the Housing Reform Amendments Act of 1971 and wish to associate myself with his previous remarks. This legislation, which we jointly developed, will provide a long overdue revamping of our housing assistance programs to make them more responsive to the needs of the 1970's. Of particular importance to me is that the passage of these amendments would give added flexibility to the public housing and FHA low- and moderate-income housing programs.

Presently, these two programs are directed at two different income groups and this unintentionally has fostered the isolation of the lowest income families within public housing, further "ghettoizing" many of our center cities. Because of these programmatic restraints, public housing has become a villain in the minds of many people—its tenants, its neighbors, and even some of its supporters. This is a tragic occurrence because the public housing program is now the only major program to assist our low-income elderly, handicapped, and poverty families obtain safe and decent shelter.

The Housing Reform Amendments Act of 1971 fully recognizes this problem and offers the mechanisms to achieve social and economic integration within all assisted projects whether sponsored by a public agency, a nonprofit corporation, a limited dividend, a cooperative, or a private developer. Under this bill, both FHA programs—now restricted to moderate-income families—and public housing—now limited to those of the lowest income—would be able to serve a larger range of families—from those of lowest income to those of median income in an area.

This flexibility in renting and selling units, plus the requirement that at least 20 percent of the units have to be reserved for families of very low income, will means totally new policy directions resulting in socially and economically viable housing. Such changes must be implemented as soon as possible, to reverse recent trends which have transformed, or will transform, some public housing projects into concentrations of large fatherless families, welfare families, and problem families.

Mr. President, much has been written and said on this topic by public housing officials, psychologists, sociologists, urban planners, and city officials. For example, the Honorable Wes Uhlman, mayor of Seattle, Wash., in a recent speech discussed the effects of over-concentration of low-income families.

To quote his discussion of the situation in Seattle—

> Over 1,300 low-income families are concentrated in one project. This has obvious adverse effects, both on the neighboring community and the residents of the project. In an effort to alleviate this condition, we are exploring the possibility of redeveloping this project using the new town, in-town concept—one that will mix income levels as well as housing types. Never again will we in Seattle, at least while I am mayor, accept projects which merely concentrate low-income families.

The Housing Reform Amendments Act of 1971 would provide the mechanism to accomplish such a proposal as Mayor Uhlman suggests.

Some efforts to bring about such integrated living arrangements already exist, but use State or local programs to supplement Federal subsidies or require the "piggy backing" of Federal subsidies such as allocating a percentage of units within an FHA moderate-income project to low-income families through the leased public housing program or rent supplements. This is a complicated process which involves added paperwork on the part of the sponsor and the HUD administrators. Also, its implementation requires sufficient funds in all the programs to be used. Finally, the question of basic reform to the public housing program is ignored in these approaches.

However, one of the most ambitious programs announced to date is that of the New York State Urban Development Corp., headed by Edward J. Logue, one of the most outstanding urban practitioners in our country. By using a State housing finance program, Federal subsidies and other State and Federal programs, Mr. Logue hopes to achieve an economic balance in every residential project this State corporation develops.

Mr. Logue described this program in an article which appeared in the May 15, 1971, issue of Saturday Review.

I firmly believe that housing developments that cater exclusively to low income families are inherently undesirable since they are likely to produce large institutionalized apartheid pockets. UDC's housing policy has led in most cases to a 70–20–10 formula—70 percent of all housing units on a site for middle- and moderate-income families, 20 percent for low-income families and 10 percent for the elderly. This housing mix seeks to provide a cross section of age groups and income levels in a diversified community, where, incidentally, the elderly are not isolated from the young.

Again, I repeat that the Housing Reform Amendments Act of 1971 is trying to institute similar policy—projects where needy families regardless of income would be housed.

At the same time, Mr. President, this legislation also addresses itself to the broader question of how to provide housing for low- and moderate-income families in areas where little or no units are now being built. This is probably one of the most controversial issues of the day. Communities and neighborhoods across the country have become engulfed in dissention and acrimony as the result of an announcement that some form of assisted housing project is about to be built. Blackjack, Mo., Warren, Mich., San Jose, Calif., and Forest Hills, N.Y., are just a few examples of areas where housing has become a political issue.

It would be too simplistic to charge that the opposition to such housing was the result of bigotry and callousness. No, some of this opposition is based on real concerns of these communities and its citizens—will my taxes go up to care for these families, will there be sufficient public facilities to care for them, will my property go down in value because it is located near this project? Again, Mr. President, the housing reform amendments seek to reassure such citizens.

First of all, these projects would not be limited to the poorest of the poor and problem families but serve a wide range of incomes. Second, all assisted housing must be of high architectural quality and offer a formula for developing maximum development costs to guarantee that this commitment can be fulfilled. These two changes, coupled with the increasing development of low density assisted projects in most communities will mean that the physical impact of such housing in a locality or neighborhood will be minimal or could actually improve the quality of the neighborhood.

Third, the bill provides that all new public projects would pay full local real estate taxes. Under current law, most public housing pays only a portion of these taxes and the community suffers a loss of potential revenue every time it agrees to provide a site for such housing. This, of course, has led to many opposing the development of public housing on economic grounds.

Fourth, the bill also recognizes that assisted housing might mean an influx of some families who require additional public services—additional or special educational, health manpower, or welfare programs, the cost of which must be borne at least in part by the locality. Under the housing reform amendments, communities in which assisted housing is built will be eligible to receive public service grants to help offset any increases in public services attributable to these families. These two provisions go to the heart of the economic arguments used against locating housing in certain communities or neighborhoods.

Last, the program contains a provision which would permit the Federal development of housing in areas where housing emergencies existed. These "housing emergency areas" would be defined as areas where, 2 years after the enactment of this bill, a large number of low- and moderate-income families reside or work who are in need of safe and decent housing, and there is no sponsor, private or public willing to provide this housing.

Mr. President, as the distinguished Senator from Massachusetts (Mr. BROOKE) mentioned in his statement, this legislation is actually a series of amendments to S. 2049, the administration's Housing Simplification and Consolidation Act of 1971. These amendments would, however, make major changes in the administration bill.

First. The housing reform amendments program is more consolidated than the administration bill in that it would establish major common elements covering the FHA-assisted housing programs and the public agency housing program. Such consolidation would cut Federal redtape and help the housing developer. A single subsidy program has common prototypes, income limits, definition of income, rent payments applying to all assisted programs, whereas the administration bill has susbtantial differences in all of these items between programs, except for prototypes. Moreover, the single subsidy program has a common policy for disbursing the Federal contribution; that is, an assistance payment covering the difference between total costs of the project, and total revenue based on the ability of eligible families to pay a percentage of their income for rent.

Second. The housing reform amendments provide a basis for developing housing which will provide shelter for a range of income groups, whereas the administration's bill perpetuates the segmentation of housing by income; that is, lowest income in public housing; moderate to middle income families in FHA-assisted projects. The provision for developing housing with a range of income groups has important economic and social advantages: It provides for higher rent paying—families which can help offset the low rents paid by the lowest income families—cross-section of income occupancy—reducing the Federal subsidy required; and it provides for a sound social environment by not segregating all of the lowest income and problem families in separate housing.

Third. The housing reform amendments provide for payment of full local real estate taxes by all federally assisted housing. Full tax payments are essential to enable local governments to meet at least part of the municipal service costs related to assist housing.

Fourth. The reform amendments recognize the importance of tenant services,

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by making these services an integral part of the management operation of every assisted housing program, making them an eligible operating cost, against which the Federal contribution may be used if project income cannot cover essential tenant service costs. The administration bill retains "tenant services" as a grant program for all but public agency housing and as such is a "hit and miss" method of providing tenant services, based on special application for funds, separate from the regular management operation; and subject to separate appropriations funding by the Congress.

Fifth. The housing reform amendments retains the section 237 homeownership counseling program, while the administration bill eliminates it.

Sixth. The reform amendments would also expand the FHA homeownership program to low-income families by providing a total Federal contribution which could cover full debt service, if required.

Seventh. The reform amendments program provides for special "incentive grants" to general purpose governments to cover additional service costs related to assisted housing, such as school costs, thus encouraging localities to accept assisted housing. The administration bill does not include this provision.

Eighth. The reform program provides for realistic and flexible maximum development costs for assisted housing. These would be based on levels up to 120 percent of local construction cost prototypes and actual or appraised costs of land. Thus, special cost and other local conditions can be accommodated without sacrificing housing quality. The administration bill provides for housing development up to only 110 percent over prototype costs, leaving little room for accommodation to local needs and includes all costs of development—beyond construction—as part of the prototype computation.

Mr. President, this is the type of positive program we must develop to respond to the housing needs of this Nation. Yet it is not one which involves using new institutions or new mechanisms. It builds on those programs and devices which have worked and revamps, removes, or rewrites those which have not. It has the support of a wide range of groups and individuals including the U.S. Conference of Mayors, the National League of Cities, and the National Association of Housing and Redevelopment Officials.

Mr. President, I would also like to point out that the Housing Reform Amendments Act of 1971, which I am cosponsoring with the distinguished Senator from Massachusetts (Mr. BROOKE) is very similar to S. 2536, the Housing Opportunities Act of 1971 that I introduced on September 17, 1971. When I introduced S. 2536, I indicated that I was working with Senator BROOKE on the reform amendments and that I would be cosponsoring them. I think it is very important that each of these bills be submitted for full discussion and that is why I am cosponsoring the Housing Reform Amendments Act while at the same time, continuing to support the Housing Opportunities Act. I would hope that Congress will be able to give serious consideration to each of these bills and to act quickly on this needed legislation.

ANNOUNCEMENT OF HEARING ON NOMINATION

Mr. EAGLETON. Mr. President, the District of Columbia Committee will hold a hearing at 9 a.m. on Monday, December 13, 1971, on the nomination of Joseph M. F. Ryan, Jr., of Maryland, to be associate judge to the Supreme Court of the District of Columbia. This is a reappointment. Persons wishing to testify on this nomination should notify Robert O. Harris, at the committee office, room 6222, New Senate Office Building.

THE NATIONAL CANCER ACT OF 1971

Mr. KENNEDY. Mr. President, as chairman of the Subcommittee on Health, I am pleased the Senate is about to vote on the bill S. 1828, the National Cancer Act of 1971. This bill grows out of the actions taken in both the Senate and House with respect to the great need to make further progress against this dread disease. As we all know, more than one-half million Americans perish each year from the ravages of cancer. If its toll continues unabated; 50 million Americans now living will contract cancer and about 35 million of them will die of cancer.

The Committee on Labor and Public Welfare last year appointed a distinguished panel of 26 Americans to advise it with respect to a national program to combat cancer. Their findings or recommendations—a summary of which I will include at the end of my remarks—laid the groundwork for the introduction of legislation in the Senate in order to substantially upgrade the ongoing Federal effort in cancer research. The panel recognized that for such an enhanced effort to be successful, there would have to be more effective planning, greater resources, and better evaluative techniques with respect to cancer research. Each of those elements is contained in the bill as agreed to by the conferees. There is provision for program planning. There are authorized $1.6 billion over the next 3 years. And there is authority for the creation of a new National Cancer Advisory Board, which has broad powers to assist in the evaluation of the program, and authority for the creation of a Presidentially appointed Cancer Advisory Panel.

S. 1828 also assures that the cancer program will be able to take full advantage of the fruits of biomedical research. The bill, as agreed to by the conferees, assures that the Director of the cancer program will have a high degree of independence and feasibility, while at the same time be an integral team member of the leadership in the National Institutes of Health. The bill also insures that with respect to budget, the Director of the cancer program will have direct access to the President of the United States. I believe, Mr. President, that this combination as between the program's relationship to the National Institutes of Health with direct access to the President, is in the Nation's interest, and will result in a highly effective program and, accordingly, I strongly support the conference report.

Now, Mr. President, I want to lay to rest one myth regarding this legislation; namely, that the House and the Senate were radically different. This is simply not the case. Both bills provide for the submission of annual reports to the President, both bills relied upon the excellence of the National Cancer Institute of the National Institutes of Health. Both bills relied upon the essentiality of scientific peer review with respect to program decisions. Both bills find and declare that now is the time to begin a substantially larger national effort in respect to cancer. Both bills provide for the Director of the cancer program to submit his budget directly to the President. And both bills were overwhelmingly approved by their respective legislative bodies.

Mr. President, as you may know, nine members of the Senate conferees wrote to the President on December 3, and asked for his guidance with respect to the remaining issues of difference between the Senate and House bills. Three days later the President responded by indicating that—

> The most important point I can make about the cancer legislation concerns the need to pass it promptly. The differences which still exist are largely a matter of detail, and I urge the Conferees to resolve them during the current session of the Congress so that I can sign cancer legislation into law in the very near future.

Finally, Mr. President, I do want to direct my colleagues attention to one specific aspect of the conference report. The House bill, in a direct attempt to approach the Senate bill, included authority for the creation of a three-man cancer attack panel—this panel to be appointed by the President, and to advise him with respect to the effectiveness of the cancer program. Section 407(d)(1) of the House bill states:

> There is hereby established the President's Cancer Attack Panel which shall be composed of three persons appointed by the President, who by virtue of their training, experience, and background, are especially qualified to appraise the National Cancer Attack program. At least two of the members of the panel shall be distinguished scientists or physicians.

The language of the House bill is quite clear. The only requirement for members on the panel is with respect to the individuals' training, experience, and background. There is no legislative prohibition with respect to such persons' employment. That is to say, the President could appoint either or both the Director of the National Cancer Institute, or the National Institutes of Health to the advisory panel. As a matter of fact, in response to my letter of December 3, 1971, in respect to the composition of the advisory panel the President said:

> The Senate version would have the advantage of bringing those who are directly responsible for the Government's cancer effort into all discussions with the President concerning its progress.

The Senate version to which the President made reference was a compromise proposal offered by the Senate conferees which would have added the Director of the cancer program, the Director of the NIH, and the Chairman of the National Cancer Advisory Board to the Attack Panel.

Mr. President, the conferees have put together a good bill. I urge my colleagues on both sides of the aisle to vote for the adoption of the conference report.

Mr. DOMINICK. Mr. President, I support without reservation the conference report on S. 1828, the National Cancer Act of 1971. While the bill agreed on by the conferees differs in several respects from S. 1828 as it was passed by the Senate, I believe it is consistent with the essential principles upon which the Senate bill was based.

The starting point for this legislation was a broad concensus that our national effort against cancer should be greatly strengthened. Both the administration, on whose behalf I introduced S. 1828, and the panel of consultants on the conquest of cancer felt that the man in charge of the new cancer program should be given considerable management and budget independence in order to quickly exploit new research opportunities, and to mobilize, in the President's words, "a total national commitment" against cancer. Under this bill, the Director of the National Cancer Institute will have that independence.

He will formulate and submit the annual cancer budget directly to the President without intervening review by anyone—although the Director of the National Institutes of Health and the Secretary of the Department of Health, Education, and Welfare will be permitted to comment on it. While the Director of the National Cancer Institute will not report directly to the President as he would have under the Senate bill, several administrative layers between him and the President will be eliminated by the provision enabling him to report directly to the Director of the National Institutes of Health. A very constructive provision taken from the House bill—a three-man "Cancer Attack Panel" appointed by the President, and reporting directly to him—will provide independent outside assessment of the cancer program as well as direct access to the President.

Since the new cancer program will be centered at the National Cancer Institute within the National Institutes of Health, this legislation should put to rest the fears expressed by the scientific community that the increased independence of the cancer program would threaten the integrity of the National Institutes of Health and its broad support for biomedical research. In this connection, I think it is important to keep in mind that this new legislation does not guarantee quick success against cancer. Much essential information is still lacking. Continued support for basic biomedical research, as well as cancer-targeted research, will be necessary to obtain that information. But I do think there is good reason for hope that this bill, by improving the organization of our cancer effort and substantially increasing the resources committed to it, will shorten the time necessary to achieve success.

Mr. President, in conclusion, I would like to add only that the cooperative spirit in which this legislation developed was remarkable. As a result, it is a mix of the best ideas put forth by the administration, the distinguished panel of consultants on the conquest of cancer, and the members of both the Senate and House committees which considered the bills. As chief sponsors of S. 1828, Senators KENNEDY, JAVITS, SCHWEIKER, and all the other members of the Health Subcommittee deserve special recognition for their contributions to this coordinated effort to find key solutions to the most dreaded disease, cancer.

Mr. TAFT. Mr. President, I wholeheartedly support the adoption of the conference report on the National Cancer Act 1971. We have before us what I hope will be an effective vehicle for the conquest of cancer.

Now is the time for decisive action against a disease which claims nearly 1,000 lives each day. In 1969, 323,000 Americans died of cancer. I believe that we can be proud of the final version of this bill which represents an effective compromise resulting from the inputs of concerned citizens, physicians, scientists, Government officials, Congressmen, my colleagues in the Senate, and President Nixon.

Testimony before our committee has indicated that in 1969 we spent $410 per citizen for national defense, $125 for the war in Vietnam, and $19.50 for space exploration but only 89 cents for cancer research. We must now give cancer research its proper place, higher on our national list of priorities. President Nixon recognized this when he requested an additional $100 million for cancer research this year. The Congress recognized this by honoring this immediate budget request and by working in the committees and on the floors of both Houses and in conference to come up with an effective bill such as this.

This measure will provide that cancer research continue within the National Institutes of Health, but with a separate budget to insure a top priority. I believe that the funds authorized in this bill will be adequate to insure that our attack on cancer is meaningful. A total of $1.5 billion is authorized over the next 3 years.

I urge that this conference report be unanimously adopted so that the efforts in the fight against cancer may get underway.

Mr. EAGLETON. Mr. President, I rise in support of the report of the House-Senate conference committee appointed to resolve differences in the separate versions of the Cancer Act of 1971 passed by both houses.

The scope of the national health problem caused by cancer has been amply documented. It is estimated that one-quarter of the 200 million Americans now alive will develop some form of cancer, and unless research into detection and treatment of cancer is stepped up, 34 million of them will die of the disease.

Cancer is a disease of all ages. It is killing more old people than it ever did—more than 56 percent of all cancer deaths are in people over 65 years of age—but it is not restricted to our senior citizens. It is a killer of the young also, being the largest cause of death—excluding accidents—among those between the ages of 1 and 35 years.

Staggering though these figures are, they cannot convey the human tragedy wrought by cancer. It is estimated that cancer will strike two out of every three American families. There are few who have not seen a friend or relative wasted by this disease.

Today cancer is being attacked by research conducted within nearly every branch of biomedical science. Major advances have been made. One cancer patient in three is now being saved as compared with one in four just a few years ago. As a result, about 208,000 Americans will be saved from cancer this year—a gain in lives saved of some 52,000 patients annually.

The progress to date is most encouraging, but much more needs to be done. Promising research leads must be explored. The knowledge gained from research has to be applied to the development of new treatment methods.

A national program for the conquest of cancer has become essential if we are to exploit fully the great opportunities that lie within our grasp. S. 1828, the Cancer Act of 1971 provides a base from which such a program can be launched. The President has responded to this congressional initiative by pledging the cooperation of the administration in the effort to develop an effectve research structure and adequate funds to cure cancer. With the President's support, an additional $100 million over the amount allotted last year has been appropriated for cancer research in this fiscal year.

In order to avoid undue fragmentation of Government-supported biomedical research, the conference committee—of which I was a member—has agreed to provide that the National Cancer Institute shall remain within the overall organizational structure of the National Institutes of Health. However, the status of the Cancer Institute has been raised by making the Director a direct appointee of the President. Further, the Cancer Institute Director is given direct access to the President for purposes of budget review. The Institute will be given the necessary priorities and funding to maintain a single coordinated national program—a vast new national effort.

I am confident that enactment of this legislation will produce a renewed commitment to ridding our Nation of the scourge of cancer.

Mr. RANDOLPH. Mr. President, I am gratified that agreement has been reached, both in the Congress and in the executive branch, on legislation to accelerate the fight against mankind's most feared disease, cancer.

I join with the loved ones of those who have been struck by this dreaded menace in the fervent hope that the enactment of this legislation marks the beginning of a new era of accomplishment in our battle with disease.

There is reason for optimism. Scientific researchers tell us they are on the verge of breakthroughs in the diagnosis, prevention and cure of several forms of cancer. Dr. Frank J. Rauscher, of the National Cancer Institute, says it now appears possible that the current death toll from cancer in the United States—now 330,000—can be cut by one-third by the year 1980, and by two-thirds by the turn of the next century. With the geometric acceleration of our accumulation

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of knowledge, these figures may even be conservative.

The National Cancer Act of 1971 places a new focus on the attack against cancer. Much of the bureaucratic entanglement that has obstructed the development of a coherent national program will be cut away. New cancer research centers will be established. More funds will be provided.

There may be delays, and there may be setbacks on the road to the conquest of cancer. But, as I said in the Senate on July 7 of this year:

> If lives can be saved, if pain and suffering can be eased, if progress can be made toward creating a better life for all mankind, how can such a program be rejected?

The Senate recognizes the dedication of their colleague who guided this important legislation through committee, through the Senate, and through the conference with the other body. The chairman of the Health Subcommittee, the Senator from Massachusetts (Mr. KENNEDY), deserves our genuine thanks.

Mr. HUMPHREY. Mr. President, the President has called for prompt action on legislation to establish a national program for the conquest of cancer. The National Cancer Act, on which the Senate will take final action today, fulfills the commitment of Congress to enable the launching of an all-out attack against this dread disease without delay.

As a sponsor of the original legislation for the conquest of cancer, I welcome the President's sense of urgency. For the fundamental fact is that time is the real enemy in the war against this life-destroying disease. Nearly 1,000 people perish every day from cancer in America alone—a death toll that is multiplied severalfold throughout the world.

But it is also time that we must battle against in an intensive and sustained nationwide program of cancer research, requiring the instantaneous exchange and analysis of information on the latest discoveries. Recent landmark discoveries, for example, appear to link two viruses directly to cancer, and we must seize hold of these new insights and exploit them to the fullest in achieving long-sought cures for this disease. Important advances have been made in curing certain forms of cancer through surgery, radiation therapy, and chemotherapy. And it is essential that major advances in the fundamental knowledge of cancer be far more effectively interrelated—knowledge about the chemical, physical, environmental, and viral causes of cancer; about cell and tumor biology, immunology, and epidemiology; and about combinations of treatment modalities.

I find it incredible that with this great potential for discovering a cure for cancer, the Federal Government in 1969 could allocate $410 for defense and $19 on the space program for every 89 cents on cancer research. Not only has such a low priority been given to cancer research, but cutbacks in research programs were being called for by the administration. Yet the incidence of cancer across America has been increasing.

I am greatly encouraged that with the administration's strong public support for the Senate's initiative to design a comprehensive and adequately funded cancer research program, these past priorities can be substantially changed and decisive progress made toward destroying this disease that now will strike two of every three families over the years.

The National Cancer Act of 1971 retains the original intent of the Senate that Federal efforts toward the conquest of cancer be kept in full public view, without intervening layers of Federal bureaucracy. It provides that the Director of the National Cancer Institute shall now be appointed by the President and shall report directly to him on budget matters, but that to insure the cross-fertilization of basic research in all health fields the NCI shall remain in the National Institutes of Health.

But to assure that a comprehensive and effective national cancer program is now undertaken, the act calls for the establishment of a 23-member National Cancer Advisory Board, including officials of Federal agencies with direct program responsibilities as well as highly qualified scientists and physicians appointed by the President. And a three-member President's Cancer Panel is to be appointed to closely monitor the development and execution of the national cancer program, and to make periodic reports to the President.

And the urgent need to exploit scientific leads in discovering a cancer cure is recognized in the authorization of $75 million per year for the establishment of 15 new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. An additional 3-year authorization of $90 million is to be applied by the Director of the National Cancer Institute for cooperation with such programs in State and other health agencies. Finally, to assure that a national program of cancer research will be backed up by essential finacial resources, $1.5 billion is authorized over a 3-year period. And to help insure that these funds are spent wisely and without unnecessary bureaucratic delays, the President is to carry out a review of all administrative processes of the national cancer program and shall submit a comprehensive report to Congress within 1 year of the date of enactment of this legislation.

Mr. President, I believe the National Cancer Act of 1971 will prove to be historic legislation. Not only will it enable America to launch a major offensive in the conquest of cancer, but in implementing a basic program which I have called for over several years to support research in the cancer field outside the United States, it can initiate an international war on mankind's common enemy. I urge the Senate to adopt the conference report on the National Cancer Act.

CHILDREN'S DENTAL ACT—CORRECTION OF REPORT

Mr. KENNEDY. Mr. President, in the report on the bill, S. 1874, on the children's dental health care, in the third paragraph, line 7 of the first page, "56" ought to be "26", and I ask unanimous consent that the permanent RECORD so reflect that change.

The PRESIDING OFFICER. Without objection, the RECORD will so reflect the change.

Mr. BOGGS. Mr. President, I wish to express my strong support for that portion of S. 1874 which creates a dental health program for children and also adds a new section to the Lead-Based Paint Poisoning Prevention Act.

Senators have discussed the merits of the dental health program. I will not take the Senate's time except to add my belief that this is an important and necessary provision.

I would like to concentrate my remarks on the provision adding a new section to the Lead-Based Paint Poisoning Prevention Act.

Due to what I consider to be a misinterpretation of the intent of that act, the people of Delaware and Rhode Island have been denied participating in this program. This denial has occurred because Delaware and Rhode Island both operate their public health services at the State level, and the Lead-Based Paint Poisoning Preventive Act, Public Law 91–695, has been interpreted so that grants can go only to local units of Government.

Quite obviously, it would be a needless and wasteful duplication for a local unit of government in Delaware to set up the administrative machinery necessary to administer such a health grant, when the grant can be handled more effectively by the State department of health and social services.

The language of the new section added by S. 1874 would enable to the State health agencies of Delaware and Rhode Island to qualify as recipients for grants to detect and treat incidents of poisoning associated with the hazards of lead-based paints.

To give Senators an understanding of what this amendment could mean to the people of Delaware, I ask unanimous consent that a letter written to me by Dr. Albert L. Ingram, Jr., secretary of the Delaware Department of Health and Social Services, be printed in the RECORD at the conclusion of my remarks.

Dr. Ingram's letter explains the vital need for such a program in order to deal effectively with the danger of lead poisoning to our children. Dr. Ingram points out that nearly half of 82 children tested in the Wilmington model cities area had more lead in their blood than is described as the "safe" level. This is deplorable, and it must be corrected.

I should point out that the Department's request calls for a grant of $80,000. That is a small cost compared with the benefits it will bring. But this grant apparently cannot be considered unless this new section is added to the Lead-Based Paint Poisoning Prevention Act.

Mr. President, this new section was included in the bill at the suggestion of the distinguished Senator from Rhode Island (Mr. PELL). I want to commend Senator PELL for his work on this program and for his successful effort in bringing this problem to the attention of the Committee on Labor and Public Welfare.

In closing, Mr. President, I wish to restate my support for this provision and I urge its approval by the Senate.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

WILMINGTON, DEL.,
November 17, 1971.

Hon. J. CALEB BOGGS,
U.S. Senator from Delaware,
New Senate Office Building,
Washington, D.C.

MY DEAR SENATOR BOGGS: The State of Delaware is by law responsible through its Department of Health and Social Services for carrying out all health services in the State including local health services in all counties and the City of Wilmington. Delaware, therefore, does not qualify to receive a grant under Section 5, Title V, of the Lead Based Paint Poisoning Prevention Act (Public Law 91–695). In the City of Wilmington and its metropolitan area, there is known to be a special problem with lead poisoning.

Our Division of Physical Health in cooperation with the Department of Health, Education, and Welfare, Health Services and Mental Health Administration, conducted a lead poisoning survey in the Model Cities area of Wilmington which was completed in October, 1971. Out of 82 children ages 1 to 6 screened 38 or 47.5% had blood lead levels above 40 micrograms per 100 mls (the maximum allowable level). In addition physicians and hospitals have reported 26 cases of lead poisoning since January 1, 1971.

Our State already has the equipment to do the testing. Our need is grant funds to implement a program. We have submitted an application for a grant to Region III, Department of Health, Education, and Welfare, on September 14, 1971. To date no approval has been received.

It has been reported that the Lead Poisoning Project submitted by the State of Rhode Island has been disapproved. Rhode Island's services to local citizens is provided in the same way as Delaware. We would very much favor an amendment to P.L. 91–695 which would permit grants to states involved in rendering direct local services to its citizens. Unless this is done children in the State of Delaware who live in high lead-poisoning risk areas will be denied a highly essential service. States responsible for local health services need to be permitted to receive grants to carry out programs of lead poisoning detection and prevention. Otherwise irreparable and irreversible morbidity including severe brain damage will occur.

Your assistance is deeply appreciated.

Respectfully yours,
ALBERT L. INGRAM, JR., M.D.,
Secretary.

Mr. MATHIAS. Mr. President, I am very pleased to have become a cosponsor of S. 1874, the Children's Dental Health Act, which will shortly be before us. The need for an increased Federal dental health effort has been strikingly obvious for many years. The facts are very disturbing: by the age of 2 years, half of America's children have been struck by tooth decay. By the time of entering school, the average child has three decayed teeth, and by his 15th year he has 11 decayed, missing, or filled teeth. And why is this? Over half of all the children in this country have never been to a dentist. And an even larger proportion of rural youngsters have never visited a dentist. But by far the greatest need is among children from low-income families, for almost 70 percent of them have gone totally without even a single visit to a dentist.

Just as is the case with medical care, the coming demand for dental care necessitates our placing much greater emphasis on preventive services and maximizing the productivity of our dentists. The necessity of doing this was noted by the "Carnegie Report on Higher Education and the Nation's Health" which stated:

> Despite the current progress in dental productivity, even more rapid progress could be achieved through more extensive use of dentist's assistants and dental hygienists and through greater emphasis on preventive programs. The view has been expressed that dentistry has an excellent chance of being the first health profession to become truly preventive.

A major thrust of the Children's Dental Health Act, therefore, is to begin in earnest the task of maximizing our dentists' productivity by increasing the number and utilization of dental auxiliaries. The practicality and wisdom of this approach has been widely noted. In his health message to the Congress early this year, President Nixon said:

> One of the most promising ways to expand the supply of medical care and to reduce its costs is through a greater use of allied health personnel, especially those who work as physicians' and dentists' assistants.

To provide for institutional training for dentists and dental students in the use of dental auxiliaries, as well as to provide for the training of much greater numbers of dental auxiliaries, this bill authorizes $113 million over a 3-year period. The hope, therefore, is to make the dentist the captain of a team, rather than an entire team in and of himself.

Another major provision of the bill authorizes the financing of a number of pilot projects to provide preventive, corrective, and followup care to children from low-income families and to other children who are unable to obtain proper dental care. These projects would be administered by public and nonprofit agencies. Priority would be given to projects serving preschool children and those in the first five grades so that minor defects can be remedied before they grow into more painful, serious, and costly defects. At the same time it is hoped that the Department of Health, Education, and Welfare and the dental profession will learn much from these projects as to how care for large numbers of children can be made the most efficient and effective.

Another important provision of the bill, of course, is the authorization of $9 million for a Federal matching program to assist communities which wish to fluoridate their water supply.

Taken together, the provisions of this bill should help substantially to reduce the incidence of dental problems, as well as pave the way for more preventive dental care. Passage and implementation of this bill would represent a sound investment in the health of our Nation. I urge my colleagues to support it.

Mr. BEALL. Mr. President, as a cosponsor of S. 1874, the Children's Dental Health Act of 1971, I strongly support this measure.

The bill basically authorizes a $142 million, 3-year dental care program. The need for this bill is obvious from the following national statistics:

It is shocking to hear that 70 percent of low-income youngsters have never been to a dentist.

More than half of the population over age 65 have lost all their natural teeth.

For every recruit entering the service, Uncle Sam on the average, must perform five fillings. On eight out of 10, it is necessary to extract a tooth.

The Federal Government spent $208 million in 1969 for dental treatment for welfare recipients.

Of the total $142 million authorized, $50 milion would be for a much needed and long awaited beginning of a program to provide preventive, corrective and followup care for disadvantaged children. While decay affects 98 percent of my State's population, 75 percent of the children under age 15 have never been to a dentist. This affects both the urban and rural disadvantaged and the primary reason is lack of financial resources. These pilot dental care projects would make available health care in combination with programs of prevention and health education.

I am convinced that we can avoid the serious consequences of the failure to get needed care in the early years. In so doing, we would be practicing preventive care in the dental area, and the value of preventive care in this area is unquestionable. Periodic checkups and proper dental hygiene can prevent minor oral problems from becoming major ones. This program will work and about 3 years ago the University of Maryland School of Dentistry and the Baltimore City Welfare Department conducted a successful program but had to discontinue it because of lack of funds.

The bill authorizes $113 million to train auxiliaries and to train dentists and dental students on how to best utilize such auxiliaries. As Dean John Salley of the Maryland University School of Dentistry, who is president of the American Association of Dental Schools, told me:

> Through no stretch of the imagination nor the dollar can we meet dental manpower needs in the foreseeable future in Maryland except through training more auxiliary personnel.

Mr. President, the training of dental auxiliaries is most important for my State. It will assist such institutions as Allegany Community College, the Community College of Baltimore, and the Community Colleges in Montgomery and Prince Georges Counties and the University of Maryland in preparing young men and women to enter the dental auxiliary field. The University of Maryland has already received support from the Public Health Service for a team project—a program to train dental students to manage a team of expanded function auxiliaries. Our university was one of nine dental schools in the Nation to receive such a grant and without the additional assistance that may be forthcoming under this act, undesirable limitations on the amount of time each student will work in the team project may result.

Third, the bill would authorize communities, if they wish, grants for the purchasing and installation of water treatment equipment.

Mr. President, a projection of Maryland health manpower needs through the 1980's developed by the Maryland Council for Higher Education in 1969, recommended the following:

> Immediate attention should be given to increasing the productivity of dental manpower

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in Maryland. This should be accomplished in two ways: (a) education of the dentist in more effective utilization of dental auxiliaries and (b) creation of educational opportunities in dental hygiene, dental assisting and dental laboratory technology.

In the western part of the State where I make my home, the need for increased dental services in Allegany-Garrett Counties has been identified as the area's No. 1 health need. I believe that this measure will go a long way in helping these counties, and other areas of my State to meet the unmet dental needs of low-income children as well as provide the support necessary to help assure the Nation of the needed dental manpower to meet the dental requirements of our population.

Mr. President, I believe this is an important and much needed bill and I urge its enactment.

Mr. HUMPHREY. Mr. President, no one who has traveled extensively through the towns and cities of our country can honestly dispute the urgent need for a dental health care plan for our Nation's children and young people.

The astute observer will readily recognize that in the United States dental care is still largely inaccessible. Teeth are missing. There are signs of decay—often heartbreaking decay of precious teeth that nature can never replace.

And you sadly see, too misshapen mouths that, if uncorrected, will sentence a child to a life of ugliness and perhaps accompanying psychological difficulties.

It has been reported—and accurately, I believe—that half of all children in our country under the age of 15 have never been to a dentist—and for nonwhite children that rate jumps to 75 percent. Yet 95 percent of all children have tooth decay.

When money is in short supply—as it is for so many families with young children—it is only the most pressing needs that are usually met.

And, because dental disease is rarely fatal, it is the type of health care need which parents are most inclined to postpone or to ignore entirely, except in an emergency.

In the meantime irreplacable teeth are lost to decay. We are confronted with the disturbing national statistic that 20 million of our citizens have lost all their teeth and another 25 million have lost half or more. Only 6 persons in every 1,000 possess a full complement of sound teeth.

In a country blessed with the potential to remedy this situation, this lack of dental health can only be regarded as a national disgrace.

The problem is not only providing funds for dental care, however. It is also a staffing problem—of training a sufficient number of dentists, hygienists, and other staff to provide the dental care which is needed.

In the rural and urban poverty areas of our Nation there is a great shortage of these specialists, along with other medical personnel.

Particularly in small towns, parents often must drive many miles to take children to the dentist. The travel and the dental care are costly and discourage treatment.

Today we have the opportunity in the Senate to vote for a measure which is an important beginning in finding answers to our dental crisis.

S. 1874, of which I am a sponsor, authorizes an appropriation of $142 million over the next 3 years for dental health care.

Specifically, the money would be allocated for the following purposes: $50 million for pilot dental care projects to help disadvantaged children; $9 million to help communities and schools wishing to fluoridate their water supplies; $57 million to train dental assistants and other auxiliary personnel; and $26 million to train dentists and dental students on how to utilize most effectively the auxiliary people.

As the committee report frankly states, this would not be a crash dental program. It is largely an experimental effort prior to the development of a national dental care program. The Senate Labor and Public Welfare Committee cited the view of the American Dental Association that—

> Experience with programs such as those proposed by S. 1874 is absolutely essential if the profession is to be able to develop a substantial national dental care program.

I have no doubt but that this measure has the resounding support of the parents and children of this country. I urge the Senate to adopt the Children's Dental Health Act of 1971.

Mr. BAKER. Mr. President, I am delighted that the Senate has today approved S. 1874, the Children's Dental Health Act of 1971, and I want to commend the distinguished Senator from Washington (Mr. MAGNUSON) and the members of the Committee on Labor and Public Welfare for their diligent work on this measure which has enabled the Senate to act on it before adjournment.

At this point in time, when we are in the process of thoroughly studying our health care system and devising legislation to provide for the training of health personnel, it is important that we not neglect dental health, which is such an important part of the total health of the individual.

S. 1874 provides authorizations which would permit the Federal Government to fund programs of dental care for preschool and school age children who are unable to obtain such services. These programs will be of invaluable assistance to the State of Tennessee in its continuing efforts to upgrade the dental health of children from low-income families.

I strongly support this measure and I am hopeful that it can be enacted into law at the earliest possible time.

Mr. KENNEDY. Mr. President, I am very pleased that the children's dental health bill, S. 1874, introduced by the distinguished chairman of the Labor-HEW Appropriations Subcommittee, is about to be brought to the floor for a vote.

Dental health is a major cause of systemic disease and disability among our population. Many dental health problems, particularly caries, affect children 15 years of age and under. It is particularly significant for that reason that this legislation has been brought forward by the Senator from Washington.

The bill will authorize $142 million over the next 3 years for use to combat dental disease. It authorizes $50 million for pilot dental care projects providing preventive, corrective, and followup care to disadvantaged children. Nine million dollars is authorized to assist communities and schools which wish to fluoridate their water supplies; $57 million is used to train dental auxiliary personnel, and $26 million will be used to train dentists and dental students to best utilize dental auxiliary personnel.

The bill would also provide for the appointment of a Dental Advisory Committee which would appraise the programs established under the bill and report to the Secretary of Health, Education, and Welfare. The bill further provides that the Secretary submit a report to Congress each year regarding progress of the program and a final report containing his recommendation concerning the need and feasibility of a national dental health program for children. Finally, the bill amends title XIX of the Social Security Act in order to allow dental services to be provided for persons under 18 without making available such services in the same amount, duration and scope to individuals of any other ages.

Leading experts in the field of dental health believe that the most effective way to obtain maximum value for dollars spent is to concentrate upon preventive care in children. This act emphasizes prevention. The $9 million authorization designed to provide up to 80 percent Federal matching funds for the purpose of fluoridating community water supplies is considered by most leading organizations concerned with dental health in the country to be the single most effective measure which could be taken in order to promote dental health. This bill would provide funds to enable communities to voluntarily fluoridate their water supplies. No compulsion is intended in the legislation.

Mr. President, the following represents a list of those organizations which have endorsed fluoridation as an efficacious method for decreasing the incidence of dental caries:

LIST OF ORGANIZATIONS

American Academy of Pediatrics.
American Association for the Advancement of Science.
American Association of Dental Schools.
American Association of Industrial Dentists.
American Association of Public Health Dentists.
American College of Dentists.
American Commission on Community Health Services.
American Dental Association.
American Dental Health Society.
American Dental Hygienists Association.
American Federation of Labor and Congress of Industrial Organizations.
American Heart Association.
American Hospital Association.
American Institute of Nutrition.
American Legion.
American Medical Association.
American Nurses Association.
American Osteopathic Association.
American Pharmaceutical Association.
American Public Health Association.
American Public Welfare Assocation.

American School Health Association.
American Society of Dentistry for Children.
American Veterinary Medical Association.
American Water Works Association.
Association of Public Health Veterinarians.
Association of State and Territorial Health Officers.
Canadian Dental Association.
Canadian Medical Association.
College of American Pathologists.
Federation of American Societies for Experimental Biology.
Federation Dentaire Internationale.
Great Britain Ministry of Health.
Health League of Canada.
Inter-Association Committee on Health.
National Congress of Parents and Teachers.
National Education Association.
National Institute of Municipal Law Officers.
National Research Council.
Office of Civil Defense.
Pan American Health Organization.
U.S. Department of Agriculture.
U.S. Department of Defense.
U.S. Department of Health, Education and Welfare.
World Health Organization.

Mr. President, I am confident this measure will not only pass the Senate, but will receive an overwhelming endorsement. I believe the people of this country and their representatives in Congress recognize the need for and potential of this legislation.

Mr. JAVITS. Mr. President, I strongly support the Children's Dental Health Act, S. 1874. This legislation—authored by the Senator from Washington (Mr. MAGNUSON) and of which I am a cosponsor—permits us to launch a substantially expanded Federal dental health effort in this area of critical need.

To begin to bring dental care to the more than half the children in the Nation who have never visited a dentist—and I might note that among low-income groups the number approaches 70 percent, which is to say that almost three-quarters of these children have never seen a dentist—a total of $50 million is authorized over 3 years for pilot dental care projects providing preventive, corrective, and followup care to children. These dental projects will not provide care to all children or even to all economically disadvantaged children. We have neither the funds nor the manpower to set out upon such an ambitious course. But, these pilot projects—while providing direct care to 1.5 million disadvantaged children—would provide an opportunity for determining how quality dental care can be provided to large numbers of people with maximum efficiency and minimum cost.

No child should be permitted to suffer ill health, because he lives in an isolated area or because his father is poor and this provision would move that principle from promise to performance. To make it possible for the American people to save a sizable proportion of the nearly $4 billion which they are spending every year on corrective dental care, the bill provides $9 million over 3 years for Federal matching grants to schools or communities wishing to fluoridate their water supplies. The effectiveness and safety of fluoridation in preventing tooth decay has been demonstrated again and again and in March 1969 the Surgeon General stated:

> The United States Public Health Service endorses water fluoridation as a safe and effective public health measure and urges all communities to make its benefits available at the earliest possible time.

I recognize that fluoridation has been the subject of intense controversy; however, dental, medical, and statistical data, judged by a committee of experts and special councils of national and international organizations concerned with public health, concluded that the adjustment of the fluoride content of water supplies to a concentration optimal for dental health is a safe and beneficial procedure with no detrimental affects of any kind. In addition, long-term health studies in cities having controlled fluoridation continue to attest to the effectiveness and safety of fluoridation. Also, this bill would not require any school or community to fluoridate its water. What the bill would do is assist those schools and communities which decide—on their own—that they wished to fluoridate their water.

We must not only improve our dental care delivery system, but also train much larger numbers of dental health personnel. While we must continue to increase our supply of dentists, we can no longer rely upon dentists alone to provide dental care. The bill authorizes $57 million over 3 years to train new dental auxiliaries and thus improve our capacity for meeting increased demands for dental services. In addition, $26 million is authorized to train dentists and dental students to work with auxiliary personnel. We will thus be provided with dentists and dental auxiliaries trained to work as efficient, productive teams capable of providing higher quality dental care to more Americans than ever before.

For both philosophical and practical reasons, dental auxiliaries assume today more importance than ever before in our history.

We know there are a number of dental care duties that auxiliaries can perform and that they can be educated in a much shorter period of time, and at much less expense than a dentist. We know that a dentist with just one well-trained auxiliary can stretch his productivity by more than 50 percent.

If our shortage of dentists is acute, the shortage of dental auxiliaries is even more critical. At the present time, there are some 18,000 full-time—or full-time equivalent—dental hygienists in practice. This gives a ratio of one hygienist to every five or six dentists. At a minimum, the desirable ratio should be one hygienist for every two dentists.

The numerical shortage of trained dental assistants is even worse. Presently, there are some 103,000 dental assistants in practice, giving a ratio of about 1 to 1 with respect to dentists. A minimally desirable ratio would be two assistants for every dentist.

The third auxiliary, the dental laboratory technician, does not engage in chairside care nor is he normally employed directly by the dentists. His work, however, is vital and the shortage here is also quite severe.

Based on the current graduation rate, the deficit by 1980 for these three auxiliaries with respect to the desirable ratios will be 25,000 hygenists, 137,000 assistants, and 23,500 technicians.

The bill would help move us toward achievement of the proper ratios in an accelerated way.

The next, logical step in the attempt to stretch dentists' productivity—and as provided for by his bill—is to institute, on a much broader scale than has heretofore existed, programing to instruct both the practicing dentist and the dental student on how to work most effectively with auxiliaries and thus create and use the most effective dental team possible.

Given what we know about the potential to be realized from effective use of auxiliaries, it would be logical to assume that no dental student is permitted to graduate today without intensive instruction in this subject area. In fact, this is not so. Current surveys indicate that almost no first- or second-year students receive it, and that few third-year students have such training. Moreover, senior students have far less of it than necessary.

This relative inattention lies in the fiscal crisis that has gripped the dental education system for some years now. The lack of such education during school years—coupled with the shortage of auxiliary personnel—goes far toward explaining why there are still some 15,000 dentists who practice without auxiliaries. This legislation would enable us to change this and increase the availability of dental care in a relatively short period of time.

Mr. MAGNUSON. Mr. President, as the author of the Children's Dental Health Act of 1971 (S. 1874) I am extremely gratified by the wide support which this measure has received from my Senate colleagues on both sides of the aisle, from the professional dental community and from the public. I especially wish to thank the very able chairman of the Health Subcommittee for his efforts in behalf of this legislation. As one of the outstanding leaders in our efforts to improve the Nation's health, Senator KENNEDY's support for my bill has been invaluable. Similarly essential has been the support of the distinguished chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS) and of the distinguished senior Republican member of that committee (Mr. JAVITS).

Mr. President, the Children's Dental Health Act has four major components, each of which will play an essential part in the comprehensive attack on dental diseases which this bill, for the first time, will make possible. Section 1101 will authorize $50 million to establish and carry out projects to provide comprehensive preventive, corrective and followup care to economically disadvantaged children. Section 1102 will authorize $9 million to be used as matching grants to communities and public schools which voluntarily determine they wish to fluoridate their water supplies. Section 1103 will authorize $57 million to train dental auxiliaries. And section 1104 will authorize $26 million to provide for the training of dentists and dental students in the effective utilization of dental auxiliaries.

Mr. President, the urgent need for the dental care projects authorized in the first section of this legislation cannot be doubted. In its just published study entitled "Lengthening Shadows" the Council on Pediatric Practice of the American

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Academy of Pediatrics reports that: "Dental disease is nearly universal in children." Likewise, in its report to the President the 1970 White House Conference on Children concluded that—

Oral diseases are the most prevalent chronic diseases in the United States today, affecting everyone during his lifetime.

By age 2 half of America's children have decayed teeth. By the time he enters school the average child has three decayed teeth and by his 15th year he has 11 decayed, missing, or filled teeth. And—more often than not—those are 11 decayed or missing teeth, rather than filled teeth, for over half of all our children have never been to a dentist. This proportion is even higher among youngsters living in rural areas. But, by far, the greatest need is among children from low-income families—those who would be most directly benefited by section 1101 of S. 1874. Three-fourths of all youngsters in families with annual incomes under $2,000 and two-thirds of all those from families earning less than $4,000 per year have never visited a dentist. As a result of this gross neglect of poor children's dental health, they are five times more likely to have untreated decayed teeth than is the average youngster. Tragically, among these underprivileged children, 97 out of every 100 dental cavities go unchecked. That is a shocking statistic which every Senator will agree, I am sure, is completely unacceptable.

Mr. President, the second section of this bill would make it possible for the American people to save a sizable share of the $4 billion which they are spending every year on corrective dental care. This section will provide $9 million for Federal matching grants to public schools and communities which wish to fluoridate their water supplies. The effectiveness of fluoridation in reducing dental problems has been dramatically demonstrated again and again.

For example, a 12-year study of fluoridation in Milwaukee, Wis., published in 1962, showed decay reductions ranging from a high of 67 percent at age 7 to 53 percent at age 14. In all age groups the rate of decay reduction exceeded 50 percent. Another study made between 1954 and 1964 in Philadelphia showed an average two-thirds reduction in cavities among those schoolchildren who drank fluoridated water from birth. Because of conclusive evidence like this, fluoridation has been endorsed as an effective and safe method of preventive dental care by a great number of Government, professional, and scientific organizations including the American Dental Association, the American Medical Association, the American Hospital Association, the Department of Defense, and the Department of Health, Education, and Welfare. Mr. President, I submit at this time a more complete list of these organizations and ask unanimous consent that it be printed at the conclusion of my remarks.

Before I move on to a review of the other sections of S. 1874, I want to emphasize that this bill would not require any school or community to fluoridate its water supply. It would only make financial assistance available to those public schools and communities which decided that they wished to fluoridate their water supplies.

Mr. President, section 1103 and 1104 of the Children's Dental Health Act focus upon the critical dental manpower shortage which this Nation now faces and which promises to grow even more acute in coming years unless we act now.

Population growth, increased public awareness of the importance of dental health, and expanded accessability to dental care through private insurance plans all point toward a rising demand for dental care. Add to these factors the possibility that a national health insurance program, including coverage of dental care, will be implemented and predictions of future demand escalate sharply.

If we are to meet this future demand, then we must not only improve our dental care delivery system but we must also train much larger numbers of dental health personnel. And while we must continue to increase our supply of dentists, we can no longer rely upon dentists alone to provide dental care. This point was emphasized in testimony presented in 1970 to the House Health Subcommittee by the American Dental Association, the American Association of Dental Schools, the American Dental Hygienists Association and the American Dental Assistants Association. In a joint statement they said:

As this Committee well knows, the drive to produce more dentists is complicated by the time lag, as much as 12 years in duration, between the planning stages of a new dental school and the year it graduates its first class. A time lag of such duration does not occur with supportive personnel in the dental field. In addition, there is increasing understanding within dentistry of the fact that the hygienist and the assistant can and should perform additional functions. Concentration on programs within these areas, then, is both professionally and pragmatically desirable.

But, despite the need for—and the desirability of—training greatly increased numbers of these dental auxiliaries, our present training efforts are falling short of filling the need. Currently, there is only one hygienist for every six practicing dentists, although professional groups advise that the minimum desirable ratio is one hygienist for every two dentists. If we are to provide for even that minimum ratio by 1980, we must graduate at least 48,000 new hygienists during this decade. However, at the current rate, we will train only 23,000. Thus, we will have a net deficit of 25,000 hygienists in 1980. Similar deficits in dental assistants and dental laboratory technicians will prevail unless our current training efforts are sharply accelerated. These 1980 deficits are predicted to be 137,000 for dental assistants and 23,500 for laboratory technicians.

The third section of the Children's Dental Health Act addresses this need by authorizing $57 million to train approximately 15,000 new dental auxiliaries during the next 3 years. While even this increase will not completely close the gap between auxiliaries needed and auxiliaries available, it will substantially improve our capacity for meeting the increased demand for dental services we know lies ahead.

The fourth—and final—major section of S. 1874 would authorize $26 million to be used during the next 3 years to train dentists and dental students to work effectively with auxiliary personnel. Taken together, sections 1103 and 1104 will provide us with dentists and dental auxiliaries trained to work as efficient, productive teams capable of providing higher quality dental care to more Americans than ever before.

Mr. President, the Children's Dental Health Act of 1971 would help to substantially reduce the incidence of dental problems and would greatly increase the dental profession's capacity to deal with those that do occur. Enactment and full implementation of this legislation would comprise a sound investment in the Nation's health.

I urge the Senate to pass this bill and to make that investment.

EXHIBIT 1

NATIONAL ORGANIZATIONS ENDORSING FLUORIDATION

American Academy of Pediatrics.
American Association for the Advancement of Science.
American Association of Dental Schools.
American Association of Industrial Dentists.
American Association of Public Health Dentists.
American College of Dentists.
American Commission on Community Health Services.
American Dental Association.
American Dental Health Society.
American Dental Hygienists' Association.
American Federation of Labor and Congress of Industrial Organizations.
American Heart Association.
American Hospital Association.
American Institute of Nutrition.
American Legion.
American Medical Association.
American Nurses Association.
American Osteopathic Association.
American Pharmaceutical Association.
American Public Health Association.
American Public Welfare Association.
American School Health Association.
American Society of Dentistry for Children
American Veterinary Medical Association.
American Water Works Association.
Association of Public Health Veterinarians.
Association of State and Territorial Health Officers.
Canadian Dental Association.
Canadian Medical Association.
College of American Pathologists.
Federation of American Societies for Experimental Biology.
Federation Dentaire Internationale.
Great Britain Ministry of Health.
Health League of Canada.
Inter-Association Committee on Health.
National Congress of Parents and Teachers.
National Education Association.
National Institute of Municipal Law Officers.
National Research Council.
Office of Civil Defense.
Pan American Health Organization.
U.S. Department of Agriculture.
U.S. Department of Defense.
U.S. Department of Health, Education, and Welfare.
World Health Organization.

CONQUEST OF CANCER—S. 1828—CONFERENCE REPORT

The PRESIDING OFFICER. It is now 10:30 a.m. and, under the previous order, the Senate will proceed to vote on the conference report on S. 1828. The yeas and nays have been previously ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from Virginia (Mr BYRD) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr GRAVEL), the Senator from Indiana (Mr. HARTKE), and the Senator from Virginia (Mr. BYRD) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Illinois (Mr. PERCY), the Senator from Maine (Mrs. SMITH), and the Senator from Vermont (Mr. STAFFORD), are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 444 Leg.]

YEAS—85

Aiken	Ervin	Montoya
Allen	Fannin	Moss
Allott	Fong	Nelson
Baker	Fulbright	Packwood
Bayh	Gambrell	Pastore
Beall	Griffin	Pearson
Bellmon	Gurney	Pell
Bentsen	Hansen	Proxmire
Bible	Hart	Randolph
Boggs	Hatfield	Ribicoff
Brock	Hollings	Roth
Brooke	Hruska	Saxbe
Buckley	Hughes	Schweiker
Burdick	Humphrey	Scott
Byrd, W. Va.	Inouye	Sparkman
Cannon	Jackson	Spong
Case	Javits	Stennis
Chiles	Jordan, N.C.	Stevens
Church	Jordan, Idaho	Stevenson
Cook	Kennedy	Symington
Cooper	Long	Taft
Cotton	Magnuson	Talmadge
Cranston	Mansfield	Thurmond
Curtis	Mathias	Tower
Dole	McGee	Weicker
Dominick	McGovern	Williams
Eagleton	McIntyre	Young
Eastland	Metcalf	
Ellender	Miller	

NAYS—0

NOT VOTING—15

Anderson	Harris	Muskie
Bennett	Hartke	Percy
Byrd, Va.	McClellan	Smith
Goldwater	Mondale	Stafford
Gravel	Mundt	Tunney

So the conference report was agreed to.

CHILDREN'S DENTAL HEALTH ACT

The PRESIDING OFFICER (Mr. BENTSEN). In accordance with the previous order, the Senate will now proceed to vote on the bill (S. 1874) to provide for the establishment of projects for dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes. On this question, the yeas and nays have been ordered.

Mr. ALLEN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Amend S. 1874 by striking the following: On page 11—Starting with line 21 Grants for Water Treatment Programs through page 12, line 18.

The PRESIDING OFFICER. No time for debate being permitted, the question is on agreeing to the amendment of the Senator from Alabama.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. As I understand, there is no time allotted on this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. As chairman of Health Subcommittee, I would be delighted to make the request myself, or the Senator from Alabama may do so if he wishes, for an allowance of time to the Senator from Alabama, if he wants it, to explain the amendment. I know there is no time, but if he wanted to request it, I certainly would not object. If he does not care to explain the amendment, then I suggest we proceed with the vote.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. PASTORE. We do not know what the amendment is all about. I think it ought to be explained to the Senate before we vote. Can we not have 2 minutes to have it explained?

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be 5 minutes on the amendment, 2½ minutes to the Senator from Alabama, and I will take 2½ minutes on the amendment, if it is agreeable to the Senator from Alabama, who is the proponent of the amendment.

Mr. ALLEN. Yes.

Mr. PASTORE. And if it is agreeable to the majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, in view of what has developed, I would suggest that the vote on passage of S. 1874 not occur until after the vote on cloture, because everyone is on notice that the vote on cloture will occur at 12 o'clock, and we need that hour in between for debate.

Mr. PASTORE. If this goes beyond 11 a.m. How about 2 minutes?

Mr. KENNEDY. Would the majority leader permit a minute on each side? It is not a difficult issue to understand; 1 minute on each side?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, in view of the unanimous-consent request, I suggest most respectfully that the time allotted to the distinguished Senators from Alabama and Massachusetts be used up, that there then be a quorum call, so that a full hour can be taken to debate the cloture motion, and that after the rollcall vote on the cloture motion the vote occur on the Allen amendment, to be followed immediately by the vote on the bill (S. 1874) itself.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. We do not have much choice.

The PRESIDING OFFICER. Without objection, it is so ordered.

Was the request of the Senator from Massachusetts for 5 minutes, to be equally divided?

Mr. KENNEDY. Yes; that is correct.

The PRESIDING OFFICER. Without objection, the request of the Senator from Massachusetts is agreed to.

Mr. ALLEN. Mr. President, this amendment merely would knock out one section of the bill, starting on page 11, line 21—Grants for Water Treatment Programs.

There is an authorization in this title for $9 million for a water treatment program which would be a fluoridation program, to which many people object. This section in this title is not at all necessary to the purposes of the bill. It leaves the entire remaining authorization, some $50 million to $60 million, for free dental care. It would knock out the section providing authorization for fluoridation programs. That is all it would do.

I believe that we do not need to get into the business of giving grants for programs to which so many people object. They should not be forced to participate in these programs. It will be said that it would be a voluntary program. Yes, it would be voluntary as regards participation by the State or the county or the school board. But it would not be voluntary as to the schoolchild, himself, who would have to drink the water provided for him.

The remaining authorization provides plenty of funds for carrying out the program envisioned by the distinguished Senator from Massachusetts, providing the necessary funds for dental care for poor children.

I reserve the remainder of my time.

Mr. KENNEDY. I yield myself 2 minutes.

Mr. President, there is a $9 million authorization in this bill. This is a matching program with the community. It will make available 80 percent Federal funds. There will also have to be participation on the part of the local community of 20 percent for any grants they receive.

This is a strictly voluntary program. It does not require any community of this Nation to go ahead with fluoridation. It says that if any community has voted for fluoridation and wants to have a fluoride program, some resources will be available at the national level to go ahead with fluoridation.

If the $9 million was actually appropriated, it would cover up to 45 million Americans; 100 million Americans are

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now covered by programs that have reservoirs with some fluoridation. Approximately 120 million are not. If we were able to place the $9 million in communities in the country, we could cover an additional 45 million Americans.

This program is endorsed by 45 different organizations including the American Medical Association, the American Dental Association, the American Association of Dental Schools, the American Association of Industrial Dentists, the Association of Public Health Dentists. The list is on page 7 of the committee report.

I would say that this is really one of the most effective and important kinds of programs that can be included in the proposed legislation. If any of the people who testified before our committee, with the exception of those who came specifically to oppose fluoridation, were asked the one action that could be taken by Congress to really help meet the problems of tooth decay, they would say it is in the area of fluoridation.

I think this program is extremely modest—only $9 million. We know, in terms of appropriations, that it will be less, but it can have an important voluntary impact on communities in this Nation. Approximately 95 percent of tooth decay occurs in children under 15 years of age. They do not have a voice in the local communities. When it comes down to the town fathers, who decide where the money is going to be spent, too often we have seen, in the course of our testimony, that the money, a few thousand dollars, has not been there for the development of a fluoridation program. We think this will provide additional impetus to meet the problems of tooth decay in our country.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. PASTORE. Will the Senator be against this amendment?

Mr. KENNEDY. I am against this amendment.

Mr. PASTORE. I did not hear that.

Mr. KENNEDY. I hope the amendment is rejected.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Will the Senator yield me 20 seconds?

Mr. KENNEDY. I yield.

Mr. MAGNUSON. I appreciate the action of the Senator from Massachusetts and the other committee members on this very important bill. I now wish to add the Senator from Maryland (Mr. MATHIAS) as a cosponsor of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

EXECUTIVE SESSION—NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. EAGLETON). The hour of 11 a.m. having arrived, under the unanimous consent agreement, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the confirmation of the nomination of William Rehnquist, to be an Associate Justice of the Supreme Court of the United States:

1. Hugh Scott
2. Paul Fannin
3. Clifford Hansen
4. Bill Brock
5. William Saxbe
6. Marlow Cook
7. Howard Baker
8. James Pearson
9. Roman Hruska
10. Glenn Beall
11. Robert Dole
12. Barry Goldwater
13. Henry Bellmon
14. Carl Curtis
15. Ted Stevens
16. Norris Cotton
17. Mark Hatfield
18. Robert Griffin
19. James Eastland
20. Gordon Allott
21. Ernest Hollings
22. John Tower
23. James Buckley
24. Edward J. Gurney
25. Len B. Jordan
26. Lowell Weicker
27. Robert Taft, Jr.

The PRESIDING OFFICER. The time between now and 12 noon will be equally divided and controlled between the distinguished Senator from Indiana (Mr. BAYH) and the distinguished minority leader (Mr. SCOTT) or the designees thereof.

Who yields time?

Mr. BAYH. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, so that we might get the hour's debate started prior to the cloture vote, I yield myself such time as may be necessary.

Mr. President, we are about to undertake a cloture vote, which is unique in Senate history—this effort to shut off debate. I have read the annals and had my staff read the annals, and this is the first time any of us have been able to find where a debate was labeled a filibuster before the first day had expired. There is no way in which the present discussion of the merits of the Supreme Court nominee can be described as a filibuster. I have listened with great interest to some of the strongest supporters of filibusters, who suggest now that the whole philosophy of the filibuster should change. It will be interesting to see whether, when other issues are presented, these colleagues are equally convinced that the filibuster has become outmoded.

The Senator from Indiana has not been a supporter of the filibuster, and on most occasions has voted to terminate debate. On all occasions when the debate has become unreasonable, I have urged that the will of the Senate be put.

Mr. President, here we are talking about a Supreme Court nominee, a Supreme Court nominee who is going to be on the Supreme Court for a quarter of a century, perhaps for three decades. To suggest before the first day of debate has transpired that a filibuster is in progress is, in my judgment, a rather weak argument to present to the Senate.

Mr. President, so that our colleagues may have something to base their judgment upon as to whether, indeed, we are talking about a filibuster or not, the Senator from Indiana would like to put into the RECORD at this time the length of debate on other Supreme Court nominees.

We heard the Senator from Massachusetts describe the other day that in one nomination there was about a 4-month debate, after which the Justice reached the Court.

The Senator from Indiana is not suggesting a 4-month debate, nor any debate of such duration, but, indeed, he does feel that we should have adequate time to answer the questions that have been raised.

The Fortas nomination followed a rather extended pattern. The nomination was made on the 26th of June; debate began not until the 24th of September. There were two cloture votes, and we found ourselves into early October, before the nomination was withdrawn. In fact, we were never allowed to discuss the nominee's merits. All the debate centered around the motion to take up the nomination. There was, of course, an equal delay on Judge Thornberry.

The Haynsworth nomination was made on the 18th of August. Debate began on the 13th. The vote was taken on the 21st of November—from the 13th of November to the 21st of November.

The Carswell nomination was made on the 19th of January; debate began on the 13th of March; and a final vote was not taken until April 8.

Today we find ourselves, on the 10th of December, in debate which began late in the afternoon of the 6th. I ask the Senate to look at the equity of this, regardless of how one feels on the merits. I admit very strongly that I feel, on the merits, that Mr. Rehnquist should not reach the Court, but I wonder whether one could adequately describe as a filibuster a debate which began late in the afternoon of the 6th, and a cloture motion was filed on the 8th, and on the morning of the 7th the distinguished minority whip was calling this a filibuster.

During the period of time that we have had to debate the nomination, I would like to call to the Senate's attention that we have considered several other important pieces of legislation.

Let me just read the list of matters which the Senate has considered during the time the nomination has been before us, to show that we have not even

had full opportunity to debate the question before us: The Flood Insurance Act; supplemental appropriations; District of Columbia appropriations; District of Columbia Revenue Act; Federal election reform; Federal credit unions; Defense appropriations; the Revenue Act; foreign economic assistance; foreign military assistance; conquest of cancer; Alaska Native lands; Public Health Service.

Even this morning we find ourselves debating two important pieces of health legislation and taking time away from the Supreme Court nomination.

I am not going to take too much of the Senate's time on the merits of whether they feel this is a filibuster or not, because I think most of our colleagues are going to vote really not on whether they feel this is a filibuster or not, but rather on the merits of the issue. The distinguished Senator from Alabama, who is not here, who very dedicately yesterday said he was going to remain resolute in his feeling about free debate, but felt very strongly opposed to the Senator from Indiana on the merits. I salute him for sticking to this particular principle, if that is what he feels. I might disagree with him on that principle, but there is a man who stays with to what he believes, and I salute him for it.

This, Senators might be interested to know, is a rather unique nomination which is before us. I noticed just recently that for the first time in our history the NAACP urges that we vote against cloture because they feel so strongly about the Rehnquist nomination.

I feel that there have been significant questions raised in the past 12 hours. The distinguished minority leader read a telegram into the RECORD yesterday that arrived from somebody in London I had never heard of, who was a coclerk of Mr. Rehnquist. If we read—and I ask my colleagues not to take my word for it but to read the telegram of Mr. Donald Cronson, who was said to be a coclerk with Mr. Rehnquist—if we read the interpretation he put on that 1952 memorandum, and then read Mr. Rehnquist's interpretation of it as placed on the letter that we received the preceding day, if those do not raise questions that have not been raised before, which should be laid to rest, I have never seen any.

Mr. President, I say once again, just speaking for myself, I am not trying—and I do not think any of us who oppose Mr. Rehnquist are trying—to keep this matter from being voted upon, but to suggest in the early stages of debate that it might be a filibuster and that we want it to end so that we can go home just in order to meet our own personal conveniences, I think, is not in the finest traditions of the Senate.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. FULBRIGHT. Mr. President, I associate myself with that comment. I remember how long the debate went on in the Carswell matter. I think that it was for several weeks. It does not matter exactly how long, but it was for a very long time. I am quite confident that the developments that occurred during the course of that time had much to do with the result.

Aside from the fact of whether one considers it to be a filibuster or considers it to be an extended discussion, I have had long experience with extended debate, if one wants to call it that. I have never voted for cloture, except on one occasion, on a foreign aid authorization measure. And on all other matters I have not voted for cloture.

I think the most significant function of the Senate is its capacity to precipitate thorough debate if it has sufficient time.

If we destroy the capacity of the Senate to discuss these important matters—and this is certainly an important matter—we will undermine the significance and influence of the Senate and it will have much less reason to exist.

As I said in my own comments about Mr. Rehnquist, my objection to him is primarily because of his lack of concern and lack of interest in the preservation of the constitutional system. I do not think that he feels the Senate has an important role to play.

On this matter of a filibuster, as the Senator mentioned, to treat the matter casually and to say this is a filibuster after only 2 or 3 days, I think, is an absurd interpretation of the concept of a Senator having the right to a full and thorough discussion and to focus attention on this matter and to have all Senators know what they are voting on, what kind of a man it is and what he believes.

I congratulate the Senator. I think he is entirely correct in his comments about there not being any justification to call this debate a filibuster.

Mr. BAYH. Mr. President, I appreciate the comments as well as the very perceptive statement the Senator from Arkansas made on yesterday relative to the merits of the nomination.

I have not seen a more eloquent presentation of the importance of balance of power and the importance of this body and, indeed, the importance the Court could well play on unlimited executive power.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, I yield as much time as he desires to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, let me say that I have listened with great interest to the remarks of the Senator from Indiana. I think the Senator will recall that I have asked him on several occasions over the last few days when he thought we could get to a vote. The Senator from Kentucky has gotten no more than a shrug of the shoulder, which means that there is no intention even to think about the necessity of a vote on this particular matter, that it will continue as long as it is possible for it to be continued.

I merely say that I think this is great. As a new Member of the Senate, I sit here and listen with great awe to the Senator from Indiana and the Senator from Arkansas talking about how long the debate should go on.

We had an amendment a week or so ago which was called the Pastore amendment. Under the unanimous-consent agreement, there was 6 hours provided for debate on that amendment. That amendment would have turned the political system of the United States entirely around and absolutely change the political system of the United States more than anything we had ever known of before in our history. And we had 6 hours to debate that measure.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOK. I will yield in a minute.

I say that it was very interesting to note that during the course of the debate there were Senators who were here at all hours and on all occasions except during the course of the debate. And there were a lot of handcuffs that could have been purchased rather cheaply, because everyone had them off for awhile. This is a matter that was discussed for only 6 hours.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOK. I now yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, if the Senator from Kentucky thought that was so important that there should be great debate on the matter, it would have been very easy to prevent a limitation of 6 hours on debate.

Mr. COOK. Mr. President, I might say to the Senator from Arkansas that his remarks are well taken. However, one has to be on the floor at the time when the majority whip stands up and asks for unanimous consent that a measure be limited to 6 hours for debate. As a matter of fact, there was a time limitation on that amendment before it was even printed and before it was on the desks of the Senators.

Mr. FULBRIGHT. Mr. President, I beg to differ. If the Senator believes that was an important matter, he could have told his own representatives that he registered an objection. That desire would have been carried out.

A Senator does not have to be here. The Senator from Kentucky knows that if he really feels strongly about a matter he could object to a limitation of time if he thought it to be that important.

Mr. COOK. Mr. President, that would be very fine, except that that amendment was not available to the Members of the Senate at the time the agreement was made that there would be 6 hours of debate. No one had an opportunity to see it at that time.

So, what are we faced with? We are faced with the fact that we now get into this debate—and I wish the Senator from Indiana would listen to this—and I do not have any argument over the story that was published in the Washington Post this morning. I have no argument about who former Justice Jackson's secretary was. However, when the Senator from Indiana read the article in the New York Times that talks about Donald Cronson, I wonder why he would say that Mr. Cronson was a so-called clerk. I do not dispute the fact that it was Mr. Jackson's secretary.

Mr. BAYH. Mr. President, will the Senator yield?

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Mr. COOK. I yield.

Mr. BAYH. Mr. President, I ask unanimous consent that my remarks be changed to read "clerk" instead of "so-called clerk."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. That is fine, because I think there is an inference to "so-called clerk" that has a connotation to it with respect to certain members of the press in the gallery. And they will use it to great advantage, when, in fact, he was a clerk and the record so shows.

I do not see why we should make such remarks.

Mr. BAYH. The Senator from Indiana has not seen such a record.

Mr. COOK. Well, the Senator from Kentucky has.

Mr. BAYH. I take the word of the Senator from Kentucky on the matter. This is the first time I have ever heard anyone say that he has seen a record.

Mr. COOK. Mr. President, we deal in innuendoes and we wake up in the morning and have a new issue because the facts have changed in the last 12 hours.

I have listened with great interest to the remarks of the Senator from California (Mr. CRANSTON). In the first part of his speech, he said very distinctly that the nominee did not answer certain questions. Then when the nominee answers those questions, he says that he does not really believe him, anyway, and it does not mean that much to him. The Senator from California was not satisfied with the answers he got anyway.

The Senator from Indiana knows that he has been talking to practically an empty house and, if the cloture motion fails today at noon, I suppose he will continue to do so.

When the rollcall vote has been taken, the Senators can analyze it, and it will be to their advantage or disadvantage, as the case may be.

If a large number of votes are cast in favor of cloture, even though it might not be successful, the Senator from Indiana can take a cursory glance at the rollcall vote and see who votes on his side of the matter. But if there are not very many, although a substantial majority, that favor cloture, he will continue his argument and no one will listen to him. This matter might be over and we could put it to rest, regardless of whether there is a recess pending.

I might say to the Senator that I am in no hurry to leave. I will stay until Christmas Eve if it is the desire of the Senator from Indiana, and I will be back the day after Christmas to accommodate him if necessary.

I think that now we have gotten to the point where we are running around in circles and arguing about what people said on yesterday and what people may say today.

I will only say that we are now getting very close to getting into a rather serious discussion of a gentleman who can no longer defend himself because he is in the grave, and I refer to the late Justice Jackson.

There is a great deal on Justice Jackson at the University of Chicago that can be discussed on this floor and which may have to be discussed on this floor, but I would say I think it is a little strange that we would be attempting to interpret for ourselves a Justice of the Supreme Court of the United States. I might suggest that maybe this debate will turn into what Justice Jackson's philosophy really was and not what the philosophy of the nominee really is. I would regret if that were to happen.

I read the memorandum of the Senator from Indiana this morning and I might say I think some of the statements in it might shock some Members of the Senate—they shocked me—particularly the blatant remarks such as, "An examination raises the gravest questions of basic honesty."

I think this cuts pretty close to the line.

Mr. BAYH. That is what the Senator from Indiana felt or he would not have said it.

Mr. COOK. I might say, in all fairness to the Senator from Indiana, I wondered whether he had said it. I say that in all fairness and honesty.

Mr. BAYH. I appreciate it.

Mr. COOK. I can only say to my colleagues in the Chamber that I think the issue has been well debated and discussed. During the course of the hearings, after the matter got to committee, we made an agreement as to when the report would go out, and on the time limitation. I might say I congratulate the Senator from Indiana on the minority views they got out in the time period that was set because I think they were aware of the fact that a time limitation had been posed and agreed to by the members of the Committee on the Judiciary.

If we continue the debate until Monday or Tuesday, fine, but I would suggest to the Senator from Indiana that I have other things to do, whether it takes all of next week or does not. I only say to him there are extremely important things that must be accomplished and I am not sure the Senator from Indiana is going to come up with any change in the minds of Members of the Senate the longer he goes on.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Ex-Colleague Says Rehnquist Opposed Segregation," published today in the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 10, 1971]

EX-COLLEAGUE SAYS REHNQUIST OPPOSED SEGREGATION

(By Anthony Lewis)

LONDON, December 9.—A former colleague of William H. Rehnquist said tonight that in 1952 Mr. Rehnquist was personally opposed to the legal doctrine of racial segregation.

Donald Cronson, who in 1952 was a law clerk to Supreme Court Justice Robert H. Jackson, along with Mr. Rehnquist, spoke out in the controversy over Mr. Rehnquist's nomination to the Supreme Court.

The latest phase of that controversy has turned on a memorandum bearing Mr. Rehnquist's initials, directed to Justice Jackson, concluding that the doctrine of segregation laid down by the Supreme Court in 1896 should be reaffirmed.

"Both of us," Mr. Cronson said, "personally thought at the time that the 1896 decision, Plessy v. Ferguson, was wrong. We first wrote a memorandum to that effect.

"It is 20 years ago, but I think I still have a copy of that memorandum. Then, afterwards, I think Justice Jackson asked us to prepare a second making the other argument.

"I had a desk right next to Bill's. My guess is that I physically prepared the first memorandum and he the second, but we worked together on both. In what I have read about the second I can recognize some of my purple prose. It was just part of the job."

INTERVIEWED BY PHONE

Earlier today, Mr. Cronson, an oil company executive in Europe, sent a cable to Mr. Rehnquist from London about his recollections. He then left for his home in Gstaad, Switzerland, and he was interviewed there by telephone.

"To this day," Mr. Cronson said, "I am not exactly sure what Justice Jackson's views were—and if I were, I would not say. I think this whole business is completely improper. Such memoranda from law clerks to a Supreme Court Justice should never be published."

The Supreme Court considered the school segregation issue in 1952 and 1953 before finally deciding unanimously on May 17, 1954, to overrule the Plessy case and declared racial segregation unconstitutional. Justice Jackson was part of that unanimous Court.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. DOLE. There is no doubt in the Senator's mind that Mr. Rehnquist will be confirmed, is there?

Mr. COOK. No doubt at all.

Mr. DOLE. I have not engaged in any conversation on the floor. I did not know there was a debate. I have come to the Chamber every day, and I did not see any debate. Perhaps there has been and I was not aware of it. I would have to check the record.

I think the Senator from Indiana has a perfect right to check the qualifications of the nominee at length, and that is a right that all of us have.

I do not know much about filibusters or extended debate. I learned a little last summer from the distinguished Senator from Arkansas about novices, filibusters, or extended debate, as some would use that term.

But it seems to me some of us would like to move ahead on this nomination and give it careful consideration and then perhaps adjourn this Congress. I think most people in America would be happy to see us adjourn, and I know of a few Members of Congress who would be happy to see Congress adjourn.

It appears to me that Mr. Rehnquist is qualified. As the Senator from Kentucky stated, we could speculate about what might appear in tomorrow morning's Post or Sunday's Post, or any other newspaper. I do not single out any one particular newspaper. But it appears to me there has been very little evidence that Mr. Rehnquist should be questioned further, and I hope the Senate can vote soon.

Mr. COOK. I thank the Senator from Kansas. The Senator knows I agree wholeheartedly with him.

Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BAYH. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator from Kansas is very candid. He said he has not observed any real debate.

The supporters of the nomination have refrained from debate or discussion; they simply have boycotted debating this nomination. I have seen this before. They have declined to engage in discussion with the Senator from Indiana or anyone else about the nomination, standing on their belief they have the votes.

The Senator from Kansas said he does not know about extended debate. I accept that. I do know a lot about it. I have been here a long time. Of course, the Senator from Kansas was a Member of the House, where they did not allow debate of any consequence. They are under rules there which limit them to 5 minutes, and often that is all the time an individual Member has to discuss measures, even the important measures.

I am not criticizing the Senator from Kansas but he identifies his interest with the executive, with the President. He does not believe, as I judge his remarks, that the Senate is a significant body and that it should not debate these matters. I understand and sympathize with that; most people of the world today do identify with the executive power. There are practically no legislatures left in the world that function as legislatures should.

The influence of this body is gradually being eroded, and some of us have been trying to resurrect its traditional influence, especially in foreign policy, which has gotten us into so much trouble in recent years.

I can understand it is much more agreeable to be identified with the throne in any government, and I take that generally to mean the executive. It is always a pleasure to be associated with power, with great power, and the power to speak with a single voice, with what is in some countries such as the Soviet Union, called "cult of the personality" but we call it "cult of the Presidency," I suppose.

I have found during my experience in the Senate that I have been intimate with Presidents for brief periods, but I have found it difficult to maintain that close association because they have a different attitude about the Senate's role regarding major issues of policy in our Government, and I believe the Senate's independence is fundamental to our system.

I do not criticize the President for taking advantage of his power and using it. I do criticize the Senate when it does not exercise its power and responsibility given to it by the Constitution.

My objection to this nominee is not that he is not perfectly adequate to represent the executive branch; he speaks for it. But apparently we are now going to put a man on the judiciary who believes in supremacy of the executive. I think that would distort our fundamental system and undermine the role of the Senate in the governmental structure.

That is my one objection to this nomination.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BAYH. I was on the floor listening to the very eloquent speech of the Senator from Arkansas. Maybe the Senator from Kansas does not consider that to be worthy of debate, but I thought it was one of the most perceptive presentations I have heard since I have been here, and that has been a day or two. Has anyone in this Chamber raised a challenge to the Senator from Arkansas to try to destroy the logic of that presentation in debate?

Mr. FULBRIGHT. No. The Senator from Kentucky and the Senator from Kansas both remarked that the Senator from Indiana has been speaking to an empty Chamber. All those in support of the nomination have avoided any real, debate. They have refrained from asking questions—almost completely refrained from asking questions of me or the Senator from Indiana. They do not want to discuss the nomination. They want to accept it. They want to close debate and they want to vote it up or down with a minimum of discussion.

This has been true of most people who believe the executive is the source of all wisdom. That is an understandable attitude. Three-fourths of the people of the world today are ruled by dictators of one kind of another—executive government. There are practically no other governments, outside of Scandinavia, the British, and a few others, that have what I call a functioning legislature.

Mr. COOK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. BAYH. Mr. President, if I may, I wish to impose an inquiry as to the time.

Mr. COOK. I ask the question on the time of the Senator from Arizona.

The question I would like to ask the Senator is: Did he look into the testimony and the background of Chief Justice Burger or Justice Blackmun and make a reasonable interpretation in his mind that these people were not in any way what one could call executive prone in background or any of their decisions, the decision he made on Mr. Rehnquist? Apparently he came to a contrary decision on Chief Justice Burger and Justice Blackmun.

Mr. FULBRIGHT. Yes, indeed, insofar as I knew about Mr. Burger. I have since become well acquainted with Chief Justice Burger. I have become much better acquainted with him since then. I served on a board with him. I have great respect for him. In fact, personally, I like him very much.

I objected at that time that we were being forced to vote ahead of time. There was almost no debate. Only a few days were devoted to it, similar to what is trying to be brought about here. I knew too little about him. I did not vote against Mr. Burger because I had no evidence comparable to what is on the record about this nominee in his attitude toward the Senate and our constitutional system.

I do not regard Mr. Rehnquist as a conservative as far as the Constitution is concerned. He is a loose constructionist; he is not a strict constructionist of the Constitution. He is quite willing to believe the proposition that the Constitution is obsolete insofar as the responsibility of the legislative branch is concerned. His statements were very similar to those of Mr. Katzenbach, who came before our committee and said the Constitution is obsolete insofar as the power to make war is concerned. He said, "That is old fashioned. Today we move quickly."

I object to that.

I do not remember Chief Justice Burger saying anything like that. I like Chief Justice Burger. I have never known—I did not know then or know now—of any evidence that he views our constitutional system the way Mr. Rehnquist views it.

Incidentally, since the Senator brings that up, I spoke about yesterday's column on the great intellectual capacity of Mr. Rehnquist. It said he is an intellectual man. People of this kind are often what I call intellectually arrogant in their views and opinions of the legislature. I remember the late Dean Acheson; God bless his soul. He used to come before us often. He had great contempt for the legislature. He thought we were fools and he had little tolerance of us and thought we had no right to ask questions of such people as he was. I thought his judgment was deeply lacking as far as our national interest was concerned. But he was an intellectual, just as Mr. Kraft has described Mr. Rehnquist.

I have no objection to men of great intellect. They do not split infinitives. I do not mind a man who does not split infinitives if he is in accord with our constitutional system and uses it to determine what is in our national interest. I think it is in the national interest that the influence of this body be preserved. I think the principle that we do not cut off debate is a sound one. The principal difference between the House and the Senate is our capacity for extended debate. That is what distinguishes us from the House. If we cannot have extended debate in the Senate, we ought to abolish it and save several million dollars. There is little value to it if we cannot have full debate on important issues.

That is the way I feel about it. The Senator from Kansas says he has not had much experience.

Mr. DOLE. I am learning.

Mr. FULBRIGHT. The Senator from Louisiana, I, and others who have been here a while used to have debates that went on all night because we felt strongly enough about some issues to warrant it. I do not wish to criticize. I sympathize with the Senator from Kentucky. A practice has grown up here of limiting debate on every issue, but, after all, it is done by unanimous consent. In matters in which I have an interest, I have appealed to the majority whip that I want to be notified on those matters and do not want to enter into an agreement. He has abided by that request, so it may work out all right—at least, that part of it—but I am wary of what could happen to the Senate.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DOLE. I want to thank the Senator for all his instructive efforts. They have been very helpful to me. I have learned a lot from the Senator from Arkansas, some things that I cannot use, but some that I may possibly use at a little later time.

Mr. FULBRIGHT. Well, there may come a time when the Senator will want

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to use it. He sees how opinions have changed about a lot of things.

Mr. DOLE. Things change. I am reminded of the fact that the distinguished Senator from Arkansas has changed from what he said in a speech in, I think, 1961, in which it was indicated that the executive ought to have more power insofar as war-making powers are concerned. I assume the Senator has changed.

Mr. FULBRIGHT. No, not war-making.

Mr. DOLE. What was it?

Mr. FULBRIGHT. If the Senator wishes—I do not know if we have time, but that article is often cited—

Mr. DOLE. I cite it frequently.

Mr. BAYH. Mr. President, a parliamentary inquiry.

Mr. FULBRIGHT. I do not mind discussing it at a proper time.

The PRESIDING OFFICER. Does the Senator from Indiana have a parliamentary inquiry?

Mr. BAYH. Yes, I do.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. I am glad to see that for the first time the opposition is here.

Mr. DOLE. We are just sort of passing through the Chamber. We do not intend to stay.

Mr. BAYH. The Senator from Indiana is glad to see the Senator from Kansas is here. He has been strangely missing from the debate. But a parliamentary inquiry, Mr. President: whose time is being expended in this debate.

The PRESIDING OFFICER. Immediately preceding the exchange between the Senator from Arkansas and the Senator from Kansas the time had been been charged to the Senator from Indiana. [Laughter.]

Remaining are 8 minutes to the Senator from Indiana and 17 minutes to the Senator from Arkansas.

Mr. FANNIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FANNIN. Mr. President, when we are talking about the background and reputation of an individual, we usually go to the people who have been associated with him and who have worked with him. I am very proud to do so with William Rehnquist. Those who have been associated with him over the years certainly praise him highly, whether they be Democrats or Republicans.

There is a former colleague who has spoken about William Rehnquist when he found some of the papers in which he as well as Bill Rehnquist had been involved were under scrutiny. That is Donald Cronson, now in London, associated with a business enterprise there. I am quoting from a New York Times article in today's edition:

> A former colleague of William H. Rehnquist said tonight that in 1952 Mr. Rehnquist was personally opposed to the legal doctrine of racial segregation.
>
> Donald Cronson, who in 1952 was a law clerk to Supreme Court Justice Robert H. Jackson, along with Mr. Rehnquist, spoke out in the controversy over Mr. Rehnquist's nomination to the Suprem Court.
>
> "Both of us," Mr. Cronson said, "personally thought at the time, that the 1896 decision, Plessy v. Ferguson, was wrong. We first wrote a memorandum to that effect.
>
> "It is 20 years ago, but I think I still have a copy of that memorandum. Then, afterwards, I think Justice Jackson asked us to prepare a second making the other argument.
>
> "I had a desk right next to Bill's. My guess is that I physically prepared the first memorandum and he the second, but we worked together on both. In what I have read about the second I can recognize some of my purple prose. It was just part of the job."

I have read from the interview Mr. Cronson gave the reporter. I feel these are the actual experiences he had with Mr. Rehnquist.

I know that we had testimony, and the distinguished Senator from Indiana has great respect for the person I am going to speak about now——

Mr. BAYH. Mr. President, will the Senator yield for a quick question before he gets away from the Cronson matter?

Mr. FANNIN. Mr. President, how much time do I have remaining? I will yield on the Senator's time.

The PRESIDING OFFICER. The Senator from Arizona has 14 minutes, the Senator from Indiana has 8 minutes.

Mr. FANNIN. Will the Senator take this out of his time?

Mr. BAYH. Let us forget it. The other side can ask questions on our time, but we cannot even make a comment on their time. That has been the rule during the course of this debate.

Mr. FANNIN. I do not think that has been the rule.

I was referring to the testimony of Mr. Rehnquist and others when they were before the Judiciary Committee. Hon. Walter Early Craig, a judge in the Federal District Court of Arizona, appeared and said, "I have known Mr. Rehnquist"—incidentally, this judge is also the past president of the American Bar Association. He said:

> I have known Mr. Rehnquist since his admission to practice law in Arizona, both in a professional capacity and since I have been on the bench, which I ascended in 1964.
>
> Mr. Rehnquist's academic achievements are already a matter of record. They are remarkable. The only reason I mention those high achievements is because it relates to his qualifications as a lawyer. In my experience, Mr. Rehnquist's professional skills and ability are outstanding.

This is coming from a past president of the American Bar Association, and now U.S. District Judge in Arizona, Walter E. Craig:

> In his appearances before my court, Mr. Rehnquist conducted himself not only with outstanding professional skills but with dignity, intelligence, and integrity. I think he has conducted his life that way so long as I have known him.

When we talk about whether or not Mr. Rehnquist has compassion, I would like also to refer to what Judge Craig had to say about that. This was in answer to a question from the distinguished Senator from Indiana (Mr. BAYH). The Senator asked:

> Do you know anything about the nominee that would lead you to have cause for concern about his insensitivity in the area of human rights if he were sitting on the Supreme Court of the United States?

Judge Craig said:

> I want to say this in response to that inquiry: I believe this man has a humanity about him and a human warmth that would make him, if anything, more sensitive to the needs of people with respect to the necessity to improve their lives and their society. I don't think that he would be in any way insensitive to the philosophy of civil rights or the Bill of Rights, or any other rights.

He went on throughout that testimony praising William H. Rehnquist for his accomplishments both as an outstanding member of the bar and also in his private life. He is a fine family man and one of the outstanding men in the community.

There are many in Arizona, both on the Democratic side and on the Republican side, who have come forward with statements supporting Mr. Rehnquist. We have had a considerable response from the academic community. In fact, in one of our schools, Arizona State University, the dean of the Law School, tried to obtain Mr. Rehnquist's services. The dean offered him a very good position at the Arizona State University, but Mr. Rehnquist had an obligation with the Justice Department; he had made a commitment, and so he did not accept that assignment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FANNIN. I feel that the greatest praise we can give to this man is the fact that the people who have been associated with him are his very strong supporters. Even when they have opposed him, whether in legal cases or in political causes, they still speak very highly of him. When statements have been made about what Mr. Rehnquist is alleged to have done on different occasions, and they knew those statements were wrong, his former adversaries as well as his friends were quick to make efforts to correct the record. I have had many calls from Arizona after the stories we saw in the press, and there were many who wanted to come back and appear as witnesses, but time was limited, and we did not think it was necessary. This man has such a splendid, impeccable record, I did not see how he could possibly be challenged. Mr. President, I think it is now very clear that the attempts to raise questions about his outstanding reputation have failed, and I feel very confident that this man will be overwhelmingly approved by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. I yield 3 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, no one believes in the principle of full and free debate more than this Senator. So much has been said on this subject that I feel no need to expound further on this feature. But I have also voted for cloture in the past when I have been convinced that a discussion on the Senate floor has become relatively meaningless with regard to the issue being considered. This is why I will vote in favor of cloture today.

We could go on and on talking about Mr. Rehnquist, of course. Most of this would be sheer repetition, however—a devise that the record will show has already been used to excess. We have heard over and over about the nominee's alleged lack of devotion to civil rights, his alleged lack of sensitivity to human liberties, and even his alleged lack of candor and honesty. We have heard of his alleged unwillingness to disclose his position on certain issues and then, when he makes a clear and unequivocal statement, he is allegedly not believed. If I have heard or seen the quotation which follows once, I have heard or seen it a dozen times:

> We are no more dedicated to an "integrated" society than we are to a "segregated" society.

Mr. President, repetition is not full and free debate. It is instead a very obvious attempt to follow the doctrine that if you repeat something often enough and loud enough people may begin to believe it. Not that I really blame the opponents of this nomination from attempting to use this technique, for they have little of substance to offer. I feel strongly, however, that the time has come to end this fruitless exposition and get on with the business of the Senate. This is why I signed the cloture petition, and why I will support it with my vote.

Those who want this nomination defeated act as if the supporters of Mr. Rehnquist were bulldozing this man through the Senate. But let us look at the facts. First, the following chronology of events will no doubt be of interest to all Senators:

Nomination made, October 21;
Hearings begun, November 3;
Hearings concluded, November 10;
Committee exchange session, November 11; November 18; November 23;
Minority views filed, November 30; and
Debate on floor begun, December 6.

It might further be pointed out that on November 11, at the first executive session of the Judiciary Committee, a majority was ready to report the nomination to the Senate. Four Senators, however, delayed a committee vote until November 23—and then asked for an additional week to file minority views. I am not complaining, Mr. President, as this is their right. However, when we talk about insufficient time to explore this nomination this sequence of events must be borne in mind.

Let us talk about another nomination for a moment. Mr. Butz, now Secretary of Agriculture, was nominated by the President on November 11. This was a situation not without some controversy. In fact, I would venture the guess that Mr. Rehnquist will be confirmed by a greater margin than that by which Secretary Butz was approved by the Senate. And yet, the Senate managed to explore this candidate and work its will by December 2. This nominee's name was sent up after Mr. Rehnquist, and he has already been confirmed.

Mr. President, here are a few more facts on the subject of exploration. Have Senators had a chance to express their views, for the record or otherwise? An examination of the CONGRESSIONAL RECORD will show that the opponents of Mr. Rehnquist have been able to fill some 202 columns of the RECORD with statements of concern about the candidate—all prior to the date the actual floor debate began. I would not begin to presume to set limits on anyone and the fullest expression of his views. However, 202 columns is not an insignificant amount when one considers the size of the print used in the RECORD.

Mr. Rehnquist's opponents have run up one trial balloon after another, only to see it shot down. While I admire their persistence and dedication to a cause in which they believe, I do not believe the Senate as a body should any longer indulge them in their fishing expedition. Frankly, I believe each time they raise an issue only to see it resolved by the true facts they lose more ground and more votes. Each day they have made their position less credible, not more. But there is no sense in prolonging this matter.

Let us waste no further time in sending him to the Court or, if the majority so decides, let us say now we do not want to send him there.

Mr. President, I have said in my individual views and on this floor that those who know Mr. Rehnquist best have given him the strongest support. This is of critical importance. We learn the makeup of a man when we can observe him on a daily basis, working and socializing with him over a period of time. In this connection, the Washington Post yesterday printed a letter from Richard Berg, a former attorney in the Office of Legal Counsel who is now executive secretary of the Administrative Conference of the United States. Having served under four Assistant Attorneys General who headed the office, Mr. Berg is in an excellent position to evaluate Mr. Rehnquist and compare him with his predecessors.

Mr. President, the letter is short, and the insight so valuable, that I ask unanimous consent that it be inserted at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Dec. 9, 1971]

REHNQUIST'S APPROACH

Since the public discussion of the nomination of William Rehnquist to the Supreme Court has turned to a considerable extent on his civil rights record, I believe that some comments of mine may be pertinent.

I served as an attorney in the Office of Legal Counsel of the Department of Justice for eight years (1961–65, 1967–71). In the latter period, which included two years under Mr. Rehnquist, I worked on most of the civil rights problems handled by the Office, including the question of the legality of the Philadelphia Plan.

Mr. Rehnquist's approach to these problems, like his approach to all other matters on which we worked together, was objective and lawyerlike in the highest degree. He never expressed or showed, to my knowledge, any reluctance or disinclination to interpret or enforce the laws against discrimination in accordance with a sympathetic reading of their terms. Indeed, the legal opinions and memoranda on civil rights matters issued by the Office during Mr. Rehnquist's tenure differed little, if at all, in general philosophy from those issued by his predecessors.

It was suggested, however, in Professor Arthur Miller's article of some weeks ago that Mr. Rehnquist's legal conclusions as head of the Office of Legal Counsel were shaped by a desire to please his superiors. No lawyer can be oblivious to the needs of his client, and the president's lawyer's lawyer is no exception. For any head of the Office of Legal Counsel there is an obvious tension between his role as adviser to and advocate for the Executive Branch and his role as the foremost interpreter and expounder of the law to the Executive Branch. I served in the office under four assistant attorneys general, all lawyers of uncommon ability and integrity. Of the four Mr. Rehnquist was, in my opinion, the most objective, and the most rigorous in excluding nonlegal considerations from the process of resolving a legal problem.

In his tenure as head of the Office of Legal Counsel Mr. Rehnquist has won the respect and high regard of his colleagues, including many, like myself, whose views on political and social issues differ considerably from his. I believe that Mr. Rehnquist is highly qualified for service on the Supreme Court and that the Senate should confirm his nomination.

RICHARD K. BERG.

ARLINGTON.

Mr. HRUSKA. He concluded that letter with the following statement:

> I served in the office under four assistant attorneys general, all lawyers of uncommon ability and integrity. Of the four Mr. Rehnquist was, in my opinion, the most objective, and the most rigorous in excluding nonlegal considerations from the process of resolving a legal problem.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HRUSKA. One more minute, please?

Mr. FANNIN. I yield the Senator 1 additional minute.

Mr. HRUSKA. Mr. President, it has been said that this nominee is more in favor of executive power than of congressional power. Yet it is overlooked that he asserted that position when he was a representative and an advocate of the executive department.

What else would one expect of him?

Secondly, I want to mention a classic example of his always being bound by the limitations of the Constitution. Up until the time Mr. Rehnquist came to the legal counsel's office it had been the position of the Department of Justice that there was an inherent right on the part of the National Government to wiretap in cases of national security. Mr. Rehnquist pushed that aside, and asserted instead this doctrine: that it was reasonable, within the Bill of Rights, for the National Government to wiretap in cases of national security—a classic example of his being for the executive, but all within the bounds of the Bill of Rights.

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. Mr. President, will the Senator yield me 4 minutes?

Mr. FANNIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has only 3 minutes remaining.

Mr. FANNIN. I yield it to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the opponents of this nominee have struck the rock of reason and evoked a waterfall of illogic.

They have abandoned totally, they have jettisoned, every one of the 100 or more arguments which they raised in hearings in the committee and elsewhere in order to rely on an undated, unsigned, otherwise unsubstantiated—by them—document which allegedly reflected the views 19 years ago of the nominee. How ridiculous can you get? How many people live who know what really happened on that occasion? One man. They evoke

the opinions of Mr. Justice Jackson. They allege the nominee held different opinions or the same opinions, as the argument suits them.

What really happened? Only one other man living today, so far as we know, was there, and that is Mr. Cronson of London. A reporter from the Baltimore Sun called him, and Mr. Cronson said:

We haven't even heard of this furor over here. We didn't know about this law clerk memorandum, but I have it. As a matter of fact, I wrote most of it.

As a matter of fact, as I have been arguing for over a week there were two memorandums. I had only a well-founded instinct as a lawyer that a Justice would want to know both sides. He did.

Then what does Mr. Cronson say? That Rehnquist has all these deplorable views attributed to him. Not at all. Mr. Cronson says that he and Mr. Rehnquist both personally thought at the time that Plessy against Fergusen was wrong and "We wrote the first memorandum to that effect."

That shoots the whole argument out of the water. Since they have elected to put everything that they had, all their eggs, into one fragile, melting basket, they find nothing to support their one remaining argument.

Mr. Rehnquist thought that law was bad, and he wrote some portion of these two memorandums, and the other man wrote some portion of the two memorandums.

There is no reason at all why the nomination should not be confirmed.

The PRESIDENT pro tempore. The time of the Senator has expired. Who yields time? The Senator from Indiana has 8 minutes.

Mr. BAYH. I yield myself 6 minutes.

Mr. President, I think it is important for the Senate to understand what is happening here. We are trying to invoke cloture. That is the issue; the merits of the nominee are not being debated.

Interestingly enough, it is my judgment that the charges that have been made by those in support of the nominee lend support to our contention that we have not had adequate debate. The distinguished minority leader just got through substantiating this. He talked about our coming up with an undated, unsigned memorandum. That memorandum, strangely enough, had the initials of the nominee at the bottom. Although he has written us three pages explaining his recollection of what was in that memorandum, he has not denied that he wrote it—has not denied it. I believe his recent letter actually acknowledges authorship.

Now this surrebuttal raises more questions. If this latest telegram is to be believed, why did not the nominee, in explaining the anti-Brown against Board of Education memorandum, mention that there had been a preceding memorandum? Why did he not mention that there was a man by the name of Cronson, who had been his coclerk? He said nothing about coauthorship. He did not say anything about somebody else expressing the views in the memorandum. Nothing.

I want to say, before going ahead, that I concur with the Senator from Pennsylvania; the Senator from Kentucky, no one will ever be able to answer these questions finally, I was not there. Nobody really knows what was in Justice Jackson's mind. But I will take issue whenever anybody who is going to be on the Supreme Court of the United States has the audacity to write the U.S. Senate a letter suggesting that the content of that memorandum was prepared to express the views of the late Justice Jackson. It just makes no sense at all.

I suggest that Justice Jackson believed exactly the opposite of the views that were expressed in that memorandum. That is what I take issue with, and I think these questions have not been laid to rest. They have not been laid to rest.

Why did not Mr. Rehnquist mention the presence of Mr. Cronson? Why did he suggest that he, indeed, did prepare these words in the memorandum for the Justice to use as his own statement of his own views at conference? I read in this morning's paper that the late Justice's secretary had expressed her disdain and concern that Mr. Rehnquist had said that this memorandum represented the late Justice Jackson's views. I think she summed it all up by saying that the man who opened and closed the Nuremberg Trial did not need a 28-year-old law clerk to tell him how to argue before his brethren or colleagues on the Supreme Court of the United States.

That is why I think the question of credibility has been raised. I could understand if a man could not remember what has happened, but when he does remember, when he does recollect what happened, and he tries to suggest that the content of that 1952 memorandum is consistent with the views of the late Justice Jackson, that just is not based on the fact.

I see my friend, the Senator from Hawaii, sitting here. I am sure he is very familiar and sensitive about the issue that was before the Court dealing with the way in which the Japanese-American citizens were treated during World War II. The man who wrote the stellar, the ringing defense in opposition to what the Supreme Court decided—that those American citizens could be put in detention camps—was Justice Jackson. He argued eloquently that one could not, indeed, treat individuals this way.

Yet, to suggest that some of the passages in this memorandum, which are directly contrary to the Jackson dissent in the Korematsu case are Jacksonian phrases, is totally wrong—totally wrong. And it is impossible to suggest that Justice Jackson was not a strong advocate of personal liberties or individual rights over property rights, when one recognizes that Jackson was the one who wrote the Barnette case—a very tough decision about the rights of Jehovah's Witnesses children not to pledge allegiance to the flag if that was going to be demeaning to them in their religion. This is just not the Justice Jackson of that memorandum.

I do not know whether Cronson is right or whether Rehnquist is right, but I think the Senate ought to look into it and not rush headlong into a Christmas recess in an effort to tend to our own convenience rather than to the qualifications of the man whose nomination is now before the Senate.

The PRESIDENT pro tempore. The time of the Senator has expired. There are 2 minutes remaining. Who yields time?

The Senator from Indiana has 2 minutes.

Mr. BAYH. Since I have 2 minutes, as I look around the floor here, I am sure we can change a lot of votes.

I have been in the Senate for 9 years, and I have not participated in any filibuster and do not intend to, but I would hope that the Senate would give us a chance to answer the questions that have been raised.

I would like to answer my friend, the Senator from Kentucky, whom I did not have the chance to answer earlier. I would be glad to talk to him, or the minority leader, or anybody else, about what date certain the Senator from Indiana will set, I do not know what facts are going to arise. I was thinking that we would have voted by now, had that 1952 memorandum not been uncovered last Sunday. Now it has been answered, and it has been reanswered. The telegram from London, and the Rehnquist reply are diametrically opposed to one another.

I ask anyone in the Senate to look at the Cronson explanation of that memorandum and to look at the Rehnquist explanation of that memorandum, and then to decide for himself whether those are similar replies or whether they are totally inconsistent and therefore inconclusive.

CALL OF THE ROLL

The PRESIDENT pro tempore. The hour of 12 o'clock noon having arrived, under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 445 Ex.]

Aiken	Fong	Montoya
Allen	Fulbright	Moss
Allott	Gambrell	Muskie
Baker	Goldwater	Nelson
Bayh	Gravel	Packwood
Beall	Griffin	Pastore
Bellmon	Gurney	Pearson
Bentsen	Hansen	Pell
Bible	Harris	Proxmire
Bogga	Hart	Randolph
Brock	Hartke	Ribicoff
Brooke	Hatfield	Roth
Buckley	Hollings	Saxbe
Burdick	Hruska	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Humphrey	Sparkman
Cannon	Inouye	Spong
Case	Jackson	Stafford
Chiles	Javits	Stennis
Church	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Stevenson
Cooper	Kennedy	Symington
Cotton	Long	Taft
Cranston	Magnuson	Talmadge
Curtis	Manafield	Thurmond
Dole	Mathias	Tower
Dominick	McGee	Tunney
Eagleton	McGovern	Weicker
Eastland	McIntyre	Williams
Ellender	Metcalf	Young
Ervin	Miller	
Fannin	Mondale	

The PRESIDENT pro tempore. A quorum is present.

VOTE

The PRESIDENT pro tempore. Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate is: Is it the sense of the Senate that debate on the confirmation of the nomination of William Rehnquist to be an Associate Justice of the Supreme Court of the United States shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will now call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

Also if present and voting the Senator from Maine (Mrs. SMITH) would vote "nay."

The yeas and nays resulted—yeas 52, nays 42, as follows:

[No. 446 Ex.]

YEAS—52

Aiken	Fong	Randolph
Allott	Gambrell	Ribicoff
Baker	Goldwater	Roth
Beall	Griffin	Saxbe
Bellmon	Gurney	Schweiker
Bentsen	Hansen	Scott
Boggs	Hatfield	Sparkman
Brock	Hollings	Stafford
Buckley	Hruska	Stennis
Chiles	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Taft
Cotton	Long	Talmadge
Curtis	Magnuson	Thurmond
Dole	McIntyre	Tower
Dominick	Miller	Weicker
Eastland	Montoya	Young
Ervin	Pearson	
Fannin	Pell	

NAYS—42

Allen	Fulbright	McGovern
Bayh	Gravel	Metcalf
Bible	Harris	Mondale
Brooke	Hart	Moss
Burdick	Hartke	Muskie
Byrd, Va.	Hughes	Nelson
Byrd, W. Va.	Humphrey	Packwood
Cannon	Inouye	Pastore
Case	Jackson	Proxmire
Church	Javits	Spong
Cooper	Kennedy	Stevenson
Cranston	Mansfield	Symington
Eagleton	Mathias	Tunney
Ellender	McGee	Williams

NOT VOTING—6

Anderson	McClellan	Percy
Bennett	Mundt	Smith

The PRESIDENT pro tempore. On this vote the yeas are 52 and the nays are 42. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is rejected.

The Senator from Indiana addressed the Chair.

The PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. PASTORE. Mr. President, may we have order now?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BAYH. The Senator from Indiana would like to have 5 minutes to explain to the Senate his thoughts on where we are on this nomination while we all are here. It is the understanding of the Senator from Indiana that we have a previous unanimous consent agreement.

What steps would the Senator from Indiana have to take to have the opportunity to proceed at this time for 5 minutes?

The PRESIDENT pro tempore. Without objection, the Senator may proceed.

Mr. BAYH. Mr. President, my colleagues, this is the first time during this debate where the number of Senate colleagues present is consistent with the importance of the issue. I say that not as a matter of controversy because I know full well the heavy demands that have been on the shoulders and in the minds of each and every Senator here. Each of us has legislative responsibilities, conference committees, the responsibility to tie up last minute details on legislative issues, and, thus, we have not had the opportunity to give careful attention to this Supreme Court nomination.

Some of us, and he Senator from Indiana happens to be one, and other Senators who are members of the Committee on the Judiciary—the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. TUNNEY), and the Senator from Indiana—have been personally charged with this responsibility and thus have studied it very carefully.

After great consideration we compiled a minority report, which some Senators may have had a chance to read. Since the compilation of that report other matters have come to the attention of the Senate which are not contained therein, although there are some Rehnquist supporters who feel strongly that all these questions have been dealt with. I suggest that anyone who feels that way should read the eloquent presentation made by the junior Senator from Massachusetts yesterday relative to the differences of opinion raised by the 1952 memorandum, the efforts on the part of the nominee to explain them, and now, efforts on the part of a coclerk, now in London, to explain them differently. I suggest that anyone who reads that presentation has to come to the conclusion that the Senate has not dealt with answering the questions. The Senator from Indiana really has not been able to resolve all the questions in his own mind.

I intend to send to the desk a resolution, and to ask the Senate to consider it, postponing further consideration of this nomination until the first day we return after the Christmas recess, and guaranteeing that we vote on it at that time, that no further debate, or limited debate be agreed upon. I think this is a good faith effort to try to show that the Senator from Indiana and those of us who are trying to explore the issues are not trying to use the floor of the Senate to prevent the question from being put.

I have talked to the majority leader and he is opposed to this, and he will express himself, because of commitments he made.

I feel that to put this matter over to the first of the year and then vote on it up or down is consistent with what we have done on other controversial matters, such as the education bill, the genocide bill, and equal rights for men and women amendment. We have put those measures off to next session.

It is also consistent with the amount of time which elapsed during which the Senate debated this nomination, compared with the amount of time that has been used to debate previous nominations on which there was controversy.

It would meet the convenience of the Senate. The Senate has not been inconvenienced. We would not be home before now if it were not for the Rehnquist nomination. But if we went on to pursue this matter it might cause inconvenience to the Senate.

My proposal would give us a chance to study the issues, absent international turmoil with which the world is faced, and absent legislative packages which have come to this body in the last week or two, before we put a man on the Supreme Court.

Before we put a man on the Supreme Court for the best part of a quarter century, let each of us in his own mind determine that the questions have been laid to rest finally.

I can note that right now there is a strong majority supporting the Rehnquist nomination. I doubt very much if between now and the first and second day upon returning that very many Senators' minds are going to be changed, but I think each of us would have a better opportunity to resolve in his own mind the accuracy of the determination we have made now.

I suggest that Senators not make this final determination in a precipitate effort to convenience the Senate. We all want to adjourn. But let us put our responsibility for the Court above our personal convenience.

Mr. President, I send to the desk the motion.

The PRESIDENT pro tempore. The motion will be stated.

The assistant legislative clerk read as follows:

I move that the Senate postpone further consideration of the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court until January 15, 1972.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized for 4 minutes and that one-half of that time be given to the distinguished minority leader, the Senator from Pennsylvania.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, reserving the right to object, and I will not object, the Senator from Indiana is fully aware of the fact that the best way to dispose of this particular motion, I am told by the Parliamentarian, is to table it, and thus, to cut off further debate. I would be willing, if I may say to the distinguished minority leader and the distin-

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guished majority leader, to agree to a definite time certain to vote on the measure.

I am not trying to be arbitrary but I would like some give and take so we have a full discussion of views here on the motion.

Mr. MANSFIELD. Mr. President, may I say that this disrupts the schedule somewhat. I hope it will not discommode anyone insofar as the votes already announced are concerned.

It is anticipated that on the basis of the move made by the Senator from Indiana, a move entirely within his rights as a Senator, that that vote might be delayed in view of the situation which has developed.

May I first, before making my position clear, ask the distinguished Senator from Indiana if he would agree to a vote on his motion at 1 o'clock.

Mr. BAYH. Mr. President, I have no objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a vote on the pending motion occur at the hour of 1 o'clock.

The PRESIDENT pro tempore. Is there objection?

Mr. CANNON. Mr. President——

The PRESIDENT pro tempore. The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, I demand the yeas and nays.

Mr. CANNON. Mr. President, reserving the right to object——

Mr. SCOTT. Mr. President, a point of order. The Chair has ruled.

The PRESIDENT pro tempore. The Chair has announced the vote would be at 1 o'clock.

Mr. SCOTT. Mr. President, I demand the yeas and nays on the vote.

Mr. CANNON. Mr. President, I requested recognition, reserving the right to object.

Mr. MANSFIELD. Mr. President, I ask that the request granted be vacated, in view of the situation that has arisen.

The PRESIDENT pro tempore. Is there objection to the request of the majority leader to vitiate the agreement? The Chair hears none, and it is so ordered.

Mr. CANNON. Mr. President, I am simply trying to clarify one point. Did I understand the motion provides for the date January 15? January 15 happens to be a Saturday, I believe, and I am trying to clarify the date when we are going to come back in session——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the date be changed to January 18.

Mr. BAYH. Mr. President, the Senator from Indiana does not intend to object.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. ALLEN. Would the motion of the Senator from Indiana be amendable?

The PRESIDENT pro tempore. Yes.

Mr. MANSFIELD. Mr. President, I renew my request.

The PRESIDENT pro tempore. That the Senate vote at 1 o'clock?

Mr. MANSFIELD. Yes.

The PRESIDENT pro tempore. And that the date in the motion be changed to January 18? Without objection the date in the motion will be changed to January 18.

Mr. MANSFIELD. Yes.

The PRESIDENT pro tempore. That the vote occur at 1 o'clock. Without objection——

Mr. MILLER. Mr. President, reserving the right to object—and I shall not object—may I ask the distinguished leader, in view of the question of the Senator from Alabama (Mr. ALLEN), is this 1 o'clock vote to be on the motion without regard to any amendments that may be offered to it, or will we have time to consider any amendments to be offered at that time?

Mr. MANSFIELD. No; under the rules amendments could be offered, but they would not be debatable.

Mr. SCOTT. After 1 o'clock. After the vote.

Mr. MILLER. Mr. President, if the Senator from Alabama is going to offer an amendment, it seems to me he ought to have time to explain it. I thought the Senator would yield him 5 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for several more minutes, and I would hope that we would not engage in a squabbling match.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. A most serious issue is before us. The Senator from Indiana, in good faith, is trying to achieve what any Senator has a right to do—to set a date certain on which to vote on the pending nomination. The agreement had already been entered to vote at 1 o'clock. Then the distinguished Senator from Alabama raised a question as to whether or not amendments could be offered. The Chair answered in the affirmative. But if the time is used up between now and 1 o'clock and amendments are offered at that time, they are not debatable, but they can be voted on if the Senate so desires.

So again I renew my request that the vote occur at 1 o'clock.

The PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, just for the information of the Senate, we have an agreement to vote on S. 1874, so I do not want any illusion that if we agree to the majority leader's recommendation there will be that much time, because 15 minutes will be used for the rollcall vote. If the Senator would like to couple his request with the request that the vote on S. 1874 come after the motion, I will be glad to agree, but I think Senators should be informed that we are going to use 15 minutes of the next 25 minutes on a rollcall vote.

Mr. MANSFIELD. The Senator is not going to lose any time on the next bill——

Mr. KENNEDY. I understand, but I understood the Senator wanted 5 or 7 minutes for an opportunity to discuss the matter, and there would not be that much time if we proceed under the previous order——

I am glad to hear the request of the majority leader, but I just thought the vote on S. 1874 should be put off until after the vote at 1 o'clock.

Mr. MANSFIELD. That is correct, and the Senator will lose not one second.

I make that request, Mr. President.

The PRESIDENT pro tempore. Is there objection to the request to postpone the vote on the bill (S. 1874) until after the vote is had on the motion? Without objection, it is so ordered——

Mr. HUMPHREY. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, if we keep having objections, the hour of 1 o'clock is going to be passed and we will not be able to get to it. We will not have time.

The PRESIDENT pro tempore. There has to be unanimous consent.

Mr. HUMPHREY. Mr. President, I am not going to object. I want to ask a parliamentary inquiry on the vote on S. 1874. Is that subject to further amendment?

The PRESIDENT pro tempore. Yes, it is, but there is no time for further debate.

Is there objection to the request that the Senate vote at 1 o'clock? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time between now and 1 o'clock be equally divided between the distinguished minority leader and the distinguished Senator from Indiana (Mr. BAYH).

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the minority leader yield me 2 minutes?

Mr. SCOTT. Yes.

Mr. MANSFIELD. I am torn by the move made by the distinguished Senator from Indiana because of the fact that at the time these nominations were first brought before us, in my capacity as the majority leader I stated to the Senate that we would stay with these two nominations until they were completed. I had anticipated that that would be the situation which would bring about a final vote on both the Powell and Rehnquist nominations this month.

However, I must reiterate, the Senator from Indiana is wholly and fully within his rights. I make this explanation only to indicate to the Senate that it was the intent of the joint leadership to stay with these nominations until finished. It may well turn out to be that way. Only the final count will tell. But at the same time I emphasize that while this will not be possible under certain circumstances, the Senator from Indiana is absolutely, wholly, and fully within his rights to make the motion which is now before the Senate for consideration.

Mr. SCOTT. Mr. President, I yield myself 3 minutes, first of all for a parliamentary inquiry.

It is now the order of the Senate that we vote at 1 o'clock today on the motion of the Senator from Indiana and any amendments thereto. Is that correct?

The PRESIDENT pro tempore. That is correct.

Mr. SCOTT. Would an amendment be in order in the nature of a substitute that the Senate proceed immediately to

vote on the nomination of Mr. Rehnquist?

The PRESIDENT pro tempore. It would not be in order.

Mr. SCOTT. Would the Chair advise me why a substitute amendment in that form would not be in order?

The PRESIDENT pro tempore. Under rule XXII, when a question is before the Senate, the following motions are in order before the motion pending is disposed of: to adjourn; to adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain; to take a recess; to proceed to the consideration of executive business; to lay on the table; to postpone indefinitely.

All those motions are in order before the question can be disposed of. Such a substitute would have the effect of shutting out these motions. Besides, it takes unanimous consent to set a specific time to vote on final passage of a bill or to fix a time for final action on a treaty or nomination.

Mr. SCOTT. Mr. President, I first demand the yeas and nays, then, on the vote.

The yeas and nays were ordered.

The PRESIDENT pro tempore. Who yields time?

Mr. SCOTT. I now yield myself 3 minutes.

Mr. President, I do not know how many Senators heard that motion, but I think if they did hear it, they would be appalled, because the motion is simply to postpone consideration to the date on which we reconvene, the 18th of January, at which time it is hoped that there will be matters of some importance before the Senate.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. SCOTT. Could I read the motion first?

I move that the Senate postpone further consideration of the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court until January 18, 1972.

I would rather finish first; I shall not be long.

Mr. BAYH. Mr. President, if the Senator will permit me to state this, the original proposition of the Senator from Indiana when we were discussing the matter and talking about the parliamentary rules was to establish not only the date of the 18th, but to guarantee a vote after 2 hours of debate, the time to be equally divided between the opposing factions.

I am advised by the Parliamentarian that that kind of motion would require a special order by a two-thirds vote. If the Senator from Pennsylvania will bear with me, I pledge that that is what I am trying to accomplish.

Mr. SCOTT. I appreciate the pledge of the Senator from Indiana, but it would not accomplish it, because on the 18th, any other Senator could raise the question that the matter is debatable, and we have no applicable rule; therefore we could be here from January 18 until July 4, or some such date, debating the Rehnquist nomination.

A far better reason, however, is the fact that the distinguished majority leader has given his word to the Senate that we will stay in session until we dispose of this matter. I have joined in that pledge, and have committed myself to a daily cloture motion until we dispose of it. I think we could dispose of it by the vote on the cloture motion tomorrow, is my judgment. So certainly the Senate is only falling over its own feet. If Senators should decide that all this debate is useless, then we will start afresh, with a whole lot of new ideas, on January 18.

Moreover, both the minority and majority leaders ought to have some trust on the part of their colleagues, and I believe we do. When we are trying to dispose of legislation and bring the Senate to an adjournment, we ought to have, and I hope we will have, the backing of our colleagues when we make commitments.

This commitment was made in good faith, and the majority leader ought not to be reversed by the Senate. While he has been very generous in saying that the Senator from Indiana has a right to do this—and I agree with that—and while I do not wish to belabor this point, I certainly hope that the Senator will not repudiate the majority and minority leaders.

The PRESIDENT pro tempore. Who yields time?

Mr. BAYH. Mr. President, I yield myself 30 seconds.

I ask unanimous consent that after the vote on the pending resolution, if it is accepted, the vote occur 2 hours after the reconvening of the Senate on January 18, the 2 hours to be equally divided between the Senator from Pennsylvania and the Senator from Indiana.

Mr. SCOTT. I object.

The PRESIDENT pro tempore. Objection is heard.

Who yields time?

Mr. BAYH. Mr. President, I yield myself such time as I may require.

Mr. President, the Senator from Indiana is operating in as good faith as he knows how, and I do not find anyone here to suggest that, although we may differ on issues, we have had a breakdown of faith between the Senator from Indiana and another individual Senator.

I think it is important for the Senate to answer one question, and that is: Has each Member of this body had a sufficient opportunity to look at all of the factors involved in this nomination?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. BAYH. The Senator from Arkansas (Mr. FULBRIGHT) this morning was on the floor of the Senate articulating once again in a most eloquent manner his opposition to the nominee on the basic question of division of powers.

Do we want a man put on the Supreme Court of the United States who, the Senator from Arkansas feels very strongly, does not have the proper respect for the legislative branch, and wantstoexpand t he powers of the executive branch?

I do not know whether every Member or any Member of this body has had a chance to study the very pertinent remarks of the Senator from Arkansas. How many Members of this body have had a chance to read the Cronson telegram? How many have had a chance to read the Rehnquist response in explanation of the 1952 memorandum? How many have had a chance to read the memorandum?

These are questions which have to be asked and answered and laid to rest in my mind before I could vote on the nomination, and I would think every other Senator would feel likewise.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. Let me just finish with one other sentence.

I made this motion with great reluctance, because I knew in advance—I had discussed the matter with the majority leader, and he knew what I was going to do—that because of his commitment to resolve the question—and I would not want to cause the majority leader to violate his commitment—he would vote against the motion of the Senator from Indiana.

But I respectfully suggest that any commitment that was made; was made on the basis of the facts which existed at the time. There have been a number of facts disclosed since the decision was made to resolve this issue before we go home that were not present and available to the majority leader or the minority leader at the time that commitment was made.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

The PRESIDENT pro tempore. How much time does the Senator yield?

Mr. PASTORE. Mr. President?

I think the Senator from Indiana is absolutely correct, in the sense that many of us have been busy in conferences and have not had the opportunity to be on the floor of the Senate as the merits of this particular nomination deserved, and I do not think anything should be tied up here with our desire to go home for Christmas. I think that, too, would be a mistake.

I think, in view of the fact that we had the Cronson rebuttal, and then the rebuttal by Mrs. Douglas, we ought to have the weekend over which to consider some of these communications.

Would the Senator from Indiana be willing, in view of the fact that there is another cloture motion that will be voted on tomorrow, to consider a unanimous consent agreement to vote at 5 o'clock, let us say, next Monday, giving us an opportunity to read the record over the weekend and to read these letters over the weekend?

I think much of the story has been told. I think some parts of it have not been completely told. But that would give us the opportunity, over the weekend, to study the record, as we would want to in our individual capacities and responsibilities, and then it could be debated the rest of the day today. Here it is, only a quarter to 1. It could be debated all day tomorrow, we could debate it with ourselves on Sunday, and we could debate it again in communication with one another on Monday, and at 5 o'clock have a vote.

I think at that time the complete story

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would have been told, and we could get away from all of these cloture motions and we could get away from all of this misunderstanding.

I would hope the Senator would consider that. I repeat, I have not made up my mind. I may vote for him, and I may vote against him. But the fact remains that at some point, there must come a time of decision, and the question is: Has the full story been told?

Maybe it has not been fully told, as the Senator from Indiana has said. He would have 2½ days to tell the rest of it, and we would have 3½ days to consider it.

I would hope the Senator would consider that, and withdraw his motion, and that the cloture motion would be withdrawn.

We are going to come back here next Monday.

We are hung up on the foreign aid bill. We are hung up on the defense appropriation bill. We are hung up on the campaign and election reform bill. We are pretty well hung up, if you ask me. [Laughter.]

That being the case, I think that if we could get a unanimous-consent agreement to vote at 5 p.m. on Monday, we would eliminate all this confusion.

The PRESIDENT pro tempore. Is the Senator putting that in the form of a request?

Mr. PASTORE. No.

The PRESIDENT pro tempore. Who yields time?

Mr. BAYH. Mr. President, what is the time situation?

The PRESIDENT pro tempore. The Senator from Indiana has 7 minutes, and the Senator from Pennsylvania has 3 minutes.

Mr. BAYH. Mr. President, I think the request of the Senator from Rhode Island is very reasonable. Those of us who have carried on what I think is a most legitimate debate on the merits of the Rehnquist nomination have been very concerned about imposing our feelings and the continuance of this debate on the Senate. However, the Senator from Indiana has two reservations about it.

Although there are some here who have said that the Rehnquist nomination might necessitate the possibility of a delay, going on until Christmas—I have heard some of these proclamations—this has not been the case, and it is not my desire. I have heard from some that it is entirely possible that we will be out of here by Saturday night. Frankly, the Senator from Indiana does not want to cause his colleagues to come back on Monday.

I would, however, like to get a test of the Senate. If a sizable majority of the Senate feels that they have really answered all these questions in their own minds, in the face of 42 Members of the Senate who have said they have not, just now, then the Senator from Indiana would be willing to accept such a unanimous-consent request. But I suggest that I just heard that a number of reporters have talked to Mr. Cronson, who is now in Gstaad, Switzerland. I understand that he does not have access to the memorandum which he says he and Mr. Rehnquist wrote, the one that Mr. Rehnquist has tried to explain to us.

I do not see how any of us, between now and Monday, can answer the questions that have been raised in our minds. With a date certain, with a guarantee that we are going to vote as soon as we return, we can be free to consider the other business before us. We could go home, study this matter, come back, have a couple of hours of debate, and put it to rest.

The PRESIDENT pro tempore. Who yields time?

Mr. COOPER. Mr. President, will the Senator yield?

Mr. SCOTT. I yield 1 minute to the Senator.

Mr. COOPER. Mr. President, the Senator from Indiana has said that the vote on cloture indicated that many of us have not made up our minds. I voted against cloture, as I said yesterday I would, because I thought that over the weekend everyone would have the opportunity to study the record and the opponents to provide any additional information. I am for Mr. Rehnquist, I spoke in his support yesterday so I do not want it to be thought that my vote against cloture meant I am against him.

I think the proposal of the Senator from Rhode Island is very reasonable. I have read the record and the report in just a few hours and the speeches of those who have spoken against Mr. Rehnquist.

I think one can read the record of hearings, read it all, in a few hours. We should vote on the nomination in this session.

Mr. SCOTT. I yield myself 1 minute.

Mr. President, I think the Senator from Indiana is justified in saying that he wants a record vote of the views of his colleagues. Our point is, of course, that the majority leader and I are committed, and we will stay committed, that we should vote on it now. I am opposed to the resolution. The majority leader said he is opposed to the resolution at the desk. I hope it will be rejected. I do not think we need too much time on it.

I would hope we could then move to a decision either to vote up and down on the nomination or to go on to cloture tomorrow. Anything that serves the convenience of the Senate serves the convenience of the majority leader and the minority leader.

If the Senator from Indiana wishes to yield back his time, I will be glad to do the same.

The PRESIDENT pro tempore. Who yields time?

Mr. BAYH. Mr. President, what is the time situation?

The PRESIDENT pro tempore. The Senator from Indiana has 3 minutes remaining.

Mr. BAYH. How much time does the Senator from Pennsylvania have to yield back?

The PRESIDENT pro tempore. Two minutes.

Mr. BAYH. I would rather use the 3 minutes at my disposal.

I think it is important for us to recognize that the Supreme Court is about to go into recess. I am advised that they are not going to return until the 10th of January. I am advised, also, by a recent story in one of the local newspapers that the Court has done an exceptional job and is far ahead of where it was this time last year and the year before, so far as its docket is concerned.

I say to Senators that I do not think we are imposing any great burden on the country or on the Court. What we are deciding is whether, after 3 days of debate on a Supreme Court nomination, we are going to say that we will invoke cloture, or whether we are going to put it off to a day certain, after the disposition of the other matters that have occupied our minds during the last 2 weeks, and then give this matter the kind of attention and deliberation a decision like this deserves.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. FULBRIGHT. I recall that in the case of the nomination of Justice Fortas to be Chief Justice, a tremendous change came about by virtue of the time that elapsed and certain incidents which were brought to light. It seems to me that in view of the fact that the Court is going into recess, nothing is to be lost by having the vote on the 17th of January.

Nobody knows what will turn up in the meantime.

Mr. BAYH. That is right—nobody knows what will turn up in the meantime. But I think of greater significance is the fact that we will have a chance to thoroughly examine what has been brought up already.

I suggest that this is consistent with what this body has tried to do during the past month. In an effort to adjourn by Christmas, we have put off a half-dozen or so very important matters—which is understandable—so that we can approach them carefully and give them the type of consideration they deserve next year. We have postponed the post card registration matter, the EEOC, the genocide treaty, the equal rights amendment, the higher education bill. These matters were put off so that the Senate will have a chance to make a final determination in a responsible, dispassionate way. No date was set for those matters. I think we should set a date certain on the nomination. I do not want to filibuster this. I do not want to treat this nomination the way the Fortas nomination was treated.

I think we all owe an obligation to ourselves to consider this in the environment in which we can make a dispassionate, objective decision, and then let the nomination rise or fall on the merits.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. I yield 2 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I voted against cloture. I did so because I wanted to give additional time to the opponents to debate on the floor of the Senate the Rehnquist nomination.

I favor the nomination of Mr. Rehnquist, but I wanted the opponents to have additional time. Under this proposal there will be no more debate on the floor, but the nomination will be carried over until January, another month.

I do not think that is fair to the nominee. I do not think it is fair to the President.

As a result of this, I must reexamine any future votes, if there are any future cloture votes, on this nomination.

I shall vote against the pending proposal by the Senator from Indiana (Mr. BAYH).

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. All time has expired.

Mr. BAYH. Mr. President, is a parliamentary inquiry appropriate?

The PRESIDENT pro tempore. The Senator will state it.

Mr. BAYH. Is it possible for the Senator from Indiana to change his amendment to read that the pending order of business, the nomination, will be debated until the Senate adjourns sine die. At that time, the nomination will be put off until the January 18 date——

Mr. SCOTT. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. It would take unanimous consent to do that.

Mr. DOLE. Mr. President, I object.

Mr. HANSEN. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I ask that the clerk restate the motion for the benefit of the Senate.

The PRESIDENT pro tempore. The clerk will state the motion.

The legislative clerk read the motion as follows:

I move that the Senate postpone further consideration of the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court until January 18, 1972.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Indiana (Mr. BAYH).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) would each vote "nay."

The vote was announced—yeas 22, nays 70, as follows:

[No. 447 Ex.]

YEAS—22

Bayh	Hartke	Nelson
Brooke	Humphrey	Pell
Cannon	Kennedy	Proxmire
Church	McGovern	Stevenson
Cranston	Metcalf	Tunney
Fulbright	Mondale	Williams
Gravel	Moss	
Hart	Muskie	

NAYS—70

Aiken	Ellender	Montoya
Allen	Ervin	Packwood
Allott	Fannin	Pastore
Baker	Fong	Pearson
Beall	Gambrell	Randolph
Bellmon	Goldwater	Ribicoff
Bentsen	Griffin	Roth
Bible	Gurney	Saxbe
Boggs	Hansen	Schweiker
Brock	Hatfield	Scott
Buckley	Hollings	Sparkman
Burdick	Hruska	Spong
Byrd, Va.	Hughes	Stafford
Byrd, W. Va.	Inouye	Stennis
Case	Jackson	Stevens
Chiles	Javits	Symington
Cook	Jordan, N.C.	Taft
Cooper	Jordan, Idaho	Talmadge
Cotton	Long	Thurmond
Curtis	Magnuson	Tower
Dole	Mansfield	Weicker
Dominick	Mathias	Young
Eagleton	McIntyre	
Eastland	Miller	

NOT VOTING—8

Anderson	McClellan	Percy
Bennett	McGee	Smith
Harris	Mundt	

So Mr. BAYH's motion was rejected.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. FANNIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

LEGISLATIVE SESSION

The PRESIDENT pro tempore. Under the previous order, the Senate will now return to the consideration of legislative business.

ORDER FOR RECOGNITION OF SENATOR MCCLELLAN TOMORROW

Mr. MANSFIELD. Mr. President, again I ask the Senate to indulge me and ask unanimous consent that I may be recognized to make a series of proposals.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the joint leadership is recognized tomorrow morning, the distinguished Senator from Arkansas (Mr. MCCLELLAN) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SUPPLEMENTAL APPROPRIATIONS BILL TO BE MADE THE PENDING BUSINESS UNDER A TIME LIMITATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the vote on the dental health bill, the supplemental appropriations bill become the pending business and that there be a time limitation of 1 hour, the time to be equally divided between the manager of the bill and the ranking minority Member or whomever he may designate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO VOTE ON CONFIRMATION OF NOMINATION OF WILLIAM H. REHNQUIST AT 5 P.M. TODAY

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Indiana, I ask unanimous consent that the vote on the confirmation of the Rehnquist nomination occur at 5 o'clock this afternoon.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. BAYH. Mr. President, reserving the right to object, and I will not object, the Senator from Indiana has tried his best, as have several of the other Senators, to convince the Senate that we have not had sufficient time to debate the pending question. This morning 42 Members of the Senate said "yea" to that question.

It is conceivable to the Senator from Indiana that a sufficient number of votes could be secured on tomorrow to again prevent cloture from being invoked.

In light of the vote which was just now taken, it seems that we have a clear indication of the number of Senators who feel that we need a prolonged length of time in which to discuss the matter.

The Senator from Indiana has not felt that those who opposed Mr. Rehnquist's confirmation should impose their views on the Senate and perhaps inconvenience the Senate thereby. I do not intend, as one Senator to do so.

Thus, with great reluctance, I am inclined not to object to the request of the majority leader.

Mr. NELSON. Mr. President, reserving the right to object, I wonder if the distinguished majority leader would respond to a question. I wish to make some remarks on this nomination. Am I assured that I will have about an hour and a half in which to speak prior to the time set for the vote?

Mr. MANSFIELD. I would think so, because we have an hour on the supplemental appropriations bill and 2 minutes on the District of Columbia revenue bill. We will have plenty of time. The time will be under the control of the Senator from Indiana and the distinguished minority leader or whomever he may designate. And I would hope that one of them would agree to that request.

Mr. NELSON. Mr. President, will the Senator from Indiana yield at least 30 minutes to me prior to the vote at 5 o'clock?

Mr. BAYH. I will be glad to yield to the

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Senator from Wisconsin. It is ironic in that we have several Members present who feel that Senators are not interested in debating this matter. Here, we have the example of a good colleague who has not been heard from, and he can have all the time he requests, as far as I am concerned.

Mr. BYRD of Virginia. Mr. President, reserving the right to object, may I inquire of the majority leader with respect to this matter. The Senator from Indiana, in making the previous motion, which has just been rejected, requested a unanimous consent agreement that 2 hours of debate occur on January 18.

I want to be sure the majority leader's proposal now will permit the Senator from Indiana to have the same amount of time he would have had on January 18.

Mr. MANSFIELD. The Senator from Indiana is agreeable to the time, and I think that would suffice.

Mr. BYRD of Virginia. I thank the Senator.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, as I understand it, the next order of business will be the dental care bill.

The PRESIDENT pro tempore. The Senate will be in order so the majority leader may be heard. The Senate is not in order. The galleries will be in order, please. Will the Senate please be in order.

The Senator from Montana may proceed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at this time the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 1 minute to present the District of Columbia Revenue Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA REVENUE ACT OF 1971—CONFERENCE REPORT

Mr. EAGLETON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 9, 15, 16, 17, 19, 20, 21, 22, 28, 30, 31, 32, 33, 34, 35, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 8 and 10 and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

On page 4, line 3, of the Senate engrossed amendments, strike out "502" and insert in lieu thereof the following: "402"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with amendments, as follows:

On page 4, line 7, of the Senate engrossed amendments, strike out "503" and insert in lieu thereof the following: "403," and strike out the period immediately following "Act".

On page 4, line 8, of the Senate engrossed amendments, strike out "7–1571a" and insert in lieu thereof the following: "47–1571a"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

On page 4, line 11, of the Senate engrossed amendments, strike out "504" and insert in lieu thereof the following: "404"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 405. The amendments made by sections 401 and 402 of this title shall apply with respect to taxable years beginning after December 31, 1971, but before January 1, 1974. The amendments made by sections 403 and 404 of this title shall apply with respect to taxable years beginning on or after January 1, 1974."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with amendments as follows:

"Restore the matter proposed to be stricken out by the Senate amendment and—"

On page 7, line 17, of the House engrossed bill insert "(a)" immediately after "601.".

On page 7 of the House engrossed bill, strike out lines 19 through 21 and insert in lieu thereof the following:

"is amended to read as follows:

"'SECTION 1. There are authorized to be appropriated, as the annual payment by the United States toward defraying the expenses of the government of the District of Columbia, not to exceed $173,000,000 for the fiscal year ending June 30, 1972, and not to exceed $178,000,000 for the fiscal year ending June 30, 1973, and for each fiscal year thereafter. Sums appropriated under this section shall be credited to the general fund of the District of Columbia.'

"(b)(1) In addition to the amount authorized to be appropriated under section 1 of Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501a) for the fiscal year ending June 30, 1972, there is authorized to be appropriated to the District of Columbia for such fiscal year not to exceed $6,000,000 which may only be used in such fiscal year to pay officers and employees of the District of Columbia increased compensation which is required by comparability adjustments made on or after January 1, 1972, in the rates of pay of statutory pay systems (as defined in section 5301(c) of title 5, United States Code), based on the 1971 Bureau of Labor Statistics survey.

"(2) In addition to the amount authorized to be appropriated under section 1 of Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501a) for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, there is authorized to be appropriated to the District of Columbia not to exceed $12,000,000 for each such fiscal year which may only be used to pay officers and employees of the District of Columbia increased compensation which is required by comparability adjustments made on or after January 1, 1972, in the rates of pay of statutory pay systems (as defined in section 5301(c) of title 5, United States Code), based on the 1971 Bureau of Labor Statistics survey." And the Senate agree to the same.

Amendment Numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendments as follows:

Restore the matter proposed to be stricken out by the Senate amendment, and—

On page 10, line 16, of the House engrossed bill, strike out "(including a sublessor)".

On page 10, line 18, of the House engrossed bill, strike out "shall" and insert in lieu thereof the following: ", after appropriate notice to all interested parties and an opportunity for a hearing, may".

On page 10, line 20, of the House engrossed bill, strike out "such notice" and insert in lieu thereof the following: "the notice to the Commissioner".

On page 11, line 22, of the House engrossed bill, strike out "shall" and insert in lieu thereof the following: ", after appropriate notice to all interested parties and an opportunity for a hearing, may".

On page 12 of the House engrossed bill, insert after the period at the end of line 11 the following: "If such recipient vacates the premises with respect to which such allegation was made, rents other premises in the District of Columbia, and the Commissioner determines on the basis of such allegation that such recipient was justified in vacating the premises with respect to which the allegation was made, the Commissioner may pay to the recipient an amount (not to exceed his monthly shelter allotment) to enable him to make the rental payment required (if any) for such other premises for the period preceding the period for which the recipient will first receive his monthly shelter allotment under the preceding sentence."

On page 12, of the House engrossed bill, strike out lines 12 through 14 and insert in lieu thereof the following:

"'(d) The failure of any lessor to receive all or part of a monthly shelter allotment withheld from any recipient pursuant to subsection (b), or the suspension of rental payments under subsection (c), of this section shall not be cause for eviction of any recipient."

On page 12, line 25, of the House engrossed bill, strike out the quotation marks and add after line 25 the following:

"'(f) For purposes of subsections (b) and (c), the term "lessor" includes a sublessor.

"'(g) The District of Columbia Council is authorized to issue such regulations as may be necessary to carry out the provisions of this section.'."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24 and agree to the same with an amendment as follows:

On page 7, line 10, of the Senate engrossed amendments, strike out "804" and insert in lieu thereof the following: "705": and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "706"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "707"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out by the Senate amendment and on page 14 of the House engrossed bill insert the following after line 21:

"SEC. 708. (a) Section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–404(b)) is amended—

"(1) by inserting 'or' at the end of paragraph (4),

"(2) by striking out '; or' at the end of paragraph (5) and inserting in lieu thereof a period, and

"(3) by striking out paragraph (6).

"(b) The amendments made by subsection (a) of this section shall take effect January 1, 1972."; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "709"; and the Senate agree to the same.

Senate amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36 and agree to the same with an amendment as follows:

"On page 10, line 18, of the Senate engrossed amendments strike out "905" and insert in lieu thereof the following: "805".

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
ADLAI E. STEVENSON III
CHARLES MC. MATHIAS, JR.,
LOWELL P. WEICKER, JR.,
Managers on the Part of the Senate.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, JR.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the requirement that the conference report be printed as a Senate report be waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, as chairman of the managers on the part of the Senate, it is my privilege to report to the Senate that agreement has been reached on the District of Columbia Revenue Act of 1971.

Basically, the bill as agreed to by the conferees provides for a Federal payment for the fiscal year ending June 30, 1972, of $173 million with an additional $6 million allocated for District of Columbia pay raise in the event the Federal pay raise of 5.5 percent which is presently in conference is approved, for a total of $179 million. The Federal payment for fiscal year 1973 was set at $178 million plus $12 million for the full year's pay increase or a total of $190 million.

The managers believe that the Federal payment which is being authorized for the District of Columbia is a sum which represents not only, as it has in the past, a sum representing the amount of real estate taxes which would be paid to the District if the real property owned or held by the Federal Government in the District were subject to taxation, but also an amount to compensate the District, because the Congress has decided that at this time it is unwise to levy an income tax on nonresidents of the District who are employed in the District. Were the Congress to decide to authorize a nonresident income tax, it is expected that there would be a reduction in the Federal payment.

The managers have also for the first time authorized a two-step increase in the Federal payment taking into account the anticipated revenue needs for the District government. This is to enable the District government to plan intelligently the allocation of its resources prior to the beginning of its fiscal year. By Congress setting the authorization in advance, the District government will know exactly what the authorized Federal payment will be and, barring completely unforeseen circumstances, the payment authorized will not be raised. In fact, barring such circumstances the appropriate committees of the Congress do not intend to be dealing with the Federal payment during the second session of this Congress.

It should be noted that $6 million of the amount authorized for the Federal payment for fiscal year 1972 and $12 million of the amount authorized for fiscal year 1973, and for each succeeding fiscal year, have been specifically allocated to pay increases in compensation of officers and employees of the District of Columbia if authorized by Congress. These pay increases do not include any increases for policemen, firemen, or teachers. If the District government intends to ask Congress to consider pay increases for these groups, it is expected that in the same legislation there will be a financing proposal which in some way raises local taxes. There will be no increase in the Federal payment to cover this type of pay increase.

There are two other provisions in the conference agreement which should be called to the attention of the Senate.

The first provision relates to the overtime exemption for certain categories of employees relating to the trucking industry specifically section 707. Section 707 of the conference substitute amends the District of Columbia Minimum Wage Act to remove from that act an exemption from overtime pay for certain drivers, drivers' helpers, loaders, and mechanics. These employees will now be entitled to overtime compensation as they were prior to the adoption of the exemption.

There is presently matters relating to this act which are in the courts and it was not the intention of the conference to legislate retroactively to determine the intention of Congress in 1966 when it passed these amendments.

The second provision relates to the suspension of rental allotments payable to welfare recipients. While I have deep reservations about the constitutionality of this provision on both equal protection and deprivation of right of due process, the Senate was unable to prevail on its position that this amendment should be eliminated. However, an attempt was made to insert such due process elements as a hearing before the deprivation of property and a finding of fact based upon that hearing in case such a procedure was implemented and not found unconstitutional.

Mr. President, I move that the conference report be agreed to.

The report was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

DESIGNATION OF SENATOR FANNIN TO CONTROL HALF THE TIME ON REHNQUIST NOMINATION DEBATE

Mr. SCOTT. Mr. President, I take this time to designate the distinguished Senator from Arizona (Mr. FANNIN) in charge of the time on this side between now and the vote at 5 p.m. on the nomination.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, again, with the indulgence of the distinguished Senator from Massachusetts, I ask unanimous consent that after the vote on the confirmation of Mr. Rehnquist, the Senate turn to the consideration of the Presidential veto on OEO, and that there be a time limitation of 2 hours on that matter, the time to be equally divided between the majority leader and the minority leader, or whomever they designate.

Mr. JAVITS. Mr. President, reserving the right to object, let us hear again what the unanimous-consent request is on the veto?

Mr. MANSFIELD. Two hours.

Mr. JAVITS. I just entered the Chamber and I am the ranking minority member of that committee.

Mr. MANSFIELD. I am taking time from the Senator from Massachusetts.

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, will the Senator give us a minute? This is the first I heard about this matter. I am perfectly willing to vote on the override. As to the time for debate, it will leave 1 hour for the opponents and 1 hour for the proponents. I do not think that the opponents are particularly interested in using all of their time. I shall vote to override and I am interested in the amount of time provided for the proponents of the measure.

The Senator from Minnesota (Mr. MONDALE) has a very great interest in it; the Senator from California (Mr. CRANSTON) has an interest in the legal services; and I have a great interest in OEO and all these titles. We want to be sure the time allocation is adequate.

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Mr. NELSON. Mr. President, I wonder if the other side would make an agreement similar to the one we gave them. We had 3 hours and 15 minutes on the conference report. I agreed to give the other side 3 hours and we would take 15 minutes. I wonder if they would give us an hour and a half and they would reserve a half hour for themselves.

Mr. DOMINICK. I do not know who will be handling the matter on this side, but I am willing.

The PRESIDENT pro tempore. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to objection, the way we worked it before was that I controlled the time for the opponents because I am the ranking minority member. I am happy to yield to the Senator from Colorado (Mr. DOMINICK). But I wish it to be understood by the majority leader that we are operating a little in the dark.

This arrangement is fine. I wish to indicate that I hear silence on the other side as to those who would seek to sustain the veto. As to our side, the Republican side, I suggest we consummate the arrangement with the understanding that if I receive further request for time I will come back to the majority leader.

Mr. MANSFIELD. The Senator has that assurance.

Mr. MONDALE. Mr. President, reserving the right to object, we will be in session tomorrow?

Mr. MANSFIELD. Yes.

Mr. MONDALE. Is there any chance this could be brought up tomorrow morning rather than this evening?

Mr. MANSFIELD. We have gone so far I think we should go ahead with it. I think we will have better attendance tonight, more interest, and make the best possible showing, one way or the other.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the regular order.

CHILDREN'S DENTAL HEALTH ACT

Under the previous order, the Senate resumed consideration of the bill (S. 1874) to provide for the establishment of projects for the dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes.

The PRESIDENT pro tempore. The question now is on agreeing to the Allen amendment to S. 1874.

On this question the yeas and nays have been ordered.

Mr. ALLEN. Mr. President, in order to save time, I ask unanimous consent that the order for the yeas and nays be rescinded on this matter.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Alabama (Mr. ALLEN).

The amendment was rejected.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment on behalf of myself and the Senator from Minnesota (Mr. MONDALE).

Mr. BYRD of West Virginia. Mr. President, may we have less commotion and better order in the Senate?

The PRESIDENT pro tempore. The Chair has been trying to maintain order. The Senate will be in order.

The amendment will be stated.

The amendment was read as follows:

S. 1874

On page 20, line —, insert the following:

At the end of the bill add the following new section:

AMENDMENTS TO THE FOOD STAMP ACT OF 1964

(a) Sec. —. That section 5(b) of the Food Stamp Act of 1964 is amended by inserting after the first sentence thereof, the following: "Notwithstanding the foregoing, the standards of eligibility under any State plan of operation shall not make ineligible any household which would have been eligible under the standards of eligibility provided for by the State plan of operation in effect just prior to enactment of Public Law 91-671 which was approved January 11, 1971."

(b) The first sentence of section 7(b) of the Food Stamp Act of 1964 (which deals with the charge to be made for food stamps) is amended by inserting before the colon preceding the first proviso the following: "or more than would have been charged for a coupon allotment of similar face value prior to the enactment of Public Law 91-671 which was enacted on January 11, 1971."

Mr. BYRD of West Virginia. Mr. President, we cannot hear the clerk.

The PRESIDENT pro tempore. Senators will please be seated.

Mr. HUMPHREY. Mr. President, I received today a copy of a letter sent to the Minnesota commissioner of public welfare by Mr. R. J. McMullen, director of the Clay County Welfare Board in Minnesota. That letter is addressed to the problems which will be created in Minnesota if USDA's new food stamp regulations are allowed to go into effect.

Mr. President, I ask unanimous consent to insert this letter at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CLAY COUNTY WELFARE BOARD,
Moorhead, Minn., December 2, 1971.

Mr. MORRIS HURSH,
Commissioner, Department of Public Welfare, Centennial Building, St. Paul, Minn.

Attention: Mr. Curtiss Johnson, Food Stamp Supervisor.

DEAR MR. HURSH: This is in reference to your Request Bulletin #26, dated November 26, 1971, relative to the revised Food Stamp Program regulations.

In paragraph one the following is brought to our attention:

	Present bonus	New bonus
1-member family	$10	$6
2-member family	20	6
3-member family	22	9
4-member family	29	9

These figures are for the public assistance recipients who are participating in the Food Stamp Program. It is the opinion of this agency that the reduced amount in bonus stamps will emasculate the Program and render it unuseable by most public assistance clients.

In the next paragraph I note that each participant will be given the option, at the time of purchase, of buying the full amount of Food Stamps, at three-fourths, one-half, or one-fourth allocations. The afore mentioned can vary from month to month according to clients wishes. It would seem to be under this proposal that those clients who do participate may buy the full amount, three-fourths, one-half, or one-fourth of the amount and would destroy the effectiveness of the plan. I do not believe that a family of four with a monthly bonus of $9.00 available would buy one-fourth and receive $2.25 worth of bonus stamps. It would also increase the administration costs due to the multiplicity of certifications and purchases which will not only add paper work but will necessitate additional staff. It is also mentioned that each recipient will have the option of having his purchase requirement withheld from his grant and the remainder of the balance and his Food Stamps mailed to him. I doubt very much that there will be any sizeable participation on the part of people who request that the amount of the purchase requirement be withheld from their grants.

I am also deeply concerned about the possibility of losses of stamps or theft of stamps going through the mail. In the event of this who would be responsible?

Your next paragraph, number four, refers to households in which all members are included in Federally aided Public Assistance or General Assistance grants, and states that if the total income exceeds the allowable amount the bonus allotment will be substantially less, and the present bonus purchase requirement will be somewhat increased. There are many Aid to Families With Dependent Children mothers who are on jobs or in training courses who have a disregard of earnings to be considered when the grant is computed, and we have very few of these people participating. There is no question of the additional paper work required and the referral of people for work registration is useless if there are no jobs to be obtained. This also mentioned free Food Stamps will be provided for those with extremely low income, although it is not mentioned what constitutes low income for the various sized families. Also it mentioned that assets are defined as including certain items of personal property that do not produce income. An explanation of these items would be helpful.

We have 226 Old Age Assistance cases of which 36 participate in the Food Stamp Program. The greater participation is in the Aid to Families With Dependent Children Program in which 58 families out of a total of 201 participate. In the aid to the Disabled Program 20 persons out of 200 participate. In the Non-Public Assistance group we have 216 participating out of a total of 254.

In short, I believe that the proposed regulations are destructive of any benefits in the Food Stamp Program, and I doubt that we will have any extensive participation because of the reduced amount of bonus stamps under the proposals. It is cumbersome enough to have a Program that is under the jurisdiction of two departments such as the Department of Agriculture and the Department of Health, Education, and Welfare. It is the opinion of this agency that if such proposals are put into effect that the Food Stamp Program will die for lack of participation.

Yours very truly,

R. J. MCMULLEN,
Director.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Minnesota (Mr. HUMPHREY).

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDENT pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. Is there any time available for debate on the bill?

The PRESIDENT pro tempore. No.

Mr. JAVITS. Mr. President, I will propound a unanimous-consent request. I ask unanimous consent that the Senator from Minnesota (Mr. HUMPHREY) may have 3 minutes to explain his amendment to the Senate. Though it was adopted, I do not think any Members of the Senate knew what it was. At least the record ought to show what the proponent of the amendment intends so that it may be in the record when it goes to conference.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? Without objection, the Senator from Minnesota may proceed for 3 minutes.

Mr. HUMPHREY. Mr. President, I understand the amendment has been adopted, so I do not want to talk myself out of it.

This amendment merely clarifies a regulation relating to the Food Stamp Act which the Senate has acted on on one other occasion.

The Department of Agriculture, as part of its new food stamp program regulations this year, established national uniform income and resource eligibility standards for the program. While these new standards increased the allowable maximum income that individuals or couples can earn each month in most States, the new standard lowered the maximum income allowed in 12 States. One of those States happened to be Minnesota. The other States included California, New York, Massachusetts, Michigan, Rhode Island, New Jersey, Nebraska, South Dakota, Vermont, Washington, and Wisconsin.

Unless there was action such as the action we have taken here today, a substantial number of elderly who are participating in this program in those 12 States would have their allowances adversely affected.

The Department also took action under the new regulations to increase the minimum purchase requirements for individuals and couples and to reduce the amount or value of the bonus stamps individuals and couples can receive under the program.

Under last year's food stamp program, an elderly couple earning between $150 and $245 were required to spend $36 of their money in order to receive an additional $20 worth of food stamps as a bonus. Under the new regulations issued by the Department of Agriculture, couples earning between $210 and $222 will be required to spend $54 and will get only $6 in bonus stamps. It should be noted again here that the maximum monthly income allowed for participation in this case has dropped from $245 to $220.

The amendment makes sure that the people in the States mentioned where there are programs operative would not be adversely affected by the regulations which were instituted to raise the allowance in 38 States, and that it would automatically apply to the 12 States to have the allowances they now have.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 88, nays 1, as follows:

[No. 448 Leg.]

YEAS—88

Aiken	Fannin	Montoya
Allen	Fong	Moss
Allott	Fulbright	Muskie
Baker	Gambrell	Nelson
Beall	Gravel	Packwood
Bellmon	Griffin	Pastore
Bentsen	Gurney	Pearson
Bible	Hansen	Pell
Boggs	Hart	Proxmire
Brock	Hartke	Randolph
Brooke	Hatfield	Ribicoff
Buckley	Hollings	Roth
Burdick	Hruska	Saxbe
Byrd, Va.	Hughes	Schweiker
Byrd, W. Va.	Humphrey	Scott
Cannon	Inouye	Sparkman
Case	Jackson	Spong
Chiles	Javits	Stafford
Church	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Stevenson
Cooper	Kennedy	Symington
Cotton	Long	Talmadge
Cranston	Magnuson	Thurmond
Curtis	Mansfield	Tower
Dole	Mathias	Tunney
Dominick	McGovern	Weicker
Eagleton	McIntyre	Williams
Eastland	Metcalf	Young
Ellender	Miller	
Ervin	Mondale	

NAYS—1

Taft

NOT VOTING—11

Anderson	Harris	Percy
Bayh	McClellan	Smith
Bennett	McGee	Stennis
Goldwater	Mundt	

So the bill (S. 1874) was passed, as follows:

S. 1874

An act to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children's Dental Health Act of 1971".

SEC. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XI—DENTAL HEALTH PROJECTS

"GRANTS FOR PROJECTS FOR DENTAL CARE FOR CHILDREN

"SEC. 1101. (a) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $15,000,000 for the fiscal year ending June 30, 1973; and $30,000,000 for the fiscal year ending June 30, 1974; which shall be used by the Secretary to make grants to the health agency of any State (or political subdivision thereof) or to any other public or nonprofit private agency, organization, or institution to pay for part of the cost of the carrying out (on a planned and systematic basis) by such agency, organization, or institution, of one or more comprehensive projects for dental care and services for children of preschool and school age. Any such project shall include such comprehensive corrective, followup and preventive services (including dental health education), and treatment as may be required under regulations of the Secretary.

"(b) Grants under this section shall not be utilized to provide or pay for dental care and services for children unless such children are determined (in accordance with regulations of the Secretary) to be (A) from low-income families, or (B) unable, for other reasons beyond their control, to obtain such care and services.

"(c) Grants under this section may be utilized for the conduct of research, demonstrations, or experimentation carried on with a view of developing new methods for (A) the prevention, diagnosis, or treatment of dental problems, (B) the payment of dental care and services, or (C) the utilization of dental health care personnel with various levels of training; except that not more than 10 per centum of any grant under this section shall be so utilized.

"(d) In making grants under this section, the Secretary shall accord priority to projects designed to provide dental care and preventive services for children of preschool age and school age children who are in the first five grades of school.

"GRANTS FOR WATER TREATMENT PROGRAMS

"SEC. 1102. (a) There are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972; $3,000,000 for the fiscal year ending June 30, 1973; and $4,000,000 for the fiscal year ending June 30, 1974; which shall be used by the Secretary to make grants to States, political subdivisions of States, and other public or nonprofit private agencies, organizations, and institutions to assist them in initiating, in communities or in public elementary or secondary schools, water treatment programs designed to reduce the incidence of oral disease or dental defects among residents of such communities or the students in such schools (as the case may be).

"(b) Grants under this section may be utilized for (but are not limited to) the purchase and installation of water treatment equipment.

"(c) Grants under this section shall not exceed—

"(1) 80 per centum of the cost of the treatment program with respect to which such grant under this section is made in the case of any grant under section 1101; and

"(2) 66⅔ per centum of the cost of the treatment program with respect to which such grant is made in the case of any other grant.

"GRANTS TO TRAIN AUXILIARY DENTAL PERSONNEL

"SEC. 1103. There are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1972; $20,000,000 for the fiscal year ending June 30, 1973; and $25,000,000 for the fiscal year ending June 30, 1974; which shall be used by the Secretary to make grants to public and nonprofit private institutions to assist them in establishing and carrying out programs to educate and train persons for careers as auxiliary dental personnel with special emphasis on the education and training of veterans of the Armed Forces who have received experience and training in dental auxiliary functions.

"PROJECTS TO PROMOTE EFFECTIVE USE OF AUXILIARY DENTAL PERSONNEL

"SEC. 1104. (a) There are hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; and $10,000,000 for the fiscal year ending June 30, 1974; which shall be used by the Secretary to make grants and enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 539) under subsection (c) and to make grants to dental schools, and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 529) with individuals, agencies, organizations, and institutions, for projects described in subsection (b).

"(b) Grants and contracts under this section may be made or entered into for projects for—

"(1) planning, establishing, demonstrating, or supporting programs to teach dental students and dentists the efficient and effective utilization of dental auxiliaries and the management and supervision of total dental health teams (including, but not limited to, teams consisting of various types of auxiliary dental personnel who are trained in carrying out expanded functions or procedures which do not require the knowledge and skill of the dentist), with special emphasis on the employment and utilization of veterans of the armed forces who have received experience and training in dental auxiliary functions;

"(2) demonstration and experimentation of ways to organize dental health services to achieve maximum effectiveness in the use of auxiliary dental personnel, which projects take into account such factors as patient acceptance, quality of care, and cost of services; and

"(3) planning, establishing, demonstrating, or supporting field training programs for dental students and auxiliary dental personnel in which dental care and preventive services are provided by such persons under professional supervision in areas characterized by low familily incomes or shortage of and need for dental services.

"(c) The Secretary is authorized to utilize sums appropriated pursuant to subsection (a) to make grants to dental schools and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations, and institutions for special projects related to investigation and demonstration of ways of providing incentives for developing or establishing dental facilities or services in areas or communities in a State determined by the appropriate State health authority in such State to have a shortage of and need for dentists.

"DENTAL ADVISORY COMMITTEE

"SEC. 1105. (a) The President shall appoint a Dental Advisory Committee consisting of seven members, four of whom shall be selected from the dental profession and three from the general public. Members shall be appointed from among persons who, by virtue of their training, experience, and background, are exceptionally qualified to appraise the programs established by this title. The Secretary shall be an ex officio member of the Committee.

"(b)(1) Members shall be appointed for six-year terms, except that of the members first appointed three shall be appointed for two years, two shall be appointed for four years, and two shall be appointed for a term of six years as designated by the President at the time of appointment. The members shall select their own chairman.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) The Dental Advisory Committee shall advise the Secretary in regard to the reports required under section 1006, in regard to programs established under this title, and in regard to activities carried on by the Department of Health, Education, and Welfare related to dental health, dental manpower, or dental training and services, and shall serve as a reviewing body for grants made pursuant to this title, where such review is deemed necessary by the Secretary.

"(4) Members of the Dental Advisory Committee who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently.

"(5) The Secretary shall make available to the Dental Advisory Committee such staff, information, and other assistance as it may require to carry out its activities.

"(6) The Secretary, after consultation with the Dental Advisory Committee, shall promulgate such rules and regulations as are necessary to carry out the purposes of this title.

"REPORT

"SEC. 1106. (a) The Secretary shall submit a report to the Congress not later than January 31 of each year on the progress of the implementation and administration of the programs established under this title.

"(b) The Secretary shall submit to the Congress a report containing his recommendations concerning the need and feasibility of a comprehensive national dental health program for children within ninety days before the end of the fiscal year ending June 30, 1974."

SEC. 3. Section 1902(a)(10) of title XIX of the Social Security Act is amended by adding at the end thereof the following: "and except that services described in paragraph (10) of section 1905(a) may be made available to individuals or groups of individuals under age eighteen without making available such services of the same amount, duration, and scope to individuals of any other ages;".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"SECTION 1. Titles I to XI, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), as sections 1201 through 1214, respectively.

SEC. 5. Section 602 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new subsection:

"(g) (1) If it is a dentifrice and (A) because of its nature, composition, or packaging it involves a potential risk to consumers including but not limited to its potential sensitizing, allergenic, or abrasive character or (B) because of any foreseeable handling, storage, or use by individuals it presents such a potential risk; then such dentifrice shall bear adequate cautionary labeling (such labeling shall be conspicuous and shall include first-aid information if appropriate). Whenever the Secretary finds any dentifrice or class of dentifrices to be subject to this subsection and in his judgment a declaration to that effect will reduce the potential risk to the consumer, he may by regulation declare such dentifrice or class thereof to be subject to such provision and may in such regulation specify the content of such cautionary information, the appropriate type size to be used for such warning, its placement on labels and may in pursuance of the objective of this subsection require the submission of the quantitative formula of such dentifrice or class thereof by the manufacturers of such dentifrice.

"(2) If it is a dentifrice and its labeling fails to bear cautionary information in the manner prescribed in clause (1) of this subsection.".

SEC. 6. Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new subsection:

"(y) The term 'dentifrice' means any cosmetic, drug, or other article recommended, suggested, or indicated for use by humans in the cure, mitigation, treatment, or prevention of diseases of the teeth or for cleansing or beautifying teeth.".

SEC. 7. Title V of the Lead-Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new section:

"AUTHORITY TO MAKE GRANTS TO STATE AGENCIES IN CERTAIN CASES

"SEC. 504. Notwithstanding any other provision of this Act, grants under sections 101 and 201 may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose; and in any such case the term 'local' when used in section 101 or 201 with respect to any program shall be deemed to read 'State'."

AMENDMENTS TO THE FOOD STAMP ACT OF 1964

SEC. 8. (a) Section 5(b) of the Food Stamp Act of 1964 is amended by inserting after the first sentence thereof, the following: "Notwithstanding the foregoing, the standards of eligibility under any State plan of operation shall not make ineligible any household which would have been eligible under the standards of eligibility provided for by the State plan of operation in effect just prior to enactment of Public Law 91–671 which was approved January 11, 1971."

(b) The first sentence of section 7(b) of the Food Stamp Act of 1964 (which deals with the charge to be made for food stamps) is amended by inserting before the colon preceding the first proviso the following: "or more than would have been charged for a coupon allotment of similar face value prior to the enactment of Public Law 91–671 which was enacted on January 11, 1971".

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the proviso that I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

EXECUTIVE SESSION—NICE AGREEMENT, AS REVISED, CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES TO WHICH TRADEMARKS ARE APPLIED; RATIFICATION OF THE LOCARNO AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION FOR INDUSTRIAL DESIGNS; PROTOCOL TO AMEND INTERNATIONAL CIVIL AVIATION CONVENTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Executive M, 91st Congress, 2d Session, Nice Agreement, as revised, concerning the international classification of goods and services to which trademarks are applied; Executive I, 92d Congress, 1st Session, ratification of the Locarno Agreement establishing an international classification for industrial designs; and Executive K, 92d Congress, 1st Session, protocol to amend International Civil Aviation Convention; that they be considered as having passed through the various parliamentary stages, up to and including the presentation of the resolutions of ratification; that I be permitted to incorporate at appropriate points in the RECORD explanations and other data connected with these treaties, which were reported unanimously by the Committee on Foreign Relations.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive M, 91st Congress, 2d Session; Executive I, 92d Congress, 1st Session; and Executive K, 92d Congress, 1st Session, which were read the second time as follows:

EXECUTIVE M

[Translation]

NICE AGREEMENT CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES TO WHICH TRADEMARKS ARE APPLIED

Of June 15, 1957

ARTICLE 1

(1) The countries to which this Agreement applies form a Special Union.

(2) They adopt, for the purpose of the registration of marks, a single classification of goods and services.

(3) This classification consists of:

(a) a list of classes;

(b) an alphabetical list of goods and services with an indication of the classes into which they fall.

(4) The list of classes and the alphabetical list of goods are those which were published in 1935 by the International Bureau for the Protection of Industrial Property.

(5) The list of classes and the alphabetical list of goods and services may be modified or supplemented by the Committee of Experts set up under Article 3 of this Agreement, in accordance with the procedure laid down in that Article.

(6) The classification shall be established in the French language and, at the request of any contracting country, an official translation into the language of that country may be published by the International Bureau in agreement with the national Administration concerned. Each translation of the list of goods and services shall mention against each of the goods or services, in addition to its number according to the alphabetical listing in the language concerned, the number which it bears in the list established in the French language.

ARTICLE 2

(1) Subject to the requirements prescribed by this Agreement, the effect of the international classification shall be that attributed to it by each contracting country. In particular, the international classification shall not bind the contracting countries in respect of either the evaluation of the extent of the protection afforded to any given mark, or the recognition of service marks.

(2) Each of the contracting countries reserves the right to apply the international classification of goods and services as a principal or as a subsidiary system.

(3) The Administrations of the contracting countries shall include in the official documents and publications concerning the registrations of marks the numbers of the classes of the international classification to which the goods or services for which the mark is registered belong.

(4) The fact that a term is included in the alphabetical list of goods and services in no way affects any rights which might exist in such a term.

ARTICLE 3

(1) A Committee of Experts charged with deciding all modifications and additions to be made in the international classification of goods and services shall be set up at the International Bureau. Each of the contracting countries shall be represented on the Committee of Experts, which shall be organized according to Regulations adopted by a majority of the countries represented. The International Bureau shall be represented on the Committee.

(2) Proposals for modification or addition shall be addressed by the Administrations of the contracting countries to the International Bureau, which shall transmit them to the members of the Committee of Experts not later than two months before that session of the Committee at which the said proposals are to be considered.

(3) Decisions of the Committee concerning modifications in the classification shall be made with the unanimous consent of the contracting countries. "Modification" means any transfer of goods from one class to another or the creation of any new class entailing such transfer.

(4) Decisions of the Committee concerning additions to the classification shall be made by a simple majority of the contracting countries.

(5) Each expert shall have the right to submit his opinion in writing or to delegate his powers to the expert of another country.

(6) If a country does not appoint an expert to represent it, or if the expert appointed does not submit his opinion within a period to be prescribed by the Regulations, the country concerned shall be considered to have accepted the decision of the Committee.

ARTICLE 4

(1) Every modification and addition decided by the Committee of Experts shall be notified to the Administration of the contracting countries by the International Bureau. The decisions shall come into force, in so far as additions are concerned, as soon as the notification is received, and, as far as modifications are concerned, within a period of six months to be reckoned from the date of dispatch of the notification.

(2) The International Bureau, as the depositary of the classification of goods and services, shall incorporate therein the modifications and additions which have entered into force. Announcements of these modifications and additions shall be published in the two periodicals *La Propriété industrielle* and *Les Marques internationales*.

ARTICLE 5

(1) The expenses which the International Bureau incurs in carrying out this Agreement shall be borne in common by the contracting countries in accordance with the provisions of Articles 13(8), (9), and (10), of the Paris Convention for the Protection of Industrial Property. Until a further decision is made, these expenses may not exceed the sum of 40,000 gold francs per annum.

(2) The expenses referred to in paragraph (1) of Article 5 shall not include expenses relating to the work of diplomatic conferences, or those due to special work or publications carried out in accordance with the decisions of a conference. These expenses, the annual total of which may not exceed 10,000 gold francs, shall be borne in common by the contracting countries as provided by the terms of paragraph (1) above.

(3) The totals of the expenses provided for in paragraphs (1) and (2) above may, if necessary, be increased by decision of the contracting countries or of one of the conferences referred to in Article 8; such decisions shall be deemed valid if they are supported by four-fifths of the contracting countries.

ARTICLE 6

(1) This Agreement shall be ratified and the instruments of ratification deposited at Paris not later than December 31, 1961. These ratifications, with their dates and any statements accompanying them, shall be notified by the Government of the French Republic to the Governments of the other contracting countries.

(2) Countries of the Union for the Protection of Industrial Property which have not signed this Agreement in accordance with Article 11(2) shall be allowed to accede to it, at their request, in accordance with the provisions of Article 16 of the Paris Convention for the Protection of Industrial Property.

(3) Countries which have not deposited an instrument of ratification within the period prescribed by paragraph (1) of this Article shall be allowed to accede to the Agreement in accordance with Article 16 of the Paris Convention for the Protection of Industrial Property.

ARTICLE 7

This Agreement shall come into force between those countries which have ratified or acceded to it one month from the date on which the instruments of ratification have been deposited or the accessions notified by not less than ten countries. The Agreement shall have the same force and duration as the Paris Convention for the Protection of Industrial Property.

ARTICLE 8

(1) This Agreement shall be submitted to periodical revisions with a view to the introduction of desired improvements.

(2) Every revision shall be considered at a conference which shall be held in one of

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the contracting countries, between the delegates of the said countries.

(3) The Administration of the country in which the conference is to be held shall prepare the work of the conference, with the assistance of the International Bureau.

(4) The Director of the International Bureau shall attend the meetings of the conferences and take part in the discussions, but without the right to vote.

ARTICLE 9

(1) Each contracting country shall be entitled to denounce this Agreement by means of a written notification addressed to the Government of the Swiss Confederation.

(2) This denunciation, which shall be communicated by the Government of the Swiss Confederation to all other contracting countries, shall have effect only in respect of the denouncing country and only twelve months after receipt of the notification addressed to the Government of the Swiss Confederation, the Agreement remaining in force for the other contracting countries.

ARTICLE 10

The provisions of Article 16*bis* of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

ARTICLE 11

(1) This Agreement shall be signed in a single copy, which shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic. A certified copy shall be transmitted through diplomatic channels to each of the Governments of the contracting countries.

(2) This Agreement shall remain open for signature by the member countries of the Union for the Protection of Industrial Property until December 31, 1958, or until it comes into force, whichever date is the earlier.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Agreement.

Done at Nice in a single copy of June 15, 1957.

For the Federal Republic of Germany:
HERBERT KUHNEMANN
For Australia:
For Austria:
GOTTFRIED THALER
For Belgium:
L. HERMANS
For Brazil:
For the People's Republic of Bulgaria:
For Canada:
For Ceylon:
For Cuba:
For Denmark:
JULIE OLSEN
For the Dominican Republic:
For Egypt:
For Spain:
N. JURISTO VALVERDE
J. L. APARICIO
For the United States of America:
For Finland:
For France:
MARCEL PLAISANT
For the United Kingdom of Great Britain and Northern Ireland:
R. G. ATKINSON
For Greece:
For the Hungarian People's Republic:
LAJOS DEGE
For Indonesia:
For Ireland:
For Israel:
For Italy:
TALAMO
For Japan:
For Lebanon:
FAYARD
A. SOUFI
For the Principality of Liechtenstein:
HANS MORF
For Luxembourg:
J. P. HOFFMANN
For Morocco:
TAIEB SEBTI
For Mexico:
For Monaco:
C. SOLAMITO
For Norway:
ROALD ROED
For New Zealand:
For the Netherlands:
C. J. DE HAAN
For the Polish People's Republic:
Z. MUSZYNSKI
For Portugal, including the Azores and Madeira:
JORGE VAN-ZELLER GARIN
For Romania:
M. BALANESCO 31.12.1958
For Sweden:
CLAES UGGLA
For Switzerland:
HANS MORF
LÉON EGGER
For Syria:
For the Czechoslovak Republic:
DR. JAN CECH
For Tunisia:
SALAH EDDINE EL GOULLI
For the Republic of Turkey:
FERIDUM C. ERKIN 31.12.1958
For the Union of South Africa:
For Viet-Nam:
For Yugoslavia:
MILENKO JAKOVLJEVIC

A certified true copy of the original on deposit in the Archives of the Ministry of Foreign Affairs, Paris, June 20, 1969.

(Signed) Laloy
J. LALOY,
Minister Plenipotentiary,
Director of Diplomatic Archives.

[Stamp of the Ministry of Foreign Affairs of the French Republic.]

[Translation]

NICE AGREEMENT CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES FOR THE PURPOSES OF THE REGISTRATION OF MARKS

of June 15, 1957, as Revised at Stockholm on July 14, 1967 [1]

ARTICLE 1

[Establishment of a Special Union; Adoption of an International Classification; Definition of International Classification; Languages] [2]

(1) The countries to which this Agreement applies constitute a Special Union.

(2) They adopt, for the purposes of the registration of marks, a single classification of goods and services.

(3) This classification consists of:

(*a*) a list of classes;

(*b*) an alphabetical list of goods and services with an indication of the classes into which they fall.

(4) The list of classes and the alphabetical list of goods are those which were published in 1935 by the International Bureau for the Protection of Industrial Property.

(5) The list of classes and the alphabetical list of goods and services may be amended or supplemented by the Committee of Experts set up under Article 3 of this Agreement, in accordance with the procedure laid down in that Article.

(6) The classification shall be established in the French language and, at the request of any contracting country, an official translation into the language of that country may be published by the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention establishing the World Intellectual Property Organization (hereinafter designated as "the Organization"), in agreement with the national Offices concerned. Each translation of the list of goods and services shall mention against each of the goods or services, in addition to its number according to the alphabetical listing in the language concerned, the number which it bears in the list established in the French language.

ARTICLE 2

[Legal Scope and Use of the International Classification]

(1) Subject to the requirements prescribed by this Agreement, the effect of the international classification shall be that attributed to it by each contracting country. In particular, the international classification shall not bind the contracting countries in respect of either the evaluation of the extent of the protection afforded to any given mark or the recognition of service marks.

(2) Each of the contracting countries reserves the right to use the international classification of goods and services as a principal or as a subsidiary system.

(3) The Offices of the contracting countries shall include in the official documents and publications concerning the registrations of marks the numbers of the classes of the international classification to which the goods or services for which the mark is registered belong.

(4) The fact that a term is included in the alphabetical list of goods and services in no way affects any rights which might subsist in such a term.

ARTICLE 3

[Amendments and Additions to the International Classification; Committee of Experts]

(1) A Committee of Experts charged with deciding all amendments and additions to be made in the international classification of goods and services shall be set up at the International Bureau. Each of the contracting countries shall be represented on the Committee of Experts, which shall be organized according to Regulations adopted by a majority of the countries represented. The International Bureau shall be represented on the Committee.

(2) Proposals for amendments or additions shall be addressed by the Offices of the contracting countries to the International Bureau, which shall transmit them to the members of the Committee of Experts not later than two months before that session of the Committee at which the said proposals are to be considered.

(3) Decisions of the Committee concerning amendments to the classification shall require the unanimous consent of the contracting countries. "Amendment" shall mean any transfer of goods from one class to another or the creation of any new class entailing such transfer.

(4) Decisions of the Committee concerning additions to the classification shall require a simple majority of the votes of the contracting countries.

(5) Each expert shall have the right to submit his opinion in writing or to delegate his powers to the expert of another country.

(6) If a country does not appoint an expert to represent it, or if the expert appointed does not submit his opinion within a period to be prescribed by the Regulations, the country concerned shall be considered to have accepted the decision of the Committee.

ARTICLE 4

[Notification, Entry Into Force, and Publication, of Amendments and Additions]

(1) Every amendment and addition decided by the Committee of Experts shall be notified to the Offices of the contracting countries by the International Bureau. The decisions shall come into force, in so far as additions are concerned, as soon as the notification is received, and, as far as amendments are concerned, within a period of six months from the date of dispatch of the notification.

(2) The International Bureau, as the depository of the classification of goods and services, shall incorporate therein the amendments and additions which have entered into force. Announcements of such amendments and additions shall be published in the two periodicals, *La Propriété industrielle* and *Les Marques internationales*.

ARTICLE 5

[Assembly of the Special Union]

(1) (*a*) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Act.

(*b*) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (*a*) Subject to the provisions of Articles 3 and 4, the Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;

(ii) give directions to the International Bureau concerning the preparation for conferences of revision, due account being taken of any comments made by those countries of the Special Union which have not ratified or acceded to this Act;

(iii) review and approve the reports and activities of the Director General of the Organization (herinafter designated as "the Director General") concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;

(iv) determine the program and adopt the triennial budget of the Special Union, and approve its final accounts;

(v) adopt the financial regulations of the special Union;

(vi) establish, in addition to the Committee of Experts referred to in Article 3, such other committees of experts and working groups as it may deem necessary to achieve the objectives of the Special Union;

(vii) determine which countries not members of the Special Union and which intergovernmental and international nongovernmental organizations shall be admitted to its meetings as observers;

(viii) adopt amendments to Articles 5 to 8;

(ix) take any other appropriate action designed to further the objectives of the Special Union;

(x) perform such other functions as are appropriate under this Agreement.

(*b*) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decision after having heard the advice of the Coordination Committee of the Organization.

(3) (*a*) Each country member of the Assembly shall have one vote.

(*b*) One-half of the countries members of the Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (*b*), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(*d*) Subject to the provisions of Article 8(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(*e*) Abstentions shall not be considered as votes.

(*f*) A delegate may represent, and vote in the name of, one country only.

(*g*) Countries of the Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

(4) (*a*) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(*b*) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own rules of procedure.

ARTICLE 6

[International Bureau]

(1) (*a*) Administrative tasks concerning the Special Union shall be performed by the International Bureau.

(*b*) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts, and such other committees of experts and working groups as may have been established by the Assembly or the Committee of Experts.

(c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Committee of Experts, and such other committees of experts or working groups as may have been established by the Assembly or the Committee of Experts. The Director General, or a staff member designated by him, shall be ex officio secretary of those bodies.

(3) (*a*) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for the conferences of revision of the provisions of the Agreement other than Articles 5 to 8.

(*b*) The International Bureau may consult with inter-governmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at those conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

ARTICLE 7

[Finances]

(1) (*a*) The Special Union shall have a budget.

(*b*) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

(i) contributions of the countries of the Special Union;

(ii) fees and charges due for services rendered by the International Bureau in relation to the Special Union;

(iii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

(4) (*a*) For the purpose of establishing its contribution referred to in paragraph (3) (i), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contributions on the basis of the same number of units as is fixed for that class in that Union.

(*b*) The annual contribution of each country of the Special Union shall be an amount in the same proportion to the total sum to be contributed to the budget of the Special Union by all countries as the number of its units is to the total of the units of all contributing countries.

(c) Contributions shall become due on the first of January of each year.

(*d*) A country which is in arrears in the payment of its contributions may not exercise its right to vote in any organ of the Special Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Special Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(*e*) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (*a*) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(*b*) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (*a*) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject

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[1] This is a provisional English translation prepared by BIRPI.

[2] Articles have been given titles to facilitate their identification. There are no titles in the signed, French text.

of separate agreements, in each case, between such country and the Organization.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

ARTICLE 8

[Amendment of Articles 5 to 8]

(1) Proposals for the amendment of Articles 5, 6, 7, and the present Article, may be initiated by any country member of the Assembly, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 5, and to the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.

ARTICLE 9

[Ratification and Accession; Entry Into Force; Effects; Accession to the Original Act of 1957]

(1) Any country of the Special Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it.

(2) Any country outside the Special Union which is party to the Paris Convention for the Protection of Industrial Property may accede to this Act and thereby become a member of the Special Union.

(3) Instruments of ratification and accession shall be deposited with the Director General.

(4) (a) With respect to the first five countries which have deposited their instruments of ratification or accession, this Act shall enter into force three months after the deposit of the fifth such instrument.

(b) With respect to any other country, this Act shall enter into force three months after the date on which its ratification or accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(5) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.

(8) After the entry into force of this Act, a country may accede to the original Act of June 15, 1957, of this Agreement only in conjunction with ratification of, or accession to, this Act.

ARTICLE 10

[Force and Duration]

This Agreement shall have the same force and duration as the Paris Convention for the Protection of Industrial Property.

ARTICLE 11

[Revision]

(1) This Agreement shall be submitted to revisions with a view to the introduction of desired improvements.

(2) Every revision shall be considered at a conference which shall be held between the delegates of the countries of the Special Union.

ARTICLE 12

[Application of the Various Acts]

(1) (a) This Act shall, as regards the relations between the countries of the Special Union by which it has been ratified or acceded to, replace the original Act of June 15, 1957.

(b) However, any country of the Special Union which has ratified or acceded to this Act shall be bound by the original Act of June 15, 1957, as regards its relations with countries of the Special Union which have not ratified or acceded to this Act.

(2) Countries outside the Special Union which become party to this Act shall apply it with respect to any country of the Special Union not party to this Act. Such countries shall recognize that the aforesaid country of the Special Union may apply, as regards its relations with them, the provisions of the original Act of June 15, 1957.

ARTICLE 13

[Denunciation]

(1) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of the original Act of June 15, 1957, of this Agreement, and shall affect only the country making it, the Agreement remaining in full force and effect as regards the other countries of the Special Union.

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunciation provided for by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Special Union.

ARTICLE 14

[Reference to Article 24 of the Paris Convention (Territories)]

The provisions of Article 24 of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

ARTICLE 15

[Signature, Languages, Depositary Functions]

(1) (a) This Act shall be signed in a single copy in the French language and shall be deposited with the Government of Sweden.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) This Act shall remain open for signature at Stockholm until January 13, 1968.

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Act to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

(4) The Director General shall register this Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Special Union of signatures, deposits of instruments of ratification or accession, entry into force of any provisions of this Act, and notifications of denunciation.

ARTICLE 16

[Transitional Provisions]

(1) Until the first Director General assumes office, references in this Act to the International Bureau of the Organization or to the Director General shall be construed as references to the Bureau of the Union established by the Paris Convention for the Protection of Industrial Property or its Director, respectively.

(2) Countries of the Special Union not having ratified or acceded to this Act may, until five years after the entry into force of the Convention establishing the Organization, exercise, if they so desire, the rights provided for under Articles 5 to 8 of this Act as if they were bound by those Articles. Any country desiring to exercise such rights shall give written notification to that effect to the Director General; such notification shall be effective from the date of its receipt. Such countries shall be deemed to be members of the Assembly until the expiration of the said period.

IN WITNESS WHEREOF, the undersigned, duly authorized for that purpose, have signed this Act.

DONE at Stockholm, July 14, 1967.

For Australia:
For Belgium:
BON F. COGELS
For Denmark:
JULIE OLSEN
For Spain:
J. P. ALCOVER
ELECTO J. GARCÍA TEJEDOR
For France:
B. DE MENTHON
For Hungary:
ESZTERGÁLYOS
For Ireland:
VALENTIN IREMONGER
For Israel:
Z. SHER
G. GAVRIELI
For Italy:
CIPPICO
GIORGIO RANZI
For Lebanon:
For Liechtenstein:
For Morocco:
H'SSAINE
For Monaco:
J. M. NOTARI
For Norway:
JENS EVENSEN
B. STUEVOLD LASSEN
For the Netherlands:
GERBRANDY
W. G. BELINFANTE
For Poland:
M. KAJZER
For Portugal:
ADRIANO DE CARVALHO
JOSÉ DE OLIVEIRA ASCENSÃO
RUY ALVARO COSTA DE MORAIS SERRÃO
For the Federal Republic of Germany:
KURT HAERTEL
For the United Kingdom of Great Britain and Northern Ireland:
GORDON GRANT
WILLIAM WALLACE
For Sweden:
HERMAN KLING
For Switzerland:
HANS MORF
JOSEPH VOYAME
For Czechoslovakia:
For Tunisia:
For Yugoslavia:
A. JELIC

NOTE.—With respect to the *signatures*, it should be noted that there appear on the original:

Page 17, under the signature "Eztergályos," the following words: "12/1/1968 subject to ratification."

Page 17, under the signature "Valentin Iremonger," the following date: "12 January 1968."

Page 18, over the signature "Jens Evensen," the following words: "subject to ratification."

Page 19, under the signature "M. Kajzer," the following words: "subject to ratification."

I certify that the foregoing is a true copy of the Stockholm Revision of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, adopted at the Stockholm Conference on Intellectual Property, 1967, which was opened for signature at Stockholm on July 14, 1967, and the original of which is deposited with the Government of Sweden.

[MINISTRY STAMP]

(Signed) Wilhelm Carlgren

WILHELM CARLGREN,
Director of Archives,
Royal Ministry of Foreign Affairs,
Stockholm, January 14, 1968.

EXECUTIVE I

LOCARNO AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION FOR INDUSTRIAL DESIGNS OF OCTOBER 8, 1968

ARTICLE 1

Establishment of a Special Union; Adoption of an International Classification

(1) The countries to which this Agreement applies constitute a Special Union.

(2) They adopt a single classification for industrial designs (hereinafter designated as "the international classification").

(3) The international classification shall comprise:

(i) a list of classes and subclasses;

(ii) an alphabetical list of goods in which industrial designs are incorporated, with an indication of the classes and subclasses into which they fall;

(iii) explanatory notes

(4) The list of classes and subclasses is the list annexed to the present Agreement, subject to such amendments and additions as the Committee of Experts set up under Article 3 (hereinafter designated as "the Committee of Experts") may make to it.

(5) The alphabetical list of goods and the explanatory notes shall be adopted by the Committee of Experts in accordance with the procedure laid down in Article 3.

(6) The international classification may be amended or supplemented by the Committee of Experts, in accordance with the procedure laid down in Article 3

(7) (a) The international classification shall be established in the English and French languages.

(b) Official texts of the international classification, in such other languages as the Assembly referred to in Article 5 may designate, shall be established, after consultation with the interested Governments, by the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention establishing the World Intellectual Property Organization (hereinafter designated as "the Organisation")

ARTICLE 2

Use and Legal Scope of the International Classification

(1) Subject to the requirements prescribed by this Agreement, the international classification shall be solely of an administrative character. Nevertheless, each country may attribute to it the legal scope which it considers appropriate. In particular, the international classification shall not bind the countries of the Special Union as regards the nature and scope of the protection afforded to the design in those countries.

(2) Each country of the Special Union reserves the right to use the international classification as a principal or as a subsidiary system.

(3) The Offices of the countries of the Special Union shall include in the official documents for the deposit or registration of designs, and if they are officially published, in the publications in question, the numbers of the classes and subclasses, of the international classification into which the goods incorporating the designs belong.

(4) In selecting terms for inclusion in the alphabetical list of goods, the Committee of Experts shall exercise reasonable care to avoid using terms in which exclusive rights may exist. The inclusion of any word in the alphabetical index, however, is not an expression of opinion of the Committee of Experts on whether or not it is subject to exclusive rights.

ARTICLE 3

Committee of Experts

(1) A Committee of Experts shall be entrusted with the tasks referred to in Article 1(4), 1(5) and 1(6). Each country of the Special Union shall be represented on the Committee of Experts, which shall be organized according to rules of procedure adopted by a simple majority of the countries represented.

(2) The Committee of Experts shall adopt the alphabetical list and explanatory notes by a simple majority of the votes of the countries of the Special Union.

(3) Proposals for amendments or additions to the international classification may be made by the Office of any country of the Special Union or by the International Bureau. Any proposal emanating from an Office shall be communicated by that Office to the International Bureau. Proposals from Offices and from the International Bureau shall be transmitted by the latter to the members of the Committee of Experts not later than two months before the session of the Committee at which the said proposals are to be considered.

(4) The decisions of the Committee of Experts concerning the adoption of amendments and additions to be made in the international classification shall be by a simple majority of the countries of the Special Union. Nevertheless, if such decisions entail the setting up of a new class or any transfer of goods from one class to another, unanimity shall be required.

(5) Each expert shall have the right to vote by mail.

(6) If a country does not appoint a representative for a given session of the Committee of Experts, or if the expert appointed has not expressed his vote during the session or within a period to be prescribed by the rules of procedure of the Committee of Experts, the country concerned shall be considered to have accepted the decision of the Committee.

ARTICLE 4

Notification and Publication of the Classification and of Its Amendments and Additions Thereto

(1) The alphabetical list of goods and the explanatory notes adopted by the Committee of Experts, as well as any amendment or addition to the international classification decided by the Committee, shall be communicated to the Offices of the countries of the Special Union by the International Bureau. The decisions of the Committee of Experts shall enter into force as soon as the communication is received. Nevertheless, if such decisions entail the setting up of a new class or any transfer of goods from one class to another, they shall enter into force within a period of six months from the date of said communication.

(2) The International Bureau, as depositary of the international classification, shall incorporate therein the amendments and additions which have entered into force. Announcements of the amendments and additions shall be published in the periodicals to be designated by the Assembly.

ARTICLE 5

Assembly of the Special Union

(1) (a) The Special Union shall have an Assembly consisting of the countries of the Special Union.

(b) The Government of each country of the Special Union shall be represented by one delegate, who may be assisted by alternate delegates, advisers, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) Subject to the provisions of Article 3, the Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;

(ii) give directions to the International Bureau concerning the preparation for conferences of revision;

(iii) review and approve the reports and activities of the Director General of the Organization (hereinafter designated as "the Director General") concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;

(iv) determine the program and adopt the triennial budget of the Special Union, and approve its final accounts;

(v) adopt the financial regulations of the Special Union;

(vi) decide on the establishment of official texts of the international classification in languages other than English and French;

(vii) establish, in addition to the Committee of Experts set up under Article 3, such other committees of experts and working groups as it deems appropriate to achieve the objectives of the Special Union;

(viii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(ix) adopt amendments to Articles 5 to 8;

(x) take any other appropriate action designed to further the objectives of the Special Union.

(xi) perform such other functions as are appropriate under this Agreement.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) (a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article

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8(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one country only.

(4) (a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own rules of procedure.

ARTICLE 6

International Bureau

(1) (a) Administrative tasks concerning the Special Union shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts, and such other committees of experts and working groups as may have been established by the Assembly or the Committee of Experts.

(c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Committee of Experts, and such other committees of experts or working groups as may have been established by the Assembly or the Committee of Experts. The Director General, or a staff member designated by him, shall be ex officio secretary of those bodies.

(3) (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for the conferences of revision of the provisions of the Agreement other than Articles 5 to 8.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at those conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

ARTICLE 7

Finances

(1) (a) The Special Union shall have a budget.

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

(i) contributions of the countries of the Special Union;

(ii) fees and charges due for services rendered by the International Bureau in relation to the Special Union;

(iii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

(4) (a) For the purpose of establishing its contribution referred to in paragraph (3) (i), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contributions on the basis of the same number of units as is fixed for that class in that Union.

(b) The annual contribution of each country of the Special Union shall be an amount in the same proportion to the total sum to be contributed to the budget of the Special Union by all countries as the number of its units is to the total of the units of all contributing countries.

(c) Contributions shall become due on the first of January of each year.

(d) A country which is in arrears in the payment of its contributions may not exercise its right to vote in any organ of the Special Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Special Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(e) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (a) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

ARTICLE 8

Amendment of Articles 5 to 8

(1) Proposals for the amendment of Articles 5, 6, 7 and the present Article, may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 5, and to the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Special Union at the time the amendment was adopted. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Special Union at the time the amendment enters into force, or which become members thereof at a subsquent date, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.

ARTICLE 9

Ratification and Accession; Entry Into Force

(1) Any country party to the Paris Convention for the Protection of Industrial Property which has signed this Agreement may ratify it, and, if it has not signed it, may accede to it.

(2) Instruments of ratification and accession shall be deposited with the Director General.

(3) (a) With respect to the first five countries which have deposited their instruments of ratification or accession, this Agreement shall enter into force three months after the deposit of the fifth such instrument.

(b) With respect to any other country, this Agreement shall enter into force three months after the date on which its ratification or accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Agreement shall enter into force with respect to that country on the date thus indicated.

(4) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Agreement.

ARTICLE 10

Force and Duration of the Agreement

This Agreement shall have the same force and duration as the Paris Convention for the Protection of Intellectual Property.

ARTICLE 11

Revision of Articles 1 to 4 and 9 to 15

(1) Articles 1 to 4 and 9 to 15 of this Agreement may be submitted to revision with a view to the introduction of desired improvements.

(2) Every revision shall be considered at a conference which shall be held among the delegates of the countries of the Special Union.

ARTICLE 12

Denunciation

(1) Any country may denounce this Agreement by notification addressed to the Director General. Such denunciation shall affect only the country making it, the Agreement

remaining in full force and effect as regards the other countries of the Special Union.

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Special Union.

ARTICLE 13

Territories

The provisions of Article 24 of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

ARTICLE 14

Signature, Languages, Notifications

(1) (a) This Agreement shall be signed in a single copy in the English and French languages, both texts being equally authentic, and shall be deposited with the Government of Switzerland.

(b) This Agreement shall remain open for signature at Berne until June 30, 1969.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(3) The Director General shall transmit two copies, certified by the Government of Switzerland of the signed text of this Agreement to the Governments of the countries that have signed it and, on request, to the Government of any other country.

(4) The Director General shall register this Agreement with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Special Union of the date of entry into force of the Agreement, signatures, deposits of instruments of ratification or accession, acceptances of amendments to this Agreement and dates on which such amendments enter into force, and notifications of denunciation.

ARTICLE 15

Transitional Provision

Until the first Director General assumes office, references in this Agreement to the International Bureau of the Organization or to the Director General shall be deemed to be references to the United International Bureaux for the Protection of Intellectual Property (BIRPI) or its Director, respectively.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Locarno, on October 8, 1968.

For South Africa: _____

For Algeria:
K. LAALA

For Argentina: _____

For Australia: _____

For Austria:
THALER
Dr. LORENZ

For Belgium:
A. SCHURMANS

For Brazil: _____

For Bulgaria: _____

For Cameroon: _____

For Canada: _____

For Ceylon: _____

For Cyprus: _____

For the Congo (Brazzaville): _____

For the Ivory Coast: _____

For Cuba: _____

For Dahomey: _____

For Denmark:
ERIK TUXEN

For Spain:
J. L. XIFRA
A. F.-MAZARAMBROZ
J. ESCUDERO

For the United States of America:
GERALD D. O'BRIEN
HARVEY J. WINTER

For Finland:
ERKKI TUULI

For France:
G. BONNEAU

For Gabon: _____

For Greece: _____

For Haiti: _____

For the Upper Volta: _____

For Hungary:
EMIL TASNÁDI

For Indonesia: _____

For Iran:
M. NARAGHI

For Ireland: _____

For Iceland: _____

For Israel: _____

For Italy:
GIORGIO RANZI

For Japan: _____

For Kenya:
D. J. COWARD

For Laos: _____

For Lebanon: _____

For Liechtenstein:
Dr. MARIANNE MARXER

For Luxembourg:
J. P. HOFFMAN

For Madagascar: _____

For Malawi: _____

For Malta: _____

For Morocco: _____

For Mauritania: _____

For Mexico: _____

For Monaco:
J. M. NOTARI

For Niger: _____

For Nigeria: _____

For Norway:
ROALD RÖED

For New Zealand: _____

For Uganda: _____

For the Netherlands:
PHAF
E. VAN WEEL

For the Philippines: _____

For Poland: _____

For Portugal:
ADRIANO DE CARVALHO
JORGE VAN-ZELLER GARIN
José MOTA MAIA

For the Syrian Arab Republic: _____

For the United Arab Republic: _____

For the Central African Republic: _____

For the Dominican Republic: _____

For the Federal Republic of Germany:
VON KELLER
GERHARD SCHNEIDER

For the Republic of Viet-Nam: _____

For Romania: _____

For the United Kingdom of Great Britain and Northern Ireland: _____

For San Marino: _____

For the Holy See:
P. HENRI DE RIEDMATTEN

For Senegal: _____

For Sweden:
BENGT HOLMQUIST

For Switzerland:
JOSEPH VOYAME
W. STAMM

For Tanzania: _____

For Chad: _____

For Czechoslovakia:
Prof. FRANTISEK KRISTEK

For Togo: _____

For Trinidad and Tobago: _____

For Tunisia: _____

For Turkey: _____

For the Union of Soviet Socialist Republics:
Z. MIRONOVA

For Uruguay: _____

For Yugoslavia:
ZOLTAN BIRO

For Zambia: _____

Copie certifiée conforme à l'original déposé auprès du Conseil Fédéral Suisse pour le Departement Politique Fédéral.

[SEAL] _____

BERNE, *le 15 juillet 1969.*

ANNEX

LIST OF CLASSES AND SUBCLASSES OF THE INTERNATIONAL CLASSIFICATION

Class 1—Foodstuffs, Including Dietetic Foods
01) Bakers' products, biscuits, pastry, macaroni, etc.
02) Chocolates, confectionery, ices
03) Cheese, butter and other dairy produce and substitutes
04) Butchers' meat (including pork products)
05) Animal foodstuffs
99) Miscellaneous

Class 2—Articles of Clothing, Including Footwear
01) Garments
02) Undergarments, lingerie, corsets, brassières
03) Headwear
04) Footwear (including boots, shoes and slippers)
05) Socks and stockings
06) Neckties, scarves and neckerchiefs
07) Gloves
08) Haberdashery
99) Miscellaneous

Class 3—Travel Goods and Personal Belongings, Not Elsewhere Specified
01) Trunks, suitcases and briefcases

XUM

02) Handbags, wallets, pocketbooks, purses, boxes
03) Umbrellas, walking sticks
04) Fans
99) Miscellaneous
Class 4—Brushware
01) Brushes for cleaning and brooms
02) Toilet and clothes brushes
03) Brushes for industry
04) Paint-brushes
99) Miscellaneous
Class 5—Textile Piece-goods Articles, and Other Sheet Material
01) Spun articles
02) Textile fabrics (woven, knitted, etc.)
03) Sheet material
04) Felt
05) Covering sheets (wallpaper, linoleum, etc.)
06) Lace
07) Embroideries
08) Ribbons, braids and other trimmings
09) Leather and substitutes
99) Miscellaneous
Class 6—Furnishing
01) Furniture
02) Mattresses and cushions
03) Curtains (ready-made)
04) Carpets
05) Mats and floor rugs
06) Mirrors and frames
07) Garment hangers
08) Bedspreads
09) Household linen and napery
99) Miscellaneous
Class 7—Household Goods, Not Elsewhere Specified
01) China, glassware, dishes and other articles of similar nature
02) Cooking utensils and containers
03) Knives, forks and spoons
04) Cooking stoves, toasters, etc.
05) Chopping, mincing, grinding and mixing machines
06) Flat-irons and laundering, cleaning and drying equipment
99) Miscellaneous
Class 8—Tools and Hardware
01) Tools and implements for agriculture, forestry and horticulture
02) Other tools and implements
03) Locks and other hardware fittings
04) Nails, screws, nuts, bolts, etc.
99) Miscellaneous
Class 9—Packages and Containers
01) Bottles, flasks, carboys, demijohns and pots
02) Closing means
03) Drums and casks
04) Boxes and cases
05) Hampers, crates and baskets
06) Bags, wrappers and tubes and capsules
07) Cans
08) Ropes and hooping materials
99) Miscellaneous
Class 10—Clocks and Watches, and Measuring Instruments
01) House clocks
02) Watches and wrist-watches
03) Alarms
04) Other clocks
05) All other chronometrical instruments
06) Dials, hands and all other parts of watches, clocks, and of other chronometrical instruments
07) Geodetic, nautical, acoustic and meteorological articles
08) Instruments for measuring physical sizes, like length, pressure, etc.
09) Instruments for measuring temperature
10) Instruments for measuring electric sizes (voltmeters, etc.)
11) Testing instruments
99) Miscellaneous
Class 11—Articles of Adornment
01) Jewelry
02) Trinkets, table mantle, and wall ornaments, including flower vases
03) Medals and badges
04) Artificial flowers, fruits and plants
05) Festive decorations
99) Miscellaneous
Class 12—Vehicles
01) Vehicles drawn by animals
02) Trolleys, trucks and barrows, hand-drawn
03) Locomotives and rolling-stock for railways and all other rail vehicles
04) Telepher carriers and chair lifts
05) Elevators and hoists
06) Ships and boats
07) Aircraft and space vehicles
08) Motor-cars and buses
09) Lorries and tractors
10) Trailers, including camping or house trailers
11) Motorcycles, scooters, bicycles and tricycles
12) Perambulators and invalid chairs
13) Special vehicles
14) Pneumatic tyres, inner tubes and all other equipment or accessories, not elsewhere specified
99) Miscellaneous
Class 13—Equipment for Production, Distribution and Transformation of Electricity
01) Generators and motors
02) Power transformers, rectifiers, batteries and accumulators
03) Equipment for distributon and control of electric power (conductors, switchgear, etc.)
99) Miscellaneous
Class 14—Electrical and Electronic Equipment
01) Equipment for the recording and reproduction of sounds or pictures
02) Equipment for the recording, reproduction and retrieval of information
03) Communications equipment (telegraph, telephone, teletype, television and radio)
04) Amplifiers
99) Miscellaneous
Class 15—Industrial and Household Machines
01) Engines (not electrical)
02) Pumps and compressors
03) Agricultural machinery
04) Construction machinery
05) Industrial machines, not elsewhere specified
06) Industrial laundry and cleaning machines
07) Household laundry and cleaning machines
08) Industrial textile sewing, knitting and embroidering machines
09) Household textile sewing, knitting and embroidering machines
10) Industrial refrigeration apparatus
11) Household refrigeration apparatus
12) Food preparation machines
99) Miscellaneous
Class 16—Photographic, Cinematographic and Optical Apparatus
01) Photographic cameras
02) Film cameras
03) Projectors (for slides)
04) Projectors (for films)
05) Photocopying apparatus and enlargers
06) Developing apparatus
07) Accessories
08) Optical articles, such as spectacles, microscopes, etc.
99) Miscellaneous
Class 17—Musical Instruments
01) Keyboard instruments (including electronic and other organs)
02) Wind instruments (including piano accordions)
03) Stringed instruments
04) Percussion instruments
05) Mechanical instruments
99) Miscellaneous
Class 18—Printing and Office Machinery
01) Typewriters and calculating machines, with the exception of electronic machines
02) Typographical machinery
03) Machinery for printing by processes other than typography (excluding photocopying machinery)
04) Characters and type faces
05) Massicots
99) Miscellaneous
Class 19—Stationers' Goods, Desk Equipment, Artists' and Teaching Materials
01) Writing paper and envelopes
02) Desk equipment
03) Calendars
04) Bindings
05) Illustrated cards and other printed matter
06) Materials and instruments for writing by hand
07) Materials and instruments for painting (excluding brushes), for sculpture, for engraving and for other artistic techniques
08) Teaching materials
99) Miscellaneous
Class 20—Sales and Advertising Equipment
01) Automatic vending machines
02) Display and sales equipment
03) Signboards and advertising materials
99) Miscellaneous
Class 21—Games, Toys and Sports Goods
01) Games
02) Toys
03) Gymnastics and sports apparatus and equipment
04) Amusement and entertainment articles
05) Tents
99) Miscellaneous
Class 22—Arms and Tackle for Hunting, Fishing and Vermin Trapping
01) Side arms
02) Projectile weapons
03) Ammunition, fuses and projectiles
04) Hunting equipment (excluding weapons)
05) Fishing rods
06) Reels for fishing rods
07) Baits
08) Other pieces of fishing tackle
09) Traps and articles for vermin destruction
99) Miscellaneous
Class 23—Sanitary, Heating, Ventilation and Air-Conditioning Equipment
01) Fluid and gas-distribution equipment (including pipes and pipe fittings)
02) Sanitary fittings and equipment (baths, showers, washbasins, lavatories, sanitary units, etc.)
03) Heating equipment
04) Ventilation and air-conditioning
05) Solid fuel
99) Miscellaneous
Class 24—Medical and Laboratory Equipment
01) Equipment for transport and accommodation for patients
02) Hospital and laboratory equipment (for diagnostic, tests, operations, treatment, eye-testing)
03) Medical, surgical, dental instruments
04) Prosthetic articles
05) Material for dressing and nursing
99) Miscellaneous
Class 25—Building Units and Construction Elements
01) Building material and elements, such as bricks, beams, tiles, slates, panels, etc.
02) Windows, doors, blinds, etc.
03) Sections, angles and channels
04) Houses, garages, and all other buildings
05) Civil engineering elements
99) Miscellaneous
Class 26—Lighting Apparatus
01) Luminous sources, electrical or not, such as incandescent bulbs, luminous tubes and plates
02) Lamps, standard lamps, chandeliers, wall and ceiling fixtures
03) Public lighting fixtures (outside lamps, stagelighting, floodlights)
04) Torches and hand lamps and lanterns
05) Candles, candlesticks
06) Lamp-shades
99) Miscellaneous
Class 27—Tobacco and Smokes' Supplies
01) Tobacco, cigars and cigarettes
02) Pipes, cigar and cigarette holders
03) Ash-trays
04) Matches
05) Lighters
06) Cigar cases, cigarette cases, tobacco jars and pouches
99) Miscellaneous
Class 28—Pharmaceutical and Cosmetic Articles and Products, Toilet Articles and Apparatus
01) Pharmaceutical articles and products
02) Cosmetic articles and products
03) Toilet articles and beauty parlor equipment
99) Miscellaneous
Class 29—Safety and Protective Devices and Equipment for Human Beings
01) Devices and equipment against fire hazards
02) Devices and equipment for water rescue
03) Devices and equipment for mountain rescue
99) Devices and equipment against other hazards (roads, mines, industries, etc.)
Class 30—Care and Handling of Animals
01) Shelters and pens
02) Feeders and waterers
03) Saddlery
04) Safety and protective devices and equipment for animals
99) Other articles
Class 31—Miscellaneous
All the products not included in the preceding Classes.

RESOLUTION

ADOPTED BY THE CONFERENCE OF LOCARNO ON OCTOBER 7, 1968

(1) A provisional Committee of Experts is hereby set up at the International Bureau. This Committee shall include a representative of each country signatory to the Locarno Agreement Establishing an International Classification for Industrial Designs.

(2) The provisional Committee shall submit to the International Bureau a draft of the alphabetical list of goods and of the explanatory notes mentioned in Article 1(5) of the Agreement. It shall also re-examine the list of classes and subclasses annexed to the Agreement and shall submit to the International Bureau, if necessary, draft amendments and additions to be made to the said list.

(3) The International Bureau shall prepare the work of the provisional Committee and shall convene it as early as possible.

(4) As soon as the Agreement enters into force, the Committee of Experts set up under Article 3 of the Agreement shall make a decision concerning the drafts referred to in paragraph (2) above.

(5) The travel and subsistence expenses of the members of the provisional Committee shall be borne by the countries which they represent.

EXECUTIVE K

PROTOCOL RELATING TO AN AMENDMENT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

(Signed at New York, on March 12, 1971)

THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Having met in Extraordinary Session, at New York, on the eleventh day of March 1971,

Having noted that it is the general desire of contracting States to enlarge the membership of the Council,

Having considered it proper to provide for three seats in the Council additional to the six seats which were provided for by the amendment adopted on the twenty-first day of June 1961 to the Convention on International Civil Aviation (Chicago, 1944) and, accordingly, to increase the membership of the Council to thirty,

And having considered it necessary to amend for the purpose aforesaid the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,

Approved, on the twelfth day of March 1971, in accordance with the provisions of paragraph a) of Article 94 of the Convention aforesaid, the following proposed amendment to the said Convention:

In paragraph a) of Article 50 of the Convention, the second sentence shall be deleted and replaced by: "It shall be composed of thirty contracting States elected by the Assembly."

Specified, pursuant to the provisions of paragraph a) of Article 94 of the said Convention, eighty as the number of contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

Resolved that the Secretary General of the International Civil Aviation Organization draw up a Protocol in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above mentioned and the matters hereinafter appearing.

Consequently, pursuant to the aforesaid action of the Assembly,

This Protocol has been drawn up by the Secretary General of the Organization;

This Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation;

The instruments of ratification shall be deposited with the International Civil Aviation Organization;

This Protocol shall come into force, in respect of the States which have ratified it, on the date on which the eightieth instrument of ratification is so deposited;

The Secretary General shall immediately notify all contracting States of the date of deposit of each ratification of this Protocol;

The Secretary General shall immediately notify all States parties to the said Convention of the date on which this Protocol comes into force;

With respect to any contracting State ratifying this Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

In witness whereof, the President and the Secretary General of the aforesaid Extraordinary Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

Done at New York on the twelfth day of March of the year one thousand nine hundred and seventy-one, in a single document in the English, French and Spanish languages, each of which shall be of equal authenticity. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization, and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties to the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944.

WALTER BINAGHI,
President of the Assembly.
ASSAD KOTAITE,
Secretary General of the Assembly.

Certified to be a true and complete copy.
[SEAL]
GERALD F. FITZGERALD,
Legal Bureau, ICAO.

Without objection, the excerpts from the reports were ordered to be printed in the RECORD, as follows:

THE NICE AND LOCARNO AGREEMENTS

I. THE NICE AGREEMENT, AS REVISED, CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES TO WHICH TRADEMARKS ARE APPLIED

PURPOSE

The express purpose of this Agreement is to set up an organization which will establish an international classification of goods and services to which trademarks are applied. The Department of State feels that it is important from the standpoint of effective government administration of its trademark functions that the United States accede to the Agreements so that it may participate as a member in this organization.

BACKGROUND

U.S. exporters generally regard foreign trademark protection as essential to the development of foreign markets. A trademark provides important identification for a firm's products and services and serves as the focal point around which that firm can develop its advertising and sales promotion campaigns. The mark symbolizes to the public the goodwill, quality standards and reputation inherent in its product and services.

The United States adheres to several treaties under which exporters and other businessmen are entitled to receive (in approximately 100 countries) the same treatment under trademark laws as those countries extend to their own nationals. They must, however, proceed under the laws of each such country in order to obtain these rights. The United States is not a party to any agreement whereby a U.S. trademark registration is automatically recognized and protected in a foreign country.

Consequently, an international trademark classification system is useful to American trademark owners, because it facilitates the determination of proper classification for multicountry filing programs. Such a system, also, makes it easier to monitor publications of foreign trademark offices in which possible trademark infringements may be detected.

The most widely-used international trademark classification system is that currently established under the Nice Agreement, as Revised, Concerning the International Classification of Goods and Services to Which Trademarks Are Applied, which was signed June 15, 1957. It consists of 34 product and 8 service classes. Over sixty nations use this classification either as a primary or a subsidiary system.

The United States does not use the Nice classification as its primary system. The U.S. system contains 52 product and 8 service classes and one "collective membership" class. The United States did, however, officially sign the Nice Agreement. The Stockholm revision of that agreement was assigned on July 14, 1967. On July 1, 1969, under the authority of the Federal Trademark Law (15 U.S.C. 1112), the U.S. Patent Commissioner adopted the Nice system as a subsidiary system. Senate advice and consent is now necessary for the U.S. to avail itself of the full benefits of the agreement, including membership on the Committee of Experts and participation on the Assembly. The agreement was submitted to the Senate on September 24, 1970.

PROVISIONS OF THE AGREEMENT

The revised version of this treaty contains 16 articles. A summary of its major provisions is set forth below.

Article 1 states that all countries party to the 1957 agreement, as well as those party to the 1967 revision, are constituted as a Special Union under the Paris Union established by the Paris Convention for the Protection of Industrial Property. This provision establishes, for the purposes of the registration of trademarks, a single classification of goods and services.

Article 2, a key provision, provides that "the classification shall not bind the contracting parties in respect of their evaluation of the extent of the protection afforded to a mark or their recognition of service marks." Each contracting country reserves the right to apply the international classification of goods and services as a principal or subsidiary system.

Article 3 establiahes a Committee of Experts which has the responsibility of modifying the international classification. Each contracting party is represented on the Committee and decisions of the Committee concerning amendments to the classification shall require the unanimous consent of the contracting countries. Decisions concerning additions to the classification shall require only a simple majority. For the purposes of this agreement, "amendment" is defined as "any transfer of goods from one class to another or the creation of any new class entailing such transfer."

Article 4 sets forth the requirements regarding the notification, entry into force, and publication of all amendments and additions to the international classification. This article designates the International Bureau as the depository of the classification.

Article 5 establishes an Assembly of the Special Union which will consist of all contracting parties and will meet in ordinary session every three years. The Assembly shall take any appropriate action designed to further the objectives of the Special Union. Decisions of the Assembly shall require two-thirds of the votes cast. Those actions amending Articles 5 through 8 of this agreement shall require four-fifths of the votes cast (Article 8).

Article 6 states that the administration tasks of the Special Union shall be performed by the International Bureau. This Bureau also serves as the secretariat for the Paris and Berne Unions and all other Special Unions under the Paris Union.

Article 7 provides that, for the purposes of determining contributions, each country will be in the same class as the Paris Union. This will involve a financial obligation of approximately $2,000 a year for the United States.

Other articles of the agreement deal largely with administration matters.

DATE OF ENTRY INTO FORCE

Pursuant to the provisions of Article 9, any country of the Special Union which has signed this agreement may ratify it, and, if it has not signed it, may accede to it. Any country outside the Special Union which is party to the Paris Convention for the Protection of Industrial Property may accede to this Act and thereby become a member of the Special Union. The agreement will enter into force three months after a country's ratification or accession has been notified by the Director General of the Special Union. Any country may denounce the agreements by giving one year's notice to the Director General (Article 12).

II. THE LOCARNO AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION FOR INDUSTRIAL DESIGNS

PURPOSE

The express purpose of this agreement is to establish an international classification for industrial designs. Such a system will facilitate the research into the existence of exclusive rights respecting a specified design or any variants thereof, and will be of material assistance in the implementation of United States design patent protection.

BACKGROUND

On April 11, 1963, the Director of the United International Bureau for the Protection of Intellectual Property (BIRPI) consulted the members of the Paris Union on their interest in adopting a more complete uniform classification of goods in which industrial designs are incorporated. The overwhelming number of positive responses gave rise to a series of preparatory working sessions which were held in Geneva from October 12 to 16, 1964 and from May 2 to 5, 1966. These preparations culminated at an international conference which was held in Locarno, Switzerland from October 2 to 8, 1968. The conference was attended by representatives from 41 countries. At the conclusion of the conference on October 8, the Locarno Agreement Establishing an International Classification for Industrial Designs was signed by 22 nations. It was submitted to the Senate on August 3, 1971.

PROVISIONS OF THE AGREEMENT

The final version of this agreement consists of 16 articles followed by an annex containing 31 main classes and approximately 200-odd subclasses of industrial goods. A summary of its major provisions is set forth below.

Article 1 establishes an international classification for industrial designs. Although "industrial design" is not specifically defined, it is understood to mean any new, original and/or ornamental design for an article of manufacture. In the United States, such designs are usually protected by "design patents." This article also provides that the contracting parties shall be constituted as a Special Union under the Paris Union established by the Paris Convention for the Protection of Industrial Property.

Under Article 2, each contracting party reserves the right to use the international classification as a principal or as a subsidiary system. The international classification shall not bind the countries as regards the nature and scope of the protection afforded to the design in those countries. In the United States the Patent Office has been applying, as a subsidiary system, the International Design Classification to its issued design patents since January 1969.

Article 3 creates a Committee of Experts on which each contracting party will be represented. This Committee will adopt the alphabetical list of goods in which industrial designs are incorporated and their explanatory notes. It will, also, be responsible for amending and making additions to the list of classes and subclasses annexed to the Agreement.

Article 4 sets forth the requirements regarding the notification, entry into force, and publication of all amendments and additions to the international classification. This article designates the International Bureau as the depository of the classification.

Article 5 establishes an Assembly consisting of all the countries of the Special Union. The Assembly shall take any appropriate action designed to further the objectives of the Special Union. Decisions of the Assembly shall require two-thirds of the votes cast. However, amendments of Articles 5 through 8 of this Agreement shall require four-fifths of the votes cast (Article 8).

Under Article 6, the secretariat for the Special Union, as for the Paris Union, is the International Bureau, which serves as secretariat for all other Special Unions under the Paris Union and for the Berne Union established by the Berne Copyright Convention.

Other articles of the Agreement deal largely with Administrative matters.

DATE OF ENTRY INTO FORCE

Pursuant to the provisions of Article 9, any country to the Paris Convention for the Protection of Industrial Property which has signed this Agreement may ratify it, and, if it has not signed it, may accede to it. The Agreement will enter into force three months after a country's ratification has been notified by the Director General of the Special Union. Any country may denounce the Agreement by giving one year's notice to the Director General (Article 12).

III. COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on the Nice and Locarno Agreements on the morning of November 19, 1971, at which time testimony was received from Mr. Bruce C. Ladd, Jr., Deputy Assistant Secretary of State, Bureau of Economic Affairs. Mr. Ladd's prepared statement is reprinted below.

In the afternoon of November 19, the Committee met in executive session and ordered the Nice Agreement and the Locarno Agreement reported favorably to the Senate for advice and consent to ratification.

STATEMENT BY BRUCE C. LADD, JR., DEPUTY ASSISTANT SECRETARY OF STATE FOR COMMERCIAL AFFAIRS AND BUSINESS ACTIVITIES, CONCERNING THE LOCARNO AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION FOR INDIVIDUAL DESIGNS AND THE NICE AGREEMENT CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES TO WHICH TRADEMARKS ARE APPLIED

Mr. Chairman, I am pleased to appear before your Committee to express the Administration's support for United States ratification of the Locarno Agreement Establishing an International Classification for Industrial Designs, and accession to the 1957 Nice Agreement concerning the International Classification of Goods and Services to which Trademarks are Applied and the 1967 Stockholm revision of that Agreement.

The Locarno Agreement was negotiated at a diplomatic conference in October 1968 in which the United States participated. It was signed by 22 countries, including the United States, on October 8, 1968. This Agreement entered into force in April of this year, three months after the deposit of the fifth instrument of ratification or accession.

As indicated by its title, the Agreement has as its purpose the establishment of an international classification for industrial designs. The establishment of the classification will encourage the harmonization of classifications of industrial designs in the various industrial property offices operating in that field. "Industrial design" generally means any new, original and ornamental design for an article of manufacture, as for example, the styling or design—other than utilitarian features—of furniture, office machinery, containers, or automobiles. Such designs are capable of protection by the securing of "design patents" in the United States.

Essentially the Agreement provides for an international classification comprising a list of classes and subclasses, and an alphabetical list of articles of manufacture in which industrial designs are incorporated. The Agreement provides that each Contracting State reserves the right to use the international classification as a principal or subsidiary system and that the international classification shall be solely administrative in character.

Provision is made under the Agreement for a Committee of Experts, on which all Contracting States will be represented, to adopt the alphabetical list of articles and the list of classes and subclasses in which industrial designs are incorporated and to be responsible for amending and adding to the list of classes and subclasses of the international

classification where necessary due to new developments in the field. The U.S. Patent Office has considerable expertise in this field as the U.S. is one of the countries in which design patents are subject to a search and examination. The list of classes and subclasses and the alphabetical list of goods were adopted on September 17, 1971 by the Committee of Experts.

An Assembly of all the contracting parties will meet every three years to deal with various administrative and financial matters concerning the Agreement.

The member States of the Locarno Agreement are constituted as a Special Union under the Paris Union established by the Convention of Paris for the Protection of Industrial Property, last revised at Stockholm in 1967. We have been a party to the Paris Convention since 1885 and the Senate approved the Stockholm revision of that Convention in 1970. The secretariat for the Special Union of the Locarno Agreement, as well as for the Paris Union, is the International Bureau of Intellectual Property, which also serves as the secretariat for other Unions under the Paris Union.

The U.S. Patent Office has been applying the international classification to its issued design patents since January 1969 as a subsidiary classification, which is the principal obligation required of a Patent Office under the Locarno Agreement. The Agreement will facilitate searches to determine whether a particular design is new or novel, or whether it is already registered as an existing design here or abroad. It will also be of material assistance to the design patent operation of the U.S. Patent Office. No legislation will be required in order to implement the Agreement.

In December 1969 the Commissioner of Patents requested the views of the patent bar on the Locarno Agreement. No adverse comments were received.

Both the 1957 Nice Agreement Concerning the International Classification of Goods and Services to which Trademarks are Applied, which entered into force in April 1961, and the 1967 Stockholm revision of the Nice Agreement, which entered into force in March 1970, establish an international classification of goods and services to which trademarks are applied. Twenty-five countries are party either to the 1957 or 1967 texts of the Agreement.

The Agreement provides for a classification of goods and services for the purpose of registering trademarks and service marks. The classification is used in international registration of trademarks under the multilateral Madrid Trademark Agreement and in the natonal registration of marks by the national offices of more than 60 countries

The classification consists of a list of 42 classes of goods and services, and an alphabetical list of products keyed to the classes. More than 20,000 items are covered in the alphabetical list. According to the Agreement, the list of goods and services may be amended and supplemented by a Committee of Experts on which all contracting States are represented.

The Agreement provides that the classification does not bind the contracting parties as to the extent of the protection afforded to a particular trademark or their recognition of services marks. Further, each contracting country reserves the right to apply the international classification of goods and services as a principal or subsidiary system.

The Patent Commissioner has authority under existing law to adopt a classification system and he has adopted the international classification as a subsidiary classification since July 1, 1969. It is highly desirable that the United States become a party to the Agreements so that, as a member in the Committee of Experts and in the administrative Assembly, it may influence the decisions of those bodies. It is particularly important that the United States have a voice in influencing the development of the international classification in view of the importance of classification to American trademark owners. The classification is useful to our trademark owners because it facilitates determination of proper classification for trademark filing in many countries and makes it easier to monitor publications of foreign trademark offices in which possible trademark infringements in foreign markets may be detected.

From an administrative standpoint, adoption of the international classification of Goods and Services to which Trademark are Applied fulfills three basic needs:

1. The need for a Trademark Classification Manual which can be used by Trademark Examiners as well as Trademark Attorneys.

2. The need for the modernization and reclassification of our present domestic system which is now 50 years old and has not been modernized since 1949 at which time only a few classes were reclassified.

3. At the international level, the need for uniformity of classification to facilitate the filing and examination of U.S. applications abroad.

These three needs are fulfilled by the adoption of the international classification of goods and services to which trademarks are applied.

States parties to the 1957 Agreement, as well as the 1967 revision, comprise a Special Union, known as the Nice Union, which is also under the Paris Union of the Paris Industrial Property Convention. The secretariat for the Nice Union is also the International Bureau of Intellectual Property.

United States adherence to both the 1957 and 1967 texts of the Agreements is favored by the Patent, Trademark and Copyright Law Section of the American Bar Association, the United States Trademark Association, the American Patent Law Association and other associations of trademark owners and attorneys.

Thank you very much, Mr. Chairman, for giving me the opportunity to give you the Administration's views on these important agreements in the industrial property field on which we seek the advice and consent of the Senate.

TEXTS OF RESOLUTIONS OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and oonsent to the accession to the Nice Agreement Concerning the International Classification of Goods and Services to Which Trademarks Are Applied, signed June 15, 1957, together with an English translation thereof, and a certified copy of that Agreement as revised at Stockholm July 14, 1967, together with an English translation thereof (Ex. M, 91–2).

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Locarno Agreement Establishing an International Classification for Industrial Designs, signed October 8, 1968 (Ex. I, 92–1).

PROTOCOL TO AMEND INTERNATIONAL CIVIL AVIATION CONVENTION

PURPOSE

The purpose of this Protocol is to increase the membership on the Council of the International Civil Aviation Organization from 27 to 30 representatives.

BACKGROUND

The Convention establishing the International Civil Aviation Organization (ICAO) entered into force in 1947. The main objective of the organization is to develop principles and techniques of international air navigation and to foster planning and development of international transport in order to insure the safe and orderly growth of international civil aviation throughout the world. The organization carries on its activities through an assembly on which every nation a party to the convention is entitled to be represented. The Assembly meets annually, except in cases when it is deemed necessary to convene extraordinary sessions, and it is responsible for electing representatives to the Council of the organization. The composition and election of the Council which functions largely in an executive capacity, are governed by Article 50 of the Convention on International Civil Aviation. As amended by this Protocol, it reads as follows:

(a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of *thirty* contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.

(b) In electing the members of the Council, the Assembly shall give adequate representation to (1) the States of chief importance in air transport; (2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the States not otherwise included whose designation will insure that all the major geographic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; any contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

(c) No representative of a contracting State on the Council shall be actively associated with the operation of an international air, service or financially interested in such a service.

Among other things, the Council submits annual reports to the Assembly, administers the finances of the organization, and requests, collects, examines and publishes information relating to the advancement of air navigation and the operation of international air services.

REASON FOR INCREASE IN COUNCIL MEMBERSHIP

When the International Civil Aviation Organization came into existence in 1947, there were 57 member countries in the Assembly and 21 representatives on the Council. The membership expanded to 86 countries by 1961, at which time the size of the Council was increased to 27 members. During 1970 the number of member countries increased to 120 (including the Soviet Union) and instruments of adherence have been deposited by two other countries this year. In view of this increase in membership, an extraordinary session of the Assembly was convened at New York late in 1970 for the purpose of considering a proposal to enlarge the number of representatives serving on the Council from 27 to 30. Although the U.S. Government took the position that there was no need to increase the size of the Council, because of the general support in the Assembly for the proposal, the United States joined in the unanimous adoption of an amendment to Article 50(a) to accomplish this purpose.

DATE OF ENTRY INTO FORCE

The proposed amendment will enter into force in respect of states which have ratified it on the date on which the 80th instrument of ratification is deposited.

COMMITTEE ACTION

The Comimttee on Foreign Relations held a public hearing on the pending protocol on November 19, 1971, at which time testimony in favor of the protocol was received from Mr. John S. Meadows, Director, Office of Aviation, Department of State. His prepared statement is reprinted below. Later the same day, the Committee met in executive session and ordered the protocol reported favorably to the Senate.

The Committee is not aware of any opposition to the protocol and it recommends that the Senate give its advice and consent to ratification thereof.

The PRESIDING OFFICER. Without objection, the protocols will be considered as having passed through the various parliamentary stages, up to and including the presentation of the resolutions of ratification, which will be read for the information of the Senate.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the accession to the Nice Agreement Concerning the International Classification of Goods and Services to Which Trademarks Are Applied, signed June 15, 1957, together with an English translation thereof, and a certified copy of that Agreement as revised at Stockholm July 14, 1967, together with an English translation thereof (Ex. M, 91-2).

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Locarno Agreement Establishing an International Classification for Industrial Designs, signed October 8, 1968 (Ex. I, 92-1).

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Protocol dated at New York, March 12, 1971, relating to an Amendment to the Convention on International Civil Aviation (Ex. K, 92-1).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the votes on these three treaties occur tomorrow, beginning at 10:30 a.m.; and I ask unanimous consent that it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. A vote on all three treaties at the same time?

Mr. MANSFIELD. On all three treaties, consecutively—three separate votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SENATOR JACKSON SPEAKS OUT

Mr. MAGNUSON. Mr. President, over the years, our colleague, Senator HENRY JACKSON, has shown that a statesman of international stature can also be a man of plain talk. He speaks out frankly and clearly on the tough problems of the day. Those who hear him have no doubt about where he stands.

When Senator JACKSON says that a just America and a strong America are vital to each other and that a prudent defense policy belongs on any list of priorities, people know what he means. He has made clear that—

We can succeed in the tasks of government only by marshaling the efforts of our people in behalf of justice at home and responsible participation abroad. These tasks are inseparable.

Senator JACKSON has been sharing this perspective with people all across America and his commonsense approach has touched a responsive chord. With his special brand of forthrightness, he is making an important contribution to public discussion of major issues in our society.

Mr. President, in the belief that Senator JACKSON'S views deserve a wider audience, I ask unanimous consent that brief excerpts from some of his statements on the challenge to America at home and abroad be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

NATIONAL SECURITY AND FOREIGN POLICY

NATIONAL SECURITY

In the world of the 70's what is it that America is working for?

The world we want is one in which each people will be free to develop its national life in its own way, subject only to the requirement of full respect for the rights of others to live their lives in their own ways. This is the kind of world in which we want to live—one in which our free institutions can survive and flourish, can gain strength and become even more responsive to the needs and interests of the American people. But we do not ask more for ourselves than we gladly and freely accord to others.

This is the kind of world described in the opening articles of the Charter of the United Nations. It is a noble cause. But a cause must have its champions, and we may take pride in being counted among them.—From speech to Commonwealth Club of California, March 5, 1971

In the current discussion of our national priorities there is a tendency to draw a sharp distinction between defense, on the one hand, and domestic needs on the other. I reject this view. The term "domestic" when applied to our priorities is misleading, for nothing could be more "domestic" than the survival of our people or the freedom of this nation to choose its way of life free from outside interference.

The issue of our priorities is not an either/or proposition. We must not only maintain peace by deterring nuclear war, but we must promote a just and healthy society as well. Success in one of these goals will not help us survive failure in the other.—From speech to Los Angeles World Affairs Council, May 21, 1971

Our deterrent force is only as persuasive as its ability to survive a first strike in sufficient numbers, and to respond effectively. But the capacity of our strategic force to survive is now coming into question. The relentless Soviet strategic and naval build-up poses a serious threat not to just one but to all three of the elements of our strategic deterrent.

If present trends continue the Soviets will achieve a preponderance of strategic power that will leave our security impaired by doubt and uncertainty and our friends and allies exposed and vulnerable.

Looking ahead, it is difficult to escape the conclusion that our interests and those of our friends and allies would suffer in a strategic environment in which the American power position was widely questioned, even though the Soviet Union may not have achieved a clear preponderance. We could expect Soviet intransigence in negotiations, and efforts at blackmail and intimidation across a broad range of foreign policy issues, with a consequent rise in the incidence of dangerous situations.

The hard fact is that if we are not to be pushed into a whole new build-up of strategic offensive weapons then we must give our most urgent attention to two priorities:

(1) The protection of our deterrent forces, and

(2) The achievement of an arms control agreement on offensive and defensive nuclear systems that will stabilize the strategic balance and not upset it further in Moscow's favor.—From speech to the American Society of Newspaper Editors, Washington, D.C., April 15, 1971

We must not lose sight of the fact that all over the world there are men and women whose lives and freedoms depend, in the last analysis, on the capacity of the United States to lead the common defense effort of the free world. Our leadership—our ability to bring together those independent states who value their independence and freedom—is the best guarantee of security for the American people.—From Senate floor speech, May 18, 1971

When it comes to the security of our country, I am not some kind of hybrid of shifting plumage. I am not a "hawk" or a "dove" or an ostrich. And I don't want my country to be a pigeon.—From Columbus Day Dinner speech, Weirton, West Virginia, October 8, 1971

My people came from Norway. It is a beautiful country. It enjoyed a thousand years of freedom. It was one of the first nations in Europe to achieve national health care and unemployment compensation and national pension plans. Along with a high measure of social justice, Norway has clean air and water and land—a splendid environment. But what good did all of that do when the Nazi boot stomped across that lovely country in 1940 and a thousand years of freedom came to an end?

There is a lesson in that, and I will never forget it. The lesson is that freedom and justice survive together or perish together.—From remarks on acceptance of the Four Freedoms Award from the United-Italian American Labor Council, December 4, 1971

ARMS CONTROL

I believe that discussions among nations for a sound and safe system for the control and limitation of armaments should be continuous. The statesmen of the free world must never give up in their search for a security system which rests on more than the threat of mutual destruction.—From Senate floor speech, May 27, 1957

In relations with the Soviet Union the free world must pursue two consonant courses of action: to work with them where interests converge, and at the same time to maintain the strength and the resolve to discourage peace-upsetting moves by them.

We should have learned by now that the way to encourage a reasonable response from Moscow is not through weakness but through strength. The way to negotiate successfully with Soviet leaders is to maintain the strength to make negotiated agreements

more attractive to them than continued disagreements—as in the case of the Austrian Peace Treaty and the limited nuclear test-ban treaty.

It is with this point of view that I have favored efforts to limit the spread of nuclear weapons—and at the same time have opposed major concessions in the treaty negotiations without any compensating changes of policy on the Soviet side.—From speech to Hoover Institution, Stanford University, October 11, 1967

To those who say we must take risks for peace by smashing up the Western deterrent, I say: you are not proposing risks *for* peace, you are proposing a policy that would heighten the risk of confrontation or war. You are risking loss of security or freedom for Americans and our friends throughout the world.—From Senate floor speech, May 13, 1971

The pace of events may overtake our efforts to conclude a SALT agreement covering the whole range of systems under consideration.

I have come to the conclusion that we ought to consider a partial, interim agreement with the U.S.S.R. that would at once have the effect of slowing the strategic arms competition and adding to the immediate security of the strategic balance. Such an interim measure would be both simple and immediate: simple so as to obviate complex negotiation and immediate so as to arrest the decline in the security of our deterrent. Such an agreement would focus on the principal source of the mounting instability in the strategic balance: the increasing offensive potential of the Soviet forces.

Specifically, I propose a mutual U.S.-Soviet agreement for an initial period of one year providing the following:

(1) The United States would immediately halt the deployment of Minuteman III missiles with their MIRV warheads.

(2) The Soviet Union would immediately halt the deployment of new ICBM launchers and missiles including those now under construction.

(3) Both countries would retain the freedom to assure the survivability of their strategic land-based forces so long as they did not add to their offensive potential.

(4) Neither side would deploy a population defending ABM.

I would hope that the United States would act immediately to propose the interim freeze that I have outlined. The stability of the strategic balance and the prospects for a comprehensive SALT agreement would be greatly improved by such a move.—From Senate floor speech, March 29, 1971.

It is essential that we spare no effort to obtain agreement with the Soviets to limit both offensive and defensive strategic weapons. I am persuaded that our persistence in endeavoring to limit Soviet offenses while discussing limitations on defensive systems is crucial to a sound national security policy.

It is my conviction that an agreement limiting only our defenses while leaving the Soviets free to expand their offenses would be both unnecessary and unwise. I am confident that the American people will continue to support American insistence on an overall agreement.—Comment to press, Washington, D.C., May 20, 1971.

EUROPE

The hopes of the world for peace with freedom continue to depend chiefly on a strong and confident Atlantic community. The North Atlantic area is still the decisive area and the requirements of the NATO deterrent deserve a very high priority.

The important unfinished business of the Atlantic Alliance is to reach a genuine, stable European settlement with the Soviet Union—to create conditions in which people can speak meaningfully of Europe instead of Western Europe or Eastern Europe, and to build a Europe which will strengthen the prospects for world peace and contribute to peaceful progress in Asia, Africa, and Latin America.

We and our allies should not cut our combat forces in Europe without corresponding concessions from the Soviet Union, without a *quid pro quo*—especially so when the concessions we ask are but contributions to a peaceful future for all of Europe, East and West. We could look safely forward to the reduction and redeployment of U.S. and allied NATO combat forces if the Soviets and the other Warsaw Pact countries make effective military and political arrangements for an equivalent reduction and redeployment of their forces.—From Senate floor speech, September 1, 1966

Since 1966 resolutions have been introduced which in effect call for a substantial reduction of U.S. forces stationed in Europe. Some proponents talked confidently of Senate passage of such a resolution in 1968—at the very moment when Soviet forces invaded Czechoslovakia. There was some sudden back-peddling, and a change in tune, and talk that "the time is obviously not propitious for a substantial reduction of U.S forces in Europe."

The time is no more propitious today.

The United States is deeply engaged in crucial East-West negotiations on arms control at SALT. The situation in the Middle East is highly explosive, as the Soviets exploit the tragic conflict between Arabs and Jews in pursuit of their priority interest—to multiply their influence in the Mediterranean-African area on the southern flank of NATO.

A major and as yet unachieved purpose of the Atlantic Alliance is to reach a genuine, stable European settlement with the Soviet Union. Among other things, such a settlement will involve the return of Soviet forces to the Soviet Union. How can the Soviet Government be encouraged to move in this direction? Clearly, we should sustain our bargaining position and actively pursue acceptance of *gradual and balanced reductions* in forces on both sides of the Iron Curtain.—From Senate floor speech, May 18, 1971

Without consultation, without collaboration—and in a capricious and disruptive way—Mr. Nixon imposed a foreign economic policy designed to cover up the long and dismal failure of his now-abandoned "game plan." This is no way to restore stability and mutual prosperity to the economy of the free world. Nor is it the way to restore international confidence in America's economic leadership.

It is the responsibility of the United States to convene an Atlantic Trade Conference with the free nations of Europe in order to expand trade and foster economic relations on a fair and equitable basis. I strongly believe that American workers and farmers should be represented at such a meeting. Decisions on international economic policy have already been made which have affected the security of our working people and our farm communities. It's time to make the voices of labor and agriculture heard in the councils of international economics.—From remarks, New York City, December 4, 1971.

MIDDLE EAST

The hand of the Soviet Union is stirring a witch's brew for the Free World in the Middle East.

If it isn't clear outside the USSR, it certainly is obvious inside the Soviet Union that Egyptian dictator Nasser has the full backing of the men in the Kremlin. He must be stopped, because dictators thrive on concessions and indecisions—such as those which have characterized our handling of the Suez crisis.—From article by Senator Jackson, *Seattle Post-Intelligencer*, September 27, 1956.

This country and Israel, whose security is threatened by the current crisis in that region, are bound together by shared values, cultural affinities, and a common ethical and religious heritage. Unlike some countries of the Middle East, Israel is a stable democracy, and a profoundly egalitarian and spirited one. These qualities, too, inspire the reapect of many Americans, who feel something like a sense of personal involvement in the destiny of Israel. Today, Israel is serving as the front line of Western defense in the Middle East.

The peace and stability of the Middle East is now threatened by the aggressive ambition of the Soviet Union, which transcends the tragic conflict between Arabs and Israelis. The policy of Russia to manipulate the conflict in the region for its own advantage is the key reality upon which American Middle East policy must be based.

These are my [main] recommendations:

We should assume that, for the foreseeable future, the search for peace and stability in the Middle East will be resisted rather than supported by Soviet policy.

We should recognize that the best prospect for peace in the Middle East lies in discouraging radical Arab hopes for the eventual military defeat of Israel.

We should recognize, and make clear our determination to resist, the Soviet threat to our friends and allies in the Middle East. To that end we should actively encourage our NATO allies to join with us in a strengthening of our common defensive capabilities in the region; and we should take immediate steps to explore measures to increase the strength and effectiveness of the U.S. 6th Fleet.—From Senator Henry M. Jackson's report to the Senate Armed Services Committee on "The Middle East and American Security Policy", December 1970.

I do not need to speak at length of the cruel mistreatment of the Soviet Union's Jewish minority. It is all too well known. We have seen the trials. We have reports of the arrests. And, perhaps most convincing of all, we have the testimony of those courageous men and women who have spoken out in letters to the West and signed petitions and even participated in open demonstrations. We cannot stand by without using such weight as we in America possess on behalf of those innocent Soviet Jews—victims of persecution—whose chief desire is for spiritual and cultural expression. We who freely possess these rights have an obligation to speak for those who do not.—From Senate speech introducing resolution regarding persecution of Jews and other minorities in USSR, July 12, 1971.

I am convinced that at this moment the single most important step this country can take to help bring a measure of stability to the troubled Middle East is to make plain our determination that we will not prejudice Israel's ability to deter by further denying her the aircraft she needs to prevent an invasion across the Suez Canal or a renewal of the war of attrition against her defensive positions in the Sinai.

Our most urgent immediate task in the Middle East is to acknowledge that the unrestrained flow of sophisticated weapons to Egypt from the Soviet Union has jeopardized the balance of power in a most dangerous way. We can preserve the peace in the Middle East but only if we recognize that it is

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today threatened by the narrow margin of Israel's air defense capability.

I am proposing that we extend the credits necessary to permit a brave ally to purchase the means with which to defend itself while we look to a better day in a more peaceful world where weapons and credits are no longer needed.—From Senate speech introducing his amendment appropriating $500 million credit aid for Israel, November 23, 1971.

CHINA

I believe it would contribute to peace and stability in the Western Pacific if Communist China, comprising over seven hundred million people, could begin to re-enter the international community and place its international relations on a more normal, stable plane.

As far as United States policy toward Mainland China is concerned I believe we should get it on a less-rigid, more-sensible footing. We should renew the invitation to the Peking regime to join in the 25-nation arms control meetings in Geneva. We should press Peking for the reopening of the bilateral U.S.-China Ambassadorial talks and be prepared to make constructive suggestions for discussion and negotiation. These suggestions should include: the start of mutual U.S.-Chinese exchanges of reporters, scholars, scientists and cultural performers; the improvement of trade relations between U.S. and Mainland China, including the mutual reduction of barriers to trade; the subject of Mainland Chinese participation in the United Nations and other international bodies on terms that would not exclude the Republic of China on Formosa.

It is time that both the Americans and the Mainland Chinese recognized that they have a mutual interest in, and a mutual responsibility for, peace and stability in the Western Pacific area.—From speech to Seattle Rotary Club, November 5, 1969.

It is generally agreed that by one formula or another the way will be opened to Peking to be admitted to the United Nations, if not this fall, then in the fall of 1972. Rather than concentrate U.S. efforts on how we can best delay such entry we should be thinking more as to how we may utilize the presence of the Mainland Chinese in the UN and of a delegation in New York to improve our relationships with Peking.

It is obvious that sometime, somehow, the Mainland Chinese regime will have to join in the negotiations on arms control. No strategic arms control agreement with a loophole as large as China could survive Chinese acquisition of a substantial nuclear force.

Our treaty obligations for the defense and security of Taiwan will continue whatever the formula whereby Mainland China enters the UN. We have a long record of alliance and friendship with Taiwan. We will continue this close association, and I do not believe it need constitute a block to the movement toward more normal relations between the U.S. and Mainland China.—From speech to Commonwealth Club of California, March 5, 1971.

A year and a half ago I proposed that this country should get its policy toward Mainland China on a less-rigid, more sensible footing. We should press ahead and accomplish what we can to improve mutual relations with Peking. The resumption of the bilateral talks in Warsaw, the implementation of a variety of exchange programs, and a renewal of trade could be steps in the direction of normalizing our bilateral relations. The pursuit of such reciprocal activities might well form a basis for a restoration of diplomatic relations between the United States and the People's Republic of China.—From speech to Boston World Affairs Council, April 22, 1971.

VIETNAM

Contrary to the notion of some critics our basic problem in Vietnam has not been an arrogance of power. Rather, our basic problem has been to achieve a reasonable compromise with an adversary who has not wished to compromise.

High on the agenda of any talks should be a mutual cease-fire—a stop to the fighting on both sides, to end the killing and the bloodshed and the destruction.—From remarks at Naval Air Station, Seattle, April 6, 1968.

The question at issue in the debate over Vietnam is not whether to end the Vietnam war. Everyone I know wants to do that. The question is how to do it?

As I see it, American disengagement from Vietnam must be phased and orderly, or our foreign policy problems will become more difficult and more unmanageable than ever.—From speech to Seattle Rotary Club, November 5, 1969.

We believe the United States should take a new political initiative by offering at Paris a comprehensive proposal for an internationally supervised standstill cease-fire throughout Vietnam.

It seems apparent that a cease-fire is necessary before a political solution can be achieved. Indeed, negotiating a cease-fire may be a more achievable goal, since it is a more limited one than negotiating a total political solution prior to cessation of fighting. At the same time, working out the on-the-ground arrangements for a cease-fire could lead to compromises on some of the more difficult political problems.

While we are undertaking to turn the burden of the war over to the South Vietnamese, at the same time we should make this effort to achieve a cease-fire and an end to all the killing in South Vietnam, and not simply an end to American involvement in it.—From letter to President Nixon initiated by Senators Jackson and Scott, and co-signed by 28 other Senators, September 1, 1970.

The Christmas-New Year and Tet truces already announced by the other side give us a unique opportunity to follow through, on the ground and with intensified diplomatic efforts, on the President's October 7 proposal for a standstill cease-fire in Indochina (a proposal which thirty Senators, as you know, joined in making in early September).

The period of an extended cease-fire should be used for an intense diplomatic effort through every appropriate channel and in key capitals to develop support for the permanent standstill cease-fire urged by the President on October 7, and for a political solution based on free elections which both sides have in principle favored.

We should also seek the earliest opportunity to begin to institute in eventual concert with the North Vietnamese and NLF, the necessary machinery for international monitoring necessary to a permanent standstill cease-fire.—From letter to Secretary of State Rogers, December 10, 1970

A non-election [in South Vietnam] plays into the hands of those who wish to see the future of Vietnam settled by an armed struggle. The renewed talk of coups, the polarization and the frustration harden attitudes and encourage violence, rather than a political solution.

The administration should stop pretending to be helpless, saying there is nothing more to be done. The United States still has sufficient influence in Vietnam to see that a pointless referendum is transformed into a meaningful political contest.

The commitment of the United States has been to the people of South Vietnam—to "give the South Vietnamese people a chance to determine their own future" as four Presidents from Eisenhower to Nixon have pledged—and not to President Thieu or to any other particular politician.—From Senate floor speech, September 10, 1971.

I want to get all of our troops out of South Vietnam. I said earlier in the year that all of our ground combat troops could be out by the end of this year. I believe that that was an achievable goal. It's now, however, set for February 1. I want to get all of the remaining forces out, but I would leave to the President, at this point in time, to see how well he does in negotiations and discussions that are coming up both in Peking, by the way which is not to be discounted, and in Moscow so that his hands will not be tied. I wouldn't want to deny to the President all options. I want him to have that remaining option in his endeavor to get our prisoners of war out, and if that does not prove feasible, we will cross the next bridge when we get to it.—From press conference, Washington, D.C., November 19, 1971.

I disagreed with Johnson when he got involved in the idea of a war of attrition. I took the position that we either ought to bring this war to an early conclusion or get out, and about four of us blocked an attempt, right after Tet, to get a quarter of a million more troops out there. I opposed it, because I said we must start to wind this thing down, and the result was, as you know, they've completely reversed their policy. That's a bit of history that has never been discussed at any great length. They were not committee meetings. We had discussions on it, and we opposed it—Sen. Russell, Sen. Stennis, Clark Clifford. And I think if there's a lesson of Vietnam, it's that a great power like the United States simply can't get involved in a situation, no matter what the circumstances might be, that's going to involve a long, drawn out, protracted war of attrition.—From luncheon discussion with group of editors and reporters of the *Washington Post*, published November 21, 1971.

MUTUAL ASSISTANCE

Foreign aid *can be* a powerful tool for accomplishing our national purposes. The Marshall Plan, for example, was worth what it cost, for it enabled Western Europe to recover its strength. Without the Marshall Plan some countries might have fallen into communist hands—with the result that the task of defending the United States would today be far more costly than it is, and that the cause of freedom might have been set back for generations.

But looking ahead, with the limited funds that will be available, we shall have to be increasingly skillful in devising economic aid policies that:

First: Concentrate our assistance in the most promising countries and in ways that contribute to our national purposes as well as the interests of the recipient; and

Second: Explicitly use assistance to stimulate "self-help"—connecting assistance to policy reforms by the recipient countries, and to maximum use of their own resources for development.—Remarks to American Association of University Women, Seattle, Washington, October 1968

The long-held grievances against the foreign aid program are not unreasonable. On all too many occasions, foreign assistance has proved wasteful, inefficient, and self-defeating. Perhaps the strongest indictment against it is that it has fostered a mood of dependency among some of our allies—to the point where we have undertaken burdens they are capable of carrying by themselves.

At the same time, I cannot agree with the Chairman of the Senate Foreign Relations Committee when *he* dismisses the foreign assistance program as "imperialistic" and an improper attempt on our part to "dominate" others. Nor can I agree with those who see all foreign aid as nothing but a "great giveaway" from which we have never derived any benefits. Prudent foreign assistance programs have served—and can continue to serve—the best interests of the United States.—Statement, Washington, D.C., November 2, 1971

LATIN AMERICA

In the past few years multilateral institutions such as the World Bank, Inter-American Development Bank and the European Development Fund have become the major international aid institutions to developing nations. As other advanced nations join the United States in making capital available to developing countries, there is an obvious need for the creditors to coordinate their assistance programs. Indeed, it may be desirable in an increasing number of cases for the creditors to work through or with an international agency like the World Bank, for it may be easier for an agency of this kind to impose reasonable economic requirements on the borrower than for a creditor government, which may be tempted to give undue weight to political considerations.—Remarks to American Association of University Women, Seattle, Washington, October 1968.

Most Latin American countries recognize that private investment can play an important role in the economic development of the hemisphere, and have been attempting to improve the investment climate. The few Latin American leaders who have given into the temptation to use the issue of a private American economic presence in a demagogic manner have done their peoples a disservice; the Cuban experience demonstrates that wholesale expropriation cannot solve a nation's economic problems.

When questions of compensation for nationalized properties arise, questions of face are also often involved. Therefore, I would like to see the Organization of American States establish a new compensation review board to work out a continent-wide policy and see it is implemented. This would place the responsibility for equitable treatment in the hands of the hemispheric governments as a whole, and help remove the tensions that arise when nationalization remains a solely bilateral problem.—Comments, Washington, D.C., December 6, 1971.

CURRENT NATIONAL ISSUES

THE ECONOMY

If the economic system that proved itself in the 1960's—with the most vigorous and sustained growth in our history—cannot move forward to meet the needs of the American people in the 1970's, our faith in the dynamics of the free enterprise system will be seriously impaired.

Today we are falling far short of meeting the legitimate expectations of many Americans. Too many Americans cannot find decent housing. Too many Americans are exposed to second-rate educations. Too many Americans are denied access to good health care.

Our cities and states verge on bankruptcy. Their capacity to provide basic public services is grossly inadequate. The quality of life in those urban areas where most Americans live is steadily declining.

Only the resources generated by vigorous economic growth can give us the ability to deal with problems of this scope. But even the Administration's own growth projections do not promise a sufficient increase in Federal revenues to enable us to do what needs to be done. Indeed, with the rates of growth currently projected, the poor, the undernourished, the underprivileged and the unemployed will have little to look forward to but more of the same—or worse.

We can and we must do better.—From speech to Economic Club of New York, May 4, 1971.

The truth is that the current rate of economic growth is less than half what it should be to keep pace with the normal growth of the labor force. In the next nine months we have more than half a million men being discharged from our armed forces. Next June we will have two and a half million high school and college graduates entering the job market. And don't forget that we still have almost six million Americans unemployed as I speak here today.

Given these facts, it seems clear that we must provide greater stimulus to economic growth through a careful combination of Federal spending and tax cuts. Restoration of the tax investment credit is long overdue. And temporary personal income tax cuts will spur essential consumer spending if we can restore people's confidence in national economic policies.

Beyond this, we must take direct action to create jobs through aid to depressed areas, public works programs and public service employment. Earlier this year I introduced, and the Senate has already passed, the Economic Disaster Relief Act to provide emergency Federal aid to areas suffering from high unemployment. This would authorize special grants for housing, relocation, unemployment assistance and job retraining. At a time when we have so many depressed areas, this kind of program is essential.

I am also convinced that as long as substantial unemployment persists, we must create a minimum of 500,000 job opportunities in the public sector. To supplement the program already authorized, I have introduced a bill to provide jobs for workers in the nation's parks, forests, recreation areas and public lands.—From speech to National Alliance of Businessmen, October 11, 1971.

THE ENVIRONMENT

As sponsor of the National Environmental Policy Act, I have watched with interest the growing use of its provisions in suits involving environmental issues. The simple assertion, for the first time in our history, of a national policy toward the environment, has provided lawyers with a potent weapon . . .

I intend to press for inclusion of a provision recognizing that every American has a fundamental and inalienable right to a healthful environment . . . such a statement was included in the original bill I introduced. Because of opposition to this language, the final version simply recognizes that everyone "should enjoy a healthful environment." In my view, there is a big difference between the statutory recognition of a basic right and the expression of a pious hope. I believe that we do have the legal right to a healthful environment and that statutory recognition of this right is both necessary and desirable at this point in our history.—From speech at Smithsonian Institution, January 28, 1971.

A National Land Use Policy is, in my view, a next logical step in our effort to maintain a quality environment.

Land use planning is an essential tool of environmental management for the future. Most existing problems of population density, pollution, and congestion are directly or indirectly attributable to past shortcomings of land use management—to poor selections among alternative uses of land . . .

The pressures upon our finite land resource cannot be accommodated without better planning and more effective control. Our land resources must be inventoried and classified. The Nation's needs must be catalogued, and the alternatives must be evaluated in a systematic manner.

These and other concerns can only be met if governmental institutions have the power, the resources and the will to enter into effective land use planning, if plans at all levels of government are coordinated, and if public decisions on land use are backed up with effective controls in the form of zoning and taxing policies.

I have therefore introduced legislation in the Senate to establish a "National Land Use Policy."—From speech to Princeton University Conference, March 9 1970.

THE URBAN CRISIS

There is no simple answer to the current financial plight of state and local governments. Clearly, the first priority is to restore a vigorous rate of economic growth—the kind of growth that creates new jobs and provides ample revenues for vital public services . . .

Pending more basic reforms, I would favor an interim, emergency aid program for high cost local services. I am thinking here of education, sanitation, public safety and recreation. Such aid could be distributed not simply on a per capita basis but on a combined population-poverty basis to give greater help to cities with the highest concentration of poor people and public need . .

Emergency aid and public service employment are important in today's economic climate but they will not substitute for some more fundamental reforms. Let me mention some of the reforms I have in mind:

Why shouldn't the federal government assume full responsibility for welfare, thus relieving the states and cities of this heavy burden?

Why shouldn't the federal government make a significantly larger contribution to the nation's total bill for elementary and secondary education, perhaps 25 percent instead of the 8 percent paid now?

Why shouldn't states be required, after a suitable interval and as a condition of federal aid, to have progressive income tax systems?

Why shouldn't states and local governments be strongly encouraged to put their own houses in order, through governmental reorganization and consolidation of overlapping inefficient units, giving local officials the powers they need to do their jobs?

I believe we must accept this kind of change if we are to improve the quality of life in our cities. Band-aids, retreads of old programs or rhetoric from Washington, D.C. will not suffice to deal with the condition of our own urban areas.—From Remarks to League of Oregon Cities, November 15, 1971.

All across America we have created a confusing and expensive maze of boards, agencies, townships and districts to trap our cities in a hopeless bureaucratic web. We are sending mayors into the front lines without the weapons to do the job: they do not have jurisdiction, they do not have authority, they do not have resources.

The truth is that with few exceptions, we have no effective government at all for most metropolitan areas. That is why the urban crisis is not just a fiscal crisis—it is a crisis in our ability to make government work.

I am convinced that if we do not come to grips with this crazy-quilt of impotent, overlapping, undernourished and costly local governments, the urban crisis will remain with us for the next generation. I am convinced that if we cannot modernize and simplify our urban governments, no amount of Federal funds will make them work. It is high time we faced up to the fact that money alone is no panacea for the ills that afflict American cities.

If the resurrection of our metropolitan areas requires the abolition of inefficient, limited purpose governments, let us get rid of them. If it involves creating a new class of

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urban executives empowered to make cities work, let us do it. If it demands the creation of new regional governments with jurisdiction to deal with problems as a whole, let us do it.—From remarks to the Greater Detroit Chamber of Commerce, June 3, 1971

AGRICULTURE

American farmers are growing more and earning less. They feel threatened by low farm prices, the growth of corporate giants in agriculture and a national Administration which has failed to develop a constructive farm policy.

There is nothing in the background or philosophy of Earl Butz to reassure the thousands of farmers who look to the Secretary of Agriculture to represent their interests. They have already experienced him in action at the Department of Agriculture—and it wasn't a pleasant experience. And they know that Mr. Butz has shown little concern for the independent farmers working outside the realms of the corporate food producers with whom he has been so closely associated.

In any event, the fact that farmers lack real confidence in Mr. Butz foredooms any chance for reforming this Administration's farm programs. Without broad support in the farm belt, Mr. Butz cannot hope to build a consensus for progressive farm policies. Under these circumstances, and particularly in light of Monday's vote in the Senate Agriculture Committee, the President should withdraw this nomination.—From statement released November 24, 1971

But even as fewer and fewer farmers were producing more and more on less acreage, the return on their time and labor and investment remains far less than what it should be. The fact is that farmers are still not getting a fair share of the consumer's dollar. Prices received by farmers in 1970 were only 3 percent above those received during the 1947–1949 base period. The farmer's share of the retail food dollar was 47 cents in 1950 and 39 cents last year!

As you well know, the heart of the farmer's problems lies in the marketing area. Congress recognized this when it passed the Agricultural Fair Practices Act five years ago . . .

The Fair Practices Act was an important first step but experience has shown that we still have not achieved a proper balance between the economic power of the buyers and the sellers of farm products. It is particularly important that this balance be achieved as more and more farm products are sold under production and marketing contracts . . .

The advantage of contracting are obvious. The buyer has an assured supply at a known cost. The farmer has an assured market at a definite price. Our goal must be to see that it is also a *fair* price.

In my view, finding sensible ways to strengthen the farmer's position at the bargaining table is a priority item on the Congressional agenda—From remarks to Florida Farm Bureau Federation, October 29, 1971.

EDUCATION

The modest increases made by Congress mean the difference between mediocrity and excellence in many school districts throughout the country. For some students, these extra funds mean the difference between a first-rate college education or none at all . . .

The Administration argues that the larger appropriations voted by Congress are inflationary. My response is that the children in our schools and the students in our colleges should not be the victims of the Administration's failure to come to grips with inflation.

The fact is that our schools need more, not less, help from Washington. They have suffered from rising costs and declining tax revenues. The impact of high interest rates—the highest since the Civil War—has severely restricted school construction and modernization. The cost of educating each child jumps about 10 percent a year—and average spending per public school pupil is estimated to have risen to $717 in 1970 from $454 only five years ago. But more than half of public school revenues are still being provided by local taxpayers. No wonder that local school taxes have risen more than 140 percent in the last decade!

There is a limit to the burden that can be imposed at the local level. Considering the demands on the local tax dollar and the broader reach of the Federal taxing power, the Federal contribution to local school costs falls far short. The Federal government, receiving two-thirds of all tax revenues, must foot a larger share of the education bill.—From remarks on Aid to Education, September 11, 1970.

I oppose massive busing of children solely for the purpose of satisfying some arbitrary mix of students on the basis of race or religion or heritage.

That's not the issue. The issue is how to assure a quality education for every child in America, regardless of the circumstances into which he or she is born.

Unquestionably, some students must be bused to school if they are to reach school at all. In our preoccupation with busing we are forgetting that a bus ride to a poor school is a bus ride to nowhere. It's high time we moved beyond the busing controversy to the challenge of educational quality.

The problem facing the country is that poor neighborhoods generally have poor schools. It is not fair to a six-year old child—black, white or brown—to condemn that child to an inferior education simply because his or her parents are poor. And it is also not fair to force a child to be bused from a good school to an inferior school.

I would rather go in the direction of the California State Supreme Court decision which says, in effect, that the wealth of a school district should not be permitted to determine the quality of education. If that decision were implemented at the state and federal levels, then no child could be bused to an inferior school or be forced to attend an inferior school.

What we desperately need is not massive busing, but a massive commitment of talent and resources to achieve equality of education opportunity.—From statement issued November, 1971.

PUBLIC HEALTH

What this Administration has done in the health field speaks far louder than what it has said. And what it has done is little or nothing to improve the quality, cost or accessibility of health care for those Americans who need it most . . .

An essential first step towards that end is a drastic reorganization of the way we manage Federal health programs in Washington, D.C. At a minimum, we should divide H.E.W. into two cabinet departments, separating out the education functions and retaining in one department the closely related health-welfare programs.

Along with reorganization must go a mandate for action which expands the scope of public health far beyond the narrow limits of its traditional concerns. This new mandate must cope with the high cost of health care, the rising tide of drug abuse and alcoholism, and the waste of resources in the health field . . .

Let me be frank to say that the time for laissez-faire in our health care system has long since passed. We cannot afford it. And health care institutions should be on notice to put their house in order or risk forms of regulation they may not like . . .

The shortage and maldistribution of our medical manpower is a serious national problem which clearly requires national solutions. It deserves as much priority attention as proposals for national health insurance.

The only sure way to free every American from the burden of staggering medical bills is some form of national health insurance. I believe we must start now building a system of comprehensive health insurance, beginning with two great unmet needs: coverage for the poor who do not have and cannot afford insurance and, second, coverage for all against catastrophic illness . . .

The Federal Government must encourage innovative approaches to provide more health professionals. We must be prepared to put Federal prestige and dollars behind programs to increase the output of doctors and nurses and make better use of their skills. We must not be tied to tradition or bound by the old ways of doing things . . .

We have work to do. As long as the right to good health and decent medical care is denied for any reason to any American, our job is unfinished. Good medical care is no longer the privilege of the rich—or the white—or the lucky. Decent health care is a basic right for all Americans.—From speech to Public Health Association, October 12, 1971.

OLDER AMERICANS

I do not subscribe to the 'out of sight, out of mind' philosophy. One of this country's foremost responsibilities is to see that our aging are free from hunger and poverty.

It is a sad commentary that nearly one-third of those over 65 are living in poverty. In fact, this is the only group in which poverty is increasing. We must improve our social security and tax laws to assist those on fixed incomes to cope with rising costs.

While Medicare has provided some needed assistance, the hard fact is that less than half of the health costs of the aging are covered by Medicare. We must expand this coverage . . .

We need more than pre-arranged conferences by an unresponsive administration. What we need is a new philosophy and a new strategy. We need a philosophy which does not forget the older American; a new philosophy which does not perceive the aging as passive and happy to merely exist on social security.

And we need a new strategy. A strategy which identifies the aging as an important force; a strategy which embraces reforms in income maintenance, and health care and employment. Such a new strategy would utilize the great potential which you have and the great contribution you can make; a contribution which doesn't end at some arbitrary age level of 62 or 65 or 70.—From remarks to Conference of National Retired Teachers Association-National Association of Retired Persons, November 11, 1971

We need to act now. We must help the countless older people holed up in rooming houses and apartments worrying about health bills that Medicare won't cover, watching their savings being eaten away by inflation and despairing about a government that says "go away."

A nation of wealth and compassion cannot tolerate old people, with untapped abilities, living in poverty, sickness, believing they have been forgotten. This is what we must work to correct.—From remarks to Brevard County Florida Senior Citizens, November 27, 1971

LAW AND JUSTICE

If we are serious about the security of people in America, if we really believe that every citizen—old or young, rich or poor, black or white—has the right to be secure in his person and property, then we ought to analyze our national crime problem as it is, not as the mythmakers would have us think.

At the heart of the crime problem is the breakdown in our system of criminal justice. Our courts are clogged with untried criminal cases. Months, often years, lapse between the day of arrest and the time of trial. Defendants are either put back on the streets or sent to jail because they cannot make bail . . .

The fact is we are paying a high price for overloading our criminal courts. And I think it's high time we had a new national commitment to revive our system of criminal justice—starting with the goal of making our courts work.

By insisting on prompt trial of criminal cases, we can force an overhaul of our courts and criminal justice procedures. The requirement of a speedy trial can be an action-forcing device that will make states and cities take a fresh look at what's wrong with the system. It may be a question of more grand juries or better court administration. It may be a need for public defenders. It may be the need for new approaches to handle some of the routine cases—like prostitution and drunkenness—that burden the courts.

I believe that the states should be required to submit detailed programs for achieving trial of criminal cases within sixty to ninety days of arrest. And Federal funds must be made available to make these programs work. If a state is not making honest efforts towards the prompt trial objective, it should not qualify for continued Federal support.—from Remarks to Queens Chamber of Commerce, December 8, 1971

Today in America the stability of our democratic system is threatened by the tyranny of a small minority that is systematically disrupting our society while too many Americans sit complacently on the sidelines . . .

As far as these militants are concerned, the rights of the majority do not exist. The right of people to travel a highway, of a storekeeper to be free from terroristic attacks, of a speaker to be heard or a student to attend class, these kinds of rights have no place in the world of these revolutionaries . .

The American people have a sense of fair play and they will tolerate a good deal in the name of dissent. But they are no longer willing to tolerate the violence and civil disorder or the intolerance of this new brand of American extremists . . .

. . . beyond the problem of punishing the lawbreakers, is the challenge to all men of moderation to reject, visibly and vocally, the forces of extremism. For the stable, sensible majority, the spectator's role is no longer enough. It is time that we stood up for the democratic process and asserted our faith in the capacity of our system to grow and change without resort to violence.—From statement issued June, 1970

At the very root of the rule of law which we honor today lies the concept of the oneness of the law—one law, one standard, one justice for all. Yet we are increasingly aware that this fundamental concept is honored more in the breach than in the observance, that the principle is—all too often—lost in the practice.

We are tolerating not only one law for the poor and one law for the rich. We are, as well, accepting submissively one law for the young and one for their elders; one law for the dissident and one law for the conformist; one law for the man in uniform and one law for the civilian; one law for the uneducated and one law for the college graduate; one law for the small tax-payer and one law for the large tax-avoider; one law for the ordinary voter and one law for the big contributor; one law for the buyer and one law for the seller; one law for the borrower and one law for the lender.

This is wrong. We know it is wrong. Yet among those who have chosen, by their profession, to serve as custodians of the law, there remains all too often a curious passivity toward these wrongs. It is not enough for affluent practitioners, able professors or active public servants to sit in the sanctuaries of the law factories, or in the quiet of academic halls, or in the spotlight of daily affairs talking about equal rights and legal remedies.

We must not only talk the law, we must live it.

The alternative seems clear: a steady decline in respect for the law, a steady decline in the effectiveness of law as a balancing force in our society.—From speech to Wayne State University Law School, April 17, 1971.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS BILL, 1972—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, under the previous order, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 9, 1971, at pages 45877–45880.)

Mr. ELLENDER. Mr. President, the supplemental appropriations bill, 1972, passed the House of Representatives on December 2. It passed the Senate on December 3, with 75 amendments. The conferees were in session all day on December 7 and met again, and completed action on the amendments in conference, on December 9. The conference report is available to all Members.

The bill as it passed the Senate approved appropriations in the amount of $3,998,045,371. The increase in the bill over the House of Representatives amounted to $3,211,762,717. There is a good reason for the large increase which was made by the Senate in this bill. It related to the Office of Economic Opportunity appropriations which were not considered by the House because the authorizing bill had not progressed sufficiently by the time the House considered the supplemental appropriations bill.

Some of the large increases over the House bill effected by the Senate were: $817,597,000 for "Manpower training services"; $707,157,000 for "Health manpower"; $265 million for "School assistance in federally affected areas"; $376,-817,000 for Project Headstart; and $780,400,000 for the Office of Economic Opportunity.

The amount of the bill as finally agreed to in conference is $3,406,385,371. This is an increase of $2,620,102,717 over the House bill and it is a decrease under the Senate-passed bill of $591,660,000.

As I mentioned previously, there were 75 amendments in disagreement and it was necessary to compromise all of our differences.

One of the largest single increases the Senate had effected was $817,597,000 recommended for "Manpower training services." In conference, the conferees agreed to recommend an appropriation of $776,-717,000. The authorizing legislation for this program is contained in the proposed amendments to the Office of Economic Opportunity Act; and in view of the fact that at the time of the conference, there was some discussion that this bill, which had been sent to the President, might be vetoed, the proviso making the appropriation contingent upon enactment into law of the authorizing legislation was deleted by the conferees. The OEO authorizing bill was later vetoed.

The Senate bill contained $265,000,000 for "School assistance in federally affected areas." This particular amendment consumed a great deal of time during the discussions, and it was not possible for us to prevail and to secure any part of this appropriation.

Another large increase approved by the Senate was for "Health manpower." Under Senate amendment numbered 28, an appropriation of $707,157,000 was made for this purpose. This is another item which consumed a great deal of time in the conference. As a matter of fact, it had to be passed over and placed at the end of the discussions because it was so highly controversial with the House conferees. However, we were finally able to agree to an appropriation for this item of $492,980,000.

For the Office of Economic Opportunity, the Senate bill contained $780,400,-000. In conference, the figure of $741,-380,000 was agreed upon. As the bill passed the Senate, the language for this program contained a proviso making the appropriation contingent upon enactment of the authorizing legislation. In view of the discussions concerning a possible veto of the OEO authorization bill, the conferees have deleted the proviso.

The House, of course, agreed to all of the Senate amendments relating to the Senate. Again this year, the House was adamant, and the Senate receded, on the proposal to restore the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol.

The Senate bill contained the sum of $102,400,000 for "Construction, Corps of Engineers," and the House agreed to this entire amount.

The Senate bill also contained authority to utilize not to exceed $20,153,000 of previously appropriated funds for the "Economic stabilization activities" inaugurated recently by the President, and the House conferees agreed to go along with the Senate amendment.

I will be glad to answer any questions any Members may have with respect to the bill. In addition, the chairmen of the various subcommittees are available to participate in the discussions.

Mr. President, I yield to the Senator from North Dakota.

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Mr. LONG. Mr. President, I associate myself with the views expressed by the distinguished chairman of the committee. There was a wide range of subjects dealt with in this bill. Most of them have to do with health, education, and welfare.

I think a very reasonable compromise was reached with the House. And, of course, a few items were deleted that the House very strongly objected to.

I believe that as a whole it is a bill that the Senate will approve.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, the action which was taken with respect to these supplemental appropriations really is in only one respect a cause for any satisfaction. In many other respects it is well nigh disastrous, and, as we will be going at these things again in other supplementals and other appropriations, I will not engage my colleagues in extended debate on the acceptance or rejection of the fiscal year 1972 supplemental appropriations conference report. I think it is critically important to make the record clear as to manpower training, health manpower programs, Neighborhood Youth Corps, and so forth.

The conferees agreed, in regard to manpower administration, on about one-half, in round figures, of the some $80-odd million which was added by amendment in the Senate. Having met with the House in conference on these matters myself before, I think that result is by no means anything to cheer about. It is certainly far more of an accomplishment than many other items in this bill. I know, as I have been with the Senator from Louisiana (Mr. ELLENDER), the Senator from North Dakota (Mr. YOUNG), the Senator from New Hampshire (Mr. COTTON), and the Senator from Washington (Mr. MAGNUSON), at these conferences that they do try to sustain the Senate's position. I realize this and thank them for the utilization of their prestige and the weight of their position, in order to gain what they did gain on this item. I am very grateful to them, and hundreds of thousands of youngsters will be as well. So, let us emphasize the affirmative before we get into any other part of this bill. I wish to express that unequivocally, and standing all by itself.

Where we would suffer, in my judgment, disastrously, is in respect of a number of items which relate, as was stated by the Senator from North Dakota (Mr. YOUNG), to Health, Education, and Welfare, which are critically important to our people. First, we took a terrible beating with respect to health manpower in the fact of a really dire emergency.

Mr. President, in that regard I would like to point out that what was done was just about what the administration sought in its budget request, notwithstanding the very grave danger of the closing of medical and dental schools, and the fantastic shortages of doctors, dentists, nurses, and other health personnel.

I strongly supported the Senate allowance for health manpower and believed it would make great strides forward toward implementing the comprehensive authorizing legislation for health manpower which we passed on July 14, 1971, and was enacted into law as Public Law 92-157 and Public Law 92-158.

One week ago today I urged a separate rollcall vote on the health manpower amendment of the supplemental appropriations in order to strengthen the hand of the Senate conferees. I did this because I was deeply concerned about the fate of this measure when it is in conference with the House. The House Appropriations Committee held no hearings on the manpower and nursing supplemental requests and their bill had no dollar recommendations in this area. I was concerned that without a basis for independent judgment they would insist on accepting the administration's proposed budget, which I regret did not adequately respond to health manpower needs; the basic underpinning for any reform of our health care system, with which we also are deeply concerned.

Mr. President, to show how sharply these cuts took place, I would refer to the following:

I. Capitation grants for institutional support:

A. $200,000,000 authorized for medical, dental and osteopathy schools.

$120,000,000 requested by Administration.

$160,000,000 provided by Senate Appropriations Committee.

$130,000,000 provided by Conference, a $30,000,000 reduction.

B. $34,000,000 authorized for veterinary, optometry, podiatry and pharmacy schools.

$20,400,000 requested by Administration.

$30,000,000 provided by Senate Appropriations Committee.

$25,200,000 provided by Conference, a $4,800,000 reduction.

C. $78,000,000 authorized for nursing schools.

Nothing—requested by Administration.

$63,000,000 provided by Senate Appropriations Committee.

$31,500,000 provided by Conference, a $31,500,000 reduction.

II. Student Assistance, loans and scholarships:

A. $75,000,000 authorized for loans, for students at all schools ($51,000,000 previously appropriated).

Nothing—supplemental Administration request.

$14,000,000 supplemental allowance provided by Senate Appropriations Committee.

Nothing—supplemental allowance provided by Conference, a $14,000,000 reduction.

B. $111,700,000 authorized scholarships for students at all schools ($35,000,000 previously appropriated).

Nothing—supplemental Administration request.

$35,000,000 supplemental provided by Senate Appropriations Committee.

Nothing—supplemental provided by Conference, a $35,000,000 reduction.

III. Construction Grants:

A. $335,000,000 authorized for medical, dental, and other health profession schools, exclusive of nursing schools.

$82,000,000 Administration supplemental request.

$182,616,000 provided as supplemental appropriation by Senate Appropriations Committee.

$142,385,000 provided as supplemental appropriation by Conference, a $40,231,000 reduction.

B. $35,000,000 authorized for nursing schools.

$9,500,000 Administration supplemental request.

$25,000,000 provided by Senate Appropriations Committee.

$19,500,000 provided by Conference, a $5,500,000 reduction.

Thus, in capitation grant institutional support for medical, dental, and osteopathy schools we have improved over the administration request from 60 to 65 percent, but are substantially down from the Senate amendment 80-percent level of support. My deepest regret and I know shared by all is nursing school capitation grant institutional support now at 40 percent—where the administration had zero—but down from the Senate amendment 83-percent support level.

In addition, the conference report eliminates other vital education funds; namely, $65 million under Public Law 874, the impacted aid program, for initial funding of the low-income housing provision, category "c" children, so-called, who were added to the program by Public Law 91-230 last year. These payments, some 22 percent of the entitlement, would have covered 1.2 million schoolchildren in local districts throughout the Nation. It is indeed unfortunate that funds were not furnished for this effort which, I might add, I had authored in cosponsorship with the distinguished Senator from Missouri (Mr. EAGLETON).

Finally, in the education area, there was omitted $200 million under Public Law 815 to provide some 5,000 classrooms for about 125,000 children in impacted areas—no funds have been provided for so-called section 5 construction since 1967 and moneys are badly needed, especially for American Indian children.

Mr. President, rather than crying about spilled milk, by point in rising here today is to call attention to what I consider to be the flouting of a very important provision of law. We provided, Mr. President, in the Health Training Improvement Act of 1970, Public Law 91-519, for a report by the Secretary of the Department of Health, Education, and Welfare on the need for emergency financial assistance to our medical and dental schools. Congress called for that report on or before June 30, 1971, with a determination as to what was really needed.

I understand, Mr. President, that report is "done" but not "officially" available. We have demanded its release. Indeed, I ask unanimous consent to have printed in the RECORD my letter to the Secretary of Health, Education, and Welfare, Elliot Richardson, signed by me, ranking Republican member of the Labor and Public Welfare Committee, by the Senator from Pennsylvania (Mr. SCHWEIKER), the ranking minority member of our Health Subcommittee, by the Senator from New Jersey (Mr. WILLIAMS), the chairman of the Labor and Public Welfare Committee, and the Senator from Massachusetts (Mr. KENNEDY), chairman of our Health Subcommittee, dated December 1, demanding this report, which request has not been complied with, although I understand that the report is completed.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

DECEMBER 1, 1971.

Hon. ELLIOT RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As you know, the Health Training Improvement Act of 1970 (P.L. 91-519) contains a provision authored by Senator Javits which sets forth the Congressional finding that the Nation's economy, welfare, and security are adversely affected by the acute financial crisis which threatens the survival of medical and dental schools. The provision requests the Secretary to "determine the need for emergency financial assistance to such medical and dental schools" and "report to the Congress on or before June 30, 1971" regarding "his determinations of such need and his recommendations for such administrative and legislative action as he determines is necessary to meet such needs."

Unfortunately, although requested, the report was not available to the members of the Senate Health Subcommittee in their deliberations on the development of comprehensive health manpower legislation. Nor was it available to the Conferees during their extensive efforts to resolve vital funding differences between the House and Senate manpower bills.

Although it is now more than four months after the report was due pursuant to P.L. 91-519, our staffs have advised us that they have been regularly informed by the Department of Health, Education, and Welfare, on behalf of our interest in the matter, that the report was "done" but not "officially" available.

As the Senate prepared to consider health manpower supplemental appropriations within the next week, we believe it is essential that the long overdue report on the medical and dental schools' need for financial assistance be made available to the Congress. Copies of this report will be most important to the Senate as it considers establishing appropriations for health manpower and we are, therefore, hopeful that it will be promptly made available.

JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
HARRISON A. WILLIAMS,
EDWARD M. KENNEDY.

Mr. JAVITS. Mr. President, I most strongly protest that particular denial of information which is absolutely essential. I attribute the denial of that information in great part to the massive cuts that are so harmful to the whole matter of health delivery which have been made in this supplemental appropriation.

I will do my utmost to find a way in which Congress can make it clear that it will not simply be frustrated by the sheer unwillingness—and I use all of these words advisedly—of the executive department to cooperate in giving the information, basic information, to which Congress is legitimately entitled.

I shall do my best to use every means available to me, including the possibility that we may be unable to act on measures they eventually want by virtue of this denial, which I consider to be unjustified and uncalled for.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, my purpose in rising was to emphasize that point. I cannot understand why we have been denied this information.

Finally, I wish also to invite the attention of the Senate to denial of anything in impacted area funds for the public housing aspect of this situation. This has been neglected a long time. We must continue the fight in the hope of getting some resources.

I realize all the problems of the Committee on Appropriations but I believe these points essentially needed to be made in this matter.

I thank my colleagues for yielding and for their cooperation to the extent I have specifically spelled it out.

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I wish to comment for just 2 minutes on the matters that have been brought up by the distinguished Senator from New York.

In my own opinion the health manpower appropriation was by far the most important item in the entire supplemental appropriations bill. If it were left to me alone I would have economized elsewhere in order to furnish more money for the training of doctors, nurses, and technicians in all the fields of medicine. However, on this bill the jurisdiction of the HEW Subcommittee was limited to our own items and it was not possible for me to secure the priorities that I feel must eventually be recognized.

In this area of the health, education, and welfare section of the bill the Senate appropriation ran some $356 million over the budget estimate and consequently by the same amount over the House appropriation, as the House was not able to consider these items at the time they marked up the bill. The House conferees, and the Senator from New York is familiar with the situation, were absolutely adamant in their demands, so the most difficult part of the entire conference was on these matters that are so vital to the training of the manpower to meet the national need for better health services.

The best the House would offer would be to leave in $75 million out of the $356 million by which the Senate increased the House figure. That we would not take and we refused to take.

The matter went overnight into the next day and we were unable to get even a 50-50 split, and we had to accept 40 percent of the amount that the Senate appropriation exceeded the House appropriation. This meant we lost some $214 million but saved $142 million of the increase. I wanted the RECORD to show that.

I thank the Senator from New York for giving us credit for doing our best.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. JAVITS. I thank the Senator.

Having sat with him in conference, I know how indefatigable he is in trying to fight for the Senate position.

Mr. COTTON. I thank the Senator.

Mr. GRIFFIN. Mr. President, I am unable to indicate approval of this conference report without at least registering in the RECORD my deep disappointment, and I know I speak for the senior Senator from Michigan as well as myself, because the two of us worked very closely in an effort to try to get funding for a Federal building in the downtown area of Detroit which already has been named after former Senator Patrick V. McNamara.

This building was authorized in 1963. There is only one other building that has been authorized as long as this building without being funded. The plans have been ready for several years. There is a 2.5-acre tract in the center of the city, which is grown up in weeds and it is now off the tax rolls. The Federal Government is spending $2.5 billion a year renting space to accommodate various agencies and offices because this building has not been built.

One of the agencies that needs space the most is the FBI.

Crime is very bad in the city of Detroit and it is very demoralizing that in the inner city of Detroit the Federal Government delays and delays, which indicates that, like others moving out of the city of Detroit, perhaps the Federal Government is not going to build this building. Psychologically it hurts.

But in addition, the estimated cost of the building has gone up from $27 million originally to an estimated $48 million because we delayed for 9 years on this building to be named after a former colleague in the Senate.

In the debate earlier on the regular appropriation, the Senator from New Mexico (Mr. MONTOYA) promised he would consider this in connection with the supplemental, and the senior Senator from Michigan (Mr. HART) and I appeared before the subcomimttee, and he agreed to put in $11 million for the substructure to get the building going.

I guess we made a mistake. We should have pressed for the whole amount. We thought we were being very reasonable, but as Senators have indicated, this was not agreed to in conference by the House.

I want to indicate the circumstances. I know the Senate conferees did fight for this measure. I am aware of that and I appreciate what was done.

I wonder if either the chairman or the ranking minority member might give us some enlightenment as to what the situation might be next year with respect to this building.

Mr. ELLENDER. I wish to say that, as the Senator stated, the Senate conferees did their best to maintain the amount for the substructure in the bill but Representative TOM STEED, who is chairman of the House Appropriations Subcommittee, objected strenuously. His chief argument was that by constructing this building piecemeal—that is, putting the foundation or substructure in first and later the superstructure in a subsequent appropriation bill—it would cost a good deal more.

He promised us that come the next fiscal year he would put the entire amount in so that one contractor could get a bid on the construction of the whole building and in that way the Government would save money. That is the argument he made to us and he would not agree to put

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in the substructure under any conditions.

I believe that by having a single contractor to construct the whole building a better contract would be obtained by the Government.

Mr. GRIFFIN. I thank the chairman for his comments.

Mr. YOUNG. Mr. President, the distinguished chairman of the committee has clearly stated the House opposition on this matter.

The Senator from Michigan had asked for the full amount. If the Senator from Michigan had not been so economy-minded and asked for the full cost he might have gotten his building approved, but I believe putting in the substructure as he proposed would not have added to the cost. In fact it could well have saved money.

Representative STEED thought we should not do this piecemeal but he did agree to put in the full amount for the building next year.

Mr. GRIFFIN. I thank the chairman and the ranking Republican Member for their statements. I hope the senior Senator from Michigan (Mr. HART) and I will be able to see the building next year and I hope the increased cost caused by the delay will not be more than the savings Representative STEED has in mind.

Mr. HART. Mr. President, I would be remiss if I did not bring up the subject of the Patrick McNamara Federal Office Building during the discussion of this supplemental appropriations bill.

For several years, members of Michigan's congressional delegation have been seeking funds to construct this building, which has been authorized since 1963.

The federally owned site for the building in downtown Detroit has been vacant for a number of years.

This year some progress was made toward securing funds for the project.

The Senate Appropriations Committee and the Senate added $11.2 million to this supplemental appropriations bill which would have financed construction of the building's substructure.

At this point I want to thank Senator MONTOYA, chairman of the Senate Appropriations Subcommittee on Treasury, Post Office, and General Government, for the leadership he gave in guiding this amendment through the Senate.

Unfortunately, the House conferees refused to yield, and the amendment was dropped in conference.

It is my understanding that Representative STEED, the able chairman of the House Appropriations Subcommittee on Treasury, Post Office, and General Government, opposed not the project but the partial funding approach.

Let me say at this point that, when Senator GRIFFIN and I testified before Mr. STEED's subcommittee, we found him most responsive.

His responsiveness is indicated, I believe, by the statement he made on the House floor yesterday concerning the McNamara building.

Mr. STEED said:

So far as I know, I know of no other project in the country that is more badly needed than the Detroit one, and I intend to do everything I can to see that it is in the next budget.

Mr. STEED was speaking, of course, of projects funded by the General Services Administration.

Certainly, the many persons in Detroit and Michigan interested in this project welcome Mr. STEED's support. And needless to say, we will do all we can to see that the entire $48 million needed to cover the estimated construction cost is included in next year's budget.

Our chances for success would be greatly improved if the administration requests the funds when it sends its budget to Congress next year.

Absent such a request, we will again seek to have the money added by Congress. Again I thank Senator MONTOYA for his strong support in this matter.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, it is with a considerable sense of disappointment that I rise to speak on the conference report on H.R. 11955, the supplemental appropriations bill for fiscal year 1972. The greatest source of my disappointment is the level of overall funding of health manpower institutional support, construction programs, and student scholarships and loans.

I know that my sense of disappointment is shared by the Senate conferees on this measure, who had brought forth from the Appropriations Committee a bill which was responsive to the initiatives which the Congress so recently set forth in the Comprehensive Health Manpower Training Act of 1971 (Public Law 92–157) and the Nurse Training Act of 1971 (Public Law 92–158).

I know that the leaders of the Appropriations Committee on both sides of the aisle, and particularly the distinguished Senator from Louisiana (Mr. ELLENDER), chairman of the full Appropriations Committee, and the Senator from Washington (Mr. MAGNUSON), chairman of the Labor-HEW Appropriations Subcommittee, did all they could to convince the House conferees of the need for the level of appropriations in the Senate-passed bill.

But the fact is, Mr. President, that they were not fully successful in this task and that 60 percent of the amount by which the Senate bill increased the President's meager budget request has been deleted in the conference report.

Particularly regrettable are: The reduction from 80 percent of the authorized level of capitation for the medicine, osteopathy and dentistry schools, as included in the original bill, to the conference report level of 65 percent; the reduction of nursing school capitation from 83 percent in the Senate-passed bill to just 40 percent in the conference report—a cut of more than 50 percent; the slash in construction grant funding from $190 million to $142 million for health professions schools and from $25 million to $19.5 million for nursing schools; and the total elimination of all funding above the limited amount previously appropriated for fiscal year 1972 for nursing and health professions student assistance.

Mr. President, these lower levels of support are basically inconsistent with commitments made in the two new public laws I referred to earlier for an increased Federal responsibility in the training and education of health professionals and nurses to meet the health needs of the American people. In my State of California, with such a great number of medical schools and other schools of health professions and of nursing, these cuts will work a great hardship. And I know that the distinguished Senator from Washington is well aware of this fact by reason of his generous response on the floor on December 3 to the amendment which I cosponsored with my distinguished colleague from California (Mr. TUNNEY) to add $20 million to the health professions construction grant appropriations item. As I pointed out on the floor on that occasion, in the testimony to Senator MAGNUSON's subcommittee which I inserted in the RECORD, my State of California has three vitally necessary health professions construction grant applications already approved and ready to go to contract, totaling $14.2 million; and, in addition, California has some $85 million in approved construction grants which will be ready to go to contract in the very near future for health professions schools.

Now, Mr. President, as I stated at the outset, I am well aware of the great pressures and difficulties under which the Senate conferees labored in this conference, and I know that they did all that was humanly possible to vindicate the Senate position. And I do not propose at this point to suggest that the Senate should move to reject the conference report in view of the brief time remaining in this first session of the 92d Congress and in view of the fact that this supplemental appropriations bill is the life blood for the poverty program.

I would, however, like to address a few questions to the distinguished Senator from Washington to clarify several points with respect to the conference report on health manpower funding.

First, I ask the Senator from Washington to direct his attention to page 27 of the appropriations committee report (No. 92–549) on the supplemental appropriations bill in which the committee states, after noting the inequitable nature of the administration's recommendation of total funding for schools and colleges of optometry when compared against the recommendations for the other six health professions:

Therefore, the committee directs that the total amounts granted schools and colleges of optometry under special project and financial distress grants shall not be less than those grants funded under the special projects and financial distress programs in fiscal year 1971.

My question for the Senator from Washington is: Does this direction of the Appropriations Committee continue to operate under the funding provisions for schools and colleges of optometry in the conference report?

Mr. MAGNUSON. The answer to the question of the Senator from California is yes, because there was an increase in the appropriations agreed to in conference, and the Senate report language, of course, is the only prevailing language, and I assume the Department will follow very closely what we have suggested. That is on page 27 of the Senate committee report, the second paragraph.

Mr. CRANSTON. I thank the Senator very much for his very important and very helpful response.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. CRANSTON. May I have 2 minutes?

Mr. MAGNUSON. Mr. President, I yield 2 minutes to the Senator.

Mr. CRANSTON. In my State of California there are two fine schools of optometry with 15 percent of all the optometry students in the Nation, and, therefore, the administration's desire to decrease total funding to schools and colleges of optometry is of particular concern to me.

I ask unanimous consent to have printed in the RECORD at this point several letters I have received from schools of optometry in California.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., December 2, 1971.

Hon. ALAN CRANSTON,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: I would appreciate it very much if you would contact your colleagues on the Senate Appropriations Subcommittee on Labor/HEW requesting them to give full funding to the VOPP professions capitation grants provided in the Comprehensive Health Manpower Training Act of 1971.

Since Federal assistance has been granted to the U.C. School of Optometry here at Berkeley we have expanded our enrollment and teaching program to meet the nations health manpower needs in optometry. In 1965–66 when we first received Federal aid we had a total enrollment of 116 professional degree students and a faculty equivalent to 14.7 full-time teachers. This fall, largely because of Federal aid, we have expanded our enrollment to 211 students and a faculty equivalent to 27.6 full-time teachers. While the program has expanded the quality of the educational program has also advanced, thanks to Federal funding. ($113,000 Institutional Grant and $295,000 Special Project Grants in 1971–72.)

Our present enrollment is within one or two students of absolute capacity. Since our building grant application cannot be funded this coming year because of lack of California matching money, we will have to request an exemption from a further increase in enrollment. Thus we cannot look forward to bonus capitation grants for some time.

We have made a commitment to presently enrolled students. If there is a cutback in our Federal funding we will be forced to cut back enrollment in 1973. In the meantime however we will need to continue with our presently enrolled students with fewer faculty and reduced supplies and expenses. Undoubtedly this will result in a lowering of academic quality.

In my opinion unless the capitation grants are funded to at least 75% we will be in serious difficulty in 1972–73. To make any advances at all, we will need full funding.

Any help you can give us will be deeply appreciated. It should be understood that the opinions expressed above are my own and not necessarily those of the University.

Sincerely,

MEREDITH W. MORGAN,
Dean.

LOS ANGELES COLLEGE OF OPTOMETRY,
Los Angeles, Calif., December 2, 1917.

Hon. ALAN CRANSTON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: As an administrator in one of the health professions schools in California, I am greatly concerned about the Administration's statement of distribution of funds under the Health Professions Education Act.

A review of this distribution indicates that all health professions with the exception of optometry, received substantial increases in support for education.

California has two fine schools of optometry, the only state in which this situation exists. Each of these schools has incurred considerable expense in recent years in an attempt to meet the health manpower needs of this nation. Each of these schools has increased its output of graduates considerably. Without a fair share of federal funding, the hardships imposed on these two schools and all other schools of optometry in the United States will be immeasurable.

I ask your support in rectifying this situation and assuring that vision care and optometry and its educational programs, specifically, receive more equitable treatment in the disbursement of these funds.

Respectfully yours,

CHARLES A. ABEL, O.D.,
Dean.

Mr. CRANSTON. Mr. President, the other point of clarification I would like to pursue with the Senator from Washington is of a more far-reaching nature. I have already expressed my sense of disappointment with the general funding level in the conference report which I know the Senator shares fully, given his great record of achievement in appropriating funds to meet our Nation's health care needs. I would hope, I say to the Senator from Washington, that when it comes time for the second supplemental appropriation bill, hopefully reasonably early in the next session, the Senator would give very serious consideration to recommendations for increased appropriations for more institutional, construction and student assistance support in the health professions and in the nursing profession, providing we can at that time—as I am sure we will be able—provide strong indications of the great unmet needs which will continue after the funds contained in this appropriations act at the conference report level are allocated around the country to health manpower institutions. Would the Senator from Washington give serious consideration to such recommendations for the second supplemental?

Mr. MAGNUSON. I agree with the Senator from California.

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. MAGNUSON. Mr. President, I yield myself such time as I may need.

The amount we finally arrived at in conference was 40 percent or $143 million of the Senate increase. It is not sufficient, in my opinion, but there is some point to another supplemental coming along. Of course, we will give serious consideration to all the matters mentioned in the Senator's question. All of us were hopeful we would do much better, although we did fairly well when we consider that the budget was zero on some of these items, and that we had to operate between zero and the Senate figures.

I think we came out with a larger amount than we had hoped for when we consider that the House had not held hearings or looked into the matter. It was not the fault of the House, because the budget request was transmitted too late.

I am hopeful that, in the regular appropriation bill as well as the next supplemental bill, we can move toward some of the objectives mentioned by the Senator from California, because, after all, we passed the Comprehensive Health Manpower and Nurse Training Acts to provide, not a crash program particularly, but to have a forward thrust and put more emphasis on health manpower.

The Senator from California and I thoroughly agree that if there is a crisis in health in this country, it is not in the research field, because we have the finest research anywhere, bar none. It is in the failure of the delivery of health care, and that means manpower. In order to provide it, we have to provide for construction of facilities to train people. Otherwise, we will continue on a treadmill and we are not going to be able to do what we must do to meet the health needs of this country.

I think we can make some progress with the amounts that we arrived at in conference.

The new legislative authorities were just signed by the President 3 weeks ago, of course. We were meeting and working hurriedly, although the Senator from New Hampshire and I held some lengthy hearings on the matter, and the House did not have hearings.

So I can answer the Senator from California that we will do the best we can to increase these amounts as we move along. We need to do it or we are never going to get adequate delivery of health care in this country.

Mr. CRANSTON. I thank the Senator. I look forward to working with him and his very effective leadership in the direction that the Senator and I know we must move.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Are all the items in the supplemental appropriation bill now before the Senate fully authorized?

Mr. ELLENDER. No. However, what we have done has the effect of both authorizing and appropriating funds for the items in the bill relating to the Economic Opportunity Act of 1964 as amended which the President vetoed. We had in the bill that passed the Senate language making the availability of the funds contingent upon an authorization bill being enacted into law, but this language was stricken out in conference. The language that was stricken out reads as follows: *Provided further*, That this appropriation shall be available only upon the enactment of S. 2007 or other

authorizing legislation by the 92d Congress."

That language appeared in four places in the appropriation bill with regard to OEO activities. That was stricken from the bill in each instance. The effect, then, is an authorization and an appropriation for the items stipulated in the supplemental appropriation bill.

Mr. MANSFIELD. What item is that?

Mr. ELLENDER. We have four items: Under the Labor Department, the Manpower Administration, $26,207,000 for salaries and expenses; and manpower training services, $776,717,000; under HEW, for child development or the Headstart program, $376,317,000; and the Office of Economic Opportunity, $741,380,000.

Mr. MANSFIELD. None authorized?

Mr. ELLENDER. None authorized.

Mr. MANSFIELD. In other words, over a billion dollars in the bill is not authorized?

Mr. ELLENDER. About $1.8 billion.

Mr. MANSFIELD. Could the distinguished chairman of the committee give an explanation to the Senate as to how the Appropriations Committee can operate in this manner, appropriating funds for agencies for which authorizations have not been received?

Mr. ELLENDER. When the conferees struck out the contingency language, that action has the effect of appropriating funds for these items under the authorization that was last in force. It will tie to legislation that had been continued to be funded by the continuing resolution and will not be based upon the new proposed legislation vetoed by the President. These funds are available for these programs as stipulated in the bill under the old law.

Mr. MAGNUSON. May I say to the Senator from Montana that we did, in the bill, a little authorizing ourselves, to the extent that the OEO funds will be under the Act of 1964, and that includes substantially many of the matters we are talking about, except those with reference to child care, which was the reason for the veto.

Mr. MANSFIELD. I would express the hope that no more appropriation bills will come before the Senate unless all items in them are fully authorized, because I think it violates the institutional integrity of the Senate to operate in that fashion. In effect such action renders meaningless the function and alleged authority of 16 out of 17 of the Senate's standing committees.

Mr. ELLENDER. The Senator knows how I feel about that.

Mr. MANSFIELD. I hope this will be the last bill which will come in with items that have not been fully authorized. I shall watch the bills with that in mind. I know the distinguished chairman will cooperate in that endeavor.

Mr. MAGNUSON. We did not expect the veto, but, of course, we are appropriating for these programs spelled out in the bill under the Economic Opportunity Act of 1964, as amended, the old legislation. These are programs now being carried on, and that is under the old law.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. I yield 5 minutes on the bill to the Senator from Maryland (Mr. BEALL).

Mr. BEALL. Mr. President, I thank the Senator from North Dakota.

Mr. President, I think it is appropriate, prior to casting a vote on this supplemental appropriation, that I register my strong dissatisfaction with that section of the bill dealing with health manpower generally, and specifically with that section dealing with the funding of the "physician shortage scholarship program."

One of the most serious health problems we have in the United States today is in the health care delivery system, and in that system we have a serious maldistribution of doctors. A big challenge facing Congress and the country is how to encourage young men and women to go into physician shortage areas. Many suburban areas have an adequate supply of doctors, but in many rural and inner city areas, there is a dire need for physicians. For example in Baltimore a 1970 study identified 16 census tracts with 174,000 citizens totally lacking a primary care physician. A 1970 American Medical Association study found 134 counties in the Nation without a single physician.

Earlier in the year, I introduced a bill, S. 790, called the physician shortage area scholarship program, in response to this problem. This bill provides scholarships to young men or women who agreed to practice 1 year for each year of the scholarship in these physician shortage areas. The measure was cosponsored by 25 additional Members of this body.

I was extremely pleased when the legislation was adopted as an amendment to the Health Manpower Act by the Health Subcommittee of the Committee on Labor and Public Welfare, and when the measure was later passed by the Senate. Subsequently, the House-Senate conferees agreed the program was needed, and it was included in the final bill. I was delighted when the Senate appropriations included $1 million for this program in the supplemental appropriation bill.

These funds would have provided at least 200 scholarships to young men and women interested in serving in physician-shortage areas in the coming year. I am naturally disappointed that our House colleagues did not agree to that appropriation. I believe such action was a serious mistake. I also regret that those who are supposedly listening downtown did not have their antennas out and get the message from Capitol Hill and the people of America, that there is concern about this problem. I hope they will put their antennas out now and provide, in the budget about to be sent up for the next fiscal year, substantial funds for these physician-shortage-area scholarships. This program provides the opportunity to tap the idealism of our young men and women for service in their home areas, a unique priority system, based on the premise that individuals from a shortage area are not only more likely to return, but remain there, is established. Priority is also given to low-income individuals.

I would further point out, if those young people who take advantage of the scholarships do not serve in the shortage areas as agreed, the scholarship reverts to a loan, so that it would not cost us any additional money. In other words, if the program works, communities in dire need of doctors will be aided; if it does not work, the Government will not lose a cent. It is difficult for me to understand why this program was not fully funded, let alone the failure to fund the program at all.

So, although I am disappointed that the appropriation was not approved by the House conferees this year, I hope that when the next appropriation comes up, we will have a significant appropriation to help provide health care in the areas where it is so desperately needed.

Mr. MAGNUSON. Mr. President, I will say to the Senator from Maryland that he wrote us a letter about this matter, and we put it in the Senate bill, but the House conferees insisted on our giving it up to make up some of the differences where they yielded in other places.

What we are running into with the House of Representatives, every time we have a conference, both on the education appropriation bill and on the health appropriation bill, is that they have a complete blockade over there about scholarships. I do not know why, but the members of that committee seem to have their feet in concrete about scholarships. They want to shift the matter, as far as possible, into what they call loans. We have had this argument over and over with them, and in this case, in order to get the bill, we had to do this.

But scholarships are the key to some of these problems, because we want to pick up people who really cannot afford the education, who have talent, down in the lower income brackets, and who would not have the opportunity, if they went to a bank, to get a loan.

Many of the banks—and I have said this over and over again—want the parents to sign a note. In some cases they require an account in the bank. Some of these people do not have that; they cannot sign a note, and we are losing a lot of talent. The scholarship program was only one facet of this effort. There are a lot of people who want to enter into the medical and health professions who just cannot get a loan, or, in many cases, as far as that is concerned, do not even know how to go about it.

With scholarships, you pick up some talented personnel from the lower income groups. But the Senator from North Dakota will agree with me that we have an awful time when we mention scholarships to the House conferees. Their theory seems to be that scholarships should phase out and we should turn to loans.

Mr. BEALL. Mr. President, I appreciate the remarks of the distinguished Senator from Washington.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. BEALL. I yield.

Mr. YOUNG. No one could better understand nor be more sympathetic with the position of my friend from Maryland than the Senator from North Dakota. In my home county in my State, we have two hospitals but not a single doctor in the entire county. Years ago they had 15 or 20.

Many of the doctors we get in North Dakota now are Canadian doctors, or doctors from other countries. There is something wrong when we have such a shortage of doctors that we have the problems that we have mentioned.

Mr. BEALL. I appreciate the remarks of the Senator from North Dakota, and the support given by my colleagues in the Senate to this proposal. I hope we can make our counterparts in the House of Representatives understand the merits of this program. As I said, if the student receiving such a scholarship carries out his pledge to serve in a physician-shortage area, the program is well worth the cost. If the student fails to carry out his commitment, the scholarship is in effect converted to a loan, which must be repaid. I would hope the House and the administration would carefully study this unique approach, which I believe has the greatest potential of helping to solve the physician maldistribution problem.

Mr. COOK. Mr. President, will the Senator yield?

Mr. YOUNG. I yield.

Mr. COOK. I might say to the Senator from North Dakota, and also the Senator from Maryland and the Senator from Washington, that maybe we in the Senate should send over to our colleagues in the House of Representatives all of the requests we so frequently get from hospitals throughout our States, seeking to keep doctors there who have come from other countries, and whose retention is being requested by the boards of health and the hospitals because they are absolutely necessary, and they do not have others to replace them. Maybe we had better send those requests over to the House committee members, so they will be aware of the problem in many States, when they get these young doctors in from foreign countries, and find out, when their time is up, that they have got to go back, and then they plead with us to see if we cannot intercede with the State Department to keep them here because of the necessity for their services.

Mr. BEALL. Mr. President, will the Senator from North Dakota yield to me so that I may make a unanimous-consent request?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. YOUNG. I yield.

Mr. BEALL. Mr. President, I ask unanimous consent to have printed in the RECORD my floor statement of July 14 on when I discussed the physician shortage program and its rationale, the provisions of the program as the language contained in Public Law 92–157, and excerpts from the report of the Committee on Labor and Public Welfare discussing my program. Again, I repeat the deletion of funds was a tragic mistake and I hope to work with both the Appropriations Committee and the administration in correcting this error early next year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM SENATOR BEALL'S REMARKS OF JULY 14 ON HEALTH PROFESSIONS EDUCATION ASSISTANCE AMENDMENTS DEALING WITH HIS PHYSICIAN SHORTAGE SCHOLARSHIP PROGRAM

S. 790 was introduced by me on February 17 of this year and was cosponsored by Senator DOMINICK and approximately one-quarter of the Senate membership. As incorporated into S. 934, the physician shortage area scholarship program is substantially the same as the original bill with the major exception being the deletion of the fellowship program. I ask unanimous consent that at the conclusion of my remarks the text of the physician shortage area scholarship program be printed in full in the RECORD.

Under this program, 3,500 scholarships, up to $5,000 each, are authorized over a 5-year period to young men and women who agree to serve in physician shortage areas. Five hundred such scholarships will be available in the first year, increasing to 900 by the fifth year. This area may be in rural Appalachia, in an urban poverty area, or among migrant farmworkers. For each year of the scholarship, 1 year of service in a shortage area is required. A student, participating in the scholarship program, who subsequently does all of his postgraduate work in a medical scarcity area, is relieved of 1 year of his service obligation.

If a scholarship recipient fails to honor his commitment, the scholarship is in effect converted to a loan and the individual is required to repay to the Government the value of the scholarship plus interest at the commercial market rate. If the program works, we will have taken important action in helping to solve the maldistribution problem; if it does not, the Government will not lose a cent.

The physician maldistribution problem is one of the most serious problems confronting the country and it is one of the most difficult to solve. That is why I believe that this program, which is specifically designed to respond to this problem, is so important. For the many doctor-shortage areas of the Nation, I believe it is imperative that this program be retained in the final bill. As I mentioned earlier, we need 50,000 doctors in the United States today. This gross national statistic does not adequately convey the gravity of the situation in many rural and urban areas of this country. A 1970 AMA study of the distribution of physicians indicated that there were 134 countries in this country lacking a single physician. While no Maryland county was on that list, there are many Maryland counties which are in dire need of additional physicians.

Obviously there are many more communities than counties in the country without a single physician or without an adequate number of doctors. Although there is not a great deal of information available on individual communities lacking doctors, research that is available indicates that a great need exists. For example, a 1960 survey of over 1,600 towns and cities in Minnesota, North Dakota, South Dakota and Montana identified 1,000 towns as not having a single physician, and an additional 224 towns with only one physician.

One physician counties or communities are likely to become no-physician towns or counties unless action is taken. This is true because the age of physicians in these rural communities tends to be higher. For example, in rural Appalachia 65 percent of the physicians are over 50 years of age. In West Virginia over the last 10 years approximately 60 communities of a population of less than 10,000 have been left without a doctor as rural practitioners retire and younger doctors are not found to replace them. Thus, there is a need for providing incentives for young physicians to go into these communities.

Just as this program is direly needed by rural America, it is also needed by the inner-city area. A 1970 study of the metropolitan area of Baltimore identified 16 census tracks in the inner city which were totally lacking in primary care physicians. These census areas served approximately 174,000 people, most of whom were economically disadvantaged. I believe that the bill, which is incorporated into S. 934, will effectively respond to the maldistribution problem in both the rural and urban shortage areas. The program establishes a unique priority system for selecting students for the scholarship program.

PRIORITIES FOR SCHOLARSHIPS

The first priority is granted to individuals from lower income families who live in a physician-shortage area and who agree to return and practice in such area.

The second priority is given to individuals who reside in a physician-shortage area who agree to return and practice in such area.

The third priority is allocated to individuals from lower income families who, although residing in an area where there is not a physician shortage agree to practice in any physician-shortage area.

The final priority would go to individuals, not lower income, who do not come from an area of physician shortages, but who agree to practice in any physician-shortage area.

Mr. President, there are two primary purposes for the system of priorities for selecting eligible students for scholarships under the bill.

First, the evidence supports, what commonsense tell us, the hypothesis that persons from physican-shortage areas are more likely to return to and remain in such areas and practice medicine.

The results of an American Medical Association's survey published in 1970, questioning physicians on the factors that influence their decision to practice in a certain area gives support to the bill's priorities. This survey found that over 45 percent of physicians indicated that they were practicing in or around the town in which they were raised. The survey also revealed that 49 percent of the physicians raised in small towns were practicing in communities of 2,500 or less. An equal percentage of doctors raised in nonmetropolitan communities of 25,000 or more were practicing in cities of that size. The AMA survey confirmed previous studies which had indicated that:

"Physicians who practice in small towns are more likely to have a rural than urban background."

The AMA study concluded that:

"Physicians recruitment for rural areas would be enhanced if more young men with rural backgrounds were encouraged to enter the medical profession."

Continuing, the report had this to say about the influence of a doctor's origins or his place of practice:

"Physicians who practice in small towns are more likely to have rural rather than urban backgrounds . . . rural physicians have predominantly rural backgrounds and metropolitan physicians generally had urban locations during their youth."

If we can persuade young men and women to practice in physician-shortage areas, the evidence indicates that most are likely to remain. The AMA study on this point states that:

"Once a physician establishes a practice he is not likely to move."

This survey found:

At least 63% of the physicians had not moved from their original practice location. This percentage was consistent regardless of the community size. A more detailed breakdown of the area showed that about one-

fourth of the physicians in non-metropolitan areas had practiced twenty years or more in the same place."

This measure is then drafted to give priorities to lower income and other individuals from physician-shortage areas because it is felt that these individuals are more likely to return and remain in the areas in which they were reared.

The second advantage of the priorities established by the bill would be that it would have the effect of attracting and making it possible for more minority and lower income individuals to go to medical school. Across the country there has been a concern over the poor representation of the minority groups in our medical schools. Only recently the University of Maryland took steps to enlarge their minority representation among its medical students.

Another important feature of the legislation is that it would encourage students to practice primary care, including family medicine. In 1931, three out of four of the Nation's doctors were engaged in family practice. In 1967 only one out of five were in general practice. In Baltimore City, only 9 percent of the practicing physicians are in family practice. Indications are that this trend toward specialization and away from general practice is continuing. The Millis report found only 15 percent of the medical students graduates planning to enter general practice.

Steps taken in recent years show some promise of reversing this trend away from general practice. For example, the American Board of Family Practice has been created. In addition, there is included in this bill provisions to encourage family medicine. I believe that these actions will be a further incentive for medical students to specialize in the practice of family medicine and should encourage medical schools to focus anew on the family physician.

Mr. President, much has been written regarding the idealism of today's young men and women. The medical student is no exception. We are told that the new breed of medical students want the opportunity to serve their fellow citizen. My program would provide them with this opportunity. In addition, the priority scheme will not only give them an opportunity to serve but it will provide them the chance to serve and minister to the health needs of citizens, often their friends and neighbors, in the physician shortage area wherein they grew up.

I know the Appalachia area of my State well. It is my home area. I know the young men and women who live there and, I believe, they, as well as similarly motivated students from other areas of my State and the Nation, will confirm my faith in them by making this program work.

I am convinced that this proposal is the most important provision in the legislation to deal with the Nation's maldistribution problem. By granting priorities to individuals from the shortage areas to accept the scholarship conditioned on their making a commitment to serve in such areas, I am convinced that the probability of its success is good.

Mr. President, to solve the health care crisis we must expand our medical manpower and encourage doctors to locate in shortage areas. For if we fail to solve this problem, our goal of quality health care to all Americans, wherever they live, and at a price they can afford, will elude us. As Dr. Egeberg has warned.

"I don't care what Congress does with medical care, Medicaid, and all the other programs, nothing is going to improve the country's medical system until we get more doctors."

In summary, I believe my proposal will significantly respond to some of our medical manpower problems. It will encourage primary care, including family medicine. It responds to the maldistribution problem. It will make it possible for more lower income minority individuals to enter our medical schools.

PHYSICIAN SHORTAGE SCHOLARSHIP PROVISIONS OF PUBLIC LAW 92-157

TITLE I—AMENDMENTS TO TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

"SUBPART III—PHYSICIAN SHORTAGE AREA SCHOLARSHIP PROGRAM

"SCHOLARSHIP GRANTS

"SEC. 784. (a) In order to promote the more adequate provision of medical care for persons who—

"(1) reside in a physician shortage area;

"(2) are migratory agricultural workers or members of the families of such workers;

the Secretary may, in accordance with the provisions of this subpart, make scholarship grants to individuals who are medical students and who agree to engage in the practice of primary care after completion of their professional training (A) in a physician shortage area, or (B) at such place or places, such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care in such practice, a substantial portion will consist of persons referred to in clause (2). For purposes of this subpart, (1) the term 'physician shortage area' means an area determined by the Secretary under section 741(f)(1)(C) to have a shortage of and a need for physicians, and (2) the term 'primary care' has the meaning prescribed for it by the Secretary under section 768(c)(3)(B).

"(b)(1) Scholarship grants under this subpart shall be made with respect to academic years.

"(2) The amount of any scholarship grant under this subpart to any individual for any full academic year shall not exceed $5,000.

"(3) The Secretary shall, in awarding scholarship grants under this subpart, accord priority to applicants as follows—

"(A) first, to any applicant who (i) is from a low-income background (as determined under regulations of the Secretary), (ii) resides in a physician shortage area, and (iii) agrees that, upon completion of his professional training, he will return to such area and will engage in such area in the practice of primary care;

"(B) second, to any applicant who meets all the criteria set forth in subparagraph (A) except that prescribed in clause (i);

"(C) third, to any applicant who meets the criterion set forth in clause (i); and

"(D) fourth, to any other applicant.

"(c)(1) Any scholarship grant awarded to any individual under this subpart shall be awarded upon the condition that such individual will, upon completion of his professional training, engage in the practice of primary care—

"(A) in the case of any individual who, in applying for a scholarship grant under this subpart, met the criteria set forth in subparagraph (A) or (B) of subsection (b)(3), in the physician shortage area in which he agreed (pursuant to such subparagraph) to engage in such practice; and

"(B) in the case of any individual who did not agree (pursuant to such subparagraph (A) or (B)) to engage in such practice in any particular physician shortage area (or who is not, under a waiver under paragraph (4) of this subsection, required to engage in such practice in any particular physician shortage area)—

"(i) in any physician shortage area, or

"(ii) at such place or places, in such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care provided by such individual, a substantial portion will consist of persons who are migratory agricultural workers or are members of the families of such workers;

for a twelve-month period for each full academic year with respect to which he receives such a scholarship grant. For purposes of the preceding sentence, any individual, who has received a scholarship grant under this subpart for four full academic years, shall be deemed to have received such a grant for only three full academic years if such individual serves all of his internship or residency in a public or private hospital, which is located in a physician shortage area, or a substantial portion of the patients of which consists of persons who are migratory agricultural workers (or are members of the families of such workers) and, if, while so serving, such individual receives training or professional experience designed to prepare him to engage in the practice of primary care.

"(2) The conditions imposed by paragraph (1) shall be complied with by an individual to whom it applies within such reasonable period of time, after the completion of such individual's professional training, as the Secretary shall by regulations prescribe.

"(3) If any individual to whom the conditions referred to in paragraph (1) is applicable fails, within the period prescribe pursuant to regulations under paragraph (2), to comply with such conditions for the full number of months with respect to which such condition is applicable, the United States shall be entitled to recover from such individual an amount equal to the amount produced by multiplying—

"(A) the aggregate of (i) the amounts of the scholarship grant or grants (as the case may be) made to such individual under this subpart, or (ii) the sums of the interest which would be payable on each such scholarship grant if, at the time such grant was made, such grant were a loan bearing interest at a rate fixed by the Secretary of the Treasury, after taking into consideration private consumer rates of interest prevailing at the time such grant was made, and if the interest on each such grant had been compounded annually, by

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EXCERPTS FROM SENATE REPORT 92-251 DISCUSSING FAMILY PHYSICIANS SHORTAGE SCHOLARSHIP PROGRAM

PHYSICIAN SHORTAGE AREA SCHOLARSHIP PROGRAM

The bill includes a new demonstration scholarship program designed to offer stronger incentives to physicians to practice in shortage areas, to encourage more doctors to enter general practice, to assist in remedying the problem of maldistribution of physicians, and to increase the number of lower income and minority young people entering medical school.

The Secretary of HEW would be authorized to make scholarship grants to medical students who agree in advance to engage in the practice of primary care in (1) a physician-shortage area or (2) any practice, a substantial portion of which serves migratory agricultural workers or their families. A "physician shortage area" is defined by the bill to mean a medically underserved area as designated for purposes of the health professions student loan cancellation provisions.

Scholarships could be as much as $5,000 annually. One year of service would be required for each year of scholarship aid. (A medical student who receives scholarship aid for four academic years would be deemed to have completed one year of the requirement for service if he served all of his internship or residency in a hospital in a physician shortage area or a hospital serving substantial numbers of migrant workers and their families and if, while so serving, he receives training or experience designed to prepare him to engage in the practice of primary care.)

If a scholarship recipient fails to comply with the agreement, the Federal Government would be entitled to recover proportionate amounts, with interests, as though the student aid had been a loan, payable within five years.

The bill establishes priorities for selection of students for the scholarship program. First priority is given to individuals from low-income families who live in physician shortage areas and who agree to return and practice in such areas. Second priority is given to individuals who reside in a physician shortage area and who agree to return to practice there. Third priority is given to individuals from low-income families who, although not residing in areas where there are physician shortages, agree to practice in any physician shortage area. Fourth, to any other applicant.

Mr. COOK. Mr. President, will the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. COOK. So that we can get it into the RECORD, there is no mistake or misunderstanding that title I funds will be funded at the 1971 level; that we will not find, for example, the situation in my State, where we will be denied some $3 million plus that was available to us in the 1971 year, and that they will be available to us under the supplemental appropriation.

Mr. MAGNUSON. That is the amendment dealing with title I funds of the Elementary and Secondary Education Act in the amount of $32.5 million. The conferees accepted our amendment on that, so that no State will receive less than the fiscal year 1971 level.

Mr. COOK. I thank the Senator.

Mr. MAGNUSON. I think that involves quite a few States.

Mr. COOK. It does.

Mr. MAGNUSON. We put a list of the States into the RECORD. The House conferees accepted that amendment. It was a little difficult at first, but they finally did accept it.

Mr. HARTKE. Mr. President, the conference report to H.R. 11955 for supplemental appropriations for fiscal year 1972 contains many excellent provisions. I am most disturbed, however, that the conference deleted most of the additional funds for veterans which the Senate Appropriations Committee had recommended and this body has passed. This deletion is due, I believe, to heavy lobbying pressure by representatives of the administration. That the modest $25 million in funds that the Senate voted for veteran unemployment has been slashed to $6 million, is further evidence that the administration prizes form above content. Eloquent statements and plans for the veteran are heard, but seldom is there money to implement them. I am further concerned that information which administration operatives supplied to some of the conferees was, I believe, deliberately misleading. This information noted that the unemployment rate for veterans aged 20 to 29 was at 7 percent for October, down from the 8-percent range where it has remained for most of the year. This, of course, created the impression that the situation was getting better and that additional funds were not needed. What these operatives conveniently chose to ignore was that the November unemployment rate for veterans was back up to 8.2 percent. These figures were released by the Bureau of Labor Statistics several days before the conferees ever met and is a full 1.2 percent greater than for nonveterans of the same age group. Indeed, throughout the entire year of 1971 the veteran unemployment rate has been persistently higher than that for comparable nonveterans.

The President last June announced his firm intention to do something to aid veteran unemployment. Included in his six-point plan was a mandatory listing with the employment service system of all job openings by Government contractors. Qualified veterans were to be accorded priority in referral to these jobs by the employment service. I welcomed that move by the President which would increase the estimated number of job listings this year from 6.5 million to over 11 million. But it was obvious that if these job listings were to be processed, additional funds for personnel were needed. It was obvious, also, that if more veterans were to be referred, additional funds for personnel would be required. And, I believe it was obvious that if the veteran placement rate by the local employment service offices was to be improved, additional funds, personnel, and supervision were needed. Last year less than 13 percent of all veteran applicants were placed in a job for 3 days or more duration.

Indeed, all this was obvious to the Department of Labor who submitted a request of $30 million to the Office of Management and Budget to aid the veteran. But the Office of Management and Budget authorized a submission of only $4.5 million. Based on hearings on veteran unemployment held by the Committee on Veterans' Affairs, which I am privileged to chair, I believed that additional funds were necessary. Accordingly, I took my case to the Appropriations Subcommittee of Labor-HEW and other related agencies.

I ask unanimous consent that my testimony before the subcommittee be inserted in the RECORD at the conclusion of my remarks. The response of the subcommittee was most gratifying, particularly from its distinguished chairman (Mr. MAGNUSON) and the ranking Republican (Mr. COTTON). Equally receptive was the distinguished chairman of the full committee (Mr. ELLENDER) and the ranking Republican (Mr. YOUNG). The full committee recommended to this body that it appropriate $25 million of the $30 million I recommended.

The $25 million that the Senate passed to aid veteran unemployment has now, thanks to pressure from the administration, been cut back to $6 million. Early in this administration, we were told that it should be judged, not by what it said, but by what it did. After witnessing the misinformation and pressure exerted to delete these funds, I believe that I have the basis to judge them. But, more important, the veteran who is unemployed and looking for a job, will have a chance to make his judgment as well.

I ask unanimous consent to have printed in the RECORD the testimony I gave before the subcommittee and a copy of my letter to Chairman MAGNUSON.

There being no objection, the testimony and letter were ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE SUBCOMMITTEE ON LABOR, AND HEALTH, AND WELFARE, AND RELATED AGENCIES

I want to thank the Committee for the opportunity of being able to bring additional information concerning veterans unemployment to your attention. I understand the pressure of time which bears upon this Committee, and I shall not monopolize it by repeating information contained in my letter of October 28 to Subcommittee Chairman Magnuson. Nor will I spend any large amount of time going over a detailed budgetary breakdown of how the additional $30 million supplemental appropriation would be allocated. This information has been previously supplied to your committee staff and copies of the material are attached to my testimony as exhibits.

I believe a few brief points are in order, however, for your consideration. First, while the unemployment rate seems to be improving somewhat for veterans, the situation still calls for corrective action. In spite of a drop in the veteran unemployment rate in October to 7 percent, this continues to be higher than for comparable nonveterans. For most of this year the veterans has experienced an unemployment rate of 8.5 percent. For those recently discharged from the service who are in the age group 20 to 24, the most current figures indicate the unemployment rate is 11.2 percent. Before too much reliance is placed upon the October unemployment figures, it should be recognized that monthly veteran employment figures are *not* seasonally adjusted. October, as most of you know, is traditionally one of the higher employment months. The Bureau of Labor Statistics has cautioned against viewing the October figures as establishing any sort of trend. Furthermore, it would seem to me if the employment service was only able to place less than 13 percent of its veteran applicants last year that there is enormous room for improvement. While ESARS data may indicate there has been some additional placement of Vietnam-era veterans, it also indicates that the placement percentages are running behind last year's total. For the first quarter of Fiscal Year '72—July through October—there were approximately 1.1 million veteran applicants. Of that number, less than 84,000 were placed in a regular job, which is defined as one of three or more days duration. This would indicate a placement percentage of 7.3 percent. First quarter ESARS data also indicates that although veterans made up 21.2 percent of employment service applicants, they comprise only 18.4 percent of those counseled, 13 percent of those tested, and 12.3 percent of those enrolled in training.

The President himself has noted the importance of the employment service to assure that veterans secure jobs upon return to the United States through his six point plan. Of those 6 points, 3 bear directly upon the U.S. Training and Employment Service and 2 others indirectly draw upon their resources. Of these 6 points, perhaps the most important is the mandatory listing of jobs by all government contractors required by Executive Order 11958.

The Department of Labor has estimated that as a result of this Executive order, there will be generated an additional 5 million job openings above the original projection of 6.5 million for a total of 11.5 million job listings with the employment service. Clearly, this almost doubling of job listings will require additional staff. The Department of Labor itself has recognized that if the job is to be done, additional funding will be necessary. I wish to emphasize that this $30 million request is in line with the same request that the Department of Labor itself submitted to the Office of Management and

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Budget. OMB, in the name of economy, approved a congressional submission of only $4.5 million. And as late as September 28, Assistant Secretary Lovell of the Department of Labor admitted to me in hearings that he did not believe the $4.5 million was sufficient and that it would take the full $30 million to do the job. Since that time, the Department of Labor's official position has been that it could get along with the $4.5 million. But I think you are aware, Mr. Chairman, that these statements are not dictated by the convictions of the officials of the Department of Labor but are statements from a script written by the Office of Mangement and Budget. As I have said before, I do not believe we can economize at the expense of our veterans.

Even if the Department of Labor through large efforts is able to supply the necessary services to veterans, it is my conviction that it can only be done at the expense of other programs. As Chairman of the Committee on Veterans' Affairs, I am vitally concerned that our returning veterans get an even break. I do not believe, however, and I do not think that any member of this Committee believes, that adequate services to veterans should be purchased at the expense of programs for the disadvantaged and minorities, yet clearly, this is what will happen if we do not provide adequate funding.

Finally, included in my request is a modest proposal for increasing the Veterans' Employment Service by 79 positions. These positions will be used to monitor the effectiveness of the local employment service programs, for veterans. I believe last year's statistics and the continuing statistics of this year justify a larger degree of control and oversight by those who are assigned exclusively to monitoring veterans' functions. While I do not doubt the sincerity of the Department of Labor, there has been a tendency in the past not to closely monitor state employees assigned to veterans' functions. The Veterans' Employment Service will see that the federal money is well spent if they are given adequate personnel.

U.S. SENATE, COMMITTEE ON
VETERANS' AFFAIRS,
Washington, D.C., October 28, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor, and Health, and Welfare, and Related Agencies Committee on Appropriations, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Recently the President submitted a request for supplemental appropriations for FY '72 (House Document No. 92–164). Your committee, which has been holding hearings on this matter, received testimony on October 20 from Malcolm R. Lovell, Jr., Assistant Secretary for Manpower, concerning the Administration's request for $4,500,000 to aid in placement service for veterans in response to Executive Order 11598.

I have examined the request submitted as well as the accompanying testimony of Mr. Lovell, and it is my conviction that there has been substantially less than a full and candid disclosure to your committee of the employment problems facing the returning veteran and the action that must be taken. The Committee on Veterans' Affairs, which I am privileged to chair, has been conducting a thorough inquiry into the employment problems confronting the returning veteran and what services the government is and is not providing him. The committee has held hearings on this subject on April 26, 28; May 10; September 28, 29; and October 8.

The composite picture that emerges is one of neglect by the United States Training and Employment Service. The Veterans Employment Service within the Department of Labor, which has veteran employment as its prime responsibility, is chronically understaffed and has been unable to effectively monitor the state employment services.

One immediate indication of the problem is, of course, the continuing higher unemployment rate among Vietnam-era veterans. The unemployment rate among the 20-to-29-year-old age group has increased in the past year from 6.2 percent to a current 8.3 percent. By comparison, nonveterans of the same age group are currently experiencing an unemployment rate of only 6.6 percent. It is interesting to note that since June 11, when the President called for an "effective mobilization of federal resources" to aid the veteran, the gap between veteran and nonveteran unemployment rates has widened from .3 percent to 1.7 percent. When one examines the unemployment rate for unemployed veterans in the 20-to-24-year-old age group, the figures increase even more dramatically; and if the veteran happens to be black, he can experience an unemployment rate as high as 20 percent.

Even more pertinent is the ESARS data (Employment Service Automatic Reporting System) obtained by the committee staff for the last fiscal year. Despite a congressional mandate to give priority to veterans and the legal requirement that each of the some 2400 local employment offices have a veterans' employment representative, the record indicates that far from getting priority, the returning veteran is getting less service than the nonveteran. During the past year, veterans constituted 21.5 percent of all state employment service applicants. Yet ESARS data shows that they comprised only 17.9 percent of those counseled; 13.2 percent of those tested; and 14.7 percent of those enrolled in manpower training programs. Proportionally fewer veterans were referred to health, rehabilitative, welfare, or remedial services. Only 11.3 percent of those enrolled in orientation were veterans. Of the nearly 2.7 million veteran applications at the employment service offices last year, less than 13 percent resulted in placement in any sort of job. Again, this was a lesser placement percentage than for nonveterans. It is important to note in this connection that the employment service defines a regular job as one which is of three days duration. How many of these placements were for temporary employment of short duration or "dead-end" type jobs is not revealed by the figures, and the Department of Labor has informed me they are unable to supply any information in this regard. Regulations defining eligibility for manpower programs unfairly and I believe unintentionally have tended to exclude the young veteran. That is to say, veterans who would otherwise be classified as "disadvantaged" and eligible for certain manpower training programs have been excluded by simple virtue of their compulsory service in the Armed Forces. Even more shocking to me is the fact that as to those veterans who were placed in the category of "disadvantaged," proportionately fewer of them were enrolled in manpower training programs than their disadvantaged nonveteran counterparts.

The foregoing suggests quite graphically, I believe, the failure of the state agencies to perform as required by law and the necessity of close effective supervision and assistance by the Federal Veterans Employment Service. Unfortunately, this division has too often been treated as a poor stepchild of the Department of Labor. Its line-item authority for FY '72 is under $2.5 million. It has a total staff of only 144 employees which includes 77 professionals in the field and 9 professionals in the central office. Of this number, only one is a Vietnam-era veteran. By comparison, over 700 men were assigned to this division following World War II. Operating under a heavy work load, the Veterans Employment Service was able to conduct evaluations of only 732 of the 2400 local employment service offices last year. Clearly I believe that adequate staffing is necessary if we are to insure that the veteran receives a fair shake.

As you know, the Department of Labor submitted a request for $30 million to the Office of Management and Budget in order to implement Executive Order 11598 designed to reduce the higher unemployment rate for Vietnam veterans. OMB gave approval for a submission of only $4.5 million. While I am cognizant of necessary constraints imposed by budgetary requirements, I do not believe that we can economize at the expense of the young veteran.

Because I know that you share the same degree of concern about the employment problems facing the veteran today, I am respectfully requesting that your subcommittee allow me to present this and additional testimony to members of the committee together with recommendations for budgetary increases prior to any final action on the supplemental request.

Thanking you in advance for your courtesy, I remain

Sincerely,

VANCE HARTKE,
Chairman.

Mr. CASE. Mr. President, as a member of the conference committee, I have taken exception to one portion of the conference report on the supplemental appropriations bill that perpetuates an inequity in the distribution of Federal aid to school districts that carry a special burden as a result of Federal activities.

Twice this year the Senate has approved funds to assist local districts educating children whose parents live in low-income public housing. On both occasions, in the education appropriations bill and again in this supplemental appropriations bill, the funds approved by the Senate for this purpose were eliminated in the conference committee meeting with House Members.

Since 1950, the Congress has provided funds to assist school districts that provide an education for children whose parents live or work on Federal installations throughout the country. This assistance recognizes that a Federal activity can impose a special burden on a school district, particularly when Federal property is removed from the local tax rolls.

In my view, there can be no justification for providing Federal aid to school districts impacted by Federal installations if we do not provide the same type of assistance to school districts required to educate children whose parents live in housing projects that are exempt from local taxes because they are Federal property.

The failure to provide funds for the authorized program of aid to districts impacted by public housing is not only inequitable, it is shortsighted on the part of those who support aid to districts impacted by other Federal installations.

We in Congress have already stated our support for spreading low-income public housing beyond the urban areas where most of it now exists. Indeed reports from the 1970 census indicate that suburban public housing will continue to expand during this decade. Over 3,000 communities in all 50 States now have public housing and this is a program that will touch more and more as the years go by.

In my view, Federal aid for school districts impacted by public housing is one of the most meritorious aspects of the whole impacted aid program and it most certainly is the one related most directly to identifiable public economic need.

ELDERLY—SUPPLEMENTAL APPROPRIATIONS

Mr. KENNEDY. Mr. President, I want to commend the conferees for keeping in the supplemental appropriations bill the full level of funding for older Americans programs provided by my amendment last Friday.

The amendment increased the title III community programs for the aging and the foster grandparents and retired senior volunteer program by $45.75 million. It also increased the training and research programs by $9.5 million. This raises the overall level of funding this year to $100 million.

As the chairman of the aging subcommittee which originally passed the Older American Act Amendments of 1969 which established the authorization of $62 million for fiscal year 1970, $85 million for fiscal year 1971, and $105 million for 1972. Now for the first time, we have brought the level of funding close to the level of need that we found 3 years ago.

Thus, the administration originally requested only 47 percent of the authorized level in fiscal year 1970, $1 million less than the Johnson administration had requested; 36 percent of the authorization in fiscal year 1971, and an utterly inadequate 28 percent of the authorized level in fiscal year 1972.

Congressional action each year increased that level and again last week the 80 to 0 approval of my amendment demonstrates the deep concern for the need of the elderly in this Nation which is beginning to receive expression in all branches of our Government.

Thus, last week, in a turnaround of some importance, the administration agreed to support my amendment to increase funding to $100 million after the President acknowledged to the White House Conference on Aging that such a funding level was required.

Rather than wait until the next fiscal year, I felt that the additional moneys should be available immediately. For that reason, I submitted the amendment and I am pleased to see that now both the Senate and the House of Representatives have approved that provision.

I hope that passage of this amendment marks a major shift in the attitude of the Nation's political leaders toward the needs of the elderly. I hope it represents a new understanding of the economic deprivation, frustration, and alienation that too often robs our elderly citizens of the dignity that they deserve in the final chapter of their lives. And I hope it represents a commitment to adequate income, decent housing, quality health care, and the opportunity to participate fully in the life of our Nation.

Mr. HANSEN. Mr. President, the conference on H.R. 11955 includes $2,215,000 for an extension and widening of the runway at Jackson Hole Airport, Grand Teton National Park, Wyo.

In addition, the funds will permit the construction of a parallel taxiway, extension of existing parking aprons, and the installation of electronic equipment.

I am grateful to my colleagues in the Congress for their recognition of the urgent situation which exists at the Jackson Hole Airport. This facility is the major air access to Grand Teton and Yellowstone National Parks. It is located entirely on National Park Service land and is within a county in which 97 percent of the land area is owned by the Federal Government.

As more and more Americans visit this majestic area, traffic has greatly increased at the Jackson Hole Airport, airlines are using more sophisticated aircraft and safety standards have been raised. In spite of these new conditions, there was not even a taxistrip at the airport and airplanes were forced to taxi down the runway before takeoff.

The appropriation of $2,215,000 for Jackson Hole Airport will enable the Jackson Hole Airport Authority and the National Park Service to improve the airport facilities and provide for the safety of the citizens using this airport. It would have indeed been tragic if the Congress had failed to act until disaster struck. All too often there is delay until loss of human life prompts action.

I am proud and pleased that Congress has not delayed and has acted to make improvements before an accident occurred at Jackson Hole Airport.

I am grateful to the members of the Committee on Appropriations for their understanding and recommendation that these funds be included in the supplemental appropriations bill. The concurrence of the House in this action underscores the wisdom of this decision.

I sincerely hope that the Senate will pass the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, unless any other Senator wishes to speak, I yield back the remainder of my time.

Mr. YOUNG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 84, nays 9, as follows:

[No. 449 Leg.]

YEAS—84

Aiken	Fong	Montoya
Allott	Fulbright	Moss
Baker	Gambrell	Muskie
Bayh	Gravel	Nelson
Beall	Griffin	Packwood
Bellmon	Gurney	Pastore
Bentsen	Hansen	Pearson
Bible	Hart	Pell
Boggs	Hartke	Proxmire
Brock	Hatfield	Randolph
Brooke	Hollings	Ribicoff
Burdick	Hruska	Saxbe
Byrd, W. Va.	Hughes	Schweiker
Cannon	Humphrey	Scott
Case	Inouye	Sparkman
Chiles	Jackson	Spong
Church	Javits	Stafford
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Stevenson
Cranston	Long	Symington
Curtis	Magnuson	Taft
Dole	Mathias	Talmadge
Dominick	McClellan	Tower
Eagleton	McGovern	Tunney
Eastland	McIntyre	Weicker
Ellender	Miller	Williams
Ervin	Mondale	Young

NAYS—9

Allen	Fannin	Metcalf
Buckley	Goldwater	Roth
Byrd, Va.	Mansfield	Thurmond

NOT VOTING—7

Anderson	McGee	Smith
Bennett	Mundt	
Harris	Percy	

So the conference report was agreed to.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert:

"Salaries and Expenses

"For an additional amount for the Manpower Administration, $26,207,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$776,717,000", and delete the last proviso.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

"National Institutes of Health
"Health Manpower

"For an additional amount for 'Health Manpower', $492,980,000 of which $162,885,000 shall remain available until expended to carry out part B of title VII and part A of title VIII of the Public Health Service Act: *Provided*, That $93,000,000 to carry out sections 772, 773, and 774 shall remain available for obligation through September 30, 1972: *Provided further*, That $100,000 shall be used to carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress).

"Loans, grants, and payments for the next succeeding fiscal year: For making, after December 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, F, and G of title VII, and parts B

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and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such loans, grants, and payments, pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C and G of title VII, and in part B of title VIII for these purposes for the next succeeding fiscal year."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

"Social and Rehabilitation Service
"Special Programs for the Aging

"For an additional amount to carry out, except as otherwise provided, the Older Americans Act of 1965, $45,750,000, to remain available for obligation through December 31, 1972.

"Research and Training

"For an additional amount to carry out, except as otherwise provided, titles IV and V of the Older Americans Act of 1965, $9,500,000, to remain available for obligation through December 31, 1972."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "$376,317,000," and delete the proviso.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: $741,380,000", and delete the last proviso.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 55 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "$4,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of $36,000,000 named in said amendment, insert the following: $32,000,000", and in lieu of $36,225,000 named in said amendment insert the following: "$32,225,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 60 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted, insert the following: "$2,200,000, of which $200,000 shall be derived from the appropriation 'Office of the Secretary, salaries and expenses' ".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 68 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"FUNDS APPROPRIATED TO THE PRESIDENT

"ECONOMIC STABILIZATION ACTIVITIES

"SALARIES AND EXPENSES

"For expenses necessary to carry out the Economic Stabilization Act of 1970, as amended, including activities under Executive Orders No. 11615 of August 15, 1971, and No. 11627 of October 15, 1971, both as amended; activities under Proclamation 4074 of August 15, 1971; and hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for GS–18, such amounts as may be determined from time to time by the Director of the Office of Management and Budget but not to exceed $20,153,000, to be derived by transfer from balances reserved for savings in such appropriations to the departments and agencies of the Executive Branch for the current fiscal year as the Director may determine: Provided, That advances or repayments from the above amounts may be made to any department or agency for expenses of carrying out such activities."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert the following: "902"

Mr. ELLENDER. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 20, 21, 28, 29, 31, 34, 55, 57, 60, 68, and 75.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

WAIVER OF RULE REQUIRING CONFERENCE REPORT TO BE PRINTED AS A SENATE REPORT

Mr. ELLENDER. Mr. President, I ask unanimous consent that the requirement that the conference report be printed as a Senate report be waived, inasmuch as under the rules of the House of Representatives it has been printed as a report of the House. The reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I have a tabulation which reflects the budget estimates, the amounts in the House and Senate versions of the bill for each item, and the final amount agreed to in conference. I ask unanimous consent to have this tabulation printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

THE SUPPLEMENTAL 1972 (H.R. 11955)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

SUMMARY

Chapter No.	Department or activity	Budget estimate*	Version of bill: House	Version of bill: Senate	Conference agreement
I	HUD-Space-Science-Veterans	$1,587,000		$1,587,000	$1,587,000
II	Interior and Related Agencies:				
	New budget (obligational) authority	26,076,000	$8,170,000	29,485,000	21,302,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	(10,096,000)	(10,096,000)
	Transfers	(4,172,000)	(3,746,100)	(3,746,100)	(3,746,100)
III	Labor and Health, Education, and Welfare:				
	New budget (obligational) authority	2,684,655,000	334,439,000	3,401,567,000	2,838,790,000
	Transfers	(2,560,000)	(1,900,000)	(2,560,000)	(2,560,000)
IV	Legislative:				
	New budget (obligational) authority	27,719,515	23,549,920	26,443,515	24,922,515
	Fiscal year 1971 (by transfer)			(250,000)	(250,000)
V	Public Works—AEC:				
	New budget (obligational) authority	119,010,000	46,500,000	119,010,000	119,010,000
VI	State, Justice, Commerce, and Judiciary:				
	New budget (obligational) authority	6,471,000	72,094,000	115,273,000	110,354,000
VII	Transportation:				
	New budget (obligational) authority	60,244,000	55,544,000	60,994,000	58,294,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	Transfer		(200,000)		(200,000)
VIII	Treasury, Postal Service, and General Government:				
	New budget (obligational) authority	227,592,000	226,956,000	222,006,000	210,556,000
	Transfers	[1] Unlimited transfer language.		(20,153,000)	(20,153,000)

Footnotes at end of table.

Chapter No.	Department or activity	Budget estimate*	Version of bill: House	Version of bill: Senate	Conference agreement
IX	Claims and judgments	$21,569,856	$19,029,734	$21,569,856	$21,569,9856
	Grand total:				
	New budget (obligational) authority	3,254,924,371	786,282,654	3,998,045,371	3,406,385,371
	Appropriation to liquidate contract authority	(20,000,000)	(20,000,000)	(20,096,000)	(20,096,000)
	Transfers	(6,732,000)	(5,846,100)	(26,459,100)	(26,659,100)
	Fiscal year 1971 (by transfer)			(250,000)	(250,000)

THE SUPPLEMENTAL, 1972 (H.R. 11955)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

Doc. No.	Department or activity	Budget estimate*	Version of bill: House	Version of bill: Senate	Conference agreement
	CHAPTER I				
	HUD-Space-Science, Veterans' Administration and other Independent Agencies				
	Securities and Exchange Commission				
91-43	Salaries and expenses	$1,587,000		$1,587,000	$1,587,000
	CHAPTER II				
	DEPARTMENT OF THE INTERIOR				
	Bureau of Land Management				
91-119	Management of lands and resources	160,000	$160,000	85,000	85,000
	Bureau of Indian Affairs				
	Resources management			230,000	230,000
	Construction			550,000	550,000
	Total, Bureau of Indian Affairs			780,000	780,000
	Geological Survey				
92-119	Surveys, investigations, and research	3,700,000		1,190,000	650,000
	Bureau of Mines				
	Conservation and development of mineral resources			300,000	300,000
92-164	Health and safety	5,250,000	5,250,000	7,225,000	6,250,000
	Total, Bureau of Mines	5,250,000	5,250,000	7,525,000	6,550,000
	Office of Coal Research				
92-119	Salaries and expenses	10,280,000		10,280,000	5,120,000
	Bureau of Sport Fisheries and Wildlife				
	Construction		100,000	100,000	100,000
	National Park Service				
	Construction		110,000	2,325,000	2,325,000
	(By transfer)	[1] (−250,000)			
	Parkway and road construction (appropriation to liquidate contract authority)			(96,000)	(96,000)
	Total, National Park Service		110,000	2,325,000	2,325,000
	Office of the Secretary				
92-119	Salaries and expenses	1,286,000	500,000	518,000	500,000
	(By transfer)	[2] [4] (−3,922,000)	(−3,746,100)	(−3,746,100)	(−3,746,100)
92-119	Departmental Operations (by transfer)	[3] [4] (3,922,000)	(3,746,100)	(3,746,100)	(3,746,100)
	Total, Office of the Secretary	1,286,000	500,000	518,000	500,000
	Total, Department of the Interior	20,676,000	6,120,000	22,803,000	16,110,000
	Appropriation to liquidate contract authority			(96,000)	(96,000)
	By transfer	(−250,000)			
	RELATED AGENCIES				
	DEPARTMENT OF AGRICULTURE				
	Forest Service				
92-164	Forest roads and trails (appropriation to liquidate contract authority)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
92-43	Youth Conservation Corps	3,500,000		3,500,000	3,500,000
	Total, Forest Service	3,500,000		3,500,000	3,500,000
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Health Services and Mental Health Administration				
	Indian health facilities			42,000	42,000
	National Parks Centennial Commission				
	Salaries and expenses		250,000	250,000	250,000
92-164	(By transfer)	[3] (250,000)			
	American Revolution Bicentennial Commission				
92-119	Salaries and expenses	1,900,000	1,800,000	1,400,000	1,400,000
	Total, related agencies	5,400,000	2,050,000	6,692,000	5,192,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	By transfer	(250,000)			
	Total, chapter II, new budget (obligational) authority	26,076,000	8,170,000	29,495,000	21,302,000
	Appropriation to liquidate contract authority	(10,000,000)	(10,000,000)	(10,096,000)	(10,096,000)

Footnotes at end of table.

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THE SUPPLEMENTAL, 1972 (H.R. 11955)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

SUMMARY—Continued

Doc. No.	Department or activity	Budget estimate*	Version of bill: House	Version of bill: Senate	Conference agreement
	Smithsonian Institution				
	The John F. Kennedy Center for the Performing Arts			$1,500,000	
	CHAPTER III				
	DEPARTMENT OF LABOR				
	Manpower Administration				
92-15, 93	Salaries and expenses	$26,207,000		26,607,000	$26,207,000
92-15	Manpower training services	17,597,000		17,597,000	776,717,000
92-164	Limitation on grants to States for unemployment insurance and employment services (trust fund)	(4,500,000)	($4,500,000)	(24,640,000)	(6,000,000)
	Bureau of Labor Statistics				
92-164	Salaries and expenses	1,800,000	1,800,000	1,800,000	1,800,000
	Office of the Secretary				
92-164	Salaries and expenses	500,000		400,000	
	Total, Department of Labor, Federal funds (new budget (obligational) authority)	46,104,000	1,800,000	846,404,000	804,724,000
	Total, trust funds	(4,500,000)	(4,500,000)	(24,640,000)	(6,000,000)
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Departmental Management				
92-164	Nursing home improvement:				
	Federal funds	7,672,000	7,672,000	7,672,000	7,672,000
	Trust fund transfer	(1,900,000)	(1,900,000)	(1,900,000)	(1,900,000)
	Office of Education				
	Elementary and secondary education			32,500,000	32,500,000
	School assistance in federally affected areas			265,000,000	
	Environmental education			2,500,000	
	Higher education			3,000,000	3,000,000
92-164	Civil rights education	19,672,000	19,672,000	19,672,000	19,672,000
	Social Security Administration				
92-164	Special benefits to disabled coal miners	289,696,000	289,696,000	289,696,000	289,696,000
	Total, Department of Health, Education, and Welfare	1,057,261,000	331,749,000	1,773,973,000	1,291,796,000
	By transfer	(1,900,000)	(1,900,000)	(1,900,000)	(1,900,000)
	Health Services and Mental Health Administration				
	Medical facilities construction		1,500,000	1,500,000	1,500,000
	National Institutes o Health				
92-44	Health manpower	350,195,000		707,157,000	492,980,000
	Social and Rehabilitation Service				
	Special programs for the aging			45,750,000	45,750,000
	Research and training			9,500,000	9,500,000
	Office of Child Development				
92-15	Child Development	376,817,000		376,817,000	376,317,000
	Special Institutions				
92-164	Howard University	13,209,000	13,209,000	13,209,000	13,209,000
	RELATED AGENCIES				
	Cabinet Committee on Opportunities for Spanish-Speaking People				
92-15, 92-93	Salaries and expenses	890,000	890,000	890,000	890,000
	Occupational Safety and Health Review Commission				
92-43	Salaries and expenses (by transfer)	(660,000)		(660,000)	(660,000)
	Office of Economic Opportunity				
92-5, 92-93	Programs, salaries and expenses	780,400,400		780,400,000	741,380,000
	Total, Related Agencies	781,290,000	890,000	781,290,000	742,270,000
	Total, chapter III:				
	Federal funds (new budget (obligational) authority)	2,684,655,000	334,439,000	3,401,667,000	2,838,790,000
	By transfer	(2,560,000)		(2,560,000)	(2,560,000)
	CHAPTER IV				
	LEGISLATIVE BRANCH				
	Senate				
	Payment to widow of deceased Senator			42,500	42,500
	Salaries, officers and employees				
S. Doc. 92-46	Committee employees	21,770		21,770	21,770
S. Doc. 92-46	Administrative and clerical assistants to Senators	597,535		597,535	597,535
S. Doc. 92-46	Office of Sergeant at Arms and Doorkeeper	68,390		68,390	68,390
	Contingent expenses of the Senate				
S. Doc. 92-46	Folding documents	14,000		14,000	14,000
S. Doc. 92-46	Miscellaneous items	275,000		275,000	275,000
	Fiscal year 1971 (by transfer)			(250,000)	(250,000)
S. Doc. 92-46	Stationery (Revolving fund)	17,400		17,400	17,400
	Total, Senate	994,095		1,036,595	1,036,595
	Fiscal year 1971 (by transfer)			(250,000)	(250,000)

Footnotes at end of tables.

Doc. No.	Department or activity	Budget estimate*	Version of bill: House	Version of bill: Senate	Conference agreement
	House of Representatives				
	Gratuities to heirs of deceased Members		$85,000	$85,000	$85,000
	Salaries, officers and employees				
92-164	Office of the Sergeant at Arms	$2,070,000	1,550,000	1,550,000	1,550,000
	Members' clerk hire				
92-164	Clerk hire	1,500,000	1,000,000	1,000,000	1,000,000
	Contingent expenses of the House				
92-164	Miscellaneous items	1,338,000	1,000,000	1,000,000	1,000,000
92-164	Government contributions	60,000			
92-164	Postage stamp allowance	96,420	96,420	96,420	96,420
	Total, House of Representatives	5,064,420	3,731,420	3,731,420	3,731,420
	Joint Items				
	Capitol police				
92-164	General expenses	129,000	129,000	129,000	129,000
	Official mail costs				
92-164	Official mail costs	18,400,000	18,400,000	18,400,000	18,400,000
	Total, Joint Items	18,529,000	18,529,000	18,529,000	18,529,000
	Architect of the Capitol				
	Capitol buildings and grounds				
92-164	Capitol buildings	10,000	24,500	24,500	24,500
S. Doc. 92-46	Restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol	1,521,000		1,521,000	
S. Doc. 92-46	Senate Office Buildings	66,000		66,000	66,000
S. Doc. 92-46	Extension of additional Senate Office Building site	270,000		270,000	270,000
92-164	House office buildings	25,000	25,000	25,000	25,000
S. Doc. 92-46	Modifications and enlargement, Capitol Power Plant	1,200,000	1,200,000	1,200,000	1,200,000
	Total, Architect of the Capitol	3,092,000	1,249,500	3,106,500	1,585,500
	Library of Congress				
92-164	Salaries and expenses	7,000	7,000	7,000	7,000
92-164	Copyright Office, salaries and expenses	4,000	4,000	4,000	4,000
92-164	Distribution of catalog cards, salaries and expenses	22,000	22,000	22,000	22,000
92-164	Books for the general collections	2,000	2,000	2,000	2,000
92-164	Books for the blind and physically handicapped, salaries and expenses	5,000	5,000	5,000	5,000
	Total, Library of Congress	40,000	40,000	40,000	40,000
	Total, chapter IV, new budget (obligational) authority	27,719,515	23,549,920	26,443,515	25,922,515
	Fiscal year 1971 (by transfer)			(250,000)	(250,000)
	CHAPTER V				
	PUBLIC WORKS				
	Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil				
S. Doc. 92-43	Construction, general	102,400,000	[3]34,100,000	102,400,000	102,400,000
	Department of the Interior, Bureau of Reclamation				
S. Doc. 92-43	Construction and rehabilitation	9,210,000	[7]7,000,000	9,210,000	9,210,000
S. Doc. 92-43	Upper Colorado River storage project	6,800,000	[8]4,800,000	[6]6,800,000	6,800,000
H. Doc. 92-164	Loan program	600,000	600,000	600,000	600,000
	Total, Bureau of Reclamation	16,610,000	12,400,000	16,610,000	16,610,000
	Total, chapter V, new budget (obligational) authority	119,010,000	46,500,000	119,010,000	119,010,000
	CHAPTER VI				
	DEPARTMENT OF COMMERCE				
	Economic Development Assistance				
	Development facilities		30,000,000	30,000,000	30,000,000
	Minority Business Enterprise				
H. Doc. 92-164	Minority business development	40,000,000	40,000,000	40,000,000	40,000,000
	National Oceanic and Atmospheric Administration				
H. Doc. 92-164	Salaries and expenses	532,000			
S. Doc. 92-43	Satellite operations	4,919,000		4,919,000	4,000,000
	Patent Office				
S. Doc. 92-43	Salaries and expenses	2,035,000		2,035,000	2,035,000
	National Bureau of Standards				
H. Doc. 92-164	Plant and facilities	2,100,000	1,750,000	1,750,000	1,750,000
	Total, Department of Commerce	49,586,000	71,750,000	78,704,000	77,785,000
	RELATED AGENCIES				
	Commission on Civil Rights				
H. Doc. 92-164	Salaries and expenses	460,000	344,000	344,000	344,000
	International Radio Broadcasting Activities				
S. 92-45	Radio Broadcasting	36,225,000		36,225,000	32,225,000
	Small Business Administration				
H. Doc. 92-164	Salaries and expenses	200,000			
	Total, related agencies	36,885,000	344,000	36,569,000	32,569,000
	Total, chapter VI, new budget (obligational) authority	86,471,000	72,094,000	115,273,000	110,354,000

Footnotes at end of table.

THE SUPPLEMENTAL, 1972 (H.R. 11955)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

Doc. No.	Department or activity	Budget estimate*	Version of bill: House	Version of bill: Senate	Conference agreement
	CHAPTER VII				
	DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES				
	Office of the Secretary				
92-164	Transportation planning, research and development	$5,000,000	$2,500,000	$5,000,000	$2,500,000
	Federal Aviation Administration				
92-164	Research and development	[9] 15,033,000	15,033,000	15,033,000	15,033,000
S. 92-43	United States International Aeronautical Exposition	2,200,000	[10] (200,000)	[11] 2,200,000	[12] 2,000,000
	Federal Highway Administration				
92-164	Forest highways (liquidation of contract authorization)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	Total, Department of Transportation	22,233,000	17,533,000	22,233,000	19,533,000
	RELATED AGENCIES				
	Aviation Advisory Commission				
	Salaries and expenses (Airport and Airway Trust Fund)			750,000	750,000
	Washington Metropolitan Area Transit Authority				
92-164	Federal contribution	38,011,000	38,011,000	38,011,000	38,011,000
	Total, chapter VII	60,244,000	55,544,000	60,994,000	58,294,000
	Appropriation to liquidate contract authorization	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	Transfer		(200,000)		(200,000)
	CHAPTER VIII				
	TREASURY DEPARTMENT				
92-164	Bureau of Accounts, salaries and expenses	10,556,000	10,556,000	10,556,000	10,556,000
	POSTAL SERVICE				
92-164	Payment to the Postal Service Fund	216,400,000	216,400,000	200,000,000	200,000,000
	INDEPENDENT AGENCIES				
	General Services Administration				
	Construction, public buildings projects			11,200,000	
	Sites and expenses, public buildings projects			250,000	
92-151	National Archives and Records Service, operating expenses	636,000			
	Civil Service Commission				
92-164	Federal Labor Relations Council, salaries and expenses (limitation increase)	(12,000)	(12,000)	(12,000)	(12,000)
	Funds appropriated to the President				
S. 92-43	Economic Stabilization Activities, salaries and expenses	[13]		[14] (20,153,000)	[14] (20,153,000)
	Total, chapter VIII—new budget (obligational authority)	227,592,000	226,956,000	222,006,000	210,556,000
	Transfer	(1)		(20,153,000)	(20,153,000)
	CHAPTER IX				
92-164 and S. 92-45	Claims and judgments	21,569,856	19,029,734	21,569,856	21,569,856
	Grand total:				
	New budget (obligational) authority	3,254,924,371	786,282,654	3,998,045,371	3,406,385,371
	Appropriation to liquidate contract authority	(20,000,000)	(20,000,000)	(20,096,000)	(20,096,000)
	Transfers	(6,732,000)	(5,846,100)	(26,459,100)	(26,659,100)
	Fiscal year 1971 (by transfer)			(250,000)	(250,000)

* Estimates considered include $36,225,000 for international radio broadcasting activities and $2,540,122 for claims and judgments (S. Doc. 92-45); exclude $85,300,000 for other items transmitted in S. Doc. 92-45 of Dec. 2, 1971.

[1] For transfer to National Parks Centennial Commission.
[2] For transfer to departmental operations.
[3] By transfer from salaries and expenses.
[4] Changed to $3,746,100 after enactment of Public Law 92-76.
[5] By transfer from National Park Service, construction.
[6] Does not include additional $68,300,000 considered by Senate.
[7] Does not include additional $2,210,000 considered by Senate.
[8] House received no budget estimate.
[9] Requested under the heading "Civil supersonic aircraft development termination."
[10] By transfer from "Salaries and expenses, Office of the Secretary."
[11] $2,000,000 contingent upon enactment of authorizing legislation by the 92d Congress.
[12] And $200,000 by transfer.
[13] Unlimited transfer language.
[14] To be derived by transfer.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The President pro tempore subsequently signed the enrolled bill.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. Rehnquist to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate resumed the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, would the Senator from Indiana yield me 30 minutes?

Mr. BAYH. Mr. President, I would be glad to yield 30 minutes to the Senator from Wisconsin.

Mr. President, I ask for the yeas and nays on the nomination.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, almost a half century ago during the debate over the nomination of Judge John J. Parker for the Supreme Court, Senator George Norris of Nebraska observed:

When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of these qualifications—but we ought to know how he approaches the great question of human liberty.

During the same debate, Senator William E. Borah of Idaho described the unique role of a Supreme Court Justice in our constitutional system:

Upon some judicial tribunals it is enough perhaps, that there be men of integrity and of great learning in the law, but upon this tribunal something more is called for, here the widest, broadest, deepest questions of government and governmental policies are involved.

There is no doubt in my mind that Mr. Rehnquist is an able lawyer, a man both of deeply held convictions and personal integrity. If these were the sole qualifications for a Justice of the Supreme Court, then he should be confirmed unanimously. But there are other broader, deeper, more sweeping philosophical and constitutional matters at stake here which involve, as Senator Norris said, "the great question of human liberty."

We are concerned here with much more than technical legal ability and personal integrity. We are concerned about the makeup of that institution which must deal with the most important business of the human enterprise—freedom.

It will be the measure of this society as to how we honor a commitment to equality for all men and a mark of our form of government as to how we preserve the individual liberties of our citizens.

An examination of Mr. Rehnquist's record and views leads me to conclude that he is inadequately sensitive to human rights, and misunderstands the fundamental nature of the liberties guaranteed to our citizens in the first 10 amendments to the Constitution. If a fair share of the responsibility for the preservation of freedom, equality, and human liberty under the Constitution is to be entrusted to the Supreme Court, as it is, then each Senator must make a personal judgment on how adequately the nominee will perform that responsibility.

Such judgments are difficult to make because there are no simple, clear objective standards by which we can measure justice, freedom, and human rights or balance individual rights against the power of the state. So one must concede that such judgments are a mix of subjective and objective considerations. Thus conscientious citizens concerned about the same great issues may very well reach different conclusions about the same man.

I claim no special insights or superior qualities of judgment about the important matter before us. My conclusion is based upon a careful evaluation of what Mr. Rehnquist has said on a number of issues which, it seems to me, go to the very heart of what this Nation is all about. Reading the same document, we come to different conclusions about what it means. These differences are of such significance that I cannot support his nomination just as in other circumstances he would not be able to support mine.

As I read Mr. Rehnquist's record, and as I interpret his position, he is prepared to grant much greater authority and far broader powers to the state at the expense of the individual citizen than is consistent with a free and democratic society.

As Assistant Attorney General, Mr. Rehnquist has consistently subordinated the first 10 amendments to the Government's requirements for expediency. He has actively supported the Federal Government's power to wiretap on its own initiative and without the supervision of the Court, to preventively detain persons in jail without trial, to enter private premises without announcement, to suspend normal criminal procedures and make mass arrests, to use illegally obtained evidence against the accused, and to gather information about the public activities of persons who are in no way connected with illegal activities.

At the same time that this nominee has defended the right of the Government to disregard individual rights for the interests of the State without the overview and protection of judicial supervision, he has also defended the right of the Executive to expand his war powers on his own initiative and invade Cambodia without so much as a nod toward Congress or the Constitution.

These public positions go far beyond what I believe the Founding Fathers intended when they carefully described the powers and limitations of Government in the Constitution and the Bill of Rights.

With regard to Mr. Rehnquist's commitment to racial equality, his record indicates that even as late as 1964 he was opposing a public accommodations law in his city that was far weaker than the statute which has been the law of the State of Wisconsin since 1895.

Thirteen years after the Supreme Court declared that segregated schools were inherently unequal, the nominee wrote a letter to the editor in 1967, opposing a modest program to implement this law of the land in the Phoenix schools. This is not a record which indicates to me a sensitivity to human rights or an appreciation of this Nation's quest for social justice during the last 25 years.

It is argued by some that "what the Senate should be looking for are integrity, intellectual strength and legal qualifications" alone and that a nominee's views on civil rights and individual liberties are not the prime criterion.

I am more in accord with the view which George Norris expressed in the 1930 debate:

I believe we ought to put more humanity into the courts . . . We ought to know that everyone who ascends to that holy bench should have in his heart and in his mind the intention of looking after the liberties of his fellow citizens . . . of discarding, if necessary, the old precedents of barbarous days and construing the Constitution and the laws in the light of a modern day, a present civilization . . . Human liberty is the issue. The preservation of our government is the issue.

It would also appear that on the issue of the scope of Senate examination of a Supreme Court nominee's qualifications, Mr. Rehnquist and I would agree. In an article entitled "The Making of a Supreme Court Justice" which appeared in the Harvard Law Record of October 8, 1959, Mr. Rehnquist advocated that the Senate begin—

Thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him . . .

The concept of "judicial philosophy" to which Mr. Rehnquist referred was meant to encompass more than a strictly legal definition of whether written laws and decisions should be widely or narrowly interpreted. Rather he makes it quite clear that he considers a full investigation of a nominee's social and political views on substantive issues of the day a proper and necessary subject for Senate inquiry.

It is clear from any historical view of the constitutional responsibilities assigned to the Senate through the "Advice and Consent" power, that a broader review than a nominee's intellect, integrity, and legal talent is required. This should be readily apparent from an examination of the documents describing the birth and adoption of the Constitution and from the actual practice of the Senate in confirmation of Supreme Court Justices since 1789.

The Constitution of the United States expressly gives the Senate an important role and responsibility in the selection process for Supreme Court judges. Reflecting the deliberations and decisions during the Constitutional Convention in 1787, the "Advise and Consent" role given to the Senate in article II, section 2 of the Constitution is much more than a perfunctory perusal of Presidential preferences for Supreme Court positions. Rather, the duty and the responsibility delegated to the Senate by this provision is to give complete and careful consideration to the qualifications for office of Supreme Court nominees before making an independent decision as to whether the high standards for this position have been met by a Presidential nominee.

Historically, the strong role given to the Senate in the nomination process for Supreme Court Justices can be traced back beyond James Madison's notes of the Constitutional Convention to an earlier period of America. Under British rule, the American colonies had been subjected to the capricious administra-

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tion of justice. One of the express grievances of the Declaration of Independence was that King George had—

Made Judges dependent on his will alone, for the tenure of their offices and the amount and payment of their salaries.

As a result of this colonial experience, the Founding Fathers of this Nation were determined to establish an independent judiciary free from the excesses of either executive or legislative pressures.

Decisions on nominations for the Court which are made today, can actively influence the quality of our society for many years in the future. It is certainly a responsible exercise of constitutional duty, therefore, to require that the Senate closely examine a nominee's record and insist upon high standards of personal integrity, a strength of intellect, and a sensitivity to the rights and aspirations of all.

Three distinguished law professors recently expressed the view that it is not only proper for the Senate to examine a nominee's judicial and political philosophy, but it is—

The Senate's affirmative responsibility to examine a nominee's political and constitutional philosophy, and to confirm his nomination only if he has demonstrated a clear commitment to the fundamental values of our Constitution, the rule of law, the liberty of the individual, and the equality of all persons.

Mr. Rehnquist, himself, has quoted with approval the remarks of Senator William E. Borah, of Idaho, during the debate on the Supreme Court nomination of John J. Parker in 1930. In commenting on the proper scope of the Senate inquiry into a Supreme Court nominee's views, Senator Borah said:

They (the Supreme Court) pass upon what we do. Therefore, it is exceedingly important that we pass upon them before they decide upon these matters. I say this in great sincerity. We declare a national policy. They reject it. I feel I am well justified in inquiring of men on their way to the Supreme Court something of their views on these questions.

Forty-one years after Senator Borah's comments, it is particularly appropriate to call for "something more" in addition to the requisite qualities of integrity and of great learning in Supreme Court nominees. We are not just participating in a singular selection process that is the isolated replacement of a Supreme Court vacancy. We are instead asked to consider one in a series of nominations in a unique historical context which may give this President the opportunity to make an unusual number of appointments to the Court during his term in office. It is, therefore, quite possible that the entire temper and character of an independent equal branch of Government could be altered within a very short period of time. The consequences of this alteration, however, would not be short-lived, but would affect this Nation directly for years to come.

In an article in this November's New York Law Journal entitled "The Roles of the Executive and Legislative Branches in Judicial Appointments," former Attorney General and Assistant Secretary of State Nicholas de B. Katzenbach concluded:

When a President by chance is able to make several appointments . . . the possibility of changing the institution for many years beyond the President's term is raised. In such circumstances the Senate's obligation to advice and consent is no mere formality, but a judgment of crucial importance to the judicial branch of government.

My particular concern with any and all nominations to the Supreme Court at this point in our Nation's history was succinctly expressed in the October 8, 1971, issue of Commonweal magazine written before the current two nominations were presented to the Senate for its consideration. The editorial entitled "The Senate and the Court" opened:

At a time when Constitutional processes face some of their most crucial challenges in America, when in fact the fundamental law of the land is brought into assessment as a result of challenges to the courts and the legal system, indeed to the Bill of Rights itself, the sudden appearance of two vacancies on the Supreme Court places a responsibility of historical significance in the hands of the President and the United States Senate.

We must be particularly concerned that the Supreme Court, in its role as final interpreter of the Constitution, continue to champion that document's guarantees of equal justice for all people and the free exercise of individual liberties. As the late Justice Hugo L. Black said:

I believe that our Constitution with its absolute guarantee of individual rights, is the best hope for the aspirations of freedom which men share everywhere.

The Bill of Rights was made a part of our Constitution as an express guarantee of individual freedom against the oppressive uses of power by the State. This view has prevailed not because of divine intervention, but because Justices have come to understand, accept, and expound this view. Yet, just as these guarantees have become a shining star in our system of laws because of judicial actions, so they can be eroded and lost. The choice will be made by the men who sit on this and future Supreme Courts.

Bit by bit, many of the provisions of the Bill of Rights have been strengthened and applied to State governmental actions as well as Federal: The sixth amendment and the right of the indigent to free counsel; the fifth and sixth amendments and the right to counsel and silence during police interrogation; the fifth amendment and the right of protection against self-incrimination; the sixth amendment and the right to confront witnesses; the fourth amendment and protection against illegal searches and seizures; and the eighth amendment and the prohibition against cruel and unusual punishment.

These are still controversial issues in some parts of the political spectrum, however, and the questions of the level of guarantee provided by the Bill of Rights and its application to the States through the 14th amendment are not moot issues. At a time when the composition of the Supreme Court is in a state of flux, those who have supported civil liberties cannot be unconcerned about maintaining these advances in jurisprudence and constitutional justice.

At the same time, new civil liberties issues are rapidly developing and coming before our courts for adjudication as to their constitutionality. Increasing technical sophistication and electronic gadgetry have tremendously advanced the art of obtaining and storing vast amounts of information. With the proliferation of large private and governmental organizations the opportunity to impinge upon the actions and expressions of individual citizens is greatly expanded.

The never ending struggle to define the relationship between the individual and the State will require continuing evaluation of issues such as wiretapping, electronic surveillance, "no knock" entry, preventive detention, the rights of the accused, freedom of speech, and the extent of the use of Executive privilege to withhold information from Congress and the public, among other issues.

We must exercise vigilance before the power of government is expanded and new authorities are delegated which infringe upon and undermine the freedom of individuals. The preservation of constitutional form will never make up for the loss of constitutional substance. And once the expansion of governmental power at the expense of individual liberty has been extended, the task of securing the lost remnant of liberty is made all the more difficult.

In seeking to insure that the Bill of Rights will be diligently protected by this and future Supreme Courts, it should be clearly stated that this is not an issue that pits the "rights of society against the rights of criminal defendants, of pornographers and of demonstrators," as stated in Mr. Rehnquist's letter to the Washington Post. A more accurate presentation of the issue was expressed editorially by the New York Times on October 24, 1971:

The balance that must be maintained is not, as Mr. Nixon would have it, primarily between the rights of society and those of accused criminals, although the protection of the latters' rights was indeed an accomplishment of the Warren Court that must not be undone under the guise of "law and order." The more important balance, however, is between individual liberties and the powers of the Government. It is a delicate balance precisely because the Government's power is naturally so great that, without protection by sympathetic courts, the individual soon becomes powerless and ultimately oppressed.

In my study and reading of the public statements and printed hearing record of the nomination I have tried to assess where the nominee would place the weight of his opinion and reason in questions involving conflicts between individual liberties and the powers of Government. In making this assessment, it is necessary to ask more than whether a nominee can merely "see both sides of the difficult questions in this area" as the majority report of the Judiciary Committee requires. Recognizing both sides of a problem is a task of defining issues which any first-year law student should quickly master.

In addition to recognition of issues involving individual liberties and equal justice, it is necessary to probe further and inquire whether there is an understanding and proper sensitivity to the importance which constitutionally guaranteed and court protected civil rights and liberties play in our democratic society and form of government. Finally, it is necessary to inquire whether recognition, understanding, and sensitivity for individual freedom will be aggressively promoted and given privileged consideration when placed in conflict with exercises of governmental power.

The attention which the late Justice Black focused upon the Constitution was not only intellectual, but was very literal—an affection of the heart as well as the head. It is well known that Justice Black liked to have a copy of the Constitution at his hand at all times, and his devotion to the words and the spirit of this document is perhaps best illustrated by a story reported in the New York Times when he died this September. A visitor found the Justice in his office without a copy of the Constitution a few years ago. As the story is related Justice Black admonished the visitor for not keeping a copy with him at all times and buzzed for his secretary to ask the whereabouts of his Constitution:

"I like to read what it says, I like to read the words of the Constitution," Justice Black said in a slight Southern drawl, after dispatching the secretary to fetch one. "I'm a literalist, I admit it. It's a bad word these days, I know, but that's what I am."

Shortly, the Constitution was delivered. Hugo Lafayette Black, then 81 years old and completing his 30th year on the United States Supreme Court, laid it tenderly on his lap and opened it to the Bill of Rights.

"Now," he said with a warm smile, "now let's see what it says."

It is certainly not too much to require that we look beyond the intellectual capacity of a Supreme Court nominee and ask whether in addition to proper pronunciation of the words there is any affection for the spirit in his reading of the Constitution and the first 10 amendments.

My review of the civil liberties record and statements on this subject by Mr. Rehnquist leads me to conclude that whenever there is a clash between the rights of individual citizens and the exercise of governmental powers, the nominee comes down on the side of State power.

Mr. Rehnquist's record with regard to civil liberties issues has been primarily established as an Assistant Attorney General in this administration. As such, his statements and speeches have most often been as the defender of the administration position, rather than as a private citizen. There is no indication in the public record, however, that Mr. Rehnquist has disassociated himself with any of the administration's positions, has disagreed with these positions or has given a contrary personal view. Therefore, they stand as his record and his views.

I believe that a focus upon several of the specific positions that Mr. Rehnquist has advocated will be sufficient to show a strong preference for the expansion of governmental powers at the expense of individual liberties.

In testifying before Senator ERVIN's Subcommittee on Constitutional Rights on the subject of limitations on Government surveillance of private citizens, Mr. Rehnquist said:

I think it quite likely that self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering.

Obviously, reliance upon executive self-restraint is no guarantee of liberty at all.

He later attempted to explain this remark by indicating that executive "self-restraint" should be assumed in a context of constitutional and legislative limitations. A further look at the written record, however, would indicate that while Mr. Rehnquist feels that it is not proper for the "Department of Justice or of any other governmental agencies to surveil or otherwise observe people who are simply exercising their first amendment rights," if the Justice Department should go ahead and snoop on public meetings anyway, "I do not believe it violates the particular constitutional rights of the individuals who are surveilled."

Furthermore, in a later speech, he indicated his opposition to any judicial limitations or controls on the gathering of information on private citizens by the executive branch:

I do not believe, therefore, that there should be any judicially enforceable limitations on the gathering of this kind of public information by the Executive Branch of the government. Must we then leave the government to police itself? My answer would be that first, such a result is not as bad as it may sound, and, second, that forms of oversight other than those afforded by judicial supervision are available.

The other form of oversight, however, turns out to be a congressional hearing after the occurrence of any particular excess of informational gathering zeal by the executive branch. Oversight, by its very definition, can only take effect after the injury has occurred.

This viewpoint indicates to me overemphasis on governmental investigatory powers and a complete misunderstanding of the effect which the unrestrained power of Government snooping can have on the vital exercise of first amendment activity by the general public. By advocating only retrospective investigations of governmental intelligence gathering activities and relying upon executive self-restraint to prevent excesses from occurring in the first place, Mr. Rehnquist ignores the chilling effect which such actions have on the free and open public discussion of the important issues of the day by all elements of our society. It is not enough to say that first amendment questions may be raised if it can actually be proven that someone was in fact deterred from speaking out. The only way we can adequately protect this fundamental and necessary right to speak out is to take the steps to insure to the greatest practicable degree that infringements will not occur in the first place.

It is not enough to say that surveillance and information gathering can be proper exercises of law enforcement in some instances, such as where criminal laws have actually been violated or where there is a reasonable cause to believe that a criminal violation is going to occur. We must inquire as to the exact nature and boundaries of these investigatory activities and formulate specific controls to limit the powers of surveillance to their authorized scope and halt excessive or unwarranted snooping before it happens. This will not be accomplished through reliance upon self-restraint by the agency doing the snooping or by calling for an investigation after a bout of dossier stuffing by an arm of the Government.

The PRESIDING OFFICER (Mr. TAFT). The Senator's time has expired.

Who yields time?

Mr. NELSON. Mr. President, I ask unanimous consent to proceed for an additional 5 minutes of Mr. BAYH's time, since he is not here to yield or to object.

Mr. FANNIN. Mr. President, I yield the Senator from Wisconsin such additional time as he desires.

Mr. NELSON. Mr. President, I ask unanimous consent that the full text of my remarks be printed in the RECORD as though read.

Mr. FANNIN. Mr. President, if the Senator will yield, we do have plenty of time, and I would be very pleased to yield. We have affirmatively made our case, and we are ready to vote, so the Senator can certainly have all the time he wishes.

Mr. NELSON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin may proceed.

Mr. NELSON. It is apparent that Mr. Rehnquist does not feel that constitutional infringements upon individual liberties occur until data that is improperly or illegally gathered is actually used against someone, even though the original gathering of this information was not a legitimate function of Government. In answer to a question from Senator ERVIN asking whether an interference with the constitutional rights of participants at a rally had occurred where Army intelligence agents pretending to be photographers had taken pictures of participants, and then built up informational dossiers, Mr. Rehnquist replied:

I do not, Senator. I think, from my reading of the cases, that the time at which the courts would say there has been an interference with an individual's constitutional rights in that area is where the government seeks by some sort of legal sanction either to force divulgence of information or to put the information it has gathered without forcing it to some use such as criminal prosecution or a civil action against the individual. I don't think the gathering by itself, so long as it is a public activity, is of constitutional stature.

It is in my judgment precisely this kind of wholesale intelligence gathering at public meetings, and the compilation of dossiers on individual citizens who are in no way connected with known or suspected illegal activities, which has that chilling effect upon the full and complete public discussion of ideas, and which should be firmly and clearly resisted. Preventive action to preserve the public's right to full and open discourse without the specter of governmental retaliation cannot be held in abeyance until the collected data is actually used to

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still one dissident voice. It is the threat of such use, as much as the possible retaliatory action itself, which causes the greater harm, for it makes no distinction between those it touches with its muzzling effect.

The difficulty with not only making individual liberties conditional upon the expedient needs of Government, but also making the executive the arbitrator of this balancing act, is perhaps best exemplified in the area of Government surveillance by wiretapping or electronic devices.

There is no doubt that the use of sophisticated electronic equipment which is now available makes the gathering of information an easier task for law enforcement officials. The ability to surreptitiously monitor purely private and personal conversations through these electronic means, however, also makes this practice a greater threat to individual freedom and rights of privacy. The measure of acceptable use, therefore, is particularly dependent upon the extent of the authorized applications, and the methods of control that are applied to insure that wiretapping or other electronic bugging use is kept well within its restricted boundaries.

The practice of wiretapping or electronic surveillance are serious invasions of privacy. They must be carefully prescribed and restricted to the most serious of law enforcement issues—national security and organized crime. Even with these exceptions, we must be sure to exactly define the boundaries and limits of the practice, for what is national security to one person may be protected political expression to another.

On first reading, it would appear that Mr. Rehnquist was in general agreement with this limitation of scope and prior review with regard to wiretapping by Government authorities. His supporters quote this statement during the hearings in support of Mr. Rehnquist's recognition of the first line to be drawn between the Government's desire to tap and the individual's interest in privacy:

I think a good example of a line that has been drawn by Congress is the Act of 1968 which outlawed all private wiretapping and which required, except in a national security situation, prior authorization from a court before wires could be tapped.

Again, in a speech before the American Bar Association Convention in London this summer, Mr. Rehnquist specifically used the example of organized crime to justify governmental wiretaps:

When we deal with the activities of organized crime, we deal with the most sordid sort of trafficking in drugs, prostitution, and gambling, as well as in illegitimate aberrations of legitimate business. Persistent efforts, not always unsuccessful, to corrupt local law enforcement officials; murder, committed by anonymous hired guns, are its trademarks. Normal detection techniques of Sherlock Holmes, Hercule Poirot, and the long succession of Scotland Yard inspectors who have been immortalized in print, are of far less use here . . . Is the invasion of privacy entailed by wiretapping too high a price to pay for a successful method of attacking this (organized crime) and similar types of crime? I think not, given the safeguards which attend its use in the United States.

Taken alone, the statements would seem to indicate a desire for a so-called "strict construction" of the limits of wiretapping. When Mr. Rehnquist's other statements and his support as an advocate for the Justice Department are taken into consideration, however, a quite different view of Mr. Rehnquist's sympathies and convictions emerges.

The fact of the matter is that this administration and the Justice Department have actively moved to expand the use of wiretaps far beyond the stated limitation of organized crime. In the District of Columbia crime bill which they presented to Congress last year, the authority for electronic surveillance given in S. 2601 went far beyond the exception and limitations mentioned by Mr. Rehnquist for organized crime. The offenses for which the Justice Department advocated wiretapping included: Arson, blackmail, bribery, burglary, destruction of property of value in excess of $200, gambling, grand larceny, kidnaping, murder, obstruction of justice, receiving stolen property of value in excess of $100, robbery, extortion, and offenses involving dealing in narcotic drugs, marihuana, and other dangerous drugs. Now, as deplorable as these criminal activities are, there is no doubt that this is not a list of activities designed to restrict the use of wiretaps to the fight against organized crime.

Furthermore, Mr. Rehnquist has not only supported the Justice Department's efforts to expand the scope of court authorized wiretaps beyond the activities of organized crime, he has been an active force in the Justice Department's advocacy of expanding the right of the executive to wiretap without securing any fourth amendment type of warrant from the courts whatsoever in certain situations.

As previously noted, there is a limited exception to the general rule that the fourth amendment requires court supervised wiretaps that has been granted to cases involving "national security." This exception is based upon a 1940 Presidential order authorizing the use of wiretaps against "persons suspected of subversive activities." Mr. Rehnquist, however, has advanced the claim that this order gives the executive, through the Attorney General, the inherent power to authorize the use of electronic surveillance wherever and whenever the Attorney General determines on his own initiative that "the use of such surveillance is reasonably required in the interests of national security," and that this power extends not only to foreign agents but covers U.S. citizens and domestic activities which are not otherwise illegal as well.

In answers to supplemental questions to the confirmation hearings, Mr. Rehnquist indicated that he had advised the Attorney General to no longer advocate the Department's previous position that it had the "inherent power" to tap, but only because of tactical reasons. He still supported the position that unsupervised wiretapping by the executive is reasonable under the fourth amendment where the Attorney General decides on his own that the security of the Nation is threatened by domestic elements.

There is no justification for extensive Government snooping into domestic political activities based upon President Roosevelt's 1940 order. In the first paragraph of his order, President Roosevelt recognized the danger of widespread Government spying when he agreed with the Supreme Court that it was—

Also right in its opinion that under ordinary and normal circumstances wire-tapping by government agents should not be carried on for the excellent reason that it is almost bound to lead to abuse of civil rights.

President Roosevelt went on to limit wiretapping in the national security interest to "grave matters involving the defense of the Nation," to "persons suspected of subversive activities against the Government of the United States, including suspected spies," and specifically requested his Attorney General to "limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens." The exigencies of subversion, treason, espionage, and sabotage during World War II conducted by agents of foreign powers are a far cry from the political protests and expressions of political freedom and dissent during the late 1960's and 1970's by U.S. citizens who hold views contrary to those of established power in Washington.

The initial fallacy of the position enunciated by Mr. Rehnquist in expanding the use of unsupervised wiretaps from foreign agents to domestic elements upon the Attorney General's own finding of subversion is the failure to note the important distinctions between the Government's rights of action in domestic and foreign affairs. As the courts have repeatedly explained, the Government is limited in the actions it can take in the area of domestic politics. Unlike the area of foreign affairs, the Government can act only to prevent or punish unlawful acts in the domestic arena, not unpopular acts or iconoclastic thoughts. Yet, in a speech at Brown University reported in the Providence Journal of March 11, 1971, it is just such domestic political activities, which cannot support a court-ordered tap for the control of organized criminal activity, that Mr. Rehnquist wants to get at through a tap based upon the "national security" exception.

To permit Government surveillance of lawful activity would have a disastrous effect upon the willingness of individual citizens and organizations to exercise their constitutional freedoms of speech, expression, and association and their right to petition their Government for the redress of grievances.

As U.S. District Judge Warren J. Ferguson pointed out in a recent case involving Government wiretapping of Black Panthers in Los Angeles without court supervision:

The Government seems to approach these dissident domestic organizations in the same fashion as it deals with unfriendly foreign powers. The government cannot act in this manner when only domestic political organizations are involved, even if those organizations espouse views which are inconsistent with our present form of government. To do so is to ride roughshod over numerous political freedoms which have long received constitutional protection. (United States v. Smith 321 F. Supp. 424 (1971))

As Judge Ferguson concluded in United States against Smith:

To guarantee political freedom, our forefathers agreed to take certain risks which are inherent in a free democracy. It is unthinkable that we should now be required to sacrifice those freedoms in order to defend them.

To allow the Attorney General to decide upon his own initiative who is a domestic threat to the national security, and then to proceed to tap without court supervision, may be consistent with Mr. Rehnquist's theories of how to balance civil liberties with executive power. In my view, this philosophy is a radical departure from our founding principles and does violence to the Constitution and free political expression in this country.

Also included in the District of Columbia crime bill was a provision authorizing police officers under some circumstances to enter a dwelling without previously knocking or identifying themselves. Mr. Rehnquist asserted in a December 2, 1970, speech that—

This provision of law is actually nothing more than a codification of constitutional law, and of practices which were held not to violate the Constitution in a case decided a few years ago by the Supreme Court of the United States.

The no-knock provision of the District of Columbia crime bill was in actuality a vast expansion of this authority and is not merely codification of existing common law as the nominee states. While it is true that the common law does recognize certain exceptions to the fourth amendment's requirement that Government officers must announce their presence before entering a man's home, the District of Columbia crime bill which Mr. Rehnquist supported expands these exceptions greatly and therefore is not mere codification.

No-knock authority raises very serious questions of diminishing the fourth amendment guarantee of the right of the people "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." History serves to remind us that eternal vigilance is the price of liberty and as Santayana asserted:

Those who cannot remember the past are condemned to repeat it.

In the case of *Miller* v. *United States*, 357 U.S. 301 (1958) Justice Brennan discussed the legal history of the common law prohibition of "no-knock" or unannounced entries in private homes.

The requirement was pronounced in 1603 in Semayne's Case, 5 Coke 91, 11 ERC 629, 77 Eng. Reprint 194:

In all cases where the King is party, the sheriff (if the doors be not open) may break the party's house, either to arrest him, or to do other execution of the K(ing)'s process, if otherwise he cannot enter. *But before he breaks it, he ought to signify the cause of his coming, and to make request to open doors* . . . (Emphasis supplied) .

In the same case, Justice Brennan stated the importance of maintaining this restriction upon the exercise of governmental power and guarding against making expendiency the prime factor in law enforcement:

We are duly mindful of the reliance that society must place for achieving law and order upon the enforcing agencies of the criminal law. But insistence on observance by law officers . . . of traditional fair procedural requirements is, from the long point of view, best calculated to contribute to that end. However much in a particular case insistence upon such rules may appear as a technicality that inures to the benefit of a guilty person, the history of the criminal law proves that tolerance of short-cut methods in law enforcement impairs its enduring effectiveness. The requirement of prior notice of authority and purpose before forcing entry into a home is deeply rooted in our heritage and should not be given grudging application. Congress, codifying a tradition embedded in Anglo-American law, has declared in Sec. 3109 the reverence of the law for the individual's right of privacy in his house. Every householder . . . the good and the bad, the guilty and the innocent, is entitled to the protection designed to secure the common interest against unlawful invasion of the house.

The ease with which arguments are raised to give a higher priority to the need to enforce governmental edicts than to the need to protect individual liberties reminds me of an earlier period in Anglo-American history. At one time the British Parliament had taxed cider and the authorities were having a difficult time collecting the excise tax. To ease their difficulties it was proposed that the collectors be given the authority to enforce their cider tax by entering a man's house without knocking. When this proposal was debated in the House of Lords some 205 years ago, William Pitt closed his speech in opposition to extending this power of no-knock to the tax collectors with these eloquent words:

The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshold of that ruined tenement.

It would appear that as years pass and Kings give way to Presidents, and Parliament to Congress, it is necessary to reaffirm the validity of Pitt's statement, and to reassert opposition to any possible executive, legislative, or judicial actions to narrow that protection.

In the light of a modern day and present society in this country, it would also appear to be time that equal rights under the law would no longer be an issue in a Supreme Court nomination. Unfortunately, the record of Mr. Rehnquist in this regard does not dispel my disquiet that the legal basis for civil rights may still be in dispute.

As noted previously, Mr. Rehnquist has impressively demonstrated his polemic and legal talents in his aggressive arguments for the expansive interpretation of traditional constitutional doctrines dealing with the limits of governmental powers. In his public briefs on the issue of the Government and the Bill of Rights, he has been consistent in his advocacy for the broadest reading of constitutional provisions and judicial decisions favoring Executive powers over individual liberties whenever there is a conflict. On the other hand, whenever the issue has been equal protection under the law for all citizens, the nominee has promoted the narrowest view.

Thirteen years after a unanimous Court, including Justice Jackson, had decided Brown against Board of Education in 1954 and declared the constitutional principle that segregation in the school systems was "inherently unequal," Mr. Rehnquist wrote to the editor of the Arizona Republic on September 9, 1967, to criticize the Phoenix school superintendent's very modest "integration program" for the Phoenix high schools. While Mr. Rehnquist recognized that in this society each man should be equal before the law, this equality, despite the Supreme Court's express holding to the contrary, did not involve a commitment to integrating the schools. In his letter he said:

But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a "segregated" society . . .

This is not only a perversion of constitutional holding, but contrary to the dominant thought in the country at that time.

The State of Wisconsin enacted a tough public accommodations law in 1895 guaranteeing to all persons of every race and color the right of full enjoyment of "inns, restaurants, saloons, barber shops, eating houses, public conveyances on land and water, theaters, and all other places of public accommodation and amusement." Sixty-nine years after Wisconsin declared her opposition to discrimination in public facilities, Mr. Rehnquist appeared before the Phoenix City Council in 1964 to oppose a modest municipal public accommodations law. When the ordinance passed, the nominee wrote a letter to the editor of the Arizona Republic calling the passage a "mistake" and elevated economic rights above human rights.

When President Nixon announced his two nominations for the vacancies which existed upon the Supreme Court on October 21, 1971, he prefaced his remarks on the nominees by saying:

During a four-year term, the President of the United States, sitting at his desk, in this historic room, makes over 3,000 major appointments to various Government positions. By far the most important appointments he makes are those to the Supreme Court of the United States. Presidents come and go but the Supreme Court through its decisions goes on forever. Because they will make decisions which will affect your lives and the lives of your children for generations to come.

It is worth while to note that the President, himself, has consistently said he would nominate men to the Supreme Court who reflected his philosophy. He reminded us in his speech on the two nominations that—

I pledged to nominate to the Supreme Court individuals who shared my judicial philosophy, which is basically a conservative philosophy.

When he went on to give specific examples of what he meant by a "conservative judicial philosophy," however, it became readily apparent that the President was not talking about what is the

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accepted legal concept of that term—that is, a decider of individual cases who honors precedent and avoids breaking constitutional ground when there is a narrower ground on which to hold. Instead, the President made it clear that he was seeking men who would share his social, political, and personal views and who would advocate them on the Court.

In 1959 Mr. Rehnquist stated in the Harvard Law Record article "The Making of a Supreme Court Justice":

Nor is the law of the Constitution just "there" waiting to be applied in the same sense that an inferior court may match precedents. There are those who bemoan the absence of stare decisis in constitutional law, but of its absence there can be no doubt. And it is no accident that the provisions of the Constitution which have been the most productive of judicial lawmaking—the "due process of law" and "equal protection of the laws" clauses—are about the vaguest and most general of any in the instrument.

Mr. Rehnquist ended his article with the advice:

It is high time that those critical of the present Court recognize with the late Charles Evans Hughes that for one hundred seventy-five years the Constitution has been what the judges say it is. If greater judicial self-restraint is desired, or a different interpretation of the phrases "due process of law" or "equal protection of the laws", then men sympathetic to such desires must sit upon the high court.

It is, therefore, apparent that it is not a "conservative judicial philosophy" in the tradition of Black and Harlan that President Nixon seeks in nominating William Rehnquist to the Supreme Court. Rather he is seeking a judicial activist who is willing to advocate his own interpretation of the Constitution and previous judicial decisions in accordance with his own conservative political philosophy.

In concluding an article in the Yale Law Journal on the scope of senatorial review in Supreme Court nominations, the legal scholar, Charles L. Black, Jr., concluded:

To me, there is just no reason at all for a Senator's not voting, in regard to confirmation of a Supreme Court nominee, on the basis of a full unrestricted review, not embarrassed by any presumption, of the nominee's fitness for the office. In a world that knows that a man's social philosophy shapes his judicial behavior, that philosophy is a factor in his fitness. If it is a philosophy the Senator thinks will make a judge whose service on the Bench will hurt the country, then the Senator can do right only by treating this judgment of his, unencumbered by deference to the President's, as a satisfactory basis in itself for a negative vote. I have as yet seen nothing textual, nothing structural, nothing prudential, nothing historical, that tells against this view.

On the question of the guarantee of individual rights in the first 10 amendments to the Constitution, I am a strict constructionist. The Bill of Rights was specifically adopted to protect individual liberties against oppression and the excesses of governmental power. Mr. Rehnquist's interpretations of these guarantees are at such variance with my own that I am unable to support his nomination.

PUBLIC OPPOSITION TO WILLIAM REHNQUIST

Mr. BAYH. Mr. President, I ask unanimous consent that a sample of the outpouring of public opinion in opposition to the nomination of William Rehnquist be printed in today's RECORD. I am including editorials from the New York Times, the Washington Post, the Boston Globe, the Chicago Sun Times, the St. Petersburg, Fla., Times, the St. Louis Post-Dispatch and the Christian Science Monitor. I also wish to have printed in the RECORD for the information of my colleagues, a number of statements by national organizations opposed to Mr. Rehnquist. The organizations include the American Federation of Labor and Congress of Industrial Organizations, the American Civil Liberties Union—for, I might add, the first time in its history taking a position on a nominee—the Leadership Conference on Civil Rights, the Ripon Society, the National Legal Aid and Defender Association, the Washington Council of Lawyers, the Chicago Council of Lawyers, and the National Catholic Conference for Interracial Justice.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 15, 1971]

THE COURT APPOINTMENTS

In recent years, the Senate has been loath to argue about the judicial philosophy of Supreme Court nominees. It has generally assumed in the absence of damaging evidence to the contrary that any nominee who is intellectually qualified, honest and experienced in some branch of the legal profession will cultivate the detachment and perspective which the task of judging requires. But inasmuch as President Nixon has to a far greater degree than normal politicized the process of selection and has so insistently proclaimed his determination to remake the Court in his own image, the Senate needs to recall that its traditional deference to Presidential nominations is an institutional courtesy rather than a constitutional command.

Assistant Attorney General William H. Rehnquist's published belief that the Senate has an obligation to inquire into the basic philosophy of a Supreme Court nominee is applicable to his own position today. The question is whether the nominee should be evaluated by the Senate in terms of his specific, political, social and economic views—quite apart from the obvious requirements of integrity, ability, temperament and training. Does not the President have the privilege of nominating to the Supreme Court a man or woman of any political orientation that pleases him, without interference by the Senate; or does the Constitution, through its "advise and consent" clause give the Senate the right to reject a candidate because it disagrees with his politics or his philosophy?

* * * * *

The Supreme Court should be above politics; yet it is obvious that the Supreme Court deals with the stuff of politics. We have repeatedly argued that while the President owes it to the Court and the American people to keep partisan politics out of his judicial appointments, he ought to have the broadest latitude in his selections so long as they are made within the context of the American democratic system. What this means is that the candidate, whether liberal or conservative, of the right or of the left, must not be hostile to the broadly accepted principles of American constitutional democracy. This test the Senate has the right and duty to make.

The choice of Lewis F. Powell presents in this context relatively little difficulty. A leading lawyer of Richmond, a highly regarded member of the profession, a thorough-going conservative in political philosophy, Mr. Powell has demonstrated during a long record of service to the community as well as to the bar that he has the requisite personal, intellectual and basic philosophic qualities.

The same cannot be said for Mr. Rehnquist. Though he is undoubtedly a capable lawyer of impressive academic and intellectual attainments, his entire record casts serious doubt on his philosophic approach to that pillar of the American constitutional system, the Bill of Rights. On every civil liberties issue—wiretapping, electronic surveillance, "no knock" entry, preventive detention, rights of witnesses before Congressional committees and state legislatures, the rights of the accused—Mr. Rehnquist's record is appalling. He seems to have scant respect for the individual citizen's right to privacy, relying on "self-discipline on the part of the executive branch" to provide the protection needed. But if "self-discipline" by Government officials were sufficient in such circumstances, why would this nation need the carefully defined safeguards of the Bill of Rights?

* * * * *

What alarms us about Mr. Rehnquist is not the conservatism of his views—Mr. Powell certainly shares that characteristic—but our conviction on the basis of his record that he neither reveres nor understands the Bill of Rights. If this is so, then he certainly does not meet the basic requirement that a justice of the Supreme Court be philosophically attuned to the irrevocable premise on which the American political structure rests: the protection of individual liberty under law, particularly against the repressive powers of government.

The Constitution leaves room for a wide diversity of political and social interpretation and even of judicial philosophy; but through the issues of human freedom as set forth in the first ten amendments there runs a basic imperative that cannot be dismissed and must not be trifled with. A deep-seated respect for these liberties, a belief that they cannot be arbitrarily abridged or diminished by any power, even that of the President, is indispensable for service on the Supreme Court.

Mr. Rehnquist's elevation to the Supreme Court could have a critically regressive effect on constitutional protection of individual liberties for a long time to come. On Mr. Nixon's own premises, the Senate would be within its rights in insisting that while it may be content to accept a distinguished conservative like Mr. Powell, it is not obliged to accept a radical rightist like Mr. Rehnquist.

[From the Washington Post, Nov. 28, 1971]

THE SENATE, THE COURT AND THE NOMINEES—II

A fe wdays ago, we noted that although the nomination of Lewis F. Powell Jr. to be an Associate Justice of the Supreme Court gave us no problem, the nomination of William . Rehnquist did. It still does. Mr. Rehnquist's written response to questions submitted to him by some members of the Senate Judiciary Committee does not dispose of all the doubts that have arisen about his views on the concepts embodied in the Bill of Rights.

Those doubts are what have led us to make a distinction between Mr. Powell and Mr. Rehnquist. We believe both men to be suited intellectually and professionally for the positions to which they have been nominated, perhaps better suited in those respects than any of the four men previously selected by Mr. Nixon for the court. We are aware of no incident in the record of either man that raises the kind of questions that plagued the nominations of Judges Haynsworth and Carswell. That leaves open only (1) the matter of the views they hold of the Constitution, or to be more precise about what is troubling us, the sensitivity they have shown toward the Bill of Rights and (2) the commitment they have demonstrated to undo some of the court's recent interpretations of those amendments. It is here that the records of the two men differ.

These aspects of their constitutional philosophy are particularly relevant now because the court is narrowly divided on some issues that arise under the First, Fourth, Fifth and Sixth Amendments. Its general course in recent years has been to stress the protections for individuals provided in those amendments, a course that President Nixon has pointedly said he hopes to reverse. In judging these two men, then, the Senate has to decide how far their confirmation would move the court toward President Nixon's goal—and whether it wants to let him move the court that far.

There are, or so it seems to us, three striking themes which run through most of the writings and speeches of Mr. Rehnquist over the last 15 years. These are : (1) his lack of understanding of the problem of racial discrimination as late as 1964; (2) a somewhat cavalier attitude toward interpretations of the Bill of Rights that differ from his own; and (3) the underlying philosophy about the role of government that runs through so much of what he has had to say on these subjects.

Of the three, Mr. Rehnquist's attitude toward civil rights is the least troubling. He did oppose a public accommodations law in 1964 and he now explains his opposition on the ground that he did not understand "the strong concern that minorities have for the recognition" of their rights. We can't help wondering where he was during the years preceding 1964 when the depth of feeling about such matters was driven home so eloquently by Dr. King and others. But we accept his current statement that his horizons have broadened since then. Perhaps they will broaden more. Beyond this, however, the area of civil rights is not one in which his presence on the court is likely to make much difference one way or the other. It's course in that area seems well nigh irreversible.

The second aspect of Mr. Rehnquist's views that has been questioned is the degree of sensitivity he has shown toward the concepts underlying the Bill of Rights. It is possible to review his record and come away with the feeling that he thinks those on the other side of the constitutional argument are, almost by definition, Communists, criminals and pornographers. But it is also possible to come away with the feeling that he has merely expressed his position strongly and perhaps was carried away in his rhetoric by the zest of the struggle. On this matter we are inclined to give him the benefit of the doubt, based principally on the testimony of some of those who have known him well, that he is thoughtful and careful in his approach to constitutional questions.

The philosophy that ties his speeches and writings together is one in which property rights outrank human rights and in which the power of government to trample on the civil liberties—free speech, privacy, peaceful protest, and the rest—of its citizens outranks the restrictions placed on his power by the Bill of Rights. In his view, a store owner's desire to select his customers outweigh a customers' desire to be served there; the government's interest in collecting information is more important than an individual's interest in being free from surveillance; the majority's interest in suppressing pornography or in convicting criminals far outweighs the individual's right to read or to be safe from self-incrimination, and so on. This is a view of the Constitution we do not share. But it is a view Mr. Nixon shares and the view he has said he will try to make dominant on the Supreme Court.

So far as Mr. Powell is concerned, we do not find in his record the first two of these three themes. He has been fully aware of the issues of our times and sympathetic toward, if not always in agreement with, interpretations of the Bill of Rights that are not his. On the third point, there may well be little difference between his views of the Constitution and those expressed by Mr. Rehnquist. But there may be a decided difference in the commitments of the two men to do something about this trend of the court. We have the distinct impression that Mr. Rehnquist is intellectually committed to the overturning of several of the court's major decisions of the last 15 years involving the Bill of Rights. Mr. Powell may or may not have such deeply held views and it is conceivable that on some key votes he will surprise the President. We doubt that Mr. Rehnquist has such flexibility. And given the balance on the court now, this is a factor the Senate must weigh. Thus, the choice before the Senate is especially difficult.

Those senators who share our perspective on the paramountcy of civil liberties questions in this matter and on the essential correctness of the course staked out on these questions by the court in recent years could in fact argue the case for voting to confirm Mr. Rehnquist on several pragmatic grounds. One is that the prediction of how a justice will vote is a chancy and accident-prone business. Justices have often turned out to be quite different (once on the court) from what their previous records might have led one to expect. President Kennedy's appointee, Justice White, and President Eisenhower's appointee, Chief Justice Warren, are recent examples. Another argument might be that the addition to the court, at this time, of a particularly strong anti-civil libertarian voice could easily have the effect of impelling some of its present members in the other direction. Finally, there would be the argument that the rejection of Mr. Rehnquist would likely only bring forth from the President another nominee of similar view and lesser professional competence—thus setting off what would be, at best, another prolonged and corrosive struggle. For all its plausibility and practical attractiveness, however, this last point deserves special comment, since it amounts to an indirect abdication of the individual senator's constitutional right and duty to exercise his judgment on the President's Supreme Court nominees; neither the likelihood of Mr. Rehnquist's confirmation (which seems real) nor the course the President might take if his nominee is rejected seems to us an adequate basis on which to determine the way a senator votes on this nomination. This would be especially true of a senator who shares the reservations and apprehensions we have spoken of in connection with Mr. Rehnquist.

For against all the pragmatic hopes and speculations set forth above that might argue for his confirmation, one must consider another set of possibilities, no more certain but much more dire. Which is to say, a vote to confirm Mr. Rehnquist is a vote to take a considerable risk with the future of civil liberties in this country. It is not as if Mr. Rehnquist would become the first or the second or the third justice holding his point of view. The breaks of history have given President Nixon a chance to achieve his goal of changing the court's direction with four nominations within the first three years of his term, an opportunity provided only two other Presidents—Taft and Harding—since the Civil War. Nor is there compelling evidence that Mr. Rehnquist is a flexible and moderate man who might or might not help the President reach his goal. On the contrary, on the basis of his record of articulate commitment, it would seem that his might well become the vote and the voice that tipped the balance. Those senators who believe, as we do, that the preservation of vital, court-defined civil liberties is the principal issue at stake here, have in our opinion good and sufficient reason to vote against the confirmation of Mr. Rehnquist.

[From the Boston Globe, Nov. 18, 1971]

THE HIGH COURT NOMINEES—2

For the United States Senate to concur at this time in President Nixon's nomination of Asst. Atty. Gen. William H. Rehnquist to the Supreme Court would be, on the basis of all available information, a dereliction of the Senate's duty to the Constitution, to the high court, and to the people of the United States.

This is not said lightly. Mr. Rehnquist is a man of superior intellectual and technical qualifications. But the record to date is virtually bare of evidence that he is anything but hostile to the principle that the Supreme Court's central role in our Constitutional system is to stand as the ultimate guardian of human rights and liberties.

Invoking the doctrine of lawyer-client confidentiality, Atty. Gen. Mitchell has declined to permit Mr. Rehnquist to complete the record by giving the Senate Judiciary Committee his precise personal views on such hard-line Administration policies as preventive detention, "no-knock" laws, wiretapping and electronic surveillance of US citizens, and indiscriminate mass arrest of demonstrators.

Mr. Mitchell asserts that for Mr. Rehnquist to discuss these matters in full detail with the Judiciary Committee would jeopardize the attorney general's future access to "the free exchange of ideas and thoughts so essential to the proper and judicious discharge of my duties."

This is preposterous. The Senate has an unlimited right to be informed of the personal views of a prospective member of the Supreme Court. Mr. Rehnquist himself said as much when he urged in the Harvard Law Record in 1959 that the Senate should vigorously exercise its former practice "of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him."

The lawyer-client privilege makes great good sense where the client is a private citizen and any breach of confidentiality by his lawyer would jeopardize the legal rights of the client in pending proceeding.

But to invoke the privilege where the client is the attorney general of the United States and the lawyer is an assistant attorney general, where both have been engaged in the formulation of public policies crucially affecting individual rights, and where the lawyer is a nominee for a seat on the Supreme Court, is just untenable.

AN ADDED IRONY

It is an added irony that an attorney general so callous about the privacy and personal security of ordinary citizens should plead that his own official privacy transcends the Senate's—and the public's—right to learn all about Mr. Rehnquist's views before his nomination is acted upon.

Mr. Rehnquist is on record as saying, in effect, that when it comes to Supreme Court nominees, the Senate should adamantly refuse to buy a pig in a poke. But Mr. Mitchell is now asking that the Senate do just that.

The Administration should not be permitted to have it both ways in this vital matter.

In his testimony before the Judiciary Committee last week, Mr. Rehnquist did in fact

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engage in some slight breaches of confidentiality—where it suited his purposes to do so.

For example, he told Sen. Edward M. Kennedy that he had felt there was "a misguided and unwarranted use of force" by National Guardsmen in the Kent State shootings, but that he never communicated his private feeling to the attorney general because "he never asked me" and other agencies were at work on the case.

Again, he testified that he had argued successfully within the Justice Department for abandoning the novel claim that the government had "inherent power" to wiretap domestic subversives without prior court permission.

It is true that in his testimony Mr. Rehnquist did back off a little from earlier public positions against free access of blacks to places of public accommodation and integration of public schools. But these remarks were scarcely reassuring in light of his long and theretofore unmitigated public opposition to civil rights.

Mr. Rehnquist has denied in an affidavit that he was ever a member of the John Birch Society in his home town, Phoenix, Ariz., as charged by New York newsman Sidney Zion. This denial must be taken at face value. Mr. Rehnquist has a reputation for veracity. Indeed, even if he had been a member of this organization, that fact, standing alone, would not be grounds for condemning him. The right of free association is everyone's right. People join organizations for myriad reasons, and similarly leave them. The critical issue is not what people join but what they do.

In this connection, the record on Mr. Rehnquist probably does not indicate the full extent to which he may have actively worked for political causes in the 16 years during which he engaged in the private practice of law in Phoenix. And this is information which the Senate Judiciary Committee ought to have, and should demand. And man's political actions and beliefs are necessarily related to the question of what sort of "judicial philosophy" he may bring with him to the bench, especially the bench of the Supreme Court, which is the ultimate arbiter of controversies over constitutional interpretation.

Mr. Rehnquist has himself declared: "It is high time that those critical of the (Supreme) Court recognize with the late Charles Evans Hughes that for 175 years the Constitution has been what the judges say it is. If greater judicial self-restraint is desired, or a different interpretation of the phrases 'due process of law' or 'equal protection of the laws,' then men sympathetic to such desires must sit upon the high court."

Consider this appraisal of Mr. Rehnquist's political stance by John P. Frank, a noted constitutional and Supreme Court expert who knew Mr. Rehnquist in Phoenix for many years:

THE GOLDWATER VIEW

"He will represent the Goldwater view on the Supreme Court. Bill has been an intellectual force for reaction. I do not believe he will put the manacles back on the slaves, but I'm sure from his point of view that it will be more than a pause . . . there will be backward movement. In terms of race relations, I would expect him to be retrograde. He honestly doesn't believe in civil rights and will oppose them. On criminal matters, he will be a supporter of police methods in the extreme. On free speech, Bill will be restrictive. On loyalty programs, McCarthyism, he'll be 100 percent in favor."

With a good lawyer's ingrained respect for professional excellence, Mr. Frank states that despite this appraisal of Mr. Rehnquist his nomination should be confirmed by the Senate.

As the record now stands we cannot agree, and the fact that Mr. Rehnquist is a conservative Republican has nothing to do with it. What does matter greatly is the judicial philosophy of Mr. Rehnquist, on which more must be heard.

For if what Mr. Frank says is true, and goes uncontradicted, and Mr. Rehnquist's nomination is confirmed, then a society already grievously polarized will become more so. It is vital that our highest court of justice be able to carry out indefinitely its constitutional mission of protecting the liberties of the people against any excesses of the Federal and local governments. That is why the judicial philosophy of a nominee to that court is so important, and why it should be explored further.

[From the Boston Globe, Dec. 6, 1971]

MR. BROOKE ON MR. REHNQUIST

Sen. Edward W. Brooke's opposition to Asst. Atty. Gen. William H. Rehnquist could be a determining factor in the soon-to-be-recorded Senate vote to confirm or reject Mr. Rehnquist as an associate justice of the United States Supreme Court.

Mr. Brooke was right in all of the reasons for his opposition to Mr. Rehnquist. But there are other reasons, too. Mr. Brooke does not oppose Mr. Rehnquist because he is a conservative, a Southerner or a strict constructionist. Nor do we. His opposition is based on his determination, after long study, that Mr. Rehnquist is lacking in commitment to an integrated society. It is unfortunate that some of the senator's colleagues are inclined to excuse this as unimportant.

Mr. Brooke has noted the nominee's opposition to a public accommodation ordinance in Phoenix, Ariz., in 1964, his opposition to a Phoenix school desegregation plan in 1967, and his comment at that time that "we are no more committed to an integrated society than we are to a segregated society," Mr. Brooke finds this view "unsupportable." Such a view is not only unsupportable, it is a denial of the meaning of the Constitution which the nominee would be pledged to support, and it is hazardous at this time in particular when the lack of commitment to the brotherhood of all men threatens to tear the nation apart.

Mr. Brooke, himself a lawyer and himself Supreme Court material, is more kind to Mr. Rehnquist than he perhaps has any right to be. If Mr. Rehnquist were to be confirmed, Mr. Brooke hopes that he might serve in the great tradition of the late Justice Hugo Black, at one time a member of the Ku Klux Klan, and that he might demonstrate on the Court, as Mr. Black did, "a capacity to grow and change."

This might be. But to confirm a nominee in the hope that he might change would be not only a fool-hardy gamble. It also would amount to the ludicrously untenable assumption that, in this nation, replete with great legal talent, Mr. Rehnquist is the only available candidate—confirm him, for there is no other.

Mr. Brooke did not suggest, as we wish he had, that Mr. Rehnquist's vulnerability is manifest in the Administration's insistence that his and the almost unassailable Lewis F. Powell Jr's nomination be considered as a kind of package deal, as though they were one of baseball's double play combinations—Tinker and Evers, say. Or was it Chance? There scarcely could be a franker acknowledgment that Mr. Rehnquist cannot stand scrutiny on his own. Nor is it enough that he is generally acknowledged to be "a fine gentleman," as one of his Senate supporters has put it.

Mr. Brooke, weighing his own heavy responsibilities as a senator, has asked pertinent questions and reluctantly found that the right answers are still wanting. Mr. Rehnquist may be every bit as brilliant as he is said to be. But how can his supporters rationalize their support for him so long as they quite literally have no way of fully knowing his views on matters on which he steadfastly has refused to be questioned and on which the Administration will not permit him to be questioned? Mr. Rehnquist, hiding behind a dubious lawyer-client relationship, has, in effect, "taken the Fifth"—unprecedented and intolerable in confirmation proceedings.

Sen. Brooke was one of the leaders in the Haynsworth and Carswell rejections. It is to be hoped that his Senate colleagues will listen to him now as they listened to him then.

[From the Chicago Sun-Times, Dec. 5, 1971]

POWELL, YES—REHNQUIST, NO

The Senate will vote Monday on President Nixon's latest nominations to the Supreme Court. The choice of Lewis F. Powell, Jr., a distinguished Southern lawyer highly regarded in his own profession, would seem to present few difficulties. Powell is a thoroughgoing political conservative who has demonstrated in his writings and actions a commitment to the basic philosophic premises of American democracy. He has understood the constitutional mandates that all citizens be treated equally, that personal liberties be rigorously safeguarded and government powers limited. Indeed, his healthy skepticism of state authority and his regard for individual rights are true to one of the oldest strains of conservative thinking. We urge his confirmation by the Senate.

Mr. Nixon's other choice, Assistant Atty. Gen. William H. Rehnquist, presents a far more troubling dilemma. Like Powell, Rehnquist has impressive legal and intellectual credentials and a reputation for hard work and personal integrity. But his record, both in and out of government, casts grave doubt on whether he understands and reveres the Bill of Rights, which is the pillar of the American constitutional system.

Rehnquist's writings, actions and recent testimony characterize him as a zealous proponent of unharnessed state power. He has shown a corresponding insensitivity to the need for protecting individual liberty and equality from the potential repression of government.

His attitudes toward government surveillance, criminal procedure protections, equal access to public accommodations, the free speech interests of federal employes and witnesses before congressional and state legislative bodies demonstrate persistent hostility to constitutional protections of privacy, unfettered expression and equal justice. Where he modified his positions in recent Senate testimony, he did so in a manner that left unchanged the basic views and reasoning which led to his earlier stands.

In short, Rehnquist is no conservative but rather a radical rightist. • • • No ideological radical—from either the left or right—belongs on the Supreme Court, for none can possess the open-mindedness so essential to the fair rendering of justice. Rehnquist demonstrates that despite his intellectual and legal gifts, he has a closed mind and therefore is an apologist for an extreme ideology and not a legal reasoner. Extensive research of his record shows that he argues back from desired conclusions to their justifications.

Such a philosophic predisposition transcends specific political and social views. That is a key point, because we don't think it reasonable to vote a nominee up or down solely on the basis of differing views on current affairs. It is essential to foster vigorous stands in public life and it is worth remembering that judges change their opinions sometimes drastically. But most importantly, there is no one correct way of approaching the great issues of our society. Therefore we would not expect to agree with all the views of any nominee to the Supreme Court and currently do not in the case of nominee Powell.

It is necessary, however, to be philosophically attuned to the basic concepts of American life built into the Bill of Rights. On that score we find Rehnquist grievously wanting and recommend that the Senate vote no on his nomination to the Supreme Court.

The Senate has ample precedent for rejecting nominees on philosophic grounds, stretching all the way back to the denial of President Washington's selection for chief justice, John Rutledge. In this century, the recommendation of Judge John J. Parker was similarly turned back. During the Senate debate then, that great Nebraska senator, George Norris, focused the issue and what he said is as relevant today as in his time.

"When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of these qualifications—but we ought to know how he approaches the great questions of human liberties."

[From the St. Petersburg Times, Nov. 7, 1971]

POWELL, YES; REHNQUIST, NO

After careful review of President Nixon's choices to fill Supreme Court vacancies left by John Harlan and the late Hugo Black, we can easily support Lewis Powell, but must oppose confirmation of William Rehnquist.

Powell, 64, a Richmond, Va., lawyer and former president of the American Bar Association, is the third Southern conservative nominated by Mr. Nixon. A racial moderate, Powell would bring to the court unquestionable standards of professional achievement, judicial temperament and personal integrity.

Rehnquist, 47, a Phoenix, Ariz., lawyer, has unfortunately exhibited during his last two years as assistant attorney general a marked insensitivity to basic constitutional concepts.

In 1964, Rehnquist opposed a Phoenix City ordinance prohibiting racial discrimination in public accommodations, despite federal law to the contrary. (He changed his mind last Wednesday.)

In 1967, he defended the separate but equal educational concept struck down 13 years earlier by the Supreme Court.

More recently:

In September 1970, he said citizens lose at least part of their right to free speech when they take government jobs, and for good measure added that public employees who differed publicly with President Nixon could lose their jobs.

In December 1970, he told Congress that preventive detention (jailing of unconvicted defendant on the ground he might commit a crime if freed before trial) was valid and proper.

In March 1971, he defended government data banks kept on law-abiding citizens whose only crime was opposition to government war policies and other lawful activity. He changed a bit Thursday, saying government surveillance of peaceful activities was unconstitutional, but only if it had a "chilling effect" on exercise of the right to free assembly.

In July 1971, he supported expanded federal wiretap powers without recourse to court permission. Last week he said he advised the Administration against taking an official position that it had the inherent power to tap telephones without court orders in domestic security cases.

In addition, Rehnquist has endorsed the use of illegally obtained evidence, backed the President's abortive effort to manipulate the Subversive Control Board controlled by Congress, supported the massive denial of defendant rights surrounding May Day arrests in Washington, and maintained that presidents have the right to fill Supreme Court vacancies without congressional interference, in utter disregard for constitutional requirements for Senate confirmation.

Although Rehnquist has partially recanted some of his earlier views, his record is one of past support for narrowed personal rights and advocacy of enlarged government power. It forms a pattern of political extremism outside the fundamental support for the Constitution which every Supreme Court justice must possess. This pattern is sufficient, we think, for any senator to vote to deny Rehnquist confirmation.

The responsibility for nominating another unsuitable candidate clearly falls upon President Nixon, whose overall record in this respect is abominable.

But now the burden has been transferred to the U.S. Senate. It has the constitutional duty and the resources to investigate every nominee fully. These duties cannot be delegated—either by the president or the Senate.

[From the St. Louis Post-Dispatch, Nov. 22-26, 1971]

NOT WILLIAM REHNQUIST

The Senate Judiciary Committee has voted unanimously to approve the nomination of Lewis F. Powell for the Supreme Court and accepted the nomination of William H. Rehnquist by 12 to 4. If the two nominees had not been paired, Mr. Rehnquist might have faced more trouble. On the Senate floor, his nomination should face defeat.

Long before his nomination Mr. Powell had proved himself both a highly respected attorney and a thorough conservative. Mr. Rehnquist is an intelligent man and an able lawyer, but as a conservative is something else again.

We do not refer here to the questions arising about his alleged membership in an extremist right-wing group in his native Arizona, which Mr. Rehnquist flatly denies. That is secondary. If Mr. Rehnquist's supporters were willing to make comparison with a great champion of liberties, they could note that the late Justice Hugo Black once belonged to the Ku Klux Klan. But Justice Black had a fine record in the Senate by which he could be judged before he was placed on the court. Mr. Rehnquist's record, which runs the other way, does not indicate such capacity for intellectual growth.

By Mr. Rehnquist's record we refer, in short, to his views. He has opposed civil rights measures such as a public accommodations ordinance and school bussing. As an assistant attorney general he has championed, not the people's liberties, but Attorney General Mitchell's repressive ideas: arbitrary wiretapping in some cases, preventive detention which means jail without trial, the "no-knock" police raid and so on. Indeed, he once charged that Communists "scored significant victories" from decisions of the court to which he now aspires.

That much of the record suggests misapprehension and, indeed, mistrust of the court and some of its major decisions, along with constitutional guarantees. But there is more.

Mr. Rehnquist also defended President Nixon's decision to invade neutral Cambodia as "precisely the sort of tactical decision traditionally confided to the Commander in Chief." No president, however, has asserted so sweeping a doctrine. Though Mr. Nixon has said no court nominee should "twist or bend" the Constitution to promote political views, that is what his nominee did here.

There are, of course, lawyers and laymen who will argue that a court candidate's views should be of little moment; that what counts in the confirmation process is ability and honesty or, to put it crassly, if a nominee is a member of the bar in good standing and is not a crook, that is enough. Mr. Rehnquist himself is not of this opinion; he has argued that a nominee's views are pertinent.

In our opinion the degree of the president's latitude in making appointments to the court, and the degree of the Senate's role in providing advice and consent, are illustrated well enough in the cases of Mr. Powell and Mr. Rehnquist. Mr. Rehnquist's consistently-held views about the court, the Constitution and presidential powers are more than enough to draw the line against him.

That is because Mr. Rehnquist's confirmation would place on the high court a dedicated advocate of unilateral executive power and privilege, of authoritarian policies the Constitution was written precisely to prevent. So more is at stake here than the Nixonizing of the court. The issue involves the long tradition of divided and balanced powers of government.

Congress has already seen its war-making authority eroded by the executive—a process justified by Mr. Rehnquist. A self-respecting Senate is only beginning to challenge that extension of presidential power. It should not acquiesce in executive subjugation of the Supreme Court.

[From the Christian Science Monitor, Nov. 20, 1971]

THE REHNQUIST QUESTION

There is no serious doubt about the right of the President of the United States to name persons of his preference to the Supreme Court—provided their professional qualifications are suitable. Precedent has by now made it clear that the individual must be competent in the law, judicious of temperament, and of personal probity. Otherwise they don't get by the Senate. Beyond that—a liberal president is entitled to name a conservative candidate.

The Senate hearings have established that both of Mr. Nixon's latest nominations for the court are men of personal probity, judicious temperament, and competence in the law. In those three categories both men are entirely qualified. And so far as Lewis Powell is concerned that is an end of the matter. He will have the approval the Senate.

There is one difference in the Rehnquist case.

His record on civil-rights issues indicates that he is, or has been, sufficiently conservative in civil liberty matters to fit what is popularity known as the "Southern strategy."

His nomination to the court expresses Mr. Nixon's own attitude toward racial matters which is one of going only as fast as the law and the courts require. He is not out in front leading the parade.

Mr. Nixon wants a man of conservative views on such matters on the court. He wants to prove to Southern conservatives his own sincerity on this point. Putting a person with views similar to his own on the court is one way of providing his sincerity.

It is perfectly proper for a president to consider a matter of this kind in his appointment. It is a political point of view. Presidents Roosevelt, Johnson, and Kennedy all looked around for persons with political points of view similar to their own when they wanted candidates for the Supreme Court.

But it is equally proper for senators of a liberal bent to oppose a president when the issue is political in this manner. It is just as proper for Senator Bayh to resist a civil-rights conservative as it is for President Nixon to promote one.

In other words the issue in respect to Mr. Rehnquist is neither personal nor professional. It is purely political. The outcome therefore is bound to be political. It will measure the extent of sentiment in the Senate on civil rights and how many votes the White House can muster in favor of a candidate who would be a welcome addition in the eyes of Southerners who favor going as slow as is legally permissible down the road to equal opportunities for Negroes.

It will also record the number of senators who wish to push ahead as fast as possible toward equal legal, political, and social rights for Negroes—and other minority groups in the United States.

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AFL-CIO CONVENTION, NOVEMBER 19, 1971—REHNQUIST RESOLUTION

Political extremism of the right and of the left has no place on the Supreme Court of the United States. It is for that reason that this Convention views the nomination of William H. Rehnquist as an Associate Justice of the Supreme Court as a dangerous departure from the philosophy of a broadly representative, constitutionally sound Court.

We do not believe a President's desire to name Justices with a similar political philosophy to his should extend to a nomination that is a direct rebuff to the rights and liberties of individuals guaranteed by the Constitution and its first 10 amendments.

The President has said that Mr. Rehnquist is a "strict constructionist" of the Constitution. However, his record, his writings, his self-expressed philosophy clearly show he is a strict constructionist of the Constitution prior to the adoption of the Bill of Rights.

Mr. Rehnquist purposely avoided the efforts of members of the Judiciary Committee of the Senate to question his views on such constitutional questions as wiretapping, executive power and civil liberties. These questions must be answered in open session or risk a lack of confidence on the part of the American people in the Court as an equal and independent institution of American society.

The American people are already deeply concerned by the circus atmosphere surrounding the latest Court nominations made by President Nixon. The "leaks" and "counter-leaks," the "lists" and "non-lists" followed by the nomination of one of the Administration's chief apologists hardly reflects the "respect for the Court" of which the President spoke when he announced the nominations.

The Supreme Court is too important, too respected and too necessary to American society for the Senate to now confirm Mr. Rehnquist while the American people ask questions: Is he more loyal to a President than to the Constitution? Will he respect individual liberties more than Executive power?

These are proper questions. These are questions Mr. Rehnquist has not answered.

President Nixon has attempted to pack the Supreme Court with ideological and demagogic reactionaries. The Senate properly rejected his nominations of Clement Haynsworth and G. Harrold Carswell.

It must do so again—this time with the nomination of William Rehnquist. The future of today's citizens, their children, and their grandchildren is too important to permit a man of Mr. Rehnquist's philosophy to exert his influence over the constitutional direction of American society for the remainder of this Century.

Therefore, be it resolved that the Ninth Convention of the AFL–CIO urges the Senate to reject the nomination of William Rehnquist. Men of his philosophy, just as men of the philosophy of the far left, have no place on the Court.

STATEMENT OF EDWARD J. ENNIS, CHAIRMAN ACLU

"The National Board of Directors of the American Civil Liberties Union has decided to depart from the organization's 51 year policy of never endorsing or opposing candidates for public office in order to oppose the nomination for the Supreme Court of. William Rehnquist.

"The ACLU prizes its tradition of political non-partnership. We have taken an extraordinary step because of extraordinary circumstances. The President has nominated for the Supreme Court William Rehnquist, a man we know as a dedicated opponent of individual liberties. Under our system of government, the Supreme Court is the nation's ultimate interpreter of the Constitution and protector of individual liberties. We believe that it would be a betrayal of the principles of our Constitution to entrust their interpretation to a person who has devoted himself to undermining those principles.

"We know William Rehnquist as an advocate of dragnet arrests, as an opponent of racial integration, as a champion of executive authority to engage in electronic eavesdropping and political surveillance, as a campaigner for pre-trial incarceration and as an engineer of the Justice Department's programs to abrogate the rights of persons accused of crime. In short, we know Mr. Rehnquist as a person committed to the notion that in every clash between civil liberty and state power, it is civil liberty that should be sacrificed. We believe that his commitment to state power at the expense of individual liberty makes William Rehnquist unfit to sit on the U.S. Supreme Court."

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, D.C., December 7, 1971.

DEAR SENATOR: As I'm sure you know, the Leadership Conference on Civil Rights opposes the nomination of William H. Rehnquist to the U.S. Supreme Court.

There is no better spokesman for our point of view than Mr. Rehnquist himself. His statements on issues of civil rights and civil liberties, as set forth in the enclosed pamphlet, persuade us that he cannot meet President Nixon's own high standard for a Supreme Court Justice—one whose "sole obligation is to the Constitution and the American people."

We hope you will read the pamphlet. We hope you will agree with us that no one can support Mr. Rehnquist who believes, as we do, that the Supreme Court must remain a strong force for social change and social progress within our democratic system. And when the time comes to vote, we urge you to vote against his confirmation.

Sincerely yours,

ROY WILKINS, *Chairman.*

A RIPON POLICY ANALYSIS, THE WEAK CONSTITUTION OF A "LEGAL GIANT"

The Senate faces severe limitations in resisting a President determined to remake the Supreme Court. The President has the initiative, and as in nuclear strategy, the advantage is with the offense. The President can merely keep submitting names; the Senate must mobilize its somewhat cumbersome machinery and political resources to investigate, disqualify and reject each one. Now, moreover, in the age of MIRV, when the President may launch as many as six bombs at once—or fill the air with chaff and decoys—the role of the defense is further complicated. It is somewhat difficult to muster a struggle against a man like William Rehnquist when lined up behind him are men like Robert Byrd and women like Sylvia Bacon and when the President maintains his nominations have something to do with "respect for the law" or reducing crime.

Still we believe it is just as well that we know what we are doing. Approval of William Rehnquist's nomination will for the first time give credence to what has until recently seemed an alarmist fear: that we are moving into an era of repression, in which the U.S. democracy gives up its most noble enterprise—the maintenance of a free and open society.

A scenario may be envisaged. The Communist party and other political action organizations that can be alleged to advocate revolution would be black-listed and outlawed. Wiretapping and other even more sophisticated modes of individual surveillance would be extended without judicial review. All but the most flagrant acts of discrimination and collusion against blacks would be permitted. The courts would return to the unedifying business of poring over pornography, and arbitrarily incarcerating improvident writers, photographers, and bookstore proprietors. The "third-degree"—extorted confessions and the like—would be effectively authorized. Ever larger numbers of dissenters and other nonconformists who affront the police or marginally violate the law would be imprisoned for long periods. Police brutality and lawlessness, on the other hand, would be condoned. At a time when the government provides an ever larger proportion of available jobs, the firing of dissenters from federal employment would be legitimized. And finally the Executive, in illicit tandem with the judiciary, would reduce the legislative branch to inconsequence on vital matters of war and peace and to irrelevance in the always elastic realm of "national security." And, of course, the real problems of crime and instability in our society would persist.

Such developments are not, of course, inevitable. They will occur only if the Supreme Court abandons its role as ultimate guarantor of the Constitution and the legislative branch refuses to recognize the new responsibilities such a judicial abdication would impose on the Congress.

But the entire scenario of repression consists of measures that Rehnquist, on the record, has strongly and explicitly invited; and most of them are not strongly opposed by the other three Nixon appointees. So even if, in view of the President's determination to transform the Court, it proves tactically necessary for the Senate to accept Rehnquist, we want to register our opinion that he is Nixon's most dangerous nominee yet. Younger and smarter than the others, he will have a longer and more deleterious impact on our political and social order.

There has been much nonsense written in recent weeks on Rehnquist's good character and legal expertise, as if these qualities alone justify confirmation. In fulfilling its Constitutional responsibility for advice and consent, however, the Senate does not stand like the Bar Association's Committee on the Judiciary, as a mere judge of ethical and professional credentials. The Senate must also consider the impact of such potential appointments on the balance between the executive and legislative branches and on the direction of America over the next decades.

POWELL ENDORSED

Applying such standards to the current Supreme Court nominees, the Ripon Society supports, with some reservations, the confirmation of Richmond attorney Lewis Powell, a former President of the ABA. Although his writings do not display a staunch concern with preserving individual liberties, his persistent advocacy of legal services for the poor, his mediating role in Virginia school integration controversies, and his continuing reputation for fairness allay many of our fears. We are further reassured by his recent rejection of Rehnquist's view that the Executive has an inherent right to wiretap without judicial review in cases involving the national security. While Powell might strike the balance between individual liberties and governmental powers at a somewhat different point than we would prefer, he nevertheless recognizes the crucial limits on governmental authority. He is essentially a man of the law rather than a man of the Right.

William Rehnquist, on the other hand, has remorselessly allowed his political prejudices to supersede legal precedent. Unlike Lewis Powell's career of moderate judicial conservatism, Rehnquist's record does not show a consistent and scrupulous application of legal principles; rather it shows a consistent and unabashed manipulation of legal rhetoric in the service of right wing social and political objectives. His voluminous public statements and his private comments of

which we are aware, show him to be a thoroughgoing authoritarian, a nearly absolute believer in executive supremacy over the legislature, and a slack reconstructionist of the constitution.

Rehnquist's authoritarian bent is not tempered by judicial conservatism. Unlike such believers in judicial restraint as the late Justice Felix Frankfurter and former Justice John Marshall Harlan, Rehnquist is a militant judicial activist, who explicitly rejects the doctrine of *stare decisis*. Writing in the Harvard Law Record in 1959 Rehnquist stated: "It is high time that those critical of the present Court recognize with the late Charles Hughes that for 175 years the Constitution has been what the judges say it is. If greater judicial self-restraint is desired, or a different interpretation of the phrases 'due process of law' or 'equal protection of the laws,' then men sympathetic to such desires must sit upon the high court."

In a letter that he wrote in 1959 Rehnquist, then in private practice in Phoenix, made clear the "different interpretation" of the Constitution he had in mind: "a judicial philosophy which consistently applied would reach a conservative result."

The kind of "conservative" result which Rehnquist would seek is diametrically opposed to the American conservative tradition of vigorously opposing the extension of governmental powers.

To justify the Justice Department's policy of encouraging indiscriminate mass arrests of Mayday demonstrators and bystanders (with the charges against them filled in randomly by police who had often never seen the accused or the crime), and of having thousands of patently spurious cases litigated with virtually no convictions, Rehnquist invented after the fact the doctrine of "qualified martial law."

Now even if one believes the Capitol was in direct jeopardy on Mayday, the Rehnquist rationale is legally slovenly. Rehnquist would have us believe that government can commit countless violations and then sanction them by some flip post-facto improvisation.

Rehnquist was also a major strategist in the preparation of the controversial "no knock" and "preventive detention" provisions of the D.C. Crime Bill. He has strongly asserted a governmental right to fire employees, even if covered by civil service, when they question Administration War policies. Furthermore he has maintained that the executive has the right to engage in wiretapping and other electronic surveillance without court supervision as long as it claims a "national security" justification. If we contend that such unaccountable government powers might become a threat to individual liberty and privacy, Rehnquist tells us to rely on the "self restraint" of the Executive—which might be conceivable if we could forget that in recent years the Attorney General's arbiter on such matters was one William Rehnquist.

A REMARKABLE FACT

In only one area in all his career has Rehnquist shown any opposition to the extension of governmental powers. While an attorney in Phoenix he was a vocal and insistent opponent of legislation to outlaw racial discrimination in public accommodations. It is a truly remarkable fact, worthy of contemplation by the Senate, that nowhere in his extensive writings has he displayed a keen concern for any individual liberty except what he quaintly calls the "traditional freedom" to discriminate against blacks.

Rehnquist now says he has reconsidered his attitude toward the public accommodations ordinance of 1964; that is understandable since even Barry Goldwater endorsed it seven years ago and it has worked smoothly, contrary to Rehnquist's lugubrious expectations. Before we rejoice too readily, however, we should note that he has only endorsed the local ordinance, not the Civil Rights Bill of 1964, and that in 1965 and 1967, virtually alone among prominent Arizonans he opposed other civil rights legislation.

It would be easy to compile an equally disturbing record of Rehnquist's views on the role of the Senate in foreign policy. An exponent of what Senator Mathias calls the theory of the Optional Congress, he has seemed eager to eliminate what few powers Congress has managed to retain in this era of executive supremacy in the international realm. Suffice it to say that he has consistently and erroneously maintained that the President has the power under the Constitution to commit U.S. troops to war across national boundaries without seeking Congressional approval, and that possessing this power, the President scarcely needs any others.

In nearly all of his public statements and in a number of private comments, Rehnquist has revealed himself as a brilliant authoritarian ideologue who sees the law or the Constitution as mere instruments for imposing his beliefs on the body politic. It may in fact be questioned whether a man who, like Rehnquist, defines a conservative judicial philosophy as an approach "that consistently applied reaches a conservative [political] result" can be correctly said to have a judicial philosophy at all.

For this reason, the Ripon Society believes that his elevation to the nation's highest court would be a dangerous mistake. If one is to have excessive judicial activism it is far safer to have it at the expense of the executive rather than in concert with an already exorbitant Presidency. This concern is greater than ever today, when the expanding technology of personal surveillance evokes with renewed menace the Orwellian vision of 1984 (when Rehnquist will be 59).

The Senate is especially bound to consider the philosophies of Supreme Court appointees when a President publicly enunciates a policy of choosing nominees largely because of their political leanings. Unlike most other Presidents of the twentieth century, President Nixon has made it clear that the principal qualification for his nominees is concurrence with his Administration's policies, especially in civil liberties. The Senate should exercise close scrutiny over nominees of such a politicized Presidential selection process. And if we really must have extremists on the court, may they be "in the defense of liberty."

DOES WILLIAM REHNQUIST MEET THE HIGH STANDARDS EXPECTED OF THE SUPREME COURT?

Asked what he thought of William A. Rehnquist as a prospective justice for the U.S. Supreme Court, this was the reply of John P. Frank, a noted expert on the Constitution and the Court and a friend of Mr. Rehnquist's for many years in Phoenix, Arizona:

"He will represent the Goldwater view on the Supreme Court. Bill has been an intellectual force for reaction. I do not believe he will put manacles back on the slaves, but I'm sure from his point of view it will be more than a pause . . . there will be backward movement.

"In terms of race relations I would expect him to be retrograde. He honestly doesn't believe in civil rights and will oppose them.

"On criminal matters he will be a supporter of police methods in the extreme. On free speech, Bill will be restrictive. On loyalty programs, McCarthyism, he'll be 100 per cent in favor."

In spite of this grim estimate and his feeling that "it is a deplorable appointment," Mr. Frank still thought Mr. Rehnquist should be confirmed for the Supreme Court.

He subscribes, apparently, to the current notion that a man's ability as a lawyer and his legal views are two separate things, that it is somehow unfair to inquire into a nominee's personal views on the law when considering him for the Court.

Yet President Nixon and Mr. Rehnquist have both said a nominee's views—his judicial philosophy—should be part of an inquiry into his fitness for the highest judicial appointment in the land.

When President Nixon announced the Rehnquist nomination on October 21, he said judicial philosophy was one of the major considerations governing his choice. And Mr. Rehnquist, in a Harvard Law Review article he wrote in 1959, urged that the Senate restore "its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him . . ."

We agree with Mr. Nixon and Mr. Rehnquist. For us, the crucial question is this: To what extent would Mr. Rehnquist's philosophy of the law hinder him in trying to meet President Nixon's high criterion—that a Supreme Court Justice's "sole obligation is to the Constitution and to the American people"?

I—THE REHNQUIST RECORD ON CIVIL RIGHTS

Mr. Nixon's statement admits no exceptions. So it is fair to ask if Mr. Rehnquist is prepared to assume an obligation to all of the American people and not just to some of them.

What gives that question particular point are the first substantial public expressions of his views on civil rights when he was a lawyer in Phoenix during the 1960s.

PEOPLE AND PRIVATE PROPERTY

In 1964, Phoenix was about to pass a public accommodations law, a local ordinance requiring stores, restaurants and other places of public accommodation to serve all members of the public without regard to race, color, religion or national origin.

It was June 15, about five months after the U.S. House of Representatives had passed, by overwhelming vote, a civil rights law with a public accommodations section similar to the one Phoenix was considering; it was five days after two-thirds of the members of the U.S. Senate had broken a filibuster and signified their readiness to adopt the same provision. Yet William Rehnquist went before the city council to argue against the local ordinance.

He spoke, he said, only for himself; and indeed he was virtually alone in his opposition. Even Senator Barry Goldwater was in favor of the local law.

But Mr. Rehnquist called it "an assault on the institution [of private property]." The council went on to pass the ordinance unanimously. Still dissatisfied, Mr. Rehnquist wrote to the local paper. The ordinance, he said, in a letter to the Arizona Republic, "summarily does away with the historic right of the owner of a drug store, lunch counter or theater to choose his own customers.

"By a wave of the legislative wand, hitherto private businesses are made public facilities, which are open to all persons regardless of the owner's wishes."

He questioned "whether the freedom of the property owner ought to be sacrificed in order to give these minorities a chance to have access to integrated eating places . . ." In his view, it placed "a separate indignity" on the proprietor in order to correct the "indignity" society had placed upon "the Negro."

He wrote, "it is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this."

Asked at the Senate Judiciary Committee hearing on his nomination on November 3, if he still felt that way, Mr. Rehnquist replied, "I think probably not. The ordinance really worked well in Phoenix.

"It was readily accepted and I think I have come to realize since, more than I did at

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the time, the strong concern that minorities have for the recognition of these rights." Since that "time" was in the wake of the Montgomery bus boycott, the Freedom Rides, the protests and mass jailings in Birmingham, the March on Washington and the demonstrated readiness of thousands of Negroes to die for equality, one wonders what more was needed to make Mr. Rehnquist aware of a "strong concern."

PEOPLE AND SCHOOLS

In 1967, when Phoenix School Superintendent Seymour sought to desegregate the city's schools, saying "we are and must be concerned with achieving an integrated society," Mr. Rehnquist wrote again to the local paper taking issue with that statement. "We are no more dedicated to an 'integrated' society than we are to a 'segregated' society," he said.

Those seeking to end segregated schools, he thought, "assert a claim for special privileges for this minority, the members of which, in many cases, may not even want the privileges which the social theorists urge be extended to them."

It is hard not to hear an echo here of the old Dixiecrat argument that Negroes in the South would have been content with their lot were it not for "outside agitators." Thirteen years after the U.S. Supreme Court had declared racially segregated schools to be unconstitutional Mr. Rehnquist was still arguing for the right to keep school children separate by race.

PEOPLE AND THE POLLS

Mr. Rehnquist's views on voting rights were left in murky obscurity by the Senate Judiciary Committee. The Southwest Area Conference of the NAACP asserts he took part in a local campaign of "harassment and intimidation" to keep monorities from the polls.

Four citizens of Arizona have presented affidavits swearing that Rehnquest was a Republican challenger at the polls in 1964 and was "harassing unnecessarily several people at the polls . . . attempting to make them recite portions of the Constitution and refused to let them vote until they were able to comply with his request." They further assert that when one of them, a cripple, remonstrated with him, Mr. Rehnquist engaged in a physical struggle.

Although Mr. Rehnquist made a general denial in writing of being at the polls in 1964, his Senate supporters refused to allow him to be recalled and questioned about the details of the charges. Further, a fifth citizen of Arizona presented an affidavit that Mr. Rehnquist "planned and executed the strategy designed to reduce the number of poor black and poor Mexican American voters" and "trained young white lawyers and others to invade each black or predominantly black precinct in Phoenix on election day."

While Mr. Rehnquist again made a general denial in writing of this allegation, he admitted his chairmanship of the responsible committee which actually carried out these unconstitutional practices. Again, there was a refusal to recall Mr. Rehnquist and clarify the facts.

THE CARSWELL NOMINATION

When the Washington Post in 1970 opposed the nomination of G. Harrold Carswell to the Supreme Court, citing among its reasons an anti-civil rights record that included a speech in favor of white supremacy, serving as an incorporator of a Florida golf-course to keep it racially segregated, and harsh treatment of civil rights lawyers and plaintiffs who came into his court, as well as decision after decision against civil rights, Mr. Rehnquist came to Carswell's defense.

"Your editorial clearly implies," he wrote, "that to the extent the judge falls short of your civil rights standards he does so because of an anti-Negro, anti-civil rights animus, rather than because of a judicial philosophy which consistently applied would reach a conservative result . . ."

Judge Carswell's decisions in civil rights cases, he insisted, "are traceable to an overall constitutional conservatism, rather than to any animus directed only at civil rights cases or civil rights litigants." This identification with Carswell's anti-civil rights decisions is, perhaps, a portent of things to come from Mr. Rehnquist.

The nominee's expressed views on public accommodations laws and school desegregation, his relationship to incidents of voter harassment in Arizona, his identification with Judge Carswell make credible Arizona State Senator Cloves Campbell's assertion that in 1964 Mr. Rehnquist told him he "was opposed to all civil rights laws."

Certainly Mr. Rehnquist's denial should be tested before the Senate Judiciary Committee with Senator Campbell present.

II—THE REHNQUIST RECORD ON CIVIL LIBERTIES

If it is difficult to see any deep sense of obligation to all the American people in his record on civil rights, it is just as hard to discern any obligation to a strict construction of the Constitution and the Bill of Rights in his record on civil liberties.

Mr. Rehnquist observed the Supreme Court at first hand as a law clerk to Justice Robert Jackson in 1952 and 1953. He came away from that experience with an abiding hostility to the Warren Court and its interpretation of constitutional issues.

In an article written in 1957 for the U.S. News and World Report, he condemned the liberal point of view of the Court, which he said was characterized by "extreme solicitude for the claims of Communists and other criminal defendants."

He expounded that theme in greater detail in an article he wrote a year later for the Bar Association Journal observing in his opening sentence, "Communists, former Communists, and others of like political philosophy scored significant victories during the October, 1956 Term of the Supreme Court of the United States, culminating in the historic decisions of June 17, 1957."

Commenting on that sentence in an article in the New York Times (Nov. 22, 1971), William V. Shannon had this to say about the rulings Mr. Rehnquist saw as "significant victories" for Communists, "Those were landmark civil liberties decisions involving a loyalty-security firing in the State Department, the rights of witnesses before Congressional and state legislative committees and a free-speech case.

"Two of them were written by Justice Harlan, a distinguished conservative. Was Mr. Harlan 'soft on Communism'?" (It is ironic to note that Mr. Rehnquist is being nominated to fill Mr. Harlan's seat.)

Here is a further sampling of Mr. Rehnquist's views on major civil liberties issues:

ON GOVERNMENT SURVEILLANCE

Asked by Senator Sam Ervin (D., N.C.), "Does a serious constitutional question arise when a government agency places people under surveillance for exercising their First Amendment rights to speak and assemble?" Mr. Rehnquist said, "No."

ON FREEDOM OF SPEECH

Mr. Rehnquist does not see it as a right of federal workers. "The government as an employer has a legitimate and constitutionally recognized interest in limiting public criticism on the part of its employees even though that same government as sovereign, has no similar constitutionally valid claim to limit dissent on the part of its citizens."

ON DEMONSTRATORS

In a letter to the Washington Post (Feb. 14, 1970), Mr. Rehnquist railed against "further expansion of the constitutional rights of criminal defendants, or pornographers and of demonstrators," lumping all three together without discrimination.

And in a speech to the Newark Kiwanis Club he stated, "in the area of public law . . . disobedience cannot be tolerated, whether it be violent or nonviolent disobedience. If force is required to enforce the law, we must not shirk from its employment."

ON MAY DAY ARRESTS

In a speech to a state university in North Carolina, two days after the May Day demonstrations, Mr. Rehnquist defended the mass arrests of thousands of innocent persons as the exercise of "qualified martial law"—a most dangerous and repressive doctrine in the hands of the police.

Mr. Rehnquist denied using the phrase in connection with the May Day incidents. But, if he were not applying the term as he says, why did he use it in a speech about May Day and why did he let the press uniformly interpret it that way until after he was nominated to the Supreme Court?

ON RIGHTS OF ACCUSED

When Mr. Rehnquist reads the Constitution it is invariably to the disadvantage of the accused. He favors pre-trial detention, saying in defense of the D.C. Crime Law, that there is a "social need to detain those persons who pose a serious threat to the public safety. . . ."

He would like to modify the "exclusionary rule" which "now prevents the use against a criminal defendant of evidence which is found to have been obtained in violation of his constitutional rights."

He favors restricting the application of habeas corpus after trial and, referring to a decision by Justice Harlan earlier this year, sees arresting a man without proper warrant and without probable cause as no more than a technical violation of the Fourth Amendment.

All of this suggests a readiness on Mr. Rehnquist's part to tailor the Constitution to his views that hardly fits the usual notion of a strict constructionist.

III. GOVERNMENT VERSUS THE RIGHTS OF THE PEOPLE

In Mr. Rehnquist's view, big government knows best. On several occasions he has defended extreme use of governmental powers against citizens.

1. WIRETAPPING

He has defended governmental wiretapping under court order in criminal cases and without court order in national security cases. "Is the invasion of privacy entailed by wiretapping too high a price to pay for a successful method of attacking this and similar types of crime? I think not, given the safeguards which attend its use in the United States." But the only safeguard he mentions is the discretion of the government.

2. INVASION OF CAMBODIA

Mr. Rehnquist has defended Mr. Nixon's invasion of Cambodia last summer as a proper use of the President's authority as Commander-in-Chief. He maintained that under the Constitution the President can order the invasion of another country—even a neutral one—if he feels the invasion is necessary to protect American troops.

This plea for unlimited Presidential power is as dangerous as it is unprecedented. When he wrote the opinion overruling President Truman's seizure of the steel mills during the Korean War, Mr. Justice Jackson, whom Mr. Rehnquist once served as a law clerk, rejected the contention that under the commander-in-chief clause of the Constitution, the President has power to do "anything, anywhere that can be done with an army or navy." Yet Mr. Rehnquist, ironically, has in effect advanced that notion in his statements supporting the Cambodian invasion.

3. SUBVERSIVE ACTIVITIES CONTROL BOARD

The Board was almost defunct until Mr. Rehnquist took the lead in enlarging its powers, on the assumption that the government can give additional duties to any agency created by Congress without the express consent of Congress. Now the SACB can designate as subversive any offending organization of citizens.

IV—A LACK OF CANDOR

On several occasions during the Senate committee session in which he testified on his nomination, Mr. Rehnquist was less than candid in his responses.

1. Pressed to explain his views on certain civil liberties issues, he declined to do so, saying it would violate the attorney-client relationship with Attorney General John Mitchell and the President. Nineteen members of the Catholic University Law Faculty attacked this position in a letter to Senator James Eastland (D., Miss.), Chairman of the Senate Judiciary Committee.

They say, "no nominee may justify withholding from the Committee which must initially pass upon his qualifications and disposition for handling this political power 'in legal form' a frank expression of his political and legal philosophy. The attorney-client privilege is not the attorney's.

"It is for the protection of, and belongs to, the client. It is peculiarly inappropriate for a government attorney to invoke the privilege with respect to advice he has given to government servants (whether President, Attorney General or Deputy Marshal). His client is the people, and not the President. There is no such privilege, which any nominee was so bold as to claim before, against the Senate's right to know in fulfilling its responsibility to the same people."

2. Asked during the nomination hearings to say what he had done for civil rights, Mr. Rehnquist could think of only two things—he had represented some indigents during the time he practiced law in Phoenix and he had served on the Legal Aid Board there.

But attorneys know that when they are designated by the court to represent indigents they must accept the assignment; there is no voluntary choice involved. As for the Legal Aid Board, Mr. Rehnquist served on it by virtue of his being an ex officio member of the Legal Aid Society where he represented the Bar Association.

3. Mr. Rehnquist has failed to clarify his connections with Arizonians for America. Written interrogatories to Mr. Rehnquist invited a response to the *St. Louis Post Dispatch* article of November 17, 1971, detailing Mr. Rehnquist's connections with this right wing group.

No response was forthcoming beyond the denial of membership and a failure to recollect one meeting; but a denial of membership is not a denial of connections with or participation in an organization and the record demands clarification.

4. Asked about his role in the Administration's attempt to stop publication of the Pentagon Papers, Mr. Rehnquist claimed he played a restricted role. After his hearing, in response to written interrogatories from some members of the Senate Judiciary Committee, he revealed that he had called *The Washington Post* and asked them not to print the excerpts.

5. Asked about his role in opposing the desegregation of the Phoenix public schools in 1967, Mr. Rehnquist responded before the Senate Judiciary Committee with an attack on busing. But that was an evasion for the issue in Phoenix in 1967 was not busing, as a means to desegregate the schools, but rather desegregation as a desirable end.

It was on this specific issue that Mr. Rehnquist wrote "we are no more dedicated to an 'integrated' society than we are to a 'segregated' society." It was the goal of desegregation he opposed, not just one means (busing) to that end.

WHAT SORT OF JUSTICE WOULD MR. REHNQUIST MAKE?

On the basis of his views on civil rights and civil liberties, in the light of his championing of the broadest possible powers for the federal government it is difficult to believe that, as a member of the Court, his "sole obligation would be to the Constitution and to the American people."

William Shannon, in his New York Times article, offered this view of what might be expected:

"The Rehnquist record is not that of a true conservative. It is the record of an aggressive ideologue with combative impulses and strong commitment to a harsh, narrow doctrine concerning government and individual. It would be an ironic turn of events if this Goldwaterite doctrine so overwhelmingly rejected by the voters [in 1964] should be legitimized on the Supreme Court."

WASHINGTON, D.C.,
November 10, 1971.

Hon. BIRCH BAYH,
Committee on the Judiciary,
Washington, D.C.:

The National Legal Aid and Defender Association, by a vote of its 49th annual delegate assembly, held in Denver, Colorado, on November 6, 1971, opposed the nomination of William Rehnquist to the United States Supreme Court. The assembly passed the following resolution:

"Whereas, William Rehnquist has not exhibited an understanding of and dedication to the Bill of Rights of the United States Constitution, and the implications that flow therefrom,

Be it resolved that—

1. The National Legal Aid and Defender Association officially opposes the appointment of William Rehnquist as an associate justice of the United States Supreme Court, and

2. That the staff of the association be directed to send telegrams as quickly as possible to all members of the Senate Judiciary Committee notifying that committee of the NLADA position."

NLADA urges the Senate judiciary committee to oppose Mr. Rehnquist's nomination because of positions taken by the nominee on numerous issues of vital concern to all of our citizens, poor and non-poor alike. Our clients are black, white, yellow, red and brown and they are the poor of this nation. As their advocates, we must insist upon respect for their dignity, whether the issue in which they are involved be civil or criminal.

The nominees statements and views on pretrial detention, due process for defendants in criminal matters, habeas corpus, public accommodations, equal education opportunities, voting rights, first amendment freedoms and his political philosophy are indicative of a fundamental antagonism toward individual freedoms, civil rights and civil liberties.

NLADA, as the spokesman for thousands of legal assistance lawyers throughout the country, public defenders and poverty lawyers alike, calls upon each Senator to vote no on William Rehnquist's nomination.

FRANK JONES,
Executive Director,
National Legal Aid and Defender Assn.

WASHINGTON COUNCIL OF LAWYERS,
Washington, D.C., November 9, 1971.

HON. JAMES EASTLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EASTLAND: Enclosed for your consideration is a letter expressing the views of the Washington Council of Lawyers with respect to the Senate's consideration of the nomination of William H. Rehnquist as an Associate Justice of the Supreme Court of the United States.

Respectfully yours,

RUSSELL B. STEVENSON,
Interim Chairman.

WASHINGTON COUNCIL OF LAWYERS,
Washington, D.C., November 9, 1971.

DEAR MR. CHAIRMAN: This letter is submitted on behalf of the Washington Council of Lawyers and concerns President Nixon's nomination of William H. Rehnquist to the Supreme Court of the United States.

The Washington Council of Lawyers is a growing organization which consists of approximately three hundred and fifty government and private attorneys in the Nation's Capital who are actively involved in and concerned with the practice of law in Washington and throughout the Nation.

Because the Supreme Court exercises a commanding influence in shaping the substance and procedure of law and law practice, the Council is committed to the view that those who sit on that Court reflect the highest qualities of professional competence, dignity and sensitivity to the ways in which the law is implemented. Accordingly, the Council wishes to share its views on William H. Rehnquist with the Senate Judiciary Committee. It is our belief that these views reflect the opinions of a significant and growing segment within the legal profession and will thereby assist the Committee and the entire Senate in the performance of their constitutional duty to advise and, if appropriate, to consent to the President's nominations for the Supreme Court. It is, therefore, respectfully requested that this letter be included within and made a permanent part of the Committee's records of its hearings on the nomination of Mr. Rehnquist.

After a careful review of Mr. Rehnquist's record, both as a practicing lawyer for almost twenty years and as a government official for almost three years, the Council has concluded that it must oppose the confirmation of Mr. Rehnquist as an Associate Justice of the Supreme Court of the United States.

The Council does not base its opposition to Mr. Rehnquist on professional incompetence or on any ethical questions raised by his public behavior.

Instead, the Council opposes Mr. Rehnquist because of his apparently deep-seated and consistent insensitivity to the individual citizen's constitutional rights, particularly those rights embodied in the Bill of Rights and the Fourteenth Amendment. As will be detailed below, at almost every opportunity Mr. Rehnquist has supported limitations, many of them severe, on individual rights secured by the Constitution to the people of the United States. His arguments reflect an apparent desire to attenuate the individual's constitutional safeguards against governmental action. It is our view that Mr. Rehnquist's position would undermine the individual's constitutional rights in most practical applications. The Council believes, in fact, that Mr. Rehnquist's views might, in time, threaten the very purposes which inspired the adoption of the Bill of Rights and the Fourteenth Amendment.

A careful examination of Mr. Rehnquist's record casts grave doubts on the opinion expressed by the President (and popularized by the news media) that Mr. Rehnquist's legal philosophy represents a "strict-constructionist" approach in interpreting constitutional commands.[1] In the Council's opinion, his legal views approach a radical hostility to the preservation of fragile individual liberties. Far from adhering "strictly" to constitu-

[1] In fact, in a statement before the Arizona Judicial Conference, Mr. Rehnquist expressed a directly contrary view:

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tional limitations on government action, as those limitations were understood when the Bill of Rights and the Fourteenth Amendment were adopted. Mr. Rehnquist has consistently stood for dilution of their impact. The Council therefore believes that Mr. Rehnquist's views are hostile to the preservation of these limitations they were initially conceived and that such hostility from the Supreme Bench would be particularly harmful at a time when the government penetrates and regulates a significant part of the individual citizen's daily life, when the potential for abuse of governmental powers is so high because of technological advances, and when the individual can look only to the Judicial Branch for vindication of rights whose exercise may frequently offend a majority of his countrymen.

The Council agrees with the views recently expressed by Senator Javits[2] and believes that Mr. Rehnquist's hostility to basic constitutional guaranties to the individual is a proper area of inquiry for the Senate and a proper basis for rejecting his nomination to the Supreme Court. This is more than a question of Mr. Rehnquist's having adopted a legal philosophy which conflicts with that of the Council. It is, rather, a question of whether the Court will continue effectively to fulfill its historic role in American life. The Court is charged with ultimate responsibility to protect and serve the subtle but indispensable values of justice, liberty and equality before the law. Mr. Rehnquist's public record suggests that his appointment will impede the Court's ability to perform that function. The Council therefore respectfully requests that the Senate Judiciary Committee recommend that the Senate not consent to the nomination of Mr. Rehnquist to the Supreme Court of the United States.

The Council respectfully directs the Committee's attention to the attached outline of statements by Mr. Rehnquist which, in substantial part, compel the Council to oppose his confirmation. All the information considered by the Council is contained in public records which are available for inspection should the Senate wish to pursue further any point of inquiry raised herein.

Respectfully submitted,
WASHINGTON COUNCIL OF LAWYERS.

APPENDIX

In support of its views, the Council cites the following positions taken by Mr. Rehnquist:

CIVIL RIGHTS

1. In 1964, Mr. Rehnquist opposed the adoption by the Phoenix City Council of a public accommodations ordinance, saying:

"It is as barren of accomplishment in what it gives to the Negro as in what it takes from the proprietor." Letter to the Editor, The Arizona *Republic*, at 6 (June 21, 1964).

2. In 1967, Mr. Rehnquist opposed an integration plan for Phoenix high schools, saying:

". . . we are no more dedicated to an 'integrated' society, than we are to a 'segregated' society." Arizona *Republic*, at 7, col. 1 (Sept. 9, 1967).

GOVERNMENT SURVEILLANCE OF PRIVATE CITIZENS

In 1971, Mr. Rehnquist recommended deemphasis of Constitutional safeguards against governmental electronic snooping, saying:

"I think it quite likely that self-discipline on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering." Statement of Mr. Rehnquist before the Subcommittee on Constitutional Rights, Committee on the Judiciary, United States Senate, 92d Cong., 1st Sess. (March 9, 1971).

CRIMINAL LAW

1. In 1971, Mr. Rehnquist expressed the following views before the Subcommittee on Constitutional Rights, Senate Judiciary Committee, 92d Cong., 2d Sess.

(a) He supported abandonment of the exclusionary rule for unconstitutionally-gathered evidence. *Id.* at 7.

(b) He supported abandonment of the rule requiring uniformity of jury verdicts in the Federal courts. *Id.* at 7–8.

(c) He supported restrictions on the availability of *habeas corpus* in cases where a criminal conviction had been obtained on an allegedly unconstitutional basis. *Id.* at 12.

(d) He deplored appellate reversals of criminal convictions "merely" on the basis that a warrant was obtained in violation of the Bill of Rights. *Id.* at 19, 23.

2. In 1971, during the course of his remarks at the American Bar Association Convention in London, Mr. Rehnquist opposed strict construction of the "probable cause" requirement for commencement of governmental investigations, saying

"Quite the contrary, probable cause—for an arrest or specific search—is hopefully to be found at the *conclusion* of an investigation and ought not to be required as a justification for its *commencement*." *Id.* at 12.

He went on to express the view that protection from governmental abuses should be found in the electoral process rather than in the Bill of Rights. *Id.* at 14.

PRESIDENTIAL WAR-MAKING POWERS

In 1970, before the Subcommittee on National Security Policy and Scientific Development of the House Committee on Foreign Affairs, 91st Cong., 2d Sess. (July 1, 1971), Mr. Rehnquist took the following positions:

(a) He opposed "hard and fast" rules to limit Presidential war-making powers. *Id.* at 5.

(b) He relied upon past exertions of independent Presidential war-making power to justify expansion of that power beyond that intended by the Constitution. *Id.* at 7–8.

(c) With respect to this issue, he regarded the Constitution as "flexible" enough to allow Presidential initiative even in the face of contrary Constitutional indications. *Id.* at 13.

CHICAGO COUNCIL OF LAWYERS,
Chicago, Ill., November 24, 1971.

Hon. BIRCH BAYH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BAYH: Herewith enclosed is a copy of a telegram which the Chicago Council of Lawyers sent today to Senators Percy and Stevenson expressing the Council's opposition to the nomination of William Rehnquist to the United States Supreme Court.

Very truly yours,
ROBERT W. BENNETT.

OPPOSITION TO NOMINATION OF WILLIAM REHNQUIST

The Chicago Council of Lawyers opposes the nomination of William Rehnquist as Associate Justice of the United States Supreme Court.

His record to date does not reflect that dedication to constitutional liberties, to minority rights, and to progressive social change this nation has the right to expect from members of its highest court.

It is with reluctance that we oppose a Supreme Court nominee in part because of his expressed political and social views. As a matter of policy the Council believes that Supreme Court nominees should not be selected or rejected on such grounds provided that the nominee has shown a decent respect for the law and the constitution. We abandon that usual stance here because the President in making his appointments has forsaken it. It is President Nixon who has consistently and openly announced that his nominees were to be selected because of a certain political and social philosophy.

Aided by a quirk of fate which has given him four nominations in less than three years, President Nixon has ignored the precedent of his predecessors of both parties who have nominated men of obvious qualifications and divergent philosophies. Rather he has relentlessly pursued a particular point of view, ignoring qualifications except when forced by the senate or the weight of public indignation. With the nomination of Mr. Rehnquist, we believe the time has come when the senate must cry halt.

In Mr. Rehnquist, the President has found a man who can be counted on as a "hard-liner" on crime, a proponent of over-enhanced governmental and particularly executive power over the individual, and an opponent of any use of the courts as an instrument of responsible social change.

When a particular nominee's public statements demonstrate his embrace of views that pose such grave challenges to traditional American values embodied in the Bill of Rights, the Council feels obligated to state its opposition. Mr. Rehnquist has said the judicial philosophy he prefers is one "which consistently applied would reach a conservative result" (1959 and 1970), N.Y. Times 11/3/71, p. 27; that restoration of the Warren Court's liberal majority would "have the result of . . . further expansion of the constitutional rights of criminal defendants, or pornographers and of demonstrators" (letter to the *Washington Post*, 1970); that a proposed Phoenix, Arizona, open accommodations ordinance, by depriving businessmen of the right to discriminate, would result in giving up "a measure of our traditional freedom," *Washington Post*, 1970 (retracted, at least in part, before the Judiciary Committee, N.Y. Times 11/4/71, p. 66); that courts should have no role in protecting the individual from government surveillance, N.Y. Times 11/3/71, p. 27; and that "qualified martial law" existed at the time of the Mayday mass arrests in Washington this year, N.Y. Times 11/3/71, p. 27.

Whatever sort of justice Mr. Rehnquist might be, he is unlikely to be the "judicial conservative" Mr. Nixon claims to want—at least as that term has been used to describe men such as Justices Frankfurter and Harlan.

Before the Judiciary Committee, he has been reported as saying that *stare decisis* has less weight where decisions are of recent origin, decided by close votes and not approved in subsequent rulings. N.Y. Times 11/4/71, p. 66. Justice Harlan is probably shuddering at such views.

The Council recognizes that Mr. Rehnquist's career at the bar is not without intellectual competence. Should his nomination be approved, as expected, it is to be hoped his judgments would be free of the unfortunate prejudices he has evidenced thus far.

The fact that such a hope need be articulated is reason enough to oppose the nomination.

ROBERT W. BENNETT,
President,
Chicago Council of Lawyers.

STATEMENT OF NATIONAL CATHOLIC CONFERENCE FOR INTERRACIAL JUSTICE

The board of directors of the National Catholic Conference for Interracial Justice has condemned the Supreme Court nomination of William Rehnquist.

Walter Hubbard, Seattle, Chairman of the Board said, "we believe that a man who openly states that he did not realize that minority Americans feel strongly about having equal access to public accommodations, is not qualified to represent these Americans on our highest Court."

Walter Hubbard stated that in the judgement of his board, "William Rehnquist fails to meet one of the most essential qualifications for a Supreme Court justice. "This qualification," said Hubbard is that "a Supreme Court justice should hold in highest priority, the human rights of all Americans, since any or all of them may be affected for decades by the decisions handed down from the Supreme Court of the American people."

"William Rehnquist," said Hubbard "utterly fails to meet this most essential qualification."

The National Catholic Conference for Interracial Justice is a lay body formed a decade ago to work nationally for racial and social justice through local Catholic Interracial Councils and diocesan Human Relations organizations as well as through national programs operated out of the Chicago headquarters.

STATEMENT ON THE NOMINATION OF WILLIAM H. REHNQUIST TO THE SUPREME COURT OF THE UNITED STATES

(Prepared by Walter T. Hubbard, Sr., Chairman for the Board of Directors of the National Catholic Conference for Interracial Justice.)

The Board of Directors of the National Catholic Conference for Interracial Justice hereby expresses its grave concern over possible confirmation of William H. Rehnquist to the Supreme Court of the United States of America. The Board believes that three qualifications are essential for a nominee to represent the people of the United States at the summit of justice and judicial power in our nation. These qualifications are as follows:

1. the nominee should not be only technically competent both as to legal background and judicial temperment, but also should have demonstrated an excellence and a brilliance which would qualify her or him to serve on the nation's highest court.

2. the nominee should have a balanced judicial philosophy which would not innately bias him or her in favor of any particular ideology, group or segment in American society.

3. the nominee should hold in highest priority the human rights of all Americans, since any or all of them may be affected for decades by the decisions handed down from the Supreme Court to the American people.

The Board of Directors of the National Catholic Conference for Interracial Justice will not now speak to the first qualifications listed above. However, we do seriously question his ability to meet the third qualification.

We believe strongly that a man who openly states that he did not realize that minority Americans feel strongly about having equal access to public accommodations, is not qualified to represent these Americans on our nation's highest court.

To insure the legal rights of minority Americans requires a Supreme Court Justice to recognize and protect the rights of all Americans; their hopes, their wants, their needs, their capacity to suffer and their desire for equal justice under the law. It is our conviction that Mr. Rehnquist has not demonstrated a capacity of dealing with these human issues.

In accordance with the recent statements of the American Catholic bishops and the recommendations of the just concluded World Synod of Roman Catholic bishops on World Justice and Peace, the Board of Directors of the National Catholic Conference for Interracial Justice calls on all Americans, particularly Roman Catholics, to oppose vigorously the nomination of William H. Rehnquist to the Supreme Court.

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[1] "The constitutional language is sufficiently broad to permit a latitude of judicial interpretation to meet the circumstances and needs of our society at any given time." Arizona Judicial Conference, Tempe, Arizona, at 7 (Dec. 4, 1970).

[2] 117 Cong. Rec. S16601, S16602 (daily ed., Oct. 20, 1971).

Mr. FANNIN. Mr. President, on behalf of the distinguished senior Senator from Utah (Mr. BENNETT), who is absent because of illness, I ask unanimous consent to have printed in the RECORD a statement by him on the qualifications of William Rehnquist to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENNETT

In considering the nomination of William Rehnquist to the Supreme Court the Senate is confronted by a very basic question. The question appears to be one of whether or not the Senate is called upon to judge the philosophy of a nominee before he can be confirmed. There is no question about the legal qualifications of William Rehnquist. His academic record at Stanford Law School provided an excellent preview of the high degree of skill and expertise he would later demonstrate in his practice of law. His being number one in his class also indicates that his ability was recognized by his instructors. Associate Justice of the Supreme Court Jackson also recognized the abilities of William Rehnquist and selected him to serve as a clerk in his Supreme Court office. This experience served as excellent training and background for the work Rehnquist was later to engage in at the Department of Justice. When President Nixon called William Rehnquist "The President's Lawyer," he was clearly expressing to the American people his recognition of the talented legal work done by Mr. Rehnquist.

Obviously, the legal record compiled by the nominee reflects the high level of legal competence which should be expected of men who sit on the Supreme Court. So there can be no question about Mr. Rehnquist's legal qualifications.

What then appears to be the major source of controversy concerning this nomination? We are all well aware of the answer to that question. William Rehnquist has been attacked since his nomination not for his legal qualifications, because they are impeccable, but rather because his philosophy differs from that of some members of this body. Civil Rights leaders paraded before the Senate Judiciary Committee attempting to discredit William Rehnquist because he had not followed their particular philosophy. While I would never question the right of these organizations to oppose any nomination, I think it is significant to note that not once were they able to produce any evidence which would provide any justification for not confirming William Rehnquist. As far as I have been able to determine William Rehnquist has never knowingly done anything that would violate the Constitutional rights granted to individuals.

Mr. President, I believe it has been shown on numerous occasions that William Rehnquist is legally qualified to serve on the Supreme Court. I do not believe it is the role of the Senate to pass on the judicial philosophy of nominees as long as they meet the high standards of the Supreme Court. For this reason I believe that President Nixon has selected an outstanding man for the Supreme Court, and I urge that William Rehnquist's nomination be confirmed by the Senate without further delay.

Mr. HRUSKA. Mr. President, a desperate and unfair game is being played in this Chamber by some of my colleagues with regard to the nomination of William Rehnquist. One of our morning newspapers headlines this morning "Controversy Deepens Over Rehnquist Memo." This Senator respectfully submits that the "controversy" exists only in the minds of those who have no solid evidence to oppose confirmation of this nomination. A close examination of the facts—an endeavor too little present during this debate—will put this matter into perspective.

First, Mr. President, a national magazine published a story in its edition this week stating that Mr. Rehnquist in 1952 wrote a memo to Mr. Justice Jackson arguing that in the school desegregation cases the 1896 doctrine of "separate but equal" stated in Plessy against Ferguson should be upheld. No attempt was made by anyone to contact Mr. Rehnquist to verify these facts before the publication was made.

Second, as soon as the news magazine was distributed and continuing throughout Monday, Tuesday, and Wednesday morning numerous Members of this body and the press corps repeatedly asked Mr. Rehnquist to make a statement concerning the memo. On this floor the Senator from Indiana said the memorandum was "shocking" and that the nominee in the memo "stated his personal opinion that Plessy against Ferguson was rightly decided and should be reaffirmed." He also added that "I would think that the Senate would be up in arms" over the memo.

Third, in response to these untrue and unfounded statements and in response to the repeated requests from the press, Mr. Rehnquist on Wednesday sent a letter to the chairman of the Committee on the Judiciary explaining the circumstances surrounding the writing of the memo. This letter and subsequent communications from his fellow law clerk, Donald Cronson, clearly prove that the memo was not a statement of Mr. Rehnquist's views on the school desegregation cases, but rather a working paper prepared for the Justice at his special direction. Let me quote from Rehnquist's letter, "He" and here Rehnquist is referring to Justice Jackson, "expressed concern that the conference should have the benefit of all of the arguments in support of the "separate but equal" doctrine, as well as those against its constitutionality." Cronson has indicated that he and Rehnquist had previously prepared a memorandum to the Justice indicating the legal arguments in favor of overruling Plessy against Ferguson. I ask in this connection that an article in today's New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 10, 1971]

EX-COLLEAGUE SAYS REHNQUIST OPPOSED SEGREGATION

(By Anthony Lewis)

LONDON.—A former colleague of William H. Rehnquist said tonight that in 1952 Mr. Rehnquist was personally opposed to the legal doctrine of racial segregation.

Donald Cronson, who in 1952 was a law clerk to Supreme Court Justice Robert H. Jackson, along with Mr. Rehnquist, spoke out in the controversy over Mr. Rehnquist's nomination to the Supreme Court.

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The latest phase of that controversy has turned on a memorandum bearing Mr. Rehnquist's initials, directed to Justice Jackson, concluding that the doctrine of segregation laid down by the Supreme Court in 1896 should be reaffirmed.

"Both of us," Mr. Cronson said, "personally thought at the time that the 1896 decision Plessy v. Ferguson, was wrong. We first wrote a memorandum to that effect.

"It is 20 years ago, but I think I still have a copy of that memorandum. Then, afterwards, I think Justice Jackson asked us to prepare a second making the other argument.

"I had a desk right next to Bill's. My guess is that I physically prepared the first memorandum and he the second, but we worked together on both. In what I have read about the second I can recognize some of my purple prose. It was just part of the job."

INTERVIEWED BY PHONE

Earlier today, Mr. Cronson, an oil company executive in Europe, sent a cable to Mr. Rehnquist from London about his recollections. He then left for his home in Gstaad, Switzerland, and he was interviewed there by telephone.

"To this day," Mr. Cronson said, "I am not exactly sure what Justice Jackson's views were—and if I were, I would not say. I think this whole business is completely improper. Such memoranda from law clerks to a Supreme Court Justice should never be published."

The Supreme Court considered the school segregation issue in 1952 and 1953 before finally deciding unanimously on May 17, 1954, to overrule the Plessy case and declared racial segregation unconstitutional. Justice Jackson was part of that unanimous Court.

Mr. HRUSKA. Mr. President, I feel I would be derelict in my responsibilities as a Senator if I did not attempt to obtain the arguments on both sides of issues that come before us. Unless one does know both sides to the questions under consideration by the Senate, I feel he cannot vote in an intelligent manner. In all memorandums from my staff I ask that both sides of the issues be presented. I would hope that the same standard would prevail in the offices of my colleagues.

So should the same hold true on the Supreme Court. The President appoints and the Senate confirms only men whom we believe will be fair—and by that term we mean individuals who will listen to both sides of the argument presented to them. It was in pursuit of this goal that Justice Jackson asked to have these memos written. If fairness were the standard being used by the opponents of this nomination all of the memos written to the Justice on this issue would have been published rather than a selected one. Or better yet, none at all. There is no pretense that either memo represented Justice Jackson's views. But he requested both. He spoke for himself in the opinion proper.

This entire incident affirms my feeling that no internal memorandums should be published for they can present only a partial and often very misleading picture of the facts. This is the view Don Cronson holds. It should be noted it was also the view of the late Justice Black, who directed that his memorandums be burned upon his decease. And Mr. Donald Cronson, Mr. Rehnquist's companion law clerk to Justice Jackson, stated:

I think this whole business is improper. Such memoranda from law clerks to a Supreme Court should never be published.

See New York Times article by Anthony Lewis, today's edition.

Fourth, Mr. President, now that Mr. Rehnquist has been forced to reply to the untrue statements made in this body, he is criticized for doing so.

In response to a question from the Senator from Rhode Island (Mr. PASTORE), the Senator from Indiana indicated that he did not believe the statements made in the letter. He further stated:

I think it is fair to ask: Why do we go through Monday, Tuesday, and almost through Wednesday before we received an explanation, an explanation which I think, if anyone would read it carefully, raises questions in my mind. I am dubious about its veracity.

Would the Senator have believed the letter had he received it on Monday? I doubt it since the effect of the letter has been to knock down another of the strawmen raised by the opponents of this nomination. And why, if the nominee was not earnestly trying to reconstruct events of 19 years ago, would he had waited 3 days to reply?

Finally, Mr. Rehnquist has been criticized for discussing his relationship with Mr. Justice Jackson in this letter. Parenthetically, let me say that Mr. Rehnquist is very sensitive to the privacy of his relationship with the Justice as he indicated in his article in U.S. News & World Report in 1957. It must have been very painful for him to have to pierce that veil, even to a very limited extent, to defend himself against the untruths hurled at him from this body. This rightness of his decision and his recollection of the facts has now been testified to by his fellow law clerk, Donald Cronson.

Mr. Justice Jackson needs no defending in this forum. His record as a great Justice and a great defender of civil rights and civil liberties is well known. Mr. Rehnquist's letter only reveals again how careful he was to arm himself with the facts on both sides of an argument before going into conference with his fellow Justices. Mr. Justice Jackson's view as to the rightness of Plessy against Ferguson is clear for all to know. He joined his fellow Justices in unanimously striking down that precedent in 1954 when he cast his vote in Brown against Board of Education. That is the final outcome of all of this tempest; that is the law of the land which this nominee has indicated he supports for its "rightness from the standpoint of fundamental fairness."

Those, Mr. President, are the facts. They point without any detour to a case of gross misinterpretation of the record, the attitudes, the philosophy, and the motives of this nominee. Those who would oppose him, as they have a legitimate right to do, are clutching at the most flimsy pieces of nonevidence and hearsay to build a case. They have failed.

Mr. BELLMON. Mr. President, since the consideration of the Rehnquist appointment began, I have listened with interest to the statements made and read much of the testimony which has been offered. I can understand the misgivings certain members of the Senate have expressed regarding Mr. Rehnquist's political philosophy, but I am mystified to understand the basis for these feelings.

The junior Senator from Oklahoma is not a lawyer. I make no pretense of competing with my more learned colleagues in debating this appointment from the legal viewpoint. However, for the past several months I have had a close working, as well as social, relationship with Mr. Rehnquist. I wish to reassure the other Members, who may not have known him earlier. If I were selecting a lawyer to handle my own affairs, Mr. Rehnquist is one who I would be pleased to entrust with any matter of great concern to me. He seems to possess those desirable traits of intelligence, humility, objectivity, and fairness, that, in sum, amount to judicial temperament.

In reading the objections of the Rehnquist appointment, I have found many charges which simply do not square with the man, as I know him. In our dealings together, I have found Bill Rehnquist to be not only intelligent and well informed, but also, a sensitive, concerned, and compassionate individual. I am thoroughly convinced that, as a member of the highest court in the land, he will continue to display those desirable human qualities which a Justice of our highest court should have.

I have no doubt that Bill Rehnquist can and will view matters which come before him objectively. I feel he will ascertain the facts fully and make decisions based upon a mature and scholarly understanding of the Constitution. I believe his presence on the Supreme Court will add prestige and dignity to that body and that his decisions will advance the cause of justice, under law, in this country. I am proud to call him my friend and to cast my vote for his confirmation.

Mr. STEVENS. Mr. President, I rise in support of the nomination of Mr. William H. Rehnquist to the U.S. Supreme Court. It is my strong belief that Mr. Rehnquist has the intelligence, integrity, legal experience, understanding of the Constitution, and qualities of fairness and impartially which are so important in a nominee to the High Court. My respect for the Court and its vital role in our system of checks and balances would not permit me to vote for a person who does not possess these qualities.

Mr. Rehnquist's legal scholarship and experience are unassailable. After graduating first in his class from Stanford University Law School, where he was elected to the Order of the Coif and was a member of the board of editors of the Law Review, Mr. Rehnquist served as law clerk to Associate Justice Robert H. Jackson of the U.S. Supreme Court. Those who are familiar with our system of legal education and training know that an appointment to a Supreme Court clerkship is one of the most sought after positions available to a graduating law student. Moreover, Justice Jackson, for whom Mr. Rehnquist served from February 1952 until June 1953, is one of the most respected Justices in the history of the Court. I knew Bill Rehnquist personally during this period as I was a young lawyer here in Washington.

From the completion of his clerkship and until his appointment as Assistant Attorney General, Mr. Rehnquist engaged in private practice in Phoenix, Ariz. His outstanding legal ability and achievements are reflected in positions which he held during this period. Thus, he served as president and a member of the board of directors of the Maricopa County Bar Association in Phoenix, as chairman of the Arizona State Bar Continuing Legal Education Committee, as a member of the National Conference of Commissioners of Uniform State Laws, and on the Council of the Administrative Law Section of the American Bar Association.

During the Senate Judiciary Committee's consideration of the Rehnquist nomination, many strong endorsements of his legal scholarship were received. These expressions of support are well documented in the hearing record and committee report, and I will not dwell upon them now, except to mention two which I believe to be of special significance. First, the Honorable Lawrence E. Walsh, chairman of the American Bar Association's Standing Committee on Federal Judiciary, stated in a letter to the Judiciary Committee that:

The Committee is unanimous in its view that he is qualified for appointment to the Supreme Court. A majority of nine is of the opinion that he is one of the best qualified available and thus meets high standards of professional competence, judicial temperament, and integrity.

Commenting on Mr. Rehnquist's legal abilities, Dean Phil C. Neal of the University of Chicago Law School wrote:

Rehnquist was a student of mine at Stanford Law School. He was not only the top student in his class, but one of the best students in the school over a number of years.

I have abstracted certain information which is especially revalatory of Mr. Rehnquist's openmindedness and approach to constitutional issues. With respect to the first matter, I would like to quote again from a letter written to the committee by Dean Neal:

I am confident he is a fair minded and objective man. Any suggestions of racism or prejudice are completely inconsistent with my recollection of him . . . I believe he would be an independent judge and that he would bring to the Court an unusual capacity for understanding and responding to all dimensions of the difficult problems the Supreme Court must confront. In my judgment, his appointment would add great strength to the Court.

In the same vein, U.S. District Judge Walter Craig, former president of the American Bar Association, testified before the committee as follows:

I believe this man has a humanity about him and a human warmth that would make him, if anything, more sensitive to the needs of people (and the necessity) of improving their life and their society.

Mr. Rehnquist's regard for individual freedom and the Bill of Rights is best summarized in his own words:

I think specifically the Bill of Rights was designed to prevent . . . a majority, perhaps an ephemeral majority, from restricting or unduly impinging on the rights of unpopular minorities.

Regarding the procedural protections in the Bill of Rights, he observed last August:

These procedural guarantees of individual liberty would be regarded by most people as every bit as important to our kind of society as representative institutions are thought to be.

Not only does Mr. Rehnquist recognize the importance of individual rights, he has a keen understanding of the relationship of these rights to society as a whole. In view of the deep concern felt by many Americans that the Supreme Court has lost sight of the proper relationship between individual rights and a free society, I believe that his observations in this area are especially important. Thus, Mr. Rehnquist has stated:

We all assume that under our philosophy of government, the individual is guaranteed the freedom of sanctity of his person—in short, the "right to be let alone." One aspect of freedom is, of course, freedom from unwarranted official detention or other intrusions on one's physical being. But another aspect of this notion is surely the right to be free from robberies, rapes and other assaults on the person by those not occupying an official position. A government which does not restrain itself from unwarranted official restraints on the persons of its citizens would be a menace to freedom; but a government which does not or cannot take reasonable steps to prevent felonious assaults on the persons of its citizens would be derelict in fulfilling one of the fundamental purposes of which governments are instituted among men. A society as a whole has a right, indeed a duty, to protect all individuals from criminal invasions of the person.

In my opinion, this statement and many others which Mr. Rehnquist has made evidence a responsible approach to the Bill of Rights, which was designed by the Founding Fathers to insure the protection of individual rights within the context of a larger and ever changing society, and is worthy of a nominee to the Supreme Court.

Moreover, I am convinced that Mr. Rehnquist has an understanding and awareness of the needs and aspirations of minority groups. Thus, he stated during the hearings that he has come to realize "the strong concern that minorities have for the recognition of these (civil) rights." In answer to a specific question posed by the Judiciary Committee, he said that he had come "to appreciate the importance of the legal recognition of rights such as this without regard to whether or not that recognition results in a substantial change in customs or practice."

Mr. President, I have known Mr. Rehnquist for many years. During this time, I have been impressed with his character, human warmth, and legal scholarship. As a lawyer, I am fully cognizant of the importance of the Supreme Court in our democratic form of Government and believe that Mr. Rehnquist is eminently qualified to fill the position of Associate Justice and to make an important contribution to the tradition of judicial excellence which has characterized the efforts of many Justices who have served before him.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, with the permission of the distinguished minority leader, I ask unanimous consent, as in legislative session, that I may proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JAVITS when he introduced S. 2987 are printed in the morning business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 3749) for the relief of Richard C. Walker.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes.

NOMINATION OF WILLIAM H. REHNQUIST

The Senate continued with the consideration of the nomination of William H. Rehnquist to be Associate Justice of the Supreme Court of the United States.

Mr. GOLDWATER. Mr. President, in agreeing unanimously to reach a vote this afternoon at 5 on the nomination of William Rehnquist, the Senate has taken a step of fairness toward the nominee which I, for one, believe has been lacking in much of the debate by the opponents of Mr. Rehnquist up to now. In these closing moments of the debate, I think it is important for each of us to reflect on how the character and nature of the discussion we conduct might affect the personal feelings of the individual who is the subject of our examination. We should pause to consider whether the words and charges which we use on the Senate floor and with the press can unfairly damage the reputation of another honorable human being and cause cruel effects on the lives of the individual and his family and friends.

Mr. President, I have stated on the Senate floor on one occasion already during the current debate my opinion that a part of the discussion had exceeded the bounds of reasonable debate. We have witnessed the critics of Mr. Rehnquist nitpicking at his every utterance at the recent hearing by the Judiciary Committee, and distorting and taking out of context some past statements he has made on issues involving human rights. He has been even attacked for holding a view of callous disregard for minority rights

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because of a memorandum he prepared at the direction of the Justice for whom he was a law clerk. But anyone who knows anything at all about the law knows that a lawyer, and particularly a Justice of the Supreme Court, has to brief himself on both sides of whatever legal question it is he is then considering. I am told one of the first things that any law student is taught upon entering law school is to always prepare himself on all sides of the legal issue he is confronting so that he will not be surprised or unprepared in any case he may later be handling. Of course, this is exactly what Justice Jackson appears to have been trying to do; but, nevertheless, we find the opponents of Mr. Rehnquist automatically jumping to the conclusion that any paper he might have written for Justice Jackson as a law clerk represents his own personal views:

Then, too, we have seen the judgment made by a few Senators who tell us that everything Mr. Rehnquist stated or wrote as an employee of the executive branch necessarily represents his own individual position on each and every one of these matters. His critics seek to break through the usual and honorable attorney-client relationship and demand that he give his personal opinion of every argument he has made while testifying before Congress relative to the position of the executive branch on legislative proposals before us or while he was preparing legal briefs offered in court on certain issues involving the Justice Department or the executive branch.

Even though Mr. Rehnquist has never said one way or the other whether any of his declarations as an employee of the Department of Justice represent his personal views, and indeed has stated it would be improper for him to do so, his testimony and writings as a Government official are deemed by his opponents to be his own beliefs in every instance. One Senator, for example, who takes this position accuses the nominee of holding a very expansive view of the powers of the President in the field of foreign relations and the making of war. And yet this same Senator, at a time when a President of his party was in office, complained that the U.S. Constitution had become outmoded and was imposing unnecessary restrictions on the Nation's Chief Executive. I can understand why this Senator today might be sensitive to interpretations of the relative powers of the President and Congress in view of the apparent change of views on his own part, but I cannot understand how one can fairly decide to vote against a nominee because that nominee has, as an advocate for his employer, taken the same position that one himself has taken in the recent past.

Nor can I understand the refusal of Senators to accept or even to read the words of the nominee in the hearings record which rebut and completely answer the false accusations being thrown up about him. One Senator stated that "a very critically important point" affecting his judgment on this nomination is the nominee's alleged role in the arrest and prosecution of May Day demonstrators this year and his defense of the Government's actions on the grounds of qualified martial law. Again, Mr. President, I am not surprised that some Senators might be disturbed at the newspaper reports discussing what the nominee is supposed to have said about the May Day incident. However, all these reports of Mr. Rehnquist's position have now been exposed as being utterly and completely untrue.

During the recent testimony of the nominee at the hearings before the Judiciary Committee, he unequivocally denied that he had ever announced a position that it was proper to use the doctrine of qualified martial law on May Day. Mr. Rehnquist told the committee that, in the only speech he had given on this subject, he had made it quite clear that this doctrine had not been invoked in Washington and that it would not have been justified had it been imposed. The actual text of Mr. Rehnquist's public address on the May Day situation verifies this. Thus, it is open on the public record that what Mr. Rehnquist actually said was that neither "martial law" nor "qualified martial law" was used on May Day and it would have been wrong to use it. Even so, one Senator has stood on the floor to say that his vote against the nominee will be based in significant part on Mr. Rehnquist's defense of the Government's action on the doctrine of martial law.

Furthermore, Mr. Rehnquist has made it absolutely clear that he had no role at all in the arrest procedures. In fact, at the hearing it was admitted and recognized by both the nominee and by one of the Senators questioning him, the Senator from Massachusetts (Mr. KENNEDY), that the decision to abandon field arrest forms was a decision taken in the field by the Metropolitan Police and was one with which the Justice Department did not have any involvement at all.

Also, Mr. President, I have previously deplored the unfair challenges the opponents of Mr. Rehnquist have made against early views he is alleged to have expressed in the field of public accommodations and school integration. I have explained in detail how Mr. Rehnquist's views have been grossly distorted and how he has currently announced his strong attachment and personal commitment to the protection of individual liberties and equal rights. In addition, on Monday of this week I offered proof on the Senate floor showing that to my personal knowledge the allegations about Mr. Rehnquist having intimidated minority group voters were wrong. And I am very happy to acknowledge at this time that this was not used against the nominee.

Mr. President, I ask that, whenever the Senate undertakes to examine and discuss the qualifications of a nominee for appointment to any official position, we do so always on the highest level possible of decency and respect for human sensitivities. We must always keep in front of us the knowledge that by unjustly condemning persons whose names and reputations we are exploring we might not only permanently injure the personal lives of those individuals without reason, but we might well discourage many honorable and intelligent and conscientious citizens from ever desiring to allow their names to be placed in consideration for Government service.

Mr. President, the manner of our conduct in this body relative to those persons whom we are considering can have a very large impact on the kind of men and women who this Nation will be able to obtain for positions of responsibility today and in the future, and also that we and the whole country should constantly keep this broad and important consideration in front of us, and act accordingly.

Mr. President, in closing, I merely want to say that it will be an extreme pleasure for me to vote for this man, not because he is a fellow Arizonan whom I have known all the years he has practiced in my State, but also because I feel that, in the years lying ahead of this relatively young man, he will become one of the greatest jurists of all time. I have extreme confidence in him. I know him to be dedicated to the place where he lives, to be a churchman, a member of my church, who has served the church well both at home and here in Washington. I know that I speak for myself and for my senior colleague, Senator FANNIN, when I speak because Senator FANNIN and I were about the first ones to recommend this gentleman for the job.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. GOLDWATER. I do not have any time.

Mr. BAYH. Mr. President, I yield myself time, if necessary.

Mr. President, I perhaps may be sensitive to the use of words, but this is not the first time the Senator from Indiana has heard the Senator from Arizona describe certain incidents, or lack thereof, relative to what happened at certain precincts in his home State.

I note here first, that the other evening he said specifically that what was said on the floor of the Senate with reference to certain allegations were untrue.

I note here in a letter to the editor of the Washington Post the other morning that he said:

> The time is long past due that the lie be put to the repeated observations of people who should know better relative to the supposed action of Mr. Rehnquist in preventing a person from voting.
>
> Contrary to what Mr. Mitchell, Senator Bayh, Mr. Rauh and others might contend, this supposed event did not take place as they describe. Mr. Rehnquist has so stated many times and furthermore, Mr. Editor, I was there so I can speak with considerably more authority than any of the supposed experts can. Let's develop the history of this whole situation.

Could the Senator from Arizona point to one instance in which the Senator from Indiana has accused the nominee of voting harassment?

Mr. GOLDWATER. I think I have just complimented the Senator from Indiana when I said that it was gracious on his part that he did not bring it up, and he told me he would not. It appeared in his mimeographed paper when we first opened up. I think it was in paragraph (d).

Mr. BAYH. I want the Senator to read paragraph (d).

Mr. GOLDWATER. I was there.

Mr. BAYH. I want the Senator from Arizona to read paragraph (d). He said he was in Arizona and that there was no voting harassment. The Senator from Indiana looked at the FBI report. I read from a letter written to the Senator from Arizona from a Judge Hardy of Arizona. The Senator from Arizona said he may have voted for Judge Hardy, and the judge said that there was voting harassment.

The question is whether Mr. Rehnquist participated in it. The Senator from Indiana does not know about that. If the Senator from Arizona has any evidence that the Senator from Indiana has said that Mr. Rehnquist personally harassed voters, tell us, or stop saying that we were lying about it.

Mr. GOLDWATER. As I said, the Senator from Indiana told me last Monday, or whenever it was, that he would not bring this up. I am happy that he did not.

Also, I might mention that the minority views, starting on page 41 of the committee report have about three pages of memorandum related to this supposed incident. That is the thing I complain about and the thing I complained about in the letter I wrote to the Washington Post. It was not true. Mr. Rehnquist was not involved in any disorders or actions that took place there. I do not think anybody in Phoenix, at least the police, or anybody else, will say that he was. I tried to explain——

Mr. BAYH. I want to say——

Mr. GOLDWATER. We appoint poll watchers in Arizona and I am sure that Indiana has them. The purpose of poll watchers is to prevent any wrong taking place at the polls. Mr. Rehnquist was not involved in that.

Mr. BAYH. I appreciate the answer. Perhaps I am a little sensitive. I have never like being accused of telling a lie.

Yet in the Washington Post I see a letter in which the Senator from Arizona suggests the Senator from Indiana and other gentlemen have made such charges. But he has been unable to point to one example in which I did this. The minority of the Committee on the Judiciary felt it was our responsibility to disclose all the evidence, and the evidence includes eight affidavits, one from Mr. Rehnquist, in which he said he did not participate personally in voting harassment, and seven from constituents of the Senator from Arizona who said he did.

Despite the affidavits, and the Senator from Arizona to the contrary, I invite his attention to the minority views where, after pointing out the evidence, we conclude:

> Instead, it appears that the committee lacks either the motivation or machinery to conduct the type of fact finding which is needed to uncover which side of this dispute is mistaken. Therefore, each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial.

That does not sound not like the allegation which the Senator from Arizona, with all respect, made on three occasions, now. I am sensitive about his stretching what is stated in the record and attributing it to the Senator from Indiana.

Mr. GOLDWATER. We have a saying, "cuidado." It means look out.

That is why I wrote the letter, and the letter was published. I wanted to give warning that if an effort was being made to include this in the debate, I would have to take personal exception to it, as I outlined in the letter, and I have not changed my mind a bit.

Mr. BAYH. In other words, the Senator still feels that the Senator from Indiana lied about it.

Mr. GOLDWATER. I do not think I said the Senator lied about it. For a better description, the Senator was totally uninformed and did not take the trouble to ask those of us who were there to see what was going on.

Mr. BAYH. I know the Senator from Arizona is a man of many talents. I wonder if he has the capacity to be present at every precinct about which allegations were made.

Indeed one of the judges in Arizona, the judge who the Senator from Arizona was quite filled with praise for the other day, Judge Hardy, who is a judge in Maricopa County, said specifically:

> In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. There were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging were highly improper and violative of the spirit of free elections.

Mr. GOLDWATER. I think the Senator will find Mr. Rehnquist was not involved in these alleged actions at all. Having lived in Arizona all my life, and having been a member of the minority party all my life, I can tell the Senator that I would be the last to say that everything we do in our State would meet with the approval of a Sunday school teacher. We try to see that things are done properly. Democrats do that, too. I do not like to see people vote who are not entitled to vote.

Mr. BAYH. Let me ask the Senator this question. I fear we are not talking about the same thing.

Mr. GOLDWATER. I think we are.

Mr. BAYH. I think the Senator from Arizona is talking about the normal protection that is to be accorded voting procedures. The Senator has already said in the RECORD yesterday that he gives great credence to Judge Hardy and believes that he is an honest man. Judge Hardy said this was going on:

> In some precincts every black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people waiting their turn to vote to grow tired of waiting and leave without voting.

Is that what the Senator from Arizona feels is necessary to have a safe and honest election? Does the Senator feel that it is important to do what Judge Hardy said was being done, where pictures were being taken and there was an effort to harass and intimidate?

Mr. GOLDWATER. If the Senator will read further he will find that Judge Hardy talked to Bill Rehnquist, and he stated to the judge that he was disheartened—that might not be the word, but he did not like what was reported to be going on, and Judge Hardy believed Mr. Rehnquist was sincere. That is how my attention was called to this. When this took place I was called to headquarters and told about it by the lawyers committee that assisted in giving advice in every election. If I recall correctly, I asked if they could corroborate that there had been any violence. To my recollection, the answer was there had not been. The police were there, and the police generally are roaming around polling places in those particular areas.

Mr. BAYH. I would say to my colleague that he has been very patient to permit me to question him. It seems no matter how I ask the question the answer is the same. He feels I have not been telling the truth. He says on the one hand I have not been telling the truth and then he says I did not make the allegations about Mr. Rehnquist's personal involvement, but in the newspaper he clearly said I did.

Certainly, the Senator from Arizona is entitled to think what he wants about me but it is inconsistent for him to say there was no harassment and that he and Rehnquist were all concerned that harassment did exist, as described in Judge Hardy's letter.

Mr. GOLDWATER. I am talking about Bill Rehnquist.

Mr. BAYH. I am glad to yield such time to the Senator as he wants.

Mr. GOLDWATER. I just close by indicating to my friend that, if that be the case, we were talking about Mr. Rehnquist, and not the Republican Party or the Democratic Party or anything else.

Mr. BAYH. The record will show that my friend said categorically the other evening that there was no harassment anywhere in Arizona, and if he thinks that, he has to differ with Judge Hardy.

Mr. JACKSON. Mr. President, the Senate has already heard much about Mr. Rehnquist's record in both public and private life. There are many aspects of that record which merit discussion. But I am convinced that Mr. Rehnquist's record on civil liberties, in and of itself, disqualifies him from service as an Associate Justice of the Supreme Court.

At a time when the encroaching powers of Government threaten civil liberties as never before, Mr. Rehnquist seems not to appreciate what the Bill of Rights means in America. Whatever his views may be in other areas, he is an unequivocal advocate of "big brother government" when it comes to balancing the interests of Government against individual rights. His views on such subjects as wiretapping and Government surveillance leave little doubt of his willingness to guard the security of Government at the expense of the security and civil liberties of the individual.

Mr. Rehnquist's nomination must be judged not only in light of the Supreme Court's role as a protector and interpreter of the Constitution, but also in light of its role as a balancing force against an excessive exercise of power by the other branches of Government. I cannot vote to confirm a man who, however qualified in other respects, seems not to understand the fundamental necessity of protecting human rights and individual liberties in America.

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Mr. HOLLINGS. Mr. President, I would like to explain why I disagree with those of Mr. Rehnquist's opponents who have claimed that he believes in untrammeled executive power gained at the expense of both Congress and the courts. These claims that the nominee favors unchecked executive power can be supported only by distortions and extensions of positions he advocated for the administration and the Department of Justice in the course of his duties as Assistant Attorney General. Even if one does not consider that when making these statements Mr. Rehnquist was an advocate for the administration, and as such was bound to make all rational and responsible arguments available to his clients, the statements relied on by his critics do not support any such conclusion. Because his statements in the area of wiretapping and surveillance have been chiefly relied on to support these charges, I would like to discuss positions advocated by Mr. Rehnquist in those areas. I conclude from his statements that far from believing in unconstitutional extensions of executive power in this area, he firmly believes in the full complement of powers given the Congress and the courts by our Constitution.

It has been charged that Mr. Rehnquist advocated the position that the only restraints upon executive branch wiretapping should be self-restraint. This is absolutely untrue. He has always recognized that the first amendment, the fourth amendment, and the 1968 Crime Act place restraints on wiretapping by the executive branch.

The question to which he was addressing himself at the hearings before Senator ERVIN's subcommittee was whether additional statutory restrictions, beyond those imposed by the 1968 act, should be imposed by Congress. And even on that he noted that the Department of Justice might well support carefully drawn legislation to correct specific abuses. At the hearings on his confirmation, Mr. Rehnquist made the following remarks:

I doubt that you can find any statement, Senator, in which I have suggested that the Government should be given carte blanche authority to bug or wiretap. I recently made a statement at a forum in the New York School for Social Research in New York, attended by Mr. Neir of the Civil Liberties Union and Mr. Katzenbach, that I thought the Government had every reason to be satisfied with the limitations in the Omnibus Crime Act of 1968.

Far from arguing that Congress could not curtail executive power in this area, Mr. Rehnquist stated at the hearings:

Congress has it within its power anytime it chooses to regulate the use of investigatory personnel on the part of the Executive Branch. It has the power as it did in the Omnibus Crime Act of 1968 of saying that Federal personnel shall wiretap only under certain rather strictly defined standards.

The only area in which Mr. Rehnquist advocated use of wiretaps without prior warrant from a magistrate is in the area of national security wiretaps, and that position is fully in accord with the provisions of the 1968 Crime Act which specifically exempted national security wiretaps from its warrant provision. It should also be noted that all administrations since Franklin Roosevelt's have taken this position.

Also in the wiretapping area, it is important to remember that Mr. Rehnquist advised that the so-called inherent executive power argument should be abandoned by the Government in the national security wiretap case. One implication of this theory was that the executive and not the courts would determine the propriety of such taps. The Government now takes the position that the courts should determine the propriety of such taps under the reasonableness requirements on the fourth amendment.

In the surveillance area, too, it has been suggested that Mr. Rehnquist supports unchecked use of executive branch personnel for public surveillance and information gathering. At the hearings Mr. Rehnquist made clear that Congress can restrict the use of such personnel by the executive branch at any time it chooses. Moreover, if there is any element of harassment of chilling effect on free expression, a question of fact may be presented for court determination under the Bill of Rights:

He also stated before Senator ERVIN'S subcommittee:

I do not conceive it to be any part of the function of the Department of Justice or of any other governmental agencies to surveil or other wise observe people who are simply exercising their First Amendment rights.

. . . the only legitimate use of surveillance [is] was either in the effort to apprehend or solve a crime or prevent the commission of a crime . . . surveillance has no proper role whatsoever in the area where it is simply dissent rather than an effort to apprehend a criminal.

It has also been suggested that in the area of the rights of the accused Mr. Rehnquist believes that fewer restraints should exist on executive branch law enforcement personnel, that the protections of the Bill of Rights should be removed. The following quote, from a speech he gave in my neighborhood State of North Carolina last spring, shows he fully believes in the role of the courts in providing protection to individuals accused of crime:

Finally, I hope you can see from some of this discussion that no reasoned opinion can invariably insist that courts resolve all of these [Fourth Amendment] issues in favor of the prosecution or all of them in favor of the criminal defendant. The issues are so complex and so important to all of us that it is wrong to think that either side invariably has the white hats. Ultimately, decision is made by the balancing of the need of society for protection against crime against the need of the accused defendant for a fair trial and just result. Both of these values stand so high in the scale of most of us that none would want to say that one should automatically prevail at the expense of the other.

I hope I have shown by those remarks that the charges that Mr. Rehnquist is something akin to a "totalitarian" are plain, unvarnished nonsense. No one who knows him could believe the charges and these statements which he made both before and during the hearings on his confirmation document that personal judgment. He believes the Congress has extensive supervisory powers over the use of executive branch investigatory personnel, both exercisable and already exercised in the 1968 Crime Act. Moreover, he believes that under our constitutional scheme the courts should and will review the use of investigatory personnel under the fourth amendment and other provisions of the Bill of Rights.

Mr. EAGLETON. Mr. President, we have before us the nomination of William Rehnquist as an Associate Justice of the Supreme Court.

Once again the Senate is called upon to give its advice and consent to a Supreme Court nominee—a process made more difficult by reason of the fact that Senators disagree as to precisely what criteria should be used in evaluating a Supreme Court nominee.

It appears there are two general schools of thought on the appropriate exercise of the Senate's power to advise and consent, or to withhold consent.

One school, perhaps the majority school, would require a Senator to learn the full range and evolution of a nominee's thought and philosophy and to accept the nominee only if the nominee's thought and philosophy comported substantially and in significant overall measure with the individual Senator's thought and philosophy.[1]

The other approach defines the role of a Senator more narrowly. After a Senator inquires into the "three I's" of the nominee—industry, intelligence, and integrity—he then determines whether the nominee's philosophy is within the fair and debatable range of legitimate judicial thought and, if it is, votes to affirm. Under this theory, a Senator need not necessarily be in substantial agreement with the nominee's philosophy.[2]

I adhere to the latter approach. In connection with the Haynsworth nomination, I stated it as follows:

The Senate has the right and the duty to consider the views of Supreme Court nominees on vital national issues. However, we should not seek a uniformity of opinion on the Court, and I believe a nominee should be rejected on this ground only if his views are so extreme as to place him outside the mainstream of American political and legal discourse. (Congressional Record, vol. 115, pt. 21, p. 28211.)[3]

I am the more assured in this belief because relatively few judicial careers on the Supreme Court have been delineated in advance with any high degree of accuracy, either by a nominee's supporters or by his opponents.

Applying this guideline to Mr. Rehnquist, I find his "three I's"—industry, intelligence, and integrity—to be unquestioned.[4]

His philosophy has been questioned, indeed challenged, by some—the most strenuous challenges coming in the areas of civil rights and civil liberties.

As to civil rights, it is said of Mr. Rehnquist that he is insensitive or indifferent or hostile to the cause of equal justice. Reading Mr. Rehnquist's views as reflected in his various utterances and writings, I am frank to conclude that his views and my views are at variance.

Footnotes at end of article.

Once again, our quest is not an identity or conformity of philosophy between nominee and Senator. Rather, we ask, are his views so patently irregular as to be outside the rationally debatable judicial mainstream?

There are two of Mr. Rehnquist's civil rights statements which are most frequently cited as being so irregular as to be disqualifying.

At page 25 of the Bayh-Hart-Kennedy-Tunney minority report, and again at page 39 of their minority memorandum, reference is made to Mr. Rehnquist's statement "we are no more dedicated to an integrated society than we are to a segregated society."

This statement was taken in part from a letter to the editor written by Mr. Rehnquist in 1967 which letter dealt with certain actions taken by the Phoenix superintendent of schools, a Mr. Seymour. The full paragraph from which the few words were extracted reads as follows:

Mr. Seymour declares that we "are and must be concerned with achieving an integrated society." Once more, it would seem more appropriate for any such broad declarations to come from policy-making bodies who are directly responsible to the electorate, rather than from an appointed administrator. But I think many would take issue with his statement on the merits, and would feel that *we are no more dedicated to an "integrated" society than we are to a "segregated" society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities.* (Emphasis supplied.)

One should first note that a semicolon, not a period, comes after the word "society" and that the words following the semicolon cast a somewhat different light on Mr. Rehnquist's views.

Reading the totality of the paragraph in the total context of the letter, it appears that Mr. Rehnquist was espousing recognized constitutional doctrine, namely, that the Constitution prohibits governmentally imposed segregation, but does not require governmentally imposed integration. Or, to put it in yet another way, the Constitution prohibits de jure segregation by governmental act, but it does not prohibit de facto segregation resulting from nongovernmentally induced living habits and patterns.

It is interesting to note that at the time of the historic Civil Rights Act of 1964, Senator HUMPHREY and Senator Dirksen recognized this principle of law and incorporated a provision in that act prohibiting the use of Federal power to bus students "in order to achieve such racial balance."[5] No one can seriously challenge Senator HUMPHREY's fealty to equality of opportunity, yet Mr. Rehnquist's articulation of similar views is labeled "extreme."[6]

The second Rehnquist civil rights statement which has been strenuously challenged was contained in a 1952 memorandum written by Mr. Rehnquist to Justice Robert Jackson at a time when Rehnquist was serving as Jackson's law clerk.

Two sentences from the statement read as follows:

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy v. Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemna*.

Mr. Rehnquist has explained the origin of the memorandum in that it was prepared by Rehnquist at the request of Justice Jackson and was intended to be a rough draft of Justice Jackson's views.[7]

Turning now to the field of civil liberties, Mr. Rehnquist has been strenuously challenged for his role as an advocate of broader governmental intrusion into the private lives of citizens. For example, Mr. Rehnquist supports the broadened use of wiretapping and eavesdropping, even in the face of some loss of individual privacy, as not too high a price to pay to stop crime.

The late Justice Hugo Black, recognized as one of the greatest champions of the Bill of Rights, shared views similar to those of Mr. Rehnquist on the question of wiretrapping and eavesdropping.[8]

Personally, I disagree with Mr. Rehnquist's and Justice Black's views on this subject, but I do not find the espousal of their views to be so clearly inconsistent with constitutional democracy as to be disqualifying.

In conclusion, let me reiterate that my philosophical and jurisprudential views are at variance with those expressed by Mr. Rehnquist, just as my views have on occasion been at variance with other Supreme Court Justices, past and present.

However, it is my opinion that Mr. Rehnquist's views, although different from mine, are not so extreme as to place him outside the fair and debatable mainstream of American political and legal discourse.

The ideological differences in America today, I am happy to believe, are not so profound as to be unbridgeable by men of intelligence and integrity. But they are large enough so that they can be exacerbated by doctrinaire rigidity and dogmatic disputes in an attempt to prescribe an ideological mold for the Supreme Court. From that can come only harm to the Court and thus to the country.

Therefore, I will vote to confirm Mr. Rehnquist's nomination.

FOOTNOTES

[1] Senator Sam Ervin expressed this viewpoint in the debate on the nomination of Justice Thurgood Marshall:

". . . It is not only important for a Senator to determine whether the nominee has sufficient knowledge of the law or sufficient legal experience, but also to determine whether he is able and willing to exercise that judicial self-restraint which is implicit in the judicial process when that process is properly understood and applied. By this, I mean whether or not he will base his decisions upon what the Constitution says rather than upon what he thinks the Constitution ought to have said. And so I think that the question of the philosophy and the power of self-restraint of a nominee constitutes the most important consideration." (Judiciary Committee hearings on the nomination of Justice Thurgood Marshall, July 1967, 90th Congress, 1st Session, p. 180)

Interestingly, Mr. Rehnquist himself vigorously adheres to this "school" calling for a sweeping analysis of the whole range of a nominee's philosophy. See November 11, 1971 New York Times, page C47, wherein is reprinted a 1959 Harvard Law Record article by Mr. Rehnquist:

". . . Specifically, until the Senate restores its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him, it will have a hard time convincing doubters that it could make effective use of any additional part in the selection process.

". . . It is high time that those critical of the present Court recognize with the late Charles Evans Hughes that for one hundred seventy-five years the Constitution has been what the judges say it is. If greater judicial self-restraint is desired, or a different interpretation of the phrases 'due process of law' or 'equal protection of the laws,' then men sympathetic to such desires must sit upon the high court. The only way for the Senate to learn of these sympathies is to 'inquire of men on their way to the Supreme Court something of their views on these questions'."

[2] Senator Edward Kennedy touched on this position during the Thurgood Marshall debate:

"I believe it is recognized by most Senators that we are not charged with the responsibility of approving a man to be Associate Justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue; or on a given issue of fundamental importance. We are really interested in knowing whether the nominee has the background, experience, qualifications, temperament, and integrity to handle this most sensitive, important, and responsible job." (Congressional Record, vol. 113, pt. 18, p. 24647.)

[3] *Congressional Record*, vol. 115, pt. 21, p. 28211. See article by Tom Wicker in the November 11, 1971 New York Times, page C47, wherein he wrote:

"On the other hand, to make that judgment solely on the basis of his political views (which, after all, may change) is dangerous business. It presumes some kind of rightful political orthodoxy; it would tend to politicize the courts according to the temporary political coloration of Congress; it could punish some individuals for their ideas and frighten others out of having any.

"Moreover, it is bound to lead to retaliation, as it did when Republicans and conservatives defeated President Johnson's nomination of Justice Fortas to be Chief Justice, at least partialy on political grounds. Paying off that score had a good deal to do with Judge Haynsworth's subsequent rejection.

"It may be argued that Mr. Nixon should not have handed Senators this dilemma by appointing an activist political figure to a nonpolitical court; but the precedents are ample, and the Senate is likely to compound the damage if it denies Mr. Rehnquist his Court seat solely because of his political views."

Wicker reiterated his position in the December 5, 1971 New York Times, page E11, where he wrote:

"On balance, with full awareness that Mr. Rehnquist's views on the Bill of Rights seem antilibertarian, and despite weighty arguments from many who disagree, it still is 'dangerous business' to reject him for his political views. Is it seriously to be asserted that conservative—even arch-conservative—views disqualify a man for service on the Supreme Court? If so, then what prevents some other Senate from disqualifying a man for strongly liberal views or for being a 'new leftist' or a 'neo-isolationist' or some other stereotype?"

Another interesting piece written on the Rehnquist nomination is one by Anthony Lewis in the November 15, 1971 New York Times, page C41, wherein he wrote:

"From this it follows that a President should be allowed ample ideological scope in choosing a Supreme Court justice. There are limits—a racist would be disqualified—but they are broad. And so, many Senators who

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entirely disagree with Mr. Rehnquist's right-wing ideas will nevertheless properly vote for his confirmation."

Finally, on this point, I have received a letter, dated 11/29/71, from Professor Walter Gellhorn of Columbia University School of Law which eloquently sets forth this point of view. Professor Gellhorn, a widely recognized constitutional scholar, writes as follows:

"Discussion concerning the qualifications of Mr. Rehnquist to be a Supreme Court Justice has, I think, strayed beyond suitable limits in an important respect. Some of those who have urged the Senate not to consent to his appointment have done so because they assert he has strong views, contrary to their own, concerning constitutional issues which may come before the Court in future years. This is, in my judgment, an inappropriate basis for objecting to the Rehnquist nomination. If a nominee's acceptability were indeed largely determined by this measurement, the only unchallengeable nominees in times to come would be persons whose past careers had been colorless or, at any rate, had provided small opportunity to consider the Constitution and its application to contemporary problems.

"The proper question to be raised, in my belief, is not whether a nominee will assuredly strive in future instances to reach a result desired by the questioner. It is whether the nominee has the capability and the will to arrive at conclusions in a suitably judicious way, applying intellect and training to the resolution of concrete issues. If a nominee were demonstrably inclined to disregard the Constitution whenever it ran counter to his personnel views, of course he would be ill suited to be a member of the Supreme Court. But if his honest appraisal of constitutional doctrines in the context of particular cases proves to be different from another's, this should not be regarded as determinative of his fitness to be a Justice. The Supreme Court has nine members. If a single wise response could resolve all constitutional controversies, only one judge would suffice. The Court is not weakened by a multiple and diverse membership when all its members are able and willing to consider cases in the light of pertinent law rather than personal predilection.

"What I myself know along with what I have heard elsewhere about Mr. Rehnquist, convinces me that he would not approach judicial tasks as an advocate or as a dogmatist. He would, on the contrary, bring an able mind and a scrupulous judgment to bear on the matters submitted for decision. Policy positions espoused at other times and in non-judicial contexts should not be regarded as foreclosing objectivity in constitutional adjudication. The Senate, when it acts on the pending nomination, should not mistakenly attempt to evaluate a hypothetical future voting record in hypothetical future cases. If Mr. Rehnquist is confirmed, I am confident that he will serve as a dispassionate and conscientious Justice, whether or not I happen to agree with his judgments in every instance.

WALTER GELLHORN".

[4] Even those who oppose Mr. Rehnquist's nomination pay great tribute to his keen intellect and considerable legal skills. In fact, in some strange sort of way his intellect seems to frighten some of his critics. See article by Joseph Kraft in the December 9, 1971 Washington Post, page A23.

[5] In support of the provision of the 1964 Civil Rights Act which prohibited the federal government and federal courts from busing children "in order to achieve such racial balance," Senator Humphrey said the following:

"Mr. President, the Constitution declares segregation by law to be unconstitutional, but it does not require integration in all situations. I believe this point has been made very well in the courts, and I understand that other Senators will cite the particular cases.

"I shall quote from the case of Bell against School City of Gary, Ind., in which the Federal court of appeals cited the following language from a special three judge district court in Kansas:

'Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color.' Brown v. Board of Education, D.C. 139 F. Supps. 468, 470.

'In Briggs v. Elliott (EDSC), 132 F. Supp. 776, 777, the Court said: "The Constitution, in other words, does not require integration. It merely forbids discrimination." '

"In other words, an overt act by law which demands segregation is unconstitutional. That was the ruling of the historic Brown case of 1954.

"If school district boundaries are determined without any consideration of race or color, there is no affirmative duty under the Constitution to alter these boundaries so that a particular racial balance in the schools will result. Senators should distinguish between segregation which results from an overt or affirmative act by the State or the local school board and de facto segregation which results from neighborhood residence patterns. This is a matter better left to the courts and to the localities to resolve as each community deems wisest. It is not a consideration of the present bill." (Congressional Record, vol. 110, pt. 10, pp. 13820–13821.)

[6] As to Mr. Rehnquist's "extreme" positions, see article by Robert Bartley in December 6, 1971 Wall Street Journal, page 12, entitled "Rehnquist and Critics: Who's Extreme?"

[7] The Rehnquist 1952-to-Jackson memorandum, analyzed in its totality, makes interesting reading. It sets forth the rationale for the doctrine of judicial abstention and does so in a manner remarkably similar to the position of Judge Learned Hand in his esteemed Oliver Wendell Holmes Lectures at Harvard University in 1958. (See "The Bill of Rights"—The Oliver Wendell Holmes Lectures—by Learned Hand, Harvard University Press—1962.)

In fact, one could label Rehnquist's 1952 memo as a precis of the Hand lectures written six years in advance. Judge Hand and Supreme Court Justices like Holmes, Brandeis, and Frankfurter were exponents of the concept of judicial abstention or restraint. Former Chief Justice Warren and Justice Douglas espouse the concept of judicial activism or intervention. Needless to say, either concept is well within the debatable jurisprudential mainstream.

Plessy vs. Ferguson aside, I take it that Mr. Rehnquist would generally subscribe to the Learned Hand precept that the power of the Supreme Court to annul a duly enacted statute is a very limited one to be "confined to occasions when the statute or order was outside the grant power to the grantee, and should not include a review of how the power has been exercised." (See aforementioned Holmes Lectures at page 66.)

[8] See *Berger v. New York*, 388 U.S. 41, 73 (1966) wherein Justice Black wrote as follows:

"Since eavesdrop evidence obtained by individuals is admissible and helpful I can perceive no permissible reason for courts to reject it, even when obtained surreptitiously by machines, electronics or otherwise. Certainly evidence picked up and recorded on a machine is not less trustworthy. In both perception and retention a machine is more accurate than a human listener. The machine does not have to depend on a defective memory to repeat what was said in its presence for it repeats the very words uttered."

Mr. President, in the various footnotes to my speech, I have cited some newspaper articles as well as the 1952 Rehnquist-to-Jackson memorandum. I ask unanimous consent that the following items be printed at this point and in this sequence in the RECORD.

In elaboration of footnote (2), the November 11, 1971, Wickler article from the New York Times; the December 5, 1971, Wicker article from the New York Times; the November 15, 1971, Lewis article from the New York Times.

In elaboration of footnote (4), the December 9, 1971 Kraft article in the Washington Post.

In elaboration of footnote (6), the December 6, 1971 Bartley article in the Wall Street Journal.

In elaboration of footnote (7), the full text of the 1952 Rehnquist-to-Jackson memorandum.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 11, 1971]

THE REHNQUIST DILEMMA

(By Tom Wicker)

The spectacle of Senator Edward Kennedy defending the reputation of William Rehnquist against allegations by Joseph Rauh of the A.D.A. suggests the painful dilemma in which liberals and civil libertarians have been placed by Mr. Rehnquist's nomination to the Supreme Court.

This nomination is not like that of Clement Haynsworth, whom President Nixon earlier tried to put on the Court. Judge Haynsworth was not confirmed by the Senate on the ostensible ground that his record on the bench showed a lack of perception of possible conflict-of-interest situations.

Nor is the Rehnquist case similar to that of Mr. Nixon's other rejected nominee, G. Harrold Carswell. Judge Carswell was found to have made misstatements to a Senate committee, and his confirmation hearings disclosed a glaring lack of qualification for the Supreme Court.

The Rehnquist matter is not even like that of Lewis Powell, whom Mr. Nixon has also named to the Court.

Mr. Powell is a pillar of the Southern establishment, a good credential in the Senate; he is 64 years old and his tenure on the Court will be limited by that; he is not expected by most observers to become a powerful leader within the Court.

Mr. Rehnquist is a horse of a very different color. At 47, he can look forward to a long and active tenure on the bench. Moreover, his record is that of a hard-working and vigorous champion of conservative political causes, both in Arizona and within the Nixon Administration. Persons in and out of the Administration who know his work credit him with superior intellect and skill in the law.

Thus Mr. Rehnquist on the Court is altogether likely to become a driving force for the principles he espouses. There are those who believe that as the years go along he will be a more formidable leader than Chief Justice Burger in the conservative wing of the Court—a wing that may already be in the majority on some issues and will almost surely become dominant if Mr. Nixon wins another term in the White House.

It is no wonder, then, that liberals and libertarians are desperately casting about for means of defeating the Rehnquist nomination in the Senate. Mr. Rehnquist's record of opposition to civil rights measures, his strong advocacy of state powers that would threaten Bill of Rights guarantees—at least what many people passionately believe to be guarantees—his youth and his obvious leadership qualities might alter the course of the Supreme Court for decadea to come.

But the hard fact is that no one has as yet produced any evidence of the kind of ethical tangles that ruined Judge Haynsworth's chances—and before that led to the resignation of Abe Fortas from the Court; nor has anyone been able to identify misstatements like those that sank Judge Carswell, let alone a lack of legal or intellectual qualifications.

It was, in fact, on the matter of Mr. Rehnquist's integrity that Senator Kennedy rebuked Mr. Rauh. The latter had suggested that the nominee had been less than candid in denying ever having been a member of the John Birch Society. The Senator could hardly be sympathetic to a man of Mr. Rehnquist's views, but he insisted that the nominee's basic integrity was unchallenged.

So the real question before the Senate is whether it can, or should, reject Mr. Rehnquist solely because of his political views. On the one hand, the writers of the Constitution, in giving the Senate the power to confirm or reject Presidential nominees to the judiciary, clearly meant the legislative branch to play a substantive role with the executive branch in this process. The Senate has the right, therefore, to judge for itself the qualifications of a man to sit on the Supreme Court.

On the other hand, to make that judgment solely on the basis of his political views (which, after all, may change) is dangerous business. It presumes some kind of rightful political orthodoxy; it would tend to politicize the courts according to the temporary political coloration of Congress; it could punish some individuals for their ideas and frighten others out of having any.

Moreover, it is bound to lead to retaliation, as it did when Republicans and conservative Democrats defeated President Johnson's nomination of Justice Fortas to be Chief Justice, at least partially on political grounds. Paying off that score had a good deal to do with Judge Haynsworth's subsequent rejection.

It may be argued that Mr. Nixon should not have handed Senatora this dilemma by appointing an activist political figure to a nonpolitical court; but the precedents are ample, and the Senate is likely to compound the damage if it denies Mr. Rehnquist his Court seat solely because of his political views.

[From the New York Times, Dec. 5, 1971]

IN RE REHNQUIST

(By Tom Wicker)

WASHINGTON.—The Senate apparently will confirm Lewis Powell next week as an Associate Justice of the Supreme Court. After that, it will either face up to or delay the far more controversial and difficult matter of William Rehnquist, President Nixon's other nominee to the Court.

As it now appears, Mr. Rehnquist will be confirmed, too, unless those who oppose him are determined enough and able to put together something like the filibuster that, in 1968, prevented confirmation of Abe Fortas as Chief Justice.

This is at least a long-shot possibility because of Mr. Rehnquist's comparative youth (47) and his reputation as a skilled, active and intent champion of strongly conservative causes. Liberals fear he may become for many years the vigorous leader of a reactionary Court, but their dilemma is that no ethical or professional charges sufficient to warrant Mr. Rehnquist's rejection have so far been proved.

That means that the battle has to be fought, if at all, on the tricky ground of Mr. Rehnquist's political views—whether it is called his "judicial philosophy" or his "constitutional approach." The view was put forward in this space on Nov. 11 that this kind of opposition was "dangerous business"—that it suggested the existence of a kind of political orthodoxy, would tend to politicize the Court, would punish some people for their ideas while frightening others out of having any and would lead inevitably to political retaliation.

On balance, with full awareness that Mr. Rehnquist's views on the Bill of Rights seem antilibertarian, and despite weighty arguments from many who disagree, it still is "dangerous business" to reject him for his political views. Is it seriously to be asserted that conservative—even arch-conservative—views disqualify a man for service on the Supreme Court? If so, then what prevents some other Senate from disqualifying a man for strongly liberal views or for being a "new leftist" or a "neo-isolationist" or some other stereotype?

This is not to deny that the Senate has a duty to consider the qualifications of a nominee to sit upon the Court. Or that among the qualifications it ought to consider is his general political, constitutional and judicial view of things. Judge Carswell, for instance, was judged to be lacking in intellectual and legal competence, a judgment that could be solidly documented.

But can it be shown that Mr. Rehnquist lacks fidelity to the Constitution? No, only that in his view it allows more power to the state and less to the individual than many other Americans believe to be the case.

Can it be shown that Mr. Rehnquist's views are factually in error or substantively wrong? No, it is a matter of interpretation, and it is late in the day for liberals to start asserting that the Constitution is an absolute document not subject to interpretation or differing ideas. It is, in fact, the prime duty of the Supreme Court to decide what the Constitution means, on given subjects at given times in history.

Nor is the political aspect of the Rehnquist nomination an open-and-shut affair. No doubt Mr. Rehnquist will be a formidable conservative force on the Court (although that remains a supposition that only time can justify). Even so, the damage he might do to liberal causes could well be less than the political consequences of a third rejected Nixon nominee, a third defeated conservative, in a Senate dominated by liberal Democrats. Just as the Court itself must sometimes practice "judicial restraint," so it may be that the Senate ought to practice some political restraint. This, of course, is a value judgment that each Senator must make for himself.

That also is true of the really crucial question about Mr. Rehnquist, which can best be explained by reference to Mr. Powell. Those who know the Virginia lawyer, a former American Bar Association president, concede that his views in many ways are as conservative as those of Mr. Rehnquist—and that fact was documented in an article by Mr. Powell recently reprinted on this page.

But Mr. Powell, it is said, is an experienced and fair-minded man of judicial temperament who, in deciding legal and constitutional questions, will put aside any personal or political preferences and prejudices that can't be squared with the law and the facts of a case. He might, for instance, generally approve wiretapping as a law enforcement tool—yet be willing to rule against it when, in some particular case, the facts showed that the law and the Constitution had been violated.

It is to be hoped that that is true—of Mr. Powell and of any nominee, liberal or conservative. Whether or not it is true of William Rehnquist is the vital question about his nomination, and one that each Senator must judge for himself. If Mr. Rehnquist can put his personal views aside when they can't be fairly justified by the law and the facts, then those views should not be the deciding factor; but if any Senator feels that Mr. Rehnquist, or any other nominee, could not so discipline himself intellectually, voting to reject him would surely be a duty.

[From the New York Times, Nov. 15, 1971]

AFTER REHNQUIST

(By Anthony Lewis)

LONDON.—The problem now troubling American liberals in the nomination of William H. Rehnquist to the Supreme Court was foreseen years ago by Judge Learned Hand. In his Holmes Lectures at Harvard he said:

"In so far as it is made part of the duties of judges to take sides in political controversies, their known or expected convictions or predilections will, and indeed should, be at least one determinant in their appointment."

Judge Hand was not using the word "political" in its narrow partisan sense. If our judges are to decide controversial national issues in the guise of lawsuits, he was saying, then they will be chosen in part for their ideology.

It is difficult for liberals to deny the premise. They know that for years they cheered the Supreme Court on as it advanced values of which they approved. Now a conservative President wants judges with different values. Is it logical to deny him that power, or even democratic? After all, the Presidential appointing power is the only means of seeing that the Court even distantly reflects the changing outlook of the country—as it must.

From this it follows that a President should be allowed ample ideological scope in choosing a Supreme Court justice. There are limits—a racist would be disqualified—but they are broad. And so, many Senators who entirely disagree with Mr. Rehnquist's right-wing ideas will nevertheless properly vote for his confirmation.

But a more basic issue will remain—the one that really interested Judge Hand. That is the issue of the appropriate limits on the judicial function. Should judges be dealing with heated social and economic controversies? Or should they limit themselves to tamer matters of more traditional law?

In recent years it has gone out of fashion to ask such questions. Mr. Justice Frankfurter's plea for judicial self-restraint seems long ago and far away. Few seem to remember the terrible lesson of the 1920's and 1930's, when self-willed judges almost destroyed the Supreme Court.

Instead we have what could be called the neo-realist view. It was put with candor in 1958, the same year as Judge Hand's lectures, by Prof. Charles L. Black of Yale:

"We are told that we must be very careful not to favor judicial vigor in supporting civil liberties, because if we do we'll be setting a bad precedent. Later on, we may get a bench of [conservative] judges . . . [but] suppose the present Court were to shrink from vigorous judicial action to protect civil liberties. Would that prevent a Court composed of latter-day McReynoldses and Butlers from following their own views?

Professor Black's rhetorical question expects a negative answer, but it is not so clear that restraint on the part of a liberal Court would have no effect when the pendulum swings. Certainly Brandeis, the greatest intellect who ever sat on the Supreme Court, thought otherwise. Again and again he held back from results that he personally desired because he thought he would encourage other judges to push their views in other cases.

Of course there is no convenient formula to set the limits on the judicial function. Every judge will have his own deep instincts about the values essential to the American system. Brandeis deferred to most legislative judgments, however foolish they appeared, but not when it came to freedom of speech or privacy: He thought they were too fundamental to the whole constitutional scheme.

The justices of the Warren Court did not decide the great cases as they did out of sheer perversity, as some of the sillier critics seem to think; they were carrying out what they perceived to be their duty. If they had changed their minds because they anticipated adverse reaction, they might have been said to lack courage.

The Warren Court is to be criticized not for its motives but, occasionally, for its judgment. It overreached from time to time. For me the outstanding example was the *Miranda* case: A narrow majority, without convincing basis in history or expert consensus, read a particular code of police procedure into the general language of the Constitution.

Judicial intervention on fundamental issues is most clearly justified when there is no other remedy for a situation that threatens the national fabric—when the path of political change is blocked. That was the case with racial segregation and legislative districting; it was not the case with *Miranda*.

Judge Hand would have excluded all such matters from the courts, but that remedy would be too drastic. We have long since come to rely on the Supreme Court as an essential medium of change in our rigid constitutional structure. What we can ask of the judges is modesty, a quality required not only by man's imperfection but by the fragile nature of the judicial institution.

[From the Washington Post, Dec. 9, 1971]

REHNQUIST: TOP MIND

(By Joseph Kraft)

Justice Holmes, on being asked what he thought of the intellectual abilities of another judge, once replied: "I never thought of him in that connection." And there lies the nub of the powerful, positive case that can be made for Senate confirmation of President Nixon's latest nominee for the Supreme Court, William Rehnquist.

For years now hardly anybody has thought of the Supreme Court as performing an intellectual function. Mr. Rehnquist, far more than any other recent nominee, has the calibre to restore intellectual distinction to the Court.

To understand why, it is necessary to say a word about the role of the Court in the country. The country is dominated by the million and one daily actions of an energetic population largely unconstrained in its capacity to buy and sell, move and dream, educate and obscure, build and tear down.

Given the nearly universal disposition toward almost constant action, it is ludicrous to think of tyranny being imposed on this country from above by some establishment eager to freeze the status quo or turn back the clock.

The central political problem of a populist country is to preserve some modicum of elite values—respect for achievement; toleration for difference of outlook; regularity of procedure. Partly by original design, but even more by the chance accretions of history, the Supreme Court has come to be the defender of those values—the elitist institution in a populist country.

Unfortunately for the Court, certain political decisions were thrust upon it by the deadlock that developed between Executive and Legislature during the post-war period. In the fields of civil rights and legislative reapportionment, the Court felt obliged—understandably considering that all other avenues seemed closed—to make rulings that might much more appropriately been the work of the President and the Congress.

In the heady atmosphere engendered by those decisions, the Court headed by Chief Justice Earl Warren became result-oriented. In case after case, it was increasingly hard to discover the inner logic of decision-making. Blacks seemed to be favored because they were blacks, baseball because it was a good clean American sport, anti-trust plaintiffs because they were against economic monsters.

President Nixon's efforts to correct the imbalance have been fumbling to the point of casting doubt on the sincerity of his claim to want "strict constructionists." His preferred candidates have been right-wingers, so little distinguished that the Senate and the American Bar Association have constrained him to throw them back in the pond.

Mr. Rehnquist is something else. He has not shown sensitivity to the needs of people in trouble, and he has said some hardline—and to me silly-sounding—things about the influence of Supreme Court clerks and the softness of judges towards communism. Some of these comments may be what ambitious juniors are required to say in order to get ahead in the Republican Party of Barry Goldwater and the Justice Department of John Mitchell. Still, I suppose they represent a genuine right-wing conviction.

But Mr. Rehnquist also has a mind of the highest candle-power. His comments in the Judiciary Committee hearings have been unfailingly lucid and discriminating. He has been "hesitant"—a favorite word—when unsure of the fine details of a problem.

Even one of his staunchest opponents, Sen. Edward Kennedy, described him as "a man with a quick, sharp intellect, who quotes Byron, Burke, and Tennyson, who never splits an infinitive, who uses the subjunctive at least once in every speech, who cringes when he sees an English work created from a Greek prefix and a Latin suffix."

Only it happens that the qualities that Senator Kennedy is pleased to dismiss so crudely express a critical aspect of the Court's present work. The Court does not now need more liberals, more conservatives, or more middle-of-the-roaders. There are enough of those to assure that nothing drastic is going to happen in civil rights or criminal law.

What the Court needs is more brains. Mr. Rehnquist has them—more abundantly perhaps than any present member. And by uplifting the quality of the Court in general, he will do far more than any particular decision in any particular case can do to advance the values thoughtful men hold dear.

[From the Wall Street Journal, Dec. 6, 1971]

REHNQUIST AND CRITICS: WHO'S EXTREME?

(By Robert L. Bartley)

WASHINGTON.—The most powerful impression to emerge from the microscopic public analysis of the life and works of Supreme Court nominee William H. Rehnquist is that his critics are pretty desperate. At one point the arguments and innuendos offered by critical witnesses proved too much even for the most critical Senators, and Sen. Edward Kennedy upbraided the witnesses for creating "an atmosphere which I think is rather poisonous."

Now the critical members on the Senate Judiciary Committee—Sens. Bayh, Hart, Kennedy and Tunney—have filed their minority report setting out the responsible case against the nomination. As Sen. Kennedy's remark suggests, it judiciously avoids the less substantial allegations that have appeared in the press in recent weeks. There is, for example, no suggestion that Mr. Rehnquist is guilty until proven innocent of membership in extremist organizations because his name appears on a list compiled by a little old lady and willed to someone else.

'OUTSIDE THE MAINSTREAM'

The minority report, rather, focuses mostly on Mr. Rehnquist's views on certain issues, and as such is an intriguing document. It volunteers that there is no question about Mr. Rehnquist's qualifications in terms of legal standing or personal integrity. On the widely debated question of whether the Senate should consider a nominee's judicial philosophy, it makes the case that indeed the Senate should.

The minority, of course, argues that on this third test Mr. Rehnquist flunks. It says he "has failed to show a demonstrated commitment to the fundamental human rights of the Bill of Rights, and to the guarantees of equality under the law." While not every detail of a nominee's philosophy ought to bear on his Senate confirmation, it suggests, so extreme a deviation should. At one point the text puts it simply: The nominee "is outside the mainstream of American thought and should not be confirmed."

A fascinating proposition, this. How can someone with legal standing and personal integrity fit to grace the Supreme Court be that far out of the mainstream? What would be the opinions of a man who is such a pillar of the bar and still fails to understand the Bill of Rights?

So it is with no little anticipation that one turns to the issues discussed in the minority report to find just which of Mr. Rehnquist's opinions bar him from the Court service. One expects not merely that he will have debatable opinions on debatable topics. Certainly the four Senators disagree on many things with Lewis F. Powell Jr., the other Supreme Court nominee before the Senate, but they voted to approve him. So in Mr. Rehnquist's case one expects more extreme opinions, those further out of the mainstream on the right, say, than Justice William O. Douglas is on the left.

As sort of a benchmark, recall Justice Douglas' popular book arguing, "We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution." What right-wing outrages has Mr. Rehnquist uttered, one wonders, that are further from the mainstream than *that*?

As the confirmation hearings started, the best bet for that sort of outrage seemed to lie in the Justice Department position on wiretapping. As the department's chief legal adviser, Mr. Rehnquist must bear no small responsibility for that position, and the department has argued that the Executive Branch has an "inherent right" to wiretap without court order in national security cases. This is tantamount to an assertion that neither Congress nor the courts can control executive wiretapping, and certainly does suggest an insensitivity to the spirit of the Bill of Rights.

Alas for Mr. Rehnquist's critics, though, it turns out that on his advice the Justice Department has dropped the "inherent right" argument in current briefs before the Supreme Court. It now merely argues that in the particular instances of the case, the tap in question was not an "unreasonable" search barred by the Fourth Amendment. He says that the effect of the change is "to recognize that the courts would decide whether or not this practice amounted to an unreasonable search."

Mr. Rehnquist declined to give his personal views, as opposed to the Justice Department position, but he did defend the department's current arguments on the grounds that there are substantial legal questions unresolved, and the Executive is obligated to make its side of the case. "Five preceding administrations have all taken the position that the national security type of surveillance is permissible . . . one Justice of the Supreme Court has expressed the view that the power does exist, two have expressed the view that it does not exist . . . one has expressed the view that it is an open question . . . the government is entirely justified in presenting the matter to the court for its determination."

WIRETAPPING OF RADICALS

This did not satisfy the four critical Senators. They noted that the current issues are somewhat different from those of preceding administrations, not least because the current argument is about wiretapping not of foreign agents but of domestic radicals. The change in the department's position is "more cosmetic than real," they argued, because it is still defending wiretapping rules that would not "provide an adequate restraining effect on the Executive Branch, an adequate deterrent to protect the right of privacy."

For those who may find this particular dispute a matter not of extremist opinions but of reasonable men differing, the minority also delves into Mr. Rehnquist's widely quoted opinion on government surveillance of individuals, that is, not wiretapping but the recording of their activities in public places. In warning against overly restricting such surveillance, he once said, "I think it quite likely that self-restraint on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

During the hearings, Mr. Rehnquist noted that in his remark he was addressing the question of whether new legislation is needed in addition to the Bill or Rights and laws already on the books, and that the remark must be understood in that context. In colloquy at the time, he conceded that widespread surveillance should be "condemned," and that an individual might already have legal recourse against a government tail. But in considering the argument that surveillance is unconstitutional because it has a "chilling effect" on freedom of expression, he said any such effect is a question not of constitutional law but of fact. And, "those activities didn't prevent, you know, two hundred, two hundred fifty thousand people from coming to Washington on at least one or two occasions to, you know, exercise their First Amendment rights, to protest the war policies of the President . . ."

The minority report argues that even if 250,000 appeared, others may have been deterred by surveillance. It agrees that the committee's majority report correctly describes Mr. Rehnquist's attitude: "Information-gathering activity may raise first amendment questions if it is proven that citizens are * * * minority argues that this is precisely the problem, "the difficulty of providing a specific chilling effect is obvious, and the notion that a First Amendment question isn't even *raised* until it is 'proven that citizens are *actually* deterred from speaking out' (emphasis in original) is alarming."

But if Mr. Rehnquist's opinions here are outrageously extreme, it would seem, so are the opinions of the majority of the Senate Judiciary Committee. Similarly if his defense of the constitutionality of such laws as "no-knock" raids and "preventive detention" in the District of Columbia are out of the mainstream, the mainstream does not include the majority of both houses of Congress. So what mostly remains is the question of Mr. Rehnquist's attitudes on the racial issue.

The minority report does not make too much of allegations that Mr. Rehnquist harassed black voters when he was involved in Republican voter challenging teams in Phoenix, but it also does not dismiss them as the majority did. Some of his black opponents have come up with affidavits charging he was personally involved in harassment, and his supporters have come up with a defense of his challenging activities and attitude by a sometime counterpart on the Phoenix Democratic challenging team. The minority report says, "Each Senator will have to decide for himself what weight—if any—to give either the charges or the blanket denial."

On the nominee's general racial attitudes, the majority record also came up with a letter from the principal of the elementary school Mr. Rehnquist's children attended in Phoenix. "Mr. Rehnquist became known to me when I was a teacher here at Kenilworth School. He had moved his family into Phoenix Elementary School District from one of the outlying suburban, and predominantly middle socio-economic, school districts. He wanted his children to have experience and associations with children from minority groups, as well as with the different socio-economic groups."

The minority report argues that "Mr. Rehnquist's record fails to demonstrate any strong affirmative commitment to civil rights, to equal justice for all citizens, let alone a level of commitment which would rebut the strong evidence of insensitivity to such rights." The evidence the report discusses at greatest length is a letter Mr. Rehnquist wrote to The Arizona Republic in 1967, responding to remarks on school integration by Phoenix School Superintendent Howard Seymour.

The minority report says, "The truly alarming aspect of the 1967 letter, however, is Mr. Rehnquist's statement, 13 years after Brown v. Board of Education that 'We are no more dedicated to an "integrated" society than we are to a "segregated" society' . . . Yet at least since the Supreme Court declared that 'separate is inherently unequal,' this nation has not been neutral as between integration and segregation; it stands squarely in favor of the former. And if Mr. Rehnquist does not agree, he is outside the mainstream of American thought and should not be confirmed."

A FREE SOCIETY

The statement in the original letter that must be located with respect to the mainstream runs, "Mr. Seymour declares that we 'are and must be concerned with achieving an integrated society.' . . . But I think many would take issue with his statement on the merits, and would feel that we are no more dedicated to an "integrated" society than we are to a 'segregated' society; that we are instead dedicated to a free society, in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual activities."

Mr. Rehnquist's extremist position on civil rights, then, turns out to be nothing more than the familiar proposition that the Constitution is color-blind. On surveillance he believes that at this moment the scales are not tipped in such a way that dissent is "chilled." On wiretapping he believes the government side of the national security question deserves its day in court. These opinions, the minority report suggests, are so outrageous the nominee should be defeated.

As the Senate debates the nomination, it seems, it will have to decide more than whether it's proper to weigh a nominee's philosophy. It also needs to weigh whether words like "extreme" and "out of the mainstream" better describe Mr. Rehnquist's philosophy, or the position his critics have been forced to take to oppose him.

A RANDOM THOUGHT ON THE SEGREGATION CASES

One-hundred fifty years ago this court held that it was the ultimate judge of the restrictions which the Constitution imposed on the various branches of the national and state government. Marbury vs Madison. This was presumably on the basis that there are standards to be applied other than the personal predilections of the justices.

As applied to questions of interstate or state-federal relations, as well as to interdepartmental disputes within the federal government, this doctrine of judicial review has worked well. Where theoretically coordinate bodies of government are disputing, the Court is well suited to its role as arbiter. This is because these problems involve much less emotionally charged subject matter than do those discussed below. In effect, they determine the skeletal relations of the governments to each other without influencing the substantive business of those governments.

As applied to relations between the individual and the state, the system has worked much less well. The Constitution, of course, deals with individual rights, particularly in the first 10 and the 14th Amendments. But as I read the history of this Court, it has seldom been out of hot water when attempting to interpret these individual rights. Fletcher vs Peck, in 1810, represented an attempt by Chief Justice Marshall to extend the protection of the contract clause to infant business. Scott vs Sanford was the result of Taney's effort to protect slaveholders from legislative interference.

After the Civil War, business interest came to dominate the court, and they in turn ventured into the deep water of protecting certain types of individuals against legislative interference. Championed first by Field, then by Peckham and Brewer, the high-water mark of the trend in protecting corporations against legislative influence was probably Lochner vs N.Y. To the majority opinion in that case, Holmes replied that the 14th Amendment did not enact Herbert Spencer's social statics. Other cases coming later in a similar vein were Adkins vs Children's Hospital, Hammer vs Dagenhart, Tyson vs Banton, Ribnik vs McBride. But eventually the court called a halt to this reading of its own economic views into the Constitution. Apparently it recognized that where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases.

To the argument made by Thurgood (Marshall), not John Marshall, that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present court is unable to profit by this example, it must be prepared to see its word fade in time, too, as embodying only the sentiments of a transient majority of nine men.

In these cases now before the court, the court is, as Davis suggested, being asked to read its own sociological views into the Constitution. Urging a view palpably at variance with precedent and probably with legislative history, appellants seek to convince the court of the moral wrongness of the treatment they are receiving. I would suggest that this is a question the court need never reach; for regardless of the justice's individual views on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction. If this Court, because its members individually are "liberal" and dislike segregation, now chooses to strike it down, it differs from the McReynolds court only in the kinds of litigants it favors and the kinds of special claims it protects. To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction.

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy vs. Ferguson* was right and should be re-affirmed. If the 14th Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

Mr. WILLIAMS. Mr. President, I would like at this time to announce to the Senate that I shall cast my vote against the nomination of William Rehnquist to be

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an Associate Justice of the Supreme Court.

I have absolutely no quarrel with the credentials of William Rehnquist as an attorney. He has shown himself to be an excellent lawyer and has had a notable career in the legal profession. There appears to be no question about his personal and financial dealings. What concerns me deeply, however, is Mr. Rehnquist's marked and persistent insensitivity to the individual and human rights of the American people.

I have taken a good deal of time in the past several weeks to personally review all of the evidence presented regarding the appointment of Mr. Rehnquist to the High Court. I have carefully examined the transcript of the hearings on his nomination. I have studied a large number of the available papers which have been written by the nominee. And as a result of this review, I feel confident of my position that William Rehnquist lacks the necessary commitment to the fundamental values of our constitutional democracy—values which I feel are an absolute requisite for the elevation of any man to be a Supreme Court Justice.

There is no more important principle underlying our system of government than the concept that every individual should be able to live in our society with the assurance that he will be protected from unwarranted intrusions by the Government, and that every individual should be equal under the law. This was the rationale behind the adoption of the first 10 amendments to the U.S. Constitution. It was the purpose for the enactment of the 13th, 14th, and 15th amendments.

I find it disappointing that Mr. Rehnquist seems to be unable to demonstrate an unequivocal commitment to these constitutional safeguards. And I think that it would be a tragedy for us to approve a man for the Court who would work against the very principles which it was created to preserve.

Mr. Rehnquist has a record which shows that he would rather discount civil liberties when they come into conflict with governmental authority. This is demonstrated by the opinions which he wrote—and would not disassociate himself from—in regard to surveillance, wiretapping, inherent Executive power, preventive detention, no-knock search and seizure procedures, and more.

Mr. Rehnquist has a record which shows a strong disregard for the individual rights of the minorities of this country. Only 7 years ago, as the Congress of the United States reaffirmed its commitments to the right of any individual to make use of public accommodations on an equal basis, the nominee offered his personal opposition to a Phoenix, Ariz., public accommodations ordinance. Only 5 years ago, Mr. Rehnquist worked to delete key provisions of a model state antidiscrimination act which would have permitted employers to adopt voluntary hiring plans for minorities who had been the victims of past discrimination and which would have forbidden blockbusting techniques in the sale of housing to minorities. Only 4 years ago, Mr. Rehnquist took it upon himself to resist efforts by the city of Phoenix to promote integration of its school system. He stated in a letter to the editor of the Phoenix, Ariz., Sun that—

> We are no more dedicated to an "integrated" society than to a "segregated" society.

Mr. President, William Rehnquist has not convincingly demonstrated that he has changed any of his previously held views in these matters. In response to intensive questioning by members of the Judiciary Committee he consistently stated that while the question of "judicial philosophy" was a proper and vital area of inquiry of any nominee to the Supreme Court, he was unable to provide those Senators with many clues as to his personal viewpoints on the grounds that he might be abusing his "lawyer-client relationship" with the Attorney General and the President. I for one do not understand where this claimed protection arises under the law. And even if it does exist, Mr. Rehnquist has indicated in his testimony that the views which he advocated as Assistant Attorney General were not so repugnant to him that he would feel compelled to resign his position, because of this advocacy. These were views which, for example, condoned the abandonment of due process arrest procedures during May Day demonstrations in Washington, which justified the extention of the Executive power to conduct wiretaps without judicial review whenever the Government believes there is a domestic threat to the national security, and which supported the Government's right to undertake unrestrained surveillance activities with regard to individual citizens. Thus, to the extent that we can determine his personal philosophy about these vital matters, I find an extreme lack of compassion and good judgment which, in my view, must be an integral part of a nominee's attitude toward fundamental liberties inherent in the structure of American Government.

Any man who can state, with regard to the question of surveillance of private citizens, that "I do not believe, therefore, that there should be any judicially enforceable limitations on the gathering of this kind of public information by the executive branch of the Government" should not be confirmed by the Senate of the United States to hold a position on the Supreme Court.

It is for these reasons that I shall cast my vote against William Rehnquist.

Mr. TOWER. Mr. President, I am pleased to rise in support of the nomination of Mr. William H. Rehnquist to be an Associate Justice of the U.S. Supreme Court. Mr. Rehnquist will bring with him to the Court an outstanding academic record as well as great experience both in the practice and implementation of the law. Bill Rehnquist was born in Milwaukee, Wis. in 1924, and grew up in the nearby community of Shorewood. After graduation from high school, he enlisted in the U.S. Army where he reached the rank of sergeant while serving in the Air Corps. After receiving an honorable discharge, he attended Stanford University and was graduated in 1948 "with great distinction." In 1950, he was awarded a master of arts degree in history from Harvard University and in the same year entered Stanford Law School, from which he graduated in 1952 with the rank of No. 1 in his class. These qualifications show that Bill Rehnquist is a capable and dedicated student. This ability and desire to work hard and to study the situation in depth should acquit him well as a member of the high court.

Mr. Rehnquist has been just as successful since he completed his formal education. After graduation, he became the law clerk of then Justice Robert H. Jackson, a position he held until June 1953. He then went to Phoenix, Ariz., where he practiced law quite successfully until 1969, when he assumed his present duties as assistant attorney general.

While practicing law in Phoenix, Mr. Rehnquist was much honored by his colleagues. He served as president and a member of the board of directors of the Maricopa County Bar Association in Phoenix. He also served as chairman of the Arizona State Bar Continuing Legal Education Committee, and from 1963 until 1969 was a member of the National Conference of Commissioners of Uniform State Laws. In short, both academically and professionally Mr. Rehnquist's career and contributions to the practice of law were at all times of the highest order and in the finest legal traditions of this Nation.

Mr. President, we have all been aware of the attempt by some to discredit Mr. Rehnquist through a campaign of whisper and innuendo. There have been intimations that he was not sensitive enough on one issue or another, that he was somehow against our American liberties. No substantiation of these charges has been provided, no completely unrebutted statements stand for us to examine. Yet, some would have us believe that this man is somehow against those things which we all hold dear. I think that in dismissing these charges we need only refer to the statement of Mr. Martin F. Richman who was at one time a law clerk to former Chief Justice Earl Warren and formerly Deputy Assistant Attorney General in the previous administration, when he said:

> The key question here, in my opinion, is whether as a Justice, Mr. Rehnquist will bring to the decision of the cases not only his own views, however long held and well thought out, but an open mind. Will he approach each case on the basis of the facts in the records, the briefings by counsel, the arguments of his Brethren in conference, and his best judgment of all the available legal materials. In short, will he act like a Judge?
>
> Based on my experience with him my own answer is in the affirmative. . . . I am confident that his votes will be based on the merits of the cases, that his opinions will illuminate the issues, and he will make a constructive contribution to the on-going work of the Court in the development of our law.

Also, we have Mr. Rehnquist's own view, stated long ago, that what is truly important in these United States is that we have a "free society."

Mr. President, I believe that President Nixon has made a very fine choice in selecting Bill Rehnquist to be an Associate Justice of the U.S. Supreme Court. It is my hope and belief that he will serve with distinction for many years on the Court and that he will help shape law in America. I trust that he will help restore a balance to the Court as it is considering the rights of society when also considering the rights of the accused. I intend to vote for confirmation, and I urge my colleagues to do likewise.

Mr. MILLER. Mr. President, I shall vote for confirmation of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States. The majority report of the Senate Judiciary Committee well meets the points raised in opposition to his appointment. I understand the concern which opponents to the nomination have expressed, but I believe they have carried their search for evidence to substantiate their arguments to such extremes that practically no nominee could measure up to their satisfaction unless he either had never participated in public life or fit precisely with their own mold of philosophy. This cannot be the test for confirmation by the Senate.

Mr. STEVENSON. Mr. President, the Constitution gives the President the power to "nominate and by and with the advice and consent of the Senate—appoint" the members of the Supreme Court. That language reflects a compromise between those framers of the Constitution who held that the President should have the power to appoint members of the Court and those who believed that power should be left to the Senate. It clearly indicates an active role by the Senate, a role acted out in our history and supported by the most eminent authorities on the Constitution. I find little dispute over the proposition that the Senate should exercise its active role by inquiring into the judicial and political philosophies of nominees to the Court. After all, the Court acts not only as the arbiter of private disputes and individual rights under the Constitution and the laws of the Congress, but also as the arbiter of conflicting claims to power by the Congress and the executive branch of the Federal Government. Mr. Nixon has manifested his right to make the philosophy of nominees an issue. The Senate has that right, too.

However plain the right may be, its exercise is not easy for either the Executive or the Senate.

Mr. Rehnquist is not my choice for the Supreme Court. His political philosophy is not mine. And if I believed the charges of indifference to human rights and abuses of executive power were supported by the evidence I would not consent to his nomination.

The charges against Mr. Rehnquist affect not his character, his intellect or professional standing, but his philosophy. The Senate has a right and a duty to consider them seriously. I have considered them at length and wish there had been more time for Senate debate. I have studied the record before the Senate Judiciary Committee. I have read Mr. Rehnquist's testimony and speeches. I have consulted the opinions of many who know and have worked with Mr. Rehnquist, and I have talked with him myself.

It would not be easy under any circumstances to assay Mr. Rehnquist's commitment to the human rights guaranteed by the Constitution. It would not be easy to assess his attitudes toward the responsibilities of the High Court for guaranteeing not only the rights of individuals, but also the rights of the Congress against the ever more pervasive powers of the Executive. What would have been difficult in the best of circumstances has become more so. The polarities of race and politics in the Nation have been reflected in the debate over the political philosophy of Mr. Rehnquist. Charges that he interfered with blacks exercising their franchise in 1964 are disproved, but have nonetheless inflamed the issue.

Mr. Rehnquist's statements as an advocate in public and private life have been confused with his own beliefs—and those beliefs have been difficult to divine, because of the client-lawyer privilege which he has invoked before the Judiciary Committee. His indisposition to prejudge issues likely to arise before the Supreme Court has, however understandably, made the inquiry still more difficult.

His views in some cases have been modified with the passage of time and in others offset by stated views which the debate tends to ignore.

His statements have been taken out of context in a few cases. None was more disturbing to me than his statement in 1967 that—

> We are no more dedicated to an integrated society than we are to a segregated society.

But even that harsh statement was followed by the not altogether consistent statement that—

> We are instead dedicated to a free society in which each man is equal before the law, but in which each man is accorded a maximum amount of freedom of choice in his individual liberties.

Such statements are capable of more interpretations than his opponents concede.

Mr. Rehnquist has at times in the past been blind to the rights and interests of minorities, admittedly so in 1964 when he opposed a public accommodations ordinance for Phoenix. But he, like many others, has changed his views since then. Twenty years ago he wrote the now famous memorandum to Justice Jackson supporting Plessy against Ferguson. But I believe him when he says it did not reflect his views. If the evidence makes anything clear, it is that Mr. Rehnquist is a man of integrity.

The "new barbarians" referred to in a 1969 speech were carefully defined as a small minority which cared nothing for our system of government. He carefully excepted the civil disobedience of a Thoreau in a self-governing society and the civil disobedience of a Gandhi in an autocratic society from his general condemnations of lawlessness. I am more concerned that he could perceive "new barbarians" as a threat to the security of our Government, so serious as to justify surveillance of activities protected by the first amendment. At what precise point he recognizes a judicially protected right I cannot say, except that he would as a Justice go further than his statements as an Assistant Attorney General would indicate—or his opponents concede. As in most cases, he adheres to a firm notion of judicial restraint and invites legislative protection, while deploring Executive threats to free speech.

It is charged that he perceives few constitutional limits to the Executive's power to conduct war. Here his views are most difficult to ascertain because they are stated as an advocate for the Executive. Even so, there is little evidence to sustain the charges. I cannot quarrel with his statement that it would invade the powers of the Commander in Chief for Congress to forbid an assault on Hamburger Hill.

Mr. Rehnquist never defended blockbusting; he did in 1966 before the Uniform State Law Commissioners wrongly support a first amendment right of property purchasers to make honest statements of fact about property values in socially changing neighborhoods. He is an advocate of preventive detention, but argues that society is now protected from dangerous individuals before trial by excessive bail requirements. He argues that preventive detention will protect society at the same time it affords the accused more protection than the constitutional prohibition against excessive bail does now.

The temper of the times and the incompleteness of the evidence make it hard to judge the man—far harder for the public at this point than for a Senator. We in the Senate have heard the debate and the evidence. Senator BAYH wisely sought more debate, but failed against the opposition of the Rehnquist supporters. The public hears the accusations and, too seldom, the defenses. Public attention focuses upon the debate at about the time Mr. Rehnquist is effectively deprived of a chance to defend himself.

The history of attempts in the Senate and by the President to judge men of undoubted character and intellect by philosophical tests casts further doubt upon their efficacy. Justice Warren surprised his sponsor. The Senate was wrong to reject Judge Parker in 1930. None guessed that Felix Frankfurter, the political liberal, would become the judicial conservative on the Court.

Mr. Rehnquist may be an "extreme conservative," but he is not an extremist. I find nothing in the record to indicate that he would bring to the Court his past role as an advocate or political activist. The evidence points the other way. He believes in judicial restraint. And I cannot fault him for that any more than I could Justice Frankfurter or Justice Jackson—both of whom he professes to admire.

I claim no divine insights to the character of the man, nor any clear perception of all the issues to reach him on the Court. My belief is simply that once a nominee's philosophical views are found within the mainstream of American tradition, the character and the intellect of the man are about all we as Senators can confidently judge. I believe that Mr. Rehnquist would bring an inquiring and reflective mind to the Court and that

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before him logic, the facts and the Constitution would prevail. I believe that he reveres the law and the Court. Aware that such judgments are difficult at best, I believe that he will bring method, and in his work, excellence to an institution which, as much as any other, will exalt or demean the law of the land.

We cannot be certain. I have tried to weigh my faith in human nature and, in this instance, a human abundantly endowed with character and intellect, against the risk that his judicial opinions will reflect a narrow view of the Court's role as a guarantor of individual rights. He probably will leave to the Congress the primary responsibility for advancing the frontiers of human dignity. I expect him to follow in the tradition of Frankfurter and Harlan, more sensitive now than before his ordeal, to the expectations and the rights of minorities.

Our role in the Senate is limited. To "advise and consent," we have now only the power to reject. Judges Haynsworth and Carswell were rejected; so were others whose nominations were apparently contemplated but never transmitted to the Senate; namely, Mrs. Lillie and Mr. Friday. Our choice is not between Mr. Rehnquist and a better man. It is to reject, or not to reject.

Mr. Nixon's commitment to judicial and political conservatism has been made painfully evident by his word and deed. His future nominees like those in the past will be judicial and political conservatives. Their philosophies may be more cautiously expressed, but they neither have been, nor will be, markedly different from Mr. Rehnquist's. What may be different, markedly, is character and intellect—excellence in the law. It is a compliment to Mr. Powell and to Mr. Rehnquist that they were not Mr. Nixon's first choices. But that is not to say that the President has exhausted the Nation's supply of mediocrities.

Each case must be judged on its own merits, but the risk of not consenting is greater than the risk of consenting. I fear the trials of other nominees in the future, liberals as well as conservatives, for their beliefs.

I do not want to see Mr. Rehnquist rejected for freely and brilliantly expressing opinions withheld by other more cautious, and therefore successful, nominees. Those opinions upon close examination are not outside the mainstream of judicial thought. They reflect a narrow view of the judicial function and a broad view of the legislative function. Mr. Rehnquist does not oppose integration. He moved his family from an outlying area to the center of Phoenix so his children could attend an integrated school. He has reaffirmed his support for Brown against Board of Education. He condemned the excessive use of force at Kent State. With very few exceptions his teachers and the individuals who have worked with him and know him best believe in his fitness for the Court. He has manifested his concern for the legal rights of the poor through his service in a county legal aid program.

Essentially he holds to the view that the active promotion of interests, be they of corporate special interests or of the poor and downtrodden, is a function for the Congress and not the Court. I can wish that he supported a more positive judicial approach for the latter than the former. But I cannot say that his view is unfit to be represented on the Court.

We have looked in recent years to the Court for the expansion of human rights. We may be creatures of that recent experience. The future could be different. The Congress could be stirred by an awakened social conscience in the land and a newly enfranchised generation, by the young and by women, blacks and the poor, to expand upon those guarantees. I do not want to see the Congress restrained by the Court. Mr. Rehnquist's judicial conservatism dictates judicial nonintervention. He has been as critical of the McReynolds Court as of the Warren Court.

This is the most difficult decision I have had to make as a Senator. I have received more pressure and advice on this question than upon any other, almost all of it opposed to Mr. Rehnquist. But I must decide in favor of Mr. Rehnquist, because of his demonstrated excellence in the law, his unquestioned integrity and an intellect which I am convinced would not permit a mechanistic or political approach to the issues before the Court. We are not prophets. I must take the risk of being wrong. And I will be bitterly disappointed if my faith in Justice Rehnquist is proved unfounded.

Mr. McGOVERN. Mr. President, in the exercise of our responsibility to deny or confirm nominations to the High Court, we have six times been called to scrutinize the choices of President Nixon. At least twice we have been spared this task by the timely intervention of the American Bar Association. During the controversy that led to the resignation of Justice Fortas, Mr. Nixon said that if he were President of the United States, he would appoint men of the caliber of Oliver Wendell Holmes or Louis Brandeis. The President, we know, is under pressure from the right wing of his party. Plans are apparently underway to oppose the President's renomination with an ultra-conservative candidate.

It is plausible to believe that the President has chosen to deploy the Supreme Court against discontent in his own party? The President has inherited a historic opportunity to shape the Supreme Court for a generation. Now, it may be that the President would genuinely like to construct the Court in such a way as to impede change for another generation. Or it may be that his motives are more related to his own current political problems. In any event, the next 20 years will be vital ones in the history of this country. We are going to have to meet and try to overcome problems of the economy, of pollution, of war, of race, of poverty, of crushing taxation of the middle class, of decayed cities, of crime, of penal reform, of fundamental freedoms. The Justice whom we are to confirm, together with other Justices now on the Court, will have a tremendous power to aid or to hinder attempts to solve these problems. To know the roadblocks to progress that can be thrown up by recalcitrant judges, one need only remember that Warren G. Harding appointed three judges who tried to stop social welfare legislation and two of them were instrumental in almost wrecking Franklin Roosevelt's New Deal.

What kind of man or woman, then, should be appointed at this critical juncture in our history? Mr. Nixon has made no secret of his intention to shape the Supreme Court to his heart's desire for the next 20 years. His desire, of course, is so-called strict construction of the Constitution. In its accepted historical legal sense, strict construction means that the powers of Government should not be construed so broadly as to enable Government to infringe the fundamental freedoms of the people. But, Mr. Nixon and Mr. Mitchell use strict construction in exactly the opposite sense. They use it to mean that the people's freedoms should be narrowly construed so that the Government will have the power to infringe on what have been thought to be fundamental liberties of individuals. Thus, Mr. Nixon and Mr. Mitchell want Justices who will approve electronic bugging of citizens without court orders, who will stop the press from revealing governmental duplicity, who will let Government break into people's houses, who will let the Executive send men to war without congressional authorization, who will let the Executive impound and refuse to spend funds which Congress has appropriated to help ameliorate the ills suffered by millions of citizens, and who will let the Executive refuse to give Congress information on what is being done with the taxpayers' money in regard to military affairs and foreign affairs. In William Rehnquist they have apparently found just such a Justice.

Mr. Nixon already has a Supreme Court which largely agrees with his inverted view of strict construction. Two of the Justices from the Eisenhower and Kennedy era are basically counted in the so-called conservative camp although they occasionally vote the other way. The two Nixon appointees presently serving, and presumably the third appointee confirmed last week, have already shown themselves to be firmly in Mr. Nixon's camp on most issues. There is thus a possibility that six Justices will be on Mr. Nixon's side of strict construction. And if the health of two other of the presently sitting Justices does not hold out, Mr. Nixon may be able to count eight Justices for his view of the Constitution.

It seems to me, therefore, that the time has come once again to speak of balance on the High Court. When Mr. Nixon was running for President in 1968, he spoke of balance on the Court. He said he thought the Court was tilted too much in one direction and that there should be a more even distribution of Justices. But now the President is sending up trial balloons which clearly indicate that, rather than trying to achieve balance on the Court, he may try to pack the Court for the next generation with men of one persuasion. He may try to tie the hands of a whole generation until 1990 or 1995 by nominating men who hold to the ideas he holds in 1971.

It is a serious business to tie the hands of a generation. Legislation to meet the needs of the country does not come easily. It is the product of enormous sweat and toil in Congress and the White House. But despite the great legislative efforts which will be made to solve the problems of the Nation, Mr. Nixon's appointees will have it in their hands to knock down the efforts to better society, just as the four horsemen of the 1930's Court knocked down efforts to get this country out of the depression and give the common man a fair break.

So I come back to the question of what kind of man or woman should be nominated to the Court. Obviously the nominees should be men or women of the highest intellectual and legal abilities. They should be persons who in their life have shown compassion for the unfortunate, for those who work bitterly hard but make little money, who have shown that they sympathize with those of minority races and with the problems of hard-working middle class citizens. And it is highly important that the nominees not be persons who have already shown that their minds are closed on critical issues facing the Nation and that their minds are closed to the problems of the poor or the downtrodden or those of a different race. Mr. Nixon should nominate people who will bring balance to the Court rather than packing it with those of a single persuasion.

We now know enough about Mr. Rehnquist to conclude that he would not meet these criteria. I am not certain even that Mr. Rehnquist meets all of the criteria laid down by the President presenting his nomination. Senators will recall that the President spoke of "judicial philosophy" as a major consideration in putting forward Mr. Powell and Mr. Rehnquist. The President said:

> By "judicial philosophy" I do not mean agreeing with the President on every issue. It would be a total repudiation of our constitutional system if judges on the Supreme Court, or any other Federal Court, for that matter, were like puppets on a string pulled by the President who appointed them." And later: "As far as judicial philosophy is concerned, it is my belief that it is the duty of a judge to interpret the Constitution and not to place himself above the Constitution or outside the Constitution.

The President proceeded to announce a sound principle when he said a Supreme Court Justice should not "twist or bend the Constitution in order to perpetuate his personal political or social views."

Then he promptly sank his own doctrine.

Mr. Rehnquist has made a career with this administration of torturing the Constitution to suit the political strategies and ideological quirks of his bosses in the Justice Department and the White House.

He is the principle architect of the premise that the President, as Commander in Chief of the Armed Forces, has virtually limitless powers to involve this country in war. Needing only to perceive a threat to American troops somewhere—as in Cambodia last year—the President can launch an invasion without so much as a glance toward Capitol Hill. Under the same doctrine Mr. Nixon could invade China tomorrow, and the Soviet Union the day after.

Mr. Nixon may see such thinking as an "exceptional" qualification for the Supreme Court. I do not.

Mr. Rehnquist has been equally forthcoming on the right of the American people to be secure in their private thoughts and actions. They have no such right, he says. On the contrary it is the Government which has rights—to snoop and spy on its own citizens unhampered by inconvenient constitutional limits. We can rely on the self-restraint of the executive to avoid abuse. One wonders why we need a Bill of Rights at all.

Mr. Nixon may regard such thinking as the mark of one of "the very best lawyers in the Nation." I do not.

On the rights of the accused, Mr. Rehnquist sees a need for adjustment in the landmark Miranda decision. As I understand it that precedent created no new substantive rights at all. It does no more than assure that the poor, uninformed accused must know as much about the Constitution's explicit protections as the well-to-do fellow who has an attorney on retainer to tell him. Clearly there is scarce room for doubt of Mr. Rehnquist's meaning when he tells us that "law and order must be preserved, at whatever cost to individual liberties and rights."

Mr. Nixon may see such thinking as a means of restoring "that delicate balance between the rights of society and the rights of defendants accused of crimes against society." I do not.

As the President's lawyer's lawyer, Mr. Rehnquist played a dominant role in developing the mass arrest strategy employed during the May Day disturbances in Washington. Under his "limited martial law" doctrine some 13,000 people were arrested, most without specific charges, most without any possibility that they could even be identified by the arresting officer, many whose only apparent crime was that they happened to be on the streets of the Nation's Capital.

One standard of measuring Supreme Court nominees with judicial experience has been to assess the number of times they have been reversed on appeal. Considering failures to prosecute, dismissals and appeals, the latest estimate I have is that Mr. Rehnquist has been reversed at least 12,000 times on cases growing out of the May Day affair alone.

Mr. Nixon may see such a record as inspiring respect for the "institution of the Supreme Court," by adding "distinction and excellent to the highest degree." I do not.

I reject the view that the Senate's only responsibility on Supreme Court nominations is to evaluate academic credentials and success in the practice of law. We have a higher obligation to both the Constitution and to the American public.

I further reject the notion that Mr. Rehnquist deserves speedy confirmation because he does not have the same weaknesses as Mr. Nixon's prior rejected nominees or of his most recent trial balloons. Certainly right-wing extremism is no less dangerous when it is brightly put.

Perhaps no one has so clearly forecast the danger posed by Mr. Rehnquist to our Constitution as has I. F. Stone in the most recent issue of his biweekly. Incidentally, I have found his bi-weekly to be one of the most scrupulously researched and informative of the publications which seek to monitor the activities of our Government. Mr. Stone's courage, intelligence and hunger for the truth are matchless. I am sure that I join many in Government and outside, who lament the fact that Mr. Stone has seen fit to discontinue this particular facet of his work. But it does make his contribution to our present debate all the more appropriate. I ask unanimous consent that I. F. Stone's Bi-Weekly, November 29, 1971, entitled, "What Rehnquist Saw as a Black Day in the Court," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From I. F. Stone's Bi-Weekly, Nov. 29, 1971]

WHAT REHNQUIST SAW AS A BLACK DAY IN THE COURT

By the standards of civil libertarians, June 17, 1957, was one of the greatest days in the history of the U.S. Supreme Court. By the standards of William H. Rehnquist it was the worst. An examination of the decisions the Court handed down that day indicates the kind of "conservatism" he would bring to the Court. One of his attacks on the Warren Court was an article he wrote for the *American Bar Association Journal* (44ABAJ229) in 1958. It began "Communists, former Communists and others of like political philosophy scored significant victories during the October 1956 term of the Supreme Court, culminating in the historic decisions of June 17, 1957." Joseph L. Rauh, Jr. calling attention in his testimony on Rehnquist before the Senate Judiciary Committee to the four historic decisions handed down by the Court that day in the field of civil liberties. Mr. Justice Harlan, the great conservative whom Rehnquist has been named to succeed, wrote two of those decisions and concurred in the other two. He must certainly be surprised, on his hospital sick bed, to hear them described as victories for Communists rather than for strict construction of the Bill of Rights.

It is a pity that a clash between Rauh and Senator Kennedy over Rehnquist's affidavit of non-membership in the Birch Society distracted attention from Rauh's exposition of those four cases. To compare these decisions with Rehnquist's description is to see how far to the right are his political preconceptions. Only one of them dealt with Communists at all. That was the Yates decision (354 U.S. 298) where Mr. Justice Harlan reversed the conviction of the California Communist leaders and held that advocacy of revolutionary doctrine was protected by the First amendment unless accompanied by advocacy of action. This decision was, to all intents and purposes, the deathblow to the Smith Act, our first peacetime sedition statute since the Alien and Sedition laws of John Adams. The other decision by Harlan was a landmark case in the field of loyalty and security. It ended (354 U.S. 123) the long and shameful harassment of John Stewart Service inspired by the China lobby, and it ordered his restoration to the State Department.

Two other decisions that day were also setbacks to the witch hunt of the 50s. *Watkins v. U.S.* (354 US 296), which Rauh argued for the defense, was the first major setback to the Un-American Activities Committee. The Court reversed the contempt conviction

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of an Auto Workers' official. Warren (with Harlan and Frankfurter) held that Congress had no power of "exposure for exposure's sake." The fourth case, *Sweezy v. New Hampshire* (354 US 239) was a victory for academic freedom against a State witch hunt. Warren and the majority ruled as they did in Watkins but Harlan and Frankfurter took a stronger position, voting for reversal on First Amendment grounds. Paul Sweezy, an editor of *Monthly Review*, is an independent Marxist of international reputation. These are the decisions Rehnquist found so deplorable.

THE BROWN DECISION: HIS NO. 1 TARGET

Rehnquist's twin passions in his attacks of the late 50s on the Court were the witch hunt and school segregation. Much attention has been focussed on the article he wrote for the *Harvard Law Record* of October 8, 1959 urging the Senate to restore "its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him." Less attention has been given the animus he displayed in that article against the historic Brown decision for school integration. Rehnquist protested that in confirming Mr. Justice Whittaker, the Senate had failed to inquire what he 'thought about the Supreme Court and segregation or about the Supreme Court and Communism."

As recently as Feb. 14, 1970 Rehnquist defended Carswell's anti-integration record and sneered in a letter to the *Washington Post* that it was attempting to set up "a rather detailed catechism of civil rights decisions" as "the equivalent of subscription to the Nicene creed for the early Christians." But he wanted a catechism-in-reverse to make sure that nominees were hostile to school integration.

It is ironic that Rehnquist, who argued little more than a decade ago for the fullest inquiry into the political opinions of Court nominees, should have resisted inquiry into his own in the hearings on his nomination. He declined to give his opinion on the constitutionality of the Mansfield amendment, on the power of Congress to cut off funds for war, on the circumstances under which newspapers may be subjected to prior restraint, i.e. censorship, on whether he thought individual freedoms more important than property rights, on what constitutes reasonable search and seizure, on what bail is excessive, on what school boards should do instead of busing when taxes cannot be increased to provide quality education.

At times, as on wire-tapping, preventive detention, no-knock police entry, FBI surveillance of demonstrations, bugging, and the equal rights amendment, Rehnquist came up with a new doctrine for evasion. He claimed the right to silence because of a client-attorney relationship with the government on these issues. This evoked a letter from 19 of the 26 members of the Catholic University Law School to the Judiciary Committee in which they asserted, "The attorney-client privilege is not the attorney's. It is for the protection of, and belongs to, the client." They argued furthermore that Rehnquist's client as a Justice Department official was "the people and not the President." They said no nominee before had ever made such a claim "against the Senate's right to know." Certainly Rehnquist never advocated any such doctrine when he wanted to block or reverse the liberal rulings of the Warren court by stricter Senate inquiry into the beliefs of Court nominees. His nomination and Powell's are two major steps toward the conversion of the Court into a citadel of reactionary jurisprudence.

Mr. McGOVERN. Mr. President, with Mr. Stone's article as background, let me turn to a fuller analysis of some of the episodes in the Rehnquist record which make his nomination to the highest court in the land so ill advised.

I. CIVIL LIBERTIES

No man can be worthy of appointment to the Supreme Court who has demonstrated such misunderstanding of the Bill of Rights as William Rehnquist. His is a record of contempt toward the very heart of this free society, the notion that individual freedom and expression is the foundation of America. Whereas the Bill of Rights is based on protection of individual freedom against the encroachments of Government, Mr. Rehnquist has consistently sought to narrow that freedom and increase those encroachments to the point where this Government would have a free hand to suppress its people. And the dismal Rehnquist record dates not from the start of his involvement in this administration, but from the beginning of his legal career.

In 1957 Mr. Rehnquist denounced the Chief Justice appointed by Mr. Nixon's mentor, the late President Eisenhower, one Earl Warren, on the ground that he and his Court showed "extreme solicitude" for the claims of Communists and other criminal defendants. He also objected to the Court's rulings in support of Government regulations of business. This accusation was made in an article, Who Writes Decisions of the Supreme Court? which appeared in U.S. News & World Report, December 13, 1957. Interestingly, Mr. Rehnquist apparently has no trouble with government regulation of human freedom. That undoubtedly squares with his notion, expressed before the historic decision in Brown against Board of Education that the Constitution, and the American people, value property more than they do people. His views in that instance were reversed by a unanimous Supreme Court.

Later Mr. Rehnquist attacked the Court because it saw fit to permit applicants for the bar to take examinations despite the political beliefs they held. What is more instructive than the denunciation is the manner in which this nominee saw fit to make it. He had to attack Mr. Justice Black for having warmhearted aberrations which became constitutional transgressions when embodied in the decision. He further accused Mr. Justice Black of having ideological sympathies with the defendants, one an admitted Communist. It is surely a sorry event to elevate to the highest Court one who shows contempt for that Court and its members.

Mr. Rehnquist's defense of wiretapping without court order against suspected domestic subversives, even though the Congress and the courts have not approved such behavior, is but another example of this nominee's readiness to resort to impermissible techniques to control groups or people he deems subversive. In view of his position on Mr. Justice Black, can any one doubt that almost no American would be free from wiretapping should Mr. Rehnquist's view prevail on the Supreme Court.

As the nominee's colloquy with Senator ERVIN demonstrates—hearings before the Senate Subcommittee on Constitutional Rights, "Constitutional and Statutory Sources of Investigative Authority in the Executive Branch of Government," 92d Congress, first session, March 9, 1971 (unprinted)—he is equally of the view that the Government has the right to maintain surveillance on its citizens almost without limitation.

Of course, Mr. Rehnquist's narrow regard for the rights of our citizens extends with equal force to his willingness to deny even the most fundamental freedoms to our public employees. Thus, on the theory that the balance between the right of a public employee to speak and the effective operation of government must be weighed in favor of the latter, he seems to miss the point that, in a free society, the truth will out only when all citizens are free to speak the truth, consistent only with those laws the Congress has seen fit to enact and not consistent with Mr. Rehnquist's view of effective government. His fear of insubordination may be a result of the present administration's ability to keep the confidence of some of its own employees, let alone the American people, but that fear hardly justifies destroying the rights of our public employees.

No incident in recent memory was so fraught with potential destruction of our Constitution then the Department of Justice's response to the May Day demonstrations. That the Department of Justice, and the President's lawyer's lawyer could be the architects of a policy deliberately designed to violate the rights of innocent citizens on a mass basis, is clear warning of what we can expect from Mr. Rehnquist if he is appointed to the Court. That the administration and Mr. Rehnquist were fully prepared not only to incarcerate innocent people under what we all know to have been intolerable conditions is perhaps another signpost on the wall that Mr. Rehnquist views order and property as far more important in life than individual dignity. And let nobody doubt that hundreds of innocent citizens were arrested in dragnet fashion on May Day. For the government of the District of Columbia has dismissed hundreds of cases because they could prove no wrong doing.

The picture which emerges from the record is not that of a man simply holding a different philosophy than some of us hold, but of a man careless and hostile toward the very document it would be his duty to follow, willing to sacrifice at every turn the rights of our people for order, property, and other values which are meaningless if we have lost our faith in the vast majority of our law-abiding citizens, whatever be their political beliefs. And the mass arrests on May Day for which Mr. Rehnquist deserves so much of the blame, are dramatic examples of what we can expect on that day in history when this Nation sacrifices individual freedom to the distorted, twisted view of our country which Mr. Rehnquist has.

II. CIVIL RIGHTS

No one reading Mr. Rehnquist's vigorous opposition to the Supreme Court involving itself in the issue of school segregation and following his record through his hostility to passing public accommodations laws just a few years ago, combined with an understanding of his views on civil liberties can doubt for a moment that Mr. Rehnquist's lack of regard for essential first freedoms is compounded if an individual's skin happens to be some other color than white.

While this nominee stands ever ready to invest the power and resources of Government in the fight to keep people and groups with unpopular views under surveillance, he would have the courts and the Congress stay out of the fight to insure a better life for those less fortunate in this society. That his overriding love of property poisons his ability to be a fair man is no more dramatically shown than in his denunciation in June 1964, of the Phoenix public accommodation suggestion. He opposed that ordinance on the ground that it told you who could come on your property—not, mind you, ones private home, but rather a movie theater, a public stadium, a restaurant, a hotel. That he could hold such views so recently is not surprising because it confirms his devotion to property first enunciated over the school desegregation cases. And no one ought to be fooled that he is essentially less hostile today to the rights of our black citizens. For each of us ought to remember that the view he holds of civil liberties and the rights of individuals was at least partly embodied in the District of Columbia no-knock laws directed against a community with a population of 70 percent black. Moreover, the fight for freedom by our black citizens was in full force in the early part of the 1960's. Many of us were actively seeking new laws—including public accommodations—at the same time that Mr. Rehnquist chose to stand opposed. He cannot claim naivete, he cannot claim lack of knowledge, and I do not think we would try to do so. And in 1966, he showed hostility toward national antidiscrimination laws, including in the area of employment, as a representative to the national Conference of Commissioners on Uniform State Laws. If these efforts were not sufficient to convince people where Mr. Rehnquist stood on civil rights, in 1967 the nominee had the audacity to assert that, 13 years after Brown against Board of Education and 4 years after this Congress passed the most far-reaching civil rights bill in our history, that "we are no more dedicated to an integrated society than we are to a segregated society." Such a statement so obviously places Mr. Rehnquist outside the mainstream of our thought, so outside the expressed law of the land, that he cannot be entrusted with the hallowed duty of enforcing that very law. His defense of Mr. Nixon's nomination of Judge Carswell on the ground that Carswell's hostility to civil rights was borne not of antiblack or anticivil rights animus, but of constitutional conservatism, is a portent of what we can expect from Mr. Rehnquist. Everything in his record, every major public issue in which he has been involved, in and out of government, has been on the side of those who would ignore the law, who would obfuscate, hinder, delay and who would seek to overturn and destroy the hard earned judicial successes of our minorities. That is not the record of a man who can be trusted on the highest court of the land.

I ask unanimous consent to have printed in the RECORD a letter published in the Washington Post of December 4, written by Joseph L. Rauh, Jr., and Clarence Mitchell, legislative chairman, Leadership Conference on Civil Rights.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 4, 1971]

FOR AN EXAMINATION OF MR. REHNQUIST'S CIVIL LIBERTIES RECORD

Your editorial "The Senate, the Court and the Nominee—II," which appeared on Sunday, Nov. 28, should be read by every member of the United States Senate. It is hard to believe that any true supporter of civil liberties could vote for the Rehnquist nomination to the court, after considering the points that you discussed.

Senator Fannin's "rebuttal" (Letter, Dec. 2) only reinforces the Post editorial. By quoting banal generalities, Senator Fannin concedes that the specifics of Mr. Rehnquist's anti-Bill of Rights views cannot stand the light of day. For example, Senator Fannin quotes a Rehnquist statement favoring a free press, but doesn't mention his efforts to pressure The Washington Post not to print the Pentagon Papers. Senator Fannin quotes Mr. Rehnquist in favor of the Fourth Amendment, but does not mention his position that wiretapping for "domestic subversion" without even a court order is a reasonable and legal search and seizure. He quotes Mr. Rehnquist in favor of a fair trial, but fails to mention his support for preventive detention, his opposition to the exclusionary rule and his belief in restricting the use of habeas corpus.

Weak as is Mr. Fannin's defense of Mr. Rehnquist in the area of civil liberties, he makes no defense whatever of the Rehnquist civil rights record. Nor could he. This record is such that no thoughtful black person could expect a fair trial in any court where Mr. Rehnquist would be the judge. The extent of his participation in schemes to deny Negroes the right to vote is incredible.

Over the years, there has been only one area of civil rights legislation where conservatives, liberals and even some of the Deep South members of the Senate and House could reach agreement. That is the right to vote. Thus, because of his personal and organizational involvement in denying Negroes the right to vote in Arizona, Mr. Rehnquist is out of step even with many segregationists who welcome voting by colored Americans.

Mr. Rehnquist's participation in attempts to bar voters from casting their ballots took two forms. First, he personally was present in some precincts when unconscionable attempts were made to prevent elderly and timid black citizens from voting. He says he was there to halt abuses by others. In contradiction there are witnesses who have signed sworn affidavits alleging that it was Mr. Rehnquist, himself, who was interfering with the voters. Neither the White House nor the United States Department of Justice has dared to let Mr. Rehnquist return to the Senate Judiciary Committee to answer these charges in person. Also, Sen. James Eastland (D.-Miss). has asserted that FBI reports do not mention that Mr. Rehnquist was personally trying to prevent anyone from voting. If these reports by the FBI are so exculpatory, why do Senator Eastland and the Department of Justice ask us to take their word for what is in these documents? Surely, the investigation of complaints of voting discrimination can stand public scrutiny. As long as these reports are not made public, there is a strong suspicion that a full revelation of what these reports contain would show that Mr. Rehnquist was more than a foot soldier in the Arizona army that was mobilized in the 1960's to reduce the number of Negro and Mexican-American voters.

The second aspect of the Rehnquist operation on voting is very troublesome. It will be remembered that in 1964 the Congress passed a law prohibiting the giving of oral literacy tests, unless the Attorney General gave a special exemption. Even the Rehnquist supporters admit that there were extensive efforts in Arizona to give so-called tests to Negro voters by asking them to read or recite parts of the United States Constitution. This campaign was so well organized, so widespread and so obstructive that one observer of what was going on said, "It is a wonder someone didn't get killed." Mr. Rehnquist's role in this campaign has been given various descriptions. Sometimes he is pictured as the benign lawyer who was opposed to what was happening. Sometimes he is cast in the part of a relief man who dropped in to the polling places to give others a rest period. One report credited him with being in charge of "ballot security." Whatever may have been his rank or serial number, one thing is clear. He was deeply involved in a scheme which, on its face, seems to have been a violation of federal law.

The public has a right to know just what Mr. Rehnquist was doing. Did he get the program started? Did he advise the troops that trying to make would-be voters pass oral literacy tests was illegal? Did he sanction the sending of letters warning people that they might get arrested for voting? These and many other questions have not been answered in an open hearing. As long as Mr. Rehnquist, or the Justice Department or the White House take the position there will be no more appearances by Mr. Rehnquist one can only conclude that there is something ugly and possibly shocking that is being concealed; something, so enormously embarrassing, that it would show Mr. Rehnquist should not have been nominated in the first place.

The Post editorial expresses the opinion that Mr. Rehnquist's horizons on civil rights may have broadened and may broaden even more. It is difficult for a black man to be optimistic on that point. It must be remembered that Judge Haynsworth also was said to have undergone constructive changes in his civil rights viewpoint. Yet, he wrote the opinion in *Tillman v. Wheaton-Haven Recreation Association*, decided on Oct. 27, 1971, which held that neither the Civil Rights Act of 1866 nor the Civil Rights Act of 1964 gave relief to Negroes who were denied use of a swimming pool. It is noteworthy that Judge Butzner in his dissent said that the Haynsworth decision was a "marked departure from authoritative precedent." Judge Carswell was also pictured as one who had changed his racial views for the better. Few can forget that, after his nomination was defeated in the Senate, the real Judge Carswell emerged as an anti-civil rights candidate in the 1970 Florida Senate race. It is unlikely that Mr. Rehnquist is any different from the other two nominees who were rejected. Sooner or later, the same old Rehnquist, who opposed public accommodations law, will rise and attempt to block progress in civil rights.

Unfortunately, there are some members of the Senate who find it hard to vote against a nominee solely because of his negative views on civil rights. For there, the issue of civil liberties may seem more respectable as ground for opposition to the nominee. However, let no one be deceived about the importance of civil rights in this matter. The Rehnquist position on civil rights, even standing alone, is sufficient to make him unworthy of being on the court.

Mr. McGOVERN. Mr. President, perhaps no one speaks better against confirming Mr. Rehnquist's confirmation

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than Mr. Rehnquist himself. I am speaking, of course, of Mr. Rehnquist's vigorously argued and appalling memorandum to Mr. Justice Jackson written in 1952 on the impending school desegregation cases: All of us have at one time or another held positions which we have come to see as wrong or untenable, but the important point is that nothing in Mr. Rehnquist's subsequent record or actions suggests that he has, in fact, come to admit the errors which led to his advice to the Justice. I think we should all ask, as we listen to Mr. Rehnquist's own words, whether this is the type of opinion we would inflict on a generation of Court decisions: I ask unanimous consent that Mr. Rehnquist's memorandum, "A Random Thought on the School Segregation Cases," be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A RANDOM THOUGHT ON THE SEGREGATION CASES

One-hundred fifty years ago this Court held that it was the ultimate judge of the restrictions which the Constitution imposed on the various branches of the national and state government. *Marbury v. Madison*. This was presumably on the basis that there are standards to be applied other than the personal predilections of the Justices.

As applied to questions of inter-state or state-federal relations, as well as to inter-departmental disputes within the federal government, this doctrine of judicial review has worked well. Where theoretically co-ordinate bodies of government are disputing, the Court is well suited to its role as arbiter. This is because these problems involve much less emotionally charged subject matter than do those discussed below. In effect, they determine the skeletal relations of the governments to each other without influencing the substantive business of those governments.

As applied to relations between the individual and the state, the system has worked much less well. The Constitution, of course, deals with individual rights, particularly in the First Ten and the Fourteenth Amendments. But as I read the history of this Court, it has seldom been out of hot water when attempting to interpret these individual rights. *Fletcher v. Peck*, in 1810, represented an attempt by Chief Justice Marshall to extend the protection of the contract clause to infant business. *Scott v. Sanford* was the result of Taney's effort to protect slaveholders from legislative interference.

After the Civil War, business interests came to dominate the Court, and they in turn ventured into the deep water of protecting certain types of individuals against legislative interference. Championed first by Field, then by Peckham and Brewer, the high water mark of the trend in protecting corporations against legislative influence was probably *Lochner v. NY*. To the majority opinion in that case, Holmes replied that the Fourteenth Amendment did not enact Herbert Spencer's Social Statics. Other cases coming later in a similar vein were *Adkins v. Children's Hospital, Hammer v. Dagenhart, Tyson v. Banton, Ribnik v. McBride*. But eventually the Court called a halt to this reading of its own economic views into the Constitution. Apparently it recognized that where a legislature was dealing with its own citizens, it was not part of the judicial function to thwart public opinion except in extreme cases.

In these cases now before the Court, the Court is, as Davis suggested, being asked to read its own sociological views into the Constitution. Urging a view palpably at variance with precedent and probably with legislative history, appellants seek to convince the Court of the moral wrongness of the treatment they are receiving. I would suggest that this is a question the Court need never reach; for regardless of the Justice's individual views on the merits of segregation, it quite clearly is not one of those extreme cases which commands intervention from one of any conviction. If this Court, because its members individually are "liberal" and dislike segregation, now chooses to strike it down, it differs from the McReynolds court only in the kinds of litigants it favors and the kinds of special claims it protects. To those who would argue that "personal" rights are more sacrosanct than "property" rights, the short answer is that the Constitution makes no such distinction. To the argument made by Thurgood, not John Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the constitutional rights of the minority are. One hundred and fifty years of attempt on the part of this Court to protect minority rights of any kind—whether those of business, slaveholders, or Jehovah's Witnesses—have all met the same fate. One by one the cases establishing such rights have been sloughed off, and crept silently to rest. If the present Court is unable to profit by this example, it must be prepared to see its work fade in time, too, as embodying only the sentiments of a transient majority of nine men.

I realize that it is an unpopular and unhumanitarian position, for which I have been excoriated by "liberal" colleagues, but I think *Plessy v. Ferguson* was right and should be re-affirmed. If the Fourteenth Amendment did not enact Spencer's *Social Statics*, it just as surely did not enact Myrdahl's *American Dilemma*.

Mr. McGOVERN. Mr. President, in his own review of Mr. Rehnquist's sorry record, William V. Shannon wrote an article for the New York Times entitled "No to Rehnquist." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"No" TO REHNQUIST

(By William V. Shannon)

In 1964, Senator Barry Goldwater won the Republican Presidential nomination. Governor George Wallace abandoned his putative candidacy. The stage was thus cleared for a united bid for power by the most regressive factions in national politics—the Southern racists and the right wing of the Republican party.

The issues were clearly drawn. Senator Goldwater had voted against the 1964 Civil Rights Act and opposed the whole thrust of the Negro drive for equality. Ten years earlier he had voted against censure for Joe McCarthy and fully endorsed the McCarthyite assault on the civil liberties of Government employes and private persons. Senator Goldwater stood squarely for a "war on crime" and against procedural safeguards that hobbled the police.

"I would remind you that extremism in the defense of liberty is no vice. And let me remind you that moderation in the pursuit of justice is no virtue," said Mr. Goldwater, accepting his nomination.

The nation overwhelmingly rejected this reactionary fanaticism. People in 44 of the fifty states voted "no" to Mr. Goldwater. He was, in Nelson Rockefeller's famous phrase, outside "the mainstream" of modern America.

Four years later, as a consequence of the Nixon victory, the Justice Department was delivered into the hands of the two Goldwaterites. Two of his Arizona protéges—Richard Kleindienst and William Rehnquist—became Deputy Attorney General and Assistant Attorney General, respectively.

As a further consequence, Mr. Rehnquist has now been proposed for one of the two vacancies on the Supreme Court. His bleak record on racial equality, civil liberties and the overweening power of government to coerce private individuals in the name of order and security is wholly consistent with that of his political sponsor.

Mr. Rehnquist publicly opposed the passage of the Phoenix municipal ordinance and the Arizona state law requiring nondiscriminatory racial policies on the part of bus stations, restaurants and other places of public accommodation. That was in 1964–65, extraordinarily late for anyone to refuse to recognize the legitimate claims of Negroes to equal treatment.

Wherever the convenience of the police and the rights of the citizen conflict, Mr. Rehnquist wants to enlarge the power of the police and circumscribe the citizen. He would alter the "exclusionary rule" that prevents prosecutors from making use of illegally obtained evidence. He has argued for the Government's right to tap the phones and electronically "bug" the homes of individuals whom it suspects of "national security" offenses and to do so without a court order. Rather than restrict such dangerous power to cases involving spies for foreign countries, he would apply it to any American citizen without restraint.

Warning against his confirmation as "a dangerous mistake," the Ripon Society, made up of progressive young Republicans, declared in the latest issue of its magazine: "Approval of William Rehnquist's nomination will for the first time give credence to what has until recently seemed an alarmist fear: that we are moving into an era of repression. The entire scenario of repression consists of measures that Rehnquist, on the record, has strongly and explicitly invited."

A man's opinion can change but a mature man's habits of mind rarely change. Ominously, Mr. Rehnquist has a zealot style that borders upon intellectual McCarthyism. After serving as a law clerk to the late Justice Robert Jackson, he gave an unusual interview in which he attacked other Supreme Court law clerks as "left wing" and said that "unconscious slanting of material" influenced the cases on which the Court granted *certiorari*.

Mr. Rehnquist's first political speech in Arizona in 1957 was a scathing attack on the Supreme Court, which included derogatory personal remarks about Chief Justic Earl Warren's professional competence.

The following year he began a bar association journal article with this sentence: "Communists, former Communists, and others of like political philosophy scored significant victories during the October, 1956, term of the Supreme Court, culminating in the historic decisions of June 17, 1957."

Those were landmark civil liberties decisions involving a loyalty-security firing in the State Department, the rights of witnesses before Congressional and state legislative committees and a free-speech case. Two of them were written by Justice Harlan, a distinguished conservative. Was Mr. Harlan "soft on Communism?"

The Rehnquist record is not that of a true conservative. It is the record of an aggressive ideologue with combative impulses and strong commitment to a harsh, narrow doctrine concerning government and individual. It would be an ironic turn of events if this Goldwaterite doctrine so overwhelmingly rejected by the voters should be legitimized on the Supreme Court.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the editorials appearing in the New York Times of December 8, 1971, and the Des Moines Register be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 8, 1971]

THE REHNQUIST NOMINATION

With only one dissenting vote, the Senate has confirmed the nomination of Lewis Powell to the Supreme Court. In this decisive manner, the Senate has shown how false was the imputation that it would not approve a Southerner or a conservative. When a nominee is a man of professional stature, wide experience, and a fundamental belief in the basic guarantees of the Constitution, no regional bias or philosophical disagreement bars his way.

It is a source of profound regret that President Nixon's other nominee for the Court is not of the same quality. Instead, by submitting the name of William Rehnquist, the President has once again provoked the turmoil of a confirmation struggle.

The grounds for rejecting Mr. Rehnquist are quite different from those on which the Senate refused to confirm two earlier Nixon nominees. His record does not show either insensitivity to potential conflicts of interest or deficient professional qualifications. Rather, his are the defects of basic insensitivity to racial equality and seriously deficient understanding of the Bill of Rights.

He has repeatedly shown himself opposed to judicial or legislative efforts to eliminate racial discrimination. There was a time decades ago when a nominee with Mr. Rehnquist's opinions would have been confirmed for the Court with hardly a ripple of controversy. But twenty-five years of Supreme Court rulings, Congressional legislation and social upheaval have made him an anachronism. Commitment to equality of treatment and opportunity for all races has become one of the indisputable standards of modern constitutional democracy. Since Mr. Rehnquist is lacking in such a commitment, the Senate if it confirmed him would be voting to turn back the clock.

Mr. Rehnquist's evident lack of sympathy for individual liberties also disqualifies him. The Constitution is a libertarian document. The first ten amendments and many other provisions are prohibitions against the exercise of certain kinds of power by the Federal Government and against the arbitrary, excessive, or unreviewed exercise of other powers.

As a political activist and as an Assistant Attorney General, Mr. Rehnquist has relentlessly argued in favor of abridging and diminishing the liberties of the citizen and enhancing the powers of Government—to tap the citizen's phone and "bug" his home and office, to enter his premises without knocking, to use tainted evidence against him, to arrest him in dragnet sweeps, to compel him to testify against himself, to deprive him of his right to practice his profession if he is a radical lawyer.

It is easy and comfortable for the ordinary, law-abiding citizen to assume that these intrusions of governmental authority will never touch his life, but the whole history of human liberty shows that the unpopular dissenter is the first—but rarely the only—victim of arbitrary power.

In voting for the first time in fifty years to oppose a nominee for public office, the national board of directors of the American Civil Liberties Union stated: "We know Mr. Rehnquist as a person committed to the notion that in every clash between civil liberty and state power, it is civil liberty that should be sacrificed."

Free societies are judged by how they treat their racial minorities and by the extent of the liberty they allow the individual citizen. On both counts, Mr. Rehnquist fails to qualify as one of the guardians of a Constitution of free men.

ALIENATING INDIA

President Nixon's declaration of "absolute neutrality" in the Indian-Pakistani conflict fails to conceal Administration policies, which have, in fact, been obviously biased in favor of the Government of President Yahya Khan in Islamabad.

During the eight months of repression in East Pakistan which led to the present international conflict on the subcontinent, Washington's "neutrality" consisted of maintaining silence while Yahya's troops suppressed a freely elected autonomy movement in East Pakistan, were responsible for the death of thousands of Bengalis and forced millions more, mostly Hindus, to flee to India where their presence has posed a growing threat to Indian political, economic and social stability. For many months the Administration actually gave material support to this unconscionable repression by continuing to ship small amounts of military supplies to Islamabad.

Administration officials argued that their public silence and the continuance of aid were designed to strengthen quiet efforts to promote a political settlement in East Pakistan that would bring peace and the return of the refugees. But there is no evidence that President Yahya has tried to reach any accommodation with the imprisoned Sheik Mujibur Rahman and the other elected representatives who command the confidence of the overwhelming majority of Pakistan Bengalis.

Having failed to condemn the repression in East Pakistan or to press for a genuine political solution, the United States has now flatly charged India with "major responsibility" for the resulting international conflict; having waited months to suspend arms aid to Pakistan, the Administration has promptly suspended military and economic aid to India. This is hardly "absolute neutrality"—even though it must be fully recognized that India is by no means guiltless in the actual outbreak or armed conflict, and, despite all the hypocritical and self-serving statements issued from New Delhi almost daily, has been aggressively maneuvering against her northern neighbor. There is plenty of blame to go all the way around.

United States efforts at the United Nations, first in the Security Council and now in the General Assembly, have been aimed at bringing about a simple cease-fire and withdrawal of forces. Urgent and desirable as such action surely is, it cannot be practically effective unless the United Nations and its leading members—especially the United States—are prepared at the same time to recognize and attempt to deal with the root cause of the problem in Pakistan.

MENDING TIES WITH CANADA

Prime Minister Trudeau, a man not usually given to inflated rhetoric, says President Nixon in their White House talks offered him "a fantastically new statement" of United States respect for the political and economic identity of Canada. Mr. Nixon said things to him "unequalled by any other President in speaking about Canada," Mr. Trudeau told a news conference.

If this is true—if Mr. Nixon acts henceforth in the spirit described—Mr. Trudeau's visit has produced the best news to come out of Washington on the foreign policy front in months. A rebuilding of something like the old trust that once existed between Ottawa and Washington could soon arrest the deterioration in relations that has been so evident since the imposition of the American import surcharge last August.

To say this is not to suggest that relations can or should resettle into a familiar pattern that may or may not have existed in a former time. The United States has been slow to recognize that Canada has come of age, ranking tenth among industrial countries and sixth or seventh in per capita trade.

Canada was never simply the tail to the United States kite in world affairs that many Canadians believe; but in the future it probably will try even more foreign policy initiatives such as the recognition of China and the visit of Soviet Premier Kosygin. Canada is likely in the near future to set up some machinery for screening investment from abroad that American capital may find irksome. It is certain to be ever more zealous in conserving Canadian natural resources for home use.

According to Mr. Trudeau, President Nixon is sensitive to these desires, compares them with the determination of Americans at an earlier period to lessen their dependence on foreign investment, and will do his utmost to avoid giving Canadians the feeling that they are regarded as a "colony" by Washington.

We hope subsequent Washington actions will bear out Mr. Trudeau's optimistic interpretations. It is obvious, in any event, that this visit has cleared much bad air and restored sorely needed cordiality to American-Canadian relations at the top level.

[From the Des Moines Register, Nov. 30, 1971]

POWELL AND REHNQUIST

Lewis F. Powell and William H. Rehnquist, President Nixon's nominees to the Supreme Court, easily passed muster in the Senate Judiciary Committee, though doubts were expressed about Rehnquist. Both men are superior to the mediocre nominees submitted to the American Bar Association by the White House and disapproved by the ABA committee. Powell was approved unanimously by the Senate committee, and Rehnquist was accepted by a 12 to 4 vote.

The four negative votes on the latter nomination reflected a growing persuasion among the senators that Rehnquist's views about civil rights questions, especially concerning racial equality, are unjudicial and expedient.

We share the doubts about Rehnquist. He is able, intelligent, honest, but the Senate has the duty to judge him not on these characteristics alone but on his ideas—as Rehnquist himself has argued.

The evidence that he believes in detouring or watering down the guarantees of the Bill of Rights, in order to catch and punish criminals or Communists, seems quite strong. He has spoken in favor of arbitrary wiretapping by police, "preventive detention" or jailing suspects for long periods without trial. Attorney General John Mitchell's "no knock" raids and similar repressive actions.

Rehnquist has argued that the government has the right to conduct surveillance of any citizen. He thinks that "self-discipline on the part of the executive branch will provide an answer to virtually all the legitimate complaints against excesses of information gathering."

Rehnquist seems to favor a diminution of the powers of the judicial branch in favor of the executive, the willingness to put ends over means.

Moreover, Rehnquist has expressed himself about Supreme Court decisions in ways that indicate he mistrusts the court. He said, for example, that Communists had scored significant victories from decisions of the court. Is there a suggestion that Communists do not have rights? Rehnquist's views on measures to assure equality for Negroes leave similar doubts concerning his dedication to the principle of equality under the law.

We take no stock in the smears concerning Rehnquist's alleged membership in an extremist right wing orgsnization in Arizona, which he denies. Nor are we concerned about the vague and unproved stories about his

supposed harassing of blacks at the polls in Phoenix. We are concerned about his views—not that they are conservative on political issues, but that they fall short of "strict constructionism" of the Constitution on individual rights.

We fervently believe that the Bill of Rights of the Constitution is the foundation of American liberty and of a free society. Devotion to these liberties rises above political conservatism or liberalism, and we would not select a Supreme Court justice who was willing to compromise in this area.

Lewis Powell, on the other hand, we endorse without qualms. He is a staunch conservative—but a conservative in the Southern pattern of Senator Sam Ervin (Dem., N.C.), dedicated to the doctrines of individual freedom and the rights of man. Powell is a highly respected man of the law in the fullest meaning of that term in the American tradition.

DOES WILLIAM REHNQUIST MEET THE HIGH STANDARDS EXPECTED OF THE SUPREME COURT?

Asked what he thought of William H. Rehnquist as a prospective justice for the U.S. Supreme Court, this was the reply of John P. Frank, a noted expert on the Constitution and the Court and a friend of Mr. Rehnquist's for many years in Phoenix, Arizona:

"He will represent the Goldwater view on the Supreme Court. Bill has been an intellectual force for reaction. I do not believe he will put manacles back on the slaves, but I'm sure from his point of view it will be more than a pause . . . there will be backward movement.

"In terms of race relations I would expect him to be retrograde. He honestly doesn't believe in civil rights and will oppose them.

"On criminal matters he will be a supporter of police methods in the extreme. On free speech, Bill will be restrictive. On loyalty programs, McCarthyism, he'll be 100 per cent in favor."

In spite of this grim estimate and his feeling that "it is a deplorable appointment," Mr. Frank still thought Mr. Rehnquist should be confirmed for the Supreme Court.

He subscribes, apparently, to the current notion that a man's ability as a lawyer and his legal views are two separate things, that it is somehow unfair to inquire into a nominee's personal views on the law when considering him for the Court.

Yet President Nixon and Mr. Rehnquist have both said a nominee's views—his judicial philosophy—should be part of an inquiry into his fitness for the highest judicial appointment in the land.

When President Nixon announced the Rehnquist nomination on October 21, he said judicial philosophy was one of the major considerations governing his choice. And Mr. Rehnquist, in a Harvard Law Review article he wrote in 1959, urged that the Senate restore "its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him . . ."

We agree with Mr. Nixon and Mr. Rehnquist. For us, the crucial question is this: To what extent would Mr. Rehnquist's philosophy of the law hinder him in trying to meet President Nixon's high criterion—that a Supreme Court Justice's "sole obligation is to the Constitution and to the American people"?

I—THE REHNQUIST RECORD ON CIVIL RIGHTS

Mr. Nixon's statement admits no exceptions. So it is fair to ask if Mr. Rehnquist is prepared to assume an obligation to all of the American people and not just to some of them.

What gives that question particular point are the first substantial public expressions of his views on civil rights when he was a lawyer in private practice in Phoenix during the 1960s.

PEOPLE AND PRIVATE PROPERTY

In 1964, Phoenix was about to pass a public accommodations law, a local ordinance requiring stores, restaurants and other places of public accommodation to serve all members of the public without regard to race, color, religion or national origin.

It was June 15, about five months after the U.S. House of Representatives had passed, by overwhelming vote, a civil rights law with a public accommodations section similar to the one Phoenix was considering; it was five days after two-thirds of the members of the U.S. Senate had broken a filibuster and signified their readiness to adopt the same provision. Yet William Rehnquist went before the city council to argue against the local ordinance.

He spoke, he said, only for himself; and indeed he was virtually alone in his opposition. Even Senator Barry Goldwater was in favor of the local law.

But Mr. Rehnquist called it "an assault on the institution [of private property]." The council went on to pass the ordinance unanimously. Still dissatisfied, Mr. Rehnquist wrote to the local paper. The ordinance, he said, in a letter to the Arizona Republic, "summarily does away with the historic right of the owner of a drug store, lunch counter or theater to choose his own customers.

"By a wave of the legislative wand, hitherto private businesses are made public facilities, which are open to all persons, regardless of the owner's wishes."

He questioned "whether the freedom of the property owner ought to be sacrificed in order to give these minorities a chance to have access to integrated eating places . . ." In his view, it placed "a separate indignity" on the proprietor in order to correct the "indignity" society had placed upon "the Negro."

He wrote, "it is, I believe, impossible to justify the sacrifice of even a portion of our historic individual freedom for a purpose such as this."

Asked at the Senate Judiciary Committee hearing on his nomination on November 3, if he still felt that way, Mr. Rehnquist replied, "I think probably not. The ordinance really worked well in Phoenix.

"It was readily accepted and I think I have come to realize since, more than I did at the time, the strong concern that minorities have for the recognition of these rights." Since that "time" was in the wake of the Montgomery bus boycott, the Freedom Rides, the protests and mass jailings in Birmingham, the March on Washington and the demonstrated readiness of thousands of Negroes to die for full equality, one wonders what more was needed to make Mr. Rehnquist aware of a "strong concern."

People and the schools

In 1967, when Phoenix School Superintendent Seymour sought to desegregate the city's schools, saying "we are and must be concerned with achieving an integrated society," Mr. Rehnquist wrote again to the local paper taking issue with that statement. "We are no more dedicated to an 'integrated' society than we are to a 'segregated' society," he said.

Those seeking to end segregated schools, he thought, "assert a claim for special privileges for this minority, the members of which, in many cases, may not even want the privileges which the social theorists urge be extended to them."

It is hard not to hear on echo here of the old Dixiecrat argument that Negroes in the South would have been content with their lot were it not for "outside agitators." Thirteen years after the U.S. Supreme Court had declared racially segregated schools to be unconstitutional Mr. Rehnquist was still arguing for the right to keep school children separate by race.

People and the polls

Mr. Rehnquist's views on voting rights were left in murky obscurity by the Senate Judiciary Committee. The Southwest Area Conference of the NAACP asserts he took part in a local campaign of "harassment and intimidation" to keep minorities from the polls.

Four citizens of Arizona have presented affidavits swearing that Rehnquist was a Republican challenger at the polls in 1964 and was "harassing unnecessarily several people at the polls . . . attempting to make them recite portions of the Constitution and refused to let them vote until they were able to comply with his request." They further assert that when one of them, a cripple, remonstrated with him, Mr. Rehnquist engaged in a physical struggle.

Although Mr. Rehnquist made a general denial in writing of being at the polls in 1964, his Senate supporters refused to allow him to be recalled and questioned about the details of the charges. Further, a fifth citizen of Arizona presented an affidavit that Mr. Rehnquist "planned and executed the strategy designed to reduce the number of poor black and poor Mexican American voters" and "trained young white lawyers and others to invade each black or predominantly black precinct in Phoenix on election day."

While Mr. Rehnquist again made a general denial in writing of this allegation, he admitted his chairmanship of the responsible committee which actually carried out these unconstitutional practices. Again, there was a refusal to recall Mr. Rehnquist and clarify the facts.

The Carswell nomination

When the Washington Post in 1970 opposed the nomination of G. Harrold Carswell to the Supreme Court, citing among its reasons an anti-civil rights record that included a speech in favor of white supremacy, serving as an incorporator of a Florida golf-course to keep it racially segregated, and harsh treatment of civil rights lawyers and plaintiffs who came into his court, as well as decision after decision against civil rights, Mr. Rehnquist came to Carswell's defense.

"Your editorial clearly implies," he wrote, "that to the extent the judge falls short of your civil rights standards he does so because of an anti-Negro, anti-civil rights animus, rather than because of a judicial philosophy which consistently applied would reach a conservative result . . ."

Judge Carswell's decisions in civil rights cases, he insisted, "are traceable to an overall constitutional conservatism, rather than to any animus directed only at civil rights cases or civil rights litigants." This identification with Carswell's anti-civil rights decisions is, perhaps, a portent of things to come from Mr. Rehnquist.

The nominee's expressed views on public accommodations laws and school desegregation, his relationship to incidents of voter harassment in Arizona, his identification with Judge Carswell make credible Arizona State Senator Cloves Campbell's assertion that in 1964 Mr. Rehnquist told him he "was opposed to all civil rights laws."

Certainly Mr. Rehnquist's denial should be tested before the Senate Judiciary Committee with Senator Campbell present.

II—THE REHNQUIST RECORD ON CIVIL LIBERTIES

If it is difficult to see any deep sense of obligation to all the American people in his record on civil rights, it is just as hard to discern any obligation to a strict construction of the Constitution and the Bill of Rights in his record on civil liberties.

Mr. Rehnquist observed the Supreme Court at first hand as a law clerk to Justice Robert Jackson in 1952 and 1953. He came away from that experience with an abiding hostility to the Warren Court and its interpretation of constitutional issues.

In an article written in 1957 for the U.S. News and World Report, he condemned the liberal point of view of the Court, which he said was characterized by "extreme solicitude for the claims of Communists and other criminal defendants."

He expounded that theme in greater detail in an article he wrote a year later for the Bar Association Journal observing in his opening sentence, "Communists, former Communists, and others of like political philosophy scored significant victories during the October, 1956 Term of the Supreme Court of the United States, culminating in the historic decisions of June 17, 1957."

Commenting on that sentence in an article in the New York Times (Nov. 22, 1971), William V. Shannon had this to say about the rulings Mr. Rehnquist saw as "significant victories" for Communists, "Those were landmark civil liberties decisions involving a loyalty-security firing in the State Department, the rights of witnesses before Congressional and state legislative committees and a free-speech case.

"Two of them were written by Justice Harlan, a distinguished conservative. Was Mr. Harlan 'soft on Communism'?" (It is ironic to note that Mr. Rehnquist is being nominated to fill Mr. Harlan's seat.)

Here is a further sampling of Mr. Rehnquist's views on major civil liberties issues:

On Government surveillance

Asked by Senator Sam Ervin (D., N.C.), "Does a serious constitutional question arise when a government agency places people under surveillance for exercising their First Amendment rights to speak and assemble?" Mr. Rehnquist said, "No."

On freedom of speech

Mr. Rehnquist does not see it as a right of federal workers. "The government as an employer has a legitimate and constitutionally recognized interest in limiting public criticism on the part of its employees even though that same government as sovereign, has no similar constitutionally valid claim to limit dissent on the part of its citizens."

On demonstrators

In a letter to the Washington Post (Feb. 14, 1970), Mr. Rehnquist railed against "further expansion of the constitutional rights of criminal defendants, or pornographers and of demonstrators," lumping all three together without discrimination.

And in a speech to the Newark Kiwanis Club he stated, "in the area of public law . . . disobedience cannot be tolerated, whether it be violent or nonviolent disobedience. If force is required to enforce the law, we must not shirk from its employment."

On May Day arrests

In a speech to a state university in North Carolina, two days after the May Day demonstrations, Mr. Rehnquist defended the mass arrests of thousands of innocent persons as the exercise of "qualified martial law"—a most dangerous and repressive doctrine in the hands of the police.

Mr. Rehnquist denied using the phrase in connection with the May Day incidents. But if he were not applying the term as he says, why did he use it in a speech about May Day and why did he let the press uniformly interpret it that way until after he was nominated to the Supreme Court?

On rights of accused

When Mr. Rehnquist reads the Constitution it is invariably to the disadvantage of the accused. He favors pre-trial detention, saying in defense of the D.C. Crime Law, that there is a "social need to detain those persons who pose a serious threat to the public safety . . ."

He would like to modify the "exclusionary rule" which "now prevents the use against a criminal defendant of evidence which is found to have been obtained in violation of his constitutional rights."

He favors restricting the application of habeas corpus after trial and, referring to a decision by Justice Harlan earlier this year, sees arresting a man without proper warrant and with probable cause as no more than a technical violation of the Fourth Amendment.

All of this suggests a readiness on Mr. Rehnquist's part to tailor the Constitution to his views that hardly fits the usual notion of a strict constructionist.

III—GOVERNMENT VERSUS THE RIGHTS OF PEOPLE

In Mr. Rehnquist's view, big government knows best. On several occasions he has defended extreme use of governmental powers against citizens.

Wiretapping

He has defended governmental wiretapping under court order in criminal cases and without court order in national security cases. "Is the invasion of privacy entailed by wiretapping too high a price to pay for a successful method of attacking this and similar types of crime? I think not, given the safeguards which attend its use in the United States." But the only safeguard he mentions is the discretion of the government.

Invasion of Cambodia

Mr. Rehnquist has defended Mr. Nixon's invasion of Cambodia last summer as a proper use of the President's authority as Commander-in-Chief. He maintained that under the Constitution the President can order the invasion of another country—even a neutral one—if he feels the invasion is necessary to protect American troops.

This plea for unlimited Presidential power is as dangerous as it is unprecedented. When he wrote the opinion overruling President Truman's seizure of the steel mills during the Korean War, Mr. Justice Jackson, whom Mr. Rehnquist once served as a law clerk, rejected the contention that under the commander-in-chief clause of the Constitution, the President has power to do "anything, anywhere that can be done with an army or navy." Yet Mr. Rehnquist, ironically, has in effect advanced that notion in his statements supporting the Cambodian invasion.

Subversive activities control board

The Board was almost defunct until Mr. Rehnquist took the lead in enlarging its powers, on the assumption that the government can give additional duties to any agency created by Congress without the express consent of Congress. Now the SACB can designate as subversive any offending organization of citizens.

IV—A LACK OF CANDOR

On several occasions during the Senate committee session in which he testified on his nomination, Mr. Rehnquist was less than candid in his responses.

1. Pressed to explain his views on certain civil liberties issues, he declined to do so, saying it would violate the attorney-client relationship with Attorney General John Mitchell and the President. Nineteen members of the Catholic University Law Faculty attacked this position in a letter to Senator James Eastland (D., Miss.), Chairman of the Senate Judiciary Committee.

They say, "no nominee may justify withholding from the Committee which must initially pass upon his qualifications and disposition for handling this political power 'in legal form' a frank expression of his political and legal philosophy. The attorney-client privilege is not the attorney's.

"It is for the protection of, and belongs to, the client. It is peculiarly inappropriate for a government attorney to invoke the privilege with respect to advice he has given to government servants (whether President, Attorney General or Deputy Marshal). His client is the people, and not the President. There is no such privilege, which any nominee was so bold as to claim before, against the Senate's right to know in fulfilling its responsibility to the same people."

2. Asked during the nomination hearings to say what he had done for civil rights Mr. Rehnquist could think of only two things—he had represented some indigents during the time he practiced law in Phoenix and he had served on the Legal Aid Board there.

But attorneys know that when they are designated by the court to represent indigents they must accept the assignment; there is no voluntary choice involved. As for the Legal Aid Board, Mr. Rehnquist served on it by virtue of his being an ex officio member of the Legal Aid Society where he represented the Bar Association.

3. Mr. Rehnquist has failed to clarify his connections with Arizonians for America. Written interrogatories to Mr. Rehnquist invited a response to the *St. Louis Post Dispatch* article of November 17, 1971, detailing Mr. Rehnquist's connections with this right wing group.

No response was forthcoming beyond the denial of membership and a failure to recollect one meeting; but a denial of membership is not a denial of connections with or participation in an organization and the record demands clarification.

4. Asked about his role in the Administration's attempt to stop publication of the Pentagon Papers, Mr. Rehnquist claimed he played a restricted role. After his hearing, in response to written interrogatories from some members of the Senate Judiciary Committee, he revealed that he had called *The Washington Post* and asked them not to print the excerpts.

5. Asked about his role in opposing the desegregation of the Phoenix public schools in 1967, Mr. Rehnquist responded before the Senate Judiciary Committee with an attack on busing. But that was an evasion for the issue in Phoenix in 1967 was not busing, as a means to desegregate the schools, but rather desegregation as a desirable end.

It was on this specific issue that Mr. Rehnquist wrote "we are no more dedicated to an 'integrated' society than we are to a 'segregated' society." It was the goal of desegregation he opposed, not just one means (busing) to that end.

WHAT SORT OF JUSTICE WOULD MR. RENQUIST MAKE?

On the basis of his views on civil rights and civil liberties, in the light of his championing of the broadest possible powers for the federal government it is difficult to believe that, as a member of the Court, his "sole obligation would be to the Constitution and to the American people."

William Shannon, in his New York Times article, offered this view of what might be expected:

"The Rehnquist record is not that of a true conservative. It is the record of an aggressive ideologue with combative impulses and strong commitment to a harsh, narrow doctrine concerning government and individual. It would be an ironic turn of events if this Goldwaterite doctrine so overwhelmingly rejected by the voters [in 1964] should be legitimized on the Supreme Court."

Mr. MOSS. Mr. President, I would like to be heard on the nomination now before the Senate. I regret I have not taken part in the debate up to now. Like so many other Senators, I have been engaged in so many other matters, but have tried to follow this debate as best I could from reading the reports in the news-

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papers and listening to my colleagues on occasion. However, I expected there would be much more time to delve into the matter than is now the case, when we are right up against the voting time on the nomination before us.

I do compliment the Senator from Indiana and his colleagues on the Judiciary Committee who filed minority views for delving into this matter, and other Senators like the Senator from Massachusetts (Mr. BROOKE) and the Senator from Wisconsin (Mr. NELSON), who have given much attention to this matter.

A nomination to the Supreme Court and the confirmation by the Senate is the most important appointment within a presidential and senatorial prerogative. Because a Supreme Court Justice is in a virtually unparalleled position in our society to interpret laws to have an impact on the most pressing legal, social, ethical, and political questions facing Americans, it becomes of utmost importance for each Senator to determine whether a nominee meets certain minimum standards of qualification for this high judicial office. Each Senator must take into consideration, therefore, the personal character, the legal ability, the political views, and the judicial philosophy of the nominee.

In the time I have had and with the research I have had an opportunity to do, I do not believe the nominee measures up to the qualifications that this body should require of a person to serve on the Supreme Court of the United States. Because I was concerned from the beginning about this problem, I have sought advice from those in my State who are practicing law or teaching in the law school or otherwise deeply involved with the functions of our courts, and particularly the Supreme Court.

I have received a number of letters from those who are concerned about this question who expressed their views on the qualifications of Mr. William Rehnquist to become an Associate Justice of the Supreme Court of the United States. Many of them express grave concern over Mr. Rehnquist's attitude on the pressing problem of racial discrimination and what is felt to be callous insensitivity on his part with regard to human rights. Of particular significance to me is the number of letters I have received from distinguished professors at the University of Utah College of Law, urging my vigorous opposition to Mr. Rehnquist's nomination.

I would like to quote very briefly from two or three or four of those letters. One is from Prof. Arvo Van Alstyne. The quotation I take from his letter is as follows:

And, as Hamilton indicated in No. 78 of the same volume, the judicial role is most important is safeguarding human liberty in cases where majoritarian tyrany is incapable of being moderated by political power—i.e., in cases involving the interest of minority groups and their members. The record of Mr. Rehnquist in this connection appears to be highly questionable: as late as 1964 he appears to have been quite insensitive to the legitimate needs of minorities in this country.

2. Mr. Rehnquist's views on vital matters relating to the problem of crime in our society appear to be anachronistic, emphasizing the need to short-circuit constitutional rights (e.g., 4th Amendment rights) in order to make law enforcement more effective. Since the President explicitly lauded Mr. Rehnquist as a strict "law-and-order" advocate, when he announced his nomination, it seems clear that confirmation would be taken as a signal of Senate approval of a more repressive stance toward the crime problem. Yet as you have frequently pointed out, the problem of crime is a far more complicated one than the "law-and-order" forces appear to be willing to admit. Mr. Rehnquist's simplistic views in this connection suggest that he lacks the range of vision and balanced judgment necessary to effective adjudication of constitutional issues in this vital area of the law. His confirmation would be one more step away from a realistic attempt to deal with the roots of crime, rather than with mere symptoms—a step which may be politically profitable to the President but is potentially disastrous to the nation.

3. Mr. Rehnquist appears to be wanting in balanced judicial temperament. His willingness to take extreme positions, bordering on fanaticism, in respect to such matters as nondiscrimination in public facilities in Phoenix or the desirability of permitting wiretapping and searches of other kinds without search warrants in certain cases, do not provide assurance that he would be able to exercise balanced judgment as a member of the Court. What the Court needs at the present time is a man with the wisdom, objectivity, and articulateness of Mr. Justice John Harlan (retired). On the basis of the Senate's hearings and his known record, I am convinced that Mr. Rehnquist is far indeed from being that kind of man (although Louis Powell may well prove to be a worthy successor to Justice Harlan).

4. It seems quite clear, from what I have been able to learn about Mr. Rehnquist, that he is not a "strict constructionist" in any meaningful sense of that term. On the contrary, he appears to be quite willing to disregard constitutional language to serve what he regards as desirable political ends; in this sense, it seems quite probable that he would be an "activist" justice of ultra-conservative persuasion if confirmed. I regard extremism of the right to be just as improper, in a Supreme Court justice, as extremism of the left.

Mr. Owen Olpin, professor of law at the University of Utah writes:

I feel strongly that the Senate should not confirm Mr. William Rehnquist's nomination. It is clear that he is not another Carswell; he is undoubtedly bright and intellectually capable. He has, however, indicated an insensitivity to human values and civil rights which would be highly dangerous in these times.

John J. Flynn, professor of law at the University of Utah writes:

You must weight Mr. Rehnquist's qualifications in regard to what is best for all of the citizens of this country. In my view, Mr. Rehnquist does not measure up to either standard. It is my firm hope that you will agree and vote no on his nomination to the United States Supreme Court.

The PRESIDING OFFICER. The Chair asks the Senator from Utah to suspend so that the Chair may inform the Senator from Indiana, in accordance with his request, that he has 2 minutes remaining.

Mr. MOSS. Does the Senator wish to reserve that time?

Mr. BAYH. No.

Mr. FANNIN. Mr. President, how much time does the Senator from Utah desire?

Mr. MOSS. I would like to have about 3 minutes more.

Mr. FANNIN. Mr. President, I am happy to yield 3 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. FANNIN. Mr. President, may I ask first how much time I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 22 minutes remaining.

Mr. MOSS. I thank the Senator from Arizona for his generosity.

Mr. E. Wayne Thode, professor of law, University of Utah, wrote as follows:

I think each Senator has an obligation to determine for himself whether the judicial philosophy of a nominee for the Supreme Court will result in serving the nation ill or well. If my information is correct, then I think Mr. Rehnquist would ill serve the nation. We should not walk backward along the path that has been slowly but steadily developed by the Supreme Court and the Congress during the last twenty years.

Mr. President, I find myself in agreement with the thinking of these dedicated legal scholars from my home State of Utah. I, too, find the record of Mr. Rehnquist almost totally lacking in evidence of a balanced, dispassionate approach to legal and judicial policy. His record is not that of a true conservative. Rather, it is replete with manifestations of an aggressive theorist with combative impulses and a strong commitment to a harsh, narrow doctrine concerning government and the individual. He has consistently accorded the most narrow interpretation to Supreme Court decisions and constitutional concepts that protect individual rights and liberties. At the same time, he accords the broadest interpretation to opinions and concepts that sanction government restrictions on individual rights and liberties. As the New York Times has said:

He neither reveres nor understands the Bill of Rights.

Mr. President, on the basis of Mr. William Rehnquist's frequently expressed and obviously deep-seated insensitivity to human rights, I will vote "no" with regard to his confirmation to the Supreme Court of the United States.

I thank my colleague from Arizona for according me some of his time, which I have used in opposition. I think it indicates fairminded generosity on his part, and I thank the Senator from Indiana for yielding to me.

Mr. FANNIN. Mr. President, I yield to the Senator from Kentucky such time as he may require.

Mr. COOK. I thank the Senator from Arizona.

Mr. President, I might say that I am delighted we are bringing this to a conclusion, because I, for one, will receive a great deal of personal satisfaction in voting for William Rehnquist whom I, in my short period of time in Washington, am proud to consider a friend.

I think; unfortunately, there are many men in the U.S. Senate who have not come to know the Rehnquist that I have come to know. I think one of the things that was brought out in a personal conversation with one of the Members of the Senate the other day shows the kind of Bill Rehnquist that I know, and the kind of Bill Rehnquist that I have had association with. We were discussing our families not too long ago when another Member of the Senate said to him:

I noticed in our local PTA that you were listed as one of the individuals to take calls from parents in the PTA on a poll.

I looked at him and said:

For crying out loud, Bill. Don't you get enough telephone calls day and night without submitting yourself to telephone calls from all the parents of the PTA to take a poll in their school?

He said:

Well, we have been involved in PTA for many, many years, and somebody has to do it.

I consider him this kind of fellow.

I would say, in all fairness, that I think the Supreme Court is getting an outstanding student of the law, an outstanding student who has compassion for the law.

I noticed, in her column in the Star this afternoon, that Mary McGrory quoted the distinguished Senator from New York (Mr. JAVITS) as saying that he had trouble with what he called "Rehnquistian concepts as qualified martial law." I think it is unforunate for that kind of remark to be made, because martial law is a part of the law in the United States. As a matter of fact, it is not a Rehnquistian remark. In fact, in its context it might be well if it were, but it is not. It is found in the Practical Manual of Martial Law published in 1940, and its author was Frederick B. Weiner, who was the special assistant to the Attorney General of the United States under President Roosevelt.

I would say I think we have twisted all of these things sufficiently in regard to one's philosophical approach.

I can only say I think William Rehnquist is a welcome choice for the Supreme Court of the United States—a man who is as humble as any individual I know of. As I said in my long remarks yesterday, in my last paragraph, I hope that the Senate will indulge me to digress for a moment and say that it comes as a matter of great pride on my part to say that it is the first time that I have ever had the occasion to be on the floor of the Senate and participate in the vote on a candidate for the Supreme Court of the United States whom I consider a personal friend.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, I yield the distinguished Senator from Michigan such time as he may require.

Mr. GRIFFIN. Mr. President:

As we move toward this historic vote, let the message go forth that the Senate once again takes seriously its advice and consent powers conferred by the Constitution.

Mr. President, I first made that statement October 1, 1968, as the Senate prepared to decide the future of Abe Fortas. I said then, as we neared the vote on that nomination:

Scholars will look back on this day not only as a significant day, but as a proud day in the history of the Senate.

For our action will mark a turning point—a point of beginning again—in building and maintaining the kind of relationship—the kind of checks and balances—between and among the several branches of government that was envisioned by our Founding Fathers.

Mr. President, although I disagree with the position of the distinguished Senator from Indiana with respect to this nomination, I want to say, as the debate closes, that I commend him and those who were associated with him in examining very closely and carefully the qualifications of this nominee. In doing so, I think they did the Senate a service, and I think that the considerable period of time spent debating and considering every possible argument has been in the interest of the Senate and has been in the interest of the Supreme Court.

Events subsequent to October 1, 1968, have clearly established that that date was a turning point.

Since then, six men have been nominated for the Supreme Court. Two were rejected. Three have been confirmed. We are about to confirm a fourth.

But the important point is that in each case the Senate acted only after careful and searching examination of the nominee's qualifications, his background and experience, and even his judicial and political philosophy.

Mr. President, during the debates preceding the adoption of our Constitution, Alexander Hamilton argued that the Senate's power of "advice and consent" would not be an important factor in the selection of Supreme Court Justices.

Mr. Hamilton was wrong.

During the first 105 years after the adoption of the Constitution, the Senate rejected 20 of 81 nominations to the Supreme Court—a rejection rate of nearly 25 percent.

Between 1894 and 1968, however, the Senate confirmed 43 of 44 nominations. Some might say that Presidents during that period selected only nominees of the highest caliber. But I believe it would be more accurate to say that during that long period the Senate all but surrendered and abandoned its constitutional responsibility of advice and consent.

In 1968, when it rejected the nomination of Mr. Fortas for Chief Justice, the Senate suddenly reasserted itself, and reawakened to its responsibility. Since then the Senate has rejected two nominations, and I believe that it is safe to say that the Senate's stand has influenced the selection of other nominations.

Even though some individuals—including some Presidents—may have suffered because of the Senate's insistence on the exercise of its constitutional powers, I believe that this process has produced justices of the highest caliber.

I believe that the men since selected—Chief Justice Burger, Justices Blackmun and Powell, and today Mr. Rehnquist—have brought and will continue to bring to the Court intellectual strength, the highest standards of character and propriety, and, yes, a sorely needed philosophical balance.

I believe that William H. Rehnquist understands and respects "the majesty of the law" and that his performance on the Court will serve to justify the confidence of the President and the Senate.

I shall be proud to cast my vote for him.

I thank my colleague for yielding.

Mr. FANNIN. I thank the Senator from Michigan.

Mr. President, I yield myself 5 minutes.

Mr. President, the investigations have been made, the questions have been raised and answered, the debate has been lengthy if somewhat repetitious. We now are nearing the hour when we will vote on the confirmation of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States.

Now that all the evidence is in, it is obvious that Mr. Rehnquist should be confirmed overwhelmingly.

Mr. Rehnquist certainly has the intellectual credentials. As an undergraduate student and as a law school student, Mr. Rehnquist was outstanding. He was graduated from Stanford "with great distinction" and was a member of Phi Beta Kappa. He received masters degrees in political science from Stanford and in government from Harvard before earning his law degree at Stanford.

President Nixon has stated that Mr. Rehnquist has "one of the finest legal minds in the whole Nation." In the past few weeks since his nomination this conclusion has been overwhelmingly seconded by his former professors, his colleagues in private practice and in public service, and significantly, from those who have been his legal and political adversaries through the years.

Throughout his career this relatively young man has demonstrated again and again that he has exceptional intellectual and professional competence.

One of his former professors has called William Rehnquist "the outstanding student of his law school generation."

All of us know that scholastic achievement is not always translated into practical application. In the case of Mr. Rehnquist, however, his achievements after law school were equal to or superior to his most excellent performance in the classroom.

As an attorney in Phoenix, Ariz., for 16 years Mr. Rehnquist built himself a most admirable record and reputation as not only a brilliant lawyer but as a man of the highest personal integrity.

The president of the Arizona State Bar Association summarized it well in a statement to the Senate Judiciary Committee. Howard Karman said:

I have known Bill Rehnquist professionally for a number of years. After his nomination by President Nixon, I talked to a great many people in Arizona, Republicans and Democrats, liberals and conservatives. To a man they had nothing but praise for Bill Rehnquist. I was surprised that no lawyer I spoke with had an unfavorable comment to make, even those who find themselves at the opposite end of the political spectrum.

He concluded his statement as follows:

I believe that Mr. Rehnquist is admirably qualified by virtue of intellect, temperament, education, training, and experience to be confirmed.

The collective views of Arizona attorneys on this nomination are also re-

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flected in the unanimous endorsement given Mr. Rehnquist by the board of governors of the State bar of Arizona. They praised him for having "continually demonstrated the very highest degree of professional competence, integrity, and devotion to the ends of justice."

Mr. President, the question boils down to this: Will you believe the testimony of men who have known Mr. Rehnquist intimately both as a friend and an adversary, or do you choose to believe the innuendos of persons who set out with preconceived ideas to make a case against Mr. Rehnquist regardless of the facts?

Will you believe John P. Frank, the Phoenix attorney who is considered to be an expert on the subject of judicial nomination? Speaking of Mr. Rehnquist, Mr. Frank told reporters:

He's splendid. He's going to make a good Supreme Court Justice.

My only disagreement with Mr. Frank is a matter of degree. I think Mr. Rehnquist will make more than a good Supreme Court Justice. He will make a great Supreme Court Justice.

Mr. President, let us look at what some other Arizonans have said about the Rehnquist nomination.

Arizona Gov. Jack Williams described Mr. Rehnquist as a "real scholar—an outstanding attorney." Vice Chief Justice Jack D. H. Hays of the Arizona Supreme Court noted that Mr. Rehnquist is "a very outstanding young man—a tremendous legal scholar." Former Arizona Supreme Court Judge Charles Bernstein stated:

I couldn't think of a better choice . . . he has an extremely well-balanced philosophy . . . a sense of feeling for human beings, especially for the little man.

Gary Nelson, attorney general of Arizona, noted:

I was ecstatic at the announcement of his nomination . . . I think he's outstanding.

State Senator Sandra D. O'Connor, a law school classmate, stated:

When Bill has expressed concern about any law or ordinance in the area of civil rights, it has been to express a concern for the preservation of individual liberties of which he is a staunch defender in the tradition of the late Justice Black.

As the hearings and the letters to the Judiciary Committee on this nomination make clear, the tributes to Mr. Rehnquist from his fellow Arizonans go on and on. It is also clear that the tributes have flowed equally from those who have worked with him in his capacity as Assistant Attorney General in the Office of Legal Counsel. The principal area of expertise of this Office is in matters of constitutional law. As Senators know, the Office—often called the President's law firm—assists the Attorney General in serving as legal adviser to the President and his staff. It also drafts the formal opinions of the Attorney General and gives informal opinions and advice to agencies within the executive branch of the Government. In short, Mr. Rehnquist is, as President Nixon described him, the President's lawyer's lawyer.

As I indicated earlier, the endorsement by the people who have worked with the nominee in this position is as strong as that given by those who knew him in Phoenix. Mr. Rehnquist's first assistant in the Office of Legal Counsel, Martin Richman, a former clerk to Chief Justice Earl Warren, and who was in the Office during Ramsey Clark's tenure as Attorney General, but who stayed on during the first 4 months when Mr. Rehnquist came to the Office, had this to say:

In terms of character, he is strong, honorable, straightforward in his actions and positions. I thought he showed exceptional sensitivity and decency in his decisions on administrative and personnel matters within the Office. While these traits do not necessarily bear on legal ability, they speak deeply of the character of a man.

Mr. Richman's successor as first assistant, Thomas E. Kauper, who is now a professor of law at the University of Michigan Law School, also notified the committee that he believed Mr. Rehnquist to be "exceptionally well qualified" for the Court. Professor Kauper added:

William H. Rehnquist is as fine a lawyer as I have encountered. He has a scholarly, intellectual approach to legal problems which is not found in many practicing lawyers. While he and I did not always agree on the resolution of legal issues, I always received a fair hearing and found him eager to learn all that he could before making a decision. In addition to a powerful legal mind, and perhaps equally as important, Mr. Rehnquist has abiding interest in and concern for the development of the law and legal institutions. He has all the qualities to become a truly great judge, and to assume a substantial degree of intellectual leadership on the Court for a number of years to come.

These conclusions are echoed by members of the career legal staff in the Office of Legal Counsel.

The qualities that earned these plaudits for Mr. Rehnquist from practitioners were also known to the academic community in Arizona. Dean Willard H. Pedrick of the Arizona State University College of Law felt that these qualities would make him an excellent professor of law and approached him on the subject about a year ago. Because of his commitment to the Department of Justice, Mr. Rehnquist declined to consider such a post. Dean Pedrick wrote to notify the Judiciary Commitee of the intelligence and integrity of the nominee and warmly endorsed his nomination to the Court. He stated:

The qualities that would, in my judgment, have made him an excellent law professor should make him an excellent Justice of the United States Supreme Court. On that Court, charged with responsibility to serve the interests of all of the people in interpreting the Constitution of the United States and the laws of Congress, I am confident he will serve his country with great distinction.

In addition to the support of colleagues who have worked closely with him in the daily practice of law, Mr. President, I want to point out that clergymen, doctors, and other professional people are among those sending in praises of William Rehnquist, as a legal scholar, a humanitarian, a civic worker, a good Christian, and a fellow who is loved by his friends and associates. William Rehnquist has a wonderful family who have been a very important part of his life, and he is an ideal father. He will be an outstanding Associate Justice of the Supreme Court.

Mr. President, William Rehnquist has the education, the legal experience and expertise, the intellectual ability to serve as a Supreme Court justice. More important, he has the character and the human qualities that will make him a great Justice. I urge his confirmation and I urge that we give him a substantial vote of confidence as he undertakes this awesome responsibility.

I reserve the remainder of my time.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. BAYH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Indiana has 2 minutes remaining.

Mr. SCOTT. Mr. President, will the Senator yield to permit me to withdraw the agreement as to the time for the cloture vote tomorrow?

Mr. FANNIN. I yield.

Mr. SCOTT. Mr. President, I ask unanimous consent that the time heretofore agreed to for the beginning of the running of the debate on the cloture motion and the vote on the cloture motion be now withdrawn and dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, although I have seen some proud moments in the Senate, I must say, with all due respect to my colleagues, that I do not feel that this is such a moment. I do not say this just because the position of the Senator from Indiana is about to be repudiated and the nominee he opposed is about to be accepted. I am concerned that this nomination is being voted on after a relatively short period of consideration compared to that with respect to the nominees who were opposed by the Senator from Michigan and twice turned down by the Senate.

We have not had time to answer all the questions; and thus, in the spirit of free debate, this is indeed not one of the Senate's finest hours.

But I am more concerned about the fact that there are millions of Americans who quite properly look to the Senate and to the Court as bodies dedicated to protect human rights and individual rights. I wonder, in the depth of my heart, just what they will think this afternoon when they read the final outcome of the vote, when they see placed on the Court a man who testified against letting black people in drugstores and in schools and was unwilling to outlaw blockbusting, a man who repeatedly has urged an expansion of the power of the executive branch at the expense of the rights of individuals.

These millions of people may be alarmed at the outcome, Mr. President. That is a needless tragedy. But I hope they will take heart from the fact that there are still some in this body who are willing to stand up and fight for the rights we believe are important. Those of us in the Senate were not the only ones who opposed Mr. Rehnquist's confirmation. Among them were the AFL–CIO, the UAW, the ADA, the NAACP, and the Leadership Conference on Civil Rights.

Lawyers and law professors across the country were also active. Just in the past few days more than 270 law school professors at 28 law schools wrote and called to tell us of their opposition to Mr. Rehnquist, and the ACLU voted to oppose this nominee, the first such decision in its history. I believe we can all take heart from this outpouring of public opinion. Some people still do care about preserving the freedoms of the Bill of Rights.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. BAYH. I have no time remaining. I would be glad to yield.

Mr. FANNIN. I yield 1 minute to the Senator.

Mr. GRIFFIN. The Senator from Indiana made reference to the Senator from Michigan and the time that was used in debating the nominations. I take it that he was referring to me and that he was referring to the Fortas nomination.

Mr. BAYH. Yes. I was referring to the Fortas and Thornberry nominations. If one compares the amount of time, from the time the nominations were sent to the Senate, there is no comparison between the two situations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FANNIN. I yield time to the Senator.

Mr. GRIFFIN. To keep the record straight, let me remind the Senator from Indiana that the cloture vote with respect to the Fortas nomination came after only 4½ days of debate. If the Senator will check, I believe he will find that there has been about the same amount of time devoted to debate on this nomination. Of course, except for the unanimous-consent agreement, to which the Senator from Indiana did not object, we could have had another date of debate of this nomination.

Mr. BAYH. As the Senator from Michigan is all too well aware, he has suggested that we had a filibuster here from the first day. He stood right where he is now and accused the Senator from Indiana, and those of us who are concerned about Mr. Rehnquist, of filibustering, before the debate was 12 hours old. The first cloture petition was filed after 1½ days of debate—a debate which Mr. Rehnquist's supporters refused to attend, and a second cloture petition was filed the very next day. The Library of Congress advises me that such a tactic is totally without precedent in Senate history.

Mr. HART. In the Fortas nomination, it was a filibuster against the motion to take it up. We were not even allowed to take it up.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. HRUSKA. On the score of the time that has been involved in this debate, the RECORD shows that debate started on this matter and there was ample time for all Senators to participate. Some 12 or 14 Senators, starting on November 2 and ending on December 1 devoted approximately 65 columns of comment on the thoughts they had favoring Mr. Rehnquist. On the other side there were more than 200 columns in the CONGRESSIONAL RECORD devoted to that subject, but in opposition to Mr. Rehnquist from November 5 to December 3, and that is separate and apart from the time during debate which started on December 4. So there has been a good deal of time devoted to it, which would not appear to be an unduly short time allowed for the purpose of debate.

The VICE PRESIDENT. All time has now expired.

The Chair reminds members of the galleries that the rules of the Senate prohibit expressions of approval or disapproval upon announcement of the vote.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may have 1 minute now, notwithstanding the expiration of the time, for the purpose of making an announcement regarding the photograph.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, pursuant to Senate Resolution 197, 92d Congress, the official photograph will be taken of the Senate in session immediately after the vote on confirmation of the nomination of Mr. Rehnquist.

Senators are requested to remain in their seats after the announcement of the vote for a series of pictures which will be taken and which will consume approximately 6 minutes.

The VICE PRESIDENT. The hour of 5 p.m. having arrived, under the unanimous-consent agreement, the Senate will now proceed to vote on the question, Will the Senate advise and consent to the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Illinois (Mr. PERCY). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) are necessarily absent.

If present and voting, the Senator from Maine (Mrs. SMITH) would vote "yea."

The pair of the Senator from Illinois (Mr. PERCY) has been previously announced.

The vote was announced—yeas 68, nays 26, as follows:

[No. 450 Ex.]

YEAS—68

Aiken	Eastland	Pastore
Allen	Ellender	Pearson
Allott	Ervin	Pell
Baker	Fannin	Proxmire
Beall	Fong	Randolph
Bellmon	Gambrell	Roth
Bentsen	Goldwater	Saxbe
Bible	Griffin	Schweiker
Boggs	Gurney	Scott
Brock	Hansen	Sparkman
Buckley	Hatfield	Spong
Burdick	Hollings	Stafford
Byrd, Va.	Hruska	Stennis
Byrd, W. Va.	Jordan, N.C.	Stevens
Cannon	Jordan, Idaho	Stevenson
Chiles	Long	Symington
Cook	Mathias	Taft
Cooper	McClellan	Talmadge
Cotton	McGee	Thurmond
Curtis	McIntyre	Tower
Dole	Miller	Weicker
Dominick	Montoya	Young
Eagleton	Packwood	

NAYS—26

Bayh	Hartke	Metcalf
Brooke	Hughes	Mondale
Case	Humphrey	Moss
Church	Inouye	Muskie
Cranston	Jackson	Nelson
Fulbright	Javits	Ribicoff
Gravel	Kennedy	Tunney
Harris	Magnuson	Williams
Hart	McGovern	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—5

Anderson	Mundt	Smith
Bennett	Percy	

So the nomination was confirmed.

Mr. SCOTT. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Labor and Public Welfare.

(The nominations received today are printed at the end of the Senate proceedings.)

The Chair wishes to remind Senators, as the minority leader has just announced, that photographs will be taken now and Senators should, therefore, please remain in their seats during that period.

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MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2891) entitled "An act to extend and amend the Economic Stabilization Act of 1970," with an amendment in the nature of a substitute.

The message also announced that the House insists upon its amendment, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ST GERMAIN, Mr. MINISH, Mr. WIDNALL, Mr. JOHNSON of Pennsylvania, Mr. J. WILLIAM STANTON, and Mr. BROWN of Michigan were appointed managers of the conference on the part of the House.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—VETO

The VICE PRESIDENT. Under the previous unanimous consent agreement, the Chair lays before the Senate the President's veto message on S. 2007, the Economic Opportunity Amendments of 1971. Under the agreement, debate is limited to 2 hours, to be equally divided and controlled by the majority and minority leaders or their designees.

(For President's veto message see page 46057 of the CONGRESSIONAL RECORD of today.)

The Senate proceeded to reconsider the bill.

ORDER OF BUSINESS

The VICE PRESIDENT. The Senate will be in order.

Mr. MANSFIELD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The Senate will be in order. Who yields time?

Mr. BYRD of West Virginia. May we have order in the Senate?

The ACTING PRESIDENT pro tempore. The Chair will try to get order. Senators will please be in order. It is impossible to hear the speaker. The Senate will please be in order.

Mr. NELSON. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator will please suspend while the Chair attempts to obtain some sort of order. I would like to hear the speaker.

Mr. NELSON. Mr. President, I assume the time taken to restore order will not be charged to our time.

I ask unanimous consent that the time begin running now and I ask unanimous consent that I may yield to the Senator from Missisippi for the consideration of a proposal on which he says there is no controversy, without it being deducted from my time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MILLER. Mr. President, reserving the right to object, I am sorry. I did not hear the request.

Mr. NELSON. I ask unanimous consent that I may yield to the Senator from Mississippi for 3 minutes without the time being deducted from either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR AN ADDITIONAL DEPUTY SECRETARY OF DEFENSE

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 8856, which was reported earlier today. This matter has been cleared by both leaders, and I ask for the immediate consideration of the bill.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill to authorize an additional Deputy Secretary of Defense, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

That section 136 (a) of title 10, United States Code, is amended by striking out "eight" and inserting in lieu thereof "nine".

SEC. 2. Section 5315 (13) of title 5, United States Code, is amended to read as follows:

"(13) Assistant Secretaries of Defense (9).".

Mr. STENNIS. Mr. President, the sole purpose of this bill is to provide for one additional Assistant Secretary of Defense. All else has been stricken from the bill. It passed the House. It passed out of the Senate committee by unanimous vote. It has been cleared in all quarters. It is needed.

I move passage of the bill.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill was passed.

The title was amended so as to read: "An Act to authorize an additional Assistant Secretary of Defense."

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the reconsideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1954, and for other purposes.

Mr. NELSON. Mr. President, I yield myself 10 minutes.

Mr. President, the Senate has before it this afternoon an ill-advised veto that flatly rejects carefully considered and desparately needed social legislation. Last year at this time it was the veto of the Employment and Manpower Act, part of which was designed to provide public service employment for the jobless.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that William Spring, Richard Johnson, John Steinberg, and John Scales have the privilege of the floor during this debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, may we have order? It is impossible to hear the Senator.

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senate is not in order.

Will Senators take their seats and those who desire to converse retire to the cloakrooms? Will we please have order in the Senate?

The Senator will suspend until the Senate is in order.

The Senate is not yet in order.

The Senator from Wisconsin.

Mr. NELSON. Mr. President, to repeat, last year at this time it was the veto of the Employment and Manpower Act, designed to provide public service employment for the jobless. This year it is the extension of the Economic Opportunity Act, including a major child development program and an innovative Legal Services Corporation.

Last year the President's message made it perfectly clear that the President had not read and did not understand the legislation he was rejecting. In fact, it was only 6 months later that he signed an Emergency Employment Act which provided public service employment almost identical to that in the bill he had vetoed a few months earlier on the ground that it provided dead end jobs.

I might say parenthetically that I do not blame the President particularly for this. I blame his advisers. Obviously, the President did not know then what was in the bill, nor does he know now. The people who wrote the messages have misled the President in the drafting of the vetoes.

I believe the President has again been gravely misled by those who advised him to veto the poverty bill this year, for I cannot imagine that any person who reads this legislation with care could comment on it in such wholly negative and mistaken terms as this veto message does.

There runs through the language of this veto message attacking the proposed child development program the insinuation that the program would weaken the American family. The President says that there are "family weakening implications" in the program; that it is "the most radical piece of legislation to emerge from the 92d Congress;" that it would put the "National Government—on the side of communal approaches to child rearing over against the family centered approach;" and that there is "a respectable school of opinion that this legislation would lead toward altering the family relationship."

I hasten to add that he did not cite what that "respectable school of opinion" was and he in no way delineates which provisions of this bill had "family weakening implications."

It would seem to me, after Congress and both Houses had spent months and months on the proposal, he would at the very least specifically delineate what is wrong with it, which he failed to do.

I might point out that the White House Conference on Children and Youth specifically recommended a child development program as the highest priority.

Mr. President, there is nothing—I repeat nothing—in this bill that would weaken the family relationship. There is nothing—I repeat nothing—in this bill that would lead to communal ways of child rearing. There was no testimony before the committee that this bill held any such danger whatsoever.

Is it conceivable that the National Council of Churches, the U.S. Catholic Conference, the National Council of Negro Women, and the League of Women Voters, would—for one second—support legislation which included such dangers? Obviously not. Needless to say, if any such legislation were proposed, I myself, and the other sponsors of this legislation would be the first to oppose it.

But the legislation has been attacked. It has been attacked in a series of hysterical rightwing charges, and these are the charges that the President's speechwriters put into his misleading, unfortunate veto message.

One rightwing weekly headlined a story about the bill, stating, "Big Brother Wants Your Children." A story in another publication said, "The Measure Threatens to Destroy Parental Authority." A columnist, who should know better, implied that the bill would have to be considered in the context of a "Soviet-ized society."

Mr. President, these charges are worse than irresponsible. Is it to these hysterical charges that the veto message refers when it says, "There is a respectable school of opinion that this legislation would lead toward altering the family relationship?"

I wish the President, or any one of his Secretaries or advisers, would name one responsible authority to whose opinion the President makes reference.

Mr. President, it is unfortunate that there are members of this society who are so opposed to legislation that deals with the Nation's desperate human needs that they resort to irresponsible scare charges. However, it is worse than irresponsible for the administration to dignify this hysteria in an official message to the Congress and to imply that the 63 Senators who voted for the conference report on child development and OEO legislation just a few days ago, on December 2, would have any part of proposals that could in any way weaken the American family.

I think the President's advisers know it, and I think the President does, too.

The veto message also implies that there is no documented need for the child development program. They ought to take note of the fact that the President's White House Conference on Children and Youth said that a child development program is the highest priority of the conference. How could anybody put in the President's speech the statement that there is no need, when their own White House conference came to the totally opposite conclusion?

Mr. President, in the course of hearings on the OEO bill, which stretched over 19 days from March 23 to June 16, the committee spent 7 full days on child development under the leadership of the distinguished Senator from Minnesota (Mr. MONDALE), gathering ample documentation on both the need for and the soundness of the legislative approaches in this bill. Interestingly enough, perhaps the most persuasive witness of all was Dr. Edward Ziegler, Director of the administration's Office of Child Development.

Well, you can bet your hat that the President and his advisers did not discuss this measure with Dr. Ziegler, who appeared in favor of the proposals. Dr. Ziegler testified that there are right now 5 million pre-school children of working mothers, page 849, volume III, committee hearings. He further testified that there are only 650,000 slots in child care centers of all kinds available for these children.

Mr. President, we are not talking about taking children out of the home and into child care centers; we are talking about the children of working mothers for whom some provision—often terribly inadequate—now must be made to enable them to work and support their families.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. Mr. President, I yield myself 5 more minutes.

If adequate provision according to HEW's own statistics on day care were provided for all 5 million preschool children of mothers who now work the cost would be $8 billion. The legislation which the administration has vetoed set a goal of eventually providing adequate child development services for all children, but it authorized only $2 billion as a start to meet the need to provide adequate child development programs to the children of poor and near poor parents. Mr. President, I cannot believe that if the President himself were fully aware of the needs, of the extensive hearings, of the long months of negotiation between the two Houses of Congress and the conferees and the administration he could possibly have characterized this legislation as "radical" and "irresponsible" as the veto message does.

The veto message charges that the administrative arrangements of the child development legislation are unworkable. The fact is, the "delivery system" is based on the judgment that programs for our children ought to be designed and run with the participation and approval of their parents at the local level. This is the same principle that underlies the local school system. Who can quarrel with that? They simply extend the system under which the Headstart program has functioned so successfully.

Just the Headstart guidelines require that committees of parents serve as boards of directors for child development centers, so the child development legislation provides for local policy committees, half of whose members must be parents, to oversee each program. Just as Headstart provides for prime sponsors at the community level, the legislation would have established Child Development Councils at the city level responsible for judging applications and evaluating the operations of the various centers.

Most Americans agree that the actual education of their children should not be controlled at the Federal level, or even at the State level. The State capital is usually hundreds of miles away and often ill-equipped to plan or supervise day-to-day activities in local communities. No, Americans do not trust their children's early education to either the States or the Federal Government. They run their schools at the local level. And that is just where our child development legislation put responsibility, with the parents and at the local level.

Over a period of weeks the conferees negotiated with the administration and worked out a sensible compromise on the difficult point in conference: the fee schedule. The Senate bill provided free services for families earning at the Bureau of Labor Statistics lowest adequate budget level, $6,960 a year. The House version left the level of free services to the discretion of the Secretary of Health, Education, and Welfare with the understanding that it would be the same as the level for receiving assistance under the welfare reform legislation—that is, $4,320 for a family of four.

Under the conference agreement, free child development services would be available to families having two children with an annual income of $4,320. Between $4,320 and $6,960, such a family could be charged modest fees.

The veto message characterizes the earmarking of funds in the legislation as "genuinely reactionary legislation" because "it locks OEO executives into supporting and continuing programs;" "it denies administrative discretion to the executives of OEO." This is a most amazing argument for the administration to send to the Congress. Are the elected representatives of the Congress not entitled to have something to say about how appropriated funds are to be spent?

I have been in this argument, as others in Congress have, for a long time, with the previous administration and with this administration, on the earmarking of funds. What all administrations—Democratic and Republican—really want is for Congress to appropriate a great big bushel basket of money and send downtown and say, "Spend it as you please." I would think that all Members of this body would agree that Congress has the responsibility to say how money is to be spent. However, in this bill we give them more flexibility as to how the money is to be spent in this program than in any other program that I am aware of.

Are OEO executives to have complete discretion in the expenditure of Federal funds without receiving the approval of Congress before they shift funds from programs which they consider less productive in order to devote those funds to what they consider to be "hopeful new initiatives?"

Let me remind the Senate how accommodating the Congress was to enhance the discretionary powers of OEO executives. We gave the Director of OEO 25-percent flexibility in transferring funds from one program to another. The legislation which the Congress passed and

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the President has now vetoed provides that as much as 25 percent of any earmarked amount can be taken away from any such program and used as the Director of OEO wishes.

Can you think of any other program that Congress does that with? And, in fact, the 25-percent transferability is exactly the amount of flexibility that the administration was begging us to give them 2 years, ago. This year, we gave them the full 25-percent transfer authority they asked for. Now the President is vetoing the bill on the grounds that it is not flexible enough.

What kind of nonsense is that?

I can understand that the OEO executives would like 100-percent flexibility. They are surely confident that they could spend the funds more intelligently than the Congress. They would like no limitations. They would prefer to be free of congressional direction.

Although 25-percent flexibility apparently is not sufficient to satisfy the OEO executives, I have not heard of any other Federal department which has any flexibility at all in shifting funds from one program to another. The Office of Education has no flexibility to transfer funds from one program to another. Funds for health programs cannot be shifted from one category to another. Yet in the OEO legislation we gave 25-percent flexibility. And even though that is 25-percent more flexibility than we give any other department, they are not satisfied.

It is ironic that while the legislation in one part of the message is characterized as "radical," in another part it is characterized as "genuinely reactionary." The message is referring here to the fact that the congressionally approved legislation provides for earmarking of funds for certain programs. In fact, Congress in this legislation earmarks precisely the figures the administration requested for nearly all of these programs.

It is just exactly what they wanted, with some minor exceptions, which they do not like because they do not believe that Congress ought to have any authority. And that is the trouble with this administration in domestic policy as well as in foreign policy. They would like to run everything in the same way that they run foreign policy. They would like to run wars and domestic programs without consulting Congress. They would like to spend the whole Treasury without consulting Congress if we would let them.

One of the things they did not like was that we earmarked money to feed the hungry. They wanted to cut off the program. So the President and his advisers are vetoing a bill because we are trying to feed some hungry children; that is what it is all about.

Listen to this:

The only exceptions are programs which the administration wished to cut back sharply. One of these was the emergency food and medical services program. We earmarked $62.5 million for EFMS in the previous economic opportunity bill. Last year OEO actually spent $45 million for EFMS. But this year the OEO budget proposed to phase out the program.

That is what this administration stands for. Oh, they can give $3.6 billion to the biggest corporations in America on the 7-percent tax credit; they can give it to them in the accelerated depreciation allowances. Oh, they shed tears for the rich, the wealthy, and the powerful, and give them $9 billion a year in tax reductions. But to give $62 million to the hungry, that is another matter. This is their concept of the free enterprise system; let those hungry little kids earn a living like they ought to earn it, like the General Motors people earn a living. If they cannot make it, too bad.

That is what this is all about. We earmarked $62.5 million for emergency food and medical services in the previous economic opportunity bill. Last year OEO actually spent $45 million for emergency food and medical services. But this year the OEO budget proposed to phase out the program. Witness after witness testified before our committee without refutation from anybody in this administration, anybody in this Congress, or anybody else in America, that the program was needed. They testified that this program made the difference between starving children and children with food in hundreds of counties all across the Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. I yield myself 5 additional minutes.

The administration wished to cut that program out. Congress said "No" four times. How many times do we have to tell those people in the executive branch that we want to help the hungry and the poor, and not just the wealthy in this country, as they seem to want to do?

Food for the hungry is too important to be eliminated for mere budgetary convenience. Is this the kind of program that the drafters of the veto message had in mind when they spoke of "programs that may prove less productive?" The bill which passed the Senate and was sent to the President earmarked funds for emergency food at last year's level. OEO's budget request also proposed eliminating the alcoholism program. The Congress did not agree to go along with that but instead we earmarked at last year's level.

Is this administration telling us that if Congress says there is going to be an emergency food and medical services program, and appropriates the money, and that there is going to be an alcoholism program and appropriates the money, that we have no right to do so? Have we passed a bad bill because they do not want to do that?

Well, if this Congress is going to defend any of its constitutional powers, I think we must assert the authority to authorize programs and appropriate the money. I think this country ought to understand what the standard of decency is in this administration, and who their heart bleeds for, and who they will help, and who they do not care about. They cry for the rich but they do not shed a tear for the poor.

Neither did Congress go along with OEO's budget request that the rural loan program be eliminated and the special impact program be reduced. So the bill we passed earmarked funds for a consolidated rural loan and community economic development title at exactly last year's level. In the case of local initiative community action funds, the Congress did not go along with reducing the previous year's funding level by $14 million, and so we earmarked funds at last year's level.

Everybody knows that this administration wants to kill the community action programs because, for the first time, the poor in this country have control of some programs to try to do something about their plight, and they do not like the poor to have control of anything in this country.

In fact, the problem that the Agnecy faces is that the administration's commitment to fighting poverty has been scaled back. That is what the problem is. While the OEO spent $890 million for projects in fiscal year 1971, the administration had asked fully $100 million less, $790 million, for fiscal year 1972. It is ironic that during a year when the number of poor people in this country increased sharply from 24 to 26 million that the administration thought it wise to cut back on the modest funds for the poor in the OEO. The same year in which the number of poor persons increases by 2 million, they cut back the budget for the poor by $100 million, and then give a $7 billion cut to all the biggest corporations in America—the biggest tax cut for corporations in the history of the Republic. This tells us more than anything else what this administration stands for.

The veto message criticizes the provisions of this legislation which provide that the administration must receive congressional approval before transferring Office of Economic Opportunity programs to other agencies. The veto message states that the flexibility to shift tried and proven programs out of OEO to other agencies would be taken away. In fact, the bill simply requires Congress to approve such changes.

As the Senators know, a substantial number of Office of Economic Opportunity programs have already been "spun-off" to other agencies. Manpower programs, authorized in this legislation, have been delegated to the Labor Department. The Headstart program is run by Office of Child Development in the Department of Health, Education, and Welfare. The vetoed legislation itself would provide for an independent corporation to take over the legal services program. Congress has been willing to go along with proposed transfers of programs to other agencies when these proposals can be justified.

We on the committee strongly believe that Congress ought to judge the value of any further cutting back on the operational responsibilities of the agencies. We are particularly concerned with the future of local community action agencies. It is essential for their continued effectiveness in developing innovative programs at the local level that they have the support, financial, technical, and moral, of an independent poverty agency here in Washington. Local community action agency personnel and board members around the country are very concerned about any proposed shift in control of poverty programs. A coalition of some 90 national organizations, led by the National League of Women Voters and the Urban Coalition and including most major union, church, and civil rights organizations testified before our committee in strong opposition to the idea of turning community action agencies entirely over to local authorities. In response to these objections and the fears at the local level, Mr. Philip V. Sanchez, the new director of the OEO, assured the Labor and Public Welfare Committee by letter dated October 5, 1971, that:

> The administration will effectuate these changes—spin-offs—only in the event of approval by Congress of the specific legislative proposals outlined and not by the transfer of program authority, executive reorganization, administrative delegation, or any other means.

Thus, all the Congress did in S. 2007 in regard to spin-offs, was to write this declaration into the legislation so that every local program can have confidence as to where they stand with the Federal Government.

So they have the President reciting as one of the reasons for vetoing the bill the fact that we do not permit any transfer of OEO functions without consent of Congress. He considers that outrageous; whereas, his representative, Mr. Sanchez, came before the committee, saying that they would not transfer any, had no intention to transfer any, functions. So what is their complaint?

I would at least suggest that the people who have the responsibility for writing the veto message be the people who have the responsibility for administering the program, so that the veto message would not say so many foolish things that cannot be defended on the record in any way.

Let me point out that no other agency of the Government can delegate programs to other agencies without congressional approval. While I am not opposed in principle to the delegation authority which the Office of Economic Opportunity has had, it can hardly be argued that this legislation is taking away the prerogatives of the administration when no other agency or department of the Government can spin off its programs without congressional approval. Perhaps 1½ years from now, when the economic opportunity legislation is again up for renewal, we might not have to renew this provision.

Numerous witnesses before the Labor and Public Welfare Committee testified that there is now great uncertainty as to whether such programs will continue as a part of OEO. People carrying out programs at the local level do not know whether a few months from now their relationships with the officials with whom they must work to secure grants are going to be completely changed and whether they will be working with new officials of some other department or agency of the Federal Government.

If OEO programs are to be transferred, Congress should certainly have the opportunity to hold public hearings, where those affected can give their views.

I think it is an entirely reasonable proposition to expect the administration to secure congressional approval before spinning off programs which are now administered by the Office of Economic Opportunity.

Nowhere in this ill-advised veto message was more offensive to the Congress than in its handling of the Legal Services Corporation. There is a balance of power in the American governmental system. It is the responsibility of the administration to propose legislation. It is the responsibility of the Congress to consider it and modify it, and then the responsibility of the executive branch to carry out the wishes of the Congress. This administration seems to feel that Congress has no right to modify its proposals. Take the legal services issue, for example. After several years of political controversy, it was agreed by most concerned persons that it would be better to remove the legal services program from the Office of Economic Opportunity and to establish it in an independent corporation. The administration proposed that the board of directors of that corporation be appointed entirely by the President. Others believed the board of directors should be more broadly representative—in particular, that representatives of the poor and representatives of the major American bar associations, who have from the beginning been the chief supporters of the program, ought also to be represented on that board. In the classic manner of disagreement between the executive branch and Houses of the Congress, a compromise was reached. The President would name all members of the board, but he would be required to name to that board a certain number of individuals chosen from lists submitted to him by the American Bar Association, National Bar Association, American Association of Law Schools, American Trial Lawyers Association, and National Legal Aid and Defender Association.

A substantial majority—and a bipartisan majority—of the Senators believe that if the Legal Services Corporation is to carry on a vigorous program in defense of the rights of the poor it is essential that a significant number of board members be representatives of the major legal organizations whose support is the cornerstone of the legal services program. Frankly, the Members of Congress fear that a board appointed entirely by the President would not enjoy the same confidence among legal services clients, attorneys and the general public as a board that includes both Presidential appointees and representatives of the bar groups. In conference, the Senate position on this issue was substantially compromised to give the President the right to appoint every single member of the board, and to make it perfectly clear that he is compelled to appoint no specific individual. It was thought wise, however, to provide that a portion of his nominations for the board be made from lists submitted by the bar groups. We believe that such a solution is reasonable and workable.

Mr. President, I ask the Members of the Senate to join with me in voting to override this irresponsible veto and in doing so to repudiate the implications of this disastrous veto message.

Mr. President, I yield to the Senator from Minnesota whatever time he may desire.

Mr. MONDALE. Mr. President, I would like about 15 minutes.

Mr. NELSON. I yield to the Senator.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. MONDALE. I yield.

Mr. JAVITS. I might say to the manager of the bill that the understanding with respect to the unanimous-consent agreement originally was that there would be an hour and a half and a half hour. As announced by the Chair, it was 2 hours, to be equally divided. Senator DOMINICK, at my request, did not object, because I believe we can work out the time equitably.

I say that now only so that the Senator from Wisconsin may have that in mind if we have greater demand than for 1 hour.

Mr. NELSON. I spoke to the distinguished Senator from Colorado, and he indicated to me that he did not think they would want more than a half hour. We may not use all our time, but I asked for an hour and a half because a number of Senators did say that they wished to make some remarks.

Mr. MONDALE. Mr. President, first of all, let me express my profound appreciation to the distinguished chairman of the subcommittee, the Senator from Wisconsin (Mr. NELSON), for his inspired and creative leadership in the development of the measure which was vetoed by the President, and on behalf of the cause of justice in America. I should also like to commend the ranking Republican member of the committee, the Senator from New York (Mr. JAVITS), for his gifted and inspired contribution to the proposal which regrettably was vetoed by the President last night.

Mr. President, last night, President Nixon vetoed the Economic Opportunity Act extension. That bill, which received bipartisan support in both Houses of Congress, would extend the life of the Office of Economic Opportunity for 2 years, establish a National Legal Services Corp., to insulate the legal services program from political pressures, and establish a new developmental child-care program based upon our 6-year experience with Project Headstart.

In my view, this was a totally indefensible action, and the President's veto message is among the most irresponsible statements which I have encountered in 15 years of public life.

I do not believe the American people will accept the hysterical charge that this is radical legislation or that the bill would replace the family with communal child rearing.

I do not believe that the American Bar Association, National League of Cities, Academy of American Pediatrics, Com-

mon Cause, National Education Association, or the League of Women Voters, which supported this legislation from its introduction, are radical groups.

Nor do I believe that the 63 Senators from both sides of the aisle, including the Republican national chairman, the distinguished Senator from Kansas, as well as the distinguished minority leader of the Senate and the distinguished assistant minority leader, are men of radical persuasion.

I believe that they voted to support a carefully drawn and well constructed program to meet an urgent need for adequate day care. The simple truth is that this bill would provide developmental day care opportunities on a voluntary basis to the children of both poor and working parents.

Mr. President, Erik Erikson, the great child psychologist, once said that the most deadly of all possible sins is the mutilation of a child's spirit." I believe that that sin is being committed in many different ways, millions of times every day to American children throughout this land.

In the nearly 8 years I have served in the Senate, I believe I have worked as much on the problems of poverty and disadvantage as any of my colleagues. I have seen the faces of cheated children—destroyed almost before they had a chance—in the migrant camps of Florida, Texas, and California. I have seen them on Indian reservations in the West, the East, and in Alaska. I have seen them in ghettos in New York by the hundreds, in Minneapolis, and just two blocks from here, in the Nation's Capital. I have seen those tragic faces on children—destroyed before they ever had a chance—in the pockets of rural white poverty and rural areas around this country.

The President charges that this program represents fiscal irresponsibility. Yet we now invest only 10 percent of the Federal budget in children and youth although they represent almost 40 percent of our population and 100 percent of our future. If we can afford a $9 billion tax break for business and industry this year—as the administration proposed—we can afford to invest $2 billion in our children.

Among the most serious and misleading charges is that the need for a child development program of this character has not been demonstrated. That was not the conclusion of the President's own 1970 White House Conference on Children, who voted as their No. 1 priority the provision of comprehensive, family-oriented child development programs including health services, day care and early childhood education.

That is not the conclusion of an impressive group of professional organizations experienced in serving the needs of children—including the National Association for the Education of Young Children, the Black Child Development Institute, the Child Welfare League of America, the National Education Association and the Day Care and Child Development Corporation of America. And that is not the conclusion of this administration's own top officials in the field of children's needs. When I asked Dr. Edward Zigler, Director of the Office of Child Development at HEW, about the need for day care during Senate hearings on this legislation, he said with respect to preschool children:

> If you take the figure of working mothers who clearly need day care for their children, you are talking about 5 million children . . . There are slots presently available for some 650,000 of them so you are talking about a need there for from 4 million to 4½ million roughly.

Dr. Zigler has made the point, and I agree, that not all of these 4 to 4½ million children are without adequate child care. Although they are not in licensed day care facilities, some of them are benefiting from high quality child care in their own homes or in the homes of neighbors. But it is quite clear that many of these children are receiving purely custodial and mind-numbing care, and that some are even left alone to look after themselves.

Programs are clearly needed to provide new or improved day care opportunities for these children. To pretend that this need does not exist—as the President suggests—is to ignore reality.

The President contends that this program would diminish parental involvement with children. Yet it is specifically designed to have maximum parental involvement. It vests the major responsibility for the operation and control of child development efforts in the parents of the children these programs serve.

The bill deliberately requires that parents of children served by child development programs will compose at least one-half of the membership of both the governing boards created to administer these programs. These parent-governed boards—the child development councils and the project policy committees—will decide which programs to fund, and approve the content, curriculum and policy of each individual project:

And it expressly states that:

> Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children.

The President argues that there is a question of availability of qualified people to staff child development centers. That is precisely the reason this legislation contains greatly expanded training authority for professionals and paraprofessionals and uniquely begins with a 6-month leadtime for training and planning before the actual programs would begin.

The President further contends that the bill contains an insignificant role for the States.

The bill unquestionably puts a priority on local administration—wherever a locality is, in the determination of the Secretary of Health, Education, and Welfare, capable of providing high quality, comprehensive services. We place this priority on local administration precisely in order to assure that these programs will be accessible and responsible to the concerns of parents, and will avoid the danger of remote governmental control.

Yet within this framework the measure provides a significant role for the States:

Every local application must be submitted to the Governor for review and comment;

Five percent of the funds are reserved for States for technical assistance, coordination and review of these local applications; and

States as well as other public and private nonprofit agencies, may serve as prime sponsors where localities do not apply, or where the Health, Education, and Welfare Secretary finds that a locality is incapable of providing comprehensive services.

Moreover, States can administer programs for migrant children, programs in areas where a city or county is not adequately meeting the needs of preschool children, or programs under the Secretary's additional 5-percent reservation for model programs.

These roles, and the Secretary's responsibility to determine whether localities are capable of administering programs, are spelled out in the bill, and clarified by a colloquy between Senator NELSON and Senator JAVITS during debate on the conference report. (See CONGRESSIONAL RECORD of December 2, 1971, pp. 44117–44118.)

As Wilbur J. Cohen, dean of the University of Michigan School of Education and former Secretary of Health, Education, and Welfare said in a recent telegram to us supporting the child development program in the conference report:

> In my opinion, and from my past experience, I believe that the various provisions of sections 512(2)(0), 513(9), 517(3)(4), 534, 535, 572 would enable the Secretary of HEW and the Governors of the various States to establish appropriate State coordinating arrangements to assure effective statewide planning and review of local projects.

Finally the President suggests that this legislation somehow was passed "in the absence of a great national debate on its merits." The facts just do not support that conclusion. Both the House and the Senate passed this bill and passed the conference report on it. This action—by elected representatives of the public—came after over 30 days of congressional hearings at which over 200 witnesses testified.

Moreover, this issue has been the subject of numerous public discussions, conventions, conferences, and studies. The 1970 White House Conference on Children considered this issue, and the delegates to that Conference voted development day care as their top national priority. The Joint Commission of the Mental Health of Children recommended a proposal of the nature as one of its top priorities for children.

And Project Headstart, which has now been in operation for over 5 years, and on which this measure seeks to build, has given the Congress, the executive branch, and the public ample opportunity to review and assess child development efforts.

Mr. President, I cannot fully express the sense of despair and frustration that I feel over this veto. This was not a radical bill. The radical thing to do is to continue to permit these children, by the millions, to be destroyed the way they are in America today. That is the radical thing to do, because it destroys the promise of America. It makes a mockery of the American creed. It does an enormous, incalculable, and sinful injustice to these children.

That is what this bill was all about. It sought, through parentally controlled, locally controlled organizations, to deal comprehensively with the needs of these children in the first 5 years of life.

Almost without exception, parents, experts and child specialists said that for many of these children, unless they are helped in the critical first 5 years of life, the chances of getting them full life chances in America thereafter are remote, indeed.

Time and time again Congress and the President have been advised to do so. The recently concluded White House Conference on Children, by an almost unanimous vote, voted as its No. 1 priority a comprehensive, family centered and family controlled child development program for preschool children. The recently concluded work of the Joint Commission on Mental Health of Children recommended a similar program.

Representatives of labor, of religious and civil rights groups, of child care associations, the League of Women Voters, one of the most impressive cross sections of civic organizations ever to join in a major piece of social legislation, all said that this country must have a comprehensive child development act.

Not only that, but this bill enjoyed the strong bipartisan support from the Senate. Many Republicans as well as Democrats stood together for the first time to try to deliver a mechanism and a strategy to bring hope and justice to the children of this country. This bill passed overwhelmingly here, despite mammoth administration opposition, and with a strong majority in the House of Representatives.

I am saddened that the President decided to kill it.

This is the Christmas season and, apparently, children will learn that there are still Scrooges around, even in 1971.

The President's objection does not run to child care alone. Even without the child care program he would veto this bill because of its provisions for a Legal Service Corporation—and why? The bill passed by the Congress permits the President to name all 17 members of the Corporation's board—but he must name 11 of them from lists submitted by bar and client organizations. The President wants wholly unrestricted power to name all the members of the board. These are very slender grounds for rejecting a thoroughly bipartisan compromise on composition of the board—a compromise which embodies all the major elements of the President's original request.

The bill simply tries to establish an independent legal services corporation. That proposal was based on the findings and recommendations of the Ash Commission, which sought to reorganize the executive branch of the Government.

It was supported by the American Bar Association. It was supported by the American Association of Law Schools. It was supported by a broad cross section of attorneys, Democratic and Republican, conservative and liberal, across the land. Its objective was to bring justice to the poor, to make it possible for the poor, without political interference, to have the same right and access to the courts to assert their legal responsibilities as do the rich, the business, and corporate enterprises, and the Government today in America.

The legal services program has been one of the most successful of all the OEO programs. It is one of the least expensive. But it is a serious trouble for just that reason, because whenever the legal services program has brought a lawsuit asserting the fundamental legal right of the poor, enormous and powerful political and commercial forces have sought to cut off funds, to jeopardize and corrupt the program, and thus to make a mockery out of our system of law and justice.

That is why we proposed the establishment of an independent Legal Services Corporation. As with the child development program, the legal services proposal was developed on a bipartisan basis. Although there were differences on other issues, I believe the House-Senate conference was almost unanimously in favor of the compromise on the Legal Services Corporation which was contained in the bill which the President vetoed last night.

And the President says that even if the child care program were excluded from this bill, and even if the Legal Services Corporation were further modified to meet his objections, he would still veto it. He would veto the extension of OEO itself because he objects to provisions barring further removal of OEO programs to other agencies without congressional approval. But the administration representatives swore to the Congress that the administration does not wish to remove any programs from OEO during the year-and-a-half life of this bill. Again this seems to me very poor grounds to reject major legislation, adopted on a bipartisan basis by two Houses of Congress.

The President's veto message, in my opinion, is one of the most irresponsible statements that I have seen in my many years of public life. It is a hysterical statement. It claims that this is a piece of "radical" legislation. It makes the right-wing charge that this legislation was designed to establish "communal child rearing" and to weaken family ties.

Just the opposite is the case. First of all, the child care program is entirely voluntary. There is not a single bit of compulsion anywhere in the bill. Second, child care centers would be run by the parents whose children are in the program. This administration wants child care run by remote bureaucrats in State welfare departments. Based on everything we have seen, that will only help to destroy the effectiveness of the program.

I was pleased that during the course of debate on passage of this bill and on the conference report—and if we look at the record it will reflect what I am about to say—that although the Senator from Colorado opposed this proposal on the record, he rejected the argument that it was designed to undermine the family or to encourage communal child rearing.

That is an irresponsible, hysterical, cruel, and false charge. I am sickened to see something so outrageous incorporated in an official message signed by the President of the United States.

Most disappointing of all, the tone of the President's veto message plays on the irrational fears of this country's farthest right wing. Perhaps it may be politically expedient for the President to appease that tiny segment of our society. But I do not believe the American people will condone this highly political veto—and the President is responsible to all of the people.

In view of the President's attack, it is more than ironic that his own family assistance plan would in many cases require impoverished families to place their children in low-cost warehouses—operated by a Washington-based bureaucracy—while the parents work.

The President's message manages to express support for shoddy day care for the children of welfare recipients who are forced to work, while roundly condemning the provisions of voluntary, quality day care for both the poor and working families.

This bill is designed to build on the family, to strengthen the family, and to make the family the sole determinant of what happens to its children. We rejected what has happened in the Soviet Union. I think remote State control of child rearing is terribly wrong. Mr. President, what comes close to what is going on in the Soviet Union, day care centers run by State welfare bureaucrats or the administration, or comprehensive child development run by the parents whose children are in the program? I would say it is the Nixon program which raises fears about what will happen to those children.

I do not like the idea of remote-controlled, cold, custodial warehouses for our children. I think they will do more damage than good. I think, when we deal with children in the first 5 years of their lives, that we have to be very careful and very sensitive. And, above all, we must let parents decide what they want done with their own children. That is what we sought to do in this bill.

I do not know whether we can override the veto, but I am convinced that even if we lose here tonight, this issue will not go away. Legislation like this is needed if the children of this country are to have a chance. Legislation like this is needed if we are ever going to be able to say that every child is treated justly in America.

Legislation like this is needed if we are ever going to stop committing the most deadly of all possible sins—mutilating the spirits of children throughout this land.

I hope we will override the veto.

The PRESIDING OFFICER. Who yields time?

XUM

Mr. DOMINICK. Mr. President, I yield myself 5 minutes on the time of the Senator from New York.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I sat here during the speech of the Senator from Minnesota, of whom I am very fond, and the Senator from Wisconsin (Mr. NELSON). I must say that I have not heard finer oratory anywhere. Although I must confess that I think it was not relevant to the veto message, I think it is necessary to try to set some of the record straight.

The Senator from Wisconsin was, in effect, saying that the President of the United States is not interested in improving the health care for the people or feeding the hungry or generally providing for the welfare of the impoverished. One of the things the President's veto message points out, among others, is that under his administration participation in the food stamp program has nearly tripled and the dollar support for child nutrition programs has doubled.

Both of the Senators, who serve on the same committee I do, know very well the recent increases brought about in the budget on almost every health program that has been proposed.

We just finished passing a cancer bill today which was initiated originally by the President's budget message. In that message the President said that he would put more money in a cancer program which would establish a plan designed to find a solution to that dread disease that threatens so many families in the United States.

Mr. President, the oratory is impassioned but it cannot cloud the true facts.

From the very beginning, I have been saying to my colleagues on this committee—and I put it in the supplemental report—that we had substantial problems with the bill which they were unwilling to recognize, and that if they had recognized such problems, we could have salvaged legislation extending the OEO.

We could not get a compromise. As a result, on the Republican side only two of the conferees signed the conference report, the Senator from New York (Mr. JAVITS) and the Senator from Pennsylvania (Mr. SCHWEIKER). The rest of the minority conferees did not. On the House side, only one Republican conferee signed it, Representative REID. The rest of the House minority conferees refused to sign the conference report.

Consequently, the problems in the bill remained unresolved. And that is what the President is saying. It is fraudulent to characterize President Nixon's position as anti OEO, child care, food for the hungry, or anything of that kind because he votoes a bill full of promises but accomplishing little.

There is no reason in the world why we cannot work out a perfectly good bill on this subject next year. And there is no reason either, in the year that the bill has been before us, that we could not have coordinated the Child Development Act with the child care provisions in H.R. 1 which has been pending before the Finance Committee for a considerable period of time.

The administrative ineffectiveness that S. 2007 promises is best exemplified by the testimony of Jules Sugarman, a former Director of Project Headstart, who in spite of favoring the bill said you cannot have effective prime sponsorship with anything less than 100,000 people. In the conference we reduced it to 5,000. President Nixon estimates that there may be as many as 7,000 prime sponsors that the administration would have to monitor and provide technical assistance for. And in the process of dealing with them, it has to deal with the Child Development Council which has responsibility over the prime sponsors.

Mr. Sugarman pointed out that the Office of Child Development within HEW could not possibly find or train personnel adequate to handle a program of this magnitude.

Additionally, Secretary Richardson, both before and after the bill passed Congress reiterated his concern about the potential manageability of the child care components.

I have no doubt in my mind that when we increase the child care centers, that if we do it gradually we can find and train the proper type personnel to effectively care for our children. The end result will be a system beneficial to the children involved, and to the families of children, both poor and lower middle income.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. DOMINICK. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 2 minutes.

Mr. DOMINICK. I might say to my friends that reasonable fee schedules can be arranged whereby those who can pay a little for the support of child care can participate. I am not saying that we should just restrict it to the very poor. But S. 2007 creates a totally unworkable fee schedule which is so extensive that middle income families can participate to the ultimate detriment of many poor families.

Mr. President, I have just one more comment and I will then stop. I pointed out once before that I thought it was wrong to try to turn the OEO into an operating agency and, by earmarking funds and attaching a nontransferability clause like section 10 we have reduced the ability of OEO to initiate or develop any programs in an innovative way.

I said it in the committee, I said it in my supplemental views, and I said it again in opposition to the conference report. This is another reason that the President gave for the veto. I would urge the Senators to sustain the veto and give us an opportunity to consider the matter after full and complete consideration and report a bill that will be a better and far more workable bill next year.

I ask unanimous consent that the entirety of my statement be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOMINICK

I urge my colleagues to vote to sustain President Nixon's veto of the Economic Opportunity Amendments of 1971 for reasons I will soon enumerate—reasons which have impaired the legislation from its inception—reasons which went unremedied throughout the legislative process despite warnings which I, among others, made as a cosignor of Supplemental views to the Committee Report, warnings which I later reiterated in urging defeat of the Conference Report signed by only two Senate minority conferees and one House minority conferee.

The proponents of this legislation failed to heed or completely ignored protestations and reservations of responsible members of both houses of Congress from the very inception of this legislation. The steadfast refusal to compromise or remedy the defects of this legislation jeopardized and ultimately killed a most necessary two year extension of the administration's poverty program. President Nixon's dissatisfaction with this legislation merely culminated objections which had been made continuously throughout this bill's legislative life. As such the veto comes as a surprise to no one.

First, and foremost, the $2.1 billion Child Development Act attached to S. 2007 creates an unmanageable administrative rat hole—a rat hole of empty promises—empty promises which will neither fill the participating children's needs nor reach their parents' expectations. President Nixon must oppose the Child Development Act because in his words its laudable purpose is "overshadowed by the fiscal irresponsibility, administrative unworkability and family-weakening implications of the system it envisions." It creates an unmanageable prime sponsorship mechanism emphasizing small, divergent, neighborhood units rather than utilizing the general administrative strengths of state governments; state governments which because of their size and organization can effectively coordinate child care programs with other necessary programs including, among others, maternal and child health programs, institutional care and foster care programs, state child care programs, and Medicaid programs. Conversely, S. 2007 encourages a neighborhood-based system which would compete for, rather than coordinate with the above service systems. It encourages the creation of not hundreds or thousands of prime sponsors but of tens of thousands of prime sponsors.

Program quality must necessarily suffer because it will be impossible for the Department of Health, Education and Welfare to effectively monitor or provide technical assistance for this many prime sponsors.

It is indeed unfortunate that Congress, in its headlong rush to create law, threatens the concept of child care when it presently has before it H.R. 1, legislation promising a comprehensive, coordinated child care program—legislation which has been before Congress for 26 months—legislation which includes a request for $750 million annually in day care funds for the poor and $50 million for construction purposes. Rather than considering the merits and ramifications of the above legislation, Congress determined that a $2.1 billion program should be tacked on to a standard O.E.O. extension bill regardless of the fact that O.E.O. will not administer the Child Development Act if enacted.

A further disquieting indication that child care has not been comprehensively considered is found in the fee schedule philosophy of the Child Development Act. Whereas S. 2007 establishes a fee schedule providing free or nominal fees for child care for the poor (four member family with a family income below $6960 per year).

Congress just approved the Conference Report on the Revenue Act of 1971, which contained provisions encouraging the poor to pay for child care services and then deduct as much as $400 per month from earned income as a business expense. The amendment created the new category of allowable business expense expressly for the poor as they wouldn't benefit from allowable itemized child care expenses because they normally use the standard deduction method of determining taxable income. The Senate must resolve their dilemma of both encouraging the poor to spend money for private child care services and encouraging them to utilize free government sponsored child care. At the very least the Senate must consider the total impact on the Treasury of the lost revenue through the Revenue Act amendments and the $2.1 billion additional expense of the child care portion of S. 2007.

Perhaps more importantly, the above discussion indicates once again that on matters as critical and sensitive as the care and development of our children more extensive and coordinated legislative consideration is required.

President Nixon's veto statement contains his view of an O.E.O. program seeking to: "make the Office of Economic Opportunity the primary research and development arm of the Nation's and the Government's ongoing effort to diminish and eventually eliminate poverty in the United States. Despite occasional setbacks, considerable progress has been made.

S. 2007 contains setbacks which may well prove fatal to this concept. Section 10 of S. 2007 prohibits the delegation or transfer of programs administered by the Director of O.E.O. to the head of any agency through FY 1973 unless a conforming provision of law is subsequently enacted. In the past, when an O.E.O. program matured to a point when it ceased to be developmental and commenced to be operational the program was "spun off" to other agencies in the Executive Branch through the exercise of the delegation authority contained in Section 602 (d) of the Economic Opportunity Act.

Section 10 frustrates the whole research and development concept of O.E.O. and effectively relegates it to the status of any other Executive operating agency. For the first time, a President and a Director of O.E.O. will be prohibited from delegating matured individual projects without Congressional control.

The language of S. 2007 further restricts the true developmental concept of our O.E.O. poverty concept by locking specific programs into earmarked expenditure levels. In the process of earmarking the $950 million in authorizations S. 2007 set appropriation levels for local initiative, alcoholism, emergency food and medical and community economic development so high that appropriations for two essential programs—comprehensive health and research and development will have to be reduced if the estimated budget is adhered to.

As with Section 10, this earmarking serves not to further the poverty programs but rather to relegate them to ordinary operating agencies.

President Nixon additionally cited the restricted accountability of the Legal Service Corporation Board under S. 2007 as being inconsistent with the interests of America's poor. I concur and urge the re-writing of the Board selection process to guarantee an independent and politically free legal service corporation.

This administration's commitment to the poor is not suspect, President Nixon's veto message reflects his sincere desire to create a meaningful and effective program to honestly assist the nation's poor. I urge my colleagues to give him that opportunity by sustaining the veto and then working together for a truly effective poverty bill.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. CRANSTON. Mr. President, I yield 10 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina has 10 minutes.

Mr. HOLLINGS. Mr. President, I will be brief in my remarks. The Senator from Colorado talks about oratory. Well, H.R. 1 is a discombobulation of this question if I have ever seen it. Specifically, it is a matter of numbers.

H.R. 1 would double the welfare rolls to about 27.2 million people. There already are some 25 million people receiving Federal checks for social security and 2.6 million receiving unemployment compensation. Combining these groups, and eliminating the duplications that would occur in the senior citizens category, there would be at least 52.6 million Americans receiving Government checks. Then add the 83 million Americans below the age of 21, and we are left with about 69 million Americans in the working force.

We would have one-third of the population working to support the other two-thirds.

I have never believed in the concept of H.R. 1 which is to just throw money at the problem.

People say, "All right, what is the alternative? Here it is. It is exactly what the President vetoed. He seems invariably to try to take every sensible and tried and true program—such as the food stamp program—and throw it out.

When he recommended his welfare reform program, he tried to do away with food stamps. He tried to do away with the prescription feeding for expectant mothers and young minors under the age of 6. He tried to do away with the school lunch program.

Every time he turns around, he tries to undermine on the one hand and propose on the other.

He finally learned about cancer. But he is just learning about health distribution. We just completed the conference on the supplemental appropriation, in which we tried to retain $63 million for the nurses in capitation grants. The administration had been opposed to it and requested nothing for nurses capitation. While we were meeting, the former Secretary of HEW, Mr. Finch, was over at the White House talking to the senior citizens and saying, "Next year, we will have a healthful America. Health is going to be the No. 1 issue, and what we really need is to get a good health service delivery system by increasing the number of doctors and nurses."

This kind of contradiction and doubletalk is what is wrong with the veto. This bill is not a commune. This is not a molding of young minds, and it is not being molded.

The greatest fallacy is in counting the families. We say "there are nine head here, eight head here, and 10 head there." When we come to health, we must remember it is a children's problem. Not one and two; it is children. Mr. President, when you come to hunger, we have had a medical survey in America and there are 15 million hard-core hungry, not the 26 or 27 million in poverty, but I mean 15 million suffering from malnutrition. And the children are being hurt the most.

I would say to the Senator from California that Dr. George Brakes found they are losing $30 billion to the economy as a result of malnutrition in America, and since California has 10 percent of the population, it is losing $3 billion to that economy.

It is a children problem any time there is talk about poverty.

And the problem is like a multiple injury in an automobile accident—a person with a broken arm, broken leg, broken neck and fractured skull. Many injuries causing suffering to one person, many factors that will lead to recovery and one hospital to furnish care.

You have health, you have housing, you have training, and rehabilitation. You have hunger. And the best place to take care of it, says this bill, is with the child development centers. Everybody knows that. We hear charges that their minds will be molded. Well, how are they being molded now? They are being molded by the despair, the lack of instruction, the lack of food, and the lack of health care.

The idea that they are in some family and getting some training is completely fallacious. They would be brought into society for the first time by this program. Leave them alone and they will not know how to turn the page of a book. I have heard all those cute jokes about the TV, the little baby and the color TV.

Nonsense; these children come to the first grade and they do not know how to turn the pages. They stay in the first grade, finally are promoted and then repeat the second grade. Finally, they get too big for the class, and they are back in the ghetto; and soon they are getting into trouble and ending up in jail.

We are paying for it now. When the President talks about a $2 billion extravaganza program, it is a Mickey Mouse message. He gives his reasons. He said, first, there is no need. By the way, he adds later on there is a need—I have been working on it with H.R. 1.

Mr. President, if you want to know how long he has been working on it, he said, "I have been working on it for 2 years."

He finds, No. 1, there is no need. He goes one way and then another and tries to evade the program and the issue.

This is a well-studied program to get down to the problems we have perpetuated and compounded over the many, many years. The centers are run by parents, like a great American institution—the public school system with the PTA. Who said that is communal living? Who called that communal living? That is the kind of program we have from 6 years on up. What is the matter from 1 up to 6?

Mr. MONDALE. Mr. President, will the Senator yield?

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Mr. HOLLINGS. I yield.

Mr. MONDALE. The difference is that we wanted to keep the control locally just as in the local school system, and in the hands of the parents in those communities, and the administration wants day care centers run by the State welfare department.

Mr. HOLLINGS. Exactly, giving the power back to the people, control at the local level.

I say to the Senator from Minnesota we found out in hunger that there is a lacking in agencies. We have not yet gotten the food stamp program to all the people in America who are eligible. Only about one-half of those eligible are receiving them.

We have the school lunch program. Agriculture says it now feeds 7.1 million—it is really about 6.3 million. Carl Perkins said it was 8.9 million. So we are still missing about 2.5 million young kids for the school lunch program.

In that hunger conference he said by next Thanksgiving they would all receive it, and he keeps vetoing, vetoing, vetoing. There is a famous little couplet by Plato about the politician making his own little laws and sitting attentatively making applause.

He is the one creating the welfare mess. Look at the programs on welfare, on food stamps, on prescription feeding, on commodity feeding on school lunch, on the health care—and the comprehensive child care centers. They are being vetoed and turned out. Now is the time to act. Now in the ghetto get at the root of the problem; we can save the children; we can save the American taxpayers money. But the President vetoes and refuses to act.

You cannot save that mother. We have worked on her. She has the greatest load in society. But we can save her children and we need to start now. You find a mother has nine children, and expects to have the 10th, and cannot find the father, and they say, "We are not going to give her money, we are going to cut off all aid to the children; we are going to punish her and the child." And that child is going to come, and we are going to pay for it in mentally retarded children. I do not know what it costs in Minnesota. It costs $124,000 in South Carolina.

We are paying in spades in America and that is why it goes up and up.

Congress finally comes through with a comprehensive approach that has been tried and found true, and then the President comes along and gives us double-talk in his message, saying, "There is no need for it, but too, I am doing it and have been for 2 years."

This Government and this President is not doing what needs to be done. Let us hope we get some government and some President who will.

Mr. President, I wish I had more time, but I know the Senator from California is pressed for time.

I hope we override the veto.

Mr. CRANSTON. Mr. President, I yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, I intend to restrict my comments to a section on the bill on which there has been no controversy in this body, at least since I came to this body and since we have been debating the issue.

But in this bill is included a segment for reaching the alcoholics in the lower classes of America, for reaching the narcotic addicts in the lower classes of America, two areas in which there has been unanimous agreement by a vote in the Senate on the size of the matter and the necessity of reaching the goal we are seeking.

It is important to point out that these are line item requests in this bill, the reason for it being that the programs would not be initiated or experimented with or started unless they were drawn in that fashion and they were forced to make commitments in that way.

I was privileged to hear last night the Attorney General of the United States make what I thought was a little known speech in relation to alcoholism in New York City, in which he said the hour had finally arrived in America when we should stop treating alcoholism as a crime and treat alcoholics as sick, which they are, and that they should not be handled in the jails and prisons of this country, but in health care centers and hospitals of this country.

Yet alcoholism is one of the greatest creators of poverty in this Nation, putting people in prisons and mental hospitals.

Their children are emotionally disturbed and so are those down the line.

We are in a transition period in the field of alcoholism. It is my hope this will be the last year there will have to be matched funding in OEO because of the new institutes to deal with this problem. But it is essential that new starts be started in this country in this field.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUGHES. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. CRANSTON. I yield 1 additional minute to the Senator from Iowa.

Mr. HUGHES. Mr. President, it is essential to understand the American Indian alcohol problems incorporated in this bill where up to 85 percent of the young Indians on the reservations are in trouble with the law because of alcohol-related problems, where the suicide rate is the highest in the Nation because of the alcohol relationship with the problem.

If I had the time I would go into the problem of narcotics. All one would have to do is to walk the streets of the city of the Senator from New York, to walk the western and south side of Chicago, Los Angeles, and every major city in this country, and have men and women begging for the opportunity to get on a program any place where they can be helped.

And yet our answer has been a punitive answer where there is no solution in a prison, and we have offered no way out. It is no way to begin by vetoing a bill which has the hope of the beginning for the poor in facing these problems in America.

Mr. CRANSTON. Mr. President, I yield 2 minutes to the Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I have become convinced that consistency is no jewel in President Nixon's eyes.

He about-faces so often—makes 180 degree turns so frequently—that he keeps not only himself in a whirl, but the rest of us, too. It is hard to know just what he does think, and where he does stand, on any issue on any given day.

Few of his actions have been more capricious and illogical, however, than his veto of S. 2007, the Economic Opportunity Act Amendments of 1971, because he objects that the bill contains the comprehensive child care program.

In 1969, the President told Congress:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for a healthful and stimulating development during the first five years of life.

This is exactly what Congress was attempting to do when it added title V child development program, to S. 2007. This title concentrates on the well being of small children and the comprehensive care they need for full development. It sets up a program of all-day care for preschoolers of working mothers. It zeros in on the damaging early handicaps borne by children of poor families. It provides nutrition, medical, dental, and services for these children, and psychological services for parents in child care and development.

What was President Nixon talking about in 1969 if he wasn't talking about these things?

Nor would the program established under title V forget the child once he reached school age. It also provides after school and vacation programs for older children, on the basis that the day does not end when the school's out bell rings at 3 o'clock. Those who would go home to locked houses because parents were at work would have somewhere else to go until the family come home.

Such services would be available free to those with incomes of less than $4,300 a year—for a family of four—and a fees schedule would be established related to incomes with families with more resources.

It seems to me it is hard to quarrel with these objectives, nor to feel convinced that such a program is needed in this country.

But the President quarrels with himself when he vetoes this bill. The focus of H.R. 1, the Nixon-Mills bill on welfare reform, concentrates on reducing the welfare rolls. A mother on welfare would be required to take work, unless she had a child under two, provided day care services were available. How can we achieve the very desirable objective of reducing our welfare rolls by putting able bodied people into jobs which they can handle and giving them the dignity of work, unless we provide day care for young children who would otherwise be left at home alone? The President contradicts himself, by his own request to Congress.

He takes a position which is completely untenable when he vetoes a bill to establish just such services.

To the President's contention that child care programs such as those envisioned under this bill would "alter family relationships" and lead to "communal approaches to child rearing against family-centered approaches," I say, of course, the family approach is preferable, I would like to think that every child in the United States had a family circle and a family background which provides him with the wisest and most comprehensive care and development which anyone could desire. But the fact is that many children are not getting that sort of care now, and particularly the child in the very poor family. This is one way to provide the deprived child a more equal start with the child who is growing up in more favorable surroundings. We have to accept things as they are—and work out from there.

Mr. President, the program envisioned in title V was hammered out by the Congress after long hearings and extensive committee consideration and work. It has wide support among groups who have devoted themselves for years to child care and development. Certainly it provides more than just custodial care for a child in a day-care center—but why not?

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. MOSS. May I have 1 additional minute?

Mr. CRANSTON. I yield 1 minute to the Senator.

Mr. MOSS. To the criticism that the program will be costly, there is no answer but "Yes, it will." The bill authorizes the spending of $2 billion a year for 2 years. The programs will be far from universally used, for the very reason that many, many families are quite able to give to their children all of the care and attention and guidance they need in their young lives. The mothers at home all day to do this will not want to use it. But for those children who are not getting this care—such a program will be a godsend.

Mr. President, I shall vote to override the President's veto of S. 2007.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from Ohio (Mr. Taft).

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. TAFT. I thank the Senator from New York for yielding.

Mr. President, at the outset let me say I have listened with great interest to the debate thus far, and I am disappointed in it in that I think it is an attempt to make an emotional appeal, an appeal to sentiments that I think are demagogic. I do not believe that there are any men in this body who do not feel for the poor and for the children, deprived children, in our society today. It does not help particularly in coming out with a good result, an effective result, to rely upon this type of appeal.

Promises are great, and so is oratory, but I do not think the children will be fed by either. I do not think the poor will be helped by either. The problem is to try to come out with an effective program to do something about these problems in our country.

In all seriousness, let me say that I was sitting here, listening to much of this talk, and just speculating how, after 8 years of the Kennedy and Johnson administrations, we could have all of the poor and all of the children who are deprived in this country still in this shape and why, when the White House was in the control of the opposition party, we did not have this kind of program promoted, and why we have not moved today on the proposals made by President Nixon from the very outset of this administration to do something about these problems and do something about them in an effective way.

I voted for this bill as it came out of the committee. I warned at that time, however, that I felt the child development portions of the bill were ill-founded. I succeeded in getting taken out of the bill the children's advisory service proposal, on which no hearings whatsoever had been had in the committee. While many of the other proposals in the bill had been debated at great length in the committee and while there had been many negotiations and discussions about them in the conference committee, many are still highly experimental and unproved types of programs.

I joined in moving to send the bill to the House, hoping that many of these matters could be cleared up so we could have legislation that would improve the poverty program. It had the legal services provision in it, which was an improvement.

Unfortunately, the bill has not been improved at all. Insofar as the poverty program is concerned, we find we still have two stumbling blocks which are referred to in the President's message. I refer to the provision with respect to transferability of the program out of the agency which is supposed to be in the forefront of building this program, and going somewhere else.

So this one agency has been taken out from under the provisions of the Reorganization Act, and out from under the findings of the Hoover Commission so that it may make transfers under certain circumstances, with another agency coming out and completely defeating the basic purpose of the poverty program.

Then there was the categorical earmarking of certain funds for some programs. Certain favored programs got earmarking. This earmarking deprives the agency of flexibility in moving to other programs. It would deprive existing programs of funds which they might otherwise use if continued at the present level of funding.

Specifically, I would like to talk for a minute about the child development program, because I urged its separation. It is a challenging concept. I think it is one to which we ought to give careful attention. I think we should be moving toward such a program. I believe it should be done, but it should be done correctly. But the only way we are going to do it correctly is to do it a small amount at a time, and not hold out vast, enormous promises of a $20 billion program that is going to solve all the problems of children in this country overnight. It just is not going to happen that way.

The frustrations and disappointments of the poverty program we are familiar with. Will all know of its failures. However, some of the community action programs were of tremendous benefits. The Headstart program has been a program of benefit in many ways. The legal services is a good portion of the bill. Experience has shown we are in a position to spin off that program into one of legal services throughout the Nation.

There are many technical problems in the bill that I could go ahead and explain.

Let us go very quickly through the veto message, because the veto message has not been read. Let me point out some of the objections the President raised against the bill:

> First, neither the immediate need nor the desirability of a national child development program of this character has been demonstrated.
>
> Secondly, day-care centers to provide for the children of the poor so that their parents can leave the welfare rolls to go on the payrolls of the Nation are already provided for in H.R. 1, my workfare legislation.

Where is H.R. 1? Why has that not moved? It has been locked up in the committees of this body and the other body. It provides for 400,000 day-care programs. While it is faulty, nevertheless, progress has been made, and the bill provides for a realistic number.

There has been much talk about children and the poor.

Certainly we want to take care of them. We should take care of them first. This bill does not take care of them first.

This bill does not extend a priority for them in this program. The concept of this bill—though the author of the child development section, the Senator from Minnesota (Mr. Mondale), from the very beginning of the entire discussion of the legislation, has never once been willing to admit that he so conceives of this program—is that of a universal program, a program without any fee, just a program providing an equal amount to all children of this Nation whose parents wish to provide it to them.

He does not deny that, to his credit, because that is the basic concept on which he has worked. There was a little discussion awhile ago about the PTA's in this country, and how it would be throwing the matter back to the PTA's if we passed this legislation.

Quite the contrary is true. One of the biggest objections to the bill came from those who are concerned, like the Representative from Minnesota, Mr. Quie, about trying to see that the schools are integrated and also kept to this program. That has been one of the principal objections to it.

It has been said that this program would somehow take it down to the local community and local direction. I know about the various provisions of the bill for bringing in the parents and others at the local level. But the fact of the matter is that this program is going to be directed from Washington, the way it is now constituted. The reason is that the

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money is going to come from Washington. If we want to do something for the children of this country on the local level, we ought to go to some revenue-sharing with the States and local governments, so they could take on this responsibility.

Nothing is being done about that, and the Senator knows why as well as I.

This program is going to be run by bureaucrats in the Department of Health, Education, and Welfare, who will set up the standards, and what is even more, they are not going to be able to make any choice of the regional, State, or area organizations, even if they wished to, because there is a priority written into the bill, so that the smaller the unit involved—and I might add, that means the more the Federal control—the more priority the Secretary has to give to it.

I think if we look realistically at this measure, we will realize there is a serious job to do, but it is going to have to be done an awful lot better than it has been done in this legislation, and I, for one, will not go along with holding out tremendous false promises to the American people by passing this bill and starting on a program blindly, with billions of dollars involved in it, not knowing where we are going or where we are going to end up.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield 10 minutes to the junior Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. I thank the Senator.

Mr. President, before proceeding with some remarks I have prepared, I should like to comment on a statement by the Senator from Minnesota (Mr. MONDALE), in which he stated that the President had said in his veto message that this legislation was designed to undermine the family, and designed to promote the communal rearing of children.

I believe that this charge is unfair. The President's complaint, as he expressed it, and certainly my own when I first learned of the legislation, was not that it was designed to do that—this legislation reflects the finest of motives—but rather that it was bound to have that result; and such a fear is not unreasonable, as I can readily demonstrate, if I may do so, merely by quoting Dr. Edward Zigler of the Office of Child Development, who has expressed the same fear. I inserted in the RECORD on September 9 an article from the San Francisco Examiner which contained this interesting quotation from Dr. Zigler:

> This is a concept quite alien to the American ethos.

He then goes on to say:

> I am very apprehensive that this Nation may set up a network of warehouses for children.

The reporter then quotes Dr. Zigler as expressing the fear that day care centers, instead of supplementing the family, might eventually supplant it, or at the very least revolutionize American child-rearing customs.

I submit, Mr. President, that those who share the fears expressed by Dr. Zigler should not be characterized as having slandered responsible legislation.

Frankly, I am deeply gratified by the President's veto. And I know that many others are equally grateful.

It is unfortunate that certain worthwhile features of the OEO program had to suffer because they were joined in the same bill with poorly drafted and hastily considered child development legislation, but I share fully the President's determination that the potential for harm in the bill far outweighs the potential for good.

The veto message is a remarkable statement—at once forthright, candid, principled, humane, and persuasive. It is neither petty in its criticism nor partisan in its motivation. Rather, it goes to the very heart of the matter by piercing the rhetorical veil which has for too long obscured from Congress and the American people the full gravity of the child development proposal.

I congratulate the President for his candor, for his forthrightness, and for his penetrating insight into the central character of this legislation. Had the President been concerned merely with the administrative and financial aspects of the bill, it might have been possible for him to seek further compromise to make the bill administratively workable and economically feasible. Fortunately, the President's concern ran deeper, and as a result we have before us a thoughtful statement of principle that can act as a guide for all subsequent legislation in this field. This was not by any means an easy bill to veto; indeed, political considerations might have dictated precisely the opposite result. The President's action, I believe, bears the mark of courage and statesmanship. He deserves the thanks of the people and the support of the Senate.

The attempt will no doubt be made to characterize the veto as heartless and cruel, as a savage blow to the hopes of the Nation's children. The record, however, will not bear out this indictment. The child development title of this bill was fatally flawed from the outset. It was not only administratively unworkable and prohibitively expensive, but went forward on the basis of a novel, untried, and, I believe, fundamentally misdirected psychological theory. The measure that finally emerged from conference bore all the marks of good intentions marred by the exigencies of haste. But, as the President said:

> We owe our children more than good intentions.

That statement, I think, says all. It calls to mind the remark that Senator Heyburn of Idaho made on the floor of the Senate in 1911:

> If you introduced a measure here "*Resolved*, That the Congress of the United States is in favor of the eternal salvation of mankind," it would doubtless be passed because people would not dare to vote against it. Introduce a bill here for the protection of the children of the country and the title is such as to warn Senators against declaring themselves as not being in favor of that kind of legislation.

President Nixon, fortunately, has gone beyond the title of the child development proposal, and from here on out it will no longer be possible for the proponents to imply that they and they alone care for the Nation's children. Those of us who oppose this measure yield to no one in our concern for the welfare of the Nation's children; with the President, however, we remain steadfastly wedded to the principle that the welfare of the Nation's children is inextricably intertwined with the maintenance of a strong family life, and that any measure which threatens to undermine the authority and strength of the family cannot possibly in the long run redound to the benefit of children.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. BUCKLEY. I cannot yield on my time.

Mr. MONDALE. I was wondering if the Senator can tell me what in this bill threatens family life.

Mr. BUCKLEY. I will yield at the end of my remarks.

That principle lies at the very center of the President's statement; and it ought to lie at the very center of our deliberations here.

As the measure goes back to the legislative drawing board, I trust that the proponents will seek to remove from it those features which so many found so objectionable, and that a bill will emerge that can enjoy the support of all. At the very least, I would hope that new hearings will be held which will better reflect the nature and extent of the debate and controversy which characterizes professional opinion in the field of day care, and that the psychological and other risks of institutionalized child care will be discussed no less comprehensively than its putative benefits. Virtually all will agree that day care is necessary for the children of irresponsible or derelict parents, or for working mothers who are otherwise unable to make adequate arrangements for their children. But much of the best available professional opinion is highly skeptical about, and in many cases ardently opposed to, the idea of extending day care universally—especially for the very young. Accordingly, I would hope that in the months ahead, special attention will be paid to providing assistance to those children who need help, but in a manner that supports rather than undermines the role of the parents and the institution of the family.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. BUCKLEY. I will not yield at this point.

I support the President's decision and trust that it will be taken as an occasion for constructive action rather than as an occasion for partisan or ideological backbiting.

I urge my colleagues to consider most carefully the President's statement. I believe that they will find in it a more than adequate demonstration of why this measure was vetoed and why the Senate ought to sustain the President's action.

Mr. MONDALE. Will the Senator yield?

Mr. BUCKLEY. I now yield to the Senator from Minnesota.

Mr. MONDALE. On two occasions, the Senator has said this measure threatens to undermine the family. Will he refer to the provision he had in mind?

Mr. BUCKLEY. First of all, I did refer to the fears expressed by Dr. Ziegler, who I believe was a star witness of the Senator's.

Mr. MONDALE. And who supported expanded, comprehensive day care services.

Mr. BUCKLEY. And who expressed the fears that, nevertheless, it might be converted, that the forces put into motion might end up undermining the institution of the family.

Mr. MONDALE. What is the reference for that?

Mr. BUCKLEY. I gave the reference in the RECORD of September 9.

I also refer to section 501(a) of the bill which establishes the premise of parental inadequacy, which states that most of the Nation's children are, in effect, inadequately brought up, and, what is more, commits Congress to a policy based on such a supposition.

Mr. MONDALE. Would the Senator read the language to me that says families are inadequate?

Mr. BUCKLEY. It implies that in many places families alone are somehow unable to handle their tasks. Further, we know that enormous social pressures will be brought to bear in the wake of such implications. In the words of the President:

> For the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family centered approach.

Mr. MONDALE. Is that the best on which the Senator can base his charge that this threatens the family?

Mr. BUCKLEY. I certainly do—that and the whole thrust of this legislation, and the pressures that we know will be brought to bear to encourage women to put their families into—I will use the words—institutions of communal living.

Mr. MONDALE. Communal living? What section is that?

Mr. BUCKLEY. I think we should be sophisticated enough in this body to understand what is set in motion once we develop certain types of legislation—what pressures can be brought to bear and what bizarre results can be unleashed.

I refer the Senator from Minnesota to some remarks I delivered on the floor of the Senate on December 2, when I quoted extensively from Dr. Dale Meers, who certainly has qualifications in this field. My remarks reflect the understanding of many eminent child specialists that the kind of overreaching, all-inclusive care starting at the prenatal stage, that is envisaged by this legislation, is going inevitably to encourage the kind of group child rearing and development which has raised serious questions in the minds of very eminent psychologists and psychiatrists.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I wish we could yield more time, but we cannot; and I now yield 5 minutes to the Senator from Maryland.

Mr. BEALL. Mr. President, at the time the conference report on this measure was before this body, I expressed certain reservations about the measure now under discussion. I stated at that time that I supported an extension of the Office of Economic Opportunity because I thought this agency had done—and had the potential to do—some great good in fighting the poverty that was prevalent in sections of our country today.

I regretted at that time that the Senate, in its wisdom, had found it necessary to combine a bill to provide for child development with the extension of the Office of Economic Opportunity. I thought that these matters were of such significance and importance that they should have been considered separately, because I think they deserve separate consideration. I stated that some of my objections and misgivings about this bill such as the earmarking provision of OEO. I did not think we should earmark to the extent we did for such earmarking does not permit the degree of flexibility necessary to make these programs effective.

I regretted, also, that the bill contained a prohibition against the transfer or delegation of OEO programs. I believe OEO, if it is going to be successful, must continue to innovate. OEO, from its beginning, has had the role of giving birth to new programs, and after such programs have proven successful they have been transferred or delegated to a department or agency. This practice has been followed in both the Johnson and Nixon administrations, and the present director should not be denied this right.

I think that one of the great disservices we have done to government at the local and State levels arises from the duplication and inadequate coordination of programs. I think, as a result, in many cases programs fall far short of their objectives. So I felt that this was a fault of the legislation.

I felt, also, that we were promising more than we could deliver. This perhaps is one of the reasons we have so much social unrest in our country. We promise much, but deliver little. The President has tried not to raise false hopes and I believe this has been helpful.

I felt that there were difficulties with the child development program, primarily with the way it would be administered.

The intimation has been made here this evening that this veto may be political in nature. I should like to refute that, if I might, by reading into the RECORD a telegram which I also had placed in the RECORD when the conference report was before the Senate. This telegram was sent to Chairman PERKINS by the Governor of Maryland, who happens to be a member of the other political party. The Governor of Maryland wired Representative PERKINS as follows:

> HON. CARL D. PERKINS,
> *Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.*
>
> DEAR CONGRESSMAN PERKINS: I have received your telegram concerning S. 2007 and, although I share your desire to continue Headstart, JOBS, the Job Corps, and the other worthwhile programs it includes, I cannot ask the Maryland delegation to support the bill. You contend that S. 2007 leaves the States with a meaningful role in early childhood development, I do not agree. We in Maryland have put together a workable and coordinated State program of day care and early childhood development, this statewide approach would be effectively sabotaged by the conference bill.
>
> I would like to see the OEO programs continued, but I cannot support S. 2007 while it contains this feature so destructive of our comprehensive statewide program.
>
> MARVIN MANDEL,
> *Governor of Maryland.*

Since that time, I have had conversations with the Governor of Maryland, and he has reiterated his strong feeling and objections to this bill.

I think that child development is a very important subject. I am aware of the growing body of research on the importance of the early learning years. But, child development programs, in order to be successful, are going to require the cooperation of government at every level—at the Federal level, at the State level, and at the local level. So long as we have devised a program that excludes one level of government—in this case, the State level—I do not think the program can work effectively. Although I voted for S. 2007 when it initially passed the Senate, and the conference report, I will vote to sustain the veto.

I yield back the remainder of my time.

Mr. BAKER. Mr. President, I intend to vote to sustain the President's veto of the bill.

The issue is not, as I see it, whether one is for or against enlightened and proper care for the Nation's children, whether from poor families or otherwise. The issues are, rather, what does, in fact, constitute enlightened and proper care and what the role of Government should be.

In the Nation's history, the nurturing of children has traditionally been a primary function of the family unit, with subsidiary roles delegated to religious and secular educational institutions.

Prior to undertaking a major program of this kind, the full implications of such a program should be given the most careful evaluation. Whatever we ultimately do in this area should act to reinforce the family unit and not substitute the judgment of Government for the judgment of the family as to what is proper and necessary child care.

Mr. PEARSON. Mr. President, it was with mixed emotions that I learned of the President's decision to return without his approval the provisions outlined in the Economic Opportunity Amendments of 1971 recently passed by Congress.

As my colleagues are aware, this legislation embodied three basically separate proposals. The first of these authorized a continuation of the Office of Economic Opportunity, as originally designed, for an additional 2 years. The second proposal created a National League Services Corporation to aid the poor in assuring their legal rights, and the third created a new title under the Economic Opportunity Act of 1964 entitled, "Child Development Programs."

Of the three, I least favored the child

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development provision. In my judgment, the President has acted forthrightly in choosing not to accept this concept. Certainly, no one can deny the need to provide all American children the opportunity to develop healthy emotional and mental attitudes in their early years. Yet I seriously questioned the extent to which the proposal went to assure this goal. And I further questioned the necessity of creating yet another Federal bureaucracy to administer this program. Finally, since I favor the approach proposed by the President in his work-fare proposal, providing day care services to children of working mothers who would otherwise be forced to remain at home and accept welfare payments, it was my belief that deliberation on child care should have been postponed until full consideration of the President's proposal in the Senate Finance Committee had been completed.

With these views in mind, Mr. President, I voted for amendments to limit the authority of the local child development councils and to insure that those children living in poverty be given priority under this program. Unfortunately, however, these amendments were defeated, and Congress subsequently approved the bill with the child development provisions included.

An additional reason why I felt the timing on this proposal was regrettable was that it jeopardized the chances for approval of the National Legal Services Corporation, a concept which I have long favored as a means toward providing competent legal assistance to the indigent free of political or bureaucratic control.

Mr. President, we all are aware that this Nation is governed by laws, and not by men. Congressional authorization of an autonomous structure to house the highly effective legal services program currently administered by OEO was a reaffirmation of this principle, and I was privileged to have been a cosponsor of legislation implementing this idea.

It was unfortunate that debate over the composition and appointment of the Board of Directors developed during consideration of this proposal. Nevertheless, I continue to believe that in considering the makeup of the Board, we should insure that each member be as independent of political control as possible. It was in keeping with this principle that I supported the provision of a 17-member board composed of members appointed by the President as well as groups representing the Nation's legal establishment.

Mr. President, primarily because of my concern for the child development provisions of this bill, I have decided to sustain the President's veto. However, I do so in the sincere hope that Congress and the President can resolve their differences at an early date and enact legislation in keeping with the needs to which I have referred. Further delays will only bring disillusionment and despair to the millions of people who have benefited from the programs sponsored by the Office of Economic Opportunity. These programs deserve our continued support, and it is important that we consider new legislation as soon as possible.

Mr. HANSEN. Mr. President, I voted against the conference report on S. 2007, the Economic Opportunity Amendments of 1971, and I believe the President has exhibited considerable wisdom in exercising his veto of the legislation. I will vote to sustain that veto.

I appreciate the importance of extending certain valuable programs of the Office of Economic Opportunity for an additional 2 years. And I believe there is need for a comprehensive child care program in the United States, but I believe that it is a matter too important to be satisfied with what appears to me to be hastily-drawn legislation, or to be enacted as a rider to the Economic Opportunity Amendments.

The so-called Child Development Act should be considered on its merits as a separate and important matter.

The children of the United States, I believe, are entitled to such thorough consideration.

It appears to me that, as presently written, the comprehensive child development program portion of this legislation would create a new army of bureaucrats. As I understand it, it would make eligible for a direct aid program—bypassing any coordination at the State level—any community of more than 5,000 people.

Consequently, it would invite the participation of about 7,000 individual prime sponsors, contracting with the Government, to operate child care centers—with each operating under his own concept or theory of what child development should be.

The net result of this would appear to be a management nightmare for the Government, and a bureaucratic nightmare for the taxpayer.

Because of these and other factors, Mr. President, I am pleased to salute the President for his courage in this matter and for his standing on principle.

Mr. BAYH. Mr. President, once again we are faced with a callous, heartless veto of important legislation which could have helped toward the long overdue redirection of our national priorities. The President, in vetoing the Office of Economic Opportunity authorization and its historical attempt to provide adequate day care for every American child, has struck a shortsighted and unnecessary blow at the children of this country.

I hope sincerely that the Congress will override this veto and in doing so demonstrate our awareness of the need to establish the fundamental right of every child in this land to constructive, planned day care to provide equal opportunity for success in later life. The President's remarkable statement that there was "no demonstrated need" for this legislation shows a total lack of understanding of the inequity of forcing some children and their parents to do without suitable day care.

As the author of the Universal Child Care and Child Development Act of 1971, the main provisions of which were incorporated into the vetoed legislation, I am particularly upset at the President's action. The President challenged the legislation on the grounds of "fiscal irresponsibility, administrative unworkability and family-weakening implications of the system it envisions." He is wrong and a careful review of the facts shows this.

Some people may resent mothers working, but it is no longer a question of whether they should or not—the American woman is working. More than 42 percent of all American mothers with children under 18 work outside the home—9 out of 10 to satisfy an otherwise unmet economic need, such as basic support, medical bills, their children's future education, and so forth. This means that 14 million American children have working mothers, including more than 5 million below the age of 5.

The tragedy in this is that eight out of 10 of these children are cared for through makeshift arrangements—because we as a society have failed to recognize that our children should be provided with the best opportunities for growth and development that we can provide. It is all well and good to say that we have no responsibility for children other than our own. But the fact of the matter is that we as a Nation do have a stake in how these millions of children with working mothers mature. If we are concerned about producing better citizens for the future in our increasingly complex society—citizens who will not be committing crimes, citizens who are not dependent on drugs, citizens who will not find it necessary to exist on welfare—then we have a responsibility to provide opportunities for our children to develop their potential to the fullest. Certainly it is in the national interest, as well as their own, that our children grow into whole, humane citizens who can function in a democracy.

We can afford this program because of savings we will realize by not having to provide the children served with future rehabilitative services. In addition, parents encouraged and enabled to work by the provision of child care services for their families will become taxpayers instead of "tax eaters."

A program that decreases the number of future members of society who fail to become self-supporting and have to turn to welfare, and that helps remove people from current welfare rolls is an investment which will pay handsome human and economic dividends. Simply consider the fact that the cost of welfare and accompanying rehabilitative programs in this country amounts to over $20 billion a year. Or that crime—including Government expenditures to deal with the problem, actual losses of property, estimated losses of earning power resulting from crimes of violence, insurance costs, and other factors—costs us over $50 billion a year.

Surely it would be better to spend $2 billion a year on constructive programs to raise whole, functioning members of our society than to spend far greater amounts of money feeding the results of our neglect—crime and welfare—after the time for constructive action has passed.

Mr. PACKWOOD. Mr. President, as a longtime supporter of child development programs both in Orgeon and around the country, it is with a great deal of reluctance that I am today casting my vote to uphold the veto of S. 2007, the Economic Opportunity Amendments of 1971.

As a member of the Labor and Public Welfare Committee, which handled S. 2007, I followed the development of this landmark legislation with intense interest. Although I did not and do not concur with each and every provision in the version of the legislation finally approved, the nature of the legislative process is such that small differences are laid aside in the furtherance of the larger overall goals and objectives being pursued. My reservations aside, I supported S. 2007 at every step along the tortuous legislative route, in Committee and twice on the floor—first with the original Senate version and next with the Conference version.

We in Congress have the responsibility to exercise our best judgment in setting forth ways in which this Nation will pursue agreed upon objectives. Likewise, the President has the responsibility to exercise his best judgment. A Presidential veto is never a decision taken lightly.

Difficult as the choice is, it is therefore my firm belief that we in Congress owe it to the President of the United States to give a fresh look at this legislation in light of his strenuous objections.

Let my vote not be interpreted as opposition to either the Economic Opportunity program, which I have consistently supported, to the new Legal Services Corporation, which I have consistently supported, to the objectives of the child development program, which I have consistently supported, or to any other provisions of this bill. My record is clear in this respect. Let my position be understood simply that Congress owes the Presidency a fresh look at this very complex and far-reaching legislation.

Mr. BELLMON. Mr. President, as the record will show, I voted to support the Economic Opportunity Amendments of 1971 when it initially cleared the Senate. I have long supported the social initiatives which the Economic Opportunity Act has made possible.

During the time I served as Governor, Oklahoma carried on a highly effective and progressive program under the able direction of Mr. Robert L. Haught, who now serves as a member of my staff. I feel that OEO has been an invaluable segment of our governmental structure and I wish to do everything I can to see that it is preserved and strengthened.

However, since the passage of the bill and the subsequent veto action of President Nixon, I have taken another look and I find that the objections the President raises are valid. The bill does convert OEO from an experimental to an operating agency. By so doing, the bill destroys much of the flexibility and the innovative character of OEO and thereby weakens the social experimental arm of our Government.

Mr. President, also I strongly support the concept of child development. There is a great need for additional Federal effort in this field. While the cost of the program is high I believe the benefits it would produce in our society are higher.

If the program can be separated from OEO and be redirected, with proper administrative safeguards, through one of the operational agencies, I would strongly support its reenactment.

But with the bill in its present form, I must vote to sustain the President's veto.

Mr. WILLIAMS. Mr. President, earlier this week, the chief administration spokesman in charge of the health, education and welfare of the American people spoke to an audience at the Rockefeller Public Service Awards luncheon and attacked "the propensity of politicians who promise more than they can obviously deliver."

Yesterday, the President of the United States vetoed the Economic Opportunity Amendments of 1971 and made it clear to the American people that he is unwilling to bring to fruition the initiatives which are vital to the future of our Nation.

I am frankly amazed at the President's action. By a stroke of the pen he has severely jeopardized the extension of the programs of the Office of Economic Opportunity which represent a unique means of closing the gap that still remains in our society between those who have too little and those who have enough. These efforts involve manpower training programs for our young people, emergency food and medical services, and local initiative activities conducted by the poor themselves.

With the same act of penmanship the President has further delayed the creation of a nonprofit corporation for providing legal services to the poor. This was, at the outset, an administration supported program representing a bipartisan consensus that giving legal assistance to the poor is one of the most effective antipoverty efforts. And it is this new corporation which would have insured that legal services would be independent from political influence as well as preserving the right of the legal services attorney to do what he considers to be in the best interests of his client.

And, finally, the President's veto has dashed the hopes and dreams of millions of American families that the Government will at last provide them with the assistance they need in establishing comprehensive child care programs. These programs have been designed so that parent and child alike would have the opportunity to be rescued from poverty and so that the children could have a chance to broaden and expand their lives. The establishment of such programs, with the emphasis on local decisionmaking, parental involvement, and developmental rather than custodian services, has been identified as the top priority for the next decade by the White House Conference on Children, a conference held under the auspices of the Nixon administration. The legislation was designed to provide free services to those with incomes below $4,300 per year with a sliding fee to be charged those with incomes in excess of that amount. So this is a program fashioned not only for the poor but designed so that all families can ultimately benefit from these high quality services.

Mr. President, there is no more important priority in the United States than to assure that we can bring every citizen out of poverty and into the great mainstream of American life. Our children provide us the greatest hope for reaching this goal. The President has let us down. The President has said that he does not care. I am at a loss to understand why. It is becoming increasingly obvious that President Nixon has decided to avoid the danger of promising more than he can deliver by choosing to deliver little if anything in response to the needs of this country.

Mr. JACKSON. Mr. President, I believe President Nixon's veto of the OEO-child development bill was a cruel mistake. This action derails the most important piece of social legislation this session. The bill contained funds for jobs, education, legal defense, family services, and, above all, day-care centers for children. It is a key bill. It would have provided a decent, healthful, and educational place for children of millions of poor and working families. I think Mr. Nixon will regret his veto.

For the fact is that now is not the time we should be trimming our sails, or reducing basic Government programs to help families in need. When the number of poor people in America has increased for the first time in 10 years, when we have 5½ million people out of work, when we have hunger in depressed areas of the country, we need more than ever before an effective antipoverty system of social services.

I believe President Nixon has broken faith with the American people and their children by his veto. He has shot down the very programs he advocated earlier this year. He said he wanted a basic child care bill, he said he wanted to give OEO a new future under a new Director, and he said he wanted an independent legal services corporation. The Congress took him at his word. We passed a good bill.

I support this legislation. I have supported OEO—and its various experimental programs—since its beginning in 1964. I am convinced that a basic child care and development effort is badly needed. It will help the child. It will help working mothers. It will help families, not hurt them as the President claimed.

I shall cast my vote to override the President's veto.

Mr. MILLER. Mr. President, I shall vote to sustain the President's veto of S. 2007.

It should be emphasized that, if the veto is sustained, the present activities of OEO will continue. The supplemental appropriations bill, which has just been passed and sent to the White House, will continue the funding of OEO until the end of this fiscal year—June 30, 1972. There will be ample time for the Congress to enact a new bill in the meantime.

Although I supported the bill, as it passed the Senate, and also the conference committee's compromise bill, I must state that I have been concerned over the newly added child development program contained in the bill. It was for this reason that I also supported a motion to refer the bill back to committee with instructions to delete this from the bill. However, that motion was defeated.

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The reason for my concern has been well pointed up by the President's veto message. This part of the bill simply represents premature action—and excessive action, as well—without being made a coordinate part of welfare reform legislation which is now pending in the Senate Finance Committee.

Headstart continues to perform valuable day care and early education services, and an important experimentation and demonstration function which identifies new techniques for aiding child development. Under the Social Security Act assistance is being provided for construction of child-care centers which can be used for training child-care technicians and developing child-care programs in cooperation with the States. However, the most immediate need is for child-care services to enable welfare mothers to take a job and break away from the welfare cycle. That is why an expensive but integral part of welfare reform legislation must include a program for child-care services to meet the needs of welfare mothers and parents who may be classified as the "working poor." Our committee will be holding hearings on this subject early next year, and I would guess that this part of the welfare reform bill will be relatively noncontroversial.

Welfare reform legislation is going to be costly at best, and in the present state of a serious budget deficit, we simply must put first things first. There has been a great amount of talk about "priorities" around the Capitol. Child-care services to meet the needs I have referred to must come first. Beyond that, we should have pilot testing programs in the area of child development before undertaking nationwide programs if we are to avoid waste, duplication of effort, and, perhaps, an undesirable impact on the family structure which is the backbone of our society.

Mr. DOLE. Mr. President, I plan to vote to sustain the President's veto of S. 2007, the Economic Opportunity Amendments of 1971.

No one questions the objectives of this legislation. We all realize the importance of the needs of the young and the underprivileged. But, the structure of this legislation we have before us is unresponsive to its goals and the cost is prohibitive.

President Nixon originally proposed a National Legal Services Corporation to aid the poor that was independent and free of politics and included built-in safeguards to assure its operation in a responsible manner. The legislation before us clearly does not contain such safeguards.

The manner of appointing members to the board does in no way assure their responsiveness to the needs or the desires of the general public. A minority of the members would be appointed by the President while the majority would be selected from various professional, client, and special interest groups who have no mandate to place the needs of the low-income populace before their own.

President Nixon today signed into law the Internal Revenue Act of 1971 which will reduce taxes. It would be irresponsible, at this time, to enact legislation that has the prospect of eventually costing the American taxpayer $20 billion annually.

We all support the goals of this legislation. But, until the structure of this legislation can be made responsive to its goals and the cost acceptable, it should not be passed.

Mr. GURNEY. Yesterday, over the cries of self-righteous critics, who tried to label him insensitive to the needs of disadvantaged Americans, President Nixon acted boldly in vetoing the Economic Opportunity Amendments of 1971.

As I see it, the President had no choice. He acted in the best interests of the American people by refusing to accept a measure which would have spelled defeat for the stated aims of the Office of Economic Opportunity, for the goals of the Independent Legal Services Corporation concept, and most importantly, which may have foreshadowed a drastic change in the very nature of American family life.

The questions of poverty, of individual rights and of child welfare are crucial ones to the American people. The Nation deserves the concentrated, serious efforts of its legislators to establish and maintain Federal programs which will actually work; which will substantially relieve the inequities that now exist in our judicial system in our Federal, State, and local welfare programs.

I am particularly concerned about the child development proposal. It remains unfathomable to me that such far-reaching and costly legislation dealing with such sensitive areas as the child-parent relationship could be viewed favorably by so many Senators with so little discussion of the possible consequences. The proposal for an all-encompassing program for child development strikes me as a very irresponsible, incomprehensible approach to several critical child welfare problems.

To provide all American children with the best medical care, proper nourishment, and quality education is a goal shared by the President, the Congress, and hopefully by the entire Nation. To pay $2 billion to give a possible 7,000 individual sponsors in communities across the country with a possible 7,000 differing ideas the capability to devise separate plans for the care and development of children, with little provision for the administration of the plan and with little consideration of priorities that have already been established by locally elected representatives, is certainly not a rational way to make this goal a reality.

As one of 17 Senators who oppose this radical departure from the traditions and ideals of American life, when the Senate voted on the Economic Opportunity Amendments Conference report last week, I am commending the President for assuming his rightful position of leadership by not allowing this measure to become law. I shall be further encouraged if the Congress reevaluates the economic opportunity legislation and ultimately offers realistic solutions to these critical problems—solutions that have some chance of really working.

THE SENATE SHOULD VOTE TO OVERRIDE VETO OF S. 2007

Mr. RANDOLPH. Mr. President, yesterday President Nixon committed what I consider to be an error of judgment. He erased not only months of painstaking effort by Members of Congress, their staffs and many concerned labor and private organizations, but also the hopes and dreams of millions of low- and middle-income families who are striving to make ends meet in this time of rising prices.

I am speaking of the veto of S. 2007, a bill which passed the Senate by a vote of 63 to 17, and which also received a substantial plurality of support in the other body. In vetoing this measure, the President eliminated the authorization for the Office of Economic Opportunity and the establishment of a new Legal Services Corporation. As I understand the President's motives, however, the primary reason for the veto was the comprehensive child development portion of S. 2007.

In his veto message the President attacked this legislation as "fiscal irresponsibility," "administrative unworkability," and "family-weakening implications."

Is it "fiscally irresponsible" to provide widows and poor families who are barely surviving with a chance to get off the welfare rolls and to have their babies properly cared for?

Is a program "administratively unworkable" when cities, Headstart programs, community action agencies, child development experts, and labor organizations give their total and enthusiastic support to a national program they assure us will be quite workable?

What are the "family-weakening implications" of poverty and ignorance, of mothers who have little or no means of support, of children whose education usually consists in learning to live with street gangs, and with dope pushers?

Quite apart from the poor in Appalachia and in the city ghettos, what about the family of the average, middle-class American, the forgotten American, in President Nixon's words, the blue-collar worker who is squeezed by high inflation, high taxes, high unemployment, and a paycheck which does not go far enough to make ends meet? It is this "forgotten American," especially, that we should not forget. The vetoed legislation would help him as much as it would the very poor.

Mr. President, families which are comfortably situated need no child care. Their family structures may be stable and sound. But the low- and middle-income families need this bill. Because of the pride and dignity it will provide to those who can climb out of the welfare rut to become taxpayers rather than taxtakers, and because of intellectual stimulation, the nutrition and the medical care it will provide to children, who are the hope of the future, America needs this bill.

I urge my colleagues to override the veto of S. 2007.

Mr. TUNNEY. Mr. President, the President's veto of the OEO bill can only be described as an irresponsible act and a tragic example of the need to reorder our priorities.

In 1970 the Office of Economic Opportunity expended $759,865,454 in California. This money was used for VISTA, community development, assistance for migrant and seasonal farmworkers, community action programs, Headstart, legal services, and neighborhood health centers.

The Senate on September 8, 1971, enacted a very comprehensive bill extending the life of the Office of Economic Opportunity for 2 more years. In addition, the Senate bill included the addition of several very important, new and innovative programs.

First, the Senate recognized the critical importance of early childhood care and included within OEO a comprehensive child development program. Under this proposal the needs of preschool children would be recognized for the first time and health care, proper nutrition, and education would be provided.

How can the President say that there are not sufficient funds for young children?

Second, we as a nation must insure that everyone has access to legal services. This is one of the most fundamental elements of a democratic state. It is inconceivable to me that the President would not want to enact legislation insuring that legal services are made available to the poor without political interference. The President's veto of the OEO bill, coupled with his lack of leadership in the fight to save the California rural legal assistance program, demonstrates an appalling lack of concern over constitutional rights under the sixth amendment.

Third, the Congress established a new community economic development program. Under this program a major effort would be made to link private finances with poor communities in order to give these communities the resources for self-determination and solid economic and social progress. The President's veto of this program is a serious blow to poor communities endeavoring to break the cycle of poverty.

In his veto of the OEO bill the President has apparently brought out into the open his long-rumored desire to abolish OEO as an effective antipoverty agency, I feel that we must override the President's veto and we must fight hard to save OEO and establish decisively that we will not abandon our efforts to eliminate poverty.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—VETO MESSAGE ORDERED TO BE PRINTED AS A SENATE DOCUMENT (H. DOC. 92–48)

Mr. CRANSTON. Mr. President, I ask unanimous consent that the bill (S. 2007), together with the message from the President of the United States expressing his disapproval thereof, be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama (Mr. SPARKMAN) in connection with a conference matter, and that the time not be taken from either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2891.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate the amendments of the House of Representatives to S. 2891 entitled "an Act to extend and amend the Economic Stabilization Act of 1970."

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House on S. 2891; agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. CRANSTON, Mr. TOWER, Mr. PACKWOOD, and Mr. ROTH conferees on the part of the Senate.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the reconsideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1954, and for other purposes.

Mr. CRANSTON. Mr. President, I yield 1 minute to the distinguished Senator from Minnesota.

Mr. MONDALE. Mr. President, I want to make this point: This bill has been subjected, in the extreme rightwing journals of this country, to a totally vicious, dishonest, and irresponsible series of charges.

This bill does nothing except to build upon the family; it does nothing to encourage communal living. It is designed to strengthen the family and to give the children a chance in ways defined by the parents of those children and no one else. Any other charge to the contrary, such as those contained in the President's veto message, are absolutely and undeniably false. This measure is a difficult and complicated one but it should not have to bear the burden of totally groundless, outrageous and fearsome charges such as those.

Mr. JAVITS. Mr. President, with the consent of those who seek to sustain the President's message, I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to express not only my strong conviction that the veto of the Office of Economic Opportunity extension should be overturned but also my distress at the tone and substance of the veto message itself.

It is a cruel Christmas present for the Nation's poor and the Nation's children.

The message clearly reflects this administration's total lack of regard and commitment to the disadvantaged. It reflects once again a willingness to dismantle the remaining elements of the Office of Economic Opportunity, an intention that is present in its reorganization plans, in its incredibly inadequate budget requests, in its veto of this measure and in its threat to veto all other OEO bills which do not give the President a free hand to destroy the Agency.

Mr. President, earlier we heard some suggestions made by the Senator from Ohio indicating that everyone is in favor of helping the poor, and that we should not question the motives of the administration as it addresses itself to this problem.

I think we can question the motivation where we have seen a slush fund of $2 billion offered for Lockheed and other corporations, and we come forward in this legislation with $2 billion looking out for the children of this country. The administration, on the one hand, is prepared to go to bat for $2 billion for the big corporations of this Nation, but turns thumbs down on a $2 million child development program.

First, let me comment on the President's decision that the National Legal Services Corporation provision is unacceptable.

In reviewing the President's veto, on page 2, he states that one of the reasons he vetoed the program was that he believed the provisions did not provide adequate accountability and benefited special interests.

The legislation currently gives him the option of appointing all of the 17 Board members, but requires that he select from recommendations offered by the agencies most concerned with legal matters in the land. Yet the President refers to the Judicial Conference of the United States, the American Bar Association, the Association of American Law Schools, the National Bar Association, the Project Attorneys Advisory Council, and the Clients Advisory Council as "special interests" who are not accountable to the public.

He has never appeared in the past to have any qualms in acting on behalf of special interests, for oil companies, for Lockheed, for the AMA, for the health insurance industry, for the corporate interests of this Nation. Yet when it comes to a provision that would merely have him select members from groups with the most direct concern for legal services for the poor; suddenly the President objects.

When he uses the word "accountable" he is not talking about an independent services corporation that is accountable to the poor or to the people they serve. He is talking about a legal services agency that is accountable to the political whims of the White House. He wants to be able to prevent the independence of legal services the "independence" that he has paid lipservice to throughout this debate, and that is the only excuse for his opposition to this provision.

XUM

We found out what happens when an individual within the administration really looks out after the interests of the poor. Think about what happened to Terry Lenzner. They fired him.

The President talks about accountability. What we are interested in is a legal services program that will be accountable to the poor and not to the White House. I think it is ironic that these words should be used in a Presidential veto.

Legal services has been the most dynamic and successful OEO program since its inception in 1965 and it has withstood threats to its existence from the Governor of California and from this administration. To assure its independence, the Congress has passed this measure, and I believe it is the best guarantee that the poor will have access to legal services and to appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform.

There is absolutely no justification for a veto on this basis except the desire of the President to have absolute control over legal services to insure the corporation will respond to his political commands.

So we come then to the basic reason given by the President for his veto and that is the child day care section of S. 2007. And here it is perhaps even more depressing to realize the priorities that this President has in relation to providing services to the Nation's citizens.

Essentially, the child care provisions of S. 2007 tried to do for low- and middle-income families of this Nation what sufficient income has always permitted the more wealthy to do. And that is to provide adequate and decent day care and child development programs for their children.

And the President's assertion he already has increased nutritional assistance and health services for children does not resolve the need for day care services. It also is curious that he has made this argument since his requests for food stamps have always fallen short of the need and the August food stamp regulations would have severely restricted eligibility, including eliminating 1.6 million children. Only congressional outcry stopped that from occurring.

Also, with regard to improved health services under medicaid, the truth of the matter is that he delayed 2½ years issuing medicaid regulations to require health screening of children. And he still has not requested any additional funding to improve those services.

But more important, the assertion that H.R. 1 will meet the day care needs of the children of this Nation is absolutely false. Day care and custodial care will be available under the President's welfare bill only to welfare recipients.

The family of four which earns more than $4,300 in most cases would be totally ruled out.

The President has evidently decided that only the very rich and the very poor shall be eligible for day care services.

I worked for passage of this bill because it offered a tremendous opportunity to help the children in the 5.5 million households headed by women who must work. And it held out hope to every family that has been denied adequate child care facilities, because only 700,000 licensed child care positions exist to meet the needs of the 6 million children of preschool age in this country.

Finally, let me say, in terms of earmarking, we find time and again that the President is prepared to drop the programs that I find are essential to meet the human needs of the people of this Nation.

The total number of poor in this country has risen from 24 to 26 million, in the last year alone. Yet the administration requested $100 million less to meet poverty needs. This should not surprise anyone. The administration saw that the elderly poor had risen by 100,000 and their response was to request $2½ million less for the Older-Americans Act.

Without earmarking this administration would abolish the emergency food and medical program. That was their intention at the start of the session. Only through earmarking have we prevented that.

Mr. President, I think that when we are talking about a program that addresses itself to the unmet needs of the poor, to serve the people, and to provide for the needs of the people, I cannot accept a Presidential veto that is based on political rhetoric.

Mr. President, I hope the Senate will exercise its good judgment and override that veto.

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield 10 minutes to the Senator from Colorado.

Mr. DOMINICK. I shall need only 5 minutes but will reserve the other 5 minutes for later.

The PRESIDING OFFICER (Mr. SPARKMAN). The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, this debate obviously is not going to go down in the annals of the Senate as one of its finest hours.

I have listened to the comments of the Senator from Massachusetts. My understanding is that he, along with me, voted against the Lockheed loan, but it was $250 million. It was the guarantee of a loan. It was not a $2 billion giveaway.

Mr. KENNEDY. Does not the Senator agree with me that the administration itself asked for $2 billion——

Mr. DOMINICK. I do not yield to the Senator from Massachusetts. We will have regular order here, or he will sit down.

The PRESIDING OFFICER. The Senator from Colorado declines to yield to the Senator from Massachusetts.

Mr. KENNEDY. The Senator does not want to answer the question.

Mr. DOMINICK. I have the floor. The Senator can answer on his own time.

Mr. KENNEDY. If the Senator will yield me some time——

Mr. DOMINICK. Mr. President, this portion of the debate is obviously not right. The second portion we should look at is, what does the actual veto message say? It hits all three aspects of the bill concentrating on child development and in the process says that there is nothing wrong with our objective. That is part of the objective the administration has been seeking. It is legitimate for people to have the same objective but to have different methods of arriving at it. This has been the history of this country ever since I can remember. It seems totally wrong to me to go and say that, because we do not like the method by which something is done, we impute all kinds of motives to the person who is saying, "I want it done another way."

The next thing I think is important is to recognize that in the veto message it says the President has specifically set out some of the programs that he has been speaking to, to try to get through programs in order to try and provide for the needs of the poor. But, as the Senator from Ohio so specifically pointed out, there is no criterion to treat the poor first in the bill—not in the child development bill. Anyone can come in, poor, or otherwise, at all levels. It does not say it has to be the poor first.

Second, so far as the primary sponsor is concerned, the local areas are the ones that are required to be the prime sponsors, while the State may be a prime sponsor.

We argued about this in committee. We argued about it in conference and we argued about it in the conference report on the floor. We still have that same setup which is specifically referred to in Governor Mandel's telegram which the Senator from Maryland has just put in the RECORD.

Mr. President, all I am saying is: let us treat this logically. Let us not try to put all kinds of motives on it. Let us not have those few Senators who have not announced for President acting like they are running for it in this part of the bill.

Mr. President, I urge my colleagues to vote to sustain President Nixon's veto of the Economic Opportunity Amendments of 1971 for reasons I will soon enumerate—reasons which have impaired the legislation from its inception—reasons which went unremedied throughout the legislative process despite warnings which I, among others, made as a cosigner of supplemental views to the committee report, warnings which I later reiterated in urging defeat of the conference report signed by only two Senate minority conferees and one House minority conferee.

The proponents of this legislation failed to heed or completely ignored protestations and reservations of responsible Members of both Houses of Congress from the very inception of this legislation. The steadfast refusal to compromise or remedy the defects of this legislation jeopardized and ultimately killed a most necessary 2-year extension of the administration's poverty program. President Nixon's dissatisfaction with this legislation merely culminated objections which had been made continuously throughout this bill's legislative life. As such the veto comes as a surprise to no one.

First, and foremost, the $2.1 billion Child Development Act attached to S. 2007 creates an unmanageable administrative rathole—a rathole of empty promises—empty promises which will neither fill the participating children's needs nor reach their parents' expectations. President Nixon opposed the Child Development Act because, in his words its laudable purpose is "overshadowed by the fiscal irresponsibility, administrative unworkability and family-weakening implications of the system it envisions." It creates an unmanageable prime sponsorship mechanism emphasizing small, divergent, neighborhood units rather than utilizing the general administrative strengths of State governments; State governments which because of their size and organization can effectively coordinate child care programs with other necessary programs including, among others, maternal and child health programs, institutional care and foster care programs, State child care programs, and medicaid programs. Conversely, S. 2007 encourages a neighborhood-based system which would compete for, rather than coordinate with the above service systems. It encourages the creation of not hundreds or thousands of prime sponsors, but of tens of thousands of prime sponsors.

Program quality must necessarily suffer, because it will be impossible for the Department of Health, Education, and Welfare to effectively monitor or provide technical assistance for this many prime sponsors.

It is indeed unfortunate that Congress, in its headlong rush to create law, threatens the concept of child care when it presently has before it H.R. 1, legislation promising a comprehensive, coordinated child care program—legislation which has been before Congress for 26 months. H.R. 1 includes a request for $750 million annually in day care funds for the poor and $50 million for day care construction purposes. Rather than considering the merits and ramifications of the above legislation, Congress determined that a $2.1 billion program should be tacked on to a standard OEO extension bill regardless of the fact that OEO will not administer the Child Development Act if enacted.

A further disquieting indication that child care has not been comprehensively considered is found in the fee schedule philosophy of the Child Development Act. Whereas S. 2007 establishes a fee schedule providing free or nominal fees for child care for the poor—four-member family with a family income below $6,960 per year—Congress just approved the conference report on the Revenue Act of 1971, which contained provisions encouraging the poor to pay for child care services and then deduct as much as $400 per month from earned income as a business expense. The amendment created the new category of allowable business expense expressly for the poor as they would not benefit from allowable itemized child care expenses, because they normally use the standard deduction method of determining taxable income. The Senate must resolve their dilemma of both encouraging the poor to spend money for private child care services and encouraging them to utilize free Government-sponsored child care. At the very least the Senate must consider the total impact on the Treasury of the lost revenue through the Revenue Act amendments and the $2.1 billion additional expense of the child care portion of S. 2007.

Perhaps more importantly, the above discussion indicates once again that on matters as critical and sensitive as the care and development of our children more extensive and coordinated legislative consideration is required.

President Nixon's veto statement contains his view of an OEO program seeking to—

> Make the Office of Economic Opportunity the primary research and development arm of the Nation's and the Government's ongoing effort to diminish and eventually eliminate poverty in the United States. Despite occasional setbacks, considerable progress has been made.

S. 2007 contains setbacks which may well prove fatal to this concept. Section 10 of S. 2007 prohibits the delegation or transfer of programs administered by the Director of OEO to the head of any agency through fiscal year 1973 unless a conforming provision of law is subsequently enacted. In the past, when an OEO program matured to a point when it ceased to be developmental and commenced to be operational the program was "spun off" to other agencies in the executive branch through the exercise of the delegation authority contained in section 602(d) of the Economic Opportunity Act.

Section 10 frustrates the whole research and development concept of OEO and effectively relegates it to the status of any other executive operating agency. For the first time, a President and a Director of OEO will be prohibited from delegating matured individual projects without congressional control.

The language of S. 2007 further restricts the true developmental aspects of our OEO poverty program by locking specific programs into earmarked expenditure levels. In the process of earmarking the $950 million in authorizations, S. 2007 set appropriation levels for local initiative, alcoholism, emergency food, and medical and community economic development so high that appropriations for two essential programs—comprehensive health and research and development will have to be reduced if the estimated budget is adhered to.

As with section 10, this earmarking serves not to further the poverty programs, but rather to relegate them to ordinary operating agencies.

President Nixon additionally cited the restricted accountability of the Legal Service Corporation Board under S. 2007 as being inconsistent with the interests of America's poor. I concur and urge the rewriting of the Board selection process to guarantee an independent and politically free legal service corporation.

Mr. President, this administration's commitment to the poor is not suspect. President Nixon's veto message reflects his sincere desire to create a meaningful and effective program to honestly assist the Nation's poor. I urge my colleagues to give him that opportunity by sustaining the veto and then working together for a truly effective poverty bill.

Mr. President, I reserve the remainder of my time.

Mr. JAVITS. Mr. President, we are prepared to yield 15 minutes to the other side. I have already yielded 5 minutes. If the Senator from California will tell me to whom to yield, I will yield time to that Senator.

Mr. CRANSTON. Mr. President, will the Senator yield me 10 minutes?

Mr. JAVITS. Mr. President, I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

HEARTLESS REBUKE OF AMERICA'S POOR AND AMERICA'S CHILDREN

Mr. CRANSTON. Mr. President, I rise to urge my colleagues to vote to override the brutal veto of the President on S. 2007, the Economic Opportunity Amendments of 1971, which passed the Senate by such an overwhelming margin Thursday of last week.

The fact of the President's veto of this vital legislation is bad enough, but even worse is his veto message which is an exercise in disingenuous rhetoric and political expediency.

With this negative act, the President has fulfilled the prophesy of so many in the poverty community that his overriding purpose is and has been to kill OEO or at least reduce it to a totally ineffectual agency.

It is true that OEO no longer operates most of the original war on poverty programs itself, and there is absolutely nothing in this bill which would alter those delegations and transfers of Economic Opportunity Act programs which have already been made to other agencies. Thus, the President's statement that under this legislation OEO would become an operational agency is totally erroneous. Rather, the provisions of the vetoed bill would have required only that OEO hold on to what few operational programs still remain in order to give it some force and vibrancy as an agency with at least a minimum of functional responsibility.

This is but the first example of the fallacious statements included in this irresponsible veto message.

Next, the President attacks congressional action in specifying the amounts of funds to be spent on various Economic Opportunity Act programs. This is an old saw for this administration, but the facts are that this bill permitted the Director of OEO to transfer up to 25 percent of the specified funding for any particular program, 10 percent higher than present law. What the President really seems to object to is any significant congressional role in the legislative and appropriations process.

As I understand it, under the Constitution the Congress has at least coequal legislative responsibility, and I have always thought that it was the principal legislative branch of the Government. Apparently, the President disagrees. He not only wishes to exercise totally unfettered executive branch power—as is evidenced by his rejection of any significant congressional role in the field of foreign and military affairs—but also wishes now to write the laws without congressional participation.

XUM

His attitude in the veto message reminds me of that of the petulant child who threatens to and finally does pick up his marbles and go home when he does not get his way on every aspect of the marble game.

Congress has the constitutional responsibility of deciding on appropriations of funds for particular programs, and I believe we should continue to exercise that responsibility to ensure that those programs which our constituents tell us have proven effective are maintained, and that poor people continue to benefit from them. The administration plan risks squandering moneys on experimental and research programs whose principal beneficiary is often not the poor but the consulting firm. I strongly support the need for Federal stimulation of small business, but, unlike the present administration, I do not believe that every program should be converted to a private enterprise bonanza.

If the Congress had not seen fit, in its wisdom, to include earmarking in the economic opportunity act the last several years, I believe there would be today no community action program, no emergency food and medical program, no poverty, drug and alcohol programs, and perhaps no legal services program or VISTA program.

Next, the President objects to the Legal Services Corporation provisions in S. 2007 which he says do not provide for sufficient "accountability to the American people as a whole." What he means by this—and there can be no doubt about this—is political accountability to him as the President. His call for unrestricted Presidential appointment of all members of the Corporation's Board of Directors is a position supported by none of the extensive testimony presented at congressional hearings except for that presented by the administration, itself.

Mr. President, the kind of Legal Services Corporation "independent and free of politics," to quote the President's rhetoric, that this administration seeks is one which can be manipulated for narrow, partisan purposes through political appointees who owe their jobs entirely to the President.

It was exactly to avoid this kind of political pressure and harassment—characterized most clearly in the story of the California rural legal assistance program debacle, which began just 1 year ago, that we introduced the National Legal Services Corporation Act (S. 1305). As far as I am concerned, and I have spoken to the principal sponsors of this legislation, both the Senator from Wisconsin (Mr. NELSON) and the Senator from Minnesota (Mr. MONDALE), the kind of politicized corporation the President wishes would provide greater opportunity for abuse than the present legal services structure within the OEO. For, under the President's puppet corporation, there would be an appearance, although no reality, of impartiality behind which the administration could hide while engaging in political hatchet work on legal services programs.

Mr. President, I am also astonished that the President should see fit to challenge the integrity of the organized bar and the legal profession in objecting to their continuing to play a major role in the overall direction of legal services efforts.

It is a clear and undisputed fact that without the initial support and nurturing of the organized bar and the legal profession there would never have been a legal services program; and that without their continued support and assistance an effective legal services program could not survive in this country.

Thus, I think it particularly appalling that the President has seen fit to cast aspersions on the American Bar Association, the National Bar Association, the American Trial Lawyers Association, the National Legal Aid and Defenders Association and the Association of American Law Schools by calling them "private interest groups" and decrying their involvement in appointment of the board and in the incorporating trusteeship for the new corporation.

The President concludes his verbal gymnastics regarding the Legal Services Corporation by calling for a corporation "which places the needs of low-income clients before the political concerns of either legal service attorneys or elected officials." This is said in the face of the incredible episode regarding CRLA perpetrated by the President for what has been proven beyond a doubt to be a political motive to mollify Governor Reagan.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks a December 10 letter to the editor of the Washington Post from Michael Kantor, executive director of Action for Legal Rights, Inc., who has performed an invaluable public service in assisting the Congress with regard to the legal services title in the bill. I also ask unanimous consent that the names and titles of the Advisory Board of Action for Legal Rights, Inc., be printed at the outset of this letter.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. But the President saves the worst for last and reaches new heights in his shameful and shameless castigation of the child development program in the bill.

His implication that the child development legislation would "lead toward altering the family relationship," would employ "communal approaches to child rearing over against [sic] the family-centered approach" and would generally "diminish both parental authority and parental involvement with children" is absolutely untrue. This red herring which the President has fished up from the reactionary gutter represents a scandalous sellout to right-wing radicals.

Mr. Nixon has sacrificed the welfare of hundreds of thousands of children and their mothers who would like to work, to the political expediency he finds in mollifying the right-wing harping in his party. It is a shame that he has once more listened to the bad counsel which his domestic advisers foist upon him and has again not bothered to take the time to acquaint himself with the specifics of the legislation.

In fact, there is absolutely no provision in the bill or legislative history and surely no intention on the part of the 63 Senators and 210 Congressmen who voted for the conference report to break up or weaken families or parental control over the development of their children. I suspect the President must really know this.

In fact, the bill does exactly the opposite. The child development program would preserve parental control and strengthen the family unit in a number of ways: First, by permitting women with children, or other single heads of households with children, to leave the children in an educationally, nutritionally and physically healthy environment while they seek to earn money to provide more adequately for their families. The approach of keeping children in the chains of poverty by not providing them with the comprehensive services they need to break free while their parents try to earn their own way, is sure prescription to degrade and diminish the strength of the family unit. Yet, given the veto of this bill, this seems to be the administration's design for the family.

Second, and I speak from firsthand knowledge because the bill contains my amendments, on this score. Parents in child development programs would be given effective control of basic policymaking, funding, and personnel decisions at all levels of child development programing and would be urged to involve themselves directly in implementation of individual projects and programs.

Also, of course, participation by any child in these child development programs would be entirely voluntary; entirely up to his or her parents.

The complete inconsistency in the President's intemperate attack on the child development program is pointed up by the relatively positive statements he makes about the Headstart program which formed the very basis for the fundamental philosophy underlying the child development legislation.

Mr. President, what does the President say he is for? He clearly seems to be for "day care." What he wants is a system of warehousing little children for 9 hours during the "day" while their mothers work. That is his focus—on the mother working for the "day", not on the "child" whose fragile sensibilities are being developed.

Principally, he wants these juvenile warehouses to contain the preschool children of the welfare mothers he would require to register to work under H.R. 1. If a mother prefers to raise her preschool child, rather than to take a meaningless, demeaning job—and unlike the President, I think there are such jobs—how does it serve to strengthen the relationship between the child and the mother for that child to be stored in a custodial program for most of its waking hours away from parental love, interest, concern, and compassion? I wish the President could answer this question for me.

I believe that if the parent of a preschool child wishes or needs to work that that child should be cared for in a comprehensive, compassionate, healthful program of the type we would establish in the child development program the President condemns.

Perhaps the only really candid statement in the entire veto message, Mr. President, is the President's frank admission that the child development program in the bill "points far beyond what this administration envisioned when it made a 'national commitment to providing all American children an opportunity for a healthful and stimulating development during the first five years of life' " Judging by the administration's performance in carrying out the verbal commitment which the President first mentioned in 1969, the President's program is generally to talk about services to young children rather than to do anything about actually providing them. The record of default on such rhetorical committments is clear; time and again the administration fails to deliver its major spoken commitments, such as to a national literacy program.

This kind of talk-and-no-action posture seems contradictory to this administration's stated concern about not promising more than it can deliver. I suppose the administration distinguishes between speaking of so-called national commitments and developing and implementing any programs to carry out these commitments. thereby making certain not to raise anyone's expectations.

This is a policy of Madison Avenue manipulation which, I believe, displays a basic contempt for the intelligence of the American people.

What else does the President say he is for? He says he is for a number of initiatives which he credits to his administration to alleviate child suffering and deprivation.

He cites three examples, two of which were imposed on him by Congress accompanied by violent administration kicking and squealing. The first of these so-called administration "actions" is the expansion of nutritional assistance to poor children by the tripling of food stamp participants since 1969, and the doubling of child nutritional programs—such as school lunch and breakfasts—since then.

I am astonished that the President seeks to take credit for expansion of food stamp and nutritional programs which his administration has staunchly opposed and which resulted entirely from congressional initiative, led by my good friend from North Dakota (Mr. MCGOVERN), who I suspect will have something to say on this score.

The President's capacity for posturing in the face of clear facts to the contrary seems boundless in view of the clear fact, of which I think everyone is aware, that the administration recently sought to cut back by 1 million—more than 100,000 in California—the children fed in the school lunch program only to be stymied in this heartless effort by a congressional outcry culminating in a resolution introduced and floor managed to passage by my good friend from Georgia (Mr. TALMADGE).

The second magnanimous administration initiative to which the President points is improved medical care for poor children through screening and treatment under medicaid. The facts are that the Department of Health, Education, and Welfare just last month issued regulations implementing provisions enacted into the Social Security Act in 1967 requiring individual State programs to be effective July 1, 1969—more than 2 years ago. Moreover, the administration regulations seem to dilute the congressional mandate by permitting States to eliminate from such screening and treatment programs children between the ages of 6 and 21 until July 1, 1973, fully 4 years after such screening, diagnosis and treatment was to become effective under the Social Security Act.

It is indeed a monumental piece of effrontery for the President to claim credit in these two areas in which his administration has been so restrictive and recalcitrant.

As to the third area, he cites effective targeting of maternal and child health services on low-income mothers who need them most. No one at HEW whom we have talked to has been able to explain what that means. As far as we can determine, there is absolutely no new direction in this program under the present administration.

Mr. President, there is a great deal more I could say about the fundamental unfairness and the basic injustice to the poor and disadvantaged in our land which the President's veto perpetrates.

I close by asking that each Senator who voted for the conference report now read this veto message and then decide whether or not the scandalous charges which the President has made are warranted. I believe that there is no question of the answer if each Senator will search his and her own conscience on this issue.

EXHIBIT 1

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Michael Kantor, *Executive Director.*

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Richard C. Maxwell, University of California School of Law, Los Angeles.

George Moore, National Clients Council.

Francis T. P. Plimpton, Debevoise, Plimpton, Lyons and Gates, New York, New York.

Louis H. Pollak, Yale Law School.

Robert D. Raven, Morrison, Foorster, Holloway, Clinton and Clark, San Francisco, California.

Cruz Reynoso, Director, California Rural, Legal Assistance.

Robert W. Sayre, Saul, Ewing, Remick and Saul, Philadelphia, Pennsylvania.

Murray L. Schwartz, Dean, University of California School of Law, Los Angeles.

Jerome Shestack, Schnader, Harrison, Segal and Lewis, Philadelphia, Pennsylvania.

The Honorable Sargent Shriver, Washington, D.C.

McNeill Smith, Smith, Moore, Smith, Schell and Hunter, Greensboro, North Carolina.

Michael Sovern, Dean, Columbia University, School of Law.

Robert L. Spangenberg, Director, Boston Legal, Assistance Project.

Maynard Toll, O'Melveney and Meyers, Los Angeles, California.

The Honorable Cyrus R. Vance, New York, New York.

ACTION FOR LEGAL RIGHTS, INC.,
Washington, D.C., December 10, 1971.

To the Editor:

The President's veto of the Poverty Program, the new and crucial Child Development effort, and the National Legal Services Corporation marks a complete retreat by the Executive Branch of Government from the solutions to the crucial domestic issues of our time. Not content with a mere veto, the President insured, through bitter, misleading and illfounded comments in the veto message, that this country will continue to polarize at an ever increasing rate.

The implementation of the National Legal Services Corporation is an exciting attempt to strengthen and expand the OEO Legal Services Program. By making Legal Services lawyers independent from undue political incursions, this Bill would have brought the poor a few steps closer to true equality under law. But our President-lawyer abandoned this long term need for short term political gain. The same President that called for an independent Legal Services Corporation has short circuited this effort and turned his back on his profession, the leaders in his own party, and the poor.

The President indicated in his message that he had three problems with the National Legal Services Corporation. One, the Corporation was somehow not accountable to the American people; two, that the legislation passed by the House and Senate "differs crucially" from his original proposal; and three, persons, with a possible conflict of interest, might serve on the Board of Directors of the Corporation.

The President stated that he only had full discretion over six of the seventeen members of the Board. In fact, the President appoints all members of the Board in the Bill passed

by the Congress. Whereas the President's Bill did not insure the professional bar or clients would have had any voice whatsoever in the operation of the Corporation—the National Legal Service Corporation Act of 1971 insures that the Corporation is accountable to these groups.

The President's discretion and power to appoint are fully protected in the Bill. The selection process utilized is fully consistent with other private corporations authorized or funded by the Congress.

The President or his designees of the five major bar associations serve as trustees for the first ninety days after enactment. The President asserted this would somehow make the Corporation less accountable. Even a cursory reading of the legislation reveals that the trustee's power is strictly limited to the filing of the incorporation papers and the establishment of the Advisory Councils to the Corporation. Substantive policy issues must be left to the Board of Directors, who are, of course, appointed by the President.

Curiously, the National Legal Services Corporation legislation vetoed by the President was substantially more accountable to the American people than the Bill introduced by the Administration. In both the Bill adopted by the Congress and the legislation advanced by the Administration, all members of the Board of Directors must be appointed by the President and be confirmed by the Senate. However, the President's Bill called for three year appropriations which would have effectively insulated the Program from Congressional scrutiny on an annual basis. The National Legal Services Corporation Act passed by the Congress calls for yearly appropriations. The President's original proposal established permanent legislation whereas the NLSC Act of 1971 is only authorized for two years.

Again, the Congress exhibited much more sensitivity for the problems of accountability than did the White House. The Bill passed by the Congress gave the Government Accounting Office sweeping powers to audit and review the activities of the Corporation and its grantees. By contrast, the President's original bill limited the powers of the GAO in this respect. Finally, the NLSC Act of 1971 insures in three separate sections that legal services lawyers are professionally accountable. The President's bill barely addresses this question.

There are differences in the Bill passed by the Congress and the President's original proposal. However, the Congressional package was a compromise between the White House view and the Bill (introduced nearly two months prior to the Administration version) supported by a broad coalition of Republicans and Democrats in both the Senate and House. The National Legal Services Corporation Act of 1971 addresses various problems which concerned the White House including political activity of employees of the Corporation or its grantees, the outside practice of law by legal services attorneys the possible duplication of effort through the appeal process, representation of persons in criminal proceedings, and legislative activities of attorneys employed by grantees of the Corporation. Therefore, the Bill passed by the Congress substantially adheres to the concerns of the Administration.

In fact, the congressional compromise was worked out with the valuable aid and assistance of many leaders in the President's own party. The NLSC Act of 1971 was supported on the House and Senate floor at various times by the House Minority Leader, House Minority Whip, the Chairman of the Republican Conference in the House, the Senior Republican on the House Education and Labor Committee, the Senate Minority Leader, the Senate Minority Whip and the Chairman of the Republican National Committee. The Corporation vetoed by the President was similarly supported by every major national Bar Association in the country as well as a large number of state and local Bar Associations, labor unions, civic groups, and poor people's organizations.

The President was concerned that persons on the Board might represent or be involved with organizations which may be the recipients of grants from the Corporation. The Congress anticipated this program by mandating in Section 904(f) "That no member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated."

The President, in the final analysis, has used Legal Services for the Poor as cannon fodder to justify the unjustifiable. He has rejected a rational, responsible, accountable and effective proposal for political reasons. The need for the Corporation was born of the continuing subjugation of the Program to a political litmus test. Access to justice should not depend on the color of your skin, the size of your bank account, or your political affiliation.

The Bill creating the National Legal Services Corporation truly represents an attempt to afford the poor more effective access to justice. I am confident the Congress will quickly re-enact this statute as previously passed.

Sincerely,

MICHAEL KANTOR.

Mr. CRANSTON. Mr. President, I yield back whatever time I have remaining from my personal time.

Mr. JAVITS. Mr. President, how does the time stand?

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from California has 3 minutes, and the Senator from New York has 9 minutes.

Mr. CRANSTON. Mr. President, I yield my 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. HUMPHREY. Mr. President, it is incredible that the President would veto a measure designed to provide good care and education and health services for children.

This veto is a cruel, heartless blow to hundreds of thousands of American families.

No amount of bureaucratic explanations of this veto can deny the clear fact that this program is critically needed and that is was promised by the President. In February 1969 he called for a "national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

The President has now violated that pledge.

This veto must be overridden.

There is no political, economic, or moral justification for the President's action.

The child development program—included in the comprehensive legislation to strengthen Federal antipoverty programs, that has been rejected by the President—represents a solid investment in America's future. But the President has called it fiscally irresponsible, even though the final bill, as reported out of conference, limited free services to the children of families with an income of up to $4,230—the level requested and later accepted by the administration.

Bowing to the scare tactics of right-wing political groups, the President has criticized what he terms "communal approaches" to child care. But he is totally in error. In fact, the entire emphasis in the program is on direct parental involvement from the local to the national level. Parent-governed boards—the child development councils and the project policy committees—will decide which projects to fund, and will approve the content, curriculum, and policy of each individual project. And there is an absolute requirement that participation be voluntary and that rights and privileges be scrupulously observed.

The President commits a profound disservice to the intelligence of the American people in claiming there are "family weakening" tendencies in this program, when the real problem to be met is the crippling of little children in low-income families. The Headstart program, on which the child development program would build and whose vital accomplishments have been applauded across America, was launched to help these children overcome the educational, cultural, and health disabilities inflicted by poverty and social isolation.

I am amazed that the President could pronounce the child development program to be "plagued by administrative unworkability." The sponsors of this legislation, including myself, felt it was essential to have local administration of carefully planned and developed child care projects. That is the only way you can assure maximum parental involvement and responsibility for these programs. That is the only way that small communities in rural areas can meet the real needs of their children. That is the only way you can avoid the dangers and redtape of remote governmental control. And that is why the entire authorization of $100 million for the first fiscal year of this program is directed solely to planning, training, and technical assistance to help insure the effective operation of projects.

Past statements from the White House suggest that the President's real concern is with the administrative role of the States in the child development program. But let it be made clear right now that under the legislation which he has vetoed, the States would have an important role. The Governor of a State is to review and comment on every child care project application. Five percent of the funds for this program are reserved for the States for technical assistance and program coordination. And a State can be a prime sponsor of a child care program for which a community does not apply or is unable to assume responsibility.

The President's veto is a shameful act. He has turned his back on hundreds of thousands of children. In the face of an increase in the number of people living in poverty, to over 25 million, after a decade of steady and significant decline in these figures, the President has undermined a major legislative action by Congress to launch a second offensive against poverty in America. This veto must be overridden. It is a matter of conscience for this Congress.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I urge that the Senate vote to override the President's veto on the conference bill on the Economic Opportunity Amendments of 1971.

The President's action is extremely disappointing in terms of the Office of Economic Opportunity, community action agencies, the poor themselves, and the many working mothers and families who could have benefited from the comprehensive child development programs; it is particularly disappointing to those of us who undertook painstakingly to try to meet the administration's concerns with respect to each major issue.

Mr. President, I consider it important to review the essential element of the bill, with particular reference to the President's veto message, so Members will understand the basis upon which I urge that the veto be overriden.

First, the conference bill would extend the various authorities for the poverty program and OEO for two additional years, through June 30, 1973. This meets the request of the administration itself—which I introduced with broad bipartisan support early this year. I am pleased that the President has indicated that he still shares that objective.

But there are differences in opinion as to what the role of OEO should be:

The President emphasizes the Office of Economic Opportunity as an "incubator" for new ideas; that is, as the research and development arm of the Nation's effort to eliminate poverty.

This is an important role for OEO, but at least equally important is the role of community action agencies—which certainly continue as the heart of the program, as far as the poor are concerned and which the President's message completely overlooks.

It is precisely this difference that caused the Congress to write into the law the two restrictions to which the President objected—the prohibition against delegation or transfer without legislative authority and of the earmarking of funds for programs which community action agencies conduct on the local level.

Second, the conference bill would add a new title under the Economic Opportunity Act, establishing a nonprofit corporation for legal services. This, too, was an initiative first advanced by the administration.

The President states that he is dissatisfied with the provisions for the appointment of the board of directors of the corporation which, in a number of cases from lists submitted by "various professional, client, and special interest groups."

The President describes these "restrictions" as an "affront to the principle of accountability to the American people as a whole" and adds:

> The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to, and answerable to the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.

In his message of May 5, 1971, to the Congress, proposing such a corporation, the President said:

> Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

Mr. President, the conference bill strikes a balance between these objectives and that of the executive prerogative.

The conference accepted the 17-member presidentially appointed board contained in the House bill with the modification that in a number of cases the President's appointments are to be made from lists submitted by such respected organizations such as the American Bar Association, the Judicial Conference of the United States, and certain clients and project attorney's advisory groups. Each list is to contain from three to 10 names.

But, even in these cases the President has the clear right to turn down an entire list and request another one. This is made clear in section 904(2) of the conference committee bill.

With respect to six positions on the board, the President may appoint public members completely free of the list procedure, subject only to the consent of the Senate.

Third, the conference bill established a comprehensive child development program as a new title V under the Economic Opportunity Act.

The President's message indicates that this is the "most deeply flawed provision" of the Economic Opportunity Amendments, stating that—

> The interest of Title V is overshadowed by fiscal irresponsibility, administrative workability and family-weakening implications.

Mr. President, let us examine his specific objections:

That "neither the immediate need nor the desirability of a national child development program of this character has been demonstrated."

To the contrary, the establishment of such programs—with emphasis on local decisionmaking, parental involvement and developmental, as opposed to custodial services—was identified as the top priority for the next decade by the White House Conference on Children, held almost exactly a year ago.

That day-care centers are already provided for in H.R. 1—the family assistance plan—and that centers under S. 2007 would be "duplicative" and "redundant."

But H.R. 1 has not passed the Senate, and the President himself has called for a 1-year delay in its implementation, as a part of his economic recovery strategy.

Moreover, the President was assured, prior to the veto, by me and a number of other Senators of continued support for welfare reform and for a separate child care quotient therein; in fact a number of us who cosponsored S. 2007 seek also to raise the amount authorized for child care under H.R. 1.

Moreover, at the administration's request, we wrote into this Conference bill provisions to insure that the Secretary of Health, Education, and Welfare, as a complement to the family assistance provision channel the greater portion of resources to the most needy and utilize a fee schedule designed to be consistent with that anticipated by the administration under the Family Assistance Act.

What we are seeking is a compehensive system which may be the basis for a coordinated approach, linking S. 2007 efforts—which cover a broader socio-economic range—to those proposed under the family assistance plan.

Both are clearly needed; in the category of low-income families alone, there are more than 3 million children under the age of 5, and another 4 million below the age of 14.

That, "given the limited resources of the Federal budget . . . the expenditure of $2 billion—cannot be justified." Yet the United States currently devotes less than 2 percent of its gross national product to Federal expenditures for all children and youth under 21 even though they make up nearly 40 percent of the population. As I have outlined, the need is substantial and it is time that we gave priority to children.

That the family assistance plan would bring the family together while S. 2007 "appears to move in precisely the opposite direction" and that "good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children."

The administration's family assistance plan would bring families together in the sense that incentives for living apart would be substantially reduced.

But as passed by the House, H.R. 1 requires that mothers of children as young as 4 years of age work, with no exculpatory clause if child care is not available.

While the conference report on S. 2007 is replete with provisions designed to insure that responsibility for children continues to rest with parents and that parents contribute to and are involved in the formulation and conduct of programs. To cite a few:

Section 501(a)(2) states the finding that programs should be available only to children "whose parents or legal guardians shall request them."

Section 580 requires the Secretary to establish procedures to insure that no child be the subject of any demonstrated

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effort unless the parent or guardian of such child is given an opportunity "as of right" to except such child therefrom;

Section 581 provides that nothing in the title shall "infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children;"

Section 515(a)(24) requires that comprehensive plans insure that services shall be provided "only for children whose parents or legal guardians have requested them."

Section 514 provides that prime sponsors must establish child development councils; half the members of which must be parents of children in the program. The councils have basic policy responsibilities with respect to program formulation and supervision;

Section 515(a)(11) requires that comprehensive programs provide for "direct parent participation in the conduct, overall direction, and evaluation of programs";

Section 516 requires project policy committees, again with 50 percent parental membership;

Section 534 requires similar representation on a special committee to be established for recommending standards to the Secretary.

That there is no "adequate answer provided to the crucial question of who the qualified people are and where they would come from, to staff the child development centers."

The conference bill provides an authorization in each fiscal year for training of such personnel. Moreover, also in keeping with the family approach, section 516(a)(10) requires that—

Programs will, to the extent appropriate, employ, paraprofessional aides and volunteers, especially parents, older children . . . in child development programs.

That the "legislation would create a new army of bureaucrats" by encouraging applications of communities with a population of over 5,000, as eligible applicants and that "the States would be relegated to an insignificant role."

Mr. President, the conference bill, a colloquy which Senator NELSON and I engaged in when the conference report was considered on the floor and an identical colloquy in the House, make it clear that the Secretary of Health, Education, and Welfare will have ample authority to turn down an application of a local unit of government and insure a significant role for the States in order to guarantee the high quality of programs.

I ask unanimous consent that the colloquy, taken from the CONGRESSIONAL RECORD of December 2, 1971, be printed at this point in the RECORD.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Mr. JAVITS. I yield myself 5 minutes.

Mr. President, I wish to propound a number of questions to the manager of the conference report, the Senator from Wisconsin (Mr. NELSON), the chairman of our subcommittee which handled this bill. I think the questions and answers will be of great importance both to the Members who must decide how they will vote on the conference report and to the administration.

My questions concern the selection of prime sponsors for child development programs.

It is my understanding of the conference bill that a State, a locality, a combination of localities, Indian tribal organizations or public or private nonprofit agencies or organizations may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child development programs upon meeting the requirements spelled out in the bill.

Mr. NELSON. The Senator is correct. Section 513 so provides. In the case of localities and combinations of localities there is a requirement that the units of general local government cover an area having a population of 5,000 or more persons.

Mr. JAVITS. Am I also correct that in considering applications for prime sponsorship—which is called the "prime sponsorship plan"—the Secretary is required to act upon plans submitted by localities and combinations of localities, in that order; but he may designate a State as prime sponsor as to areas where localities or combinations thereof fail to meet the requirements contained in the bill?

Mr. NELSON. Yes. And that order of consideration applies also to prime sponsorship plans submitted by Indian tribal organizations, so that he must act first on its application, and can designate the State for the area if the Indian tribal organization fails to meet the requirements in the bill.

Mr. JAVITS. Would the Senator from Wisconsin (Mr. NELSON) please spell out the prime sponsorship requirements that any applicant must meet.

Mr. NELSON. Yes. In reviewing plans submitted by localities, combinations of localities, and Indian tribal organizations, or States, the Secretary must make the judgment in each case that:

The plan sets forth "satisfactory provisions" for establishing and maintaining a Child Development Council meeting the requirements of section 514, section 513(a)(2);

The plan provides that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan, section 513(a)(3);

The plan sets forth arrangements under which the Child Development Council will be responsible for planning, coordinating, monitoring, and evaluating child development programs, section 513(a)(4);

In the case of applicants which are units of government, the plan provides for the operation of programs through contracts with public or private agencies, section 513(a)(5);

The plan contains assurances that the Council has the administrative capacity to provide—itself or by contact or other arrangement—effective and comprehensive child related family, social and rehabilitative services, coordination with educational services, and health and other services, section 513(a)(6);

The plan also includes "adequate provisions for carrying out comprehensive child development programs in the area to be served."—section 513(b), (c), (d).

Mr. JAVITS. With respect to the last requirements, in determining whether the plan includes "adequate provisions for carrying out comprehensive child development programs," it is anticipated by the conferees that, in addition to other appropriate factors, the Secretary may make a judgment as to the capability of the particular applicant to carry out effectively comprehensive child development programs?

Mr. NELSON. The Senator is correct.

Mr. JAVITS. And by the term "comprehensive child development programs" do not the conferees expressly contemplate programs of high quality providing the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential?

Mr. NELSON. The Senator is correct. Sections 501(a)(2), section 571(3) and other provisions of the title make the meaning of that phrase clear.

Mr. JAVITS. So there is a responsibility with the Secretary to satisfy himself that any applicant, whether a locality, a combination, or an Indian tribe or a State, has the administrative capability to marshal resources and to provide effectively or assure access to the educational, social, and other services needed to insure the comprehensiveness and high qualities and standards for programs conducted under the title.

Mr. NELSON. Yes, subject to the qualification that whatever standards he may apply under these provisions are objective and applied to each case with an even hand; it is not intended as a license to develop standards such as population criteria which would have the practical effect of excluding a particular class of eligible applicants.

The Secretary's determination of the particular facts on which he bases his decision is conclusive if supported by substantial evidence. The conference agreement is explicit on this point, in section 513(h)(2).

Mr. JAVITS. Therefore, if an applicant which is a locality, or a combination of localities, or an Indian tribe lacks the capability to carry out comprehensive programs or if the plan fails to meet the other requirements under the sections which the Senator has outlined, then the Secretary clearly has the authority to reject that application and to designate a State or other public or private nonprofit agency as prime sponsor, if it meets the requirements.

Mr. NELSON. Yes, and the requirements that would apply would be the same.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 5 additional minutes.

In summary, then, while the conference bill reflects the judgment that the Secretary should look first to locally run programs—in the interest of parental participation and other elements—the Secretary is not powerless to choose a State over a locality and he is granted ample flexibility and freedom to make reasonable judgments to insure the comprehensiveness and high quality of care for children as long as he is prepared to support them with findings of fact.

Mr. NELSON. The Senator is correct.

Mr. JAVITS. And is it also true that if none of the units of governments, whether they be localities or combinations of localities, Indian tribal organizations, or the State itself qualify as prime sponsors, or in certain other specified conditions that he still has authority under the so-called bypass provisions to fund programs directly, and a State, as well as any other public or private agency, could qualify as a grantee under that provision?

Mr. NELSON. Yes. Section 513 (j) and (k) so provide.

Mr. JAVITS. And am I correct that even in respect to areas where a locality or a combination of localities or an Indian tribe may be designated as prime sponsor, that the State is to have a significant role?

Mr. NELSON. Yes. The conference bill authorizes the Secretary to utilize up to 5 percent of the funds allocated for use in each State for activities by States, in the nature of technical assistance to localities, combinations thereof and Indian tribes including assisting in the establishment of child development councils, encouraging the cooperation and participation of State agencies and the full utilization of resources, and developing information useful in reviewing prime sponsorship plans and comprehensive child development plans submitted by localities, combinations thereof, and Indian tribes. Section 513(a) and section 515(b)(3) require that the Governor have the right to review prime sponsorship plans and comprehensive plans, respectively, with the right in each case, to submit comments to the Secretary.

Mr. JAVITS. Although the Secretary would not be bound by those comments, would they be among the factors he could consider in making the determinations relating to prime sponsorship which we discussed earlier?

Mr. NELSON. Yes.

Mr. JAVITS. So one may reasonably conclude that under the conference bill the Secretary has the authority to significantly involve the States, in order to assure high quality care.

Mr. NELSON. The Senator is correct. That is the intent.

Mr. JAVITS. I thank my colleague very much. If he will bear with me for one further point, the conference report authorizes $2 billion in appropriations for child development care for the first year in which it is fully spelled out—to wit, fiscal 1973; $100 million is provided for fiscal 1972 for startup activities. It has been my understanding that the $2 billion authorization is intended by the conferees as a goal which we have established, without knowing what the total picture may be at the time of appropriation; for example, we do not know what may be available from other sources such as the family assistance plan, H.R. 1, if that should become law.

Mr. NELSON. The Senator is correct. The authorization is, of course, subject to the appropriation process and to the influence of various factors, as the Senator suggests.

Mr. JAVITS. I thank my colleague very much. I think that this colloquy—which I am sure will be repeated in the other body when this matter is acted on there—makes it absolutely crystal clear that the Secretary has very powerful discretion, including the discretion to use the States in order to put it into effect the best possible performance in respect to child development. It seems to me that is the essential substance we seek.

It is for those reasons I urge the Senate to approve it.

Mr. JAVITS. Finally the President states:

For the Federal Government to plunge headlong financially into supporting child development would commit the vast moral authority of the National Government to the side of communal approaches to child rearing over against the family-centered approach.

Mr. President, as I have documented, we have provided for a family approach; and this is enhanced by the communal approach reflected in the vetoed bill not in the communistic sense, but in the sense of community, which the President himself alluded to earlier this year.

In his state of the Union address on January 22, 1971, the President quite properly sensed that a large amount of the current frustration of the American people arises from a feeling that the forces shaping their lives have grown more distant and more impersonal. In response, the President stated:

We hear you and will give you a chance. We are going to give a new chance to have more to say about the decisions that affect your future—to participate in government—because we are going to provide more centers of power where what you do can make a difference that you can see and feel in your own life and the life of your own community.

I submit that no matter is more deserving of handling at the community level than the matter of child development, for there can the family-centered approach be carried out, if the Secretary of Health, Education, and Welfare determines that the unit of government has the capability as an administrative matter.

Mr. President, therefore, I shall vote to override the President's veto, because I believe—unhappily—that the forest has been missed for the trees. I believe that the programs which we have legislated—and the President's veto message bears it out—are the very programs which the administration sought, to wit, a 2-year extension of the war on poverty, the establishment of a quasi-autonomous legal services corporation, and the establishment of some kind of broadened Headstart program. Indeed, Mr. President, if the words "child development" are objectionable, it is very significant that the President named his own office on that subject the Office of Child Development.

This very afternoon we made an important appropriation to it.

The objections taken, Mr. President, are simply objections which perhaps would lie in the mouth of the President—and I do not say that personally—if he were not administering this law. But I fought—and I was one of the principal workers—in fashioning a conference report to work this out so that the administration could deal with all the things which the President would regard as harmful or distasteful. For example, on the question of local sponsorship, it was made very clear here and in the House that the Secretary in his discretion—the President's own Cabinet official—could place that responsibility in the hands of a State if he did not find the localities had the full capability to carry out the programs according to high criteria.

In my judgment, that would have resulted materially in an effective administration. Remember, it is the President's own mind also in respect to legal services to let the whole thing drop, because the President had to look at the nominees sent up to him by some organizations, which he could reject, and reject. Remember, he is the President, and nobody is going to insult him very long.

It seems to me a very superficial objection as compared with a presidential appointment and confirmation by the Senate.

His other point—the only other big point—was earmarking. And, there for the most part we were simply going to do what he is going to spend now, and his own plans for OEO for the next year.

I think, Mr. President, a great opportunity to reorganize and make more effective a tremendous program of vital interest to the American people and particularly to the poor is being missed. If we do not overide, I would submit some compromise measure, picking up parts of it, trying to meet as many of the views as I can of the President, but consistent with the basic objectives and elements of S. 2007.

If the bill itself had been signed because of the record we have made here as to what it means and how it should be administered, with the President himself administering it, it would be a glorious monument to the redemption of the President's own promises.

I do not feel frustrated; I do not feel disappointed, Mr. President, but I feel sad that the President has been advised to miss what was a tremendous opportunity for him to realize every good thing he has been saying.

Mr. President, for these reasons I urge that the veto on the conference report be overriden.

I ask unanimous consent that there be printed in the RECORD at this point a letter to the President dated December 7, 1971, from myself and a number of other Republican Members of the Congress, indicating why we felt that signing this bill into law was in the administration's as well as in the general public interest.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 7, 1971.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to urge that you sign into law S. 2007, the Economic Opportunity Amendments of 1971.

We believe that the Conference bill, to which a number of us contributed as conferees, is designed to meet the Administration's objectives in a number of material respects:

First, the bill would continue the programs under the Economic Opportunity Act for an additional two years, through July 1, 1973, as you requested on March 19, 1971. We believe that continuation will provide a stable framework in which the long term changes proposed by the Administration may receive full and objective consideration.

Second, it would establish a new title authorizing programs of comprehensive child development.

For three years, a bipartisan group in the Congress, with the assistance of interest groups spanning a wide range of concerns, has worked to implement the "national commitment" you made on February 19, 1969 "to providing all American children an opportunity for healthful and stimulating development during the first five years of life. . . ." On April 9 of the same year, you reiterated that commitment in another message to the Congress. We believe that your pledge to early childhood education is one of the hallmarks of your Administration and a major advance for education.

We submit that the differences between the Administration and various members of the Congress as to the key technical aspects of the child development title have now been resolved with significant deference to the position of the Administration in each case.

As stated by Secretary of Health, Education and Welfare Elliot Richardson in a letter to Congressman Ford on September 30, 1971:

"Our goal has been to provide free child care to the poorest of our citizens while at the same time providing for a socio-economic mix in child care facilities, with children from families above the $4,320 income level (the anticipated maximum income at which

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a family of four would be eligible for assistance under Welfare Reform), receiving care under a graduated fee schedule."

The Conference bill authorizes the Secretary of Health, Education and Welfare to establish a graduated fee schedule for families above the $4,320 level subject only to minor limitations and to reserve the major portion of funds for the very poorest families; the Conference rejected the provisions of the Senate bill which would have provided free services up to the income level of $6,960 for a family of four.

At this point, the chief obstacle in the way of final approval of this bill is the mechanism for the delivery of services, characterized by the traditional fight over the balance between states, cities and local communities. We have tried to reach the fairest possible accommodation of all viewpoints on this subject. The conferees believe that the Secretary of Health, Education and Welfare is granted ample flexibility and freedom to make reasonable judgments (such as choosing a state over a locality to run a program if such a decision can be supported with findings of fact) to ensure the comprehensiveness and high quality of care for children.

We wish also to emphasize most emphatically the voluntary nature of the program. The Conference bill is absolutely clear on this point: Each material provision of the bill contains the legally enforceable conditions that child development programs shall be provided only for children "whose parents or legal guardians have requested them."

Third, it would establish a non-profit corporation for Legal Services as you first proposed on May 5, 1971.

Again, there have been substantial differences between the Administration and the Congress, but these too have been resolved in favor of the Administration's position in each major respect.

The Conference bill adopts basically the provisions of the House bill which provides for a 17-member Presidentially-appointed board, rather than the Senate bill which significantly limited Executive prerogative.

Also, the bill contains a complete prohibition against representation in criminal cases, as you requested.

Fourth, the bill contains a number of other authorizations for existing programs that are essential to encourage self-help efforts, reducing welfare dependency and poverty. These include provisions for drug rehabilitation, manpower training programs, the aged, and minority enterprise.

We therefore consider it desirable in terms of the Administration's interests and objectives that the bill be favorably considered and signed into law.

Sincerely,

Jacob K. Javits, Clifford P. Case, Edward W. Brooke, Robert T. Stafford, Charles McC. Mathias, Jr., Ogden R. Reid, Edward G. Biester, Gilbert Gude, Marvin Esch, Frank Horton.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield the rest of my time.

The PRESIDING OFFICER. Mr. MONDALE.

Mr. MONDALE. Mr. President, we all know there are hundreds, thousands, and millions of children who never have a chance, who are mangled and destroyed the first 5 years of life. This bill is the best that the House and the Senate could think of to undo the monstrous and immoral wrong that we now visit upon the lives of those tragic children.

Second, it is a fact that nearly one-third of the mothers in this country today with preschool children work for a living. There are nearly 6 million preschool children left somewhere at home, or elsewhere, while their mothers work. Yet there are only 700,000 licensed day care slots in the country. This proposal was designed to provide decent, supportive, stimulating day care centers for the millions of children who are left somewhere when the mother works.

The President pledged a program of this sort. The President's own White House Conference on Children listed this as its No. 1 priority, and I think now is the time to do our job. I hope we will override the veto.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. DOMINICK. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DOMINICK. Mr. President, I am going to be brief and final. I think most of us already have our minds made up. The one point I want to make for the record is that from listening to those who are advocating the override of the President's veto one might think civilization was going to crumble if this bill did not pass in the exact way it is now worded. I think everyone here knows full well we are going to pass an OEO extension. The crux of the matter is not the life or death of OEO but rather a reasonable and fair poverty program—a program which can not be accomplished without some compromise. The people on the other side who are now asking us to override the President's veto have been unwilling to compromise such points of enormous significance, enormous significance to the children in this country, to the administration of our Government, and to the credibility and the ability of the American people as a whole. Without such compromise the empty promises of S. 2007 will serve only to widen the legislative credibility gap and increase constituent cynicism.

I hope we will sustain the veto so that we can work this bill out in a proper way.

The PRESIDING OFFICER. All time on the question has expired.

Under the previous order, the Senate will proceed to the question: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Under article I, section 5 of the Constitution, the yeas and nays are required, and the clerk will call the roll.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. JAVITS. Is a "yea" vote a vote to override the President?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. And a "nay" vote is to sustain the President?

The PRESIDING OFFICER. That is correct.

The Clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. Mr. President, on this vote I have live pairs with the Senator from Maine (Mr. MUSKIE) and the Senator from Oklahoma (Mr. HARRIS). If Senators MUSKIE and HARRIS were present, they would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), the Senator from Maine (Mrs. SMITH), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Maine (Mrs. SMITH) would vote "nay."

The yeas and nays resulted—yeas 51, nays 36, as follows:

[No. 451 Leg.]

YEAS—51

Bayh	Hollings	Montoya
Bentsen	Hughes	Moss
Bible	Humphrey	Nelson
Boggs	Inouye	Pastore
Brooke	Jackson	Pell
Burdick	Javits	Proxmire
Cannon	Jordan, N.C.	Randolph
Case	Kennedy	Ribicoff
Chiles	Magnuson	Schweiker
Church	Mansfield	Sparkman
Cranston	Mathias	Spong
Eagleton	McClellan	Stafford
Fong	McGee	Stevens
Fulbright	McGovern	Stevenson
Hart	McIntyre	Symington
Hartke	Metcalf	Tunney
Hatfield	Mondale	Williams

NAYS—36

Aiken	Curtis	Miller
Allen	Dole	Packwood
Allott	Dominick	Pearson
Baker	Eastland	Roth
Beall	Ellender	Saxbe
Bellmon	Ervin	Scott
Brock	Fannin	Stennis
Buckley	Griffin	Taft
Byrd, Va.	Gurney	Talmadge
Cook	Hansen	Thurmond
Cooper	Hruska	Tower
Cotton	Jordan, Idaho	Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—12

Anderson	Gravel	Muskie
Bennett	Harris	Percy
Gambrell	Long	Smith
Goldwater	Mundt	Weicker

The PRESIDING OFFICER. On this vote the yeas are 51, and the nays are 36. Two-thirds of the Senators present and voting not having voted in the affirmative, on reconsideration the bill fails of passage.

ADDITIONAL STATEMENTS

THE INDIA-PAKISTAN WAR

THE ISSUES

Mr. SCOTT. Mr. President, the policy of this administration toward South Asia must be understood. It is neither anti-Indian nor pro-Pakistani.

Americans through all administrations in the postwar period have felt a commitment to the progress and development of India.

India is the most populous free country in the world. It is the world's largest working democracy.

The American people in the postwar period have contributed some $10 billion to the progress and development of India.

Last year in this administration, India received from all sources $1.2 billion for development assistance. Seven hundred million dollars of that came from the United States in various forms.

In short, the United States has always recognized that the success of India's democratic experiment would be of profound significance to many countries in the underdeveloped world.

The issue today is not opposition to India but opposition to the use of armed forces across borders to change the political structure of a neighboring state.

There is no question that the events in East Pakistan since March 25 require a political solution. The position of the United States has been that any solution must be worked out between the people of East and West Pakistan. The United States has not supported the particular solution that was attempted in March. The United States has also recognized that events there—principally the influx of refugees into India—imposed a substantial burden on India. We have recognized that it imposed a strain on the already scarce economic resources of that developing country and created the danger of communal strife there.

U.S. STRATEGY

What has been the administration's strategy? The United States has attempted two efforts simultaneously:

On the one hand, the administration has made a major humanitarian effort, first, to ease the suffering of those refugees who had already fled their homes; and second, to avert the possibility of famine in East Pakistan which could have created more refugees.

On the other hand, we have attempted to bring about a political resolution of the conflict which caused the refugees to leave their homes in the first place.

The United States recognized that the time required to bring about a political evolution would be longer than the time required to alleviate the immediate suffering of human beings and also might be longer than the Indian capacity to withstand the pressures generated by the refugees.

HUMANITARIAN

Nevertheless, the President directed an all-out effort to cope with the humanitarian problem: first, because of the simple human need to alleviate suffering; and second, the necessity to lessen the political pressures generated by the refugees in order to buy time for the necessary political evolution.

We committed $90 million for the support of the refugees in India and $155 million to avert famine in East Pakistan.

[NOTE.—The problem in India was to care for upward of 5 million refugees during this period. The problem in Pakistan was to avert famine for a province of 60 to 70 million people.]

The President requested the Congress to appropriate under the Foreign Assistance Act an additional $250 million to continue this work. He made clear that this would be supplemented by food shipment as necessary.

In short, the United States has committed or has in prospect some $500 million for the relief of refugees already in India and to prevent more refugees from coming into India, and to create a framework within which normal political and administrative life could return to East Pakistan.

This humanitarian effort by October had assured that there would be no provincewide famine in East Pakistan. There would be no new flood of refugees from hunger.

DEVELOPMENT ASSISTANCE AND MILITARY AID

At the same time, the administration did not support what was done in East Pakistan.

No new development assistance has been committed to Pakistan since March. All of the economic assistance committed has been for the purpose of relief in East Pakistan.

The administration also began the prospect of restricting military supplies immediately after the outbreak of fighting in March. The United States immediately suspended the issuance of any new licenses for munitions list exports and stopped the shipment of military supplies out of American depots that were under American governmental control. It stopped renewing old licenses. This immediately ended the prospect of some $35 million worth of arms in early April. In the months that followed old licenses progressively expired until the pipeline was dried up at the end of October. During these intervening months only some $5 million worth of spare parts were shipped to Pakistan on old licenses in commercial channels. There was no lethal equipment involved.

POLITICAL

As has been said, the administration recognized that the problem was essentially one of political evolution. There were limits on what an outsider could achieve in this field because the problem was essentially an internal problem of Pakistan. The United States did not make any public declarations of its views on the kind of political settlement required, because the United States wanted to retain influence both in New Delhi and in Islamabad to bring about a political settlement that would enable the refugees to return.

RALPH J. BUNCHE

Mr. JACKSON. Mr. President, I know I share the feelings of peace-loving people the world over when I express my sorrow at the death of Ralph Bunche. Dr. Bunche's service to the United Nations proved how a true commitment to peace goes beyond a mere penchant for talking about peace. Indeed, his persistent and painstaking efforts outside the glare of publicity have become the standard for the great servants of the international community.

Diligence was the enduring theme of Ralph Bunche's life. In his youth, he overcame the death of his parents and his own meager circumstances to pursue a distinguished academic career. As a professor at Howard University and then as a collaborator with Gunnar Myrdal in the classic study of black America, he made outstanding contributions even before becoming a diplomat.

During the Second World War he served as a political analyst in the War Department and then as head of the State Department's office dealing with colonial affairs. He was directly involved in the initial planning for the United Nations.

Thus when he joined the United Nations Secretariat, he already had deep knowledge of countries soon to gain independence, and of the new world organization itself. His understanding and sympathy gained him the confidence of a new generation of leaders. This, I believe, was one of the major attributes which allowed him to play the major role in ending the fighting in postwar Palestine. The Nobel Peace Prize he received for that effort was truly well earned.

In the years that followed, he continued to take on the most difficult of international problems. Because he never despaired, incalculable violence was averted. Even when his health began to fail, he still persisted in his vital work.

I would add but one final note. Though his work brought him international respect, Dr. Bunche and his family all too often had to endure the slights of some of his fellow Americans. He understood this phenomenon for what it was, never allowing it to prevent him from going about his business.

He had the rare ability to see things the way they really were. He was consistently shrewd but not cynical, and he retained his faith in the basic goodness of man.

THE WORTH AND DIGNITY OF THE HUMAN BEING

Mr. FANNIN. Mr. President, too often in this fast-paced world where even the most common and seemingly simple tasks and operations of everyday life are blurred and confused, computerized and bureaucratized, the worth and dignity of the individual human being seems harshly and unfairly pushed into the background.

Too often we overlook or take for granted the distinguishing qualities which set one individual apart from another: the simple acts of compassion, the always available helping hand, the personal creed which calls for emulation.

Last week in Phoenix, Ariz., Mr. Thurman L. Johns, Jr., died prematurely of a heart attack at the age of 45, and, in

his passing, Arizona and America lost a citizen who was a great respecter and defender of human rights and the dignity of the individual.

Mr. Johns, known as Johnny, was a reporter for the Phoenix Gazette, and was widely known and respected by all whose lives were enriched by his friendship.

Johnny Johns was an American who did not take freedom lightly, nor was he a sunshine patriot. He was a combat marine veteran of both the Pacific campaign in World War II and the Korean conflict. He was a newspaperman's newspaperman, and he was a devoted husband to Kathryn, and a kind and understanding father to Randy, Ricki, and Robin.

Mr. President, I ask unanimous permission to have printed in the RECORD two newspaper columns which are fitting tributes to an individual who was a great man in his small way. One of the columns was written by Mr. Orien Fifer, of the Phoenix Gazette; the author of the other is Mr. Paul Dean, of the Arizona Republic.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE MAN KNEW HIS POKER, TOO

He loved to play poker—and he was pretty good at it.

The games in which he participated were of the friendly variety—nickel, dime and two-bit stuff—mostly with friends.

It was his one means of recreation after long days of toil amid the sordid or exciting, or both.

I'll always remember the one time he really bluffed me on one of my infrequent participations. I hadn't played with the bunch more than a couple of times, so I didn't know how they bet.

He was dealing, and when I peeked at my hand in draw poker I had two big pairs. I opened, and two or three other guys called.

Then he stood pat—didn't want any cards at all. We all drew, but didn't help.

You couldn't tell by his expression whether he really had a full house, a straight or a flush.

Naturally I wasn't about to bet into a pat hand, so I checked. So did the others.

Then he tossed in a couple of quarters with all the confidence of a riverboat gambler.

I didn't call.

He scooped in the pot, grinned and showed his hand. He had two little pairs, much smaller than the two I had held.

I shrunk down in my chair, and everybody laughed.

It hadn't been too costly a lesson, but it was one that typified his skill.

He was a hard worker, a chap who knows the ropes of his job almost as well as the professionals with whom he had daily contact.

Ask him a favor, and he'd go at it immediately.

I had occasion to ask him for one last week, and there wasn't a moment's hesitation. Then we started talking poker.

He said he had been in Las Vegas and had sat in on one of those steeper games where the house does all the dealing.

Those in the game were strangers.

"One of them," he said, "was an old woman who was using her pension check money. She was sharp. If she bet you knew she really had 'em.

"Another guy was half drunk, and he was losing money right and left, swaying around in his chair.

"Two others were professionals. I could tell that. Of course it took me about 25 minutes to find out how each of them played, and at the end of that time I was down about $80."

He sat and sat and sat, and at the end of a marathon session lasting several hours he came out ahead $3.

I forgot to ask him if he had pulled one of those monumental bluffs like he had worked on me.

He was quick, fast talking, and nobody ever wondered how he stood on any issue. He was outspoken in his own salty way.

I sat on some boards with him, friendly gatherings with nothing earth shaking accomplished.

Every once in a while he would come into the office with a sack full of produce obtained from his father's fields. He'd give it away.

His desk was only 10 feet from mine, and he was my friend.

Perhaps this is not the best way to pay tribute to him, but in my book a good poker player is a man's man.

Finally, though, Johnny Johns ran into something he couldn't bluff.

It was death.

JOHNNY JOHNS MADE HIS MARK IN BEST WAY

Man lives but never knows the admirable scratches his life is creating.

Neither money earned, nor money spent, is a measure of life. Social position is the shakiest indicator of human achievement. Power doesn't mean stature, respect is often the erstaz byproduct of fear.

Only when a life is done and a man has gone does his stature become apparent. Maybe this is for the good.

Johnny Johns, an ordinary guy, a journeyman police reporter for The Phoenix Gazette, was bright enough to know all these things.

He had a little man's hustle. He believed ability was demonstrated by performance, not scholastic accreditations on pieces of framed parchment. And he was modest enough to talk himself down.

Eight years ago I was a new hand in a new town. Johnny's byline was a Phoenix fixture.

"But I just do my job, pick up my check and go home," he told me. "I'm not a world beater, never will be, but I keep plodding along. If you take your time from me, it's your funeral."

Johnny plodded along until last week. He died of a heart attack, prematurely, at the age of 45. He was buried on blustery Wednesday. It was his funeral.

And this town, from municipal suites to Damon Runyon back alleys, paused in its afternoon to say goodby to Johnny Johns.

Hundreds came to A. L. Moore & Sons Mortuary near the West Adams heart of Johnny's news territory. Memory Chapel was crammed, and even early arrivals found only wooden chairs at the rear. A second chapel was opened with closed circuit television relaying the service. Its back corridor was filled.

Federal judges and a justice from Arizona's Supreme Court came to mourn this man. Also the owner of a downtown pawn shop. Bob Macon, former boss, now press secretary to Gov. Williams, was there. So was a tattered old guy breathing fumes he picks up daily at Tom's Tavern a block away. What forgotten favor was he repaying?

Police Lt. Ed Langevin, the officer Johnny called "Glancy" read an obituary he had written for his friend.

Paul Blubaum and Larry Wetzel, Phoenix police chiefs past and present, looked at Johnny's closed casket but remembered his true image from the smiling photograph his widow, Kathryn, had asked be placed on the casket.

They prayed in silent line with senior officers from the Arizona Highway Patrol, the Maricopa County Sheriff's Office and the Department of Public Safety. Johnny's pallbearers were uniformed Phoenix police officers and a DPS captain. His graveside escort was from the Marine Corps he had served on Iwo Jima and in Korea.

The newsmen Johnny had worked with, and many crime reporters he had competed against, were there. Attorneys. Television cameramen. Sports writers. Retired police officers. Public relations men. City editors, assistant managing editors, picture editors, columnists. Close family friends. Old poker playing buddies. One man who said: "I didn't know him but used to read his stories all the time."

This crowd filled more than 60 cars for the rainy, headlighted procession to Greenwood Memorial Park.

Maybe a few were there because Johnny had been cheated at his peak, harshly, unexpectedly. It could happen—to us.

But nobody was there because their names, scribbled on mortuary sympathy cards, might be some comfort to a family.

They attended because Johnny had achieved. Johnny died respected. Johnny had made his life's mark the best possible way. As an honest, concerned professional.

And few had really seen it before.

THE BLACK AMERICAN TODAY

Mr. HUMPHREY. Mr. President, statistics are now at hand to indicate the significant areas of progress achieved by the black people of America over the past decade. Fundamentally, these important advances are the result of their own determination and ability—they are both the product and the foundation of black pride across our Nation. They also reflect the impact of laws enacted and implemented under previous national administrations during the 1960's, designed to firmly establish equal rights and opportunities for all Americans. And I shall always count it an honor to have been privileged to be directly involved in these legislative and administrative actions.

But what these figures also make abundantly clear is that we have a long way to go in translating the hopes, the promises, and the laws of equal opportunity into full reality. I firmly believe that the Federal Government must make an absolute and sustained commitment to accomplishing this goal within the present decade. This will require firm national leadership—not the present uncertain approach of compromise and delay, and of promises that are not borne out by performance.

The need for decisive leadership is emphasized by the fact that for every statistical gain in the black community over the past decade, there has been a remaining or widening black-white gap, or an offsetting rise in related problems. Significant improvements in median income and employment among black families must be balanced against an increased gap between black and white families in actual dollar earnings, and an unemployment rate among blacks that is substantially higher than among whites.

A major increase in young adult blacks completing high school and enrolling in college still leaves the proportion of black teenagers falling behind their grade level at three times higher than among whites, and black students accounting for only 7 percent of total college enrollment in 1970.

And while nonwhite employment in professional and technical occupations more than doubled over the last decade, blacks in the major high-wage industries still have only 1 percent of the top paying positions.

Despite significant gains in homeownership among blacks, and in the quality of that housing, black families are still occupying a disproportionate share of the substandard housing across America.

Infant and maternal mortality rates have dropped sharply among nonwhites over recent decades. But while the proportion of blacks seeking a physician's services is similar to that among whites, black families far more frequently must depend upon obtaining these services in a hospital clinic. And the life expectancy rate for nonwhites has declined slightly over the past decade, and they have a higher rate of disabling illnesses.

Perhaps the most disturbing indicator is the sharp rise in family instability among blacks. The birth rate has continued to decline, but too often children are not living with both parents, and the mother must bear the full responsibilities of the head of household.

A second critical problem area is evident in the statistic that there are only 322,000 minority enterprises—less than 4 percent of America's business firms, and accounting for less than 1 percent of total business receipts.

But there has been decided progress in the involvement of blacks in the electoral process, particularly in the South. Three out of five adult blacks are registered to vote today. And there are some 1,900 black elected officials serving in all levels of government.

These are some of the highlights of the statistics currently available on the black American today. My office has prepared a summary analysis of these statistics, based primarily on the report entitled "The Social and Economic Status of Negroes in the United States, 1970," prepared jointly by the Bureau of the Census, U.S. Department of Commerce, and the Bureau of Labor Statistics, U.S. Department of Labor, and issued in July, 1971—BLS Report No. 394; Current Population Reports, Series P–23, No. 38. Another important reference is the analysis by Michael J. Flax, entitled "Blacks and Whites—An Experiment in Racial Indicators," and published by the Urban Institute. Indicators on trends in minority enterprise were drawn from various magazine articles.

Recognizing that statistical truth rests largely in the eye of the beholder, the effort has been made in this analysis to present only the more relevant indicators, at the risk of incompleteness, and to present a balanced assessment of progress and serious problems within the black community.

Mr. President, I ask unanimous consent that the summary analysis be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE BLACK AMERICAN TODAY: CHANGES OVER THE PAST DECADE

1. POPULATION

a. Over half of America's black population (53%—down 7%) still lives in the South, but there has been a continued net annual out-migration of 147,400 (similar to 1950–60). About 39% of the Negro population is located in the North (up 5%, and 8% in the West (up 2%).

b. The black population has grown at a faster rate (20%) than the white (12%), and now stands at 11% of total population But by 1970, three of every five blacks lived in the central city of a major metropolitan area—and blacks constituted more than half the population of Washington, D.C.; Newark, N.J.; Gary, Ind.; and Atlanta, Ga. The urban compaction of blacks has far outweighed their movement to the suburbs, while the white migration to the suburbs has continued to accelerate.

2. INCOME

a. Median black family income has jumped 50% to $6,279. This rise brought the median income of black families up to 61% that of whites—closing the gap, in terms of rate of increase, by 7% in only six years. (Previously, the level had been static at about 54%.) However, with the percentage increase in white family income being based on a higher income-level at the outset than that of the non-whites, the actual dollar gap, adjusted for inflation, between median non-white and median white family income increased from $3,251 in 1960 to $3,603 in 1970.

b. The proportion of non-White families whose income purchasing power (in 1969 dollars) exceeded $10,000, rose sharply from 9% in 1960 to 24% by 1970—a 267% jump. The proportion of white families earning more than $10,000 rose from 27% in 1960 to 49% in 1969—up 181%.

c. Over half of all blacks lived in poverty in 1960. By last year that proportion had declined to about one-third. The proportion of whites below the low-income level dropped from 18% to 10% over the same period. But in absolute numbers, this rate means that 5 times as many whites as blacks climbed out of poverty over the past decade, with the result that 31% of America's poor today, are black, compared with 26% in 1960.

3. EDUCATION

a. In 1970, 56% of all young adult blacks 25 to 29 years old had completed high school, compared with 38% 10 years ago. By 1970, about 17% had at least one year of college. Young black enrollment in college almost doubled over the last five years, but it accounted for only 7% of total college enrollments in 1970. The proportion of blacks enrolled in college (one in six) is about half that of whites.

b. Functional illiteracy (less than 4 years schooling) among blacks over age 45 stands at 9%, but it is less than 1% among blacks aged 14 to 24. But in 1970, about 1 of every 7 black teenagers (aged 14 to 19) dropped out of school. And in 1970, the proportion of black high school age students who were two or more years below their modal grade (15.3% of males and 10.2% of females) was about three times that of white students.

4. WELFARE: FACT VERSUS MYTH

a. In 1969, the majority of people below the low-income level did not receive public assistance or welfare payments. In that year, about 45% of the low-income Negro families and about 21% of low-income white families received public assistance.

b. Six out of every ten Negro men, and five out of every ten white men, who were heads of low-income families, were employed.

c. 4.3 million non-whites (17%), and 6.5 million whites (4%), received public assistance.

5. EMPLOYMENT

a. Over the last decade, total employment of Negro and other races increased 22 percent (or 1.6 million). But white employment increased 19 percent, or 11.3 million.

b. Non-white employment in professional and technical occupations more than doubled (131%). There were substantial gains in non-white employment in sales (77%), managerial (67%), clerical (121%), and craft (67%) occupations.

c. The number of non-whites in private household, labor, and farm work declined, but at the end of the decade about two-fifths of men of Negro and other races remained in these occupations, a much greater proportion than for white men in these jobs.

d. "Reports to the Equal Employment Opportunity Commission from the largest companies in the nine industries in which worker earnings are relatively the highest, indicate that the proportion of Negroes in the highest paid jobs as professional, technical, and managerial workers is far below their proportion in the total labor force.[1] Even in industries where Negroes are a large part of the labor force, they tend to hold only a small share of the highest paid jobs in large companies.[2] The Negro share of craft jobs is also fairly small, but in other middle pay level occupations their share is generally higher."

e. Blacks were 15% of all Federal Government employees in 1970, compared with 13% in 1965. However, they held only 3% of the higher grade jobs under the Federal Classification Act, 4% of the higher grade Postal Field Service jobs, and less than 10% of the Wage Systems (blue-collar type) jobs paying $8,000 and over in 1970.

f. The unemployment rate for non-whites as well as whites declined continually in the 1960's (although non-white unemployment remained double that of white). The sharp increase in unemployment in 1970 resulted in a non-white rate of 8.2% (versus 4.5% for whites.) Non-white teenage unemployment reached 29.1% (versus 13.5% among white youth—a rate almost identical to that of 1960). In 1970, the unemployment rate for Vietnam veterans of Negro and other races under 25 years old was 15%, and 7.5% for 25 to 29 year olds. Black teenage unemployment in the depressed areas of America's largest cities was estimated to have reached 41.2% in the spring of 1971.

6. HOUSING

a. The rate of black homeownership increased over the past decade. In 1970, two of every five housing units occupied by Negroes were owned by the occupant, compared with about 2 in every 3 occupied by whites. Non-white homeownership rates in 1970 were higher outside the central cities. (Total housing units occupied: Black—6.2 million; white—57.2.)

The more marked increases in Negro homeownership occurred in the North Central and South Regions.

b. There was a significant improvement in the condition of housing occupied by black families. Two of the 5 units occupied by non-whites in 1960 lacked some or all plumbing facilities; but this declined to 1 in 6 units occupied by blacks in 1970. However, Negro occupied housing units lacking basic plumbing continued to comprise a disproportionate share of all such occupied housing—almost 3 out of 10 of these substandard units, although blacks lived in only about 10% of the total occupied housing in the Nation in

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[1] 11% of higher paid jobs; 17% of lower paid jobs—in these nine industries where Negroes represent 8% of total employment. (1969.)

[2] 7% of higher paid jobs; 28 percent of lower paid jobs.

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1970. This disparity was greatest in the non-metropolitan areas, and in the South.

c. Black households owning two or more automobiles rose 3.1% between 1967 and 1970 (to 13.4%)—compared with a 2.2% rise in white households (to 31.0%). Negro householders owning color TVs rose from 6.5% to 17.4%—compared with an increase from 18.7% to 40.1% in white households.

7. HEALTH

a. Infant and maternal mortality rates for both Negro and other races and whites have dropped sharply in the past decade. Non-white infant deaths dropped from 36.9 (1960) to 23.0 (1968) per 1,000 live births; and maternal deaths declined from 1.0 to 0.6 (per 1,000 live births). The mortality decline was even sharper in comparison with 1940: 7.6 non-white maternal deaths and 39.7 non-white infant deaths, per 1,000 live births.

b. In 1969, the proportion of non-whites who made one or more visits to a physician was similar to that of whites. The percentage was 59.5 among families with an income range of $3,000 to $5,000 (vs. 68.6% of whites); but increased to 68.6% among non-white families whose income was in the $7,000 to $10,000 range (vs. 69.8% of whites). However, non-whites were more likely than whites to obtain a physician's care in a hospital clinic: Among lower-income families—21.5% (vs. 12.0% among whites); and among middle-income families—15.2% (vs. 8.1% of whites).

c. Non-white life expectancy for all age groups in the prime working years has declined slightly in the period 1960–68, and the gap has widened slightly in comparison to the life expectancy of comparable white age-groups. In 1960, a black aged 25 had a life expectancy of 43.1 more years—5.2 years less than his white counterpart. In 1968, this life expectancy had declined to 42.6 years, and the non-white—white age gap had increased to 6 years.

d. In 1969, persons of Negro and other races had a higher incidence of disabling illnesses than whites. Non-white restricted activity days averaged 15.7 (vs. 14.6 for whites); 7.2 bed disability days (vs. 5.9 among whites); and 7.1 work-loss days (vs. 4.9 for whites).

8. FAMILY

a. Fertility rates for all races have declined sharply since 1961, although the non-white fertility rate continues to surpass that among whites. In 1968, there were 115 non-white live births per 1,000 women (aged 15 to 44)—the same rate as for whites in 1958; while the white birth rate was 82.

b. The birth rate among women of all races has been inversely proportional to their level of education and to their working status.

c. In the late 1960's the expected size of a completed Negro family (wife aged 30 or beyond) was 4 children, compared with 3 for a completed white family. However, both white and Negro women now in their twenties expect to have fewer children than women now in their thirties.

d. The number of non-white families headed by women has increased sharply between 1960 and 1971—rising from 0.9 million to 1.6 million non-white families (compared to an increase from 3.3 million to 4.4 million white families). In 1971, almost 3 out of every 10 non-white families are headed by a woman—compared with less 1 out of every 10 white families. Approximately half of all Negro women who are family heads are separated or divorced from their husbands.

e. While at family income levels of $10,000 to $15,000, nearly all children live with both parents in black as well as white families, the proportion drops sharply for families with incomes under $3,000—only about 24% of Negro and 44% of white children in families in this income group lived with their parents in 1969. Almost two-thirds of children in families headed by Negro women were in low-income families in 1969.

f. While the number of illegitimate births of Negro and other races per 1,000 unmarried women is much larger than the number for whites at every age level, it is significant that the overall non-white rate (except for the 15 to 19 year old group) declined substantially between 1960 and 1968 (for example, from 171.8 to 104.4 illegitimate births per 1,000 unmarried non-white women aged 25 to 29 years), whereas the white rate rose for each age group during the same period (for example, from 18.2 to 22.1 in the same 25–29 age group).

9 ARMED FORCES

a. On March 31, 1970, blacks made up 10% of the Armed Forces and 10% of those serving in Southeast Asia, but 13% of those who died in Vietnam combat (January, 1965 through December, 1970).

b. In 1970, 2% of all officers in the Armed Forces were black, but 11% of the enlisted men were black.

c. 14% of all blacks drafted into the Armed Forces who were eligible reenlisted in 1970 after their first tour of duty, compared with 9% of eligible white draftees. The reenlistment rate for young servicemen, who had initially enlisted into the Armed Services, was also much higher for blacks than for whites.

10. VOTING AND PUBLIC OFFICE

a. About 7 million Negroes, or 61% of all Negroes of voting age, reported that they had registered to vote in 1970—a 10% increase over 1966, but a rise of only 1% in relation to the total increase in non-white voting age population during this period. Basically, the black registration increase in the South was offset by a proportional decline in the North and West in relation to total non-white voting age population. But over the same period, the percentage of whites registered to vote dropped from 72% to 69%.

b. Voter participation in Congressional elections by blacks rose slightly between 1966 and 1970—from 42% to 44%. The increase in the proportion of blacks going to the polls in the South was somewhat more significant—rising from 33% in 1966 to 37% in 1970. White voter participation remained higher than for blacks in all areas of the country—the overall rate remaining virtually stable at 56%.

c. There has been a significant increase in the proportion of blacks elected to public office within the past decade. In 1962, there were only 4 black Congressmen. Today there are 13 black Congressmen and one Senator. And the number of blacks elected to State legislatures has increased from 52 to 198. There are now 81 black mayors and 1,567 blacks elected to other State or local offices—about half of them in the South. (The South, which had 53% of the black population in 1970, had 35% of the black State legislators, 58% of all black mayors, and 49% of other black elected officials.)

d. Most of the 1,900 black elected officials in the United States hold offices at the city level or hold law enforcement and educational type positions. The States with the largest number of black officials are Michigan, New York, Alabama, Illinois, and Ohio (all having at least 100 black elected officials).

11. MINORITY ENTERPRISE

a. Blacks today own only about 163,000 of the nearly 5 million small businesses in the United States. These are primarily in the service and retail trades and are very small. Primary problems confronted are undercapitalization and a need for management and technical assistance.

b. Minority groups now own about 322,000 business firms, about 4 percent of the total number of American enterprises. They account for only seven-tenths of one percent of the total business receipts in this country.

c. There are still only a handful of black-owned radio stations, no black-owned TV stations, and only a few black-owned newspapers of any size.

d. No additional black-owned insurance companies have been created in recent years; and there are still only a few minority investment banking institutions.

e. In 1969, dollar receipts for minority construction contractors totalled $947 million (half of which was accounted for by black contractors)—which was only one percent of the total receipts for all firms at $92.3 billion.

f. One black owned investment firm (Daniels and Bell) has been admitted to membership on the New York Stock Exchange.

g. 40 black-owned banks are expected to be in operation by the end of 1971, compared with only 7 at the end of World War II.

ERROR BY NEW REPUBLIC MAGAZINE IN REPORT ON ARMS SALES TO GREECE

Mr. DOMINICK. Mr. President, in reviewing the RECORD for November 22, 1971, I came across an article inserted by the distinguished Senator from Oregon (Mr. HATFIELD) on page 42723. The article, reprinted from the New Republic of November 13, 1971, was entitled "Scrub It Up, Don't Wipe It Out" and dealt with the Senate's consideration of H.R. 9910, the Foreign Assistance Act of 1971.

The author, in discussing the Senate's action on the Allen amendment to strike the ban on arms sales to Greece, indicates the amendment was rejected 49 to 31, when, in fact, it was accepted 49 to 31. I point out this discrepancy, Mr. President, because in this vote the Senate reaffirmed its support for Greece and recognized that such restrictions placed on military aid the United States provides its NATO allies are unacceptable.

THE FEDERAL RECLAMATION ACT OF 1902

Mr. HARRIS. Mr. President, I invite to the attention of Senators a recent Federal court ruling of historic significance to this Nation. The ruling, made last week by Judge Murray in the United States District Court for the Southern District of California, upheld a residency requirement of the Federal Reclamation Act of 1902 which has never been enforced. The requirement states that absentee landowners are not entitled to receive federally irrigated water. The purpose of the Reclamation Act of 1902—which also includes a provision limiting federally irrigated landholdings to 160 acres, or 320 acres in the case of man and wife—was to assure that the benefits of Federal irrigation projects, paid for by the taxpayer, would accrue to economically viable homesteaders rather than land speculators or monopolists.

Unfortunately, because of corporate evasion and Government nonenforcement of this law, millions of acres of the richest agricultural land in this country are now held illegally by large landowners in the West. The effect of Judge Murray's decision, if upheld, would be to break up the holdings of the large corporations which now control almost two-thirds of the irrigated farmland in California's Imperial Valley. The Imperial Valley, with half a million acres of crops worth $250 million a year, is now the home of such corporate giants—with holdings of up to 12,000 acres—as United Fruit, Dow Chemical, Purex, Tenneco, and the Irvine Land Co.

Mr. President, it is long past the time to end the billion dollar water subsidies these giant corporations are receiving in violation of the law and at the expense of the independent farmer who is getting squeezed off the land. Judge Murray's decision is a welcome one for those of us who stand against the monopoly of our land and water by a few giant corporations and who stand for the rights of America's independent family farmers.

Mr. President, Judge Murray's decision probably will be appealed. We must therefore ask, Will this administration stand on the side of the large corporate interests or for the small homesteader? The administration's past record on this subject leaves me with little reason to believe the small farmer will receive adequate support. Already the Nixon administration and the Justice Department have decided not to appeal an earlier court decision involving the Federal Reclamation Act which favored the large landowners. In that decision, Judge Howard Turrentine, a Nixon appointee, ruled that the 160-acre provisions of the 1902 law do not apply to the Imperial Valley area in California.

Mr. President, the Justice Department never explained publicly why it failed to appeal Judge Turrentine's decision. Mr. Peter Barnes, the west coast editor of the New Republic magazine, wrote an extremely interesting article on this subject in which he mentions the Justice Department's inaction. A concerned reader of the New Republic, Mrs. Stephen Stover, wrote Solicitor General Griswold to find out why there has been no appeal. The Solicitor General's response to Mrs. Stover is very revealing.

His letter states, for the first time to my knowledge, the reasons for the Government's inaction, which meant, in effect, a decision that the Government, and small farmers, "should not win" the case. Mr. President, I ask unanimous consent to have inserted in the RECORD at the conclusion of my remarks a copy of Mr. Barnes' article in the New Republic, entitled "Water, Water for the Wealthy," a copy of the Justice Department's press release concerning its decision not to appeal the decision, and a copy of the Solicitor General's explanation to Mrs. Stover of the Department's decision. I also have, to be printed in the RECORD, a copy of a letter to the Solicitor General from Prof. Joseph L. Sax of the University of Michigan Law School in which he challenges the Solicitor General's explanation of the Justice Department's decision. Professor Sax is perhaps the Nation's leading expert on water law.

Mr. President, it is inconceivable to me that this "law and order" administration would fail to enforce the 1902 reclamation law, and then fail to appeal a Federal court decision on the law when that decision favored large corporate landowners. Yet that is what has happened, Mr. President. And now we are faced with the distinct possibility that, unless the Congress speaks out clearly in support of America's family farmers, this administration will appeal a related case which rules against the large landowners. It is no wonder that small farmers are dissatisfied with the Nixon administration; it is apparent that their sympathies lie with the corporate giants that are driving small farmers off the land.

Mr. President, I introduced, with Senators BAYH, CRANSTON, and HART, a bill which would enforce the congressional intent respecting the Federal Reclamation Act of 1902. Now more than ever I think a bill such as this is needed. I ask unanimous consent to have it printed in the RECORD again with a copy of my remarks when I introduced it. I urge Senators to give it their careful consideration, and I invite their cosponsorship.

I also ask unanimous consent to have printed in the RECORD a copy of Judge Murray's decision upholding the residency requirement of the 1902 law.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New Republic magazine, May 8, 1971]

WATER, WATER FOR THE WEALTHY

Not far to the east of the summer White House at San Clemente lies one of the most miraculous deserts in America, California's Imperial Valley. It's large (about 1¼ times the size of Rhode Island), hot (temperatures of 120° are not uncommon in midsummer), dry (total annual rainfall is barely three inches) and flat. It is also one of the richest agricultural areas in the world, producing $250 million annually of cotton, sugar beets, lettuce, alfalfa and other crops. What makes the Imperial Valley rich is water from the Colorado river, water brought through a network of dams and canals built by the federal government in the 1930s and '40s. Thanks to the imported water, what was once barren is now a grower's paradise, producing two or three crops a year.

This spectacular reclamation of desert wastelands would be an unblemished tribute to American enterprise were it not for an important fact: the beneficiaries are a small group of wealthy growers who hold most of their land illegally. Back in 1902, when Congress passed the Reclamation Act, it sought to assure that the benefits of federal irrigation projects would accrue to small homesteaders, not to land speculators or the holders of vast estates. The law stated unequivocally that landholders could receive federal water only for farms of 160 acres or less, and that in order to receive this water they had to live on, or very near, their land. In 1926 Congress strengthened the 1902 Act by providing that landholders owning more than 160 acres had to sell their excess land, at pre-irrigation prices, before they could receive federal water.

The railroads, land speculators and big ranchers have always opposed the Reclamation Act's anti-monopoly provisions, have never been able to persuade Congress to repeal them, and they've successfully got around them. Techniques of evasion have varied from region to region. Imperial Valley growers did it by persuading Herbert Hoover's Secretary of the Interior, Ray Lyman Wilbur, to sign a letter in 1933—days before the Roosevelt administration took over—expressing his opinion that the Imperial Valley was exempt from the 160-acre limitation. Wilbur's last-minute ruling was elicited by one of his aides through a typical special-interest ploy: the aide, who shortly thereafter became a paid consultant to Imperial Valley growers, convinced Wilbur to sign the letter without consulting the Interior Department's chief legal officer, who believed in enforcing the 160-acre limitation.

Wilbur's letter was merely an informal opinion, but it achieved the desired effect. Using the letter as its rationale, the Imperial Irrigation District (which distributes water and electric power in the Valley) for three decades bestowed its bounty upon landowners of all sizes and shapes, never forcing any one to sell his excess holdings. Today more than half the irrigated acreage in the Imperial Valley is held by owners of more than 160 acres, and two-thirds of it by absentees. Some of the holdings are as large as 10,000 acres; several belong to such agribusiness giants as Purex, United Fruit and the Irvine Land Company.

This concentration of rich, federally irrigated lands in the hands of a relatively few large landowners not only flies in the face of congressional enactments; it opens these landowners' bank accounts to vast unearned windfalls, all courtesy of the federal government and the taxpayer. The multiplicity of subsidies that accrue to the Valley's landowners is dazzling. First is the water subsidy. Hoover Dam, completed in 1935, cost $175 million; the All-American Canal, which carries water from the Colorado to the Valley, cost $30 million. Part of this mammoth investment comes out of the general treasury; the remainder is almost entirely repaid by electric power consumers in Los Angeles and other southern California cities.

Second is the labor subsidy. Between 1952 and 1964, million of *braceros* toiled in the Imperial Valley at wages lower than any others paid in America. Today thousands of Mexicans stream across the border each morning with blue or pink permit cards, compliments of the U.S. Labor Department. Their presence impedes the efforts to unionize farmworkers and keeps field wages below two dollars an hour.

Then there's the agricultural subsidy. The same federal government that spends millions to make the Imperial Valley fertile also pays millions to landowners not to grow crops. Thus: 500 large growers receive $11 million annually in farm subsidies, while 10,000 landless residents of the Valley must eke out an existence on welfare payments totaling less than $8 million.

By far the largest windfall is in the form of land appreciation. Irrigated land in the Imperial Valley is worth, conservatively, $700 an acre more than the same land would be worth without water. A landowner with 2000 acres thus gets a $1.4-million bonanza from the federal government, merely because his land is in the right place. The total land appreciation in the Imperial Valley attributable to the taxpayers' munificence exceeds a quarter of a billion dollars.

In short, it's quite a bubble: landowners in a once-desolate dust bowl reaping millions at the public's expense on acreage they never should have been allowed to hold in the first place. But it has been a precarious bubble, resting on the thin edge of nonenforcement of the Reclamation Act, and for a few brief years it appeared that the bubble might burst. In 1964 Interior Secretary Stewart Udall declared that Wilbur's letter was a mistake, and that the Interior Department would enforce the 160-acre limitation in the Imperial Valley. The large landowners were stunned. Political pressures were brought, but to no avail at the time. So the Imperial Irrigation District stalled; it refused to require growers to sell their excess land. The Interior Department could have cut off the district's spigot; it chose instead to seek a court order compelling the district to apply the law. The case dragged on for years. Last January a Nixon-appointed federal district judge in San Diego ruled in favor of the large landowners; he upheld Wilbur's letter and rejected Udall's

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reversal. At that point the dispute became political: would the Nixon administration appeal the district judge's decision—a decision involving a vital principle of agrarian democracy, millions of the taxpayers' dollars, and the important question of whether executive department heads can blithely evade congressional policy? Or would the Administration, as the large landowners urged, allow the lower court decision to stand unchallenged?

Politically the landowners now had some powerfully placed friends: Governor Ronald Reagan, who strongly opposes acreage limit enforcement; Democratic Senator John V. Tunney, who supported the landowners' interests when he was a congressman from the Imperial Valley and continues to do so as a senator; Rep. Victor Veysey, the Republican who succeeded Tunney in the House; and not least of all, Richard M. Nixon, who assured Imperial Valley growers in 1949 when he ran for the Senate against Helen Gahagan Douglas that he would fight against acreage limitation.

Arrayed against this constellation of power, the small farmers and landless residents of the Imperial Valley—not to mention the hardpressed federal taxpayers—didn't have much of a chance. The California AFL–CIO, the National Farmers Union and a few other organizations urged appeal of the district court decision, but these are not the voices Nixon listens to. When it became apparent that the Administration would permit the lower court judgment to stand, 123 landless persons in the Valley, mostly Mexican-American farmworkers, sought to carry on the appeal themselves. The same judge who originally ruled in favor of the landowners turned them down on the grounds that because they were too poor to own land, they had no interest in the case. Finally, the 60-day period for filing an appeal expired.

Who in the Administration made the decision to preserve the Imperial Valley bubble, and why? Interior Department Solicitor Mitchell Melich says his department—with the approval of Secretary Rogers Morton—recommended that no appeal be taken because "we agree with the Wilbur letter." Anyway, the Wilbur letter had been sanctified by 30 years of administrative practice; it was unfair for Udall to change the ground rules so late in the game, even if the ground rules were illegal (which Melich insisted they were not). Over in the Justice Department, which apparently made the final decision not to appeal, officials have been more evasive. Solicitor General Erwin Griswold took responsibility for the decision, but refused to talk to the press about it. Other Justice Department lawyers involved in the case also refused to talk; they referred all inquiries to a public information spokesman, who of course had nothing to say.

The Administration's action—or rather conscious inaction—means that subsidized water, subsidized labor and subsidized crops in the Imperial Valley will continue to be monopolized by a few wealthy landowners. Moreover, the market value of their land will rise now that the threat of acreage limitation has been lifted, and small farmers, who have a hard enough time keeping up with the leviathans, will be squeezed even more. Had the growers been required to sell their land in excess of 160 acres at prewater prices, the appreciation brought about by federal expenditures might have accrued to some of the less affluent residents of the Valley, and to the public itself.

Nixon's inaction will also cause million-dollar ripples outside the Imperial Valley. The San Diego decision against the 160-acre limitation now stands as a legal precedent; growers and speculators in other reclamation areas will use it to protect what they're already accumulated and to get their hands on larger holdings of both land and water. The Irvine Land Company, for example, which holds 10,000 acres in the Imperial Valley, owns 130 square miles in Orange County, an area that also relies on imported Colorado river water. Enforcement of the 160-acre limitation or the residency requirement would instantly wipe out the speculative gains of the Irvine Company, the Southern Pacific Railroad, Standard Oil of California, Tenneco and dozens of other giant landholders in the West. The Justice Department says that its decision not to pursue the Imperial Valley appeal has no bearing on these other vast holdings. Clearly, though, it does. It means that none of these enormous land profiteers need worry as long as Richard Nixon is in the White House.

PETER BARNES.

DEPARTMENT OF JUSTICE

Solicitor General Erwin N. Griswold announced today that the Department of Justice will not appeal a U.S. District Court decision holding that land limitation provisions of reclamation law do not apply to privately owned lands in the Imperial Valley irrigation district of southern California.

Judge Howard B. Turrentine of San Diego issued the ruling on January 5, 1971, in the Justice Department's 1967 suit against the Imperial Irrigation District.

The deadline for appealing the decision to the U.S. Court of Appeals for the Ninth Circuit was tomorrow. The Department of the Interior has recommended against an appeal.

In making his determination, Solicitor General Griswold stressed that his decision related only to the situation in the Imperial Valley.

"The decision does not in any way affect the Government's position with respect to reclamation projects in other areas where different facts are involved," he said.

At the request of the Interior Department, the Justice Department had filed the civil suit seeking a declaratory judgment that the 160-acre limitation applied to private land holdings in the Imperial Irrigation District.

OFFICE OF THE SOLICITOR GENERAL,
Washington, D.C., June 1, 1971.

Mrs. STEPHEN L. STOVER,
Manhattan, Kansas.

DEAR MRS. STOVER: Your letter of May 28 has reached me this morning. Until it came, I had not seen the article in the New Republic. You are the first one who has brought it to my attention. I have now located a copy of the issue of the New Republic for May 8, 1971, and have read the article with interest.

As so often happens in these matters, it is a one sided presentation of a rather complicated situation. You would not know from the article, for example, that the project for the irrigation of the Imperial Valley was started about 1900 and was virtually completed by 1920, without any participation by the federal government. It was an expensive project, and it was natural that there were large land holdings there.

When the Imperial Valley was developed, the water from the Colorado River was brought in by a canal which ran for a number of miles through Mexico. This led to a number of problems. About 1930, in connection with the development of Boulder Dam, a new All-American Canal was built. This was entirely in the United States, and was undoubtedly an advantage for the Valley. However, the All-American Canal did not result in the reclamation of a single acre of desert land. After the All-American Canal was completed, there was no more land in cultivation in the Imperial Valley than there had been for many years before.

It is true that there is a provision in the reclamation laws which provides that when land is reclaimed through a federal project, land holdings cannot exceed 160 acres. However, as I have indicated, no land was reclaimed by the construction of the All-American Canal. It is, thus, a real question as to whether the acreage limitation in the reclamation laws is applicable to the Imperial Valley.

This question was considered and determined by the Secretary of the Interior, Ray Lyman Wilbur (previously President of Stanford University) in 1933, now more than 38 years ago. That determination was acted on, and relied on, for many years, and no question was seriously raised about it until about 30 years after Secretary Wilbur's decision.

Recently, the issue was submitted to a court, and the court decided that the acreage limitation does not apply to Imperial Valley. It then became my responsibility to decide whether an appeal should be taken from that decision. I considered the matter carefully and thoroughly, and over a considerable period of time. As a result of my consideration, I became convinced that (a) we would not win the case in the court of appeals, and (b) we should not win it. In this situation, I came to the conclusion that it was my duty as a responsible officer of the government not to authorize an appeal.

In making that decision, I issued a statement saying that my determination was applicable to the Imperial Valley only, since that was the only place that had this sort of a history. The statement by Peter Barnes in his article to the contrary is entirely without foundation. As I have indicated, my determination with respect to the Imperial Valley (and Secretary Wilbur's determination 38 years ago) was based on the fact that the Imperial Valley was fully developed long before any federal money was spent to build the All-American Canal. The federal project did not reclaim any land in the Imperial Valley. Thus, the determination with respect to the Imperial Valley has no application to other projects where there was actual reclamation of land as a result of the project.

Very truly yours,

ERWIN N. GRISWOLD,
Solicitor General.

SEPTEMBER 1, 1971.

Hon. ERWIN N. GRISWOLD,
Solicitor General of the United States, U.S. Department of Justice, Washington, D.C.

DEAR GENERAL GRISWOLD: Someone sent me a copy of a letter that went out under your signature, dated June 1, 1971, to Mrs. Stephen L. Stover of Manhattan, Kansas. The letter inquired about the position of the Justice Department in the excess land case involving the Imperial Valley in California.

As one who has written about the Reclamation Law, I was surprised to see in your letter the following:

". . . there is a provision in the reclamation laws which provide that when land is reclaimed through a federal project, land holdings cannot exceed 160 acres . . . . no land was reclaimed by the construction of the All-American Canal."

Occasionally one recalls the warnings he received in law school, among them the danger in paraphrasing statutory language. My recollection is that the excess land provision of the Reclamation Law, 43 U.S.C. Section 431, says:

No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one land owner.

I recall no general provision in the law that limits the excess land law to land "reclaimed through a federal project," and if you examine the legislative history of the statute, you will recall that Representative Newlands, the sponsor of the Act, took no such view. 36 Cong. Rec. 6734 (1902). Of course a great many reclamation projects involve the supply of supplementary water to land already in cultivation. To the best of my knowledge it has never been thought that this fact exempted the project from the provision of the excess land law.

I recognize that the Imperial Valley case was a complex one; but I think Mrs. Stover was entitled to a more accurate explanation.

Very truly yours,

JOSEPH L. SAX,
Professor of Law.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARRIS (for himself, Mr. BAYH, Mr. CRANSTON, and Mr. HART):

S. 2863. A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902. Referred to the Committee on Interior and Insular Affairs.

THE RECLAMATION LANDS AUTHORITY ACT

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference, for myself and Mr. BAYH, Mr. CRANSTON, and Mr. HART, a bill designed to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902.

Our predecessors in Congress, recognizing that irrigation is essential to American agriculture, wisely chose to make a public investment in irrigation when they passed this historic 1902 act. Just as wisely, they sought to assure that the benefits of Federal irrigation projects—which would literally transform desert wastelands in the West into the richest agricultural areas in the world—would accrue to small homesteaders rather than land speculators or monopolists. The Reclamation Act stated that landholders could receive federally subsidized water for farms of 160 acres or less, or 320 acres in the case of a man and wife, provided that they live on, or very near, their land. In 1926, Congress strengthened the 1902 act by providing that any federally irrigated holdings in excess of the 160-acre limitation had to be sold within 10 years at preirrigation prices.

Critics of the acreage limitation provision, both in 1902 and today, insist that huge farms are necessary for their efficiency. That is a myth. The giant agribusinesses are efficient only in stifling farm competition and in tapping the Federal Treasury for subsidies. One hundred and sixty acres of prime irrigated farmland, or 320 acres in the case of man and wife, are more than enough to support a prosperous family farm.

Mr. President, the men who championed the Federal Reclamation Act of 1902 were visionary Americans. They understood that land and water, America's greatest resources, were not boundless, and that they must be protected from the few who would monopolize their use.

Delegates to the irrigation Congress in the 1890's, which sought to enlist the Federal Government in irrigation projects, repeated a warning given to Americans by the English historian T. B. Macaulay:

Your national safeguard lies in your boundless public domain. . . But the time will come when this heritage will have been consumed, this safeguard will have vanished. You will have your crowded Birminghams and Manchesters, and then will come the test of your institutions.

Congressman Oscar W. Underwood of Alabama, who was instrumental in the passage of the Reclamation Act sounded this same theme when he pointed to the decline of free land and the beginnings of urbanization. In a statement supporting the Reclamation Act, which has a peculiarly modern ring, he said to the applause of the House of Representatives:

The farm boys in the East want farms of their own. It (the Reclamation Act) gives them a place where they can go and build homes without being driven into the already overcrowded cities to seek employment.

It will provide a place for the mechanic and wage-earner to go when the battle for their daily wages becomes too strenuous in the overcrowded portions of the East. . . . If this policy is not undertaken now, this great Western desert will ultimately be acquired by individuals and great corporations. . . .

I believe the passage of this bill is in the interest of the man who earns his bread by his daily toil. It gives him a place where he can go and be free and independent; it gives him an opportunity to be an owner of the soil and to build a home. These are the class of men we must rely on for the safety of the nation. In times of peace they pay the taxes and maintain the Government; in times of peril and strife they are the bulwark of the nation, and it is justice to them that this legislation be enacted into law.

And President Theodore Roosevelt, who signed the Reclamation Act into law and insisted upon its 160-acre provision, said:

We have a right to dispose of the land with a proviso as to the use of the water running over it, designed to secure that use for the people as a whole and to prevent it from ever being absorbed by a small monopoly.

Mr. President, those men were fighting to carry out the Jeffersonian vision of agrarian democracy. They wanted to see an America peopled by prosperous and independent men, free of the control of the baronial landed classes.

Today, nearly two centuries after Jefferson and 70 years after the passage of the Federal Reclamation Act, agrarian democracy exists only as a myth. America's land, once publicly owned, and the federally financed water used to irrigate much of it, are illegally in the control of large land interests.

Not surprisingly, Mr. President, the large land interests in this country have always opposed the Reclamation Act's antimonopoly provisions. The railroads, land speculators, and giant agribusinesses have employed various strategies to get around the 160-acre limitation. What is surprising is the Federal Government's acquiescence in what amounts to a giant land steal and a raid on the public treasury.

Federal reclamation has delivered water to 8 million acres with an annual crop value of $1.7 billion. Congress has appropriated or authorized spending $10 billion on reclamation projects. The amount of the subsidy to Western landowners for irrigation has been estimated to range from $600 to $2,000 per acre.

This money, supplied by the average taxpayer, is buying water for hundreds of thousands of acres of land owned by giant corporations while independent family farmers have not been able to get access to irrigated land. California—the home of the giant agribusinesses—provides a typical example of where the taxpayer's money is being spent. California's Imperial Valley produces about $250 million annually of cotton, sugar beets, lettuce, alfalfa, and other crops. What makes the Imperial Valley so fertile and productive is water brought from the Colorado River by a network of dams and canals built by the Federal Government at a cost of over $200 million.

Because of the Government's outrageous record of nonenforcement of the Reclamation Act, more than half of the irrigated acreage in the Imperial Valley is held by owners of more than 160 acres, and two-thirds of it by absentees. Agribusiness giants such as Purex, United Fruit, and the Irvine Land Co., which owns 10,000 acres in the valley, are reaping huge profits because of the water subsidy. Federally subsidized water is also being delivered to lands in California owned by Tenneco Getty Oil, Standard Oil of California, and the Southern Pacific Railroad.

The record elsewhere is no better. In the Pacific Northwest, federally dammed water from the Columbia River will soon flow to the vast lands held by Boeing Aircraft, Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii.

Increasingly, the giant agribusinesses are taking control of American agriculture, and they leave no room on the land for the independent, family farmers who have been disappearing from rural America at the rate of 800,000 a year.

I do not think the Congress of the United States ever intended to subsidize Boeing Aircraft or Standard Oil in their farming ventures. I certainly hope not.

Mr. President, it is time to put an end to this outrage. At a time when 70 percent of our people are packed onto less than 2 percent of the land, when our cities are on the verge of collapse because of overcrowding, unemployment and welfare, it is essential that we give people a chance to make a living in rural America. But America has no national rural policy for people. Instead, we have allowed vested economic interests, guided by nothing nobler than profits, to determine the future shape of this Nation.

The bill I am introducing today, the Reclamation Lands Authority Act, could be the beginning of a national rural policy. The emphasis of that policy is to serve people and the public interest, not a few large corporations.

The bill, which has been introduced in the House of Representatives by several California Congressmen, requires the Federal Government to buy "excess" land at a preproject market price and to lease or sell it at a postproject market price. This mechanism is greatly preferable to a simple enforcement of the 1902 law. For in that case those purchasing the land at the preirrigation prices called for in the law could receive the enormous windfall now in the hands of the giant corporations.

The American taxpayer has built and paid for the irrigation system that has made our land in the West so valuable. Therefore, he should reap at least part of the gains.

The profits from the sale, lease or use of these lands are to be placed in an education, conservation, and economic opportunity fund. Seventy percent of the revenues from the fund are to be earmarked as grants for public education, following our historic heritage of financing education with land grants. Ten percent of the funds will go into the already existing land and water conservation fund. The remaining 20 percent of the fund shall be made available upon specific appropriation by Congress for the development of public facilities servicing project areas, for promoting economic opportunities of veterans and persons living in substandard conditions and for such environmental and ecological benefits as Congress may authorize.

To administer this program, the bill creates a Reclamation Lands Authority as an independent agency under a board of three members, appointed by and responsible to the President.

The Authority is empowered to determine the uses for which purchased excess lands may be sold, leased or made available for public purposes, and is charged with attaching such conditions to any use of the land "as will preserve open spaces and agricultural greenbelts and into her respects preserve an environment of beauty, health and attractive quality for now and for the future."

The Authority is also charged with encouraging "effective regional, State and local planning of land usage and environmental adjustment in the areas where excess lands are located."

Mr. President, the Reclamation Lands Act provides the chance for us to rekindle the spirit that made America the land of opportunity. This bill would give the independent family farmer, the veteran, and the economically disadvantaged from both our cities and

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rural areas a chance to start all over again. It would enable us to finance public education—the strength of any free society—with funds created by public water and land development. And it would mark the day when Americans realize that our limited land and water resources cannot be left in the hands of big business.

I would hope that each of my colleagues will give this proposal the serious consideration it merits, and I welcome their cosponsorship of it. Furthermore, I would hope that the Interior Committee will be able to hold hearings on this proposal in the near future.

Mr. President, I ask unanimous consent that at this point the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2863

A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess lands provisions of the Federal Reclamation Act of June 17, 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Reclamation Lands Authority Act".

STATEMENT OF PURPOSE

SEC. 2(a) The Congress declares that it shall be the purpose of this Act to reaffirm the historic purpose of the Federal Reclamation Act, especially as it applies to the development and use of excess lands, and to make that intent and purpose operative in the national interest and the direct benefit of its citizens.

(b) The Congress further declares that it shall be the purpose of this Act to make such disposal and uses of these excess lands as will improve the environment of the Nation through the use of these natural resources to provide resident ownership and operation of family-sized farms, to open new opportunities for veterans and to create open spaces, protect the natural beauty and quality of the habitat of all living things within Federal reclamation project areas, and to provide by the application of the net revenues from the sale or lease of said excess irrigated or irrigable lands to the demonstrated needs of public education and community development, and for other purposes consistent with the historic purpose of the Federal reclamation law.

SEC. 3. To effect these expressed purposes and others which may become imperative as the Nation faces its responsibilities and opportunities to create a healthful environment consistent with the ecological needs of the land entrusted to our care, there is hereby created by a body corporate to administer the excess lands resulting from the enforcement of the provisions of the Federal Reclamation Act of June 17, 1902 (32 Stat. 388) as amended and supplemented, to be designated as the Reclamation Lands Authority (hereinafter referred to as the "Authority").

SEC. 4. To administer the purposes expressed in this Act and enforce the laws pertaining to excess land as prescribed in the Federal Reclamation Act of June 17, 1902 (32 Stat. 338), as amended and supplemented, the Authority shall be an independent agency responsible to the President, and subject to all laws pertaining to accountability and report. It shall be directed and its activities managed by a Board of three members, appointed by the President by and with the consent of the United States Senate. Their terms shall be staggered, in such a manner as to provide an eight-year term for the designated Chairman, a five-year term for one member, and a three-year term for the other member. They may be reappointed. Their salaries shall be fixed by the President in keeping with the accepted schedule of remuneration for heads of important Government agencies. The Board shall organize itself and its operations, shall select its officials, agents, and employees in keeping with Civil Service standards and practices and said employees shall be included in the Federal roster to share in all legal benefits of Federal Government employment and to be subject to such requirements as to ability and conduct as are thereby prescribed.

SEC. 5. The principal place of business of the Authority shall be located at a place of accessibility within the region of excess lands which it administers.

SEC. 6. Immediately upon the passage of this Act into law, the Authority shall be provided by the Department of the Interior a listing of all irrigated and irrigable lands administered under reclamation laws, denoting specific compliances and failure to comply, declaring noncompliance as excess lands to which all titles, claims, access, entry, and control shall transfer to the Authority forthwith, to be sold, leased, or managed according to the determination and within the purpose of the Act. Such a listing and transfer of lands subject to reclamation law shall be provided the Authority at six-month intervals.

SEC. 7. The Board of Directors of the Authority shall have power and it is hereby conferred upon it, to adopt and enforce all the necessary bylaws, orders, rules and regulations required to effectuate the will of Congress as expressed in this Act.

SEC. 8. The Authority shall have such powers as are conferred on Government corporations generally, and specifically shall have the power of eminent domain. Except as otherwise specifically provided in this Act, the Authority—

(a) shall have succession to its corporate name;

(b) may sue and be sued in its corporate name;

(c) may adopt and use a corporate seal, which shall be judicially noticed;

(d) may make contracts and enter into agreements as herein authorized;

(e) may adopt, amend, and repeal bylaws or provisions thereof; and

(f) may purchase, lease, or accept, hold and use such real and personal property as it deems necessary or convenient in the transaction of its duly authorized business, and may dispose of any property, real or personal, to which it has title according to its authority under this Act.

SEC. 9. In the development of its purpose and the exercise of its duties, the Board of Directors shall select a treasurer and as many assistant treasurers as it deems proper. Board members and treasurers shall be bonded, giving such bonds for the safekeeping of the securities and moneys entrusted as are required by law, and in the case of subordinate officials as the Board shall determine.

SEC. 10. Any member of the Board may be removed from office at any time by the passage of a concurrent resolution of the Senate and House of Repreeentatives, said concurrent resolution stating in specific terms the reason for such action.

SEC. 11. The powers of eminent domain residing in the Board by this Act shall extend to the purchase of any real estate or acquisition of real estate by condemnation proceedings, the title to such real estate being taken in the name of the United States of America, and thereon all such real estate shall be entrusted to the Authority as the agent of the United States to accomplish the purposes of this Act.

SEC. 12. There is hereby conferred upon the Authority all of the powers now residing in the Secretary of the Interior to enforce all the provisions of section 5 of the Federal Reclamation Act of June 17, 1902, section 46 of the Act of May 25, 1926, and all Acts amendatory and supplementary thereto as these apply to the limitation of size of farms to be served by and under provisions of Federal reclamation projects.

SEC. 13. The Authority is hereby authorized and directed to acquire by purchase, eminent domain proceedings, or otherwise, all excess lands in projects governed by Federal reclamation laws at preproject prices as defined in section 46 of the Act of May 25, 1926, and to deposit the proceeds from the sale or lease or use of such lands in the Treasury of the United States in a specially designed "Education, Conservation and Economic Opportunity Fund" which is hereby created to be used exclusively for the purposes of this Act.

SEC. 14. The Authority shall purchase all excess lands at preproject prices which do not reflect the benefits of the Federal financing or construction. The proceeds from the sale, lease, or use of such lands shall be paid into the "Education, Conservation, and Economic Opportunity Fund," and are to be used for the purposes of this Act and administered for said purpose by the Board.

SEC. 15. The Education, Conservation, and Opportunity Fund shall be operated as a revolving fund for the purposes of this Act. Moneys in the fund equal to the cost of lands purchased by the Authority at pre-water-project prices, together with such moneys as Congress may appropriate for deposit in the fund for the purchase and management of excess lands, shall be available to the Authority for further purchase of excess lands. Ten percent of the balance in the fund remaining thereafter shall be transferred to the Land and Water Conservation Fund already established by the Congress to be used for purposes consonant with those of this Act, and an annual accounting shall be made to the Authority by said fund and made a part of its annual report. Seventy percent of the balance in the fund available for use by designated agencies and purposes under this Act shall be made available for the benefit of public education and for such expenditures or allocations as the Congress may authorize. Such funds shall be transferred by the Authority to agencies specified by the Congress. The remaining allocable amount in the fund made available for public purposes under the Act shall be made available upon specific appropriation by the Congress for the development of public facilities serving project areas, for advancing economic opportunities of veterans and persons living in substandard conditions, for development of healthful environments and communities needing open spaces, and for such other environmental and ecological benefits as Congress may authorize to be made from the fund.

SEC. 16. The Authority shall determine the uses for which purchased excess land may be sold, leased, or made available for public purposes, and shall attach such conditions at time of sale, lease, or public use as will preserve open spaces and agricultural greenbelts and in other respects preserve an environment of beauty, health, and attractive quality for now and for the future. In determining as between sale, lease, or public use of excess lands purchased, the Authority shall give due weight to benefits to the revolving fund and the advancement of economic opportunity for persons who have served the Nation in the Armed Forces and disadvantaged citizens seeking such opportunity as ownership, lease, or use of irrigated or irrigable lands afford. In the pursuit of these purposes, the Authority shall encourage effective regional, State, and local planning of land usage and environmental adjustment in the areas where excess lands are located.

SEC. 17. In the exercise of its charter under this Act, the Authority is herewith authorized to obtain lands excess to the direct needs of other Federal agencies of the Government which may be declared available where such lands may become a unit of lands administered by this Authority. Such acquired lands shall be treated in the same manner as other excess lands of the Authority.

SEC. 18. The Authority may establish an Advisory Committee to which it shall appoint citizens who neither have nor represent vested interest in excess lands purchased or in the water brought to such lands. The Authority may service such an Advisory Committee and provide for the expenses thereof. Committee members shall serve without remuneration.

SEC. 19. There is hereby authorized for appropriation an amount as may be necessary from the general fund of the Treasury for deposit in the revolving fund designated as the "Education, Conservation and Economic Opportunity Fund" of this Authority, for the purposes of this Act, to be accounted for in the usual manner and to be subject to the same accounting practices as other Government agencies.

SEC. 20. There are hereby authorized to be appropriated for the purchase, lease, and use of excess lands such amounts out of the Education, Conservation and Economic Opportunity Fund as are available and needed by the Authority to carry out the intent and purposes of this Act.

[In the U.S. District Court for the Southern District of California]

BEN YELLEN, ET AL. vs. WALTER J. HICKEL

(Partial summary judgment No. 69–124–Murray)

Before the court is a motion for partial summary judgment. The suit was filed under 28 U.S.C.A. 1361 to compel the Secretary of the Interior and lower level officials of the Department of the Interior to enforce the residency requirement of Section 5 of the Reclamation Act of June 17, 1902, 32 Stat. 389, 43 U.S.C.A., Section 431,[1] against lands located within the Imperial Irrigation District in California which receives water from the Boulder Canyon Project through the All American Canal. It is the government's contention that Section 5 has been superseded by Section 46 of the Omnibus Adjustment Act of May 25, 1926, 44 Stat. 649, 43 U.S.C.A., Section 423e,[2] and therefore the residency requirement does not apply. For the following reasons this court finds that Section 5 is in force and the residency requirement is a prerequisite to receiving water from the Boulder Canyon Project.

The ruling on this motion is a determination made as a matter of law and does not depend upon any factual showing by the moving party beyond the allegations in the pleadings. There was a previous motion for summary judgment and that motion was denied without prejudice and therefore there is no bar to the present motion. Further the government raises the issue of standing in defense of this motion. A motion to dismiss for lack of standing to maintain a suit was denied at the same time as the previous motion for summary judgment, thus there is no need to rule on that question at this time.

The Boulder Canyon Project is authorized and governed by the Boulder Canyon Project Act of 1928, 45 Stat. 1057, et seq., 43 U.S.C.A., 617 et seq. Under Sections 12 and 14 of that Act (45 Stat. 1069 and 45 Stat. 1063) the project is governed by the June 17, 1902 Act and "Act amendatory thereof and supplemental thereto." 43 U.S.C.A., Sections 617k, 617m. The question which concerns the court is whether Section 46 of the Omnibus Adjustment Act has so changed the original 1902 Act as to eliminate the residency requirement contained therein.

The government argues that under Section 46 of the 1926 Act the Secretary no longer is authorized to sell water directly to landowners on projects built thereafter. Instead, Section 46 requires the Secretary to contract with irrigation districts for delivery of water and repayment of the project and these contracts are required to impose certain conditions to which landowners must conform.[3] Since none of these conditions include a residency requirement it is argued that the effect of Section 46 is to eliminate any residency requirement from all reclamation projects governed thereby. This argument proves to be incorrect when viewed in the light of sound statutory construction and the background and purpose behind both Section 5 and Section 46.

The government points to no specific provision of the Omnibus Adjustment Act which repeals Section 5 of the 1902 Act. Nor do they contend that the 1926 Act entirely repealed the 1902 Act. It is a general rule of statutory construction that where there are two acts on the same subject, effect should be given to both if possible. *United States* v. *Borden Co.*, 308 U.S. 188, 198. Further, repeals by implication are not favored and the intention of the legislature to repeal must be clear and manifest. Even when there is a positive repugnancy between the provisions of the new law and the old law, then the old law is repealed only *pro tanto* to the extent of the repugnancy. *U.S.* v. *Borden*, supra.

Statutory construction of Section 5 and Section 46 reveals no repugnancy whatever. Section 5 requires that there is no right to use water on tracts of any one owner of over 160 acres and no water shall be sold to anyone not occupying the land or residing in the neighborhood. Section 46 establishes a system whereby the Secretary no longer sells to individuals, but to irrigation districts instead, and provides for a situation not contemplated in the original Act where water would be supplied through the irrigation district to private landowners of more than 160 acres in addition to settlers on public lands opened up for entry under the original reclamation law. There is no inconsistency in applying the requirements of Section 5 at the same time with those of Section 46. The latter merely provides for sale of excess lands over 160 acres if the private owner wants reclamation project water. Section 5 requires that he be a resident to get water at all. A literal reading of both statutes then reveals no implied intent on the part of Congress that the earlier statute would be repealed by Section 46. Since both can stand by reasonable construction, that construction must be adopted. *Wilmot* v. *Mudge*, 103 U.S. 217, 221 (1881).

The plain language of the Omnibus Adjustment Act of 1926 does not repeal Section 5 of the 1902 Act, nor is any legislative intent to do so exhibited in the Act's background. The basic purpose of the 1926 Act is expressed in 43 U.S.C.A., Section 423f, 44 Stat. 65 (May 25, 1926) as follows:

"The purpose of sections 423–423g of this title is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer said sections to those ends."

The report on the House version of the bill H.R. 10429 prepared by the Committee on Irrigation and Reclamation refers to the reclamation policy of the government which was adopted as a result of the Act of June 7, 1902. The report points out that while the law had provided that the cost of projects be returned to the reclamation fund, settlers had been unable to do so in full and therefore it would be necessary to authorize the Secretary to credit the projects with losses sustained. Then the report continued:

"It is confidently believed that with the adjustment authorized herein the various projects will be put on a basis which will restore the morale and enthusiasm of the settlers and enable them to meet their payments promptly in the future. The settlers on these projects have endured great hardships and have struggled against the most adverse conditions in their effort to cooperate with the government in reclaiming these desert wastes, and are entitled to the proposed relief which has been urged upon the committee by the Representatives from the arid land States and the Secretary of the Interior for many years." See Adjustment of Water Charges, House Report No. 617 to accompany H.R. 10429, 68th Cong. 1st Session.

It is clear from the report that the purpose of the 1926 Act was to provide relief to settlers then residing on the land. There is no indication that the Act was intended to change the policy of the reclamation law.

The government has cited Section 1 of the Act of August 9, 1912, 37 Stat. 265, 43 U.S.C.A. 541 as additional support to the contention that residence is no longer intended as a requirement for water rights under reclamation law.[4] That law requires that homestead entrymen submit proof of residency, reclamation and cultivation in order to obtain a patent while purchasers of water-right certificates need only prove cultivation and reclamation of the land for a final certificate.

This it is argued is evidence that residency has been eliminated as a requirement to receiving water. It is evident that Congress intended the Act to apply to purchasers of water rights for private lands as well as to entries of public lands. See House Committee on Irrigation of Arid Lands, Patent to Entrymen for Homesteads Upon Reclamation Projects, House Report No. 867 to accompany S. 5545, 62d Congress, 2d Session, and I Department of Interior, Federal Reclamation Laws Annotated 15 (1958). However, there is no indication that the residency requirements of Section 5 was intentionally eliminated.

In the West water and land are separate and ownership of land does not automatically give right to water use. This is reflected in the homestead laws where water rights are reserved from patents. See 43 U.S.C.A. 661 as derived from 14 Stat. 253 and 16 Stat. 218. This explains why the patent and the water certificate were treated separately in Section 1 of the 1912 Act. The patent is a right to land—ownership in land. The certificate is evidence of a right to water subject to divestment for failure of application to beneficial use. See U.S.C.A. 372, 32 Stat. 390. However, the nature of the water right is not expressly delineated in reclamation law. The water right certificate describes the land upon which the water is to be used, the amount of water use allowed and aids in establishing priorities under state laws. Neither the reference to water rights in the 1902 Act, nor that in the 1912 Act make clear just what the user has, either before or after receiving the final water rights certificate. It is important to note, however, that reclamation laws are "designed to promote federal policies of permanent importance and not merely to secure an investment interest." II Sax, Waters and Water Rights, 118 (R. Clark ed. 1967).

That land and water are separate also helps explain why each is treated differently in Section 1 of the Act of 1912. The purpose of the Act of 1912 was to enable the settler to mortgage his property prior to final payment for the amount due for the water right. See Title for Homesteaders on Reclamation Projects. Senate Report No. 608 to accompany S. 5545, 62d Congress, 2d Session. The water certificate was property right of sorts even though a defeasible one. It represented an incremental value of the price of the private

Footnotes at end of article.

land and as such was an asset which added to the mortgageable value of the land. See Sax, *Selling Reclamation Water Rights: A Case Study in Federal Subsidy Policy*, 64 Mich. L. Rev. 13, 1965, for a discussion of incremental values. The cultivation and reclamation requirements of Section 1 insure good faith on the part of the owner that the arid land would be cultivated and reclaimed. This purpose of the Act in no way changes the overriding original anti-monopolistic and anti-speculative purposes of the original reclamation law. (Discussion of this purpose to follow.) Therefore, while cultivation and reclamation are required for a final water rights certificate, residency remained a requirement to receive water initially. See sample forms for water right applications in Department of Interior, Fourteenth Annual Report of the Reclamation Service 1914–1915, 268–276, which require affidavit of residence.

It should also be pointed out that on August 10, 1917, Congress saw fit to suspend the residence requirements during World War I. See 40 Stat. 273.[5] It would be strange indeed if Congress intended to eliminate the residence requirement for receiving water by the Act of 1912, that it deemed it necessary to suspend residency in 1917. It is much more plausible that there was and is a continuing intent on the part of Congress to keep alive the anti-speculative and anti-monopolistic purposes of the Act as expressed in the residency requirement.

The government's rationale in relying on Section 1 of the 1912 Act is somewhat obscure. Their primary argument rests on Section 46 of the 1926 Act. It is difficult to understand how the 1912 Act can shed light on a policy which they argue was not expressed until the 1926 Act of Congress.

It is further argued that the elimination of the water right application by the Act of May 15, 1922, 42 Stat. 541, is an expression of intent to eliminate the residency requirement.[6] Where a legally formed irrigation district agreed to pay moneys owing the United States for construction and maintenance of the project, this statute dispensed with the requirement that individual water user file an application for water right. It is clear from the Department of Interior's Report, on S. 2116, dated May 23, 1921, to the Senate Committee on Irrigation and Reclamation of Arid Lands that the Senate bill, which later became the 1922 Act, dispensed with the water right application in order to eliminate unnecessary amounts of work and possible complications. Since one function of the application was to establish a lien for the payment of water charges on each users land in favor of the United States, the elimination of the lien by the statute removed a basic reason for the application. Further, inasmuch as the new irrigation district is responsible to pay the United States for construction and maintenance, it would be collecting the payments from its members and controlling the distribution of water. A new applicant for water would be required to go through the district and to require an additional application to the Bureau of Reclamation could have made the process unnecessarily complex while only duplicating work which could be done by the district.

The application was used by the Bureau of Reclamation to enforce other provisions of the reclamation laws such as the residency requirement. (See Department of Interior, Land Ownership Survey of Federal Reclamation Projects 34, 35, 1946) but the 1922 Act fails to refer to residency. This failure does not lend support to any interpretation of the Act as an expression of intent to eliminate the residency requirement nor to change the national policy of the reclamation laws. There is no positive repugnancy between the 1922 Act and the residency requirement. The Secretary of Interior is given authority to dispense with the application at his discretion, but remains charged with enforcing the policy of reclamation law which is still in force. Compliance with residency, which is an expression of national policy, should have been secured by other means.[7]

On April 19, 1916, the Department of Interior issued an opinion which undercut the policy of the reclamation law:

"The residency requirement of this section (Section 5, 1902 Act) in reference to private lands is fully complied with if, at the time water-right application is made, the applicant is a bona fide resident upon the land or within the neighborhood. After approval of the application further residence is not required of such applicant, and further proof may therefore be made under the Act of August 9, 1912 (37 Stat. 265), without the necessity of proving residency at the time proof is offered." (See I Federal Reclamation Laws Annotated, page 55–56).

The government cites this opinion along with subsequent Federal Regulations and expressions of policy by the Bureau of Reclamation as evidence of elimination of the residency requirement.[8] This evidence recognizes there is a residency requirement problem, but denies that residency is a continuing requirement as an expression of national policy. The Department cannot repeal an Act of Congress.

It could be argued that re-enactment of the statute, such as was the case in Section 14 of the Boulder Canyon Project which re-enacted the reclamation law, constitutes legislative acceptance of the earlier administrative interpretation. It has been held that an administrative interpretation of a statute was binding on the court where it has been impliedly upheld by re-enactment of the statute. See *Kieferdorf v. C.I.R.*, 142 F.2d 723. However, Congressional re-enactment of a statute, without expressed consideration or reference cannot give controlling weight to an originally erroneous administrative interpretation of the statute. *United States v. Missouri Pacific Railroad Company*, 278 U. S. 269, 280. The re-enactment of a specific clause or statute after administrative or judicial construction is merely one factor in the total effort to give fair meaning to the language thereof, and such circumstances must give way to plain language or basic purpose. *Fleming v. Moberly Milk Products Co.*, 160 F.2d 259.

The Reclamation Act of 1902 was enacted after a long history of monopoly of and speculation in the arid lands in the west. This background resulted in a national policy of anti-monopoly and anti-speculation which found expression in reclamation law. It is this policy which provides possibly the strongest rationale for holding the residency requirement in force. From its very inception reclamation policy has been to make benefits therefrom available to the largest number of people. The 1902 Act contained a 160 acre limitation, required that users be bona fide residents, required that the reclamation water right be appurtenant to the land, and provided that rights to the water be limited by beneficial use. 32 Stat. 389, 390 (1902), 43 U.S.C.A., Sections 372, 383, 431 (1964). These devices were incorporated into the bill in order to prevent land monopolization and profiteering by large corporations to the detriment of the intended beneficiaries of the Act. See Taylor *The Excess Land Law-Execution of a Public Policy*, 64 Yale L.J. 476, 484–86 (1955). The idea was to create a class of self-reliant family farmers. See Land Ownership Survey, supra, 61–73, 91.

National policy, as expressed in the reclamation laws, is to provide homes for people.[9] Homes are possible only where speculation and monopolization are not possible. The 160 acre limitation and the national policy which it reflects have been upheld by the Supreme Court in *Ivanhoe Irrigation District v. McCracken*, 357 U.S. 275. The residency requirement in Section 5 is a second expression of that national policy. Its repeal by implication would be contrary to the purpose for which Section 5 was enacted. Early in reclamation history events showed that "under the private projects where residence is not required, the developments have been very largely along the line of the creation of tenant farms." See Department of Interior, 11th Annual Report of the Reclamation Service 11 (1911–1912). Failure to enforce residency subverts the excess land limitation which *Ivanhoe*, supra, specifically upheld. Through the use of corporations, trusts and cotenancies flagrant violations of the purpose of this limitation are possible. Each of these farms may be used to by-pass the acreage limitation. The policy behind reclamation law to aid and encourage owner operated farms requires enforcement of the residency requirement to prevent these violations. See Sax, *The Federal Reclamation Law* in II *Waters to Water Rights*, supra, 217–224.

The fact that residency has not been required by the Department of Interior for over 55 years cannot influence the outcome of this decision.[10] Failing to apply the residency requirement is contrary to any reasonable interpretation of the reclamation law as a whole, and it is destructive of the clear purpose and intent of national reclamation policy. It is well settled that administrative practice cannot thwart the plain purpose of a valid law. *United States v. City and County of San Francisco*, 310 U.S. 16, 31–32 (1940). Rather than indicate the validity of the administrative ruling, the lapse of time serves to dramatize the unavailability of relief in the past and points toward the need for increased access to the court in the future.

The Boulder Canyon Project Act, 45 Stat. 1065, 43 U.S.C.A. Section 617m, provides that the Act shall be deemed a supplement to reclamation law which shall govern the constructive operation and management of the works authorized. Inasmuch as Section 5 of the 1902 Act has been found in full force and effect, it must be applied to the Imperial Irrigation District as well as to all reclamation projects constructed pursuant to the Boulder Canyon Project Act. No right to use the water for land in private ownership shall be sold to any landowner "unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land. . . . 43 U.S.C.A., Section 431.

That portion of the motion for summary judgment determining the applicability of Section 5 of the Act of 1902 is therefore granted, which in effect is merely an interlocutory adjudication of the applicable law.

The posture of the case at this time is not such as the court can determine the other portions of the motion, and therefore reserves ruling thereon.

Done and dated this 22nd day of November, 1971.

FOOTNOTES

[1] Section 5 of the Reclamation Act of June 17, 1902, 32 Stat. 389, 43 U.S.C.A. 431, provides:

"That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section 4. No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such rights shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act."

[2] Section 46 of the Omnibus Adjustment Act of 1926, 44 Stat. 649, 43 U.S.C.A. Section 723(e), provides:

"No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with the irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than forty years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into an agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinafter referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sales is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment."

[3] Section 46 provides that the following conditions which effect individual users be included in contracts with irrigation districts: (a) excess land over 160 acres shall be appraised and the sale price fixed by the Secretary; (b) no excess land shall receive water unless owners contract to sell the land at or below the contract price; (c) until one half the construction charges have been paid no water right passes with the sale until the sale is approved by the Secretary.

[4] Section 1 of 37 Stat. 265, 43 U.S.C.A. 541, provides:

"Any homestead entryman under the Act of June 17, 1902, known as the reclamation Act, including entrymen on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence, reclamation and cultivation, submit proof of such residence, reclamation and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the reclamation Act for homestead entrymen: *Provided*, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate."

[5] The Act of August 10, 1917, 40 Stat. 273, provides in part:

"Sec. 11 (Suspension of residence requirements.)—That the Secretary of the Interior is hereby authorized, in his discretion, to suspend during the continuance of this act that provision of the act known as "reclamation act" requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper. (40 Stat. 276.)

"Sec. 12 (Duration of suspension.)—That the provisions of this act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President; but the date when this act shall cease to be in effect shall not be later than the beginning of the next fiscal year after the termination, as ascertained by the President, of the present war between the United States and Germany (40 Stat. 276.)"

[6] The Act of May 15, 1922, 42 Stat. 541, provides in part:

"That in carrying out the purposes of the Act of June 15, 1902 . . . and Acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. . . ."

"Section 2. That patents and water-right certificates which shall hereafter be issued under the terms of the Act entitled "An Act providing for patents on reclamation entries, and for other purposes," . . . for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; . . ."

[7] Section 46 of the Omnibus Adjustment Act provided that:

"Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers." Again this provision was not intended to alter the effect of the reclamation law and the Secretary cannot exercise his discretion so as to subvert the purposes of the Act."

[8] See Department of Interior Manual of the Bureau of Reclamation (1938 Edition) 373; Title 43, Code of Federal Regulations, Section 230.65.

[9] See Kinney, *A Treatise of the Law of Irrigation and Water Rights and the Arid Region Doctrine of Appropriation of Waters* 1912, pp. 2238–2239, Kinney cites a portion of President Roosevelt's first message to Congress, delivered December 3, 1901, as a classic statement upon the subject. Roosevelt's idea was that as a result of reclamation and settlement of arid lands "our people as a whole will profit, for successful home-making is but another name for the upbuilding of the nation."

BROAD SUPPORT FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the International Convention on the Prevention and Punishment of the Crime of Genocide was written in 1948. Since then it has been ratified by 75 nations of the world, including our NATO and SEATO allies.

Support within the United States for our ratification of the Genocide Convention has been broadly based. Among those groups that have come out in support of the convention are the National Council of Women of the U.S., which claims to represent 5 million women in this country; the Leadership Conference on Civil Rights which is composed of 125 groups active in the area of civil rights; six sections of the American Bar Association; and the Ad Hoc Committee on the Human Rights and Genocide Treaties. This latter group was formed in 1964 and presently contains 53 ethnic, religious, labor, and women's groups.

All of these organizations recognize the need for the Genocide Convention. They recognize the need for the United States to be a party to it. The support of the United States, the most democratic country in the world, will do much to help make this treaty a success and prevent a recurrence of the horrors of Nazi Germany.

Mr. President, I ask unanimous consent that there be printed in the RECORD a list of the organizations comprising the Ad Hoc Committee on the Human Rights and Genocide Treaties, and a list of the six ABA sections which support the Genocide Convention.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

AD HOC COMMITTEE ON THE HUMAN RIGHTS AND GENOCIDE TREATIES

MEMBER ORGANIZATIONS

American Baptist Convention.
American Civil Liberties Union.
American Ethical Union.
American Federation of State, County and Municipal Employees, AFL–CIO.
American Federation of Teachers, AFL–CIO.
American Friends Service Committee.

American Humanist Association.
American Jewish Committee.
American Jewish Congress.
American Romanians National Committee.
American Veterans Committee.
Americans for Democratic Action.
B'nai B'rith.
Brotherhood of Sleeping Car Porters, AFL–CIO.
Episcopal Church.
Farband, Labor Zionist Order.
Friends Committee on National Legislation.
Hadassah, the Women's Zionist Organization of America.
Industrial Union Department, AFL–CIO.
International Ladies' Garment Workers' Union, AFL–CIO.
International Rescue Committee.
International Union of Electrical Workers, AFL–CIO.
Jewish Labor Committee.
Jewish War Veterans.
League for Industrial Democracy.
Methodist Church, General Board of Christian Social Concerns.
National Association of Negro Business & Professional Women's Clubs.
National Association for the Advancement of Colored People.
National Board, YWCA.
National Catholic Conference for Interracial Justice.
National Jewish Community Relations Advisory Council.
National Conference of Christians and Jews.
National Council of Jewish Women.
National Spiritual Assembly of the Baha'is of the U.S.
Poale Zion, United Labor Zionist Organization of America.
Quaker, UN Office.
Retail, Wholesale & Department Store Union, AFL–CIO.
Textile Workers Union of America, AFL–CIO.
Ukrainian Congress Committee of America.
Ukrainian National Association.
Union of American Hebrew Congregations.
Unitarian-Universalist Association.
United Automobile Workers of America.
United Church of Christ.
Women United for the United Nations.
Women's International League for Peace and Freedom.
Workers Defense League.
Workmen's Circle.
World Federalists, U.S.A.
World Jewish Congress, American Section.

ADVISORY MEMBERS

Conference of UN Representatives of the Council of Organizations, UNA–USA National Council of the Churches of Christ in the U.S.A.

In addition the following ABA Sections approve the Genocide Convention:
Individual Rights and Responsibilities.
World Order Under Law Committee.
Criminal Law.
International and Comparative Law.
Family Law.
Judicial Administration.

TELEVISION BLACKOUTS OF FOOTBALL GAMES

Mr. SAXBE. Mr. President, in a nation of sports lovers like ours, I cannot understand why we still have television blackouts of certain football games even though the stadium might be sold out well in advance.

Such is the case in the city of Cleveland in my State of Ohio, where Municipal Stadium will be the scene of the American Football Conference professional playoff later this month. It is my understanding that this game will be a sell-out, as are so many of the Cleveland Browns home games. Yet, under authority that we granted professional football some years ago, the televising of the game will be blacked out within a certain distance of Cleveland.

This seems silly and highly illogical. I can understand blackouts if ticket sales to a certain game are lagging. I also can understand blackouts if the televising of the game might compete with a similar event in the same area, say a local college game. But neither is the case in Cleveland.

I have today wired Pete Rozelle, commissioner of the National Football League, requesting that the commissioner voluntarily lift the TV blackout of the Cleveland game. It is my understanding that the commissioner has this authority under the same legislation permitting TV blackouts in certain conditions. Lifting the blackout would be in the public interest, and a deserving tribute to the thousands of sports fans who otherwise would be unable to view this game.

I ask unanimous consent that my telegram be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

PETE ROZELLE,
Commissioner, National Football League, New York City, N.Y.:

In a day when private enterprise chafes under increasing governmental control, you have a unique opportunity to demonstrate your responsibility to the American public by agreeing to voluntarily lift the television blackout in the Cleveland area of the American football conference play-off game later this month. As you know, this game will be a sell-out, as are most games in Cleveland. It is my understanding that the Commissioner is permitted to voluntarily lift a blackout under the same anti-trust exemption permitting blackouts in the first place. This would be a public service of high order. Ohio sports fans are among the very best in the nation and should not be denied the opportunity to view the game on television if they can't see it in person.

WILLIAM B. SAXBE, *U.S. Senator.*

ART MODELL,
President, The Cleveland Browns, Municipal Stadium, Cleveland, Ohio:

I have today wired Commissioner Rozelle requesting that he exercise his authority to voluntarily lift the television blackout in the Cleveland area of the American Football Conference play-off game in Cleveland Stadium later this month. It is my understanding that a voluntary lifting of a TV blackout is permitted under the same legislation that allows blackouts. Ohio sports fans are among the very best in the nation, as you well know, and shouldn't be denied the opportunity of viewing this game on television. I request that you use your considerable influence in helping to make the viewing of this game available to all. Best regards.

WILLIAM B. SAXBE, *U.S. Senator.*

H.R. 10947, THE REVENUE ACT OF 1971

Mr. NELSON. Mr. President, the Revenue Act of 1971—as approved by the Senate-House Conference Committee—is almost identical to the bill sent over by the House and approved by the Committee on Finance.

I opposed the bill in committee and on the floor of the Senate for two reasons:

First, because it represents the wrong remedy for our economic troubles. With a quarter of our plant and equipment lying idle and 5 million of our workers without jobs, the need is for increased purchasing power. Yet this bill does little to spur consumption, and its investment incentives will not increase investment substantially in the near future.

Second, because it results in an enormous permanent loss of revenues to the Federal Treasury. Over the next 10 years, the revenue loss is about $110 billion. This is totally unjustifiable since what the economy needs is a temporary stimulus. And of course the funds being handed over to the corporations will be unavailable to finance high priority domestic programs such as welfare reform and aid to education.

Yesterday the President vetoed the OEO bill because of the child care section. One of the reasons he gave was the cost of this new program.

The choice of priorities should be clear. We can afford to spend over $11 billion in 1972 so that automobiles can be a little cheaper and so that the corporations can be given the largest tax cut in American history; but we are unwilling to spend a small fraction of that to provide comprehensive child care.

But aside from this question of priorities, there is a somber warning in the budget figures.

Treasury sources now put the deficit in the unified budget for fiscal 1972 at $30 to $35 billion. Even if the economy were at full employment, the deficit would be in the neighborhood of $10 billion. The tentative estimate for fiscal 1973 is for another full employment deficit of $8 billion.

Mr. President, the economy will be running large deficits even after it returns to full employment. As a result we will have to find some new source of Federal revenues. There is already considerable speculation in the press that to meet this need, the administration is preparing to propose a "value-added tax"—which is nothing more than a regressive sales tax.

Substitution of a value-added tax for a major part of the corporate income tax would represent a big step backward in tax fairness. Yet this may well be what we are headed for. In that event, we can look back on the Revenue Act of 1971 as the legislation that made a value-added tax inevitable.

It should be emphasized that our fiscal crisis is not due to new programs. We will have a large deficit at full employment simply by continuing with our present programs.

Yet the administration has ambitious plans for new initiatives. The effort to reform the welfare program will cost at least $5.5 billion more; revenue sharing will be at least another $5 billion. And now President Nixon says he is prepared to spend "large sums of money" to make schools less dependent on local property taxes.

Many of these proposals are highly desirable. Welfare reform should be of the highest priority when the Senate reconvenes after Christmas. But it is hard to see how we will be able to afford these new programs after losing the revenue that we will give away in this tax bill.

CONFIDENTIALITY OF TAX RETURNS

Mr. MATHIAS. Mr. President, I am very much pleased that the conferees on the revenue bill agreed to retain a modified version of my amendment to prohibit improper use or disclosure of the information furnished by taxpayers to tax preparation firms. This is an important step forward in securing the confidentiality of this very personal information and protecting American taxpayers from embarrassment, harassment or other unforeseen consequences of the often necessary act of seeking assistance in filling out tax forms.

The conference language on this matter is in some respects even more comprehensive and tighter than the original language approved by the Senate. My original amendment prohibited any use or disclosure of information from tax returns without the taxpayer's consent. The conference version prohibits such use or disclosure under any circumstances, with the sole and logical exception that information provided for a Federal return may be used for the preparation of State and local returns.

The conference version does authorize the Secretary of the Treasury or his delegate to make exceptions to this prohibition by regulation. Given the sweeping language of the provision, I believe this clause is appropriate—so long as it is used very sparingly.

For example, it was certainly not my intent, nor, I believe, the intent of the conferees, to prohibit a firm in the business of preparing tax returns from contacting its previous customers or clients as part of an ongoing business relationship. It would be quite proper, in my view, for such a firm to communicate with its customers to offer them on a continuing basis the same types of tax preparation services which the firm had provided in past years. The regulations to be published by the Secretary should specify that this type of communication is not prohibited, and I intend to urge the Secretary to issue temporary regulations to this effect without delay.

On the other hand, I will also remind the Secretary that one of the considerations prompting me to offer this proposal was the possibility that tax preparation firms with access to computer time might be tempted to use taxpayers' financial histories for other purposes, such as the marketing of other types of financial services. Another danger which I foresaw was that the names and addresses of taxpayers in various income brackets could become the basis for potentially lucrative mailing lists if the selling of this information were not banned. The language of the conference report precludes such invasions of individual privacy, and is a long step toward insuring that the relationship between a taxpayer and tax preparation firms will really remain a confidential one.

CHRISTMAS CHEER FROM NEW HAMPSHIRE'S WHITE MOUNTAIN REGION

Mr. McINTYRE. Mr. President, no one who has driven the Kancamagus Highway through New Hampshire's unspoiled White Mountains National Forest will soon forget the experience. It is a region of breathtaking beauty, each turn in the road revealing a new vista of snow-capped peaks and verdant valleys.

It was Daniel Webster, Mr. President, who wrote so many years ago:

Men hang out their signs indicative of their respective trades; shoemakers hang out a gigantic shoe; jewelers, a monster watch; and the dentist hangs out a gold tooth; but up in the mountains of New Hampshire, God Almighty has hung out a sign to show that there He makes men.

Mr. President, New Hampshire is justifiably proud of its White Mountain region and proud, too, that its peaks and streams and ponds are accessible to all through hiking trails, camping and picnic spots and roads like the Kancamagus Highway which open up its majesty for all to see.

This year New Hampshire is proud that a bit of itself—in the form of a 45-foot black spruce—has come to Washington to brighten this holiday season as our Capitol Christmas tree.

The tree was cut in North Conway, N.H., on December 1—a ceremony well attended in that north country community. The tree even received a musical sendoff for its journey to Washington when the Kennett High School Band, of Conway, turned out in skiing attire to lead the community in Christmas carols.

The same high school band will be on hand here in Washington when the tree is officially lighted next week. Led by Mr. Michael R. Hathaway, a graduate of the Boston Conservatory of Music, the band will play both at the ceremony and earlier in the day in the Rotunda of the Old Senate Office Building.

That ceremony on December 15 at 5 p.m., will also be attended by Miss Judy Hunter, of Concord, N.H.—a member of my staff who has been chosen by the New Hampshire State Society to represent our State in the Cherry Blossom Festival next spring.

The ceremony will also give us the opportunity to welcome to Washington Mr. Robert R. Tyrrel, Forest Supervisor, U.S. Department of Agriculture Forestry Service, who will be on hand to represent the White Mountains National Forest.

Mr. President, the tree has safely arrived in Washington under the supervision of Mr. Martin April, national accounts executive of the Hemingway Transport Co., and it is now being prepared for its debut next week. Making certain it received tender, loving care on its trek from New Hampshire were Robert B. MacHeffie of Gilford, N.H., and Everett A. Houston, of Laconia, both representing the Forest Service.

I urge Senators to get into the Christmas spirit on Wednesday next, when our Capitol tree will be officially lighted. New Hampshire may not be known for its warm weather at this time of year, but it is proud to send warm and cheery holiday greetings to the Nation's Capital.

ONE CHILD A VICTIM EACH DAY

Mr. PEARSON. Mr. President, as the distinguished Senator from New Mexico (Mr. MONTOYA) said yesterday, it has been almost a year ago to the day since Congress passed the Poison Prevention Packaging Act of 1970. The law, if enforced, would have put an end to most of the suffering of children and the families due to accidental poisoning.

Safety closures have been tested in a governmental hospital in Tacoma, Wash., and significant numbers of them have been patented and are available—if only we would use them.

Mr. President, if a 2- or 3-year-old child accidentally swallows furniture polish, pesticide, dishwasher detergent, aspirin, or the like he may suffer caustic and permanent internal injuries. In fact, over 500,000 youngsters under age 5 have been poisoned and at least one child each day has died from swallowing these hazardous household substances since Congress acted.

HEW took 4½ months just to pick a technical advisory committee to determine which products were dangerous enough to require safety closures. And during the past year, as Senator MONTOYA noted, this committee has met only twice.

Mr. President, many Members of Congress, in addition to concerned individuals in the press, consumer groups, and even industry have urged HEW to take affirmative action. But there is not a single safety closure on the market anywhere in the Nation today.

Because I helped write the bill and was a member of the House-Senate conference on it, I have a personal knowledge of the need for the legislation and its enforcement.

Mr. President, I can be patient no longer. I urge the Secretary of Health, Education, and Welfare to put a stop to this inexcusable, bureaucratic footdragging and enforce this law.

THE NATIONAL COALITION FOR LAND REFORM

Mr. HARRIS. Mr. President, I invite the attention of Senators to the formation of a new National Coalition for Land Reform. The chief goal of this organization, as expressed in its statement of aims, is to achieve a "more equitable distribution of land in rural America." I support that goal, Mr. President, and I know of no issue of greater importance in rural America today than the maldistribution of our land.

All too often when we talk about economics in this country we concentrate on, as Ralph Nader calls it, the "paper economy," symbolized by checks, credit cards, and stock certificates. We forget about the "real wealth" of America—which lies in the land. Mr. President, it is not too late to prevent the monopolists and speculators from taking control of

America's greatest national treasure, the land itself. But we have got to act now.

We have got to develop a national land policy that considers people, not corporate profits, as its highest priority. To begin, Mr. President, we must make small-scale farming economically viable so that we can stop the tragic outmigration from rural America to our already overcrowded cities. In fact, Mr. President, we have got to reverse that trend and give the economicaly disadvantaged the access to productive land ownership. This does not involve any handouts. It simply means that we have got to stop subsidizing the unnatural bigness in agriculture which so many now deem inevitable. Bigness is only inevitable. If we continue subsidizing it. We subsidize the corporation of American agriculture by Federal tax laws that encourage tax loss and hobby farms and land speculators. We subsidize bigness in agriculture through our labor and immigration laws which provide giant corporations with a constant source of cheap labor. We subsidize bigness in agriculture through a multibillion dollar farm payment program, almost half of which goes to giant agribusinesses. We subsidize bigness in agriculture through a public research lab—the land-grant college system—which too often primarily serves agribusiness. And we subsidize bigness in agriculture through a billion dollar water subsidy which many corporations receive through irrigation water while violating the law limiting such land ownership to 160 acres.

Mr. President, if these giant corporations are so efficient why is it that the taxpayer has to continue subsidizing them? The fact is that they are not efficient—except in tapping the Federal Treasury.

The principles behind our national land policy ought to be that land should belong to those who work and live on it, and that landholdings should be of reasonable size. These are not radical proposals, Mr. President. They have been recognized since the days of Thomas Jefferson and the Congress has seen fit to base legislation in the form of the Homestead and Reclamation Acts on these principles.

The case for land reform is a strong one. We have got to put an end to the cycle of overcrowding, unemployment, welfare, and crime in the cities. We have got to revitalize a dying rural America. And we have got to protect resources that are not infinite. In the process we can create a new generation of free Americans by making economic democracy a reality in this country. Too many people, whether they work for Government or corporate bureaucracies, feel they have no power over their own lives. We have got to give them the opportunity to change that, Mr. President, and access to productive land ownership is one way to do that.

Land is unique among other sources of wealth in this country. It is a national resource, and it is not unlimited. We have got to protect it and make sure that its use is for the benefit of all Americans, not just a powerful few.

I endorse the goals of the National Coalition for Land Reform. In particular, these goals are:

Enforcement of acreage limitations.

Application of antitrust laws to agriculture.

Re-structuring of tax laws and subsidies to favor working farmers rather than large land owners and spectulators.

New laws enabling rural Americans to acquire a proprietary interest in their local economies.

Mr. President, I ask unanimous consent that the coalition's full statement of aims be printed in the RECORD, along with the announcement of the coalition's formation and a coalition statement entitled "Land, Jobs, and Ecological Survival." I also ask unanimous consent to have printed in the RECORD an article on land reform, written by Mr. Peter Barnes for the December issue of the New Democrat.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NEW NATIONAL ORGANIZATION TO WORK FOR LAND REDISTRIBUTION

The National Coalition for Land Reform will hold a press conference at 9:30 am Thursday, December 2, 1971, in the California Room (mezzanine) of the San Franciscan Hotel, 8th and Market Streets, San Francisco. Speaking for the NCLR will be Robert Browne, director, Black Economic Research Center, New York; Berge Bulbulian, small farmer, Sanger, California; David Talamonte, director of the Tri-County Economic Development Foundation; Sheldon Greene, general counsel for the California Rural Legal Assistance Foundation; and Dr. Gerald Meral, West Coast director of the Environmental Defense Fund. Mr. Browne will speak about the needs of black sharecroppers in the South. Mr. Bulbulian will discuss the plight of small farmers being squeezed by giant corporations. Mr. Talamonte will discuss the efforts of Mexican-American farm workers to acquire land. Dr. Meral will speak about the environmentalists' concern for prudent rural land use.

SAN FRANCISCO.—A small farmer, a black economist, an organizer of a Mexican-American cooperative and an environmentalist today announced the formation of a new National Coalition for Land Reform.

The chief aim of the new organization is to bring about a more equitable distribution of land, wealth and power in rural areas. To this end the Coalition will oppose present policies which favor large land-owners and corporations, and seek new policies making land available to those who work and live on it.

Berge Bulbulian, a small grape grower from Sanger, California, said the new coalition represents the first time in American history that blacks, chicanos and whites have joined in a common effort to promote a democratic distribution of rural land.

Present government policies, Bulbulian said, are well symbolized by President Nixon's nomination of Earl L. Butz, a director of several agribusiness corporations, to be Secretary of Agriculture. These policies aid large agribusiness corporations at the expense of working farmers, force millions of rural Americans into overcrowded cities, add to unemployment and welfare costs, and lead to a kind of feudal society in rural areas.

The increasing concentration of land in the hands of giant corporations is particularly noticeable in California, Bulbulian said. Here, according to a report last year by the University of California Agricultural Extension Service, more than 3½ million acres of farmland are controlled by only 45 corporations. Some of these corporations, such as Tenneco, Standard Oil and the Southern Pacific Railroad, hold hundreds of thousands of acres, often in violation of the law. They have large outside sources of income and receive enormous subsidies and tax breaks against which the small farmer cannot compete.

These corporate landholdings, Bulbulian said, should be broken up and redistributed to working farmers. In particular, the 160-acre limitation of the 1902 Reclamation Act should be enforced.

Robert Browne, director of the Black Economic Research Center in New York City, noted that the acreage operated by blacks in the South declined by 40 percent during 1950–1964. Most of these dispossessed tenant farmers and sharecroppers migrated to northern ghettos, where few opportunities awaited them. And the migration is still going on.

"It is of utmost importance that these descendants of slaves, these families which have never owned anything of substance since their arrival in North America hundreds of years ago, be afforded a means to acquire land and to enjoy a modest degree of security," Browne said. "A legacy of dependence, whether on plantation masters or federal doles, is not a sound basis for self-respect."

Browne advocated a revival of the concept of the Homestead Act and the transference of land to blacks through a rural land bank. "This would be a far more economical way to deal with rural poverty than is welfare. It is certainly cheaper than continued migration with its incalculable costs in human and urban deterioration."

David Talamonte, director of the Tri-County Economic Development Foundation, which is organizing a farm workers' cooperative near Modesto, California, said farmworkers through cooperatives should be enabled to own the land on which they work.

"Farm workers know as well as anybody how to farm the land. They have been doing it for years. There is no reason that the profits from farming should go to large landowners and corporations, while those who actually do the labor receive wages of $2 an hour or less, and must go on welfare for many months of the year." He cited the growth of the *Cooperativa Campesina* in Watsonville, composed of former farmworkers and sharecroppers who are now joint owners of a highly successful strawberry-growing enterprise.

Sheldon Greene, general counsel of California Rural Legal Assistance and legal adviser to the new coalition, pointed out that land monopoly has long been considered a grave impediment to democracy and social justice in America. A century ago, he noted, the San Francisco *Chronicle* loudly condemned the "atrocious villainy" through which land monopolists in California accumulated vast empires, while thousands of industrious settlers were denied homesteads. Thanks to numerous government subsidies and the failure to enforce anti-monopoly laws, landholding patterns in California today are almost as bad as they were a hundred years ago, Greene said. Variable acreage limitations should be established for different crops, he contended, and an excess land tax imposed.

Dr. Gerald Meral, a zoologist who heads the West Coast office of the Environmental Defense Fund, noted that large-scale agribusiness and big corporate land developers are prime contributors to the environmental crisis. "Environmentalists must join hands with working farmers and the rural poor to put an end to corporate exploitation of land," Meral said. "We have a common interest in controlling suburban sprawl, preserving open spaces, and making prudent use of land, water and other diminishing natural resources."

The new coalition presently has offices on the East and West coasts and hopes to open others in the South and Midwest. It will work closely with public officials, labor unions, minorities, environmentalists, small farmer organizations, students, consumers and public interest groups in building a nationwide lobby for land reform and prudent rural land use.

STATEMENT OF AIMS

The National Coalition for Land Reform brings together citizens and organizations from all sections of the country who recognize the need for a more equitable distribution of land in rural America.

Coalition members believe that ownership of land by those who work and live on it is the key to alleviating rural poverty, easing urban overcrowding, reducing welfare costs and unemployment, protecting the rural environment, and building a stronger democracy.

Through educational, legal and political action, the NCLR seeks to—

Assure existing small farmers a fair return, and increase the number of self-employed farmers.

Encourage agricultural cooperatives.

Combat corporate feudalism.

Make government and financial institutions more responsive to working farmers and the rural poor.

Promote small-town businesses and rural economic development under local control.

Preserve open spaces and diminish use of toxic chemicals.

In particular, the NCLR seeks—

Enforcement of acreage limitations.

Application of antitrust laws to agriculture.

Re-structuring of tax laws and subsidies to favor working farmers rather than large land owners and speculators.

New laws enabling rural Americans to acquire a proprietary interest in their local economies.

LAND, JOBS, AND ECOLOGICAL SURVIVAL

(Some selected quotes)

Thomas Jefferson: "The small land holders are the most precious part of a state."

Homestead Act, 1862: "No individual shall be permitted to acquire title to more than one quarter section [160 acres]."

F. H. Newell, first director of the U.S. Reclamation Service: "The purpose of the Reclamation Act is not to irrigate the land which now belongs to large corporations, or even to small ones, it is not to make these men wealthy, but it is to bring about a condition whereby that land shall be put into the hands of the small owner, whereby the man with a family can get enough good land to support that family, to become a good citizen, and to have all the comforts and necessities which rightfully belong to an American citizen."

Oren Lee Staley, president, National Farmers Organization: "The farmhouse lights are going out all over America. And every time a light goes out, this country is losing something. It is losing the precious skills of a family farm system that has given this country unbounded wealth. And it is losing free men."

Nick Kotz, Washington Post, Oct. 5, 1971: "The domination of what is left of rural America by agribusiness corporations is not only accelerating the migration patterns of recent decades, but raises the spectre of a kind of 20th century agricultural feudalism in the culture that remains."

Geoffrey Faux, director, Center for Community Economic Development: "Unequal distribution of land and resources under a largely absentee ownership . . . renders helpless not just the poor, but all parts of rural society. Even where skillful men of good intent lead a local government, they cannot make the changes needed because rural communities themselves are in bondage to corporate powers. And it is not in the nature of things for International Paper to tax itself for better housing in Maine, or for Georgia Pacific to concern itself with schools in Harlan County, Kentucky, or for St. Regis to worry about poor black sharecroppers in Jefferson County, Mississippi."

Report of the President's Commission on Rural Poverty, 1967: "The problems of rural America and central city America are closely linked through migration. . . . The senseless piling up of refugees from rural America in our central cities provides no solution to the problems of rural areas or of the cities."

Woodrow L. Ginsberg, Center for Community Change: "When tens of thousands of scientists and skilled engineers [at Lockheed] were threatened with loss of jobs, a host of industrialists, bankers and others besieged Congress for large-scale loans and special legislation. But when even larger numbers of workers are threatened with loss of jobs in agriculture, scarcely a voice is raised."

Barry Commoner, director, Center for the Biology of Natural Systems: "Agribusiness is founded on several technological developments, chiefly farm machinery, genetically controlled plant varieties, feedlots, inorganic fertilizers (especially nitrogen), and synthetic pesticides. But much of the new technology has been an ecological disaster; agribusiness is a main contributor to the environmental crisis."

Victor K. Ray, National Farmers Union: "In Colorado, cattle feeding has been taken away from family farmers. It is now a corporate operation, controlled by packers. In the Denver area they skillfully maneuvered the market price downward from 29 to 21 cents a pound, thereby putting independent feeders out of business. Did the consumer get the benefit of these lower prices? Not at all. The price of beef in the supermarkets never went down. Indeed, on some days when the price of cattle fell the most, the price of beef at the counter actually went up."

Ralph Nader: "What is happening to California is happening elsewhere in Florida, the Southwest, the Northwest, and other developing areas of our country. [It is] the utter disregard for the integrity of the land and its relationship to man by powerful corporate executives. . . . The uses of land resources throughout America must be brought under a working philosophy of trust, buttressed by fair, democratically enforced laws and far-sighted planning."

Peter Barnes, The New Republic, June 19, 1971: "Many citizens and public officials are coming to realize that rural America ought to be revived, cities salvaged, welfare rolls reduced, and they see that present policies aimed at achieving these objectives are not working. Environmentalists who for years have pointed to the dangers of intensive agriculture and the need for prudent rural land use, are finally getting an audience. The list of organizations that have recently urged vigorous enforcement of the 160-acre limitation [of the 1902 Reclamation Act] includes the AFL–CIO, the Sierra Club, Common Cause, the National Education Association, the Grange and the National Farmers Union. That's not enough to sweep Congress off its feet, but it's a good start."

[From the New Democrat, December 1971]

A NEW LANDOWNER

(By Peter Barnes)

Not long ago the Bureau of the Census published some disconcerting statistics. The number of poor Americans in 1970, it reported, was 25.5 million—more than the number in 1960. The incidence of poverty was particularly high in rural America, where 19 percent of farm families and 10 percent of non-farm families were earning less than $3,100 a year.

These statistics come as no surprise to anyone who has travelled through the small towns and backwaters of northern New England, Appalachia, central California or the South. Yet they should cause all of us—particularly Democrats—to sit up and take note.

We applauded the ringing promises of Lyndon Johnson to build a Great Society, and the pledge of Sargent Shriver to wipe out poverty by 1976. But something obviously went wrong—something more fundamental than the election of Richard Nixon. Despite billions spent by the federal government on social programs, despite the longest uninterrupted period of economic growth in America's history, very little new wealth trickled down to poor people, least of all to the rural poor.

What went wrong, or rather was wrong from the very beginning, was the basic assumption that poverty in affluent America is primarily a cultural, racial and geographic problem. This assumption underlay the various anti-poverty and regional development programs of the 1960s.

The failure of these programs makes unmistakable what should have been recognized long ago: that poverty in America is above all an economic problem, a result of flaws in the distributive system that prevent the nation's vast productive wealth from being equitably shared.

These flaws can perhaps be boiled down to a few short sentences: wealth in America flows to those who own capital and land, and to those who have economic power. Most poor Americans do not own anything that produces income, and are not employed in industries where labor unions have demanded a healthy slice of the economic pie. Hence they remain poor.

This analysis leads to an inescapable conclusion: if poverty in America is ever to be eliminated, there must be a fundamental restructuring of the economy so that ownership of land and capital, and power in the economic marketplace, are much more widely distributed.

Let's look again at rural America. Not only did poverty fail to disappear in the 1960s; the economic conditions necessary to make poverty disappear actually worsened. Thus, the number of independent farm owners decreased dramatically, while the accumulation of land by giant corporations markedly increased. By the end of the decade nearly 10 million persons had been economically driven from rural areas to the slums and barrios of our cities. Despite the rhetoric of the war on poverty, in other words, the total impact of federal policies in rural America was actually to create more poor citizens.

RURAL AMERICA

Tax laws, crop subsidies, water subsidies and labor policies also encouraged the emergence in some parts of the country of a form of social and economic organization that can only be described as corporate feudalism. This form of social organization, if allowed to persist and expand, will not only perpetuate a kind of serf-like status for millions of poor Americans. It will also hasten the demise of small town businesses and the rural middle class, remove control of rural communities from the communities themselves to far-off corporate board rooms, and generally preclude the revitalization of rural America along democratic lines.

What should the Democratic Party do? It should propose and seek enactment of a comprehensive program for land reform. The guiding principles behind this program should be these: land should belong to those who work and live on it; holdings should be of reasonable, not feudal proportions; and small-scale farming should be made economically viable.

These are not revolutionary concepts, nor are they alien to the Democratic Party. They are squarely in the tradition of Jefferson, Jackson, Bryan and Roosevelt. They were recognized in the Homestead and Reclamation Acts, and have been urged by the United States upon Japan, South Vietnam, and

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dozens of other nations in Asia and Latin America.

A comprehensive land reform program should include at least the following principal elements:

Enforcement of the 160-acre limitation in reclamation areas by federal purchase and resale of excess landholdings. Legislation to this effect has been introduced by Senator Fred Harris, Representatives Robert Kastenmeier, Jerome Waldie and others, and been endorsed by the AFL–CIO, the National Farmers Union, the Sierra Club, the National Education Association and Common Cause.

Establishment of appropriate acreage limitations for landholdings outside reclamation areas. The size of the acreage limitation would vary with the type of crop grown. All land owned or controlled by a single individual or corporation in excess of the appropriate acreage limitation would be subject to a federal excess land tax. Revenues from the excess land tax would be used to help poor persons acquire land.

Vigorous application of existing antitrust laws to agriculture and enactment of new laws barring vertically integrated conglomerates from engaging in farming.

Restructuring of tax laws and subsidies to favor small-scale rather than corporate farming.

Greatly increased credit and technical assistance for agricultural cooperatives.

New laws assuring small farmers and cooperatives a fair return for their labor and greater power in the economic marketplace.

The long-term benefits of land reform would be so enormous as to defy simple categorization. Racial tensions would be eased; urban overcrowding would be reduced; jobs would be preserved and created; welfare rolls would shrink; alienation of workers from their work would diminish; more citizens would enjoy economic independence; the environment would be protected and democracy strengthened.

Politically the issue of land reform can be a powerful asset to the Democratic Party. It can appeal to working farmers, urban labor, blacks, browns, young people and ecology-minded suburbanites. That is exactly the kind of coalition the party must put together if it is to be a progressive force in the 1970s.

JETS TO ISRAEL

Mr. GURNEY. Mr. President, I read with great interest the newspaper reports in the December 7, 1971, issue of the Washington Post indicating that the U.S. Government has agreed to deliver some 12 to 18 A–4 Skyhawk attack bombers by late 1972. This is encouraging news but it represents only a small step in the right direction. Israel needs jets now—not a year or two from now. And they need our supersonic F–4 Phantom jets—as well as more of the smaller, subsonic A–4 Skyhawks—if they are to hold their own against the increasingly belligerent posture of the Arab Nations, particularly Egypt.

Failure to provide Israel with military hardware adequate to meet the increasing threat will not reduce the possibility of war. Rather, if Egyptian President Anwar Sadat translates his recent statements into action, it can only make war more likely. It is becoming increasingly apparent that all the Arabs are waiting for is a sufficient military superiority—and they will decide what is sufficient—to crush Israel. We cannot permit such a brave and loyal friend—one who has had to constantly fight for its very survival—to suffer such a fate. Defeat would bring death and misery to the brave Israeli nation, and in the process, shame the United States for not living up to our stated intentions.

If we look briefly at the relative military capabilities of the Israelis and the Arabs, it becomes evident that the military balance of power is shifting toward the Arabs. Egypt, in particular, has received large shipments of Russian equipment including the new Mig–23 Foxbat, generally considered to be the best fighter aircraft in the world. According to a recent report published by the Institute of strategic studies in London, one which does not include the Communists most recent missile and aircraft deliveries, Egypt now has approximately 666 supersonic aircraft. Of these 200 are Mig–17 fighters, 110 are SU–7 fighter bombers, 200 are Mig–21C fighters, and 156 are Soviet-operated Mig–21J and Mig–23 attack planes. Against this, according to the report, Israel has but 147 first-line attack bombers—75 F–4 Phantoms and 72 subsonic A–4 Skyhawks—and 60 fighters—the French-built Mirage III's. Even if you add in the 75 overage French-built jet fighters, the 85 subsonic light attack planes and six reconnaissance jets, the unfavorable balance is far from redressed. One must consider that there are an estimated 416 Soviet-built jets in Syria, the Sudan, Iraq, and Algeria plus the Mirage jets presently being delivered to Libya. Looking at the overall air picture, we see that Israel has approximately 374 planes compared to 1,496 for all the Arab nations, an adverse ratio of precisely 4 to 1.

On the ground, the statistics are not much more encouraging from the Israeli standpoint. While the armed services of Egypt and Israel are roughly the same size, Israel has to deploy them on five borders while Egypt can mass her armies along the Suez Canal. Similarly, the Egyptians have more surface-to-air missiles, more tanks, and more artillery than Israel, and we cannot forget the estimated 20,000 Russian advisors in Egypt, including some 200 pilots, who stand ready to assist. In short, the only way the Israelis can compensate for their numerical deficiences in men and equipment is through air superiority and greater overall military efficiency. Israeli air superiority, once demonstrably evident, can no longer be taken for granted thanks to the Soviet Union. If the balance of power in the Midwest is to be maintained, it behooves us to make the Phantom jets that Israel needs available to her—and to do so quickly.

We often hear the argument that intangible factors—high morale, better training, stronger motivation—will enable Israel to overcome the disadvantages I have just outlined. If the situation were to remain static, perhaps such a thesis might have some validity, but the situation is anything but static. Every time Egypt receives more Russian equipment while the Israelis get nothing, it grows worse. One has to wonder just how far a nation can go on superior training, discipline, determination, and morale. Still, the "intangibles" argument is not entirely without merit, for the Israelis are determined to survive as a nation. They have the will to fight for their freedom; what they need is the military hardware necessary to do so effectively. By giving them the Phantom jets they desperately need, the United States not only honors its commitment to Israel but reaffirms its belief that a nation has a right to be free—a right to determine its own destiny independent of foreign intervention.

It is a clear case of doing what the President has previously suggested—helping nations who will help themselves. We are not being asked to send American troops into battle and we are not committing ourselves to fight another nation's war. That is not what the Israelis want from us. Furthermore, experience should have taught us something about the problems involved in trying to be the policeman of the world. By giving Israel the necessary hardware—without American troops—we can most effectively help restore the balance of power which is so essential to preserving the peace in the Middle East and laying the foundation for meaningful negotiations.

There are other powerful arguments for getting the Phantom Jets to Israel. First, if the Israelis come to feel reasonably secure, through restoration of the balance of power, then they will be able to be more, rather than less, flexible in any subsequent negotiations. It seems only logical to me that a nation will have a longer list of nonnegotiable positions when its very existence is being threatened. Second, the Arabs may come to realize that they will not be able to achieve the superiority they want, and will, therefore, be deterred from attacking and be more inclined to negotiate, and third, the Soviet Union might just recognize that shipping arms to the Mideast will not achieve the strategic gains they envision. We have seen previously that the Soviets are quite willing to replace lost equipment if it is in their interest; why should we doubt that they would be reluctant to sacrifice more equipment if, in the process, they believed they might dramatically increase their power and influence in the Mideast. They might think twice, though, about sinking more men, equipment, and advisers into the area if prospects for Arab success against a strong Israel looked bleak.

Let me suggest, in closing that the old bromide about "an ounce of prevention" is most appropriate to this situation. Our commitment to Israel is clear as is Israel's need for our Phantom jets. The Senate has previously recognized the urgency of the need and depth of our commitment. On May 26, 1970, 76 Senators wrote the Secretary of State about sending jets to Israel to maintain the balance of power. On July 30, 1970, 73 Senators wrote the President in a similar vein. Last October 15, 78 Senators introduced a resolution—No. 177—to the same effect, and on November 23 we passed, by an 82 to 14 vote, an amendment to the defense appropriations bill which provided for $500 million "to enable the President to finance sales, credit sales, and guaranteees of defense articles and defense services to Israel." Of this, $250 million was specifically earmarked for Phantom aircraft. Now we hear that a small shipment of jets will be sent to Israel late next year. This is a hopeful sign, but it is not enough and we must make clear that it is not enough. The freedom of Israel and the cause of peace in the Mideast and, indeed, in the world are at stake. We must act now—by allowing Israel to get the airplanes she needs—in order to fulfill our commitments to a free Israel and to world peace.

Israel has no desire to fight a war. But should war come, Israel is not asking for us to fight in it. Israel is merely asking for equipment which will allow them to remain free and help keep the peace. We must not only tell them yes, but we must tell them now.

WELFARE REFORM FACTS: WILL PRESIDENT NIXON ANSWER THIS LETTER?

Mr. HUMPHREY. Mr. President, I have recently received a copy of a thoughtful letter sent by Darryl Meyer, director of the Murray County Family Service Center in Slayton, Minn., to the President of the United States.

The letter points to one of the problems in the welfare reform debate that has concerned me—the lack of sound planning data. The fact is, Mr. President, that we do not completely know what the effects of various public assistance programs are on recipients. And we seldom have empirical data on which to base difficult policy decisions.

It is for this reason I am extremely pleased that the Joint Economic Committee's Fiscal Policy Subcommittee, of which I am a member, has begun an in-depth 2-year study of the interrelationship of public assistance programs. I eagerly look forward to guidance of this committee study. This is the kind of study that can provide answers to many of the questions raised by Mr. Meyer.

In the meantime, I do hope that the President will personally review Director Meyer's letter. Mr. Meyer's statement that "our country's haphazard approach to a problem that is killing the welfare system as certainly as if it were being deliberately planned" is so true.

I ask unanimous consent that the two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MURRAY COUNTY FAMILY
SERVICE CENTER,
Slayton, Minn., November 24, 1971.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: Attached is a copy of a letter which I felt compelled to write to the President. It does seem to me that it is time that this system quit its approach of trying to operate in something of a vacuum and rather become a part of the general community in which it exists.

Very truly yours,

DARRYL MEYER, *Director.*

MURRAY COUNTY FAMILY
SERVICE CENTER,
Slayton, Minn., November 24, 1971.

RICHARD M. NIXON,
President, U.S.A.,
White House,
Washington, D.C.

DEAR MR. NIXON: I am writing this letter out of frustration at continually seeing various political leaders, taxpayer organizations, and portions of the overall community continually berate the recipient of public assistance—usually the AFDC recipient. I become especially disturbed at seeing public officials degrade the assistance beneficiary, with the inference that "welfare problems" are people problems.

It would seem apparent that it is time to develop meaningful data correlating the effect of other systems' problems and other organization input upon the scope of the public welfare system.

I can find no data on the effect of various union strikes on their states' welfare cost. What will be the effect of the recent Supreme Court decision upholding the Oregon Court that a woman cannot be required to pursue necessary legal action to obtain support from a deserting father as an eligibility criteria for AFDC? What percentage of increases in public assistance expenditures are attributable to OEO outreach workers whose job is to instruct and direct persons in their right to assistance benefits? What forces are behind the perpetuation of the multitude of inequities in our myriad of public assistance programs?

Not only does the welfare system not have very good answers to these questions, but there is no attempt made to explain these things to the general public. From the individual county up through the federal system, I can see no effort at developing a pertinent public relations program or a method of obtaining community input which can be directed to some meaningful changes.

Perhaps because there are no nationwide responsibility standards for the public welfare agencies, there is also no explanation to the general community as to the responsibilities of the local welfare departments. There is little publicity as to the public agencies' responsibilities in the area of inebriacy, mental retardation, unwed parents, mental illness, child and adult protection, family and child-rearing problems, helping persons or families remain in their own homes through a variety of programs, or meaningful data on the persons in our society who are unable to compete in a work structure.

Veterans' organizations can freely broadcast and publicize that veterans' assistance is readily available to any veteran or his family in time of need. Our welfare system seems to have resigned itself to the position that when a veteran's disability extends beyond a few months, and the family applies for AFDC, they may then join the ranks of the "welfare chiselers" and our system allows this idea to perpetuate itself throughout the community. Also, it is not necesarry to perpetuate the reporting of much of the statistical trivia which is now being collected.

Public assistance beneficiaries may be financially "as well off" as has ever been the case; however, it is coming at ever increasing personal-value sacrifice. Our country's haphazard approach to a national problem, or problems, is killing the welfare system as certainly as if it were being deliberately planned.

As there is a rather sizable task force, in Washington, planning a federalized system, it appears that one of their major priorities should be the development of a meaningful data collections system and a correlated public relations and public information system. If this is not a part of any revised approach, the "poor" of this country will be in little better position than they are now.

Very truly yours,

DARYL MEYER, *Director.*

ISRAEL'S DEFENSE CAPABILITIES

Mr. HUMPHREY. Mr. President, since the official announcement that the United States has decided to deliver 12 to 18 Skyhawk jets to Israel, all the public pressure for delivery of Phantom jets has dissipated. While I find this latest announcement encouraging, it in no way affects the original request of 78 Senators that the United States resume deliveries of Phantom jets to Israel. It in no way is an affirmative response to the amendment which specifically appropriated funds earmarked for Phantom jets, an amendment which 82 Senators supported.

I have become accustomed to Nixonian silence in the past and have been reassured by its proponents that really what we are seeing is a careful strategy of building world peace. Well, Mr. President, I maintain that under the veil of silence is confusion, ambiguity, and contradiction.

The President has offered no reasonable explanation for the delay in deliveries. I am not even sure the President has read his own "doctrine" in foreign policy, for if he had he would certainly realize that Israel's request is based on her desire to become self-reliant. With the additional Phantom jets Israel will secure her defense capabilities in case of an attack. By filling that request, the United States will be securing a military balance in the Middle East and providing Israel with the necessary force she needs to defend herself. The delivery of military supplies and especially the Phantom jets should not and need not be a matter of periodic controversy and news spectaculars. Our policy requires continuity and steadfastness. To act in any other manner, is to increase the anxiety and promote instability and uncertainty.

If the dogma of self-help has any relevance, I would think that its high priest would endorse it. I call up the President to announce the resumption of Phantom jet deliveries to Israel. Mr. President, I ask unanimous consent that an interesting article from the Baltimore Sun on Israel's defense requirements and military status be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GUNS "MADE IN ISRAEL" NOW COVER THE SUEZ
(By Stanley A. Blumberg)

JERUSALEM.—The Dove of Peace hovers uncertainly over this Holy city. Part of what sustains it is that Israel has learned to produce its own arms and weapons of war.

Prior to the Six Day War, the Israeli defense forces depended on imported arms. Why not? Certainly their staunch ally, France, would fulfil its contractual obligations to deliver the Mystere and Mirage planes. And truly England would continue to sell Israel its Centaur tank, and the United States would supply cannon and electronic equipment, in some cases via West Germany. Why worry?

A series of crises preceding the Six Day War demonstrated how wrong Israel could be. Charles de Gaulle, miffed when Israel ignored his order not to move unless invaded, decreed an embargo on planes purchased and paid for. Then the United Kingdom fudged on its promise to sell the Centaur, and Washington turned reluctant to contribute to the arms race. On the other side, the Russians demonstrated the courage of their clients' aggressive intent. Weapons in seemingly unlimited quantities were delivered to Egypt, so the Israeli problem turned urgent.

As a result of the Six Day War, to be sure, the military position was temporarily im-

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proved. Prior to the war Israel had only minimal military transport. But, when action began, her soldiers were transported to the battle areas by civilian trucks. Many a grocer and butcher surrendered his lorry to the army for the duration of the campaign. Then hundreds of captured Russian and Czech trucks came to hand. Abandoned Russian armor of high quality was modified and adopted for Israeli needs, then it became part of the country's arsenal.

Still, this hard-won advantage in military hardware was makeshift and of short duration. Before the last cannon had cooled, before the last Egyptian body in the Sinai had been buried, before the rust could oxidize the armor destroyed in the desert, the Soviets re-equipped the Egyptian army and air force. Considering the new chill by Israel's own military suppliers, national security itself seemed threatened.

The cabinet quickly responded with two basic decisions. One, this small, still developing country of two and one half million would design and produce all weapons from missiles to planes necessary for its defense. They would build from scratch a military-industrial complex. During the perilous transition period, too, they would attempt to purchase weapons necessary to correct the military imbalance. The French embargo was firm, the English refused to sell Israel its Centaur tank. So the United States became Israel's prime and sole source of planes and sophisticated electronic equipment. There have been few occasions when a whole people was so dedicated to insuring its own defense. The building of weapons became a blueprint for survival.

To what extent have the Israelis succeeded, and how does this activity affect the chances of peace?

It can be deduced from current knowledge that Israel is approaching but has not reached a state of military self-sufficiency. It is estimated that over 25 per cent of her production is now devoted to defense or defense-related equipment. Her growing exports of metal products and high quality electronic equipment demonstrate an increasing capability in these fields. After Israel liberated her French-built fleet from French shipyards, the boats were outfitted in Haifa, meaning they were equipped with missiles and electronic gear, designed and built in Israel.

Beyond that the New York *Times* reported that Israel is developing a two-stage solid fuel missile with a range of 300 to 500 miles capable of carrying a nuclear warhead. It is known as the Jericho. The Israeli aircraft industry has designed and built a fighter plane, modeled after the French Mystere, but larger. How close the craft is to the production line is classified information.

Israel's increasingly independent military capability enables her, to a degree, to stand firm against pressures exerted by a well-meaning American Secretary of State, but her independence is not complete. She still needs the Phantom Jets for military defense and also as a political symbol of America's support.

Moshe Dayan warned that the American policy of denying Israel the planes it needs is encouraging the Arabs to war. This policy, he adds, "is giving the Arabs the impression that we are getting weaker." However, he went on, in case of renewed fighting the Arabs would suffer a "defeat worse than those they have suffered in the past—despite Soviet intervention on their behalf."

It is believed here that the chances for renewed hostility in the near future are slight, despite the martial noises from Egypt. The possibility of peace would improve still further if Sadat were convinced that the Nixon administration could no longer be persuaded into applying pressures on Israel.

INDIAN HOUSING IN OKLAHOMA

Mr. BELLMON. Mr. President, among the many critical problems facing American Indians is the lack of adequate housing. In my home State of Oklahoma, progress is being made to improve housing conditions for a large number of Indian families through the implementation of various public housing programs.

One of the most impressive of these programs is the turnkey mutual-help housing program in which the family supplies the land and labor and the Federal Government provides financial assistance.

An article in the August-September issue of the Journal of Housing reports on the successes being made by the Five Civilized Tribes of Oklahoma. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OKLAHOMA'S "FIVE TRIBES" INDIANS ARE IMPROVING THEIR LIVING CONDITIONS THROUGH PUBLIC HOUSING

(By G. Ronald Peake, Chief, Division of Housing Assistance, Bureau of Indian Affairs, Department of Interior, Washington, D.C.)

One of the most advanced public housing undertakings for American Indians—yet typical, with variations, of what is going on in other tribal communities—is the program being carried on by what are known as the "five civilized tribes" of Oklahoma. The tribal designation is historically derived, going back nearly 150 years, and refers to the Choctaw, Cherokee, Creek, Chickasaw, and Seminole nations. A century and a half ago these peoples occupied the eastern and southeastern parts of the country and had developed their own systems of tribal government and a cohesive culture and society—hence, the term "civilized."

But the white man moved into their homelands and pushed them out. Their pleas for protection were heeded by President Andrew Jackson and legislation was enacted for their relocation westward on territorial land in what is now Oklahoma. In the 1830's and 1840's, although some pockets of the tribes remained in the east, most of the members moved in a mass migration, along what is remembered now as the "trail of tears."

Fifty years later, with the opening of the Oklahoma territory to settlement, the white man, again, caught up with them, and, again, began to take over the land. Under an allotment law, title of certain lands was awarded to the five tribes, most of it in individual family holdings rather than as a tribal domain. Unlike most Indian tribes who live in defined reservation or treaty areas, the members of the five tribes are to a large extent intermixed among the general non-Indian population of the state. While the larger number is in rural or small town areas, frequently in ethnic colonies or communities, many live and work in the cities as a part of the general urban population.

Nonetheless, the tribes and their members retain their historic identity and hold a special status. The tribal laws governing the members are incorporated in the laws of the State of Oklahoma and the chief of each tribe, formerly appointed by the President, is now elected. The tribal members, like other Indians, are beneficiaries of the educational, health, training, and other services and assistance extended through the Bureau of Indian Affairs. Although many are dispersed, the members foregather for tribal meetings and ceremonial and cultural affairs and carry on common functions through the tribal structure.

Many of the individual members have been able to achieve positions of success and prominence. As a result of oncoming generations and changes in land tenure, many now are landless and a majority have suffered severe disadvantage in the white man's society. One of the manifestations of this situation has been the substandard and often wretched housing conditions under which they live.

It was to correct this basic condition that the leaders of the "five tribes" turned to the newly developing public housing program for Indians. Since each of the five tribes is a separate governing and social entity, each acted through its own authorities, but along parallel lines.

MAKING PUBLIC HOUSING WORK

The public housing approach began on June 18, 1965, with the passage of the Oklahoma Housing Authorities Act. This act provided for the creation of housing authorities for each Indian tribe, band, or nation, under the sponsorship of the tribal governing councils.

Immediately after passage of the act, each of the tribes, with the assistance of the BIA, began to take steps toward creating housing authorities. The Choctaw, Cherokee, and Creek nations completed organization of their housing authorities in 1965 and the Chickasaw and Seminole nations in 1966.

Under the housing authorities act, five persons are appointed as commissioners of an authority by the chief or other governing head of an Indian tribe, band, or nation, with the regular term of office for each commissioner set at three years. A chairman and vice-chairman are elected from among the commissioners of the authority.

As part of the organization work, the housing needs for the tribal nations were estimated by using United States census data and surveys that had been made by various government agencies during the past few years. It was appalling to find that 10,222 Indian families from a total of 15,893 residing in the "five civilized tribes" area were in need of a safe, decent, and sanitary home that might eventually come from one of the various housing programs offered by the Department of Housing and Urban Development. In addition to the large number of new homes needed, it was determined that another 2028 families were in dire need of loans or grants to make necessary home repairs and renovations.

Upon completion of the organization period, community meetings were scheduled in large numbers throughout the "five civilized tribes" area. The meetings proved to be of great value in initiating the program and ascertaining the types of projects that would be most needed by qualified and interested families.

The major HUD programs in which the tribes are participating are financed under the United States Housing Act of 1937, as amended.

The conventional low-rent housing program makes it possible for the tribal authorities to borrow money and construct rental housing on sites approved by HUD, the United States Public Health Service, and BIA. Under the conventional program, the five tribes have a total of 30 projects (1104 units) under various stages of development. Of this total, 11 projects (245 units) have been completed and are now under occupancy.

Two of the low-rent projects being sponsored by the Chickasaw tribe are designed for the elderly and will be built as high-rise projects within the cities of Ardmore and Pauls Valley. Most other tribes are considering projects for the elderly in the near future.

Another HUD program the tribal housing authorities are participating in is the Section 23 leased housing program. The Chickasaw and Seminole housing authorities have developed programs within their nations involving a total of 500 individual homes and other types of rental units located on scattered sites in the various towns and communities. The units are leased from local owners on a long-term contract basis and, generally speaking, the units have been renovated or repaired to meet requirements and standards of the housing authorities.

MUTUAL HELP PROGRAM

The most popular program being utilized by the tribes is the turnkey mutual-help housing program, which is administered under a joint agreement with the housing authorities, HUD, the Indian division of PHS, and BIA. Under this program, the participant family furnishes the land on which to construct a house and about 500 hours of labor in the construction. HUD, through the Indian housing authority, provides the financial assistance for a turnkey contract, furnishing all materials and labor beyond the abilities of the participant family. As part of the contract, which is between the housing authority and the developer, the family is obligated to furnish the required labor directly to the developer. On completion of the homes, the participant receives a certification of his labor contribution, which, together with the value of the site, provides for an equity totalling $1500 for the family at the time of occupancy.

The participant pays a rent based on the family income, with certain deductions authorized, with the annual contribution from HUD making up the difference between rent and economic cost. This rental payment continues until the end of the federal indebtedness, whereupon the occupant acquires homeownership. Regular monthly payments cover the costs of insurance, administration expenses, and equity payments. Additional equity payments may be made voluntarily at any time by the participant.

Following is a table showing the status of the mutual-help housing program in the "five civilized tribes" area of Oklahoma:

Tribe	Fiscal year 1972 allocation	Under or nearing construction	Completed and occupied	Total
Cherokee	306	675	255	1,236
Choctaw	300	308	330	938
Creek	100	190	97	387
Chickasaw	100	414	106	620
Seminole	0	171	79	250
Total	806	1,758	867	3,431

INDIAN HOUSING—A LONG-IGNORED NEED

Probably the most neglected of the serious housing needs in the country over the years has been that of the American Indians. Although as a special group, the Indians have had federal services extended through the Bureau of Indian Affairs, they have not, as have other minority and ethnic groups, been beneficiaries of government low-income housing programs until the past decade. At the same time, the shockingly low housing standards under which many Indians live have crippled educational, occupational, medical, and other programs extended for their improvement.

Today a growing public housing program is being carried out by 106 Indian housing authorities and is making major changes in the housing conditions of Indians throughout the country. By the end of the calendar year 1970, 16,300 public housing units had been approved for Indian communities, with 6,250 of them completed and occupied.

The program originated in 1961 when the Ogiala-Sioux tribe at Pine Ridge, South Dakota, reminded the new President, John F. Kennedy, of his campaign promise to do something about the "shameful" housing conditions among the Indians (see 1964 Journal, No. 3, pages 124–131). The result was a three-way conference between the Public Housing Administration (now part of HUD), the Bureau of Indian Affairs, and the United States Public Health Service to develop a joint program to provide the housing, the services, and the community facilities that the Indians needed.

The public housing program that was devised, under the then Public Housing Commissioner Marie C. McGuire was based on a determination that the Indian tribes, under which most of the Indians are governed, were in fact public corporate bodies with the powers necessary to establish a public housing authority and carry out a program, in the same manner as a municipality. Such authorities are now carrying on public housing programs for both reservation and non-reservation Indian tribes in 26 states, stretching from Maine and Florida to California and Alaska.

MUTUAL HELP

But even with the public housing subsidy, the poverty of many of the Indians in terms of money was such that they could not afford even the minimal payment of public housing. To serve the most needy, a new method of public housing was developed—the mutual help program—and this method has been used for more than half of the Indian public housing thus far. The mutual help program was based on the fact that, though the Indians lacked money, they had labor to offer and in many cases land. The program, therefore, combined the labor of the Indians in building the house, the land and sometimes the materials made available by the tribe, the technical assistance from the Bureau of Indian Affairs, and the sewer and water facilities furnished to the point where the public housing subsidy would be sufficient with only a minimal tenant payment to amortize the cost in 25 years. As a further incentive to the Indian family to make its maximum contribution in labor, upkeep, and care of the house, the family was made eligible to acquire ownership of the house when the debt was paid off.

For those who had the means, conventional public housing, and more recently the Turnkey III procedure, have been used. For a small proportion of such families, financing under the Veterans Administration, the Federal Housing Administration, and the Farmers Home Administration programs has also provided the answer for the large number of Indians with extremely low incomes. An account of how this has worked among the Pueblo tribes in New Mexico was carried in the No. 1 Journal, pages 30–33, and a report on another well advanced program in Oklahoma is given in this issue in the accompanying account by G. Ronald Peake.

When the new Indian public housing program was finally worked out in 1961, the Ogiala-Sioux tribe that started it all was the first to use it in a pilot of 50 units. They have since tripled their program. Within five years the number of units approved for Indian housing authorities reached 3800; in another five years, by the end of 1970, the number had increased fourfold to 16,300.

WHAT'S NEEDED

But what has been done meets only a fraction of what is needed. Currently pending with HUD are applications from Indian authorities for an additional 12,600 units; a BIA 1970 survey reported that 50,000 new units will be needed to provide standard housing for the 95,000 Indian families in the country.

THE HEALTH OF OUR GOVERNMENT AND OUR SOCIETY

Mr. ALLOTT. Mr. President, the December issue of Fortune contains two wise and timely articles which should be required reading for all Americans who are concerned about the health of our Government and our society—and who can distinguish between the two.

One article is by Max Ways, a member of the Fortune board of editors, and is entitled "It Isn't A Sick Society." The other article is by Prof. Robert H. Bork of the Yale Law School. Professor Bork's article is entitled "We Suddenly Feel that Law is Vulnerable."

Mr. Ways argues that American society is more healthy than our numerous critics realize. Professor Bork argues that one part of our public life—the law—is more vulnerable and weak than most people realize.

These articles are not contradictory. In fact, they complement each other very well indeed, and both—but especially Professor Bork's article—help explain why it is imperative that men of Mr. William H. Rehnquist's caliber and persuasion should serve on the Supreme Court.

Mr. Ways believes that the cacophony of strident criticism of American society indicates that we are suffering from "a subjective disease, social hypochondria." We have achieved so much that our expectations have become fevered; the more we accomplish the more we are supposed to accomplish, and the more our shortcomings are viewed as grave moral failures.

As Professor Ways says:

The idea of revolution, especially as developed in the French habit of thought, looks toward a postrevolutionary tidying up, a consolidation, a new and stable order. On the other hand, the process exemplified by the U.S. in recent decades does not allow for that "logical" sequence. We have plunged into changes that, in turn, urgently require other changes—in laws, in political forms, in life styles, in education. And these "consolidations" immediately generate the need for still more changes. We have to do our tidying up, our consolidation, as we go along. We can look forward to no point of rest, where we can say that the period of stress and change is over and we can settle down amid new and better fixed institutions.

Faced with the need for the concurrent, rather than the consecutive, handling of change and consolidation, the U.S. frequently fails to keep its action in phase. Friction and frustration result. Perhaps a high incidence of these will turn out to be the normal, healthy condition of a society moving in the direction of greater freedom, diversity, and individuality. A man who is running hard has a higher pulse and respiration rate than one who is walking. But in the circumstances the higher rates do not necessarily indicate abnormality or "sickness."

In addition, Mr. Ways argues persuasively that many of our failings result not from moral callousness, lassitude, but rather from our carelessness about institutional niceties. That is, we use the Government for purposes that it is not well suited to serve, and we use parts of the Government—such as regulatory agencies and courts—to do things which, even if they should be done at all by

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Government, should not be done by those institutions of the Government.

And this is where Professor Bork's article is especially relevant. Professor Bork's theme is this:

Law has entered upon troubled times. Along with the other major institutions of Western culture, it is beset by malaise and self-doubt. Seeming strength and sensed weakness combine in an uneasy blend. It is a time when the law lays claim to broad new domains of human life, yet the prestigious Association of the Bar of the City of New York feels impelled to stage a major symposium on the question, "Is Law Dead?" It is a time when young men and women are turning to legal careers in greater numbers than ever before, and when law students are less sure than ever before that their studies have meaning. It is a time when thoughtful men are concerned as rarely before with the need to uphold law against violence, and when scholars can maintain in public that it is wrong to try men for political murder. We look apprehensively toward a future in which the nature of law and its role in our affairs will have altered in ways now almost impossible to discern. We suddenly feel that law is vulnerable.

Mr. President, I am particularly impressed by the connection Professor Bork establishes between the problems of the law and the policy of the Supreme Court during the tenure of Chief Justice Earl Warren. Professor Bork says:

One aspect of our unease may derive from our tendency to use law too much, to view it as an infinitely expansible carrier of social policy and norms. Law is not an implement that can be turned to any purpose. It has enormous capabilities, but when we ignore its limitations we damage law and place in peril the benefits it can confer. Law is now in serious danger of overreaching its capabilities, and may in fact already have done so. This is an ominous development, both as a symptom of social decay and as a likely cause of further deterioration in the social fabric.

We have also damaged law, and created disrespect for it, through our failure to observe the distinction, essential to a democracy, between judges and legislators. The era of the Warren Court was, in my opinion, deeply harmful to the prestige of law. There are many who insist that, as a direct result of the Warren Court's reformist drive, the prestige of law has never been higher. They point to the greatly increased numbers of young people entering law as evidence. The admirers of the Warren Court, however, are less in love with law than with power, power to produce results they like. Implicit in the idea of judge-made constitutional law are the ideals of adherence to general rules, of consistency, and of intellectual rigor. These were qualities in short supply in the Warren Court's record. If that Court did indeed inspire the young, it taught them to confuse the desirability of ends with the legitimacy of means, perhaps to confuse the idea of law and the fact of power.

Mr. President, those who favor the trends Professor Bork deplores are now deploring Mr. Rehnquist. They are aligning themselves with a doctrine of judicial activism—not to say judicial frantiqueness—which has never had a substantial theoretical justification, and which has been thoroughly discredited by the results of its application.

I would urge all Senators to pay special attention to these of Professor Bork's words:

We need more thought and greater sophistication about the kinds of issues and decisions that can profitably be referred to formal legal processes and the kinds that ought to be left to other processes. We are beginning to see that there are areas in which a government of men rather than of laws is to be preferred. Sometimes, as in the case of employment discrimination, we may be willing to pay the costs that the use of law entails, but then we should be skillful enough to frame the criteria in ways that law can handle. We must remember that law is a blunt instrument, and that we cannot use it effectively if we assign it tasks requiring a scalpel.

A NEED FOR LAISSEZ FAIRE

Law in our society is overextended in yet another sense. We have pushed too many policies that are too complex into the courts. In judicial institutions as in economic units, there are problems of economies of scale, problems of optimal size and work load. The principle that some specialization is essential to effective work cannot be overlooked. No other nation thrusts as many policy issues upon its courts as do we. In such varied aspects of life as antitrust, labor relations, rules governing elections, entitlement to government benefits, and criminal-law procedures courts are confronted with major substantive issues left unresolved by other branches of government. As a result, American courts are overloaded with broad and profound questions of economics, sociology, political philosophy, criminology, and so on and on. They do not, it must be said in all candor, handle these questions very well. Very often they do not handle them even passably. That is not surprising. No man or group of men can deal effectively with such a range of subjects. The result is that over the decades there has been a marked decline in judicial performance, and complex social policies are being deformed or rendered simplistic in the very process of their application. The two fields that I know best, antitrust law and constitutional law, are in states of intellectual chaos. My colleagues tell me that their fields of interest are in no better condition.

The lesson may be that a society cannot afford too many complex social policies, that some large admixture of laissez faire is required simply because regulation that might ideally be preferable will in fact, because of our inability to apply it without deforming it, turn out to be worse. Or perhaps the moral is that we must require legislatures to spell out their policies with considerably greater precision and specification than we now expect. In a society where customary modes of doing things are trusted, legislators can leave the detailed working out of policies to administrators, but that is no longer our case. And if we insist upon judicial participation in the application of policies, we must protect the judiciary by also insisting that legislators provide more guidance.

As Professor Bork makes clear, Mr. Rehnquist will find kindred spirits in the current Court:

The present Chief Justice, Warren Burger, appears to be fully aware of the dangers of the misuse of courts. He has publicly worried that efforts to use law to bring about social change have been "creating expectations that are beyond fulfillment." He has warned: "Young people who decide to go into the law primarily on the theory that they can change the world by litigation in the courts I think may be in for some disappointments. . . . That is not the route by which basic changes in a country like ours should be made. That is a legislative and policy process, part of the political process. And there is a very limited role for courts in this respect."

A PARTICULAR KIND MAY DIE

The Supreme Court, however, may not find it easy to draw back from the activist, legislative pattern of the Warren years. The habit of bringing to the Court claims that belong in the political arena is not the less powerful because it is deeply illegitimate. Various kinds of claims are working their way through the judicial system, and the Supreme Court may ultimately have to face them—suits seeking judicial determination of abortion statutes, the death penalty, environmental issues, the rights of women, the Vietnam war. The Court should refer many of these issues to the political process, even though that will anger groups who have been taught to hope for easier, more authoritarian solutions.

Mr. President, so that all Senators can profit from these wise articles, and so that they can have something instructive to read while the Senate waits for the opportunity to confirm Mr. Rehnquist, I ask unanimous consent that these articles be printed in the RECORD.

Mr. President, there is a third important article that should be considered by those of us who are awaiting a chance to get on with the confirmation of Mr. Rehnquist. This article is by Prof. Joseph Bishop who, like Professor Bork, is a member of the faculty of the Yale Law School.

The title of Professor Bishop's article is "Politics & ACLU" and it appears in the December issue of Commentary. The article concerns the relatively recent evolution of the American Civil Liberties Union in the direction of a political pressure group.

The ACLU is currently celebrating its 50th anniversary. Its history is, in my judgment, largely one of positive contributions to our society. But as Professor Bishop demonstrates, there is ample and alarming evidence that the ACLU is becoming an organization congenial only to those who share a fairly strict, and extremely leftwing, orthodoxy.

These are the concluding words of Professor Bishop's article:

The Union's chronic hostility to government is mirrored by its general indifference to assaults on freedom of speech and association by various New Left groups, which on campuses, at least, are a much more serious threat to First Amendment freedoms than are the cops. The Union's official *policy* is impeccable: "The ACLU considers it important to emphasize that it does not approve of demonstrators who deprive others of the opportunity to speak or be heard, or physically obstruct movement. . . ." But actions to implement these commendable principles have been few and feeble—an occasional letter to the newspapers expressing disapproval of some unusually outrageous disruption, such as the shouting down of pro-war speakers at Harvard last March. (Many similar episodes seem to have altogether escaped the notice of the Union and its spokesmen.) There have been no interventions, no briefs *amici curiae*, no press releases supporting authorities who tried to prevent or punish such violence.

On the contrary: when the University of Connecticut obtained an injunction against the making on campus of obscene and disruptive statements in connection with demonstrations against recruiters representing corporations with defense contracts, the Union sought to have the injunction overturned in the Supreme Court, and Mr. Wulf lectured the Court severely for its refusal to review the case. The NYCLU promptly and loudly denounced the police for using excessive force in the 1968 Columbia disorders, but had no unkind word for the violent demonstrators—an assessment of guilt which is not supported by the Cox Commission's Report.

Neither, apparently, does the Union support legislation intended to curb such interferences with free discussion, like a bill which would authorize the Attorney General to seek injunctions against "disruptive noise" at public gatherings. But it is very sensitive—properly so—to private interferences with the New Left's right to express itself: when printers, for example, refused to set type for an issue of *Scanlan's Magazine*, which consisted largely of what the printers regarded as a sort of Field Manual for urban guerrilla warfare, including a how-to-do-it piece on the construction of cheap, simple, and efficient bombs, the Union's Executive Director announced his intention to sue the printing company. The Union's policy on disruptive students attempted to salve their sensibilities by acknowledging that they were "moved by conscience to use extraordinary means (a euphemism for violence) in the belief that ordinary means have failed in creating a more just and equal social order." Although the printing shop foreman said that it was "a matter of conscience" for him, and presumably thought that the social order would be none the better for an infusion of pipe bombs and Molotov cocktails, he got no similar encomium from the ACLU.

Perhaps it is too much to expect any special-interest pressure group to be fair or objective in its attitude to what it regards as the enemy. Moreover, the Union suffers from problems created by its very success: to find new battles and victories its staff seems to think that it must push farther and farther toward, and beyond, the outer limits of freedom (not only of speech, but of action) and must, indeed, become a political pressure group. But the Union's attitude toward a constitutional and democratic government need not and should not be always, or even usually, that of Ralph Nader to General Motors. The Union has done far more good than harm. I *think* it still does, but the question seems to me much closer than it used to be. The policies of its present management risk a considerable, and I think undesirable, change in its base of support—from a large number of people, having very different political views, but sharing a common belief in the virtues of the Bill of Rights, to a rather smaller and politically homogeneous group whose belief in civil liberties for everybody, including old thinkers, is in some cases very dubious.

Mr. President, I hope that all Senators will read Professor Bishop's article before becoming alarmed by the fact that the ACLU has come out in opposition to Mr. Rehnquist. When the ACLU board took this decision it made much of the fact that this was a departure from its tradition of not taking such political stands. But as readers of Professor Bishop's article will see, that tradition to day is well on the way to becoming a dead letter, and the ACLU is sadly on the way to becoming just another lobby for the latest fashions in radical chic.

Mr. President, I ask unanimous consent that Professor Bishop's article be printed in the RECORD as the third and final item.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Fortune magazine, December 1971]

IT ISN'T A SICK SOCIETY

(By Max Way)

Beginning in the middle years of the Sixties, the statement that U.S. society is "sick" has appeared more and more often in public comment and private conversation. By now this opinion has become an almost universal cliché, and among some groups, including intellectuals and the young, the judgment is widespread that the sickness centers upon the business system. Moreover, in many contexts the word "sick" is used as a synonym for "evil"; the society's basic patterns and institutions are suspected of predisposing the U.S. to paths that are morally wrong. Books developing these themes are something of a minor industry these days; two of them, *The Sick Society* and *America Inc.*, will be considered below.

Whether or not the sickness can be clinically demonstrated, it is certain that a high proportion of Americans today feel some extraordinary degree of anxiety, ranging from queasiness to panic, about the health of their society. This generalized sense that something is fundamentally amiss colors the way Americans now see any public event, condition, or trend. It causes them to ignore or subordinate good news, while magnifying any information that can be read as a symptom of the sickness. This mood, a self-sustaining state of mind, can have drastic consequences in the world of action.

No President of the United States, for instance, can ignore the public's mood. Objectively, the condition of the domestic economy in August was far from desperate. But the White House, aware that public confidence can be a determining factor in economic and political life, had to take into account the deep public anxiety about the basic health of the U.S.—an anxiety that went far beyond economics. Nixon's August announcement of his emergency program was directed at mechanics of economic life—and it was so received. Many commentators, brushing aside the strictly economic aspects of his new policies, emphasized the hope that his announcement was dramatic enough to stir Americans out of their anxiety. These observers saw his program, not so much as an economic program, but as a sort of shock treatment for emotional depression.

In less public but perhaps equally important ways the darkling mood influences American behavior. Cooperation among people depends partly upon their degree of trust in the social framework that surrounds them. Individual effort and career morale, too, rest partly upon confidence in the milieu wherein each man plays his role. If the society really is basically sick, who or what within it can be well?

Although current U.S. political, economic, and personal life is profoundly affected by the idea that the society is sick, the idea itself is not subjected to much scrutiny. Few commentators address themselves to proving that the U.S. is ailing or even to defining with precision what they mean by a "sick society." Usually the speaker or writer simply assumes that everybody knows the U.S. is sick, and goes on to present his own diagnosis of the assumed illness. Somebody else may answer that this diagnosis is wrong, that the patient really has a different disease. But seldom is heard a voice questioning the broad judgment that the U.S. is ill.

THE NATIONAL JITTERS

This article, a dissent to the woeful assumption that the U.S. is a sick society, argues that the nation suffers from a subjective disease, social hypochondria. This dissenting opinion should not be regarded as optimistic or cheerful. In an individual, hypochondria can be a serious emotional disorder, stubbornly resistant to therapy. A standard medical reference notes, moreover, that hypochondria can lead its victim to "a total neglect of his health and well-being." In other words, a man can become so obsessed with his imagined illness that he will not deal effectively with those threats and hazards that beset any normal life. Perhaps a nation, too, could jitter itself into an early grave.

To say that the U.S. is gripped by hypochondria is not to imply that, objectively, the social health of the U.S. is perfect. It faces, in fact, serious challenges that require the rapid improvement of many functions, and probably a thoroughgoing overhaul of some institutions. But these challenges arise not because social organs have deteriorated or sickened, but because the U.S. in the last twenty years has pushed rapidly forward along economic, political, social, and moral lines (see "Finding the American Direction," FORTUNE, October 1970). This advance thrusts us into a period, which may turn out to be protracted, of genuine stress. But a situation of objective difficulty is not a sickness. It is especially important to distinguish between them because people who mistakenly believe themselves sick will not react as successfully as they otherwise might to challenges in the real world.

In attempting to distinguish social hypochondria from organic sickness, this article will examine some treatments of that obsessively attractive topic, what's wrong with the U.S., with particular attention to the diagnosis that business is the cause or, at least, the main locus of the disease.

The present indictment is very different from that of the Thirties, when business seemed to have failed in its primary functions of offering jobs and producing goods and services. Since 1950, despite predictions that technology would shrink the need for human work, the number of people employed has increased much faster than the adult population. Even more remarkable has been the upgrading in the quality of jobs. Back-breaking toil and repetitive, mind-numbing tasks have declined, while the people most in demand are those possessing very high skills, including the humanistic skills of communication and coordination. According to government figures, from 1950 to 1970 the number of professional and technical workers increased 148 percent, the number of "managers, officials, and proprietors" increased 29 percent, clerical workers 80 percent, sales workers 27 percent, craftsmen and foremen 32 percent, whereas "operatives," mainly semiskilled, increased only 15 percent and "nonfarm laborers" only 6 percent.

Meanwhile, of course, the flow of goods and services from the business system, even in the bad year of 1970, reached a level that was, in real terms, more than double that of 1950.

The fruits of the economy, whether in the dignity of the work itself or in the products of the work, are much more widely and less inequitably distributed than they used to be. Millions of jobs are still dull, and millions of people, especially if they are young, black, or unskilled, have great difficulty getting and keeping even the dull jobs. Concern over the continuance of these conditions should not obscure some central developments. The office has displaced the assembly line as the typical form of U.S. work. Nearly 60 percent of American families (in 1970) were in the huge middle-income band between $5,000 and $15,000 a year, a band that represents neither opulence nor indigence. Popular participation in the ownership of industry, both directly and through pension funds, has vastly increased. The economic and personal insecurity formerly caused by sharp swings in the business cycle has diminished.

Yet these amazing qualitative and quantitative improvements prompt little public respect and less enthusiasm. For a while in the mid-Sixties social discontent was concentrated mainly against government. Business, its vigor conceded, was relatively sheltered from attack. But in the last few years complaint has been shifting its target. Business is now denounced for those very achieve-

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ments that its critics of four decades ago deemed forever beyond its reach.

The loaded word "affluence," which suggests more than enough, has crept into almost everybody's vocabulary to describe the first large society in which most of the people are not at or under the line of poverty. The shame felt because of prosperity is as if a man, emaciated from birth, who was at last approaching normal weight, said, "Doctor, this disgusting obesity is killing me."

The gravaman of the antibusiness indictment swings from economics toward morals. Business, for a century accused of prolonging poverty by deliberately holding down production, is now accused of corrupting the society's soul by pampering its body. Clothes are the marijuana of the people. Food is the opium of the people. Cars are the heroin of the people. Trips to Europe are the LSD of the people. Business is the pusher.

MAMMON ON THE CAMPUS

If jobs are less toilsome, calling for more initiative and judgment from the workers and for less blind obedience to authority, a less hierarchial style of management appears. This provokes some older members of "middle America" to complain that the iron of disciplined obedience has been removed from the nation's moral diet. If business recruiters search universities for creative talents once scorned by industry, then cries rise from the campus that Mammon is trying to corrupt the pure white bodies of intellect and art.

As people's expectations rise faster than their buying power, business is blamed for the gap of discontent. It is true that purchases often fail to give the degree of pleasure expected; sometimes the trouble is, indeed, that the product is faulty or that it was advertised mendaciously. In other, and more numerous cases, the purchaser did not carefully evaluate the product or his own priorities. Even where products live up to expectations, guilt drowns the enjoyment of customers whose ancestors from time immemorial lived in patterns of enforced frugality. In all these situations, blame tends to turn back upon business, the seducer.

The man who hates his work blames business. The man who loves his work frequently dissembles his feelings out of deference to convention. A kind of reverse hypocrisy appears in which almost everyone says he works only for money. It would be shameful to admit he enjoyed the work itself or the cooperation with his colleagues, shocking to say he likes serving his fellow men by what he does in industry. According to the current cant, "public service" can only refer to what one does after business hours.

People who tell themselves that they are working only for material rewards and who then also profess to despise the material rewards as morally corrupting are bound to feel somewhat unclean and unhappy. This unhappiness is projected upon the business system as the site of social "sickness."

Beyond all this, there is in contemporary society a real, formidable, and novel problem of understanding the nature of power in our time and of fixing responsibility for its use. Failure to understand the new structure of power is probably the main source of the social hypochondria that centers its complaints upon business.

The plainest—yet still the most neglected—truth about power today is that there's much more of it around in our society than there used to be. The second truth is that the society's total power is still (and will always be) limited: i.e., unable to do many desirable things. The third truth is that power is more and more widely distributed. So many more people and organizations can do so many more things that we collide with one another and with the physical environment. From all the new freedom of action arise new problems of social order. But few people see it that way.

Habit ingrained through centuries leads us to think that a few readily identifiable people hold all the significant power in society. Past conditioned, the contemporary mind keeps groping for an Establishment, the haughty seat of concentrated power and responsibility. If anything is wrong (and, of course, plenty is wrong) with the society, then we tend to assume (1) that the defect persists because of some flaw—probably moral—in the Establishment, and (2) that the Establishment centers upon the business system. The "sickness," we think, must be at the top where the stupid or wicked king used to be.

The first assumption leads to the reduction of very complex, many-sided problems—such as highway safety—to simple moral accusations against the wicked king, in this case the automobile industry. The subject of highway safety, which covers a vast terrain, includes wide and important areas that are almost incomprehensible to nontechnologists; it includes other areas that are boring; still other areas, such as the drinking driver, that millions of drinking drivers would rather not think about. These arid or uncomfortable questions can be thrust aside while the public thrills at the classic tableau of "the brave little man" pointing a righteous finger of blame at the throne and crying, "There is the seat of the corruption."

The second assumption exaggerates the power of business, its relative importance in the total structure. Business does, indeed, constitute the channel through which many of the new kinds of action flow into society, transforming it. Most of the fundamental social changes of recent decades—urbanization, mass prosperity, mass higher education, mass aspirations toward the good life—are intimately connected with the business system. These changes bring new problems and make old ones painfully visible. It is not surprising or, in itself, unhealthy that society says to business, "Since you can do so much, do better."

It is a sign of social hypochondria when critics, underestimating the intrinsic difficulty of many current problems, blame the morals or the motives or the structure of business for the fact that the problems are not yet solved. At this point, a lot of people start believing that the society is sick because it is "business dominated."

VICE PRESIDENT EICHMANN

Two recent books are worth examining in this context because they set forth in some detail the charge that business is the seat of the society's assumed illness.

The Sick Society by Michael Tanzer begins by identifying four "clusters of problems." They are, as defined by the author: "1) Vietnam, as part of the more general issue of U.S. involvement in the underdeveloped world; 2) the gold and dollar crises that hinge on our relations with the developed world; 3) racial discrimination and black poverty; 4) a spreading sense of malaise or alienation, particularly among youth and intellectuals."

These disparate problems, says Tanzer, all have common "underlying economic roots and causes." The disease that produces these symptoms is "the organization and control of economic life by large profit-seeking corporations run for the benefit of the tiny upper-income elite that owns them." Tanzer emphatically denies that he is proposing a "conspiracy theory" to the effect that a group of "evil corporations" have set out to control American life. He thinks the four clusters of problems follow accidentally but not unpredictably from "the uncoordinated activities of separate firms, each having one narrow aim: profit maximization."

In a sense, Tanzer's thesis is a standard attack on capitalist society, familiar during the last hundred years and not crying for a new examination. But if *The Sick Society* is taken as a symptom of the trouble that it purports to diagnose, then the book is worth a second look. In Tanzer's analysis, people who work in corporations might want to use corporate power to resolve the problems represented by the four clusters, but they cannot do so because the sole permissible corporate goal is the maximization of the firms' profits.

The following passage indicates how Tanzer thinks "the corporate economy" hurts those who work for corporations: "People cannot work in institutions whose activities differ from their personal desires without it affecting their own personalities." An employee develops a mechanism for bridging "the gaps between his values and the actions of his corporation." These gaps between the corporation's and the employee's goals are, says Tanzer, reflected in the "widespread psychological alienation found *within* the corporation." To illustrate his point, Tanzer refers to Eichmann, the Nazi war criminal, whose excuse that he was only obeying orders is compared to that of a corporate employee who says, "Well, I only work there."

A tendency in modern thought, conspicuous since Karl Marx, seeks to disguise a moral accusation as a scientific conclusion. Tanzer, an economist, has no sooner disclaimed any intention of calling corporations "evil" than he is blaming much of the nation's and the world's suffering on the self-seeking of a tiny, powerful elite—and then he draws an analogy with the Nazi party. By "the sick society" he—and most others who use that weasel term—really means "the evil society."

Is it true, as Tanzer implies, that men are necessarily corrupted when they work in organizations whose activities "differ" from their own personal desires? This is a fundamental psychological and ethical question that lies close to the root of social hypochrondria.

Whenever two or three or twelve men get together for any purpose—whether it be maximizing profits or minimizing leprosy—differences will develop among the participators; the group will move in a way that some members disapprove. If the group is a modern corporation, the member can—and frequently does—resign when he objects strongly to what the corporation does. But in most instances he will work out some adjustment between his own values and desires and those of his fellows. This is true not merely in corporate life; it is true in playgrounds, on football teams, in government bureaus, in marriages, in research projects, and in monasteries. Adjustment to the desires of others *can* be damaging, but it is not necessarily a psychologically hurtful or alienating experience. On the contrary, it can be a path to maturity and personal growth.

If compromise for the sake of cooperation is not unhealthy elsewhere, why should it be so in a corporation? Though profit maximization isn't, in fact, the only corporate goal, it is an important one. Concededly, maximizing a material gain is not the most morally uplifting of all human aims; but it isn't the most debasing aim, either. A century that has seen much evil done for reasons other than profit will recognize a modicum of truth in Samuel Johnson's remark: "There are few ways in which a man can be more innocently employed than in getting money."

Nonmaterial drives such as egotism, phychological imperialism, and ideological aggression can also cause damage in human relations. To avoid all material and immaterial possibilities of injury or corruption, the resolutely pure man would have to live alone in a cave.

A HEALTHY SOCIALISM, HE SAYS

Tanzer has a different solution. Indeed, when he gets around to discussing prognosis and therapy, the tone of his book suddenly moderates as if he had lost the intense emotional concern that carried him through his dire diagnosis. Sick though he says it is, the U.S. is not necessarily about to die. Remedy lies in the adoption of a "healthy socialist society." Tanzer tells his readers hardly anything about what such a system might be, except that it would be different from any existing socialist society anywhere in the world. It would have to be different from any such system if it were expected to perfect relations among nations, to end ethnic discrimination, and to cure alienation, "particularly among youth and intellectuals."

But the interesting question, which Tanzer does not seriously face, is how or in what way a "healthy socialism" will cure troubles that arise from causes far broader than the profit maximization of "the corporate economy." A basic challenge in advanced modern societies arises from the specialized nature of human skills and the organization of effort toward specific goals. This habit of sharply focusing attention and action is the key to all our new powers and also the source of many of our new troubles. Socialist economies also have—and must have—organizations designed around specialized goals and methods. Socialist societies also have—and must have—people whose desires differ from one another.

The market, as we know it, is doubtless a highly imperfect way of coordinating the "fragmentation" so deeply implicit in modern life. It is an illusion, however, to suppose that socialism really solves the problem of coordination. Either it is a tyrannical socialism, in which case hierarchical authority coordinates by simply suppressing the drives of particular groups of producers and consumers; or else it is a "democratic socialism," in which case it transfers to the political process the difficult and delicate task of coordination. No political process yet invented could do that job as well as a market.

One suspects that for Tanzer a "healthy socialism" is no more than an escape hatch from reality, the name for a condition that has never existed, and that cannot be envisioned, except by saying that it must be very different from the system that produced existing defects.

This vagueness concerning the future fits the hypothesis that such books as Tanzer's contribute to the disease, not to the remedy. As we know, the hypochondriac doesn't really want to get well. Why should he be interested in a concrete description of a future social system that he doesn't expect he will ever see?

Perhaps it is because the cultural atmosphere of our time is pervaded by books, articles, speeches, plays, novels, and songs proclaiming society's corruption, that many of the young and the intellectuals are alienated, that many employees of corporations feel morally unclean and psychologically frustrated, and that the public generally is so uneasy that it has a difficult time concentrating on specific public decisions that require its attention.

THE VIEW FROM THE PATHOLOGY LAB

A more ambitious recent book blaming business for what's wrong with the U.S. is *America, Inc.*, which was on best-seller lists for weeks. In case anybody doesn't get the implication of the title, a subtitle is added, *Who Owns and Operates the United States.*

While "the sick society" is not an explicit theme of *America, Inc.*, anyone who believed the book would be highly likely to conclude that the U.S. suffered from a terrible malady. Much—perhaps all—of the factual material in this huge volume is in some sense true. One of the authors, Morton Mintz, is an investigative reporter for the Washington *Post*. The other, Jerry S. Cohen, was chief counsel for the Senate Antitrust and Monopoly Subcommittee. Both are competent and honest observers. Ralph Nader, who has become a sort of toastmaster of accusatory potions, contributes to *America, Inc.* one of his numerous introductions.

The effect of *America, Inc.* is as if two earnest researchers emerged from the pathology laboratory of a hospital waving slides of diseased tissue and proclaiming, "Here is what life in this community is like." Each slide may represent some slice of reality, but not every slide would be interpreted by all competent observers in the way Mintz and Cohen see it. More important, all the slides taken together do not begin to add up, as *America, Inc.* implies they do, to a balanced picture of the relation between business and the rest of society.

The basic proposition of the book is stated on its first page: "Big Business is government." The authors mean that large corporations monopolize the significant power in the society, including control of functions traditionally reserved for government. In a breathtaking leap, the authors equate business prices with the governmental power to levy taxes.

Even more logically reckless is the next analogy. "When it sends men to war or to a penal death chamber the constitutional government takes life. The giant corporation also takes life." It turns out that this second sentence means that the automobile industry has made cars that were less safe than some people think they should have been and that some pharmaceuticals were dangerously overpromoted. But in this sense, anybody might "take life." Long before a giant corporation existed, men died because of some action or inaction by other men. Sometimes the action or inaction was culpable and sometimes it wasn't. One duty of government was to fix blame and to restrain the actions of those who wrongfully hurt others. Governments have often been accused of negligence or unfairness in carrying out this duty. But did it ever occur to anybody before that if A hurt B, then A must be a government?

A third analogy relates to "the quality of life and the environment," which government can affect. So can a giant corporation. Therefore, reasons America, Inc., Big Business is government. In the premodern era, goatherds with their relatively limited technology (i.e., goats) seriously damaged the environment of many Mediterranean lands. That did not make goatherds the government. In our time, most people—and not merely giant corporations and governments—can do much more damage than goatherds.

All present-day societies, whether or not they contain giant corporations, are struggling—none of them very successfully—with the implications of multiplied power. It scarcely helps in the understanding of this struggle to argue that every new kind of power possessed by a giant corporation means that this power has been taken away from the people or from government—both of which have, in fact, increased the scope of their own activities quite as much as giant corporations have increased theirs.

SX: TWO ASPIRINS

Much of the material in America, Inc. is concerned with problems arising from the governmental effort (or lack of effort) to regulate business activities. Hardly anybody in the U.S., knowing the record of such regulation, would judge it admirable. Up until a decade ago, the main argument was an emotional debate on whether there should be more regulation or less. Then public attention began a belated and healthy shift toward the quality of regulation. For example, the long record of the Interstate Commerce Commission is now deemed a failure not because it regulated too much or too little, but because it was ill conceived from the beginning. Not incidentally, the ICC was ill conceived because it was created in response to the same kind of hysterical moralizing and indiscriminate denunciation that now inflames the land.

Each area of regulation prominently mentioned in America, Inc. environmental protection, automobile safety, and the testing of pharmaceuticals is a field of great intrinsic difficulty where experts differ. In such complex cases, government's job of protecting the public would not be easy if there were no giant corporations or, indeed, if there were no private business at all.

Effective and fair law enforcement is hard to achieve today in fields far simpler than business regulation. There are, of course, people who sit on country-club porches and proclaim that crime in the streets could be easily ended if police and courts would simply "crack down" on all youths or all blacks or all "undesirables." The authors of *America, Inc.*, who would not take any such simplistic approach to ordinary crime, do not hesitate to blame big business in general for the transgressions of particular corporations and individuals. Law effecting business—in the environmental and many other fields—needs to develop from a base that recognizes the genuine objective difficulties of the subject. A book such as *America, Inc.* tends to turn the discussion of business regulation back to the muckraking level of three generations ago. It is dramatically exciting—but not useful—to pretend that the U.S. is in a simple moral struggle between us good guys and those bad guys, the giant corporations.

A reader who believed the analysis of *America, Inc.* might easily conclude that only total revolution would offer any hope of national recovery. But the authors of *America, Inc.* are far from revolutionists. As is the case with Tanzer's *The Sick Society*, the concluding chapter of *America, Inc.* drops off to a whispered anticlimax. Mintz and Cohen recommend a rather well-worn set of reform proposals, stressing much tougher interpretation of antitrust laws, along with federal (as distinguished from state) chartering of corporations. It's hard to see how these remedies would make much difference if bigbusiness dominance were so overwhelming as Mintz and Cohen say it is. Having diagnosed cancer, they prescribe two aspirins. The hypochondriac's lack of interest in recovery was never more plainly indicated.

A HIGH PULSE RATE

A kind of antidote for hypochondriacal reading is provided by a third recent book, *Without Marx or Jesus*, by Jean-Francois Revel, a French philosopher-journalist, who differs sharply from the dominant opinion of the U.S. presented by the French press.

In France—and, indeed, throughout the world—a wide consensus of intellectuals regards the U.S. as "sick." This judgment essentially echoes and magnifies the dominant opinion among American intellectuals. The overseas picture of the U.S. is exaggerated in some cases by Marxist prejudice that predisposes observers to see the leading capitalist country as riddled with "contradictions." Examples of turmoil in the U.S. are emphasized even more abroad than they are in American media. American efforts to deal with civil disorder are despised as fascist when they succeed, sneered at when they fail. Ideas of U.S. business life are even more outdated abroad than they are among American intellectuals. The surface of the news, meaning the bad news, is taken uncritically abroad as representing the whole reality of U.S. life.

Revel, on the contrary, interprets all the stress and protest in the U.S. scene as part of the tremendous vigor and thrust of a society that is actually moving more rapidly

than other countries in directions, such as democracy and diversity, that the world's intellectuals profess to value most highly.

Revel believes that the U.S. direction exemplifies the only possible hope for a better world, a path that he thinks European nations and the less-developed countries both could follow. His analysis contains one major—and very French—flaw. The word "revolution" occurs again and again in his pages as an event that is about to happen, first in the U.S. and then elsewhere in the world. Perhaps because of a certain dramatic event in their country's own past, French intellectuals seem unable to think of major social change except in terms of "revolution" thrusting up from below. In some passages, Revel seems well aware of the tremendous changes that have already occurred in the U.S. Much of what he might cover by the word "revolution" was happening here in the quiet Fifties and the unquiet, but not revolutionary, Sixties.

It was happening, moreover, through the action of such "establishmentarian" institutions as the business system, the Supreme Court, the presidency, and Congress, which have been more instrumental than "dissent" and "protest" in bringing about actual change in the U.S. Whether the seventies are quiet or not, this rapid process of U.S. change will continue.

The idea of revolution, especially as developed in the French habit of thought, looks toward a postrevolutionary tidying up, a consolidation, a new and stable order. On the other hand, the process exemplified by the U.S. in recent decades does not allow for that "logical" sequence. We have plunged into changes that, in turn, urgently require other changes—in laws, in political forms, in life styles, in education. And these "consolidations" immediately generate the need for still more changes. We have to do our tidying up, our consolidation, as we go along. We can look forward to no point of rest, where we can say that the period of stress and change is over and we can settle down amid new and better fixed institutions.

Faced with the need for the concurrent, rather than the consecutive, handling of change and consolidation, the U.S. frequently fails to keep its action in phase. Friction and frustration result. Perhaps a high incidence of these will turn out to be the normal, healthy condition of a society moving in the direction of greater freedom, diversity, and individuality. A man who is running hard has a higher pulse and respiration rate than one who is walking. But in the circumstances the higher rates do not necessarily indicate abnormality or "sickness."

WHEN THEORY LAGS BEHIND PRACTICE

Hypochondria occurs because our out-of-date social theory, based on the experience of change in past centuries, is not adequate to describe the process that is actually occurring in today's U.S. We know the condition of society is different and we assume that it must, therefore, be sick.

In the present state of social science, there is no sure test that will disclose whether a given society is sick or well. One can assert, though without firm proof, that according to fundamental American ideals, which are widely shared among mankind, the objective condition of the U.S. today is, on balance, better than it has been at any time in the past, and as good as that of any other society today.

According to those same ideals, however, American society is far from good enough. Without being either objectively sick or subjectively hypochondriacal, our society ought to be conscious of its very serious defects. Or to put it another way, we will not face our real problems if we keep telling ourselves we are too weak or too evil to do what needs to be done.

In a recent New York *Times* Magazine article called "Is America Falling Apart?" the British novelist Anthony Burgess says, "There is no worse neurosis than that which derives from a consciousness of guilt and an inability to reform." True. And in fact a misplaced and overgeneralized consciousness of guilt can undermine the ability to make particular reforms. A man who says, "I am bad," may be locking himself into guilt. But a man who retains his self-respect while saying, "That particular pattern of action is bad and I will correct it," may be on the threshold of moral improvement.

To deal with the specific problems generated—basically—by increased power at all levels of society we need above all to see with today's eyes, not yesterday's. Obsessive accusers who dredge up stale morality plays about the wicked and corruptive king are distracting the society from its present moral duty: to make more headway in the formidable task of coordinating our fragmented functions, and to do this without reimposing centralized authority.

A sick society could never succeed in that task. Neither could a hypochondriacal society.

We Suddenly Feel That Law Is Vulnerable

(By Robert H. Bork)

Law has entered upon troubled times. Along with the other major institutions of Western culture, it is beset by malaise and self-doubt. Seeming strength and sensed weakness combine in an uneasy blend. It is a time when the law lays claim to broad new domains of human life, yet the prestigious Association of the Bar of the City of New York feels impelled to stage a major symposium on the question, "Is Law Dead?" It is a time when young men and women are turning to legal careers in greater numbers than ever before, and when law students are less sure than ever before that their studies have meaning. It is a time when thoughtful men are concerned as rarely before with the need to uphold law against violence, and when scholars can maintain in public that it is wrong to try men for political murder. We look apprehensively toward a future in which the nature of law and its role in our affairs will have altered in ways now almost impossible to discern. We suddenly feel that law is vulnerable.

Law, it is true, has never been as solid and certain an institution as we pretended. The more thoughtful members of the legal profession have always realized that they were not sure what law is or why it has a paramount claim upon the citizen's allegiance. To others, however, and certainly to the laity, law was obviously a system of logical and interlocking rules by which life was governed. There were answers to important questions in law libraries. Few troubled to disabuse us. I remember still the shock I felt on being told on the first day in law school that the law is a mystery, that it is, in its deepest essence, unknowable. My classmates and I supposed that the great man (later to become dean of the school and then president of the university) said such things merely to snap us out of our civilian torpor in much the same way as the drill instructor in boot camp speaks some shocking phrases to loosen one's attitudes for the remolding that is to come. It simply could not be the case that the law was unknowable. If that were true, how could Holmes have said that it was possible to live greatly in the law? Why did old lawyers quote approvingly the aphorism that law is a jealous mistress who will brook no other? There must be something that made it worth the devotion of a lifetime.

The attitude was no doubt callow and romantic, as befits young men, but it lured many into the law, and the profession still finds it useful in recruiting new members. My own case was not, I think, untypical. A college instructor, a poet who had taken a law degree himself, confirmed my leaning to the law. He said that law was the most noble of all human studies, for it brought philosophy into the marketplace. That was what my classmates and I knew must be true; it was certainly what we wanted to hear. The law was to be a profession of never ending intellectual endeavor, a study concerned with the ordering of complex human affairs through the application of reason. The law itself seemed almost a tangible thing, accrediting like a coral reef over the years through many thousands of arguments and decisions by a procession of lawyers and judges, and yet achieving the form of an unimaginably magnificent cathedral. We could almost discern its structure, vast, adorned with endlessly rich and fascinating detail, containing an infinity of passages and rooms, but with each part in integral relation to the rest and in harmony with the main supports and the foundation. Yet it was a structure, too, that was continuously growing and changing as men labored to see its design and improve small details in the brief light and time given them. A life in the law, we thought, promised battle, demanded devotion, and rewarded learning. And who would not choose to be soldier, priest, and scholar?

THE UNCERTAIN ESTABLISHMENT

Some years have passed now, and there are days when that vision seems merely amusing, or perhaps poignant. The magnificent edifice of the law has not become clearer but instead has receded, perhaps finally, into the mists. In middle age we suspect that it was nothing but a product of our imaginations to begin with.

These reflections are not merely personal. There is abroad a feeling of disappointment with and about law, a suspicion that it may be weak and unsure. This feeling is particularly frightening because we turn increasingly to law as other supports seem to fail us. The legal establishment itself is uncertain. The signs are everywhere.

Signs are apparent in our attitudes toward the courts, where we have come to accept major philosophic shifts as inevitable with changes in personnel. Signs are also apparent in the law schools, where the traditional intellectual thrust and self-confidence of the faculties have been damaged. One perceives now, despite rising enrollments, signs of lowered morale and uncertainty about the purposes, content, and even worth of legal education. The major law firms are worriedly attempting to adjust to the altered demands and interests of the new graduates, trying to understand their lessened drive and vague career aspirations, asking the faculties why the top-rated students do not appear to be interviewed. The bar, so sure of itself and its functions just a half dozen years ago, is wondering aloud whether this is a passing phase or the end of the established order and the birth of a new, bewildering, and as yet undefined legal culture.

THE CORE IS MISSING

With the legal establishment itself betraying uncertainty and even timidity, it is not surprising that the public senses trouble in the law. And, since law represents stability and safety, is it surprising that sensed weakness should stir disquiet and even anger?

The trouble springs in large part from our inadequate understanding of law and its uses. The striking, and peculiar, fact about a field of study so old is that it possesses very little theory about itself. There is no body of systematic learning about the law's inherent capabilities and limitations. I have heard an eminent economist who became closely acquainted with a major center of legal scholarship remark with astonishment: "You lawyers have nothing of your own. You borrow from the social sciences, but you have no discipline, no core, of your own." And, a few scattered insights aside, he was right.

Good lawyers, a combative, hard-edged breed, are intellectually imperialistic, priding themselves on their ability to ransack other men's specialties quickly and beat them in argument on their own grounds. But it should cause imperialists some embarrassment to reflect that though they regularly invade and reap the harvests of other men's territories, the home country remains unsubdued. There is a price to be paid for that neglect, and the price appears to be the diminished effectiveness of law and decreasing respect for law. It would be well to begin to talk about the problem. Perhaps parts of it must remain insoluble, but we can do better than we have done, and at the very least we may be able to avoid misidentifying the cause of our troubles, and perhaps head off panicky responses that make matters worse.

One aspect of our unease may derive from our tendency to use law too much, to view it as an infinitely expansible carrier of social policy and norms. Law is not an implement that can be turned to any purpose. It has enormous capabilities, but when we ignore its limitations we damage law and place in peril the benefits it can confer. Law is now in serious danger of overreaching its capabilities, and may in fact already have done so. This is an ominous development, both as a symptom of social decay and as a likely cause of further deterioration in the social fabric.

We have also damaged law, and created disrespect for it, through our failure to observe the distinction, essential to a democracy, between judges and legislators. The era of the Warren Court was, in my opinion, deeply harmful to the prestige of law. There are many who insist that, as a direct result of the Warren Court's reformist drive, the prestige of law has never been higher. They point to the greatly increased numbers of young people entering law as evidence. The admirers of the Warren Court, however, are less in love with law than with power, power to produce results they like. Implicit in the idea of judge-made constitutional law are the ideals of adherence to general rules, of consistency, and of intellectual rigor. These were qualities in short supply in the Warren Court's record. If that Court did indeed inspire the young, it taught them to confuse the desirability of ends with the legitimacy of means, perhaps to confuse the idea of law and the fact of power.

Our culture has long stressed the importance of law, and Americans are probably as concerned with law as any people on earth. But there exists a strong counterstrain, a tendency to idealize men or groups who set themselves against law and seek their ends through direct action. The ambivalence toward law that this counterstrain creates appears to be strongest in persons with more education, leisure, and affluence than the average. It is closely related to the tradition—now especially strong in literary and academic circles—according to which the enlightened man must continually be in opposition to society, particularly to bourgeois society. Violence from the political right is abhorred, but not violence from the left. The rhetoric of the left is more appealing to prevailing modes of thought—and after all, the argument runs, society has been slow to undertake necessary reforms. Hence the support and sympathy shown in journalistic and academic quarters for such representative figures of our times as the Berrigans, prison rioters, student militants, Black Panthers, Yippies, *et al.*

The tradition of support for civil disobedience and even violence is deeply disturbing, particularly disturbing because it is so firmly established in the institutions that mold opinion. There is a limit to how much defiance of law a legal system can tolerate. No one knows precisely where the tipping point is, but it is undeniable that our system is beginning to feel the strain. Disrespect for law is contagious. As Hannah Arendt warns, "The practice of violence, like all action, changes the world, but the most probable change is a more violent world." Since violence and defiance of law are often successful in our society, they are not, in the short run, irrational means. But in the slightly longer run, if they become the common mode of political struggle they will be disastrous for everyone.

Those who use or advocate coercion and disruption for political or ideological ends have a ready model in the legally sanctioned struggle between labor unions and management. Our labor law, and the ideology that supports and suffuses it, encourages the organization of employees into fighting groups, and lets the wage bargain depend upon the outcome of the fight. The rhetoric of union organization and struggle is the rhetoric of war. The method of struggle, by both sides, is coercive, each attempting to put intolerable pressures on the other in order to achieve a favorable if temporary treaty of peace.

It becomes increasingly difficult to maintain a consensus that the legal right of private employee unions to strike and disrupt (and of employers to lock out) is somehow different from the desire of other groups to do the same. One element in the inability of some faculties to resist educationally inappropriate student demands, backed by threats of mass disruption, was the frequently advanced analogy of the students' position to that of workers. Sensing the drama and power it created, students eagerly cast themselves in the role of proletarians, and many faculty members accepted the metaphor. Picket lines, strikes, disruptions are now becoming the common coin of political dispute, used by groups ranging from welfare recipients to women's lib. Not law but willingness to inflict inconvenience and discomfort, or sometimes worse, becomes the decisive factor in disputes.

When law is invoked, as in certain strikes by public employees, it is often only partially effective. Frequently it is brought into play with the understanding that sanctions will be modified or lifted entirely if the objectionable behavior ceases. In the course of student disorders the authorities may bring law to bear, but the demand for amnesty is frequently made and frequently granted as part of the bargaining process. Law is then perceived by the immediate participants to the struggle, and by the general public, as merely one weapon usable in combat. Law becomes thought of not as the ultimate command of our society, but as simply one element of power in a complex struggle. This view of law denies it any claim to unique respect. It is on a part with any other kind of force.

A CLAIM OF OMNICOMPETENCE

In this way, domestic law begins to descend to the status of international law, which means that we begin to recognize the independence, the semi-sovereignty, of various warring groups within the society. When we view groups somewhat as nations, we admit that law has only a limited role to play in governing. Law is successful when there is a consensus that certain behavior cannot be tolerated, when groups with legitimate interests to advance are nevertheless perceived by the society as lacking any legitimate right to disrupt, to wage limited wars. The question, and it is by no means an easy one, is whether we will be able to sustain our denial to nonlabor groups of the tactics we concede to labor organizations.

There may be room for pessimism. William J. McGill, the president of Columbia, argues that the university, in finding forms to cope with the various groups that make demands upon the administration, is providing a model for "pluralism" in society at large. "One of the greatest achievements of American law," he says, "has been construction of the rules of orderly conflict between management and labor, embodied in our now classical concepts of labor law. We need a closely related legal framework for working with social change and with the conflicts engendered by the variety of liberation movements now developing on campus." This is a disturbing view. It should be clear that the management-labor model is a warfare model, and that its acceptance as the general mode of effecting change would be disastrous for law and social peace. The results, indeed, might be so intolerable that law would return in a far more repressive form than any we now know.

Even as we increasingly accept the absence or only partial effectiveness of law in many social controversies, we are simultaneously introducing law into others where it had never before had a role. One of the most striking developments of recent years is the ubiquity that law is attaining. This appears to be an unreflective trend rather than a self-conscious process that anybody has thought out. Law spreads and seeps into ever more aspects of life, claiming an omnicompetence it cannot sustain.

Law is growing from many sources. Floods of regulations are churned out by Congress, state legislatures, municipal governing bodies, courts, executive officers, and administrative agencies. Since the New Deal, we have become accustomed to massive intervention of law in the economic life of the nation, and now we are seeing a similar proliferation in social and cultural spheres. With the substance of much of this law I have no quarrel, but there are costs to the use of law, and in some areas of life the costs may exceed any conceivable benefits.

No society can be healthy and effective if all disputes are drawn into legal processes. The spread of law throughout human relations signals not only a decline in individual freedom but also a withering of community, traditional modes of accommodation, and informal authority. A healthy society requires that there be considerable play in human relations, a degree of trust in the good faith of others, confidence that things can be worked out tolerably, a willingness not to insist on every 'right" one may think one should ideally possess, and a large amount of individual self-reliance. The attempt to define all the rights of individuals and to enforce them by legal processes signifies the diminution or disappearance of these virtues.

An excessive and oppressive legalism is taking hold even where law in a formal sense has not entered. A prime example is afforded by the universities, where there has been an unprecedented demand (and an astonishingly ready acquiescence to it) that everyone's rights be spelled out in written codes and that special tribunals be created to enforce them. In universities throughout the nation we have seen the adoption of codes, often quite complex, concerning student behavior, faculty and administration powers, the process of decision making within the university, and even such matters as discrimination in hiring by employers who visit the campus. Presidents and deans are stripped of wide areas of discretion, rights and duties are spelled out, special tribunals for indictment, trial, and appeal are created. The analogy to formal legal systems is so powerful that these procedures begin to pick

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up elements of due process, right to counsel, proof beyond a reasonable doubt, exclusion of hearsay, peer group representation on tribunals, and so forth.

These developments are further along in universities than elsewhere, but various groups are beginning to make similar demands on other institutions. Demands that corporate boards include representatives of consumers, environmentalists, labor, racial and ethnic groups, and the like, represent a shift toward political decision making as the mode of governance of these organizations. And we keep hearing demands that the internal processes of corporations be judicialized—the theory being that large corporations have as much "power" as state governments.

REFLECTIONS OF PARANOID FEELINGS

The increasing legalization of our culture is a sign of the deterioration of the culture, and particularly the breakdown of community. Groups feel themselves set apart and requiring the protection of law from what is perceived as the hostility of strangers—people who not long ago would have been accepted as members of the same community. Such paranoid feelings are reflected, for example, in those student demands for codified rights. It makes little difference that the distrust is usually without objective justification.

Nor is it likely that law will significantly repair the broken sense of community. In an earlier article in this series ("The Angry Young Lawyers," September) my dean, Abraham S. Goldstein, was quoted as saying: "As home, church, and ideology began to lose their cohesive force, law was increasingly seen as a way not only of expressing preexisting norms but also of creating them." And of course law, though its capacities in that respect are probably quite limited, *can* help generate norms. But a reliance upon law to replace home, church, ideology, and the sense of community seems likely to make matters worse rather than better. The intrusion of law and its coercions is a continuing reminder that trust, community, ease of relationship, have diminished. When even relatively minor disputes are referred to the legal process, they become freighted with emotional and symbolic importance. The divisiveness inherent in adversary procedures begins to operate. Disputes are made more visible and the drama of conflict tends to polarize the participants.

Thus law does not always repair broken community; it may, on the contrary, put an additional strain at precisely the wrong time on the waning strength of home, church, and ideology.

The trend toward legalization does more than impair the ease and civility of life. It requires the diversion of time and energy from other tasks to those of manning the legal machinery. More than that, the uncritical extension of law to new fields—whether formal law made by legislatures and courts or the informal variety growing within universities and other institutions—brings into adjudicative settings decisions that do not belong there. Adjudication requires standards that are real and susceptible of proof. Law is full of instances in which lack of adequate criteria made the hearing process an empty ritual. Some time ago, as a result of statutory misreading, the Supreme Court demanded that the field prices of natural gas be regulated by the Federal Power Commission. Since the unregulated field price was competitive, regulation, if it was to accomplish anything, had to hold prices below competitive levels. For a variety of reasons, a cost basis made no sense, so the commission and the reviewing courts were left to decide cases without real criteria. At last report they were still floundering in their attempts to find law for the problem.

THE VALUE OF UNWRITTEN STANDARDS

Certain forms of discrimination present the problem of criteria that are real but cannot easily be established by evidence. It is easy enough to establish whether a person has been turned away from a restaurant because of race or sex—the variables are few. But employment discrimination presents a different problem. The decision concerning who is to be hired or not hired, who is to be promoted or passed over, does not always, or perhaps even usually, turn upon objective and quantifiable data. Such decisions also rest upon elements of judgment and intuition. On a case-by-case basis, therefore, the employer's decision will usually turn out to be unreviewable. Unless he admits bias, it is almost impossible to prove that he discriminated. This, it appears, is the reason federal programs in this field including the President's "Philadelphia Plan" for the building trades, have had to impose quotas in order to be effective.

In other cases, law intrudes in decisional processes that are better left to managerial discretion, and so renders institutions less effective and often less humane. Universities, for example, have long had standards of conduct that were customary and unwritten or, if written, so vaguely worded as to be in effect customary. People understood with tolerable certainty where the lines were. Administrators handled most infractions informally and were able to take account of such factors as the character of the student, the likelihood of repetition, and the morale of the student body. These are matters that a formal hearing process cannot deal with. Other difficulties aside, the mere adoption of an adjudicative setting makes such nice judgments about persons seem improper. The trappings of law raise expectations of impersonality and "objectivity." As control over the institution of formal proceedings is itself increasingly formalized, cases are made of situations better left to informal discussion or admonition.

We need more thought and greater sophistication about the kinds of issues and decisions that can profitably be referred to formal legal processes and the kinds that ought to be left to other processes. We are beginning to see that there are areas in which a government of men rather than of laws is to be preferred. Sometimes, as in the case of employment discrimination, we may be willing to pay the costs that the use of law entails, but then we should be skillful enough to frame the criteria in ways that law can handle. We must remember that law is a blunt instrument, and that we cannot use it effectively if we assign it tasks requiring a scalpel.

A NEED FOR LAISSEZ FAIRE

Law in our society is overextended in yet another sense. We have pushed too many policies that are too complex into the courts. In Judicial institutions as in economic units, there are problems of economies of scale, problems of optimal size and work load. The principle that some specialization is essential to effective work cannot be overlooked. No other nation thrusts as many policy issues upon its courts as do we. In such varied aspects of life as antitrust, labor relations, rules governing elections, entitlement to government benefits, and criminal-law procedures, courts are confronted with major substantive issues left unresolved by other branches of government.

As a result, American courts are overloaded with broad and profound questions of economics, sociology, political philosophy, criminology, and so on and on. They do not, it must be said in all candor, handle these questions very well. Very often they do not handle them even passably. That is not surprising. No man or group of men can deal effectively with such a range of subjects. The result is that over the decades there has been a marked decline in judicial performance, and complex social policies are being deformed or rendered simplistic in the very process of their application. The two fields that I know best, antitrust law and constitutional law, are in states of intellectual chaos. My colleagues tell me that their fields of interest are in no better condition.

The lesson may be that a society cannot afford too many complex social policies, that some large admixture of laissez faire is required simply because regulation that might ideally be preferable will in fact, because of our inability to apply it without deforming it, turn out to be worse. Or perhaps the moral is that we must require legislatures to spell out their policies with considerably greater precision and specification than we now expect. In a society where customary modes of doing things are trusted, legislators can leave the detailed working out of policies to administrators, but that is no longer our case. And if we insist upon judicial participation in the application of policies, we must protect the judiciary by also insisting that legislators provide more guidance.

It is sometimes argued that we could devise new institutions to relieve the courts of some of their unmanageable tasks, but that is not a particularly happy thought. Beginning with the establishment of the ICC in 1887, we have spawned any number of administrative tribunals and agencies to frame regulations and decide cases, subject to judicial review. The results, most observers now admit, have been dreadful.

Yet somehow we must make the work of the courts more manageable. The alternative is to lose the benefits that courts can give us: scholarship, a generalist view, wisdom, mature and dispassionate reflection, and—especially important—careful and reasoned explanation of their decisions.

Related to these issues is a development that threatens considerable trouble in the future: the increasing use of litigation as a shortcut to the achievement of desired political and social ends. I do not want to be misunderstood here. Some political and social changes inhere in accepted legal principles, and litigation quite properly both discloses and forwards these changes. All the implications of a principle are not evident upon the first enunciation of it. Thus the principle of racial equality before the law, contained in the Fourteenth Amendment, quite properly resulted at length in the Supreme Court's decisions—in *Brown v. Board of Education* and the cases that came after—denying government the power to segregate or discriminate on racial grounds. Those litigations wrought an enormous change in our social and political structures and practices, but the result was a correct one for the law to reach.

The problem arises when litigation is used to accomplish results not inherent in any legal principle that the courts may properly rely upon. It is much cheaper and easier to ask a court to order the change you want than to go through the time-consuming, expensive, and messy process of persuading voters or legislators. And there is always the possibility that the voters or legislators will see things differently from you. Naturally, many groups and individuals accepted the invitation to substitute litigation for politics. And the Warren Court too often responded by ordering change based upon no discernible principle other than the majority's personal views.

A CONFUSION OF ROLES

It should hardly be necessary to say that this practice is inconsistent with the most fundamental theory of representative democracy. Our Constitution and our political ethos do not call for general government by judges. Many of the results the Warren Court reached were, in my view, politically or socially desirable. I would have voted for them as a legislator or as a citizen in a general referendum. But that does not begin to justify their imposition by a court acting on no existing legal principle.

The confusion of roles encouraged by the Warren Court undermines not only representative government but also the ability of law to govern at all. Though the Warren Court majority pleaded that it was merely applying the Constitution, that pretense fooled fewer and fewer people. Performance of this kind on the part of courts raises several dangers. Many people may decide that the claim of law itself to honesty, integrity, and neutrality is false. If law comes to be seen as something of a trick, political power will be seen as the only reality. In this perception lies the possibility of the destruction of the Supreme Court's constitutional authority. Worse still, those who decide that law is a trick will not easily distinguish between law made by judges and law made by legislators. Cynicism is not so easily confined, and disrespect for the Supreme Court may easily become disdain for what the Court symbolizes, the ideal of government by law rather than by whim, prejudice, or raw power. If the Supreme Court's power comes to be thought illegitimate, where will legitimate authority be seen to lie?

The perception that a Court is willing to be the political ally of certain causes, regardless of law, damages the moral authority of law, and law cannot be effective unless it carries moral weight as well as the threat of sanctions. Should any sizable and cohesive segment of the population come to feel that the only reason to obey law is the possibility of unpleasantness with the police, the costs of maintaining social order with present degrees of freedom will be prohibitive. We live in times when we cannot afford to dissipate any of the law's moral authority.

The present Chief Justice, Warren Burger, appears to be fully aware of the dangers of the misuse of courts. He has publicly worried that efforts to use law to bring about social change have been "creating expectations that are beyond fulfillment." He has warned: "Young people who decide to go into the law primarily on the theory that they can change the world by litigation in the courts I think may be in for some disappointments. . . . That is not the route by which basic changes in a country like ours should be made. That is a legislative and policy process, part of the political process. And there is a very limited role for courts in this respect."

A PARTICULAR KIND MAY DIE

The Supreme Court, however, may not find it easy to draw back from the activist, legislative pattern of the Warren years. The habit of bringing to the Court claims that belong in the political arena is not the less powerful because it is deeply illegitimate. Various kinds of claims are working their way through the judicial system, and the Supreme Court may ultimately have to face them—suits seeking judicial determination of abortion statutes, the death penalty, environmental issues, the rights of women, the Vietnam war. The Court should refer many of these issues to the political process, even though that will anger groups who have been taught to hope for easier, more authoritarian solutions.

The problem of social order is coming to the forefront in most advanced nations. Law must become more self-conscious if it is to meet the challenges that are being put to it. While it is not, of course, the only institution that creates social order, law is one of society's bulwarks, and it provides an impelling analogy or metaphor for social processes. Law is valuable for itself and because it teaches moral lessons to society. It is important that the lessons be the right ones. The right lessons will be taught only if we learn to use law correctly, to respect it as the ultimate arbiter of disputes where it is applied, to conserve its strengths by employing it only where it has clear benefits to give, and by insisting that the roles of legislators and courts be kept distinct. These tasks are not for lawyers alone, but until they begin to create the body of theory that their profession so desperately requires, there will continue to be unnecessary trouble in the law.

The stakes are far more important than the efficient functioning of law. The answer to the question "Is law dead?" is that law will never die. But a particular kind of law may die. Society will not long tolerate severe social disorder. Should law in its present form fail us, it will ultimately be replaced by other forms of law that will impose order. What is at stake, then, is not law but rather democratically made law allowing wide scope for individual freedom. That is worth preserving.

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POLITICS AND ACLU

(By Joseph W. Bishop, Jr.)

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Within the community of liberals the American Civil Liberties Union—now celebrating its fiftieth anniversary—has long occupied a place comparable to that of Dwight D. Eisenhower among Republicans. For half a century it has done more than any other organization to enforce the First, Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution of the United States. It has also labored diligently on the Fourteenth, which (as construed by the Supreme Court, with some prodding from the Union's lawyers) now extends most of the Bill of Rights to state governments. ACLU, spreading the protection of the Constitution to more and more people, has also spread itself like a green bay tree, and flourishes mightily. Its contributing members number 150,000, or one hundred times as many as in 1921, when it was quite feasible to list each and every contributor in the annual report of its founder and longtime head, Roger Baldwin.

Its annual cash income, in 1921 an exiguous $20,000 (which nevertheless sufficed for some considerable achievements), has registered an increase still more spectacular—it is now in excess of $2 million. The Union's resources are in reality much greater, for more than a thousand lawyers, some of them very talented, annually supply, without fee, services which would probably cost private litigants several million dollars. It has state affiliates, or so-called national chapters, in every state save Delaware and Idaho, plus several hundred local chapters.

These are impressive figures for a do-good organization. But the Union has impact and influence far out of proportion to its size and its tangible resources. It is a tireless and often effective lobbyist on Capitol Hill; it issues pamphlets and press-releases by scores and hundreds. Most of them land on target: in a period of approximately two years, no fewer than 311 stories in the New York *Times* alone reported the Union's doings and sayings.[1] It would be hard to name another private organization which comes close to matching this record. Nor does the Union rely wholly on propaganda and persuasion; its lawyers actively litigate about a hundred major cases a year. And all of these activities are duplicated in the provinces by the affiliates and chapters.

As the Union's Legal Director, Melvin L. Wulf, sees it, all this activity is no more than a desperate stand at Armageddon, with the forces of Evil, under the gonfalons of Richard M. Nixon, John N. Mitchell, and J. Edgar Hoover, threatening at any moment to overwhelm the frail defenses of the Constitution. The beat that Mr. Wulf could find to say in 1969 was that "we are not yet a fascist state in general." There is no evidence that his mood is any more sanguine today; indeed, the suggestion by seven (or perhaps eight) of the Justices of the Supreme Court in the New York *Times* case that there might be circumstances in which the government could restrain the publication of classified documents, caused him to compose a piece ("Tragedy of 'The Times' ") in which he virtually despaired of the Republic.

But this dyspeptic view is not general, inside or outside ACLU. A more dispassionate appraisal would be that the Bill of Rights, though its enforcement is far from perfect and its defense requires eternal vigilance, is at least in better shape than ever before in our history. The press, as recently demonstrated, has never been more free. (The segment of the radical press which likes to play at being "underground" is in fact not merely above-ground and visible but downright blatant. Its editors and publishers rarely risk anything worse than harassment by their creditors; its occasional difficulties with the law are caused by its penchant for pornography and scatology rather than its politics.) People accused of crime have more safeguards than they ever had before and probably more than in any other country in the world.

The basic democratic principle of one-man-one-vote is approaching reality. Political dissent has reached new heights of loudness and looniness. A stroll around Times Square shows how far we have come since the days when the cops raided Mae West and people who wanted to read *Ulysses* had to buy a copy in Paris and smuggle it through the customs. As Professor Alan M. Dershowitz of Harvard Law School, until very recently a member of the ACLU's national board of directors, put it a few months ago, "The long-term trend is clearly in favor of decreased repressiveness and increased democracy." If this is so—and I think it is—the American Civil Liberties Union deserves a very large part of the credit.

Despite its impressive record of accomplishment, all is not bliss and harmony, gas and gaiters, within the family of civil libertarians. ACLU in 1971 is probably a more controversial organization than at any time in its long and generally stormy career, which is saying a lot. The Union has, of course, routinely been accused of advocating Communism, pornography, polygamy, and atheism, whenever it defended the right of people who *did* favor these things to try to persuade others to their way of thinking.

But the charge today is that the Union has itself embarked on a series of political crusades which may be moral, or even right, but which have no readily discernible connection with the cardinal political virtue which it is chartered to defend; in effect, that it is being metamorphosed by its present active and activist management into an organism as totally different from the one which Roger Baldwin founded as the Chase Manhattan Bank is from the Manhattan Company, which the State of New York chartered as a water company in 1799. This time, moreover, the accusations come from within the Union, from people who can by no stretch of the imagination be described as enemies of freedom or opponents of social change, as well as from its traditional detractors.

A paradigm of the internecine strife among civil libertarians is the bitter and continu-

[1] I am indebted to George A. Bermann, a recent graduate of Yale Law School, who spent many hours digging in the *Times* Index and the microfilms of the Sterling Library.

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ing row within the New York Civil Liberties Union over "community control" of public schools, particularly in the former Ocean Hill-Brownsville demonstration district. The NYCLU, controlled by an "activist" majority and headed by Aryeh Neier (who has since become the Executive Director of the national parent body), plunged into the fray on the side of what it supposed to be the community, thus necessarily involving itself in an envenomed conflict with the United Federation of Teachers, several of whose members the new school board was attempting to expel from the district.

The war whoop of the dominant faction was "social and distributive justice," a phrase having about the same precision of meaning as most slogans, but which was said to be the *sine qua non* of true freedom. A dissident faction protested that community control, whatever its merits or demerits, was a pure political issue, having nothing to do with the Bill of Rights. It seemed, indeed, to these Mensheviki that the proper issue for the NYCLU was the right of the teachers not to be sacked without the process due them under the law—and that on that issue the NYCLU had not only taken the wrong side, but had accompanied its action with gratuitous, inflammatory, and infuriating rhetoric. The immediate *casus belli* is no longer an acute problem—"community control" turned out to be something less than a burning issue to the actual inhabitants of the communities, who had not been much consulted by their self-elected champions—but the hostility between "activists" and "traditionalists" is still intense and is reflected in the parent organization, where both factions have partisans.

ACLU itself, as distinguished from its New York affiliate, was not directly involved in the decentralization brawl; its stated policy on community control of schools is pragmatic and carefully hedged and, indeed, insists on the teacher's access to school employment "regardless of race or ethnic origin." Although its constitution provides that the affiliates "shall act in accordance with the policies of the Union, with the understanding that the purpose of this requirement is to obtain general unity rather than absolute uniformity," it is a considerable understatement to say that the rule is not strictly enforced. When, for example, ACLU a couple of years ago issued a very cautiously worded, not to say apologetic, condemnation of campus violence, the staff lawyers of the New York affiliate immediately and indignantly accused it of "joining the repressive forces of society."[2]

But the directors and members of ACLU itself are similarly divided between "activists" and "traditionalists." (The staff seems almost solidly in the activist, or hyperactivist, camp.) The former believe the Union's mission is to crusade for such political causes as find favor in their eyes. The latter have an aggravating habit of pointing out that the Union's own constitution provides that its objects "shall be to maintain and advance civil liberties, including the freedoms of association, press, religion, and speech, and the rights to the franchise, to due process of law, and to equal protection of the laws . . . wholly without political partisanship."

Those of the activists who bother to debate the question reply that the Constitution of the United States, read with the eyes of faith, hope, and sometimes charity, mandates Good and prohibits Evil. The draft violates the Constitution; so does the war in Vietnam. On the other hand, the Fourteenth Amendment requires community control of schools (unless, of course, that control is exercised by the wrong people); the Fifth confers on the citizenry the right to live in an unpolluted, if somewhat buggy, environment, although not the right to use automobiles, air-conditioners, or insecticides. As phrased by the articulate Mr. Wulf, modestly speaking for "some of us who have some responsibility for the expanding role of the Union," "the true scope of civil liberties . . . can be as broad as the possibilities of the Bill of Rights."

This approach to constitutional law in its essentials differs very little from that which the National Association of Manufacturers used to advance against the National Labor Relations Act, the Securities Acts, and the rest of the seditious innovations of the New Deal. The less lawyer-like activists take the simple and forthright position that "Hyde Park speeches or Tom Paine leaflets" (the quote is from a Vice Chairman of the NYCLU) are very much less important than the struggle for "social justice" (not further defined) and the abolition of poverty, not merely in the United States, but also on the rest of the planet. I am myself in favor of social justice and against poverty, but I suspect that ACLU has a better chance of preserving individual freedom in the United States than it has of curing all the ills of the entire human race.

Despite the evangelistic sermons, most of what ACLU does still bears a reasonable relation to the old-fashioned goals set forth in its constitution. It opposes, for instance, all the ingenious devices for bailing out Catholic schools with the taxpayers' money; likewise it criticizes tax exemptions for religious property. It challenges the constitutionality of locking up people accused of crime when this is done not because they are likely to flee the jurisdiction (which is the only valid reason for denying liberty to those who have not yet been convicted), but because a judge is persuaded that they are likely to commit more crimes while awaiting trial. It fights unwarranted restrictions of the franchise, such as long residence requirements. Its opposition to censorship, whether of obscene movies or obscene politics, is firm and consistent. Such campaigns occasion no adverse comment by even the most conventional and unimaginative civil libertarians, like me. The new civil libertarians at least tolerate these traditional activities, although they plainly find them about as exciting as Civic Virtue. But they do not regard them as a sufficient excuse for the Union's existence.

The charge is also made that the Union's ardor in the defense of dissenters is greater when the dissenter is of leftish persuasion than when his deviation is to the Right. And in fact one is struck immediately by the general homogeneity of the politics of the people ACLU supports—draft resisters, black militants, campus radicals, bellicose peace demonstrators, and the like. Each of these groups has, of course, its own particular cause, but each is in general sympathy with the others; the *Weltanschauung* of almost all of them is that of the *Village Voice* and the *New York Review of Books*.

The major difference of opinion among the various sects of the faithful probably concerns the degree of force which is necessary and proper to usher in the millennium. The moderates and trimmers are willing to give the electorate a reasonable grace period within which to do God's will, before being forced to the conclusion that democracy is merely a device of the Establishment for the frustration of Social Justice; some of them are even willing to accept the decision of the majority, although not happily.

The ultra-progressives believe that radical reform necessarily and preferably entails a salutary preliminary cleansing with fire and gelignite. These, in the words of Samuel Butler, describing their 17th-century prototypes, "call fire, and sword, and desolation, a godly-thorough Reformation." The Union, of course, does not advocate any sort of violence; but a good many of its members and staffers undoubtedly view the terrorists as the ordinary law-abiding Catholic Irishman views the murderous fanatics of the IRA. They would not themselves burn banks, shoot policemen, or smuggle guns to imprisoned militants, but they have serious reservations about the propriety of repressing persons whose consciences dictate such forms of protest. Again I quote Mr. Wulf:

> . . . The crimes which the government is committing in the name of law and order are far more grave than the so-called crimes committed by private citizens, for the latter "crimes" consist of a disorganized conspiracy to force the government out of a brutal, aggressive war in Vietnam. . . .

Another of the conspiracy's objectives is the improvement at home of the condition of the poor and non-white. That objective necessarily requires the reallocation of public and private resources, and it is in defense of the present inequitable *status quo* that the government commits *its* crimes.

The Union has in the past on rare occasions gone to court to defend the constitutional rights of dissenters whose political goals were, as it was at some pains to explain, abhorrent to decent people. As recently as four years ago, its lawyers persuaded the Supreme Court to overturn a Maryland court's injunction against the racist rabble-rousing of the National States Rights party. The only part of that party's platform (which can fairly be described as a mirro-image of the agitprop of the Black Panthers) which would have been likely, if only in the light of hindsight, to draw cheers at an ACLU meeting was its fervid denunciation of the then governor of Maryland, Spiro T. Agnew.

But in none of the ninety-odd court cases listed in the most recent report of the Legal Director can it be said that ACLU is representing a right-wing client or cause. (It is involved in a peripheral aspect of the case of Sirhan Sirhan, but his politics, though they took the form of assassinating Robebrt Kennedy, are of the Palestinian Arab variety and do not really correspond to any color in the American political spectrum.)

In fact, the Union has in recent years had little occasion to concern itself with the liberties of the far Right. The John Birchers and so forth are at the moment conspicuously inconspicuous; the Klu Kluxers, though still responsible for some terrorism, would probably refuse to let the Union's lawyers represent them, even if such help were needed and offered. Less radical right-wingers, like the Young Americans for Freedom, are unlikely to do anything more seditious than denounce Mr. Nixon as a turncoat; their closest approach to violence is to sport "Nuke the Chinks" buttons—a policy which, however ill-considered, it is clearly lawful to advocate.

The rightists' infrequent requests for help, like the Union's infrequent offers of help, are intended principally to embarrass the other party—as when, for instance, Governor Williams of Massachusetts asked the Union to join him in suits to enjoin *de facto* segregation in Northern cities, or when Charles Morgan, the Director of the Southern Regional Office, offered to defend Lester Maddox's right to picket the offices of a couple of Atlanta newspapers. (Since Morgan did not propose to join Maddox's picket line, and nobody was threatening to arrest Maddox for picketing, it may be suspected that the offer, which was refused, was not intended very seriously.

A more substantial problem was presented by William F. Buckley's contention that his First Amendment rights are violated by the insistence of the American Federation of Radio and Television Artists that he must pay dues to the Federation in order to conduct his TV program. If Mr. Buckley's purpose in asking ACLU's help in his suit was to embarrass it, he plainly succeeded, for the national board took nearly a year to make up its mind to turn down his request.

The political uniformity of ACLU's clientele is thus not entirely a result of its own political predilections, except to the extent that potential right-wing clients may suspect that their reception in its offices would be somewhat reserved, or even chilly. But a study of its press releases and the comments of its spokesmen on current events does suggest that its views on freedom depend very much on who is interfering with whose freedom of speech and action.

Thus, when the Chairman of the House Committee on Internal Security (the contemporary, and on the whole much subdued, avatar of the House Committee on Un-American Activities) proposed to publish a list of Old and New Left revivalists on various campuses, ACLU denounced it as an exercise of Congressional "power to smear individuals and organizations" and brought suit (successful in the District Court) to enjoin the publication. But I am not aware of any such nobly outraged reaction to Wright Patman pillorying of the Penn Central Railroad and its officers and directors—some of whose alleged transgressions are, or are likely to be, the subject of litigation.

Nor were there cries of "smear" when Representatives Abzug, Dellums, and like-minded statesmen and stateswomen proposed "hearings" to demonstrate that Mr. Nixon and his co-conspirators favor war crimes. I am not at the moment debating the propriety or legality of these Congressional publicity plays; I do suggest that it is hard to see why one is a "smear" and the others are not. Similarly, the New York Civil Liberties Union called on its members to boycott California grapes; but the Wisconsin affiliate denounced an advertisers' boycott of an "underground" paper. Both ACLU and the affiliates are properly critical of the use by the police of excessive violence on demonstrators; but criticisms of violent demonstrators have been few and gentle, usually being prefaced by tributes to their noble ideals.

The same selectivity is displayed in the Union's view of foreign governments. When Prime Minister Trudeau dealt (effectively) with the terrorist activities of the Front de Liberation du Quebec, by issuing emergency regulations under Canada's War Measures Act, which for a limited period authorized search without judicial warrant, detention and questioning without the filing of criminal charges, and suspension of the right to bail, the Union reacted promptly and forcefully: "The Board expresses its sympathy with the efforts of the Canadian Civil Liberties Association to resist summary measures of repression, and urges efforts through the International League for the Rights of Man, as well as private efforts in this country, to raise from other sources the funds needed to meet the Canadian emergency"—the word "emergency," of course, having exclusive reference to Mr. Trudeau's counter-measures rather than to the FLQ's campaign of kidnapping and murder. But I am not aware of any similar preachments on the Castro regime, whose far more summary measures of far more severe repression ought to be far more offensive to American civil libertarians.

As a rule, however, the charge that the Union is a zealous defender of the right to disagree with ideas with which its management also disagrees is based less on its official statements of policy, as expressed in its Policy Guide, than on the statements of its staffers, who are not always careful to distinguish their personal opinions from those of ACLU. Policy Number 234, for example, which deals with military justice, advocates various reforms in the court-martial process (the most important of which has in fact been enacted since the policy was formulated in 1966) but certainly does not suggest that military courts are intrinsically unfair or demand their abolition.

But Charles Morgan of the Southern Regional Office has been quoted as saying that "There's just no point in having any sort of trials conducted within the military. The military is incapable of understanding the Constitution."

The Legal Director, Melvin Wulf, some of whose remarks have already been quoted, is another staffer with an unfortunate talent, amounting almost to genius, for overstatement. He really seems to see no difference between the President and Vice President of the United States and Hitler and Goebbels. Mr. Nixon favors "The use of violence and brutality against individuals who are portrayed by the minister of propaganda [Mr. Agnew] as depersonalized instruments of revolution and anarchy, who are guilty of 'philosophical violence.'"

Mr. Agnew believes that "crimes of ideology . . . may justifiably be suppressed. He therefore encourages the primitive use of government power—including imprisonment and censorship—against those who would prefer a different order of social priorities from his own." Mr. Wulf's style, although not distinguished by clarity or originality, is filled with a verjuiced rancor against people who do not see the light as it is given to him to see it.

This makes his pronouncements better copy than the comparatively carefully phrased resolutions of the national board. He is, for example, bitterly critical of the lawyers for the New York *Times* in the Pentagon Papers case, who seemed to be more interested in winning their client's case on comparatively narrow (but adequate) grounds, than in insisting on a sweeping construction of the First Amendment which could not have been sold to more than one or two of the Justices. His cast of mind is understandable enough; if you really believe that America stands where Germany stood in 1932, that Dachau and Belsen are ready to reopen for business here in the United States, it is hard to maintain a sense of proportion. By the same token, as the sense of proportion atrophies, it becomes easy to entertain such apocalyptic and apoplectic visions.

The disease of utter humorlessness, it should be noted, is endemic among ACLU activists—a sad change from the days of Roger Baldwin and Ernest Angell—and sometimes produces episodes which have much the same quality of farce-tragedy that made great art of disasters which used to overwhelm Buster Keaton. Eason Monroe, the Executive Director of the Southern California affiliate, wrote a scholarly essay on the evils of censorship as an introduction, prominently advertised on the cover, to *The Illustrated Report of the President's Commission on Obscenity and Pornography*, published by Greenleaf Classics.

The publishers had, however, failed to inform Mr. Monroe that the illustrations were far from scholarly, being largely taken from one of the Danish pornography fairs. (ACLU chastely described them as "sexually explicit.") When last heard from, Mr. Monroe, whose apparent function was to give the publication what the Supreme Court calls "redeeming social value," had retained counsel to sue Greenleaf Classics; the question of freedom to publish is viewed from a new angle when an eminent civil libertarian is himself placed in a scandalously false light.

A similar note is struck by the cryptic comment of the ACLU of the State of Washington, which had undertaken the defense of a group of alleged terrorists, on the disruption of the trial, including the macing of the Union's lawyer, the arrest of a number of spectators, and the citation of the accused for contempt of court: "In the wake of the collapse of the trial, a good deal of thinking is being done by people in the Washington affiliate about the ACLU role in major political [*sic*] prosecutions of radicals." (In general, ACLU's thinking about courtroom disruption seems to lead to the conclusion that the prosecutors and judges are to blame; the record is bare of criticism of unruly defendants and their lawyers. Indeed, the Union spent its money to reprint and circulate an article glorifying William Kunstler.)

Like the Legal Director, other staffers and many of the directors and members of the Union tend to see political persecution in every case in which the defendant is a radical—that is, of course, the right kind of radical. (The Union is unlikely to set up much of a howl about the political persecution of the Ku Klux Klansmen recently collared by the FBI on charges of blowing up school buses.) The Union's official policy is unexceptionable: the motivation—political, commercial, or personal—of a crime is irrelevant; the question is whether the particular conduct can constitutionally be made criminal. "For us," says the Policy Guide, "the single question is whether the act involved is the violation of a valid law or one we believe is invalid. In the latter case, we will defend the violation of law; otherwise we will not."

But the Union's intervention in some "political" cases is hard to square with its stated policy. Last spring the national board voted 49 to 5 "to provide direct representation to any or all of the six defendants in the Berrigan case who might want ACLU representation." The first reaction of most liberals is to applaud this decision. Second thoughts, however, leave me wondering what reason, other than warm sympathy for the Berrigans' doctrinal views, ACLU has for spending its time and cash—of which latter it has none to spare—in defending them and their catechumens.

The statutes which they are accused of violating seem clearly constitutional: neither blowing up government property, nor even kidnaping Henry Kissinger, has yet been held to be a protected form of symbolic expression. The Berrigans and their acolytes are certainly not so friendless and unpopular that the Union's intervention is necessary to secure them due process and competent counsel. They have, in fact, been represented by squads of eager lawyers, some of them competent. Their press notices have ranged from friendly to adulatory; the average *Times* reporter can scarcely mention their names without genuflecting.

There might indeed be a civil-liberties issue if the indictment were so patently unfounded and incredible as to justify the inference that its purpose was not to obtain a valid conviction but simply to harass and persecute. History is, however, full of evidence that there is nothing preposterous, or even improbable, in the proposition that religious zealots, convinced of the righteousness of their particular orthodoxy, may under-

[2] This is as appropriate a spot as any to emphasize the point that it is very unfair, but unfortunately very easy, to judge ACLU by the harebrained harangues sometimes emitted by local affiliates and local staffers over whom the national board has no control and not much influence. The problem is compounded by the frequent failure of the press to distinguish between the national organization and the affiliates; to most reporters they are all ACLU. Some of ACLU's own propaganda contributes to the confusion. A recent circular, signed by ACLU's Executive Director, states that "in thousands of courts across the country, in the state legislatures" and Congress, ACLU is resisting what Mr. Neier calls "a concerted attack on American liberties." This reference must be intended to include many of the activities of the affiliates and chapters.

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take criminal acts *ad majorem Dei gloriam*. The Brothers Berrigan are entitled to a fair trial, but so are thousands of defendants in whom the ACLU has expressed no particular interest.

The case of Captain Howard Levy, court-martialed for making statements designed to promote "disloyalty and disaffection" among enlisted men and for refusing to obey a lawful order, does present some genuine and important constitutional questions. But the case was not, on its facts, a good one for testing the First Amendment rights of servicemen—the charge of disobeying orders did not, in my opinion, raise any clear and substantial constitutional issue—and it certainly did not justify the extraordinary amount of time and money which the Union's lawyers devoted to litigating peripheral issues (such as the propriety of Levy's confinement while his conviction was under review in the military appellate courts) whose connection with the constitutional issue was at best tenuous.

Perhaps the finest example of the triumph of zeal over realism was the filing of a petition for certiorari (denied by the Supreme Court) running to 53 pages, including appendices, and signed by no fewer than eight lawyers, *after* the issue (whether the lower federal courts had erred in refusing to enjoin the Army from even prosecuting Levy) had been made moot by the completion of the trial. The constitutionality of Levy's conviction could still, of course, be litigated all the way up to the Supreme Court and doubtless will be. It is not easy to perceive a reason for this hopeless and expensive effort—the petition may be described as a reckless hurling of mobs of frenzied but undisciplined adjectives upon the *chevaux-de-frise* of the Solicitor General—other than infatuation with Captain Levy's political philosophy.

ACLU's actual involvement in the various criminal prosecutions of Black Panthers has been limited to issues of due process, which so far have not proved very serious. More Panthers have been acquitted than convicted, some on evidence which might well have supported a finding of guilt. (The doubts of Yale's President that a black revolutionary could get a fair trial in the United States may have proved justified, but not in the way he meant. The fact is that the Panthers are likely to benefit from their right to trial by jury in precisely the way Ku Kluxers have traditionally benefited from Mississippi juries.) But some of ACLU's spokesmen swallowed whole the theory that the Panthers were being persecuted for their political views, not merely by being tried on trumped-up charges of murder and the like, but by being themselves murdered by the cops.

The Executive Director of the Illinois affiliate, accepting unquestioningly and even eagerly the story that "some twenty-eight Panthers died in police shootings" in 1968 and 1969, concluded that there was a "nationwide pattern of police action against the Panthers." He added ominously that the crimes of the police against the Panthers were generating a "police-state atmosphere." His charges were promptly echoed by the then Executive Director of ACLU, John de J. Pemberton, who accused police across the country of "provocative and punitive harassment" of the Panthers. Mr. Wulf weighed in with a declaration that the state (meaning, apparently, the government of the United States) was "fascist" from the Panthers' point of view: "The evidence," he pronounced, "is clear now that there is a government plan to destroy the Black Panthers as an organized political movement." Whether or not," he went on darkly, "there is a memorandum in Washington which sets out the details of the program, or a written or spoken agreement among law enforcement officers to include murder as one of the means of banishing the Party, there is encouragement and support from Washington for murder as an instrument of policy."

This lie (which, I should in fairness add, Mr. Wulf did not invent, but merely believed, repeated, and embellished in his own peculiar style) was demolished as thoroughly as such a lie can ever be demolished by Edward Jay Epstein's remarkable report in the *New Yorker* of February 13, 1971; Epstein concluded, after a thorough and objective investigation of the alleged twenty-eight deaths, that in only two was there substantial—although by no means conclusive—evidence of police aggression. But the conspiracy-to-murder-the-Panthers lie will probably have as many lives as the *Protocols of the Elders of Zion*, for it is the sort of lie that fills a large public demand. So far as my research in newspapers and other publications goes, Mr. Wulf still believes it, and I suspect also that in this respect he is not alone among the Union's activists.

In matters like these much depends, of course, on one's view of people whose crimes of violence are motivated, or said to be motivated, by ideology. I confess that I like the "political" criminal—and by that phrase I do not mean a man whose "crime" is the nonviolent expression of political ideas, however obnoxious, for that, under our Constitution, cannot be a crime—rather less than garden-variety felons.

Muggers, porch-climbers, and securities swindlers do not, as a rule, give themselves airs of virtue. But the "political" arsonist or rapist, if the cops catch up with him, is anything but repentant: he glows, in fact, with self-approval. His crimes, he informs the victims (placing both nouns in quotation marks), were inspired by a superior wisdom and a morality too elevated to be comprehended by the dull wits of the electorate. Such an attitude is, of course, contagious: even criminals of lesser intellectual and moral pretensions are very ready to be persuaded that their homicides and robberies were in reality gestures of protest against the repressive System, and that they are, in fact, political prisoners.

In the same manner ACLU rationalizes in terms of civil liberties and the Constitution crusades whose purpose seems to me clearly political. Thus, the national board recently voted to give "top priority" to an end-the-draft campaign, resolving that the Selective Service Act is unconstitutional. But only by a process of self-hypnosis can a lawyer take seriously the idea that the draft will be held unconstitutional.

The argument has been made in hundreds of cases since conscription was introduced in 1863; and not since that year (when a state court, which reversed itself a few months later, held that the federal draft was inconsistent with the militia clauses) has any court accepted it. Chief Justice Warren, speaking for the Supreme Court in 1968, said that "the [peacetime] power of Congress to classify and conscript manpower for military service is beyond question," and the Court is about as likely to hold otherwise in the foreseeable future as Cardinal Cook is to elope with Bella Abzug. As a *political* matter, it can, of course, be argued that the United States should rely on a volunteer army or even have no armed forces at all; but that should not be the business of the American Civil Liberties Union. Litigation to establish the *unconstitutionality* of the draft is simply a waste of money and time which its lawyers might better spend on real issues of civil liberty.

It is nearly as unlikely that the Court will agree with the Union's contention that "the present military involvement of the United States in Southeast Asia is unconstitutional." As a political matter, that involvement may be very unwise, but unless and until Congress exercises its power to withhold men and money, it is sanctioned by the Constitution.

There are, of course, substantial and serious questions, with which ACLU is properly concerned, about the First Amendment rights of servicemen—whether, for example, a member of the armed forces can constitutionally be forbidden to speak contemptuously of the President and Congress, or to participate in a political demonstration in a foreign country.

But in their number, variety, and, in some cases, implausibility and even pettiness, the Union's lawsuits against the military lead me to suspect that the underlying motivation is not so much to protect the civil liberties of servicemen and civilians from military encroachment as to gratify a political dislike of the armed forces, at least when they are controlled by the wrong civilian politicians. It is one thing to defend the right of servicemen to patronize offpost coffeehouses established to serve up hot coffee and hotter propaganda or to disseminate "underground" newspapers on the post; it is quite another to litigate the constitutionality of the Army's haircut regulations.

There is probably no connection between short hair and military virtue: the Cavaliers, with their "long essenced hair," were beaten by the Roundheads; but the longhaired Spartan hoplites ("The Spartans on the sea-wet rock sat down and combed their hair") were the best disciplined and bravest warriors in Hellas. Yet however weak the military justification for the Army's regulation, the right to wear one's tresses in a pageboy bob is hardly of the same magnitude as the right to speak one's mind, and in it is the last degree unlikely that the courts will interfere with this aspect of military discipline. Likewise, nerve gas is nasty stuff, and, if I live in Oregon, I would prefer to have the Army dispose of it somewhere else; but when it is reported that ACLU has filed suit to enjoin its shipment from Okinawa to Oregon I am quite unable to see the connection with civil liberty.

And how can suits to enjoin underground nuclear blasts be reconciled with the Union's Policy Number 235, which says that "The ACLU does not believe that any question of civil liberties is involved in the issue of nuclear weapons testing?" Similarly, an effort to enjoin the Army Corps of Engineers from granting permits to drill in the Santa Barbara channel is not convincingly explained by the argument that the drilling would violate the Fifth Amendment by depriving the people of Santa Barbara of property without due process of law. (It may be noted in passing that neither I nor my diligent research found any other instance of concern for property rights.) Such crusades seem to suggest that the Union's management, dissatisfied with its limited role as the watchdog of the Bill of Rights, has decided to diversify by putting it in the business of protecting the environment—a field which is already somewhat crowded.

All of the crusades which seem to me to be motiviated by political ideas other than the protection and promotion of civil freedom are marked by a strong hostility to the government. The degree of hostility varies, of course, with the degree of conservatism of the government in power, but I suspect that even Senator McGovern would not enjoy a long honeymoon.

As Mr. Wulf put it, "Governments, perhaps by their very nature, perceive every threat to the *status quo* and to their own power as an assault which justifies the use of physical force." This extraordinary statement recognizes no distinction between the governments of the Third Reich or Soviet Russia and that of the United States. It ought to be too obvious to require saying that in my lifetime, and Mr. Wulf's, the United States has undergone enormous changes, some of which Mr. Wulf would probably regard as good. Some of these changes were resisted by the governments in power when they were first proposed, but very rarely by jailing or shooting the proposers. I expect that the United States will change as much in the next fifty years as it has in the past fifty, and I expect that it will do so more or less peacefully.

The government of the United State is, in fact, one of that small minority among the earth's governments which *does* provide for change by democratic and constitutional means and in which there is no justification for resort to violence to coerce changes in policy. All historical experience tends to show that personal freedom can exist only in a fairly stable and prosperous society. Civil liberty is, in the last analysis, a luxury, although a very great one.

The truth—maybe sad but nonetheless true—is that the ordinary specimen of *homo sapiens* would rather live under an absolutist government, which assures him two or three meals a day and protection against oppression by anyone except itself, than under a permissive and democratic government which does neither; an ordinary citizen of Calcutta would probably, if he could chose, trade his right to a free press (which is largely theoretical, because he hasn't the price of a newspaper and couldn't read one if he had), plus his right to damn the Congress party, for the relatively full rice bowl of an ordinary citizen of Canton. A man whose government does not protect him from thieves and marauders is likely to lose concern for criminal due process and to support the first strong man who promises short shrift for criminals.

The stability of the government of the United States and the survival of the liberties provided by its Constitution depend on its continued ability to enforce its constitutional laws by constitutional methods—including laws which are unwise, but not unconstitutional.

It ought therefore to be a truism that in this country the public interest and the interest of the government are not always, or even very often, antithetical. But the "activists" within ACLU, who are so strongly represented in its professional staff—i.e., its active management—barely recognize that the public has any interest at all in the government's preservation of stability and order or in the protection of the United States from internal and external violence.

In the New York *Times* case, the most that ACLU's brief in the Supreme Court conceded, and that grudgingly, was that the government "could conceivably" prevent publication of secret codes, designs of new military equipment, and plans for military operations—but not if their publication would be "of value in permitting citizens to render an informed judgment on public issues."

This criterion has a fine ring, but it would have permitted publication of the Allies' plans for the invasion of June 6, 1944 or Israel's plans for the air strike of June 5, 1967. Knowledge of either of these important government decisions would doubtless have contributed to informed public discussion of many issues, but I suspect that not even Justice Black, faced with such circumstances, would really have held that publication could not be restrained.

A few years ago, in *United States* v. *Robel*, the Supreme Court struck down a statute which made it unlawful for a member of the Communist party to work in a defense plant, regardless of whether there was any evidence that he was himself likely to engage in espionage or sabotage. Chief Justice Warren said that "nothing we hold today should be read to deny Congress the power under narrowly drawn legislation to keep from sensitive positions in defense facilities those who would use their positions to disrupt the nation's production facilities."

But the ACLU's positions, when Congress was attempting to draft legislation sufficiently precise and narrow to satisfy the First Amendment, was that "we would of course oppose this section even if it met every standard set down in *Robel*." In the eternal process of balancing the public's interest in security and stability against its interest in personal freedom, it is difficult to think of any recent instance in which the Union has been willing to give any weight at all to the former. The gravestone of the Weimar Republic ought to be a reminder of the fact that there is, after all, some public interest in allowing a democratic and constitutional government to protect itself.

The Union's chronic hostility to government is mirrored by its general indifference to assaults on freedom of speech and association by various New Left groups, which on campuses, at least, are a much more serious threat to First Amendment freedoms than are the cops.

The Union's official policy is impeccable: "The ACLU considers it important to emphasize that it does not approve of demonstrators who deprive others of the opportunity to speak or be heard, or physically, obstruct movement. . . ." But actions to implement these commendable principles have been few and feeble—an occasional letter to the newspapers expressing disapproval of some unusually outrageous disruption, such as the shouting down of pro-war speakers at Harvard last March. (Many similar episodes seem to have altogether escaped the notice of the Union and its spokesmen.) There have been no interventions, no briefs *amici curiae*, no press releases supporting authorities who tried to prevent or punish such violence.

On the contrary: when the University of Connecticut obtained an injunction against the making on campus of obscene and disruptive statements in connection with demonstrations against recruiters representing corporations with defense contracts, the Union sought to have the injunction overturned in the Supreme Court, and Mr. Wulf lectured the Court severely for its refusal to review the case. The NYCLU promptly and loudly denounced the police for using excessive force in the 1968 Columbia disorders, but had no unkind word for the violent demonstrators—an assessment of guilt which is not supported by the Cox Commission's Report.

Neither, apparently, does the Union support legislation intended to curb such interferences with free discussion, like a bill which would authorize the Attorney General to seek injunctions against "disruptive noise" at public gatherings.

But it is very sensitive—properly so—to private interferences with the New Left's right to express itself: when printers, for example, refused to set type for an issue of *Scanlan's Magazine*, which consisted largely of what the printers regarded as a sort of Field Manual for urban guerrilla warfare, including a how-to-do-it piece on the construction of cheap, simple, and efficient bombs, the Union's Executive Director announced his intention to sue the printing company.

The Union's policy on disruptive students attempted to salve their sensibilities by acknowledging that they were "moved by conscience to use extraordinary means [a euphemism for violence] in the belief that ordinary means have failed in creating a more just and equal social order." Although the printing-shop foreman said that it was "a matter of conscience" for him, and presumably thought that the social order would be none the better for an infusion of pipe bombs and Molotov cocktails, he got no similar encomium from the ACLU.

Perhaps it is too much to expect any special-interest pressure group to be fair or objective in its attitude to what it regards as the enemy. Moreover, the Union suffers from a problem created by its very success: to find new battles and victories its staff seems to think that it must push farther and farther toward, and beyond, the outer limits of freedom (not only of speech, but of action) and must, indeed, become a political pressure group.

But the Union's attitude toward a constitutional and democratic government need not and should not be always, or even usually, that of Ralph Nader to General Motors. The Union has done far more good than harm. I *think* it still does, but the question seems to me much closer than it used to be. The policies of its present management risk a considerable, and I think undesirable, change in its base of support—from a large number of people, having very different political views, but sharing a common belief in the virtues of the Bill of Rights, to a rather smaller and politically homogeneous group whose belief in civil liberties for everybody, including oldthinkers, is in some cases very dubious.

SESQUICENTENNIAL CELEBRATION OF THE BIRTH OF CHARLES REED BISHOP

Mr. FONG. Mr. President, on January 25, 1972, the sesquicentennial celebration of the birth of Charles Reed Bishop, a great adopted son of Hawaii, will be held in Honolulu.

Charles Reed Bishop became a resident of Hawaii almost by accident in 1846. He was on his way to Oregon by way of Hawaii but when he saw the verdant hills and beautiful tropical panorama that is Hawaii, he decided to make it his home.

At the time of his setting in Hawaii, it was still a monarchy under the rule of Kamehamela II.

During his 46 years in Hawaii he contributed much to the growth of the island kingdom and he is fondly remembered in the many cultural, charitable, religious, educational and commercial interests to which he gave unstintingly during his lifetime.

I ask unanimous consent that a brief biography of Charles Reed Bishop's life in Hawaii be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

CHARLES REED BISHOP

A tollhouse in the middle of the bridge over the Hudson River at Glen Falls, New York, was the place where Charles Reed Bishop was born, January 25, 1822. Glens Falls along with Honolulu and San Francisco were the great cities of the areas where he spent all his life. His birthday is being celebrated throughout these places in January 25, 1972, his one hundred fiftieth or sesquicentennial birthday.

After a thorough elementary education through the eighth grade in which English in all phases, received greatest stress, young Bishop worked at farming on his grandfather Jesse Bishop's farm. He left this to enter employment in two stores, the first one in Warrensburgh and the other in Sandy Hill. Between the farm and stores he gained another education. Today, we would call this on-the-job training. Glens Falls was the center of factories, farms, marble quarries, lime kilns, brick and lumber yards—to mention only some of the industries. He became, through farming, store clerking and bookkeeping, very knowledgeable in principles of commerce and industry.

But he was attracted away from this area of his youth by newspaper accounts of settlers in Oregon. He and a friend, William L.

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Lee packed up and sailed away from Newburyport, Mass., thinking they were headed for the green lush country of Oregon. But when their storm and wave battered ship, the brig *Henry*, anchored in Honolulu harbor in October 1846, after eight months of rough going, the two men decided to remain in Honolulu.

Bishop was 24 years old. He was in immediate demand to apply his accounting skill in untangling the affairs of a local firm. The United States Consul employed him as clerk. He became a citizen of the Hawaiian Kingdom and was appointed Collector General of Customs. On June 4, 1850, he married beautiful 18 year old princess Bernice Pauahi Paki. He was on his way to becoming one of the greatest benefactors the Hawaiian Kingdom has even known.

With another local man, Willaim A. Aldrich, he opened a store and closed it out in 1858 in favor of a bank, Bishop & Company. This bank grew under his leadership and has today become one of the outstanding banks of the United States—the First Hawaiian Bank.

He took a deep and abiding interest in schools. On the list of benefactions to schools we note the names of Mills Institute and Kawaiahao Seminary later merged as Mid-Pacific Institute, Kohala Girls School, Hilo Boys Boarding School, East Maui Seminary, Sacred Heart's Convent and St. Andrews Priory. He was closely involved with both Punahou School and the Kamehameha Schools. At the former he was trustee, vice-president and finance committee chairman for thirty years. He contributed both money and real property along with sage advice to the founding and growth of the Kamehameha Schools. He was president of the trustees of the B. P. Bishop Estate, foundation of the Schools from 1884 to 1898. On the public school side he was made a member and then president of the Board of Education under King Lunalilo, continued as such by King Kalakaua and Queen Liliuokalani and the heads of the succeeding governments, Provisional Government and Republic of Hawaii—twenty-one years of public school service.

In the field of religion he gave support to the old Fort Street Church and its successor Central Union Church, Kaumakapili and Kawaiahao Churches. The North Pacific Missionary Institute, headed by his close friend the Rev. Dr. Charles M. Hyde, was solidly assisted as was the Hawaiian Board of Missions. He paid for and erected the Bishop Memorial Chapel on the Kamehameha Schools Campus in his wife's honor.

Hospitals ever had an appeal for him. He was from its founding date a chief officer and director of the Queen's Hospital. He gave modest assistance to the Children's Hospital, Kapiolani Hospital and Leahi Hospital and funded and constructed the Bishop Home for Girls and Young Women in Kalaupapa, Molokai, the site of the leper settlemore.

Other broad community interests of Mr. Bishop included the YMCA, the public library—he was a founder of the Hawaiian Historical Society—the Sailor's Home Society, American Relief Society and many more.

In government he was Collector General of Customs, member of the legislative Privy Council, member of the House of Lords, Board of Immigration, Chamber of Commerce, and under King Lunalilo he acted as a member of the Cabinet. He was Foreign Minister.

He received the honorary Orders of Kamehameha I and Kalakaua. The Emperor of Japan made him a member of the Order of the Rising Sun, First Class. There were many others from around the world.

Such were Mr. Bishop's community activities. He supported them with gifts of substantial size and in some instances worked as a board member or as president or treasurer. He was conscientious in his devotion to all these causes.

Mrs. Bishop died in 1884 and it was as if a great light had gone from his life. He had begun visiting California many years prior to her passing and had made modest investments in lands and stocks and bonds. He stepped up the pace of investments and finally moved to California in 1894 never to return. His operations in the San Francisco bay area were centered in a specially created new position of vice-president of the Bank of California.

He had given away his Hawaii fortune to relatives and community and charitable agencies. In San Francisco he made another fortune and similarly gave that away to the same objects. He died in Berkeley June 7, 1915, age 93.

In his loyalty to his adopted native land of Hawaii he asked that his ashes be placed alongside those of his wife in the Royal Mausoleum in Nuuanu Valley of Honolulu.

Perhaps the best comment that can be made of Charles Reed Bishop may be found on his grave marker in the Royal Mausoleum: *Builder of the State-Friend of Youth-Benefactor of Hawaii His Ashes Rest in the Tomb of the Kamehamehas.*

The agencies and organizations among the cultural, charitable, religious, educational and commercial interests of Hawaii with which Charles Reed Bishop had some association almost made up a roll call of all such groups. Here is the list!

Alexander & Baldwin, Inc.
Amfac, Inc.
Bank of California.
B. P. Bishop Estate.
Bernice Pauahi Bishop Museum.
Bishop Home for Girls and Young Women.
Bishop Trust Co., Ltd.
C. Brewer & Co., Ltd.
Castle & Cooke.
Central Union Church.
Chamber of Commerce.
City and County of Honolulu.
City of Glens Falls, New York.
Board of Education.
Dillingham Corporation.
First Hawaiian Bank.
Hawaii Conference United Church of Christ.
Hawaii State.
Hawaii State Schools.
Hilo Boys Boarding School.
The Kamehameha Schools Alumni Association.
The Kamehameha Schools.
Kapiolani Maternity and Gynecological Hospital.
Kauikeolani Children's Hospital.
Kaumakapili Church.
Kawaiahao Church.
Kindergarten and Children's Aid Society.
Kohala Girls School.
Leahi Hospital.
Mauna Olu College.
Mid-Pacific Institute.
North Pacific Missionary Institute *
Punahou School.
Queen's Medical Center.
Sacred Hearts Convent.
Sailor's Home of Honolulu.
St. Andrew's Priory.
Salvation Army.
Social Science Association.
Theo. H. Davies & Co., Ltd.
Waialua Seminary *.
Young Men's Christian Association.

* *Closed.*

ANTITRUST AND PHASE II

Mr. HARRIS. Mr. President, most of our newspapers and of the Senate itself missed an item of major significance last week. On December 2, the President quietly nominated and the Senate confirmed the administration's former antitrust chief for a Federal judgeship in Chicago. It was only this week that the story broke in an article in the December 7, Wall Street Journal.

For Mr. McLaren himself, Senators can only offer their congratulations. As the distinguished Senator from Michigan (Mr. HART) pointed out at the time, those who have come in contact with Mr. McLaren have come to respect and admire him. I am confident that he will prove an able and fair judge.

But while I am pleased to see Mr. McLaren elevated to the court, I must state my dismay that it was done at this time. In recent weeks, alone in the administration, Mr. McLaren has distinguished himself by vigorous statements pointing to the dangers inherent in the phase II program for our economic system. In an address made in Boston on November 5, Mr. McLaren stated in this regard:

> It almost goes without saying . . . that collaboration among competitors should be discouraged to insure that they continue to compete—not conspire—on prices. Otherwise, in the absence of effective price competition, the ceiling standard set by the Price Commission might also become the "floor." Certainly we can all agree that it would be most unfortunate if Phase II became the vehicle by which our free competitive economy was further impaired, instead of strengthened, and we can certainly agree also that we want to move away from—not toward—greater regulation.

Earlier in his address Mr. McLaren noted that in both World War I and World War II cartel-like groups operating under price controls grew in power and contained their price influencing activities long after wartime conditions had disappeared. The result was a heavy burden for the economy over many years.

Already there are some signs that this may happen under phase II. On November 11, foodstore chains in New York, New Jersey, and Connecticut banded together to announce in a joint full page New York Times ad that their prices would always be at or below ceiling prices. In the November 17, 1971, Wall Street Journal 29 machine tool builders and General Electric took out a somewhat similar full page ad.

I am not in a position to state that these firms will now move on to price collusion activities but I point out to my colleagues that the same kind of joint action required to place these ads could also be used to fix prices, particularly when Government boards come along and announce what the top price is to be. Mr. McLaren was certainly disturbed by this possibility. That is why, according to the Wall Street Journal, in recent weeks he has been giving "saber-rattling" speeches warning firms that phase II controls should not be used as an excuse for corporate price fixing.

Now he is gone—the Wall Street Journal suggests perhaps even fired, because of his active role—and as a result during this crucial period the Justice Department's Antitrust Division will be without inspired leadership. Moreover, even if

the administration acts quickly to replace Mr. McLaren with an official pursuing the same aims as Mr. McLaren, we will have a new official of little experience in a vital position at precisely the time when experience should be at a premium.

I read with interest Attorney General Mitchell's statement December 8 that administration interest in antitrust would not diminish with this change in personnel. My own belief, strongly held, is that the administration should instead move far beyond the policy favored by Mr. McLaren. We need not only to prevent the development of new cartels, but also to dismantle existing cartels which are inflicting such an enormous price in inflation and unemployment on the American people.

But as a minimum we should follow the conservative course set by Mr. McLaren. I believe the Senate will be remiss in its duties if it does not question his successor closely about the steps he will take to insure that phase II does not increase the already totally excessive price-fixing capability of our larger firms. I also urge the administration to pick a successor just as soon as possible.

Mr. President, I ask unanimous consent that two Wall Street Journal articles, the two full page ads, and Mr. McLaren's speech in Boston be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EASIER U.S. ANTITRUST STANCE SEEMS SURE AS MCLAREN SUDDENLY LEAVES AGENCY POST

(By Louis M. Kohlmeier)

WASHINGTON.—A more relaxed government attitude toward corporate mergers and other antitrust issues may well be the principal effect of the sudden departure of Richard W. McLaren for a federal judgeship in Chicago.

Mr. McLaren has been a tough-liner as the Nixon administration's antitrust chief since the President took office in January 1969. But he traded his antitrust prosecutor's role for a federal district court seat in what, as it's currently being reconstructed, appears to have been an unprecedented kind of whirlwind affair.

Mr. McLaren last Wednesday filed what probably was the biggest antitrust case of his career. The suit, challenging the right of the Chicago Board of Trade to fix commission rates, has potentially wide ramifications concerning the New York Stock Exchange. On Thursday President Nixon quietly nominated and the Senate confirmed him to the federal court post. And on Friday he flew off to Europe for a prescheduled two weeks of antitrust conferences with other member nations of the Organization of Economic Cooperation and Development.

With Mr. McLaren unreachable for comment in Europe, various rumors circulated in Washington concerning the abruptness of his agreement to leave the Justice Department's Antitrust Division.

But, whatever the circumstances of the departure, his nomination and confirmation unquestionably were unusually swift. One Justice Department aid commented, "I've never seen anybody get confirmed so quickly."

Judge Julius J. Hoffman in Chicago, whom Mr. McLaren will succeed, commented in a telephone interview that the speed of Mr. McLaren's nomination and confirmation was "without precedent."

The events leading up to the whirlwind apparently began several weeks ago. Judge Hoffman said he notified President Nixon "three or four weeks ago" of his intention to retire from full service on the federal district court in Chicago and assume the role of senior judge. But according to Justice Department aides, the President didn't acknowledge Judge Hoffman's letter until last Wednesday.

It isn't known when on Thursday the White House sent to the Senate Mr. McLaren's nomination to succeed Judge Hoffman. Mr. McLaren's name was routinely posted in the White House press room along with the names of several other federal court nominees at some time between 4 p.m. and 5:15 p.m. Thursday, after most of the White House press corps had left for Florida in advance of a Nixon trip.

But the McLaren name was almost overlooked, in the White House press room and the Senate also. Because the administration obviously had alerted key Senators, the Senate confirmed the nomination without debate and it passed so quickly on Thursday afternoon that Sen. Hart (D. Mich.) chairman of the antitrust subcommittee, immediately rose to inform the Senators that "we have just confirmed the nomination of Richard McLaren (who) has served as Assistant Attorney General in charge of antitrust."

Mr. McLaren then telephoned Judge Hoffman and took off for Europe.

Judge Hoffman will continue to sit until the President signs Mr. McLaren's commission and he's sworn in. The swearing-in is expected to take place shortly after Mr. McLaren returns to this country on Dec. 21.

His closest associates inside the Antitrust Division didn't know their boss was leaving his job until late Thursday. A number of them yesterday expressed "disappointment" as well as surprise, not only over his departure but also because he accepted a federal district court judgeship. Some other prior heads of the Antitrust Division have held out for appointments to federal appeals courts.

Mr. McLaren was in private law practice in Chicago before he came to Washington in 1969, thus the court appointment means an opportunity to return home.

But he has taken many positions that have angered businessmen and some other administration officials. Some of his policies, such as his opposition to the recently enacted Newspaper Preservation Act, which granted the newspaper industry certain antitrust exemptions, weren't accepted within the administration. On that and similar occasions, rumors circulated that he was about to resign. But he consistently denied such rumors.

In recent months, however, Mr. McLaren's tough line seems to have aroused even more opposition. For instance, the Antitrust Division has insisted that there should be more competition in the securities industry. The division pursued that line for months in hearings before the Securities and Exchange Commission, but its policy became potentially much more threatening to the Big Board when the suit against commission rate fixing was filed against the Chicago Board of Trade.

In addition, Mr. McLaren in recent weeks has been delivering what his staff calls "saber-rattling" speeches warning businessmen that the administration's Phase 2 price controls shouldn't be used as an excuse for corporate price-fixing.

Rumors that Mr. McLaren thus was forced out of his job as the administration's chief antitruster couldn't be confirmed or refuted.

But his departure, for whatever reasons, seems certain to result in a softer brand of antitrust enforcement. This assessment, according to close observers of the Antitrust Division, stems from the relationship Mr. McLaren enjoyed with Attorney General John Mitchell and the fact that Mr. Mitchell also will leave soon to be Mr. Nixon's campaign manager for the 1972 presidential election.

Mr. McLaren brought to his job in 1969 years of experience as an antitrust lawyer in private practice and a firm commitment to antitrust principles. He also had been a leader inside the American Bar Association on antitrust law matters.

Anyone who heads the Antitrust Division and presses for vigorous enforcement eventually generates substantial opposition, not only in the business community but also inside government agencies such as the SEC and the Commerce Department. Even though such opposition is often registered with the Attorney General or the President, Mr. McLaren survived because he enjoyed Mr. Mitchell's confidence and protection, and because the Attorney General is very close to President Nixon.

Neither the White House nor Mr. Mitchell's office has made any comment on the McLaren matter.

MITCHELL DENIES LOSING ANTITRUST CHIEF MEANS WEAKER ENFORCEMENT—MCLAREN'S SUCCESSOR IS EXPECTED TO CONTINUE HIS VIGOROUS ROLE; SOME EXPERTS REMAIN DOUBTFUL

WASHINGTON.—Attorney General Mitchell denied that the departure of Richard W. McLaren as the Nixon administration's antitrust chief will mean less-vigorous enforcement of the antitrust laws.

But the denial didn't allay fears of some antitrust experts that softer enforcement will result, particularly when Mr. Mitchell himself resigns soon.

The Attorney General, apparently responding to a news story in yesterday's Wall Street Journal, issued a statement saying it is "absolutely untrue that Mr. McLaren's appointment to a federal district judgeship in Chicago will means softer antitrust enforcement. Mr. Mitchell said, "Mr. McLaren's successor, as Assistant Attorney General in charge of the Antitrust Division, will be called upon to continue the same vigorous enforcement we have seen under this administration." He didn't say who Mr. McLaren's successor will be.

The statement noted that Mr. McLaren has headed the Justice Department's Antitrust Division for three years, longer than "all but two of his predecessors in the last 30 years." Mr. Mitchell added that many lawyers aspire to appointment to the federal judiciary and said Mr. McLaren "indicated some time ago that he would be interested in serving on the federal bench."

One alumnus of the Antitrust Division nevertheless said of Mr. McLaren's departure: "I am fearful of the consequences for antitrust enforcement." Another, who's in the securities business in New York, said: "I think it's a loss unless the new guy is tough, but I don't know that."

Still another commented that any "likely successor isn't apt to enjoy Mitchell's confidence," as Mr. McLaren did. "Chances are against that nice blend of a guy who is competent enough and who has the support of the Attorney General on politically hard cases." This McLaren predecessor added that the post of antitrust chief "is a cruel job. You never make brownie points; you only make enemies. Three years is about all anybody has in that job."

Such assessments reflect the fact that Mr. McLaren has taken a tough line on antitrust enforcement, for instance by suing to block large conglomerate mergers and by urging the Securities and Exchange Commission to require more competition in the securities industry. His policies have been cheered by some businessmen but decried by others.

Despite his detractors, Mr. McLaren has enjoyed the support of his boss, Attorney General Mitchell. Mr. Mitchell, however, is widely expected to resign soon to become President Nixon's 1972 campaign manager the same position he held in the 1968 presidential race.

XUM

TWENTY-NINE TOOL MACHINE BUILDERS AND GENERAL ELECTRIC SAY: "YOU CAN BOOST YOUR PRODUCTIVITY—NOW, WE'LL HELP"

Twenty-nine leading machine tool builders and the General Electric Company[1] have joined forces to help you do something about lagging productivity.

We are investing millions in an inventory of numerically controlled machine tools, so we can respond quickly to the demand that is sure to hit as the economy gets rolling again. Shouldn't you be ready too?

Now is the time to order your new NC machine tools. Here is why:

1. In an economic upturn, NC machine tool orders have traditionally surged and delivery has stretched to 18, even 24 months. You can get delivery now in as little as three months.

2. Proposed guidelines promise a 3-4% annual increase in the gap between gains in wages and prices. Improved productivity can close the gap, but to wait means only more lost profits.

3. Delivery of an NC machine tool in early 1972 can mean substantial tax savings—through depreciation write-off and investment tax credit.

4. Thanks to automation, foreign productivity is growing up to four times as fast as our own. Time is running out. Even if you now have excess capacity, you can't compete with an inefficient plant. As the economy moves up, will you be ready to move with it?

We say "Buy now or pay later." Which will you do? Let's get together to ensure your competitive strength in the tough years ahead. Call any of us.

A REPORT TO NEW YORK/NEW JERSEY/CONNECTICUT FOOD SHOPPERS—WHAT YOU SHOULD KNOW ABOUT THE FOOD PRICE FREEZE

The price freeze that began on August 15 was designed to halt the inflationary spiral that has been crippling all segments of our society. This is an absolutely necessary national goal and the requirements of the freeze demand compliance by businessmen and understanding by consumers if they are to work.

Those of us who operate food chain stores in the New York and New Jersey and Connecticut area pledge to you our total compliance with the rules and regulations under which the price freeze is being administered.

At the same time, you as a food shopper should know what those requirements actually are, and that is the purpose of this report to you.

Most—but not all—of the products you buy in a food store may not be priced during the freeze period higher than the highest price charged for the item during the 30-day period between July 15 and August 14, 1971, or the price charged for the item on May 25, 1970.

This sounds simple, but it is not, for under normal competitive conditions prices for hundreds of products are moved up and down each week. But we have established the actual ceiling price for all of our food items and you have our assurance that no price authorized in any of our food stores on price-frozen items has been higher than that allowed by the freeze regulations.

You can still expect to see prices vary from week to week, mostly because we each want to attract you to our own stores with special sale items. But it is important to remember that if the price for an item in one of our stores this week is higher than it was last week the price increase is not in violation of the freeze.

Furthermore, not all prices are frozen. The regulations here are somewhat complicated, but the key thing to keep in mind is that prices of unprocessed foods such as fresh fruits are not controlled and may move up and down as market conditions dictate.

The place in which you will see this happening most frequently is that produce departments of our stores. Prices of fresh fruits and vegetables are not controlled as is the case with a selected number of other items—such as eggs and fish—since the prices that we as retailers pay for them are not controlled, either.

The regulations as they have come to us from Washington are quite complex and we have simplified them for you here. What they add up to is this:

1. Prices of controlled items may move up and down as long as the highest price does not exceed the ceiling.

2. Prices of some items—mostly fresh fruits and vegetables—are not controlled at all.

3. No price authorized by any of the companies signing this ad is higher than allowed by government regulations.

How can you check up on this?

The regulations provide a number of ways in which shoppers can check prices to assure themselves that they are no higher than the established ceilings. Some of these are quite time-consuming from the shopper's point of view.

One last word, after November 14, Phase II of the President's New Economic Program will go into effect and many of the regulations may be changed from those that we have reported to you here. Since the regulations are still being written, we have no idea at this time what they will require us to do.

You have our assurance, though, of two things:

First; As soon as the regulations are issued, we'll explain them to you as we have in this ad.

Second; Whatever the regulations are, we will comply with them.

Those of us who have signed this ad happen to believe that you should have ready access to this information so that you can check things out for yourself.

In order to do this, we have provided every manager of every one of our food stores in the New York, New Jersey and Connecticut area with a book listing the ceiling price of every controlled food item in our stores. This was not required of us by law, but we believe you have the right to check for yourself, particularly since we know how important food prices are to your budget.

So if you have a question about a price in any of our stores, ask the manager for a look at the ceiling price book. We want you to.

Bohack's, D'Agostino's, Daitch-Shopwell, Finast, Food Fair, Grand Union, Gristede, Hill's King Kullen, Kings, Mayfair/Foodtown, Packard's, Pantry Pride, Pathmark, Shop-Rite, Stop & Shop, United/Foodtown, and Waldbaums.

NEW ANTITRUST PROBLEMS FOR THE GENERAL COUNSEL—PHASE II

(An address by Richard W. McLaren, Assistant Attorney General, Antitrust Division, before the Fifth New England Antitrust Conference, Boston Bar Association)

I am delighted you have asked me to participate in the fifth annual program of the New England Antitrust Conference. These programs, I believe, are of great importance to members of the bar in providing antitrust counsel for their clients. Such programs are also most important to those of us in the antitrust enforcement agencies.

The functioning of the antitrust laws in securing competitive benefits depends in large part on the extent and quality of private antitrust counseling. Your program today provides further assurance of corporate compliance tomorrow.

I

In another, related area of compliance with law, I would like to point to the remarkable demonstration we have seen under Phase I. On August 15, Americans were called upon by the President to freeze prices and wages in our economy. The response of the companies and their employees has been overwhelming. At the outset of Phase I many questioned whether the freeze would work. It was said that a huge government bureaucracy would be required to insure that Americans obey the law. Some contended that the public would refuse to support the program and that the enforcement agencies and the courts would be swamped with violations. I think it is a tribute to the American people that these predictions have proved false. There have been virtually no persistent violations and recent polls show that close to 80 percent of the people fully support the President's program. It would appear that the dangerous trend of inflation has been restrained and that the once prevailing psychology of "inflation forever" has been substantially rejected by the American people.

I believe that the achievements started with Phase I will continue to build during Phase II and that the economy will once more regain its solid footing. The President's program contemplates only a temporary interruption of our free system of pricing. It does not represent a perpetual system of controls.

Although, under the circumstances, the freeze and post-freeze came as good news, they also reflect the plain fact that we had to freeze prices and wages because our free enterprise system fell down in the fight against inflation.

In Phase II we are now required to have representatives of the public at the collective bargaining table on wages, and in the board rooms where price decisions are made. There appear to be a number of reasons which contributed to the need for these measures, some involving factors which are not the fault of the system. Thus for years the Japanese yen and the German mark were pegged at an advantageous level in relation to the dollar in order to help those countries in their post-war building programs. With the floating of the dollar, American companies have been relieved of this handicap. Also, as you know, negotiations are also under way for the removal of other tariff and non-tariff trade barriers. As a consequence, we should see some definite improvement in our foreign trade.

But, in my view, this is not enough. We must reexamine our whole economic system to identify and to deal with all sectors in which competition has failed, or been prevented, from performing its function. Historically, free enterprise has been the most effective economic system in the world. As Justice Black pointed out in the *Northern Pacific Rr.* case, it is designed to

". . . yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress while at the same time providing an environment conducive to the preservation of our democratic political and social institutions." To many, it is already becoming clear that we must place increasing reliance upon competition for better allocation of our national resources and for improved efficiency in our industrial economy. We must determine where and how competition has been impeded—whether by industrial concentration, by collusion among firms; by inadequate labor-management relations machinery, by ill-advised government regulations and procurement procedures, or by other forces.

In this connection, it seems to me that we must introduce a renewed spirit of competition in regulated as well as unregulated sectors of the economy. It is expected that legislation which would increase competition in the nation's surface transport system will soon be submitted to Congress. This is a much needed reform and deserves your wholehearted support. I suspect that more of the same is needed.

As a further measure against inflation, we must demonstrate renewed vigor in the enforcement of laws which promote rather than retard competition. We must also determine whether the existing laws dealing with competition are adequate to deal with problems of abuse of economic power in today's economy.

II

Turning to the near term, I think I can safely say that Phase II will pose some very demanding questions for antitrust lawyers.

As you know, the Administration is relying heavily on voluntary compliance rather than a big regulatory apparatus to make Phase II work. Much will depend upon individual decision-making under standards to be laid down by the price and wage groups. Under this kind of system, as you might suspect, the antitrust laws will continue in full force and effect. As Secretary Connally noted in his recent press conference, the Antitrust Division "will not diminish their efforts." Indeed, we in the Department believe that continued emphasis on, and vigorous enforcement of, the antitrust laws during Phase II will provide a strong tool in achieving both the long and the short range anti-inflationary obectives of the program. In other words, even if the law did not compel continued enforcement, we would not be inclined to make Phase II an antitrust holiday. I would predict also that state as well as federal enforcement agencies will continue to be active during this period. And you can be sure that private plaintiffs and shareholders will have their eyes wide open for antitrust violations as well.

Continued vigorous enforcement is important in the long range because we believe it will tend to maintain a climate favorable to early de-control of prices and wages, consistent with our fundamental interests in a free competitive economy and our ability to compete abroad. As President Nixon stated in his address announcing the new post-freeze program, this "can be a year in which the American competitive spirit is reborn, as we open up new markets for our goods abroad and new careers for our working men at home."

Along these lines, I certainly believe it is in the interests of firms under existing price controls to exhibit greater, not less, price, product and service competition. Members of the Cost of Living Council have recently indicated that controls will first be removed on a selective industry-by-industry basis. It follows that those industries which are most competitive will be the first to have controls lifted.

III

What are the mechanics of Phase II and what do we as antitrust counsel have to guard against in this period? As you probably know, Phase II will be administered principally by the Price Commission—which will promulgate price standards and hear specific requests for price increases—and the Pay Board—which will deal with wages. These boards will take a three-tiered approach to the economy. Both the Board and the Commission will identify certain firms and collective bargaining units that are most critical in the control of inflation. These economic units will be required to obtain approval of the Board or Commission before initiating rate or price increases. A second, larger class of companies or labor units will be identified by the boards as having less impact on the control of inflation or for which advance notice is not practical. This category will be required to provide prompt notification, after the fact, of all price and wage increases. Such increases may be rolled back by the boards. A third, and by far the largest, class of firms and collective bargaining units—as well as unorganized workers—will be monitored by the Internal Revenue Service through spot checks and the investigation of complaints. Detailed procedures have yet to be announced, but the expectation is that the Price and Wage groups will provide explicit standards to which all concerned will tailor their economic behavior during this critical period.

I think it is helpful in determining appropriate business conduct in this period to refer to the history of this nation involving earlier government price control efforts. Four times before in this century, national emergencies have required that the federal government intervene in the marketplace to control prices and wages. In three wartime situations—World Wars I and II and Korea—price control was established to meet military needs. The demand for essential war materiel dislocated all markets. This required wage and price controls as well as the rationing of scarce consumer goods. The free functioning of market forces was set aside during this period to assure the nation's survival. The fourth instance of government price control occurred during the great depression. The N.R.A. experiment arose from the desire to serve basic human needs: food, work and shelter to millions of our citizens. It then seemed desirable to attempt to raise prices and wages by delegating to industry the power to establish minimum prices and codes of "fair competition."

Today price controls have been evoked to aid in halting inflation. Although the economic factors which give rise to the many controls of Phases I and II are in many ways different from those experienced when the nation was at war or suffering under a depression, the teachings of the earlier control periods are, I think, most valuable.

In World War I price control was effectuated through negotiations and agreements with trade associations. In setting prices for iron and steel, for example, the Price-fixing Commission of the War Industry Board delegated the task of determining price differentials to the industry's Iron & Steel Institute. The trade association of steel manufacturers thus attained the power to fix prices for hundreds of products.

Although the use of private trade associations may have been thought a necessary tool during the War, these cartel-like groups grew in power and continued their price influencing activities long after wartime conditions had dissipated. And the participating companies—as well as the economy—eventually paid a heavy price for these activities. Businessmen were exposed to many costly government and private treble damage proceedings in the 1920s.[3]

A similar wave of antitrust prosecutions and treble damage suits followed the demise of the National Recovery Administration in the 1930s. The Antitrust Division mounted an intensive attack against industry price schemes which survived N.R.A.,[2] and Congress itself initiated a sweeping investigation of business.

Price controls established in World War II also spawned antitrust violations. There are indications that the heavy electrical equipment conspiracies were fostered by industry meetings held in conjunction with World War II OPA Advisory Committee activities. The conspiracy continued after the demise of OPA.[3]

In the most recent experience of this country with price controls—Korea—the government attempted to institute safeguards against the reoccurrence of cartels. In my view, however, these safeguards did not provide adequate protection to the public or to companies subject to criminal charges or treble damage suits as the result of joint activities during this period.

The Defense Production Act of 1950[4] included a provision for consultation with industry committees but made it clear that the companies were to function only in an advisory capacity. The Department of Justice provided guidelines for the committee program and emphasized that the Department retained complete freedom to institute civil or criminal proceedings.[5]

Nevertheless, during the period that the Office of Price Stabilization existed, the Justice Department expressed concern over the agency's failure to provide transcripts of the meetings of advisory committees, and over the adoption of anticompetitive pricing methods such as basing points, zone prices and identical delivery prices. The Celler Committee likewise was critical of OPS for failing to establish procedures to assure competition.

I assure you that the Administration has these earlier experiences in mind. It recognizes that it is of the utmost importance that procedures and regulations of the Price Commission and other boards and committees appointed to serve during Phase II contain antitrust safeguards—to protect business as well as the public.

I feel sure for example, that the Price Commission, the Cost of Living Counsel and the other administrative authorities will weigh very carefully the need for joint industry presentations and other cooperative activities, on the one hand, against the risks such procedures entail, on the other hand. Perhaps in some instances adequate protection may be found in the way trade association statistics are now sometimes handled—by outside accounting firms.

On the other hand, I am sure it would come as no surprise to the bar if the Price Commission should structure its information-gathering activities on a confidential company-by-company basis. In this way the Commission can test asserted need for increased prices by the comparison of one company's submission against another.

Of course, it almost goes without saying in this group that collaboration among com-

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[1] Supplier of numerical controls to companies shown.

[1] For example: U.S. v. Corrugated Paper Manufacturers Association; U.S. v. Southern Pine Association; U.S. v. Cement Manufacturers Protective Association; U.S. v. Gypsum Industries Association; U.S. v. National Association of Window Glass Manufacturers; U.S. v. Maple Flooring Manufacturers Association; and U.S. v. Western Pine Association; see "Final Report of the Executive Secretary" to the TNEC, 77th Cong. 1st Sess., 1941, p. 26.

[2] In the short period between the end of N.R.A. and World War II, a number of Sherman Act cases were brought against leading American companies. U.S. v. Socony-Vacuum Oil Co., Inc.; U.S. v. Standard Oil Co. (Indiana); U.S. v. Aluminum Co. of America; U.S. v. Paramount Pictures Inc.; U.S. v. Hartford Empire Co.; U.S. v. Masonite Corp.; U.S. v. American Optical Co.; U.S. v. U.S. Gypsum Co.; U.S. v. American Tobacco Co.; U.S. v. Corning Glass Works; U.S. v. General Electric Co.; U.S. v. Dow Chemical Co.

[3] "The Incredible Electrical Conspiracy, Part I", Fortune, April 1961, p. 136.

[4] 64 Stat. 803 (1950).

[5] Letter dated Nov. 7, 1950, Peyton Ford, Dep. Att'y Gen'l, to Alan Valentine, Econ. Stabilization Adm., Administrator.

petitors should be discouraged to insure that they continue to compete—not conspire—on prices. Otherwise, in the absence of effective price competition, the ceiling standard set by the Price Commission might also become the "floor." Certainly we can all agree that it would be most unfortunate if Phase II became the vehicle by which our free competitive economy was further impaired, instead of strengthened, and we can certainly agree also that we want to move away from—not toward—greater regulation.

IV

To say the least, these are exciting times for antitrust counsel. As the search for procedures during Phase II progresses, as broader questions are raised concerning the value of competition in our domestic and foreign commerce, and as we study the alternatives to improve and protect that competition, those of us attending this conference today will be busy indeed.

In many respects today I think we stand at a crossroad. One path leads to greater and continuing governmental controls upon the economy; another leads to renewed vigor in our system of competition and free enterprise. The signposts for the road we take are difficult to read. Yet, as President Eisenhower once said:

"Free men do not lose their patience, their courage, their faith, because the obstacles are mountainous, the path uncharted. Given understanding, they invariably rise to the challenge." [6]

All of us concerned with antitrust, whether in government, in industry, or in private practice, have an obligation to meet the challenge and to insure that the right path is chosen.

[6] Address in New York, N.Y., April 22, 1954.

THE TAFT LABOR PLAN

Mr. PACKWOOD. Mr. President, too little attention has been focused by this body on the critical problem of emergency strikes in the transportation industry. For too long, Congress has been satisfied to move from one ad hoc emergency solution to the next. And in between emergencies, Congress has been content to ignore the underlying problem—inadequate and ineffective legal procedures for dealing with emergency strikes which seriously endanger the public interest.

The distinguished Senator from Ohio (Mr. TAFT) has been a leader in bringing badly needed reform of our emergency strike laws into the forefront of congressional debate. He is to be highly commended for this, and I am proud to have been working side by side with him in this vital effort.

The Cleveland Press of December 4, 1971, took note of Senator TAFT's initiatives in promoting reform in this area, in an editorial entitled "Taft's Labor Plan." It is an appropriate testimony to this dedicated and energetic Senator's work in this important area, and I commend it to my colleagues for their reading. I ask unanimous consent that this excellent editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Cleveland Press, Dec. 4, 1971]

TAFT'S LABOR PLAN

Sen. Robert Taft Jr. has followed up on his late father's concern with labor legislation by offering some amendments to the Taft-Hartley Act.

Taft's aim is to prevent nation-wide strikes which heap widespread troubles on other people.

The senator cited railroad strikes which result in loss of agricultural products ready for market; or the dock strikes which resulted, he said, in the loss of $40 million in fresh fruit and vegetables, or a coal strike which shuts off power and imperils hospitals and schools.

The Taft proposal would give the secretary of labor several new options in a prolonged strike. He could order an extra 30 day cooling-off period after the present processes had been exhausted, or he could require a partial operation of the industry if all else failed he could ask both sides for a "final" offer and appoint an impartial panel to choose one offer or the other.

Much of this is similar to President Nixon's labor plan for the transportation industries—submitted to Congress last year but never given the time of day.

In addition, the senator would permit employers to do away with "unproductive" work rules not related to health or safety, providing no employees were fired and employee pay were raised if cost reductions resulted from the change of rules.

All in all, the Taft plan appears to be equitable to both sides in a labor dispute while at the same time setting up the machinery which could avert the work stoppages so costly to thousands and even millions of people who have no part in the dispute.

Except for occasional one-shot actions in railroad disputes, Congress for many years has shown a total disinclination for this type of legislation. But prolonged strikes in key public services have become so ruinous that sooner or later Congress will be compelled to act. The Taft and Nixon plans are good starters.

IN DEFENSE OF FOREIGN AID

Mr. HUMPHREY. Mr. President, the recent Senate debate on foreign aid has raised as many questions as it answers. One thing is clear—the discussion has just begun and will gain in momentum as we consider alternative policies for the years ahead.

I think a serious reassessment of our foreign aid programs is long overdue, and look forward to participating in the planning of a new approach for the next decade. In welcoming change I do not see, however, the necessity of rejecting all that which came before. During this year's debate, I singled out some of the several programs which deserve praise for the development work they have done. In the same way I defended the necessity of continuing our aid programs this year while we reevaluate past assumptions, goals, and programs.

This premise is the one which the Foreign Relations Committee, itself, has accepted. In its report the committee noted that our assistance this year should be considered an interim program to carry us over until we find a suitable alternative. I agree with that conclusion, particularly with respect to our economic and humanitarian assistance programs, because I think we have a responsibility which is not so much a matter of power politics as human obligation to follow through on these programs. Whatever the defects, developing countries welcome this assistance as a means of raising their standard of living and improving the social welfare of their citizens.

No one knows this fact more than the numerous voluntary agencies engaged in the real work of development assistance. Because these agencies are not big governments, and because their efforts often appear less glamorous than the work of governments and international organizations, their tremendous impact in the developing world often goes unnoticed. This spring the Congress passed a resolution which I initiated, paying tribute to the work of these organizations.

When we discuss plans for the future of our aid programs we must take into account the important role of these voluntary agencies. They are a dynamic part of any assistance package. In recognition of this fact, and in respect for the ideas these organizations have had in development assistance, I ask unanimous consent that a statement on aid by the voluntary agencies associated with the American Council of Voluntary Agencies for Foreign Service be printed in the RECORD. This statement, entitled "Restructuring Foreign Assistance Programs of the United States," is most relevant to the current discussion on aid.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RESTRUCTURING FOREIGN ASSISTANCE PROGRAMS OF THE UNITED STATES

INTRODUCTION

The year 1970 marked a turning point in the programs of international development aid carried on by the United States, as well as by the United Nations. A succession of Reports on international aid analyzed programs and made recommendations intended to improve these programs and make them more relevant to the needs and priorities of the developing countries and the realities in the developed countries.* These reports all emphasized that experience has shown that economic progress alone, without social and human development, is not enough.

With this in mind the voluntary agencies engaged in relief, economic development, refugee and migration services, nutrition, education, community development and integral human development, have prepared this statement to recommend how the voluntary agency-government relationship can be responsive to the broad nature of the voluntary agencies' overseas involvement. We place special importance on this statement as we fully recognize that any governmental or voluntary aid programs which do not integrate the strength and resources of both government and voluntarism will fall short of the desired objective to go beyond economic development alone.

AMERICAN DEVELOPMENT AND VOLUNTARY EFFORT

President Nixon has said, "The greatness of this country does not lie in what government has done for the people, but in what people have done for themselves." The United States of America has been an example to the world for the rapidity and depth of its development, which in large measure is due to a wide range of private initiatives—citizens working together for the betterment of themselves, their communities, and ultimately, the nation.

Voluntary agencies encompass community groups of all types: cooperatives, trade unions, service clubs, church related development activities, farm workers' organizations, farm owners' organizations and educational associations. In all cases, however, the essential ingredient is the *responsibility of the citizen as the agent of his own development*—the subject and not the object of activity on his behalf.

THE CONTRIBUTION OF VOLUNTARY AGENCIES OVERSEAS

More than eighty voluntary agencies are registered with the Advisory Committee on Voluntary Foreign Aid. They range from the small ethnic oriented category to large agencies representing a cross section of the majority of the population of the United States. They have thousands of personnel in more than 100 foreign countries. Their staffs, both American and overseas nationals, include experienced technicians in agriculture, community development, rural education, nutrition, medical care, family planning, engineering, social services, education, vocational training, migration and refugee services.

Voluntary agencies, therefore, are more than just relief agencies with staff and skills useful in time of disaster, or refugee organizations with specialized programs of resettlement and migration services, or health and welfare organizations with a network of volunteers. They are all of these things, but they are also highly professionalized in the whole area of human development. The fact that they are humanitarian, people-to-people, or church related gives them a valuable dimension in addition to their other capabilities.

FOOD FOR PEACE PROGRAMS

The large scale Food for Peace programs of the voluntary agencies, carried on in more than 100 countries around the world for the past twenty years were made possible largely because of already existing cooperating working relationships with networks of grass-roots centers around the world. Food donated by the U.S. Government as well as by other governments is used for self-help, community development, nutrition education, nutrition supplement, and a wide variety of activities that promote self development.

DISASTER AID

Voluntary agencies have stand-by organizations that move into action within hours of a disaster. They divert ships carrying food, fly charter planes of medicines, vitamins, inoculations, antibiotics, clothing, etc. from their own stocks and from purchases as well as contributions. They cooperate closely with the United States government, international agencies and local governmental organizations overseas both at the time of a disaster and during the period of rehabilitation and reconstruction.

ASSISTANCE TO REFUGEES AND MIGRANTS

The U.S. government recognized over two decades ago that the cooperation of voluntary agencies was essential for carrying out its refugee and immigration policy and programs. The U.S. government has helped the voluntary agencies resettle over one million refugees to find productive growth within the United States and many other countries. Because of their community-based leadership and competence in counselling, resettlement, training and social service, voluntary agencies accomplished this task at far less direct expense than could have been accomplished by a network of governmental agencies.

VOLUNTARY AGENCY OVERSEAS DEVELOPMENT PROGRAMS

Voluntary agencies working in developing countries are a strong force in development. They bring experience, knowledge of conditions and human resources at the community level. They are a symbol of hope at the "people level" in most areas of the world.

Voluntary agencies are in an enviable position as regards human development activities since they live with the people, they have simple structures, they serve the deep-felt needs of the people, and they act on what *the people themselves consider their priorities*. Development assistance is an integral part of the programs of voluntary agencies because concern with root causes of poverty is equally humanitarian as short term relief. Many agencies invest a great part of their resources, both finanical and material, in one form or another of social and economic development. They are an essential element in human development.

THE NEED FOR CONTINUITY AND FLEXIBILITY IN VOLUNTARY AGENCY OVERSEAS PROGRAMS

It is important to underscore the flexibility that grows out of a feeling of confidence between government and voluntary agencies. In Canada, Germany and Holland, for example, governments provide funds to voluntary agencies for development and allow the agencies relative independence to carry out programs in their own specialized way. While cooperating fully, the agencies nevertheless retain their identity and independence as an expression of the basic nature of their organizations. This type of relationship is a sine qua non to voluntary agencies in their relationship to government.

The ability of the voluntary agency to provide continuity is of primary importance in human development programs. President Nixon emphasized this in his Message of September 15, 1970 when he said that "sudden and drastic disruptions in the flow of aid are harmful both to our long-term development goals and to the effective administration of our programs". Continuity in funding and the provision of supplies, e.g. PL 480 foods, is important to the voluntary agencies. But continuity, as well, in goals and in the understanding of their programs on the part of government is vitally important.

VOLUNTARY AGENCY WORKING RELATIONSHIPS WITH GOVERNMENT

For the past twenty-nine years the United States Government has maintained an important and valuable continuity of relationship with the voluntary agencies through the Advisory Committee on Voluntary Foreign Aid. We recommend that this office be upgraded to reflect America's deep interest in people-to-people programs and thereby recognize concretely the essential role of voluntary agencies in social and human development.

We are convinced as a result of experience that the Advisory Committee on Voluntary Foreign Aid can function more effectively as a Presidential Advisory Committee.

THE SPECIAL ASSISTANT TO THE SECRETARY OF STATE FOR REFUGEE AND MIGRATION AFFAIRS

U.S. Government concern for refugees and migration affairs is presently centered in the office of the Special Assistant to the Secretary of State for Refugee and Migration Affairs. In order to fulfill its role in formulating policies and implementing programs in coordination with overall policy goals, this office should have statutory authority to deal with the wide range of activities inherent in such responsibilities. Its mandate should not only be reaffirmed, but also enhanced so that the scope of the office of Special Assistant include refugee and migration activities now carried on by various other departments, bureaus and agencies in Government.

GOVERNMENT FUNDING OF VOLUNTARY AGENCY PROGRAMS

Adequate funding for PL 480, the ocean freight subsidy, refugee and migration problems, disaster aid, special contract and grant arrangements should continue. In addition, funding should also be provided for voluntary agency social and economic development programs overseas.

A TRULY INTERNATIONAL EFFORT

The voluntary agencies endorse the proposal for a partnership among the nations in pursuit of a truly international development effort by channeling an increasing share of development assistance to multilateral institutions. The voluntary agencies themselves have already developed broad international associations and relationships, both with sister organizations international and other national, and with intergovernmental organizations, including the United Nations specialized agencies.

We are convinced that multilateral as well as bilateral government-to-government action in substantial size will be of great significance in the foreign assistance field for some years to come.

RECOMMENDATIONS FOR LEGISLATION AND ADMINISTRATION OF AMERICAN FOREIGN ASSISTANCE PROGRAMS

1. Recognize the essential role of voluntary agencies in development and make available an appropriated source of funding for development programs of voluntary agencies, both American and local overseas agencies.

2. Continue adequate funding for ocean freight reimbursement, PL 480, special projects, disaster aid, and refugee migration services.

3. Embody greater continuity and flexibility in agreements with voluntary agencies.

4. Assure that American voluntary agencies are granted the flexibility that is accorded to foreign and international agencies in the administration of programs funded and supported by the United States Government.

5. The Impact Fund of the American Ambassadors in developing countries should be increased so as to provide flexibility in supporting self-development projects sponsored by voluntary agencies and local groups.

6. Establish the Advisory Committee on Voluntary Foreign Aid as a Presidential Advisory Committee.

7. The mandate of the Special Assistant to the Secretary of State for Refugee and Migration Affairs should be sufficiently broad so as to make it the focal point of government-wide refugee and migration concerns.

8. The traditional policy of the United States with regard to world-wide asylum for refugees and escapees should be reaffirmed and appropriately implemented.

9. Provision should be made for flexible authority in the basic immigration statutes for admission of refugees in reasonable numbers and for authority to meet emergency situations arising from the rapidly changing world scene.

10. We support the recommendation of the Peterson task force that the level of American foreign assistance be raised commensurate with America's position as the wealthiest nation, and its responsibilities to the world community.

11. The proposal to separate military support from other foreign assistance is warmly endorsed.

* The Peterson Presidential task force, the Pearson commission, the Jackson working group, President Nixon's Foreign Aid Message of September 15, 1970.

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ADDRESS BY PRESIDENT NIXON TO NATIONAL 4-H CONFERENCE IN CHICAGO

Mr. BROCK. Mr. President, in his speech to the National 4-H Conference in Chicago last week, the President urged young people to participate in the political process, to make a contribution to the goals of the American future. Grounding his plea for participation in a basic optimism for the future, President Nixon listed the possibilities for action to which young persons could address themselves.

The President's willingness to challenge young Americans represents his overriding faith in their ability to accept responsibility and to realistically view the disparity between what our generation has achieved and what is yet to be accomplished. I share this faith and hope that young people will accept this challenge.

Mr. President, I ask unanimous consent that the text of President Nixon's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE NATIONAL 4-H CONGRESS

To stand before this great assembly of young leaders and young achievers, to feel your idealism and your commitment to excellence, is to stand on the threshold of the brightest future the world has ever known.

You are coming to maturity at a time which history will remember as a great period of emancipation for young Americans. Your generation has the opportunity to participate more fully in the American adventure than young people have ever been able to do since Revolutionary times.

Think back to those stirring days. More than half the population of America was under 20. The cause of liberty was the cause of youth and age alike. Citizens belonged not to this or that generation, but to America. Hamilton in his late teens emerged as a leading voice for independence in New York. Jefferson at 33 authored the Declaration of Independence. Sixteen other patriots in their thirties, 3 in their twenties, and Franklin at 70, joined Jefferson as signers.

In the course of two centuries things changed. By the 1950s, when you were born, generational stereotyping and pigeonholing by age groups were all too common. Most young people in those years went intensely but quietly about the ordinary tasks of growing up. Some of the young, on the other hand, went under ground into a Bohemian subculture. It is obvious now that older people should have been asking why—but few bothered. It was so much easier just to tag one group "the silent generation," and the other "the beat generation," and leave it at that.

Then suddenly in the '60s everything seemed to go to the other extreme. A new breed of young men and women shook the Nation, writing a record dominated by remarkable good but shadowed with ominous wrong—civil rights laws and urban riots, campus reform and academic anarchy, a war against aggression in Asia and a war against that war in our own streets, a surge of participation in politics and a wave of terrorist bombings, a rich new diversity in life-styles and a grim new plague of drug abuse.

All in all, it was a time when youth reached vigorously for a new role as full partners in American society. The result was monumental; yet the cost in disruption and alienation seemed almost prohibitively high. Why was the record of the youth movement only mixed, when it should have been magnificent?

It was only mixed because it took the form of an outside force, rather than of integrated individual participation in the larger society. It was forced into that form by the rigid generational walls erected in American attitudes and institutions over the years. Its frustrations and excesses arose in large part from the painful experience of battering against those walls—an experience that dramatized the need to sweep them away once and for all.

Thus at the end of the Sixties Americans woke to several important realizations. They saw that to regard a person's date of birth as more important than his own unique individuality, is to indulge in the insidious bigotry called "age-ism." They saw that it is wasteful, stupid, and unjust to restrict the generations in a narrow structure in which those in the middle of life would monopolize the centers of power, while the young would plod along in apprenticeship or chafe in alienation, and the aging would draw social security, preferably well out of sight. They saw that it was time to pull down the generational stereotypes—involved, hip, silent, beat or lost—and to raise a new standard of brotherhood, tolerance and mutual respect.

As these new attitudes have taken hold, young America has passed from its stormy night of recent years into a bright new morning. College turmoil has subsided sharply—not in resignation but in wisdom. High schools and young working people, the next declared target of the radicals, have not caught fire. Opinion surveys have detected a rising disgust with political radicalism even in strongholds of the counterculture.

Most of you are not only witnesses to these developments, but leaders in them. You could not be leaders in a more important cause. For the more convincingly the young majority demonstrates its resilience and level-headedness, the faster you will find the so-called Establishment responding to your hopes and opening to your aspirations.

The young are no longer going to be treated as a mass or a bloc in this country—neither as a generation apart nor as a generation idolized. You deserve better than that. And you shall have better, for America is moving rapidly to take you into full partnership as individuals. Your country knows how much it needs you—and we are proving that, not just with talk but with action.

We need your voice in the political process, as soon as you are prepared for that trust—which should not take 21 years. That is why I was able last July to certify passage in record time of the 26th Amendment lowering the voting age to 18.

We need your abilities and your insights in the making of public policy. That is why I have directed departments and agencies throughout the executive branch of the government to recruit young talent and hear young ideas; and that is why I have brought an unprecedented number of men and women in their twenties into positions of trust on the White House staff.

We need your energies in the urgent work of helping the less fortunate across America and around the world. That is why we have moved to expand and improve the Peace Corps and VISTA programs by merging them to form a new volunteer service agency, ACTION. That is why we have initiated the University Year for ACTION to draw thousands of college students into this effort. And that is why we have also worked outside government, to make voluntarism a vital force in the independent sector—so that every single American who wants to serve his fellowman can have an avenue for doing so. Young people today especially are more generously committed to human betterment through voluntary service than any generation before you. Your own work in 4-H has shown what mountains that commitment can move; I urge you to redouble it, to share it, and to maintain it throughout your lives.

We need to be sure you are free to shape your own career along the lines that will provide maximum fulfillment for you in adult life. That is why we have reformed the draft to reduce the uncertainty and duration of its pressures on young men, and why we are moving rapidly toward the goal of a zero draft and an all-volunteer armed force. That is why we have pressed for a new college loan system to insure that no qualified student who wants to go to college will be barred by lack of money. That is why we are developing new career education and youth employment programs, in recognition that something over half the college-age young do not go to college but do need salable skills and good jobs.

We need your ideas in the national debate on issues, goals, and directions. That is why we turn the 1971 White House Conference on Youth into the most wide-open forum "of, by, and for young Americans" ever held. Once a decade since 1909, older people had been meeting at the President's invitation to talk about youth; but we felt that kind of generational condescension was out of step with the Seventies, so we turned the conference over to the young themselves. I am the first to tell you that not everything they did and not everything they said lined up with my own point of view. But I totally recognize and defend their right to say it. Certainly the time when the young are to be seen and not heard is gone in America—gone for good.

More than 300 of the Conference's recommendations have just undergone six months of intensive review by the affected Federal departments. When the results of that review are announced, the extent of agreement between Conference hopes and government action will further weaken the myth of an unbridgeable generation gap, and will further strengthen what the conferees called their sense of "kinship with persons of good will of all generations."

This sense of kinship, forged into a firm new alliance of the generations, will be essential if we are to seize the breath-taking opportunities opening up for America and the world in the coming decades.

The greatest of these opportunities is peace—peace not just for a few years, but for a whole generation. Such a peace is coming, and the United States is leading the way.

We are finally concluding our involvement in the Vietnam war, and are doing so in a way that is responsible, honorable, and constructive for the long-range stability of Asia and the Pacific region. We have done and will continue to do all in our power to help defuse the explosive situations in the Middle East and the Indian Subcontinent. We have acted to end the isolation of nearly one-quarter of the world's population in China. We have moved from confrontation to negotiation with the Soviet Union, with limitation of nuclear arms, relaxation of tensions in Europe, and increased trade among the possible results.

The world that is taking shape as a result will be far less dangerous than the one you have grown up in—but even more challenging. Political, economic, and military power will be concentrated in many centers instead of just a few. Competition in the works of peace will be intense.

But it will be an open world, and quite literally a new world—one in which more than 60 new nations and 60 percent of the people living today have been born since World War II. It will be a world where America's fabulous economic and technological advances, which have gone into war in the generation past, can be turned more fully to the service of mankind in the generation ahead.

And then—when the manacles of war at last are struck off the hands of the American giant—our potentialities will know few bounds. Together, we can work toward conquering hunger, poverty, disease and ignorance—at home and around the globe. We can achieve a new birth of vitality in our democracy, our economy, our arts and culture. We can strike a new balance between quantity and quality in national growth, and between dynamic cities and a healthy countryside in this wide land. We can rescue a threatened environment and form a higher partnership with nature. We can truly build a new America in a new world.

This is why I say that the most exciting time and place to be young and alive, in all the record of mankind, is here in America, now in the Seventies. From the very first, we have been a people who set high goals, dreamed large dreams, and shared from the heart with our brother men. But what sets these times apart from any earlier period in our history is that we now have not only the will to work miracles but the actual means to achieve them.

The heavy responsibilities of world leadership, and the restless perfectionism that nags at our national life, can seem burdensome at times. We can feel tempted to complain about them. And yet how provincial and craven such complaining is. The power not merely of wishing good but of doing good is granted only sparingly to men and nations—but that power in full measure is destiny's great gift to the United States today. Generations before could yearn for peace; we can build peace—and we are. They could feel compassion for the oppressed, the destitute, the refugees of the earth; we can provide help for them surpassing all other nations—and we are. They could speculate about political, economic, and social systems that would set the human spirit free; we can fashion such systems—and we are.

We can do these things—but so much depends on you who are young. How committed will you be? Listen to Thoreau: "Cast your whole vote, not a strip of paper merely, but your whole influence." You have the freedom, almost literally, to reach the stars—and with it comes the responsibility to stretch for them with all your might. Don't let your hearts grow earthbound, for the universe is out there waiting for you.

In the spring of 1963, when the first sweet taste of freedom came to Communist Czechoslovakia, a group of students marched to party headquarters at midnight and shouted for the reform leader, Alexander Dubcek, to confront them. They were impetuous and impatient—full of that young fire which our Youth Conference delegates called "the rage of love for . . . unimplemented principles . . . and . . . unfulfilled potential." Dubcek came down in the street to talk to the students, and one of them asked him, "What are the guarantees that old days will not be back?" "You yourselves are the guarantee," replied Dubcek. "You, the young."

You know the rest of the story. The hopes of the Czechs for freedom met reversals, but the words of their leader are not less true for that. Here in America "the rage of love" has not burned out in young hearts, but the flame is purer now, fed with new reason and realism. Man's destiny of freedom is in your keeping and under your guarantee. With a lifetime of adventure and promise before you, I have every confidence that that splendid destiny is in good keeping—and that you will make good its guarantee.

GAO POULTRY REPORT

Mr. RIBICOFF. Mr. President, on November 16, 1971, I released a report of the General Accounting Office on sanitation standards at 68 poultry plants, which had been prepared at my request. Since that time, additional information has come to my attention concerning one of these plants. In the interest of a complete and accurate record on this subject, I ask unanimous consent that certain recent correspondence concerning one of the plants be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 30, 1971.

Hon. ABRAHAM RIBICOFF,
Senate Office Building,
Washington, D.C.

DEAR ABE: Week before last, you engaged in some colloquy on the Floor of the Senate related to a report by the Comptroller General on the effectiveness of the poultry inspection service of the Department of Agriculture.

That report contains on page 16 the following sentence: "The inspectors reported some deficiencies in sanitary conditions in each of the 68 plants."

Understandably, you infer from that that the GAO found that every plant had some deficiency when inspected, an inference that I would have also drawn and one that was drawn by more than one representative of the news media in Little Rock, Arkansas.

One of the plants visited by GAO representatives is located in Little Rock, C. Finkbeiner, Inc. C. Finkbeiner called me to complain that the GAO report was misleading because, on the day in question, inspectors found only one minor deficiency.

My own personal review of the facts has resulted in a letter being written by Comptroller General Staats to Finkbeiner advising the Finkbeiners that this is the case and when the Comptroller General made a copy of that letter available to me, it occurred to me that you might be interested in reading it.

I do not do this critically but only in the interest of clearing the record, an interest that I am sure you share.

With kindest personal regards and best wishes, I am

Sincerely yours,

WILBUR D. MILLS.

[Enclosure.]

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., November 30, 1971.

Mr. FRANK FINKBEINER,
President, C. A. Finkbeiner, Inc.,
Little Rock, Ark.

DEAR MR. FINKBEINER: The staff of Congressman Wilbur Mills has advised us of the adverse publicity your firm received following the release of our report to the Congress on the continued weak enforcement of Federal sanitation standards at poultry plants by the Consumer and Marketing Service, Department of Agriculture (B-163450, November 16, 1971).

Our report was designed to focus attention on the manner in which the Consumer and Marketing Service was carrying out its poultry inspection responsibilities, not on individual poultry plants. For this reason, the report did not contain the names of poultry plants visited by us during our review. The names were subsequently released through congressional sources.

Your plant was one of 68 visited by us in the company of supervisory inspectors of the Consumer and Marketing Service who evaluated the compliance of each plant with Federal sanitation standards. We recognize that your plant is primarily involved in the slaughtering and processing of red meat and red meat products; however, it does process some poultry products. Consequently, at your plant the only section evaluated by the inspector was the one involved in the processing of poultry products.

Conditions in the 68 plants varied significantly. In the section of your plant which was evaluated, only one minor variance from acceptable standards was noted—a door in need of rust removal.

We hope this letter clarifies our report as it relates to that section of your plant involved in the processing of poultry products.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

THE 25TH ANNIVERSARY OF UNESCO

Mr. HUMPHREY. Mr. President, this month marks the 25th anniversary of the founding of UNESCO—the United Nations Educational, Scientific, and Cultural Organization. In this period UNESCO has done some monumental work, particularly in the field of education. While its projects have made few headlines, the work of UNESCO has had a tremendous impact worldwide.

Because a large share of the American public is largely unaware of these accomplishments, I want to take this opportunity, Mr. President, to bring some of them to all our attention. I want to pay tribute to what UNESCO has done and continues to do because I think this great organization represents the hope for the future. Many people assume that the United Nations is a divided, helpless organization, contributing little to the cause of peace. I know otherwise. I maintain that the relentless plodding and the imaginative planning of an organization like UNESCO is what builds the infrastructure and the hybrid character of our "global village." It brings interdependency, close acquaintance, and human welfare.

For all the possibilities it offers and the progress it has brought, the United States has paid a relatively small portion of the cost. Our share of the annual budget is $12 million, or roughly 5 cents per American taxpayer. Just what are we buying with our contribution? UNESCO runs extremely effective world literacy and more advanced educational programs; it has offered a broad spectrum of cultural activities. Its scientific programs have been a great catalyst in reaching technological breakthroughs of international consequence. Together, all these programs have brought about the necessary meeting of minds and ideas on a broad catalog of problems and projects so essential to the welfare of the community of nations.

UNESCO was born in the closing days of World War II on the basic principle that "wars begin in the minds of men." Its founders, many of the leading American educators, artists, and intellectuals, put forth the corollary that—

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It is in the minds of men that the defenses of peace must be constructed.

UNESCO is headquartered in Paris. It is operated by a total staff of 2,200 specialists and professionals from about 100 countries, including 1,600 who work in the field, and is headed by a director-general, Rene Maheu of France. It is linked to the United Nations through the Economic Social Council of the U.N.—ECOSOC—but it determines its own programs and budget through the wishes of its 135-member states who meet every 2 years to consider and vote upon the many facets of UNESCO operations proposed for each biennium.

The emphasis on intellectual cooperation which characterized the early days of UNESCO has been sharply modified by the passage of time and the pressures of the world events upon the organization. Where some of UNESCO's founders may have viewed the organization as a potential meeting place for men of similar intellectual interests, a place where cultural concepts of one nation might be made available to the cultural connoisseurs of other nations, UNESCO today is vastly more than a forum for an intellectual exchange. Now it is concerned with many vital educational, scientific, cultural and communication needs of a vastly expanded membership, predominantly from the developing world.

The organization is very involved with the growing problems of educational development.

UNESCO, 25 years after its founding, finds itself deep in such pressing worldwide concerns as the environmental crisis. A few years ago it hosted an international scientific conference on the biosphere. As a result it moved to devote more of its energies and facilities to the world environmental problem under its "Man and the Biosphere" program, and in so doing UNESCO provided the stepping stone to the United Nations world environmental conference which will be held in Stockholm next summer. This will be the first world conference on the environment, believed by environmental specialists to be an essential step toward solving an international problem which threatens to engulf us.

UNESCO finds specialists to help developing countries start universities, build efficient rural schools, establish libraries, set up special training programs in schools and universities. At the same time, it provides an international framework—and often the actual physical facilities of housing and housekeeping expenses—for such things as brain research, oceanography, or satellite communication. Under UNESCO's auspices nations meet and carry on a variety of successful international projects such as International Geophysical Year, a joint scientific exploration of the Antarctic which would have been impossible without a UNESCO patronage and sponsorship.

UNESCO has started a concerted search using every available means, to collect data for rational water management. This is the purpose of the International Hydrological Decade which was launched in January 1965. Problems to be solved are as simple as measuring the rain or as complex as determining the effect of glaciers on water supply. It will be UNESCO's task during the International Hydrological Decade to coordinate these and other related activities and to develop a national awareness of the need for the conservation and management of water resources and the training of hydrologists.

In the field of human rights, UNESCO has taken an active bid. For example, it has organized this year as year to combat racism.

Despite this wealth of activity, UNESCO has little of an impact on the United States. True, there has been some tangible return on our investment. Some of the money we spend upon UNESCO comes back to us in salaries and grants for American specialists employed by UNESCO on various worldwide projects, and in the past 25 years American publishers and manufacturers of educational materials have realized a return of some $33 million from sales to UNESCO. But in general, UNESCO remains outside the mainstream of American life.

I cannot help but question if this is really to our advantage. I view the crisis in American education, for instance, and ask if there is not something we might gain from the UNESCO family if we sought its aid and guidance in solving our educational problems. I question, also, if we might not better deal with the great powers emerging in the Far East if we used, for example, UNESCO's bank of cultural information on Asia or on other cultures.

These are times of great soul searching and the United States at the end of a trying chapter in internationalism, is asking itself profound questions which must be asked, the answers to which will profoundly affect the security of both our own Nation and the world at large. Our questions impinge upon the United Nations and its specialized agencies. The United Nations, as much a creation of the United States as of any other nation, surely, has been forced by the times and the temper of its members into equally critical soul searching.

As part of this international analysis, UNESCO at the dawn of its second 25 years of existence must ask itself some questions, and it is doing so. There are valid criticisms to be made of UNESCO, but they relate to methods, not goals.

When I consider the "future shock" of a technical tomorrow which is almost upon us today, I can only urge UNESCO to enlarge its efforts to computerize and digest for all of us the raging flood of technical and sientific data. And this is what UNESCO proposes to do with UNISIST—the world science information system. Its advanced and adult education programs will have to be expanded to fit the requirements of what the U.N. has called the second development decade.

This anniversary review has only touched the surface. UNESCO has done a great deal more. It is my firm belief that it will gain momentum in the years ahead, with one provision. We in the United States must lend UNESCO all the financial and psychological support we can, if we want it to carry on and if we want the international community to grow with it.

Mr. President, I want to bring to my colleague's attention some articles which describe in some detail individual UNESCO programs. One of the more interesting is the UNESCO report on the idea of a United Nations University. Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

UNESCO'S QUARTER CENTURY

The United Nations is coming into increasing disrepute in this country, some of it deservedly so, much of it unavoidably so. The pretense of parliamentary equality between the Soviet Union and Bhutan, for instance, or between the United States and Chad, gives a certain comic boredom to too large a percentage of the debates and votes in the Assembly, while the realities of power frequently reduce the Security Council to a system of mutually locking brakes against any action at all.

The organization which was supposed to usher in a new age of peace on earth has in fact witnessed continual warfare, often involving the superpowers and often enough the smaller powers on the free-lance basis that was once thought to be the one sort of war the United Nations could stop.

It is all a sad commentary not only on the international peace-keeping machinery and its non-existence, but more deeply on the condition of men and nations in the 20th Century. That being so, the survival and flourishing of its auxiliary, the United Nations Educational, Scientific and Cultural Organization, UNESCO, is remarkable in itself and a reasonable cause for fundamental optimism about the whole endeavor.

UNESCO last week celebrated its 25th anniversary and did so at a time when its own achievements and work in progress far outshadowed those of the U.N. proper.

In 25 years, UNESCO has brought the blessings—and the dilemmas—of literacy and learning to millions. It has brought the hope of life extended and life expanded to masses whose history and culture prepared them for a chancy life and an early death. Within the limits of its financing, which have always been stringent, UNESCO has at least begun to attack the immense and basic problem of feeding the world's people.

There are now, as there always have been, American voices raised against American participation. It is even remotely possible that such voices may prevail, that the U.N. will go the way of its predecessor, the League of Nations, into the dustbin of history, the attic of humanity's hopes.

But regardless of the fate of the parent organization, UNESCO continues to represent those hopes in action and in significant achievement. If the U.N., by no means through its own fault, has been unable to bring peace on earth, UNESCO, in its quarter century, has given full scope to good will toward men.

PROPOSAL FOR A U.N. UNIVERSITY MAY COME TO VOTE IN ASSEMBLY

(By Andrew H. Malcolm)

UNITED NATIONS, N.Y., October 30.—The idea of a United Nations University with a string of post-graduate research centers scattered around the globe has made substantial progress here in recent months and may come to a vote during the current General Assembly session.

An official, though unpublished, feasibility study—a copy of which has been obtained by The New York Times—recommends establishing a world network of such research centers coordinated by a reactor at a central headquarters in an as yet undetermined country.

Japan, Austria and Switzerland have been mentioned as possible sites for the headquarters.

With the 129-page study in hand, a number of diplomats and educators, including Dr. Andrew W. Cordier of Columbia University, are now predicting passage of some form of international-university plan by the year's end.

The concept of such an international university, where scholars from many lands would meet to research common problems, is not new. Alexandria's library in ancient Egypt, for example, attracted more than local scholars.

However, the idea never gained much strength in modern times until two years ago, when it was proposed by the United Nations' Secretary General, himself a former teacher, and sponsor of such undertakings to promote international understanding.

DUBBED "THANT U"

In fact, U Thant has been such a strong advocate of the idea that in some circles here the proposed institution has been dubbed "Thant U."

But support for such an institution, especially among the developing nations that now form a majority in the United Nations, has broadened it formally in the introduction to his annual report in 1969.

That year the General Assembly ordered the feasibility study by UNESCO, the United Nations Educational, Scientific and Cultural Organization. Mr. Thant also requested a parallel study from a panel of 15 international educators, headed by Dr. Cordier, the Dean of Columbia's School of International Affairs.

While the UNESCO study is complete, the educators' final report is not. However, a series of interviews with those involved has revealed that that both groups have reached essentially the same favorable conclusions.

As presently envisioned, the university would not offer any undergraduate studies. No degrees or dipolmas would be issued.

The graduate research staffs would be drawn to the school's scattered units for periods of a few weeks or years. To avoid aggravating the "brain drain" from developing countries, no appointments would be permanent.

Some of the centers might be established as research institutes, either independent or within the United Nations family of specialized agencies. They would affiliate with the university in certain areas of common concern. The International Center for Theoretical Physics in Trieste has been mentioned as such a possible affiliate.

JAPANESE SITES OFFERED FOR "PROBLEMS OF MANKIND"

UNESCO has said that research and training should be oriented around "problems affecting mankind as a whole," rather than around traditional academic discipline.

These problems might involve population and economic growth, the economic and political variables of social tensions and international relations, and the influence of technology on the environment.

The examination of these problems in an international institution "free from national and regional bias could produce results displaying exceptional objectivity and carrying great moral weight," UNESCO said.

The research units would be supervised by the rector from the university's headquarters. Neither report recommends a particular site, although UNESCO said the location should be readily accessible to other institutions of higher learning and in a politically stable area free of high social or regional tensions.

UNESCO: RECORD OF SUCCESS

This month marks the first quarter century of UNESCO, that portion of the United Nations' iceberg which lies largely unseen beneath newsier peaks. Filled with achievement, employing 3,500 people from 125 member states, and in many ways the most successful venture of the United Nations, UNESCO functions under a constitution that starts this way: "Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed."

UNESCO's real name is, of course, the United Nations Educational, Scientific, and Cultural Organization, and in the past twenty-five years it has been in the field of education that UNESCO has achieved perhaps its most outstanding accomplishments. As of the beginning of this year, UNESCO had trained in forty developing countries more than 60,000 teachers and educational planners to serve in primary, secondary, and technical schools. Many of these young women and men have functioned as not only teachers but examples to their contemporaries and to traditionally trained local colleagues. Precisely ten years ago UNESCO trained the first African secondary schoolteachers south of the Sahara Desert. Now there is a stream of 2,000 graduate teachers a year in central and southern Africa.

As recently as fifteen years ago fewer than twenty-five million students were enrolled throughout Latin America. In the intervening decade and a half, largely through a UNESCO program, primary enrollment has increased by upwards of sixteen million children. In the sorry field of adult literacy, a UNESCO survey in 1957 revealed for the first time that 44 per cent of the world's population could neither read nor write. Vast expansion in education, partly through U.N. programs and money, has dropped the world illiteracy rate to 34 per cent, though, sadly, the total number of illiterates may be larger than it was fifteen years ago because of the population explosion.

Architects employed by UNESCO have designed prototypes of the hardiest and least expensive school buildings for developing countries. Other money and effort have gone into the creation of fifty engineering colleges and technical institutes, which now enroll more than 50,000 students and have graduated upwards of 16,000 men and women whose engineering-technical skills are absolutely essential to the development of the Third World.

In the field of science, second section in the organization's title, UNESCO's quarter-century achievements include seed money to launch the International Geophysical Year, which in 1957 and 1958 produced spectacular scientific results, including verification of the inner and outer Van Allen belts. Ocean research has resulted in rich new fishing grounds as well as extensive discoveries about the sea floor, not to mention worldwide weather and navigation aids. Extensive research in climatology, hydrology, the energy of sun and wind and their ecological relationships may one day restore the deserts of northern Africa to the status of the granaries of the world since these and other desolate tracts of parched earth account for one-third of the globe's land surface. Earthquake-measuring stations that chart the history and behavior of these natural catastrophes have, through UNESCO research, helped every country that lies over a fault line.

On a planet where nearly half the children cannot go to school, one-third of the adults are illiterate, and half the world goes to bed hungry every night, UNESCO's pragmatic achievements may outweigh the cultural. Just the same, the organization's highly successful symposiums of anthropologists, geneticists, ethnologists, and lawmakers on ways and means to refute the myths of racial superiority or inferiority may in the long run be the most important achievement in its twenty-five years. Other accomplishments in the general area of human science and culture include a universal copyright convention guaranteeing international protection of all literary, scientific, and artistic works; to date, this agreement has been ratified by sixty-one countries.

Considering the scope of its mandate, the UNESCO budget is modest indeed; although this income has risen from $7-million in 1947, when it had thirty-four members, to $45-million this year, when it has 125, there is pitifully little to work with in any given field of human benefit. As of this spring the United Nations Development Programme had entrusted UNESCO with 157 world projects involving an outlay of more than $650-million, not counting bankers' loans and credits of $365-million in thirty-eight developing countries. The figures are impressive testimony to the growth of this far-reaching U.N. arm now optimistically entering its second quarter century, since it has proved the past.

UNESCO—A GOOD DEED IN A NAUGHTY WORLD

(By Anthony Merill)

Nineteen Seventy-one marks the 25th anniversary of UNESCO, an organization aptly described by a commentator as "a good deed in a naughty world". UNESCO—the United Nations Educational, Scientific and Cultural Organization—is one of several international organizations in the UN family known as "specialized agencies."

What is UNESCO, what does it do, and where does it do it?

WHAT IT IS

UNESCO is an affiliation of 125 Member States with headquarters in Paris. An autonomous agency, with its own budget and governing body, UNESCO carries out the educational, scientific and cultural interests of the United Nations.

It is a many-faceted organization. To some it is a great publishing house, turning out books, studies, reports, periodicals in many languages. To others it is a vast filing cabinet in which there is systematically catalogued and available to researchers information on education, science and sociology centralized nowhere else in the world. To developing countries UNESCO is a source of expertise in education and science and planning for efficient development in these two fields so essential to national survival in the space age. To others, UNESCO is an instrument for saving historical treasures like the flood-damaged paintings of Florence, and for the protection of integrity in the creative arts, through international copyright laws.

Clearly, UNESCO's range of operations and interests is broad and sweeping.

LITERACY PROGRAMS

UNESCO tackles the problem of international understanding in a variety of ways. For example, at least 850 million adults in the world cannot read or write—a shocking figure which is growing by 20 million a year. UNESCO is pioneering a "functional literacy" training program, experimental in nature, seeking the best ways to teach these skills in their everyday work.

UNESCO's pilot literacy programs are underway in 12 countries, with 40 more countries asking to participate in the program. With 150,000 persons enrolled in UNESCO-

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sponsored literacy classes, UNESCO has sent literacy experts to many other countries to advise their governments.

And while this practical grass-roots program goes on, UNESCO is constantly translating into the major languages of the Western world great writings from the cultural heritage of nations like Japan, the Scandinavian countries and India—literary masterpieces hitherto unknown to Western nations like our own.

TRAINING TEACHERS, BUILDING SCHOOLS

Vital as the UNESCO literacy programs are to UNESCO goals, they are but facets in the multitude of UNESCO operations. The Education "E" in UNESCO embraces not only teaching the illiterate to read, but training teachers to teach, showing new nations how to develop libraries and museums, helping those who seek UNESCO's advice to develop educational techniques for youth and adults and for farmers and factory workers.

When a group of Latin American countries sought advice from UNESCO on the design and construction of rural schools, UNESCO didn't reach into a file drawer and pull out a prepared instruction manual. Instead, it located from around the world the top experts in the field, paid their way to a meeting place in Latin America, provided for their expenses while they were there, and made them and their accumulated expertise in school needs for low income developing nations available on the scene for Latin American ministries of education.

OCEAN EXPLORATION

UNESCO can sponsor international undertakings. Through UNESCO, great competitive powers like the United States and the Soviet Union work peacefully side by side in tremendously important scientific research projects, a notable one—among many—being the so-called International Decade of Ocean Exploration.

The oceans of the world cover 70 percent of the earth's surface. They belong to everyone and are therefore an ideal area for UNESCO cooperation.

The International Indian Ocean Expedition is the famous example of such cooperation. It lasted for six years, involved 25 nations and 40 ships including six from the United States. In an area about which man previously knew almost nothing, they found answers to such questions as why monsoons sweep one-half the year in one direction and turn around and blow the other way, and why food-fish in the Indian Ocean sometimes die by the millions. And as a by-product, expedition research vessels discovered a rich mineral bed in the Red Sea which is estimated to be worth nearly two and one-half billion dollars—this by an expedition whose total costs were $40 million.

PRESERVING CULTURAL TREASURES

The United States shares in UNESCO's work in the preservation of the world's cultural treasures. One of the most spectacular projects in this field was the international campaign which saved the ancient Egyptian monuments threatened by the rising waters of the Aswan Dam project. Mounted by UNESCO, the Nubian Monuments Campaign raised $17 million, involved the participation of 27 countries and rescued 22 temples, the most important being Abu Simbel, built by Ramses II in the 13th Century before Christ. The moving of this mighty temple from the banks of the Nile to a point 100 feet above its original site is one of the most brilliant engineering feats of this Century.

Today UNESCO is the focal point in efforts to save that jewel among cities, Venice, which is slowly sinking into the sea. The Italian Government is being assisted by UNESCO in drawing up a plan to rescue this historic port from sea erosion.

UNESCO art exhibits have travelled the United States for the past 20 years. Through the cooperation of the Smithsonian Institution, they have been seen in hundreds of colleges and universities. Currently there are three UNESCO exhibits in the United States.

UNESCO has also helped bring American cultural achievements to world attention by publishing art books for worldwide distribution. Two recent publications are a book on Calder, and a volume on "Modern American Painting, 1970."

MASS COMMUNICATION

With an expected world population of six billion by the year 2000, UNESCO is justifiably concerned with the role of the satellite in mass communications for educational purposes. Solving this problem will require international cooperation and coordination among the intergovernmental bodies that have a natural role to play, entities like the International Telecommunications Union, the World Bank, and the United Nations itself.

Sponsoring research and assisting in international cooperation is right up UNESCO's alley, so it is in the forefront of world activities in the field. Alaska, for example, has communications needs ideally suited for satellite application, and last year welcomed a UNESCO-sponsored survey team which was working in Alaska in conjunction with the U.S. National Education Association.

The U.S. National Commission for UNESCO (Washington, D.C. 20520) can fill limited requests for basic information leaflets on UNESCO, what it is, what it does and how it works. Lists of UNESCO publications and UNESCO sales items—including the UNESCO art slides series, are available in the United States only through UNIPUB, (The UNESCO publications center) Post Office Box 433, New York City 10016. UNESCO films are handled by Contemporary Films, the Textbook Division of McGraw-Hill Book Company. Contemporary Films has three U.S. Addresses: 330 West 42nd Street, NYC 10026; 828 Custer Ave., Evanston, Ill. 60602; and 1714 Stockton Street, San Francisco 94109.

SENATE ARMED SERVICES COMMITTEE HEARINGS ON SIMPLER AND LESS EXPENSIVE WEAPONS SYSTEM IS WELCOME MOVE

Mr. PROXMIRE. Mr. President, for years, the critics of defense spending have been arguing that the weapons the Pentagon has built are both too costly and too complex. Instead of proposing simple weapons for single missions, the Pentagon has advocated complex weapons for numerous and even conflicting missions. The result is weapons which cost too much, which are late in delivery, and which fail to meet their specifications when completed.

Now the Senate Committee on Armed Services has begun hearings on this most important issue. Witnesses have testified how the British and Russians and others have built effective weapons for half the cost of our weapons. In the case of the F–14 fighter plane, for example, it is even worse. The cost of the Russian fighter of equivalent ability is one-fifth the cost of the F–14.

Witneses have testified that we must test weapons before rushing into production, that the concurrent development and production of weapons had led to costly technical failures and huge cost overruns, and that a firm policy of "Fly Before You Buy" must be carried out rather than merely mouthed without implementation.

These are the same issues which the critics of defense procurement have been raising for years. There are those, especially those with narrow economic or special interests in perpetuating the present system, who have charged us with "neoisolationism" or with being against defense when our entire thrust is to make this country strong and free by improving our procurement practices and the actual funtioning of our weapons. Now the Senate Armed Services Committee itself is holding hearings on these important issues to our national security and to our national survival. No one can claim that they are "neoisolationist" or oppose a strong and free America. This is a most welcome set of hearings and may be of more significance to the ultimate reform of our present disastrous system of weapons procurement than any other event in recent years.

Mr. President, I ask unanimous consent that an article about these hearings written by William McGaffin of the Chicago Daily News, who has reported and written on this subject for years, and whose knowledge of the problems of defense procurement is not exceeded by any national reporter, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE SEEKS BETTER AND CHEAPER ARMS

(By William McGaffin)

WASHINGTON.—A minor miracle may have gotten under way on Capitol Hill this week.

A reform movement may have been born in the Senate Armed Services Committee that will produce not only cheaper weapons but weapons that work.

The committee, previously a defender of the Pentagon, has grown so alarmed about the fantastic cost of new weapons that often turn out to be lemons that it has started its own investigation of how weapons are produced.

The independent witnesses the committee called in a hearing that wound up yesterday, at least for the time being, told them how other countries—France, Sweden, Britain and Russia—are running rings around us.

They also provide some recommendations, unpalatable to the Pentagon, on what needs to be changed in the US weapons productions system if the problem is to be solved.

The testimony impressed such influential figures as • • • Miss.), the committee chairman and Sen. Barry Goldwater (R-Ariz.), a committee member who is a flier himself and former Air Force officer.

If the committee eventually decides to act on the tips it has been provided, it has authority to compel the Pentagon to change its ways.

The principal need, according to a series of witnesses, is to go to a simpler design of weapons, to follow a firm policy of "fly before you buy" and to keep the teams of weapons-producing experts small.

In addition, as the witnesses stressed, it is important that pre-production testing of weapons be done by an independent agency. The Russians do this. The Pentagon has been urged to do it by a blue ribbon panel that looked into the Pentagon, but up to now it has successfully managed to avoid the matter.

VIETNAMIZATION OF THE FOREIGN SERVICE

Mr. FULBRIGHT. Mr. President, the December issue of Foreign Service Journal contains a most interesting article entitled, "Vietnamization of the Foreign Service." It is written by a former career Foreign Service officer who served in Vietnam and throws a great deal of light on the operation of the career Foreign Service. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAMIZATION OF THE FOREIGN SERVICE

(By John Claymore)

Nearly three million Americans have now served in Vietnam. Of these, about 600 have been Foreign Service officers.

Thus, roughly 20 percent of the Foreign Service has been exposed to many of the stimuli which have turned "nice" kids from Middle America into peace freaks, hawks, junkies, and even assassins.

For the FSOs, however, the experience generally has not had the radicalizing effect that it has had on many of the military men. The FSOs tended to be older and less malleable than the American soldiers in Vietnam, and their personal thought processes were more subtle and less striking than those of the GIs. Some FSOs were essentially untouched by the whole experience, reacting no differently than if they had been in Paris or Rome. But for most, and especially the young, Vietnam meant change. It meant a violent breaking away from the traditional diplomatic life and an exposure to the realities of war.

About 350 FSOs have been assigned to the Pacification program (CORDS). They functioned as advisors to the Vietnamese civilian and military administration in an effort to make the Government of Vietnam a viable force in the countryside. Few, if any, had any background for this assignment; yet most have acquitted themselves well, within the context of the programs they were working in.

Nevertheless, FSOs have been affected by the same pressures that have been widely reported in relation to the military.

Many served in photo-combat roles with command responsibility. While not participants, they received reports of war crimes and what often seemed like the unnecessary loss of human life. Some were faced with the moral dilemma of how far they should go in exposing incidents which they knew to be wrong.

One FSO currently serving in Washington possesses a file of documented atrocities including photographs. He has written extensive reports on these apparent war crimes he investigated in Vietnam. As far as he knows, no action has ever been taken to punish the guilty. Because he is a supporter of the President's Vietnam policy, and because he fears the effect on that policy of additional war crime controversy, he has chosen not to make his information public. He also is undoubtedly aware of the negative result disclosure would have on his career prospects.

His example is extreme, but it points up the fundamental proposition that serving in Vietnam is not like serving elsewhere.

With respect to no other country could it be said that perhaps 20 percent of the FSOs had experimented with soft drugs, but that is the case in Vietnam. And in no other country do FSOs have their own personal automatic weapons and receive training in how to fire a grenade launcher before they go.

Vietnam is different.

Vietnam has undoubtedly sharpened the generation gap between young and old FSOs. In some of the junior grades, a disproportionately large number have been to Vietnam. Almost all return with a healthy skepticism often bordering on contempt, for the Foreign Service. One recent returnee says, "Vietnam is where you learn that your elders aren't what you thought they were."

Another describes Vietnam as his "final disillusionment with the Foreign Service as an institution." He says he "can no longer take the Service at its word," and he goes on to mention the lack of integrity in the reporting process he saw in Vietnam. Yet this same officer feels that his own and his colleagues' disillusionment with the Foreign Service bodes well for the future of the American diplomatic establishment. He believes Vietnam has created a new, skeptical type of diplomat able to work more effectively within the foreign affairs bureaucracy than the old striped-pants set. Shed of the mythology of protocol and cocktail parties, these new skeptics see themselves as "operators" who know how to infight.

In the process, these officers have developed a strong dislike for the traditional diplomats who direct the Embassy in Saigon and, especially, that Embassy's political section. Almost all FSOs who served in the pacification programs and most junior members of the Embassy staff itself give examples of how their reporting was distorted and suppressed in Saigon, in order that the Embassy might be consistent with the prevailing "line" in dispatches to Washington.

More experienced and worldly FSOs may well view this disillusionment with a cynical resignation, having been exposed to similar pressurea during long careers. Perhaps the difference is that most young FSOs entered the Foreign Service with a healthy dose of idealism and just were not prepared for such a violent shock. Largely separated from the amenities and prerogatives of a diplomat's life, they were thrust into an environment in Vietnam completely different from anything they expected on joining the Foreign Service.

FSOs in Vietnam are not isolated from the processes of the US Government, as are most FSOs from Paris to Ouagadougou. The statistics they knew to be nearly worthless were constantly being quoted by the President of the United States as an indication that progress was being made in Vietnam. One heard FSOs laughingly ask at report time, "No one really believes these figures, do they?" Of course, they learned that there were those who claimed to believe those figures, and the degree of belief seemed to increase at each higher bureaucratic level.

Similarly, numerous FSOs in the countryside wrote reports on the excesses and failures of American troops. At least one civilian official found himself relieved as chief American advisor in a province for his sharp assessments. The lesson was not lost on others. The three-star American general commanding the area around Saigon issued an order in 1967 that there would be no criticism of American troops in official reports written by pacification workers. This order was later rescinded, but again the lesson was not lost.

The 350 or so FSOs who served in the pacification program found themselves in a situation where they were dependent for promotion on individuals whose fundamental view of the problem in Vietnam often was quite different from their own.

Since the spring of 1967, the Pacification program (CORDS) has been part of the military command structure, although the top leadership is supplied by civilians. The military in CORDS outnumber the civilians by about eight to one. Organizationally, the program is run like the military staff section which it officially is. There are SOPs (Standard Operating Procedures), TO&Es (Tables of Organization and Equipment), and directives to explain everything.

The FSOs in CORDS who expected to maintain a civilian identity found this at times to be nearly impossible. Invariably, either their direct superior or his superior was in uniform, and they were of course dependent for promotion on fitness reports written or reviewed by a military man. Then too, a junior FSO often found himself denied a particular job because his protocol rank was that of first or second lieutenant, and accordingly, he was not allowed to serve above a captain who could conceivably be five years younger and much less experienced.

While there was no clear State Department policy on the subject, most FSOs in the field were expected to bear arms. For some, this meant little more than participating in the defense of living quarters. Many who served in the districts, however, assumed a para-military to full military stance. The civilian district adviser often participated in combat operations, if for no other reason than to establish rapport with his Vietnamese counterpart who was usually as army officer. On occasion, these FSOs found themselves calling in airstrikes or firing on enemy positions.

A meeting with the State Department's Director of Personnel established that the fact an FSO has a conscientious objection to killing is not considered in deciding whether he shall be assigned to CORDS. Some FSOs who are conscientious objectors are presently assigned to CORDS field positions.

At least one FSO refused to stand guard duty in Vietnam. On returning to Washington, he complained that his aversion to using arms put an unfair burden on co-workers who were forced to fill the gap. He feels that conscientious objectors should not be sent to Vietnam in any capacity.

It is the question of who should be sent to Vietnam that has generated the most controversy within the Foreign Service.* The majority of FSOs do not want to serve in Vietnam. Their reasons tend to be personal and usually do not stem from opposition to the war: most do not want to leave their families for 18 months to two years; many do not feel a Vietnam assignment would be good for their careers; some are afraid of the physical danger; and others do not want to become part of a military organization. Volunteers make up less than one-fifth of those assigned to CORDS.

Yet the State Department long maintained it had a continuing commitment to provide up to 150 FSOs to the CORDS program in addition to staffing the large Saigon Embassy. Although the figure for CORDS has never been reached, as of mid-April 1971, 91 FSOs were serving in CORDS, and another 38 were slated for CORDS positions. For several years, only bachelors were involuntarily assigned, but present policy makes all FSOs eligible. Moral or any other kind of opposition to the war is not considered grounds for being placed elsewhere.

(In at least one instance, however, opposition to the war was thought sufficient reason to change an assignment. In mid-1970, a Vietnam returnee expressed strong opinions against the war when reporting for his new position on the staff of the Vietnam Training Center in Washington. He was swiftly given other duties.)

The personnel officer responsible for Vietnam recently described the Vietnam assignment process thusly: "Service discipline applies." FSOs are supposed to be available for

*In mid-August, 1971, the State Department stopped assigning all but a few FSOs to CORDS. This article was written earlier and should be read in that context.

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assignment anywhere in the world according to the needs of the Foreign Service. This is described as a basic condition of employment, although no black FSO has ever been sent to South Africa, and Jewish officers are not assigned to most Arab countries.

Many FSOs feel that assignments to Vietnam are made on a rather arbitrary basis and that those officers with good connections usually can avoid being sent. No person interviewed for this article could recall any staff assistant to a high State Department official or any personnel officer ever having to go.

How far the Department will go to enforce a Vietnam assignment is unclear. The Director-General has said that it was "not my intention to make people go to the point of resignation." Yet in March 1971 an FSO was informed in writing by his personnel officer that "reasons for breaking an assignment *might* (his emphasis) be found under the following conditions, either singly or in combination: severe compassionate reasons involving an officer, or in certain cases members of his family, or a need elsewhere for an officer's particular skills. Where none of these conditions exist (sic), I can see no alternative than an officer's resignation if he refuses to accept the assignment."

The particular FSO who received this statement had earlier decided he did not want to maneuver within the bureaucracy to find an escape from Vietnam. He confronted the personnel system with the possibility of either his resigning or his assignment being changed.

It is generally felt, however, that if an FSO knows how to pull bureaucratic levers and has a creditable record, he has a good chance of staying out of Vietnam. Of course, he is more likely to be successful if he is in Washington fighting the assignment, rather than in an overseas post.

Most FSOs would agree that certain "starred" officers tend to get the good jobs within the Foreign Service. To the rest fall the leftovers. Vietnam is unquestionably among the leftovers.

FSOs going to Vietnam are generally told that their sacrifice will not be forgotten by a grateful Foreign Service and that they will be rewarded with promotions and choice of ongoing assignments. For several years, promotion panels have been instructed to give particular credit to those who have served in Vietnam. A special unit has been established within the personnel system to look after the Vietnam veterans. The FSO in charge of this unit (himself a Vietnam veteran) reports that the returnees are given "special consideration" in terms of training and next post. He says that most receive their choice.

Yet, when asked by an employee group to substantiate this "special consideration," State Department personnel officers stated they were unable to verify if FSOs with Vietnam service had done better or worse than their peers.

The FSOs serving in CORDS are administratively considered to be on "reimbursable detail" to the Agency for International Development (AID). Their salaries and all other expenses are paid by AID. In fact, the original influx of FSOs into CORDS and its predecessor agencies came about because AID was unable to recruit sufficient numbers of qualified people for service in Vietnam. During the middle '60s, AID conducted extensive recruiting campaigns throughout the United States in a search for sufficient volunteers. These campaigns invariably fell short of their goals, and after 1966 increasing numbers of FSOs were assigned to AID to fill the gap.

This need for pacification personnel was coupled with a feeling by some high State Department officials that the Foreign Service should be doing more to help the American effort in Vietnam and that FSOs were the most effective civilians who could be found for pacification work. Perhaps more important were the 1967–1969 cutbacks ordered by succeeding Presidents in the Foreign Service overseas. Faced with a 20–25 percent reduction, some State Department personnel officers saw the assignment of large numbers of FSOs to CORDS as a way around reductions in the FSO corps, since those FSOs in CORDS were charged to AID's personnel ceiling and not the State Department's. A spring 1971 meeting between an employee group and State's Director of Personnel established that the number of FSOs assigned to CORDS could not presently be cut back unless reductions were made elsewhere. State simply would not have the funds available to pay them.

Reductions in the Foreign Service necessitated a near stoppage in the recruitment of new FSOs in 1967 and 1968—a situation which was widely felt to be unhealthy for the future of the Service. Thus, during 1968 and 1969 many young FSOs came into the Foreign Service with the understanding that their first post would be CORDS in Vietnam. While this policy discouraged some applicants who desired more traditional diplomatic careers, the waiting list of those seeking entry was sufficiently large to provide enough new officers. Yet in this period of mounting opposition throughout the country to the Vietnam war, dissatisfaction rose among the new recruits.

In Foreign Service terms, dissension hit its peak with the class of new FSOs who joined in the summer of 1969. Prior to their entry, most had received letters from the State Department which strongly implied that for the foreseeable future the only way into the Foreign Service would be for the new officers to spend their first tour with CORDS in Vietnam. Some had accepted this condition and others had refused. Then after a slight break in the recruiting logjam, those who had refused entry received new letters saying that they could enter with no apparent preconditions. No mention was made of Vietnam.

Once the new FSOs reported for duty in Washington, they quickly learned of the different standards which had been used in their recruitment. Those who had accepted Vietnam service felt they had been duped into it as the presence of those who had originally refused indicated. To make matters worse, when first assignments were given to the new FSOs, many in the group who had earlier refused entry for Vietnam were assigned to Vietnam anyway. Tempers flared among all, some talked of resignation and several acted. (One young FSO, in extremely undiplomatic fashion, told a high personnel officer that "his hands were covered with blood.")

At this point Department policy was changed so that henceforth no first tour FSOs would be sent to CORDS unless they volunteered. The rationale for the new policy was that service in the pacification program was a poor introduction into a diplomatic career and that more experienced officers would be more effective in the Vietnam program. Implicit in the change was a desire to eliminate the dissension that Vietnam assignments were causing among the new officers and ease the problems of attracting good candidates willing to go immediately to Vietnam.

Despite all the difficulties in recruiting FSOs for Vietnam, the majority enjoy the experience once they go.

Vietnam is an exhilarating place for American civilians. Most become quickly immersed in their jobs, and the problems to be solved are immense. Almost without exception, they find the country and especially the women fascinating. For those assigned to Saigon and a few other large cities, life is pleasant in a way familiar to former colonialists. One returnee talks of being "mesmerized by pleasant Asian living."

Even FSOs assigned to the pacification program in province capitals usually live comfortably. Years ago the American Embassy decreed that an air-conditioner is the inalienable right of all American civilians in Vietnam.

Each of the 44 province capitals has three American compounds: one for the military advisory team which tends to be functionally austere; one for the CIA which is usually the fanciest and is always guarded by impressive looking Chinese hill tribesmen with submachine guns; and one for the CORDS workers including the FSOs. The CORDS compound typically consists of trailers and prefabricated, motel-like houses imported from Singapore; Vietnamese servants, drivers, and armed guards abound.

Life is usually more difficult for the roughly 25 FSOs assigned to district capitals. There they are often forced to share a small house with five or six American military advisers, although some now have their own trailers.

A few FSOs in Vietnam have resigned for policy reasons, but they are definitely the exceptions. In each known case, they have been very junior officers.

A larger resignation problem comes from what a State Department personnel officer describes as "heightened expectations." The majority of FSOs in Vietnam have interesting jobs with considerable responsibility (although this has been less so in recent years as the bureaucracy has grown). Thus when they are assigned elsewhere, the return to a more traditional foreign service assignment is often a letdown.

The State Department refused to make available for this article resignation rates of those who have served in Vietnam. This information was withheld on the grounds that it would be too difficult to check the records. However, one can probably say that resignation rates are probably a little higher among FSOs who have been to Vietnam than in the Foreign Service as a whole.

Two FSOs who had brilliant careers in Vietnam resigned after they found their next assignments unrewarding. Another returnee, son of a career minister, refused the choicest assignments the Foreign Service had to offer and has spent the last year living in the splendid isolation of an unheated cabin in the Virginia countryside. At least four former FSO Vietnam hands now work actively against the war on Capitol Hill. There are certainly other cases of this sort.

No clear picture has yet emerged of what effect Vietnam service will have on the future of American diplomacy.

An "old boy network" of Vietnam veterans will probably come into existence and be helpful to its members in terms of assignments and promotions. FSOs who have been to Vietnam tend to search out others who have shared the same experience. Already the informal intelligence system which existed among information-starved FSOs in Vietnam has been partially transferred to Washington.

Most FSOs who have served in Vietnam are acutely aware of the mistakes America has made in that country and are determined that the experience shall not be repeated elsewhere. More than anything, they understand the limitations of military power. They undoubtedly will be much less likely than their predecessors to accept military, or even principally "American," solutions to problems in foreign countries.

Coupled with the Vietnam veterans' mistrust of Americans in uniform will be their own activism. In Vietnam they left the traditional diplomatic world of reporting and démarches. The emphasis in Vietnam was on *doing* things whether inside or outside the system. If Vietnamese officials would not feed hungry refugees, the FSO usually found a way to get the job done himself.

Of course, this new activism could conceivably have an unfortunate effect if carried too far. Some Vietnam veterans are probably more likely to advocate American involvement in the internal affairs of another country than would other diplomats. Most support the use of American influence or leverage to compel a foreign government to take certain desired actions; for they attribute much of the American failure in Vietnam to the inability to use American aid as a means of bringing about needed reforms.

What the attitudes of the Vietnam returnees portend for the future of the Foreign Service is not yet clear. If the slight trend toward resignation increases, then the Department may well lose many of those who have been most markedly affected by the Vietnam experience.

Morale has unquestionably been hurt by the large number of Vietnam assignments, but morale has been hurt countless times in the past.

FSOs who have been to Vietnam may well be viewed as a cadre for future counter-insurgency assignments elsewhere. But fewer and fewer people believe that anything approaching American involvement in Vietnam should or will be repeated elsewhere.

In any case, the Vietnam war may someday come to an end. But many Foreign Service officers, and perhaps the Service as a whole, will never be the same again.

DOMINATION OF THE ECONOMIC GIANTS

Mr. HARRIS. Mr. President, it seems that it is increasingly difficult for an American citizen to deal with the economic giants which dominate his life. American lawmakers on every level have long recognized that the individual needs some protection from the awesome powers of our great corporations. Yet, in a disturbingly high percentage of cases, the agencies established to protect the consumer actually perform the reverse function. Dominated by officials who work hand-in-glove with whatever industry they are supposed to regulate, and overwhelmed by the efficient legal staffs available to large corporations, they have tended to become a kind of institutionalized protection agency for big business.

Two citizens of my State, Mr. and Mrs. Charles Baker, are fighting an uphill battle to have a high-pressure gas pipeline which runs next to their house examined for flaws which could lead to the pipe's explosion. Mr. Baker, himself a welder, has produced numerous photographs and expert witnesses of the highest qualifications to support his claim that the line should be examined. Throughout the long struggle, the Bakers have received next to no help from the officials paid to protect their interests—whether on the local, state, or national level. The reaction of Transck, the pipeline company, has been a series of moves designed to discredit the Bakers, and to wear down the family's limited resources.

Mr. President, the Bakers have, to date, spent over $21,000 of their own money to try to make their case. They are not rich, but they believe that they have a right to some cooperation from their public officials. Mr. President, I am distressed by the lengths to which Transok has gone in its effort to silence the Bakers' opposition. Yet I am much more distressed by this example of public officials favoring the "big boys" who run the industries over the individual citizens seeking to obtain a redress of their grievances.

Mr. President, in testimony prepared for delivery before the Commerce Committee, the Bakers describe the struggle of one American family with one powerful American corporation. I ask unanimous consent that this testimony be inserted into the RECORD at the conclusion of these remarks. I also ask unanimous consent that newspaper articles from the Washington Missourian, Southwest Times and Record, and Tulsa World, on this case be printed in the RECORD following my remarks.

Mr. President, it is time that we recognize that the rights and personal safety of individual citizens like the Bakers should be foremost in the minds of those regulatory agencies once set up as watchdogs for the people.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TESTIMONY

My name is Charles C. Baker and this is Dorothy, my wife. We are from Oologah, Okla. We have three children. We used to live on our farm at Oologah, but since December of 1970, we have been living in a small apartment in Collinsville, Oklahoma. I am a welder, and have been for 17 years. I have welded pressure vessels, heat exchangers for the Oil and Gas Industry, missile launching towers, radar antennas, aircraft welding, and pipe welding. I've been certified by the U.S. Government, the U.S. Navy, and have held many cards of qualifications under the American Society of Mechanical Engineers.

In 1970, a 20" high pressure natural gas line went through our farm, 230 feet from our home. We were very concerned about the location of the line, prior to the installation. This pipeline was doglegged around our home because we would not sign an easement for less money than we paid originally for our land. Also, we refused to sign, because they would not give a description of where the line was to be located. We were shocked and outraged by these tactics, but the biggest shock was yet to come. . . . the actual construction of the line. The fence crew had warned us of Code violation on this pipeline, and also of three failures that occurred on the hydrostatic test. We contacted Maurice Meyers, head of the Office of Pipeline Safety under the Oklahoma Corporation Commission, and told him what the men had told us. Mr. Meyers ignored and refused to discuss more than one failure on the hydrostatic test. We requested a map of the route the line was to take. He said the one and only inspector for the state, Tommy Chastain, had the map in his possession, he would not provide us with a copy. We also asked for a copy of the B31.8 Code, which he would not provide. This B31.8 Code is the backbone of the federal Pipeline Safety Laws. We subsequently ordered one from New York. On Saturday, November 28th, 1970, the pipeline crew came through our farm, they welded, x rayed, wrapped, and buried the pipe in approximately 2 hours. The only thing not completed was the river crossing, cattle crossing, and road crossing, which is completed by a different crew, called the tie-in crew. I was there and saw the work being done. The following evening, a Sunday, we received the telephone number of the Chairman of the Oklahoma Corporation Commission, he is the head of the Oklahoma Pipeline Safety Board. He was not there when we called, but he did return our call that same evening. At that time, we told him that we had taken photos of the pipeline showing inadequate wrapping, and that we wanted an inspector out to check this line. I also told him that there were other violations, which could not be photographed. He asked me to write an informal letter and we would receive an informal hearing. I told him there was still sections of the pipe exposed that would verify our charges, and that there wasn't time to write and mail a letter as the line was about to be buried. The Chairman told me it was no more than fair, to list the charges and give the Co. a chance to prepare a defense. I wasn't interested in corresponding with the Chairman. I wanted an inspector sent to look at the pipeline, and see the shoddy construction. The Chairman said, "Let me tell you, if you're trying to create a big fuss, you're barking up the wrong tree." Then he said, "Let me ask you a question. If they move the line 1000 feet away from your home, would you be satisfied?" This surprised me, as Chairman Nesbitt had told me earlier that he had no power in the routing of this line. I told him, I thought you had no power to move this line. He said, "Just answer my question," I said what good would it do? Then he said, "If they moved it half a mile, would you be satisfied?" I then asked him if he was talking for the Pipeline Co. He hesitated and said "no." That ended the conversation. I took off work and was available to meet with an inspector. I felt sure the Chairman understood my position and would send an inspector out. To be assured, I placed a long distance call to our State Senator, Clem McSpadden, and asked him if he would call the State Pipeline Safety Office and request an inspector to come to our farm, and check out this complaint. He promised he would get an inspector to come. If for some reason, he could not, he would call back. He did not return the call. We had also talked to the Governor's legal aide and he said he would do, what he could to get an inspector out. The Governor's office called back and told us their hands were tied, and they had no power over the Okla. Corporation Commission. Since we had not heard from Senator McSpadden we assumed an inspector would be there the next day. But none showed up. WE had given up hope of an inspection when the Senator's Office called, and told us they were . . .

Promised by the Oklahoma Commission an inspector would be sent to see us. No inspector ever contacted us. On December 2, 1970, a crew installed the Caney River crossing, behind our farm. On December 3rd, an article appeared in the Tulsa paper that said Chairman Nesbitt would proceed with a "quick hearing" on our complaint. If we would write Chairman Nesbitt a letter, the Chairman stated that he would make it convenient, and inexpensive for us to have a hearing. We wrote and mailed the letter requesting the hearing on the same day we read the article, December 3rd. We received a letter within two days stating that our request for a hearing was too informal. Chairman Nesbitt stated in the letter that we should list the law violations, so Public Service Co. of Oklahoma, who own the pipeline company could have ample opportunity and time to prepare it's defense. We had not yet received a copy of the B31.8 code, (and we knew the Code was adopted by the State of Oklahoma. Therefore, as soon as we got the B31.8 Code. we were going to refile our complaint citing code violations. This was the beginning of the Oklahoma Corporation Commission's

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shifting the burden of proof upon me and my family. On Dec. 7, we placed a long distance call to Washington, D.C., to Joseph Caldwell, acting director of the Office of Pipeline Safety, under DOT. He was not available, and he returned the call to Dorothy. She told him of the problems we encountered in getting an inspector. Mr. Caldwell said that he would see that something was done. Dorothy told him of Chairman Nesbitt's letter. Joseph Caldwell told her not to worry about answering the letter. that he would handle it. Mr. Caldwell said that he was sending a special investigator to make a thorough investigation of this problem. He said to be sure and tell the Investigator everything including the first contact we had with the land buyer. Marshall Taylor, the Federal Special Investigator, was to arrive on December 10th. He came the next day, we found out he went to the State Corporation Commission first. He was driven to our farm from Oklahoma City by Maurice Meyers, and Tommy Chastain, who are the two representatives of the Oklahoma Safety Office. And these were the men who wouldn't come when the line was uncovered. The three men went to Williams Bros., who has been charged, with inspecting and testing this line, to examine their records. Finally they came to our farm.

The investigator stayed about 6 hours taking notes. We asked Marshall Taylor what disciplinary action might be taken against Public Service Co. and Oklahoma, and Marshall Taylor said Oklahoma could lose their certificate over this. Later Marshall Taylor called and asked for one of the photos showing faulty wrapping, and he said to make sure it was marked as to date, time. and location. We reminded him that we had already done this before he had seen the photos. We sent the photo. Marshall Taylor said a report would be made available to us in 14 days. Fourteen days later, Dorothy called Joseph Caldwell and asked for the report. Joseph Caldwell told Dorothy we didn't deserve a report, and that the only thing we would receive is a statement that an investigation was made. In this phone conversation, Dorothy noticed an extremely different attitude. We wanted more than ever to see that report, we felt, they were hiding something. At this point, we began contacting as many State and Federal Representatives as we could, to get as much help as we possibly could, to get a copy of this report. There wasn't a politician that could get the report for us. It was finally released in February of 1971, after we contacted Reuben Robertson at the Center for Study of Responsive Law. Reuben Robertson called us and said that Joseph Caldwell said there was no investigative report made, just a summary of conversations made with various parties, and it was the Baker's word against the Oklahoma Corporation Commission and we assumed the Oklahoma Commission was telling the truth. Joseph Caldwell told a reporter for the Tulsa World, and Dorothy that we had turned down a hearing before the Oklahoma Corporation Commission. This was a big lie! Dorothy told him we had not turned down a hearing. Joseph Caldwell said you should have answered Chairman Nesbitt's letter of Dec. 5, 1970. Dorothy reminded Mr. Caldwell that he had told her quite clearly, on December the 8th of 1970, that we didn't have to write a letter, that he would handle it himself with Chairman Nesbitt, and there would be a thorough investigation made. there would be no need for a State investigation or Hearing. Dorothy and I knew at this time, we were getting the grand run-around, and we resented it, particularly when Mr. Caldwell told Dorothy on Jan. 22, 1971 that it was now, too late for us to have a hearing, before the Oklahoma Corporation Commission, since we had not filed our complaint.

We received a copy of Mr. Caldwell's report, and we found it grossly in error. It was not accurate as to the dates, all the facts were missing, and none of the charges are presented. (In the 6 hour interview, Taylor took down all dates, correct facts, and basic charges in the complaint.) As to the photo we sent, Mr. Caldwell acknowledged that the wrapping appeared to be faulty but said "there was no way to tell where that section of pipe was." The marking on the photo reads "No. 3 11-30-70 2:30 p.m. facing northwest toward river, approximately 1,000 feet east of Caney River. Pipe was put in crossing." We can prove that Mr. Caldwell was lying when he said our photo was unmarked. Mr. Caldwell has given us the super run-around. Dorothy and I felt we wasted, two months trying to obtain the results of an investigation that never took place. At this point, we felt that the Federal Safety Board was working for the interests of the pipeline companies, rather than for their designated responsibility of protecting the Public. Several days later, we got a letter from Mr. Caldwell stating that we should take any additional complaints to the Oklahoma Commission. It was apparent that the tactic being used was to discourage and confuse us. But we were more determined. Marshall Taylor did not physically or visually inspect this pipeline, as they had already buried their mistakes. When we were informed there was no investigation, we demanded a hearing before the Oklahoma Corporation Commission, with the assistance of our attorney, Jerry Kamins. There were three weeks of testimony spread out over a period of 4 months. It started in April of 1971 and ended in July. We had no hearing sessions in June as Chairman Nesbitt and the other two Commissioners closed the Safety Hearings to take a month's vacation, even though a trial examiner conducted the Hearings. We were offered the services of a Commission attorney. We declined as we were told by this same attorney, that he would not only represent us during the hearing but also the State Corporation Commission. He would also defend the Commissioners decision, regardless of who they ruled for. Dorothy and I wanted an attorney that would represent us personally rather than having a conflict of interest. In a letter to Reuben Robertson at the Center, Mr. Caldwell states that "We have no information that indicates that the State is placing the entire burden of proof on the citizens. The burden of proof that a pipeline is safe is for the companies to demonstrate." We have news for Mr. Caldwell. The Oklahoma Corporation Commission has placed the entire burden of proof on us. This unbelievable burden was placed on us when they refused to inspect the line when we requested. This burden has cost us over $21,000 to date, and the cost is still mounting. We have taped all of the Hearings, and when we receive a transcript we proof it with the tapes. We have found many errors in the transcripts. The court reporters also used a tape recorder. They have checked back, and changed all the errors we found. But, now, we have been advised by letter to our attorney that in order to get a correction on a transcript we must apply for a special hearing before the Commission. This will be an additional expense and burden to us, and it certainly is uncalled for when the court reporters, have their tapes to verify any changes requested. The $21,000 does not represent any part of the additional expenses we are out for maintaining another home. We were forced from our home due to the hazard of this faulty pipeline. We have not had the use of our home since December of 1970. Dorothy and I sold our cattle at a loss. We had to mortgage our farm, and have sold other assets at a loss to get funds to continue fighting this injustice. We have made five requests during the hearing to shut the line down or substantially reduce the amount of preasure until a final decision is received. Our four requests were turned down, and the last one which was made in July has not been answered yet. We asked the Oklahoma Commission to uncover the line, so we could prove our charges, but Public Service Co. of Okla. wanted us to post a $250,000 bond, plus pay all of the expenses for uncovering the line. This we could not afford. At the hearing, we presented witnesses and evidence to faulty wrapping, failure to properly cushion rock in ditches, so as not to damage the coating or the pipe, failure to bury the pipe at required depths, misplacement of longitudinal seams when field bends were made, and the most damaging of all . . . the x rays. We hired an expert to examine the x rays and he found approximately 2000 welds that are not within the minimum Federal and State Safety Code. The Commission brought from out of State, a completely impartial expert, to examine a sampling of the film our expert rejected as not being within the Code.

The Oklahoma Commission's independent expert found more extensive defects in his examination, whereas, our expert tended to be more conservative. When Mr. Caldwell was informed by us, of the tremendous amount of weld defect, he told Dorothy the Code only required the Co. to x ray 15%, and if it had 15% good welds, they were still within the code. This is ridiculous and outrageous. No place in this Code does it state that a Co. can have 85% of its welds defective, as long as they can produce 15% acceptable welds. When Mr. Chastain, the State Inspector for the Safety Board testified, he said he was contacted by Senator McSpadden, and he told them that he would check out our complaint. But he was told by his superior, Maurice Meyers, not to go any further than the west bank of the Caney River. We live on the east side of the Caney River, also, the section of pipe that was to go into the river crossing was on the East side. We have just this week written the Commission demanding that the Commission conduct a hearing to investigate fraudulent statements Public Service Co.'s witnesses have made. In the meantime, we are deprived of our home, while the Co. is not deprived of it's use of the Gas line.

Gentlemen, this pipeline is like a bomb with an unknown timing device. It can explode at anytime I ask you, would you ask your family to live next to such a hazard, and put up with the mental strain of wondering if this is the day it will explode. On our property alone there are 29 defective welds as shown on the x rays, and the most important 7 x rays we are concerned about are missing, for some unexplained reason. Our concern is because they are in sequence, to some of the most glaring defects observed by our expert. The Co. and Joseph Caldwell's defense is, that the hydrostatic test is a cure all, even for defective welding. If this is so, why were there 1,019 explosions on Natural Gas lines alone, that caused death, injury, or property damage in 1970? I have worked hard for many years to provide my family with the security of a home. In a matter of months, I have lost most of my assets, and will be in debt for many years to come, through no fault of my own. But this has come about because of the lack of responsibility the Industry and the Federal and State Safety Boards have shown. Perhaps you can not help me and my family at this time, but I ask you please do everything you can, so this will never happen to another American citizen.

[From the editorial page, Washington Missourian, May 6, 1971]

"DAVID" WITHOUT A SLING SHOT

One man and his firey wife in Oklahoma have taken on the pipeline industry, and have made themselves felt in places where it counts. But will they be able to make themselves felt enough to bring about a needed change? That's the question.

It's like "David fighting Goliath without a slingshot," says the man's wife.

The couple, Mr. and Mrs. Charles Baker of Collinsville, Okla., have good reason to fight. They have gained a great deal of support around the country, especially from people living near pipelines, but it takes more than goodwill and support to fight a giant industry with unlimited funds and a battery of lawyers, who have a way of recruiting and influencing witnesses to testify in their behalf!

The Bakers have a 131-acre farm near Collinsville. He is a welder. A 20-inch high pressure line runs through their vegetable garden, and is only 234 feet from their farm home.

Mr. Baker has charged that the pipeline companies are burying "time bombs" all over the country, and says somebody "has got to shake up this industry."

He also charges that the line through his place is full of defects. The walls are too thin, the welds are shoddy, and the wrappings are unsafe. Mr. Baker says he has pictures to prove it. He says the line could explode at any time. He considers it so dangerous that he moved his family away from the farm home!

The U.S. Office of Pipeline Safety sent a special investigator to Collinsville to check into the charges. He reported he found "no violations," and called "the case closed."

But, reported the Wall Street Journal in its issue of April 29, the case isn't closed. It's just getting off the ground. Politicians in high places are beginning to wonder and ask questions. Besides the Ralph Nader group has stepped into it.

There are a good many people in Franklin county who will be happy to learn that the fight against pipelines is not only going on but is gaining momentum. Already hearings have been held, and others are proposed. The matter may be aired in a senate hearing before much longer.

The people in the Beaufort neighborhood will be particularly interested to learn that the Bakers have challenged the pipeline companies on the question of "eminent domain."

It would be difficult to imagine that a powder company would have the right of "eminent domain" to plant a bomb on private property, yet that's what the pipeline companies are doing. The blast early last December in the Port Hudson area equaled the force of an entire bagful of ordinary bombs!

Reuben Robertson of the Nader group was quoted in the Wall Street Journal as saying the Bakers have raised some deep and fundamental questions that reach far beyond their own case.

Mr. Robertson, as quoted in the Journal, wondered "why the government seems to make all presumptions in favor of the pipeline companies instead of the individual citizens."

He also wondered "why should individual citizens such as the Bakers have to bear the burden and expense of proving that a line is unsafe, rather than the other way around, when there are agencies" to do this, paid for by the taxpayers!

The people in the Beaufort and Port Hudson areas also would like to get the answer to these basic questions. Why should they have to carry on the fight, and pay the cost of the fight to save their homes from a potential "time bomb?"

Both Sen. Stuart Symington and Congressman Bill Hungate have taken a deep interest in this matter. They want to know where the government stands on this problem, and what it proposes to do about it.

Some day we may get laws with teeth to regulate pipeline companies, but possibly not before a few more homes are blown into Kingdom Come!

[From the Southwest Times-Record, Fort Smith, Ark., May 1, 1971]

WISCONSIN ENGINEER TESTIFIES

OKLAHOMA CITY.—A Wisconsin metallurgical engineer testified here Friday that a natural gas pipeline laid across a northeast Oklahoma couple's farm was "not safe and could easily have a failure."

Dr. Frank John Worzala, Madison, Wis., University of Wisconsin metallurgical engineering professor, gave the opinion at a hearing before an Oklahoma Corporation Commission referee.

The 20-inch pipeline was laid by Transok Pipeline Co. for the Public Service Co. of Oklahoma. It extends from Enid, Okla., to a power plant at Oologah, Okla. a distance of 144 miles.

Mr. and Mrs. Charles Baker of Collinsville, Okla., have asked the Oklahoma Corporation Commission to force removal of the pipeline from their property or see that it meets federal safety standards.

Worzala said he based his assessment of the line on X-ray photographs of welded joints, which he said showed defects which "could intensify the stress to two or three times the yield strength." He added that he does not believe the federal pipeline safety code is stringent enough.

The hearing on the Bakers' complaint opened Thursday and will resume for one day Monday. The couple's attorney, Gerald Kamins, said he expects to complete his case by noon Monday.

Transok attorney Robert L. Lawrence, said presentation of his rebuttal will take ten days to two weeks.

Because of other hearings scheduled during the next two weeks, Corporation Commission Referee Darwin Frayer said additional time for the Baker vs. Transok case will be set for late May.

Baker, a welder, said in his complaint that the pipeline was designed to carry 1,300 pounds of pressure per square inch and would carry 1,000 pounds.

Lawrence said the pipepline actually will carry only 800 pounds of pressure and is designed to withstand 52,000 pounds.

Snyder questioning, Baker said the information was obtained by his attorney from an erroneous source. He also admitted that he had watched only one welding operation on the pipeline and that he is not qualified under the American Petroleum Institute pipeline code.

The Baker-Transok case recently has come under investigation by the offices of Sen. Lee Metcalf of Montana, who heads a U.S. Senate subcommittee looking into federal regulatory agencies, and Sen. Vance Hartke of Indiana, who is chairman of the Senate committee which has held several hearings on pipeline safety.

COMMISSION DUE TO GIVE PIPELINE PROBE RULING TODAY

(By Jim Henderson)

OKLAHOMA CITY.—The state Corporation Commission will rule Tuesday on whether to order operations of a Public Service Co. pipeline from Ames to Oologah suspended temporarily and portions of the line uncovered for inspection.

If an order to uncover the line is issued, however, it will not be at the expense of the Collinsville couple that is protesting the line as a safety hazard.

Earlier, attorneys for Public Service Co. had agreed to having parts of the line uncovered if Mr. and Mrs. Charles Baker would pay for the labor and post a $250,000 bond.

During a hearing on five motions by their attorney—Gerald Kamins of Tulsa, Corporation Commission Chairman Charles Nesbitt asked if the Bakers would pay the costs involved if the motions were granted.

"Absolutely not," Kamins said. "They have spent all their assets just getting to this point in the hearings."

Earlier this month, 3 days of hearings were held with the Bakers presenting their case. Attorney fees, payment for expert witnesses, travel, telephone calls and other expenses they said, have cost them nearly $8,000.

"We feel that we have made a prima facie case," Kamins said, "and shifted the burden of proof to Transok (the PSC subsidiary company which built the line)."

Kamins said uncovering the line would "show without any question" that the Bakers' allegations of defective construction are true. During the earlier portion of the hearings, several expert witnesses called by the Bakers testified that the line does not meet federal safety requirements. However, the president of Transok testified that the pipeline was safe.

Transok and Public Service Co. will present its case when the hearings resume next Monday.

In the meantime, Kamins had filed five motions with the commission. Besides shutting down the line and uncovering parts of it, he asked that all weld x-rays be impounded and turned over to an "independent" expert appointed by the commission; that he be allowed to subpoena PSC's chief counsel, Robert Lawrence, as a witness; and that an order by hearing referee Darwin Frayer turning certain evidence over to PSC's attorneys be rescinded.

After hearing 2 hours of arguments on those motions, the commissioners held a conference and reached a decision. However, their order will not be made public until Tuesday morning.

Lawrence, who is also an officer of Transok, argued that none of the motions should be granted until Transok has presented its case next week.

"We have 21 witnesses to testify," he said. "It seems to me that this is premature for the reason that you just have half the show."

However, the commission is expected to permit Kamins to subpoena Lawrence and the records that are in his possession.

"You can't be in the position of telling them (The Bakers) that 'the burden of proof is on you but the evidence to meet that burden is in our hands and you can't have it,'" Nesbitt said.

Nesbitt also asked why Public Service Co. is demanding a $250,000 bond and be posted before the line is uncovered.

"What risks call for a $250,000 bond," he asked. "I find it hard to be impressed with the danger of the pipe bursting."

Lawrence, said there would be danger from shovels striking the pipe and added "When you get them in the ground you ought to leave them there."

Kamins said he had contacted several contractors about uncovering the line and "we can't get anyone to work on it unless it's purged of gas" because of previous testimony about the quality of materials and construction.

At one point in the arguments, Lawrence began to read from the federal pipeline safety code to substantiate his argument that the line was built according to those regulations.

Nesbitt interrupted him: "As I understand it, the applicants are also challenging the

sufficiency of the code. It is no answer then to merely quote the code. The burden will rest on you not just to show that code was met, but that the line is safe."

"I am prepared to accept that burden," Lawrence said.

PIPE SAFETY TESTIMONY CHALLENGED; HEARING SET

Charges that two consulting engineers gave incorrect testimony in a state Corporation Commission hearing on safety of a Transok Pipeline Co. Enid-to-Oologah natural gas line will be heard by the commission Dec. 10.

The charges are the latest action in a year-long protest by Mr. and Mrs. Charles Baker, Collinsville couple who claim construction of the pipeline drove them from their Oologah farm.

Quteries from the Bakers contesting safety of the 144-mile, 20-inch line prompted the three-month Corporation Commission hearing that ended July 24. The matter also was taken before a congressional subcommittee on surface transportation earlier this month.

The new hearing request, filed by the Bakers' attorney, Gerald E. Kamins, challenges testimony of July 20 by engineers W. E. Huddleston and James R. Cowles before the state commission.

The request claims statements by those men that pipeline near the Baker ranch was under complete cathodic protection from corrosion were incorrect. The request added:

"Testimony will be presented by the applicants that no cathodic protection was placed on their ranch or adjoining ranches until October, 1971, and not in May, June or July as stated by W. E. Huddleston and inferred and not corrected by the person who had the contract for cathodic protection and was caught adjacent the Baker property in October trying (to) sneak the installation of cathodic protection after the fact."

Huddleston, Bartlesville consulting engineer, testified he examined the pipeline running across Baker property and found it free of corrosion. In testimony July 20, cited in the new hearing request, Huddleston stated:

"That section of the pipeline is now under 100 per cent cathodic protection."

The request calls the testimony perjury and claims Cowles, Tulsa consulting engineer and former head of corrosion work for Oklahoma Natural Gas Co., failed to correct Huddleston's statements in his own testimony later.

Commission Chairman Charles Nesbitt granted the hearing, scheduling it at 1:30 p.m. Dec. 10 in the commission courtroom, Oklahoma City.

Testimony given by two engineers on the safety of a natural gas line will be challenged at a state Corporation Commission hearing Dec. 10.

W. E. Huddleston and James R. Cowles, consulting engineers, testified July 20 before the commission about a Transok Pipeline Co. Enid-to-Oologah line.

Gerald E. Kamins, attorney for Mr. and Mrs. Charles Baker, Collinsville, who claim construction of the pipeline drove them from their Oologah farm, contends the engineers' testimony was false.

Kamins' challenge to the engineers' testimony contends that their statements concerning the pipeline near the Baker ranch were incorrect concerning its complete cathodic protection from corrosion.

Huddleston, Bartlesville consulting engineer, testified he examined the pipeline running across the Baker property and found it free of corrosion.

Cowles, Tulsa consulting engineer and former head of corrosion work for Oklahoma Natural Gas Co., failed to correct Huddleston's statements in his testimony later, it is claimed.

These charges are the latest action in the year-long protest against the company. The Corporation Commission hearing into the matter ended July 24.

Commission Chairman Charles Nesbitt granted the hearing, which is scheduled at 1:30 p.m. Dec. 10 in the commission's courtroom at Oklahoma City.

TRIBUTE TO RALPH BUNCHE

Mr. HUMPHREY. Mr. President, I was grieved to hear the news yesterday of the death of one of America's greatest internationalists and statesmen, Dr. Ralph J. Bunche. He has been a personal friend for a number of years and a man for whom I have held the greatest of admiration. Today, as I pay tribute to this man of singular quality, I feel a tremendous personal loss and recognize the difficulty our country will have in finding his match for some time to come. He was, after all, a monumental human being.

As U.N. Under Secretary General for Special Political Affairs, Dr. Ralph Bunche made substantial and significant contributions to the cause of world peace. He is, of course, well known and admired for his role as mediator of the 1949 armistice agreements between Israel and the Arab States, which led to his receipt of the Nobel Peace Prize in 1950. Dr. Bunche also was intimately involved with United Nations peacekeeping operations in the Congo in the early 1960's which resulted in the emergence of a unified Congo.

After the June 1967 war in the Middle East, he toiled endlessly and with little regard to his personal well-being to help Secretary General Thant and Special Representative Gunnar Jarring reach a settlement agreeable to all parties in the dispute. Truly Ralph Bunche is a soldier of peace—brave, determined and effective.

Respect and admiration for this great man, this international peacemaker and crusader for justice and equality, is universal. The best way to honor his death is for all of us to redouble our efforts to secure a lasting peace and true brotherhood among men.

I ask unanimous consent that an article published in the New York Times of December 9 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. BUNCHE OF U.N., NOBEL WINNER, DIES

(By Robert D. McFadden)

Dr. Ralph J. Bunche, former United Nations Under Secretary General for Special Political Affairs and winner of the 1950 Nobel Peace Prize, died early yesterday in New York Hospital. He was 67 years old.

Dr. Bunche, who suffered from a kidney malfunction, diabetes, heart disease and near blindness, was frequently hospitalized in recent months. He entered the hospital for the final time last Tuesday and died at 12:40 A.M. yesterday.

Dr. Bunche, who had been with the United Nations since its founding, lived in a world of diplomacy that was racked with belligerence yet capable of great harmony. Its ultimate poles were war and peace, and between these he sought the balance of justice.

Like his world, Dr. Bunche was a man of many faces and talents, full of paradox and struggle. By training and temperament, he was an ideal international civil servant, a black man of learning and experience open to men and ideas of all shades.

At the United Nations, he had been a key diplomat for more than two decades since his triumphal success in negotiating the difficult 1949 armistice betwen the new state of Israel and the Arab states.

As the architect of the Palestine accord, he won the Nobel Peace Prize of 1950. And many of his associates at the Secretariat and in government around the world could cite his accomplishments and accolades, mentioning their contacts with him proudly.

But in spite of his stature and reputation, Dr. Bunche was essentially a private man, eschewing personal publicity and disclaiming political ambition.

Few people, save those closest to him, knew the details of his middle-class adolescence in Detroit, his youth as an orphan in the care of a grandmother, his adventures as a young stowaway and seaman, his toil in menial jobs in working his way through college and his real ambition as a young man—to be a teacher.

Nor could many recount his confrontations with racism, including his close escape from a lynch mob in Alabama, where he and Gunnar Myrdal, the Swedish sociologist, were gathering material in 1938 for "An American Dilemma," the book that forecast many developments in race relations in this country.

It was indeed difficult to say how the color barriers he encountered at hotels and restaurants—even as a high official in the nation's capital—laced themselves into the fabric of his personality and skills as a mediator.

At a negotiating conference table, he usually gave the outward appearance of being calm, soft-spoken, unflappable. But there were signs, for those who would note them, of the deeper turmoil in the man: the chain-smoked cigarettes, the darkening circles under his grave eyes, the hoarseness in his baritone voice.

ENERGY AND TIMING

He could haggle, bicker, hairsplit and browbeat, if necessary, and occasionally it was. But the art of his compromise lay in his seemingly boundless energy and the order and timing of his moves.

His diplomatic skills—a masterwork in the practical application of psychology—became legendary at the United Nations, for which he directed peace-keeping efforts in the Suez area in 1956, the Congo in 1960 and Cyprus in 1964.

At his unannounced retirement last June, he was Under-Secretary General for Special Political Affairs—Secretary General U Thant's most influential political adviser.

As such, he was the highest American figure in the world organization and, incidentally, the most prominent black man of his era whose stature did not derive chiefly from racial militance or endeavors specifically in behalf of his race.

He was deeply sensitive to racial problems, and often spoke bluntly about them. But his perspective was above the day-to-day trials of discrimination; indeed, he recognized that emphasizing his light-skinned blackness could have damaged his roles as a mediator and neutral peace-keeper—roles in which he found more often than not an advantage in his blackness.

THRUST INTO ROLE

The apex of his diplomatic career—and, perhaps, the best example of his negotiating psychology—came during the Palestinian talks on the island of Rhodes in 1948 and 1949. He had been thrust into the role of chief mediator after the assassination of the original appointee, Count Folke Bernadotte of Sweden, who was cut down by a terrorist fusillade in Jerusalem.

The negotiating problems were vastly complex, centuries old, rift with racial and religious prejudices and overlaid with combustible economic and political frictions.

A truce demanded by the Security Council had broken down. Large-scale fighting was under way. Thousands of lives in the Middle East lay in the balance, and so did the very life of the fledgling United Nations, whose peace-keeping capacities were on the line.

The Israeli and Arab delegations from the start were cautious, aloof and occasionally hostile. Dr. Bunche met with both sides separately to determine what kind of agenda to draw up, then called the delegations together to approve the agenda. These preliminary moves seemed simple and straightforward, but there was more to them than met the eye.

"There was a double purpose," Dr. Bunche later explained. "Primarily, it was to get both sides to meet—but also, I wanted them both to get accustomed to taking formal action, and to signing something." It didn't matter what—just anything that looked official, he explained.

"Whenever they got together," Dr. Bunche recalled, "you'd always find that there was a gap between them. It was always a matter of timing, always a matter of finding out when it would be appropriate to reduce a discussion to a formal, written draft of one point. We never would throw a whole draft at them at the beginning—that would have scared them to death."

At one exasperating point in the 81-day negotiating marathon, an impatient Israeli delegate hurled a pencil on the table, and it bounced up and hit an Arab delegate. The talks almost blew up. But Dr. Bunche privately reprimanded the Israeli and got him to apologize.

It was always touch-and-go. On another occasion, an Arab delegate refused to shake hands with an Israeli leader. This nearly wrecked the negotiations too. But Dr. Bunche, after much talk that smacked of foreign intrigue, arrange what amounted to a secret rendezvous between the two men who, it turned out, were grateful for the opportunity.

"This time they acted like long-lost brothers," Dr. Bunche recalled. "Pretty soon they started to speak Arabic—and then they apologized to me because they knew I didn't speak the language. I said, 'Hell, speak your Arabic—don't bother about me.'"

Eventually, the force of Dr. Bunche's personality melted the frigid atmosphere of the talks. There were thousands of pages of documents, drafts and counterdrafts, hundreds of compromises and ultimatums. But ultimately, an armistice was signed.

"He drove himself and his staff night and day," an aide said afterward. "He plunged into every problem as though his life depended on getting it solved. He had an uncanny ability for grasping a situation and sizing it up completely."

When it was all over, Col. Mohammed Ibrahim Seif elDine, of Egypt, called Dr. Bunche "one of the greatest men in the world." Dr. Walter Eytan, of Israel, said the mediator's effort had been "superhuman."

PEACEKEEPING SATISFYING

Dr. Bunche gave full credit to the two delegations and to his staff. The Nobel Prize Committee thought otherwise in making its first peace award to a black man.

In a 1969 interview, Dr. Bunche said: "The Peace Prize attracted all the attention, but I've had more satisfaction in the work I've done since. I have been in charge of the U.N. peace-keeping operations in various parts of the world—the Congo, the Middle East, Kashmir." The Suez operation he called "the single most satisfying work I've ever done," primarily because "for the first time we have found a way to use military men for peace instead of war."

BIAS AGAINST BIGOTRY

Dr. Bunche made friends easily and was a good conversationalist of an evening, mixing stories with a few whiskies. But his most serious words were not reserved for friends. In a speech at the Waldorf-Astoria, he once said a great deal about himself and his convictions:

"I have a number of very strong biases. I have a deep-seated bias against hate and intolerance. I have a bias against racial and religious bigotry.

"I have a bias against war, a bias for peace. I have a bias which leads me to believe in the essential goodness of my fellow man, which leads me to believe that no problem of human relations is ever insoluble. And I have a strong bias in favor of the United Nations and its ability to maintain a peaceful world."

For the author of these convictions, the road to greatness had been steep and rutted with obstacles. Ralph Johnson Bunche was born in Detroit on Aug. 7, 1904, the son of Fred Bunche, a barber, and Olive Agnes Johnson Bunche, a musically inclined woman who contributed much to what her son called a household "bubbling over with ideas and opinions."

In 1915, after the birth of Ralph's sister, Grace, his mother developed rheumatic fever and the family moved to Albuquerque, N.M., for the hot, dry air and sunshine. But Mrs. Bunche died in a short time, and three months later her husband died. At the age of 13, Ralph was an orphan.

He and his sister were left in the care of their maternal grandmother, Mrs. Lucy Taylor Johnson, a tiny woman with a towering will and what Ralph considered the wisdom of a sage. She took the children to Los Angeles, where they lived in a bungalow in a mostly white neighborhood, and enrolled them in local public schools.

At the 30th Street intermediary school, the principal advised that Ralph be enrolled in a commercial training course. But Mrs. Johnson wouldn't have it. "My grandson is going to college," she told the principal.

The youth was a brilliant student. He was valedictorian of the class of '22 at Jefferson High School, whose academic honor society denied him admission at the time and tried to correct the matter, to Dr. Bunche's amusement, 30 years later.

COLLEGE ON SCHOLARSHIPS

After high school, he continued working as a janitor and carpet-layer, jobs he had obtained to help support the family. But at the insistence of his grandmother, he accepted an academic scholarship and enrolled at the University of California at Los Angeles.

As in high school, he was a star in football and basketball at U.C.L.A., but sustained a knee injury that bothered him for the rest of his life. Nevertheless, he always carried three little gold basketballs, reminders of three championship years on the varsity, and a United Nations associate said he thought they were Dr. Bunche's proudest possessions.

His passion for baseball and football also remained with him. Some United Nations officials never guessed that a few of the scribbled messages handed to him by security guards during meetings contained the scores of ball games.

To support himself in college, the young man spent his summers working on ships. The job began in 1923 when he stowed away on a ship to save the cost of railroad fare to a Reserve Officers Training Corps summer camp.

He was caught and put to work to earn his passage, but he liked the job so much that he worked ships for the next three summers.

He received his Bachelor of Arts degree with Phi Beta Kappa honors in 1927, and went on to Harvard to take a Master of Arts in 1928 and his doctorate in government and international relations in 1934. He later did advanced work in anthropology at Northwestern University, the London School of Economics and the University of Capetown.

MARRIED HIS STUDENT

Dr. Bunche joined the faculty of Howard University in Washington in 1928, and there, a year later, he met Ruth Harris of Montgomery, Ala., one of his students, who also was teaching in an elementary school. They were married on June 23, 1930, and moved to Harvard, where he was beginning his doctoral studies.

From 1938 to 1940, Dr. Bunche collaborated with Gunnar Myrdal in his researches on "An American Dilemma." Their questions about interracial sex relations aroused a mob of angry whites who chased them across Alabama one night.

When the United States entered World War II, Dr. Bunche was rejected for military service because of his damaged knee and hearing impaired by a mastoid operation. But he joined the War Department as an analyst of African and Far Eastern affairs and quickly rose through the ranks of Strategic Services. In 1944, he moved to the State Department and became head of the Division of Dependent Area Affairs, dealing with colonial problems. By the war's end, he was in the mainstream of planning for the organization that was to become the United Nations.

In 1944, he was at Dumbarton Oaks, laying the groundwork. In 1945, he was at San Francisco, drawing up the trusteeship sections of the United Nations Charter. In 1946, he was in the United Nations delegation to the first General Assembly in London.

AT LIE'S REQUEST

Later that year, he went on loan to the United Nations at the request of Secretary General Trygve Lie, and in 1947 he quit the State Department to join the permanent Secretariat of the new world body.

In the Secretariat, he directed the operations of the trusteeship Division and set • • • but the guiding principles under which numerous territories achieved statehood. His expertise on African affairs and the problems of the emerging African nations was broad and acquired first-hand.

The year after his stunning success in the negotiations at Rhodes, he was offered—but rejected—the post of Assistant Secretary of State. "Frankly," he said at the time, "there's too much Jim Crow in Washington for me—I wouldn't take my kids back there."

By 1955, Dr. Bunche held the title of Under Secretary and two years later Under Secretary for Special Political Affairs. During those years, he was the principal trouble-shooter for Dag Hammarskjold.

Among his tasks were the United Nations program on the peaceful uses of atomic energy and research on the effects of radiation.

When the United Nations managed to halt the British-French-Israeli invasion of the Suez area in November, 1956, Dr. Bunche organized and directed the deployment of a 6,000-man neutral force that acted as a buffer between the belligerents. This force was his special responsibility until 1967, when President Gamal Abdel Nasser of the United Arab Republic demanded its withdrawal.

In 1960, he directed another peace-keeping force in the Congo, preventing the new republic's total collapse after the secession of Katanga province.

When the United Nations force in Cyprus was set up in March, 1964, Secretary General Thant put Dr. Bunche in charge of the 6,000 troops that stood between Cypriotes of Greek and of Turkish origin.

In all these efforts, Dr. Bunche viewed the use of troops as part of the larger work of bringing warring peoples to the conference table and hatreds under control.

For his work, there were awards—scores of

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them, a torrent of medals, prizes and more than 50 honorary doctorates. He became a trustee of Oberlin College in 1950, a member of the Harvard board of overseers from 1959 to 1965, president of the American Political Science Association in 1953–54 and a trustee of the Rockefeller Foundation in 1955. In 1963, President John F. Kennedy gave him the Medal of Freedom, the nation's highest civilian award.

The Bunches have lived since 1953 in a Tudor-style home in Kew Gardens, Queens. Until his eyesight began failing, Dr. Bunche drove his own car to work daily.

He loved the theater and the opera, and on occasion the stars he admired visited his 38th-floor office in the Secretariat building.

TENNIS CLUB REBUFF

In 1959, he was involved in a much-publicized incident in which he and his son, Ralph Jr., were refused membership in the West Side Tennis Club at Forest Hills. Dr. Bunche took up the cudgels and received an apology, and the club official responsible for the rebuff resigned. Dr. Bunche then declined an offer of membership.

He was angered because the change appeared to be based on his personal prestige, and not on any principle of racial equality. "No Negro American can be free from the disabilities of race in this country until the lowliest Negro in Mississippi is no longer disadvantaged because of his race," he said.

There were other occasions on which he was moved to protest racial discrimination. He first walked a picket line for the National Association for the Advancement of Colored People in Washington in 1937. In 1965, though not in the best of health, he participated in marches on Selma and Montgomery, Ala. He served as an active member of the N.A.A.C.P. board of directors for 22 years until his death.

In the last year Dr. Bunche became seriously ill. In June, a month after being hospitalized, he retired from his United Nations post. The retirement was not announced until later because Mr. Thant had hoped Dr. Bunche would recover and be able to return to his duties. But this was not to be.

Dr. Bunche is survived by his widow; son, Ralph Jr.; daughter, Joan, and three grandchildren. Another daughter, Mrs. Burton Pierce, died in 1966.

Dr. Bunche's body may be viewed by the public at Frank E. Campbells, Madison Avenue, and 81st Street starting at 7 tonight. The Rev. Ernest T. Campbell will conduct the funeral services at the Riverside Church at noon Saturday. Private burial services will follow at the Woodlawn Cemetery.

SENATOR ERVIN IS CHAMPION OF CONSTITUTIONAL RIGHTS

Mr. JORDAN of North Carolina. Mr. President, the Hendersonville, N.C., Times recently carried an article by William H. Hackett entitled "Senator Ervin is Champion of Constitutional Rights."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hendersonville (N.C.) Time-News, April 13, 1971]

SENATOR ERVIN IS CHAMPION OF CONSTITUTIONAL RIGHTS

(By William H. Hackett)

"Senator Ervin has certainly become one of the nation's outstanding defenders of constitutional rights in the last five years," commented a veteran Congressional aide who, during his years on Capitol Hill, has witnessed the rise of many federal legislators and the decline of an even greater number.

U.S. Sen. Sam J. Ervin Jr., who was born and raised in Morganton, is an acknowledged constitutional authority in the U.S. Senate and his activities in this arena in the last few years have emphasized his ability and zeal in this field.

Right now his fists are doubled up under the nose of bureaucrats who are pouring carloads of citizens names into computer banks in what the senator feels could become a practice threatening privacy and other rights.

Sen. Ervin is one of the busiest men in the U.S. Senate. If you doubt it, try and catch up with him for an interview. He is the second ranking Democrat on the Senate Judiciary Committee and chairman of its sub-committees on Constitutional Rights, Revision and Codification of the Laws and Separation of Powers. He is also No. 2 man for the majority on the Senate Government Operations Committee and a member of the Permanent Committee on Investigations. In addition he is a very active member of the Senate Armed Services Committee and is chairman of its subcommittee on Status of Forces Treaty.

He was hurrying down the spacious hallway of the old Senate Office Building, deeply engrossed in a report he had prepared, when we contacted him. Expressing regret in his amiable way that he couldn't spare time for an interview he paused and then reversed himself and led us back to his office which we entered through his private door. Walls of his high ceiling office were lined with book shelves filled with books of law, history and classics. His desk top was cluttered with reports, reference notes, mail to be signed and some incoming mail.

Mail to Senators on the Calley decision was approaching its peak on the day of our interview and patronage mail carriers were traveling in and out of Senate offices at intervals with armloads of mail.

"I have entertained the hope that the military jury would acquit Lt. Calley," Sen. Ervin said. "While the military jury heard all of the testimony in the case and had an opportunity to see the witnesses while testifying and I did not, I had gathered from the news media that Lt. Calley was either under great tension, which disabled him to kill with premeditation or was acting in obedience to orders of a superior which he determined to be valid."

The Senator then outlined the lengthy route ahead for the Calley case. He added, "Either the Secretary of the Army or the President can exercise clemency even if it should be established that the law and the facts justified the findings and sentence of the court martial."

In his fight with the bureaucrats on the right of privacy of private citizens, Sen. Ervin has accomplished what very few of his colleagues have been able to do. In his legislative drive designed to block witch hunts into the activities of federal employes, he has lined up over 50 of the 100 Senators as co-sponsors of his bill. In doing that he has performed the miracle of bringing under the same roof colleagues whose philosophies are as different as day and night. Such ultra liberals as Sen. Bayh (D-Ind.) and Sen. Humphrey (D-Minn.) are arm-in-arm with such ultra conservatives as Sen. Goldwater (R-Ariz.) and Sen Tower (R-Tex.)

The purpose of the Ervin bill is to prohibit indiscriminate requirements that government employes and applicants for government jobs disclose their race, religion, personal relationships or sexual attitudes through interviews, psychological tests or polygrapha. It also prohibits requirements that employes attend government-sponsored meetings and lectures or participate in outside activities unrelated to their employment or report on their outside activities or undertakings unrelated to their work.

Observing the enthusiasm with which he appoaches a subject, the vigor he applies to the task before him and the keen wit with which he spices his conversation it is difficult to realize he is almost five years beyond man's allotted three score and ten. He is well preserved and thrives on his multitudinous activities.

B–1 BOMBER—A STRATEGIC AND FISCAL MISTAKE

Mr. PROXMIRE. Mr. President, last May 5, the Military Spending Committee of Members of Congress for Peace Through Law, of which I have the honor to be cochairman, issued a report on the B–1 bomber. The report was done by Senator GEORGE MCGOVERN and Representative JOHN SEIBERLING, and it was, without doubt, one of the most intelligent, useful, comprehensive, and thoughtful reports by anyone on any weapons system which I have seen. In fact, the arguments and issues raised by Senator MCGOVERN and Representative SEIBERLING in opposition to the B–1 bomber were vastly superior to any argument or document which the Pentagon has presented in favor of the B–1.

There may be some good arguments for the B–1 bomber, but as usual the Pentagon and the Air Force have done little more than put out public relations documents or irrelevant propaganda in support of their proposal. In fact, most of those who oppose the B–1 bomber would welcome an Air Force document which put the arguments in favor of the B–1 with anything like the same quality and force as the McGovern-Seiberling report puts the case against the B–1.

The McGovern-Seiberling report made an overwhelming case against the B–1 which has not been answered by the Air Force.

Based on that report, the Saturday Review of December 11, 1971, has carried a comprehensive article on the B–1 bomber written by Mr. Berkeley Rice. It is entitled "The Very Model of a Modern Major Misconception," in paraphrase of Gilbert and Sullivan's famous song.

The fact is that among intelligent defense experts, the B–1 bomber is a joke. It is a public works project for the aerospace industry rather than a needed weapon for the defense of the United States. The irony of it is that if we really do need to spend additional funds for public works projects, the expenditure of the same amount of money in dozens of different ways would both produce far more jobs for the money spent and also bring much greater benefit to the country. If the same funds were spent for antipollution, to aid the central cities, to build mass transit, to help higher education, or to provide needed medical care to the indigent, the jobs produced and the benefits produced would vastly exceed those for this sterile project.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE B–1 BOMBER—THE VERY MODEL OF A MODERN MAJOR MISCONCEPTION

(By Berkeley Rice)

With relatively little attention from the press and even less from the public, Congress has approved a fiscal year 1972 Defense Department budget to roughly $75-billion, give or take a few billion. Included in this total is about $21-billion for research, development, and procurement of a variety of military hardware. Buried in all these figures is the comparatively trifling sum of $370-million to start development engineering on the B–1, the Air Force's new manned strategic bomber. Trifling or not, this early funding represents only the tip of an iceberg. The entire B–1 program may end up costing anywhere from $10- to $50-billion, depending on who's doing the estimating.

Being practical men, Congressional opponents of proposed weapon systems generally argue in terms of cost-effectiveness and strategic capability, both grounds on which one can mount an impressive case against the B–1. In Congress, unfortunately, these are the only arguments with which one can realistically hope to gather significant opposition to any expenditures for military hardware.

The most important argument against the B–1, however, and one rarely cited by its opponents on Capitol Hill (because it would alienate the votes of fiscal but patriotic conservatives) is that building nuclear bombers of any kind is an enterprise of insanity. Insane because it represents an outrageously expensive escalation of the arms race, and insane because it brings us no closer to the illusory goal of military supremacy.

Arguments over the B–1's cost, effectiveness, and strategic value are like arguments over "clean" versus "dirty" bombs—logical, relevant, and interesting, but nevertheless mad. Mad or not, these contitute the grounds on which Congress debated the B–1, and therefore are arguments that the general public should at least consider.

Unlike the opposition to the ABM in 1969, or the SST last spring, citizen groups have not rallied to lobby or. Capitol Hill against the B–1. Unlike Lockheed's disastrously expensive C–5A cargo plane, the B–1 has not yet achieved a cost overrun large enough to create a public scandal (although it does show considerable promise of doing so). All the letters received by every Congressman this year—for and against the B–1—would easily fit in a single mail sack. Obviously, the public neither knows nor cares much about the B–1.

On the basis of the Congressional debate on the B–1, few Congressmen do either. Representing a group of senators and representatives known as Members of Congress for Peace Through Law, Senator George McGovern (D-N.D.) and Representative John Selberling (D-O.) prepared a detailed report opposing the B–1 on several grounds that should at least have resulted in some intelligent debate. Much of what debate did occur, however, ran along the lines of the argument by Representative Robert Price (R-Tex.): "Inasmuch as we are still facing the threat of nuclear holocaust, and since we still face an implacable enemy in communism, the B–1 program must continue at full speed."

On June 16, the House devoted less than an hour to its debate on the B–1. An amendment by Representative Otis Pike (D-N.Y.) that would have cut off funds for the bomber was crushed 307 to 97. On September 22, with only half a dozen members on the floor, the Senate quickly rejected a similar amendment by voice vote. Commenting on these votes, Representative Pike later observed, "People are just not yet aware of the B–1. The trouble is, by the time they are, it may be too late to do much about it. They're still afraid of tampering with anything labeled 'national defense.'"

Along with defense strategy, patriotism, and ignorance, there is another reason why the B–1's flight through Congress drew so little flak. The politically powerful aerospace industry has been taking a beating in recent years, with the defeat of the SST, the financial troubles of Lockheed, and the general slump of the airlines. The B–1's prime contractor, North American Rockwell, had dropped from a peak work force of 97,000 men down to 50,000 at the time it received the prototype contract in June 1970. Over the next few years, it expects to hire about 15,000 additional employees many of them aerospace engineers who have been out of work for months. If the B–1 program were terminated, many of these men would find themselves floundering again on the already depressed job market. Since North American, like Lockheed, is based in President Nixon's own Southern California; cancellation of the B–1 program could damage his chances in next year's election.

Despite the B–1's economic and political importance to Southern California, its economic and strategic impact on the rest of the country deserves far more critical examination than it has yet received in Congress or the press. Knowledgeable critics have questioned the wisdom of the B–1 program on several grounds:

The B–1 promises to become the most expensive weapon system in military history, as well as one of the most worthless.

The Air Force may not need the B–1 at all. Critics claim it offers only marginal advantages over the existing fleet of strategic bombers.

By the time the B–1 becomes operational, around 1980, it may well be obsolete.

By going ahead with a new strategic nuclear bomber, the United States will be giving costly and dangerous impetus to the arms race with the Soviet Union at the very time the two countries are supposedly trying to agree on a limitation of nuclear weapons.

For those unaccustomed to the ethereal realms of military finance, discussion of the cost of the B–1 program can be difficult. How does one talk meaningfully about billions of dollars to the average citizen, whose largest personal financial concern is the mortgage on his house? Even on Capitol Hill, where millions tend to get tossed around with careless imprecision (at Congressional committee hearings one hears such phrases as "in the neighborhood of $100-million"), the B–1 program represents a considerable amount of money. For those who care about our national priorities, the $370-million just voted by Congress for engineering development alone on the B–1 is far more than the federal government will spend this year for all urban transit programs. The $500-million in B–1 funding planned for next year's Pentagon budget will exceed the entire budget of the State Department. Even if one accepts the Pentagon's current estimate for the B–1 program—and almost no one in the aerospace industry does—each of the 240 bombers will cost four times as much as the annual budget of the U.S. Arms Control and Disarmament Agency. For those who believe money talks, such a comparison says a great deal about this country's commitment to limiting the arms race.

To those Congressmen who worried about the excessive cost of the B–1 program, the Pentagon and its supporters on Capitol Hill argued that the current contract covers only the construction and testing of a few prototypes, at a cost of a mere $2.6-billion. The Pentagon insists it will carefully examine the results of this test program, in 1974, before deciding to go into production in 1975. The trouble with this argument is that the investment of $2.6-billion in public funds (compared to "only" a few hundred million dollars spent on the SST before its termination) will constitute a persuasive reason to go ahead with production. If the program is canceled at that point, there will be nothing to show for all that money.

Staggering as they are, the Defense Department figures on the B–1 program strike those familiar with military procurement as exceedingly optimistic and even intentionally misleading. Although the plane is still only in the research and development stage, the Defense Department's cost estimates on the total program have already risen from $8.8-billion in 1969 to more than $11-billion today. (This initial cost "growth" has occurred despite several supposedly cost-cutting moves by the Pentagon, such as scrapping the plane's high-altitude supersonic speed capability and reducing the number of prototypes to be built for testing.) While Pentagon officials are quick to blame most of this cost increase on inflation, their current estimates fail to allow for any equally predictable inflation during the procurement stage of the program, which will run from about 1975 into the 1980s.

In addition to inflation, the Pentagon's cost estimates on the B–1 ignore a number of other items that must be considered part of the total program. Along with its normal nuclear bomb load, each B–1 will be armed with from ten to twenty nuclear-tipped Short Range Attack Missiles (SRAMs). Because of numerous difficulties, modifications, and schedule delays on the SRAM program, Pentagon cost estimates for each missile have grown from $338,000 in 1965 to a current figure of nearly $900,000. Even this amount does not include the cost of the SRAMs' nuclear warheads (because they are produced by the Atomic Energy Commission), which will boost the unit cost for each missile over $1-million. Depending on the number of SRAMs carried, they will thus add $10- to $20-million to the actual operating cost of each B–1.

Along with its nuclear missiles, the B–1 will also carry a number of "subsonic cruise armed decoys" (SCADs) and all sorts of other electronic exotica designed to help the plane confuse and penetrate enemy defenses. The B–1's avionics, which includes all the gadgetry for the navigation, communication, and weapons delivery systems, and which will account for much of the plane's cost, have not even been designed yet. Depending on the nature of the avionics package, it could easily cause a substantial increase in the cost of each plane. Then there are the costs for operation, maintenance, ground support, and spare parts, which never seem to be included when the Pentagon quotes a price for a proposed new plane. Included or not, the public will have to pay them.

When all the bombs, SRAMs, SCADs, avionics, and "extras" are added up, the Pentagon's current $40-million per plane estimate for the B–1 looks ridiculous. A study by the administration's own Office of Management and Budget indicates the cost of each B–1 may easily reach $80-million. The OMB's estimate caused such concern during the administration's deliberations on this year's Defense budget that the White House told the Pentagon to prepare an analysis of alternatives to the B–1 program. In response, the Air Force merely summarized its previous arguments for the B–1. When OMB Director George Shultz criticized the Pentagon's failure to provide a meaningful analysis of the alternatives, Deputy Secretary of Defense David Packard reportedly threatened to quit if the White House did not go along with the B–1 program.

Critics of the B–1 consider the figure of $80-million a conservative estimate for the eventual cost of each bomber. As evidence, they bring up the tanker issue. A fleet of B–1s may need a new fleet of tankers because their unrefueled range of about 6,000 miles will be only half that of the late-model B–52 bombers they are scheduled to replace. Without adequate assurance of mid-air refueling, the B–1's strategic usefulness would be sharply limited. Defense Department spokesmen insist the B–1s can be refueled by the present fleet of KC–135 tankers now used to refuel the B–52s. However, Gen. Bruce

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Holloway, commander of the Strategic Air Command, which will fly the B–1s, recently said: "We need a new tanker no matter what kind of bombers we have." (General Holloway would also like the Air Force to buy 450 B–1s, instead of only the planned 240.)

Despite its claims to the contrary, the Pentagon has already funded a $500,000 feasibility study on a new tanker to replace the KC–135. The most likely replacement would be Lockheed's C–5A, which the Air Force maintains would cost a mere $27-million each in a tanker version. (How the Air Force would manage to buy C–5As at that price is an interesting matter, since it is now paying more than double that figure for the cargo version of the same plane.) Even at that optimistic price, a fleet of 250 C–5A tankers—the usual number mentioned—would cost nearly $7-billion. Added to the cost of the rest of the B–1 program, this would run the procurement and operating cost of each B–1 to well over $100-million, which would be some sort of world record.

Counting the tankers, the bombs, the missiles, the extras, and inflation, responsible critics of the B–1 estimate the total program cost between $30- and $50-billion. In view of such estimates, Congressional and scientific critics wonder whether the plane is worth such a princely sum. They feel it offers only marginal strategic advantages over the current SAC fleet of B–52s and FB–111s.

The Pentagon likes to portray the B–52 as a "gallant old lady" of the air that has served its time and is now aging rapidly into technical obsolescence. They point to the fact that the latest-model B–52Gs and Hs are nearly ten years old. However, previous claims about the B–52's imminent obsolescence have proved premature. In 1960, for example, the Senate Preparedness Investigating Subcommittee concluded that the B–52 would "enter its period of obsolescence in the mid-1960s." By the mid-1960s, however, Air Force Secretary Harold Brown was telling Congress the late-model B–52Gs and Hs "could be maintained in a satisfactory operational status at least through fiscal year 1975." The following year a Defense Department official testified before the House Armed Services Committee: "There appears to be no reason why the B–52Gs and Hs cannot be maintained through 1980, if that should prove necessary." In 1969, in a letter to Senator McGovern, Defense Secretary Melvin Laird increased the B–52's life span to "the early 1980s with appropriate modifications."

Somehow the old lady seems to have remarkable recuperative powers. Early models of the B–52 are currently being employed to create impressive if imprecise craters in the Vietnamese countryside. As for the 255 late-model B–52Gs and Hs, the life span of their strategic effectiveness could easily be extended through the 1980s, according to Professor Marvin Goldberger, chairman of the physics department at Princeton. Dr. Goldberger's views on strategic bombers warrant some attention: He was chairman of the Defense Department's Strategic Weapons Committee in the early 1960s and chairman of the Strategic Weapons Committee of the President's Scientific Advisory Committee in the late 1960s. He is currently chairman of the Federation of American Scientists and of its strategic weapons committee. In recent testimony on the B–1 before the Senate subcommittees on arms control and defense appropriations, Dr. Goldberger claimed that for a cost of only $1 billion the entire fleet of B–52Gs and Hs could be refitted with the latest high-thrust turbo-fan jet engines. These engines would shorten the necessary takeoff distance, increase cruising range by 25 per cent, and thereby reduce refueling needs. According to Dr. Goldberger, the modified B–52s, equipped with such engines and armed with the same bomb and missile mix as the B–1, would be nearly as effective as the B–1. In view of the enormous cost of the B–1 program compared to that (about $1.5 billion) of modifying the already existing fleet of B–52s, it is hard to justify the B–1's remaining strategic advantages in terms of cost-effectiveness.

Whether or not a replacement is needed for the B–52, critics of the B–1 claim it will be ineffective and obsolete by the time it becomes fully operational in 1980. First of all, the B–1 was supposed to become operational in 1976, according to the Pentagon's 1969 planning estimates. Since then, "schedule slippages" have forced the target date for initial operation up to 1979. Inasmuch as the B–1's complex avionics have yet to be designed, there may very well be further schedule slippages.

During the past few years, the B–1's planned capabilities have been seriously reduced because of technical and cost problems. Originally, the plane was to have flown at supersonic speeds at both high and low altitudes; however, as the Russians improved their surface-to-air missiles (SAMs), it became clear that even at supersonic speeds a high-flying B–1 would still be a sitting duck for the latest Russian SAM–2 or SAM–3. So, the Air Force has dropped the B–1's high-altitude supersonic capability but has retained it at low altitudes, which would supposedly enable the plane to sweep in fast and low near ground level, thereby evading enemy radar. Students of modern anti-aircraft defense systems, however, are convinced that by the time the B–1 becomes operational around 1980, the Russians will certainly have perfected a "look-down" radar-missile system capable of spotting and destroying low-level bombers.

Because of the likelihood that the Russians will develop a sufficiently sophisticated defense to counter the threat of any U.S. strategic bomber, the Federation of American Scientists, as well as the Members of Congress for Peace Through Law, thinks the B–1 should be scrapped, or at least delayed, before we spend any further money on it. In its place, the FAS suggests an airborne "stand-off missile platform." Such an aircraft would not attempt to penetrate enemy radar defenses, but would loiter outside them, ready to launch a variety of short- or long-range nuclear missiles.

As an alternative to the B–1, a stand-off missile-launching aircraft offers several distinct advantages:

Already existing and much cheaper aircraft could be used—either the B–52, or converted versions of Lockheed's C–5A or Boeing's 747.

A supersonic speed capability would not be required, nor would the complex avionics and electronic "penetration aids" that will be responsible for much of the cost of the B–1.

Without the need to penetrate deep into enemy territory, such an aircraft could loiter in the air for much longer periods without refueling, thereby reducing the need for a new fleet of tankers.

When pressed by critics of the B–1's future strategic value, the Air Force often tries to justify the plane by falling back on its versatility, pointing out its potential usefulness as a nonstrategic bomber in such "conventional" wars as the one in Vietnam. The trouble with this position is that we already have a new bomber designed for such conventional wars: the FB–111. Now replacing the early-model B–52's, the FB–111 can carry the same (although fewer) bombs and missiles as the B–1, with greater speed and maneuverability. (The FB–111 could also serve as a strategic bomber, although its limited range would restrict it to "only" 40 per cent of the strategic targets in the Soviet Union, compared to the 60 per cent reachable by the B–1. In a nuclear war, however, such distinctions may well become indistinct. Even without any strategic bombers at all, Soviet and American land- and sea-based ICBMs should wreak quite enough destruction to satisfy the most maniacal generals.) Mainly in order to conserve funds for the B–1 program, the Air Force has cut back its planned fleet of FB–111s from more than 200 to 76. Considering the fact that we can buy at least ten FB–111s (at $10-million each for the cost of each B–1), this could prove to be a terribly expensive way of conserving funds.

To fully understand the Air Force's fervor for the B–1, one must realize that for many USAF generals it represents much more than something to be measured in terms of strategic performance or cost-effectiveness. When they describe its marvelous but as yet undemonstrated capabilities, one is reminded of the saying: People don't really grow up, they just play with bigger toys. Referring to this phenomenon in his Congressional testimony on the B–1, Jeremy Stone, director of the Federation of American Scientists, a former staff member of the Hudson Institute, and the author of two books on arms control, stated:

"Air Force supporters are, almost of necessity, technological enthusiasts. They want to 'get the best,' 'incorporate new technology,' and fly faster—and either higher or lower—than before. These are not, in themselves, national security interests, and they do not provide a sensible argument for building a new bomber, now or later."

Despite the fact that defense technology persistently outpaces them, manned bombers have long been the favorite toy of Air Force generals. Most of today's top USAF officers began their careers in the manned bomber days of World War II and look back upon that era of relative technological simplicity with nostalgia. Since then, the path up to the top has generally led them through the Strategic Air Command, which flies the bombers. The last three USAF Chiefs of Staff—Generals Curtis LeMay, John McConnell, and John Ryan, the current chief—were all SAC men. Under their command, the Air Force launched the B–58, as a proposed follow-on bomber to the B–52. Soon after it became operational, however, the Defense Department realized the B–58 was technically obsolete and mothballed the eighty planes already purchased. Then came the infamous B–70, a supersonic bomber of incomparable quality—on paper. In reality, the B–70 program never got beyond the construction of two prototypes, at a cost of $1.5-billion. One of them crashed after colliding with an Air Force plane taking pictures of it. The other now sits securely in the Air Force Museum in Dayton, Ohio. The main reason the Air Force scrapped both the B–58 and the B–70 is that by the time they got off the drawing boards, anti-aircraft technology had made them too vulnerable to fly over enemy territory. They simply could not accomplish their mission.

Despite considerable evidence that the B–1 is headed for similar technical oblivion, the Air Force plans to go ahead. As Representative Pike told the House, upon introducing his amendment to cut the funds for the B–1: "Here we go again, starting out a new manned bomber in an age when manned strategic bombers are obsolete."

In his testimony before Congress, FAS Director Stone tried to explain why the manned bomber has become a technological anachronism: "No really essential task of destruction can be reliably assigned either the B–1 or B–52, because the survivability and penetrability of neither can be ensured." Besides, he noted, "While the B–1 is taking four hours to fly six thousand miles . . . eight successive missile salvos—four on each side, and each 'answering' the other—could take place. The war may well be over before the bombers arrive."

FAS Chairman Marvin Goldberger argues that "there are very few targets that cannot be taken out more easily and more rapidly by missiles than by bombers." As evidence, he points out that while the Soviet Union has been increasing its land- and sea-based missiles, it has made no attempt to increase its fleet of 145 long-range strategic bombers for many years. In an attempt to play the "they've-got-one-so-we-need-one" game, supporters of the B–1 have been sounding an alarm over a new Soviet nuclear bomber dubbed Backfire, which has already made test flights. According to Western intelligence sources, however, the Russians have not yet decided to go into production with the Backfire, perhaps waiting to see what happens to the B–1.

Dr. Goldberger has conceded that some B–1s could conceivably penetrate Soviet air defenses and destroy cities and other strategic targets. But he also predicts that these cities might well have been long since destroyed by missiles.

Despite such arguments, proponents of the B–1 think the United States should continue to rely upon a "triad" concept of nuclear deterrents: land-based ICBMs, submarine-based Poseidon missiles, and manned strategic bombers. Whether or not the manned bomber still represents a realistic threat, they feel it does serve as a form of insurance for the other two. In the Strangelove logic of nuclear war-game theory, it also has the virtue of increasing the number of threats the enemy must consider before launching a first strike. As Missouri's Representative Richard Ichord pointed out, during the House debate on the B–1, it "forces the enemy to expend large sums and scientific talent for multiple defense systems." Mr. Ichord neglected to mention that in order to achieve this effect, the United States itself will have to expend far greater amounts on the B–1.

Spending huge sums of money on weapons of dubious necessity and efficacy in order to force the enemy to do likewise obviously seems like a sensible policy to many Congressmen and Pentagon officials. To others, however, it typifies the insanity of the arms race between the United States and the Soviet Union. In a similarly insane argument, manned bomber advocates insist that we must go ahead with the B–1 in order to give the U.S. negotiators a better bargaining position at the current round of Strategic Arms Limitation Talks in Vienna. By going ahead with development of the B–1, they argue, we will have a valuable "blue chip" to play with at the negotiation table. This notion of arms control may provide interesting material for think-tank game-theorists, but such multi-billion-dollar games are both dangerous and terribly expensive in a country with insufficient funds to meet its domestic needs.

As Professor Goldberger told the Senate Subcommittee on Arms Control: "I find it unbelievably depressing that we should continue to discuss new bombers and other weapon systems as though this insane arms race must continue forever. Now is the time to bring this ghastly game of charades we have been playing with the Soviet Union for the past quarter century to an end—not the time to propose new weapon systems."

FARM SUBSIDY PAYMENTS

Mr. HARRIS. Mr. President, I wish to bring to the attention of my colleagues an article written by Nick Kotz that appeared on page A1 of the December 8 Washington Post. The article, entitled "Subsidy Chief's Farm Probed," discloses the fact that Kenneth E. Frick, administrator of USDA's Agricultural Stabilization and Conservation Service—and more than one-third of his farm neighbors in California's rich Kern County—have been reported in violation of crop subsidy regulations. Mr. Frick is the USDA official in charge of the crop subsidy program.

Mr. President, the crop subsidy program in this country is a national scandal. I have no objection to the original purpose behind this program, which was to help independent farmers. But today the program has become just one more mechanism for redistributing income from the working class to the wealthy. That is redistribution of income in the wrong direction, Mr. President, and it is about time we reverse that kind of practice in this country. Yet today we hear that the USDA official in charge of crop subsidy payments will receive $95,000 this year from that very same program.

Mr. President, Congress just last year passed a $55,000 limit on the maximum amount any one farmer can receive from crop subsidy payments. It ought to be $20,000. But apparently even that law is not being enforced. Now I know, Mr. President, that there are "legal" loopholes that can be used to avoid the $55,000 ceiling, and it is probably through these loopholes that Mr. Frick will receive his $95,000 this year. But the spirit of the law is clear, and it is equally clear that the spirit of the law is not being followed.

Mr. President, last week I stood on the floor of the Senate and urged the rejection of the nomination of Dr. Earl L. Butz as Secretary of Agriculture because I felt that we need the independent farmer's interest and the public interest represented in the U.S. Department of Agriculture, and not Dr. Butz' personal corporate interests. Today, Mr. President, I find that the official in charge of administering our crop subsidy program has profited from that program. What is worse is that this same official is now under investigation by his own office for violations of the program he heads. Under these circumstances, I see no alternative but to call for his resignation. It is time to end the kind of government in which the administrator of a Federal farm program receives hundreds of thousands of dollars from that program. People do not trust that kind of government, Mr. President, and they ought not to. Defenders of Mr. Frick will point out that his farm interests are held in trust by the Bank of America. Putting his farm in a trust does not remove his financial stake in it, nor does it eliminate the fact that his brother manages the farm.

Mr. President, we need all the facts about this very disturbing situation. Mr. Kotz' article reports that besides Mr. Frick's farm, 467 others in Kern County have been cited for crop subsidy program violations. Kern County is the second richest county in the Nation in farm receipts and also ranks second in Federal subsidies. In 1970, 311 farms in Kern County received more than $20,000 in Federal subsidies, 105 received more than $55,000, and 37 received more than $100,000. Kern County is one of the leading homes of agribusiness, Mr. President, including such familiar farmers as Tenneco and Standard Oil. The Federal taxpayer ought to know whether it is these agribusiness giants that are pulling in these huge subsidies, and in many cases, violating the law while doing so.

Mr. President, it is my understanding that two reports on Kern County have been made by USDA investigating teams. The first, done by a spot-check team, found numerous irregularities in the subsidy program. This prompted a second investigation and report on each of Kern County's 1,190 farms. The public has a right to see these reports, Mr. President, and I have written Secretary Butz today demanding copies of them.

Mr. President, I ask unanimous consent that Mr. Kotz' article and letters I have sent to Mr. Frick and Secretary Butz be printed in the RECORD.

There being no objection, the article and letter was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 8, 1971]

SUBSIDY CHIEF'S FARM PROBED

(By Nick Kotz)

Agriculture Department official Kenneth E. Frick, along with more than one-third of his farmer neighbors in Kern County, Calif., have been reported in violation of crop subsidy regulations. Frick runs the federal program.

Frick, administrator of USDA's Agricultural Stabilization and Conservation Service, confirmed reports to The Washington Post that his own farm, now operated by a trust, and 467 others have been cited for violating program regulations. Kern County is the nation's second richest in farm receipts and ranks second in federal subsidies. The county's 1,190 farmers will receive $27 million in federal payments this year, primarily from the cotton program.

Farmers are paid federal crop subsidies in return for taking part of their land out of production in an effort to balance supply and demand. The alleged Kern County violations include failure to take enough land out of production, counting non-farm land as retired land, and illegally evading the $55,000 per crop limitation on farm payments.

Frick stressed that official findings have not been made in any of the cases, and that farmers still may prove that they were complying with program regulations. Frick's office is in charge of enforcing regulations for the several million farmers in the subsidy program.

In addition to an investigation by Frick's farm program office, the Kern County situation now is being investigated by the General Accounting Office and USDA's Office of Inspector General.

Frick said the alleged violations in Kern County would be the most extensive in any county in the country. He said many violations probably resulted from the unfamiliarity of farmers with a new cotton program. Nevertheless, the federal official running the program in Kern county has been suspended.

Frick and his deputy administrator, Charles Cox, said the alleged violations on Frick's farm involved use of improper land as retirement land.

Cotton farmers such as Frick are required to "set aside" from production acreage equal to 20 per cent of their cotton allotment acreage. The retired acreage must be as productive as the land in production.

Cox said the Frick farm had been cited for using several acres of non-farm land (previously used as a windbreak) as his retirement land, and for using other land of questionable value for "set aside" purposes. The Frick farm and numerous others were cited by inspectors as retiring alkali land (high in salt content) rather than land comparable to that in production.

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Frick said his farm interests are held in trust by the Bank of America and his farm land is managed by his brother Howard. He said the 3,000-acre farm received $190,000 in cotton payments in 1970 and about $95,000 this year. Both Frick and his brother would be entitled to a maximum $55,000 payment.

Questioned whether he is not, in effect, investigating a violation on his own farm, Frick said: "I have confidence in our inspection system. The system triggered this examination of farms. As to my farm, my brother is in charge of it and will have to answer for it."

Frick's assistant Cox then added: "Our instructions (from Frick) are to treat his farm like any other farm."

Frick said discrepancies were first turned up in Kern County in a routine "spot check," in which department inspectors visited states in which they do not normally work. Because of numerous discrepancies, Frick said, his deputies then ordered a check made of each of the county's 1,190 farms. Again, the check was made by inspectors from out of state.

He said the determination of violations is now in the hands of the Kern county ASCS committee, under supervision of the California state committee. However, he said one member of the three-man county committee is not participating in decisions because his own farm is being questioned.

Frick stressed that the county and state committeemen are elected by fellow farmers and thus are free to criticize any farm, including his own.

Cox said the inspection team turned up 547 violations on 468 farms. He said the team considered violations as "serious" on about 200 farms.

Cox said farmers could lose part of their federal farm payment for minor infractions and the entire payment for major violations. Severe violations, including fraudulent evasion of the $55,000 payment limitation, could lead to criminal prosecution.

Frick emphasized that he had initiated the "spot checks" that turned up the Kern County situation, because "we wanted to make sure that farmers understood the new cotton program and that it was working adequately."

"What we found in Kern County, I would have to describe as 'bad'," said Cox, in a joint interview with Frick. "It was not typical."

U.S. SENATE, COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., December 8, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. FRICK: An article by Mr. Nick Kotz appearing on page A1 of his morning's *Washington Post* raises very serious conflict of interest questions concerning your financial interests and your position as administrator of USDA's Agricultural Stabilization and Conservation Service. The fact that you received $190,000 in cotton payments in 1970 and will receive about $95,000 this year should disqualify you from administering the office in charge of these programs. Your position is further compromised by the fact that your farm is now under investigation for reported violations of the crop subsidy program that you administer.

If these facts are correct, I see no alternative but that you resign from your position as administrator of USDA's Agricultural Stabilization and Conservation Service. That you have placed your farm in a trust does not remove your financial stake in the program you administer. At a time when there has been a serious erosion of public faith in government, the integrity of such programs as those administered by the Agricultural Stabilization and Conservation Service must be maintained.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

U.S. SENATE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., December 8,1971.

Hon. EARL L. BUTZ,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I read with considerable alarm an article by Mr. Nick Kotz that appeared on page A1 of this morning's *Washington Post* that discloses large-scale violations of crop subsidy regulations in Kern County, California.

Kern County, as you know, is the second richest county in the nation in farm receipts and also ranks second in federal subsidies. In 1970, 311 farms in Kern County received more than $20,000 in federal subsidies, 105 received more than $55,000, and 37 received more than $100,000. Kern County is also the home of many leading agribusiness giants such as Tenneco and Standard Oil. The federal taxpayer ought to know whether it's these agribusiness giants that are pulling in these huge subsidies and, in many cases, violating the law while doing so.

It is my understanding that two reports on Kern County have been made by USDA investigating teams. The first, done by a spot-check team, found numerous irregularities in the subsidies program. This prompted a second investigation and report on each of Kern County's 1190 farms. Please send me immediately copies of each of the above-mentioned reports.

I am enclosing for your information a copy of a letter I sent today to Mr. Kenneth E. Frick concerning his financial involvement with the crop subsidy program he administers.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

REVENUE ACT OF 1971

Mr. NELSON. Mr. President, the Senator from Oklahoma (Mr. HARRIS) had intended to be here today to speak against this conference report. Unfortunately, an illness in the family has prevented him from being here. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR FRED B. HARRIS IN OPPOSITION TO THE CONFERENCE REPORT ON THE REVENUE ACT OF 1971

Mr. HARRIS. Mr. President, I oppose the acceptance of the Conference Report on the Revenue Act of 1971. The tax aspects of this bill are completely unacceptable. I did not like this bill before, and I do not like it now. The improving amendments added to the bill by the full Senate have been stripped from the bill in Conference. Additionally, the tax check-off for campaign contributions for presidential candidates has been so badly mutated that it is now almost worse than no provision at all. The campaign contribution check-off was one of the few good parts of the bill when it passed this chamber two weeks ago. Without that provision, and without the few improving amendments that the Senate added to the tax provisions in the bill, I cannot support the bill.

The campaign spending amendments to this bill as rewritten by the conference committee are almost worthless. I say almost because the tax credit and deductions for small contributions to political campaigns are a long overdue reform, even if they will be effective only after 1973.

However, the guts of the campaign spending amendment—automatic public financing of presidential campaigns beginning in 1972 as well as tax credits for all campaigns next year—were ripped out by the conference committee. The conference report removes the automatic appropriation for presidential campaigns and substitutes an annual appropriation. Thus, the Congress and the President will have to fight over this issue every four years.

Under the terms of the conference report, every four years the incumbent President can, if he desires, veto the campaign financing appropriation, just as the current incumbent threatened to do with this bill. Likewise, a Senate minority, unhappy with the presidential nominee of their party, can kill the campaign appropriation by filibuster.

Such a system is not campaign spending reform. The average person in this country is becoming more and more convinced that politicians are beholden to a small number of rich people and vested interests. I think we have a responsibility to help restore the people's faith in the openness of the political process. The campaign spending provisions of the conference report by no means meet that responsibility.

Mr. President, the major defects present in the tax provisions of this bill as it came to us from the Administration are still intact. The bill is a blatant giveaway to big corporations at the expense of the individual taxpayer. The bill will give more than $75 billion to big business by 1980, and will only give a small fraction of that amount to individuals. It is estimated that after 1973, the tax cuts to big business will be at least $8 billion a year, while individuals will get only $2.5 billion.

Very little of the money for individuals is actually new money and in fact the individual stimulus merely comes from not taking more money from the consumer by adjustments in the existing tax structure, while corporations are being given a whole new tax loophole. Most of the stimulus to the individual comes in the form of a speed-up in already authorized increases in personal exemptions, standard deduction, and low-income allowance. The only new money for the little man is an increase in the low-income allowance to $1,300 in 1972. That is a pitifully small piece of the action when compared to the massive tax break given permanently to big business.

Two years ago we debated and passed another tax bill, the Tax Reform Act of 1969. At that time we made much of the fact that the Congress was making an effort to bring more fairness to our federal tax system. We cut down some of the more outrageous loopholes. We adopted a minimum income tax to try to stop multimillionaires from being able to dodge their tax responsibilities entirely. And we told the people of this country that as a result the big corporations and the wealthy were going to have to pay more nearly their fair share of taxes.

I certainly do not mean to suggest that the Tax Reform Act of 1969 was the last word in the fight to give the average person a fair

In 1969, we were, however, moving in the shake from out tax system. It was not. right direction. The tax bill before us today reverses that direction. H.R. 10947 will make our federal tax structure significantly more unfair to the average taxpayer than it is today. While Administration spokesmen claim the bill balances tax cuts to big business with cuts for ordinary people, the facts show just the opposite.

The Investment Tax Credit giveaway will be a windfall of $45 billion to business between now and 1980. Proponents of the Investment Tax Credit claim that stimulating new equipment expenditures will increase

jobs. No one seems to be able to tell us, however, how this will come about and the number of jobs that will come from the "trickle-down" approach of a tax credit to big business. There is much evidence to make us believe that the tax credit may actually have a negative effect on employment. Surely, with plant capacity being utilized at only 73 or 74 percent, there can be little incentive to invest in expansion. What industry lacks is not machinery but customers—and the investment tax credit could, by parallel decreases in federal spending, actually lead to the decrease in available jobs. The cutback in federal employment and the postponing of needed social programs hits the low and middle income Americans and deprives them not only of the social results of those programs, but of the jobs that will result from new programs.

In addition, the Investment Tax Credit will encourage the increased concentration of power in our society. The credit will bestow most of its benefits on capital-intensive firms, and these firms frequently are found in oligopolistic and monopolistic industries. Small, new and less capital-intensive firms are discriminated against by the structure of the tax credit, while large firms reap high tax benefits. The tax giveaway can lead to profits of over 15 percent at minimum to large corporations. Yet, today corporate profits are at a healthy level, and increasing, and cashflows have increased substantially during the present recession.

The Asset Depreciation Range provision included in this bill is a windfall on top of another windfall. There doesn't seem to be any credible authority who will tell us that the ADR will help stimulate the economy. What we do hear, however, are many economists telling us that the ADR plan will only result in a gross resource misallocation; will have very little stimulative effect on investment in the short run; will reward firms who have deliberately avoided meeting the existing Reserve Ratio Test; and will remove pressure on inefficient producers to modernize. Since it applies to both old and new equipment, it is a windfall to a considerable extent, and the cost to the Treasury will be over $27 billion by 1980.

There are numerous programs needed in this country in these next years to increase the quality of life, reduce the tax burden on individuals, assure every able-bodied man a job, and improve our environment. Those programs could well use the $27 billion being given to big business by the ADR giveaway. Additionally, those necessary programs will be a direct stimulus to the economy and will directly affect the people who most need a stimulus—the lower and middle income persons who make up the bulk of our population.

The main argument given by the Treasury for the ADR is that it will stimulate investment, and thus jobs. I can find absolutely no foundation for this claim. American industry is now using about 73 percent of its plant and equipment. Under such circumstances, business will have little reason to increase their purchases of equipment. The uselessness of the ADR as a stimulus is even admitted by those who will be taking full advantage of its benefits.

James Roche, Chairman of the Board of General Motors, said recently: "It should be understood that most companies of any size determine their purchases of equipment by the needs of the business and not by any short-term tax advantages." In other words, until business picks up and consumers start buying again, investment is unlikely to make major gains—even with both the investment credit and ADR.

In DISC we find much of what is wrong with the American tax code. Like existing loopholes, it is a proposal that over time will instill an even greater sense of unfairness and ill will among taxpayers. Over time it will represent another step towards wider scale efforts at tax evasion.

On virtually every count it fails the test of good taxation. Its economic effects are uncertain even to officials who must defend it. Its revenue effects are unfair to the majority of taxpayers who will not benefit from it. Its technical provisions are unclear to those who must administer it.

An extraordinarily complex measure, the DISC has no counterpart elsewhere in the world. But to the degree that it was effective, we can be certain that it would be copied. In that event whatever benefit the U.S. economy derived would be offset. Experience in the Fifties and Sixties has demonstrated that trade gimmicks are quickly copied.

A major departure in U.S. tax practice, the DISC has not received adequate study. The Treasury has not come up with a single study of DISC. The only available study, performed by the Congressional Joint Committee on Internal Revenue Taxation, raises serious questions concerning its desirability. The President's Commission on International Trade and Investment Policy refused to recommend DISC in its recent report.

The DISC is unfair. It benefits a handful of companies which already are assured enormous gains because of future changes in the exchange rate.

I am fully persuaded that the American people would demand that the Congress decisively reject the DISC if more of us understood the basic economic fact that any devaluation of the dollar is equivalent to a large and open subsidy to exporters.

If a nation cannot pay its way abroad, it has no choice but to devalue. But before we pass out additional subsidies, we should clearly understand which part of the economy benefits from the original action of devaluation.

In the U.S. economy it is a very small sector. A handful of giant companies, around 100, account for approximately 50 percent of U.S. exports. It is these companies which will receive the export subsidy, worth billions of dollars, caused by the U.S. devaluation.

I contend that when we are already giving these few companies so much, it makes no sense to provide them with even more by creating the DISC.

As approved by the Senate Finance Committee, the DISC when fully operative will benefit U.S. exporters by about $400 million each year. This revenue loss to the U.S. government will occur even if the DISC does not stimulate one additional dollar in exports. The reason is that, although the Administration does not like to emphasize this, DISC advantages apply to existing exports as well as any increase. I cannot imagine a tax measure more poorly conceived.

Just looking at the figures for 1972 in the bill as the Finance Committee reported it makes clear the big business bias of the bill. Altogether, the money given to big business provides something like a 15 percent tax cut for big corporations.

As George Meany, president of the AFL–CIO, pointed out in testimony before the Finance Committee on September 13, the corporate share of the tax burden in this country had fallen over the past ten years. In 1960, the corporations carried about 33 percent of the federal income tax load. The Treasury Department estimates that in the current fiscal year the corporate share will hit 28 percent.

Mr. President, this is hardly the time to cut corporate taxes. If there were any action the Senate should take on corporate taxes, in my view it would be to raise them—to make big business pay the fair share of the burden which it has never paid.

H.R. 10947, of course, does precisely the opposite. It is, again in the words of Mr. Meany, "the biggest tax bonanza in corporate history." In the name of stimulating the economy and providing the jobs, this bill deals a permanent blow to the fairness of our tax system. The Asset Depreciation Range System (ADR), the Investment Tax Credit, and the Domestic International Sales Corporation (DISC) together are a massive tax break to big business being pushed on the highly doubtful premise that they can create jobs, stimulate the economy, and encourage exports.

There are many ordinary people in this country who wonder why the tax structure is so unfair to them and how the corporations and the wealthy get tax loopholes for themselves. If they were here today they could see that process for themselves.

The fact is, Mr. President, as I said at the beginning H.R. 10947 is a tax bill. The only thing we know for sure about it is that it will substantially and permanently cut taxes for the big corporations and make our tax structure even more unfair than it is already.

I believe the time has come in the Congress to draw the line on corporate tax giveaways. If we are really listening to the millions of people who are telling us in every way they can that they are sick of paying more than their fair share of taxes so a lot of big corporations and rich people do not, we would not accept this Conference Report.

ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY IN THE 92D CONGRESS, FIRST SESSION

Mr. PASTORE. Mr. President, as chairman of the Joint Committee on Atomic Energy, I should like to present for the information of my colleagues the annual report on the activities and accomplishments of the Joint Committee. This report covers the activities of this first session of the 92d Congress. I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY IN THE 92D CONGRESS, FIRST SESSION (1971)

FOREWORD

It has been the practice of the Joint Committee on Atomic Energy, at the close of each session of the Congress, to submit for the information of the Congress, the Executive Branch, and the public a report of its activities. (The report for the second session of the 91st Congress was printed in the Congressional Record, vol. 116, pt. 33, p. 44321.)

The Joint Committee on Atomic Energy was organized on August 2, 1946. It consists of nine Members from the Senate and nine Members from the House of Representatives. No more than five from each body can be members of the same political party. The chairmanship alternates between the Senate and the House of Representatives with each Congress.

Present membership is: John O. Pastore, Rhode Island, *Chairman*, Melvin Price, Illinois, *Vice Chairman*.

Clinton P. Anderson, New Mexico, Henry M. Jackson, Washington, Stuart Symington, Missouri, Alan Bible, Nevada, George D. Aiken, Vermont, Wallace F. Bennett, Utah, Peter H. Dominick, Colorado, Howard H. Baker, Jr., Tennessee.

Chet Holifield, California, Wayne N. Aspinall, Colorado, John Young, Texas, Ed Edmondson, Oklahoma, Craig Hosmer, California, John B. Anderson, Illinois, William M. McCulloch, Ohio, Orval Hansen, Idaho.

The Joint Committee is one of the few committees established by statute rather

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than by rule of each House and is unique in several respects. For example, it is the only joint committee of the Congress with legislative functions, including the receipt and reporting of legislative proposals. The committee is also charged by law with legislative responsibility as "watchdog" of the U. S. atomic energy program. As part of its responsibilities, the committee follows closely the classified activities of the executive agencies, including the Atomic Energy Commission and the Departments of Defense and State, concerning the peaceful and military applications of atomic energy. The unclassified activities are closely reviewed as well.

In all of these activities, the Joint Committee on Atomic Energy, representing the Congress and the public, seeks to assure the implementation of the following national policy expressed in the Atomic Energy Act of 1954:

"• • • the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security. • • •

During the 92d Congress, first session, the full Joint Committee met on a total of 33 different occasions, 17 of which were public and 16 of which were executive meetings. In addition, there were 20 subcommittee sessions of which 17 were public and 3 were executive.

A total of 7 publications consisting of hearings, reports, and committee prints were published by the Joint Committee in the first session of the 92d Congress. These publications include testimony taken in executive session with classified material deleted before printing.

A list of the publications follows: 1971 (92d Con., 1st Sess.)

AEC Authorizing Legislation, Fiscal Year 1972:

Part 1, Hearings Feb. 3, 4, and Mar 2.
Part 2, Hearings Mar. 4.
Part 3, Hearings Mar. 9, 16, and 17.
Part 4, Hearings Mar. 18, 23, and May 13.
Report (H. Rept. 92–325; S. Rept. 92–249), June 30 and July 8.

Naval Nuclear Propulsion Program—1971, Hearings Mar. 10.

Atomic Energy Legislation Through the 92d Cong., 1st Sess., Committee print, December.

Current Membership of the Joint Committee on Atomic Energy, Committee print, March.

AEC Licensing Procedure and Related Legislation (4 Parts)—Hearings June 22, 23, and July 13, 14.

Status of Current Technology to Identify Seismic Events as Natural or Man-made, Hearings October 27, 28.

Use of Uranium Mill Tailings for Construction Purposes, Hearings October 28, 29.

The Controlled Thermonuclear Research Program in the United States, Hearings November 10, 11.

Nuclear Power and Related Energy Problems—1968 through 1970, Committee print, December.

Selected Materials on the Calvert Cliffs Decision, Its Origin and Aftermath, Committee print, December.

I. Legislative activities

A. Atomic Energy Commission Fiscal Year 1972 Authorization Act (Public Law 92–84)

The Atomic Energy Commission's request for authorization of appropriations for fiscal year 1972 was submitted to the Congress along with the total Federal budget on January 29, 1971. Amendments to the AEC budget were received from the Commission on May 6 and June 11. The Joint Committee on Atomic Energy convened its hearings on February 3 to consider the proposed authorization legislation (S. 958 and H.R. 5522). During the succeeding 20 weeks, the committee held 15 additional sessions, five of which were executive due to consideration of classified information. The record of the public hearings was published in four volumes entitled "AEC Authorizing Legislation, Fiscal Year 1972." A declassified record of the hearing on naval nuclear propulsion program was published under the title "Naval Nuclear Propulsion Program—1971." In addition, the Senate Committee on Aeronautical and Space Sciences published the hearings held jointly with the JCAE on February 23 and 24 under the title "Nuclear Rocket Engine Development Program."

Following its deliberations on the proposed legislation, the Joint Committee voted to adopt certain amendments by way of reporting "clean bills." Vice Chairman Price, together with Congressmen Holifield and Hosmer, introduced H.R. 9388 on June 23, 1971, and Chairman Pastore introduced S. 2150 on June 24, 1971. These identical measures were favorably reported on June 30 (H. Rept. 92–325) and July 8 (S. Rept. 92–249) respectively.

The reported authorization bill recommended an increase of $37.2 million over the amount contained in the Administration's request but only approximately $5 million more than was authorized for the preceding year. The bill, H. R. 9388, was passed by the House with an amendment, on July 15, 1971. The amendment, offered by Congressman Hosmer, removed the $20 million ceiling on AEC furnished services, facilities or equipment available to or planned by the Commission under its civilian base program for assistance to the liquid metal fast breeder reactor demonstration program. Under the amendment, the new ceiling was placed at 50 percent of the estimated capital cost of the first demonstration plant. The Senate approved the amended bill with four additional amendments on July 20, 1971. Three of the amendments increased the level of funding authorized by $4 million as follows: Nuclear safety research $2.3 million; terrestrial electric power (cardiac pacemaker) $0.5 million; and controlled thermonuclear research $1.2 million. The fourth amendment added certain restraints to the acquisition of land for a nuclear waste repository proposed for Lyons, Kansas. It limited the authority of the AEC to acquisition of interests in the land not in excess of 3 years in duration until an advisory council appointed by the President reports to the Congress that the project can be constructed and operated and waste material transported so as to assure public health and safety and environmental protection. The Senate amendments were considered by the House on July 27 at which time the House concurred in the first 3 amendments and adopted a substitute amendment relating to the Lyons, Kansas, project. That amendment, by way of clarification, provided greater specification of the limitations imposed on the authorization of funding for land acquisition. On July 31, 1971, the Senate concurred in the substitute amendment adopted by the House. The President signed the Act into law (Public Law 92–84) on August 11, 1971. The law authorizes appropriations to the Atomic Energy Commission for fiscal year 1972 in the amount of $2,325,187,000, as follows:

Operating expenses	$2,029,571,000
Plant and capital equipment	295,616,000
Total authorization	2,325,187,000

Among the highlights of the Joint Committee report, which accompanied the authorization bill, were the following:

Assurance of adequate *uranium enrichment capacity* to meet the ever increasing demand, both domestic and foreign, continued to be a matter of highest priority before the Joint Committee. As in the past few years, the timely implementation of the Cascade Improvement Program was the point of primary concern. The monies authorized and appropriated for that program for fiscal year 1971 had not been made available until the end of the fiscal year, but the release of those funds was viewed as a positive sign. The committee remained convinced of the necessity to move forward vigorously with the program and accordingly recommended the addition of $35 million to the budget. The Congress agreed to the necessity to move forward and appropriated $25 million.

The committee continued its strong support for the liquid metal fast breeder reactor (LMFBR) program, the priority project under *reactor development and technology*. By way of a budget amendment, the Administration increased its original request by $17 million to a total of $120 million for the base technology program which request was approved. Also approved was the request for an additional $50 million to be employed as Federal financial assistance for the first demonstration project authorized in fiscal year 1971.

The committee also evidenced its support of other aspects of reactor development. Authorization of funds for the high-temperature gas-cooled reactor and the nuclear desalting programs was increased. Continued support was provided for the light water breeder reactor (LWBR), the molten salt breeder reactor (MSR), and the gas-cooled fast breeder reactor (GCFR).

The largest reduction in the budget recommended by the committee was relative to authorization for construction funds for a *National Radioactive Waste Repository* proposed for Lyons, Kansas. The committee reduced the request by $21.5 million, recommending the $3.5 million for land acquisition and design. The committee supported the Administration's amended request for $1,850,000 in operating funds for additional research and development associated with this project.

The President's budget request for the fiscal year 1972 *space nuclear propulsion* (ROVER) program was only $15 million, a 65 percent reduction from the 1971 level of effort. The Joint Committee recognized that such funding could lead to little if any real accomplishment during fiscal year 1972 and recommended that the amount be increased by $37 million to $52 million. This action was taken in part to assure AEC funding commensurate with that recommended for NASA by the House Committee on Science and Astronautics, since this program is a joint agency effort.

The Joint Committee noted, as it had for the past several years, that there could be grim days ahead for AEC *high energy physics* laboratories if the downward trend in funding continued. The committee pointed out that the National Accelerator Laboratory is expected to be fully functional by July 1972 and that the operating budget alone for this installation will be about $50–$60 million per year. The committee asked the AEC to provide a report by December 31, 1971, indicating a priority listing of accelerators to provide a basis for allocating available resources in such a manner that viability and productivity will be assured.

B. Legislation Regarding AEC Licensing Procedures

The Joint Committees' Subcommittee on Legislation held extensive public hearings on June 22, 23 and July 13 and 14, 1971, on legislation proposed by the AEC to amend certain of the existing provisions of the Atomic Energy Act of 1954, as amended, which concern the licensing of nuclear facilities (S. 2152 and H.R. 9286 and S. 2151 and H.R. 9285). An opportunity was also afforded sponsors of related bills referred to the committee to testify. The related bills concern Federal-State regulation of radioactive effluents from nuclear facilities (H.R. 997, H.R. 1743, H.R. 3683, H.R. 6933, H.R. 7539, and S. 2050); and the transfer of certain AEC regulatory authority to other agencies (H.R. 1197, H.R. 1742, H.R. 6310, and H.R. 9542). The four-volume record of these hearings has been printed ("AEC Licensing Procedure and Related Legislation").

The testimony presented at the hearings emphasized the need for procedural changes to improve the licensing process for nuclear power reactors. Although the objective of the AEC's proposed early site legislation of providing for early resolution of environmental issues was generally viewed favorably by the witnesses, numerous valid questions were raised regarding its practicability. Such matters as the relationship between the early site and construction permit proceedings, the relationship of the early site authorization proceeding to other requirements such as the review required to comply with the National Environmental Policy Act (NEPA), requirements under water quality legislation, and the permits under the Refuse Act of 1899, the opportunity for hearing at the operating license stage, and the compatibility and harmony of the siting provisions in H.R. 9286 with general power plant siting legislation currently pending before other committees were not thoroughly developed in the testimony. Furthermore, considerable doubt was expressed as to whether sufficient information could reasonably be made available at the early site authorization stage to settle with finality all significant site-related environmental matters.

There was general agreement that the Commission, under its existing legislative authority, could take many procedural steps to improve the licensing process.

In view of such questions and in the absence of any clear showing by the AEC that the proposed legislation would resolve any short-term problem even if enacted this Session, the Subcommittee on Legislation announced on October 19 (JCAE Press Release No. 665) that it would appear more prudent for legislative action to await further developments on overall power plant siting legislation currently pending before other committees. An objective of overall power plant siting legislation should be to recognize the AEC's responsibility for all radiological considerations associated with nuclear plants, and to place in State and regional authorities the general responsibility for deciding other environmental matters. The press release stated that it is hoped that such legislation, which is vitally needed to provide our Nation with a coherent and rational power plant siting policy, will soon be enacted; and in the meantime, the Commission was urged to work with States, such as Maryland, which have recently enacted power plant siting legislation to assure that appropriate State officials are aware of applicable requirements for the approval of sites for nuclear plants and that everything is done to coordinate the required approvals.

A Joint Committee on Atomic Energy staff analysis of the testimony presented at the regulatory hearings was published in the Congressional Record of November 1, 1971 (E 11577).

Subsequent to the completion of these hearings, a major influence upon the licensing process was the Calvert Cliffs decision rendered by the U.S. Court of Appeals for the District of Columbia Circuit on July 23, 1971. Practically all of the basic problems raised by that decision stem from interpretation of NEPA and the Water Quality Improvement Act of 1970. Corrective legislation, if needed, would be under the cognizance of the committees responsible for NEPA and water quality legislation and could address the problems involved which are not concerned solely and directly with the licensing of nuclear power plants—they affect all Federal activity within the scope of those basic Acts. In this regard, the Senate Interior and Insular Affairs Committee held hearings on November 3 on the impact of the Calvert Cliffs decision. If it is demonstrated that corrective legislation is needed and that it is not forthcoming from others, the Subcommittee stated that it will carefully consider proposals relating to the implementation of NEPA in the limited sphere of licensing of nuclear power plants. It is noted that the Commission has published regulations, which it believes will be adequate, to meet the dual challenge of environmental protection without undue delay which would threaten the vitality of regional power supplies. That view was expressed by Commission witnesses at the November 3 hearing and at a hearing held on November 15 by the Subcommittee on Public Works of the House Appropriations Committee.

During the hearings held in June and July, it was announced that additional hearings might be held at a later date to receive testimony from interested members of the public on matters associated with nuclear power plant licensing other than in connection with H.R. 9285 and H.R. 9286. These additional hearings also await the corrective action taken under existing authority, and a reasonable opportunity will be afforded the Commission to act in that regard. It is noted that, during the closing months of this Session, the Commission appeared to be acting positively to help alleviate some of the problems identified in the June–July hearing record and in subsequent committee correspondence with the Commission.

In that regard, Congressman Price, in his letter of October 19, 1971, to Dr. Schlesinger, forwarding the press release (No. 665) of the same date on the AEC's bills referred to above, said:

"The press release also reiterates several earlier suggestions by the Committee that the Commission act under the existing authority bestowed on it to make procedural changes in the licensing hearing process which are long overdue. . . .

"Although these matters have been discussed and considered for some time, the remedial action has been slow. It would be very much appreciated if the Commission would advise me of the specific procedural changes which are being considered, and the target dates for their implementation. I would also like to know the extent to which the services of the Chairman of the Administrative Conference of the United States and other interested persons will be used in this effort. I would like to be informed of any obstacles which are foreseen to implementing the procedural changes which may be needed to provide for more effective public participation in the licensing process and to restore vitality to the administrative licensing process.

"I close in noting that the press release also stated that if it develops that needed procedural changes will require additional legislative authority, the Committee stands ready upon request to consider carefully any proposal which the Commission forwards to the Congress."

II. Civilian agreements for cooperation

Under the provisions of the Atomic Energy Act of 1954, as amended, proposed agreements for cooperation in the peaceful uses of nuclear energy between the United States and other nations, and amendments thereof, must be submitted to the Joint Committee and a period of 30 days must elapse while Congress is in session before such agreements become effective. In accordance with such procedures, one civil agreement was submitted to the committee by the Department of State and the Atomic Energy Commission with the approval of the President.

The submitted agreement involved only research activities with Turkey and it was amended to extend its term for an additional 10 years. In addition, the amendments also contained provisions reflecting the transfer of safeguards responsibilities for materials and facilities received by Turkey to the International Atomic Energy Agency pursuant to a trilateral agreement executed in 1968.

III. Informational hearings

A. Controlled Thermonuclear Research (CTR) Program in the United States

The Subcommittee on Research, Development, and Radiation held hearings on November 10 and 11, 1971, to ascertain the status of the controlled thermonuclear research program (the fusion research program) in the United States. Witnesses from the Atomic Energy Commission, including the four major CTR laboratories, and from the industrial and academic sectors testified. Additionally, witnesses from government, industry, and the AEC's CTR standing committee, who are not involved in the direct functioning of the program, were heard. Testimony was presented on the magnetic mirror program, the low beta toroidal program, the high beta pinch program, the status of fusion reactor studies, plasma physics research in universities and industry, and laser pellet and very high energy density systems. The consensus of opinion was that scientific feasibility could be achieved by the end of this decade or slightly earlier depending upon the funds committed to CTR research. "Scientific feasibility" is defined as generating a plasma at about 100 million degrees centigrade which is essentially self-sustaining, i.e., as many new ions are fed into the system as are lost. The technical feasibility of a fusion system which has a net output of useful energy may be demonstrated by 1985. Commercial feasibility most probably can be available by the year 2000. Each of the aforementioned dates, except perhaps that of scientific feasibility, could be shortened somewhat by a greater investment of resources. Scientific feasibility must still await a new generation of larger CTR machines. A large infusion of funds at this time would not significantly advance the date for scientific feasibility.

B. Seismic detection and identification

On October 27 and 28, the Subcommittee on Research, Development, and Radiation held hearings to determine the seismological advances in identifying seismic events as natural or man-made since the last Joint Committee hearings held in March 1963. In the intervening 8 years significant advances have been made in improved seismological instrumentation and seismic signal processing through the use of data processing. The subcommittee heard witnesses from the Department of Defense, the Atomic Energy Commission laboratories, and from university members. It was learned that there still exist identification thresholds in parts of the world below which it is extremely difficult to tell if the seismic events are natural or man-made. On the question of what yield test a determined evader might conduct with a fair chance of not being identified, it was indicated that, depending upon the evasion technique used—decoupling, detonating in loose, dry soil, hiding in an earthquake, or using multiple detonations—a detectable but unidentifiable test as large as 50 or 100 kilotons might be accomplished.

The status of unmanner seismological observatories was discussed. No new work has proceeded in this field since approximately 1967. It was pointed out that new instrumentation is being developed particularly for the long-period Rayleigh surface waves. It is expected that sometime in the near future the most useful discrimination technique will be the comparison of M_s:m_b which is a measurement of the energy ratio of the long-period Rayleigh surface waves to the short-period body waves which pass through the center of the earth from a seismic event. It was suggested that to be able to detect, identify, and locate seismic events essentially

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any place in the Northern Hemisphere would cost about $130 million and take 5 years to construct the necessary stations. This would also require a significant number of international agreements since many stations would have to be on foreign soil. Representative Price, Chairman of the subcommittee, indicated that the committee would study the data and might call additional hearings to determine what kind of weapons development program could be carried out by a determined evader under the detection thresholds indicated above.

C. Use of uranium mill tailings for construction fill purposes

On October 28 and 29, 1971, the Subcommittee on Raw Materials held public hearings on the use of uranium mill tailings for construction fill purposes. Mill tailings are a sand-like byproduct of the uranium milling process which remain after removal of uranium concentrate from uranium ore. Tailings have been used as construction fill material, and, in some cases, as an ingredient in mortar and concrete, in the area of Grand Junction, Colorado. The mill tailings contain naturally occurring radium. The radioactive emissions from radium include gamma radiation and alpha-emitting isotopes referred to as radon daughter products. Depending upon the level of radiation, there could be a public health risk associated with exposure to this radioactivity.

The Atomic Energy Commission, the Environmental Protection Agency, the Department of Health, Education, and Welfare have been assisting the Colorado State Department of Health in assessing the levels of activity in public buildings and private residences in the Grand Junction area. The Surgeon General of the U.S. Public Health Service, in July of 1970, provided to the State of Colorado recommendations concerning the levels of gamma and radon daughter product activity for which remedial action would be suggested. The situation under study has legal, financial, and public health implications upon which the committee desired to obtain information, not only for its own use, but also for the use of the public. The Federal agencies stated that time is needed—at least 4–6 months—to take additional readings in the structures in an attempt to determine a correlation between gamma radiation level and radon daughter product concentration. If successful, the correlation would aid in the conduct of house-to-house surveys and provide a more rapid means of determining whether remedial action is recommended in a given case. The agency spokesmen agreed that there would be no endangerment of the health of the inhabitants as a result of exposure during this period.

It is recognized that there is wide public interest in this matter. The committee is interested in assuring that all of the necessary information be obtained before a decision is made concerning possible large-scale removal of tailings. Additional hearings may be held.

D. Enrichment cooperation

On March 18 and July 12, 1971, the Joint Committee met in executive session to receive testimony from the AEC concerning the possible sale of highly classified United States gaseous diffusion technology to foreign entities. Subsequent to this meeting, the AEC announced on July 28 that the Department of State and the AEC were prepared to undertake exploratory multilateral discussions on this matter.

Discussions on the sale abroad of United States enriched technology were held on November 1 and 2, 1971, with Australia, Canada, and Japan. On November 16 and 17 similar meetings were held with the members of the European Community (except Luxembourg). Also present were representatives from Australia, Brazil, Canada, Japan, New Zealand, Spain, and Sweden.

Following these meetings, the AEC advised the committee that the commencement of negotiations would be undertaken only after a group of other countries has formulated a proposal for a specific project for the construction of a gaseous diffusion plant using U.S. technology as a multinational enterprise, and following reviews of such proposal within the Government. The Joint Committee plans to watch these negotiations closely.

The Joint Committee is also following closely developments in the proposed sharing of diffusion and centrifuge technology with domestic corporations. This matter was reviewed during the hearings on the fiscal year 1972 budget.

E. Naval nuclear propulsion program

The Joint Committee held two separate hearings in executive session on the naval nuclear propulsion program during which a number of subjects vital to our national defense were discussed. On March 10, 1971, Admiral Rickover testified before the full committee and on May 5, 1971, Admiral Moorer, Chairman, Joint Chiefs of Staff, Admiral Zumwalt, Chief of Naval Operations, and Admiral Rickover testified before the Subcommittee on Military Applications. The record clearly documents the success of this program that has now produced nearly 100 nuclear powered warships. The program has accumulated over 780 reactor years of safe operation, more than all our other reactor programs combined, and continues to make significant technological advances benefiting both our military and civilian reactor programs.

Of concern to the committee was the confirmation of the continued major efforts on the part of the Soviet Union to achieve the most powerful naval and maritime force in the world. The Soviet navy has undergone continuing modernization, building over twice as many combatant ships as the U.S. in the last 5 years. In the critical area of submarines they now lead the United States in nuclear submarines, they have established a nuclear submarine construction rate three times as large as ours; and they have maintained an overall numerical advantage in submarines of all types of nearly three to one. Although the Soviets lead in all types including ballistic missile launching submarines, they do not at present lead in nuclear powered ballistic submarines. Although based on their present high rate of construction, it is estimated they will exceed our Polaris fleet of 41 by 1974 or sooner.

The committee was pleased to note that the high-speed, SSN 688 Class, nuclear attack submarine construction program is finally proceeding. Accordingly, the committee supported full fiscal year 1972 funding of 5 ships of this class and advanced funding for at least 5 more. The committee also strongly supported the rapid development of a new high performance nuclear powered attack submarine capable of firing tactical cruise missiles.

A matter which the committee explored in depth during the hearings was the apparent action by the Department of Defense to stop building nuclear powered surface warships. The Joint Committee has long maintained that everything possible should be done to minimize the logistic support required to sustain our warships and that the proven effective way to do this is to give our major combatants the advantage of nuclear power. The decision to delay building nuclear powered carriers and frigates has serious implications for our future defense posture.

IV. Classified activities

A. Intelligence briefings

Representatives of the Central Intelligence Agency, the Department of Defense, and the Atomic Energy Commission have presented briefings to the Joint Committee on intelligence matters with particular reference to Communist China and the U.S.S.R.

B. Strategic Arms Limitation Talks (SALT)

In April and August 1971, members of the Joint Committee visited the SALT negotiation meetings in Vienna, Austria, and Helsinki, Finland. The committee has also received briefings in executive session from the Arms Control and Disarmament Agency on these important negotiations. The committee continues to follow this matter closely.

V. Other matters

A. New particle accelerators

The Los Alamos Meson Physics Facility (LAMPF) obtained a 100 Mev beam on June 21 about one month ahead of schedule. By July 1972, the facility should be ready to operate and conduct experiments at the planned energy of 800 Mev protons. This facility will be extremely useful in the years ahead for research in such varied fields as cancer research, nuclear weapons test simulation, and the production of currently scarce and expensive radioisotopes.

B. Nuclear electric power in space

There are now 3 Apollo-lunar surface experiments packages operating successfully on the moon. The first package was emplaced by the crew of Apollo 12 in November 1969; the second, by the Apollo 14 crew in January 1971; and the third, by the Apollo 15 crew in July 1971. All 3 experiments packages are working successfully; the SNAP–27 generator of the Apollo 12 is still operating near maximum rated power—about 70 watts—even after more than 2 years.

C. International Atomic Energy Agency (IAEA)

The Joint Committee follows very closely activities involving the IAEA in Vienna, Austria. Both members and staff of the Joint Committee attended the 15th session of the General Conference of the IAEA in Vienna.

The Joint Committee believes that the safeguarding of nuclear material is one of the most important tasks of the IAEA. The committee notes with approval the actions of the AEC in making arrangements for the availability of facilities in the United States to assist in the training of IAEA inspectors consistent with their responsibilities under Article III of the NPT.

D. North Atlantic Treaty Organization (NATO)

Since its inception, the Joint Committee has watched carefully developments in NATO. This year members and staff of the Joint Committee visited NATO installations and received briefings from the Supreme Allied Commander, Europe, and other military commanders on their duties and responsibilities particularly as they relate to nuclear weapons.

E. Confirmation Hearings

The Senate section of the Joint Committee met in public session on May 6 to consider the nomination of Dwight Porter to be Deputy United States Representative to the International Atomic Energy Agency (IAEA). The Senate confirmed the nomination on May 10.

On August 3, 1971, the Senate section of the Joint Committee met in public session to consider the nominations of James R. Schlesinger and William O. Doub to be commissioners of the Atomic Energy Commission. Mr. Schlesinger was nominated for the remainder of the term expiring June 30, 1975, previously held by Glenn T. Seaborg. Mr. Doub was nominated for the term previously held by Theos J. Thompson which expires on June 30, 1976. Mr. Schlesinger and Mr. Doub were confirmed by the Senate on August 6, 1971, and sworn in by the President on August 17, 1971.

THE VETO OF THE OFFICE OF ECONOMIC OPPORTUNITY BILL

Mr. McGOVERN. Mr. President, the President's veto of the renewal of the Office of Economic Opportunity is this administration's cruelest blow to America's poor. It marks a new highpoint of insensitivity to the needs of our most vulnerable citizens: Our children and poor.

Mr. Nixon's objections were basically two: He felt that child care for all those Americans who may need it for their youngsters had not been proved necessary or desirable. And he thought that an independent legal services corporation would not be accountable to an acceptable degree. Objections like these point out the blatant hypocrisy of this administration. We only need go back 2 years to be reminded that the same President who vetoed the child development legislation yesterday, committed his administration to the "First 5 Years of Life," to providing "for every child a full and fair opportunity to reach his potential."

The President who could claim to want to help the poor leave welfare rolls for payrolls, could veto the bill that would have enabled many of the poor to do so by providing adequate day care. His veto was justified on the basis of a proposal of his own which has not yet passed the Congress and which would provide only 450,000 day care slots. The vetoed legislation held the promise of providing better than 3 million day care places of the 5 million that are needed.

The same President who expressed his fears that Legal Services would not be sufficiently "accountable" is the President who wrung compromises from the Congress to the point where all 17 members of the Legal Services Board would have been Presidential appointees.

This veto comes at a time when we have finally learned conclusively that the essential of good health care and adequate nutrition are most crucial during the first years of life. And yet, the President feels that to assure these essentials to our most unfortunate children is as yet unnecessary and undesirable.

The hypocrisy of this act will be seen by the working poor as well. The gap between promises and performance in helping the working poor marks this administration more than it did any other in recent history. This veto makes impossible our hopes to enable the working poor to provide more adequately for their children. It comes directly on the heels of a tax bill in which the Congress hoped to benefit the business interests of the country at the expense of the working poor. This can only conclusively demonstrate that in Mr. Nixon's mind what is good for the big guy must suffice for the little guy, but to help out the little guy would be "fiscally irresponsible."

Giving power back to the people is something Mr. Nixon ascribes to freely enough in his rhetoric. And yet, the same Mr. Nixon vetoes the Legal Services Corporation, a suit designed by Congress to give the poor some bargaining power within our legal system. Even a Legal Services Corporation would not have taken that long overdue step toward equal justice, an essential prerequisite to true power for all of the people.

Yesterday's veto is Mr. Nixon's Christmas greeting to America's poor.

HEW SCHOOL ENROLLMENT SURVEY

Mr. STENNIS. Mr. President, on November 23 I placed in the RECORD a copy of a letter I had sent on November 9 to the Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare. The letter concerned the HEW survey of racial enrollment in public school districts. I made the point that the results of the survey are needed by the Congress in the consideration of pending legislation. I also stressed the fact that the information should be compiled in a form that would permit comparison with the survey of racial enrollment that was made during the 1970–71 school year.

I have received a reply from Secretary Richardson dated November 23. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Careful consideration of the Secretary's letter leads me to the conclusion that his reply falls short of being responsive to the needs of Congress. The education bill is to be considered in January, according to present plans. Numerous school desegregation issues are to be debated. What is required is the best information that HEW has on racial enrollment in schools, made available in a timely way, and in a useful form. If it is preliminary information, subject to future refinement, then I am prepared to accept that, if necessary. I do not think it is necessary or proper to accept information that is in a form incompatible with previous surveys, or that is given the Congress too late to serve a useful purpose in legislative considerations.

Secretary Richardson's letter offered me the opportunity to request specific data from Mr. J. Stanley Pottinger, Director of the Office for Civil Rights. I have sent a letter to Mr. Pottinger, dated December 7, and I ask that a copy be included in the RECORD at the conclusion of my remarks.

My letter to Mr. Pottinger requests a very limited amount of information, in a form that will permit the Congress to make some comparisons between racial enrollment last year and this year. Within the limits of the information which HEW says they have, I am asking for three percentage figures pertaining to the 100 largest school districts, and the same three with respect to total enrollment in two regions of our country.

Mr. President, a month or more still remains for HEW to assemble the figures requested. In these days of data processing by computer, I would expect that this should be sufficient time. I earnestly hope that the Department of Health, Education, and Welfare will cooperate by providing the data requested by the beginning of the next session of Congress. Certainly the legislative department of our Government is not only entitled to the cooperation of the executive department but is also entitled to their utmost and extraordinary effort to supply the basic facts requested. I feel that they will comply.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., November 23, 1971.

Hon. JOHN C. STENNIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STENNIS: Thank you for your letter of November 9 concerning the school enrollment survey which is being conducted by the Department's Office for Civil Rights.

The fall 1971 survey is still in progress. Although the Office of Civil Rights encourages school districts to complete the survey forms by the October 15 deadline, many districts need additional time. Because of this delay and the need to edit and process all returns, we do not expect to be able to issue final survey results until May 1972.

The current survey is not similar to the surveys conducted during the 1968–69 and 1970–71 school years. These surveys were representative of all school districts with 300 or more pupils and covered more than 8,000 districts. In contrast, this year's survey is limited to the 2,800 districts which: (1) are in litigation or under court order to eliminate the dual structure; (2) are operating under a voluntary plan negotiated with HEW pursuant to the provisions of Title VI of the Civil Rights Act of 1964; (3) operate one or more schools containing 50 percent or more minority enrollment; or (4) enroll minority students representing at least ten percent of total enrollment.

As in past years the Office for Civil Rights intends to issue a preliminary release in January 1972 based on unedited and incomplete survey returns. This release will not be comparable in many respects to the release of last June 18, 1971, which reported final and complete statistics based on the 1970–71 nationwide survey. As I have indicated in previous correspondence, it is not possible to prepare and issue final results of these fall surveys the following January.

If you have any requests for specific data at this time, I would suggest that you notify J. Stanley Pottinger, Director of the Office for Civil Rights, as soon as possible. I am sure he will do his best to comply with any request you may have.

With kindest regards.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., December 7, 1971.

Mr. J. STANLEY POTTINGER,
Director, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. POTTINGER: Reference is made to my letter of November 9th to Secretary Richardson and his reply dated November 23rd. Copies of those letters are enclosed for your ready reference.

As suggested by Secretary Richardson in his letter, I am writing to you for certain specific data concerning the 1971 school enrollment survey. This information will be needed at the beginning of the Second Session of the 92nd Congress, for it is expected that the pending education bills will be debated early in that Session.

It is recognized that data is available only for 2,800 school districts that fall in the four categories mentioned in the third paragraph of Secretary Richardson's letter. Within that limitation, specific information is desired concerning each of the one hundred largest school districts listed in HEW Press Release A–66, dated June 18, 1971, as follows:

a. Percent of Negro students attending majority-white schools.

b. Percent of Negro students attending 80–100 percent Negro schools.

c. Percent of Negro students attending 95–100 percent Negro schools.

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Also using the format of HEW Press Release A-66, the information in *a*, *b*, and *c* above is desired for the 11 Southern States and the 32 Northern and Western States. These figures are totals, of course, and not by individual school districts.

I accept the premise that the data available to you are preliminary in nature and subject to revision. I simply ask that the best information available be supplied in the limited number of categories listed above, and that this be done in a timely way, so that it can be utilized by the Congress in the consideration of pending legislation.

I sincerely hope that in the month between now and early January these figures can be provided me and I will appreciate your prompt attention to my request.

Sincerely yours,

JOHN C. STENNIS,
U.S. Senator.

"TO LEAD AGAIN"—ADDRESS BY SENATOR MUSKIE

Mr. EAGLETON. Mr. President, in San Francisco on November 8, the Senator from Maine (Mr. MUSKIE) gave a speech at a dinner which was billed as a Democratic unity dinner. Senator MUSKIE addressed himself to the problem of unity within the Democratic Party but, more important, to the problem of unity within the Nation; he spoke of the hopes and dreams of all Americans, both Republican and Democratic, and of the problems which our Nation must face in the future.

Senator MUSKIE talked about the politics of exclusion and division, and he called upon the Democratic Party to respond to all Americans, not just to any faction or special interest. Because of the partisan temptations which confront both parties as we approach 1972, I think all Members of the Senate could benefit from reading Senator MUSKIE's remarks, and therefore ask unanimous consent that his speech be printed in its entirety in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TO LEAD AGAIN

(Remarks by Senator EDMUND S. MUSKIE)

This event is billed as a Democratic unity dinner.

But everyone in this room realizes that there is more to our meeting than that.

Most of you are here to size up three of us as possible presidential contenders. And each of us hopes to impress you . . . to stir your enthusiasm and secure your support.

In the last few years, I've been through this competition again and again—and I always enjoy it. I suspect Hubert and Fred do, too.

The rules are very simple: we are supposed to talk—you are supposed to respond—and the reporters are supposed to decide who won.

But I think we should focus here and now on a different kind of victory—not a victory tonight for a specific candidate—but victory next year for our principles and our party.

I believe the Democratic Party may be headed for serious trouble in 1972. And I believe the fault is not in others, but in ourselves.

For too long, we have seemed ready to stand or fall on a single issue. We have talked about a vast range of concerns, but mostly in passing. And we have concentrated on the nation's economic crisis . . . as if that were the only thing wrong in America. There was even a time when some of us were betting on the willingness of Richard Nixon to become another Herbert Hoover.

But now the President has acted—and because we are Americans and not just partisans, we hope for his success and the country's recovery. The Administration was late. The Nixon effort will fall short. And none of us are satisfied with the goal the President has set—an unemployment rate 40% higher than when he took office.

We can say that and the words may lead to applause, especially at partisan dinners. But the blunt truth is that the economic appeals which still draw cheers may not win enough votes next November.

In 1972, millions of Americans may hear but refuse to heed a debate about numbers—the claim that Democrats can create even more growth—that we can guarantee even lower unemployment, even higher G.N.P., and even stricter controls on inflation. It is important to fight for a chance to do better—because there are people behind the numbers and they are suffering. But there is other suffering and the economy is not the only issue.

Yet the invitations I receive from party audiences across the country still relentlessly suggest a hard attack on economics and a soft pedal on other problems. That is an easy and tempting course—after all, it worked in 1970. But if the President falters again as he has so often in the past, no stump speeches will be needed to fix the blame. As citizens, we cannot hope for his failure. As politicians, we cannot depend upon it. And as Democrats and Americans, we would wrong our party and our country by overemphasizing economic appeals in the months ahead.

The economy should be an issue next year—and Democrats should question whether we can trust this Administration with our jobs and our dollars for another four years. And we must now start to ask other questions—not just because we need something more than economics to run on—but because our country cannot survive on more excuses and more neglect.

Most of the issues which held our attention a few years ago have disappeared from the center of political debate. It is as though the earth had opened and swallowed up every ghetto where injustice still breeds bitterness and despair . . . every sick patient who goes untreated because he cannot afford a doctor . . . every home where money instead of talent decides whether a son or daughter will have a chance for college. These are real and painful realities—but, in recent years, America's people and America's politicians have been reluctant to face them.

Deep down, I suspect that many of us have been afraid to take another chance on change. We saw hope die near an underpass in Dallas, on a motel balcony in Memphis, and on a kitchen floor in Los Angeles. We saw an obscure civil conflict explode into a disastrous American war half a world away. And we saw our nation divided by doubt and sometimes even despair.

Finally, there came a moment when we simply refused to summon the strength to make another start. In November of 1968, our people voted for the safety of standing still—for what a national news magazine called "the cooling of America." We reached back to Richard Nixon—to the image of what happened even before we tried to move our country forward. And since then, we have spent so much of our energy in recriminations about the past. Only a week ago, the Senate voted down a foreign aid bill—not because most Senators thought it was wrong to help human beings in need—but in reaction to accumulated anger and mounting frustration about the events of the last decade.

Some commentators think that this is what Americans want—a careful consolidation of the present and a prolonged post mortem of the past. I wish those commentators had traveled with me in recent months. For I have seen the mood of this country changing. I have sensed the stirrings of a renewed faith that the work of our own hands can shape a more decent future.

I have found Americans everywhere ready to reach out and touch the promise of things to come.

They are demanding not only a prosperous economy, but a just prosperity.

They are demanding not only an end to what is wrong, but so much more that is right . . . medical care open to everyone, higher education closed to no one, and the use of our wealth and our power to help the many who are in need instead of the few who are already well-off.

Most of all, Americans want the kind of leadership which will make America as great and as good as it can be. They want to learn from the past, but not to live in the past. And they want to be as proud now as they were in 1945 or 1961.

So this is the Democratic challenge and the Democratic opportunity—to lead again as we have led before—to convert the stirrings of hope into a new start toward a better country.

That is the historic mission of the Democratic Party. That is the call our party has heard and answered almost from the day this nation was born. And we cannot respond now by skimming across the suface of an economic issue which only begins to touch America's deepest concerns.

As Democrats, we must speak to those concerns—and we must speak and work together. For the other great danger we face is that the politics of exclusion will fragment our party and destroy our ability to lead.

The politics of exclusion claims that a fourth party would strengthen the Democratic party—or that only a new party could mount a campaign worthy of winning. But a fourth party would be a stunning defeat—for those who join it, for the Democrats who have invited them to leave, and for the beliefs all of us share. What we need is not a fourth or a fifth party—but the will and the strength to carry the first political party ever founded in this country to victory in 1972.

And on the vital issues which will determine the future and the fate of America, we have so much in common—with each other—and with Americans everywhere. So our task—yours and mine—is to build a coalition for change. Our task is to lead the nation—hardhats and students . . . blacks and whites . . . housewives and clerks . . . and all of those who believe this society can be truly great again.

We can lead them in the struggle for fundamental tax reform. It is not fair to tell primarily workers and the poor to ask what they can do for their country. And most of our citizens would join together and say "no" to a tax system which lets some millionaires pay less than their secretaries—lets great fortunes pass through loopholes, virtually intact—and lets giant corporations lobby for tax preferences and save billions for them.

We can also lead in the struggle for social justice. Most Americans have a stake in the outcome. Most of them would support national health insurance—so the nation that is first in the world in wealth can become first in the world in health. Most of them would support guaranteed jobs—so 300,000 veterans home from Vietnam and millions of breadwinners with families can move off of welfare rolls and onto payrolls. And most Americans would support equal rights for all Americans—in life as well as in law—for the minority who are not white and the majority who are women.

And the Democratic Party can lead in the struggle for a foreign policy which puts the lives of people ahead of cold war myths—for a domestic policy which stands against the concentration of private power—and for a law enforcement policy which really can make our streets safer and our homes more secure. And here again the tie of common interest can encourage a common effort. Law and order, for example, is not a black versus white issue. Black women are five times more likely than white women to become the victims of a violent crime. And blacks are at least as likely as whites to join in a campaign to make law and order a reality for people instead of a code word for prejudice.

So we can lead without excluding. As Democrats, the things that unite us are so much stronger than the things that divide us. Surely, then, we can make our party safe for diversity. Surely, from our heritage and our ideals, we can draw the strength to stay together—and then together, we can change America.

Our nation and our party have endured some difficult and painful years. But in 1971, our people are anxious to turn once more to the work of the common enterprise we call America. And in 1972, the Democratic Party must listen and respond.

We cannot win on the economy alone. But we have the issues to win the election. And more importantly, we have the chance to lead again.

So let us match our party's vision to our people's hopes.

Let us join again with Martin Luther King in the affirmation that we have a dream.

Let us say again with John Kennedy that we can move America forward.

And let us believe again with Robert Kennedy that we can seek a newer world.

The right issues are all around us.

Now let us build the right real majority.

THE 20TH ANNIVERSARY OF FEDERAL GOVERNMENT ACCOUNTANTS ASSOCIATION

Mr. MOSS. Mr. President, on behalf of the distinguished Senator from Wyoming (Mr. MCGEE) I ask unanimous consent to have printed in the RECORD a statement and an insertion by him relating to the 20th anniversary of the Federal Government Accountants Association.

There being no objection, the statement and code were ordered to be printed in the RECORD, as follows:

Mr. MCGEE. Mr. President, the year 1971 marks twenty years of the Federal Government Accountants Association's growth and dedication to improving financial management in the Federal Government. The objectives of FGAA are to:

Unite professional financial managers in Government service to do a better job for their own satisfaction and benefit of the Government;

Encourage and provide a means for free interchange of ideas;

Aid in improving financial management techniques and concepts; and

Improve financial management education in the Government.

From a humble beginning in 1950, with fifty-nine members in the Washington Chapter, the Association now boasts of sixty-four chapters and seven thousand men and women in the Government service engaged in accounting, auditing, budgeting, and related financial management activities. The membership represents 125 agencies and major divisions of Government service.

Mr. President, just recently, the FGAA adopted a code of ethics which I feel deserves the attention of everyone employed by our Government, as well as those individuals employed in private enterprise. Consequently, I ask unanimous consent that "the ethics" be printed in the RECORD.

FEDERAL GOVERNMENT ACCOUNTANTS ASSOCIATION CODE OF ETHICS WITH OFFICIAL INTERPRETATION

INTRODUCTION

The Federal Government Accountants Association is a national professional organization most of whose members are primarily engaged in Government accounting, auditing, budgeting, and related financial management activities.

The membership represents most Government agencies as well as industrial, educational, and private personal service organizations having an interest in Government programs.

The Federal Government Accountants Association's major program objectives are to:

Unite professional financial managers in Government service to perform more efficiently for their own development and for the benefit of the Government.

Encourage and provide an effective means for interchange of work-related and professional ideas.

And in improving financial management techniques and concepts.

Improve financial management education in the Government and universities.

PURPOSE OF THE CODE

In order to foster the highest professional standards and behavior and exemplary service to the Government, this Code of Ethics has been developed as guidance for the members of the Federal Government Accountants Association and for the information of their employers.

DEFINITIONS

In instances where reference is made to a member, it is intended to include all classes of membership. Where reference is made to employer, it is intended to apply to a Government agency as an entity and to a non-Government organization where the principle is considered applicable.

EXPLANATIONS

To better understand each ethical principle, a justification or explanation is provided to indicate where and how motivation or prescription of action is intended.

ETHICAL PRINCIPLES

Personal behavior

1. A member shall adhere to the Standards of Conduct promulgated by his employer.

This principle endorses the commitment of Federal employees to recognize the Standards of Conduct prescribed by their Government agencies pursuant to Executive Order 11222 of May 8, 1965, (30 F.R. 6469), and the Code for Ethics for Government service adopted by the Congress on July 11, 1958.

2. A member shall not engage in acts or be associated with activities which are contrary to the public interest or discreditable to the Federal Government Accountants Association.

This principle cautions members to avoid actions which adversely affect the public interest and the professional image of the Association.

3. A member shall not engage in private employment or hold himself out as an independent practitioner for remuneration except with the consent of his employer, if required.

This principle identifies a restriction against private earnings which result from the use of a member's professional qualifications without the express approval of his employer if required.

4. A member shall not purposefully transmit or use confidential information obtained in his professional work for personal gain or other advantage.

This principle prohibits the improper use of official position or office for strictly personal purposes, monetary or otherwise.

Professional competence and performance

5. A member shall strive to perform the duties of his position and supervise the work of his subordinates with the highest degree of professional care.

This principle emphasizes the requirement for a member to give special attention to the professional aspects of his work and not to condone sub-standard performance at any level within his responsibility.

6. A member shall continually seek to increase his professional knowledge and skills and thus to improve his service to employers, associates, and fellow members.

This principle stresses the importance of professional development and the use of professional skills in helping his colleagues and employers.

7. A member shall render opinions, observations, or conclusions for official purposes only after appropriate professional consideration of the pertinent facts.

This principle stresses the importance of avoiding unsupported opinions involving professional judgements which could cause inappropriate official actions.

8. A member shall exercise diligence, objectivity, and honesty in his professional activities and be aware of his responsibility to identify improprieties that come to his attention.

This principle places the responsibility upon a member to exercise moral and independent judgement and to disclose illegal, improper or unethical practices noted in the course of his work.

9. A member shall be aware of the strive to apply requirements and standards prescribed by authorized Government agencies which may be applicable to his work.

This principle recognizes that special professional criteria are promulgated by authorized Government agencies [e.g., U.S. General Accounting Office, the Office of Management and Budget, the Treasury Department, and others] which require attention in certain assignments.

Responsibilities to Others

10. In the performance of any assignment, a member shall consider the public interest to be paramount.

This principle stresses a member's foremost concern for the public interest in any specific work situation involving competing interests.

11. A member shall not engage in any activity or relationship which creates or gives the appearance of a conflict with his responsibilities to his employer.

This principle cautions against becoming involved in situations where a member's official or personal activities are inconsistent with his responsibilities to his employer.

12. In speaking engagements or writings for publication, a member shall identify personal opinions which may differ from official positions of his employer.

This principle stresses the need to avoid inappropriate interpretations by the public from speeches or articles by members which reflect personal rather than official viewpoints of their employers.

NOTES

Guidelines of the Federal Financial Management Standards Board present conclusions of at least two-thirds of the members of the Board. The Board is the senior technical body of the Association charged with the responsibility to study, develop, and promulgate standards and principles in financial management areas relating to ethics, education, accounting, auditing, budgeting and other fields pertinent to the Association's interest.

Arthur L. Litke, Chairman; John P. Abbadessa; William J. Armstrong; Donald Bacon; Andrew Barr; John R. Croxall; Nathan Cutler; Boyd A. Evans; William Petty; Frederic H. Smith; Eugene J. Schuchart, Secretary; FEDERAL FINANCIAL MANAGEMENT STANDARDS BOARD, 1971.

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THE MEASLES EPIDEMIC

Mr. HARTKE. Mr. President, a measles epidemic is spreading across this Nation. More than 70,000 cases have been reported to date in 1971—almost twice the number for 1970.

The facts about this epidemic are not widely known because the children who are most affected are not of the urban middle class. They are the children of the urban and rural poor. In vaccination programs which seek to reach only 70 to 80 percent of all young children, it is the children of the poor who are neglected.

With the introduction of measles vaccine in 1963, it was expected that this disease could be virtually eliminated in the United States within a few years. Progress in the eradication of measles was significant through 1968.

In 1963, before the vaccine was introduced, there were more than 400,000 cases of measles reported to the Center for Disease Control—CDC. By 1966 the number reported had dropped to 204,136 and by 1968 to 22,231. In 1969, however, the number of cases rose to 25,826, and in 1970, increased to 47,363. So far in 1971, 72,782 cases have been reported. It should be noted that not all cases of measles are reported to the CDC. In 1963, for instance, approximately 400,000 cases of measles were reported to CDC, but the total number of cases in the country was estimated to be 4 million.

Mr. President, we can trace the increase in measles to the fact that not enough children are being vaccinated; and we can trace the paucity of vaccinations to the failure of the Federal Government to supply an adequate amount of free vaccine to those in need. The Communicable Disease Control Amendments of 1970, designed to provide grants to State and local governments to carry on a variety of vaccination and other communicable disease control programs, authorized $20 million in fiscal year 1970, $75 million in fiscal year 1971, and $90 million in fiscal year 1972. However, appropriations totaled only $2 million in 1971 and $20 million in 1972. Of this $20 million, $16 million has been earmarked for the fight to eradicate venereal disease. Allocation of the remaining $4 million has not yet been determined. At the same time, HEW has released $4.8 million for measles which was not used in its german measles program in fiscal year 1971. Some of this vaccine is still available.

The greatly increased number of reported measles cases so far this year makes it clear that we need a more aggressive program to control this sometimes very serious childhood disease. I, therefore, call upon the Secretary of Health, Education, and Welfare to release all available funds for measles vaccine immediately, before the epidemic spreads further.

Mr. President, I ask unanimous consent that recent articles on this subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DOCTOR SCORES MEASLES POLICY

A pediatrician yesterday blamed the big outbreak of measles in five years on the Nixon administration's policy of switching funds from fighting specific diseases to block grants to the states.

"Kids in the ghettos are just not getting vaccine," said Dr. Stanley L. Harrison, secretary of the American Academy of Pediatrics and a practicing child doctor in St. Louis for 30 years. "Immunization programs in the inner city have deteriorated."

In response to the outbreak, the government said yesterday it is buying a measles vaccine for the first time since early 1969. It said it would distribute $4.8 million worth to states and communities to immunize about 8 million children, especially those in the inner city.

Cases of specified notifiable diseases

Measles:	
1971	72,782
1970	43,287
Median, 1966–70	43,287

[From Medical World News, Mar. 19, 1971]

EPIDEMICS AHEAD?

MEASLES IS OUT OF CONTROL AND IMMUNIZATION LEVELS LOW IN POLIO AND DIPHTHERIA, EXPERT WARNS

Seven-plus years after the Vaccination Assistance Act started the U.S. on a national program to eradicate polio, diphtheria, rubella and other communicable diseases, the immunization goal may be slipping beyond grasp. Experts who a few years ago were talking confidently of eradication are now pinning their hopes on better control methods—and crossing their fingers at that.

Large segments of the population remain unimmunized, jeopardizing the herd immunity goal. Either epidemics of eradicable disease have occurred—diphtheria is a case in point (MWN, June 26, '70)—or else there have been threats of an epidemic, as with polio.

Worst of all is measles, says Dr. John J. Witte, chief of the immunization branch of the Center for Disease Control in Atlanta. Speaking at the Eighth Annual Immunization Conference in Kansas City, Dr. Witte said: "Today, measles is out of control."

Measles incidence fell dramatically after mass immunization campaigns were launched in 1966. Cases numbered 62,000 in the 1966–1967 epidemiologic year (roughly October to October) and kept falling. Yet in the winter of 1969, 16,000 were hit by the disease as compared with 7,500 the previous winter. And for the 1970–1971 year, the total may reach 70,000 cases, far above 1969–1970's total of 44,701. In some areas, the rise has been manifold (see pages following page 54 in most MWN editions). Between last October and this January, 11,929 cases turned up—46% over the same period last year and 176% over 1968–1969 figures. Says Dr. Witte: "We're back where we started five years ago. I'm ashamed of the way we've neglected measles."

Since measles encephalitis occurs in about one case per thousand measles cases, and permanent disability occurs in about one out of three encephalitis cases, this epidemic year could see 2,500 children condemned to handicaps ranging from mental retardation—requiring permanent institutional care—to learning disabilities. The failure is not in the vaccine but in delivering it to the needy, says Dr. Witte. Asked Dr. William Schaffner II, assistant professor of medicine at Vanderbilt University, "How good is the vaccine?" Answering his own question, he said, "It's no damn good in the vial."

Turning to diphtheria, Dr. Witte noted that last year's 500 cases are double the 241 reported in 1969 and the highest incidence in the past eight years. There were outbreaks in six states. And, warned Dr. Witte, "unless we improve our preschool vaccination efforts, we can expect epidemics of polio again." He added: "The time for complacency has run out. We must face up to some difficult professional challenges. We need to find the funds to purchase vaccines, the personnel to plan and administer programs, the methods to get at hard-to-reach groups."

The expert noted that DPT vaccine costs 3¢ a dose and every health department should be able to afford the cost. And another warning: "Prior to the diphtheria epidemic in San Antonio, Tex., immunization levels of schoolchildren and preschoolers there didn't differ significantly from national averages from urban areas. What happened in San Antonio could have occurred in a score of other cities."

And polio immunization levels are declining, too. In 1966, 79% of children aged one to four were adequately immunized. Last year, the figure was less than 66%. Dr. Witte is particularly worried about poverty areas of cities. "Some are ripe for a polio epidemic," he declared.

"This 66% figure may represent the national average, but let's not forget that there are pockets of susceptible individuals around the country where levels are much lower."

[From JAMA, May 10, 1971]

MEASLES, A RENEWED CHALLENGE

When Rhazes (860–932 AD), a physician living in the Eastern Caliphate in Persia, distinguished measles from smallpox, he provided the first accurate description of an ancient and widespread infectious disease. A relatively mild disease primarily affecting children in developed countries, it can be serious and devastating in less-well-developed lands and can be the cause of serious epidemics among nonimmune adults in isolated populations. Despite its relative mildness in recent years in countries such as the United States, measles is known to have a number of serious complications such as pneumonia, severe bronchitis, and bronchiolitis; otitis media; and encephalitis, mental retardation, behavior changes, and motor disturbances.[1] Rarer complications include purpura, corneal ulceration, pneumomediastinum, and even appendicitis.

Before the licensure of an attenuated live virus vaccine in 1963, more than 4 million cases of measles are estimated to have occurred annually in the United States of which 400,000 were reported. At the same time, approximately 4,000 estimated cases of measles encephalitis and 400 recorded measles deaths occurred each year.[2] Since the institution of measles vaccination programs, the number of reported cases dropped to 204,136 in 1966 and to 22,231 in 1968. The immunization effort from 1963 through 1968 is estimated to have averted 9.7 million cases of measles and 3,244 cases of mental retardation, and to have saved 973 lives, 555,000 hospital days, 32 million school days, and $423 million.[3] This accomplishment leveled off in 1969 with 25,826 reported cases.[5] However, hopes for the complete eradication of measles were dimmed in 1970 when 47,363 cases were recorded, and the prospect became even worse when the case reports for early 1971 led to estimates of over 65,000 reported cases for the current year.[4] According to the Center for Disease Control in Atlanta, the vaccine cannot be faulted since its efficacy ratio generally exceeds 90 percent. The problem appears principally to consist of the failure of the measles vaccination programs to reach preschool children in poverty areas in the cities and school-age children in many rural areas.[5]

It is interesting to note that a successful measles vaccination program has been accomplished in Gambia, a small West African country of 360,000 persons that is almost completely surrounded by Senegal. Gambia reported only nine cases of measles in 1969 and seven cases in 1970 in contrast to 4,228 in 1967 when mass vaccination activities were begun.[6] The United States, with its formidable array of public health agencies, should be able to do at least as well proportionately. The combined efforts of these public health organizations and local and state medical societies should reach every part of this country with effective and continuing measles vaccination programs that will control, if not eradicate, morbidity and mortality from this ancient disease.

ASHER J. FINKEL, M.D.,
AMA Department of Environmental Public, and Occupational Health, Chicago.

Footnotes at end of article.

FOOTNOTES

[1] Miller DL: Frequency of complications of measles, 1963. *Brit Med J* 2:75–78, 1964.

[2] Axnick NW, et al: Benefits due to immunization against measles. *Public Health Rep* 84:673–680, 1969.

[3] Reported incidence of notifiable diseases in the United States, 1969. *Morbid Mortal Weekly Rep* 18, annual suppl, Sept 1970.

[4] Surveillance summary: Measles—United States 1969–70. *Morbid Mortal Weekly Rep* 20:33–34, 1971.

[5] Conrad JL: Measles surveillance report, United States, 1970. Read before the Eighth Annual Immunization Conference, Kansas City, Mo, March 2, 1971.

[6] Foege WH: Measles control programs in Africa. Read before the Eighth Annual Immunization Conference, Kansas City, Mo, March 2, 1971.

[From the Wall Street Journal, Feb. 20, 1971]

MEASLES RESURGENCE SPARKS NEW CAMPAIGN TO IMMUNIZE CHILDREN—HEALTH OFFICIALS HAD THOUGHT DISEASE WAS LICKED, BUT IT STRIKES IN POOR NEIGHBORHOODS

(By Jonathan Spivak)

WASHINGTON.—"Measles Is a Thing of the Past, Help Keep It That Way," proclaims a poster in the dingy office of Dr. Michael W. Rosen, a Federal expert in communicable diseases stationed here at the city's Northwest Health Clinic.

But pasted right alongside that proud assertion is a newer poster. In big red letters, it warns: "Regular Measles Is Back. This Could Happen to Your Child—Death, Brain Damage, Blindness, Deafness."

This stark contrast sums up the measles situation throughout much of the country. After several years of dramatic decline, the disease is on the increase, particularly in the big city ghettos and among the rural poor.

To deal with the problem here, the first mass measles immunization effort in two years will be staged tomorrow in seven city clinics. It's hoped that several thousand children will be vaccinated and that the local outbreak, which has afflicted 300 children, will be contained. Until lately not a single measles case had been reported in Washington for more than a year. "It gave us a false sense of security," says Dr. Rosen.

For tomorrow's battle, 20,000 doses of measles vaccine are being shipped from the Government's Communicable Disease Center in Atlanta, which keeps an "epidemic stockpile" on hand for just such emergencies. Georgia's state health department is providing another 10,000 doses. The outbreak here has spilled over the Maryland border; in adjoining Prince George's County, mass immunization will also be conducted tomorrow.

A STUBBORN RESURGENCE

Measles, once a nearly universal childhood disease, causes high fever and an annoying red rash, and the complications can be severe, even fatal. (It is not to be confused with German measles, or rubella, a far milder affliction—except to expectant mothers, whose children may be born defective.)

Measles was thought to be on its way out after the introduction of a vaccine in 1963. Reported cases fell from 400,000 in 1962 to a mere 22,000 in 1968, and public health officials boldly predicted imminent eradication.

Now, however, the disease is staging a stubborn resurgence. The incidence is running at twice last year's level, and most major cities, including New York, Cleveland, Chicago and Baltimore, have been hit by epidemics. (With the sharp reduction in its incidence, any large concentration of cases now qualifies as an epidemic.) To a lesser degree, rural areas in Louisiana, Virginia and Idaho have also been affected.

But mainly the measles virus is concentrating on a special target—poor children in the central city, often Negroes and Latin Americans, who have been missed in past community-wide vaccination campaigns.

Last summer Cleveland had its first measles outbreak in five years, confined to a handful of Latin-American children; now the disease has afflicted large parts of the city's west side ghetto. A measles outbreak started last fall in Chicago with 163 youngsters, and now nearly 1,000 cases, including nine deaths, have been reported, most of them preschoolers.

MONEY IS LACKING

Public Health Service experts estimate that measles immunization has reached well over 80% of American middle- and upper-class children, but under 50% of the poor. Among their explanations: Less awareness in the ghetto of measles' dangerous complications, and immense difficulties in delivering medical care to the poor. Several years ago a similar upsurge of polio occurred in central city poverty areas, after that crippling disease had been almost eradicated.

"The problem is basically we have not learned how to reach the preschool child in the ghetto," worries Dr. Alexander D. Langmuir, director of the epidemiology program at CDC in Atlanta.

The difficulty is heightened because Federal funds to help communities purchase measles vaccine have been exhausted. The money was furnished under the Vaccination Assistance Act of 1963, which expired last year. CDC's epidemic stockpile is far too small to do the job alone, and the center is running low on funds to replenish it. "There's no money for measles at the present time; it's not considered important," Dr. Langmuir complains. "I can't interest anyone."

From 1963 through 1968, 32.5 million doses of measles vaccine were distributed, enough to protect many of the youngsters who had not already acquired natural immunity. But health experts say there is a continuing need to immunize each year's 3.5 million newborn children, as well as to wipe out the remaining reservoirs of ghetto susceptibles.

The Senate, spurred by Texas Democrat Ralph Yarborough, has passed an extension of the vaccination assistance program, partly to deal with the measles problem. But the Nixon Administration is firmly opposed, arguing that its broader "partnership-for-health" program is capable of covering the cost of measles vaccination. Partnership funds, however, are being focused by local communities on immunization against German measles, which has attracted more intense public concern because of its potential for causing miscarriages and birth defects. CDC officials insist that vaccination against regular measles remains a higher public health priority.

Measles vaccine is a weakened form of the measles virus, producing a mild infection and stimulating the body's natural defenses. It's judged more than 90% effective and is thought to counter lifetime immunity. The product is marketed by Merck & Co., Eli Lily & Co., Dow Chemical Co., Philips Roxane Laboratories and Parke, Davis & Co. Industry sources say the vaccine sells for $1 a dose or less in quantities for mass vaccination and for about $2.25 a single dose to the private physician.

The measles outbreak here in the capital is particularly distressing to health officials because this city claims to have mounted the nation's most thorough immunizing campaign. In recent years, shots were given to 150,000 youngsters in city health clinics, and uncounted more doses were delivered by private physicians and voluntary agencies. It's estimated that more than 90% of school children here are protected.

The first of Washington's current measles cases occurred last August at Junior Village, a city children's home, after the undermanned staff had suspended immunizations for the summer. Apparently, a 17-month-old toddler caught the disease while at a local hospital, and it promptly spread to 23 other children. City health officials moved in rapidly and vaccinated 100 other susceptible children and by September congratulated themselves that the outbreak had been nipped in the bud.

But within two months the disease had spread widely throughout all ghetto areas of the city. Experts say the actual number of cases to date may be two to three times the 300 reported. Significantly, none has been reported in the predominately white middle- and upper-income area west of Rock Creek Park. In Maryland, another 70 cases have been reported, including one death from respiratory complications.

Dr. Rosen and his associates will be happy if 4,000 to 5,000 children turn out tomorrow; the health officials figure that number will be enough to control the epidemic. Indeed, the number of new cases has already begun to drop from a post-Christmas peak of 65 a week.

But controlling the current measles outbreak won't prevent new ones. In the prevaccine era, measles epidemics occurred nationwide every two years, and that pattern may be persisting in the city ghettos while the suburbs remain free of the disease.

One preventive step contemplated here is to rearrange the schedule of routine immunizations at the city's free clinics, giving the measles shot priority over the smallpox vaccination.

Another step would be to modernize the District of Columbia's 64-year-old compulsory immunization law by requiring a measles shot before admission to public school; now only smallpox protection is needed. The change could be time-consuming, however, because in this city it will require an act of Congress. Only 15 states now have compulsory measles immunization laws.

Finally, a more thorough follow-up by the health department might assure that all newborn children had received protection. At present a computer system cranks out a notice three months after birth urging the mother to bring the child in for free shots. It's mailed in an envelope like the ones containing Government checks and is accompanied by a plastic-plate reproduction of the child's birth certificate. A stricter followup would include a routine recheck of all births at age 14 months to insure that the children are protected against communicable disease, including measles.

Mr. HARTKE. Mr. President, this crisis raises questions which many of us would like answered. It does little good for Congress to appropriate funds for an important program such as this if the President and his deputies fail to spend it. Perhaps the President wishes us to be a subordinate branch of government—to react to his initiatives and to sit back with apathetic indifference when he ignores our decisions. This is one Senator who will not let our country be ruled by Executive order.

There has been too much delay in the fight against measles. While we wait, the

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children of the poor suffer. We can take comfort in the fact that most of them will recover, but some will not be so fortunate. They will be doomed to a life of retardation. When we look at these children, will we remember that the vaccine was available to spare them this agony but that someone in a position of high public responsibility decided that it would not be released?

OPPOSITION TO FURTHER U.S. MILITARY INVOLVEMENT IN SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, yesterday the Senate received a petition signed by members of the U.S. armed services on duty in Southeast Asia reading as follows:

We, the undersigned American Servicemen on duty in Vietnam, wish to express our opposition to further United States military involvement by air, sea or land forces in Vietnam, Laos, Cambodia or other countries in South East Asia. We petition the United States Congress to take whatever action necessary to assure an immediate cessation of all hostilities in South East Asia; to set a near date for final and complete military withdrawal; to insure a rapid and peaceful return of American Prisoners of War; and to assume and assert its responsibility for determination of future American Foreign policy.

More than 900 American military men on active duty in that area of the world have signed this petition. Without regard to the effect of such action on their careers, they have made known to the Congress their opposition to the war.

Their action has the effect of supporting the Mansfield amendment and I commend their initiative and courage to Members of the Senate. The petitions are on file with the Committee on Foreign Relations for Members who may wish to see them.

BIRTHDAY GREETINGS TO SENATOR WILLIAMS

Mr. HUGHES. Mr. President, since December 10 is the birthday of one of our most esteemed colleagues, the senior Senator from New Jersey, I would like to add a few words of personal tribute to the happy birthday messages he is receiving.

I know that PETE, whose friends and admirers are legion, is receiving many congratulatory messages today. But it occurs to me that if all the people in the United States who have benefited greatly from Senator WILLIAMS' constructive work in the Senate were aware that this is his birthday and were to send him a card, the mail would fill the Capitol Rotunda.

City people and suburbanites would want to wish him happy birthday because of his leadership in mass transit, housing, and other legislation to benefit urban America.

Elderly people would wish him well on his birthday because of his fight to increase social security benefits, his work to improve medicare and his other good works for senior Americans.

Working men and women would wish him many happy returns of the day for his continuing battle to provide safe working conditions for American labor and for his leadership in other causes on their behalf.

Minority citizens, consumers, environmentalists, educators, veterans, migrant workers and other groups of rank-and-file Americans have reason to wish Senator WILLIAMS many happy returns on this December 10.

As a member of the Committee on Labor and Public Welfare of which he is chairman, I have particular reason to be appreciative of his strong and sensitive leadership in efforts to meet the Nation's critical health needs, including the struggle to develop enlightened national programs to alleviate the suffering of drug abuse, narcotic addiction and alcoholism.

In my own association with Senator WILLIAMS, I have found him to be an able, doggedly determined public servant in fighting for human interest causes that are often uphill. More than that, he is a warm and compassionate human being.

I know all Senators join with me in wishing PETE a happy birthday. He has earned it.

FAILURE OF U.S. POLICY IN SOUTH ASIA

Mr. KENNEDY. Mr. President, a tragic and senseless war—a war as unnecessary and as senseless as all wars—continues to spread today across South Asia. There has been during the last few days a great deal of handwringing and rationalizing over why and how this war came, who is responsible for it, and what can be done about it.

Over just the last 3 days there has been an unusual flurry of briefings by nameless high-level spokesmen within both the Department of State and the White House attempting to clarify this administration's policy toward the crisis in South Asia—a policy which still, to many Americans, defies understanding.

For despite these briefings, and counterbriefings, and off-the-record statements, our Nation's policy toward the 8-month-old crisis in East Bengal remains as unclear and as contradictory as it has from the beginning.

During these 8 long months of bloodshed and tragedy in East Bengal our Government has placed our foreign policy toward Pakistan on an altar of leverage, insisting that silence could bring influence—that by avoiding the condemnation of genocidal acts by the West Pakistan Army against the people of East Bengal, it would somehow stop that genocide—that by continuing the shipment of American military equipment to the Pakistan army, the army would somehow stop using it to suppress East Bengal. But surely there is no more specious an argument than this, which says that to have leverage we must contribute to, and support, the very problem we seek to address.

As outlined this week by anonymous White House spokesmen, the United States over the last several weeks has engaged, in what they call "A Hectic Race Against Time" to achieve a solution that would avoid war. But, Mr. President, it is fair of us to ask when, if ever, this "race against time" began.

Did it begin, for instance, in mid-July? Certainly the situation then in South Asia was not basically different than it is now or has been from the beginning. And between July 7 to the 14th our Government had a peculiar opportunity to influence events on the subcontinent.

To refresh our memories, the situation at that time in East Bengal was that the Pakistan Army was touring the countryside killing members of the banned Awami League Party, and slaughtering in the process thousands of innocent men, women, and children. Over 7 million refugees found it necessary to flee to India in order to escape the bloody terror of repression—some 45,000 were fleeing each day. The freely elected leader of East Bengal, Sheikh Mujibur Rahman, was still in jail. In West Pakistan, President Yahya Khan was vowing to condemn Sheikh Mujib for treason and sought to normalize the situation in East Bengal by forming a puppet government of politicians sympathetic to the military regime. Martial law was tightening its grip on the cities, and the threat of famine stalked the land.

In India, relief workers were struggling to deal with the largest human tide of refugees in modern history: Attempting—but not succeeding—in providing minimal shelter, food and medicine to a hopeless people dying by the thousands under the monsoon rains. As India strained under the refugee burden—a cost which has totalled more than all the funds it has received in foreign aid for economic development this year—Indian leaders complained that they could not withstand the pressure much longer, that the refugee flow must be stopped, that it would be cheaper to go to war than suffer this intolerable drain on its society.

Such, then, was the desperate situation in South Asia last July, when Mr. Henry Kissinger traveled to India and Pakistan while on a world tour. He was, we were told, the President's personal representative to speak to the leaders of India and Pakistan about the conflict in East Bengal, and its repercussions on the stability of the region. Many Americans were gratified that the intensifying conflict in South Asia was finally receiving the attention and the priority it deserved by the highest officials of our Government. Until then, many of us in Congress had worried over the silence and inaction that had characterized our Government's policy toward the crisis—a silence and a lethargy made clear to me during hearings on June 28 of the Subcommittee on Refugees, for which I serve as chairman.

When Mr. Kissinger disappeared for several days from public view while visiting President Yahya Khan in Islamabad, many speculated—and all of us hoped—that he was secretly trying to get at the root of the problem in South Asia by visiting Sheikh Mujib, jailed in secret, near Islamabad.

But, as we now know, Mr. Kissinger was neither negotiating nor primarily concerned about the root cause of the conflict in South Asia, but rather about America's policy toward China.

Mr. President, if we have been in such a "race against time" for peace in South Asia, as White House spokesmen now tell us, then where was the President's representative racing off to last July? Certainly not toward a peaceful resolution of the conflict raging in East Bengal—a conflict that was then already 4 months old. Rather he had headed toward Peking and more substantive negotiations unrelated to the refugee tragedy which he refused to see first hand in South Asia.

Mr. President, as I said in this Chamber just 3 days ago, this administration has rightly taken pride in its efforts to reestablish contact with one-fifth of mankind's population in China. But are we at the same time—by neglect, by wrong-headed, short-sighted policies—going to allow one-sixth of mankind, located in India, the world's largest democracy, to become permanently alienated from the United States? In our rush to place a new priority on China, are we going to simultaneously relegate India—a nation with which we have had 25 years of productive relations—to a new low in our priority?

The fact is that throughout the past 8 months of crisis, our Government has consistently sought to minimize the seriousness of the situation in South Asia. At the very beginning of the crisis—during the days immediately following the bloody night of March 25, and after our Government knew of the situation from secret cables sent from Dacca by our Consul General—the Department of State refused to be candid, publicly or otherwise, even in announcing the emergency evacuation of American personnel and dependents. Instead of calling it an evacuation—which would have implicitly confirmed the reports of violence and repression, which the Pakistan Government was explicitly denying at the time—the State Department reached into its bag of euphemisms and called the exodus of U.S. personnel a simple thinning out of Americans.

My concern over these early signs of disaster in East Bengal, and over our Government's inaction, were first stated on the Senate floor last April 1. I reiterated these views on April 6 in a letter to Secretary of State Rogers. My letter said in part:

Reports from East Pakistan continue to tell of human tragedy as a result of the current civil war. Indications last week of indiscriminate killing and the threat of famine prompted me to express my deep concern over this situation on the Senate floor. The latest evidence from the field serves to confirm my worst fears.

Frankly, it distresses me that our Government should be so silent—both privately and publicly—on the disaster overtaking Pakistan.

I fully appreciate the immense difficulties involved in the East Pakistan issue. However, I believe our Government should protest actions that involve the widespread and indiscriminate shootings of civilians, particularly when American arms are being used. More importantly, we should do what we can to encourage an end to the violence, directly or through others. We should actively support and contribute to a relief program to help meet the humanitarian needs produced by the conflict. It would be reassuring to me and to many Americans, if we could be informed of our Government's active concern in these matters.

Subsequently, our Government downplayed the threat of food shortages and famine in East Bengal, and understated the role of American arms in our relations with the Yahya regime. These facts, Mr. President, are well documented in the hearings of the Subcommittee on Refugees and are outlined in my November 1 report to the subcommittee. I ask unanimous consent that these excerpts from my report be printed in the RECORD at the conclusion of my remarks.

Mr. President, we find that after 8 months of calculated indifference to the escalating tragedy in East Bengal—after months of silence in the face of massive human tragedy—the highest officials of this administration now tell us that they were in a "race against time" to preserve peace. But it is apparent that this "race" began only a few weeks ago—and far too late to be effective or even relevant.

American officials over the weekend condemned India because—to use the words of one unnamed State Department source—"India wanted to move too rapidly for the process of political evolution in East Pakistan which the United States was promoting." What is too rapid in a crisis that has festered 8 long months—where in refugee camps children are dying at the rate of 4,300 each day, and countless thousands more go without food or shelter. Perhaps if Americans were faced with starving and wounded refugees pouring over our borders at the rate of 45,000 each day, we, too, might then move rapidly.

Although the resort to armed force to settle international disputes can never, of course, be condoned, we cannot but be dismayed that the situation in South Asia has been neglected to the point where both Pakistan's and India's armed forces are now involved in the fighting launched by President Yahya Khan's attack on the night of March 25. But to now assign "blame," in the way that this administration has, is not only counterproductive, but dishonest.

The rationalizations stated this week by White House spokesmen leave several erroneous impressions, Mr. President, as well as deliberately misrepresent certain facts. For example, the assertion that the Government of Pakistan agreed "in principle" to negotiations with Bangla Desh representatives, and, that the United States offered a "plan" to India to avoid war and provide negotiations.

Well, the facts are now coming out, and they document that the scenario of events was far more complicated than these spokesmen would have us believe and the so-called plan for negotiations was something less than concrete. In fact, official reports from the field indicate that at no time did President Yahya Khan ever agree, without many qualifications, to a pledge to undertake negotiations with high-level Bangla Desh representatives. More importantly, at no time has President Yahya Khan agreed to release or even to directly negotiate with Sheikh Mujib—the man who remains at the heart of the East Bengal crisis.

More distressing still, Mr. President, is the evidence of Pakistani intransigency reported this week by the distinguished senior Senator from Ohio, who recently returned from a visit to both India and Pakistan. In reporting on his visit, Senator SAXBE states, and I quote:

I suggested to President Yahya that he proceed with granting at least a degree of autonomy to East Pakistan. He told me he was willing to do this and he seemed very sincere. But 10 hours later, Pakistani planes bombed six military airfields inside India and this, in turn, triggered a land invasion by India.

Yahya Khan lied to me. He had planned that bombing mission at the time he talked to me. I believe the shooting war could have been averted and India could have been kept from launching an invasion if Pakistan had granted autonomy to East Pakistan.

Equally as disturbing, Mr. President, are reports yesterday from officials in the field that indicate that as long ago as the middle of October, the U.S. Ambassador to India was instructed to call upon the Indian Foreign Minister in New Delhi to warn India that American sources predicted that Pakistan planned to escalate tensions along the western borders of India if the Bengali guerrillas, the Mukti Bahini, intensified their activities along the eastern borders in East Bengal. Indian leaders were officially warned that such an escalation, even if undertaken by Pakistan, would have "serious effects on Indo-American relations." There was little suggestion that such a development would effect United States Pakistani relations. No plan for peace or direct negotiations involving Sheikh Mujib was reportedly offered—just a warning that if India did not curtail its support of the Bengali guerrillas then war would be inevitable—or so predicted American officials in October—2 months ago—without any meaningful alternative offered to India by U.S. officials.

Mr. President, as our national leadership has been incredibly silent during the past 8 months, the specter of human deprivation and violence has engulfed South Asia. It is now a late stage in the crisis, but the opportunity still exists, I believe, for our Government and the international community to make a positive contribution toward the peace and relief of the area.

By ourselves we cannot solve the crisis, and by no means should we become directly involved in it. But to a degree we are already "involved"—our guns and equipment are involved, our economic aid, and our diplomacy—so it is not a question whether we should become involved, but how we should use our present involvement.

As Prime Minister Indira Gandhi wrote in a letter to our Government just a few weeks ago:

I hope that the vast prestige of the United States and its wisdom . . . will be used to find a political solution acceptable to the elected representatives of East Bengal and their leader Sheikh Mujibur Rahman. On my part I shall make every effort to urge patience on our people. However, I would be less than honest if I were not to repeat that the situation in which we find ourselves has long been an unbearable one.

Mr. President, for the international community to help resolve this crisis we must press for a standstill cease-fire that will provide the "cooling off" period necessary to begin immediate and simultaneous negotiations between India and Pakistan—and between Islamabad and its Bengali opposition under the leadership of Sheikh Mujib. The purpose of the Indo-Pakistan talks would be to restore the 1965 cease-fire along the western borders, while the Islamabad-Bengali negotiations would determine the future status of East Bengal.

Anything short of this will mean the continuation of the war and even greater tragedy. And so I urge again that our Government must turn its policy around—to begin to consider the source of the violence, not just the manifestations of it—and move on a political settlement in East Bengal.

Mr. President, I ask unanimous consent that excerpts from my report to the Subcommittee on Refugees, as well as other recent articles, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. POLICY TOWARD THE CRISIS

Throughout the past several months our government has consistently sought to minimize the seriousness of the situation in East Bengal and South Asia. Our government down-played the threat of food shortages and famine in East Bengal, and understated the role of American arms in our relations with the Yahya regime. On the question of famine, our government as early as June 21 had official reports from the field—not to mention earlier information from international agencies—predicting serious food shortages in some areas of East Bengal. Cables from the American Consul in Dacca, one of the few official sources of information about human conditions inside East Bengal, were warning the State Department in Washington that the threat of outright famine was great. One such confidential cable on July 8 reads as follows:

"Specter of famine hangs over East Pakistan and prospects for averting widespread hunger, suffering, and perhaps starvation not, repeat, not good. Government of East Pakistan officials largely enervated by fear of military. United Nations moving far too slowly. . . .

"In official circles in Pakistan famine is a forbidden word. The line being taken by the Government of Pakistan and the Government of East Pakistan is that stocks are adequate and no major food problems are in sight. Nonetheless, it is our view that famine conditions . . . will probably prevail in much of East Pakistan over the coming year. Moreover, because of line the Government of Pakistan and the Government of East Pakistan are taking, prospects for averting famine conditions not, repeat, not good."

When Press queries about famine were made in mid-July, State Department spokesmen seemingly went out of their way to protect the sensibilities of the Pakistani government by consciously understating the potential for famine in East Bengal. This neglect of field reports prompted the American Embassy in Islamabad to file this cable of protest on July 15:

"We are concerned . . . that Department stating publicly that there is no evidence in field reports which would bear out predictions of coming famine in East Pakistan. Perhaps spokesman not apprised of most recent field reports which indicate famine real possibility.

"In our view, public statements inconsistent with this line likely impair effectiveness of our representations here. . . . Further public statements . . . should reflect recent field reporting."

It was not until July 22, in response to questions from members of the Subcommittee, that Department of State officials publicly recognized the situation. We can only speculate why our government refused, for so long, to speak candidly of the potential for famine in East Bengal; for the net effect of minimizing the seriousness of the problem was to reduce the urgency of our response and to defer needlessly those substantive international efforts that were needed to save human life.

Although in the early days of the East Bengal crisis it looked as though our government's policy suffered simply from a lack of candor and a lethargy towards the urgent humanitarian needs involved, it did seem as though we were ending our military participation with the government of Pakistan. On April 20, the State Department announced an end to the shipment of further American arms to Pakistan. In a letter to the Chairman on that date, the Department stated explicitly:

". . . we have a modest program of cash and credit sales to Pakistan of non-lethal military end-items as well as some spare parts and ammunition. We have been informed by the Department of Defense that none of these items has been provided to the Pakistan Government or its agents since the outbreak of fighting in East Pakistan March 25–26, and nothing is presently scheduled for such delivery."

Yet on May 8, the Pakistani ship Sunderbans left New York harbor for Karachi, Pakistan, laden with American military supplies. Neither the press nor the Congress knew of its departure. Its sailing said a great deal about the course and purpose of the Administration's policy towards South Asia. And contrary to every impression, U.S. military supplies were continuing to flow to Pakistan.

Some have tried to explain the apparent discrepancies between our officially stated policy and the continued shipment of arms by noting that the phrase "scheduled for delivery" has a more intricate meaning than commonly assumed. "Delivery" in the Department of Defense means, they say, the transfer of title, which occurs long before actual shipment. Once military goods have been "delivered", the shipper must obtain a license from the Department of State's Office of Munitions Control before actual shipment. All this can take up to a year.

But such ornate descriptions of the military aid process, or apologetic claims of "bureaucratic bungling," cannot explain away the continued shipment of military equipment to Pakistan. This was made clear in June 28 testimony before the Subcommittee. After a reported White House-level review of the arms policy toward Pakistan, Deputy Assistant Secretary of State Christopher Van Hollen admitted "that there may be certain items moving in the future based upon items turned over by the Department of Defense prior to April, or on commercial licenses that are still out-standing." In other words, the Administration determined not to embargo the $27.4 million worth of arms still in the pipeline as of March 25. Such an embargo could have been effected with just a few phone calls.

Under current policy, therefore, military supplies have been flowing to Pakistan—not in the quantities that might have been shipped if new licenses were granted, but in sufficient quantities to help the Pakistani army in its suppression and to carry enormous symbolic weight.

The State Department, as outlined in Mr. Van Hollen's testimony, has given three reasons for this policy. First it is said that an embargo would "be seen as an unwarranted intrusion into an essentially internal problem, which can only be resolved by the Pakistanis." The implication is, of course, that our government can somehow maintain a hands-off posture towards Pakistan while still sending military supplies to its military government. But surely this is a contorted argument. For the cold fact is that our government is already involved—with guns and money, with more than a decade of economic and military assistance. American aircraft and tanks have been reported in action, even by U.S. officials. So the question is how America should be involved; whether our government should continue supplying more arms, or supporting instead efforts toward political settlement in East Bengal and humanitarian programs for the millions in need.

A second argument advanced by the State Department to justify not cutting off military supplies is that it "would cause Pakistan to rely exclusively on other sources of supply". In other words, if we don't supply the equipment, somebody else will. This is, and always has been, a weak and very defensive argument, capable of justifying any policy as long as there is a single party in the world who will fill the void if we abstain. It relies not on the positive merits of a program, but on the fact that other nations might be willing to do what we should not be willing to do. The fact is that in Pakistan arms are already being imported in great volume from China and elsewhere, and our supplies are only a small portion of current Pakistani military imports. So why not cut our symbolic ties?

The State Department replied rather obliquely that the third reason for continued military sales is that it would be seen as a symbolic sanction if we imposed an embargo. As Mr. Van Hollen testified, "Such sanctions . . . would undermine our efforts to maintain a productive political relationship with the Government of Pakistan, to encourage the Government of Pakistan along constructive lines in the areas of mutual interest, namely in the areas of relief, of refugee return, and of political accommodation." This argument has become the heart of the Administration's position, even though the Government of Pakistan has shown only token "mutual interest" in such matters as humanitarian relief and political accommodation or settlement.

As the Administration has put the rationale subsequently, military aid is required to maintain our "leverage" over the Pakistani government in order to push for a cessation of the killing and political repression. But surely there is no more specious an argument than this, which says the establishment of "leverage" requires regular contributions to the very problem being addressed. It would be better to cut off military aid, as well as general economic aid, and then make its restoration contingent upon some demonstration of humanity on the part of Pakistan, than to mindlessly continue the arms flow in the hope of some day achieving that leverage. As it is we are bargaining against ourselves.

Although it was clear from testimony before the Subcommittee that our government's continued military aid to Pakistan flows directly from Administration policy, many observers still believe it is a product of bureaucratic inertia. It would seem so from a General Accounting Office (GAO) investigation, which recently uncovered some $10,000,000 worth of "offer and acceptance" contracts, in which the U.S. took the initiative in offering Pakistan military equipment, such as parts for fighter aircraft, like the F–104. Needless to say, Pakistan accepted the offers, and at least one contract was "validated and approved for implementation" in July, long after authorizations for new arms shipments had been declared forbidden. As indicated in Mr. Van Hollen's testimony before the Subcommittee on October 4, the State Department, while surprised at the existence of the contracts, has taken the position that the goods could not be shipped without licenses, which would not be granted under existing policy. Accordingly, the contracts were called mere contingency items in case policy changes in the future. Whatever the facts are—which the GAO is seeking to clarify during its current investigation—there is considerable evidence that the State Department's control over what sails for Pakistan is woefully deficient and sadly confusing.

Nothing has come to symbolize more the intransigency of American policy of supporting Islamabad, than the shipments of military supplies. And nothing has come to symbolize more the bankruptcy of this policy—carried out in the name of "leverage"—than the simple fact that the repression of East Bengal and the flow of refugees into India continues.

F. RESPONSE OF THE UNITED NATIONS

At least three separate, but inter-related, United Nations efforts have been implemented or proposed to deal with the crisis of people in South Asia. The first, on the Indian side of the border, is the operation of the United Nations High Commissioner for Refugees (UNHCR). As noted earlier, since very early in the crisis, and at the invitation of the Indian Government, the High Commissioner has served as the "focal point" for the international relief effort in behalf of East Bengali refugees in India.

The second U.N. effort is on the Pakistan side of the border in East Bengal, where a U.N. Relief Mission, headed by a special representative of the Secretary-General, is attempting to implement a relief program. The Mission's principal aim is the movement and distribution of food supplies, mainly in rural areas, in order to avoid food shortages and famine.

To facilitate the movement of food upcountry from the ports of Chittagong and Chalna, the U.N. Relief Mission is obtaining, with U.S. assistance, some 26 vessels. In testimony before the Subcommittee on October 4, Maurice J. Williams, Deputy Administrator of A.I.D. and U.S. Coordinator for Relief Assistance to East Pakistan, said these vessels, if effectively used, can move over 100,000 tons of food per month. To insure that the boats and other materiel are not confiscated or attacked, Mr. Williams testified that "'U.N. Relief' is being boldly marked on the boats, trucks and warehouses which carry or store food or other relief. There can be no mixed cargos, lest someone think that humanitarian grain is mixed with something else. Return trips of boats and trucks do not carry jute, since it could be construed by the guerrillas as being foreign exchange support to the government." He said: "The U.N. Relief Mission in East Bengal insist on these rules. We insist on them. Only by clear-cut separation can food and other relief be kept above the battle." In response to the Chairman's questions, Mr. Williams testified further that a measure of assurance had come from those involved in the battle—the Pakistan army and the Mukti Bahini—that they would respect the purpose and integrity of the U.N. program.

An effective U.N. relief effort in East Bengal, however, remains more a hope and an aspiration than anything else. From the outset, the U.N. program has been extremely deliberate and slow. Perhaps, under the circumstances, that is all it could be. But the fact remains that, despite personnel in Dacca and good intentions toward the people in need and optimistic rhetoric in many quarters, no truly effective operational program exists. A mid-October field report to the Subcommittee makes these comments:

The main [relief] effort will have to be through the U.N. and the [Pakistan] government's food distribution. The contribution of the U.N. is that they are seeing to the distribution of food to the major inland ports. From the big ports of Chittagong and Chalna, the U.S. aid program has chartered vessels to bring rice and wheat up to the big river ports—and from there it gets to be distributed by the normal government distribution channels. The Army will not have anything to do with the food distribution—that is part of the agreement with the U.N. . . . The U.N. is only acting in a supervisory and advisory capacity. For example, they have a transportation expert here who is to give advice on the movement of food grains in large quantities. They are bringing in 1,000 trucks to aid in the distribution by road—but they will not actually be doing the distribution. All the distribution of relief supplies is to be done only by the government channels. The normal food distribution system is through fixed price shops or 'ration shops'. The people have to get a ration card and then they are able to buy the food at a fixed price . . . this is difficult for people in villages, because the ration shops are only found in the larger towns—people may live as much as 20 or more miles from a ration shop, and not be able to get their food from that source. Moreover, they need money to buy the food. In addition to this, there is supposed to be some emergency distribution of food grains by the government and the government itself will determine where there is an emergency area. So really, the food distribution will be done only with the efficiency that the government puts into it . . . and [they] are ill-equipped for carrying it out. In addition, there is the obstacle of the activities of the Freedom Fighters (and many villages are under the complete control of these Freedom Fighters), who have expressed an animosity toward the U.N. operation, since the U.N. did nothing for East Pakistan at a time when the Army was committing great atrocities. For about 4 months the U.N. did nothing and then, at the invitation of the Pakistan government, they came in. So the Freedom Fighters are, in general, opposed to the U.N. activities here. They say that they will allow the food distribution to take place, provided that the Army has nothing to do with it.

Quite clearly, the U.N. effort is having many problems in getting off the ground. These problems not only involve the sheer intricacies of organizing a relief effort on paper—but, more importantly, these problems involve the chaotic conditions, especially in transportation and government services, produced by the Pakistan army's repression, and the exploitive pressures from all sides in the resulting conflict between the army and its Bengali opposition. Judged by the Pakistan army's performance since the U.N. Relief Mission came into East Bengal, it seems clear that the Yahya regime is more interested in maximizing the political advantage the U.N. presence affords, than in taking care of the millions in need. As of November 1, at least, the army and its civilian front had sharply curtailed the dispersal and use of U.N. personnel in the limited relief effort and food distribution that was taking place. They were also withholding needed food stocks from relief posts being actively manned by voluntary agency personnel. They were moreover—according to some sources—confiscating relief supplies and logistic support for themselves, or for use in certain areas to gain the complicity and cooperation of hungry and hopeless people. Pressures against the U.N. Relief Mission were also increasing from the deteriorating security conditions resulting from the growing conflict between the Army and the Mukti Bahini. Most observers agree, however, that, with one or two exceptions, freedom fighters have not been making a special target of U.N. food shipments and distribution centers. In fact, as of November 1, some observers believed that the Mukti Bahini leadership had made a conscious policy decision not to interfere with the U.N. effort—to the extent this effort was being carried out. Further complicating the situation is the simple fact that substantial portions of East Bengal are no longer under army control. Any U.N. relief program in these areas will presumably be subject to new arrangements between the U.N. Relief Mission and Bangladesh leaders.

However, the situation is described, one thing is clear: with the absence of an early political settlement between Islamabad and its Bengali opposition—or a decisive military victory by either side—there seems to be little cause for optimism about the plight of the people remaining in East Bengal and the effective functioning of the United Nations Relief Mission.

[From the Washington Post, Dec. 8, 1971]

REAL HELP FOR PAKISTAN

Within the confines of its open and full political support for Pakistan, what constructive steps might the Nixon administration take to actually help Pakistan and ease the crisis in South Asia? We say "actually" help because so far Mr. Nixon's support has merely made it easier for the government in Islamabad to get into terrible trouble: in the East its sway is shrinking and in the West it is under siege from what seems superior Indian force. Whether Yahya Khan would have gotten Pakistan into this fix without American support is a fair question.

But what can the U.S. do now? Any answer must start here with the assumption that the Nixon administration, by its faithfulness to Islamabad especially in the latest stage of its travail, should have earned much influence. If in earlier stages American influence was not wisely applied or heeded, whichever obtains, it is not too late to try to recoup. In public statements and United Nations resolutions, Mr. Nixon may wish to stay in a tough anti-India posture, but it should be possible at the same time to help Pakistan. On his part, President Yahya can hardly remain impervious much longer to a friend's good advice: he has all but lost half his country and the other half is far from completely secure.

Though doubtless directed first of all at Americans, Mr. Nixon's pledge not to get "physically involved in any way" in the war surely was an important contribution to President Yahya's political education. Mr. Nixon should now go on to say that Pakistan's cause in the East is lost, that the beleaguered Pakistani garrison there cannot possibly endure, that Islamabad should use the Indian invasion as a facesaver to avoid the humiliation of defeat at the hands of Bengali insurgents, and that Pakistani soldiers should surrender to the Indians while they can rather than face slaughter by vengeful Bengalis.

Mr. Nixon could also tell President Yahya that, just conceivably, if he produced the Bengali leader Sheikh Mujibur Rahman, he could win back much world favor. More important, the political authority to be set up in former East Pakistan would be friendlier to Islamabad than if other Bengalis take over. This is so because probably only Sheikh Mujib has the stature to be more than an Indian puppet.

If Pakistan heeded this advice, then Mr. Nixon would be in a better position at the Security Council to work for a cease-fire resolution that would at once prevent the further spilling of Pakistani blood and ensure that Pakistan would not suffer territorial losses in the West. For it is plain

enough that Moscow would not veto a resolution which acknowledged a Bengali political authority as well as called for a cease-fire. The divisions which have reduced the United Nations to impotence in the past week would be removed. This approach would not give Pakistan the grim emotional satisfaction it received from the American resolution that failed, but it would be a real political boon all the same. Incidentally, it would allow President Nixon to appear before the world as an effective peacemaker.

We continue to have serious reservations about Mr. Nixon's pro-Pakistan policy. But if he is determined to pursue it, let him do so in a way that is more likely to help Pakistan and the cause of Asian peace.

[From the New York Times, Dec. 9, 1971]

MR. NIXON AND SOUTH ASIA

(By John P. Lewis)

PRINCETON, N.J.—The Nixon Administration's South Asia policy, which had been edging toward disaster for the last eight months, finally, in a cloud of pious inanities, plunged over the brink this last weekend. Presumably for the time being the policy is beyond redemption. What now selfishly concerns me as an American is that India's leaders may exaggerate the degree to which the Administration's present aberrations represent thoughtful and enduring American opinion.

All the evidence suggests that within the Administration the aberrations trace directly and primarily to Mr. Nixon himself. For eight months he has remained officially blind to the most massive calculated savagery that has been visited on a civil population in recent times. He has been faithful to his good friend, the chairman of the savagery, Yahya Khan. Neither his hand-holding of nor any hidden leverage on the Pakistan regime has had evident effect in advancing a political solution in East Bengal.

To an Indian Government that, in the face of moral and human outrage next door and of an outlandish refugee burden, was showing remarkable restraint until recently, Mr. Nixon offered mainly counsels of restraint. He supplied no moral support. Instead for months he continued to trickle arms to Pakistan like so much gasoline onto smouldering Indian passions. The President has been fully aware both of the explosive domestic political risks the refugees posed in Indian Bengal and of the way they have totally derailed the cause of Indian development at its very moment of greatest opportunity. Yet he has not begun to exercise the leadership, either before the Congress or in the international community, needed to accomplish a quick and adequate sharing of refugee costs.

Such is the footing from which Mr. Nixon, first via his nameless State Department mouthpiece last Saturday, now from the White House itself, has branded India an aggressor. It is on this record that he has turned off, not just fresh economic assistance (which he had, in any event, been blocking since early in the fiscal year) but the unobligated portions of loans already committed. This last is extraordinarily tough action in terms of past aid practice, and one—lacking any prospect of cramping India's military capability—that can have only punitive intent.

Historians are bound to boggle at the cumulative ineptitude of this performance. In one series of strokes we have managed to align ourselves with the wrong side of about as big and simple a moral issue as the world has seen lately; we have sided with a minor military dictatorship against the world's second largest nation which happens also to be the staunchest of all developing countries in its adherence to our own deepest political values; we have joined the sure-fire loser in a subcontinental confrontation; and we have depleted a once abundant, durable fund of Indo-American goodwill at a sickening rate.

It certainly would be wrong to claim to our Indian friends that, in all this, the President is swimming against a tide of public opinion. There is little American tide of opinion of any kind about the subcontinent, and its surface flow is considerably influenced by what any President does and says. Moreover, many of our best editorial writers and columnists have such an absolute abhorrence of war—especially when escalated by others—whatever the provocation and whatever the closure of other options, that they cannot, just now, see much beyond the proximate causes of the Bengal border crossings.

I would like to emphasize one point that tends to be skirted, because no one wants to be caught these days suggesting that any good—even relative good, weighed against the alternative—can come of a war. The point, and it is pivotal, is that the only possible basis for a stable, peaceful East Bengal to which a large portion of the ten million refugees can return and help rebuild their nation is an independent East Bengal. Such is the effect of the program of terror since March 25; the scenario cannot be wound backwards. Hence (1) the premise of undivided Pakistan's sovereign integrity upon which American policy has rested, for at least five months, has been a nonstarter, and (2) India's support of the insurgency by the previously elected Bangla Desh regime has not been merely human and understandable; lacking alternatives, it has been the only constructive policy available.

I myself wish the Indians had escalated less, accepted a longer time frame, and kept their support less overt. But if there is any group which, have contributed most to the frustration of restraint, has least cause to fault her ensuing impatience, it is the Nixon Administration. It remains now for India to demonstrate that herd objectives are those, and only those, she held out; namely, establishment of a genuinely independent East Bengal to which the refugees can return. There is a heavy obligation on Indian leaders to make sure that war fervor does not spill over into more self-serving ventures, either to the east or to the west. Meanwhile, as this demonstration is being rendered, there is an obligation on Washington to keep quiet.

[From the New York Times, Dec. 9, 1971]

THE EMERGENCE OF BANGLA DESH

Defying a United Nations plea for a cease-fire, Indian forces appear on the verge of achieving New Delhi's major objectives in East Pakistan. These are the defeat of West Pakistani military repression in the disaffected Bengali province and the creation of conditions that will facilitate the speedy repatriation of nearly ten million refugees—Moslem and Hindu—to an independent, friendly and secular "Bangla Desh."

These would represent large short-term gains for the Indians, whose fragile internal stability has been gravely threatened by recent events in East Pakistan. The dismemberment of Pakistan would all but eliminate the menace of a militant Moslem neighbor, which would be reduced to less than half of its original size.

But India will have paid a heavy price for these achievements, even if the wider war with Pakistan is speedily ended without further serious loss of Indian territory in the West.

New Delhi's resort to force without first exhausting all possibilities for a peaceful resolution of the conflict—especially the cold rejection of U.N. Secretary General Thant's reasonable mediation offer—has shocked many of India's staunchest friends and alienated important segments of world opinion. India's violation of the United Nations Charter and defiance of the General Assembly has sharply diminished India's once proud moral standing.

India's support for full Bengali independence may have been made inescapable by the incredibly short-sighted and brutal policies of the Pakistani Government. But no one—especially the Indians—can ignore the new dangers and problems that will be posed by the emergence of Bangla Desh.

The success of secession in East Bengal could touch off a chain reaction of separatist demands throughout the subcontinent, in India as well as Pakistan. Desperately poor and heavily overpopulated—the present population of 75 million is expected to double in twenty years—Bangla Desh is likely to become a breeding ground for domestic unrest and a lightning rod for foreign meddling. It could become a magnet for the Bengalis of India and a destructive influence on the delicate structure of Indian unity.

To avert further impoverishment, fragmentation and conflict throughout the subcontinent it is essential that leaders in Delhi, Dacca and Islamabad thrust aside present divisions and acrimony and join in a search for new ties and institutions that will enable them to attack overriding common problems in dignity and peace. As the emerging dominant power, India has a special responsibility to assert the moral leadership for reconciliation that has been so sadly lacking in the present conflict.

[From the Newport Times, Oct. 9, 1971]

JUDGING INDIA

TO THE EDITOR: The Administration has announced a policy of strict neutrality in the India-Pakistan conflict and there must be many others who will join me in wishing that it would observe it—and in speech as well as in deed. I am sufficiently on record in my opposition to appeal to military force, whether by India or anyone else (I even opposed its use against Portugal in Goa).

But the history of this conflict did not begin when the Indian Army moved against East Bengal or (for that matter) when Pakistan bombed the Indian airfields last Saturday. It began last spring when the Awami League and the movement for autonomy it represented (and which had the overwhelming support of the people of East Bengal) were brutally crushed by the Pakistan military forces and when in consequence ten million people left their homes to find safety and temporary shelter in India.

To single out the Indians for special blame in a conflict that so began and so continued is outrageous. There has been much talk of late about avoiding the role of world policeman. Let the Administration also avoid the role of judge and juror, especially if its judgments are to be as here. [Editorial Dec. 8.]

JOHN KENNETH GALBRAITH,
Cambridge, Mass.

CLEAR-CUTTING IN THE NATIONAL FORESTS

Mr. McGEE. Mr. President, this month's Reader's Digest contains an article entitled "The Crisis of Our National Forests," written by James N. Miller.

Mr. Miller has done an excellent job of pointing up the vital necessity of developing new and much more farsighted policies in the management of one of our greatest national resources—the timber stands on our public lands.

Mr. Miller tells us of the devastating consequences of clear-cutting in numerous national forests due to poor management practices. He points out how this devastation was carried out with little or no consideration given to the possible consequences of poor management practices.

And, finally, Mr. Miller builds an excellent case for the setting up of an independent, interdisciplinary commission to study timber harvest methods on our public lands—something I have called for in vain for the past 4 years.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CRISIS OF OUR NATIONAL FORESTS

(By James Nathan Miller)

The bitter fight between the lumber industry and the conservationists is a matter of concern to all Americans. If we are to save the finest piece of public land the nation owns, we urgently need to formulate new and farsighted policies.

As we drove over the heavily forested ridge and caught sight of the landscape ahead, my first impression was that somebody had been strip mining in the forest. All around us, covering a square mile of mountainside, was nothing but bare brown earth. Where a few months before had been a virgin forest, not a tree was now standing.

"Look over there," said Guy Brandborg, my guide. He pointed to other slopes a mile, three miles, five miles away. All bore the same huge scars. The area looked like a battlefield.

It *is* a battlefield. The Bitterroot National Forest in western Montana is the focus of perhaps the most significant struggle of today's conservation movement. For what I saw here was done by logging companies working under the supervision of the U.S. Forest Service (USFS), the guardian of our 183 million acres of national forest. As a result, the USFS—Smokey the Bear's people, the outfit that practically coined the word "conservation"—is being shaken to its roots by the charge that it is just another bureaucracy that has become the captive of the industry it is supposed to oversee, and in the process is presiding over the despoliation of our woodlands.

Is it? To see what is involved, start with the man who got the whole fight going, the old-time forest ranger who for 20 years was supervisor of the Bitterroot National Forest: my guide in the mountains, Guy Brandborg.

FORESTRY GONE MAD

In 1955, when Brandborg reached 62, he retired from the Service and settled down with his wife, Ruth, in the lovely Bitterroot valley. There, in the early 1960s, he began to see things in his old forest that made him uneasy. Two USFS practices in particular bothered him. "They set their allowable cut too high," he says. "And the way they were clear-cutting was pure murder."

Allowable cut? Clear-cutting? To understand these vital terms, take a quick look at the main law that governs the Service, the Multiple Use-Sustained Yield Act of 1960. "Multiple use" specifies two economic goods and three services that the USFS, in its management of our forests, must make available to the nation: timber from the trees, forage from the grazing lands, recreation, wildlife management, and the protection of our rivers' pure and constant flow through the sucking-in and leaking-out action of the forests' great sponge of roots and foliage. "Sustained yield" means, very simply, forever: the Service has to manage the forests so that we will never run out of the five benefits.

Brandborg's charge against the Bitterroot managers was the gravest possible one: They were violating both major provisions of the law that governed them. First, they had set their "allowable cut" so high that it let the valley's lumber mills cut more timber than the forest could re-grow. Second, the *way* they were allowing the loggers to cut favored timber production at the expense of the other uses. "It's forestry gone mad," said Brandborg. "A clear-cut[1] should be maybe 30 or 40 acres at most. Some of the cuts on the Bitterroot approach a thousand acres. They're wiping out animal habitats. They're scraping logging roads out of steep slopes where the gashes in the soil pour mud in the streams. They're destroying some of the forest's most beautiful trails and campsites. They're no longer a multiple-use agency, they're sawlog foresters."

BOMBSHELL

For a long time, Brandborg's complaints were ignored. But as the clear-cutting continued, other people started to get uneasy. Hunters and campers going back into the woods discovered that favorite glens and trails had been leveled in their absence. Ranchers noticed that the rivers coming out of the mountains were running exceptionally high in the spring, before the water was needed for irrigation. And everyone could see what the spreading cancerous scars on the hillsides were doing to the valley's beauty.

And so, in early 1969, the pot suddenly came to a boil. A local group wrote to the Forest Service demanding an investigation. A slashing series of articles on Bitterroot logging appeared in the daily *Missoulian*. In Washington, Montana's Sen. Lee Metcalf suddenly found himself swamped by hundreds of protesting letters. The result was *two* investigations: one an "in-house" inquiry by the Forest Service itself; the other, undertaken at Senator Metcalf's request, by a seven-man University of Montana faculty group that became known as the Bolle Committee, after its chairman, Prof. Arnold Bolle, dean of the university's school of forestry.

Last year, when the two committees' reports were published, they hit the U.S. forestry profession like a bombshell. Both confirmed Brandborg's first charge. The Bolle Committee: "Multiple-use management, in fact, does not exist as the governing principle on the Bitterroot. The overriding concern is for sawtimber production." The Forest Service: "There is an implicit attitude among many people on the staff of the Bitterroot National Forest that production goals come first and that land-management considerations take second place." The Bolle report also backed Brandborg's second charge: "We doubt that the Bitterroot can continue to produce timber at the present harvest level."

The forestry world was stunned. "Almost unbelievable," said an editorial in *American Forests*, the magazine of the prestigious American Forestry Association. "The ramifications are nationwide and will shake forestry to its foundations." Since then, logging interests have tried to get Professor Bolle fired, and the president of the Society of American Foresters has bitterly attacked his report as politically inspired. Clear-cutting has recently been the subject of a Congressional investigation, a bill has been introduced to put a two-year moratorium on the practice, and some conservationists have called for the firing of the entire USFS top management.

LIKE SAP THROUGH A TREE

All of which raises a basic question: Does the Service deserve all the abuse it's taking? The Bitterroot is only one of 154 national forests. Is it a fair sample?

"No," says Chief Forester Edward Cliff. "Any organization trying to manage as much land as we manage is bound to make some honest mistakes. Generally, however, the job the Service is doing is good and sound."

Perhaps. Nevertheless, there is strong evidence that the sawlog fixation that was exposed on the Bitterroot runs through the Service like sap through a tree:

"The emphasis on production is not unique to the Bitterroot," said the Service's own in-house report. "It is the result of subtle pressures and attitudes from above." "When our report came out," one of its authors told me, "forest supervisors all over the West said it described exactly what was happening in their forests."

The same reaction greeted the Bolle report. Of the more than 500 letters the committee received from Service personnel, rangers and forestry professors throughout the United States, four out of five confirmed its findings.

Since the Bitterroot uproar, there have been two other official investigations: an in-house investigation of four forests in Wyoming; a survey by a West Virginia legislative commission of clear-cutting in the Monongahela National Forest. Both found the same practices that existed on the Bitterroot.

In one respect, the evidence indicates that the Bitterroot may actually be *better* managed than other forests. Logging roads have caused some erosion there, but the USFS investigation found that it was not yet serious. Elsewhere it is calamitous. In Idaho's Payette and Boise national forests, rocks and mud pouring down from the logged-over areas—over 100,000 tons of the stuff annually, five times the natural erosion rate—have virtually wiped out the great salmon and steelhead spawning grounds of the South Fork of the Salmon River. In Wyoming, the Service's own report on its management of four forests is illustrated with pictures of logging roads that caused whole hillsides to fall into stream beds. In the Northwest, according to a 1970 report by the Federal Water Pollution Control Administration, "improper, low-cost logging operations" are as serious a cause of river pollution as pulp mills and municipal sewage plants. All this despite the fact that the USFS is specifically charged with *protecting* our watersheds.

PRODUCE OR ELSE

What, then, has come over the Forest Service? The answer is simple. Like many other regulatory and resource-management bureaucracies, over the years it has come to adopt the basic goals and philosophy of the industry it was supposed to police. The process went like this:

For almost half a century after the Forest Service was founded, in 1905, very little lumber production was required of it; over 95 percent of the U.S. supply came from privately owned forests. The Service regarded itself as the protector, not the exploiter, of the land. Then, suddenly, two things happened. In the 1940s, the lumber industry, having logged its way from New England to the Pacific Ocean, began to run short of its own trees. At almost the same time, along came World War II, with a huge demand for lumber—followed by a building boom unprecedented in our history.

"Almost overnight the price of Douglas fir on the stump went from $5 to $25," says Dave Burwell, forester for the Rosboro Lumber Company in Oregon. "And almost as quickly the Forest Service changed from a custodial agency to a production agency." Indeed, the message the Service got from Washington could not have been clearer: "More logging roads; more logging areas; produce or else." In 1940 there were 87,000 miles of roads in the national forests; by 1960 there were 160,000 miles. And as the roads snaked out, annual timber sales by the USFS soared: from 1.5 billion board feet in 1941 to 4.4 billion in 1951, to 8.3 billion in 1961—to 11.5 billion last year, 30 percent of total U.S. production.

In all of this it is essential to appreciate one fact: The agreement that developed between the Service and the industry was not, as many conservationists insist, a conspiracy.

[1] The cutting down of every tree of every age in a given section of forest, as opposed to the selection-cut method in which only a few of the mature trees are cut down.

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It was founded on a sincere belief that what they were doing was genuinely in the national interest. America needed lumber. It wasn't until the late 1960s, when we all suddenly discovered the glories of ecological virginity, that we started yelling rape.

What, then, to do about the situation? Of the many suggestions that have been flying through the air since the Bitterroot exploded, three in particular show promise of real reform:

Revive the land ethic. The Multiple Use Act gives the Service full authority to return to its old idea that the requirements of the land and the people as a whole—not the pressure of individual users—should be paramount. And in fact there are important signs that the Service has begun to do just this. Its two "in-house" investigations have shown it capable of real selfcriticism. Early this year, Chief Forester Cliff in effect admitted a long list of malpractices—bad road building, clear-cutting where there was no assurance of re-growth, erosion-causing logging techniques, etc.—by promising to stop them. Conservationists, however, fear that the present uproar will die down before there is real reform; in other words, public pressure must not let up.

Put the money where the need is. On only one point do all sides to the controversy agree: Through a grossly unbalanced funding system, Congress has allowed the forests to fall far behind their long-term timber-production potential. From 1963 to 1970, while it gave the Service 95 percent of the funds it requested for *selling* logs, Congress provided only 40 percent of what the Service said it needed for *growing them back.*

As a result, Cliff says, a huge 18 million acres of productive land—in terms of sawtimber, the equivalent of about 30 national forests—are either bare of trees or are producing timber at half their potential rate. Cliff estimates that he could increase production by about 60 percent if he were given adequate funds.

Plan ahead sensibly. Today our forests are at a watershed in their history. The Nixon Administration and the lumber industry say that, to provide lumber to end the U.S. housing shortage, we must soon start cutting a huge 60 percent more trees than we're now cutting. This means building logging roads into what conservationists call the "de facto wilderness"—acres of virgin timber that, under the 1964 Wilderness Act, are eligible for wilderness classification (no roads or logging allowed) but have not yet been so classified.

Conservationists reply that, if we manage our public and private forests properly, we'll have plenty of lumber without cutting the virgin stands. The threatened shortage is hokum—a "scare tactic," says the Bolle Committee, to provide an excuse for grabbing virgin areas before they can be set aside. Conservationists add that if the industry's heart is really breaking over the housing plight of the poor it should stop exporting lumber to Japan at premium prices. (In 1970, the state of Washington alone exported 1.7 billion board feet of timber.)

The argument goes on *ad infinitum.* Before making irrevocable commitments, it would be wise to look hard at two basic questions: How urgent actually *is* the need for more timber from the national forests? How much more can we get with proper harvesting methods? Last September, President Nixon appointed a five-man panel to explore these questions. It is fervently to be hoped that its report, due next July, will belie the charge made by some conservationists that the panel has a pro-industry bias. For the forests that are being fought over are the finest piece of public land we own—286,000 square miles of them, some 13 times the size of the national parks, seven percent bigger than Texas.

With the literally never-ending supply of products and enjoyment our forests can give us if properly managed, they represent, probably more than any other national resource, our economic and spiritual future. The battle of the Bitterroot showa that we have not been managing them in the best way. It's high time we started.

WYOMING COUNCIL ON THE ARTS

Mr. HANSEN. Mr. President, most Senators know that Wyoming has little more than three people to the square mile, on the average.

I can assure them that there is no complaint about this in Wyoming, because it allows the people fortunate enough to live in the State to enjoy a pollution-free environment second to none, and this certainly is an enticement to the millions of other Americans who visit Wyoming annually.

But it may come as a surprise to many to know that despite the sparseness of the population in Wyoming, there are continuing significant contributions to promotion and preservation of the arts in the State.

The coordinating organization for much of this outstanding activity in our State is the Wyoming Council on the Arts. A narrative report briefly outlining some of the accomplishments in this field during fiscal year 1971, and expressing gratitude for the help received from the National Endowment for the Arts, has been provided by Mrs. Robert Forrister, the executive director of the Wyoming Council.

Mr. President, I ask unanimous consent that the excellent report by Mrs. Forrister be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NARRATIVE REPORT: WYOMING COUNCIL ON THE ARTS, FISCAL YEAR 1971

With the $75,377.00 matching fund grant to the Wyoming Council on the Arts from the National Endowment for the Arts for fiscal year 1971, a total of 43 projects were undertaken; 41 through sub-grantees and two by the Council itself. The matching funds for these projects came entirely from local sources, for state legislative funding was not available until the beginning of fiscal '72 for any operation of the Council.

Dollar amounts of the matching funds totaled $161,332.97, or nearly $2.50 for each federal dollar. This figure, however, could be deceptive, for it includes in-kind as well as cash matching. The in-kind matching includes services, supplies, materials, travel costs, and other similar items of very real dollar value, given with dedication and devotion of a sort which has in itself value far beyond monetary spheres.

An additional sum of $6,852.00 was allocated from the matching fund grant for operating expenses of the Council for an office. This sum marked a great step forward for service available to arts in the state, for it provided for a newsletter which provided for communication among those interested in same and different arts areas, e.g., dance, theatre, symphony, sculpture, crafts, museums, etc. It provided also for the kind of start toward a central office to coordinate the grants and the fiscal and aesthetic reports on arts needs, organizations and activities, both funded through grants and otherwise.

Prior to fiscal '71, fiscal reports for this Council and all its effort to administer funds and provide supervision to assure sound use of monies had been done without benefit of even an adding machine, with no regular secretarial help, save that hired on sporadic basis to meet long overdue report demands or similar crises. Members of the Council had paid from their own funds for all travel costs to attend meetings of the Council within the state, and to attend meetings out of the state, except for those specifically funded by the National Endowment for the Arts.

This $6,852.00 in federal funds was matched by $22,819.31 in private funds, largely in the form of donated office space and services. The Council's Chairman for 1971 devoted full-time, i.e., the 40-hour week routine, to serving also as an executive for the Council; the Council's Budget Officer donated what approached half-time to setting up and maintaining sound financial practices for the funds, and a number of interested friends of the Council donated many hours of secretarial time.

Perhaps the largest other boost, besides the administrative funding done in donated office space by Pacific Western Life Insurance Company, which continues to provide this very real service to us, and therefore to the arts in Wyoming. This donation constitutes sizeable dollar amounts, and it bears noting that the amount is no longer tax deductible, we understand, so the contribution includes such costs as utilities, janitorial service, and prestige of first-class offcing.

The Wyoming Council's funding request for fiscal '71 was drawn in terms of three sorts of programs, special projects, technical assistance, and touring. On these terms, break-down of funding and matching figures for the year would be as follows:

	NEA funds Federal	Local matching	Total cost
Special projects	$27,177.00	$76,283.25	$103,460.25
Technical assistance	21,648.00	50,202.88	71,850.88
Touring	19,700.00	34,846.84	54,546.84
Total projects	68,525.00	161,332.97	229,857.97
Administrative	6,852.00	22,819.31	29,671.31
Total Fiscal Year 1971	75,377.00	184,152.28	259,529.28

In some instances determination of whether a program falls into a touring or special projects category is merely an arbitrary choice, as for instance when support is to a local dance patrons group who are importing touring companies, or to a gallery which brings to the state touring exhibitions, and it would be also possible to designate such programs as technical assistance. In almost every case, Wyoming's vast space and sparcity of populations means that some "touring" is a part of any project, and since so many of the programs assume innovative roles, almost all are "special projects."

In addition to the financial statistics generated in the final report, the population figures tell quite a story. Wyoming's 1970 census total population figures stand at 332,416. The total number of people reached by the arts programs in this report, even on conservative compilation are at 1,689,732! This figure does include an arts fair held in the town of Jackson, at the south gateway to Yellowstone Park and in the heart of Grand Teton Park, which accounts for the million figure, but with even that fact taken into account, it's obvious that the arts programs are reaching people—either all Wyoming residents are participating in at least two arts programs, or a great many tourists are enjoying arts in Wyoming in addition to the scenic wonders of nature.

At the opposite end of the scale of the million figure for the Jackson Hole Arts Association, there is the figure of 65 attending a music teachers clinic—a most deceptive figure, since each of the 65 music teachers attending this session which gives them fresh ideas on teaching methods, approaches, and techniques as well as general inspiration in their field, has probably at least 65 students who also benefit from their teachers' improved approaches, making the figure stand at 4,225 instead of a mere 65. Incidentally, the total cost of this program which can have real impact on the music appreciation of many youngsters is $200.00 in federal funds, plus $452.67 in funds which the teachers provide, and again dedication beyond price is a factor in the program.

During the interim phase of the Wyoming Council on the Arts, the committee which became the bulwark of the Council after its legislative establishment in 1967, selected the dandelion seed pod as an emblem for the Council. There have followed many queries as to "what is it" and "what's it mean."

In fiscal 1971 the meaning began, finally, to appear as the seeds blew on the winds, began to take root, and blossoms popped into view in many areas. It might be said that the dandelion is a weed, but it is as persistent as man himself, its persistence produces blazes of beauty and it is a hardy flower, as are the arts. One of those who attended the conference which closed fiscal 1971 for the Wyoming Council commented after the sessions "you can't count the many new plants this seeding dandelion might produce." At the close of this fiscal year, looking to the added help of legislative support which began for the arts for fiscal '72, and the growing support among the more than a million and a half people who participated in arts projects in '71, it would appear that the seeds are taking root and there may be a harvest of rich crops of better life quality for Wyoming in 1972.

For this, this Council and Wyoming's people are indebted to the National Endowment for the Arts, for providing the initial funding to make programs possible, and for providing, too, the flexibility to permit Wyoming and each state to develop arts as best suits individual state needs and environments.

FRANCES FORRISTER,
Executive Director.

THE CHIEF JUSTICE ADDRESSES THE NATIONAL CONFERENCE ON CORRECTIONS

Mr. DOLE. Mr. President, the cause of penal reform and improved functioning of our Nation's correctional systems has taken on new and widely-publicized urgency in recent months. However, for many years, criminologists, penologists, jurists, lawyers, and many concerned citizens have recognized that the present state of incarceration and criminal rehabilitation programs is a blight on American society.

In recognition of the many serious problems which exist in this area of our criminal justice system President Nixon in June 1971 called for the convocation of a National Conference on Corrections to undertake a similar function as that of the highly successful National Conference on the Judiciary which met earlier this year. The conference on corrections was held this week in Williamsburg, Va., where on December 7, it was addressed by the Chief Justice of the United States, Hon. Warren E. Burger.

The Chief Justice, speaking from many years experience as an attorney, law professor, assistant U.S. Attorney General and Federal judge, presented a comprehensive and well-considered series of recommendations for steps to find solutions in the most pressing problem areas. As he said, large amounts of money will be required to effect solutions. But still more important is a sense of public recognition of the need for solutions and a commitment, both in terms of public opinion and legislative resolve, to achieve them.

I believe that the remarks of the Chief Justice merit careful scrutiny by the Senate and by all Americans who, now that death and violence have shocked us into awareness, most realize that words and concern alone will not bring the degree of change and reform that are of the utmost importance to every level of our society. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF CHIEF JUSTICE WARREN E. BURGER, NATIONAL CONFERENCE ON CORRECTIONS

I am sure that everyone concerned about problems of corrections and prisons was heartened by the action of the President in convening this Conference. It is time for a massive coordinated effort by the state and federal governments.

It is also highly appropriate that these sessions are held in this historic place for it was a distinguished Virginian, George Keith Taylor, brother-in-law of Chief Justice Marshall, who, as a member of Virginia's House of Delegates, spoke here almost exactly 175 years ago—on December 1, 1796, to be precise—on behalf of legislation to improve the penal system of the Commonwealth.

Taylor is remembered as one of the first leaders on this continent to advocate the enlightened views of the great Italian reformer and legal philosopher, Beccaria. Thus, Virginia is a familiar forum for the problems this Conference is considering.

For as long as I have been a judge, I have tried to see the administration of criminal justice in terms of three major entities, or parts, all constituting interrelated parts of a single problem.

The first, obviously, is the police and enforcement function; the second is the judicial function; and the third is the correctional and confinement aspect, and, closely related, the vital release programs of probation, parole, and work parole.

This Conference is concerned with that third and final, and very crucial, aspect of justice. On other occasions I have said, and I strongly believe, that this third phase is perhaps the most neglected of all three of the aspects of justice, although each of the other two has strong claims, unfortunately, for first place in that respect.

The problem of what should be done with criminal offenders after they have been found guilty has baffled societies for thousands of years. Therefore, none of us would be so brash as to assume that this Conference can even discuss, let alone solve, all the enormous problems that have been with us for several thousands of years. Because of this terrifying magnitude of the problem, I hope the Conference will find a way to identify just a few of the most urgent but soluble problems and address ourselves to them at once. If we try to solve all the problems, we will solve none. We must be content with modest progress and small victories.

Ideals, hopes and long-range planning must have a place, but much can be accomplished without further research or studies in the essentially "nuts and bolts" side of corrections.

I hesitate to suggest, even in a tentative way, my own views of those solutions to an audience that includes so many genuine experts and authorities in this field. Since the recent events at Attica, New York and in California, the country has been recalling the warnings that many of you have uttered on the need to reexamine both the basic attitudes and the tools and techniques of correctional systems and prisons. (I need hardly add, to this audience, that there is a vast difference even though for shorthand we use the two terms interchangeably.)

Even to reach some solutions on the urgent, the acute, the immediate problems, will take large outlays of money, and this cannot be produced except with a high order of public leadership to develop a public commitment and, in turn, a legisaltive commitment at state and national levels.

As I see it, the urgent needs include these:

1. Institutions that provide decent living conditions, in terms of an environment in which hope can be kept alive.

2. Personnel at every level who are carefully selected, properly trained, with an attitude of understanding and motivation such as we seek in teachers; and with compensation related to the high responsibility.

3. Improved classification procedures to insure separation of incorrigibles from others.

4. A balanced program of productive work, intensive basic education, vocational education, and recreation.

5. Communication with inmates.

6. A system of justice in which judges, prosecutors and defense counsel recognize that prompt disposition of cases is imperative to any hope of success in the improvement of those convicted.

INSTITUTIONS AND FACILITIES

I will not dwell on the subject of institutional housing since most of you are better informed on the facts and more knowledgeable as to the needs than I am. I fear that if we took a realistic national inventory and determined how many states meet minimum standards that most of us would agree on, the result would be a melancholy commentary on a 20th century society. The rise in crime has crowded most prisons beyond any reasonable bounds and new structures are needed. We know, however, that many of our problems flow from having institutions that are too large, that are poorly located and inaccessible to the family of the inmates, too far away from facilities for work release programs, and located in areas that do not provide adequate housing for personnel of the institution.

As you well know, bricks and mortar do not make a sound correctional institution any more than bricks and mortar make a university, a newspaper, or a hospital. People and programs are crucial. The recent events in two of the largest and most affluent states are evidence that more than good "plant and equipment" are needed. With all that has been said and written about the problems in New York and California, there has been almost nothing communicated to the public about the fact that the particular institutions in question are among the more modern penal institutions in a physical sense. Attica and San Quentin serve to remind us that even the best of buildings have not provided solutions.

So even when we finally eliminate the 19th century dungeons and terrible overcrowding that prevails in so many places, we will still have enormous problems left to solve. It will take millions of dollars to accomplish the changes needed, but it must be done and we must have new thinking about what constitutes a correctional institution in a purely physical sense, where it should be located and how large it should be.

PERSONNEL

You are well aware, but the public is not, that well-trained personnel is far more important than the bricks and mortar. "Just anybody" cannot make a sound correctional institution any more than "just anybody" can make a good parent or a good teacher. We

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have yet to understand that the people who operate prisons, from the lowest guard to the highest administrator, are as important in the whole scheme of an organized society as the people who teach in the schools, colleges and universities. I suspect some experts would say that is an understatement in the sense that the reasonably normal people who go to schools can overcome the handicap of poor teaching. We know that most prison inmates are not mentally and emotionally healthy and therefore need something more than normal people require. Guards and guns are not enough.

As we are now slowly awakening to the need for more intensive training for policemen on the beat and in the patrol cars, we must sense that the guards, the attendants, the teachers, and the management of prisons must be specifically selected for their temperament and attitudes and then specifically trained for their crucial part in the task of helping prisoners to help themselves.

I am sure that every person here must be elated over the Attorney General's proposal to establish a National Corrections Academy patterned after the great training program of the FBI Police Academy. The management and operation of penal institutions has desperately needed such a nationally coordinated program to train every level of prison personnel from guards to wardens, as the Department of Justice has done with police administrators.

The decision on the part of the President and the Attorney General could be one of the milestones in correctional history.

IMPROVED CLASSIFICATION PROCEDURES

In many institutions we know that overcrowding and understaffing have led to a breakdown of classification procedures and practices. In some institutions there are no such procedures. One of the high prices we pay for that lack is a mingling of youthful offenders and first offenders with recidivists, incorrigibles, drug addicts and others who are seriously mentally disturbed. A very high priority must be given to separating inmates, and this is particularly important today with respect to the riot-prone inmates. Those who would disrupt and destroy a penal institution must be separated to protect those who are trying to learn and to prepare themselves for the future. Every inmate has a right to be insulated from those who are bent on lawless acts.

A BALANCED PROGRAM

We need look only at the median age of inmates to see at once the need for athletic and other recreational facilities so that these young men can burn off the surplus energies of youth as many of them would be doing if they were free. The corrosive impact of enforced idleness at any age is bad enough, but on young men it is devastating. Playing cards, watching television or an occasional movie, with nothing more, is building up to an expensive accounting when these men are released—if not before. Such crude recreation may keep men quiet for the time, but it is a quiet that is ominous for the society they will try to reenter.

RECREATION

Some states have recognized these needs and provided for them, but many have not. If anyone is tempted to regard this as "coddling of criminals" let him visit a prison and talk with inmates and staffs. I have visited some of the best and some of the worst prisons and I have never seen any signs of "coddling" but I have seen the terrible effects of the boredom and frustration of empty hours and a pointless existence.

EDUCATION

Recreation and education programs really go hand in hand in prisons as they do in schools and in life.

When society places a person in confinement, it deprives him of most normal opportunities and much of the motivation for self-improvement. When society does this, it has a moral obligation to try to change that person—to make a reasonably successful human being out of him. Common sense and the self-interest of society dictate this even if we lay aside all considerations of human decency and our religious beliefs as to redemption.

Here perhaps our failure is the greatest. The percentage of inmates in all institutions who cannot read or write is staggering. Another, and largely overlapping category, is made up of those who have no marketable skills on which to base even a minimally successful life.

The figures on literacy alone are enough to make one wish that every sentence imposed could include a provision that would grant release when the prisoner had learned to read and write, to do simple arithmetic, and then to develop some basic skill that is salable in the marketplace of the outside world to which he must some day return and in which he must compete. Since the best of human beings need motivation and hope, why have we thought prisoners can do without both? We should develop sentencing techniques to impose a sentence so that an inmate can literally "learn his way" out of prison as we now try to let him earn his way out with "good behavior."

We know that today the programs of education range from nonexistent to inadequate, with all too few exceptions. However we do it, the illiterate and the unskilled who are sentenced for substantial terms must be given the opportunity, the means and the motivation to learn his way to freedom.

Meanwhile, we should make certain that every inmate works and works hard. With countless thousands of law-abiding citizens "moonlighting" on second jobs to make both ends meet, there is no reason why every healthy prison inmate should not be required to work to earn at least a part of his "keep." Moreover, every consideration of rehabilitation demands that inmates be kept busy with productive work, with learning and self-improvement. With this must come an expansion of psychological and religious counseling to instill motivation and maintain hope.

COMMUNICATION

We know that one of the deepest hungers of the human being is communication with others on his hopes, his fears, his problems. Inside the walls of a prison this basic need of Man does not vanish and indeed we know it is greater than ever. A means of regular communication should be established between inmates and those who run the institution. We cannot turn the management of a prison over to the inmates, but society, as represented by the "keepers," can listen to what the inmates have to say.

To the extent it is feasible and consistent with orderly administration, therefore, the inmates need to have a chance to regulate some limited part of their lives, however small, by the processes of deliberation and choice. If we tie a person in a chair for a long time, we can hardly be surprised if he can't walk when we let him loose. Within limiting regulations necessary for basic order, inmates should be allowed to think and walk and talk as we will demand that they do when they are released. What can be wrong with allowing prisoners to practice, on a small scale, the very things we will insist they do when they are again free?

SPEED IN ADMINISTRATION—JUSTICE

Finally, a few words need be said about the functioning of the courts in relation to the correctional system. Time does not permit discussion of standards for sentencing and related matters that you are dealing with in "work shops" and seminars, but I am confident we would all agree the judicial system has a responsibility to see to it that every criminal charge is tried as promptly as possible and that the appeal is swiftly heard and decided. In some places the time lag between arrest and trial is hardly less than a public disgrace. Some of this is due to the maneuvering of lawyers who misconceive their function and seek to postpone the trial data as long as possible; some is due to overworked defender legal aid staffs, overworked prosecution staffs, and overloaded courts—and some to poor management of the courts.

Whatever the cause, the impact of the delay in disposing of criminal cases covers a range of consequences:

(a) For any person, guilty or innocent, a long pretrial confinement is a corrosive experience; it is an enforced idleness in an environment often worse than the poorest correctional institution.

(b) Prolonged confinement after sentence and before commitment to a conventional corrections institution is likely to erode whatever may be the prospects of making a useful and law-abiding citizen out of the convicted person.

(c) We have all seen examples of defendants who have exploited procedural devices to postpone the final verdict of guilt for years with the result that their warfare with society has embedded and intensified their hostilities and rendered prospects for future improvement virtually zero.

(d) Delay in final disposition also exposes the public to added dangers when the accused is in fact an incorrigible criminal whose release on bail is exploited to commit new crimes. Sometimes this rests on a belief, widely shared by sophisticated criminals, that when finally brought to justice he will receive concurrent sentences for multiple crimes. The measure of these risks can be found in the increasing percentage of recidivists on the criminal dockets of every court in the country.

We in the legal profession and the judiciary have an obligation to put our own house in order, and to this end the Judicial Conference of the United States in October approved programs to expedite trials and appeals in federal courts and to establish means of identifying the cases in which there is a likelihood that delays will occur. Other programs have been instituted and yet others are to come, all directed to insure the speedy justice to which every accused is entitled and which the society has a right to demand for the protection of all its members.

The statistics of the federal courts are only a small fraction of the total picture and they show nearly 42,000 new criminal cases annually, an increase of 45% in 10 years.

PRISON VISITATIONS

Two and one-half years ago, in discussing corrections problems at the ABA meeting in Dallas, Texas, I urged that lawyers and judges—and indeed citizens generally—visit prisons and form their own judgments. The Young Lawyers' Section of the ABA took on the burden of promoting a Prison visitation Program. I am not currently informed on all the details but I do know that in some states a very large number of such visits have been organized and that more and more judges and lawyers are finding out about prisons. Few things would help more than having the public fully informed on the problems of prisons and the burdens of those who administer them. Most administrators know a great deal of what ought to be done and none of my cursory observations at this Conference present anything new to you. What is desperately needed is that you have the resources and the authority that only public support and legislative action can provide. The people of this country can bring that about if they will see firsthand how their institutions are being run and what support they receive. We know that not all offenders can be salvaged, as we know that not all lives can be saved from disease, but like the physician, we must try.

It is most fortunate that one of the great organizations in the country saw, two years ago, that a national effort was called for to improve our correctional processes. The ABA created not one of the usual committees of lawyers, but a Commission that includes leaders of Labor, Industry, Judges, lawyers, penologists, and other specialists, including some of the most distinguished correctional administrators in the country, and a professional staff to carry on their work. All of the members of that Commission are invited members of this Conference and I know that Governor Richard J. Hughes, its Chairman, will cooperate in every way with you.

What I have been trying to express is my deep conviction that when society places a person behind walls we assume a collective moral responsibility to try to change and help that person. The law will define legal duties but I confess I have more faith in what a moral commitment of the American people can accomplish than I have in what can be done by the compulsion of judicial decrees.

The great tradition of America comes to us from the people who came here and by work, faith and moral fortitude turned a wilderness into a nation. Most of them were the poor and the oppressed of Europe. All of them wanted something better than the life they had abandoned.

Part of the American tradition has been to give of our bountiful treasure to others to restore them from the ravages of wars and natural disasters. We have not always shared our resources wisely but we have shared them generously.

Now we must try to give leadership and guidance to see that this generous spirit and this American tradition are applied to one of the large unsolved problems of Mankind and surely one of the unsolved problems of our society.

You accept this as your obligation by being here and I accept it as part of mine. Together we must let the people and the lawmakers know what needs to be done.

SOLAR HOMES

Mr. GRAVEL. Mr. President, is it possible to heat a home with almost no fuel except sunpower during winter in Washington, D.C.?

The answer is "Yes." There is a solar-heated home in Washington, D.C., which does it. Known as the Thomason House, it is warm when it is zero degrees outside, warm on days with 6 inches of snow on the ground, warm even on cloudy days. Warm means 72° inside.

The extraordinary story of this house, and of its intrepid designer, was told in the Potomac magazine section of the Washington Post on September 26, 1971.

Mr. President, I ask unanimous consent to have the article entitled "Solar Homes," by Omer Henry, printed at the end of my remarks.

A BIG TEST 2 YEARS FROM NOW

There are about two dozen houses in the United States which use sunpower for a major part of their heat requirements. Some designs are more successful than others. All the houses are custom-built.

Custom-crafted homes are one thing. Developing plans for modular mass-produced solar houses, which would incorporate solar heating units with high-quality insulation to prevent heating-cooling losses, is the goal of Dr. Maria Telkes, a thermal storage expert and solar energy pioneer at the University of Pennsylvania. She aims to have complete plans ready for modular homes by the spring of 1973 for testing the following winter.

According to the article about solar energy written by Wilson Clark, and published in the November Smithsonian magazine. Mr. Clark quotes Dr. Telkes as follows:

These solar houses must be factory-built so that the initial costs of installation will be no more than comparable houses without the solar heating systems.

The goal is to develop houses that can be located anywhere in the southern two-thirds of the United States and will use solar energy for at least 90 percent of the residential heating needs, reports Mr. Clark.

Solar air-conditioning units are to follow.

PROVEN CAPABILITIES

The heating of household water by solar energy is a demonstrated capability, also. There are a million solar water heaters in Japan today. They are also used extensively in Australia and Israel. They were used widely in Florida and California, until natural gas heaters displaced them.

Proven solar heating-and-cooling capabilities are never mentioned, of course, when the electric utilities say that the public must either submit to additional powerplants without limit, or go without the comforts of life.

REDUCING THE NEED FOR UNLIMITED POWER PLANTS

The potential of solar heating systems to reduce pollution and the "need" for unlimited powerplants is clear from the fact that about one-sixth of the country's energy consumption is devoted to heating buildings. It is estimated that better building insulation could reduce that share by about 30 percent.

The utility industry, which expects to treble electric sales by 1985, says that increased use of electric heating and cooling will account for a substantial part of the sales increase.

Though the fact is not related to solar energy, I would like to point out that it might well be possible to attain the same amount of electrical heating and cooling with perhaps 20 percent less electrical consumption, if the equipment were designed differently. Certain changes would raise the initial cost of the equipment, but reduce its operating costs and the many costs of electrical pollution.

ELECTRIC HOMES

Heating with electricity is the most polluting method of all to heat a building. Since electric powerplants are only 30 to 40 percent efficient, about three units of fuel are required to deliver one unit of heat to people who "live electrically," as the advertisements say. Electric powerplants throw away about two-thirds of all the heat in the fuel they consume. Consequently, they waste two-thirds of the coal or oil or gas or uranium they consume. That is why electricity, so clean where it is used, is so polluting where it is made.

By contrast, a well-designed home furnace can capture up to 75 percent of the energy in the fuel, and make it available for space-heating, according to the article entitled "The Conversion of Energy," by Claude M. Summers, in the September Scientific American. The same article notes that when wood or coal is burned in an open fireplace, less than 20 percent of the energy is radiated into the room; the rest escapes up the chimney.

A THOUGHT FOR NUCLEAR APOLOGISTS

It is obvious that available measures, including a much greater use of direct sun-power for space heating and cooling, could substantially reduce the use of electricity without reducing our standard of living.

In fact, if we reduce waste by just 5 percent in space heating alone, which consumes about 17 percent of the energy now used in this country, we could easily turn off all the nuclear powerplants now in operation. Altogether, they produced only 0.3 percent of the total energy consumed in this country in 1970.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From Potomac magazine, the Washington Post, Sept. 26, 1971]

SOLAR HOMES

(By Omer Henry)

THE MAN REACHED FOR THE SUN AND BROUGHT IT RIGHT INTO HIS HOUSE, AND IT WAS WARM AND AWFULLY CHEAP

Some years ago Harry E. Thomason, local government employee, dreamed the impossible dream. With his eyes wide open—in broad daylight. Only to him, the dream seemed to be possible.

Since Thomason is a man of action, he did just what one might expect him to do. He set out to make the dream come true. He undertook to heat his home with solar energy.

Thomason reasoned that if he could heat his home with sunlight, he could eliminate heating bills for the rest of his life. That would amount to thousands of dollars which he could use in educating his children. More, if he could heat his home with sunlight, perhaps others could do the same. The idea was packed with far-reaching potentials.

One thing was certain: Solar energy was available. Nor was it liable to diminish in the foreseeable future. But Thomason did not know that Massachusetts Institute of Technology was building a solar heating unit at a cost of $6,500 that would supply only half of the heat needed for a comparable house.

"Had I known that," Thomason admits, "I probably would have discarded my idea. But, not knowing, I went forward with my plans."

Was Thomason technically qualified for such a mind-stretching experiment?

As compared to the MIT experts, he was not. He had an AB in physics from Catawba College, Salisbury, N.C. During World War II, he had been in the Merchant Marine as a Refrigeration Engineer. Since then he had served as Patent Examiner for the Patent Office and as civilian Patent Attorney for the U.S. Army Signal Corps.

Married and with a family, he had no money to waste. Rather, he found it necessary to spend his funds wisely. And since he had a full-time job, he could work on his project only on weekends, holidays, and evenings.

Notwithstanding his handicaps, Thomason went straight to the core of his problem. If he were to heat his home with solar energy, he must trap the heat. How could he do that?

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TRAPPING HEAT

It occurred to him that he might trap the sun's heat in running water, store the warm water in an insulated tank, and transfer that heat to the various rooms in his house as needed. In doing this, he would require a heat trap—a device by which he could capture solar heat. He visualized that as a corrugated metal solar-heated surface over which many small streams of water would run, thereby picking up heat. To be efficient, this heat collector would have to be well-insulated and covered with a transparent material.

Thomason built a heat trap. He used a wood base. On top of that he placed a thickness of fiber glass as insulating material. Above that he fastened corrugated aluminum, the top side painted black that it might absorb more heat. And, for the final layer, he used ordinary window glass to intensify the heat.

Now Thomason set up his heat trap—corrugations vertical—facing the sun so it would receive the direct rays of the sun. He devised a system by which he could pump water to the top of the heat trap and let gravity pull it down slowly in the valleys of the corrugations. The water could be circulated again and again as a means of increasing its temperature.

"When we tried out the system," Thomason says, "we discovered that we could bring the water temperature to 120 degrees Fahrenheit—or even higher."

But trapping heat was not enough. Thomason must store it for nights and extended periods of time when clouds obscured the sun. This might be for days at a time.

Thomason's solution to this problem was a heat bin. The heart of the heat bin would be a 1,600-gallon tank filled with solar-heated water and located in an insulated compartment in the basement.

FIVE-ROOM HOUSE

Now Thomason was sure enough of his plans that he began building a house which he intended to heat with solar energy. This structure would be 28 by 37 feet, contain five rooms on one floor, a bath, basement, recreation room, and even a bomb shelter.

The heat bin would be 7 feet by 10 feet by 25 feet. It would be most carefully constructed. On the bin floor, Thomason placed several concrete building blocks with the openings in a horizontal rather than vertical position. This would serve as a part of the distributing system.

Next came the 1,600-gallon steel tank, the core of the heat bin. Thomason lined the bin with 3 inches of fiber glass, made the bin airtight, and built an inner wall of rough lumber to protect the insulating material.

Around the tank Thomason placed 50 tons of flat-sized stones. His logic was that the solar energy would heat the water for the tank and that the water would heat the stones—which would store additional heat. With this apparatus, Thomason reasoned that he could store vast quantities of solar heat to last for four or five consecutive cloudy days.

Since the top of the heat bin would be near the floor of the living quarters, and since hot air rises, Thomason used 6 inches of fiber glass insulation between floor joists to minimize heat leakage from the heat bin into the house.

Next, Thomason faced the problem of releasing and distributing the heat as needed. To this end, he set up a fan system which would circulate a current of air through the openings in the concrete blocks, on through their irregular spaces about the stones and around the hot water tank.

"To control the release of heat," Thomason explains, "we installed a thermostat which could be set at 72°F, for example. This turned on the fan to blow air through the heat bin and register to warm the home."

PLAYING SAFE

All of this looked good so long as there was plenty of sunshine. But what about the possibility that the solar heating system might become incapacitated temporarily due to the burning out of a pump motor or a control which could not be replaced for a week or so?

"Also," Thomason says, "it was possible for our coldest weather to come on the heels of 10 cloudy days when the solar heat reserve had been substantially depleted."

To insure that he could always have heat when needed, Thomason installed a conventional oil furnace. "And," he says, "since the time might well come when we would have no heat at all from the sun, we chose a full-capacity furnace."

As a means of making his solar heating system practical, Thomason added several features, i.e.:

Air conditioning. If he could heat his house with solar energy, it seemed logical that he could cool it by reversing the process. His method was simple: Instead of running hot water into the 1,600-gallon tank, he would run cool water into it. He hoped to obtain the cool water by circulating it over the north roof of his house at night. Radiation and evaporation would help in the cooling process.

By running cool water into the tank, Thomason would also cool the stones in the bin. Then, with the fan system, he could circulate cool air throughout the house.

Domestic hot water. For this, Thomason installed a 275-gallon drum which contained a 42-gallon hot water tank. He planned to bathe the small tank in solar-heated water, thereby heating the water in the small tank. This he could utilize on a year-round basis.

Swimming pool. If, Thomason reasoned, he could heat the house with solar energy, he should also be able to use the same plant to heat water in his swimming pool. The necessary mechanical arrangements were relatively simple.

NERVOUSNESS

Since Thomason's heat collector was a new idea, he applied for a patent. And, as rapidly as he could, he put the whole system together. "We moved into the house," he says, "early in the fall. As you may guess, we eagerly watched the heating plant."

During the mild days of early fall, the house was amply heated. Then, one morning Thomason awoke to find 6 inches of snow on the ground and the temperature outside at near zero. Clearly this was the first real test of the system. Would it deliver the necessary heat?

Before going to the office, Thomason checked every item. So far as he could see, the system was in good condition. "Still," he says, "I was anxious. In my mind lurked a big, ugly question: Would this system deliver the heat necessary to keep the house warm? If not, my system was worthless."

At last he prepared to go to the office. "Let me know," he said to his wife, "how the temperature runs." More uncertain than he had ever been, he drove away.

Near 11 o'clock that morning Thomason's office phone rang. He answered and his wife reported that the House was warm. Everything seemed to be working fine. "Then," Thomason admits, "I breathed an easy breath. I even dared to ask about the temperature of the water going from the heat collector into the bin."

"One hundred and eighteen," Mrs. Thomason said.

"Better check that," Thomason said. "That seems to be too high."

When Mrs. Thomason called back, she confirmed the reading. Still Thomason found that figure hard to accept. "You see," he explains, "the temperature hadn't been that high on the previous day when there had been no snow."

Thomason asked for a third report and when Mrs. Thomason, a bit impatiently, confirmed her former finding, Thomason had no choice but to accept the fact that the water flowing into the heat bin was actually 118°F. His heating system had passed its first big test.

But how did the snow make the water hotter? This question bothered Thomason. But as he studied the situation, the answer became apparent. "I have concluded," he says, "that the sun's reflection on the snow sends added solar energy to the heat collector. This intensifies the heat on the heat trap and brings the water to a higher temperature than is the case when there is no snow."

FACING THE CLOUD TEST

Now Thomason began to be impatient about his patent. As a means of insuring that his patent was granted, he invited a number of officials—including the Chief of a Patent Office Division—to inspect his solar heating system.

On the appointed day for the visit, sadly enough, clouds overcast the sky. Certainly this was no day to demonstrate a solar heat trap. Yet Thomason dared not cancel the visit. To do that would be deadly to his hopes for a patent.

In due time, the distinguished visitors arrived. Thomason showed his plant, explained it in detail. And eventually the crisis came. Thomason had no choice but to apply the final test—prove that the sun supplied heat.

His first move was to apply a thermometer to the water running into the heat collector. When he withdrew the thermometer, it read 68° F. Now, if the heat trap actually worked, the temperature of the water coming from the heat trap should be higher.

Thomason shook down the mercury in the thermometer. He placed the instrument in the water leaving the heat trap for the heat bin. A long minute passed and still another. Thomason must give his system a chance to prove itself right. When he withdrew the thermometer, he glanced at it.

It read 78 degrees!

"Frankly," Thomason says, "I was amazed!"

"This can't be right," said Chris Sondberg, Chief Buildings Inspector. "Take another reading."

"Right," said the Patent Examiner. "Try again!"

Cooperatively, Thomason tried again. And again the thermometer registered 78 degrees!

"Well, I'll be damned!" the Inspector said.

"Me, too!" said the Patent Examiner.

"And as for me," Thomason says, "I drew a sigh of relief a mile long! I'd made my point and the patent, I knew, would be granted."

With that dramatic incident, Thomason learned that a solar trap can collect some heat even if the sun is not shining. This is what happened on that day which Thomason will never, never, never forget.

ECONOMIC PERFORMANCE

In actual practice, how well did Thomason's system work?

Here are the facts: *Thomason kept the day-time temperature in his home at 72° F, night temperature at 68. And by Christmas of the first year the plant was in operation, Thomason had used only 30 cents worth of fuel oil. His heat bill for the entire year was exactly $4.65!*

What did the plant cost? Is the system practical?

The entire system cost about $2,500. "There are some problems," Thomason says, "but they can be overcome. Even now, from an economic point of view, this plant will more than pay for itself."

As one might expect, Thomason's achievements have brought him certain recognition. Dr. Charles Abbott, sometimes referred to as the "Dean of Solar Energy," has praised Thomason's system. Solar scientists from many countries—even as far away as Australia and Turkey—have visited his plant. Dr. Valentine Baum, the leading Soviet solar scientist, spent a couple of days with Thomason inspecting the plant and discussing solar energy.

In 1961, at the request of the National Science Foundation, Thomason traveled to Rome to present to the United Nations Conference a paper on solar heating.

A year later, Senator Hubert H. Humphrey introduced a bill designed to establish an Office of Solar Energy. Although the bill did not pass, Humphrey remained intensely interested in the subject and, while Vice President, asked Thomason to prepare a number of solar energy reports.

Since he completed that first solar house, Thomason has built two more. All three are in Washington.

And as for Thomason's impossible dream—it has grown into a fabulous reality. Its potential is truly mind-stretching.

TRIBUTES PAID TO SENATOR SAM J. ERVIN, JR., BY THE FEDERAL TRIAL EXAMINERS CONFERENCE AND THE CAPITOL HILL CHAPTER OF THE FEDERAL BAR ASSOCIATION

Mr. ALLEN. Mr. President, our colleague, Senator SAM J. ERVIN, Jr., of North Carolina, has recently been honored by two groups of lawyers.

On May 13, 1971, the Federal Trial Examiners Conference presented its award of merit to Senator ERVIN "in recognition of his outstanding contributions to constitutional liberties and due process of law."

On November 10, 1971, the Capitol Hill Chapter of the Federal Bar Association of Washington, D.C., presented its distinguished service certificate to Senator ERVIN for the reasons set forth in the citation, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION FOR DISTINGUISHED SERVICE AWARDED TO U.S. SENATOR SAM J. ERVIN, JR., BY THE CAPITOL HILL CHAPTER, FEDERAL BAR ASSOCIATION

The Honorable Sam J. Ervin, Jr., as a United States Senator, has sponsored and actively advocated important legislation for the Nation's benefit and particularly those measures of special interest to Federal lawyers, members of the Bar, Government officials and employees, as well as legislation to uphold Constitutional Government and to advance the science of jurisprudence. Particular reference is made to his "Federal Employees Bill of Rights"—S. 1438.

In recognition thereof, The Capitol Hill Chapter, Federal Bar Association, awards its Certificate for *Distinguished Service* to the *Honorable Sam J. Ervin, Jr.* this 10th day of November 1971, in Washington, D.C.

JOHN J. KOMINSKI,
President.

JUSTINUS GOULD,
Chairman, Awards Committee and Past President.

IMPROVEMENT OF CRIMINAL JUSTICE

Mr. HART. Mr. President, a short time ago the distinguished junior Senator from California (Mr. TUNNEY) wrote an article for the Journal of the Beverly Hills Bar Association about the need for and possibility of improving criminal justice in our country.

I have had the opportunity to work extensively with Senator TUNNEY as a member of the Committee on the Judiciary, and I believe his comments on this subject are most valuable.

I ask unanimous consent that the text of his article entitled "Improving Our System of Criminal Justice," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPROVING OUR SYSTEM OF CRIMINAL JUSTICE

(By Senator JOHN V. TUNNEY)

Criminal justice in this country is creaking under the burden of all that is wrong in our society compounded by the accelerated, and often uncomfortable, social changes which society is facing daily. In the last five years, the strength of our legal and judicial system has been tested by riots in our cities, crime in our streets, bloodshed on our campuses, bombings in our Capitol, and a war that has led some young people to choose exile and others to be tried for murder. Never before in our history have we demanded so much of our system of laws. And never before has the task of lawyers been more obvious and important. If our legal system is to develop and retain the strength to bear these burdens, then it must have both the assistance and the good will of the bar.

If our criminal justice system is to prove adequate to the challenges which lie ahead, then each of its component parts—police, courts, and correctional institutions must be provided the resources to do the job.

During the past few months, as a member of the Senate Judiciary Committee, I have had the opportunity to view first hand the status of Executive and Congressional efforts toward improving and strengthening the criminal justice system and to make assessments of success and failure. In some ways the record is an encouraging one. In others it is dismal.

It is important at the outset to indicate one's biases. Lawyers share a common purpose, and a common devotion—the pursuit of justice. But today many of the fundamental concepts of our system of justice are being challenged by lawyers themselves. Some of them do it from within the courtroom by disrupting the judicial process. Others challenge it from public office by manipulating and tampering with the very rights which guarantee justice. It is my own belief that both of these extremes must be resisted if our legal system is to survive. Democracy is a fragile institution. It is all the more fragile however, when the basic rights upon which it is founded are subjected to the destructive polemics of partisan debate. The discussion that follows will reflect that belief.

I. LAW ENFORCEMENT AND THE LEAA

In February, 1967, the President's Commission on Law Enforcement and Administration of Justice issued a ten volume report which began with these words:

"There is much crime in America, more than ever is reported, far more than is ever solved, far too much for the health of the nation. Every American knows that. Every American is, in a sense, a victim of crime." That report and its recommendations formed the basis from which Congress mounted what was to be a massive attack on crime—the Omnibus Crime Control and Safe Streets Act of 1968—and established the agency to coordinate the effort—the Law Enforcement Assistance Administration (LEAA).

Substantial time and money has passed since that report was published. The Federal Government is now 4½ years, two elections, and $1½ billion into that attack.

This year LEAA will spend almost $700 million for law enforcement and related criminal justice programs. The vital question is how that money will be spent. How much of that money will go toward the development of tough, intelligent strategies against crime?

The past record is not too promising. In fact, a recent study by the General Accounting Office revealed, among other things, that LEAA money may to some extent merely be financing old programs from other agencies such as OEO and HEW under new labels. In addition, there is increasing evidence of a failure to develop even the most rudimentary kinds of evaluation and information systems to provide local police the most elementary knowledge about programs and projects that have already been tried.

For this reason it is essential that maximum attention be focused on the most effective use of the massive amounts of money that will continue to be appropriated under this program. Congress must finally begin to insist that LEAA concentrate on establishing priorities for the use of federal funds and then focus its efforts on developing the strategies to accomplish those goals. This is the thrust of legislation which I will shortly introduce in the Senate together with other members of the Judiciary Committee of both parties.

Such strategies are familiar to all. For example, the experiments of one or two municipal bus lines have led to the establishment of exact fare policies. These in turn have eliminated almost entirely robberies of bus drivers. Countless other strategies could be developed in much the same way if LEAA made such an effort a matter of high priority.

Similarly, LEAA must begin a crash program to develop evaluation and information systems to inform state and local jurisdictions about programs currently being funded, and about the effectiveness of these programs. It makes no sense to spend hundreds of millions of dollars on programs to curb crime and then keep police in the dark about what is working and what is not.

Until the commitment to both of these problems is forthcoming, federal assistance to law enforcement efforts will continue to be needlessly scattered and ineffective.

II. THE STATE COURT ASSISTANCE ACT

As virtually every lawyer in every major city in this country can testify, the dockets of State and local Courts across the nation are in a sorry condition. In fiscal 1970, for example, the backlog of civil cases in Los Angeles County Superior Court was 62,000 cases. The average time from filing a civil complaint to actual trial was two years. In Philadelphia and Boston it is almost four years and in Chicago it is five. On the criminal side the delays are only slightly less dramatic. The average time from arraignment to sentencing in most major cities in 1970 ranged from a low of four months to a more typical average of one year.

The social costs of this delay have led to a crisis for society. Ordered freedom in a democratic society depends in large part on the willingness of citizens to take their complaints into court rather than onto the streets, and yet the weight and frustration of the swelling backlog of cases could crush faith in our judicial system, and leave the streets as a dangerously attractive alternative. Thousands of our citizens can testify personally to the truth of the adage that justice delayed is justice denied. The robbery victim who waits ten months to testify against his assailant, the ghetto mother who loses her furniture to a fraudulent default judgment, the motorist who spends two days

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in court waiting to protest an unjust traffic ticket—these are the true measure of the crisis in our courts and in our society.

Delays and congestion are only a part of the current crisis. First there is the manifold crisis of unequal access to our courts. We have entered an era in which the high promise of free legal services is threatened by application of political litmus tests by State governors who fear challenges to their policies by the poor. The result is a dangerous perversion of "law and order" into "law for the rich, order for the poor."

Second, the quality of legal representation can become destructively unbalanced in numbers and stamina. We are living in a time when corporate polluters can hire hundred-man law firms while indigent defendants rely on public defenders who must spread their efforts among scores of defendants.

All these concerns have contributed to a general crisis of confidence in the fairness of our judicial system.

These problems trouble me greatly. As a first step to encourage effective state and local reform, I have joined Senator Quentin Burdick, chairman of the Subcommittee on Judicial Machinery and Senate Minority Leader Hugh Scott in introducing the State Court Assistance Act.

This bill responds directly to the summons issued by the President and the Chief Justice in February at Williamsburg, Virginia, for a national center for state courts. It creates an Institute for Judicial Studies and Assistance, operated and controlled by state court judges. The Institute would serve as a national center for information and assistance to state judicial systems, and would make grants to state and local courts to study and evaluate judicial systems and to develop and implement proposals for reform.

This legislation benefits from a gradual process of refinement designed to answer understandable concern about the possibility of Federal interference in the administration of state judicial systems. This bill originally contemplated an office within the Department of Justice. The bill now provides for a governing board of the institute composed of two State appellate judges, two State trial judges, two State court administrators, and one attorney in private practice. Additionally, it requires the approval of the highest court or judicial body in a state for any project to be funded in that state and expressly prohibits the Institute from exerting any control or influence over State or local courts.

It is always tempting—and often helpful—to propose further studies when faced with difficult social problems. However, it has become clear to me that many state judges are convinced such studies are already available, and that the need now is for money to implement them.

The recommendations of some of those studies indeed show great promise. California has long been noted as a leader in court reform and innovation. Some of the reforms which have already been implemented include innovations such as jury selection without the presence of a judge, short-form procedures for personal injury cases, broader court conciliation services and settlement conference panels. Through the Institute to be created by this bill, California's experience with these procedures could be examined and evaluated by other states.

At the same time further recommendations can likewise be launched through the Institute. Thus, for example, the Special Judicial Reform Committee of the Los Angeles Superior Court has recommended an entire series of imaginative substantive reforms designed to remove from the courts cases which can more properly be handled outside them. The Commitee has recommended a series of quasi judicial panels to handle technical and complex controversies such as those between insurance companies litigating the interpretation of policies. Grants by the Institute could allow some of those recommendations to be tested.

In this way, the diversity of our state judicial systems can continue to be a source of strength for our whole nation, and we can heed the words of Holmes and Brandeis—expressed in another context—that each of our states can and ought to be a laboratory of experiment for the country at large.

III. YOUNG PEOPLE AND THE JURY SYSTEM

Improvement and reform of the judicial system would be incomplete if it did not include bringing young people fully into our system. Last year Congress began the process of enfranchising young people by granting to them the right to vote in Federal elections. Earlier this year Congress adopted and the States ratified the twenty-sixth amendment to the Constitution extending that right to vote to include all elections at every level.

It is therefore particularly important that our young people also be brought fully into the judicial process by joining in the right and the duty of service on juries. In fact, the arguments in favor of this proposition are the very ones which led to the lowering of the voting age to eighteen years.

For this reason, I have introduced legislation to lower the minimum age for service on federal juries from twenty-one to eighteen years.

Twenty other Senators joined me in offering this legislation, and the Justice Department has also supported it in hearings recently completed by the Senate Judicial Machinery Subcommittee.

Enactment of this legislation is particularly important because of the very purposes of the jury system. First, by making a cross section of the community the final trier of fact and judge of guilt, the American legal system provides the accused with the ancient common law protection—twelve laymen whose innate sense of justice protects him from the legalism, dogmatism and oppression of the State to which he might otherwise fall victim. Second, by making a random segment of the community an important part of the administration of justice, the courts enhance the community's acceptance of their decisions. In sum, opening Federal juries to those between 18 and 21 years of age will make available those abilities which make the jury a viable institution and will encourage acceptance of judicial decisions by a significant segment of our population—a segment which is already regarded under Federal law as fully adult for purposes of criminal prosecution.

We can and we must demand that all our citizens, and particularly our young people, accept responsibility for their own actions. An essential part of that responsibility is the right and the burden to render judgment on their peers.

IV. CORRECTIONS REFORM

"A Prison is the Grave of the Living, where they are shut up from the World and their Friends, and the Worms that gnaw upon them are their own Thoughts and the Jayler. 'Tis a House of meagre Looks, and ill smells: for Lice, Drink, and Tobacco, are the Compound: Or, if you will, 'tis the Suburbs of Hell; and the Persons much the same as there." John Dunton, 1686.

"Prisons should be so constructed that even their aspect might be terrific and appear like what they should be—dark and comfortless abodes of guilt and wretchedness . . .

There his vices and crimes shall become personified, and appeal to his frightened imagination as cotenants of his dark and dismal cell. They will surround him as so many hideous spectres and overwhelm him with horror and remorse" . . .

First Warden of the Main State Prison on its opening in 1824.

Our legal and judicial system has progressed in many ways since the time that those words were written, but our prison system is still woefully inadequate to the tasks we delegate to it. Those major tasks can be stated simply in principle: to segregate the offender from society and thereby protect it from him, to restore that individual society as a productive member, and to serve as a deterrent to future offenses by him and others.

In reality, the resources of our correctional system have been entirely inadequate to those tasks. In 1967 the President's Commission on Law Enforcement and Administration of Justice summarized the problem this way:

"For a great many offenders, then, corrections does not correct. Indeed, experts are increasingly coming to feel that the conditions under which many offenders are handled, particularly in institutions, are often a positive detriment to rehabilitation."

The director of the Federal Bureau of Prisons recently put it another way: "Anyone not a criminal will be one when he gets out of jail."

In fact, a study recently concluded by the FBI revealed that 65 percent of all federal prisoners released in 1963 were rearrested within a succeeding six-year period. Of those released under 20 years of age, 74 percent were rearrested; of those between 20 and 24 years of age, 72 percent; and of those 25 to 29 years of age, 69 percent. This is a human tragedy. It is also economic and social nonsense which we should not tolerate.

The need then is obvious. Yet in the face of that need, federal, state and local efforts have all been sadly inadequate. Advocates of prison reform have never had the political clout necessary to focus the attention of legislators or administrators at any level to the extent adequate to the task.

Congressional response thus far has in many ways mirrored the public inattention but a gradual shift is beginning. Last year the Senate authorized for the first time a full time staff for its Penitentiaries Subcommittee. Funding for corrections is beginning to increase. This year's budget for the federal prison system was $50 million over last year. But the major stumbling block to effective reform still remains money. And even the use of LEAA funds for corrections has been inadequate. In California last year only six percent of LEAA funds distributed to the state went for improvement of the correctional system.

But ultimately the real challenge rests with all of us. Many concepts and ideas which we have known for years will be difficult to implement, as long as we prefer to sweep the tough questions of rehabilitation under the rug. Until the rehabilitation of criminals commands greater public support, the terrible price of neglect will continue to be imposed on everyone. Chief Justice Warren Burger recently stated quite eloquently:

"When a sheriff or a marshal takes a man from a courthouse in a prison van and transports him to confinement for two or three or ten years, this is our act. We have tolled the bell for him. And whether we like it or not, we have made him our collective responsibility. We are free to do something about him: he is not."

The process of building a coalition for reform is beginning. The creation of the ABA Commission on Correctional Facilities and Services is a hopeful sign because its mandate is the development of a program of action. It is a task for which lawyers are particularly well suited and one which should be given the highest priority. The legislative process will move only as fast as its constituency, and I suggest that lawyers become vocal constituents.

CORPORATE FARMING IS NOT IN THE NATIONAL INTEREST

Mr. MONDALE. Mr. President, yesterday's New York Times featured a front-page article, by B. Drummond Ayres, Jr., which gives the nonfarm reader an in-depth briefing on the corporate invasion of agriculture.

The article outlines how several conglomerate corporations are pursuing their goal of integration from seedling to supermarket. History has shown that successful integration of this sort by corporations seldom benefits the rural area, the farmer, or even the consumer.

One example used is a detailed account of how supermarket chains in one area forced cattle prices from 29 cents down to 21 cents per pound. Although the cost of meat to grocers in the chain was reduced proportionately, retail prices paid by consumers stayed the same.

Mr. President, nothing I have seen or heard concerning the corporate invastion of agriculture has shown much different. There is much evidence that these conglomerates will have an ill effect on our independent family farmers. Also, without the family farmers to provide the business which supports them, our rural communities cannot be expected to survive. On top of this, large corporations do not show promise of doing any better job than our family farmers are now doing.

The American family farmer has proven again and again that he is the most efficient food producer in the world. His productivity has offered the American people the widest variety of top quality foods available to any people in history.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 5, 1971]

RISE OF CORPORATE FARMING A WORRY TO RURAL AMERICA

(By B. Drummond Ayrea Jr.)

KANSAS CITY, Mo., December 3.—Few things are growing faster down on the farm these days than corporate influence.

All across the United States, from the wide-open prairie surrounding this cattle and grain center to Maine's fertile potato fields and California's irrigated grapefruit groves, big business is diversifying and moving in on what once was strictly a family enterprise, a way of life.

International Telephone and Telegraph now produces not only transistors but also Smithfield hams.

Greyhound now runs not only buses but also turkey processing plants.

John Hancock now sells not only insurance but also soy beans.

Corporate farming or conglomerate farming or agribusiness—by any name it strikes deep fear in rural hearts, such deep fear that the new Secretary of Agriculture, Dr. Earl Butz, was almost rejected by the Senate after he had espoused the advantages of agricultural giantism and had disclosed membership on the boards of such super farm firms as Ralston Purina and Stokely-Van Camp.

Senator Gaylord Nelson called Dr. Butz's views "brazen" and has begun to investigate corporate influence in agriculture Legislation. The Wisconsin Democrat says: "Corporate farming threatens an ultimate shift in power in rural America, a shift in control of the production of food and fiber away from the independent farmers, a shift of control of small town economies away from their

The Agribusiness Accountability Project a non-profit study group with headquarters in Washington, has been looking into corporate farming for more than a year and reports:

"Corporations generally have become the dominant force in rural America. Their concentration of agricultural markets and their power over rural people is increasing every day. Control of American agriculture has moved from the fields to the board rooms of New York, Kansas City, Los Angeles and other centers of big business."

Farmers themselves speak even more directly the problem. Summing up the position of one of the largest farmer associations, the National Farmers Organization, Rogers Blobaum of Creston, Ia., said:

"A corporate takeover of the food industry would be a national disaster."

Corporations everywhere deny any takeover is threatened.

"We're not trying to run anybody out of business," says George Kyd, a spokesman for Ralston Purina.

A MISLEADING PICTURE

At first glance, corporations do not seem to loom large on the agricultural scene. Of the 2.7 million farms left in the United States, only about 1 per cent are carried on the Agricultural Department's books as incorporations. And most of the incorporators still insist they are "family farmers."

But that picture is misleading.

Corporate farms are big farms. Many consist of thousands of acres of the best land obtainable. Their owners often have backlogs of development capital and, if diversified, obtain numerous tax advantages.

On the other hand, the average American farm, the unincorporated farm, consists of only about 400 acres, some of them nonproductive. The man who owns this relatively small plot probably has no big capital backlog, often is deep in debt, and seldom receives any special tax breaks.

Eventually, he may have to sell out, flee to the already jammed city, surrender to those who have the capital to compete in a business where $6,000 deals have replaced $60 mules.

This surrender, in one form or another, takes place 2,000 times a week all across America. That is the average number of farm sales weekly, according to the Agriculture Department. Often, a well-heeled corporation moves in to fill the void, or maybe a wealthy city doctor looking for a tax deal or maybe a neighboring farmer who has somehow found the means to expand and is on the brink of incorporation.

Actually, not all farming corporations owns land. Some only lease and thus do not show up in farm statistics.

Other farming corporations neither own nor lease land. They simply contract for crops, an operating method that now accounts for about a fifth of the country's total agricultural output.

METHODS COMBINED

A few corporations use a combination of operating methods.

For instance, the Tenneco Oil Corporation owns and farms about 35,000 acres of Southern California's best crop land. It leases 100,000 acres more. And it contracts for the crops of dozens of other farms in the area.

The overall effect is to make Tenneco one of the dominant agricultural forces in one of the biggest farming areas of a state that provides more than a third of all vegetables eaten in the United States.

Tenneco has no monopoly on the vegetable market. But in some other agriculture sectors, corporations have achieved dominance or near dominance.

Three companies—Purex, United Brands and Bud Antle—produce a large share of the lettuce eaten in America, a situation that has led to a rare agricultural antitrust investigation by the Federal Trade Commission. Many Government officials contend that a corporation cannot grow lettuce any cheaper than a family farmer, a point farm economists have frequently made, not only about lettuce but also about most other crops.

Another sector of agriculture dominated by corporate America is the broiler industry. There, 20 or so corporations are in control, producing everything from chicks to feed to packaged drumsticks. Among these companies are Pillsbury, Perdue and Ralston Purina, with which Secretary Butz was associated.

CHANGE AFTER WORLD WAR II

Until shortly after World War II, many broilers were raised in the barnyards of family farms. Small flocks of chickens, though always underfoot, supplied added income, cash for birthday presents or a winter weekend in the city.

Today, there is virtually no market for barnyard chickens. Instead, the family farmer is usually growing broilers under contract for one of the big agrigiants.

In a shed built with a loan from a corporation, he feeds mash produced by the corporation to chicks hatched in the corporation's incubators. When the birds are mature, the corporation takes them away, slaughters them in its own processing plant, packages them prettily, then ships them off to a supermarket—perhaps its own.

The farmer is paid $50 or so for every 1,000 chickens raised. But in any year, if times are hard or management particularly tough, the corporation may cut the growing fee in half.

Should the farmer refuse to sign a new contract, fine—so long as he pays off his loan on the corporation-financed chicken house.

Only last week, chicken farmers on the Delmarva Peninsula—comprising parts of Delaware, Maryland and Virginia—threatened court action when some broiler corporations proposed cutting growing fees in half.

And two years ago, in northern Alabama, growers became so incensed about reduced growing payments that they refused to sign new contracts and began to picket the offices of broiler companies. The companies refused to negotiate, however, and eventually the strikers gave in and returned to work.

Commenting on the strike's failure, one grower, Crawford Smith of Cullman, said:

"Us folks in the chicken business are the only slaves left in this country."

George Kyd of Ralston Purina counters:

"Chicken is cheaper to eat today than it was after World War II, and besides, a lot of farmers have been given work."

THE LESSON IS THERE

To which Harrison Wellford, one of Ralph Nader's agriculture "raiders," replies:

"Poultry peonage. One economist cranked in every applicable factor and concluded that most chicken farmers make minus 36 cents an hour. The broiler industry is the most corporatized in American agriculture and the lesson is there."

Foes of corporate farming refer to the broiler industry as being "vertically integrated"—that is, the corporations control almost everything from field to table. Few other segments of agriculture are so thoroughly integrated. But the trend is in that direction.

Tenneco recently told stockholders:

"Tenneco's goal in agriculture is integration from seedling to supermarket."

In fact, the corporation has almost achieved its goal. Not only does it own land, but it also make tractors, tractor fuel and pesticides. Furthermore, it packages farm products and sells them in little groceries attached to its service stations.

In the potato industry, some companies have achieved full integration. This became evident several years ago when Idaho farmers tried to get more money for their potatoes

by withholding them from processors for several months.

The processors refused to give in. Instead, they dipped into storage houses filled with spuds they had quietly grown themselves or had quietly obtained through growing contracts.

Eventually, the growers surrendered. Their potatoes were beginning to rot.

In the hog and cattle industries, vertical integration remains limited. But corporate influence is being felt.

For instance, some concerns like Ralston Purina now rent gilts and boars to farmers sell the farmers grain to feed the resulting pigs, then offer to market the pigs once they reach maturity.

In the cattle business, a few petroleum corporations have set up huge feed lots in the Southwest, some with 50,000 head or more. As a result, oil companies are steadily becoming an influential force in cattle feeding, encroaching on the family farmer, the man trying to pick up a little extra income by raising a dozen steers out in the barnyard where the chickens used to scratch.

Big food chains often buy directly from feed lots or set up their own feeding operations. Thus, they reduce the need for stockyards, the one place where the family farmer can always be sure of getting the best price for his cattle because the bidding there is always competitive.

Victor Ray, an official of the National Farmers Union, a large farmers association, contends that several years ago Denver supermarkets whipsawed steer prices down from 29 cents a pound to 21 cents a pound simply by repeatedly shifting purchases from feed lot to stockyards and back to feed lots. Mr. Ray says:

"When the chains weren't buying at the yards, prices naturally would drop. Of course, the chains denied any connection. But interestingly enough, all the while that wholesale meat prices were going down, retail meat prices stayed the same. I figure the people of Denver paid at least $4-million more for food during that period than they should have."

Here in Kansas City, there is a company that specializes in investing the excess capital of wealthy corporations or individuals into cattle and other agriculture operations. Called Oppenheimer Industries, it takes on no client with a net worth of less than $500,000 or an income tax bracket of less than 50 per cent.

Its specialty is "cowboy arithmetic," tax savings for the rich through depreciation, favorable capital gains levies and other legal loopholes. One of its clients is Gov. Ronald Reagan of California, who paid no state taxes in 1970.

The president of Oppenheimer Industries, H. L. Oppenheimer, argues that the money he steers away from the United States Treasury and into farming actually helps keep the family farmer in business and does not contribute significantly to the corporate invasion of rural America.

Federal tax records indicate that at least three out of every four people with annual incomes of $100,000 or more are involved in farming in some way, most of them reporting agricultural losses that can be written off against taxes on nonfarm income.

If Federal tax laws seem to help the city corporation that farms on the side more than the family farmer who farms full-time, they are not the only ways in which Federal programs tend to work against the little man.

The biggest farms—the ones with the wealthiest owners—receive the biggest agriculture subsidies. The biggest farms also get the biggest dollops of Government-supplied irrigation water.

Recently, Congress placed some limits on subsidies. And the courts are beginning to crack down on the big water users, particularly those who do not live on the land they farm.

But still the gap widens between the rich and the poor.

"We lost the battle against Earl Butz but the struggle sure swung attention toward the farm issue. I've never seen Washingon so upset over an agricultural thing. Maybe Earl Butz will turn out to the the best thing that ever happened to us."

WHITE HOUSE CONFERENCE RECOGNIZES NEED FOR CONTINUING EDUCATION

Mr. MONDALE. Mr. President, today education is increasingly regarded as a lifelong process.

Most Americans now recognize the importance of education and training to prepare our young people for occupations needed in a dynamic economy. But for older Americans, education has a low priority.

Efforts to provide preretirement counseling for older workers, for example, have been woefully inadequate. As a consequence, millions are now ill prepared to make the major transition from work to retirement. And many persons in their fifties or sixties are uneasy about the "shock of retirement" or the "threat of leisure." Unless far-reaching changes are instituted, retirement and the preparation for retirement will continue to be one of the most difficult adjustments.

With the length of retirement projected to increase during the years ahead, the need for a comprehensive preretirement assistance and continuing education program becomes all the more compelling. Equally important, our traditional work-lifetime patterns are now undergoing major changes. Today we are moving toward a new "mixture" with regard to work and nonwork activities.

In terms of sheer numbers, continuing education and preretirement counseling should also be of major concern to our Nation. There are now about 42 million Americans in the 45 to 64 age category. Each year 1.4 million individuals celebrate their 65th birthday. And approximately 45 million middle-aged persons will become senior citizens during the next quarter of a century.

A few days ago a White House Conference on Aging was held in Washington. One of the key issues considered by the 3,400 delegates was the need to make education a basic right for all Americans—the old as well as the young. Moreover, the conference provided further persuasive arguments for my Federal Employees Preretirement Assistance Act, S. 1392.

Briefly, this measure would establish a comprehensive preretirement counseling and assistance program for all Federal employees who are eligible for or approaching retirement. Additionally, this bill would direct the Civil Service Commission to provide training for agency retirement advisers and to publish guidelines about related work-life programs, such as phased retirement, trial retirement, new types of part-time work, and sabbaticals.

Mr. President, I commend the education recommendations of the White House Conference on Aging to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the recommendation were ordered to be printed in the RECORD, as follows:

EDUCATION

PREAMBLE

Education is a basic right for all persons of all age groups. It is continuous and henceforth one of the ways of enabling older people to have a full and meaningful life, and as a means of helping them develop their potential as a resource for the betterment of society.

BILINGUAL AND ETHNIC CONCERN

All issues and recommendations which will affect or serve linguistically/culturally different populations must enlist the necessary linguistically/culturally different qualified expertise in the development processes of such proposals so as to insure that all programs designed for the elderly will result in maximum utilization and participation of the constituents in question.

Particularly urgent are Federal, State and local funds for bilingual/bicultural education to the non-English speaking elderly pertaining to instructions relating to the requirements of Federal, State and local government agencies, i.e. gaining citizenship, applying for social security, housing applications, etc.

EXPANSION OF EDUCATIONAL PROGRAMS

Education for older persons should be conducted either apart from or integrated with other groups according to their specific needs and choices. Where feasible and desirable the aged must be granted the opportunity to take advantage of existing programs with both old and young learning from each other. However, alternatives must be provided which emphasize the felt needs of the aged at their particular stage in the life cycle.

The expansion of adult educational programs having a demonstrated record of success should receive higher priority with due consideration being given to experimental and innovative programs.

Educational opportunities must be afforded all older persons, with special effort made to reach those who, because of low income, poor health, social circumstances or ethnic status are less likely to respond voluntarily. Outreach programs should use all appropriate channels and delivery systems.

For older persons to participate in educational programs; agencies, organizations; and government must provide incentives. These incentives should be aimed at eliminating specific barriers to the availability and accessibility of educational services for older persons including transportation, free attendance, subsistance, auditing privileges, relaxed admission requirements, flexible hours, convenient locations and subsidies to sponsors and removal of legal barriers.

Public libraries serve to support the cultural, informational and recreational aspirations of all residents at many community levels. Since older adults are increasingly advocating and participating in lifetime education, we recommend that the public library, because of its nearby neighborhood character be strengthened and used as a primary community learning resource. Adequate and specific funding for this purpose must be forthcoming from all levels of government and most importantly from private philanthropy.

We recommend further that the Library Services and Construction Act be amended to include an additional title to provide library services for the older persons.

Emphasis should be given at every level of education to implement and expand the expressed educational objective of "worthy use of leisure." Education must be directed toward an acceptance of the dignity and worth of non-work pursuits as well as toward development of leisure skills and appreciations.

FUNDING PROGRAMS

Money and manpower for educational opportunities must have high priority throughout all services offered to older persons by any approved public or private agency or organization in order to assure continued, meaningful living.

Educational opportunities must include basic, continuing, vocational education, and training about needs for better use of services, cultural enrichment, and more successful adjustment to aging.

MAJORITY OR PLURALITY POLICY PROPOSAL

Public expenditures for education for older persons must be increased and directly related to the proportion of older persons within the population. These expenditures should relate to the needs articulated by all segments of the population of older persons including rural and urban and ethnic minorities or by the organizations that represent older persons.

Available facilities, manpower and funds must be used for educational programs designed and offered on the basis of the assessed needs and interests of older persons. The initiative may be taken by many sources, but the design and curriculum must include active participation by older persons.

The Federal Government must consider the concerns of educational programs of older persons in a greater equity of allotment and on a higher priority basis when allocating funds for educational programs.

Where matching funds are required for Federal education programs aimed to assist older persons, it is recommended that the life long contributions toward building this country by the now elderly be considered as suitable compensation in lieu of "matching funds."

INCREASING INFLUENCE OF OLDER PERSONS

Education should place emphasis on instruction to help the older persons understand issues, procedures and action in regard to political processes to enable them to meet more effectively and quickly their special needs as individuals or as a group.

MATERIALS, METHODS AND CURRICULUM

Appropriate materials and methods about all aspect of aging, must be developed and introduced in the curricula at all levels of education from pre-school through higher education.

MASS MEDIA

A national awareness campaign must be initiated through mass media and through educational systems to promote better understanding by society of the nature of the aging process, the needs and interests of older people, and the positive contributions and potentially untapped resources of older persons.

All educational resources must be pressed into service for the needed leadership in the preparation and implementation of (a) leadership training, (b) teacher training, (c) curricula and (d) teaching materials for focusing on the critical educational needs of the older persons in America.

PRE-RETIREMENT

Pre-retirement education programs must be established to help those approaching retirement age to achieve greater satisfaction and fulfillment in later years. Pre-retirement education must be the primary responsibility of the public education sector in cooperation with relevant community organizations in the areas of industry, labor, all levels of government, voluntary service and private associations.

PROFESSIONAL PREPARATION

We urge that institutions of higher learning provide opportunities for special professional preparation of those who will and are working with older persons (law, medicine, social work, recreation, education.) More attention must also be given to workshops, institutes, and in-service for those who now work with older adults.

STATUS OF ADMINISTRATION ON AGING

To implement the educational policies growing out of the 1971 White House Conference Aging, the Administration on Aging must be accorded status and financing appropriate to the task and must be made an independent agency within the Department of HEW as provided for in the Older Americans Act of 1965.

Primary responsibility for the initiation, support and conduct of education programs for older persons must be vested in the existing educational system, Federal, State and local with active participation and cooperation of specialized agencies. A Division of Education for Aging should be established in the Office of Education immediately, to initiate supportive educational services for the aging. Similarly, all State departments of education should designate full-time responsibility to key staff for the development and implementation of programs in education for aging.

A NEW GAME: LOVE THE NEW PROSPERITY

Mr. HARTKE. Mr. President, for the past few months, an organization called the Citizens for a New Prosperity, has been soliciting funds from the country's major corporations. It is the intention of this group of private citizens, to launch a "Love the New Prosperity" campaign upon the American people. With the contributions that range from $2,000 to $25,000, the organization has bought bumper stickers, decals, posters, even yardsticks, emblazoned with "Follow the Yardstick to a New Prosperity," to fulfill their purpose.

The campaign aims to support President Nixon's recent economic actions. Backed by J. Willard Marriot, Hobart Lewis—the president of Readers' Digest and chairman of the group—has contacted more than 13,000 chambers of commerce and 90 major retailers. To date, 70 of those chambers have responded affirmatively.

Making its debut September 27 with a full page advertisement in the Washington Post, the organization asked for a "nationwide and nonpartisan" coalition of citizens. Deputy director of the group, Col. Lee Choate—USAF, retired—said the citizens for a new prosperity seek a "well-balanced membership." Despite that Choate concedes that most of the 125 members are active Republicans.

With stopping inflation as its major goal, the organization calls their action a "positive effort." However, the stakes are high—too high. Using slick-sell methods to sell citizenship and confidence is a dangerous game. National pride, built on Madison Avenue tricks is is a false pride; a pride and confidence that will falter if Mr. Nixon's economic measures do succeed. The Citizens for a New Prosperity are playing this game, and, in the end, the American people will lose.

OIL DRILLING OFF THE EAST COAST

Mr. HANSEN. Mr. President, there may come a day in the not too distant future when the persistent critics of the petroleum industry, the oil import program, and the minerals depletion allowance will welcome the sight of drilling platforms off the east coast.

Since joining this distinguished body in 1967, I have noted a remarkable change in attitudes of some of those who represent the northeastern areas, the Middle Atlantic and New England States.

When I first arrived, there was a great outcry for approval of a giant refinery to be built in the State of Maine to operate on foreign crude brought in from Libya. Such a refinery, its advocates said, would solve all of that area's fuel and gasoline problems including lower prices.

Following last year's troubles in the Middle East and North Africa when petroleum supplies from those areas became scarce and prices skyrocketed, the clamor for a refinery subsided. In fact, the offer of another company to build a refinery to operate mostly on domestic crude oil was declined because of opposition from environmentalists.

However, the clamor for more imports of heating oil and the continuing criticism of the domestic petroleum industry has not subsided but rather has gained new advocacy from the recent announcement by the Department of the Interior of the possibility of oil and gas production off the Atlantic coast including New England.

Mr. President, no other area of the Nation is so completely dependent on oil and gas for its existence as the east coast megalopolis. A substantial percentage of the fuel needs of this great population mass is now imported from foreign sources and more and more will be needed in the future.

Gas is already in short supply and almost certainly will become not only scarcer but more expensive in the years ahead.

Almost all of the plans to supplement east coast supplies of natural gas are for importation of liquified natural gas from Algeria or other foreign sources including Russia or for synthetic gas made from imported crude oil or naphtha.

When the able senior Senator from Texas (Mr. TOWER) offered an amendment recently to the Revenue Act which I and several others cosponsored, the house fell in on us in an outpouring of criticism of the petroleum industry because of its so-called tax privileges and alleged favored treatment under the oil import quota program.

In remarks here a few days ago, the able Senator from Texas (Mr. TOWER) answered some questions the distinguished Senator from Massachusetts (Mr. KENNEDY) had raised about the value of the oil import quota system.

The Senator from Massachusetts (Mr. KENNEDY) has also introduced an amendment to the coastal zone management bill, S. 582, to provide for an independent investigation of the environmental risks and alternatives to Atlantic coast offshore drilling. He and others have introduced another bill to prohibit oil and gas leasing off the Atlantic coast for 2 years.

It seems ironical to me that a study such as this to be conducted by the National Academy of Sciences at a cost of $500,000 should be necessary when thou-

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sands of wells, drilling, and production platforms, undersea pipelines, and all of the attendant installations and facilities now exist in the Gulf of Mexico off the coasts of Louisiana and Texas.

Citizens of Louisiana and Texas seem happy enough with their offshore oil and gas operations and this includes commercial and sports fishermen as well as the shrimp and oystermen. And most certainly those who pay the taxes for State education, welfare, highway, and other public expenditures are highly appreciative of the tax and royalty income from the oil and gas produced from these offshore operations.

There have already been studies made of the environmental effects of oil production on marine communities and a paper by Dr. J. G. Mackin, professor emeritus in the Texas A. & M. biology department was presented this week at the annual meeting of the Interstate Oil Compact Commission.

Mackin told the session that—

Marine life is in no sense the delicate assemblage such as they are often portrayed as being, they possess a remarkable capacity to substitute for missing links in the food web

Mackin found that a "flood of papers, books, commentaries, and other contributions on oil spills in recent years have been anything but objective."

And, he observed, "surprisingly few of the papers present basic data which can be used in estimating effect on marine communities."

Mr. President, Mr. Mackin's remarks and those of a prominent geologist who has studied the environmental effects of the offshore oil industry in the gulf were carried in a recent article in the Oil Daily. I ask unanimous consent that the article be printed in the RECORD following my remarks.

Also, Mr. President, I ask unanimous consent that a letter to the editor published by the Washington Star on the same subject be printed in the RECORD and that another article from the Oil Daily, "Cheap Foreign Oil, Gas Myth Laid to Rest" also be printed in the RECORD.

Mr. President, there is a way to solve this Nation's immediate and short-term energy crisis and that is through realistic pricing of domestic natural gas, crude oil, and oil products plus realistic Federal taxing and regulatory policies including mounting obstacles and hurdles thrown at the energy industries under the guise of environmental protection.

Development of the still abundant supplies of oil and gas that exist both onshore and offshore will undoubtedly be expensive but relatively could be much cheaper than imported LNG and crude oil, heating oil and other oil products once we become substantially dependent on foreign sources. And we are near the peril point of such dependence now if we have not already past it.

Those who refuse to recognize the seriousness of the energy situation for what it is and who join the environmental extremist crusaders in creating the unreasonable, excessive, and impossible conditions for the development of vitally needed energy resources may see the day and soon when they would welcome the sight of oil and gas producing platforms off their shores. And while to many the environment has become a national issue and a national cause, that environment will be in sad shape without the energy to keep the economy moving upward.

Too many of the environmentalists have not considered the vast amounts of energy necessary to carry out their objectives of cleaning up the air and the water, the recycling and reclamation of wastes, synthesis of coal for natural gas, oil shale development—even electrification of transportation facilities—mass transit.

It is wonderful, Mr. President, to visualize a clean environment, pure air, clear water, and a landscape or seascape unblemished by oil or gas drilling rigs. But it seems to me, Mr. President, that it is also important that we in Congress recognize the realities of the energy problems of this Nation which cannot be pushed aside any longer. The problem is here and now, especially in the Northeast and it will not be solved but only postponed by continuing reliance on imports which even now, if seriously disrupted, could not be made up from domestic sources.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Oil Daily]

OIL HUNTER AIDS SEALIFE, IOCC TOLD

(By Billy G. Thompson)

BILOXI.—Mankind is reaping greater harvests of seafood and other marine resources because of the oil hunter's ingenuity and tenacity that has taken him to the oceans in quest of petroleum supplies, the Interstate Oil Compact Commission was told here Monday.

"There is a tremendous blanket of fish and marine life that is held out in Louisiana waters over and above the natural environment . . . only because of the interconnected network of manmade artificial reefs created by (oil and gas) production platforms," a driver-naturalist reported at a joint session of technical committees at IOCC's annual meeting.

Moreover, observed Burr Tettleton, senior Gulf Coast geologist for Sohio Petroleum Co., "the wonderful migration of fish toward those waters will continue until drilling is stopped."

"There lies the truth," maintained the Sohio geologist in sounding this appeal:

"Before it's too late, I think the oil industry should only have to point the general public to Louisiana, not defensively, but proudly as the prime example of compatibility (of the offshore oil industry in the marine environment)."

Tettleton also made these points about offshore oil operations and marine life in the Gulf of Mexico:

(1) Commercial fishing—"the most lucrative" in the U.S. today—amounts to $150 million each year in Louisiana. Sport fishermen bring in $2 million worth of pompano, alone.

(2) Some 10,500 wells have been drilled in the Gulf of Mexico but only 26 have been temporarily out of control and most of them gas with no pollution. More than 11,500 wells offshore have been drilled in the U.S. with "only one Santa Barbara drilling accident . . . one accident of the magnitude of Chevron, a production mishap off Louisiana, and only one incident like Shell's, a workover accident, also off of Louisiana."

"But that's a pretty fair record and doesn't rate all the fear that hysterical reporting has created, that every well from now on will be a blowout," he appraised.

(3) In its brief 24-year life-span, the offshore oil industry has grown to supply more than 17 percent—7,000,000 b/d—of total world production, and more than 20 percent of world oil reserves. And, Tettleton noted that within the next 20 years a minimum of 50 percent of the production must come from under the sea.

(4) Investment in offshore oil operations and facilities in the next decade should average $2.9 billion per year for a total of $29 billion.

Dr. J. G. Mackin, professor emeritus in Texas A&M's biology department, told the joint session that marine life is "in no sense the delicate assemblage such as they are often portrayed as being."

Mackin presented a paper on environmental effects of oil production on marine communities. He stressed that "they posess a remarkable capacity to substitute for missing links in the food web."

Mackin found that a "flood of papers, books, commentaries and other contributions" on oil spills in recent years "has been anything but objective."

And, he observed, "surprisingly few of the papers present basic data which can be used in estimating effect on marine communities."

Mackin said his and other studies have shown all oil spills have caused some damage when oil was washed into inter-tidal zones in large amounts, but he added, "in most cases the damage was small and fairly quickly repaired."

In the Torrey Canyon spill, Mackin noted that most of the damage apparently resulted from injudicious use of toxic dispersants in clean-up operations. He warned against permitting oil spills to move into inter-tidal zones where "most damage" is the nuisance to humans.

[From the Washington Evening Star]

LETTERS TO THE EDITOR

"EAST COAST OIL"

SIR: Your editorial, "East Coast Oil," was both encouraging and discouraging.

It was encouraging in that it asserted that it isn't too early for citizens of your region to begin informing themselves on the subject of offshore oil production. Amen!

It was discouraging in that its writer, while waxing poetic, manifested what seemed to me to be a complete lack of information on the subject. He referred to visions of Ocean City, Maryland, as "the Galveston of the East, with derricks offshore, tankers plying alongside the coast and refineries standing tall against the sunset."

Unless they have been erected overnight, there is no forest of oil or gas derricks within many miles of Galveston Island. Texas had eight rigs running in offshore waters on November 15, most of them in the Corpus Christi area beyond the 10-mile limit.

Louisiana's prolific offshore oil fields are principally well beyond the three-mile limit, with most derricks far out of sight of land. Some are more than 110 miles offshore. We have had no experiences to compare with that of Santa Barbara, when oil was spilled in a relatively narrow channel between the mainland and coastal islands. As a matter of record, our seafood production has increased rather than decreased since the first well was brought in off Louisiana in 1946.

Rather than torment themselves by agonizing over the spectre of polluted beaches, the people of Maryland, Virginia and Delaware might give more thought to trying to have the federal government share with coastal states the bonanza which it is receiving from minerals production off Louisiana and which it probably will receive from production off other coastal states.

Providing services for the crews who work the offshore rigs and their families has been expensive for Louisiana. We have received nothing to compensate us for this added expense and are not permitted to collect severance tax on the offshore production or sales taxes on pipe, food, drilling mud and other materials moved from Louisiana to the offshore operations.

Having Congress treat offshore federal lands precisely as inshore federal lands are treated would be an equitable solution of this problem. Wyoming and other states receive .375 percent of revenues from minerals, timber and other production from federal lands within those states. Coastal states are entitled to the same consideration.

GEORGE W. HEALY JR.

NEW ORLEANS, LA.

[From the Oil Daily]

CHEAP FOREIGN OIL, GAS "MYTH" LAID TO REST

(By Bill Mullins)

CHICAGO.—Four foreign officials appeared here and dealt another blow to the myth that the United States can enjoy an era of cheap foreign petroleum products if it will stop restricting imports.

They spoke at the 30th annual meeting of the Institute of Gas Technology, during a symposium entitled, "How Natural Gas Exporters View the U.S. Gas Market," and their basic message was this: the natural gas will be available but it won't be cheap.

That message comes at a time when the Organization of Petroleum Exporting Countries (OPEC) is steadily pushing up the price of the crude oil its members export to Europe, Japan and North America.

The 11-member OPEC, which controls 85 percent of total world oil exports, includes Algeria, Indonesia, Libya, Nigeria, Venezuela and these Persian Gulf members: Abu Dhabi, Iran, Iraq, Kuwait, Qatar and Saudi Arabia.

Algeria, Nigeria and Venezuela were represented at the Chicago symposium and the attitudes they expressed are typical of OPEC members. A Canadian who took part in the symposium expressed even tougher views.

Americans who have been listening only to the U.S. politicians who claim an easing of import restrictions would result in plentiful supplies of cheap foreign oil might have found the symposium distressing.

But that symposium gave a far truer view of what lies ahead for those who choose (or who must) rely on foreign petroleum supplies than the politicians have provided.

F.R.A. Marinho, deputy director of the Department of Petroleum Resources, Federal Ministry of Mines and Power, Nigeria, describes his country's attitude.

"Our willingness and enthusiasm as an exporter of LNG to the U.S.A. is, however, going to be dependent on changes in the United States' attitude toward the all-important question of providing the right economic climate for this commodity," Marinho said.

Estimates show the cost of Nigerian LNG at the U.S. terminal would exceed $1 per million BTUs and it has been suggested that figure is not acceptable in the United States, he continued.

The continued pursuance of a repressive pricing policy will effectively deny valuable reserves to the U.S. market, he said. And he emphasized this includes Nigerian LNG.

"We consider that if the United States market is to absorb gas from Nigeria, it would have to be willing as time goes on to pay some premium for the commodity itself and for the stability and security innate in supplies from Nigeria," Marinho said.

And Nigeria also sees a need for the United States to provide incentives and make available facilities to organizers of projects for supplying LNG to U.S. markets, he said.

"We do not contemplate here the handing out of A.I.D. or similar 'largess' but the facilitating of processes of raising capital, particularly by developing countries whose peculiarities or economic aspirations may not necessarily be compatible with the enthronement of American entrepreneurial interests, and making other fiscal concessions as may be necessary to ensure a worthwhile project to all concerned," he added.

A. Chanderli, president directeur general of Compagnie Algérienne du Méthane Liguide (CAMEL), explained Algeria's attitude on the LNG question.

Instead of mentioning price, Chanderli noted that Algeria owns facilities which have been producing and delivering LNG to England, France and other markets since 1964.

Algeria is putting special emphasis on the development of its natural resources in order to assist in the nation's economic development, he added.

This development has required large investments by Algeria and it wants to realize a return on its investment, Chanderli said.

"The El Paso-Sonatrach contract, for example, will require on the part of Sonatrach an investment in excess of $5000 million," he explained.

"It is evident that Algeria will have to provide conditions which insure that the investment made by Sonatrach, its national oil company, achieves the highest rate of return," he said.

Although Chanderli didn't mention specific prices, the phrase "highest rate of return" indicates his country's attitude.

And the contract between El Paso Natural Gas and Sonatrach that he mentioned will result in deliveries to Savannah, Ga., at 68.6 cents per million BTUs and to Cove Point, Md., at 64.6 cents per million BTUs.

Maurice Valery N., general director, Corporación Venezolana del Petroleo, noted that foreign natural gas may play an increasingly important role in the United States'

"We know, in connection with gas imports to the United States, that during 1970 they represented four percent of total supplies and that they may increase to 28 percent in 1985, assuming there is availability of supply from abroad," he explained.

This may result in Venezuela playing an important role in supplying the United States with natural gas, he said.

"Venezuela has been traditionally a country that exports energy to the United States and it hopes to continue in such a position for a long time, in satisfactory conditions for both countries, aiming of course, that this exchange is carried out reasonably and at prices that represent a fair energy resource," he added.

David B. Furlong, managing director and chief executive officer of the Canadian Petroleum Association, said flatly the United States would pay higher prices for Canadian gas or it wouldn't get the gas.

"Historically, both in Canada and in the United States but more so in our country, natural gas has been sold at bargain basement prices," Furlong said.

"Our present export price at the border averaged 27 cents per thousand cubic feet (a thousand cubic feet is roughly equivalent to a million btus) in 1971," he continued.

"Even this is still bargain basement," he said. "As a wellhead return to the producer, it is the equivalent of oil at only 70 cents per barrel when converted to BTU equivalent.

"I'd say that we in the producing industry are planning to get fair value for our discoveries in the future," he said.

"I would suggest that, realistically, in the contracts of the next 20 years this price must increase, probably to double what it is now or even higher, because, as I see it, there are only two alternatives open to you," Furlong commented.

"The first is to pay these other gentlemen on the panel substantially higher prices for their LNG than you would pay us for pipeline gas," he said.

"The second is to pay similar or higher prices than the Canadian price to develop oil shales or coal for gasification," he added.

Unless the price increases mentioned do occur, it is not likely that future additions to Canadian gas reserves will be made available to the United States, Furlong said.

It should be noted that the desire of foreign nations for higher prices is not the only factor that is pushing up the price for natural gas, crude oil and petroleum products.

Furlong summed up the factors in his own nation with this sentence:

"The frontier areas from which they (gas supplies) must come are very high cost in exploration, production and transportation and these programs will not continue and be successful at present price levels."

In the case of LNG, the nations and companies involved have to invest in plants for liquefying the natural gas, special ships for transporting it and terminals for unloading it. Only then can it be put into natural gas pipelines in the United States.

But the desire of foreign nations for higher prices will continue. And in a marketplace where an organization like OPEC both controls most of the surplus petroleum supplies and sets policy on prices, prices will continue to rise.

NATIONAL SICKLE CELL ANEMIA PREVENTION ACT

Mr. HUMPHREY. Mr. President, the recent unanimous passage by the Senate of the National Sickle Cell Anemia Prevention Act, S. 2676, marks a decisive first step toward launching a major national effort to bring this painful and life-crippling blood disease under control. It was my privilege to be an original sponsor of this comprehensive measure, designed to establish counseling and testing programs across America to prevent the further spread of sickle cell anemia, and to support intensive research to find a cure for this disease that almost exclusively afflicts black people.

I strongly support the action by the Senate Labor and Public Welfare Committee, in reporting this bill, to authorize appropriations over a 3-year period of $100 million for sickle cell anemia screening, counseling, and referral programs, and of $30 million for research and training grants. Such a two-pronged attack is essential in the conquest of this disease.

Important progress is being made both in developing effective and simplified disease-detection techniques and in laboratory research on reversing the sickling process—as, for example, through the use of urea and more recently a component of the urea solution, sodium cyanate. And recently, in New York City, some 1,200 doctors and allied professionals attended the first major conference in the United States devoted to this long-neglected genetic disease.

Nearly 10 percent of black Americans are believed to be sickle carriers, having one mutant gene. And at least one of every 500 black babies born this year will suffer from this painful and life-shortening disease, as a result of the mutant gene, or sickle trait, in both parents having gone undetected.

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Moreover, during an 18-month screening of over 5,000 recruits at Fort Knox, Ky., the director of the Blood Transfusion Division of the Army Research Institute found that 200 soldiers had the sickle cell trait. And since World War II over 518 deaths due to this disease have been reported to the registry of the Armed Forces Institute of Pathology.

These profoundly disturbing statistics ought to shock this Nation into a major effort to control and overcome this dread disease. To a black child, sickle cell anemia represents periods of extreme pain, chronic fatigue, and consistent absences from school. To a black adult, these problems are compounded by the knowledge that he or she may well be denied a normal life span.

But as the medical research effort progresses, improved methods of treatment and care are also being applied on behalf of those who presently bear this disease. And further efforts are being made to bring screening and counseling services directly to the neighborhoods of black Americans.

These promising programs must be greatly expanded. And we must assure that adequate financial support is directed to research efforts where there is a total and immediate identification with the critical health problems confronted by minority groups in America. Such programs at Meharry Medical College in Nashville, Tenn., and at Howard University in Washington, D.C., where Dr. Roland B. Scott has been conducting research since 1948, fully merit Federal as well as private assistance.

And I am greatly encouraged that provision is made in the National Sickle Cell Anemia Prevention Act for a 3-year authorization of $12 million for a required program of research and research training in sickle cell anemia by the Veterans' Administration. In addition, the Administrator of Veterans' Affairs is authorized to provide screening examinations for sickle cell trait or anemia to any veteran who is receiving care or medical services under VA benefits. And a veteran found to have the trait or disease can request counseling and the treatment of related disabilities.

Recently, it was my privilege to join in helping launch a fundraising drive by the Black Athletes Foundation for Sickle Cell Anemia Research to establish an International Research Institute in New Jersey. At that time, I noted that there is a disproportionate amount of pain, suffering, and disease among minority groups, and I called for an international effort to concentrate on these problems.

The National Sickle Cell Anemia Prevention Act can be a major first step in this direction. It is essential that Congress enact legislation without delay.

SCHOOL FINANCES A NEW APPROACH

Mr. HUMPHREY. Mr. President, historic changes are in the making in the financing of schools in this country. My State of Minnesota recently enacted some groundbreaking legislation in the field of State-local fiscal relationships. This legislation followed a decision in Van Dusartz et al. against Hatfield, a judicial finding that raised constitutional doubts regarding the traditional reliance upon the local property tax in financing elementary and secondary education.

Close on the heels of a similar ruling in California by its Supreme Court in the case of Serrano against Priest, Miles M. Lord, U.S. district judge for Minnesota, stated that—

> Plainly put • • • the level of spending for a child's education may not be a function of wealth other than the wealth of the state as a whole.

He went on to agree with Serrano that the equal protection clause of the 14th amendment gives pupils a right to have money expended on their education "unaffected by variations in the taxable wealth of their school districts or their parents." For several years many of us have been increasingly concerned about the wide variations in educational opportunity from school district to school district within our respective States and across the Nation as a whole. Equality of educational opportunity has been a constant theme of my legislation in the field of education.

It is, therefore, most encouraging to me that the Minnesota State Legislature has responded to this judicial challenge and enacted legislation that goes a long way toward easing the earlier inequities in educational finance in the State. For quite some time our distinguished Governor, the Honorable Wendell Anderson, has been urging that the State assume the predominant share of school financing. The combination of gubernatorial leadership, judicial prodding, and legislative response has produced a product in which we can all take comfort.

Progress is also being made in other States. Governor Milliken of Michigan for the past 2 years has been urging the State to begin financing substantially all of the non-Federal share of elementary and secondary education. Last year Gov. Marvin Mandel, of Maryland, proposed and obtained legislation for the State to assume all school construction costs as a first step to eventual full State funding.

However, as encouraging as all of these developments are, there is much more to be done. The Federal Government needs to move promptly and decisively to assist the States and localities in doing what should have been done all along—providing all children an educational opportunity that is both adequate and equal. I intend to seek legislation that will provide Federal assistance in the transition to full State funding of the non-Federal share of educational costs while also helping assure significant property tax relief.

The legal challenges to the traditional method of financing schools place a tremendous responsibility upon the legislatures of the States. The importance and the urgency of the task confronting the legislatures is well summarized in an editorial appearing in the November issue of the National Civic Review. The editorial was written by William G. Colman, one of the original architects of the growing nationwide movement for full State funding of educational costs. He served in the 1960's as Executive Director of the Advisory Commission on Intergovernmental Relations and is currently a member both of President Nixon's Commission of School Finance and the Montgomery County, Md., Board of Education.

The response of the Minnesota Legislature to the school finance challenge is well described in the current issue of the Citizens League News published by the Citizens League of the Twin Cities metropolitan area. The article is entitled "State Adopts Historic Changes in Policy on Local Government."

I ask unanimous consent to have printed in the RECORD the Civic Review editorial by Mr. Colman entitled "School Finance: A Challenge and a Change," followed by the Citizens League article.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

SCHOOL FINANCE: A CHALLENGE AND A CHANGE

A challenge of historic proportions, paralleling the reapportionment crisis of the sixties, now confronts practically all state legislatures. Unless state policy making is again to be abdicated to the courts, the legislatures must move promptly to restructure the financing of elementary and secondary education to provide equality of opportunity, at least in terms of the fiscal resources placed back of each child.

The California Supreme Court decision in *Serrano* v. *Priest*, with its mandate of one student, one dollar, has spawned a host of cases. At least half the states have constitutional requirements governing the provision of free public education, with equal accessibility to all, that promise the wholesale overturn of the local property tax as a primary source of school finance, regardless of whether or not the finding in *Serrano* that it violates the fourteenth amendment is sustained. If legislatures fail to act, we will again see judges drawing maps, but this time delineating school districts. The results could be chaotic because school districts are so much more difficult than legislative districts.

Many agree with the *Fortune* magazine editorial statement that, "We applaud the decision in *Serrano* v. *Priest*, and we hope it betokens a general move away from the property tax as a major means of financing public schools." (Actually a statewide property tax, for schools or any other public purpose for that matter, meets the constitutional requirements of *Serrano*. Dependence on the local property tax with wide disparities among districts was the target and victim of the decision.)

Many welcome the dawning of a day when equality of educational opportunity is no longer an empty phrase, when land-use decisions by county and municipal governments are not dominated and skewed by concerns of whether residential development is going to pay its way in local school taxes, and when the accident of geography will not determine the quality of public education. But for practitioners and students of government this upheaval in school finance brings grave concerns about the viability of our local and state governments and indeed of the concept of federalism. The states must move to fill the vacuum that suddenly has been created unless they want schools federalized and nationalized.

Already there is talk of a "national tax" for schools to replace the property tax. Already there is talk by big-city superintendents of the need to "federalize" all of the inner-city schools. These officials are understandably desperate: Their schools have become jungles of terror; they must operate in decrepit and unsafe buildings; they are faced with declining tax bases and a taxpayers' revolt; and, through recent years, quite a few of these cities have seen themselves miserably short-changed by state aid formulas. Make no mistake about it—if our deteriorating city public schools go under, an economic debacle involving the write-off of billions of dollars of inner-city investment will surely follow, and "saving the cities" will have become an academic concept instead of a viable objective of public policy.

If the states do not move promptly to meet the issues of equity and legality that now permeate the field of school finance, we face critical issues of the survival of responsive and responsible government. For there exists the distinct possibility that the courts will be assuming legislative powers by default, thereby impairing for all time at the state level the concept of checks and balances and shared powers among the executive, legislative and judicial branches of government. Judicial redistricting of state legislatures, while offensive to the separation of powers concept, is a fairly straightforward, mathematical proposition, if seasoned by a reasonable amount of political sagacity and conducted in a spirit of fair play. To redraw school district lines or to revise state financial formulas is to delve into the very heart of legislative policy making.

So it is up to governors and state legislatures to take the actions necessary to provide equality of fiscal resources for education. The challenge is more crucial for the legislatures than for the governors. The latter can propose but the legislatures must dispose, and must act affirmatively, if the alternatives of judicial legislating or nationalization of school finance are to be avoided. (It should be noted that equality of dollars is only a first step, albeit a mighty one, in assuring such equality for it is well known that the cost of educating disadvantaged children is considerably more than for children from adequate environments.)

The legislatures will need to consider a range of actions including at least three major options: (1) full state funding of nonfederal educational costs with a limited supplement from local tax sources, with operational and policy responsibility left with the local districts; (2) complete equalization of both state and local school costs with the state playing the role of Robin Hood between rich and poor districts; and (3) redrawing school district boundaries to provide substantially equal fiscal resources (as measured by equalized assessed valuation or by personal income, or a combination of the two). It is worth noting that, prior to *Serrano*, four or five states were at or nearly at the point of substantially full state funding, and it was under serious consideration in Michigan, Minnesota, Maryland and several others.

As legislatures move to cope with these and other educational issues they need to equip themselves for the policy-making role so often neglected. Education committees need to be staffed professionally on a year-round basis, and empowered to hold hearings and conduct other business between sessions. Too often these committees have been active only during brief legislative sessions and have had to rely for staff assistance on the state education agency or the state teachers' association. Also the legislatures must deal with a public and political climate in which many citizens have become convinced that the education profession and its establishment has been over-spending and under-achieving. This means greater public resistance to the drastic reshaping of school finance.

So the legislatures, over the next year or so, face a critical and exacting test. All citizens concerned with the preservation of strong and responsive state government in a balanced federal system will be wishing them well.

STATE ADOPTS HISTORIC CHANGES IN POLICY ON LOCAL GOVERNMENT—LEGISLATURE ASSUMES MAJOR RESPONSIBILITY FOR REVENUE "MIX"

Historic changes in state policy toward local government were written by the 1971 Minnesota Legislature which just ended.

The Legislature dramatically altered its formulas for distributing state tax revenues to local governments and committed the state to return more revenues than ever before to them.

At the same time the Legislature took over a more direct responsibility for levying taxes of all kinds from the state's cities, villages, townships, counties and school districts.

No longer are there two separate fiscal systems, if ever there really were. The Legislature has formally tied the state and local elements of the system together in unprecedented fashion.

Undoubtedly the new policy will have far-reaching effects, with new roles emerging for the Legislature and for local governments. The job of setting the aggregate level of taxation, and the relative mix of different taxes, will rest chiefly with the State Legislature, not, as in the past, by an uncoordinated combination of the Legislature and local governments.

Local governments in future years will devote less time and energy on how to raise revenue. Rather their focus will shift increasingly to how best to use the revenue which is made available to them. Local governments will probably be stimulated to look more closely at whether various programs are worth maintaining at present or higher levels in light of proposed new programs which may merit higher priority.

Campaigns for city council, county board or school board probably will involve more discussion of setting priorities on the use of dollars and less on pledges to "hold the line" on taxes which now becomes mainly the Legislature's job.

Following are some of the major actions taken by the 1971 Legislature in changing its policy toward local government (some of these changes are discussed in greater detail in other articles in this issue):

A comprehensive revision of the school aid formula, designed to assure equality of opportunity for students throughout the state, regardless of their socio-economic background or the wealth of the school districts where they live.

A comprehensive revision of the formulas for distribution of state aid to cities, villages, townships and counties, with emphasis on eliminating an out-dated method of reimbursement for certain tax-exempt business personal property and on providing funds for those units of government most in need of additional financing.

A large infusion of state non-property revenues to local government, accompanied by mandatory reductions in local property tax levies and by strict limits on local property taxes to guarantee property tax relief.

A prohibition against further sales or income taxes being levied by any local government. Only the Legislature will have power to levy such taxes.

A new public employees bargaining law designed to assure orderly and equitable settlement of compensation negotiations between state and local governments and their employees.

A limited pledge of the state's full faith and credit behind general obligation bonds of local units of government, designed to improve the credit rating and reduce interest costs for certain localities with small property tax base.

A sharing of 40% of the future growth in commercial-industrial property tax base among all units of government in the seven-county Twin Cities area.

A partial shift in financing county highways from the property tax to a wheelage tax, accompanied by an authority for the Metropolitan Transit Commission to levy a limited property tax.

An upgraded local government fiscal information system under the Commissioner of Taxation, working with a new Intergovernmental Information Services Advisory Council, designed to assure a complete, computerized, up-to-date record of local government receipts and expenditures.

A joint executive-legislative Tax Study Commission assigned, in part, to review causes and effects of intercommunity disparities, alternative sources of tax revenue for local government, and levy limits.

A State Board of Assessors charged with establishing qualifications and certifying assessors throughout the state.

A partial reform of the state's system of property tax classification, which will include (a) determining assessed value on the basis of full market value of property, rather than one-third of market value as in the past, (b) exempting all business inventories and equipment and (c) gradually eliminating the low-rate property tax classifications which oil refineries and certain parking ramps have had in the past.

A new 17-member Quality Education Council with a $750,000 appropriation to fund local school district experimentation in "new approaches to the learning process, better utilization of professional staff and community resources, different requirements as to course offerings, course content, grading, graduation and school attendance."

THE ENERGY CRISIS

Mr. BAKER. Mr. President, earlier this year President Nixon became the first Chief Executive to send to the Congress a major message on the subject of energy production. He correctly recognized at that time that the Nation is on the brink of a serious energy crisis, and that the production of abundant, clean, low-cost energy is essential to the future growth of our economy.

On December 7, Gen. George A. Lincoln, Director of the Office of Emergency Preparedness, shared some of his own thinking about the energy situation with a meeting of the National Coal Association. I ask unanimous consent that the text of General Lincoln's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY HON. G. A. LINCOLN

This is a postponed meeting. On the previously scheduled date, I was the fellow charged by the President with managing the freeze of our economy—and presumably was going to talk about that subject. Now we are in another phase of our economic stabilization program and the management is no longer mine. As I count them, eight agencies now divide the job my small office had a month ago. My stabilization job is now limited to membership in the Cost of Living Council.

I still want to talk in part about economic stabilization because it is a central part of the single most important program before our country today—the President's new economic program. But I am also going to speak about what may well be the most important National program, in the long

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term—our energy program. Our way of life, and our very national strength, are shaped by, and dependent on, our energy program. The two programs, economic stabilization and energy, come together, rather naturally in my mind, because of the job of my part of the President's Executive Office, which is emergency preparedness.

Almost inevitably, where a preparedness mission exists, that mission shapes the actual organization for execution if an emergency occurs. My agency had the field offices, the communications, the experience with coordinating the Federal Government in emergency situations, the experience in quick response—the President gave us the initial stabilization management job.

We were lucky in one way. We didn't have the mental pain of worrying about how we were going to do the job. I learned of the assignment August 15, the same day the President made his speech to our country announcing the 90-day freeze.

That evening—after the speech—I told my regional offices, which were located remote from the more likely nuclear targets, to open up the next day in the nearest large city Federal centers.

They had as guidance the President's Executive order and the organization chart in our manual on economic stabilization for nuclear war. A week later my national office had doubled, the eight regional offices had expanded to ten offices and personnel had increased sixfold. We had borrowed the services of over 3,000 Internal Revenue Service and Agricultural Stabilization and Conservation offices for our information and compliance net.

And, equally important, we were channeling through this organizational network the policy guidance set by the Cost of Living Council.

I found myself owner of a communications and operations center, which was handling incoming questions and outgoing policy answers in a way reminiscent of my experience with the World War II Operations Division of the Army General Staff. So, being short on time for innovation, we followed generally the operational principle of that staff. We had, as capital to draw on our mobilization preparedness relations throughout government and our agency experience in coordinating Federal efforts for natural disasters, fuel shortages, work stoppages and other emergencies.

The first 90 days of Phase I, has been judged a success. Why? There are at least four good reasons.

1. The Cost of Living Council did involve itself centrally and did provide policy quickly.

2. The teamwork of Federal administration was good and my organization profited and survived by that teamwork. After all, you can't manage a freeze with our permanent staff of 308 people. The great Federal agencies loaned *OEP* their best professionals—personnel from 41 agencies worked for us—and those agencies gave priority to the staff work on policy questions.

3. The people and the economy, except for a comparatively few dissenters, supported the freeze. Economic controls must rely on a wide acceptance and voluntary compliance.

4. Our President provided an understanding leadership which all thinking people sought and appreciated. It had become increasingly apparent that our economic affairs needed some pattern of drastic action—distasteful as that type of action may be to some of us educated and raised in the classical tradition of free trade and free enterprise. This action was a necessary choice in the category of "least worst." As you know, the action was a coordinated program to stem our cannibalistic inflations, to reverse our declining international economic situation, and to accelerate our business expansion. These were requisite for our country's continued power, for our people's continued progress.

During the 90 days of hard freeze, we had a coal work stoppage, an energy stoppage, which might have been continual front page news. Though the stoppage was rarely mentioned in the press, it was another high priority worry for my agency, in addition to the worries of administering the freeze. As Chairman of the President's Joint Board on Fuel Supply and Fuel Transport, I had a simply stated directive to administer: there will be no blackouts and no fuel shortages.

Our country sustained a 44-day coal strike without significant shortage of electricity or fuel. We did this, in considerable part, because of a team effort of government and industry which has been little noticed and hence will be little heralded. But I mention that effort here because some who have contributed are here.

The Joint Board assumed, over a year ago, as one of its principal jobs the improvement of the coal inventory situation.

Back at the low point in 1970, eleven percent of our electric power had less than 15 days of coal inventory. The average utility inventory of coal was only 65 days.

When we came to the coal stoppage on October 1, no utilities had less than 15 days coal supply, and in fact none surveyed had less than 39 days. The average inventory was 105 days. Due to the cooperative effort of railroads and the Interstate Commerce Commission, the serious shortage of hopper cars early last year was reduced to an insignificant number. We rode out the work stoppage without a major power or fuel crisis. Due principally, on the Federal side, to the efforts of the Department of the Interior, and the Federal Power Commission, the Joint Board did help 36 utilities and 17 other industries to get coal to keep operating during that 44 day stoppage.

We were prepared for the coal stoppage just surmounted. Our success in handling that stoppage was due to teamwork of industry and government—a teamwork which needs to continue because there will be other short-term energy crises.

As for the coming heating season, our overall estimates indicate that fuel will be adequate. And those estimates for the winter of 72–73 will probably be the same. There will, however, be increasing problems with gas supply which will have to be dealt with by use of alternative fuels.

If fuel and power are not adequate, the blame will be shared by government and industry, probably with the emphasis on industry. Our U.S. public assumes that energy will be provided for their expanding demands. Further, the public tends to assume that the provision can be made without increased cost, even as more stringent stipulations are added as to how that energy is provided.

One of the principal categories for new public stipulations is in the environmental area. Certainly we seek a long-term assurance of a clean environment. But we pay a price in several kinds of coin, one representing actual cost, another in both quantity and timeliness of production, still another in flexibility in utilizing our available energy fuels. Part of the price of energy is now paid for a higher quality environment.

Part of the quality of life has to do with warmth and light and productivity, matters which are centrally dependent on energy.

Our country has traditionally assumed the availability of an abundance of energy fuels, and also an abundance of intermediate energy—electricity. Those assumptions will soon be invalid or at least gravely questioned. This conclusion was impressed on me again by experiences during the 90-day freeze. The intermediate energy industries—the utilities—were not overly upset by a 90-day freeze. Their questions had to do with what came afterwards. They cited the rising cost of fuel and the doubling of construction cost per kilowatt hour due to environmental and other factors. What did I think about longer-range policy on rates? I thought, of course, that the matter was a problem for the Price Commission. I passed the buck. But, stabilization requirements may be inconsistent, in the short run, with our acute energy developmental need.

The utilities financing problem, and the financing requirements for other energy developments are not the only clash helping to generate the energy crunch we may see in somewhere between three and eight years. There are other problems, some of them paradoxical.

Our country has now passed the point where we have the petroleum production capacity in the U.S. to supply our needs. Yet, we are reluctant to develop some of the major prospects we have.

We delay on a pipeline to unlock Alaskan energy with its potential for generating development beyond Prudhoe Bay, when we have been unconcerned about pipelines crisscrossing the lower 48 States.

We worry about tankers from Alaska when there are already over 525,000 oil tankers and barges entering our coastal ports each year, and when we are already bringing over 200,000 barrels a day of crude oil from Alaska by tanker.

We worry about offshore drilling where the oil is, and most of all about the fuel situation. Yet, the alternative is foreign tanker traffic in the same offshore ocean areas and also in our bays and harbors.

We are rapidly running out of a gas supply adequate to meet an expanding demand, yet, we have a well-head price something like a quarter or fifth of the price which enterprising companies are proposing to pay for imported gas. The low domestic gas price, of course, increases demand for gas with a consequent decrease in demand for substitute fuels, such as coal, which are more plentiful.

We have counted heavily on nuclear power to pick up a significant portion of the intermediate energy requirement and, in doing so, check somewhat the rising demand for fossil fuels. But, additional standards and problems of location bring unanticipated costs and delays when time may be an important aspect. Our country has to keep appointments with requirements realities for both fuel and electricity next year and the next, and each year thereafter. Delays could be critical.

We have practically inexhaustible reserves of only one fuel—coal. Yet, we have placed environmental restrictions on its use and are still some years from the applied technology necessary for the needed clean exploitation of this one abundant fuel resource.

Principally because the coal reserves exist and are known, you of the coal industry deal with the brightest aspect of a very sobering energy situation within the mid-term future.

Your industry is doubly bright because you make, and will continue to make, a significant contribution to our exports.

Our foreign trade situation is one of our economic problems generating the team of emergency measures, including the 90-day freeze, which our President presented to the Nation last August 15. I mention it here because one of the usual ways to dismiss the problems of our energy future is to propose to import more oil, and also more gas. Certainly, we will be importing more oil, and also liquid natural gas, but with a consequent negative impact on our balance of payments and not necessarily at a cost significantly less than domestic production.

The estimated prices for imported liquid natural gas makes $20 a ton for coal, if you can meet the environmental standards, seem attractive. Soon, for every ton of coal you do not mine and deliver, we will have to import 20–25 million BTU of gas or oil—and

soon may be paying on the order of a dollar a million BTU's for the imported gas.

We are going over a divide into another energy era. Energy matters will be tough to understand and tougher to manage in that era. Other than some people in industry and some in government there is little comprehension of the problems ahead.

But, why should we expect public comprehension and concern about problems three to ten years down the road, for which preparedness now is necessary, when our press paid practically no attention to the recent stoppage in coal. If it had lasted another six weeks that stoppage could have turned out a lot of lights and stalled a substantial part of the U.S. economy.

Without being alarmist, there is a need to give more stress to information on the coming energy crunch. I do not, by the way, mean the year 2000 or even 1985, which some of my scientific friends prefer to talk about. Emphasis on those dates means emphasis on research money and on not being around to be charged with responsibility when the distant date arrives. I refer to the period from now until 1980 during which many of you here will continue responsibility.

Those fellows planning for the year 2000 or even for 1985, are dependent on those of us responsible for the short term from now until 1975 and 1980 to validate their planning assumptions.

Our total energy problem is a major area of public policy about which our country is only now beginning to be concerned. While not yet past midnight, we may be at the eleventh hour. Only with this Administration did we initiate an overall approach to the problem. Our Administration recognized the need by the President's Energy Committee of the Domestic Council established early last year and his Energy Message last spring.

The Administration has already, to my mind, implicitly recognized that we are traversing a divide into a new energy era by proposing to get the pertinent Federal functions into one Department of Natural Resources. We can no longer afford a dispersed Federal management. And this Administration has moved forward on other measures such as oil and gas leasing and help with coal gasification. But time is running out. The potentially scarce and costly energy future moves rapidly toward us.

I mentioned earlier some of the conflicts among the wants of our body politic. The energy confrontations are severe. We want energy security. We are reluctant to adjust other wants to that criterion. As an example, the more we substitute oil for coal to meet new standards, the less is our energy security in the long run.

I should not close these remarks without a comment on the Mandatory Oil Import Program. The President gave me the job of managing that program about 22 months ago. It has been quite an adventure and has caused me to think often of the actuarial statistics on infantrymen in World War I. Of 100 infantrymen entering combat on a given day, six would still be there on the hundredth battle day. After 22 months of oil battle days, my probabilities are about played out.

But, early in this experience, I came to the conclusion that a surplus of talent and energy was being devoted to attacking, and defending, and—yes—managing the oil import program which is now only a bit over four percent of our energy. The energy problem and program are now an indivisible whole.

The different energy fuels, while not completely substitutable, are very much so and can be made more so with time and technology. More should be done systematically about substitution and preparations for substitutions. None of you here or anywhere else need worry about a market of BTU's. We should think in terms of the great individual energy factors as requiring a single integrated body of policy and program. Those factors, to my mind, are more than the great fuels—coal, oil, gas and nuclear fuel. Both conservation of energy and our environmental programs are also critical to energy adequacy and energy security—and part of the indivisible whole of an energy program.

These remarks have been intended to share with you some of the matters on my mind, matters which are the product of some rather intensive exposure to our country's energy policies and problems. I offer here no solutions but do solicit your thought, your support, and your action in the difficult energy era ahead.

As to that energy era, I have faith that we will work through it successfully, undoubtedly with considerable controversy and some scars. As of now, coal is a bright spot in the cloudy energy future.

RETIREMENT OF HERBERT F. FREEMAN FROM CALIFORNIA BOARD OF EQUALIZATION

Mr. CRANSTON. Mr. President, the executive secretary of the California State Board of Equalization since 1963, Herbert F. Freeman, is retiring from his active duties December 30, 1971. Herb Freeman's leadership of the professional staff of the State revenue agency has gained national and international recognition for achievements in equitable and efficient State tax administration. His excellence as an administrator is further enhanced by the reputation he gained through 27 years with the California Department of Employment where his expertise in management and control of millions of budgeted funds was widely recognized for efficiency and further benefit derived by California's employers and workers.

More recently, Herb's leadership has extended to nationwide proportion through his untiring efforts in the solution of problems in the taxation of interstate businesses. Congress has urged greater uniformity among the several States in tax administration involving interstate business transactions. Herb has contributed substantially to the achievement of greater uniformity in interstate taxation by proposing solutions acceptable to the States and the business community as well. His sound advice and counsel as executive secretary of the California State Board of Equalization and as the president of the National Association of Tax Administrators is greatly acknowledged by tax administrators and business leaders throughout the country.

The California Legislature on September 30, 1971, adopted a resolution commending Herb Freeman, noting that all the people of the State have benefited by his skills, judgment, and dedication. I am certain that all Senators join with me in commending Herb for his great accomplishments and in extending our very best wishes on the occasion of his retirement.

GEOTHERMAL POWER: THE MAGMAMAX POTENTIAL

Mr. GRAVEL. Mr. President, I wish to congratulate Walter A. Zitlau, president of San Diego Gas & Electric Co., and B. C. McCabe, president of Magma Energy Corp. in Los Angeles, for a pioneering decision which may herald an energy breakthrough for the whole country.

Last week, their companies announced that they have signed an agreement to explore in California's Imperial Valley for geothermal hot-water sources suitable for making electricity with the new Magmamax process.

The importance of our geothermal hot water as a source of clean, safe energy could be immense.

A POSSIBILITY FOR HALF THE COUNTRY

The potential electrical power of the steam and hot water under the Imperial Valley alone may be as large as 30 to 90 percent of the entire country's 1970 electrical production, which was 1,540 billion kilowatt hours. I shall return in a few moments to the subject of varying estimates of the potential.

An additional 1,500 megawatts of geothermal steam is available at the Geysers, 75 miles north of San Francisco. That is three times the power of the Hoover Dam.

The potential of geothermal energy in Oregon is estimated by a member of the State geological staff at an additional 20,000 megawatts.

At least 1,000 hot springs have already been located in the Western States, including Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, Colorado, Arizona, and New Mexico. Hawaii and possibly Alaska also have promising geothermal areas.

Large reservoirs of hot water exist along the gulf coast, too.

Famous hot springs in Arkansas, Virginia, and New York may hint at geothermal hot water resources in the East, also.

With advances in deep-drilling techniques, man might be able to tap geothermal energy anywhere on earth, according to engineering professor Robert L. Whitelaw at the Virginia Polytechnic Institute in Blacksburg.

A PROVEN CAPABILITY

The production of electricity from geothermal steam and hot water is a proven capability. It is being done today in California, Russia, Japan, New Zealand, Mexico, Italy, and Iceland.

Good articles on geothermal energy have appeared in Fortune magazine, June 1969, and in the Saturday Review, December 5, 1970.

To facilitate the leasing of geothermal areas, the Congress passed S. 368, a bill introduced by Senator BIBLE of Nevada, authorizing the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources. The Senate report on that bill is No. 1160, dated September 4, 1970. In December 1970 the act was signed by the President into law—Public Law 91–581.

Experience to date indicates that far more hot water than steam will be found in geothermal exploration. Perhaps the ratio will be 20 to 1.

CHEAPEST POWER IN THE SYSTEM

A discovery of superheated dry steam is the ideal, thermodynamically and economically. Dry geothermal steam is what the Pacific Gas & Electric Co., has at the geysers.

Last year, that steam made the cheapest electricity in the utility's whole system. According to P.G. & E.'s form No. 1, on public file with the Federal Power

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Commission, the 1970 operating cost for the Geyser geothermal plants was 3.05 mils per kilowatt-hour. The closest competitor in that system was a 750-megawatt coal plant at 3.35 mils per kilowatt-hour. Nuclear electricity out of the Humboldt plant cost 5.63 mils, and a steam plant at Humboldt cost 8.56 mils.

The likelihood of finding superheated dry steam elsewhere is low. So far, it has been found only at the Geysers and at Larderello, Italy.

WET STEAM VERSUS HOT WATER

Therefore, what is usually meant by geothermal electricity is electricity made by flashing hot water into wet steam, which drives a turbine. This is done successfully. However, it can have certain disadvantages, one of which is corrosion of valves and turbines if there is substantial salt or minerals in the steam. The well itself may become plugged with deposits.

A new geothermal design, called Magmamax is likely to eliminate those disadvantages. Instead of flashing the geothermal hot water into steam, the design uses a vapor-turbine driven by isobutane, which is heated by the geothermal hot water via heat exchangers.

DEALING WITH FOULUPS

If mineral deposits can foul up valves and turbines, why will they not foul up the tubes of the heat exchanger?

The big difference is that the water never flashes to steam in the Magmamax process. Therefore the dissolved gases in the water, which help keep the minerals in solution, do not escape. In the Magmamax process, the geothermal hot water stays water, and is pumped under pressure through the heat exchanger.

Although silica and perhaps some other minerals will tend to solidify out as the temperature of the water goes down in the heat exchanger, there seems to be no insurmountable problem.

A test run on a geothermal well at Brady, Nev., has been extremely successful. The well was pumped at a pressure in excess of the pressure corresponding to the flash point temperature, and the water circulated through a small heat exchanger. Upon discharge, it was then cooled and circulated back through the tubes of the heat exchanger before discharging at a pressure approximately equal to the inlet pressude. There was virtually no corrosion or other trouble.

THE QUESTION OF SALT

J. Hilbert Anderson, who is the principal designer, points out that the geothermal water is not the same in Nevada and California. The California water is saltier, more like seawater at 3 percent salt. Mr. Anderson says that additional measures can deal with the difference, however.

North of the Imperial Valley, in the Salton Sea region, the salinity of the geothermal water is nearer 30 percent.

Mr. Anderson said:

We don't pretend to be able to use that water economically. But we don't need to. There is so much good water under the Imperial Valley, that we wouldn't bother with 30% salt. Even if the estimates for the Imperial Valley supply were only 10% correct, that's a huge amount of power.

REASONS FOR DIFFERENT ESTIMATES

One reason for the wide range in those estimates is the uncertainty about the distribution of salinity in the wells.

Another reason is that different power estimates postulate different methods of recovering the energy. For instance, Dr. Robert Rex at the University of California in Riverside, bases his estimate of electrical power potential on use of the flashing wet-steam method, which is a less efficient use of the water's heat than the Magmamax method; Dr. Rex also postulates the use of geothermal water, desalted, for agricultural and other uses, whereas the water can be recycled underground in the Magmamax process.

PAPERS PLACED IN THE RECORD

The Magmamax process itself must produce reductions in various costs, in order to justify the cost of the heat exchangers and additional pumps which it requires. Mr. Anderson explains why he is satisfied that these costs are well justified, in two papers which I would like to place in the RECORD.

The most recent one is entitled "Geothermal Heat, Our Next Major Source of Power," by J. Hilbert Anderson, consulting engineer. He will present the paper in January 1972 at the American Institute of Chemical Engineers, meeting in Dallas.

The second one is entitled "A Vapor Turbine Geothermal Powerplant," also by Mr. Anderson. It was presented in September 1970 to the United Nations Symposium on the Development and Utilization of Geothermal Resources, held in Pisa, Italy.

A third article, reflecting some of the questions which were being asked in the industry a year ago, is from the Oil Digest, January 1971, and is entitled "Geothermal Energy Looms as Economic Factor."

Mr. President, I ask unanimous consent to have these three items printed in the RECORD at the end of my remarks.

Unfortunately, the figures and diagrams from Mr. Anderson's papers cannot be reproduced here, but they can be requested directly from J. Hilbert Anderson, 1615 Hillock Lane, York, Pa. 17403.

A MOST UNUSUAL TEST

Mr. Anderson is very well known in the turbomachinery world. Prior to becoming an independent consultant in 1963, he was chief engineer at the York Corp., a division of Borg-Warner, where he designed the company's entire line of centrifugal compressors. He has probably designed more compressors and turbomachinery handling halo-carbons and hydrocarbons than any other man in the world today.

He says that when he first presented his geothermal powerplant designs to Magma Energy in 1969, the company had them widely circulated, and offered a $10,000 reward to any engineer who could demonstrate that the work was unsound. No one collected.

In fact, the concept has already been proven to work. The Russians have made electricity from geothermal hot water in a small, experimental plant designed along similar lines.

ON THE BRINK

Will the cost of geothermal hot-water power be reasonable?

No Magmamax plant has been completed yet. The first 9-megawatt prototype plant, which is planned for Brady Hot Springs, Nev., will cost about $3 million, depending on the cooling system selected. Estimated capital costs for subsequent units are less than for conventional plants of equal size.

The turbine for the Nevada plant is almost ready. Last week's announcement indicates that San Diego Gas & Electric and Magma Energy have confidence. In matters like this, I can understand the excitement of being an engineer. If it all works out, this country may be only months away from developing a major untapped source of clean, safe energy.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[To be presented at the American Institute of Chemical Engineers, January 1972, in Dallas]

GEOTHERMAL HEAT, OUR NEXT MAJOR SOURCE OF POWER

(By J. Hilbert Anderson, Consulting Engineer)

Geothermal power, power from the Earth's own heat, has been with us for a long time. In Italy the first power was produced in 1904, and in the United States the first power was generated in 1926 at the Geysers, in northern California. Fig. 1* shows the first steam engine driven generator installed at the Geysers.

It was not until 1960 that any appreciable amount of power was generated in this country, when B. C. McCabe and his associates built the first commercial 12 MW power plant at the Geysers. Getting this first plant under way took a tremendous amount of effort and persistence on the part of a few dedicated people.

Despite the success at the Geysers and similar developments in Italy and New Zealand, geothermal power has been practically ignored as a possible major source of energy. As late as September, 1971, the *Scientific American* (1) stated that geothermal power could potentially furnish a total of about 60,000 megawatts for only 50 years over the entire world. Fortunately, there are two easy ways to recognize this as a very poor estimate of the potential.

A POWERHOUSE BENEATH OUR FEET

First, the rate of heat continually flowing from the interior of the earth to the surface is estimated to be 32×10^6 megawatts, (1) or 957×10^{12} Btu/year. If we could convert 13% of this heat to power we would produce 4,160,000 megawatts continually. This is approximately ten times the world's present average power output.

Second, if we produced power at a mean rate of 420,000 megawatts (1970 mean world usage rate), neglecting radioactive heat input, and assuming 13% efficiency of conversion from heat to power, then the earth would cool down by only one degree F in 41 million years.

From these simple calculations we can see that there is plenty of heat available in the earth to produce all the power we need. The only real questions are: how accessible is it, and do we have the ability to use it?

While very little exploration has been done, the evidence shows that there is almost certainly a far greater reserve of accessible geothermal energy than of any other conventional fuel source.

*Illustrations not printed in the RECORD.

THE WESTERN STATES

Let us look at the potential in a few specific locations, where available energy has been surveyed. At the Geysers in California, the latest estimate of proven steam reserves shows that 1500 megawatts capacity could be supplied. At 8000 hours per year operation, this one small area could produce 12 billion kilowatt-hours yearly, which would be nearly one percent of the 1970 U.S. production.

The only other area in the U.S. that has been surveyed with any reasonable degree of accuracy is the Imperial Valley in California. There Dr. Rex (2) and his associates have estimated that 1.6 to 4.8 billion acre feet of hot water are stored. If we use one percent of this water per year for power production, and return it to the ground for reheating, we could produce 487 to 1462 billion kilowatt-hours per year. The U.S. utilities' total production was 1540 billion kilowatt-hours in 1970 (3). Another way to look at this is to note that the heat energy stored in about 500 square miles of the Imperial Valley equals 27% to 65% of the heating capacity of the entire world's oil reserves.

In the western United States at least 1000 hot springs have been located and mapped (5). Bowen and Groh (6) also report large reservoirs of hot water on our Gulf Coast, covering hundreds of square miles. There seems to be no doubt that vast quantities of hot water are available to us, with a total energy content many times that of our total fossil fuel reserves.

The real challenge to us is not finding hot water, but learning how to use it effectively. It is doubtful if we will find many steam domes such as the Geyser area, but there is more than enough hot water to supply all our needs.

ROOM FOR IMPROVEMENT

In New Zealand and in Mexico, geothermal hot water is brought to the surface and flashed to steam, which is then expanded through condensing turbines to produce power. At first glance this appears to be the most logical and simplest way to produce power from hot water. However, when we take a closer look we find that it has numerous disadvantages:

1. It is thermodynamically inefficient because much of the energy must be utilized in lifting the water from the well by the flashing energy of the steam.

2. Low pressure steam turbines are very costly per kilowatt because the specific volume of steam is so high.

3. Thermal efficiency is low because high condensing temperatures must be used. Turbines become too costly at low condensing temperatures.

4. Steam is wet at turbine inlet, and wetter as it passes through the turbine. This causes blade maintenance problems.

5. When steam flashes dissolved gases cone out of water. These gases must be pumped out and disposed of in a manner that will not pollute the atmosphere.

6. When dissolved gases come out of the water they change the chemical composition. Usually this results in precipitation of salts as scale on the walls of the well. This can completely plug up a well in as little as one month's time.

7. Hot well waters can be corrosive as well as fouling. This can require high turbine maintenance, and high condenser cost and maintenance.

8. Pipes between well and power plant must be larger to carry steam than to carry and equivalent amount of energy in hot water.

9. Because of low thermal efficiency more wells must be drilled per megawatt capacity than would be the case for a more efficient plant.

DESIGN OF A NEW SYSTEM

While hot water flashing plants are being used successfully, the many disadvantages promoted our efforts to find a better way to generate power from hot water. We now have a better way. It is called "Magmamax", patents applied for, and opens the door to really large-scale development of hot water power.

The basic principles of the "Magmamax" process are simple.

Hot water heats and boils a separate fluid. The vapor at high pressure expands through a turbine to produce power. The turbine exhaust vapor is condensed to liquid in an air- or water-cooled condenser. The liquid is pumped back to the heater and boiler to repeat the cycle. The cycle is shown in simple form on Fig. 2.

Instead of lifting water to the surface by steam flashing, it is lifted by a deep well pump, and pressure is kept above saturation pressure throughout the heat exchangers.

The fluid used in the first "Magmamax" plant is isobutane. This was chosen for low cost, high thermodynamic cycle efficiency, small turbine size, high condensing pressure and noncorrosive qualities.

Fig. 3 shows the theoretical cycle efficiency for isobutane for 50 psia condensing pressure at various turbine inlet pressures and temperatures. The first plant will operate at 500 psia turbine inlet pressure and 300 F inlet temperature where theoretical cycle efficiency is 19.3%. Actual expected net plant efficiency is approximately 13%.

Fig. 4 shows typical easily obtainable power outputs for a single stage 20 inch diameter radial flow isobutane turbine. Output is many times that for the same size steam turbine, and illustrates why the isobutane turbine can be smaller than a steam turbine for the same power output.

Fig. 5 shows typical water and isobutane heat-exchanger temperatures. At 325 F water supply temperature, the water must be rejected at a fairly high temperature because there is not enough heat available above the boiling point of isobutane. As a result, much of the heat in the water at the lower temperature must be wasted. In order to utilize as much of the heat as possible, large heat exchanges must be used to keep the temperature difference small at the boiling point.

With 450 F water, the heat exchanger temperature difference is much better and the water can be rejected at a lower temperature, thereby getting more power per pound of water.

Fig. 6 shows typical, easily attainable water rates for isobutane plants. (4) Considerable variation from these values is possible by changing heat transfer surface per kilowatt. Note the large effect of condensing temperature. At 80 F condensing temperature, water consumption is only about 60% of that at 140 F condensing. This illustrates why it is important to use the most efficient cooling system possible in a geothermal plant. The first "Magmamax" plant is designed for 325 F water at a rate of approximately 180 lbs/net kw hr. The breaks in the curves occur approximately where the closest temperature approach changes from the boiling point to the condensing temperature, as illustrated on Fig. 5.

ECONOMICS AND ADVANTAGES

The economic success of the "Magmamax" process depended on solutions to many new problems which cannot be discussed briefly. However, there are three easily observable differences:

1. Hot water deepwell pumps are required.
2. A boiler feed pump is required.
3. High temperature heat exchangers are needed to transfer heat from water to isobutane.

The cost of these three items must be paid for by reduction in other costs, in order to justify the "Magmamax" plant. Needless to say, I would not be writing this paper, if we were not satisfied that these costs are justified.

The "Magmamax" process opens up new horizons for geothermal power by having many advantages over flashing steam plants. Some of them are:

1. Keeping water under pressure prevents escape of gases and this eliminates problem of well plugging.

2. Keeping water under pressure keeps gases in solution, so that they are returned to ground with the water discharged from the system.

3. Water reaches heat exchangers at full well temperature. This reduces required amount of heat transfer surface.

4. Water pipes from wells to plant are smaller than steam pipes would be in a flashing plant.

5. No gas removal system is required.

6. Turbine is smaller, simpler and lower in cost than a steam turbine.

7. Isobutane expands completely in the superheat region. There is no liquid released in the turbine.

8. Isobutane is above atmospheric pressure throughout system. Therefore air will not enter system, and air removal equipment is not required.

9. No oxygen can enter system. This eliminates one of the greatest potential causes for corrosion.

10. Turbine has lower wheel speeds than steam turbines.

11. High density of isobutane makes economic use of lower condensing temperatures possible. This improves cycle efficiency and reduces water usage.

12. Isobutane is compatible with oil. This means that internal turbine bearings can be used, and shaft sealing system is much smaller and less complex than that of a steam turbine.

THE MAIN PARTS

It is a three stage turbine with two casings in parallel. Wheels are simple, rugged, radial inflow type, brazed into one piece. We anticipate nearly zero maintenance with this turbine. Speed is approximately 7000 RPM.

Generator runs at 1200 RPM and will be housed in a pressurized building to keep any gas leaks from generator. Entire isobutane system will be outdoors.

A new cooling system greatly improves economics of the plant. This reduces evaporation loss, and effectively reduces condensing temperature to a minimum value so as to achieve good thermal efficiency. It also permits coldest condensing water to be used when power demand is highest.

Much study and many new innovations have made the "Magmamax" process possible. We believe it will rapidly replace fuel-fired plants as our major source of electric power.

Best of all, it completely eliminates air and water pollution.

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[Presented at the United Nations Symposium on the Development and Utilization of Geothermal Resources, September 1970, in Pisa, Italy]

A VAPOR TURBINE GEOTHERMAL POWER PLANT

(By J. Hilbert Anderson, Consulting Engineer)

The worldwide need for more power, cheaper power, and non-polluting power has stimulated our efforts to develop power from geothermal heat sources. This meeting is real evidence of the great interest in this subject.

In the United States, geothermal power development, started by the Magma Power Company in 1958 at the Geysers in California, has grown into a major power source. With new plants being built and planned, this power field will soon be producing 600,000 kilowatts, and the potential appears to extend well beyond this.

HOT WATER VERSUS STEAM

The success of geothermal steam plants has stimulated the search for other steam fields. Much exploration has shown that there are almost limitless sources of hot underground water available, but very few sources of superheated steam such as the Geysers area. Generating power from hot water is a much different problem than generating power from steam. Many theoretical studies have been made on the problem with different proposed cycles. In Kamchatka, a small plant is in operation, using R-12 as a cycle fluid in a boiling and condensing cycle. (Ref. 1)

After considerable investigation we decided that a boiling, condensing cycle, using isobutane as a cycle fluid, would be the most economic one to use on a new plant to be built by Magma Energy, Inc. The general principles and cycle were outlined by Alf Hansen in Ref. 2.

It is possible to flash steam from hot water at various temperature levels and expand the steam through a steam turbine. This cycle is simple, and is already in successful use, but has numerous disadvantages.

1. Wet steam from geothermal water is likely to be corrosive.
2. Cycle efficiency is low and water consumption is high.
3. A low temperature steam turbine is large per unit of power, and therefore costly.
4. Because of the high specific volume of steam, it is not economic to use the low condensing temperatures required to attain reasonably good cycle efficiency.

A VAPOR TURBINE CYCLE

The vapor turbine cycle we will use on the Magma Energy plant is shown in simplified form on Fig. 1.* Hot water is pumped from the wells at approximately 325 F. The hot water boils and superheats isobutane to 300 F at 500 psia. The superheated vapor expands through a three stage radial flow turbine, and condenses at approximately 85 F. Condenser cooling water is furnished from a cooling pond supplied by makeup water from shallow wells. The condensate is pumped into the heating and boiling heat-exchangers by a turbine-driven centrifugal pump. Waste hot water is returned to the ground.

Expected average net plant output will be approximately 8000 kw. Since there are numerous unknowns, such as exact water temperatures, etc., it is impossible to predict exact performance at this time.

SOME ADVANTAGES

The vapor turbine cycle has many advantages over the flashing steam cycle:

1. Using a high density vapor instead of steam permits the use of a much smaller turbine than a steam turbine. Fig. 2 shows the comparative diameters of steam and isobutane turbines for similar operating conditions. The value Q/ND^3 is the dimensionless flow coefficient at the turbine exhaust. 1.62 is a common value for the exhaust end of high flow steam turbines. 0.300 is a reasonable value for radial inflow turbines. For the same flow conditions a steam turbine is approximately four times the diameter of the same capacity isobutane turbine. Ref. 3 explains more fully the effect of gas properties on turbine size.
2. An isobutane turbine operates entirely above atmospheric pressure. A steam turbine usually operates with exhaust under vaccum. Vaccum operation invariably promotes leakage of air and oxygen into the system, which in turn is a major cause of corrosion and maintenance problems.
3. Isobutane is almost non-corrosive. Turbine materials can be low-cost alloys.
4. High molecular weight vapors generally have much less work output per lb. of fluid in the turbine. This makes it easier to design a high efficiency turbine, and these turbines can usually operate at much higher efficiency than steam turbines.
5. High molecular weight vapors in general have a lower expansion ratio from first to last stage than steam. This also makes it easier to design a high efficiency turbine. Cycle efficiency is directly proportional to turbine efficiency.
6. Being smaller, heavy vapor turbine rotors have much less inertia than steam turbine rotors. This reduces maximum coupling torque caused by generator overloads.
7. Turbine tip speeds are generally lower for high molecular weight vapors than for steam turbines. This reduces stress and vibration problems.
8. High vapor pressure and density of isobutane compared to steam permits economical design of turbines for low condensing temperatures, thereby improving practical cycle efficiency over that of steam.
9. Most high molecular weight vapors have lower latent heats than water. This tends to reduce cavitation damage in boiler feed pumps.
10. Many high molecular weight vapors expand through the turbine in the superheat region. This completely eliminates the water erosion problem so common in steam turbines.

SOME DISADVANTAGES

The heavy vapor turbine cycle has its own disadvantages and problems:

1. Available fluids are invariably more costly than water.
2. Heat exchangers are a necessity at both hot and cold end of the cycle. Heat exchangers are expensive.
3. Since fluid is expensive, it is imperative that the system must be perfectly sealed both during operation and shut down.

CHOICE OF FLUID

Many fluids are possible choices for a hot water power plant. There is no one best fluid. In the Magma Energy plan, we chose isobutane for a number of reasons:

1. It has reasonably high density at operating conditions.
2. Vapor pressure is above atmospheric at all operating conditions.
3. Critical temperature is high enough to fit well with water temperature of 325 F.
4. The thermal characteristics match the cycle very well.
5. It has good thermal conductivity.
6. Turbine size is small.
7. It is non-corrosive.
8. It is non-toxic.
9. It is low in cost.

The major disadvantage is flammability. Since hydrocarbon handling technology is well known, and this plant will be outdoors, we believe this problem is actually less of a hazard than handling fuel in a gas-fired power plant of any conventional type.

CONSUMPTION OF FUEL

The water consumption of a water-heated geothermal plant is analogous to the fuel consumption of a combustion power plant. This is primarily a function of water temperature, condensing temperature, heat exchanger design, fluid, turbine efficiency, pump efficiency and cycle design. Obviously these are too many variables to permit easy and complete presentation of plant performance.

However, Fig. 3 shows fairly typical water consumption for an isobutane plant as affected by well water temperature and condensing temperature. Minimum temperature difference between hot water and isobutane was arbitrarily fixed at 16 F. Isobutane boiling pressure was fixed at 500 psia.

These are not necessarily the best operating conditions for all water temperatures. They are fairly close to the conditions chosen for the new Magmamax plant being built.

As would be expected, hotter well water reduces consumption. Note that condensing temperature has a very large effect on consumption. The lower condensing temperatures are typical under conditions where low temperature cooling water is available. The higher condensing temperatures would be typical where cooling towers must be used.

The breaks in the curves occur approximately where minimum temperature difference in the heat exchangers occurs at both boiling and condensing temperature. The effect of this is shown on Fig. 4. This is a temperature enthalpy chart for isobutane, with hot water temperatures superimposed on the chart. If we use a counterflow heat exchanger to heat the isobutane, then this chart shows the temperature difference through the heat exchangers.

Two cases are shown. In our case the water comes in at 325 F and leaves at 179 F. Each lb. of water gives up 148 Btu to heat isobutane. It requires 208 Btu to heat each lb. of isobutane. Therefore 1.4 lbs. of water are required per lb. of isobutane. Going to Fig. 3, water consumption is 165 lbs. per kwh at 80 F condensing temperature. The rate of water usage per lb. of isobutane determines the slope of the water temperature curve. In this case the minimum temperature difference occurs at the boiling point of isobutane.

The other case shown is for 450 F water supply. In this case the water comes in at 450 F and goes out at 96 F, giving up 284 Btu per lb. of water. To heat one lb. of isobutane through the cycle requires only 0.73 lb. of water. Therefore the slope of the water temperature curve is much steeper. Only 64 lbs. of water are required per kwh. Notice that the minimum temperature difference of 16 F now occurs at the isobutane condensing temperature.

It is possible, by variations in cycle design, to reduce the water consumption below that shown on Fig. 3. However, this set of curves is convenient to show what can easily be done with one simple cycle.

ECONOMIC AND ECOLOGICAL SUCCESS

While the theory of the vapor turbine cycle is simple, many new ideas had needed to be added to the basic cycle in order to make it practical and economically sound.

We now fee: that all of the major problems are solved, and believe that the new Magmamax power plant will not only be a technical success, but also an economic success.

This can open the door for us to tap the limitless quantities of heat under the earth's surface, and produce the great quantities of power that we need so desperately. Best of all, this can be done without any pollution of our atmosphere, or our waters.

This paper would not be complete without paying tribute to the man who stands out above all others in making practical geothermal power a reality in the United States. Mr. B. C. McCabe was the founder of the Magma Power Co. and Magma Energy Inc. Those of us who know him realize that without his vision, imagination, salesmanship, persistence and encouragement, this paper and what it represents would not be possible.

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*Illustrations not printed in the RECORD.

[From Oil Digest, January 1971]

GEOTHERMAL ENERGY LOOMS AS ECONOMIC FACTOR

Geothermal energy, perhaps accompanied by the commercially profitable extraction of minerals from geothermal brine, may—in the not too distant future—become a significant factor in the economy of California and other western states where geothermal reserves appear to abound.

Already, in The Geysers area some 85 miles north of San Francisco, steam wells are generating some 82,000 kilowatts of electricity which is being purchased under contract by Pacific Gas and Electric Co.

By 1975, electricity generated from these geothermal reserves is scheduled to be increased to over 600,000 kilowatts, and it is planned to add 100,000 kilowatts annually thereafter for an indefinite period, as new wells are drilled and additional turbine generators installed.

Power for the electricity already contracted for by PG&E is being supplied from wells taken down by what is now a joint venture operation formed by Magma Power Co., Los Angeles; Thermal Power Co., San Francisco; and Union Oil Co., of California's geothermal division headed by Dr. Carel Ott. Union Oil is operator.

Other acreage in the area has been leased by a number of oil and geothermal companies.

The Geysers area, because its wells produce dry steam and the geothermal waters are low in salinity, appears to be ideal for electrical generation, which is the reason so much attention has been centered there.

Now, however, Dr. Robert Rex, professor of geology of the University of California at Riverside, who, with a team of UC-Riverside colleagues, has been conducting a survey of the geothermal potential of the lower section of California's Imperial Valley, contends that he has located seven geothermal fields with a 1,800 square mile area "bordered on the south by Mexico and on the north by a line parallel to the Mexican border three miles north of Westmoreland, and on the east and west by basement outcrops."

The UC-R professor has repeatedly asserted these steam fields were discovered by geological and geophysical surveys and the drilling of 100 shallow (100-500 feet) temperature-measuring holes as well as from data turned up in dry hole oil wells taken down earlier in the general area. He says these fields have the potential to produce 20,000 to 30,000 megawatts of electrical energy and 5 million to 7 million acre feet annually of distilled water.

Late in October, he told a State Geothermal Resources Board meeting in Sacramento that, while a special type of hypersaline brine containing approximately 25 percent dissolved solids occurs at the north end of the Imperial Valley in the old salt sink area now occupied by the Salton Sea, "there is no evidence that this highly corrosive salt saturated brine exists outside the confines of the old salt sink."

The normal low salinity, low corrosivity brine found in Mexico's Baja-California is also found over almost the entire U.S. section of the Imperial Valley, he stated.

However, some leading California professional geologists, several of whom have conducted operations in the Imperial Valley north of the Mexican border, are inclined to view these pronouncements with considerable skepticism.

Discussing Dr. Rex's report on the study made by his team, they note that much of the data was taken from old geological and magnetometer work and tests (about which the UC-R professor has been somewhat vague) to detect water gravity and salinity.

Geothermal operations in the California portion of the Imperial Valley date back to the 1920s, when a few steam wells were drilled and abandoned. Modern exploration and development efforts (which are estimated to have cost between $7.5 million and $10 million thus far) were launched there more than a decade ago.

To date, however, these have been centered in the area around Niland, near the Salton Sea, where some 11 wells have been taken down. They found wet steam, highly saturated with mineral brine containing large quantities of sodium chloride and small quantities of potash and other compounds.

The geology of the Imperial Valley contains numerous anomalies which are a source of heat sufficient to generate geothermal steam, but all exploration conducted in the Salton Sea area has indicated that the extremely high mineral content renders the steam produced unsuitable for generation of electric power under any methods perfected to date.

Dr. Rex, as conceded by professional geologists contacted by the Oil Daily, may be correct in assuming that the salinity of the geothermal water in the area his team has surveyed is far lower than that around the Salton Sea.

They caution, however, that this is a fact as yet unproved. "The only real test of the commercial potential of geothermal reserves is the drilling of test wells," commented a prominent California geologist whose judgements are widely respected.

"No real determination can be made until wells have been drilled and the brine content of the produced steam has been carefully analyzed," he said.

What is known is that below the Mexican border, in the Cerro Prieto geothermal field 25 miles south of Mexicali, the steam produced from 17 wells completely lacks the degree of mineral contaminants which have thus far precluded development of geothermal power in the California portion of the valley.

Dr. Rex expects, in fiscal 1971, to drill a well on one of the geothermal fields he says he has located on the California side of the border. Which field will be drill-tested, he has not revealed, but of the seven fields identified, the UC-R professor has indicated that five are the most probable areas for geothermal development. These five are located near North Brawley, Buttes, Heber, Glamis and Dunes.

West Coast oil companies, energy companies, public utility firms and agriculturists will be eagerly awaiting the results, but only after each field has been tested by completed wells will Dr. Rex's contentions be verified or disproved.

USDA ECONOMISTS HELP UNDERMINE RETAIL SALES IN SMALL TOWNS

Mr. McGOVERN. Mr. President, the Agriculture Act of 1970 commits the United States to a policy of balanced growth. Many of us have not been satisfied with the efforts of the administration in making this policy work. In view of the fact that 2,000 farms a week are being closed down because of low prices, I have maintained that the first thing that should be done to stem rural to urban migration is to raise farm prices to a level which meets the farmer's cost of production and a reasonable return for his labor and investment. An increase in farm prices is particularly imperative in light of the fact that for every six or seven farms forced out of business one main-street business closes down.

The House of Representatives passed a measure December 8 which would provide some much needed relief for our Nation's farmers. It is my hope that the Senate acts on this measure before the conclusion of this session so that farmers will receive the help they so badly need this year. The measure would provide real relief for farmers instead of the token assistance announced by Secretary Butz last week. Corn prices may go up a bit, but the real beneficiaries will be the grain dealers who bought corn for $1 or 90 cents at harvest time.

The Department of Agriculture apparently is not concerned with the genuine needs of our Nation's farmers or of rural America. Researchers in the United States Department of Agriculture recently released a study showing the greater efficiency of a 5,000-acre corn farm over a corn operation of 500 acres or even 1,000 acres. The increased efficiency detailed in this study comes not from tilling a larger acreage, but through the discounts an operator of 5,000 acres can receive by bypassing merchants in his local community and buying direct from manufacturers or central warehouses. The study furnishes no clue about what should be done for the displaced farmers and bankrupt businessmen who will be the victims of what the United States Department of Agriculture parades as "efficiency." The NFO County Progress Reporter of November 1971, pointed out the fallacy of this so-called efficiency and what it portends for both the farmer and rural businessman. I commend the National Farmers Organization for its vigilance and ask unanimous consent that the article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

USDA ECONOMISTS HELP UNDERMINE RETAIL SALES IN SMALL TOWNS

"Some small Iowa towns should simply be given a decent burial."

That is what Prof. Scott Greer, a Northwestern University sociologist, told the Iowa Housing and Redevelopment Association recently in Davenport, Iowa.

He restricted his recommendations to Iowa only because that was the locale in which he was speaking. Some sociologists and farm economists are going much further than just recommending a "decent burial" for small towns in rural America.

They are trying to bring it about, sometimes using public funds.

PROMOTES HUGE FARMS

The Department of Agriculture has just issued a new research report trumpeting its documented discovery that 5,000-acre corn farms in Iowa are the most economical; much more so than 500-acre corn farms, or even 1,000-acre corn farms.

Why? Because they are able to go around the small town merchants and distributors and buy fertilizer, chemicals, machinery, oil, gasoline, and other supplies direct from the manufacturers or central distributors. The study says that they can buy at savings up to 20% over small farms with less volume.

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Pages and pages of tables, which are assembled by Ph. D. economists on the public payroll at a cost of thousands and thousands of dollars, come to that conclusion. And now more thousands of dollars in public money is being spent to distribute the "study" and tell the world that small farms are less economic than giant farms.

PEOPLE DON'T COUNT

People don't count in this assessment of the costs of big operations. There are no statistics on how many farm families will be displaced.

Nor are there any statistics on how many small town business establishments will be made surplus and put out of business by such a shift in farm size.

The study gives pointers on management practices for the big operations. It gives no solutions to the problem of finding a place in our society for the people put out of business, including the farming business.

SMALL-TOWN BUSINESS

The whole thrust of the new USDA study is aimed directly at the "inefficiency" of the rural community marketing structure. That means the implement dealers, hardware stores, gasoline tank truckers, local banks—all the people who are supported by the patronage of the family farm.

A Senate subcommittee was told this month that an average of 2,000 farms a week are closed out. For every six farm families that leave a rural community, a recent study shows, a small town businessman has to call it quits. The push by USDA economists for more bigness and elimination of still more farmers can only add to this tragic and senseless destruction of rural America.

HOUSE-PASSED STRATEGIC GRAIN RESERVE BILL, H.R. 1163

Mr. HUMPHREY. Mr. President, last Wednesday night the House passed H.R. 1163, the Strategic Storable Commodities Act of 1971. And that bill has now been referred to the Senate for action. The importance of the House's action can best be appreciated in reviewing what has been happening to grain prices in principal markets like Chicago and Minneapolis. Prices for wheat and feed grains have jumped over 5 cents per bushel in these markets since passage of the House bill. It is obvious that grain buyers know the difference between a "press release" issued by USDA saying they are planning to buy corn, and a piece of legislation that would require the Department to purchase 500 million bushels of corn.

Yesterday, 15 Senators joined me in a letter to the distinguished chairman of the Senate Committee on Agriculture and Forestry requesting that he seek immediate committee acceptance of the House passed bill so that prices and income for our Nation's food and feed grain producers could be increased immediately.

In addition to creating reserve inventories of wheat and feed grains, H.R. 1163 also directs a mandatory 25-percent increase in the loan values for wheat and feed grains for both the 1971 and 1972 crops. Farmers need this help now. Senate Joint Resolution 172, which I and other Senators introduced in early November also called for such an increase in the loan values for these crops.

In addition, that resolution calls for certain adjustments to be made in the 1972 wheat and feed grain programs already announced by the Department of Agriculture. It would require that we return to a base acreage program for feed grains and initiation of an additional acreage diversion payment program for wheat in 1972. Enactment of both the strategic storable commodities reserve bill and these provisions of Senate Joint Resolution 172 would result in no additional costs to the Government and increase the value of the 1971 and 1972 bill by $3 billion totally.

Mr. President, given the shortness of time, I recognize the difficulty that the distinguished Senator from Georgia faces in trying to get committee action of H.R. 1163 before Senate adjournment.

Mr. President, in the event that it is not possible for the Committee on Agriculture and Forestry to act on these measures before adjournment, I believe we can be assured that the committee will consider this legislation shortly following the return of Congress in January. In fact, Mr. President, Chairman TALMADGE has given me such an assurance. We are extremely fortunate to have the very able and dedicated gentleman from Georgia as our committee chairman. He has provided true leadership for the committee this year and he has let no matter within the committee's jurisdiction go unattended.

Many of us had hoped that time would permit us to act on this important grain reserve bill before adjournment. That does not now appear possible, as unfortunate as that development is. We, of course, will continue to seek enactment of this or similar legislation at the first possible opportunity. Mr. President, several Members have similar bills pending before the Senate Committee on Agriculture and Forestry.

THE NEED FOR A TREATY WITH PORTUGAL ON U.S. BASES IN THE AZORES

Mr. CASE. Mr. President, yesterday the New York Times, in an article by Tad Szulc, reported that the United States and Portugal had negotiated a new agreement regarding future American use of military bases in the Azores, and that the United States would furnish Portugal with unspecified amounts of economic aid in return for the use of these bases.

The Executive unquestionably has the right to negotiate agreements of this sort. My special concern, however, is that our constitutional processes be followed. I therefore wrote a letter yesterday afternoon to the Secretary of State asking for his assurances that any new agreement with Portugal would be submitted as a treaty to the Senate for advice and consent, and that no new economic aid program would be undertaken without affirmative action by both Houses of Congress.

I pointed out to Secretary Rogers that the agreement with Portugal was complicated by the fact that Portugal is currently involved in colonial wars in Africa and that this further complication provides added reason, if any were needed, for the submission of the matter to the Senate.

Mr. President, I ask unanimous consent that my letter to the Secretary of State and Mr. Szulc's New York Times article of December 9, 1971, be included in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DECEMBER 9, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: In this morning's *New York Times*, it was reported that the United States and Portugal had negotiated an agreement regarding the future use by the United States of air and naval bases in the Portuguese Azores. It was further reported that the United States would furnish Portugal with economic aid in return for the use of the bases.

While not questioning the right of the Executive to negotiate agreements of this sort, I would like to receive your assurances that any final agreement will be submitted as a treaty for the Senate's advice and consent, and that no economic assistance will be furnished to Portugal without affirmative action of both Houses of Congress.

There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process. It is unfortunate that American forces have been in the Azores since World War II only on the basis of executive agreements, but this past oversight in no way justifies the enactment of a new agreement without comforming to our Constitutional processes.

Similarly, the Executive has the right to discuss with any foreign government the furnishing of foreign assistance, but the Constitution clearly establishes that the Congress must appropriate (and hence authorize) the funds to institute such a program. Congress has provided the President with certain discretionary authority to make changes in the allocation of foreign aid funds, but the clear intent of Congress has been for this discretionary authority to be used in emergency situations. The new agreement with Portugal is not a matter on which the Executive must act immediately and thus would not have time to come to Congress for authorization.

Finally, I would point out that the furnishing of economic aid to Portugal is complicated by the fact that Portugal is involved in colonial wars in Africa. You stated on March 26, 1970: "As for the Portuguese territories, we shall continue to believe that their peoples have the right of self-determination. . . . Believing that resort to violence is in no one's interest, we imposed an embargo in 1961 against the shipment of arms for use in the Portuguese territories."

Yet there would seem to be a clear tie between the furnishing of economic aid to Portugal and the wars in the Portuguese colonies. *The New York Times* said this morning: "The loans could reduce pressure on Portugal's foreign currency reserves, which are under considerable strain because of the need to import foodstuffs in part because of the war against the guerrillas in Angola, Mozambique and Portuguese Guinea."

This additional complication is an added reason for the Executive Branch to seek the advice and consent of the Senate before final action is taken on the reported agreement with Portugal. I am confident you will agree and I await your affirmative response.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

[From the New York Times, Dec. 9, 1971]

UNITED STATES AND PORTUGAL TO SIGN AN AZORES PACT

(By Tad Szulc)

WASHINGTON, December 8.—Senior Administration officials disclosed today that the United States and Portugal had negotiated a five-year extension of the wartime agreement granting the United States the use of air and naval bases on a strategic island in the Azores.

The pact is to be signed this week, before President Nixon flies to the islands 1,000 miles west of Portugal in the Atlantic on Sunday to meet President Pompidou of France and Portugal's Premier Marcello Caetano. The pact provides for economic aid to the Portuguese for the first time in this quarter-century-old relationship with the United States.

The pact replaces one that lapsed nine years ago and could not be formally renegotiated until now because of profound differences between the two countries, especially over African politics.

PACT EXPIRED IN 1962

Although the last in a series of Azores agreements expired in December, 1962, the United States was permitted to continue using the facilities on Terceira Island under what has been officially described as "the courtesy of the Portuguese Government."

Officials said that the present plans were for Secretary of State William P. Rogers and Portugal's Foreign Minister, Rui Patricio, to sign the new defense agreement in Brussels tomorrow.

Both are attending this week's ministerial session of the North Atlantic Treaty Organization Council and, according to informants here, the final touches on the agreement were being worked out there today.

The headquarters of Iberlant, the Western Command of NATO, have been in Lisbon since 1966.

The original Azores agreement, signed in February, 1948, provides that "there shall not be due for the utilization of the aerodrome and of the various installations the payment of any tax or rental."

BAN ON USE IN AFRICA

State Department historians said records showed Portugal as the only country receiving no economic aid from the United States in connection with a military-base agreement.

However, Portugal has received military aid, although by agreement American arms are not used by the Portuguese against guerrilla rebels in African territories.

This year, officials said, Portugal indicated she wanted a formal agreement on the Azores arrangements which dated back to transit rights for United States aircraft during World War II.

But this time, they said, Portugal requested economic assistance and the United States agreed to supply it in the form of long-term loans for farm commodities and financial grants for educational projects.

In addition, according to officials, Portugal will receive an oceanographic vessel for fishery research.

RESENTMENT IN LISBON

The food could reduce pressure on Portugal's foreign currency reserves, which are under considerable strain because the need to import in part because of the war against rebel guerrillas in Angola, Mozambique and Portuguese Guinea.

The two countries did not renew the Azores agreement for nine years chiefly because of the Portuguese resentment of the United States anticolonialist policies in Africa.

Portugal's new leadership under Premier Caetano, who replaced the late António de Oliveira Salazar, appears to be more pragmatic on this point and it is said to believe that the Nixon Administration is less outspoken in favor of African nationalism than its predecessors.

The United States facilities on the islands are an airbase at Lajes, under joint control with the Portuguese, and port facilities at Praia da Vitoria.

The military opinion in Washington is that the facilities are important but not vital to United States and North Atlantic defenses.

USEFUL REFUELING STOP

The Lajes air base remains a useful refueling point in the Atlantic. It served as a support point for wartime trans-Atlantic flights and, later, as a transit area for troops being airlifted to Western Europe, Berlin, Lebanon and the Congo.

There are about 1,500 American servicemen and 2,000 dependents on the Azores. About $12-million is put into the economy by the American military expenditures.

When Portugal agreed to the Nixon-Pompidou meeting on the Azores, Premier Caetano offered to serve as host to the two men. He will entertain them at a dinner on Monday and hold a separate conference with Mr. Nixon.

The Azores conference will be the second set of consultations for Mr. Nixon with allied leaders before his visits to Peking and Moscow next year.

He conferred with the Canadian Prime Minister, Pierre Elliott Trudeau, on Monday and is to hold meetings with British, West German, and Japanese heads of government.

UNEMPLOYMENT AND HUNGER IN SEATTLE

Mr. McGOVERN. Mr. President, recently the Select Committee on Nutrition and Human Needs, of which I have the privilege to be chairman, issued a report on unemployment and hunger in Seattle. The report detailed the severe economic conditions afflicting the Seattle area and the attempts by local people on a volunteer basis to meet their hunger need. The report also detailed efforts by local officials to get approval for emergency food aid from the Department of Agriculture and the Department's refusal to grant that emergency aid.

In Wednesday's Wall Street Journal, there appeared a story with the headline, "Japanese Foreign Aid Sent to 'Hurt Hungry'—In Troubled Seattle." This story describes the generous gift of Seattle's Japanese sister city, Kobe, in shipping a thousand pounds of food and rice needles to the poor in Seattle. I applaud this act of humanitarianism by the citizens of Kobe and can only wonder why our own Government cannot provide assistance to our own people.

This week, a Federal court judge in Seattle found that the Secretary of Agriculture was in violation of the 1971 Food Stamp Act in refusing to grant the emergency assistance sought by Seattle. On Tuesday, I wrote the new Secretary of Agriculture, Dr. Butz, asking that he comply speedily with the court ruling. I fervently hope that Dr. Butz will see fit to do so. I would like to submit for the record the news article from the Wall Street Journal of today and the press release issued Tuesday on my letter to Dr. Butz.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MCGOVERN URGES BUTZ DEMONSTRATE HUNGER COMMITMENT BY COMPLYING WITH FEDERAL COURT ORDER ON EMERGENCY FOOD HELP FOR SEATTLE

Senator George McGovern (D-SD), chairman of the Senate Select Committee on Nutrition and Human Needs, today urged Agriculture Secretary Earl Butz to provide emergency food assistance to Seattle, Washington, as ordered by a federal court decision yesterday.

McGovern said that during his recent fight to achieve Senate confirmation, Secretary Butz affirmed his commitment to hunger programs. The Secretary personally wrote McGovern that:

"I know of the efforts that this Administration and the Senate Select Committee on Nutrition and Human Needs have made in combating hunger and malnutrition and I fully support President Nixon's pledge to eliminate poverty related hunger and malnutrition in this Nation.

"Since the President's historic "Hunger Message" on May 6, 1969, the accomplishments comprise the largest and most successful nutritional undertaking in all history.

"I will give high priority, as Secretary of Agriculture, to continued USDA efforts to reach the President's goal. I will energetically work toward improvements in the programs to feed needy families and to improve the nutritional health of this Nation's children."

McGovern, in a letter sent to Butz today, said: "There could be no finer way of demonstrating your concern and commitment to ending hunger in America than by reversing the Department's previous position denying emergency food aid to Seattle."

McGovern cited a recent staff report by the Select Committee, "Seattle: Unemployment, the New Poor and Hunger," which fully supported Washington State's request for the emergency assistance:

"There is clearly a demonstrated need for further food assistance in the Seattle area. The Food Banks indicate the usefulness and feasibility of a Direct Food Distribution Program. The Federal Government's Direct Distribution Program could be of vital assistance in alleviating the area's nutritional needs. The Agriculture Department has ample foodstuffs available and has clear legislative authority to approve the State of Washington application to operate a Direct Distribution Program concurrent with the Food Stamp Program in the Seattle area. The Agriculture Department has taken the position that it does not intend to approve such an application for Seattle—or any other jurisdiction. This position is clearly contrary to the intent of Congress, as expressed in the Food Stamp Amendments of 1970. The U.S. Department of Agriculture should approve the application of Washington State for concurrent programs forthwith."

The new Food Stamp Act passed during last Congress specifically authorized the concurrent operation in one area of the food stamp and surplus foods program, providing families did not participate in both programs simultaneously and the state or county paid the additional administrative cost.

Earlier this year, Washington State officially applied to the Agriculture Department for a surplus foods program for Seattle and two other counties that already have food stamp programs. The state cited the severely depressed economic conditions as necessitating the additional emergency food aid.

The Agriculture Department took the position that it was not required to implement the provision of the new Food Stamp Act permitting the operation of both programs, and furthermore, that Seattle didn't qualify anyway.

United States District Judge William

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Beeks, in his decision issued in Seattle yesterday, said:

Dual operation of the two programs was authorized in 1971 for situations other than floods, hurricanes and the like.

Congress clearly intended that in areas experiencing severe economic hardship, dual operation should be permitted. . . .

Large numbers of the poor are finding it impossible to obtain adequate nutrition under the food stamp program because their net incomes are too low to afford food stamps. . . .

If dual operation cannot gain approval here with the unemployment rate the highest in the nation for a metropolitan area and where thousands have exhausted their unemployment compensation, then the act has been rendered nullity.

Judge Beeks ordered Agriculture Department action with the following statement:

Where, as here, the facts clearly indicate that the request concerns an area that qualifies for dual operation by virtue of its severely depressed economy, the Secretary has the duty to approve that request.

If, after such a request has been approved, the state presents a plan for distribution of commodities which otherwise satisfies the guidelines established by the regulations, the Secretary must approve the plan.

The courts may enjoin federal administrative action or inaction when it is violative of legislative enactment.

Clearly relief is warranted in the exceptional circumstances in this case.

Finally, McGovern, in his letter to Butz, said that he believed this decision represented an historic breakthrough in the fight to end hunger and malnutrition.

"This decision means that the Federal Government must use every weapon in its arsenal to eliminate hunger in the country," McGovern said. "In recent years, the problem of hunger, once only associated with the object poor, has begun to hit the millions of newly unemployed working people."

"These are people who aren't just holding their hands out, but who do need an extra helping hand. The Agriculture Department should now move swiftly to extend that helping hand."

[From the Wall Street Journal, Dec. 18, 1971]

JAPANESE FOREIGN AID SENT TO "HURT, HUNGRY"—IN TROUBLED SEATTLE

SEATTLE.—Stunned by the federal government's refusal to start a free-food program to ease Seattle's growing hunger problem, the city has found help elsewhere: foreign aid from Japan.

Last week, Seattle's Japanese "sister city" or Kobe shipped a planeload of 1,000 pounds of canned food and rice noodles to Seattle. Collected by Kobe's Christian community, the food was sent through the Kobe YMCA as a gesture of friendship to the thousands of Seattle residents who face hunger as their unemployment benefits run out.

Seattle unemployment has been running at about 13%, the highest in the nation, largely as a result of Boeing Co. layoffs.

The food is being distributed by Neighbors in Need, a church-sponsored, privately operated food bank program that has been relying on community donations to help feed the unemployed who can't qualify, or who can no longer afford the federal food stamp program.

The Rev. Bryce Little, a spokesman for the Seattle group, called the Japanese aid a "very meaningful contribution" and a "symbolic expression of concern by the Japanese people for the people here who are hurting and hungry." He said Neighbors in Need is operating 36 free food banks in the Seattle area alone, where it currently dispenses about $10,000 a week in food to some 15,000 needy individuals.

JAPANESE SEND FOOD TO JOBLESS IN SEATTLE

(By Nick Kotz)

Unemployed residents of Seattle, Wash., began receiving foreign aid donations from Japan this week. At the same time, a federal judge said the U.S. Agriculture Department has illegally withheld food aid from the city.

The foreign aid is coming from Seattle's "sister city" of Kobe, which shipped 1,000 pounds of canned food and rice noodles to the jobless poor.

Kobe offered the food to Seattle as a gesture of friendship after learning of the city's massive unemployment problem and of the unwillingness of the U.S. government to distribute surplus food under the commodity distribution program. The Japanese food is being distributed by Neighbors in Need, a church-sponsored privately operated food bank program.

On Tuesday, U.S. District Judge William Beeks of Seattle, in a sharply worded ruling, declared that former Agriculture Secretary Clifford Hardin had unlawfully denied the city a food commodity program and thereby had "abused his discretion" and acted in an "arbitrary and capricious manner."

Sen. George McGovern (D-S.D.), chairman of the Senate Select Committee on Human Need, yesterday asked the new Agriculture Secretary, Earl Butz, to heed the court order. He reminded Butz that he had pledged support of food aid during the Senate fight over his confirmation. Earlier, Butz had been sharply critical of food aid programs.

An Agriculture Department spokesman said yesterday, however, that the department has not yet decided whether it will accept the court ruling and implement a commodity program or whether it will appeal the decision to the ninth Circuit Court of Appeals.

The legal dispute concerns the unwillingness of USDA to utilize a provision of the 1971 Food Stamp Act, which permits a county, in emergency situations, to operate both the food stamp program and the commodity distribution program.

USDA has contended that both programs were not needed in Seattle, and said it would not permit any county to have both food programs.

The Nixon administration therefore turned down a bipartisan request that came from state, county, and city officials and the state's congressional delegation. The officials also unsuccessfully presented their case to John Ehrlichman, a former Seattle attorney and now the President's assistant for domestic affairs.

They pointed out that 106,000 persons are now unemployed in Seattle, which has been hard hit by cutbacks in the aerospace industry, and that many unemployed cannot qualify for food stamps or afford them. The city's unemployment rate, well over 15 per cent, is the nation's highest.

The Senate Select Committee on Nutrition, in a report entitled "Seattle: Unemployment, the New Poor, and Hunger," said that thousands of engineers, technicians and other normally well paid employees had too much in assets to qualify for food stamps. Others couldn't afford to pay for stamps after making payments on their homes, autos and insurance policies.

The lawsuit in behalf of Seattle's "new poor" was filed against USDA by Ronald Pollack, an attorney for the Center on Social Welfare Policy and Law, which is based in New York.

Judge Beeks ruled that the Agriculture Secretary had acted unlawfully by establishing national policy against permiting any county to operate both food programs. In the Seattle case, the judge said the Secretary's action was "arbitrary and capricious and an abuse of discretion.

"Congress clearly intended that in areas experiencing severe economic hardship, dual operation (of food programs) should be permitted," Judge Beeks said. "Large numbers of the poor are finding it impossible to obtain adequate nutrition under the food stamp programs because their net incomes are too low to afford food stamps.

"If dual operation cannot gain approval here with the unemployment rate the highest in the nation for a metropolitan area and where thousands have exhausted their unemployment compensation, then the (Food Stamp Reform) act has been rendered a nullity."

Mike McManus, director of Operation Hunger, a Seattle program soliciting voluntary food aid for the unemployed, told the Senate committee that "the community simply has run out of the ability to give."

ADDRESS BY SENATOR CHURCH AT WHITE HOUSE CONFERENCE ON AGING

Mr. WILLIAMS. Mr. President, one of the most well-received speeches at the White House Conference on Aging last week was delivered by Senator FRANK CHURCH, chairman of the Senate Special Committee on Aging.

As immediate past chairman of that committee, I took special interest in the address and in the facts and challenges presented by Senator CHURCH to many of the 3,400 delegates gathered for that Conference.

The senior Senator from Idaho asked bluntly whether the Nation is advancing or falling behind in the effort to assure genuine security and fulfillment in retirement.

Reluctantly, he had to conclude that needs are multiplying while response falls short of very pressing demands. He gave evidence: an increase in the number of elderly living in poverty during the last 2 years; committee findings that at least 6 million older Americans live in unsatisfactory quarters; widespread unemployment of older workers; and much more.

But the Senator did more than comment on present inadequacies. He called upon Republicans and Democrats alike to use the momentum of an election year to make certain that Conference recommendations are implemented in the early part of the 1970's.

Mr. President, Senator CHURCH's address should be shared by those who could not hear from him directly. I ask unanimous consent to have the prepared text reprinted in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR FRANK CHURCH, BEFORE THE WHITE HOUSE CONFERENCE ON AGING

Some of you here today may remember what John F. Fogarty said just before the 1961 White House Conference.

Even though it was his legislation that called for the Conference, Congressman Fogarty was worried.

What good would the Conference be, he asked, if it resulted in little more than an increase in the output of words?

Well, you already are inundated with words. I understand many of you have just come from 16 different special-concerns sessions where—for four hours—you tackled

problems as varied as long-term care, the elderly blind, minority group needs, and consumer interests.

I have more words for you, but only 15 minutes worth. The planners of this particular part of the Conference must have sensed that this would be a good time for a short talk.

And this is good because it encourages me to line up my thoughts and to choose those key facts that may fit in here just before you write your recommendations.

What, then, is my major message today?

I think it can be summed up very readily.

To put it bluntly, I think we are falling behind—not advancing at all—in our national effort to assure genuine security and fulfillment in retirement.

That may be a shocking statement, but it is based upon hard facts of today and foreseeable facts of the future.

My first hard fact is the Congress has had to fight all year to prevent a retreat in key areas related to aging. When the Administration submitted a budget request for the Older Americans Act that was actually lower than for the previous year, members of the Committee on Aging—Republicans and Democrats alike—took up the fight, restored the proposed cuts, and actually increased the appropriation to almost 45 million dollars.* That sum is less than half as much as we'll contribute this year to the Greek Army. It is a great deal less than just the flight deck of that billion dollar aircraft carrier the Pentagon is talking about.

Once the budget for the AoA had been settled, my Committee and Tom Eagleton's Subcommittee on Aging conducted hearings on the conduct of this White House Conference. I'm happy to report that hearings do have an effect: just a few days before the first one, Arthur Flemming was appointed full-time chairman of this Conference, and later Secretary Richardson reversed his policy on abandonment of more than 20 nutrition programs. But the biggest dividend of those hearings was good, honest analysis of the impossible position of the AoA as it now stands. I appointed an Advisory Council to make proposals for improving the AoA or replacing it, when the present law expires.

Congress and the Administration have had other disagreements on aging in the last year or so.

On Capitol Hill, for example, many of us agree on the need for a cost-of-living adjustment mechanism for Social Security, but we can't see why the Administration has been willing to settle for such a low base on which to build the escalator.

My own personal goal is to end poverty among older Americans. And I have sponsored a proposal calling for the use of the Social Security system as the elevator for lifting nearly 5 million elderly persons out of poverty. No old-age retirement system is worthy of the name, which leaves fully a fourth of the elderly on incomes below the government's own poverty line!

I've described just a few conflicts between Congress and the Executive Branch—not in the name of partisanship—but to help explain why I think our present national effort is lagging. I believe that the recent Democratic Administrations—despite Medicare and the Older Americans Act—failed to go far enough and must share their part of the responsibility for today's inadequacies. The time is ripe for coalition action by members of both parties during the 70's. On that point, I might refer you to the minority views expressed in our latest Pre-White House Conference report and in our most recent annual report. On all key points, as Senator Fong may tell you later, there is fundamental agreement on goals. When it comes to aging, there is really no room for a "game plan" based upon short-range political tactics seeking narrow partisan advantage.

It's already much too late to play games or to stall or to explain why this or that hasn't been done—or can't be done—for older Americans today and tomorrow.

I mentioned hard facts before. Let me give you more now.

Our nation, in the Older Americans Act of 1965, said that one of its goals was an adequate income for the elderly. And yet in the past two years, 100,000 *more* elderly persons throughout this land slipped below the poverty level. One out of four persons past age 65 is poor.

Our nation, in the Housing Act of 1968 made proud statements about good shelter for all Americans within a very few years. And yet, as far as the elderly are concerned, there is ample reason to fear that we are falling behind. The Committee estimates that 6 million older Americans live in unsatisfactory quarters. Only about 350,000 Federally-supported units have been built in the last 10 years. How do we catch up? And what do we do about property tax increases that are driving many elderly homeowners to despair?

Our nation, in the Employment Act of 1946, declared that it would no longer tolerate widespread joblessness. And yet today, at this very moment, among the millions of Americans now without work are 1 million persons past age 45; the so-called "older workers." Their unemployment will be far longer than for younger persons. Their pension benefits and Social Security of the future will be far less than might have been. The Committee says that a new generation of elderly poor may be in the making. What do we do about them?

Our nation, in passing Medicare, pledged itself to adequate medical treatment for the elderly. And yet, within the past two years, Medicare is costing more and providing less. Cost control is one thing, but widespread abandonment of responsibility is another. Here again, we are losing ground.

As for transportation, in rural and urban America alike, it is becoming harder, instead of easier, to get from one place to another.

Consider the trend. It is backward, not forward. And if our overall national effort is being swamped by the needs of today, consider what is in store for us in the years ahead.

Between now and the turn of the century—just 29 years away—between 45 and 50 million of today's middle-aged persons will enter the 65 years-and-up age bracket. Think of that: tens of millions of persons entering a retirement way of life which is already strained for most and bitter for many.

Will today's failures be deepened, or will the pressures of sheer numbers and sheer need finally force adequate response?

I think you know my answer to that question. Despair never solved anything. Game plans, if they merely stall action, add only deception to despair. But when it comes to aging, I think we have passed beyond either deception or despair.

I mentioned before that I believe that coalitions for action are essential during the 1970's.

What I mean is that Republicans and Democrats alike should use the momentum of an election year to make certain that the recommendations of this Conference are implemented in the *early* part of the 1970's.

What I mean, too, is that we should be unafraid to question even our most self-satisfied assumptions, ranging far beyond the field of the aging, far beyond even such questions as new directions for Social Security, new ways of providing and paying for health care, and other such vital policy matters.

What I mean, fundamentally, is that this nation is ready to question and discard many sacred cows that have already lived too long.

We have questioned a foolish, futile war, and though its termination is slow, it is now inevitable.

A few weeks ago, the Senate questioned whether foreign aid is really serving our nation and others in the ways that it should and we have gone back to the drawing boards in search of needed change.

We are questioning our attitudes toward racial minorities and we are finding much to question in our use of our land, our water, and our air.

Now we must ask questions about the very health of our nation and the well-being of each and every citizen of our land.

Our treatment of the elderly certainly tells us whether we are sound or sick as a nation. If we are indifferent toward the last years of life, we diminish the dreams of all our people.

So let us respond to the dynamics of this Conference and to the needs, hopes, and just demands of those who built this country, her senior citizens.

*1971 FY Funding: $32 million; Administration request for FY 1972, $29.5 million; final FY 1972 appropriation $44.75 million, or $15.25 million more than the budget request.

THE SITUATION IN INDIA AND PAKISTAN

Mr. McGOVERN. Mr. President, I have been watching the situation developing in East Pakistan since the end of March of this year when I first discussed the matter in the Senate. Virtually all of the developments on the Asian subcontinent since that time have deepened my concern about the chances for peace and stability in the area.

The reaction we have seen in the past few days to the invasion of East Pakistan by Indian forces and to the invasion of India by the forces of West Pakistan loses sight of the broader development of events in those areas.

In elections held in Pakistan, the Awami League swept the vote in East Pakistan and thus obtained a majority in the Pakistani Parliament. The government in West Pakistan was not willing to accept this result, even though it was the democratic expression of the Pakistani people. On March 25, the Pakistani Government moved to suppress the opposition to the status quo and to nullify the electoral victory of the Awami League.

The initial reports we received from East Pakistan indicated that the United States had placed itself in the position of providing military support to the West Pakistan Government, which inevitably helped that government in its policy of suppression in the East. As early as April, it was clear that we should not provide any military assistance to Pakistan. Furthermore, we should, at that time, have informed the Pakistani Government that all economic aid would be cut off unless we could be completely assured that such assistance was entering both parts of the country.

Mr. President, I urged such a policy on our Government. The reaction was not only a continuation of one-sided economic assistance but the resumption of arms deliveries to the Government of West Pakistan.

The logical inference, which I brought to the attention of the Secretary of State,

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was that in return for the assistance provided by the Pakistani Government to Mr. Kissinger in establishing contact with Peking, the United States had taken a benevolent attitude toward the Pakistani policy in East Bengal. This, of course, the State Department denied.

So, one of the great unexplained gaps in our policy is why the United States refused to exercise any legitimate moderating influence on the Government of Pakistan. No amount of explanation of actions after the fact by the administration seems to be able to answer that question. No official statements issued now can explain the administration's silence while the people of East Bengal were slaughtered, or terrorized.

From the moment that Bengali refugees began to stream into India, the Pakistani situation became an international situation. At that time, the matter should have been brought before the United Nations. Because of the failure to take that step or any other action to cool off the situation, we saw another inexorable march toward war.

In many respects the war now taking place between India and Pakistan is merely the extension of the conflict which gave rise to the creation of a Hindu state and a Moslem state on the Asian subcontinent in 1947. Because we should have known that the potential for renewed war between India and Pakistan was so great, we should have been impelled to even greater efforts to divert the course of events.

It is never a good moment for mankind when the forces of one nation invade another. Yet this has happened now with both India and Pakistan constrained to fight a war on two fronts. The old wounds in Kashmir have been brutally torn open.

We can regret the Indian invasion. But simply to regard the invasion as an isolated event is ridiculous. Yet that administration stands ready to take immediate action against India despite the fact that it allowed, even encouraged, Pakistan to escalate the situation to the point of war.

Now we are called upon to play an active role for peace. Instead we see an administration which prefers to sit on the sidelines, apparently because it recognizes that direct American military intervention is impossible.

We should, both unilaterally and through the United Nations, seek an immediate cessation of hostilities. Let those in the United Nations who wish to assume the responsibility for opposing such action be clearly identified. We should not throw up our hands because we know in advance that there may be a veto against a constructive proposal. And instead of a policy of petulance and partiality, we should use our considerable influence to bring all parties to a ceasefire and then to the negotiating table. That means the Indians and the Pakistanis, the Pakistan Government and the Awami League.

And we must recognize that the outcome of these talks will allow for the recognition of either the autonomy or the independence of Bangla Desh. There is no turning back the clock to elections which would have allowed for democracy in Pakistan. We cannot reasonably expect the people of East Bengal to place their trust in the government in West Pakistan.

Finally, we should take urgent action, direct if necessary, to insure that the flow of relief supplies gets through to those in greatest need—refugees and victims of the cyclone. And we need to push for the immediate release of foreign nationals who are now trapped in the war zone. The United States can do more on these matters than sit back and wring its hands.

Most importantly, we should seek to understand the failings in our own policy which have helped bring about the present war. I hope we have learned the lesson of Vietnam. But, even if we have, that is not enough. We have still to learn how to use our strength and influence to promote peace. The senseless and wasteful killing now going on in the Asian subcontinent shows that the time for wisdom instead of grandstanding is long overdue.

DRUG ABUSE LEGISLATION

Mr. TUNNEY. Mr. President, on November 3, 1971, I introduced S. 2809, the Drug Abuse Research and Education Act of 1971. That bill was the product of extensive research and consultation with drug abuse experts throughout the country.

Two weeks ago I reintroduced that legislation as a floor amendment to S. 2097, the comprehensive drug bill which was being voted on by the Senate. During those days a large number of academic and professional persons working in the field of drug abuse wrote to me expressing their strong support for S. 2809 and offering many helpful comments about its potential as an aid in the fight against drug abuse.

During the debate upon my amendment on the floor, a number of my colleagues urged that I refrain from bringing it to a vote at that time because of the many difficulties they had encountered in arriving at a bipartisan compromise on S. 2097. The Senator from Iowa (Mr. HUGHES), chairman of the Alcoholism and Narcotics Subcommittee, was particularly gracious and helpful in offering to move forward with early hearings on S. 2809 in the coming year.

In view of that consideration, and in order to allow a prompt vote on S. 2097, I agreed to withdraw the amendment and to work with Senator HUGHES to develop productive hearings on S. 2809 early next year.

Mr. President, since that time a large number of drug abuse experts have continued to communicate their very strong support for my bill and I believe their comments will be most useful in analyzing the merits of this legislation. I therefore ask unanimous consent that the text of some of their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

WASHINGTON UNIVERSITY
SCHOOL OF MEDICINE,
December 3, 1971.

Senator JOHN TUNNEY,
U.S. Senate,
Washington, D.C.

SIR: I would like to let you know that I vigorously support your bill S. 2809. The need for research funds, for the multidisciplinary character and for extended support of investigators in the drug abuse field is much to the good.

Sincerely,

ELI ROBINS, M.D.,
WALLACE RENARD,
Professor and Head of the Department.

UNIVERSITY OF CALIFORNIA,
San Francisco, Calif., December 6, 1971.

Hon. JOHN TUNNEY,
Senator from California,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR TUNNEY: I was delighted to receive your letter and have read with great interest the speech which you gave on November 3, 1971 recommending the Drug Abuse Research and Education Act of 1971.

I am fundamentally in agreement with the points made in your speech, and especially agree with the importance of developing long-term programs for research, training, and treatment in psychopharmacology. Your suggestions that these be regional centers strike me as very sound, and I have no objection to their being organized under the auspices of the National Institutes of Mental Health.

What concerns me, of course, and I'm sure it does you too, is that there might be in any new effort, whether crisis oriented or long-term a danger of further diluting the medical influence in terms of coping with drug problems. That problems of drug addiction especially have become so deeply entangled in legal issues and law enforcement is most regrettable, and it seems to me very essential that continuing efforts be made to understand the psychiatric and socio-cultural aspects of drug taking and to get away from the punitive approach. On the other hand, it is naturally of great importance to control and regulate the use of drugs, and particularly the mind-affecting drugs, since their wide-spread and indiscriminate use for other than specifically therapeutic purposes could have most serious consequences.

In short, I congratulate you on your courageous efforts and will do what I can to lend support to your proposals.

Sincerely yours,

PETER F. OSTWALD, M.D.,
Professor of Psychiatry.

UNIVERSITY OF CALIFORNIA,
San Francisco, Calif., December 6, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: This is in reply to your letter of November 18, 1971. I am sorry I have not been able to respond to this sooner due to my being away from my office. It may be too late to comment on your proposal but, nevertheless, my comments are as follows.

Needless to say, the problem of drug abuse is certainly a current and popular one and affects a great number of people, especially in our urban centers. The reports from large cities as far as addiction and death associated with narcotics are frightening. Therefore, your efforts in this area are timely and long overdue. Your humanistic concern in these and associated problems has been known and respected.

I have studied your proposal S. 2809 and have discussed it with colleagues at the institute. We all agree that funds to support personnel will stimulate scientists in this area. It will also stimulate the development of new people to become interested in this area. It will provide good research as expected from good people that may offer increased knowledge concerning basic mechanisms. It will also provide clinicians to develop services for people suffering from this affliction. This provision would secure whole hearted support.

There is some question I would like to pose for your consideration concerning the development of six national centers devoted particularly to drug problems. I have serious questions about providing centers for categorical services. For example, children are poorly served in this country, and yet we have comprehensive mental health centers, mental retardation centers, and crippled children's funds, etc., each providing a service for a particular disorder or disease confronting the child and his family. We do not treat the child, but someone who may or may not be eligible because he has or does not have a particular disease entity. To secure services for a mentally retarded, he needs to have an I.Q. below a certain figure and if he unfortunately falls above it he is not eligible. To categorize services on the basis of addiction or abuse of drugs, I think, falls into the same category of fragmentation in training, service and research.

There are a number of centers throughout the country who have secured research funds or have utilized their own budgets to develop research and service in this area. In our Langley Porter Institute there is a group actively engaged in this area. I know that this is true of many other centers throughout the country. It would seem to me to be more efficacious to develop, through financial support, centers already established and work already in progress. In this way we would reduced some of the difficulties posed by the development of fragmented services and research, and at the same time further enhance what is already in progress.

I hope this information may be useful to you. If I can be of any further service, please let me know. It was very good to meet with you last May to discuss mental health training problems. You certainly were very helpful to us.

Sincerely yours,

IRVING PHILIPS, M.D.,
Clinical Professor of Psychiatry.

UNIVERSITY OF CALIFORNIA,
San Francisco, Calif., December 3, 1971.

JOHN V. TUNNEY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR TUNNEY: We were delighted to review your bill S. 2809 authorizing the establishment of regional centers of excellence in drug abuse research and education.

Not only do we agree that earlier, one-shot, crisis-oriented drug abuse education and prevention efforts must be superseded by more mature, long-term, multi-disciplinary efforts, but you will perhaps be pleased to hear that independently, we have developed a collaboration between departments and campuses of the University of California to form what might be called, in your wording, "a center of excellence" here in California.

October of this year, we submitted for consideration by the National Institute of Mental Health (N.I.M.H.), a grant proposal titled, "UCSD–UCSF Drug Abuse Training Program." Support is requested in the amount of $2,536,325 for a period of 3 years. This is a coordinated 2 campus training effort involving the San Francisco and San Diego campuses to establish a comprehensive Drug Abuse Training and Education Center—primarily for Health Science personnel.

One of the phases of your bill describes almost perfectly what we are attempting in this inter-campus collaboration. We have described in our grant proposal a "multi-disciplinary program in drug abuse and drug dependence," including research, education of drug abuse personnel at all levels, model treatment projects, experimental therapeutics, continuing education for professionals in the health sciences, and public education.

This center in drug abuse is being established to utilize the unusual collection of resource persons present on the San Francisco and San Diego campuses of the University of California. Multidisciplinary efforts will be well embedded within a matrix of model, ongoing drug abuse treatment programs. The clinical settings to be used for training will include the Narcotics Treatment Program at UCSD, a multimodality program with over 400 patients in treatment currently including 60 patients now at the new 350 acre Deer Park Residential Treatment Center; the Haight-Ashbury Clinic, the original free clinic developed for assisting abusers of both hard and "soft" drugs which, through NIMH support, has developed a variety of medical and psychiatric services.

The idea for a Community Drug Abuse Service was first proposed at a series of meetings which were held in 1971 involving the nine campuses of the University of California. At that time, the University leaders agreed that San Francisco was the ideal location for a University-affiliated agency which would attempt to combat the growing drug abuse problem in California and the United States by providing comprehensive, multi-disciplinary services to the community. National experts are available as consultants on our campuses in the following fields: Basic and clinical pharmacology; toxicology; neurosciences including neuromolecular biology; biochemistry, cultural anthropology, sociology, community organization and health delivery systems, epidemiology, clinical program development and evaluation; clinical psychiatry; psychology, psychopharmacology; drugs abuse treatment modalities, paraprofessional training and other academic subspecialities. To-date the University has developed a variety of research and education programs in drug abuse through its School of Dentistry, Medicine, Nursing and Pharmacy. It has advanced student-initiated community education projects, participated in the National Training Center in teacher drug abuse education, provided treatment through its Langley Porter Neuropsychiatric Institute, maintained legislative liaison through its Drug Abuse Information Project, and offered community and professional education through its Department of Continuing Education in Health Sciences.

Thus the University has made a decisive, long-term, long-range commitment to correct drug abuse problems which should enjoy increasingly greater federal and state support.

Therefore, we not only support your bill but would like to discuss our joint efforts in more detail. Drs. David Smith and David Bentel, Co-Directors of the University-Wide Drug Abuse Information Project, would be the best persons from our campus to meet with you or your staff in Washington or San Francisco. I shall, of course, be pleased to be of further assistance in any way possible.

Sincerely,

R. M. FEATHERSTONE, Ph. D.,
Chairman.
D. E. SMITH, M.D.
D. J. BENTEL,
D. Crim.

CENTER FOR ADVANCED STUDY
IN THE BEHAVIORAL SCIENCES,
Stanford, Calif., December 1, 1971.

Hon. JOHN V. TUNNEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18th regarding your proposed S. 2809. It is a far-sighted and excellent bill, and I will urge its support by the relevant Senators, including Senators Scott and Schweiker, from my home state.

Sincerely,

ALBERT J. STUNKARD, M.D.,
Professor and Chairman, Department of Psychiatry, University of Pennsylvania.

BOSTON UNIVERSITY
SCHOOL OF MEDICINE,
Boston, Mass., December 2, 1971.

Hon. JOHN V. TUNNEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for your letter of November 18, 1971. I'm sorry that it has taken so long to answer it but I've been away from my desk for a number of days.

I have read S. 2809 with much interest and I'm impressed by its thrust and its aims. While I'm totally in agreement with what you are trying to accomplish by introducing this legislation, I'm not certain that I am in accord with all of its provisions.

First, however, let me point out what I am heartily in accord with. The idea of establishing centers of research and training in the field of drug abuse is one which I have supported for a number of years both as an old hand in the field and as a member of, and then chairman of, the Scientific Review Committee (Study Section) of the Center for Studies of Narcotic and Drug Abuse in NIMH. At one time, I along with several other interested scientists at Boston University, were negotiating with NIMH looking to the establishment of such a center at the Boston University School of Medicine—it fell through for a number of reasons having nothing to do with NIMH but I still think that it was a good idea. I am also pleased with the plan to develop a career scientist program in the field of drugs with dependence liability—I think that this is a necessary and eminently reasonable step toward guaranteeing that a significant number of excellent people will devote a meaningful portion of their scientific career to the field of drug abuse.

There are, however, a number of features of S. 2809 to which I take some exception. I feel that by giving some attention to these a stronger bill will be produced, and the goals which you have outlined in your introductory statement will be reached more readily.

In the first place, I am opposed to the concept that centers such as those outlined in your proposal should be considered on a regional basis. There are too few scientists in the existing centers of research in this field to contemplate further fractionation of talent and resources. It would seem much more parsimonious to beef up the existing places where interest in drug addiction research has been high, make them truly interdisciplinary and let them develop into much more effective centers of research and education. It would be far better to have three or four centers tied up to existing university departments that are known to be good at the present time and that can be improved significantly. In this way Peter would not be robbed to pay Paul and our present meager resources of brainpower and activity in drug abuse would not be stretched to the breaking point. Besides, I do not think that the funds that are contemplated in S. 2097 are sufficient to realistically fund more than three or at most four centers. It would be a pity to dilute the funds in order to establish six centers simply to satisfy regional demands. I am certain that the nation and science would get much more out of expending three or four existing facilities such as those at the University of Kentucky (and the ARC in Lexington), the University of Michigan, Stanford, U C San Francisco, Chicago, U C San Diego or even here at Boston University, to name just a few, than by starting regional

centers *de novo* and competing for knowledgeable scientists, for trainees and for monies.

In addition, although I am certainly in favor of the idea of supporting established and reputable scientists with career awards, there should be a mechanism for the training of post-doctoral fellows and of graduate students in the field. Since NIH has so drastically cut graduate and post-graduate training support, there are few sources for funds to carry out this function which is so essential for the continuation of research and education. I would suggest fewer career awards and much more money for training of young professionals who would later, after proving themselves, be eligible for the career awards. Without graduate and post-doctoral students there will be no career award candidates worth considering.

Finally, I would like to urge very strongly that the idea of a separate institute dealing with drug abuse be approached with a great deal of caution. The fractionation of effort, the duplication of programs and the administrative overlap can only hinder rather than help. I join with the entire scientific community in urging, as we did recently with reference to Cancer research, that further splintering of NIH and NIMH be avoided and that NIMH be given the task of funding, directing, overseeing and evaluating the work in this field.

I hope that the above remarks will not be taken as an expression of opposition to S. 2809. On the contrary, I am heartily in favor of the thinking that led to its drafting and of the idea that support for research in the fundamental mechanisms of action of dependence-producing drugs must be forthcoming on a permanent and meaningful basis because it is essential to the solution of the problems of drug abuse. I am also heartily in favor of a multidisciplinary and interdisciplinary approach and of support of centers that foster such an approach. The questions of how, where and in what way this can be best done, can, I am sure, be worked out.

Sincerely yours,

JOSEPH COCHIN, M.D., Ph.D.,
Professor of Pharmacology and Psychiatry.

HARVARD SCHOOL OF PUBLIC HEALTH,
Boston, Mass., December 3, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I very much appreciated your letter of November 18th regarding your plan to introduce a bill (S 2809) to authorize the setting up of a series of regional centers for research and education in drug abuse. This idea appeals to me very much, and I consider it a sound one, indeed one which must be implemented.

There is one complication to my expressing more than general approval, namely, that my work as Vice-Chairman of the National Commission on Marihuana and Drug Abuse makes it necessary that I not express myself too specifically about issues that may need a good deal of study in balancing the various pressures from well-meaning but competing groups. With the Special Action White House group under Dr. Jerome Jaffee, the NIMH and other units in H.E. and W., the American Medical Association, and its state and local societies (in which I am also active), and the forthcoming program being developed by a combination of private foundations there will be much balancing and weighing of alternatives to be done. At the same time this process should not be so prolonged as to delay seriously plans to solve the problem.

At this time, therefore, I will only express keen interest and general support for the concept of S. 2809 and will try to inform myself more adequately in the next three weeks.

My only present reservation concerns whether or not the size and scope of the program you envisage is sufficient. But, there has to be a beginning somewhere.

I am most gratified at your interest in this major problem of our time and look forward to being more helpful.

With best wishes,

Sincerely yours,

DANA L. FARNSWORTH, M.D.,
Consultant on Psychiatry.

NEW YORK MEDICAL COLLEGE,
New York, N.Y., December 1, 1971.

Hon. JOHN V. TUNNEY
U. S. Senate, Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18, 1971, and the attached reprint from the Congressional Record, Vol. 117, November 3rd, which contains the text of S. 2809, and your remarks explaining its provisions.

Let me say that I am in whole-hearted agreement with the proposed bill and your very pertinent and informed remarks on the urgent need for multidisciplinary regional centers of research and education in drug abuse and career awards in drug abuse research and education. I believe that your proposal represents an absolute *minimum* of what is needed if we are not to be submerged in a morass of crime and the disintegration of our cities.

In thirty years of teaching and research as a full-time member of this medical school, and seventeen consecutive years as Chairman of the Research Committee of this Medical Center, which encompasses Flower-Fifth Avenue Hospitals, Metropolitan Hospital and the Bird S. Coler Home and Hospital of the City of New York, I have been exposed, at closest range, to the ravages and growing menace of drug abuse and its tragic sequelae of crime, disruption of family life, and destruction of valuable human beings. Our Institution has, for many years, been in the forefront of those trying to combat the scourge of drug abuse with both research programs and clinical services in the area of alcoholism, during addiction, and drug abuse in general. Unfortunately, such valiant efforts are woefully inadequate to stem the strongly rising tide of this terrible problem. Needless to add that I enthusiastically support your amendment to S. 2097, and that I wish you the best of luck and success in your vital efforts.

If I can be of any further assistance, please do not hesitate to call upon me.

Sincerely yours,

DAVID LEHR, M.D.

UNIVERSITY OF CALIFORNIA,
San Francisco, Calif., December 2, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TUNNEY: I have today sent the appended letters to Senators Hughes and Javits. I hope your bill enjoys the wide support it deserves.

With best wishes for the holiday season,

Sincerely,

JERE E. GOYAN,
Dean.

DECEMBER 2, 1971.

Hon. HAROLD E. HUGHES,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR HUGHES: Senator Tunney forwarded to me a copy of the Congressional Record of November 3, 1971, describing Senate Bill 2809, The Drug Abuse Research and Education Act. As chairman of the Alcoholism and Narcotics Subcommittee, I know you have a great interest in this bill, which I share. Both faculty and students in our school have been active in the San Francisco Bay Area community working with adult groups, youth groups and schools in drug abuse education since the germination of the "Flower Children" in the spring of 1967. Though the response by the community has been enthusiastic, there has been an obvious need to establish a long-range national commitment in drug programs. Through the Act's proposed "Regional Centers," young health professionals and paraprofessionals will have the opportunity to receive training. This will result in a much-needed increase in individuals committed to solving the many problems intertwined with drug abuse.

The strong positive statement concerning the "multidisciplinary character" of the programs has my enthusiastic support. The many conferences and symposia held on this campus and the many treatment modalities being developed in drug treatment programs in this community and throughout the country all point to the necessity and value of participation and commitment of individuals in many disciplines. At the present time, the University of California, San Francisco, Schools of Medicine, Nursing and Pharmacy have been working with the University of California, San Diego, Medical School on a grant proposal which places into effect virtually all of the concepts included in this Act. Should this grant proposal be funded, the depth of talent focused on the drug abuse problem would be enormous. The output from this group is potentially outstanding, including the production of health professionals dedicated to the solution of drug abuse problems (Such individuals would be natural candidates for the career awards, which are part of S. 2809.) In addition, the School of Pharmacy is presently being considered as a site for the testing of interdisciplinary student drug abuse programs through a grant administered by the Student American Pharmaceutical Association. (We also have a joint program with Hastings Law School, which brings students of the law together with pharmacy, medical and nursing students in an interdisciplinary study of drugs and their societal impact.)

This Act, if passed, potentially can tie all similar programs and concepts together, resulting in more useful services in the long run for the population as a whole and more specifically for our youth and the individuals returning from the military throughout the world who may have related problems.

With your keen interest in this field, I am sure you will be supporting the Act. I have written this letter more with the intent of apprising you of the present level of thinking in our program, that it parallels the Senate's diligent work in this area, and that should this Act receive full support, it will be received and developed by those in the field with enthusiasm.

With best wishes for the holiday season,

Sincerely,

JERE E. GOYAN,
Dean.

DECEMBER 2, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: Senator Tunney forwarded to me a copy of the Congressional Record of November 3, 1971, describing Senate Bill 2809, The Drug Abuse Research and Education Act. As the ranking Republican on the Alcoholism and Narcotics Subcommittee, I know you have a great interest in this bill, which I share. Both faculty and students in our school have been active in the San Francisco Bay Area community working with adult groups, youth groups and schools in drug abuse education since the germination of the "Flower Children" in the spring of 1967. Though the response by the community has been enthusiastic, there has been an obvious need to establish a long-range national commitment in drug programs. Through the Act's proposed "Regional Centers," young health professionals and paraprofessionals will have the opportunity to receive training. This will result in a much-needed increase in individuals committed to solving the many problems intertwined with drug abuse.

The strong positive statement concerning the "multidisciplinary character" of the programs has my enthusiastic support. The many conferences and symposia held on this campus and the many treatment modalities being developed in drug treatment programs in this community and throughout the country all point to the necessity and value of participation and commitment of individuals in many disciplines. At the present time, the University of California, San Francisco, Schools of Medicine, Nursing and Pharmacy have been working with the University of California, San Diego, Medical School on a grant proposal which places into effect virtually all of the concepts included in this Act. Should this grant proposal be funded, the depth of talent focused on the drug abuse problem would be enormous. The output from this group is potentially outstanding, including the production of health professionals dedicated to the solution of drug abuse problems. (Such individuals would be natural candidates for the career awards, which are part of S. 2890.) In addition, the School of Pharmacy is presently being considered as a site for the testing of interdisciplinary student drug abuse programs through a grant administered by the Student American Pharmaceutical Association. (We also have a joint program with Hastings Law School, which brings students of the law together with pharmacy, medical and nursing students in an interdisciplinary study of drugs and their societal impact.)

This Act, if passed, potentially can tie all similar programs and concepts together, resulting in more useful services in the long run for the population as a whole and more specifically for our youth and the individuals returning from the military throughout the world who may have related problems.

With your keen interest in this field, I am sure you will be supporting the Act. I have written this letter more with the intent of apprising you of the present level of thinking in our program, that it parallels the Senate's diligent work in this area, and that should this Act receive full support, it will be received and developed by those in the field with enthusiasm.

With best wishes for the holiday season,

Sincerely,

JERE E. GOYAN,
Dean.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge, Mass., December 3, 1971.

Senator JOHN V. TUNNEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for sending me a copy of your bill S. 2809. I am in full agreement with its purpose and would like to see both provisions, for research centers and for research career awards, incorporated into the final legislation. I would recommend, however, that the "centers of excellence" be located where they can function best in terms of resources rather than by regional considerations.

Let me add, however, that I am seriously worried by the provisions of S. 2097, which would put into the hands of the Special Office Director some powers that could be misused (not by Dr. Jerome Jaffe but possibly by some successor). The National Institute of Mental Health should be the basic authority. I distrust a Director's Office backed by a Strategy Council (Sec. 301 a 3) including the Attorney General, the Secretary of State, the Secretary of Defense, etc. The problem with drug abuse in this country is repressive legislation and I am afraid S. 2097 will ultimately be used to prevent changes in that legislation.

Respectfully yours,

S. E. LURIA.

THE ROCKEFELLER UNIVERSITY,
New York, N.Y., December 6, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for letting me see the text of S. 2809 and your discussion of its provisions. I fully agree with the intent of this bill, which is to support vigorous research in the field of drug addiction.

However, I do have a reservation with respect to the concept of establishing regional centers for drug research. I may be wrong about this, but it seems to me that the emphasis on the locality of research is misplaced. It could lead to geographical rivalries and bargaining for these awards, rather than a direction of funds to institutions and centers that can use them most effectively for research. If we were discussing the administration of well-defined treatment programs, we would of course have to provide for decentralized administration in order to adapt the programs to local conditions. However, in the field of basic science the question is not where a discovery is made but who is capable of making it.

I am also concerned that the concept of research centers specializing in problems of drug dependence may tend to isolate this research. A creative, multidisciplinary effort is unlikely to follow if scientists are too much isolated from the general academic environment that is a necessary stimulus to their interactions. At this stage of the subject, I believe that drug addiction is best studied in the context of established university departments and that money would be best expended by making available generous, long-term grant support for research by individuals of demonstrated ability, with research support for younger investigators.

I appreciate the effort that you are making to bring support to this urgently needed research.

Sincerely yours,

VINCENT P. DOLE, M.D.,
Professor and Senior Physician to the Hospital.

THE UNIVERSITY OF IOWA,
Iowa City, Iowa, December 2, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Your letter of November 18, 1971, address to Dr. Russell Noyes, Professor of Psychiatry, University of Iowa College of Medicine, has been forwarded to me for reply.

I have personally been involved in research and education, as well as treatment of individuals who are drug dependent and drug addicted, since 1964. Because of my experience and interest Dr. Noyes asked that I evaluate the Drug Abuse Research Education Act of 1971 which you sent him.

I have read carefully the proposal and am in almost entire agreement with the proposal that you have made. I feel that it is imperative, as stated in your bill, that individuals who are talented and dedicated in this particular area receive adequate support of an ongoing nature. One of the problems of dealing with the drug abuse phenomenon has been the fragmentation of monetary support through countless agencies with the results that the bureaucracy is consuming a significant percentage of the money before it actually reaches productive results.

I wish you success in your undertaking. If I can be of assistance at a later time, please do not hesitate to contact me.

Respectfully yours,

ROBERT M. BITTLE, M.D.,
Assistant Professor of Psychiatry.

THE UNIVERSITY OF WISCONSIN MEDICAL CENTER,
Madison, Wisc., November 30, 1971.

JOHN V. TUNNEY,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TUNNEY: I appreciate your having kept me informed about The Drug Abuse Research and Education Act, October of 1971. The concept of regional multidisciplinary centers of excellence is appealing since it points toward long-range goals and hopefully to finding ways of prevention. Although your definition of drug abuse is not broad enough for my outlooks (mind-altering drugs other than controlled substances can be involved) I am pleased to lend support to your effort and I am writing to Senator Hughes and to Senator Javits concerning it.

Sincerely yours,

JOSEPH M. BENFORADO, M.D.,
Assistant Clinical Professor of Pharmacology and Medicine.

UNIVERSITY OF CALIFORNIA,
San Francisco, November 29, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your note of November 1, and the copy of S 2809.

I write to indicate my enthusiastic support of the development of centers of excellence in the fields of drug abuse and alcoholism. While not demeaning the sincerity and devotion of the efforts now underway in the treatment of these disabilities, it is perfectly clear that the present state of our knowledge dooms our efforts to relatively puny success.

In the absence of significant advances in our understanding of the cause of these important diseases, we will be trapped in an ever increasing spiral of costs for a relatively low yield. It is not a farfetched analogy to equate our present capability of dealing with these disorders with the iron lung and supportive therapy of our treatment of poliomyelitis.

Sincerely,

JULIUS R. KREVANS, M.D.,
Dean.

VANDERBILT UNIVERSITY,
Nashville, Tenn., December 2, 1971.

Hon. JOHN TUNNEY,
U.S. Senate, Washington, D.C.

SENATOR TUNNEY: I think the bill you are introducing, S. 2809, makes a very important addition to efforts toward getting the basic information we need to solve the alcoholism and drug abuse problems. If properly administered, centers of excellence can be a very effective way to support research and training. Research awards to individual investigators also are a useful mechanism to support the careers of individual investigators in given areas. I have written Senators Hughes, Baker, Brock, and Javits to this effect.

I think it is of critical importance that these things be done.

Sincerely,

JOHN M. DAVIS, M.D.,
Professor of Psychiatry, Associate Professor of Pharmacology, Director, Clinical Division, Tennessee Neuropsychiatric Institute.

THE UNIVERSITY OF NEW MEXICO, SCHOOL OF MEDICINE,
Albuquerque, N. Mex., November 30, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have recently become aware of S. 2809, a bill designed to encourage the development of regional drug abuse and education centers throughout the country, and to provide career awards in drug abuse research and education.

After reviewing it carefully, I am very im-

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pressed with its long-range approach to the drug problem of this country and support it wholeheartedly.

Sincerely,
WALTER W. WINSLOW, M.D.,
Acting Chairman,
Department of Psychiatry.

VALLEY MEDICAL CENTER OF FRESNO,
Fresno, Calif., December 2, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

Re: S. 2809

DEAR SENATOR TUNNEY: Thank you for your letter and the copy of the Drug Abuse Research and Education Act Amendment. Permit me to express wholehearted support for such legislation as will promote the establishment and development of knowledge and ability to be directed toward managing this nation's tragic and massive problem of drug abuse and addiction. The provisions of your amendment certainly appear designed to promote the development of new sources to counteract this pressing problem.

There is one aspect of the legislation, however, that needs further emphasis and development. Any resources and new knowledge developed in the field of the management of drug abuse will necessarily be limited unless they can be carried to the places where they would be applied and actually put into practice to help both the unfortunate sufferers who are mired in the miasma of illicit drugs, and the communities and the peoples that they directly affect. I would strongly favor further legislative measures that would facilitate putting into actual applied service the new concepts and new tools that are developed through the regional centers of excellence in Drug Abuse and Education.

Respectfully,
GLENN D. GARBUTT, M.D.,
Assistant Chief of Medicine, Director Methadone Clinic.

UNIVERSITY OF CALIFORNIA,
Los Angeles, Calif., November 30, 1971.

SENATOR JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I appreciate the opportunity to see the portion of the Congressional Record which contains your remarks about regional centers for drug abuse research and education, and the text of S. 2809. I have also solicited the views of Dr. James Teague of our faculty, who is more directly knowledgeable about such problems than I am.

We were most enthusiastic about your proposal for expanded and stable programs in support of further education and research in the field of drug abuse. Particularly, we were heartened by your emphasis on the need for ongoing support of such programs. The need for ongoing support is equally valid with respect to service-providing programs in the drug abuse field.

The only question we had about the bill as outlined was whether it would not be necessary to increase the amount of support after a while, since six million dollars a year for drug abuse research and education centers nationwide does not seem very great. At this point in time, that is no very great objection.

Thank you again for the opportunity to see this material. We would certainly endorse and support your proposals, and would want to express our appreciation for your interest in this very important area.

Sincerely yours,
DONALD A. SCHWARTZ, M.D.,
Chief, Division of Adult Psychiatry.

UNIVERSITY OF MINNESOTA,
DEPARTMENT OF PSYCHIATRY,
Minneapolis, Minn., December 1, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: In response to your letter of November 18, regarding the submission of S. 2809 as an amendment to S. 2097, I am pleased to support efforts intended to facilitate the attack on drug abuse in this country.

Although I am fully in favor of the concept that you introduce in this amendment, I would like to raise a few questions of concern. It appears to me that one of the major issues in dealing with drug abuse is the training of sophisticated workers in the areas of research, education and treatment. Until such personnel are available in sufficient numbers I believe that the premature development of research and education centers could raise serious new issues. In planning the attack upon this important problem it should be recognized that the development of competence in this field requires time and great flexibility in the creation of new programs. It has been evident to me in the past that premature funding of well-intended programs without the prior development of sophisticated workers have served to impair their potential. Certainly the problems of drug abuse are so serious for a significant part of our population that they must be taken out of the area of politics and viewed as a significant national challenge for many years in the future. As I read your bill it appears to recognize the need for flexibility and program stability over time, which I support.

I appreciate the opportunity to review this bill and to present my views at this time.

Sincerely yours,
WILLIAM HAUSMAN, M.D.,
Professor and Head.

MOUNT ZION HOSPITAL AND MEDICAL CENTER,
San Francisco, Calif., November 26, 1971.

Senator JOHN V. TUNNEY,
Washington, D.C.

DEAR SENATOR TUNNEY: I am happy to support your proposal (S. 2809) for the creation of regional drug abuse research and education centers and for ongoing support to qualified scientists working in the field of drug abuse. I am particularly pleased with the multi-disciplinary emphasis of your proposal and with its concern for both basic research and community application.

The need for such a long-range plan is especially critical at this time as problems of drug abuse prove to be less of a passing fad and more likely to persist at all levels of our society. Much of the work done to combat drug abuse through education, treatment and law enforcement in the past few years has suffered from a lack of coordinated effort. In our haste to understand and deal with drug abuse as it has rapidly spread throughout the country, particularly to younger children and to many groups not previously prone to such problems, we have had to innovate many preventive and therapeutic strategies without benefit of an adequate research foundation. Your proposal for the encouragement of a long-range strategy for drug abuse research and development of educational and therapeutic programs should be enthusiastically supported by any serious workers in this field.

I am pleased that you have requested my support for this proposal and will be glad to provide you with any further comments or assistance you might desire. The resources of our NIMH supported Haight-Ashbury Research Project, which has been involved in basic research and its community application, are also at your disposal.

Sincerely yours,
ROBERT S. WALLERSTEIN, M.D.,
Chief, Department of Psychiatry.

THE UNIVERSITY OF TEXAS
MEDICAL BRANCH,
November 29, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Daniel Creson, M.D., has asked me to write a letter on behalf of the Division of Community and Social Psychiatry here at the University of Texas Medical Branch in Galveston, regarding your proposed bill S. 2809. Our Division is relatively new, composed of a multiprofessional team, working in the area of developing both preventative mental health programs and community services in Galveston County for diverse problems including alcoholism and drug abuse.

Frankly, bill S. 2809 is a refreshing proposal which openly acknowledges that sound research on a multidimensional problem such as drug abuse cannot be adequately carried out within a year or on a year-to-year basis. Furthermore, such large scale research would be a big step in providing the necessary information for developing sound mental health prevention programs. Presently, most of the work in alcoholism and drug abuse represent local "fire-fighting" programs which are unable to adequately explore underlying psychosocial factors.

Thus far, our own efforts in alcoholism and drug abuse have been directed toward treatment and community education. From a practical point of view, our need for updated research results and additional education would be satisfied best by regional workshops and the regional development of manpower tools of experts in drug abuse. However, it would make little sense for the programs to function independently of the National Institute of Mental Health.

Since bill S. 2809 is directed towards working within existing institutions of higher education, and also evidences a commitment to long-term research efforts in drug abuse, we can support and recommend S. 2809.

Sincerely,
DAVID A. LACERDA, Ph. D.,
Assistant Professor, Division of Community and Social Psychiatry.

HILLSIDE HOSPITAL,
Glen Oaks, N.Y., November 23, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for sending me the Congressional Record containing the material on S. 2809 "A bill to authorize the establishment of regional centers of excellence in drug abuse research and education, and for other purposes."

Briefly, your plan to establish regional centers of excellence, and career awards in drug abuse research and education, makes eminent sense.

As a graduate of the Career Development Program of NIMH in Psychiatric Research, I can affirm that such programs are an extremely powerful resource for bringing young scientists into crucial areas. As I see it, the simple fact is that there are not enough well qualified teachers or researchers in the area of drug abuse. Therefore, we will have to grow our own and only such a career development program gives promise of accomplishing this.

Actually, I see the Career Development part of your bill as being almost primary to the regional center program.

Sincerely yours,
DONALD F. KLEIN. M.D.,
Medical Director.

COUNTY OF LOS ANGELES,
HEALTH DEPARTMENT,
Los Angeles, Calif., November 23, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: We have reviewed your proposed legislation, S. 2809, and feel that its intent is excellent and its scope quite adequate.

Sound research and training are sorely needed in the field of drug abuse by all persons working in the area. Local resources are overwhelmed by the need to provide direct and crisis-oriented services to thousands of drug dependent people.

Our program was the first systematic medical attempt to deal with drug abuse in this county on a large scale. After one year's experience we still have many more questions than answers with scant time to research or improve our methods. Furthermore, the approaches to the problem in this county, as elsewhere, are fragmented and the subject of much heated debate over the "best" treatment methods with very little opportunity to conduct the necessary and sophisticated research vitally needed to answer our questions.

Efforts such as your legislation proposes are badly needed for the benefit of all concerned.

Very truly yours,
G. A. HEIDBREDER, M.D., M.P.H.,
Health Officer.

HERRICK-BERKELEY COMMUNITY
MENTAL HEALTH CENTER,
Berkeley, Calif., November 23, 1971.

Senators TUNNEY, HUGHES and JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATORS TUNNEY, HUGHES AND JAVITS: We wish to express our support of Senate bill S. 2809 providing for the creation of regional centers of excellence in drug abuse, research and education. This is a very thoughtfully and intelligently conceptualized proposal. Such centers would serve as a crucial backup to the urgently needed treatment resources throughout the country.

GERALDINE FINK, M.D.,
Associate Director.
JUSTIN SIMON, M.D.,
Director.

UNIVERSITY OF COLORADO
MEDICAL CENTER,
Denver, Colo., November 24, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for your letter with regard to S. 2809, the amendment to S. 2097, the Administration's comprehensive drug bill.

I support your amendment wholeheartedly and would urge its passage. As you seem to be unusually well aware, a crash program for the problems involved in drug abuse seems to me to be short-sighted and doomed to partial success, at best. The understanding and treatment of drug problems is enormously complex and involves many areas of medical knowledge, very few which are today at the point where one can offer definitive treatment for drug problems. Any legislation which promises definitive action at this point is limited badly by our current relative ignorance and by treatment methods which promise more than I think they can deliver. For this reason I would strongly urge the passage of your amendment which provides for study of the problems while atempting to deal with them at the same time.

I must add that I was particularly impressed by the long-range planning included in your amendment. You are very much to be congratulated and supported for building this in. I would hope that the amendment is included in the bill.

Sincerely yours,
JANICE NORTON, M.D.,
Associate Professor,
Department of Psychiatry.

ROCKLAND STATE HOSPITAL,
Orangeburg, N.Y., November 26, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senator of California,
Washington, D.C.

DEAR MR. TUNNEY: I greatly appreciate the fact that you have sent me a copy of S. 2809 since a dialogue between researchers, clinicians and legislators is bound to result on one hand in better understanding on our part and better legislation on yours.

My initial reaction to the bill is favorable but I would like to give it the benefit of more intense study and discussion with some of my colleagues. This is particularly true since I not infrequently am called upon as an expert by Congressional Committees. I would like to give it the same consideration I would of a bill about which I was to testify.

Very sincerely,
NATHAN S. KLINE, M.D.,
Director, Research Center.

MCLEAN HOSPITAL,
Belmont, Mass., November 29, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for your letter of November 18, 1971, enclosing a reprint from the Congressional Record, containing your remarks and amendments to the Drug Abuse Research and Education Act of 1971. There is no doubt that much more needs to be done concerning drug abuse, and I believe that your suggestions would be an important step in improving our knowledge about the drug problem and its possible solutions.

The multidisciplinary approach is particularly relevant in a field in which biological, medical, psychological, social and legal factors all play a part.

You also put your finger on a very important issue when you recommend that the financing of such centers be done on a guaranteed basis for the next five years.

If these centers were established, I would hope that they would be established as a part of or in affiliation with existing institutions, rather than building completely independent centers. I favor this because during the 19th century the need for large state mental hospitals was perceived and they were built. Now people don't quite know what to do with them, as our concepts of psychiatric care have changed and the states are saddled with large pieces of real estate which limit the flexibility with which they can approach the treatment of individuals in the community.

It is quite possible that as a result of new discoveries and methods of treatment, as well as some of the social changes which we may hope for over the next decade, the importance of the drug problem will recede, and it is therefore very important to make sure that the new drug centers will not become white elephants. In other words, while establishing them as part of or in affiliation with existing institutions, one can insure that if the need for such centers changes, they can be put to use for some new needs which existing institutions may be faced with.

I am also writing to Senator Hughes and to Senator Javits, strongly endorsing your proposal. Many thanks for letting me know. If I can be of any further help, please let me know.

Yours sincerely,
FRANCIS DE MARNEFFE, M.D.

ALBERT EINSTEIN COLLEGE OF MEDICINE OF YESHIVA UNIVERSITY,
Bronx, N.Y., November 27, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for writing to me and asking for comments on your amendment (S. 2809) to the Comprehensive Drug Bill (S. 2097). I have read it quite carefully and I support it most enthusiastically. Because it makes provision for the support of scientists of high caliber to work on the problem of drug abuse I feel that in the long run it may be more important than the provisions of the drug bill which are aimed at dealing with the clinical and social aspects of the drug problem now facing us.

If the regional centers of excellence are properly set up they will attract first rate people and if they have long-range funding the chances of finding solutions to the vexing problems of drug abuse are greatly enhanced. It may be that the feedback from the factual and scientific requirements of these organizations to our municipal, state, and legislative bodies may become so overwhelming that a rational basis for drug legislation may emerge. For example, a greater consistency would be highly desirable in dealing with the dangers of alcohol, nicotine, barbiturates, marihuana, and opiates. Only through scientific research will we really learn how much harm these drugs can do to the body (or to society). It would also be important to determine what virtues these drugs might have in relieving pain, anxiety, depression and aggression. I think that the functions listed under Sec. 203 address themselves to these questions.

Aldous Huxley in his "Brave New World" fantasied that the fictional drug Soma could be used to produce pleasure at times when it might be badly needed. Man has always sought and always will seek a chemical release from sorrow and pain. Though society may eliminate poverty as a source of pain, science has a long way to go in conquering the major disabling diseases, and the advent of death will always be with us. If people turn to drugs there must be a reason for it and it is up to scientists to find an alternative which is socially palatable. S. 2809 will help us find this alternative.

Sincerely yours,
MURRAY E. JARVIK, M.D.,
Professor of Psychiatry and Pharmacology.

MASSACHUSETTS GENERAL HOSPITAL,
Boston, Mass., November 23, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for your interesting letter concerning S–2809 to be offered soon as an amendment to S–2097. I am very enthusiastic about the idea of offering career research stipends to worthy workers in the field of drug abuse research. Since I am currently supported by a similar NIMH Career Development Award, I could hardly think otherwise. The idea of using existing NIMH structures to administer such a program seems particularly efficient and simple.

I am much less enthusiastic about the other portion of your proposal: to create six regional centers for research and treatment in drug abuse. Although the proposal appears to be designed in a way to avoid many problems due to the waxing and waning of popular and political support for action against drug abuse, the current near-hysterical reaction to the long-time problem of drug abuse is bound to fade in the future. Would it not be simpler to use a comparable amount of federal money to support and en-

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courage similar activity in existing departments of pharmacology, psychiatry and medicine in existing medical centers? Another existing set of structures presently dealing with some aspects of the drug problem are the community mental health centers, many of which are associated with large medical centers and medical schools.

In general I would most enthusiastically encourage programs designed to support talented individuals and improvements of the best existing research and treatment resources rather than to create new administrative entities and new buildings. Admittedly, the present medical research and care system is falling far short of its potential in dealing with drug abuse problems. Support for expansion and development of currently existing potentialities would seem to be a comparatively efficient means of correcting these deficiencies. Furthermore, such support could greatly help to infuse new life into programs and research activities in medical centers which have fallen on hard financial times in recent years.

Thank you again for inviting my response to your proposals.

Very sincerely yours,
ROSS J. BALDESSARINI, M.D.,
Assistant Professor of Psychiatry,
Chief, Neuropsychopharmacology Labs.

NEW YORK UNIVERSITY MEDICAL CENTER,
New York, N.Y., November 24, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for your letter of November 18 and the copy of your amendment S. 2809. In my opinion, your proposal attempts to rectify a serious deficiency in our efforts to control and treat addiction. In the absence of new knowledge on the mechanisms of addiction, we will be obliged to continue to use the inadequate modes of treatment that are now available.

At the present time, there is a disproportion in the funds that have been allocated for research and training, considering the large amount of funding that will be made available for service programs. This disproportion is most obvious in the area of training. Those of us who have come up through the Federal Career Scientist Program appreciate the impetus that this kind of training program can give to the development of an area. A great part of the development of scientific research in Psychiatry can be traced to the Career Development and Award Program of the National Institute of Mental Health. The Career Awards Program proposed in your amendment would be a step toward establishing a cadre of competent scientists working in the drug abuse field.

The development of the Regional Centers would serve many purposes. For one, there is presently a serious danger potential in the uncontrolled propagation of methadone maintenance treatment programs. While I feel that these programs are necessary in the present crisis, the distribution of methadone, which is an addictive drug, should be under the control of well qualified physicians. The Regional Centers that you propose could serve as a consultative nucleus for the various maintenance programs in the region and perhaps serve to raise the standards of practice in the various drug treatment programs.

Some extremely interesting findings into the possible mechanisms of craving, tolerance, and withdrawal have been made recently. There is little question but that your proposal would expedite the more rapid development of these promising leads.

I am pleased to support your proposal in any way that I can. I have written to Senators Javits and Hughes expressing my support and have asked my interested colleagues to do the same.

Sincerely,
ARNOLD J. FRIEDHOFF, M.D.,
Professor, Director of
Millhauser Laboratories.

UNIVERSITY OF CALIFORNIA,
SAN DIEGO,
La Jolla, Calif., November 24, 1971.
Senator JOHN V. TUNNEY,
U.S. Senate, Washington, D.C.

DEAR SENATOR TUNNEY: This is in response to your letter of November 18, 1971, forwarding to me a statement from the November 3, 1971 Congressional Record containing a copy of, and discussing S. 2809, "The Drug Abuse Research and Education Act of 1971".

I strongly support the concept outlined in the bill. The proposed regional centers would respond to the need for preparing manpower to cope with drug abuse and to conduct and coordinate research in drug abuse and related areas.

Sincerely yours,
CLIFFORD GROBSTEIN,
Vice Chancellor for Health Sciences
and Dean of the School of Medicine.

UNIVERSITY OF CALIFORNIA,
SAN DIEGO,
La Jolla, Calif., November 24, 1971.
Hon. JOHN V. TUNNEY,
Senator from California, U.S. Senate, Washington, D.C.

DEAR SENATOR TUNNEY: This is in reply to comments on, and seeking support of, S. 2809, the "Drug Abuse Research and Education Act of 1971," which you recently introduced. Your letter was addressed to Dr. James Bain; but since he is no longer president of the American Society for Pharmacology and Experimental Therapeutics, your letter was referred to me as current president of that Society.

I am not qualified to evaluate critically the various provisions of the bill, since I am not an expert in the field of drug abuse, nor have I seen S. 2097, to which S. 2809 is offered as an amendment. In view of this, I am sending your letter and the exerpt from the Congressional Record containing your bill, to Harry L. Williams, M.D., Chairman of our Society's Committee on the Non-medical Use of Drugs. I am asking Dr. Williams, who is Professor of Pharmacology at Emory University Medical School, Atlanta, to send you comments on S. 2809 in behalf of his commitee.

I can state on behalf of my Society that we strongly feel that the Federal government should encourage and support an expansion of activities directed at solving this major national problem of drug abuse. Additional resources, manpower and effort are needed in the areas of education, research and treatment. We hope that legislation to meet these needs will soon be enacted. Although I am not prepared to comment on the many details of S. 2809, I certainly agree with its major objectives. I would also agree with you that for a program of the type proposed, the National Institute of Mental Health would be the appropriate administering agency.

Sincerely,
ROBERT F. FURCHGOTT, Ph. D
President.

DEPARTMENT OF MENTAL HEALTH,
Boston, Mass., November 23, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SIR: Thank you very much for sending me the information concerning your bill S. 2809. Your plan for regional research and education centers, well funded on a continuing basis and for career awards to individuals in the field of drug abuse, fit very nicely into my own ideas as to what the best thing to do as this time in this important area should be.

I am happy to support your proposal. I only hope it can get funded and implemented rapidly.

Very sincerely yours,
JONATHAN O. COLE, M.D.,
Superintendent.

JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have read your proposed bill with considerable interest. I certainly feel that a concerted research effort is needed in both the areas of drug abuse and alcoholism. I favor the terms of the drafting which leaves the question open as to whether "pure" or "applied" research be done: it is most expedient to allow knowledgeable scientists to decide how effort should be expended. Although the public wants results, it is too often the case that we cannot achieve them with the knowledge and techniques at hand, and investigators should be permitted to utilize their efforts in the way they feel will be most practical in the long run. There is little risk, I feel, of basic research being favored to the exclusion of applied research. When fundamental investigations produce practical implications for clinical treatment, there is generally no dearth of practical applicators (The greater risk, I feel, is in instituting treatment programs without a firm theoretical foundation). The sum set aside for evaluation research is particularly wise, since therapeutic enthusiasm frequently obscures limited efficacy.

I have two suggestions. I am uncertain as to whether the funds would be applied to research into alcoholism as well as "drug abuse." Certainly alcoholism constitutes a social problem of tremendous magnitude (and one of which we are unaware only through long exposure and consequent indifference). It should be included, I feel not only because of its social consequences, but also because there are scientific suggestions that similar mechanisms may perhaps be involved in abuse of alcohol and other "drugs." My second comment regards the establishment of career awards programs. I would see this as a useful technique for enlisting competent research scientists. In order to insure their participation, it would be useful to free-up some funds for research projects as well as salaries. In these days of diminishing funds for medical research, many scientists must devote a considerable amount of effort in writing grants to obtain such funds to insure that their work will not be conducted on a start and stop basis. The anxieties—as well as the efforts—seriously detract from their ability to perform their research effectively.

If you have not contacted Dr. Seymour S. Kety (Professor of Psychiatry, Harvard Medical School, Massachusetts General Hospital, Boston, Massachusetts), I would suggest you do so. He is an eminent research psychiatrist who has considerable interest in the problem of stimulating biomedical research without constraining it.

Thank you. I appreciate your solicitation of my comments.

Sincerely,
PAUL H. WENDER, M.D.,
Assistant Professor of
Psychiatry and Pediatrics.

YALE UNIVERSITY,
New Haven, Conn., November 23, 1971.
Senator JOHN V. TUNNEY,
U.S. Senate, Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for sending me a copy of your proposed bill S. 2809 to establish regional drug abuse research and education centers.

I believe the general principles behind your proposal to be sound and worthy of support. My concern would be in the detailed execution of such a plan. For example, research into basic mechanisms of drug action would be better handled by individual grants (I like the idea of the 5 year commitment) to appropriate individuals in already established laboratories, since the financing of such laboratories would greatly expand the costs of such a program as you envisage. There is no reason why these individuals cannot be affiliated with the main regional centers which will carry out the rest of the more applied parts of the program. It would depend greatly on the amount of money which could be appropriated.

Secondly, I would be very concerned that the regional centers be geographically located in areas of maximum need and that consideration be given to small satellite field stations situated in communities. This is where the problem is, and even regional centers at major universities may not reach into the problem sufficiently.

Thirdly, I believe the emphasis should be on studying the individual social factors, particularly to study of social alternatives to drug abuse and social blocking factors. The experiences with methadone are showing that even good drug substitutes do not substitute for poor social values and inadequate life opportunities.

Sincerely yours,
MICHAEL H. SHEARD, M.D.,
Associate Professor of Psychiatry,
Yale University School of Medicine.

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., November 24, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I thank you for your letter of November 18 and the copy of "The Drug Abuse and Education Act of 1971". Here are some comments.

The main features of the act are all strong ones. I see no better way to make a start toward meeting our urgent national needs. The regional centers concept is excellent, and at this time our main attention should indeed be directed toward basic research, education and experimental therapeutics.

I also strongly endorse Title III. Skilled personnel in the drug abuse area are far too rare to meet national needs. Career awards are a logical and necessary provision.

I thank you for the opportunity to comment on S. 2809.

Yours sincerely,
LEONARD L. HESTON, M.D.,
Associate Professor.

STANFORD UNIVERSITY MEDICAL CENTER,
Stanford, Calif., November 30, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senator,
U.S. Senate, Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for bringing Bill S. 2809, concerning an approach to the problems of drug abuse, to my attention.

Much work in both basic research and clinical issues needs to be accomplished in this area. This bill, in my opinion, offers a much needed approach. I wholeheartedly support it.

I would appreciate remaining on your mailing list for all items involved with the mental health field. Thank you.

Sincerely,
ALAN J. ROSENTHAL, M.D.,
Assistant Professor of Psychiatry; Director,
Child Psychiatry Clinic.

HARVARD MEDICAL SCHOOL,
Boston, Mass., November 29, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senator,
U.S. Senate.
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for your letter of November 18, 1971. I have read with interest the Congressional Record, Vol. 117, No. 165, outlining the details of S. 2809, The Drug Abuse Research and Education Act of 1971. I would like to congratulate you for drafting a superb piece of legislation which, if enacted, will provide a landmark in drug abuse research in education programs in the United States. I was very much impressed by your cogent arguments favoring enactment of this legislation and even more impressed by the scope and quality of the act itself. In my opinion, you have demonstrated an astute and sophisticated awareness of the needs for drug abuse education and research which currently exist in our nation.

The enactment of S. 2809 would provide a basic structure for providing a pool of talented manpower and enhanced fund of information which is necessary for the creation of programs for effacacious treatment and rehabilitation of individuals with drug abuse problems. In essence, you are proposing an enlightened approach toward research and education which will have very significant and positive effects for many years to come.

There are two issues in the act which may evoke some criticism which I would like to briefly comment upon. First, the act recommends establishment of six regional centers for drug abuse research and education. It might be argued that there are currently insufficient personel with the expertise to initiate six centers in the United States and that three or four might be more appropriate. In my opinion, it will be feasible at this time to establish at least six centers of excellence at leading universities or biomedical institutions in designated geographical regions of the United States.

Secondly, the act calls for appropriation of funds for construction grants and some critics might argue that such an appropriation would, in fact, emasculate other provisions of the act. This argument, which has been advanced by some of my colleagues is based upon difficulties which have been encountered in the Community Mental Health Centers Programs. The concern is that a center of excellence may be established with the contingency that funds for construction would be available. If construction funds were withheld at the pleasure of the administration, for example, by a directive from the OMB; the center, in effect would not be established.

I hope you and your colleagues in the senate will consider this possibility, for many of the good features of the act could be forfeited if this situation arose. Again, let me congratulate you for submitting an excellent piece of legislation. If I and my colleagues can be of any assistance in providing further information or data in support of this act, please do not hesitate to contact me.

Sincerely yours,
JACK H. MENDELSON, M.D.

HOSPITAL OF THE
UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., November 29, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senator, U.S. Senate, Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18 and the copy of bill S. 2809 which you have introduced regarding the establishment of regional centers in drug abuse research and education.

I thoroughly endorse this pending legislation, fully support your bill as an amendment to S. 2097, and wish to take this opportunity to commend you for your very worthwhile efforts aimed at dealing effectively with the menacing problem of drug abuse in the United States.

Sincerely yours,
JOHN PAUL BRADY, M.D.,
Professor of Psychiatry.

UNIVERSITY OF TEXAS,
Dallas, Tex., November 29, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I was very interested in your recent letter and reading the text of your bill S. 2809. There is no question but that your bill would be a great step forward in searching for a rational and scientific approach to the drug abuse problem.

I was especially pleased and want to congratulate you for the degree of sophistication in the tone of the bill which recognizes (all too rare today) the need for basic research in the field of drug abuse, the rather subtle but very real problems in stable funding of research programs, and the desirability of placing such a program within the National Institute of Mental Health.

I can assure you of my support, for what it is worth, and I plan to alert some of my scientific colleagues to this forward-looking proposal.

Sincerely yours,
PARKHURST A. SHORE, Ph. D.,
Professor of Pharmacology.

UNIVERSITY OF CALIFORNIA,
San Francisco, Calif., December 6, 1971.
Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I appreciate receiving your request for my comments on S. 2809 and I was very pleased to have an opportunity to review it. This appears to be an excellent bill, particularly in its recommendation for regional centers for drug abuse research and education. As you may know, this in many ways parallels a recent proposal submitted to the National Institute of Mental Health jointly by the San Francisco and San Diego campuses of the University of California. I think this is a much needed approach to the nation's drug abuse problem and I certainly hope you are successful in amending S. 2097 to incorporate these provisions.

Sincerely yours,
PHILIP R. LEE, M.D.,
Chancellor.

BOARD OF SUPERVISORS,
COUNTY OF LOS ANGELES,
Los Angeles, Calif., November 26, 1971.
Hon. JOHN V. TUNNEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TUNNEY: I reply to your letter of November 18, 1971 to Supervisor Kenneth Hahn, the Board adopted the attached resolution supporting your drug abuse legislation, S.B. 2809, and urging certain legislators and committee members to do like-

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wise. A copy of our communication to them is attached for your information.

Very truly yours,

RICHARD A. SCHOENI,
Assistant Executive Officer.

MINUTES OF THE BOARD OF SUPERVISORS COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

On motion of Supervisor Hahn, unanimously carried, the following resolution was adopted:

Whereas, the elimination of drug abuse is a major national goal and the many efforts being made to accomplish it still fall far short due to the lack of specific knowledge and understanding about how to deal with the drug user; and

Whereas, a bill providing for the establishment of six regional Centers in drug abuse research and education has been introduced into the U.S. Senate by Senator John V. Tunney and which, if adopted, would provide a nationwide program in research, education, model treatment projects, experimental treatment and continuing education for professionals in drug abuse treatment; and

Whereas, these Centers would provide a new national resource for the treatment of users of narcotics and dangerous drugs, particularly for the youth, and every effort should be made to marshal the capabilities of our country in eliminating drug abuse.

Now, therefore, be it resolved that the Board of Supervisors of the County of Los Angeles, support Senate Bill 2809 as proposed by Senator Tunney and that the Executive Officer of the Board be directed to send copies of this resolution to the Los Angeles County Narcotics and Dangerous Drugs Commission, to Senator Tunney and Senator Alan Cranston and to the Chairman and committee members of the U.S. Senate Committee on Labor and Public Welfare.

BOARD OF SUPERVISORS,
COUNTY OF LOS ANGELES,
November 26, 1971.

Hon. HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: Because of the constantly spreading use of dangerous drugs and narcotics, and the desperate need for Federal legislation to fight this problem on a nation-wide basis, on Tuesday, November 23, 1971, the Board adopted the attached resolution by Senator John V. Tunney's drug treatment and education legislation, S.B. 2809.

In requesting that this resolution be sent to you, the Board respectfully urges your support in obtaining swift passage of Senator Tunney's bill.

Very truly yours,

RICHARD A. SCHOENI,
Assistant Executive Officer.

THE PRESIDENT'S ECONOMIC PROGRAM

Mr. TUNNEY. Mr. President, the Cost of Living Council recently made available to me and to other Senators a package of information intended to help in answering the many questions which our constituents are raising with respect to the President's economic program.

Whatever our views on this program, it seems to me essential that all possible information be available to clarify the confusion which has surrounded some parts of this new policy. For this reason, and because this package of information is in the nature of an official statement by the Council, I believe it would be useful to make generally available the policy information in this package.

I ask unanimous consent that the text of this package of information be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

A GUIDE FOR MEMBERS OF CONGRESS IN ANSWERING QUESTIONS ABOUT THE POST-FREEZE PART OF THE ECONOMIC STABILIZATION PROGRAM

This brief guide has been prepared to assist you in answering questions for constituents about the Economic Stabilization Program, particularly as it relates to the post-freeze phase. General policy for Phase II and the ways in which these policies will be implemented to come within the purview of the Cost of Living Council, the Pay Board and the Price Commission. The primary agency for explaining end enforcing the regulations for Phase II as they affect the general public will be the Internal Revenue Service. The following is a brief summary of these organizations, and key telephone numbers for Members of Congress and their staffs to contact as needed for additional information:

INTERNAL REVENUE SERVICE

In addition to continuing the functions which it performed during Phase I, the IRS during Phase II will take over all of the functions which had been performed by the Office of Emergency Preparedness (OEP).

It will establish a national mechanism to support the post-freeze program.

Local and regional IRS centers will provide information for the public; investigate complaints; conduct independent monitoring activities; review requests for exceptions; and respond to inquiries relating to the application of regulations issued by the Council, the Pay Board, and the Price Commission. The IRS will also establish an administrative appeals procedure and will assist the Justice Department in enforcement proceedings.

A great many citizen inquiries can and should be directed to local IRS offices for appropriate handling. In addition, some 2,800 Agricultural Stabilization and Conservation Service offices will be equipped to handle citizen inquiries and to provide information.

Further information about the IRS role in Phase II will be found in Tab VII of this Book.

Address of the IRS Office of Public Affairs is: 1111 Constitution Avenue, N.W., Washington, D.C.

Key telephone number of the IRS Office Public Affairs is: 964–4021.

COST OF LIVING COUNCIL

The Council will continue to function during the post-freeze period, concentrating on the establishment of policies and goals. It will continue to develop anti-inflation goals, advice the President of the progress being made toward achievement of goals, make recommendations for any modifications necessary to increase the effectiveness of the program, and help inform the public.

Although the Council will review the standards promulgated by the Pay Board and Price Commission, it will not hear appeals on specific cases.

The Council will continue to have a small professional staff, headed by Director Donald Rumsfeld.

Address of the Council is: 17th and Pennsylvania N.W. (New Federal Office Building), Washington, D.C. 20507.

Key telephone numbers for Congressional Relations are: 254–3203, 3205.

PAY BOARD

The Pay Board will deal with all elements of compensation including wages, salaries, and fringe benefits. It will develop overall standards for wage and salary increases and selectively review major labor settlements which have a major impact on natural wage developments. A special body will be created within the Pay Board to deal with the matter of executive compensation in a manner consistent with the treatment of other employee compensation and with the goals of the post-freeze program. The Construction Industry Stabilization Committee, established previously, will continue to operate within the standards issued by the Pay Board. The Pay Board will have a staff to analyze information relative to decision-making and in considering requests for exemptions from the general wage guidelines.

Address of the Pay Board is: 2000 M Street, N.W., Washington, D.C. 20508.

Key telephone number for Congressional Relations is: 254–8500.

PRICE COMMISSION

The Commission will administer the price and rent aspects of the post-freeze program. In addition to issuing standards governing price and rent adjustments, the Price Commission will hear appeals and consider requests for exceptions. It will identify windfall profits and bring about price reductions where the operation of the stabilization program results in such windfall profits. A Rent Board—within the Price Commission—representing landlords, tenants and other interested parties will provide advice on standards and procedures for rents and will assist in mobilizing voluntary compliance with the standards.

Address of the Price Commission is: 2000 M Street, N.W., Washington, D.C. 20508.

Key telephone number for Congressional Relations: 254–8540.

THE WAGE-PRICE FREEZE—90 DAYS LATER

The new economic policy that this nation embarked upon three months ago was called for by three key developments. The serious inflation that characterized the American economy for the past half-dozen years was subsiding, but not fast enough. The unemployment rate was declining, but again much too slowly. And in its international economic dealings, as the foreign trade and balance of payments statistics clearly showed, the United States was spending much more abroad than it was earning.

The economic program that was adopted on August 15 was a combination of policies—each one reinforcing the other—to meet these three problems. On the international side, the primary actions were the suspension of gold convertibility and the 10 percent surcharge on imports. To improve the employment picture, the key proposals were the reduction in personal income taxes and the job development tax credit. On the inflation front, quick action was required to meet the continuing problem of spiraling costs and prices, and the President declared the 90-day freeze on wages, prices and rents, under the authority of the Economic Stabilization Act of 1972.

GOALS OF THE FREEZE

The wage-price freeze was designed to accomplish three major goals. The first is to stop the inflationary express train dead in its tracks by putting a lid on wages and prices for 90 days. Second, the freeze was intended to change the expectations of the American people about inflation—to alter the thinking of both labor and business that rapid increases in prices and costs would be a permanent characteristic of the American economy. And third, the freeze was designed to provide the necessary time to develop a plan—what now has come to be called Phase II—for a stabilization program that will permit necessary price and cost adjustments while preventing a reoccurrence of serious inflation.

The permanent goal is a durable prosperity without war and without inflation. In the long run, nothing would be more detrimental to prosperity than to put our economy into a permanent strait jacket of government controls. Thus, this program of price and wage stabilization must only be a way station on the road to free markets and free collective bargaining.

ORGANIZATIONAL FRAMEWORK OF THE FREEZE

To develop the policies necessary to meet the goals of the freeze, the President created the Cost of Living Council, under the Chairmanship of the Secretary of Treasury, John B. Connally. Other members of the Council are the Chairman of the Council of Economic Advisers, the Director of the Office of Management and Budget, the Secretaries of Commerce, Labor, Agriculture, and Housing and Urban Development, the Special Assistant to the President for Consumer Affairs, and the Director of the Office of Emergency Preparedness. This group has met almost daily since the beginning of the freeze to develop the policies and regulations of the freeze and to provide for its general administration.

The Associate Director of the Office of Management and Budget Arnold R. Weber was named Executive Director of the Council and he assembled a staff of some 50 persons drawn from many different agencies of the Government. This staff had the responsibility for researching the policy issues of the freeze, for providing the necessary information to the public on a timely basis, and for coordinating the compliance and enforcement procedures. In addition, a special task force, under the leadership of Herb Stein of the Council of Economic Advisers, was set up to work with the Cost of Living Council staff in developing the plans for Phase II.

Primary operational responsibilities for the wage-price freeze were assigned to the Office of Emergency Preparedness. To carry out these responsibilities, General George A. Lincoln, Director of the Office of Emergency Preparedness, mobilized his permanent staff of some 300 employees, which he augmented with 600 or more men and women borrowed from other agencies of the Federal Government. Primary responsibility for the field operations across the United States was borne by the 10 regional offices of the Office of Emergency Preparedness—which were expanded sixfold in size within three days—and by the Internal Revenue Service, with its 360 regional and district offices throughout the country. In addition, the 2,800 offices of the Agricultural Stabilization and Conservation Service of the Department of Agriculture were utilized as information centers to provide complete coverage of rural America.

SUPPORT FOR THE PROGRAM

From the beginning, the American people gave their overwhelming endorsement to the President's new economic program. The program was bold, simple and effective, and the public opinion polls clearly showed wholehearted backing for it. This support moreover, continued at a very high level throughout the freeze.

Business and financial leaders also gave their full cooperation to the program. Although dividends and interest rates were not included in the Economic Stabilization Act of 1970, the President called for restraint in both areas. Interest rates have declined on a broad front since the beginning of the freeze. Similarly, corporations have cooperated fully with the President's requests to hold the line on dividends. Secretary of Commerce Stans sent telegrams to 1,250 leading corporations in the country, and every one of them responded with a pledge not to increase dividends during the freeze.

ADMINISTRATION OF THE FREEZE

Because the freeze applied to all but a few of the enormous number of economic transactions that take place in the United States every day, the administration of the freeze produced some impressive statistics. Since August 15, the Office of Emergency Preparedness and the Internal Revenue Service have answered close to a million inquiries. Most of these came from individuals, and they were split fairly evenly among prices, wages and rents. In addition, 60,000 letters were received and answered by the National and Regional offices of the Office of Emergency Preparedness.

Over 5,000 exemption requests have been received, analyzed and acted upon by the Office of Emergency Preparedness. During the freeze, only five exemption requests were granted: three that involved employees whose insurance coverage would have lapsed had their new benefits not been able to go into effect, and two where an increase in the price for community water service was needed to provide for the building of a new water system. In addition, a significant number of exemption requests involved situations that could be resolved under existing rules of the freeze.

SUCCESS OF THE FREEZE

The success of the freeze can be measured in a variety of ways. One of the most significant is the decline in interest rates, which very clearly indicates the reduction in the inflationary expectations of both borrowers and lenders.

A measure of the widespread compliance with the rules and regulations of the freeze is seen in the statistics on complaints of alleged violations and on the results of the routine monitoring of the freeze that was carried out by the Internal Revenue Service on a continuing basis. More than 45,000 complaints of alleged violations have been received over the past three months. Three-fourths of these related to prices, close to 20 percent to rents, and about 5 percent were on wages.

More than four-fifths of these complaints have already been resolved, with the great majority proving to be situations where in fact no violation occurred. All but a handful of the remainder were resolved by immediate rollback of the price, rent or wage involved. Among the most dramatic of these rollbacks were the prices of automobiles, where, in the first few days of the freeze, announced increases for the 1972 models were reduced back to 1971 levels, and the rollback of prices of liquid propane gas, which was estimated to provide a saving to American consumers of over $100 million (on an annual basis).

The monitoring activities of the Internal Revenue Service also show overwhelming compliance with the freeze. More than 60,000 spot-checks have been made since this monitoring program got underway in September. Apparent violations were found in about 6 percent of these cases, but most of those were immediately rectified when the situation was brought to light. The Internal Revenue Service is continuing investigation of the others.

The most impressive evidence of the success and effectiveness of the wage-price freeze is to be found in the broad measures of prices and wages that are collected as a part of the regular economic reporting system of the Federal Government. These statistics show that the upward spiral of wages, prices and rents has been brought to a halt. The reports on employee earnings—after adjustment for normal seasonal fluctuations that reflect the usual increase in overtime pay—show that average hourly earnings remained stable in both September and October.

The Consumer Price Index for September showed an increase of only 0.2 percent—about half the rate of increase that has been taking place in recent months—and most of this rise is traceable to price changes that were in fact made in earlier months, but not recorded in the index until September, and in price increases that can be accounted for within the context of the freeze rules themselves.

It is clear that, had the freeze not been in effect, the Consumer Price Index would have advanced in September considerably more than it did. This conclusion is supported most dramatically by the special tabulation of nearly 4,000 individual prices for non-food commodities that showed 93 percent either unchanged or down from August to September. Furthermore, a second special analysis showed that only 1 percent of some 5,000 rental housing units had increases in rent after the announcement of the freeze.

The most meaningful—and most reassuring—reports on inflation come from the September and October figures on wholesale prices. Over the first 8 months of 1971, wholesale prices increased by an average of four-tenths of a percent per month. In September and October, however, wholesale prices *declined* by an average of two-tenths of a percent per month. Moreover, industrial prices after seasonal adjustment declined in both September and October—the first time in almost a decade that these prices were down in two consecutive months.

Thus, the wholeasale price index—which is one of our best indicators of inflationary pressures, and is probably the most unambiguous measure that we have of the impact of the wage-price freeze—provides persuasive evidence of broad compliance with the freeze. It is reasonable to conclude that over the past three months, all but a very small percentage of the economic transactions in this country were carried out within the guidelines. While there is still a long road to travel in putting an end to inflation the President's stabilization program has provided a very promising beginning.

SUMMARY

The wage-price freeze, by itself, was not intended to be the complete solution to the problem of inflation. To end inflation does not mean that every single wage and price remains frozen forever where it was on August 14, 1971. In our dynamic economy where people grow and take new jobs, where their tastes change, where new business processes and new products are developed, and where productivity advances—in such a world, prices must be free to adjust to new economic conditions and to ration the use of scarce resources. To freeze all prices and wages for a long time would not only be unfair, but would also do serious damage to the American standard of living.

The freeze was intended to do three things, and it has done them. It has shown the determination of the Federal Government to attack the inflation problem effectively. It has awakened the American people to the need for cooperation in radical measures to meet a grave national problem. It has given time to formulate a plan that will provide for necessary price and cost adjustments while preventing a resurgence of inflation. With these accomplishments in hand, the stage is set for Phase II.

EXEMPTION OF CERTAIN SEGMENTS OF THE ECONOMY FROM THE CONTROLS OF THE POST-FREEZE PROGRAM

The Cost of Living Council has determined that certain economic sectors shall be exempt from control during Phase II of the economic stabilization program, effective November 14. The immediate exemption of these sectors is consistent with the President's objective of removing price and wage controls as quickly as conditions warrant. The principal reasons for these decisions are as follows:

1. Certain economic sectors are characterized by a large number of sellers and frequent price fluctuations with a minimum of inflationary pressure.

Example: raw agricultural products

2. In certain other sectors there is no clear basis for establishing a fair and equitable ceiling price because of the nature of the product and the selling process.

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Examples: handicraft objects, antiques, and art objects

3. Certain transactions are not being controlled because they are not U.S. transactions.

Examples: exports, imports, and international shipping rates

4. Certain prices are self-assessed or characterized by a strong element of mutuality.

Examples: dues of non-profit organizations

In addition, it should be noted that certain economic transactions cannot be characterized as wages, salaries, prices or rents and are therefore not included in the program. Examples are: taxes, workmen's compensation, welfare payments, child support and alimony.

PRICE COVERAGE

The following were exempt from controls during the freeze and will continue to be exempt during the post-freeze period:

1. Raw unprocessed agricultural products.

2. Raw seafood (a more liberalized definition of "raw seafood" will be adopted during the post-freeze period which will permit shelling, shucking, skinning, scaling, eviscerating, removing heads and icing).

3. Financial securities.

4. Exports and first import transaction.

The following were not exempt during the freeze, but will be exempt during the post-freeze period:

1. All used products (includes all second hand goods that have provided some prior service to the previous owner).

2. Disposal Sales:

a. Sales of abandoned or confiscated property by the U.S. Government or other government agencies pursuant to court decree.

b. Sales of real and personal property by the U.S. Government.

c. Sales and deliveries of damaged commodities by insurance companies, transportation companies, or agents of the U.S. Government, or by any other person engaged in reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies, or agents of the U.S. Government.

3. Custom services and products made to individual order as follows:

a. Leather goods.
b. Wigs and toupees.
c. Clothing.
d. Fur apparel.
e. Dressmaking service on material owned by individual customers.
f. Taxidermy services.
g. Framing pictures and mirrors.
h. Jewelry.
i. Miscellaneous, as follows:
a. Antiques.
b. Art objects: paintings, etchings, and sculpture.
c. Collectors coins and stamps.
d. Precious stones and mountings into which precious stones are set.
e. Rock and stone specimens.
f. Handicraft objects.
j. Royalties and copyrights for materials furnished for publication.
k. International shipping rates.
l. Dues to non-profit organizations.
m. Real estate as follows:
a. Unimproved real estate and improved real estate with improvements that are not newly constructed.
b. Real estate with newly constructed improvements in those cases (i) in which the sales price is determined after completion of the construction, or (ii) in which wage rate costs are known and pertinent wage rates are not subsequently altered by actions of the Pay Board after the sales price is set.
n. Rents, as follows:
a. Commercial, industrial, and farm property.
b. Newly constructed or substantially rehabilitated dwellings offered for rent for the first time after August 15, 1971. "Substantially rehabilitated" means a rehabilitation cost of at least one-third or more of the total value (including costs of rehabilitation) of the rehabilitated property.

10. Raw sugar.

PRICE AND PAY CLASSIFICATION

The Cost of Living Council has established a three level classification system for the application of prenotification, reporting and other procedures to be implemented by the Price Commission and Pay Board to monitor and restrain price and wage increases during the post-freeze stabilizaton period.

PRICE CLASSIFICATION

The general criteria for identifying economic units subject to monitoring procedures relative to price adjustments are based on the amount of a firm's sales in its most recent fiscal year.

Category 1

Firms with annual sales of $100 million or more must prenotify the Price Commission on proposed price adjustments and obtain approval by the Commission before such price adjustments become effective. They must also report quarterly to the Price Commission information concerning prices, costs and profits.

Category 2

Firms with annual sales of between $50 and $100 million must report quarterly to the Price Commission information concerning prices, costs and profits.

Category 3

All other firms are subject to the standards and criteria that the Price Commission may develop. However, these firms will not be required to prenotify or report at regular intervals to the Price Commission. Any price changes by these firms will be subject to general monitoring and spot checks. Most of these firms will be required to maintain adequate records of price, cost, and profit changes. This requirement for supporting records will be less stringent for small firms such as eating establishments and product sellers with gross sales of less than $100,000.

PAY CLASSIFICATION

The general criteria for identifying economic units subject to monitoring procedures relative to pay adjustments are based on the number of employees affected.

Category 1

Proposed pay adjustments affecting 5,000 or more employees will be subject to prenotification to and approval by the Pay Board before they become effective.

Category 2

Pay adjustments affecting between 1,000 and 5,000 employees will be reported to the Pay Board at the time the pay adjustment becomes effective with information concerning the amount of the new adjustment and the number of employees affected.

Category 3

In general, pay adjustments affecting fewer than 1,000 employees will be subject to monitoring and spot checks, but prenotification and reporting at regular intervals will not be required.

A pay adjustment is a decision involving a general increase in salaries, wages, and fringe benefits either through a collective bargaining process or through actions by an employer or group of employers.

RELATION BETWEEN PROCEDURES FOR PAY AND PRICES

To ensure balanced treatment of pay and prices, consideration will be given to consistency between procedures as they apply to *pay adjustments* and to the pricing policies of the firms in which affected workers are employed. To avoid instances in which pay adjustments might be subject to more rigorous procedures than price adjustments, the following guidelines will apply:

a. If prenotification of reporting is required for pay adjustments, the Director of the Cost of Living Council has the authority to require a similar procedure for price adjustments for those firms covered by such pay determinations, whether or not those firms would otherwise be subject to those procedures. This authority may only apply to the segment or segments of the firm's activities affected by the pay adjustment decision.

b. If a firm is required to prenotify or to report at regular intervals with respect to *price adjustments*, the same procedures for pay adjustments will not necessarily be required.

PROVISION FOR CHANGING CLASSIFICATIONS

The Cost of Living Council has granted the Director authority to increase the number of pay adjustments subject to prenotification and reporting procedures upon the advice and recommendations of the Pay Board. This authority will permit prompt response on behalf of the Cost of Living Council to recommendations of the Pay Board to consider pay adjustments of a size smaller than those specified in the general criteria. The Pay Board might wish to subject certain pay adjustments to prenotification or reporting that would not otherwise be required if the adjustment was regarded as critical in terms of its pattern-setting effects or its effects on relative pay relationships.

The Cost of Living Council has also granted the Director authority to increase the number of firms subject to prenotification and reporting procedures upon the advice and recommendation of the Price Commission.

RESPONSIBILITY FOR PRENOTIFICATION AND REPORTING PAY ADJUSTMENTS

The responsibility for prenotification and reporting of information concerning pay adjustments may be assigned by the Pay Board to the employer, the bargaining agent for the employer or group of employers represented, or to the bargaining agent for the employees, or to any or all of them. The Pay Board will develop the appropriate administrative procedures to assure that responsibility for prenotification or reporting is clearly assigned.

PAY BOARD, EXECUTIVE OFFICE OF THE PRESIDENT, WASHINGTON, D.C.

POLICIES GOVERNING PAY ADJUSTMENTS ADOPTED BY THE PAY BOARD, NOVEMBER 8, 1971

1. Millions of workers in the Nation are looking to the Pay Board for guidance with respect to permissible changes in wages, salaries, various benefits and all other forms of employee total compensation. It is imperative to have a simple standard with as broad a coverage as possible at as early a date as possible. There is probably a need for exceptions and for individual consideration of special situations as soon as practical, and guidance to the millions whose pay relations are relatively simple is an early essential.

2. This general pay standard is intended, in conjunction with other needed measures, to meet the objectives which led to the establishment of this Board.

3. The general pay standard should be applicable to:

(1) changes that need approval before becoming effective;

(2) changes that must be reported when they become effective, and

(3) all other changes requiring compliance but not requiring specific approval or reporting.

4. (a) Effective November 14, 1971, the general pay standard shall be applicable to new labor agreements and, where no labor agreement is in effect, to existing pay practices. The general pay standard would provide:

On and after November 14, 1971, permissible annual aggregate increases would be those normally considered supportable by productivity improvement and cost of living trends. Initially, the general pay standard is established as 5.5%. The appropriateness of this figure will be reviewed periodically by the Board, taking into account such factors as the long-term productivity trend of 3%, cost of living trends, and the objective of reducing inflation.

In reviewing new contracts and pay practices, the Pay Board shall consider ongoing collective bargaining and pay practices and the equitable position of the employees involved, including the impact of recent changes in the cost of living upon the employees' compensation.

(b) Existing contracts and pay practices previously set forth will be allowed to operate according to their terms except that specific contracts or pay practices are subject to review, when challenged by a party at interest or by five or more members of the Board, to determine whether any increase is unreasonably inconsistent with the criteria established by this Board.

In reviewing existing contracts and pay practices, the Pay Board shall consider ongoing collective bargaining and pay practices and the equitable position of the employees involved, including the impact of recent changes in the cost of living upon the employees' compensation.

(c) Scheduled increases in payment for services rendered during the "freeze" of August 16 through November 13, 1971, may be made only if approved by the Board in specific cases. The Board may approve such payments in cases which are shown to meet any of the following criteria:

(i) Prices were raised in anticipation of wage increases scheduled to occur during the "freeze."

(ii) A wage agreement made after August 15, 1971 succeeded an agreement that had expired prior to August 16, 1971, and retroactivity was an established practice or had been agreed to by the parties.

(iii) Such other criteria as the Board may hereafter establish to remedy severe inequities.

5. Following approval of special procedures by the Pay Board with respect to hearing "prior approval" cases and other special situations, application may be made for an exception to the general pay standard and for a hearing on such matters as inequities and substandard conditions.

6. No retroactive downward adjustment of rates now being paid will be required by operation of the general pay standard unless the rates were raised in violation of the freeze or of the general pay standard.

7. Provisions may be considered for vacation plans, in-plant adjustments of wages and salaries, in-grade and length of service increases, payments under compensation plans, transfers and the like.

THE PAY BOARD, WASHINGTON, D.C.

(Remarks of Judge Boldt at Press Conference, November 8, 1971)

It is a pleasure to announce that the Pay Board has reached major policy decisions regarding the post-freeze period of the Economic Stabilization Program.

It is fair to state that each and every member of the Board has worked on our problems with great dedication and diligence. For the past two weeks we have been working many hours every day to achieve a result as fair to all Americans, whatever their economic situation, as the complexities of the problems involved will permit. Issues are involved which allow for wide ranges of judgment and opinion, and some of them arouse strong feelings. I would be less than candid not to admit that viewpoints have been exchanged with considerable emphasis from time to time.

However, I am confident that every member of the Board has done his utmost to reach satisfactory solutions to the initial issues resolved by the policies adopted tonight.

Briefly stated, the substance of the policies adopted are:

1. When these policies become effective, new pay decisions will be subject to a general standard authorizing up to 5½% increase per year. This standard will be subject to periodic review.

2. Pay increases scheduled for some future date, under a contract already in effect, will be permitted, excepting those which are found to be unreasonably inconsistent with the Board's criteria.

3. Retroactive increases for pay raises denied during the freeze will only be approved in a limited number of carefully defined circumstances.

This is a brief summary of our policy decisions adopted today.

I believe these first policy decisions can and will provide a starting point for a program which will achieve the ultimate goal of ending inflation.

With the understanding, cooperation and support of the vast majority of Americans, the program will succeed. On behalf of my colleagues and myself, we ask the American people to give us that cooperation.

We will now pass out a copy of the actual plan as adopted by the Board as well as a copy of these remarks.

The public members of the Board are here with me and we will be able to take just a few of your questions.

STATEMENT BY THE PRICE COMMISSION

The policies of the Price Commission announced herein are designed to achieve a goal of holding average price increases across the economy to a rate of no more than 2½% per year. This is in line with the President's goal to stabilize the economy, reduce inflation and minimize unemployment, and with the Cost of Living Council's objective of reducing the rate of inflation to not more than 2 to 3% by the end of 1972.

These policies rely heavily on voluntary compliance, but they impose close supervision on those segments of the economy which substantially affect price levels. Specific regulations implementing these policies will be issued in the next few days.

Prices may not exceed their freeze period levels except as changed by published regulations or on orders of the Commission.

The basic policy is that price increases will not be allowed except those that are justified on the basis of cost increases in effect on or after November 14, 1971, taking into account productivity gains. While price increases, in the aggregate, must not exceed 2½% per year, many adjustments will be below 2½%, and some will be above 2½% as justified on the basis of cost increases and other factors. Price increases will not be granted to any individual or firm to provide retroactive relief for the impact of the August 16–November 13, 1971, freeze.

Reporting procedures for price increases vary depending on the amount of annual sales or revenues reported by a firm in its most recent fiscal year.

(a) Firms with sales of $100 million or more must prenotify the Price Commission on proposed price increases. Unless the Commission advises otherwise within 30 days after the notification is received, the notified price changes may take effect.

(b) Those firms with sales of between $50 million and $100 million must make quarterly reports to the Price Commission on changes in prices, costs and profits.

(c) All other firms are not required to prenotify or report on a regular basis, but will be subject to the standards and criteria that the Price Commission will establish.

Different economic sectors will be subject to different rules and regulations. These sectors are:

(a) Manufacturers;

(b) Wholesalers, retailers, and similar commercial enterprises;

(c) Service industries and the professions; and

(d) Others.

MANUFACTURERS

Prices charged by manufacturing companies may not be increased over freeze period levels, except as the followiug provisions may apply:

(1) Allowable cost increases in effect on or after November 14, 1971, reduced to reflect productivity gains will serve as a basis for price adjustments; and

(2) Price adjustments shall not result in an increase in a firm's pretax profit margin (as a percentage of sales) as established during its base period.

RETAILERS/WHOLESALERS

Retail and wholesale prices are to be controlled on the basis of customary initial percentage markups which are applied to the cost of the merchandise or service. These customary initial percentage markups cannot be higher than those in the base period. Moreover, a firm may not increase its prices beyond that amount which would bring its net profit rate before taxes (as a percentage of sales) to a level greater than that in the base period.

Retailers are to post prominently their freeze period prices for all covered food items and for many other selected items other than food as will be specified in the regulations. Until all such selected prices are posted, retailers are not permitted to increase any prices. In any event, such freeze prices must be posted no later than January 1, 1972.

SERVICE INDUSTRIES AND THE PROFESSIONS

Prices charged for services may not be increased over freeze period levels, except:

(1) As a result of allowable cost increases in effect on or after November 13, 1971, reduced to reflect productivity gains, and

(2) In any event, price increases shall not result in any increase in a firm's pretax profit margin (as a percentage of sales) as established during its base period.

The Commission recognizes there is a multitude of different service industries, characterized by widely varying types of costs and market conditions, possibly warranting more specific forms or regulation. The Commission is considering more specific regulations.

Until the Commission publishes specific regulations for nonprofit organizations and Government units, the prices of services supplied by such organizations may be adjusted for allowable cost increases in effect on or after November 14, 1971.

BASE PERIOD

For purposes of these regulations, base period shall mean the average of any two of the past three fiscal years of the firm ending prior to August 15, 1971.

RENTS

Guidelines for rents will be developed after consultations with the Rent Board. In the interim, the freeze will continue with some rule changes amending freeze-period definitions which resulted in hardships. Landlords are required to record and make available upon request both the unit-by-unit freeze period rent and the basis for any adjustments. The Rent Board will develop basic rent guidelines for consideration by the Commission.

REGULATED INDUSTRIES

For prenotifying firms the relevant regulatory agencies shall submit all existing and new requests for rate increases to the Price

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Commission. These regulatory bodies will also notify the Price Commission upon approval of rate adjustments which will be reviewed by the Price Commission. For reporting firms, the regulatory bodies will report approved rate adjustments for review by the Price Commission. The Price Commission will retain the right to implement more stringent standards.

Some regulated firms proposed rate increases have been approved by regulatory authorities, but were not allowed to become effective because of the freeze. Such increases may go into effect; however, the appropriate regulatory authority shall review such increases for consistency with the goals of the Economic Stabilization Program.

CORRECTION OF INEQUITIES

Inequities arising as a result of certain definitions and rules promulgated under the freeze or for other exceptional reasons will be handled as follows:

(1) Changes will be made to amend certain definitions and to correct inequities created by the operation of rules promulgated under the freeze, but none of these changes will permit retroactive price increases. On or after November 14, freeze-period prices may be adjusted pursuant to such changes. Specific price adjustments are subject to review by the Commission. In such cases, the Commission will determine whether the increase is significantly inconsistent with the goal of reducing the rate of inflation.

(2) Prenotification firms must file with the Commission any proposed price increases based on the modification of freeze-period rules.

(3) Firms which can demonstrate a continuing gross inequity not ameliorated by the rules of the Price Commission may request an exception through local IRS Offices.

(4) Firms must retain records supporting price increases that are made pursuant to the modified rules, and reporting firms must file reports of these changes with the Commission.

WINDFALL PROFITS

Windfall profits refer to those profits which would not have existed except for unique conditions created by the operation of the Economic Stabilization Program. The Price Commission is determined to take those measures necessary to achieve the goal of reducing the rate of inflation to 2-3% by the end of 1972. Therefore, in the administration of the stabilization program the Commission will at certain times issue such regulations as necessary to cause windfall profits to be converted into price reductions.

OTHER CONSIDERATIONS

Notwithstanding the foregoing, in making determinations based on the standards set forth in this statement, the Price Commission will take into account whatever factors it considers relevant to an equitable resolution of that case and considers necessary to achieve the overall goal of holding average price increases across the economy to a rate of no more than 2½% per year.

OFFICES PROVIDING ECONOMIC STABILIZATION INFORMATION

ALABAMA

Birmingham IRS District Office, P.O. Box 2541, Birmingham, Ala. 35203, Ph: (205) 325-3461.

Suboffices within district

Dothan, 206½ S. Oates Street, Dothan, Ala. 36301, Ph: (205) 792-2129.

Florence, P.O. Box 934, Florence, Ala. 35631, Ph: (205) 764-8855.

Huntsville, P.O. Box 208, 2109 W. Clinton Avenue, Huntsville, Ala. 35804, Ph: (205) 539-0651.

Mobile, P.O. Drawer "G", Mobile, Ala. 36601, Ph: (205) 433-3581.

Montgomery, Aronov Building, 474 S. Court Street, Montgomery, Ala. 36104, Ph: (205) 263-7521.

Tuscaloosa, P.O. Drawer 2118, Tuscaloosa, Alabama 35401, Ph: (205) 752-5591.

ALASKA

Anchorage IRS District Office, P.O. Box 1500, Anchorage, Alaska 99510, Ph: (907) 272-4511 or 4512.

ARIZONA

Phoenix IRS District Office, Federal Building, U.S. Courthouse, 230 N. First Avenue, Phoenix, Arizona 85025, Ph: (602) 258-8751.

Suboffices within district

Flagstaff, 125 E. Birch St., Suite 403, Flagstaff, Arizona 86001, Ph: (602) 774-5261.

Mesa, Lines Building, 42 S. Center St., Mesa, Arizona 85202, Ph: (602) 258-8751.

Tucson, 4633 E. Broadway, Tucson, Arizona 85711, Ph: (602) 792-6211.

ARKANSAS

Little Rock IRS District Office, 700 W. Capitol Avenue, Little Rock, Arkansas 72203, Ph: (800) 482-9350 or (501) 376-4401 (For calls originating in Little Rock).

CALIFORNIA

San Francisco IRS District Office, First Floor, 450 Golden Gate Avenue, San Francisco, California 94102, Ph: (415) 556-1040.

Suboffices within district

Chico, 241 West Fifth Street, Chico, California 95928, Ph: (916) 343-0288.

Eureka, 219 Fifth Street, Eureka, California 95501, Ph: (707) 443-6724.

Fresno, 1130 "O" Street, Fresno, California 93721, Ph: (209) 487-5076.

Hayward, 24150 Hesperian Boulevard, Hayward, California 94545, Ph: (415) 785-2864.

Modesto, Post Office Building, 1125 Eye Street, Modesto, California 95354, Ph: (209) 529-5460.

Oakland, 3505 Broadway, Oakland, California 96411, Ph: (415) 653-5750.

Redding, 1555 East Street, Redding, California 96001, Ph: (916) 241-7196.

Richmond, Post Office Building, 11th & Nevin Streets, Richmond, California 94812, Ph: (415) 235-0271.

Sacramento, Federal Building, 9th & I Streets, Sacramento, California 95804, Ph: (916) 447-6961.

Salinas, Federal Building, 100 West Alisal Street, Salinas, California 93901, Ph: (408) 424-2886.

San Jose, Second Floor, 123 East Gish Road, San Jose, California 95114, Ph: (415) 287-2500.

Downey, 8524 East Firestone Boulevard, Downey, California 90241, Ph: (213) 923-9251.

El Centro, 1561 W. Main Street, El Centro, California 92243, Ph: (714) 352-6411.

Glendale, 1530 West Glenoaks Blvd., Glendale, California 91201, Ph: (213) 688-4320.

Hollywood, 1625 North Hudson St., Hollywood, California 90028, Ph: (213) 688-4320.

Long Beach, 3530 Atlantic Avenue, Long Beach, California 90807, Ph: (213) 595-1872.

Montebello, 420 Washington Blvd., Montebello, California 90640, Ph: (213) 688-4320.

Orange County, City Financial Center, Two City Blvd. East, Orange, California 92668, Ph: (714) 836-2381.

Palm Desert, 74-273 Highway III, Unit No. 1, Palm Desert, California 92260, Ph: (714) 346-2689.

Pasadena, 44 South Chester Avenue, Pasadena, California 91101, Ph: (213) 688-4320.

Pomona, 461 East Holt, Pomona, California 91766, Ph: (714) 623-2645.

Riverside, 3610 Central Avenue, Riverside, California 92506, Ph: (714) 686-9440.

San Bernardino, 555 North Sierra Way, San Bernardino, California 92401, Ph: (714) 884-3191.

San Diego, 3977 Ohio Street, San Diego, California 92104, Ph: (714) 293-5151.

San Luis Obispo, 443 Marsh Street, San Luis Obispo, Calif. 93401, Ph: (805) 543-3865.

Santa Barbara, 2829 Vernon Road, Santa Barbara, California 93105, Ph: (805) 687-7753.

Santa Maria, 117 West Tunnel Street, Santa Maria, California 93454, Ph: (805) 922-3591.

Torrance, 20355 South Hawthorne Blvd., Torrance, California 90503, Ph: (213) 688-4320.

Van Nuys, 7101 Sepulveda Blvd., Van Nuys, California 91405, Ph: (213) 989-2700.

Ventura, 4262 Telegraph Road, Ventura, California 93003, Ph: (805) 642-4121.

San Mateo, 2233 Palm Avenue, San Mateo, California 94403, Ph: (415) 341-6575.

San Rafael, Federal Building, Third & D Street, San Rafael, California 94902, Ph: (415) 453-1114.

Santa Rosa, 2403 Professional Drive, Santa Rosa, California 95401, Ph: (707) 544-1330, ext. 218.

Stockton, Room 130, Federal Building, 401 N. San Joaquin Street, Stockton, California 95202, Ph: (209) 466-2671.

Visalia, 1500 S. Mooney Boulevard, Visalia, California 93277, Ph: (209) 732-2995.

Walnut Creek, 1700 N. Broadway, Walnut Creek California 94596, Ph: (415) 937-4304.

Yuba City, Post Office Building, 761 Plumas Street, Yuba City, California 95991, Ph: (916) 673-5921.

District office and suboffices within district

Los Angeles IRS District Office, 300 North Los Angeles Street, Los Angeles, California 90012, Ph: (213) 688-4320.

Bakersfield, Federal Building 800 Truxton Avenue, Bakersfield, California 93301, Ph: (805) 323-7553.

Crenshaw, 3900 West Santa Barbara Ave., Los Angeles, California 90008, Ph: (213) 688-4320.

West Covina, 421 South Glendora Ave., West Covina, California 91790, Ph: (213) 688-4320.

West Los Angeles, 11390 West Olympic Blvd., Los Angeles, California 90064, Ph: (213) 688-4320.

COLORADO

Denver IRS District Office, 1961 Stout Street, Denver, Colorado 80202, Ph: (303) 825-7041.

Suboffices within district

Colorado Springs, 728 S. Tejon Street, Colorado Springs, Colorado 80902, Ph: (303) 636-5171.

Greeley, 724 Eighth Street, Greeley, Colorado 80631, Ph: (303) 352-2197.

Pueblo, 245 W. Abriendo Street, Pueblo, Colorado 81005, Ph: (303) 544-5406.

CONNECTICUT

Hartford IRS District Office, 450 Main Street, Hartford, Connecticut 06115, Ph: (203) 244-3245.

Suboffices within district

Bridgeport, 915 Lafayette Boulevard, Bridgeport, Connecticut 06603, Ph: (203) 336-3329.

New Haven, 1227 Chapel Street, New Haven, Connecticut 06511, Ph: (203) 772-6346.

Stamford, 300 Broad Street, Stamford, Connecticut 06901, Ph: (203) 327-3243.

Water, 14 Cottage Place, Waterbury, Connecticut 06702, Ph: (203) 755-3322.

DELAWARE

Wilmington, P.O. Box 2468, Wilmington, Delaware 19899, Ph: (302) 652-3411.

Suboffice within district

Dover, P.O. Box 2468, Wilmington, Delaware 19899, Ph: (302) 674-1040.

Georgetown, P.O. Box 2468, Wilmington, Delaware 19899, Ph: (302) 856-6316.

FLORIDA

400 West Bay, Jacksonville, Fla. 32202, Ph: (904) 791-3181.

Suboffices within district

Daytona, 326 S. Grandview Ave., Daytona, Fla. 32018, Ph: (902) 252-4319.

Ft. Lauderdale, 2309 N. Federal Highway, Ft. Lauderdale, Fla. 33305, Ph: (305) 565-1681.

Lakeland, Room 105, 124 S. Tennessee Ave., Lakeland, Fla. 33801, Ph: (813) 682-0195.

Melbourne, 1513 Harbor City Blvd., Melbourne, Fla. 32935, Ph: (305) 254-7200.

Miami, 51 S.W. 1st Ave., Miami, Fla. 33130, Ph: (305) 350-4222.

Orlando, 2520 N. Orange Ve., Orlando, Fla. 32804, Ph: (305) 425-7594. As of 11/29, address will be: 3191 Maguire Blvd., Orlando, Fla. 32803.

Pensacola, 40 E. Chase St., Pensacola, Fla. 32502, Ph: (904) 432-8315.

St. Petersburg, Room 153, Federal Office Building, 144 1st Ave. South, St. Petersburg, Fla. 33701, Ph: (813) 893-3381.

Sarasota, Room 112, Federal Building, 111 S. Orange Ave., Sarasota, Fla. 33577, Ph: (813) 955-7101.

Tallahassee, 591 N. Dural St., Tallahassee, Fla. 32301, Ph: (904) 224-9022.

Tampa, Federal Building, 500 Zack, Tampa, Fla. 33602, Ph: (813) 228-7711.

W. Palm Beach, 421 Iris St., W. Palm Beach, Fla. 33401, Ph: (305) 833-9776.

GEORGIA

P.O. Box 1067, Atlanta, Ga. 30301, Ph: (404) 688-4050.

Suboffices within district

Albany, P.O. Box 1908, Albany, Ga. 31702, Ph: (912) 436-0173.

Athens, P.O. Box 1589, Athens, Ga. 30601, Ph: (40) 546-2223.

Augusta, Room 406, Mid-South Bldg., 360 Base Street, Augusta, Ga. 30901, Ph: (404) 722-1213.

Columbus, P.O. Box 1306, Columbus, Ga. 31902, Ph: (404) 324-3619.

Macon, P.O. Box 4601, Macon, Ga. 31208, Ph: (912) 743-0381.

Rome, P.O. Box 193, Rome, Ga. 30161, Ph: (404) 234-0519.

Savannah, P.O. Box 10026, Savannah, Ga. 31402, Ph: (912) 232-4321.

HAWAII

Honolulu IRS District Office, U.S.P.O., Courthouse & Customhouse, 335 South King Street, Honolulu, Hawaii 96813, Ph: (808) 537-5111.

Suboffice within district

Hilo Federal Building, P.O. Box 607, Hilo, Hawaii 96720, Ph: (808) 935-8210.

IDAHO

Boise IRS District Office, 550 West Fort Street, Boise, Idaho 83707, Ph: (208) 342-2344.

Suboffices within district

Coeur d'Alene, The Federal Building, 4th and Lakeside, Coeur d'Alene, Idaho 83814, Ph: (208) 664-8132.

Idaho Falls, 560 Third Street, Idaho Falls, Idaho 83401, Ph: (208) 522-6464.

Lewiston, 1618 Idaho Street, Lewiston, Idaho 83501, Ph: (208) 743-2565.

Pocatello, 850 East Lander Street, Pocatello, Idaho 83201, Ph: (208) 232-5164.

Twin Falls, 548 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, Ph: (208) 733-0118.

ILLINOIS

Chicago IRS District Office, State-Madison Bldg., 17 No. Dearborn St., Chicago, Illinois 60602, Ph: (312) 591-1229.

Suboffices within district

Aurora, 316 N. Lake Street, Aurora, Illinois 60506, Ph: (312) 591-1229.

Chicago—North Area, 3611 No. Kedzie Avenue, Chicago, Illinois 60618, Ph: (312) 591-1229.

Chicago—South Area, 724 W. 64th Street, Chicago, Illinois 60621, Ph: (312) 591-1229.

Chicago—West Area, 5817 W. Madison St., Chicago, Illinois 60644, Ph: (312) 591-1229.

Des Plaines, 770 Lee St., Des Plaines, Illinois 60016, Ph: (312) 591-1229.

Elgin, 691 Dundee Avenue, Elgin, Illinois 60120, Ph: (312) 591-1229.

Evanston, Main-Chicago Bldg., 534 Main Street, Evanston, Illinois 60202, Ph: (312) 591-1229.

Harvey, 15325 So. Page Avenue, Harvey, Illinois 60426, Ph: (312) 591-1229.

Joliet, Relyea Bldg., 20 E. Cass St., Joliet, Illinois 60431, Ph: (312) 591-1229.

Rockford, Home Savings Loan Bldg., 1111 E. State St., Rockford, Illinois 61108, Ph: (815) 968-0661.

Rock Island, Post Office & Court House, 211 19th Street, Rock Island, Illinois 61201, Ph: (309) 794-9666.

Waukegan, Rodbrow Commercial Bldg., 2720 West Grand Ave., Waukegan, Illinois 60085, Ph: (312) 591-1229.

Wheaton, Professional Bldg., 211 East Illinois St., Wheaton, Illinois 60187, Ph: (312) 591-1229.

District office and suboffices within district

Springfield IRS District Office, Land of Lincoln Bldg., 325 West Adams St., Springfield, Illinois 62704, Ph: (217) 525-4330.

Alton, Germania Savings Bldg., 543 E. Broadway, Alton, Illinois 62002, Ph: (618) 462-0031.

Carbondale, 606 East Main St., Carbondale, Illinois 62901, Ph: (618) 549-6231.

Champaign, Federal Bldg., 301 N. Randolph St., Champaign, Illinois 61820, Ph: (217) 352-5177.

Danville, 201 N. Vermillion St., Danville, Illinois 61832, Ph: (217) 442-1514.

Decatur, P.O. Bldg., 214 N. Franklin St., Decatur, Illinois 62523, Ph: (217) 429-2333.

East St. Louis, Federal Bldg., 650 E. Missouri Ave., East St. Louis, Illinois 62201, Ph: (618) 274-2200.

Mt. Vernon, 811 Casey Avenue, Mt. Vernon, Illinois 62864, Ph: (618) 242-6533.

Peoria, Savings Center Tower, 411 Hamilton Blvd., Peoria, Illinois 61602, Ph: (309) 673-9061.

Quincy, Post Office Bldg., 200 N. 8th Street, Quincy, Illinois 62301, Ph: (217) 224-0901.

INDIANA

Indianapolis IRS district office

Indianapolis P.O. & Ct. Ho., Room 434, U.S. Post Office, Court House Bldg., Meridian at Ohio Sts., Indianapolis, Indiana 46244, Ph: (317) 633-8611.

Suboffices within district

Bloomington, F.O.B., 119 W. 7th St., Bloomington, Indiana 47401, Ph: (812) 339-2292.

Elkhart, Marion Office Bldg., 513 S. Third St., Elkhart, Indiana 46514, Ph: (219) 293-0555.

Evansville, F.O.B. & Ct. Ho., 101 N.W. Seventh St., Evansville, Indiana 47708, Ph: (812) 423-6871, Ext. 244 or 245.

Fort Wayne, Post Office, 1302 S. Harrison Ave., Fort Wayne, Indiana 46802, Ph: (219) 422-6131, Ext. 217.

Gary, New Federal Bldg., 610 Connecticut St., Gary, Indiana 46402, Ph: (219) 886-2411, Ext. 225 or 246.

Hammond, F.B. & Ct. Ho., 507 State St., Hammond, Indiana 46320, Ph: (219) 932-5500, Ext. 202.

Lafayette, Mar Jean Village Shopping Center, 22 North Earl St., Lafayette, Indiana 47904, Ph: (317) 447-6855.

Muncie, 421 S. Walnut, Muncie, Indiana 47305, Ph: (317) 289-2411, Ext. 61.

New Albany, F.B., 121 W. Spring St., New Albany, Indiana 47150, Ph: (812) 283-1111.

Richmond, 117 S. Seventh St., Richmond, Indiana 47374, Ph: (317) 966-0924.

South Bend, 1317 Mishawaka Ave., South Bend, Indiana 46615, Ph: (219) 234-8111, Ext. 284.

Terre Haute, P.O. & Court House Bldg., Seventh & Cherry Sts., Terre Haute, Indiana 47807, Ph: (812) 232-5331, Ext. 385.

IOWA

Des Moines IRS District Office, Economic Stabilization Division, P.O. Box 797, Des Moines, Iowa 50303, Ph: (515) 284-4367.

Suboffices within district

Cedar Rapids, 218 Federal Bldg., 1st Avenue & 1st St. SE., Cedar Rapids, Iowa 52401, Ph: (319) 366-2483.

Council Bluffs, Federal Building, 6th and Broadway, Room 254, P.O. Box 1018, Council Bluffs, Iowa 51501, Ph: (712) 328-1543.

Davenport, 116 Federal Building, 131 East 4th Street, Davenport, Iowa 52801, Ph: (319) 324-1961.

Sioux City, 211 Post Office Building, Sixth & Douglas, P.O. Box 1648, Sioux City, Iowa 51101, Ph: (712) 252-4161.

Waterloo, Post Office Building, 3d Floor, Commercial Street and N. Park Ave., P.O. Drawer A, Waterloo, Iowa 50704, Ph: (319) 234-4483.

KANSAS

Wichita IRS District Office, 416 S. Main Street, Wichita, Kansas 67202, Ph: (316) 267-5301.

Suboffices within district

Kansas City, 812 N. Seventh Street, Kansas City, Kansas 66101, Ph: (816) 374-4361.

Topeka, 217 East Fourth Street, Topeka, Kansas 66603, Ph: (913) 234-8661 Ext. 285.

KENTUCKY

P.O. Box 1701, Louisville, Ky. 40201, Ph: (502) 582-5321.

Suboffices within district

Bowling Green, P.O. Box 508, Bowling Green, Ky. 42101, Ph: (502) 842-0359.

Covington, P.O. Box 931, Seventh & Scott, Covington, Ky. 41012, Ph: (513) 684-3423.

Lexington, 1500 Leestown Rd., Lexington, Ky. 40505, Ph: (606) 252-2312.

Owensboro, P.O. Box 530, Federica & Fifth Sts., Owensboro, Ky. 42301, Ph: (502) 684-8826.

Paducah, P.O. Box 610, Paducah, Ky. 42001, Ph: (502) 443-6211.

LOUISIANA

New Orleans IRS District Office, 600 South Street, New Orleans, Louisiana 70190, Ph: (504) 527-2881.

Suboffices within district

Alexandria, Wilshire Building, 3800 Parliament Drive, Alexandria, Louisiana 71301, Ph: (318) 445-6511.

Baton Rouge, Federal Building, Room 309, 750 Florida Street, Baton Rouge, Louisiana 70801, Ph: (504) 348-0181.

Lafayette, 219 Federal Office Building, Jefferson & E. Main Streets, Lafayette, Louisiana 70504, Ph: (318) 234-1407.

Lake Charles, 2030 Federal Building, Moss, Pujo & Kirby Streets, Lake Charles, Louisiana 70601, Ph: (318) 433-4642.

Monroe, 21 KTVE-TV Building, 206 Catalpa Street, Monroe, Louisiana 71201, Ph: (318) 325-1712.

Shreveport, 207 Petroleum Building, 619 Market Street, Shreveport, Louisiana 71101, Ph: (318) 425-1241.

MAINE

68 South Sewall Street, Augusta, Maine 04330, Ph: (207) 622-3761.

Suboffices within district

Bangor, Post Office & Federal Bldg., Harlow Street, Bangor, Maine 04401, Ph: (207) 942-8370.

Biddeford, 18 South Street, Biddeford, Maine 04005, Ph: (207) 282-1646.

Lewiston, 95 Park Street, Lewiston, Maine 04240, Ph: (207) 784-6410.

Portland, Post Office & Fed. Bldg., 125 Forest Avenue, Portland, Maine 04101, Ph: (207) 775-0501.

Presque Isle, 373 Main Street, Presque Isle, Maine 04769, Ph: (207) 764-4451.

Waterville, 28 College Avenue, Waterville, Maine 04901, Ph: (207) 872-6379.

MARYLAND (INCLUDING DISTRICT OF COLUMBIA)

Baltimore IRS District Office, 31 Hopkins Plaza, Baltimore, Maryland 21201, Ph: (301) 962-2590.

Suboffices within district

Annapolis, 253 West Street, Annapolis, Maryland 21401, Ph: (301) 263-2331.

Cumberland, 203 Post Office Building, Pershing Street, Cumberland, Maryland 21502, Ph: (301) 722-2300.

Easton, Post Office Building Annex, 116 East Dover Street, Easton, Maryland 21601, Ph: (301) 822-2404.

Frederick, 914 East Street, Monocacy Village Shopping Center, Frederick, Maryland 21701, Ph: (301) 663-9241.

Hagerstown, Professional Arts Building, 5 Public Square, Hagerstown, Maryland 21740, Ph: (301) 731-1251.

Salisbury, Federal Building, 1st Floor, 129 East Main Street, Salisbury, Maryland 21801, Ph: (301) 742-1701.

Washington, 1201 E Street, N.W., Washington, D.C. 20226, Ph: (202) 337-0450.

Wheaton Plaza South, Wheaton Plaza Shopping Center, Wheaton, Maryland 20902 Ph: (202) 337-0450.

MASSACHUSETTS

Massachusetts IRS District Office, Boston, JFK Federal Office Building, Government Center, Boston, Massachusetts 02203. Ph: (617) 223-4750.

Suboffices within district

Springfield, 436 Dwight Street, Springfield, Massachusetts 01103, Ph: (413) 781-2380.

Worcester, Federal Building and Courthouse, Worcester, Massachusetts 01601, Ph: (617) 791-2314.

MICHIGAN

Detroit IRS District Office, Park Avenue Building, 2011 Park Ave., Detroit, Mich. 48226, Ph: (313) 226-7650.

Suboffices within district

Ann Arbor, Dick Building, 3430 Washtenaw, Ann Arbor, Mich. 48104, Ph: (313) 769-7100.

Battle Creek Bldg. No. 2-Fed. Center, 74 N. Washington Street, Battle Creek, Mich. 49017, Ph: (616) 962-6511.

Benton Harbor, Woolworth Bldg., 145 W. Main Street, Benton Harbor, Mich. 49022, Ph: (616) 927-3507.

Dearborn, 22720 Michigan Ave., Dearborn, Mich. 48124, Ph: (313) 226-7602.

Flint, F.O.B. Church & W. Sec. St., Flint, Michigan 48502, Ph: (313) 234-5621 Ext. 200.

Grand Rapids, Northbrook Office Bldg. #2, 2920 Fuller Ave., N.E., Grand Rapids, Mich. 49505, Ph: (616) 364-9581.

Highland Park, 16480 Woodward Ave., Highland Park, Mich. 48203, Ph: (313) 869-4510 Ext. 49 or 50.

Jackson, 524 N. Jackson St., Jackson, Mich. 49201, Ph: (517) 783-2653.

Kalamazoo, 410 W. Michigan Ave., Kalamazoo, Mich. 49006, Ph: (616) 343-2593.

Lansing, 232 Fed. Bldg., 315 W. Allegan St., Lansing, Mich. 48933, Ph: (517) 372-1910, Ext. 346.

Marquette, 328 PO, Washington & Third St., Marquette, Mich. 49855, Ph: (906) 285-1363.

Mt. Clemens, Lawyers Bldg., 23 Cass Ave., Mt. Clemens, Mich. 48043, Ph: (313) 293-3440.

Muskegon, Room 203, Post Office Bldg., First & Market Sts., Muskegon, Mich. 49440, Ph: (616) 722-6096.

Pontiac, Fed. Bldg. & Post Office, Huron & Perry Sts., Pontiac, Mich. 48058, Ph: (313) 338-7101.

Saginaw, Koski Bldg., 2137 Warwick St., Saginaw, Mich. 48602, Ph: (517) 793-2340 Ext. 377.

MINNESOTA

St. Paul IRS District Office, Federal Building & U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101, Ph: (612) 725-7351.

Suboffices within district

Duluth, Federal Building, Courthouse & Customhouse, 515 West First Street, Duluth, Minnesota 55802, Ph: (218) 727-6692.

Mankato, 250 Martin Building, Mankato, Minnesota 56001, Ph: (507) 385-9371.

Minneapolis, Federal Office Building, 210 Third Avenue South, Minneapolis, Minnesota 55401, Ph: (612) 725-7351.

Rochester, Federal Building, 301 First Street SW., Rochester, Minnesota 55901, Ph: (507) 288-3126.

St. Cloud, Federal Building, 720 Saint Germain Street, St. Cloud, Minnesota 56302, Ph: (612) 251-4404.

MISSISSIPPI

Mississippi IRS District Office, Jackson, 301 Building, 301 N. Lamar Street, Jackson, Mississippi 39202, Ph: (601) 948-7821.

Suboffices within district

Greenville, P.O. Box 937, Greenville, Mississippi 38701, Ph: (601) 335-3566.

Gulfport, Mississippi City Station, P.O. Box 7115, Gulfport, Mississippi 39501, Ph: (601) 896-6900.

Hattiesburg, P.O. Box 1669, Hattiesburg, Mississippi 39402, Ph: (601) 583-4371.

Meridian, P.O. Box 1659, Meridian, Mississippi 39301, Ph: (601) 693-1788.

Tupelo, Room 310, Federal Office Building, Tupelo, Mississippi 38802, Ph: (601) 842-1366.

MISSOURI

St. Louis IRS District Office, P.O. Drawer 1087, Central Station, St. Louis, Missouri 63188, Ph: (314) 622-4185.

Suboffices within district

Clayton, Missouri Savings Assn. Bldg., 7635 Forsyth Blvd., Clayton, Missouri 63105, Ph: (314) 725-8310.

Columbia, P.O. Box 795, Columbia, Missouri 63105, Ph: (314) 442-2271.

Joplin, Federal Bldg. 302 Joplin Street, Joplin, Missouri 64801, Ph: (417) 624-5858.

Kansas City, P.O. Box 15278, Kansas City, Missouri 64106, Ph: (816) 374-5858.

St. Joseph, P.O. Box 1029, St. Joseph, Missouri 64501, Ph: (816) 233-0211.

Springfield, P.O. Box 900, Springfield, Missouri 65802, Ph: (417) 865-8361.

MONTANA

Helena IRS District Office, Federal Office Building, West Sixth Street & Park Avenue, Helena, Montana 59601, Ph: (406) 442-9040 Ext. 3331.

NEBRASKA

Omaha IRS District Office, Federal Office Building, P.O. Box 662, Omaha, Nebraska 68101, Ph: (402) 221-3495.

Suboffices within district

Grand Island, P.O. Box 940, Grand Island, Nebraska 68801, Ph: (308) 382-8640.

Lincoln, P.O. Box 83109, Lincoln, Nebraska 68501, Ph: (402) 475-3541.

NEVADA

Reno IRS District Office, 300 Booth Street, Reno, Nevada 89502, Ph: (702) 784-5521.

Suboffice within district

Las Vegas, 300 Las Vegas Boulevard, Las Vegas, Nevada 89101, Ph: (702) 385-6294.

NEW HAMPSHIRE

Portsmouth IRS District Office, 80 Daniel Street, Portsmouth, New Hampshire 03801, Ph: (603) 436-7011.

Suboffice within district

Manchester, 1232 Elm Street, Manchester, New Hampshire 03101, Ph: (603) 431-7861.

NEW JERSEY

Newark IRS District Office, 970 Broad Street, Newark, New Jersey 07102, Ph: (201) 645-5950.

Suboffices within district

Asbury Park, 611 Heck Street, Asbury Park, New Jersey 07712, Ph: (201) 775-1800.

Atlantic City, 2924 Atlantic Avenue, Atlantic City, New Jersey 08401, Ph: (609) 348-3184.

Camden, Reutter Building, 9th & Cooper Streets, Camden, New Jersey 08101, Ph: (609) 963-2342, 966-7333.

Hackensack, 334 Union Street, Hackensack, New Jersey 07601, Ph: (201) 487-8981.

Jersey City, 591 Summit Avenue, Jersey City, New Jersey 07306, Ph: (201) 659-9038.

Morristown, 3 Schuyler Place, Morristown, New Jersey 07960, Ph: (201) 538-3960.

New Brunswick, 167 New Street, New Brunswick, New Jersey 08901, Ph: (201) 246-1423.

Paterson, 150 Ellison Street, Paterson, New Jersey 07505, Ph: (201) 279-2626.

Perth Amboy, 318 State Street, Perth Amboy, New Jersey 08861, Ph: (201) 442-3800.

Toms River, 910 Route 166, Toms River, New Jersey 08753, Ph: (201) 244-6500.

Trenton, 428 East State Street, Trenton, New Jersey 08608, Ph: (609) 394-7113.

Vineland, 512 Landis Avenue, Vineland, New Jersey 08306, Ph: (609) 692-1200.

NEW MEXICO

Albuquerque IRS District Office, P.O. Box 1967, Albuquerque, New Mexico 87103, Ph: (505) 843-2567.

Suboffice within district

Roswell, P.O. Box 1635, Roswell, New Mexico 88201, Ph: (505) 622-1670.

NEW YORK

Albany IRS District Office, 161 Washington Avenue, Albany, New York 12201, Ph: (578) 472-6140.

Suboffice within district

Poughkeepsie, 337 Mill Street, Poughkeepsie, New York 12601, Ph: (914) 452-3400 Ext. 457, 458.

District office and suboffices within district

Brooklyn IRS District Office, 35 Tillary Street, Brooklyn, New York 11201, Ph: (212) 855-4994.

Flushing, 135-59 37th Avenue, Flushing, New York 11354, Ph: (212) 539-9010.

Jamaica, 150-14 Jamaica Avenue, Jamaica, New York 11432, Ph: (212) 291-8000.

Jackson Heights, 74-09 37th Avenue, Jackson Heights, N.Y. 11372, Ph: (212) 291-8000.

Mineola, 114 Old Country Road, Mineola, New York 11501, Ph: (516) 248-7100.

Riverhead, 240 W. Main Street, Riverhead, New York 11901, Ph: (516) 727-2436.

Smithtown, 444 Route No. 111, Smithtown, New York 11787, Ph: (516) 724-8824.

District office and suboffices within district

Buffalo IRS District Office, 111 W. Huron Street, Federal Building, Buffalo, New York 14202, Ph: (716) 842-3660, 3662.

Binghamton, U.S. Courthouse, 11 Henry Street, Binghamton, New York 13902, Ph: (607) 772-5457.

Elmira, U.S. Post Office Bldg., State & N. Church Sts., Elmira, New York 14901, Ph: (607) 734-6241.

Jamestown, New Federal Bldg., E. 3rd St. & Pendergast Ave., Jamestown, New York 14701, Ph: (716) 484-1131.

Niagara Falls, U.S. Post Office Bldg., 615 Main St., Niagara Falls, New York 14302, Ph: (716) 694-5470.

Rochester, 41 State Street, Rochester, New York 14614, Ph: (716) 546-4900.

Syracuse, Hunter Plaza, 115-123 South Salina St., Syracuse, New York 13202, Ph: (315) 473-3570.

Utica, Brock Building, 276 Genesee Street, Utica, New York 13502, Ph: (315) 797-1151.

Watertown, U.S. Post Office, Watertown, New York 13601, Ph: (315) 782-4590.

District office and suboffices within district

Manhattan IRS District Office, 120 Church Street, New York, New York 10007, Ph: (212) 466-1600.

Bronx, 2467-81 Jerome Avenue, Bronx, New York 10468, Ph: (212) 933-7800.

Mt. Vernon, 120 E. Prospect Avenue, Mt. Vernon, New York 10550, Ph: (914) 644-7550.

New Rochelle, 271 North Avenue, New Rochelle, New York 10801, Ph: (914) 632-2120.

Spring Valley, 39 South Main Street, Spring Valley, New York 10977, Ph: (914) 352-3060.

Staten Island, 45 Bay Street, Staten Island, New York 10301, Ph: (212) 447-0711.

White Plains, 95 Church Street, White Plains, New York 10601, Ph: (914) 761-4250.

Yonkers, 45 South Broadway, Yonkers, New York 10701. Ph: (914) 423-0201.

NORTH CAROLINA

Greensboro IRS District Office, 320 Federal Place, Greensboro, North Carolina 27401, Ph: (919) 275-0565.

Suboffices within district

Asheville, Plateau Building, 50 S. French Broad Avenue, Asheville, North Carolina 28802, Ph: 1919-800-822-8800.

Charlotte, 316 E. Morehead Street, Charlotte, North Carolina 28202, Ph: (704)372-0711, 1919-800-822-8800.

Durham, Federal Building 302 Morris Street Durham North Carolina 27701, Ph: 1800-822-8800.

Fayetteville, Federal Building, 301 Green Street, Fayetteville, North Carolina 28302, Ph: 1800-822-8800.

Gastonia, Post Office Building, 301 E. Main Ave., Gastonia, North Carolina 28052, Ph: 1919-800-822-8800.

Greenville, Rivers Building, 211 Evans Street, Greenville, North Carolina 27834, Ph: 121-800-822-8800.

Hickory, Main Avenue Place, S.W., Hickory, North Carolina 28601, Ph: (704) 328-5639, 1919-800-822-8800.

High Point, 1605 N. Main Street, High Point, North Carolina 27262, Ph: 1800-822-8800.

Raleigh, U.S. Post Office, Courthouse and Fed. Building, 310 New Bern Avenue, Raleigh, North Carolina 27601, Ph: 1-800-822-8800.

Sanford, Federal Building, 228 Carthage Street, Sanford, North Carolina 27330, Ph: 112-800-822-8800.

Wilmington, 16 S. 16th Street, Wilmington, North Carolina 28401, Ph: Operator ask 800-822-8800.

Winston-Salem, Main Post Office Building, 5th Trade and Liberty, Winston-Salem, North Carolina 27602, Ph: 1800-822-8800.

NORTH DAKOTA

Fargo IRS District Office, Federal Building and Post Office, 653 Second Avenue, North, Fargo, North Dakota 58102, Ph: (800) 342-4710.

OHIO

Cincinnati IRS District Office, P.O. Box 1637, Cincinnati, Ohio 45201, Ph: (513) 684-3795.

Suboffices within district

Columbus, P.O. Box 1260, Columbus, Ohio 43216, Ph: (614) 467-7422.

Dayton, Grant-Deneau Tower, 40 W. Fourth Street, Dayton, Ohio 45402, Ph: (513) 461-5528.

Cleveland IRS District Office, P.O. Box 5608, Cleveland, Ohio 44101, Ph: (216) 522-3440.

Akron, 411 Wolf Ledges Parkway, Akron, Ohio 44311, Ph: (216) 376-2177.

Canton, Federal Building, 201 Cleveland Ave., S.W., Canton, Ohio 44701, Ph: (216) 454-9477.

Cleveland—East, 121 Shaker Bldg., 12025 Shaker Blvd., Cleveland, Ohio 44120, Ph: (216) 795-4014.

Lima, 205 W. Market St., Lima, Ohio 45801, Ph: (419) 225-6015.

Lorain, 400 Reid Ave., Lorain, Ohio 44052, Ph: (216) 244-3220.

Mansfield, Columbia Gas Bldg., 115½ Park Ave., W., Mansfield, Ohio 44902, Ph: (419) 522-2402.

Steubenville, 630 Market Street, Steubenville, Ohio 43952, Ph: (614) 283-3374.

Toledo, Federal Office Building, 234 Summit Street, Toledo, Ohio 43604, Ph: (419) 259-6226.

Warren, 135 Pine St., S.E., Warren, Ohio 44481, Ph: (216) 399-3624.

Youngstown, 112 W. Commerce St., Youngstown, Ohio 44503, Ph: (216) 746-2976.

OKLAHOMA

Oklahoma City IRS District Office, P.O. Box 66, Oklahoma City, Oklahoma 73101, Ph: (405) 231-4911.

Suboffices within district

Enid, P.O. Box 1512, Enid, Oklahoma 73701, Ph: (405) 237-4325.

Lawton, P.O. 1129, Lawton, Oklahoma 73501, Ph: (405) 355-7373.

Muskogee, P.O. Box 1666, Muskogee, Oklahoma 74401, Ph: (918) 683-3111, Ext. 473.

Tulsa, Room 1000, 15 W. Sixth Street, Tulsa, Oklahoma 74119, Ph: (918) 583-5721.

OREGON

Portland IRS District Office, 319 S. W. Pine Street, Portland, Oregon 97204, Ph: (503) 226-7781.

Suboffices within district

Eugene, 1471 Pearl Street, Eugene, Oregon 97401, Ph: (503) 342-5141 Ext. 320, 327.

Medford, 333 W. 8th Street, Medford, Oregon 97501, Ph: (503) 779-2266 Ext. 266.

Salem, 674 Church St., N.E., Salem, Oregon 97308, Ph: (503) 585-1241 Ext. 241.

PENNSYLVANIA

Philadelphia IRS District Office, 401 North Broad Street, Philadelphia, Pennsylvania 19108, Ph: (215) 597-7910.

Suboffices within district

Allentown, 118 North Ninth Street, Allentown, Pennsylvania 18102, Ph: (215) 434-0181 Ext. 241, 242 or 243.

Bethlehem, 65 East Elizabeth Avenue, Bethlehem, Pennsylvania 18018, Ph: (215) 867-4148.

Chester, Fidelity Chester Bldg., 5th & Market Streets, Chester, Pennsylvania 19013, Ph: (215) 874-5381.

Harrisburg, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17101, Ph: (717) 782-4513.

Lancaster, 46 South Duke Street, Lancaster, Pennsylvania 17602, Ph: (717) 394-0516.

Norristown, 1711-A Markley Street, Norristown, Pennsylvania 19401, Ph: (215) 279-3850, 51, 52.

Pottsville, 420 North Centre Street, Pottsville, Pennsylvania 17901, Ph: (717) 622-9737, 9738.

Reading, 525 Franklin Street, Reading, Pennsylvania 19602, Ph: (215) 372-8461.

Scranton, 125 North Washington Avenue, Scranton, Pennsylvania 18503, Ph: (717) 344-7341.

Wilkes-Barre, Federal Building, Main & South Streets, Wilkes-Barre, Pennsylvania 18703, Ph: (717) 825-6307.

Williamsport, 322-24 Locust Street, Williamsport, Pennsylvania 17701, Ph: (717) 323-3343.

York, 2801 Eastern Boulevard, York, Pennsylvania 17402, Ph: (717) 757-2670.

Pittsburgh IRS District Office, P. O. Box 2689, Pittsburgh, Pennsylvania 15230, Ph: (412) 644-6740.

Altoona, Block & Yon Building, 1109 12th Street, Altoona, Pennsylvania, 16601, Ph: (814) 944-1585.

Beaver Falls, Massa Building, 1501 Eighth Avenue, Beaver Falls, Pennsylvania 15010, Ph: (412) 843-4050.

Erie, Room 320 Rothrock Building, 121 West 10th Street, Erie, Pennsylvania 16501, Ph: (814) 453-4226.

Greensburg, Eastgate Shopping Center, 1135 E. Pittsburg Street, Greensburg, Pennsylvania 15601, Ph: (412) 837-4640.

Johnstown, Room 237, Post Office Building, Locust Street Entrance, Johnstown, Pennsylvania 15901, Ph: (814) 535-2755.

McKeesport, 337 Shaw Avenue, McKeesport, Pennsylvania 15132, Ph: (412) 678-8653.

Washington, 70 East Beau Street, Washington, Pennsylvania 15301, Ph: (412) 225-0261.

RHODE ISLAND

Providence IRS District Office, 130 Broadway, Providence, Rhode Island 02903, Ph: (401) 528-5206, 5210.

SOUTH CAROLINA

Columbia IRS District Office, 901 Sumter Street, Columbia, South Carolina 29201, Ph: (803) 253-8371.

Suboffices within district

Charleston, 334 Meeting Street, Charleston, South Carolina 29403, Ph: (803) 577-4171, Ext. 216.

Florence, 183 S. Coit Street, Florence, South Carolina 29501, Ph: (803) 663-2412.

Greenville, 300 E. Washington Street, Greenville, South Carolina 29603, Ph: (803) 242-5434.

Spartanburg, 201 Magnolia Street, Spartanburg, South Carolina 29301, Ph: (803) 583-8494.

SOUTH DAKOTA

Aberdeen IRS District Office, 640 Ninth Avenue SW, Aberdeen, South Dakota 57401, Ph: (605) 225-0250.

Suboffices within district

Rapid City, Meligren Building, Room 307, 520 Kansas City Street, Rapid City, South Dakota 57701, Ph: (605) 348-1121.

Effective December 6, phone changes to (800) 592-1870.

Sioux Falls, Federal Building & Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota 57102, Ph: (605) 336-2980.

Effective December 27, phone changes to (800) 592-1870.

TENNESSEE

Nashville IRS District Office, U.S. Court House, Room 159, 801 Broad Street, Nashville, Tennessee 37203, Ph: (615) 749-5101.

Suboffices within district

Chattanooga, U.S. Court House Building, 10th St. & Georgia Ave., Chattanooga, Tenn. 37401, Ph: (615) 266-3200.

Jackson, 410 Peoples Protective Towers, 646 Old Hickory Blvd., Jackson, Tenn. 38301, Ph: (901) 424-0680.

Johnson City, P.O. Box 3727, Johnson City, Tenn. 37601, Ph: (615) 926-9133.

Knoxville, U.S. Post Office & Ct. Ho., Main Ave. & Walnut St., Knoxville, Tenn. 37902, Ph: (615) 524-4011.

Memphis, Clifford David Bldg., 167 N. Main Street, Memphis, Tenn. 38103, Ph: (901) 534-3521.

TEXAS

Austin IRS District Office, 300 E. Eighth Street, Austin, Texas 78701, Ph: (512) 475-5233.

Suboffices within district

Beaumont, U.S. Courthouse & Post Office Bldg., Broadway and Willow Streets, Beaumont, Texas 77701, Ph: (713) 833-8938.

Corpus Christi, Smith Building, 425 Schatzel Street, Corpus Christi, Texas 78401, Ph: (512) 884-1901.

El Paso, El Paso International Building, 119 N. Stanton Street, El Paso, Texas, 79901, Ph: (915) 533-3676.

Harlingen, 320 Texas Reserve Building, 306-308 E. Jackson Street, Harlingen, Texas 78550, Ph: (512) 423-6550.

Houston, Federal Building & U.S. Courthouse, 515 Rusk Avenue, Room 3301, Houston, Texas 77002, Ph: (713) 226-5101.

McAllen, Federal Office Building, Main Street and E. Chicago Avenue, McAllen, Texas 78501, Ph: (512) 686-5489.

San Antonio, Kallison Building, Room 324, 434 S. Main Avenue, San Antonio, Texas 78285, Ph: (512) 225-6881.

Waco, 711 Washington Avenue, Waco, Texas 76701, Ph: (817) 756-3721.

District office and suboffices within district

Dallas IRS District Office, 1100 Commerce Street, Tenth Floor, Dallas, Texas 75202, Ph: (214) 744-3611.

Abilene, Post Office Building 2nd Floor, 3rd & Pine Streets, Abilene, Texas 79601, Ph: (915) 677-9146.

Amarillo, 317 E. Third Street, 10th Floor Herring Plaza, Amarillo, Texas 79101, Ph: (806) 376-2111.

Fort Worth, Federal Building, Room 11A01, 819 Taylor Street, Ft. Worth, Texas 76102, Ph: 817) 334-2721.

Lubbock, Federal Office Building, Room 315, 1205 Texas Avenue, Lubbock, Texas 79401, Ph: (806) 747-3711, Ext. 456.

Odessa, 1st National Bank Building, Room 610, 700 N. Grant Street, Odessa, Texas 79760, Ph: (915) 332-9481.

Tyler, 110 E. Houston Street, Tyler, Texas 75701, Ph: (214) 597-6687.

Wichita Falls, 500 1st National Building, 8th & Indiana Streets, Wichita Falls, Texas 76301, Ph: (817) 723-0741.

UTAH

Salt Lake City IRS District Office, U.S. P.O. and Courthouse, 350 South Main St., Salt Lake City, Utah 84110, Ph: (801) 524-4060.

Suboffice within district

Ogden, New Federal Building, Room 1301, 324 25th St., Ogden, Utah 84401, Ph: (801) 399-5551.

VERMONT

Burlington IRS District Office, 11 Elmwood Avenue, Burlington, Vermont 05401, Ph: (802) 862-6501 Ext. 6321.

Suboffices within district

Montpelier, 87 State Street, Montpelier, Vermont 05602, Ph: (803) 223-6348.

Rutland, Post Office & Ct. Ho. Bldg., 151 West Street, Rutland, Vermont 05702, Ph: (802) 773-9696.

VIRGINIA

Richmond IRS District Office, 400 North Eighth Street, Richmond, Virginia 23219, Ph: (703) 782-2341.

Suboffices within district

Baileys Crossroads, 5707 Seminary Road, Baileys Crossroads Branch, Falls Church, Va. 22041, Ph: (703) 557-0680.

Newport News, 708 New Market Square South, Newport News, Virginia 23605, Ph: (703) 247-0107.

Norfolk, Virginia National Bank Building, 1 Commercial Place, Norfolk, Virginia 23510, Ph: (703) 441-6234.

Roanoke, First Federal Building, No. 36 West Church Avenue, Roanoke, Virginia 24003, Ph: (703) 345-7337.

WASHINGTON

Seattle, IRS District Office, 2033 6th Avenue, Seattle, Washington 98121, Ph: (206) 442-7500.

Suboffices within district

Aberdeen, 421 W. State St. Aberdeen, Washington 98520, Ph: (206) 533-1760.

Bellingham, Federal Building, Magnolia & Cornwall Sts. Bellingham, Washington 98225, Ph: (206) 733-0110.

Everett, 2730 Hoyt Ave., Everett, Washington 98206, Ph: (206) 259-0861.

Pasco, 403 W. Lewis St., Pasco, Washington 99301, Ph: (509) 547-1711.

Spokane, 920 W. Riverside Avenue, Spokane, Washington 99201, Ph: (509) 456-2120.

Tacoma, 1305 Tacoma Avenue, Tacoma, Washington 98402, Ph: (206) 383-2021.

Vancouver, 500 W. 12th St., Vancouver, Washington 98660, Ph: (206) 695-9252.

Wenatchee, Exchange Building, 6 First Street, Wenatchee, Washington 98801, Ph: (509) 663-2645.

Yakima, 6 South 2nd Street, Yakima, Washington 98901, Ph: (509) 248-6891.

WEST VIRGINIA

Parkersburg IRS District Office, Federal Office Building, Juliana & 5th Streets, Parkersburg, W. Virginia 26101, Ph: (304) 422-8551.

Suboffices within district

Charleston, Federal Office Building & Ct. Ho., 500 Quarrier St., Charleston, W. Virginia 25301, Ph: (304) 343-6181.

Huntington, P.O. and Ct. Ho., Ninth St. & Fifth Ave., Huntington, W. Virginia 25701, Ph: (304) 529-2311.

Wheeling, Hawley Bldg., 1025 Main St., Wheeling, W. Virginia 26003, Ph: (304) 232-0151.

WISCONSIN

Milwaukee IRS District Office, Federal Building & Courthouse, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, Ph: (800) 452-9100, Calls from Milwaukee (414) 271-3780.

Suboffices within district

Eau Claire, Federal Building & Courthouse, 510 S. Barstow Street, Eau Claire, Wisconsin 54701, Ph: (800) 452-9100.

Green Bay, Federal Building, 325 East Walnut Street, Green Bay, Wisconsin 54301, Ph: (800) 452-9100.

Madison, Coca Cola Building, 3536 University Avenue, Madison, Wisconsin 53701, Ph: (800) 452-9100.

Racine, Monument Square Building, 524 Main Street, Racine, Wisconsin 53403, Ph: (800) 452-9100.

WYOMING

Cheyenne IRS District Office, Federal Office Building, 21st and Carey Ave., Cheyenne, Wyoming 82001, Ph: (307) 778-2363.

THE INTERNAL REVENUE SERVICE ROLE IN THE ECONOMIC STABILIZATION PROGRAM

The Internal Revenue Service now becomes the major focal point for citizen contact with the President's Economic Stabilization Program. In addition to the duties it performed during the freeze, IRS will be exercising some important new functions.

During the freeze, the IRS provided information to the public on wages and prices through its nationwide network of taxpayer service offices, received and analyzed complaints concerning alleged violations, and conducted investigations of suspected violators. These activities are being expanded because success of the Economic Stabilization Program depends on public knowledge of its equity and fairness, on the effective communication of its provisions so that people know what they should do to comply and on the voluntary support and cooperation of every American citizen.

The IRS takes over all of the functions performed by the Office of Emergency Preparedness during the freeze. Operating in accordance with general policy guidance, regulations and other decisions of the Council, the Board, and the Commission, the IRS will establish a national mechanism to support the post-freeze program. Local and regional centers will provide information to the public, investigate complaints, conduct independent monitoring activities, review requests for exceptions, and respond to inquiries relating to the application of regulations issued by the Council, the Pay Board, and the Price Commission. The IRS will also establish an administrative appeals procedure and will assist the Justice Department in preparing for litigation.

Why was the IRS chosen for this job?

Many of the functions under the Economic Stabilization Program are similar to the tax mission of the Internal Revenue Service. IRS has trained, experienced personnel throughout the country using well-established procedures involving fact-finding in the field, auditing, investigations, interpretative rulings, appeal mechanisms, issuance of guidelines and regulations for a complex program, compliance and enforcement activities, and importantly, day-to-day working contacts with all sectors of the American economy and the general public. This capability is substantially in being and makes unnecessary the establishment of a cumbersome bureaucracy which the President seeks to avoid. Finally, the concept of voluntary compliance, vital to the success of the Economic Stabilization Program, is also the underlying theory of the Federal tax system.

Can the IRS perform economic stabilization activities without impairing its tax-collecting function?

Many of the specific duties to be performed by the IRS in post-freeze period dovetail with regular tax work. For example, when a Revenue Agent visits a business firm for a tax audit, he can make wage-price checks as well. Such double-duty audits are expected to save time and effort. Similarly, IRS delinquent tax collection activities can include on-site checks for rent guideline violations. In addition, IRS taxpayer assistors, who normally provide tax help to individuals, will provide both taxpayer assistance and answer wage-price inquiries during the post-freeze.

As a part of the government-wide reduction in employment, IRS had realigned its work force to provide tax program service this year with 3,000 fewer employees than last year. Now this reduction in manpower will not be carried out, and the 3,000 man-years will be used to assure adequate staffing for stabilization activities without impairing the tax program.

In addition, IRS will be assisted in the post-freeze program by the Agricultural Stabilization and Conservation Service of the Department of Agriculture which will continue to provide wage-price information through its 2,800 local offices as they did during the freeze.

ORGANIZATION OF THE IRS

The IRS role in the Stabilization Program is directed by a newly-established office of the Assistant Commissioner for Stabilization. In each of the seven IRS regional offices there is an Assistant Regional Commissioner for Stabilization, who will supervise the wage-price activities of the offices within his jurisdiction. Below this level, there are 58 district offices, each with an assistant to the director for stabilization; and within these districts more than 300 local IRS offices participating in the stabilization program. Most of the people working on the Stabilization Program will be located in these district and local offices. Each district will have the necessary experts, including pay specialists, on the job to carry out necessary stabilization activities. This is where the average citizen is most likely to seek an answer to a wage-price question or report a complaint.

POST-FREEZE CONTROLS—QUESTIONS AND ANSWERS No. 1

The attached questions and answers are provided as a further explanation of the Phase II regulations issued by the Cost of Living Council on Friday, November 12.

Q. Do policy rulings issued by the Cost of Living Council or interpretations issued by the Office of Emergency Preparedness continue to be applicable after November 13, 1971?

A. Yes, unless such rulings or interpretations are specifically altered by regulations or published rulings issued by the Cost of Living Council, Pay Board, Price Commission or IRS.

Q. How does a private citizen or corporation obtain information or a ruling with respect to Economic Stabilization Regulations issued during the post freeze period?

A. IRS will answer inquiries and issue rulings regarding the stabilization program. All these inquiries should be directed to the appropriate IRS District or subdistrict office. All requests for rulings should be in writing and directed to appropriate IRS District offices.

Q. How do prenotifiers and reporters obtain prenotification and reporting forms?

A. These forms are available at the local offices of the Internal Revenue Service.

Q. Do different substantive rules apply to price adjustments or pay adjustments depending upon what price category or pay category applies?

A. No. The same substantive rules apply to price adjustments and pay adjustments regardless of what procedural category governs a price adjustment or pay adjustment.

Q. What is an exemption?

A. An exemption is a general waiver of the controls for certain classes of property, services, or economic transactions.

Q. What is an exception?

A. An exception is a waiver in a particular case of the application of the requirements of any order or regulations issued by the Council, Pay Board or Price Commission.

Q. Who may grant exceptions to regulations concerning the stabilization program?

A. IRS will receive and process applications for exceptions. These applications will be forwarded to the Cost of Living Council, the Pay Board or Price Commission, as appropriate, for decision.

Q. What firms are subject to prenotification and reporting?

A. Firms with annual sales or revenues of $100 million or more are subject to prenotification and reporting. In general, these firms must prenotify the Price Commission and obtain approval of proposed price increases. In addition, they must file quarterly reports with the Price Commission. These are called price category I firms. Firms with annual sales or revenues between $50 million and $100 million must file quarterly reports with the Price Commission, but they do not need to obtain advance approval of price increases. These are called category II firms.

Q. A firm with less than $50 million in sales in its most recent fiscal year is not required to submit quarterly reports or notification of price increases to the Price Commission. How is such a firm controlled?

A. The firm is subject to the rules, regulations and guidelines promulgated with respect to pricing. It must keep adequate pricing records, and those records are subject to monitoring, inspection and audit by the Internal Revenue Service.

Q. Are a firm's export sales considered in determining its reporting classification?

A. Yes, although exports are exempt from the price freeze, export sales are to be included in total annual sales or revenues for purposes of determining the category into which a firm falls.

Q. A corporation or other firm had total sales of less than $50 million in its most recent fiscal year. However, the parent organization or firm and its subsidiaries had combined total sales during that year between $50 million and $100 million. Must the firm and it subsidiaries submit a combined quarterly report of any pricing increases?

A. Yes. For purposes of determining whether a firm is a reporting firm, the total sales of the parent corporation or firm and firms which it controls directly or indirectly are to be combined as if they were a single firm.

Q. What wage and salary adjustments must be prenotified and approved?

A. Wage and salary adjustments which affect 5,000 or more employees, and all wage and salary adjustments for employees in construction must be prenotified and approved by the Pay Board before they are made effective. These are called category I pay adjustments.

Q. What wage and salary adjustments need only be reported?

A. Wage and salary adjustments which affect from 1,000 to 5,000 employees must be reported to the Pay Board. These are called category II pay adjustments.

Q. What controls are applicable to wage and salary adjustments which need not be prenotified or reported?

A. Wage and salary adjustments which affect less than 1,000 employees need not be prenotified or reported. However, they are subject to the general wage standards and compliance will be monitored. These are called category III pay adjustments.

The attached Questions and Answers are provided as a further explanation of the Phase II Regulations issued by the Price Commission on November 12, and printed in the Federal Register November 13, 1971.

Q. Are professional fees subject to post freeze stabilization program controls?

A. Yes. Such fees are prices which are governed by the regulations of the Price Commission dealing with services. They may be increased to reflect costs in effect on November 14, 1971, and cost increase incurred after November 14, 1971. However, the increase may not raise the person's profit margin as a percentage of sales before taxes above the profit margin which prevailed in the base period.

Q. How can a tenant determine what a landlord may charge?

A. A landlord must keep records and make them available at the request of any tenant, prospective tenant, or representative of the Price Commission (including the Internal Revenue Service).

These records must reflect:

(1) The base price for the unit (generally—the rental he charged for at least 10% of the units like yours during the freeze base period);

(2) The reason for any difference between the base price and the maximum price he was allowed to charge you during the freeze.

Q. In determining which price category applies to a firm, the regulations look to annual sales or revenues. What are annual sales or revenues?

A. "Annual sales or revenues" means the total income of a firm during its most recent fiscal year ending prior to August 15, 1971, from whatever source derived.

Q. May a retailer or wholesaler who does not have the required display of base prices in his store raise his price?

A. No, the Price Commission regulations specifically require the retailer or wholesaler to prominently display the base price of either those 40 items in each department which have the highest sales volume or those items which amount to 50% of total dollar sales for the department, whichever is less. These displays must be posted on or before January 1, 1972 and no price increases are allowed until they are posted. The base prices of all food products (except those which are exempt) must be posted.

Q. May landlords raise rents after November 13, 1971?

A. It depends on the circumstances. The rent rules now provide that the base price for a rental unit is the rent charged for the same unit or substantially similar units during the freeze base period. This means that if at least 10% of similar apartments were being rented for a higher price during the period from July 16–August 14, the landlord may raise the rent to that level if the lease permits the increase.

Price increases in leases in which the rental price is determined by a formula may take effect. However, any increases in the rent based upon the passage of time or increases in the consumer price index shall not be allowed.

Increases in rent above the permitted base price are prohibited. Further rent guidelines will be recommended by the Rent Committee for consideration by the Price Commission.

Q. May prices be raised under existing contracts?

A. Any increase in prices must be agreed to by the parties to the contract. Additionally, any increase in prices must be in accordance with Price Commission regulations.

Q. May prices go up more than 2.5 percent?

A. Yes. Prices are to be set in accordance with Price Commission guidelines. The 2.5 percent figure represents a goal for average price increases across the entire economy. Individual price changes may be above or below that figure, depending on allowable cost increases and net profit margins.

Q. What is the base period for profit margin determination?

A. The base period for profit margin determination for manufacturers, wholesalers, retailers and service organizations is the average of any two of the individual's or firm's last 3 fiscal years ended prior to August 15, 1971. The selection of the two fiscal years is to be made by the individual or firm.

THE PAY BOARD

The following questions and answers are designed to provide guidance on initial decisions reached by the Pay Board. The answers to these questions have been developed by the staff of the Pay Board.

I—Q. What pay adjustments are affected by the new 5.5% general wage and salary standard?

A. The initial 5.5% general wage and salary standard applies to labor agreements entered into, on and after November 14, 1971. It also applies to other pay adjustment decisions made after that date whether or not reflected in a formal agreement.

II—Q. What about wage increases under existing contracts and pay practices?

A. Pay adjustments under contracts and pay practices existing prior to November 14, 1971 are allowed to go into effect. If they affect more than 1,000 employees, they must be reported to the Pay Board in accordance with regulations to be issued by the Pay Board. However, they are subject to review by the Pay Board, if challenged, to determine whether any increase is unreasonably inconsistent with criteria established by the Board. The employer may continue to pay the increased wage or salary until such time as a determination of the challenge is made by the Pay Board.

Pay adjustments in the building and construction trades, regardless of the number of employees affected and regardless of when agreed upon, must be prenotified to and approved by the Construction Industry Stabilization Committee under criteria established by the Board.

III—Q. Can retroactive wage increases be paid?

A. Pay Board approval is required for any retroactive increases covering services performed during the freeze period. This approval is not automatic.

IV.—Q. What is the definition of wages and salaries?

A. Wages and salaries is broadly defined to include cash payments, fringe benefits and all forms of direct and indirect remuneration. The definition does not include items which are not reasonably subject to valuation nor payments made under public plans such as Social Security.

V.—Q. Are any employees excluded?

A. Federal employees whose pay is governed by federal law and employees paid at less than the federal minimum wage standard, currently $1.60 per hour, are excluded from the application of the wage and salary standards.

VI.—Q. Does the 5.5% standard apply to each individual?

A. No. It will apply to the average *increase* granted in an appropriate employee unit.

VII.—Q. What is meant by appropriate employee unit?

A. The appropriate employee unit for the measurement of changes in wage and salary levels is a group composed of employees in a bargaining unit or recognized employee categories in a plant or other establishment, or in a department thereof, or in a company, or in an industry, as best adapted to preserve contractual or historical relationships.

XUM

VIII.—Q. Are longevity increases counted as part of the 5.5% standard?

A. Longevity increases and automatic progression within a rate range are allowed to go into effect after November 13, 1971 according to the terms of plans, agreements, or established practices in existence prior to November 14, 1971, without regard to the 5.5% general wage standard.

IX.—Q. Are smaller employers required to get Pay Board approval before putting wage and salary increases into effect?

A. Pay adjustments involving less than 1,000 employees do not require prenotification or reporting of a wage or salary increase. However, the employer must adhere to the 5.5% general wage and salary standard in granting increases.

Pay adjustments in the building and construction trades, regardless of the number of employees affected, must be prenotified to and approved by the Construction Industry Stabilization Committee.

ECONOMIC STABILIZATION—QUESTIONS AND ANSWERS No. 2

The attached questions and answers are issued by the Economic Stabilization Program of the Internal Revenue Service as a further explanation of decisions and regulations issued by the Cost of Living Council and the Price Commission.

QUESTIONS AND ANSWERS

Q. May a firm with a loss in its base period raise its prices to create a projected profit?

A. The general rules of the Price Commission make no provision for a firm in a loss position during the base period, but the Price Commission will consider any such situation and determine whether it justifies special relief. In addition, more specific guidelines will soon be issued.

Q. Do the economic controls apply to college tuition charges?

A. Yes, tuition, as well as room and board are covered.

Q. Must a company which is a prenotifying firm also submit quarterly reports to the Price Commission?

A. Yes.

Q. May individual health insurance premiums be raised if based on a formula in a contract in effect prior to the imposition of economic controls where the formula reflects only changed conditions of risk (e.g. number of claims)?

A. Yes, premium increases based on a formula in a preexisting contract which reflects only changed condtions of risk may be applied normally.

Q. If a corporate parent and its subsidiaries are located in different IRS districts, where should requests for rulings or information be filed?

A. All inquiries, ruling requests, etc. should go to the IRS District Director in the district where the parent corporation is located.

Q. Service charges such as utility, parking meter and bridge tolls were subject to Phase I while licenses and fines such as vehicle licenses and parking tickets were exempt. Does the same situation apply to Phase II?

A. Yes. Unless specifically altered by regulation or published rulings, policy rulings issued by the Cost of Living Council and interpretations isued by the Office of Emergency Preparedness continue to be applicable after November 13, 1971.

ALCOHOLISM—TO HEAL AND NOT TO PUNISH

Mr. JAVITS. Mr. President, I want to express by admiration of the Attorney General of the United States for his forward-looking leadership respecting alcoholism. It is a subject that has concerned me since I introduced, with Senator Moss of Utah, more than 10 years ago the first "Alcoholism Care and Control Act."

Last night at a testimonial dinner honoring Mr. R. Brinkley Smithers for his outstanding leadership and dedication to the conquest of alcoholism and his significant contributions to the development of the Comprehensive Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91-616, which the Senator from Iowa (Mr. HUGHES) and I introduced with the cosponsorship of more than half the Senate, the distinguished Attorney General of the United States was the guest speaker. Attorney General Mitchell's views on alcoholism, as America's chief law enforcement official, mark him as a pioneer in our Nation's efforts to combat alcoholism. I ask unanimous consent that the complete text of an address by John N. Mitchell, Attorney General of the United States, entitled "To Heal, and Not To Punish" at a testimonial dinner honoring R. Brinkley Smithers, be inserted in the RECORD at the conclusion of my remarks.

The Attorney General said about the problem—which has aroused all this justified concern, for the dimensions of alcohol abuse are enormous—in New York alone there are an estimated 800,000 alcoholics—"that alcoholism as such is not a legal problem—it is a health problem."

The Attorney General described his concern with the present court system of handling alcoholism as "a revolving door" and that the system is, and I quote, "absolutely ineffective as a lesson or deterrent." I commend the remarks of the Attorney General John N. Mitchell to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TO HEAL, AND NOT TO PUNISH

It is a privilege to be asked to participate in this banquet honoring Brinkley Smithers. I have known and admired him for many years, and I am delighted to be able to say so to this audience tonight. I'm also pleased to bring him the good wishes of the President of the United States, who is thoroughly aware and appreciative of his leadership in the movement to control alcoholism.

I believe it is fair to say that no person in the history of this movement has approached Brinkley Smithers in the generosity of his support. Through the Christopher D. Smithers Foundation, which he founded in honor of his father in 1952, he has made repeated gifts to this cause over the past two decades.

Last July he made a personal grant of $10,000,000 to Roosevelt Hospital in New York City for treatment and rehabilitation of alcoholics. This is the largest single gift ever made in this field, and I do not except even the various grants made in recent years by the Federal Government. I must confess that when I first read about this magnificent grant I thought some typesetter might have inadvertently added a cipher or two. It is a most extraordinary example of dedication to a cause, even by the generous standards of Brinkley Smithers.

Nor have the contributions of our honored guest been confined to financial values. He has given just as unstintingly of his own time and energies. If you read a list of the national and New York organizations to combat alcoholism, you will almost be reading a list of the organizations that he has founded or headed.

So I must say tonight, without fear of contradiction in this assembly of experts on the subject, that among the many world leaders in the crusade against alcoholism, no one casts a longer shadow than Brinkley Smithers.

The other reason I am happy to be here is that it gives me the chance to talk about an aspect of alcoholism that I feel needs to be addressed by a law enforcement official.

I refer to the fact, acknowledged now by all professionals in the field, that alcoholism as such is not a legal problem—it is a health problem. More especially, simple drunkenness *per se* should not be handled as an offense subject to the processes of justice. It should be handled as an illness, subject to medical treatment.

Now, this may seem fairly obvious to most of you here in this room, who are thoroughly informed on this subject. But it is not generally recognized throughout the country.

In all but a few of the states in the Union, public drunkenness is an offense punishable by a fine or jail sentence or both.

In other words, our knowledge in the field far surpasses our action. The result is that in most of the cases which come to public attention, a major disease is not being treated by doctors, therapists or medical technicians. The disease is being treated by policemen, judges, and jailers.

This is no reproach to the latter group of professionals, many of whom know from distressing experience that this system is wrong. It is a serious misuse of their time, abilities and resources. It is likewise a failure to use the skills of the medical practitioners who are the ones qualified for this work. And it is a desperate injustice to the victims of the disease.

I feel strongly about this situation partly because of its unnecessary drain on the resources of the criminal justice system. At least one-third of all arrests in the United States are for public drunkenness. In some cities the proportion runs as high as three-fourths. The commitment of police on the street and for processing at the station house, the commitment of jail space and facilities, the commitment of time by judges, court administrators and courtrooms—all this constitutes an enormous drain on a justice system that is already overtaxed by felony cases. This misuse of tax-supported resources is bad enough, and constitutes a problem crying out for solution.

But still more important is the fact that this system is absolutely ineffective as a lesson or deterrent. Those who have witnessed the arraignment of drunk arrests in the lower courts of any large city can testify that it is, indeed, a revolving door. A study in Los Angeles showed that in a given year about one-fifth of the people arrested for drunkenness accounted for two-thirds of the total drunk arrests. In one typical case in another city, a homeless alcoholic was arrested every other day that he appeared on the street over a four-month period.

The so-called "drying out" accomplished during such overnight jail terms has not, to anyone's knowledge, ever reformed an alcoholic. It has often, however, contributed further to any health infirmity he might have been suffering from, and has demeaned him still further with overcrowded conditions devoid of the barest human facilities.

In the process it has also demeaned the courts and the administration of American justice. Drunk arrests in big cities are often, if not usually, brought before the judge *en masse*—10 to 20 at a time. The typical defendant is almost never represented by counsel, which means that the procedures are often perfunctory, without any real consideration of guilt or innocence.

It is not surprising that many if not most of the policemen and judges involved know full well that this system is a distortion of legal processes. But in most localities they also know that it is all we have for dealing with public alcoholism. They therefore tend to develop a benevolent paternalism toward their charges—taking care of them the best they can within the limits of their authority and resources. It would be the same if the police and the judges were forced by law to take care of accident victims; as compassionate human beings they would do their best, but they could not help knowing that the system was senseless.

So we cannot blame the police or the courts for the system, and in many cases we must commend them for making the best of a bad situation. The blame must be faced by the public at large, which after all is the master of its own government. And if the public is unaware of this gross injustice, then it is the public that needs to be educated.

Fortunately, as many of you know, progress has been made in recent years. In 1966 the District of Columbia Circuit of the United States Court of Appeals ruled in the *Easter* case that the public drunkenness of a homeless alcoholic was involuntary. Therefore, he could not be held accountable before the law. In the same year another Appellate Court made a somewhat similar ruling in the *Driver* case.

In 1967 the United States Supreme Court heard a similar case— *Powell* v. *Texas*. While it ruled that the defendant was accountable for being drunk in public because he did have a home to go to, a majority of the justices also expressed an opinion that coincided with that of the two appellate decisions—that a homeless alcoholic is not accountable for his act.

The important point is that the courts have decided what the experts had been saying for years—that alcoholism in itself is involuntary and therefore is not a legal offense in the ordinary sense.

Unfortunately, these cases have not been heeded as they should be, and the constitutionality of the related laws in most states has not been challenged.

However, the court rulings were taken into account by two commissions investigating the criminal justice system—the District of Columbia Crime Commission and the United States Crime Commission. They both reported in 1967 that public intoxication should be treated by public health services rather than as a criminal offense.

In turn, these recommendations influenced Congressional thinking, and new laws were forthcoming to establish this change of policy in the District of Columbia and encourage it in the states. Thoroughly associated with much of this legislation is the name of Senator Harold E. Hughes of Iowa, who of course is with us tonight. Among other things, the latest Federal legislation established an Institute on Alcohol Abuse and Alcoholism, within the Department of Health, Education, and Welfare. President Nixon has shown his deep interest in this organization by asking for and receiving from Congress an additional seven million dollars of health initiative funds for its work.

At the same time, the court cases and the Crime Commission recommendations have been noticed by the legislatures of a few states. They have changed their laws to provide for health treatment of one kind or another, and some of them have repealed the legal sanctions against alcoholism. But the rest of the states and most of the localities have not yet responded, although some legislatures are considering the matter. Throughout most of the country the situation remains as archaic as ever.

In fact, even in some states where the approach has been changed, new questions have arisen.

What is the role of a policeman?

If he can no longer make a drunk arrest, can he forcibly remove a subject to a health care center?

If the subject cannot be incarcerated, can he be committed to any kind of treatment against his will?

Fortunately, answers to some of these questions have recently been offered by several commissions that have carefully drawn up proposed model state laws on the subject. The latest and most important is the work of the National Conference of Commissioners on Uniform State Laws, which adopted a Uniform Alcoholism and Intoxication and Treatment Act last August. Among many other provisions are the following:

First, a person appearing to be incapacitated by alcohol must be taken into protective custody—not an arrest—by the police or a special emergency service patrol. He is to be taken to a public health facility for emergency treatment.

Second, if the subject has inflicted physical harm on another or may do so, he may be committed for emergency treatment for up to five days on the certificate of an independent physician.

Third, for a longer period up to 30 days, and with extensions for a maximum of seven months, his commitment must be made by a court.

So as a result of developments in the past five years we have made several important strides.

We have won an opinion from the courts that alcoholism in itself is involuntary, and should not be subject to legal sanction.

We have secured legislation by Congress and by a few states supporting this principle and establishing civil medical treatment as an alternative.

We have a carefully drawn uniform law on the subject that can serve as a model for the states. And I would note the fact that the Commission drawing up this Act is composed of a representative from each state, and he is obligated to see that the act is introduced in his legislature.

Finally, we have gained enough experience from the operation of forward-looking laws in the District of Columbia and some of the states to uncover some sound operating principles.

For instance, we know that it does little good to remove alcoholism from the purview of the law if you do not substitute a full-dress medical treatment—not only a detoxification process, but a thoroughgoing program aimed at recovery from the illness of alcoholism.

Again, the program must include the closest cooperation and communication starting at the top level between the public health officials and law enforcement officials. The police must have an understanding that their role continues—not in an arresting capacity, but in one of helping subjects to the designated health center, voluntarily if possible, involuntarily if necessary.

Finally, the program must make a strong appeal to voluntary enrollment. We know that the street alcoholic who in the past has been the subject of most drunk arrests actually represents only from 3 to 5 percent of the alcoholics in this country—what we might call the tip of the iceberg. We know that some of the others who may still be living in a home environment do account for many of the arrests—perhaps one-third, as the Los Angeles survey seems to indicate. It is not only to these, but to the many more who are not arrested, that the civil treatment program must appeal if we are to reach the rest of the iceberg.

With these kinds of guidelines, and with the opportunities we now see ahead, we can perhaps venture some real hope in a field that for too long has been marked by frustration. Through the processes now at work, the public itself may come to realize that our task is not to punish, but to heal. And in such a climate of belief, the work of people like Brinkley Smithers will be assisted, not by a relative few, but by all.

THE ENVIRONMENTAL CRISIS

Mr. HATFIELD. Mr. President, as legislators, we have had to look at many different aspects of our environmental crisis, and we have heard many theories which attemp to explain the cause of this crisis.

At a recent hearing on ocean dumping of the Senate Commerce Committee of which I am a member, Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University, gave one of the most impressive analyses of the environmental crisis that I have heard.

Dr. Commoner states that, since World War II, our growth pattern has become "counter ecological." This does not mean that technological growth is bad, but that the environmental impacts which have occurred in the United States since 1946 result from the introduction of new productive technologies which generate more severe environmental impacts than the technologies which they replace. In other words, we have made poor choices, and these choices are made because of the higher profits available from the new products. Environmental costs, however, are not included in the prices of these goods. For example, aluminum offers a much higher profit than lumber. But aluminum has a "pollution price tag" which is approximately 10 times higher than the pollution price tag for wood.

Besides writing "The Closing Circle," which was recently published, Dr. Commoner gave the keynote address before the Council of Europe's Second Symposium of Members of Parliament Specialists in Public Health. Dr. Commoner further expounds his theory on the origins of the environmental crisis in his speech, and I ask unanimous consent that it be printed in the RECORD. This is extremely interesting reading, and I commend it to the attention of the Senate.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ORIGINS OF THE ENVIRONMENTAL CRISIS

(By Barry Commoner)

It is now widely appreciated that the world is face to face with an environmental crisis. We now know that environmental pollution is not only an affront to the senses and a threat to human health. More seriously, environmental degradation is a sign that the global ecosystem—which supports all life and all human activities—is under stresses which, if not relieved, will eventually destroy it. We now know the full, grim truth: what is at risk in the environmental crisis is human survival.

Clearly every inhabitant of the earth ought to have an equal interest in the integrity of the environment. However, in reality there are sharp differences in national attitudes toward the issue. Especially in relation to the forthcoming 1972 United Nations Conference on the Human Environment, a striking conflict between the attitudes of industrialized and developing nations toward the environmental crisis has developed. This divergence is understandable. Three main

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factors are involved in environmental pollution: growth of population; increased affluence, or production per capita; the introduction of new technology. The conflict has arisen because each of these factors has a sharply different import for industrialized and developing nations.

A commonly voiced—and, as I shall try to show, largely erroneous—idea is that environmental pollution is chiefly due to the pressure of growing population and affluence on the limited resources available from the ecosystem. On these grounds it is often asserted that control of population growth and reduction in per capita consumption are essential if environmental collapse is to be avoided. This is a foreboding outlook for the developing nations, which are struggling to sustain rapidly rising populations, and to increase the exceedingly low levels of consumption of their peoples.

At the same time, it is pointed out that environmental deterioration is also the consequence of modern production technologies, which, as presently designed, release massive amounts of pollutants into the environment. On these grounds developing nations are sometimes advised to be wary of modern industrialization. This advice conflicts with their intense desire to bring to their peoples the material advantages which have already accrued to industrialized nations from technology.

Given such a view of the origins of the environmental crisis, the interests of industrialized and developing nations toward environmental problems do appear to be in sharp conflict. If unresolved, this conflict may have tragic effects on the urgent and difficult task, which is essential to the welfare of both industrialized and developing nations, of closing the growing gap between the quality of life enjoyed by the rich and the poor, wherever they live.

However, I believe that this conflict reflects a faulty analysis of the environmental crisis. In the analysis which follows I shall try to show why the effects of population growth and increased affluence on environmental deterioration have been seriously misconstrued and that these factors need not hinder the legitimate desire of developing countries to improve the lot of their people. Moreover, I shall propose that a fundamental solution of the environmental crisis will require that the present technological dependence of developing nations on industrialized ones be reversed in certain significant respects. Like the ecosystem itself, the environmental crisis is a global problem which demands global solutions.

In order to analyze the origins of environmental degradation it is essential to begin with an understanding of the properties of the environment. These may be summarized as follows:

THE ECOSPHERE

(1) The environment is defined as a system comprising the earth's living things and the thin global skin of air, water and soil which is their habitat.

(2) In nature, this system, the ecosphere, is the product of the joint, interdigitated evolution of living things and of the physical and chemical constituents of the earth's surface. On the time scale of human life the evolutionary development of the ecosphere has been very slow and irreversible. Hence, the ecosphere is irreplaceable; if it should be destroyed, it could never be reconstituted or replaced either by natural processes or by human effort.

(3) The basic functional element of the ecosphere is the ecological cycle, in which each separate element influences the behavior of the rest of the cycle, and is in turn itself influenced by it. For example, in surface waters fish excrete organic waste, which is converted by bacteria to inorganic products; in turn, the latter are nutrients for algal growth; the algae are eaten by the fish, and the cycle is complete. Such a cyclical process accomplishes the self-purification of the ecosystem, in that wastes produced in one step in the cycle become the necessary raw materials for the next step. Such cycles are cybernetically self-governed, dynamically maintaining a steady state condition of indefinite duration. However if sufficiently stressed by an external agency, the ecosystem may exceed the limits of self-adjustment and eventually collapse. Thus, if the aquatic cycle is overloaded with organic animal waste, the amount of oxygen needed to support waste decomposition by the bacteria of decay may be greater than the oxygen available in the water. The oxygen level is then reduced to zero; lacking oxygen, the bacteria die and this phase of the cycle stops, halting the cycle as a whole.

(4) Human beings are dependent on the ecosphere not only for their biological requirements (oxygen, water, food) but also for resources which are essential to all productive activities. These resources, together with underground minerals, are the irreplaceable and essential foundation of all human societies.

(5) If we regard economic processes as the means which govern the disposition and use of resources available to human society, then it is evident from the above that the continued availability of those resources which are derived from the ecosphere (i.e., non-mineral resources), and therefore the stability of the ecosystem, is an essential prerequisite for the success of any economic system. More bluntly, any economic system which hopes to survive must be compatible with the continued operation of the ecosystem.

(6) Because the turnover rate of an ecosystem is inherently limited, there is a corresponding limit to the rate of production of any of its constituents. Different segments of the global ecosystem (e.g., soil, fresh water, marine ecosystems) operate at different intrinsic turnover rates and therefore differ in the limits of their productivity. On purely theoretical grounds it is self-evident that any economic system which is impelled to grow by constantly increasing the rate at which it extracts wealth from the ecosystem must eventually drive the ecosystem to a state of collapse. Computation of the rate limits of the global ecosystem or of any major part of it are, as yet, in a rather primitive state. Apart from the foregoing theoretical and as yet unspecified limit of economic growth, such a limit may arise much more rapidly if the growth in the output of goods by the economic system is dependent on productive technologies which are especially destructive of the stability of the ecosystem. As will be shown below this is precisely the situation in a modern, industrialized country such as the United States.

(7) Unlike all other forms of life, human beings are capable of exerting environmental effects which extend, both quantitatively and qualitatively, far beyond their influence as biological organisms. Human activities have also introduced into the environment not only intense stresses due to natural agents (such as ecologically-misplaced bodily wastes), but also wholly new substances not encountered in natural environmental processes: artificial radioisotopes, detergents, pesticides, plastics, a variety of toxic metals and gases, and a host of man-made, synthetic substances. These human intrusions on the natural environment have thrown major segments of the ecosystem out of balance.

(8) Environmental pollution is the symptom of the resultant breakdown of the environmental cycles. The fouling of surface waters is largely the result of overloading the natural, limited cycle of the aquatic ecosystem either by direct dumping of organic matter, in the form of sewage and industrial wastes, or indirectly by the release of algal nutrients produced by waste treatment, or leached from over-fertilized soil. Water pollution is a signal that the natural, self-purifying aquatic ecological cycle has broken down. Similarly, air pollution is a sign that human activities have overloaded the self-cleansing capacity of the weather system to the point at which the natural winds, rain, and snow are no longer capable of cleaning the air. The deterioration of the soil shows that the soil system is being overdriven, that organic matter, in the form of food is being extracted from the cycle at a rate which exceeds the rate of rebuilding of the soil's humus. The technical expedient of attempting to evade this problem by loading the soil with inorganic fertilizer is capable of restoring the crop yield—but at the expense of increasing pollution of the water and the air.

Pollution by man-made synthetics, such as pesticides, detergents and plastics, and by the dissemination of materials not naturally part of the environmental system, such as lead and mercury, is a sign that these materials cannot be accommodated by the self-purifying capabilities of the natural system. As a result they accumulate in places harmful to the ecosystem and to man.

THE POLLUTION PROBLEM

The environmental crisis tells us that there is something seriously wrong with the way in which human beings have occupied their habitat, the Earth. It confronts us with the need to specify what has gone wrong and why. Clearly, the fault must be due to *human* activities: the growth of population, the nature of science and technology, the means of producing, accumulating, distributing and using the wealth extracted from the earth's natural system. For no one has argued, to my knowledge, that the recent intensification of pollution on the earth is the result of some change in the natural sector, independent of man. Indeed the few remaining areas of the world that are relatively untouched by the powerful hand of man are, to that degree, free of amog, foul water and deteriorating soil. We must seek, then, to account for environmental deterioration by finding its functional relationship to human activities on the earth.

One explanation that is sometimes advanced is that man is a "dirty" animal—that unlike other animals man is likely to "foul his own nest." Somehow, according to this view, man lacks other animals' tidy nature, so that environmental pollution increases with the growth of the human population.

This explanation is basically faulty, for the "neatness" of animals in nature is not the result of their own sanitary activities. On the contrary, no animal, or any other living thing, for that matter, acts on its own wastes. What removes these wastes is the activity of other living things, which use them as nutrients. The reason why wastes do not accumulate in a natural non-human situation is that there are no "wastes" in the sense that everything produced by one type of animal, plant or micro-organism is used by some other living thing. As long as these cyclical relations remain unbroken, no substance, no waste can accumulate. Human beings pollute the environment only because their activities have broken out of the closed, cyclical network in which all other living things are held.

Indeed, at least on the relatively short time-scale that is involved in our present pollution problems, no living thing that is itself part of an ecosystem can possibly degrade it for the system's circularity enables it to adjust, automatically, to changes that arise from within. It is stressed, or polluted, usually by an outside agency.

Thus, so long as human beings held their place in the terrestrial ecosystem—consuming food produced by the soil, oxygen released by plants, returning organic wastes to the soil and carbon dioxide to the plants—they could do relatively little ecological harm. However, once removed from this

cycle, for example to a city, so that bodily wastes are not returned to the soil but to surface water, the population is separated from the ecosystem of which it was originally a part. Now the wastes become an *external* stress on the aquatic system into which they intrude, overwhelm the system's self-adjustment, and pollute it. Environmental pollution is therefore generated not so much by human *biological* activities, as by human *social* activities; agriculture, industry, transportation and urbanization—which greatly distort the impact of man's biological effects on a multiplicity of natural cycles, and introduce, as well, a number of unnatural effects.

Certain human activities, for example, agriculture, forestry and fishing, represent direct exploitation of the productivity of a particular ecosystem. In these cases, a constituent of the ecosystem which has economic value—for example, an agricultural crop, timber or fish—is withdrawn from the ecosystem. This represents an external drain on the system which must be carefully adjusted to natural and man-made inputs to the ecosystem if collapse is to be avoided. Examples include the destructive erosion of agricultural or forest lands following overly-intense exploitation, or the incipient destruction of the whaling industry due to the extinction of whales.

Environmental stress may also arise if the amount of a particular ecosystem component is deliberately augmented from without, either to dispose of human waste or in an effort to accelerate the system's rate of turnover and thereby increase the yield of an extractable good. An example of the first sort is the dumping of sewage into surface waters. An example of the second sort is the use of fertilizer nitrogen in agriculture.

Finally, environmental degradation may be due to the intrusion into an ecosystem of a substance wholly foreign to it. Perhaps the simplest example is a synthetic plastic, which unlike natural polymers is incapable of being degraded by decoy micro-organisms, and therefore persists as rubbish or is burned—in both cases causing pollution. In the same way, if a toxic substance such as mercury or lead, which plays no role in the chemistry of life and interferes with the actions of substances which do, intrudes at a sufficient concentration on an ecosystem it is bound to cause damage. Hence, any productive activity which introduces substances that are foreign to the natural environment runs a significant risk of polluting it.

THE ORIGINS OF ENVIRONMENTAL IMPACTS

Our task, then, is to discover what activities of human society generate *environmental impacts*—that is, pollutants foreign to the eco-system which tend to degrade its capacity for self-adjustment.

In what follows, I wish to report the results of an initial effort in this direction, which is based on an analysis of the environmental situation in one of the most intensely polluted areas of the globe—the United States.[1] In the United States most pollution problems are of relatively recent origin. The post-war period, 1945–46, is a convenient benchmark, for a number of pollutants—man-made radioisotopes, detergents, plastics, synthetic pesticides and herbicides—are due to the emergence, after the war, of new productive technologies. The statistical data available for this period in the United States provide a useful opportunity to compare the changes in the levels of various pollutants with the concurrent activities of the United States productive system that might be related to their environmental effects.

Although, unfortunately, we lack sufficient comprehensive data on the actual environmental levels of most pollutants in the United States, some estimates of historical changes can be made from intermittent observations, and from computed data on emissions of pollutants from their sources. Some of the available data are summarized in Table I, which indicates that since 1946, emissions of pollutants have increased by 200–2000%. In the case of phosphate, which is a pollutant of surface waters, and enters mainly from municipal sewage, data on the long term trends are available; these are shown in Figure 1.[2] In the 30-year period between 1910 and 1940 phosphorus output from municipal sewage increased gradually from about 17 million lbs./year to about 40 million lbs./year. Thereafter the rate of output rose rapidly; so that in the 30-year period 1940–1970 phosphorus output increased to about 302 million lbs./year.

It should be noted that these are data regarding the computed *emission* of pollutants, which are not necessarily descriptive of their actual concentrations in the environment or of their ultimate effects on the eco-systems or on human health. Numerous, complex and interrelated processes intervene between the entry of a pollutant into the eco-system and the expression of its biological effect. Moreover, two or more pollutants may interact synergistically to intensify the separate effects. Most of these processes are still too poorly understood to enable us to convert the amount of a pollutant entering an eco-system to a quantitative estimate of its degradative effects. Nevertheless it is self-evident that these effects (such as the incidence of respiratory disease due to air pollutants or of algal overgrowths due to phosphate and nitrate) have increased sharply, along with the rapid rise of pollutant levels, since 1946. Since pollutant emission is a direct measure of the activity of the source, it is a useful way to estimate the contributions of different sources to the overall degradation of the environment.

If we define the amount of a given pollutant introduced annually into the environment as the *environmental impact* (I), it then becomes possible to relate this value to the effects of three major factors that might influence the value of I by means of the following identity:

$$I = \text{Population} \cdot \frac{\text{Economic Good}}{\text{Population}} \cdot \frac{\text{Pollutant}}{\text{Economic Good}}$$

Here *Population* refers to the size of the United States population in a given year, *Economic Good* refers to the amount of a designated good produced (or where appropriate, consumed) during the given year, and *Pollutant* refers to the amount of a specific pollutant (defined as above) released into the environment as a result of the production (or consumption) of the designated good, during the given year. This relationship enables the estimation of the contribution of three factors to the total environmental impact: (a) the size of the population; (b) production (or consumption) per capita, i.e., "affluence;" (c) the environmental impact (i.e., amount of pollutant) generated per unit of production (or consumption), which reflects the nature of the productive technology.

Since we are concerned with identifying the sources of the sharp increases in the environmental impacts experienced in the United States in the period 1946-present, it becomes of interest to examine the concurrent changes in the nation's productive activities. The most general data relevant to these changes are presented in Figure 2. In the period 1946–68 United States population has increased, at an approximately constant rate by about 42%; GNP (adjusted to 1958 dollars) has increased exponentially by about 126% in that period; GNP per capita has also increased approximately exponentially by about 59%.

We can see at once that, as a first approximation, the contribution of population growth to the overall values of the environmental impacts generated since 1946 is of the order of 40%. In most cases, this represents a relatively small contribution to the total environmental impact, since as indicated in Table I, these values increased by 200–2000%, in that period of time.

In order to evaluate the effects of the remaining factors it is useful to examine the growth rates of different sectors of the productive economy. For this purpose a series of productive activities which are likely to contribute significantly to environmental impact and are representative of the overall pattern of the economy have been selected. From the annual production (or where appropriate, consumption) data for the United States as a whole, which are available from government statistical reports, the annual percentage rates of increase or decrease are calculated, by computer. The results of these computations are presented in Figure 3, from which it is possible to derive certain useful generalizations about the pattern of economic growth, which are relevant to environmental impacts, in the United States.

(a) Production and consumption of certain goods have increased at an annual rate about equal to the annual rate of increase of the population, so that *per capita* production remains essentially unchanged. This group includes food, fabric and clothing, major household appliances and certain basic metals and building materials, including steel and copper, and brick. In effect, with respect to these basic items average "affluence," i.e., per capita production (or consumption) has remained essentially unchanged in 1946–68.

(b) The annual production of certain goods has decreased since 1946, or has increased at an annual rate below that of the population. Horsepower produced by work animals is the extreme case; it declined at an annual rate of about 10%. Other items in this category are: saponifiable fat, cotton fiber, wool fiber, lumber, milk, railroad horsepower, and railroad freight. These are goods which have been significantly displaced in the pattern of production during the course of the overall growth of the economy. Cultivated farm acreage also declined in this period.

(c) Among the productive activities which have increased at an annual rate in excess of that exhibited by the population, the following classes can be discerned:

(i) Certain of the rapidly increasing productive activities are substitutes for activities that have declined in rate, relative to population. These generally represent technological displacement of an older process by a newer one, with the sum of goods produced remaining essentially constant, per capita, or increasing somewhat. These displacement processes include the following: (a) natural fibers (cotton and wool) by synthetic fibers; (b) lumber by plastice; (c) soap by detergents; (d) steel by aluminum and cement; (e) railroad freight by truck freight; (f) harvested acreage by fertilizer; (g) returnable by non-returnable bottles.

(ii) Certain of the rapidly growing productive activities evident in Fig. 3 are secondary consequences of displacement processes. Thus the displacement of natural products by synthetic ones involves the use of much increased amounts of synthetic organic chemicals, so that, this category has increased sharply. Moreover, since many organic syntheses require chlorine as a reagent, the rate of chlorine production has also increased rapidly. Finally, because chlorine is efficiently produced in a mercury electrolytic cell, the use of mercury for this purpose has also increased at a very considerable rate. Similarly, the rapidly rising rate of power utilization is, in part, a secondary consequence of certain displacement processes, for a number of the new technologies are more power-consumptive than the technologies which they replace.

(iii) Finally, among the rapidly growing

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productive activities evident in Fig. 3 are some which represent neither displacements of older technologies, nor sequelae to such displacements, but true increments in per capita availability of goods. An example of this category is consumer electronics (radios, television sets, sound equipment, etc.). Such items represent true increases in "affluence."

In sum, the pattern of growth in the United States economy in 1946–68 may be generalized as follows. Basic life necessities, representing perhaps ½ of the total GNP, have grown in annual production at about the pace of population growth, so that no significant overall change in *per capita* production has taken place in this period. However, within these general categories of goods—food, fiber and clothing, freight haulage, household necessities—there has been a pronounced displacement of natural products by synthetic ones, of power-conservative products by relatively power-consumptive ones, of reusable containers by "disposable" ones.

Given the foregoing data we can now determine the relative costs, in intensity of environmental impact, of the several distinctive features of the growth of the United States economy from 1946 to the present. An examination of this question reveals that most of the sharp increases in environmental impact which have occurred in the United States since 1946 result from the introduction of new productive technologies which generate more severe environmental impacts than the technologies which they replace. The relevant data are presented in what follows:

(1) AGRICULTURAL PRODUCTION

As shown in Fig. 3, agricultural production in the United States, as measured by the U.S. Department of Agriculture Crop Index, has increased at about the same rate as the population since 1946. However, the technological methods for achieving agricultural production have changed significantly in that period. One important change is illustrated by Fig. 4, which shows that although agricultural production per capita has increased only slightly, harvested acreage has decreased, and the use of inorganic nitrogen fertilizer has risen sharply. This displacement process—i.e. of fertilizer for land—leads to a considerably increased environmental impact.

Briefly stated the relevant ecological situation is the following.[3] Nitrogen, an essential constituent of all living things, is available to plants in nature from organic nitrogen, stored in the soil in the form of humus. Humus is broken down by bacteria to release inorganic forms of nitrogen, eventually as nitrate. The latter is taken up by the plant roots and reconverted to organic matter, such as the plant's protein. Finally the plant may be eaten by a grazing animal, which returns the nitrogen not retained in the growth of its own body to the soil as bodily wastes.

Agriculture imposes a negative drain on this cycle; nitrogen is removed from the system in the form of the plant crop or of the livestock produced from it. In ecologically sound husbandry all of the organic nitrogen produced by the soil system, other than the food itself—plant residues, manure, garbage—is returned to the soil, where it is converted by complex microbial processes to humus and thus helps to restore the soil's organic nitrogen content. The deficit, if it is not too large, can be made up by the process of nitrogen fixation—in which bacteria, usually in close association with the roots of certain plants, take up nitrogen gas from the air and convert it into organic form. If the nitrogen cycle is not in balance, agriculture "mines" the soil nitrogen, progressively depleting it. This process does more than reduce the store of organic nitrogen available to support plant growth, for humus is not only a nutrient store. Due to its polymeric structure humus is also responsible for the porosity of the soil to air. And air is essential to the soil, not only as a source of nitrogen for fixation, but also because its oxygen is essential to the root's metabolic activity, which in turn is the driving force for the absorption of nutrients by the roots. In the United States, for example in Corn Belt soils, about ½ of the original soil organic nitrogen has been lost since 1880. Naturally, other things being equal, such soil is relatively infertile and produces relatively poor crop yields.

However, beginning after World War II a technological solution was intensively applied to this problem: sharply increasing amounts of inorganic nitrogen were applied to the soil in the form of fertilizer. Annual nitrogen fertilizer usage in the United States increased about 14-fold between 1946 and 1968.

In effect, then, nitrogen fertilizer can be regarded as a substitute for land. With the intensive use of fertilizer it becomes possible to accelerate the turnover rate of the soil ecosystem, so that each acre of soil annually produces more food than before. The economic benefits of this new agricultural technology are appreciable, and self-evident. However, this economic advantage may be counterbalanced by the increased impact on the environment. This arises because, given the reduced humus content of the soil, the plant's roots do not efficiently absorb the added fertilizer. As a result an appreciable part leaches from the soil as nitrate and enters surface waters where it becomes a serious pollutant. Nitrate may encourage algal overgrowths, which on their inevitable death and decay tend to break down the self-purifying aquatic cycle.

Excess nitrate from fertilizer drainage leads to another environmental impact, which may affect human health. While nitrate in food and drinking water appears to be relatively innocuous, *nitrate* is not, for it combines with hemoglobin in the blood, converting it to methemoglobin—which cannot carry oxygen. Unfortunately nitrate can be converted to nitrate by the action of bacteria in the intestinal tract, especially in infants, causing asphyxiation and even death. On these grounds, the United States Public Health Service has established 10 ppm of nitrate nitrogen as the acceptable limit of nitrate in drinking water. In a number of agricultural areas in the United States nitrate levels in water supplies obtained from wells, and in some instances from surface waters have exceeded this limit. Our own studies in the area of Decatur, Illinois show quite directly that in the spring of 1970 when the city's water supply, which is derived from an impoundment of the Sangamon River, recorded 9 ppm of nitrate nitrogen, a minimum of 60% of the nitrate was derived from inorganic fertilizer applied to the surrounding farmland.[4]

The effect of this change in agricultural technology is evident from Table II, which compares the influence of the several relevant factors on the total environmental impact due to fertilizer nitrogen in 1949 and 1968. During that period the total annual use of fertilizer nitrogen, i.e. the total environmental impact, increased 648 percent. The influence of population size increased by 34%; the influence of crop production per capita ("affluence") increased by 11%; the influence of the change in fertilizer technology increased by 405%. Clearly the last factor dominates the large increase in the total environmental impact of fertilizer nitrogen. Specifically, it should be noted that in 1949 about 11,000 tons of fertilizer nitrogen were used *per unit crop production*, while in 1968 about 57,000 tons of nitrogen were employed for the *same* crop yield. This means that the efficiency with which fertilizer nitrogen contributes to crop yield has *declined* 5-fold. Obviously an appreciable part of the added nitrogen does not enter the crop and must appear elsewhere in the ecosystem.

The biological basis for this effect is shown in Figure 5, which compares the corn yield in the State of Illinois, with the concurrent amounts of nitrogen fertilizer added to the soil.[5] This shows that as fertilizer levels increased the yield per acre rose, but eventually leveled off due to the natural limits of plant growth. Thus, between 1962 and 1968, fertilizer usage doubled, but crop yield rose only about 10–15%. Clearly at the higher levels of fertilizer usage an increasingly small proportion of the fertilizer contributes to the crop. As indicated earlier, the remainder leaches into surface waters where it causes serious pollution problems. Thus, this innovation in agricultural technology sharply increases the environmental stress due to agricultural production.

A similar situation exists in the case of pesticides. This is shown by the changes in the environmental impact index of pesticides between 1950 and 1967 (Table III). In that time there was a 168% increase in the amount of pesticides used *per unit crop production*, as a national average. By killing off natural insect predators and parasites of the target pest, while the latter often becomes resistant to insecticides, the use of modern synthetic insecticides tends to exacerbate the pest problems that they were designed to control. As a result *increasing* amounts of insecticides must be used to maintain agricultural productivity. For example, in Arizona insecticide use on cotton tripled between 1965 and 1967, with no significant change in yield. Insecticide usage is, so to speak, self-accelerating—resulting in both a decreased efficiency and an increased environmental impact.

Another technological displacement in agriculture is the increased use of feedlots for the production of livestock in preference to range feeding. Range-fed cattle are integrated into the soil ecosystem; they graze the soil's grass crop and restore nutrient to the soil as manure. When the cattle are maintained instead in huge pens, where they are fed on corn and deposit their wastes intensively in the feedlot itself, the wastes do not return to the soil.

Instead the waste drains into surface waters where it adds to the stresses due to fertilizer nitrogen and detergent phosphate. The magnitude of the effect is considerable. At the present time the organic waste produced in feedlots is more than the organic waste produced by all the cities of the United States. Again, the newer technology has a serious environmental impact, and in this case has displaced a technology with an essentially zero environmental impact.

(2) *Textiles:* Figure 6 describes changes in textile production since 1946. While total fiber production per capita has remained constant, natural fibers (cotton and wool) have been significantly displaced by synthetic ones. This technological change considerably increases the environmental impact due to fiber production and use.

One reason is that the energy required for the synthesis of the final product, a linear polymer (cellulose in the case of cotton, keratin in the case of wool and polyamides in the case of nylon) is greater for the synthetic material. Although quantitative data are not yet available, this is evident from the comparison of two productive processes provided by Table IV. Nylon production involves as many as 10 steps of chemical synthesis, each requiring considerable energy in the form of heat and electric power to overcome the entropy associated with chemical mixtures and to operate the reaction apparatus. In contrast, energy required for the synthesis of cotton is derived, free, from a renewable source—sunlight—and is transferred without combustion and resultant air pollution. Moreover, the raw material for cellulose synthesis is carbon dioxide and water, both freely available renewable resources, while the raw material for nylon synthesis is petroleum or a similar hydrocarbon—non-renewable resources. As a result it would appear that the environmental stress due to the *production* of such an artificial fiber is probably well in excess of that due to the production of an equal weight of cotton. This is only an approximation, for we need far more detailed, quantitative estimates, in the form of the appropriate environmental impact indices, that would also take into account the fuel and other materials used in the production of cotton.

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Because a synthetic fiber such as nylon is unnatural, it also has a greater impact on the environment as a waste material, than do cotton or wool. The natural polymers in cotton and wool, cellulose and keratin, are important constituents of the soil ecosystem. Through the action of molds and decay bacteria they contribute to the formation of humus—a substance which is essential to the natural fertility of the soil. In this process cellulose is readily broken down in the soil ecosystem. Thus, in nature, cellulose and keratin are simply *not* "wastes", because they provide essential nutrients for soil microorganisms. Hence they cannot accumulate.

This results from the crucial fact that for every polymer which is produced in nature by living things, there exist in some living things enzymes which have the specific capability of degrading that polymer. In the absence of such an enzyme the natural polymers are quite resistant to degradation, as evident from the durability of fabrics which are protected from biological attack.

The contrast with synthetic fibers is striking. The structure of nylon and similar synthetic polymers is a human invention and does not occur in natural living things. Hence, unlike natural polymers, synthetic ones find no counterpart in the armamentarium of degradative enzymes in nature. Ecologically, synthetic polymers are literally indestructible. Hence, every bit of synthetic fiber or polymer that has been produced on the earth is either destroyed by burning—and thereby pollutes the air—or accumulates as rubbish. One result, according to a recent report, is that microscopic fragments of plastic fibers often red, blue or orange, have now become common in certain marine waters.[6] For technological displacement has been at work in this area too; in recent years natural fibers such as hemp and jute have been nearly totally replaced by synthetic fibers in fishing operations. A chief reason for this use of synthetic fibers is that they resist degradation by molds, which, as already indicated readily attack cellulosic net materials such as hemp or jute. Thus, the property which enhances the economic value of the synthetic fiber over the natural one—its resistance to biological degradation—is precisely the property which increases the environmental impact of the synthetic material.

(3) DETERGENTS

Figure 7 shows that synthetic detergents have largely replaced soap in the United States as domestic and industrial cleaners, with the total production of cleaners per capita remaining essentially unchanged. Soap is based on a natural organic substance, fat, which is reacted with alkali to produce the end product. Being a natural product, fat is extracted from an ecosystem (for example that represented by a coconut palm plantation), and when released into an aquatic ecosystem after use, soap is readily degraded by the bacteria of decay. Since most municipal wastes in the United States are subjected to treatment which degrades organic waste to its inorganic products, in actual practice the fatty residue of soap wastes is degraded by bacterial action within the confines of a sewage treatment plant. What is then emitted to surface waters is only carbon dioxide and water. Hence, there is little or no impact on the aquatic ecosystem due to biological oxygen demand (which accompanies bacterial degradation of organic wastes) arising from soap wastes. Nor is the product of soap degradation, carbon dioxide, usually an important ecological intrusion since it is in plentiful supply from other environmental sources, and in any case is an essential nutrient for photosynthetic algae. Hence, as compared with soap the production of synthetic detergents is a more serious source of pollution.

Once used and released into the environment in waste, detergents generate a more intense environmental impact than a comparable amount of soap. Soap is wholly degradable to carbon dioxide, which is usually rather innocuous in the environment. In contrast even the newer detergents which are regarded as degradable because the paraffin chain of the molecule (being unbranched, in contrast with the earlier non-degradable detergents) is broken down by bacterial action, nevertheless leave a residue of phenol which may not be degraded and may accumulate in surface waters. Phenol is a rather toxic substance, being foreign to the aquatic ecosystem.

Unlike soap, detergents are compounded with considerable amounts of phosphate in order to enhance their cleansing action and as a water softener. Phosphate may readily induce water pollution by stimulating heavy overgrowths of algae, which on dying release organic matter into the water and thus overburden the aqueous ecosystem. Figure 8 shows that nearly all of the increase in sewage phosphorus in the United States can be accounted for by the phosphorus content of detergents. Since soap, which has been displaced by detergents, is quite free of phosphate the environmental impact due to phosphate is clearly a consequence of the technological change in cleaner production.

The change in the environmental impact index of phosphate in cleaners between 1946 and 1968 is shown in Table V. In this period the overall environmental impact index increased 1845%. The increase in the effect of population size was 42%; the effect of per capita use of cleaners does not change; the technological factor, i.e., that due to the displacement of phosphate-free soap by detergents containing an average of about 4% phosphorus, increased about 1270%. The relative importance of this change in cleaner technology in intensifying environmental impact is quite evident.

(4) SECONDARY ENVIRONMENTAL *EFFECTS* OF TECHNOLOGICAL DISPLACEMENTS

Increased production of synthetic organic chemicals leads to intensified environmental impacts in several different ways. This segment of industry has heavy power requirements; in contributing to increased power production the industry adds as well to the rising levels of air pollutants that are emitted by power plants. In addition organic synthesis releases into the environment a wide variety of reagents and intermediates, which are foreign to natural ecosystems and often toxic, thus generating important, often poorly understood, environmental impacts. A common example are massive fish kills and plant damage resulting from release of organic wastes, insecticides and herbicides to surface waters or the air.

Perhaps the most serious environmental impact attributable to the increased production of synthetic organic chemicals is due to the intrusion of mercury into surface waters. This effect is mediated by chlorine production. This substance is a vital reagent in many organic synthesis; about 80% of present chlorine production finds its end use in the synthetic organic chemical industry. Moreover, a considerable proportion of chlorine production is carried out in electrolytic mercury cells; until recent control measures were imposed on the industry, about .2–.5 lbs. of mercury were released to the environment per ton of chlorine manufactured in mercury electrolytic cells. This means, for example, that the substitution of nylon for cotton has generated an intensified environmental impact due to mercury, for nylon production (unlike cotton production) involves the use of chlorinated intermediates, therefore of chlorine, and hence the release of mercury into the environment.

Similarly the displacement of steel and lumber by aluminum adds to the burden of air pollutants, for aluminum production is extremely power consumptive. Per pound of aluminum produced, about 29,860 BTU's of power are required to generate the necessary electricity whereas about 4,615 BTU's are used per pound of steel produced. Cement, which tends to displace steel in construction is also extremely power consumptive. The production of chemicals, aluminum and cement account for about 56% of the total industrial use of electricity in the United States.

(5) PACKAGING

The displacement of older forms of packaging by "disposable" containers, such as non-returnable bottles is another example of the intensification of environmental impact due to the postwar pattern of U.S. economic growth. This is illustrated in Fig. 10 and Table VI. Here it is evident that there has been a very striking increase in environmental impact due to beer bottles, which are not assimilated by ecological systems and are, in their manufacture, quite power consumptive. It is also evident that the major factor in this intensified environmental impact is the new technology—the use of non-returnable bottles to contain beer—rather than "affluence" with respect to per capita consumption of beer, or increased population.

(6) AUTOMOTIVE VEHICLES

Finally there is the problem of assessing the environmental impact of changes in patterns of passenger travel and freight traffic since 1946. Particularly important has been the increased use of automobiles, buses and trucks.

The environmental impact of the internal combustion engine is due to the emission of nitrogen oxides, carbon monoxide, waste fuel and lead. The intensities of these impacts, as measured by the levels of these pollutants in the environment is a function, not only of the vehicle-miles travelled, but also of the nature of the engine itself—i.e., technological factors are relevant as well.

The technological changes in automotive engines since World War II have worsened environmental impact. These are illustrated in Fig. 11. Thus, for passenger automobiles, overall mileage per gallon of fuel declined from 14.97 in 1949 to 14.06 in 1967, largely because average horsepower increased from 100 to 240. Another important technological change was in average compression ratio, which increased from about 5.9 to 9.5 in 1946–68. This engineering change has had two important effects on the environmental impact of the gasoline engine. First increasing amounts of tetraethyl lead are needed as a gasoline additive in order to suppress the engine knock that occurs at high compression rations. As shown in Fig. 12, annual use of tetraethyl lead has increased significantly in 1946–68. Essentially all of this lead is emitted from the engine exhaust and is disseminated into the environment. Since lead is not a functional element in any biological organism, and is in fact toxic, it represents an external intrusion on the ecosystem and generates an appreciable environmental effect.

A second consequence of the increase in engine compression ratio has been a rise in the concentration of nitrogen oxides emitted in engine exhaust. This has occurred because the engine temperature increases with compression ratio. The combination of nitrogen and oxygen, present in the air taken into the

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engine cylinder, to form nitrogen oxides is enhanced at elevated temperatures. Nitrogen oxide is the key ingredient in the formation of photochemical smog. Through series of light-activated reactions, involving waste fuel, nitrogen oxides induce the formation of peroxyacetyl nitrate, the noxious ingredient of photochemical smog. Smog of this type was first detected in Los Angeles in 1943–3; it was unknown in most other United States cities until the late 1950's and 1960's, but is now a nearly universal urban pollutant. Peroxyacetyl nitrate is a toxic agent, to man, agricultural crops and trees. Introduction of this agent has probably increased by about an order of magnitude in 1946–68.

The Environmental Impact Indices for nitrogen oxides and lead are shown in Tables VII and VIII respectively. The total environmental impact for nitrogen oxides increased by about 630% between 1946 and 1967. The technological factor (the amount of nitrogen oxides emitted per vehicle-mile) increased by 158%, vehicle-miles travelled per capita increased by about 100%, and the population factor by about 41%. In the case of tetraethyl lead, the largest increase in impact is in vehicle-miles travelled per capita (100%), followed by the technological factor (83%) and the population factor (41%). It is evident that the major influences on automotive air pollution are increased per capita mileage (in part because of changes in work-residence distribution due to the expansion of suburbs) and the increased environmental impact per mile travelled due to technological changes in the gasoline engine.

A similar situation obtains with respect to overland shipments of inter-city freight. Here truck freight has tended to displace railroad freight. And again the displacing technology has a more severe environmental impact than does the displaced technology. This is evident from the energy required to transport freight by rail and truck: 624 BTU/ton-mile by rail and 3462 BTU/ton-mile by truck. It should be noted as well that the steel and cement required to produce equal lengths of railroad and expressway (suitable for heavy truck traffic) differ in the amount of power required in the ratio 1 to 3.6. This is due to the rather power consumptive nature of cement production and to the fact that four highway lanes are required to accommodate heavy truck traffic. In addition, the divided roadway requires a 400 foot right-of-way while a train roadbed needs only 100 feet. In all these ways the displacement of railroads by atuomotive vehicles, not only for freight, but also for passenger travel, has intensified the resultant environmental impact.

SOME CONCLUSIONS

The data presented above reveal a functional connection between economic growth—at least in the United States since 1946—and environmental impact. It is significant that the range of increase in the computed environmental impacts agrees fairly well with the independent measure of the actual levels of pollutants occurring in the environment. Thus, the increase in environmental impact index for tetraethyl lead computed from gasoline consumption data for 1946–67 is about 400%; a similar increase in environmental lead levels has been recorded from analyses of layered ice in glaciers.[7] Similarly, the 648% increase in the 19-year period 1949–68 in the environmental impact index computed for nitrogen fertilizer is in keeping with the few available large-scale field measurements. Thus, field data show that nitrate entering the Missouri River as it traversed Nebraska in the 6-year period 1956–62 increased a little over 200%.[8] The environmental impact indices computed for several aspects of automotive vehicle use are also in keeping with general field observations. It is widely recognized that the most striking increase among the several aspects of environmental deterioration due to automotive vehicles, has occurred with respect to photochemical smog. This pollutant was detected for the first time in Los Angeles in 1942–43.

Since then it has increased, nationally, by probably an order of magnitude, appearing in nearly every major city and even in smaller ones in the last 5 years. However, in the period 1946–68 total use of automotive vehicles, as measured by gasoline consumption, increased by only about 200%—an increment too small to account for the concurrent rise in the incidence of photochemical smog. It is significant, then, that this disparity between the observed increase in smog levels and the increase in vehicle use is accounted for by the environmental impact index computed for nitrogen oxides, the agent which initiates the smog reaction, for that index increased by 630% in 1946–67.

These agreements with actual field data support the conclusion that the computations represented by the environmental impact index provide a useful approximation of the changes in environmental impact associated with the relevant features of the growth of the United States economy since 1946. In particular, we can therefore place some reliance on the subdivision of the total impact index into the several factors: population size, per capita production or consumption and the technology of production and use.

It is of interest to make a direct comparison of the relative contributions of increases in population size and in "affluence," and of changes in the technology of production, to the increases in total environmental impact which have occurred since 1946. The ratio of the most recent total index value to the value of the 1946 index (or to the value for the earliest year for which the necessary data are available) is indicative of the change in the total impact over this period of time. The relative contributions of the several factors to these total changes is then given by the ratios of their respective partial indices. Figure 13 reports such comparisons for the 6 productive activities evaluated. The population factor contributes only between 12 and 20% of the total changes in impact index. For all but the automotive pollutants, the "affluence" factor makes a rather small contribution—no more than 5%—to the total changes in impact index. For nitrogen oxides and tetraethyl lead (from automotive sources), this factor accounts for about 40% of the total effect, reflecting a considerable increase in the number of vehicle-miles travelled per capita since 1946. The technological changes in the processes which generate the various economic goods, contribute from 40–90% of the total increases in impact.

In evaluating these results it should be noted that automotive travel is itself strongly affected by a kind of technological transformation: the rapid increase of suburban residences in the United States and the concomitant failure to provide adequate railroad and other mass transportation to accommodate to this change. That the overall increase in vehicle-miles travelled per capita since 1946 (about 100%) is related to increased residence-work travel incident upon this change is suggested by the results of a 1963 survey. It was found that 90% of all automobile trips, representing 30% of total mileage travelled, are 10 miles or less in length. The mean residence-work travel distance was about 5.5 miles. Thus, it is probably appropriate to regard the increase in per capita vehicle-miles travelled by automobile as not totally attributable to increased "affluence," but rather as a response to new work-residence relationships which are costly in transportation.

During the period from 1946 to the present, pollution levels in the United States have increased sharply—generally by an order of magnitude or so. It seems evident from the data presented above that most of this increase is due to one of the three factors that influence environmental impact—the technology of production—and that both population growth and increase in "affluence" exert a much smaller influence. Thus the chief reason for the sharp increase in environmental stress in the United States is the sweeping transformation in production technology in the post-war period. Productive activities with intense environmental impacts have displaced activities with less serious environmental impacts; the growth pattern has been counter-ecological.

The foregoing conclusion is easily misconstrued to mean that technology is therefore, per se, ecologically harmful. That this interpretation is unwarranted can be seen from the following examples.

Consider the following simple transformation of the present, ecologically-faulty, relationship among soil, agricultural crops, the human population and sewage. Suppose that the sewage, instead of being introduced into surface waters as it is now, whether directly or following treatment, is instead transported from urban collection systems by pipeline to agricultural areas, where—after appropriate sterilization procedures—it is incorporated into the soil. Such a pipeline would literally reincorporate the urban population into the soil's ecological cycle, restoring the integrity of that cycle, and incidentally removing the need for inorganic nitrogen fertilizer—which also stresses the aquatic cycle. Hence the urban population is then no longer external to the soil cycle and is therefore incapable either of generating a negative biological stress upon it or of exerting a positive ecological stress on the aquatic ecosystem. But note that this state of zero environmental impact is not achieved by a return to "primitive" conditions, but by an actual technological advance, the construction of a sewage pipeline system.

Or consider the example provided by the technological treatment of gold and other precious metals. Gold is, after all, subject to numerous technological manipulations, which generate a series of considerable economic values. Yet we manage to accomplish all of this without intruding more than a rather small fraction of all the gold ever acquired by human beings into the ecosphere. Because we value it so highly very little gold is "lost" to the environment. In contrast, most of the mercury which has entered commerce in the last generation has been disseminated into the environment, with very unfortunate effects on the environment. Clearly, given adequate technology—and motivation—we could be as thrifty in our handling of mercury as we are of gold, thereby preventing the entry of this toxic material into the environment. Again what is required is not necessarily the abandonment of mercury-based technology, but rather the improvement of that technology to the point of satisfactory compatability with the ecosystem.

Generally speaking then, it would appear possible to reduce the environmental impact of human activities by developing alternatives to ecologically-faulty activities. This can be accomplished, not by abandoning technology and the economic goods which it can yield, but by developing *new* technologies which incorporate not only the knowledge of the physical sciences (as most do moderately well; the new machines do, after all, usually produce their intended goods), but ecological wisdom as well.

The foregoing considerations show that the deterioration of the environment, whatever its cost in money, social distress and personal suffering, is chiefly the result of the ecologically-faulty technology which has been employed to remake productive enterprises. The resulting environmental impacts stress the basic ecosystems which support the life of human beings, destroy the "biological capital" which is essential to the operation of industry and agriculture, and may, if unchecked, lead to the catastrophic collapse of these systems. The environmental impacts already generated are sufficient to threaten the continued development of the economic system—witness the current difficulties in the United States in siting new power plants at a time of severe power shortage, the recent curtailment of industrial innovation in the fields of detergents, chemical manufacturing, insecticides, herbicides, chlorine production, oil drilling, oil transport, supersonic aviation, nuclear power generation, industrial uses of nuclear explosives, all resulting from public rejection of the concomitant environmental deterioration.

It seems probable, if we are to survive economically as well as biologically, that much of the technological transformation of the industrialized economy since 1946 will need to be, so to speak, redone in order to bring productive technology much more closely into harmony with the inescapable demands of the ecosystem. This will require the development of massive new technologies including: systems to return sewage and garbage directly to the soil; the replacement of synthetic materials by natural ones; the reversal of the present trend to retire soil from agriculture and to elevate the yield per acre; the development of land transport that operates with maximal fuel efficiency at low combustion temperatures and with minimal land-use; the sharp curtailment of the use of biologically active synthetic organic agents. In effect what is required is a new period of technological transformation of the economy, which reverses the counter-ecological trends developed since 1946. We might estimate the cost of the new transformation, from the cost of the former one, which in the United States must represent a capital investment in the range of hundreds of billions of dollars. To this must be added, of course, the cost of repairing the ecological damage which has already been incurred, such as the eutrophication of Lake Erie, again a cost to be reckoned in the hundreds of billions of dollars.

What might all this cost? Some very rough but useful approximations can be made. For example, it is generally reckoned that the total stock of capital equipment in the United States is about three times the annual GNP, or about two thousand four hundred billion dollars at the present time. (This and all following numbers are expressed as 1958 dollars to compensate for inflation.) A very rough estimate of the existing capital equipment that would need to be replaced in order to remedy major ecological faults might be about one-fourth, or about six hundred billion dollars worth. In comparison, the expenditures for structures and producers' durable equipment by private investors during the period 1946 to 1968 when, as we have seen, most of the ecologically faulty enterprises were built, amounts to roughly one thousand billion dollars. Accordingly, on the basis of the first estimates, something like one half of the postwar productive enterprises would need to be replaced by ecologically sounder ones.

Rough as they are, these figures give us some sense of the magnitude of the task of ecological reconstruction of the national productive system. To this estimate must be added the costs of efforts to restore damaged sectors of the ecosystem, which would range in the area of hundreds of billion dollars. This cost need not, and of course cannot, be met at once. If we accept as the period of grace—the time available before serious large-scale ecological catastrophes overtake us—let us say twenty-five years, then the cost of survival becomes about forty billion dollars annually over that period of time (again in 1958 dollars). Perhaps the simplest way to summarize all this is that most of the nation's resources for capital investment would need to be engaged in the task of ecological reconstruction for at least a generation. This means that new investments in agricultural and industrial production and in transportation would need to be governed chiefly by ecological considerations, so that the over-all pattern of investment would have to come under the guidance of ecological rather than conventional economic imperatives.

FOOTNOTES

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[6] See note in *Marine Pollution Bulletin 2*, p. 23, February 1971.

[7] Patterson, C. C., *Environment 10*, p. 72 (1967).

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TABLE I.—POSTWAR INCREASES IN POLLUTANT EMISSIONS

Pollutant	Annual production				Percent increase over indicated period
	Year	Amount	Year	Amount	
Inorganic fertilizer nitrogen.	1949	0.91×10^6 tons	1968	6.8×10^6 tons	648
Synthetic organic pesticides.	1950	286×10^6 lbs.	1967	$1,050\times10^6$ lbs.	267
Detergent phosphorus	1946	11×10^6 lbs.	1968	214×10^6 lbs.	1,845
Tetraethyl lead [1]	1946	0.048×10^6 tons	1967	0.25×10^6 tons	415
Nitrogen oxides [1]	1946	10.6 [2]	1947	77.5 [2]	630
Beer bottles	1950	6.5×10^6 gross	1967	45.5×10^6 gross	595

[1] Automotive emissions.
[2] Dimension = NO_x (p.p.m.) times gasoline consumption (gals.$\times10^{-9}$); estimated from product of passenger vehicle gasoline consumption and p.p.m. of NO_x emitted by engines of average compression ratio 5.9 (1946) and 9.5 (1967) under running conditions, at 15-in. manifold pressure NO_x emitted: 500 p.p.m. in 1946; 1,200 p.p.m. in 1967 (ref.).

TABLE II.—FERTILIZER NITROGEN (ENVIRONMENTAL IMPACT INDEX)

	Index factors			
	(a)	(b)	(c)	
	Population (1,000's)	Crop production, population (production units/capacity)	Fertilizer nitrogen, crop production (tons/production unit)	Total index, fertilizer nitrogen (1,000's of tons)
1949	149,304	5.43×10^{-7}	[1] 11,284	914
1968	199,846	6.00×10^{-7}	57,008	6,841
1968:1949	1.34	1.11	5.05	7.48
Percent increase	34	11	405	648

[1] The crop output index is an indicator of agricultural productivity with the 1957–59 average equals 100.

TABLE III.—SYNTHETIC ORGANIC PESTICIDES

	Index factors			
	(a)	(b)	(c)	
	Population (1,000's)	Crop production population (crop production units/capacity)	Pesticide consumption crop production (1,000 lbs./production unit)	Total index (a, x, b, x, c), synthetic organic pesticides (million lbs.)
1950	151,868	5.66×10^{-7}	3,326	286
1967	197,859	5.96×10^{-7}	8,898	1,050
1967: 1950	1.30	1.05	2.68	3.67
Percent increase 1967: 1950	30	5	168	267

TABLE IV.—COTTON AND NYLON (ENVIRONMENTAL CHARACTERISTICS)

	Cotton	Nylon	Comparative environmental impact
Raw materials	CO_2, H_2O	Petroleum	Cotton, renewable, nylon, nonrenewable.
Process	CO_2+H_2O light→ Glucose→cellulose (about 70–90°F.).	Petroleum (distill→ Benzene (550°F.)→	Fuel combustion and resultant air pollution: probably Nylon> cotton.
	Cultivation, ginning, spinning, require power.	Cyclohexane (300°F.)→ Cyclohexanol (200–400°F.)→ Adipic acid (600–700°F.)→ Adiponitrile (200–250°F.)→ Hexamethylene diamine→ Nylon 610 Distillation and other purification at most of above steps; power required to operate process.	
Product	Cellulose	Polyamide	Cellulose wholly biodegradable, polyamide not degradable.

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TABLE V.—DETERGENT PHOSPHORUS (ENVIRONMENTAL IMPACT INDEX)

	Index factors			Total impact (a, x, b, x, c), phosphorus from detergents [3] (10⁹ lbs.)
	(a) Population (1,000's)	(b) Cleaners,[1] population (lbs./cap.)	(c) Phosphorus, cleaners (lbs./ton of cleaner)	
1946	140,686	22.66	6.90	11
1968	194,846	15.99	137.34	214
1968:1946	1.42	.69	19.90	19.45
		[2] (1.00)	(13.70)	
c f ncrease 1946–68	42	(0)	(1,270)	1,845

[1] Assuming that 35 percent of detergent weight is active agent.
[2] Assuming average phosphorus content of detergents equals 4 percent.
[3] Because of uncertainties regarding the content of active agent in detergents, especially soon after their introduction, the apparent reduction in per capita use of cleaners is not regarded as significant; the numbers contained in parentheses are based on the assumption that this value does not change significantly.

TABLE VI.—BEER BOTTLES (ENVIRONMENTAL IMPACT INDEX)

	Index Factors			Total index (a, x, b, x, c), beer bottles (1,000 gross)
	(a) Population (1,000's)	(b) Beer consumption, population (gal./cap.)	(c) Beer bottles, beer consumption (bottles/gal.)	
1950	151,868	24.99	0.25	6,540
1967	197,859	26.27	1.26	45,476
1967:1950	1.30	1.05	5.08	6.95
Percent increase 1950–67	30	5	408	595

TABLE VII.—NITROGEN OXIDES (PASSENGER VEHICLES) ENVIRONMENTAL IMPACT INDEX

	Index factors			
	(a) Population (1,000's)	(b) Vehicle-miles, population	(c) Nitrogen oxides,[1] vehicle-miles	Total index, nitrogen oxides [1]
1946	140,686	1,982	33.5	10.6
1967	197,849	3,962	86.4	77.5
1967:1946	1.41	2.00	2.58	7.3
Percent increase	41	100	158	630

[1] Dimension equals NO_x (p.p.m.) times gasoline consumption (gals. $\times 10^{-4}$). Estimated from product of passenger vehicle gasoline consumption and p.p.m. of NO_x emitted by engines of average compression ratio 5.9 (1946) and 9.5 (1967) under running conditions, at 15-in. manifold pressure: 1946, 500 p.p.m. NO_x; 1967, 1,200 p.p.m. (data from ref.).

TABLE VIII.—TETRAETHYL LEAD (ENVIRONMENTAL IMPACT INDEX)

	Index factors			
	(a) Population (1,000's)	(b) Vehicle-miles,[1] population (vehicle-mile/cap.)	(c) Tetraethyl lead [2] vehicle-miles [1] (lbs./million vehicle-mile)	Total index, tetraethyl lead [3] (1,000's of tons)
1946	140,686	[3] 1,984	[3] 300	[3] 48
1967	197,859	3,962	630	247
1967:1946	1.41	2.00	1.83	5.15
Percent increase	41	100	83	415

[1] Passenger vehicles only.
[2] Weight refers to lead content.
[3] See note for table IX.

FIGURE 1 (not printed in RECORD). Phosphorus emitted by United States municipal sewage. Data are from Weinberger, L. W., *et al.* in Hearings before the Subcommittee on Science, Research and Development of the House Committee on Science and Astronautics, *The Adequacy of Technology for Pollution Abatement*, Vol. II, U.S. Government Printing Office, Washington, D.C. p. 756.

FIGURE 2 (not printed in RECORD). Changes in population, Gross National Product (reduced to 1958 dollars) and GNP per capita for the United States since 1946. Data are from Department of Commerce, *Statistical Abstract of the United States*, U.S. Government Printing Office, Washington, D.C., 1970, p. 5 and Department of Commerce, *The National Income and Product Accounts of the United States 1929–1965*, U.S. Government Printing Office, Washington, D.C., 1966, pp. 4–5.

FIGURE 3 (not printed in RECORD). Annual growth rates of production (or consumption) in the United States. Annual data are from Statistical Abstract of the United States, op. cit., 1948–1970; see text for method of computation.

FIGURE 4 (not printed in RECORD). Changes in total crop output (as determined by U.S.D.A. Crop Index), in crop output per capita, in harvested acreage and in annual use of inorganic nitrogen fertilizer in the United States since 1946. Data are from *Agricultural Statistics*, U.S. Government Printing Office, Washington, D.C., 1967, pp. 531, 544, 583; 1970, pp. 444, 454, 481.

FIGURE 5 (not printed in RECORD). Corn yield and nitrogen usage for the State of Illinois. Data are from Dawes, J. H., *et al.* Proc. 24th Ann. Meeting Soil Conservation Society of America, Fort Collins, Colo., 1968.

FIGURE 6 (not printed in RECORD). Natural and synthetic fiber production in the United States since 1946. Data are from *Statistical Abstract of the United States*, op. cit., 1962, p. 198; 1966, p. 789; 1970, p. 713.

FIGURE 7 (not printed in RECORD). Total soap and detergent production and per capita consumption of total cleaners (soap plus detergent) in the United States since 1946. Data are from *Agricultural Statistics*, U.S. Government Printing Office, Washington, D.C., 1970, p. 149. Detergent data represent actual content of surface-active agent, which is estimated at about 37.5% of the total weight of the marketed detergent.

FIGURE 8 (not printed in RECORD). Concurrent values of phosphorus output from municipal sewage in the United States and phosphorus content of detergents produced. Former values are from Weinberger, L. W., *et al.* (see Legend, Figure 1). Detergent data are based on detergent production (see Legend, Figure 7) assuming an average of 4% P in marketed detergents.

FIGURE 9 (not printed in RECORD). Changes in annual production of synthetic organic compounds and of chlorine gas, and consumption of mercury for chlorine gas production in the United States since 1946. Data are from Bureau of the Census, *Current Industrial Reports, Series M28A Inorganic Chemicals and Gases* and from *Statistical Abstract of the United States*, op cit.

FIGURE 10 (not printed in RECORD). Per capita consumption of beer and production of beer bottles in the United States. Data are from *Statistical Abstract of the United States*, op cit., 1951, p. 792; 1955, p. 833; 1970, p. 12.

FIGURE 11 (not printed in RECORD). Average characteristics of passenger car engines produced in the United States since 1946. Brake horsepower and compression ratio data are from the 1951 and 1970 volumes of "Brief Passenger Car Data," Ethyl Corporation. Gasoline consumption data are from *Statistical Abstract of the United States*, op cit.

FIGURE 12 (not printed in RECORD). Lead emissions, from tetraethyl lead in gasoline, in the United States since 1946. Data are from *Minerals Yearbook 1947–1968* and *Statistical Abstract of the United States*, op cit., (see Legend, Figure 10).

FIGURE 13 (not printed in RECORD). Relative contributions of several factors to changes in environmental impact indices. The contributions of population size, "affluence" (production per capita), and technological characteristics (amount of pollutant released per unit production) to the total environmental impact indices were computed as shown in the text. Each bar is subdivided to show the *relative* contributions, on a scale of 1.0, of the several factors to the ratio of the total impact index value for the later year to the value for the earlier year.

MAKING OIL AND GAS, PART 1

Mr. GRAVEL. Mr. President, there are many reasons why it is impossible to take our so-called "energy crisis" seriously. Untapped sunpower, windpower, seathermal power, and geothermal power are very big reasons.

Another big one is our proven capability to make clean oil and gas from organic matter, including animal waste and urban refuse.

Every year, the domestic animals in this country produce enough waste to make about 2 billion barrels of oil, or nearly 40 percent of our present oil consumption, which is over 5 billion barrels.

In addition, our cities generate 400 million tons of presently troublesome organic waste per year. That amount of garbage could be converted into about 400 million barrels of oil. This source alone could permit nearly an 8-percent reduction in the amount of oil we would otherwise drain out of the earth for domestic consumption.

FERTILIZER VERSUS OIL

Organic waste should be returned to the land to replenish the soil from which it all originates. I was pleased to see in the December 6 issue of Time magazine that a plant in Brooklyn is producing and selling fertilizer made out of 150 tons of New York garbage per day. Undoubtedly, that is the kind of thing we need to do on a grand scale, if we want healthy soil and food.

Instead, we are spending billions to incinerate and dump our urban waste, and animal waste on feedlots is regarded as "a pollution problem."

Meanwhile, the Bureau of Mines in the Department of the Interior has already succeeded in making low-sulfur oil out of both urban wastes and animal wastes.

One of the ecological advantages of using manmade oil is that it does not add to the worrisome carbon dioxide buildup in the planet's atmosphere. Burning manmade oil, in contrast to fossil fuel, only recirculates carbon dioxide which is already in the biosphere.

HIGH BUSINESS INTEREST

The ecological and international implications of clean, manmade oil are enormous. At a later date, I expect to return to this subject.

What are we spending on this extremely promising energy technology? Which industries have expressed support?

In response to my questions, Elburt F. Osborn, Director of the Bureau of Mines, replied as follows:

We are spending $255,000 this fiscal year on an accelerated program of bench-scale research on converting organic solid wastes that will give us enough information to make a preliminary engineering design and cost estimate of the process. If this appraisal shows the concept and process continues to have promise, we will request funds for a Development Plan that would take several years and cost $15 to $20 million.

Substantial interest in our proposed process has been expressed by oil companies, the chicken industry, cattle feed lot operators, and public officials. Prompt construction of a full-scale plant has even been suggested. We believe, however, that attempts at commercial application would be premature until the steps optimal to the process have been determined and definitive cost estimates have been prepared.

LOW-SULFUR OIL

A report entitled "Conversion of Urban Refuse to Oil," by Drs. Herbert R. Appell, Irving Wender, and Ronald D. Miller, was issued in May 1970, by the Bureau of Mines. The summary states four points as follows:

1. Cellulosic wastes, including materials such as urban refuse, wood industry wastes, and sewage sludge, have been converted to a heavy oil by heating in the presence of carbon monoxide and steam under pressure.
2. A high-temperature version, conducted at 380° C, and a low-temperature version, conducted at 250° C, have been developed on a laboratory scale.
3. The oil from cellulosic wastes, exclusive of sewage sludge, is characterized by a high oxygen content and a low sulfur content.
4. Additional studies in the laboratory and on a pilot plant scale are underway for cost estimates and a thorough evaluation of the process.

MATERIAL INTO THE RECORD

This summer, a brief story entitled "Process Converts Animal Wastes to Oil" appeared in the August 16, 1971, issue of Chemical and Enginering News.

Mr. President, I ask unanimous consent to have that article printed as Exhibit 1 at the end of my remarks today.

In addition, I ask unanimous consent to have the 1971 report entitled "Converting Organic Wastes to Oil, A Replenishable Energy Source," by Drs. Appell, Fu, Friedman, Yavorsky, and Wender, printed as Exhibit 2 at the end of my remarks.

SIGNIFICANT POTENTIAL

The conclusion of that report is as follows:

A significant part of the energy demand of the Nation can be obtained on a renewable basis by converting nearly every kind of organic solid waste to a low-sulfur oil by treatment under pressure with carbon monoxide and water.

Methods for lowering carbon monoxide consumption and for operating at lower pressures have been found; these offer the potential of low processing-costs for converting cellulosic wastes to oil.

While the effects of temperature, pressure, and water on this process have been explored, more work is required to find optimum conditions for the conversion.

A continuous unit has operated successfully, and preliminary results have been obtained on the conversion of sucrose to oil.

The work of this research team is being performed in Pennsylvania at the Pittsburgh Energy Research Center, U.S. Bureau of Mines.

HIGH-BTU GAS

At the University of Wyoming College of Engineering in Laramie, Prof. Ed J. Hoffman and his research team have been performing similar feats by making high-B.t.u. gas out of waste paper, polyethylene plastic bottles, shredded tire rubber, manure, and sewer sludge.

Their speciality is the gasification of coal in cooperation with the Office of Coal Research; the conversion of organic waste to gas was performed more or less for the sake of knowing.

Referring to organic waste, Professor Hoffman says:

Whenever feasible, organic wastes are best returned to the soil. In instances, however, in which this may not be possible, production of a desirable product would be a reasonable alternative.

LOOKING TO THE SUN

Pointing out that organic materials are just stored sunpower, Professor Hoffman concludes that solar energy is the ultimate source of future fuel:

All other energy sources can be exhausted, are being exhausted. That leaves only solar energy, which is the source of all our carbonaceous materials.

There being no objection, the material ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From Chemical and Engineering News, Aug. 16, 1971]

PROCESS CONVERTS ANIMAL WASTES TO OIL

[Conversion of all domestic animal waste to oil would provide equivalent of half of U.S. oil supply.]

When one observer, admiring the efficiency of turn-of-the-century meat packers, wrote that they use everything from the pig "but the squeal," he overlooked one important by-product—manure. Today, it is nearly impossible to overlook animal wastes, for they total nearly 2 billion tons annually, dwarfing the 250 million tons of household, commercial, and municipal solid wastes generated yearly and creating a disposal problem of great magnitude.

Now, scientists at the U.S. Bureau of Mines' Pittsburgh Energy Research Center have developed a scheme that not only would dispose of these wastes, but also would provide an important new source of energy and contribute to the abatement of air pollution. Their scheme: Convert the wastes to oil.

The center began its work in an attempt to convert coal into oil, Dr. G. Alex Mills, chief of BuMines' division of coal, explains. Along the way, Dr. Herbert R. Appell and Dr. Irving Wender discovered that one of the processes they were investigating could be used to dispose of urban wastes—garbage—by converting it to oil (C&EN, Nov. 17, 1969, page 43).

DELUGE

After the center publicized its findings, Dr. Mills tells C&EN, it was deluged with a variety of other materials for testing. But, "We came to realize that the [quantity of] so-called agricultural waste was about 10 times larger than [urban] waste, and this brings a new dimension—not so much getting rid of an unwanted thing as the possibility of providing a fuel oil in significant dimensions."

The process is simple. Manure (or any cellulosic waste) is placed in a reaction vessel with carbon monoxide at an initial pressure of 1200 p.s.i. and heated at 380° C. for 20 minutes. Based on dry manure, the yield of oil is 47% (3 barrels per ton). But, Dr. Mills notes, "if you consider sugar or cellulose and calculate how it should break down, you get a 50% yield of water and a 50% yield of hydrocarbon, so that this 47% in these terms represents maybe a 96% theoretical yield." This was the highest yield from any of the materials examined.

The center has begun to study the mechanism of the reaction and current thinking is that the reaction proceeds through a formate ion, "But we really don't know yet," says the division of coal's staff research coordinator, Dr. John S. Tosh. They do know, however, that the combination of carbon monoxide and steam is far more effective in the processing than is direct hydrogenation.

CONSTANT

Whatever the mechanism, the reaction produces a remarkably constant product from a wide variety of cellulosic materials. That product is a heavy oil with an energy content of 14,000 to 16,000 B.t.u. per pound. For comparison, normal oil has a B.t.u. value of about 20,000, and coal's is between 7,000 and 12,000, depending on the type; the energy content of manure ranges from 5,000 to 7,000 B.t.u. per pound.

The oil is largely paraffinic, with virtually no aromatics present. It has a nitrogen content of about 2% and an oxygen content of about 9%, which makes it difficult to refine the material into gasoline, Dr. Tosh says. But the oil also has a sulfur content of less than 0.35%. And that, Dr. Mills contends, is one of its most important properties in light of the growing need for low-sulfur oils to prevent urban air pollution.

Dr. Mills is very enthusiastic about the future of the process. The BuMines process is, in effect, a way to harness the sun's energy, he says, and to do so in a manner that is economically viable. The cost of disposing of the urban and agricultural wastes, he adds, provides a strong economic driving force. And the low temperature required in the process means that only a small amount of energy is necessary for the conversion—energy that can be provided by burning either manure or a small amount of the product. (Burning manure directly for heat is impractical and expensive, Dr. Mills notes, because of its low energy content and the problems of handling it.)

And then there is the large supply of raw material: "It's been pointed out," Dr. Mills notes, for example, "that there are more chickens in the U.S. than there are people in the world." If all of the so-called agricultural wastes were collected and converted, "You'd make about half this country's oil supply—in other words, about 2.45 billion barrels of oil per year. You're not going to collect it all," he concludes, "but at least this shows it's of a significant dimension."

XUM

EXHIBIT 2

[Bureau of Mines Report of Investigations, 1971]

CONVERTING ORGANIC WASTES TO OIL—A REPLENISHABLE ENERGY SOURCE

(By H. R. Appell,[1] Y. C. Fu,[1] Sam Friedman,[1] P. M. Yavorsky,[1] and Irving Wender [2])

Pittsburgh Energy Research Center, Pittsburgh, Pa.

(NOTE.—Figures referred to are not printed in the RECORD.)

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ABSTRACT

The Bureau of Mines is experimentally converting cellulose, the chief constituent of organic solid waste, to a low-sulfur oil. All types of cellulosic wastes, including urban refuse, agricultural wastes, sewage sludge, wood, lignin, and bovine manure, have been converted to oil by reaction with carbon monoxide and water at temperatures of 350° to 400° C and pressures near 4,000 psig, and in the presence of various catalysts and solvents. Cellulose conversions of 90 percent and better (corresponding to oil yields of 40 to 50 percent) have been obtained.

A continuous reactor for use at maximum conditions up to 500° C and 5,000 psig has been operated successfully. Using sucrose as a feedstock, operation in this system has permitted a simplified and preliminary chemical study of the conversion process. Oil yields of over 30 percent have been obtained with this unit.

INTRODUCTION

There are essentially two kinds of solid wastes—inorganic and organic. The inorganic components include glass containers, tin and aluminum cans, junk automobiles, slags and wastes from mine ores, etc. Most people regard organic wastes (chiefly compounds of carbon, hydrogen, and oxygen) as simply the remainder after cans and bottles are removed from urban wastes. Although such urban wastes are indeed a huge source of organic material, other replenishable and continually increasing sources of organic solid wastes are now adding each year to the glut spreading over our land. Not only can essentially all of them be recycled, but they can furnish much of our energy in the form of low-sulfur liquid fuels.

The total of various solid organic wastes generated yearly in the United States is about 3 billion tons.[4] Agricultural wastes generated total 2.5 billion tons, of which about 2 billion tons are manure.[5] Total urban wastes generated, including domestic, municipal, industrial and commercial, is 400 million tons per year. The population is rising and so is the amount of solid wastes rejected per person. Discards collected by private and municipal agencies have almost tripled in the last 40 years, from 2.2 pounds to 6.0 pounds per day per person. Predictions call for doubling even this latter rate long before the end of the twentieth century.[6]

The Bureau of Mines has developed a process for converting solid organic wastes to a low-sulfur oil potentially suitable for use by powerplants or for conversion to gasoline and diesel fuels. Two billion tons of waste per year, containing about 50 percent organic matter, could yield some 2 billion barrels of oil annually; this is about 50 percent of the 1970 U.S. demand for oil. In a fundamental sense, this process is a means of utilizing solar energy which is, of course, the basis of cellulose production.

An earlier report [7] described a method of converting organic urban refuse, waste paper, and sewage sludge to oil by treating these materials with carbon monoxide and water. A heavy oil was obtained when this reaction was carried out at high temperatures and high pressures; at low temperatures and moderate pressures, the product was a soft, bitumenlike solid.

This paper describes the results of experimental work conducted since the first report. Of special interest is that the process has been found applicable to wood wastes and to the conversion of bovine manure (animal wastes constitute over a billion and a half tons per year). This report also describes a continuous bench-scale unit that was recently constructed and operated. Initial trials were successful in converting sucrose, a typical carbohydrate, to oil.

BACKGROUND

The work on the conversion of solid wastes to oil is an outgrowth of the Bureau's efforts to help solve the problem of energy shortage in the United States in keeping with the demands of good environment. Almost all previous work on conversion of coal to low-sulfur liquid fuels involved use of hydrogen at high pressures and temperatures in the presence of a catalyst. In searching for a novel system that did not use hydrogen, the Bureau discovered that treating low-rank coals with carbon monoxide and water converted them to a low-sulfur, benzene-soluble oil in good yields.[8] Indeed, at 350° to 400° C the reaction of coal with carbon monoxide and water is more rapid than the reaction of coal with hydrogen.

In an effort to understand why the reaction of coal with carbon monoxide and water went so well, a comparison was made of the reactions of several model compounds with hydrogen and with carbon monoxide plus water. Olefins, aromatics, etc., added more hydrogen in the presence of hydrogen gas; but for two model substances tested (cellulose and lignin, the chief constituents of growing plants), the reaction with carbon monoxide and water was more rapid and complete. Urban refuse, waste paper, and even sewage sludge were converted to oil in this way.[9]

REACTANTS

Substrates

Cellulosic materials, all other carbohydrates, wood wastes (largely cellulose and lignin), urban wastes (mostly cellulose plus other carbohydrates, proteins, fats, and small amounts of other organic materials), sewage sludge, agricultural wastes, and bovine manure can be converted to oil with carbon monoxide and water. Some plastics depolymerize and dissolve in the product oil; some remain as part of the unconverted residue. But since the plastic content of urban refuse is relatively small, the presence of these materials is expected to have only a minor influence on oil composition and yield.

Carbon monoxide

Carbon monoxide and water react to form hydrogen and carbon dioxide in the following water-gas shift reaction:

$$CO + H_2O \rightleftarrows CO_2 + H_2.$$

Because some hydrogen adds to cellulose during its conversion to oil, it seemed at first reasonable to suppose that the hydrogen gas formed in the water-gas shift was responsible for converting cellulose. But when hydrogen was added to the reactor, it had little effect; an equivalent molar amount of carbon monoxide was much more effective.

Since the water-gas shift reaction cannot be entirely avoided, it must be minimized. Carbon monoxide is somewhat costly, and as little of it as possible should be used. Earlier work [10] showed that carbon monoxide consumption at lower temperatures (250° C) was low; this finding offered a promising lead to less carbon monoxide use. Since both carbon monoxide and hydrogen are usually made from synthesis gas (mixtures of CO and H_2), it would be best to use the cheaper synthesis gas directly. This is entirely possible, and although its use will raise the total pressure somewhat, synthesis gas may ultimately be the gas used.

When cellulose is heated to 250° to 400° C, it eliminates water, some carbon dioxide, and carbon monoxide, and then forms a solid black material, called char, which many people have termed "artificial coal." It does resemble coal in many ways. A similar char forms when cellulose is heated to the same temperatures in the presence of hydrogen. The addition of water along with hydrogen has little effect. But heating cellulose with carbon monoxide and water converts it to an oil. This oil yield increases if a catalyst such as sodium carbonate is present.

The exact function of the carbon monoxide is not yet known. It may take part in the water-gas shift reaction. It could react with water and alkaline salts to form some intermediate compound, possibly an alkali formate, which transfers hydrogen, probably as hydride ion, to the substrate, thus leading to oil formation. Or it could function to remove oxygen from cellulose by formation of carbon dioxide. It probably has other, additional roles. Dehydration of cellulose leads to unsaturated substances that polymerize easily to char. It is known that carbon monoxide often inhibits or prevents such polymerizations. In the presence of carbon monoxide, the extent of decarboxylation (loss of CO_2) is greater and dehydration is less than compared with reaction in the presence of hydrogen.

Water

The original experiments with carbon monoxide on low-rank coal (lignite) were successful without added water, because this coal has a large amount of moisture. However, addition of water was beneficial. It serves as the source of hydrogen which is added to the substrate and as the vehicle (solvent) for the reaction. Cellulose forms water on being heated; and adding water plus carbon monoxide improves the oil yield. However, added water also shifts the water-gas reaction in the direction of more carbon dioxide and hydrogen (more carbon monoxide is consumed); this side reaction may not be desirable.

The critical temperature of water is 375° C; above this temperature all the water is in the gaseous state. There are indications that the presence of liquid water is desirable;[11] this may be accomplished by adding enough water so that some liquid is always present. The temperature must of course be below 375° C. If insufficient water is added, all of it will be in the gas phase, even below 375° C.

In summary, water is the source of hydrogen added to the substrate and serves as a vehicle (solvent) for the reaction.

Catalyst

No catalyst was added in the initial experiment with cellulose, in which ordinary tan paper towels were used; nor was catalyst added in converting low-rank coals to oil with carbon monoxide and water. But it was soon found that both the coals and the paper towels contained alkali salts which functioned as catalysts. The conversion of pure cellulose with carbon monoxide and water is poor (a conversion rate of 63 percent and an oil yield of 15 percent). The conversion rate rises nicely when sodium carbonate is added (conversion rate and oil yield of 90 percent and 40 to 43 percent, respectively).

Vehicle—solvent

A liquid phase is helpful as a vehicle for feeding substrates and for keeping reactive, unsaturated organic intermediates apart so that they do not condense to a char. Water may be the best vehicle, since it dissolves the catalyst and some organic intermediates; it is the least expensive; and in any case, it must be present to some extent. Urban refuse, sewage sludge, and other substrates may contain sufficient water so that no more need be added. However, as detailed later, the use of anthracene oil and other high-boiling organic solvents permits operation at lower pressures.

NATURE OF CONVERSION REACTIONS

Cellulose $(C_6H_{10}O_5)_n$ is found in the cell walls of plants and trees. It consists of long chains of glucose units. Second to cellulose in importance is starch, a widely distributed polysaccharide that is stored in the seeds, roots, and fibers of plants as a food reserve; it too consists of glucose units, but these are linked differently than in cellulose.

Cellulose, starch, and other carbohydrates can undergo a large number of reactions on treatment at elevated temperatures and pressures with carbon monoxide, water, and sodium carbonate or other alkaline salts. Since almost every carbon atom in a carbohydrate is bonded to an hydroxyl group (—OH), some dehydration will take place. Hydrolysis of the polysaccharides to glucose will also occur; glucose and the smaller units formed from it are soluble in water. Hydrolysis of the fats in the refuse to long-chain palmitic and stearic acids will also occur.

Probably the most important overall reaction in converting cellulose to oil is the splitting out of oxygen to form molecules with high hydrogen-to-carbon ratios. Cellulose and other carbohydrates lose water and carbon dioxide just on being heated. Oxygen can also be lost by reaction with the added carbon monoxide to form carbon dioxide, by hydrogenation, by various disproportionation reactions, and by combinations of these reactions. The vast number of reactions should result in an oil made up a complex mixture of different molecules. This is what has been found.

EXPERIMENTAL PROCEDURES

Batch studies were conducted in 0.5-liter and 1-liter stainless steel autoclaves at temperatures of 250° to 400° C.[12] White pine wood chips and newsprint were used as a source of crude cellulose. Dextrose, filter paper, and cellulose were used as a source of pure carbohydrates. Bovine manure was obtained from a local dairy barn.

The feedstock, water, and catalyst were charged to the cold autoclave; carbon monoxide was added to the desired initial pressure; and the autoclave was then heated to the desired temperature. The reaction time reported in the table does not include the heating and cooling periods, only the time at reaction temperature. The heating and cooling periods in the autoclave runs, where significant amounts of reaction may have occurred, are about 1 hour for runs at 250° C, and about 2 hours for runs at 350° C and above.

The reaction product was flushed from the autoclave with solvent, and the oil was exhaustively extracted in a Soxhlet. Benzene was used to extract the product, except for runs made at 250° C, where acetone was used. The oil or bitumen was recovered by stripping off the solvent and then drying at room temperature. In some runs (tables 1 and 4), the product was dried overnight in an oven at 100° C. This treatment resulted in the loss of some volatile product, and the oil yields in these cases are low. The percent conversion is determined by subtracting the percent of insoluble residue remaining after solvent extraction from 100. All calculations are on a moisture- and ash-free basis. The gaseous products were analyzed by mass spectrometry.

Complete conversion of all the carbon in cellulose would give an oil yield of about 57 percent if the average carbon content of the oil is assumed to be 78 percent. Since some carbon would be converted to gaseous products, mostly carbon dioxide, the actual oil yield would be smaller. A conversion of 100 percent means that about half the cellulose is converted to oil; the remaining liquid product is mostly water.

A continuous bench-scale unit for converting waste to oil by carbon monoxide-water treatment has been constructed and recently placed in operation. Figure 1 presents a simplified schematic diagram of the unit, and figure 2 shows the control section on the protective barricade enclosing the unit. The system was designed to operate at maximum conditions of 5,000 psig and 500° C, with feed rates of 100 to 500 g/hr of waste slurry and 10 standard cubic ft per hr (scfh) of carbon monoxide. The combined stream of carbon monoxide and liquid feed was preheated under pressure and injected into the bottom of the heated reactor. The liquid and gas exited from the top of the reactor and separated in the high-pressure recovery system. The liquid collected was intermittently discharged into secondary receivers at atmospheric pressure, while gas was continuously released through a back-pressure regulator.

RESULTS AND DISCUSSION

Effect of temperature

The conversion of carbohydrates to oil has been investigated over the range 250° to 400° C. At 350° to 400° C, cellulosic wastes are readily converted to an oil by combined action of carbon monoxide, water, and catalyst. Within this range, temperature has little effect on conversion and oil yield, probably because the tendency of the product to carbonize at higher temperatures balances out the small amount of additional conversion of organic matter to oil. Temperatures near 400° C may be preferred if synthetic polymers, such as polystyrene and polyolefins, are also present in cellulosic waste in more than trace amounts. These polymers, especially the polyolefins, do not depolymerize significantly below 400° C.

The reaction temperature does have a significant influence on the viscosity and oxygen content of the product. The product obtained from urban refuse at 250° C is a soft, bitumenlike solid at room temperature, but becomes readily pourable as its temperature is raised to near 100° C. On the other hand, the oil formed at 380° C is a free-flowing liquid with a viscosity of 850 cs (centistokes) at 50° C and 102 cs at 88° C.

The transition of the physical state of water at its critical temperature (375° C) may complicate interpretation of results from work in the 350° to 400° C range. A moderate decrease in temperature may sometimes result in more of the reaction mixture existing as a liquid phase, and thus improve product quality. But when much of the reactants are already in the liquid phase, a decrease in temperature can be expected to result in a product of higher viscosity and oxygen content.

A major advantage of low temperature (250° C) in batch tests is that the pressure developed by the steam and gases is usually about 1,500 psig compared with almost 5,000 psig at 400° C. Another is that very little carbon monoxide is consumed by the water-gas shift reaction at 250° C. As the temperature is raised, the liquefaction reaction proceeds well but the water-gas shift reaction begins to consume carbon monoxide, and a major advantage of low-temperature operation starts to disappear.

Table 1 shows some data on the effect of reaction temperature on cellulose conversion. The water-to-cellulose ratio is high, causing water to be present in both liquid and vapor states. The observed pressure varies with temperature, increasing with progress of the reactions.

The analysis of cellulose and its products in table 2 reveals that treatment of cellulose with carbon monoxide and water results more in oxygen removal than in hydrogen addition. The oxygen contents of the oil products and the residues are lower at higher temperatures, indicating that oxygen removal is more effective at higher temperature. The hydrogenation effect will not be apparent from the product analysis, because the starting cellulose contains many hydroxyl groups which contribute to the hydrogen content.

Interestingly, the extent of the water-gas shift reaction at 250° C was reduced to less than 10 percent, and most of the accompanying hydrogen was quite effectively taken up by the cellulose conversion processes.

TABLE 1.—EFFECT OF TEMPERATURE ON CELLULOSE CONVERSION

	Temperature, ° C.		
	250	300	350
Initial pressure of CO [1] ..... p.s.i.	610	620	595
Operating pressure ..... p.s.i.	2,000	2,850	4,140
Time at temperature ..... minutes	120	120	120
Input, g:			
Cellulose	40	40	40
Water	120	120	120
Sodium carbonate	2	2	2
Carbon monoxide	37.2	37.8	36.1
Output, g:			
Benzene-extractable	[2]11.7	8.1	6.4
Residue	5.2	5.0	4.6
Water [3]	120	120	120
Gas	41.2	45.7	45.9
Gas products, mole:			
Carbon dioxide	.17	.49	.85
Hydrogen	Trace	.29	.70
Recovery ..... percent	89.5	89.5	89.3
Cellulose conversion ..... do	87.0	87.5	88.5
Oil yield ..... do	30	21	16
Carbon monoxide consumed, mole	.13	.51	1.03
Shift reaction ..... percent	9.8	37.8	79.8

[1] Values are corrected to 25° C.
[2] Acetone used as solvent instead of benzene.
[3] The water contained some oxygenated organic materials derived from the cellulose.

Footnotes at end of article.

Footnotes at end of article.

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TABLE 2.—ANALYSIS OF CELLULOSE AND PRODUCTS[1]

[In percent]

Element	Untreated cellulose	250° C. Oil	250° C. Residue	300° C. Oil	300° C. Residue	350° C. Oil	350° C. Residue
Carbon	45.6	72.4	73.9	78.5	76.6	81.2	83.1
Hydrogen	6.9	7.0	5.3	8.0	5.9	8.4	5.3
Nitrogen	0.	.004	.3	.03	.2	.1	.2
Sulfur	.04	.2	.2	.04	.04	.003	.1
Oxygen (by difference)	47.5	20.4	20.3	13.4	17.3	10.3	11.3
H/C atomic ratio	1.81	1.16	.86	1.22	.92	1.24	.76

[1] See table 1 for operating conditions.

Effect of pressure

Batch experiments on converting organic solid wastes to oil usually consist of placing the waste material in an autoclave, adding water and catalyst (if not already present in the waste material), and then adding carbon monoxide to the desired pressure. The initial pressure is thus due essentially to carbon monoxide. In addition to the normal pressure increase of carbon monoxide upon heating, contributions are also made by water vapor and the evolved carbon dioxide and hydrogen. Carbon dioxide forms in two ways: by the water-gas shift reaction and by decomposition of cellulose or other waste material. Most of the hydrogen forms via the water-gas shift reaction.

If the temperature is above 375° C, all the water is in the vapor phase, and the pressure becomes as high as dictated by the quantity of water put into the autoclave. Below 375° C, if liquid water is present at reaction temperature, the vapor pressure of water is regulated by the solution concentration, thus making this pressure somewhat less than the known steam pressure of pure water. If a relatively small amount of water is added initially to the autoclave, all water will be in the vapor phase, and the steam pressure at a given temperature will depend on the volume of the autoclave.

The effects of carbon monoxide pressure and steam pressure were delineated by several experiments. The effect of very low carbon monoxide pressure on cellulose conversion was observed visually as well as by determining oil yield. If insufficient carbon monoxide is present, some oil is made, but much of the cellulose chars and retains the shape and volume of the original material. If adequate carbon monoxide is present, as well as water and catalyst, the cellulose structure collapses and yields more oil. The data in table 3 were obtained with high concentrations of water at 250° C. Under these conditions, liquid water is always present, but very little water-gas shift occurs because of the low temperature. Here the difference in operating pressure at temperature is almost entirely due to carbon monoxide, because the steam pressure is constant. Note in table 3 that oil yield is strongly influenced by the applied carbon monoxide pressure.

TABLE 3.—EFFECT OF CO PRESSURE ON CELLULOSE CONVERSION

[50 g. newsprint, 200 ml. water, 10 g. $NaHCO_3$, 1 hr. at 250° C.]

Initial CO (p.s.i.g.)	Operating pressure (p.s.i.g.)	Oil yield (percent)	Conversion (percent)
0	960	24	78
100	1,150	24	76
200	1,380	32	83
300	1,480	32	82
400	1,500	34	84
500	1,640	35	87
600	1,840	40	90

But a gradual decrease in oil yield and conversion is observed as the initial pressure is decreased below 600 psig. Below 200 psig initial pressure, the yields and conversions drop more sharply. At 100 psig or less, the product contains so much solid that it resembles a friable char coated with oil. At higher pressures, the product resembles a heavy tar or a soft solid.

Effect of water

Some information on the effect of water and resultant steam pressure on cellulose conversion is given in table 4. Here the reaction was run at 350° C, a temperature at which the water-gas shift can be very large (table 1).

TABLE 4.—EFFECT OF WATER TO CELLULOSE RATIO ON CELLULOSE CONVERSION

	Experiment 1	2	3	4
Initial pressure of CO[1] (p.s.i.)	585	600	600	585
Operating pressure (p.s.i.)	2,340	2,810	3,360	3,560
Temperature (°C.)	350	350	350	350
Time at temperature	120	120	120	120
Input, g:				
Cellulose	20	20	20	20
Water	20	40	60	80
Sodium carbonate	1	1	1	1
Carbon monoxide	40.6	40.6	39.8	38.0
Output, g:				
Benzene-extractable	2.9	2.6	3.2	4.6
Residue	3.9	3.2	3.7	2.7
Water	18	39	52	75
Gas	49.8	47.0	50.8	47.6
Percent:				
Recovery	91.4	90.4	96.8	93.5
Cellulose conversion	80.5	84.0	81.5	86.5
Shift reaction	18.6	18.6	19.0	39.0
Oil yield	14.5	13.0	16.0	23.0

[1] Values are corrected to 25° C.

The water-to-cellulose ratio was varied from 20:20 to 80:20. The amount of water collected was usually more than 90 percent of the water added. It should be noticed that only in experiment 4 with a water-to-cellulose ratio of 80:20 did water exist both in the liquid and vapor phases in the reactor at 350° C. The calculated amount of water required to give the saturated vapor pressure of 2,390 psi at 350° C in the reactor is 53 grams. Considering the amount of water recovered and that some water would be expended in forming hydrogen and carbon dioxide, it is apparent that only enough water was present to supply the vapor phase during other runs with lower water-to-cellulose ratios. Under these conditions, the pressure of the system reached a plateau as soon as the desired temperature was attained. On the other hand, in experiment 4 the pressure steadily increased during the reaction time owing to the water-gas shift reaction.

Examination of the data in table 4 reveals that variation of the water-to-cellulose ratio had little effect on the results as long as water was present only in the vapor phase. Under these conditions, the conversion of cellulose was 80 to 84 percent, and the products were heavy oil, water, and gases, in yields as shown. The offgas contained carbon monoxide, carbon dioxide, hydrogen, and very small amounts of low-molecular-weight hydrocarbon gases. The extent of the water-gas shift reaction is about 19 percent, when it is assumed to be equivalent to carbon monoxide consumption.

For the run with the high water-to-cellulose ratio (80:20) and with water present in both the liquid and vapor states, cellulose conversion and oil yield seemed to improve slightly. The extent of the water-gas shift reaction also increased to 39 percent, indicating that formation of carbon dioxide and hydrogen also increased.

Generally, formation of carbon dioxide was approximately equimolar to carbon monoxide consumption, but formation of hydrogen, as analyzed in the final gaseous products, was about 32 percent lower than that of the carbon dioxide, which suggests that some hydrogen was taken up in hydrogenating cellulose at 350° C.

In an experiment with a water-to-cellulose ratio of 40:160 under essentially the same conditions, the cellulose conversion was 90 percent and the water-gas shift reaction was as high as 78.1 percent. Here the operating pressure reached 3,900 psi because of increased formation of hydrogen and carbon monoxide. Under these conditions too much carbon monoxide is consumed.

A basic problem is to find reaction conditions that minimize the shift reaction but give high conversions of cellulose to oil. Figure 3 shows the progress of conversion of cellulose with time for a relatively low water-to-cellulose ratio. A feed ratio of water:cellulose:catalyst of 80:40:2 with an initial carbon monoxide pressure of 600 psi was used. The reaction temperature was 350° C, but about 80 minutes was needed to reach this temperature in the autoclave. Nearly 60 percent of the conversion occurred before the system reached 350° C, and the conversion approached a limit of about 78 percent after the reaction was in progress at 350° C for 45 minutes.

The extent of water-gas shift concurrent with the conversion reaction is also shown in figure 3. A steep rise in the extent of the water-gas shift reaction accompanied with increased formation of hydrogen and carbon dioxide was observed in the period between 15 to 45 minutes after the reactor reached 350° C. The inference is that the conversion reaction is faster than the shift reaction. Thus, the preferred operating technique would be to use short reaction residence times with a small sacrifice in cellulose conversion, while gaining a greater reduction in wasteful shift of carbon monoxide to carbon dioxide. Future continuous unit operations should not suffer from long reactant heat-up times, and consequently will permit a better definition of preferred conditions.

Effect of vehicle and solvent

Although equal weights of cellulose and water may be converted to oil in good yields, the presence of additional liquid(s) may improve the process considerably. The major liquid that probably will be used commercially is water. The effect of water on the conversion was discussed above; here, let us examine its other roles in converting organic wastes to oil, as well as the role of various additive liquids.

Water is involved in many ways in this reaction. First, most substrates contain large amounts of moisture. Second, since most organic wastes are highly oxygenated, water is formed merely by heating them to reaction temperature; so it is a reaction product. Third, water, as formed in the substrate during the reaction, or simply added to the reaction mixture, is a mechanical vehicle for facilitating mixing of reactants and preventing condensations to chars by diluting the reaction intermediates.

Water is also a solvent of sorts. It is true that most substrates are not soluble in water under normal conditions, but solvation can occur between the hydroxyl groups of the substrate and water. It is an excellent medium for intermediate hydrolysis of cellulose and other high-molecular-weight carbohydrates to water-soluble sugars. The primary reactions in the conversion to oil likely involve formation of low-molecular-weight, water-soluble compounds such as glucose or pyruvic acid. In addition, alkaline catalysts are water soluble, thus facilitating their dispersion throughout the reaction vessel in readily available form.

Finally, but importantly, water is a reactant. The hydrogen added to the substrate comes from water, which consumes carbon monoxide by reacting with it to form carbon dioxide and hydrogen.

Nevertheless, there are reasons for trying to replace part of the water with other vehicles or solvents. An excess of water accentuates removal of carbon monoxide. Also the vapor pressure of water is high as operating conditions approach the critical temperature of 375° C. Steam pressures become excessive at higher temperatures, depending on the quantity of water present.

At temperatures above 350° C, only a few solvents meet the requirements of stability, low vapor pressure, solvent action, and low-to-moderate cost. One of these solvents is anthracene oil, a byproduct of coal-tar refining. Other excellent solvents are high-boiling heterocyclic bases such as isoquinoline and alkylpyridines. These latter compounds are not only excellent solvents of high stability, but also powerful catalysts for reactions leading to cellulose liquefaction. High conversions can be obtained by using smaller amounts of isoquinoline than of anthracene oil. Because of their cost, however, it will be necessary to recover the heterocyclic bases for recycling.

The effectiveness of anthracene oil and isoquinoline in liquefying white pine wood chips at 380° C is shown in table 5. When either anthracene oil or isoquinoline replaced part of the water, the operating pressure was considerably lowered.

TABLE 5.—EFFECT OF SOLVENT ON OPERATING PRESSURE AND CELLULOSE CONVERSION

[40 g. salt pine, 1,200 p.s.i.g. initial CO pressure, 380° C.]

Water (ml.)	Solvent (ml.) Anthracene oil	Solvent (ml.) Isoquinoline	Time (min.)	Operating pressure (p.s.i.g.)	Conversion (percent)	Oil yield (percent)
40			15	5,850	73.0	22
20	40		15	4,300	95.0	51
20	40		120	4,300	96.5	53
20		5	15	4,200	98.0	57

Catalysts

Water-soluble alkaline compounds, such as sodium carbonate, are effective catalysts (table 6); conversion of over 90 percent and oil yields of 45 to 50 percent are attainable with these catalysts. Generally, hydroxides, carbonates, bicarbonates, and formates of the alkali metal and alkaline earth groups are effective catalysts. At process conditions, these materials probably exist as a mixture of carbonates, bicarbonates, and formates as they undergo conversion from one form to the other.

The data in table 6 show that the alkali carbonates are more effective catalysts than stannous chloride or ferrous sulfate, which are acidic catalysts often used to hydrogenate coal. The ammonium cation (NH_4^+) is similar chemically to the alkali metal cations, and it is no surprise that ammonium hydroxide also gave high conversions of cellulose; but the oil formed in the presence of NH_4OH had a high nitrogen content, and this is a disadvantage.

TABLE 6.—EFFECT OF VARIOUS CATALYSTS ON CELLULOSE CONVERSION

[20 g. filter paper, 40 ml. water, 1,500 p.s.i.g. initial CO pressure,* 350° C.]

Catalyst	Weight (gram)	Time (minutes)	Conversion (percent)
		120	63
$FeSO_4$	1.0	120	69
K_2CO_3	.2	120	80
Na_2CO_3	.2	15	78
Na_2CO_3	.2	120	81
Na_2CO_3	1.0	120	96
†NH_4OH	1.0	120	73
†NH_4OH	10.0	120	96
$SnCl_2$	1.0	120	77

*Operating pressure about 4,800 p.s.i.g.
†A 30-percent aqueous solution of NH_3.

The alkaline salts may serve several purposes:

1. In the presence of carbon monoxide, they are converted to formates which are reducing agents and transfer hydrogen to the oxygenated or unsaturated compounds, and then are regenerated in situ. In other words they serve as homogenous catalysts for converting solid wastes to oil.

2. Alkali carbonates are catalysts for the water-gas shift reaction.

3. Alkaline materials are catalysts for many known organic rearrangements and disproportionations that yield materials containing less oxygen than the original carbohydrates.

4. Alkaline salts may neutralize organic acids formed in the system. Without neutralization, these acids could promote charring.

Much more work is required before the mechanism of catalytic action by alkali salts is clear. But the postulation that formates are intermediates is consistent with these facts.

1. Formates have been identified in the aqueous solution obtained from cellulose treatment.

2. Formates are intermediates in water-gas shift reactions catalyzed by a number of salts.

3. Formates may be synthesized in good yield by treating alkali carbonates with carbon monoxide and water under conditions of the waste conversion reaction.

4. Cellulose can be converted to oil in the absence of carbon monoxide, by heating with large amounts of sodium formate and water.

The hydrogen atom in the alkali formate (HCOONa) is probably transferred to the substrate during the conversion to oil. The water-gas shift reaction in the presence of alkali carbonates probably proceeds via formation and decomposition of the alkali formates:

$$Na_2CO_3 + H_2O + 2CO \longrightarrow 2H-\overset{O}{\overset{\|}{C}}-ONa + CO$$

$$2H-\overset{O}{\overset{\|}{C}}-ONa \longrightarrow H_2 + CO + Na_2CO_3$$

$$\text{Net reaction: } H_2O + CO \rightleftharpoons H_2 + CO_2$$

Catalysts for converting cellulose to oil are more effective at low temperatures (250° C) than at higher temperatures.[13] Aqueous solutions of 2 to 5 percent sodium carbonate or bicarbonate brought about good conversions of cellulose to bitumen at 250° C. Because of the large quantities of catalyst solution used in operating at this temperature, the solution would be recycled.

Table 7 shows the results of eight successive autoclave runs on newsprint with recycling of the aqueous phase containing the catalyst. The oil yield on the first run is usually low because part of the cellulose hydrolysis products remains in the aqueous solution. Thereafter, an equilibrium concentration of soluble carbohydrates and carbohydrate derivatives is reached so that, in effect, all the hydrolyzed cellulose appears converted to bitumen, water, and carbon dioxide. After a few cycles, there was a decrease in conversion. However, the conversion could be returned to the 90-percent level by increasing the reaction time. Reduction of the carbon monoxide pressure, however, caused a considerable drop in conversion.

TABLE 7.—EFFECT OF RECYCLE CATALYST SOLUTION ON CELLULOSE CONVERSION

[250° C., 50 g. newsprint, 10 g. $NaHCO_3$, 200 ml. of recycle solution]

Run	Initial CO pressure (p.s.i.g.)	Time (minutes)	Oil yield (percent)	Conversion (percent)
*1	800	15	40	91
†2	700	15	54	92
3	700	15	43	82
4	700	15	44	88
5	700	15	46	84
6	700	60	53	91
7	400	60	41	78
8	400	60	40	78

*200 ml. water added.
†50 g. newsprint added in this and each succeeding run.

Although originally alkaline, the pH of the recycle aqueous phase drops to about 5 during use, probably because small amounts of soluble organic acids form. The gradual decrease in conversion rate with reuse of catalyst solution suggests that acidic compounds are accumulating and that eventually regeneration of the solution may be necessary. Regeneration should be possible by heating the solution to the temperature at which the acidic compounds are destroyed.

The most effective catalysts, however, for converting cellulosic materials to oil at 350° C are high-boiling heterocyclic nitrogen bases, such as isoquinoline, discussed in the section on vehicles. These dual-role catalyst-vehicles or solvents are particularly effective in promoting the efficiency of hydrogen utilization at high temperatures (table 8). Hydrogen utilization correlates well with conversion of carbohydrates to oil, and is a measure of catalyst effectiveness. Hydrogen utilization is defined arbitrarily as the hydrogen added to the cellulose divided by the hydrogen released. The hydrogen released is obtained from equivalency to the carbon dioxide content of the final gas. This figure is only an estimate because some carbon dioxide is liberated by the cellulose and some carbon dioxide is dissolved in the water in the system.

Footnotes at end of article.

TABLE 8.—EFFICIENCY OF HYDROGEN UTILIZATION

[40 g. soft pine, 1,200 p.s.i.g. initial CO pressure, 380° C. for 15 min.]

Catalyst	Water (milliliter)	Conversion (percent)	Final gas composition (volume, percent)			Hydrogen utilization (percent)
			H_2	CO	CO_2	
None	40	73	18.0	47	33	45
Isoquinoline, 5 g.	20	98	6.8	49	41	83

The soft pine used in the experiments of tables 5 and 8 contained some naturally occurring catalysts; addition of a few percent of sodium carbonate or potassium carbonate would increase conversion to about 90 percent, but would not increase hydrogen utilization. Isoquinoline usually effects carbohydrate conversions greater than 95 percent, and hydrogen utilization normally greater than 80 percent (table 8).

It is interesting to speculate on the reasons for the high effectiveness of nitrogen bases as catalysts. Like ammonia, they can form salts, such as isoquinoline formate, which may give up its formate hydrogen to the substrate more easily than the alkali formates. On the other hand, the alkali metal formates, having limited solubility in the organic phase, may decompose before they can denote all their hydrogen to cellulose fragments.

There is another intriguing possibility. Nitrogen bases have low reduction potentials and are excellent hydrogen transfer agents. Perhaps hydrogen adds to isoquinoline and the resulting hydroaromatic compound then donates this added hydrogen to the cellulose. The effectiveness of anthracene oil as a solvent may be due to its content of many heterocyclic nitrogen compounds.

Effect of substrate

Water-soluble carbohydrates and carbohydrates that readily hydrolyze to water-soluble compounds (at mildly alkaline conditions) can be converted to a bitumen at 250° C.[14] Materials which have been converted to bitumen at 250°C. include glucose, lactose, sucrose, corn stalks, newsprint, pine needles and twigs, and sewage sludge. Cellulose in some freshly cut trees and cellulose materials with large amounts of lignin resist attack at 250° C., but they do react at higher temperatures.

Animal waste, once an essential fertilizer for successful farming, now creates a formidable disposal problem. The underlying reasons are two: expanded use of chemical fertilizers, estimated at more than 30 billion pounds in 1970; and the concentration of animal population (cattle, swine, and poultry) which produces annually some 2 billion tons of wastes.[15] Soils near concentrated animal populations receive heavy doses of manure, which through drainage contribute pollutants to surface waters. Transporting animal wastes long distances to where they could be used is not economical.

Bovine manure (a major animal waste) appears to be mostly cellulosic, yet the material is somewhat more resistant to conversion than cellulose itself; resistant lignins may be present. Bovine manure is not readily converted to oil at 250° C., but treatment with carbon monoxide and steam at 380° C. and high pressure results in high conversions of bovine manure to oil. Because of the calcium, sodium, and potassium content of the manure, the addition of catalysts is not necessary. Compositions of bovine manure and product oil are shown in table 9.

TABLE 9.—COMPOSITION OF BOVINE WASTES AND PRODUCT OIL

100 g manure, 40 g water, 1,200 psig initial CO pressure, 6,000 psig operating pressure, 20 min at 380° C]

Constituent	Composition of manure, percent		Composition of oil [1] percent
	As used	Dry, ash-free basis	
Carbon	20.5	52.2	78.6
Hydrogen	2.5	6.4	9.5
Nitrogen	1.3	3.3	4.2
Sulfur	.5	1.2	.37
Oxygen	14.5	36.9	7.3
Ash	15.1		
Water	45.5		

[1] Conversion 99 percent, oil yield 47 percent.

CONTINUOUS UNIT INVESTIGATIONS

To date, preliminary continuous experiments have been conducted with solutions of sucrose, a typical carbohydrate, to avoid initially the mechanical problems encountered in pumping solids or slurries at high pressure. The experimental approach will be extended to study conversion of starch and micronized cellulose (paper) to oil to provide background data on these typical materials found in waste. Concurrently a special slurry feed pump is being tested for high-pressure operations; when proven dependable, it will be added to the continuous unit to feed slurried refuse after the preliminary study of typical ingredients is completed.

Experiments in the continuous bench-scale unit have been made at 350° and 380° C, and significant oil yields were obtained. Operability and oil production have been demonstrated at total pressures (carbon monoxide and steam) of 4,000, 3,000, and 2,000 psig. Sucrose feed concentrations were 33 and 50 percent. Sodium carbonate, added as catalyst, ranged from about 1.5 to 5 percent of the solution.

Table 10 lists the conditions and results for a preliminary continuous run. The oil yield is fairly good, considering that 50 percent is the theoretical maximum for sucrose. Products from other runs are now being processed and analyzed. Reactor modifications to improve both carbon monoxide retention in the reactor and the gas-liquid contact area will be tested to accelerate the reaction of carbon monoxide with organic materials. This would improve oil yield per reactor volume, an important plant design consideration.

TABLE 10.—CONTINUOUS UNIT OPERATING CONDITIONS

Test conditions:		
Feed composition:		
H_2O	percent	64
Sucrose	do	31.5
Na_2CO_3	do	4.5
Feed density	g/ml	1.15
Temperature	°C	350
Pressure (H_2O+CO)	psig	4,000
Liquid feed rate	ml/hr	90
Gas feed rate	scf/hr	2.0
Residence time	hr	1.0
Duration	hr	7
Gross run results:		
Oil collected	g	73
Oil yield from sucrose	percent	33

The product from the continuous runs is generally a brownish-black oil at room temperature. Even though its density is only slightly less than that of the water layer, the oil is separated by centrifugation at room temperature. The oil produced at 350° C had an elemental composition of 75.2 percent C, 9.1 percent H, and 15.7 percent O (by difference); its heating value is 15,200 Btu per pound. The oil produced at 380° C contained 77.7 percent C, 9.4 percent H, and 12.9 percent O.

Mass, infrared, and ultraviolet spectrometric examination of the oil produced at 350° C and 4,000 psig indicated that the oil is almost entirely aliphatic with either linkages and carbonyl and hydoxyl groups present. Much of the material appeared to exist in cyclic structures. Nuclear magnetic resonance examination showed that most of the hydrogens in the product were in methylene or methyl groups; a large proportion of these groups were alpha or beta to a carbonyl group or to an unsaturated carbon atom. About 4 percent of the hydrogen was "unsaturated" hydrogen—probably on olefinic (rather than aromatic) carbon atoms; another 3 percent of the hydrogen occurred in the form of —OH groups. There was no indication of aldehydic hydrogen ($-\overset{H}{C}=O$).

The results of a simulated distillation by gas-liquid chromatography are as follows:

Percent distilled—distillate weight/original weight	*Temperature ° C*
0.5	[1] 42
5.0	85
10.0	133
20.0	188
30.0	236
40.0	281
50.0	327
60.0	384
70.0	488

[1] Initial bp.

CONCLUSIONS

A significant part of the energy demand of the Nation can be obtained on a renewable basis by converting nearly every kind of organic solid waste to a low-sulfur oil by treatment under pressure with carbon monoxide and water. Methods for lowering carbon monoxide consumption and for operating at lower pressures have been found; these offer the potential of low processing-costs for converting cellulosic wastes to oil. While the effects of temperature, pressure, and water on this process have been explored, more work is required to find optimum conditions for the conversion. A continuous unit has operated successfully, and preliminary results have been obtained on the conversion of sucrose to oil.

FOOTNOTES

[1] Research chemist.
[2] Supervisory chemical research engineer.
[3] Project coordinator.
[4] Knapp, E. C. Agricultural Poses Wastes Problems. Environ. Sci. and Technol., v. 4, December 1970, pp. 1098–1100.
[5] Vaughn, R. D. Solid Waste Management—Everybody's Problem. Environ. Sci. and Technol., v. 5, April 1971, p. 293.
[6] Work cited in footnote 5.
[7] Appell, H. R., I. Wender, and R. D. Miller. Conversion of Urban Refuse to Oil. BuMines Tech. Prog. Rept. 25, 1970, 5 pp.
[8] Appell, H. R., I. Wender, and R. D. Miller. Solubilization of Low Rank Coal With Carbon Monoxide and Water. Chem. and Ind. (London), Nov. 22, 1969, p. 1703.
[9] Work cited in footnote 7.
[10] Work cited in footnote 7.
[11] Work cited in footnote 7.
[12] Work cited in footnote 7.
[13] Work cited in footnote 7.
[14] Work cited in footnote 7.
[15] Work cited in footnote 4.

ORDER FOR RECOGNITION OF SENATORS BYRD OF VIRGINIA, MAGNUSON, AND BYRD OF WEST VIRGINIA, AND ORDER PROVIDING FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks by the Senator from Arkansas (Mr. MCCLELLAN) tomorrow, the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes, that he be followed by the distinguished senior Senator from Washington (Mr. MAGNUSON) for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia (Mr. BYRD), for not to exceed 15 minutes, following which there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period for routine morning business not to extend beyond 10:30 a.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RELIEF OF WILLIAM D. PENDER

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 248.

The PRESIDING OFFICER (Mr. HOLLINGS) laid before the Senate the amendment of the House of Representatives to the bill (S. 248) for the relief of William D. Pender which was to strike out all after the enacting clause, and insert:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Pender, an employee of the Department of the Army, the sum of $3,602.69, in full satisfaction of all claims of the said William D. Pender against the United States for compensation for the loss of household goods and personal effects which he had to abandon in Fairbanks, Alaska, after he was incorrectly informed by the Department of the Army personnel that such goods and effects could not be stored or shipped at Government expense incident to his transfer from Fort Greely, Alaska, to Fort Belvoir, Virginia, and which could not otherwise be disposed of by said William D. Pender because of prohibitively high commercial storage rates and the shortage of time between the issuance of transfer orders and the reporting date at his new duty station: *Provided*, That no part of the amount appropriated in the Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

RELIEF OF CERTAIN INDIVIDUALS

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 113.

The PRESIDING OFFICER (Mr. HOLLINGS) laid before the Senate the amendment of the House of Representatives to the bill (S. 113) for the relief of certain individuals and organizations which were, on page 2, line 3, after "Dakota," inserts "and Mildred C. Payne".

On page 2, line 4, strike out "$256.89," and insert "$267.97,".

On page 2, line 7, strike out "June 27, 1969" and insert "July 29, 1969".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PERSONAL STATEMENT

Mr. BYRD of Virginia, Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BYRD of Virginia. Mr. President, at 10:30 this morning, the Senate voted on a conference report. The Senator from Virginia was out of the city, arriving back a few minutes late, and as a result was not able to cast his vote on that conference report.

I ask unanimous consent that the record show that had the Senator from Virginia been present, he would have voted "aye."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE OUTLOOK FOR SINE DIE ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, when will sine die adjournment occur? The answer to that question depends on final action on the following:

Conference report on defense appropriations. The House acts first.

Conference report on D.C. appropriations. The House acts first.

Foreign aid?

Continuing resolution on foreign aid? In any event, the House acts first.

The conference report on phase II economic proposal. The conference has not yet been held, but Senate conferees are ready to meet when House conferees are ready.

The foregoing items constitute the key to sine die adjournment, and the Senate stands ready and awaits the actions of the other body.

Further conference reports which may or may not be acted upon before adjournment—and which can, if necessary, be carried over to the first part of next year—are as follows: Federal credit unions, ocean dumping, election reform, social security amendments, interest rates on insured mortgages, lump sum death payment.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, there will be no more votes tonight. The Senate will convene tomorrow at 9 o'clock. After recognition of the two leaders, and the expiration of the various 15-minute orders which have been entered, there will be a period for the transaction of routine morning business with the usual 3-minute limitation on speeches. At 10:30 a.m., there will be three separate but consecutive rollcall votes on the following:

Executive M, the agreement concerning international classification of goods and services;

Executive I, Locarno agreement establishing classification of industrial designs; and

Executive K, protocol relating to international civil aviation.

Following those three back-to-back rollcall votes, the first of which will occur at 10:30 a.m., there could be additional rollcall votes on conference reports, and so forth, though I know of none at the moment.

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 51 minutes p.m.) the Senate adjourned until tomorrow, Saturday, December 11, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 10, 1971:

U.S. DISTRICT COURTS

Bruce M. Van Sickle, of North Dakota, to be U.S. district judge for the district of North Dakota, vice George S. Register, retiring.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

MEDICAL CORPS

To be colonel

Hanson, Chester A., 301167251.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

Army Promotion List

To be lieutenant colonel

Anderson, William A., 431342150.

Army Promotion List

To be major

Bland, Andrew R., Jr., 248448290.
Brylla, Charles W., 393244120.
Burr, Jacky A., 443402095.
Crowle, James L., 276262126.
Dahl, Hans E., 123246462.
Davis, Marion L., 278282298.
Edes, Richard H., 549448796.
Gray, Thomas A., 035227196.
Knippa, Leroy E., 728129956.
McCarthy, Robert A., 274306591.
Neilson, Russell W., 339280974.
Paladino, Vito W., 146265888.
Sammt, Carl J., 276262331.
Vice, John R., 313309842.
Webster, Howard E., Jr., 119262697.

Army Promotion List

To be captain

Adams, Nolan J., 435661235.
Baker, Robert J., 534365235.
Beaton, Edward A., 028301074.
Behler, Gene R., 351303873.
Boegler, Kenneth G., 034308181.
Briggs, James B., 462581119.
Brown, Robert C., 429686001.

XUM

Campbell, Donald J., 148280372.
Carr, Byron H., 452624064.
Coats, Landis R., 239527957.
Cook, Billie R., 433501252.
Coonradt, Leo J., 528469690.
Crown, Francis J., Jr., 231568225.
Culbert, Harry J., 530266565.
Dinsdale, Roger, 483468973.
Gettig, Charles E., 195289684.
Greer, Harold E., Jr., 258643519.
Hamilton, Jack L., 570464473.
Hartfield, Robert S., 426807484.
Hartsell, Carroll F., 431748684.
Hergen, James G., 053347551.
Herring, Charles D., 304443155.
Herrington, James W., 574107937.
Kelley, Arthur W., 176326595.
Kirchner, John E., 453646227.
Knight, David B., 260603535.
Loeffler, Frank E., 080320765.
Metzer, Robert M., 036266354.
Morgan, Emmett K., II, 466665600.
O'Brien, Dennis E., 505544301.
Priester, Darrell J., 508448633.
Pozniak, Edward J., 335342658.
Richardson, Troy E., 426608150.
Rawlinson, Jerry D., 351349198.
Riddell, John M., 427860965.
Riley, Harry G., 579507463.
Rittenhouse, David, 530224583.
Robinson, Glen E., 541384456.
Rock, Robert J., 390401014.
Rosenberg, Raymond, 060323551.
Ross, Thomas P., 516441856.
Sailer, Avery T., Jr., 079344281.
Shiver, Eustice M., 265582312.
Slover, Harold L., 126325118.
Smith, Wendell I., 459527309.
Smoot, Charles V., 229463120.
Stetson, Mark R., 494427291.
Thomas, Robert E., Jr., 254607326.
Wade, Thomas G., 320366064.
Webb, Thomas J., 397349033.

MEDICAL CORPS

To be captain

Howell, Frederick L., 151302164.
Limmer, Bobby L., 454703219.

VETERINARY CORPS

To be captain

Cirone, Salvatore M., 339327583.

MEDICAL SERVICE CORPS

To be captain

Platte, Ronald J., 284347806.
Porter, Steven J., 483469228.
Sullivan, John E., Jr., 429761170.

ARMY NURSE CORPS

To be captain

Kanusky, Joseph T., 191323387.
Miles, Ann L., 147340336.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

ARMY PROMOTION LIST

To be first lieutenant

Acock, John H., Jr., 434586980.
Adams, Samuel B., 418662157.
Aldridge, Marion J., 421588239.
Allen, Clay W., III, 460807577.
Anders, Howard G., 192384017.
Arias, Louis A., 457706018.
Armour, Wayne T., 465761530.
Armstrong, Eugene G., 128368965.
Artz, Remy E., 527547761.
Baldenweck, Thomas, 498460655.
Ball, Larry E., 494489138.
Bancroft, Ronald K., 412781719.
Banzhoff, Ernest L., 219443259.
Barcellos, Terrance D., 530289987.
Barefield, Robert L., 403666953.
Barth, James M., 566703373.
Baskin, Jerry S., 079368351.
Baur, Richard, 460745488.
Becker, Lawrence J., 019345675.
Becker, Richard H., 522582900.
Bennett, Harry S., 164360313.
Berry, Phillip C., 212442267.
Billiter, Patrick E., 402641163.
Bischoff, John M., 393449910.
Boatwright, Leroy, 262765055.
Bongiorni, Dominic, 176387000.
Booton, Paul M., Jr., 440445585.
Bourne, Garrett D., 293408259.
Bradley, David R., 465741414.
Brethorst, William, 493500514.
Bria, Carmen J., 566507506.
Brock, Robert W., 270402293.
Brooks, Charles R., 258706164.
Brooks, Donald P., 237707203.
Brooks, Mack M., 170365775.
Browder, Dewey A., 491462729.
Brown, Henry E., Jr., 426884069.
Brown, Richard M., 014385936.
Brown, Roger F., 238602705.
Bryant, Scott A., 005465210.
Bulloch, Bobby J., 432804316.
Bullock, William F., 418661351.
Caggiano, Arthur W., 017344923.
Callen, Paul J., 031349894.
Calocci, Thomas F., 307446281.
Campbell, Francis J., 023365866.
Campiglia, Michael, 050369714.
Carbone, Joseph D., 068369189.
Carey, Stephen W., 56522261.
Carfagna, Don R., 169380097.
Carpenter, William, 518504870.
Casey, James T., 263882150.
Cecere, Robert A., 162389945.
Chambers, William W., 512467735.
Chapin, Steven W., 296423131.
Charlton, Donald G., 261704488.
Chase, Michael S., 535409317.
Childers, William M., 410808685.
Chubb, James M., 296400476.
Ciccolella, Charles, 226607085.
Ciccolella, Richard, 230625272.
Clark, Jerry S., 445441840.
Coleman, John R., 197387455.
Collins, William P., 034328867.
Collinsworth, Tim A., 407605728.
Connor, Michael D., 235709644.
Cooch, Robert L., Jr., 569681338.
Cook, Craig A., 536421723.
Cording, Lewis C., 549548536.
Corrigan, Michael L., 578601890.
Cosumano, Joseph M., 438724186.
Cottrell, Walter T., 257642851.
Craft, Troy L., Jr., 425908536.
Craig, David B., 073341576.
Crenshaw, Robert S., 229628162.
Crites, Harold F., 278463498.
Crosby, Lamar C., 258705636.
Cross, James B., 292466496.
Cruikshank, Kenneth A., 410724192.
Culhane, Kevin V., 128364640.
Daniels, Richard S., 241728556.
Dasher, Steven A., 253703672.
Dauphinee, Donald D., 036324394.
Davis, Mark W., 450722837.
Davis, Ralph J., 318384947.
Deacon, Carrell V., 414723278.
Deck, William R., 283426824.
Deming, Dennis C., 505645767.
Denler, Douglas P., 517545344.
Dickens, Ralph K., Jr., 450564516.
Dietz, Thomas A., 562586125.
Dirlam, Richard R., 093383412.
Dorazio, Gene S., 236745213.
Doremus, Darrell D., 408707720.
Duane, Daniel J., 065401012.
Dunn, Michael W., 500403106.
Duval, William G., 181347336.
Duvall, Julius D., 247809756.
Early, Michael J., 298404007.
Ebert, Roger L., 556661659.
Eggers, John L., 240623820.
Elston, Kenneth D., 479466934.
Erickson, Kenneth L., 527689197.
Erickson, Marlin D., 477482312.
Erion, John H., 273402117.
Evenson, Michael K., 260709788.
Evirs, Robert G., 214402460.
Ezell, James J., 464682392.
Fagan, James D., Jr., 056360851.
Fellinger, Paul W., 286405032.
Ferguson, William G., 230600419.
Fisher, J. B., Jr., 432704943.
Flagg, Albert C., Jr., 009282619.
Foote, Robert D., 451705610.
Foreman, James E., 513347007.
Fritz, Paul H., 076348657.
Galloway, James E., 055385890.
Gandara, Guillermo, 580964033.
Garlock, Warren D., 146366826.
Garoutte, Michael D., 466662214.
Geis, Craig E., 265806307.
Gibbs, Allen D., 317460334.
Gibbs, Charles, 051361925.
Gidej, Jaroslaw, 054400704.
Giger, John R., 030322017.
Glendon, John W., 277447189.
Gober, Donald F., 426925201.
Goff, Forrest W., 465683905.
Gogola, Gordon S., 126367666.
Goldberg, Lewis J., 122364793.
Goldsmith, Robert M., 144361096.
Gramlich, Andrew F., 265701600.
Gray, Louis G., 443426980.
Green, Bernard W., 085284624.
Greer, Dan B., Jr., 520489509.
Grevert, Donald C., 225701625.
Griffin, Derek L., 219428338.
Griffin, Steven R., 147346839.
Gustafson, Karl J., 252780561.
Gustin, Jerry J., 510463311.
Gustine, James E., 451663579.
Hanretta, Kevin T., 094369827.
Hardegree, Jimmy V., 259684157.
Hardin, Steven L., 492447965.
Harker, William L., 222289204.
Harnagel, Harold W., 479542677.
Harness, George W., 168368901.
Harold, Philip A., 234745481.
Harris, Danny E., 525921013.
Harris, James W., 490988987.
Harrison, David G., 291383710.
Hawk, Michael E., 480500616.
Hawley, Richard F., 234669295.
Hayden, Nolen M., 461687246.
Hayes, Michael W., 490483527.
Hesson, Philip A., 310466919.
Hesters, Allan E., 261900765.
Hier, James A., 523501595.
Hildebrand, William, 196388208.
Hill, William T., 520521862.
Hilton, Corandrum I., 258740592.
Hinkle, Lawrence G., 364426042.
Hinson, Robert L., Jr., 240640202.
Hirschman, Norman J., 445442278.
Hitchcock, Barry W., 560643044.
Hixon, Harry W., Jr., 424568617.
Hoffmeister, Robert, 137369576.
Hogan, Lawrence G., 515420490.
Holloway, Perry B., 430869318.
Hopkins, Johnny L., 299407879.
Hopson, Lloyd D., 440441803.
Horner, Charles T., 225681186.
Huff, Robert L., 516523485.
Huffman, Walter B., 454727206.
Hule, Clifford R., 292385302.
Humphries, John M., 231624394.
Hunter, Cardell S., 578584891.
Huseman, Dana F., 212523574.
Hutchings, Charles, 259587389.
Hyatt, Scott W., 341389102.
Iaconis, Christopher, 032322893.
Jackson, Dennis K., 520481213.
Jacobs, Kendall E., 041409997.
Jacobs, Randall, III, 455709618.
Jacqmein, William M., 147342369.
Jallo, Michael E., 552664834.
Jarvis, James A., Jr., 551683804.
Jessup, Eric P., 183360474.
Johnston, Allan G., Jr., 577642725.
Jones, Lewis S., 195388782.
Jones, Rudolph M., Jr., 244745582.
Jones, Ulysses S., 408805262.
Jones, William W., 257627732.
Kagler, Allen T., 364742206.
Keating, William J., 555605945.
Keller, William P., 429901328.
Kelly, Lester A., 017346737.
Kennedy, Harvey M., 225664344.
Kernan, William F., 456745841.
Kevorkian, Harold H., 010342718.
Kietzman, Howard W., 499462435.
Killian, Michael J., 446486547.
King, Marc A., 264827299.
Kirby, Robert F., 339402223.
Kirkpatrick, William M., 432783881.

Knauer, Richard J., 220428612.
Koleszar, Thomas R., 146403615.
Koren, Philip F., 177364075.
Kovalchick, Richard, 218469893.
Kraft, Kenneth M., Jr., 430844008.
Krause, Gerald A., 434666754.
Kresge, Louis A., 064387862.
Kuhn, David L., 504484201.
Kyser, Perry L., 269423356.
LaComb, Augustus J., 105324742.
Lawrence, James W., 257681961.
Lenze, Paul E., 538500528.
Levaas, Larry N., 2124824C8.
Liddell, Robert J., 022341918.
Lifteau, James N., 355360946.
Lindley, Richard B., 432901468.
Lingle, William R., 243700051.
Link, James M., 216426041.
Linn, Charles M., 337366416.
Lopresti, Thomas T., 154343094.
Love, Geoffrey T., 263646351.
Luczynski, Thomas P., 027349915.
Luker, Thomas M., 463765605.
Lunghofer, Terence, 284420732.
Lynch, Francis J., 059365076.
Lynd, Patrick A., 266700781.
MacCary, Robert F., 125368103.
MacCuish, Donald A., 012343794.
Mackey, John G., 560664638.
Mackler, Leonard, 488508164.
Maggiacomo, Peter J., 10?265877.
Mahoney, Larry G., 560643394.
Maldonado, Leonard, 462800704.
Maloney, Peter R., 049360129.
Maloney, William J., 010342645.
Marls, Harold B., 510483764.
Marlar, Gary J., 429840711.
Martin, John A., 449741723.
Matsuno, Richard T., 529582329.
Mayo, Francis L., Jr., 228645959.
McAninch, William, 251789046.
McAuliffe, John F., 143346222.
McCabe, Laurence W., 141347596.
McCann, Robert C., 501541095.
McClanahan, Carl E., 232741935.
McClelland, Robert, 454703762.
McCormack, Thomas, 172389450.
McDade, John H., Jr., 014362645.
McFarlin, Michael, 469525703.
McGraw, Dennis F., 298409546.
McKelvey, William, 585225535.
McKenna, Milton F., 037280489.
McNeill, Dan K., 245744203.
Medina, Refugio O., 457806298.
Meeker, John R., 216426461.
Meeks, William M., II, 429800095.
Meinerth, Barry R., 021348907.
Melsek, Rodney D., 265709133.
Meriweather, Thomas, 254767915.
Merkel, John, Jr., 531420433.
Meyers, William F., 149349554.
Miles, Bernard L., II, 551507032.
Millar, William K., 007444301.
Miller, Cassius O., 509480087.
Miller, George Z., 261803061.
Minney, Elton D., 544508424.
Miskimon, Gary E., 511442559.
Moberg, Harley, 538401661.
Monk, John T., 442426704.
Morton, Kenneth B., 266948382.
Moscatelli, Edward J., 155344004.
Mullendorf, James M., 411767908.
Mumby, Roger L., 564566060.
Mumma, John H., 527725852.
Musick, Karl D., 512486774.
Myers, Robert G., 560448402.
Naaktgeboren, Martin, 514504507.
Nickel, William C., 287389550.
Norman, John F., 133347295.
Nuttall, Leonard W., 523549543.
Oenning, Lester C., 282404943.
O'Harra, Michael B., 529641610.
Osmundsen, John R., 368342106.
Pacotti, James E., Jr., 523582040.
Palmer, Richard L., 288400203.
Palmer, Robert L., 417607939.
Palumbo, Lewis A., 427862244.
Parker, James O., III, 261780992.
Parrish, Maurice B., 424547051.
Parrott, George E., 562588096.
Parrott, Leon F., 247640034.
Patton, Robert S., 316467775.
Payant, Richard P., 027343918.
Petrucci, Michael J., 377508456.
Phelps, Dennis A., 227585469.
Phillips, David K., 256702917.
Plaot, John W., 372449968.
Pierce, Kenneth R., 088368558.
Pinkett, Larry C., 213440067.
Pinson, Jerry W., 255724501.
Pitman, James M., 400687594.
Pitt, John M., 347365878.
Plum, Larry R., 295420284.
Polley, James D. IV, 226666421.
Pope, Arthur L., 250841363.
Poulton, Charles, 444424549.
Powanda, John R., 191363158.
Powell, Frank L. III, 424546437.
Powers, Arthur G., 003322345.
Pozas, Edward G., 565626490.
Prasuhn, David R., 301384361.
Pratt, James T. III, 041361510.
Pratt, John B. II, 223623832.
Price, Robert E. III, 460682513.
Price, Steven M., 262887030.
Puzey, Paul B., 529625843.
Ramos, Benjamin J., 574145479.
Rangel, Hector M., 459786330.
Ratcliffe, Lamar C., 240789934.
Ray, Frederick L., 262981634.
Reed, John L., 296369944.
Reese, Thomas H., Jr., 529623404.
Rhodes, Danny L., 249741633.
Richmond, Charles D., 625988093.
Riddle, Terry L., 441481251.
Rivers, Clarence, 263723613.
Robertson, Darrell, 520444643.
Rock, Richard W., Jr., 530285359.
Rodriguez, Rogue, 459721507.
Rogers, Richard S. I., 515503068.
Rowe, Frederick M., 565623160.
Rudewick, William K., 194389145.
Rudulph, John B., Jr., 423580250.
Ryan, Sylvester A., 156382839.
Salazar, Timothy C., 218447353.
Scheeren, William O., 197389344.
Scherer, William F., 146366265.
Schmid, Harold W., Jr., 463720197.
Schuepbach, John W., 466740471.
Schultz, Douglas P., 125360551.
Schultze, Richard W., 182365258.
Scotto, David W., 037304005.
Scruggs, Rhett W., 008305351.
Shepherd, John D., 165381592.
Shields, Michael R., 547663412.
Shrigley, Ralph E., 281409816.
Siekman, Dwayne K., 507641196.
Stevers, Ronald H., 409723569.
Simms, James B., 334383540.
Skelly, Lawrence E., 413727969.
Smith, Joe L., Jr., 500487509.
Smith, Paul C., 41070075.
Smith, Roger E., 320363587.
Sneed, Joel W., 430864006.
Snyder, Neil N. III, 216502893.
Snyder, Robert L., 278404100.
Spining, William P., 415720469.
Spotz, Jeffrey L., 194380864.
Stafford, Fenley D., 257668109.
Stauffacher, Thomas, 357341052.
Steck, Earl N., 518503055.
Stempel, Conrad F., 485529501.
Stempson, Douglas W., 501487226.
Stewart, Charles P., 463780291.
Stewart, Peter H., 019341582.
Stinnett, George H., 442440619.
Stodart, William J., 530307426.
Soroble, Charles R., 174362431.
Strouth, Cecil L., 230622444.
Stubbs, Richard W., 041380933.
Stuhrke, Frederick, 149383222.
Stull, Lynn B., 253729718.
Sutherland, James W., 215509071.
Swfarengin, Don A., 432864960.
Taylor, James T., 462709932.
Terry, Ronald W., 560622196.
Tewalt, Ronald J., 538423761.
Theobald, Arthur E., 585241475.
Thompson, Roland, 212423899.
Tobin, Gary M., 136387916.
Tolliver, Edmund R., 567605838.
Tomes, Jonathan P., 312463108.
Torre, Joseph F., 027345542.
Tweed, Frederick D., 205365971.
Tyler, Kenneth J., 364444232.
Vacca, William J., 392502500.
Valentine, James T., 263689705.
Vaughan, James T., 412726596.
Veitch, Douglas S., 501444687.
Vibbert, Dallas M., 527622479.
Villavaso, Alfred G., 437667393.
Voyles, Wilford C., 402640506.
Wakeman, Robert I., 526549890.
Waldron, Paul L., 554680847.
Wallace, Don W., 461684581.
Wallace, John A., 428847195.
Ward, Talmadge C., 432864320.
Watkins, Deems C., 552687068.
Watson, Raymond T., 263684488.
Weaver, Dwight D., 431822159.
Wegleitner, Thomas, 471529242.
Weimer, Robert M., 276382463.
Wells, Elgia, 460744728.
Wemlinger, John V., 280420806.
Werts, Douglas D., 212481226.
Wheeler, Gregory A., 252789798.
Williams, Rodney L., 530300397.
Wilson, James M., 212460753.
Wilson, Stephen E. R., 224666853.
Wiltshire, Robert B., 049341691.
Wimberly, Donald C., 552666967.
Windebank, Donald, 109403681.
Witt, Robert E., Jr., 136386201.
Wohlfert, Kenneth P., 370462858.
Wright, David O., 462690162.
Yost, James D., 424640339.
Zito, Alvin H., 206340396.

WOMEN'S ARMY CORPS

To be first lieutenant

Davis, Constance M., 548661556.
Hickerson, Patricia, 230565172.
Hicks, Gail S., 231582604.
Kugel, Elizabeth E., 504506601.
Stubbs, Peggy A., 252783869.

MEDICAL SERVICE CORPS

To be first lieutenant

Apland, James P., 503482075.
Ayala, Isaac, 457561674.
Beson, James L., 444447224.
Bost, William G., 253727064
Cox, James M., 203363726.
Cox, Marcus A., 501560951.
Davenport, Charles, 437548665.
Dionne, Raoul B., 002308917.
Donato, Jorge, 582984360.
Everette, Kirby L., 242544281.
George, Gary B., 423549573.
Hicks, Donald E., 480542417.
Higgins, Walter E., 462689927.
Hill, Mack C., 265607091.
Hiner, William O. Jr., 177341640.
Karl, Robert D., Jr., 220488442.
Lankford, John M., 257709632.
Ledford, Kenneth, Jr., 382464814.
Legler, Theodore R., 306468461.
Malewski, Edward, 194329316.
Mann, David A., 404627229.
McIlrath, John C., 353367469.
Moro, Kenneth S., 504305660.
Mott, Loran C., 213460413.
Natkin, Ian L., 327387397.
Nygaard, Nathan A., 501521294.
Paniak, Walter T., 360424024.
Perry, Ray, 229522797.
Quigg, Loren T., 563587787.
Read, John A. III, 088389713.
Read, John T. II, 278460477.
Ristroph, Joseph D., 229563161.
Ritchie, James L. IV, 574160775.
Roden, Jack R., Jr., 452680029.
Schumeyer, Gerard, 051404162.
Slader, Bruce L., 035283819.
Smith, William R., Jr., 298404839.
Sodetz, Frank J., Jr., 324329285.
Solook, John T., 141343375.
Stanfield, Bernard, 429847953.
Steinberg, Arthur F., 029322411.
Stuebe, Richard R., 318406021.
Taylor, Roy G., 448423114.
Tragis, John C., 377365471.
Tuell, Henry O. III, 444401322.

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Tupper, Joseph L., Jr., 239706347.
Walker, Robert A., 457684298.
Wehunt, William D., 249842036.

ARMY MEDICAL SPECIALIST CORPS

To be first lieutenant

Bruns, Robert D., 484526258.
Sinnott, Richard R., 039288889.

ARMY NURSE CORPS

To be first lieutenant

Lawyer, Robert H., 131342700.
Ludlam, Thomas M., 463765605.
Todd, Tony W., 382420325.

ACTION

Charles W. Ervin, of California, to be an Associate Director of Action. (New position.)

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Harold C. Crotty, of Michigan, to be a member of the National Commission on Libraries and Information Science for the remainder of the term expiring July 19, 1972, vice Charles A. Perlik, Jr., resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 10, 1971:

ACTION

Nicholas W. Craw, of the District of Columbia, to be an Associate Director of Action.

IN THE MARINE CORPS

Lt. Gen. Robert E. Cushman, Jr., U.S. Marine Corps, to be Commandant of the Marine Corps with rank of general for a period of 4 years from the 1st day of January 1972 in accordance with the provisions of title 10, United States Code, section 5201.

Maj. Gen. Louis Metzger, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The nominations beginning Aaron H. Wilson, Jr., to be captain, and ending Blair C. Wrye, to be major, which nominations were received by the Senate and appeared in the Congressioinal Record on Nov. 12, 1971.

IN THE ARMY

The nominations beginning Kenneth W. Copeland, to be colonel, and ending Michael G. Rogers, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Nov. 12, 1971;

The nominations beginning Patricia Accountius, to be colonel, and ending Lawrence Zimmerman, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on Dec. 1, 1971; and

The nominations beginning James L. Anderson, to be professor of physical education, U.S. Military Academy, and ending Kevin M. Scott, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Dec. 1, 1971.

IN THE MARINE CORPS

The nominations beginning Carolyn J. Auldridge, to be lieutenant colonel, and ending Ralph P. Zullo, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on Nov. 12, 1971; and

The nominations beginning Russell R. Allen, Jr., to be chief warrant officer (W-4), and ending Arthur Yow, Jr., to be chief warrant officer (W-2), which nominations were received by the Senate and appeared in the Congressional Record on Dec. 1, 1971.

SUPREME COURT OF THE UNITED STATES

William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States.

EXTENSIONS OF REMARKS

JACK EIGEN—AMERICA'S MOST IMITATED INTERVIEWER

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. PUCINSKI. Mr. Speaker, on Saturday, December 11, Jack Eigen concludes more than 24 continuous years in the broadcast industry.

We, in Chicago—and the people who are privileged to hear him in 38 States—know him as America's most imitated interviewer. He pioneered the late night talk show and his exceptional methods have set a very high standard for those broadcast journalists who have followed him in this highly difficult field.

Over the course of the last 24 years, interviewing approximately five guests a night for six nights a week, Jack Eigen has introduced more that 25,000 guests to his television audience. With a breadth of knowledge and a range of interests that have never been surpassed by his imitators, Jack Eigen has helped to shape some of the most informative news stories of our times.

His guests over the years have included people from show business, politics, sports, the arts—the entire spectrum of human endeavor that calls on the best, most unique talents of human beings. Jack's skill as an interviewer has consistently drawn the best from these often complicated men and women, making them and their work fascinating to the listening audience.

His career originated in New York out of the famed Copacabana shortly after World War II. Later he moved to Chicago and has become over the years an institution to all those millions of people who respected and enjoyed the zest and intelligence he brought to his job.

Jack Eigen has lived through and helped to shape some of the major historical facets of our modern American era. It may be a cliche to say that an era is coming to an end when he leaves his position on Saturday night, but there is no question that broadcast journalism and the late night interview show are stamped forever with the force of his personality, the depth of his character, and the scope of his great integrity. Chicago and a major portion of the Nation will sadly bid his talk show farewell this month. For us, as for his colleagues within the radio and television industry, he is both a legend and a model.

But, Mr. Speaker, I have a feeling Jack Eigen will be back. Once before the NBC format was changed in Chicago and Jack was off the air for a spell. But the demand for his fine brand of broadcasting was so great he was recalled.

I can appreciate the management's desire to try something different. This is in keeping with the best tradition at NBC—always striving to bring its listeners a format acceptable to the largest needs of the community but I am certain no format will replace Jack Eigen.

It has been my privilege to appear in Mr. Eigen's program many times and I never cease to be amazed at what a fantastically large audience he has.

As I traveled through Midwest America, people from all walks of life would come up when they heard my name and tell me they heard me on the Jack Eigen Show.

Jack has provided an enormous public service to the thousands of people in the Midwest and WMAQ is to be commended for bringing this type of programing to Midwest America.

Mr. Speaker, Jack Eigen and his lovely wife have become a tradition in Chicago. We shall all miss his kind and inspiring broadcast. But we shall rejoice at the thought that he and his wife are enjoying themselves in Florida and we wish them many, many more years of happiness.

Chicago shall miss Jack Eigen. The old city just will not be the same. We can only hope his vacation will be short and he will be back at WMAQ as quickly as possible.

WHAT ABOUT THE MONEY?

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. SYMINGTON. Mr. Speaker, I would like to call the attention of the House to an editorial dealing with the Health Manpower Act and the Nurse Training Act. The article, entitled "What About the Money?" appeared in the St. Louis Post-Dispatch, December 2, 1971.

One of the most serious problems facing this country is the lack of adequately trained and adequately paid health care personnel. The doctor, nurse, and medical technician shortage is critical. As a member of the Public Health Subcommittee of the Interstate and Foreign Commerce Committee, I have visited hospitals and have seen, firsthand, the real need for more doctors, more nurses, and more Federal dollars if we are to solve the health crisis.

If our physicians, dentists, and nurses are to be both accessible and adequately trained, the President must support appropriations that match the congressional authorizations he has acclaimed and approved. At this point, I insert in the RECORD the Post-Dispatch editorial that calls for this kind of Presidential support:

WHAT ABOUT THE MONEY?

A significant step toward increasing the number of physicians, dentists, nurses and

other health care personnel—the sine qua non of national health insurance—was taken recently when the President signed two measures, the Health Manpower Act and the Nurse Training Act.

The former measure contains a three-year authorization of 2.9 billion dollars and the latter an authorization of $855,500,000. For the current fiscal year, the Health Manpower Act provides $225,000,000 in construction grants to medical schools and other training institutions and $245,000,000 in grants based on per capita enrollment. The new law authorizes subsidies for the interest on loans obtained by medical schools, special grants to schools to train doctors in family medicine, incentives to students to locate their practices in areas of medical manpower shortages, and grants to help schools enroll students from minority and low income groups. The Nurse Training Act also provides for construction grants, per capita student grants and interest subsidies.

In signing the bill, President Nixon embarked on one of his customary excursions into the superlative, calling the measures "the most comprehensive health manpower legislation in the nation's history." Whether this is so is less important than that his remarks indicate a 180-degree turnabout—last year he pocket-vetoed similar but less ambitious health manpower legislation. The test of his extravagantly-worded commitment to increased health manpower will come at budget time. If the President requests appropriations that match the amounts authorized by Congress, there can be no doubting his determination.

A UNIQUE CHRISTMAS MESSAGE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. CARTER. Mr. Speaker, it is my belief that the Christmas card is in large measure essentially American in character. Thus, in our Nation, there is at Christmastime the exchange of a great mass of messages, in every category and depiction, between and among our people. These range from the sublime to those of fun-loving sentiment.

For many years, a former Member of this body, a Kentuckian, Maurice H. Thatcher, has composed appropriate verses for the dissemination among friends—chiefly those who send him Christmas greetings. His message for the approaching Yuletide is of very high character in subject matter and expression. It is in the form of a 14-line verse, thoughts and suggestions included and dealing with impressions which the occasion inspires.

Mr. Thatcher reached his 101st milestone on August 5, 1971, and retains his youthful spirit, continuing his many activities of beneficial and gratuitous interests. He is now, in age, the dean of all surviving Members of the Congress.

I do not believe that I ever read anything from the pen of one who is as advanced in age as he is; and I doubt whether I have ever known of any Christmas message of more impressive thought and sentiment, and better expressed, than his current Christmas letter. I would like to share with the membership of the Congress this recent contribution, the product of his facile and gracious pen.

I include as a part of my remarks the indicated message.

The message follows:

SEASON'S GREETINGS, CHRISTMAS 1971

(By Maurice Thatcher)

Year after year this hallowed day returns,
And life is touched with kindness and good will.
Once more the Star of Hope more brightly burns,
And comes again the choice 'twixt good and ill.
Efforts for peace in a world of care and woe
Are now most timely, and may be fully pressed;
But peace must be with honor's strength and glow,
And by the attribute of wisdom blest.
How long ere Man shall reach his destined goal?
Is not his mission needful and divine?
In earthy orbs, alone, is born the soul?
Can naught but heat the precious gold refine?
From human lives are not the angels made?
Man's road is rough—he must be unafraid!

PLANNING CANCER CENTERS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. DULSKI. Mr. Speaker, the House-Senate committee of conference on S. 1828, the bill to strengthen the national effort to control cancer, has reached agreement and the House has approved the report.

I support this bill fully and accept the modifications made first by the House Committee on Interstate and Foreign Commerce and then by the conference.

The jockeying is over. We have a progressive program aimed at launching a national effort to control cancer. With full cooperation from all interests, I see no reason why we should encounter any problems in moving forward aggressively.

Even as the House was preparing to act today, cancer experts from around the country were gathered here in Washington to prepare for the new era in the cancer control drive, in particular to plan for new cancer centers.

The conference was sponsored by the National Cancer Institute and the American Cancer Society, in cooperation with the Association of American Medical Colleges.

Among the presentations was one by Dr. Gerald P. Murphy, director of Roswell Park Memorial Institute in Buffalo, N.Y., the oldest and one of the largest cancer institutes anywhere. It is now a unit of the New York State Department of Health.

Dr. Murphy's remarks capsuled the past, present, and the future, including a series of recommendations and suggestions with regard to the new cancer centers.

Mr. Speaker, I include Dr. Murphy's comprehensive text with my remarks:

SPEECH BY DR. GERALD P. MURPHY AT CONFERENCE ON PLANNING FOR CANCER CENTERS, WASHINGTON, D.C.

Today, we are gathered in an attempt to anticipate the future. Forthcoming federal legislation and projected presidential affirmation have placed before us the prospect of a long-needed comprehensive war on the cancer problem to the depths and degree that other national concerns and effects have previously attained.

A concise and informative appraisal of our past and present efforts in various areas of the attack on cancer is much in order. Although such appraisals have been performed in the past, better approaches must be established today to make headway on the cancer problem in the future.

In planning the concept of service for a projected cancer center of the future considerable speculation must ensue. To base such projections on solid fact and clinical performance we must review in an adequate manner the past and present efforts of cancer centers in the service area. Such assessments will aid considerably in our attempts to project to the future.

Indeed, service as a definable concept of a functional cancer center requires some clarification. In simplest terms, I must confess I regard service as the necessary support to get the job done, be it clinical or scientific, in an attempt to conquer the cancer problem. Based on such an assessment, let us review the situation.

THE PAST

A comprehensive assault on the cancer problem, be it clinical or scientific, has long been acoming in the United States. The early contributions of our predecessors in this battle can thus be re-examined with particular benefit at this time at the Roswell Park Memorial Institute in its 73 years of existence.

Surprising and important contributions to fight cancer were infused from the fountainhead of the American Medical School, The Johns Hopkins Hospital. Indeed our founder, Dr. Roswell Park, was a cousin of Dr. William H. Welch, the first Dean of the Hopkins, and the man credited by many as having transformed American medical schools from the worst to the best in one generation.

In our 73-year history the importance of the comprehensive cancer center as a service function was best defined, in my opinion, by the letter of Sir William Osler to Dr. Roswell Park on March 18, 1903.

MARCH 18, 1903.

"DEAR PARK:

"The Question of Cancer Research in America:

"Considering the enormous and increasing importance of the subject, it is surprising how little systematic work on cancer has been undertaken in this country. So far as I know, the only laboratory devoted to it is that organized by you and supported by the New York State government. I was most delightfully impressed on my recent visit with the character of the researches going on in the laboratory. Of course, it takes years to clear the ground, but there can be no question that we are on the right track at present. To successfully deal with the question requires a large and expensive equipment and a staff of thoroughly trained men who should devote years to the work. Only by the help of large endowments can the proper organization be maintained, and while the present equipment of Buffalo is first class, much more money is needed, and I am fully convinced that there is no problem in the preventive and rational medicine more deserving of generous endowment by men of means than that which holds our hope of discovering the origin, and, through it, the successful treatment of cancer.

With best wishes for your work, believe me,

Sincerely yours,

SIR WILLIAM OSLER."

The details of the subsequent development of Roswell Park Memorial Institute as a comprehensive cancer center have had great

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impact on cancer research in the United States. Indeed, as illustrated by our second of seven directors, the Institute's initial impact was felt in all areas of cancer research, treatment, and education.

Dr. Harvey Gaylord was founder of the American Association for Cancer Research and the International Union Against Cancer. Such illustrious history begets the question—i.e. what was service at the Comprehensive Cancer Center of the past?

For the most part, even in today's appraisal at Roswell Park Memorial Institute the accent was always on the future and on Cancer Research—even by retrospective terms. For example, Dr. Clowes was the first in this country to establish a chemotherapy program for cancer. Moreover, in 1914 one of the major appropriations of over $225,000 was for radium.

Madame Curie came from the University of Paris to Roswell in 1921 to assist in the clinical treatment of cancer patients with her then famed radium techniques. With equal emphasis, in 1919 Dr. Peyton Rous sent the Institute staff a fowl bearing a virus induced tumor for study.

Research has continued into many service areas at Roswell Park Memorial Institute. Even in its early years, however, despite generous New York State support, the Institute received essential donations equal to 30–40% of its operation budget. Such awards in those times were for cancer research, but by today's standards would be judged as service.

The relativity of such pronouncements should be of particular benefit to us today. In 1961 at the dedication of a seven story research building, our 5th Institute Director, Dr. George Moore, declared:

"The building we are dedicating today we could have used yesterday . . . Human feeling, careful thinking, informed intuition, and dedicated work will make this building a powerful instrument for the alleviation of human misery caused by cancer."

It would seem in the aforementioned terms that the research of yesterday is the treatment and service of today. A retrospective review of a comprehensive cancer research and treatment center, such as the Roswell Park Memorial Institute, enforces such viewpoints.

THE PRESENT

Cancer care, research, and cancer education are the chief functions at the Roswell Park Memorial Institute in Buffalo, a facility of the New York State Department of Health. Patients are admitted for examination or treatment by referral only.

Any physician or dentist may request an appointment for any patient who has proved cancer or after adequate history and physical examination, is believed to have cancer. Occasionally, when a malignant disease is suspected, a patient is accepted for diagnostic procedures not available to the referring physician.

The advents of special developments in medicine are not neglected at Roswell Park, as shown by the establishment of a regional kidney center, a germ-free unit, a chemotherapy center, linear accelerator, and a maxillofacial prostheses center.

Patient care and treatment at present, even as a cancer research and treatment center, remain a vital day-to-day concern. Service for the physician and cancer patient in New York State remains an ongoing problem.

In the Institute's early years, most referrals were made by mail. Today only about 20 per cent are received this way; the telephone has largely replaced slower, time-consuming correspondence.

To encourage and facilitate telephone communication, a wide-area telephone service (WATS) system was established in 1968. It allows the patient's doctor to call the Institute any time, toll-free, to communicate directly with a staff physician or the Admitting Department.

This relatively inexpensive service has provided a considerable saving in physician's time and in secretarial salaries. It has also helped reduce delay between diagnosis and initiation of treatment.

When a new patient is accepted, a clinic appointment is made. The referring doctor is requested to provide, either before or at the time of the appointment, pertinent medical records along with tissue or cytology slides, x-ray films and any other useful information. Radiation data and operative reports are requested if the patient has had previous treatment.

When hospitalization is required, a bed is reserved. If time permits, the patient is sent a small brochure describing the Institute and is asked to complete a questionnaire before arrival. The completed questionnaire significantly shortens the admission procedure.

The referring physician is asked if the patient has been told of the nature of his disease. If not, the physician is requested to do so before the patient arrives at Roswell Park. If the doctor prefers to use a word less formidable than "cancer" he is asked to let the staff physician know what term has been used. This facilitates communication with the patient and prevents the predictably adverse reactions when facts are withheld until arrival at a cancer hospital.

There is a waiting period for both clinic appointments and hospital beds. Although many patients are chronically ill and most have extensive disease, the average length of hospital stay during the past years was less than 17 days.

A few patients require prolonged continual hospitalization following extensive surgical therapy to allow staged constructive procedures for rehabilitation. This period seldom exceeds one year. The clinical service does not accept new patients for terminal care, but for active therapy.

Through the combined efforts of patients' families, assigned social workers, and the American Cancer Society, patients who need only nursing care are returned to the family setting or to an institution near home to prevent prolonged family hardship and expense.

However, when a patient treated at Roswell Park Memorial Institute needs additional care, readmission is arranged. A partial list of the organizations providing assistance to patients and families is shown in Table 1. To these and to others too numerous to mention, the staff of the Institute is grateful.

Meanwhile the WATS system, conceived to enhance the program of mutual cooperation and assistance to New York State physicians in management of patients with cancer, has greatly improved communications with referring physicians.

During the first year of experience, over 2,200 calls were received: 71.8 per cent patient referral, 24.4 per cent consultation, 3.2 per cent for Roswell Park Memorial Institute information, and 0.6 per cent miscellaneous. These figures have altered since then.

At the time of discharge, each patient is given a clinic appointment for a follow-up visit. The interval between visits depends on the need for care or close observation. Other considerations are travel distance, age, and condition of the patient. Help is requested from the referring physician if frequent revisits are considered too traumatic to the patient or burdensome to the family.

Although "statistically" cured after a period of years, most patients continue to make scheduled periodic visits to the Institute. This loyal and appreciative group of patients provides valuable information for clinical follow-up research.

If regular revisits are not scheduled or if a patient misses two consecutive appointments, follow-up is accomplished through a central agency which follows over 6,000 patients by letter.

Other patients are followed in our Central Institute Tumor Registry, and in association with the Regional Registry of the Western New York Regional Medical Program.

Fewer than one per cent of these are lost to follow-up. On the active files in the specialty clinics are more than 17,000 patients who return for examination at least once a year.

COST ASSESSMENTS

Patient care and cancer research, however, cannot totally be defined at the bedside. To do so would, in my opinion, define cancer at the wrong end of the spectrum. We all seek greater numbers of patient care and cure, but as such and at present, as in the past, these can only be achieved by intensive research at all levels.

Service as defined by the context of the conference today is only the assurance of the provision of such means. Inspection of the clinical versus total research efforts at Roswell Park Memorial Institute in past years affirms this viewpoint. Since that time and to date in 1971 basic research expenditures have increased to 52.5%, whereas clinical research has increased to 14.1% of our current budget to reach a total of 66.6% expenditures of all operating budgets (state, federal, private) for the center.

Thus research, whatever its location, and service, whatever its definition, have remained inseparable at our Institute. One has not been possible without the other. Moreover, one cannot logically exist in a Comprehensive Cancer Institute setting without the other. These percentage distributions are quite similar at other major cancer research and treatment centers including the M.D. Anderson in Houston, Texas.

In the day-to-day present cost-conscious era of medical care, the cost of a comprehensive cancer research and treatment center remains of paramount fiscal concern. To provide service in both of these fields requires careful cost assessment and avoidance of burdensome administrative costs. Our Institute Hospital budgetary costs for administration have remained low despite rising national inflationary costs.

If service in the areas of research and patient care is to be effective, administrative costs must be maintained at a low level.

COORDINATION OF ACTION

The service functions of the cancer patient will understandably differ in the comprehensive cancer hospital as opposed to the general or university hospital setting.

Advances in medicine have long outpaced the ability of the single physician to provide his patients with all forms of definitive cancer care. Today, optimal care of cancer patients requires a team of interdependent medical specialists and allied health personnel. The effectiveness of both service and research is critically dependent upon the strength of interdisciplinary relationships.

Efficient organization does not require the establishment of a department or division of oncology in every institution. The great need is not for an additional autonomous unit, but for a coordinated, integrated approach to cancer care at all levels.

The optimal care of the cancer patient demands the application of our total knowledge to his disease in the right institution, at the right time in the course of his disease, and at a cost he and the community can afford.

Today, this requires the involvement of nearly every medical discipline, the centralization of much expensive equipment, and the skilled technical personnel to maintain and operate it. It implies the proper utilization of our health care facilities: physicians' office, inpatient and outpatient facilities, extended care institutions, and the patient's own home.

The foremost requirement is the provision of a continuum of care including early diagnosis, definitive treatment, and follow-up of the cancer patient throughout life, preferably in the patient's own community.

Every region of the country now has at least one general hospital which is already providing optimal care for the cancer patient or which with minimal change, can be qualified to provide such care.

Some community hospitals may need to institute educational programs; some may require additional staffing with specialized personnel; some may require additional equipment; still others may prefer affiliation with neighboring institutions to make up their deficiencies. They must all be affiliated in some degree to a Comprehensive Cancer Center.

These present assessments, in my opinion, do not call for the abolition, neglect, or major revision of present existing health facilities. Rather, in accord with established guidelines our present hopes call for the delivery of patient research and treatment into the existing systems.

Service to cancer patients on the other hand, may impose a degree of follow-up care and rehabilitation which hospitals or affiliated institutions do not presently possess. If this is to be so, for service to be meaningful on a national basis chronic care facilities must be planned and provided on an expanded basis.

Service in a Comprehensive Cancer Research Center cannot be totally overstated to the clinical setting. Service under the present contexts, in my opinion, includes the provision of scientific support i.e. be it an electron microscope or tissue culture facilities. Much diverse equipment and supplies are needed.

In a Comprehensive Cancer Center these essential supply items are never covered totally nor adequately by outside grant support. This provision and inclusion in an operational and fiscal sense is as essential as clinical items.

In fact, the service research support of a Comprehensive Cancer Center may well require facility construction and maintenance away from the primary center site as is the case at Roswell Park.

THE FUTURE

Legislative concern for an expansion of the cancer effort has understandably evoked diverse responses in some sectors. Progress, however, towards an effective compromise, in my opinion, has been sought in both Senate and House. By the time of publication of this presentation, I predict an effective law will be signed in effect reflecting credit to the yeoman efforts of all legislators in both the Senate and the House.

Research in cancer is the key, and service under such settings in the future must fit this prospective.

The approaches to research in cancer have been greatly expended in the past several years because of the expanding basic knowledge acquired through multidisciplinary investigation, and increasingly sophisticated research techniques.

Therefore, there is a growing need for institutions which will radiate influence to upgrade and administer the major innovation in the treatment and control of cancer. It is necessary that present first-rate institutions be expanded, that others be upgraded and that new ones be created.

The historical development of cancer research and patient treatment centers have resulted in the growth of well-organized cancer research laboratories and specialized cancer hospitals which exist outside of the traditional university medical school environment.

This development has tended to diminish the extent of cancer research and teaching carried out in the traditional medical school departments and has led to a communication gap between the two foci of activity.

Because of the relative scarcity of specialized cancer treatment centers, many cancer patients being seen for the first time pass through general treatment clinics or through the offices of their private physicians.

The professional persons observing the patient may have had little opportunity to become familiar with modern cancer diagnostic and treatment techniques. With the increased number of long term remissions and the consequent extended useful lives for some cancer patients, it is vitally important that our most advanced diagnostic and therapeutic techniques be extended rapidly to all cancer sufferers.

The complexities of the various neoplastic diseases and the need for an increased understanding of the fundamental processes involved require a coordinated effort on the part of the scientists ranging from those undertaking basic research in cancer biology to research clinicians, and finally to clinicians responsible for the care and treatment of cancer patients.

In order to do this, the medical school, specialized cancer facilities, practicing physicians and community medical services must participate in an integrated program of cancer research and training.

To provide service for the cancer center of the future this requires additional projection and estimation.

GENERAL RECOMMENDATION

The staff of the Roswell Park Memorial Institute has reviewed the current situation and made general recommendations. Some of these can be summarized as follows:

1. In respect to patient service, more emphasis is needed in the planning of additional or expanded ambulatory centers to decrease the use of beds for patients that can be self sufficient (under chemotherapy or radiation therapy).

2. We need to improve the quality of life for children with neoplastic disease in remission that receive either ambulatory care or could remain in the hospital for a short stay without separation from parents.

3. We need a better flow of communication between the community physician and the cancer program, particularly in regard with continuity of treatment. Practicing physicians should be free to come into the center or we should provide better information as to what has been done or what can be done for the patient.

4. In relation with cancer centers, research and service and cancer education should always go together. Every center should provide the whole spectrum of activities available to mount an effective program against cancer. When planning new cancer centers, special facilities should also be considered, like expanded care units for patients receiving chemotherapy or radiation therapy very often occupying surgical beds.

The danger of super-specialization should be borne in mind when considering the possibility of distribution of different types of neoplastic disease in different centers. Research and services for all types of cancerous disease in the same center affords a unique opportunity for cross fertilization and interchange of ideas. In order to have a high input of cases, it is necessary to have a high quality and up to date clinical service.

These diverse suggestions can best be projected for the future benefit of the service function of a cancer center as follows:

SUGGESTIONS FOR A CANCER CENTER

1. To train physicians in disciplines of cancer care.

2. To develop special clinical services for referral of types of malignancy e.g. leukemia and solid tumors requiring care not always available in the usual medical center.

3. To sponsor graduate courses for physicians and other health personnel in clinical aspects of cancer.

4. To establish panels of 2–5 physicians to visit larger regional hospitals within a 200 mile radius once monthly for consultation to tumor boards and help with decisions in problem patients.

5. To establish regional reference laboratory services for cancer pathology, cytology and radiological interpretation as well as in the rapidly developing field of "specific" cancer antigens.

6. Establish rehabilitation centers for patients after radical resection therapy, including physiotherapy, plastic surgery, prostheses speech therapy and ileocolostomy instructional services.

It is obvious from this presentation that a discussion of the projected comprehensive cancer center in terms of service cannot be complete without relating the important co-determinants of education, research, and administration.

SUMMARY AND CONCLUSION

Service as a function of a Comprehensive Cancer Center cannot be defined in the total terms of present or past performance of the few existing major cancer centers. Their changing structure should give ample projection to the future of present and proposed cancer centers. The research of the past in many instances is the service of the present. So it will be in the future. To assure appropriate and rapid progress, all aspects, especialy science and research, must be combined.

COOPERATING AGENCIES

For the record, following is a list of agencies assisting Roswell Park Memorial Institute in service to patients and families:

County Units of American Cancer Societies, County Departments of Social Welfare, Public Health Departments, Visiting Nurses, Home Health Aides, Homemaker Agencies, Salvation Army, Maria Love Convalescent Fund, Red Cross, Cancer Care, Shut-in Society, Local Volunteer Ambulance Services, Local Religious Institutions and Agencies, Local Mothers' Clubs, Veterans' Service Organizations, Traveler's Aid, and Air and Bus Lines Passenger Services.

SAVE OUR STREAMS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. GUDE. Mr. Speaker, in the December 1971, edition of Outdoor America, a publication of the Izaak Walton League of America, appears an article on a noteworthy project initiated by the Montgomery County, Md., chapters of the league. The program is entitled "SOS—Save Our Streams—Adopt One."

Tired of deterioration of several local streams, these public spirited citizens have taken on themselves the task of cleaning and preserving them. I believe that the Montgomery County chapters are to be heartily congratulated. It is only through this type of dedication to our environment that this Nation will be able to permanently come to grips with its environmental problems.

I submit for my colleagues consideration the story of "SOS":

WATERSHED PROGRAM

Montgomery County, Md., chapters of the Izaak Walton League have started a unique program known as "SOS," Save Our Streams—Adopt One.

The program, according to Rockville, Md., chapter member Malcolm King, is a cooperative watershed management program. Its purpose is to protect and restore waterways throughout Montgomery County through approved watershed management practices. This includes providing streambank cover to prevent soil erosion and the removal of trash and other alien obstacles from the river beds.

The program is being carried out in conjunction with the area's farmers, other conservation clubs, scouts and 4–H groups.

TARIFF COMMISSION RECOMMENDATIONS ON DAIRY IMPORTS REQUIRE PROMPT PRESIDENTIAL ACTION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. KASTENMEIER. Mr. Speaker, on March 12 the President asked the U.S. Tariff Commission to hold hearings to determine if Swiss or emmenthaler cheese, gruyere-process cheese, and certain other cheese, all having a purchase price of 47 cents per pound or more, are being imported into the United States under such conditions and in such quantities as to render or tend to render ineffective the price-support programs of the U.S. Department of Agriculture for milk.

On July 28, the Tariff Commission made known to the President the findings and recommendations of their investigations. The Commissioners recommended that the 47-cent price-break feature be abolished and that a quota be established for the various types of cheese involved, regardless of price.

Both the President and the U.S. Tariff Commission should be commended for actions taken thus far with regard to this continuing dairy import problem—the President for ordering the hearings held; and the Commission for its thorough review which led to the recommendations.

Now, however, it is imperative that the President act on the Commission recommendations so that such cheese imports can be held at reasonable levels in the year ahead, and discouraged from further increases. From January 1, 1971, to September 30, 1971, Swiss emmenthaler has entered the United States at a level equal to 113 percent of the level for the same period in 1970, gruyere-process at a level of 110 percent, and other cheese at 115 percent.

When the Tariff Commission held hearings on these dairy imports earlier this year, I said that both the producer and the U.S. taxpayer had a right to expect corrective action. For years, dairy farmers have been advised that if they would seek a better balance between supply and demand, the result would be improved prices. From 1964 to 1970, dairymen reduced the number of milking cows on U.S. farms by nearly 3.2 million head—a decrease of about 22 percent. During the same period, total milk production dropped 9.5 billion pounds—a decrease of about 7.5 percent. It should be noted that milk production is up this year, but even with this increase, total production in 1971 will likely be down about 6.5 percent from the 1964 level. While dairymen have reduced milk production during the 1964–70 period as economists recommended, total dairy imports more than doubled, going from 830 million pounds of milk equivalent to 1,866 million pounds. Certainly our dairymen have a right to expect that the 47-cent price-break loophole be closed.

Taxpayers also have a right to expect this action, for they are the losers if subsidized imports continue to make inroads into the U.S. dairy market. It is their tax dollars that are used to buy as surplus every pound of U.S. dairy production that is displaced by imports.

With the new year rapidly approaching, I respectfully urge, along with many of my colleagues, that the President promptly issue the official order which would bring such imports under control, and that the official order follow the recommendations of the U.S. Tariff Commission.

PRESIDENT CHIANG'S MESSAGE TO THE CHINESE PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. RARICK. Mr. Speaker, President Chiang Kai-shek recently addressed the Chinese people on the Republic of China's withdrawal from the United Nations Organization.

Because I feel his speech is of historical significance in the worldwide struggle we face, I insert the full text of his speech at this point:

[From Issues and Studies, December 1971]

PRESIDENT CHIANG'S MESSAGE ON THE REPUBLIC OF CHINA'S WITHDRAWAL FROM THE U.N., OCTOBER 26, 1971

My Fellow Countrymen at home and abroad:

The twenty-sixth session of the United Nations General Assembly has elected to violate the provisions of the Charter of the United Nations and adopted a resolution proposed by Albania and other nations which are currying favor with the Chinese Communists. As a result, the Mao Tse-tung bandit regime has usurped the Republic of China's rightful position in the United Nations and the Security Council. Before this infamous resolution could be put to a vote, this country announced its withdrawal from the United Nations, an organization which it took part in establishing. We declared that neither the Government of the Republic of China nor the Chinese people will ever recognize the validity of an illegal resolution adopted by the current United Nations session in flagrant violation of the provisions of its own Charter.

The Mao Tse-tung bandit regime is a group rebelling against the Republic of China. Internally, it has committed enormous crimes against the people of China. It is the common enemy of all the Chinese people and especially of our seven hundred million compatriots on the mainland. Externally, the Mao regime stops at nothing in promoting subversion and committing aggression and still stands officially condemned by the United Nations as an aggressor. The Chinese Communists may occupy the mainland for the present. But the Government of the Republic of China, with its base in Taiwan, Penghu, Kinmen and Matsu, is the true representative of the seven hundred million Chinese on the mainland, expressing their common will, heeding their anguished outcries and inculcating within them a maximum of courage and hope with which to struggle against the violence of the Mao regime and win back their human rights and freedom. It is clear, therefore, that the Chinese Communists should never be permitted illegally to occupy the General Assembly and Security Council seats held by the Republic of China, whether this be judged by the principles of the United Nations Charter or on a basis of humanitarianism, the law of nature or, in particular, the common will of all the Chinese people.

In 1944, China took part in the Dumbarton Oaks Conference and subsequently signed the United Nations Declaration. This country then took part in the organizational conference of the United Nations in San Francisco and helped write the Charter. These efforts were dedicated to saving "succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind." To achieve this goal, the purposes and principles of the United Nations were set forth for the faithful adherence of all the participants. But the current session of the United Nations General Assembly has decided to destroy these very purposes and principles of the Charter, thereby ignoring and completely disregarding law and justice, shamelessly bowing to the forces of evil and timorously yielding to violence. Thus the United Nations, which this country helped to establish after so many trials, has finally degraded itself and become a den of iniquity. History will surely show that our announcement of withdrawal from the United Nations actually presaged the demise of the United Nations itself.

The Chinese cultural tradition is to uphold justice and love peace. Although we have withdrawn from the United Nations, which we helped establish, we shall continue to be guided by the purposes and principles of the United Nations Charter in the international community and shall continue to fight courageously for international truth and justice and for world peace and security.

I hereby solemnly declare:

That the restoration of human rights and freedom to our 700 million compatriots on the mainland is the common will of the whole Chinese race and is our unalterable national purpose and the holy task which we must accomplish.

That the Republic of China, an independent sovereign state, will tolerate no external interference.

That regardless of the changing international situation, we shall unhesitatingly make whatever sacrifices may be required and persevere in our struggle. We shall never waver. We shall never compromise.

For the people of the world, I have this warning: In the brief span of half a century, our world has been visited by two horrendous World Wars. After the First War a ravaged world sought to prevent repetition with the organization of the League of Nations, in which were vested man's hopes for world justice and peace. Unfortunately, some nations bowed before the threats of aggressors. These nations mistakenly thought that submission to evil and knuckling under in the face of violence could be traded for a peace of humiliation. As a result, the League of Nations was paralyzed and then collapsed. It could no longer serve the functions of curbing aggression and upholding justice. The Second World War followed not long afterward. Today, some democratic countries have chosen to enter the camp of those supporting the Chinese Communists and have helped the Mao Tse-tung regime illegally to occupy our rightful place in the United Nations General Assembly and Security Council. Their thinking and their actions are almost identical with the thought and deeds of some countries on the eve of the Second World War. The consequences promise to be extremely grave. The facts of history tell us that our moral courage in the safeguarding of justice constitutes the solid cornerstone of security and peace. Machiavellian machinations of power politics on the other hand, lead inevitably to war.

My Fellow Countrymen: The destiny of our nation is not in the hands of the United Nations. It is squarely in our own hands. As Dr. Sun Yat-sen, our National Father, puts it, "The fundamentals of existence invariably are found in the proud and independent spirit of a nation and its people. This means that if a nation is not tempted by bribers and does not surrender to physical force, it will earn its place in the world."

Today, here on this revolutionary base, we command a sizable population and considerable resources, as expressed in our military strength and economic prowess. These are supported by our spiritual force. We also command the hearts of our 700 million compatriots on the mainland as well as the patriotism of our 18 million anti-Communist compatriots living overseas. The Republic of China is not a weakling of Asia or the world which can arbitrarily be sold out by anyone. We will continue to wield a strong influnece in the changing balance of international power and in the determination of human destiny. Everyone should be aware not only that the actions of others may affect us, but also should understand that our actions may bring about far-reaching world change.

The international situation now confronting us is marked by danger and pitfalls. Nevertheless, as long as we ourselves are strong, no force in all the world can shake us. As long as we ourselves are courageous and of undaunted spirit, no force in all the world can humiliate us. As long as we ourselves persevere in the struggle, the final success will be ours. As all of you know so well, the fruits of revolutionary victory are always born of great adversity.

All of us must recognize that the changes in today's world revolve around the China problem and that the manner in which the China problem is to be solved will decide the fate of the human race. We therefore find ourselves occupying the most significant key position in this situation of great change. Our success or failure, advance or setback, in the current struggle will decide whether the world is to have security or danger and whether mankind is to know happiness or misfortune. We should not sit calmly and wait for changes in the world situation. We must take the initiative in order to control the changing situation, fight positively and keep ourselves always one step ahead of the enemy.

In the last 20 years not a day has passed without further struggle for power among the Chinese Communists. The tempo of struggle has recently increased. This suffices to prove that Mao Tse-tung thought and the Communist system are completely bankrupt. The people of the mainland, including the majority of Communist cadres, at first despaired but now have started to resist. The Chinese Communists have been aware of the erupting anti-Communist volcano under their feet and of their inability to control it.

They have been compelled to change their external strategy. They are seeking a respite through trickery and deceit. But the Chinese Communists can never change their announced goals of "anti-Soviet revisionism," "anti-American imperialism" and "anti all reactionaries." Actually, this change in external strategy has brought their lines of thought and policy to an impasse and has given rise to ever more serious confusion, chaos and worsening power struggle. Opportunity has thus been provided for the forces of anti-Communism and the anti-oppression struggle to accelerate and expand their mainland activities. Faced with this situation, we should further reinforce our faith, consolidate our strength and intensify our military preparedness so that we shall lose no time in grasping the moment of opportunity. We must accelerate the mainland prairie fires of anti-Mao and anti-Communist revolutionary struggle.

Fellow countrymen: The course of our anti-Communist struggle is like that of a boat sailing rough seas in unpredictable weather. However, when all of us have a common understanding of our basic situation of anti-Communism and are no longer confused by momentary change; when all of us are moving in the right direction—sincerely, with unity, with a single purpose and sharing fortune and misfortune; when all of us decline to relax or become complacent or let down our guard on fair weather, and are not fearful or disappointed and do not cheat ourselves when the storm comes; when all of us augment our strength and spirit as the going worsens; then shall we cross over to the other shore, liberate our compatriots and recover our lost mainland."

WASHINGTON POST ENDORSES EQUAL RIGHTS AMENDMENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. McCLORY. Mr. Speaker, the recent Supreme Court decision in the case of Reed against Reed did what no Supreme Court decision has ever done before in our Nation's history. It struck down a State statutory provision which invidiously discriminated against women in the area of appointment as administrators of decedents' estates.

While the decision rendered by Chief Justice Burger rang clear in denouncing such forms of discrimination, it did not reach the total issue of full equality for women in all aspects of American life.

Mr. Speaker, when the equal rights amendment was debated on the floor of the House on October 6, I alluded to the possibility that the Supreme Court might extend the equal protection clause of the 14th amendment to women thus making the addition of an equal rights amendment to the U.S. Constitution less urgent. My position all along has been that the Supreme Court necessarily confines itself to the narrow issues involved in the cases and controversies which it must decide and that it was quite unrealistic to expect the Court to make a sweeping declaration which would accomplish the same objective as that sought by the equality of rights amendment which we passed in the House.

The decision in Reed against Reed bears out my earlier impression, and I am all the more convinced that the course of action which we took in October was consistent with our constitutional responsibility of providing full equality under the law for all American citizens—male or female. Therefore, I sincerely hope that the other body will act promptly and in a like manner in order that this country may remain true to itself by insuring that women will no longer have their legal rights subordinated by virtue of an artificial and outmoded conception of their status in society.

Mr. Speaker, I was extremely pleased to read the November 29 editorial in the Washington Post, entitled "Sex and the Single Administratrix," and I am therefore inserting it in the CONGRESSIONAL RECORD at this point:

SEX AND THE SINGLE ADMINISTRATRIX

The Supreme Court spoke with one voice on Monday in finding constitutionally invalid an Idaho law that gave preference to men over women for appointment as administrator of a decedent's estate. The one voice was the Chief Justice's and what it said was expressed with admirable precision, clarity and restraint. The nub of the decision is that while "the Fourteenth Amendment does not deny to states the power to treat different classes of persons in different ways," it does "deny to states the power to legislate that different treatment be accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute. A classification 'must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike.'"

A statute favoring men over women in the administration of estates rests pretty plainly on nothing more substantial than an antique prejudice that women are intellectually inferior to men. That prejudice is a relic of the period when men were able to look upon women as one of their more valuable indoor possessions. But it became untenable about the time that women demanded, and demonstrated an abundant capacity for, economic independence.

Chief Justice Burger's opinion dealt, quite properly, only with the case before the court and dealt with it on the narrowest possible grounds. It does not in any way diminish the need for the constitutional amendment passed by the House of Representatives assuring full equality to women in all aspects of American life. That equality can best be established through the amendment procedure, rather than through a series of Supreme Court decisions striking down outmoded and irrational inequalities.

Senator Sam Ervin, a gentleman of a very old school, managed to win approval by the Senate Constitutional Amendments Subcommittee for a formulation of his own effectively scuttling the amendment approved by the House. Mr. Ervin's proposal would forbid "any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences" between the sexes. This is so naked a piece of nullification that it ought not to bemuse anybody old enough to be a senator. It amounts to saying that women should be treated as the equals of men except when it suits whim or pleasure of some legislature to treat them as subordinates. One ought not to play games with the Constitution, or with the women of America, in that fashion.

Women are undoubtedly different from men. But that difference does not afford any rational basis for denying women the equal protection of the laws. Men may look upon women as they choose, individually—as sex objects, as interior decorations, as wives, mothers, co-workers, fellow-citizens. But in the United States, if the country is to remain true to itself, women must be accorded the same opportunity as men to pursue their own interests and to realize their own potentialities.

XUM

ERA AT UNITED AIRCRAFT IS COMING TO A CLOSE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. GIAIMO. Mr. Speaker, United Aircraft is a giant on the world aerospace scene, and its leadership is recognized for innovation and performance. Last year, this industrial giant had sales over $2.3 billion. Despite dramatic and tragic setbacks in employment, United remains Connecticut's largest employer.

The health of United Aircraft is critical for the fiscal and employment picture in Connecticut, and changes in United's leadership are, therefore, of interest to business and labor leaders within and outside of Connecticut.

Mr. William P. Gwinn, chairman of United Aircraft, announced recently that he would retire next fall. Simultaneously, it was announced that Harry J. Gray, senior executive vice president at Litton Industries, Los Angeles, would become president and chief administrative officer at United and that Arthur E. Smith, now United's president, would become chairman of the executive committee.

Mr. Speaker, Bill Gwinn has been the kind of leader in aviation that has made this Nation preeminent in aircraft production in the world. In 1927, he started a career with United as a stock clerk. As the Hartford Courant said in a recent editorial—

With the scheduled retirement next fall of Mr. Gwinn, a remarkable era is coming to a close.

As the Courant also pointed out, however—

If an era is passing, there is no reason to be overly apprehensive of the future.

After 17 years of being involved in the phenomenal growth of Litton Industries from a one-product electronics firm to the prototype conglomerate, Harry Gray comes well equipped to handle the administrative responsibilities of this aviation giant. As a recent Courant profile shows, Harry Gray has also made his industrial mark, and he has done so through individual hard work and determination.

Connecticut is looking for stability in aerospace industries, Mr. Speaker, and along with other key areas—Seattle, southern California, and some others—has borne the brunt of this Nation's diminishing initiatives in flight and space technology. This year alone United has had to lay off more than 10,000 workers.

Connecticut has confidence in the managers and leaders of its aerospace industries, however. Bill Gwinn has been an outstanding leader, and when he retires next fall Harry Gray and Arthur Smith will move to take up the reins of United's empire. I hope that they find this Government more willing to invest in the future of aerospace ventures and in the well-being of the millions of people directly or indirectly dependent on a healthy aerospace industry.

I include an editorial and an article from the Courant in the RECORD at this point:

[From the Hartford (Conn.) Courant, Oct. 1, 1971]

ERA AT UNITED AIRCRAFT IS COMING TO A CLOSE

When the late Frederick B. Rentschler founded Pratt & Whitney Aircraft 46 years ago, he swiftly had at his side two young men who later were to lead what is now one of the giants of American industry. Of course they weren't much noticed at first. For H. Mansfield Horner, who retired three years ago as chairman of United Aircraft, joined the firm in 1926 as a stock chaser and messenger. And, in 1927, along came the man who was to be Mr. Horner's successor, William P. Gwinn. He, too, started as a stock clerk.

The origins of the East Hartford company are being recalled because of the changes in command that have just been announced there. And with the scheduled retirement next fall of Mr. Gwinn, a remarkable era is coming to a close. For almost from the start, Jack Horner and Bill Gwinn were at the side of Frederick R. Rentschler when his first famous Wasp engine launched an aerospace empire whose sales topped a whopping $2.3 billion last year.

If an era is passing, there is no reason to be overly apprehensive of the future. To be sure, United's employment has dipped to 59,000 recently after reaching a peak in excess of 70,000 persons. And some further attrition can be expected in the months ahead, the company has announced, because of the dwindling aerospace market this year. Beyond that, however, the prospects are improving. According to Mr. Gwinn, the employment level should be relatively stable in 1972 and 1973. And he noted the other day that the aerospace industry has "just about hit bottom" and there are "good signs of a turnaround now."

The task of building a new future has been assigned to Harry J. Gray, 51, who was senior executive vice president at Litton Industries in Los Angeles until being named United's president and chief administrative officer. In explaining the appointment, Mr. Gwinn commented: "We thought it very important to bring someone in to carry on for a long period, rather than have short-term successions in management." He also cited the benefits of an executive "blood transfusion" at a time when the company is broadening its market outlook.

There will still be plenty of seasoned local leadership in East Hartford to help guide the company, notably Arthur E. Smith who has advanced from president to chairman of the executive committee. Thus, as a new era begins, we wish both Mr. Gray and United Aircraft the very best of luck in the years ahead.

[From the Hartford (Conn.) Courant, Nov. 14, 1971]

NEW UAC PRESIDENT: "TRUE GRIT"

(By Robert F. Murphy)

On Dec. 27, 1963, Harry Jack Gray was wheeling a motorcycle along a California mountain road when the power wheel of the big bike hit a patch of ice.

Gray nearly died in the next 10 minutes.

When the motorcycle hit the ice it went into a skid that left it and its rider pinned under a roadside guardrail.

Gray's position was uncomfortable, to say the least, but what made it treacherous was that the motorcycle's engine kept running, causing the bike to see-saw—pressing Gray's leg against the guardrail.

He was eventually able to muster enough strength to turn off the ignition before his leg was severed. But in reaching for the key, he added to his troubles by twisting his body so that he fractured his hip.

Gray was telling about the accident the other day in his office at United Aircraft Corp., East Hartford, where he is the new president and chief administrative officer.

As if to prove he is whole again, Gray propped the damaged leg up on his desk top. The only after-effect of the injury is that he has to wear a calf-high elastic stocking.

TROUBLE SHOOTER

Gray has a reputation for getting into and out of tough spots. In World War II he fought from the Normandy beachhead to Czechoslovakia with the Army's 5th Division.

He earned a Silver Star and a Bronze Star with a V for gallantry in combat.

But some people think Gray took on his toughest assignment last Sept. 27 when he took a job at United Aircraft.

The aerospace industry is grounded and so is United Aircraft.

Gray, 51, has no such qualms. He took the job because it was what he calls "a career opportunity."

Gray does not conceal that he was frustrated in his ambition to be president of Litton Industries.

He was almost a charter member of the corporation Charles "Tex" Thornton and Roy L. Ash put together in June 1954, in California. Gray arrived on the scene in November.

Litton was a one-product electronics firm then and there were problems with what Gray says were "some ideas of about 60-over-enthusiastic engineers."

Gray, who is not an engineer, made an evaluation, came up with an acceptable solution and began his climb up the corporate ladder of Litton Industries.

Seventeen years later, and two rungs from the top, he packed it in and accepted the United Aircraft offer.

"There were reports that Mr. Thornton was going to retire," Gray says.

Thornton is 58 and if he retired, Roy A. Ash, who is 51, would have advanced to the chairmanship, leaving the presidency open for Gray, who was senior executive vice president.

Gray says that when the United Aircraft offer was made, he went to Thornton and asked him if he was retiring.

Thornton's answer was, "No."

The United Aircraft offer then became a career opportunity I had to accept," is the the way Gray puts it.

NOT SAYING

Harry Gray won't say what he is going to do at UAC and there are two reasons for his reticence.

The obvious one is that he is new on the job and the other is protocol.

Just as he was at Litton, Gray is Number 3 man on the executive totem pole at United Aircraft. William P. Gwinn is chairman and chief executive officer. Arthur E. Smith is second in command as chairman of the executive committee.

Gwinn will retire next year at age 65.

Smith, who is 60, is expected to succed Gwinn as chairman.

So for now, Gray talks about UAC in such generalities as, "the aerospace situation is still too uncertain to forecast a stabilizing of the employment picture at United Aircraft."

The corporation, Connecticut's largest private employer, has laid off nearly 10,000 workers this year. As of Sept. 30 there were 58,500 employes in several divisions and subsidiaries. Pratt & Whitney Aircraft is the largest.

But there is a way to circumvent Gray's "no comment" strategy on questions relating to United Aircraft.

The Chinese have it with a thing that says, "Study a man's words and you walk in his footprints."

If you had attended the May 17, 1966 meeting of the Denver Society of Security Analysts you would have heard Gray describe his kind of executive:

"He directs and manages with executive, not judicial, technique. He conceives his function as being not merely to resolve the conflicts of ideas and objectives among his subordinates, but also to have ideas and position of his own, and to convince others of their merit."

The security analysts had invited Gray, who was then senior vice president of finance and administration for Litton Industries, to speak to them and listened as he went on.

"The sort of person I am describing doesn't just sit and wait—as the proverb goes, 'prepared for opportunity'—he creates opportunity: For himself, for his ideas, and for those who join him. He is intellectually and emotionally oriented to the future, not the past."

Gray, reading those words today, five years after he delivered them, says the sentiments expressed are still valid.

ORIGINS IN GEORGIA

Gray's footprints literally go back to a small farm at a crossroads 20 miles outside Augusta, Ga.

But there is nothing of the Georgia farm boy in Gray today. His dress is executive suite: meticulous and conservative. And his southern drawl was obliterated in speech classes at the University of Illinois.

After receiving a bachelor's degree in journalism, with a major in marketing, in 1941, Gray went to war.

After the war, Gray returned to the University of Illinois for a master's degree, was an instructor there for a while, and finally landed his first job as an advertising manager for an auto dealer in Chicago.

Gray claims credit for originating the advertising gimmick of having an auto dealer do his own commercials on radio. It's a common practice today in broadcast advertising.

The job with the Dodge dealer was a pattern-setter. Gray got his first problem.

There were problems in the service department. He became service manager.

There were problems in sales. He became sales manager.

He didn't like car sales so he switched to truck sales and built up the larget sales volume Dodge truck dealership in the U.S. This happened from 1947 to 1950.

With that success, Gray thought it was time he should be sharing in some of the profits he was creating. But the dealer balked and Gray went to work selling buses for another outfit.

That job was great until the Korean Conflict caused steel allocations to be cut—resulting in reduced production of buses and a halved paycheck for Gray. He quit.

Because of his success in selling buses, Gray had a good reputation at Greyhound Corp. One of their divisions, Greyhound Movers, was having trouble in marketing and warehousing and Gray was tapped to work out the problems.

He was good enough to become an executive vice president and general manager, but when he suggested a stock option plan for executives and diversification, Greyhound's board of directors said no.

So once more, Gray packed his brief case and moved on.

He went to California and there began his 17-year association with Litton Industries.

There must be one more reference to Gray's motorcycle accident. It will show the man's grit.

It took him eight months to recuperate from the accident and he hardly missed a day of work.

At the time he was a corporate vice president in charge of Litton's Components Group, so he had the company rent the room next to his in the hospital, install telephone trunk lines and a secretary, and he conducted his business that way for four months.

After he was discharged from the hospital, he went home and worked out of his living room for four months.

Gray does not smoke and is a social drinker. He attended a Presbyterian church in California.

His wife is the former Barbara Helen Sander. They met at the University of Illinois.

The Grays have two daughters, Pamela, 24, who is Mrs. James Rivette, who lives in California with her husband and 9-month-old son; and Vicky Lynn, 17, a senior in a private school in Scottsdale, Ariz.

The Grays are renting a home in West Hartford while they look for a house to buy.

ENVIRONMENTALISTS ENCOURAGE GAS SHORTAGE AND PRICE HIKE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. RARICK. Mr. Speaker, with our Nation facing an acute natural gas shortage which may be felt in many cold homes in the North this winter, I think that it should be of interest to our colleagues that several ecology groups have filed suit in the U.S. court in Washington to stop offshore oil leasing in the Louisiana-Texas area.

Many of us from the South are pleased that the environmentalists are watchful in minimizing pollution in our area. We hope their many friends in the North and Midwest will understand when the cold hits this winter as well as the consumer groups understanding any gasoline price increases.

A related newsclipping follows:

[From the Washington Post, Dec. 5, 1971]

THREE GROUPS SUE TO BLOCK SALE OF GAS AND OIL LEASES OFF LOUISIANA

Three environment groups have filed suit to block the Interior Department's Dec. 21 sale of oil and gas leases on the outer continental shelf off Louisiana.

The Natural Resources Defense Council, Friends of the Earth, and the Sierra Club filed suit Wednesday in U.S. District Court here, contending the Interior Department's environmental impact statement on the planned sale was inadequate.

The groups said the statement does not discuss adequately the possible alternatives to further offshore leasing, such as increased oil imports or an end to the prorationing system by which Texas and Louisiana limit their oil production.

Secretary of the Interior Rogers C. B. Morton expressed surprise at the suit.

A spokesman quoted Morton on Friday as saying: "We gave very serious and intensive study to alternatives and we believe we fully complied with the letter and the spirit of the National Environmental Policy Act, which requires the preparation of environmental statements.

"Further, for good environmental reasons, we deleted eight tracts from the sale and attached special stipulations to 16 of the remaining tracts that are being offered for lease.

"We anticipate the sale will alleviate the critical and increasing energy shortage in keeping with the President's energy message to the Congress on June 4."

The department spokesman said Interior's environmental impact statement said discussion of oil import policy or other energy sources was beyond its scope. It did not mention the Louisiana and Texas prorationing systems.

The department was planning to hold bidding on 76 offshore tracts on Dec. 21 in New Orleans. Eight tracts originally proposed for leasing were withdrawn because of their proximity to waterfowl sanctuaries.

The environment groups requested, in their suit, a declaratory judgment that Interior failed to comply with the legal prescription for environmental statements.

They also asked for a preliminary injunction to prevent the lease sale until the department is judged to have complied with the law.

THE DISASTER LOBBY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. CRANE. Mr. Speaker, there are many in America who see in all of our difficulties major "crises," and who see Government intervention and the expenditure of huge sums of money as the only "answers" to such problems.

Speaking of such critics, Prof. Robert Nisbet of the University of California stated that:

As brilliance, rather than profundity of knowledge is the style of the intellectual, so a high sensitivity to the existence of "crisis" is the hallmark of this thought. Among modern intellectuals, further, there is a frequently observed fondness for the uses of power, especially centralized, bureaucratized power in service to large-scale objectives.

Those who see all difficulties in terms of "crisis" and "disaster" rarely solve even the minor difficulties which do, in fact, exist. They seek, too often, to tear down the house rather than repair the roof, and they transform a minor problem into a major crisis which never existed until their own efforts came into play.

In a recent article Thomas R. Shepard, Jr., publisher of Look magazine, discussed the misconceptions held by those to whom he refers as "the Disaster Lobby."

With regard to oxygen, for example, those he calls disaster lobbyists argue that the burning of fuels by industry is using up the earth's oxygen and that, eventually, there will not be enough left to sustain human life. To this Mr. Shepard replies:

The National Science Foundation recently collected air samples at 78 sites around the world and compared them with samples taken 61 years ago. Result? There is precisely the same amount of oxygen in the air as there was in 1910—2.95 per cent.

To the argument that our society is becoming overpopulated and that, as a result, some form of compulsory birth control instituted by Government in order to avert a diaster, is needed, Mr. Shepard responds:

The birth rate in the United States has been dropping continuously since 1955 and is now at the lowest point of history. If the trend continues, it is remotely possible that by the year 4000 there won't be anyone left in the country.

He noted, however, that:

I wouldn't fret about underpopulation either. Populations have a way of adjusting to conditions, and I have no doubt that our birth rate will pick up in due course.

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In his important article, Mr. Shepard alludes to the other so-called disaster areas facing our society, the question of air and water pollution, of the conservation of animal life, and of drug addiction. He has important things to say with regard to each of these questions.

The real disaster our society faces, he argues, is none of these things, but may be the loss of freedom which is brought upon us by those attempting to solve disaster areas which are primarily of their own making.

Mr. Shepard points to the ironical fact that those who demand freedom in other areas of their lives, care little about economic freedom, a freedom which, he notes, "has made available to the average American luxuries that a short time ago were beyond the reach of the wealthiest plutocrat."

Speaking of this false double standard, he writes that:

I am always amazed that members of the Disaster Lobby—Libertarians who champion the cause of freedom from every podium, who insist on everyone's right to dissent, to demonstrate, to curse policemen and smoke pot and burn draft cards and fly the flags of our enemies while trampling our own—these jealous guardians of every citizen's prerogative to act and speak without government restraint are also the most outspoken advocates of eliminating freedom in one area. When it comes to commerce, to the making and marketing of goods, our liberty-loving Disaster Lobby is in favor of replacing freedom with rigid controls.

I wish to share Mr. Shepard's perceptive words with my colleagues, and insert them into the RECORD at this time:

THE DISASTER LOBBY

(By Thomas R. Shepard, Jr.)

One morning last fall I left my office here in New York and hailed a cab for Kennedy Airport. The driver had the radio tuned to one of those daytime talk shows where the participants take turns complaining about how terrible everything is.

Air pollution. Water pollution. Noise pollution. Racial unrest. Campus unrest. Overpopulation. Underemployment. You name it, they agonized over it. This went on all the way to Kennedy and as we pulled up at the terminal the driver turned to me and said—and I quote—"If things are all that bad, how come I feel so good?"

Ladies and gentlemen, I wonder how many Americans, pelted day after day by the voices of doom, ever ask themselves that question: "If things are all that bad, how come I feel so good?"

Well, I think I have the answer. We feel good because things *aren't* that bad. Today I would like to tell you how wrong the pessimists are, and to focus an overdue spotlight on the pessimists themselves. These are the people who, in the name of ecology or consumerism or some other "ology" or "ism," are laying siege to our state and federal governments, demanding laws to regulate industry on the premise that the United States is on the brink of catastrophe and only a brand-new socio-economic system can save us. I call these people The Disaster Lobby, and I regard them as the most dangerous men and women in America today.

Dangerous not only to the institutions they seek to destroy but to the consumers they are supposed to protect.

Let's begin with a close-in look at that drumbeat of despair I heard in the taxicab and that all of us hear almost every day. Just how much truth is there to the Disaster Lobby's complaints?

ENVIRONMENT MISCONCEPTIONS

Take the one about the oxygen we breathe. The Disaster folks tell us that the burning of fuels by industry is using up the earth's oxygen and that, eventually, there won't be any left and we'll suffocate. False. The National Science Foundation recently collected air samples at 78 sites around the world and compared them with samples taken 61 years ago. Result? There is today precisely the same amount of oxygen in the air as there was in 1910—20.95 per cent.

But what about air pollution? You can't deny that our air is getting more fouled up all the time, says the Disaster Lobby. Wrong. I *can* deny it. Our air is getting less fouled up all the time, in city after city.

In New York City, for example, New York's Department of Air Resources reports a year-by year *decrease* in air pollutants since 1965. What's more, the New York City air is immeasurably cleaner today than it was a hundred years ago, when people burned soft coal and you could cut the smog with a knife.

Which brings us to water pollution. The Disaster Lobby recalls that, back in the days before America was industrialized, our rivers and lakes were crystal clear. True. And those crystal-clear rivers and lakes were the source of the worst cholera, yellow fever and typhoid epidemics the world has ever known. Just one of these epidemics—in 1793—killed one of every five residents of Philadelphia.

Our waterways may not be as pretty as they used to be, but they aren't as deadly, either. In fact, the water we drink is the safest in the world. What's more, we're making progress cosmetically. Many of our streams will soon *look* as wholesome as they *are*.

Perhaps it's the fear of overpopulation that's getting you down. Well, cheer up. The birth rate in the United States has been dropping continuously since 1955 and is now at the lowest point in history. If the trend continues, it is remotely possible that by the year 4000 there won't be anyone left in the country. But I wouldn't fret about *under*population, either. Populations have a way of adjusting to conditions, and I have no doubt that our birth rate will pick up in due course.

I now come to the case of the mercury in tuna fish. How did it get there? The Disaster Lobby says it came from American factories. The truth, as scientists will tell you, is that the mercury came from deposits in nature.

To attribute pollution of entire oceans to the 900 tons of mercury released into the environment each year by industry—that's less than 40 carloads—is like blaming a boy with a water pistol for the Johnstown Flood. Further proof? Fish caught 44 years ago and just analyzed contain twice as much mercury as any fish processed this year.

Speaking of fish, what about the charge that our greed and carelessness are killing off species of animals? Well, it's true that about 50 species of wildlife will become extinct this century. But it's also true that 50 species became extinct *last* century. And the century before that. And the century before *that*.

In fact, says Dr. T. H. Jukes of the University of California, some 100 million species of animal life have become extinct since the world began. Animals come and animals go, as Mr. Darwin noted, and to blame ourselves for evolution would be the height of foolishness.

OTHER FALLACIES

Then there is the drug situation. Isn't it a fact that we are becoming a nation of addicts? No, it is not. Historically, we are becoming a nation of *non*-addicts. Seventy years ago, one of every 400 Americans was hooked on hard drugs. Today, it's one in 3,000. So, despite recent experimentation with drugs by teenagers, the long-range trend is downward, not upward.

Another crisis constructed of pure poppycock is the so-called "youth rebellion," to which the Disaster Lobby points with mingled alarm and glee. But once you examine the scene in depth—once you probe behind a very small gaggle of young troublemakers who are sorely in need of an education, a spanking and a bath, not necessarily in that order—you can't find any rebellion worth talking about.

A while back *Look* commissioned Gallup to do a study on the mood of America. Gallup found that, on virtually every issue, the views of teenagers coincided with those of adults. And on those issues where the kids did *not* see eye-to-eye with their elders, the youngsters often tended to be more conservative.

The same assessment can be made of the putative black rebellion. There isn't any. Oh, there are the rantings of a lunatic fringe—a few paranoid militants who in any other country would be behind bars and whose continued freedom here is testimony to the fact that we are the most liberated and least racist nation on earth. But the vast majority of black Americans, as that same Gallup study revealed, are staunch believers in this nation.

How about unemployment? The Disaster people regard it as a grave problem. Well, I suppose even one unemployed person is a grave problem, but the record book tells us that the current out-of-work level of 6 per cent is about par. We've had less, but we've also had more—much more.

During the Kennedy Administration unemployment topped 7 per cent. And back in the recovery period of Franklin Roosevelt's second term, unemployed reached 25 percent. So let's not panic over this.

That word "panic" brings me to the H-bomb. Some people have let the gloommongers scare them beyond rational response with talk about atomic annihilation. I can't guarantee immunity from the bomb, but I offer the following as food for thought. Since World War II, over one billion human beings who worried about A-bombs and H-bombs died of other causes. They worried for nothing. It's something to think about.

One final comment on the subject. Members of the Disaster Lobby look back with fond nostalgia to the "good old days" when there weren't any nasty factories to pollute the air and kill the animals and drive people to distraction with misleading advertisements. But what was life *really* like in America 150 years ago?

THE GOOD OLD DAYS

For one thing, it was very brief. Life expectancy was 38 years for males. And it was a grueling 38 years. The work week was 72 hours. The average pay was $300. Per *year*, that is.

The women had it worse. Housewives worked 98 hours a week, and there wasn't a dishwasher or vacuum cleaner to be had. The food was monotonous and scarce. The clothes were rags. In the winter you froze and in summer you sweltered and when an epidemic came—and they came almost every year—it would probably carry off someone in your family. Chances are that in your entire lifetime you would never hear the sound of an orchestra or own a book or travel more than 20 miles from the place you were born.

Ladies and gentlemen, whatever American businessmen have done to bring us out of that paradise of 150 years ago, I say let's give them a grateful pat on the back—not a knife *in* it.

Now I'm not a Pollyanna. I am aware of the problems we face and of the need to find solutions and put them into effect. And I have nothing but praise for the many dedicated Americans who are devoting their lives to making this a better nation in a better world.

CONDITIONS IMPROVING

The point I am trying to make is that we are solving most of our problems, that conditions are getting better not worse, that American industry is spending over $3 billion a year to clean up the environment and additional billions to develop products that will keep it clean, and that the real danger today is not from the free enterprise establishment that has made ours the most prosperous, most powerful and most charitable nation on earth.

No, the danger today resides in the Disaster Lobby—those crepe-hangers who, for personal gain or out of sheer ignorance, are undermining the American system and threatening the lives and fortunes of the American people.

When I speak of a threat to lives, I mean it literally. A classic example of the dire things that can happen when the Disaster Lobby gets busy is the DDT story.

DDT ALTERNATIVES

It begins during World War II when a safe, cheap and potent new insecticide made its debut. Known as DDT, it proved its value almost overnight. Grain fields once ravaged by insects began producing bumper crops. Marshland became habitable. And the death rate in many countries fell sharply.

According to the World Health Organization, malaria fatalities dropped from four million a year in the 1930s to less than a million by 1968. Other insect-borne diseases also loosened their grip. Encephalitis. Yellow fever. Typhus.

Wherever DDT was used, the ailment abated. It has been estimated that a hundred million human beings who would have died of one of these afflictions are alive today because of DDT.

But that's not the whole story. In many countries famine was once a periodic visitor. Then, largely because of food surpluses made possibly by DDT, famines became relatively rare. So you can credit this insecticide with saving additional hundreds of millions of lives.

Then in 1962 a lady named Rachel Carson wrote a book called *Silent Spring* in which she charged that DDT had killed some fish and some birds. That's all the Disaster Lobby needed.

It pounced on the book, embraced its claims—many of them still unsubstantiated—and ran off to Washington to demand a ban on DDT. And Washington meekly gave them their ban, in the form of a gradual DDT phase-out. Other countries followed the U.S. lead.

The effects were not long in coming. Malaria, virtually conquered throughout the world, is having a resurgence. Food production is down in many areas. And such pests as the gypsy moth, in hiding since the 1940s, are now munching away at American forests.

In some countries—among them Ceylon, Venezuela and Sweden—the renaissance of insects has been so devastating that laws against DDT have been repealed or amended. But in our country the use of DDT, down to 10 per cent of its former level, may soon be prohibited entirely.

The tragedy is that DDT, while it probably did kill a few birds and fish, never harmed a single human being except by accidental misuse. When the ultimate report is written, it may show that the opponents of DDT—despite the best of intentions—contributed to the deaths of more human beings than did all of the natural disasters in history.

In addition to endangering human life, the Disaster Lobbyists are making things as difficult as possible for us survivors. By preventing electric companies from building new power plants, they have caused most of those blackouts we've been experiencing.

CONSUMERISM

By winning the fight for compulsory seat belts in automobiles, they have forced the 67 per cent of all Americans who do not use seat belts to waste $250 million a year buying them anyway.

By demanding fewer sizes in package goods on the ground that this will make shopping easier for the handful of dumbbells in our society, they are preventing the intelligent majority of housewives from buying merchandise in the quantities most convenient and most efficient for their needs.

And I don't have to tell anyone in this room what the Disaster crowd has done and is doing to make washday a nightmare in millions of American homes. By having the sale of detergents banned in some areas and by stirring up needless fears throughout the country, they have missed the point entirely.

As Vice President Charles Buehtman of the Soap and Detergent Association recently pointed out, detergents with phosphates are perfectly safe, eminently effective and admirably cheap. And if they foam up the water supply in some communities, the obvious remedy is an improved sewer system. To ban detergents is the kind of overkill that might be compared with burning down your house to get rid of termites.

THREAT TO FREE ENTERPRISE

But of all activities of the Disaster Lobbyists, the most insidious are their attempts to destroy our free enterprise system. And they are succeeding only too well.

According to Prof. Yale Brozen of the University of Chicago, free enterprise in the United States is only half alive. He cited as evidence our government's control of the mail, water supplies, schools, airlines, railroads, highways, banks, farms, utilities and insurance companies, along with its regulatory involvement in other industries.

And his statement was made prior to introduction in Congress last year of 150 bills designed to broaden government influence over private business.

Fortunately, most of the bills were defeated or died in committee. But they will be back in the hopper this year, along with some new bills. And they will have support from the darlings of the Disaster Lobby—senators like Moss, Proxmire and Hart and Representatives like Rosenthal of New York.

If so many important people are against free enterprise, is it worth saving? I think it is. With all its faults, it is by far the best system yet devised for the production, distribution and widespread enjoyment of goods and services.

It is more than coincidence that virtually all of mankind's scientific progress came in the two centuries when free enterprise was operative in the Western world, and that most of the progress was achieved in the nation regarded as the leading exponent of free enterprise: the United States of America.

For in the past 200 years—an eyeblink in history—an America geared to private industry has conquered communicable diseases, abolished starvation, brought literacy to the masses, transported men to another planet and expanded the horizons of its citizens to an almost incredible degree by giving them wheels and wings and electronic extensions of their eyes, their ears, their hands, even their brains. It has made available to the average American luxuries that a short time ago were beyond the reach of the wealthiest plutocrat.

And by developing quick-cook meals and labor-saving appliances, it has cut kitchen chores in most homes from five hours a day to an hour and a half—and as a result has done more to liberate women than all of the bra-burning Betty Friedans, Gloria Steinems and Kate Milletts combined.

THREAT TO FREEDOM

But the practical benefits of free enterprise are *not* my principal reason for wanting to preserve the system. To me, the chief advantage of free enterprise is in the word "free." "Free" as opposed to controlled. "Free" as opposed to repressed. "Free" as in "freedom."

I am always amazed that members of the Disaster Lobby—libertarians who champion the cause of freedom from every podium, who insist on everyone's right to dissent, to demonstrate, to curse policemen and smoke pot and burn draft cards and fly the flags of our enemies while trampling our own—these jealous guardians of every citizen's prerogative to act and speak without government restraint are also the most outspoken advocates of eliminating freedom in one area. When it comes to commerce, to the making and marketing of goods, our liberty-loving Disaster Lobby is in favor of replacing freedom with rigid controls.

And let us not minimize the value of this freedom of commerce to every man, woman and child in our country.

This is the freedom that makes it possible for the consumer to buy one quart of milk at a time—even though a government economist may think gallon containers are more efficient and quarts should be abolished.

This is the freedom that enables the consumer to buy rye bread if he prefers the taste—although someone in Washington may feel that whole-wheat is more nutritious and rye should be outlawed.

This is the freedom that allows the consumer to buy a refrigerator in avocado green despite some bureaucrat's desire to have all refrigerators made in white because it would be more economical that way.

For in a free economy, the consumer—through his pocketbook—determines what is made and what is sold. The consumer dictates the sizes, the shapes, the quality, the color, even the price.

And anyone who doubts the importance of this element of freedom ought to visit one of those grim, drab countries where the government decides what should and what should not be marketed.

But this is the direction in which the Disaster Lobby is pushing *our* country. What surprises me is how few of us seem to recognize the enormity of the threat. Instead of fighting back, we keep giving in to each insane demand of the consumerists—in the hope, I suppose, that if we are accommodating enough the danger will go away.

Well, ladies and gentlemen, it *won't* go away. If I accomplish nothing else today, I hope I can make that fact transparently plain.

NADER'S INTERESTS

Take the Nader group, for example. I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the consumer by improving business methods.

Forget it. Mr. Nader isn't interested in seeing American industry clean house. What he wants is the *house*—from cellar to attic. His goal is a top-to-bottom takeover of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission.

Find it hard to believe? Then listen to this Associated Press report of a speech he made last September:

"Consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail."

Well, we all know which corporations abuse the public interest in the eyes of Mr. Nader, don't we. *All* of them. The automobile companies. The tire companies. The appliance companies. The drug companies. The food companies. And yes, indeed, the soap and detergent companies.

What Mr. Nader really desires, ladies and gentlemen, is for the government to take over *your* companies and to toss all of you into the calaboose, presumably without a trial. At least he never said anything about a trial.

Does anyone still think Mr. Nader and the rest of the Disaster Lobby are just some harmless do-gooders? Those who know them best don't think so. Federal Trade Commissioner Paul Rand Dixon, for example. Not long ago,

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he said of Mr. Nader—and I quote—"He's preaching revolution, and I'm scared."

So let's start fighting back! It's not an impossible task because the Disaster Lobby is, by and large, not too bright and far too preposterous. All we have to do to win over the American people is acquaint them with the facts.

We must show them that the consumerists are for the most part devout snobs who believe that the average man is too stupid to make his own selections in a free marketplace.

MIXED-UP EXTREMISTS

Our Disaster group opponents also have the most cockeyed set of priorities I have ever encountered. To save a few trees, they would prevent construction of a power plant that could provide essential electricity to scores of hospitals and schools. To protect some birds, they would deprive mankind of food. To keep fish healthy, they would allow human beings to become sick.

One curious feature of the Disaster Lobby is an almost total lack of ethics. I say "curious" because these are the people who demand the maximum in ethics from private industry.

Not long ago, an organization favoring clean air ran an ad soliciting funds from New Yorkers. It was full of half-truths and non-truths, including this sentence: "The longer you live with New York's polluted air and the worse it gets, the better your chance of dying from it." But we know that New York's air is *not* getting worse. Just let some private company run that ad and see how fast the consumerism boys would have a complaint on file with the FTC.

Immaturity is also a characteristic of the Disaster man. His favorite question is, Why can't we have everything? Why can't we have simon-pure air *and* plentiful electricity *and* low utility rates, all at the same time? Why can't we have ample food *and* a ban on pesticides? I recommend the same answer you would give a not-too-intelligent five-year-old who asks, "Why can't I eat that cookie and still have it?" You explain that you just *can't* under our present technology.

Just recently the Coca-Cola Co. felt it necessary to reply to environmentalists who demand immediate replacement of glass and metal soft drink containers with something that will self-destruct. "A degradable soft drink container sounds like a fine idea," said Coca-Cola, "but it doesn't exist. And the chances are that one can't be made."

And Edward Cole, president of General Motors, responding to a government mandate for drastic reductions in exhaust emissions within the next four years, stated: "The technology does not exist at this time—inside or outside the automobile industry—to meet these stringent emission levels in the specified time."

This inability of the Disaster people to accept reality is reflected in their frequent complaint that mankind interferes with nature. Such a thing is patently impossible. Man is *part* of nature. We didn't come here from some other planet. Anything we do, we do as card-carrying instruments of nature.

You don't accuse a beaver of interfering with nature when it chops down a tree to build a dam. Then why condemn human beings for chopping down a lot of trees to build a lot of dams—or to do anything else that will make their lives safer or longer or more enjoyable?

When it comes to a choice between saving human lives and saving some fish, I will sacrifice the fish without a whimper. It's not that I'm anti-fish; it's just that I am pro-people.

The Disaster Lobbyist's immaturity shows up again and again in his unwillingness to compromise, to understand that man must settle for less than perfection, for less than zero risk, if he is to flourish. Failing to understand, they demand what they call "adequate testing" before any new product is released to the public. But what they mean by adequate testing would, if carried out, destroy all progress.

If penicillin had been tested the way the Disaster Lobby wants all products tested—not only on the current generation but on future generations, to determine hereditary effects—this wonder drug would not be in use today. And millions of people whose lives have been saved by penicillin would be dead.

We simply cannot test every aspect of human endeavor, generation after generation, to make *absolutely* certain that *everything* we do is *totally* guaranteed not to harm *anybody* to *any* degree whatsoever. We must take an occasional risk to do the greater good for the greater number. But that is a rational, mature evaluation—something of which the Disaster Lobby seems utterly incapable.

So this is the face of the enemy. Not a very impressive face. Not even a pleasant face. We have nothing to lose, therefore, by exposing it to the American people for what it is.

ACTION NEEDED

The time for surrender and accommodation is past. We must let the American public know that, once free enterprise succumbs to the attacks of the consumerists and the ecologists and the rest of the Disaster Lobby, the freedom of the consumer goes with it. His freedom to live the way he wants and to buy the things he wants without some Big Brother in Washington telling him he can't.

Truth and justice and common sense are on our side. And Americans have a history of responding to these arguments. All we have to do is get the story out—as often as possible, in as many forms as possible. And let's not vitiate our efforts by talking to each other—one businessman to a fellow businessman.

The people we must reach are the *consumers* of America, and they're out there right now listening to propaganda from the other side and, as often as not, agreeing with it. But why shouldn't they? They have yet to hear the truth.

It's a bit late to make a New Year's resolution, but I suggest this one for anyone willing to chip in with a tardy entry. Let us resolve that 1971 will be the year we help convince the people of America that our nation is a great one, that our future is a bright one and that the Disaster Lobby is precisely what the name implies. A disaster.

SOME BRICKBATS FOR THE PRESS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. BOLLING. Mr. Speaker, the following article by John P. Roche, which appeared in the Washington Post of December 8, makes interesting reading:

[From the Washington Post, Dec. 8, 1971]

SOME BRICKBATS FOR THE PRESS

(By John P. Roche)

At the risk of annoying editors and boring readers, I want to return to my unanswered question about South Vietnam. Well over a year ago listening to the orchestration of abuse against President Thieu and his government—I asked all the pontiffs a simple question: If Thieu is a "facist" running a "vicious police state," how come he is arming the peasants? It is obvious that no dictator in his right mind is going to hand out rifles to the hostile masses, but by now the Republic of Vietnam has armed some 2,000,000 of its citizens.

For some reason or other, nobody has even tried to answer that question. What makes his loud silence even more interesting is that the people who have been handed guns were allegedly the backbone of revolutionary discontent, the "landless tenants" victimized by great landowners. Why have these victims of exploitation refused to turn their guns against their province chiefs, the local gauleiters of the hated Saigon regime?

There may not be a valid domino theory in international relations, but there certainly is one that operates in the American press. In 1968, as best one can date it, the conventional wisdom in journalistic circles wrote off Saigon as a loser. From that point on, this proposition was taken as a given in the equation. Those of us who persisted in arguing that Tet was a tremendous victory for our side, or that the Thieu government had at least a fighting chance of surviving, were written off as slightly obsessed crackpots. After all, hadn't John Kenneth Galbraith gone to the top of the mountain in March, 1968, to announce that the South Vietnamese government would totally collapse in six weeks?

Oddly enough, in retrospect, the Tet offensive may well have marked the watershed in the military balance: Hanoi has never recovered from the fearful beating its forces took. And in the wake of Tet, the Saigon government—far from collapsing—suddenly achieved new vitality and self-confidence. Moreover, the decline in Hanoi's striking capacity gave Thieu some breathing space, an opportunity to start on needed policies of domestic reform that would undermine the appeal of the Vietcong.

First and foremost was land reform. In a sadly neglected article in the Wall Street Journal (2-5-71), Professor Roy Posterman, a long-time advocate of vigorous land reform in Vietnam, pointed out that in late 1968 President Thieu gave this program top priority, in 1969 he fought off the landlord interests and got the National Assembly to pass the "Land to the Tiller" bill, and in 1970 the action started. In effect, Thieu sponsored an agrarian revolution of his own: 800,000 tenant farmer families (about 5,000,000 people) in 1968, more than 450,000 families have now become landowners! Posterman, who was a chief legal adviser, told me that "at the present rate of progress, virtually all tenant farming in South Vietnam will have been ended by this time next year."

While the New York Times hailed the passage of the "Land to the Tiller" act as "possibly the most imaginative and progressive non-Communist land reform of the 20th century" (4-9-70), it has not since reverted to the subject in any significant fashion. Yet, land reform is the key to the dilemma of the strange counter-revolutionary behavior of the armed peasantry. Throughout the 1960s, the Vietcong recruited like fish in the sea, telling the tenants, "We have given you land, now give us your son." Now the son is working the farm and the spectre that worries him is not the landlord, but collectivization on the North Vietnamese model. The rifle behind the door is his insurance policy.

Which leads to a final odd thought: In a war characterized by paradoxes, the Thieu government may find its major future problem not the pacification of the countryside, but the suppression of urban terrorism.

PROBE OF FHA ABUSES IN DETROIT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. CONYERS. Mr. Speaker, last week the Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations was in Detroit, Mich., conducting an investigation into the increasing rate of default on FHA-insured mortgages. I was pleased to accept the invitation of Subcommittee Chairman JOHN S. MONAGAN to accompany the subcommittee on its inspection of homes and to participate in the subcommittee's hearings on Friday and Saturday.

The problem which the Monagan subcommittee is investigating is one which deserves congressional attention. Over the years Congress has enacted numerous housing acts which seek to provide housing for low- and moderate-income people in our cities. But legislation which appears to address the problems of the poor, has, it seems, been perverted to serve the purposes of unscrupulous real estate speculators, as the attached articles indicate.

The housing acts creating the subsidized housing programs are filled with opportunities for the profiteer to take advantage of both the public and the Government. Only a high degree of circumspection and integrity on the part of the Department of Housing and Urban Development can prevent the misuse of the housing programs, and I think that this point is illustrated by the testimony the subcommittee received last week.

I am not calling for the curtailment of the programs which seek to provide housing for low- and moderate-income people. Far from it; I feel that, if anything, more effort is needed in this area. The amount of time, money, and effort which must be spent to solve this country's urban problems will require a multiplication of our present commitments.

I want to commend Chairman MONAGAN and his committee for exercising their oversight responsibilities respecting DHUD. That committee is engaged in a fact-finding investigation, long overdue in the field of urban housing. Without these facts it is impossible to evaluate the effect of existing programs and their predecessors. I urge the Monagan subcommittee to continue its penetrating probe throughout the Nation, for, in my judgment, the problems of Detroit, which indeed are serious, are reflected in many cities.

I am submitting for insertion in the RECORD a series of newspaper articles which summarize the evidence which the Monagan subcommittee received. I commend these articles to the consideration of my colleagues.

OPENING STATEMENT BY HON. JOHN S. MONAGAN, CHAIRMAN, LEGAL AND MONETARY AFFAIRS SUBCOMMITTEE

The Members of the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee have come to Detroit to evaluate the reasons for the alarming increase in the rate of default in FHA-insured mortgages of real estate in this City.

Our Committee has a Congressional mandate to examine the operations of Government agencies to determine whether or not they operate with efficiency and economy. Under this general charge, our Subcommittee has jurisdiction over the Department of Housing and Urban Development and the various organizations including FHA within that Department.

We arrived this morning and have conducted a tour of selected foreclosed units, both single and multi-family, and neighborhoods primarily in the east side of Detroit. The cooperation extended to the Subcommittee by Mr. William Whitbeck, Area Director, DHUD, and Mayor Gribbs and city officials is very much appreciated.

The Subcommittee, as has been widely reported, yesterday conducted hearings in Washington at which time representatives of the General Accounting Office presented the results of their survey efforts here in the Metropolitan Detroit area. It is clearly recognized by the Subcommittee that the reasons for the present situation are most complex and it is certainly this Subcommittee's desire to avoid reaching premature judgments in Detroit and elsewhere throughout the nation until such time as the views of those having an expertise in this complex area of housing have had an opportunity to testify.

I think we have all realized for some time that the type situation which exists in Detroit has many ramifications extending beyond the suffering of individual tenants and/or purchasers and the potential risk to the FHA insurance fund. The problems of a deteriorating neighborhood and the ultimate costs that will be involved to return these type neighborhoods to a viable condition are significant. The plight of many individuals, desperately trying to hold on to their homes in neighborhoods such as we have seen this morning, cannot be overemphasized.

The HUD inventory of acquired FHA insured properties in Detroit increased from 810 on August 1, 1969 to 5297 on October 1, 1971. This constitutes an increase in the foreseeable future. Of the 2034 properties disposed of by the FHA in the two-year period, the average cost to the Government has been $9,974. This means that the FHA General Insurance and Special Risk Funds have been compelled to pay $20 million in these cases and that there is a potential liability of over $50 million in the inventory of homes on hand at the present time.

The FHA reserve funds, financed by mortgage insurance premiums, have since the beginning of FHA been deemed actuarially sound. It would be infinitely more serious if the situation in Detroit is found to exist in other major cities.

We do not seek to point the finger at anyone. We do not question the motives of anyone involved, however, we do desire to examine the situation closely to determine the operation of the governmental programs which have been involved and to discover what the basic facts are and what the causes are.

We are grateful for the welcome which has been extended to us by Mayor Gribbs. It is certainly the mark of a construotive administrator to welcome examination of a problem with strong Federal connotations which lies within the City he administers. On behalf of a Committee which has a deep interest in urban problems, we have been pleased to learn of the part which Mayor Gribbs played in bringing to fruition the recent $500 million Ford Development Plan for the revitalization of downtown Detroit.

I should also like to express the appreciation of the Committee to the Department of Housing and Urban Development and in particular to Mr. William Whitbeck. At this point I would like to express, on behalf of Senators Hart and Griffin, and Congressman Diggs, their regrets at being unable to be present today and assert at this point in the record communications received from them.

[From the Detroit News, Nov. 29, 1971]

DETROIT HEARINGS TO AIR ABUSES OF FHA

(By Don Ball)

A congressional committee will hold public hearings in Detroit Friday and Saturday on past abuses of FHA mortgage insurance programs for low-income families.

The subcommittee on legal and monetary affairs of the House Operations Committee has been investigating FHA programs in Detroit for the past several months.

The committee hearings, headed by U.S. Rep. John S. Monagan, Connecticut Democrat, will start with a report by the General Accounting Office (GAO) on the multimillion-dollar losses suffered by the FHA insurance fund as a result of the soaring number of foreclosures in Detroit.

GAO will report to the subcommittee in Washington Thursday. Committee and staff members will come to Detroit Friday morning for a tour of the city before the hearings Friday afternoon and Saturday morning.

Detroit was picked as the first city to be visited by the committee because the foreclosure problem here is the worst in the nation—as revealed in articles in The Detroit News over the past 10 months. The articles also bared widespread abuses in the FHA programs, but there has yet to be an indictment by federal authorities growing out of those abuses.

Meanwhile, The News learned that the Wayne County prosecutor's office has renewed its investigation of possible fraud in sales of homes under the FHA programs for low-income families.

Prosecutor William L. Cahalan has assigned Jay Nolan, head of the fraud division, to direct the investigation and prosecute cases involving violations of state laws.

Information on violations of federal laws will be turned over to the U.S. attorney's office in Detroit.

Nolan admits, however, that most abuses of the FHA programs brought to his attention in the past were outside of his jurisdiction.

The abuses have resulted in misery and heartbreak for hundreds of low-income Detroit families bilked in purchases of homes which proved to be uninhabitable.

Partly as a result of the abuses, the foreclosure rate on FHA-insured mortgages in Detroit has soared to a record high. The U.S. Department of Housing and Urban Development (HUD) now owns nearly 5,000 homes in the city as a result of the foreclosures.

Eighty percent of the homes have been acquired by HUD over the last 20 months and some 750 of the repossessed homes were in such poor condition that HUD has ordered them torn down.

To date there has been only one real estate firm charged with irregularities in connection with sales of homes under the FHA program for low-income families.

The company allegedly sold the house before acquiring title to the property and is being prosecuted by Nolan's division.

Nolan has been concerned for more than 2 years about the sales of substandard homes to low-income families under the FHA program, but was unable to get action by Washington officials.

"The abuses of the FHA programs first came to our attention in 1969 when people came to us with complaints about being sold substandard homes which had been 'approved' by the FHA."

"The local FHA officials were concerned but said they could do nothing.

"I wrote a letter in December, 1969, to George Romney, secretary of HUD, outlining the problem and requesting him to help correct the serious situation.

"I didn't even receive an answer."

Nolan's probe actually will be the second investigation by the prosecutor's office into the sale of homes under FHA mortgage programs for low-income families.

The first investigation, conducted by the civil division, started last spring and a report on the findings was made public two weeks ago.

The report concluded that there had been no wrongdoing by real estate or mortgage firms and that the blame for the abuses of the mortgage programs rested with the FHA

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because of its failure to enforce physical standards on homes sold under the programs.

The report was based on a study of the sales of 50 east side Detroit homes.

Not only was the sample for the study small, compared to some 30,000 home sales under the FHA programs in Detroit over the last three years, but it was off target.

Many of the transactions in the sample involved homes sold in the 1965–67 period, although the FHA programs for low-income families were not adopted until 1968.

Apparently the files on the 1965–67 sales were provided by HUD to the prosecutor's office as a result of a misunderstanding as to what the study was to cover.

Further, a report on the investigation was not turned over to the U.S. attorney's office as had been promised.

Ralph B. Guy Jr., U.S. attorney for eastern Michigan, had promised to follow up on any cases involving violation of federal laws which were turned up by the investigation.

Not only has Guy not received any information from the prosecutor's office, he said HUD has referred only 10 cases of possible violations of federal laws to his office so far this year.

"They come in raw and must be investigated by the FBI since I have no investigators," Guy said.

"The FBI decides its priorities and assigns investigators on that basis.

"I have not been contacted by Detroit area HUD officials with any request for special attention to FHA cases."

Guy said his office is concerned about the abuses of FHA mortgage programs reported in the press and promised prosecution of those involving violations of federal laws.

Some of the cases apparently involve only HUD regulations and not federal laws, he said.

"In those instances, HUD can take administrative action against the guilty individual or firms," Guy said.

However, there appears to be a question of just how high a priority is placed on FHA cases by the Justice Department.

A real estate broker who allegedly submitted false employment letters for the purpose of obtaining FHA insurance on home mortgages was reported to HUD in September, 1970.

The case was investigated by the FBI and the findings referred to the U.S. attorney's office. Now, however, the case has been sent back to the FBI for further investigation.

More recently, the FBI investigated a real estate salesman last spring for allegedly obtaining illegally high down payments on homes sold under an FHA mortgage subsidy program.

The case still has not been presented to a federal grand jury.

William C. Whitbeck, director of the Detroit area HUD office, said that since last January his office has referred 24 cases for investigation but some have not yet reached the U.S. attorney's office.

"Under our rules, we must send the cases first to the office of investigation at the HUD regional office in Chicago," he said.

"That office sends cases which merit further investigation to the U.S. attorney's office here in Detroit.

"Several of the 24 cases referred so far involve more than one person or firm."

He said he has talked to Guy about the procedures of his office and has cooperated fully with the prosecutor's office.

"We also have taken administrative action against several individuals and firms for violating HUD regulations," he said.

"We have stopped processing applications of several individuals and firms for FHA mortgage insurance since last January because of their past activities."

HUD also can blackmail individuals and firms by placing their names on its "undesirable risk determination" (UDR) list.

The UDR list is circulated nationwide and individuals and firms named on it are prohibited from doing business with the FHA.

In addition, HUD can permanently bar individuals and firms from doing business with the FHA under provisions of Section 512 of the federal housing law.

Whitbeck said neither of the disciplinary measures has been invoked against any Detroit firm this year except in the case of one company involved in fraudulent activities two years ago.

Whitbeck added that his agency can use its "good offices" to call a problem to the attention of the responsible real estate or mortgage company and ask for cooperation in correcting the situation.

"We have done this in a number of cases over the past months with considerable success," he said.

[From the Detroit News, Nov. 30, 1971]

FHA Probers Due in Detroit

(By Don Ball)

Detroit has been labeled a "horrible example" of what happened to the nation's big cities as a result of past mismanagement of the FHA's mortgage insurance programs for low-income families.

The U.S. General Accounting Office estimates that the FHA insurance fund faces a $50 million loss because of the record number of foreclosures of FHA-insured mortgages on Detroit homes. A congressional committee plans to visit the city this week to find out first-hand what went wrong

Because of the critical problem in Detroit, it was chosen to be the first of a number of cities to be visited by the legal and monetary affairs subcommittee of the House Government Operations Committee.

Headed by Rep. John S. Monagan, Connecticut Democrat and subcommittee chairman, the subcommittee will tour Detroit Friday morning and hold public hearings in the afternoon and Saturday morning in Federal Judge Thomas P. Thornton's courtroom in the Federal Building.

The committee's specific areas of concern are the same as those raised in articles which have appeared regularly in The Detroit News since January.

The News called attention to the misery and hardship of low-income families as a result of buying substandard homes under the FHA programs, the problem in the city of the growing number of homes left vacant as a result of foreclosures on FHA mortgages and the mounting costs to the FHA insurance fund.

Rep. Chet Holifield, California Democrat, chairman of the parent committee, and Monagan said in a joint statement yesterday in Washington:

"The alarming increase in foreclosures of FHA-insured mortgages in Detroit will be the immediate concern of the subcommittee.

"The HUD (U.S. Department of Housing and Urban Development) inventory of repossessed homes in Detroit has increased from around 900 in January, 1970, to nearly 4,600 as of last Oct. 1.

"There is every reason to believe the rate of foreclosures will continue to increase in the foreseeable future, costing the government an average of $9,974 for every house ultimately disposed of by the FHA."

According to the latest figures of the Detroit-area HUD office, the number of repossessed homes in Detroit had increased to around 5,000 by the first of this month.

Based on the congressional estimate of the cost per home, the loss faced by the FHA because of foreclosures in Detroit has reached the $50 million level.

The News revealed in an article on Feb. 18 that Wayne County had the highest foreclosure rate on FHA-insured mortgages of any area in the nation during the first nine months of 1970.

Because of the redemption period allowed mortgage holders, those foreclosures began resulting in repossessed homes this year.

A spokesman for the Michigan Mortgage Bankers Association played down the seriousness of the foreclosure rate at the time of The News' article in February.

Hugh Ross, president of the Advance Mortgage Corp. and later president of the bankers association, said he saw nothing to be concerned about in the number of foreclosures and repossessions.

After The News called attention to areas in the city virtually turned into "ghost towns" by the large number of vacant homes owned by HUD as the result of mortgage foreclosures, Mayor Gribbs visited several of the hard-hit streets.

As a result, Gribbs wrote George Romney, secretary of HUD, about the problem and his concern about its effect on the city.

In his reply, Romney wrote:

"I, too, am concerned over the blight and deterioration which is affecting Detroit and many other urban centers.

"I am concerned over the mounting rate of property acquisitions pursuant to defaults on insured mortgages which HUD is experiencing in Detroit and elsewhere.

"Further, I am concerned that you have apparently reached the conclusion that the former condition is caused 'in large part' by the latter (the foreclosures) or by other, unnamed policies of HUD.

"I consider such a conclusion to be ill-founded and more than a little misleading to the general public."

Monagan said yesterday, however:

"Because of the seriousness of the situation in Detroit, the General Accounting Office (GAO) has for an extended period of time been in the process of reviewing HUD repossessions in that city.

"The GAO findings will be presented to the committee in Washington on Thursday so that it will be briefed for its visit to Detroit.

"At the public hearings in Detroit, the committee will be able to examine causes of the current foreclosure situation and steps being taken to bring it under control.

"The anticipated testimony of HUD officials from Washington also will give the committee an opportunity to consider the potential threat to the security of the FHA general insurance and special risk funds if the Detroit situation is mirrored in other cities."

[From the Detroit Free Press, Nov. 30, 1971]

Hearings Set on FHA in Detroit

(By Marco Trbovich)

A congressional subcommittee announced Monday that it will hold hearings in Detroit this week on "the alarming increase in the rate of foreclosure of Federal Housing Authority (FHA) insured properties in Detroit."

The House government operations subcommittee on legal and monetary affairs will begin public hearings at 2 p.m. Friday in room 867 of the Federal Building, 231 W. Lafayette, downtown.

The announcement followed an earlier disclosure by the Wayne County prosecutor's office that an investigation is being renewed into possible fraud in sales of homes under FHA mortgage programs for low-income families.

House Government Operations Committee Chairman Chet Holifield D-Cal., said a Department of Housing and Urban Development (HUD) inventory of properties acquired in Detroit increased from 810 on Aug. 1, 1969, to 5,297 as of Sept. 30, 1971. The increase was primarily a result of foreclosures by FHA.

"There is every reason to believe that the rate of foreclosure will continue to increase in the foreseeable future, costing the government an average of $9,974 for every house ultimately disposed of by FHA," Holifield said.

Subcommittee Chairman John S. Monagan, D-Conn., said the Government Accounting

Office (GAO) has been reviewing HUD acquisitions in Detroit, "because of the seriousness of the situation."

Before traveling to Detroit, the subcommittee will hear testimony in Washington Thursday from Baltas Birkle, assistant director of the GAO's Civil Division. Birkle will present the results of the GAO investigation.

Friday morning the subcommittee will move to Detroit to inspect foreclosed homes and neighborhoods affected by the increased rate of foreclosures.

Monagan is expected to preside over the hearings. Subcommittee members will be joined on the tour Friday by representatives of Mayor Gribbs' office and local and regional housing offices.

Monagan's subcommittee also expects to hear from William C. Whitbeck, Detroit area director for HUD. Mayor Gribbs has also been asked to testify.

[From the Detroit News, Dec. 1, 1971]

Jury Probe of FHA Abuses Sought

(By Don Ball)

Leveling "whitewash" charges at the prosecutor's office, a group of Wayne County commissioners today called for a special grand jury investigation into alleged irregularities in sales of Detroit homes under FHA mortgage programs for low-income families.

A Board of Commissioners subcommittee headed by Paul Silver petitioned State Atty. Gen. Frank J. Kelley for a grand jury probe into alleged inflated appraisals and other purported irregularities under the program.

The subcommittee charged that an earlier investigation by the county prosecutor's office had resulted in a "whitewash."

Countered Prosecutor William L. Cahalan: "It would serve no useful purpose to respond to the emotional outbursts of Commissioner Silver. But if Mr. Kelley wants to investigate, we will certainly cooperate with him."

Commenting on the alleged irregularities, cahalan said, "What has happened was reprehensible, but not criminal."

Cahalan's report in September found no wrongdoing by appraisers, real estate brokers, investment companies or mortgage firms. It cited only a failure by the FHA to enforce its regulations.

"It was definitely a whitewash and was intended to be a whitewash before they opened the first file," Silver declared.

Alleged widespread abuses under the FHA programs have been reported for the last 10 months in The Detroit News. Hundreds of low-income Detroit families reportedly have been bilked in purchases of homes which were uninhabitable.

The subcommittee also questioned the good faith of the prosecutor's office in announcing this week that the investigation would be renewed.

"We received a letter just last week from Cahalan saying that the subject of our concern is a federal matter," Silver said.

The letter signed by Cahalan read:

"An FHA appraisal is essentially a report by an agent or employe of a federal agency to that federal agency. Any criminal misconduct by an appraiser in connection with the submission of a fraudulently inflated report would necessarily have to be deemed a federal offense."

Silver said:

"Only the county commission and The News seem concerned with the apparently widespread fraud involved in past sales of homes with FHA–insured mortgages.

"It's amazing that a reporter for The News could dig up such a wealth of information on the abuses and irregularities, which no one in an official position has ever denied, and then have the prosecutor's office be unable to find grounds for prosecution."

Silver said the petition to Kelley was based on facts developed by his subcommittee and on information published in The News.

Cahalan said Kelley could recommend to the Wayne Circuit Court that a special grand jury investigation be ordered, or he could use the Wayne County citizens grand jury now sitting.

"Kelley then could conduct the presentation before the grand jury himself, ask me to do it or we could do it together," said Cahalan.

The commissioner's subcommittee said, however, the prosecutor's office had ignored an earlier recommendation for a citizens grand jury investigation.

In addition to Silver, the petition was signed by Commissioners William Suzore, Charmie Currie, Edward Jones and Rosemary Robinson, all members of the FHA subcommittee.

In their petition, the commissioners declared:

"Commencing in 1968, thousands of homes in Detroit and Wayne County were sold to persons of low income with the sales financed through FHA-insured mortgages.

"Your petitioners firmly believe based upon the widespread evidence available that extensive criminal acts of fraud, misrepresentation, conspiracy and collusion have occurred in determining the value of real estate for purposes of obtaining FHA-insured mortgages.

"In many instances FHA-insured mortgages were obtained based upon false certificates from mortgage firms that required repairs had in fact been made which certificates were relied upon by the purchasers and the FHA.

"A cursory investigation of complaints by many home purchasers indicates that actual misrepresentations of fact were made by the brokers or investment companies involved, as well as nondisclosure of defects and false promises of repairs prior to the consummation of real estate sales.

"An investigation of records in the Wayne County Tract Index indicate that questionable appraisals of FHA home purchases have been made whereby homes obtained by investment companies and other real estate speculators have been resold within a few months for profits at times exceeding 500 percent.

"We believe the individual purchaser and governmental agencies have been victimized and defrauded of millions of dollars."

To support their allegations of past irregularities, the commissioners cited the record number of foreclosures on FHA-insured mortgages in Detroit over the last 23 months.

As a result of the foreclosures, the U.S. Department of Housing and Urban Development (HUD) now owns 5,000 repossessed homes in Detroit.

A congressional committee will visit Detroit Friday and Saturday for a first-hand review of the foreclosure problem.

The committee will tour Detroit Friday morning and hold public hearings that afternoon and Saturday morning.

Silver said his committee has requested a chance to appear before the congressional committee.

"When HUD says it will tear down more than 700 of the repossessed homes as being unfit for rehabilitation and when families have moved out of additional hundreds of homes because they are uninhabitable, you have to question how FHA appraisers could place price tags of $10,000 and up on these buildings," Silver said.

Said Cahalan: "The basic problem is that HUD has made available to inexperienced home buyers a method whereby they can purchase homes. Sharp dealers have taken advantage of this.

"We have had this problem under investigation and we still have it under investigation. But at this point we can't see that we have anything to go to a grand jury with."

Cahalan added that at no time has Silver "given us any evidence which even indicates he has any knowledge of the violation of any criminal law in this area."

The subcommittee included in its petition a number of case histories on homes purchased for a few thousand dollars each by investors and resold for $10,000 or more although the buildings were in need of substantial repairs.

Criticism of the handling of the earlier investigation by the prosecutor's office also was included in the petition.

The subcommittee said that it first brought the matter to the prosecutor's attention last March.

"The Chief of the criminal fraud division of the prosecuting attorney's office after a cursory examination indicated to the committee that in his opinion there was no evidence of criminality or criminal fraud," the commissioners told Kelley.

"He said at best the allegations reported in the press and to the committee constituted one real estate appraiser and one real estate agent scratching the back of another.

"The prosecuting attorney assigned the investigation to the civil division and thereafter failed to provide staff to conduct the investigation.

"Ultimately in September, he advised the committee via a report that there was no evidence of wrongdoing.

"Based upon the lack of concern exhibited by the prosecuting attorney, your petitioners submit that no investigation at the local level can be maintained save one by the office of attorney general of the state."

Included with the petition was the recent report by the prosecutor's office.

Summarizing the investigation, the prosecutor's office stated:

"It appears that the appraisers used proper and acceptable guidelines commonly used by appraisers in arriving at the market value of the property involved in this case.

"The mortgage companies used by the brokers or investment companies were the same as used before in other sales with no pattern or scheme of an underhanded method being used by either of them."

The prosecutor's report, however, was based on a sample of 50 home sales in the 1965–70 period.

The FHA programs for low income families did not start until 1968 and since then more than 30,000 Detroit homes have been sold under their provisions.

In announcing this week that it was renewing its investigation, the prosecutor's office said the fraud division would conduct the probe which would concentrate on individual sales in the last three years.

[From the Detroit News, Dec. 2, 1971]

U.S. Report Raps FHA Abuse in City

(By Don Ball)

Washington.—The General Accounting Office (GAO) charged today that the alarming rate of foreclosures on FHA-insured mortgages in Detroit threatens the success of mortgage insurance programs for low and moderate income families in the city.

At a hearing of the House subcommittee on legal and monetary affairs, the GAO reported:

"The home mortgage insurance programs of the U.S. Department of Housing and Urban Development (HUD) for low and moderate income families in Detroit have been described recently in the Detroit newspapers as a failure.

"This lack of success may be borne out by the increasing number of houses acquired through loan foreclosure by HUD's Detroit-area office.

"HUD's acquisition of homes because of foreclosed FHA-insured mortgages increased from an average of 96 homes a month

in 1966 to an average of 381 homes a month in 1971."

The contents of the GAO report paralleled the findings of an investigation by The Detroit News, the results of which have been published in a series of articles over the past 10 months.

The soaring foreclosure rate was revealed in The News last February.

A spokesman for the Michigan Mortgage Bankers Association said at that time, however, that there had been no unusual increase in foreclosures.

U.S. Rep. John S. Monagan, Connecticut Democrat, chairman of the legal and monetary affairs subcommittee, said of the GAO report:

"The alarming increase in the rate of foreclosures of FHA-insured properties in Detroit is viewed with concern by the subcommittee.

"To assist in our evaluation of the GAO's testimony, we will inspect repossessed Detroit homes during a tour tomorrow and conduct public hearings in the afternoon and on Saturday morning."

Baltas E. Birkle, assistant director of the GAO's civil division, presented the report to Monagan's subcommittee. Highlights of the report were:

HUD's Detroit-area office is expected to have an inventory of 6,200 repossessed homes by Dec. 31, with 84 percent of the properties located in Detroit.

Only 810 repossessed homes were held by the HUD office on June 30, 1969, of which 20 percent were in the city of Detroit.

Inner and middle city areas have been particularly hard hit by the soaring rate of foreclosures.

The number of Detroit homes sold under FHA's sections 221d2 and 223e for low and moderate income families has increased sharply while the number sold under the FHA's conventional section 203d has declined 50 percent.

The dramatic increase in repossessions followed enactment in 1968 of section 223e which permits mortgages on high risk properties.

In one east side Detroit area, the FHA faces a potential $12.9 million loss on 1,290 repossessed homes it owns there. The repossessed homes in the area make up nearly one-fourth of HUD's inventory for the entire city."

The GAO report singled out FHA appraisers for particular criticism, charging they had failed to classify as "high risk properties" many of the Detroit homes which later were repossessed.

"The failure on the part of the appraisers had served to hide from Congress the true cost of the high risk mortgage program," the GAO report said.

Birkle told the subcommittee that "to justify insuring a mortgage under section 223e, the location must so adversely affect the property as to preclude a finding of economic soundness.

"The responsibility to recommend insuring a mortgage under section 223e was placed on the FHA appraiser who was to determine that the specific property was ineligible under other HUD insurance programs due to unfavorable location.

"We found that although an estimated 16 percent of the homes insured in Detroit in 1968–69 were insured under Section 223e."

Many other HUD-insured homes located on the same blocks or streets were not classified as high risk properties.

It seems reasonable that if a number of houses located on a block or street were considered proper for insurance under Section 223e, then all houses on said block or street should have been insured under the same high risk section.

"By not properly identifying houses for the special risk insurance fund, HUD is not disclosing to Congress the true cost of the Section 223e high risk mortgage program."

Meanwhile, a decision is expected next week on whether a grand jury investigation will be conducted into irregularities in sales of Detroit homes under FHA mortgage programs for low-income families, a spokesman for Atty. Gen. Frank J. Kelley said today.

A Wayne County Board of Commissioners subcommittee headed by Paul Silver has petitioned Kelley for the probe.

"We just received the request in our office yesterday," said Leon Cohan, deputy attorney general. "We want to review the matter first."

Cohan said he also wanted to talk to Silver and to Wayne County Prosecutor William L. Cahalan about the grant jury request.

Silver's subcommittee has charged that an earlier investigation into the FHA program by Cahalan was a "whitewash."

[From the Detroit Free Press, Dec. 2, 1971]

AS WE SEE IT—FHA POLICIES LEAVE CITY PREY TO FAST-BUCK ARTISTS

Selection of Detroit as the first city to be examined in the investigation of Federal Housing Authority financing of home purchases is more than coincidence. Detroit has one of the most reeking histories of FHA abuses of any major city in the United States.

A congressional subcommittee will investigate why the FHA insurance fund has been victimized for $50 million because of a record number of foreclosures, and entire sections of the city have been ruined.

The subcommittee will not have much trouble finding out what went wrong. Thousands of Detroiters were lured by small down payments into committing themselves for housing they could not afford to keep up. With no equity in the properties, they abandoned them when the plumbing plugged and the furnaces died.

The generous FHA financing created a rich playground for quick-buck real estate operations. They purchased houses cheaply, obtained large FHA commitments and collected their guarantees from the FHA, meaning the taxpayers, when the deals went sour.

As of Sept. 30, a total of 5,297 properties went back to the government, mostly as a result of FHA foreclosures. The cost to the taxpayers is about $10,000 per home, a big bill for a program that had the potential of upgrading home ownership in Detroit.

Efforts to correct the situation at the local level foundered when Wayne County Prosecutor William Cahalan ruled that the only fault was FHA failure to enforce its regulations.

The Wayne County Board of Commissioners is now attempting to get the Michigan attorney general's office into an investigation of many documented cases of collusion between mortgage companies and real estate agencies, and the hiring by the FHA appraisers who are employed by private real estate firms. The situation begs for more examination.

FHA was criticized for years for its preoccupation with providing housing in suburban developments. In truth, it was created during the Depression to facilitate housing starts when nobody could finance them by conventional means.

When the FHA finally did enter the business of insuring mortgages in the inner and middle city, however, it slopped over in the direction of excessive leniency. Many of the mortgage guarantees have been outrageously out of line with the real market value of the properties involved.

The damage to Detroit will be a long time in the correcting. House after house has been abandoned, vandalized and rendered uninhabitable. By the time the process has been completed, the homes are not worth the money needed to restore them.

Many Detroiters are managing to keep their over-priced properties. But the question remains whether the bad has not outweighed the good.

The FHA program still might be made to work in Detroit, but not as long as it permits the victimization of credulous and unprepared homeseekers. The visiting congressmen are in a position to prevent this kind of unprincipled preying on the cities.

[From the Detroit News, Dec. 3, 1971]

HOUSE PANEL TOLD OF SOARING FORECLOSURE RATE—$200 MILLION CITY FHA LOSS FEARED

(By Don Ball)

The FHA faces a potential loss of $200 million as a result of the increasing rate of foreclosures on FHA-insured mortgages in Detroit, according to the General Accounting Office (GAO).

Baltas A. Birkle, assistant director of the GAO's civil division, revealed the feared loss to the FHA in testimony yesterday in Washington before the subcommittee on legal and monetary affairs of the House Committee on Government Operations.

The subcommittee, headed by U.S. Rep. John S. Monagan, Connecticut Democrats, came to Detroit today to take a first-hand look at the problem and hold hearings on causes and proposed solutions.

Birkle told the subcommittee at yesterday's hearing:

"FHA-insured mortgages on 18,000 to 23,000 Detroit homes are now in default.

"It is expected that 75 percent of these mortgages will be foreclosed and the homes repossessed by the Department of Housing and Urban Development (HUD).

"Added to the cost of foreclosures in the city to date, which have resulted in an inventory of some 5,000 repossessed homes, the loss to the FHA could reach $200 million."

Monagan, mayor of Waterbury, Conn., for six years beginning in 1943 and a U.S. representative since 1958, emphasized his subcommittee's concern for problems to cities and individual homeowners as well as the losses to the FHA because of the growing rate of foreclosures.

The GAO report indicated that the vast majority of the foreclosures are on mortgages insured under FHA programs for low and moderate income families.

Despite the foreclosure rate, however, 75–80 percent of the families buying homes in Detroit under the programs are meeting mortgage obligations, according to the GAO report.

"We're interested in the impact of the foreclosures in Detroit on these families," Monagan said.

"If the owners of houses are unable to meet their mortgage payments and must move, it is certainly detrimental to them and their families.

"Because their houses may then stand vacant for many months creating a breeding place for crime and fires, the residents of the neighborhood and the city as a whole suffer.

"Finally, the cost to the FHA insurance fund cannot be overlooked.

"Reports indicate that acquired properties in Detroit have been disposed of at a substantial loss to the FHA insurance fund and there are implications of losses in other cities.

"The volume of such losses which can be borne by the insurance fund remains to be determined."

GAO spokesmen said there is about $1.7 billion in total FHA insurance fund reserves. But they said, the special risk fund, set up to pay off on foreclosures of high-risk mortgages, is running about $27 million in the red.

The highest percentage of foreclosures in Detroit has been on high-risk mortgages.

[From the Detroit Free Press, Dec. 3, 1971]

U.S. HOME SEIZURES SOAR HERE—HOUSE PANEL VISITING TODAY

(By Saul Friedman)

WASHINGTON.—A House subcommittee headed for an on-the-spot investigation in Detroit Friday after hearing testimony Thursday that the number of foreclosures in government-subsidized housing for the poor may climb as high as 23,000 in Detroit next year.

If foreclosures run that high, General Accounting Office (GAO) officials told the government operations subcommittee on legal and monetary affairs, the loss to the government could amount to as much as $200 million.

Foreclosures in the government homeownership programs, GAO Assistant Director Baltas E. Birkle said, are already higher in Detroit than in any other city in the country.

After an investigation of the various programs to provide mortgages on single-family homes for low-income persons, Birkle said that there were about 6,500 foreclosures between July 1, 1969, and Sept. 30, 1971.

This figure, he said, does not include mortgages which are in default for lack of payment and on the verge of foreclosure.

Using figures supplied by the Department of Housing and Urban Development (HUD), which administers the programs, Birkle estimated that the Detroit foreclosures could climb to 23,000 by the end of next year.

That would mean foreclosing on some 16,500 mortgages by the end of next December—three times as many as had been foreclosed in the two-year survey period.

The GAO survey in Detroit estimated that the government, which insures the mortgages, loses about $9,974 on each house which is repossessed, Birkle said.

As as result of the GAO investigations, subcommittee chairman John S. Monagan, D-Conn., has scheduled visits Friday morning to some of the areas, including Detroit's east side, where foreclosures have been frequent.

After these visits, the subcommittee is to convene a hearing Friday afternoon in Detroit's Federal Building.

The scheduled witnesses include William C. Whitbeck, director of the HUD office in Detroit; William K. Cameron, director of property disposition for HUD, and Paul Kaup of HUD's Chicago regional office.

The subcommittee has also scheduled a Saturday session to take testimony from Mayor Gribbs; Michael Bixby, an attorney with Wayne County neighborhood Legal Services; William Rosenberg, director of the Michigan Housing Development Authority, and John E. Mogk, a Wayne State University law professor.

Monagan and his subcommittee want to find out why the foreclosure rate has been so high in Detroit, higher even than the high rates in other cities.

Birkle said the foreclosure rate in Detroit during the two-year survey period was as high as 16.7 percent in inner city areas.

"The acquisition of foreclosed . . . mortgage loans by HUD increased from an average of 96 a month in 1968 to an average of 381 a month in 1971," Birkle said.

Areas with the highest rates and numbers of defaults, Birkle said, included Detroit's lower east side; the west side area bounded by Woodward, W. Grand Blvd., Wyoming and W. Eight Mile, and the lower west side along Michigan Ave.

Subcommittee member Garry Brown, a Republican from the Kalamazoo area, suggested that increased unemployment and a gloomy economic picture might account for the climbing foreclosure rate.

[From the Detroit News, Dec. 4, 1971]

FIFTY MILLION DOLLAR FHA LOSS FEARED—HUD HOMES APPALL PROBERS

(By Don Ball)

A congressional committee visiting Detroit says it is appalled at the number of neighborhoods in the city threatened with destruction because of vacant and vandalized homes owned by the U.S. Department of Housing and Urban Development (HUD).

HUD acquired the houses after foreclosures on FHA-insured mortgages under programs for low income families.

Committee members expressed fear similar destruction will occur in other big cities where foreclosure rates are rising.

The committee chose Detroit for its first look at the problem because HUD now owns some 5,000 homes in the city which could result in a $50 million loss to the FHA insurance fund. HUD has been unable to resell the houses.

Of greater concern to the committee, however, is the possibility that some neighborhoods will become "ghost towns" because of the concentration of vacant HUD homes.

U.S. Rep. John S. Monagan, Connecticut Democrat and chairman of the subcommittee, and Rep. John Conyers Jr., Detroit Democrat and member of the parent House Committee on Government Operations, toured Detroit yesterday.

They were joined in the afternoon by U.S. Rep. Lucien N. Nedzi, Detroit Democrat, for a hearing on foreclosure problems in the city. The hearing continued today.

Much of the problem in Detroit has grown out of inflated appraisals by FHA appraisers before last January and sales of defective homes by real estate speculators to unsuspecting low-income families.

Yesterday's tour concentrated on east side streets which included dozens of vacant HUD homes.

Four of the vacant homes were selected for individual attention.

The first home, at 6162 Holcomb, has been repossessed by HUD twice for an ultimate loss of more than $20,000.

Although HUD has a rule against selling repossessed homes in Detroit to speculators, the home on Holcomb after the first repossession was sold by HUD on Feb. 20, 1969, to a David Wein for a nominal sum.

Wein sold it for $11,450 seven months later to a family which reported an income of $1,085 a month on its mortgage application.

The family made three payments and defaulted on the mortgage. HUD repocsessed the home on Feb. 19, 1971, and issued an order for its demolition last Aug. 9. A wrecking permit was taken out on the home Oct. 12 and the dwelling is now being torn down.

A home at 4455 St. Jean was bought by an investment company for $6,750 on Aug. 21, 1968, and sold a month later for $10,000. The family which bought it defaulted on the FHA-insured mortgage 13 months later.

HUD repossessed the home last Feb. 15 and scheduled the home for demolition last April. No wrecking permit has yet been obtained on the house.

Reps. Monagan and Conyers were particularly impressed by the problem the vacant home poses because of the plight of the next door resident, Mrs. Mary Hicks, 57, of 4461 St. Jean.

Mrs. Hicks has lived for four years in her home, which she is buying with an FHA-insured mortgage. It is freshly painted and the yard is neatly kept.

"I'm scared to death by that vacant place next door," she told the congressmen.

"It doesn't do much good to keep up my property if the rats keep coming over here from that empty house.

"It's been a hangout for hoodlums and a fire there could destroy my house too."

A home at 2230 Hilger provided the congressman with another example of speculator transactions.

An investment firm bought it for $4,000 on Sept. 10, 1968, and then sold it for $4,500 on April 24, 1969, to another investment firm.

The second investment firm sold it to a welfare mother three months later for $12,600.

The buyer made three monthly payments and then defaulted. HUD repossessed the property last February and scheduled it for demolition. A wrecking contract has yet to be issued by HUD.

The homes were typical of those which were revealed in The Detroit News last January. A series of articles has been published since then about abuses in FHA mortgage programs and the problems they pose for the city.

Rep. Monagan said later:

"It's one thing to read statistics about foreclosures and repossessions and something else to see the houses and the neighborhoods.

"There are so many good homes threatened by the vacant houses, homes that are obviously well-maintained by families with pride in being homeowners, such as Mrs. Hicks.

"We hope to get information here about the causes and, more important, possible solutions."

Conyers said:

"I hope there is no thought of deciding that FHA mortgage programs for low and moderate families are economically not feasible because of what has happened in Detroit.

"If anything, we want the programs strengthened.

"The neighborhoods we toured today were predominantly black, and it was significant that a large number of well-kept homes were interspersed with the vacant, vandalized homes owned by HUD.

"I am interested in what can be done to remove the threat of those empty buildings to the surrounding neighborhoods."

Nedzi agreed and said:

"It appears that we need some new approaches to solving this terrible problem in the city, perhaps even to the extent of selling the homes rehabilitated by HUD for half their original cost.

"Losing 50 percent on the house is better than a 100 percent loss."

[From the New York Times, Dec. 4, 1971]

UNITED STATES MAY LOSE $200 MILLION IN DETROIT MORTGAGE SCANDAL

(By Jerry M. Flint)

DETROIT.—A major scandal involving Federal mortgage programs in Detroit has left the Government the owner of thousands of decrepit homes and may cost up to $200 million in Federal funds.

The Federal programs inadvertently contributed to the decay of troubled neighborhoods, the victimization of the poor who expected homes and the enrichment of real estate speculators.

The details of the scandal have been emerging for months in newspaper articles, in local investigations and, this week, in an investigation of the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee, which held hearings here today.

Similar troubles exist in other cities, but Detroit is believed to be the worst example of the perversion of a program aimed to help the poor. The program, to allow the Federal Housing Administration to help poor people, including welfare mothers, to buy homes, began in 1968.

Some cases have been turned over to the United States Attorney here, but there have

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been no prosecutions. Mr. Whitbeck noted that no collusion had been proved between F.H.A. appraisers who valued a home at two or three times what a speculator had paid for it only months before.

"Which doesn't mean it's not going on," said Representative John Conyers, Democrat of Michigan.

At its worst, the program in Detroit worked this way:

A real estate speculator would buy a shabby house in a rundown neighborhood for $3,000 or $4,000, spend perhaps $1,500 in minor repairs—"cosmetic" repairs were called—then seek out buyer for the house, advertising for mothers under the Aid for Dependent Children program or seeking tenants who were being evicted for nonpayment of rent.

The F.H.A. appraisers—20 of them, who worked for fees, have since been dismissed—would appraise the house at $12,000 or so and the F.H.A. would insure the mortgage for that figure. The speculator might even put up the $200 needed for the new owner's down payment. Thus, in a few months he had doubled his investment.

But the new owner would then have a house that might have a ruined furnace or leaking roof or dangerous wiring, which called for costly repairs. The F.H.A. apparently paid little attention to the complaints at first. The owner would stop making payments since he didn't have enough money for them and the repairs, too, and eventually the house would be taken over by the F.H.A.

For a year or two it might stand vacant, be vandalized, burned, or used as a haven for narcotics users, which helped ruin the neighborhood. The house would be a wreck, but it would take years to get it torn down.

Such cases have been documented and today William C. Whitbeck, director of the Detroit area office for the Department of Housing and Urban Development, used such an example in testifying to the House subcommittee.

Mr. Whitbeck said, "Forty per cent of this city has been labeled (by H.U.D.) as speculator dominated."

On Nov. 22, the F.H.A. owned 5,852 homes in this area through foreclosure and repossession, with a potential loss of nearly $60-million. Eighty per cent of these homes were within Detroit. On July 1, 1969, the agency owned only 810 of which 80 per cent were outside the city.

And on Oct. 31, a total of 21,022 properties "were in default and-or foreclosure," Mr. Whitbeck told the House Committee.

The Government's General Accounting Office, which also investigated, noted that the Government, which insures the mortgages, loses an average of $9,974 on each repossessed house and said the F.H.A. insurance fund could lose $200 million.

It also could mean that the F.H.A. would own 7 per cent or more of Detroit's single and duplex homes. In some decaying neighborhoods of this city H.U.D. already owns 5 to 10 per cent of the houses.

Representative John S. Monagan, Democrat of Connecticut, chairman of the investigating subcommittee, led the committee on a tour through some of the empty and foreclosed houses and called the default rate in Detroit "alarming."

Mr. Whitbeck said heavy unemployment might have accounted for some of the default problem. But he also linked the effort to help the poor to the defaults.

In two years 7,500 homes in which the buyer was a welfare recipient were insured by the F.H.A. and defaults ran 25 per cent.

"As a recipient of public assistance is on a strictly limited income," Mr. Whitbeck said, "unexpected expenses caused by illnesses, major maintenance items, or family interruptions lead, almost inevitably, to default."

Mr. Whitbeck took over the department office here in August, 1970. He acknowledged that substandard homes had been insured and contributed to the heavy default rate.

"Not only are such homes the cause of major expenses, which the low-income purchaser is scarcely able to meet," he said, "they also are simply not adequate living quarters which, of course, leads directly to default by the disappointed and frustrated purchaser."

Other problems have resulted in F.H.A. foreclosure on large apartment houses undergoing rehabilitation under Federal programs, Mr. Whitbeck said. Inner city rehabilitation is reported to be at least 10 times as difficult as building new housing in the suburbs.

[From the Detroit (Mich.) Free Press, Dec. 4, 1971]

UNITED STATES EYES BLIGHT REDEVELOPMENT

(By Julie Morris)

Some of the more than 5,000 boarded-up government-owned homes that now spot Detroit streets will be sold in blocks to developers rather than torn down as planned, a Detroit federal housing official said Friday.

In testimony before a Congressional subcommittee meeting in Detroit, William C. Whitbeck, said the government hopes to slow the rate of defaults on FHA home mortgages in Detroit and solve the problems of already abandoned homes partly by:

Tightening up control of appraisals of the homes and procedures in issuing approval of FHA mortgages.

Hanging onto some of the homes the federal government already owns until enough are grouped in one area to sell them all to a developer who will upgrade the entire neighborhood.

"That's the approach we're trying. I don't know if that's the answer to the problem," Whitbeck said. "I try to avoid, saying that one approach will solve everything because it won't."

Whitbeck, Michigan director of the U.S. Office of Housing and Urban Development (HUD), spent two hours and 20 minutes Friday before the House subcommittee on legal and monetary affairs, which is investigating possible mismanagement and abuses in FHA mortgage insurance practices.

Rep. John S. Monagan, D-Conn., subcommittee chairman, and Michigan Congressmen John Conyers, Democrat of Detroit and Garry Brown, a Kalamazoo Republican, opened the two-day hearing at the Federal Building.

Monagan and Conyers earlier spent three hours touring parts of Detroit with Whitbeck to see some of the HUD-owned homes first hand.

The rate of FHA foreclosures in Detroit is higher than in any other city. One government source estimates 23,000 Detroit homes may be government-owned by the end of next year—a loss of $200 million to taxpayers.

The subcommittee made the trip to Detroit because of that high rate.

HUD holds title to the homes, dozens of which are on the same blocks, because homeowners bought them with FHA-insured mortgages, then didn't pay or stopped paying the mortgages, which were later foreclosed by the lenders who collected their lost funds from FHA.

The federal government loses an average of $9,974 on every FHA home that is foreclosed on.

Whitbeck told the Congressman the reasons behind the soaring rate of foreclosures in Detroit include:

Abnormally high unemployment in Detroit compared to other cities.

Liberal approvals of FHA mortgage insurance applications.

A high number of FHA insured mortgages—7,500 in the last two years—issued to welfare recipients.

[From the New York Times, Dec. 5, 1971]

ARSON IS CHARGED IN DETROIT FRAUD

DETROIT, December 4.—Real estate speculators, cashing in on Federal programs aimed at providing homes for the poor, burned houses in Detroit to collect the insurance, the city's chief arson inspector charged today.

The Federal programs in Detroit have resulted in the abandonment of thousands of homes and could result in the Government's owning 5 to 10 per cent of the houses in this city. The cost to Federal agencies is put at $200-million.

William Whitbeck, director of the Federal Department operation in Detroit, agreed that "in some instances" the agency's own programs did indeed lead to the deterioration of neighborhoods, as Marshall Robinson, arson chief of the Detroit Fire Department, had charged.

In a Congressional hearing today, Mr. Robinson said:

"One example, though extreme, typifies the activities of the real estate investor. Most recently, one dwelling in a state of neglect was purchased by the investor for $1,500. Fractional improvements were made, a face-lifting, painting, etc. The property was subsequently appraised by the F.H.A. [Federal Housing Administration] for $10,500. The property was then insured for the appraised valuation and burned. The cause of the fire was arson."

FRAUDULENT DEALS SUSPECTED

He said: "Fires of this nature reached a climax in August of this year. Totals are not complete for 1971; however, 10 investment companies are suspected of dealing fraudulently. One in particular had 11 such fires. Operations of this nature are extremely profitable to the investor but costly to the city in their deleterious effect on the neighborhood, and costly dollar-wise to the taxpayer in increased costs for insurance."

In charging that policies of the F.H.A. and Federal mortgage contractors help neighborhood deterioration he said, "As homes are repossessed from low-income families who could ill-afford them at inflated prices, the vandal and the pyromaniac move in."

The programs to aid the poor, including welfare mothers, to buy homes began after the riots of the late nineteen-sixties.

In Detroit, investigations have shown, real estate speculators bought homes for a few thousand dollars each in deteriorating neighborhoods and got the F.H.A. to appraise these houses at two and three times the purchase price. Then the speculators sought out the poor and sold them the houses at the inflated F.H.A. appraisal price.

Often these houses had defects such as bad furnaces or poor wiring or leaky roofs. But even the ordinary maintenance costs of the old houses might have been more than the poor could afford, so they abandoned the houses.

The Department of Housing and Urban Development owns 5,800 houses in the Detroit area and another 20,000 are in some process of default. The cost for a repossessed house has been running at about $10,000—the amount needed to pay off the mortgage holder. There are also costs if the Government tries to repair the homes for resale or tears them down.

CHICKENS HOME TO ROOST

"The chickens have come home to roost," said Mr. Whitbeck, who took over the Detroit H.U.D. office after many of the abuses had occurred. He says the scandal was the result of efforts to turn the old F.H.A. house program, aimed at the middle class with safeguards built into the program, into a house-the-poor program without safeguards.

The Legal and Monetary Affairs Subcommittee of the House Government Operations Committee has been in Detroit yesterday and today holding hearings on the scandal. One committee staff member said that it was possible that the investigation would show that losses throughout the country could rise to $1-billion.

As the scandal began to develop here H.U.D. redlined some Detroit neighborhoods, meaning that they were barred from federally insured mortgage support. At today's hearings Mayor Roman Gribbs called this an overreaction and "one of the most potentially dangerous administrative orders ever to come out" of H.U.D., since it meant that H.U.D., "mandated to assist the cities in efforts to conserve and rebuild," was writing off "blocks, neighborhoods and even the core of the city." The order was later modified after the city's proteats.

[From the Detroit (Mich.) News, Dec. 5, 1971]

DETROIT'S HUD LOSSES STIR FEAR IN OTHER CITIES

(By Don Ball)

Does the soaring rate of foreclosures on FHA-insured mortgages in Detroit point to similar problems in other large cities? Can the foreclosures eventually cost the FHA insurance fund losses of nearly a half-billion dollars?

More important, are other large cities also facing Detroit's problem of an accelerating deterioration of poorer neighborhoods as a result of the large number of homes left vacant by the foreclosures?

Concern over both questions was evident Saturday among members of the subcommittee on legal and monetary affairs of the Committee on Government Operations of the U.S. House of Representatives.

Members of the subcommittee had just ended a two-day study of the foreclosures in Detroit and the skyrocketing number of repossessed homes owned as a result by the U.S. Department of Housing and Urban Development (HUD).

Most of Detroit's repossessed homes are in the middle and inner city areas.

They are the tragic debris of efforts by low- and moderate-income families to become homeowners under special FHA mortgage insurance programs.

The efforts failed because the homes were unlivable, the financial burden was too great or the family's financial management inadequate.

While heartbreaking for the individual families who defaulted on the mortgages, the impact of the foreclosures on the FHA insurance fund and on the city are devastating.

Before coming to Detroit, the subcommittee received a report from the General Accounting Office (GAO) that HUD owned some 5,000 repossessed homes in Detroit which could result in a $50 million loss by the FHA insurance fund.

The GAO reported that HUD could acquire another 16,000 to 18,000 Detroit homes in the next year, boosting the potential loss to $200 million.

HUD officials concede that other large cities are experiencing a climbing rate of foreclosures. Problems are cropping up in Philadelphia, St. Louis, Chicago and a number of other cities.

The subcommittee on legal and monetary affairs is waiting now for reports from the GAO on other cities.

U.S. Rep. John S. Monagan, Connecticut Democrat and chairman of the subcommittee, said:

"We have realized for some time that the situation in Detroit has many ramifications.

"The problems of deterioration of neighborhoods caused by a glut of vacant HUD homes, the ultimate cost of returning these neighborhoods to viable condition and the plight of homeowners desperately trying to hold onto their homes in these neighborhoods cannot be overemphasized.

"We chose Detroit for our first visit because of the scope of the problem here and its implications for other cities."

A subcommittee staff member said bluntly:

"If what we found in Detroit is true even to a lesser degree elsewhere, the residential areas of a number of large cities are in serious trouble and the FHA insurance fund faces tremendous losses.

"The subcommittee must see the other cities firsthand to determine whether Detroit's problems are duplicated there, and we intend to make more visits.

Some members of the subcommittee and especially U.S. Reps. John Conyers Jr. and Lucien N. Nedzi, Detroit Democrats, appeared disturbed because HUD apparently has kept quiet about the critical proportions of the problem in Detroit and has not asked for congressional help.

The subcommittee and Detroit congressmen obtained much of their first information about the situation from a series of articles in The Detroit News over the last 10 months about abuses of FHA mortgage programs and the problems resulting for the city.

GRIBBS URGES EXPANSION OF FHA MORTGAGES FOR POOR

(By Don Ball)

Detroit was the nation's first big city to protect homebuyers from real estate speculators selling houses under the FHA mortgage programs for low income families, Mayor Gribbs told a congressional committee on Saturday.

Gribbs said that now, with policing of the FHA programs in Detroit, they should be improved and broadened to expand home ownership opportunities for low and moderate income families.

The mayor testified before a subcommittee of the House Committee on Government Operations, which ended a two-day visit to Detroit on Saturday.

The subcommittee, headed by Rep. John S. Monagan, Connecticut Democrat, made a four-hour tour of Detroit neighborhoods and listened to nine hours of testimony from federal and local officials and community representatives.

The subcommittee is concerned about the soaring rates of foreclosures on FHA-insured mortgages, and the resulting thousands of vacant repossessed homes in Detroit owned by the U.S. Department of Housing and Urban Development (HUD).

Gribbs told the subcommittee a number of new approaches had to be taken to solve the problem and ensure that it would not occur again.

"Home ownership is so important to the stability and health of the older urban neighborhoods within the city, I believe the mortgage insurance programs for low and moderate income families must be maintained and broadened," he said.

"They should become the essential ingredients in what must be the major thrust of the next decade, the creation of a national program to strengthen older urban neighborhoods throughout the nation.

"In order to make these programs truly effective, I see the need for retaining and adding several key elements in conjunction with the regular mortgage insurance and interest subsidies.

"First, based on our experience in Detroit, independent housing inspections by the city at the time of sale must be continued to assure liveability and durability of homes and to keep the lid on speculator activity.

"Second, housing counseling services are essential, particularly for buyers without previous home ownership experience.

"Third, the effectiveness of HUD's special home ownership programs could be improved greatly by extending the concept of a 'reserve maintenance account' paid by the home buyer as part of his monthly mortgage payment."

This simple expedient would automatically provide the lower income home buyer with a reserve in case of home repair or maintenance emergencies.

"Consideration also should be given to creating a form of mortgage insurance which benefits the homeowner. This insurance would protect him in time of economic crisis and help him preserve his stake in home ownership.

"The city and HUD must join together to create a broader, more flexible and more adequately funded portfolio of development tools which can be used effectively to reverse the trend in problem neighborhoods.

"These tools should include the traditional programs for loans, grants and capital improvements.

"It would ensure that the resources necessary to capitalize on the strengths of a neighborhood will be used effectively."

Earlier, Rep. John Conyers, Detroit Democrat, had emphasized his concern over any thought on the part of HUD officials to cut back on FHA mortgage programs for low and moderate income families, as being unwise because of the problems in Detroit.

"There should be no attempt to discourage the insuring of mortgages on houses inside large cities," Conyers said.

"That is about the only place where homes can be bought by black families and poor white families and the problem is to help them buy sound homes in good neighborhoods."

William C. Whitbeck, director of the Detroit-area HUD offices, assured Conyers there was no consideration being given to cutbacks in the FHA programs.

Rep. Lucie Nedzi, Detroit Demoerat, told Whitbeck:

"In order for us to help solve this terrible problem of repossessed homes in the city, you should give us a candid view based on your experience and opinion of what is needed."

Whitbeck replied HUD officials in Washington are responsible for telling Congress what is needed.

He had earlier outlined programs planned by HUD, including rehabilitation of entire areas where there are large numbers of HUD-owned homes.

Conyers and Nedzi were dissatisfied with Whitbeck's response to their questions when the session ended.

"I don't understand their great reluctance to ask Congress for help when a serious problem such as this threatens the city," Nedzi said.

SPREAD OF HOUSING SCANDAL TO OTHER BIG CITIES IS FEARED

(By Don Ball)

A national scandal over abuses and mismanagement of FHA mortgage programs for low- and moderate-income families may blossom out of a congressional committee's findings in Detroit.

The subcommittee on legal and monetary affairs of the House Committee on Government Operations spent two days in Detroit last week and now plans to hold further hearings in Washington and other cities.

"Unless Detroit was an isolated case of unbelievable neglect and mismanagement of the FHA programs, the same situation apparently exists in other large cities," a committee spokesman said.

"If the latter case is true, it would mean that many thousands of families have been victimized by real estate speculators on one hand and indifferent FHA employes on the other.

"It also could mean a loss of $500 million or more to the FHA insurance fund and appalling devastation of inner- and middle-city neighborhoods in other cities because of thousands of homes left vacant after foreclosures on FHA-insured mortgages."

The past abuses and mismanagement of FHA programs were revealed first in a series of articles in The Detroit News over the last 11 months.

Among the findings of the congressional committee during its Detroit hearings Friday and Saturday were these:

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Thousands of families purchased substandard low- and middle-income homes in the city under the impression they had been "FHA inspected and approved."

Some real estate speculators promoted such impressions with impunity and enriched themselves by preying on unsuspecting buyers. The committee found that none of the speculators have been prosecuted.

FHA employees answered complaints by saying it was the buyer, not the FHA, who should have made sure housing was up to par.

Foreclosures to date have saddled the U.S. Department of Housing and Urban Development (HUD) with 5,000 repossessed and still-vacant housing units.

Block after block of such vacant homes spawn dope and sex parties and are fire hazards to adjacent housing.

Because few people want the faulty homes on which the FHA foreclosed in Detroit the federal government is threatened with a $200 million loss in its FHA insurance fund, the committee learned.

The committee was told that mismanagement of the FHA program in Detroit threatens to bring about foreclosures on another 16,000 to 18,000 shoddy homes.

At worse, this would mean that one out of every 12 Detroit homes would be vacant and owned by HUD, the governmental department which operates the FHA.

The series or articles in The News revealed all of these problems and contributed to the subcommittee's decision to come to Detroit for a first-hand look.

Unfortunately, the subcommittee by itself can take no steps to correct the problems.

Even its influential efforts in that direction will require considerable time and, ultimately, the recognition by Congress of the problem.

The subcommittee on legal and monetary affairs, headed by Rep. John S. Monagan, Connecticut Democrat, is charged with reviewing how various federal agencies are carrying out programs authorized and funded by Congress.

Its findings are available to all members and committees of Congress but can be most decisive in the House Appropriations Committee, which recommends financing for federal agencies, including HUD.

At the same time, at least one other subcommittee is concerned with the problem of housing and FHA mortgage programs.

The subcommittee on housing of the Committee on Banking and Currency late last year set up three panels to study the effectiveness of HUD programs.

One concern of the panels was the preservation of existing housing in cities under the HUD programs, one of the major goals of the FHA mortgage programs for low and moderate-income families.

Last June, one panel reported:

"The national housing goal should be expanded to express the need for more adequate preservation of the existing housing stock, including improved management and maintenance policies.

"The physical preservation of the housing stock and the fiscal soundness of the vast financial investment that it represents depend upon a number of interrelated activities.

"All of these elements must be the concern of HUD."

Although Detroit apparently has been hardest hit by past abuses and mismanagement of the FHA mortgage programs dealing with purchases of existing homes, it also has been the first city where city and federal agencies have taken steps to preserve the existing housing stock.

Most important was the agreement by HUD and Mayor Gribbs early this year that all homes sold with FHA-insured mortgages had to be inspected and approved by city building inspectors.

Not only does this program give a limited guarantee to buyers that the homes are sound and standard, but it helps to upgrade the overall housing stock of the city.

Detroit is the only major city to undertake such a program, which could mean that substandard homes are still being sold in other cities under FHA mortgage programs.

The inspection program is most critical in Detroit simply because of the number of single homes here.

There are some 267,000 single houses and 20,000 duplexes and bungalows in Detroit, more than in any other major city in terms of the percentage of total housing units.

Detroit also leads other large cities in the percentage of home ownership with an estimated 80 percent of the single and duplex homes owned by the families living in them.

This makes the situation even more critical.

Very simply, more individual homeowners will be hurt in Detroit than in any other large city unless those problems are cleaned up.

HUD and city officials have moved aggressively, as outlined in their presentations last week to the congressional committee.

There has yet to be a recognition on the part of several private groups in the real estate industry as to their responsibility for mistakes of the past and obligation now to help correct the resulting problems.

STATES MUST BE INCLUDED IN AIRPORT DEVELOPMENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. PICKLE. Mr. Speaker, when Congress debated the Airport/Airways Act on 1970, both the House and Senate decided against allowing any planning money or grant money to be allocated directly to the State aviation bodies. I thought this was a mistake and offered amendments to give the States planning money, as did Senator GURNEY. Unfortunately, our amendments were defeated.

The State agencies, if they had been allowed funds, could have helped with the planning of small- and medium-size city airports and general aviation airports. With the present system of fund allocation, it appears that a majority of the trust fund money will go to the big city airports and the larger general aviation airports. With the present system of fund allocation, it appears that a majority of the trust fund money will go to the big city airports because they have sufficient financial resources to make the kind of initial planning that it takes to get a grant.

If the States received direct grants, they could use this money to help the small cities with the expense of initiating plans that would enable them to compete with the big cities for construction money.

In Texas last year there was $22,870,615 grants-in-aid for airport construction. Of this money, $16,500,000 went to one airport. The rest of the money was spread over 10 other airports in Texas. Only four of these 11 areas receiving Federal moneys could be classified as small city or rural area airports. I certainly see nothing wrong with building airports for the large cities because that is where the largest flow of traffic is, but there is certainly also a need for commuter and general aviation airports in our smaller cities and rural areas. General aviation is paying a large share of the money that goes into the trust fund. They ought to get a fair return on their investment. Many of the States are willing to take an active roll in building airports.

As an example, the Texas Legislature approved $500,000 for 1971 to assist towns with less than 50,000 population to improve and develop 30 airports. In the past 5 years, of the 172 Texas airport projects, Federal funds were involved in only 42. I think it is great that the State government in Texas is willing to assume the responsibility for building airports, but all States are not doing this and besides the program could be more effective if there was hand-in-hand cooperation between the Federal Government and State government in building these airports.

Of the $6,371,978 that was spent on facilities and equipment in Texas out of the trust fund all but $1 million went for three airports. To me this policy looks like the rich are getting richer.

The National Association of State Aviation Officials is still hopeful that the Airport/Airway Act might be amended so that the States could work as partners with the Federal Government in airport planning and construction.

I am submitting for the RECORD a resolution recently passed by the National State Aviation Officials asking that they be given a more viable roll in our aviation system. I think we should give serious consideration to their request.

The resolution follows:

NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS 1971 ANNUAL MEETING

RESOLUTION NO. 2

Whereas, air transportation is at a crucial stage of development;

Whereas, if air transportation is to survive and achieve its potential as the major transportation mode of the future, it must be developed at regional, state and local levels as well as at the national level;

Whereas, the need for adequate and equitable financing of air transportation development is critical;

Whereas, the Airport and Airway Development Act of 1970 failed to create such a source of financing, and has preempted potential sources of state and local revenue for aviation development programs;

Whereas, the laudable purposes of Congress in enacting the Airport and Airway Development Act are being thwarted by the inability of state and local governments to provide matching funds;

Whereas, an increase in the federal matching share, though deserving of careful consideration, would not be a complete solution because the nation's air transportation needs cannot be met by a single national program;

Whereas, the unique character of aviation may require novel and imaginative forms of cooperative action by the states and between the state and federal governments;

Now, therefore, be it resolved, that Congress be requested to amend the Airport and Airway Development Act of 1970, either to allow the states to collect a portion of the taxes levied by that Act, or to return to the states a portion of the revenue collected thereunder by the federal government.

SENATE—*Saturday, December 11, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who rulest in the kingdom of men, and who by the voice of the people has created this body for the service of the Nation, grant to us here a sense of Thy presence in every word and action.

Draw together, we pray Thee, in true fellowship the men of diverse races, cultures, and customs into firm alliance, that bearing one another's burdens, and working together in brotherly concord they may fulfill the purpose of Thy providence and set forward Thy everlasting kingdom. Pardon our sins and shortcomings; keep far from us selfishness and pride, and give us grace to employ Thy good gifts of order and freedom to Thy glory and the welfare of mankind.

We pray in the name of Him whose birth we soon commemorate. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 10, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with No. 549 and ending with No. 554.

The PRESIDENT pro tempore. Without objection, it is so ordered.

GRATUITY TO FRANCES J. BANGERT

The resolution (S. Res. 213) to pay a gratuity to Frances J. Bangert, was considered and agreed to, as follows:

S. RES. 213

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Frances J. Bangert, widow of Richard H. Bangert, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PRINTING AS A SENATE DOCUMENT A REPORT ENTITLED "FINANCIAL MANAGEMENT IN THE FEDERAL GOVERNMENT—VOLUME II"

The resolution (S. Res. 195) to print as a Senate document, with illustrations, a report entitled "Financial Management in the Federal Government—Volume II," was considered and agreed to, as follows:

S. RES. 195

Resolved, That there be printed, with illustrations, as a Senate document a report compiled by the General Accounting Office at the request of the Committee on Government Operations entitled "Financial Management in the Federal Government—Volume II"; and that there be printed one thousand five hundred additional copies of such document for the use of that committee.

PRINTING A COMPILATION ENTITLED "MAJORITY AND MINORITY LEADERS OF THE SENATE" AS A SENATE DOCUMENT

The resolution (S. Res. 200) to print a compilation entitled "Majority and Minority Leaders of the Senate" as a Senate document, was considered and agreed to, as follows:

S. RES. 200

Resolved, That a compilation entitled "Majority and Minority Leaders of the Senate", prepared under the direction of the Secretary of the Senate, Francis R. Valeo, by the Senate Parliamentarian, Floyd M. Riddick, shall be reprinted with revisions and certain tables as a Senate document, and that an additional two thousand copies be printed for distribution by the Secretary of the Senate.

STUDY RELATING TO CONSTITUTIONAL RIGHTS

The resolution (S. Res. 201) supplementing the limitating with respect to experts and consultant expenses that may be incurred by the Committee on the Judiciary for a study relating to constitutional rights, was considered and agreed to, as follows:

S. RES. 201

Resolved, That section 6 of Senate Resolution 32, Ninety-second Congress, agreed to March 1, 1971, is amended by striking out "$3,000" and inserting in lieu thereof "$10,000".

PRINTING AS A SENATE DOCUMENT THE REPORT OF THE PROCEEDINGS OF THE 45TH BIENNIAL MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

The concurrent resolution (S. Con. Res. 41) authorizing the printing of the report of the proceedings of the 45th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document, was considered and agreed to, as follows:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-fifth biennial meeting of the Convention of American Instructors of the Deaf, held in Little Rock, Arkansas, from June 25, 1971, through July 2, 1971, be printed with illustrations as a Senate document. Five thousand five hundred additional copies of such document shall be printed and bound for the use of the Joint Committee on Printing.

PRINTING AS A SENATE DOCUMENT THE REPORT OF THE 1971 WHITE HOUSE CONFERENCE ON AGING

The Senate proceeded to consider the resolution (S. Res. 210) authorizing the printing of the report of the 1971 White House Conference on Aging as a Senate document, which had been reported from the Committee on Rules and Administration with an amendment, in line 7, after the word "such", strike out "document for the use of the Special Committee on Aging" and insert "document, of which two thousand sixty copies shall be for the use of the Senate and one thousand seven hundred forty copies shall be for the use of the Special Committee on Aging"; so as to make the resolution read:

Resolved, That the report of the 1971 White House Conference on Aging (A Report to the Delegates from the Conference Sections and Special Concerns Session), held in Washington, District of Columbia, November 28 to December 2, 1971, be printed as a Senate document, and that there be printed three thousand eight hundred additional copies of such document, of which two thousand sixty copies shall be for the use of the Senate and one thousand seven hundred forty copies shall be for the use of the Special Committee on Aging.

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, under New Reports, will be stated.

U.S. DISTRICT COURTS

The second assistant legislative clerk read the nominations in the U.S. district courts as follows:

Jon O. Newman, of Connecticut, to be a U.S. district judge for the district of Connecticut.

Arnold Bauman, of New York, to be a U.S.

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district judge for the southern district of New York.

Lee P. Gagliardi, of New York, to be a U.S. district judge for the southern district of New York.

William Terrell Hodges, of Florida, to be a U.S. district judge for the middle district of Florida.

Bruce M. Van Sickle, of North Dakota, to be a U.S. district judge for the district of North Dakota.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc;

Mr. YOUNG. Mr. President, I am most pleased that Mr. Bruce Van Sickle, a long-time friend of of mine, has been confirmed today as U.S. district judge for North Dakota.

Mr. Van Sickle is a native of Minot, N. Dak., and has been a member of the North Dakota Bar since 1941. He is a World War II Marine veteran and a former member of our State legislature.

Mr. Van Sickle has long been rated as one of North Dakota's best attorneys and one with considerable experience in trial work. He is a member of one of our most outstanding law firms—McGee, Van Sickle, Hankla, Backes & Wheeler of Minot, N. Dak.

He has the talent, temperament, reasonable attitude and everything else necessary to make a good Federal judge. His appointment by President Nixon and his confirmation by the Senate, I am sure, will meet with widespread approval, both among lawyers and the public generally. I feel sure, Mr. President, that Mr. Van Sickle will establish a distinguished record as U.S. district judge.

The PRESIDENT pro tempore. Without objection, the President will be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THOUGHTS OF HOLIDAYS AND FOOTBALL

Mr. SCOTT. Mr. President, on Monday next, Congress will be in session. All our lights will be on in celebration of Chanukah. At 9 p.m., the Los Angeles Rams engage in a not altogether friendly confrontation with the Washington Redskins. Television will be available for Members to watch this controversy, which will not take as long as it takes us to confirm a member of the Supreme Court by any means, but the outcome will be just as decisive, I am sure, one way or the other.

I know, though, that we want Senators to enjoy themselves, so that I take this occasion to wish them all a happy Chanukah and a pleasant time as they observe the football game.

Then on Tuesday, I hope there will be no schedule whatsoever. Springing as we do from the people, perhaps on Tuesday we can spring back at them, with unpredictable results.

Mr. MANSFIELD. Who is playing?

Mr. SCOTT. The Los Angeles Rams versus the Washington Redskins, so the Senator from Montana can afford to be neutral, if he wishes to be. I wish that Penn State were still around.

ORDER FOR ADJOURNMENT TO NOON ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, which I am certain will be fairly early, the Senate adjourn until 12 o'clock noon on Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Arkansas (Mr. MCCLELLAN) is now recognized for not to exceed 15 minutes.

(The remarks of Mr. MCCLELLAN when he introduced S. 2994 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Virginia (Mr. BYRD) is recognized for not to exceed 15 minutes.

HEW'S NEW WELFARE PROGRAM

Mr. BYRD of Virginia. Mr. President, as the Senate and House of Representatives prepare to adjourn, I would like to again invite the attention of the Senate to the new welfare program being advocated by the Department of Health, Education, and Welfare.

It is very important, Mr. President, that the Senate and the Nation understand the facts regarding this new program. Secretary Richardson in his official statement to the Senate Finance Committee put the new program in capsule form when he termed it "revolutionary and expensive."

Before discussing the new program, let me say that I think the present outdated welfare system should be changed; and most certainly the administration of the program must be tightened.

But in changing the present system it is important that we be sure we are getting something better and not just an expanded and more expensive program.

After considering the matter for 18 months, I have concluded that I cannot support the administration's revolutionary and expensive new welfare program.

For 2 consecutive years—1970 and again in 1971—the Committee on Finance refused to approve this program. Of course, it will come up again in 1972.

I cannot support the revolutionary and expensive program for the following reasons:

One. It lacks adequate work incentives.

Two. I doubt the wisdom of writing into law the principle of a guaranteed annual income.

Three. The annual cost of the new program would be at least $5 billion greater than the present program.

Four. The number of welfare recipients would be increased from 12 million persons in 1970 to 26 million persons.

Five. Richard P. Nathan, Deputy Under Secretary for Welfare, says the Government would need to hire an unprecedented 80,000 new Federal employees to administer the program.

With 101,000 employees, the Department of HEW already is so huge that it is almost impossible to effectively administer. One can well imagine the added confusion and chaos if 80,000 more workers are added to that Department.

I feel that the Government has an obligation to our fellow citizens who are physically or mentally unable to earn a living. But the "revolutionary and expensive" proposal of Secretary Richardson goes far beyond that. It does not have adequate work incentives, nor does it have adequate provisions to keep off the welfare rolls able-bodied citizens who should be seeking jobs instead of handouts.

The new "revolutionary and expensive" welfare plan is not in keeping with—and, indeed, runs directly counter to—the President's anti-inflation efforts.

It is not welfare reform. It is welfare expansion.

I submit we are not going to be able to lick inflation until the Government puts its own financial house in order.

The Government had a Federal funds deficit last year of $30 billion; it will have a Federal funds deficit this year of $35 billion.

The "revolutionary and expensive" program of Mr. Richardson will add an additional $5 billion to the deficit—and to the national debt, which is now $412 billion.

But an even more important objection, in my view, is that Secretary Richardson's "revolutionary and expensive" welfare plan would double the number of welfare recipients. Yes, Mr. President, it would double the number of welfare recipients.

With the huge deficits the Government has been running, it is neither logical nor sound to attempt to double the number of people drawing public assistance.

If the Government cannot now effectively administer the present welfare program, how can it effectively administer a program with twice as many persons drawing Government checks?

One evidence of the difficulty of administration is this: In New York City at the present time 1,000 welfare families are being housed in New York City hotels.

I wrote the Department of HEW to ascertain the average monthly rental being paid by the taxpayers for those families.

I was informed in a letter from HEW that the average monthly rental per family is $763.

I have devoted hours and hours of time in an effort to obtain accurate cost figures—and accurate figures as to the number of full-time permanent employees of HEW.

Mr. President, I have prepared a table showing the cost of public welfare in billions of dollars for the fiscal years 1962 through 1972. I ask unanimous consent that the table may be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Federal costs for public welfare

[In billions of dollars]

1962	$2.7
1963	3.0
1964	3.2
1965	3.5
1966	3.8
1967	4.5
1968	5.6
1969	6.8
1970	8.6
1971	11.6
1972	14.2

(Source: U.S. Department of Health, Education, and Welfare.)

(NOTE.—According to testimony of Secretary Richardson of HEW, the total welfare cost for FY 1973, under H.R. 1, would be $19.7 billion.)

Mr. BYRD of Virginia. Mr. President, if the proposal advocated by Secretary Richardson, namely, H.R. 1, is approved by the Senate, the total cost for fiscal year 1973 of welfare, of public assistance, would be $19.7 billion, or a 40-percent increase over the cost for fiscal year 1972.

Mr. President, the above figures I have submitted, the tabulation and the figures in regard to H.R. 1, all include the cost of medical aid to the indigent. I want to submit a full and complete picture of the total cost to the Federal Government of the Federal welfare program, or public assistance as some prefer to call it.

As to the number of full-time permanent employees of HEW, when the Department was established in 1953 the employees numbered 35,000 persons. By the end of 1970 the figure had increased to 101,000, according to figures submitted to me by Secretary Richardson.

Mr. President, I think that the figures and arguments I have cited today show that the proposal advanced by the administration would in fact move this Nation closer to the condition of a welfare state.

When President Nixon was a candidate for President in 1968, he stated again and again that he wanted to reverse the trend to the welfare state.

I applauded those statements by then-candidate Nixon at that time. But the administration's proposal for revising the welfare laws would double the number of welfare recipients thus going directly counter to the statements of candidate Nixon.

The question I have been asking for the last 18 months—and I ask it again in the Senate today—is this: How does one reverse the trend to the welfare state by doubling the number of people on welfare?

There are 99 Members of the Senate besides the Senator from Virginia, so it would seem that if that question can be successfully answered, one Member of the Senate would be able to say how to reverse the trend of the welfare state by doubling the number of people on welfare.

I have asked this question in the Senate many times but none has answered it.

I say that this new program, termed "revolutionary and expensive" by Secretary Richardson, is a gigantic program. It doubles the number of public welfare recipients.

It is one that the Senate and the Nation need to consider very, very carefully before going into this huge program, termed by its sponsor as revolutionary and expensive. I think it should be fully debated, with adequate time taken by the Senate, if and when the proposal reaches the floor of the Senate.

So far as the Senator from Virginia is concerned, as a member of the Committee on Finance I would just as soon that it does not reach the floor of the Senate; but if and when it does, I hope the leadership on both sides of the aisle will give adequate time for discussion. The people of this country should understand the ramifications of this gigantic program submitted by Secretary Richardson, which he himself terms "revolutionary and expensive."

I ask unanimous consent that excerpts from the hearing of August 3, 1971, before the Committee on Finance on H.R. 1 be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF HEARINGS BEFORE THE COMMITTEE ON FINANCE ON WELFARE, AUGUST 3, 1971

Senator BYRD. Assuming your program is enacted into law by the present Congress, what will be the total costs of the welfare program; this is, the Federal share of the welfare program for fiscal year 1973.

Secretary RICHARDSON. The total cost, including some expenditure for services, would be $14.9 billion.

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Senator BYRD. I want to be sure we are clear about this, that is your judgment as to what the total costs will be for fiscal 1973.

Secretary RICHARDSON. Yes, this does not include medicaid.

Senator BYRD. It does not include medicaid. Let's get the medicaid figure, if you will.

Secretary RICHARDSON. That is $4.5 billion....

Senator BYRD. Let's see if we understand this now, the costs of the welfare program (H.R. 1) will be $14.9 billion, and in addition to that, there will be $4.5 billion for medicaid, namely medical aid for welfare recipients.

Secretary RICHARDSON. Yes.

Senator BYRD. I am correct in that statement.

Secretary RICHARDSON. Yes, let me be sure we have it. Yes; that is correct, Senator.

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INCREASE IN ESTIMATE COSTS OF WELFARE PROPOSAL

Senator BYRD. Now, you responded last year that the estimated cost for fiscal 1972, assuming this program had been in effect would be $11.8 billion. So the arithmetic would indicate that then in a 1-year period, between fiscal 1972 and fiscal 1973 the costs of this program will have increased 25 percent in that 1-year period.

Secretary RICHARDSON. I am sure that $11.1 billion figure did not include medicaid.

Senator BYRD. No, it did not include that.

Secretary RICHARDSON. So the comparable figures would be $11.1 and $14.9 billion.

Senator BYRD. Excuse me 11.8.

Secretary RICHARDSON. 11.8 and 14.9.

Senator BYRD. You will find that figure comes to roughly 25 percent.

Secretary RICHARDSON. Well, there are differences which explain this that are not differences simply resulting from the markup of our estimates. In the first place there is the Federal assumption of basic benefits, of administration, and of the adult categories; there are increases projected in H.R. 1 for public service jobs, in child care, training, supportive services.

Senator BYRD. So you are expanding the program beyond last year's proposal.

Secretary RICHARDSON. The work related provisions have been expanded.

Senator BYRD. You are expanding—the program as a whole is being expanded beyond last year's program.

Secretary RICHARDSON. Yes, in the sense that we are more determined than ever to convince this committee that the provisions of the program are capable of getting people off the welfare rolls and into jobs.

Senator BYRD. I don't think this committee has demanded that the program be expanded.

Secretary RICHARDSON. Some members of the committee have felt we did not provide enough public service jobs in last year's program, and some other members of the committee have thought that we didn't provide adequately for the development of day care services, and these are among the increases.

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Senator BYRD. Did you, in fact, reduce the number of employees or just not fill the vacancy?

Mr. CARDWELL. The latter.

Senator BYRD. In other words, you don't go to the full authorized strength.

Mr. CARDWELL. That is right, sir.

Senator BYRD. But actually you did not reduce the number of employees.

Mr. CARDWELL. Essentially that is correct, sir. There may be a few isolated instances where this policy forced reduction but as a general proposition, you are right.

INCREASE IN NUMBER OF DEPARTMENT EMPLOYEES NEEDED TO ADMINISTER H.R. 1

Senator TALMADGE. Will the Senator from Virginia yield at that point. Do I understand the answer to be that if H.R. 1 is passed you will reduce your Federal employees handling this act.

Mr. CARDWELL. No, sir; definitely not.

Senator TALMADGE. There would be a substantial increase.

Mr. CARDWELL. Yes, sir.

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Senator BYRD. Well, now, with a $77 billion budget that would mean that your department would have the largest budget of any department of Government, including Defense, would it not?

Secretary RICHARDSON. Yes.

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Senator BYRD. Let me ask you this, what is the national debt now?

Secretary RICHARDSON. I have lost track. It is over $300 billion. (Laughter.) (Debt is $409 billion.)

Senator BYRD. As the Administrator of the largest department dollar wise in the Government. I am just interested in your philosophy, interested in your deep concern about

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the cost of Government. Let me ask you this question what was the fiscal year just ended, what was the Federal funds deficit?

Secretary RICHARDSON. $23.3 billion.

Mr. VENEMAN. It is between $21 and $23 billion, there are diverse opinions.

Senator BYRD. Is that your guess?

Secretary RICHARDSON. I would say it is plus or minus $23 million but we will get the exact figure.

Senator BYRD. It was $30 billion, and I will insert the figures in the record. What you are speaking of is the unified budget which takes the surplus from the trust funds in order to make the deficit appear less large.

Let me ask you this. What is the projected Federal funds deficit for the current fiscal year?

Secretary RICHARDSON. I don't know, Senator.

Senator BYRD. I will give you that figure. It is $30 billion. So under the administration's own figures, and I think you can say the projection is conservative, there will be a back-to-back Federal funds deficit of $60 billion. That has never occurred since the end of World War II.

Two records have been established. In fiscal 1971 the largest Federal funds deficit occurred. In fiscal 1972 a similar deficit will occur, which will establish two records.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Washington (Mr. MAGNUSON) is recognized for a period not to exceed 15 minutes.

FOOD FOR HUNGRY—SENATE RESOLUTION 212

Mr. MAGNUSON. Mr. President, first I ask unanimous consent to withdraw from the desk the resolution I presented to the Senate on yesterday, which would be automatically the pending business this morning.

The PRESIDENT pro tempore. Does the Senator request that it be indefinitely postponed?

Mr. MAGNUSON. Yes; that it be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the resolution is indefinitely postponed.

Mr. MAGNUSON. Mr. President, I take this opportunity to express my appreciation to the administration and to the Department of Agriculture for taking the action they did yesterday relating to the feeding of the hungry not only in my area of Puget Sound surrounding Seattle, but also in other areas of the United States. They adopted a policy which will allow an alternative to the food stamp program where the emergency is sufficient to allow this.

Out in my area, probably more people will take advantage of the new ruling for commodity products, surplus products, than they will of a liberalized food stamp program, for the simple reason that many of the unemployed in the Seattle area, and some other areas of the United States, too, are people who are not necessarily sitting on the curb, poor.

They are people who are out of work who may have small homes. They do not want to give up the payments on their mortgage, because they may lose their homes. There are people who may be on small social security allotments who must pay their rent to keep their little homes, and by the time they are through paying for their utilities and all of the things that are necessary to sustain them—medical bills, or whatever it may be—they have not the money, the $80, or the $69, or whatever is needed, to go down and buy food under the food stamp program. So now they have an alternative. This is what should have been done previously. The only time an area will be so designated is when an emergency exists, and where the facts and the proof exist. Surely that is so in my State, with 109,000 unemployed in three counties alone. The neighbors in need, the fine church people, the Salvation Army, and the Goodwill—all of these organizations—got together for the distribution of food voluntarily. I hope that this may suggest to the Japanese that we take care of our own, rather than have them send us some help, although they meant well, and they meant what they said.

I take this opportunity, while I am here, to express my deep sense of gratitude to all of the Senators who supported me on this bill, in particular those in the political field. Sometimes there is a key man who breaks logjams. The distinguished Senator from Michigan is here. I pay my compliments to him.

Mr. GRIFFIN. I thank the distinguished Senator from Washington, but I do not deserve and I do not want to take that credit. I think the distinguished Senator from Washington deserves the credit. He has really focused attention on the problem. I am glad that it has worked out well.

Mr. MAGNUSON. I thank the Senator from Michigan.

Mr. BYRD of West Virginia. Will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. Sometimes circumstances arise when it takes two men to break a logjam, so I would suggest that the distinguished Senator from Washington and the distinguished Senator from Michigan are both deserving of credit.

Mr. MAGNUSON. I will close by saying that that is a happy combination, nonpartisan in nature. I think a lot of people in my area, and some in Detroit and many other places, will have a better Christmas.

Did the Chair respond to the unanimous-consent request that the resolution be postponed indefinitely?

The PRESIDENT pro tempore. Yes.

Mr. MAGNUSON. I thank the Chair.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. BYRD) is recognized for not to exceed 15 minutes.

Mr. BYRD of West Virginia. Mr. President, I yield such time as he may require to the distinguished Senator from Nevada (Mr. BIBLE).

Mr. BIBLE. I thank the distinguished Senator from West Virginia. I have two items that I wish to comment on very briefly.

COMMENDATION OF MAJORITY LEADERSHIP AND SENATOR ELLENDER

Mr. BIBLE. Mr. President, first, I take this opportunity, and it may be the best and last opportunity I have this session, to compliment the majority leader (Mr. MANSFIELD) and the assistant majority leader, the Senator from West Virginia (Mr. BYRD).

I have always had the highest respect and affection for MIKE MANSFIELD, who undoubtedly holds the toughest job in the Senate day in and day out. His diplomacy—and his tenacity where needed—combine with a wealth of human understanding, tolerance, and patience to provide the qualities of dedicated leadership that are essential to the successful handling of legislation in the Senate. Thanks to his efforts, we can point with pride to a fine record of achievement—a record written against the troubled backdrop of an unpopular conflict in Southeast Asia and a myriad of economic problems at home. We are fortunate to have a man of his caliber at the helm.

And no one will dispute me, I think, when I call ROBERT BYRD the hardest working whip to come along in many years. He threw himself into the task wholeheartedly, and our duties were made easier as a result. The "BYRD letters" were an invaluable aid to Senators. These whip notices helped to organize and expedite the Senate's work, and we are all in his debt.

It is always a highlight of the day to receive from the whip letters signed "Your old optimistic plebian friend." The only word I would disagree with is "old." He is young in his action and activities, as is the ever-youthful Presiding Officer, the President pro tempore.

I would be remiss if I did not add to this statement a special commendation for our President pro tempore and Appropriations Committee chairman, ALLEN ELLENDER. Never in my own memory have I seen appropriation bills move with such efficiency and dispatch through the Senate. He worked day and night, pushing along the many hearings, attending almost every subcommittee markup and presiding at every full committee session. As a result, the usual jamup of appropriation measures never really happened this session. Without his inspired leadership I am certain we would not be able to adjourn even at this late date. It has been a personal privilege to work with him as with the majority leadership.

CAPITOL HILL AND THE DISTRICT OF COLUMBIA ANTICRIME STREET-LIGHTING PROGRAM

Mr. BIBLE. Mr. President, now that the winter season has again lengthened the hours of darkness to include the final hours of the normal work day, I wish to call to the attention of my colleagues in the Congress and to the citizenry and business community of the Nation's Capital the excellent high-intensity street-lighting program being carried out here in Washington and to suggest a comparable one for the Capitol Hill complex of buildings and parklands.

Two years ago at hearings before the Senate Small Business Committee on the impact of crime against small business across this country, effective street lighting was credited with being "one of the best deterrents to robbery and burglary" in a report by the Small Business Administration.

Since that time, we have been working with Mayor Walter Washington and other District of Columbia government officials to bring about the development of a program to upgrade street lighting here by the installation of high-intensity fixtures as a means of combating the high crime rate. Since my last report to Members of Congress on this effort 1 year ago, Metropolitan Police Chief Jerry Wilson has advised me that in areas of the District where the new lighting has been in use, there has been a remarkable reduction of 32 percent in most types of nighttime crime. I can assure you that Chief Wilson has become an ardent advocate of better street lighting as an effective crime deterrent.

I am advised by Mr. John Hartley, Assistant Director of the District of Columbia Department of Highways and Traffic, that 5,000 of the new sodium vapor units are at present in use throughout the city. An additional 12,000 are scheduled for installation during the next fiscal year, bringing the city's total to 17,000 out of the 60,000 street lights operated by the District government. It is rewarding to me to see progress in crime prevention brought about by such a low-cost program as improved street lighting.

Mr. President, with the outstanding anticrime results obtained by this improved street lighting in parts of the city of Washington, I would hope that the Congress and the Architect of the Capitol would consider a comparable program for Capitol Hill and its complex of buildings and parklands.

Assault-type crimes, robberies, burglaries, and rapes are not new to Capitol Hill, but they are becoming more frequent. Constituents visiting their elected and other officials on Capitol Hill and sightseers visiting its shrines deserve more protection, as do our office staffs and other personnel. It was a shock for me to get a report from Capitol Police Chief James Powell, advising that so far this year within the Capitol Hill complex there have been 43 robbery holdups, 35 robberies by force, 37 autos stolen, 127 larcenies from autos, 19 pocketbook snatchings, one homicide, nine assaults, three rapes, and 64 other types of criminal acts. That this number of criminal acts can occur within an 11-month period at the complex of buildings and streets surrounding the Capitol of the United States is completely intolerable.

In view of the fact that crime has decreased by 32 percent in those commercial and residential areas of the District of Columbia where street lighting has been improved, it would stand to reason that with a similar program of improving lighting in and around the Capitol Hill complex, we might experience a comparable decrease in the appalling rate of crime now being thrust upon us.

In fact, it was reported to me recently that after an evening assault on a Supreme Court secretary on the front entrance, columned portico of the Supreme Court Building, the Chief Justice last December requested that improved temporary lighting be carried out in the Court area by the Capitol Architect immediately. More permanent installation of high-intensity lighting is now in progress.

Therefore, I have written to the Honorable George White, Architect of the Capitol, urging his most earnest consideration of instituting an appropriate, yet improved, street lighting program for the Capitol Hill complex of buildings, to include the Capitol itself, the House and Senate Office Buildings, the Supreme Court, the Library of Congress, and adjacent public streets for about 2 blocks to the east, about 3 to the south, about 2 or 3 to the north, and out to the reflecting pool on the west.

Mr. President, I urge that other Senators join with me in seeking the development of a lighting program that will help to combat the increase in assaults, robberies, and criminal activity on the U.S. Capitol grounds and adjacent areas and yet preserve the beauty and decor which these national shrines require.

Mr. President, I ask unanimous consent that there be printed at the conclusion of my remarks a letter from District of Columbia Assistant Director of Highways and Traffic John Hartley, describing the city's street lighting program, and my letter to the Architect of the Capitol.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 9, 1971.

Hon. GEORGE M. WHITE,
Architect of the Capitol,
Washington, D.C.

DEAR MR. WHITE: A matter has come to my attention in which I believe you can be of great assistance concerning what I propose as an improved street lighting program for the Capitol Hill complex of buildings and adjacent streets and parklands to serve as an anti-crime weapon against the increasing incidence of assault-type crimes, robberies, rapes and larcenies.

Two years ago when I conducted hearings of my Senate Small Business Committee on the impact of crime against small business across this country, effective street lighting was credited with being "one of the best deterrents to robbery and burglary." Since that time we have been working with Mayor Walter Washington and other District of Columbia government officials to bring about development of a program to upgrade street lighting by the installation of high intensity fixtures as a means of combating the high crime rate in this city. Metropolitan Police Chief Jerry Wilson advises that in areas here where the new lighting has been in use, there has been a remarkable reduction of 32 percent in most types of nighttime crime. He is an ardent advocate of better street lighting as an effective crime deterrent.

Because of these outstanding anti-crime results, I would hope that a comparable program could be considered for Capitol Hill and its complex of buildings and parklands considering the increase in assault-type crimes in the immediate Capitol area. Capitol Police Chief James Powell advises me that so far this year in the Capitol Hill area under your jurisdiction as Architect of the Capitol, there have been 43 robbery holdups, 35 robberies by force, 37 autos stolen, 127 larcenies from autos, 19 pocketbook snatchings, 1 homicide, 9 assaults, 3 rapes, and 64 other types of criminal acts. That this number of crimes can occur within an eleven-month period at the complex surrounding the Capitol of the United States is completely intolerable, in my judgment.

After consultation by my Committee staff with a number of street lighting authorities, including Assistant Directors John Hartley of the D.C. Department of Highways and Traffic, I have reached a conclusion that it is imperative that the Capitol Hill complex begin a program of relighting the adjacent streets, parking lots, parklands, and grounds of the Capitol Hill buildings in an effort to curb these criminal assaults. As you know, preliminary discussions have already been held among members of your staff, the D.C. Department of Highways and Traffic, and my Committee staff.

Therefore, I would hope that you would give your earnest consideration to this proposal. Obviously, it is important that the beauty and proper decor associated with these national shrines be preserved. Accordingly, the type of fixtures and aesthetics should be within your capable discretion. I am hopeful we can upgrade street lighting in the Capitol complex and adjacent grounds as soon as possible to provide proper nighttime protection for the Members of Congress, the Justices of the Supreme Court, staff personnel of all these offices and the Library of Congress and the thousands of visitors coming to Capitol Hill. Please let me know about conclusions.

For your background, I enclose copies of statements I made before the Senate on the D.C. street lighting program in October, 1970, and in January, 1971, together with a copy of a statement I intend to make before the Senate within several days plus attachments.

Please accept my best wishes for a Happy Holiday Season!

Cordially,

ALAN BIBLE,
Chairman.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., December 6, 1971.

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: This is in response to a request by the Chief Investigator of the Select Committee on Small Business, Mr. Ernest Evans, that we provide you with an updating of the Street Lighting Program begun approximately 18 months ago in Washington, D.C.

As you will recall from earlier correspondence forwarded to you, most cities in the Nation light their streets based on nighttime vehicular and pedestrian traffic volumes rather than on the effect that improved street lighting can have as a crime deterrent. However, Mayor Walter E. Washington and members of the City Council were confident that improved lighting could indeed reduce crime. Based on this, and after consultation with you, we established four experimental areas with a high incidence of nighttime crime and installed approximately 2800 sodium vapor street lights. The areas comprise approximately 120 city blocks and have a population of about 29,000 persons.

The reduction in nighttime crime that has occurred in these experimental areas following the installation of high intensity lighting has been, we believe, significant. In fact, during the first 9 months of 1971 following the installation of sodium vapor units in the four areas, the total reduction in nighttime crime incidence in the categories of robbery, auto theft, burglary, vandalism and homicide has reduced 32 percent compared to the same 9 month period of 1970—the period before before the installation of high intensity lighting.

XUM

Approximately 5,000 sodium vapor units are now in operation throughout the city and the result is certainly discernible as one travels around the city at night. Larger number of pedestrains can be seen on our streets in the downtown area. In the residential neighborhoods groups of persons can be noted having conversations. The overall result appears to be one of returning the streets to the people and it might be said that urbanization has returned in those parts of the city where our citizens are receiving the benefits of the lighting program. I have frequently heard remarks from residents that they are happier and feel safer because of the new lighting.

The response of proprietors of businesses, both large and small, has also been outstanding. Merchants in the downtown area have indicated greater nighttime activity in their stores. Similarly the small, outlying businessman is equally pleased in that his patrons are safer in patronizing neighborhood establishments.

Based on correspondence we have received from other cities, it appears that Washington is indeed leading the way in crime deterrent street lighting. Representatives of communities such as Miami, Boston, Dallas, Birmingham, Nashville and 11 other cities have contacted us in regard to our program. These contacts can be attributed in a large measure to the various trade journals and other magazines which have given the program here in the District wide-spread publicity—some referring to it as a new, exciting departure from traditional street lighting practices.

Publicity directed toward our program will be stepped up even further early next year when a film describing it, produced by Newsweek Magazine, will be distributed to various television stations across the Nation. Newsweek estimates that its exposure index will be at least 10 million people. In it, community leaders, merchants, city officials as well as residents of lighted areas, combine to tell the story of how the program has succeeded here in Washington. We believe this film will contribute even further to highlighting what has been accomplished here in the city and what can be done in other cities across the Nation to create an improved community atmosphere at night.

An additional 12,000 sodium vapor lights are scheduled for installation during our next fiscal year program, bringing the city's total to 17,000 out of the 60,000 presently installed. In fact, at the present time the demand for these lights has been so great that we are approximately 3,000 units behind in fulfilling citizen response. However, we believe we can improve upon this situation in the very near future.

An example of the demand for high intensity lighting is contained in a recent communication from Chief of Police Jerry V. Wilson wherein he referred to a "particularly troublesome area" in the eastern part of the city. He called attention to car thieves who, in addition to stealing automobiles, also stripped them and further mentioned that police vehicles responding to the area are sometimes damaged when left unattended. His officers have requested the installation of sodium vapor lights in approximately 10 square blocks and have stressed the need for an immediate installation. Incidentally, Chief Wilson has been one of the strongest supporters of our high intensity street lighting program.

I trust this information will satisfactorily provide you with an updating on the status of our program. Needless to say, we are extremely pleased with the results we have achieved and are hopeful that we can continue to demonstrate improvements as the program expands.

We are deeply grateful for your continued support and strong leadership in the area of improved street lighting.

Sincerely yours,

JOHN E. HARTLEY,
Assistant Director.

Mr. BIBLE. Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, how much time have I remaining?

The PRESIDENT pro tempore. The Senator has 8 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the remainder of my time be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with statements by each Senator limited to 3 minutes.

NORTHERN CHEYENNE TRIBAL COUNCIL LAUDS GREEN BERETS

Mr. MANSFIELD. Mr. President, 27 members of the U.S. Special Forces, otherwise known as the Green Berets, worked in Montana and other western States during this past summer. From June 22 to August 29, these Green Berets spent their time and put forth their efforts on the Northern Cheyenne Indian reservation in southeastern Montana.

The Northern Cheyennes happen to be the tribe which was forced out of Montana down into Oklahoma, and then, in the dead of winter, despite pursuit, massacre, and humiliation, out of defeat and exile they came back to Montana and won for themselves a homeland in the southeastern part of my State.

The Northern Cheyenne Tribe is made up of an extraordinarily fine group of people. It is the smallest in number in the State of Montana. It has the least in resources, but it has the most in the way of gumption. They refer to themselves as the Morning Star people, and their heroes, the ones who led them on the trek from Oklahoma back to Montana, were Little Wolf and Morning Star.

The Northern Cheyennes are also a very appreciative people, and I am in receipt of a letter from Allen Rowland, president of the Northern Cheyenne Tribal Council, in which he compliments, commends, and expresses the appreciation of the Northern Cheyennes for the excellent work done by the U.S. Special Forces on their reservation.

I wish to join with my brothers, the Northern Cheyennes, in expressing my appreciation also for what they did to help during their stay on the Northern Cheyenne Indian Reservation. All too seldom, Mr. President, do we receive letters of commendation of this nature; therefore, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTHERN CHEYENNE TRIBE, INC.,
Lame Deer, Mont., December 6, 1971.

Senator MICHAEL MANSFIELD,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: We, of the Northern Cheyenne Indian Tribe, would like to take this opportunity to express our appreciation for the excellent work done by the United States Special Forces on our reservation, Twenty-seven Special Forces members worked here from July 22, to August 29, 1971. They advised and helped on number of projects necessary to our economic and social development.

There were several projects developed by the Northern Cheyenne Tribal Council, and advised by the Green Berets. Sanitation fills were constructed at four communities on the reservation. This will improve the health and appearance of these areas. A timber trestle bridge was built across Rosebud Creek which affords excess to Northern Cheyenne range lands and can be used as a route to fires which occur in that area. Several fences were put up on tribal land. The most enthusiastic of which was fencing for a Buffalo pasture at Crazy Head Springs. A youth camp was established and run by the Green Berets. For the one hundred twenty-six children, this was the most beneficial program of all.

The Special Forces medics have been one of the most valuable aids. They have worked in our local dispensary and also among the people giving classes, instruction, and training on modern medical procedures. Our people have received them well and they are now expected to be available at all times.

We would like to have the Green Berets return to give us more assistance on other projects. The determination of the Northern Cheyenne Tribe to enter into tourism development is an attempt to create jobs and income for our people, as another tool to increase the economic base of the reservation. Projects relating to tourism development will be continued. These include development of a recreation area and Buffalo pasture at Crazy Head Springs. Improvement of access roads at various historical areas is another project. Tourist rest areas are needed along the main routes on the reservation. An airstrip, if constructed, would benefit not only outsiders but our own people who are fire fighters, many of whom travel long distances to fires.

The Green Berets came here with little or no outside support. With limited equipment, material and funding they accomplished a great deal. The Tribal Council desires, that if the Green Berets return, they be given more support. This would be in the form of heavy earth moving and funding for support of this equipment. The major handicap the Special Forces were working under would then be removed and much more could be accomplished. More time will also be beneficial, the five weeks the Green Berets were here was hardly more than enough to get an orientation of the area and begin work on projects. This was especially true of the medics.

Again, the aid given by the Green Berets is most appreciated by our people.

Sincerely yours,

ALLEN ROWLAND,
Northern Cheyenne Tribal Council.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, had I known that the House would not be in session today, it would not have been the intention of the joint leadership to have a session today, because, after we get through with the agreements and the

protocols on which we shall vote beginning at 10:30, there will be no further business today, unless a conference report is ready, which I do not know of, or there are Senators who wish to speak.

But, as the whips on both sides have indicated to their colleagues, the answer to a sine die adjournment depends on final action on the following—and I am quoting from the whip notice of the distinguished assistant majority leader:

1. Conference report on Defense Appropriations (*House acts first*).

2. Conference report on D.C. Appropriations (*House acts first*).

I believe I understood yesterday that the conferees were getting together this morning.

3. Foreign Aid (continuing resolution?) (*House acts first*).

4. Conference Report on Phase II economic proposal. (The conference has not yet been held, but *Senate Conferees are ready to meet* when House Conferees are ready.)

Those are certainties.

As to possibilities—again quoting from the distinguished assistant majority leader's notice:

Other conference reports which *may or may not be acted upon before adjournment* are as follows: Federal Credit Unions; Ocean Dumping; Election Reform; Social Security Amendments; Interest rates on insured mortgages; Lump sum death payment.

That seems to be about it, as far as can be foreseen at the present time. When we will reach sine die adjournment I cannot say.

The PRESIDENT pro tempore. Is there further morning business?

THE VETO OF S. 2007

Mr. HRUSKA. Mr. President, it had been my intention to comment on and participate in the discussion or debate on sustaining or overriding the veto of S. 2007 last evening. Because of the press of other official business, it was not possible to do so. The remarks I now make are not by way of afterthought, because I was one of the 17 Senators who voted in the negative on the adoption of the conference report on this bill. Likewise, I was one of the 35 or 36 Senators who voted to sustain the veto.

Mr. President, it was gratifying to note the vote of the Senate last evening sustaining the veto of S. 2007—a bill amending the Economic Opportunity Act, and creating a comprehensive child development program. In the opinion of this Senator, President Nixon was right when he vetoed this measure. The fiscal irresponsibility of its amendments for a Federal child care program and its administratively unworkable provisions render it a confusing and even dangerous piece of legislation.

It should be noted that it is most unfortunate that some proponents of that bill, in their eagerness to enact the legislation, are implying that failure of the President to approve it is tantamount to abandoning one of his major commitments to the Nation. Such a conclusion is unfair and unwarranted. There is no responsible person who questions the need for a constructive and proper program, and that includes the Senators who voted to sustain the veto. But all bills on this subject are not necessarily good, sound, acceptable, and wise bills. S. 2007 certainly is not such a bill.

President Nixon yields to no man in this Chamber in his desire to help all children who need help. This objective is universally supported.

But despite the glowing rhetoric of its sponsors, the interests of the Nation's children would not be properly served by S. 2007. This hasty and ill-conceived legislation will actually deter and impede much of the effective child care work now in progress. It will actually set us back in this program, rather than to move us forward.

President Nixon has called for a "national commitment to providing all American children an opportunity for a new healthful and stimulating first 5 years of life." He has called for constructive national debate upon the merits of such far-reaching national legislation, debate which will lead to a broad public consensus as to its principles.

There has been no such national debate. There has not even been thorough consideration by either body of the Congress. The Nation has not determined which way it wants to go with this problem. I submit that we in this body have had insufficient opportunity to evaluate the problem and the proposed solutions and to determine which way we want to go.

It should be noted at this point, Mr. President, that it is most unfortunate that some proponents of S. 2007, in their eagerness to enact the legislation, are implying that failure of the President to approve it is tantamount to abandoning one of his major commitments to the Nation.

Such a conclusion is most unfair and unwarranted, in my opinion. There is no responsible person who questions the need for a constructive and proper program. But this does not mean such a need is fulfilled by drawing together a hasty hodgepodge which may look good in the headlines but which would create chaos administratively, which would raise formidable questions about the rights and responsibilities of parents for the rearing of their children, and which would add $2.1 billion to an already seriously overburdened Federal budget. In short, all bills on this subject are not necessarily good, sound, and wise. S. 2007 certainly is not such a bill.

Some of the President's objections, with which this Senator concurs, are the following:

First. Neither the need nor the desirability of a national child development program has been adequately demonstrated at this point.

Second. Day care centers allowing welfare parents to go to work daily are already provided under H.R. 1, the President's workfare legislation which has yet to be considered by this body. Provisions in this bill are to a great extent a duplication of provisions in that measure.

Third. The American taxpayer would suffer to the extent of $2.1 billion more at a time when his suffering is already acute. Future prospects for the program are even more alarming as it is estimated that costs eventually could reach $20 billion annually.

Fourth. We have for the past 2 years been working for and talking about welfare reform which would bring the family closer together. Now we are confronted with a program which appears to be separating the family further yet. This is a most serious step, in my opinion. The family as an institution of American life must not be endangered or impaired. I do not believe the American people would approve of any measure which would tend to lead to a communal approach in child development. That is where this measure leads us.

Fifth. Our solutions to the child care problem should enhance rather than diminish parental authority and parental involvement, particularly in the early and critically formative years.

Sixth. Where will the qualified staff come from?

Seventh. The management problems would be tremendous. When one considers the problems we have had with the Headstart program, which has 1,200 grantees, one wonders what would be the result of a program which could have as many as 7,000 sponsors, each with its own unique system of operation.

Eighth. The role of the States would be reduced to an insignificant factor. The Federal Government rather than the States would become responsible for preschool education.

Furthermore, as a member of the Judiciary Committee I believe that the "child advocates" could easily frustrate the work of administrative agencies and the courts.

I submit, Mr. President, that the question of child development is much too important to be attached in hasty and ill-considered fashion to other legislation. We have had far too many efforts of this nature in recent years.

We should stop and look at our record of successes in such hasty action. In my opinion, that record clearly demonstrates the wisdom of a careful and constructive approach. We have not had the benefit of that approach in this bill which is before us.

Government is under siege in many areas of our national life today because it has failed miserably to deliver what some of our people have thought it promised to deliver. It is time for us to enact legislation which will accomplish the objectives it was intended for rather than adding to wheel-spinning and bureaucratic confusion.

This bill, S. 2007, does not make such a constructive contribution. This Senator for these and other reasons voted to uphold the President's veto.

COMMENDATION OF THE OFFICIAL REPORTERS OF DEBATES AND THE GOVERNMENT PRINTING OFFICE

Mr. BYRD of Virginia. Mr. President, as the Senate prepares to adjourn, I should like to pay tribute to two groups of individuals.

XUM

One group is the Official Reporters of Debates. I think they do a remarkable job under very difficult conditions. Sometimes the Senate is not in the best of order, shall we say, and sometimes some of us do not speak very clearly or distinctly. Some of us speak rather rapidly. Yet, the Official Reporters are able to report the proceedings of the Senate with great accuracy—not perfectly, of course, but with considerable accuracy. I commend them.

I also should like to pay tribute to the employees of the Government Printing Office. Having been in the newspaper business, I have been familiar with the printing process most of my life. I know the difficulties involved in handling hundreds of thousands of words.

In an average year—in this year—approximately 45,000 pages of the CONGRESSIONAL RECORD have been published—45,000 pages, comprising 99 million words. Ninety-nine million words will go into the CONGRESSIONAL RECORD for this calendar year, 1971.

I read the RECORD every day. I cannot say that there are no errors in it.

But as one who has been involved in the printing business all his life, it seems to me that the employees of the Government Printing Office—the linotype operators, the proofreaders, and the others who are involved in this operation—do an outstanding job.

As I say, when you are handling 99 million words, there will be typographical errors, but these are held to a minimum; and, as this session draws to a close, I just want to say these few words of commendation for the employees of the Government Printing Office.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE PLIGHT OF THE JEWS IN ARAB LANDS

Mr. PACKWOOD. Mr. President, recently a publication issued by the Anti-Defamation League was brought to my attention, illustrating the plight of the remaining Jews in the countries of Egypt, Iraq, and Syria. In each of those countries, the resident Jewish populations are harassed, in many cases unjustifiably imprisoned, forced to identify themselves, not unlike they were during the Nazi German era.

I ask unanimous consent to have printed in the RECORD a background paper published by the Anti-Defamation League showing the situation of the Jews in these three countries.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

JEWS IN ARAB LANDS

Jewish presence in Arab lands, both in the Middle East and North Africa, goes back two thousand years. In some of these lands Jews developed large and prosperous communities which played an important role in the economic, social, and cultural life of the Arab society.

There were periods during which Jews were tolerated by the Arab authorities, but more often they were treated as second-class citizens and were subjected to discrimination, humiliation, and eruptions of hatred. The emergence of Hitlerism and the cooperation of some Arab leaders with the Nazis provided new inspiration for an intensified anti-Jewish attitude in the Arab world.

Immigration-Aliya to Israel, a phenomenon in the life of these Jewish communities for centuries, gained momentum in the late 19th and early 20th century with the Aliya of the better-known pioneers from eastern Europe. To the Jews of the Arab lands, Aliya was less motivated by political Zionism as by the fundamental feeling that a real Jewish life can only be lived in the Holy Land, specifically in eternal Jerusalem.

In 1948 there were 850,000 Jews in Arab lands, the larger representations being: 285,000 in Morocco, 130,000 in Algeria, 125,000 in Iraq, 110,000 in Tunisia, 70,000 in Egypt, 45,000 in Yemen, and 40,000 in Libya. Almost 800,000 Jews have since left the Arab countries, of which about 550,000 emigrated to Israel.

There were three waves of Jewish escape from Arab countries. The main exodus came before and immediately after the establishment of the State of Israel, and the later ones after the Sinai Campaign in 1956 and after the Six Day War in 1967. These refugees succeeded in emigration only after renouncing their citizenship and all claims to their properties.

In fact, the Middle East witnessed an exchange of populations, Jewish refugees from Arab lands equaling the number of Arab refugees who left Israel during the War of Liberation. The only difference has been in the treatment of the two refugees populations upon their arrival; the Jews have been welcomed by Israel and integrated into the society, while the Arabs have been kept in misery in special camps in Arab countries and used as political pawns by their brothers.

THE SCOPE OF THE PROBLEM AT PRESENT

Some 60,000 Jews still live in Arab Lands, most of them in Morocco (40,000), Tunisia (9,000) and Lebanon (2,000). In these countries there is, on the whole, no immediate danger to the life of these communities, no organized persecution by the authorities. And these Jews usually may depart freely if they so desire. But while they receive fair official treatment, these Jewish communities face hostile attitudes and actions by parts of the population, and they may face further dangers in the event of internal political developments. Such hostilities and dangers are seen in (to cite only two examples) the kidnapping by Arab terrorists of Albert Elias, Secretary of the Jewish Council in Lebanon, in September, 1971, and the murder of Rabbi Mazuz by a fanatic Moslem in Tunis in January, 1971.

The greatest present concern is for the few thousand Jews who are still trapped in Syria, Iraq and Egypt, the captives of Arab governments under which they are subject to persecution and humiliation. These Jews are the victims of official discrimination and close supervision, and sometimes of arbitrary arrest, interrogation, and torture. Most live in great poverty, due to the sequestration of their property and to official bans on the employment of Jews or on having commercial links with them. Religious and educational activities of Jews is greatly restricted. Above all, their right of free movement out of these countries is denied. In some places they are even restricted to their neighborhoods.

SYRIA

There are about 4,000 Jews in Syria—mainly in Damascus, Aleppo, and Kamishli. The country's Jews have long been subjected to brutal conditions, and after the War of June, 1967 the rigours which they had to suffer were viciously intensified.

Syria has a special committee for Jewish affairs, composed of representatives of Internal Security, General Intelligence, the Ministry of Justice, Ministry of Finance, and the council of Palestinian Refugees. This committee is responsible for the arbitrary legislation which circumscribes the commerce and culture of Jews and often endangers their lives. Of such blatantly anti-Jewish measures, the following may be singled out:

Jews have not been permitted to leave Syria—in fact have been forbidden to travel more than 4 km from their homes—and many have been imprisoned on charges of attempting to leave the country. All Jews' identity cards are marked "Musawi" (belonging to the Mosaic faith), while no religious identification is made on the cards of Moslems or Christians. Jews may not be employed in the government service or in banks, and most of those who previously worked for Arab merchants have been dismissed. Most of the country's Jewish schools have been closed and the buildings given to Palestinian refugees. (In those few schools remaining open, Moslem headmasters have been moved in.)

Syrian military personnel may not shop in stores owned by Jews. The Jews are not permitted to sell property, nor may they bequeath it to their heirs; when a Jew dies his property is transferred to the State. No driving licenses are issued to Jews, and no new telephones may be installed in Jewish homes or businesses.

The Jewish cemetery in Damascus has been destroyed and a road constructed through it leading to the airport.

Two Jews who have escaped from Syria, testifying before a Judicial Committee of the International Committee for the Deliverance of Jews of the Middle East, told of arbitrary jailing and torture, of innocent persons who disappear for months only to return crippled and ill, and of the daily suffering at the hands of incited Palestinians brought in by the authorities to dwell in the Jewish quarter.

IRAQ

There are about 2,000 Jews in Iraq, the remnant of a once-flourishing community. Even before the Six-Day War, synagogues and schools were sequestered, a 200 year-old cemetery was destroyed and its tombs desecrated, yellow identity cards were issued to the Jews, and the sale of their property was forbidden.

After the Six-Day War, harsher measures still were instituted: All Jews were dismissed from their jobs in public institutions; Jewish property was expropriated and Jewish bank accounts frozen; businesses of Jews were shut down and trading permits cancelled; telephones in Jewish homes were disconnected; Jews were placed under house arrest for long periods, or restricted in movement to their places of domicile; departure was totally prohibited and applications for passports were summarily rejected.

All this was openly and plainly expressed in official statutes and regulations.

This official persecution was at its worst late in 1968 and early in 1969. Scores of Jews were jailed on the strength of the alleged discovery of a local spy ring. Nineteen of them were sentenced to death in staged trials and then barbarously hanged in the public squares of Baghdad; others died in prison under torture.

The shock that was felt and recorded by the world—criticisms leveled by governments, international organizations, and eminent individuals—forced the Iraqis into declarations that the situation had improved. In March 1970, the authorities officially announced the return of Jews to public employment, approval of the reopening of certain Jewish-owned businesses, the replacement of telephones, etc. These promises have not been fulfilled.

Again in April 1971, the Iraqi authorities jailed 40 Jews and made plans to bring them to trial. International outcry brought the release of most of them.

EGYPT

The Jews presently in Egypt number about 600 and live chiefly in Cairo and Alexandria. On the eve of the War of 1948, some 35,000 Jews fled, abandoning all their property. Persecution and incitement after the Sinai Campaign in 1956 produced a second mass exit. On the eve of the Six Day War only about 2,000 Jews remained.

On the very morning of the start of that war, the Egyptian police, in a pre-planned operation, arrested all Jewish males over 17 years of age. Foreign Jews were later expelled on short notice and were unable to take out property or liquidate businesses. Many who were Egyptian nationals were held in prisons for years, the last of them liberated only in 1970 as a result of continuous international pressures. The few hundred Jews still in Egypt live in an atmosphere of uncertainty and fear for the future.

THE SEARCH FOR A SOLUTION

Today, the only hope for the future of the Jews of Syria, Iraq, and Egypt is that they be permitted to emigrate to countries where they can be recognized as free and equal citizens. This hope has been echoed by the United Nations Secretary-General U Thant (Annual Report of the Secretary-General, September, 1969) when he wrote:

"Although I have no direct means of knowing exactly the conditions of life of the small Jewish minorities in certain Arab states, it is clear that, in some at least, these minorities would be better off elsewhere and that the countries in which they now live would also be better off, given the prevailing circumstances, if the departure of those who would wish to leave could be sanctioned and arranged, since their continued presence is a source of both internal and international tension. I hope very much, therefore, that it may soon be possible to find sensible ways of solving this largely humanitarian problem."

The only practical solution to the problem is the mobilization of public opinion and the stimulation of pressures from humanitarian organizations, individuals, and governments the world over for the deliverance of these virtual captives.

A NEGOTIATED SETTLEMENT IN THE MIDDLE EAST

Mr. PACKWOOD. Mr. President, in his column of December 5, in the Washington Star, Mr. Crosby S. Noyes set forth what has been my contention in relation to our position with regard to Israel—that is, that we are not likely to strengthen the cause of a negotiated settlement in the Middle East by withholding arms from Israel. We are going to have a negotiated settlement in the Middle East only when the parties themselves in the Middle East, in head-to-head negotiations, decide what kind of treaty they want to live with.

All the United States should be trying to do in that situation is to make sure that Israel is able to bargain from a position of military parity, so that in reaching some kind of settlement in the Middle East, Israel will be able to reach a peaceful settlement based upon equality of bargaining, and not have to reach a settlement based upon weakness because the United States refused to supply arms.

I ask unanimous consent to have Mr. Noyes' column printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Dec. 5, 1971]

MRS. MEIR'S STRONG CASE FOR MORE U.S. SUPPORT

(By Crosby S. Noyes)

Israel's Prime Minister Golda Meir has not come to town with any expectation of getting her big sack filled up with F-4 Phantom fighter-bombers or other items of military hardware. Though the subject of military supplies certainly has been discussed in her meetings with administration leaders here this week, the visit is not primarily a shopping expedition.

Nor is it an effort to counter the effect of Arab and Soviet attacks on Israel at the United Nations. So far as the Israelis are concerned, the result of the debate in the General Assembly always has been a foregone conclusion which they are grimly prepared to ignore.

The major question which Mrs. Meir has been exploring in her talks with President Nixon and Secretary of State Rogers over the last few days is simply: Where do we go from here? And in the present state of affairs in the Middle East, it is a question of considerable pertinence.

Where do we go, for instance, on the question of American-Israeli relations?

Over the last two years, these relations have been shaped—and greatly compromised—by the determination of the Nixon administration to play an active role in trying to bring about a settlement of the Arab-Israeli conflict.

Starting with the Rogers Plan, calling for the near-complete withdrawal of Israel from conquered Arab territory, the consistent effort of the administration has been to demonstrate to the Arabs—and most particularly to the Egyptians—its sincerity as an "honest broker" in trying to reach a settlement. The withholding of military supplies from Israel—including the much-needed Phantom jets—is only the most recent manifestation of the administration's concern for preserving its credibility in Cairo as an impartial mediator.

This American effort at mediation has gotten nowhere. Today, the prospect of an overall settlement remains as remote as ever. Even the attempt to reach a modest interim agreement, involving a separation of Israeli and Egyptian forces and the reopening of the Suez Canal, now appears to be hopelessly deadlocked.

At this point, Egypt's President Anwar Sadat is making it emphatically clear that he has no further interest in talking with American mediators. On the contrary, he is telling his front-line troops that "there is no longer any hope at all in peaceful solutions" in the Middle East and that "there is nothing left for us but the battle." At the U.N., Arab spokesmen are calling for a resolution demanding a pledge of total withdrawal by Israel. If such a resolution is passed by the heavily pro-Arab General Assembly and rejected by Israel, this could be taken by Egypt as justification for a renewal of the war.

The emphasis, then, has shifted from how to reach an interim settlement through American good offices to how to avoid another round of active fighting. And in this perspective, the present state of American-Israeli relations does, indeed, require urgent re-examination.

For it is at least questionable whether the United States, in trying to act as a mediator to the conflict, has not in fact made a solution more difficult.

Lacking the firm support of the United States, including badly needed military hardware, Israel has not been in position to make real concessions. Any withdrawal from Arab territory under these circumstances, the Israelis believe, would invite still another full-scale war under highly adverse circumstances. From the beginning, Israel has been unwilling to trade territory for anything less than what it considers real security.

The Arabs, for their part, have been encouraged to press their most extreme demands, including threats to renew the war, in the assurance that Israel is in a weak and isolated diplomatic position. The denial of American aid amounts to almost the same thing as a full-scale international arms embargo against Israel.

Certainly as long as the Arabs believe that the United States will continue to withhold support and arms from Israel as a means of applying pressure, there is very little reason for them to make concessions. And unless concessions are made on both sides, no settlement, interim or otherwise, will be possible.

On the contrary, withholding support from Israel could well encourage a renewal of the fighting. Today the Egyptians are using the threat of military action to increase the diplomatic pressure on Israel. But when, as it will, this pressure fails to bring about an Israeli retreat, the danger that Sadat will have to make good on his threats will greatly increase.

These, then, are some of the things that Golda Meir may have wished to discuss with administration leaders during her visit here. American policy until now has failed to produce any break in the Middle East deadlock. And the case for greater diplomatic and military support is a strong one.

QUORUM CALL

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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AMERICAN NEUTRALITY: NO MORE ARMS TO PAKISTAN

Mr. CHURCH. Mr. President, the professed role of the United States in the current conflict between Pakistan and India is that of strict neutrality.

Even though this is our announced position, the Nixon administration keeps making statements prejudicial to India and favorable to Pakistan. The President's partiality to Pakistan is one of the best-known secrets in Washington.

Now come disturbing reports that our hands-off posture toward the two combatants may be in jeopardy. Usually reliable sources inform me that the Pakistan Government has asked the White House for substantial quantities of military equipment and supplies. The President is said to be giving this request "serious consideration."

I find it hard to believe that President Nixon would permit personal preference to undermine a policy of prudent neutrality. The American people should not be called upon—either through grants or subsidized sales—to replenish the arsenals of either Pakistan or India. Our proffering of arms in the past has helped to promote war on the Indian subcontinent, much to the discredit of the United States. It has earned us only enmity.

How many wars must be fought between India and Pakistan before we stop serving up the implements?

At long last, after finally having imposed an arms embargo against both countries, let us have the good sense to hold to that position.

I hope the Nixon administration will quickly repudiate any intention to rearm Pakistan at American expense.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PERMISSION FOR SUITS TO BE BROUGHT AGAINST THE UNITED STATES TO ADJUDICATE LAND TITLES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 555, S. 216.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The bill was read by title, as follows:

A bill (S. 216) to permit suits to be brought against the United States to adjudicate disputed land titles.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, after line 7, strike out:

SEC. 2. Section 1402 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any civil action under section 2408a to quiet title to lands claimed by the United States shall be brought in the district court of the district where the land is located or, if located in different districts in the same State, in any of such districts."

Sec. 3. (a) Chapter 161 of title 28, United States Code, is amended by inserting after section 2408 of such title the following new section:

"§ 2408a. Actions to quiet title

"The United States may be named a party in any civil action brought by any person to quiet title to lands claimed by the United States."

(b) The chapter analysis at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relating to section 2408 the following new item:

"2408a. Actions to quiet title."

And, in lieu thereof, insert:

That (a) chapter 58 of title 28, United States Code, is amended by adding after section 1347 of such title the following new section:

"§ 1347a. Real property quiet title actions

"The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States."

(b) The chapter analysis at the beginning of chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1347 the following new item:

"1347a. Real property quiet title actions."

SEC. 2. Section 1402 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any civil action under section 2409 to quiet title to an estate or interest in real property in which an interest is claimed by the United States shall be brought in the district court of the district where the property is located or, if located in different districts in the same State, in any of such districts."

SEC. 3. (a) Chapter 161 of title 28, United States Code, is amended by adding after section 2409 of such title the following new section:

"§ 2409a. Real property quiet title actions

"(a) The United States may be named as a party defendant in a civil action under this section to quiet title to an estate or interest in real property, other than security interests and water rights, in which an interest adverse to plaintiff is claimed by the United States. This section does not apply to trust or restricted Indian lands, to any lands claimed by Indian or Native people based upon aboriginal right, title, use or occupancy, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

"(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section, which possession or control existed at least ninety days prior to the commencement thereof, pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and if the final determination shall be adverse to the United States, upon due application to the court and showing that the United States desires to condemn said real property or any interest therein, or portion thereof, the court shall enter an order continuing said possession or control pending filing of such condemnation action within ninety days thereafter.

"(c) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances under which it was acquired, and the right, title, or interest claimed by the United States.

"(d) If the United States disclaims all interest in the real property or interest therein adverse to plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by decree of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1347a of this title. If such jurisdiction ceases, and there are other defendants in said action, the court shall remand the case to the appropriate State court of general jurisdiction where the real property is located as though remand were under section 1447 of this title.

"(e) A civil action against the United States under this section shall be tried by the court without a jury.

"(f) Any civil action under this section shall be barred unless the action is begun within six years after the claim for relief first accrues or within two years after the effective date of this Act, whichever is later. The claim for relief shall be deemed to have accrued upon actual knowledge of the claim of the United States.

"(g) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession."

(b) The chapter analysis at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relating to section 2409 the following new item:

"2409. Real property quiet title actions."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1346 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The district courts shall have original jurisdiction of any civil action under section 2408a to quiet title to lands claimed by the United States."

That (a) chapter 58 of title 28, United States Code, is amended by adding after section 1347 of such title the following new section:

"§ 1347a. Real property quiet title actions

"The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States."

(b) The chapter analysis at the beginning of chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1347 the following new item:

"1347a. Real property quiet title actions."

SEC. 2. Section 1402 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any civil action under section 2409 to quiet title to an estate or interest in real property in which an interest is claimed by the United States shall be brought in the district court of the district where the property is located or, if located in different districts in the same State, in any of such districts."

SEC. 3. (a) Chapter 161 of title 28, United States Code, is amended by adding after section 2409 of such title the following new section:

"§ 2409a. Real property quiet title actions

"(a) The United States may be named as a party defendant in a civil action under this section to quiet title to an estate or interest in real property, other than security interests and water rights, in which an interest adverse to plaintiff is claimed by the United States. This section does not apply to trust or restricted Indian lands, to any lands claimed by Indian or Native people based upon aboriginal right, title, use or occupancy, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

"(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section, which possession or control existed at least ninety days prior to the commencement thereof, pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and if the final determination shall be adverse to the United States, upon due application to the court and showing that the United States desires to condemn said real property or any interest therein, or portion thereof, the court shall enter an order continuing said possession or control pending filing of such condemnation action within ninety days thereafter.

"(c) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances under which it was acquired, and the right, title, or interest claimed by the United States.

"(d) If the United States disclaims all interest in the real property or interest therein adverse to plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by decree of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1347a of this title. If such jurisdiction ceases, and there are other defendants in said action, the court shall remand the case to the appropriate State court of general jurisdiction where the real property is located as though remand were under section 1447 of this title.

"(e) A civil action against the United States under this section shall be tried by the court without a jury.

"(f) Any civil action under this section shall be barred unless the action is begun within six years after the claim for relief first accrues or within two years after the effective date of this Act, whichever is later. The claim for relief shall be deemed to have accrued upon actual knowledge of the claim of the United States.

"(g) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession."

(b) The chapter analysis at the beginning of chapter 161 of title 28, United States Code, is amended by inserting after the item relating to section 2409 the following new item:

"2409a. Real property quiet title actions."

Mr. ALLOTT. Mr. President, I wish to make perfectly clear that the Senator from Idaho (Mr. CHURCH), who reported the bill cleared the matter with me last evening. It is perfectly satisfactory with me to dispose of it at this time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to permit suits to adjudicate certain real property quiet title actions."

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any technical corrections in the engrossment of S. 216, which was passed by the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AMERICAN INDIAN AND ALASKA NATIVES POLICY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 538, Senate Concurrent Resolution 26.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be stated by title.

The concurrent resolution was read by title as follows:

A concurrent resolution (S. Con. Res. 26) on National American Indian and Alaska Natives Policy.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 8, after the word "Indians", strike out "and Alaska Natives"; in line 14, after the word "Congress", strike out "(August 1, 1953" and insert "(August 1, 1953);"; in line 15, after the amendment just stated, strike out "which is hereby expressly repealed;"; on page 3, line 6, after "(4)", strike out "the executive branch of Government shall be charged with the responsibility of developing program efforts and procedures to assure that Indian and Alaska Native peoples, residing in areas considered to be beyond the scope of the direct Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service, receive services and attention that are commensurate with their diverse social and economic needs;" and insert "there should be a recognition of Federal responsibility to see that those Indians residing beyond the areas served by special Indian programs and services are given equal consideration with other citizens in the provision of services by other Federal, State, and local agencies."; in line 19, after "(5)", strike out "American"; in line 23, after the word "Indians", strike out "and Alaska Natives"; in line 24, after the word "citizens", strike out "and"; on page 4, line 1, after the word "Budget", strike out "shall" and insert "should"; in line 4, after the word "of", insert "the Federal"; in the same line, after the word "the", insert "social and economic"; in line 5, after the word "of", strike out "Indians and Alaska Natives." and insert "Indians; and"; after line 6, insert:

(7) as used in this resolution the term "American Indian" or "Indian" shall include "Alaska Natives".

So as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) our national Indian policy shall give full recognition to and be predicated upon the unique relationship that exists between this group of citizens and the Federal Government and that a governmentwide commitment shall derive from this relationship that will be designed to give Indians the freedom and encouragement to develop their individual, family, and community potential and to determine their own future to the maximum extent possible:

(2) this statement of national Indian policy replaces the policy set forth in House Concurrent Resolution 108, Eighty-third Congress (August 1, 1953);

(3) improving the quality and quantity of social and economic development efforts for Indian people and maximizing opportunities for Indian control and self-determination shall be a major goal of our national Indian policy;

(4) there should be a recognition of Federal responsibility to see that those Indians residing beyond the areas served by special Indian programs and services are given equal consideration with other citizens in the provision of services by other Federal, State, and local agencies.

(5) Indian property will be protected; Indian culture and identity will be respected; and Congress will commit and dedicate itself to support a policy of developing the necessary programs and services to bring Indians to a social and economic level of full participating citizens;

(6) the Office of Management and Budget should submit an annual report to the Congress showing combined expenditures made by all departments and agencies of the Federal Government for the social and economic betterment of Indians; and

(7) as used in this resolution the term "American Indian" or "Indian" shall include "Alaska Natives".

Mr. ALLOTT. Mr. President, I voted for reporting this resolution and I support its passage.

As Senators know, concurrent resolutions: "are not used for the purpose of enacting legislation and are not binding or of legal effect" as stated in Mr. Riddick's "Senate Procedure"—page 167.

For this reason, the committee was careful in phrasing the language of the reported resolution to exclude any language which might appear to be a legislative direction to the executive branch, or anyone else.

In looking over the committee report, however, I have noted instances where, contrary to the resolution, mandatory language appears.

In order to assure that there is no ambiguity in connection with this important resolution, I want to make the committee's intent abundantly clear.

The report should not be read to, in anyway, conflict with the language of the resolution. Nor should it, of course, be construed to add or detract from the resolution in any respect.

Without limiting the scope of what I

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have said, some of the specific instances in the report which made it necessary for me to make this statement are:

First, the use of the words "shall" on page 2, line 18 and on page 4, line 18.

Second, the apparent instructions to the executive branch in both the first and second full paragraphs on page 4.

Third, the reference to the special relationship of Indians being based upon a "still growing body of treaties, court decisions and laws" on page 2 under the heading "Background"—in the second paragraph thereof.

Fourth, an inexact description of section (5) of the resolution on page 2 of the report.

Mr. JACKSON. Mr. President, as the original sponsor of Senate Concurrent Resolution 26 on National American Indian policy, I urge the Senate to give its full approval to this measure.

The primary purpose of my resolution is to replace the national Indian policy set forth in House Concurrent Resolution 108, 83d Congress—August 1, 1953. The 1953 resolution proposed an official termination of the Federal relations of American Indian tribes. It was resisted from its inception by Indian people because it carried with it an implied threat of removal of the special Federal protection of Indian lands and natural resources as well as an end to the provision of basic community services such as health, education and manpower development available to Indian people on the basis of their identity as Indians.

In my introductory remarks before the Senate on May 14, 1971, at the time I introduced Senate Concurrent Resolution 26, I stated:

At the time Congress approved House Concurrent Resolution 108 in 1953 as our Government's national Indian policy, we believed it to be in the best interests of the Indian people, but time and experience have demonstrated otherwise.

Mr. President, I propose to replace this policy, which has proven to be totally and absolutely unacceptable to the Indian people, with a resolution that is compatible with their unique relationship with the Federal Government and is within the framework of the democratic principles upon which our Nation was founded.

Senate Concurrent Resolution 26 declares it to be the sense of Congress that—

First. A governmentwide commitment shall be made to enable Indians to determine their own future to the maximum extent possible;

Second. This statement of policy replaces that set forth in House Concurrent Resolution 108 approved by the 83d Congress on August 1, 1953;

Third. Indian self-determination and development shall be a major goal of our national Indian policy;

Fourth. There should be a recognition of Federal responsibility to assure that Indians residing beyond the areas served by special Indian programs receive equal consideration with other citizens for services through other Federal, State, and local agencies;

Fifth. Indian property and identity will be protected and Indians shall be brought to a social and economic level of full participating citizens;

Sixth. The Office of Management and Budget should submit an annual report to Congress showing Government expenditures on behalf of Indians; and

Seventh. "American Indian" or "Indian" is defined to include "Alaska Natives."

The provisions of the resolution extend to Alaska Natives because of their inclusion as "American Indian" or "Indian" in the definitional section of the resolution.

Senate Concurrent Resolution 26 has been endorsed by the National Congress of American Indians, the National Tribal Chairmen's Association, urban Indians, and many individual tribal leaders. Representatives from these groups testified at a hearing before the full Senate Interior and Insular Affairs Committee on July 21, 1971, on Senate Concurrent Resolution 26 and recommended congressional approval of the resolution.

In addition, the National Congress of American Indians, at its recent convention in Reno, Nev., November 15–19, unanimously endorsed a resolution on legislative priorities. This resolution placed Senate Concurrent Resolution 26 as the No. 1 legislative priority that the organization would support for approval during the current Congress.

Mr. President, Senate approval of Senate Concurrent Resolution 26 will demonstrate to Indian people everywhere the willingness of the Federal Government to fulfill its legal and moral commitments to the first citizens of this Nation.

Mr. CRANSTON. Will the Senator yield?

Mr. JACKSON. I yield to the Senator from California.

Mr. CRANSTON. The committee report discusses the Federal services of the Bureau of Indian Affairs and the Indian Health Service as being available to those Indians who live on or near Federal reservations. Am I correct in interpreting Senate Constitutional Resolution 26 as saying that the Bureau of Indian Affairs and the Indian Health Service should serve all Indians who live on or near reservations?

Mr. JACKSON. Yes, your interpretation is correct.

Mr. CRANSTON. The committee report also discusses the number of California Indians who live on or near reservations, suggesting that the Federal status of some 21,000 rural California Indians is unclear at this time. I have here a copy of a sworn affidavit filed in a lawsuit by a BIA official stating that all California Indians live on or near reservations.

Mr. President, I ask unanimous consent that this affidavit be placed in the RECORD at this point.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

SUPPLEMENTARY AFFIDAVIT OF WESLEY L. BARKER SUPPORTING MOTION TO DISMISS

Defendants file herewith a supplement to that affidavit dated Decemger 31, 1969, and filed on January 5, 1970. Said Supplementary Affidavit is in response to Plaintiff's Third Memorandum of Points and Authorities dated January 8, 1970, as well as Plaintiffs' Supplementary Memorandum of Points and Authorities filed January 5, 1970. (State of California, County of Sacramento.

Before the undersigned authority personally appeared Wesley B. Barker, who acts in the official capacity as stated in his affidavit of December 31, 1969; and who under oath deposes and says to the best of his information, knowledge and belief:

1. There has been no instance where a California Indian, otherwise eligible, was denied available federal boarding school or scholarship assistance by the Sacramento Area Office for failure to meet the "on or near" criteria in the regulations. The Sacramento Area Office has jurisdiction throughout the State of California with the exception of the Colorado River Indian tribes.

APPENDIX D

2. It is the policy of the Sacramento Area Office to consider that every California Indian lives "near" a reservation (unless he actually lives on a reservation) for the purposes of administering the aforesaid programs.

Signed this 12th day of January 1970.

Mr. CRANSTON. Am I correct in assuming that Senate Concurrent Resolution 26 does not contradict this affidavit?

Mr. JACKSON. Since the Bureau of Indian Affairs is willing to announce, officially, that all California Indians meet the criteria of living on or near reservations—as they have stated in their affadavit—then you can correctly assume that none of the language of Senate Concurrent Resolution 26 contradicts the affadavit.

I want to thank the senior Senator from California for calling to our attention the unwarranted importance that has been attached to geography as a major criteria in determining Indians' entitlement to the special Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service. I believe the record should show that because of the events of history, California Indians are dispersed throughout rural areas of the State rather than being concentrated on several clearly defined reservations. Those historical circumstances also limited the number of acres of trust land available to the Indian people. Thus, only a small percentage actually live on trust land, and approximately 21,000 Indians whose socioeconomic problems are no less severe, do not relate to a trust land base. I can appreciate your concern in wanting to be certain that the latter group receives its rightful benefits. In addition, I am hopeful that the executive branch will undertake a more aggressive effort to assure that Indian citizens on and off reservations receive benefits to which they are entitled from other Federal, State, and local agencies of government.

I want to emphasize further that the primary purpose of Senate Concurrent Resolution 26 is to replace House Concurrent Resolution 108, which I believe most will agree has had a disastrous impact on the administration of Indian affairs. My question, which is supported by several national Indian organizations, outlines a more positive approach to national American Indian policy.

Mr. CRANSTON. I thank the Senator for clarifying this matter.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The amendments were considered and agreed to en bloc.

The concurrent resolution, as amended, was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution with its preamble reads as follows:

S. CON. RES. 26

Whereas it is recognized by the Congress that the American Indian stands in a unique legal, social, and economic relationship to the Federal Government which is based upon the Constitution, treaties, statutes, and Executive orders; and orders, agreements, judicial decisions, and history; and

Whereas it is further recognized that this unique relationship is the basis for the Federal responsibility to protect lands, resources, and rights of the American Indians as well as to provide basic community services to American Indians residing on reservations and in other areas considered to be within the scope of the trust relationship; and

Whereas it is understood that as citizens of the United States and the communities in which they reside, American Indians are entitled to share and participate on the same basis as all other citizens in the full range of social and economic development programs authorized by Federal, State, and local units of government; and

Whereas the Federal Government is responsible for assuring that the aforementioned rights of American Indians are fulfilled and that the eradication of adverse economic, education, health, and social conditions which prevent any American from achieving a life of decency and self-sufficiency is a priority national goal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) our national Indian policy shall give full recognition to and be predicated upon the unique relationship that exists between this group of citizens and the Federal Government and that a governmentwide commitment shall derive from this relationship that will be designed to give Indians the freedom and encouragement to develop their individual, family, and community potential and to determine their own future to the maximum extent possible;

(2) this statement of national Indian policy replaces the policy set forth in House Concurrent Resolution 108, Eighty-third Congress (August 1, 1953);

(3) improving the quality and quantity of social and economic development efforts for Indian people and maximizing opportunities for Indian control and self-determination shall be a major goal of our national Indian policy;

(4) there should be a recognition of Federal responsibility to see that those Indians residing beyond the areas served by special Indian programs and services are given equal consideration with other citizens in the provision of services by other Federal, State, and local agencies.

(5) Indian property will be protected; Indian culture and identity will be respected; and Congress will commit and dedicate itself to support a policy of developing the necessary programs and services to bring Indians to a social and economic level of full participating citizens;

(6) the Office of Management and Budget should submit an annual report to the Congress showing combined expenditures made by all departments and agencies of the Federal Government for the social and economic betterment of Indians; and

(7) as used in this resolution the term "American Indian" or "Indian" shall include "Alaska Natives".

Amend the title so as to read: "Concurrent resolution on national American Indian policy."

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary, with amendments (together with individual views):

S. 907. A bill to consent to the Interstate Environment Compact (Rept. No. 92-577).

Mr. McCLELLAN. Mr. President, from the Committee on the Judiciary, I report favorably with amendments S. 907, to consent to the Interstate Environment Compact.

I submit a report thereon and I ask unanimous consent that the report be printed, together with the individual views of Messrs. HART, KENNEDY, BAYH, and TUNNEY.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered; and, under the previous order of the Senate, the bill will be referred to the Committee on Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McCLELLAN (for himself, Mr. BOGGS, Mr. BURDICK, Mr. COOK, Mr. EASTLAND, Mr. HANSEN, Mr. HOLLINGS, Mr. HRUSKA, Mr. HUMPHREY, Mr. MANSFIELD, Mr. METCALF, Mr. MOSS, Mr. ROTH, Mr. SCOTT, Mr. THURMOND, Mr. BIBLE, and Mr. GRIFFIN):

S. 2994. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims for racketeering activity; and for other purposes. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. HART, Mr. HUMPHREY, Mr. MOSS, and Mr. METCALF):

S. 2995. A bill to provide for the compensation of innocent victims of violent crimes in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes. Referred to the Committee on the Judiciary.

By Mr. SCOTT:

S. 2996. A bill to require that computer equipment and data processing facilities to be obtained for the use of the Library of Congress be procured only after advertised bidding. Referred to the Committee on Rules and Administration.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2997. A bill to establish the Cougar Lakes National Recreation Area, to provide for a study of the potential of Mt. Alx and surrounding lands with the Snoqualmie and Gifford Pinchot National Forests in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN (for himself and Mr. HART):

S. 2998. A bill to provide for a national cemetery at Fort Custer, Mich. Referred to the Committee on Veterans' Affairs.

By Mr. HUGHES:

S. 2999. A bill to authorize a treatment and rehabilitation program for members of the Armed Forces who are or may become drug abusers or drug dependent persons. Referred to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLELLAN (for himself, Mr. BOGGS, Mr. BURDICK, Mr. COOK, Mr. EASTLAND, Mr. HANSEN, Mr. HOLLINGS, Mr. HRUSKA, Mr. HUMPHREY, Mr. MANSFIELD, Mr. METCALF, Mr. MOSS, Mr. ROTH, Mr. SCOTT, Mr. THURMOND, Mr. BIBLE, and Mr. GRIFFIN):

S. 2994. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes. Referred to the Committee on the Judiciary.

VICTIMS OF CRIME ACT OF 1972

Mr. McCLELLAN. Mr. President, more than 3,000 years ago, an Egyptian King surveyed his kingdom and recorded with great satisfaction the improvements and progress achieved under his regime. One passage in his survey disclosed basic fundamentals by which the soundness of any system of justice might be tested. He observed:

I made the land safe so that even a lone woman could go on her way freely and none would molest her.

I rescued the humble from their oppressors.

I made every man safe in his home.

I preserved the lives of those who sought my court of justice.

The people were well content under my rule.

(Quoted in *Illinois Crime Survey*, p. 5)

To conduct a similar survey, the President of the United States in 1965 called together his prestigious Commission on Law Enforcement and Administration of Justice. In sharp and unfavorable con-

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trast, the Commission began its monumental report with these tragic words:

There is much crime in America, more than ever is reported, far more than ever is solved, far too much for the health of the Nation. Every American knows that. Every American is, in a sense, a victim of crime. Violence and theft have not only injured, often irreparably, hundreds of thousands of citizens, but have directly affected everyone. Some people have been impelled to uproot themselves and find new homes. Some have been afraid to use public streets and parks. Some have come to doubt the worth of a society in which so many people behave so badly. Some have become distrustful of the Government's ability, or even desire, to protect them. Some have lapsed into the attitude that criminal behavior is normal human behavior and consequently have become indifferent to it, or have adopted it as a good way to get ahead in life. Some have become suspicious of those they conceive to be responsible for crime: adolescents or Negroes or drug addicts or college students or demonstrators; policemen who fail to solve crimes, judges who pass lenient sentences or write decisions restricting the activities of the police; parole boards that release prisoners who resume their criminal activities.

(*The Challenge of Crime in a Free Society*, p. 1)

Mr. President, the results of this survey—still valid today—are a reproach to our Nation and to our civilization. As those charged with legislative responsibility, we must do all that is in our power to strengthen the peace forces within our society—the police, courts, and corrections. But in our efforts to meet the needs of the criminal justice system, we must not forget that institutions of government exist for people. In our efforts to strengthen the means by which we identify, apprehend and convict the criminal, we must not forget his innocent victim. For it is in his behalf ultimately that the criminal justice system must be operated.

Mr. President, it is for this reason that I am today introducing for myself and the distinguished Senator from Delaware (Mr. BOGGS), the distinguished Senator from North Dakota (Mr. BURDICK), the distinguished Senator from Kentucky (Mr. COOK), the distinguished Senator from Mississippi (Mr. EASTLAND), the distinguished Senator from Wyoming (Mr. HANSEN), the distinguished Senator from South Carolina (Mr. HOLLINGS), the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished Senator from Minnesota (Mr. HUMPHREY), the distinguished Senator from Montana (Mr. MANSFIELD), the distinguished Senator from Montana (Mr. METCALF), the distinguished Senator from Utah (Mr. MOSS), the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from Pennsylvania (Mr. SCOTT), and the distinguished Senator from South Carolina (Mr. THURMOND), the "Victims of Crime Act of 1972." This proposed legislation consolidates and integrates the essential features of a number of separate measures now pending before the Subcommittee on Criminal Laws and Procedures. These bills have been the subject of a series of hearings before the subcommittee.

TITLE I: COMPENSATION FOR VICTIMS OF VIOLENT CRIME

Title I of the proposed legislation, derived from S. 750, introduced by our distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), would establish a Federal program to meet the financial needs of the innocent victims of violent crime.

Mr. President, the notion that society has an obligation to help meet the financial needs of crime victims has roots that run deep in our legal traditions.

In the Code of Hammurabi (circa 2038 B.C.), it was provided:

If a man practice brigandage and be captured, that man shall be put to death. If the brigand be not captured, the man who has been robbed, shall, in the presence of God, make an itemized statement of his loss, and the city and the governor, in whose province and jurisdiction the robbery was committed, shall compensate him for whatever was lost. If it be a life [that was lost], the city and the governor shall pay one mina of silver to his heirs. [Harper, *The Code of Hammurabi*, p. 19]

These provisions, we are told, were made to facilitate commerce.

Tacitus, the Roman historian, tells us that the Germanic murderer of the first century after Christ, when convicted, paid a fine—

In a stated number of oxen or cattle. Half of the fine was paid to the King, half to the person for whom justice was being obtained or to his relatives. [Tacitus, *Germania* 23 (Stout ed.)]

These provisions, we are told, were made to compose and avoid blood feuds.

Modern law, in contrast, has sharply distinguished criminal and civil proceedings. The criminal is thought to owe a debt to society, which must be paid in the context of a criminal prosecution, whose purpose is to secure the safety of the people by the punishment of offenders. In these public proceedings, the victim himself is supposed to be a disinterested witness, whose personal remedy is to be found in private action in tort.

Dissatisfaction with results of this modern dichotomy in recent years begins with the writings of the English penal reformer, Margery Fry. In 1955, she began to speak up for the innocent victims of violent crime, calling for the establishment of a more effective remedy for the victim than the traditional action in tort.

Her call for reform was first heard in New Zealand in 1963. In that year, the New Zealand Parliament, under conservative leadership, established the first crime compensation tribunal, with discretionary power to award public compensation to the victim or his dependents where he had been injured or killed through the commission of certain specified offenses. Compensation was authorized for out of pocket expenses, loss of earnings, and other financial losses. The tribunal was also empowered to order the offender to reimburse the indemnity fund from which the award was made.

In the following year, the Tory Government in England announced a similar, but nonstatutory program. It was proposed by the Home Secretary and put into operation with the consent of Parliament. Under the plan, a criminal injuries compensation board was established, with discretionary power to award compensation for personal injuries caused by violent crimes.

The first American jurisdiction to adopt the compensation principle was California. Its program was enacted in 1965 and put in operation 2 years later. Since that time, similar or related programs have been established in New York, 1966; Hawaii, 1967; Massachusetts, 1967; Maryland, 1968; Nevada, 1969; and, most recently, New Jersey, 1971.

Legislation has also been introduced and considered in Illinois, Ohio, Michigan, and other States as well as several of the Canadian provinces. In my own State of Arkansas, Dr. Calvin R. Ledbetter, Jr., the chairman of the political science department at the University of Arkansas at Little Rock, introduced H.B. 175 in the 1971 regular session of the general assembly. The bill would have established a system of compensation for persons who sustain personal injury or death as a result of crime.

Mr. President, the handwriting on the wall ought to be plain for all to see. Any principle that could command the adherence, among others, of an ancient Middle Eastern tyrant, a primative, but free, Germanic tribe, two modern conservative governments and the legislatures of seven American States and several Canadian parliaments merits more than just close attention. Compensation for the innocent victims of violent crimes is an idea whose time has come. Our distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) put it well when he introduced S. 750:

[In] directing our full attention to how we can best combat the alarming crime rise we have ignored, unfortunately, certain aspects of the problem. The point has been reached . . . where we must give consideration to the victim of crime—to the one who suffers because of crime. For him, a society has failed miserably. • • • To those who suffer, society has an obligation. [117 Cong. Rec. 2633 (Feb. 11, 1971).]

Mr. President, to meet society's moral obligation in this area, title I of this proposed legislation would establish two separate programs. The first part, following the successful New Zealand and English experience, would create in the Department of Justice a Federal Compensation Board, authorized to make direct awards to or on behalf of the innocent victim of violent crime in financial need.

Jurisdiction of the Federal Board would, of course, be limited to the area of primary Federal police power, chiefly the special maritime and territorial jurisdiction of the United States, including the District of Columbia.

The Board would be a quasi-judicial administrative authority composed of three appointed members serving 8-year terms. The Board could compel the attendance of witnesses, but the strict rules of evidence would not be followed, and the hearings, where necessary at all, would not be adversary in character.

In determining the amount of an award, the Board would be authorized to examine all aspects of the case, including the victim's financial need, other private and public resources, and the victim's cooperation with law enforcement authorities. Overall recovery would be limited to not more than $50,000. Payment could be either lump sum or periodic, depending upon the facts of the case.

Payment of attorneys' fees would also be authorized on terms and conditions paralleling those authorized for the defense of the indigent accused.

A criminal conviction would not be a prerequisite for recovery, but where an award was made, the Board would become subrogated to the rights of the victim against the offender. In addition, where the offender was prosecuted, the court would be authorized to direct that part of any fine paid go to an indemnity fund to be administered by the Board.

The second part of title I would amend the Omnibus Crime Control Act of 1968 and provide for a new grant program to be administered by the present Law Enforcement Assistance Administration. States having programs meeting certain minimum standards, upon filing appropriate plans, could receive matching grants amounting to 75 percent of the costs of a similar State program for the compensation of victims of crime.

Adequate fiscal controls and periodic reports on the operation of the State program would be required.

Grants could also be withheld on a failure to comply with the act.

Mr. President, experience to date, both in England and among the States, as our hearings show, indicates that these programs—which meet society's moral obligation to the victim—may be operated both prudently and economically. So that all Members of this body and readers of the RECORD may see for themselves, I shall have printed in the RECORD at the conclusion of my remarks the most recent report of the English and the New York boards. In New York, for instance, the average lump-sum payment for injuries is $1,500, the average periodic death benefit of $2,500 a year up to the maximum of $15,000, and the average periodic disability payment of $4,000 up to the maximum of $15,000. Since March of 1967, in fact, New York has awarded approximately $3,500,000. In the context of the total cost of the criminal justice system, this is little enough to spend to give needed aid to the innocent victim of violent crime.

Mr. President, I believe that these two programs, respectful of the proper relation between the States and the Federal Government and sensitive to the needs of the innocent victims of crime, warrant the support of all Members of the Senate.

TITLE II: GROUP LIFE INSURANCE FOR PUBLIC SAFETY OFFICERS

Title II of the proposed legislation, derived from S. 33, introduced by the distinguished Senator from Massachusetts (Mr. KENNEDY), and S. 1946, introduced by the distinguished Senator from Minnesota (Mr. HUMPHREY) would establish a Federal-State group life and disability insurance program for State and local public safety officers, including policemen, firefighters, and correctional guards.

Mr. President, title I of the proposed legislation is premised upon the recognition that society has a moral obligation to each of its citizens in need who are the innocent victims of violent crime. If this principle is sound, how much more so does society have a special obligation to meet the needs of public safety officers—policemen, firemen, correctional officers, and others who daily put their lives on the line for each of us. These brave men and women deserve not only up-to-date training and equipment, but also up-to-date benefits.

Unfortunately, a very crucial benefit—adequate life insurance—is now often denied public safety officers. Mr. Quin Tamm, executive director of the International Association of Chiefs of Police, in a prepared statement submitted to the subcommittee, for example, noted:

Death and disability benefits are presently inadequate . . . In 37 major cities surveyed by the Kansas City, Missouri, police Department in 1970, 14 had no provision whatsoever for natural death except those covered by pension. In 9 cities, there was no coverage for line of duty death except pension benefits. Many of these relied on donations and contributions to cover funeral expenses.

Mr. President, society has a special moral obligation to meet the particular needs of those who take special risks in its behalf. We cannot shirk that responsibility.

Title II of the proposed legislation, modeled on the Federal crime insurance program of Public Law 91–609, would authorize the Law Enforcement Assistance Administration to establish a direct Federal life insurance program in those States where it determines that commercially available insurance or State or local plans do not provide insurance for public safety officers at costs competitive with other similar occupations, discounting the high risk factor of the officers' calling

The group life insurance program would be patterned after the present, successful servicemen's group life insurance program, available to members of the Armed Forces.

The program would be administered by the Federal Government but the insurance itself would be carried and the benefits paid by private life insurance companies.

Each officer would be entitled to coverage in the amount of his annual salary plus $2,000, with a minimum coverage of $10,000. Costs could be federally shared up to 25 percent.

Coverage would include on or off the job and double indemnity would be paid for accidental death. Loss of limb or eyesight would also be covered.

Title II would also explicitly authorize, independent of present statutory salary limitations, the use of present law enforcement grants under the Omnibus Crime Control and Safe Streets Act of 1968 to be used to establish statewide group life, accidental death, and dismemberment insurance programs for public safety officers.

Mr. President, we must be careful when we establish law enforcement assistance programs that we do not unnecessarily create direct financial relationship with police agencies on the State and local levels. We must never forget the folk wisdom so often quoted by the senior Senator from North Carolina (Mr. ERVIN): "Whose soup I sup, his song I sing." No one in this body would directly do anything to bring about a national police force. We must be careful, too, not to establish such direct ties with State and local agencies that those who come after us might, in a moment of weakness, find it all too easy to bring such an agency into being.

Mr. President, this two-level, Federal and State, insurance program, premised as it is on a clear and present showing of need, can be and is more than justified. We might legitimately expect, too, that in the long run most States would take advantage of the funds available under the Crime Control Act and establish for themselves adequate State programs, making it unnecessary for a direct Federal program to operate in more than a few places.

Mr. President, I believe that this program, like title I, respectful of the proper relation between the State and the Federal Government and sensitive to the special needs of public safety officers, warrants the support of all Members of the Senate.

TITLE III: DEATH AND DISABILITY BENEFITS FOR PUBLIC SAFETY OFFICERS

Title III of the proposed legislation, derived from S. 2087, introduced by myself and the distinguished Senator from Nebraska (Mr. HRUSKA), and S. 2748, introduced by the distinguished Senator from Delaware (Mr. BOGGS), the distinguished Senator from Kansas (Mr. DOLE), the distinguished Senator from South Carolina (Mr. HOLLINGS), the distinguished Senator from Montana (Mr. METCALF), the distinguished Senator from Utah (Mr. Moss), the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from Maine (Mr. MUSKIE), and the distinguished Senator from Wyoming (Mr. HANSEN), would establish a Federal minimum death or disability benefit for public safety officers, their families or their dependents for death or disability in the line of duty as a result of a criminal offense.

Mr. President, much of what I observed above in reference to titles I and II need not be repeated here. Indeed, our society does owe a special obligation to those public safety officers who are killed in the line of duty by robbers, snipers, or convicts "protesting" their own all too just incarceration.

The statistics of violence are truly disturbing. During 1970, 100 law enforcement officers were killed by felonious criminal action. This is a 16 percent increase over 1969, when 86 law enforcement officers were slain. Indeed, since 1961, 633 officers have given their lives

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seeking to protect persons and property in our society.

Most disturbingly, moreover, since 1966, 29 officers have been slain from ambush, 19 of whom lost their lives in 1970.

I recognize that 96 percent of these police slayings are now solved within 30 days by the efforts of local officials, assisted by the special Federal investigative aid recently authorized by the President. But this is of little moment to the officers family or dependents. It is important that the murderer be brought to brook. But it is also important that concern be paid to the consequences of his conduct, especially when it was often society, in a real sense, that was the target of his attack.

Mr. President, our hearings have shown that it is not only the policemen who must brave the risk of a felonious death. Civil disorders and social strife have, in recent years, produced new hazards for firefighters.

Two firefighters were killed in the Detroit riots, one in Watts, another in Newark.

From 1967 to 1969, over 600 firefighters were injured during civil disorders, and an additional 113 sustained injuries due to acts of individual violence.

Finally, I know I need not do anything but make reference to a small upstate town in New York—Attica—to bring to mind the terrible risk that corrections guards must now face in this age of so-called protest and riot.

It is in this sad and tragic context that title III would establish—independent of the compensation program in title I or the insurance program in title II—a direct, minimum level Federal death or disability benefit for public safety officers killed or injured in the line of duty by a criminal act.

The program would be administered by the Law Enforcement Assistance Administration.

No contribution would be required.

A death benefit of $50,000 would be paid to the spouse and the dependents of any public safety officer killed in the line of duty

Payment would also be made for loss of limb or sight.

Payment would be made upon certification by the Governor of the State.

Interim payments could be immediately made in cases of apparent eligibility to meet the funeral costs, mortgage payments, and other necessities before formal certification.

Mr. President, this program is the least we can do to express our moral support for the public safety officers who daily risk their lives for each of us.

I believe that this program will quickly and effectively meet society's special moral obligation to its public safety officers, their families and their dependents. It merits the support of all Members of the Senate.

TITLE IV: CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY

Title IV of the proposed legislation, derived from S. 16, introduced by myself and the distinguished Senator from Nebraska (Mr. HRUSKA), would strengthen the procedural implementation of the civil remedies available to victims of racketeering activity under the Organized Crime Control Act of 1970.

Mr. President, on October 15, 1970, the President signed into law S. 30, the Organized Crime Control Act of 1970. Attorney General Mitchell has termed this act "one of the most imaginative and comprehensive proposals to combat organized crime ever introduced in the Congress." Title IX of that act adapted certain of the time-tested remedies of antitrust law to the typical techniques employed by racketeers to invade legitimate businesses. In discussing the rationale for the creation of the remedies, the report of the Senate Committee on the Judiciary noted:

> There is no doubt that the common law criminal trial, hedged in as it is by necessary restrictions on arbitrary governmental power to protect individual rights, is a relatively ineffectual tool to implement economic policy. It must be frankly recognized, moreover, that the infiltration of legitimate organizations by organized crime presents more than a problem in the administration of criminal justice. What is ultimately at stake is not only the security of individuals and their property, but also the viability of our free enterprise system itself. The committee feels, therefore, that much can be accomplished here by adapting the civil remedies developed in the antitrust field to the problem of organized crime. [S. Rept. No. 91-617, 91st Cong., 1st Sess. 80-81 (1969)]

As S. 30 passed the Senate, title IX was fashioned as a tool to be employed by the Government against the racketeers. Detailed consideration was not then given to carrying the antitrust parallel out by according the private victims of racketeering activity similar civil antitrust type remedies.

During the processing of S. 30 in the House of Representatives, however, an amendment was added authorizing private treble damage suits and the recovery of attorney fees. This action was taken at the suggestion of Mr. Edward L. Wright of Little Rock, Ark., then President of the American Bar Association, who testified in behalf of the association that—

> It strongly endorsed the principle of incorporating antitrust and other appropriate civil weaponry into anti-crime arsenal, particularly against organized crime. [Testimony of Edward L. Wright, House Hearings on S. 30, 91st Cong., 2d Sess. 544 (1970)]

Mr. President, title IV of the proposed legislation would round out the implementation of the suggestion of President Wright begun by the House of Representatives. In addition to authorizing private recovery of treble damages and attorney fees, it would permit the United States itself to sue for actual damages, when it is injured in its business activity, and to intervene in private suits under the act of general public importance, authorize private injunctive relief from racketeering activity, regulate the application of the doctrine of estoppel between criminal and civil proceedings, provide for a statute of limitations for civil actions and its appropriate suspension during pendency of criminal actions, and make applicable to suits under the amended act nationwide venue and service of process provisions.

Mr. President, the salutory provisions of titles I, II, and III—for compensation to victims, insurance and other benefits—are made necessary in part because the perpetrators of most criminal offenses are themselves financially irresponsible. On the whole, traditional tort and other civil remedies hold out only illusionary avenues of possible recovery to the injured victim. In many instances however, racketeering activity in businesses will be an exception to this general rule. These amendments to S. 30 will help the victim of crime himself to become whole once again, where there are persons or assets that may be reached through the civil courts. This title too, merits the support of all Members of the Senate.

TITLE V: GENERAL PROVISIONS

Title V of the proposed legislation includes provisions for effective dates and authorization for appropriations for the other titles of the bill.

Title I—compensation—is made effective 6 months after the effective date of the act.

Title II—insurance—is made effective immediately.

Title III—death benefits—is made retroactive for the past 5 years.

Title IV—civil remedies—is made retroactive to the date of the enactment of the Organized Crime Control Act of 1970.

Mr. President, compensation for victims of crime is an idea whose time has come. What reservation that exists remains only on the details of implementation or cost.

Contrary to the fears expressed before the establishment of similar programs elsewhere, as noted above, it appears that a program of this type may be established on a sound and prudent financial basis. The experience of England and the several States should lay to rest these honest but unnecessary fears.

In my judgment, an authorization of $165 million through the fiscal year ending June 30, 1973, should be more than ample to carry this legislation into effect.

The Omnibus Crime Control Act of 1970 carried with it an authorization for the Law Enforcement Assistance Administration of $1,150 million for the fiscal year ending June 30, 1972, and a similar authorization of $1,750 million for the fiscal year ending June 30, 1973.

One hundred and sixty-five thousand dollars for the victims of crime seems little enough.

Mr. President, the proposed Victims of Crime Act of 1972 represents the natural continuation of the work of the Subcommittee on Criminal Laws and Procedures which I have been privileged to chair since it was established in October of 1965. We have considered more than 180 bills in 35 days of hearings in four separate Congresses. Major legislation that has been processed by the subcommittee includes:

The Narcotic Addict Rehabilitation Act of 1966.

The Omnibus Crime Control and Safe Streets Act of 1968.

The Omnibus Crime Control Act of 1970.

The Organized Crime Control Act of 1970.

Each of these acts attempted to deal with a special problem—narcotics or organized crime—or attempted to strengthen the police, courts, and correctional systems of the Federal, State, and local governments. It is only appropriate now, therefore, that we turn to the innocent victims of crime.

Mr. President, this legislation is integrated, but it is not necessarily interdependent. It would be possible to process it without one or several of its titles. I am satisfied, however, that its broad outlines merit full support. Nevertheless, I know that this proposal is not perfect. I am sure that with further processing suggestions will be forthcoming that can strengthen it. I know that the subcommittee will welcome the suggestions of our colleagues here in the Senate. As chairman of the subcommittee, I also intend to give this bill circulation throughout the country over the coming recess with the hope that we can obtain the assistance of those knowledgeable persons outside Congress. We will welcome their suggestions, too.

Mr. President, during the course of our hearings before the subcommittee, the administration expressed approval of the basic ideas in title III—death benefits—and title IV—civil remedies for racketeering activity—even though it did express reservations with the extension of the coverage of title III to firefighters. It also indicated that it preferred the approach of title III—death benefits—to the approach of title II—insurance—and noted that the principle of title I—compensation—was still under study in the Department of Justice. I am hopeful, however, that the administration will find this integration of the essential features of the several items of individual legislation satisfactory and in a form that it can support. It is my hope to process this legislation through the full Committee on the Judiciary as soon as practical after we return from the recess, and, if possible, to the Senate floor early in the second session of this Congress.

Mr. President, this legislation is good legislation. It meets a pressing and humane moral obligation of society in a prudent and financially responsible manner. It should be a matter on which there is no disagreement. Legislation whose sole objective is directed to the victims of crime is long overdue. We ought to move to enact it now.

Mr. President, I ask unanimous consent that the following appear in the RECORD at this point:

First. The text of the bill.

Second. The English Criminal Injuries Compensation Board Report for 1970.

Third. The New York Crime Victims Compensation Board Report for 1970.

Fourth. A comparative analysis between the first part of title I of the proposed bill and State law.

Fifth. A letter and news article received from Mr. Donald E. Clark of Multnomah County, Oreg., in reference to a recent police homicide.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2994

A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Victims of Crime Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that (1) there is an increase of crimes of violence not only in urban, but also in suburban and rural areas; (2) the increase in crimes of violence is disproportionate to the increase in population; (3) the increase in crimes of violence increases the chances of a person becoming a victim of such a crime; (4) on an increasing basis crimes of violence are being directed at public safety officers, including policemen, firemen, and correctional guards; (5) law enforcement identification, apprehension and conviction of perpetrators of crimes of violence is decreasing; (6) the perpetrators of crimes of violence, when identified, apprehended, and convicted, are often not financially responsible; and (7) the victims of crimes of violence, their families and dependents, are often themselves unable to bear the consequent pecuniary losses without undue hardship.

It is, therefore, the purpose of this Act to commit the United States to meet its moral obligation to assist the innocent victims of violent crime, their families and dependents in financial need, by direct aid to those within the area primarily of Federal responsibility, by assistance to the States to aid those within the area primarily of State responsibility, by the establishment of insurance and benefit programs for public safety officers and their families and dependents, and by the strengthening of the civil remedies available to victims of racketeering activity.

TITLE I—COMPENSATION FOR VICTIMS OF VIOLENT CRIME

DECLARATION OF PURPOSE

SEC. 101. It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of the innocent victims of violent crime, their families and dependents, and others acting to prevent the commission of crime or to assist in the apprehension of auspected criminals.

PART A—FEDERAL COMPENSATION PROGRAM

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455 respectively as sections 421 through 425;

(2) redesignating sections 501 through 521 respectively as sections 550 through 570;

(3) redesignating parts F, G, H, and I of title I respectively as parts I, J, K, and L of title I; and

(4) adding at the end of Part E of Title I, as amended by this Act, the following new parts:

"PART F—FEDERAL COMPENSATION FOR VICTIMS OF VIOLENT CRIME

"DEFINITIONS

"SEC. 450. As used in this part—

"(1) 'Board' means the Violent Crimes Compensation Board established by this part;

"(2) 'Chairman' means the Chairman of the Violent Crimes Compensation Board established by this part;

"(3) 'child' means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and illegitimate child, and student over 18 years of age, and a child conceived prior to but born after the personal injury or death of the victim;

"(4) 'dependent' means a relative or other person who was wholly or partially dependent upon the income of the victim at the time of the personal injury or death of the victim;

"(5) 'Executive Secretary' means the Executive Secretary of the Violent Crimes Compensation Board established by this Part;

"(6) 'General Counsel' means the General Counsel of the Violent Crimes Compensation Commission established by this Part;

"(7) 'guardian' means a person who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent;

"(8) 'incompetent' means a person who is incapable of managing his own affairs, whether adjudicated or not;

"(9) 'personal injury' means actual bodily harm and includes pregnancy, mental distress and nervous shock;

"(10) 'pecuniary loss' includes:

"(A) for personal injury—

"(1) medical expenses (including psychiatric care);

"(2) hospital expenses;

"(3) loss of past earnings; and

"(4) loss of future earnings because of a disability resulting from the personal injury; and

"(B) for death—

"(1) funeral and burial expenses; and

"(2) loss of support to the dependents of the victim.

Pecuniary loss includes any other expenses actually and necessarily incurred as a result of the personal injury or death, but it does not include property damage.

"(11) 'relative' includes a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, a spouse's parents, a niece or nephew;

"(12) 'student' means a person who is a 'student' as defined in paragraph (17) of section 8101 of title 5 of the United States Code; and

"(13) 'victim' includes any person who is killed or injured as proximate cause of a criminal act committed or attempted against him enumerated in section 458 of this part or killed or injured while assisting a law enforcement officer to apprehend a person who has committed a crime or to prevent the commission of a crime.

"COMPENSATION BOARD

"SEC. 451. (a) There is hereby established a Board within the Department of Justice to be known as the Violent Crimes Compensation Board (hereinafter referred to as the 'Board'). The Board shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Board as Chairman, who shall have been a member of the bar of a Federal court or of the highest court of a State for at least eight years.

"(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Board shall prescribe in accordance with the objectives of this part.

"(c) No member of the Board shall engage in any other business, vocation, or employment.

"(d) Except as provided in paragraph (1)

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of subsection a of section 456 of this part, the Chairman and one other member of the Board shall constitute a quorum. Where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

"(e) The Board shall have an official seal.

"FUNCTIONS OF THE BOARD

"SEC. 452. In order to carry out the purposes of this Part, the Board shall—

"(1) receive and process applications under the provisions of this Part for compensation for personal injury or death resulting from criminal acts enumerated in section 458 of this Part;

"(2) hold such hearings, sit and act at such times and places, and take such testimony as the Board or any member thereof may deem advisable;

"(3) order the payment of compensation to victims and other beneficiaries in accordance with the provisions of this Part; and

"(4) take such other action as it deems necessary and appropriate to carry out the purpose of this Part.

"ADMINISTRATIVE PROVISIONS

"SEC. 453. (a) The Board is authorized in carrying out its functions under this Part to—

"(1) appoint and fix the compensation of such personnel as the Board deems necessary in accordance with the provisions of Title 5 of the United States Code;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of Title 5 of the United States Code, but at rates not to exceed $100 a day for individuals;

"(3) promulgate such rules and regulations as may be required to carry out the provisions of this Part;

"(4) appoint such advisory committees as the Board may determine to be desirable to carry out the provisions of this Part;

"(5) designate representatives to serve or assist on such advisory committees as the Board may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the provisions of this Part;

"(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

"(7) without regard to section 529 of Title 31 of the United States Code to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(8) request such information, data, and reports from any Federal agency as the Board may from time to time require and as may be produced consistent with other law; and

"(9) arrange with the heads of other Federal agencies for the performance of any of its functions under this Part with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of his powers under this Part.

"(b) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Board in the performance of its functions.

"(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $100 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"TERMS OF BOARD MEMBERS

"SEC. 454. (a) The term of office of each member of the Board taking office after January 1, 1972, shall be eight years, except that (1) the terms of office of the members first taking office after January 1, 1972, shall expire as designated by the President at the time of appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after January 1, 1972; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(b) Each member of the Board shall be eligible for reappointment.

"(c) Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(d) All expenses of the Board, including all necessary travel and subsistence expenses of the Board outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

"PRINCIPAL OFFICE

"SEC. 455. (a) The principal office of the Board shall be in or near the District of Columbia, but the Board or any duly authorized representative may exercise any or all of its powers in any place.

"(b) The Board shall maintain an office for the service of process and papers within the District of Columbia.

"PROCEDURES OF BOARD

SEC. 456. (a) The Board—

"(1) may subpena and require production of documents in the manner of the Securities and Exchange Commission as provided in subsection (c) of section (18) of the Act of August 26, 1935, except that such subpena shall only be issued under the signature of the Chairman, and application to any court for aid in enforcing such subpena shall be made only by the Chairman, but a subpena may be served by any person designated by the Chairman;

"(2) may administer oaths, or affirmations to witnesses appearing before the Board, receive in evidence any statement, document, information, or matter that may, in the opinion of the Board, contribute to its functions under this Part, whether or not such statement, document, information, or matter would be admissible in a court of law;

"(3) shall conduct hearings open to the public unless in a particular case the Board determines that the hearing, or a portion thereof, should be held in private, having regard to the fact that the criminal has not been convicted or to the interest of the victim of an alleged crime; and

"(4) may appoint an impartial licensed physician to examine any person making application under this Part and order the payment of reasonable fees for such examination.

"(b) The Board shall permit every person appearing under section 460 of this Part to have the right to produce evidence and to cross-examine such witnesses as may appear.

"(c) Where a person has been convicted of a crime giving rise to an application under this Part, proof of the conviction shall be conclusive evidence that the crime was committed, unless an appeal of the conviction or a petition for a rehearing or certiorari is pending or a new trial or rehearing has been ordered.

"(d) The Board shall be 'an agency of the United States' under subsection (1) of section 6001 of Title 18 of the United States Code for the purpose of granting immunity to witnesses.

"SEC. 457. (a) In any case in which a person is injured or killed by any criminal act, or omission of any other person, enumerated in section 458 of this Part, the Board may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this Part, if such act or omission occurs—

"(1) within the 'special maritime and territorial jurisdiction of the United States' as defined in section 7 of title 18 of the United States Code; or

"(2) within the District of Columbia.

"(b) The Board may order the payment of compensation—

"(1) to or on behalf of the victim; or

"(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered as a result of that personal injury by any person, to that person; or

"(3) in the case of the death of the victim, to or for the benefit of the dependent of the deceased victim, or any one or more of such dependents, or to any person who has suffered pecuniary loss as a result of that death.

"(c) In determining whether to order a payment under this section, the Board may consider any circumstances it determines to be relevant and the Board shall consider the behavior of the victim, and whether, because of provocation or otherwise, the victim bears any share of responsibility for the crime that caused his injury or death and the Board shall reduce the amount of compensation in accordance with its assessment of the degree of such responsibility attributable to the victim.

"(d) No order may be made under this section unless the Board, with or without hearings, supported by substantial evidence, finds that—

"(1) such an act or omission did occur; and

"(2) the injury or death was proximately caused by such act or omission.

"(e) An order may be made under this section whether or not any person is prosecuted or convicted of any crime arising out of such act or omission or if such act or omission is the subject of any legal action. The Board may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

"CRIMES TO WHICH THIS PART APPLIES

"SEC. 458. (a) The Board may order the payment of, and pay, compensation for pecuniary loss in accordance with the provisions of this Part for personal injury or death which resulted from crimes in the following categories—

"(1) aggravated assault;
"(2) arson;
"(3) assault;
"(4) burglary;
"(5) forcible sodomy;
"(6) kidaping;
"(7) manslaughter;
"(8) mayhem;
"(9) murder;
"(10) negligent homicide;
"(11) rape;
"(12) robbery;
"(13) riot;
"(14) unlawful sale or exchange of drugs;
"(15) unlawful use of explosives;
"(16) unlawful use of firearms;
"(17) any other crime involving the use of force, including poisoning, to the person; or

"(18) attempts to commit any of the aforegoing."

"(b) For the purposes of this Part, the operation of a motor vehicle, boat or aircraft that results in an injury or death shall not constitute a crime unless the injuries were intentionally inflicted through the use of such vehicle, boat or aircraft.

"(c) For the purposes of this Part, a person shall be deemed to have committed a criminal act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of committing a crime.

"WHO MAY RECOVER LOSS

"SEC. 459. A person is entitled to make application for an order of compensation under this Part if he is a victim, he was a person who was dependent on a victim at the time of the personal injury or death of the victim, or he suffered pecuniary loss as a result of the personal injury or death of the victim.

"APPLICATION FOR PAYMENT OF COMPENSATION

"SEC. 460. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting as his relative, guardian, or attorney.

"(b) Where any application is made to the Board under this Part, the applicant, or his attorney, and any attorney of the Board, shall be entitled to appear and be heard.

"(c) Any other person may appear and be heard who satisfies the Board that he has a substantial interest in the proceedings.

"ATTORNEY'S FEES

"SEC. 461. (a) The Board shall publish regulations providing that an attorney may, at the conclusion of proceedings under this Part, file with the Board an appropriate statement for a fee in connection with services rendered in such proceedings.

"(b) After the fee statement is filed by an attorney under subsection (a) of this section, the Board shall award a fee to such attorney on the same terms and conditions as is provided for the payment of representation under Section 3006A of Title 18 of the United States Code.

"(c) Any attorney who charges or collects for services rendered in connection with any proceedings under this Part any fee in any amount in excess of that allowed under this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"CHARACTER OF COMPENSATION

"SEC. 462. The Board may order the payment of compensation under this Part for any pecuniary loss actually and necessarily incurred as a result of the personal injury or death of the victim.

"FINALITY OF DECISION

"SEC. 463. The orders and decisions of the Board shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Board shall be allowed.

"LIMITATIONS UPON PAYMENT OF COMPENSATION

"SEC. 464. (a) No order for the payment of compensation shall be made under this part unless the Board finds that the applicant will suffer undue financial hardship from pecuniary loss incurred as a result of the injury or death of the victim if the order for the payment of compensation is not made. In determining undue financial hardship for the purposes of this subsection, the Board shall consider all of the financial resources of the applicant. The Board shall establish standards by rule for determining such undue financial hardship.

"(b) No order for the payment of compensation shall be made under this part unless the application has been made within one year after the date of the personal injury or death.

"(c) No order for the payment of compensation shall be made under this part unless the applicant has incurred a minimum pecuniary loss of $100 or has lost two continuous weeks earnings or support.

"(d) The criminal or an accomplice of a criminal, a member of the family of the criminal, a person living in the household of the criminal, or a person maintaining sexual relations with the criminal shall not be eligible to receive compensation with respect to a crime committed by the criminal.

"(e) No order for the payment of compensation under this part shall be made unless the act resulting in the personal injury or death for which the compensation is to be paid was reported to the law enforcement officials within seventy-two hours after its occurrence, unless the Board finds that the failure to report was justified by good cause.

"(f) The aggregate of orders for the payment of compensation under this part as the result of any one criminal act, omission, or occurrence shall not be in excess of $50,000.

"(g) The Board, upon finding that any applicant or beneficiary of any payment of compensation has not fully cooperated with all law enforcement agencies, may deny or withdraw any order of payment of compensation.

"TERMS AND PAYMENT OF THE ORDER OF COMPENSATION

"SEC. 465. (a) Except as otherwise provided in this section, any order for the payment of compensation under this part may be made on such terms and conditions as the Board deems necessary and appropriate to carry out the purposes of this part.

"(b) The Board shall deduct from any payments ordered under section 457 of this part any payments received by applicant—

"(1) from the criminal or from any person on behalf of the criminal;

"(2) under insurance programs mandated by law;

"(3) from the United States, a State or any of its subdivisions, for a personal injury or death otherwise compensable under this part; and

"(4) under contract of insurance wherein the applicant is the insured or beneficiary—

but only to the extent that the sum of such payments plus any payment ordered under this part would be in excess of the total compensable injuries suffered by the applicant as determined by the Board.

"(c) The Board shall pay to the person named in the order of payment of compensation the amount named therein in accordance with the provisions of such order.

"(d) No order for the payment of compensation made under this part shall be subject to execution or attachment other than for expenses resulting from the injury or death which is the basis for the application.

"(e) In the case of a payment for the benefit of a child or incompetent, the Board shall order the payee to file an accounting with the Board no later than January 31 of each year for the previous calendar year and to take such other action as the Board shall determine to be necessary and appropriate for the benefit of the child or incompetent.

"EMERGENCY AWARDS

"SEC. 466. (a) Whenever the Board determines, prior to taking action upon an application that—

"(1) such application is one with respect to which an order of payment will probably be made, and

"(2) undue hardship may result to the applicant if immediate payment is not made,

the Board may order emergency payments to the applicant pending a final decision on the application.

"(b) The amount of any emergency payment ordered under subsection (a) of this section shall be deducted from the amount of any final order for the payment of compensation made to the applicant.

"(c) Where the amount of any emergency payment ordered under subsection (a) of this section exceeds the amount of the final order for the payment of compensation, or if there is no order for the payment of compensation made, the recipient of any such emergency payment shall be liable for the repayment of such amount in accordance with rules and regulations prescribed by the Board. The Board may waive all or part of such repayment where in its judgment such repayment would involve severe financial hardship.

"RECOVERY FROM THE CRIMINAL

"SEC. 467. (a) Whenever any person is convicted of a crime and an order for the payment of compensation is or has been made under this Part for a personal injury or death resulting from the act or omission constituting such crime, the Attorney General may, within one year from the date on which the judgment of conviction became final, institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action. Any amounts recovered under this subsection shall be deposited in the Criminal Victim Indemnity Fund. If an amount greater than that paid pursuant to the order for payment of compensation is recovered and collected in any such action, the Board shall pay the balance to the applicant.

"(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

"(c) The Board shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

"EFFECT ON CIVIL ACTIONS

"SEC. 468. An order for the payment of compensation under this part shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

"INDEMNITY FUND

"SEC. 469. There is hereby created on the books of the Treasury of the United States a fund known as the 'Criminal Victim Indemnity Fund' (hereinafter referred to as the 'Fund'). The Fund shall consist of such amounts as may be deposited in, or appropriated to such Fund, as provided by law, or as may be contributed to such Fund by public or private agencies or organizations or individuals.

"DUTY TO INFORM VICTIMS

"SEC. 470. (a) Each Federal law enforcement agency investigating a crime to which this Part applies shall inform victims of their eligibility to make an application for an order of compensation under this Part. Such agency shall provide forms (as prescribed by the Board) to each person who is eligible to file a claim pursuant to this Part.

"(b) If a victim of a crime does not co-

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operate with a law enforcement agency in the identification, apprehension and conviction of the perpetrator of the crime, any Federal law enforcement agency involved shall immediately notify the Board of such lack of cooperation.

"REPORTS TO CONGRESS

"SEC. 471. The Board shall transmit to the Congress an annual report of its activities under this Part, including the name of each applicant, a brief description of the facts in each case and the amount, if any, of compensation awarded."

COMPENSATION OF BOARD MEMBERS AND PERSONNEL

SEC. 103. (a) Section 5314 of title 5 of the United States Code is amended by adding at at the end thereof the following new paragraph:

"(68) Chairman, Violent Crimes Compensation Board."

(b) Section 5315 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(85) Members, Violent Crimes Compensation Board."

(c) Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraphs:

"(131) Executive Secretary, Violent Crimes Compensation Board.

"(132) General Counsel, Violent Crimes Compensation Board."

SEC. 104. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3579. Fine imposed for Criminal Victim Indemnity Fund.

"In any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, upon conviction of a person of a crime resulting in the personal injury or death of another person, the court shall take into consideration the financial conditions of such person, and may, in addition to any other penalty, order such person to pay a fine commensurate in amount with the personal injury or death of such other person and such fine shall be deposited into the Criminal Victim Indemnity Fund of the United States."

(b) The analysis of chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"§ 3579. Fine Imposed for Criminal Indemnity Fund."

PART B—FEDERAL GRANT PROGRAM

SEC. 105. Subsection (b) of section 301 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new paragraph:

"(10) The Federal share of the costs of State programs to compensate victims of violent crime."

SEC. 106. Section 303 of such Act is amended by inserting "(a)" immediately after "303" and by adding at the end thereof the following new subsections:

"(b) In the case of a State applying for the Federal share of costs of State programs to compensate victims of violent crime, the Administration shall make grants to a State only if, after consultation with the Violent Crimes Compensation Board, it determines, pursuant to criteria established under this Title, that such State has enacted legislation of general applicability within such State—

"(1) establishing a State agency having the capacity to hear or determine applications based on financial need brought by or on behalf of the innocent victims of violent crime and others suffering pecuniary loss therefrom and order the payment of such claims;

"(2) providing for the payment of compensation for pecuniary loss actually and necessarily incurred for personal injuries or death resulting from crimes in categories established pursuant to section 306 of this Title.

"(3) containing adequate provisions for the recovery of compensation substantially similar to those contained in Part F of this Title.

"(c) Any State desiring to receive a grant under paragraph 10 of subsection (b) of section 301 of this Title shall submit to the Administration a State plan. Each such plan shall—

"(1) provide that the program for which assistance under this Title is sought will be administered by or under the supervision of a State agency;

"(2) set forth a program for the compensation of victims of violent crime which is consistent with the requirements set forth in subsection (b) of this section;

"(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

"(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this Title; and

"(5) provide that the State will submit to the Administration—

"(A) periodic reports evaluating the effectiveness of payments received under this Title in carrying out the objectives of the compensation program, and

"(B) such other reports as may be reasonably necessary to enable the Administration to perform its functions, including such reports as it may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

"(6) contain other data and assurances as the Administration deems necessary and appropriate.

"(d) The Administration shall approve a plan which meets the requirements specified in subsection (c) of this section and it shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State."

BASIC CRITERIA

SEC. 107. Part C of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new sections:

"SEC. 308. The Administration shall establish by regulation criteria to be applied under paragraph (10) of subsection (b) of section 301 of this Title. In addition to other matters such criteria shall include standards for—

"(1) the persons who shall be eligible for compensation,

"(2) the categories of crimes for which compensation may be ordered,

"(3) the losses for which compensation may be ordered, and

"(4) such other terms and conditions for the payment of such compensation as the Administration deems necessary and appropriate.

"SEC. 309. (a) The Administration shall pay in any fiscal year to each State which has a plan approved pursuant to this Title for that fiscal year the Federal share of the cost of such plan as determined by it.

"(b) The Federal share of programs authorized by paragraph (10) of section 301 of this Title shall be 75 per centum for any fiscal year.

TITLE II—GROUP INSURANCE FOR PUBLIC SAFETY OFFICERS

DECLARATION OF PURPOSE

SEC. 201. It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of public safety officers, including policemen, firemen, and correctional guards, their families and dependents, through insurance where commercial plans and those available from State and local governments are not adequate and to assist State and local governments to provide such insurance.

INSURANCE PROGRAM AUTHORIZED

SEC. 202. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, is further amended by adding at the end thereof the following new part:

"PART G—GROUP INSURANCE FOR PUBLIC SAFETY OFFICERS

"DEFINITIONS

"SEC. 500. As used in this part—

"(1) 'child' means an unmarried person who is under 18 years of age and includes a stepchild or an adopted child, an illegitimate child, a student over 18 years of age, and a child conceived prior to but born after the personal injury or death of the public safety officer;

"(2) 'dependent' means a relative or other person who were wholly or partially dependent upon the income of the public safety officer at the time of the personal injury or death of the public safety officer;

"(3) 'full time' means such period or type of employment or duty as may be prescribed by regulation promulgated by the Administration;

"(4) 'month' means 30 consecutive days;

"(5) 'public safety officer' means, pursuant to regulations issued by the Administration, a person who is employed by a State or unit of general local government in any activity pertaining to—

"(A) the enforcement of the criminal laws, crime prevention, control, or reduction, including highway patrol,

"(B) a correctional program, facility or institution,

"(C) a court having crime jurisdiction, where the activity is determined by the Administration to be potentially dangerous because of contact with criminal suspects, defendants, prisoners or parolees, or

"(D) firefighting, done voluntarily or otherwise, with or without compensation;

"(6) 'relative' includes the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents, niece or nephew; and

"(7) 'student' means a person who is a 'student' as defined in subsection (17) of section 8101 of title 5 of the United States Code.

"ELIGIBLE INSURANCE COMPANIES

"SEC. 501. (a)(1) The Administration is authorized, without regard to section 3709 of the Revised Statutes, as amended, to purchase in those States where it determines that commercial insurance or State plans or those offered by a unit of general local government do not provide insurance at competitive costs with comparable coverage for life, accidental death, and dismemberment insurance issued to large employers of occupations other than public safety officers from one or more life insurance companies a policy or policies of group life insurance to provide the benefits provided under this part. Each such life insurance company must (A) be licensed to issue life, accidental death, and dismemberment insurance in each of the fifty States of the United States and in the District of Columbia, and (B) as of the most recent December 31 for which information is available to the Administration have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(2) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Administration.

"(3) The Administration shall arrange with each life insurance company issuing any policy under this part to reinsure, under conditions approved by it, portions of the total amount of insurance under such policy with such other life insurance companies (which meet qualifying criteria set forth by the Administration) as may elect to participate in such reinsurance.

"(4) The Administration may at any time discontinue any policy which it has purchased from any insurance company under this Part.

"PERSONS INSURED; AMOUNT

"SEC. 501. (a) Any policy of insurance purchased by the Administration under this Part shall automatically insure any public safety officer employed on a full-time basis by a State or unit of local government which has (1) applied to the Administration for participation in the insurance program provided under this part, and (2) agreed to deduct from such officer's pay the amount of the premium and forward such amount to the Department of Justice or such other agency or office as is designated by the Administration as the collection agency or office for such premiums. The insurance provided under this Part shall take effect from the first day agreed upon by the Administration and the responsible official of the State or unit of general local government making application for participation in the program as to public safety officers then on the payroll, and as to public safety officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this part shall so insure all such public safety officers unless any such officer elects in writing not to be insured under this part. If any such officer elects not to be insured under this Part he may thereafter, if eligible, be insured under this Part upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administration.

"(b) A public safety officer eligible for insurance under this part is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

If annual payment is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
$0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000
$17,000	18,000	20,000	20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increases in the annual basic rate of pay places any such officer in a new pay bracket of the schedule.

"(c) Subject to the conditions and limitations approved by the Administration and which shall be included in the policy purchased by it, the group, accidental death, and dismemberment insurance shall provide for the following payments:

LOSS AND AMOUNT PAYABLE

For loss of life—Full amount shown in the schedule in subsection (b) of this section.

Loss of one hand or of one foot or loss of sight of one eye—One-half of the amount shown in the schedule in subsection (b) of this section.

Loss of two or more members or loss of sight in both eyes—Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one incident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) The Administration shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

"TERMINATION OF COVERAGE

"SEC. 503. Each policy purchased under this Part shall contain a provision, in terms approved by the Administration, to the effect that any insurance thereunder on any public safety officer shall cease thirty-one days after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier.

"CONVERSION

"SEC. 504. Each policy purchased under this Part shall contain a provision for the conversion of such insurance effective the day following the date such insurance would cease as provided in section 503 of this Part. During the period such insurance is in force the insured, upon request to the administrative office established under section 501 of this Part, shall be furnished a list of life insurance companies participating in the program established under this Part and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums be granted insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of an additional amount of premiums if the insured engages in public safety activities. In addition to the life insurance companies participating in the program established under this Part, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Administration and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

"WITHHOLDING OF PREMIUMS FROM PAY

"SEC. 505. During any period in which a public safety officer is insured under a policy of insurance purchased by the Administration under this Part his employer shall withhold each month from his basic or other pay until separation or release from full-time duty as a public safety officer an amount determined by the Administration to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this Part while on full-time duty as a public safety officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount determined by the Administration to be charged any public safety officer for each unit of insurance under this Part may be continued from year to year, except that the Administration may redetermine such monthly amount from time to time in accordance with experience.

"SHARING OF COST OF INSURANCE

"SEC. 506. For each month any public safety officer is insured under this part the Administration shall bear not to exceed one-fourth of the cost of such insurance or such lesser amount as may from time to time be determined by the Administration to be a practicable and equitable obligation of the United States in assisting the States and units of local government in recruiting and retaining personnel for their public safety forces.

"INVESTMENT EXPENSES

"SEC. 507. (a) The amounts withheld from the basic or other pay of public safety officers as premiums for insurance under section 505 of this part and any sums contributed by the Administration under section 506 of this part, together with the income derived from any dividends or premium rate readjustment from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments on any insurance policy or policise purchased under this part and the administrative cost of the insurance program established by this part of the department or agency vested with the responsibility for its supervision shall be paid from the revolving fund.

"(b) The Administration is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative cost of the program to the department, agency or office designated by it, and all current premium payments on any policy purchased under this part. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for the purpose of this part shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield. The interest on and the proceeds from the sale of these obligations, and the income derived from dividend or premium rate adjustments from insurers, shall become a part of the revolving fund.

"BENEFICIARIES: PAYMENT OF INSURANCE

"SEC. 508. (a) Any amount of insurance in force under this part on any public safety officer or former public safety officer on the date of his death shall be paid, upon establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order or precedence:

"(1) to the beneficiary or beneficiaries as the public safety officer or former public safety officer may have designated by a writing received in his employer's office prior to his death;

"(2) if there is no such beneficiary or no dependent, to the spouse of such officer or former officer;

"(3) if there is no such beneficiary or no such spouse, to the dependents, in equal shares;

"(4) if there are both a spouse and one or

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more dependents, one half to the spouse and one-half to the dependents, in equal shares;

"(5) if none of the above, to the parents of such officer or former officer or to the survivor of them;

"(6) if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer; or

"(7) if none of the above, to other next of kin of such officer or former officer entitled under the laws of domicile of such officer or former officer at the time of his death.

"(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the public safety officer or former public safety officer, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased such officer or former officer, and any such payment shall be a bar to recovery by any other person.

"(c) If, within two years after the death of a public safety officer or former public safety officer, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Administration nor the administrative office established by any insurance company pursuant to this title, has received any notice that any such claim will be made, payment may be made to a claimant as may in the judgment of the Administration be equitably entitled thereto, and such payment shall be a bar to recovery by any other person. If, within four years after the death of the public safety officer or former public safety officer, payment has not been made pursuant to this Part and no claim for payment by any person entitled under this Part is pending, the amount payable shall escheat to the credit of the revolving fund referred to in section 507 of this Part.

"(d) The public safety officer may elect settlement of insurance under this Part either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer, the beneficiary may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary may elect settlement in thirty-six equal monthly installments.

"BASIC TABLES OF PREMIUMS: READJUSTMENT OF RATES

"SEC. 509. (a) Each policy or policies purchased under this Part shall include for the first policy year a schedule of basic premium rates by age which the Administration shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Administration in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Administration determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Administration may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Administration during any policy year upon request by the insurance company issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Administration on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Administration may redetermine such maximum charges for any year either by agreement, with the insurance company or companies issuing the policy or upon written notice given by the Administration to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Administration not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Administration. Such accounting shall include: (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of the total of items (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Administration as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Administration determines that such special contingency reserve has attained an amount estimated by the Administration to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving fund established under this part. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

"BENEFIT CERTIFICATES

"SEC. 510. The Administration shall arrange to have each public safety officer insured under a policy purchased under this part receive a certificate setting forth the benefits to which the member is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the member. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"AUTHORIZATION FOR USE OF APPROPRIATIONS

"SEC. 511. Until specific appropriations are made for carrying out the purposes of this part, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this part.

"ADVISORY COUNCIL ON PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"SEC. 512. There is hereby established an Advisory Council on Public Safety Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet not less than once a year, or at the call of the Attorney General, and shall review the administration of this title and advise the Attorney General on matters of policy relating to his activities thereunder. In addition, the Attorney General may solicit advice and recommendations from any State or unit of local government participating in the public safety officers' group life insurance program.

"PREMIUM PAYMENT ON BEHALF OF PUBLIC SAFETY OFFICERS

"SEC. 513. Nothing in this part shall be construed to preclude any State or unit of local government from making payments on behalf of public safety officers of the premiums required to be paid by them for any group life insurance program authorized by this part or any such program carried out by a State or unit of local government."

AMENDMENT TO LAW ENFORCEMENT ASSISTANCE PROGRAM

SEC. 203. (a) Subsection (b) section 301 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended by this Act is further amended by adding at the end thereof the following new paragraph:

"(11) The establishment of one or more separate or combined statewide group life, accidental death and dismemberment insurance programs for public safety officers as defined in paragraph (5) of section 500 of Part G of this title.

(b) Subsection (d) of such section is amended by striking out the first word and inserting in lieu thereof the following: "Except for grants made pursuant to paragraph (11) of subsection (b) of this section not".

TITLE III—DEATH AND DISABILITY BENEFITS FOR PUBLIC SAFETY OFFICERS

DECLARATION OF PURPOSE

SEC. 301. It is the purpose of this title to promote the public welfare by establishing a Federal minimum death and dismemberment benefit to public safety officers, their families and dependents.

SEC. 302. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, is further amended by adding at the end thereof the following new part:

"PART H—DEATH AND DISABILITY BENEFITS FOR PUBLIC SAFETY OFFICER

"DEFINITIONS

"SEC. 525. As used in this Part—

"(1) 'child' means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and illegitimate child, and student over 18 years of age, and a child conceived prior to but born after the personal injury or death of the victim;

"(2) 'dependent' means a relative or other person who was wholly or partially dependent upon the income of the victim at the time of the personal injury or death of the victim;

"(3) 'public safety officer' means, pursuant to regulations issued by the Administration, a person who is employed by a State or unit of general local government in any activity pertaining to—

"(A) the enforcement of the criminal laws, crime prevention, control or reduction, including highway patrol,

"(B) a correctional program, facility or institution,

"(C) a court having crime jurisdiction, where the activity is determined by the Administration to be potentially dangerous because of contact with criminal suspects, defendants, prisoners or parolees, or

"(D) firefighting, done voluntarily or otherwise, with or without compensation;

"(4) 'relative' includes a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, a spouse's parents, a niece or nephew; and

"(5) 'student' means a person who is a 'student' as defined in subsection (17) of section 8101 of title 5 of the United States Code.

"DEATH AND DISABILITY BENEFITS FOR PUBLIC SAFETY OFFICERS

"SEC. 526. (a) Under regulations issued by the Administration under part I of this title, upon certification to the Administration by the Governor of any State that a public safety officer employed on a full or part time basis has been killed or disabled as the result of a criminal act in the line of duty, the Administration shall pay a benefit as provided in subsection (a) of this section 527 of this part in the following order of precedence:

"(1) If the public safety officer was disabled, to the public safety officer.

"(2) If the public safety officer was killed and there is no spouse, to the dependent or dependents in equal shares.

"(3) If the public safety officer was killed and there are both a spouse and one or more dependents, one-half to the spouse and one-half to the dependents in equal shares.

"(b) The benefit payable to any person under this part is in addition to any benefits to which he may be entitled under any other law other than compensation for pecuniary loss made pursuant to part F of this title or a State program established under paragraph (10) of section 301 of part C of this title.

"(c) The benefit payable to any person under this part may be made in lump sum, in such equal monthly installments, or in such other fashion as the Administration determines will be appropriate.

"(d) No award made pursuant to this part shall be subject to execution or attachment other than for pecuniary loss resulting from the injury or death which is the basis for the certification.

"AWARDS

"SEC. 527. (a) Whenever the Administration determines, prior to acting upon a certification that—such certification is one with respect to which a benefit will probably be made, the Administration may make interim benefit payments to the public safety officer, spouse or dependents pending a final certification of the Governor.

"(b) The amount of any interim benefit paid under subsection (a) shall be deducted from the amount of any final benefit paid to the public safety officer, spouse or dependent.

"(c) Where the amount of any interim benefit paid under subsection (a) exceeds the amount of the final benefit, or if there is no final benefit paid, the recipient of any such interim benefit shall be liable for repayment of such amount in accordance with rules and regulations prescribed by the Administration. The Administration may waive all or part of such repayment where in its judgment such repayment would envoke severe hardship.

"LOSS AND AMOUNT PAYABLE

"Death, fifty thousand dollars.

"Loss of one hand or of one foot or loss of sight of one eye, twenty-five thousand dollars.

"Loss of two or more members or loss of sight in both eyes, fifty thousand dollars."

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1954

SEC. 528. Section 101(b)(2)(A) of the Internal Revenue Code of 1954 (relating to death benefits excluded from gosss income) is amended to read as follows:

"(A) $5,000 LIMITATION.—The aggregate amounts excludable under paragraph (1) with respect to the death of any employee shall not exceed $5,000, except that not to exceed $50,000 shall be excludable under the provisions of Part L of the Omnibus Crime Control and Safe Streets Act of 1968, as amended."

"(d) Subject to conditions and limitations as he may establish, the Administration shall provide for the following payments:

TITLE IV—CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY

PURPOSE

SEC. 401. It is the purpose of this title to promote the general welfare by strengthening the civil remedies available to the victim of racketeering activity.

EXPANDED JURISDICTION

SEC. 402. (a) Section 1964 of Title 18 of the United States Code is amended by—

(1) inserting in subsection (a) ", without regard to the amount in controversy," immediately after "jurisdiction."

(2) inserting in subsection (b) "subsection (a) of" after "under" each time it appears;

(3) striking out in subsection (b) "action" and inserting in lieu thereof "proceedings"; and

(4) striking subsections (c) and (d) thereof in their entirety and inserting in lieu thereof the following:

"(c) Any person may institute proceedings under subsection (a) of this section. In any proceeding brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and showing of immediate danger or irreparable loss or damage, a preliminary injunction may be issued in any action before a determination thereof upon its merits.

"(d) Whenever the United States is injured in its business or property by reason of any violation of section 1962 of this chapter, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by it, and the cost of the action.

"(e) Any person who is injured in his business or property by reason of any violation of section 1962 of this chapter may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(f) The Attorney General may upon timely application intervene in any civil action or proceeding brought under this chapter, if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if it had instituted the action or proceeding.

"(g) A final judgment or decree rendered in favor of the United States in any criminal or civil action or proceeding under this chapter shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(h) Except as hereinafter provided, any civil action under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (d) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of section 1962 of this chapter the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsections (c) and (e) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.".

(b) Section 1965 of title 18 of the United States Code is amended by—

(1) striking out in subsection (b) "action under section 1964 of" and inserting in lieu thereof "civil action or proceeding under";

(2) striking out in subsection (c) "instituted by the United States"; and

(3) inserting in subsection (d) "civil or criminal" immediately before "action".

(c) Section 1966 of title 18 of the United States Code is amended by striking "any civil action instituted under this chapter by the United States" in the first sentence and inserting in lieu thereof "any civil action or proceeding under this chapter in which the United States is a part".

(d) Section 1967 of title 18 of the United States Code is amended by striking "instituted by the United States".

(e) Section 1968 of title 18 of the United States Code is amended by—

(1) striking out "prior to the institution of a civil war or criminal proceeding" in the first sentence of subsection (a) and inserting in lieu thereof "before he institutes or intervenes in a civil or criminal action or proceeding";

(2) striking out "case" the first time it appears and inserting in lieu thereof "civil or criminal action" in paragraph (4) of subsection (f) and striking out "case" each time it appears thereafter and inserting in lieu thereof "action";

(3) striking out "case" each time it appears in paragraph (5) of subsection (f) and inserting in lieu thereof "action"; and

(4) striking out "case" and inserting in lieu thereof "action" in paragraph (8) of subsection (f).

TITLE V—MISCELLANEOUS PROVISIONS

REPEALS

SEC. 501. (a) Section 4–531 of the District of Columbia Code is hereby repealed.

(b) Subchapter III of chapter 81 of title 5 of the United States Code is hereby repealed.

(c) The provisions of subsection (a) and (b) of this section shall have no effect on benefits, awards, or gratuities made or already being made prior to the date of enactment of this Act.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 502. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, and as redesignated by this Act is amended by inserting immediately after "509" "(a)" and by adding at the end thereof the following new subsections:

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"(b) There is authorized to be appropriated for the fiscal year ending June 30, 1973—

"(1) $10,000,000 for the purposes of part F;

"(2) $20,000,000 for the purposes of paragraph (10) of subsection (b) of section 301 of part C.

"(c) There is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, and $50,000,000 for the fiscal year ending June 30, 1973, for the purposes of part G.

"(d) There are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1972, and $20,000,000, for the fiscal year ending June 30, 1973, for the purposes of part H.".

SEVERABILITY

SEC. 503. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 504. (a) Title I of this Act shall become effective one hundred and eighty days after the date of enactment of this Act.

(b) (1) Title II of this Act shall become effective on the date of enactment of this Act.

(2) The insurance provided for under title II of this Act shall be placed in effect on the earliest practicable date approved by the Law Enforcement Assistance Administration of the Department of Justice.

(c) (1) Title III of this Act shall become effective with respect to any disability or death of a public safety officer as defined in paragraph (5) of section 525 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, on or after January 1, 1967.

(2) Any amount already paid to a public safety officer, spouse, or dependent as defined in paragraphs (3) and (5) of section 525 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, pursuant to Federal law for the disablement or death of such public safety officer shall be deducted from any benefit paid under title III of this Act.

SIXTH REPORT: CRIMINAL INJURIES COMPENSATION BOARD—ACCOUNTS FOR THE YEAR ENDED MARCH 31, 1970

(Presented to Parliament by the Secretary of State for the Home Department and the Secretary of State for Scotland by Command of Her Majesty October 1970)

To: The Secretary of State for the Home Department; The Secretary of State for Scotland

SIRS: We have the honour to submit this our Sixth Report.

1. VOLUME OF WORK

The number of new applications for compensation received in each quarter of the year 1st April 1969 to 31st March 1970 compared with the two previous years was as follows:

	1969–70	1968–69	1967–68
Quarter:			
1st (Apr. 1–June 30)	1,683	1,610	1,010
2d (July 1–Sept. 30)	1,723	1,501	1,000
3d (Oct. 1–Dec. 31)	1,836	1,598	1,632
4th (Jan. 1–Mar. 31)	2,005	1,728	1,674
Total	7,247	6,437	5,316

In our Fifth Report we forecast the receipt of 7,000 applications this year. We considered that there was a levelling out in the rate of growth of our work but it will be seen that the figures are still growing and we forecast at least 8,000 applications in the year 1970–71.

The analysis of these figures in Appendix A shows that the increase in the number of applications from Scotland was only 11, whereas there was 730 more cases from England and 69 more from Wales.

2. NUMBER OF CASES RESOLVED

6,817 cases were resolved as shown below:—

	1969–70		1968–69		1967–68	
	Number	Per cent	Number	Per cent	Number	Per cent
By single members	6,093	89	5,478	92	3,583	93
By 3 members at hearings	600	9	434	7	238	6
Withdrawn or abandoned by applicant	124	2	73	1	48	1
Total	6,817		5,985		3,869	

It will be seen that there is again a rise in the percentage of cases disposed of at hearings. See paragraph 12 below.

The following table shows the time taken to resolve applications:

	1969–70 (per-cent)	1968–69 (per-cent)	1967–68 (per-cent)
Not more than 3 months	39	31	27
More than 3 months but not more than 6	39	42	44
More than 6 months but not more than 9	15	17	19
More than 9 months but not more than 12	5	7	7
More than 12 months	2	3	3

The increased percentage of cases resolved in not more than three months demonstrates the ability of the Board's staff to deal speedily with straightforward cases. Although the final disposal of cases of more serious injury may take longer, an interim payment may be made as soon as it is established that the case comes within the scope of the Scheme. The number of interim awards made was 510, compared with 234 in 1968–69 and 165 in 1967–68.

3. THE COST OF THE SCHEME

In the year 1969–70 nearly two million pounds were paid out in compensation as follows:

England	£1,524,099
Scotland	386,750
Wales	85,735
	1,996,584

Since the Scheme began on 1st August 1964 we have paid out £6,313,624. The administrative expenses for the year 1969–70 were £207,686, representing 9.4 per cent of the total expenditure, compared with 9.6 per cent in 1968–69. The average cost of a case resolved at single member stage was £23 3s. 0d., a decrease of 17s. 0d. on the cost in 1968–69. In cases which went to a hearing before three members the additional average cost was £66 16s. 0d., compared with £74 0s. 0d. last year. The total average cost of each case resolved at a hearing was therefore £89 19s. 0d.

4. THE WORKING OF THE SCHEME

The great bulk of our work consists of assessing the compensation which should be paid to applicants who are plainly the innocent victims of criminal assaults. After six years' experience we repeat the observations made in paragraph 15 of our First Report:

"It is true that many of the applications submitted relate to comparatively minor injuries and the compensation paid is correspondingly small. But no one who is called to deal with those cases in which a blameless victim has been seriously disabled, sometimes for life, or with those cases in which the elderly and infirm have suffered injury and shock, can fail to feel deeply what a worthwhile part is played in the full administration of justice by the power to award compensation."

The object of the Scheme is to ensure that the innocent victims of crimes of violence are compensated and that in appropriate cases the application is either rejected altogether or a reduced award made. There are no clear and distinct lines which can be drawn to separate these three classes.

In the following paragraphs we discuss at some length borderline cases which present such difficult problems but it must be remembered that they represent only a fraction of our work.

5. THE MODIFIED SCHEME

The modified Scheme came into effect on 21st May 1969 and was intended to strengthen the Board's hand to reject undeserving cases. Before the Scheme was modified, we were required, under paragraph 12, to consider whether because of provocation or otherwise, the victim bore any share of responsibility, and in accordance with our assessment of the degree of responsibility, to reduce the award or reject the claim altogether. Paragraph 17 of the modified Scheme superseded paragraph 12, and gave us a wide discretion to reduce an award or reject a claim altogether if, having regard to the victim's conduct, including his conduct before and after the incident, and to his character and way of life, we consider that it is inappropriate that he should receive a full award or any award at all. This discretion has not been easy to exercise for we are not all of one mind and the diversity of the circumstances of the cases which come before us is very great. We are anxious to produce a consistent approach to the problem and have set out in this report a number of typical cases illustrative of the way in which the Board has applied paragraph 17.

Voluntary participation in a fight

(1) An applicant became involved in a fight with his assailant, whom he knew to be violent, and was injured. No weapons were used, and we were satisfied that the applicant willingly entered the fight. Following decisions in similar cases under the unmodified Scheme, we refused an award.

(2) We have made reduced awards to applicants injured in fights which began in similar circumstances, but which took a turn which could not be foreseen, as follows:

(a) The applicant was in a public house, when a man with whom he was on bad terms entered, and the applicant persistently offered to fight him outside. The man eventually agreed after he and the licensee had unsuccessfully tried to get the applicant to keep quiet. In the fight the man knocked the applicant down, and while he lay helpless on the ground the offender kicked and stamped on his head, fracturing his cheekbone, jaw and skull. We made an award, albeit a reduced one, on the grounds that the violence used was out of all proportion to the provocation offered.

(b) An applicant and his assailant started to fight in a club, and both fell downstairs. The applicant injured his ankle. They were then thrown out into the street. The applicant told the assailant he could no longer defend himself, but the assailant knocked him to the ground and fractured his jaw. The applicant first told the police that he had received his injury by falling downstairs, and he did not wish to make a statement. Later he made a full statement and the assailant was charged and acquitted. The applicant's original failure to co-operate with the police and his voluntary participation in a fight were reprehensible and we made a reduced award.

(3) We made a reduced award to an applicant who accepted a challenge to fight, and during the fight was struck on the head from behind by his opponent's wife, using a broken chair leg.

Conduct, character and way of life

(4) A single member rejected the application of a professional housebreaker who in the early hours of the morning was disturbed by one of the occupants of the house he had broken into. He ran away and the householder discharged his shotgun in the general direction of the housebreaker's retreating figure, peppering him with shot. We did not consider that it was appropriate that those injured whilst engaged in criminal activities should receive an award.

(5) (a) Taking into account the applicant's character and way of life we refused an award to a man who was assaulted and severely injured outside a public house. He had numerous convictions over a period of 18 years, mostly for offences involving dishonesty. His assailants were known to him and there was some suggestion of an earlier incident to which the assault may or may not have been related. We considered that it was inappropriate that public money should be spent on compensating the applicant for injuries received in an assault for which no satisfactory explanation exculpating him was given.

(b) But we made an award to a young man who was slashed with a razor after leaving a public house where he and his wife had been listening to a pop group. He had a number of convictions for theft, but for two years had been in regular employment. We were satisfied that he was the victim of a brutal and motiveless assault, which was wholly unconnected with his former way of life. It was therefore appropriate that he should receive a full award.

6. REPORTING TO THE POLICE

The original Scheme provided that compensation would not be payable unless the circumstances of the injury had been reported to the police without delay, or had been the subject of criminal proceedings in the courts. The requirement could be waived, but the conduct of the applicant after the incident in which he received his injury could not be taken into account. The requirement is repeated in paragraph 6(b) of the modified Scheme, while paragraph 17 enables us to take into consideration the applicant's conduct both before and after the incident.

We have always considered that when an applicant reports an incident to the police he must report the full circumstances of his injury and that he does not fulfill the requirements by reporting such of the circumstances as he chooses.

We attach great importance to these two provisions, for if violent crime is to be contained it is essential that the police should be informed as soon as possible, and that the victim should give them every assistance in bringing the offender to justice. We do not therefore waive the requirement of paragraph 6(b) save in exceptional circumstances.

(1) (a) We waived the requirement in the case of a 6 year old boy, who lost his eye when hit by a piece of slate deliberately thrown at him by a playmate. The boy's father did not report the circumstances to the police for a month. The assailant was not charged because of his age.

(b) We also waived the requirement in a case where we were satisfied that the applicant had reasonable grounds for believing that the circumstances had been reported to the police.

(c) But we refused to waive the requirement in the case of an applicant of full age, who did not report an inoident in the street in which he received a broken jaw, although we were satisfied that his case was in other respects within the Scheme.

(2) An applicant who refused to give a full description of the incident and told the police that he knew who his assailants were and would deal with them himself, was refused an award.

(3) The full circumstances of the injury must be reported.

(a) A youth was assaulted outside a fish and chip shop and his girl friend made a 999 call to the police. By the time they arrived the youth and his girl friend had gone to hospital and the proprietor of that shop was unable to give the police any information. The youth received out-patient treatment for three weeks and then reported to the police.

(b) The father of an applicant reported to the police that his son had been admitted to hospital but was not himself able to give any information as to the circumstances. When seen by the police the applicant refused to give any information.

Both these applicants were refused awards.

(4) We have held that fear of reprisals is no ground for waiving the requirement, and we disallowed the claim of two brothers who did not report the incident until their assailants were in custody awaiting trial on other more serious charges.

(5) (a) An applicant did not report to the police until six weeks after he was injured. His assailant was then prosecuted and pleaded guilty. Although the provisions of paragraph 6(b) were complied with in that the matter was the subject of criminal proceedings, we made a reduced award because of his conduct in failing to play his part in bringing the offender to justice.

(b) But we made a full award to an applicant who was advised by the police after investigations, that the appropriate charge against his assailant would be for common assault contrary to section 42, Offenses Against the Person Act 1861. After consulting his union he told the police that he did not wish them to take any further action. A summons for assault, which would have barred his civil claim, could not be issued without his consent and we did not consider his conduct such as to require a reduction under paragraph 17.

7. THE CRIME OF VIOLENCE

(1) Another change in the Scheme was to require the applicant to show that his injuries were directly attributable to a crime of violence (including arson and poisoning) whereas under the former Scheme he was only required to show that his injuries were directly attributable to a criminal offence. One of the reasons for this change is that a breach of the Factory Acts is a criminal offence and the Scheme was plainly never intended to permit an application to the Board instead of an action for breach of the statutory duty imposed by the Factory Acts.

(a) We made an award to a boy whose injuries were directly attributable to a breach of section 2 of the Explosive Substances Act of 1883. The boy and his friends were walking through a wood when they saw a burning rope hanging from a tree. They tried to put it out but there was an explosion and the boy received an injury to his face. The rope was identified by the police as a piece of fuse, and there were a number of detonators attached to it. These had recently been stolen from a nearby quarry, but the culprits were not traced.

(b) We also made an award to a pedestrian who was knocked down by a driverless taxi which had been set in motion by two drunken men after an argument with the driver, who had gone to fetch the police. The criminal act of the two men was likely to result in personal injury to those lawfully using the highway and was thus a crime of violence.

(2) We decided that in order to obtain an award for personal injuries directly attributable to an arrest of a suspected offender, an applicant must satisfy us that he himself was taking part in an arrest or attempted arrest. We therefore refused to make an award to a woman in a multiple store who was accidentally knocked over when a store detective was chasing a suspected shoplifter.

8. THE IMPROVIDENT APPLICANT

We have found the discretion under paragraph 18 to make special arrangements for the administration of any money awarded as compensation most useful.

In a case where a substantial sum of money is involved and we doubt whether the applicant, though of full age, will use it wisely we invite him or her to submit a plan showing how it is proposed to use the money. We may suggest that the applicant should consult a solicitor or a bank manager and take active advice before submitting the plan to us and asking for the release of the money. It is not possible, or perhaps desirable, for us to supervise the spending of the money, but this procedure ensures that consideration is given to the problem and that the danger of frittering away the compensation is brought home to the applicant.

9. MEMBERS OF THE FAMILY

(1) The amendment to paragraph 7 (which excludes the claim of a victim who was living with the offender at the time as a member of the same family) clarifies the position of persons living together as man and wife.

(a) An applicant associated with a merchant seaman for a number of years. He regarded her home as his, and stayed there when he was not at sea. He contributed regularly to housekeeping expenses, and she prepared his meals and di his washing. He usually occupied a single room, but they slep together from time to time. He was anxious to marry her, but she refused. After a quarrel over the question of marriage he assaulted her. Her claim was rejected.

(b) An applicant was assaulted by his wife's brother, whom he reluctantly agreed to allow to stay in his house on release from Borstal. The assailant was not provided with a room, but slept on a couch in the kitchen. He paid no rent, was not given a door key, and was given meals about twice a week. He had been told to go as soon as he could find other accommodation. The applicant's claim was disallowed.

The number of claims rejected and the number of reduced awards are as follows:

10. NIL AND REDUCED AWARDS

	1969–70		1968–69		1967–68	
	Number	Per cent	Number	Per cent	Number	Per cent
Rejected	1,079	15	852	14	331	9
Reduced	340	5	232	4	148	4

We have continued to apply the principle that it is for the applicant to make out his case and in order to receive a full award he must satisfy us not only that his injuries were directly attributable to a crime of violence but also that his conduct, character and way of life does not disentitle him.

(a) An applicant, drinking with his friends in a public house, got involved in an argument, and he received cuts on his face from broken glass. No question of amnesia arose but by reason of the amount of drink he had taken the applicant could not remember how he received his injury. His friends heard a commotion and the sound of breaking glass at the other end of the bar; they did not see what happened. We made no award.

(b) On the other hand, we made an award to an applicant who was blinded by shotgun pellets, although the man who fired the gun was acquitted. He was walking in front of the applicant, carrying a shotgun which he knew to be loaded. He turned round, put the gun to his shoulder and aimed at the applicant and the gun went off. The gun was in good condition, and required a trigger pres-

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sure of at least 4½ lbs. We were satisfied that on balance of probabilities the gun was not fired accidentally and that an offence under section 20, Offences Against the Person Act 1861, had been committed.

(c) A bus caught fire, and one of the passengers who was injured by jumping from the top deck applied for compensation. The fire started when a container of inflammable material, probably petrol, ignited. The container was brought on to the bus by an unidentified passenger, who, before the fire started, was seen to be smoking. He was never traced. We decided that the fire was caused by the negligent act of the unidentified passenger, which did not constitute a crime. He committed an offence under the Public Service Vehicle Regulations 1936 by bringing the container on to the bus, but the applicant's injuries were not directly attributable to that offence.

11. LAW ENFORCEMENT

15 awards were made to persons who were injured while assisting the police to prevent a crime being committed or to effect an arrest. The numbers in previous years were: 1968–69 19; 1967–68 19.

132 awards were made to persons who attempted to prevent a crime or arrest an offender, a small increase over the numbers in previous years which were: 1968–69 121; 1967–68 100.

Awards to policemen on duty number 851 compared with 704 in 1968–69.

12. HEARINGS

600 cases were decided at hearings representing 9 per cent of all cases resolved compared with 7 per cent in 1968–69, 6 per cent in 1967–68, and 5 per cent in 1965–67. Of these 600, 122 concerned the amount of the award, 384 concerned a refusal of compensation on the merits, and 41 a refusal under the low limit; 53 were referred by a single member. Full details are to be found in Appendix C.

Hearings were held on 114 days, of which 37 were in London, 44 in English provincial cities, 30 in Scotland and 3 in Wales.

The high percentage of cases in which the amount of the award was increased at a hearing might be thought to cast doubt on the validity of the single member procedure but we are confident that such doubt is unjustified.

Firstly, only 23 applicants out of 1,000 question the amount of the award made by the single member. Secondly, when requesting a hearing the applicant often puts forward some new head of claim or disability which he has not previously mentioned. Thirdly, a medical prognosis which is too optimistic may well lead to a hearing, whereas one that is less optimistic will not. Fourthly, whereas in the Courts an appeal is only allowed if the original award was wholly erroneous, we rehear the case and sometimes make a very small increase in the single member's award.

We are satisfied that the single member procedure works well and is both expeditious and inexpensive and that the right to demand a hearing provides a sufficient safeguard.

It will be seen that after rejection by the single member on the merits 148 applicants obtained awards at the hearing and 236 did not. Less than 40 per cent achieved any benefit from requesting a hearing. Furthermore, 62 per cent of those applicants whose claims were rejected by the single member accepted his rejection although they had nothing to lose by demanding a hearing.

13. REPARATION FROM OFFENDERS

There were only 19 cases where we felt that we could usefully sue the offender if we had the power to do so. The comparable figure in 1968–69 was 21. One case where reparation has been made is worthy of mention. Four years ago we made an interim award of £1,000 to a boy of 9 who was blinded because another boy threw lime into his eyes. The victim was taken into a convent to be educated and trained and although we were anxious that the award should be used for his benefit, the interest earned on the money was more than enough to meet his needs. Subsequently damages were recovered in an action brought on the boy's behalf in the Court and the £1,000 was repaid under paragraph 24 of the Scheme.

We would like to repeat the tribute we paid in paragraph 14 of our Fourth Report to the help given to the Board by welfare organisations and local authorities.

14. STAFF

We have always believed that subject to proper investigation, cases should be disposed of as quickly as possible, so that applicants may derive the maximum benefit from their awards. Over the past few years, the number of cases at any one time under investigation by the staff has been between 2,600 and 3,000, representing about 4½ months' intake of new cases.

Although the time taken to investigate a case depends to some extent on factors outside our control, we keep our procedures under constant review, in the hope of improving these figures.

Over the past three years there has been an average increase in productivity of 10 per cent a year—arrived at by dividing the cases finally disposed of during the year by the number of staff in post. Recently, however, we have had a large influx of new staff, partly due to an increase in our complement by 7 to 65, and partly to the termination of the secondment of experienced officers. This has resulted in a drop in the number of completed cases which we hope will be only temporary.

In estimating our staff requirements, it should be recognised that while the volume of work continues to increase, and while our staff is temporarily seconded from other departments, a proportion of the staff will always be under training and not fully effective.

If allowance is not made for these factors, we will be faced with an ever increasing load of pending cases, to the detriment of the staff's efficiency and morale.

In February, the secondment of Mr. J. Hamilton was terminated at very short notice, when he was posted on promotion to the Immigration and Nationality Department. He had been the Board's Chief Executive Officer since the Scheme started, and we wish to record our great appreciation of his services, particularly in the fields of finance, statistics and public relations. During that time he devoted himself without stint to the work of the Board, and we have very reason to be grateful to him for the part he played. We welcome Mr. F. Carter as his successor.

WALKER CARTER,
Chairman.

SEPTEMBER 1, 1970

CRIMINAL INJURIES COMPENSATION BOARD ACCOUNT OF RECEIPTS AND PAYMENTS IN THE YEAR ENDED MAR. 31, 1970

[In pounds]

Receipts	1968–69	Estimate	Actual
Balance, Apr. 1, 1969	33	----------	19,479
Grant-in-aid from the vote for Home Office (class III, 1)	1,870,000	2,327,000	2,220,000
Repayment of compensation recovered by victims from offenders	164	300	2,436
Miscellaneous receipts	437	----------	24
Total	1,870,634	2,327,300	2,241,939
Administration expenses:			
Staff salaries, wages, national insurance and superannuation liability	95,712	106,400	112,136
Board members' fees	25,642	29,300	29,664
Traveling, etc., expenses of Board members and staff	4,587	4,700	4,931
Furniture and accommodation	26,378	25,550	27,151

Payments	1968–69	Estimate	Actual
Administrative expenses—Continued			
Office supplies, stationery, etc	1,955	2,400	3,728
Post office services	3,833	3,400	8,173
Miscellaneous expenses:			
Medical, etc., fees	18,085	23,700	19,209
Advertising and publicity	23	100	154
Incidental expenses	185	100	92
Total	----------	195,650	205,238
Compensation paid [1]	1,672,958	2,130,000	1,992,402
Travelling and subsistence expenses of applicants and witnesses	1,797	1,650	2,448
Balance, Mar. 31, 1970	19,479	----------	41,851
Total	1,870,634	2,327,300	2,241,939

[1] See report and appendixes for details.

NOTES

1. This account covers expenditure throughout Great Britain. A contribution of £465,400 to the Home Office Vote toward the Board's expenses in Scottish cases was made from the Scottish Home and Health Department Vote (class III, 2).

2. Compensation paid by the Board on behalf of child victims is held in trust until they reach the age of majority. At Mar. 31, 1970, the Board held £69,103 on deposit account pending the drawing up of deeds of trust etc.; £33,055 was held in 576 ordinary accounts and £158,491 in 532 investment accounts in the Board's name at the Department for National Savings.

4 September 1970.

WALKER CARTER,
Chairman, Criminal Injuries Compensation Board.

I have examined the above Account. I have obtained all the information and explanations that I have required, and I certify, as the result of my audit, that in my opinion the above Account is correct.

B. D. FRASER,
Comptroller and Auditor General.

APPENDIX A

APPLICATIONS RECEIVED AND RESOLVED, COMPENSATION PAID AND POSITION AT MAR. 31, 1970

	England	Scotland	Wales	Total
1. Applications received:				
(a) 1964–65 (8 months)	477	56	21	554
(b) 1965–66	1,961	391	100	2,452
(c) 1966–67	2,546	633	133	3,312
(d) 1967–68	3,730	1,381	205	5,316
(e) 1968–69	4,658	1,555	224	6,437
(f) 1969–70	5,388	1,566	293	7,247
Total of 1	18,760	5,582	976	25,318
2. Applications resolved:				
(a) Withdrawn/abandoned				
(i) 1964–65 (8 months)	7	1	----------	8
(ii) 1965–66	18	2	1	21
(iii) 1966–67	44	8	1	53
(iv) 1967–68	37	8	3	48
(v) 1968–69	56	12	5	73
(vi) 1969–70	104	13	7	124
Total of 2(a)	266	44	17	327
(b) No award made:				
(i) 1964–65 (8 months)	7	1	----------	8
(ii) 1965–66	156	25	9	190
(iii) 1966–67	189	64	7	260
(iv) 1967–68	219	100	12	331
(v) 1968–69	524	302	26	852
(vi) 1969–70	707	338	34	1,079
Total of 2(b)	1,802	830	88	2,720

	England	Scotland	Wales	Total
2. Application resolved—Continued				
(c) Awards made:				
(i) 1964–65 (8 months)	100	11	3	114
(ii) 1965–66	962	153	49	1,164
(iii) 1966–67	1,833	472	99	2,404
(iv) 1967–68	2,580	769	141	3,490
(v) 1968–69	3,634	1,220	206	5,060
(vi) 1969–70	4,247	1,155	212	5,614
Total of 2(c)	13,356	3,780	710	17,846
3. Compensation paid (pounds):				
(a) 1964–65 (8 months)	26,670	6,138	623	33,431
(b) 1965–66	304,799	87,778	10,141	402,718
(c) 1966–67	690,013	191,338	32,810	914,161
(d) 1967–68	987,920	250,035	55,817	1,293,772
(e) 1968–69	1,198,769	381,611	92,578	1,672,958
(f) 1969–70	1,524,099	386,750	85,735	[1] 1,996,584
Total of 3	4,732,270	1,303,650	277,704	6,313,624
4. Position at 31.3.70:				
(a) Cases resolved	15,424	4,654	815	20,893
(b) Interim cases not finally assessed	416	96	24	536
(c) Hearing and referred cases pending/adjourned	189	79	15	283
(d) Awaiting applicants' decisions	494	126	21	641
(e) Under investigation	2,237	627	101	2,965
Total (as total of 1)	18,760	5,582	976	25,318

[1] When the Board's books were closed for the financial year the value of uncleared payable orders was £4,182. This represents the difference between the figure shown above and the "Compensation paid" figure in the Board's accounts.

APPENDIX B

APPLICATIONS RESOLVED AND COMPENSATION PAID

	Apr. 1, 1968 to Mar. 31, 1969								Apr. 1, 1969 to Mar. 31, 1970								Totals for Aug. 1, 1964 to Mar. 31, 1970	
	England		Scotland		Wales		Total		England		Scotland		Wales		Total			
	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent	Number	Per-cent
1. Applications withdrawn/abandoned	56	1	12	------	5	------	73	1	104	2	13	------	7	------	124	2	327	2
2. Single member decisions accepted:																		
(a) Full awards	3,321	56	1,120	19	187	3	4,628	78	3,791	56	1,023	15	189	3	5,003	74	16,228	78
(b) Reduced awards	139	2	45	1	10	------	194	3	200	3	74	1	10	------	284	4	762	3
(c) No awards (low limit)	104	2	48	1	7	------	159	3	135	2	27	------	8	------	170	2	565	3
(d) No awards (others)	326	5	157	2	14	------	497	8	402	6	213	3	21	------	636	9	1,515	7
Total of single member decisions accepted	3,890	65	1,370	23	218	4	5,478	92	4,528	67	1,337	19	228	3	6,093	89	19,070	91
3. Decisions taken at hearings:																		
(a) Full awards	146	2	46	1	8	------	200	3	208	3	50	1	13	------	271	4	722	3
(b) Reduced awards	28	1	9	------	1	------	38	1	48	1	8	----------	----------	----------	56	1	134	1
(c) No awards (low limit)	8	------	2	----------	----------	----------	10	------	13	------	5	------	1	------	19	------	42	------
(d) No awards (others)	86	1	95	2	5	------	186	3	157	2	93	2	4	------	254	4	598	3
Total of hearings decisions	268	4	152	3	14	------	434	7	426	6	156	3	18	------	600	9	1,496	7
Compensation paid [2(a)(b) and 3(a)(b) above] (pounds)	1,177,383		378,728		88,344		1,644,455		1,429,104		355,532		80,835		1,865,471		6,135,988	
Add interim awards paid but final assessment not made at Mar. 31, 1970	21,386		2,883		4,234		28,053		94,995		31,218		4,900		131,113		171,636	
Total compensation paid (pounds)	1,198,769		381,611		92,578		1,672,958		1,524,099		386,750		85,735		1,996,584		6,313,624	

Note: (a) Where the percentage is much less than 1, no entry has been made. (b) Interim awards were made in 687 cases between 1.8.64 and 31.3.69. (c) Interim awards were made in 510 cases between 1.4.69 and 31.3.70. Total interim awards 1,197. At 31.3.70 there were 122 of these not finalized. At 31.3.70 there were 414 of these not finalized. Interim awards not yet finalized 536.

APPENDIX C

OUTCOME OF AWARDS AND DECISIONS MADE BY SINGLE MEMBERS

	Apr. 1, 1968, to Mar. 31, 1969				Apr. 1, 1969, to Mar. 31, 1970				Totals for period, Aug. 1, 1964 to Mar. 31, 1970
	England	Scotland	Wales	Total	England	Scotland	Wales	Total	
Award made by single member, and:									
(a) Accepted by applicant	3,460	1,165	197	4,822	3,991	1,097	199	5,287	16,990
(b) Confirmed at a hearing	18	1	1	20	21	3	----------	24	70
(c) Reduced at a hearing	2	----------	1	3	3	----------	----------	3	10
(d) Changed to no award at a hearing	----------	----------	----------	----------	1	1	----------	2	3
(e) Increased at a hearing	50	9	2	61	76	13	4	93	241
Total	3,530	1,175	201	4,906	4,092	1,114	203	5,409	17,314
Percentage of cases which went to a hearing	2.0	.8	2.0	1.7	2.5	1.5	2.0	2.3	1.9
Percentage of applicants successful at a hearing	71.4	90.0	50.0	72.6	75.2	76.5	100.0	76.2	74.4

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APPENDIX C—Continued

OUTCOME OF AWARDS AND DECISIONS MADE BY SINGLE MEMBERS—Continued

	Apr. 1, 1968, to Mar. 31, 1969				Apr. 1, 1969, to Mar. 31, 1970				Totals for period, Aug. 1, 1964, to Mar. 31, 1970
	England	Scotland	Wales	Total	England	Scotland	Wales	Total	
Application rejected by single member on merits, and:									
(a) Accepted by applicant	326	157	14	497	402	213	21	636	1,515
(b) Confirmed at a hearing	76	89	5	170	145	87	4	236	552
(c) Changed to an award at a hearing	73	32	4	109	109	33	6	148	353
Total	475	278	23	776	656	333	31	1,020	2,420
Percentage of cases which went to a hearing	31.4	48.5	39.1	36.0	38.7	35.0	32.3	37.6	37.4
Percentage of applicants successful at a hearing	49.0	26.4	44.4	39.1	42.9	27.5	60.0	38.5	39.0
Application rejected by single member by reason of low limit, and:									
(a) Accepted by applicant	104	48	7	159	135	27	8	170	565
(b) Confirmed at a hearing	8	2	----------	10	13	5	1	19	42
(c) Changed to an award at a hearing	11	6	----------	17	19	1	2	22	73
Total	123	56	7	186	167	33	11	211	680
Percentage of cases which went to a hearing	15.4	14.3	Nil	14.5	19.2	18.2	27.3	19.4	16.9
Percentage of applicants successful at a hearing	57.9	75.0	----------	63.0	59.4	16.7	66.7	53.7	63.5
Applications referred to a hearing by single members—resulted in:									
(a) Award being made	20	7	1	28	28	8	1	37	109
(b) No award being made	10	6	----------	16	11	5	----------	16	43
Total	30	13	1	44	39	13	1	53	152

APPENDIX D

ANALYSIS OF NO AWARD CASES

Reason for application being disallowed	Apr. 1, 1968, to Mar. 31, 1969					Apr. 1, 1969, to Mar. 31, 1970					Total, Aug. 1, 1964 to Mar. 31, 1970	
	England (number)	Scotland (number)	Wales (number)	Total Number	Total Percent	England (number)	Scotland (number)	Wales (number)	Total Number	Total Percent	Number	Percent
1. Eligibility not established on balance of probabilities	205	123	10	338	40	289	125	14	428	40	1,001	37
2. Injury sustained accidentally	26	8	1	35	4	9	4	2	15	1	112	4
3. Low limit	112	50	7	169	20	148	32	9	189	17	607	22
4. No prosecution and circumstances not reported without delay	61	71	2	134	16	87	89	4	180	17	385	14
5. Applicant a member of offender's family	12	7	----------	19	2	16	8	1	25	2	61	2
6. Injury caused by a motoring offense	8	6	----------	14	2	13	4	----------	17	2	62	2
7. Applicant's conduct, character or way of life extinguished claim	86	32	6	124	14	124	74	4	202	19	421	15
8. All others	14	5	----------	19	2	21	2	----------	23	2	71	3
Total	524	302	26	852	100	707	338	34	1,079	100	2,720	100

APPENDIX E

ANALYSIS OF THE 20,893 CASES FULLY RESOLVED BETWEEN AUG. 1, 1964 AND MAR. 31, 1970

[Money in pounds]

	England		Scotland		Wales		Total			
	Number	Average award	Number	Average award	Number	Average award	Number	Compensation	Average award	Percentage of total
1. Applications withdrawn/abandoned	266	----------	44	----------	17	----------	327	----------	----------	1.6
2. Single members decisions accepted:										
(a) Full awards	11,677	272	3,358	297	620	278	15,655	4,347,85	278	74.9
(b) Full awards after interim(s)	467	1,374	73	1,312	33	939	573	768,376	1,341	2.7
(c) Reduced awards	532	314	181	386	31	200	744	243,290	327	3.6
(d) Reduced awards after interim(s)	14	1,362	4	541	----------	----------	18	21,230	1,179	.1
(e) No awards (low limit)	434	----------	108	----------	23	----------	565	----------	----------	2.7
(f) No awards (others)	993	----------	471	----------	51	----------	1,515	----------	----------	7.3
Total of 2	14,117	316	4,195	323	758	306	19,070	5,380,759	317	91.3
3. Results of hearings before three members:										
(a) Full awards	445	675	109	507	20	441	574	356,526	621	2.7
(b) Full awards after interim(s)	47	1,460	6	983	3	6,545	56	94,142	1,681	.3
(c) Reduced awards	89	582	23	432	1	500	113	62,224	551	.5
(d) Reduced awards after interim(s)	4	2,371	----------	----------	----------	----------	4	9,485	2,371	.2
(e) No awards (low limit)	30	----------	11	----------	1	----------	42	----------	----------	2.7
(f) No awards (others)	318	----------	224	----------	13	----------	555	----------	----------	
Total of 3	933	722	373	515	38	1,207	1,344	522,377	699	6.4
4. Results of cases referred to three members:										
(a) Full awards	[1] 68	2,136	[2] 22	1,141	2	15,065	92	200,451	2,179	.4
(b) Reduced awards	[3] 13	2,263	4	746	----------	----------	17	32,411	1,906	.1
(c) No awards (low limit)	----------	----------	----------	----------	----------	----------	----------	----------	----------	.2
(d) No awards (others)	27	----------	16	----------	----------	----------	43	----------	----------	
Total of 4	108	2,156	42	1,080	2	15,065	152	232,852	2,136	.7
All cases resolved 1.8.64 to 31.3.70	15,424	345	4,654	335	815	378	20,893	6,135,988	344	100.0

[1] Includes 6 full awards after interim.
[2] Includes 3 reduced awards after interim.
[3] Includes 1 full award after interim.

Note: The compensation paid in the 536 interim awards cases not finalised is £177,636. The total compensation paid Aug. 1, 1964, to Mar. 31, 1970 is therefore £6,313,624.

APPENDIX F

CRIMINAL INJURIES COMPENSATION SCHEME

The Scheme for compensating victims of crimes of violence was announced in both Houses of Parliament on 24th June 1964, and in its original form came into operation on 1st August 1964.

The Scheme has since been modified in a number of respects. The revised Scheme which came into operation on 21st May 1969, is set out below.

Requests for application forms and all inquiries should be addressed to: The Criminal Injuries Compensation Board, Russell Square House, 10–12 Russell Square, London WCIB 5EN, Tel. 01–636 2812.

THE SCHEME

Administration

1. The Compensation Scheme will be administered by the Criminal Injuries Compensation Board, appointments to which will be made by the Home Secretary and the Secretary of State for Scotland, after consultation with the Lord Chancellor. The Chairman will be a person of wide legal experience, and the other members, of whom there are at present eight, will also be legally qualified. The Board will be assisted by appropriate staff.

2. The Board will be provided with money through a Grant-in-Aid out of which payments will be made to applicants for compensation where the Board are satisfied, in accordance with the principles set out below, that compensation is justified. Their net expenditure will fall on the Votes of the Home Office and the Scottish Home and Health Department.

3. The Board will be based on London but may establish offices outside London if the need arises. They will hold hearings in London, Edinburgh, Cardiff and elsewhere as necessary.

4. The Board will be entirely responsible for deciding what compensation should be paid in individual cases and their decisions will not be subject to appeal or to Ministerial review. The general working of the Scheme will, however, be kept under review by the Government, and the Board will submit annually to the Home Secretary and the Secretary of State for Scotland a full report on the operation of the Scheme, together with their accounts. The report and accounts will be open to debate in Parliament. In addition the Board may at any time publish such information about the Scheme and their decisions in individual cases as may assist intending applicants for compensation.

Scope of the scheme

5. The Board will entertain applications for *ex gratia* payment of compensation in any case where the applicant or, in the case of an application by a spouse or dependant (see paragraph 12 below), the deceased, sustained in Great Britain, or on a British vessel, aircraft or hovercraft, on or after 1st August 1964 personal injury directly attributable to a crime of violence (including arson and poisoning) or to an arrest or attempted arrest of an offender or suspected offender or to the prevention or attempted prevention of an offence or to the giving of help to any constable who is engaged in arresting or attempting to arrest an offender or suspected offender or preventing or attempting to prevent an offence. In consideration for the purpose of this paragraph whether any act is a criminal act, any immunity at law of an offender, attributable to his youth or insanity or other condition, will be left out of account.

6. Compensation will not be payable unless the Board is satisfied—

(*a*) that the injury was one for which compensation of not less than £50 would be awarded; and

(*b*) that the circumstances of the injury have been the subject of criminal proceedings, or were reported to the police without delay; and

(*c*) that the applicant has given the Board all reasonable assistance, particularly in relation to any medical reports that they may require.

Provided that the Board at their discretion may waive the requirement in (*b*) above.

7. Where the victim who suffered injuries and the offender who inflicted them were living together at the time as members of the same family no compensation will be payable. For the purposes of this paragraph where a man and woman were living together as man and wife they will be treated as if they were married to one another.

8. Traffic offences will be excluded from the Scheme, except where there has been a deliberate attempt to run the victim down.

9. The Board will scrutinise with particular care all applications in respect of sexual offences or other offences arising out of a sexual relationship, in order to determine whether there was any responsibility, either because of provocation or otherwise, on the part of the victim (see paragraph 17 below), and they will especially have regard to any delay that has occurred in submitting the application. The Board will consider applications for compensation arising out of rape and sexual assaults, both in respect of pain, suffering and shock and in respect of loss of earnings due to pregnancy resulting from rape and, where the victim is ineligible for a maternity grant under the National Health Scheme, in respect of the expenses of childbirth. Compensation will not be payable for the maintenance of any child born as a result of a sexual offence.

Basis of compensation

10. Subject to what is said in the following paragraphs, compensation will be assessed on the basis of common law damages and will take the form of a lump sum payment, rather than a periodical pension. More than one payment may, however, sometimes be made—for example, where only a provisional medical assessment can be given in the first instance.

11. Where the victim is alive the amount of compensation will be limited as follows—

(*a*) the rate of loss of earnings (and, where appropriate, of earning capacity) to be taken into account will not exceed twice the average of industrial earnings (average weekly earnings for men (21 years and over) as published in the Employment and Productivity Gazette) at the time that the injury was sustained;

(*b*) there will be no element comparable to exemplary or punitive damages.

12. Where the victim has died in consequence of the injury no compensation will be payable for the benefit of his estate, but the Board will be able to entertain claims from his spouse and dependents. For this purpose, compensation will be payable to any person entitled to claim under the Fatal Accidents Acts 1846 to 1959 or, in Scotland, under the appropriate Scottish law. Subject to what is said in the following paragraphs the amount of compensation will be governed by the same principles as under those provisions; the total income of the deceased, earned and unearned, to be taken into account being subject to the limit specified in paragraph 11(*a*) above. Where the victim's funeral expenses are paid by any person for whose benefit an action may be brought under the Fatal Accidents Acts or the appropriate Scottish law, whether or not there is any financial dependency, the Board may pay that person a reasonable sum in respect of funeral expenses less any death grant payable under the National Insurance Scheme. For this purpose paragraph 6(*a*) above shall not apply.

13. Where the victim has died otherwise than in consequence of the injury, the Board may make an award in respect of loss of wages, expenses and liabilities incurred before death as a result of the injury where, in their opinion, hardship to dependents would otherwise result, whether or not application for compensation in respect of the injury has been made before the death.

14. Compensation will be reduced by the value of any entitlement to social security benefits payable by the Department of Health and Social Security (and of payments made under Treasury authority by analogy with the National Insurance (Industrial Injuries Act) which accrues as a result of the injury of death to the benefit of the person to whom the award is made.

15. If in the opinion of the Board an applicant may be eligible for any social security benefits or payments mentioned in paragraph 14 the Board may refuse to make an award until the applicant has taken such steps as the Board consider reasonable to claim these benefits or payments.

16. Where the victim is alive the Board will determine on the basis of the common law whether, and to what extent, compensation should be reduced by any pension accruing as a result of the injury. Where the victim has died in consequence of the injury, and any pension is payable for the benefit of the person to whom the award is made as a result of the death of the victim which would not have been payable, or would not have been so large, if his injury had not been sustained while on duty or in the performance of a duty connected with his employment, the compensation will be reduced by four-fifths of the value of that pension, or as the case may be, by four-fifths of the increase of the value attributable to the injuries having been sustained in that way. For the purposes of this paragraph, "pension" means any pension payable in pursuance of pension rights connected with the victim's employment, and includes any gratuity of that kind.

17. The Board will reduce the amount of compensation or reject the application altogether if, having regard to the conduct of the victim, including his conduct before and after the events giving rise to the claim, and to his character and way of life it is inappropriate that he should be granted a full award or any award at all.

18. The Board will have discretion to make special arrangements for the administration of any money awarded as compensation.

Procedure for determining applications

19. Every application will be made to the Board in writing as soon as possible after the event on a form obtainable from the Board's office.

20. Applications will be sifted initially by the Board's staff, who will seek further information as to the relevant circumstances and, where necessary, medical advice.

21. The initial decision whether the application should be allowed (and, if so, what amount of compensation should be offered) or should be rejected will normally be taken by one member of the Board, whose decision will be communicated to the applicant; if the applicant is not satisfied with that decision, whether because no compensation is offered or because he considers the amount offered to be inadequate, he will be entitled to a hearing before three other members of the Board, excluding the one who made the initial decision. It will, however, also be open to the single member, where he considers that he cannot reach a just and proper decision, himself to refer the application to three other members of the Board for a hearing.

22. At the hearing, it will be for the applicant to make out his case; he and a member of the Board's staff will be able to call, examine and cross-examine witnesses. The Board will reach their decision solely in the light of the evidence brought out at the hearing, and all the information before them

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will be available to the applicant. While it will be open to the applicant to bring a friend or legal adviser to assist him in putting his case, the Board will not pay the costs of legal representation. They will, however, have discretion to pay the expenses of witnesses.

23. Procedure at a hearing will be as informal as is consistent with a proper determination of the application, and the hearing will be in private.

24. It is not intended that a person who has pursued a claim for damages for personal injuries should obtain compensation from the Board in respect of those injuries in addition to obtaining satisfaction from that claim; and compensation will be reduced by any sum which the victim has received in pursuance of an order for compensation by a criminal court in respect of his injuries. Furthermore, a person who is compensated by the Board will be required to undertake to repay them from any damages, settlement or compensation he may subsequently obtain in respect of his injuries.

STATE OF NEW YORK—1970: FOURTH ANNUAL REPORT OF THE CRIME VICTIMS COMPENSATION BOARD

Hon. NELSON A. ROCKEFELLER,
Legislature of the State of New York.

I have the honor to submit the Fourth Annual Report of the Crime Victims Compensation Board for the year 1970 rendered pursuant to the provisions of Article 22, Section 623 of the Executive Law.

Respectfully,
STANLEY L. VAN RENSSELAER,
Chairman.

ALBANY, *April 1, 1971.*

SIRS: We have the honor to submit this our fourth annual report.

1. The claims have increased each year since the inception of the Board. This year there was a total of 1594 claims received and filed. The previous years from 1967 with 196, 1968 with 519 and 1969 with 929 claims graphically shows the enormous increase in this present year.

It is the intention of the report to not only set forth the number of claims, but also the disposition with the decisions, amended decisions and full Board reviews. In addition, there are many claimants who have been given the right to reopen their claim under certain conditions set forth in the decision.

We shall also show the comparison of the number of open claims under investigation at the end of this year, with the protracted and death claims as compared with the previous year. There will also be discussed the additional investigations necessary before amended decisions are made and periodic reinvestigations on both the protracted and death claims. In many instances additional investigation becomes necessary following a full Board review.

2. Workload: Since this Board was created on March 1, 1967, this report will cover the activities for the year March 1, 1970 through February 28, 1971.

Actually the number of claims received and filed at the Albany office does not fully reflect the workload. There are hundreds of inquiries by telephone, by letter and by personal appearance at either the New York or Albany office. The increase in the workload and the lack of staff does not permit a record of each inquiry requesting information. It has been the policy of the Board to ascertain whether the claimant is eligible, if unreimbursed medical expenses amount to $100 after taking into consideration insurance benefits, whether he has lost two weeks continuous loss of earnings, his relationship, if any, to the assailant and his financial resources. It is felt that although it requires considerable more time to screen these inquiries that there is much time saved rather than to simply send a claim form.

In addition, and perhaps equally important in following this procedure is the fact that a claim is not accepted for filing when it is clear that the claimant would not be eligible. This obviates disappointment if his claim would be disallowed for any one of the above reasons.

Many claimants feel all that is needed is to advise the Board that they are the victim of a crime and request a certain number of dollars covering their personal property, cash lost and even damage to their real estate.

There is set forth a listing by month for the past two years and the present year a schedule which reflects the increase in the number of claims:

	Mar. 1, 1970, to Feb. 28, 1971	Mar. 1, 1969, to Feb. 28, 1970	Mar. 1, 1968, to Feb. 28, 1969
March	110	75	27
April	119	67	24
May	117	54	45
June	115	49	36
July	95	52	33
August	116	92	53
September	153	78	39
October	161	82	47
November	157	67	37
December	149	73	52
January	169	139	61
February	133	101	65
Total	1,594	929	519

It is interesting to note that less than 20% of the claims filed were by attorneys acting for the claimant. The majority of the attorneys appearing are in death claims.

As can be expected the greater majority of the claims filed are from the New York City Metropolitan area. Approximately one-third are upstate claims and two-thirds are from New York City area.

The publicity having been given to this Board has been much greater in the city than upstate and this would appear to be one of the reasons for the disparity.

3. Open Claims: There were 771 claims under investigation as of February 28, 1971, as compared with only 278 on February 28, 1970. This large backlog is due partially to the fact that we do not have sufficient personnel in the New York City office. At the present time there are two Grade 17 senior investigators and five Grade 13 investigators. Due to the number of claims under investigation in the New York City office the Board felt that it was necessary to assign one of the senior investigators as an acting supervisor and the other senior investigator to aid him and investigate the more difficult and involved claims.

This leaves five Grade 13 investigators and each is presently assigned in excess of 100 claims. There are still open claims that have not been assigned as it is unrealistic to expect any investigator to handle that number. The experience of the Board has shown that 40 to 45 is the maximum number any one investigator should be assigned. With a normal work month having 22 days, it cannot be expected that an investigator, except under unusual circumstances, can complete the investigation of more than 12 to 15 claims.

It must also be recognized that since no award can be made unless there is a finding of serious financial hardship it is the responsibility of the Board to complete its investigation as promptly as possible. Certainly any claimant entitled to an award needs the money within a reasonable time and not a year later. The Board has received many telephone calls and letters, as well as letters to the Governor, inquiring why, after having filed a claim several months previously, they have not received an award.

The Albany office which covers all of the state except the metropolitan area presently has one senior investigator and two Grade 13 investigators. To date these investigators have been able to handle the claims even through a substantial number of their work days are consumed in travelling. It is hoped that the present staff will be able to continue to keep abreast.

4. Types of Crime: Approximately 60% of the personal injuries claims are assaults, excluding stabbing, and/or robberies; 12% are death claims; another 12% were knife wounds; another 12% bullet wounds and the rest miscellaneous, such as, rape and motor vehicle violations of law.

5. Investigations: The investigation required on claims is carefully determined beginning with the receipt of the claim in the Albany office. Each claim form before it is entered in the log book is examined to determine if, there is an eligible claimant, whether a crime has been committed, personal physical injuries sustained, whether it was reported to the police authorities and whether there is at least $100 unreimbured medical expenses and/or two weeks continuous loss of earnings.

Where a claim form does not show the minimum requirements it is returned with an explanation advising the claimant, however, that if he does have unreimbursed medical of at least $100 or two weeks loss of earnings that the same should be stated in the claim form and returned.

Each claim is carefully examined to determine not only the above, but if the person filing the claim is one eligible under the statute to receive an award.

If it appears that the claim meets the statutory requirements, it is then assigned to an investigator. It becomes his duty to analyze the claim for the purpose of determining not whether a full investigation is required, but rather what should be done in the first instance. Each claim must be so analyzed and each investigator has been instructed that until those essential elements of the statute are satisfied no further investigation should be conducted. As an example, it can be seen many times from an examination of the claim that the occupation as listed might very well not be a person who would suffer serious financial hardship. Accordingly, if the financial resources are immediately ascertained from the claimant and it can be determined that there will not be serious financial hardship there is no need to continue the investgiation.

As above stated, if a claimant is entitled to any award then every effort should be made to bring the investigation to completion so that a decision may be rendered. The reason being that after the decision is made, the claimant has 30 days in which to advise whether he accepts or rejects the decision requesting a hearing before the full Board. If he accepts then the decision must go to the Attorney General and Comptroller who have 30 days n which to approve or reject the decision. We have requested the legislature to reduce to 15 days this period. Following that a warrant must be prepared for the Comptroller and it is another two or three weeks before the checks are issued.

Of course, no investigation can proceed until after the district attorney advises that he approves of the investigation or fails to answer within 10 days. Accordingly, during this period only the acknowledgment letter to the claimant requesting whatever information is desired of him and a letter is sent to the doctor, hospital and employer.

Personal interview with the claimant in the initial stage has been found to be very productive. All investigators have been requested to contact and arrange for an interview with the claimant before undertaking a full investigation. It should also be noted that each claimant is advised that this Board is not his adversary. He is advised that this Board is interested in obtaining all of the facts whether it be in his favor or not. Every expense as well as the loss of earnings

is verified. The claimant is also advised that his cooperation in furnishing information requested as soon as possible will be to his advantage. However, there are many claimants who for unknown reasons refuse to comply with the requests and since no decision can be made without the information they are given a second chance to furnish the same. The second letter advises the claimant that unless he does furnish this information there can be no award granting him any benefits,

The most extensive investigations are those where there is a question of provocation. The police departments and the district attorneys' offices have been cooperative in all investigations but have been most helpful in this type. There are many times when the investigator in the field is unable to find any witnesses and the police and the district attorneys have allowed this Board to examine their files and even furnish copies of statements and/or depositions taken from witnesses that were interviewed immediately following the incident.

There are delays that are unavoidable in a number of instances. Whenever a claimant was injured while at his place of employment no final determination can be made until after the Workmen's Compensation Board makes a ruling. In death claims there can be no award made until after the Social Security benefits are determined. This is also true in the protracted disability claims.

Perhaps one of the greatest delays occurs where Blue Cross and/or Blue Shield or other insurance companies have not determined the amount payable by them. Some hospitals only submit their bills to Blue Cross on a quarterly basis.

The Board has found that letters with appropriate forms requesting information brings results within a reasonable time in most cases.

The Board Members have made decisions where loss of earnings were known but the medical expenses had not been determined. The decision allows the medical bills to be submitted later. Thus, claimants receive an award for loss of earnings without waiting several months.

The Board feels that this has been most helpful to the claimant or in the death claim to the survivors, since they are the ones who are presently in need of funds.

6. Disposition of claims: There were 1090 decisions by the Board Members in which 458 claimants received awards and 632 claimants received no awards.

The provisions of the statute accounted for the disallowance in many cases. There were 161 in which the claimant did not meet the minimum requirements. Another 177 failed to furnish the information requested. It has been and will continue to be the policy of this Board to place the responsibility upon the claimant to furnish information over which he has control or has in his possession. It has been found that many claimants refuse to divulge their financial resources claiming that it is an invasion of their rights.

The most difficult problem still continues to be determining the question of serious financial hardship. Many of the elderly people who are retired, who have worked many years, have been frugal and have saved money to take care of them in their declining years represents one group that the Board feels should be reimbursed for their medical expenses. However, the statute makes no distinction and, therefore, with substantial savings the statute does not permit an award to these elderly persons.

Another segment of our society is the middle income man who has supported his family, has been gainfully employed and is not only a respectable but responsible citizen. This claimant fees that having been a law-abiding citizen who has worked hard and paid his taxes he is entitled to receive his unreimbursed medical expenses and his loss of earnings within the limitatons allowed by the statute. The Board continues to feel that these two classes of individuals should be compensated.

The Board members have discussed this matter of serious financial hardship to try to determine, within the framework of the statute, justification to make awards. However, the Board recognizes the mandate in the statute and considers each claim on its own merits to attempt to see that those people, particularly these two classes, are given every consideration. There is set forth a schedule showing the reasons for the disallowance of claims:

Withdrawn	61
Member of family	6
Provocation	4
No principal support	15
No minimum requirements	161
No serious financial hardship	93
No crime	19
No police report	28
Workmen's compensation pending	19
Claimant ineligible	10
Failed furnish information	177
Over 1 year	14
Duplicate claim	2
Claimant deceased	7
Death not due to crime	2
Civil Action pending	4
No physical injury	2
Crime undetermined	1
Good Samaritan [1]	1
Unable to locate claimant	3
Police report delay unjustified	1
New claim filed	1
Medical proof to be submitted if related to crime	1
Total	632

[1] Claimant filed under New York City Good Samaritan Law.

The personal injury claims represent 80% and protracted 10% of the total claims and the balance, or 10%, were death claims.

The average personal injuries or lump sum claim has increased over the preceding year and this year is $1930.00. The average death award which is payable over a 12 month period was less than the previous year and this year was $2040.00. The protracted awards were down over the previous year and this year the average award payable over a 12 month period was $3450.00. This does not take into account the increase in medical expenses which is substantial. It was necessary prior to the end of this year to request $100,000 in the deficiency budget, all of which was used in the payment of awards. The hospital and medical expenses continue to rise. These additional medical expenses are incurred following the original decision and in most instances is provided for in the original decision. It is anticipated that during the coming year the average for each type of claim will increase. This is due to new labor contracts increasing wages, as well as the increased costs of medical care.

The Board in following the statute reduces the award by any sum received by the claimant from any source. There were claimants and attorneys who objected strenuously when Blue Shield or other insurance monies for which they had paid the premium were deducted. The Board determined that since there was only the balance left for the claimant to pay only that amount could be allowed. Accordingly, the Board asked the legislature to amend the statute so that any amount received under any contract of insurance where the claimant is the insured or beneficiary can be deducted. This is now specifically set forth in the statute.

In determining the loss of earnings and/or support the Board has continued to make awards only for the net earnings or take-home pay of the claimant or in the case of death to his survivors.

In the death case the loss of support is arrived at by deducting the deceased's personal expenses as well as Social Security benefits, Workmen's Compensation or pensions. This is in accordance with the statute which mandatea that only the actual loss of earnings or actual loss of support may be granted.

7. Death and Protracted Claims: The Board has followed the statute in providing for monthly payments in both the death and protracted claims.

The protracted claims have continued to increase as well as the death claims as will be seen from the schedule set out below.

This requires additional periodic investigation to determine whether the claimant is still disabled as a direct result of the injuries he received in the incident. The claimant is contacted and a doctor's report is obtained. In many instances the Board's doctor examines the claimant to verify his disability. There is also a check as to whether he is gainfully employed or has returned to his former position. Unless the investigation reflects this inability to work due to his injuries the payments are stopped.

The death claims require reinvestigation to determine if the dependency is the same as when the decision was made.

With the increase over the previous year and the expected increase during the coming year the amount of time required by the staff is substantial. However, the Board feels that any and all efforts to make a correct determination is money well spent. It has been found that although a person has returned to work he has failed to notify the Board although advised previously that it was his duty and responsibility to do so. It must be said, however, that the great majority of the claimants are honest and advise the Board promptly. The following schedule shows the increase this year over the two previous years:

	Feb. 28, 1969	Feb. 28, 1970	Feb. 28, 1971
Death	22	56	100
Protracted	28	63	112
Total	50	119	212

We shall continue to provide for monthly payments in these two types of claims since this procedure not only follows the statute but is also in the best interest of both the state and the claimants and/or survivors.

8. Amended Decisions: Reasons have been afforded in which original decisions were amended to make provision for both additional medical expenses and loss of earnings. Although the Board Members, wherever there is probable reason to believe there will be further medical expenses, have provided for the same in the original decision there are many times when this cannot be done. Accordingly, it has been necessary in 59 claims to prepare and make amended decisions following the reinvestigation to verify the medical expenses and/or loss of earnings.

There were 5 claims where amended decisions were made following investigations in which no award or further allowance was made. In each of the other 54 claims there were additional monies awarded.

9. Right to Reopen: There are several reasons in which claimants are given the right to reopen their claim at some future date.

Generally this occurs where in the death claims at the time of the original decision there could not be a finding of serious financial hardship. It has been the Board's policy to allow a claimant to apply to reopen where it can be reasonably anticipated that the assets at the time the original decision was made would not be sufficient for the support for the normal life expectancy.

This policy was developed during the previous year.

It should be noted, however, that when the

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right to reopen is given to the claimant, the Board requires that the assets available at the time the decision was made have been used for the care, maintenance and/or support and education of any children and have not been wasted or dissipated. Proof is also required as to what, if any, assets the claimant has received from the date of the decision up to and including the time when the request for reopening is granted.

During this year this right has been granted to 61 claimants.

10. Full Board Reviews: There were 17 days in which full Board reviews were held and a total of 88 claims was heard.

There were 47 decisions that were affirmed, 15 in which there was a reversal of the original decision and an award made and 18 were reopened for investigation.

There are many requests for full Board reviews made but were not granted immediately for the reason that certain information had not been furnished prior to the decision. Claimants were, therefore, advised that if they care to submit this information which had not been furnished that an investigation would be directed to verify the same. Wherever this has been possible an amended decision has been written incorporating the additional information and investigation. In many of these instances the amended decision even though no award was made has satisfied the claimant.

12. Rules: There has been no amendment to the rules since the last annual report.

The policy set forth in the last annual report has been followed.

The Board has continued to study and discuss the problems that are presented with the statutory provision of serious financial hardship. As has been set forth hereinbefore the elderly and the middle income groups are the ones that appear to be adversely affected under this provision of the statute.

13. Forms and procedures: The Board in concert with the staff has continued to review our investigative procedures in an attempt to streamline them.

As has been set forth before in this report, we have attempted to screen out those claimants who do not meet the minimum eligibility of the statute. This we will continue to do for the reasons stated in the discussion under Investigations.

We shall continue the policy of holding the claimant responsible for furnishing that information which he has. We shall also continue to make payment for unreimbursed medical expenses directly to the creditors.

14. Crime Victims Compensation Board: The awards which are made by the Board to innocent victims of crime provide the victim with his loss of earnings in order that he may maintain himself and his family as well as to assume payment for the unreimbursed medical expenses.

In addition to the declaration of policy and legislative intent, there are other compelling reasons for this program.

Social welfare justification to compensate innocent victims of crime is the straightforward approach. The state has recognized its responsibility to the disabled veteran, the sick, the unemployed and the aged. Thus, it follows logically that the state should recognize a responsibility to those victims of crime who have suffered personal physical injuries through no fault of their own.

Attention is again called to the declaration of policy and legislative intent which states that aid, care and support be provided by the state as a matter of grace. This declaration takes into consideration not a class but rather individuals. The state recognizes that it is the individual who is important. This has been demonstrated by many claimants who have written the Board as well as the Governor.

One letter from a claimant in commending the Board for its prompt, equitable and understanding treatment adds that "programs such as this helps to restore one's faith in his fellow man".

Another one wrote stating, "It is indeed gratifying to find that someone does care".

A crime compensation plan aids in bettering the statistics of crimes reported. Our statute provides that no award may be made unless the crime is reported to the proper authorities within 48 hours. This may be waived upon a showing of good cause. It is accepted that there are many crimes that are not reported to the police. Since this statute directs the reporting of a crime it should lead to better law enforcement.

Crime compensation programs also aid in the prosecution of criminals. When a victim is fairly treated by society he certainly is more willing to cooperate with the law enforcement officials.

Each year the Board becomes more aware of the general public not only accepting the program of aiding innocent victims of crime, but appear to wish the same to be broadened. A Gallup poll taken on this matter several years ago shows that 62% favored such a program. Perhaps the increasing attention to the rights and privileges of the accused has brought to the public the stark contrast between the criminal and the plight of the victim.

The legislative intent to keep people off the welfare roll has been demonstrated and brought to the Board's attention on more than one occasion. Letters from claimants stating that were it not for the benefits available they would have had no other recourse than to have applied for welfare. Certainly recognizing the dignity of the individual is reason enough to continue and to increase the benefits of this program.

Although there is a small percentage of claims filed by attorneys, we have found that they are not only cooperative but appreciative. Attorneys on many occasions express their appreciation for prompt and fair consideration given the claimant.

The variety of telephone calls and letters received by this Board cover every variety of request. Many are interested in whether they can recover for the loss of their property and others who were hit and run victims. One telephone call, however, stands out above them all. The New York City office received a telephone call from a woman asking for help as she had no one to turn to having been recently robbed and was without food, money or friends. She then stated that she had no other alternative than to take her life. The investigator who was taking the call, after talking with her at great length, discussing her religious beliefs, was able to calm her to a degree that she felt much better and said she would not take her life. Shortly thereafter she called again stating that she had now definitely decided to take her life. While he kept her talking he obtained her name and address and had another investigator in the office alert the police who responded immediately, whereupon she asked to be excused as someone was knocking at her door. The next voice he heard was that of the patrolman. Thus, it can be seen that the Board and the staff are called upon in many and certainly sometimes unique situations.

There are several other states which are proposing a crime victims program and it is expected that there will be several adopted.

There are several provinces of Canada that have a statute, most of them similar to the English scheme. The Dominion of Canada is also making a study looking toward a uniform statute for the Dominion.

There is also a committee of the American Bar Association studying all of the states programs in an attempt to develop a uniform statute.

Although there have been a number of bills submitted to the Congress none has become a reality as yet.

More and more articles are written by law professors, law school students and philosophers which has generated further interest by other states.

The Chairman and Executive Secretary attended a conference in Maryland in the spring of 1970 at which there was represented most of the states who have statutes as well as the provinces and the Dominion of Canada. There was an exchange not only of information, but of the problems that are common to all of the states and a great deal was obtained of value. It was the consensus of the Second International Conference, hosted by the Maryland Criminal Injuries Compensation Board, that an association be formed. Attending the conference were individuals who have written treatises which have been published in various law school reviews.

The purposes of the association included the exchange of information and a discussion of problems that are common and to furnish to those states which are studying such a program statistics and costs.

15. Board and Staff: The district attorneys and all law enforcement agencies have continued their full cooperation with this Board.

The staff as well as the Members of the Board and the Executive Secretary have had added duties assigned due to the steady increase in the number of claims. Without the cooperation of each one, this Board could not have processed as many claims.

The Board, with the cooperation of the staff, will continue to investigate and render decisions in as many claims as can be possibly done with our present personnel.

The Board recognizes its duties and responsibilities to innocent victims of crime.

STANLEY L. VAN RENSSELAER,
Chairman.
CLAIRE E. CANNING,
Secretary to Board.
MAX L. NISSMAN,
Board Member.
P. VINCENT LANDI,
Board Member.

ALBANY, N.Y., *April 1, 1970.*

EXHIBIT

State	Jurisdiction	Eligibility	Restrictions	Amount	Subrogation	Attorney fees	Loss of property	Determination
California: Cal. Gov't Code. §§ 13960–13966 (1967); §§ 13970–13974 (1969).	State Board of Control (hearing)	1. Victim. 2. Dependants—in case of pecuniary loss from his injury or death.	Need basis.....	Not in excess of $5,000.	State subrogated to rights of claiment against offender to the extent of payment of the claim. May intervene in claimant's action against offender or bring own.	Not in excess of 10%..	To private citizen preventing crime or apprehending criminal, or rescuing a person.	May refuse to compensate for lack of cooperation with police in apprehension of offender.

State	Jurisdiction	Eligibility	Restrictions	Amount	Subrogation	Attorney fees	Loss of property	Determination
Hawaii: Hawaii Rev. Law §§ 351-1, -351-70 (1967).	Criminal Injuries Compensation Commission (hearing)	1. Victim. 2. Dependants—in case of his death. 3. Other—person responsible for victim's maintenance, where pecuniary loss results from victim's injury.	General.....	Not in excess of $10,000.	State may bring derivative action against the convicted offender in the name of the victim or dependants awarded compensation. Excess recovery given to claimant.	Commission as part of order may award reasonable attorney fees, not in excess of 15% of an award over $1,000—out of the award.	To private citizen in preventing crime or apprehending a criminal.	Reduce compensation to extent victim was responsible for the crime that caused his injury.
Maryland: Md. Ann. Stat. art 26A, §§ 1–17 (1968).	Criminal Injuries Compensation Board (single member with right to appeal to whole).	1. Victim. 2. Dependants—in case of his death. 3. Other—dependant on victim for their principal support. 4. Anyone injured or killed in attempting to prevent a crime, and his dependants.	Out-of-pocket loss of $100 or two weeks' earnings plus "serious financial hardship."	Art. 101, § 36 schedule used.	.....	Subrogated to the extent of the award to recover payments resulting from the crime.	.....	Reduce compensation to extent victim contributed to his injury. May be disregarded if victim attempted to aid a victim or prevent crime or apprehend a person after he committed a crime.
Massachusetts: Mass. Gen. Laws ch. 258A, §§ 1–7 (1968).	District Court...	1. Victim. 2. Dependants—in case of his death.	Out-of-pocket loss of $100 or two weeks' earnings.	Equal to loss up to $10,000.	.....	"To the extent of compensation," any amount received by claimant from any source exceeding the actual loss to the victim may be recovered.	Court as part of order may award reasonable attorney fees, not in excess of 15% of an award over $1,000—out of the award.	Same.
New York: N.Y. Exec. Law §§ 620–635 (1966). (1966).	Crime Victims Compensation Board (single member with right to appeal to whole).	1. Victim. 2. Dependant—in case of his death. 3. Other—dependent on victim for their principal support. 4. Anyone injured or killed in attempting to prevent a crime, and his dependants.	Out-of-pocket loss of $100 or two weeks' earnings plus "serious financial hardship."	Not in excess of $100 per week earnings or support, nor an aggregate award of more than $15,000.	.....	To the extent of the award to recover payments resulting from the crime.	.....	Same.
Nevada: Nev. Rev. Stat. §§ 217.180–217. 260 (1969).	State Board of Examiners (hearing).	1. Victim. 2. Dependant—in case of his death. 3. Other—person responsible for victim's maintenance where pecuniary loss results from victim's injury.	General.....	Not in excess of $5,000.	Subrogated to the cause of action of the applicant against the offender and may bring an action for the amount of damages sustained by the applicant. Excess recovery paid to claimant.	Board as a part of order may allow reasonable attorney fees, not to exceed 10%—out of the award.	.....	In determining whether to make an order for compensation, the board shall consider provocation, consent, or any other behavior of the victim.
New Jersey: N.J. Session Law Oct. 1971.	Violent Crimes Compensation Board (hearing).	1. Victim. 2. Dependent—in case of death. 3. Other—person responsible for victim's maintenance where pecuniary loss results from victim's injury.	Out of pocket loss of $100 or two weeks earnings.	Not in excess of $10,000.	Subrogated to the cause of action of the applicant against the offender and may bring an action for the amount of damages sustained by applicant. Excess recovery paid to claimant.	Board as part of order may allow reasonable attorney fees, not to exceed 15% of the award—not out of award.	.....	Reduce compensation to extent victim contributed to his injury. May be disregarded if victim attempted to aid a victim or prevent a crime or apprehend a person after he committed a crime.
Victims of crime act of 1972 [Title I].	Violent Crimes Compensation Board (hearing).	1. Victim. 2. Dependent—in case of his death. 3. Other—person where pecuniary loss results from victim's injury. 4. Anyone suffering pecuniary loss.	$100 minimum plus undue financial hardship.	Not in excess of $50,000.	Attorney General may maintain action against offender for recovery of the whole or specified amounts of the compensation.	Attorney fees allowable as under 18 U.S.C. 3006A.	.....	In determining whether to make an order, the behavior of the victim is considered.

Note: Adapted from 47 Notre Dame Law 88 (1971).

MULTNOMAH COUNTY, OREG.,
December 1, 1971.

Senate Judiciary Committee,
Washington, D.C.

GENTLEMEN: I am forwarding to you the copy of a newspaper story relating to the tragic death of a police officer who was engaged in his official duty attempting to avert a bank holdup.

Apparently, the city he was working for did not have the fringe benefit of life insurance provided for their police officers; and because of the outrageously low salary, the officer was unable to pay for his own policy.

It is my understanding that there is currently pending legislation that would provide death benefits in such cases as this. As a former sheriff and as one who retains a keen interest in the criminal justice system, I strongly urge that such leigslation receive prompt and favorable consideration.

Thank you for allowing me to call this to your attention.

Very truly yours,
DONALD E. CLARK,
Commissioner.

[From the Oregon Journal, Nov. 10, 1971]

CRESWELL MOURNS SLAIN POLICEMAN WITH SOLEMN RITES—MURDERER MAY HAVE MISTAKEN VICTIM

(By James Long)

CRESWELL.—City Policeman Curtis VanDerson may have been murdered by bank robbers Friday night because of a grotesque case of double mistaken identity.

This possibility became clear Tuesday as a team of Journal newsmen visited Creswell, a quiet, friendly lumbering town, and talked to witnesses.

The story is complex and requires an understanding of the setting.

As you drive south on Interstate 5 out of Eugene, Creswell pops up on the right. It is a small community with a population of 1,200, and most of the social activities center on the churches and VFW hall.

Nearby, in the hills, are some "hippie" communes with many bearded types—and these are not looked on with much favor by the townspeople. One man, looking wth disdain at a wild-haired youth departing. The Penguin restaurant, murmured, "I'd like to catch that guy out in the brush. I'd hogtie him and—" He bit off the sentence.

The Penguin is the older part of Creswell, which grew up around the Southern Pacific Railroad tracks near a busy lumber mill complete with a still-smoking wigwam burner. After I-5 was built, the town crept eastward with a succession of new store buildings two of the newest being the Community Bank of Creswell and Joe Estes' Texaco station directly across the wide street.

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Estes' wife, Virgie, was taking care of the station Tuesday and keeping a large pot of free coffee brewing for customers who dropped in.

Virgie Estes is a smiling, pleasant individual whose friendliness tapers off a bit when it comes to "longhairs."

"I have boys working for me, and I treat 'em like my own sons," she says. "The only thing I require is honesty, hard work, and a haircut."

Mrs. Estes acknowledged that it was the long hair of a young man who walked into the station late Friday and asked for change for a quarter that kept her from studying him closely enough to give a good description.

Only a few minutes after she gave the change, the young man would walk to the vicinity of a white Oldsmobile parked in an adjacent car wash 200 feet west—and it was from that location that shots were fired that would take the life of the 31-year-old patrolman.

Some significant events leading up to the murder began to occur at about 5:40 that Friday evening.

Virgie Estes was trying to finish her chores early at the station so she could attend a Presbyterian dinner that evening with her husband.

Dusk was falling as she gathered up the afternoon's receipts and hurried across the four lanes of Oregon Avenue to the brightly lit, cedar-and-stone bank building that shortly was to become the scene of the fatal robbery.

Returning, she glanced only briefly at the white 1964 Olds parked inside the farthest of two open-ended buildings comprising the Venda-Wash car wash—not then connecting the car with the young man who followed her into the station.

"He was in his 20s, with a green sherpa coat and blond hair down to his collar," she recalled. "The way he looked irritated me. He had two quarters in his hand and he said, 'Can you change this?' and handed me one of them. I gave him two dimes and a nickel."

In retrospect, Mrs. Estes wonders about the significance of the request for change. The man put exactly 40 cents in the cigaret machine as if he knew the machine would return no change—which happens to be the case. He had not attempted to use the two quarters.

Another peculiar thing happened, said Mrs. Estes. "He went over and took the key to the john. The writing on those keys is small, and most people have to look to see which one is which. He just reached out and took the correct one."

As Mrs. Estes leaned against a counter, she could see the longhaired young man hand the key to someone else outside the station. She only saw the other person's hand take the key. Then the young man strolled slowly toward the Venda-Wash.

Shortly after Mrs. Estes left the station, a 17-year-old employe, Sheldon Patrick, watched a dark, foreign made car drive into the bank parking lot with its lights off.

A short time later he saw Patrolman Van Derson's prowl car enter the lot and stop just after clearing the curb. Patrolman Van Derson got out, ran around to the rear of the car and crouched with his pistol drawn.

Patrick didn't know that Van Derson had been dispatched to check a silent bank alarm.

Moments later, Van Derson spotted a bearded young man coming out of the bank and ordered him to sit with his hands below his head. What Van Derson didn't know—and what apparently had escaped the attention of the men in the carwash across the street—was that the two men in Halloween masks who had robbed the bank had already fled.

In the dusk—it was quite dark by this time—did the lookouts mistakely assume that one of their accomplices had been captured?

Whatever the case, several quick shots rang out from the carwash and hit Van Derson just as he started to get up. He pitched forward and died within minutes. The gunmen all fled.

Mr. McCLELLAN. Mr. President, I submit that this is important legislation. It will be our purpose when it is referred—as I am sure it will be—to the Subcommittee on Criminal Laws and Procedures, to move with all due expedition. We have already held a number of hearings on nearly every aspect of the bill. I hoped that we will be able to get the bill reported for action to the Senate early next year.

Mr. MANSFIELD. Mr. President, with the introduction today of this highly important omnibus criminal victim bill, I am happy to join the distinguished chairman of the Senate Subcommittee on Criminal Laws and Procedures. This is a most important step; one needed if we are ever to correct a grave deficiency in this Nation's system of criminal justice. What it provides is solid recognition for the victim of crime—the one who suffers most. As Senator McCLELLAN indicated, title I of this measure is patterned directly upon my bill, S. 750, a bill that underwent exhaustive hearings by the Criminal Laws Subcommittee less than 2 weeks ago.

What was then made clear was that the point has been reached where at the national level full consideration must be accorded the victims of crime; those for whom, thus far, the process of criminal justice has failed miserably. Indeed, it is because society as a whole has failed to protect its members adequately that such an obligation has become due to those who suffer.

I am pleased indeed, that the able chairman of the committee has now embraced the concept of criminal victim compensation. I am pleased as well that he, along with so many others, has come to recognize that at the very least, the victim of crime should be made whole for suffering personal injury. In this regard, title I of the Victims of Crime Act of 1972 does precisely what I sought to do with S. 750. Under it, when fully implemented, any person who personally injured in the perpetration of any crime would receive pecuniary compensation. There would be established a Federal Compensation Board or Commission which would make direct awards to the victim for injuries suffered in the course of the crime committed within the Federal criminal jurisdiction. In addition, a system of revenue sharing in the form of grants would underwrite similar State compensation programs for the victims who suffer from crimes within State and local criminal jurisdictions.

I would only reiterate that, when the protection of society is not sufficient to prevent a person from being victimized, society then has the obligation to compensate the victim for that failure of protection. This measure, when fully implemented, covers everyone. The unsuspecting victim of rape. The policeman ambushed answering a routine call. The fireman shot by a sniper when responding to an alarm. The ghetto dweller. The suburbanite. In short, this proposal provides for all who suffer personal injury from criminal violence.

Mr. President, this is a time for bold action. This is a time for Congress to demonstrate to the people of America that it is interested in the problems and suffering of victims of criminal acts. The time has come to give these matters early attention, and I hope that the Judiciary Committee can soon report this and other measures which are designed to give long overdue consideration to the victim.

I gladly join in this measure. I would like to mention that this whole concept of compensation for victims of violent crimes was discussed at length in an article contained in a U.S. News & World Report issue of last April. The author of that article undertook a great deal of research and reported the success achieved by crime compensation programs where they presently exist. I ask unanimous consent that the article be printed in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. I had the privilege also of addressing the Subcommittee on Criminal Laws and Procedures at the time of its hearings on my bill, S. 750, a week ago last Tuesday. I ask unanimous consent that my remarks before the subcommittee be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MANSFIELD. In closing, I would only add that when this Congress adjourns next year, it is my profound hope that it will do so with the concept of criminal victim compensation firmly implanted into this Nation's system of criminal justice.

EXHIBIT 1

PUBLIC PAY FOR CRIME VICTIMS: AN IDEA THAT IS SPREADING

As violent crimes increase, pressure is building up for a federal law to provide compensation from public funds for innocent victims of those crimes.

Six States—New York, Massachusetts, Maryland, California, Hawaii and Nevada—already have enacted programs for such payments, and several other States are considering the idea.

Now bills have been introduced in Congress to make this type of compensation nationwide. One bill is sponsored by the Senate Majority Leader, Mike Mansfield (Dem.), of Montana, the other by Representative William J. Green (Dem.), of Pennsylvania.

Both bills not only would provide federal payments to persons injured by crimes that come under federal jurisdiction, but also would help States pay victims of crimes under State laws.

In addition, three bills have been introduced in the House to compensate those hurt by violators of federal laws.

HEARING ASSURED

Chances for passage of any such law in this session of Congress are regarded as dim. But Senator Mansfield has been given assurances that the proposals will at least get a hearing in this session—and backers predict the idea will gain momentum rapidly in years just ahead.

"This is an idea whose time has come," said Representative Green.

"We have passed a lot of laws directed at the criminals, and now we need to turn our attention to the innocent victims of criminals. It may not be this year, or next, but eventually we're going to have such a law."

If so, the United States would be far from the first nation to adopt the idea. Great Britain and New Zealand have been paying crime victims since 1964. Compensation programs are in effect in parts of Canada and Australia, and Sweden is setting up such a program. How those plans operate is told on page 42.

Here, in Senator Mansfield's own words, is how his proposal would work:

"There would be established a federal violent-crimes-compensation commission which would make direct awards to the victims for injuries suffered in the course of crimes committed within the federal criminal jurisdiction.

"In addition, a system of revenue sharing, in the form of grants, would underwrite similar State compensation commissions for those who suffer from crimes within State and local criminal jurisdictions. . . .

"The measure I suggest covers everyone: the unsuspecting victim of rape, the policeman ambushed answering a routine call, the fireman shot by a sniper when responding to an alarm, the ghetto dweller, the suburbanite. In short, this proposal provides for all who suffer personal injury from criminal violence."

Wide range of aid. Compensation would not be authorized for offenses against property—such as theft. Payments would cover expenses resulting from injury or death, loss of earning power, "pecuniary loss" to dependents of the victim—and could also compensate for "pain and suffering."

A limit of $25,000 would be set for payments to any one person.

Under State plans approved by the proposed federal commission, Washington would pay 75 per cent of the cost, with the States paying 25 per cent.

How much would it cost the taxpayer to compensate all the nation's citizens victimized by lawbreakers?

This is the big question, raised by opponents of crime compensation and of concern to backers of the plan as well. No clear indication is provided by the brief experience of the few States that have tried the idea.

California and New York were the pioneering States in this field—and their programs did not get under way until 1967. Compensation laws were passed by Hawaii in 1967, Maryland and Massachusetts in 1968, and Nevada in 1969.

Rising number of claims. Writing in the November, 1970, issue of "The Insurance Law Journal," Herbert S. Denenberg, a professor at the Wharton School of Finance and Commerce at the University of Pennsylvania, reported:

"Experience to date indicates that the costs of these programs can be kept within reasonable bounds."

As these young programs expand, however, and as more people learn about the aid they offer, the number of compensation claims is rising steadily—and bigger increases are seen ahead.

In Hawaii, for example, an official report says that "only a small percentage of victims of what appear to be eligible crimes committed in Hawaii are filing applications."

This, also, is suggested by one critic of crime compensation:

"If this ever becomes law nationwide, you would see a record number of crimes reported. Many victims are too embarrassed to report rape. But if it becomes worth several thousand dollars, the victim may not mind having her name in the newspapers."

How laws are working. A survey by "U.S. News & World Report" gives a picture of how the State programs are operating so far.

In Maryland, crime victims are compensated only when their losses create "serious financial hardship." Payments are limited to a maximum of $27,500 in a case of death or $45,000 in a case of total disability. Some awards may be paid in a lump sum, others in monthly payments over a period of time.

Here are some examples:

A woman, age 69, was assaulted on her way to church by a purse snatcher, and her hip was broken. She was awarded compensation of $1,136.82.

A 42-year-old man who was robbed and shot in the pelvis on a public street was awarded: $2,904 for medical expenses and $1,694 for time lost from work, plus monthly payments of $54 and assurances of reimbursement for future medical bills resulting from the crime.

A widow of a man who was shot to death was first refused compensation because she had approximately $32,000 in assets. But she won reversal on appeal after showing she had three young children, was unemployed and had an illness requiring extensive hospitalization. She was awarded $209.60 a month.

A 68-year-old widow whose husband was robbed and killed by a gang of youths was denied compensation because she had assets of $18,000 plus $119 a month from Social Security.

Over all, in the first year of the Maryland plan's operation—July 1, 1969, to June 30, 1970—there were about 1,250 applications for compensation. According to an official report, about 1,000 applications were rejected, 240 were accepted for full investigation, and 105 of those cases were decided with the following results: 63 claims disallowed and 42 awards granted, totaling $328,000.

Joseph Pickus, chairman of Maryland's Criminal Injuries Compensation Board, says "these figures are low because we were starting from scratch." He predicts that "within five years the program will be costing about 1 million dollars a year."

Maryland Governor Marvin Mandel told an international conference on compensation for crime victims last year that "the program has operated well," and "I think you're going to find in the near future that more and more States are going to get into this program."

"Good Samaritan" program. California has two compensation programs: one for victims of violent crime, another for those injured while trying to prevent a crime or help in the apprehension of a criminal—under what is known as the "Good Samarian law."

Ordinary crime victims must establish need and payments are limited to $5,000. From this program's beginning in 1967 through February of this year, 1,245 claims were made, 330 were granted for awards totaling $521,000 and 671 claims were denied, with 242 left pending.

Legislature must approve. Under the "Good Samaritan law" enacted in 1965, there have been only 50 claims, of which 32 were granted for a total of $137,000. The highest award, for $79,500, went to a man who was shot and paralyzed while trying to prevent a husband from shooting his wife. The State legislature must approve each "Good Samaritan" award, but no evidence of need is required.

New York State's program for crime victims began March 1, 1967, and since then approximately $2,320,000 has been paid in compensation.

In the fiscal year ended Feb. 28, 1970, the Crime Victims Compensation Board received 929 claims involving 537 "muggings," 140 murders, 121 stabbings, 120 shootings, 8 rapes and 3 motor-vehicle incidents. In 826 cases, the board made 336 awards.

The New York law has no limit on payments for medical expenses, but total reimbursement for lost earnings or loss of support may not exceed $15,000. According to Stanley L. Van Rensselaer, chairman of the Board, the average payment to a crime victim is about $1,400, the average to dependents of a man killed in a crime is $3,000, and the average to a disabled victim is $4,071 a year. Hardship must be proved.

$10,000 limit on claims. In Massachusetts, in two and a half years of the plan's operation, awards have totaled only about $37,000, but Attorney General Robert H. Quinn predicts that the program will expand. Compensation is designed to cover out-of-pocket losses from injuries, and the limit is $10,000 per claim.

Since Hawaii began paying crime victims in 1968, costs have risen steadily. There were 3 awards totaling $1,000 in 1968, 47 awards for $111,945 in 1969, and 121 awards for $267,157 in 1970—an average of about $2,200 each.

In Nevada, under a law passed in 1969, only one payment has been made—and that was for a "Good Samaritan deed" by a man who was shot while trying to disarm a robber. He got the maximum payment permitted—$5,000. Two more applications have been received since this first award was publicized. But many Nevadans are not aware of the law.

States interested. Bills to start paying crime victims have been introduced in the legislatures of Illinois, Ohio, Michigan, Arkansas and New Jersey.

Federal crime-compensation programs were proposed in Congress in 1968 and 1970, but failed even to reach the committee-hearing stage. A plan applying only to the federally governed District of Columbia cleared the Senate last year as a little-noticed part of a broad anticrime measure, but it was dropped from the bill finally passed.

Now, with five bills pending in Congress, interest in the idea of helping crime victims appears to be growing.

Society's responsibility? Former Senator Ralph W. Yarborough (Dem.), of Texas, who wrote the D.C. compensation bill, expressed the feelings of most backers of the idea when he told a committee last year that persons accused of a crime "are given every protection that society can afford them" and said:

"What happens to the injured person left lying in the street, sometimes half dead? If somebody calls an ambulance, the victim has to pay for it. If he goes to the hospital, he loses his salary from the time he is out from work. . . . He pays his own medical expenses. He pays his own hospital bill.

"Society takes care of the person accused of crime, but does little for the person who is suffering the injury"

HOW CRIME VICTIM IS PAID ABROAD

New Zealand and Great Britain were the pioneers in the payment of compensation by the Government to victims of crime. Their programs began in 1964. Seven of Canada's 10 Provinces and some States of Australia have compensation systems. And Sweden is about to start one.

In Britain, since 1964, the Government's Criminal Injuries Compensation Board has handled 25,000 cases, made awards in 18,000 of those cases, and has paid out more than 15 million dollars in compensation. In 1969 alone, 4.7 million dollars was paid to 5,000 claimants.

Under Britain's plan, compensation is paid only in cases involving crimes of violence. Awards range as high as $50,000 and generally reflect the amounts awarded in civil suits.

Expansion in U.K.? Criticism of Britain's system is aimed mostly at its restrictions, rather than its performance. A Government investigation in 1970 recommended increasing the number of awards and a bill now before Parliament would liberalize the rules.

In Canada, compensation to crime victims

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is financed by the provincial governments. But another plan is being considered that would provide for cost sharing by the Government.

Provincial systems vary somewhat, although generally similar. Ontario, the most populous Province, received 300 claims last year. An official estimates this number may double in the year ahead, with a predicted total of about $800,000 in payments. There is a ceiling of $10,000 for any one claim.

Most authorities say the system is working "satisfactorily" in Canada, and the three Provinces which do not now pay crime victims are reported considering compensation plans.

Sweden's program—scheduled to go into effect July 1—is relatively restricted in scope. It covers only personal damages and is intended primarily to compensate people with small incomes. Amounts of awards will be based on a means test. Maximum payments are to be fixed at about $10,000, except in exceptional cases. The Government, as a rule, will compensate victims only for economic damages not covered by the national-health program, other welfare benefits or private insurance.

Authorities expect the cost of the new program to be small at the start—only $200,000 is budgeted for the first year. But costs are expected to grow.

Some other European countries, including Norway, Finland, Netherlands and West Germany, are reported to be showing interest in Sweden's experiment.

EXHIBIT 2

TESTIMONY OF SENATOR MIKE MANSFIELD, OF MONTANA, BEFORE THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES, NOVEMBER 30, 1971

Mr. Chairman, distinguished members of the Committee, I appreciate very much this opportunity to appear before you today. I do so in behalf of the countless thousands of innocent victims of crime. I do so as well out of a deep personal concern for the effects of violence upon society today. With S. 750, I have sought to revive the concept of compensating victims of violent crime. In doing that, I have approached the issue, not as a lawyer, which I am not, nor as a student of law. I have endeavored rather to view the matter as one who is deeply concerned that recent efforts to stimulate new approaches to stemming and even reversing the ever-rising rate of crime and violence have focussed too little attention upon the innocent victims of crime.

By no means, Mr. Chairman, do I wish to diminish your superb record against criminal elements. No man, inside the Senate or out, has devoted more energy and effort to that end. Thanks in large part to you, Mr. Chairman, the United States Senate in the last Congress passed 18 or more anti-crime proposals. Societies, nevertheless, have suffered the ravages of violent crime and ours has been no exception. Chronicled daily by the press are crimes of the most heinous nature. To meet this situation it seems to me that there has been created a system of justice that too often presents an abstraction of the state versus the criminal, which in turn has left the victim unappeased, the government bogged down in court and the criminal becoming more expert at his trade.

To be sure, the accused is prosecuted for his crime, and if found guilty, punished by the state. But the victim's sole recourse, within our Federal jurisdiction, is to seek damages by instituting a civil action against the guilty criminal. At best, this has been an inadequate remedy, considering the financial condition of most perpetrators of violent crime. In fact, a recent survey of victims of violent crimes indicates a bare 1.8% of the victims ever collected anything from their attackers. Yet 74.2% of them suffered economic loss, not to mention the physical damage and suffering involved. And as the President's Commission on the Causes and Prevention of Violence has documented so well, this alarming increase in the rate of violent crime has persisted and with it, no doubt, the great disparity between those victims who are compensated and those who are not.

At the same time, the victims of this violence have been virtually separated from the crimes. That is a matter of policy. It is a policy that abrogates any social contract that is thought to exist between the citizen and his society. The citizen pays his taxes, he obeys the laws imposed by society and in return he expects—some would argue on a contractual basis—to be protected by those laws from illegal acts which result in injury and suffering to himself. In short, if society fails in its efforts to provide basic protection then the social contract has been breached; the citizen has suffered. To him there is no particular non-punishable recourse available other perhaps than overt apathy. Reflective of this growing apathy, in my judgment, has been the significant increase in the number of cases where victims simply refuse to become involved—not as witnesses, not to assist the prosecution, not in preventing the crime, not in assiating a police officer.

In my judgment, this overt apathy or non-participation by citizens in regulatory functions of society is about to become a most critical and pressing problem. Today, citizens must recognize that through their plain apathy, they are committing crimes against society. To combat such an attitude, it is my view that we—the elected representatives—ought to become more cognizant of the need for legislation that would encourage, and even reward, acts that are socially responsible.

Another aspect of the problem concerns the government's task of rehabilitating criminals. How much violent crime, it should be asked, is committed at the hands of the recidivist who has been released upon society from a penal institution that served only to mold him into a more hardened and bitter criminal than he was when first incarcerated? His innocent victim has been doubly cheated by society. Not only has it failed to protect him with sufficient police and safety facilities, its penal institutions have actually created a more serious threat to law and order by serving as graduate schools for criminals.

It has been said that the institutions of justice have become more concerned with the protection of the rights of the criminal than with the need for law and order in society. To an extent, I would agree. But I feel the major emphasis is misplaced. To me, a major liability with the present system of criminal justice is its utter failure to consider the innocent victim. This is the whole basis for my intereat today in reviving the concept of victim compensation.

As a matter of public policy, social compensation programs are not revolutionary notions by far. Indeed, there is great similarity in rationale and origin between notions of compensating workers, assuring them of a reasonably safe place in which to work, and compensating victims of crime, assuring them a reasonably safe society in which to live. Just as the worker has historically frustrated in his attempts to recover damages, so, too, has the victim of crime today been frustrated. In many cases the offender is not apprehended. When he is, he is often destitute. Further, present penal methods do not offer the offender an ability to make restitution because he cannot earn a gainful living.

Along with the worker compensation concept, other steps have been taken in the past 30 years or more which manifest society's abandonment of its laissez-faire attitudes when facing matters of collective community need. Social security and medicare; aid to dependent children, assistance for the handicapped, the aged and the blind, notions of no-fault insurance and national health insurance all reflect a recognition of collective responsibility. Fulfilling this responsibility with regard to victims of crime is no easy task. Senate bill 750 attempts to face the problem. If adopted at the Federal level, however, it would by no means represent the first such step taken in modern times. Indeed, within the last ten years, New Zealand, England, particular provinces in Canada and Australia, have all enacted governmental programs of compensation for innocent victims of violent crimes. In addition, the states of California, Hawaii, Nevada, Maryland, Massachusetts, New York, and most recently, New Jersey, all have enacted some type of compensation program. I have asked some of these states for reports on their experience with the program and submit for the record the responses I have received.

Though I am not wedded to any particular procedure for achieving the task of recognizing the need for compensating the criminal victim, the main features of my bill do deserve some explanation. First of all, a three-man Violent Crime Compensation Commission would be created. The Commission would compensate innocent victims for injury or death resulting from 18 possible offenses. The 18 offenses could be grouped generally under the headings of homicide, assaults and sexual offenses of violence, all occurring within the Federal criminal jurisdiction. There would be a maximum limit of $25,000 for each award.

It would be the Commission's duty to examine the evidence presented both to determine what level of compensation should be granted and whether in fact the person making the claim is truly an innocent victim.

With some limitation, the Commission could order the payment of compensation to or on behalf of the injured victim, to the person responsible for his maintenance, to his dependents or close survivors. The authority of the Commission to award compensation would not be dependent on prosecution or conviction of the accused for the offense giving rise to the injury. Obviously, however, the crime would have to be established.

As far as losses covered are concerned, the proposal would provide compensation for expenses incurred as a result of the victim's injury or death, for the loss of his earning power, for pain and suffering and for any other direct, crime-related losses which the Commission deems reasonable.

Compensation would be denied in cases where the victim was living with the offender or in any case where the Commission finds that unjust enrichment would result to or on behalf of the offender.

Decisions and orders of the Commission would be reviewed by the appropriate Court of Appeals.

A most important provision would allow the Commission, where possible, to recover over against a convicted assailant the amount of any awards granted on account of his crime.

There is also provided a grant program which would encourage states to establish Crime Compensation systems within their individual criminal jurisdictions.

With these hearings, Mr. Chairman, and the study that undoubtedly will follow, I am certain many of the features of this proposal will undergo close examination and undoubtedly changes for the better will be made. Merging the state programs under the existing Law Enforcement Assistance Administration is one suggestion that deserves merit. Improvement, may I say, is an essential purpose of the legislative process.

May I say, too, that I am pleased President Nixon's recomendations for a special compensation program for survivors of policemen killed in the line of duty are here being considered along with S. 750.

One final note. Before this Congress adjourns in 1972, it is my hope that the legislative process will have been completed and that there will be established on the Federal level the principle that violent crime is a three-party affair which includes the victim, the criminal and the state. In the last 100 years, the criminal and the state have dominated the arena of crime and punishment to the injurious exclusion of the victim. To revive at this time the proposition that citizens are entitled to protection, and failing such protection, that citizens are entitled at least to be compensated for the losses they suffer from violent criminal action, can only serve to strengthen the social fibre of our Nation.

Thank you very much.

Mr. HRUSKA. Mr. President, I am very pleased to join with the chairman of the Criminal Laws Subcommittee, Senator MCCLELLAN, and others, in introducing this bill: The Victims of Crime Act of 1972.

This proposal, along with those dealing with this same subject which are already before our committee, will afford us the opportunity for additional hearings on this most important subject. Several points of view are represented by these bills. While I do not endorse or approve all of its various parts, I look forward to the opportunity we shall have to study this question from every angle. Hopefully, after this scrutiny including additional hearings and our subsequent deliberations in subcommittee, we can report a comprehensive bill which will be as effective, as large in scope, and as representative of all points of view as possible. In this regard I know that the Senator from Arkansas will do his best to canvass all opinion on this subject before hearings are concluded.

In the course of its work, the Criminal Laws Subcommittee has looked at many aspects of crime and has approved legislation dealing with courts, corrections, and the police, as well as substantive criminal law. As in so much that we in Congress do, the exigencies of time and the need to grapple with the most pressing problems first, have resulted in our neglect up to this point of that element of society most deserving of our attention—the crime victim himself. This bill is designed to correct this neglect.

In his introductory remarks Senator MCCLELLAN has discussed in great detail the five titles of the bill: First, compensation for victims of violent crime; second, group life insurance for public safety officers; third, death and disability benefits for public safety officers; fourth, civil remedies for victims of racketeering activities; and fifth, general provisions. I do not feel any legitimate need would be served at the present time by additional discussion of the individual provisions of this bill by this Senator. I will say that I am pleased that in drafting this bill the chairman has been very sensitive to and respectful of the proper role to be played by the Federal Government and the individual States regarding all aspects of law enforcement. This is one of the questions which I will want to continue to examine closely in our further deliberations on this subject.

As I indicated earlier this Senator is joining in introducing this bill so that it may serve as a vehicle for hearings and discussion on this important subject. I do not necessarily agree with everything in the bill as presently written and will have to devote considerable study to it before voting to report it or any related bill from the subcommittee. But I do want to emphasize my support for this type of legislation and to indicate my gratitude to Senator MCCLELLAN for doing the preliminary work on it and for asking me to join him as a cosponsor today.

Mr. GRIFFIN. Mr. President, I rise to commend the distinguished Senator from Arkansas for his leadership again in this important field. He has made a very significant statement.

The legislation which he has described incorporates some features of a concept which the junior Senator from Michigan has advocated strongly in the past. I should like to join with the distinguished ranking minority member of the Judiciary Committee, the Senator from Nebraska. I ask unanimous consent that my name be added as a cosponsor of the measure.

Mr. MCCLELLAN. Mr. President, I ask unanimous consent that the names of the Senator from Nevada (Mr. BIBLE) and the Senator from Michigan (Mr. GRIFFIN) be added as cosponsors of the measure.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, I should like to add my support for the Victims of Crime Act of 1972, which the distinguished Senator from Arkansas (Mr. MCCLELLAN) is introducing today.

This legislation, I believe, includes many significant features, including compensation for victims of violent crime, grants to State for such reimbursement, and expanded benefit programs for public safety officers. I support these provisions wholeheartedly.

Assistance for the victims of crime and those who spend ther lives fighting crime is an idea whose time has come. It is a natural response to the rising rate of violent crime throughout the country. While I believe that we must do all we can to strengthen the machinery of law enforcement, to improve corrections and rehabilitation programs, and to bring about judicial reform, we must not forget the victims of crime. And I include among the victims of crime the increasing number of policemen, corrections officers, and firemen who are killed or injured in the line of duty.

It is not fair that we should ask the victims of crime to tolerate the rising incidence of violent crime and to live in fear of personal harm while we labor to reduce the crime rate. Deliberate we must—for as long and as hard as it takes to find the right mix of social and legal antidotes to crime. In the meantime, we must also recognize our responsibility to its victims.

Mr. President, I am especially pleased that the Senator from Arkansas (Mr. MCCLELLAN) has chosen to draw key elements of title III of this legislation from a bill (S. 2748) which I introduced earlier this year. That bill would provide a death indemnity of $50,000 for the survivors of police officers, corrections officers, and firefighters killed in the line of duty, whether they serve at the Federal, State, or local levels. In remarks which I delivered when I introduced that legislation, I pointed out that these men and women live daily with unusual danger to their well-being in order to protect our lives and property. This danger is just as great, and their service is just as vital whether they serve under a Federal, State, or local jurisdiction.

I also noted that we cannot expect to recruit and retain responsible, family men and women into these increasingly hazardous jobs without offering the kind of protection that survivors compensation provides. This need has already been recognized at the Federal level with a variety of compensation and benefit plans for law enforcement officers. A $50,000 death benefit is already provided the survivors of policemen killed in the line of duty in the District of Columbia. The Victims of Crime Act of 1972 would simply acknowledge the national scope of this need by making these benefits uniformly available to all public safety officers throughout the country.

Mr. President, I reiterate my support for this legislation and urge the Judiciary Committee to give it consideration at the earliest possible date.

By Mr. KENNEDY (for himself, Mr. HART, Mr. HUMPHREY, Mr. Moss, and Mr. METCALF):

S. 2995. A bill to provide for the compensation of innocent victims of violent crimes in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes. Referred to the Committee on the Judiciary.

FULL LIFE INSURANCE VERSION OF VICTIMS OF CRIME ACT OF 1972

Mr. KENNEDY. Mr. President, I want to congratulate and thank the distinguished Senator from Arkansas for his imagination and initiative in amalgamating several extremely constructive bills into the Victims of Crime Act of 1972. I am especially pleased that the sponsor of the bill who is also the chairman of the Subcommittee on Criminal Laws and Procedures, of which I am a member, has now demonstrated his support for the concept of a Federal program of low-cost life insurance for the Nation's law enforcement officers and other public safety officers, a concept I have been promoting since 1967. Last year the program in the law I proposed was adopted by the full Judiciary Committee and passed by the entire Senate as part of the safe streets extension. However, the House Members of the conference committee felt the House had not sufficiently considered the matter and asked that it await action this year. I am pleased to note that the chairman of the House Judiciary Committee, Mr. CELLER, has now introduced in the House a counterpart bill to S. 33, the law enforcement officers group life insurance bill, which I introduced in the Senate earlier this year, and he has promised to process it as expeditiously as possible next year.

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Unfortunately in the process of amalgamating S. 33 with the other bills, which make up the proposed Victims of Crime Act, certain drafting changes have been made which may seriously limit the life insurance coverage, and seriously increase the cost of such coverage, for the Nation's law enforcement and other public safety officers.

Since they are depending on the passage of my bill at full strength, as it was passed last year, I want to make sure that they realize the full life insurance program is before the Senate and I am, therefore, introducing a full life insurance version of the proposed act which comports more fully in its life insurance title with S. 33.

I am hopeful that we can proceed to speedy consideration in committee, since there may be sections in addition to the one I have been most concerned with which are in need of some work. I hope the bill can then be reported out for speedy Senate passage.

I ask that the full text of title II be printed in the RECORD; and that Senators HART, HUMPHREY, Moss, and METCALF be listed as cosponsors.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2995

A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Victim of Crime Act of 1972."

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that (1) there is an increase of crimes of violence not only in urban, but also in suburban and rural areas; (2) the increase in crimes of violence is disproportionate to the increase in population; (3) the increase in crimes of violence increases the chances of a person becoming a victim of such a crime; (4) on an increasing basis crimes of violence are being directed at public safety officers, including policemen, firemen, and correctional guards; (5) law enforcement identification, apprehension and conviction of perpetrators of crimes of violence is decreasing; (6) the perpetrators of crimes of violence, when identified, apprehended, and convicted, are often not financially responsible; and (7) the victims of crimes of violence, their families and dependents, are often themselves unable to bear the consequent pecuniary losses without undue hardship.

It is, therefore, the purpose of this Act to commit the United States to meet its moral obligation to assist the innocent victims of violent crime, their families and dependents in financial need, by direct aid to those within the area primarily of Federal responsibility, by assistance to the States to aid those within the area primarily of State responsibility, by the establishment of insurance and benefit programs for public safety officers and their families and dependents, and by the strengthening of the civil remedies available to victims of racketeering activity.

TITLE I—COMPENSATION FOR VICTIMS OF VIOLENT CRIME

DECLARATION OF PURPOSE

SEC. 101. It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of the innocent victims of violent crime, their families and dependents, and others acting to prevent the commission of crime or to assist in the apprehension of suspected criminals.

PART A—FEDERAL COMPENSATION PROGRAM

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455 respectively as sections 421 through 425;

(2) redesignating sections 501 through 521 respectively as sections 550 through 570;

(3) redesignating parts F, G, H, and I of title I respectively as parts I, J, K, and L of title I; and

(4) adding at the end of part E of title I, as amended by this Act, the following new parts:

"PART F—FEDERAL COMPENSATION FOR VICTIMS OF VIOLENT CRIME

"DEFINITIONS

"SEC. 450. As used in this part—

"(1) 'Board' means the Violent Crimes Compensation Board established by this part;

"(2) 'Chairman' means the Chairman of the Violent Crimes Compensation Board established by this part;

"(3) 'child' means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and illegitimate child, and student over 18 years of age, and a child conceived prior to but born after the personal injury or death of the victim;

"(4) 'dependent' means a relative or other person who was wholly or partially dependent upon the income of the victim at the time of the personal injury or death of the victim;

"(5) 'Executive Secretary' means the Executive Secretary of the Violent Crimes Compensation Board established by this Part;

"(6) 'General Counsel' means the General Counsel of the Violent Crimes Compensation Commission established by this part;

"(7) 'guardian' means a person who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent;

"(8) 'incompetent' means a person who is incapable of managing his own affairs, whether adjudicated or not;

"(9) 'personal injury' means actual bodily harm and includes pregnancy, mental distress and nervous shock;

"(10) 'percuniary loss' includes:

"(A) for personal injury—

"(1) medical expenses (including psychiatric care);

"(2) hospital expenses;

"(3) loss of past earnings; and

"(4) loss of future earnings because of a disability resulting from the personal injury; and

"(B) for death—

"(1) funeral and burial expenses; and

"(2) loss of support to the dependents of the victim.

Pecuniary loss includes any other expenses actually and necessarily incurred as a result of the personal injury or death, but it does not include property damage.

"(11) 'relative' includes a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents, a neice or nephew;

"(12) 'student' means a person who is a 'student' as defined in subparagraph (17) of section 8101 of Title 5, of the United States Code; and

"(13) 'victim' includes any person who is killed or injured as proximate cause of a criminal act committed or attempted against him enumerated in section 458 of this Part or killed or injured while assisting a law enforcement officer to apprehend a person who has committed a crime or to prevent the commission of a crime.

"COMPENSATION BOARD

"SEC. 451. (a) There is hereby established a Board within the Department of Justice to be known as the Violent Crimes Compensation Board (hereinafter referred to as the "Board"). The Board shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Board as Chairman, who shall have been a member of the bar of a Federal court or of the highest court of a State for at least eight years.

"(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Board shall prescribe in accordance with the objectives of this part.

"(c) No member of the Board shall engage in any other business, vocation, or employment.

"(d) Except as provided in paragraph (1) of subsection (a) of section 458 of this part, the Chairman and one other member of the Board shall constitute a quorum. Where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

"(e) The Board shall have an official seal.

"FUNCTIONS OF THE BOARD

"SEC. 452. In order to carry out the purposes of this part, the Board shall—

"(1) receive and process applications under the provisions of this part for compensation for personal injury or death resulting from criminal acts enumerated in section 458 of this part;

"(2) hold such hearings, sit and act at such times and places, and take such testimony as the Board or any member thereof may deem advisable;

"(3) order the payment of compensation to victims and other beneficiaries in accordance with the provisions of this part; and

"(4) take such other action as it deems necessary and appropriate to carry out the purpose of this part.

"ADMINISTRATIVE PROVISIONS

"SEC. 453. (a) The Board is authorized in carrying out its functions under this part to—

"(1) appoint and fix the compensation of such personnel as the Board deems necessary in accordance with provisions of title 5 of the United States Code;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed $100 a day for individuals;

"(3) promulgate such rules and regulations as may be required to carry out the provisions of this part;

"(4) appoint such advisory committees as the Board may determine to be desirable to carry out the provisions of this part;

"(5) designate representatives to serve or assist on such advisory committees as the Board may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the provisions of this part;

"(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

"(7) without regard to section 529 of title 31 of the United States Code to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(8) request such information, data, and reports from any Federal agency as the Board may from time to time require and as may be produced consistent with other law; and

"(9) arrange with the heads of other Federal agencies for the performance of any of its functions under this part with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of his powers under this part.

"(b) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Board in the performance of its functions.

"(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $100 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"TERMS OF BOARD MEMBERS

"SEC. 454. (a) The term of office of each member of the Board taking office after January 1, 1972, shall be eight years, except that (1) the terms of office of the members first taking office after January 1, 1972, shall expire as designated by the President at the time of appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after January 1, 1972; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(b) Each member of the Board shall be eligible for reappointment.

"(c) Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(d) All expenses of the Board, including all necessary travel and subsistence expenses of the Board outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

"PRINCIPAL OFFICE

"SEC. 455. (a) The principal office of the Board shall be in or near the District of Columbia, but the Board or any duly authorized representative may exercise any or all of its powers in any place.

"(b) The Board shall maintain an office for the service of process and papers within the District of Columbia.

"PROCEDURES OF BOARD

"SEC. 456. (a) The Board—

"(1) may subpena and require production of documents in the manner of the Securities and Exchange Commission as provided in subsection (c) of section (18) of the Act of August 26, 1935, except that such subpena shall only be issued under the signature of the Chairman, and application to any court for aid in enforcing such subpena shall be made only by the Chairman, but a subpena may be served by any person designated by the Chairman;

"(2) many administer oaths, or affirmations, to witnesses appearing before the Board, receive in evidence any statement, document, information, or matter that may, in the opinion of the Board, contribute to its functions under this part, whether or not such statement, document, information, or matter would be admissible in a court of law;

"(3) shall conduct hearings open to the public unless in a particular case the Board determines that the hearing, or a portion thereof, should be held in private, having regard to the fact that the criminal has not been convicted or to the interest of the victim of an alleged crime; and

"(4) may appoint an impartial licensed physician to examine any person making application under this part and order the payment of reasonable fees for such examination.

"(b) The Board shall permit every person appearing under section 460 of this part to have the right to produce evidence and to cross-examine such witnesses as may appear.

"(c) Where a person has been convicted of a crime giving rise to an application under this part, proof of the conviction shall be conclusive evidence that the crime was committed, unless an appeal of the conviction or a petition for a rehearing or certiorari is pending or a new trial or rehearing has been ordered.

"(d) The Board shall be 'an agency of the United States' under subsection (1) of section 6001 of title 18 of the United States Code, for the purpose of granting immunity to witnesses.

"SEC. 457. (a) In any case in which a person is injured or killed by any criminal act or omission of any other person enumerated in section 458 of this part, the Board may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this part, if such act or omission occurs—

"(1) within the 'special maritime and territorial jurisdiction of the United States as defined in section 7 of title 18 of the United States Code; or

"(2) within the District of Columbia.

"(b) The Board may order the payment of compensation—

"(1) to or on behalf of the victim; or

"(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered as a result of that personal injury by any person, to that person; or

"(3) in the case of the death of the victim, to or for the benefit of the dependent of the deceased victim, or any one or more of such dependents, or to any person who has suffered pecuniary loss as a result of that death.

"(c) In determining whether to order a payment under this section, the Board may consider any circumstances it determines to be relevant and the Board shall consider the behavior of the victim, and whether, because of provocation or otherwise, the victim bears any share of responsibility for the crime that caused his injury or death and the Board shall reduce the amount of compensation in accordance with its assessment of the degree of such responsibility attributable to the victim.

"(d) No order may be made under this section unless the Board, with or without hearings, supported by substantial evidence, finds that—

"(1) such an act or omission did occur; and

"(2) the injury or death was proximately caused by such act or omission.

"(e) An order may be made under this section whether or not any person is prosecuted or convicted of any crime arising out of such act or omission or if such act or omission is the subject of any other legal action. The Board may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

"CRIMES TO WHICH THIS PART APPLIES

"SEC. 458. (a) The Board may order the payment of, and pay, compensation for pecuniary loss in accordance with the provisions of this part for personal injury or death which resulted from crimes in the following categories—

"(1) aggravated assault;
"(2) arson;
"(3) assault;
"(4) burglary;
"(5) forcible sodomy;
"(6) kidnaping;
"(7) manslaughter;
"(8) mayhem;
"(9) murder;
"(10) negligent homicide;
"(11) rape;
"(12) robbery;
"(13) riot;
"(14) unlawful sale or exchange of drugs;
"(15) unlawful use of explosives;
"(16) unlawful use of firearms;
"(17) any other crime involving the use of force, including poisoning, to the person; or

"(18) attempts to commit any of the aforegoing."

"(b) For the purposes of this part, the operation of a motor vehicle, boat, or aircraft that results in an injury or death shall not constitute a crime unless the injuries were intentionally inflicted through the use of such vehicle, boat, or aircraft.

"(c) For the purposes of this part, a person shall be deemed to have committed a criminal act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of committing a crime.

"WHO MAY RECOVER LOSS

"SEC. 459. A person is entitled to make application for an order of compensation under this part if he is a victim, he was a person who was dependent on a victim at the time of the personal injury or death of the victim, or he suffered pecuniary loss as a result of the personal injury or death of the victim.

"APPLICATION FOR PAYMENT OF COMPENSATION

"SEC. 460. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting as his relative, guardian, or attorney.

"(b) Where any application is made to the Board under this part, the applicant, or his attorney, and any attorney of the Board, shall be entitled to appear and be heard.

"(c) Any other person may appear and be heard who satisfies the Board that he has a substantial interest in the proceedings.

"ATTORNEY'S FEES

"SEC. 461. (a) The Board shall publish regulations providing that an attorney may, at the conclusion of proceedings under this part, file with the Board an appropriate statement for a fee in connection with services rendered in such proceedings.

"(b) After the fee statement is filed by an attorney under subsection (a) of this section, the Board shall award a fee to such attorney on the same terms and conditions as is provided for the payment of representation under section 3006A of title 18 of the United States Code.

"(e) Any attorney who charges or collects for services rendered in connection with any proceedings under this part any fee in any amount in excess of that allowed under this section, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"CHARACTER OF COMPENSATION

"SEC. 462. The Board may order the payment of compensation under this part for any pecuniary loss actually and necessarily incurred as a result of the personal injury or death of the victim.

"FINALITY OF DECISION

"SEC. 463. The orders and decisions of the Board shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Board shall be allowed.

"LIMITATIONS UPON PAYMENT OF COMPENSATION

"SEC. 464. (a) No order for the payment of compensation shall be made under this part unless the Board finds that the applicant will suffer undue financial hardship from pecuniary loss incurred as a result of the injury or death of the victim if the order for the payment of compensation is not made. In determining undue financial hardship for the purposes of this subsection, the Board shall consider all of the financial resources of the applicant. The Board shall establish standards by rule for determining such undue financial hardship.

"(b) No order for the payment of compensation shall be made under this part unless the application has been made within one year after the date of the personal injury or death.

"(c) No order for the payment of compensation shall be made under this part unless the applicant has incurred a minimum pecuniary loss of $100 or has lost 2 continuous weeks earnings or support.

"(d) The criminal or an accomplice of a criminal, a member of the family of the criminal, a person living in the household of the criminal, or a person maintaining sexual relations with the criminal shall not be eligible to receive compensation with respect to a crime committed by the criminal.

"(e) No order for the payment of compensation under this part shall be made unless the act resulting in the personal injury or death for which the compensation is to be paid was reported to the law enforcement officials within 72 hours after its occurrence, unless the Board finds that the failure to report was justified by good cause.

"(f) The aggregate of orders for the payment of compensation under this part as the result of any one criminal act, omission, or occurrence shall not be in excess of $50,000.

"(g) The Board, upon finding that any applicant or beneficiary of any payment of compensation has not fully cooperated with all law enforcement agencies, may deny or withdraw any order of payment of compensation.

"TERMS AND PAYMENT OF THE ORDER OF COMPENSATION

"SEC. 465. (a) Except as otherwise provided in this section, any order for the payment of compensation under this part may be made on such terms and conditions as the Board deems necessary and appropriate to carry out the purposes of this part.

"(b) The Board shall deduct from any payments ordered under section 457 of this part any payments received by applicant—

"(1) from the criminal or from any person on behalf of the criminal;

"(2) under insurance programs mandated by law;

"(3) from the United States, a State or any of its subdivisions, for a personal injury or death otherwise compensable under this part; and

"(4) under contract of insurance wherein the applicant is the insured or beneficiary—but only to the extent that the sum of such payments plus any payment ordered under this part would be in excess of the total compensable injuries suffered by the applicant as determined by the Board.

"(c) The Board shall pay to the person named in the order of payment of compensation the amount named therein in accordance with the provisions of such order.

"(d) No order for the payment of compensation made under this part shall be subject to execution or attachment other than for expenses resulting from the injury or death which is the basis for the application.

"(e) In the case of a payment for the benefit of a child or incompetent, the Board shall order the payee to file an accounting with the Board no later than January 31 of each year for the previous calendar year and to take such other action as the Board shall determine to be necessary and appropriate for the benefit of the child or incompetent.

"EMERGENCY AWARDS

"SEC. 466. (a) Whenever the Board determines, prior to taking action upon an application that—

"(1) such application is one with respect to which an order of payment will probably be made, and

"(2) undue hardship may result to the applicant if immediate payment is not made, the Board may order emergency payments to the applicant pending a final decision on the application.

"(b) The amount of any emergency payment ordered under subsection (a) of this section shall be deducted from the amount of any final order for the payment of compensation made to the applicant.

"(c) Where the amount of any emergency payment ordered under subsection (a) of this section exceeds the amount of the final order for the payment of compensation, or if there is no order for the payment of compensation made, the recipient of any such emergency payment shall be liable for the repayment of such amount in accordance with rules and regulations prescribed by the Board. The Board may waive all or part of such repayment where in its judgment such repayment would involve severe financial hardship.

"RECOVERY FROM THE CRIMINAL

"SEC. 467. (a) Whenever any person is convicted of a crime and an order for the payment of compensation is or has been made under this part for a personal injury or death resulting from the act or omission constituting such crime, the Attorney General may, within one year from the date on which the judgment of conviction became final, institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action. Any amounts recovered under this subsection shall be deposited in the Criminal Victim Indemnity Fund. If an amount greater than that paid pursuant to the order for payment of compensation is recovered and collected in any such action, the Board shall pay the balance to the applicant.

"(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

"(c) The Board shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

"EFFECT ON CIVIL ACTIONS

"SEC. 468. An order for the payment of compensation under this part shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

"INDEMNITY FUND

"SEC. 469. There is hereby created on the books of the Treasury of the United States a fund known as the 'Criminal Victim Indemnity Fund' (hereinafter referred to as the 'Fund'). The Fund shall consist of such amounts as may be deposited in, or appropriated to such Fund, as provided by law, or as may be contributed to such Fund by public or private agencies or organizations or individuals.

"DUTY TO INFORM VICTIMS

"SEC. 470. (a) Each Federal law enforcement agency investigating a crime to which this Part applies shall inform victims of their eligibility to make an application for an order of compensation under this part. Such agency shall provide forms (as prescribed by the Board) to each person who is eligible to file a claim pursuant to this part.

"(b) If a victim of a crime does not cooperate with a law enforcement agency in the indentification, apprehension and conviction of the perpetrator of the crime, any Federal law enforcement agency involved shall immediately notify the Board of such lack of cooperation.

"REPORTS TO CONGRESS

"SEC. 471. The Board shall transmit to the Congress an annual report of its activities under this part, including the name of each applicant, a brief description of the facts in each case and the amount, if any, of compensation awarded."

COMPENSATION OF BOARD MEMBERS AND PERSONNEL

SEC. 103. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(58) Chairman, Violent Crimes Compensation Board."

(b) Section 5315 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crimes Compensation Board."

(c) Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraphs:

"(131) Executive Secretary, Violent Crimes Compensation Board.

"(132) General Counsel, Violent Crimes Compensation Board."

SEC. 104. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3579. Fine Imposed for Criminal Indemnity Fund.

"In any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, upon conviction of a person of a crime resulting in the personal injury or death of another person, the court shall take into consideration the financial conditions of such person, and may, in addition to any other penalty, order such person to pay a fine commensurate in amount with the personal injury or death of such other person and such fine shall be deposited into the Criminal Victim Indemnity Fund of the United States."

(b) The analysis of chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"§ 3579. Fine Imposed for Criminal Victim Indemnity Fund."

PART B—FEDERAL GRANT PROGRAM

SEC. 105. Subsection (b) of section 301 of Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new paragraph:

"(10) The Federal share of the costs of State programs to compensate victims of violent crime."

SEC. 106. Section 303 of such Act is amended by inserting "(a)" immediately after "303" and by adding at the end thereof the following new subsections:

"(b) In the case of a State applying for the Federal share of costs of State programs to compensate victims of violent crime, the Administration shall make grants to a State only if, after consultation with the Violent Crimes Compensation Board, it determines, pursuant to criteria established under this title, that such State has enacted legislation of general applicability within such State—

"(1) establishing a State agency having the capacity to hear or determine applications based on financial need brought by or on behalf of the innocent victims of violent crime and others suffering pecuniary loss therefrom and order the payment of such claims;

"(2) providing for the payment of compensation for pecuniary loss actually and necessarily incurred for personal injuries or death resulting from crimes in categories established pursuant to section 308 of this title.

"(3) containing adequate provisions for recovery of compensation substantially similar to those contained in part F of this title.

"(c) Any State desiring to receive a grant under paragraph 10 of subsection (b) of section 301 of this title shall submit to the Administration a State plan. Each such plan shall—

"(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency;

"(2) set forth a program for the compensation of victims of violent crime which is consistent with the requirements set forth in subsection (b) of this section;

"(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

"(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title; and

"(5) provide that the State will submit to the Administration—

"(A) periodic reports evaluating the effectiveness of payments received under this Title in carrying out the objectives of the compensation program, and

"(B) such other reports as may be reasonably necessary to enable the Administration to perform its functions, including such reports as it may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Administration may find necessary to assure the correctness and verifications of such reports.

"(6) contain other data and assurance as the Administration deems necessary and appropriate.

"(d) The Administration shall approve a plan which meets the requirements specified in subsection (c) of this section and it shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State."

BASIC CRITERIA

SEC. 107. Part C of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections:

"SEC. 308. The Administration shall establish by regulation criteria to be applied under paragraph (10) of subsection (10) of section 301 of this Title. In addition to other matters such criteria shall include standards for—

"(1) the persons who shall be eligible for compensation,

"(2) the categories of crimes for which compensation may be ordered,

"(3) the losses for which compensation may be ordered, and

"(4) such other terms and conditions for the payment of such compensation as the Administration deems necessary and appropriate.

"SEC. 309. (a) The Administration shall pay in any fiscal year to each State which has a plan approved pursuant to this Title for that fiscal year the Federal share of the cost of such plan as determined by it.

"(b) The Federal share of programs authorized by paragraph (10) of section 301 of this Title shall be 75 per centum for any fiscal year.

TITLE II—GROUP INSURANCE FOR PUBLIC SAFETY OFFICERS

INSURANCE PROGRAM AUTHORIZED

SEC. 201. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, is further amended by adding at the end thereof the following new part:

"PART G—PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"DEFINITIONS

"SEC. 500. For the purposes of this part—

"(1) The term 'month' means a month which runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except where the last month has not so many days, in which event it expires on the last day of the month.

"(2) The term 'full time' means such period or type of employment or duty as may be prescribed by regulation promulgated by the Attorney General.

"(3) 'public safety officer' means, pursuant to regulations issued by the Attorney General, an individual who is employed by a State or unit of local government—

"(A) primarily to patrol the highways or otherwise preserve order and enforce the laws, or

"(B) in any activity pertaining to a correctional program, facility, or institution, or to a court having criminal jurisdiction, where the activity is determined by the Attorney General to be potentially dangerous because of contact with criminal suspects, defendants, prisoners, or parolees, or

"(C) in firefighting.

"(4) The term 'State' means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(5) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs public safety functions.

"ELIGIBLE INSURANCE COMPANIES

"SEC. 501. (a) The Attorney General is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits provided under this part. Each such life insurance company must (1) be licensed to issue life, accidental death, and dismemberment insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Attorney General, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Attorney General.

"(c) The Attorney General shall arrange with each life insurance company issuing any policy under this part to reinsure, under conditions approved by him, portions of the total amount of insurance under such policy with such other life insurance companies (which meet qualifying criteria set forth by the Attorney General) as may elect to participate in such reinsurance.

"(d) The Attorney General may at any time discontinue any policy which he has purchased from any insurance company under this part.

"PERSONS INSURED; AMOUNT

"SEC. 502. (a) Any policy of insurance purchased by the Attorney General under this part shall automatically insure any public safety officer employed on a full-time basis by a State or unit of local government which has (1) applied to the Attorney General for participation in the insurance program provided under this part, and (2) agreed to deduct from such officer's pay the amount of the premium and forward such amount to the Department of Justice or such other agency or office as is designated by the Attorney General as the collection agency or office for such premiums. The insurance provided under this part shall take effect from the first day agreed upon by the Attorney General and the responsible official of the State or unit of local government making application for participation in the program as to public safety officers then on the payroll, and as to public safety officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this part shall so insure all such public safety officers unless any such officer elects in writing not to be insured under this part. If any such officer elects not to be insured under this part he may thereafter, if eligible, be insured under this part upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Attorney General.

"(b) A public safety officer eligible for insurance under this part is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

"If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000
$17,000	18,000	20,000	20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000".

The amount of such insurance shall automatically increase at any time the amount of increases in the annual basic rate of pay places any such officer in a new pay bracket of the schedule.

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"(c) Subject to the conditions and limitations approved by the Attorney General and which shall be included in the policy purchased by him, the group accidental death and dismemberment insurance shall provide for the following payments:

"Loss

Loss of one hand or of one foot or loss of sight of one eye.

Loss of two or more members or loss of sight in both eyes.

"Amount payable

Full amount shown in the schedule in subsection (b) of this section.

One half of the amount shown in the schedule in subsection (b) of this section.

Full amount shown in the schedule in subsection (b) of this section."

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) The Attorney General shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

"TERMINATION OF COVERAGE

"SEC. 503. Each policy purchased under this part shall contain a provision, in terms approved by the Attorney General, to the effect that any insurance thereunder on any public safety officer shall cease thirty-one days after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier.

"CONVERSION

"SEC. 504. Each policy purchased under this part shall contain a provision for the conversion of such insurance effective the day following the date such insurance would cease as provided in section 503 of this part. During the period such insurance is in force the insured, upon request to the office established under section 3(b) of this part, shall be furnished a list of life insurance companies participating in the program established under this part and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums be granted insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount of premiums if the insured engages in public safety activities. In addition to the life insurance companies participating in the program established under this part, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Attorney General and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

"WITHHOLDING OF PREMIUMS FROM PAY

"SEC. 505. During any period in which a public safety officer is insured under a policy of insurance purchased by the Attorney General under this part, his employer shall withhold each month from his basic or other pay until separation or release from full-time duty as a public safety officer an amount determined by the Attorney General to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this part while on full-time duty as public safety officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount determined by the Attorney General to be charged any public safety officer for each unit of insurance under this part may be continued from year to year, except that the Attorney General may redetermine such monthly amount from time to time in accordance with experience.

"SHARING OF COST OF INSURANCE

"SEC. 506. For each month any public safety officer is insured under this part the United States shall bear not to exceed one-third of the cost of such insurance or such lesser amount as may from time to time be determined by the President to be a practicable and equitable obligation of the United States in assisting the States and units of local government in recruiting and retaining personnel for their public safety forces.

"INVESTMENT; EXPENSES

"SEC. 507. (a) The amounts withheld from the basic or other pay of public safety officers as premiums for insurance under section 505 of this part and any sums contributed by the United States under section 506 of this part together with the income derived from any dividends or premium rate readjustment from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments on any insurance policy or policies purchased under this part and the administrative cost of the insurance program established by this part to the department or agency vested with the responsibility for its supervision shall be paid from the revolving fund.

"(b) The Attorney General is authorized to set aside out of the revolving fund such amounts may be required to meet the administrative cost of the program to the department or agency or office designated by him, and all current premium payments on any policy purchased under this Pact. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield. The interest on and the proceeds from the sale of these obligations and the income derived from dividends or premium rate adjustments from insurers, shall become a part of the revolving fund.

"BENEFICIARIES; PAYMENT OF INSURANCE

"SEC. 508. (a) Any amount of insurance in force under this Pact on any public safety officer or former public safety officer on the date of his death shall be paid, upon establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

"First, to the beneficiary or beneficiaries as the public safety officer or former public safety officer may have designated by a writing received in his employer's office prior to his death;

"Second, if there be no such beneficiary, to the widow or widower of such officer or former officer;

"Third, if none of the above, to the child or children of such officer or former officer and descendants of deceased children by representation;

"Fourth, if none of the above, to the parents of such officer or former officer or the survivor of them;

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer;

"Sixth, if none of the above, to other next of kin of such officer or former officer entitled under the laws of domicile of such officer or former officer at the time of his death.

"(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the public safety officer or former public safety officer, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased such officer or former officer, and any such payment shall be a bar to recovery by any other person.

"(c) If, within two years after the death of a public safety officer or former public safety officer, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Attorney General nor the administrative office established by any insurance company pursuant to this part has received any notice that any such claim will be made, payment may be made to a claimant as may in the judgment of the Attorney General be equitably entitled thereto, and such payment shall be a bar to recovery by any other person. If, within four years after the death of the public safety officer or former public safety officer, payment has not been made pursuant to this part and no claim for payment by any person entitled under this Part is pending, the amount payable shall escheat to the credit of the revolving fund referred to in section 507 of this Part.

"(d) The public safety officer may elect settlement of insurance under this part either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer the beneficiary may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary may elect settlement in thirty-six equal monthly installments.

"BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

"SEC. 509 (a) Each policy or policies purchased under this part shall include for the first policy year a schedule of basic premium rates by age which the Attorney General shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Attorney General in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Attorney General determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Attorney General may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Attorney General during any policy year upon request by the insurance company issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Attorney General on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Attorney General may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Attorney General to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Attorney General not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Attorney General, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of the total of items (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Attorney General as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Attorney General determines that such special contingency reserve has attained an amount estimated by the Attorney General to make satisfactory provision for adverse fluctuations in future charges under the policy, and further excess shall be deposited to the credit of the revolving funds established under this part. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

"BENEFIT CERTIFICATES

"SEC. 510. The Attorney General shall arrange to have each member insured under a policy purchased under this part receive a certificate setting forth the benefits to which the member is entitled thereunder, to whom such benefit shall be payable, to whom claims should be permitted, and summarizing the provisions of the policy principally affecting the member. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"FEDERAL ASSISTANCE TO STATES AND LOCALITIES FOR EXISTING GROUP LIFE INSURANCE PROGRAMS

"SEC. 511. (a) Any State or unit of local government having an existing program of group life insurance for public safety officers which desires to receive Federal assistance under the provisions of this section shall—

"(1) inform the public safety officers of the benefits and premium costs of both the Federal program and the State or unit of local government program, and of the intention of the State or unit of local government to apply for the Federal Assistance under this section; and

"(2) hold a referendum of public safety officers of the State or unit of local government to determine whether such officers want to continue in the existing group life insurance program or apply for the Federal program under the provisions of this part.

The results of the referendum shall be binding on the State or unit of local government.

"(b) If there is an affirmative vote of a majority of such officers to continue in such State or local program and the other requirements set forth in subsection (a) are met, a State or unit of local government may apply for Federal assistance for such program for group life insurance under such rules and regulations as the Attorney General may establish. Assistance under this section shall not exceed three-fourths of the Federal contribution which would otherwise have been available under section 508 of this part, and shall be reduced to the extent that the Attorney General determines that the existing program of any State or unit of local government does not give as complete coverage as the Federal program. Assistance under this section shall be used to reduce proportionately the premiums paid by the State or the unit of local government and by the appropriate public safety officers under such existing program.

"ADMINISTRATION

"SEC. 512. (a) The Attorney General may delegate any of his functions under this part, except the making of regulations, to any officer or employee of the Department of Justice.

"(b) In administering the provisions of this part, the Attorney General is authorized to utilize the services and facilities of any agency of the Federal Government or a State government or a company from which insurance is purchased under this part, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"(c) Until specific appropriations are made for carrying out the purposes of this part, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this part.

"ADVISORY COUNCIL ON PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"SEC. 513. There is hereby established an Advisory Council on Public Safety Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener, at the call of the Attorney General, and shall review the administration of this part and advise the Attorney General on matters of policy relating to his activities thereunder. In addition, the Attorney General may solicit advice and recommendations from any State or unit of local government participating in the public safety officers' group life insurance program.

"JURISDICTION OF COURTS

"SEC. 514. The district courts of the United States shall have original jurisdiction of any civil action or claim against the United States founded upon this part.

"PREMIUM PAYMENTS ON BEHALF OF PUBLIC SAFETY OFFICERS

"SEC. 515. Nothing in this part shall be construed to preclude any State or unit of local government from making payments on behalf of public safety officers of the premiums required to be paid by them for any group life insurance program authorized by this part or any such program carried out by a State or unit of local government."

TITLE III—DEATH AND DISABILITY BENEFITS FOR PUBLIC SAFETY OFFICERS

DECLARATION OF PURPOSE

SEC. 301. It is the purpose of this title to promote the public welfare by establishing a Federal minimum death and dismemberment benefit to public safety officers, their families and dependents.

SEC. 302. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, is further amended by adding at the end thereof the following new part:

"PART H—DEATH AND DISABILITY BENEFITS FOR PUBLIC SAFETY OFFICERS

"DEFINITIONS

"SEC. 525. As used in this part—

"(1) 'child' means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and illegitimate child, and student over 18 years of age, and a child conceived prior to but born after the personal injury or death of the victim;

"(2) 'dependent' means a relative or other person who was wholly or partially dependent upon the income of the victim at the time of the personal injury or death of the victim;

"(3) 'public safety officer' means, pursuant to regulations issued by the Administration, a person who is employed by a State or unit of general local government in any activity pertaining to—

"(A) the enforcement of the criminal laws, crime prevention control, or reduction, including highway patrol,

"(B) a correctional program, facility, or institution,

"(C) a court having crime jurisdiction, where the activity is determined by the Administration to be potentially dangerous because of contact with criminal suspects, defendants, prisoners or parolees, or

"(D) firefighting, done voluntarily or otherwise, with or without compensation;

"(4) 'relative' includes a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, a spouse's parents, a niece or nephew; and

"(5) 'student' means a person who is a 'student' as defined in paragraph (17) of section 8101 of Title 5 of the United States Code.

"DEATH AND DISABILITY BENEFITS FOR PUBLIC SAFETY OFFICERS

"SEC. 526. (a) Under regulations issued by the Administration under Part I of this Title, upon certification to the Administration by the Governor of any State that a public safety officer employed on a full or part time basis has been killed or disabled as the result of a criminal act in the line of duty, the Administration shall pay a benefit as provided in subsection (d) of this section 527 of this Part in the following order of precedence:

"(1) If the public safety officer was disabled, to the public safety officer.

"(2) If the public safety officer was killed and there is no spouse, to the dependent or dependents in equal shares.

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"(3) If the public safety officer was killed and there are both a spouse and one or more dependents, one-half to the spouse and one-half to the dependents in equal shares.

"(b) The benefit payable to any person under this part is in addition to any benefits to which he may be entitled under any other law other than compensation for pecuniary loss made pursuant to part F of this title or a State program established under paragraph (10) of section 301 of part C of this title.

"(c) The benefit payable to any person under this part may be made in a lump sum, in such equal monthly installments, or in such other fashion as the Administration determines will be appropriate.

"(d) No award made pursuant to this part shall be subject to execution or attachment other than for pecuniary loss resulting from the injury or death which is the basis for the certification.

"AWARDS

"SEC. 527. (a) Whenever the Administration determines, prior to acting upon a certification that—such certification is one with respect to which a benefit will probably be made, the Administration may make interim benefit payments to the public safety officer, spouse or dependents pending a final certification of the Governor.

"(b) The amount of any interim benefit paid under subsection (a) shall be deducted from the amount of any final benefit paid to the public safety officer, spouse or dependent.

"(c) Where the amount of any interim benefit paid under subsection (a) exceeds the amount of the final benefit, or if there is no final benefit paid, the recipient of any such interim benefit shall be liable for repayment of such amount in accordance with rules and regulations prescribed by the Administration. The Administration may waive all or part of such repayment where in its judgment such repayment would envoke severe hardship.

"(d) Subject to conditions and limitations as he may establish, the Administration shall provide for the following payments:

"Loss	Amount payable
"Death	Fifty thousand dollars.
"Loss of one hand or of one foot or loss of sight of one eye.	Twenty-five thousand dollars.
"Loss of two or more members or loss of sight in both eyes.	Fifty-thousand dollars."

Amount Payable

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1954

SEC. 528. Section 101(b)(2)(A) of the Internal Revenue Code of 1954 (relating to death benefits excluded from gross income) is amended to read as follows:

"(A) $5,000 LIMITATION.—The aggregate amounts excludable under paragraph (1) with respect to the death of any employee shall not exceed $5,000, except that not to exceed $50,000 shall be excludable under the provisions of part L of the Omnibus Crime Control and Safe Streets Act of 1968, as amended."

TITLE IV—CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY

PURPOSE

SEC. 401. It is the purpose of this title to promote the general welfare by strengthening the civil remedies available to the victim of racketeering activity.

EXPANDED JURISDICTION

SEC. 402. (a) Section 1964 of title 18 of the United States Code is amended by—

(1) inserting in subsection (a) ", without regard to the amount in controversy," immediately after "jurisdiction."

(2) inserting in subsection (b) "subsection (a) of" after "under" each time it appears;

(3) striking out in subsection (b) "action" and inserting in lieu thereof "proceedings"; and

(4) striking subsections (c) and (d) thereof in their entirety and inserting in lieu thereof the following:

"(c) Any person may institute proceedings under subsection (a) of this section. In any proceeding brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and showing of immediate danger or irreparable loss or damage, a preliminary injunction may be issued in any action before a determination thereof upon its merits.

"(d) Whenever the United States is injured in its business or property by reason of any violation of section 1962 of this chapter, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by it, and the cost of the action.

"(e) Any person who is injured in his business or property by reason of any violation of section 1962 of this chapter may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee

"(f) The Attorney General may upon timely application intervene in any civil action or proceeding brought under this chapter, if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if it had instituted the action or proceeding.

"(g) A final judgment or decree rendered in favor of the United States in any criminal or civil action or proceeding under this chapter shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(h) Except as hereinafter provided, any civil action under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (d) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of section 1962 of this chapter the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsections (c) and (e) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter."

(b) Section 1965 of title 18 of the United States Code is amended by—

(1) striking out in subsection (b) "action under section 1964 of" and inserting in lieu thereof "civil action or proceeding under";

(2) striking out in subsection (c) "civil or criminal" immediately before "action".

(c) Section 1966 of title 18 of the United States Code is amended by striking "any civil action instituted under this chapter by the United States" in the first sentence and inserting in lieu thereof "any civil action or proceeding under this chapter in which the United States is a part".

(d) Section 1967 of title 18 of the United States Code is amended by striking "instituted by the United States".

(e) Section 1968 of title 18 of the United States Code is amended by—

(1) striking out "prior to the institution of a civil or criminal proceeding" in the first sentence of subsection (a) and inserting in lieu thereof "before he institutes or intervenes in a civil or criminal action or proceeding";

(2) striking out "case" the first time it appears and inserting in lieu thereof "civil or criminal action" in paragraph (4) of subsection (f) and striking out "case" each time it appears thereafter and inserting in lieu thereof "action";

(3) striking out "case" each time it appears in paragraph (5) of subsection (f) and inserting in lieu thereof "action"; and

(4) striking out "case" and inserting in lieu thereof "action" in paragraph (6) of subsection (f).

TITLE V—MISCELLANEOUS PROVISIONS REPEALS

SEC. 501. (a) Section 4–531 of the District of Columbia Code is hereby repealed.

(b) Subchapter III of chapter 81 of title 5 of the United States Code is hereby repealed.

(c) The provisions of subsection (a) and (b) of this section shall have no effect on benefits, awards, or gratuities made or already being made prior to the date of enactment of this Act.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 502. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended and as redesignated by this Act is amended by inserting immediately after "569" "(a)" and by adding at the end thereof the following new subsections:

"(b) There is authorized to be appropriated for the fiscal year ending June 30, 1973—

"(1) $10,000,000 for the purposes of part F;

"(2) $20,000,000 for the purposes of paragraph (10) of subsection (b) of section 301 of part C.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of part G.

"(d) There are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1972, and $20,000,000, for the fiscal year ending June 30, 1973, for the purposes of part H.".

SEVERABILITY

SEC. 503. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 504. (a) Title I of this Act shall become effective 180 days after the date of enactment of this Act.

(b)(1) Title II of this Act shall become effective on the date of enactment of this Act.

(2) The insurance provided for under title II of this Act shall be placed in effect for the public safety officers of any State or unit of local government participating in the public safety officers' group life insurance program on a date mutually agreeable to the Attorney General, the insurer or insurers, and the participating State or unit of local government.

(c)(1) Title III of this Act shall become effective with respect to any disability or death of a public safety officer as defined in paragraph (5) of section 525 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended by this Act, on or after January 1, 1967.

(2) Any amount already paid to a public safety officer, spouse, or dependent as defined in paragraphs (3) and (5) of section 525 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, pursuant to Federal law for the disablement or death of such public safety officer shall be deducted from any benefit paid under title III of this Act.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2997. A bill to establish the Cougar Lakes National Recreation Area, to provide for a study of the potential of Mount Aix and surrounding lands with the Snoqualmie and Gifford Pinchot National Forests in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

COUGAR LAKES NATIONAL RECREATION AREA

Mr. JACKSON. Mr. President, I introduce for appropriate reference a bill to establish a Cougar Lakes National Recreation Area of some 267,000 acres in the North Cascades region of Washington State.

The area encompassed in the proposal is immediately east of the Mount Rainier National Park. It extends south to and including White Pass and Rimrock Lake, easterly almost to Tieton and northerly to the Mather Memorial Parkway, including some 37,000 acres north of the highway. The entire area is now under the administration of the U.S. Forest Service, except for some 350 acres of privately owned land which was patented for mining purposes many years ago.

Because of its beauty and immense natural resource values, the North Cascades have been the subject of many books, reports, and travelogs almost since the first Federal forest reserves were established in the 1890's. Because of the early and continuing controversy over whether a North Cascades National Park should be established, together with associated problems of resource balance between competing users, a North Cascades study team was appointed in 1963 to "explore in an objective manner all resource potentials of the area and the management and administration that appears to be in the public interest." This multiagency team spent 2½ years studying more than 6 million acres of Federal land in the North Cascades before publishing their comprehensive report in October 1965. I should emphasize that the North Cascades study team engaged in one of the most complete public airings of regional land use policy that this country has ever witnessed.

Mr. President, in 1967 and 1968, I devoted considerable time on legislation encompassing much of the North Cascades region, time which culminated in the establishment of a 505,000 acre North Cascades National Park. Another 700,000 acres of dramatic alpine scenery, active glaciers, and mountain lakes in northern Washington were placed in a special status, including the Ross Lake and Lake Chelan Recreation areas, the Pasayten Wilderness, and additions to the Glacier Peak Wilderness.

Because of the sheer magnitude of undertaking long-range land use patterns for the entire North Cascades area, only those study team recommendations dealing with land north of the Stevens Pass Highway were the subject of legislation in 1967 and 1968. The measure I am introducing today represents one more step toward total congressional consideration of the study team's recommendations.

Nationwide interest has been focused on the entire Cougar Lakes area as a result of the establishment of the North Cascades National Park and related land areas. Conservationists for many years haxe expressed their concern about the protection, management and development of the lands involved in this measure. Because of the public's concern for protection for the outstanding natural beauty and grandeur, most of the Cougar Lakes area is currently being managed for its exceptional scenic, wilderness, and recreation values. This can be demonstrated by the following:

First. In 1946, the Forest Service established the 90,000-acre Cougar Lakes Limited Area. This land has been removed from the allowable cut calculations, and from other types of commercial development, and today remains in a primitive state.

Second. In 1965, the North Cascades study team recommended establishment of a 45,000-acre Mount Aix Wilderness. This isolated group of rugged ridges and clustered mountain peaks has been excluded from the allowable cut base and will remain in a protected status until Congress completes consideration of it for wilderness.

Third. In 1931, the Secretary of Agriculture, by a land classification order, established the Mather Memorial Parkway of some 24,300 acres "for the use and enjoyment of the general public for scenic and recreational purposes". As a result of this land use classification, natural resource developments have been reduced.

Fourth. In 1966 the Forest Service classified the 37,000-acre area north of the the Mather Memorial Parkway as a "back country roadless wilderness area," a classification which precludes any extensive land development.

The majority of the remaining 70,000 acres of land within the proposed Cougar Lakes National Recreation Area has already been classified, by the Forest Service, as "Landscape Management Areas," where esthetics and recreation are recognized as key values with all other resources and activities managed to maintain or enhance recreation values.

The Cougar Lakes area is not as rugged as most of the balance of the Washington Cascades. Glaciers and hanging alpine valleys are not apparent. However, the area has its own unique charm and scenic beauty. The area has variety that includes some islands of very rough rock-peak attractions such as Mount Aix and Fifes Peak areas, but I think much of its charm comes from its openness, punctuated as it is with many meadow areas. Trees and shurbs occur in great variety, and much of it is relatively open to travel and view, opportunity for people to disperse and have the solitude of wilderness experience. Wildlife and wildflowers are abundant. Access and movement within the area is relatively easy, and much of the scenic beauty is set off by the backdrop of Mount Rainier to the west and the Goat Rocks and Mount Adams to the south.

This bill contains provisions for a Mount Aix wilderness study unit of 152,000 acres within the core of the Cougar Lakes National Recreation Area. This study unit is composed mostly of acreage already in a protected status, including the majority of the 90,000-acre Cougar Lakes Limited Area, all of the 45,000-acre Mount Aix area proposed for wilderness by the study team, and several thousand acres of adjacent land.

The bill also requires the Forest Service to conduct a comprehensive study to determine the suitability or nonsuitability for wilderness of the entire study area. This study must be completed within 2 years from the date of enactment of this measure, with the recommendations to be forwarded to Congress for further consideration. The concept of a wilderness study area patterned after language contained in the Ross Lake National Recreation Area Act will also allow all interested parties an opportunity to comment on the future type of management of this area. I anticipate that public hearings will be conducted by the Forest Service to receive testimony from representatives of the forest products industry, water users, conservation organizations, interested individuals, and public officials from Federal, State, and local governments. It is essential that Congress have the full benefit of these recommendations before acting on the area in question. An act of Congress will be required to officially designate any area within the proposed national recreation area as a part of the National Wilderness Area System.

I consider a major portion of the Mount Aix wilderness study unit to be unique relative to the rest of the Washington Cascades and should be managed for primitive recreation, scenic, scientific, educational conservation, and historical values and opportunities to the extent consisted with the preservation and restoration of the wilderness resources of the land. In general, a large part of this scenic area is more open and accessible to people and horses. It is of lower elevation and less rugged. This does not make it less suitable for its wilderness value, but the area does naturally invite moderate use by people and horses. It is for this reason that detailed studies are needed before a decision can be made concerning its classification as wilderness. In particular, the questions of density of public use, level of wildlife population, and coordination with adjacent Mount Rainier Park management require careful studies.

The approximately 115,000-acre area outside the wilderness study area, will be managed to protect its scenic values and to improve its recreational potential as soon as this measure becomes public law. This could include campgrounds, picnic facilities, winter sports, organization camps, resorts, recreation residences, visitor information services, and boating facilities. Management of these areas should provide for a greater latitude in developing the area to accommodate larger numbers of people than would be possible in wilderness areas. In addition, timber harvesting activities will be allowed to continue in this area under the management guidelines provided for

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language contained in section 2 of this in the Forest Service landscape management policy, and in conformance with measure.

At a time when wood fiber is so urgently needed to meet our Nation's growing demand for wood products, it is my contention that a portion of the national recreation area could be managed to demonstrate that wood production activities could continue to take place while still protecting the area's dominant visual and recreational values. I should point out that the southern part of the proposed national recreation area; that is, that region around Rimrock Lake, has already been extensively logged but still has national recreation area qualities. As a result, an opportunity has arisen to demonstrate that timber harvesting activities and intensive outdoor recreation activities can be compatible if well planned and properly carried out.

Preliminary estimates show that this proposed national recreation area contains approximately 3.75 billion board feet of standing timber. Much of this timber is not included in the present allowable cut base due to being reserved from harvest through earlier action by the Forest Service. About 1.4 billion feet of the standing timber inventory will be available to controlled harvesting activity.

In addition to timber, this area contains pronounced wildlife and water values. All of the area is a part of the Yakima Valley drainage and serves a most significant proportion of the domestic and irrigation water requirements of the intensive agriculture of the Yakima Valley. The Clear Lake, Rimrock Lake, and Bumping Lake impoundments are a part of this water supply system. The Bumping Lake impoundment is currently under consideration for enlargement, and nothing in this legislation will affect the operation, management or maintenance of that facility.

Mr. President, in the formation of this measure I have worked closely with various special interest groups and Federal agencies which have an interest in the area. There is wide support for the measure. I want to emphasize that I regard this bill as a working draft, which will serve as a means of soliciting further public views when hearings are held.

The combination of sunshine, scenic beauty, and ease of public access and travel through the Cougar Lakes area makes it unusually attractive to the large population of the Puget Sound region. Current public use is reaching beyond the capacity of regular national forest programs to cope with it and protect the resources. This agency has placed much of the area in a moratorium status against further development until the question of land classification and long-term management policy is decided. This legislation provides a mechanism whereby these decisions can be made.

Mr. President, I ask that the text of the legislation be printed into the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2997

A bill to establish the Cougar Lakes National Recreation Area, to provide for a study of the potential of Mount Aix and surrounding lands within the Snoqualmie and Gifford Pinchot National Forests in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for the protection, preservation, and public outdoor recreation use and enjoyment of the spectacular scenic, natural, recreational and other values of the Cougar Lakes-Mt. Aix area in the State of Washington, there is hereby established, subject to valid existing rights, the Cougar Lakes National Recreation Area (hereinafter referred to as the "recreation area"), within and as a part of the Snoqualmie and Gifford Pinchot National Forests, Washington, comprising approximately 267,000 acres. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Cougar Lakes National Recreation Area," dated December 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, U.S. Department of Agriculture.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules and regulations applicable to the national forest system, in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of biotic, scenic, scientific, geologic, historic, and other values contributing to public enjoyment; and (3) subject to section 4 of this Act such management, utilization, or disposal of natural resources as in his best judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established. In developing and implementing his plans for management of the recreation area the Secretary shall provide for a broad range of recreation opportunities, and shall manage such portion of the area as he deems appropriate for non-vehicular recreation uses, without the construction of public road, or the harvesting of timber except when necessary for the public safety or to protect or prevent the destruction of forest resources within the recreation area or on adjoining areas.

SEC. 3. Within one year after the effective date of this Act, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the recreation area and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description may be made.

SEC. 4. As soon as practicable after the enactment of this Act the Secretary shall review the area delineated as the "Mt. Aix Wilderness Study Unit" on the map referred to in section 1 of this Act as to suitability or nonsuitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary of Agriculture shall comply with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by States and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area reviewed no later than two years from the date of enactment of this Act. During the review period provided by this section and for a period of at least five years after his recommendations are submitted to the Congress the Secretary shall manage and protect the resources of the Mt. Aix Wilderness Study Unit in such a manner as to assure that its suitability for potential wilderness designation is not impaired.

SEC. 5. Nothing in this Act shall be construed to affect the operation, management, or maintenance of Bumping Lake Dam and Reservoir, Yakima Project under authorities heretofore and hereinafter enacted, or to preclude consideration of future modification of said project.

SEC. 6. The Secretary shall permit hunting, fishing, and trapping on the land and waters under his jurisdiction within the recreation area in accordance with applicable Federal and State laws; except that the Secretary may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations pursuant to this section shall be issued only after consultation with the Washington Department of Game.

SEC. 7. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may issue permits or leases for the removal of the nonleasable minerals from lands or interests in lands within the recreation area, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1930, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the Administration of the recreation area: *Provided,* That any lease respecting such minerals in the recreation area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe. All receipts derived from permits and leases issued under the authority of this section for removal of nonleaseable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests. Any receipts derived from permits or leases issued on lands within the recreation area under the Mineral Leasing Act of February 25, 1947, shall be disposed of as provided in the Act.

SEC. 8. The jurisdiction of the State of Washington and the United States over waters or any stream included in the recreation area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of water rights which are vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 9. The Secretary shall cooperate with the State of Washington or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivisions thereof. Nothing in this Act shall deprive the State of Washington or any political subdivision thereof of its rights to exercise civil and criminal jurisdiction within the recreation area, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

By Mr. GRIFFIN (for himself and Mr. HART):

S. 2998. A bill to provide for a national cemetery at Fort Custer, Mich. Referred to the Committee on Veterans' Affairs.

NATIONAL CEMETERY AT FORT CUSTER

Mr. GRIFFIN. Mr. President, today I am introducing on behalf of myself and the senior Senator from Michigan (Mr. HART) a bill to establish a national cemetery at Fort Custer in Battle Creek, Mich.

The language of this bill is identical to one—H.R. 4921—introduced earlier in this session by Congressman GARRY BROWN and cosponsored by 14 members of the Michigan congressional delegation.

Mr. President, the need for an expansion of our national cemetery system has long been apparent. There are more than 28 million veterans throughout the United States who are entitled to be buried in a national cemetery; but as of October 31, 1971, less than 250,000 sites remained available.

In addition, those sites which are available are inequitably distributed throughout the country. As a result of historical accident and the absence of planning at the national level, there are more national cemeteries in the State of Tennessee, for example, than there are in our four largest States combined.

In Michigan more than 1.2 million veterans are eligible for burial in national cemeteries. In spite of this need there are no national cemeteries available in Michigan, Ohio, Indiana, or Wisconsin.

It is my understanding that both the House and Senate Committees on Veterans' Affairs expect to reexamine early next year the possibility of expanding the present national cemetery system. I hope that this bill which Senator HART and I are introducing today will help bring about the timely establishment of an expanded and improved national system which will include a national cemetery at Fort Custer.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army is authorized and directed to establish a national cemetery at Fort Custer, Michigan. Such national cemetery shall include the site of the present post cemetery at Fort Custer, together with such additional land within the boundaries of the fort as the Secretary of the Army may deem necessary.

(b) The Secretary of the Army is authorized and directed to provide for the care and maintenance of such national cemetery.

By Mr. HUGHES:

S. 2999. A bill to authorize a treatment and rehabilitation program for members of the Armed Forces who are or may become drug abusers or drug-dependent persons. Referred to the Committee on Armed Services.

Mr. HUGHES. Mr. President, I introduce for appropriate reference a bill entitled the Armed Forces Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1971. It is designed to give the Armed Forces a foundation in law for their efforts to deal more effectively and humanely with service personnel who are caught in the web of drug abuse and drug dependence, including addictive involvement with the most widely abused dangerous drug of all, alcohol. I believe that this legislation soundly balances the needs of individuals afflicted by these diseases and the need of our society to maintain a strong, healthy national defense force.

This bill was not drafted hastily or without consideration for the special difficulties of dealing with a complex, deadly health problem in a setting where security must be the dominant consideration. Obviously, the main business of an army is warfare, not curing sick people. The drug problem in the Armed Forces was not foreseen and not immediately detected. Now that the problem has been fully recognized, an all-out effort is being made to deal with it.

Dealing with the problem requires understanding of the military organization as well as the technics of drug abuse treatment, rehabilitation, and prevention.

Behind this bill is the experience of almost 2 years of intensive and extensive inquiry by the subcommittees, of which I am chairman, into the long-standing problem of alcoholism and the more recent explosion of multiple drug abuse and narcotic addiction among the members of our military service. It is the legislative fruition of weeks and months of hearings, on-the-spot visits to military outposts in Southeast Asia, the Pacific, Europe, and the United States, and insights drawn from day-by-day, case-by-case studies of the way individuals have fallen victim to drug dependence and how they have been dealt with by the services.

With regard to the latter, I want to state that I believe the Department of Defense and the various services should be given immense credit for the way they have swung into action in the past 6 months to deal realistically with this unimaginably difficult problem. I have been particularly impressed with the enlightened attitude of the commanding officers.

It was not always this way. Many months before military geared up to its present drug offensive, the Subcommittee on Alcoholism and Narcotics had called attention to the dimension and rapid growth of the problem. The response of the military at that time was negligible.

Now the picture has entirely changed. President Nixon's announcement of a national drug offensive, his appointment of Dr. Jaffe to head the special White House drug office, and the installation of the urine testing program have had a notable impact. And the armed services have responded commendably.

As the military departments have come, first, to acknowledge these problems and, then, to try to come to grips with them in realistic fashion, it has become apparent that legislation was needed to remove certain existing roadblocks and to provide legal sanction for enlightened policies and procedures that have already been informally declared and initiated. For example, the "amnesty" policy announced by the Department of Defense more than a year ago was intended to encourage service personnel with drug problems to seek help without fear of punishment under the Uniform Code of Military Justice for their prior possession or use. But the amnesty program has been slow in attracting participants—in part, because of conditions on the amnesty stemming from existing laws, regulations, and military tradition that impaired its credibility with the men. Obviously drug users will be slow to apply for amnesty if they feel they will somehow be punished if they seek help.

A complaint that turned up repeatedly in our subcommittee field investigations concerned the fact that time spent by service personnel undergoing treatment for drug abuse is presently counted as "lost time" and is thus an extension of their service period.

The legislation I am presenting today contains provisions that I believe will assist the military in dealing with practical problems of this nature that have arisen since the military drug offensive began and which are abundantly documented by our studies.

It should be recognized that the command officers and the professional personnel working with drug treatment and rehabilitation in the military are confronted with the same enigma that besets the civilian sector—how best to treat and rehabilitate the patients. In much of the drug treatment field, throughout our society, we are still in an experimental stage. Different treatment modalities work with different individuals and in different sets of circumstances.

Successful treatment of drug dependents is difficult enough under any circumstances. Obstacles to successful treatment in the military that are not essential to national security should be removed. The confidentiality of the doctor-patient relationship, for example, is important in military, as well as civilian, life, and this is recognized in this bill.

In the drafting of this bill, it was recognized that latitude and time for flexibility in treatment programs is needed in the military, as elsewhere. Already, our studies indicate, the Armed Forces are providing an excellent laboratory for experimenting with various treatment modalities. At one large Army post in the Pacific Northwest, for example, there is a therapeutic community run by a civilian "guru." At other bases, a visitor will find inpatient and outpatient programs of different kinds, "rap houses," halfway houses, unit drug counselors—in short, a wide variety of innovative efforts, all aimed at restoring drug users to useful functioning in the service of their country.

Out of this array of experiments, I am convinced, may come some of the breakthroughs we have been seeking for dealing with the drug epidemic among the youth of our country. This gives further emphasis to the need to provide the mili-

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tary with the resources, the legal guidelines and the public support to deal with the drug problem with maximum effectiveness.

The main thrust of the bill is to give the military unmistakable legal authority to deal with drug addiction and dependence, including alcoholism, as a disease or illness, and not a crime.

Until this concept gained some degree of public acceptance, no progress was made in controlling the various forms of chemical addiction in civilian life. In my judgment, it is also a crucial point in the success or failure of the drug program in the Armed Forces.

The bill recognizes that it is unrealistic to expect that the armed services can succeed in controlling the other aspects of the drug problem and sweep alcoholism under the rug. It seeks to encourage the military departments to deal sensibly and humanely, rather than punitively, with a problem that over many years has ruined innumerable careers, broken up families and cost the Armed Forces dearly in valuable personnel. The high economic cost was brought home to the Congress just recently by a report from the Comptroller General of the United States. This study found that, assuming conservatively that 5 percent, or about 130,000, of our military population are alcoholics, the monetary waste alone amounts to a quarter-billion dollars a year. It also found that as much as half of this could be saved by the institution of the kind of treatment and rehabilitation programs that have succeeded in private industry and elsewhere. Some of the services have made a commendable start by creating alcoholism treatment programs with reported success rates ranging from 60 to 90 percent. But here again, they need the backing of Congress to make significant and continuing progress.

I might remind my colleagues that the Congress itself has already made a start toward this objective. Title V of Public Law 92-129, the Draft Extension Act, which became law this past September 28, provides, for the first time, that the Armed Forces shall—

> Identify, treat, and rehabilitate members . . . who are drug or alcohol dependent persons . . .

It also calls upon the Secretary of Defense to make plans and create programs to achieve this purpose and to recommend additional legislation that may be required, in the words of the act—

> To combat effectively drug and alcohol dependence in the Armed Forces and to treat and rehabilitate effectively any member found to be a drug or alcohol dependent person.

Both Houses of the Congress agreed to these provisions with the understanding, as stated in the conference report on the entire act, that these provisions were to be a prelude to further legislative action by the respective Armed Services Committees. The bill I am introducing today is in pursuance of this understanding, and I anticipate that hearings by the Subcommittee on Drug Abuse of the Committee on Armed Services will consider this and related legislation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2345

At the request of Mr. HATFIELD, the Senator from New Hampshire (Mr. COTTON) was added as a cosponsor of S. 2345, to establish a tax deduction for blood donations.

S. 2981

Mr. AIKEN. Mr. President, the day before yesterday, on behalf of the distinguished Senator from Georgia (Mr. TALMADGE) and myself, I introduced a bill carrying amendments to the Small Watershed Act and also to the Bankhead-Jones Farm Tenants Act.

At that time, I announced that while there were only two of us sponsoring the bill, other sponsors would be welcome.

The bill is S. 2981, to provide for environmental improvement in rural America.

I ask unanimous consent that the following Senators be made cosponsors of the bill: COOPER, SPARKMAN, YOUNG, CURTIS, JAVITS, STENNIS, BOGGS, JORDAN of North Carolina, KENNEDY, TAFT, HANSEN, BAYH, MANSFIELD, BELLMON, EASTLAND, CHILES, ALLEN, RANDOLPH, STAFFORD, COTTON, MCCLELLAN, PACKWOOD, GURNEY, BAKER, JORDAN of Idaho, HRUSKA, DOLE, and PEARSON.

Mr. President, at the next printing of the bill, I understand that may not come until afer the bill has been approved, or by the committee at least, I ask that the names of these sponsors and also any other members of the Senate who would like to be sponsors of the bill may be added.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I will say that for anyone that has an election coming up, this would be a very good bill to be a sponsor of. (Laughter.)

Mr. President, if there is no objection, for which I now ask unanimous consent, would the Senator from Montana (Mr. METCALF), now occupying the Chair, and the Senator from West Virginia (Mr. BYRD), and the Senator from Michigan (Mr. GRIFFIN now in the Chamber allow me to add their names as cosponsors? This is a good bill, and the legislative and executive branches I am sure will be found in agreement on it.

Mr. GRIFFIN. Mr. President, with that assurance from the Senator from Vermont, I would be glad to be a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, the three additional names will be added as cosponsors.

MIGRATORY LABOR SUBCOMMITTEE SCHEDULES HEARINGS FOR CALIFORNIA ON JANUARY 11, 12, AND 13, 1972

Mr. STEVENSON. Mr. President, as chairman of the Migratory Labor Subcommittee on Labor and Public Welfare, I announce that the subcommittee will hold hearings in San Francisco, Calif., on January 11 and 13, 1972, and in Fresno, Calif., on January 12, 1972, on "Land Use, Ownership and Distribution in Rural America." The hearings are part of our continuing investigation of the impact of agribusiness and agrigovernment on farmers and farmworkers. Witnesses will include farmworkers, farmers, representatives of consumer organizations, labor leaders, local, State, and Federal officials, businessmen, and others with expertise in a variety of subject areas, including tax policy, rural sociology, agriculture economics, population distribution and movement, the environment, and economic development.

ADDITIONAL STATEMENTS

THE "BACKGROUND" OF INDIA-PAKISTAN POLICY AND KITCHEN DIPLOMACY

Mr. SYMINGTON. Mr. President, because I am confident that the contents of these three articles will be of interest to the Senate, I ask unanimous consent to place in the RECORD at this time said articles from the New York Times of this morning: first, "Goldwater Strips Kissinger of Anonymity;" second, "'Backgrounders': Disputed Anonymity;" and third, "Kitchen Diplomacy."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 11, 1971]

GOLDWATER STRIPS KISSINGER OF ANONYMITY

(By Bernard Gwertzman)

WASHINGTON, Dec. 10.—Senator Barry Goldwater ignored White House rules today and revealed that Henry A. Kissinger, President Nixon's national security adviser, was the "White House official" who defended the Administration's policy toward India and Pakistan on Tuesday.

The Arizona Republican, apparently unconcerned about breaking with tradition, inserted in the Congressional Record the transcript of a "background briefing" on India and Pakistan given at the White House under strict conditions of anonymity.

The 50 newsmen who attended the briefing were obliged to identify the individual who gave the briefing as "White House officials" and were enjoined from quoting directly from his remarks.

SESSION "ON BACKGROUND"

The White House briefing of reporters on Tuesday was "on background" and the transcript as supplied by Senator Goldwater gives the flavor of how the session was conducted:

Mr. ZIEGLER. Dr. Kissinger is here with us this afternoon. What he says to you will be background. You can attribute it to White House officials, but no direct quotations. We have, of course, had a number of inquiries and questions about the situation in South Asia. What I am saying to you now is, of course, on background, because it relates to this. We thought it might be worthwhile for Henry to come out this afternoon to discuss our views on a background basis with you to put the matter into further perspective for you.

Question [from a newsman]. Ron, is there any necessity for no direct quotation? Could you explain why that is?

Mr. ZIEGLER. The purpose of this session is more putting our view and our position into perspective, and we would just prefer no direct quotation. I think it would be more productive for you.

Senator Goldwater, asked why he inserted the material into the Record, said he had asked the White House for a policy statement to clear up confusion in people's minds on the Administration's reasons for blaming India for the war.

"The night before last I received a hand-delivered envelope from the White House," the Senator said. "It looked like a typical press handout. To me there was no marking to indicate 'secret' or 'off-the-record.' Besides I don't work that way. Occasionally I'm invited to a secret briefing. I say the hell with it."

At the White House this afternoon, Gerald L. Warren, a deputy press secretary, was asked for reaction to Senator Goldwater's revelation. He coughed, shook his head, and said, "I was not aware of that." He said that he would rather withhold comment.

"BACKGROUNDERS": DISPUTED ANONYMITY

(By Frank Lynn)

Ronald L. Ziegler, the White House press secretary, brought a guest briefer along with him last Tuesday for Mr. Ziegler's daily 4 P.M. briefing of newsmen on President Nixon's activities.

The guest was Henry A Kissinger, the President's assistant for national-security affairs, but that was not publicly known until yesterday when Senator Barry Goldwater, Republican of Arizona, identified Mr. Kissinger and inserted his briefing in The Congressional Record.

Like a visiting lecturer, Mr. Kissinger had stepped behind the podium in the mortuary-like West Wing briefing room and told 40 reporters that the United States had been working on a political settlement of the India-Pakistan conflict when India attacked Pakistan.

Mr. Kissinger, one of the most active aides on the briefing circuit, spent an hour detailing the varied diplomatic and military maneuvers in the crisis and responding to the newsmen's questions.

UNIDENTIFIED AIDES CITED

Within hours, radio, television and newspapers were telling the nation how unidentified "White House officials" viewed the conflict on the Asian subcontinent.

They were operating under an agreement with Mr. Ziegler that the information elicited at the "background" briefing could be used but that the briefer could not be identified or directly quoted.

Four days earlier, operating under similar ground rules at a briefing, Joseph J. Sisco, an Assistant Secretary of State, had criticized India for expanding the India-Pakistan conflict but was identified only as a State Department official in news stories and broadcasts reporting his verbal attack on India.

A GROWING CONTROVERSY

The incidents pointed up a growing controversy over the use of "backgrounders" by officials at all levels of government. The background sessions are used even more by governments in countries where the press is less independent than in this country.

The backgrounders are in effect full-blown news conference, with one major difference. The official conducting the news conference cannot be identified and thus is not directly responsible for what he said.

The controversy does not involve the relationship between individual reporters and government sources in which the informants risk their jobs by providing information that is often adverse to the administration in power. These contracts are generally initiated by reporters.

BRADLEE ASKS BOYCOTT

Benjamin C. Bradlee, executive editor of The Washington Post, in a recent talk at Yale University, called for a boycott of backgrounders. He contended that "by accepting unattributed information, we are allowing ourselves to be used by the government."

Noting that the sessions cannot be kept secret in government, diplomatic and media circles, because they involve so many newsmen, Mr. Bradlee said that only the reader was kept in the dark.

In an interview, A. M. Rosenthal, managing editor of The New York Times, was also critical of the background sessions. He said such sessions were justifiable at times, but added that "the press had allowed this to go much too far."

"The backgrounder has become a way of life and often becomes an obstacle in the way of the flow of full information," Mr. Rosenthal said.

USED FOR OFFICIALS' ENDS

Mr. Bradlee and other newsmen noted that such sessions were sometimes used for Administration propaganda, to float policy trial balloons and even to inform Government officials indirectly that they were in disfavor and should resign before being dismissed.

Defenders of the backgrounders, including Herbert G. Klein, the Nixon Administration's Director of Communications, and some newsmen, contend that officials are less inhibited and more likely to be frank in such sessions.

"Reporters can get more information on an informal basis," said Mr. Klein in a telephone interview. "The more important thing is to get the people the information. They don't care about who is giving the information."

The rationale for the backgrounders on the India-Pakistan crisis was that direct criticism of India by President Nixon or Secretary of State William P. Rogers would have prompted a caustic reply by Indian leaders and increased tensions between the two countries.

In diplomatic circles, backgrounders dealing with foreign affairs are viewed as primarily intended for domestic use and not to be considered an official communication between governments.

By comparison, background briefings are considerably less frequent in New York. Governor Rockefeller first revealed his intention to crack down on rising welfare costs in a rare non-budget background session earlier this year in which he explained some of his plans.

CITY HALL BACKGROUNDERS

In addition, the Governor's budget is explained at a background session in the Executive Mansion's living room every year to give reporters an opportunity to question the Governor and other state officials freely on the long, complex document.

Similarly, the Lindsay administration conducts a briefing, such as one this week, hours before release of the capital budget. However, there have been no other backgrounders that City Hall reporters can recall.

Some corporations also conduct press briefings, but they are infrequent and considerably less important than Federal Government briefings.

Despite the controversy and the varied views, Washington's background sessions have proliferated in recent years to the point where even reporters now sponsor them.

ATTRIBUTION LEVEL VARIES

There are at least five groups of reporters in Washington who regularly invite politicians and Government officials to breakfast, luncheon or dinner, depending on the group.

The principal course is an informal discussion that is sometimes completely off the record and thus cannot be printed. At other times, it may be for use but with no identification of the informant, and occasionally it may be completely on the record.

At one of these sessions, for example, the late Robert F. Kennedy first indicated that he was considering running for President in 1968.

OUSTED BY A BRIEFING

At another, James Keogh, who was leaving his post as a Presidential aide, told reporters that three Cabinet members would be leaving the Administration. It took nearly a year for the prophecy to be fulfilled, but Walter J. Hickel, David M. Kennedy and Clifford M. Hardin eventually left their Cabinet posts.

Reporters at the session were convinced that Mr. Keogh was speaking with Administration knowledge and approval and that by letting the Cabinet members read about their impending departures, he was, in effect, dismissing them.

Despite the use of these reporter-sponsored sessions for such political infighting, the major controversy has been over the Government backgrounders that are initiated and controlled by the Administration, not reporters.

KENNEDY CHRISTMAS TALK

A year ago, President Nixon asked eight conservative columnists to his office. Within days, their columns were filled with unimpeachable intelligence that the President intended to name a Southerner to the Supreme Court and that liberal Republicans who opposed the Administration should pay heed to the defeat of Senator Charles E. Goodell in New York.

The late President Kennedy conducted an annual Christmastime backgrounder with reporters as he vacationed in Florida. Mr. Kennedy gave a rundown on his Administration's accomplishments during the year. Reporters, of course, were free to accept or reject all or part of the President's accounting of his own stewardship.

The invitation lists for these sessions vary. Sometimes it is reporters or columnists who have been kind to the administration; at other times, newsmen for the major newspapers and networks are invited, and, occasionally, the audience is merely those who happen to be present in a press room when a briefing is scheduled.

One exclusive invitation by Vice President Agnew backfired at a governor's conference earlier this year. A group of reporters were invited to Mr. Agnew's suite for a drink • • • record views on many subjects, including his misgivings about the growing rapprochement between Communist China and the United States.

The reporters attending the session were proscribed from printing Mr. Agnew's remarks, but when reports of his views began to circulate, other reporters—not in attendance and therefore not proscribed—printed the story.

KITCHEN DIPLOMACY

(By Anthony Lewis)

LONDON, December 10.—In the United States the President makes foreign policy. That understanding is fundamental to the constitutional system. In the end the American voice will be heard clearly only when he speaks.

But there are great dangers in Presidential policy-making, one of them that the process of decision may be too closely held, too personal. A striking example of this danger is afforded by President Nixon's policy in the Indo-Pakistan dispute.

Mr. Nixon is a committed supporter of Pakistan. The extent of that commitment, if anyone doubted it, was made clear when in receiving a new Pakistani Ambassador he publicly welcomed "the efforts of President Yahya Khan to move to reduce tensions in the subcontinent." That of a man whose forces in the last eight months have coldbloodedly murdered thousands of innocent civilians and forced millions to flee because of their race—the most savage pogrom the world has seen in many years.

Among those who know or care about the Indian subcontinent, American policy has evoked widespread incredulity. That may rest on moral grounds, as in the case of a former American official in Pakistan who wrote Mr. Nixon to say that he could not square the policy with "my life as an American." Or the reaction may be as hard-boiled as that of The

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Economist of London, which in an article highly critical of India said, "It is a mystery why the Americans should have chosen to climb so ostentatiously on board the sinking Pakistani ship."

The President must have recognized that his policy had gone to a self-defeating extreme when he sent a White House aide out to explain it all to the press. There was a defensive tone to what this unidentified man said. We still thought India was a great democracy, he said, and a stanch friend. But she had precipitately broken up secret American efforts to bring President Yahya to a political settlement with the Bengali rebels—efforts that had been near success.

Is it conceivable that the White House official believed that explanation as he gave it? Sincerity must be assumed, but it would really be worrisome if a serious man believed such a fantasy as the idea of an imminent political agreement being aborted by India.

First, there never has been any realistic chance of a settlement with the Bengalis unless Yahya freed their leader, Sheik Mujibur Rahman, and talked with him. The informed men in the State Department, the British Foreign Office and everywhere else knew that. But Yahya kept him imprisoned and put him on secret trial for his life.

Second, according to qualified American sources, Yahya in his alleged concessions had not gone near the degree of autonomy for East Pakistan that his own brutal repression had made the inescapable price for a settlement. He had talked only of a kind of federalism, with the central Government keeping the main powers of finance, foreign affairs and defense. And what concessions there were may have been encouraged by fear of Indian military action.

Third, Mr. Nixon's own State Department and other experts—not surprisingly in the circumstances—were skeptical of the prospects for those secret talks. It was even less of a surprise that the Indians were losing patience, fearing that the talks were just a device to let the Pakistan Army continue its repressions in the east indefinitely and leave the burden of ten million refugees on India.

Fourth, the Indians had reason to doubt the appropriateness of Richard Nixon as a mediator, for they had observed in him no sign of sensitivity to the torment of millions. There are times for quiet diplomacy, but to remain silent in the face of horror on that scale is too quiet.

Now there was no great mystery to these factors; certainly they were well known to the President's chief foreign policy adviser, Henry Kissinger. Why, then, did Mr. Nixon react so intemperately, so emotionally on the side of Pakistan when hostilities began?

The emotion suggests that the President felt himself involved—and injured—on a very personal level. It is well known that Mr. Nixon has long liked and respected Yahya Khan. On the other hand, he is said to have found Mrs. Indira Gandhi cold and didactic. In the words of one close observer, "This was a matter of personal chemistry."

Beyond that, the President had invested his own political capital in the effort to heal the Pakistani division. However remote in fact, he must have thought he had a chance to pull off a diplomatic coup and been overcome by pique at its failure. Then, too, there was the threat that an Indo-Pakistani war might pose to his boldest diplomatic venture, the trip to Peking.

What all this shows is the risk of overpersonalization when a President takes to himself too much of the process of foreign policy-making. The Nixon-Kissinger operation works well in important ways, avoiding the deadening bureaucracy of the State Department. But it is quite wrong when it allows the policy of a great power to be so sharply affected by personal feeling without the restraints of time and reflection that a system provides.

THE ALLENDE GOVERNMENT IN CHILE

Mr. ALLOTT. Mr. President, frequently in the period since the Allende government came to office in Chile I have called to the attention of Senators news stories that confirm my growing concern about the course of events in that country. From the start I have not shared the rosy optimism which some persons seem to feel about Allende.

My general suspicion of the Marxist Allende rested on the belief that Allende was a reasonably candid man. That is, I was alarmed by the fact that he probably is pretty much what he says he is—a Marxist. This is cause for alarm because there never has been a Marxist Government that was not first arbitrary, and then despotic, and always a determined enemy of democracy.

The arbitrariness of the Allende Government was evident from the start in dealings with American businesses operating in Chile, and most especially, of course, in dealings with American copper firms.

But in recent weeks the Allende government seems to have moved to the next predictable stage—an open embrace of totalitarian people and practices.

Cuba's Castro, this hemisphere's most conspicuous and devoted totalitarian, has just completed nearly a month in Chile. During this extended visit Allende missed no opportunity to identify with Castro.

And now Allende, perhaps inspired by the presence of the Cuban dictator, is moving with new speed through the last steps toward a solidified Communist dictatorship. He has declared emergency rule and directed his substantial police force to beat and tear gas a group he finds menacing.

And what group is this?

It is just a group of Chilean housewives who have the temerity to object to the condition that most typifies a Communist Government.

And what condition is that?

A food shortage, of course.

Any squalid dictatorship can harass rival newspapers and rival political parties. But the true mark of a real Marxist regime is that it could not grow a rose in a greenhouse. And, sure enough, Chile now has a robust food shortage.

This shortage probably helps explain Allende's embrace of Castro's month-long circus in Chile. Allende, being a not very imaginative fellow, would like to rule with the old Roman combination of bread and circuses. But he is up against the standard Marxist problem: A bread shortage. So poor old Castro has to serve—and serve for a full month—as a circus that will even distract people from the fact that there is precious little bread to go around.

But now the housewives of Chile have been beaten and gassed; and Allende has decreed emergency rule; and Allende is muttering the dark and utterly predictable nonsense about the housewives being the thin end of the Fascist wedge.

Is it not clear, Mr. President, that we have seen this sad, tiresome scenario elsewhere?

MIDAIR COLLISIONS

Mr. MOSS. Mr. President, there is perhaps no other area of greater concern to the Nation's 31,000 airline pilots than the nightmare of midair collisions. Thus, far in 1971, there have been five midair collisions in which airline aircraft have been involved. In the past 25 years, there have been some 71 such collisions—the loss of life has been horrendous. As more and more aircraft, with ever increasing capacity and speed, take to the skies, it is obvious that the hazard of midair collisions will increase.

In July, I introduced S. 2264 to require the FAA to promulgate national standards with regard to collision avoidance systems by 1973 and to require the installation of such systems on all aircraft by 1975.

This month's Airline Pilot magazine contains a lead article summarizing the problem and the solution to the hazards of midair collisions. It stresses that the problem is not just a bad dream—but a grim reality. "The SOS has been sounded: The choice is solution or slaughter."

I recommend this article to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MIDAIR NIGHTMARE

(By Carl L. Smith (WAL), Chairman, Collision Avoidance Systems Committee)

Midair collisions have been occurring with regularity for 61 years. They pose an international problem that must be solved worldwide to maintain the required standards and degree of air safety that are acceptable to any pilot—general aviation, military or air carrier. The first midair collision occurred in Italy in 1910; the first fatal midair occurred in France in 1912; the last midair collision happened . . .(?) Until such time as adequate and effective systems and measures are developed to eliminate this hazard to air safety, the most clairvoyant prognosticator would hesitate to venture even the wildest guess.

In the past several years, attention to the midair problem of both collision and near-miss has seemed to center in the United States because of the high degree of traffic density and the mix of general aviation, military and air carrier equipment. The first eight months of 1971 should bring the focus on the international level: One quarter of the midair collisions this year involving air carriers occurred outside the U.S. Just as a review, and to further point out that the problem involves all categories of aviation, the collisions were: between a Boeing 707 and a Cessna 150 in New Jersey; between an F-4 and a DC-9 in California; between an F-86 and a Boeing 727 in Japan, and between a 707 and a Cessna 150 in California. Fortunately, one of these did not incur fatalities, but the one in Japan caused the highest fatality toll yet experienced. The latter three happened during the months of June, July and August respectively. What will the future hold in store?

A bibliography of ALPA reviews and recommendations concerning the urgent need for development of adequate CAS-PWI devices consists of reports in the April 1969, January 1970 and March 1970 issues of *Air Line Pilot*. A most interesting Flight Safety Foundation report titled "Techniques for Managing the Risk of Midair Collision" discusses the problem and potential preventive measures in an unbiased manner.

The Air Transport Association, recognizing the magnitude of the collision problem, has spent about $4 million for the review and testing of the time-frequency collision avoidance system together with the joint efforts of McDonnell Douglas, Bendix and Wilcox/Sierra Research to standardize a package suitable for installation in any air carrier aircraft. Recognizing the need for a less-expensive model (consequently, less complex and comprehensive) that could operate in the same environment with the full CAS, McDonnell Douglas developed a Micro-CAS, which was displayed at the ALPA Air Safety Forum in Dallas last July. The other manufacturers are also developing low-cost time-frequency CAS-PWI equipment for use in general aviation aircraft.

Perhaps 1971 will be significant, not only for its grim record of midair collisions and continuing near-misses, but for the entrance into the field of CAS-PWI development by such other avionics and electronics companies as Honeywell, RCA and Motorola, all of which were represented at the Forum and reported varying degrees of interest and development of a system.

The ALPA CAS Committee over the past five years has been in contact with many different developers-theoreticians, all of whom have offered either a theory or an actual piece of system hardware that would hopefully provide an acceptable form of warning. ALPA cannot become engaged in the research field nor can it have a proprietary interest in any device or company, therefore, when only theories were presented, the parties were encouraged to develop some workable hardware and obtain the needed research funds. Unfortunately, funds are hard to come by and generous angels are even scarcer. As a result, the current possibilities are limited to a relatively few conceptual approaches, all of which have some drawbacks.

The two acronyms CAS and PWI are sometimes used interchangeably and occasionally erroneously, even when an accurate definition of each has been determined:

A proximity warning indicator (also sometimes called pilot warning) is not a collision avoidance system, but it is the preliminary requisite to pilot action leading to avoidance. The human eyeball is the original PWI device employed in the "see and be seen" concept of avoidance with all of its attendant problems and deficiencies. Conspicuity is the key to detection of a visual threat, and ALPA support of improved strobe lighting should not be misinterpreted as a substitute for development of a more efficient warning and avoidance system. In its purest form, PWI infers a noncooperative system that does not require installation of special equipment on other aircraft to provide an identifying signal source. A single PWI installation would theoretically provide sufficient information for the pilot to execute an avoidance maneuver. Most such systems, until now, have been cooperative systems due to the lack of sufficient technical knowledge.

CAS is dependent upon cooperation with other *suitably equipped* aircraft to exchange those bits of information that are necessary to indicate both a warning and an evasive maneuver, hence it is classified as a cooperative system. The time-frequency CAS, because of its complexity, is expensive. And the cost will vary widely from the full CAS (currently estimated to be $50,000 or more per installation) to the limited CAS, which provides only limited protection at a substantially reduced cost figure.

The interchangeable use of CAS-PWI occurs when the limited system acts as a "telephone pole" that transmits a signal to the full CAS equipment saying: "Here I am, don't hit me!" Unfortunately, the minimum equipment (telephone pole) does not have the capability of cooperating with other minimally equipped aircraft to initiate an avoidance maneuver.

The elements needed for an adequate collision warning system (and this generally applies to both PWI and CAS) are (1) relative altitude of the concerned aircraft, (2) range between the aircraft, (3) the closing velocity, also called the range-rate and (4) some determination of the time to collision (TAU). TAU is computed in the CAS equipment and provided as a readout generally in the form of a command to execute an avoidance maneuver by the pilot. In the PWI system, TAU constitutes the pilot reaction time *after* sighting the threat as a result of receiving at least items 1 and 2 above.

Several approaches to the collision warning problem have been developed and each has advantages and limitations. The use of infrared detection has been studied extensively by the former NASA Electronics Systems Center at Cambridge, Mass., and by Loral Corp. of New York, which has spent considerable time, effort and money in developing a detection system geared to the use of infrared emitting strobe lights.

This work is being continued by FAA at the National Aviation Facilities Experimental Center in Atlantic City. The cost of such a system is the lowest of any currently under development and is consequently among the most attractive to owners of light aircraft. In addition to the visual conspicuity of strobe lighting, the infrared emitted by the light can be detected by special sensors that can be mounted on any aircraft, thereby providing an additional warning. The Loral device can provide azimuth data, plus a limited degree of relative altitude information and has a sensing range of approximately three miles in VFR conditions. Converting distance to time, three miles will provide approximately a 30-second warning time at a convergence speed of 350 knots (the average head-on convergence between general aviation and air carrier aircraft at the critical altitudes below 10,000 feet MSL). The disadvantage of this system is its limitation in IFR conditions and the unavailability of speed and range readouts, particularly when applied to jet aircraft detection. Also, the strobe-light lenses can become pitted or dirty, further reducing effectiveness.

NASA's Langley Research Center has been conducting extensive tests on a system of CW doppler radar, consisting of a transmitter, receiver and display instrument plus a transponder. This system provides range, closing velocity, bearing and altitude measurements. When only the transponder is installed, it will warn of the presence of the aircraft to one fully equipped (the "here I am, don't hit me" situation) but will not provide protection to other transponder-only equipped aircraft. It is relatively simple in design and inexpensive for air carrier use, but is generally out of the price range for private aircraft. It also has the restricted capability of warning against only one threat at a time, selecting only the most severe threat.

There are at least two additional proposals that employ the use of air traffic control radar beacon system (ATCRBS) transponders. The most-limited such system measures the signal strength of transponder replies from other aircraft to an ATCRBS ground query. When a signal is strong enough, it triggers a cockpit alarm. However, it lacks the ability to sense direction and, even more important, the relative altitude of the triggering signal. It is understood that this device has been withdrawn, at least temporarily. Assuming that these basic problems are overcome, it has the advantage that all airline and most military planes are equipped with transponders, plus the more than 46,000 in use by general aviation. This does not offset the disadvantage of being entirely dependent upon the operation of the ATC system, nor the inability to determine range and range rate.

The RCA SECANT system of collision avoidance operates on an entirely different principle of transponder usage employing a 30 mHz band of frequencies to resolve the elements of relative altitude, range, range rate and time to collision. The system is designed in modular form so that only the minimal telephone pole unit may be initially installed for about $300. Modules providing greater degrees of warning and avoidance information may be added later with gradually increasing cost to the user. It is entirely independent of ground stations of any kind and claims are made that the system's accuracy meets all the critical ATA criteria. Hardware has been produced and flight tested by RCA. Tests by the Navy, with FAA input, have been conducted since early November. An assessment of the advantages and disadvantages cannot be made until full information is released concerning design and test results. Cost will be a primary factor for light-plane acceptance and usage and will control the total number of modules that will be used in any aircraft.

A latecomer in PWI–CAS development is Motorola, which until very recently has been concentrating on military production of moving target radar units. Its recent expression of interest might open up a new avenue of research into collision prevention, but time is a critical factor. Several other manufacturers have also indicated their interest in this area.

Honeywell has developed and produced a warning system for the U.S. Army helicopter school at Fort Rucker, Ala. It has accumulated over 300,000 flight hours using 285 units. It is a C-band pulse beacon ranging system with relative altitude information and the ability to discriminate range. Honeywell has modified the basic system for use by fixed-wing aircraft with an accurate determination of range, range rate and relative bearing added to the existing altitude information. It has the advantage of the building-block approach from minimal to maximum information availability with a corresponding increase in cost, and it is not dependent upon any ground system for operation or control. There is a possible problem of a requirement for a complex receiving antenna installation. Critics of this system indicate that the random nature of interrogation and reply could lead to a problem of frequency saturation.

One anticollision system that has passed ATA testing at the Martin Co. in Maryland is the one produced by McDonnell Douglas and reported in detail in the January 1970 issue of the *Air Line Pilot* by the ALPA CAS Committee. Originally named EROS (eliminate range zero system), it is used in testing military aircraft. Operational since 1966, it has made more than 15,000 flights. A similar system for civil aircraft known as EROS II, also employs the time-frequency technology and can handle up to 2,000 aircraft every three seconds. The display unit provides both advisory and command information, and the accuracy of the time-ordered reporting is maintained through ground stations or by airborne clocks carried in only a limited number of CAS-equipped aircraft. All commands relate to a vertical plane of avoidance, and advisories of potential threats are reported without any specific bearing required.

As a supplement to this full CAS, a Micro-CAS that would provide minimal information to its user and still operate fully in the time-frequency system has been developed for general aviation aircraft. A display demonstrating this ability to cooperate with the full CAS was presented at the 1971 Air Safety Forum and was the subject of a great deal of interest. Piedmont was the first airline to order the McDonnell Douglas system and United Air Lines tested it on West Coast flights in October.

Advantages of the time-frequency system are its proven use as an anticollision device with little danger of saturation and the presentation of both a threat situation and

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a command action to the pilot to avoid collision. It has been endorsed by ATA for U.S. airlines.

Bendix, one of the companies participating in the ATA test and evaluation program mentioned earlier, has also developed its time-frequency CAS along lines similar to those of McDonnell Douglas. This system is known as IMAGE (intruder monitoring and guidance equipment). Its disadvantages are the high cost of the full CAS, the requirement for installation of expensive ground stations, and the relatively high cost of the Micro-CAS for general aviation. It will work in conjunction with other time-frequency systems, and there is a question of acceptance by the general aviation community.

The NASA Langley Research Center is currently working with a number of manufacturers, including Sierra Research, that participated in the ATA tests to develop a low-cost PWI for general aviation aircraft.

The "Near Midair Collision Report of 1968" published by FAA in July 1969 established areas of greatest probability for collisions based upon 2,230 situations that were reported. It indicated that for every near-miss reported, there was a probability that four others were unreported. The greatest danger of collision is between two general aviation aircraft; the greatest risk to air carrier aircraft is the danger of collision with (1) general aviation, (2) military and (3) other air carriers in a diminishing order of probability.

In November 1969, the National Transportation Safety Board held a public hearing in Washington on the midair collision problem. Every agency, organization and group with an interest in aviation was invited to participate and express its views and recommendations for a solution to this safety hazard. NTSB issued a report in 1970 that included recommendations calling for "the development and implementation of collision avoidance systems for transport category aircraft" and for "a pilot warning indicator for all aircraft or a device for small aircraft compatible with collision warning systems."

NTSB also recommended that FAA should encourage the expeditious development of a CAS for air carrier and large general aviation aircraft, make funds available for ground-support equipment required by CAS, sponsor development contracts for PWI systems to evaluate their practicability, and develop regulations to require the installation of CAS and PWI systems when they become available.

The potential loss of life in a midair collision of two wide-body or jumbo jets, although the least probable, is the worst possible situation for a single accident. The probability of two separate collisions involving air carrier aircraft with general aviation (for example, 747-Cessna 150) or military planes (DC-10—F-4) is many times greater and the final result just as disastrous.

Cost will be a major factor governing voluntary installation of CAS–PWI equipment by the general aviation fleet. Without general acceptance, no systems can satisfactorily fill the urgent need for adequate collision avoidance. Reliability of a warning system depends upon full compliance, either voluntarily or by regulation. Legislation has been introduced by Senator Frank E. Moss (D-Utah) that would require some form of CAS–PWI at a future date. No doubt there will be objections from the general aviation community until a system can be produced that will be acceptable on the basis of cost. A major investment has already been made by ATA on development. The installation cost will be even greater for the individual airlines to outfit fleets complete with full CAS equipment. Initially the protection for airlines will be only from each other until a system of mass production reduces total costs to a price range within reach of the full aviation community.

The basic requirements for satisfactory functions to be performed by airborne CAS are:

Detect all aircraft that represent a *potential danger*.

Evaluate the hazards presented by the detected aircraft.

Determine if a maneuver is required.

Indicate the evasive maneuver required to maintain safe separation.

In determining what is acceptable, the ALPA Collision Avoidance Systems Committee (composed of C. F. Pocius (FTL), A. E. Smith (PAI) and the author) set forth the following recommendations:

Any warning system must be independent of ground controller operation.

The warning system must provide protection for adequate safe aircraft separation.

It must operate equally effectively in VFR and IFR conditions for the wide range of today's aircraft speeds as well as future SST operation.

The midair nightmare is not just a bad dream—it is a grim reality. An SOS has been sounded: The choice is solution or slaughter.

DAVID REYNOLDS: INDUSTRY ENVIRONMENTALIST

Mr. HANSEN. Mr. President, the executive vice president and general manager of Reynolds Metals Co., Mr. David P. Reynolds, was named "Packaging Man of the Year" by the Packaging Education Foundation.

Mr. Reynolds was selected from more than 70 persons nominated for the award. In selecting Mr. Reynolds, the foundation recognized his contributions to the packaging field, his stature in the industry and community, his outside activities and general social consciousness, and interest in education.

The foundation very properly, in presenting the award, noted that—

Mr. Reynolds has been a leader in advancing the idea of recycling as a solution to the nation's litter and solid-waste problems.

In this regard, Mr. President, the fall-winter edition of Aluminum Progress printed an article entitled, "Aluminum's Value Will Help 'Mine' City Dumps." The article acknowledges that under the aluminum can reclamation program instituted almost 5 years ago by Reynolds metals, aluminum cans are being redeemed at the rate of more than 50 million per month. David Reynolds was a pioneer of the aluminum can recycling concept.

Mr. President, the people of Wyoming are proud that the Reynolds Co., a leader in projects aimed at preserving America's natural beauty, has invested in Wyoming's future. I ask unanimous consent that the article from Aluminum Progress be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALUMINUM'S VALUE WILL HELP "MINE" CITY DUMPS

Like a rolling snowball, the nation's aluminum can reclamation programs each month get bigger and bigger—more cans collected, more collecting stations opened, more thousands of citizens turning in cans for cash.

All-aluminum beverage cans now are being redeemed at the rate of over 50,000,000 per month in areas where these cans are in distribution. Instituted nearly five years ago by Reynolds Metals Company and now supported by much of the beverage industry and other aluminum producers, aluminum-can reclamation has become a way of life for millions of Americans.

David P. Reynolds, pioneer of the program and executive vice president and general manager of Reynolds Metals Company, reports that a number of other companies in the aluminum and packaging industries have joined in the aluminum-can recycling effort and that the number of collection points continues to grow. The latest tabulation indicates there are now more than 660 aluminum can collection centers in 31 states, and the system is still expanding and being supplemented by a fleet of mobile recycling units.

More than 12.5 million pounds of aluminum cans and other aluminum household scrap have been returned so far this year to Reynolds Aluminum—a pioneer of aluminum can recycling concept—at its reclamation centers. And, at 10 cents a pound, the company reports it has paid the public more than $1.25 million for the used aluminum, which is made into new aluminum products. This reclaimed metal is the equivalent of nearly 300 million, 12-oz. aluminum beverage cans.

"There is no question as to public approval of the aluminum industry's approach. Each month the total amount of aluminum cans and household scrap returned exceeds the previous month's total," commented Paul Murphy, vice president of Reynolds Packaging Division. "In some areas, the public response has been so enthusiastic that more than half of the total cans in use are returned for payment."

"Because of the high scrap value of household aluminum, we can pay the public a worthwhile sum, in contrast with reclamation drives for other containers that have little or no money reward," said Richard N. Bolling, manager of recycling for Reynolds.

"This cash incentive spurs environmentally concerned citizens and organizations to action. They are conducting can reclamation drives coupled with intensive and continuous programs to clear parks, beaches and roads of litter," Mr. Bolling said.

"Further expansion through new permanent centers and additional satellite collection points is planned for the coming year," Mr. Bolling said.

So, reclamation through collection centers is working, expanding and will continue to grow indefinitely because of the cash incentive. But, these programs cannot collect all of the aluminum existing in garbage. Cans are easy to save, but some will be lost regardless of how many are collected through this program. Also household foil, frozen dinner trays and other aluminum products in the home are still waiting to be reclaimed.

Two programs of householder separation of aluminum from garbage in the home are in the pilot stage. Homeowners in a suburb of Ft. Lauderdale and in several suburbs in San Francisco are removing aluminum cans and other household scrap from household refuse. The separated aluminum is picked up on the regular rounds by trash collectors and sold direct to the aluminum industry. Under this system, no further separation is required so the only reclamation process required is payment on the basis of weight. The metal is readily melted and used for a variety of new aluminum products.

Even though aluminum makes up only a small fraction of the total solid waste volume, its reclamation and high value can help subsidize a total recovery system in which many of the other recovered materials have little or no salvage value.

Mr. Bolling pointed out aluminum has several advantages which are not common to most materials which can be reclaimed from solid waste. Markets exist for the metal throughout the United States rather than in a limited geographical area; it is the highest value component of a given volume of municipal refuse and can be removed from solid waste using existing technology and available equipment.

Dr. Robert F. Testin, director of environmental planning for Reynolds, explains the methods of separating the various materials in mixed trash and garbage this way:

"The normal first step is shredding or some other size reduction process. This breaks up the materials into more easily separated parts. Paper is readily removed by air classification; steel, by magnetic separation; glass, through screening, and aluminum and other valuable non-ferrous metals through dense media separation. All are processes commonly used in industry."

In the San Francisco Bay area, Reynolds is taking part in a consortium of private refuse collectors, municipalities, equipment manufacturers and material suppliers, to undertake a complete recovery program. As a result, a recycling proposal utilizing these techniques has been submitted to the U.S. Environmental Protection Agency. The same general process is being investigated for other locations as well.

Unlike the steel reclaimed from mixed municipal refuse which at this time has limited value as scrap, methods have been developed which promise the recovery of highly valuable purified aluminum from mixed municipal waste as well as incinerator ash.

The concept of total recycling of mixed municipal refuse is dependent not only on technology and equipment but on existing markets for the materials recovered—markets based on sound economics. The economic recovery of recycled materials in this refuse is dependent on the recovered aluminum. Its high scrap value and existing market price of $200 a ton helps subsidize the recovery of other materials with significantly less value.

NO-FAULT INSURANCE

Mr. MOSS. Mr. President, a letter published in the letters to the editor column of the New York Times on November 29 discusses one of the issues which is clouding the no-fault insurance issue. It was written by my friend Stanley Frankel, who reports that he has received a number of letters from others who read the letter and who felt he had touched upon a vital and determining factor affecting the changes of the legislation.

I ask unanimous consent that Mr. Frankel's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTERS TO THE EDITOR, THE NEW YORK TIMES, NOVEMBER 29, 1971

ENDING CONFLICTS OF INTEREST

To the Editor: I would hope that the issue of no-fault insurance be decided strictly on its merits, entirely free of the conflict-of-interest clouds which now hover over the debate principally because many of our legislators are, in addition, practicing attorneys.

To protect from suspicion that great majority of our legislators who are honest, dedicated and competent, and also lawyers, I would strongly recommend that all members of the legislature voluntarily make public the number of dollars, if any, in their annual income for the past five years attributable, directly or indirectly, to the handling of negligence cases which would be affected by the proposed no-fault law.

There is sound basis in precedent and law for such disclosure. In New York the code of ethics contained in Section 74 of the Public Officers Law includes a legislative declaration that ". . . The people are entitled to know that no substantial conflict between private interests and official duties exists in those who serve them." Included in Section 74 of that law is the further statement that no member of the legislature or legislative employee should "accept other employment which will impair his independence of judgment in the exercise of his official duties."

Further in the same vein, Section 73(6)(a) of the Public Officers Law provides that every member of the legislature or legislative employe shall (annually) file with the Secretary of the Senate or Clerk of the Assembly a written statement of any "interest or relationship which he determines in his discretion might reasonably be expected to be particularly affected by legislative action or in the public interest should be disclosed."

This voluntary disclosure would free our legislators to vote their conscience, in the public interest. It might, just might, also result in the passage of the no-fault insurance law.

STANLEY A. FRANKEL.

SCARSDALE, N.Y., October 21, 1971.

THE CHANGING NATURE OF THE WESTERN HEMISPHERE

Mr. CHILES. Mr. President, the events and circumstances of the visits of President Medici of Brazil and Prime Minister Trudeau of Canada point to the changing nature of the Western Hemisphere community and the need to reformulate the frameworks for our relations with the countries of the Americas. At this time, such a reassessment cannot take place without considering the cause and effects of the President's new economic policy.

The failure of President Nixon's "economic game plan" of the last 2 years, which culminated in the announcement last August 15 of the "new economic policy" has affected the lives of every American. We have been asked to tighten our belts and make sacrifices. It is indeed in the best interest of all that the new policy does work, because the Nation's prosperity is at stake. When a nation tightens its belt because he has not lived within his means, he does not pass his bills on to his neighbors. And yet this is exactly what we have done with many other countries. What is worse, we have penalized with the 10-percent surcharge on imports those nations which can least afford the penalties and which bear no guilt for our deteriorating balance-of-payments situation.

I wish to make it clear that I support the President's overall economic policy. I support his efforts to strengthen the economy and to halt the deterioration of our balance-of-payments situation. There are countries that because of their monetary or trade policies have taken unfair advantage of our past trade policies, and I support steps, including the use of the 10-percent surtax as a lever to correct these unfair practices.

What I cannot support is the use of the surcharge in a manner which will worsen our already precarious relations with less-developed countries. I am particularly concerned with its impact on the nations of Latin America. The administration claims the surcharge was necessary, because of the deterioration of our balance-of-payments situation. What the administration has not pointed out is that trade with Latin America constantly produces a surplus for the United States, $790 million in 1970 and approximately half a billion dollars in the first half of 1971. In this past year our agricultural exports alone to Latin American countries amounted to $528,906,000, a significant factor in our surplus, and this total is growing as can be seen in the following figures:

VALUE OF AGRICULTURAL EXPORTS TO LATIN AMERICAN COUNTRIES [1]

	1967	1968	1969	1970
Mexico	70,497	81,253	91,580	154,864
Guatemala	13,937	14,814	10,198	14,396
British Honduras	2,370	2,471	2,285	2,913
El Salvador	7,696	8,300	9,549	11,453
Honduras	5,676	6,909	5,444	7,965
Nicaragua	6,475	6,142	5,501	5,756
Costa Rica	7,688	8,777	6,798	9,442
Panama	16,413	15,611	15,573	17,126
Colombia	2,485	32,417	30,701	37,703
Venezuela	90,129	89,817	89,726	97,155
Ecuador	10,611	11,840	10,848	12,495
Guyana	4,791	3,555	4,838	3,947
Surinam	3,733	4,138	4,001	5,343
Peru	41,939	21,690	14,446	32,441
Bolivia	12,711	10,545	7,888	6,747
Chile	24,630	34,954	25,788	31,688
Brazil	109,312	87,407	68,205	68,166
Paraguay	9,970	3,422	3,136	2,673
Uruguay	2,438	19,890	2,508	1,850
Argentina	2,675	3,378	11,557	4,783
	436,677	467,330	420,571	528,906

[1] All figures in thousands of dollars.

To penalize Latin American nations with the surcharge seems, therefore, not only unjust, but self-defeating since trade with those nations actually benefited our balance-of-payments situation. In addition, one effect of the surcharge will be to decrease the purchasing power of these nations and thereby adversely affect the United States since these countries purchase most of their imports from us. Some countries have been particularly hard hit. For example, 39 percent of Mexico's exports to the United States, 71 percent of Argentina's, and 86 percent of Uruguay's are affected by the surcharge.

The reaction by the Latin American nations to the surcharge has been understandably bitter. I have read reports that many nations are intensively searching for new markets for their products. It is an economic fact of life that once new trading relationships are established, our old customers will be making purchases from their new partners and not from us. The developed nations, our competitors for the markets of the world, are making every effort to attract these potential customers. They are doing so by granting import credits and other special concessions. The actions of President Nixon have played into the hands of the very nations which he claims have contributed to the deterioration of our situation. He has so alienated less developed nations with what one of their spokesmen referred to as "indiscriminate application" of the surcharge, that the long-range negative results of his actions may not be measured until long after the elections of 1972.

In order to attempt to correct the inequities of the surcharge aspect of the President's program, I suggest that President Nixon state exactly when he intends to abolish the surcharge which he called a temporary measure more than 3 months ago. The American people must

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be aware that the failure to abolish the surcharge may well result in a trade war, and in this type of war there are no winners, only losers. In addition, I suggest that the nations of Latin America be exempted immediately from the surcharge. The surcharge is directed at the very sectors of the Latin American economies in which there is greatest potential for an increase in exports. These countries have industrialized at the encouragement of various U.S. programs and now the surcharge penalizes the results of those efforts. In addition, the surcharge is incompatible with the commitment of the United States, as stated by President Nixon himself, to give Latin American products easier access to the U.S. market.

In light of the President's recent statement to Prime Minister Trudeau that the United States will simply be trying to maintain an overall position of balance in the world economy community, continuing the surcharge on Latin American imports becomes even more incompatible with this country's expressed desires.

It is my opinion that we must take these actions if we are to regain the respect of our neighbors. We must act as befits the greatest nation in the world, not as a protectionist country afraid of competition. I have sufficient confidence in the ability of U.S. industry to compete freely in the world that I do not believe it must hide behind artificial barriers.

Two years ago President Nixon stated that the nations of Latin America "need to be assured of access to the expanding markets of the industrialized world." I believe the United States should assume a position of leadership in this respect. The first step to take in this direction is to exempt Latin America from the surcharge.

TRAGEDY IN ULSTER—XIII—THE COMPTON REPORT

Mr. KENNEDY. Mr. President, one of the most significant developments in recent weeks on the situation in Northern Ireland is the release of the Compton report, the report of the official British inquiry into the allegations of torture and brutality in the Ulster internment camps.

Although the report contains a great deal of additional information and discussion, the heart of the report is its finding with respect to the interrogation procedures used against internees—the so-called interrogation in depth—paragraphs 43–105 of the report. The report found that allegations in five separate areas were substantiated:

Internees were hooded.

They were subjected to loud and deafening noise.

They were forced to stand against a wall for hours at a time, with their legs spread apart and their hands over their heads against the wall.

They were deprived of sleep.

They were deprived of food, or restricted to a diet of bread and water.

In the case of each of these allegations, the report found that the actions constituted "physical ill-treatment," rather than torture, cruelty, or brutality. As the report states in paragraphs 104 and 105:

104. It will be noticed that while we are asked to investigate allegations of physical brutality, our conclusions are in terms of physical ill-treatment.

105. Where we have concluded that physical ill-treatment took place, we are not making a finding of brutality on the part of those who handled these complaints. We consider that brutality is an inhuman or savage form of cruelty, and that cruelty implies a disposition to inflict suffering, coupled with indifference to, or pleasure in, the victim's pain. We do not think that happened here.

Elsewhere, I have made my own comments on the report and the distinction it attempts to draw between brutality and "ill-treatment." I hope that all who are concerned over the deepening tragedy in Northern Ireland will read the report and judge for themselves whether such actions can possibly be justified or condoned in any circumstances. I believe they cannot.

Mr. President, I ask unanimous consent that the Compton report be printed in the RECORD, together with the following items: News articles from the New York Times and Washington Post of November 17, 1971, on the publication of the report; an editorial from the London Sunday Times of November 21, 1971, entitled "A Lowering of Civilized Standards;" additional articles by Anthony Storr, Nicholas Tomlin, and Lewis Chester in the same issue; an editorial for the London Observer of November 21, 1971, entitled "Where Compton Went Wrong;" an article from the London Sunday Times of November 28, 1971, by Lewis Chester, entitled "Ulster Doctors Say Interrogated Patients Have Been Injured," and, finally, a letter to the London Times by Graham Greene, reprinted in the New York Times of December 2, 1971.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 17, 1971]

BRITISH COMMISSION DENIES BRUTALITY IN ULSTER PRISONS

(By Bernard Weinraub)

LONDON, November 16.—An official British commission found evidence today of mistreatment of political prisoners in Northern Ireland but rejected allegations of widespread brutality.

The three-man panel, in a detailed 72-page report, listed cases of "physical ill-treatment" of suspects who were seized Aug. 9 in round-ups directed at Irish extremists. The commission said that prisoners were placed in "hooded isolation," subjected to "continuous and monotonous noise," placed on a bread-and-water diet and deprived of sleep.

"Where we have concluded that physical ill-treatment took place, we are not making a finding of brutality," said the commission, headed by Sir Edmund Compton, Northern Ireland's ombudsman. "We consider that brutality is an inhuman or savage form of cruelty. We do not think that happened here."

The findings are expected to arouse controversy in Britain and Northern Ireland. Although the two-month inquiry listed cases of mistreatment against the interned Roman Catholics, more serious charges of brainwashing, third-degree methods, savage beating and torture were swept aside. The charges had been made by Catholics as well as by Amnesty International, a private organization, and in reports published in The Sunday Times of London and other British and Irish newspapers.

CHARGES TURNED DOWN

With the report, the Government firmly turned down the charges.

"The Government reject any suggestion that the methods currently authorized for interrogation contain any element of cruelty or brutality," said Reginald Maulding, the Home Secretary. "The report of the committee confirms this view."

But Mr. Maulding, speaking to an unruly House of Commons, took note of the "ill-treatment" and announced a review of the Government's rules of interrogation in Northern Ireland. An emergency debate on the Common report will take place tomorrow.

The commission members said that suspects were ill-treated in numerous ways in the early days of internment in the British province.

"Detainees were required to be kept fully hooded except when interrogated or in rooms by themselves," the report said. While detainees were held together pending interrogation or between interrogations, they were subjected to a continuous hissing noise, or electronic 'muuh,' loud enough to mask extraneous sounds and prevent effective oral communications."

The inquiry added: "We find ill-treatment in the diet of one round of bread and one pint of water every six hours for men who were being exhausted by other measures at the same time. It was confirmed that it was the general policy to deprive the men of opportunity of sleep during the early days of the operation."

LEANED AGAINST WALLS

The committee found that prisoners were forced to stand, legs apart, leaning with hands raised up against a wall for four-hour to six-hour periods.

Another part of the report discussed five men who alleged that they had been forced to carry out prolonged, physically taxing exercises. They said they had been kicked, punched and struck with sticks if they failed to perform the exercises.

The inquiry, rejecting the allegations of brutality said that the physical activity "must have caused hardship but we prefer to take the view that the exercises were devised to counteract the cold and stiffness of which the arrested persons complained."

"We think there was lack of judgment there, but not cruelty or brutality," the report said.

PANEL DEFINES CRUELTY

It added: "We consider that brutality is an inhuman or savage form of cruelty—and that cruelty implies a disposition to inflict suffering, coupled with indifference to, or pleasure in, the victim's pain. We do not think it happened here."

Northern Ireland's Protestant-dominated Government, with the support of Britain, announced the controversial internment policy on Aug. 9 to root out terrorists and gunmen in the six counties of Ulster. The tactic spurred a wave of rioting, arson and killings in Ulster and thrust the province into the most severe crisis of its 50-year history.

The Roman Catholic minority said that the policy of indefinitely interning suspects without trial was aimed solely at their community, and bypassed Protestant gunmen. Catholics also charged that the army and the police were seeking merely to uphold the provincial Protestant Government, which most Catholics now reject.

A total of 980 men were seized under the internment policy from Aug. 9 to Nov. 10. A little more than half—508 men—have been released. The British Government said that 472 were now being held.

The other members of the panel, besides Sir Edmund, were Dr. Ronald Gibson, former chairman of the British Medical Association Council, and Edgar Fay, a judge from Plymouth.

ULSTER GIVES NO RESPONSE

BELFAST, NORTHERN IRELAND, November 16.—The Government of Northern Ireland made no official comment today on the Compton report, but privately some officials regarded it as vindication of Prime Minister Brian Faulkner's recent insistence that there had been no brutality.

Gerry Fitt, leader of the Opposition Social Democratic Labor party, said he found it hard to accept the report's definition of ill-treatment as opposed to brutality. It is no more than an exercise in semantics, he said.

The Civil Rights Association, whose campaign for reforms has been swept aside by terrorism, described the report as a whitewash. Nevertheless, it added, it was still a damning indictment of the internment operation. The association again urged the Government of Ireland to start proceedings against Britain before the European Commission for Human Rights at Strasbourg.

The Rev. Ian Paisley, the militant Protestant, said the report proved that the "outrageous allegations" were totally unfounded.

[From the Washington Post, Nov. 17, 1971]

BRITAIN DENIES USING TORTURE IN ULSTER

(By Alfred Friendly)

LONDON, November 16.—An eminent British investigating team rejected today allegations that terrorist suspects in Northern Ireland had been tortured or subjected to brutality, but reported that about 14 of some 900 men arrested under internment orders had suffered calculated "ill-treatment" during prolonged "deep interrogation."

The ill-treatment consisted—almost exactly as asserted in a series of statements or reports smuggled to Irish and British newspapers some weeks ago—of subjecting the men interrogated to deprivation of sleep; standing anywhere from 9 to 49 hours while leaning on their hands, legs apart, against a wall; constant exposure to a high-pitched sound for days on end; a bread-and-water diet; and being hooded with a sack or opaque bag throughout the two to four-day period of interrogation.

The treatment was administered by the Royal Ulster Constabulary, but the methods, it was acknowledged, were those developed by the British army and used by it in the past in such "internal security" situations as Cyprus and Aden. Some army "advisors" were present during the interrogation sessions.

Home Secretary Reginald Maulding, presenting the inquiry commission's report to Parliament today, said he was "entirely satisfied" that the methods did not violate the rules laid down. The commission said the rules themselves followed the broad principles of those permitted in the Geneva Convention for persons arrested in civil disturbances.

Nevertheless, the report was disturbing enough to prompt the British government to establish a Privy Council board of three men to consider whether the methods, even though they are authorized for the interrogation of terrorist suspects, need to be amended.

The board will be chaired by Lord Parker, the former chief justice of Britain, with one privy counsellor to be named by the government and the other by the opposition Labor Party. They are expected to take evidence and make a report promptly.

A significant increase of suspects arrested and munitions discovered since the internment order suggests that the interrogations have produced results.

Since the first of this year, 35 British soldiers, 9 police and 76 civilians have been killed, and about 200 soldiers and 400 civilians, two-thirds of them women, have been hospitalized in Ulster—almost all from the guns and bombs of the illegal Irish Republican Army (IRA) in Ulster. Many of them have been maimed for life.

The inquiry commission, comprised of Sir Edward Compton, the former ombudsman of England and present ombudsman of Northern Ireland, a barrister, and a physician who is head of the Royal Medical Society, examined all known allegations of torture, cruelty and maltreatment of the approximately 900 persons arrested (more than 500 have since been released) since Aug. 9, when the Special Powers Act was invoked providing for internment without trial of IRA suspects.

Only one of the complainants, however, appeared before the commission. For the rest, it had to examine allegations published in the newspapers or by Amnesty International, most of which, with names of alleged victims specified, were forwarded in their original form to the commission.

From internal evidence, however, the report is persuasive that with respect to the army's arrest Aug. 9 of more than 300 suspects and its treatment of them until they were put into police jails, there was a minimum of ill treatment and all of it indavertent, albeit careless and callous.

The real question was what happened to 14 men, all believed to be key IRA figures, with detailed information to be wrested from them.

For these cases, the Compton Commission said that "while we were asked to investigate allegations of physical brutality, our conclusions are in terms of physical ill-treatment.

"Where we have concluded that physical ill-treatment took place, we are not making a finding of brutality . . . . We consider that brutality is an inhuman or savage form of cruelty, and that cruelty implies a disposition to inflict suffering, coupled with indifference to, or pleasure in the victim's pain. We do not think that happened here."

Nevertheless, the commission's report shows that the "ill-treatment" was a deliberate method to elicit information.

[From the London Sunday Times, Nov. 21, 1971]

A LOWERING OF CIVILISED STANDARDS

The main question raised by the Compton Report on internment in Ulster concerns not the British Army but the British and Northern Irish Governments. That this fundamental point should be so widely overlooked is a measure of the extent to which the Irish problem is once again subverting British politics. In last week's Commons debate, probably the worst since the election, it was regularly asserted that the Army was magnificent, that it was miraculously restrained, that it faced an inhuman enemy, that it merited the support of every Englishman. All that is true but it does not close the discussion. For it is not the Army but the two Governments which have decreed how suspects may be arrested, detained and interrogated, just as it is they whose policies have placed the Army in a pitifully vulnerable position on the streets of Ulster. Politicians have no rightful claim on the soldier's privilege of shelter behind a grand summons to patriotism.

Compton is an inevitably imperfect inquiry. The unjustifiable refusal of the detainees to testify about their treatment made it impossible seriously to test the counter-evidence of the authorities. Too often Compton gives the authorities the benefit of the doubt, where the doubt is by any quasi-judicial standard so great that no convincing conclusion is possible. Similarly, as Dr. Storr shows on this page, Compton accepts at face value the distinctly odd official descriptions of the purpose of hooding, deafening, isolating and exhausting some prisoners. None the less Compton's supreme value is that it has confirmed the existence of these practices, stigmatised them as ill-treatment and published its conclusions. People can judge what is being done in their name.

These interrogation methods have been variously justified. They flow naturally, it is said, from internment itself. This is a bloody business, but what is one more piece of necessary bloodiness compared with the bestial actions of the IRA? Besides, the methods are not as unpleasant as they might be. They are used on only a tiny fraction of prisoners. They fall within regulations approved by the Labour Government after Aden in 1967. In any case and above all, the argument concludes, the methods are proving effective.

This defence is unsatisfactory in several respects. The 1967 rules are far from conclusive. They specify only general principles, and leave wide discretion to the particular authorities in the particular place at the particular time. Among other standards they decree that interrogation methods must not be "humiliating" or "degrading" or "cruel." Could the methods used in Ulster be thus described? Compton, unhappily, shrinks from saying.

In our view the methods, considered objectively, are plainly cruel and need to be justified as such. If they were approved for use in any British police station, where the need for information is sometimes just as urgent as in Ulster, there would be universal outrage. They might even be called brutal; just as the physical regime applied to detainees at Ballykinler detention camp would be considered inhuman in English prisons, even if applied to convicted murderers.

In judging whether such cruelty is justified, it is relevant to remember that we are not discussing the penalty for a convicted killer. Some of the men interned are, undoubtedly, gunmen and actual or potential murderers. Others have close connections with the Provisional IRA and could supply much information. But many other detainees fall into neither of these categories. Of all people detained since August, half have been released. Several of those dealt with by Compton have also been released. Moreover there is no reason to suppose that these interrogation methods have not been applied to many other detainees. We are dealing here, therefore, not solely with cruelty inflicted on gunmen but with cruelty inflicted on people who are innocent in law and perhaps in fact.

A hypothetical question is sometimes posed to justify this. If you knew, the apologists argue, that a man had information which, if extracted from him, would save a life, is not cruelty then justified to get it out of him? But this question begs others: how can you be sure he knows, or that death would otherwise follow, or that cruel methods extract reliable information? Another hypothetical question could equally well be posed: If you knew that by ending cruel interrogations, and internment itself, you could increase Catholic support for moderation and reduce support for the IRA, would not that be the best course?

These are both uncertain speculations. Against them standa the certain fact that in this country the State is the guardian of law, order and civilisation. Even if the methods employed against detainees in Ulster have had some useful effect, there is in our opinion no situation which justifies a State in performing acts of systematic cruelty, still less in performing them against inevitably random suspects. Both for self-respect and for the respect of the world, the British must keep clean hands. Society weakens rather than strengthens itself when it lowers its own standards. British society now stands in such a danger.

That hooding, deafening and exhausting untried prisoners can be justified as acts of State is a sign, as Mr. Callaghan suggested that we are following the vicious men of the IRA down the spiral of inhumanity. That these methods can be justified today by people who only a few weeks ago attacked this

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newspaper for disclosing them is evidence that public debate is also on a downward slide. It was said then that publication was irresponsible: the stories were a terrorist fantasy; the integrity of the authorities was being undermined by manifest propaganda. Yet Compton surely justifies the view that public debate, based on knowledge of the facts, is a necessary corrective to official conduct.

This is one answer, if any were needed, to the demand for censorship. Mr. Faulkner himself has now ruled out censorship. It would be a disastrous as well as an evil expedient. However, a subtler form of censorship than the official variety is already beginning to show itself. This consists of an attempt to imprison all who report on Ulster or express an opinion about it within a narrow dialectic. On this view, any criticism of present policy is an attack on British soldiers, and any scepticism about Ulster's future is support for the IRA; no report, in other words can be free of taint or virtue, as a contribution either to defeat or to victory.

This view is put forward by newspapers as well as politicians but it is a quite unacceptable definition of the journalist's task. It is possible to detest and abominate the methods of the IRA, as we do, and still question the future of Stormont. It is possible to endorse and support the British Army, as we do, and still despair of the statesmen. There is no inconsistency here and no betrayal. This is not a war for the survival of Britain, but a political disaster which must be resolved in the end by democratic politicians and democratic methods. The real betrayal would be for newspapers to abdicate their part in that process.

[From the Sunday London Times, Nov. 21, 1971]

A Psychiatrist Explains Why Hooding Is Mental Torture

(By Anthony Storr)

The Compton Report has commented unfavourably upon the use of certain interrogation techniques in Northern Ireland in the following terms: "We consider that the following actions constitute physical ill-treatment: posture on the wall, hooding, noise, deprivation of sleep, diet of bread and water." To a psychiatrist, the phraseology seems odd. For, although these techniques do of course constitute physical ill-treatment, the mental effects of them are far more striking than the physical (with the possible exception of loss of weight); and the primary purpose of using them is to produce mental disturbance and disorientation in order to persuade the victim to become compliant in supplying information.

To anyone who has read anything about psychological experiments in so-called "sensory deprivation," the derivation and purpose of these techniques is obvious. Psychologists have for some years been investigating what happens to people when their normal sensory contact with the external world is cut off or greatly diminished. To this end they have confined volunteers in sound-proof, darkened rooms for varying periods, and have also tried to reduce tactile stimulation to a minimum. Even in volunteers who are actively trying to cooperate with the experiment and who are being well paid, the results are striking.

The normal brain depends for its proper functioning upon a continuous stream of information reaching it from the external world. Deprive it of this "sensory input" and it begins to function abnormally. Nearly all subjects become disoriented in time; and most report serious difficulty in concentration. Even a day or two of sensory deprivation impairs a subject's ability to solve complex problems. More importantly, sensory deprivation increases suggestibility.

To one experiment, susceptibility to propaganda was shown to increase eightfold in subjects confined in these special rooms as compared with controls in normal circumstances exposed to the same propaganda. A high proportion of subjects experience visual hallucinations. One out of five apparently normal volunteers demand to be released prematurely from the darkened room because they cannot stand the mental effects; and this almost always takes place within the first forty hours of the experiment. Some become convinced that the experimenter has abandoned them; others suffer attacks of panic or become preoccupied with strange obsessions. In the experimental situation, a "panic button" is always provided, and the subject told that he is to press it if the stress becomes intolerable.

Sensory deprivation mobilises a man's most secret fears and anxieties, more especially the suspicious, "paranoid" component which exists to varying extent in all of us. In one experiment conducted chiefly with Princeton students, the few extra volunteers who came from further afield stood the process much less well than those who were on familiar terms with the experimenters.

Sound-proof, light-proof rooms are very expensive, but "hooding" is an effective substitute. A thick hood over his head prevents a man getting visual information. Moreover, such a hood can be tightened to the point where a man fears suffocation. Noise machines are equally efficient. If you cannot prevent a man hearing anything at all, you can at least restrict his auditory experience to one loud, monotonous and unpleasant noise which prevents him hearing anything else.

The brain does not only depend upon sensory input for normal functioning, it also needs oxygen and sugar. Starve a man, or restrict him to six-hourly bread and water, as was done in Ulster, and his brain will become short of sugar. We have all experienced the irritability and loss of concentration which occurs when we have missed a meal and our blood sugar is low. Partial starvation greatly increases a man's susceptibility to pressure.

Moreover, being forced to stand upright for hours against a wall (in one case for 43½ hours over a period of six days) impairs the blood supply to the brain, which is why guardsmen sometimes faint on duty. Add to this deprivation of sleep, and it is easy to see that brain function will quickly become so impaired that the sufferer is in no state to resist the pressures brought to bear upon him.

Sensory deprivation is alarming enough when carried out on volunteers under ideal and friendly conditions. When used against enemies the effects must be terrifying. Mr. Maudling has said publicly that there was no permanent injury of either a physical or a mental nature to any of the men concerned, but I wonder how he knows.

I once examined a diplomat who had been confined in a Communist mental hospital and who had been interrogated to obtain information. He did not recover quickly from his experience. Extreme psychological stress of the kind described may leave after-effects for years; chronic anxiety states, phobias, tremors, and all the symptoms of a "traumatic" neurosis. Psychiatrists who worked in the Forces in the last war did not find that all patients who had been exposed to extreme stress recovered quickly or even at all.

Even at the physical level, the results must surely be uncertain. Only long-term followup of peope who have been subjected to these highly stressful procedures will reveal whether they have been permanently damaged either mentally or physically. If Mr. Maudling knows of such a long-term study he ought to give us the reference.

The Compton Report may not willfully misrepresent the effects of noise and hooding, but the phrases it uses of these procedures appear to be tendentious understatements. Hooding, for instance, is said to provide security for the detainee and his guards, because it interferes with identification. The tentative last sentence upon its effects runs: "It can also, in the case of some detainees increase their sense of isolation and so be helpful to the interrogator thereafter." Similarly, of the use of noise, the report states: "The continuous use of noise to which detainees may be subjected prevents their overhearing or being overheard by each other and is thus a further security measure." But the nub of the matter is in what follows: "By masking extraneous sound and making communication more difficult it may enhance the detainee's sense of isolation."

In other words, sensory deprivation is being used as a rapid technique of producing an effect which ordinary solitary confinement takes some weeks to achieve. Students of Russian and Chinese methods of dealing with prisoners have long been familiar with the fact that isolation in an ordinary prison cell, even without sensory deprivation, produces profound mental effects in most normal persons. There have of course been striking examples of unusually robust individuals maintaining their mental health more or less intact over long periods, even when all communication with other human beings is rendered utterly impossible. But the average man is so dependent upon human relationships for maintaining his sense of identity and his mental health, that sudden deprivation of it causes breakdown.

Isolation renders a man intensely dependent upon his interrogator, since the latter is the only human contact available to him; and the purpose of the isolation routine is to induce this dependence, so that confessions may be obtained. It is probable that such a state of mental breakdown can be far more quickly achieved if sensory deprivation is used as well as, or even instead of, simple isolation. Although there is no evidence as yet that the detainees in Northern Ireland have been subjected to total isolation of the kind used by the Russians, yet there is no doubt that the procedures described have as their object the cutting off of the detainee not only from his normal sources of sensory input, but also from human contact. Of course this is "helpful to the interrogator." Whether it is morally justified is another matter.

Nearly everyone can be reduced to a state of helplessness, dependency, and even mental illness if the right techniques are used. The physical results of such treatment are severe enough, and some may be permanent. The mental effects are much more difficult to predict; but the effects of terror are seldom entirely transient.

Debate that Fell Flat

(By Nicholas Tomalin)

On Wednesday the House of Commons spent three hours debating the Compton Report. It should have been a memorable debate, for the ill-treatment (or brutality, or rigorous questioning) used against detainees in Northern Ireland is, to say the least, an important subject.

Yet all that remains vividly in the mind after all that talk is that Sir Harry Legge-Bourke has a grandfather who once horse-whipped a newspaper editor, and Mad Mitch—now Lieutenant-Colonel Colin Mitchell, MP for Aberdeenshire West—delivered a paeon of praise for British military Interrogators which included this classic of officer-like brusquerie: "One cannot have every loose Jock interrogating prisoners."

Indeed we can't. But is this the only limit we are to place on judicial violence? And what is a loose Jock, anyway? An ordinary Scottish soldier, apparently.

The problem, presumably, is that although it is an excellent idea for the Commons to debate great matters while they are still fresh and important, the new Section Nine procedure which allows MPs to do so, seems to be too swift. Most MPs hadn't had time to read the Compton Report.

Therefore most of the debate consisted of stock responses, angrily shouted to-and-fro. The Tories from military constituencies or backgrounds used the opportunity to curry favour with their voters, and Left-wingers or Irishmen used it as a convenient stick with which to beat the British Government.

It was left to two or three front-benchers and to Roy Hattersley, to try to explore what the debate should really have been about—how far Compton had revealed that British interrogators had gone too far in their "ill-treatment?" And beyond that: to what extent are the elected leaders of a country which tries to behave decently, even in virtual war situations, prepared to tolerate violence against imprisoned enemies?

Obviously, as everyone tacitly agreed, some violence must be used. This is necessary both to get the enemy into prison and then to persuade him to offer useful information once he's there. But how much violence? And what are the guidelines? And when does such violence begin to help the enemy more than the captors because he uses it for his propaganda?

The Home Secretary's argument was based on two lines of defence. Firstly, Mr. Maudling declared that Compton had shown all the questioning procedures to be reasonable, except perhaps the so-called "interrogation in depth" of the 11 detainees. And here, he said, the information gained by the rough stuff was worth being rough.

Secondly, even if the Opposition found such questioning techniques bad, they were all conducted according to guidelines laid down in 1965, by the Labour Government. They had been previously used, in Malaya, in Borneo, in Aden—and who had protested then?

Denis Healey rose, and in the nearest which the debate got to a serious analysis of the situation, sought to explain that the guidelines about questioning prisoners merely laid down things which interrogators should *not* do. That is to say, they had defined the limits beyond which questioners should not go. Within these limits, who had told the troops and Special Branch to hood prisoners, to make them lean against walls? Who had authorized that "monotonous sound"? *Some*one must have issued specific instructions.

Here Roy Hattersley scored a good point. If there was a vague area where troops could be specifically instructed, was it perhaps Stormont more than Westminster that was calling the tune? Had the standard of behaviour, perhaps, declined because different people were now issuing the orders?

Because of that—perhaps—the Army was progressively losing the Catholic population's confidence in the fact that it was still an impartial force.

The men who should have answered these questions summed up the debate. James Callaghan, with his great talent for sounding wise and judicious, managed at times to be both. He made it clear that in his opinion the Compton Report had shown that interrogation had gone too far, and whether this was called ill-treatment or brutality didn't matter too much.

Beyond that, he merely urged everyone to be worried about it, to urge Lord Parker and his Commission to think *hard* about what we were doing.

Beastly

And so to Lord Balniel, Minister of State for Defence, who once again said that Compton had shown that, by and large, the Army and interrogators had behaved well. That in the tiny number of cases where prisoners had suffered "hardship" it hadn't been inflicted deliberately, and anywhere where it had, this had been done according to those 1965 guidelines. Northern Irish politicians had directed some of the actions, but the Westminster Government had agreed.

Lord Balniel started to round off his argument; he sounded—almost—as if he was going to do some proper summing up. But then Miss Bernadette Devlin stood up, and started shouting, and others shouted at her, and the Speaker was angry, and five minutes passed, and by the time it was over the noble Lord had no time to say anything except that IRA were beastly and the information obtained" was valuable—which we knew before.

Still, there's another debate on the subject soon. Maybe MPs will have more time to get down to fundamentals then.

Charges That Stuck

(By Lewis Chester)

On October 17 The Sunday Times published an article entitled "How Ulster internees are made to talk." It provoked bitter controversy and emergency Cabinet meetings in both Stormont and Westminster.

Various military experts asserted on television their disbelief of the allegations described. Lord Chalfont, for example, a former professional soldier, and Minister in the last Labour Government, said on Panorama that the allegations suggested a degree of organised ill-treatment that did not have the ring of truth. He thought they showed "a certain amount of vivid imagination and a careful study of television programmes."

A letter from a Belfast reader (which we published) censured The Sunday Times for publishing the internees' "impossible fantasies of ill-treatment."

On the day after the article appeared, The Times reported: "Mr. Heath heard directly from Mr. Faulkner, Prime Minister of Northern Ireland, that the charges are substantially without foundation."

It now appears that the allegations, contained in the original article, were substantially *with* foundation. In some respects they may have been understated.

On the basis of the official inquiry, headed by Sir Edmund Compton, and published last Tuesday, one can test the validity of these allegations. The original article referred in some detail to the experiences of 14 people arrested under the Special Powers Act.

The Compton inquiry confirmed the following aspect of the original story:

1. That 11 of the men named in our article did experience "in depth" interrogation for a period of six days at a centre in Northern Ireland.

2. That the interrogation methods, though largely conducted by Royal Ulster Constabulary personnel, were evolved by the Ministry of Defence.

3. That it was normal for these detainees to be kept hooded with black bags except when interrogated or alone in the rooms.

4. That they were required to stand against a wall (legs apart, leaning with hands raised up) for periods of four to six hours. The Compton report volunteers the information that the total period varied from 43½ hours in one case to nine hours in others.

Compton notes, however, that in one case mentioned in our article the wall-standing procedure may have been less exhausting: Mr. Patrick McClean "persisted in collapsing."

5. That for much of the time detainees were afflicted by a continuous electronic "mush" which contributed to their sense of isolation.

The Compton inquiry did not confirm the following allegations made in the original article:

1. That one of the 11, Mr. Patrick Chivers, was deprived of food and sleep for two or three days. Compton notes, however, that for all those named a policy of sleep deprivation was the norm during the initial period of interrogation. Similarly, although food was not refused, the normal ration for the first four days was bread and water at six hourly intervals. Compton considered both the diet and the sleep deprivation evidence of "physical ill-treatment." (Hooding, noise and enforcement of the wall position also fell in this category).

2. That during his interrogation Mr. Bernard McGreary was regularly beaten about the stomach. Compton concluded that this allegation was not substantiated.

3. That Mr. William Shannon, while detained at Police Holding Centre in Palace Barracks, Holywood, was denied proper treatment for his ulcer and beaten about the stomach. Compton notes that the medical officer at Holywood was appraised of Shannon's suspected ulcer. The beating charge was not substantiated.

However, Compton did ascertain that when Shannon was transferred to the more rigorous interrogation centre, medical examination revealed "a small bruise on his back, his left shoulder and his left side at the level of the navel." Compton offers no explanation for these injuries. At the interrogation center Shannon went through the hooding and wall-standing routine for six days. This information was not contained in the original Sunday Times article.

4. That the "in-depth" interrogation took place at Holywood. Compton did not, however, say where it did take place.

Other instances of alleged ill-treatment of seven other detainees named in a Sunday Times article of October 24 appear to have fallen outside Compton's terms of reference.

The committee refers to the justification for the interrogation methods as necessary "in the interest of saving lives" but does not comment on its validity.

In his introduction to the report, the Home Secretary, Mr. Maudling, stresses this aspect, pointing out that since August, 1969, more than 150 people have been killed in connection with the Ulster emergency. He does not mention, however, the fact that well over half have been killed since internment (and with it, of course, the interrogation procedures outlined by Compton) was introduced just over three months ago.

[From the London Observer, Nov. 21, 1971]

Where Compton Went Wrong

The Compton report into allegations of brutality by troops and police in Northern Ireland raises a number of important, difficult and extremely disquieting issues that cannot be shrugged aside. To say this is not to wish to "stab the Army in the back," but to prevent it being plunged more deeply into the kind of bloody morass it experienced in Palestine in 1948 and, more recently, in Cyprus and Aden.

The Compton Report, like the conduct of the Army, cannot be divorced from the political background. The IRA has already succeeded, to an alarming degree, in becoming the champion of a large part, perhaps a majority, of Ulster's Catholics. Unfortunately, the Report—by the inconclusive nature of many of its findings and the numerous doubts it raises and fails to dispel—has failed to convince the Catholics of its impartiality.

The cards were stacked against the inquiry from the start. Its composition and limited terms of reference were hardly calculated to induce confidence. The choice of Sir Edmund Compton as chairman was particularly unfortunate. He has, in a high degree, the virtues of the Civil Service: he is patient, conscientious and honest. He showed, as Auditor-General, a considerable capacity for uncovering abuse. But as Ombudsman he was notoriously bureaucratic and defensive. He lacks legal training and political experience, and his whole background predisposes him to avoid publicity and present the most unpleasant facts in the most neutral language.

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It is arguable that a judge—such as Mr. Justice Scarman—might have commanded more confidence. So might the inclusion of at least one international figure—from Canada or Australia, say—who could have approached the task from a position of greater detachment. More witnesses might then have been willing to testify, and this might have led to more complete findings. The decision to hold the inquiry in private was another crippling handicap to securing Catholic co-operation. It may have been necessary for the identity of soldiers to be kept confidential because of the danger from the IRA, but it should at least have been possible to allow the complainants to give their evidence in public if they wished.

Notwithstanding all the committee's shortcomings, it clearly establishes that there was a basis for allegations of ill-treatment and physical hardship. Its most important findings concern the methods used in carrying out "interrogation in depth" at the Special Interrogation Centre. The report reproduces a note from the Government on the general rules governing the custody of detainees and the process of interrogation. These rules, drawn up in 1965 and amended two years later, apparently allow the use of four practices to induce isolation and impose strict discipline; the putting of black hoods over the heads of detainees, subjecting them to continuous noise, making them stand against a wall, and putting them on a bread and water diet. These methods, however, must not involve "violence or humiliating treatment." The report finds that in a number of cases there was excessive use of each of these practices, such as to constitute physical ill-treatment—but it goes on to say, "We are not making a finding of brutality."

By a remarkable use of language, the tribunal sets out its own definition of what distinguishes ill-treatment from brutality. 'Where we have concluded that physical *ill-treatment* took place, we are not making a finding of brutality. We consider that *brutality* is an inhuman or savage form of cruelty, and that cruelty implies a disposition to inflict suffering, coupled with indifference to, or pleasure in, the victim's pain. We do not think that happened here.' This distinction is tantamount to saying that a victim's sufferings are to be judged in terms of what the person inflicting the pain feels about his own actions.

Mr. Maulding, the Home Secretary, in his introduction to the report, seriously misrepresents the committee by deliberately obscuring all that is unpleasant in its findings, especially about the methods used at the Interrogation Centre. However, it is to Mr. Maulding's credit that he has now appointed another committee under Lord Parker to review the rules governing interrogation by the Army. But what is important is not the way the rules are drawn up, but the way they are applied. What Compton criticises is the excessive use of apparently approved methods under conditions of isolation and discipline.'

Apart from the moral issue of whether methods involving ill-treatment and brutality can ever be justified, there is the political issue of whether their use, even if morally justified, may not be counterproductive. *The Observer* shares Mr. Callaghan's view that on the moral issue 'we cannot yield upon the matter of physical ill-treatment as a means of securing information.' On the political issue, if the operations in Ulster depend, as they so clearly do, on winning back the lost Confidence of the Catholics, then military or police action that could make sense on security grounds could be politically indefensible. These are the kind of questions that should now be publicly argued if the opportunity provided by Lord Parker's inquiry is not to be lost.

The justification put forward by Mr. Maulding for using these special methods of interrogation on suspects is that the information obtained in this way can save the lives of civilians and soldiers. But where does the balance of judgment lie between sanctioning these methods and accepting the danger of risking lives by forbidding them? The dilemma is formidable: how do you defeat the enemy without using his ruthless methods? Where do you draw the line between tough expedients which might save lives, both Irish and British, and the pursuit of policies which will further undermine the confidence of the Catholic minority in Ulster as well as the responsible leadership now in power in Dublin?

Should *any* form of harmful pressure be used to extract information from the suspect person? It is said, for example, that certain London gangsters could never have been convicted without the use of unusual pressures to break down the resistance of accomplices. Had the facts about this been a public outcry? Probably not. The circumstances, it would have been argued, were so unusual. But cannot our security authorities in Ulster similarly plead that they too were justified in what they did for the protection of society?

This argument has some obvious appeal. But can a democratic society such as ours allow that, without its knowledge and in its name, individuals with no legal protection should be subjected to such painful and secret indignities? What ends justify what means? And if we decide, as a democratic society, that undemocratic and inhuman standards of behaviour must, in some abnormal circumstances, be allowed, let us at least reach this decision openly, let the methods be defined and closely controlled, and let the names of the victims be known. Above all, someone must take responsibility.

Mr. Enoch Powell's case about the brutalities committed against hard-core Mau Mau detainees in the Hola camp in Kenya in the 1950s was that it was not enough to dismiss the responsible officer in the camp. Responsibility should be fixed first on the Governor of Kenya and then on the Colonial Secretary himself. What he was arguing, in effect, was that no power should be exercised by officers of the State except by direct authority of Parliament, to whom those who misuse power should be finally accountable.

This is the right approach. If detainees in Ulster were to be subjected to 'interrogation in depth,' the decision to do so should have been taken only by the Home Secretary under rules endorsed by Parliament. An alarming omission in the report is that nowhere does Compton establish who was responsible for the actions his committee criticises. We are not even told who gave the orders to carry out this particular form of interrogation. In fact, it appears to have been Mr. Faulkner in his capacity as Ulster's Home Secretary, and not Mr. Maudling. The interrogators were men of the Ulster constabulary instructed by a special security unit within the Army.

It is probable that Mr. Maudling did not even know what was happening in the interrogation centres, and that he would have remained in the dark but for the clamour in the Press and elsewhere—itself an answer to the current demands for censorship of news from Northern Ireland.

The IRA gunmen are out to break the morale of the soldiers and so sicken the British public with bloodshed and destruction that the Army's withdrawal will come to be seen as the lesser of two evils. But nothing is more likely to ensure victory for the gunmen than to create the impression, as Ministers increasingly do, that the Army is simply fighting a war against criminals and thugs. The IRA does contain criminals and thugs, and they employ the most cowardly and brutal methods, but they are seeking a *political* objective. And they have begun to win the loyalty—if not yet the hearts and minds—of a depressingly large section of the Catholic minority. To condone official violence in Ulster is to play directly into their hands.

This is perhaps the most critical period in Ulster, when the Government's policies and the behaviour of our troops may well decide whether its problems can be solved by normal political means. The real task—hard though it may be in the prevailing beastliness—is to find political weapons that carry more weight with the Catholics than the policy of violence offered by their new champions. In dealing with the terrorism, we must never lose sight for a moment of the crucial fact that a peaceful settlement can be achieved only with the support of Irish Catholics on both sides of the border.

[From the London Sunday Times, Nov. 28, 1971]

ULSTER DOCTORS SAY INTERROGATED PATIENTS HAVE BEEN INJURED

(By Lewis Chester)

Doctors and solicitors in the Belfast area who have seen men arrested since internment started on August 9 are finding evidence consistent with allegations that they suffered physical violence during interrogation by the Royal Ulster Constabulary (RUC).

Last week, I was given documentation from a dozen Belfast professional men in this category. Their impressions were very much the same.

Not all are critical of the Compton Report, but they are bitter about the political use to which the report has been put.

Mr. Conor Gilligan, a surgeon at the Mater Hospital in Crumlin Road said: "When I see politicians on television using Compton to argue that there is no evidence of brutality and I reflect on what I have seen, well, frankly, I feel my blood starting to boil."

These are some of the cases that have produced this mood of disenchantment:

1. Patrick O'Neill claims he was arrested on November 2. He alleges that he was taken to Girwood for interrogation, where he was beaten with batons, fists and hands about the body. He claims he was made to lie down and beaten across the soles of his feet with something like a carpet rod. He was released and examined by Mr. J. P. Lane, a surgeon at the Mater Hospital. The examination was carried out on the evening of November 3. Mr. Lane says he found evidence of bruising and abrasions on his legs and thighs. The left heel was fractured. Mr. Lane concluded his report: "It is unlikely that he will be able to return to normal activity in under three months."

2. Patrick Laurance O'Neill was picked up on November 13. He alleges systematic beating by his RUC interrogators at Holywood. This man was not released but remanded on an arms possession charge. Dr. Gilligan examined him in Crumlin Road jail on November 16. Part of his report reads: "This man has objective evidence of bruising to face, chest, abdomen, lumbar areas, groins, thighs, hands. . . . The extent of the bruising on the abdomen is most striking. . . . All the findings are consistent with his claim that he was struck repeatedly with considerable force in the areas recorded."

3. Gerard Maxwell, 38, was picked up on November 2. He alleges that he was beaten in the chest with rifle butts while enroute to the interrogation centre at Palace Barracks, Holywood. While at Holywood, he claims to have been regularly assaulted by RUC interrogators. After his release, he consulted his local doctor and was referred to the Mater Hospital for a full medical.

The report of the consultant physician, Dr. J. P. Donaghy, dated November 4, reads: "General inspection reveals extensive black to purple discolouration of lumbo-sacral area extending lateralwards, especially right, and down both gluteal (buttock) areas to upper posterior thighs. . . . Multiple areas showing bluish to yellowish discolouration of skin to back extending to scapular throughout dorsal area. . . . Anterior aspect of lower limbs—bluish and yellow."

4. Patrick McGee claims he was arrested on October 31, and interrogated at Holywood before being released. His local doctor in the Falls Road area, Dr. Raymond Shearer, examined him on November 2. Dr. Shearer found "evidence of bruising on both sides of his back and from mid-chest to his loins." Dr. Shearer told me that he was called in to examine a prisoner on remand last Thursday. He showed a pattern of injuries uncannily similar to those sustained by McGee."

5. The Quinn brothers were picked up on October 29. They are now remanded on charges of arms possession. Both were interrogated at Holywood and allege that they were systematically beaten up. On November 3, James Quinn was examined at Crumlin Road jail by Dr. Kevin A. Bready. Tis report lists 29 instances of bruising and abrasion about the prisoner's body. Anthony Quinn was examined in Crumlin Road by Dr. George D. O'Neill. His report lists 20 instances of bruising and abrasion. He concluded his report dryly: "In my opinion, Mr. Quinn was assaulted."

6. Thomas Sinclair was "lifted" on October 16, and interrogated at Holywood by the RUC. He was examined by Dr. Gilligan at Crumlin Road jail on October 22. Part of his report reads: "Uniform deep purple discoloration is present over the entire inner aspect of both thighs, extending three quarters of the way around the circumference of each limb, and the upper limit of the changes is in the groin areas . . . I believe that repeated application of a blunt force would have been necessary to result in the extensive changes."

7. John P. Watson was arrested on November 1. He is now a detainee. He alleges systematic beating up by RUC men at Holywood. He was examined by Dr. Beirne on November 3. The doctor found evidence of multiple bruising in the chest and on both legs below the knee.

8. Seamus Lynch was "lifted" on October 17. He alleges that he was beaten by soldiers on the way to Girdwood Barracks, and that he received further beatings during his RUC interrogation there. In his report of October 21, Dr. Gilligan notes injuries to the prisoner's abdomen and legs and a fracture of the left scapula.

9. Michael Nelson was arrested on November 18, and was taken to Holywood where he alleges he was beaten about the head and body by RUC Special Branch men. His family doctor, Dr. W. K. Breslin, saw him at Crumlin Road jail on November 20. He found bruising on the inside of both thighs and on the lower ribs and "a traumatic perforation of the ear drum of very recent origin."

Two points should be made about these case histories. The doctors did not *see* beatings take place. All they can say is that the injuries they have seen are consistent with the stories told by the men involved to them or their solicitors.

Secondly, most of the men mentioned, say in their statements that they were released from interrogation after being asked to sign a "No complaints" slip about their treatment. They asserted that they signed because they feared that refusal would simply prolong the interrogation.

Thirdly, there is no reason to doubt the status of the doctors' reports. Those at the Mater Hospital have treated Catholics, Protestants and British soldiers since the troubles began. Surgeon P. J. Lane, who made some of the examinations described in this report, is a former Member of Britain's Royal Army Medical Corps.

There have been more than 100 explosions in Northern Ireland since the beginning of this month. In the same period, 19 people have been killed, among them four RUC men and five British soldiers. Another 21 soldiers sustained injuries that required hospital treatment.

[From the New York Times, Dec. 2, 1971]

SHAME OF THE CATHOLICS, SHAME OF THE ENGLISH

(By Graham Greene)

To be at the same time a Catholic and an Englishman is today to be ashamed on both counts. As a Catholic one is ashamed that more than a thousand years of Christianity have not abated the brutality of those Catholic women who shaved a young girl's head and poured tar and red lead over her body because she intended to marry an English soldier. As an Englishman the shame is even greater.

"Deep interrogation"—a bureaucratic phrase which takes the place of the simpler word "torture" and is worthy of Orwell's "1984"—is on a different level of immorality than hysterical sadism or the indiscriminating bomb of urban guerrillas. It is something organized with imagination and a knowledge of psychology, calculated and cold-blooded, and it is only half condemned by the Compton probe.

Mr. Maudling, in his blithe jolly style, reminiscent of that used by defenders of corporal punishment when they remember their school days, suggests that no one has suffered permanent injury from this form of torture, by standing long hours pressed against a wall, hooded in darkness, isolated and deprived of hearing as well as sight by permanent noise, prevented in the intervals of the ordeal from sleep—these were the methods we condemned in the Slansky trial in Czechoslovakia and in the case of Cardinal Mindszenty in Hungary.

Slansky is dead; he cannot be asked by Mr. Maudling how permanent was the injury he suffered, but one would like to know the opinion of the Cardinal on methods which when applied by Communists or Fascists we call "torture" and when applied by the British become down-graded to "ill treatment." If I, as a Catholic, were living in Ulster today I confess I would have one savage and irrational ambition—to see Mr. Maudling pressed against a wall for hours on end, with a hood over his head, hearing nothing but the noise of a wind machine, deprived of sleep when the noise temporarily ceases by the bland voice of a politician telling him that his brain will suffer no irreparable damage.

The effect of these methods extends far beyond the borders of Ulster. How can any Englishman now protest against torture in Vietnam, in Greece, in Brazil, in the psychiatric wards of the U.S.S.R., without being told, "You have a double standard: one for others and another for your own country."

And after all the British tortures and Catholic outrages, what comes next? We all know the end of the story, however long the politicians keep up their parrot cry of "no talk until violence ends." When I was young it was the same cliché they repeated. Collins was "a gunman and a thug." "We will not talk to murderers." No one doubts that it was in our power then to hold Ireland by force. The Black and Tans matched the republicans in terror. It was the English people who in the end forced the politicians to sit down at a table with "the gunman and the thug."

Now too, when the deaths and the tortures have gone on long enough to blacken us in the eyes of the world and to sicken even a Conservative of the right, there will inevitably be a temporary truce and a round-table conference—Mr. Maudling or his successor will sit down over the coffee and the sandwiches with representatives of Eire and Stormont, of the I.R.A. and the Provisional I.R.A. to discuss with no preordained conditions changes in the constitution and in the borders of Ulster. Why not now rather than later?

[Home Office]

REPORT OF THE ENQUIRY INTO ALLEGATIONS AGAINST THE SECURITY FORCES OF PHYSICAL BRUTALITY IN NORTHERN IRELAND ARISING OUT OF EVENTS ON AUGUST 9, 1971

(Chairman Sir Edmund Compton, G.C.B., K.B.E.)

(Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, November 1971.)

Her Majesty's Stationery Office, London, 52½p net, Cmnd. 4823.

Enquiry into allegations against the security forces of physical brutality in Northern Ireland arising out of events on the 9th August, 1971.

Members—Sir Edmund Compton, G.C.B. K.B.E. (Chairman); His Honour Edgar S. Fay, Q.C.; Dr. Ronald Gibson, C.B.E.

Secretaries—J. L. Heritage, Esq.; C. G. Leonard, Esq.; R. M. Morris, Esq.

INTRODUCTION BY THE HOME SECRETARY

1. On the 31st August 1971, I appointed a Committee of Inquiry under the chairmanship of Sir Edmund Compton, G.C.B., K.B.E., with His Honour Edgar Fay, Q.C., and Dr. Ronald Gibson, C.B.E., as members, with the following terms of reference:

"To investigate allegations by those arrested on 9th August under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 of physical brutality while in the custody of the security forces prior to either their subsequent release, the preferring of a criminal charge or their being lodged in a place specified in a detention order."

2. The Committee of Inquiry visited Northern Ireland from 1st September until 26th October and have now sent me their report which is published in this Command Paper.

3. The Government are grateful for the care and thoroughness with which the members of the Committee of Inquiry carried out their difficult task.

THE SITUATION IN NORTHERN IRELAND

4. In considering the Committee's report it is important to have in mind the circumstances in Northern Ireland in which the Northern Ireland Government decided to exercise their powers under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 to arrest, detain or intern persons suspected of having acted or being about to act in a manner prejudicial to the preservation of the peace or the maintenance of order.

5. At the beginning of February this year the I.R.A. began to increase the ferocity of their well-established campaign of violence. A marked increase in intensity occurred in July, and has been maintained up to the present time. This campaign of murder and intimidation has included gun attacks on military and police patrols, explosive attacks on offices and buildings, together with indiscriminate bombings of occupied buildings in the cities, killing and injuring members of the general public. More recently there has been a concerted attack on individual police officers, police premises and the homes of police officers. Since August 1969 104 civilians, 12 members of the R.U.C. and 38 members of the Armed Forces are known to have been killed; and many civilians and members of the Armed Forces have been injured, some seriously. There have been over 1,000 incidents involving explosives; and the weight of explosives used by the terrorists so far has been calculated at about 11,000 lbs. Up to the morning of 10th November 1971, the security forces had uncovered 293 pistols and revolvers, 234 rifles, 24 machine guns, 116 shotguns, 123,614 rounds of ammunition, over 1½ tons of explosives, 1,607 pipe, petrol and nail bombs, 154 grenades, 26 gallons of acid, and large quantities of fuses, detonators and electric cable. These figures refer only to arms found in Northern Ireland; they do not include, for example, the large quantity of arms recently discovered at Amsterdam.

6. The aims of the I.R.A. are to intimidate the population by brutal terrorism and so to prevent any co-operation with the Government, the police and the courts of law; to inhibit normal political activity and constitutional progress; and to cause the public in Great Britain to become so sickened by the ceaseless bloodshed and destruction that the Army's withdrawal will come to be seen as the lesser of two evils. No responsible Government can afford to yield to pressures of this kind.

Introduction of internment

7. The preservation of law and order in Northern Ireland is primarily the responsibility of the Northern Ireland Government. By July and early August the deterioration in the situation in Northern Ireland had reached the point where they felt it necessary, with the agreement of Her Majesty's Government, to resort to their powers of internment.

8. In announcing the decision to introduce internment on the 9th August, 1971, the Prime Minister of Northern Ireland, Mr. Brian Faulkner, said:

"If Northern Ireland is to survive and prosper, two things are essential. We must sustain a continuing programme of economic and social development, and we must find the means to create a more united society here—one in which all men of goodwill, however divergent their legitimate political views, may participate to the full. These things are, and will continue to be, the aims of our policy.

"Neither will be possible in a climate of terrorism and violence. The outrages to which we have been subjected now threaten our economic life and create every day deeper divisions and antagonism within our community. These, indeed, are the clear objects of those who carry them out.

"Every means has been tried to make terrorists amenable to the law. Nor have such methods been without success, because a substantial number of the most prominent leaders of the I.R.A. are now serving ordinary prison sentences. But the terrorist campaign continues at an unacceptable level, and I have had to conclude that the ordinary law cannot deal comprehensively or quickly enough with such ruthless viciousness.

"I have therefore decided, after weighing all the relevant considerations, including the views of the security authorities and after consultation with Her Majesty's Government in the United Kingdom last Thursday, to exercise where necessary the powers of detention and internment vested in me as Minister of Home Affairs".

9. 342 men were arrested on the Monday, 9th August; and the arrests of others under the Special Powers Act have continued. 980 had been arrested by midday on the 10th November, 1971. In each case very careful consideration was given to the question whether an internment order was necessary. In the event 299 had been interned by the 10th November and were being held at Long Kesh internment camp. 104 were being held under detention orders in Belfast Prison. 508 had been released and 69 were being held pending a decision on the making of detention orders.

10. Wherever possible, the normal processes of law are followed. Since the 9th August 1971, over 300 persons have been arrested and charged in the ordinary way with offences arising from civil disturbances.

11. An advisory committee under Regulation 12 of the Special Powers Act has been set up under the chairmanship of His Honour Judge Brown to review the cases of all those against whom internment orders are made. The members are Mr. R. W. Berkeley and Mr. P. N. Dalton. The rate of progress of this review is dependent on the time required to work up cases for its consideration; but at the 2nd November 99 cases had been reviewed. In 10 cases the Advisory Committee had recommended release to the Minister of Home Affairs of the Northern Ireland Govrenment. All ten of these internees have been released and two further releases have been made on the advice of the R.U.C.

Allegations of physical brutality

12. A number of allegations were made about the treatment of those who were arrested on the 9th August. I thought it right that these allegations should be investigated by an impartial inquiry; and it was for this reason that I appointed the Committee whose report has now been presented to me.

The Committee's findings

13. The capacity of the I.R.A. for indicative retaliation needs no emphasis. I therefore asked the Committee to adopt procedures which were designed to protect the lives of those who had conduoted the arrests and interrogations. Nevertheless, every individual who believed that he had grounds of complaint had the opportunity to put his case forward and was assured of a full and impartial hearing. Hardly any did so. The Committee carried out a thorough examination of the evidence, both oral and documentary, put forward by members of the security forces. In the great majority of cases they set against it nothing more than unsubstantiated and uncorroborated allegations which is all that they had before them. In many cases the Committee themselves have felt unable to carry the matter any further; but in the Government's view the balance of credibility is clear.

14. The allegations which the Committee have examined fall broadly into two classes, those relating to the initial arrests and a small number concerned with the subsequent process of interrogation. As regards the initial arrests it is clear from the report that there were very few complaints and those there were had, in the Committee's view, very little substance. The record of events reflects great credit on the security forces, who carried out a difficult and dangerous operation in adverse circumstances with commendable restraint and discipline. The more serious allegations which the Committee were able to investigate relate to the subsequent interrogation in depth of 11 individuals. Here again the Committee have found no evidence of physical brutality, still less of torture or brain-washing. Their findings about physical ill-treatment do, however, raise certain questions about the detailed application of the general rules governing interrogation.

15. These rules are summarised in the Government's evidence to the Committee (paragraph 46) which also points out that:

"The precise application of these general rules in particular circumstances is inevitably to some extent a matter of judgment on the the part of those immediately responsible for the operations in question. Intelligence is the key to successful operations against terrorists, and the key to intelligence is information regarding their operations, their dispositions and their plans. When combating a terrorist campaign, time is of the essence; information must be sought while it is still fresh so that it may be used as quickly as possible to effect the capture of persons, arms and explosives, and thereby save the lives of members of the security forces and of the civil population".

16. In the present circumstances of Northern Ireland, as described in paragraphs 3–5 of this note, it is imperative to obtain all available intelligence in order to save the lives of civilians and members of the security forces; and it is therefore essential to interrogate suspects who are believed to have important information. The principles applied in the interrogation of suspects in Northern Ireland since August this year, and the methods employed (which are necessary not only for reasons of security and control but also to protect the lives of those being interrogated against the risk of reprisals), are the same as those which have been employed in all emergencies of this kind in which Britain has been involved in recent years. The rules now in force, as summarised in paragraph 46 of the report, were issued in 1965 and were revised in 1967 in the light of recommendations made by Mr. Roderick Bowen QC in a report on the procedures for the arrest, interrogation and detention of suspected terrorists in Aden (Cmnd 3165).

Action by the Government

17. The Government reject any suggestion that the methods currently authorised for interrogation contain any element of cruelty or brutality. The report of the Committee confirms this view. But it also brings out the difficulty of implementing the rules in detail in circumstances in which rigorous and intensive interrogation is vitally and urgently necessary. The Government have therefore decided that it would be right to make arrangements for examining and providing authoritative advice upon the procedures for the interrogation of persons suspected of involvement in a terrorist campaign, including their custody while subject to interrogation, and the application of those procedures.

18. The main strain of protecting the population in Northern Ireland falls upon the Armed Forces and the RUC. It is clear from the Committee's report, and from personal observation by a large number of responsible witnesses from all walks of life, that the security forces have discharged their onerous duties with the utmost restraint despite the provocations of which the Press and other public media give us daily evidence. The Government do not regard the findings of the Committee as in any way reflecting adversely on the responsibility and discipline with which the security forces in Northern Ireland are conducting their fight against a vicious and ruthless enemy.—Reginald Maudling.

CHAPTER I

Terms of reference

1. We were appointed on the 31st August, 1971, by the Secretary of State for the Home Department with the following terms of reference:—

"To investigate allegations by those arrested on the 9th August under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 of physical brutality while in the custody of the security forces prior to either their subsequent release, the preferring of a criminal charge or their being lodged in a place specified in a detention order."

2. In our letter of appointment the Secretary of State said that these terms of reference included in our Enquiry complaints of physical brutality in respect of a small number of persons who were interrogated in depth after a detention order had been made against them: these persons were made the subject of a removal order and were lodged for a short period in a place other than that specified in the detention order.

3. The Secretary of State also informed us that in order to ensure the personal safety of members of the security forces against whom allegations might be made, it was necessary that our Enquiry should be undertaken in private and that there should be no opportunity for a confrontation between complainants and members of the security forces against whom complaints were made. At the outset the Secretary of State indicated that legal representation would not be appropriate: but on the 3rd September he reviewed this direction, and suggested that the essentially private nature of our Enquiry could still be safeguarded if both complainants and those complained against were permitted, if they desired it, to be accompanied by a legal representative when they appeared before us; such legal representatives would not however be permitted to cross-examine witnesses or given access as of right to transcripts of evidence.

4. In the event, for the reasons we give below, complainants did not avail themselves of these facilities for legal representation. On the other hand, many of the army and police personnel complained against were so represented when we took evidence from them.

CHAPTER II

Course of proceedings

5. We held our first meeting at the Home Office in London on the 31st August. On the 1st September and subsequently, the Enquiry was located in Northern Ireland and we have been in continuous operation in the Province from the 1st September until the 26th October when we moved to London where we heard further evidence and deliberated on the terms of our report.

6. On the 9th August, 342 men were arrested and were taken to a Regional Holding Centre. When we opened our Enquiry, 105 of these had been released and 237 were in detention in H.M. Prison Belfast (commonly known as Crumlin Jail) and the *Maidstone*, the depot ship moored alongside a quay in Belfast docks.

7. At the start of our proceedings, we thought it right to afford to each of those arrested on the 9th August, the opportunity to come forward to us, if they wished to substantiate an allegation. We did this by public announcement on the 2nd September and by individual letters posted that day to each of the men released and delivered to each of the men held in detention. A subsequent letter was sent to each man to inform him that he might be legally represented, though our proceedings would continue to be held in private. The Northern Ireland Civil Rights Association let it be known that our enquiry was unacceptable to them because of our constitution and private procedure. We received relatively few replies to our letters sent to those released. Most of those signified refusal for the reasons given by the Association. In a number of cases however it was clear that the released man made no complaint because he had none. We wrote again to all released men who replied they did not wish to complain asking if they had received any medical treatment as a result of their detention. None indicated that he had. One man who had been in Girdwood Park replied: "I did not receive any treatment at all as I did not need any. I was not mistreated in any way at all. I thought they were very good in conduct according to the circumstances." Of the 9 released men who originally indicated a wish to make a formal complaint to us, only 2 pursued their intention. One appeared before us. Another, having set out his allegations in writing as requested, was unable to appear before us to give oral evidence as he had left the Province. None of the others replied to further letters save one, who wrote withdrawing the complaint because, he said, although he was wrongfully arrested he suffered no physical brutality.

8. As regards those detained, we received a written statement from 115 men held in Crumlin Jail, to the effect that they had complaints but would not make them to us. At the *Maidstone*, we received the same answer from 77 detainees when we visited the vessel on the 8th September and saw each detainee in turn and in private. Two *Maidstone* detainees told us they wished to complain to us, but withdrew later.

9. The upshot is that only one of those arrested on the 9th August has availed himself of the opportunity to substantiate his complaint by appearing before us. This has not frustrated our Enquiry, since material for our investigation has been made available to us in the form of allegations published in the Press and transmitted to us from a number of other sources. We have thought it proper to use as the starting point for our investigations, such allegations as are identified with specific persons arrested on the 9th August and relate to their personal experiences. But the fact that complainants have not appeared personally before us has limited our ability to reach findings in cases of conflict of evidence, as we explain in paragraphs 21–28 below.

10. At the outset of our proceedings we issued a statement in which we asked that any individual or organisation with relevant information to give to the Enquiry should get in touch with us at our Belfast office. On the 17th and 18th September we repeated this request in advertisements published in the Northern Ireland press. On the 16th September our Chairman wrote to the Editors of 9 newspapers published in the Irish Republic and the United Kingdom which had reported allegations, asking them if they would assist the Enquiry by turning over to us such specific evidence as they might hold.

11. We had no material response to these requests till at a late stage in our proceedings we received information from the *Daily Telegraph* and the *Sunday Times*. The material sent to us by the *Daily Telegraph* on the 14th October had already reached us from other sources. As regards the *Sunday Times*, an article in the 17th October issue of that paper had shown that it held allegations by a number of men arrested on the 9th August and subsequently, including 11 men arrested on the 9th August and interrogated in depth. The *Sunday Times* handed over this material to us on the 19th October. Most of these allegations appeared to have been made in August, and a number had previously been transmitted to us from other sources and had already been investigated by us. Any new allegations published in the *Sunday Times* of the 17th October in respect of persons arrested on the 9th August have been covered by our investigation and the results are included in this Report.

12. The total number of complainants whose allegations have been investigated and are covered by this Report is 40. The list of the complainants is given at the Appendix. Given the sources available to us, our Enquiry could not have been comprehensive. But at least the cases we have investigated are sufficient to cover all aspects of the 9th August operation.

CHAPTER III

Nature of Evidence

Nature of Evidence from Complainants

13. It follows from this that with two exceptions our evidence of complaints is hearsay. Apart from press reports it consists of written statements purporting to be signed by complainants and in many cases appearing to have been obtained and circulated by a body called the Association for Legal Justice. The documents from this body are duplicated in typescript with typed signatures. It is apparent that many of the newspaper reports were founded on these statements. Thirteen of the documents handed to us by the *Sunday Times* were protocopies of handwritten statements apparently taken down from detainees in prison and signed by them. Most of the statements are witnessed. From other sources we obtained one similar photocopy and 47 transcripts of recorded statements. Despite our inability to obtain verification of the statements, we have thought it right to assume that the statements correctly represent what the respective complainants have to say.

Nature of Other Evidence

14. Apart from complainants' statements we have drawn our evidence from three sources:

(a) Our personal inspection of the sites where the events took place,

(b) Contemporary documentary evidence,

(c) Oral evidence from persons in charge of operations, and from army and police personnel identified as having been supervising local operations and in contact with the complainants when the alleged events took place.

(a) Sites

15. As we indicate when we come to describe the 9th August arrest operation (paragraph 29 below) the arrested persons were temporarily held in three Regional Holding Centres before being released or moved into detention in Maidstone Depot Ship or Crumlin Jail. We visited each of the three Centres, at Ballykinler, Magilligan, and Girdwood Park, and reconstructed the proceedings at each place with the army and police personnel who had been in charge of those proceedings on the 9th–11th August. Similarly we visited the Maidstone and Crumlin Jail and reconstructed the proceedings in those places up to the point of lodgement in detention there.

(b) Contemporary documentary evidence

16. This includes the following:—

Operational Orders

Results Reports by Brigade Commanders and officers in charge of Regional Holding Centres.

Arrest files for each person admitted to Regional Holding Centres (including photographs of each person taken on admission).

Doctors' reports on persons admitted to or treated at Regional Holding Centres,

Doctors' reports on persons admitted to detention.

Doctors' notes of examination at the interrogation centre.

(c) Oral evidence

17. We have sought to test each case where we have received specific allegations by taking written statements and oral evidence from army, police and prison officers identified as having supervised the operation or as having been in contact with the complainant between arrest and lodgement in detention. We also in certain cases heard oral evidence from the medical officers involved.

18. In the course of taking this evidence during 17 hearing days, we heard 95 army witnesses, 26 police witnesses, 11 prison officers, 5 regimental medical officers, 2 medical staff officers, 2 civilian doctors and 2 specialists, one from a military and one from a civilian hospital. We received written evidence taken by our secretaries from one police officer and 10 prison officers. We heard evidence from one complainant in person, and received written evidence direct from another. In accordance with the modification in our procedure made by the Home Secretary on the 3rd of September, legal representation of the witnesses before us was permitted. Mr. John Creaney, Mr. R. Macartney and Mr. Peter Smith, all of the Northern Ireland Bar, appeared before us on behalf of army and police personnel and were of great assistance to the Enquiry.

Definition of "brutality"

19. We have confined our investigation to that part of a complaint that relates to physical treatment.

20. Our terms of reference require us to investigate allegations of physical brutality. We have not, however, thought it right to start with our own definition of brutality and confine ourselves to allegations that satisfied our definition. For we have to recognise that our starting point can only be the allegation of ill-treatment which is brutality in the mind of the complainant. Therefore we have sought to reach our conclusions by describing the events that occurred so far as our enquiries have enabled us to ascertain them: then we offer our opinion on the extent, if any, to which the allegation of ill-treatment is substantiated; if we think it is, we proceed to say whether we have found in it any element of brutality as we understand the term. We take the opportunity to develop our definition of brutality in connection with the first set of detailed allegations on which we report, connected with the process of interrogation in depth (see paragraph 105) and regard that definition as applicable to any other instances of ill-treatment in allegations dealt with subsequently in this Report.

Effect on findings of fact of complainants' refusal to appear

21. The refusal of complainants to appear before us and give us their evidence has limited to some extent our ability to reach conclusions about the validity of their allegations.

22. We emphasise that in our view, our ability to reach conclusions has not been impaired by the fact that we heard evidence in private. It has been open both to complainants and to those complained against to be legally represented. No complainant availed himself of this facility, though we were assisted by the legal representatives of army and police witnesses. Nor have we felt the need for powers to compel the attendance of witnesses and production of documents, as far as the army and police evidence is concerned.

23. The limitation we have experienced is that the absence of the complainants as witnesses has left us with an unbalanced body of evidence. There is no problem when the evidence, oral or documentary, from security sources confirms the allegation. Usually, however, the evidence from security sources is, to a greater or lesser extent, in conflict with the allegation. In this situation, as a tribunal conducting a private enquiry, we would have sought to resolve the conflict by separately examining both complainant and respondent, in order to test the account each gave of the events that took place, and to form a view of the comparative credibility of the witnesses in the course of examining them.

24. We have indeed been able to test the army and police witnesses by so examining them and to form a view of their credibility, with or without the corroboration of documentary or other independent evidence. But we have not been able to compare their credibility with that of the complainants; and it would offend against the principles of justice if we were to reach conclusions which assumed that the credibility of witnesses we have examined was superior to the credibility of those we have not seen. To this extent, therefore, there are allegations on which our conclusions may do less than justice to the case made to us by the army and police witnesses in that their account of events has been thoroughly tested in our hearings yet we have been able to do little more than report the evidence they have given to us.

25. In three classes of cases however we have been able to go further than merely reporting a conflict of evidence and have been able to a greater or lesser extent, to form a view upon the facts of the matter in dispute.

26. The first category is where internal evidence of inaccuracy is found in the complainant's statement itself.

27. The second category arises from the existence of contemporary documentary evidence, including photographs of complainants, and the information we have obtained by our personal visits about the topography, accommodation and other physical features of the places where the events complained of took place. As will appear, the documentation that is of special value consists of the original medical notes and other records, made at the time, of the physical condition and treatment of individuals between arrest and lodgement in detention.

28. The third category consists of the oral evidence that we have obtained from the doctors and medical officers who examined and treated the arrested persons at various stages of the operation between reception at a Regional Holding Centre and lodgement in detention. We have in many cases been able to use this evidence, combined with the medical notes made by these same doctors at the time, as confirming or correcting the allegations made by the arrested persons. The weight of such evidence is derived from the professional status of the doctors, from the fact that they are not persons against whom allegations have been made, and from our assessment, after lengthy oral examination, of their attitude to the events in question and to the persons whom they were called upon to attend.

CHAPTER IV

The arrest operation on the 9th August, 1971

29. As explained to us, the overriding requirement that governed the planning and execution of this operation was that complete security should be maintained about the identity of the persons to be arrested and the date and time when the arrests were to be carried out. We understand that the authorities accepted that in consequence of this security requirement, the operation would be carried out with a considerable element of local improvisation and might be attended by some administrative confusion, but that they considered this to be the lesser evil in relation to the paramount need to maintain security and achieve surprise.

30. A factor that added to the element of improvisation in one particular area was the decision, taken late on the 7th August, not to locate the Belfast Regional Holding Centre in Crumlin Jail itself as had been planned up to that date but to set up the Holding Centre in the adjacent Girdwood Park Territorial Army Centre. We have no doubt that some of the defects in the arrangements at Girdwood, which we notice later in this Report, are to be attributed to this last minute change of plan.

31. The operation consisted of five phases as follows:—

(a) The arrests

32. Parties of soldiers effected arrests according to lists prepared by the Royal Ulster Constabulary Special Branch. Very occasionally RUC officers acted as guides but in all cases the arresting was done by the military. Speed was the prime consideration to avoid the chance of hostile crowds gathering even at that early hour. Each arrester completed a report relating to the person he arrested.

33. The arrests took place at 0430, or as near to that time as possible, on Monday, the 9th August. Each soldier making an arrest was instructed to say:—

"I am arresting you under the powers conferred by the Civil Authorities (Special Powers) Act (Northern Ireland) 1922"

and to add, if a person questioned the arrest in any way, no more than:—

"I am not required to give any further explanation. I warn you that if you resist arrest you may have committed an offense."

34. As to the manner of arrests, the arresting soldiers were governed by general instruction requiring them never to use more force than the minimum necessary to enable them to carry out their duties. Except in one Brigade area, they had no specific orders about the use of restraints on arrested persons.

(b) Transport to Regional Holding Centre

35. There were 3 Regional Holding Centres, each under the overall charge of a senior officer where identification of arrested persons was confirmed and the decision taken whether they should be detained or released. These were Magilligan Weekend Training Centre in County Londonderry, Ballykinler Weekend Training Centre in County Down and Girdwood Park Territorial Army Centre in Belfast.

36. In Belfast the movement of the arrested person was short in time and distance from the point of arrest to a rendezvous for preliminary identification (often at the vehicle to be used for the next stage of the journey) and thence to the Regional Holding Centre at Girdwood Park. In the other two regions the distances were in most cases much greater and the arrested person was usually taken from the point of arrest to a rendezvous for preliminary identification (normally at an established point like a barracks) designated a Prisoner Collection Point (P.C.P.) and thence to either Ballykinler or Magilligan Regional Holding Centre.

(c) Processing at the Holding Centres

37. All arrested persons were interviewed by R.U.C. Special Branch officers prior to the decision about detention. The processing at Holding Centres lasted from early the 9th August to early the 11th August, but arrested persons whom it was decided not to detain were released at any time during that 48 hours.

38. At all the Holding Centres a uniform system of records was maintained, including entry and exist registers and a photograph of each arrested person on entry. At Ballykinler and Magilligan a medical officer was in post who carried out an examination of each arrested person on entry and recorded the result of the examination. At Girdwood a medical orderly was in attendance and a doctor was within call at 30 minutes' notice. There was no system of medical examination on entry.

(d) Transport to places of detention

39. Arrested persons who were to be detained (apart from a limited number mentioned in the next paragraph) were sent by helicopter from Ballykinler and Magilligan to the Maidstone in Belfast harbour, and on foot from Girdwood to Crumlin Jail. Girdwood is immediately adjacent to the Prison, and the arrested persons passed into the Prison through a hole, made early on the 9th August, in the wall that divides the Prison area from Girdwood Park. Also a wing of the Prison was used as an annex to the Girdwood Regional Holding Centre.

(e) Special Questioning

40. A limited number of persons whom it had been decided to detain were selected for interrogation in depth and on the 11th August were moved for that purpose from their Holding Centres to a place other than the place specified in the detention order before being lodged in detention in Crumlin Jail on the 16th and 17th August. (This special class of arrested persons is covered in section 6 of our Report.)

41. The number of persons arrested and handled by the Holding Centres was as follows:—

	Ballykinler	Magilligan	Girdwood Park
Arrested and admitted to regional holding centre	89	68	185
Moved into detention	80	40	117
Released	9	28	68

CHAPTER V

Pattern of complaints

42. The complaints investigated by us related to actions from arrest to arrival at one or other of the Regional Holding Centres, to events at the Centres, and to a place at which interrogation in depth took place. While many of the complaints were of an individual nature, others fell into categories where a number of complainants alleged that they were collectively subjected to treatment of which they complained. Although the individual complaints must be dealt with separately, we have found it convenient to group together the above-mentioned categories for the purpose of our Report. In listing these categories we have used names that correspond to descriptions and references commonly used in complainants' statements and press reports. These names are not to be taken as indicating the precise nature of these events as they appeared on investigation. These groups we deal with under the following headings:—

(a) Interrogation in Depth.
(b) The Helicopter Incident (Girdwood Park).
(c) The "Obstacle Course" (Girdwood Park).
(d) Late Releases on the 10th August (Girdwood Park).
(e) Special Exercises (Ballykinler).

CHAPTER VI

Details of allegations, evidence and conclusions

Grouped Allegations—1 Interrogation in Depth

43. Under our terms of reference we are asked to examine allegations in respect of persons who were questioned in depth after a detention order had been made against them. Like the other complainants with whom we are concerned, these men were arrested on the 9th August: but whereas the others then arrested were either released or placed in detention by the 11th August, these men were on that date removed to another place for a period of intensive questioning before being lodged by the 17th August in the place specified in the detention order.

44. Complaints of 11 men have been transmitted to us, which include specific allegations of physical ill-treatment during this period of intensive questioning. The men are:

James Auld, Joseph Clarke, Michael Joseph Donnelly, Kevin Hannaway, Patrick Joseph McClean, Francis McGuigan*, Sean McKenna, Gerald McKerr, Patrick McNally, Patrick Joseph Shivers, and Brian Turley.

Timetable of Events

45. We have ascertained that the timetable of events for all the men in this category was as follows:

11th August—0630 Arrival from a Regional Holding Centre at an interrogation centre (hereinafter called "the centre").

11th August—1545 Departure from the centre to Crumlin Jail for service of detention and removal orders, returning to the centre on the same day by 1900 hours.

11th August—1900 to 17th August—1150 (in one case until 1115 on 16th August) Held at the centre.

17th August—1150 Departure from the centre to be lodged in detention in Crumlin Jail.

Government Policy in Relation to Interrogation

46. In the course of our investigation we were requested by Her Majesty's Government to receive a note on the subject of Government policy in relation to interrogation methods. We were asked also to include this note in our report for publication. It runs as follows:

"Note on interrogation—(1) The general rules governing the custody of detainees and the processes of interrogation have been reviewed from time to time by the Government Departments and agencies concerned in the light of experience gained in the various internal security operations in which H.M.G. have been involved since the last war. The techniques of interrogation currently in use have also been employed in many previous internal security situations. The latest instructions on the rules to be followed were issued in 1965, and were revised in 1967 to provide for the daily inspection by a medical officer in the light of the recommendations in the Report on the Aden situation by Mr. Roderic Bowen, Q.C., issued in November, 1966 (Cmnd. 3165).

(2) These general rules include the following safeguards:

(a) Medical examination and record of weight of subject on admission and discharge.

(b) Subjects to be seen daily by a Medical Officer.

(c) The following are prohibited:

(i) Violence to life and person, in particular, mutilation, cruel treatment and torture.

(ii) Outrages upon personal dignity, in particular humiliating and degrading treatment.

(d) Subjects are to be treated humanely but with strict discipline.

(These rules follow the broad principles for the treatment of persons under arrest or detention during civil disturbances as laid down in Article 3 of the Geneva Convention relative to the Treatment of Prisoners of War (1949)).

(3) The precise application of these general rules in particular circumstances is inevitably to some extent a matter of judgment on the part of those immediately responsible for the operations in question. Intelligence is the key to successful operations against terrorists; and the key to intelligence is information regarding their operations, their dispositions, and their plans. When combating a terrorist campaign time is of the essence; information must be sought while it is still fresh so that it may be used as quickly as possible to effect the capture of persons, arms and explosives and thereby save the lives of members of the security forces and of the civil population.

(4) Information can be obtained more rapidly if the person being interrogated is subjected to strict discipline and isolation, with a restricted diet; but violence or humiliating treatment, as explained above, are forbidden. Equally any person undergoing interrogation must be assured of security against either violent treatment by his fellow detainees or recognition by them; the evidence of I.R.A. vengeance against informers underlines the importance of this safeguard."

47. The evidence we received from the officials we interviewed about the application of the general rules set out in the Government memorandum we reproduce above can be summarised as follows:

The objectives mentioned in the memorandum may involve the use of the following methods, the circumstances and duration of whose application may vary according to the staff and accommodation available at the interrogation centre and the length of time for which detainees may be left alone or must be kept together:—

(a) Wall standing

48. Requiring detainees to stand with their arms against a wall but not in a position of stress provides security for detainees and guards against physical violence during the reception and search period and whenever detainees are together outside their own rooms in a holding room awaiting interrogation. It also assists the interrogation process by imposing discipline. Although the security need for this technique could be reduced by an increase of staff sufficient to provide for the separate custody of each individual while in transit between his own room and the interrogation room, there would be increased risks of physical contact between detainees and guards.

(b) Hooding

49. The hood (a black pillow-slip which the detainee is not required to wear while he is being interrogated or while he is alone in his room) reduces to the minimum the possibility that while he is in transit or with other detainees he will be identified or will be able to identify other persons or the locations to which he is moved. It thus provides security both for the detainee and for his guards. It can also, in the case of some detainees, increase their sense of isolation and so be helpful to the interrogator thereafter.

(c) Noise

50. The continuous noise to which detainees may be subjected prevents their overhearing or being overheard by each other and is thus a further security measure. By masking extraneous sound and making communication more difficult it may enhance the detainee's sense of isolation.

(d) Bread and water diet

51. A diet of bread and water at six-hourly intervals may form part of the atmosphere of discipline imposed upon detainees while under control for the purpose of interrogation. The rules about medical inspection are referred to in paragraph 2 of the Note above.

52. These methods have been used in support of the interrogation of a small number of persons arrested in Northern Ireland who were believed to possess information of a kind which it was operationally necessary to obtain as rapidly as possible in the interest of saving lives, while at the same time providing the detainees with the necessary security for their own persons and identities.

Course of Investigation

53. It has been our object in this, as in the other areas of our investigation, to test allegations of physical ill-treatment against all evidence, documentary and oral, that we can get in order as far as we can to establish the facts about the treatment that took place. We have had unrestricted access to all the records made at the time, and taken evidence from the persons who supervised the operation.

Oral Evidence

54. We took oral evidence from persons who supervised the operations at the centre. From them we received a detailed account of the arrangements for conducting the operation, as ordered before the event and as executed in the event. They also gave us their eyewitness accounts of the treatment and behaviour of the persons making allegations. In particular we have had the benefit of evidence from the medical officer who was stationed at the centre throughout the operation. He was able to substantiate and amplify to us the written records he made at the time of each complainant's physical condition on entering the centre on the 11th August and in leaving it on the 16th or 17th August. In addition, he was able to tell us about the conditions of the complainants during their stay in the centre, as ascertained by him when he visited them daily in the course of the operation. He told us that those in charge of the centre had impressed him with their concern to avoid physical injury to their charges and had given him every support in allowing him to exercise his professional duties. We put on record that both in his actions as recorded and by his evidence given to us, this officer satisfied us as having maintained the standards of the medical profession to which he belongs.

Documentary Evidence

55. The contemporary documentation which we studied, and which was of the first importance in testing the facts, including:—

(a) *The entry medical record*, written by the doctor when he examined each detainee on entry into the centre on the 11th August. The purpose of this examination was for the doctor to certify whether the detainee was fit for interrogation: we have confirmed that before he did so he was briefed as to the conditions that the interrogatee would experience. The patient was stripped and examined, his medical history and present state of health ascertained and recorded, with notes

*Whilst Mr. McGuigan's name is included in this list because we understand the *Sunday Times* had sight of a statement from him, we have seen no such statement ourselves. The *Sunday Times* tell us they inadvertently returned the original without taking a copy. For this reason we have been unable to investigate any specific allegations, although we have ascertained Mr. McGuigan was at the interrogation centre at the same time as the other men.

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of the patient's weight and the existence or otherwise of cuts, bruises or other bodily damage.

(b) *The exit medical record*, written by the same doctor, when he examined the detainee on leaving the centre.

(c) *Colour photographs* of the detainee, naked, back view and front view, likewise taken on his leaving the centre.

(d) *The prison medical record* of the examination carried out by the prison doctor after the detainee was lodged in detention in Crumlin Jail.

(e) *The feeding record*. We have examined the contemporary record which was kept showing the time at which each detainee was offered drink and food, if he took it and what he took.

The Allegations

56. We deal first with those allegations of physical ill-treatment common to all or most of the complainants and turn thereafter to allegations limited to particular individuals.

Common Allegations

57. All the interrogatees whose statements we saw complained of one or more of the following matters:

(a) *Hooding*

Head hooded in a navy or black coloured bag of tightly woven or hessian cloth at all times other than interrogation interviews.

(b) *Noise*

Held in a room where there was a continuous noise variously described as loud and deafening like the escaping of compressed air, the roar of steam, the whirring of helicopter blades, or a drill. Returned to the room with this noise between periods of interrogation.

(c) *Enforced posture on wall*

Facing wall, hands high above head on wall: legs spread apart; forced with batons to maintain posture; so kept till collapsed, when lifted up again; treatment continued for 2 or 3 days, or up to 4 days.

(d) *Sleep*

Variously complained that had none for 2 or 3 days or very little.

(e) *Food*

Variously complained that deprived of food for 2 or 3 days, or that diet severely restricted to occasional administration of dry bread and a cup of water until the last day or so. One man (Mr. Shivers) said he had nothing to drink for the first 4–5 days.

Common Allegations—Evidence of Supervising Staff

58. The persons supervising the operation commented as follows:

Hooding

59. It was confirmed that the detainees were required to be kept fully hooded except when interrogated or in rooms by themselves. This meant, therefore, that hooding was confined to journeys outside the centre or movement within it and to the periods when complainants were held jointly or at the wall (see below). We were told that in fact some complainants kept their hoods on when they could have removed them if they wished.

Noise

60. It was confirmed that while the detainees were held together pending interrogation or between interrogations, they were subjected to a continuous hissing noise, or electronic "mush", loud enough to mask extraneous sounds and prevent effective oral communication between detainees. The noise was neutral, i.e. no music or speech sounds were intruded.

Posture on the wall

61. It was confirmed that from time to time pending and between interrogations, the detainees were made to stand against a wall in a required posture (facing wall, legs apart, leaning with hands raised up against wall) for anything between 4 and 8 hours, except for periodical lowering of the arms to restore circulation. It was pointed out that the posture was not the same as the search position. This was not a stress posture: that is, the legs were not so wide apart, the arms so stretched up, or the weight of the body put forward to the same extent as in the search position.

62. It was confirmed that detainees attempting to rest or sleep by propping their heads against the wall were prevented from doing so. If a detainee collapsed on the floor, he was picked up by the armpits and placed against the wall to resume the approved posture. (In Mr. McClean's case it was said that he persisted in collapsing from the start and after a short time was not forcibly held up but allowed to lie on the floor.) Although a number of complainants alleged roughness and beatings, it was denied that any excessive force was used to keep people in the posture or make them resume it. The staff were instructed, for example, to part legs not by kicking or hacking them but by pushing them outwards with the inner calf of their own legs. No-one was batoned to make him stay against the wall or was otherwise beaten whilst in the position.

63. In only one case was it necessary to use any considerable degree of physical constraint. This was the case of Mr. Clarke, with which we deal below. In the other cases (though not, as mentioned, in that of Mr. McClean) we were told that the atmosphere of rigid discipline was largely effective in its purpose, and, therefore, to enforce the posture any substantial degree of physical force was unnecessary and was not used. In the circumstances there had to be bodily contact between guards and detainees, but the guards had been specially trained to handle detainees by methods which avoided violence or physical damage.

64. We find from our inspection of the records kept at the time of this operation that the men were at the wall for periods totalling as follows:

Mr. Auld	43½ hours
Mr. Clarke	40 hours
Mr. Donnelly	9 hours
Mr. Hannaway	20 hours
Mr. McClean	29 hours
Mr. McGuigan	14 hours
Mr. McKenna	30 hours
Mr. McKerr	15 hours
Mr. McNally	13 hours
Mr. Shivers	23 hours
Mr. Turley	9 hours

65. We were told that the interrogatees were not made to stand at the wall in the required posture throughout. As stated above, the period of standing was 4–6 hours at a time. At other times they would have been sitting against the wall. The evidence regarding Mr. McClean, as we note in paragraph 62 was that, though at the wall for 29 hours, he was hardly in the required posture at all.

Sleep

66. It was confirmed that it was the general policy to deprive the men of opportunity to sleep during the early days of the operation.

Food and Drink

67. The records we examined showed that bread and water was offered at 6-hourly intervals from 1230 on the 11th August until the morning of the 15th August, when the diet began to be increased to normal rations. Hot soup was taken at 2230 on the 13th August by all interrogatees except Mr. McClean who refused it, and we were told that a cereal had been offered earlier that evening. It appears that Mr. Auld accepted food and drink whenever offered between the 11th and 15th August except for two occasions when we understand he was sleeping. Mr. Clarke refused bread on eight occasions. Mr. Donnelly accepted food and drink whenever offered. Mr. Hannaway refused bread altogether on 3 occasions, and ate only part of what was offered on 5 other occasions; he did not always drink all the water offered. Mr. McClean refused both food and drink on 5 occasions, and refused bread alone on a further 4 occasions. Mr. McGuigan did not drink all the water offered on two occasions, otherwise accepted food and drink when offered. Mr. McKenna refused food and drink when offered. Mr. McKenna refused food and drink on the first occasion it was offered, but took it thereafter, save once when he was sleeping. Mr. McKerr accepted food and drink when offered except for a period of sleep on the 14th August. Mr. McNally refused food twice, and took only half what was offered on two other occasions. Mr. Shrivers consistently refused bread, eating only a small fraction of what was offered on only one occasion; he refused water, or took very little, on 3 occasions. Mr. Turley accepted food and drink except for one period when he was sleeping.

Weight

68. The records kept by the doctor for each detainee on entering and leaving the centre all show loss of weight during the time spent there.

Particular Allegations

69. A number of interrogatees made specific complaints of ill-treatment at the centre which are not comprised in the matters set out in the preceding paragraph, and with these we now deal.

70. *James Auld:* When he had been placed against the wall in the required posture he asked to go to the toilet; he was refused, and his hooded head banged against the wall for talking. When his back arched a baton was rammed into it to straighten it.

71. *Joseph Clarke:* When in the required position against the wall, his hands kept going numb. If as a result he closed his fist, his hands were beaten against the wall till he opened them and replaced them in the required posture. If he rested his head against the wall it was banged and shaken. After interrogation he was beaten until he collapsed. When brought round he was beaten again, and fought back. He then suffered another severe beating. He continued to fight back, and his wrists were handcuffed behind his back. The handcuffs were pulled back as he stood with his head to the wall, causing his wrist to be chafed and cut.

72. *Michael Joseph Donnelly:* If he did not keep his head straight and his back rigid in the required posture at the wall, he was struck with a fist. On occasions, though not, he says, very often, he was struck in the genitals with a hard object, and on other occasions a similar object was thrust into his anus.

73. *Kevin Hannaway:* If he relaxed from the required posture at the wall he was kicked, "kneed" and beaten with fists. On another occasion his head was beaten against the wall. A further allegation appeared in the Irish Press of the 18th August, that Mr. Hannaway had a head wound requiring 27 stitches.

74. *Patrick Joseph McClean:* He was assaulted on a number of occasions in different ways. He was bounced on, and rolled along the ground, punched with fingers in the stomach, kicked in the testicles, his arms were twisted backwards and his head bumped on the floor and he suffered various other assaults of varying severity. As to toilet facilities Mr. McClean says: "Toilet, no. Wet where we lay. No inclination to excrete. Slept in wet."

75. *Sean McKenna:* He was beaten on the legs, hands and buttocks to force him to maintain the required posture at the wall.

76. *Gerald McKerr:* He was beaten around the kidneys when he collapsed from the required posture. He kept falling and was invariably beaten when he did so.

77. *Brian Turley:* He was kicked and beaten in an effort to force him to adopt the required posture on the wall and after interrogation his head was rammed several times against a door.

78. *Mr. Auld's* complaint that he was refused permission to relieve himself was denied. It was not clear to us how a man in the required posture, hooded and surrounded by a loud noise, was expected to indicate his need. We were told he would have to use gestures. Such gestures might initially be construed merely as an attempt to move from the required posture. If this were so, he would be put back in the posture in the manner described, at any rate to start with. We were however told that lavatory facilities were available and were regularly used under escort by all the interrogatees, with the exception of Mr. McClean. We were told that many interrogatees used these facilities on the occasion of an interrogation.

Particular Allegations—Evidence of Supervising Officers

79. No abnormality in Mr. Auld's physical condition was detected on examination by the centre medical officer on admission to the centre. On examination when leaving on the 17th August, the medical officers noted an area of paraesthesia (pins and needles) in the right arm. In Crumlin Jail the prison medical officer noted on examination on the 17th August "Pain in left wrist. Normal appearance. Complains of tenderness and movements slightly restricted. Appendix scar."

80. In reply to *Mr. Clarke's* complaint about the beating of his numb hands we were told that in a number of instances as a result of maintaining the required posture for a considerable period an interrogatee would find his hands or arms had become numb. In such cases the guards would rub the hands, or swing the arms, of the interrogatee to restore normal feeling. The complaints of beating are denied. We were however told that Mr. Clarke was a strong young man who resisted with considerable force attempts to make him adopt and maintain the required posture. It is admitted that in order to restrain him he was handcuffed. We have seen a contemporary note that the first pair of handcuffs were too small for him, and chafed his wrists. A larger pair was fitted, and Mr. Clarke's wrists were treated with ointment. Mr. Clarke's medical records show that on entry into the centre no defects were observed in his upper or lower limbs. The medical officer at the centre, in the course of his morning rounds on the 13th August, observed that Mr. Clarke's ankles were swollen and bruised. This was at 1130. At a latter examination on the same day (1730) he observed an effusion (i.e. swelling due to fluid on the joint) the right knee. He had the knee bandaged and advised that Mr. Clarke be handled properly, and allowed to be seated with his leg straight. On the 15th August he noted that the knee and ankle swellings were improving. On leaving on the 17th August Mr. Clarke's medical record shows him as having an effusion of the right knee after a fall on it. When examined on the 18th August at Crumlin Jail, this condition was confirmed and he was wearing a crepe bandage over the knee. He was treated in the prison with an analgesic, and the bandaging was continued. The photographs taken on departure from the centre show a crepe bandage from the top of the right knee, over the knee cap, to half way down the shin, and a red mark on the rear of the left arm above the elbow. The notes made at the time by the supervisors at the centre show that Mr. Clarke was aggressive and resisted strongly. They could not tell us how the injuries were suffered.

81. *Mr. Donnelly's* complaint of beating was denied. We were told that the guards responsible had been carefully briefed in, and required to practise, procedures that avoided violence or the infliction of injury. No abnormality was detected in Mr. Donnelly's condition on arriving at, or leaving, the centre. No violence towards him had been observed by the supervisors. At Crumlin Jail, the prison medical officer recorded that he had examined Mr. Donnelly on the 18th August, and found: ". . . numbness left thumb—full movement. Superficial abrasions dorsum of wrist". No complaint of injury to the genitals is recorded. The evidence we head does not explain the finding of minor injuries by the prison medical officer.

82. *Mr. Hannaway's* complaints, and the allegation concerning his head wound, were denied. On admission to the centre the medical officer recorded a graze on the upper lumbar spine. No mention of this appears in the note of the medical examination on leaving the centre on the 17th August. On examination at Crumlin Jail the prison medical officer recorded: "Superficial contusions right shoulder. Eczema of right calf. Black eye left. Betnovate ointment, . . ." The evidence we heard threw no light on the origin of the injuries. The medical officer at the centre and the prison medical officer have confirmed to us that Mr. Hannaway did not have a sutured (i.e. stitched) scalp wound.

83. We noted also that the entry medical record contained the entry "? heart attack". We were told that it was Mr. Hannaway not the medical officer who had raised the question of heart trouble. The medical officer had contacted Mr. Hannaway's doctor and obtained copies of his medical record. The medical officer told us that this showed Mr. Hannaway had had Reynaud's disease since a child, but that otherwise there was nothing abnormal about his condition and no need for treatment. He was satisfied he was fit for interrogation.

84. *Mr. McClean's* complaint that he was denied toilet facilities is mentioned above, in connection with the similar complaint of Mr. Auld. In Mr. McClean's case however we were told by the supervisors that it was not true that opportunity to relieve bowels or urinate was denied him or that it was several days before he was allowed to the toilet for the first time. The lavatory facilities were there. It was Mr. McClean's own fault that he did not use them. Due they thought to the general policy Mr. McClean adopted of "going limp", there had been 3 such occasions. Once Mr. McClean had wet himself whilst at the lavatory, and his overalls had been changed. On another occasion he had urinated on his mattress. A third time (when visited by the doctor and asked for a specimen) he had urinated on the floor of his cell. The medical officer, in his oral evidence to us, confirmed that the lavatory facilities were satisfactory, available and used by all except Mr. McClean, who in his opinion did not use them on the occasions mentioned because he chose not to do so.

85. In the entry medical record the medical officer recorded, inter alia, "Peptic ulcer. Taking Aludrox. Under Omagh County Hospital". The only other abnormality then recorded was a slight expiratory wheeze. Mr. McClean's physique was recorded as "flabby". On examination on departure, the medical officer recorded: "? peptic ulcer" and observed also "Bruising right shoulder and both legs". The prison medical officer, examining Mr. McClean on arrival at Crumlin Jail, recorded "? Duodenal ulcer. Aludrox. 1 pint milk. Bronchitis. Black eye left. Contusions arms and chest. Prison Hospital".

86. With reference to the entry "peptic ulcer" in his entry medical record, the centre medical officer said he had later been satisfied that this was not a correct description of Mr. McClean's present condition. No tenderness was elicited on examination of the abdomen, and there appeared to be no symptoms which could be attributed to the presence of an active peptic ulcer. The history of medication had in fact been irregular, Mr. McClean taking medicine occasionally when he suffered from indigestion. Again, after careful observation, the medical officer had concluded Mr. McClean's action in flopping when placed at the wall was in no way attributable to any medical condition: although flabby and tending to obesity, there was nothing medically wrong. This view was confirmed to us later by the prison medical officer who, although he admitted Mr. McClean to the prison hospital for observation and treatment on arrival as recorded above, told us that he eventually came to the conclusion that his symptoms were not attributable to a peptic ulcer and that he had not suffered from bronchitis, as initially suspected. The prison medical officer wrote to us later giving evidence to confirm that Mr. McClean was no longer complaining of abdominal pain and was well. On leaving the centre, the only bruising seen by the center medical officer, and recorded by him at the time, had been superficial. The black eye and other bruising noted on admission to the hospital were not present on departure from the centre.

87. The centre medical officer in his evidence to us about his daily visits, made it clear he had had a good deal to do with Mr. McClean. On the first day (the 11th August), in addition to the entry medical examination, he attended Mr. McClean in the evening and indicated at 2215 that he should be allowed to rest on a mattress as long as necessary. (It was thought at that time Mr. McClean's apparent inability to stand at the wall might be due to unusual tiredness.) The medical officer also examined Mr. McClean particularly the following day when the medical orderly had informed him at 1340 of a rise of one degree in Mr. McClean's temperature. This the medical officer thought might be due to a mild throat infection. The pulse had always been normal. On the 15th August at 1100 the medical officer, concerned at Mr. McClean's low fluid intake, ordered a supplementary fluid diet for him that included sweet tea at half-hourly intervals. In general, the medical officer said Mr. McClean had always behaved very politely to him and he had never complained to him at all. Far from fluids being denied, they had been pressed upon him.

88. *Mr. McKenna's* complaint of beating is denied, and we have found no other evidence which throws any light on the fact that the departure medical record shows "a few small bruises, right ankle, left shin". The entry and departure records also show "mild heart trouble. Hernia 3 years ago". Mr. McKenna had raised the question of previous heart trouble. The medical officer had questioned him about it but had been satisfied from Mr. McKenna's account of his history and treatment that there was no need to pursue the question further with Mr. McKenna's doctor. In the departure record a query mark is placed against the entry of heart trouble. Nothing abnormal was discovered on examination at Crumlin Jail by the prison medical officer on the 18th August, save a tingling in the fingers of both hands.

89. *Mr. McKerr's* allegation that he was beaten around the kidneys is denied, as is his more general allegation of beating. No abnormalities were detected at either the entry or the departure medical examinations at the centre, nor (apart from defective vision clearly of long-standing) by the prison medical officer at Crumlin Jail.

90. *Mr. Turley's* allegation of beating was denied, and there was no knowledge of any incident such as he described at the conclusion of interrogation. His condition showed no abnormality on entry medical examination. On departure, the centre medical officer recorded "healing scars right knee and left shin". We confirmed the existence of such injuries from examination of photo-

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graphs taken on departure. We heard no evidence to account for them. The entry made by the prison medical officer for Mr. Turley on admission to Crumlin Jail reads:

"Ecchymosis. Superficial abrasions left hand and right shin. Gave no history of cause."

Conclusions

91. The timetables of events given in some statements by interrogatees are clearly at variance with the written and oral evidence we have received. We consider that such discrepancies are readily explained by confusion as to time and date which could follow from the hooded isolation in which these men were held.

92. As regards the *posture on the wall*, we find that the action taken to enforce this posture constituted physical ill-treatment. In Mr. McClean's case we draw attention to the evidence that he soon avoided the posture by repeated collapsing and to the evidence that the guards let him lie and did not use violence in overcoming his inertia. It therefore appears that any ill-treatment suffered by Mr. McClean under this head was of comparatively short duration.

93. As regards *hooding*, the general allegations are substantiated, and we consider that they constituted physical ill-treatment.

94. As regards *noise*, we find that the men were subjected to continuous and monotonous noise of a volume calculated to isolate them from communication, and this we consider to be a form of physical ill-treatment.

95. As regards deprivation of *sleep* we consider that this constituted physical ill-treatment.

96. As regards *deprivation of food and water*, we find physical ill-treatment in the diet of 1 round of bread and 1 pint of water every 6 hours for men who were being exhausted by other measures at the same time. But in the light of the contemporary documentation we find it difficult to give credence to the far more serious allegation by some detainees that they were denied food and water for long periods, and think it was they who failed to take such food and drink as was offered them.

Particular Allegations

Beatings and other violence

97. Eight of the complainants give particulars of being beaten, kneed and kicked in various parts of the body and at various times, but especially in connection with the force that they say was used to make them maintain or resume the required posture on the wall. We make no findings under this head, for there is a conflict that we cannot resolve between the allegations and the denials that have been made to us by the supervising staff who controlled the proceedings and saw what took place. While it cannot be regarded as conclusive, account must be taken of the evidence adduced in support of these denials, consisting of (a) the special training given to the guards to handle detainees by methods which avoided violence or physical damage, and the constant supervision exercised over the operation to ensure that these methods were used in practice and (b) the absence of any record of significant physical damage in the medical record made for each of these men, or of any sign of such damage in the photographs taken of these men, on exit from the centre on the 16th and 17th August—except for the special case of Mr. Clarke dealt with separately.

98. We note that there is no evidence at all of a major trauma (again either from medical reports or photographs) that might have been expected to follow from some of the rough treatment complained of by individual detainees (e.g. being struck in the genitals, beating hands against the wall; punched with fingers in the stomach).

99. We consider it probable that there could have been "pins and needles" and numbness in the fingers and hands as a result of prolonged pressure against the wall; we note here that supervisors must also have been aware of this possibility for active measures were taken to control it from time to time. Similarly, swelling of the ankles could be expected after periods of standing against the wall in this unnatural posture.

100. In the particular case of *Mr. Clarke*, it is confirmed that the handling of him was more forcible because of his active resistance. The particular injury for which we have evidence is the effusion of his knee which occurred between the two visits made by the doctor at 1130 and 1720 on the 13th August. We have not been able to ascertain how this happened but we are satisfied that the treatment given to it in the centre was correct, that he was kept under medical supervision and that this treatment was continued after admission to Crumlin Jail. We are not disposed to find that he suffered ill-treatment over and above the ill-treatment that he suffered in common with the other complainants.

101. *Mr. McClean's* specific allegations of physical assault are denied by those who supervised the 11th–17th August operation. Their denial is confirmed by the evidence of the medical officer who visited him regularly during his 6 days in the centre. The medical officer's exit certificate of the 17th August records "Bruising right shoulder and both legs" which was not present on his entry certificate on the 11th August. But the medical officer had emphasised to us that these bruises were superficial and, he thinks, consistent with the handling required to move Mr. McClean who on account of his limp resistance had to be carried about the centre. The further injuries to Mr. McClean mentioned in the 18th August medical records from Crumlin Jail. "Black eye left. Contusions arms and chest", are not, we think, due to action in the centre but must have been suffered by Mr. McClean in transit by lorry and helicopter from the centre to Crumlin Jail. Our enquiries have failed to establish when and how this damage took place. Mr. McClean himself makes no allegation of ill-treatment during his transit and it would therefore appear that the injuries were accidental.

102. A similar comment applies in the case of Mr. Hannaway who was recorded as having a black eye on arrival at Crumlin Jail. He too made no allegation of ill-treatment in the course of the journey in question.

103. *Lavatory facilities*—In respect of the complaints by Mr. Auld and Mr. McClean we draw attention to the evidence that these facilities were not denied and that Mr. McClean wetted his overalls, his mattress and his cell by his own choice.

104. It will be noticed that while we are asked to investigate allegations of physical brutality, our conclusions are in terms of physical ill-treatment.

105. Where we have concluded that physical ill-treatment took place, we are not making a finding of brutality on the part of those who handled these complainants. We consider that brutality is an inhuman or savage form of cruelty, and that cruelty implies a disposition to inflict suffering, coupled with indifference to, or pleasure in, the victim's pain. We do not think that happened here.

2. The Helicopter Incident

106. The incident took place at the Girdwood Park Regional Holding Centre. The complainants were:

Henry Bennett, Thomas Gerard Johnston, Gerard McErlean, Desmond O'Hagan, George Patrick O'Hara, and Seamus O'Toole or O'Tuathail.

107. Although they may have made other complaints dealt with elsewhere, we have here grouped together those parts of their complaints that have a common basis. The allegations are that they were taken in parties of 5 by military policemen and forced to run over broken glass and rough stones to a helicopter: that they were menaced by police dogs, kicked into a helicopter and pushed or forced to jump out after 15 seconds or so in it; that in one case when the helicopter had taken off a complainant whose hands were bound was threatened with being thrown out above ground; and that they were forced to crawl back to the building whence they had come being kicked, struck and called abusive names. Reports in various versions were published in England in the *Daily Telegraph* on the 17th August and in the *Guardian* on the 18th August, and in Ireland in the *Irish Independent* on the 17th and 18th August and the *Irish News* on the 18th August. In addition in many cases we have before us copies of statements purporting to be made by the complainants.

Sources of Evidence

108. We took oral evidence from 11 members of the security forces. These included the senior military police officer who had, sharing responsibility with another officer of equal rank, been in charge during the events complained of and a number of N.C.O.s who had participated in one or more of the sorties to the helicopter and back. The documentary evidence examined included the records made by the medical officer on duty at Girdwood of any cases to which he attended and the records of the medical examinations given on reception to the Prison proper to all men who left Girdwood for detention. We saw the ground for ourselves.

109. We travelled in a Wessex helicopter and familiarised ourselves with it.

The Oral Evidence

110. Our witnesses told us that the movement to and from the helicopter had taken place on the 9th August and according to a deliberate plan to stage a "Deception" the object of which was to deceive onlookers into believing the arrestees were being taken away from Girdwood. To this end an R.A.F. Wessex helicopter flew into Girdwood. The scheme was to take out overtly to it parties of arrestees from the main building, place them momentarily aboard but then surreptitiously remove them and conceal their return to the building, the helicopter meanwhile taking off to all appearances with a full load. Thus it was hoped onlookers—and Girdwood was overooked from a number of directions—would believe an airlift was taking place. This in turn might help to reduce the attention being paid to Girdwood from outside and obviate the danger of attack on its perimeter or attempted interference within e.g. by sniping.

111. "Deceptions" had taken place 5 times, the first 3 with arrestees and the last two with dummy runs involving members of the security forces only. On the "live" runs the procedure had been for the military police to assemble parties of arrestees within the building, escort them at an ordinary pace from the building to the helicopter parked with rotors running about 40 yards away, and place them aboard. The R.A.F. crewman would then close the doors, and after a brief interval open them for the arrestees to get out. This time the men would return in the custody of the military police, but in a much tighter formation designed to protect their charges from view. The return involved the arrestees being made to adopt a crouching posture and moving as quickly as that posture allowed, back to the building.

112. Our witnesses, including the R.A.F. crewman, were unanimous that no arrestee had at any time been in the helicopter when it left the ground nor had anyone been in the helicopter with them during their short stay inside except for the R.A.F. crewman. No force had been used to push men in or pull men out of the helicopter and no-one had been inside to force them out except for the crewman. It was contrary to R.A.F. orders to touch passengers, and he had not touched them. No-one had used their batons or their personal weapons if they had them, to strike arrestees. The crouching posture on return to the building had been signalled to the arrestees and enforced by bodily pressure only, i.e. each man had been held by one arm and the escort's free arm had been used to press him down on the shoulders or small of the back if he tried to straighten up. But beyond this, no-one had been dragged or forced to crawl. Making arrestees crawl would not have helped to secure deception. It would merely have elongated the concealing escort and prolonged excessively the period of return to the building.

113. An attempt was made to select only the apparently fit. Witnesses also said the purpose of the exercise had not been explained to the arrestees; indeed, some of the military police themselves had not fully understood at first what had been afoot. Some of the arrestees asked what was happening but the policy was not to brief them lest, if they were released, the security of the exercise would be compromised. One man had attempted to break away on approaching the helicopter, but had been manhandled without undue roughness back to his place. The escorts had not been allocated specific arrestees and often had a different man on the return journey. Two or three had slipped and fallen on the return. Witnesses were divided about how the arrestees were shod: most thought they wore socks or plimsolls; one clearly recollected a man wearing shoes; and the crew member recollected them as all having footwear.

114. Witnesses denied there had been anything unusual about the terrain: there had been no glass or other obstacles; apart from a flower bed, the route after the tarmac in front of the building was entirely grass. There had been dogs about at the time of the operation but they had at all times been tied up against one of the surrounding vehicles. Whilst one or more dogs may have become agitated, none was near enough to threaten damage to the arrestees even when on its lead. The helicopter engine made so much noise it would have been virtually impossible for the arrestees to have heard abusive language if it had been used but it had not.

Documentary Evidence

115. None of the complainants was treated by the medical officer at Girdwood. Of those admitted to Crumlin Jail the prison medical officer recorded on reception two cases of duodenal ulcer for which he prescribed aludrox and 1 extra pint of milk daily (Mr. O'Hara and Mr. O'Toole) and one case with a history of a gastric ulcer, then asymptomatic (Mr. Johnston).

Conclusions

116. We are satisfied that the allegations relate to this deception operation at Girdwood on the 9th August, in which the complainants were made to take part.

117. We draw attention to the evidence contradicting the allegations of men being taken off the ground in the helicopter, threatened with dogs or otherwise assaulted. In this regard we give special weight to the evidence of the R.A.F. crewman, who has the status of an independent eye-witness in that he was in no way concerned with the custody or control of the arrested men, and was only concerned with the safe operation of the helicopter. In particular, we accept his denial of the allegation that the complainants were taken off the ground in the helicopter (an action incidentally which would have defeated the purpose of the operation as a deception) and of the allegations that military policemen accompanied them into the helicopter and pushed them out of it. We also discount allegations of physical action by military policemen in or near the helicopter being backed by verbal threats and abuse, since we established that the rotors of the helicopter were in motion throughout the time the men got in and out of it, and it is a fact that the noise of the Wessex helicopter engine drowns speech. Having ourselves inspected the site of the helicopter landing in relation to the entrance to the main building we know that the route to and from the helicopter went over 10 yards of tarmac, a flower bed and some 30 yards of grass, and do not accept the allegation that the complainants were forced to run over broken glass and rough stones. (There may be some confusion here between this incident and the so-called "obstacle course": see paragraphs 120–136.)

118. The movements of the complainants, as substantiated by the evidence of the army witnesses, consisted of being made to walk under escort for the 40 yards from the building to the helicopter, climb aboard, then after a few seconds (when the helicopter did not leave the ground) get down and move, hastened by their escorts and held down in a crouched position, over the 40 yards back to the building. It does not seem that these movements resulted in any physical damage to any of the complainants, apart perhaps from accidental and very superficial injury. Nor do we think that the escorts who applied some force to the complainants in order to move them with haste in the required posture, did it in order to hurt them.

119. While, however, we make no finding of brutality, we are disposed to criticise the action taken to force the complainants to take part in this deception operation. The purpose for which they were held at Girdwood was that of identification and questioning to decide whether they should be released or lodged in detention. Their use as actors in the deception operation lay outside that purpose, and we think it was a questionable decision so to use them. They were not told why they were being made to take part in the act. It is understandable that they should have been frightened by the unknown and should have thought in the absence of any other reason, that the intention must be to victimise them by putting them through a meaningless exercise involving physical hurt or the threat of it. In fact, as we have said, they seem to have suffered no physical damage: but we think the physical experience they were forced to go through under these circumstances does constitute a measure of ill-treatment.

3. The "Obstacle Course"

120. These incidents took place at Girdwood Park Regional Holding Centre. The complainants are:

Brendan Anderson, Michael Oliver Brady, Gerard Campbell, Thomas Joseph Conlon, Sean Drumm, Michael Farrell, Eamon Kerr, Gerard McErlean, James Moore, James Mullan, Desmond O'Hagan, and Seamus O'Toole or O'Tuathail.

121. Whilst they may have made other complaints dealt with elsewhere in our Report, we have here grouped together those parts of their complaints that have a common thread. They alleged variously that they had been made to run over granite chippings whilst being kicked and shouted at; that they had had to run barefoot over an obstacle course of tree stumps, sharp stones, broken glass, tacks and garbage strewn in their way: that they had been abused verbally as well as poked and struck with batons and that one man on complaining of glass in his foot had had a military policeman stamp upon it and that an R.S.M. had tried to stamp on the feet of others. Reports in various versions were published in England in the *Guardian* on the 18th August, the *Daily Mail* on the 19th August, the *Sunday Times* on the 22nd August and the *Morning Star* on the 23rd August, and in Ireland in the *Irish Independent* on the 17th August, the *Irish Press* on the 18 August, the *Irish Times* on the 17th, 18th, 20th and 27th August, and the *Sunday Independent* on the 22nd August. In one case (Mr. Moore) a complainant came before us in person and made his allegations. In a number of others we received typewritten copies of statements.

Sources of evidence

122. We took oral evidence from one complainant (Mr. Moore) and 19 members of the security forces and prison service on duty or in charge at the relevant times. They included the senior infantry officer in charge of internal security at Girdwood, the senior military police officer, his N.C.O.'s, the R.U.C. officers on duty at the material times, and members of escort parties. We also saw prison officers who had been on duty at material times within the Prison itself. The documentary evidence we examined included the records made by the medical officer on duty at Girdwood of any cases he saw, and the records made by the medical officer on duty to all men who had left Girdwood for detention, on reception in the Prison proper. In addition as we have already explained, we visited Girdwood and the Prison walking over the ground concerned.

Oral evidence

123. Mr. Moore told us he had been taken out of the main building by a side door and entered a barbed wire corridor. He was not clear what time of the day it had been but, since the visibility had not been good, he thought it best described as twilight. There had been a wire stretched low across the ground in the corridor and its purpose had been, he imagined, to make prisoners stumble, although he had not done so himself. He had not himself seen the wire, which he thought to be very thin; he had only felt it. After passing through the hole in the wall of the Prison he had started to go up a grass bank to the football pitch. Thereupon his escort had told him to go back and follow the perimeter route. The first part of the route had consisted chiefly of housing bricks loosely laid as part of a hardcore base for a path. He had not had time to pick his way though them since he was being made to run. He got a cut on one foot but described it to us as "slight" and "nothing to talk about". He had passed over some grass heaped on the path approximately half way between the hole in the wall and the first corner. He assumed there was glass underneath it because as he trod on it he had heard a crackling noise like glass or possibly something similar like broken pottery. He had not seen underneath the grass because he had had no time to inspect the surface. He had noticed no garbage near the route he followed. There had been no sniping that he noticed. R.U.C. officers had been standing openly on the football pitch and it was improbable they would have done so if sniping had been going on. He had seen no dogs on the journey.

124. The witnesses from the security forces said the arrestees in Girdwood had been moved through the hole in the wall to the Prison in two principal batches. The first batch of 84 men went through in daylight during the morning of the 9th August and the second of 59 during the early and dark hours of the 11th August.

125. Members of the first batch on the 9th August were, after their documentation and interview was completed in Girdwood, taken in parties of at most 6 out of a side door of the building through the hole in the wall into the Prison, around the perimeter of the football pitch, through an inner gate and thence to a wing of the Prison where they were in the custody of the R.U.C.

126. The parties were escorted by a mixture of military police and infantry and followed by a dog handler with his dog. Each arrestee was accompanied by a military police N.C.O. and each party by a group of infantry 3–4 strong. The latter carried batons only and no firearms; the former generally had their personal weapons which were either pistols in holsters or sub-machine guns slung on

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their backs. All the soldiers denied using abusive language but they confirmed their prisoners either wore stockings or went barefoot. There had been running from the hole in the wall to the right angle turn at the corner of the football pitch but parties had not invariably been made to run along all or part of the route and the older men and the infirm were allowed to proceed at their own pace.

127. The route to the hole in the wall over the granite chippings was selected because it had seemed the most direct. But beyond the hole in the wall no route had been laid out within the prison itself. A number of witnesses were unclear why the perimeter route around the football pitch within the walls was chosen: most of them had simply followed the people in front; others guessed it was because it took the parties nearer to the prison walls where they were less exposed and vulnerable to the danger of sniping. We are satisfied from other evidence, however, that the perimeter route was in fact improvised and not chosen deliberately. The senior infantry officer in Girdwood had not understood his authority to extend beyond the wall and the first parties emerging through the hole in the wall had been informally directed to the perimeter route by a prison officer because it was less exposed either to the danger of sniping or to the gaze of the regular prison inmates who might be unsettled and make a disturbance. The arrestees were without shoes because these had been put in their property bags on arrival at Girdwood and the N.C.O.s in charge had understood their orders to be that men moved into the Prison should have their property bags with them but unopened. Some of the witnesses had assumed their charges had been unshod to lessen the danger of their attempting to escape.

128. Witnesses were unanimous that noone was forced to run over glass, nails, tintacks, struck with batons and rifle butts, stamped upon or made to crawl. Some arrestees had made abusive or threatening remarks to their escorts but none had complained. None had been made to run through garbage, although they had passed near a garbage heap. The only timber on the route was the chippings and twig remains (together with a few boxes) of what appeared to have been timber cutting in the Prison some time before the 9th August. Many logs had been piled up on the verge of the route.

129. Dogs had been kept on the leash throughout, had followed at a distance of some yards behind the parties, and had generally cut diagonally across the football pitch itself rather than follow identically the route of the parties.

130. The 59 men who had gone into the Prison during the early hours of the 11th August had all been shod. They had taken the same route as the 9th August parties up to the hole in the wall but, thereafter, rather than following the perimeter route around the football pitch, they had taken the most direct route by going up the grass bank and out on to the pitch itself. This time the escorts had consisted of military police, infantry and some R.U.C. Each man had been accompanied by a policeman and parties had, apart from the infirm, been ordered to run across the football pitch. We think the route was across the pitch and not round the perimeter because it was done in the dark. They ran because the military police had so interpreted an order that arrestees should be taken into the Prison as quickly as possible because of the sniping. Again, all witnesses denied there had been anyone who had been forced to run over glass, nails, tin-tacks, struck with batons, and rifle butts, stamped upon or made to crawl. The dogs were withdrawn on this occasion and took, therefore, no escort role at all. Gunfire was going on and rounds had entered the vicinity. Neither on the 9th or the 11th August had an R.S.M. or similar figure been on duty.

Documentary evidence

131. There was no record of anybody being treated by the medical officer at Girdwood for cut feet and only one of the complainants in this case had been seen by him although some men had been brought back through the hole in the wall for treatment for one ailment or another at their request. (The medical officer at Girdwood treated Mr. Moore on the 10th August but only for a cut in his arm.) The prison medical officer recorded a statement by Mr. Brady that he had glass in his foot but Mr. Brady himself alleged he had received this before arriving in Girdwood (see paragraph 182 below). None of the other complainants detained were recorded by him as having symptoms in any way to be associated with the alleged events.

Inspection

132. Our own inspection of the route on the 15th September showed that in two places it presented difficulty to a barefoot pedestrian. The first was a short stretch of path near some huts on the Girdwood Park side of the hole in the wall, where the surface was composed of small loose granite chippings. The other was a stretch between the hole in the wall and the first angle in the Prison wall where, in preparation for making a cement path, hardcore had been laid. This hardcore was largely composed of bricks and pieces of brick but included a little broken crockery.

Conclusions

133. The allegation is that the men concerned were forced to run, unshod, over an "obstacle course", that is over a route designed with the intention of doing them physical injury.

134. We have no doubt that we have identified the "obstacle course" as the route that these parties of unshod men were made to take from Girdwood through the "hole in the wall" into the Prison on the 9th August, particularly where the route traversed the chippings by the huts in Girdwood and took the hardcore path after passing through the hole in the wall. It was a route that would cause considerable discomfort to a man required to run over it barefoot; but on the evidence we see no reason to think that this route was chosen, still less prepared, with the intention of causing physical discomfort or injury to the arrested persons who were made to go over it. The facts seem to be that the intended route went across the football pitch, but the first party as it arrived through the hole in the wall into Prison teritory was diverted on to the hardcore path by a prison officer on grounds of prison discipline, and subsequent parties followed the first. We have gone on to consider what if any measure of ill treatment the men suffered by being made to move hastily over a route adopted by accident but which happened to have some rough features, especially for unshod men. We do not think that they were made to go unshod in order to hurt them. The removal of shoes from arrested persons in Girdwood was the standard procedure to reduce the risk of attempted escape or assault. It was thoughtless on the part of those who directed the movement on the 9th August not to realise that the going was rough in places and that the men concerned might reasonably be allowed some form of footwear, as indeed was done for the batch of men who were moved on the 11th August. Again we have found no evidence to support the view that the escorts' object in hastening them was to do them injury, and we are disposed to accept the explanation that hastening action was taken on grounds of security. Moreover, the objective test of whether ill-treatment took place, would be found in any contemporary record of physical injury associated with the "obstacle course" and we notice the complete absence of any such evidence, either in the record of cases treated by the Girdwood medical officer or in the medical records of the complainants who moved from Girdwood into detention and were examined by the prison medical officer.

135. Finally we derived considerable assistance from the evidence of Mr. Moore who (as we mention in paragraph 294) impressed us as a truthful witness. We think the wire which he encountered was a field telephone wire which we had observed crossing the path at the Girdwood side of the hole in the wall and had not been placed there as an obstacle. It is significant that Mr. Moore made no mention of garbage or tacks and that his opinion that there was glass on the route was derived from "hearing it crackle" under grass cuttings and not from seeing it. Nor did he allege any beating or urging on with batons. His complaint appeared to ge more one of humiliation than of danger of injury and he made light of the "slight cut" which he said he received on one foot.

136. We have not investigated allegations of verbal abuse which lie outside our terms of reference. As regards their physical treatment, our conclusion is that the men concerned in this episode may have suffered some measure of unintended hardship from the rough going. We are unable to reach a finding on the allegations of assault by batons and stamping on feet, in the absence of evidence from complainants.

4. Late Releases on the 10th August (from Girdwood)

137. The men who complained were:
Brendan Anderson, Gerard McErlean, and James Moore.

138. We deal here with the allegations common to all three relating to the circumstances in which they were released from Girdwood on the night of the 10th August. They claimed variously that they had been released at about 2300 with a large group of others in the middle of a riot with bullets flying and some of the men had taken shelter for the night in an entry near the prison and at the nearby Imperial Hotel. Versions of the allegations in some cases were published in the *Irish Independent* of the 17th August and the *Irish News* of the 18th August. We heard oral evidence from one of those involved, Mr. Moore.

139. We saw 8 witnesses from the security forces. They included the senior military police officer at Girdwood, a number of his N.C.O.s and the Camp Guard Commander for that night. With one significant exception, we were unable to rely on any documentary evidence.

140. Mr. Moore told us that he and some other men had been taken in a group to the Clifton Park Avenue gate of Girdwood. They had been released and none of them thought they had the option of staying. Conditions outside were dangerous. Mr. Moore saw soldiers in the street crouching in fire positions, looking out for snipers. As his white vest was prominent and an easy mark, he had asked for and was given a khaki shirt to put over it. He got also a pair of socks to wear with his shoes. He judged it too dangerous to make for his home which was in an area subject to disturbance. He therefore made for a friend's house in a quieter district but even so, narrowly escaped being shot on his way. He told us emphatically that he thought no-one should have been released until the following morning when things were quieter.

141. The military police officer said that late on the 10th August it had been decided to bring together in Girdwood Park all the men either already there or in the prison whom it had been decided to release. They were duly assembled and, where their clothing was inadequate, it was supplemented with army items. The men had been conducted to the Clifton Park Avenue exit of Girdwood in batches between about 2230 and 2300. No-one had been forced to leave Girdwood and the men had been encouraged to take the advice of the military and civilian police before leaving about the state of affairs in their various parts of the city, as well as the best routes in the circumstances to their own homes. No general invitation to stay overnight had been issued to anyone who might prefer it since the situation did not seem to merit it. There would have been no question of turning people out into a local gun-battle if one had been going on. There had not been: firing could be heard in the area but no rounds were entering the vicinity and there was no rioting in the street. This witness understood that, although no general invitation was issued, two men had stayed in Girdwood overnight.

142. We also saw two military police N.C.O.s who had been concerned with the release of the 50 men and had escorted batches to the gate. They both corroborated the officer's account of the outside situation at the time of release. The first had offered advice about best routes and appropriate action on meeting armed patrols. He said that no-one had showed reluctance to leave and it was an absolute fabrication to say that anyone had been forced out or that they had been pushed out into gunfire.

143. The second N.C.O. said he, too, had been active in advising the released men. Whilst there was no local danger at Girdwood, a lot of distant firing could be heard and some men had been apprehensive about what they might find at home. One man from the first batch on hearing a burst of firing from the Old Park area had run shouting "Don't shoot, I'm on your side" and his companions had laughed because of his panic when the firing was not endangering them. About half a dozen men had hung around outside the gates for about 30 minutes talking amongst themselves. None had come back but there was no doubt they would have been re-admitted to Girdwood had they wished it. He was sure one of the complainants and a companion had stayed overnight in Girdwood. The two had asked on departure whether they could stay. The N.C.O. had said it was not something he could authorize and advised them to approach a more senior rank. Although he had accompanied all further parties to the gate, he had not seen the complainant again and was positive he had not left that night. The N.C.O. knew the Imperial Hotel and thought that, if there had been shooting locally as claimed, it would have been a silly place to stay since it would have been a target.

144. The Camp Guard Commander told us there had been no threat to the security of Girdwood or the Clifton Park Avenue Gate at the time the men were released. The procedure for opening the gate would have been for the military police escorting the batches to vouch for them. Had there been any question of forcing men to leave he would have expected the gate picquet to have sought directions. They had not.

145. We saw three R.U.C. officers who had been on duty in Girdwood and the Prison on the night in question. Two separately told us there had been no shooting in the vicinity for some while before and some while after the men's release. The third was less clear and, although he had not experienced difficulty himself, thought a further colleague we were unable to see had remained behind for some hours after the material time at Girdwood, waiting for the situation outside to settle down before he went home.

146. The officer who had had the closest contact with, and larger responsibility for, the released men said he had no doubt it had been right to release them when they were discharged. The only signs of disturbance had been fires visible in the New Lodge Road district and sounds of gunfire from the Old Park district, neither areas threatening Girdwood. The group of 18–20 with which he had been most closely associated had been glad to be released. He had told them they could stay overnight at Girdwood if they wanted, but none had. They had been entirely free to leave and there had been no question of the authorities keeping them any longer against their will. One man he knew well had wanted, as the officer had recommended, to go away by taxi and the officer had lent him 25p for the fare. The R.U.C. officer had seen no men stay overnight at Girdwood. The military police officer to whom we later put this point since it conflicted with his earlier evidence maintained his position saying the released men would have been free to move at will in Girdwood except for the holding area in the gymnasium and they would have been indistinguishable from the large number of police officers there in plain clothes.

147. None of the witnesses was able to say whether any of the men had gone to the Imperial Hotel for the night. Although this did not seem a crucial issue, enquiries were made at the hotel on our behalf. The hotel's register recorded none of the released men as having stayed on the 10th and 11th August.

Conclusions

148. There is a conflict of evidence between the complainants and the army and police witnesses and we can make no finding, beyond drawing attention to the absence of an entry in the Imperial Hotel Register which—for what it is worth—goes against the complainants' account, and the evidence, independently given to us by the military police and R.U.C. about (*a*) the absence of a gunbattle at the gates of Girdwood (*b*) the fact that the men were not made to leave and that some stayed. In this connection we think it should be noticed that in connection with the release of Mr. Anderson from Girdwood the previous day (see paragraphs 165–176), we had good evidence that it was not the practice at Girdwood to force released persons to get out of the place.

5. Special Exercises at Ballykinler

149. In this case we investigated the allegations of:

Peter Eugene Collins, Dermot Gourley, Michael Joseph Harvey, Richard Rodgers, and Desmond Smith.

150. Amongst other allegations made by these men we found that all made similar complaints about the exercises they were required to do at Ballykinler Camp. They say that after passing through the reception procedure at Ballykinler they were put in a hut and were ordered to sit on the floor. They were then forced to carry out a series of floor exercises which were physically taxing and of long duration. These exercises included sitting with arms stretched upwards for 10–15 minutes, sitting with the arms clasped behind the head, lying on the floor with legs stiffly pressed on the floor and fingers touching the wall, and bending forward in the kneeling position, with the hands clasped behind the back at waist level until the head touched the floor. If anyone refused or failed to carry out an exercise he was kicked, punched or struck with a baton.

151. Allegations of this kind were published in an article in the *Irish Times* of the 26th August, reporting an interview with Mr. Rodgers. Other allegations are contained in written statements by arrestees and particularly in a detailed statement by Mr. Harvey prepared by the Association for Legal Justice and sent to the Home Office.

152. We heard evidence from 8 members of the security forces, including the senior R.U.C. officer responsible for reception arrangements at Girdwood and 2 detective sergeants R.U.C., one of whom assisted at reception, and the other of whom interviewed one of the complainants and took him home on the 10th August. We heard also the senior officer of the detachment of Royal Military Police at Ballykinler, two staff sergeants each in charge of a platoon of military police, and two of their N.C.O.s. We visited Ballykinler, and were shown the area of the camp used for the operations of the 9th, 10th and 11th August by senior officers of units involved.

153. We were told by the senior military witnesses that arrestees had been put in huts which were empty of all furniture and fittings. The unit preparing the huts had been ordered to clear out furniture and fittings in order to remove all material from which makeshift weapons might be improvised. Each hut might in use contain up to 30 arrestees, with 3 guards to supervise them. At first the arrestees had to stand. At about 0730, however, the Special Branch officers at the camp pointed out that, as they passed, they were visible from the windows of the arrestees' huts. They asked that the arrestees be prevented from seeing and identifying them. The R.U.C. accordingly asked that the arrestees sit down, to keep them below the window sill level of 4 feet 6 inches. By midnight on the 9th/10th August hessian screens were in position around the windows, but we understand that for the greater part of the daylight hours of the 9th August the men in the huts were required to sit or lie on the floor.

154. After a period of sitting on the floor, a number of arrestees complained of discomfort. Some movement was necessary to relieve stiffness and prevent cramp. For reasons of security the military authorities were reluctant to permit random individual movement. The guards inside the perimeter of the camp were ordered to carry no weapons, either firearms or batons. We understood this was intended to prevent not so much the improper use by troops of such weapons as their seizure by arrestees in an escape attempt. The guards in a hut, three men guarding perhaps thirty, were anxious at all time to preserve their authority over the arrestees, and to maintain control over movement in particular.

155. No general orders were given about exercise. The two staff sergeants commanding the military police platoons, acting independently, told their subordinates that, if complaints were made, they should ensure that the arrestees changed position. They assumed that one position would be periodically changed for another on a word from one of the guards. The senior N.C.O. in each hut, according to the evidence given by army witnesses at this level, appears in practice to have decided that from time to time the arrestees in his charge should be told to change their position; sometimes for example to sit with the legs towards the wall, sometimes with back to wall. It was agreed by these witnesses that the arrestees were also instructed to do simple exercises, such as stretching forward in a sitting position to touch toes, or leaning back from a sitting position, putting hands behind the neck or on top of the head. The army witnesses said that there were no complaints about the exercises.

156. We heard conflicting evidence about the extent to which arrestees understood the purpose of the instructions to change position and to carry out exercises, and about the extent to which compliance with these exercises was voluntary. A witness from one of the military police platoons who had been on duty in a hut said that there was no compulsion and that arrestees understood why the exercises were taking place. One man who refused to do an exercise had been ignored. A witness from the other military police platoon said that no-one in his hut had refused, but that in the event of refusal, they would have done nothing; this witness felt that the arrestees in his hut did not appreciate the purposes of the exercises during the 9th August, but realised the following day that they were helpful. The platoon commanders and senior officers were uncertain of the extent of compulsion. All witnesses agreed that anyone who was not

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able to vary his position readily—we were given the example of one man with piles—was allowed to adopt whatever position was most comfortable; others who were unable to carry out some of the exercises, for example because they complained of back injury, were not required to do them. With the exception mentioned above, we were given the impression by the army witnesses that anyone capable of performing the exercises might well have felt that he had no alternative but to comply with the instructions he was given. One of the platoon commanders agreed that some of the arrestees, ignorant of the reason for the exercises, might have resented them and regarded them as part of a programme of harassment.

157. There was no clear indication, in the evidence we heard, of the duration of position-changing and the frequency of exercise. Position-changing must, according to the evidence we heard, have continued for the greater part of the 9th August. The night of the 10th August was cold, and the arrestees had no beds or bedding. In at least one hut in the small hours of the morning there were complaints of the cold, and all those in the hut (including those sleeping) were got up to walk or jog around. They were allowed to lie down again at 0300 and to get such sleep as they might until called for breakfast between 0600 and 0630.

158. Of the five men listed above who complained of these exercises, we found medical evidence that one, Mr. Smith, had back trouble, probably connected with a slipped disc. Mr. Collins was released at 1530 on the 9th August with a note from the medical officer to his doctor which did not relate to any injury. Mr. Rodgers, on examination on the 10th August on the Maidstone, complained of a sore right knee, though no physical abnormality was detected. His complaint of pain in the knee was repeated at an examination on the 17th August. Neither Mr. Harvey nor Mr. Gourley had a medical examination on leaving the Holding Centre.

Conclusions

159. The evidence we took from the military police in charge of the Ballykinler huts, confirms that the exercises took place, that their nature and duration was much as described in the allegations, and that they were done under some degree of compulsion. We have noted the inconsistency in this evidence as to the degree of compulsion. On balance we have formed the view that while the supervisory staff believed that the compulsion was limited to securing a simultaneous change of position, the choice of position being left to the arrested person, in practice the man in charge kept control by selecting positions and ordering all the persons in the hut to take up a given position from time to time. There is conflict of evidence on the action taken in cases of disobedience. The allegation is that those who refused or failed to carry out an exercise were assaulted. Against this, we record the evidence of the military police that such assault did not take place, that generally speaking orders were obeyed but those who did not comply were ignored. The medical evidence suggested that one of the detainees, Mr. Smith, should not have been required to perform exercises that imposed an unusual strain on the back. Mr. Rodgers complained of a sore right knee, a condition consistent with performance of some of the exercises described; there was however no physical sign of this condition, though pain in the knee persisted until the 17th August. There were no marks or bruises consistent with the complaints of beating.

160. We think it is plain that these compulsory exercises must have caused hardship to some at least of those who were made to do them, especially those in poor physical condition, and we have noticed as a particular hardship that some men were woken up to do them in order to secure uniformity of action in the hut. On the other hand, we do not regard the exercises as "cruel", if the adjective means that the exercises were thought of and carried out with a view to hurting or degrading the men who had to do them. We prefer to take the view that the exercises were devised to counteract the cold and the stiffness of which the arrested persons complained, but that it should have been foreseen that a system of voluntary changes of position at set times was bound to climb into a form of physical drill compulsorily performed without regard to the relative capacity of the performers, and that the routine was thoughtlessly prolonged after it had served its proper purpose. We think there was lack of judgment here, but not cruelty or brutality, and we think the complainants may have suffered hardship but we made no findings of deliberate ill-treatment.

Individual Allegations—Brendan Anderson

161. Mr. Brendan Anderson complained that he was treated on arrest in Belfast in a fashion similar to that complained of by Mr. Elisha Anderson, his father. We deal with Mr. Elisha Anderson's complaint as the next case, and do not here repeat the sources, the evidence or our conclusions on this point. We have also seen a copy of a statement by Mr. Anderson which was sent by the Association for Legal Justice to a number of Government Departments including the Home Office. Mr. Brendan Anderson complained also that he was forced over the "obstacle course", and that he was released late on the 10th August into an exchange of fire. We deal with these complaints above under the group headings "Obstacle Course" (paragraphs 120–136) and "Late releases on the 10th August at Girdwood Park" (paragraphs 137–148).

162. Mr. Anderson complained also that in Crumlin Jail during the night of the 9th/10th August, he and others in his cell were woken three or four times by police and warders. Mr. Anderson was one of the arrestees at Girdwood Park Regional Holding Centre who were lodged for a period in a wing of the Prison used as an annex of the Centre (see paragraph 39). There is no doubt from the oral and written evidence we have received from both the prison staff and the R.U.C. that during this period before their formal admission to the Prison on the 11th August, the arrestees were the responsibility not of the prison staff but of the army and the police. Prison officers were on duty in the prison wing when arrestees were lodged in it. The custody of the arrestees was not, however, their responsibility R.U.C. officers were on duty who dealt with this and all connected matters. The prison officers acted only as turnkeys. They did not enter cells, or speak to any of the arrestees

163. We heard evidence on Mr. Anderson's complaint of disturbance from two police officers. The constable on duty at the material time said he had carried out a two hourly check of the arrestees in cells In some instances he could do this by looking through the peep-hole in the cell door. In some instances he could not in this way see all it. In all cases, using the switch outside the cell, he had put on the cell light. In no case had he woken, spoken to. or touched an arreatee. A police inspector confirmed that checks were made as described during the night. The frequency had not been laid down and might have varied between individual areas of responsibility. We received evidence also that a number of prisoners rang for attention during the night, and that there was a fairly frequent noise of movement in most parts of the prison wing.

Conclusion

164. We think that Mr. Anderson's statement that he was awakened 3 or 4 times during the night is likely to be accurate. But we consider this was not done intentionally but followed from action properly taken by the police in the course of their duties and was not ill-treatment.

Elisha Anderson

165. Mr. Elisha Anderson who said he was 55 and had a chronic heart condition complained that when arrested in Belfast at 0430 a sandbag was put over his head and he was dragged out over broken glass cutting his foot. At Girdwood, although his distressed condition was obvious, he was made to climb stairs and did not see a doctor for an hour after asking to do so. When released from Girdwood he had to walk along a glass strewn Antrim Road in bare feet. A report of his allegations was published in the *Irish News* on the 18th August.

166. We saw 8 members of the security forces including members of the arrest party, the doctor who treated Mr. Anderson at Girdwood and the N.C.O. whose job it had been to look after Mr. Anderson with two other elderly men in Girdwood. The documentary evidence included the record of his reception at Girdwood and the medical officer's notes of the treatment given him. We had also before us a copy of a statement signed by Mr. Anderson which had been sent by the Association for Legal Justice to a number of Government departments including the Home Office.

167. The N.C.O. who had been in command of the arrest party told us the party had had to force the inner front door of Mr. Anderson's house since, although the street door had been open, knocking had failed to produce a response. The inner door had glass panels and some of them had broken when the door was forced. Mr. Anderson had not been a reluctant prisoner and there had been no need to use force to get him out of the house. Unbound and unrestrained, Mr. Anderson had been conducted out of the house with one escort holding his arm and into the army vehicle outside the front door. When leaving his house he would have had to cross the floor where lay the glass fragments from the forced door but he had not been hurried across. There had been no attempt to put a sandbag over Mr. Anderson's head in the house or at any other time: one had simply been handed to him so that he could take a limited number of belongings with him. Mr. Anderson had not seemed a feeble 55: he looked stocky and well-built, and he had made no complaint of breathlessness or heart trouble.

168. The junior N.C.O. with the arrest party corroborated his senior's version and was able to add some details. First, Mr. Anderson had been barefoot on leaving the house. Secondly, the party had taken only 3 sandbags into the house because they expected to—and did—arrest only 3 men and each would have required a sandbag for his property. The warrant officer in charge of the vehicle had seen the party emerge from the house and did not think they had hustled Mr. Anderson out even though they had been told by the warrant officer to hurry up because people were beginning to come out into the streets. Neither during the journey in the vehicle to Paulett Avenue nor in the 4 ton lorry thence to Girdwood did anyone recall Mr. Anderson's complaining.

169. The R.U.C. officer on reception duty at Girdwood produced to us a copy of the entry he had made in his records of Mr. Anderson's arrival. He had come before the officer at 0550 and had been noted as in good condition and making no complaints. Although the officer was unable to recall whether Mr. Anderson was barefoot, he felt he would have recollected a foot injury had there been one. Mr. Anderson had not seemed at all distressed.

170. We saw the medical officer who had treated Mr. Anderson at Girdwood. The doctor's notes recorded that Mr. Anderson had complained of dizziness and shortness of breath and that he had a history of cardiac irregularity and been treated with digoxin and tranquillizers. Examination confirmed the cardiac irregularity. The doctor issued appropriate pills to calm him down and noted that Mr. Anderson should receive no strenuous exercise and that he should be released if possible. (There were no records of when Mr. Anderson had first asked for and then received medical attention and none of our witnesses were able to assist us on this question.)

171. The doctor was able to add in his oral evidence to us that, despite Mr. Anderson's condition, he thought it reasonable that the soldiers should not have noticed it. He had observed him and noticed that his shortness of breath had not prevented him from walking into the examination or stripping himself to the waist. He had not complained of glass in his feet to the doctor although it would have been open for him to have done so.

172. The military police N.C.O. who had looked after Mr. Anderson and 2 other men in a room on the first floor of Girdwood said Mr. Anderson had looked initially fatigued but had said he was all right when asked. (We know, from our inspection of the place, that to get to the first floor Mr. Anderson would have had to climb two flights of stairs with an intervening wide landing at the turn.) Mr. Anderson had at no time seemed breathless and had talked happily, sitting like the other two on chairs that had been provided.

173. The N.C.O.'s evidence was that when it was decided to release Mr. Anderson and the other two men, he had taken them downstairs to collect their property (and their shoes, if any) and escort them to the Antrim Road gate. (The decision to release Mr. Anderson was recorded in the R.U.C. reception book as being made at 1045 on the 9th August.) Mr. Anderson was barefoot and attempts to find shoes for him were unsuccessful. Mr. Anderson had walked slowly from Girdwood apparently suffering no discomfort and exhibiting no signs of foot injury. At the gate (which the N.C.O. estimated had been reached approximately half an hour after the release decision had been communicated to him) Mr. Anderson had told the N.C.O. not to worry about him and that he would be all right. Leaving him at the gate standing with another man, the N.C.O. had approached the R.U.C. to provide a patrol car to take Mr. Anderson home because of the special circumstances. He found Mr. Anderson still at the gate when he returned later and had, therefore, made further enquiries of the R.U.C. The N.C.O. this time asked Mr. Anderson whether he had any complaint and he had said he had not. The N.C.O. had not thereafter seen him again but he knew of no reason why Mr. Anderson could not have stayed at the gate if he had wished to. He had told the guard at the gate Mr. Anderson was waiting for transport.

174. The officer in command of the guard at the Antrim Road gate said he could remember Mr. Anderson arriving there for release and the N.C.O. saying he would try to arrange transport. One of the two men with whom Mr. Anderson had arrived was escorted back into the camp to use the telephone to see if he could arrange private transport. The man claimed on return that he had been successful and the officer had produced chairs from the guard room so that the waiting men could sit down. He had not seen them leave. He said that, due to the disturbances then in progress, the Antrim Road was strewn with a certain amount of debris at the time, and this might well have included broken glass but there was no such debris on the road that led about 100 yards from the guarded gate into the public road. The officer had spoken with Mr. Anderson who had not been breathless but rather pleased to be released. There had been no question of ejecting the waiting men and they would have been allowed to wait for their transport.

Conclusion

175. We make no finding about Mr. Anderson's complaint of injury to his foot from glass on his arrest, having noticed that he seems to have made no complaint of it on reception into Girdwood or to the medical officer who examined him at a later stage in Girdwood.

176. Given Mr. Anderson's age and the doctor's report on his condition, we think that there was a lack of consideration in the order given to discharge him from Girdwood, barefoot into a road strewn with debris, in a disturbed area. We draw attention, however, to the evidence given us about the efforts made to secure transport for Mr. Anderson and the evidence that he was not compelled to leave but allowed to wait till transport came but decided to walk away of his own accord. We do not think that anyone at Girdwood took any action with the deliberate object of hurting Mr. Anderson.

James Patrick Boyle

177. Mr. Boyle complained that after his arrest at Ballymoney, County Antrim, on the 9th August at 0430 he was dragged out to a jeep. He asked for a drink of water, and was refused and struck with a baton. His hands were tied behind his back so tightly that they swelled.

178. Mr. Boyle made a formal complaint to the Enquiry, of which he gave details by letter. He was invited to give oral evidence. We heard in answer to our invitation from his mother, who told us he was working in England and could not attend the Enquiry. We have therefore dealt with his complaint on the basis of his written evidence.

179. In relation to Mr. Boyle's complaint of his treatment on arrest, we heard oral evidence from 4 members of the security forces, including the captain in charge of the arrest party. After arrest, Mr. Boyle broke away from the arrest party three times, twice in the house and once outside. On the third occasion he was pursued into the house and was found in the kitchen drinking milk. The officer in charge of the party was concerned at the possibility that firearms might be available. He ordered that Mr. Boyle's hands be bound. One of the party used for this purpose a roll of crepe bandage from their vehicle's first aid kit. He denied the bonds were tight, and told us that Mr. Boyle had gone to sleep at one point on the journey to the prisoner collection point at Ballykelly, where he was unbound and made no complaint. We heard evidence also from another member of the arrest party who had been armed with a baton; he denied that he had struck Mr. Boyle, and said he was standing 5–10 yards away when Mr. Boyle broke away from his escorts on the third occasion.

180. We noted that on admission to Magilligan camp at 1344 Mr. Boyle is recorded to have made no complaint and at his medical examination at 1354 he is recorded as being healthy looking and as having no external injuries.

Conclusion

181. We do not think that the admitted binding of Mr. Boyle's hands constituted ill-treatment. We are unable to resolve the conflict whether he was struck with a baton.

Michael Oliver Brady

182. Mr. Brady, who was arrested in Belfast, complained he was trailed through dirt and barbed wire at the Albert Street collection point shortly after 0430; that he got a piece of glass in his foot when taken out of the compound; and that he was forced with his hands bound to mount a lorry via a chair, which was kicked away by soldiers as he was about to step on it. En route to Girdwood Park, a soldier hit his foot and toes with a rifle butt. Mr. Brady also had complaints that relate to the "obstacle course" and they are dealt with in paragraphs 120–136 above. An account of these allegations appeared in the *Irish Times* of the 20th August.

183. We saw 5 witnesses including the officer in charge of the Albert Street collection point and the soldier who arrested Mr. Brady. Documentary evidence included the record of Mr. Brady's reception at Girdwood on the 9th August and his examination at Crumlin Jail on being detained there on the 11th August.

184. The officer in charge at Albert Street said he had been the only officer present and that the arrestees had been put on arrival in a compound—an area fenced off with barbed wire—in the collection point. No-one had been beaten in the compound—no soldiers were inside it—nor had anyone had their hands tied. After everyone had been collected and it was time to move the arrestees on to Girdwood, all then had their hands tied in front with 4 by 2 flannelette—the standard army cleaning material for pulling through rifling. After being tied the men were walked to the lorries through the parted rolls of barbed wire. No-one was pushed or dragged to the two lorries where 9 prisoners and 9 soldiers boarded each. The ground in the compound was smooth but the ground outside was not. The prisoners had not been wearing shoes but no-one had been intentionally walked over glass—if there was any—nor over barbed wire. Although he had not been able to observe the compound all the time, he had seen all the prisoners board the lorries and no-one had had a chair kicked away from under him. It had not been necessary to prevent prisoners from speaking and, accordingly, he had issued no order to that effect.

185. The warrant officer we saw confirmed the officers' description of events except that he did not remember chairs being placed by the lorries. He added that the compound was clean and the path to the lorries clear of rubbish and rubble, and no-one could have got glass in his feet. The prisoners had had to pass between rolls of barbed wire. The rolls had been separated when necessary to obtain access. No-one had had to walk over strands of wire.

186. We saw two private soldiers, the first had been present at Albert Street and the second had arrested Mr. Brady and accompanied him to Girdwood. The first said the prisoners had had to walk about 4 yards from the compound to the lorries where in each case a chair was used to help men board, the same chair being moved from the first to the second lorry when the first was full. No-one had fallen from the chair.

187. The arresting soldier said he had found Mr. Brady quite pleasant, quiet and no problem at all. When mounting the lorry to Girdwood Mr. Brady had preceded the soldier. There was a chair and the procedure was to use the chair as one step and the back of the lorry as the other. Mr. Brady had stumbled on the chair and half fallen but he had not completely lost his balance or fallen to the ground. Had he fallen, the soldier would have caught him. In the lorry, Mr. Brady sat on the floor with his back against the side. The soldier had stood by Mr. Brady during the journey. No-one had assaulted the prisoner or hit his feet, nor had the soldier himself done so.

188. The R.U.C. officer who noted down Mr. Brady's particulars on his arrival at 0645 at Girdwood produced to us the entry he had made. This recorded Mr. Brady's appearance as normal and that he had made no complaint. The officer said he would have noted anything obviously wrong with Mr. Brady, as he had done in the case of other entries he had made that were produced to us.

189. There was no record of Mr. Brady receiving medical attention at Girdwood. An R.U.C. officer told us he had received a com-

plaint from Mr. Brady just after lunch on the 10th August, when Mr. Brady was in the wing of the Jail used as an annex of the Holding Centre, that he had glass in his foot but, apart from noticing a smear of blood on the top of the foot, the officer did not inspect it. He passed on Mr. Brady's request for attention to a prison officer. On Mr. Brady's reception into Crumlin Jail proper on the 11th August the prison medical offier noted:

"States he has glass in foot—dressing. Nil abnormal palpable. No wound to be seen."

Conclusion

190. Mr. Brady's statement of his experience at Albert Street seems broadly consistent with the army witnesses' account of events there: he passed through barbed wire, and was in difficulties when he mounted the lorry via a chair: but he seems to have come to no harm by doing so if we may judge by the evidence of his condition when he was admitted to Girdwood. We make no finding on his allegation about being hit on foot and toes with a rifle butt, except to notice the evidence that damage was neither noticed nor complained of when he reached Girdwood. We also make no finding as regards the allegation of glass in his foot, noticing the evidence of the prison medical officer that when he complained of this he was examined and nothing was found.

Edward Eamon Campbell

191. Mr. Campbell alleged that after arrest in Belfast on the 9th August he was struck with batons on the head and threatened by the escort in a lorry moving from the Henry Taggart Hall to Girdwood. At Girdwood after interrogation all his bodily hair was shaved off on the false grounds that he had "venereal scabies." His allegations were referred to in the Irish Press of the 14th August, the *Belfast Telegraph* of the 17th August and in *Private Eye* of the 10th September.

192. We examined 6 members of the security forces including his arrester and all the medical staff who had dealt with him at Girdwood. We received expert evidence from a consultant dermatologist. Documentary evidence included the record of Mr. Campbell's reception and the note made by an R.A.M.C. officer who treated him in Girdwood.

193. The N.C.O. who accompanied Mr. Campbell in the lorry to Girdwood, and who had been a member of the party that had arrested him, said that although he could not be sure, there had been up to possibly 15 arrestees in the lorry. With the exception of an elderly man, they had been made to lie face down on the floor and the escort had consisted of 10 soldiers travelling with them in the back of the lorry. The soldiers sat on benches along the sides of the lorry with their feet on the top of the men on the floor. The soldiers had had rifles only, there being no batons on the lorry. Mr. Campbell had been a quiet prisoner who had not been struck either getting in or out of the lorry or at any time during the journey. Although there had been a bit of verbal abuse, no-one else had been struck either. Nor had the young man been put on the side of the lorry exposed to a hostile crowd, pulled up by the hair or told to sing "God Save the Queen". As regards his crucifix, Mr. Campbell had said as he got onto the lorry that he had lost it but search failed to find it. On arrival at Girdwood the N.C.O. had noticed Mr. Campbell had a bleeding lip he had not had when first getting on the vehicle.

194. The R.U.C. officer who had noted Mr. Campbell's particulars on arrival at Girdwood had recorded the cut lip. We have seen the contemporary entry made about the injury on Mr. Campbell's arrival at 0535, and also his photograph taken at reception, which shows the cut lip. The R.U.C. officer said Mr. Campbell had made no complaint about his arrest or treatment during transport, nor had he volunteered or been asked how he had sustained his injury. The officer had not noticed any other injury.

195. At Girdwood Mr. Campbell was treated for an itching rash of which he had complained. In the Irish Press of the 14th August Mr. Campbell was recorded as saying merely that he had been shaved by soldiers but in an article in *Private Eye* on the 10th of September it was said he had been examined by the medical correspondent of the *Irish Times*, Dr. David Nowlan. The article said Dr. Nowlan had found Mr. Campbell to be suffering from "mild pityriasis rosea, 'a bland symptomless, harmless condition' affecting the left side of his chest. There is no such condition as 'venereal scabies'. The treatment for scabies is never shaving. Scabies never spreads to the face and scalp."

196. We saw the two medical officers who inspected Mr. Campbell at Girdwood, the R.A.M.C. medical orderly on duty, the military police N.C.O. who assisted, and a consultant dermatologist. We also corresponded with Dr. Nowlan and a doctor who had seen Mr. Campbell shortly after his release from Girdwood.

197. The military police N.C.O. told us that on the morning of the 10th August the military police escort in the hall in Girdwood announced that all those who felt unwell could take part in the sick parade then being organised. Some 30 or 40 men stood up and they were moved to one side of the hall and taken one by one to the room where the R.A.M.C. medical orderly was working.

198. Mr. Campbell was one of the first to come before the medical orderly. He had complained to the military policeman of a rash on his body and scalp. The orderly told us he had instructed Mr. Campbell to strip to the waist and then examined him. He found he had a rash on his chest, back, arms and neck. He concluded that Mr. Campbell was suffering from scabies, a condition he had seen before on his service abroad. The hair was matted, long and greasy. There were nits of lice in it.

199. The orderly had then sought advice from his medical officer. We saw this doctor and he told us he remembered clearly that Mr. Campbell was "a very dirty young man". There were scratch marks on his arms and under his armpits. The head hair was infested with fleas and nits. He confirmed the orderly's diagnosis, said that Mr. Campbell's head should be shaved, and the scabies treated with successive applications of benzyl benzoate emulsion after thorough washing. Having confirmed that the orderly knew how to carry out the treatment, the doctor had left the premises and did not see Mr. Campbell again. Mr. Campbell was told to think whether he would undergo treatment then or wait until his immediate future was more clear, that is until he was either released or a detention order made. Mr. Campbell in the presence of the orderly and the N.C.O. said he preferred to undergo treatment at once.

200. There and then the military police N.C.O. started to cut Mr. Campbell's hair with scissors and comb. He had made some progress when a different medical officer, the one on 30 minute call at Girdwood Park throughout the operation and not the orderly's ordinary superior, appeared on the scene having learned about Mr. Campbell's case. This doctor made case notes, which we have seen. He told us Mr. Campbell complained he had an itching rash and indicated his trunk, forearms and scalp. The doctor found a rash on the forearms and trunk, with the forearms, wrist and back of the head quite badly excoriated as a result of Mr. Campbell's efforts to relieve the irritation. The lesions, he agreed, were consistent with scabies and with headlice. Neither of the doctors nor any of the others who had dealt with Mr. Campbell noticed any bruising upon him, and the doctors were clear that the marks on the back of the head were scratch marks and not bruising. The second doctor recollected using the term "venereal scabies" to the military policeman, the term being a correct medical description of the condition.

201. He had had to deal with the question of infection because the military police had asked for advice about how to handle all the men in the hall. He had reassured them that the danger of infection was slender. He confirmed both the diagnosis of headlice and scabies, and the treatment.

202. After finishing the hair cutting the military police N.C.O. took Mr. Campbell into the showers and there shaved his head with a safety razor and soap. (Mr. Campbell's chest hair was also removed.) After the shave, the N.C.O. took Mr. Campbell back to the orderly for application of the emulsion. The orderly began the treatment and on reaching the waist, asking Mr. Campbell to lower his trousers. It then became clear that the rash was present in the groin and on the upper part of the thighs. The orderly advised Mr. Campbell that it would be best if his bodily hair in these regions were removed. Mr. Campbell agreed with this recommendation, returned to the showers and there shaved himself with the safety razor nicking himself a couple of times as he did so. The emulsion was then applied and Mr. Campbell dressed himself in clothes provided by the army.

203. The two medical officers who saw Mr. Campbell, the second of whom made notes of his findings, received no complaint from Mr. Campbell either about the treatment he had received from the orderly and the N.C.O. or about any injuries he had sustained at the hands of the security forces beforehand. His demeanour seemed the usual one of a patient seeing a doctor and, if anything, he seemed pleased that he was being treated for the irritating condition from which he was suffering. The medical orderly and the N.C.O. said that Mr. Campbell at no time complained to them, and that he consented of his own free-will to the treatment that was given to him. Because of the crowded conditions, other people were able from time to time to observe Mr. Campbell's treatment or were present when it was taking place either in the room by the hall or in the showers. Neither the doctors, nor the medical orderly, nor the N.C.O. could recollect Mr. Campbell being the butt of unflattering or hostile remarks about his condition. No-one recollected saying he did not want his hair removed because he was a member of a pop group. The next day the medical officer asked if Mr. Campbell had received the second treatment, and found he had been discharged.

204. The burden of the *Private Eye* report on the 10th September was that the diagnosis at Girdwood had been wrong and the treatment, therefore, incorrect. This was a very serious allegation and we were, therefore, most concerned to pursue the question.

205. We wrote to Dr. Nowlan of the *Irish Times*. In reply he said he had examined Mr. Campbell at the Central Citizens' Defence Committee (C.C.D.C.) premises in the Falls Road where the case had been brought to his attention by a doctor he thought to be Mr. Campbell's G.P. Dr. Nowlan thought Mr. Campbell had pityriasis rosea over his left chest wall and said this had been confirmed by a letter the doctor he thought to be Mr. Campbell's G.P. had received later from a consultant dermatologist at the Royal Victoria Hospital. We subsequently wrote to the doctor mentioned by Dr. Nowlan as the patient's G.P. He replied saying that he was not the patient's G.P. but like Der. Nowlan had seen Mr. Campbell at the request of the C.C.D.C. We also understand that Mr. Campbell was not examined by a consultant dermatologist at the Royal Victoria Hospital, but by a house officer.

206. Owing to the conflicting diagnoses in this case—one given by two doctors as a result of the patient's complaint of an itching rash, the other some time later by two other doctors at the request of the C.C.D.C.—we decided to take further expert medical advice from a consultant dermatologist. He said nit infestation would always be clear enough to a doctor and it was unlikely there could be any doubt about that part of the diagnosis. As to pityriasis rosea the chief point was that the patient was more likely to complain about the rash itself than the irritation since itchiness was not the main feature of this condition, as contrasted with scabies. Further, it was unlikely the rash would be confined to one part of the body, e.g. the upper left anterior chest wall. Characteristically the rash of pityriasis rosea started from a small area (the herald patch) and thereafter appeared all over; its incidence was more common in autumn and spring than other times of the year.

207. He concluded from all the data available to him that Mr. Campbell had been suffering not only from pediculosis capitis and scabies as diagnosed at Girdwood but also seborrhoeic dermatitis either coincidentally or developing later. Close hair-cutting and the application of benzyl benzoate was entirely justified as the quickest and safest method of curing the condition.

CONCLUSIONS

208. We are clear that Mr. Campbell suffered no ill-treatment, still less brutality. He was not shaved to punish or degrade him. On the contrary, the treatment was given him for his benefit and in accordance with the prescription professionally given at the time by not one but two medical officers for a condition which they independently diagnosed. We have no doubt, from the contemporary record and their evidence to us, that there was a satisfactory doctor-patient relationship between the R.A.M.C. doctors and Mr. Campbell. In these circumstances it was not strictly necessary for us to enquire into the correctness of their diagnosis. But since part of the allegation was that the diagnosis of "venereal scabies" was irresponsible and needlessly discreditable to Mr. Campbell, we thought it right to take full evidence on this point, from which it clearly emerges that the diagnosis is supported by responsible medical opinion, both in general terms and in relation to the facts as ascertained at the time and subsequently confirmed about the symptoms exhibited by Mr. Campbell.

Gerard Campbell

209. Mr. Campbell complained that on arrest in Belfast his hands had been tied behind his back, that the end of the rope had been constantly pulled hard and that in a Saracen vehicle, to which he had been pushed, the rope had been put around his neck to choking point. En route to Girdwood through the Ardoyne district amidst brick and bottle throwing he was beaten with batons and held at the back of the lorry as a human shield. His complaint that at Girdwood he was made to run an obstacle course is dealt with in paragraphs 120–136 above. A report of these allegations was published in the *Irish Times* on the 20th August. We saw two witnesses, the N.C.O. in charge of the arrest party and a private who had been a member both of the party and the escort to Mr. Campbell on the way to Girdwood. The documentary evidence included the record of his reception at Girdwood and of his medical examination on admission to the Prison proper.

210. The N.C.O. said the arrest party had gone to the vicinity of Mr. Campbell's house in an Armoured Personnel Carrier (A.P.C.). With the private (whom we saw) he had entered the house and Mr. Campbell had been arrested. No violence had been used by either the arresters or Mr. Campbell at that stage. The entire party had then left the house to walk to the A.P.C. parked about 200 yards down the street and where they were joined by another arrest team. Mr. Campbell had not been bound on the journey to the A.P.C. or whilst in it. However, at the Company rendezvous, where documentation took place, Mr. Campbell's hands were tied with approximately 3 feet of parachute cord in pursuit of general orders issued by the Company Commander. The hands had been tied at the wrist and no cord had been passed around the neck. Mr. Campbell had not been pushed to the A.P.C. nor had the cord been pulled constantly at that stage since binding had not taken place until later.

211. After documentation the N.C.O. said Mr. Campbell had been taken to Girdwood in a lorry. Although he had not been in the lorry, the N.C.O. had accompanied it in an escorting A.P.C. and observed the route. The journey had taken the small convoy past a group of about 20 people standing on the side of the road and throwing stones at the vehicles. It was not what the N.C.O. would call intensive rioting; most of the crowd had consisted of women and adolescents. The vehicles had not gone through the Ardoyne district.

212. The private confirmed to us the N.C.O.'s account of the journey to the Company rendezvous and particularly that Mr. Campbell's hands had not been bound at any stage before arrival. The private said he had done the binding palm to palm with approximately 2 feet of parachute cord. He had asked Mr. Campbell whether the bonds were too tight and, on being told they were, had slackened them off. The soldier said he had accompanied Mr. Campbell to Girdwood in the back of the lorry. The route had not gone through the Ardoyne but in the general direction of the Springfield Road Police Station. The rioting they passed had been taking place at a road junction in Andersontown. With Mr. Campbell he had gone right up to the cab end of the back of the vehicle since they had been the first party to board. At no time had Mr. Campbell been put at the open end of the vehicle in an exposed position. The floor of the lorry was covered with internal security equipment and to expose Mr. Campbell at the back would have meant making him clamber over the equipment, when using the equipment itself would have afforded better protection to the people inside. Although missiles had been thrown none had entered the vehicle and no-one had been injured. Mr. Campbell had made no complaint about his hands. It would not have been possible to have put the cord around Mr. Campbell's neck since only about 3 inches remained loose after tying; and nor had the cord been pulled. The private denied beating Mr. Campbell with a baton: he had not been carrying one himself, although some had been lying on the lorry floor.

213. As to documentary evidence, we saw that the R.U.C. officer who had taken down Mr. Campbell's particulars on arrival at Girdwood at 0625 had made the entry "No complaints. Good condition". The prison medical officer on examining him on admission to the Prison on the 11th of August had noted nothing except about a duodenal ulcer. There was no record of Mr. Campbell having sought treatment for any injuries whilst at Girdwood.

Conclusion

214. The allegation of hand-tying is confirmed; but having taken evidence about the method and length of cord used, we discount the allegation that the "rope" with which his hands were tied had also been used to pull or choke him.

215. We make no finding in the complaint of beating with batons, which is denied. The account given by the witnesses of conditions in the lorry is by no means conclusive, but diminishes the likelihood of the allegation that the complainant was held as a "human shield" against brick and bottle throwers.

Liam Cummings or O'Comain

216. Mr. Cummings was arrested at Limavady and taken in an armoured vehicle to a collection point at Ballykelly and thence to Magilligan Regional Holding Centre. He is said to have complained that on arrest his hands were tied behind his back, and an empty sandbag pulled over his head. In the lorry soldiers beat him and urinated upon him. A string was tied to his thumb and jerked. He was tapped steadily on the head with batons and the soldiers refused to remove the hood when he was coughing because of the dust inside it. At Ballykelly he was kneed in the groin, and as he straightened up thereafter he was struck in the face with a baton, sustaining a deep cut in the mouth. A soldier called "Taffy" hit him on the chest with a rifle butt. Reports of these allegations were published in Ireland in the *Irish News* and the *Irish Press* of the 12th August, in England in the *Times*, the *Daily Telegraph* and the *Guardian* of the 12th August, and in *Private Eye* of the 10th September. We have also seen notes of an interview of Mr. Cummings by a *Sunday Times* reporter.

217. We saw 7 witnesses, including the officer in command of the arrest party and the medical officer who examined Mr. Cummings on his arrival at Magilligan. Documentary evidence included the arrest report, the reception record, and the doctor's notes of his examination.

218. The arresting officer said Mr. Cummings had accompanied his arresters out of the houses without resistance but, once outside, he had shrugged off his escort and swore at them. Because of this "bolshy" behaviour, the officer said he had ordered Mr. Cummings' hands to be tied behind his back, a sandbag to be put over his head, and his shoes to be removed during the journey in the armoured vehicle to Ballykelly. He also ordered Mr. Cummings to lie on the floor of the vehicle. These orders had been given because of the officers' concern about Mr. Cummings' potential for causing trouble in the congested conditions of the back of an armoured vehicle where there were between 6 and 8 soldiers as well as their prisoner. Had he given trouble to his escort, rather than it being easy for them to overwhelm him, he might have succeeded in causing confusion. The bag over the head was to prevent him running away, and the wrist bonds to prevent him from removing the bag. The officer, a junior subaltern, had received no orders to bind or hood men: he did it on his own initiative. Nor had he specific orders about how he should handle arrestees under the Special Powers Act. Although he had been concerned with effecting arrests before, it had usually involved no more than snatching a rioter to be handed over immediately to the military police. He had not been responsible for a prolonged period of custody before, involving as in this case a long journey through potentially hostile territory where precautions had to be taken against ambush.

219. The private who had found and hooded Mr. Cummings told us he had used the draw cord from a camouflage smock. We saw an example of the cord. It was khaki coloured, flexible fabric cord of approximately ¼" diameter and 2–3 feet long. The hands had been tied wrist over wrist at the rear, just tightly enough to hold them, and the spare ends had been left free. At no time had the method of tying been changed or altered in any way and, in particular, nothing had been tied to Mr. Cumming's thumb and jerked. The sandbag used had been a new hessian one and the witness demonstrated to us, how it had been used by placing it over his own head. He claimed that, apart from the discomfort of the roughness around the neck, there was no difficulty in breathing through the coarse weave.

220. The private corroborated the officer's account of Mr. Cummings' conduct on arrest. He said he had helped Mr. Cummings into the armoured vehicle by putting a hand under the armpit and telling him to be careful because the soldiers themselves were always falling off or slipping on the step. However,

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Mr. Cummings had slipped and struck his chest and chin on the floor of the vehicle. Thereafter Mr. Cummings had travelled lying prone on the floor. He had seen no-one strike Mr. Cummings and an N.C.O. had specifically forbidden the use of violence, warning that anyone who resorted to it would be charged. No-one had urinated on Mr. Cummings during the journey and nothing had been poured over him. He had not seen Mr. Cummings' clothes wet and the vehicle floor had been dry. Mr. Cummings had been removed from the armoured vehicle by his being pulled to the back until it was practicable to tell him to sit up and put his legs down over the back ledge. No-one had struck Mr. Cummings with a rifle but it was true that his requests to have the sandbag removed when he had a coughing fit were refused.

221. An N.C.O. who said he was known as "Taffy" corroborated the accounts given by the officer and soldier except to say he had not actually witnessed Mr. Cummings fall in the vehicle since he had been getting in himself at the time at the front where he normally travelled. During the journey to Ballykelly no-one to his knowledge had struck or interfered with Mr. Cummings although it was true the latter had once complained of being uncomfortable on the floor and he had coughed occassionally. The N.C.O. had seen Mr. Cummings dismount and he had not been assaulted then by the N.C.O. or anyone else. He could not have struck Mr. Cummings with a rifle butt since he had no rifle, only a baton. It was true, however, that Mr. Cummings had stumbled on getting out of the vehicle; but he had been caught and sustained no injury.

222. This N.C.O. had accompanied Mr. Cummings from the vehicle into the prisoner collection point at Ballykelly and thence in transport to Magilligan. The hood had been removed within ten minutes of arriving at Ballykelly. The N.C.O. then noticed Mr. Cummings had a graze on the chin. Mr. Cummings had made no complaint during the reception and waiting period at Ballykelly or during the later journey and the N.C.O. had not noticed that Mr. Cummings' clothes were wet in any way. Nor on arrival at Magilligan did Mr. Cummings complain to the R.U.C. officer on reception duty.

223. There were two men on reception duty at Magilligan: an R.U.C. officer who noted down personal particulars of arrivals and a senior N.C.O. of the military police who completed arrest reports brought in by the soldier escorts. We saw both men. The first said he remembered Mr. Cummings because he had, unusually, given his name in both the English and Irish versions. Although the man had had a slight abrasion on the chin, it had been too insignificant for him to note in the injuries column of the record entry that was produced to us. Mr. Cummings has made no complaint: he seemed pretty jovial and undepressed. The R.U.C. officer had not noticed any wetness about the clothing and Mr. Cummings had not complained when the same officer had seen him before his release on the 10th August. We established, however, that during an interview Mr. Cummings had later at Magilligan with police officers he had alleged to them that he had been abused by soldiers, that they had punched him and that they had put a bag over his head.

224. The military police N.C.O. on receiving duty at Magilligan told us Mr. Cummings was the only one of all those who arrived to display any sign of injury. The N.C.O. noticed he had a graze on the chin and Mr. Cummings had also mentioned, although the N.C.O. had not seen the injury himself, that he had a slight cut on the inside of his lip. On asking Mr. Cummings how he had sustained his injuries, the latter had replied that it had happened when he had fallen that morning at the back of an army vehicle. We saw the entry made at the time by this N.C.O. in the arrest form, it read:—

"He sustained a very slight cut to his lower lip and graze to the chin whilst in M.O.D. vehicle."

225. We also saw the photograph taken on arrival at Magilligan which showed the graze extending from the lip to the point of the chin. The N.C.O. was clear Mr. Cummings had actually said he had fallen.

226. The medical officer who had examined arrestees arriving at Magilligan had made notes of each examination and we saw those made in respect of Mr. Cummings. The doctor explained he had noticed 3 superficial injuries: an abrasion on the left of the chest, a small laceration on the left of the lower lip, and some brusing on the right kneecap. He would have asked how the injuries had occurred but he could not recall Mr. Cummings' response beyond that he had been co-operative, helpful and pleasant. On the notes we saw the doctor had recorded Mr. Cummings as "uncomplaining". The doctor thought the injuries were consist with coming into contact with a blunt object but did not think lying on the floor of the armoured vehicle during a partly bumpy ride could account for them. He had not noticed the injury to the chin or any wetness about Mr. Cummings' clothing.

Conclusions

22. As regards the allegations of beating at arrest and being urinated on, we have identified and questioned the persons against whom the allegations are made, and draw attention to their denials and the evidence supporting the denials. In particular we notice the evidence of other witnesses that neither Mr. Cummings' clothes nor the floor of the armoured vehicle were wet, while the contemporary medical record of Mr. Cummings on admission to Magilligan does not support his allegation that he sustained a deep cut in the mouth.

228. On the other hand the allegations of wrist bonds (though not of string tied to thumb and jerked) and hooding with a sandbag, are confirmed by the military evidence. We also have the contemporary record both of the receiving officers of the military and civilian police and of the medical officer, that, on admission to Magilligan Holding Centre, Mr. Cummings showed injuries described by the receiving officers as a graze of the chin and by the medical officer as injuries consisting of an abrasion on the left of the chest, a small laceration on the left of the lower lip and some bruising on the right kneecap. Not having been able to interview Mr. Cummings, we have not been able to question him on the statement attributed to him that the injuries on chin and lip had happened when he had fallen at the back of the Army vehicle. Those injuries are consistent with such an incident, and if they were so caused we have to consider whether such an accident would not follow from the condition in which Mr. Cummings was held during a ride of 20–25 minutes duration in the armoured vehicle. What is clear is that this man travelled, hooded and bound, prone on the metal floor of a small vehicle surrounded by 5 seated soldiers. We accept the arresting officer's explanation that he ordered Mr. Cummings to be hooded and his wrists bound not as a punishment but as a military precaution. We consider, however, that the order showed lack of judgment, that as a result of it Mr. Cummings suffered hardship and a measure of ill-treatment from the hooding and the wrist bonds, and that the injuries which the medical officer who recorded as superficial may well have been caused, in our opinion, by his being moved from arrest to Ballykelly in that condition.

Sean Drumm

229. Mr. Drumm complained that after his arrest in Belfast his shoes were removed and his hands tied behind his back. At Girdwood Park he was forced to "run the gauntlet" and was later sent over the "obstacle course" to Crumlin Jail. At the Prison he was interrogated. Aged 20, he has a bad stammer and his interrogators punched him on the head if he did not answer quickly enough. (His allegations concerning the "obstacle course" are dealt with in paragraphs 120–136.) Reports of Mr. Drumm's complaints appeared in the *Irish Independent* of the 17th August, the *Irish News* of the 18th August and the *Irish Times* of the 27th August.

230. We heard no evidence from Mr. Drumm but we had before us his statement, a copy of which had been forwarded to us by the Chief Constable of the R.U.C. to whom Mr. Devlin, M.P., had sent it, and another copy which had been sent to a number of Government departments by the Association for Legal Justice.

231. We heard evidence from a member of the party who arrested Mr. Drumm on the 9th August. He confirmed that Mr. Drumm's hands had been tied behind his back; this was because he struggled and it was thought likely he would attempt to escape if not restrained. We were told also that on arrival at Girdwood Park, in accordance with standard practice, his shoes and socks were removed.

232. The complaint that Mr. Drumm was forced to "run the gauntlet" has given some difficulty. It appeared to us upon investigation that the only occasions when such treatment might have been inflicted on Mr. Drumm were either those we have described as the helicopter incident and the "obstacle course", or the period of exercise the arrestees were allowed on their first day of confinement In his statement Mr. Drumm says: "I was then taken outside with about 7 or 8 others. We were forced to run the gauntlet between two rows of military policemen. I was grabbed, kicked, knocked down, jumped on and trailed into the hall".

233. This does not read like the description of the helicopter incident. It cannot be a description of the "obstacle course" for Mr. Drumm describes that experience as occurring at a later stage. We therefore investigated this complaint as an allegation of improper treatment as described by Mr. Drumm during a period of exercise.

234. The army witnesses including the senior officer of military police on duty at Girdwood told us that when the work of reception had been completed the arrestees were permitted to exercise. They had gone in crocodile with escorts from the building to walk round the field adjoining it. There was an outer picquet of civilian and military police with at least one dog handler from the Parachute Regiment with his dog. There had been no demonstrations, not even singing. There was therefore no occasion for any physical intervention by the guards and none had occurred.

235. One junior N.C.O. told us that the majority of arrestees had been friendly at this stage, willing to talk and to walk round with their escorts. He said he had given cigarettes to two of them. We were told that the dog or dogs (the number was not clear) were kept well away from the arrestees as well as from the escorts walking with them and the outer picquets.

236. We heard evidence from two civilian police officers who had been concerned in Mr. Drumm's interrogation. Mr. Drumm had had altogether 3 periods of interrogation, one lasting about one quarter of an hour, the others, about one half of an hour. They agreed that they had noticed that Mr. Drumm had an impediment in his speech. They were emphatic that he had not been assaulted in any way during his periods of interrogation.

Conclusion

237. This is another case where in the absence of evidence from the complainant we can do no more than report the allegations and the firm denials.

Michael Farrell

238. Mr. Farrell complained that he was forced over the "obstacle course" between Girdwood Park and the Prison, and that during this episode he was set on by a dog who tore his jacket. (He had been arrested in Belfast.)

239. We received part of Mr. Farrell's statement, headed "Case History of arrest and detention of Michael Farrell" at a late stage in our investigations when it was included in the papers we collected from the *Sunday Times* on the 19th October. Allegations concerning Mr. Farrell had been published in the *Guardian* of the 11th August, in the *Irish Press* and *Irish Independent* both of the 18th August and the *Irish Press* of the 19th August, and in the *Sunday Times* of the 22nd August. There was a further report in the *Morning Star* of the 23rd August.

240. In his detailed statement Mr. Farrell gave an account of his move from Girdwood Park to the Prison which clearly identifies the route involved as being that which we examined while investigating allegations concerning the "obstacle course". Mr. Farrell's narrative includes an incident which does not occur elsewhere, an actual assault by a police dog set on him by the military dog handler. Mr. Farrell said that the dog had torn to shreds the back of his coat on the left-hand side. A member of our staff has seen in the *Sunday Times* office a coat which was sent to the paper as being Mr. Farrell's. It had a tear on the left-hand side of the rear vent. The *Sunday Times* said that forensic tests were carried out on the coat to see if any residues of dog saliva remained on it; but the coat had been too recently dry-cleaned to enable any result to be achieved.

241. We refer to the evidence in relation to dogs recorded under the heading of the "obstacle course". It is agreed by the Army witnesses that the dogs when on a leash and under close control would not only bark but might also snap at people who approach their handlers too closely. All the witnesses we heard, dog handlers and escorts alike, denied that there had been any case where a dog had been close enough to an arrestee to enable the dog to succeed in an effort at biting or seizing clothing.

Conclusion

242. We make no finding, for we cannot resolve the conflict of evidence here. The torn coat is not supported by any oral evidence to us from Mr. Farrell or anyone else, and all the witnesses we saw, deny that any dog was close enough to tear it.

William Gilmore

243. Mr. Gilmore was alleged to have been roughly treated on arrest, in Londonderry, and to have been shot in the stomach at close range with a rubber bullet. Reports of the arrest appeared in the *Irish Independent* of the 18th August, and of the shooting in the issue of *Private Eye* dated the 10th September.

244. We heard evidence from five members of the security forces: the officer in charge of the prisoner collection point to which Mr. Gilmore was brought; the medical officer who there examined Mr. Gilmore; the warrant officer who was in charge of the arrest; a non-commissioned officer who was a member of the arrest party; and a private soldier who had a riot gun and who fired a baton round.

245. The course of events described to us by these witnesses was as follows: The arrest party consisting of the warrant officer and 9 men with a driver went to the street in Londonderry where Mr. Gilmore lived. On arrival they saw a group of rioters at the other end of the street. They dismounted, and the driver was told to turn around the vehicle, a 4-tonner. The private soldier with the riot gun was left to guard it. Mr. Gilmore's house was one of a row of pre-fabricated dwellings set back from the street down an alley way. The warrant officer stationed men at the back and the front of the house and took 4 men with him to effect the arrest. Two men were found in the house, Mr. Gilmore and a younger man. Both men were arrested. As they left the house the rioters were some 40 yards away. The warrant officer anticipated heavy stone throwing and possibly petrol bombs, with the possibility of sniper fire. He divided his party into two. He sent off the younger man with a party under the non-commissioned officer. This party ran from the house. Visibility was poor, but they came under a volley of bricks and bottles from the approaching rioters. After the first volley of stones the warrant officer started off with the remainder of the party. He was on one side, Mr. Gilmore in the centre, and another soldier on the other side. The rioters were by now 25 yards away. The warrant officer heard Mr. Gilmore groan just after they had started, and assumed he had been struck by a stone.

246. In the meantime, at the lorry the young private soldier with the riot gun was watching with some concern for the return of the arrest party. Visibility was poor, and it was impossible to distinguish detail at more than 25–30 yards. At the first approach of the rioters he fired one baton round in their general direction. They drew back a little. Just after he had fired, the first arrest party returned to the lorry. He assumed the young man they had with them was the intended arrestee. As they got aboard the rioters approached again. He discerned three shapes, whom he assumed to the rioters, coming close. He fired a baton round in their direction. They continued to approach and with some consternation he recognised the warrant officer. Mr. Gilmore was groaning and holding his left side.

247. At Ebrington Barracks in Londonderry, the prisoner collection point, the warrant officer learnt that Mr. Gilmore was in severe pain. He was lifted into the barracks, and the officer in charge immediately sent for the medical officer. The medical officer had been watching arrivals and as soon as he saw Mr. Gilmore being carried in he fetched his bag, and was at hand at once. He found serious bruising on the left part of the abdomen and left hip. He anticipated the danger of some kind of internal injury, and arranged for Mr. Gilmore's admission to Altnagelvin Hospital for X-ray. He understood that he there had undergone an operation for a ruptured small bowel.

248. After seeing Mr. Gilmore to the medical officer, the warrant officer returned to the arrest party. The private soldier admitted to him that he had mistaken the warrant officer's party for rioters. At the range he fired, the round might have struck any member of the party. The warrant officer told us his party was wearing flak jackets, but no web equipment. There were no clear recognition marks. He confirmed visibility was poor: on turning out of the alleyway, the lorry was not visible at the end of the road. There were no street lights.

Conclusion

249. There is a clear conclusion in this case. Mr. Gilmore did indeed suffer ill treatment, but certainly not brutality: for the damage was done by accident, the cause being a mistake on the part of the soldier who fired the rubber bullet, without any suggestion that his object was to hit, still less to hurt, the arrested man.

250. The remainder of the evidence shows that no time was lost in getting Mr. Gilmore into medical care.

Joseph Hughes

251. Mr. Hughes complained that at the time of his arrest in Belfast he was pulled by the hair into the street, batoned and kicked; he was made to run 400 yards in bare feet, then forced to lie face down in a lorry where he was again kicked and where a soldier inflicted a stomach wound with his gun barrel. He refers also, without details, to other assaults, to being forced over the "obstacle course", and to being released late on the 10th August (see paragraphs 120–136 and 137–148).

252. Reports of these complaints appeared in the *Irish Times* of the 16th August, the *Daily Telegraph* of the 17th August, and the *Irish Independent*, the *Irish News*, the *Irish Press* and the *Irish Times*, all of the 18th August. A copy of a statement signed by Mr. Hughes was forwarded to us by the Chief Constable of the R.U.C., to whom Mr. Devlin, M.P. had sent it for investigation; another copy was sent by the Association for Legal Justice to the Home Office.

253. We heard evidence from 6 members of the security forces. The sergeant in charge of the arrest party told us that at first Mr. Hughes had refused to leave the house. He seized him in a hold that involved grasping the hair and an arm, and took him downstairs. He then handed Mr. Hughes over to a junior N.C.O., who took him by a similar hold and ran him to a rendezvous 400 yards distant at the vehicle of the arrest party.

254. The hold used was demonstrated by the N.C.O. on our Chairman, and we were told that it is a regular hold known as the "Kado" which had been taught to him for use on such occasions. All those involved denied the allegation that Mr. Hughes had been kicked or struck with a baton. They all agreed that he was made to run and that he was barefooted. Mr. Hughes was arrested in Butler Street and there was need for particular haste to get clear before a hostile crowd had formed.

255. It was agreed that all the prisoners of whom Mr. Hughes was one had been required to lie on the floor of the 4-ton Bedford vehicle in which Mr. Hughes was taken to Girdwood Park. There were 9 prisoners in this vehicle and they had plenty of room to lie down. Blankets were put over them. Between 6 and 10 soldiers were in the lorry sitting on the side benches or with their legs over the lowered tail board. It was denied that Mr. Hughes had been struck with a rifle butt and we were told he could not have been struck with a rifle barrel in the stomach because he had been lying on his front.

256. There was no record that Mr. Hughes had received any treatment at Girdwood Park, and no complaint is recorded in the reception records. Mr. Hughes was released late on the 10th August and not moved into detention so that for him we have no medical record of his condition on entry into detention at Crumlin Jail.

Conclusion

257. The complaint of being pulled by the hair into the street, we identify with the "Kado" grip which the arresting soldier admitted he used. The effect of the grip on the subject can be harsh, but it is a recognized method for the controlled use of force, and the evidence gave us the impression that in this case the arrester used no more force than was necessary to get the arrested person to move with the urgency that the situation required.

258. As to Mr. Hughes' experiences in the lorry, it is clear that he had an uncomfortable journey, but in view of the conflict of evidence we can make no finding on the allegation of assault during the journey, beyond noting the absence of any evidence of complaint of injury or treatment for injury at Girdwood Park. This is another case where we have regretted that the Girdwood admission system has not provided us with medical records of the condition of arrested persons on their arrival.

Thomas Gerald Johnston

259. Mr. Johnston complained that he had been made to walk on barbed wire and been put in a compound at Albert Street in the

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course of being moved after arrest at his home in Albert Street to Girdwood Park. His complaint was published in the *Irish Times* on the 20th August.

260. Mr. Johnston's complaint is comparable with that of Michael Oliver Brady in paragraphs 182–190 above. When taking evidence about conditions at Albert Street, we had the complaints of both men in mind but there is nothing in this case to add to the evidence already recorded.

Conclusion

261. The conflict of evidence, which we cannot resolve, is that Mr. Johnston says he was made to walk on barbed wire, while the army witnesses say he had to move between rolls of barbed wire. Either way he seems to have come to no harm, if we may rely on the evidence that he did not complain of hurt on admission to Girdwood Park or ask for medical attention there.

Eamon Kerr

262. Mr. Kerr, who was arrested in Belfast, complained that at Girdwood while still on the transport awaiting reception cigarettes were stubbed out on the back of his neck, and while on the "obstacle course" he was made to walk in bare feet on tacks strewn on the ground, and poked and struck with batons. Reports of the complaint appeared in the *Irish Press* on the 18th August and the *Irish Times* on the 20th August. (Mr. Kerr's complaint about the "obstacle course" is considered together with similar complaints at paragraphs 120–136.)

263. In relation to the stubbing out allegations only, we took oral evidence from 4 witnesses and saw the documentary evidence recording his reception at Girdwood and the medical record of his reception into Crumlin Jail on the 11th August after a detention order had been served upon him.

264. We saw two members of the party that had arrested Mr. Kerr, an N.C.O. and a private soldier. The N.C.O. had accompanied Mr. Kerr throughout this journey to Girdwood from the point of arrest. He said that after arrest Mr. Kerr had first been taken to Mulhouse Street and thence in an armoured vehicle with 3 other arrestees to Girdwood. On the journey there had been himself and 3 other soldiers with the arrestees. The N.C.O's position in the vehicle had been on the left-hand side at the back, and from there he had had a clear view inside the vehicle at all times. No-one had smoked during the journey to Girdwood. It was not true that anyone had assaulted Mr. Kerr in any way, or put a cigarette close to him or stubbed any cigarettes out on his neck. The N.C.O. spontaneously informed us he had "given him a mouthful", i.e. had abused verbally, but he characterised the stubbing out allegations as ridiculous and untrue. We were particularly impressed by this witness.

265. The private soldier we saw, said he had not accompanied Mr. Kerr in the vehicle to Girdwood but he had been a member of the arrest party and he had travelled to Girdwood simultaneously with the vehicle (although not in it because it had been full) and arrived at the same time. At Girdwood the whole arrest party had escorted Mr. Kerr and the other arrestees to the building. On the brief walk there from the transport, the soldier had been behind Mr. Kerr. The latter he had not heard to complain or say anything at all. Nobody had been smoking in the back of the vehicle when he had got there to join the party. He knew nothing about cigarettes being stubbed out on the back of Mr. Kerr's neck nor had he heard any talk of it. Since he had walked behind Mr. Kerr to the building he thought he would probably have noticed anything wrong with Mr. Kerr's neck if there had been a visible wound.

266. The R.U.C. officer who recorded Mr. Kerr's particulars on reception in Girdwood produced to us a copy of his entry in the reception book about Mr. Kerr. This showed that no complaint by Mr. Kerr had been recorded on his arrival at 0640. The officer told us he had asked all arrestees who had come before him whether they had a complaint and he would have recorded anything they said.

267. As regards the medical evidence, the medical officer on duty at Girdwood did not see Mr. Kerr and, so far as we have been able to establish, Mr. Kerr was not treated there. The prison medical officer who examined him on admission to the prison proper on the 11th August recorded in an entry we have seen that Mr. Kerr had superficial burns to his neck and that they were to be dressed. This doctor told us there were two small superficial burns and in all they received several dressings. He recollected Mr. Kerr claiming to him that the burns had been caused by cigarettes held to the neck. Although the burns were small, they were consistent with Mr. Kerr's claim.

Conclusions

268. This is a case of conflicting evidence which cannot be reconciled by us. The report of the prison medical officer indicates that on reception in the prison on the 11th August, Mr. Kerr carried two small superficial burns to his neck, and it was the doctor's opinion that these were consistent with Mr. Kerr's claim to him that they had been caused by cigarettes held to the neck. On the other hand, we have the denial of Mr. Kerr's arrest escort that they did it to him. Their denial is supported by the evidence that Mr. Kerr on entering Girdwood on the 9th August within minutes of the alleged assault showed no sign of having undergone what, if the allegation is true, was a recent and very painful experience, and by the evidence that he made no complaint of it either to the reception officer or to the medical officer. The possibility cannot therefore be excluded that the burns took place before Mr. Kerr was arrested.

269. We regret, therefore, that we are unable to reach a positive conclusion in this case.

Thomas Largey

270. Mr. Largey, aged 53, complained that on arrest in Belfast he was dragged downstairs by the head and forced to run about half a mile to a lorry. On arrival at Girdwood he was deprived of his shoes and searched. During the search a soldier stamped on his feet and a later request for treatment of his feet was ignored. Reports of this complaint were published in the Irish Press and the Irish Times both of the 18th August, and we also received a copy of the statement Mr. Largey made to the Association of Legal Justice.

271. We took evidence from 7 members of security forces including the N.C.O. in charge of the arrest party and members of the R.U.C. who dealt with Mr. Largey at Girdwood. Documentary evidence included a record made at the time of his arrival at Girdwood after arrest.

272. The N.C.O. in charge of the arrest party told us they had had to force entry to Mr. Largey's house after a woman's voice had said that they would not be let in. In the house they had been met by a woman, understood to be Mrs. Largey, who had attempted to obstruct the N.C.O. as he had gone upstairs. Although Mr. Largey himself came peacefully on arrest, Mrs. Largey continued to obstruct and abuse the soldiers on the way out of the house. Mr. Largey had come downstairs of his own accord between the N.C.O. and another soldier; there had been no need to use force nor had he been dragged down by the hair of his head. Downstairs Mr. Largey had picked up his jacket and outside the party had moved off at some speed down the road with a soldier on either side of Mr. Largey. The total distance of this transport had been, the N.C.O. estimated, between 600 and 700 metres but they had only run from Mr. Largey's house as far as the Crumlin Road—a distance of 200-250 metres—and Mr. Largey had been shod. The N.C.O. was clear the distance had been as little as 200-250 metres only and not the half mile Mr. Largey had alleged. The latter had not seemed unduly distressed by the run. Like the soldiers he was out of breath. On arrival at the rendezvous at Woodvale Drive Mr. Largey had been helped up on to the 4-ton lorry. The junior N.C.O. of the arrest party confirmed his senior's account to us. He added that the only force that had been used was to hand off Mrs. Largey. The soldier was not clear in his evidence to us about what exactly had occurred on leaving the house, specially who had been holding on to whom. The distance they had run after leaving the house was rather less than half a mile. After running it they had all been puffing and panting.

273. The private who had been a member of the arrest party confirmed to us the account we had already received of the entry to the house and that no force had been used to get Mr. Largey downstairs. He added that Mrs. Largey had shouted a lot and called the soldiers names. One of the reasons why, on leaving the house, the party had run the 200-300 yards through the Ardoyne had been because Mrs. Largey had been shouting. The private accompanied Mr. Largey in the 4-ton lorry to Girdwood, where the man simply climbed off the back and had not been kicked out. Once Mr. Largey had got off the lorry, military police had taken over but before he got off Mr. Largey had removed his shoes at the behest of the military police. None of the soldiers at the back of the lorry had used his baton on the prisoners. The witness said he himself had not a baton and only a couple of others on the vehicles had. Whilst he had had a rifle he had not prodded anyone with it.

274. We took evidence also from an N.C.O. who had been engaged on intelligence duties at the rendezvous to which the arrest party had taken Mr. Largey. This N.C.O. had also been on the vehicle upon which Mr. Largey had travelled to Girdwood. He said that when the vehicle had arrived at Girdwood they had had a walt of between 15 and 20 minutes because of the other vehicles in front of them. Because of the delay, the three prisoners in the vehicle had been made to stand against it when they got off while they waited for the men ahead to be processed through reception. The N.C.O. had seen Mr. Largey get off the truck with assistance from someone on the ground. Whilst waiting outside the vehicle the prisoners had been made to turn with their faces toward it, with their legs apart, and their hands forward upon the side of the vehicle. In this "spread eagle" position Mr. Largey had been searched but he had not been struck on the legs with a baton and no-one had stamped on his feet.

275. The R.U.C. officer who had been on reception duty at Girdwood produced to us a copy of the entry he had made of Mr. Largey's personal particulars on his arrival at 0606. He did not recollect Mr. Largey and had noted nothing in his record about Mr. Largey's condition, although he said he would have done so had there been anything unusual about it. It would have been possible for him to notice anything unusual since Mr. Largey had to walk from the door to the desk some feet away. Similarly, there was no record of Mr. Largey having complained in any way, and a note would have been taken had he done so. One of the two officers who had been concerned with interviewing Mr. Largey said he had interviewed him on two separate occasions with another officer. Mr. Largey had been in his stockinged feet and had had opportunity to complain if he wished to do so, but he had not. The officer was nearly certain he recollected asking Mr. Largey whether he had any complaints. If Mr. Largey had asked for medical attention it would have been obtained since the officer knew that it was available. The officer also said to us that he had accompanied Mr. Largey through the hole in the wall into Crumlin Jail and noticed nothing unusual about his condition.

276. There was no record of Mr. Largey having received any medical treatment at Girdwood or the Prison but with Mr. Largey in mind we took the opportunity of asking the medical officer who had bee on call at Girdwood about the arrangements for dealing with medical complaints made by men in the prison wing used as an annex to the Holding Centre before either release or detention in the Prison proper. The medical officer confirmed that the military police who were in charge of the custody of arrestees at Girdwood knew that he was standing by and they had shown no inhibitions in approaching him about medical cases. He would not have refused to attend men held in the prison wing and the question had arisen on the 10th August when two men who had been taken into the prison wing had sought medical attention. An officer had come through the hole in the wall to ask the medical officer to see the two men and he had arranged that they should be brought back for him to examine them.

Conclusion

277. This is another case in which we can make no finding because of the unresolved conflict of evidence. As regards the allegation of violence to Mr. Largey in his house during arrest, we have the account of events by the arresters pointing to conflict not with Mr. Largey but with Mrs. Largey. As regards the allegation of damage to his foot at Girdwood and disregard of his request to have it treated, we have been unable to trace the incident in the evidence of events from military and police sources. We notice the absence of any record of medical treatment, and the absence of evidence that Mr. Largey asked for treatment.

James Moore

278. Mr. Moore complained personally to us that soldiers broke into his house at Benares Street, Belfast, between 0400 and 0500 on the 9th August and while he was holding the door against them his left arm was cut in two places, in one deeply. He was arrested and tied by a string with one end round his right wrist, which was forced up his back, and the other end round his neck. He was taken to Girdwood where he was made to go on the "obstacle course". He received no attention for his cut arm, although he sought it on both the 9th and the 10th August, until late on the 10th August. He was released from Girdwood at 2300 on the 10th August when it was most dangerous to be on the streets.

279. Mr. Moore's allegations are not elsewhere reported. We have considered evidence given by Mr. Moore himself, by members of the security forces and by prison officers.

280. Mr. Moore told us that he heard a commotion in the street early on the 9th August and got up to see what was afoot. Wearing his vest and trousers he went to his front door. There his presence attracted the attention of passing soldiers. They moved towards him and he slammed the door. The soldiers then broke into his house whilst he tried to hold the door against them. His left arm was cut, he believed by a piece of flying glass. When the soldiers broke in they bundled him into the back part of the house and tied a piece of string around his right wrist. His wrist was put up his back and the free end of the string tied around his neck. He told us the string around his neck was not so tight as to cause discomfort unless he moved his arm. He was made to run to a nearby street where a lorry was waiting. Before mounting the vehicle a soldier put a bandage on his cut arm. At this point also the shoes he had put on before leaving the house were removed and put in a bag.

281. In dealing with events after his admission to Girdwood Mr. Moore described to us the move from Girdwood Park to the adjoining Prison wing which was clearly a description of the "obstacle course" mentioncd in other complaints. Mr. Moore's complaints under this head have been stated in paragraphs 120–136 above.

282. Mr. Moore said that as soon as he arrived at Girdwood, he had asked for medical attention. He had lost some blood, and blood was visibly soaking through his bandage. He received no attention. He asked again in the prison wing. The prison officer he approached told him the R.U.C. would deal with all such requesta. He said that no R.U.C officer came round on the 9th August for this purpose. He asked again on the morning of the 10th August and was told to make his request in the afternoon. He did so, and eventually was taken to Girdwood Park where he saw a doctor at, he thought, 1630 on the 10th August.

283. His complaint about ejection from Girdwood Park late on the 10th August has been stated in paragraphs 137–148 above.

284. Mr. Moore told us that he could not have been arrested as a suspect. He was a member of the Ulster Defense Regiment (U.D.R.) and had no connection with any illegal organisation. He added that he proposed to claim compensation for the events he had described to us.

285. Mr. Moore's allegations fall into 4 parts:—

(*a*) Assault on arrest;

(*b*) Taking part in the "obstacle course" at Girdwood Park;

(c) Failure to obtain medical aid for cut arm;

(*d*) Ejection from Girdwood Park into dangerous street conditions.

(a) Alleged assault on arrest

286. The army witnesses told us that Mr. Moore was not on their list for arrest. An arrest party having failed to make their arrest were going down a street towards a commotion at the far end. The last man in the squad collided with a man and fell to the ground. The soldier who fell told us that this man had jumped out of a door, knocked him over and kicked him in the stomach as he fell. He was, even so, able to see the man run back into a door, which he slammed. Other members of the squad turned back, hearing the sound of the fall. They broke into the house and the same man went for them again. They secured him by tying him with parachute cord fastened to both elbows across his back. We were told this is a standard method of tying a prisoner who has to be moved rapidly from one place to another. The military witnesses were emphatic that they had not used the method described by Mr. Moore. It was agreed by these witnesses that it might have been better not to tie an admittedly wounded arm, but we gathered from the evidence that the severity of the wound was not immediately apparent to them. The witnesses from the arrest party told us that Mr. Moore had not attempted to identify himself at the outset as a member of the U.D.R. In the vehicle *en route* for Girdwood Park, however, Mr. Moore had told the arresting soldier he was in the U.D.R and indeed that he would take the soldier to court for arresting him. They did not believe him at the time.

287. The evidence of the arresting party was given to us after we had heard Mr. Moore. Having heard them we asked Mr. Moore for his comments on the assertion that he had assaulted and kicked the soldier. He strenuously denied that he had done so.

(b) "Obstacle course"

288. We examine Mr. Moore's evidence about the "obstacle course" in the section of our Report that deals with the group of complainants concerned with this incident (paragraphs 120–136 above).

(c) Medical attention

289. We refer to the evidence concerning responsibility for arrestees held in the prison wing which we report in the cases of Mr. Brendan Anderson and Mr. Largey (see paragraphs 162 and 276). It appears from the evidence of the R.U.C. that no formal sick parades were held for Girdwood men held in the prison wing on either the 9th or the 10th August, and no routine had been established by which arrestees were to report sick. The R.U.C. officers on duty had not thought it necessary to announce that requesta for medical attention would be entertained and relied on the detainees to say if they needed it. As regards medical attention at Girdwood itself, we heard from one of the medical officers on duty at Girdwood Park and from an N.C.O. who was concerned with the reception of prisoners, that no formal sick parades were held at Girdwood Park. Both, however, felt that as a medical orderly was continuously present in a room used for medical treatment and as the medical officer (who from his bag would have been recognised as a doctor) frequently visited the room, no arrestee should have been in any doubt where he should go if he needed treatment. We were told that announcements concerning medical treatment were made to groups of arrestees.

290. We heard evidence also from the R.U.C. officer on duty at the reception desk, who had noted in the entry record for Mr. Moore: "left arm bandage bleeding". He told that he did not know what medical arrangements were in force at Girdwood Park and had not been told in his preliminary briefing. It was not part of his duty to refer injuries to a medical officer although if he had seen a man who was apparently seriously hurt he would certainly have tried to get medical attention for him.

291. The medical officer confirmed that he had treated Mr. Moore at about the time alleged, late in the afternoon of the 10th August. In his note he recorded "complains of laceration left fore-arm—36 hours old RX: suture, tet tox, penicillin". The medical officer recalled that the cut was gaping and needed stitching. He had not noted the number of stitches, but agreed that it may well have been four. (The scar and marks on his arm which we examined when we saw Mr. Moore were consistent with the insertion of four stitches.) The medical officer, when we asked why Mr. Moore had not sought treatment if it was clearly available, replied that he thought he was a matter-of-fact and stoical individual who would have treated it as merely a scratch, and would not have made much of it perhaps until he looked at it on the morning of the 10th and had realised that the cut was gaping and required stitches.

(d) Alleged ejection from Girdwood

292. This part of Mr. Moore's complaint is covered by that section of our Report where we deal with the allegations made by him and several others about the arrangements for men released late on the 10th August from the Clifton Park Avenue Gate of Girdwood (see paragraphs 137–148).

Conclusions

293. As we have said, Mr. Moore appeared before us to substantiate his allegations. By his own choice he was not legally represented. Our conclusions on his allegations are as follows.

294. We formed a favourable impression of Mr. Moore. We do not think that he assaulted the soldier outside his door. No doubt some person did so, but in the prevailing circumstances, and in the dark, a mistake of identification of the assailant could easily take place. We are disposed to believe that he was tied in the way he recounts and would comment that if it was thought necessary to tie him it was better to do so this way than to tie his injured and bleeding arm. Altogether we think that Mr. Moore was arrested by mistake; it is

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clear that the cut to his arm from broken glass was caused accidentally when the door was broken down in the course of arrest. Mr. Moore underwent a considerable degree of hardship. But he was not treated with brutality.

295. As regards the failure to obtain medical aid, it is common ground that the gash in his arm was serious and should have had medical attention. We have taken account of the evidence of the opportunities he had to ask for medical attention, both at Girdwood Park itself and while in the prison wing. Against that we have Mr. Moore's evidence, which we believe, that he did ask for medical attention (*a*) on reception into Girdwood Park on the morning of the 9th August, (b) in the prison wing later on the 9th August, (c) on the morning of the 10th August, and did not get it till the afternoon of the 10th August. We find that Mr. Moore suffered hardship, not from intentional ill-treatment but through deficiencies in the systems of communications at Girdwood and through avoidable neglect.

296. Our conclusions regarding Mr. Moore's part in the "obstacle course" and release from Girdwood late on the 10th August, are in paragraphs 133–136 and 148 above.

Felim O'Hagan

297. Mr. O'Hagan, aged 16, was arrested at Lurgan. His mother, Mrs. O'Hagan, complained that her son, although he made no resistance at the time of his arrest, was pulled out of the house with his arm twisted up his back and struck with a baton across the shoulders. The allegations we saw were a copy of a statement it was said Mrs. O'Hagan had made to the Association for Legal Justice.

298. We saw two witnesses, both members of the arrest party. The first, the private who had actually effected the arrest, said that they had had to force entry by smashing a pane of glass after Mr. O'Hagan's mother had refused to open the door. With others, the soldiers had gone into a downstairs sitting room where he had seen a youth sitting clothed in a chair. The soldier had been instructed by the N.C.O. in charge of the arrest party to arrest the young man. The soldier thereupon asked the youth to come along with the party but the youth had not replied and had not made any move. The soldier then said he had put Mr. O'Hagan in an arm-lock which he demonstrated before us on our Chairman. For reasons that the demonstration made clear, the lock had been successful in making Mr. O'Hagan leave the sitting position and accompany the arrest party. The young man had been plainly frightened by the proceedings. He had said nothing himself although his mother kept on shouting that the soldiers had got the wrong man. It had been necessary to maintain the armlock outside the house because it appeared that even then Mr. O'Hagan was reluctant to accompany the soldiers. The soldier told us that both he and all the other escorts had had batons but he had not used his on Mr. O'Hagan. The allegation that the young man had been pulled with the arm twisted up his back was an incorrect description of what had happened.

299. The N.C.O. in charge of the arrest party told us that he had had orders to arrest three men in Mr. O'Hagan's house. He had had photographs of all the three and it had been plain on getting into the house that none of them was there. The N.C.O. had then gone out of the house to take direction from his superior officer explaining that the only male in the house was Mr. O'Hagan. The officer ordered that the youth should nonetheless be taken along.

300. The N.C.O. said he had repeated the words of arrest to Mr. O'Hagan who had made no response and had continued to sit in the armchair. He had heard the soldier ask Mr. O'Hagan to accompany the troops but Mrs. O'Hagan had told the youth to remain where he was. The N.C.O. was sure that had Mr. O'Hagan gone when first asked there would have been no trouble but it appeared he was trying to follow his mother's directions. When the soldier from whom we had taken evidence approached Mr. O'Hagan to take him into custody the later had shied backwards and the chair he was sitting in had fallen over. The soldier had then assisted him to stand, simultaneously putting on the arm-lock. The party had then proceeded out of the house walking, without any special measures being taken to propel Mr. O'Hagan along even though his mother tried to hold him back. No batons had been used at any time during the arrest and the whole proceedings had been within the N.C.O.'s view. There had been no need to use excessive force as Mr. O'Hagan was obviously frightened and the arm-lock largely a formality.

Conclusion

301. The allegation of the "arm twisted up his back" is identified as the arm-lock which the arresting soldier said he used. The application of this lock, a controlled use of force, is only painful if resisted. We do not think it was used with the object of hurting, but only to the extent, which according to the evidence was small, required to make the arrested person comply.

302. We cannot resolve the conflict between the allegation of striking with a baton across the shoulders, and the witnesses' assertions that they had not used batons at any time during the arrest.

George Patrick O'Hara

303. In a statement taken by a solicitor Mr. O'Hara, who was arrested in Belfast, complained that at Girdwood he was taken to a helicopter which had just landed some detainees and he was taken up in it, bound, by two military policemen who threatened to throw him out at tree-top level and, indeed, held him half out of an open door. Despite its rather different nature, we are satisfied from the evidence that we have described elsewhere that this case stems from the incident that we described above under the "Helicopter Incident" (see paragraphs 106–119 above).

304. The evidence that we outlined there was unanimous in stating that no helicopter ever took off during the operation with the arrested men aboard or that there were members of the security forces inside the helicopter other than the R.A.F. crew member.

Conclusion

305. No other arrested man made a similar allegation. While we can reach no determination without seeing the complainant, we should be surprised if this allegation proved to be well-founded.

Richard Rodgers

306. Mr. Rodgers complained that after his arrest at Newry at 0430 on the 9th August he was punched and struck with batons and gun butts both in a vehicle *en route* for a collection point at Newry, and later on the way to the helicopter that was to take him to Ballykinler. He complained also that at Ballykinler he was forced to perform exercises with which we have dealt above. A report of these complaints appeared in *The Times* of the 26th August.

307. We took oral evidence from two members of the security forces who had been concerned in the arrest and transport of Mr. Rodgers. We examined the record of the medical examination carried out on Mr. Rodgers' admission to the Ballykinler Holding Centre.

308. The army witnesses, a junior N.C.O. and a private soldier, denied using any force on the complainant. He had not resisted arrest and had in fact been co-operative. It was not necessary to restrain him in any way, nor to force him to leave his house or enter the army vehicle.

309. On admission to Ballykinler, no cuts, bruises or marks were found on medical examination, and Mr. Rodgers signed a statement certifying that he was in good health and had sustained no injury.

Conclusion

310. We record the evidence given by the military witnesses that they had not used force on him or needed to do so. This evidence is supported by the record of Mr. Rodgers' medical examination on entry into Ballykinler and his own certificate given on entry that he had sustained no injury. We doubt whether these allegations can be sustained.

Desmond Smith

311. Mr. Smith, who was arrested at Bessbrook, County Armagh, complained of his treatment at Ballykinler Camp and commented adversely on his treatment at Musgrave Park Hospital. Our investigation concentrated on the complaints relating to Ballykinler, in particular that on arrival he was pushed out of a helicopter before it had touched down, when it was six feet from the ground; that after admission he was made to perform hard exercises; that at first he was refused any place or opportunity to relieve himself, and that when eventually taken out for this purpose was given insufficient time; that when he could not perform the exercises he was beaten and had water thrown over him; and that when he went into a convulsive fit a military policeman pushed a knife into his mouth with such force that several back teeth were smashed and the blade of the knife snapped in two.

312. We have dealt above with the complaint about exercises. In relation to this and the other complaints, we heard evidence from a specialist, the medical officer, and 7 members of the security forces including 1 police officer.

313. In relation to the helicopter journey Mr. Smith commented that he and others had been kept in the draught of turning rotor blades before boarding, and he complained that on arrival at Ballykinler, he and other arrestees on board had been pushed from the helicopter before it touched the ground.

314. We heard evidence from an N.C.O. who was one of the helicopter escort party. He told us that no-one was deliberately kept in the slipstream of the rotors before boarding, though they might have had to wait for a short time for the signal from the crewman that it was safe to board. He confirmed that in that period the engine and rotors would have been operating in accordance with normal procedure, but denied that the result would cause any hardship. The escorting N.C.O. also denied that any men had been pushed from the helicopter before it touched down and said that he was the first to leave it when it had done so.

315. Mr. Smith made a number of complaints about toilet facilities at Ballykinler, in particular that to start with all the arrestees were refused permission to relieve themselves, to the point where a number of them urinated on the floor. Then he says a hole was dug outside, but when Mr. Smith asked to use it, he was hustled out by two military policemen, and back again before he had had a chance to relieve himself, so that on his return he wet himself.

316. We heard in evidence from the army witnesses that the distance from the huts to the ablutions hut was 100–150 yards. In the early stages a journey to this hut involved taking each arrestee there under escort. Later on latrines were prepared between the huts with pits and buckets, to which arrestees could more conveniently be taken to urinate. We heard from one witness that anyone who wanted to relieve himself had been allowed to do so, and to take what time he required. Another witness told us of one occasion when arrestees had been hastened. On the 10th August, the platoon coming on duty at 1200 had to see the arrestees had a meal, a visit to the ablutions hut and a final interview before 1500. The soldiers also had to be fed. As some 90 arrestees were involved, they had been required, unless ill or elderly, to run to the ablution hut and back.

317. Mr. Smith then complains that he was subjected to an increasing degree of ill treatment until he had a fainting fit, when he was pulled out of the hut by the hair and had a bucket of water thrown over him. The military witnesses say that a bucket of water was tipped over one arrestee, not Mr. Smith, who began shouting at the top of his voice and who continued to do so after he had been placed in a hut by himself to calm down. There is no evidence other than his own statement that Mr. Smith received the same treatment. Mr. Smith says he was unconscious at the time, and is repeating what others told him.

318. This episode was followed according to Mr. Smith by his having an attack of epilepsy. He says that according to other onlookers a military policeman pushed a knife into his mouth so hard that is smashed several back teeth, and the blade was snapped in two; it was withdrawn dripping with blood. He was then brought round by the doctor, who administered an injection. We have studied a number of contemporaneous medical records, and heard evidence from the medical officer and a specialist who later treated Mr. Smith. There is no doubt that Mr. Smith suffered a convulsive fainting attack. Expert medical opinion is divided on whether it was an epileptic fit, but the medical officer who was sent for and saw the closing stages of the episode had no doubt that Mr. Smith was indeed undergoing a grand mal convulsion.

319. The medical officer told us that after a quick examination, he thought it best to protect Mr. Smith from the risk of biting his tongue during the convulsion. He called for a spoon to hold the tongue down. No-one could find one, and eventually a metal-handled knife was provided from a set of Army utensils. The medical officer opened Mr. Smith's mouth, and used the handle of the knife to hold his tongue down, inserting it some 2 cms. between the front teeth. He said it went nowhere near the back teeth. After Mr. Smith had recovered from the fit he gave him an anti-convulsant drug which was taken orally. He had no injections available. Mr. Smith was then removed to hospital.

320. We have studied the medical reports made thereafter both in hospital and by the civilian medical officer on the *Maidstone*. None of them record any complaint of damage to the back teeth. In view of the history of convulsion, it would be routine to examine the mouth for tongue-biting or other injury; no injury is recorded.

321. In his statement Mr. Smith goes on to make allegations about this treatment in hospital and the conditons of his detention. The latter lie outside our terms of reference and it would not be appropriate for us to investigate or comment upon them. We do not consider that his narrative contains further allegations of physical ill-treatment.

Conclusions

322. We do not consider that there is substance in the complaint about ejection from the helicopter while it was off the ground. Apart from the denial by the escort, and his evidence that he left first, account must be taken of the standard procedure, independently controlled by the helicopter crewman, by which passengers are not permitted to leave the machine before it has landed. We think this complainant, like others, may have been misled into thinking the machine had not landed if he left while the engines were still on and the rotors turning. The reference to the height of 6 feet in the allegation may be an overestimate of the distance (about 4 feet) between the cabin floor of a landed helicopter and the ground.

323. On the sanitary arrangements at Ballykinler, we recognise the conflict of evidence between the complainant and the military and police witnesses. We can only report the evidence we have received in reply to the allegations, and make no finding other than to say that we had no adverse comment on the sanitary arrangements at Ballykinler from the medical officer.

324. There remains the complaint of maltreatment in connection with what we consider, on balance, to have been an epileptic fit. Here the evidence of the medical officer refutes the allegations, and shows that treatment was promptly and correctly given.

John Dermot White

325. Mr. White complained that, after his arrest at Londonderry, he had been kicked and beaten *en route* for Magilligan Camp; that at the camp he and the other detainees had no food until 1900 on the 9th August, having been arrested at 0430, and when it came it was of poor quality; at the camp he and the others were kept awake by soldiers who beat on their hut with batons; and that he was interrogated in three 3-hour sessions, and then was threatened unless he cooperated.

326. Mr. Boyle also complained he was not fed for a long time, and that the food was of poor quality.

327. These complaints were reported in the *Irish News* of the 12th August and the *Evening Standard* of the 11th August. The *Evening Standard* quoted Mr. White as saying that on arrest he was taken away wearing only his underpants, and that he had marks on his leg to substantiate the complaint of beating.

328. In relation to Mr. White's complaint of ill-treatment on arrest, we heard evidence from 5 members of the arrest party including a captain and a warrant officer. They said that Mr. White did not resist being taken from the house, though his brother was prevented from leaving it. Between the house and the arrest party's vehicle, Mr. White attempted to dig his heels in to prevent or slow down forward progress. A riot situation was developing and people were throwing bottles and stones. The troops went as quickly as they could. Mr. White's resistance was overcome by two soldiers who took one arm each, and lifted him, not quite clear of the ground but so that his feet could not grip well enough to resist forward progress. We established the identity of one of these soldiers, but there was a conflict of evidence as to the identity of the other. The escort party say that, although no violence was used, Mr. White was admittedly pushed into the vehicle, an armoured personnel carrier, and made to go to its front. They were unable to account for the superficial injuries from which he was later found to be suffering.

329. The witnesses say that Mr. White was fully dressed but for his jacket when first encountered in his house. He was not then nor thereafter only in his underpants. We have seen a photograph taken on arrival at Magilligan Camp. It is a half-length picture of Mr. White, and he is clearly wearing a shirt, tie and trousers. Mr. White first was taken to Ebrington Barracks, Londonderry. Thence with other arrestees he went by van to Magilligan Camp. One member of the arrest party went to the Camp in a land rover in convoy with the van. He told us that Mr. White was at this stage quite co-operative, and there was no occasion on this journey on which he might have received abrasions or bruises. At Magilligan Camp he is not recorded as making any complaint, and the medical officer who examined Mr. White found that he had a "few superficial injuries" specifying "abrasions—medial aspect left knee; right scapular region; right elbow".

330. In relation to the supply and quality of food Mr. White's complaint is joined with that of Mr. Boyle (see paragraphs 177–181 above). We heard evidence from two witnesses, a captain who is a quartermaster of the unit on duty at the camp, and a warrant officer in the Army Catering Corps. They told us that cooks from the infantry unit had started work soon after the unit's arrival, that tea was soon available and a breakfast meal had been served in the morning. We were told that arrestees were not served breakfast. From 1100 a mid-day meal was served, consisting of meat and vegetable stew from tins, and tea. This, as for soldiers and police, was available to the arrestees. Many came through late for lunch, which in practice merged with the evening meal which commenced at 1700. This, also, given to the arrestees, consisted of steak and kidney pudding, hamburgers, meat pie and three kinds of pudding. Neither witness could understand the allegation that arrestees had not been fed until 1900. No permanent record was however available to show whether an individual arrestee was offered a meal at a given time.

331. We heard evidence from the senior officer at Magilligan Camp and from a warrant officer that no noise had been made deliberately to keep men awake. It was agreed that some disturbance might have been caused by men being taken out for questioning. With regard to the use of batons to make noise, we noted the evidence of another arrestee that batons had been rapped on the outside of his hut at 0630 by way of sounding reveille.

332. In relation to the complaint Mr. White made about his interrogation, we heard evidence from the two police officers responsible. They had recorded the times interrogation began and ended. There were three periods, at the following times:—

on the 9th August, 0920–1010 and 1500–1550;

on the 10th August, 1105–1255.

They denied that they had uttered any threats or raised their voices. The only complaint Mr. White made, during his first interrogation, was that he was cold. They gave him a blanket to put around his shoulders.

Conclusion

333. We think the photograph mentioned above refutes the report that Mr. White was arrested and taken away clad only in under pants. It would appear from the evidence of abrasions to his left knee, right chest and right elbow that he had suffered some rough handling and we think this is likely to have occurred between arrest and arrival at Ebrington Barracks. Whether this was accidental, or whether, as Mr. White alleges, deliberate we cannot determine.

CHAPTER VII

Medical arrangements

334. There is one area in which our investigations have enabled us to identify and comment on a general feature of the operation, namely the medical arrangements. We think that a detailed consideration of the organization and administration of the necessary medical arrangements should have been included in the preliminary planning of the arrest operation and that the senior medical staff officer (in this case, the Assistant Director of Medical Services) should have been brought in at this stage. This would have insured that, at the appointed hour, medical officers posted to the various stations would have had comprehensive instructions as to the nature of their duties and, more important still, these instructions would have embraced all the stations involved so that arrestees, wherever they were, would have been the subject of a considered and consistent scheme of medical care and record.

335. In the event, the senior medical staff

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officer (A.D.M.S.) was not in on the preliminary or the planning stage (and, indeed, was unaware that the operation was taking place till it was in progress). The medical officers concerned were sketchily briefed by non-medical staff officers a few hours before the exercise was due to take place. Each had to make his own *ad hoc* arrangements and decide for himself on the time, the nature and extent of his examinations of arrestees and on the machinery necessary in order to deal promptly and adequately with those reporting sick. Inevitably, therefore, the medical organization varied from area to area and was uncoordinated. One result of this lack of central direction was that no consideration seems to have been given to including in the procedure a medical examination of each arrested man on discharge from the Regional Holding Centre as well as on entry to it.

336. Girdwood in particular suffered from this lack of attention to medical planning. There were two medical officers, neither of whom appeared to know that the other existed until they met by chance. Moreover, owing to the rescinding of a Brigade Administrative Order no medical examination took place either on admission or discharge from the camp.

337. Those transferred to Crumlin Jail were covered by the prison doctor, who examined all detainees on reception, but this did not include those discharged from Girdwood back to their homes, and it does not seem to have been understood whether or not the prison doctor was available to give medical attention to arrested persons while in the wing of the Jail used as the annex to the Holding Centre.

338. We accept that it would have been difficult for the two medical officers at Girdwood, even if they had been informed of each other's existence, to cope with their duties to the soldiers fighting in the streets, to the civilian population and at the same time to have examined all the arrested persons, but it should have been possible for the A.D.M.S. (had he known of the exercise in time) to have made arrangements for other doctors to cover these "in and out" examinations.

339. We particularly regret the rescinding of the instruction for the medical examination of each arrested person on arrival at Girdwood. Its omission at Girdwood has had the result for our Enquiry, that as regards allegations from arrested persons taken to Girdwood, we are without the systematic medical records that we have for complainants who went into Ballykinler and Magilligan. But the importance of the system lay in the need to ascertain for each arrested person whether he was fit for the experience of being questioned and held in detention and to ensure that his condition was known on entry, and medical attention given if needed. The requirement for such a system was as great, if not greater, at Girdwood as at the other Regional Holding Centres.

340. Generally, therefore, there appears to have been an insufficient awareness of the medical hazards involved in this type of operation. Nevertheless we record our commendation of the medical officers concerned for the efficient manner in which they carried out these unexpected duties.

ENQUIRY STAFF

341. Mr. R. M. Morris of the Home Office was our Administrative Secretary for the whole of our Enquiry. Mr. C. G. Leonard of the Treasury Solicitor's Department was our Legal Secretary for the first week, when Mr. J. L. Heritage of the same Department succeeded him.

342. They have maintained the highest standards of ability, judgment and good temper throughout the two months of sustained and concentrated work that they have done for us—first in setting up our Belfast Office and establishing our communications; then in organising our casework, briefing us and recording the evidence given to us by 143 witnesses over 17 hearing days, as well as the numerous occasions when they have joined us in our deliberations; and not least in assisting us to prepare this Report. We have exploited them, and they seem to have enjoyed it. We now express our thanks and our admiration for such outstanding service.

343. We are no less grateful to the supporting secretariat, consisting at various times of two or more of the following:—Sylvia Barclay, Margaret Bark, Christine Barwick, Isabel Lewis, and June Thomas.

They have served for long hours and over weekends as a matter of course, and have known no limit to their capacity for hard work of the highest class. We thank them warmly, and we are the more grateful for their unfailing cheerfulness.

CHAPTER VIII

Summary

The arrest and detention operation with which we are concerned, relates to 342 men arrested on the 9th August and subsequently released (105 men) or detained (237 men).

The operation was in two parts:—

(*a*) Arrest and movements to one of three Regional Holding Centres—Ballykinler, Magilligan and Girdwood Park.

(*b*) The process of identification and questioning, leading either to release or movement into detention at the *Maidstone* or Crumlin Jail.

We have investigated allegations made by 40 of the men arrested on the 9th August. Except in one case, the complainants have not appeared before us to substantiate their allegations. One has communicated with us in writing; in other cases we have acted on complainants' statements published by the Press or otherwise transmitted to us.

In the course of our investigation we have had full disclosure of contemporary documentation by the army and police, and we have made particular use of the medical records for testing allegations of physical ill-treatment. We have visited the three Regional Holding Centres and the two places of Detention, the *Maidstone* and Crumlin Jail. We have taken oral evidence from 95 army, 26 police, and 11 prison personnel, and from 11 doctors.

We report on 5 groups of allegations and 20 individual allegations.

Our investigations have not led us to conclude that any of the grouped or individual complainants suffered physical brutality as we understand the term.

As regards the group allegations:—

Group 1—Questioning in Depth (11 names)

We consider that the following actions constitute physical ill-treatment; posture on the wall, hooding, noise, deprivation of sleep, diet of bread and water.

Group 2—Helicopter Incident, Girdwood (6 names)

We criticise the action taken to force the complainants to take part in this deception operation and consider that the physical experience of these men constitutes a measure of ill-treatment.

Group 3—"Obstacle Course" Girdwood (12 names)

We conclude that the men concerned may have suffered some measure of unintended hardship.

Group 4—Lake Releases on the 10th August, Girdwood (3 names)

Given the conflict of evidence we make no findings, but draw attention to the evidence that men released from Girdwood were not made to leave and that some stayed.

Group 5—Special Exercises at Ballykinler (5 names)

We consider that these compulsory exercises must have caused some hardship but do not think the exercises were thought of and carried out with a view to hurting or degrading the men who had to do them.

Individual Cases (20 names)

We report 2 cases where we consider there was a measure of ill-treatment: one (Mr. Cummings) suffered from hooding and wrist bonds ordered not as a punishment but as a military precaution, the other (Mr. Gilmore) from damage done by accident. We report one case (Mr. Moore) where we think the complainant suffered hardship in that he was accidentally cut by broken glass on arrest and there was avoidable neglect in getting medical attention for him at Girdwood. In the remaining cases, the conflict of evidence has prevented a finding, or we consider that the complaint cannot be sustained.

We draw attention to defects in the administrative arrangements regarding medical cover for the arrest and holding operation generally, and for Girdwood Park Holding Centre in particular.

November 3, 1971.

Edmund Compton,
E. S. Fay,
Ronald Gibson.

APPENDIX

List of complainants

Anderson, Brendan.
Anderson, Elisha.
Auld, James.
Bennett, Henry.
Boyle, Patrick.
Brady, Michael Oliver.
Campbell, Edward Eamon.
Campbell, Gerard.
Clarke, Joseph.
Collins, Peter Eugene.
Conlon, Thomas Joseph.
Cummings or O'comain, Liam John.
Donnelly, Michael Joseph.
Drumm, Sean.
Farrell, Michael.
Gilmore, William.
Gourley, Dermot Francis.
Hannaway, Kevin.
Harvey, Michael Joseph.
Hughes, Joseph.
Johnston, Thomas Gerard.
Kerr, Eamon.
Largey, Thomas.
McClean, Patrick Joseph.
McErlean, Gerard.
McGuigan, Francis.
McKenna, Sean.
McKerr, Gerald.
McNally, Patrick.
Moore, James.
Mullan, James.
O'Hagan, Desmond.
O'Hagan, Felim.
O'Hara, George Patrick.
O'Toole or O'Tuathail, Seamus.
Rodgers, Richard.
Shivers, Patrick.
Smith, Desmond.
Turley, Brian.
White, John Dermot.

NEED FOR A NATIONAL SENIOR SERVICE CORPS

Mr. WILLIAMS. Mr. President, recent Department of Labor statistics provide a grim reminder that our widespread unemployment is affecting practically every sector in our economy, all regions in our Nation, and every age group.

Since January 1969, the jobless rate has jumped sharply from 3.4 to 6 percent, adding nearly 2.5 million workers to the unemployment rolls. During this same period, long-term joblessness—15 weeks or longer—has risen precipitously from 355,000 to 1,058,000, for a 210 percent increase. Today nearly 500,000 individuals have been out of work for 27 weeks or longer. This is about four times as many as in January 1969.

By whatever barometer one would choose to use, the administration's employment "game" plan has been a colossal failure for today's workers. And despite Pollyanna-type prophesies by administration spokesman, our unacceptable level of extraordinarily high unemployment is likely to continue during the months ahead.

For the older worker, our economic slowdown has frequently had a disastrous double barreled impact. These individuals have not only lost their jobs but their pension coverage as well.

Today there are nearly 500,000 jobless persons 55 and older, about 89 percent greater than in January 1969. Once unemployed, these individuals run a substantially greater risk of being without work for a long period of time. Today one out of every three unemployed persons 55 and over has been looking for a job for 15 weeks or longer, compared with one in five for all jobless individuals. And our mounting unemployment has helped contribute to the 100,000 increase in the poverty population for persons in the 55-plus age category during the past 2 years.

For many of these jobless individuals, Operation Mainstream has literally been a lifesaver, providing gainful employment in a wide range of useful community activities. But Mainstream is essentially a demonstration program. However, we do not need any more proof that these projects—such as Green Thumb, Senior Aides, and the Senior Community Service programs—will work. What we need now is a genuine national program, as authorized in the Older American Community Service Employment Act.

This legislation is now before the Subcommittee on Aging of the Senate Labor and Public Welfare Committee, of which I am chairman. Last July 2 days of hearings were held on this legislation. Every single witness, with the exception of administration spokesmen, enthusiastically endorsed this legislation. However, the President's recent address at the White House Conference on Aging has provided a possible signal that the administration has, at long last, reassessed its strong opposition to special emphasis programs to maximize employment opportunities for older workers.

Recently, I was joined by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Missouri (Mr. EAGLETON) in writing a letter to the Secretary of Labor to obtain clarification of the administration's position with regard to the Older American Community Service Employment Act.

Mr. President, I ask unanimous consent that the text of this letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 9, 1971.

Hon. JAMES D. HODGSON,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: During his recent address before the delegates at the White House Conference on Aging, President Nixon emphasized:

"Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

"Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis."

At the outset, we wish to express our strong support for the President's statement. It was for these very reasons that we have enthusiastically supported the Older American Community Service Employment Act (S. 555), which was introduced last February by Senator Edward Kennedy. This measure would provide a basis for converting the successful pilot programs under Mainstream—such as Green Thumb, Senior Aides, and the Senior Community Service projects—into permanent, ongoing national programs.

Last July, two days of hearings were held on this legislation by the Subcommittee on Aging of the Senate Labor and Public Welfare Committee. With the exception of Administration spokesmen, all witnesses expressed enthusiastic support for the enactment of this measure. The Administration, however, recommended against the enactment of this proposal because of its opposition to categorical programs. For example, Mr. Paul J. Fasser said:

"Despite the apparent success of several of the categorical programs such as the Community Senior Service program, it is clear that, as a whole, because of the multiplicity of separate and distinct programs each vying for a share, the categorical approach of recent years has not fulfilled the expectations of manpower programs for older people or for anyone else."

However, in view of the President's recent declaration, it appears as if the Administration may possibly be reconsidering its position with regard to the Older American Community Service Employment Act. With unemployment increasing by nearly 89 percent for persons 55 and older since January 1969, it seems imperative to us that legislation should be enacted as promptly as possible to maximize employment opportunities for older workers.

For these compelling reasons, we would appreciate your early response to the following questions:

Has the Administration changed its position with regard to the enactment of legislation to establish a national senior service corps, as envisioned in the Older American Community Service Employment Act?

If the answer to the first question is "yes", would the Administration have any further suggestion for improving this measure?

If the answer to the first question is "no", what alternatives does the Administration support to increase employment opportunities for low-income persons 55 and older?

With best wishes.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman.
EDWARD M. KENNEDY,
Subcommittee on Health.
THOMAS F. EAGLETON,
Subcommittee on Aging.

STATEMENT BY SENATOR STENNIS

Mr. STENNIS. Mr. President, late this morning I learned of the resignation of Mr. David Packard as Deputy Secretary of Defense. While I certainly respect and honor his reasons for resigning, his leaving is an enormous loss to the country. I will have more to say on this early next week.

In the meantime, I have been handed four letters relating to his resignation: First is a letter of December 10 to Mr. Laird from Mr. Packard; second is a letter of December 10 from Mr. Packard to President Nixon; third is a letter of December 11 from Mr. Laird to Mr. Packard; and the fourth is a letter of December 11 from President Nixon to Mr. Packard.

Mr. President, I ask unanimous consent that these letters be inserted in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., December 10, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MEL: As you know, last July I advised the President that I could not remain in a full-time government position after this year. I advised the President today that for strictly personal reasons I must resign as Deputy Secretary of Defense effective 13 December 1971.

I cannot leave the Department without expressing my personal appreciation for all that you have done to make this a most challenging and rewarding experience. I wish to add my great admiration for the personal leadership you have given to the Department of Defense as we have moved to help meet the President's objectives of a generation of peace through strength, partnership, and negotiation.

I accepted your request to join you in the Department of Defense with the hope that I could make some contribution to the nation that has done so much for me. I appreciate your confidence and admire your courage in affording complete trust and full support to this nonpolitician and nonbureaucrat in his work with national security affairs and the largest bureaucracy in the country. You have taught me much about the roles of the legislative and executive branches of government and how to get things done within them.

Much has been accomplished during our service together in the Department of Defense and I believe we can be proud of this record even as we honestly recognize that there is much more to be done. Vietnamization has worked, and our focus now is properly beyond Vietnam. Management is better, our planning more realistic and our procurement policies have been improved. The Department has a good focus on Human Goals.

Under your leadership the entire Department, military and civilian, has worked as a team in support of the President's national security objectives. I am sure you agree that this progress rests upon the dedication and support we have had from the men and women of the Department. I leave the Department with the conviction that it has a great source of strength in its people, military and civilian, and I'm sure they will continue to give their full support to you and to my successor.

I remain ready to assist you in any way appropriate from private life. You can be assured of my continued and active support of our vitally important programs to assure that our nation remains strong and free and our people safe. It has been an honor and privilege to serve with you and all the military and civilian members of the Department of Defense.

Sincerely,

DAVID PACKARD.

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THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., December 10, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Last July I informed you that for strictly personal reasons I could not continue in a full-time government position after this year. I want to advise you today that I must resign as Deputy Secretary of Defense effective December 13, 1971.

I will leave the Department of Defense with both regrets and a real sense of accomplishment. I have developed great admiration and respect for the men and women of the Department—military and civilian. Their dedication and personal competence is the Department's greatest source of strength and our best assurance of maintaining our national security.

Secretary Laird has built an excellent management team in the Department and I believe that its accomplishments have established this excellence. I have seen what I believe to be major forward steps, particularly in the fields of management, procurement and equal opportunity. I am sure these steps will help you in the years ahead in maintaining both a more economical and effective national defense. I am equally confident that this team will continue its effective implementation of your national security programs and will work closely and well with my successor.

I want to take this opportunity as a citizen and as Deputy Secretary of Defense to express my appreciation and admiration for the outstanding leadership you have provided to the nation and the Department of Defense. Under your leadership I have seen the Vietnamization program turn the nation from war to peace, seen great new initiatives in negotiations and in nation-to-nation contacts, and seen a basic restructing of national and international programs to recognize new realities and essential new priorities. You have established the basis for a generation or more of peace.

It has been a privilege and honor to serve you and to play a small role in assisting you in exercising American leadership for world peace and in supporting your determination that our nation remain both strong and free.

I want to emphasize that my decision to resign from a full time government position has been made for strictly personal reasons. I am, of course, available to assist you from private life in any way you may feel appropriate. I am certain the American people will re-elect you in 1972 so that you can continue your great work for peace and stability both at home and abroad. I want to help and will help in this important job of pointing out in coming months your accomplishments, your goals, and the importance of your re-election to the welfare not just of the United States, but to the entire Free World.

It has been the greatest honor of my lifetime to have served in your Administration. Your leadership, backed by courage, wisdom and understanding, has been magnificent. Thank you for the opportunity to serve my President and my country.

Respectfully yours,

DAVID PACKARD.

THE SECRETARY OF DEFENSE,
Washington, D.C., December 11, 1971.

DEAR DAVE: No one could regret more than I your resignation effective Monday as Deputy Secretary of Defense. I fully understand the personal matters involved. Barbara and I know more than anyone else in government of the great sacrifices you and Lu have made in order to serve our nation. I originally asked you to help me for two years, and I deeply appreciate your willingness to serve a full year beyond that.

You have been indispensable in helping me form the close-knit management team which has functioned so well at Defense these last three years. This team—as a result of the contribution you have made—will be able, I am sure, to carry forward its work in implementing the President's national security initiatives for peace. It is a major measure of your success that the team is strong and will be able to continue its progressive momentum even without the daily benefit of your counsel and decisiveness.

You and I recognize that we have not solved all the problems nor overcome all the challenges, but following your example we will continue to meet challenges head-on, to handle them forth-rightly and never to sweep them under the rug. You have led the Department to better management, better procurement, better planning, and to equal-opportunity accomplishments that point the way for every other American institution.

Your personal and unfailing commitment to honesty, realism and straight talk was a driving force behind our development of a new and better way of doing business in the Department of Defense. Indeed, you have been a rather unique phenomenon in Washington and, in my judgment, the best thing that has happened to the Department of Defense since it was established. I certainly will take full advantage of your characteristic offer of continued help.

I value greatly the contributions you have made to the successful Vietnamization program and the resulting transition of our country from wartime to peacetime. Your help was also instrumental in our work with the President and the Congress to eliminate inequities in the Selective Service System while resolutely moving toward our goal of Zero Draft calls.

Dave, you have been a leader and a friend. You have exercised clear, firm but always kind and fair guidance and leadership for all the men and women, military and civilian, of the Department of Defense. For all of them, thank you and Godspeed.

With best regards and many thanks for your great help and support these past 35 months.

———.

THE WHITE HOUSE,
Washington, December 11, 1971.

Hon. DAVID PACKARD,
Deputy Secretary of Defense,
Washington, D.C.

DEAR DAVE: It is with the deepest regret that I accept your resignation, as you have requested, as Deputy Secretary of Defense, effective December 13, 1971.

Few men have given so much and so willingly to their country as you have for the past thirty-five months—and few have discharged their responsibilities with such distinction and excellence. In assuming this demanding position—at great personal and financial sacrifice—you demonstrated once again your commitment to effective public service and gave testimony to your belief that every American can and should contribute to the cause of good government.

Managing a vast array of exceedingly complex defense matters, you have shown outstanding judgment and uncommon ability, and have justly won the admiration and respect of your colleagues. Your wise counsel in vitally important national security questions has been of immense value to Mel Laird and to me, and I want you to know that these exceptional accomplishments have earned for you the Nation's gratitude.

As you return to private life, I am sure that each and every one of your many friends and associates here would want to join me in thanking you for a job superbly done and in wishing Lucile and you the happiness you so richly deserve.

Sincerely,

RICHARD NIXON.

A SIZEUP OF PRESIDENT NIXON

Mr. HART. Mr. President, scholarship, objectivity, and moderation do not mark every politician, and this is unfortunate.

But they are possessed in striking degree by the distinguished majority leader (Mr. MANSFIELD). This heightens the interest many will find in the interview with Senator MANSFIELD published in the U.S. News & World Report, reflecting the majority leader's impressions of the state of the Nation.

This interview captures to a great degree the quiet strength that is so characteristic of this man of the West. His insight, his profound appraisal of the world as he observes it are all expressed with the refreshing candor that has marked so well the long and outstanding career of MIKE MANSFIELD.

I call it to the attention of my colleagues here and ask unanimous consent therefor that it be printed at this point in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

A SIZEUP OF PRESIDENT NIXON

(Interview with MIKE MANSFIELD, Senate Democratic leader)

Q. Senator Mansfield, as the leader of the Democrats in the Senate, how do you get along with President Nixon?

A. We have a good relationship. It's not intimate because there is a line of demarcation between the two branches of the Government. But I have nothing but praise for our personal relationship. After all, I did serve with Mr. Nixon in the House and the Senate and have known him for a good many years, and I believe I have an awareness of the difficulties which are any President's.

Q. Do you regard this divided Government—one party controlling the Congress and the other the White House—as harmful to the country?

A. On the contrary, I think it's good for the country because it gives both sides a chance to be heard—with, of course, the preeminent power being in the hands of the President. It's a matter of co-operation and accommodation.

One thing that does disturb me is that when we in Congress offer amendments or substitutes in an effort to be helpful, it is sometimes—a good many times—looked upon as an adversary proceeding. I don't think this is the President's fault, but I think that is the attitude taken by some of his close advisers because they have the idea that maybe we're playing politics—that we're trying to undermine the President—when the exact opposite is true.

Q. Senator, how do you size up the 1972 presidential outlook? A few months ago you said Senator Edmund Muskie of Maine was the front runner for the Democratic nomination. Do you still feel that way?

A. Yes, I think Senator Muskie is the front runner, but I think the advantage he has is being dissipated as others come into the race, as tough questions arise and difficult answers are being given.

Since that time, also, I would say President Nixon has increased his prestige because of his foreign policy—even though there are disagreements between the two of us. Mr. Nixon has done something which no Democrat could do, and that was to accept an invitation to visit Mao Tse-tung and Chou En-lai in Peking. He has also accepted an invitation to go to Moscow.

Mr. Nixon has gotten the strategic-arms-limitation talks [SALT] under way with two minor successful agreements already reached and the possibilities fairly good, I would assume, of others being achieved. He has pursued, in my opinion, the right policy in the Middle East. He's tried to walk a line between the Arabs and the Israelis without getting us involved too much.

The President has brought about a reduction of something on the order of 1.1 million men in the armed forces. He has reduced the number of bases overseas by somewhere between 400 and 600. He has changed the direction of the Vietnamese war, the Indo-China war, from in to out—not fast enough to suit some of us, but in the right direction.

So I want to give the President credit. I think he's done, over all, extremely well in the field of foreign policy. In the field of domestic policy there are differences, but over all he hasn't done too badly. What he's trying in the field of the economy of this country is welcome—long overdue. Something should have been done a long time before it was done, but the old saying, "Better late than never," holds.

So I think that, over all, Mr. Nixon has done a good job, and it's made him stronger and, according to the latest polls, it appears that the people think so, too.

But there is a lot of time between now and next year. If this economic policy fails, he may fall with it. If something happens in the foreign-policy field, especially in Indo-China, which is not along the lines of the people's thinking, it may react against him, too.

The two big factors, I think, are the economy and Indo-China. And, of course, you also have the questions of drug addiction, crime, pollution, the ghettos, busing and so forth.

Q. Do you think President Nixon is going to be pretty tough to beat in 1972?

A. Yes.

Q. Between these two factors—the economic and the foreign—which do you expect to be predominant in deciding next year's election?

A. The economic, I think, because when you hit people in the pocketbook that's when they feel it.

Q. Do you believe the President's new economic policy was necessary?

A. Yes, I do. And I approve the way he announced it—the shock treatment—even though it did cause cries of anguish here and there. Something had to be done.

I recall speaking to the President a day or two after he made his August 15 speech, and he turned around to me and said, "If we had gone on for two weeks more without doing anything, the bottom would have dropped out of the dollar," or words to that effect.

Q. Is his program going to work?

A. It's hard to say. I think, all things considered, it's worked so far. It will depend on a good deal of cooperation among the membership of the boards, and a good deal of understanding on the part of the public, and a certain amount of courage on the part of the Congress.

Q. What do you mean by "courage on the part of Congress"?

A. That Congress will have to pass the necessary legislation which will hurt some groups and which will bring about adverse reactions. Members of Congress have to face up to it.

Q. Will big labor unions also have to face some hard decisions—and possibly some sacrifices?

A. Oh, yes—big labor, especially, because it will have the whip hand, and a great deal of responsibility will be on the labor members of the [Pay] Board. They will have to show statemanship and understanding.

Q. There seems to be some inclination in Congress to alter the economic program by changing the proposed tax and labor legislation. Is this helpful?

A. I think so. I don't think that the President sends things up and expects us—or at least he shouldn't—to just say, "Yes, sir." We have some pretty smart people down there in the Congress, in both Houses. I'm sure the President would be willing to consider reasonable compromises.

Q. Do you think he would have an easier time with a Republican-dominated Congress?

A. I don't know. He has troubles with his own party. The Republicans are split just as the Democrats. The answer is hard to say. What we have to consider is that the old Southern Democratic-Republican coalition has been on the way out gradually over a number of years. In its place has come a modern-Republican, liberal-Democrat coalition which seems to be getting stronger with each passing year.

Q. What is the purpose of changes that Congress may make in the President's wage-price controls? Will there be an effort to impose a time limit or restrict his authority?

A. It will be extended, whether it will be for six months or a year remains to be seen. There was some talk about letting it go until April next year. That seems to have died down. There was some talk about giving him just a six-month extension, so that we could come back next year and wouldn't leave it entirely in his hands, but that talk seems to have died down, too. I don't know what will happen.

My guess would be that he'll probably get the one-year extension which he desires on the Congress-initiated measures affecting wage-price-rent controls. After all, he said he never wanted the authority in the first place.

Q. Senator, turning to foreign affairs: What is your position on the war in Vietnam?

A. I have always been against the war in Vietnam and so stated to two Presidents before we became involved. I thought my position was pretty well known. I feel the involvement was a tragic mistake, that we have no vital interest in Southeast Asia. We involved ourselves when we didn't have to.

I think the greatest tragedy was the assassination of Ngo Dinh Diem. No matter what you think of him—and I thought highly of him—he did give South Vietnam stability, a degree of permanence and an ability to look forward. With his passing, we have had nothing but coup and U.S.-supported client Governments, but in the last analysis we have become a sort of client of South Vietnam. The Government there has, in effect, dictated in large part what we've done.

I think it was a mistake to get involved in Cambodia, to put so much into the Laotian incursion. We have a lot to answer for in the way of damage to a society and a culture: defoliation of land, creation of refugees, inflation of currencies, an increase in drug addiction, a decrease in the morale of our armed services. I think the only way is to get out and start anew.

We have to revive the Army. It is in a low state at the present time—and the Army is necessary. It should be accorded the dignity which it deserves—it must earn it, too. There are a lot of things that we have to do and, in effect, start doing from scratch.

I think that Vietnam is in large part responsible for the difficulties in which we find ourselves at home today.

Q. You have proposed setting a time limit on our withdrawal from Vietnam. Apparently, you don't agree with those who view this as congressional interference with a presidential prerogative—

A. Well, the President was one of those who figured that the Gulf of Tonkin Resolution wasn't necessary for him to carry on his activities in Southeast Asia. He basee his authority now on his position as Commander in Chief. There is a certain amount of validity there, but the Constitution also gives the Congress a certain amount of power in the carrying on of wars, and there's only one weepon left as far as we in Congress are concerned: That is the matter of appropriations.

Now, I can find no legal justification for going into Vietnam. I certainly disagree 100 per cent with what Lyndon Johnson interpreted as a mandate based on the Gulf of Tonkin Resolution. There is no justification whatsoever in that document for interfering in Indo-China. I think that what we're trying to do in Congress is to restore some of the powers which are ours legally under the Constitution but which we've given in a haphazard manner to Presidents, up to but not including Mr. Nixon, since the time of Franklin D. Roosevelt.

Q. Do you think Congress has sufficient information to act wisely on such questions?

A. I think that it needs more. But I have been impressed by the fact that, in many of these executive sessions which I have attended in the Foreign Relations Committee and in the Appropriations Committee, a lot which was supposedly secret wasn't really so secret. I had read it in newspapers—I would say 95 per cent.

There isn't so much secrecy any more in this world because modern communication has done a good deal to make knowledge more available, and the facts more discernible.

"PIQUE" WITH THE WHITE HOUSE

Q. Is there a certain irritation in Congress about executive secrecy that may be reflected in opposition to the President's domestic proposals?

A. No, I don't think so. There is a certain amount of pique and discontent because of the fact, for example, that a man like Henry Kissinger can invoke executive privilege and not come before us, and because, supposedly, there was a five-year plan by the Pentagon which was given publicity but, when we asked for it, executive privilege was invoked and we couldn't get the information.

We in Congress would like to know more. We have a responsibility. We understand that the President's responsibility is far greater than ours singly, but collectively we have a tremendous responsibility as well, and we have to answer to the people.

There are many in the Government who do not have to answer to anyone except perhaps the President or somebody else, and they're protected under executed privilege.

Q. Has the program of Vietnamization reached the point where South Vietnam can be expected to survive when we pull out?

A. Defense Secretary Melvin Laird seems to think so.

Q. Do you agree?

A. No, I don't agree to the extent that he implies, but I think that the South Vietnamese are about as well-prepared as they will ever be. They have an Army of about 1.1 million, and they have local militia forces and the like to fall back on. They are fairly well equipped and fairly well trained. They have been subsidized in large part for the past 17 years. They have suffered tremendous losses.

Vietnamization is something which no outsider could pass a judgment on, because whether it succeeds or fails will depend upon the Vietnamese themselves. It's their country, it's their future, it's their decision.

Q. Senator, how much foreign aid will South Vietnam need after we pull out our troops?

A. It's impossible to put a figure on it, but I think that all that area will need a good deal of assistance which I think should be forthcoming—not for the purpose of maintaining the military establishment, as I see it, but for the purpose of rehabilitating the country which has been destroyed and restoring some of the economy, so that the people who live there can look forward with some degree of assurance to the future.

Q. In the light of the Senate's recent action in rejecting the President's foreign-aid bill, what do you think is going to happen? Do

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you expect that foreign aid will be revived and continued pretty much as in the past 20 years?

A. No. I think we ought to return to the old concept of foreign aid, which could best be described, I think, in what used to be known as the Point Four Program—people-to-people assistance rather than Government-to-Government—because, I think, much of the Government assistance stays in the hands of the Government and doesn't get down to the people. Aid in the true sense is worthwhile, but aid the way it's been spread out and misinterpreted and used in late years, I think, has gone contrary to the basic tenets of the Marshall Plan and its immediate successors.

The ill and the hungry and the poor—those people ought to be helped. The underdeveloped countries should be given some assistance, but we have to change our methods and our procedures.

Q. Do you think the U.S. ought to be tougher in dealing with other countries?

A. Let me answer this way: I think we've taken too much for granted. We assumed a leadership mantle which we didn't want, didn't desire, but couldn't avoid. We came to look upon ourselves as the leaders of the free world, and other countries helped us to assume and to continue that image. In doing so, they created a feeling of dependency on us, which cost us a lot of money, a lot of manpower, a lot of responsibility.

I think as these countries came back—I'm thinking specifically of Western Europe, now—they should have assumed more of the burden, more of the responsibility. What the U.S. should have is not a position of leadership but a position of equality among peers.

"FACE UP TO REALITIES" ON AID

Q. Looking ahead a few years, do you foresee foreign aid expanding or contracting?

A. Contracting. And I would hope shifting more to a multilateral basis with an equitable sharing of responsibility. There will have to be some bilateral programs. We have certain obligations which would have to be met to the subsidiary organizations of the United Nations and the like, and certain unanticipated acts which have to be met—such as the Pakistan situation in East Bengal, or Bangla Desh as they call it now. The humanitarian aspects, I think, will continue to be met by this country, but even in doing so we will probably meet with difficulties in the administration of them.

Q. Will this mean underdeveloped countries will get less aid from the outside world, or will some other nations take up the slack when U.S. cuts back?

A. Less foreign aid on our part, more foreign aid on the part of the others. We have a debt which exceeds that of the rest of the nations of the world combined. We had a 23.5-billion-dollar deficit last year. We anticipate a 30-billion-dollar deficit this year, and Wilbur Mills [Democratic Representative from Arkansas and chairman of the House Ways and Means Committee] just lately indicated it could well be 35 billion.

I think we've got to do something about putting our own house in order and recognize that the days when the Lord had his arms around our shoulders all the time are gone. We have to mature and face up to the realities of the present. We are no longer young; we have our problems, and we are certainly not so wealthy as in the past.

Q. Realistically, do you see any prospect in the next couple of years that we will get back to a balanced budget?

A. No. I certainly do not. I don't know when we are going to get one.

Q. What does your mail tell you about the mood of the American people at this time?

A. That the people are very much fed up with foreign aid—at least in its present form, and some of them are fed up with foreign aid *in toto*. Some of them have been fed up with foreign aid from the very beginning. They never had any sympathy for it.

My mail shows a good deal of feeling that we ought to get out of Vietnam. That feeling has been growing for the past several years—changing from a feeling of, "Well, we have to see this through," to "Now, we've got to get out."

There's also a feeling that we ought to reduce our forces in Western Europe, where we've had too many troops for too long. And a feeling that we've got too many bases scattered throughout the world—something on the order of 2,000 I believe—a feeling that they're not needed.

There is a feeling that we Americans are spread too far, too wide, too thin, and that we ought to pay more attention to our difficulties at home and pay a proper amount of attention to our policies abroad.

Q. Do the people seem to be happy about anything?

A. No.

Q. Does your mail reflect strong support for economic controls, Senator?

A. What mail covers that area, yes, but there isn't too much mail on that. I think people are leaving it up to the Administration and the Congress to do what we can to get us out of the woods. People are disturbed about inflation, about high prices and about unemployment.

MOOD OF COUNTRY: "CONFUSED"

Q. How would you describe the mood of the country, generally?

A. It's a cynical, uneasy, confused mood—a mood of what's the use, a mood of apathy, a mood that they can complain or they can petition but they won't be listened to.

Q. Is this different from, say, five years ago?

A. Yes. And I think that it's very marked among the youngsters today. That's one reason why I'm delighted that they have the vote, to give them a piece of the action, as I think they'd say.

You get youth interested and involved in participatory politics—give them some say in the Government—and perhaps they'll change us around a little bit. They are not living in the past, they are not tied to vested policies which were good a decade or two decades ago. They're living today and looking to the future, and they've got lots of questions on their minds. For a fellow like me it's hard to answer some of their questions.

Q. Do you feel this present mood is only cyclical—temporary—or is it going to take something rather dramatic to get the country out of this mood?

A. It's probably a cyclical thing, but if disappointments and apprehensions keep on piling up, it could be something more difficult.

Q. Senator, almost anything you say attracts a lot of public attention because you are the Senate Democratic Leader. To what extent are you speaking for the Democratic Party—and to what extent do you speak only for yourself?

A. Most often I speak just for myself, because before I am the Majority Leader I'm a Senator from the State of Montana. That is my primary job and I've never lost sight of that fact, because if it wasn't for the people out there I wouldn't be back here. As far as the leadership is concerned, that's a job that somebody has to occupy.

We have tried to make the Senate Democratic Policy Committee a true policy committee rather than a rules committee in the sense that the Rules Committee operates in the House. All legislation goes through the Policy Committee before it goes to the floor. But since a Republican Administration came in, we've also been trying to develop segments of policy, subject to the approval of at least two thirds of the Policy Committee and the support of the caucus of all Democratic Senators.

You may recall that one of the first things the Policy Committee did at the beginning of this Congress was to bring forth a resolution, which it presented to the caucus, seeking to bring about a termination of the conflict in Vietnam during the life of this Congress. That was agreed to.

The Policy Committee also unanimously approved the national-commitments resolution several years ago which sought to retrieve a certain amount of power which the Senate had lost under previous Administrations—Democratic, primarily.

We unanimously agreed to a change in the tax structure three years ago which the caucus approved.

We have been interested in campaign reform—contributions and the like. And we have brought those matters up in the Policy Committee—had them agreed to and brought them before the caucus and the Senate. So we are trying to work in the field of national policy, but we are doing it carefully. We are doing it, we hope, constructively. We are not doing it with the idea of politics in mind but to be of assistance to the Administration while at the same time recognizing that we are exercising our responsibilities as well. It's worked out fairly well so far.

Q. What contact do you have in that regard with the Democratic National Committee and the Democratic Policy Council?

A. Hardly any, I meet with them once in a while, as when they call down all the candidates and a declaration is made to save the barbs for the Republicans. We operate in the Senate as an independent, elected unit. Our contacts with the House are not as close by any means as they were when Lyndon Johnson was Senate Majority Leader and Sam Rayburn was Speaker of the House. When the need arises, we do get together with the House; there is nothing continuing about that.

Q. Is the present relationship between the House and Senate leadership better or worse, in your judgment, than that very close relationship that existed in the Johnson-Rayburn era?

A. It's hard to say, because that was a very close relationship—a sort of father-son relationship between the Speaker and Lyndon, going back a long time. Now it's a different relationship—not as close, but good—understanding, and accommodating.

Q. Do things get done as expeditiously under the present system as they did then?

A. I think so. I think that the record of the past 11 years in the Senate will stand up with the record of any other 11 years in history. The Senators are treated more as equals. The low men on the totem pole happen to be Scott [Senate Republican Leader Hugh Scott of Pennsylvania] and Mansfield, because we are the leaders of our parties.

There is so much power in the hands of an individual Senator that any Senator could turn us off any time he really sets out to do so. So far they haven't done that. I think part of the reason lies in the fact that we try to treat other Senators as we would like to be treated. We don't try to step on their prerogatives or interfere with their responsibilities.

When the Senate is acting on a bill, I make way for the chairman of the committee that handled that bill, let him sit in the Leader's chair while I take my place as a Senator.

RATING THE WORK OF CONGRESS

Q. How would you evaluate the record of this session of Congress?

A. Reasonably good. I think we've made good progress in many fields. I would be averse to evaluating the record of the Congress on the basis of one session in two. I would wait until the whole two years of the 92nd Congress was completed in 1972 before rendering a judgment.

Q. As you look back, are there any disappointments—measures that you thought should get through this year that haven't?

A. No. I think we've been pretty lucky this year. Neither the Administration nor the Senate has gotten all that it wanted in all these bills, but there's enough room for compromise in all those which passed to bring about an accommodation.

Q. Earlier in the year the Administration was pressing very hard for such measures as revenue sharing, Government reorganization, welfare reform, and so on. What has happened on these—are they dead?

A. Well, the Government-reorganization bill, of course, was pie in the sky. I approved what the President advocated, a tremendous overhaul of the Government structure, but it was asking for too much at once. In all these areas you have got to figure the interests behind them and the delaying tactics, the pressures, the postponements that they will be able to put into effect.

As far as welfare reform is concerned, the President is, in part, responsible for the delay, because when he made his speech, on August 15, I believe, announcing a new economic policy, he indicated at that time that revenue sharing and welfare reform could be postponed. Then he caught himself, and came back a couple of weeks later and said, well, he didn't mean they shouldn't be considered this year, but that the committees ought to go ahead. With this new tax package coming in, with the need for prompt action, that was naturally set aside in order to comply with the President's wishes.

In the field of revenue sharing, we have nothing out of the House yet, so the Senate is in no position to act until the House acts—based on the precedents down through the decades.

Welfare reform—it won't be acted on this year by the [Senate Finance] Committee. But I have talked to Senator Russell Long [Democrat, of Louisiana] several times and other members of the Committee. They have assured me that they will get a bill out, hopefully, sometime around the first or the middle of February. Furthermore, the date the President asked for that act to take effect is a long way off—somewhere in 1973.

Q. Do you foresee many of these measures being enacted next year?

A. Yes, I do. I see a welfare-reform act of some kind. Frankly, I have some questions about the payment of $2,400—some of the members want to raise it to $5,500. I am trying to keep an open mind, but it's kind of hard to accommodate to the idea of just giving out that much in cash as a subsistence payment.

Something has to be done in welfare—something will be done. What the final form of the bill will be, I do not know.

Q. What about strike-control legislation?

A. I would say that unless things reach a crisis the chances are not very good for its passage.

SENATE ABSENTEEISM DISTURBS ME

Q. Senator, you've talked about the high rate of absenteeism at Senate meetings during this last session. Won't next year pose an even bigger problem with the primaries, party conventions and general elections? Is there a danger that important legislation may be caught in a logjam, and not much may be accomplished in the next session?

A. Yes, it's a possibility. We'll have to try and get as much of it as we can out of the way as early as we can next year.

As the months disappear, the problem of absenteeism is going to become more difficult. It's a situation which disturbs me because it isn't just the presidential candidates—they have reasonably good attendance records—it's also other Senators who go out and accept engagements.

I have been disturbed at the falloff of Senate attendance at the beginning of the week and at the end of the week. One thing I don't want to see is the Senate turned into a Tuesday-to-Thursday club. We are paid to operate at least five days a week—six when needed—and our primary responsibility, whether we are running for the Presidency or going out to make a speech, is in the Senate, because that's what the people expect of us and that is what we should expect of ourselves.

Q. Is there any way to avoid the election-year conflict of politics and legislation?

A. Senator George Aiken [Republican, of Vermont] and I have introduced a constitutional amendment seeking to establish a one-term, six-year Presidency. We did so with the idea that that would relieve the President of much of the political worries which are inherent in his job at the present time as head of the party, and allow him to spend more of his time in the interest of the nation as a whole, regardless of party.

I'd like to see a close relationship between the Congress and the President. And I would like to see the President, especially if he comes from the Congress as the last three Presidents have, consult more—if not with the appropriate committees, though I think that's necessary, then certainly with old friends—because regardless of politics, the Senate wants a President to succeed. If he is a good President we all benefit, if he turns out poorly we all suffer.

The reason I feel so keenly about this, for example, is that men like Senator John Stennis [Democrat, of Mississippi] and the late Senator Richard Russell [Democrat, of Georgia] warned President Johnson before we got involved in Vietnam and urged him not to get involved there. When they are dealing with a member of Congress, Presidents are dealing with someone who is a lot closer to the people than appointees around a President.

The isolation of a President is understandable. There is a line of differentiation between the executive and legislative branches. The President gets surrounded by people whom he appoints. Kennedy, for example, had McGeorge Bundy, Johnson had Walt Rostow and Nixon has Henry Kissinger. These are all good men. They are devotees of the President, and that's understandable. All have a great amount of influence on the President's thinking because they are at his elbow all the time.

When you look down to the other end of Pennsylvania Avenue, in Congress a President also has old friends in both parties who wish him well, who might be able to give him good advice, who want to be helpful regardless of party.

So I would hope there would be a closer contact between the executive and legislative branches.

Q. Is Mr. Nixon more isolated, do you think, than the Presidents before him?

A. I think so. Nixon is not an extrovert. Quite the opposite—he's a lonely man. He isn't outgoing. He's aware of the tremendous power and responsibility. Maybe at times that makes him insecure, as I think it does most Presidents and the rest of us.

But he does go off by himself. He does take his lawyer's pad with him and writes notes. He does try to arrive at a good conclusion. I really feel sympathetic for any President.

Beyond the Presidency and beyond the Congress are the people. They haven't got anywhere else to turn except to us. I hope we never let them down. I hope we always understand one another—the Congress on the one hand and the President on the other—and that we work more together and less apart.

"ONLY A NIXON" COULD GO TO CHINA

Q. In your talks with Mr. Nixon, have you noted any change in his way of working and thinking since he has become President?

A. Oh, I think he's broadened out considerably from his days in the House and the Senate. He's his own man at last—that's one thing—which he wasn't as Vice President.

I recall my first breakfast with him in February, '69—he had just been inaugurated the month before—and at that time he brought up the question of his interest in China and the Far East. He said he always had a lifelong interest in that part of the world—understandable from a Californian. He outlined what he was going to do: that he was going to lift the primary and secondary boycott, which had been in effect since '51—we were the only nation which enforced the two; that he was going to try to broaden the spectrum of people who could go to China if they could get visas from Peking, and that he was going to try for more talks at Warsaw seeking to bring about a better understanding and accommodation.

Mr. Nixon said: "You can't ignore China, it's too big. It's there. You have to live with it." He said that at the appropriate time he'd see if he couldn't do something about placing China in the same status as other Communist countries in the area of nonstrategic goods. He never said anything about a trip to China, except that he would like to go. But then I dont think he expected to go. So I knew nothing about this until he made that four-minute speech to the nation which I thought was the most information-packed speech any President has ever made in recent times.

I am delighted he's going. As I said before, only a Republican, perhaps only a Nixon, could have made this break and gotten away with it. Even now he's getting some flak from his own people, but it was a move which had to be made.

I wish him well. I don't expect anything very much to come out of it. But the first step is the longest one, and the mere fact that they are getting together bodes better for the future and will perhaps bring about a greater recognition of the difficulties which confront all the peoples of the world.

I would hope that out of these meetings in Peking and Moscow it would be possible at an appropriate time to have some sort of more general disarmament conference or meeting among the five interested powers having to do with nucelar weapons.

NATO IS VITAL

Q. Senator, are you still trying to get a reduction in American troop commitments in Europe?

A. Oh yes, because I think that 305,000 troops—four and one third divisions—and 225,000 dependents in Europe a quarter of a century after the end of the second World War is too much for too long. When they were sent over it was fine because Europe was prostrate. They fitted in nicely after the Marshall Plan. Now Europe is in better shape, economically speaking, than we are, and in a position to resume its proper role in sharing the burdens.

What I would like to see is a graduated reduction over a period of years. Where you have 128 generals and admirals—one for about every 2,500 men—you have a superabundance. When you have headquarters piled one or top of the other as in Germany, you have a superabundance. When you have a naval headquarters in London which is maintained, I think, more for show and prestige purposes, then I think it's time to re-evaluate the situation.

I must make it very plain: I believe in NATO [North Atlantic Treaty Organization], I think it is the vital treaty as far as we're concerned. But I do think there ought to be a reduction of our troop contributions. I do think that a reduced Army with fewer dependents would not only be leaner but more effective and have greater morale, because the same problems that affect us in Vietnam affect us in Germany: racism, drug addiction, low morale, poor quarters and the like. And I want to reiterate: the Army is vital to this nation, to our kind of democracy, and I want to see the Army revived, rebuilt and rejuvenated.

EXECUTIVE SESSION

THE ACTING PRESIDENT pro tem pore. Under the previous order, the Senate will now go into executive session to vote on three treaties.

XUM

NICE AGREEMENT, AS REVISED, CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES TO WHICH TRADEMARKS ARE APPLIED

The ACTING PRESIDENT pro tempore. The clerk will read the resolution of ratification relating to Executive M, (91st Congress, 2d session), the Nice Agreement.

The assistant legislative clerk read the resolution of ratification, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the accession to the Nice Agreement Concerning the International Classification of Goods and Services to Which Trademarks Are Applied, signed June 15, 1957, together with an English translation thereof, and a certified copy of that Agreement as revised at Stockholm July 14, 1967, together with an English translation thereof (Ex. M, 91-2).

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the resolution of ratification? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Texas (Mr. BENTSEN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senator from Ohio (Mr. SAXBE), the Senator from Maine (Mrs. SMITH), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[No. 452 Ex.]

YEAS—75

Aiken	Ervin	Miller
Allen	Fannin	Mondale
Allott	Fulbright	Montoya
Baker	Griffin	Moss
Bayh	Gurney	Nelson
Beall	Hansen	Packwood
Bible	Hart	Pastore
Boggs	Hatfield	Pearson
Buckley	Hollings	Pell
Burdick	Hruska	Proxmire
Byrd, Va.	Hughes	Randolph
Byrd, W. Va.	Inouye	Schweiker
Cannon	Jackson	Scott
Case	Jordan, N.C.	Sparkman
Chiles	Jordan, Idaho	Spong
Church	Kennedy	Stennis
Cook	Long	Stevens
Cooper	Magnuson	Stevenson
Cotton	Mansfield	Symington
Cranston	Mathias	Taft
Dole	McClellan	Talmadge
Dominick	McGee	Thurmond
Eagleton	McGovern	Tower
Eastland	McIntyre	Williams
Ellender	Metcalf	Young

NAYS—0

NOT VOTING—25

Anderson	Goldwater	Ribicoff
Bellmon	Gravel	Roth
Bennett	Harris	Saxbe
Bentsen	Hartke	Smith
Brock	Humphrey	Stafford
Brooke	Javits	Tunney
Curtis	Mundt	Weicker
Fong	Muskie	
Gambrell	Percy	

The ACTING PRESIDENT pro tempore. On this vote the yeas are 75 and nays are 0. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to proceed for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the direction of the distinguished majority leader, that the time on each of the next two rollcall votes be limited to 10 minutes, rather than the usual 15 minutes, and that the warning bell sound midway.

May I say at this point, before the Chair puts the question, that there will be no more rollcall votes today, following these next two rollcalls.

One further item, Mr. President. The Senate will not convene until 12 o'clock noon on Monday next.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, I wonder if, following the next vote, there might be a 2-minute period within which the leadership could give any further advice that they might be able to give us about what might happen on Monday.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

LOCARNO AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION FOR INDUSTRIAL DESIGNS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to vote on Executive I, 92d Congress, first session, the Locarno Agreement establishing an international classification for industrial designs. The resolution of ratification will be stated.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Locarno Agreement Establishing International Classification for Industrial Designs, signed October 8, 1968 (Ex. I, 92-1).

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the resolution of ratification? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Texas (Mr. BENTSEN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senator from Ohio (Mr. SAXBE), the Senator from Maine (Mrs. SMITH), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[No. 453 Ex.]

YEAS—75

Aiken	Cooper	Hruska
Allen	Cotton	Hughes
Allott	Cranston	Inouye
Baker	Dole	Jackson
Bayh	Dominick	Jordan, N.C.
Beall	Eagleton	Jordan, Idaho
Bible	Eastland	Kennedy
Boggs	Ellender	Long
Buckley	Ervin	Magnuson
Burdick	Fannin	Mansfield
Byrd, Va.	Fulbright	Mathias
Byrd, W. Va.	Griffin	McClellan
Cannon	Gurney	McGee
Case	Hansen	McGovern
Chiles	Hart	McIntyre
Church	Hatfield	Metcalf
Cook	Hollings	Miller

Mondale	Proxmire	Stevenson
Montoya	Randolph	Symington
Moss	Schweiker	Taft
Nelson	Scott	Talmadge
Packwood	Sparkman	Thurmond
Pastore	Spong	Tower
Pearson	Stennis	Williams
Pell	Stevens	Young

NAYS—0

NOT VOTING—25

Anderson	Goldwater	Ribicoff
Bellmon	Gravel	Roth
Bennett	Harris	Saxbe
Bentsen	Hartke	Smith
Brock	Humphrey	Stafford
Brooke	Javits	Tunney
Curtis	Mundt	Weicker
Fong	Muskie	
Gambrell	Percy	

The ACTING PRESIDENT pro tempore. On this vote, there are 75 yeas and no nays. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

PROGRAM

Mr. GRIFFIN. Mr. President, I ask to be recognized for 1 minute.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I ask the leader what the chances are for adjournment on Monday.

Mr. MANSFIELD. Mr. President, that is a question I cannot answer. All I can do is lay out the schedule.

There will be a conference report on the Federal credit unions and interest rates on insured mortgages. Those are two we thought we would get this afternoon. They will be taken up on Monday. They are ready.

There also will be a conference report, hopefully, on defense appropriations; but the House must act first.

There will be a conference report on District of Columbia appropriations. The conferees are now meeting. The House must act first.

There will be a continuing resolution having to do with foreign aid. The House must act first. We do not know in what form it will be.

There will be a conference report on phase II of the economic proposal, and that should be ready on Monday; but we cannot act until we meet with the House. The Senate conferees have been ready to meet since early yesterday. So it is a difficult schedule. The last order of business will be the continuing resolution. There may be some debate on it because it is debatable and it is amendable.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield further, as he has noted, we do not yet know the form in which the continuing resolution for foreign aid will reach us from the other body. It is my personal hope that it will be a continuing resolution in the area of extension of $2.67 billion; but whatever it is we would hope that the Senate would accept the resolution that the House sends over, rather than making such drastic changes as would compel loss of the resolution altogether because, in my mind, it is better to have some bill than no bill, yet there would be no bill if we were to embroil ourselves in debate during the Rams-Redskins game on Monday night and thereafter.

Mr. MANSFIELD. I understand that there will be some discussion. There may be some amendments. So far as I am concerned, I want the whole Senate to know, as the joint leadership knows, that it is my intention to vote against the continuing resolution in any way, shape or form.

Mr. AIKEN. Mr. President, may I ask a question of the distinguished minority leader at this time? If there is no continuing resolution and we adjourn sine die, does he think the President would call the Senate back into session?

Mr. SCOTT. It is my judgment, if there is no continuing resolution, that Congress is likely to be called back by the President.

A continuing resolution to do away with pay raises to people to do no work, that, too, I think would be highly objectionable and would put the Senate, I think, in a not responsible position. If we are not going to have any program for them to administer, there is not much point in having——

Mr. PASTORE. Mr. President, I yielded 1 minute, but now this is going too far.

The ACTING PRESIDENT pro tempore. The 1 minute has expired.

Mr. MANSFIELD. Five minutes ago.

Mr. PASTORE. Mr. President, I call for the regular order.

PROTOCOL RELATING TO AN AMENDMENT TO THE INTERNATIONAL CIVIL AVIATION CONVENTION

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, the next resolution of ratification is in order, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Protocol dated at New York, March 12, 1971, relating to an Amendment to the Convention on International Civil Aviation (Ex. K, 92-1).

Mr. MANSFIELD. Mr. President, this will be the last vote of the day.

The PRESIDING OFFICER. The question is: Will the Senate advise and consent to the resolution of ratification on Executive K (92d Cong., first sess.), the protocol relating to an amendment to the International Civil Aviation Convention.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Texas (Mr. BENTSEN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senator from Ohio (Mr. SAXBE), the Senator from Maine (Mrs. SMITH), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[No. 454 Ex.]

YEAS—75

Aiken	Ervin	Miller
Allen	Fannin	Mondale
Allott	Fulbright	Montoya
Baker	Griffin	Moss
Bayh	Gurney	Nelson
Beall	Hansen	Packwood
Bible	Hart	Pastore
Boggs	Hatfield	Pearson
Buckley	Hollings	Pell
Burdick	Hruska	Proxmire
Byrd, Va.	Hughes	Randolph
Byrd, W. Va.	Inouye	Schweiker
Cannon	Jackson	Scott
Case	Jordan, N.C.	Sparkman
Chiles	Jordan, Idaho	Spong
Church	Kennedy	Stennis
Cook	Long	Stevens
Cooper	Magnuson	Stevenson
Cotton	Mansfield	Symington
Cranston	Mathias	Taft
Dole	McClellan	Talmadge
Dominick	McGee	Thurmond
Eagleton	McGovern	Tower
Eastland	McIntyre	Williams
Ellender	Metcalf	Young

NAYS—0

NOT VOTING—25

Anderson	Goldwater	Ribicoff
Bellmon	Gravel	Roth
Bennett	Harris	Saxbe
Bentsen	Hartke	Smith
Brock	Humphrey	Stafford
Brooke	Javits	Tunney
Curtis	Mundt	Weicker
Fong	Muskie	
Gambrell	Percy	

The PRESIDING OFFICER (Mr. HUGHES). On this vote the yeas are 75 and nays 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be notified of the agreement of the Senate to the resolutions of notification.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that there again be a period for the transaction of routine morning business, with statements therein limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACUTE FINANCIAL PRESSURE ON MANY SCHOOL DISTRICTS OF THE NATION

Mr. EAGLETON. Mr. President, I would like to bring to the attention of the Senate a bill that has passed the House of Representatives and is now pending before the Committee on Labor and Public Welfare. The bill—H.R. 11809—was introduced by Representative PUCINSKI of Illinois.

The purpose of the bill is to relieve the acute financial pressure affecting a great many school districts throughout the country because of the transfer of property from the General Services Administration to the newly created U.S. Postal Service. As a consequence of this transfer, children who have in the past been considered federally connected for purpose of Public Law 874—the impact aid program—no longer qualify as such and the schools that they attend are no longer eligible to receive Federal funds on their behalf under the impact aid program.

The Pucinski bill would authorize a 2-year grace period for these school districts in order to permit them to receive Federal funds which they already have budgeted for the coming year and to permit 1 additional year for an orderly phaseout of this portion of the impact aid funding.

Mr. President, I call the attention of the Senate to a tabulation I had printed in the CONGRESSIONAL RECORD of November 19, 1971, on pages 42298–42299 where I listed the various school districts of this Nation that are affected financially.

Let me say that the Senator from Illinois (Mr. STEVENSON) and I have talked with the Senator from Rhode Island (Mr. PELL), who is the chairman of the Subcommittee on Education, with the Senator from New Jersey (Mr. WILLIAMS), who is chairman of the full Committee on Labor and Public Welfare, and with the Senator from Colorado (Mr. DOMINICK), the ranking minority member of the Education Subcommittee. I believe all of us are of one mind; namely, that this bill should be given early attention when Congress reconvenes for the second session in the month of January.

The effect of the transfer of property under the GSA on these districts is severe and acute. It is more severe, perhaps, in Illinois than in any other State, although there is urgent need in my State of Missouri and perhaps in all other States as well.

I would hope that together with the Senator from Rhode Island, the Senator from Colorado, the Senator from New Jersey, the Senator from Illinois, and others, we could give attention to this matter when we reconvene for the second session.

Mr. STEVENSON. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. STEVENSON. Mr. President, I commend the Senator from Missouri for introducing this bill and for his recognition of the serious financial difficulties faced by school districts all over the country.

The Senator mentioned Illinois. The Chicago Board of Education is faced with a $100-million deficit which could mean the shortening of the school year or a cutback of adult education services, health services, and a number of other programs for children and adults.

In view of the fact that many of the school districts are now formulating their budgets for 1972, would it not be very helpful to the school districts and school board members across the country if they had some assurance that Congress would act early in the year to make this impact aid money available, as it has been available in the past?

Mr. EAGLETON. The Senator from Illinois is absolutely correct. The school districts in this country are in the process of beginning to plan their next school year budgets, and rapidly the date is coming upon them when they will have to issue contracts to the teachers who are hired and to the other ancillary employees connected with the school system. Unless they work out, with some degree of certainty, how much money they will have available for all of these purposes, how can they say that they can fire the teachers unless they know that money will be forthcoming?

Mr. STEVENSON. Mr. President, two-thirds of all children included in the impact aid formula in the past have been children of Federal employees.

Is it not true also that the funds for impact aid, including in its base the children of Postal Service employees, have already been appropriated by Congress?

Mr. EAGLETON. The Senator is correct. The Senator is making a very important point that I did not make in my initial presentation. We are not talking about new money or a new appropriation or adding any further strain to the Federal budget. We are talking about money that has already been appropriated and earmarked for this purpose. It will not cost the Federal Government an additional penny over and beyond what they initially intended to spend.

Mr. STEVENSON. Mr. President, with the funds already appropriated and the bill passed in the House of Representatives, the only thing that remains is for the Senate to act on the bill introduced by the Senator from Missouri or upon the House bill introduced by Representative PUCINSKI.

I would like to ask the Senator from Rhode Island (Mr. PELL) whether he expects early action on this matter by his Subcommittee on Education and by the full Labor and Public Welfare Committee.

Mr. PELL. Mr. President, I had a chance to examine the bill, and it seems to make sense. I look forward to its being brought up for early consideration in the coming session by the subcommittee. I have had the opportunity to talk with the chairman of the full committee, the Senator from New Jersey (Mr. WILLIAMS).

It would seem, barring some unforeseen problems, that there would be no difficulty about making sure that the authorization would be made available before the session had proceeded too far.

Mr. STEVENSON. Mr. President, I thank the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. EAGLETON). What is the pleasure of the Senate? Is there further morning business? The Senator from Arkansas is recognized.

NO RETREAT ON MANSFIELD AMENDMENT

Mr. FULBRIGHT. Mr. President, I wish to comment very briefly upon an article in the New York Times today which, it seems to me, reflects upon the Senate and, particularly, upon the majority leader. The matter of foreign aid extension has been discussed here at great length, and I think the statement in the article that the Senate has been overridden and, in effect, has been rebuffed—I believe that is the language in the article in the New York Times—is not an accurate statement of fact.

The matter of how to deal with foreign aid legislation is not by any means concluded. It is true there have been extensive negotiations among the leaders of both Houses. The critical question here is the Mansfield amendment.

The article in the New York Times stated that Senator MANSFIELD has yielded all efforts to influence the administration of Vietnam policy. I will read one paragraph:

> In principle, Senator MANSFIELD can renew his fight when the continuing resolution expires in March. But, in the opinion of many in Congress, the bypassing of the Mansfield amendment probably marks the end of a serious Senate challenge to Mr. Nixon's Vietnam policies and at least a temporary retreat in the attempt by the Senate to assert a voice in the formulation of foreign policy.

I do not think that is an accurate statement of the situation. I do not think that Senator MANSFIELD has retreated and I know I am not retreating from any serious effort to influence the policies of this Government in Vietnam and in other areas.

I assume this matter will be brought up on Monday and that will be the proper time to discuss it. I will not delay the Senate this morning.

But I am certainly not satisfied with the procedure described in the article. What it is based upon, I do not know. I did not discuss or have any consultation with the writer of the article with respect to anything at all about it. I do not subscribe to it.

I want to state that I believe it is the responsibility of the Senate still to insist upon authorization legislation. The conference still has not broken up. We have not proceeded to a resolution of differences, but the bill before the conference is a very good bill in this area and I am still very hopeful we can prevail upon the House and the Senate to accept authorizing legislation before a substantial amount of money is made available for the continuation of this program.

I merely wanted to say that because I thought over the weekend there might be misapprehension in the minds of many people as to the status of this particular legislation.

AID TO PORTUGAL

Mr. FULBRIGHT. Mr. President, there is another article in the New York Times today that I wish to comment on. The article states that the United States has promised Portugal $435 million. It is reported that the Senator from New Jersey (Mr. CASE) objected to the procedure that has been followed, that is, the ignoring of the Senate and Congress, as far as I know—but certainly the Senate—in the negotiation of an agreement of this consequence and this size.

I think the administration should have submitted this agreement to the Senate for consideration. This is a very large amount of money and I am bound to say that the negotiation of agreements of this size without consultation with Congress is very disappointing and verges upon irresponsibility.

It seems to me that these people are not aware of the very serious financial conditions in this country. The programs referred to here are the kinds of programs that the people of my State and all the States are interested in, such as schools and hospitals.

The article states:

> The American commitment to finance the purchase in the United States of goods and equipment worth up to $400 million for Portugese development projects—ranging from town planning to the building of airports, highways, bridges, hospitals and schools—was described by State Department officials as conditional on the approval of each individual project application by the Export-Import Bank, an independent governmental agency.

Those are the very projects that are being held down, and are without funds in my State and, I believe, in all other States. I want to register my strong objection to the continuation of this program of financing abroad at concessional rates, and there are grants in this program, under the circumstances that exist in this country. We know about the impoundment of funds for highways, for example, and yet we are making money available for highways in Portugal. I cannot understand the continued granting of this kind of financing in the face of our own needs.

It seems to me that what we all know to be a fact with regard to our economy has not come to the attention of the people in the State Department and the executive branch. They must live in some kind of ivory tower that insulates them from the news of what is going on in this country.

I suppose they take the attitude that programs in this country are not their responsibility, but it is the responsibility of the Senate and I shall urge the Senate to try to bring some restrictions on this kind of agreement without consultation with the Senate.

Mr. President, I thought it was fair to say that before we recess for the weekend.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this bill be the final quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the two leaders have been recognized on Monday, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY, DECEMBER 13, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 11 o'clock and 31 minutes a.m.) the Senate adjourned until Monday, December 13, 1971, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate, December 11, 1971:

U.S. DISTRICT COURTS

Jon O. Newman, of Connecticut, to be a U.S. district judge for the district of Connecticut.

Arnold Bauman, of New York, to be a U.S. district judge for the southern district of New York.

Lee P. Gagliardi, of New York, to be a U.S. district judge for the southern district of New York.

William Terrell Hodges, of Florida, to be a U.S. district judge for the middle district of Florida.

Bruce M. Van Sickle, of North Dakota, to be a U.S. district judge for the district of North Dakota.

EXTENSIONS OF REMARKS

HUNTING ACCIDENTS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, December 10, 1971

Mr. METCALF. Mr. President, Montana Outdoors Editor John Willard of Billings has written another thoughtful piece about hunting accidents. In it he points out that, while a game hunter is in greater danger driving to and from his hunt than when in the field, there is still a job to be done on hunter safety programs.

Mr. Willard also finds "significant the lack of any real mandate to keep out of the field, even temporarily, a person who shoots another in a hunting accident."

I ask unanimous consent that Mr. Willard's article, published in the Billings, Mont., Gazette of December 5, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAR STILL MORE DANGEROUS THAN GUN

(By John Willard)

Notwithstanding the concern of hunter's wives, the chance of harm coming to her hubby is 67 times greater from wheels than from bullets.

Hunting accidents continue to take their toll, of course, and will as long as people are people. Last week reminded again that a hunting buddy can kill his partner as easily as some total stranger of whose presence he wasn't even aware. Such accidents date back 150 years to the day of Peter Cruzatte shot Captain Meriweather Lewis in a painful but not serious part of his anatomy while elk hunting in the Missouri river bottoms.

The fiddle-playing member of the Lewis and Clark expedition got off very lightly in view of the fact the senior officer spent several very uncomfortable days in the bottom of the boat and no court-martial ever was held on the subject. Today, there is about the same penalty for shooting someone in the field, unless there is proof which justifies action under general laws covering homicide, manslaughter and assault, the shooter faces no difficulty under fish and game statutes.

So, while the hazard in the field may be only about one-sixty-seventh that faced while tooling down the highway coming or going from hunting, there seems still to be some lack of teeth in punishment for carelessness at the butt of a firearm.

Everyone should feel pleased that public firearms fatalities nationally during 1970 dropped 10 per cent from 1969, probably due mostly to good hunter safety programs, enriched somewhat by new money from arms taxes. This record was unmatched in other public accident categories.

Happily, Montana is one of the 16 states requiring safety training prior to first hunting licensing, but even states which have volunteer programs report good attendance in safety training classes. Montana also has a law requiring wearing of safety clothing while hunting, a law which has consistently been strengthened as hunter numbers increase.

What seems most significant is the lack of any real mandate to keep out of the field, even temporarily, a person who shoots an-

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other in a hunting accident. The penalty provision for violation of fish and game statutes or rules and regulations of the Fish and Game Commission includes authority for license revocation for 18 months from date of conviction. Since fish-game laws are silent on fatal and non-fatal accidents, the same silence pervades authority to deny the offender a second chance to maim or kill accidentally.

NORTHEAST KANSANS RESPOND TO QUESTIONNAIRE

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. ROY. Mr. Speaker, last July I sent a questionnaire to every resident of the Second District of Kansas, which comprises the northeast portion of the State. More than 10,000 persons responded, and I would like to share their views with you and my colleagues.

It is difficult to summarize something which involves thousands of persons and responses to multiple questions. Despite this, there are certain conclusions which can be drawn with some certainty from the results.

The residents of northeast Kansas want a speedier end of the war in Southeast Asia, a national health insurance program, and some form of wage and price controls.

They also would like to see smaller expenditures on foreign aid, defense, space and welfare, and larger sums spent on pollution control, health, education, and manpower training.

Writing last summer, more than half of the respondents—53.3 percent—expressed the desire to see the United States out of Southeast Asia by the end of this year. It appears they will be disappointed.

One in three favored the President's program of winding down the war. One in 20 wanted to stop withdrawals and stay to achieve a military victory.

Half the respondents—49.8 percent—favored a program of national health insurance "to cover the cost of medical expenses." One in three said no.

Roughly one in three—35.4 percent—approved of some form of wage and price controls, either across the board—25.4 percent—or on selected industries—10 percent. This was before the August 15 freeze was announced, of course.

One in six—16.2 percent—wanted tax reductions for individuals.

Two out of five—40.2 percent—felt legislation is needed to provide better availability of credit for rural areas, and I am pleased that Congress has acted in this regard this year.

Opinion was divided as to whether marketing order authority should be extended to any agricultural commodity if a majority of the producers approves of such an extension. One quarter of the respondents went on record each way, with one in three undecided.

On the question of national priorities, smaller expenditures for foreign aid were favored by 67.8 percent, on defense by 56 percent, on space by 53.3 percent, and on welfare by 49.5 percent.

Increased expenditures were called for on pollution control by 68.3 percent, on health by 49.5 percent, on education and manpower by 46.3 percent, on housing and community development by 39 percent, and on agricultural and rural development by 36.5 percent.

Only 4.3 percent wanted to spend more on foreign aid, and only 7 percent wanted to spend more on defense.

Forty-seven percent tabbed the economy when choosing issues of "most concern" to them. Social issues were named by 41.5 percent, foreign relations by 27 percent, health by 21 percent, the role of the Government by 20.3 percent, the military by 12.8 percent, and agriculture by 4.8 percent.

A feature of the questionnaire was that a large amount of space was provided for persons to comment, in their own words, as to their own view of the issues. Thousands of persons, many of whom might never otherwise have written, took advantage of this opportunity.

Throughout the questionnaire, responses were elicited from three persons per household, under the categories "his, hers, and young voter." This approach proved very successful, and often two or three persons responded on the same questionnaire.

I have been so pleased with the results that in the future, in addition to sending out another major questionnaire next year, I will include two or three questions and some room for individual comment in all of my districtwide mailings.

I think the questionnaire results are important in two vital respects: first, they show that people are interested, and given the chance, they will voice their opinions; secondly, that Kansans do want change in our society, a reordering of our national priorities.

Mr. Speaker, at this point I wish to present the complete and detailed results of my first districtwide constituent poll. The results follow:

QUESTIONNAIRE RESULTS

THE ECONOMY

What do you think should be done to create a more healthy economy? Please rank those courses of action you feel would help the economy, beginning with No. 1 for the action you feel would be most helpful. (The figure listed is the percentage of persons who felt that action would be the No. 1 step to take.)

	Percent
Tax reductions for individuals	16.2
Tax reductions for business to invest and expand	5.2
Increased government spending	1.2
Reduced interest rates and expanded money supply for mortgages and other loans	11.7
Informal government pressure and voluntary restraints in wages and prices	9.0
Wage and price controls imposed on selected industries	10.0
Wage and price controls imposed across the board	25.4
Other, No answer	21.3

RURAL NEEDS

Do you favor extending marketing order authority to any agricultural commodity if a majority of the producers approve such extension?

	Percent
Yes	25.4
No	24.9
Undecided	33.2
No answer	16.5

Do you think legislation is required to provide a more adequate and flexible flow of money into rural areas to meet rural credit needs?

	Percent
Yes	40.2
No	31.9
Undecided	18.9
No answer	9.0

HEALTH CARE

It has been proposed that a national health insurance programs be established to cover the cost of medical expenses. Do you favor such a program?

	Percent
Yes	49.8
No	36.3
Undecided	9.3
No answer	4.8

THE INDOCHINA WAR

The United States should

	Percent
Immediately withdraw all troops from Southeast Asia	19.6
Speed withdrawal of troops, so that all are removed by the end of this year	33.7
Continue the "winding down" of the war and gradual removal of troops, as advocated by President Nixon, with 175,000 American servicemen still in Indochina at the end of the year	36.7
Stop troop withdrawals and stay in Indochina as long as necessary to achieve a military victory	4.5
No answer	5.5

NATIONAL PRIORITIES

[President Nixon has proposed Federal expenditures totaling $229 billion for the fiscal year which began July 1. The figures below are administration requests and the percentage of the budget for various items. Do you think Congress should allocate more (M), iess (L), or the same[(S) amounts? (NA= no answer)]

	M	L	S	NA
Defense	7.0	56.0	27.5	9.5
Social security	27.2	12.0	53.0	7.7
Health	49.5	11.3	29.3	10.0
Veterans benefits	28.8	11.8	48.5	11.0
Education and manpower	46.3	11.3	32.0	10.5
Transportation	26.0	24.5	37.3	12.3
Welfare	15.8	49.5	25.3	9.5
Agriculture and rural development	36.5	11.5	41.0	11.0
Housing and community development	39.0	15.8	35.0	10.3
Foreign aid	4.3	67.8	20.5	7.5
Space	12.0	53.3	27.3	7.5
Pollution control	68.3	8.0	17.5	6.2

What are the issues or problems of most concern to you?

	Percent
Economy	47.0
Social issues	41.5
Foreign relations	27.0
Health	21.0
Role of government	20.3
Military	12.8
Agriculture	4.8

TESTIMONY OF GOV. WENDELL ANDERSON BEFORE THE HOUSE PUBLIC WORKS COMMITTEE

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Friday, December 10, 1971

Mr. HUMPHREY. Mr. President, our environment—the purity of our air, the cleanliness of our streams and lakes, the naturalness of our forests—is of concern to all public officials. And, all of us are for eliminating pollution—the only question is, "How sincere are we?"

Legislation that recently passed the Senate set up a mechanism to test that sincerity. This legislation proposed in law that our Nation should eliminate pollution by 1981. The House of Representatives has agreed with this goal.

On December 9, 1971, the Governor of Minnesota, Wendall Anderson, addressed himself in a realistic and forthright manner to pollution problem and to the goal of pollution elimination by 1981. In testimony before the House Public Works Committee, Governor Anderson noted that—

We should have uniform standards of pollution control in all fifty States—tough, fair, standards, a set of meaningful and comprehensible rules that permit neither exception nor evasion.

I ask unanimous consent that Governor Anderson's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GOV. WENDELL R. ANDERSON OF MINNESOTA

This is a committee of experts. Your attention to the detail of pollution abatement is well known. On the single issue of an amendment to the Federal Water Pollution Control Act, this committee and the Senate have conducted seventy days of public hearings.

To the enormous body of material before you, and in light of your own commitment and expertise, what can be added by one governor who has held executive office less than a year?

I suggest that there is one insight which should be shared with you. I suggest that every governor in the country knows what is the greatest political barrier to effective pollution control. It is the threat of our worst polluters to move their factories out of any State that seriously tries to protect its environment. It is the practice of playing off one State against the other. It is the false but strident cry of the polluter that clean air and water mean fewer jobs.

Every governor in this country knows that when he tries to put some teeth into his State's antipollution laws, his efforts will be met by precisely these sort of threats.

My message to you today is this: The answer to threats is uniformity. The only way to stop polluters from political intimidation is to prevent them from raising the alternative of moving to a place where pollution is allowed. There should be no such place in this country. We can no longer tolerate the fact that the price of diligence is intimidation. We should have uniform standards of pollution control in all fifty States—tough standards, fair standards, a set of meaningful and comprehensible rules that permit neither exception nor evasion. Pollution does not stop at State boundaries, and neither must its regulation.

My testimony to you today is directed toward this end. I am grateful for the opportunity to suggest a number of particulars in which this committee might strengthen its legislation aimed at achieving rigorous and unform regulation for all the fifty States.

At the outset, let me state that all of us in Minnesota appreciate your dedicated and continuing effort to report before Congress recesses, a strong, enforceable, and carefully considered amendment to the Federal Water Pollution Control Act.

I am especially pleased that the House and Senate agree that our Nation should eliminate pollution through the "best available treatment" by 1981 and a "no-discharge" rule by effluent standards are absolutely essential.

By achieving the no-discharge rule, we will save not just our lakes and streams, but also the wasted resources that are dumped in them. As an example of this resource waste, I would point out that five billion dollars of copper alone are lost each year by discharge into our waters. This type of senseless resource loss most be considered in the cost analyses required by this legislation.

It is said that some polluters will move to other countries if the United States enacts strong national pollution control standards. This is still another form of environmental blackmail, and one which must be thwarted, too. The ransom is too high. I recently met with governors from Japan who are working hard to abate that country's pollution. The industrialized nations, who are this country's chief competitors, are also striving to control the spread of pollution within their own borders. The United States should move forward, too. If the efforts of other lands are not equal to our own, then we need not fear that our industry will as a consequence be placed at a competitive disadvantage in terms of production costs. This country is pefectly capable, should it be necessary, of insuring that our industry is protected against foreign pricing that is possible only through pollution.

I have been discussing the necessity for uniform standards, both within this country and on the international level as well. Until such uniformity is achieved, however, I think it is appropriate to mention one area in which there has been a rather dramatic conflict between two different sets of standards. I refer to the clash between State regulatory standards and those of the Atomic Energy Commission. I submit to you that when the regulatory standards of States and other non-Federal units of government are stronger and more protective of the public interest than those of the Federal Government that the State, and not the Federal, standards should be permitted to prevail.

This concept was incorporated in the original Muskie proposal last August, which affirms the States' authority to regulate atomic power plants if the appropriate State standards were stronger than those of the AEC. We believe that the States have this inherent right.

I think that my own State of Minnesota provides a good example of State standards far better equipped to protect our citizens than any standards yet proposed by the Federal Government. Minnesota's isotopic limits on radioactive material released to water are some 300 times to more than 100 million times more restrictive than the limits set by the AEC. This means that the people of Minnesota are showing a willingness to pay a few more pennies for their electricity, if this should be necessary in order eliminate potential risks to the health of their children. Surely citizens in other States must also be so inclined. The language in the original Muskie proposal would have affirmed States' right to maintain stronger standards than those of the AEC. I would urge that that language be restored.

The need for such restoration has been dramatically illustrated in Minnesota. Since this July, Minnesotans have encountered several low-level radioactive discharges from a nuclear generating plant owned by Northern States Power Company located on the Mississippi River at Monticello, Minnesota, 35 miles northwest of the Twin Cities. Some of these releases have resulted from malfunctions and others have been deliberate. The deliberate releases could have been reduced by the use of different operating procedures, or avoided completely by the utilization of holding tank facilities.

On November 19th of this year a deliberate discharge of radioactive material was released from the NSP plant in question. Three days were permitted to pass before an Atomic Energy Commission compliance inspection team arrived on the site. Three days. During this period, intolerably long considering the risk, there was some action taken to minimize the dangers of the radioactive discharge. But that action was taken by the state. The AEC inspection unit had not yet arrived at the plant.

I can cite another example of State preparedness being superior to that now offered by the Federal Government. States should also be allowed to enforce stronger marine boathead standards than those prescribed by the Federal Government. Minnesota recently passed a holding tank law. We fear, however, that our standards will be pre-empted by more lenient federal standards set pursuant to section 312(b) 1 and 312(f) 1. This can be remedied by deleting section 312(f) from the act. Or, the following can be inserted in lieu of section 312(f)3:

"(3) If the administrator is requested by the Governor of a State to adopt holding tank requirements to further protect and enhance the quality of specified waters within or bordering on the State, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters."

Also, this act should provide funds for on-shore disposal and pump-out facilities where needed.

Also, I would hope that you would clarify for the record whether it is the intent of Congress to have the marine sanitation devices governed by effluent standards and the no-discharge rule provided for in title III. I believe title III should govern.

Just as the State and Federal governments should provide for a check on each other, citizens should be allowed to check the government. It is good, therefore, that both the House and Senate bills include a citizen's right to sue provision. This section (505) can be strengthened by allowing persons (the definition of which includes States) to sue the EPA administrator for all acts and not just for non-discretionary acts, as is now provided. Such a provision would protect the States and the public from arbitrary action by the EPA administrator and still allow the administrator to take any action that could be supported by reasonable and factual evidence. In addition, this would provide for judicial review of disputes arising between the States and the Environmental Protection Agency.

Persons bringing a citizen's lawsuit may be required to post a bond when seeking a temporary injunction or restraining order. This requirement is in conflict with Minnesota law which waives the bond when the State is seeking a temporary injunction. A bond, if required at all, should be limited by law so that citizens with legitimate grievances can afford to air them. In addition, if a bond protects the polluter from the improper granting of an injunction, a bond must also protect the citizen from an improper denial. If citizens are required to post bond in the one instance, the polluter should have to do go in the other.

I support the mandatory language in both the House and Senate bills that directs the EPA to turn the permit programs over to the States if they meet acceptable criteria. The States should be required to provide enough manpower to run a credible permit program, however, and that manpower should be free from any conflicts of interest.

If the States are to run the permit program, however, the EPA must have a veto over individual permits issued by the States. It is true that the House bill allows the Federal Government to review the State's total permit program, but once that program is approved by the Administrator it

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is extremely unlikely that such approval would be rescinded.

The EPA Administrator should not have to veto a State's total program just to get at permits granted improperly to a couple of polluters. So we still need a veto on individual permits to check those that are improperly granted, and this concept is already embodied for interstate waters in section 402(d)(2) of the House bill. The Administrator, if he exercises a permit application veto, should be required to do so within 60 days or the veto will be waived. This will have the effect of requiring him to focus on only those permits that involve significant problems and would provide a reasonable double check on this crucial part of the States' program.

The following reasons for such a check are apparent.

Suppose a State adopted a policy of approving more lenient permits as a device to lure industry away from more conscientious States. This would circumvent and destroy the uniformity created by national effluent standards. Or, what if the person in charge of issuing State permits owned stock in the company whose permit he issued? EPA's veto power should further apply to help overcome political and other pressures sometimes exerted by local industry on State agencies. The further away one is from such pressures, the easier it is to be objective in making such important decisions. Each branch of government, therefore, must help the other resist untoward pressure and act as a check on the other to produce the strongest pollution control possible—that is cooperative federalism.

Minnesota's position on the Federal veto is a middle ground, therefore, between the Senate and House bills. We believe this approach will avoid the administrative problems which could bog down the program if an unlimited time period were allowed for Federal review of permit applications. Although a small increase in EPA staffing may be required, we believe this approach will provide a margin of additional safety on the side of the environment when the administrator determines stronger protection is needed by strengthening an individual permit.

I appreciate the fact that several Governors, well informed on this issue and conscientious in their efforts to protect their citizens, have taken a somewhat contrary position. These gentlemen have opposed the right of the Federal Government to exercise a veto over individual permits. I appreciate their concern but respectfully submit that that concern is inappropriately applied in this instance. I appreciate the fact that several Governors are reluctant to give any veto power to a Federal Government which has in the past supported standards less stringent than those of the States. I referred to this problem earlier. But in this particular instance, I feel the cause of stricter standards is best served by permitting the individual permit vetoes.

If this safeguard is not permitted, those States which do not pursue a vigorous anti-pollution program will continue to be cited by polluters as havens from which to escape proper environmental regulations. The uniformity which I cited at the outset of these remarks as the major necessity for an effective pollution control program cannot, therefore, be achieved without permitting this type of Federal check on permits which simply do not accomplish the job of pollution control.

It is good to see the provision in the Blatnik bill which increases funding authorization to $20 billion. The House should also be commended for raising the Federal share of funding sewage treatment works to 75 percent. Minnesota still has 346 municipalities with no collection systems or combined treatment facilities. Seventy-eight percent of these towns have less than 500 people. They must, therefore, depend on larger governmental units to finance the cost of such facilities. And we would appreciate your assurance that Section 211 of this bill will allow grants to these existing municipalities for collection systems.

We are unimpressed by the argument that the success of this program should require local units of government to finance a substantial share of treating sewage. There is ample precedent in the Federal Highway Program indicating that generous federal sharing does not impair the commitment of the participating local units of government. Indeed, the administration's commitment to federal revenue sharing should not be allowed to wane in this area. Increased federal support of local construction projects is clearly needed to assist the many municipalities attempting to restore and preserve water quality. The economic position of many of these communities inhibits their present efforts.

We approve of the Blatnik bill's authorization of funds for collection systems. It is said that federal grant money for these collection systems and treatment works is available in contract authority in section 203. If this is your intention, we would appreciate a clarification for the RECORD. Does the House bill negate contract authority by its deletion of Senate bill wording that keeps authorized funds "available until expended?" Also, if the authorization is available for contract obligation, the EPA administrator should be required to approve title II grant applications within 90 days or state his written reasons for rejection. Once those objections have been resolved by the states, EPA approval should automatically result.

Apparently there has been an oversight in section 301(2)(b) allowing public discharge sources to escape the effluent standards applied to private sources. I mention this to emphasize the importance of equal application.

I again express my admiration for the work you are doing here and thank you for the opportunity to participate. We must act now to reshape priorities so that both clean water and productive capacity are achieved. If we do not act, rivers like the Buffalo, Rouge and Cuyahoga will continue to catch fire because of the pollution in them. And nobody sets his own house on fire just to keep temporarily warm. When that glow is gone, all we are left with is ashes. Our people deserve a better legacy.

STUDENTS PETITION SALT TALKS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, December 10, 1971

Mr. CRANSTON. Mr. President, last week, representatives of student body presidents and campus newspaper editors from all over the United States presented a petition to the United States and Soviet Union delegations to the strategic arms limitation talks now being conducted in Vienna. I ask unanimous consent, Mr. President, that the petition and accompanying statement, the list of signers and an article from the Christian Science Monitor of December 1, 1971, which describes the event, be printed in the RECORD at the conclusion of my remarks.

I am very much pleased by the efforts of these student leaders to demonstrate their concern for the future of the world that they and their children will inherit. Their statement is a heartening reaffirmation of the commitment of America's future leaders to the cause of peace.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STUDENTS PETITION SALT TALKS

(By Eric Bourne)

VIENNA.—Four hundred American student presidents and campus editors have told the U.S. delegation engaged in strategic arms limitation negotiations here with the Russians that "the only road to disarmament is to disarm."

They said so in a petition presented Nov. 26, in the name of more than one million American students from universities and colleges in some 42 states to Ned Nordness, the press officer attached to the U.S. SALT delegation.

It was handed over by 21-year-old Michael A. Hackard (Sacramento State College), coordinator for the student presidents and editors group, and 25-year-old U.S. Army Negro veteran of Vietnam Willis Edwards (Los Angeles State College).

ACCEPTED FOR U.S. DELEGATE

Mr. Nordness received it on behalf of Ambassador Gerard Smith, both in the latter's capacity as leader of the American delegation here and as director of the U.S. Arms Control and Disarmament Agency.

The petition is addressed to the President, Congress, state governors, and "all the American people," but the two sociology students flew to Vienna to present it through the SALT delegation in order to publicize their move to raise disarmament as a significant student issue in next year's presidential election.

Behind the movement is the newly constituted Student Leaders' Task Force for Disarmament which—says Michael Hackard—has already "created quite a momentum in getting students involved in the problems of the arms race."

Plans for 1972 include publicizing congressional voting records on relevant issues and also building up a panel of student leaders to travel the country working for candidates who are "strong for arms control and disarmament."

TEST BAN RECALLED

The petition cites the limited test ban treaty of 1963 as "the first step in putting the genie of Nuclear Hades back in the bottle" and adds: "We now need a comprehensive treaty."

This, it urges, should include a curb or even total dismantlement of the ABM system, a stop to the deployment of MIRVs, and a limit on other strategic missiles.

"This would be a first step toward the destruction and abolition of all nuclear weapons.

"Many of these steps could be taken at SALT if our President is truly dedicated to a generation of peace," the statement ends.

Before visiting Vienna's Hofburg to deliver the petition to the American SALT team, the two young disarmament "emissaries" presented the Soviet embassy with a copy for Russia's chief negotiator, Vladimir Semyonov. It was accepted by an English-speaking member of the delegation.

Another copy, with an accompanying letter, is on its way to the Kremlin, addressed to Russia's party chief, Leonid I. Brezhnev.

STUDENT PRESIDENTS' AND EDITORS' STATEMENT ON DISARMAMENT

(A petition for disarmament from American student body presidents and campus editors to the President, Senate, House of Representatives, State Governors, and all the American people, November 16, 1971.)

The Student Presidents' and Editors' Statement on Disarmament transcends our national boundaries, prejudices, fears, and enfolds all of mankind in a spirit of brotherhood. The student body presidents and campus editors who signed the statement did not do so lightly or without serious thought. For indeed it is a serious thought to contemplate a nuclear war and the subsequent destruction of the family of man. It is serious and careful thought that brought these student body presidents and campus editors to call for general and complete disarmament.

Reality dictates that general and complete disarmament will neither spring from the summons of a student leader's petition nor the growing outrage of the general populace. Steps must be taken to put the genie of nuclear Hades back in the bottle. President Kennedy took the first step in 1963 with the signing of the limited Test Ban Treaty. We now need a comprehensive test ban treaty. The ABM system that is so destabilizing must be limited if not entirely dismantled. MIRV must cease to be deployed. There must be a limit on the ICBM's and SLBM's. This limit would be a first step to the destruction and abolishment of nuclear weapons. Many of these steps can be taken at SALT if our President is truly dedicated to a generation of peace. Hardened silos surrounded by a questionable ABM do little for peace but much for the fear and distrust inherent in warlike states.

The student leaders who signed this petition ask you to consider all steps that can be taken to disarmament. They believe that every step taken toward disarmament is a step taken away from the horror of nuclear war.

MICHAEL A. HACKARD,
Coordinator for Student Presidents' and Editors' Statement on Disarmament.

(Student Body President, Sacramento State College, Sacramento, California.)

STUDENT PRESIDENTS' AND EDITORS' STATEMENT ON DISARMAMENT

"We think that opposition to the arms race among youth is greater than President Nixon appears to believe. As student body presidents and campus newspaper editors, we are personally troubled by the spiraling arms race.

"To show how deep and widespread our conviction that this preparation for war is wrong, we have signed this statement. 'I believe the nuclear arms race is wrong and that the manufacture of nuclear arms must cease. I also believe that general and complete disarmament is the only path leading out from the brink of nuclear Hades. In short, the only road to disarmament is to disarm.'"

Following is a list of people who have signed the above statement:

ALABAMA

Athens College, Robert F. Goodman, Editor of Campus Newspaper.
Jacksonville State University, Thomas W. Simpson, Editor of Campus Newspaper.
Auburn University, John Samford, Editor of Campus Newspaper.

ALASKA

Alaska Methodist University, Patrick W. Conheady, Editor of Campus Newspaper.

ARIZONA

Northern Arizona University, Pat Nilz, Student Body President.
University of Arizona, Randy Tufts, Student Body President.

ARKANSAS

Southern State College, Doyle DeWoody, Student Body President.
Hendrix College, Tim Tarvin, Student Body President.
School of the Ozarks, Susan Bush, Editor of Campus Newspaper.
Philander Smith College, William L. Collins, Student Body President.
Arkansas College, Mike Bowlan, Editor of Campus Newspaper.

CALIFORNIA

Sacramento State College, Michael A. Hackard, Student Body President.
Humboldt State College, Arnie Braasladt, Student Body President.
San Jose State College, Pamela Strondberg, Editor of Campus Newspaper.
San Fernando Valley State College, Harold Kloppers, Editor of Campus Newspaper.
Fresno State College, Barbara McDowell, Editor of Campus Newspaper.
California State College at Long Beach, Chris Christopherson, Student Body President.
San Francisco State College, Ken Maley, Student Body President.
Los Angeles State College, Willis Edwards, Student Body President.
Fresno State College, Phil Sherwood, Student Body President.
Califoria State College at Los Angeles, Michael A. Katz, Editor of Campus Newspaper.
Sacramento State College, Daniel L. Parker, Editor of Campus Newspaper.
Cal Poly, San Luis Obispo, Pete Evans, Student Body President.
Humboldt State College, Hank Kashden, Editor of Campus Newspaper.
California State College at Fullerton, Brent F. Romney, Student Body President.
San Fernando Valley State College, David A. Wilk, Student Body President.
San Bernardino State College, Breck Nichols, Student Body President.
San Francisco State College, Jeremy Cohen, Editor of Campus Newspaper.
University of Southern California, Joel Rosenzweig, Student Body President.
Mills College, Marsha Martin, Student Body President.
San Bernardino Valley College, Steven A. Hardin, Student Body President.
California Institute of Technology, Spencer Watlin, Student Body President.
Marin Community College, Kenneth Bott, Student Body President.
Diablo Valley College, Frederick J. Speck, Student Body President.
Imperial Valley College, Larry Cowne, Student Body President.
Los Angeles Valley College, Robert D. Dutton, Student Body President.
West Los Angeles College, Bill Crutchfield, Student Body President.
College of the Redwoods, Benjamin P. Harville, Student Body President.
Immaculate Heart College at Los Angeles, Ursula Hyman, Town Hall Chairman.
Orange Coast College, Don E. Baker, Student Body President.
University of Santa Clara, Edgar A. Sutes, Student Body President.
Cabrillo Community College, Dave Henderson, Student Body President.
Whittier College, Roger K. Workman, Student Body President.
Shasta Junior College, K. M. Caylor, Student Body President.
Claremont Men's College, Neil Locke, Student Body President.
Los Angeles City College, Alvin Maxwell, Student Body President.
Santa Monica College, Gregg Atokell, Student Body President.
Chapman College, David S. Lathrop, Student Body President.
Mesa College, Eric C. Jones, Student Body President.
Saint Mary's College of California, Joseph C. Bell, Student Body President.
Allan Hancock College, Lawrence Edward Lehr, Student Body President.
Ventura Community College, Paul L. Johns, Student Body President.
College of the Holy Names, Patricia K. Sabo, Student Body President.
Merced College, John Lewis, Student Body President.
Cypress College, Steve Cifelli, Student Body President.
Chapman College, Thomas E. Olson, Editor of the Campus Newspaper.
Yuba College, Larry Newman, Editor of Campus Newspaper.
Moorpark College, Kay Cavanaugh, Editor of Campus Newspaper.
Southwestern College, David J. Grell, Editor of Campus Newspaper.
Lassen College, Katie Clements, Editor of Campus Newspaper.
Cal State at Dominquez Hills, Allen Ball, Editor of Campus Newspaper.
U.S.I.U.-California Western University Campus, Sean D. Griffin, Student Body President.
Columbia Junior College, Michael Vincent Mager, Editor of Campus Newspaper.
Foothill Junior College, Tom Wilmer, Editor of Campus Newspaper.

COLORADO

Colorado College, Paul J. Clark, Editor of Campus Newspaper.
Western State College of Colorado, Mardi Crawford, Linston Hatcher, Co-editors of Campus Newspaper.
Colorado State University, John D. McGrant, Student Body President.
University of Colorado, Gary Svoboda, Student Body President.
University of Denver, William A. Ray, Jr., Student Body President.
Southern Colorado State College, Paul I. Martinez, Student Body President.
University of Northern Colorado, Kenneth E. William, Editor of Campus Newspaper.
Colorado College, John H. Fybe, Jr., Student Body President; Paul Clark, Editor of Campus Newspaper.
Adams State College, Miles F. Porter IV, Editor of Campus Newspaper.
Regis College, Kevin T. O'Connor, Editor of Campus Newspaper.

CONNECTICUT

Connecticut College, Mary Ann Sill, Allen Carroll, Co-Editor of Campus Newspapers.
Western Connecticut State College, Katherine R. Kucia, Editor of Campus Newspaper.
Central Connecticut State College, Roger M. Smith, Editor of Campus Newspaper.
Connecticut College, Jay B. Levin, Student Body President.
Holy Family College, Patrick C. Wilson, Editor of Campus Newspaper.

FLORIDA

St. Leo College, David J. Schulte, Editor of Campus Newspaper.
Florida Presbyterian College, Anita Gagnon, Editor of Campus Newspaper. Larry Pellegrini, Student Body President.

GEORGIA

Oglethorpe University, Linda Lennox, Editor of Campus Newspaper.
Fort Valley State College, Thomas W. Dortch, Jr., Student Body President.
Barry College, Jazon McCollum, Editor of Campus Newspaper.
Morris Brown College, Robert Lewis Reese, Editor of Campus Newspaper.
Georgia Southern College, John Thomas McElheny, Jr., Student Body President.
Georgia Tech, Chris Boxby, Student Body President.
Berry College, Kenneth Stewart, Student Body President.
Wesleyan College, Maude A. Vasile, Editor of Campus Newspaper.
Piedmont College, Ronald Webb, Student Body President.

IDAHO

Northwest Nazarene College, Stew Smith, Student Body President.
University of Idaho, Mary Ruth Mann, Student Body President.
Northwest Nazarene College, Brad Arnesen, Editor of Campus Newspaper.

XUM

ILLINOIS

Aurora College, Wallace B. Hamlin, Student Body President.

Augustana College, Mark Schmichart, Student Body President.

Blackburn College, Linda Buchs, Editor of Campus Newspaper, Carl Bergauer, Student Body President.

Chicago State University, Michael J. Dunbar, Editor of Campus Newspaper.

Concordia Teachers College, David A. Kieschnule, Student Body President.

Eastern Illinois University, Jack Marks, Student Body President.

Elmhurst College, Donald P. Bizer, Editor of Campus Newspaper.

Illinois College, Cindy Nazy, Editor of Campus Newspaper.

Illinois Institute of Technology, John W. Schuck, Student Body President.

Lake Forest College, Ron Burian, Co-Editor of Campus Newspaper.

Loyola University, Thomas J. Hart, Student Body President, Martin D. Glista, Editor of Campus Newspaper.

Monmouth College, Alfred Flesh, Student Body President.

North Park College, John Hunt, Alan G. Muller, Co-Editors of Campus Newspaper. Joyce Nelson, Student Body President.

Northern Illinois University, Thomas Conrad, Editor of Campus Newspaper, Marvin Leavitt, Student body President.

Quincy College, George Martin Kreuzer, Editor of Campus Newspaper.

Roosevelt University, Carl Andrews, Editor of Campus Newspaper.

Rosary College, Caryl Inglis, Jean Vondusky, Co-Editors of Campus.

Shimen College, Mary T. Grund, Editor of Campus Newspaper.

University of Evansville, Joe White, Student Body President.

University of Illinois, Kim Williams, Editor of Campus Newspaper.

HAWAII

Church College of Hawaii, Scott Leggat, Student Body President.

INDIANA

Ball State University, Carl Young, Student Body President.

Earlham College, Asa Jawvey III, Carol Thorp, Co-Student Body Presidents. Sara Elizabeth Weeker, Editor of Campus Newspaper.

Hanover College, Stephen B. Ellis, Editor of Campus Newspaper.

Indiana Central College, Brian D. Thompson, Editor of Campus Newspaper.

Indiana State University, Jack McDonald, Student Body President.

University of Notre Dame, John Barkett, Student Body President.

Valparaiso University, Jim Bernthal, Editor of Campus Newspaper.

IOWA

Briarcliff College, Kay Stover, Chairman Joint Board, Randall J. Barron, Editor of Campus Newspaper.

Central College, Dell A. Richard, Student Body President.

Cornell College, Doug Lia, Editor of Campus Newspaper.

Drake University, Jack Hatch, Student Body President. Tim Harper, Editor of Campus Newspaper.

Drake University, Jack Hatch, Student Body President. Tim Harper, Editor of Campus Newspaper.

Grinnell College, Steve Grow, Mark Sableman, Co-Editors of Campus Newspaper.

Luther College, Marsha Bergan, Editor of Campus Newspaper.

Morningside College, Edward Johnson, Student Body President.

Simpson College, Douglas King Priebe, Editor of Campus Newspaper.

Sioux Falls College, John D. Elliott, Editor of Campus Newspaper.

St. Ambrose College, Tony Dioser, Terry Shelton, Co-Editors of Campus Newspaper.

University of Iowa, Ted Paletas, Student Body President.

University of Northern Iowa, Keith Stamp, Student Body President.

University of Northern Iowa, Craig M. Bancroft, Editor of Campus Newspaper.

Upper Iowa College, Thomas Jay Novak, Student Body President.

Wm. Penn College, LaVon Leo Worley, Editor of Campus Newspaper.

KANSAS

Avela College, Marty Rupp, Student Body President.

Baker University, Lowry Anderson, Student Body President. Bob Sperry, Editor of Campus Newspaper.

College of St. Benedict, Joan Knothe, Student Body President.

Ft. Hays, Kansas State College, D. W. Tanart, Student Body President.

Kansas State University, Sandi Reed, Editor of Campus Newspaper.

Marymount College, Betsy Ross, Editor of Campus Newspaper.

McPherson College, Colleen F. Paige, Editor of Campus Newspaper.

Washburn University, John L. Fisher, Editor of Campus Newspaper.

KENTUCKY

Eastern Kentucky University, Charles I. Kelhoffer, Student Body President.

Georgetown College, Jim Applegate, Student Body President.

Murray State University, Raymond G. Huzia, Student Body President.

Western Kentucky University, Travis M. Witt, Editor of Campus Newspaper.

LOUISIANA

Grambling College, Howell T. Humphrey, Sr., Student Body President.

Louisiana State University, James F. Lestelle, Editor of Campus Newspaper.

Northeast Louisiana University, Daniel V. Rhodes, Student Body President.

Southern University, Louis Paige, Student Body President.

MARYLAND

Goucher College, Penny Brandy, Student Body President. Kathy Wolff, Editor of Campus Newspaper.

Hood College, Kathy Ann Stewart, Student Body President.

Johns Hopkins, A. Michael Hill, Editor of Campus Newspaper.

Salisbury State College, Tom McLaughlin, Editor of Campus Newspaper.

St. John's College, Christi Martha Stevens, Policy Executor.

Stonehill College, Christian P. Mihos, Student Body President.

Washington College, John Dinsdale, Student Body President.

MASSACHUSETTS

Eastern Nazarene College, Daniel A. Sorensen, Editor of Campus Newspaper.

Emerson College, Steven K. Shure, Student Body President.

Lowell Technological Institute, Francis T. McLaughlin, Editor of Campus Newspaper.

Nicholls State University, Kerry L. Cooley, Student Body President.

Regis College, Linda M. Regele, Student Body President.

Springfield College, Lee Evan Keimach, Editor of Campus Newspaper.

Stonehill College, Kevin R. Carleton, Editor of Campus Newspaper.

Suffolk University, Joseph R. Shanahan, Jr., Student Body President, Thomas E. Heslin, Editor of Campus Newspaper.

William College, Ronald B. Duning, Jr., Student Body President.

MICHIGAN

Alma College, Robert J. VandenBos, Student Body President.

Calvin College, John M. Roels, Student Body President.

Eastern Michigan University, Tom Quarton, Student Body President.

Eastern Michigan University, Ann Lindner, Editor of Campus Newspaper.

Hope College, Garrett E. DeGraff, Editor of Campus Newspaper.

Mercy College of Detroit, Bob Beauchamp, Editor of Campus Newspaper.

University of Michigan, Robert Kraftowitz, Editor of Campus Newspaper.

Michigan Technological University, Dennis G. McGrath, Student Body President. Veopie Babus, Student Body Vice President.

University of Detroit, Dave Shulman, Editor of Campus Newspaper.

Western Michigan University, Bruce Foerch, Student Body President.

MINNESOTA

Academy of the New Church, Michael L. Pendleton, Student Body President.

Augsburg College, Saul Stensvaag, Student Body President.

Carleton College, Brett A. DeHaven, Student Body President.

College of St. Benedict, Terest Landwehr, Editor of Campus Newspaper.

College of St. Catherine, Barbara Brauch, Student Body President.

College of St. Thomas, Kevin E. Johnson, Student Body President.

Concordia College, James Weeks, Student Body President.

Macalester College, Robert Stomberg, Student Body President.

Mankato State College, Larry Alan Spencer, Student Body President. Patricia Anne McGregor, Editor of Campus Newspaper.

Moorhead State College, Bruce Ellingson, Editor of Campus Newspaper.

St. Mary's College, Brother John P. Schoper, Student Body President.

St. Olaf College, Steve Miles, Student Body President.

University of Minnesota, Jack Baker, Student Body President.

MISSISSIPPI

Jackson State College, Sandra L. McClairne, Student Body President.

Lindenwood College, Janet Y. Francois, Student Body President.

University of Mississippi, William N. Reed, Student Body President.

William Cavey College, Jason D. Carlisle, Student Body President.

MISSOURI

Cardinal Glennan College, Timothy M. Dolan, Student Body President. Ben Gilbers, Editor of Campus Newspaper.

Drury College, Tom Gist, Editor of Campus Newspaper.

Farklo College, Marty Sens, Student Body President.

Immaculate Conception Seminary, Edward Lambro, Student Body President.

Maryville College, Megan Walker, Student Body President.

Missouri Valley College, Robert A. Hansen, Editor of Campus Newspaper.

Northwest Missouri State College, Stanley Barton, Student Body President.

Rockhurst College, Richard P. DeJane Student Body President.

St. Mary's Seminary, Al Weilbacher, Student Body President.

Washington University, Helen E. Page, Student Body President.

William Jewell College, Paul Duncan, Student Body President.

MONTANA

Carroll College, Robert Jahner, Editor of Campus Newspaper.

Western Montana College, Daniel Gilman, Student Body President.

NEBRASKA

Creighton University, F. Joseph Zarin, Editor of Campus Newspaper.

Dana College, Patrick Tupps, Editor of Campus Newspaper.

Doane College, Rodger A. Kube, Student Body President.

Hastings College, Richard W. Patterson, Editor of Campus Newspaper.

Kearney State College, Scott Sidwell, Student Body President.

NEW HAMPSHIRE

Keen State College, Ron Boisvert, Editor of Campus Newspaper.

St. Anselms College, Malacky Coyhians, Student Body President. Gregory John Noonan, Editor of Campus Newspaper.

NEW JERSEY

Fairleigh Dickinson, Margaret Noonan, Editor of Campus Newspaper.

Jersey City State College, Jeffrey N. Kutzoff, Editor of Campus Newspaper.

Newark College of Engineering, Charles Formen, Student Body President.

Newark State College, Robert DiFedinando, Student Body President.

Rider College, David J. Forgort, Student Body President.

Seton Hall University, Paul Callan, Student Body President.

Trenton State College, Maureen E. Gibbons, Editor of Campus Newspaper.

Upsala College, Maureen A. Doyle, Editor of Campus Newspaper.

NEW MEXICO

Eastern New Mexico University, Joanne Rohr, Editor of Campus Newspaper.

NEW YORK

College of New Rochelle, Denise C. Meany, Student Body President.

Hofstra University, Billy Ellis, Student Body President.

Pratt Institute, David Stifent, Acting President.

Herbert H. Lehman College, Francisco Padin-San Martin, Student Body President.

Cooper Union, Robert Forgione, Editor of Campus Newspaper.

Russell Sage College, Susan Ackelman, Editor of Campus Newspaper.

Hartwick College, Randall P. Lamb, Editor of Campus Newspaper.

Clarkson College of Technology, Steve Flahive, Editor of Campus Newspaper.

C. W. Post Center of Long Island University, G. Shatken, Student Body President.

St. Lawrence University, John Adrit, Student Body President.

Rochester Institute of Technology, Keith G. Taylor, Student Body President.

Marist College, George C. Bazen, Student Body Vice President.

Long Island University, Lewis R. Sterlen, Student Body President.

Vassar College, Jane Bishop, Student Body President.

Ithaca College, J. Donaldson, Editor of Campus Newspaper.

Medaille College, Donna Colleen Day, Student Body President.

Adelphi University, Bil Tipsitz, Val Hodge, Co-Student Body Presidents.

Columbia University, Jon Groner, Editor of Campus Newspaper.

Colgate University, Roy Edgar Cott III, Student Body President.

Syracuse University, John R. Helliker, Student Body President.

Cornell College, Lloyd J. Wells, Student Body President.

York College, Editorial Board-Pandora's Box.

Yeshiva College, Melvin Hoffman, Editor of Campus Newspaper.

Rensselaer Polytechnic Institute, Jack Tai, Editor of Campus Newspaper.

Rochester Institute of Technology, Gregory P. Lewis, Editor of Campus Newspaper.

NORTH CAROLINA

Duke University, The Editorial Council of the Chronicle.

Guilford College, Kyd D. Brenner, Editor of Campus Newspaper.

North Carolina State University, Richard A. Curtis, Editor of Campus Newspaper.

High Point College, James G. Beaulieu, Editor of Campus Newspaper.

University of North Carolina, Joe Stallings, Student Body President.

Lenoir Rhyne College, John Hall, Dick Hoffman, Co-Editors of the Campus Newspaper.

Greensboro College, Samuel H. Leonard, Student Body President.

Guilford College, Douglas Scott, Student Body President.

Atlantic Christian College, Bob Bancon, Student Body President.

Lenior Rhyne College, Jenny F. Rimmer, Student Body President.

Atlantic Christian College, James C. Abbott, Editor of Campus Newspaper.

A & T State University, Ronald P. Topping, Editor of Campus Newspaper.

OHIO

Athenaeum of Ohio, Richard J. Sweeney, Student Body President.

Bluffton College, Erlica Gellert Kratz, Editor of Campus Newspaper.

College of Wooster, Jack Swismore, Student Body President.

Edgecliff College, Rosemarie Pandy, Student Body President.

Findley College, Robert L. Wood, Student Body President.

Heidelberg College, Christopher C. Campbell, Student Body President. William E. Gaslin, Editor of Campus Newspaper.

John Carroll University, Michael A. Fuoco, Editor of Campus Newspaper.

Kenyon College, Liesel Friedrich, Editor of Campus Newspaper.

Marietta College, Robert H. Ward, Editor of Campus Newspaper.

Ohio State University, Terry Olbryah, Editor of Campus Newspaper.

Ohio Wesleyan University, Robert M. Stein, Editor of Campus Newspaper.

Miami University, Mark Enedman, Student Body President.

University of Dayton, Mike D'Arcy, Student Body President.

Youngstown State University, Larry Simho, Student Body President.

OKLAHOMA

University of Oklahoma, Teresa C. Pitt, Editor of Campus Newspaper.

Oklahoma City University, David Seay, Student Body President.

Northeastern State College, William R. Coatney, Student Body President.

OREGON

Reed College, Thomas B. Schaffey, Editor of Campus Newspaper. Peretz Wittman, Student Body President.

Eastern Oregon College, Ed Marquard, Editor of Campus Newspaper.

Lewis and Clark College, James V. Ovellet, Editor of Campus Newspaper.

Mt. Angel Seminary, Stephen J. Arnold, Student Body President.

Oregon College of Education, Alan L. Holland, Student Body President.

University of Oregon, Iain E. More, Student Body President.

PENNSYLVANIA

Allbright College, Kenneth Parola, Editor of Campus Newspaper.

Allegheny College, Frank Tadley, Student Body President.

Beaver College, Tobi Steinberg, Editor of Campus Newspaper.

Bryn Mawr College, Kathi Atkinson, Student Body President.

Bucknell University, Robert Nachshin, Student Body President.

California State College, Lynn M. Wagner, Gerald F. Little, Donald O. Carney, Editors of the Campus Newspaper.

Clarion State College, Robert Stein, Editor of Campus Newspaper.

Duquesne University, Chet Czarniak, Editor of Campus Newspaper.

Eastern Baptist College, Richard W. Schramm, Editor of Campus Newspaper.

Edinboro State College, Brian Griffith—Chairman, John Kliffel, Jim Geer, Paula Keyes, Mary Fuhemeen, Members of Editorial Board.

Elizabethtown College, Robert D. Kettering, Student Body President.

Gettysburg College, William E. Yacker, Student Body President.

Haverford College, Charles J. Durante, Editor of Campus Newspaper.

Juniata College, Jonathan C. Hunter, Student Body President.

Lafayette College, Alan McFarland, Student Body President.

Loquitur-Cabrini College, Theresa Cavanaugh, Mana Valente, Co-Editors of Campus, Newspaper.

Mansfield State College, Robert Stevenson Laird, Jr., Student Body President.

Mercyhurst College, Vincent Doran, Editor of Campus Newspaper.

Millersville State College, Jay B. Neeahy, Student Body President.

Milligan College, Richard L. Roames, Student Body President.

Muhlenburg College, Eric Shufer, Student Body President.

St. Vincent College, Michael I. Gallia, Student Body President.

Shippensburg State College, Deborah E. Freeston, Editor of Campus Newspaper. Carl Deaner, Student Body President.

Susquehanna University, Scott C. Truver, Editor of Campus Newspaper.

Theil College, David C. Tanhoos, Editor of Campus Newspaper.

Villa Maria College, Collees M. Locke, Student Body President.

Villanova University, Margaret McCarvell, Editor of Campus Newspaper.

West Chester State College, J. Robert McLaughlin, Student Body President.

RHODE ISLAND

Bryant College, Alan J. Kluger, Student Body President.

University of Rhode Island, John P. McKee, Student Body President.

SOUTH CAROLINA

College of Charleston, Daniel Ravend, Jr., Student Body President.

Limestone College, Mr. Jules Anderson, Student Body President.

SOUTH DAKOTA

Dakota Wesleyan University, Kenrad V. Pederson, Editor of Campus Newspaper. Wayne R. Horsley, Student Body President.

University of South Dakota, Charles McDonnell, Student Body President.

TENNESSEE

Bethel College, Robert Voth, Student Body President.

King College, Steve Williams, Student Body President.

Marysville College, H. Ward Brooks, Student Body President.

Scanitt College for Christian Workers, Scott Davis, Editor of Campus Newspaper.

Southwestern College at Memphis, Jackie Rutledge, Student Body President.

Tennessee State University, Robert L. Smith, Student Body President.

TEXAS

Angelo State University, Davis Smith, Student Body President.

Austin College, Darwin McKee, Student Body President.

Lamar University, Julian M. Galiane, Editor of Campus Newspaper.

Southern Methodist University, Dan L. Flanagan, Student Body President.

Texas A & I University, Cecil Parker, Editor of Campus Newspaper.

Texas Woman's University, Odilia Mendez, Editor of Campus Newspaper.

University of Corpus Christi, Moe Lehand, Editor of Campus Newspaper.

UTAH

University of Utah, Grover Thompson, Student Body President.

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VERMONT

Bennington College, Joan Ellen Balter, Student Body President.

Johnson State College, Geoffrey R. Blomeitt, Student Body President. Kent Adams, Editor of Campus Newspaper.

Kirkland College, Abby M. Goulder, Editor of Campus Newspaper.

Middlebury College, Robert S. Metzger, Student Body President.

University of Vermont, Eugene W. Beaudain Jr., Student Body President.

VIRGINIA

College of William and Mary, Andy Purdy, Student Body President.

Eastern Mennonite College, Ben Gamber, Editor of Campus Newspaper.

Hampton Institute, James M. Hazgood, Student Body President.

Mary Washington College, Linda Cayton, Editor of Campus Newspaper.

Old Dominion University, Charles R. Appleback, Editor of Campus Newspaper.

Radford College, June Habeck, Editor of Campus Newspaper.

Roanoke College, Bruce E. Melchor, Student Body President.

Virginia Polytechnic Institute and State University, Fred William George, Student Body President.

Virginia State College, Jerome Johnson, Coordinator of Student Welfare.

Washington and Lee University, Stephen W. Robinson, Student Body President.

WASHINGTON

Eastern Washington State College, Jennifer Davis, Editor of Campus Newspaper.

Gonzaga University, Rose M. Gangle, Student Body President.

Seattle Pacific College, Tim Pomeroy, Student Body President.

Seattle University, Matthew T. Boyle, Student Body President.

University of Puget Sound, Darrel Johnson, Student Body President.

Whitworth College, Bob Ylnger, Student Body President.

WEST VIRGINIA

Alderson-Broaddus College, Christopher C. Chafee, Student Body President.

Marshall University, Denise Gibson, Editor of Campus Newspaper.

Morris Harvey College, Ron McGill, Editor of Campus Newspaper.

Salem College, Thomas E. Hall, Editor of Campus Newspaper.

West Virginia University, Peter J. Kalis, Student Body President.

WISCONSIN

Carroll College, Ben Laird, Student Body President.

Carthage College, Thomas E. Kieso, Student Body President; Thomas J. Christensen, Editor of Campus Newspaper.

Georgetown University, Rerju J. Cechetti, Student Body President. Don Hamer, Editor of Campus Newspaper.

Lawrence University, Walter North, Student Body President.

National College of Education, Mark Azersky, Editor of Campus Newspaper.

Northland College, Steven L. Williborn, Editor of Campus Newspaper.

Rapin College, Stephen J. Korotush, Student Body President.

St. Francis School of Pastoral Ministry, Denis Brick, Student Body President. Jeffrey M. Thielen, Editor of Campus Newspaper.

University of Wisconsin, Tim E. Higgins, Student Body President.

University of Wisconsin, Randy Nikestuer, Student Body President. James A. Jenkins, Editor of Campus Newspaper.

University of Wisconsin—Superior, Stuart A. Kraft, Student Body President.

POST DEADLINE RETURNS

California: Stanford University, Larry Diamond, Student Body President.

Colorado: Regis College, John Lamb, Student Body President.

Georgia: Albany State College, Jerry J. Dewegall, Editor of Campus Newspaper.

Illinois: Illinois Benedictine College, Jim Kovarth, Editor of Campus Newspaper.

Missouri: St. Louis University, Jeff Slovak, Student Body President.

NIXON'S VETO OF S. 2007: A CHRISTMAS PRESENT TO AMERICA'S CHILDREN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. RARICK. Mr. Speaker, I join the parents of America in thanking President Nixon for his wise and courageous decision to veto S. 2007. The action of our President is certainly in the interest of liberty, individual responsibility, and preservation of our traditional family ties.

The American parents are also indebted to the thousands of grassroots organizations all over America such as concerned parents associations, save our children groups, committees for moral education, civic clubs, women's clubs, taxpayers educational associations, legislative and research councils, and many others. Without minimizing the contributory efforts of fathers in helping to exterminate at least temporarily the threat of the comprehensive child development programs, I am satisfied—as a result of the many letters, telegrams, and phone calls to my office—that mothers were primarily instrumental in alerting the President to the dangers seen by parents regarding Federal child care. And this is right, for after all "a child's best friend is his mother." Let us pray that we can always keep it that way.

The text of my letter of appreciation to the President follows:

DECEMBER 10, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I wrote to you on November 12, requesting that you veto S. 2007 should the bill be approved by both houses and sent to you for signing into law.

I am writing at this time to express my appreciation to you for your courageous and statesman-like act in vetoing S. 2007.

During the several months while the comprehensive child development programs were being considered, communications from concerned citizens continued to mount as details of the programs came to public attention.

I am certain that your rejection of federal child care reflected the views of the vast majority of parents and grandparents in America. The thousands of citizens whose views have come to my attention, I believe, agree with you that the child development programs would have "family-weakening implications," create "a new army of bureaucrats" and "commit the vast moral authority of the national government to the side of communal approaches to child rearing against the family-centered approach."

Thank you again, Mr. President. I believe that to the overwhelming number of parents and guardians of America's children, your veto of S. 2007 was the finest Christmas present you could have possibly given them.

Sincerely,

JOHN R. RARICK,
Member of Congress.

TRIBUTE TO ROLLAND A. RITTER

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, December 10, 1971

Mr. SCHWEIKER. Mr. President, on December 20, 1971, Rolland A. Ritter, of Philadelphia, Pa., will be honored on the 25th anniversary of Ritter Financial Corp. I have been privileged to know Rolland and wish to take this opportunity to address myself to some of his achievements.

The history of an organization encompasses more than its financial accomplishments and statistical achievements. Such impersonal pieces of information would fail by far to tell the story of how and why a company developed from a small beginning in Montgomery County in the Commonwealth of Pennsylvania, my home county, to its present position of serving the needs and desires of consumers in eight States through 112 outlets.

Rolland A. Ritter believes that faith in people and a desire to serve them will be both recognized and rewarded. That belief led to the establishment 25 years ago of a small consumer finance organization whose purpose was to serve the public in suburban and rural areas.

Born in 1907 in Philadelphia, Rolland A. Ritter grew up in unpretentious surroundings with the dream of one day being in business for himself. This is a dream that has been brought to fruition by many citizens of this Nation, past and present. Small business has been and remains the heart core of the system we call free enterprise.

At the age of 21 Ritter entered the consumer finance industry as a raw recruit. He progressed rapidly and after a relatively few years he was given the responsibility of guiding the growth and development of a substantial number of finance offices, although he knew he would one day have to attempt to bring his dream of being in business for himself to reality.

Spurred by his faith in the opportunities open to any man or woman, armed with his experience and some personal savings, and buttressed with borrowed funds from friends who had confidence in his ability, Ritter established the company that bears his name. The date was November 6, 1946.

By the end of that year, the Ritter organization was serving consumers through three offices in rural and suburban communities in eastern Pennsylvania. Although the enterprise operated three locations, it had but one manager. That manager was Rolland Ritter who daily completed a circuit of the three offices carrying funds and details for each in a separate pants pocket. He was also his own investment banker and acquired equity capital as it was needed and established banking relations as growth demanded.

In due time the Ritter organization arrived at a crossroad. The remand for consumer finance service in nonurban areas had been demonstrated. Ritter had to decide whether to remain small or, by obtaining broad financial support, to extend the company's service to many additional small communities lacking the facilities it was able to offer. Rolland Ritter chose to extend service knowing full well he would no longer be able to be in business for himself. The need for additional capital was too great; he had to and did attract many coinvestors.

On its 10th anniversary, in 1956, Ritter's organization was providing employment to 166 people in 30 offices throughout five States. Over 37,000 consumers were being served and two-thirds of that number were residents of nonurban areas, in keeping with the founding philosophy.

By 1961, almost 74,000 consumers were receiving credit from the Ritter organization. Fifteen years had passed since one man achieved a desire which even today is possible of attainment by others: success through faith in our system and a willingness to work and persevere in the face of adversity.

When 1966, Ritter's 20th anniversary year, drew to a close, 109 offices were serving over 127,000 families.

There are opportunities in this land today for those who would seek them. What I have just related is but one example of what one man, Rolland Ritter, has done with faith and determination. He did not find the American promise of opportunity for all wanting, nor did those who have forged lifetime careers with his organization. Let us resolve to keep that promise viable so that opportunity will remain for all.

HON. JOHN ROONEY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GONZALEZ. Mr. Speaker, there is no other Member of Congress among us who better serves his or her home district than our very able and distinguished colleague, the Honorable JOHN ROONEY, the chairman of the Subcommittee on Appropriations for State, Justice, Commerce, Judiciary, and Related Matters.

Even before I came to Congress in 1962 I had become aware of the exemplary and outstanding leadership of this Brooklyn Democrat in the highest legislative body in the land.

People in Washington, in Texas, and many other parts of the country know that Chairman ROONEY is a man of courage, conviction, dedication, and a highly patriotic American.

However, the people of the 14th district of New York know all of this better than anyone, and have chosen Congressman ROONEY to serve them in Congress for 15 terms now.

An example of the awareness of the people of Congressman ROONEY's district as to the effectiveness of the work of their U.S. Representative is found in an article in the "La Papita Caliente"—"the hot potato"—column of the Spanish-language newspaper, "El Tiempo."

Mr. Speaker, I would like to share with you and my other distinguished colleagues a translation of this article.

The article follows:

FROM "EL TIEMPO," NEW YORK CITY, N.Y.

The veteran democratic Congressman for Brooklyn, John J. Rooney, who heads the House Committee on Appropriations, has been a tireless fighter to keep active not only the Naval Base—Brooklyn Navy Yard—but also the army base—Brooklyn Army Base.

The important part about this is that the majority of the workers in these two centers are Puerto Ricans.

Not long ago, Congressman Rooney launched a big fight to get construction of three tankers of 230 million tons apiece in the naval base, at a cost of approximately 100 million dollars. These are for use in the Sea Train line. And now, one is under construction. This "little operation" represents no less than the casual pastime of 4,000 jobs and, we repeat, most of the workers are Puerto Ricans.

His other great success has been keeping the army base in Kings County active for another year, as reported in the Monday edition of this newspaper. This means 1,500 more jobs.

And this is the man that the liberals, reformists and activists intend to overthrow after 20 plus years of positive public service in Washington Congressional circles. If those who wish to do away with our way of life were to succeed—a very doubtful event—the chairmanship of the most important committee in Congress which the veteran Rooney has been holding, would fall into the hands of southern reactionaries. And the apostates who intend to bring us "socialism" would be very satisfied.

It is for that reason that our community should be on the alert and not allow those whose actions show red tendencies to get their way.

It is not possible for a person like Congressman Rooney, who has always been identified with the cause of hispanic peoples in general, and therefore, we must show that we are appreciative and ready to defend and support him so he may continue as a bulwark in defense of the principles for which he has always fought.

We are sure that those same Puerto Ricans who have benefited from the successes of Mr. Rooney, will never turn their back on him, since it is a proved fact that the Puerto Rican knows how to reply when his help is needed and when he is approached to fight for the rights that are his and that benefit his own people.

OPTISCOPE ENLARGER—NEW HOPE FOR VISUALLY HANDICAPPED

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. MINSHALL, Mr. Speaker, our former colleague and my good friend, now Ohio State Senator Donald E. Lukens, has called to my attention a major advance in the field of optics.

Millions of Americans, although not totally blind, have so little vision that they are considered "legally blind," meaning their vision is less than 20/200 after corrective lenses have been prescribed. The vast majority of these people, because of their terribly poor eyesight, find it difficult, if not impossible, to read.

Until now, scientists and medical researchers have been unable to help these millions of people incapable of utilizing their eyesight, and because of their deficiency, the United States is deprived of a great reservoir of human talent. Magnification by use of corrective lenses has proved totally unsuccessful in treatment, simply because their problems relate to the intensity of light reaching the retina and not to the magnification of an image.

Now, however, I am pleased to report that recent developments in the field of optics will by all indications bring these millions of poorly sighted citizens back into the visual world.

An inventor and scientist, Mr. Alphonse P. Cinque, a man who has devoted many years of his life to devising methods of improving the quality of life through conservation of energy, heads a firm, Opaque Systems Ltd. of Hempstead, New York, which has developed a unit called the Optiscope Enlarger. This invention intensifies the available light to the point where many sight-deficient people who have not been helped by corrective lenses are now able to read through the Optiscope viewing screen without the use of any corrective lenses whatsoever. The machine relies on a patented light source to intensify the amount of light reaching the retina, thereby increasing the ability to see images clearly.

There are innumerable cases recorded by ophthalmologists describing people who years ago gave up using their eyes for all close work—reading, for instance, because the task was too painfully slow to be worthwhile. These people in some cases have not read in over 15 years. With this new development they have been restored to a constructive daily life which utilizes their eyesight more than the patients themselves had hoped would ever again be possible.

Very importantly, the Optiscope is a portable unit, weighing only 14 pounds, and priced well within the means of the average American who requires this type of device.

This major scientific advancement crystallizes America's need to conserve the energy and natural resources which are our country's greatest asset. As this new development illustrates, we should not be so short sighted as to ignore conservation in human terms, which is certainly an integral part of our total environment.

THE UNITED NATIONS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BURKE of Florida. Mr. Speaker, a great deal has been said recently about the United Nations as result of some of the action which that international body has engaged itself in and the evident confusion about its role as the true representative of nation-states. Recently I introduced a Sense of Congress Resolution (H. Con. Res. 449) and called the attention of my colleagues to the inequitable representation in the General Assembly citing particularly as

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an example Soviet Union's three votes in comparison to that of the other members, who have one vote, under the guise of the Byelorussian SSR and the Ukrainian SSR being separate nation-states from the U.S.S.R. And everyone knows that these two Republics are integral part of the U.S.S.R.—as Florida and California are integral States of the United States of America.

Recently I have received a number of interesting articles written on the subject of the United Nations and thought to share several with my colleagues. Today, I would like to insert one by Dr. A. G. B. Metcalf, an astute analyst of foreign affairs who is an editor with the Institute for American Strategy and the American Security Council.

The article follows:

DEATH OF THE U.N.—AND OTHER REALITIES

Seven years ago WR 64-41 set forth "The Matter of Red China and The U.N." over the by-line of DeWitt S. Copp, which recalled the following chronology:

"On January 13, 1950, the Soviet delegation, led by Andre Vishinsky, stalked out of the U.N. over Russia's failure to get the Peking regime seated in the U.N. Five months later, the Korean War began, and on February 11, 1951, the General Assembly passed a resolution branding Red China an aggressor. That resolution still stands. Between 1951 and 1960, the General Assembly did not include the question of China's representation on its agenda. Then on December 15, 1961, it adopted a resolution which declared that the representation of China was 'an important question.' This meant that under Article 18 of the Charter, any future proposal on the matter would require a two-thirds majority to pass. The efforts of the Soviet Union in 1961 and 1962, and of Albania in 1963, failed to command the necessary plurality to seat Red China."

On October 31, *The New York Times* noted: "The two-thirds rule was widely regarded as applying to membership for a given country, not the rival claims of two governments of the same country." There is little doubt that the vote taken by the United Nations on the evening of October 25, 1971, which expelled the Republic of China is of questionable legality.

Moreover, the U.N. decision to expel one of the signatories of its original Charter and a nation representing over 14,000,000 people—larger than 100 of its members—in response to a Resolution of Albania, a nation with less than 2,000,000 people, marks not simply a new low water mark but, indeed, a new direction for the U.N. How does one justify the high purposes expressed in the Charter of the U.N. and its stated lofty principles if the peoples of this law-abiding nation are denied respresentation? *The Boston Herald Traveler* for October 27, 1971, editorializes:

"The only plausible explanation for the General Assembly's action on Monday is that, confronted with the ultimatum from Peking that unless Taiwan were expelled it would refuse to accept membership, the overwhelming majority abandoned principle and chose pure expediency.

"But what happens next year if Peking or Russia threatens to quit unless Israel, Cambodia or some other small nation is expelled? Will expediency be chosen again? Will that issue rate as an 'important question'?

"If Monday's decision stands, the U.N. is going to be a very different place than it has been up to now and was intended to be when the Charter was written with a preamble proclaiming that it was established, among other things, to reaffirm the rights of nations large and small."

At all events, the U.N. by this act is dead as a moral force in the world, and now becomes a potential danger to the free world. In this self-styled, highest international tribunal, which for twenty-five years pretentiously paraded the trappings of world morality, moral right or wrong has no standing in the face of the naked image of power. On the whole, regrettable as was the treachery meted out by the U.N. to a decent and loyal member nation, the interests of freedom-loving nations of the world are well served by this notice.

DOWNGRADING THE REPUBLIC OF CHINA

Those who "manage" the news and who own the newspapers and television networks, which generate instant imagery through their wire services and nationwide hook-ups, just recently downgraded the Republic of China to "Taiwan." Now they are further reducing it to "Taipei." One must ask, what further journalistic denigration lies in store for the only duly constituted government of the Chinese people—a people presently enslaved by a murderous gang of criminals of such rapacity as to make Hitler look like Rebecca of Sunnybrook Farm? The answer appears to have been forecast in a recent cablegram to the U.N. Secretary General, U Thant, from Acting Minister of Affairs of Communist China, Chi Peng-fei, and from the text of a government statement issued by the Peking press agency, Hsinhua. (*The New York Times*, October 30, 1971). The cablegram to Thant opens with the following self-serving polemics:

"I have received your telegram of 26 October informing me that at its 26th session the General Assembly of the United Nations adopted on the 25th October the resolution restoring to the People's Republic of China all its rights in the United Nations and expelling forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupied at the United Nations and in all the organizations related to it."

The press release from Peking hails "the bankruptcy of the policy of depriving China of her legitimate rights in the United Nations obdurately pursued by U.S. imperialism over the past 20 years and more and of the U.S. imperialist scheme to create 'two Chinas' in the United Nations." It goes on: "The U.S. and Japanese reactionaries are continuing to spread the fallacy that 'the status of Taiwan remains to be determined' and are frenziedly pushing their scheme of creating 'an independent Taiwan' in a wild attempt to continue to create 'one China, and one Taiwan,' which in effect is tantamount to 'two Chinas' . . . . While instigating the representatives of the *Chiang Kai-shek clique* (italics ours) to hang on in some specialized agencies of the United Nations, they are even vainly attempting to let the Chiang Kai-shek clique worm its way back into the United Nations under the name of a so-called 'independent Taiwan.' This is a desperate struggle put up by them, and their scheme must never be allowed to succeed. The just Resolution adopted by the U.N. General Assembly must be speedily implemented in its entirety. All the representatives of the Chiang Kai-shek clique must be expelled from the United Nations organization and all its bodies and related agencies."

So at last, the issue is drawn as to future United States actions with respect to its obligations—by treaty and moral duty—toward the maintenance of the integrity of Taiwan.

THE LEGITIMACY OF PEKING

As to Peking's right to represent the 800 million mainland Chinese, Dr. Stefan T. Possony made some astute observations in his article in *Orbis*, (Vol II, No. 1, 1967) which are worth recalling: "To-day, despite the Cultural Revolution and other indicators of instability, the follow-on hypothesis has been, and still is, that the Chinese communist regime is stable and durable, and since it is here to stay, we must accommodate to it. The fact is that the Chinese communist regime has been unstable for nearly ten years and has proven itself to be one of the most ineffective and unsuccessful and at the same time 'destabilizing' regimes on record. . . . For several years—at least since 1959—Mao has been running into increasing opposition within the party and state bureaucracy. . . . The impact of China on the rest of the world, whether for good or evil, is bound to grow rather than to decline. . . . Many American politicians who, with good reason, worry about the China problem, assume implicitly that the Mao regime is deeply entrenched and that Mao and Lin speak for the whole, or for most, of China. Accordingly, they argue that, in order to remain in contact with the Chinese people, the Mao regime must be recognized and normal diplomatic relations established with 'China,' even if this means the concealed abandonment of Taiwan. This thesis makes sense only if Mao really represents the majority. If he is not the legitimate spokesman of China, the goal of reestablishing contact with the Chinese people cannot be achieved through Mao. On the contrary, dealing with him would be counterproductive. . . . We would have an incomplete picture of Communist China if we ignored the possibilities of a coup d'etat within the regime's top echelon. . . ."

Liu Chieh, spokesman for Nationalist China, underscored Dr. Possony's closing comment in saying: "I have not the slightest doubt that although for 22 years the people of the mainland have been forced to submit to Communist tyranny, they will sooner or later overthrow their oppressors and join hands with their compatriots in Free China."

"Sick—but still dangerous. That is the verdict on China after two decades of Red rule. People are restive, the party in ruins, quarrels raging with neighbors, China will survive in the end. It's the future of Communism that's in doubt." was the way *U.S. News & World Report* for October 13, 1969, put it.

THE MORALITY OF EXPEDIENCY

Thus, our adventure on the low ground of expediency in the interest of facing up to the world "as it is" could all be for nothing. In any case, we have certainly helped sustain, at home and abroad, a dangerous totalitarian regime which is an implacable foe of all we stand for.

[Ed: As if to confirm the above, diplomatic sources have just reported that Lin Piao, Red Chinese Defense Minister and successor to Mao, was "purged" in a plot to oust Mao and Chou En-lai from power. Fellow-conspirators are reported to include the chiefs of staff of the army and air force, liquidated after Lin's death in a Red Chinese Air Force airplane which crashed in Mongolia near the Soviet border on September 12, supposedly trying to escape to the Soviet Union when the plot was exposed and failed. All this, while this shaky dictatorship is being interviewed by obsequious columnists, being importuned to receive the President of the United States, and its arbitrary demands are being hurriedly translated into action by the U.N.]

Despite the recent attempts of the well-known professional apologists for Red China to rewrite history in the press and in some of the slick magazines, the plight of China today—Taipei or Peking—would be vastly different were it not for United States failure cleary to read the realities of an earlier day as to who were our friends and where our interests lay.

As to who are our friends: we now know. And on that point, Senator Goldwater observed on a nationwide TV program, "It seems to me that we've been supporting some of the nations which have voted against us since World War II."

THE LESSONS OF REALITY

The time has come for us to re-examine our relationships with those who receive our financial support. And we certainly should take another look at the intricate defense arrangements presently existing with our "trusted allies," lest our failure to learn from history be not further worsened by a failure to learn from current realities. Indeed, it is this opportunity to learn from this abrupt confrontation with reality that is the only source of consolation in an otherwise humiliating experience.

Reality—because it lets us know where we stand so that we may adjust our relationships accordingly.

Reality—because the vote of the General Assembly of the U.N. of 76 to 35, applauded by the Soviet Union and without a single NATO ally voting on the U.S. side, clearly delineates the present low level of U.S. world prestige.

Reality—because it points up the accommodations—and quickly, too—that other nations, including those most closely tied to us, have made with the forces of world Communism in the light of the U.S. decision to accept secondary status as a world military power.

Reality—because this first bitter cup is one of many the United States will have to swallow now that the Soviet Union and Communist China are both in the U.N. Security Council and openly dedicated to the enslavement of the peoples of the world under the yoke of Communist totalitarianism.

Reality—because the leadership of the United States and its influence as a moral force is discredited in the eyes of the world and this is additive to our decline as a military force.

Reality—because it throwa into question whether an Administration so out of touch with the hard facts of life will be able clearly to assess what constitutes "realistic deterrence" or military "sufficiency" as expressed by the Nixon Doctrine and upon which the survival of this nation and the free world depends.

MORE AGONIZING REAPPRAISALS

What action the United States will take remains to be seen. Present discussion looking toward a re-examination of our open-handed financial policy toward a world organization now so drastically altered in respect to its moral purposes, is a step in the right direction—but a trivial one. Of much greater importance is that we should look to our own spiritual and material purposes. As to the former, while Taiwan is indeed a nation of only 14,000,000 people, it is quite big enough to provide the graveyard of U.S. honor and integrity. Here it is well to remember that it is not the U.N. alone, but the U.S. as well, which has suffered irreparable damage to its moral posture.

When the last moral stricture has been stated, much will depend on what the United States does in the area of military defense. Were we to desert Taiwan and permit the swift blood-bath which would follow a Maoist takeover, we should, after the moral and military bankruptcy of Vietnam, never again be able to raise our head in the world community. But such moral leperdom, however onerous, would be as nothing compared with the military consequences to world freedom and to the survival of this nation which would greet the announcement that at long last, in this, as in the acceptance of second rate status as a military power, we were no longer powered by those principles of honor and human liberty which have been our historic "inner" strength. History holds no hope for the survival of nations of great material wealth, in moral decline, committed to a policy of appeasement, and unwilling to bear the expense of adequate military power.

DO THEY KNOW?

When asked by Pauline Frederick on the "Today" show, where were those commitments pledged to the United States and upon which the U.S. relied on its initiative to seat Peking without expulsion of Taiwan, Ambassador Bush replied: "They faded away into thin air, Pauline."

In no other walk of life would such widely-advertised, self-acknowledged ineptness on the top most level of national interest be accorded the opportunity for continued exercise of high leadership authority. In this light, with the Peking and Moscow visits coming up, one has the right to ask where the leaders in this Administration are leading us. Do they know?

NO END OF IRONY IN THE TITO VISIT

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. PUCINSKI. Mr. Speaker, an article has been called to my attention which appeared in the Scarborough Sun newspaper of Ontario, Canada, concerning the rise to power of Yugoslavia's Marshal Tito.

Recently, Marshal Tito paid a visit to the United States.

Towards the end of World War II, the British turned over 20,000 patriotic Yugoslav troops to Tito's partisans, who were machinegunned to death in the dense forests near the village of Kocevje. This is reminiscent of the Katyn Forest Massacre earlier in the war where more than 10,000 Polish officers were murdered by the Russians.

The great General Drazha Mihailovich was shot by a firing squad after being condemned as a traitor by Tito, who was the quisling himself.

I should like to place in the RECORD today the excellent article by the Scarborough Sun. The duplicity and chicanery of many aspects of World War II have yet to be written, thus attesting to the truth of the statement that what is past is prolog.

Mr. Speaker, the article follows:

NO END OF IRONY IN THE TITO VISIT

It is one of history's great ironies that the man honoured by the White House last week and by Dalhousie University on his visit to Canada—Marshal Tito—would have been convicted as a major war criminal had he stood on the losing side of the war. It is an even greater irony that the United States, still engaged in a war allegedly fought against the spread of Communism in Asia, flings open its door to Communist leaders from Europe.

For some time now, Tito has been categorized in the West as some sort of "Democratic" Communist. His true status was revealed by Lubor J. Zink in an article published in The Telegram, July 22, 1966, which read in part:

"Although the total number of victims of communist totalitarianism is estimated to exceed by far that of the Nazi tyranny, no one apparently dares to even consider demanding a trial of the Bolshevik criminals.

Stalin, the arch-murderer who pioneered genocide in this supposedly enlightened century, died peacefully in his bed, revered to the end by Communists all over the world as a messiah of social justice and progress. And there is nothing but praise all over the place for Yugoslavia's Josip Broz-Tito, the foxy player of both sides of the Cold War street.

Few people know that at the end of May, 1945, when the guns were already silent all over Europe, Tito's partisans massacred close to 20,000 of their compatriots who, during the last stages of the war, tried to keep the Slovenian part of Yugoslavia free from Communist domination.

The motley remnants of what was once the Yugoslav Royal Army lost the battle and retreated into the British-held part of Southern Austria. There they were put in a camp near Klagenfurt and promised transfer to Italy where some other remnants of Peter's army found refuge.

However, on May 24, 1945, the disarmed Yugoslav troops were transported by the British to the Yugoslav border and handed over to Tito's partisans. The Communists took the transport to specially prepared clearings in the dense forests near the village of Kocevje and there, in cold blood, machine-gunned the 20,000 men.

This crime of the Tito regime is described in detail by Yugoslav writer B. M. Karapandzic who now lives in Cleveland. His book, Kocevje, is based partly on extensive research and partly on an eye-witness account given by a survivor of the massacre who, wounded by the firing squads, managed to crawl from under the heap of bodies and make his way to Austria.

When I read the book, which accused the British of complicity in this horrible event and even gives the name of the British army major who was in charge of the transfer of the 20,000 men to the Titoists, I asked the British High Commissioner's office in Ottawa to check the gruesome story. After several weeks of waiting for the result of the query in London, I was told that the book's description of the Kocevje massacre was 'essentially correct'."

This, by no means, is the end of the irony in Tito's visit. Following the massacre of these 20,000 men, the one man who more than any other individual reversed Germany's advance in Russia, thereby deciding her defeat—General Drazha Mihailovich—was executed on a fabricated charge of treason after a mock trial, publicly having been condemned as a traitor by Tito before conviction. The evidence comes from history itself, as related by The New York Times, July 18, 1946.

"The fingers of history, rustling through the pages of the Second World War, may provide an ironic postscript to the scene that took place at dawn yesterday somewhere in the vicinity of Belgrade when General Drazha Mihailovich crumpled before the bullets of a Yugoslav firing squad. The record is fairly obvious now. A more complete search and study of the files of the German General Staff and a historical assessment of the various factors that entered into the successful defense of Moscow by the Red Army during the fall and winter of 1941, may show that the one most important factor was the time that was bought for the Russians in the spring of 1941 by Yugoslavia and Mihailovich. On the record written thus far, the Russian-controlled Tito Government has taken the life of a man to whom Russia owes a great debt.

Mihailovich, then a Colonel, was among an influential group in Yugoslavia that resisted an alliance with Germany, overthrew the pro-Nazi Government and installed one favourable to the Allies. When it became evident that Yugoslavia would not yield without a fight, von Paulus tells us, Hitler set the date of the drive on Yugoslavia for March and that against Russia for five weeks later. The attack on Yugoslavia actually was launched on April 6, 1941.

"The recorded facts of the German attack on Yugoslavia and Soviet Russia in 1941 are these, as testified to by von Paulus, the German commander at Stalingrad and by Jodl, the former German Chief of Staff, before the Allied Tribunal at Nuremberg.

"Hitler drew his plan for the attack on Russia in December, 1940. At that time he hoped to absorb the Balkans without a fight. This would have secured his right flank for the attack on Russia.

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"The initial German attack on Yugoslavia made swift progress. In the hills, however, a new Yugoslav hero emerged. Mihailovich, fighting a gallant delaying action, rallied the remnants of the Yugoslav Army and began an open and effective guerrilla resistance to the German Army. Because of this unexpected resistance, the German Army's timetable of five weeks between the attack on Yugoslavia and the drive on the Soviet stretched to ten weeks.

"Delayed three months beyond the time originally set for the attack, the German Army failed to reach Moscow before the dreaded Russian winter had set in. Hundreds of thousands of Germans who had expected to garrison in the shelter of the Russian capital died instead in the icy trenches a few miles away. There is good reason to believe that this—even more than the defence of Stalingrad—was the turning point of the German-Russian conflict."

But the press of the non-Communist world needed no such evidence. It had its own. In one unanimous voice it cried "murder" when Mihailovich was executed. A collection of 65 newspaper articles in various languages tells the Mihailovich story, which is also the story, the true story of Tito (The World's Verdict, published by John Bellows Ltd., Gloucester, 1947). The testimony comes from men who had known Mihailovich and served with him, men well-informed of the military and political situation. All agree on the facts; on the personal character and heroism of Tito's victim and cite long lists of action and rewards. The following, however, reflects not only the tragedy of the fate of Mihailovich but that of the entire West through implication in the bloody affair in which far more was betrayed than a patriot called Mihailovich. Walter Dushnyck, in "America" (New York), July 16, 1946, wrote in part:

"Mihailovich is a symbol of the times. Had history run a different course, we might have found General MacArthur, or de Gaulle, or Montgomery in his stead, or even a mass trial of all. Ironically enough, General Bor-Komorowski had the good fortune to be captured on the Nazi side of the iron Curtain . . . Mihailovich was not alone in having his movement labelled 'Fascist' and in being heartlessly discarded by his Allies in order to placate the Grand Master of the Kremlin. The case of General Mihailovich from the time of his organization of resistance, through the ascendency of Tito, Stalin's Communist exponent in Yugoslavia, down to the treason trial and execution, is an instance of abandonment of principles on the part of the Victorious Powers. He represents the small nations of Europe, still oppressed and betrayed.

"Tito, alias Joseph Broz, is relatively little known in his 'native' Yugoslavia. Like Togliatti in Italy, Thorez in France, Bierut in Poland, Manuilsky in the Ukraine, Dimitrov in Bulgaria, and Kuusinen in Finland, Tito was sent from the Kremlin to take over the Communist puppet. He had a powerful sponsor in Moscow. Stalin seems to have been astonishingly successful in convincing Roosevelt and Churchill at Teheran that Mihailovich was a traitor. After the conference, Mihailovich was officially dropped by the Allies and Tito elevated. This was at a time when, according to Colonel McDowell, vast areas had been liberated and were being held by Mihailovich's nationalist forces! The American and BBC broadcasts, however, obediently followed the Communist communiques and thus helped foster the deception."

The core of the problem was explained by Major Kenneth Greenlees in The Tablet (London), July 16, 1946, as follows:

"Dominating the situation were Mihailovich's relations with and attitude towards Tito and his Communist-led Partisans. The German attack on Russia was the signal for Tito and his followers to take to the hills. Tito's object, like that of Mihailovich, was to liberate Yugoslavia from Axis occupation. But their ideals for the future of the country were very different. Tito, the Communist, wished to establish a republic; Mihailovich, the loyalist, sought the return of the monarchy." He relates further that in 1944 the Allied Missions, in complying with wishes from Moscow, withdrew from Mihailovich. Supplies were increased to Tito for use against the Germans. But Mihailovich could prove that to a great extent, they were being used against his own forces.

Accused of collaboration with the enemy, the facts unearthed proved only that Mihailovich wanted neither Russian nor German domination for Yugoslavia. This is how The Whitehall News (London), July 19, 1946 saw it:

"Mihailovich was a true patriot of Yugoslavia and as such, considered it his first duty to appreciate realistically the interest of his nation. Tito, on the other hand, was never a free agent; he was consistently carrying out the directives of Soviet policy and so was never hampered by any patriotic scruples. Thus, he could wage the Partisan war, regarding the bloody reprisals taken by the Germans on the civilian population.

"One may ask now what would have been the fate of Mihailovich if, being less realistic, he had continued his fight irrespective of consequences.

"The answer is easily provided by the fate of another Allied commander, the Polish General Bor-Komorowski, who led the Warsaw rising. Bor did exactly the opposite of what Mihailovich has done. He disregarded realistic political considerations—he fought to the bitter end and to prove the intransigence of the Polish resistance, did not even hesitate to lay Warsaw in ruins. And yet, neither he nor the Polish Home Army commanded by him, have escaped the accusation by the present rulers of Poland of being pro-Nazi, Fascist and collaborationists. General Bor avoided the fate of being tried like Mihailovich only because he was outside the grip of the Warsaw administration. His successor in the command of the Polish Home Army, General Okulicki, was less lucky; ten years of penal servitude, the sentence of the Moscow trial against 16 Polish Leaders, was his reward."

Canada's stand was best put forth by The Canadian Social Crediter (Edmonton), May 30, 1946, which stated in part:

"The shameful treatment of General Mihailovich, one of the bravest men of history, is awakening the whole American continent. It has been notable that in our own Canadian Parliament, only one man—the Social Credit Member of Parliament for Wetaskiwin, Norman Jaques—had the courage to rise and say a few words in defence of this Shetnik hero. The story cannot be told even in volumes. Here in this country, many airmen owe their very lives to Mihailovich. Their plea of 'He saved our lives, we'll save his!' is taking the country by storm. When the leaders are cowards, the people must act."

Wiser words could not be spoken today, when our leaders prefer once more to shut their eyes to the shameful evidence presented here and equate crime with heroism. But now, as then, the Social Creditors do remember and repeat the closing words of that editorial, no less fitting today:

"After the Teheran Conference, Mihailovich's name was replaced by a new name, Tito. The 'sphere of influence' in the Balkans had been decided upon. Stalin got his way—and part of his price was Yugoslavia, via Tito. That meant the head of Mihailovich. The hero was sold down the river—and a lot of people know it.

"Is this any subject for a Social Crediter paper? Start betting your life that it is—because Social Credit is a way of life and that way of life recognizes honour and integrity where others think only of Mammon or political expediency, or both."

How true, how true!

A CALL TO PRESIDENT NIXON TO INCLUDE A REPRESENTATIVE OF PUBLIC EMPLOYEES ON THE WAGE PRICE BOARD.

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. WALDIE. Mr. Speaker, the members of the California Public Employees Federation have recently called on President Nixon to include a representative of public employees on the Wage Price Board. Quite frankly, I am surprised that the President should exclude the public employees from representation on the Wage Price Board especially since one out of every 5 workers in this country is a public employee.

Two months ago the President imposed the most severe restrictions of the wage price freeze on the Federal employees, by postponing to July 1, 1972, a wage increase which was due January 1, 1972. This was done despite the countless statements by the administration that the attempts to curb inflation will be based on a fair and equitable division of the burden between the various segments of the economy. I, therefore, urge the President to add one member to the Pay Board and such member shall be chosen to represent the millions of public employees in this country.

The following is the text of the resolution:

RESOLUTION

CALIFORNIA PUBLIC EMPLOYEES FEDERATION
337-Seventh Street, Suit 204
Oakland, California 94612
Phone: (415) 834–7333
Contact: RANDALL M. PREVO, General Manager
October 13, 1971

Randall M. Prevo, General Manager of the California Public Employees Federation (CALPEF), representing over 70,000 county, city and public employees, demands representation on Nixon's wage freeze board. In convention at San Diego, this thirty-one year old independent labor organization instructed its sixteen-man Board of Directors to pursue by legal, political or economic means any needed remedial action to alleviate hardships imposed by the wage freeze recently extended by the President. CALPEF will strongly support the freeze if assurance will be given that public employees will be represented on the wage board. With 1 of every 5 workers being a public employee, it seems a little ridiculous they may receive no acknowledgments at all.

The Conference of over 200 delegates, headed by CALPEF President "Bucky" Orcutt, who is also President of the 6,200 member San Diego County Employees Association, adopted the following policy:

Whereas: CALPEF affirms its support, in principle, for the efforts of the President and the Federal Government in their attempts to curb inflation, provided those attempts are based on a fair and equitable division of the burden between the various and competing segments of the economy;

And whereas: The wage freeze order promulgated by the President and the rules and regulations enacted thereunder bear directly on the public employees of this organization and restrict their right to receive negotiated wage increases and cost-of-living increases while prices and interest rates continue to rise due to lack of regulations or enforcement by the government:

And whereas: The placement of the burden of curbing inflation solely upon the wage earner while allowing other segments of the economy free reign violates the employees' rights to equal protection under the law as provided in the U.S. Constitution;

And whereas: Such wage freeze order and the rules and regulations enacted thereunder interfere with the contractual relationships existing between public employees and their respective public agencies and deprive employees of their rights thereunder without due process of law;

And whereas: Such wage freeze order and the rules and regulations enacted thereunder cause abrogation of various city and county ordinances and pre-empt the sovereignty of the State and local governments:

And whereas: All of the above actions of the President and the Federal Government have unreasonably placed the burden of curbing inflation on the wage-earning employee and have caused great financial burdens and hardships to be borne by members of this organization;

Now therefore let it be the policy of CALPEF that the Board of Directors of CALPEF is directed to examine all available means of bringing relief to its members from these unfair and burdensome enactments, including legal, political and economic means. FURTHER, after such examination, the Board of Directors is directed to pursue, by all necessary and appropriate means, those actions it deems required to protect the rights of its members. Further, be it declared as the Policy of CALPEF that any wage and price boards or commissions to be set up under the President's inflationary control policies be autonomous and be vested with the necessary powers to control interest rates and price raises as well as wages, and that such boards or commissions contain a proper proportion of public employee members.

Other independent public employee organizations are urged to coordinate their activities in this vein with CALPEF. Prevo indicated that many such organizations have already been approached and there have been favorable responses.

Mr. H. W. "Bucky" Orcutt was re-elected as President of the State-wide organization. In other action, Lt. Ed Maybrum of Sonoma County was elected Vice President, Mr. Charles Maple of Los Angeles County was re-elected Secretary-Treasurer, and Mr. Charles Williams of Ventura County was elected Sergeant-at-Arms. Elevated to the Board of Directors were: *Group I*—Charles Frye, Los Angeles County; Dan Fox, San Diego County; Jim Farrel, Orange County; William Henrikson, Alameda County; Robert Renfrow, Kern County. *Group II*—Clarence Dodge, Santa Clara County; Howard Menzel, Santa Barbara County; Benjamin Russell, Contra Costa County. *Group III*—Dan Gordon, Solano County; Gene Weaver, Marin County; LaRocque Creighton, Shasta County.

PRESIDENT CONCERNED ABOUT WHAT IS GOOD FOR AMERICA

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. ARENDS. Mr. Speaker, a Presidential veto is never popular, especially when warnings are made in advance on what the political impact might be.

Yet once again President Nixon has proved that he is not motivated by politics. He is motivated by a genuine concern for what is good for America.

The issue this time is the Economic Opportunity Act extension, which continues the Office of Economic Opportunity—where the war on poverty is fought—and sets up two new programs: a legal services and child care center network.

The Washington Evening Star says bluntly that the Congress "indulged in fiscal wishthink and pork-barrel politics." Wishthink because Congress hopes that the best of wishes will bring about the best of results. Pork-barrel politics because Congress thinks that popular programs are good programs, regardless of how they're run.

President Nixon may be bringing on himself the wrath of the "poverty" lobby or the self-proclaimed child advocates of Washington. But he is answering a plea made by the people back in 1968: give us good government, not phony promises.

Congress will sustain President Nixon's veto. But I hope this action will lead to legislation that we can all support, not for political gain but for a better society. We are not in the business of passing the titles of bills. We are, I hope, in the business of passing meaningful legislation that will realistically live up to the needs of America. When this happens there will be no need for a veto.

HIGH CAMPAIGN COSTS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the progress of the urgently needed Revenue Act of 1971, which finally cleared Congress yesterday, was unfortunately slowed in recent weeks by a thoroughly unrelated rider added by the Senate which would set up a special fund to subsidize Presidential election campaigns with taxpayers' money. However, House and Senate conferees have agreed to postpone the effective date of this proposal until after the 1972 election. Given the present composition and control of the Congress this is probably the best solution that can be obtained at this time. Nonetheless, I believe that before any plan goes into effect Congress should reexamine it thoroughly. Many questions have been raised about this scheme and I particularly wish to commend to the attention of my colleagues the November 30 editorial broadcast by station WJIM–TV of Lansing, Mich., which offers a particularly timely commentary.

The editorial follows:

The U.S. Congress is still groping for some rational solution to the problem of the high costs of political campaigning. In the litter of inept legislation it is probable that no plan is more futile or counter-productive than the "tax deduction" bill recently approved by the Senate. It is to be hoped that the House displays better judgment and moves to kill this nightmare proposal.

The bill provides that taxpayers can check off a one dollar contribution to the presidential campaign of the party of their choice as a deduction on their Federal Income Tax returns. The limit an individual party could receive on this basis would be 20.4 million dollars and the party would have to agree to finance its campaign solely from such funds. The problems with such a scheme are multitudinous. First off, 20.4 million is far beyond what either party spent in the last Presidential campaign so the Bill hardly places any limit on spending.

Secondly, such legislation would inevitably finance a wide range of splinter parties covering the entire radical spectrum. Just as an indication, it is estimated that passage of this measure would put 10 to 14 million dollars into the ultra right wing coffers of George Wallace, resolving immediately, by the way, any doubt in George's mind about running. Since the communist and socialist labor parties are also legally recognized on the ballot, their campaigns would be financed by the taxpayers to the tune of millions of dollars . . . and once the golden cat was out of the bag that would be only the beginning.

Thirdly, this bill only addresses the financing of Presidential campaigns ignoring areas of harsher inequity such as the cost of becoming a U.S. Senator or Representative.

Finally, the proposal is monumentally undemocratic . . . once the taxpayer pledges a dollar it is there for the party to spend no matter who the candidate is. It is just another step in removing the people from the selection process . . . a tendency that already seriously threatens this nation's political stability.

PRESIDENT NIXON'S VETO OF THE ECONOMIC OPPORTUNITY ACT AMENDMENTS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BADILLO. Mr. Speaker, the President, yesterday, with one veto managed to break his promise to promote meaningful child development; destroy the hopes of the poor and, incidentally, the majority of the legal profession, for an effective legal services corporation; nullify a new and effective way toward utilizing economic development programs under OEO auspices; and thwart the intent of Congress to keep intact the advocacy role of the Office of Economic Opportunity.

I am at a complete loss to understand the President's action. Mr. Nixon frequently and explicitly stated his administration's commitment to the concept of child development. He incorporated child care provisions which, he stated, were "more than custodial" into H.R. 1, a measure to which his administration ascribed extraordinary importance. Yet when the House and the Senate, after a great deal of work arrived at an approach that at least opened the door to equal opportunity for all young children in our Nation, the President invoked the power of the veto.

There are presently about 8 million preschool children of working mothers in our Nation. Day care services are available to only about 700,000. By 1980 there is expected to be a 43 percent increase in the number of working mothers with preschool children. Without the child care provisions evolved by the Senate and the House there is absolutely no way of making available to these youngsters and their mothers meaningful, effective, eco-

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nomical, and developmental type child care. The best most of these children will receive, unless their parents are well to do, will be custodial care—and that at an exorbitant price. I can only repeat, Mr. Speaker, that I find the President's action both unbelievable and unpardonable.

As far as the legal services section of the bill is concerned, both the House and the Senate worked long and hard to prepare a bill that could receive widespread support. Many of us, who wanted to push a stronger version, agreed to the compromise in order to secure these much-needed services for all our citizens. It seems that we have worked in vain. The presidential veto destroyed several months' worth of efforts on the part of Members of Congress, members of the legal profession, representatives of the poor, and the wide segment of the American public who worked and lobbied to make the phrase "equal before the law" a reality in our country.

Title VII established a coordinated community development program. It would have made possible precise, overall, professional planning for maximum impact of economic development programs developed by community-based organizations. I had hoped for much progress under this approach. I am keenly disappointed to have it destroyed.

In conclusion, the bill vetoed contained an amendment which would have restricted the power of the Director to further spin off programs presently operating under titles II, III, VI, and VII. This amendment was incorporated into the measure to keep the Office of Economic Opportunity functioning as an advocacy agency with on-going programs. In his veto statement the President clearly stated that he wants to remove operable programs from the jurisdiction of OEO and transfer them to already existing agencies. This in spite of the fact that extensive testimony indicated that these agencies are not responsive to the special needs of our poor.

Mr. Speaker, the President's veto destroyed an extraordinary collection of good programs. As far as the child development provisions are concerned, the veto has done irreparable harm. It remains to be seen, what, if anything, can be salvaged of the other programs.

PRISON REFORM—AND INSPECTION

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mrs. DWYER. Mr. Speaker, on Wednesday, I inserted in the CONGRESSIONAL RECORD the text of a deeply encouraging address delivered by Attorney General Mitchell at this week's National Corrections Conference in Williamsburg, together with a brief sketch of my own proposal for an independent national prison inspection system which I believe is highly compatible with the views and recommendations of the Attorney General.

The other principal speaker at the Corrections Conference was the Chief Justice of the Supreme Court, Warren E. Burger, whose address was another memorable contribution to the growing determination to provide the kinds of correctional institutions, personnel and procedures which can transform an often repressive and self-defeating prison system into a genuinely rehabilitative one.

I am delighted, Mr. Speaker, to bring to the attention of our colleagues the Chief Justice's very thoughtful and positive speech, and to include an editorial published on Monday of this week by the Courier-News of Plainfield, N.J., commenting favorably on a State rehabilitation program and on my prison inspection system. The material follows:

REMARKS OF CHIEF JUSTICE WARREN E. BURGER

I am sure that everyone concerned about problems of corrections and prisons was heartened by the action of the President in convening this Conference. It is time for a massive coordinated effort by the state and federal governments.

It is also highly appropriate that these sessions are held in this historic place for it was a distinguished Virginian, George Keith Taylor, brother-in-law of Chief Justice Marshall, who, as a member of Virginia's House of Delegates, spoke here almost exactly 175 years ago—on December 1, 1796, to be precise—on behalf of legislation to improve the penal system of the Commonwealth.

Taylor is remembered as one of the first leaders on this continent to advocate the enlightened views of the great Italian reformer and legal philosopher, Beccaria. Thus, Virginia is a familiar forum for the problems this Conference is considering.

For as long as I have been a judge, I have tried to see the administration of criminal justice in terms of three major entities, or parts, all constituting interrelated parts of a single problem.

The first, obviously, is the police and enforcement function; the second is the judicial function; and the third is the correctional and confinement aspect, and, closely related, the vital release programs of probation, parole, and work parole.

This Conference is concerned with that third and final, and very crucial, aspect of justice. On other occasions I have said, and I strongly believe, that this third phase is perhaps the most neglected of all three of the aspects of justice, although each of the other two has strong claims, unfortunately, for first place in that respect.

The problem of what should be done with criminal offenders after they have been found guilty has baffled societies for thousands of years. Therefore, none of us would be so brash as to assume that this Conference can even discuss, let alone solve, all the enormous problems that have been with us for several thousands of years. Because of this terrifying magnitude of the problem, I hope the Conference will find a way to identify just a few of the most urgent but soluble problems and address ourselves to them at once. If we try to solve all the problems, we will solve none. We must be content with modest progress and small victories.

Ideals, hopes and long-range planning must have a place, but much can be accomplished without further research or studies in the essentially "nuts and bolts" side of corrections.

I hesitate to suggest, even in a tentative way, my own views of those solutions to an audience that includes so many genuine experts and authorities in this field. Since the recent events at Attica, New York and in California, the country has been recalling the warnings that many of you have uttered on the need to reexamine both the basic attitudes and the tools and techniques of correctional systems and prisons. (I need hardly add, to this audience, that there is a vast difference even though for shorthand we use the two terms interchangeably.)

Even to reach some solutions on the urgent, the acute, the immediate problems, will take large outlays of money, and this cannot be produced except with a higher order of public leadership to develop a public commitment and, in turn, a legislative commitment at state and national levels.

As I see it, the urgent needs include these:

1. Institutions that provide decent living conditions, in terms of an environment in which hope can be kept alive.

2. Personnel at every level who are carefully selected, properly trained, with an attitude of understanding and motivation such as we seek in teachers; and with compensation related to the high responsibility.

3. Improved classification procedures to insure separation of incorrigibles from others.

4. A balanced program of productive work, intensive basic education, vocational education, and recreation.

5. Communication with inmates.

6. A system of justice in which judges, prosecutors and defense counsel recognize that prompt disposition of cases is imperative to any hope of success in the improvement of those convicted.

INSTITUTIONS AND FACILITIES

I will not dwell on the subject of institutional housing since most of you are better informed on the facts and more knowledgeable as to the needs than I am. I fear that if we took a realistic national inventory and determined how many states meet minimum standards that most of us would agree on, the result would be a melancholy commentary on a 20th century society. The rise in crime has crowded most prisons beyond any reasonable bounds and new structures are needed. We know, however, that many of our problems flow from having institutions that are too large, that are poorly located and inaccessible to the family of the inmates, too far away from facilities for work release programs, and located in areas that do not provide adequate housing for personnel of the institution.

As you well know, bricks and mortar do not make a sound correctional institution any more than bricks and mortar make a university, a newspaper, or a hospital. People and programs are crucial. The recent events in two of the largest and most affluent states are evidence that more than good "plant and equipment" are needed. With all that has been said and written about the problems in New York and California, there has been almost nothing communicated to the public about the fact that the particular institutions in question are among the more modern penal institutions in a physical sense. Attica and San Quentin serve to remind us that even the best of buildings have not provided solutions.

So even when we finally eliminate the 19th century dungeons and terrible overcrowding that prevails in so many places, we will still have enormous problems left to solve. It will take millions of dollars to accomplish the changes needed, but it must be done and we must have new thinking about what constitutes a correctional institution in a purely physical sense, where it should be located and how large it should be.

PERSONNEL

You are well aware, but the public is not, that well-trained personnel is far more important than the bricks and mortar. "Just anybody" cannot make a sound correctional institution any more than "just anybody" cannot make a good parent or a good teacher. We have yet to understand that the people who operate prisons, from the lowest guard to the highest administrator, are as important in the whole scheme of an organized society as the people who teach in the schools, colleges and universities.

I suspect some experts would say that is an understatement in the sense that the reasonably normal people who go to schools can overcome the handicap of poor teaching. We know that most prison inmates are not mentally and emotionally healthy and therefore need something more than normal people require. Guards and guns are not enough.

As we are now slowly awakening to the need for more intensive training for policemen on the beat and in the patrol cars, we must sense that the guards, the attendants, the teachers, and the management of prisons must be specially selected for their temperament and attitudes and then specially trained for their crucial part in the task of helping prisoners to help themselves.

I am sure that every person here must be elated over the Attorney General's proposal to establish a National Corrections Academy patterned after the great training program of the FBI Police Academy. The management and operation of penal institutions has desperately needed such a nationally coordinated program to train every level of prison personnel from guards to wardens, as the Department of Justice has done with police administrators.

This decision on the part of the President and the Attorney General could be one of the milestones in correctional history.

IMPROVED CLASSIFICATION PROCEDURES

In many institutions we know that overcrowding and understaffing have led to a breakdown of classification procedures and practices. In some institutions there are no such procedures. One of the high prices we pay for that lack is a mingling of youthful offenders and first offenders with recidivists, incorrigibles, drug addicts and others who are seriously mentally disturbed. A very high priority must be given to separating inmates, and this is particularly important today with respect to the riot-prone inmates. Those who would disrupt and destroy a penal institution must be separated to protect those who are trying to learn and to prepare themselves for the future. Every inmate has a right to be insulated from those who are bent on lawless acts.

A BALANCED PROGRAM

We need look only at the median age of inmates to see at once the need for athletic and other recreational facilities so that these young men can burn off the surplus energies of youth as many of them would be doing if they were free. The corrosive impact of enforced idleness at any age is bad enough, but on young men it is devastating. Playing cards, watching television or an occasional movie, with nothing more, is building up to an expensive accounting when these men are released—if not before. Such crude recreation may keep men quiet for the time, but it is a quiet that is ominous for the society they will try to reenter.

RECREATION

Some states have recognized these needs and provided for them, but many have not. If anyone is tempted to regard this as "coddling of criminals" let him visit a prison and talk with inmates and staffs. I have visited some of the best and some of the worst prisons and I have never seen any signs of "coddling" but I have seen the terrible effects of the boredom and frustration of empty hours and a pointless existence.

EDUCATION

Recreation and education programs really go hand in hand in prisons as they do in schools and in life.

When society places a person in confinement, it deprives him of most normal opportunities and much of the motivation for self-improvement. When society does this, it has a moral obligation to try to change that person—to make a reasonably successful human being out of him. Common sense and the self-interest of society dictate this even if we lay aside all considerations of human decency and our religious beliefs as to redemption.

Here perhaps our failure is the greatest. The percentage of inmates in all institutions who cannot read or write is staggering. Another, and largely overlapping category, is made up of those who have no marketable skills on which to base even a minimally successful life.

The figures on literacy alone are enough to make one wish that every sentence imposed could include a provision that would grant release when the prisoner had learned to read and write, to do simple arithmetic, and then to develop some basic skill that is salable in the market place of the outside world to which he must some day return and in which he must compete. Since the best of human beings need motivation and hope, why have we thought prisoners can do without both? We should develop sentencing techniques to impose a sentence so that an inmate can literally "learn his way" out of prison as we now try to let him earn his way out with "good behavior."

We know that today the programs of education range from nonexistent to inadequate, with all too few exceptions. However we do it, the illiterate and the unskilled who are sentenced for substantial terms must be given the opportunity, the means and the motivation to learn his way to freedom.

Meanwhile, we should make certain that every inmate works and works hard. With countless thousands of law-abiding citizens "moonlighting" on second jobs to make both ends meet, there is no reason why every healthy prison inmate should not be required to work to earn at least a part of his "keep." Moreover, every consideration of rehabilitation demands that inmates be kept busy with productive work, with learning and self-improvement. With this must come an expansion of psychological and religious counseling to instill motivation and maintain hope.

COMMUNICATION

We know that one of the deepest hungers of the human being is communication with others on his hopes, his fears, his problems. Inside the walls of a prison this basic need of Man does not vanish and indeed we know it is greater than ever. A means of regular communication should be established between inmates and those who run the institution. We cannot turn the management of a prison over to the inmates, but society, as represented by the "keepers," can listen to what the inmates have to say.

To the extent it is feasible and consistent with orderly administration, therefore, the inmates need to have a chance to regulate some limited part of their lives, however small, by the processes of deliberation and choice. If we tie a person in a chair for a long time, we can hardly be surprised if he can't walk when we let him loose. Within limiting regulations necessary for basic order, inmates should be allowed to think and walk and talk as we will demand that they do when they are released. What can be wrong with allowing prisoners to practice, on a small scale, the very things we will insist they do when they are again free?

SPEED IN ADMINISTRATION—JUSTICE

Finally, a few words need be said about the functioning of the courts in relation to the correctional system. Time does not permit discussion of standards for sentencing and related matters that you are dealing with in "work shops" and seminars, but I am confident we would all agree the judicial system has a responsibility to see to it that every criminal charge is tried as promptly as possible and that the appeal is swiftly heard and decided. In some places the time lag between arrest and trial is hardly less than a public disgrace. Some of this is due to the maneuvering of lawyers who misconceive their function and seek to postpone the trial date as long as possible; some is due to overworked defender legal aid staffs, overworked prosecution staffs, and overloaded courts—and some to poor management of the courts.

Whatever the cause, the impact of the delay in disposing of criminal cases covers a range of consequences:

(a) For any person, guilty or innocent, a long pretrial confinement is a corrosive experience; it is an enforced idleness in an environment often worse than the poorest correctional institution.

(b) Prolonged confinement after sentence and before commitment to a conventional corrections institution is likely to erode whatever may be the prospects of making a useful and law-abiding citizen out of the convicted person.

(c) We have all seen examples of defendants who have exploited procedural devices to postpone the final verdict of guilt for years with the result that their warfare with society has embedded and intensified their hostilities and rendered prospects for future improvement virtually zero.

(d) Delay in final disposition also exposes the public to added dangers when the accused is in fact an incorrigible criminal whose release on bail is exploited to commit new crimes. Sometimes this rests on a belief, widely shared by sophisticated criminals, that when finally brought to justice he will receive concurrent sentences for multiple crimes. The measure of these risks can be found in the increasing percentage of recidivists on the criminal dockets of every court in the country.

We in the legal profession and the judiciary have an obligation to put our own house in order, and to this end the Judicial Conference of the United States in October approved programs to expedite trials and appeals in federal courts and to establish means of identifying the cases in which there is a likelihood that delays will occur. Other programs have been instituted and yet others are to come, all directed to insure the speedy justice to which every accused is entitled and which the society has a right to demand for the protection of all its members.

The statistics of the federal courts are only a small fraction of the total picture and they show nearly 42,000 new criminal cases annually, an increase of 45% in 10 years.

PRISON VISITATION

Two and one-half years ago, in discussing corrections problems at the ABA meeting in Dallas, Texas, I urged that lawyers and judges—and indeed citizens generally—visit prisons and form their own judgments. The Young Lawyers' Section of the ABA took on the burden of promoting a Prison Visitation Program. I am not currently informed on all the details but I do know that in some states a very large number of such visits have been organized and that more and more judges and lawyers are finding out about prisons. Few things would help more than having the public fully informed on the problems of prisons and the burdens of those who administer them. Most administrators know a great deal of what ought to be done and none of my cursory observations at this Conference present anything new to you. What is desperately needed is that you have the resources and the authority that only public support and legislative action can provide. The people of this country can bring that about if they will see firsthand how their institutions are being run and what support they receive. We know that not all offenders can be salvaged, as we know that not all lives can be saved from disease, but like the physician, we must try.

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It is most fortunate that one of the great organizations in the country saw, two years ago, that a national effort was called for to improve our correctional processes. The ABA created not one of the usual committees of lawyers, but a Commission that includes leaders of Labor, Industry, Judges, lawyers, penologists, and other specialists, including some of the most distinguished correctional administrators in the country, and a professional staff to carry on their work. All of the members of that Commission are invited members of this Conference and I know that Governor Richard J. Hughes, its Chairman, will cooperate in every way with you.

What I have been trying to express is my deep conviction that when society places a person behind walls we assume a collective moral responsibility to try to change and help that person. The law will define legal duties but I confess I have more faith in what a moral commitment of the American people can accomplish than I have in what can be done by the compulsion of judicial decree.

The great tradition of America comes to us from the people who came here and by work, faith and moral fortitude turned a wilderness into a nation. Most of them were the poor and the oppressed of Europe. All of them wanted something better than the life they had abandoned.

Part of the American tradition has been to give of our bountiful treasure to others to restore them from the ravages of wars and natural disasters. We have not always shared our resources wisely but we have shared them generously.

Now we must try to give leadership and guidance to see that this generous spirit and this American tradition are applied to one of the large unsolved problems of Mankind and surely one of the unsolved problems of our society.

You accept this as your obligation by being here and I accept it as part of mine. Together we must let the people and the lawmakers know what needs to be done.

PRISON UNREST SPURS GOOD PROPOSALS

In the wake of Attica and the Thanksgiving Day upheaval at Rahway State Prison come two encouraging developments of significance in New Jersey and the nation.

State penal officials have revealed that a special furlough system for trusted convicts is a success, and Rep. Florence P. Dwyer, R-12th District, has proposed an inspection corps for federal, state, county and local prisons.

The state program, despite criticism from Rahway prisoners, is a move toward rehabilitation, and Mrs. Dwyer's proposal is a giant step toward improving conditions in non-federal prisons—conditions she described as "atrocious beyond description."

Effective rehabilitation programs are sadly lacking in prisons today, but the N.J., furlough system is a forward-looking program that enables trusted prisoners to prepare for a career after their release, rather than sending them off with a few dollars and a new suit to fend for themselves.

Thousands of prisoners, state officials report, have been able to participate in job interviews, and scores have taken jobs under a work-release program while still imprisoned.

The statistics are impressive. In October alone, 80 employers hired 167 convicts. And AWOLs have been infrequent.

The state Corrections Division wants to expand the program to provide more vocational guidance and job opportunities and overnight shelters. The Legislature should approve the necessary funds.

Mrs. Dwyer's proposal would permit independent inspectors to make unauthorized visits to any prison in the country and make public their findings and recommendations.

Noting that there is no "systematic and effective" way to inspect prisons, Mrs. Dwyer went on to say that "we don't even know what's going on in institutions which are vital to our personal security."

If an inspection corps had existed just a few months ago, the demands of the Attica and Rahway prisoners might have come to light long before tensions in each prison reached the boiling point.

It is possible to speculate that with an inspection corps there would have been no Attica or Rahway and that the 43 persons who died in the Attica bloodbath would be alive today.

THE PLIGHT OF JEWS IN SYRIA

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. BUCHANAN. Mr. Speaker, while increasing attention is being given to the repressive policies of the Soviet Union toward its Jewish citizens, and rightfully so; we must not forget that thousands of Jews in other countries are daily suffering a similar plight. This is particularly true of those Jews living in certain Arab countries of the Middle East.

The world was shocked into painful awareness of this tragic situation in January of 1969 with the public hangings in Iraq of nine Jews—along with five others—for the charge of spying for Israel. When such shocking incidents do not occupy the headlines, however, we too soon forget the restrictions under which so many Jews are forced to live day in and day out.

The ill treatment of Jews in the Arab world unfortunately continues and I would like to call the situation in Syria to the attention of my colleagues at this time.

While over 20,000 Jews are estimated to have left Syria since Israel's formation in 1948, the latest Syrian census places the Damascus Jewish community at 4,000, with fewer numbers living in two other towns. These citizens are required to carry special identity cards noting their religion and other personal data. They have been subjected to curfews at various times and cannot travel from one district to another outside the city limits without special travel permits. Their opportunities for employment have been restricted, with Jews being prohibited from holding jobs in civil service or nationalized sectors of the economy.

The above is not meant to be an all-inclusive list, but merely an indication of the type of discrimination affecting Syrian Jews.

Perhaps the most tragic repression lies in the inability of these Jewish citizens to escape from this situation by emigrating. The Syrian government has refused to permit such emigration, and this has resulted in the arrests of those who have tried to leave the country without a passport. Several Jewish men and women thus caught seeking to make their way out of the country received lengthy prison sentences.

In January 1970, more than 100 delegates from 26 countries met at a conference in Paris and made a formal appeal to world opinion to save those Jews remaining in Iraq, Syria and the United Arab Republic. Refugee witnesses at this conference gave testimony of the humiliation and suffering in their communities. Cablegrams appealing for the right of emigration were addressed to the three Arab countries and to Secretary General Thant of the United Nations. Delegates also made plans to press their own governments to make diplomatic representations as well.

Mr. Speaker, since I am aware of no evidence suggesting that the situation in Syria has changed, efforts such as the above must continue. Toward this end I have written to the Secretary of State to express my concern and to urge that he bring the plight of these Jewish people to the attention of the world community in the United Nations and elsewhere. I would strongly urge that my colleagues in the House make similar expressions of concern, in the hope that an aroused world opinion might bring pressure to bear on such governments as the Syrian government toward an end to these repressive policies.

A REPORTER'S LOOK AT WASHINGTON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. WALDIE. Mr. Speaker, in the rush toward adjournment we in the Congress many times have neither the time nor the inclination to pause for a moment of introspection.

We do not have the time nor the inclination to ask what we are trying to accomplish.

We sometimes fail to reflect on the heritage and the meaning of the procedures and the customs we are following in the lawmaking process.

Several weeks ago a reporter for one of the newspapers in my district visited Washington for the first time. Her reflections on the visit are meaningful and worth taking the time to read.

Mr. Speaker, I believe that Jane Putnam of the Contra Costa Sun has offered us food for thought. I would urge my colleagues to read her series of articles and take the time to think about what is going on here—and why.

The articles follow:

PART I—SUN REPORTER DISCOVERS CAPITOL: "DOES IT WORK?"

(By Jane Putnam)

"Somehow It Works."

The title of newscasters Huntley and Brinkley's book about the chaotic 1964 presidential primary in San Francisco refers to Democracy.

How does it work?

In Orinda, Moaga and Lafayette, many people were asking this question.

The Republican attitude seemed to be that there was no problem so long as they were the party in power.

The Democrats—as usual—were scrapping amongst themselves. The decisions on redistricting were being made in the smoke-filled rooms in Sacramento by the Assembly Committee on Reapportionment. Decisions on boundary lines which will determine Contra Costa's political future for the next decade were being drawn arbitrarily behind

closed doors by a committee headed by a Los Angeles assemblyman and one from San Francisco.

Both parties seemed to be saying, "We'll teach the people Democracy if we have to shoot every last one of them."

There was the periodic purge going on in Orinda. The infant city of Lafayette had its share of governmental screamie-meemies, as did the "boom town" of Moraga.

Commenting on dissension, Dr. J. S. Holliday, the executive director of the California Historical Society, said recently in a talk before members of the Or-La-Mo historical societies: "The tradition of dissent is our proudest heritage . . . That is how we got here." (Dissenting from Ye Merry Olde Mother Country).

He also told about the influence of the Gold Rush on today's society. One illustration of "the presence of the past" given by Dr. Holliday was that the first legal decision in which the public good took precedence over private rights was in 1893 concerning water rights.

This example reminded me of Benjamin Franklin's concluding remarks in a talk May 9, 1731 (no, I was not there): ". . . Fewer still in public affairs act with a view to the good of mankind."

Suddenly, I wanted to go to the land of Jefferson, Franklin and Washington.

In an era when flag waving is suspect, and singing "God Bless America" smacks more of Right Wingism than patriotism, writing a series of articles on the nation's capitol might be out-of-date.

Besides, "What is the local angle?" asked Sun's Managing Editor Tim McAllister, when I asked if my beat could include the country seat. "Thomas Jefferson said that if he had to choose a government without newspapers or a newspaper without government, he would not hesitate to choose the latter," I said, reaching for a rationale.

McAllister was silent. He still had that "no local angle" look in his eye.

If only Pat or Dick were from Or-La-Mo!

Oh, well, I needed a vacation anyway. It was time to gain some perspective: How far was Washington from Martinez and Sacramento? Was Contra Costa's congressman minding the store? Can a boy from Antioch?

Having something of an innate martyr complex, this simple Moraga mother-reporter decided to make the sacrifice for her Or-La-Mo country and boarded a month-old DC-10 (complete with champagne and Trader Vic's broiled beef tenderloin Malagsy) in San Francisco.

Five hours later, I arrived at Dulles to see what I could of D.C.

PART II—DISCOVERING D.C.: THIS IS THE PLACE THAT GEORGE BUILT

(By Jane Putnam)

Like a good house, Washington, D.C. was built from a good plan.

Back in 1800, George Washington and Pierre L'Enfant laid out the city like a wheel. The Capitol was the hub with the spokes being the streets, which are named after the States.

There are those who say that the plan is no longer functional. There is no way to build a mass transit system or "high rise" or multiples within the radius of the "wheel."

George Washington made sure about that. Not only did Washington and his colleagues come up with a workable plan for government—his master plan for the city (the heart of that government), also is working in our moon-oriented society.

D.C. is physically beautiful. Like a woman, its beauty is reflected from what is inside.

The topography and the natural resources of Capitol Hill are nil when we compare them to Contra Costa. The Capital city has been enhanced through good planning with restrictions and conditions, aided and abetted by a contagious national pride, symbolized by the dominant Washington Monument.

The city makes me painfully aware that while D.C. has done so much with so little, Contra Costa has done so little with so much.

There is open space and green belt all around the nation's capital. There are hardly any overhead wires. Signs are conspicuous by their absence. The height of the buildings are limited by the height of the Capitol—no building can be made more than 13 stories.

"This is where the action is," said a Washingtonian whom I met briefly during a taxi cab ride. (The New York cabbies are often written about, but those in D.C. are a breed apart. They are very fussy about whom they pick up and sometimes you are rejected because you're not going to the right zone or something).

The benefactor who allowed me to share his cab pointed out that Washington houses more art (dollarwise) than any place in the world, it is the home of 12 Federal departments, 53 agencies, 209 labor unions, 3500 associations, 116 legations, eight international banks . . .

He went on and on and I'll admit that the statistics of this man with the engineering mentality did not impress me.

The 134-room White House with its sweeping, green lawns and adjoining nursery; the 540-room Capitol with its two-mile green, tree-lined mall; the National Archives Building with the biggest bronze doors in the world; the Ford Theater where Lincoln was assassinated and the Peterson house across the street (where Lincoln died) and which the government bought for $30,000 about a decade ago; the monuments built to honor Washington, Lincoln, Jefferson and our other national heroes; the Smithsonian Institute where our past is excitingly preserved; the new Kennedy Center for the performing arts where our culture is synergized; the Arlington Cemetery where our dead soldiers, and their families' gravesites are marked with simple dignity—all of these reminders that "what is past is prologue"—is what I find exciting.

And as I type this, back in our Congressman Jerome Waldie's office, I feel as hamstrung as he sometimes does in trying to preserve and enhance the remnants of Contra Costa County.

What is happening to our landmarks? (Mr. Waldie has a letter from the chairman of the Corduroy Hills group which is trustee for Eugene O'Neill's "Tao House" in Alamo. It states that unless legislation is passed by Oct. 13 for the government to purchase the site, (a preposterous deadline), a developer will make a deal on the 1013.64-acre site to surround the home with 1800 cluster homes).

The county board of supervisors has been dragging its feet on processing the simple request of the Orinda Historical Society to put the oldest building in the county, the Moraga Adobe, on the National Register.

What is happening to our natural resources? Our ridges? Our water? Maybe the question we should really be asking is why put private interests before the public good?

A country's, a county's, a city's heritage is a priceless thing which cannot be measured with an economic yardstick. Why haven't we cared enough to preserve and enhance and plan for the very best? Where do we put our priorities?

With the passage of the county park dedication ordinance and the consideration of a county landmarks ordinance, maybe we are just beginning to awaken to what the father of our country knew nearly 300 years ago.

PART III—DISCOVERING D.C.: THE SYSTEMS APPROACH TO AMERICAN FREEDOM

By Jane Putnam

America's Democratic system IS working 195 years after its birth.

What makes it happen? The answer depends upon whom you ask.

For a reporter from Or-La-Mo, it might be: "Finding your way through the subway from the Capitol to the House and Senate."

Legislative assistants (most of whom are former newspapermen) agree to a pragmatic approach that the secret is "counting the votes."

The political maneuver of when to call the vote in the sub-committees or the Congress (when the guys on the other side are out of town) is part of the trick; and of course, to have the "good guys" turn out to vote for the measure which the boss (a Senator or Congressman) supports.

The secretaries to the Congressmen and Senators differ in viewpoints according to their years in government. The young secretaries seem inclined toward hero worship and maybe finding a husband in the glamorous Washington-go-round.

A secretary who has been around awhile is more apt to be idealistic. "The higher the government official goes the higher the calibre of man," said one.

The press corps which zeroes in on the legislators daily and uses the mass media to reduce the distance of the Capitol to the living room has made the legislators "more answerable" to the people, a TV cameraman said.

"You have to learn to be a politician before you can be a statesman," said a member of one of the State departments.

"I'll never be complacent again," said the wife of a diplomat.

On the Senate floor, the terms "revered colleague" and "the distinguished Senator from — " were used by the Senators (all 50 of them) and no matter how heated the debate, the chambers have almost a religious atmosphere.

It was surprising to me how many of the arguments by the Senators and Congressmen (I didn't meet all 435 of them) still center around the freedom of speech, the freedom of religion, the freedom of the press and other rights contained in that Bill of a pretechnological age.

And out of the window of the Senate press gallery, there is that old Washington monument, somehow as modern and mysterious as the tablet in the science-fiction film "2001"—dominating this capital of the greatest nation in the history of man.

The key to getting Democracy to work is for the legislative branch to act as a check and balance to the power of the president; and to work for reforms in the system, according to the legislators to whom I spoke.

California's Democratic senators and Contra Costa's congressman are making their presence felt in the White House and the world.

A deputy press secretary to the President answered our question by saying, "It isn't simple." He was going to look up the answer in a speech which President Nixon had given and call me back. (He never did).

Not knowing anyone who could speak for the judicial branch, its functions in the system is told in the few words on the United States Supreme Court building: "Equal justice under the law."

The men who make the laws may be less than perfect; but let's hear it for those guys back in 1776 who had a great idea for the systems approach to freedom.

In the last analysis, maybe it IS counting the votes. However, not in the way that my somewhat cynical cronies believe; but in that little draped room that has the rubber stamp with the x.

PART IV—DISCOVERING D.C.: SUN'S REPORTER BIDS FAREWELL TO TROOPS

(By Jane Putman)

And so with the rain falling gently on the Washington Monument and the paddy wagon eerily "beeping" down Pennsylvania Avenue, the nation's newest political analyst bids adieu to Dick and D.C.

Because my business is words, the thing that I will take with me is a noggin-ful of words. If the gentlemen who said them will

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forgive my taking them out of context and repeating them without any particular order, these are the words I'll keep:

CONGRESSMAN WALDIE'S OFFICE

"If a man does not keep his peace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away."

—THOREAU.

SENATE FLOOR

"If you've got a bad deal, hug it harder."

—LINCOLN.

SMITHSONIAN INSTITUTE

". . . Of all the foundations . . . none can be named more deserving . . . Whoever increases knowledge multiplies the uses to which he is able to put the gift of his creator."

—JOHN QUINCY ADAMS, 1767–1848.

"James Smithson was well aware that knowledge should not be viewed as existing in isolated parts but as a whole, each portion of which throws light on all the other—and that tendency of all is to improve the human mind to give it new sources of power and enjoyment—Narrow minds think nothing of importance but their own favorite pursuit. But liberal views exclude no branch of science or literature. For they all contribute to sweeten, to adorn and to embellish life . . ."

—JOSEPH HENRY, 1797–1878.

"Every man is a valuable member of society who by his observations, researches and experiments procures knowledge for men . . . It is in his knowledge that man has found his greatness and his happiness, the high superiority which he holds over other animals who inhabit the earth with him. And consequently no ignorance is without loss to him, no error without evil—The particle and the planet are subject to the same laws. And what is learned of one will be known to the other . . . I bequeath the whole of my property to the United States of America to found at Washington under the name of the Smithsonian Institute, an establishment for the increase and diffusion of knowledge among men."

—JAMES SMITHSON, founder Smithsonian Inst., 1765–1829.

JEFFERSON ROTUNDA

"I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man."

". . . God who gave us life gave us liberty . . . His justice cannot sleep forever . . ."

". . . We hold these truths to be self-evident . . . Life, liberty and the pursuit of happiness."

—THOMAS JEFFERSON.

LINCOLN MONUMENT

"In this temple as in the hearts of the people for whom he saved the union, the memory of Abraham Lincoln is enshrined forever."

". . . that this nation under God shall have a new birth of freedom . . . and that government of the people, by the people, for the people shall not perish from the earth."

". . . with malice toward none, with charity for all . . . with the firmness in the right as God give us to see the right . . ."

—ABRAHAM LINCOLN.

KENNEDY MEMORIAL

". . . the torch has been passed to a new generation . . . A call to bear the burden of a long twilight struggle . . . a struggle against the common enemies of man: tyranny, poverty, disease and war itself.

". . . The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it and the glow from that fire can truly light the world.

". . . and so my fellow Americans, ask not what your country can do for you, ask what you can do for your country . . . My fellow-citizens of the world, ask not what American will do for you, but what together we can do for the freedom of man."

". . . with a good conscience our only sure reward, with history the final judge of our deeds—let us go forth to lead the land we love asking the blessing and His help. But knowing that here on earth, God's work must truly be our own."

—JOHN F. KENNEDY.

There were lots of other words—eloquent words spoken about the war and peace and poverty and the economy. They may be in tomorrow's headlines. But I don't think any of them will go much beyond that.

Let us remember that what is past, is prologue; and the words that are engraved in this city and my mind and heart, enable me to say, "So long, D.C., all states are in good hands."

THE "ANDREA DORIA"-"STOCKHOLM" DISASTER: ACCIDENT'S DO NOT HAPPEN

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. STEELE. Mr. Speaker, I include an article from the August 1971 issue of the U.S. Naval Institute's "Proceedings" written by John C. Carrothers of Deep River, Conn., which I thought would be of interest to my colleagues. Mr. Carrothers, now retired, was a surveyor in the construction and repair division of the Matson Navigation Co., San Francisco, during World War II. He sailed as a chief engineer with the Matson Co., and as an inspection engineer with the Vitro Corp. of America. He was chief engineer, Overlook Hospital, Summit, N.J., before returning to sea as an assistant engineer on Moore-McCormack Line's SS *Brasil*.

The article follows:

THE "ANDREA DORIA"-"STOCKHOLM" DISASTER: ACCIDENTS DO NOT HAPPEN

(By John C. Carrothers)

July 1971 marked the fifteenth anniversary of the *Andrea Doria-Stockholm* collision in which 51 persons perished. Six months after the disaster, the official inquiry was terminated when, apparently convinced by the welter of contradictions and name-callings that guilt or innocence could not clearly be ascertained, both steamship companies agreed to assume equal responsibility for the disaster. With the permission of the Federal Court, all third-party claims were settled under the terms of "limitation of liability" whereby a potential total of $85 million in claims was settled for $6 million.

On the first anniversary of the disaster, George Horne, marine editor of *The New York Times*, wrote: "In the morass of legal actions that followed the *Stockholm-Doria* crash, no impartial body ever rules on the accident in an official determination as to which, if either, of the ships was at fault and why. The suits for death and injury damages, and losses to personal effects and cargo were neatly packaged in a settlement procedure approved by the Federal District Court, in such a way that a final legal determination of liability and negligence, such as would almost naturally follow an airline, railroad, bus or automobile accident has not yet been established." This quote of Horne's is as applicable today as it was when it was written.

In his editorial, Horne twice refers to the "accident" a word which has inherent connotations of the *unforeseeable* and *unavoidable*. But, before a catastrophe of this magnitude can be so labeled, at least three questions ought to be asked: What happened? How did it happen? Why did it happen?

On that fateful night of 25 July 1956, the westbound Italian luxury liner *Andrea Doria* was rammed by the eastbound Swedish motorship *Stockholm* at 11:11 p.m. The collision occurred 180 miles east of Ambrose Lightship, the main entrance to New York Harbor. The *Stockholm's* bow penetrated deep into the *Andrea Doria's* hull at a point directly under her bridge on the starboard side in what was approximately a right-angle collision. The duty officers on the *Andrea Doria's* bridge said the night was foggy with visibility reduced to less than one mile. The *Stockholm's* bridge watch claimed the night was clear with scattered patches of insignificant fog. Until about one minute before the collision, when her engine order telegraphs were suddenly flashed to "Full Speed Astern," the *Stockholm* was running at 18.5 knots with her telegraphs set on "Full Speed Ahead." The *Andrea Doria* was running at a speed reduced from 23 to 21.85 knots, with her engines operating under "Stand By" orders. This she had been doing for several hours prior to the collision because of restricted visibility. The *Andrea Doria* sank some ten hours after the accident while the *Stockholm* limped back to New York with about 75 feet of her bow demolished.

At the official inquiry the testimony of the two prime witnesses was in total conflict even to the point as to where each claimed to have first observed the other appearing out of the fog. Ernest Carstens-Johannsen, the *Stockholm's* Third Officer, who was in charge of her bridge at the time of the collision, testified that he saw the *Andrea Doria* appear from out of the fog over the *Stockholm's* port bow. At the same time, Captain Piero Calamai, of the *Andrea Doria*, claimed that when the *Stockholm* appeared from out of the fog he saw her over the *Andrea Doria's* starboard bow. These were visual sightings; thus, any possibility of malfunction of the radar equipment must be ruled out.

Common sense dictates that when two ships are approaching each other on reciprocal courses, the passing must be either starboard-to-starboard or port-to-port. The testimony of the two men in charge of their respective bridges at the time of the collision contradicts this reasoning. The only possible conclusion is that one witness is correct and one witness is incorrect. There is no room for compromise. Fortunately, there exist two vital documents upon which is inscribed the full story of how the ships arrived at the collision. These documents are the Sperry Gyrocompass Course Recorder graphs which had been officially presented by both defendants and recorded by the Court as evidence.

In reconstructing collision cases, strandings, or any maritime casualty where navigation is involved, all that the U.S. Coast Guard, or Navy, requires are the Course Recorder graphs and the testified speed of the ships involved. Through the interpretation of these known factors, the events leading up to a casualty can be accurately determined. The absolute integrity of this Sperry instrument has never been questioned, let alone challenged.

Had this inquiry been conducted under the jurisdiction of the Coast Guard, or Navy, the first order of business undoubtedly would have been to produce a plot or diagram illustrating that which was scribed on the graphs. As each witness testified, his testimony then would have been compared with the graph's evidence. In this manner the correct answers would have been apparent. But this was not done, since neither the U.S. Coast Guard nor the Navy investigated the collision which involved two foreign ships in international waters and was therefore not under their jurisdiction.

Long before the Course Recorder graphs became available for study, this writer did a comprehensive study of the testimony of the official inquiry. The study eventually became the subject of an article, "There Must Have Been a Third Ship!" which was published in the July 1958 issue of the *Proceedings*. The outcome of this probe was given in a single paragraph that stated, "In analyzing the testimony it is plain to see that, barring perjury, there is only one possible conclusion—The original lights sighted by the *Stockholm* were not those of the *Andrea Doria!*" If the *Stockholm's* navigational watch was correct in seeing lights over the *Stockholm's* port bow three minutes before the collision, then these lights were being displayed from a ship other than the *Andrea Doria*. And, in turning away from these lights, the *Stockholm* plunged directly into the *Andrea Doria* coming up on the *Stockholm's* starboard side. The Course Recorder graphs confirm this theory.

There are certain irrefutable facts that should convince anyone about the validity of the third ship theory. The *Stockholm's* Third Officer said that three minutes before the collision the *Andrea Doria* appeared out of the fog. A positive radar fix at that time placed her at a distance of 1.85 miles, bearing 20 degrees over the *Stockholm's* port bow. The *Andrea Doria*, he continued, was showing her red sidelight with masthead and range lights open. At this juncture he ordered a two-point (22½-degree) turn to starboard away from *Andrea Doria*. Then, three minutes later, his ship plunged halfway through *Andrea Doria's* hull, at a point directly underneath her green sidelight.

Under no circumstance could the *Andrea Doria* have been anywhere on the port side of the *Stockholm* three minutes before the collision. Furthermore, it would have been utterly impossible for anyone on the *Stockholm's* bridge to have seen the *Andrea Doria's* red sidelight before the collision.

Both ships have categorically denied that there was any other ship in the immediate vicinity and, stated that during the entire collision approach there never was more than one target appearing on their radar screens. Moscow, in his book, *Collision Course*, tells us that the lookout in the *Stockholm's* crow's nest testified that, after he had completed his telephone conversation with the *Stockholm's* Third Officer one minute before the collision, he watched the *Andrea Doria* execute the long port turn into the collision. Both Walter Lord, author of *A Night to Remember*, in his review of Alvin Moscow's documentary, published in *The New York Times*, and Captain Raoul de Beaudean, commanding officer of the SS *Ile de France* which played such a heroic role in the rescue operations, have totally discounted any possibility of a third ship being involved in this tragedy; in fact, both ridiculed the idea.

Yet, if there was no third ship, and if the *Stockholm* was not turning away from lights showing on her port bow three minutes before the collision, why did the Third Officer order and execute the bold 22½-degree starboard turn that ended in disaster?

A comparison of Carstens-Johannsen's testimony with the established facts of the case, implies an error in his use of radar as an aid to navigation. The circumstantial evidence clearly indicates that the *Stockholm's* radar equipment was operating on the five-mile range while the Third Officer calculated his interpretations as though the equipment was operating on the 15-mile range. This error in radar range could well have been what triggered off the fatal sequence of events.

The *Stockholm's* Course Recorder graph shows a three-degree change in course to starboard which started at 11:06 p.m. Therefore, the order for this change in course was issued at 11:05 p.m., plus or minus a few seconds, which was six minutes before the collision. The Third Officer said that just as he ordered the slight change in course to starboard, which was to compensate for drift which he found as a result of the 11:00 p.m. radio direction bearing that he had recorded in his log book, he picked up the radar pip of the *Andrea Doria* at a distance of 12 miles.

This was obviously a gross error, because six minutes before the collision the *Andrea Doria* was only four, and not 12, miles away from the *Stockholm*.

Moreover, at 10:53 p.m., when the ships actually were 12 miles apart, there is no change in course indicated on the *Stockholm's* Course Recorder graph. The *Stockholm* on a steady course of 92 degrees with considerable yawing from 10:40 p.m. until 11:06 p.m made the slight change in course of three degrees to starboard.

All this would seem to indicate that the *Stockholm's* radar equipment was operating on the five-mile range, while the Third Officer considered it to be operating on the 15-mile range. A target four miles distant on the five-mile range setting would appear on the identical spot on the radar's screen as one on the same bearing would have if she were 12 miles away on the 15-mile setting. The Third Officer also said that the target was slightly to the left of the *Stockholm's* heading flasher. The radar target was actually slightly to the right of the heading flasher. With this constant yawing, it is plain to see how the target would jump from one side to the other of the ship's projected course line or heading flasher.

Carstens-Johannsen also testified that the target was coming toward the *Stockholm* at great speed. This, he said, led him to believe that the target might be some sort of naval vessel on maneuvers. Then, three minutes before the collision, when the radar target had actually closed from a distance of four to two miles (while through his misinterpretation he thought the target had closed from 12 to six miles—thus indicating great speed), Carstens-Johannsen committed what appears to be the fatal error. It was at this moment that he ordered the 22½-degree change in course to the right which brought the *Stockholm* into the collision situation with the *Andrea Doria*.

Had the *Andrea Doria* actually been at a distance of six miles, instead of the two miles that she was, three minutes before the collision, the *Stockholm's* Third Officer's action in ordering this 22½-degree turn to starboard would have been absolutely correct according to the rules for using radar as an aid to navigation. Here the rule is: When a radar target appears dead (or nearly dead) ahead, make an early and substantial change in course, preferably to the right, in ample time for your action to show clearly on the other ship's radar screen. With the elimination of any other ship being present in the immediate area, this is the only other logical reason for Carstens-Johannsen to order such a bold change in course.

After the *Stockholm* had leveled off from the 22½-degree right turn, which was about one minute before the collision, the Third Officer said that he momentarily removed his eyes from the *Andrea Doria* to answer the telephone. At the conclusion of this telephone conversation, which had been from the lookout in the crow's nest reporting the lights, he found that the ships had totally changed relative positions. Now, he said, the *Andrea Doria* was in a collision situation attempting to race across the *Stockholm's* bow. From this point on, right up to the collision, the testimony, as given by both ships and the documentary evidence scribed on their graphs, dovetails in every respect. Thus, the testimony and graphs have established that the first time that Carstens-Johannsen could possibly have seen the *Andrea Doria* was about one minute before the collision after he had completed the 22½-degree right turn. It also establishes that the ordering of this 22½-degree right turn three minutes before the collision was the final cause of the disaster.

At the official inquiry, Carstens-Johannsen testified that he had changed the range on his radar equipment from the five-mile to the 15-mile to the 50-mile ranges from time to time during the course of his watch. When one considers that the range in radar equipment is changed with the turn of a dial, as one would change channels on a television set, it is understandable how easy it would be, in the pitch black of a darkened wheelhouse, to commit such an error. This is not an infrequent kind of error; however, in the majority of cases, it is detected before any damage is done. Nevertheless, it could account for the all-too-many collisions in which ships find themselves approaching each other in the fog on starboard-to-starboard reciprocal courses which terminate in right-angle type collisions.

For those whose prime interest in accident cases is safety and education, there is no satisfaction in pointing the finger of guilt. Yet, facts are facts, and they have an eloquence of their own. Accidents don't just happen; they are caused. By examining the causes, valuable lessons can always be learned, by and for the men who are and will be in charge of the watch on the bridges of ships.

PUBLIC HEALTH SERVICE HOSPITALS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. O'NEILL. Mr. Speaker, I want to express my concern and support for the continuation of the Public Health Service hospitals that have served this Nation since its inception.

Many months ago the administration let it be known that it intended to unload the last of the eight remaining Public Health Service hospitals—that is was going to put an end to a system of medical service which has endured in this country since the first Congress established the marine hospitals.

This disclosure brought an overwhelming response from the communities affected and from the Congress. More than 250 Members of Congress joined in a resolution expressing their desire to see that the hospitals remain open and funded. After holding extensive hearings on this matter, and after seeking the opinion of the Comptroller General, which was that the Department of Health, Education, and Welfare had no power to close the remaining eight hospitals, Congress was assured that the facilities were not in jeopardy and that vital and much needed health care services would not be terminated.

Now we learn that without informing the Congress, HEW fully intends to move ahead with the conversion of two of these hospitals. Earlier suspicions that the administration would pick these hospitals off piecemeal, closing say, Boston and San Francisco this year, and Baltimore next year, have been confirmed by this latest development.

How the administration can clandestinely plan the shutting down of these hospitals while at the same time mouthing a commitment to an improved system of medical service for all Americans is beyond belief.

This latest episode in the continuing

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battle over the existence of the Public Health Service hospitals serves to illustrate one important fact: That Congress must insist on complete openness in the conduct of matters relating to this issue, and that interested Members can never relent in their commitment to millions of Americans who use these facilities to keep them open.

We all know that America faces a health crisis. There is no justification for closing desperately needed hospitals at a time when the Nation must squarely meet such a crisis.

EMERGENCY CONFERENCE FOR NEW VOTERS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. HELSTOSKI. Mr. Speaker, last weekend Chicago was the site of a political convention, this one considerably less raucous than that held in August 1968. This time the delegates were all youthful, and some were those who had been locked out of the Democratic Convention Hall in 1968. They had gathered in Chicago this year to participate in the Emergency Conference for New Voters, hosted by Loyola University.

Attending this convention were some 3,000 young students, workers, blacks, browns, and women who are determined never again to be locked out of a political convention. In light of the recent reforms of the McGovern-O'Hara Commissions and the extension of the vote to 18-year-olds, I do not think, at least as far as the Democratic Party is concerned, that young people and minorities will ever again be denied full opportunity to participate in a political convention.

Mr. Speaker, the Emergency Conference of New Voters was successful beyond all expectations. The 3,000 delegates have returned to their communities armed with the knowledge of how to organize on the precinct level and demand recognition of their right to participate in the Presidential nomination process. I am heartened by this early sign that youth, blacks, browns, and women are determined to work together within the system and help turn this country around. And, I submit for my colleagues' edification the idealistic and forward-looking statement which the emergency conference delegates adopted before adjourning:

STATEMENT OF PURPOSE

On behalf of the Steering Committee and all of those that helped organize and plan for this Emergency Conference for New Voters, we present this statement of purpose for the National Youth Caucus.

Hundreds of us have come here this weekend from every part of the country. Among us are people who have helped organize the voter registration rallies and caucuses that have taken places in 24 different states across the country in the last seven months. We move now into a new phase of the effort to organize and mobilize the youth vote.

Our preferences may differ on candidates, on parties, on the particulars of national issues. But we are of one mind on the overriding purpose of this conference—to claim a share of the power in the American political system.

Power not for ourselves, but for what we believe in:

An end, immediately and completely, to the war in Indochina and the nightmares of an interventionist foreign policy;

A massive reordering of national priorities to attack full-scale the problems of hunger, poverty, education, and urban and environmental decay;

An adequate income and job for every American;

An opening up of the political parties to America's heretofore disenfranchised classes, young people, poor people, black people, brown people, women of all ages and races;

An end to government by deceit and manipulation, and,

Therefore, an end to the Administration of Richard Nixon.

To make real our claims for a share of the power, we must organize—organize with such energy and skill that no politician in either Party who hopes for the votes of young people can ignore us.

It will mean taking back with us to our respective states techniques so we may get young people selected as delegates to the conventions (young people like ourselves—students and working youth of all ages and races). Young people who are committed to the issues and to their constituency, not young people who will vote as a Mayor Daley or a Lyndon Johnson tells them to vote.

It is an awesome task, and the cards are stacked against us. The kingmakers of both parties have been playing this game for years. We haven't, and we haven't much time to learn the rules and apply them before delegates start being selected in key states.

Which is why this weekend may be one of the most critical in the 1972 elections. This is the first and last gathering of young political organizers before the conventions next summer! If the youth vote is to be organized into any serious and coherent national movement, that movement must be begun here in Chicago tonight. And we must organize locally and on a statewide basis to provide for the selection and election of youth candidates.

Tonight we officially begin that effort by announcing the formation of the National Youth Caucus. If we are to have some say in who the parties nominate for President, in what their platforms embody, in whether they meet their own announced reform goals—then we must leave Chicago united behind the National Youth Caucus, and each of us must strengthen and activate in our local areas.

We have come here—all of us—fed up with the course of this country and with the success of political bosses in excluding us from any power to change it. We have come here united against the perversion of a process. We leave here with the skills, the knowledge, the energy, the determination, the sophistication and the unity of purpose that will enable us to elect people like ourselves across the country as delegates to the conventions, as mayors and legislators from our local areas, and in doing that, reclaim that process. We must leave this conference as a coalition of young people, brown people, black people, American Indians, women and all disenfranchised classes of America.

We have come here as individuals, or in groups of many different sizes and origins. *We leave as a movement.*

REBUTTAL FROM ADVANCE SCHOOLS, INC.

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. WALDIE. Mr. Speaker, on November 17, 1971, I included a letter from Mr. Milton D. Swan of Oakland, Calif., in the CONGRESSIONAL RECORD. This letter was very critical of Advance Schools, Inc., of Chicago, Ill., for their practices in dealing with students of their correspondence courses.

After considerable study of information provided me by Advance Schools, Inc., I feel it only proper, Mr. Speaker, to include their rebuttal to Mr. Swan's letter in the RECORD. I have been given every assurance, by the Office of Education, that Advance Schools, Inc., is accredited by the National Home Study Council. In addition, the Office of Education advises me that, at the present time, they have no file of complaints concerning the practices of this company.

But Mr. Speaker, before I include their rebuttal on these pages, I want to note some further information concerning home study schools in this country.

I am advised that three problem areas now exist with many home study institutions. Refund policies are high on the list. Some schools apply refunds to the time a student is under contract, while not giving any consideration to the educational services rendered. In this department, Advance Schools, Inc., shows good marks—they offer a prorated refund plan voluntarily, while the FTC has met constant roadblocks in getting other institutions to submit to similar regulations.

Salesmen provide another major problem, since they work primarily on a commission basis. There is no way for a school to control what a salesman will tell a prospective student—other than threaten to fire him if they receive indications he is making promises the school cannot keep.

And last, Mr. Speaker, misrepresentation in advertising by some schools supply the reason for many complaints to the Office of Education. With better regulations that are now appearing to cover this area, the incidence rate is dropping.

Mr. Speaker, after enduring the controversy that has sprung up around this entire case, I have come away with some conclusions concerning the whole area of home study.

It is apparent to me that the Office of Education needs the enforcement powers necessary to become a check on some of these institutions. At the present time, they are accredited only through the National Home Study Council, an association of home study institutions that tries to watch its members. At the same time, the council can be classified as a lobby on Capitol Hill, since they have been a primary force in countering any effort by Congress or Federal agencies to gain more control over the way these institutions do business. I am not saying the council has done a bad job, but it is apparent to me that more comprehensive and equitable regulations could be drafted, through the cooperation of Federal agencies, the Congress, representatives of home study institutions, the National Home Study Council, and officials from the Office of Education.

We need, Mr. Speaker, to insure that the welfare and proper education of all our people is the prime concern of any agency governing the accreditation of these institutions. Certainly the job is a heavy responsibility for an association that relies on these very institutions for their support in its other efforts.

Finally, Mr. Speaker, some comment on the information received from Advance Schools, Inc., of Chicago.

Their rebuttal contains a condemnation of the remarks of Mr. Swan, who served for only 19 days as a salesman. No one but Mr. Swan will ever know exactly what pressures he endured in trying to succeed as a salesman. Whether real or imagined, Mr. Swan obviously felt they existed.

I also noted that a computer breakdown on the number of students rejected from this institution from my general area of California reveals some important information. Three hundred seventeen rejections came from students' cancellation of the program. One hundred ninety-nine students were rejected because of "credit." Yet, during the period of January to October 29, 1971, not one single student from this geographic area was rejected because of academic reasons. In fact, Mr. Speaker, only three areas for rejection, among nine possible areas, showed significant percentage rates. They were failure to submit entrance examination, credit, and student cancellation.

One more very important point, Mr. Speaker, is that students who accept this Home Study School are faced with three options in making payment. They can pay the entire cost in cash—a policy that many would find difficult since the average cost per course in the catalog I received ran just over $721.

Their second option is to apply for a loan under the federally insured student loan program. Not long ago, officials of this program cited a high rate of delinquencies among students who obtained these loans in recent years. Students who dropped out of correspondence and trade schools were listed a major part of the delinquencies.

The third option, Mr. Speaker, is benefits obtained by a veteran through the Veterans' Administration. Payments can be applied to the tuition. But, payments are made only on the basis of how many lessons the student has completed in a single quarter. Hence, a slower student or individual who does not have time to devote his entire energies to these courses is penalized while facing a high tuition bill.

In short, Mr. Speaker, the "Enrollment Agreement" offers the prospective student no opportunity for an education unless he commits himself to financial obligations. And, those obligations continue regardless of the student's future educational endeavors.

It is with these facts and thoughts in mind, Mr. Speaker, that I submit the following rebuttal letter from Richard A. Christensen, vice president, Advance Schools, Inc., Chicago, Ill., for inclusion in the RECORD:

ADVANCE SCHOOLS, INC.,
Chicago, Ill., December 1, 1971.

Hon. JEROME R. WALDIE,
House of Representatives,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN WALDIE: Recently your remarks concerning Advance Schools, Inc., contained in the Congressional Record-Extensions of Remarks (on Wednesday, November 17, 1971, Page 41889), were brought to our attention.

In reading the letter which you received from our former representative, Milton D. Swan, we noted many inaccuracies and incorrect statements. We would like this opportunity to correct the RECORD on the procedures which are utilized by Advance Schools, Inc. in its operations and to answer the accusations contained in the letter.

First of all, Mr. Swan was employed by California Advance Schools which is the legal name under which Advance Schools, Inc. does business in the State of California. On July 1, 1971, Mr. Swan was hired under the School's normal employment procedure and was terminated nineteen days later for cause. After being terminated, Mr. Swan attempted on several occasions to rejoin Advance Schools without success.

The procedures utilized by the School are ethical and do not involve a misappropriation of any Government funds nor the misuse of the Government mails nor are any deceptive sales practices employed as alleged by Mr. Swan in his letter. Our School has attempted in every way to safeguard the trust which has been reposed in us in dealing with Veterans and applicants under the Federally Insured Student Loan Program.

Mr. Swan alleges that he would enter homes with a memorized presentation. This procedure is not utilized by Advance Schools. All representatives are required to undergo certain training programs for contacting pospective applicants. During this training period a representative is shown how to use 35 mm. film strip and audio equipment. This equipment is used during the presentation to inform the prospective student of the obligation that the School has to the student and the obligation that the student has to the School while taking the course. We are attaching the transcript of the audio recording concerning one of the courses.

The accusation that one of the tools of the sales presentation was that "the Government was going to foot the bill" is incorrect. The applicant is fully informed of his rights under the Federal Student Loan Act and if he qualifies what benefits he can anticipate receiving. Veterans are informed of their rights under the G.I. Bill and advised that they may apply for benefits if they are eligible.

The first lesson left with the applicant at the time of the application is entitled "How to Get the Most From ASI Training" Form S-166, a copy of which is enclosed. This booklet reviews the Federally Insured Tuition Loans and the benefits under the G.I. Bill on page 4 of Form S-166. It gives the student a brief summary of his obligations under both of these programs. In order to determine that the student fully understands his obligations, a five question test must be completed and returned to the School before the School will accept the student. Any incorrect answer will be corrected by letter from the School so that the student is made aware of his obligation.

The School does not utilize a "$15.00 an hour" approach in attempting to induce applicants to take a course. The representatives of Advance Schools do not misrepresent the financing of such courses. Prospective students are allowed only two years to complete the course and are advised that the repayment schedule will begin nine months after the completion of the course. The representatives are required to advise all students of these obligations and the audio-visual presentation sets forth clearly the obligations under these programs.

The School does not draw the majority of its sales from "the Nation's poverty pockets and ghetto areas," as alleged by Mr. Swan. We are enclosing a copy of the Market Facts Inc. Report which illustrates a student profile on page 20 of that report.

Mr. Swan alleges that all students are accepted by Advance Schools which is not the case. Our records will show that some 15% of all applicants are not accepted by the School. We do not know where Mr. Swan has obtained his facts regarding the "five million dollar deficit of payments" but it our understanding that the Federally Insured Student Loan Program is financially sound.

Mr. Swan alleges that promises of increased wealth and success are made to the students knowing full well that completion of the course is unlikely. This statement is false and we are attaching a certified report of Arthur Andersen & Co. illustrating the number of students who have completed the courses and those who are still active students, together with the amounts involved. At present we project our completion rate will reach 70%, far above the average. This has been accomplished through the personal attention given our students by regional service centers established by the School.

Advance Schools, Inc. has never taken advantage of the poor or any minority group. The facts are that we have established a 15-day cooling off period to permit any student to cancel with a full refund of all moneys paid. Furthermore, should the student cancel for any reason, after completing only a portion of the course, a charge of $75.00 will be made which will be deducted from the course tuition plus a pro rata charge for each lesson completed as related to the remaining tuition balance with a complete refund of all money in excess of these charges. Advance Schools is proud of the fine work which we have accomplished with the poor and minority groups and representatives are trained never to exploit or take advantage of an applicant from a minority group.

All applications for Veterans are processed and should it be determined that a Veteran does not qualify for benefits under the G.I. Bill, he is advised by letter within thirty days. We are enclosing a copy of the letter which is forwarded to him. The Veterans Administration also notifies the Veteran when he is ineligible for benefits.

The School will not allow any representative to "front" any enrollment money from an applicant. Such a procedure is completely improper and is not tolerated by Advance Schools. Under California law, a representative is required under his application to refrain from such conduct. All full time representatives of Advance Schools are salaried and enjoy such other fringe benefits as hospitalization, sick leave and vacation pay and expense accounts.

The School does not utilize any deceptive sales tools in dealing with applicants. Veterans are informed of their rights under the G.I. Bill and all applicants are advised of their rights and obligations under the Federally Insured Student Loan Program.

Representatives are required to leave copies of enrollment application, enrollment agreement, promissory note and discloeure finance statement with all applicants and failure to do so will result in termination of the representative.

Mr. Swan in his last paragraphs alleges that there is misrepresentation in the educational survey conducted by Advance. This is incorrect and the School obtains clearance of all of its presentations through the Office of the Attorney General of the State of California prior to using them. This practice was established upon our entry into the State of California. Copies of all presentations are presently on file with the Office of the Attorney General of the State of California. Advance Schools, Inc. follows this procedure in all other States in which it operates.

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Advance Schools, Inc., is proud of its record in assisting to educate students throughout the country through the correspondence field. We believe that the programs instituted by Advance Schools have helped thousands of students throughout the United States and will be an economic benefit, not only to the students, but to the Nation in their increased knowledge and proficiency in their fields.

We hope that this letter will answer the incorrect statements which were contained in the letter of Mr. Swan. Should you wish to receive any additional information, we will be most happy to cooperate with you in every way.

Yours very truly,

RICHARD A. CHRISTENSEN,
Vice President.

JOSEPH J. SALERNO, ESQ., AND SIDNEY SALOMON, JR., RECEIVE UNICO AWARDS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, UNICO National is a service organization whose membership includes many thousands of Americans of Italian descent and which has performed tremendous service to the American people.

I have worked closely with many of the dedicated men in UNICO as well as their wonderful wives who have given unselfish service to America. Knowing of the great service UNICO members have provided to American communities, I was pleased to learn of two awards presented to outstanding UNICO members, Joseph J. Salerno, Esq., recipient of the UNICO Vastola Award and Sidney Salomon, Jr., recipient of the Antonio R. Rizzuto medal.

Mr. Speaker, the acceptance speeches of these two men exemplify the dedication and patriotism of all the members of UNICO. I am pleased to insert their speeches into the RECORD in order that my colleagues might be more familiar with this great organization.

The speeches follow:

REMARKS BY JOSEPH J. SALERNO, ESQ., ON THE ACCEPTANCE OF THE VASTOLA AWARD

Mr Toastmaster, My friend Ted Mazza, fellow Unicans and friends:

My wife, Connie, and I have been treated with such kindness, consideration and affection here in St. Paul during the last week, that we feel as though, we are in the midst of our family and loved ones.

The fact that this award has been bestowed by Past National President Ted Mazza gives it greater meaning and significance, because Ted Mazza is cut from the same cloth and cast from the same mold as Dr. Vastola himself. What Ted Mazza said about me and the way in which he said it, proves to me once again that of all of Ted Mazza's many virtues, his greatest virtue is his warm-hearted generosity. We will be forever grateful to him for tonight and for the many years of true friendship which he has given us.

When I was a boy in high school, I had a very special hero. Many of you of my generation will remember Admiral William Halsey who in the dark days of the war in the Pacific was appointed to command all naval forces in the southwest Pacific. At that time he said "There are no great men, there are only great challenges, which ordinary men like you and me are forced by circumstances to meet." As a young high school boy, I did not fully understand what Halsey meant because I was extremely patriotic and romantically idealistic and I believed that greatness and heroism were divinely bestowed qualities. As I grew older and as my patriotism matured and mellowed and as my ideals were tempered by the realities of life, I came to understand more and more the meaning of Halsey's words.

As age and maturity advanced and as a small degree of wisdom developed, I came to know that there is a high degree of heroism in merely functioning, competing and surviving in a world which is hard and unrelenting. I came to realize that plotting a straight course in a society which is not always straight, that trying to do something for others while still providing for one's self, requires a certain quiet valor. Most thinking men who have weathered the rigors of life must come to the same conclusions. Yet most other men have only the inward satisfaction that they have achieved this accommodation between ideals and reality.

I, on the other hand, have been more fortunate, for tonight, you have bestowed upon me this Medal, this rank of Honor, and only because I have done those things that many before me have done and yet gone unnoticed. Tonight you have conferred upon my life a degree of dignity which cannot but affect immeasurably all my future actions.

I have always performed best as a team player and in Unico have I played on some championship teams. Can I ever forget the Passaic and Clifton Chapters and their wonderful members, the 1961 Constitutional Convention, the 1965, 1967 and 1969 National Convention Committees and all the other committees and groups with which I have had the delight of working in the past 19 years? Would I be up here tonight if I were not married to a girl who infused so much love into my life that I have had some left over to share with you?

To thank you, I will close with a story. Earlier this year, during the televised ceremonies of the Academy of Motion Picture Arts and Sciences, the Academy President Gregory Peck, bestowed the Jean Herscholt humanitarian Award on Frank Sinatra. After the thunderous applause subsided, Sinatra said that it is really a shame that a man must be around for a long time and have many friends before he gets a Humanitarian Award, because, he said pointing to the television camera, there are a million Mr. and Mrs. John Doe's out there who do humanitarian acts every day of their lives and all they get for it is "tired". And then he held up the Oscar to the camera and said "O.K. Mr. and Mrs. John Doe, reach out and grab your piece of this award because you deserve it more than I do."

And so, to all of you throughout this room and all my Unico friends throughout this country, I say tonight—"O.K. Mr. and Mrs. Unico, Reach out and grab your piece of this medal, because you certainly deserve it more than I do."

Good night and God Bless You All.

REMARKS BY SIDNEY SALOMON, JR., ACCEPTANCE OF THE ANTONIO R. RIZZUTO MEDAL

Mr. President, Reverend Fathers, distinguished guests, members and friends of Unico, ladies and gentlemen. I stand before you this evening with feelings of great pride . . . and great humility. You have placed me among a most distinguished company by awarding me "The Antonio R. Rizzuto Medal." I pray that I may be worthy of this great honor.

I am particularly honored to be recognized by your organization, Unico. Your chapters and your national organization have distinguished themselves through selfless community service . . . service to youth, to the elderly, to education and to the general community welfare. In fact, Unico in every way exemplifies the ideals that have built and will continue to build this great country of ours. These ideals are simple. They don't take great minds to understand. But they take greatness of heart to put into practice. They are the ideals which our immigrant forefathers instilled in their children and grandchildren . . . the ideals of freedom, of dignity for each and every human being regardless of race, class or national origin. The ideals that every man must be free to become whatever his talents and energies enable him to become . . . without fear, without favor, without prejudice. And, of course, the ideals of high personal moral standards and concern for the less fortunate. And the ideal that each and every one of us is a precious child of eternal God.

Today we hear much discussion . . . negative discussion . . . about confusion of moral values. Our immigrant forefathers were not confused over moral values. They knew that a successful family, and a successful nation, must live by several guidelines: First, above all, faith in the almighty Creator of us all. Second, respect and concern for our families and neighbors and our fellow man of all races and creeds; third, education and self-improvement, the continual effort to learn and to grow. And, fourth, that simple but vital ingredient . . . hard work.

These values haven't changed. And I am convinced that despite threats to traditional ways of thinking, they will not, in the long haul of history, disappear from our national life. They will not disappear because they have served America too well. And they will not disappear because organizations like Unico are keeping them alive.

Organizations like yours, with leaders such as Dr. Vastola and Antonio Rizzuto, continue to pass along the message of our American heritage. They continue to implement these traditional values in our contemporary living. One outstanding example of this implementation is your Unico scholarship program . . . both at the chapter and national level. This program has its eye on the future of America . . . building leaders who will work toward a better society through learning and knowledge. For no matter how much we respect and look to the past, our children and grandchildren must live in the future. And Unico has wisely recognized that education, the development of minds, is the way to insure that future.

Education . . . learning . . . brings with it new dreams, new hopes, new motivation to improve the society we have inherited. Education brings with it new understanding of the problems of our brothers, the need for creative change. It brings the compassion that wipes out prejudice, the wisdom that recognizes problems and ultimately solves them.

For a society, in the last analysis, is not judged by the material things it creates, but by the moral heritage it leaves behind. In the centuries to come, America will not be evaluated by the fact we turned out millions of automobiles, refrigerators and air conditioning units. Or that we built skyscrapers and cities. Or even that we sent men to the moon.

America will be judged on its success in achieving the American dream of a society of free and equal men . . . a society marked not only by material wealth, but by universal justice. Not only by affluence, but by opportunity. Not only by a high standard of living, but a high standard of morals. In other words, not just a society with a mind, but a society with a heart . . . and a soul.

Let me say in closing that I shall always cherish this award and what it stands for . . . recognition of working with and for my fellowman. I shall always be grateful to the St. Louis chapter for presenting my name to Unico National. I shall always be thankful for being selected by your national organization as worthy of this great honor.

THE RIGHT TO HEALTH

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BEVILL. Mr. Speaker, my good friend, Mr. Rubin Morris Hanan, president of the Alabama League of Aging Citizens, Inc., was in the Nation's Capital during the recent White House Conference on Aging, to present suggestions and recommendations concerning the health care system of America. Mr. Hanan's remarks and recommendations are presented in a precise and articulate manner. His recommendations are among the best that I have seen to date and I am inserting his entire statement in the CONGRESSIONAL RECORD so that my colleagues may have the opportunity to study his suggestions.

Mr. Hanan has done an outstanding job in working for improved health care for our senior citizens. I would also like to take this opportunity to thank him for his many contributions and extend to him my continued wholehearted support.

The statement follows:

THE RIGHT TO HEALTH

(By Rubin Morris Hanan)

Fellow Delegates, Ladies and Gentlemen: The health of the American people is the basic foundation upon which all their happiness and their security rests. Regardless of a person's wealth or his freedom or independence, he cannot truly be happy or secure without good health and good health care. Although America is a country of unlimited wealth, offering great personal freedom and possessing the highest standard of medical technology in the world—America still has great problems providing adequate health care to all its citizens.

We find ourselves living through dramatic hours; hours which demand of each of you, as delegates to the White House Conference on Aging, and as Americans, a determined and unwavering course in support of the right of health care for all Americans.

One of the great unresolved issues of the Conference is whether or not a national health system of some type should be adopted. Before going any further, I want to make one point very clear. America cannot solve its national health problem by sovietizing its people and socializing its medicine.

The type health care program made available to our citizens is something that should be examined in depth in order to safeguard quality and quantity of medicine. In my opinion, Senator Edward Kennedy's Health Security Plan has many flaws, and this and other similar plans must be studied in detail before Congress forces them upon the American people.

It is often said and agreed by many in the health field that at its best, American medicine is the best in the world. I know that because I have visited Europe and most recently the Middle East countries. I know what socialized medicine is: half slave and half man. No American who truly prides freedom can really wish to see himself and his fellow citizens plagued by unreasonable health taxation, unwarranted government interference in his health, and unfair restriction on the exercise of individual rights. But in a society governed totally by bureaucracy, there is no such thing as total freedom. I believe the Federal Government can improve health care in America without Federal domination of the healing arts profession and the patients.

The Federal Government could rectify the shortage of medical manpower, medical schools facilities and equipment, regional cancer, heart and diabities hospitals and research centers. The Federal Government, through its great wealth, can assist in establishing more medical schools and can create a resource distribution pattern which will assure access to health care for all Americans.

In attempting to solve America's major problems, Congress has forgotten the need to improve financially our medical colleges, our regional research centers, and centers for many other areas of service.

I am Chairman of the joint City and County of Montgomery Health Clinic. We are charged with the responsibility of providing health care service to the indigent population of the city and county. I can verify that approximately 40,300 persons live in families which earn less than $3,000 per year in our area. Our present clinic of 9,072 square feet has overflowed into four mobile trailers in order to better serve the 10,755 patients who made over 24,000 visits to the clinic last year. Our facilities are being taxed beyond all reasonable limits. Add to this the average of 300 new patients who visit the clinic each month and it becomes obvious that either services must be curtailed, new eligible patients refused, or additional facilities must be provided. The same situation exists all over America today.

The social and economic problems of America's poor, are directly related to the solution of their health care problems. Major diseases do not respect national boundaries, neither do they respect age, sex, race or economic levels. There can be no North-South conflict over health care in this country.

What America needs is to launch an all-out attack on the causes of disease. Medical colleges and research centers and clinics need hard cash in order to conquer cancer, heart disease, diabetes, and the many crippling diseases, and to make health care and medical research in America second to no other nation.

What we don't need, is Federal control of the doctor-patient relationship, and socialized medicine.

In 1968 I, and a few other ordinary citizens of Alabama started one of the largest public fund drives in the State's history to build a cancer hospital and research center as a lasting memory to Alabama's only woman governor who died of cancer. What makes this memorial unique however is that unlike other memorials, it will provide life. The Lurleen B. Wallace Memorial Hospital and Tumor Institute will be more than brick and mortar. It will be the embodiment of a comprehensive concept for the care of cancer patients which will be available to all the people in the Southeastern part of the United States.

This great hospital will become part of the University of Alabama Medical Center in Birmingham, under the leadership of Dr. Joseph Volker, Dr. S. Richardson Hill, Dr. John Durant, and the Dean of the Medical College of Alabama, Dr. Clifton K. Meador.

If we supply each citizen with a form of national health insurance, but we do not provide enough doctors, and fail in our research of major diseases, then we have taken the wrong approach to health care. Our citizens should not look to government first for all health care. I have traveled widely to participate in planning and acceleration of research programs against the dread diseases. Wherever I have gone, I have seen human beings reacting much the same way. Whatever the claims of nationality, the peculiarities of religions, the color of skin, or political practices, they have the same human reactions. The anguished cry of a mother who has lost her child or the grief of one marriage partner after the death of the other is basically the same everywhere. Giving these people health insurance is little help, if the dread diseases are not conquered in the research centers and medical schools of the nation.

I make the following recommendations:

1. We must urge adequate Hill-Burton appropriations for constructing medical colleges and for construction and improvement of regional medical centers, research centers dedicated to conquering cancer, heart disease, diabetes, and the major crippling diseases.

2. The Federal Government must target all health resources assistance on bringing health care to all people who are sick with the dreaded diseases. We must focus our primary concern—not on expanded research for the sake of publishing more technical monographs—nor improving hospitals for the greater convenience of doctors or nurses alone—but on regional medical research and treatment centers.

3. The number of medical personnel is growing less every day in relation to the population. We must urge the administration and Congress to reinstate the financial assistance to medical schools, and must assist individual students with scholarships and tax incentives in order to bring doctors into the areas most needed. The time has come when America must recognize that for millions of people the financing of educational costs is more than a mere personal problem. It is a vital national problem, and should be recognized as such in our tax laws.

4. The present shortage of health manpower is in part due to maldistribution. It is concentrated in middle class suburban America. The total supply of health personnel to all citizens is more important than a national health insurance program.

5. We must expand the range of health education opportunities, particularly for youths of lower income families. This can be done through expanded and improved medical schools and streamlined curriculum by placing greater emphasis on the para-professional fields. We recommend screening programs in a limited number of regional and community clinical centers, equipped with the latest in instrumentation and communication systems. It could become the cornerstone for a genuine national effort to prevent or reduce chronic diseases by detecting them in their early stages. In other words, doctors treat disease when it occurs. It has been said that the American doctors do not attempt to put obstacles in the path of disease. The American people give disease a head start, then we run to catch up with it, after it has already begun to cause real damage to the body.

6. We must permit admissions directly to nursing homes rather than only via hospitals, so that persons who are too sick to remain in their homes, but not eligible for hospital care could not be denied service.

7. We should recommend "Fall Tune Up" Programs to provide free medical tests for people 55 and over.

And finally, just as we have a Federal system of guaranteeing bank accounts, I recommend the same type system to guarantee the insurers, the physicians, nurses, and hospitals of their rights to receive fair and just compensation for their services.

I believe that every person at this conference is a humanitarian, attending today to seek a means to better man's life. Then, let the conference embrace with fatherly love, all those who suffer—the sick, the poor, the disabled.

In closing, I want to read a prayer I wrote which I hope this conference will adopt:

Dear God, give us an understanding heart,
Clear thinking to find the essential good,
Purpose to find true goals for lasting values,
Honesty to hold and do what's right in God's sight,
Humility to know our weakness and mistakes,

XUM

Strength to meet the increasing daily demands,

Recognition to see the words of our colleague's sincere plan,

Confidence to always press forward when the cause is just,

Independence if needs to stand alone when our conscience says we must,

Gratitude for this great privilege to serve America and mankind,

Spiritual Awareness of our Nation's pledge "In God We Trust",

And now we pledge with grateful hearts our loyal service to man and God.

Thank You.

LEGISLATION TO RETURN TO NOVEMBER 11 AS VETERANS DAY

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. ARENDS. Mr. Speaker, we are approaching the end of this session of Congress and, to our great disappointment, nothing has been done by the Committee on Judiciary with respect to the legislation pending with it to amend the law relating to legal holidays that November 11 will again be Veterans Day. I am taking this time simply to serve notice that there are many of us, and I am one of them, who are determined that this action be taken before the end of this Congress.

In 1968 the Congress enacted a bill making various changes in our legal holidays, effective in January of this year. When the measure was before us former Congressman Roudebush, of Indiana, offered an amendment to retain November 11 as Veterans Day instead of changing it to the "fourth Monday in October." I voted for this amendment, but it failed of adoption by a small teller vote. And on final passage I was one of the 83, out of the 295 then present and voting, to vote against the entire bill.

As provided by the bill this new law, approved on June 28, 1968, did not become effective until this year. We now have had experience with it, and we now surely recognize that by virtue of the change Veterans Day has become a day without significant meaning.

November 11, 1918, marked the signing of the armistice that stilled the guns in World War I. President Wilson urged us to look upon November 11 "with solemn pride" and "with gratitude." In 1926 the Congress directed the President to proclaim a national observance of November 11, and in 1938 November 11 was officially made a national holiday known as Armistice Day. It became a day not so much for rejoicing over our victory in war, but rather for our having attained peace and preserved freedom. It was a day for expressing our gratitude as a nation to those who fought and died in the cause of peace and freedom we enjoy. We are a nation that loves peace, but loves freedom even more.

Since 1918 we became involved in two major conflicts for the cause of freedom—the Second World War and the Korean war. November 11 as a holiday of remembrance became even more meaningful. In 1954 Congress changed the title of the day from Armistice Day to Veterans Day.

It is a day on which we express our gratitude to all our veterans and to their families. In the cause of freedom our young men continue to make sacrifices in Southeast Asia. Veterans Day this year should have been November 11, not only a day of remembrance and of thanks, but a day of prayer for peace. As we experienced this year with the change to the fourth Monday of October, Veterans Day did not have the significance it should have and would have if it had remained November 11.

Mr. Speaker, when we return for the next session of this Congress I trust the Committee on Judiciary will give prompt attention to the pending legislative proposals to return to November 11 as Veterans Day.

IN MEMORY OF HERBERT D. STERNS, OF WATERVILLE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. KYROS. Mr. Speaker, I was saddened by the recent passing of one of Waterville's outstanding citizens, Herbert D. Sterns, but was greatly impressed with the editorial tribute which Station WTLV of the Kennebec Broadcasting Co. chose to pay him. The following remarks, aired by WTVL on November 12, are a fitting eulogy to a man who will be missed not only by his family and close friends, but by his entire community as well:

IN MEMORY OF HERBERT D. STERNS, OF WATERVILLE

We sat quietly together this morning in the beautiful Beth Israel Synagogue here in Waterville as our community joined together in tribute to the memory of a friend. A reverent calm seemed to come to ease the sadness which often pervades at times such as this. But, as Rabbi David Berent of Lewiston spoke of Herbert D. Sterns, in whose honor and memory every seat in that synagogue had been filled by a friend, or a relative, one came to rejoice that somehow he had come within the sphere of the kindly influence of this man, Herbert Sterns. His life among us in this community has always reflected friendliness and love.

The joy of that verbal tribute to friend Herbert Sterns was that it left with those who heard it a living essence and spirit of this man, who quietly passed away yesterday morning. Though he was only in his middle age, and in spite of all that science and loving care could do to prevent, our friend quietly slipped away by God's will. The sadness of yesterday became the glory of today, for those participating in this service of tribute. Herbert Sterns' dedication to his faith, his family, his country, and his desire to serve others are monuments to his spirit. These are the qualities of permanence which our community shall continue to cherish as fond memories of a noble man, a friend, one whose kindness and love shall not be forgotten.

To us the words of another say what we believe Herbert Sterns' life has stood for:

"I have sought beauty through the dust of strife, I have sought meaning for the awful ache, And music in the grinding wheels of life; Long have I sought, and little found as yet Beyond this truth: that Love alone can make Earth beautiful, and life without regret."

DECEMBER 1971, REPORT ON ENVIRONMENTAL QUALITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DINGELL. Mr. Speaker, so that the information therein contained will be available to my colleagues and other interested persons, I insert the text of the December 1971 issue of the Council on Environmental Quality's "102 Monitor" to appear at this point in the CONGRESSIONAL RECORD:

102 MONITOR, COUNCIL ON ENVIRONMENTAL QUALITY

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT ON PROCEDURES TO IMPLEMENT THE NATIONAL ENVIRONMENTAL POLICY ACT (42 U.S.C. SEC. 4331 ET SEQ.)

Following its annual practice, the Council on Environmental Quality invites comment and suggestions from interested parties with respect to possible revisions of the Council's Guidelines on the preparation of environmental impact statements pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. Sec. 4332(2)(C)). These Guidelines, dated April 23, 1971, are available from the Council and appear at 36 *Federal Register* 7724–7729.

The Council also invites similar comment and suggestions with respect to the procedures adopted by agencies to implement NEPA and the Council's Guidelines. These procedures, to the extent they have been adopted, are available as follows:

Department of Agriculture—Departmental procedures dated November 12, 1971 (text follows this notice); Agricultural Stabilization and Conservation Service (no separate procedures); Animal Plant and Health Service (no separate procedures); Cooperative State Research Service (no separate procedures); Economic Research Service (no separate procedures); Extension Service (no separate procedures); Farmers Home Administration (no separate procedures); Forest Service Procedures dated July 31, 1971 (text follows this notice); Rural Electrification Administration Procedures dated June 17, 1971 (text follows this notice); and Soil Conservation Service Procedures dated November 15, 1971 (text follows this notice).

Appalachian Regional Commission—Procedures dated June 7, 1971 (text follows this notice).

Atomic Energy Commission—Regulatory activities, procedures dated September 9, 1971; 36 Fed. Reg. 18071–18076; Supplement, 36 Fed. Reg. 22851–22854; and Nonregulatory activities procedures dated July 16, 1971; 36 Fed. Reg. 13233–13235.

Canal Zone Government—Procedures dated July 1, 1971 (text follows this notice).

Civil Aeronautics Board—Procedures dated July 1, 1971; 36 Fed. Reg. 12513–12515.

Delaware River Basin Commission—Procedures dated October 21, 1971; 36 Fed. Reg. 20381–20382.

Department of Commerce—Departmental procedures dated November 6, 1971; 36 Fed. Reg. 21368–21370; Economic Development Administration, Procedures dated November 16, 1971; Maritime Administration (no separate procedures); National Bureau of Standards (no separate procedures); and National Oceanographic and Atmospheric Administration (no separate procedures).

Department of Defense—Departmental procedures dated August 18, 1971; 36 Fed. Reg. 15750–15754; and Army Corps of Engineers, Procedures dated June 11, 1971; 36 Fed. Reg. 11309–11318.

Department of Health, Education, and Welfare—Departmental procedures dated November 23, 1971 (text follows this notice); Facilities Engineering and Construction Agency (no separate procedures); Food and Drug Administration (no separate procedures); Health Service and Mental Health Administration (no separate procedures); and National Institute of Health (no separate procedures).

Department of Housing and Urban Development—Departmental procedures dated November 19, 1971; Federal Housing Authority (no separate procedures); Urban Renewal Program (no separate procedures); Water and Sewer Grants (no separate procedures); Model Cities Program (no separate procedures); Open Space and Public Facilities Assistance (no separate procedures); and Mortgage Insurance Programs (no separate procedures).

Department of the Interior—Departmental procedures dated October 2, 1971; 36 Fed. Reg. 19343–19347; Bonneville Power Administration (no separate procedures received); Bureau of Indian Affairs (no separate procedures received); Bureau of Land Management (no separate procedures received); Bureau of Mines
(no separate procedures received);
Bureau of Outdoor Recreation
(no separate procedures received);
Bureau of Reclamation
(no separate procedures received);
Bureau of Sport Fisheries and Wildlife;
(no separate procedures received);
National Park Service
(no separate procedures received);
Office of Coal Research
(no separate procedures received);
Office of Saline Water
(no separate procedures received); and
U.S. Geological Survey
(no separate procedures received).

Department of Justice—Law Enforcement Assistance Administration, Procedures dated October 27, 1971; 36 Fed. Reg. 20613–20617.

Department of State—Departmental procedures dated December 1, 1971; Agency for International Development, Special procedures for Capital Projects dated September 1, 1971; and International Boundary Water Commission (U.S.-Mexico), Procedures dated August 21, 1971.

Department of Transportation—Departmental procedures dated October 4, 1971 (text follows this notice); Coast Guard, Procedures dated October 13, 1971 (text follows this notice); Federal Aviation Administration, Airport Development Aid Program Procedures dated December 7, 1970, amended June 25, 1971 (text follows this notice); Federal Highway Administration, Procedures dated August 24, 1971 (text follows this notice); St. Lawrence Seaway Administration (no separate procedures received; and Urban Mass Transportation Administration (no separate procedures received).

Environmental Protection Agency—Procedures dated December 1, 1971 (text to be published separately).

Federal Communications Commission—(no procedures received).

Federal Maritime Commission—(no procedures received).

Federal Power Commission—Procedures dated December 15, 1970; 35 Fed. Reg. 18958–18960 and Amendments dated April 16, 1971; 36 Fed. Reg. 7232–7233; November 30, 1971; 36 Fed. Reg. 22738–22741.

Federal Trade Commission—Procedures dated December 1, 1971; 36 Fed. Reg. 22814–22815.

General Services Administration—Federal Supply Service, Procedures dated September 15, 1971 (text follows this notice); Property Management and Disposal Service, Procedures dated September 15, 1971 (text follows this notice); Public Buildings Service, Procedures dated September 15, 1971 (text follows this notice); and Transportation and Communication Service, Procedures dated June 30, 1971 (text follows this notice).

Interstate Commerce Commission—Procedures dated May 26, 1971; 36 Fed. Reg. 10807–10810.

National Aeronautics and Space Administration—Procedures dated October 31, 1971; 36 Fed. Reg. 21753–21755.

National Capital Planning Commission—Procedures dated August 9, 1971 (text follows this notice).

National Science Foundation—Procedures dated November 15, 1971 (text follows this notice).

Office of Economic Opportunity—Procedures dated July 1, 1971.

Office of Management and Budget—Procedures dated September 14, 1971 (text follows this notice).

Small Business Administration—(no procedures received).

Tennessee Valley Authority—Procedures dated November 2, 1971; 36 Fed. Reg. 21010–21014.

Department of the Treasury—Departmental procedures dated July 31, 1971, 36 Fed. Reg. 14221–14222; and Internal Revenue Service, Procedures dated August 12, 1971, 36 Fed. Reg. 15081–15082.

United States Postal Service—(no procedures received).

Veterans Administration—(No procedures received).

Water Resources Council—Procedures dated February 10, 1971 (text follows this notice).

Comments and suggestions should be filed with the Council (Attention: General Counsel) no later than thirty days from the date of publication of this notice and, in the case of agency procedures, should be addressed directly to the agency concerned, with copies to the Council.

RUSSELL E. TRAIN, *Chairman*.

NOTE.—The text of agency procedures referred to in this notice appears in Part 2 of the *Federal Register* for Saturday, December 11, 1971, a copy of which is enclosed.

The 102 Monitor is published by the Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006. If your address is incorrect, please write to Hope Hale, Acting Editor.

The title of this publication refers to Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). File this and subsequent issues in a ring binder for handy reference.

SOURCES FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from the Department of Commerce's National Technical Information Service (NTIS) rather than the preparing agency. Each statement will be assigned an order number that will appear in the 102 Monitor (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. To order a document, please indicate the Department, date, and ELR Order # (given at the end of each summary). The Institute charges $0.10 per page, and as you will note the number of pages is also given at the end of the summaries. Please enclose the correct amount of money with your order and mark the envelope to the attention to the "Document Service."

SOURCE FOR BACK ISSUES OF THE 102 MONITOR

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the *Congressional Record*. You may wish to order these *Congressional Records* from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2 & 3—Congressional Record—April 28 (Extension of Remarks), page E 3607.

Vol. 1,. No. 4—Congressional Record—May 27 (Extension of Remarks), page E 5151.

Vol 1, No. 5—Congressional Record—June 16 (Extension of Remarks), page E 6023.

Vol. 1, No. 6—Congressional Record—July 28 (Extension of Remarks), page E 8458.

Vol. 1, No. 7—Congressional Record—Sept. 13 (Extension of Remarks), page E 9483.

Vol 1, No. 8—Congressional Record—Sept. 24 (Extension of Remarks), page E 10002.

Vol. 1, No. 9—Congressional Record—Nov. 1 (Extension of Remarks), page E 11596.

Vol. 1, No. 10—Congressional Record—Nov. 15 (Extension of Remarks), page E 12213.

ON THE FOLLOWING PAGES ARE ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL FROM NOVEMBER 1 THROUGH NOVEMBER 30, 1971

(NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250 (202) 388–7803.

Agricultural Research Service

Draft

Title, Description, and Date of Transmittal

Soil Inhabiting Insects program: Application of chlordane at 35 high-risk locations (airports, military installations) in 21 states to prevent long-distance artificial spread of plant pests. (ELR Order No. 1165, 13 pages) (NTIS Order No. PB–204 018–D) November 4.

Office of the Secretary

Final

Title, Description, and Date

Legislative proposal to designate Sycamore Canyon Primitive Area as Sycamore Canyon Wilderness, in the Coconino, Kaibab and Prescott National Forests, Arizona. Involves 46,542 arcres, 1,050 of which are contiguous to the Primitive Area. Comments made by USDA, DOC, DOD, FAA, FPC, HEW, DOI, 2 Members of Congress, Pima, Coconino and Yavapai Counties Boards of Supervisors and Cities of Tucson and Flagstaff. (ELR Order No. 1269, 36 pages) (NTIS Order No. PB–204 454–F) November 18.

Legislative proposal to designate Pine Mountain Primitive Area as Pine Mountain Wilderness, in the Prescott and Tonto National Forests, Arizona. Involves 19,569 acres, 3,671 of which are contiguous to the Primitive Area. Comments made by USDA, DOC, DOD, FAA, FCC, FPC, HEW, Ariz. Game and Fish Commission and Yavapai County Board of Supervisors. (ELR Order No. 1270, 38 pages) (NTIS Order No. PB–204 (455–F) November 18.

XUM

Forest Service

Draft

Title, Description, and Date

FH-12, Rio las Vacas-Senorita Section, Santa Fe National Forest, Sandoval County, *New Mexico*. Upgrading 15-mile portion of dirt and gravel road to a paved road. Involves loss of estimated maximum of 85 acres of productive forest land (ELR Order No. 1250, 14 pages) (NTIS Order No. PB-204 377-D) November 22.

Soil Conservation Service

Draft

Title, Description, and Date

Clarks Fork-Bullocks Creek Watershed, York County, *South Carolina*. Includes 17,600 acres of conservation measures, 360 acres of critical area stabilization, 6 floodwater retarding structures, 1 multi-purpose structure and recreational facilities. Will eliminate 867 acres of woods, 229 acres of open land and 15 miles of stream fishery. (ELR Order No. 1149, 10 pages) (NTIS Order No. PB-203 877-D) November 2.

Truth or Consequences-Williamsburg Arroyos Watershed, *New Mexico*. Conservation land treatment supplemented by 4 floodwater-retarding structures, about 1 mile of channel and pipeline and about .6 mile of floodway. Will eliminate agricultural use and wildlife habitat on 34 acres of rangeland and periodically interrupt such use of 152 acres. (ELR Order No. 1180, 8 pages) (NTIS Order No. PB-204 090-D) November 8.

Tallulah Creek, Watershed, Long Creek portion, *North Carolina*. Application of conservation land treatment on 410 acres and construction of a multi-purpose municipal storage and flood prevention structure; 53 million gals. of water to be stored. Will remove 36 acres of agricultural and forest land from production, limit use of 36 acres in the detention pool and destroy 4000 ft. of trout stream. (ELR Order No. 1261, 20 pages) (NTIS Order No. PB-204 457-D) November 23.

Final

Title, Description, and Date

Red Lick Creek Watershed, *Kentucky*. Acceleration of land treatment program and installation of 4 floodwater retarding structures and 1 multiple purpose structure. Will inundate 6 miles of intermittent stream channels, involve 244 acres of land in sediment pools and necessitate relocation of 10 families. Comments made by Army, HEW, DOI and Appalachian Regional Commission (ELR Order No. 1230, 14 pages) (NTIS Order No. PB-204 255-F) November 15.

DEPARTMENT OF COMMERCE

Contact: Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230 (202) 967-4335.

National Oceanic and Atmospheric Administration

Draft

Title, Description, and Date

Great Lakes Snow Redistribution Research Project. An exploratory investigation into the nature and characteristics of Great Lakes snowstorms, caused by movement of cold air masses over relatively warm water, to assess the possibility of moderating excessive snowfall along the leeward side of the lakes by overseeding the related cloud systems. (ELR Order No. 1216, 18 pages) (NTIS Order No. PB-204 158-D) November 15.

DEPARTMENT OF DEFENSE

Department of Air Force

Contact: Col. Cliff M. Whitehead, Room 5E 425, Pentagon, Washington, D.C. 20330 (202) OX 5-2889.

Final

Title, Description, and Date

Consolidation of all Air Force helicopter training at Hill Air Force Base, *Utah*. Includes combat crew training, air rescue, recovery, aircraft fire and rescue training. Fire training will involve open burning of jet fuel, resulting in some smoke and unburned jet fuel. Comments made by DOA, DOI, EPA, Utah Governor, Utah Dept. of Social Services, and Utah Air Conservation Committee. (ELR Order No. 1151, 162 pages) (NTIS Order No. PB-198 764-F) November 2.

Development and testing of 3 flight-test B-1 aircraft, a high subsonic, low-altitude penetrator (two-thirds size of B-52) capable of supersonic speed at high altitude. First flight scheduled for April 1974, with decision to enter into production about 12 months later. Describes measures being developed to lessen noise and air pollution. (ELR Order No. 1160, 32 pages) (NTIS Order No. PB-201 711-F) November 3.

Development of the F-15 aircraft to fill the Air Force need for an air superiority fighter. A single-place, fixed-wing, twin-turbofan fighter in the 40,000 pound weight class capable of speed in excess of Mach 2, the F-15 is in the advanced development stage. Plans are for a first flight in 1972, with initial operational capability in the mid-1970's. (ELR Order No. 1164, 32 pages) (NTIS Order No. PB-201 710-F) November 3.

Department of Army

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310 (202) OX 4-4269.

Draft

Title, Description, and Date

Safeguard Ballistic Missile Defense System sites within Minuteman field near Whiteman Air Force Base, *Missouri* and within Minuteman field near Warren Air Force Base, *Wyoming* or near the National Command Authority, *Washington, D.C.* System consists of Missile Site Radar (MSR) and Perimeter Acquisition Radar (PAR), two types of interceptor missiles (Spartan and SPRINT) and a high-speed data processing and communications system (ELR Order No. 1203, 14 pages) (NTIS Order No. PB-204, 162-D) November 15.

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office; Office, Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693-0892.

For the reader's convenience we have listed the numerous statements from COE by State in alphabetical order.

Draft

Title, Description, and Date

Crescent City Harbor Navigation Project, Del Norte County, *California*. Construction of a T-shaped basin from deepwater, 20' deep, 1500' long, with a stem 1000' long, extending 325' north of Citizens' Dock and a 400' extension of the inner harbor breakwater. (ELR Order No. 1251, 32 pages) (NTIS Order No. PB-204 380-D) November 18.

Ventura Marina, Ventura County, *California*. Construction of offshore breakwater 1500 feet long, dredging of 800,000 cubic yards and construction of recreational facilities, parking areas etc. for year-round boating activity. (ELR Order No. 1221, 16 pages) (NTIS Order No. PB-204 166-D) November 5.

Choctawhatchee River and Holmes Creek, *Florida*. Permit application for snagging of River from Ala. line to the mouth and of Creek from Vernon to its confluence with the River to provide safe navigation for small pleasure craft. Will reduce aquatic habitat. (ELR No. 1136, 29 pages) (NTIS Order No. PB-203 770-D) November 2.

Flood control at Muscatine, *Iowa*. Improvement of earthen levees, construction of new levees, concrete floodwalls, closure structures, ponding areas, pumping plant and partial realignment of Mad Creek. Will alter 5,500' of creek shoreline. (ELR Order No. 1280, 18 pages) (NTIS Order No. PB-204 500-D) November 26.

Diked Disposal Area Program, Duluth-Superior Harbor, *Minnesota* and *Wisconsin*. Construction of sand dikes for polluted dredge spoil containment at Duluth in 21st Ave. west slip area and at Superior adjacent to sewage treatment plant. Will convert 35 surface acres of water to land at each site. (ELR Order No. 1263, 13 pages) (NTIS Order No. PB-204 456-D) November 22.

Perry County Drainage and Levee Districts 1, 2, and 3, Perry County, *Missouri* and Randolph County, *Illinois*. Construction of four 60-130 cfs pumping stations and two drainage ditches totaling 13,900 feet. Will result in some loss of the 280 acres of brush and forest land, now wildlife habitat. (ELR Order No. 1133, 201 pages) (NTIS Order No. PB-203 775-D) October 29.

Valcour Harbor, Lake Champlain, *New York*. Construction of a 700-foot long rubble-mound offshore breakwater to protect a 15.1 acre basin for recreational craft on the Lake about 5 miles south of Plattsburgh. (ELR Order No. 1202, 16 pages) (NTIS Order No. PB-204 164-D) November 5.

Oswego Steam Station-Unit 5, Niagara Mohawk Power Corp., *New York*. Construction of a fifth oil-fueled electric generating unit with a maximum output of 890 Mw. Shoreline will be protected by a seawall. (ELR Order No. 1223, 192 pages) (NTIS Order No. PB-204 155-D) November 15.

Supervision of the Harbor Permit Program for Waste Disposal in the Atlantic Ocean, *New York*. Continuation of issuance of permits for disposal of various types of wastes at designated dumping grounds in Outer New York Harbor. Contributes to pollution problems of New York Bight (over 13.5 million cubic yards disposed of in FY 1970). (ELR Order No. 1225, 32 pages) (NTIS Order No. PB-204 264-D) November 17.

Vermilion Harbor, Erie County, *Ohio*. Construction of detached breakwater, 2 approach channels and a river channel extension of 2,275 feet to permit safe harbor entry and provide adequate depths in river channel. (ELR Order No. 1262, 17 pages) (NTIS Order No. PB-204 461-D) November 19.

Legislative proposal (H.R. 2450) relating to Penn's Landing, Delaware River, Philadelphia, *Pennsylvania*. Downtown waterfront renewal project in 3 stages: stage I (40 acres) required 2.4 million cubic yards of fill; stages II and III (70 acres) will require twice the amount of fill. Involves permanent removal of 110 acres of navigable water and conversion to filled lands. Purpose of legislation is to declare a portion of the Delaware River (Penn's landing) non-navigable. (ELR Order No. 1144, 16 pages) (NTIS Order No. PB-204 013-D) November 2.

Final

Title, Description and Date

Spring Creek Channel improvement, Springdale, Arkansas (flood protection). Straightening and enlargement of 9,000 feet of Channel Creek through Springdale. Comments made by DOI, EPA, FHWA, Ark. Soil and Water Conservation Commission and Society for Environmental Stabilization. (ELR No. 1107, 33 pages) (NTIS Order No. PB-198 744-F) October 28.

Price Branch of Little LaGrue Bayou, DeWitt, Arkansas. Cleaning out 17,500 ft. of channel, straightening, spreading and seeding of soil along reaches within DeWitt, etc. Purpose: flood protection by providing continuous drainage. Comments made by USDA, DOI, EPA, 3 state agencies and Mayor of DeWitt. (ELR Order No. 1196, 26 pages) (NTIS Order No. PB-202 898-F) November 12.

Kawaihae Harbor, Hawaii. Construction of a harbor to accommodate 300 light-draft vessels includes an access channel anchorage basin and a protective breakwater. Involves deepening 19.8 acres of submerged reef and converting 12.2 acres of shallow reef to protective structures. Comments made by EPA, DOI, DOT, Hawaii Dept. of Planning and Economic Development, University of Hawaii and Mayor of County of Hawaii. (ELR Order No. 1194, 44 pages) (NTIS Order No. PB-202 288-F) November 12.

Mason J. Niblack Levee (Pumping Plants), Wabash River Basin, Indiana. Involves construction of pumping facilities, power lines, etc. for flood protection by removing interior ponding from the area protected by the Niblack Levee. Comments made by USDA, DOI, EPA, DOT, N.C. Dept. of Natural Resources, Ind. Planning and Development Clearinghouse and Area Planning Dept. for Vigo County. (ELR No. 1113, 16 pages) (NTIS Order No. PB-202 655-F) October 28.

Flood Protection project, Waterloo, Iowa. Construction of 15 miles of earthen levees and 2 miles of concrete floodwalls, a small dam and detention reservoir, deepening and widening Cedar River channel, etc. Purpose: protection from flooding of Cedar River, Black Hawk Creek and Verden Creek. Comments made by EPA, HUD, DOI, Iowa Office for Planning and Programming and Mayor of Waterloo. (ELR Order No. 1197, 21 pages) (NTIS Order No. PB-201 850-F) November 12.

Clinton Lake, Wakarusa River project, *Kansas*. Involves construction of a dam and lake. Inundation of 7,000 acres of wildlife habitat and farmland and 50 miles of free-flowing intermittent streams. Purpose: to provide increased water supply and quality control, flood control, fish and wildlife enhancement, recreation, etc. Comments made by USDA, DOC, DOI, EPA, and Kansas Water Resources Board. (ELR No. 1106, 29 pages) (NTIS Order No. PB-203 761-F) October 29.

Longview Lake, Little Blue River, *Missouri*. Construction of dam and lake, inundating 930 acres of land to control run-off from a 50.3-square-mile drainage area, for recreation, etc. Comments made by USDA, EPA, DOI and 5 state agencies. (ELR Order No. 1187, 37 pages) (NTIS Order No. PB-200 795-F) November 9.

Loup River flood control project, Columbus, *Nebraska*. Construction of a 28,480' levee averaging 8' height along the left bank. Comments made by USDA, HEW, DOI, 4 state agencies, the Governor and the Mayor of Columbus. (ELR Order No. 1260, 31 pages) (NTIS Order No. PB-200 769-F) November 22.

Buffalo Creek Channel improvement project, Meadow Grove, *Nebraska*. Enlarging and straightening 5,700' of natural channel to provide flood protection to village of Meadow Grove. Comments made by USDA, EPA, DOI, Nebraska Game and Parks Commission, Neb. Wildlife Federation, Village of Meadow Grove and Chicago and Northwestern Rwy. Co. (ELR Order No. 1259, 27 pages) (NTIS Order No. PB-202 081-F) November 22.

Valcour Harbor, Lake Champlain, *New York*. Construction of a 700-foot long rubble-mound offshore breakwater to protect a 15.1-acre basin for recreational craft on the lake about 5 miles south of Plattsburgh. Comments made by USDA, AEC, DOI, HUD, DOT and N.Y. Office of Parks and Recreation. (ELR Order No. 1228, 35 pages) (NTIS Order No. BP-204 256-F) November 19.

Navigation project at Atlantic Harbor of Refuge, Carteret County, *North Carolina*. Involves dredging channels 7' deep, 50-70' wide and converting a small marsh into a basin. Dredged material will be used to construct a breakwater. Comments made by USDA, DOI, EPA, DOT, N.C. Board of Water and Air Resources, and Carteret Cy. Commissioners. (ELR Order No. 1118, 39 pages) (NTIS Order No. PB-198 870-F) October 27.

San Antonio Channel Improvements, San Antonio River and Tributaries, *Texas*. Alterations on 33 miles of channel includes channel excavation, channel paving, deepening San Antonio River Lake section, etc. Purpose: flood control. Comments made by DOI, EPA, various State of Texas agencies and the San Antonio River Authority. (ELR Order No. 1179, 37 pages) (NTIS Order No. PB-204 032-F) November 9.

Brownsville Small Boat Basin, *Washington* (on Puget Sound). Construction of a 1,630-foot breakwater, entrance channel, access channel and turning basin. Purpose: to provide a protected moorage for 334 recreational boats. Comments made by DOC, EPA, HEW, DOI, 5 state agencies, Kitsap County Commissioners, Bremerton-Kitsap Health Dept., Port of Brownsville and Puget Sound Governmental Council. (ELR Order No. 1201, 68 pages) (NTIS Order No. PB-199 822-F) November 9.

Lower Granite Lock and Dam, Snake River, *Washington* and *Idaho*. Construction of a dam, powerhouse, and navigation lock to complete the Lower Snake River navigation system to Lewiston. About 44 miles of open river will be converted to a lake, and approximately 3,260 acres of land used for grazing and agriculture will be inundated. Also involves loss of residences and other buildings and of steelhead spawning areas. Comments made by DOC, EPA, FPC, DOI, 4 Washington agencies, 3 Idaho agencies, 1 Oregon agency, City of Lewiston, City of Clarkston and Assn. of Northwest Steelheaders. (ELR Order No. 1208, 163 pages) (NTIS Order No. PB-204 169-F) November 9.

Stonewall Jackson Lake, West Fork River, *West Virginia*. Construction of concrete dam and lake for flood control, recreation, etc. Will inundate about 2,650 acres of wildlife habitat and result in loss of about 35 miles of free-flowing stream. Comments made by USDA, DOI, EPA, W. Va. Dept. of Natural Resources and Appalachian Regional Commission. (ELR Order No. 1207, 45 pages) (NTIS Order No. PB-202 980-F) November 12.

Small Boat Harbor, Mississippi River, Pepin, *Wisconsin*. Involves an additional 434' sand-filled breakwater, a 60" pipe culvert. Purpose: protection from wave damage and maintainable aeration facility. Comments made by DOI, EPA, Wis. Dept. of Natural Resources, Mississippi R. Regional Planning Commission, and Village of Pepin. (ELR Order No. 1137, 29 pages) (NTIS Order No. PB-203 763-F) October 29.

Department of Navy

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350 (202) 697-0892.

Draft

Title, Description, and Date

Kahoolawe Island Target Complex, *Hawaii*. Continued use of Island as naval target complex. (ELR No. 1143, 92 pages) (NTIS Order No. PB-203 876-D) November 2.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. George Marienthal, Acting Director of Environmental Impact Statements Office, 1750 K Street, N.W., Room 440, Washington, D.C. 20460 (202) 254-7420.

Final

Title, Description, and Date

Waste Treatment Facility, Project No. WPC Colo-261, Greeley, *Colorado*. Involves relocating a substantial portion of the present system capacity. Construction consists of 4 anaerobic lagoons, 2 aerated ponds, etc. Purpose: initial effort to centralize treatment facilities for the drainage basin. Comments made by Army COE, USDA, DOI, HEW, HUD and Colo. State Planning Coordinator. (ELR Order No. 1142, 41 pages) (NTIS Order No. PB-201 886-F) October 25.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, GSA-AD, Washington, D.C. 20405, (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, GSA-AD, Washington, D.C. 20405, (202) 343-4161.

Draft

Title, Description, and Date

Disposal of a portion of Fort Custer Military Reservation, Battle Creek, *Michigan*. Plan for disposal is as follows: 96 acres with 100 frame buildings for conveyance to state for mental health purposes; 21 acres and existing sewer and water systems to HEW for conveyance to City for health purposes; railroad system to city by negotiated sale; and electrical and telephone system to Consumer Power Co. by negotiated sale. (ELR Order No. 1156, 4 pages) (NTIS Order No. PB-203 884-D) November 4.

Disposal of Condon Air Force Station, Gilliam County, *Oregon* by competitive bid sale. Involves 66.3 acres, along with 69 buildings, etc. (ELR Order No. 1157, 10 pages) (NTIS Order No. PB-203 885-D) November 4.

Disposal of Philadelphia Army Supply Base (D-PA-521) by negotiated sale to City of Philadelphia, *Pennsylvania* for port industrial use. (ELR Order No. 1158, 7 pages) (NTIS Order No. PB-203 886-D) October 27.

Disposal of Lewiston Government Camp, Trinity County, *California*. Sewer and water systems and 6 acres to be assigned to HEW for conveyance to Lewiston Community Services District; gymnasium, 10 acres, and 5 houses to be assigned to HEW for conveyance to Lewiston School District, electric system to be sold by negotiated sale to Pacific Gas and Electric Co.; 85 housing units and 185 acres to be sold by auction; and 7 buildings to be assigned to HEW for conveyance to Shasta and Trinity County School Districts for offsite removal. (ELR Order No. 1166, 6 pages) (NTIS Order No. PB-204 019-D) November 8.

Disposal of Birdsboro Army Tank—Automotive Steel Foundry, Berks County, *Pennsylvania* by negotiated sale to the Greater Berks Development Fund. (ELR Order No. 1190, 6 pages) (NTIS Order No. PB-204 098-D) November 11.

Final

Title, Description, and Date

Disposal of 7.9 acres of land formerly owned by the Tennessee Central Rwy. Co., Nashville, *Tennessee* by negotiated sale to Metropolitan Government of Nashville and Davidson County, acting through the Nashville Thermal Transfer Corp. To be used for construction of a central heating and chilling plant that will burn solid waste primarily to produce heat. Comments made by Army COE, HEW, DOI, a Member of Congress and the Metropolitan Government of Nashville and Davidson County. (ELR Order No. 1186, 17 pages) (NTIS Order No. PB-202 797-F) November 10.

Disposal of the Bakalar Air Force Base and Radio Annex, Columbus, *Indiana* by conveyance of 1,991 acres of land and the buildings to the City of Columbus for a public airport and by negotiated sale of electrical distribution system to the Bartholomew County Rural Electric Membership Corp. Comments made by EPA, DOT and Bartholomew County. (ELR Order No. 1199, 13 pages) (NTIS Order No. PB-202 792-F) November 10.

Disposal of the Niagara Falls Army Chemicals Plant, Niagara Falls, *New York* by competitive bidding. Plant consists of 37 buildings and 5.7 acres. Comments made by Army COE, EPA, DOI, N.Y. Dept. of Environmental Conservation and Erie & Niagara Counties Regional Planning Board. (ELR Order No. 1237, 19 pages) (NTIS Order No. PB-200 395-F) November 19.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Contact: Robert Lanza, Office of the Assistant Secretary for Health & Scientific Affairs, Room 4062 HEWN, Washington, D.C. 20202 (202) 962-2241.

Final

Title, Description, and Date

Indian Health Service Hospital, Tuba City, Arizona. Construction of 125-bed hospital adjacent to existing hospital to provide a comprehensive health program for 16,000 Navajo and Hopi Indians. Comments made by DOC, DOD, EPA, HUD, DOI, and Arizona Dept. of Economic Planning and Development. (ELR Order No. 1267, 40 pages) (NTIS Order No. PB-200 199-F) November 24.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental & Land Use Planning Division, Washington, D.C. 20410 (202) 755-6186.

Draft

Title, Description, and Date

Soul City, New Community, Warren County, North Carolina. Proposes loan guarantee of up to $10 million for land acquisition and development of a new community under Title VII of the Housing and Urban Development Act of 1970. (ELR Order No. 1139, 63 pages) (NTIS Order No. PB-203 773-D) October 29.

Portland Student Services, Inc., Portland, Oregon. Loan of $3,193,000 to construct a 16-story apartment building to provide moderately priced student housing. Site is in the Goose Hollow district. (ELR Order No. 1147, 28 pages) (NTIS Order No. PB-204 014-D) November 2.

Foss Reservoir, Custer County, Oklahoma. Construction of 5.0 mgd pretreatment and 3.0 mgd demineralization water treatment facilities. (ELR Order No. 1264, 36 pages) (NTIS Order No. PB-204 460-D) November 22.

Final

Title, Description, and Date

New Community of Riverton, Monroe County, New York. Commitment to guarantee up to $12 million for development over 16 years of 2,350 acres, with planned ultimate population of about 25,600 residents in 8,010 dwelling units; 170 acres of commercial and community space will be provided. Comments made by USDA, AEC, FPC, GSA, HEW, DOI, DOT, N.Y. Dept. of Environmental Conservation and Genesee Finger Lakes Regional Planning Board. (ELR Order No. 1271, 123 pages) (NTIS Order No. PB-201 391-F) November 19.

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240 (202) 343-6416.

Bureau of Reclamation

Final

Title, Description, and Date

Archer-Weld transmission line: a 230 kv facility that will extend 57 miles from the Archer Substation east of Cheyenne, Wyoming to the proposed Weld Substation west of Greeley, Colorado. Purpose: to interconnect public and private transmission facilities which will help prevent blackouts. Comments made by Army COE, USDA, DOI, EPA, FPC and various State of Colorado and Wyoming agencies. (ELR Order No. 1150, 45 pages) (NTIS Order No. PB-203 875-F) November 2.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

(United States and Mexico)

Contact: T. R. Martin, ARA/Mex., Department of State, Room 3906A, Washington, D.C. 20520 (202) 632-1317.

Final

Title, Description, and Date

Modified Hackney Floodway and Closure of Mission Floodway, Lower Rio Grande Flood Control Project, Hidalgo County, Texas. U.S. extension and enlargement of Hackney floodway from Anzalduas Dam on Rio Grande to Main floodway and closure of Mission floodway to reduce flood damage. Comments made by Army, COE, USDA, HEW, DOI, 5 Texas agencies and Lower Rio Grande Development Council. (ELR Order No. 1206, 27 pages) (NTIS Order No. PB-201 090-F) November 5.

U.S. Portion of Retamal International Diversion Dam and U.S. Dike, Lower Rio Grande Flood Control Project, Hidalgo County, Texas. Joint construction of international floodwater diversion dam and U.S. construction of 3-mile dike from dam to river levee system. Comments made by Army COE, USDA, HEW, DOI, 3 Texas agencies and Lower Rio Grande Development Council. (ELR Order No. 1226, 29 pages) (NTIS Order No. PB-200 777-F) November 5.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,* Director, Office of Program Co-ordination, 400 7th Street, S.W., Washington, D.C. 20591 (202) 462-4355.

For the reader's convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, Description, and Date

Big Bear City Airport, San Bernardino County, *California*. Realignment and construction of runway, 7 taxiways and apron and installation of lighting and safety operational facilities. Will require relocation of some residences. (ELR Order No. 1170, 25 pages) (NTIS Order No. PB-204 023-D) November 8.

Albany County Airport, Colonie, *New York*. Extension of runway. Will displace 6 families and necessitate relocation of Old Niskayuna Rd. (ELR Order No. 1173, 100 pages) (NTIS Order No. PB-204 026-D) November 9.

Lincolnton-Cherryville Airport, *North Carolina*. Construction of new airport south of juncture of N.C.-182 and SR-1187 adequate for 95% of propeller-driven aircraft of less than 12,500 pounds and some light twin engine propeller-driven aircraft. (ELR Order No. 1171, 19 pages) (NTIS Order No. PB-204 024-D) November 8.

Rockingham County Airport, *North Carolina*. Construction of runway, taxiway, apron and lighting system with a VASI installed at each end of the runway. (ELR Order No. 1236, 18 pages) (NTIS Order No. PB-204 259-D) November 18.

Ector County Airport, Odessa, *Texas*. Reconstruction or extension of 3 runways and 1 taxiway, modification of MIRL system and installation of VASI at each end of runway. (ELR Order No. 1181, 12 pages) (NTIS Order No. PB-204 092-D) November 10.

Park Falls Municipal Airport, Price County, *Wisconsin*. Construction of paved runway, connecting taxiway, apron and private entrance road and installation of low-intensity lighting system. (ELR Order No. 1172, 13 pages) (NTIS Order No. PB-204 025-D) November 5.

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*Mr. Convisser's office will refer you to the correct regional office from which the statement originated. In the case of the Federal Highway Administration, a separate page is included in this Monitor giving the names of the Regional Administrators (see page 47).

Final

Title, Description, and Date

Fairhope Municipal Airport, Baldwin County, *Alabama*. Involves land acquisition, runway extension, power line relocation, etc. Comments made by Army COE, DOI, Ala. Development Office and South. Ala. Regional Planning Commission. (ELR Order No. 1131, 15 pages) (NTIS Order No. PB-202 068-F) October 28.

Airport project, Klawock, *Alaska*. Development of a new airport, including landing strip, parking apron, taxiway, access road and segmented circle. Comments made by Army COE, USDA, DOC, EPA, HEW, DOI and Alaska Native Health Service. (ELR Order No. 1212, 29 pages) (NTIS Order No. PB-200 363-F) October 15.

Indian Valley Airport, Crescent Mills, *California*. Involves right-of-way acquisition, runway embankment and site drainage, site fencing and power line clearance. Comments made by Army COE, USDA, DOC, DOI, EPA, HEW and HUD. (ELR Order No. 1135, 42 pages) (NTIS Order No. PB-200 379-F) October 28.

Stapleton International Airport project, Denver, *Colorado*. Involves runway improvement, installation of a MIRL lighting system and blast protection, reconstruction of portions of the high-speed turnoffs, etc. to provide new runway for widebody jets, to prevent erosion and dusting conditions. Comments made by DOI, DOT, State Planning Agency, Denver Regional Council of Government and Adams Cy. Planning Commission. (ELR Order No. 1105, 46 pages) (NTIS Order No. PB-199 604-F) October 27.

Liberty County Airport, Hinesville, *Georgia*. Involves extending and widening runway, installing medium-intensity lighting system, etc. Clearing 12 acres will be necessary. Purpose: accommodate 60% of the business jet fleet. Comments made by USDA, DOI, EPA, Ga. Historical Commission, Ga. Bureau of State Planning and Community Affairs, Coastal Area Planning and Development Commission and City of Hinesville. (ELR Order No. 1119, 26 pages) (NTIS Order No. PB-201 691-F) October 28.

Monmouth Municipal Airport, Warren County, *Illinois*. Consists of obtaining reimbursement for land and an aviation easement. Action will make the airport a part of the Federal Aid System of Airports. Comments made by Army COE, USDA, DOC, EPA, HUD and Ill. A-95 agencies. (ELR Order No. 1116, 67 pages) (NTIS Order No. PB-201 306-F) October 28.

Airport project at Healdton, *Oklahoma*. Construction of a new municipal airport and paved landing strip. Will also serve 3 nearby communities. Comments made by 1 State agency, City of Healdton, Southern Oklahoma Development Assn. and Ozarks Regional Development Commission. (ELR Order No. 1120, 28 pages) (NTIS Order No. PB-203 768-F) October 28.

Federal Highway Administration

Draft

Title, Description, and Date

Alabama Hwys. 134 and 92: Coffee, Dale and Houston Counties, *Alabama*. Improvement from 2 to 4 lanes from US-84 bypass in Enterprise to Wicksburg Wye, a length of 13.2 miles. Highway project S-677-E and S-1004-E. (ELR Order No. 1115, 8 pages) (NTIS Order No. 203 753-D) October 27.

Highway project F-377(2): Mobile County, *Alabama*. Construction of new 2.5 mile route beginning on Ala. 163 approximately 16 miles south fo Mobile and extending north along Range Line Rd. to a point on Island Rd. 1 mile west of Ala. 163. Will displace 14 residences and 4 businesses. (ELR Order No. 1163, 11 pages) (NTIS Order No. PB-204 017-D) November 5.

Connecting highway between US-278 and SR-157: Cullman County, *Alabama*. Initial 2-lane construction with ultimate plans for a rural 4-lane divided facility. Will provide a bypass of the town of Cullman. Highway project S-184-D. (ELR Order No. 1177, 7 pages) (NTIS Order No. PB-204 030-D) November 8.

US-431: Russell County, *Alabama*. Relocation and widening of road to 4-lanes from about 2.7 miles south of Seale to a point near Phenix City. Highway project S-50-E. (ELR Order No. 1178, 20 pages) (NTIS Order No. PB-204 031-D) November 8.

Tudor and Muldoon Rds: Anchorage, *Alaska*. Upgrading to 4-lane, 2-way facility from junction of Seward Hwy. and Tudor Rd., east on Tudor Rd. and north on Muldoon Rd. to Glenn Hwy., a distance of 7.2 miles. Project F-044-1(5) and (6). (ELR Order No. 1249, 22 pages) (NTIS Order No. PB-204 379-D) November 19.

Northern Lights Blvd. Couplet: Anchorage, *Alaska*. Construction of couplet pair of 1-way, 4-lane roadways for 2 miles between Lois Dr. and LaTouche St. and a 6-lane divided section from LaTouche St. east 0.75 mile to lake Otis Pkwy. Involves displacement of families, businesses and 2 churches. Project S-0547(12) (ELR Order No. 1262, 36 pages) (NTIS Order No. PB-204 502-D) November 26.

SR-87: Mesa-Payson (Beeline) Hwy., Gila County, *Arizona*. Improvement of approximately 20 miles of highway, within the Tonto National Forest, from Maricopa County line to Payson. May involve channel changes in sections of State Creek. A 4(f) determination required. Project F-053-1-203. (ELR Order No. 1169), (NTIS Order No. PB-204 022-D) November 5.

I-40: Winslow, Navajo County, *Arizona*. Construction of bypass from US-66 three miles west of Winslow east for 8.4 miles. Revision of draft circulated 3/29. Project I-40-4(60), (61), (81) and (62). (ELR Order No. 1272, 24 pages) (NTIS Order No. PB-204 465-D) November 24.

US-7: Wilton, Fairfield County, *Connecticut*. Relocation of 3-mile section of 4-lane, limited access expressway from Olmstead Hill Rd. to Wilton-Ridgefield town line. 4(f) statement regards use of Girl Scout campground. State highway project 161-87. (ELR Order No. 1153, 67 pages) (NTIS Order No. PB-203 882-D) November 3.

I-75: Lee and Dade Counties, *Florida*. Construction of limited-access, multi-lane 135 mile highway and interchanges between Miami and Fort Myers. Requires displacement of 23 residences and 5 businesses and loss of wetlands. Directly or indirectly affects lands within a Conservation Area, Everglades National Park and Collier-Seminole State Park. 4(f) determination included. (ELR Order No. 1134, 123 pages) (NTIS Order No. PB-203 769-D) October 28.

US-301 (SR-683): Sarasota and Manatee Counties, *Florida*. Improvement and relocation of 8-mile, multi-lane, limited access highway from county line into Bradenton, State job No. 17120-1503 and 13120-1506. (ELR Order No. 1146, 19 pages) (NTIS Order No. PB-203 879-D) October 29.

SR-438: Silver Star Rd., Orange County, *Florida*. Improvement of a 4.2 mile segment beginning at SR-435 east to SR-500 (US-441), the first 2.5 miles to be additional lanes, the remaining a new 4-lane facility. Will involve relocation of homes and businesses. State job No. 75250-1505. (ELR Order No. 1138, 128 pages) (NTIS Order No. PB-203 771-D) November 2.

SR-35 (US-17): Punta Gorda, Charlotte County, *Florida*. Construction of a 3.3 mile multi-lane facility from US-41 to SR-74. State job No. 01040-1504. (ELR Order No. 1155, 20 pages) (NTIS Order No. PB-203 880-D) November 2.

SR-44: Leesburg, Lake County, *Florida*. Construction of 1.5 miles multi-lane facility from SR-44A east to SR-25 (US-27). Three alternatives involve displacement of homes, businesses, etc. (ELR No. 1159, 42 pages) (NTIS Order No. PB-203 883-D) November 3.

SR-50: Lake County, *Florida*. Upgrading of 4.7-mile, 2-lane facility to a multi-lane highway from SR-33 in Groveland east to SR-561 in Clermont. Involves displacement of 67 persons, 18 residences, 10 businesses and 1 industrial building. State job 11070-1504; Federal job F-022-2(17). (ELR Order No. 1194, 40 pages) (NTIS Order No. PB-204 097-D) November 11.

SR-415: Seminole and Volusia Counties, *Florida*. Construction of 2-lane highway and bridge across St. Johns River beginning at SR-46 in Seminole County for 1.61 miles to a point on SR-415 in Volusia County. State job 77161-1501, 79120-1501; Federal project S-716(1). (ELR Order No. 1195, 84 pages) (NTIS Order No. PB-204 096D) November 12.

Supplement on 4(f) involvement—SR-115: Duval County, *Florida*. Improvement to 4-lane highway between Trout River and I-295. (See 102 Monitor, May, p. 62.) State project 72150-3509, 72150-3504; Federal project US-S-545(2). (ELR Order No. 1219, 90 pages) (NTIS Order No. PB-204 243-D) November 16.

I-75 (SR-93); St. Peterburg, Pinellas County, *Florida*. Construction of 2-mile, multi-lane highway and related facilities beginning near Sunshine Skyway North Toll Plaza and ending at 39th Ave. South. Use of Maximo Park land requires 4(f) determination. State job 15190-3422, Federal job I-75-7(42) 446. (ELR Order No. 1242, 66 pages) (NTIS Order No. PB-204 376-D) November 17.

Cobb County, *Georgia*. Three construction projects: a 4-lane facility beginning at I-75 south of Roberts Rd. interchange to Big Shanty, then northeast in the vicinity of Parkwood Dr.; a 6-lane section beginning at SR-5 near Sandy Plains Rd. and ending at Bells Ferry Rd.; and a multi-lane facility beginning at I-75 north to SR-5. Will displace 44 families and 16 businesses. Projects F-057-1(4), S-1378 and S-2556. (ELR Order No. 1268, 39 pages) (NTIS Order No. PB-204 462-D) November 19.

SR-9 and SR-37: Huntington County, *Indiana*. Construction of 3.2-mile additional lanes from the north end of Mt. Etna bypass to south end of Huntington bypass. Will require removal of 4 homes, 3 barns, sheds and skating rink. Project F-101(12). (ELR Order No. 1183, 12 pages) (NTIS Order No. PB-204 093-D) November 8.

US-20: Fort Dodge, Webster County, *Iowa*. Reconstruction of 1.7 mile, 4-lane facility beginning at intersection with US-169 and ending at 12th St. Involves dislocation of 5 houses and 2 businesses. (ELR Order No. 1154, 4 pages) (NTIS Order No. PB-203 881-D) November 3.

US-30: Benton and Linn Counties, *Iowa*. Construction of 14.4 miles of expressway on relocation beginning near intersection with US-218 and ending near future interchange with Iowa 149. Will disturb some wildlife habitat and displace 1 family and 1 business. (ELR Order No. 1232, 10 pages) (NTIS Order No. PB-204 263-D) November 16.

US-54: Wichita, Sedgwick County, *Kansas*. Improvement of 2.7 miles of highway to provide 2 lanes in each direction between Seville Lane and Hoover Rd. Requires relocation of residences and businesses. Project (SF) 54-87 U-038-3(35). (ELR Order No. 1279, 25 pages) (NTIS Order No. PB-204 501-D) November 23.

US 190 (Chinchuba-Covington Highway): St. Tammany Parish, *Louisiana*. Construction of 2.4-mile, 4-lane divided highway and interchanges beginning at a point south of LA-22 north to I-22. Will displace 13 homes, 7 businesses and 6 office buildings. State project 13-11-09. (ELR Order No. 1222, 10 pages) (NTIS Order No. PB 204 165-D) November 8.

US-171 and La-8: Leesville, Vernon Parish, *Louisiana*. Construction of south bound 2 lanes of a 1-way couplet through Leesville, a distance of 2.6 miles. Will displace 16 families and 1 shop. State project 24-06-16, 25-01-16, 25-01-19. Federal projects F-151 (6), (7) and (9). (ELR Order No. 1266, 17 pages) (NTIS Order No. PB-204 459-D) November 24.

M-43: Kalamazoo and Van Buren Counties, *Michigan*. Reconstruction of 14.3 miles of M-43 from M-40 in Van Buren County east to Kalamazoo city limits. Requires removal of 31 homes and 1 business. Federal highway projects S 6( ) and S 6(102) (ELR Order No. 1132, 33 pages) (NTIS Order No. PB-203 774-D) October 29.

Trunk Highway 52: Olmsted County, *Minnesota*. New routing to provide bypass of south Rochester in 3 segments, one completed and one under construction. Last segment runs from TH-63 junction to County Rd. junction. Will require use of 131 acres of agricultural land and will sever 13 farmsteads from remaining lands. Project S.P. 5507 (T.H. 52), F 020-1( ). (ELR Order No. 1233, 20 pages) (NTIS Order No. PB-204 262-D) October 29.

Trunk Highways 12, 23 and 71: Kandiyohi County, *Minnesota*. Involves rerouting above 3 highways to provide a bypass of Willmar (10 miles). Highway projects SP 3403-27, F 010-2( ), SP 3405-20, F 023-2( ), SP 3411-24, SP 3412-23, F 004-2( ). (ELR Order No. 1176, 30 pages) (NTIS Order No. PB-204 029-D) November 8.

County State Aid Highways 24 and 45: Courtland, *Minnesota*. Construction of a bridge, construction of roadway embankment and rerouting of Minnesota River channel between Courtland and SH-68. State project nos. SP 07-645-03, SP 52-624-03, ER 71(38) and bridge no. 52504. (ELR Order No. 1227, 24 pages) (NTIS Order No. PB-204 265-D) November 11.

Rte. 63: Boone-Callaway Counties, *Missouri*. Construction of 5.9 miles of 4-lane highway from a point north of Callaway County line south to Rte. 54. Job 5-P-63-20. (ELR Order No. 1111, 7 pages) (NTIS Order No. 203 755-D) October 29.

Route 36: Marion-Ralls Counties, *Missouri*. Construction of 4.8 miles of 2-lane highway from a point west of Monroe City to a point west of Route J. Involves taking of approximately 170 acres of farmland, one farm unit, and one building. Job no. 3-F-36-33. (ELR Order No. 1110, 7 pages) NTIS Order No. 203 754-D) October 29.

Route 71: Nodaway-Andrew Counties, *Missouri*. Construction of 23.8 miles of additional 2 lanes from a point south of Maryville south to Rte. 59. Job. no. 1-P-71-1 (ELR Order No. 1112, 6 pages) (NTIS Order No. PB-203 752-D) October 29.

I-435: Platte County, *Missouri*. Construction of 16-mile multi-lane facility from Missouri River north to I-29, then southeast to near Ferrilview. (ELR Order No. 1162, 20 pages) (NTIS Order No. PB-204 016-D) November 5.

Route 13 (Kansas Trafficway): Green County, *Missouri*. Involves acquisition of right-of-way, grading and multilane paving of about 2.8 miles of Springfield, from Division St. south to Sunshine St. Job nos. 8-0-12-7 and 12. (ELR Order No. 1174, 14 pages) (NTIS Order No. PB-204 027-D) November 8.

Route 67: Butler County, *Missouri*. Relocation and construction of 3.8 miles of road from just south of Wayne County line to 1.5 miles south of Route JJ. Job. no. 10-P-67-20. ELR Order No. 1175, 8 pages) (NTIS Order No. PB-204 028-D) November 9.

Route 755: St. Louis, *Missouri*. Construction of 1.5 mile, 6-lane facility from Cole St. to I–55. Will displace 371 families, 90 businesses and 7 non-profit organizations. Project U–U6–755–1(4); Job 6–U–755–23 (ELR Order 104–D) November 10.

Route 60: Wright County, *Missouri*. Construction of 17 miles of dual highway from 2.5 miles east of Mansfield to 3.6 miles west of Route 95(A). Removes approximately 410 acres of land from present use. Job No. 9–P–60–10 and 9–P–60–23, F–60–3(13). (ELR Order No. 1278, 7 pages) (NTIS Order No. PB–204 502–D) November 16.

Missouri River Bridge and approaches: Great Falls, *Montana*. Relocation and construction of 4-lane bridge, with 4 alternatives under consideration. Park land is involved in each, and one crosses an island bird refuge. (ELR Order No. 1109, 28 pages) (NTIS Order No. PB–203 756–D) October 26.

US 75 and 75: Omaha, Douglas County, *Nebraska*. Extension of Kennedy Freeway 0.8 mile from 27th and L Sts. to Railroad Ave. and W Sts. Will require taking of 42 single-family dwellings, 19 trailer homes, 7 multiple dwelling units, 2 churches and 29 businesses. Project QU–515(8) (ELR Order No. 1188, 10 pages) (NTIS Order No. PB–204 100–D) November 12.

Route 208 Freeway: Bergen and Sussex Counties, *New Jersey*. Construction of 21.4-miles of freeway from Oakland Borough to N.Y. line. Will involve taking of 308 acres of watershed and recreational lands, 101 residences and 3 commercial structures. 4(f) determination required. (ELR Order No. 1235) (NTIS Order No. PB–204 260–D) November 19.

US–82: Eddy County, *New Mexico*. Upgrading to 2-lane divided highway for 25 miles from US 285 in Artesia east to west limits of Loco Hills. State project S–1216. (ELR Order No. 1219, 8 pages) (NTIS Order No. PB 204 156–D) November 10.

US–264: Wake, Nash and Wilson Counties, *North Carolina*. Relocation and improvement of 15.7 miles of highway beginning at NC 97 east of Zebulon and ending near the US–264–SR–1303 intersection. Would require acquisition of 250 acres of farmland and 700 acres of woodland. 14 families and 1 business would be relocated. Highway project 8.801778 (ELR Order No. 1128, 36 pages) (NTIS Order No. PB–203 750–D) October 29.

I–85 and US–311: Davidson, Guilford and Randolph Counties, *North Carolina*. Construction of 20-mile segment of I–85 from Groomfield to Lexington and a 4.1 mile relocation of US–311 on west side of Archdale. Involves displacement of 189 families, 31 businesses, and 1 church and acquisition of a cemetery. State highway projects 8.15295, 8.15773, 8.15317 and 8.15774. (ELR Order No. 1167, 36 pages) (NTIS Order No. PB–204 030–D) November 4.

NC 68: High Point, Guilford County, *North Carolina*. Widening of Westchester Drive from N. Main St. (US 311) to Elgin Ave. Will necessitate relocation of 11 families and 3 businesses. State project 9.8071026. (ELR Order No. 1215, 14 pages) (NTIS Order No. PB–204 168–D) November 16.

Ward County Rd. No. 2: *North Dakota*. Highway improvement from Niobe north 2 miles to county line, west 1 mile to county line, and east 5 miles to Kenmore. Involves acquisition of 20 acres of land in Des Lacs National Wildlife Refuge, requiring a 4(f) determination. Highway project S–101(13) and S–976(2). (ELR Order No. 1161, 7 pages) (NTIS Order No. PB–204 015–D) November 4.

SR–129: Hamilton and Fairfield, Butler County, *Ohio*. Relocation of 10-mile divided highway from I–75 to Hamilton. Will involve relocation of 19 families and 3 businesses. Project BUT–129–15.32. (ELR Order No. 1192, 28 pages) (NTIS Order No. PB–204 103–D) November 8.

SR–56: Athens County, *Ohio*. Construction of 2.6-mile, 2-lane highway from 0.2 miles east of intersection of SR–56 with County Road 6 to 0.06 miles east of the intersection with County Road 9. Involves displacement of residences. (ELR Order No. 1213, 8 pages) (NTIS Order No. PB–204 160–D) November 8.

SR–45: Columbiana County, *Ohio*. Construction of Lisbon bypass by overlapping SR–11 to West Point and ultimately for US–30. Will require taking of 7 residences, 1 church and 1 farm dwelling. Ohio highway project COL–45–15.90. (ELR Order No. 1182, 7 pages) (NTIS Order No. PB–204 095–D) November 9.

US 250: Ashland County, *Ohio*. Widening and reconstruction of 1.2-mile roadway with new bridge over Jamison Creek. Will involve taking of 7 residences. Project ASD–250–15.82. (ELR Order No. 1191, 7 pages) (NTIS Order No. PB–204 099–D) November 10.

US 35: Gallia County, *Ohio*. Construction of 12.7 miles of 4-lane limited access highway from its junction with SR–160 to Centerville. Will require taking of 3 residences and 2 churches. (ELR Order No. 1200, 10 pages) (NTIS Order No. PB–204 102–D) November 11.

SR–4: Clark, Champaign and Union Counties, *Ohio*. Relocation of SR–4 from a point 1 mile southwest of the Clark-Champaign County line near its intersection with Baldwin Lane to the beginning of the Marysville bypass. Will require relocation of 19 families. (ELR Order No. 1214, 21 pages) (NTIS Order No. PB–204 159–D) November 15.

SR–34: Bryan, Williams County, *Ohio*. Relocating and widening of 1 mile of roadway and construction of a new elevated structure over the Penn-Central RR. Will displace 3 residences. (ELR Order No. 1217, 11 pages) (NTIS Order No. PB–204 157–D) November 16.

SR 619: (State St.) Barberton, Summit County, *Ohio*. Construction of grade separation over railroad tracks beginning near Highland Ave. and ending .56 mile northwest along State St. Will displace 17 families and 3 businesses. Project US–385 (7), SUM–619–0.63. (ELR Order No. 1248, 10 pages) (NTIS Order No. PB–204 378–D) November 19.

CR–204: Lorain County, *Ohio*. Upgrading to 4 lanes of 1 mile of road beginning near Griswold Rd. intersection and ending near Elyria Ave. Will require taking of 4 residences and 4 business places. Project SU. 1484(1) (ELR Order No. 1234, 6 pages) (NTIS Order No. PB–204 261–D) November 19.

Jacksonville Hwy.: Grants Pass-New Hope Rd. section, Josephine County, *Oregon*. Widening of highway from its intersection with New Hope Rd., a distance of 1.4 miles, or developing a new route using .5 mile of Harbeck Rd. and the remaining 1 mile on a new location. (ELR Order No. 1130, 21 pages) (NTIS Order No. PB–203 751–D) October 27.

Golden Strip Freeway: Greenville County, *South Carolina*. Construction of 6 miles of freeway from the interchange of I–85 and I–385 each of Greenville south to US–276 at the Standing Springs Rd. interchange at Simpsonville. Would displace 12 residences. (ELR Order No. 1117, 12 pages) (NTIS Order No. 203 757–D) October 29.

US–14: Brookings County, *South Dakota*. Construction of a 16-mile, 4-lane divided highway beginning southeast of Arlington and ending west of Brookings. Project F 030–6. (ELR Order No. 1281, 7 pages) (NTIS Order No. PB–204 504–D) November 23.

SR–3: Tipton and Lauderdale Counties, *Tennessee*. Improvement of 6.7-mile section from junction with Main St. in Covington to a point 1.6 miles north of Tipton-Lauderdale County line. Will require displacement of 18 residences and 1 business. State project 84002–1229–04 (ELR Order No. 1185, 15 pages) (NTIS Order No. PB–204 094–D) November 9.

SR–33: Monroe County, *Tennessee*. Construction of roadway from northeast of Madisonville at the Madisonville bypass to the Little Tennessee River east of Vonore. All three alternatives involve relocation of residences and businesses. State project 62004–0214–04, Federal project F–033–1( ). (ELR Order No. 1265 25 pages) (NTIS Order No. PB–204 458–D) November 19.

SH–35: San Patricio and Aransas Counties, *Texas*. Improvements to a 4-lane divided highway for approximately 22 miles from Gregory to the Copano Bay Causeway. Will use 475 acres of brushland, 95 acres of farmland, 163 undeveloped subdivided acres. Texas project F377. (ELR Order No. 1276, 21 pages) (NTIS Order No. PB–204 464–D) November 29.

Groton-Marshfield State Highway: Groton, Caledonia County, *Vermont*. Reconstruction of 0.4 mile to eliminate 2 sharp curves and upgrade surface, approximately 200 ft. within boundary of Groton State Forest, requiring a 4(f) determination. Highway project S 0217. (ELR Order No. 1168, 47 pages) (NTIS Order No. PB–204 021–D) November 4.

I–66: Fairfax and Arlington Counties, *Virgina*. Extension of facility for 9.68 miles from Francis Scott Key Memorial Bridge to I–495 (Beltway). Will involve loss of a part of Spout Run, acquisition of 9.8 acres of right of way from Bon Air Park and Westover Playground and displacement of 625 families and 51 business (473 families and 39 businesses have been relocated over the past 8 years). State project 0066–029–103, C–502, C–503, C–504; 0066–000–101, C–501, C–502; 0066–000–102, C–501, C–502, C–506, C–507. (ELR Order No. 1189, 85 pages) (NTIS Order No. PB–204 101–D) November 11.

SR–18, Raging River Interchange: King County, *Washington*. Construction of interchange to permit closing of county road system through Seattle Cedar River Watershed. (ELR Order No. 1140, 22 pages) (NTIS Order No. PB–203 772–D) October 29.

I–5: Longview Wye to Rocky Point, Cowlitz County, *Washington*. Widening of 4 to 6 lane freeway for 5.8 miles and updating interchanges. (ELR Order No. 1148, 15 pages) (NTIS Order No. PB–203 878–D) November 2.

SR–90: King County, *Washington*. Construction of 4.1-mile 6-lane highway from the Lower Crossing of the Snoqualmie National Forest Boundary on a new alignment. (ELR Order No. 1220, 49 pages) (NTIS Order No. PB–204 167–D) November 3.

SR–101: Thurston County, *Washington*. Construction of interchange west of Mottman Road intersection to replace and permit closure of that intersection and the on-ramp near 9th Ave. SR–101 runs along corporate limits of Olympia and Tumwater. (ELR Order No. 1224, 9 pages) (NTIS Order No. PB–204 258–D) November 16.

US–250: Philippi, Barbour County, *West Virginia*. Construction of 4-lane bridge over Tygart Valley River and relocation of US–250 beginning on US–119 to a point near Anglin St., a length of 1.2 miles. Will involve acquisition of 43 homes, 7 businesses and 1 church. Project F–117(12). (ELR Order No. 1243, 34 pages) (NTIS Order No. PB–204 381–D) November 18.

Milwaukee to Green Bay Interstate Highway (Saukville to Belleview section): Ozaukee, Sheboygan, Manitowac and Brown Counties, *Wisconsin*. Construction of 82-mile freeway, 31 miles of which are now under construction as US 141. Will require relocation of homes, businesses and farm operations. Project I 57–1(1)0; I.D. 1220–0–00 (ELR Order No. 1184, 46 pages) (NTIS Order No. PB–204 091–D) November 10.

Park and Lake Freeways: Milwaukee, *Wisconsin*. Construction of the eastern end of the Park Freeway, the Lake Park interchange at Juneau Park and the Lake Freeway

south from that interchange across a high-level bridge (under construction) above Milwaukee Harbor entrance and south to Mitchell Field. Requires relocation of 500 families. 4(f) determinations required for use of public recreational lands. (ELR Order No. 1223, 158 pages) (NTIS Order No. PB–204 257–D) November 17.

Final

Title, Description, and Date

US–98: Upgrading and widening highway beginning in Mobile, *Alabama* and continuing 5.3 miles toward Natchez, *Mississippi*. Highway Project F–210( ), S–4914( ). Comments made by Army, DOI, DOT, EPA, HUD, Ala. Development Office and South Ala. Regional Planning Commission. (ELR Order No. 1121, 28 pages) (NTIS Order No. PB–203 759–F) November 2.

Nancy Lake Access Road: Willow, Alaska. Construction of a 2-lane road from the Anchorage-Fairbanks Highway to 1.5 miles to connection into the Nancy Lake Recreation Area. 4(f) determination attached. Highway project S–0581(1). Comments made by USDA, 3 State agencies and Borough Chairman. (ELR Order No. 1152, 15 pages) (NTIS Order No. PB–199 149–F) November 3.

Arizona Forest Highway 3: Conconino National forest, Arizona. Construction of 6.1 miles of 2-lane facility, the final segment involving major realignment and reconstruction. Comments made by USDA, Army COE, EPA, FPC, DOT, HUD, DOI, Ariz. Dept. of Economic Planning and Development and Coconino County Highway Dept. (ELR Order No. 1275, 50 pages) (NTIS Order No. PB–201 567–F) November 23.

South Wilmington Connector to I–95: Wilmington, Delaware. Construction of interchange connection and 4-lane divided highway along the Front St. corridor, beginning at Adams St. and running east along Front St. to Walnut St. Between French and Walnut Sts. the corridor turns north and continues to 4th St. Comments made by HUD, DRBC, 3 State offices, New Castle County and City of Wilmington. (ELR Order No. 1277, 55 pages) (NTIS Order No. PB–200 766–F) November 23.

I–185: Muscogee County, Georgia. Construction of new highway from Double Churches Rd. south to the Columbus-Manchester Expressway, a portion of highway that will connect Atlanta and Columbus. Highway project I–185–1 ( ). Comments made by EPA, HUD, Ga. Bureau of State Planning and Community Affairs, Ga. Dept. of Public Health, Lower Chattahoochee Valley Area Planning and Development Commission and Valley Council of Local Governments. (ELR Order No. 1129, 31 pages) (NTIS Order No. PB–200 529–F) October 27.

State project APL 8009(001): Carroll County, Georgia (partly in Carrollton). Construction of a road from a point on S–835 (0.25 mile east of west city limit) northeast to SR–1, US–27 (about 1.25 miles from city limit). Will open area to industrial development. Comments made by Army COE, USDA, HUD and Bur. of State Planning and Community Affairs. (ELR Order No. 1123, 13 pages.) (NTIS Order No. PB–203 760–F) October 27.

Cherokee Rd. Extension (PR 700): Cobb County, *Georgia*. Construction of a 4-lane, free access facility linking Cherokee St. in Smyrna to Windy Hill Rd. at I–75 interchange. Highway project PR 700 (S–2565). Comments made by EPA, DOT, Navy, Ga. Bur. of State Planning and Community Affairs, Atlanta Region Metropolitan Planning Commission and City of Smyrna. (ELR Order No. 1141, 31 pages) (NTIS Order No. PB–201 400–F) November 2.

FAS Route 613: relocation and improvement of route beginning near College and Johnson Sts. in Jacksonville, *Illinois* and extending northeast for about 1 mile to connect with existing road. Highway project (S–613(106). Comments made by USDA, DOC, DOI, EPA and FPC. (ELR Order No. 1124, 22 pages) (NTIS Order No. PB–200 444–F) October 27.

Supplemental Freeway FAP Rte. 408: Sangamon and Morgan Counties, *Illinois*. Freeway construction with full access control from interchange with US–36–54 near Curran to an interchange with US–67 south of Jacksonville. Comments made by USDA, DOC, DOI, EPA, 8 State offices, Jacksonville Park Board, and Springfield-Sangamon Cy. Regional Planning Commission. (ELR Order No. 1102, 246 pages) (NTIS Order No. PB–201 394–F) October 27.

US–90: Part of relocation of US–90 between Lafayette and New Orleans, *Louisiana*, extending south to junction with US–90 east of Wax Lake Bridge. Comments made by AEC, USDA, DOC, DOI, HEW, Office of State Planning, La. Wildlife and Fisheries Commission, and La. State University. (ELR Order No. 1103, 33 pages) (NTIS Order No. PB–203 766–F) October 27.

I–94 Business Loop: Replacement of bridge over the St. Joseph River between Benton Harbor and St. Joseph, Berrien County, *Michigan* to accommodate auto traffic and to increase under-clearance to accommodate river traffic. 4(f) determination regards acquisition of 0.4 acre of river-front park owned by Benton Harbor. Project U–444(5) Item 812. Comments made by Army COE, USDA, DOC, DOI, EPA, HUD and DOT. (ELR Order No. 1210, 59 pages) (NTIS Order No. PB–199 601–F) November 15.

Route 110: Jefferson County, *Missouri*. Improvement of 5.2 miles of road beginning at Rte. 110 near Desoto east to Rte. 67. Involves channel alignment of 2 creeks and taking of 3 houses and 1 church. Job no. 6–S–110–4 and 6–S–110–2, Projects S–140(1) and S–140(3). Comments made by USDA, DOI, EPA, DOT, Mo. Dept. of Community Affairs and East-West Gateway Coordinating Council (ELR Order No. 125, 24 pages) (NTIS Order No. PB–198 721–F) October 26.

Route 54: Miller County, *Missouri*. Upgrading of present road to dual-lane, limited-access facility from 1 mile west of Rte. FF to Cole County. Project F–54–3(22). Comments made by HUD, USDA, DOT, EPA, Mo. Dept. of Community Affairs. (ELR Order No. 1127, 21 pages) (NTIS Order No. PB–203 764–F) October 26.

Route 60: Butler-Stoddard Counties, *Missouri*. Upgrading to a dual-lane, limited access facility from Poplar Bluff urban limits to Rte. 51 east of Fisk and Rte. 67 east to Rte. T. Project's purpose is to locate Rte. 60 to relieve congestion. Highway project F–60–4 (13). Comments made by USDA, EPA, State Clearinghouse and Bootheel Regional Planning Commission. (ELR Order No. 1122, 14 pages) (NTIS Order No. PB–203 758–F) October 27.

Route 54: Callaway County, *Missouri*. Improvement of 9.7 miles of divided highway between Fulton and Holt Summit. Will require taking 7 farm units. Highway project F–54–3(20)(27)(28). Comments made by USDA, DOI, EPA, and Mo. Dept. of Community Affairs. (ELR Order No. 1126, 17 pages) (NTIS Order No. PB–200 367–F) October 27.

I–670: Kansas City, *Missouri*. Construction of 0.9 mile of 6-lane freeway, mainly elevated, from intersection of I–29 and 35 to I–670 in *Kansas*. Will require 1.1 acres of West Terrace Park; 4(f) determination attached. Comments made by USDA, EPA, DOI, DOT, Mo. Dept. of Community Affairs, Metropolitan Planning Commission—K.C. Region and K.C. Board of Park and Recreation Commissioners. Job No. 4–I–670–46; Project I–IG–670–1(52). (ELR Order No. 1229, 25 pages) (NTIS Order No. PB–204 254–F) November 15.

North 72nd Street: Omaha, *Nebraska*. Upgrading of 1.4 miles between Ames Ave. and Redick Ave. 4(f) determination regards route through the Benson Golf Course. Project SU–147(13). Comments made by USDA, Army COE, EPA, DOI and Neb. Dept. of Health. (ERL Order No. 1211, 36 pages) (NTIS Order No. PB–199 635–F) November 15.

SR–5 (Great Western Gateway Bridge): Schenectady County, *New York*. Replacement of bridge over the Mohawk River and Barge Canal between Scotia and Schenectady and reconstruction of approaches. 4(f) determination regards land from Collins Park and the Sanders' Mansion. Project PIN 1883.00. Comments made by USDA. (ELR Order No. 1209, 19 pages) (NTIS Order No. PB–199 642–F) November 15.

US–183: Custer County, *Oklahoma*. Reconstruction (widening, resurfacing, etc.) beginning at the Washita River bridge north of Clinton and extending north through Arapaho to point just north of SH–33 (approximately 8 miles). Highway project F–332. Comments made by DOI and 3 State of Oklahoma offices. (ELR Order No. 1104, 21 pages) (NTIS Order No. PB–199 585–F) October 27.

SH Spur 303: from F.M. 1382 in Grand Prairie, east to Loop in Dallas, Texas. Purpose: to provide a fast route between the Oak Cliff area of Dallas and Grand Prairie. Comments made by DOC, DOT, EPA, Cities of Dallas and Grand Prairie, Dallas County, and North Central Texas Council of Governments. (ELR Order No. 1101, 28 pages) (NTIS Order No. PB–203 765–F) October 27.

SR–104: Hood Canal Bridge Viewpoint, Kitsap County, Washington. Includes construction of access road connecting to SR–3, parking areas, rest room building and viewpoint platform. Highway project F—001–1, CS 1442R. Comments made by USDA, DOI, EPA, HUD, 7 State of Washington offices, Kitsap County and Puget Sound Governmental Conference. (ELR Order No. 1100, 28 pages) (NTIS Order No. PB–203 767–F) October 26.

FHWA 4(f) Statements:

The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653(f). (Statements cannot be ordered through NTIS.)

I–77: Charlotte, North Carolina. Highway project requires use of approximately 5 of the 23 acres of Double Oaks Park. (Order through ELR by title, date and Department—5 pages) November 23.

I–64: East St. Louis, St. Clair County, Illinois. Requires use of 10.8 acres of Jones Park for highway project. (Order through ELR by title, date and Department—3 pages) November 23.

U.S. Coast Guard

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard; Chief, Environmental Coordination Branch, 400 7th Street SW., Washington, D.C. 20591, (202) 426–2012.

Draft

Title, Description, and Date

Construction of Loran-C Transmitting Station, Caribou-Presque Isle area of *Maine*. Project 01–83–71. (ELR Order No. 1205, 3 pages) (NTIS Order No. PB–204 161–D) November 11.

U.S. Coast Guard Reserve Training Center, Yorktown, *Virginia*. Relocation of access road to Coast Guard facility and development of family housing for the facility. Land involved is a portion of the National Colonial Historic Park at Yorktown. (ELR Order No. 1204, 8 pages) (NTIS Order No. PB–204 163–D) November 11.

XUM

Small Scale Explosive Icebreaker (REDSOD). Test of 12' x 15' scale model icebreaking technique utilizing high pressure exhaust at Muskegon, *Michigan*. Test project 721314. (ELR Order No. 1274, 8 pages) (NTIS Order No. PB-204 463-D) November 23.

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

Region 1 (Conn., N.H., R.I., Mass., Puerto Rico, Me., N.J., Vt., N.Y.)

Administrator: Gerald D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054. Tel.: (518) 472-6476.

Region 2 (Del., Ohio, Md., W.V., D.C., Penna., Va.)

Administrator: August Schofer, Rm. 1633, George H. Fallon Federal Office Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201. Tel: (301) 962-2361.

Region 3 (Alabama, S.C., Georgia, N.C., Fla., Tenn., Miss.)

Administrator: Harry E. Stark, Suite 200, 1720 Peachtree Rd. N.W., Atlanta, Georgia 30309. Tel: (404) 526-5078.

Region 4 (Ill., Wisc., Indiana, Mich.)

Administrator: Fred B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430. Tel: (312) 799-6300.

Region 5 (Iowa, Neb., Minn., Mo., Ka., N.D., S.D.)

Administrator: John B. Kemp, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113. Tel: (816) 361-7563.

Region 6 (Ark., Oklahoma, La., Texas)

Administrator: James W. White, 819 Taylor St., Ft. Worth, Texas 76102. Tel: (817) 334-3232.

Region 7 (Arizona, Hawaii, Calif., Nevada)

Administrator: Sheridan E. Farin, 450 Golden Gate Ave., Box 36096, San Francisco, Calif. 94102. Tel: (415) 556-3951.

Region 8 (Alaska, Montana, Wash., Idaho, Oregon)

Administrator: Ralph M. Phillips, Rm. 412, Mohawk Bldg., 222 Southwest Morrison St., Portland, Ore. 97204. Tel: (503) 226-3454.

Region 9 (Col., Utah, N.M., Wyoming)

Administrator: William H. Baugh, Bldg. 40, Denver Federal Center, Denver, Colorado 80225. Tel: (303) 233-6721.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH NOV. 30, 1971 (BY AGENCY)

Agency	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for Federal actions have been received
Agriculture, Department of	45	90	135
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	27	24	51
Commerce, Department of	1	7	8
Defense, Department of	3	2	5
Air Force	1	3	4
Army	6	5	11
Army Corps of Engineers	149	265	414
Navy	6	4	10
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	3	9	12
Federal Power Commission	14	5	19
General Services Administration	16	19	35
HEW, Department of	0	1	1
HUD, Department of	10	10	20
Interior, Department of	47	35	82
International Boundary and Water Commission—United States and Mexico	1	4	5
National Aeronautics and Space Administration	16	6	22
National Science Foundation	2	0	2
Office of Science and Technology	0	1	1
Tennessee Valley Authority	11	2	13
Transportation, Department of	868	416	1,284
Treasury, Department of	1	3	4
U.S. Water Resources Council	4	0	4
Total	1,235	911	2,146

*Separate 4(f) statements not incorporated in 102 statements received from DOT are not included.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH NOV. 30, 1971 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and actions	Total actions on which final or draft statements for Federal actions have been taken
AEC nuclear development	8	7	15
Aircraft, ships, and vehicles	0	5	5
Airports	26	116	142
Buildings	0	5	5
Bridge permits	14	4	18
Defense systems	2	2	4
Forestry	2	4	6
Housing, urban problems, new communities	8	6	14
International boundary	4	2	6
Land acquisition, disposal	12	24	36
Mass transit	3	1	4
Mining	5	1	6
Military installations	11	3	14
Natural gas and oil:			
Drilling and exploration	3	5	8
Transportation, pipeline	3	3	6
Parks, wildlife refuges, recreation facilities	9	14	23
Pesticides, herbicides	7	10	17
Power:			
Hydroelectric	18	4	22
Nuclear	24	16	40
Other	15	1	16
Transmission	6	6	12
Railroads	0	1	1
Roads	702	273	975
Plus roads through parks	119	20	139
Space programs	6	2	8
Waste disposal:			
Detoxification of toxic substances	4	1	5
Munition disposal	2	3	5
Radioactive waste disposal	1	1	2
Sewage facilities	2	5	7
Solid wastes	1	0	1
Water:			
Beach erosion, hurricane protection	2	20	22
Irrigation	16	9	25
Navigation	39	94	133
Municipal and industrial supply	4	1	5
Permit (Refuse Act, dredge and fill)	7	0	7
Watershed protection and flood control	115	221	336
Weather modification	8	3	11
Research and development	13	6	19
Miscellaneous	14	12	26
Total	1,235	911	2,146

BUS SAFETY STANDARDS

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. MIZELL. Mr. Speaker, I am sure most of my colleagues, excepting those serving their first term here, will remember one of South Carolina's former Representatives and a close associate of many Members of Congress for several years, the Honorable William Cramer.

As former ranking minority member of the Committee on Public Works, Bill Cramer was known as one of the staunchest advocates of highway safety in the country.

Although no longer a Member, Bill Cramer has maintained an active interest in this issue, and I was recently privileged to insert a statement of Mr. Cramer in the RECORD of the bus safety standard hearings held by the Public Works Committee.

At this time, Mr. Speaker, I insert the text of Mr. Cramer's statement in the RECORD, so that my colleagues who serve on other committees may have the benefit of our former colleague's views on a most important subject:

STATEMENT BY HON. WILLIAM C. CRAMER

Mr. Chairman: As a staunch supporter of highway safety, I am very much in favor of the promulgation of strict safety standards of school buses. Therefore, I heartily approve efforts by the Department of Transportation to establish standards aimed at making those buses used to transport children to and from school as safe as we can possibly make them.

I don't have to tell you that highway travel is increasing year in and year out. You see it and I see it, as we drive about our business each day.

Nor do I have to tell you, that the hazards associated with highway travel are increasing as well. As congestion rises, as vehicle miles grow, the chances of highway mishaps increase apace. This is a primary reason for my personal concern over the fact that so many American school children are now being bused each day to attend school.

While I reluctantly own to the necessity to busing children when necessary to transport them to the nearest educational institution, I have grave reservations over recent court rulings which require the mass busing of school children to achieve racial balance. From an educational standpoint, in my judgment, the wisdom of such decisions is open to serious doubt.

But, more pertinent to these proceedings, one would have to be either naive or unthinking to ignore the serious safety implications for those childen, both black and white, affected by busing decrees. Each unnecessary passenger mile we require them to travel adds to the probability that sooner or later some will become accident victims.

In the last two months alone, two terrible incidents involving school children occurred. One happened near Liberty, New York, when a privately chartered bus carrying a group of teenagers and subteenagers experienced a mechanical failure. The crash that followed claimed six lives. An additional eight youngsters were seriously injured.

The second incident occurred in Greenview, Colorado, where a loss of brakes on a vehicle carrying school children claimed nine young lives and injured an additional fifteen children.

Proponents of mass busing of school children assert that the rate of accidents and injuries in school buses is low compared to that for the general driving public. While this may be true, such a statistic provides small comfort for those parents whose children are killed or maimed in busing accidents. Last year alone, for example, there were a total of 39,000 such accidents nationwide. 4,500 pupil injuries were sustained and 75 children lost their lives.

The death of any child is always an occasion for grief. But the death of a single child who is unnecessarily bused is a great tragedy.

Yet realistically, no matter what standards we set, no matter what degree of care we exercise in maintaining and operating school buses, an irreducible number of accidents and injuries and deaths will surely occur. And the number of such mishaps will be in direct proportion to the number of children bused and the mileage traveled by them. Thus, if we double the number of children requiring transport and double the mileage traveled by them, we can likely expect a doubling of the toll of accidents and fatalities.

We are already placing tremendous strains on our school transportation system. Such strains are a danger in themselves. Let me cite an example of what I mean. Not long ago a bus traveling on the overburdened school transportation system of Potomac, Maryland experienced a brake failure, necessitating the use of low gear and emergency brakes to stop the vehicle. Following this harrowing experience, the driver informed her dispatcher and the proper authorities of the unsafe condition of her vehicle. Despite her report, the bus was not repaired and the next morning she was assigned to the same faulty vehicle. When she balked at driving it, she was threatened with the loss of her job. So she continued to transport children in that dangerous vehicle, utilizing low gear and emergency brakes to stop it. That a serious crash did not occur was a minor miracle.

Such instances of negligence and worse deeply trouble me. I truly hope that school busing operations can be made so safe that incidents of this sort will seldom occur.

But, I also hope that we can reverse the recent trend of court decisions in order to keep to a minimum the busing of children, for mass busing cannot but lead to the needless sacrifice of young lives—a slaughter of the innocents.

In my book, even the loss of a single child in this manner will be too hard for the Nation to bear.

At this point in the record, I ask that a Fact Sheet prepared by the Department of Transportation on "Pupil Transportation in the United States" dated March 1971, be included in the record of these proceedings.

I thank Congressman Harsha and the Committee for permitting me to submit this statement of my concern.

FACT SHEET—PUPIL TRANSPORTATION IN THE UNITED STATES, MARCH 1971

Total vehicle	245,000
Publicly owned	172,000
Privately owned	73,000
School buses	225,000
Small vehicles, station wagons, cars	20,000
Total drivers	255,000
Male	200,000
Female	55,000
Over 21	235,000
Under 21	20,000
Average age	40
Total children	19,000,000
Total annual miles	2,100,000,000
Public expense	$901,000,000
Including capital outlay	$1,517,900,000
Total accidents	39,000
Pupil injuries	4,500
Pupil fatalities	75
On school bus	25
Approaching or leaving loading zone	50
Types of Collisions:	*Percent*
Front end	20
Rear end	13
Side	16
Roll over	8
Non-collision, struck	43
Pedestrian, not specified	100

Sources: National Safety Council; and School Bus Mfg. Institute.

Prepared by: David H. Soule, Pupil Transportation Specialist, National Highway Traffic Safety Administration.

FLORIDA SCHOOLS CITE UNSAFE BUS BRAKES

TALLAHASSEE, FLA.—Up to 452 school buses in 40 or more Florida counties are equipped with brakes that state school officials say are subject to sudden failure.

Among the counties that have reported temporary brake failures on school buses are Sarasota, Manatee, Polk and Gadsden. A three-year old boy was injured in Sarasota when the brakes on a school bus failed and the vehicle slammed into his grandmother's car.

"The brakes fade," said Sarasota County transportation supervisor James Hightower. "It seems like they're grabbing.

"It isn't too very often but it's enough to keep us worried," he said. "It happened twice in one week."

International Harvester, which manufactured the 1969 and 1970 model buses experiencing brake problems, sent representatives to Sarasota Oct. 5 and promised a report within a few days.

THE POLITICS OF ECOLOGY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. ROBISON of New York. Mr. Speaker, I have great respect for Dr. Barry Commoner, and the environmental principles which he has so forcefully and so elegantly articulated. Yet, as he continues to expand and more completely develop his themes in the public forum—as he recently did both in his testimony before the Senate Commerce Committee and in his new book, "The Closing Circle"—I find more reason to distinguish between his environmental principles and his environmental politics.

It is often the case that politicians, such as myself, are hesitant to venture into the world of science, where some of us—at best—hold a "baccalaureate" in committee hearings "with honors" in floor debate. Yet, if Dr. Commoner is to express a world-view which is no less political than environmental, I should not hesitate to submit a few of my own thoughts on the politics of ecology.

If I correctly understand Dr. Commoner, he has set at odds the total economic system of the West, and the total economy of the ecosphere. The technology of the modern marketplace, he says, has come perilously close to imbalancing the ecology of the seas, thereby endangering all life, which draws sustenance from the ocean. The proposed solution is no less than a complete reallocation of economic priorities and a complete political reorientation toward environmental goals, a kind of all-or-nothing revolution which is so often posed as the solution to many of our social problems. Perhaps this kind of projection must be made and, if so, we are fortunate that it was made by a man who commands our highest respect. Yet, that done, someone else must say:

It will not happen. Congress will continue to reflect the environmental values of its constituents, but no total or even near-total transformation, reorganization or reallocation will occur. It never does.

I might add that it will not happen to the extent that Dr. Commoner's perfectly harmonious ecosphere does not exist. Just as with the immutable law which states that no legislative program will work to the perfection and expectations of its authors, so is it equally certain that the cycle of nature is a cycle of waste—one which survives by the margin of its surpluses and not by the perfect cooperation of its living and inorganic members. And, to the extent that one finds nature—or the ecosphere, if you will—to be imperfect, the revoluntary politics of ecology are imperfect.

We have not journeyed through two-and-a-half centuries of Western civiliza-

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tion, with history's painful process of refinement of our political ideals and practices, to subsume all to an eco-political tyranny. Man and his politics will react and adapt as they have in the past. They will do so not through sudden or violent transformation of the economic or political environment, but through the same process of innovation and adaptation that has supported man's existence thus far.

Still, because Dr. Commoner has challenged our thinking, as mine has been challenged, we owe him our gratitude. His ideas are most worthy of note and certainly demand our attention as we seek to find the right legislative solutions to our environmental problems. I am happy to insert in the RECORD two recent articles: one by Robert Cowen of the Christian Science Monitor, and the other by Stephen MacDonald of the Wall Street Journal, which may serve to introduce some of my colleagues to the recent ideas of Dr. Barry Commoner.

The articles follow:

POLLUTION AND FREE-ENTERPRISE ECONOMICS

(By Stephen MacDonald)

Who isn't fed up with ecology? Strangling in sulfur dioxide might be preferable to reading another book on the subject. But Barry Commoner's "The Closing Circle" (Knopf, 300 pages, $6.95) isn't just another book, and if you have time for only one more, let this be the one.

Especially if you are a businessman. One of Mr. Commoner's major theses is that the emerging ecological crisis—and it's coming, even if people are tired of hearing about it—will create an equally devastating crisis for the free-enterprise economic system. He takes great care to avoid accusations, hysteria or sermonizing, but in a careful, measured way sets about tightening down his argument, forcing the reader along until at the end he is confronted with the realization that some extremely unpleasant realities—economic and environmental—will have to be faced within the next couple of decades.

Briefly, the situation is this: A great miracle that has made possible the stability of the ecosystem for millions of years is that it is self-renewing. Nothing is wasted. What one creature throws away another uses as raw material. A simple example is the relationship we all learned in school between plants and animals: Plants take in carbon dioxide and give off oxygen; animals take in oxygen and give off carbon dioxide. The ecosystem contains countless of these reciprocal processes, all acting as a continuous cycle—the closed circle of the book's title. It is easy to see how nicely man has fit into this arrangement for thousands of years.

But recently, specifically since the current technological boom began around the time of World War II, man has been tampering with some of these processes and interfering with their balance. For reasons that seemed to make perfectly good sense at the time, he began displacing natural, organic goods with technologically inspired, artificial, inorganic goods that are incapable of taking part in the cycles of renewal. The first result we are seeing now: pollution. In time, if this course continues, we will see the cycles break down, the circles open: environmental catastrophe.

Consider one of Mr. Commoner's many examples, the displacement of soap by detergents. Soap is made from animal or vegetable fat and alkalai, all of which are freely available and infinitely renewable and can be combined with negligible environmental impact. After use, soap is discharged to sewerage systems where it is attacked by the enzymes of decay and reduced to carbon dioxide and water. It has been used everywhere in the world for thousands of years without known harm to the environment.

About 25 years ago man learned how to make detergents, which have since largely replaced soap. Detergents are made synthetically from petroleum products, among other substances, in a series of chemical reactions that causes three times the pollution caused by soap-making. Chlorine and mercury are also involved.

So much for detergents' production. What happens down the drain is even worse. First they bubbled, then they poisoned fish, and the effects of phosphates and their would-be successor, NTA, are widely known—and ignored, since people buy what is advertised. Yet, Mr. Commoner argues, soap cleans every bit as well as detergents. (Many detergents contain water-softening ingredients, but their function could easily be assumed by non-polluting alternatives.)

It is something of a comfort that Mr. Commoner does not consider the crucial issue to be either population or affluence, as has been widely assumed. Pollution has multiplied much faster than either the population or the per capita gross national product. The issue, he contends, is that in our mad worship of technology we have overlooked its environmental impact.

Thus in the past two or three decades we have seen the rise of inorganic fertilizers and pesticides on the farm, synthetic fibers in clothing and other fabrics, heavy cars using high-compression engines that run on leaded gasoline, aluminum and plastic in buildings—and the decline of the less polluting counterparts they replaced.

We swallowed all this out of belief in what has become a great American myth, that technology can solve any problem. And maybe it can, if we put the problem correctly. We said, "We want something that is cheaper and easier than soap." We should have added, "But only if it has no more effect on the ecosystem than soap."

Enter, the businessman. Since business is the middleman between technology and the consumer, it falls to business to pose the problems that technology solves. But the free-enterprise economy is founded on the quest for profit maximization—for good reason—and concern for the ecosystem is hard to justify in terms of productivity and profit. Quite the contrary. The profit on pure detergent sales is about twice that on pure soap sales, for example.

It's true that ignoring the environment will be disastrous for polluters in the long run, just as it will be disastrous for the non-polluters. But the very fact that the effects of pollution are dispersed means that the polluter isn't singled out in paying for his sins. This year's profits won't be affected; the trouble is down the road a comfortable distance.

Maybe not so comfortable. Mr. Commoner, after duly noting the folly of trying to make predictions about these things, suggests that we could begin experiencing the breakdown of major aquatic systems within 25 years. That means more than merely water unfit to drink. It means a water system that cannot support its role in the ecological cycle, which in turn means the breakdown of other environmental systems.

Well, what's to be done? What will it take to build an environmental factor into the economy? Mr. Commoner discusses the question at some length without offering any answers, although it's clear that he thinks nothing short of a revolutionary change will succeed. Yet he somehow remains optimistic, even utopian, in his belief in America's "greening." He seems to expect that mankind will suddenly see the folly of its ways and begin living harmoniously with nature—and incidentally eliminating war and poverty in the process.

It's easy to snicker at that, and hard to come up with anything much less unlikely to succeed. Government regulation? A stroke of enlightenment in the executive suite? Perhaps some may still have faith in those possibilities.

More likely, the greatest hope lies not in our social institutions but in the individual, who as businessman or technocrat or consumer comes to see the piecemeal destruction of the world as a personal threat and simply refuses to patronize it. Pollution would not be profitable if we were not so blindly ignorant as to make it so.

This is hardly an encouraging hope, for it depends on the sudden and widespread accumulation of a rare sophistication: Man must come to see himself not as master of the universe but as a fellow animal in nature. A step toward gaining that kind of awareness might begin with the reading of Mr. Commoner's book.

[From the Christian Science Monitor, Nov. 18, 1971]

RADICAL ECONOMIC CHANGE CALLED ONLY CURE FOR POLLUTION

(By Robert C. Cowen)

WASHINGTON.—Trying to save the environment may pose a bigger challenge to the U.S. economy than the depression of the 1930's or the inflation of the 1970's.

In fact, if Washington University ecologist Barry Commoner is right, meeting that challenge will give the United States the biggest economic shock in its history.

In Dr. Commoner's analysis, the driving force of environmental decay is the technological transformation that has made the American economy prosperous since World War II. Only radical dislocation and reordering of that technology will save the environment, Dr. Commoner says.

He adds that you can say as much for every other industrialized economy on earth, be it labeled socialist, capitalist, or mixed.

Dr. Commoner gave his analysis at the second session of the "international conference on ocean pollution" held by the subcommittee on oceans and atmosphere of the U.S. Senate Committee on Commerce. So he keyed his remarks to the sea.

To him, the ocean is the link that integrates environmental problems. All pollution, whether of air, land, or fresh water, ends up eventually in the sea, Dr. Commoner observed. The ocean is the sink for all the poisons man produces. Hence pollution of the sea is synonymous with general environmental decay.

Also, mankind's ultimate dependence on the sea, whose plant life produces much of the world's oxygen, makes the ocean a critical element of earth's life-support system. If the sea dies, mankind perishes, Dr. Commoner explained, picking up a point many experts have been making.

Archaeologist Thor Heyerdahl made this same point in reporting extensive marine pollution he had observed during his two drifting voyages across the mid-Atlantic in the papyrus vessels Ra 1 and Ra 2.

He said men must change their viewpoint on the ocean. They must stop thinking of "the vast sea." They must recognize that it is merely the largest landlocked water body. And like lakes that have already succumbed to pollution, it has a finite capacity to absorb man's wastes.

THREAT ESTIMATED

That capacity could well be exceeded and ocean life effectively killed within the next three to four decades if present trends continue, Mr. Heyerdahl warned.

However, in underscoring that warning, Dr. Commoner focused on what he considers the root cause of the environmental challenge on land as well as at sea.

As examples, he cited the fourfold to fivefold increase in the use of nitrate fertilizers in farming. This has brought a rise in per-capita food production of only about 11 percent, he said. The vastly increased fertilizer use largely contributes to pollution that ultimately goes into the sea.

Or consider nylon and other wonder fabrics. It takes chlorine to produce them. So American chlorine production has leaped ahead fifteenfold. Mercury plays a role in chlorine production. And this, Dr. Commoner said, is the major source of coastal mercury pollution.

Many of the new technologies are power hungry. This helps bring on the much publicized energy crisis. It stimulates air pollution and heat pollution of water bodies by demanding more power plants. It takes three times as much energy to produce the aluminum tops for flip-top beverage cans than to make the old steel tops, to take just one example.

These new technologies are more efficient and more profitable than the technologies they displace, Dr. Commoner explained. There's more money in nylon than cotton or wool. Soapmakers earn far more selling detergents than the old-fashioned, nonpolluting soaps.

GOOD SENSE OR FOLLY?

It has been economically sensible to switch to the new technologies. But it is also ecological folly, Dr. Commoner said, for all these technologies bear down hard on the environment.

No economic system that ruins the environment will survive, because men themselves can't live in that case. But, Dr. Commoner warned, to bring the present economic system in line with ecological needs means major dislocations. We can't switch from synthetic fibers back to wool and cotton or go back to using soap without severe economic hardship, he said.

The need today, he added, is to realize the magnitude of this challenge. The need is to begin now to plan for the kind of major economic overhaul required so as to minimize the hardships it could entail.

LOOSE WORDING IN LAW PROTECTS ILLEGAL ALIEN

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. McDONALD of Michigan. Mr. Speaker, the alien who is in this country illegally cannot be deported if he entered fraudulently and subsequently achieved family status.

In the case of Mexicans who cross the border as nonimmigrant visitors and then take a job, they can thumb their noses at the law if they marry an American citizen or another alien who is a legal resident or become a parent.

Thus, the Mexican who is caught working illegally and who agrees to "voluntary departure," can continue to work, legally now, and go husband-or-wife-hunting. If he or she makes it to the altar fast enough, there is no way on earth that deportation can be carried out.

This incredible state of affairs is the result of a ruling by the Ninth Circuit Court of Appeals on a section of the Immigration and Nationality Act.

This section, which was written either by a fool or a knave, is so loosely worded that it protects from deportation almost any illegal alien, provided he can produce a mate and claim he entered the country fraudulently.

The particular paragraph in question reads:

The provisions of this section relating to the deportation of aliens within the United States on the ground that they were excludable at the time of entry as aliens who have sought to procure, or have procured visas or other documentation, or entry into the United States by fraud or misrepresentation shall not apply to an alien otherwise admissible at the time of entry who is the spouse, parent, or a child of a United States citizen or of an alien lawfully admitted for permanent residence.

The key words are "otherwise admissible," because the alien was admitted as a nonimmigrant.

This means that the alien who entered with the intention of going to work illegally cannot be deported if he or she marries.

TRADE RESTRICTIONS: PENNY-WISE AND DOLLAR FOOLISH

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. HANNA. Mr. Speaker, we are again hearing the laments of those who would hamstring U.S. trade and, in so doing, close off from our most productive industries the potential markets that they must reach if we are to again achieve full employment. I find it a cruel irony that those who advocate this course of action are using as their principal argument the claim that they seek to protect the jobs of American workers. The facts tell us that the net result of jobs won and lost through trade is positive if our level of trade is expanding. It follows from this that, if our trading volume is reduced as has been advocated in this Chamber, the net result will be a loss of jobs and more unemployment. A close look at data on U.S. trade volume and unemployment rate will bear this out.

This is not to deny, Mr. Speaker, that certain jobs are adversely affected by foreign imports. What I am arguing is that, if we restrict trade in order to protect these jobs, an even larger number of workers will become unemployed in other industries.

Our policy goals with respect to trade, employment, and balance of payments should be: First, to expand our volume of trade; second, to take the necessary steps to open markets in other countries now closed to our products; and third, to implement adjustment programs to assist those who are at a competitive disadvantage with imports and who need to make a transition to other industries. Such a policy is obviously more complex than that advocated by the trade restrictionists, who say that we should simply raise the tariff walls. Of course, Mr. Speaker, the simple solutions are almost never the most effective ones in the long run.

We are fortunate to have available the advice and observations of two distinguished economists in the field of international trade. Dr. Fred Bergsten and Dr. Edward Fried of the Brookings Institute have supplied to us their reaction to the arguments made by the trade restrictionists. Considering the frequency with which these arguments are heard in this Chamber, I think it worthwhile to submit Drs. Bergsten and Fried's observations for the RECORD.

These two gentlemen make as direct and convincing a rebuttal to the trade restrictionists as I have seen to date and I urge my colleagues in the House to carefully ponder their statements:

FOREIGN TRADE AND THE U.S. NATIONAL INTEREST

I. A LOOK AT CURRENT ARGUMENTS FOR PROTECTIONISM

A. *Foreign trade is creating unemployment*

1. In 1968 and 1969 the trade surplus went down, but so did unemployment. In these two years, unemployment reached its lowest level in 20 years, despite the lowest two-year trade surplus in the postwar period.

2. An equal reduction in US exports and imports, which would probably result from a trade war, would reduce US jobs and incomes. *The job content of a dollar of US exports is greater than the job content of a dollar of US imports.*

3. Even when the trade surplus is low there are more jobs in exports than in imports:

Year	Trade balance (billions)	Jobs (millions)	
		Exports	Imports
1966	$3.8	2.5	1.8
1969	$1.2	2.7	2.5

4. The US trade surplus went down in 1968–71 primarily because prices got out of hand domestically, which over-stimulated imports and led to overvaluation of the dollar. Present policy is aimed at both these problems: reducing inflation and achieving a realistic exchange rate for the dollar.

5. The employment effects of foreign trade are in any event small in relation to normal job requirements of US economy. US needs to create 1.5 million new job opportunities every year to employ normal additions to the labor force, whereas annual job effects from foreign trade (plus or minus) is on the order of 0.1 million. If we can regain 4–5% real growth a year—the average for the 1960s—full employment would be readily achieved.

6. The basic function of foreign trade is to increase productivity and income—not to create jobs. Achieving full employment depends primarily on domestic fiscal and monetary policy—not foreign trade policy.

B. *U.S. is investing and licensing itself out of exports and out of jobs*

1. There is no reliable evidence that foreign investment has on balance either reduced or increased exports. The mid-1960s were years of high US trade surpluses, high foreign investment, and declining unemployment.

2. Investment and licensing abroad can increase international specialization and contribute to investment in higher paying jobs at home.

C. *Other countries are taking advantage of the U.S. because we have overplayed the benefactor role and sold out our economic interests to buy foreign policy goals*

1. The US has legitimate complaints against:

Agricultural protectionism in Europe and Japan.

Government procurement policies and other non-tariff barriers in Western Europe and Japan.

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Japanese administrative practices that restrict imports.

2. But these countries have legitimate complaints against the US. US quotas and voluntary restraints cover more trade than those of any other country, including Japan. The US has more high tariff categories (above 20%) than anyone else. And we have our own Buy American rules and other nontariff barriers.

3. In aggregate terms—Post-Kennedy Round tariffs among the major countries are not far apart. Weighted average tariffs are:

EEC	6.0
US	7.1
UK	7.6
Japan	9.7

4. In sum, the US has received its share of trade benefits and committed its share of trade sins. Serious trade problems exist now and will arise over the future. They can only be managed through reciprocal multilateral bargains.

II. WHAT THESE ARGUMENTS IGNORE

A. *International economic cooperation pays off in economic terms.* Growth and prosperity in other countries contribute to US prosperity and jobs. If their economies now falter, our economy will suffer.

B. *Trade is an important weapon to combat domestic inflation.* Imports hold prices down and encourage efficiency in domestic industry.

C. *Protectionism would involve substantial US political losses* in Western Europe and Japan—with potentially significant adverse consequences for US security and higher US defense costs.

III. EXCHANGE RATES, TRADE, AND ALTERNATIVE POLICIES

Proper exchange rates affect trade and jobs positively, while protectionism affects trade and jobs negatively. The present international economic impasse provides an opportunity to move in either direction, with very different domestic and international consequences.

A. The US can seek a reasonable settlement on monetary issues, avoid a breakdown in international cooperation and a trade war, and move toward a reduction of trade barriers. This will mean higher incomes and more jobs in the US.

1. New exchange rates, which other industrial countries agree are necessary to restore equilibrium to the US balance of payments, would produce a US trade surplus of $3–4 billion over the next two years or so. Exports would rise and US industries could better compete with imports here.

2. Such a turnaround would create 500,000 additional jobs in the US. Many would be in the high paying capital goods and chemical industries, where our export surplus has steadily increased. In 1969, machinery exports alone (e.g. machine tools, computers and business machines, aircraft, and construction and farm machinery) involved 700,000 jobs.

B. Or the US can move toward more quotas and trade restrictions. This would sacrifice the opportunity to set exchange rates right and to achieve reductions in foreign trade barriers. In addition, it would trigger retaliatory action by others and actually reduce levels of trade. The consequences would be:

1. Some gain in low income jobs but a much greater loss in high productivity jobs.

2. An increase in consumer costs and greater difficulty in regaining price stability. Present US tariffs and quotas cost the consumer an estimated $10–15 billion—equivalent to about a 3% rise in the cost of living. Maintenance of the import surcharge and additional quotas would greatly increase these costs.

3. Adverse foreign policy consequences, which could dwarf the direct economic costs and ultimately add greatly to them.

IV. THE IMPACT OF CURRENT TRENDS IN THE WORLD ECONOMY

1. Rapidly accelerating wage rates in Western Europe and Japan are sharply narrowing the wage differential with the US.

2. Two-way investment is increasing, with foreign capital financing new US jobs.

3. There is increasing specialization within industries, rather than competition between whole industries, easing the adjustment to expanded international trade.

4. Economies are becoming increasingly oriented toward services rather than the production of goods, with jobs less affected by trade.

(60% of the US labor force is already engaged in services—health, education, trade, finance, transportation, etc.—and primarily interested in foreign trade as consumers. This proportion will rise to 70% by the end of this decade, and a similar trend is evident in Western Europe and Japan.)

5. These trends are all increasing the benefits of, and reducing the dislocations from, closer international economic cooperation.

V. POLICY DIRECTIONS

A. First priority is to achieve (a) a satisfactory realignment of exchange rates; and (b) international monetary reforms that will keep all countries, including the US, close to balance of payments equilibrium. The US gains immediately from these monetary improvements through a strengthening of its competitive position. But other countries will also gain from the assurance of continued world prosperity. US protectionist measures would be contrary to US interests because they would gravely jeopardize these prospects and would be self-defeating.

B. The US should move toward a renegotiation of GATT, as it is now renegotiating Bretton Woods.

1. The objective should be to build a framework of international rules and cooperation that meet the needs of the 1970s, and achieve for the future the same kind of benefits that the present GATT framework achieved in the past.

2. In this connection we should:

Explore the prospects of achieving a tariff-free world, both to maximize benefits from trade and to remove the trade effects of preferential areas on US exports.

Develop new provisions for agricultural trade and production, and for other nontariff barriers.

Consider developing international rules for foreign investment.

3. This will be a lengthy process. If it is to be successful, the US must be prepared to make its share of concessions and adjustments.

C. We should seek a general approach to alleviate problems arising out of job dislocations from all forms of structural change in the US economy, including those from foreign trade.

1. A greatly improved adjustment assistance program is needed now to deal with job dislocations from foreign trade.

2. We should recognize, however, that adjustment assistance from foreign trade covers only a very small part of a more general problem. Even with full employment, sizeable job dislocations occur from changes in consumer taste, technological change, geographic shifts of industry, changes in government defense spending, and anti-pollution measures. These shifts dwarf those arising from foreign trade. Between 1968 and 1971 changes in defense spending alone reduced military and military-related employment by 2 million.

3. Providing new forms of income security and job retraining for workers who have a considerable job investment in threatened industries, and could not readily move to other industries, could ease the problems arising out of structural change. This would also facilitate policies in such fields as defense and the environment that would benefit US society as a whole.

4. There are many difficulties in moving in this direction. However, a program of this kind may be essential to achieve full employment with price stability in the 1970's.

HON. PATSY T. MINK: ASIAN AMERICANS, ASIANS, AND RACIAL PREJUDICE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1971

Mr. FRASER. Mr. Speaker, most of us are indefatigable producers and consumers of political rhetoric. We qualify as expert judges of oratory and we are able to recognize a sound speech when we hear or read one.

Our colleague from Hawaii, Mrs. MINK, delivered one of the better speeches of this or any year on November 6 before the West Los Angeles Japanese American Citizens League at the Airport Marina Hotel, Los Angeles. Her remarks centered on the self-image of Asian Americans and the role they ought to play in the diversity we know as the United States. Mrs. MINK recalls for us the sorry record of our Nation toward our own citizens of Asian heritage and toward Asians generally.

Mr. Speaker, in the Friday, November 19, 1971, edition of Pacific Citizen, a weekly published by the Japanese American Citizens League, Editor Harry K. Honda devoted his column to Mrs. MINK's speech. His final sentence expresses why I decided to place Mrs. MINK's speech in the RECORD:

They [those present when it was delivered] sensed beyond the eloquence were ideas of historic merit that many others not present would have enjoyed hearing.

I agree. The complete text of Mrs. MINK's speech and Mr. Honda's column follow:

REMARKS BY REPRESENTATIVE PATSY T. MINK

I would like to thank President Kanegal and the other officers and members of the West Los Angeles Japanese-American Citizens League for this opportunity to be with you at your 30th anniversary banquet and installation. I am delighted to participate in this memorable occasion.

It must be difficult to look back, thirty years to 1941 and relive the pains and agonies that were inflicted upon you as citizens, unloved and unwanted in their own country of their birth. Loving this land as much as any other citizen, it is difficult to fathom the despair and fury which many must have felt, yet who fought back and within a few years had re-established their lives and their futures. Most of us remember these years vividly. Our faith in justice was tested many times over. Our patriotism was proven by blood of our sons upon the battlefields.

Yet today, thirty years later to many even in this room, it is only a part of our history. Our children, 30 years old and younger, cannot follow with us these memories of the forties. They tire of our stories of the past. Their life is now, today . . . tomorrow. Their youthful fervor was poured into the symbolism of the Repeal of Title II of the Internal Security Act of 1950 portrayed by its title, "Emergency Detention Act". That Act became law nearly 10 years *after* the Japanese were evacuated from the West Coast into "Relocation Camps". Yet, it stood as a reminder of what could happen again. Of course, despite the successful repeal, it could happen again, as it did indeed to the Japanese Americans who were rounded up without any statutory authority whatsoever. It was not until 1950 that Title II became law.

It is quite evident that I am standing before an affluent group whose surface appearance does not reveal the years of struggle and doubt that have ridden behind you.

Sociologists have generally described the Japanese-Americans as an easily acculturated people who quickly assimilated the ways of their surroundings. This has always been in my view a friendly sort of jab at our cultural background, for what it has come to mean for me is a description of a conformist which I hope I am not!

I still dream that I shall be able to be a real participant in the changing scenario of opportunity for all of America. In this respect, I share the deep frustration and anguish of our youth as I see so much around us that cries out for our attention and that we continue to neglect.

Many factors have contributed towards a deepening sense of frustration about our inability to solve our problems of poverty and racial prejudice. Undoubtedly the prolonged, unending involvement in Vietnam has contributed to this sense of hopelessness. At least for our youth who must bear the ultimate burden of this war, it seems unfair that they should be asked to serve their country in this way when there are so many more important ways in which their youth and energy can be directed to meet the urgent needs at home. They view our government as impotent to deal with these basic issues.

It is true that Congress has passed a great many civil rights laws. The fact that new, extra laws were found necessary to make it easier for some of our people to realize their constitutional guarantees is a sad enough commentary on the American society, but what is even worse is the fact that the majority of our people are still unready, personally to extend these guarantees to all despite the Constitution and all the civil rights laws, and despite their protestations to the contrary.

Certainly, no one will admit his bigotry and prejudice—yet we always find ways to clothe such feelings in more presentable forms—and few will openly advocate suppression or oppression of other men, but nevertheless, it exists.

Although Congress has repealed the Emergency Detention Act, the fight for freedom is not over. We now see a new witch hunt proclaimed in which all government employees will be examined for their memberships and organizations. It seems that we have not yet succeeded in expunging the notion that "dangerous" persons can be identified by class or group relationships and punished accordingly.

I believe that nobody can find safety in numbers—by huddling with the larger mass in hopes of being overlooked. Those who seek to suppress will always find ways to single out others. Instead, we must change the basic attitude that all must conform or be classed as renegades and radicals. Our nation was founded on the idealistic belief in individualism and pioneering spirit, and it would be tragic for our own generation to forswear that ideal for the false security of instant assimilation.

It seems to me that our society is large enough to accept a wide diversity of types and opinions, and that no group should be forced to try to conform to the image of the population as a whole. I sometimes wonder if our goal as Japanese-Americans is to be so like the White Anglo-Saxon Protestant population as to be indistinguishable from it. If so, we will obviously never succeed!

There has been and continues to be prejudice in this country against Asians. The basis of this is the belief that the Oriental is "inscrutable." Having such base feelings, it is simple to stir up public outrage against the recognition of the People's Republic of China in the United Nations, for instance, even though reasoned judgment dictates otherwise, unless of course a Yellow Communist is really worse than a Red one!

The World War II detention overnight reduced the entire population of one national origin to an enemy, stripped of property, rights of citizenship, human dignity, and due process of law, without so much as even a stifled voice of conscience among our leading scholars or civil libertarians. More recently, the Vietnam war has reinforced the view of Orientals as something less than fully human. All Vietnamese stooping in the rice fields are pictured as the enemy, subhuman without emotions and for whom life is less valuable than for us.

During the trial of Lieutenant Calley, we were told about "MGR," the "Mere Gook Rule" which was the underlying basis for Calley's mindless assertion that the slaughter of defenseless women and children, our prisoners of war, was "no big thing." The "Mere Gook Rule" holds that life is less important, less valuable to an Oriental.

Laws that protect other human beings do not apply to "Gooks". One reporter noted before the verdict became known that the essence of the Calley case was to determine the validity of this rule. He described it as the "unspoken issue" at the trial.

The issue was not as unspoken as most would prefer to believe. The indictment drawn up by the army against Lieutenant Calley stated in six separate charges that he did at My Lai murder four "Oriental human beings" . . . murder not less than 30 "Oriental human beings" . . . murder three "Oriental human beings" . . . murder an unknown number of "Oriental human beings" not less than seventy . . . and so on numbering 102. Thus, the army did not charge him with murder of human beings as presumably would have been the case had Caucasians been involved, but instead charged the apparently lesser offense of killing mere "Oriental human beings".

The army's definition of the crime is hardly surprising inasmuch as the army itself could have been construed as on trial along with Calley for directing a genocide against the Vietnamese. Indeed, the lieutenant pleaded he was only doing what he thought the army wanted. It seems clear to me that the army recognized the "Mere Gook Rule" officially by distinguishing between the murder of human beings and "Oriental human beings." When Calley was convicted, the resulting thunder of criticism verified that many in the public also went along with the concept of differing scales of humanity.

Somehow, we must put into perspective Dean Rusk's dread of the "yellow peril" expressed as justification for a massive anti-ballistics missile system on the one hand, and on the other, a quest for improved relations with Peking. This latter event could have a great meaning in our own lives as Japanese-Americans. We could help this country begin to deal with Asians as people. Just the other day in a beauty parlor, I heard a Congressional secretary discuss China and say, "An Asian is different, you can never figure out what he's really thinking. He has so little value for life!"

Instead of seeking refuge, we should seek to identify as Asians, and begin to serve America as the means by which she can come to understand the problems of the East. Our talents have not been used in American diplomacy, I suspect, largely because we are still not trusted enough.

We must teach our country that life is no less valuable, and human dignity no less precious, in Asia than elsewhere. Our detractors point to the large-scale killings that have occurred in China, Vietnam, Pakistan, and elsewhere in Asia, but we hear remarkably few references to the mass-slaughter of six million Jews in Nazi gas chambers in World War II—that was done by Aryans, not Asians, and the total far exceeds the loss of life in the Orient that has been used to justify the debasement of "Mere Gooks". I am not trying to compare one group against another, but merely to point out that a lack of appreciation for the value of human life can occur wherever totalitarian government exists. This makes it more than vital for us to oppose such influences within our own country wherever they may occur. The war in Vietnam has lasted for seven years. If Americans believed there was the same worth in the life of an Asian, this war would have ended long ago. If Americans were willing to concede that the Asian mind was no different than his, a peace would have been forged in Paris long ago. I am convinced that racism is at the heart of this immoral policy.

I know that many of you are puzzled and even dismayed by actions of some of your sons and daughters who have insisted on a more aggressive role in combating the war and other evils that exist in our society. I plead with you for understanding of this "Third World" movement in which not only young Japanese-Americans but many minority groups are so deeply involved.

We are confronted with what seem to be many different revolutions taking place all over the world . . . the Black Revolution, the revolution of emerging nations, the youth revolution here and in other countries as well—and something that was even more unheard of, the priests challenging the Vatican on the most basic issues of celibacy and birth control. It is no accident that these things are all happening at the same time, for they all stem from the same great idea that has somehow been rekindled in the world, and that is the idea that the individual is important.

All of the systems of the world today have this in common: for they are mainly concerned with industrialization, efficiency, and gross national product; the value of Man is forgotten.

The children of some of you here tonight are involved in the great protests of today—are they chronic malcontents and subversives? I think not—I think they are probably fairly well educated, thoughtful people who see certain conditions they don't like and are trying to do something about it. I'm not sure they know exactly what they want to do. I do know they are clearly dissatisfied with the way their world has been run in the past.

So, the problem is not what to do about dissent among our young people—the problem is what to do about the causes of this dissent. The question is not "how to suppress the dissent" but how to make it meaningful . . . how to make it productive of a better society which truly places high value on individual human beings *AS* human beings and not merely as so many cogs in the great, cold and impersonal machinery of an industrialized society.

I, for one, believe that the grievances of our youth are real and that they are important. Merely because the majority of students are not involved . . . merely because the dissidents are few . . . should not minimize the need for serious efforts to effectuate change. Our 18-year-olds now have the right to vote. Whether we like it or not, we will have to take better account of their wishes. Their acceptance as adults will bring into policymaking 11 million new voters next year. Their cause for identity must be encouraged.

Our sons and daughters seek to establish a link with the past. They want to discover who they are, why they are here, and where

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their destinies are to take them. So many of our children are growing up in complete isolation in a society that places a premium on conformity, in middle class homes where parents still want to play down their differences, and prefer to homogenize with society. Some of these children are rebelling and are seeking ways to preserve their uniqueness and their special heritage. I see pride and strength in this.

One of the most promising avenues for this renewed search for one's heritage is in our school systems—the logical place for instructing children in the knowledge they need. Programs of Ethnic Heritage Studies are needed in our schools. I feel that this would be particularly valuable in Hawaii, California and other areas where there are large numbers of children of Oriental descent.

It seems to me that we as Asians have a large stake in encouraging and promoting such a program. We cannot and must not presume knowledge about Asia merely because we are Asians. This requires concentrated study and dedicated determination. Of course, we do not need to become scholars cloistered in the ivy tower of some campus. We need to become aware of the enormous history of Asia and through our daily lives, regardless of what our profession, translate it to all the people with whom we deal. We have not fully met our responsibility to educate the public about Asia and its people.

I hope that all Japanese-American organizations and others with strong beliefs in the magnificent history and culture of the Orient will now help lead the way to a more enlightened America. We have an immense story to tell, for as I have said the public at large too often assumes that all civilization is western and no worth is given to the human values of the East. As long as this belief persists, we will have future Vietnams. The way to counteract it is to build public knowledge, through school courses, travel, and dedicated emphasis on increased communications, so that our people will know and appreciate all that is Asian.

Last Thursday night in a display of utter ignorance and contempt for diversity, the House of Representatives killed the Ethnic heritage studies program by a vote of 200 ayes to 159 noes. And so you see, I speak of an urgent matter. We are so few and they who do not care to understand us are so numerous.

It is fine for all citizens to pursue the good life and worldly goods on which our society places such emphasis, but there is increasing recognition that all will be ashes in our mouths unless our place as individuals is preserved. This is what the young are seeking—and I am among those who would rejoice in their goals.

They need the guidance and support of their parents to succeed, but in any event with or without us, they are trying. It behooves us to do all we can to accept their aspirations, if not all of their actions, in the hope that this new generation will be able to find a special role for themselves in America, to help build her character to define her morality, to give her a depth in soul, and to make her realize the beauty of our diverse society with many races and cultures of which we are one small minority.

[From the Pacific Citizen, Nov. 19, 1971]

WHY DO NOT WE INTERRUPT?

(By Harry K. Honda)

If you triple-space your copy, average 12 words per line and run 15 pages of regular letterhead size paper, you have a solid 25-minute speech uninterrupted. We thought the other night at the West Los Angeles JACL installation there were several passages in Rep. Patsy Mink's discerning speech of anti-Oriental racism in America that should have been interrupted with applause. For instance—

"Sociologists have generally described the Japanese American as an easily acculturated people who quickly assimilated the ways of their surroundings. This has always been in my view a friendly sort of jab at our cultural background, for what it has come to mean for me is a description of a conformist which I hope I am not!" If we missed there, she came back with—

"It seems to me that our country is large enough to accept a wide diversity of types and opinions, and that no group should be forced to try to conform to the image of the population as a whole. I sometimes wonder if our goal as Japanese Americans is to be so like the white Anglo-Saxon Protestant population as to be indistinguishable from it. If so, we will obviously never succeed!"

You hear people say today anti-Oriental discrimination is more subtle (yes, when an individual is involved), but how imponderable is it, really, when Orientals as a class are the quarry? Said Patsy—

"There has been and continues to be prejudice in this country against Asians. The basis of this is the belief that the Oriental is 'inscrutable'. Having such base feelings, it is simple to stir up public outrage against the recognition of the People's Republic of China in the United Nations, for instance, even though reasoned judgment dictates otherwise, unless of course a Yellow Communist is really worse than a Red one!"

And here's another example—

"We should seek to identify as Asians and begin to serve America as the means by which she can come to understand the problems of the East. Our talents have not been used in American diplomacy, I suspect, largely because we are still not trusted enough . . ." Or this—

"The war in Vietnam has lasted for seven years. If Americans believed there was the same worth in the life of an Asian, this war would have ended long ago. If Americans were willing to concede that the Asian mind was no different than his, a peace would have been forged in Paris long ago. I am convinced that racism is at the heart of this immoral policy."

And referring to the youth, the Congresswoman declared, "The problem is not what to do about dissent among our young people—the problem is what to do about the causes of this dissent." That has been said in the past by the youth in their own style.

After the speech, several people had the same regrets—that Patsy's address was not tape-recorded. They sensed beyond the eloquence were ideas of historic merit that many others not present would have enjoyed hearing.

CONGRESSMAN SURVEYS DISTRICT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. FORSYTHE. Mr. Speaker, recently I conducted a survey in my district, asking constituents their views on a wide variety of issues.

It was interesting to note that a substantial majority of Sixth District residents who responded said they favored establishment of controls on wages and prices to help combat inflation.

The question was not asked in relation to President Nixon's economic program. However, when asked what course should be followed, 60-percent recommended wage and price controls.

Following is a detailed breakdown of the response by county and age group. The "all" column indicates the response from the entire district.

FORSYTHE SURVEY RESULTS

	All	Burl.	Cam.	Ocean	18–20	21–35	36–45	46–55	55–64	65 and up
Southeast Asia. What is the best policy to follow?										
1. Achieve a military victory	8	10	5	8	13	8	9	11	6	6
2. Continue the policy of gradual withdrawal and Vietnamization	48	42	52	58	23	42	43	44	59	64
3. Announce a deadline for the withdrawal of all U.S. troops	22	22	24	18	31	24	27	20	20	15
4. Withdraw all troops immediately	20	25	18	15	31	25	19	22	14	13
Part II. If you favor (3) or (4), should the United States take this action if it means a Communist takeover of South Vietnam or jeopardizes our POW's?										
1. Yes	19	23	17	14	23	26	23	19	13	10
2. No	21	21	23	18	31	20	20	24	20	16
China-United States Relations. Which policy do you favor?										
1. Full and immediate diplomatic recognition	18	17	19	17	27	23	16	18	14	12
2. Proceed cautiously to establish relations including trade	70	68	70	74	63	65	74	69	74	72
3. Absolutely no recognition of Red China	12	14	10	8	10	12	10	13	12	14
China and the U.N. Which policy do you favor?										
1. Not admitting Red China to the U.N.	15	17	12	12	16	14	14	12	16	18
2. Admitting Red China to the U.N. instead of Nationalist China	5	7	4	4	3	4	5	7	5	3
3. Admitting Red China in addition to Nationalist China	78	73	82	83	74	81	79	80	77	75
Middle East. To achieve peace in the Middle East, the U.S. should:										
1. Continue Nixon policy of seeking concessions from both sides to lead to direct peace negotiations	50	44	56	53	35	45	51	50	54	56
2. Urge Israel to return territories gained in the 1967 war	8	8	8	8	6	7	6	10	11	8
3. Increase aid to Israel	10	10	11	9	6	12	8	12	7	10
4. Assume a neutral position	31	37	22	28	50	36	32	26	27	24
Government reform. Do you favor President Nixon's proposal restructuring the executive branch, including merging several cabinet posts?										
1. Favor	74	69	81	75	63	71	76	63	78	88
2. Oppose	17	22	13	17	24	20	13	29	14	8

	All	Burl.	Cam.	Ocean	18–20	21–35	36–45	46–55	55–64	65 and up
Environment. To combat pollution would you be willing to:										
1. Pay higher prices and taxes	1	1	1	2	5	1	1	2	1	0
2. Adhere to stricter laws regulating pollution	65	65	67	64	55	55	64	68	71	72
3. Both	30	29	28	31	32	39	34	24	26	25
Health insurance. Which approach do you favor?										
1. Establish federally subsidized health insurance program for all citizens	42	41	39	39	40	42	36	47	45	38
2. Establish program for persons in need and for catastrophic illness	39	38	41	41	42	33	48	33	37	43
3. No subsidized health insurance	17	18	16	18	13	22	14	19	16	16
Elderly. Do you believe Congress should:										
1. Provide better retirement benefits	49	51	44	45	44	44	48	53	58	48
2. Improve medical benefits	21	19	19	28	11	16	18	19	24	32
3. Concentrate more on other domestic problems	26	25	34	22	35	33	30	26	15	18
Economy. To stimulate the economy and fight inflation, what should the President do?										
1. Establish controls on wages and prices	60	58	57	66	55	49	54	59	67	77
2. Urge voluntary guidelines	5	5	5	5	6	6	6	6	4	3
3. Balance the budget	15	16	20	11	18	18	17	17	14	10
4. Intervene in specific cases to discourage inflationary increases	15	18	13	14	18	19	20	17	11	8
Welfare. Should the Federal Government:										
1. Maintain the present welfare system	4	5	4	3	5	4	2	4	3	6
2. Federalize all welfare programs and standardize payments	24	22	20	29	18	19	25	22	28	30
3. Federalize the system, providing a minimum guaranteed income for every family, with job training and work requirement?	60	59	65	58	63	61	66	59	59	54
Draft. Should the Congress:										
1. Continue the draft	14	14	13	16	10	16	14	10	12	19
2. Eliminate the draft	8	9	8	6	21	7	8	9	9	4
3. Eliminate the draft and establish a volunteer army within 2 years	28	30	28	25	53	30	27	26	24	24
4. Require some form of military or public service for all men	48	44	49	50	15	45	49	54	53	50
Revenue sharing. Should the Federal Government:										
1. Continue its present system of providing grants to the States and localities for specific purposes	33	32	34	30	34	28	38	29	36	33
2. Establish a program of sending tax revenue back to the States and localities, allowing them to determine how to use the money	60	59	59	64	56	63	56	63	56	61

SEWELL COMMUNITY BAPTIST CHURCH TAKING GOD'S MESSAGE TO THE PEOPLE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. HUNT. Mr. Speaker, the approach of Christmas will hopefully afford the opportunity for people everywhere to pause from their worldly occupations and activities and reflect on the spiritual significance of the season.

In this context, I thought it was a most thoughtful gesture for the Sewell Community Baptist Church in New Jersey to undertake to distribute to every home in that community a gift copy of the American Bible Society's "Good News For Modern Man," a contemporary translation of the New Testament. As you know, this version has been widely acclaimed and accepted by every denominational group and the number of copies printed has now gone well above the 40 million mark. Contemporary in vocabulary, yet accurate in translation, "Good News For Modern Man" has made a major impact in the United States and throughout the world.

"Believing that the scriptures are the answer to man's spiritual need," says Pastor Joseph J. Sastic, "the Sewell Church has entered enthusiastically into this project." The members and friends of the church, young and old, who will be distributing the copies door-to-door on Sunday, December 12, are taking the message of God to the people of the community. Surely, this is a most appropriate way to heighten the spiritual awareness of the Christmas season as well as providing a continuing source of spiritual fulfillment from which the entire Sewell community will generously benefit.

ON RALPH BUNCHE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. RARICK. Mr. Speaker, as eulogies and praise pour forth following the death of Ralph Bunche, it should be remembered and our people reminded that Dr. Bunche is being honored for his international activities by the United Nations advocates—the Internationalists.

There are those who still remember other activities and associations of Dr. Bunche which seem to have been forgotten or suppressed by the public opinion-making machinery in our country.

In the interest of preserving history in its proper perspective, I insert a letter from Mr. Archibald B. Roosevelt, son of the late President Theodore Roosevelt, his documentary evidence regarding the late Ralph Bunche of the U.N., and excerpts from "The Biographical Dictionary of the Left," volume 1, by Francis X. Gannon:

NEW YORK, N.Y.

MR. OSCAR S. STRAUS,
President, Theodore Roosevelt Memorial Association, New York, N.Y.

DEAR OSCAR: To say that I was horrified to read a news item in the New York Herald Tribune, dated September 16th, 1954, that the Theodore Roosevelt Association was presenting to Dr. Ralph Bunche The Theodore Roosevelt medal for distinguished service for the year 1954, as an award for his work in international affairs is putting it very mildly indeed.

It would seem to me that, if the Board of Trustees of the Theodore Roosevelt Memorial Association considers these medals evidence of distinguished service, a very careful checkup of the recipient's record should be made.

Of course, I realize that to the average man in the street who reads the Times and the Tribune only, and hears such commentators on the radio as Edward R. Murrow, Barry Gray, or Elmer Davis, it would seem that Dr. Bunche is a great and good man who has been persecuted without reason. But, when such an honor is being bestowed on him as the Theodore Roosevelt medal, I would think that the Trustees should not be satisfied with simply newspaper statements on the qualities of any man, particularly about such a controversial figure as Dr. Bunche. Any committee bestowing such an honor should have made it a point to find out that both in Congress and other places there is serious question as to whether Dr. Bunche should be a trusted servant of the Government of the United States.

Starting from this single fact, it is very easy in the case of as prominent a man as Dr. Bunche to trace his statements and his connections over the past years. I suppose it would be impossible for your committee to get a transcript of Dr. Bunche's testimony and the testimony of other people about Dr. Bunche in the Loyalty Board Hearings that occurred; but there is much other available testimony and much documentary evidence comparatively easy to obtain. Even if the Trustees are unaware as to the infiltration of left wing propaganda into our news media, press, and radio reports and editorial opinions unsupported by independent research, these should not be the sole basis for the award of any distinguished honor. The fact that the Daily Worker and the left-wing press were unanimous in stating that Dr. Bunche was entirely cleared should have put you on warning.

To give the excuse that since the Loyalty Board had cleared Dr. Bunche even if so be the case—does not excuse the Trustees of the Theodore Roosevelt Memorial Association. The past decade has shown what type of people very often creep into the Loyalty Boards, and what pressure is put on those Loyalty Boards from mysterious sources.

As it is evident that the Trustees responsible for the presentation of this medal have made no careful study of this matter, I attach herewith some interesting documentary evidence regarding Dr. Bunche and some of the organizations with which he was connected:

I cannot understand why anyone who has had a past record of close affiliation with communism should be employed in a "sensitive spot" in our government, because such past connections would indicate, at the least, a certain instability, yet I can understand why people who have definitely repented and

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have set themselves out at great sacrifice to right, inasfar as it is possible for them to do so, the wrongs that they have committed, are perhaps, proper recipients of certain awards and medals. I can, however, find no record that Dr. Bunche has publicly stated his past connection or that he has ever repented on anything that he has said or done in regards to his left-wing activities, as have Mr. Louis Budenz, Mr. Joseph Kornfeder, Mr. Whittaker Chambers, Mr. Manning Johnson, and Mr. Benjamin Gitlow, to mention a few of those who have stood up and confessed openly "in the congregation".

You are the grandson of Mr. Oscar Straus, a distinguished patriot, who was in my father's cabinet. I am Theodore Roosevelt's son, and these awards are, therefore, connected both with Theodore Roosevelt and Oscar Straus. On account of our names it is our duty, insofar as our small ability lies, to protect the names that we bear. I know that when they were alive, both your grandfather and my father thought of America first, last and always, and although they are not here to consult with, I feel sure that they would be on the same platform to-day as they were in the past. We should be very careful not to let the names of those two men be connected with anything that is even doubtful.

The Trustees of the Theodore Roosevelt Memorial Association are exactly what the name implies. They are Trustees, and as Trustees should exercise extreme vigilance whenever they give an honor in the name of Theodore Roosevelt. I do not know how much you were connected with the award of this medal, but presume that those who choose the names must consult with you, as president of the Theodore Roosevelt Memorial Association.

I can perfectly understand and agree, that the Theodore Roosevelt Memorial Association, in view of Theodore Roosevelt's deep admiration for Booker T. Washington, and in view of his great interest in furthering the progress of the Negro in the United States, should always be on the lookout to find a Negro worthy of receiving the Theodore Roosevelt medal. In the present case, I cannot understand why the Theodore Roosevelt Memorial Association did not present a medal to Mr. George Schuyler, the New York editor of the Pittsburgh Courier, the largest Negro newspaper in the United States. At great personal sacrifice, and undergoing enormous vilification, Mr. George Schuyler has fought communists among the Negroes valiantly, when communism and all of the queer isms of the past two decades were very popular indeed, and while Dr. Bunche was connected with such leftist organizations as I have shown in my enclosure and was making marxist-communist statements in speeches not, to my knowledge, ever disavowed by him, Mr. Schuyler is still carrying on the fight most valiantly. He is a man of letters, and a crusader on the side of right. He is in every way qualified to receive a Theodore Roosevelt medal, due to his patriotism and courage.

In view of the facts that I have given you above, I think even at this late date that every effort should be made to rescind the medal that your Board of Trustees has voted to Dr. Bunche, and I suggest, as a substitute recipient, that you award it to Mr. George Schuyler—a man unlike Dr. Bunche, with a constant record of loyalty to our Republic.

I greatly regret that I have had to take this stand in opposition to so many good people and friends of mine, and friends of my father's, who are connected with the Theodore Roosevelt Memorial Association. But I feel it would be negligence of duty on my part if I did not point out what I consider to be carelessness, to say the least, on the part of the Board of Trustees of the Theodore Roosevelt Memorial Association. I do not want to see the Theodore Roosevelt Memorial Association Trustees to be the unwitting tools of the sinister influences that are now so powerful in the Country—influences responsible for the strange courses and actions taken by many hitherto splendid Foundations.

It was carelessness on the part of the Trustees of the Carnegie Foundation that brought about the hiring of Alger Hiss. It was carelessness on the part of the Trustees of the Institute of Pacific Relations that brought about the long and treasonable record of that organization and the infiltration of such a bad element into it. Most, if not all, of the Trustees of the Carnegie Institute, and certainly most of the Trustees of the Institute of Pacific Relations were estimable men, busy with their own affairs, who became careless when they were managing the affairs of others. The Theodore Roosevelt Memorial Association should take care not to follow the same course.

Sincerely yours,

ARCHIBALD B. ROOSEVELT.

FOREWORD

This report intends to prove, without a shadow of a doubt, that Dr. Bunche for a number of years had expressed himself in writings, speeches, and organizational activity in a manner which paralleled the communist line in its major aspects. Further evidence is hereby presented to prove his expressions were of such a nature that they could only have been arrived at as a result of his going through a thorough indoctrination in communist methods and techniques. It will also be shown that his affiliations and activities were such as to fill the requirements necessary for a top level operative for the Kremlin apparatus.

It also presents authentic documentation to substantiate the following summation of Dr. Bunche's record of activities paralleling the communist line throughout the years which is so consistent that it seems impossible to interpret it as accidental—

1. Travels in Africa, which coincided with the Kremlin's planting of agents in that part of the world, in order to lay the basis for racial explosions of the future. Bunche wrote from there (Journal of Negro Education) denouncing "Imperialist Capitalism" and advocated the elimination of the current social order in the mother countries. The fruits of the Kremlin infiltration in Africa can be seen today in the bloody Mau-Mau massacres. (1935–1936)

2. Wrote a pamphlet which advocated a communistic program in respect to the Negro question and advocated class war throughout the world asking the non-white peoples to look to the Soviet Union for inspiration and leadership. (1936)

3. Wrote a clearly communistic line in respect to education. He voiced the red line that "American education" is "goose step education". And that "Capitalism owns the colleges and universities by right of purchase". Bunche denounced "red riders", and "oath clauses". He complained that "in America" "we are living in an economy of capitalism and our educational system consistently harmonizes with the dominant capitalistic pattern". (1936)

4. Bunche was praised in the official theoretical red organ, The Communist, published for upper echelon communists and supporters. One of the top communists, A. W. Berry, praised Bunche for "approaching the Marxist viewpoint" and "that Bunche realized the significance of the class struggle". Berry then described Bunche as an "active friend and supporter" of the working class, which in the communist aesopian manner means a friend of the Soviets, since they claim exclusive franchise as representing the "working class". (1937)

5. Contributed an article to the Race magazine whereby he repeated the "class" position on the race question and considered those who called the National Negro Congress as "dominated by reds" and as "biased individuals". This magazine in its opening issue prominently announced that they are working for "a social upheaval which will plow up our institutions to their very roots and substitute a socialist order for the present capitalist imperialist order". (1936)

6. Was one of the small handful of persons who initiated and organized the National Negro Congress. This was a carefully planned maneuver of the Kremlin which was manipulated through the Communist International. A published account from the Communist International, before the National Negro Congress was organized, stated that "the development of a Negro people's front depends on a large measure upon the correct action of our revolutionary Negro cadres" and that "the programme of the National Negro Congress must be realized". Even though Bunche had expressed himself in clear cut communist terms and had agitated for the Kremlin line in Africa, this in itself would not have been enough to trust him in such an undertaking as spawning the National Negro Congress. As pointed out before, this was to be the vehicle to organize many millions of Negroes behind the Soviets throughout the world. To have been delegated the responsibility of organizing the N.N.C., Bunche must have had the complete confidence of the Kremlin masterminds who conceived of the maneuver some years before.

7. Bunche was part of the editorial apparatus of an openly communist magazine (Science and Society) for over four years. He contributed to this publication and added his name and prestige as a Professor of Howard University even after the communists in their publication (The Communist) openly stated that Science and Society magazine had as its function "to help Marxward moving students and intellectuals to come closer to Marxism-Leninism; to bring Communist thought into academic circles". (1935–40)

8. Dr. Bunche was appointed to his government job in the Office of Strategic Services at the recommendation of a person having a communist front record. If Bunche had conceivably been an ex-partisan of the communist cause and had then been an anti-communist, it is difficult to believe that a Government body like the OSS, which had been infiltrated by Red agents, would tolerate him, or that a man with a communist front background would recommend him for the position. In fact with communists controlling key posts in the OSS, Bunche was promoted steadily until he was chief of the African Section of that agency.

9. In a Senate probe by their Internal Security Sub-Committee it was brought out that Bunche had repeatedly pressured persons in charge of UN employment to hire a notorious communist agent, in spite of the fact that there was a derogatory report against the individual by a security agency of the Government.

10. Bunche was an official of the Institute of Pacific Relations, which has been definitely established as the top agency operated by communists to swing Soviet foreign policy into our government and to manipulate the betrayal of China to the Reds. (This resulted in tens of thousands of American boys losing their lives in Korea and in all probability will result in thousands more lives to be lost in the future.) It must be remembered that Bunche had participated in small closed meetings with individuals who have since been proven to be communist agents. With Bunche's background and experience in communist philosophy and organization, it is hard to believe that he was an innocent bystander. Innocents are not allowed to lay down policy which the Kremlin is interested in nor are they entrusted to manipulate it. Innocents are only manipulated themselves. The names in the IPR reports as published in over 6,000 pages by the Senate Internal Security Sub-Committee couple Bunche's activity along with such Communist agents as Alger Hiss, Owen Lattimore, Philip Jaffe, Frank Coe, Harry Dexter White, David Weintraub and scores of others.

Actually the evidence of communistic writings and communistic organizational activity by Ralph Bunche is greater overall than the combined evidence that government agencies had when they first began to get interested in red activities of Alger Hiss, Remington, Harry Dexter White and the Rosenbergs. Bunche's communistic utterances and connections are there as a public printed record and it is a great puzzle as to why our Government officials have not taken appropriate action. Instead it seems, that there is an effort to hush up the entire matter.

In 1948 when Alger Hiss was being charged with espionage against his country Bunche offered him a letter of support and vindication which included the observation that he (Bunche) was "stunned by this utterly shameless attempt to smear your good name. Though you have been grievously wronged, I have full confidence in your complete vindication . . ."—(Reference, article in the Freeman magazine by Victor Lasky page 134 October 1954).

It is true that some innocent dupes were drawn into the Hiss affair and there may be some excuse for them due to ignorance of communist techniques and trickery but in the case of Bunche, who has had long and extensive experience in the Marxist-Leninist school of activity and whose understanding of communism is both thorough and varied, there is no room for refuge behind the appellation of "innocent" or "dupe".

DEFINITIONS

In considering the record and activities of Ralph Bunche, or any other individual who has been active in Left-Wing circles, it is important and necessary that the political terms applied to such individuals be defined sharply and precisely. We hear such terms as "communist", "communist fellow-traveler", "communist sympathizer", "communist activist", a "dupe" of the communists, and "conscious" and "unconscious" carriers of either the whole or part of the "communist line." There is must misunderstanding as to what these designations mean. It is best to define these terms according to the classifications given them by the Kremlin chiefs themselves.

The term "communist activist" or "communist functionary", in the communist sense and among communists themselves, refers to an individual operating under the discipline of the communist machine and who is thoroughly schooled in communist techniques, in communist agitational and propaganda methods. The mere possession of a Communist Party membership book is not considered a significant criterion of an important communist, by the red leadership. The communist movement has long practiced the policy of maintaining a large portion of its membership without benefit of Communist Party membership books. There have been hundreds of communists without membership books operating under full Communist Party discipline, who have been considered more closely allied to the Communist Party machine than others who have carried such books.

A "communist" is defined by his superiors as a political soldier, with or without a membership book, operating for the Kremlin and is considered an important member only if he faithfully follows the aims and purposes handed down to him, carrying out his tasks in keeping with directives given him. He must reflect these in his assigned field either through speeches or writings or organizing activity or all of these functions combined. He must demonstrate a knowledge of communist techniques and communist terminology. He must also shift his propaganda in accordance to the communist line of the day.

It is impossible for a person accidently to coincide in his own personal independent views so as to match the communist line in all of its major features. It is quite possible that one may accidently coincide in viewpoint with some one part of the communist program, but, in respect to the overall line it is a mathematical impossibility for anyone to independently match the total red line in its various ramifications. Such impossibility is further compounded if the language used is strictly Marxist-Leninist.

[Excerpts from early writings of Dr. Ralph J. Bunche]

Journal of Negro Education

Our first printed record of Ralph Bunche's pro-communist utterances is in 1935 when he already displayed a knowledge of radical terminology which fits into what the communists call "the language of Marxism-Leninism". In reviewing a book in the *Journal of Negro Education*, a magazine issued by the Howard University in January 1935, Bunche wrote as follows:

"An appreciation of the moving forces behind modern imperialism as practiced by the capitalistic nations of the world does not seem to fall within the author's ken. One gathers, by broad implications that Mr. Mockerie feels that the African can get along well enough under the existing system if only some of the more burdensome and noxious restrictions are removed. This is, of course, a vain hope.

"My own belief is that there is little hope for the African now, or in the future, so long as finance capitalism, dominates the economic systems of the mother countries."—(The Journal of Negro Education, "Current Literature on Negro Education," Jan. 1935, Vol. IV No. 1, by R. J. Bunche.)

The broad implication that the social systems of the countries, which have African colonies, must first be overthrown as a prerequisite of establishing an anti-capitalist system in Africa is quite obvious in Bunche's remarks. This necessarily pre-supposes the overthrow of the existing systems of society in Britain, France, Italy, Portugal and the United States. (It was and is the position of communists and their followers that the U.S. is in effect the controlling force in Liberia and that this constitutes the possession by America of an African Colony.)

It is interesting to note that standard Marxist-Leninist language was employed by Bunche which included the terms: capitalistic nations, finance capitalism, Imperialism, etc. The Marxist-Leninist objectives include not only the language but also sets the tone of communist social warfare which aims to overthrow the mother countries of these colonies.

In an article on Minority Groups Dr. Bunche carried out his concepts in keeping with the communist philosophy by mouthing certain fundamental Marxist cliches as follows:

"Recent world history points out too clearly that modern democracy, conceived in the womb of middle-class revolutions, was early put out to work in support of those ruling middle-class interests of capitalistic society which fathered it. It has remained their loyal child and has rendered profitable service for them. But when in modern European countries it came to be vigorously wooed by those mass interests of society whose lot under modern industrialism has been that of cruel oppression, democracy was quickly discredited and disowned, and fascism became the favored child of Big-Business-controlled governments. The significant fact is that democracy, while never offered in any large measure to the black populations of the world, has been extended to the great masses of the working-class population only so long as it was employed by them as a harmless device involving no real threat to the increasing control of the society by the ruling classes."—(The Journal of Negro Education, page 308, article by Ralph Bunche, "A Critical Analysis of the Tactics and Programs of Minority Groups." July 1935, Vol. 4, No. 3.)

This entire concept and phraseology is part and parcel of the standard communist propaganda. This line follows thus:

1. Modern democracy was born by the impetus and leadership of manufacturing and commercial elements in order to overthrow the restrictive fuedal order.

2. That democracy was permitted in a limited way for the poorer population in order to delude them and deceive them into thinking that this was a government of all the people.

3. That the negro people as a whole were deprived of even those limited rights.

4. That exploitation was becoming so flagrant with the growth of big business that fantastic forms were substituted, in place of the illusion of democracy, in order to maintain the oppression.

In the above mentioned article, Bunche repeatedly states that alternatives of a peaceful nature cannot serve the negro people. Under the heading of "Violent Tactics" he does however present the communist position as follows—

"The Communist Party has seriously proselyted among the Negro group but with only indifferent success. The immediate task of such movements in this country is to develop radical class consciousness among the working class masses of both white and Negro populations, with a view to the ultimate recognition of an identity of interest and consequent black and white solidarity in a militant labor movement."—Page 312, J.N.E., July 1935.

In presenting the immediate program of the Communist Party as one striving for a class-conscious unity between white workers and Negroes, Bunche admits an expert knowledge precludes all possibility that his reflecting communist thought could be done through ignorance or innocence.

Dr. Bunche wrote in the Journal of Negro Education, in the capacity of Professor of Political Science and as such must have reflected his political beliefs to his students. He considered himself a radical teacher and as such took up the cudgels on behalf of all radical teachers and long ago began to denounce all "loyalty oaths", red-riders and other measures which required teachers to conduct themselves in a loyal manner.

The excerpts below show that Bunche displayed an open defiance against attempts to keep our teachers within the confines of conducting their classes in the interests of good Americanism. His writings on this subject sound exactly as the red teachers of today do in denouncing Congressional probes into subversion in our schools—

"In considering what may be done in the way of reorganizing any educational system, white or black, it must also be kept in mind that the dominant controls of the society are

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exerted over the teacher. Educators, if they are frank, admit their circumscriptions under the present organization of the society. We are now witnessing an unusual era of academic repression, but the controls are always present, in good times or bad. The repressive measures, 'red-riders,' gag-laws and oath clauses of the present period of hysteria are merely forceful reminders of the fundamental bias of our educational system. It is more than significant that radical teachers have always been in jeopardy; that long before the depression teachers were forbidden to join teachers' unions, though it is difficult to find any instances of conservative teachers being dismissed for their points of view. The idea has always been widely current among the powers that be in education that the teacher does not have the same rights as other citizens to speak or publish his views on social questions. Moreover, it would seem valid to assume that where one teacher is known to have been dismissed from his job because his ideas were in conflict with the controlling interests of his educational institution, thousands of others are cowed and remain too timid to take the risk of venturing an opinion on any 'dangerous' subject, or even to protest against the restraint."—(The Journal of Negro Education, "Education in Black and White," pages 356–7, July 1936, Vol. V, No. 3, Bunche.)

Bunche continually railed against the free-profit-system and kept repeating over and over again, that capitalism is the main enemy and complained that our society taught its children a "bias in favor of the culture of capitalism"—

"Though there are some who would will it otherwise, in America today education is compelled to reflect the status quo. We are living in an economy of capitalism and our educational system consistently harmonizes with the dominant capitalistic pattern. Our schools are extremely sensitive to the fluctuations of capitalism. When capitalism prospers, the schools prosper. When capitalism suffers from depression, school budgets are drastically cut. When capitalism is hard-pressed with criticisms for its shortcomings, the schools are expected to provide its advocates, and if they demur, for reasons of educational ideals, capitalism tightens the economic screws until the schools surrender. Though the schools are non-profit enterprises themselves, they operate within the framework of a profit economy, and there are rigid limits to their activities. On relatively trivial matters they may exercise a modicum of freedom but in all really vital matters they must reflect the will of the groups which hold the reins of power in the state. The American educational system, in its control, financial support, faculty and students, manifests a definite bias in favor of the culture of capitalism."—(The Journal of Negro Education, "Education in Black and White," July 1936, Vol. V, No. 3, page 355, Bunche.)

Bunche re-inforced his comments by the purely communist concept that educational equality is impossible under our present system of society:—

"The fact is that under our present system it is impossible to achieve educational equality for all members of any group in the society. Public schools, for example, are supported by taxation. The revenue derived from taxation will depend largely upon the relative prosperity of the propertied interests in the particular locality. Since wealth is unequally distributed in the country the present glaring inequalities in the distribution of funds for the support of education will persist even for 'White Education.' The basic question for all schools is not one of copying the 'white man's education,' but one of developing a system of education which will afford both white and black students a sound basis for understanding the society in which they live and for attacking the problems confronting them. White as well as Negro schools are woefully deficient in this respect."—(The Journal of Negro Education, "Education in Black and White," page 355, July 1936, Vol. V, No. 3, Bunche.)

The next quote shows that Bunche took the typically communist position that "capitalism owns the colleges and universities" and "nor can it (Ed:—American Education) teach the student the truth". His contention that our educational system pursues a policy of indoctrination of prejudices "in the capitalist culture" is a repetition of the Kremlin brand of slander carried on against our system of individual freedom—

"In truth, capitalism owns the colleges and universities by right of purchase. These institutions are supported either by taxation paid largely by corporations and large property owners, or else by direct endowments, gifts, and contributions by the commercial class. It is not unusual therefore that the schools should be expected to foster and cultivate capitalistic ideas. It is easy to imagine what would happen quickly to the University administration or school board which would attempt to give any other orientation to the educational process. The universities themselves have a vested interest in the profit economy because of their investments in all sorts of capitalistic enterprises. The returns of these investments determine the financial status of the institutions. Of necessity, American education thus becomes "goose-step" education. It can be only relatively free. It cannot vigorously devote itself to the task of inoculating the student with a burning desire for the pure truth. Nor can it fearlessly teach the student the truth. It is compelled to pursue a policy of indoctrination—with all of the attitudes, beliefs, stereotypes, and prejudices which have been cultivated in the capitalist culture and which are vital to it."—(The Journal of Negro Education, "Education in Black and White," pages 355–6, July 1936, Vol. V, No. 3, Bunche.)

Bunche's solution of the problems of education which he raises also parallels that of the Soviet propaganda line that special "labor schools" must be set up to give working people courses which Bunche states that if they were given in our "advanced educational institutions" then the business interests in every community would immediately put up a howl that the schools were "*red* and fostering *revolutionary* meetings on their campuses":

"The white and black mill and factory workers in all sections of the country require the same type of education—an education which will give them a true understanding of their status in the industrial order and an insight in the nature of that order. Under present conditions this cannot be done in our schools; this sort of training is gotten by the workers themselves in their labor organizations and their labor schools, of these latter there are too few. It would, of course, be a splendid thing if our advanced educational institutions were in a position to offer extension courses in workers' education for the adult workers of the community, black and white. There is not much possibility of this being done, however, for the business interests in every community would immediately put up the howl that the schools were 'red' and fostering 'revolutionary' meetings on their campuses. Even the Federal Workers' Education projects have suffered from this sort of organized attack."—*The Journal of Negro Education*, "Education in Black and White," page 358, July 1936, Vol. V, No. 3, Bunche.)

PAMPHLET—"A WORLD VIEW OF RACE"

In 1936 Ralph Bunche wrote a booklet called "A World View of Race". In this publication he advocated the classic position of the communists in respect to the Negro question.

Bunche lays the foundation in typically Marxist fashion by tying in the racial groups as a mere part of the class struggle in America. In parroting the communist position of pitting the workers against the capitalists, Bunche had the following to say—

"The 'Race Problem' Seen as a 'Class Problem'"

"One of the latest and soundest views of the American race problem, and, for that matter, the race problem throughout the world, regards it, then, as merely one aspect of the class struggle. That is to say that differences in 'race,' differences in skin color, hair texture, language, religion or culture traits, are employed as devices by the privileged, ruling classes of the society to rationalize and promote their continued domination over and exploitation of the great numbers of the population. Thus it can be pointed out that the American Negro, by force of economic circumstances, is principally identified with the American working class and peasant elements of the population. The development of Negro business enterprise is impossible at this late stage in our industrial process, if it ever was possible. Similarly, it follows that no separate black economy can be erected within the walls of the white economy, as the movement for Negro business presupposes. The Negro must develop, therefore, a consciousness of class interest and purpose, and must strive for an alliance with the white working classes in a common struggle for economic and political equality and justice. The Negro can make significant progress toward these objectives against the obstacles of private prejudice and public discrimination and injustice, only by uniting with the poor whites of the South and North. This objective is admittedly difficult of realization. Mutual suspicion and enmity between the white and black groups is an ever-present source of frustration. The minds of conscious."—("A World View of Race," By Ralph J. Bunche, page 89–90.)

There are encouraging signs, however, that the problem of the status of the Negro in the United States is losing its traditional purely racial nature and is being increasingly identified with the growing struggle of the white workers and small farmers against the white (and, for that matter, black) captains of industry, landlords and bankers. The depression, ably abetted by the policies of the New Deal, has made the American population, white and black, increasingly class-conscious."—("A World View of Race," By Ralph J. Bunche, pages 89–90.)

While laying the basis for the communist concept of irreconcilable struggle between the capitalists and the workers, Bunche then proceeds to describe how the "race" question will be solved after "capitalism" is done away with—

"If the fundamental ailments of the American economy are remedied, the 'race question' will loom less large. So long as the society endures an economy which demands and thrives on human exploitation, race will be employed as an effective device in the promotion of the process group exploitation, economic, political and cultural. In such a society and under such an economy attempts at solving the 'race problem' will be futile."—("A World View of Race," By Ralph J. Bunche, page 92.)

Bunche thus lays the basis of need for communist revolution by characterizing our way of life as "human exploitation—economic, political and cultural." Since all of our social life comes in under the above three categories the obvious propaganda basis is laid for the aim for another social order which is fundamentally different.

The next excerpt shows the class-struggle process as inevitably leading to a showdown between the workers and capitalists and that the elimination of private property interests and rights is a necessary process before the race and class problems are resolved. It is interesting to note in view of his U.N. position that Dr. Bunche considered the elimination of capitalism as a necessary condition before a proper World Order can be established.

"The plain fact is that the contemporary international order, characterized by its capitalist-imperialist organization, has no possibility of effectively controlling the destiny of such peoples and areas. For the international order cannot override the existing vested capitalistic interests which muster the forces of the state for their protection. As the world is now organized these interests cannot be overcome, for they are intimately tied up with the class-relations of capitalist society. The same forces which protect them are the exact forces which protect and promote the interests of the capitalist within the capitalist state to which he claims allegiance. Just as the capitalist state in its internal affairs maintains a legal and constitutional system designed to protect absentee ownership and safeguard those property rights which make the capitalist supreme, just so, in the realm of external affairs, the state's authority, by the very nature of his relationship to it, must be employed to impose that type of supremacy over other peoples.

It is only when this supremacy and privilege are dissolved and when it is no longer within the power of the privileged property-holding class to determine the institutional life and habits of the modern state, that there can be hope for the development of an international order and community which will promise the subject peoples of the world genuine relief from the heavy colonial burdens of imperialist domination."—("A World View of Race," By R. J. Bunche, pages 64–65.)

As to where such groups (as the American Negro) can look to for leadership and inspiration Dr. Bunche gives the standard Bolshevik answer—to the Soviet Union, of course. In fact he considered it "both logical and likely":

"If the oppressed racial groups, as a result of desperation and increasing understanding, should be attracted by the principles of equality and humanitarianism advocated by the Soviet Union (and it is both logical and likely that they will) then racial conflict will become intensified. In such case, however, racial conflict will be more directly identified with class conflict, and the oppressed racial groups may win the support of oppressed, though previously prejudiced, working-class groups within the dominant population."—("A World View of Race," By R. J. Bunche, page 36.)

In concluding his pamphlet Ralph Bunche tied in the whole communist aim of merging racial dissidents into the class struggle for the possession of the whole world. He talks of "titanic" and "uncompromising struggles" between "the working and owning classes." The last sentence of the pamphlet talks of war. It is not of ordinary war that Bunche speaks of, for even as terrible a thing as race war is relegated to a mere "sideshow". The war that he describes is a "gigantic class war." And its locale? The same as the operations of the Kremlin forces. It will be "waged in the big tent we call the world."

"There will be sporadic outbreaks when subject peoples become restless under too harsh measures of imperialistic oppression. But the signs throughout the world are unmistakable. Despite the frantic efforts of many of those who control national and world policy to conjure up international race issues, the lines are forming in a totally different manner. Race issues appear but tend to merge into class issues. Throughout the world the issue between working and owning classes is sharpening. The titanic conflicts of the future will be the product of the uncompromising struggles between those who have and those who have not. These conflicts now wage within all groups, racial and national. Insofar as the great masses of the black and yellow races are concerned, the status of economic and political inferiority which they have been compelled to accept results in their automatic identification with the working and 'have not' classes of the society. They are now beginning to understand the true nature of the issues confronting them. Moreover, they will eventually appreciate the great possibilities in their numerical strength as a weapon in their struggle for justice. This organized and directed support of the working class of the dominant populations of the world will bring an unchallengeable power to this class.

And so class will some day supplant race in world affairs. Race war then will be merely a side-show to the gigantic class war which will be waged in the big tent we call the world."—("A World View of Race," By R. J. Bunche, pages 95–6.)

Any further doubt as to whether the above pamphlet by Ralph Bunche carried the Communist position on the Negro question can be completely dispelled with the below quotation from the magazine called the "Communist" which was issued as "A Magazine of the Theory and Practice of Marxism-Leninism Published Monthly by the Communist Party of the U.S.A." In the issue of the Communist October, 1937 Bunche's pamphlet is reviewed by Abner W. Berry, a high ranking communist for many years. The entire first page is here quoted to show the enthusiasm with which the official communist hierarchy greeted Bunche's pamphlet. When A. W. Berry states that "Significant in Dr. Bunche's analysis is his emphasis on the class conflict underlying so-called race issues" he gives Bunche full credit for echoing the basic communist credo of class struggle to overthrow our social order. (Ed. Note: Former high level communist leaders have testified that all book reviews in the Communist are first passed on by the Polit-Buro leaders of the Communist Party to make sure that the review is important enough for the communist Cause and make certain that it is in keeping with the Party doctrine.):

"A STEP TOWARD NEGRO LIBERATION"

("A World View of Race," by Ralph J. Bunche, Ph.D., Associate in Negro Education. Washington, D.C., 98 pp. Twenty-five cents.)

A fresh breeze is blowing through the class rooms of American colleges, carrying with it elements of Marxist and progressive thought. One of the welcome fruits of this renaissance is a world-embracing study of race attitudes by Dr. Bunche, professor of political science at Howard University.

The brochure begins with the discussion of world race theories, in which the author shows that the basis for racialistic theories is mythical rather than scientific. He properly estimates the dangers inherent in the propagation and spread of such theories, as, for example, the attempt to merge race and nation in Nazi Germany. Significant in Dr. Bunche's analysis is his emphasis on the class conflict underlying so-called race issues. A starting point toward a solution of the problem is his conclusion:

"Group antagonisms are social, political and economic conflicts, not racial, though they are frequently given a racial label and seek racial justification" (p. 23).

This point is further developed and elaborated in the second chapter. Discussing the historical basis for present-day prejudices, Dr. Bunche points out:

"The historic origin of racial prejudices and conflicts is to be found in migration of human groups and the invasions by conquering peoples of territory inhabited by other peoples. These conflicts did not result from any innate aversion of one racial group toward another, however. . . . The true historical explanation is that the conquering peoples constituted themselves the ruling class and relegated the conquered group to an inferior status. Thus race became a badge of social superiority and in time the dominant race assumed for itself qualities of moral, intellectual and political superiority as well as economic privilege" (p. 26).

Approaching the Marxist viewpoint, the author follows up this statement by analyzing the class antagonisms within the dominant races, inferring an alliance of the subject people with the workers of both races.

The main areas of racial conflict where 'racial relations of today are pregnant with a danger for the future peace and development of the world' are Africa, West Indies, the Orient, Germany and the United States, according to Dr. Bunche. He discusses the issues in each area. In writing of the conflict in America, the author notes that even within the 'solid white front' against the threat of "Negro domination" during the Civil War there were differences as between slave-holders and the poor whites.

That Dr. Bunche realizes the significance of the class struggle is clear. He reasons that with trade union policies based upon "the inevitable realization that workers of the two groups (Negro and white) arrayed against each other in racial conflict have more in common than workers of the dominant group have in common with employers of the dominant group . . . racial conflict tends to be lessened, but class conflict . . . is intensified" (pp. 31–32). The solution of the "race" problem according to the author lies along the road of working class freedom:

"The Negro must develop, therefore, a consciousness of class interest and purpose, and must strive for an alliance with the white working class in the common struggle for economic and political equality and justice. The Negro can make significant progress toward these objectives against the obstacles of private prejudice and public discrimination and injustice only by uniting with the poor whites of the South and North" (p. 90).

The working class can recognize, unmistakably, in this statement the voice of an active friend and supporter. It is a wholesome and hopeful sign that this statement represents also the social credo of an increasing number of Negro intellectuals—Book Review by A. W. Berry, page 965 of "A World View of Race" by Ralph J. Bunche, The Communist, October 1937, Vol. XVI, No. 10.)

Before passing on to the next phase, it is of interest to present the official point of view of the Communist Party as enunciated by its leader in the United States, Earl Browder, on the question of the Negroes in relation to the class struggle and the march toward revolution. The two excerpts below sound like an echo of Bunche's words on the same subject. The following position was presented during the same period that Bunche wrote on the identical subject—

"The purpose of our work on the Negro question is to establish unity of white and black proletariat in a common struggle to overthrow capitalism, and the leadership of the proletariat over the Negro masses in

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the struggle for their national liberation."—("Communism in the United States," a book by Earl Browder, page 292—1935.)

"We live and fight within the world fortress of capitalism, of imperialism, which finds one of its main instruments of rule in the division between white and Negro workers. But this division also represents one of the weakest spots of American imperialism, where we can strike quickest and hardest, it represents a pre-capitalist survival, a relic of slavery and feudalism, a crying anachronism, embodying all the contradictions of the decaying imperialist world. In this discussion we have more effectively armed ourselves with the Leninist theory, whereby we can call forth for struggle all the revolutionary forces generated by this national oppression of the Negroes, link them up with the rising forces of the proletarian class struggle under the leadership of the Communist Party, and thus with multiplied capacity for effective battle against the oppressors, the imperialist bourgeoisie, we will 'sail into the face of the storm' of the revolutionary mass struggles that are being prepared in America on a gigantic scale."—("Communism in the United States," by Earl Browder, page 303—1935. For National Liberation of the Negroes! War Against White Chauvinism!)

Race Magazine

In a magazine called "Race", which was organized and completely controlled by well known communists (including one who had been a several times delegate to the Communist International in Moscow from the Communist Party of the U.S.), Dr. Bunche wrote an article reiterating the orthodox communist position that the race problem is a part of the class struggle and that The National Negro Congress, which was formed in 1936, reflected "the ideology of organized labor was dominant". In communist nomenclature the ideology of organized labor is Marxism, since Labor, as such, has no particular ideology separate and apart from the rest of the population:

"Biased individuals saw the Congress inspired and dominated by the 'reds'. A more sober appraisal is perhaps in order."

Alert and Alive (Dr. Bunche's Sub-Title)

"Quite the most significant feature of the Negro Congress was the fact that it constituted the first sincere effort to bring together on an equal plane Negro leaders, professional and white collar workers with Negro manual workers and their leaders and organizers. The result was gratifying to the latter. It was, to say the least, an educational experience for the Negro leaders and professional and white collar groups. In no other general Negro gathering has the note of labor been so popularly received. The ideology of organized labor was dominant."—(Race magazine, Vol. I, No. 2, Summar 1936, page 93, article by Ralph J. Bunche, "Triumph? or Fiasco?".)

It is quite significant, as will be shown later, that Bunche declares that those who called the National Negro Congress as "dominated by reds" are "biased".

What is particularly important is the fact that Bunche was associated with a Magazine that was not only run by known reds but openly proclaimed in its first issue that its object was to "plow up our institutions to their very roots and substitute a socialist order for the present capitalist imperalist order."—

"That the special system of discrimination against the Negro in America is so deeply rooted in the very foundations of the present social order and the vested interests of dominant capitalism that there is no complete 'solution' of this basic problem of American life short of a fundamental reconstruction of society, a social upheaval which will plow up our institutions to their very roots and substitute a socialist order for the present capitalist-imperialist order."—(Race, Vol. I, No. 1, Winter 1935–1936, page 3, Article on opening page.)

(Note: The magazine Race did not appear after Vol. I No. 2.)

The National Negro Congress and Dr. Bunche

The story of The National Negro Congress is one whereby the Kremlin leaders managed to get a grip on the influential section of the Negro people in this country which they had not been able to accomplish until this Congress was put into action. Previous to 1936 the Communist Party of the U.S.A., upon instructions from the Kremlin, began to send in its small negro membership into existing non-communist Negro organizations. When this infiltration job was completed, the Moscow leaders through the Communist International instructed the communists in America to organize a Negro Congress which would pretend to be a representative body for all the Negroes in the United States, but actually be under the firm control of the Kremlin.

The purpose of this maneuver was obvious. Hitherto the communists had been operating feverishly to get a grip upon the mass of American Negroes and had been very unsuccessful in their attempts. The Kremlin had decided many years previously that the millions of Negroes in this country would be ideal political fodder which could be used in revolutionary activity against our form of government. They had failed in this way to unite the Negroes under the open banner of communism. Other subterfuges were needed. In preparation for this day, scores of Negro communists were trained in the advanced schools of revolutionary tactics in Moscow.

In the organization of the National Negro Congress, however, the Red bosses did not trust the Negro communists to do the job. Previous experience had shown that the freedom loving American negroes rebelled against communist discipline and the turnover of negroes in the Communist Party was higher than that of any other group. Therefore, even in the National Negro Congress, organizations of white membership were allowed to send delegates. Needless to say, most of these white organizations were either communist fronts or were other organizations which had been previously infiltrated.

The failures that the communists had among the negroes had taught them that this operation must be carefully and thoughtfully carried out. Only the most trusted and most thoroughly indoctrinated negro communists were to be entrusted with the task of organizing and launching this new endeavor.

A number of ex-communists, who had been in on the plot in high places, have testified to the extent of this operation and that only the most trusted red agents were given the task of launching the National Negro Congress.

In 1940, while writing about the National Negro Congress in the Gunnar Myrdal-Carnegie studies on the Negro question, Bunche boasted that the original meetings which initiated the National Negro Congress were made by him and his associates in Howard University and in his home in Washington, D.C. in 1935.

In fact, the official communist publications gave him full credit as one of the initiators in their own publications as follows—

"Among other outstanding participants were Dr. Ralph J. Bunche of Howard University; Lester Granger of the Workers Council of the National Urban League; A. W. McPherson, of the Steel and Metal Workers Union; and Olive M. Stone, of the North Carolina Institute of Social Science."—("The Negro and the Democratic Front". Book, Publisher—International Publishers, N.Y., copyright, 1938. P. 69.)

James Ford, the writer of the above, was the leading Negro member of the Central Committee of the Communist Party of the United States and was involved in meetings with Ralph Bunche on the question of the National Negro Congress (according to testimony of leading ex-communists.)

The next quote, from a recent communist book, written by W. Z. Foster, the current head of the Communist Party, confirms Bunche's role in connection with the National Negro Congress—

"Among those present were such notables as Ralph Bunche, W. E. B. DuBois, A. Philip Randolph, R. A. Carter, John P. Davis, James W. Ford, and others."—(Book, "History of the Communist Party by W. Z. Foster," International Publishers, 1952. p. 309.)

Foster and Ford also confirm Bunche's contention that Howard University (where he worked as a professor of Policital Science) was the locale of the Negro Congress planning in May, 1935, one year before the Negro Congress was convened—

"The rising spirit of struggle among the Negro people during these years reflected itself in the National Negro Congress, organized in Chicago, February 14–16, 1936. The N.N.C. grew out of a conference held previously under the auspices of Howard University and the Joint Committee on National Recovery."—(Book, "History of the Communist Party of the U.S.," W. Z. Foster, International Publishers, 1952, p. 308.)

"There were other speakers who made valuable contributions on the plight of the Negro at the May Conference at Washington. Space will not permit us to quote from all of them. Among these were: Dr. Ralph Bunche, of Howard University; Lester Granger, of the Workers Council of the National Urban League; A. W. McPherson, of the Steel and Metal Workers Union; John McKinney, of the Southern Tenant Farmers' Union; Olive M. Stone, of the North Carolina Institute of Social Science."—(The Communist, April 1936, Vol. XV, No. 4, page 322. Article: "The National Negro Congress," by James W. Ford.)

However, it should not be construed that the process which started the National Negro Congress originated with the May, 1935 conference, between Bunche and his cohorts. Actually the order to start the Congress, as is shown in the following quote, came from the Central Committee of the Communist Party, U.S.A., as enunciated by its leading Negro member, James W. Ford, in 1934—

"It may be remembered that the National Negro Congress was proposed last May at a national conference held in Washington. Earlier in January, 1934, at a symposium held in New York between Frank R. Crosswaith, Oscar De Priest, and myself, I made a suggestion for the calling of a National Negro Congress."—(The Communist, April 1936. Page 318. James W. Ford.)

The method in which the whole process of building the Negro Congress was frankly and clearly laid out a few months before the Howard University conference (mentioned by Bunche) by the Central Committee of the Communist Party to its members at a special plenary session of the National Committee of the Communist Party to give instructions as to how the entire matter was to be carried out among the Negro people. In reading this excerpt, it must be kept in mind that this was issued to members of the Communist Party more than a year before the National Negro Congress was convened—

"In connection with the question of the united front on the Negro question—if we work properly now and see that we must penetrate these organizations, there is the possibility of building up a National Negro Congress on a broad united front basis. We had a discussion about this conference in the N.Y. District in which we discussed the Negro question, and the possibility of a National Negro Congress. If we make the proper orientation, we will be able to build the biggest Congress of Negro people ever held. It means patient work in Negro organizations."—(Party Organizer, March 1935, Vol. VIII, No. 3, issued by the Central Committee of the Communist Party, U.S.A. Article: "How to Penetrate the Negro Organizations" (Excerpts from Report to Plenum). Page 21.)

This instructive to organize a Negro Congress was issued to all communists, whether secret or open, in the following directive—

"In the development of this work it shall be our aim to lay a firm basis for the realization on a local scale of our major political task in Negro work nationally, namely:

1. The promotion of the movement for the National Congress on Negro Rights, tying up our local campaign with the general issues around which this Congress will be convened, such as the campaign for the enactment of the L.S.N.R. Bill for Civil Rights, for the freedom of the Scottsboro Boys and Herndon, against lynching, etc."—(The Communist, June, 1935, Vol. XIV, No. 6, page 575, "The Development of Struggle for Negro Rights".)

After the National Negro Congress was organized, the Communist Party took full and public credit for the creation of the Congress. It was understood by all and sundry that this was a child of the Kremlin. Ralph Bunche, incidentally, was elected to the National Committee of the Negro Congress. The process of getting control of the minds of the Negro leadership was well on its way. The goal set for the Communist Party of the U.S. by the Kremlin through the Communist International in its World Congress in Moscow in 1935, on the question of the American Negroes, was gathering full steam. The boast by American Communists of their handiwork in this respect and the report on how the Communist International instructives were the guiding light is illustrated in the next two quotations—

"It is equally beyond dispute that the pioneering and trail-blazing work of the Communists has played a great part in opening the road towards the now developing broad people's movement. Our Party as a whole can justly take pride—not to rest in self satisfaction—in the role it played and is playing in awakening the Negro people, in helping to organize them, in bringing forth such Negro leaders as Ford and Herndon, and in promoting that United and people's front for Negro rights which resulted in the creation of the National Negro Congress."—(The Communist, March, 1936, Vol. XV, No. 3, page 202. "Review of the Month".)

"I would say that the main feature of the past year has been that in the field of work among the Negro people, as in most of the other fields of our work, we have begun to realize on a mass scale the results of the line of the Seventh World Congress of the Communist International. We have begun to emerge from sectarian isolation and become a mass influence, a mass power. As in our Party work generally, this has been accompanied by a sharpening of all the problems involved in our work. All of our weaknesses and inadequacies come out most sharply now, precisely because we have made some tremendous gains and thereby face responsibilities which politically we feel equipped to meet."—(Book, "The Negro and the Democratic Front," by James W. Ford, International Publishers, page 95.)

It is necessary to present the following list of excerpts to emphasize the fact that the National Negro Congress was a Kremlin operation which could, and was, carried out by Kremlin agents, working consciously towards that goal—

"Comrades: This convention, in my opinion, emphasized repeatedly the importance of the Negro question. I want to take the few minutes disposed to me to propose the concrete work of the Negro field.

Comrades, as the menace of fascism threatens the Negro people with double ferocity, we find at this moment the very sincere desire for both black and white to unite in a concrete form in the struggle against fascism. When we do this we carry out the tradition of Lenin and Stalin. Lenin told us years ago that we did not pretend to be pure Communists, at all times to be practical people. While we do not negate the slogan of self-determination for the Negro people in the United States, we are today seeking the most practical means to develop the struggle of the Negro people toward this ultimate slogan known as the right of self-determination. And this practical weapon is the National Negro Congress."

"The question of securing these National Negro Congress sponsors should be one of the essential points of all of our discussions from now on. Comrades in trade unions should consult the educational committee of their unions and arrange to include in their educational program discussion on the National Negro Congress. Meetings should be covered by people with folders, leaflets, sponsor buttons. Even at this convention we have given sponsor buttons to many of the comrades. There is nothing to hide. We openly declare we are responsible for bringing 1,000 sponsors in the New York State apparatus of the Communist Party.

"The Communist Party will continue to see the Negro question as a special question of approach. The Communist Party precisely by assisting the building of the N.N.C. refutes the theories of the Socialists in their recent resolution that attempts to put the Negro people on the same par with the conditions of the white and other people in the United States. We recognize this as a special question. We bring this out at this convention in order that the comrades will see the necessity of using the building of N.N.C. as a practical question and concrete means of approaching the Negro question in a special manner."—(Book, "Proceedings 10th Convention," Communist Party New York State, May 20–23, 1938, pp. 253–254–255.)

"We Communist must organize all our forces to render great assistance to the National Negro Congress in carrying out its program. We should organize all our factions and guide them in their work in the various organizations in which there may be Party members. If we develop systematic work on the basis of our concentration policies in the various Negro communities and carry on a fight against sectarian methods of work, we shall be able very soon to fulfill the task of developing a broad people's front among the Negro people in the United States against fascism and war and for the liberation of the Negro people."—(The Communist, June 1936, Vol. XV No. 6. Page 561. Article: "Build the National Negro Congress Movement," by James W. Ford.)

"We Communists were never doubtful about the significance or the outcome of the National Negro Congress. We were not deterred by the charges of 'Communist domination'. We were guided by what we knew of the desire of the Negro masses for united action."

"The National Negro Congress recorded progress made by Communist and the many delegates who supported our program, in the increasing work we are carrying on in the various organizations of the Negro people. Our modest successes are, however, just beginnings. We must now undertake to profit from our experiences, mistakes, shortcomings and successes, by showing what changes are necessary in our methods of work to build the National Negro Congress."

"We Communists must organize all our forces to render great assistance to the National Negro Congress in carrying out its program."—(Book, "The Negro and the Democratic Front," by James W. Ford, Page 69, 76, 85.)

"Some people think because we do not insist that the issue of the right to self-determination be adopted now by the Negro Congress, our Party is abandoning its revolutionary demand for the right to self-determination in the Black Belt in the South. Nothing is further from the truth. Never was it more clear than it is today that the complete liberation of the people in the Black Belt will be accomplished only by the revolutionary overthrow of the white landlords and capitalists, the destruction of the semi-slave agricultural relations and the realization of the right to self-determination. But there is a problem which we must face. And how must we face it? The problem is how to link up the daily struggles of the Negro Masses in the Black Belt today for their partial economic and political demands with our revolutionary slogan for the right to self-determination. It is clear that the Negro masses are not yet ready to carry through the revolution which would make possible the right to self-determination. But they are ready to fight against jim-crowism and oppression, for democratic rights and other partial economic and political demands. Our task, therefore, is not to stand passively by and wait until the Negro toilers become ready for the revolution. No! Our task is to join with them in the organization for their immediate struggle and strengthen their position economically and politically, strengthen the bonds between the white and Negro toilers, and in this way create the transition to the revolutionary struggle which will make possible the realization of the right of the Negro masses in the Black Belt to self-determination."—(The Communist, December 1935, Vol. XIV, No. 12, Page 1120–21, "The United Front—The Key to Our New Tactical Orientation," by Earl Browder.)

The top leadership took official cognizance of the communist success through the National Negro Congress and published an account of the role of that organization in the process of communist revolution. This was published in the International Press Correspondence, a publication which was the official organ of the Communist International and was published in every major language in the world.

"The work of the Communist vanguard within the Negro group is of the most profound importance. Success in the struggle for unity at the National Negro Congress, the development of a Negro people's front depends in a large measure upon the correct action of our revolutionary Negro cadres. The development of tried and true revolutionary cadres and the strengthening of our revolutionary organizations among the Negro people, is now of the most profound importance. The development of the Negro people's front is dependent upon this. In turn, the development of tried and true revolutionary cadres among the Negro toilers is dependent upon the development of the broadest possible united front of struggle among the Negro people. The programme of the National Negro Congress must be realized."—Int'l. Press Corresp. Vol. 16 No. 7 Feb. 1st, 1936, "The Negro Movement—A National Negro Cong. in America," pp. 195.

(The article quoted above was published before the N.N.C. was held.)

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The National Negro Congress was to be only one part of a Kremlin plotted world wide organization of negroes which was to have followed the formation of the N.N.C. Negro communist agents were sent throughout the world to inflame negroes (particularly in Africa) and to weld them into an international force serving the Soviet purposes. During the same year that the N.N.C. was formed and the call was issued through the Negroes Congress for a "class conscious" organization to be called the "International Congress of Negroes", Ralphe Bunche went to Africa and toured large areas of that continent. An investigation should be made to determine if Bunche had contact with some of the Negro agitators who are stirring up trouble and bloodshed in Africa today.

Hence, the National Negro Congress in the United States occupies an important place in the life and struggles of Negroes everywhere. That is why the Congress adopted a resolution on an International Congress of Negroes, as follows:

Whereas, the exploitation and subjugation of the Negro masses is general, and worldwide in scope, and Negro toilers in one nation are not free so long as their brother toilers elsewhere are subjected to the degrading horrors of exploitation, and

Whereas, a deeper sympathy and class-consciousness of all Negroes throughout the world can best be developed by an International Congress of Negroes, be it

Resolved, that immediately upon the establishment of this Congress upon a permanent basis, it work for the fulfillment of such an International Congress of Negroes."—(The Communist, May 1936, Vol. XV, No. 5, Page 461, "Political Highlights of the National Negro Congress," by James W. Ford.)

The following message to the leadership of the National Negro Congress demonstrates beyond any doubt that the function of that organization is to follow in the footsteps of the Soviet Revolution. This quote incidently is from the International Press Correspondence which only prints that which was cleared by top Soviet Leaders—

"The history of the Soviet Union from the day of its birth is replete with lessons of utmost value to the National Negro Congress. These lessons can be an invaluable aid in the solution of every problem confronting the Congress, for the peoples of the Soviet Union have passed through just such struggles and have solved them."—(Inprecorr, February 1st, 1936, Vol. 16, No. 7, page 195, "The Negro Movement—A National Negro Congress in America".)

The nature of the National Negro Congress has been thoroughly probed by various governmental investigating agencies and they all have recognized its subversive character. The following taken from the House Committee on Un-American Activities in 1951 "Guide to Subversive Organizations and Publications" page 86, sums up the investigations and testimony on the National Negro Congress—

"National Negro Congress

"1. Cited as subversive and Communist.—(Attorney General Tom Clark, letters to Loyalty Review Board, released December 4, 1947 and September 21, 1948).

"2. A. Philip Randolph, president of the Congress since its inception in 1936, refused to run again in April 1940 on the ground that it was 'deliberately packed with Communists and Congress of Industrial Organizations members who were either Communists or Sympathizers with Communists.'

"Commencing with its formation in 1936, Communist Party functionaries and 'fellow travelers' have figured prominently in the leadership and affairs of the Congress * * * according to A. Philip Randolph, John P. Davis, secretary of the congress has admitted that the Communist Party contributed $100 a month to its support.

"From the record of its activities and the composition of its governing bodies, there can be little doubt that it has served as what James W. Ford, Communist Vice Presidential candidate elected to the executive committee in 1937, predicted: 'An important sector of the democratic front,' sponsored and supported by the Communist Party."—(Attorney General Francis Biddle, Congressional Record, September 24, 1942, pp. 7687 and 7688.)

"3. The Communist-front movement in the United States among Negroes is known as the National Negro Congress. * * * The officers of the National Negro Congress are outspoken Communist sympathizers, and a majority of those on the executive board are outright communists."—(Special Committee on Un-American Activities, Report, January 3, 1939, p. 81; also cited, Reports, January 3, 1940, p. 9; June 25, 1942, p. 20; and March 29, 1944, p. 180.)

"4. A 'Communist-dominated mass organization.'—(California Committee on Un-American Activities, Report, 1947, p. 230.)

"5. William Z. Foster, chairman of the Communist Party, U.S.A. stated that the role of his party was 'one of central importance in the organization of the great united front National Negro Congress in Chicago, February 1936.'" — (Massachusetts House Committee on Un-American Activities, Report, 1938, p. 298.)

"(Guide to Subversive Organizations and publications May 14, 1951.)"

The reason for the lengthy analysis of the Negro Congress and the role of Dr. Bunche should be obvious by this time. Here is a man who has dealt in terms of a class conscious struggle of the workers allied with the Negro population against our system of society. At the same time he has pointed towards the Soviet Union as the example for the American Negroes to follow. He advocates a class war against our social order (on a world basis) and inveighs against the system of private ownership and free enterprise. During this exact same period (1935–36) he is a leader in a Soviet directed move to organize the National Negro Congress.

At the same time there was a manifestation from openly communist sources praising Bunche for his views and activities. First, there was the high praise by official red sources of his pamphlet "The World View of Race" and then there were several tributes given him for his "outstanding participation" as one of the "notables" who gave birth to the Negro Congress. His election to the governing national body of the National Negro Congress, where Bunche served with some of the most prominent communists of the day, ties in the accepted rule of the Kremlin that only the most trusted lieutenants of World communism can be allowed to plot out such of its vital activities as an organization which is to serve as the wedge to turn twelve million negroes against its own government.

A Communist Publication (Science and Society and Dr. Bunche)

During the winter of 1935 there appeared a magazine called "Science and Society—A Marxian Quarterly". (Vol. I No. 1 Winter of 1935–38.)

This publication appeared stating that it intended to influence members of the academic world and those in the technical fields as well. The fact that this magazine announced on its front cover that it was a Marxian publication was an open admission to the world that it was dedicated to the Marxian principles of class struggle and revolution against existing society.

Ralph J. Bunche was listed in the first issue of Science and Society as a contributing editor and his name continued on the covers of that magazine until 1940.

Dr. Bunche had an interesting accompaniment of Marxist revolutionaries on the editorial listing of the magazine. They included such communist luminaries as follows—

J. D. Bernal, a publicly known British communist from Cambridge University.

Paul Langevin, a top level member of the French Communist Party who upon his death was publicly lauded for his "dedication to communism."

Joseph Needham, a British professor who has led in the Soviet charge accusing the United States of germ warfare in Korea.

W. P. Parry, he was managing editor of Science and Society when Bunche first appeared as contributing editor. Parry was director of the communist progressive labor school in Boston. Appearing before the Un-American Activities Committee he refused to answer whether he was or has been a communist.

Vladimir D. Kazakevich, when about to be arrested for deportation as a communist he fled this country and returned to his native Russia. In testimony before the McCarran committee, probing the communist connections of the Institute of Pacific Relations, Elizabeth Bentley said that Kazakevich handed over information to Jacob Golos, Soviet spy chief, with the knowledge that this was going to Soviet Russia.

There are a score of other names which include known members of the Communist Party or those who refused to answer questions as to such membership before investigating committees.

In the issue of Summer 1939 (Vol. 3, No. 3) the statement of ownership bears the name of A. A. Heller as Business Manager of Science and Society.

Alexander Trachtenberg, well known communist leader, testified in September 1939 before the House Committee on Un-American Activities that A. A. Heller was the President and listed owner of International Publishers, the publishing organization of the Communist Party. This firm was required by the Government to register as a foreign agency representing the Soviet Union in the publishing field in the United States.

Trachtenberg also admitted that right after the Bolshevik Revolution, Lenin gave Heller the oxygen concession in the Soviet Union and that Heller introduced the acetylene industry into Russia. Trachtenberg also stated that Heller was a member of the Communist Party of the U.S.A.

In the excellently documented Lusk Committee Reports of Red Activities in New York State in 1920 A. A. Heller is listed as an official of the Soviet Government in the United States.

A listing and analysis of the Communist articles and the Soviet propaganda in Science and Society would take up a prohibitive amount of space in this report. The fact that this is a communist magazine is obvious even on a superficial perusal of the publication.

After Science and Society was in existence for one year the top Marxist-Leninist theoretician in the top levels of the Communist Party made an evaluation of the work of that magazine in the pages of the chief publication of the Communist Party known as "The Communist!"

V. J. Jerome, the communist writer of this article wanted to make certain that the use of the word Marxist by this magazine would not be confused with other claimants to Marxism who did not adhere to the interpretations of those principles by the Kremlin. Jerome clarified the position of Science and

Society in this respect by pointing out that its function was to interpret Marxism in accordance with "The Party of Marxism, The Communist Party, inheritor of the proletarian party which Marx and Engels founded in their day". The following quote also makes plain the fact that this magazine is an instrument for communism in educational circles both for students and instructors—

"Indeed, these constant rude interruptions by the proletariat interfere with the efforts of these philosophers to accommodate Marxism, groomed and respectabilized, to bourgeois and petty-bourgeois theories, such as the instrumentalism of Dewey, latest crusader in the cause of Trotskyism, or to the equally fashionable psycho-analysis of Freud.

"Then, of course, there are the super-ultra Marxists of Socialism *now or never*, a cloak for counter-revolutionary Trotskyism. Their poison infects certain petty-bourgeois elements whose 'impatience' with the Soviet Union and the world proletariat is but a protective mask to cover their indisposition to toil for the revolution as the workers toil, by meeting practical problems in daily struggle.

"Naturally, such brands of 'Marxism,' ideologies of reaction, leave out of reckoning—except for slander—the Party of Marxism, the Communist Party, inheritor of the proletarian Party which Marx and Engels founded in their day, political leader of the proletarian class which is the historic carrier of the Marxian objective—socialism.

"These anti-Communist 'Marxists' seem to say of the Communists: Let them occupy themselves with the unemployed, with strikes and demonstrations, with united fronts and other such mundane things; we will take care of the Absolute Idea of Marxism.

"With such factors as these to contend with, the Marxist magazine *Science and Society*, was launched a little over a year ago. It entered the arena with an important and complex task to perform: to help Marxward moving students and intellectuals to come closer to Marxism-Leninism; to bring Communist thought into academic circles and to develop contributors from these circles; to stimulate the study of Marxism-Leninism by demonstrating the integration of Communist theory and practice with American social life; to apply the dialectic-materialist analysis to the natural and social sciences, and to cultural processes as a whole."—The Communist, December 1937, Vol. XVI, No. 12, Pages 1148–9, "Marxism-Leninism for Society and Science," by V. J. Jerome.

Jerome further stresses the fact that the purpose of Science and Society is to proceed on the premise that Marxism is *"revolutionary Marxism"*, and impartiality is unthinkable because they are out to "realize their full role in the movement to achieve the Marxist-Leninist objectives". These objectives, as the whole world knows, is to capture all of society for the Soviet Masters—

"The editors of such a magazine, however, have the important task of Marxist-Leninist study, in order to deepen their own understanding and provide leadership. Proceeding from the priniciple that Marxism is *revolutionary Marxism*, that it must continue to affirm its scientific theory and practice through unceasing struggle against open opponents and subtle perverters, their task is to help their readers overcome college-fostered misconceptions of Communism; depart from idealistic notions of history and from stultifying mechanical materialism; give up, in the face of objective truth, all remaining traces of the liberalistic 'both-sides-of-the-question' attitude; throw overboard the treacherous bourgeois instrumentalism; and realize their full role in the movement to achieve the Marxist-Leninist objectives."—(The Communist December 1937, Vol. XVI No. 12, Page 1149, "Marxism-Leninism for Society and Science," by V. J. Jerome.)

That this was no mere academic journal but a means towards bringing about a revolution is clearly pointed out in the next excerpt. The concluding phrase which declares that "Science and Society" can be a "revoluntionary weapon to fight a war and win it" demonstrates the motives and impelling character of the publication—

"This magazine of Marxian scholarship can refute the notion that theory may in any way be scientific apart from practice; it can fuse learning with the vital flow of action. It can present the proletarian revolution and the Soviet socialist system, not as an 'experiment' . . . 'purely Russian,' but as the inevitable outcome of the class struggle with international significance and application. It can demonstrate that Marxism for academic circles is in no way academic Marxism; that it is not a pacific, scholastic affair, but a scientific, revolutionary weapon to fight a war and win it."—(The Communist, December 1937, Vol. XVI, No. 12, page 1149, "Marxism-Leninism for Society and Science," by V. J. Jerome.)

In the next issue of the Communist (January 1937) Jerome devotes a second article reflecting directives in respect to Science and Society. Here he expresses in communist language the instruction that this magazine is required reading for all communists and their followers—

"We have stated earlier, and we wish to reaffirm at the conclusion, the considerable achievements of the magazine, its auspicious beginnings, and the hopeful prospects for its realization of the purposes the editors have set for it. On the basis of its efforts and of its realizations to date, Science and Society is deserving of the fullest support of the Communits Party and of all progressives."—(The Communist, January 1938, Vol. XVII, No. 1, page 90, "Marxism-Leninism for Society and Science," by V. J. Jerome.)

In the following quote, which concludes Jerome's article the frank admission that Science and Society is designed to perform the work in the United States "of the similarly-purposed Soviet periodical, Under the Banner of Marxism;" which followed the dictates of no other than Lenin—

"But the very emergence of Science and Society implies a conscious purpose to transform science into an instrument for refashioning society. So it is fitting to remember Lenin's counsel to the editors of the similarly-purposed Soviet periodical. *Under the Banner of Marxism;* that 'a magazine that desires to be an organ of militant materialism must be a militant organ'."—(The Communist, January 1938, Vol. XVII, No. 1, page 90, "Marxism-Leninism for Society and Science," by V. J. Jerome.)

In considering Bunche's serving as contributing editor of Science and Society it must be remembered that he appeared in that capacity in the very first issue. The same rule applies to communist publications that it does to communistic organizations i.e. only the most trusted and reliable partisans are to be placed in positions of responsibility, especially at the beginning. Today there is no doubt that Science and Society was and is a Soviet inspired publication. Naturally during its origin only the most trusted hard-core adherents of communism were assigned to its editorship.

In the issue of Summer 1936, Bunche wrote a review of a printed work on minority problems and criticized it for not stressing the class nature of the status and problems of minority groups. Here again Bunche repeats the standard communist line that all minority groups should be fit into the class-struggle pattern.

During the hearings on the loyalty of Dr. Bunche, during May, 1954, before the International Organization Loyalty Board, it has been reported that Bunche read a letter that he had sent to the Editors of Science and Society explaining that other duties prevented him from further serving and wishing them success in their future endeavors.

In concluding the section on Science and Society and the activities of Bunche in that publication, herewith is the evaluation of it by official investigative bodies—

Science and Society:

1. Cited as a Communist publication. (Special Committee on Un-American Activities, Report, March 29, 1944, p. 98.)

2. Among publications which the committee found "to be Communist initiated and controlled, or so strongly influenced as to be in the Stalin solar system." (California Committee on Un-American Activities, Report 1948, p. 225).

3. Cited as a Marxian quarterly distributed by the Communists' Progressive Book Shop in Boston, Mass. William T. Parry, director of the Communist Progressive Labor School in Boston, is the managing editor. (Massachusetts House Committee on Un-American Activities, Report, 1938. p. 281 and 284).

(Guide to Subversive Organizations and Publications—May 14, 1951. Issued by the House Committee on Un-American Activities page 149.)

Dr. Bunche's Activities Since 1940

During 1939–1940 many Jewish and Negro persons defected from the Communist Party because of the Hitler-Stalin pact. Negroes in the Communist Party found it hard to swallow the Nazis as new found friends, especially in view of Molotov's remark that "fascism was a matter of taste." Hitler's categorizing the Negro race in a slanderous manner—relegating them into a sub-human classification—made the new line of friendship with the Nazis hard for communist Negroes to reconcile with the previous communist position. As a result many Negroes left the Communist Party. Most of them gravitated back after Russia was invaded and the entire Stalin-Nazi Alliance was explained away as just another clever Soviet maneuver to gain time to prepare for the onslaught.

Bunche was one of those who defected. In the Gunnar-Myrdal Carnegie studies in 1940, Bunche criticized the Communist Party and particularly laid stress on those communist policies which came about as a result of the pact with Hitler.

However within 90 days after Hitler invaded Soviet Russia, Bunche was appointed to the Colonial Division of the Office of Strategic Services. He states in an autobiographical article that he received this appointment as the result of a recommendation by Professor Charles McIlwain, who was professor Emeritus of Harvard and one of Bunche's former instructors. Professor McIlwain has a communist front record. (Reference: Appendix IX House Un-American Activities Committee Report, March 1944, page 380.) If Bunche had continued his separation from the communist movement it is hard to see why a person with communist front connections would interest himself to suggest Bunche for the position. Secondly there is the fact that the O.S.S. was a highly infiltrated government agency by the communists and their followers. A great deal of public and secret testimony has proven this to be an incontrovertible fact as illustrated by the following Senate Report—

"Network in National Defense—In its decision of April 20, 1953, the Subversive Activi-

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ties Control Board found that the Communist Party, USA, had as its objective "the overthrow of the United States Government' and the effectuation of policies 'for the purposes of defending and protecting the Soviet Union.' Toward this end, the penetration of key agencies engaged in national defense was paramount. With the limited resources and data available to the subcommittee, we have been able to indicate only the pattern of such infiltration by those who have invoked their privilege against incrimination when asked about the subcommittee's evidence of their Communist Party membership.

"The subcommittee was in no position to make any overall investigation of the agencies mentioned. The following data, therefore, was purely incidental and does not depict the full situation.

"The Office of Strategic Services, the United States intelligence agency operating abroad during World War II, and discussed previously, included within its ranks the following such individuals: Leo M. Drosdoff, Irving Fajans, Maurice Halperin (Chief of the Latin American Division), Jack Sargeant Harris (in charge of military intelligence of South Africa), Julius J. Joseph, Paul V. Martineau, Carl Aldo Marzani (Deputy Chief of the Presentation Branch), Leonard E. Mins, Helen B. Tenney, Milton Wolff, and George S. Wuchinich."—(Interlocking Subversion in Government Departments, Senate Sub-Committee on Internal Security, July 30, 1953, pages 35–36.)

The Jack Sargeant Harris mentioned in the above Senate report as being in charge of military intelligence of the South African Section of OSS (Bunche was the Chief of the African Section) later figured in a probe of his activity on behalf of the Soviets and the fact that Bunche had recommended him for the job.

In spite of the high degree of communist influence in the O.S.S. Bunche was promoted and in 1942 he was elevated to chief of the O.S.S. African Section. (It must be remembered that a few years previously Bunche had toured Africa and had written articles on the basis of his travels against "Imperialist Capitalism, Class Struggle," etc.)

In 1943 Bunche was transferred to the State Department during the hayday of the Alger Hiss influence. Again it is inconceivable that one remaining anti-communist, having been in the communist camp previously, could have received such a job when the communist agents were riding hard on even those who had been entrenched in the State Department for years.

Bunche stayed in the State Department for three years working on his old specialty "Colonial questions". Bunche was an advisor at the Dunbarton Oaks conference and at the first U.N. session at San Francisco and was an advisor at both the Council of Foreign Ministers and the U.N. General Assembly. These movements as to locale followed closely that of Alger Hiss.

Early in 1946 Bunche went to work at the United Nations, first on loan from the State Department and later permanently as director of the UN Trusteeship Division.

It is a fact that those who had been through the communist movement and have remained opponents of their former "comrades" are generally castigated and vilified by the red apparatus without let up. It is also a fact that such defectors can easily recognize or spot another communist. There is no truce between former partisans of the communist cause and the official communist machine. It is a matter of official record that Bunche sponsored a communist to a key post in the UN. In fact this communist had received an award of $40,000 in lieu of reinstatement from the UN after he had refused to answer as to whether or not he had been and was a communist. The pertinent testimony on this question before the Jenner Committee of the United States Senate is as follows—

"Mr. MORRIS. Now later, on December 11, 1945 did you state to the State Department official that you had applied for this position at the suggestion of Mr. Ralph Bunche?

"Mr. HARRIS. My answer remains the same, Mr. Morris, I decline to reply.

"Mr. MORRIS. And did you state to the State Department official that Ralph Bunche and Mr. John Ross, of the Special Political Affairs Committee, had told you that you were the best man for the job?

"Mr. HARRIS. I must decline to answer that on the grounds stated, Mr. Morris. (Activities of United States Citizens Employed by the United Nations, page 654, October 2, 1953.)

"Mr. MORRIS. On December 11, 1945, did you again write defending your record and complaining that you had not been told of the charges against you, and stating again that you had been invited to apply by Dr. Ralph Bunche in the first place?

"Mr. HARRIS. The same reply."

(Activities of United States Citizens employed by the United Nations, page 655, October 2, 1953.)

"Mr. MORRIS. Do you know, Mr. Harris, that after your clearance with personnel for this P–6 appointment that the Security Office in the State Department disapproved of your appointment?

"Mr. HARRIS. I also decline to answer that question on the same grounds.

"Mr. MORRIS. Do you know there was a memorandum prepared by the security official pointing out that there was strong evidence that you had been a Communist at least up to 1938?

"Mr. HARRIS. I must decline to answer that question also, Mr. Morris.

"Mr. MORRIS. Do you know that Mr. John Ross was notified on November 1, 1945, about the decision of the security people in the State Department who again urged your appointment on the ground that Dr. Ralph Bunche knew you well and had cabled to that effect from London?

"Mr. HARRIS. The same reply. I decline to answer on the same grounds.

"Mr. MORRIS. What ground?

"Mr. HARRIS. On all the grounds mentioned.

"Mr. MORRIS. And among others, the fifth amendment?"

(Activities of United States citizens employed by the United Nations, page 655, October 2, 1953.)

"Mr. MORRIS. Mr. Chairman, I have a copy here of the administrative tribunal's decision, and it does read that the tribunal did award $40,000 in lieu of reinstatement to Mr. Harris.

"One of the factors they mentioned here, Mr. Chairman, is item (c), the fact that he joined the United Nations at the special request of Mr. Ralph Bunche, Director of the Trusteeship Division, thereby terminating his previous career.

"Now, Mr. Harris, did you, as a matter of fact, join the United Nations at the special request of Mr. Ralph Bunche?

"Mr. HARRIS. The answer, Mr. Morris, as I stated previously in the executive session is "Yes".

"Mr. MORRIS. Will you give us the circumstances of your joining the United Nations at the special request of Mr. Ralph Bunche?

"Mr. BOUDIN. May the witness be permitted to state several objections to this question, and then may it be deemed that the objections now stated will be applied to any other questions he wishes to decline to answer, without repeating them?

"Mr. MORRIS. Yes.

"Mr. HARRIS. Sir, I decline to answer the question on the ground that: . . ."

(Activities of United States citizens employed by the United Nations October 2, 29, and December 22, 1953. Page 647.)

Institute of Pacific Relations and Bunche

One of the main channels of Soviet espionage and communist betrayal of China into the hands of the Reds has been the Institute of Pacific Relations. The American Council of the I.P.R. is studded with the names of Soviet agents red partisans and sympathizers who managed to secure a grip on various government departments which included our State Department, the White House, the Treasury Department, the Office of Strategic Services, and who have been variously charged with stealing Government documents, spying for Soviet Russia, and for perverting American Foreign and domestic policy to fit the Soviet aims to prepare the ground to seize control of the whole world.

Ralph Bunche was a high official of the Institute of Pacific Relations. More than this, he rubbed elbows and entered into close and private conference in respect to matters involving our National Policy with subsequently know Soviet agents and convicted communist operatives.

In respect to the I.P.R. and its communist manipulations, Alfred Kohlberg, a member of that organization for almost 20 years, presented evidence before the Jenner subcommittee of the Committee on the Judiciary, the United States Senate, and swore to the following facts—

"Since 1944 I have learned much more about the IPR; its apparently completely Communist or pro-Communist staff; that all articles on Far Eastern politics are written by Communists or pro-communists (some articles on economic, scientific, geographic questions are not); and that it has ties through interlocking directorates or staff with various Communist or pro-Communist organizations.

"Through its influence in the staffing of the State Department, Army and Navy Intelligence, and Far Eastern Divisions of UNRRA, of OWI, and even General MacArthur's staff, our Institute has put considerable numbers of Communists and pro-Communists where they could and have done the most possible harm and spread the most confusion.

"It would be my intention to present first to this Investigating Committee witnesses, and by witnesses I mean more than one, who would testify that the Institute of Pacific Relations is considered by the National Committee of the Communist Party to be one of its organizations and that certain of the Executive Committee of the American Institute are members of the Communist Party.

"Since that time numerous qualified witnesses have testified under oath before the McCarran Committee that:

"1. Your organization constantly and deliberately followed the Communist line in its publications.

"2. Some espionage activities were carried on.

"3. More than forty of your staff, Trustees and writers were actual Communists, or espionage agents, or both, and others learned that way.

"4. That activities in infiltrating our government by such people were carried on both officially and unofficially in your name."

(Hearings before the Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws of the Committee on the Judiciary, United States Senate, Eighty-Second Congress, Second Session, on The Institute of Pacific Relations, Part 14, May 2 and June 20, 1952. Page 4940–4942–4944.)

Mr. Kohlberg also brought out the fact that the I.P.R. was involved in the gigantic

espionage scandal of pilfered State Department documents which were seized by government agents in the offices of the "Amerasia" magazine and foor which the editor of that magazine Philip Jaffe (well known Soviet agent) was convicted. Mr. Kohlberg swore that—

"Four of the six persons arrested in the Amerasia case were connected with the IPR."

A former official of the Soviet Government in testifying before the McCarran Senate Committee stated that—

"In 1933 Soviet Military Intelligence officers used the 'Institute' (meaning the IPR-Ed.) as 'cover' for obtaining secret military intelligence".

The extent of Bunche's importance to the pro-Soviet group in the IPR is demonstrated in the following communication from the head of the American group, E. C. Carter, to W. W. Lockwood as to possible delegates to the International IPR conference in Mont Tremblant, Canada.

"In response to your request I have hastily jotted down a number of suggestions for the American group at the conference. It's a long list, of course, but I believe we should add to it considerably and then get competent advice—say that of Currie, Barnes, and Jessup—on elimination. This list runs too much in the regular groove as regards non-government people. So far as Washington is concerned, we need more intimate knowledge as to who really are in the key positions."—(Hearings before the Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws of the Committee on the Judiciary, United States Senate, Eighty-Second Congress, Part 14, May 2 and June 20, 1952. Page 4973.)

In the long list which followed the communication there were included the following—

Ralph Bunche.
Joseph Davies (Mission to Moscow).
Alger Hiss (Soviet Spy).
Laughlin Currie (Named by Elizabeth Bentley as connected with Soviet spy ring).
Frederick Vandervilt Field (convicted communist agent).
Philip Jessup (accused of following communist line).
Harry Dexter White (Spy exposed by the Attorney General of U.S. and Edgar Hoover of FBI).
Henry A. Wallace (Former head of Communist led Progressive Party).
Joseph Barnes (Identified as a member of the Communist Party).
Benjamin Kizer (Identified as a member of the Communist Party).

The final list of delegates as sifted through by Laughlin Currie (accused as spy for Soviets), Joseph Barnes (identified as communist) and listed above along with Bunche were—

Frank Coe (Cited as Soviet spy).
Len DeCaux (identified as an important communist).
Harriet L. Moore (E. Bentley testified that spy chief Golos told her Miss Moore was one of their people).

There were a number of other delegates like Mrs. Ogden Reid, who were picked either as window dressing or were so surrounded by the communist agents that they could not effectively make their opinions prevail. It was a completely staged communist show.

At the end of the IPR Canadian conference E. C. Carter, the head of the American IPR, wrote to Jessup as follows—

Dr. PHILIP C. JESSUP,
Columbia University,
New York, N.Y.

DEAR PHIL: Here are the rapporteurs' reports for the last group of Round Tables. I think you will be particularly interested in the reports of Harriet Moore, Fred Field, and Ralph Bunche.

Sincerely yours,

EDWARD C. CARTER.

(Institute of Pacific Relations, Hearings before the Subcommittee of the Committee on the Judiciary, United States Senate, Eighty-Second Congress, Second Session, on the Institute of Pacific Relations, Part 14—May 2 and June 20, 1952. Page 5210.)

The official government records of the above mentioned persons are as follows—

Moore, Harriet L. (Gelfan), research associate; acting executive secretary (exhibit 801); chairman; nominating committee (p. 3858, 3859):

Identified as a member of the Communist Party by one or more duly sworn witnesses.

Refused to answer on the ground of self-incrimination.

Made one or more trips to Communist territory.

Writer for official publications of the Communist Party or the Communist International or for a Communist government or for pro-Communist press services.—(Internal Security Subcommittee Report of U.S. Congress, June 1952, p. 156.)

(Field, Frederick V., Secretary, American Council (p. 995); executive (Exhibit 801); trustee p. 264.)

Identified as a member of the Communist Party by one or more duly sworn witnesses.

Collaborated with agents of the Soviet intelligence apparatus as shown by sworn testimony.

Refused to answer on the ground of self-incrimination.

Made one or more trips to Communist territory.

Writer for official publications of the Communist Party or the Communist International or for a Communist government or for pro-Communist press services.

Subject of action by agency of American Government or a foreign non-Communist government on grounds involving loyalty or national security.—(Internal Security Sub-Committee Report of U.S. Congress, June 1952, p. 153–154.)

Carter, Edward C., Secretary American Council; secretary-general IPR; trustee; executive vice chairman (exhibit 801):

Made one or more trips to Communist territory

Affiliated with: Amerasia (exhibit 1355); American Russian Institute (p. 296); Russian War Relief (p. 295).

(Internal Security Subcommittee, U.S. Congress, June 20, 1952, p. 152.)

The linking up by the head of the I.P.R. of a report by Bunche along with Harriet Moore and F. V. Field (exposed as Soviet agents) is significant in itself. It is obvious that the three reports mentioned above are recommended as a distillation of this communist dominated conference.

In a 1943 communication of the IPR, Bunche is listed as a member of a private discussion group which included the usual pro-Soviet stalwarts such as Frank Coe, Len DeCaux and David Weintraub (there were 43 derogatory FBI reports on Weintraub as to red activity and he resigned under fire from the U.N.)

At the 1945 International conference of the IPR, Bunche was accompanied as delegate by the usual names of Frank Coe, Len DeCaux, Frederick Vanderbilt Field and Philip Jessup and by the additional names of John Carter Vincent (who was accused of aiding in the sell out of China to the Reds) and Owen Lattimore who is now under indictment.

At the end of 1944 it became obvious to the Kremlin leaders that Japan was on the verge of surrender. Therefore orders were issued to communist agents all over the world to concentrate on preparing the groundwork for the seizure of China by the reds. The preliminary phase was to create the condition whereby the Chiang Kai-shek Government was to be criticized for the internal situation in China. Almost continuous war in Chinese territory since 1937 had naturally created havoc with the internal life of the country. Therefore by harping on demands for reforms and conditions which were impossible of realization, the reds managed to create and channel dissatisfaction against the Chinese government.

In the United States the Communist agents were to influence official government bodies, especially the State Department, to force the Chinese Government to adopt reform measures and make concessions to the reds which would pave the way for seizure of China by Soviet forces.

The IPR was the major instrument used by the Kremlin to do this job. The following official conclusions by a Senate committee were published on this matter as follows—

"It was the continued practice of IPR to seek to place in Government posts both persons associated with IPR and other persons selected by the effective leadership of IPR."

. . . . . .

"The effective leadership of the IPR used IPR prestige to promote the interests of the Soviet Union in the United States."

. . . . . .

"The IPR was a vehicle used by the Communists to orientate American far eastern policies toward Communist objectives."

(Resolution relating to the Internal Security of the United States by the Internal Security Subcommittee of the Committee on the Judiciary of the United States Senate, June 20, 1952, pp. 223–4.)

On October 28, 1944 there was held a preliminary conference of the American Delegates of the IPR in preparing to drag the internal situation of China into a forthcoming international IPR conference where Chinese delegates from the Chinese Government would be present. This small meeting was made up of persons who were predominantly Soviet agents and communist partisans as listed previously in this report. There was only one person present who fought the communist line at this conference in respect to the Chinese question. This was Admiral Yarnell. The testimony and documents on this meeting before the Senate Subcommittee on Internal Security was as follows—

"Mr. MORRIS. Who else gave their opinions at this conference?

"Mr. MANDEL. We have here a digest of the opinion of Mr. Dennett, Admiral Yarnell, Mr. Chase, and Mr. Field.

"Mr. DENNETT. I don't recall. He wasn't in the delegation, I don't think. I don't know who Mr. Chase was.

"Mr. MORRIS. Who was Mr. Field?

"Mr. DENNETT. Frederick Vanderbilt Field.

"Mr. MANDELL. Mr. Coe.

"Mr. MORRIS. Who was Mr. Coe?

"Mr. MANDEL. Mr. Coe.

"Mr. MANDEL. Miss Farley.

"Mr. MORRIS. Who is Miss Farley?

"Mr. DENNETT. Miriam Farley.

"Mr. MANDEL. Mr. Johnstone.

"Mr. MORRIS. Who is Mr. Johnstone?

"Mr. DENNETT. William C. Johnstone.

"Mr. MANDEL. Mr. Bunche.

"Mr. DENNETT. That is Ralph Bunche.

"Mr. MANDEL. Mr. DeCaux.

"Mr. MORRIS. Is that Len DeCaux?

"Mr. DENNETT. Yes.

"Mr. MORRIS. As far as you can recall, what was the purpose of that advance session?

"Mr. DENNETT. I think it is well described by the statement of the chairman; that is, to

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see what the attitudes of the members of the delegation were, many of them strangers to each other, and to discuss particularly at this session the degree to which it would be possible to examine as part of the discussions the internal developments in China.

"Mr. MORRIS. Have you read this through completely?

"Mr. DENNETT. I have read this through. There are a lot of others I have not read, however.

"Mr. MORRIS. With the exception of Admiral Yarnell, would you not agree there was uniformity of opinion there?

"Mr. DENNETT. I think that is a fair statement; yes.

"Mr. MORRIS. What was the underlying expression of this majority of people there with the exception of Admiral Yarnell, with respect to the Chinese question?

"Mr. DENNETT. The underlying agreement was that we certainly should discuss the internal situation in China as it bore very definitely upon postwar situations in China.

Admiral Yarnell's position is, I think, best summarized in one statement, and I am quoting:

"But if criticism leads to the overthrow of the Chungking Government, what will take its place? No other party is strong enough at present to assume control."

"Mr. MORRIS. Nobody agreed with him?

"Mr. DENNETT. They seemed not to."—Page 990.

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The above testimony was based upon an official IPR minutes of this meeting which was as follows—

"The main point under discussion during this period of the morning's meeting was what the American attitude should be in regard to the discussion of the internal problems of China, at the Hot Springs conference. Mr. Jessup felt that if the American delegation could decide what slant to take in bringing forth a discussion of China's domestic difficulties, it would facilitate a free discussion of this problem at the conference. He pointed out that the Chinese delegates have not wished and will not wish to discuss the internal situation in China. The domestic Chinese situation is covered in an indirect way in the agenda of the conference, as a diplomatic concession. He then asked Mr. Lattimore what factors in the Chinese internal situation were likely to come under discussion at the conference."—Page 991.

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"Mr. Lattimore: He thought that the method of including India as well as China in the topic on the agenda might cushion the Chinese discussion. He said that the Chinese delegation at Hot Springs may occupy the position formerly held by the Japanese delegation at IPR conferences. The Chinese will present the party line, well cloaked in fog, and individual members of the Chinese party will hew to the party line although they may differ from it as individuals. They won't care to speak of their differences of opinion. Owing to the scarcity of information about Chinese internal affairs, the discussion at Hot Springs is likely to boil down to a discussion of the Kuomintang and the Communists, although the actual situation is far more complex; there are many smaller groups who are playing active parts in the political picture whose roles will be ignored. Developments in China today will have important political consequences. One example: the developments in southeast China, with the United States getting closer and closer to the Chinese coast. China's military leaders may decide to break through the Japanese lines to commandeer United States equipment when we land. The political affiliation of the Chinese commander who might make this move would influence the whole political set-up. The chinese delegation will present no real data on China's internal situation, even though this situation is of military as well as political importance in the whole international picture."—Page 991.

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"Admiral Yarnell: But if criticism leads to the overthrow of the Chungking government, what will take its place? No other party is strong enough at present to assume control."—Page 992.

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Mr. Bunche: How can we divorce national policies from domestic conditions? We cannot avoid discussing internal conditions in China in relation to her future foreign policy, and all other countries as well."—Page 993.

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"Mr. Bunche thought that under section C–I of the agenda, Dumbarton Oaks should play an important part. And also he brought out the fact that a United Nations conference might take place before the Hot Springs meeting, and that too should be included in the agenda."—Page 993.

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Dr. Bunche, as the above remarks indicate, proposed the line which the Kremlin wanted, to prepare the ground work for the seizure of China by red forces. Thus the IPR was used to swing U.S. foreign policy behind Soviet objectives. The preliminary move was to trick the Chiang Kai-shek government, through our State Department pressure, to allow the reds more lee-way in the internal affairs of China. In a weakened war-torn country this was all the foothold the Moscow trained reds needed.

It is interesting to note that in his last statement Bunche asked that the IPR forces be injected in helping shape the future of the United Nations.

It is hard to believe that one who has been trained and experienced in advanced communist propaganda and theory (as indicated in Dr. Bunche's earlier writings and associations) could do these things in the company of Soviet Agents and oppose Admiral Yarnell's pro-American position, without realizing the serious traitorous consequences of the preparations for betrayal of China to Moscow.

After sifting through thousands of seized IPR documents and hearing the testimony of numerous witnesses on the activities of this organization, a Senate sub-Committee arrived at the following conclusions as to the nature of its pro-Soviet character—

"The IPR has been considered by the American Communist Party and by Soviet Officials as an instrument of Communist policy, propaganda and military intelligence."

• • • • • •

"The IPR disseminated and sought to popularize false information including information originating from Soviet and Communist sources."

• • • • • •

"Members of the small core of officials and staff members who controlled IPR were either Communist or pro-Communist."

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"Effective leadership of the IPR had by the end of 1934, established and implemented an official connection with G. N. Voitinski, Chief of the Far Eastern Division of the Communist International."

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"A group of persons associated with the IPR attempted, between 1941 and 1945, to change United States policy so as to accommodate Communist ends and to set the stage for a major United States policy change, favorable to Soviet interests, in 1945."

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"During the period 1945–49, persons associated with the Institute of Pacific Relations were instrumental in keeping United States policy on a course favorable to Communist objectives in China."

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"The net effect of IPR activities on United States public opinion has been such as to serve international Communist interests and to affect adversely the interests of the United States."

(Report of the Committee on the Judiciary, Eighty-Second Congress, Second Session, pursuant to S. Res. 366 (82nd Congress) a resolution relating to the internal security of the United States. Hearings held July 25, 1951–June 20, 1952 by the Internal Security Subcommittee, pages 233–4–5.)

Stockholm Peace Appeal

The main Soviet line during the last few years has been to set up a barrage of activity to disarm the non-communist world by a so-called "peace" drive. The main instrument in this endeavor has been the self-styled "Stockholm Peace" drive with which the Kremlin intends to build up pressure to disarm their opponents throughout the rest of the world, while the red drive towards subversion and conquest is to go right on without a letup.

In a Soviet organized movement, called the "Committee of the World Congress of the Defenders of Peace", (which in turn was promoted by an organization called the "World Peace Council", which is located behind the Iron Curtain in Warsaw, Poland) there is published a well known Soviet publication called World Review in Defense of Peace. The acknowledged head of this enterprise is M. Frederick Joliot-Curie, a member of the Central Committee of the Communist Party of France.

In this magazine, Dr. Bunche is referred to in the most complimentary terms and his speeches are quoted as reflecting the line which fits into the propaganda issued by the Soviet organized "Stockholm Peace" Appeal. The following quote of the complete text amply illustrates this:

"Dr. Bunche's Warning"

"The Stockholm appeal continued to progress. The banning of the atom bomb and control of that ban appear more and more as an imperative necessity. Dr. Ralph Bunche, head of the United Nations Trusteeship Division and winner of the 1950 Nobel Prize for Peace, warned listeners at Western University where he received an honorary degree last month that:

"'If the United Nations cannot keep peace, there will be war—catastrophic, final, atomic war. A war, perhaps the final war, in which there may be survivors but none who dare boast of themselves as victors.'

"Dr. Bunche repeated his warning to a meeting of the Canadian United Nations Association in Toronto:

"'The road ahead is not inviting . . . it will not be easily traversed. But, it will be more easily undertaken if the peoples of the West and the East come to believe that in the atomic weapons they have a common enemy.'

"Dr. Bunche warned against the idea of reorganizing the United Nations with Russia excluded. He said:

"'This idea misses the fundamental concept of the U.N. We do not propose to choose up sides for an ultimate fight but to have all nations in . . . particularly those who have differences among themselves.'

"He criticized the slogan 'cold war' and said emphasis should be on winning peace, and expressed his opinion that a peaceful means of settling major disputes is possible."

(World Review of Peace Magazine—official organ of the Bureau of the Committee for the World Congress of the Defenders of Peace. President M. Frederic Joliot-Curie, November 15, 1950. Published twice monthly in Chinese, English, French, German, Hungarian, Rumanian, Russian and Spanish. Page 65.)

An official Congressional evaluation of this communist peace organization lists it as—

World Peace Council (See also Second World Peace Congress).

1. Cited as having been formed at the conclusion of the Second World Peace Congress in Warsaw and which was heralded by the Moscow radio as "the expression of the determination of the peoples to take into their own hands the struggle for peace."—(Congressional Committee on Un-American Activities, House Report No. 378 on the Communist "peace" Offensive, April 25, 1951, original date April 1, 1951, p. 38.)

The Daily Worker

Finally, the Official Communist newspaper, The Daily Worker, gave full support to Dr. Bunche, during the obviously inadequate "quickie" hearing held before the Government Loyalty Board during May of 1954.

In an editorial on the Bunche case, this communist newspaper was almost hysterical in support of him. (It is a long established fact, supported by expert testimony, that the top polit-buro of the Communist Party must pass on the text of all editorials of The Daily Worker)—

"Dr. Bunche's Case

"The UN was getting ready to appoint Dr. Ralph J. Bunche to a new high post when certain racist 'anti-Communist' forces moved fast to stop this.

"This is the obvious explanation of the fact that two sordid characters making a profession of 'fingering Communists' were quickly dragged out of the cellar to knife Bunche.

"And so Dr. Bunche again had to solemly prove his 'loyalty'—meaning that he had to prove he is innocent of the 'crime' of Marxism and is a reliable supporter of the 'anti-Communist' policy.

"The plans of the 'anti-Communists' who could not stomach the idea of a Negro in top UN posts couldn't be carried through. The same enormous anti-racist pressure which in the U.S.A. and throughout the world, compelled the Supreme Court to declare segregated schools and housing un-Constitutional also blocked this scheme.

"But what was revealed again was the un-American machinery of the 'anti-Communist' frameup mill. Bunche, thanks to the new anti-racist upsurge, escaped but the same McCarthyite machine hounds and jails hundreds of innocent Americans. Two stool pigeons not only lied about Dr. Bunche—this type of FBI 'anti-Communist' stoolie has been lying to courts and juries for more than five years; their lies have served as the basis for the 'red menace', Smith Act jailings and McCarthy's '20 years of treason' forgeries.

"It is good that the attempted political knifing of Dr. Bunche was balked; but America's safety requires that the Big Lie about Communism which the political assassins tried to use against him be discarded for the forgery it is."—(Daily Worker, editorial, Monday, May 31, 1954. P. 5.)

There is one certain criterion by which one can determine the position of any official by reading the Daily Worker. It is axiomatic that never, under any circumstances, is that newspaper known to praise or support sincere and effective anti-communists, especially editorially. In fact, communist publications have been known even to publish slight slaps on the wrists of actual Soviet agents in order to divert suspicion. Alger Hiss is one example. When praise and support is detected in communist papers of a high UN official as Ralph Bunche, it should appear conclusive that the communists consider him important enough to their cause to defend him.

EXCERPT FROM "BIOGRAPHICAL DICTIONARY OF THE LEFT," VOLUME 1, PAGE 261

(by Francis X. Gannon)

In 1954, at the time when Bunche was made Under Secretary for the United Nations, a United States Civil Service special loyalty board for international organizations passed judgment on Bunche's qualifications. In the back-ground, aside from Bunche's long-time proclivity for leftwing organizations, were his close connections with Alger Hiss. Bunche had rushed to Hiss' defense almost as soon as Hiss had been identified as a Communist by Whittaker Chambers. And when Bunche had first applied for a position in the UN, he had listed Hiss as a reference. Bunche had been Hiss' assistant secretary at the Dumbarton Oaks Conference of 1944, when the framework of the United Nations was established. And in 1945, Bunche went to San Francisco with Hiss, who was secretary general of the UN's organizing conference.

At the loyalty board hearing, two former high-ranking Communists, Manning Johnson and Leonard Patterson—both Negroes, swore under oath that they had known Bunche within the Communist Party. In an editorial on May 31, 1954, the Communists' Daily Worker, while rushing to the defense of Bunche, excoriated Johnson and Patterson as "two stool pigeons."

TRIBUTE TO JAMES G. FULTON

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. MOSHER. Mr. Speaker, our Science and Astronautics Committee acted unanimously to instruct the staff to prepare a memorial resolution honoring James G. Fulton, whose loss is keenly felt by all of us on the committee. He was from the committee's very beginning one of its most active, loyal and stimulating members. Especially, he was a leading spirit and vigorous proponent for our Nation's exploration of space. His positive contributions to the success of our space efforts to date, and for years to come, are indelible.

Unfortunately, Mr. Speaker, the committee will not meet again until next year, so final approval of the proposed resolution cannot be voted officially until then. But I suggest it is important that our statement of respect and sorrow should be part of the RECORD of this first session of the 92d Congress, the final session in which our colleague, Jim Fulton, lived and worked among us.

Therefore, I now read into the RECORD the proposed resolution as prepared by Richard Hines, an esteemed member of our committee staff with whom Congressman Fulton worked closely for many years. It is as follows:

Whereas, James G. Fulton devoted almost all of his adult career to the service and to the welfare of his fellow citizens in Pennsylvania and throughout the country; and

Whereas, he made major contributions to the achievements of the House over the past twenty-nine years and over the past fourteen years to the progress and brilliant success of our national space program and to its wholehearted support in the U.S. House of Representatives; and

Whereas, his moral, ethical and professional integrity was the basis of his unflagging efforts, often applied at great personal sacrifice, to expand the scientific and technical strength of our country; and

Whereas, he continued to discharge his duties as a Representative of Pennsylvania in the U.S. House of Representatives throughout the period of his illness; Therefore be it

Resolved that the Committee on Science and Astronautics of the U.S. House of Representatives extend to his bereaved family its profound sympathy, that this resolution to spread upon the minutes of the Committee, and that a copy be engrossed and forwarded to Representative Fulton's family.

Mr. Speaker, I also believe it is appropriate that I read into the RECORD at this point several significant communications which were received by the Fulton family immediately following Congressman Fulton's untimely death.

James C. Fletcher, Administrator of the National Aeronautics and Space Administration, on October 7, 1971, wrote to Mr. Robert D. Fulton, the following:

All of us at NASA were deeply saddened by the news of your brother's death. We have lost a good friend and an imaginative leader.

The Congressional support NASA has enjoyed throughout its history is due in large part to Congressman Jim Fulton's tireless efforts. He will be missed by all of his friends in the space program.

Charles F. Ducander, staff director of the Committee on Science and Astronautics, sent this telegram on October 9:

Congressman George Miller, Chairman, Committee Science and Astronautics, telephoned from Italy where he is attending scientific conferences expressing sorrow at your loss. He asked me to convey his condolences and explain his inability to attend funeral. Chairman Miller and your brother were fast friends, came to Congress together and worked in tandem on the Committee for many years. His loss will be sorely felt by Committee, the Congress and nation.

Robert C. Seamans, Jr., Secretary of the Air Force, in a letter dated October 8, to Mr. R. D. Fulton, said:

It is with a great deal of personal regret that we learned of the untimely passing of your brother. As you may know, Jim and I saw a great deal of each other when I was an administrator of NASA. Since then we have kept in touch, and I chatted with him only last week at the signing of the U.S.-Soviet nuclear agreements at the State Department. His death is a great loss, not only to those of us who knew him well but also to our nation.

Your family has our deepest sympathy. If there is anything we can possibly do, please let us know.

Michael Collins, Director of the Smithsonian Institution's Air and Space Museum, sent this telegram from Washington on October 8:

The United States has lost a great leader and the National Air and Space Museum a good friend. Our thoughts are with you.

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Kurt H. Debus, Director of NASA's Kennedy Space Center in Florida, sent this telegram on October 7:

News of the passing of Congressman James Fulton, our friend of many years, came as a shock to the personnel of this center.

We are saddened by his loss and extend heartfelt condolences to you and members of his family. We knew his valuable contribution to the national space program from its very beginning. He brought to this challenging undertaking his informed judgment, leadership and stalwart support. He understood total the complex interrelationships of government, science, technology and industrial which are involved in the exploration of space and applied that knowledge with consummate skill in the best interests of the nation. His unselfish devotion to the common good will be a lasting inspiration to all of us.

H. E. Hoelscher, dean of the School of Engineering, University of Pittsburgh, expressing to Mr. Robert Fulton his own personal distress and sadness on learning of the death of his great friend, Jim Fulton, "a great friend of this school and to this university—a stimulating and excellent guide to our efforts here as a member of our board of visitors," also transmitted the following memorial minute:

The deans and department chairmen of the School of Engineering, University of Pittsburgh, are saddened at the death of our friend and adviser the Honorable James G. Fulton. We are grateful for his counsel and guidance as a member of our Board of Visitors in a period of intensive development and for his efforts in the Congress of the United States in support of engineering and scientific education and research. The University and especially the School of Engineering will miss him, as will all those who knew him.

Mr. Speaker, by vote of the House Republican conference, it is my privilege and responsibility to succeed Congressman Fulton as the ranking minority member of the Committee on Science and Astronautics.

I submit it is utterly impossible for me to even attempt to duplicate his personal role on our committee.

Jim Fulton was absolutely unique. For years I had the fascinating experience of working at his side in the committee sessions. No one else I have worked with, or ever will, can be quite like him.

Not in any derogatory sense at all, it should be entered in the RECORD that Jim Fulton could be very abrasive. That was part of his genius as an exceptionally stimulating, provocative person, a "mover and shaker." He occasionally could infuriate others, but they almost always wound up amazed and respectful of his intellectual acumen, his imaginative foresight concerning our Nation's needs and opportunities in the sciences, in space activities, in international relationships.

Jim Fulton was preeminently independent and courageous, stubbornly loyal to those great causes for which he fought.

Mr. Speaker, there was also another side to Jim Fulton that colleagues who worked with him invariably came to know and respect. Beneath his intellectual crustiness was a remarkably humane, generous, sympathetic spirit that was translated into his genuine personal helpfulness to a great variety of friends and acquaintances—and strangers, too.

Literally thousands of people now sorely miss Jim Fulton's uniquely valuable, creative ways of service, both public and private.

THE TRUTH ABOUT PRAYER IN SCHOOLS

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, I submit the text of my most recent newsletter in the RECORD in order that it may be available to those who read the CONGRESSIONAL RECORD.

The text is as follows:

NEWSLETTER OF REPRESENTATIVE FLETCHER THOMPSON

THE TRUTH ABOUT PRAYER IN SCHOOLS

The United States Constitution states:

Amendment I. (1791)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The Federal courts rules this prohibits a school-prescribed prayer and scheduling of a time or place for voluntary prayer. To me this is absurd. A voluntary prayer in school is not "The Congress making a law respecting an establishment of religion." In plain words, the courts stretched the Constitution to ban prayer in schools.

No Chapels: If the courts extend their ruling, there will be no chapels on Army bases and no chaplains. Did our founders intend for the federal courts to ban voluntary prayer? Of course not, but it takes a Constitutional Amendment to overrule the courts.

November 8, 1971: Your U.S. House of Representatives defeated a proposed Constitutional Amendment which would have overturned the Supreme and lower court decisions and allowed voluntary prayer in schools. It stated:

VOLUNTARY PRAYER AMENDMENT

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer or meditation."

Why the defeat? Some Congressmen said by voting against voluntary prayer, they were protecting the Constitution from "tampering." But hasn't the Court already tampered with the First Amendment? Some just do not want any mention of God in a religious sense in our schools.

Earlier it was proposed a non-denominational prayer be allowed. Few agreed on the form; thus we voted on allowing voluntary prayer instead. However, many feel the following is non-denominational:

THE LORD'S PRAYER

"Our Father, Who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom and power and the glory forever."

It is good to know about others' faith. While my family is Methodist, I want my children to hear Catholic, Jewish, Episcopal, Mormon and other prayers voluntarily given. This is part of growing up. It reinforces their own faith. Freedom of speech, even through prayer, does no harm to the First Amendment.

It is important that we learn to respect and understand others' religions.

No student should be prevented from or forced to pray, nor should a school board write a required prayer, but a prayer to open an assembly, even given by someone not of your religion, violates no one's rights. To hear others' views, even in prayer, does not force one to adopt them.

It's difficult to understand why the federal courts have said the First Amendment allows filthy books, speech and dirty pictures in schools, but prohibits a voluntary prayer or the setting aside of a time or place for prayer.

It's difficult to understand how Congress and even the Supreme Court can open their sessions with prayer and then refuse school children the right to open an assembly with prayer.

It's difficult to understand why the National Council of Churches and so many ministers led the lobbying effort that helped defeat voluntary prayer.

It's difficult to understand how we can proclaim to be "One Nation Under God" in our pledge and put "In God We Trust" on our money and then deny school children the right to pray voluntarily in school.

It's difficult to understand how 162 Congressmen, including 3 Georgia Congressmen, can vote to deny school children the right to pray voluntarily in school.

LOOKING AHEAD

With 1971 coming to a conclusion, not only do we try to assess what has happened during the past year, but our thoughts also turn to what kind of year '72 will be. Higher unemployment? Just not in the cards. With the controls on price increases and bank and mortgage rates coming down, 1972 will be a year of improvement in the general economy and more jobs, but it will also be a year of confrontation in the international economic sphere. Because of controls, inflation will be slowed.

Vietnam . . . look for all U.S. ground combat troops to come home in 1972.

Environment . . . will continue to be an active issue. Implementation will be more responsible in 1972.

Taxes . . . local taxes will continue to rise; look for more cuts in federal taxes.

Forced busing . . . look for Emanuel Celler, chairman of the Judiciary Committee, to hold hearings on this question . . . more support from the North as President Nixon insists they be treated the same as the South on school matters.

Supreme Court, '72 . . . Nixon's appointed Justices will begin to swing the Court to a more conservative stance.

Social Security . . . look for benefits to increase in 1972.

Your opinion, please: Congress is considering using taxes to pay for political campaigns. Republicans and Democrats would get about $20 million each, American Independents, $6 million. You would be asked to check your income tax form for a dollar of your tax money to be used. Let me know what you think. Address: Fletcher Thompson, U.S. Congress, Washington, D.C. 20515

IN MEMORIAM: E. L. "BOB" BARTLETT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. BEGICH. Mr. Speaker, 3 years ago tomorrow, Alaska lost a leader and a friend in the death of Senator E. L. "Bob" Bartlett. On the anniversary of his death, December 11, I know that thousands of Alaskans join me in remembering his life and the profound effect this man had on the vast territory which became the largest State in the Union. The achievement of Alaskan statehood was, in a large sense, due to the work of Bob Bartlett and for that his place in history is secure.

There are other reasons for remembering this magnificent man, however. His was a special personality which over the years, as a reporter, gold miner, delegate to Congress, and finally, as the senior Senator from Alaska, was to be etched into the very fabric of Alaska's character. He was known, simply, as Bob and in that familiarity he touched the lives of countless people.

This week I had the pleasure of seeing a research proposal recently submitted to the National Endowment for the Humanities by Dr. Claus-M. Naske of the University of Alaska. It is a timely proposal for the documentation and study of the career of Senator Bartlett. In a letter to Chairman Berman of the National Endowment, I told him how very few men have had the opportunity to shape events as did Bob Bartlett. He was a man who merits close study and I hope that the National Endowment for the Humanities is assured now of my deep interest and support of Dr. Naske's proposal, E. L. Bartlett: Architect of Statehood and Humanist.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. JACOBS. Mr. Speaker. I was wondering if, at this late date, any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

SUPREME COURT IGNORES STATE'S PLEA FOR TAX JUSTICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. RARICK. Mr. Speaker, in the October 1971 term of the Supreme Court of the United States, the State of Alabama, by and through the Honorable George C. Wallace as its Governor, moved for leave to file a complaint under the Court's original jurisdiction of the Constitution to enjoin the Secretary of the Treasury and the Commissioner of Internal Revenue for relief of the people of that State from the action of the Treasurer and IRS in granting tax-free status by exempting the income of religious foundations and similar organizations from the Federal tax on income.

Despite the fact that this was a suit brought by a State seeking original jurisdiction in the U.S. Supreme Court as is provided in article 3, section 2, clause 2, the Supreme Court law clerks voted to deny any hearings or proceedings and the Supreme Court, without reason, dismissed the complaint.

The Supreme Court obviously feels that justice does not extend to equal taxation on all incomes or those Justices presently occupying the Supreme Court seats did not want to hear the evidence that they feared would be presented by Governor Wallace and the State of Alabama.

I, too, recognize the evils which have befallen the tax collection system of our Government by giving special privileges and exemptions to dubious organizations of highly controversial purpose. During this session, I introduced legislation which would help reform these ever growing inequities before they soar into a taxpayers's rebellion. My bills are H.R. 405 to provide for a loss of tax exemption for failure to file an annual return showing sources of income; H.R. 425 to provide for loss of tax exemption for engaging in litigation for the benefit of third parties; and H.R. 8298 to provide that tax exempt organizations which engage in activities of carrying on propaganda or otherwise attempting to influence legislation shall lose their exemption from tax.

Because of the blatant refusal of the U.S. Supreme Court to grant a hearing in matters which are clearly within its original jurisdiction and because the object of the complaint is of great importance to the American taxpayers, I insert the Motion for Leave to File a Complaint, the Complaint, and the Brief in support of the motion in the RECORD at this point:

[In the Supreme Court of the United States, October term, 1971]

MOTION FOR LEAVE TO FILE COMPLAINT

(State of Alabama, One of the States of the United States, by and Through George C. Wallace, as Its Governor, Plaintiff, v. John B. Connally, as Secretary of the Treasury of the United States, and Randolph W. Thrower, as Commissioner of Internal Revenue of the United States, Defendants)

The State of Alabama, one of the States of the United States, by and through George C. Wallace, as its Governor, asks leave of the Court to file its complaint against John B. Connally, Secretary of the Treasury of the United States, and Randolph W. Thrower, Commissioner of Internal Revenue of the United States, submitted herewith, pursuant to Rule 9, Supreme Court Rules.

J. EDWARD THORNTON,
JOHN O. HARRIS,
Counsel for Plaintiff.

This the 20 day of July, 1971.

STATEMENT IN SUPPORT OF MOTION

This is an action by the State of Alabama, by and through its Governor, George C. Wallace, against John B. Connally, Secretary of the Treasury of the United States, and Randolph W. Thrower, Commissioner of Internal Revenue of the United States, proposed to be instituted in this Court under the authority of Article III, Section 2, Clause 2, of the Constitution of the United States. The purpose of the proposed action is to enjoin John B. Connally, as Secretary of the Treasury, and Randolph W. Thrower, as Commissioner of Internal Revenue, and each of them, from assessing and collecting federal income taxes from the citizens of the State of Alabama, and, in the alternative, to enjoin John B. Connally, as Secretary of the Treasury, and Randolph W. Thrower, as Commissioner of Internal Revenue, and each of them, from exempting the income of religious foundations, and similar organizations, from the federal tax on income.

Secretary Connally and Commissioner Thrower claim that the income of religious, charitable and educational foundations, and similar organizations, is exempt from the federal income tax by virtue of the provisions of Section 501 of the Internal Revenue Code (26 U.S.C. Sec. 501). While the State of Alabama is cognizant of the benefits afforded society and the American public by organizations organized and operated solely for the purpose or purposes of holding religious services, maintaining places of worship, and engaging in truly public and charitable activities for the alleviation of human suffering and misery (such as the Red Cross, Salvation Army, March of Dimes Foundation, Heart Fund, and Cancer Societies), the State of Alabama contends that the said Section 501, by exempting the income of certain other organizations and foundations which are only superficially charitable, religious, educational or scientific in their operation, and which, in actuality, merely provide a tax shelter for the wealthy few, and by assessing and collecting taxes on the income of other individuals and organizations pursuant to the said Internal Revenue Code of 1954, ef-

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fects an unjustifiable and discriminatory classification of persons for federal income tax purposes that is so gross as to render the collection of federal income taxes from nonexempt persons a confiscation of private property in violation of the Fifth Amendment to the Constitution of the United States. The State of Alabama also contends that inasmuch as the said Section 501 exempts from the federal income tax the income, including unrelated business income, of religious foundations, it thereby subsidizes religion and effects an establishment of religion in contravention of the First Amendment to the Constitution of the United States, and that the said Section 501 is therefore a nullity and cannot be lawfully enforced by Secretary Connally and Commissioner Thrower.

J. EDWARD THORNTON,
JOHN O. HARRIS,
Counsel for Plaintiff.

This the 20th day of July, 1971.

[In the Supreme Court of the United States, October term, 1971]

COMPLAINT

(State of Alabama, One of the States of the United States, by and Through George C. Wallace, as Its Governor, Plaintiff, v. John B. Connally, as Secretary of the Treasury of the United States, and Randolph W. Thrower, as Commissioner of Internal Revenue of the United States, Defendants.)

The State of Alabama, one of the States of the United States, by and through George C. Wallace, as its Governor, brings this suit in equity against the defendants, John B. Connally, Secretary of the Treasury of the United States, and Randolph W. Thrower, Commissioner of Internal Revenue of the United States, and for its cause of action states:

Count one

I

The jurisdiction of this Court is invoked under Article III, Section 2, Clause 2 of the Constitution of the United States.

II

The plaintiff, the State of Alabama, brings this action as the direction of its Governor, George C. Wallace, a citizen and resident of the State of Alabama. The defendant John B. Connally is the Secretary of the Treasury of the United States and is a citizen of the State of Texas and a resident of Washington in the District of Columbia. The defendant Randolph W. Thrower is the Commissioner of Internal Revenue and is a citizen of the State of Georgia and a resident of Washington in the District of Columbia.

The said defendant John B. Connally, as Secretary of the Treasury of the United States, is charged with the supervision, administration and enforcement of the federal internal revenue laws pursuant to the provisions of Section 7801 of the Internal Revenue Code of 1954 (26 U.S.C., Sec. 7801). Randolph W. Thrower, as Commissioner of Internal Revenue, has such duties and powers in enforcement, administration and supervision of the federal internal revenue laws as may be prescribed by the Secretary of the Treasury, pursuant to Section 7802 of the Internal Revenue Code of 1954 (26 U.S.C., Sec. 7802).

III

Section 1 of the Internal Revenue Code of 1954 (26 U.S.C., Sec. 1) imposes a tax upon the income of every individual, trust, and estate, and Section 11 thereof (26 U.S.C., Sec. 11) imposes a tax upon the income of every corporation. Section 501 thereof (26 U.S.C., Sec. 501), however, exempts certain organizations from the taxes imposed by Section 1 and Section 11; Section 501 provides, in pertinent part, as follows:

(a) Exemption from taxation.—An organization described in subsection (c) or (d) of Section 401(a) shall be exempt from taxation under the sub-title unless such exemption is denied under Section 502 or 503.

(c) List of Exempt Organizations.—The following organizations are referred to in subsection (a):

(3) Corporations, and any community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

IV

The defendants, John B. Connally and Randolph W. Thrower, pursuant to their duties as Secretary of the Treasury of the United States and Commissioner of Internal Revenue, respectively, have enforced, are presently enforcing, and intend to enforce in the future, unless restrained by the Court, all provisions of the Internal Revenue Code of 1954 (26 U.S.C., Sec. 1 *et seq.*), including the aforementioned Sections 1, 11, and 501, with the result that the organization described in subsection (c) of the said Section 501 have avoided, are presently avoiding and will avoid payment of their proportionate share of the federal income tax burden, while other individuals, estates, trusts, and corporations, including those resident in, domiciled in, or otherwise located in the State of Alabama, have been, are, and will be forced to pay a disproportionate share of such federal income tax burden.

V

The exemption from federal income taxation provided for by subsection (c) of the said Section 501 and enforced by the defendants in their official capacities effects a classification of persons for federal income tax purposes that is so arbitrary, unjustifiable, and discriminatory as to constitute the assessment of federal income taxes against and collection of federal income taxes from nonexempt individuals, estates, trusts, and corporations a confiscation of private property in violation of the requirement of the Fifth Amendment to the Constitution of the United States that "No person shall . . . be deprived of life, liberty, or property without the due process of law; nor shall private property be taken for public use, without just compensation."

VI

The State of Alabama is directly interested in preventing any unlawful confiscation of the private property of its citizens, which unlawful confiscation is provided for by the Internal Revenue Code of 1954 as aforesaid; and the State of Alabama is also interested in protecting its citizens against risk of prosecution for failure to comply with those provisions of the Internal Revenue Code of 1954 designed to provide the machinery for the confiscatory taking of private property thereby purportedly authorized.

VII

The actions of the defendants, in assessing and collecting taxes pursuant to the aforesaid provisions of the Internal Revenue Code of 1954, have caused and will continue to cause irreparable injury to the citizens of the State of Alabama, for which there is no adequate remedy at law.

VIII

Wherefore, the State of Alabama prays that a decree be entered enjoining and restraining the defendants, John B. Connally, as Secretary of the Treasury of the United States, and Randolph W. Thrower, as Commissioner of Internal Revenue, and each of them, their servants, agents, and employees, from proceeding to assess against or collect from the citizens of the State of Alabama the taxes sought to be imposed by Subtitle A of the Internal Revenue Code of 1954, and from requiring returns from such citizens, preparatory to the assessment and collection of such taxes, and from taking any and all other steps related to the enforcement of the said Subtitle A of the Internal Revenue Code of 1954.

Count two

IX

The State of Alabama adopts, asserts, and realleges all of the allegations in paragraphs numbered I through III as fully and to the same extent as if each of said paragraphs were set forth here anew.

X

The defendants, John B. Connally and Randolph W. Thrower, pursuant to their duties as Secretary of the Treasury of the United States and Commissioner of Internal Revenue, respectively, have enforced, are presently enforcing, and intend to enforce in the future, unless restrained by this Court, all provisions of the Internal Revenue Code of 1954 (26 U.S. Sec. 1 *et seq.*), including the aforementioned Section 501, with the result that numerous religious organizations, institutions, foundations, and similar associations located both within and without the State of Alabama, have avoided, are presently avoiding, and will avoid payment of their proportionate share of the federal income tax burden.

XI

To the extent that subsection (c) of the said Section 501 exempts religious institutions, organizations, foundations, and similar associations from payment of the federal tax on income assessed against and collected from other individuals, estates, trusts, and corporations, the said subsection (c) of the said Section 501 constitutes a subsidy to, and establishment of, such religious organizations, institutions, foundations, and similar associations by law made by the Congress in contravention of the requirement of the First Amendment to the Constitution of the United States that "Congress shall make no law respecting an establishment of religion . . ."

XII

The State of Alabama has a direct interest in protecting its citizens against the subsidizing and establishment of religion by law made by Congress.

XIII

The acts of the defendants, John B. Connally, as Secretary of the Treasury of the United States, and Randolph W. Thrower, as Commissioner of Internal Revenue, in exempting the income of religious institutions, organizations, foundations, and similar associations located in the State of Alabama, and elsewhere, pursuant to the provisions of Section 501 of the Internal Revenue Code of 1954, and thereby subsidizing religious activities and establishing religion both within the State of Alabama and elsewhere have caused and will continue to cause irreparable injury to the citizens of the State of Alabama, for which there is no adequate remedy at law.

XIV

Wherefore, the State of Alabama prays that the said defendants, John B. Connally, as Secretary of the Treasury of the United States, and Randolph W. Thrower, as Commissioner of Internal Revenue, and each of them, be restrained and enjoined from exempting the income of religious institutions, foundations, organizations, and similar associations, whether located within or without the State of Alabama, from the federal tax on income pursuant to the provisions of the said Section 501.

J. EDWARD THORNTON,
JOHN O. HARRIS,
Counsel for Plaintiff.

This the 20th day of July, 1971.

CERTIFICATE OF SERVICE

I hereby certify that on this the 19th day of July, 1971, copies of this Motion for Leave to File Complaint and Complaint were mailed, postage prepaid, to Messrs. John B. Connally, as Secretary of the Treasury of the United States, and Randolph W. Thrower, as Commissioner of Internal Revenue, by addressing and mailing copies to the Solicitor General, Department of Justice, Washington, D.C. 20530. I further certify that all parties required to be served have been served.

J. EDWARD THORNTON,
JOHN O. HARRIS,
Counsel for Plaintiff.

[In the Supreme Court of the United States, October Term, 1971]

(State of Alabama, One of the States of the United States, by and Through George C. Wallace, as Its Governor, Plaintiff, v. John B. Connally, as Secretary of the Treasury of the United States, and Randolph W. Thrower, as Commissioner of Internal Revenue of the United States, Defendants)

BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE COMPLAINT

JURISDICTION

The Jurisdiction is set forth in Article III, Section 2, Clause 2 of the Constitution of the United States.

"In all cases affecting Ambassadors, other public Ministers and Consuls, *and those in which a state shall be a party*, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." (*Emphasis added.*)

STATEMENT OF THE CASE

The State of Alabama is seeking leave to file an original action in this Court to test the legality of income tax exemptions accorded private foundations and religious organizations under Section 501 of the Internal Revenue Code of 1054 (26 U.S.C. Sec. 501).

PROPOSITIONS OF LAW

Proposition I

Where the State is a party, plaintiff, or defendant, the Governor represents the State; and the suit may be, in form, a suit by him as Governor in behalf of the State.

Ex parte Kentucky v. Denniston, 24 How. 66, 16 L. Ed. 717;

State of Alabama, by and through George C. Wallace as its Governor v. United States of America et al., 373 U.S. 545, 10 L. Ed. 2d 540.

Proposition II

The provisions of Article III of the Federal Constitution, limiting jurisdiction of federal courts to cases or controversies, impose no absolute bar to suits by federal taxpayers challenging allegedly unconstitutional federal taxing and spending programs.

Flast v. Cohen, 393 N.S. 83, 20 L. Ed. 2d 947.

Proposition III

No church may be financially supported or preferred by the federal government over any other, and no religious activities may be subsidized.

Protestants and other Americans United for Separation of Church and State v. O'Brien, 272 F. Supp. 712.

ARGUMENT

I

Where the State is a party, plaintiff or defendant, the Governor represents the State; and the suit may be, form, a suit by him as Governor in behalf of the State, where the State is a plaintiff; and he must be summoned or notified as the officer representing the State, where the State is defendant. Ex parte Kentucky v. Denniston, 24 How. 66, 16 L. Ed. 717; State of Alabama, by and through George C. Wallace as its Governor v. United States of America et al., 373 U.S. 545, 10 L. Ed. 2d 540.

Under the above authorities, there can be no question but that this Court has jurisdiction to entertain this case and to grant the relief sought in the Complaint.

II

The provisions of Article III of the Federal Constitution, limiting jurisdiction of federal courts to cases or controversies, impose no absolute bar to suits by federal taxpayers challenging allegedly unconstitutional federal taxing and spending programs, Flast v. Cohen, 393 N.S. 83, 20 L. Ed. 2d 947.

Since this Court has sanctioned actions by individual taxpayers to question the taxing and spending programs of Congress, certainly a sovereign state has standing to attack the granting of exemptions to private foundations and churches who have departed from the very basis on which the exemptions were granted in the first place and are so conducting themselves in such a manner that they are no longer entitled to the exemptions.

When private foundations use tax exempt income to espouse the cause of Communists in America; to promote revolution in the streets of our cities; to participate in registration drives among blacks to elect radical mayors of certain cities; and bankroll the pro-Viet Cong American Friends Service Committee; grant funds to organizations which preach revolution and racial hatred; financing of Communists and radicals to run school "decentralization" in New York City, producing the bitterest sort of racial antagonisms; and making grants to the Leftist Urban League—are they not engaged in propaganda activities, attempting to influence legislation, and aiding and abetting political campaigns on behalf of candidates for public office?

These activities and these grants are not clothed with the protection accorded exempt organizations or foundation(s) "organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes—no substantial part of the activities of which is carrying on propaganda . . ." They are not "charitable" foundations in the common law sense,[1] and to this extent, at least, they should no longer enjoy a tax exempt status.

There is a precedent for declaring unconstitutional Sections 170 and 501 of the Internal Revenue Code of 1954 in their application.

In the case of William H. Green et al. v. David M. Kennedy (Connally), Secretary of the Treasury of the United States of America, and Randolph W. Thrower, Commissioner of Internal Revenue the United States District Court for the District of Columbia filed on June 30, 1971, Civil Action No. 1355–69, held unconstitutional sections 170 and 501 of the Internal Revenue Code of 1954 as applied to private schools in Mississippi which exclude Negro students on the basis of race or color.

The plaintiffs, Negro Federal taxpayers and their minor children attending public schools in Mississippi, brought a class action seeking to enjoin the Secretary of the Treasury and Commissioner of Revenue from according tax exempt status to such schools. "They sought a declaration that granting tax exempt status to such schools is violative of the provisions of the Revenue Code governing charities and charitable contributions, and that if granting such status was authorized, then to that extent Sections 170 and 501 are unconstitutional."

In a 50 page opinion, a three-judge court ruled in favor of the plaintiffs holding that the IRS had changed its interpretation of the exemptions permitted by the Code and that now private schools which practice racial discrimination are not "charitable" in the common law sense.

It logically follows that private foundations and churches that engage in activities wholly at war with the purposes for which exemptions were granted them are no longer "charitable" in the common law sense, and to that extent Sections 170 and 501 of the Revenue Code of 1954 are unconstitutional.

III

No church may be subsidized and preferred by the federal government over any other, and no religious activities may be subsidized. Protestants and other Americans United for Separation of Church and State v. O'Brien, 272 F. Supp. 712.

The First Amendment to the Constitution of the United States provides, in pertinent part, as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."

Under the "establishment clause of this Amendment, it is well-settled that the federal government cannot pass laws which aid one religion, aid all religions, or prefer one religion over another. Emerson v. Board of Education of the Township of Ewing, et al., 330 U.S. 1, 91 L. Ed. 711; Illinois v. Board of Education of School District No. 71, 333 U.S. 203, 92 L. Ed. 648.

When some church organizations use tax exempt income as a contribution to the defense fund (which is also tax exempt) of avowed Black Panther and Communist, Angela Davis, have they not forfeited their right to continue to be exempt as an organization operated exclusively for religious purposes?

It is earnestly insisted that such church organizations making contributions to such defense funds are no longer engaged in charitable activities and should no longer be accorded a tax exempt status. It certainly cannot be claimed that it is "organized and operated exclusively for religious purposes," and to that extent, Sections 170 and 501 of the Internal Revenue Code of 1954 is unconstitutional.

It is arguable that exemption of religious institutions from taxation constitutes an indirect subsidy which is as invalid under the First Amendment as would be a tax levied directly to support such institutions. See, e.g., Murray v. Comptroller of Treasury, 216 A.2d 897 (Md. 1966). In his concurring opinion in Engel v. Vitale, 370 U.S. 421, 8 L. Ed. 2d 601 (1962), Mr. Justice Douglas stated:

"The point for discussion is whether the Government can constitutionally finance a religious exercise. Our system at the federal and state levels is presently honeycombed with such financing. Nevertheless, I think it is an unconstitutional undertaking whatever form it takes."

CONCLUSION

The State of Alabama respectfully urges this Honorable Court to grant its Motion for Leave to File Complaint in the Court, and grant its prayer restraining and enjoining the defendants, John B. Connally, as Secretary of the Treasury of the United States, and Randolph W. Thrower, as Commissioner of Internal Revenue, from exempting the income of religious institutions, foundations, organizations, and similar associations, whether located within or without the State of Alabama, from the federal tax on income pursuant to the provisions of Section 501

[1] The new interpretation of the IRS as expressed in Green et al. v. Kennedy, etc. and Thrower, etc., District Court for District of Columbia, Civil Action No. 1355–69, filed June 30, 1971.

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of the Internal Revenue Code (26 U.S.C., Sec. 501).

Alabama earnestly insists that these financial giants should bear their proportionate share of the staggering income tax burden that now rests upon her citizens, and citizens throughout the Nation, who do not enjoy tax exempt status and are forced to pay a disproportionate share of federal income tax.

Respectfully submitted

J. EDWARD THORNTON,
JOHN O. HARRIS,
Counsel for Plaintiff.

CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of July, 1971, copies of this Brief in support of Motion for Leave to File Complaint were mailed, postage prepaid, to Messrs. John B. Connally, as Secretary of the Treasury of the United States, and Randolph W. Thrower, as Commissioner of Internal Revenue, by addressing and mailing copies to the Solicitor General, Department of Justice, Washington, D. C., 20530. I further certify that all parties required to be served have been served.

JOHN O. HARRIS,
Of Counsel for Plaintiff.

CYPRUS: NEAR FLASH POINT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. ZABLOCKI. Mr. Speaker, among the world's many trouble spots that threaten international peace and receives too little attention perhaps is that of Cyprus.

An insight into the varied facets of this festering problem in the Eastern Mediterranean was provided recently in an article by Dr. T. W. Adams which appeared in the Washington Sunday Star of November 28, 1971.

Dr. Adams, a consultant on foreign affairs and specialist on the national security aspects of the Cyprus problem, is the author of a recent book on the subject—"Akel: The Communist Party of Cyprus" published by the Hoover Institution Press.

In order to share with my colleagues Dr. Adams' understanding of this question I am placing his article in the RECORD at this point and commend it to their attention:

CYPRUS IS CONTINUING NEAR THE FLASH POINT

(By T. W. Adams)

NICOSIA.—"The name is death! The name is terror! The name is bloodshed! The name of General Grivas is connected with intercommunal strife in Cyprus—all in the name of *enosis* (union)."

Dr. Fazil Kuchuk, vice president of the republic and leader of the Turkish community on the island, made this dire assessment after a leaflet was circulated at the end of October calling for a renewed armed struggle for union of Cyprus with Greece. Nothing could upset the Turks of Cyprus or the mainland more than the mention of *enosis*, which has been barred along with partition in the treaties which brought Cyprus independence.

General Grivas, 74-year-old fighter, had not been heard from since he secretly left involuntary exile in Athens and landed here by small boat on the first of September. While the pamphlet bore the typed signature of his code name, Dighenis, there is strong evidence to believe that it did not come directly from the general. Rather it may have been written by a right-wing armed group known as the National Front, which has been carrying out a semi-violent campaign for over two years against the leadership of Archbishop Makarios.

GRIVAS MAGNETISM

Still the presence of Grivas—hero of the 1955–59 EOKA guerrilla effort which led to independence—remains a mystery. Grivas, who has been termed "a professional bomb-thrower," does have the personal magnetism to organize at least a small group of his die-hard supporters. In Cyprus, this means trouble. Such a spark could set off this tinderbox situation, since tens of thousands of Cypriots are currently under arms.

Whatever the Grivas intentions turn out to be, they will conflict with those of President Makarios and the existence of his independent republic. Perhaps the Grivas adventure could well unfold as one observer put it recently: "In 1954 he came to kill British, in 1964 to kill Turks, and now he has come to kill Greeks." If that is the Grivas aim now, Makarios has pledged that he will not tolerate it.

Speculation about this latest development is currently one of the favorite pastimes in Cyprus. But this is to be expected. The island floats on a sea of rumor and gossip, which makes it difficult for the casual observer to understand all of the domestic and international dynamics of the situation. Yet, certain factors have remained unchanged since violence broke out eight years ago between the Greek Cypriots and the Turkish community, which comprises 20 percent of the island's population.

U.N. ACHIEVEMENT

First, the 3,000-man United Nations peacekeeping force has done a miraculous job cooling down temperatures.

Second, the mainland powers of Greece and Turkey find it impossible to cut the strings which tie them to their respective ethnic brothers on the island.

Third, as long as the problem remains unsettled the two communities on the island are growing further and further apart.

Fourth, the threat of Cyprus erupting once again into violence hangs like an ominous cloud over every political event in the island.

And fifth, the major powers have found that their various initiatives toward solving the problem have worked to no avail.

The United Nations' Role—When the U.N. forces in Cyprus (UNFICYP) landed in March 1964 they were thrown directly into an open warfare between the Greeks and Turks. The blue-beret "soldiers without enemies," made up of five different nations, including Great Britain (the first major power ever to serve on such a mission), finally managed to separate the two sides. UNFICYP has served as the pacifier of innumerable scrapes ever since. Still, peacekeeping is not peacemaking and attempts to settle the dispute have been frustrated.

OPINIONS DIVIDED

Makarios now feels that in getting the suspended 3-year-old intercommunal talks going again on the island, the U.N. must take some future initiative which will give the world organization a more positive role. The Turks on the other hand feel that any further action should be undertaken by the two mother countries, with the blessing of the United States government.

The involvement of Athens and Ankara—The creation of the independent Republic of Cyprus came about only after war-weary Greece and Turkey agreed on terms during an historic meeting in Zurich in 1959. These terms, signed into treaties by all the principal parties in London, included the provisions that the mainland powers could legally intervene to guarantee that the treaties were upheld by all the parties.

When Makarios attempted to amend some of the basic parts of the constitution in 1963, this led to the outbreak of fighting between the island's Greeks and Turks. Had it not been for a strong letter from President Johnson in 1964, Turkey would have surely landed in Cyprus and war between herself and a NATO ally, Greece, would have ensued.

Turkey has consistently felt that all the provisions of the Zurich-London treaties are binding until they are formally changed by all the signatories. But both Greece and Makarios feel that significant changes have already been made by faits accomplis in the status of Cyprus.

It may seem incredible, but one of the key unresolved issues today is the relevance of the Zurich-London agreements. Prime Minister Erim of Turkey told me that the U.S. is "afraid to say publicly that the agreements are still binding," so as not to upset its policy of neutrality between Greece and Turkey. The Turkish prime minister feels that the non-involvement posture of the U.S. in actuality is a backing of Makarios' majority government. Furthermore, Erim does not believe that the U.S. has used enough of its influence toward softening the hard line of the Greek Cypriot leader.

While the Turks have willfully made Cyprus into Turkey's "national cause," it seems unlikely that they will ever try another military intervention unless seriously provoked by such a person as General Grivas, whose hatred of the Turks is second only to his fanatical anti-communism. Meanwhile, the Turks continue to contribute $20 million of scarce foreign exchange a year to support its surrounded community in Cyprus.

Greece on the other hand seems to be backing off from its traditional policy of aspiring for *enosis*. Not only does the military government in Athens find it difficult to deal with Makarios, but they also are enjoying the best relations with Turkey in a decade.

The Separation of the Communities—"An eight-year-old Turkish Cypriot boy has never seen a real, live Greek," observed the republic's first minister of defense, Osman Orek. He, along with the other Turkish members of the government, had to leave their posts in 1963 and have since maintained a separate existence behind barricades and armed guards in some eight major areas of concentration.

While the Greeks have for the past two years allowed the Turks to move freely from their various quarters, no Greek is unofficially allowed to pass a Turkish checkpoint. This is especially embarrassing to the Greeks who must go through the Turkish quarter of Nicosia by U.N. convoy twice a day in order to take the short route to the seaside resort of Kyrenia. Other than that, the Greeks avoid the issue and continue along their amazingly prosperous economic course, while the Turks must live in a virtual welfare state on the subsidy from Ankara.

The Turks have been criticized by some foreign officials for not staying in the government and trying to work out the intercommunal difficulties through the parliamentary process, "even if they would have been killed at their desks." The Turks retort that they would have surely met such a fate at the hands of the Greeks and their survival has only been made possible by physical separation. What has come about are two militarily prepared camps which are waiting for the day when war again might break out. On October 28th the Greek side used the occasion of a mainland national holiday to parade its military strength. The following day the Turks observed a similar event to display their weapons of defense.

The main tragedy in this de facto partition is what is happening to the harmony which existed before the mid-1950s between the island's Greeks and Turks. Even though many people in their forties and fifties will secretly admit to having good friends "on the other side," the same cannot be said about the younger people who took part in fighting one another. Continued separation can only lead to the reinforcing of myths and stereotypes of what the other community is like, particularly among the 17,000 Turkish displaced persons. Undoubtedly this will result in fears and could prevent the two groups from ever living in an intermingled environment.

Nobody ever claimed that a Cypriot nation was formed at independence, but the existence of a Cypriot state can only come about with the cooperation of the two communities. As long as the separation continues, some Cypriots feel that partition or a "double enosis" with Greece and Turkey is the only answer to the Cyprus problem.

This may well be acceptable to the mainland powers, particularly Turkey, whose leaders have often stated that they must get something tangible from any final solution to the problem.

The Continual Threat of Violence—"Cyprus has more guns than people," commented a leading Greek Cypriot official. That may not be surprising, if one recalls that warfare started in Cyprus in 1955 and in reality has never stopped since. One of the essential features of Greek-Cypriot politics is the existence of armed gangs of *trambucos*, which seem to congregate around various leaders. Some of these private armies took part in the 1963–64 fighting and have not disbanded. Later proenosis supporters took matters into their own hands by starting an anti-government campaign in 1969 claiming that they were acting in behalf of the former EOKA leader, General Grivas. These secret groups were probably behind the attempted assassination of Makarios in March, 1970. Though some people were brought to justice for the attempt on the archbishop, a vendetta murder remains officially unsolved and clandestine activities continue.

ZEALOTS POSE DANGER

General Grivas, thought to be in control of a sizeable organization of *pistolarios*, is supposedly waiting for the opportune time to turn them loose on first the anti-enosis government officials, then the communists and finally the Turks. On Cyprus it does not take too many zealots to begin serious trouble. General Grivas had only about 200 hard core gunmen when he carried out his EOKA terrorist struggle against the British. And at one time over 20,000 regular troops were tied up in the unsuccessful effort to capture them.

Regarding Communist activities, a parliamentary leader says, "The Communist party in Cyprus follows the policy of the government on the Cyprus problem. On domestic issues they endorse many of the government measures and although they have declared their own policy on certain domestic issues, they have not attempted by stirring up trouble or otherwise to force the government to accept their policies."

Major Power Initiatives—One point of agreement between the United States and the Soviet Union is that Cyprus should not be a cause of war between any countries, particularly themselves. Still, the major powers have definite limitations when it comes to acting in ways to prevent the possibility of war. Both Russia and America want to keep up good relations with Greece, Turkey and the Makarios government. Any initiative which might have some teeth would surely be interpreted by one of the parties to be against its national interests. Consequently, both major powers have been reluctant to move in positive ways to help solve the conflict.

This posture of neutrality is not welcomed by the principals and various devices have been employed to call the hand of the U.S. and the USSR. Archbishop Makarios, for example, went to Moscow in June to ask for Soviet aid in the event that the NATO powers tried to impose a solution in Cyprus which would bypass his existing government. The communique which followed the visit did not guarantee that the Russians would support Makarios. Still, the Turkish Foreign Ministry was sufficiently concerned that it asked for and received a clarification of the neutral Soviet position.

RUSSIAN VESSELS

While not openly backing Makarios, Russian ships have been sighted often off the Cypriot coast and three ships were anchored outside of Cypriot territorial waters on Sept. 29, when the Turkish military contingent was being rotated. The question of trading off support for Cyprus has not yet been raised openly in any bilateral relations the U.S. has had with either Greece or Turkey, but this possibility could present itself in the future.

In the eastern Mediterranean, NATO considerations and the strategic balance are the chief interests of American foreign policy. But the United States also realizes that it must tread softly with the Cypriot government if it is to keep the important communications facilities in the island, which the non-aligned Makarios government has not tried to alter since independence.

Prospects—Greece and Turkey no longer talk about deadlines for the solution to the Cyprus problem, but it is apparent that both governments are becoming increasingly bothered—as in 1959—by the nagging nature of the conflict. This is perhaps why there have been continual rumors that Greece and Turkey have come to an agreement over Cyprus but this time Makarios (not the British) is the obstacle.

Maintaining sound relations between the two governments is presently the main concern of Athens and Ankara. Both have approached their internal problems in similar ways: The military has taken strong positions in the government opposing corruption, communism and anti-Americanism. Also both governments are anchoring their defense policies on NATO and the preservation of the alliance. There has even been talk of a possible federation between Greece and Turkey, which could even be a precursor to the reviving of the Balkan Pact that existed in the 1930s, with Yugoslavia participating.

NO SOLUTION NEAR

Despite all the favorable indications of the reestablishing of the Greek-Turkish equilibrium as it existed at the time of Ataturk and Venezelos, the existence of the Cyprus problem is an unfortunate reality recognized by both sides. Some of the misunderstanding has arisen simply over the definition of such terms as "local autonomy," "functional federalism" and the "unitary state." It was these differences which caused the inter-communal talks to become deadlocked in September. Until these terms are defined, the debate over Cyprus will apparently continue to be a semantic exercise.

The Eastern Mediterranean has been aflame on and off for centuries and quite possibly conflict has become a way of life for the inhabitants of the area. It would be a welcome relief for the diplomats if Cyprus could be stricken from the State Department's gazetteer of hot spots, but short-term prospects for solving the problem are not promising. In fact, the island today is unusually tense, considering the Grivas presence, and Cyprus may now be entering one of its most critical phases with little hope of coming out of it without once again spilling somebody's blood.

HEALTH CITY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BOB WILSON. Mr. Speaker, in recent years San Diego has emerged as a "health city" through the establishment and growth of a number of outstanding medical and health science activities. These include hospitals, research organizations, universities, and clinics which, though separate institutions, are working closely together to improve the quality of health care available to all of us. I am pleased to share with my House colleagues the following article from the San Diego Executive which outlines the activities of several of the major health science facilities in the San Diego area:

HEALTH SCIENCE: A MAJOR INDUSTRY EMERGES IN SAN DIEGO

When most people get around to talking about the subject of health, it's about dollars . . . how much a stay in the hospital costs today . . . the high price of medicine! And although they may not be aware of it, the fact is that since 1960, the average daily cost of hospitalization has risen from $56 to $144. In the same period, the nation's total health bill has climbed to $70 billion—or $324 a person a year.

Until recently, very few in San Diego have been aware that an industry was emerging right in their own backyards that is very much concerned with them and their problems in the field of health. Although its immediate and long-range objectives are the control and elimination of disease, a possible side effect is a reduction in the cost of medical care.

Involvement of local organizations in the field of "health science" or "biomedicine" is not new in San Diego. What has erupted, however, is a grouping or "complex" of organizations having common identifiable interests in health science, in the "life sciences." They have reached such a proportion today that their activities may accurately be termed an "industry" . . . inclusive of hospitals, research organizations, universities, clinics. Each a separate entity; but together, working in collaboration toward a common objective.

The U.S. Bureau of the Census reports an increase in employment in San Diego for this industry between 1965–1969 as 52%. This compares with an increase nationally of only 36%. Payrolls for the like period in the health science field in San Diego soared 101% as compared to 88% nationwide.

Four major health science and biomedical organizations—each a familiar name in life science circles throughout the world—comprise the nucleus of this research oriented community: The Salk Institute for Biological Studies, Scripps Clinic and Research Foundation, The University of California at San Diego School of Medicine, the new Veterans' Administration Hospital, due for completion in early 1972. Among the factors that characterize this complex is a close physical proximity to each other, affording an integration of personnel and facilities. With the

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move of Scripps to a 12-acre site recently donated by Dow Chemical, each will be within walking distance of the other.

It should be emphasized that research type activities in San Diego are not confined to these four institutions. As many as 21 other firms and/or institutions are engaged in some type of medical research and are an integral and important part of San Diego's health science complex. Estimates are that 28,000 people are employed here in some phase of the life sciences. Today these have emerged into an industrial complex—one which, in time, may very well become a blueprint for the nation.

These research-type organizations continuously make substantial contributions to the local economy. In 1970, it is estimated that the total payroll of those organizations concerned with health science or biomedicine amounted to $30 million. Moreover, the products and services they export from San Diego have a far reaching effect outside their immediate locale.

The Salk Institute, established here in 1964, continues to expand both its physical plant and services. At capacity, 500–600 employees will be on staff there. More than 100,000 square feet of space are already devoted entirely to laboratory use. The purpose of this renowned institution has always been "the preservation and extension of man's health and well being."

The University of California at San Diego Medical School has, in its few years of operation, already gained national recognition as an outstanding medical facility. 150 full time and 390 part time salaried professors will instruct a student body of 400. Many of these professors will do a tour of duty at both Scripps and the Veterans' Administration Hospital. The University Hospital, formerly County Hospital, provides additional beds and staff for the community.

The new Veterans' Administration Hospital, due for completion early in 1972, will employ a staff of 1,600. In dollar value, its plant has an estimated worth of $35 million with another $9 million tagged for equipment. Between 80–90 staff physicians at the hospital will be given faculty assignments at UCSD.

Scripps Clinic and Research Foundation is universally recognized as one of the foremost medical research institutions. Its objectives are clearly defined: contribute to scientific medical knowledge; train medical scientists; provide high quality "specialized" medical services. To a large degree, Scripps is responsible for interesting other science-oriented institutions locating in San Diego.

Among those on the staff of SCRF are internationally recognized scientists in such fields as biochemistry, pathology and microbiology. Founder of Scripps and its chief benefactor is Ellen Browning Scripps whose efforts and philanthropy were responsible for the Scripps Institution of Oceanography, now a part of UCSD.

The planning of San Diego's health science and biomedical complex did not just happen. It reflects concerted effort by many to obtain an effective integration of all facilities related to the life sciences. Torrey Pines Science Park, a 100-acre site close by the other medical facilities, has been designated by the City of San Diego as a site for the location of new research centers. The Chamber of Commerce has recently organized a Health Sciences Council to formulate and implement a long-range program aimed at establishing San Diego as the nation's leading health center.

Indications are that it is just a question of time before this objective becomes a reality

EXTENSIONS OF REMARKS

DR. RALPH J. BUNCHE

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. REID of New York. Mr. Speaker, Ralph Bunche personified the best in the United Nations.

In a sense he was one of the first citizens of the world.

Truly, it has been said that blessed are the peacemakers. Few down through the ages have deserved that accolade. Ralph Bunche personified it.

I had the privilege of working with him both as an editor of the Herald Tribune and as U.S. Ambassador to Israel. His grasp of the subtleties of diplomacy were matched by his quiet firmness and the vision and the patience to always see the road ahead.

Ralph Bunche more than any man brought an uneasy peace to the Near East with the several armistice agreements worked out on the island of Rhodes. He was the author of the Rhodes Formula which may yet be the process by which an interim or final peace agreement may be worked out in today's troubled Near East. His peacekeeping missions in other parts of the world, including the Congo and Kashmir, are a part of today's historical record.

His vision of a United Nations was always clear but never fully realized. No greater tribute could be paid to Ralph Bunche than for the statesmen of the world to fulfill his dream of the U.N. as the peacekeeper of the world, with a moral position that would be unassailable, "standing steadfastly always for the right."

Ralph Bunche had great capacities for friendship, and the successes of the successive Secretaries General, particularly Dag Hammarsjkold and U Thant, were not infrequently the efforts of his unassuming and highly effective diplomacy. It fell his lot to serve the last years of his life in the U.N. at a time when the United States often turned away from it, and at times even failed to see how the U.N. could serve a cause of peace. While this troubled Ralph Bunche, it never caused him to lessen his belief in what the U.N. could stand for and what his country might become.

He was in the forefront of the fight for civil rights and freedom for all men, not alone throughout the world, but equally and sometimes pointedly in the United States as well. I remember his sense of humor, his deep loyalty to his friends and particularly the nobility of spirit of a truly humble, compassionate and great man.

Mrs. Reid joins me in extending our deepest sympathy to Mrs. Bunche, to his son Ralph Jr., his daughter Joan and his three grandchildren, which I am sure all Members of this House share.

I am taking the liberty of enclosing several editorials from the New York Times and the Washington Post on the life of Ralph Bunche:

[From the New York Times, Dec. 10, 1971]

DR. BUNCHE OF U.N., NOBEL WINNER, DIES

(By Robert D. McFadden)

Dr. Ralph J. Bunche, former United Nations Under Secretary General for Special Political Affairs and winner of the 1950 Nobel Peace Prize, died early yesterday in New York Hospital. He was 67 years old.

Dr. Bunche, who suffered from a kidney malfunction, diabetes, heart disease and near blindness, was frequently hospitalized in recent months. He entered the hospital for the final time last Tuesday and died at 12:40 A.M. yesterday.

Dr. Bunche, who had been with the United Nations since its founding, lived in a world of diplomacy that was racked with belligerence yet capable of great harmony. It ultimate poles were war and peace, and between these he sought the balance of justice.

Like his world, Dr. Baunche was a man of many faces and talents, full of paradox and struggle. By training and temperament, he was an ideal international civil servant, a black man of learning and experience open to men and ideas of all shades.

At the United Nations, he had been a key diplomat for more than two decades since his triumphal success in negotiating the difficult 1949 armistice between the new state of Israel and the Arab states.

As the architect of the Palestine accord, he won the Nobel Peace Prize of 1950. And many of his associates at the Secretariat and in governments around the world could cite his accomplishments and accolades, mentioning their contacts with him proudly.

But in spite of his stature and reputation, Dr. Bunche was essentially a private man, eschewing personal publicity and disclaiming political ambition.

Few people, save those closest to him, knew the details of his middle-class adolescence in Detroit, his youth as an orphan in the care of a grandmother, his adventures as a young stowaway and seaman, his toil in menial jobs in working his way through college and his real ambition as a young man—to be a teacher.

Nor could many recount his confrontations with racism, including his close escape from a lynch mob in Alabama, where he and Gunnar Myrdal, the Swedish sociologist, were gathering material in 1938 for "An American Dilemma," the book that forecast many developments in race relations in this country.

It was indeed difficult to say how the color barriers he encountered at hotels and restaurants—even as a high official in the nation's capital—laced themselves into the fabric of his personality and skills as a mediator.

At a negotiating conference table, he usually gave the outward appearance of being calm, soft-spoken, unflappable. But there were signs, for those who would note them, of the deeper turmoil in the man: the chain-smoked cigarettes, the darkening circles under his grave eyes, the hoarseness in his baritone voice.

ENERGY AND TIMING

He could haggle, bicker, hairsplit and browbeat, if necessary, and occasionally it was. But the art of his compromise lay in his seemingly boundless energy and the order and timing of his moves.

His diplomatic skills—a masterwork in the practical application of psychology—became legendary at the United Nations, for which he directed peace-keeping efforts in the Suez area in 1956, the Congo in 1960 and Cyprus in 1964.

At his unannounced retirement last June, he was Under-Secretary General for Special Political Affairs—Secretary General U Thant's most influential political adviser.

As such, he was the highest American figure in the world organization and, incidentally, the most prominent black man of his era whose stature did not derive chiefly from racial militance or endeavors specifically in behalf of his race.

He was deeply sensitive to racial problems, and often spoke bluntly about them. But his perspective was above the day-to-day trials of discrimination; indeed, he recognized that emphasizing his light-skinned blackness could have damaged his roles as a mediator and neutral peace-keeper—roles in which he found more often than not an advantage in his blackness.

THRUST INTO ROLE

The apex of his diplomatic career—and, perhaps, the best example of his negotiating psychology—came during the Palestinian talks on the island of Rhodes in 1948 and 1949. He had been thrust into the role of chief mediator after the assassination of the original appointee, Count Folke Bernadotte of Sweden, who was cut down by a terrorist fusillade in Jerusalem.

The negotiating problems were vastly complex, centuries old, rife with racial and religious prejudices and overlaid with combustible economic and political frictions.

A truce demanded by the Security Council had broken down. Large-scale fighting was under way. Thousands of lives in the Middle East lay in the balance, and so did the very life of the fledgling United Nations, whose peace-keeping capacities were on the line.

The Israeli and Arab delegations from the start were cautious, aloof and occasionally hostile. Dr. Bunche met with both sides separately to determine what kind of agenda to draw up, then called the delegations together to approve the agenda. These preliminary moves seemed simple and straightforward, but there was more to them than met the eye.

"There was a double purpose," Dr. Bunche later explained. "Primarily, it was to get both sides to meet—but also, I wanted them both to get accustomed to taking formal action, and to signing something." It didn't matter what—just anything that looked official, he explained.

"Whenever they got together," Dr. Bunche recalled, "you'd always find that there was a gap between them. It was always a matter of timing, always a matter of finding out when it would be appropriate to reduce a discussion to a formal, written draft of one point. We never would throw a whole draft at them at the beginning—that would have scared them to death."

At one exasperating point in the 81-day negotiating marathon, an impatient Israeli delegate hurled a pencil on the table, and it bounced up and hit an Arab delegate. The talks almost blew up. But Dr. Bunche privately reprimanded the Israeli and got him to apologize.

It was always touch-and-go. On another occasion, an Arab delegate refused to shake hands with an Israeli leader. This nearly wrecked the negotiations too. But Dr. Bunche, after much talk that smacked of foreign intrigue, arranged what amounted to a secret rendezvous between the two men who, it turned out, were grateful for the opportunity.

"This time they acted like long-lost brothers," Dr. Bunche recalled. "Pretty soon they started to speak Arabic—and then they apologized to me because they knew I didn't speak the language. I said, 'Hell, speak your Arabic—don't bother—about me.'"

Eventually, the force of Dr. Bunche's personality melted the frigid atmosphere of the talks. There were thousands of pages of documents, drafts and counterdrafts, hundreds of compromises and ultimatums. But ultimately, an armistice was signed.

"He drove himself and his staff night and day," an aide said afterward. "He plunged into every problem as though his life depended on getting it solved. He had an uncanny ability for grasping a situation and sizing it up completely."

When it was all over, Col. Mohammed Ibrahim Seif elDine, of Egypt, called Dr. Bunche "one of the greatest men in the world." Dr. Walter Eytan, of Israel, said the mediator's efforts had been "superhuman."

PEACEKEEPING SATISFYING

Dr. Bunche gave full credit to the two delegations and to his staff. The Nobel Prize Committee thought otherwise, in making its first peace toward to a black man.

In a 1969 interview, Dr. Bunche said: "The Peace Prize attracted all the attention, but I've had more satisfaction in the work I've done since. I have been in charge of the U.N. peace-keeping operations in various parts of the world—the Congo, the Middle East, Kashmir." The Suez operation he called "the single most satisfying work I've ever done," primarily because "for the first time we have found a way to use military men for peace instead of war."

BIAS AGAINST BIGOTRY

Dr. Bunche made friends easily and was a good conversationalist of an evening, mixing stories with a few whiskies. But his most serious words were not reserved for friends. In a speech at the Waldorf-Astoria, he once said a great deal about himself and his convictions:

"I have a number of very strong biases. I have a deep-seated bias against hate and intolerance. I have a bias against racial and religious bigotry.

"I have a bias against war, a bias for peace. I have a bias which leads me to believe in the essential goodness of my fellow man, which leads me to believe that no problem of human relations is ever insoluble. And I have a strong bias in favor of the United Nations and its ability to maintain a peaceful world."

For the author of these convictions, the road to greatness had been steep and rutted with obstacles. Ralph Johnson Bunche was born in Detroit on Aug. 7, 1904, the son of Fred Bunche, a barber, and Olive Agnes Johnson Bunche, a musically inclined woman who contributed much to what her son called a household "bubbling over with ideas and opinions."

In 1915, after the birth of Ralph's sister, Grace, his mother developed rheumatic fever and the family moved to Albuquerque, N.M., for the hot, dry air and sunshine. But Mrs. Bunche died in a short time, and three months later her husband died. At the age of 13, Ralph was an orphan.

He and his sister were left in the care of their maternal grandmother, Mrs. Lucy Taylor Johnson, a tiny woman with a towering will and what Ralph considered the wisdom of a sage. She took the children to Los Angeles, where they lived in a bungalow in a mostly white neighborhood, and enrolled them in local public schools.

At the 30th Street intermediary school, the principal advised that Ralph be enrolled in a commercial training course. But Mrs. Johnson wouldn't have it. "My grandson is going to college," she told the principal.

The youth was a brilliant student. He was valedictorian of the class of '22 at Jefferson High School, whose academic honor society denied him admission at the time and tried to correct the matter, to Dr. Bunche's amusement, 30 years later.

COLLEGE ON SCHOLARSHIP

After high school, he continued working as a janitor and carpet-layer, jobs he had obtained to help support the family. But at the insistence of his grandmother, he accepted an academic scholarship and enrolled at the University of California at Los Angeles.

As in high school, he was a star in football and basketball at U.C.L.A., but sustained a knee injury that bothered him for the rest of his life. Nevertheless, he always carried three little gold basketballs, reminders of three championship years on the varsity, and a United Nations associate said he thought they were Dr. Bunche's proudest possessions.

His passion for baseball and football also remained with him. Some United Nations officials never guessed that a few of the scribbled messages handed to him by security guards during meetings contained the scores of ball games.

To support himself in college, the young man spent his summers working on ships. The job began in 1923 when he stowed away on a ship to save the cost of railroad fare to a Reserve Officers Training Corps summer camp.

He was caught and put to work to earn his passage, but he liked the job so much that he worked ships for the next three summers.

He received his Bachelor of Arts degree with Phi Beta Kappa honors in 1927, and went on to Harvard to take a Master of Arts in 1928 and his doctorate in government and international relations in 1934. He later did advanced work in anthropology at Northwestern University, the London School of Economics and the University of Capetown.

MARRIED HIS STUDENT

Dr. Bunche joined the faculty of Howard University in Washington in 1928, and there, a year later, he met Ruth Harris of Montgomery, Ala., one of his students, who also was teaching in an elementary school. They were married on June 23, 1930, and moved to Harvard, where he was beginning his doctoral studies.

From 1938 to 1940, Dr. Bunche collaborated with Gunnar Myrdal in his researches on "An American Dilemma." Their questions about interracial sex relations aroused a mob of angry whites who chased them across Alabama one night.

When the United States entered World War II, Dr. Bunche was rejected for military service because of his damaged knee and hearing impaired by a mastoid operation. But he joined the War Department as an analyst of African and Far Eastern affairs and quickly rose through the ranks of Strategic Services. In 1944, he moved to the State Department and became head of the Division of Dependent Area Affairs, dealing with colonial problems. By the war's end, he was in the mainstream of planning for the organization that was to become the United Nations.

In 1944, he was at Dumbarton Oaks, laying the groundwork. In 1945, he was at San Francisco, drawing up the trusteeship sections of the United Nations Charter. In 1946, he was in the United Nations delegation to the first General Assembly in London.

AT LIE'S REQUEST

Later that year, he went on loan to the United Nations at the request of Secretary General Trygve Lie, and in 1947 he quit the State Department to join the permanent Secretariat of the new world body.

In the Secretariat, he directed the operations of the Trusteeship Division and set up the guiding principles under which numerous territories achieved statehood. His expertise on African affairs and the problems of the emerging African nations was broad and acquired first-hand.

The year after his stunning success in the negotiations at Rhodes, he was offered—but rejected—the post of Assistant Secretary

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of State. "Frankly," he said at the time, "there's too much Jim Crow in Washington for me—I wouldn't take my kids back there."

By 1955, Dr. Bunche held the title of Under Secretary and two years later Under Secretary for Special Political Affairs. During these years, he was the principal troubleshooter for Dag Hammarskjold.

Among his tasks were the United Nations program on the peaceful uses of atomic energy and research on the effects of radiation.

When the United Nations managed to halt the British-French-Israel invasion of the Suez area in November, 1956, Dr. Bunche organized and directed the deployment of a 6,000-man neutral force that acted as a buffer between the belligerents. This force was his special responsibility until 1967, when President Gamal Abdel Nasser of the United Arab Republic demanded its withdrawal.

In 1960, he directed another peacekeeping force in the Congo, preventing the new republic's total collapse after the secession of Katanga province.

When the United Nations force in Cyprus was set up in March, 1964, Secretary General Thant put Dr. Bunche in charge of the 6,000 troops that stood between Cypriotes of Greek and of Turkish origin.

In all these efforts, Dr. Bunche viewed the use of troops as part of the larger work of bringing warring peoples to the conference table and hatreds under control.

For his work, there were awards—scores of them, a torrent of medals, prizes and more than 50 honorary doctorates. He became a trustee of Oberlin College in 1950, a member of the Harvard board of overseers from 1959 to 1965, president of the American Political Science Association in 1953–54 and a trustee of the Rockefeller Foundation in 1955. In 1963, President John F. Kennedy gave him the Medal of Freedom, the nation's highest civilian award.

The Bunches have lived since 1953 in a Tudor-style home in Kew Gardens, Queens. Until his eyesight began failing, Dr. Bunche drove his own car to work daily.

He loved the theater and the opera, and on occasion the stars he admired visited his 38th-floor office in the Secretariat building.

TENNIS CLUB REBUFF

In 1959, he was involved in a much-publicized incident in which he and his son, Ralph Jr., were refused membership in the West Side Tennis Club at Forest Hills. Dr. Bunche took up the cudgels and received an apology, and the club official responsible for the rebuff resigned. Dr. Bunche then declined an offer of membership.

He was angered because the change appeared to be based on his personal prestige, and not on any principle of racial equality. "No Negro American can be free from the disabilities of race in this country until the lowliest Negro in Mississippi is no longer disadvantaged because of his race," he said.

There were other occasions on which he was moved to protest racial discrimination. He first walked a picket line for the National Association for the Advancement of Colored People in Washington in 1937. In 1965, though not in the best of health, he participated in marches on Selma and Montgomery, Ala. He served as an active member of the N.A.A.C.P. board of directors for 22 years until his death.

In the last year Dr. Bunche became seriously ill. In June, a month after being hospitalized, he retired from his United Nations post. The retirement was not announced until later because Mr. Thant had hoped Dr. Bunche would recover and be able to return to his duties. But this was not to be.

Dr. Bunche is survived by his widow; son, Ralph Jr.; daughter, Joan, and three grandchildren. Another daughter, Mrs. Burton Pierce, died in 1966.

Dr. Bunche's body may be viewed by the public at Frank E. Campbell, Madison Avenue, and 81st Street starting at 7 tonight. The Rev. Ernest T. Campbell will conduct the funeral services at the Riverside Church at noon Saturday. Private burial services will follow at the Woodlawn Cemetery.

TRIBUTES ARE LED BY THANT AND NIXON

(By Thomas A. Johnson)

UNITED NATIONS, N.Y., December 9.—Shaken by the loss of "an incomparable friend and colleague," United Nations Secretary General U Thant, described Dr. Ralph J. Bunche today as "an international institution in his own right, transcending both nationality and race in a way that is achieved by very few."

Opening the General Assembly session this afternoon, Mr. Thant gave the first of scores of tributes at the session to his former Under Secretary, Dr. Bunche, who died early today.

Seated, and looking up only now and then, Mr. Thant said:

"He was the most effective and best known of international civil servents, and his record of achievement as an individual member of the Secretariat's was unsurpassed."

Praising Dr. Bunche for his "integrity," "insight," "kindness, humor and deep compassion," Mr. Thant said that "he was an outstanding example of that new 20th-century breed of international officials who devote all of their gifts and their very lives to the service of the community of mankind."

The news of Dr. Bunche's death brought tributes and expressions of sorrow from around the world.

PRESIDENT'S TRIBUTE

President Nixon said: "Dr. Bunche never relented in his persistence to advance the cause of brotherhood and cooperation among men and nations. America is deeply proud of this distinguished son and profoundly saddened by his death."

Secretary of State William P. Rogers said: "No American has worked more faithfully, more persistently, or more effectively in the cause of peace in our generation."

The United States Ambassador to the United Nations, George Bush, said: "Though we Americans take pride in the fact that he was an American, he was truly a citizen of the world."

Premier Golda Meir of Israel, currently in New York, said: "There is hardly anybody outside of Israel who was so intimately connected with the state of Israel from its very emergence. . . . His wisdom, objectivity and ability are sadly needed in the troubled world of today."

Several civil rights groups also paid tribute to Dr. Bunche.

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, noted that Dr. Bunche had served for 22 years as a board member of the N.A.A.C.P., "never failing us as a source of wise and understanding counsel and support. It will remain for the historians and biographers to set forth the Ralph Bunche record in the full richness of its dedication, wisdom and service to humanity."

The executive director of the National Urban League, Vernon E. Jordan Jr., said: "His name has been an inspirational beacon to young black people for decades. As an educator, Scholar and activist, he was in the forefront of those building a great, new black consciousness in the thirties and forties."

[From the New York Times, Dec. 10, 1971]

THE FAITH OF RALPH BUNCHE

For Americans and many others, Ralph J. Bunche was a personification of the United Nations, which he served capably and selflessly for nearly a quarter-century. The decisive role he played in some of the U.N.'s more spectacular political successes had made of him almost a symbol of the United Nations at its best.

His life was a striking fulfillment of the American dream: the poor Negro boy, orphaned early, who overcame both poverty and racial prejudice, reaching the highest academic level through brilliance and hard work, spending his talents prodigally for a generation in the service not just of his own country but of all countries and the cause of world peace.

Dr. Bunche undoubtedly will be remembered longest for stepping into the breach left by the assassination of Count Bernadotte and painfully, relentlessly hammering out the armistice between Israel and the Arab states in 1949. This was the achievement that won him the Nobel Peace Prize and a host of other honors; but it revealed something of his practical side as a diplomat and his vision as a statesman that he took even greater satisfaction from organizing the United Nations peace force that acted successfully as a buffer in the Middle East for more than a decade.

"For the first time," he said in explanation, "we have found a way to use military men for peace instead of war." For many who came in contact with him the most impressive thing about Dr. Bunche was not his skill as a mediator and conciliator, great as that was, but a faith in the United Nations that never flagged despite its failures and disappointments.

It was this faith that Lord Caradon underscored in a memorable tribute to Dr. Bunche as "one of the greatest Americans." For more than two decades, said Lord Caradon, "in spite of all kinds of difficulties and discouragements, he has set an example to us all, an example of courage and indefatigable effort."

Through his long and debilitating recent illness, which forced his retirement from the U.N. a few weeks ago, Dr. Bunche maintained that courage and kept that faith. His memory should be an inspiration to the peacemakers, but it is sadly ironic that his death should occur just as the U.N. stands helplessly by at the outbreak of a new and savage war in Asia.

[From the Washington Post, Dec. 10, 1971]

RALPH J. BUNCHE

There can hardly be a land in which the death of Ralph Bunche will not be mourned as though he were one of their own. He rose beyond nationality until in a true sense he was a citizen of the world, with all mankind his constituency. His was the noblest service to which a man could be committed—the service of peace. All his life, it seemed, was a preparation for that service, an education in the arts of conciliation and rapproachment and the promotion of understanding, the essential stuff of diplomacy.

He learned as an American how to moderate the implacable mistrusts of racial antagonism. And he learned as an international civil servant, rising to the summit of the United Nations hierarchy, how to assuage inveterate rivalries and hostilities between nations. It seems quite fair to say that the U.N. achieved its highest usefulness and effectiveness in the time when Ralph Bunche painstakingly worked out an Arab-Israeli agreement on the island of Rhodes that preserved an uneasy peace in the Middle East for the better part of two decades and when he headed the U.N.'s successful effort to prevent the spread of civil war in the liberated Belgian Congo. Like another great leader of his race, he had a dream—of a United Nations capable of keeping the peace—and he spoke eloquently of it accepting his Nobel Peace prize in 1950. An excerpt from that address, reprinted For the Record elsewhere on this page today is a sad reminder—made all the the sadder by the warfare now raging unabashed in the Asian subcontinent, of how little the world has learned from his wise counsel.

Though he was a man of peace and a man of reason, Ralph Bunche was also a man capable of boiling indignation at the injustices and discriminations inflicted upon Negroes in America. He was, in the best meaning of the term, a militant champion of human equality. He served that cause most conspicuously and perhaps most effectively when he declined an offer by President Truman to make him an assistant secretary of state. He declined the offer, he said quietly and articulately, because he did not wish to subject his wife and children to the indignities of segregation that then prevailed in Washington. His statement stung the conscience of the country and roused it as no amount of ranting or violence could have done.

Ralph Bunche was a gentle, learned man of action. He achieved much in the long years of his service to peace. And he left a legacy of hope in the depth of his belief in the perfectability of man.

[From the Washington Post, Dec. 10, 1971]

RALPH BUNCHE'S DREAM OF U.N. AS PEACEKEEPER

(What follows is an excerpt from Ralph Bunche's Nobel lecture delivered at Oslo on Dec. 11, 1950.)

To make peace in the world secure, the United Nations must have readily at its disposal, as a result of firm commitments undertaken by all of its members, military strength of sufficient dimensions to make it certain that it can meet aggressive military force with international military force, speedily and conclusively.

If that kind of strength is made available to the United Nations—and under action taken by the General Assembly this fall it can be made available—in my view that strength will never again be challenged in war, and therefore need never be employed.

But military strength will not be enough. The moral position of the United Nations must ever be strong and unassailable; it must stand steadfastly, always, for the right.

The international problems with which the United Nations is concerned are the problems of the inter-relations of the peoples of the world. They are human problems. The United Nations is entitled to believe, and it does believe, that there are no insoluble problems of human relations, and that there is none which cannot be solved by peaceful means. The United Nations—in Indonesia, Palestine and Kashmir—has demonstrated convincingly that parties to the most severe conflict may be induced to abandon war as the method of settlement in favor of mediation and conciliation, at a merciful saving of untold lives and acute suffering.

Unfortunately, there may yet be some in the world who have not learned that today war can settle nothing, that aggressive force can never be enough, nor will it be tolerated. If this should be so, the pitiless wrath of the organized world must fall upon those who would endanger the peace for selfish ends. For in this advanced day, there is no excuse, no justification for nations resorting to force except to repel armed attack.

A WAR THAT CANNOT BE WON

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DERWINSKI. Mr. Speaker, the tragic developments between India and Pakistan will create new problems and leave scars that may never heal and, in my judgment, no one will emerge a winner in this unfortunate conflict.

One of the most objective editorial commentaries on this crisis which I have read is the Chicago Tribune's of December 7 which properly makes the point of U.S. impartiality in efforts to produce an end to the fighting and the complications which produced it.

The editorial follows:

A WAR THAT CAN'T BE WON

We're proud of the impartial effort the United States has made to end the war between India and Pakistan despite the blatantly partial obstructionism of the Soviet Union on India's side and Red China on Pakistan's. The saying that it is no longer possible to win a war is especially true of this one.

The original meaning of this saying was that in a war like World War II, the victors are left in almost as bad shape as the vanquished. It picked up new meaning with the discovery that the world can no longer afford to allow one side to win, even in localized wars, if a one-sided victory would upset the delicate balance between east and west.

But even in the simple, old fashioned sense, there can be no real victor in the present war. Oh, India may think it can win—and in an immediate and military sense it may be right. It has superiority in the air, on the ground, and at sea. And with the Soviet Union running intereference for it in the United Nations, India obviously hopes to forestall any effective U.N. action, whatever the General Assembly may do, while it finishes off a blitz war designed to set up East Pakistan [otherwise known as East Bengal or Bangla Desh] as an independent Bengali state while at the same time keeping Pakistan from occupying Kashmir.

India could then present the world with a fait accompli, as Israel did in 1967, and the U.N. would be left talking largely to itself. True, India has denounced Israel for doing just what India seems to be doing now, but then consistency never was one of India's strong points.

But assuming this happens, what then? There will still be 10 million starving refugees in India, and countless others as well will be left homeless or jobless by the war. The problem won't go away simply because India is able to install a puppet government in East Bengal.

And if the 75 million predominantly Moslem Bengalis of East Bengal become independent, what will India do about the inevitable desire of perhaps 40 million predominantly Hindu Bengalis in West Bengal to separate from India and join their brethren in a new Bengali state which would then be the sixth most populous country in the world, roughly equal to Pakistan in population and economic strength?

After all, most Bengalis regard themselves as Bengalis first and Hindus or Moslems second. Once this crisis is over, India can't count on their abiding allegiance. West Bengal has been a hotbed of opposition to the New Delhi government and is a stronghold of the Maoist Communist Party even tho the Chinese have supported Pakistan in the suppression of the East Bengalis.

Would India be willing to restore to East Bengal its prewar share of the world jute market even tho this profitable business is now being diverted to Indian jute mills?

In short, an Indian victory would solve little and would leave India bordered by a vengeful Pakistan and a Red China eager to make up for its loss of face.

The Nixon administration has been accused of favoring Pakistan by pointing out that India, too, must share the blame for the war. But in the view of these liberal critics, impartiality means taking India's [and the Soviet Union's] side and thus encouraging precisely the sort of military solution which they profess to abhor when it doesn't suit their purposes.

Our impartial efforts in the U. N. have the support of a majority of the members [an unaccustomed pleasure for us]. If the U. N. can be prevailed upon to stop the fighting, we shall have performed a worthy humanitarian service. If not, it will be because of the stubbornness of those "peace-loving" countries, the Soviet Union and China, which are so ready with sanctimonious advice when somebody else's fingers are in the fire. In the history books of the future, if nowhere else, we should rate an "A" for effort.

THE FOREIGN AID APPROPRIATIONS VOTE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. CULVER. Mr. Speaker, I am reluctantly voting against final passage of the foreign aid appropriations bill. I do not come to this decision easily, but I do so as one who genuinely believes in the necessity for a constructive program of international assistance. My vote, therefore, is not a "farewell to foreign aid," but a vote which seeks to encourage a recognition by both the Executive and Congress that foreign aid has little value if it represents merely the lowest common denominator of tolerance and support.

Some small improvements were reached during the course of the debate today such as in the provision of $150 million for the Inter-American Development Bank. However, the changes which were voted fell considerably short both of the intentions we had in the authorizing legislation, and of the real requirements of our national interest.

The departure from the normal procedures of voting appropriations only subsequent to final approval by the full Congress of authorizing legislation lacked justification. Furthermore, I do not feel the action taken by the House is likely to break the legislative impasse which exists on the foreign aid bill.

Among the principal deficiencies in the appropriations legislation is the failure to even compromise on a sum for the United Nations development program; the imbalance which exists between economic aid which is developmental and humanistic as against aid which is primarily military in its character; the low

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level of funding for most of the multilateral and international aid agencies; and the very tight budget for the Peace Corps.

In addition, this bill is too much a receptacle of extraneous, and in some cases, hasty policy judgments. It does little to set foreign aid on a newer and firmer course as both the President and many Members of Congress have espoused.

Under these circumstances, I feel the wisest and more honest course is to vote against this bill on final passage.

DOCK STRIKES COSTING AMERICAN AGRICULTURE SEVERE ECONOMIC LOSSES

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. ANDREWS of North Dakota. Mr. Speaker, current dock strikes are costing American agriculture severe economic losses. Farmers and farm commodity exports are forced to suffer even though the contracts in dispute do not pertain to grain and oil seed stevedoring. During Senate subcommittee hearings November 5 of this year, private efforts to separate grain handling from other reoccurring dock strike issues were described by an executive of a major exporting company, H. Robert Diercks. The proposal outlined in his testimony would not interfere with labor and management attempts to work out differences, but it does present an alternative that could have averted farm export losses estimated upwards of $500 million this year alone.

In order that my collegues will be able to share these remarks, I am inserting Mr. Diercks' statement in the RECORD:

TESTIMONY OF H. ROBERT DIERCKS

My name is H. Robert Diercks. I am Vice Chairman of the Board of Cargill, Incorporated, Minneapolis. I am appearing here today as chairman of an informal association of firms operating all of the grain, soybean and soybean product export facilities from Maine to Texas. The purpose of my testimony today is to describe the efforts this association has made to avoid or to minimize the impact on farm exports of dock strikes.

In the past quarter century our facilities have been closed by strikes of longshoremen on the expiration of labor contracts eight consecutive times. Although Taft-Hartley injunctions have been issued in each case except the present one, losses to producers and handlers of grains and oilseeds have been enormous. When bulk loading facilities are closed in these Atlantic Gulf ports, surpluses back up in the pipe line, depressing farm prices, tying up storage and transportation facilities and forcing layoffs of workers throughout the system. Most important in the longer term, foreign buyers who otherwise might rely on the United States as their principal supplier, must seek other arrangements to fill immediate needs and to protect against such interruptions in the future.

There is little justification for tying up grain and oilseed handling facilities in these strikes. The issues involved in stevedoring these commodities are seldom difficult to resolve. The issues mainly responsible for prolonged dock strikes in recent years—the handling of containerized cargo and the guaranteed annual wage—have not been serious problems in our industry. Grain and related bulk commodities have never been handled in containers. The principal issue in the current strike—the guaranteed annual wage in the Port of New York—does not apply to us at all. Grain has not been handled in the Port of New York for many years.

Despite the absence of serious issues, we have been forced to take costly strikes (1) because we have little voice in the maritime associations and their negotiating committees and (2) the real parties in interest—the steamship companies and general cargo handlers who dominate these associations and the longshoremen who work the docks—do have serious differences and neither is as vulnerable to the damage produced by strikes.

Thus, even though few serious issues have existed between longshoremen and stevedores who handle grains and related bulk commodities, we have been forced to take strikes that inflict great damage on a broad segment of the nation's economy because the decisions on which the strikes have hinged have been controlled by others who do have serious problems and who are less damaged by the effects of strikes.

The strike of longshoremen three years ago was the most costly in our history.

Shortly after the strike ended, my company resolved to try to avoid a similar experience when the newly formed contract expired this year. We entered into discussions with other firms who shared our interests—those firms which comprise the association for whom I am appearing today—and found broad agreement that something should be done to break the pattern of the past. Being the conduit by which these commodities reach foreign markets, this group felt a deep responsibility to the farm community to be able to perform this service. We concluded that this might be accomplished in either one of two ways:

First, we could insist in each of the employer associations that stevedoring firms handling grain and related bulk commodities be permitted to negotiate separately the issues that applied only to the handling of these commodities. Once these issues were resolved, work could continue even though general cargo operations were struck. Firms handling these commodities would agree to be bound on a retroactive basis by the more general terms ultimately negotiated by the committee representing the employer association.

Or, secondly, firms operating facilities for the export of grains and other related bulk commodities could form their own stevedoring companies whose sole activity would be restricted to stevedoring those commodities. These firms would form their own employer association in each port and negotiate a separate contract with the union.

Under either arrangement, these operations could continue or resume even though the more general issues in the broader negotiation remained unresolved.

In July, 1970 an informal organization of these firms was formed and a steering committee appointed to explore these and other alternatives with the International Longshoreman's Association and with the employer associations in Atlantic and Gulf ports. On September 30, 1970, the steering committee met with the president of the International Longshoreman's Association. They were assured that separate negotiations were acceptable but that all coasts (which was interpreted to mean the Atlantic and Gulf coasts) must be negotiated together though the negotiations could take account of local conditions. Subsequently, meetings were arranged with the leaders of key employer associations in Atlantic and Gulf ports to explore the possibility of new arrangements which would permit separate negotiation of issues applying only to the handling of grain and other related bulk commodities. The employer associations flatly rejected any such arrangements.

At a meeting of our association on June 4, 1971 it was agreed that members would form their own stevedoring companies to handle only grains and other related bulk commodities and that these new stevedoring firms would organize their own associations in each Atlantic and Gulf port to negotiate separate contracts for the handling of these commodities.

On June 22, 1971, as chairman of the association, I wrote to the president of the International Longshoreman's Association asking for another meeting "to make sure we are in a position when the present contract expires to negotiate successfully a separate contract on behalf of our members if it is necessary to avoid a strike. . ." Receiving no response, on July 15, 1971 I telephoned him restating our request for a meeting. At that time he said he was preoccupied with a meeting of his association but would call to arrange a meeting with us after July 26. No such call was received.

On September 30, 1971, the day the then current agreement was to expire, Mr. Jerry Jenks, then chairman of our negotiating committee, wired the president of the International Longshoreman's Association expressing our urgent desire to meet and requesting that he name a negotiating committee and set a time and a place for negotiations. No response to that wire has been received.

The following day the International Longshoreman's Association struck Atlantic and East Gulf ports. Subsequently, we urged the President to invoke Taft-Hartley to reopen Atlantic and East Gulf ports or alternatively, to invoke the Act selectively to reopen facilities handling grain and other related bulk products in these ports during the critical harvest months.

As you know, the President has not responded to these requests.

On October 14, 1971, I addressed a letter to the president of the International Longshoreman's Association reviewing our past discussion. I reminded him that we were prepared to discuss the three areas of major concern to him—namely, a contract covering ports from Maine to Texas, a guaranteed annual wage and wage rates and related benefits.

We are still hopeful that the ILA will agree to proceed with negotiations with stevedores handling only grains and other related bulk commodities, despite the discouraging lack of response to our repeated requests that a committee representing the ILA be named and a date for discussions set. For the moment, at least, the issue is clouded by the injunction granted in the Port of New Orleans, the decision of longshoremen in at least one other port to follow New Orleans and the decision of other maritime unions to picket on a selective basis the loading of certain vessels of foreign registry. However, if our efforts fail, a legislative solution to the problems I have described seems essential. At peak loading periods no more than 500 to 700 longshoremen are employed in the handling of grains and related bulk commodities at Atlantic and Gulf ports. The interests of these few workers, most of whom derive their principal income from other sources, cannot justify prolonged strikes at regular intervals that inflict heavy damage on a broad sector of the nation's economy.

Thank you.

EDGAR POE ELECTED PRESIDENT OF THE GRIDIRON CLUB OF WASHINGTON, D.C.

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BOGGS. Mr. Speaker, it was a great pleasure for me to learn recently that my longtime friend, Edgar Poe, the Washington correspondent of the New Orleans Times-Picayune, has been elected president of the Gridiron Club of Washington, D.C.

The Gridiron Club, as we all know, is an organization of veteran Washington journalists which brings together annually representatives of the Press Corps and of Government for the purpose of spoofing public officials.

Ed Poe's election comes as good news to his many friends and especially to those of us who hold public office. I can recommend him to you as a man of unusual fairness and objectivity, whose credentials as a reporter make him eminently qualified to stoke the gridiron griddle.

Let me tell you about this distinguished reporter who has been my good friend for almost 30 years:

Ed Poe was born in Jasper, Ala., and has been a reporter just about ever since. He joined the Times-Picayune in the spring of 1930, and mastered the art of political reporting by covering the politics of Louisiana and Mississippi. After a stint as a war correspondent in the South Pacific—which must have seemed tame by comparison—he joined the Washington Bureau of the Times-Picayune and he has been here ever since.

In addition to his membership in the Gridiron Club, he is vice president of the White House Correspondents Association, treasurer of the Overseas Writer, and a member and former president of the Washington Chapter of Sigma Delta Chi, the honorary journalism fraternity.

All of this tells us about Ed Poe the professional, but I will advise you that he is more than an outstanding reporter: He is a fine person, and I am proud to number myself among his many friends.

His election as president of the Gridiron Club is, of course, a great honor, but it is only a small measure of the esteem and admiration he enjoys from all of us.

To Ed Poe and his wonderful family, I express my warmest congratulations on this happy honor.

Mr. Speaker, I am inserting an article from the Times-Picayune of Sunday, December 5, and calling it to the attention of my colleagues:

TIMES-PICAYUNE'S POE NEW PRESIDENT OF NATIONAL GRIDIRON CLUB—DISTRICT OF COLUMBIA CORRESPONDENT IS ELECTED BY UNIT

(By James Free)

WASHINGTON.—Edgar A. Poe, The Times-Picayune Washington correspondent, Saturday was elected President of the Gridiron Club, an institution unique in American journalism.

Since 1885 this country's biggest wheels have been spoofed in skits and songs and sizzled on the verbal griddle by the Gridiron Club, the active membership of which is limited to 50 Washington-based newspaper correspondents and editors.

All Presidents of the United States, in the club's 86 years, with the sole exception of Grover Cleveland, have attended one or more of the club's annual white tie dinners.

Poe succeeds Jack Bell of the Gannett News Service. Other officers elected were Robert Roth, on The Philadelphia Bulletin, vice president; Jack Steele, Scripps-Howard newspapers, secretary; Richard L. Wilson, Des Moines Register and Tribune, treasurer; and Jerald Terhorst, Detroit News, historian.

EXECUTIVE PANEL

Elected to the executive committee were: Rudolph Kauffman II, Washington Evening Star; Julius Frandson, United Press International; and Lucian C. Warren, Buffalo News. Poe, who has been a Washington correspondent for The Times-Picayune since March, 1947, was nominated for the presidency by Newbold Noyes, Washington Evening Star, and the seconding speech was by Philip Potter, Baltimore Sun.

Following the club's annual business meeting earlier in the day, Poe delivered his acceptance address at the annual "closed" black tie dinner at the Statler Hilton Hotel.

A native of Jasper, Ala., Poe was a reporter on the Birmingham Age-Herald for a short time before joining The Times-Picayune staff on Easter Sunday in 1930. He covered Louisiana politics during the Huey Long era, reported activities of the Louisiana and Mississippi Legislature, served as Mississippi correspondent for The Times-Picayune and was a war correspondent in the Pacific.

ASSIGNED IN 1947

He was assigned to the Washington Bureau of The Times-Picayune in 1947, working with Paul Wooton until Wooton's death on Feb. 16, 1961. Poe is vice-president of the White House Correspondents Association, treasurer of the Overseas Writers, a former president of the Washington chapter of Sigma Delta Chi, a former member of the standing committee of correspondents (at the U.S. Capitol.)

In 1967, Poe was cited for "distinguished Washington correspondence" by the University of Alabama alumni National capital charter.

With Treasury Secretary John B. Connally, Jr., the ranking guest at the little,"closed" dinner Saturday, the gridiron chorus, under the direction of Col. Albert F. Schoepper of the U.S. Marine Band, sang the "Edgar Allen Poe Song" to the tune of "Way Down Yonder in New Orleans." The dinner followed the business session earlier in the day.

The lyrics to the song follow:

Look who's made it from New Orleans
Just as southern as turnip greens
He's a Dixieland dandy
A good ol' boy.
Gridiron Clubbers all yell hurrah!
Every meetin's a Mardi Gras Stop!
A handy man, a corn pone knight,
When we rehearse
Stop!
(He'll loosen up all that is tight
(And vice-e verse
(Chorus)
(Gestures chairman to pres-i-dent
(How is that for extremes?
(That's our Ed-die from New Orleans.
That's our Ed-die from New Orleans.

Poe in his five-minute acceptance speech following the song, told fellow Gridironers and the cabinet officers:

"I don't expect to go to Peking with President Nixon in February, but things look favorable for me to go with him to New Orleans in January for the Super Bowl. And that's not Picayune."

There were numerous other quips.

During the evening retiring president Bell passed the Gridiron gavel to his successor with warm congratulations.

HOW MANY CHILDREN ARE GOING TO DIE TODAY?

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BRASCO. Mr. Speaker, on December 30, 1970, President Nixon signed into law the Poison Prevention Packaging Act. It had been passed by the Congress in response to an appalling situation which to this day continues to exist.

Each year, 600,000 American children under age 5 are poisoned by ingestion of hazardous substances. This comes to approximately 6,000 daily, or about one every 30 seconds. At least one such child dies every day of the year, because of this kind of poisoning. For each one that dies, at least one other is crippled for life.

What poisons them? Everyday household products sold in most stores across the Nation. All are marketed by industry with a fine disregard for safety. Lye, oil of wintergreen, aspirin, prescription drugs, furniture polishes, antifreeze, pesticides, mothballs, Drano, gasoline, and cosmetics are only a few such products. Any detergent, particularly those with caustic substances will annihilate a young child if enough is swallowed. This situation is widely known, and has been discussed ad infinitum, ad nauseum.

What might the answer be? Safety closures costing a fraction of a cent each, which are technically feasible and patented by the dozen. All are easily available to industry, if it seeks to utilize them.

This is exactly what the 1970 law sought. It simply requires that all hazardous, commercially available substances be labeled as such for the purpose of being equipped by industry with safety closures. It also requires standards of effectiveness for such safety closures to insure that they will resist efforts of the overwhelming majority of children to open them.

The Department of Health, Education, and Welfare is charged with responsibility for enforcing this measure. Its subsidiary, the Food and Drug Administration, is the immediate organization charged with consumer well being. Specifically, the Product Safety Division of FDA is supposed to lead the way in alleviating this intolerable situation the law was passed to correct. Sad to say, none of the Government organizations mentioned have seen fit to even partially live up to their responsibilities. The public and Congress should be made aware

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of what is going on. In microcosm, what has happened to the Poison Prevention Packaging Act sums up what is wrong with our National Government's administrative apparatus.

In March, when the President proclaimed National Poison Prevention Week, Mr. Secretary Richardson, charged with overall supervision of the law, was off in Utah on a skiing vacation.

After months of prodding by concerned citizens, the media and Ralph Nader, FDA finally got around to appointing a Technical Advisory Committee. This group was supposed to meet in Washington, determine which products were dangerous enough to young children to require safety closures, and set standards of efficacy for them. Only two such gatherings have taken place since the measure became law.

A testing protocol was supposed to be set up, finalized, and published in the Federal Register. Under its terms, selected groups of children under age 5 were to be assembled and used to test different safety closures. From such tests, FDA could lay down standards which closures had to live up to, and inform all involved manufacturers what their responsibilities under the law were. For example, aspirin, which is responsible for approximately one-quarter of all poisonings, would have to be sold with closures 85 percent effective against the efforts of these groups of children to open containers. After being shown how to open the closures, it would have to be proof against the efforts of 80 percent of the test group to open them. Ninety percent of all adults had to be able to open the same containers.

Under persistent prodding, FDA published in the Federal Register standards for aspirin, oil of wintergreen, oil-based furniture polishes, and prescription drugs. Each was to conform to 85 percent standards of efficacy in safety closures. A 30-day period was set aside for comments by the affected manufacturers.

Meanwhile, the final form and publication of the testing protocol has been unconscionably delayed. Because the eventual ground rules for testing have been so delayed, manufacturers have been able to obtain one delay after another on specific action on closures themselves. Meanwhile, children die and are poisoned daily by the thousands.

Ten and one-half months have elapsed since we passed this law. The general public still operates under the delusion that somewhere, somehow, Government is protecting them against such menaces. In this case, such is not the case.

Mr. Speaker, I look upon the Food and Drug Administration as something of a shrieking disgrace. The daily papers are replete with one horror story after another involving this agency and its nonperformance of its most vital responsibilities. When one agency or another fails to perform up to par, we can rightly bemoan it. But when FDA falls down, as it does constantly nowadays, people are killed or crippled for life; in this case, small children.

A cursory inspection of any compartment under a sink or any medicine cabinet yields a frightening harvest. Dozens of daily products, available in any drug store or market, are lethal when ingested by a young child. The law is plain, and FDA's responsibility is fixed. How, then, can this agency so blatantly abdicate its charge by the public?

In mid-July, Dr. Edwards, head of FDA, appeared before the Senate Commerce Committee. At the time he pledged that a series of standards requiring safety closures for hazardous products would be forthcoming at a rate of one a week for 10 weeks. This has not taken place.

Industry, loathe to spend even a pittance for child safety willingly, has been actively lobbying against strict enforcement of the law. Are we to conclude that FDA listens more attentively to such voices than to the mandate of the Congress? Do small children's lives mean so little to them.

A holiday season is almost upon us once again. Many young children will die and be crippled for life, because of further inaction on this measure. Such a situation is to me utterly intolerable. Further delays are inexcusable. Further extensions for those products already under notice are just as inexcusable.

Twenty-four hours from now, another 6,000 youngsters will have been poisoned by poisonous substances. What will the administration do to enforce this law? Or will we continue to allow the slaughter of innocents?

MY FRIEND TURNER ROBERTSON

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. NATCHER. Mr. Speaker, I rise to pay tribute to my friend, Turner N. Robertson, majority Chief Page of the House of Representatives.

Always a cheerful, humble, dedicated employee of the House of Representatives, and a true friend of all of the Representatives. Honor, ability, and integrity have always been the hallmarks of Turner Robertson's long career in the House of Representatives. With his ability, kindness, and understanding, he handled every assignment with dignity and honor. He has been a commanding figure throughout his long tenure in the House. He has always been a loyal defender of the legislative branch of the Government, and no one ever served in the House of Representatives Chamber who loved the House more than Turner Robertson. History will record the fact that he was recognized by everyone as the outstanding Chief Page of the House of Representatives.

I was sorry to hear that Turner had decided to retire. He will be missed by every Member of the House and all of his associates and employees in the legislative branch of the Government. I want to wish him and the members of his family all the very best in the future.

AN L.B.J. LEGACY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. GONZALEZ. Mr. Speaker, a man's background—his family, his home, his experiences, the educational institutions which have him as a pupil—all contribute to his destiny.

One educational institution which helped shaped the destiny of former President Lyndon B. Johnson was Southwest Texas State Teachers College at San Marcos, now named Southwest Texas State University.

The professors at Southwest Texas State, who had Lyndon Johnson as a student, likely never dreamed that one day he would be President of the United States. Perhaps the perception of some of them was such that they expected he had a potential for greatness, but even then they had little inkling just how large a role he would play in shaping and directing history.

However, lack of expectation for this Texas youth, did not prevent Southwest Texas State to invest time and effort in Lyndon Johnson. He had, after all, invested in education, and the college tried to give him all that he expected from that investment.

The Southwest Texas State College did what it should as an institution of higher learning for Lyndon B. Johnson, and has consequently reaped many benefits for fulfilling its mission.

Mr. Speaker, I am privileged to include in the CONGRESSIONAL RECORD a copy of an editorial which appeared in the San Antonio Light, one of the newspapers in my hometown, just following the dedication of the "L.B.J. at San Marcos" exhibition—another good reason why visitors from afar visit the college from which L.B.J. graduated.

The editorial follows:

[From the San Antonio (Tex.) Light, Nov. 13, 1971]

AN L. B. J. LEGACY

The College that helped Lyndon B. Johnson to develop his exceptional intellect was casting bread upon the waters and has been reaping its reward.

It is now named Southwest Texas State University. Its reputation has been greatly enhanced by association with the former President. It draws visitors from afar.

The "LBJ at San Marcos" exhibition is the latest attraction. Thousands attended the dedication to get a glimpse of Mr. and Mrs. Johnson and to inspect the physical evidence of the Johnson influence on the nation's educational system.

They saw the desk and chair used by LBJ when he signed the Higher Education Act of 1965. Also on view are copies of the 60 bills dealing with education which bear the signature of President Johnson.

LBJ took the opportunity to give a talk on the importance of education, including passages from his newly published book, "The Vantage Point."

Students of all ages formed the bulk of the audience, and many of them got the LBJ autograph as a souvenir.

INDIVIDUAL SPORTSMAN IS UNJUSTLY CRITICIZED

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. CABELL. Mr. Speaker, in our continuing effort to conserve our natural resources, our mountains, our seas, our rivers, our woods, and our wildlife, no single individual is more unjustly criticized than the sportsman who enjoys hunting or fishing or camping in the open air.

He is an outdoorsman and, like his predecessors who hunted for his family's food, respects the out-of-doors and wishes to see it preserved and protected.

His contributions to the cause of ecology have seldom been so well-explained as in the attached article by Mr. Henry Stowers, outdoors editor of the Dallas Morning News.

It is well for those who advance the cause of ecology to look at the other side of the picture before concentrating their fire on those who give and who have given them so much of the financial aid upon which their protectionist campaign depends.

The article follows:

[From the Dallas (Tex.) Morning News, Nov. 19, 1971]

HENRY STOWERS—ON AND ON . . . ON AND ON

The newly-spawned crop of econuta, those neophytes in environment and ecology who nevertheless have set themselves up as instant experts, have been giving the hunter a rough time.

Self-appointed critics have the irrational view that hunters threaten wildlife with extinction through legalized hunting. And, unfortunately, their emotional tirades make the kind of sensational headlines preferred by the news media.

First off, one must consider that the econuts have nothing to offer and have never offered any more than a lot of words. Facts hardly stand a chance, and certainly have no place in their quack solutions to environmental problems.

A good example is the hue and cry they have raised against the Alaskan oil pipeline, claiming it's spillage will ruin fine fishing streams and that big animals will go down the drain from oil pollution. A more recent example is the suit aimed to stop the Trinity Navigation Canal. Another is the super-sonic transport ban. Then there was the screams against the recent nuclear test shot.

Old-time Alaskans, particularly those familiar with the great outdoors of that state, look with amazement at the controversy about the pipeline while at the same time something far more damaging is causing not even a small voice raised in protest. This is the bold movement of Japanese and Russian cannery ships right into the mouth of Alaskan rivers and bays and with ten-mile nets hauling in millions of tons of migrating salmon and tuna.

This kind of information, available to anyone, is hugely ignored by the news media and by the neophyte ecologists. But here are some of them anyway. Perhaps just one armchair expert will have an open mind.

Last year hunters paid a record $101,607,879 in license fees which came from 15,370,481 hunters.

The fees from 24,434,680 fishermen's licenses brought in a whopping $90,864,154. These are official Department of the Interior statistics.

Add those together and for last year you can see that hunters and fishermen through their licenses alone shelled out $198 million-plus dollars that all went into conservation and game and fish management. And it also adds up to the fact that no game or fish species that ever legally pursued by the outdoorsman has ever become extinct. Protected species by the dozens, on the other hand have disappeared while the hunted species continues to thrive.

Hunters and fishermen asked for and got a special excise tax on just about every item connected with their sport. And in addition to the hunting and fishing licenses this tax brought in a total of $43,905,000 last year which was returned to states for research and game and fish conservation projects.

We can see the American sportsmen furnished over $235 million last year alone for protection management and research of the natural resources they harvest. They've been doing it for years, long before the word ecology was ever heard of. The econuts have contributed, so far as the record shows, nothing but words and harassment.

The facts boil down to the answer that hunting is a functional tool of conservation in its truly practical form. Hunters harvest the surplus but they replenish the supply. This is a surplus that would partly be removed anyway by predators, sickness, age, starvation and many other built-in controls nature has provided.

The econuts could possibly do some good with their millions of words against the hunter if they would aim them at destroyers of wildlife habitat and polluters of forests and streams. For habitat destruction is the real threat to wildlife, not hunting.

ADMINISTRATION SUPPORT FOR PRESCRIPTION DRUGS UNDER MEDICARE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. OBEY. Mr. Speaker, the Washington Wire column in today's Wall Street Journal carries an item of special interest to me and the 113 Members cosponsoring my bill to provide outpatient prescription drug coverage under medicare. The item reads:

New aid to the aged? HEW Secretary Richardson, on a cue from Nixon, pushes hard for Medicare payment for drugs needed by nonhospital patients. Any administration proposal would likely cover only drugs used to treat chronic illness. Old folks might have to pay part. Even so, the government's cost could reach $1 billion a year.

Without accepting the $1 billion estimate for a program limited to those who are chronically ill, I am pleased nonetheless to learn that the administration will be supporting the concept embodied in this bill (H.R. 2355), of which the chief features are:

First, coverage of prescription drugs and certain nonprescription drugs of special life-sustaining value;

Second, financing under the part A—payroll tax—portion of medicare—unlike most other proposals, which would finance drug insurance through higher monthly premiums under the part B portion;

Third, selection by a formulary committee of the drugs to be covered;

Fourth, $1 copayment by the purchaser for each prescription.

Clearly, administration support enhances the chances that this bill can be enacted in the second session of this Congress.

MONTHLY LIST OF GAO REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BROOKS. Mr. Speaker, the Comptroller General's monthly list of his reports is proving to be a valuable and time-saving device for members and their staffs. Requests to the General Accounting Office for copies of its reports have increased sharply since the first monthly list was issued to the Congress on February 5, 1971.

The list was a requirement of the Legislative Reorganization Act of 1970, and I am pleased that it obviously has stimulated more interest in the work of that Office which, as you know, is an arm of the Congress.

The list of reports issued during the month of November 1971 follows:

LIST OF REPORTS

1. REPORTS TO CONGRESS, COMMITTEES, OR MEMBERS

Commerce and Transportation

Site selection and contract awards for construction and mechanization of the New York Bulk and Foreign Mail Facility, United States Postal Service. B-171594 of October 29, 1971, released by Representative H. R. Gross, November 10.

The cost of the facility will substantially exceed the initial cost estimates because of problems in site selection and preparation, selection of contractors for architect and engineering services, contract award and evaluation, and a sole-source procurement of parcel-sorting machines.

Savings available by consolidating certain reserve fleet activities. Departments of Commerce and Defense. B-168700 of November 18.

The Maritime Administration, the Navy, and—to a lesser extent—the Army maintain inactive vessels at reserve fleet sites on the east, west, and Gulf coasts. They have a common mission of preserving the reserve fleets in the best condition possible with available funds in case they are needed for commercial or national defense purposes.

Because the reserve fleet activities of these agencies are similar and fleet sites are close to each other, GAO reviewed the situation to see if it would be practicable to consolidate the management of Maritime, Navy, and Army fleet sites in the Beaumont, Texas, and San Francisco, California, areas. It would be.

Maritime was receptive to the idea of working with the Navy and the Army to achieve the proposed consolidation of reserve fleet functions and advised GAO that it would be appropriate to make a concurrent study of the feasibility of consolidating other reserve fleets.

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Audit of financial statements of St. Lawrence Seaway Development Corporation, calendar year 1970. Department of Transportation. B-125007 of November 18.

In the opinion of the General Accounting Office, the financial statements of the St. Lawrence Seaway Development Corporation present fairly the financial position of the Corporation at December 31, 1970, and the results of its operations and the source and application of its funds for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year and with applicable Federal laws. This report contains no recommendations or suggestions requiring action by the Congress.

Progress and problems of Urban and Transportation Planning. Department of Housing and Urban Development, Department of Transportation. B-174182 of November 19.

Urban and transportation planning is being carried on, with Federal support, in every major metropolitan area. This review concentrates on urban and transportation planning for the Detroit metropolitan area because of its size and advanced planning process. To gain a broader perspective of urban planning, GAO also made limited inquiries into the planning structures of 15 other metropolitan areas.

Detroit has a continuing planning process which has made, and should continue to make, some contribution to urban growth by developing plans for land use and transportation systems. GAO found that the situation in Detroit was similar to that of many other metropolitan areas. The Congress has under consideration several legislative proposals relating to urban and transportation planning. In view of the character and magnitude of urban planning problems, this report contains information which may be useful.

Growth and use of Washington area airports. Federal Aviation Agency, Department of Transportation. B-159719 of August 18, 1971, released by Senator William B. Spong, Jr., October 7, 1971.

The majority of jet service to the Washington area is furnished at its National Airport, near the center of the city. National is used at virtually maximum allowable levels, whereas the use of Dulles International Airport, near Leesburg, Virginia, continues to be at a minimum much of the time.

Air carriers' schedules have resulted in a high use of Dulles during certain peak hours and virtually no use at other times and uniform use of National throughout the working day.

Because the use of Dulles has declined significantly since late 1969 and because FAA has tended to overestimate growth in the use of Dulles, the planned expansion of the Dulles terminal facilities seems to be questionable. Expansion would serve to accommodate the air carriers in their practice of scheduling most of their service during a limited peak period of the day.

Although a 1969 study found that FAA could take action to create a better balance in the use of the two airports, GAO found no indication that such action had been planned.

Education and manpower

Follow-up review of selected areas of financial and property administration of Federal City College, District of Columbia Government. B-167006 of March 15, 1971, released by Senator William B. Spong, Jr., November 4.

In GAO's prior report (August 1969), deficiencies were found in the administration of certain funds, tuition collection, accountability over supplies and equipment, and the college's control over allotted funds. The follow-up disclosed these types of improvements are still needed.

Opportunity to reduce federal costs under the Law Enforcement Education Program. Law Enforcement Assistance Administration, Department of Justice. B-171019 of November 3.

Under the Law Enforcement Assistance Administration grants are made to institutions of higher learning to improve the educational levels of those employed, or preparing for employment, in police, courts and correction services.

Funds advanced in fiscal years 1969 and 1970 were, respectively, $6.5 million to 485 institutions and $17.9 million to 735 institutions. In 1971, $21 million was appropriated for the program. Because the institutions overestimated their needs, they accumulated large amounts of the unexpended funds for use in the succeeding fiscal year. This resulted in increased and unnecessary Federal interest costs of about $440,000 from January 1969 through August 1970.

The Department of Justice is taking action to delay issuing funds to schools until the last possible moment and provide for the funding of institutional needs on a school-term basis.

General Government

Fees not charged for processing applications for new drugs. Food and Drug Administration; Department of Health, Education, and Welfare. B-164031(2) of November 4.

Under general Government policy, Federal agencies charge fees for services provided when these services result in special benefits beyond those which accrue to the public at large.

The Food, Drug, and Cosmetic Act contains no specific requirement that FDA charge fees for processing applications for new drugs. FDA's costs of providing these services averaged $3.9 million annually for fiscal years 1968-70, or about 5 percent of its total operating costs.

GAO recommends that the Secretary, HEW, establish fees for the services rendered by FDA unless the results of a study by HEW convincingly demonstrate that such fees should not be established.

Fees allowed nonsponsored not-for-profit organizations by various Government Agencies. B-146810 of November 26.

In February 1969, GAO reported a need to improve Federal agencies' guidelines for contracting research work with Government-sponsored, nonprofit contractors. These are organizations sponsored by an agency which has assumed responsibility for providing sufficient work and revenues to ensure retention of capabilities needed by the Government.

In addition to contracting with sponsored nonprofit organizations, Government agencies during fiscal year 1969 obligated about $260 million for basic and applied research to be performed by unsponsored, not-for-profit institutions (other than colleges and universities).

In this review, GAO examined agency policies and practices in the allowance of fees to unsponsored organizations. Most Federal agencies, GAO believes, have not given adequate recognition to the tax-exempt status of nonprofit organizations nor to the need for an appropriate adjustment of fees to place them on an equitable basis with commercial competitors. Accordingly, they may have a competitive advantage when dealing with Government agencies.

Health

Alcoholism among military personnel. B-164031(2) of November 2.

This review, made at the request of the Chairman, Subcommittee on Alcoholism and Narcotics, Senate Committee on Labor and Public Welfare, shows that although the incidence of alcoholism in the military population may be no greater than that of the civilian, it could be a more serious problem because of the dangerous and critical duties frequently required of servicemen.

Humanitarian benefits, as well as substantial savings, can be realized from the establishment of a comprehensive alcoholism control program for military personnel, which GAO recommended. Alcoholism rehabilitation programs have been formally established at some military installations, and DOD has recently established a task force to study all aspects of alcohol abuse among military personnel.

Consumer and marketing service's enforcement of Federal Sanitation Standards at poultry plants continues to be weak. Department of Agriculture. B-163450 of November 16.

This is a follow-up review of poultry plants reported on by GAO two years ago to determine if the Consumer and Marketing Service had improved the enforcement of sanitation standards.

Actions taken by the Consumer and Marketing Service have not been successful in achieving adequate enforcement at the 68 plants GAO visited. For each of the plants, supervisory inspectors, who accompanied GAO and evaluated each plant for compliance with the agency's standards, reported deficiencies. These varied from plant to plant.

Many of the sanitation deficiencies appeared to have existed over a long period. GAO considers the situation indicative of a lack of strong, day-to-day enforcement by the agency's plant inspectors and of a lack of effective supervisory review. Weaknesses in the agency's enforcement of sanitation standards may be widespread.

The Congress may wish to consider the matters discussed in this and earlier reports in connection with a number of measures now before the Congress. These measures include bills to establish a separate Department of Consumer Affairs and the President's Reorganization Plan which would transfer the agency's poultry and meat inspection activities to a proposed Department of Human Resources.

Problems in paying for services of supervisory and teaching physicians in hospitals under medicare. Social Security Administration; Department of Health, Education and Welfare. B-164031(4) of November 17.

GAO has reported on Medicare payments to supervisory and teaching physicians for their services at six hospitals having graduate medical educations programs. This report summarizes problems discussed in the six individual reports.

Problems existed in the administration of the fee-for-service method of making Medicare payments for the services of supervisory and teaching physicians. The problems do not concern the quality of medical care provided—described authoritatively as excellent—but raise questions as to whether the traditional fee-for-service method of payment is suitable in many teaching hospitals under the program.

Legislation being considered by the Congress would change the basis of reimbursement for supervisory and teaching physicians from a fee-for-service basis to a cost-reimbursement basis, with certain exceptions. The proposed legislation, if enacted, should help resolve the major problems noted during its reviews.

International Affairs and Finance

Opportunities for increasing effectiveness of overseas trade exhibitions. Departments of Commerce and State. B-135239 of November 4.

The Department of Commerce, for many years, had organized and administered a variety of trade promotion programs to expand U.S. exports. This report focuses on two—trade center shows and trade and industrial exhibitions—and should be of timely interest to the Congress because of the recent erosion of the U.S. trade surplus and its effect on the U.S. balance of payments.

National defense

Summary of estimated costs of major weapons, June 30, 1971. Department of Defense, B-163058 of November 3; released by the Chairman, Subcommittee on Priorities and Economy in Government, Joint Economic Committee, November 8.

Information provided by the Department shows that the estimated cost to complete 45 individual weapon systems has decreased $3,711 million during the preceding 12 months. However, this net decrease consists of an increase of $1,349 million for Army weapons, a decrease of $7,485 million for the Navy, and an increase of $2,425 million for the Air Force. The report discusses individually those weapons accounting for the major changes.

Opportunity for savings in providing war risk insurance for contractor property and employees. Departments of Defense, State, and Commerce. B-172699 of November 9.

The Department of Defense and the Agency for International Development generally reimbursed Government contractors for the cost of insurance purchased to provide protection against war hazards to their property and employees.

However, the cost of war risk insurance to the Government has substantially exceeded the losses experienced by its contractors. This is true for insurance purchased for contractor-owned vessels, contractor employees, and third-country nationals.

The report includes several recommendations to correct practices followed by the agencies concerned.

Audit of payments from special fund to Lockheed Aircraft program during the quarter ended September 30. Department of Defense. B-162578 of November 17.

This is the second GAO report on the audit of payments from the special fund to Lockheed Aircraft Corporation for the C-5A aircraft program, covering the quarter ended September 30, 1971.

The audit was made pursuant to section 504, Public Law 91-441, which authorized $200 million of interim funding for the C-5A aircraft program to be paid through a special bank account. These funds may be expended for reasonable and allocable direct and indirect costs.

The review revealed no payments to Lockheed from the special bank account during the quarter ended September 30, 1971, that were contrary to Public Law 91-441. However, GAO is giving increased attention to the reasonableness of the labor costs.

II. REPORTS TO HEADS OF DEPARTMENT AND AGENCIES

Need to detect and correct military pay errors prior to member's separation from the service, Department of the Army. (To the Secretary of Defense.) B-125037 of November 3.

The Army continues to separate thousands of servicemen each month who are either overpaid or underpaid, at an annual cost of millions.

More timely and realistic evaluation needed for Capital Development Projects in Pakistan. (To the Administrator, Agency for International Development.) B-158613 of November 10.

The economic development of Pakistan could have been greater if AID and the Government of Pakistan had given more attention to finding solutions to problems as they developed.

Greater coordination needed in the management of career programs for civilian trainees. (To the Secretary of Defense.) B-164682 of November 12.

While definitive directives were issued by the Department as far back as 1955, there is considerable difference in the progress made by each of the military services.

Utilization of aid-financed fertilizer to increase agricultural production in India. (To the Administrator, Agency for Internation Development.) B-161854 of November 16.

Because India was unable to handle the quantity of fertilizer available under the program, and because of favorable weather that decreased demand, fertilizer worth $70 million was unused.

Observations on the management of Department of Defense periodicals. (To the Secretary of Defense.) B-160146 of November 18.

GAO identified several areas where improvements might be made in the approval and distribution of DoD periodicals.

Relocation of public roads caused by construction of water resources projects. (To the Secretary of the Interior.) B-169174 of November 19.

This report informs the Bureau of Reclamation of a recent decision of the Comptroller General which requires substitute roads be constructed to match current, not projected, traffic loads.

Need for improved controls in the automated central payroll system of the Department of Agriculture. (To the Secretary of Agriculture.) B-146951 of November 29.

Management controls over certain manual aspects of the system need to be strengthened to increase its efficiency and effectiveness, and to minimize the potential for irregulatities.

III. COMPTROLLER GENERAL DECISIONS

A decision by the Comptroller General rendered to the Secretary of the Army recommended that a contract awarded to Optic Electronics Corporation be terminated for the convenience of the Government since the record established that award was made to other than the low responsive bidder. GAO further recommended that award of the procurement be made to Thompson Optical Engineering Corporation if its low bid is still available for acceptance and it is otherwise eligible for award under the invitation. B-173563 of November 12.

DR. RALPH J. BUNCHE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. WOLFF. Mr. Speaker, on December 9, 1971, the Nation suffered a great loss, the death of Dr. Ralph J. Bunche.

Dr. Bunche was known and respected by all. He was a man who dedicated his entire life to peace and the recognition that all men are truly brothers.

Dr. Bunche who held the title as Under Secretary General of Special Political Affairs, was the top American in the United Nations until his recent retirement on October 1.

He initiated the formula for indirect negotiations that led to the Arab Israeli agreement on the island of Rhodes, and in 1950 received the Nobel Peace Prize for his efforts. He played a key role in the 1956 negotiations that led to the stationing of a U.N. emergency force in Palestine after the Suez crisis. Dr. Bunche's most important contribution was his capacity for objective analysis and he will not soon be forgotten for his undying integrity. I know my colleagues join me in expressing my deep regret at the death of this great statesman and disciple of peace.

THE PRESIDENT'S OEO VETO

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. FORSYTHE. Mr. Speaker, yesterday evening President Nixon vetoed legislation extending the Office of Economic Opportunity Act of 1964, creating a new National Legal Services Corporation and establishing a comprehensive child development program.

On Tuesday of this week, this House approved this very far-reaching legislation. I reluctantly cast my vote in the negative in the hopes that unworkable provisions could be improved by conferees so that the veto could have been avoided.

Fortunately, we have been able to continue OEO and its important existing programs, such as Headstart and Job Corps, by attaching these provisions to a supplementary appropriations bill.

However, this does not revive the Legal Services Corporation program, which I strongly favored and would have supported had we been able to vote on it separately from the OEO Extension Act.

I was an early cosponsor of legal services legislation when it was introduced in the opening months of this session. I will continue to support and seek the reforms that are needed in this program to remove politics and to make it more accountable to the American people.

However, I could not support this comprehensive legislation in view of the absolute mess that was created from originally responsible child development legislation.

The conference report which I opposed, and which the President vetoed, contained provisions that would have made it impossible for this Government to fulfill the promise of comprehensive child assistance that was contained in the bill.

The conferees' proposal would have cost at least $2 billion—and the President has projected up to $20 billion—per year. And, there was no guarantee that the program, because of the bureaucratic mish-mash that would have resulted, could have been at all successful.

Last April 7 I joined a bipartisan group of my colleagues in cosponsoring a workable child development program. But by the time this bill was reported from the conference, the word "workable" could no longer be used to describe it.

Instead of establishing a logical system of having large communities, counties, and the States operate as prime sponsors, the legislation was changed to give this responsibility to towns with as few as 5,000 population.

Any smalltown mayor who has ever worked with a Federal program—even with State assistance—knows the problems of redtape, the stacks of paperwork, that are involved. These communities just do not have the people on the payroll to operate their own child development program.

There is absolutely no logical reason why States, larger cities, and counties

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should not be prime sponsors, and at the same time, allow smaller communities to operate their own programs. Local people would still be involved. Parents would still be involved, as is so desirable with a child development program. However, the small community would not be faced with the horrendous task of fending for himself with the Federal bureaucracy. And, the Federal Government would not be faced with receiving mountains of applications for funding which would have to be processed before programs could commence.

It has been estimated that as many as 40,000 applications for funds could flood HEW offices in Washington as a result of this 5,000 population provision. It has been estimated that it would take up to 6 months just to draw the guidelines for the program, had the President given it top priority.

I still favor enacting a responsible program to help the children of this country. I do not favor any concept that would result in Government control of children, and under our original bill, this would not have been the case.

The Congress should make it a matter of high priority in the new session beginning next month to enact a workable child care program—one that continues the concept of getting mothers off the welfare roles and of helping to provide care to youngsters who need this assistance.

The Congress should also make it a matter of priority to approve the Legal Services Corporation proposal, and the President should sign it. This is a sound and realistic program that is badly needed to help the poor.

There is no reason why these programs should die. And, we should not allow this to occur. But, our actions must be responsible.

BIRMINGHAM PLAYERS: OUTSTANDING ON AND OFF THE FIELD

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BUCHANAN. Mr. Speaker, the city of Birmingham produces football players outstanding not only on the playing field, but in the classroom as well.

This week, four young men from Birmingham, which I am privileged to represent in the Congress, were named to the Academic All-Southeastern Conference football team, earning grade averages of "B" or better.

These players who were so able to combine an outstanding football record with an equally exceptional academic record include tackle Jimmy Rosser and running back Johnny Musso of the University of Alabama and linebacker Mike Neel and quarterback Pat Sullivan of Auburn University.

As you know, Pat is the Heisman Trophy winner for this year and Johnny is a National Football Foundation scholar. They will be named Southeastern Conference Players of the year next week.

Mike, who is a junior this year, was chosen the ODK outstanding sophomore on campus in 1970 and was recently elected the "A" club president for 1971–72. Jimmy, an all-American while playing high school football in Birmingham, was the highest grading offensive lineman on his team during his junior year.

We in Birmingham are proud of these young men, Mr. Speaker, and know they will be successful in whatever fields they pursue upon graduation from college.

HON. NATHANIEL DAVIS APPOINTED AMBASSADOR TO CHILE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, recently the President of the United States, with the advice and consent of the Senate, appointed the Honorable Nathaniel Davis Ambassador to Chile.

Ambassador Davis is a native of Hoboken, N.J., which I have the great privilege of representing. The residents of Hoboken are extremely proud of Ambassador Davis, whose honor and tremendous achievement reflect upon his home town. I would add that the citizens of Hoboken and Ambassador Davis' family go back a long way. Ambassador Davis' father having served as president of Stevens Institute of Technology for [illegible] years.

Mr. Speaker, the members of the Hoboken Chapter of UNICO National resolved to honor Ambassador Davis with "sincere public acclaim." I am inserting their resolution in the RECORD.

RESOLUTION

Be it resolved by the Hoboken Chapter, UNICO National, that sincere public acclaim be extended to Hon. Nathaniel Davis of Hoboken, who was recently appointed Ambassador to Chile by President Richard Nixon; and

Be it further resolved that suitable public recognition be extended to Ambassador Davis at the earliest date such as can be arranged with the Ambassador upon his return to the United States from said new Ambassadorial Post; and

Be it further resolved that copies of this resolution be forwarded to the Mayor and Council of the City of Hoboken, to request their participation in an event to memorialize the occasion of world-wide fame achieved by one of its citizens and products of the local environs.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

TENTH ANNIVERSARY OF THE INDEPENDENCE OF TANZANIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DIGGS. Mr. Speaker, exactly one decade ago Tanganyika proudly joined the ranks of independent nations. Throughout this exciting period of history Tanzania, as it was renamed following the union with Zanzibar in 1964, has attracted the attention of developing and developed nations alike. The President of Tanzania, "Mwalimu" Julius K. Nyerere, has developed a political system that has won broad popular support for national goals while encouraging public participation in the country's political and economic development. The system which President Nyerere and Tanzania have constructed is firmly rooted in African tradition.

Tanzania, under the leadership of President Nyerere, has emphasized self-reliance in building a better life for its people.

It has also worked to assist the struggle for self-determination in Southern Africa. Its sponsorship with Zambia of a railroad from Lusaka to Dar es Salaam will open new possibilities for development and progress in the central and southern African region. As well, the railroad will help independent African countries to resist the expansion of South African power. For these reasons, we wish for its successful completion.

On this, the 10th anniversary of their independence, I wish to salute President Nyerere and the people of Tanzania.

EIGHTH ANNIVERSARY OF THE INDEPENDENCE OF KENYA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. DIGGS. Mr. Speaker, December 12 is the eighth anniversary of Kenya's independence. Its multiracial policies have been in marked contrast to the repressive racist policies of the minority white regimes of southern Africa.

I visited Kenya this year along with Congressmen J. IRVING WHALLEY, J. HERBERT BURKE, and EDWARD J. DERWINSKI. We witnessed the political stability, economic growth, and progress Kenya is making under the leadership of their President, Jomo Kenyatta. The Kenyan people in their day-to-day activities do, indeed, respond to their country's well-known Swahili motto "Harambee"—all pulling together in the common interest. Many of my other colleagues have visited this beautiful country. The Kenya Government is currently concentrating on the expansion of education, the development of agriculture and livestock resources, and the absorption of greater numbers of subsistence farmers into the wage economy.

Kenya is an active member of the world community of states.

Mr. Speaker, I think it is fitting that as the Kenyan people conclude their eighth year of independence we should take note of the occasion. Therefore, I wish to congratulate President Kenyatta and the people of the Republic of Kenya and wish them prosperity and good fortune in the years ahead.

DEDICATED NURSES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. BEGICH. Mr. Speaker, the Alaska Nurses Association of Alaska is one of the most active and respected professional organizations in the State. The growth and vitality of this group in Alaska demonstrates the dedication to service and people throughout the State.

One of the best ways I know to familiarize ourselves with the type of work and service the Alaska Nurses Association performs is to familiarize ourselves with the philosophy they expouse. Their admirable goals were explained recently in their organization's publication.

MINIMUM EMPLOYMNET STANDARDS FOR REGISTERED NURSES IN ALASKA

We, the registered nurses of Alaska, believe that good employment practices contribute to effective nursing service and to the job satisfaction and security of the nurse.

To recruit qualified individuals for the essential services performed, employment practices, salaries and working conditions must be in keeping with the education preparation required. This is accomplished through recognized representation and clearly enunciated democratic means which result in a written contractual agreement.

Personnel policies in the employing agency should provide opportunities for advancement to positions as highly skilled clinicians as well as administrators.

Continuing education is essential to maintenance of the high quality of nursing service. Therefore, it is a joint responsibility of the nurse and employer.

The profession of nursing is responsible for the development and maintenance of high standards for nursing. Through our organization, the Alaska Nurses Association, we accept this responsibility.

As you can well see, Mr. Speaker, their aspirations and goals reflect the interests of good health care for Alaskans.

At a recent convention of the Alaska State Nurses Association, the organization passed several resolutions which I believe my colleagues in the Congress will find most interesting:

RESOLUTION REGARDING THE ASSOCIATE DEGREE PROGRAM TO PREPARE REGISTERED NURSES

Whereas Anchorage Community College of the University of Alaska has established a new Associate Degree Program to prepare registered nurses; and

Whereas the Alaska Board of Nursing has given this program tentative approval; therefore,

Be it resolved that the Alaska Nurses Association support this program; and

Be it further resolved that copies of this resolution be sent to Dr. William R. Wood, President, University of Alaska; Dr. Lewis E. Haines, Provost, SCR, University of Alaska; Mrs. LoRaine Carlson, Coordinator, AD Nursing Program, Anchorage Community College of the University of Alaska; and the Alaska Board of Nursing.

RESOLUTION REGARDING NURSING EDUCATION PROGRAMS

Whereas Alaskan registered professional nurses have few opportunities to secure nursing education courses with academic credit; and

Whereas continuing education is being considered as a possible requirement for renewal of licensure; and

Whereas nurses must keep pace with a rapidly changing and advancing profession to promote the delivery of quality health care; therefore

Be it resolved that the Alaska Nurses Association request Alaska Methodist University, in conjunction with the University of Alaska, to consider providing nursing education programs to encourage Alaskan registered professional nurses to advance their education and earn baccalaureate and/or masters degrees in nursing; and

Be it further resolved that copies of this resolution be sent to Dr. William Davis, Acting President, Alaska Methodist University; Dr. Beaulah Miller, Dean, College of Nursing, Alaska Methodist University; Dr. William R. Wood, President, University of Alaska; Dr. Lewis E. Haines, Provost, South Central Region, University of Alaska; Mrs. LoRaine Carlson, Coordinator, Associate Degree Nursing Program, Anchorage Community College; Alaska Board of Nursing; Dr. Frederick McGinnis, Commissioner, Alaska Department of Health and Social Services.

RESOLUTION REGARDING THE PRIVILEGED CHARACTER OF THE NURSE-PATIENT RELATIONSHIP

Whereas, the precedent has been widely established by law in the United States, that the information disclosed in the relationship between a physician and the patient is protected from disclosure in legal proceedings; and

Whereas, the protection is based upon public policy designed to protect the interests that create such relationships and upon the assumption that the information provided by the patient is necessary for the rendition of services required in a particular medical situation; and

Whereas with the exception of four states, the nurse-patient relationship is not privileged by statute or court precedent; and

Whereas court precedent has construed the statutes creating a privileged relationship between a physician and the patient to include the nurse who received information while acting for the physician; therefore,

Be it resolved that the Alaska Nurses Association endorses the ethical principle of comparable confidentially in the relationship between a nurse and a patient; and

Be it further resolved, that the Alaska Nurses Association strongly endorse the principle that a licensed professional nurse should not be compelled to disclose information from a patient, which has been acquired in a professional capacity; and

Be it further resolved that every effort be directed by the Alaska Nurses Association to effect the enactment of state statutes which establish the privileged character of the information disclosed by a patient to a licensed professional nurse in the course of her activities as a responsible health professional.

RESOLUTION REGARDING CONTINUING EDUCATION

Whreas nurses have a professional responsibility for continuous learning but need help to ensure that the individual has opportunity and time to carry out that responsibility; therefore

Be it resolved that the Alaska Nurses Association supports the need for continuing education for practicing nurses and encourages employers of nurses to provide support for administrative leave to attend educational programs and expand and strengthen interdisciplinary in-service education.

RESOLUTION REGARDING THE EXTENDED ROLE OF THE NURSE

Whereas, the traditional roles of the physician and the nurse have become blurred and less circumscribed as the demands of people for a multiplicity of health care services have burgeoned; and

Whereas, the acute critical shortage of health professionals will continue for some time to come; and

Whereas, a variety of health careers, supportive to medicine and nursing, continue to evolve in response to health manpower needs; and

Whereas, the supervisory controls essential to quality health care of people are needed; and

Whereas, the appropriate roles and functions of these emerging health careerists are ill-defined and tend to infringe upon the practice of medicine and of nursing; therefore

Be it resolved that the Alaska Nurses Association continue efforts and intensify dialogue with members of the Alaska State Medical Association and other professional and para-professional societies to examine the respective roles of physicians and nurses and those of the supportive health careerists, in order to utilize all health personnel more safely, effectively, productively and economically in meeting the total health needs of people; and that similar dialogue be initiated in Alaska communities on an informal basis, with discussions summarized and submitted to AaNA.

RESOLUTION REGARDING FAMILY PLANNING

Whereas the Alaska Nurses Association believes that family planning is a means to insure that children are planned and wanted; and

Whereas there is a growing worldwide concern that overpopulation contributes to man's social and economic problems; and

Whereas there is a general recognition by the United States Government that family planning is a concern of public health; and

Whereas not all families can afford such services through private resources; therefore

Be it resolved that the Alaska Nurses Association recommends that the Alaska Department of Health and Social Services, in cooperation with the Alaska State Medical Association act to provide family planning services to all Alaskans regardless of financial status; and

Be it further resolved that copies of this resolution be sent to the Alaska Department of Health and Social Services, the Alaska State Medical Association, Governor William Egan and the members of the State Senate and House Health, Education and Welfare Committees.

PERSONAL ANNOUNCEMENT

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 10, 1971

Mr. KUYKENDALL. Mr. Speaker, I rise at this time to commend my distinguished colleague, the chairman of the Committee on the Judiciary, for his announcement on the floor of this House Wednesday that his committee will hold hearings early in the second session on school busing.

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Perhaps no issue in recent memory has generated more heat and less light. I join the distinguished chairman in his feeling that the hearing process will furnish all of us a reasoned and thorough appraisal of the legal and social considerations involved.

I might go a step further and say such hearings are overdue. Most of us have been deluged with mail on this subject, and we owe it to the concerned parents writing us to learn the answers they need. I have every confidence that the hearings will give us those answers.

TRIBUTE TO TURNER N. ROBERTSON

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1971

Mr. HELSTOSKI. Mr. Speaker, I would like to join my colleagues in paying a well-deserved tribute to Turner Robertson upon his retirement as majority chief page.

Turner has been around the House much longer than I; in fact, he has been working here longer than all but eight of the current Members. During his 32 years on the Hill, Turner has accumulated a wealth of knowledge of the legislative process. Both junior and senior Members will miss his infallible guidance on procedures and the lore of the House.

We all wish Turner Roberteon many happy years in retirement. I, personally, would like to take this opportunity to thank Turner sincerely for his unfailing courtesy and helpful assistance during the years I have been in the House.

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